

On the Dual Jurisdiction of the Pope: The Potestas Sacra and Potestas Regia as the Foundation of Modern Legal Order

INTRODUCTION This document aims to demonstrate, based on legal, historical, and doctrinal foundations, that the Pope, as *Pontifex Maximus*, exercises a dual jurisdiction—spiritual and secular—and that the modern world order, based on Civil Law, is founded on this authority, visible in the structure of the Vatican, the doctrine of the two swords, and the custody of the *Corpus Iuris Civilis*. It is also shown that baptized believers, by being registered in the sacramental books, become subject to this dual jurisdiction, and that modern civil institutions—courts, registries, public offices—act as “particular churches” within the secular administration, serving this juridico-spiritual structure inherited from the Roman Empire.

I. THE PONTIFEX MAXIMUS AS HEIR TO ROMAN IMPERIAL POWER

1.1. The title *Pontifex Maximus* was the highest rank of the priestly college in ancient Rome. With Constantine’s conversion and the institutionalization of Christianity as the imperial religion (Edict of Milan, 313 A.D., and Edict of Thessalonica, 380 A.D.), the Emperor began to exercise religious authority.

1.2. The Pope inherited this title and, therefore, its meaning: supreme authority over the bridge (*pons*) between the human and the divine. This designation was not abandoned even during the Reformation or subsequent secularization, as it represents the union of spiritual and temporal power in a single figure.

1.3. Today, the Pope is sovereign of the Vatican City State, an internationally recognized entity (Lateran Treaties, 1929), which reinforces his position as both head of state and universal spiritual authority.

II. THE DOCTRINE OF THE TWO SWORDS

2.1. The bull *Unam Sanctam* (Boniface VIII, 1302) establishes the existence of two swords: the spiritual (directly wielded by the Church) and the temporal (to be wielded by kings but subordinate to the spiritual).

2.2. This principle was central to medieval political theory. The submission of Christian kings to the Pope reflected the natural and divine order and was accepted by figures such as Thomas Aquinas (cf. *Summa Theologiae*, I-II, q. 90 ff.).

2.3. Francisco de Vitoria, in his *Relectio de Indis*, and Francisco Suárez, in *De Legibus*, take up this doctrine to assert that all civil power ultimately originates in God, with the Church as the guarantor of this moral order.

2.4. This doctrine remains active in international legal structures such as the Concordat, through which modern states recognize the Pope’s authority in spiritual matters that directly affect the public realm (e.g., education, family, civil registry in countries like Italy, Spain, Colombia, etc.).

III. THE BASILICA AS JURISDICTIONAL SEAT

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3.1. The word “basilica” comes from the Greek *basiliké stoa* (στοὰ βασιλική), or “royal gallery,” and in the Roman Empire, it was the place where justice was administered. This tradition was assumed by the Church, adapting these spaces for the administration of sacraments and moral judgment.

3.2. St. Peter’s Basilica in the Vatican is the mother church of Catholicism. Its coat of arms features two crossed keys: one gold, one silver, joined by a red cord. According to Matthew 16:19, these represent the power to bind and loose in heaven and on earth.

3.3. The keys appear on the flag and coat of arms of the Vatican and are juridical symbols of authority and jurisdiction. The Pope bears them as successor of Peter and visible head of the Church, with competence over souls and baptized believers also in the external order.

IV. THE *CORPUS IURIS CIVILIS* AND THE POPE’S JURIDICAL AUTHORITY

4.1. The *Corpus Iuris Civilis*, compiled under Emperor Justinian (6th century), was preserved, interpreted, and taught by the legal schools of Bologna, Salamanca, and other ecclesiastical universities.

4.2. The reception of Roman Law in Europe (12th–14th centuries) gave rise to the *Ius Commune*, a fusion of Canon and Civil Law, which served as supplementary law in many European states until the 19th century.

4.3. The Pope is custodian of Canon Law and, as such, has exercised doctrinal authority over the development of *jus civile* in its moral, legal, and spiritual dimensions. This is evident in documents such as the Constitution *Dei Filius* (First Vatican Council), which states that human reason must submit to faith, also in the legal sphere.

4.4. The 1917 Code of Canon Law and its 1983 reform consolidate the Church’s legal structure as a complete legal order (*ordo iuridicus*), recognizing the Pope’s authority as supreme legislator (canon 331).

4.5. The very source of legislative power has been recognized in official Church documents as an inherent prerogative of the Papacy. As stated in the *Liber Officiorum* of the Roman Curia (14th century):

“Haec est ordinatio beati Petri, ut sicut a Christo accepit potestatem ligandi et solvendi, sic et habeat potestatem faciendi leges in Ecclesia Dei et ordinandi officia ecclesiastica et ministros in ea.”

(“This is the ordination of the blessed Peter: that just as he received from Christ the power to bind and loose, so he also has the power to make laws in the Church of God and to order ecclesiastical offices and ministers within it.”)

This principle reinforces that legislative power is not a delegated or derived function but inherent in the apostolic mission conferred by Christ to Peter and his successors. Normative creation—even in what is today considered the secular realm—has its roots in this foundational authority, which the Church has exercised through its legal structures, doctrines, and codes.

V. BISHOPS AND THE DUTY OF SUPERVISION OVER THE CIVIL ORDER

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5.1. Canon 392 of the Code of Canon Law (1983): "The diocesan bishop must ensure that abuses are not introduced into doctrine, the celebration of the sacraments, and ecclesiastical discipline."

5.2. This supervision has practical consequences: bishops are moral guarantors and supervisors of educational institutions, hospitals, and civil entities linked to the Church.

5.3. For centuries, bishops presided over mixed or ecclesiastical tribunals, registered births and deaths, and certified valid marriages. In many countries (e.g., Spain until 1870), civil registration was exclusively ecclesiastical.

5.4. This structure is still alive in many hybrid systems where canon law remains a subsidiary source (such as in concordatary countries or ecclesiastical law of the state). After the transfer of such functions to the state, many of these records were archived under what is today known as the "Secret Archive." This archive preserves documents that evidence the spiritual and secular administration of the Western world.

5.5. Through baptism, a record is created in a sacramental book, which is the origin of the legal existence of the fictitious person. This registration is the basis upon which the legal personality recognized by the modern state is built.

5.6. In this sense, representing a fictitious person without full knowledge of its origin can be interpreted, from a spiritual legal perspective, as an act of usurpation of natural identity, potentially constituting a criminal cause before the tribunal of conscience or even, in certain natural law doctrines, as ontological fraud.

VI. BAPTISM AS THE CREATION OF A LEGAL PERSON

6.1. Baptism introduces the person into the ecclesiastical legal order. According to Canon 96: "Through baptism, the human being is incorporated into the Church of Christ and is constituted as a person in it."

6.2. This "baptismal person" becomes a subject of law. The baptismal register is the first legal record of the individual's existence. This data has historically been used as the basis for subsequent civil registration.

6.3. From a critical legal perspective, it could be argued that the fiction of the baptized person is the root of the civil subject. The modern state inherits this function of registration and identification, creating a dual personality: the living man and the legal person.

6.4. State structures —schools, courts, hospitals— that administer the legal person can be interpreted as secular extensions of the parish, where the individual remains subject to a control regime that originated in the spiritual realm.

VII. THE BULLS AETERNI REGIS AND ROMANUS PONTIFEX: THE UNIVERSAL CLAIM OF SOULS

8.1. The bull *Romanus Pontifex* (Nicholas V, 1455), followed by *Aeterni Regis* (Sixtus IV, 1481), consolidates the Pope's power over the "discovered lands" and over the souls of infidels and non-believers. Although presented as instruments of evangelization, these bulls establish a legal and spiritual appropriation of the non-Christian world.

8.2. These bulls declare that those who have not received the Gospel — and, by extension, those who renounce being present as living men and instead act under the legal fiction of the

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"person" — are considered infidels or spiritual rebels. Thus, their subjection to papal jurisdiction is justified under the pretext of their "salvation."

8.3. In legal terms, this implies that, by acting as a representative of a fiction (the legal person), the man voluntarily renounces his natural status and is absorbed into the universal jurisdiction of the Pope as *Dominus Mundi*. The renunciation of living presence is read as a spiritual renunciation, which constitutes a form of ontological slavery recognized by these bulls.

VIII. INTERDICT AND THE LOSS OF DIGNITY THROUGH IDOLATRY

9.1. The *interdictum* is a canonical figure through which a person, community, or territory is deprived of access to the sacraments and liturgical offices as punishment for grave acts, especially disobedience or idolatry.

9.2. In spiritual and legal terms, idolatry — that is, the worship of false images or authorities other than God — implies the loss of all dignity. According to ecclesiastical tradition, the idolater is not only considered unworthy of participating in divine mysteries, but also loses all right to hold positions of authority, whether civil or ecclesiastical.

9.3. In practice, this means that one who worships the legal fiction instead of living according to the revealed truth is tacitly placed under *interdict*: real dignity is withdrawn, and their authority is confined to the fictitious. Thus, although holding offices or titles within the secular structure, in terms of truth, they are deprived of all honor.

IX. CONCLUSION

It has been demonstrated that:

- The Pope, as *Pontifex Maximus*, holds dual jurisdiction: spiritual, by virtue of his universal ecclesiastical authority, and secular, as the symbolic and functional heir of Roman imperial power.
- The doctrine of the two swords legitimizes this dual authority, subordinating temporal power to spiritual power.
- The legal symbolism of the Vatican — such as the crossed keys, the basilica, the coats of arms, and the fisherman's ring — are visible signs of this active and ongoing jurisdiction.
- The *Corpus Iuris Civilis*, the cornerstone of modern civil law, was safeguarded and reinterpreted by the Church, merging with Canon Law into the *Ius Commune*.
- Bishops continue to exercise supervisory functions over secular institutions and are guarantors of the archives and records that underpin modern legal identity.
- Baptism, far from being merely a liturgical act, constitutes the foundational registration of the legal person, creating a legal fiction that serves as the basis for the secular control system.

Therefore, it is concluded that the modern secular order not only has spiritual roots but is an extension of the legal-sacramental order of the Church. Current civil institutions do not operate as independent entities but as secular projections of ecclesiastical power, exercising functions that originated in the spiritual realm.

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One who has been baptized and has not consciously repudiated that original registration remains subject to this dual jurisdiction. Participation in legal, educational, or health systems without knowledge of the spiritual origin of the legal person being represented constitutes a form of voluntary servitude and, from a natural law perspective, can be understood as an act of tacit adherence to a theocratic order disguised as secularism.

True freedom, therefore, is not attained by claiming new rights within the system, but by recognizing the origin of this legal fiction and choosing — in conscience — whether to continue representing it.

End.