

Council of Constance

A (partly) ecumenical council held at Constance, now in the Grand Duchy of Baden, from 5 Nov. 1414, to 22 April 1418. Its forty-five general sessions were devoted to three chief purposes:

- (I) The Extinction of the So-Called Western Schism;
- (II) The Reformation of Ecclesiastical Government and Life;
- (III) The Repression of Heresy.

The article will also take up:

- (IV) Attendance at the Council; General Considerations.

The extinction of the so-called Western Schism

In its attempt to restore to the Church her immemorial unity of headship the Council of Pisa in 1409 had only added to the confusion and scandal that afflicted all Christendom since 1378 (see WESTERN SCHISM). There were now three popes, the two deposed by the council (Gregory XII and Benedict XIII) and its own creation, Alexander V; the latter soon died (3 May, 1410) and was succeeded by Cardinal Baldassare Cossa as John XXIII. Obedient to a decree of the Council of Pisa that ordered a general council every three years, this pope convoked such an assembly at Rome for April, 1412, but with so little success that it was prorogued and again convoked for the beginning of 1413; its only important decree was a condemnation of the writings of Wyclif. In the meantime the treachery and violence of Ladislaus of Naples made John XXIII quite dependent politically on the new Emperor-elect Sigismund whose anxiety for a general council on German territory was finally satisfied by the pope, then an exile from Rome. He convoked it from Lodi, 9 December, 1413, for 1 November, 1414, at Constance, a free city of the empire, on Lake Constance. It was solemnly opened 5 November in the cathedral of Constance, where all the public sessions were held. The first public session took place 16 November under the presidency of John XXIII, and

for a while it considered itself a continuation of the Council of Pisa, and John XXIII the sole legitimate pope. It was soon evident, however, that many members of the new assembly (comparatively few bishops, many doctors of theology and of canon and civil law, procurators of bishops, deputies of universities, cathedral chapters, provosts, etc., agents and representatives of princes, etc.) favoured strongly the voluntary abdication of all three popes. This was also the idea of Emperor Sigismund (q. v;) present since Christmas Eve, 1414, and destined to exercise a profound and continuous influence on the course of the council in his character of imperial protector of the Church; The French deputies especially urged this solution of the intolerable crisis, under the leadership of Pierre d'Ailly (Cardinal and Bishop of Cambrai), Guillaume Fillastre (Cardinal and Bishop of San Marco), and Jean Charlier de Gerson, chancellor of the University of Paris, representative of the French king, and known with d'Ailly, as "the soul of the council". The Italian bishops who had accompanied John XXIII in large numbers and stood for his legitimacy were soon rendered helpless by new methods of discussion and voting. Early in January 1415, envoys of Benedict XIII appeared, but only to propose a personal meeting at Nice of their pope and the emperor. Towards the end of the month Gregory XII (Angelo Corrario) offered, through his representatives, to resign, on condition that the other popes did the same. The execution of this project, henceforth the main object of the council, was long delayed for reasons that will appear below. Pressure was at once brought to bear on John XXIII by Emperor Sigismund and by the non-Italian members. His resistance was finally broken by the resolution of the members to vote by "nations" and not by persons. The legality of this measure, an imitation of the "nations" of the universities, was more than questionable, but during February, 1415, it was carried through and thenceforth accepted in practice, though never authorized by any formal decree of the council (Finke, *Forschungen*, 31-33) and opposed by d'Ailly and Fillastre, who wanted, indeed, a considerable enlargement of the voting body, by the inclusion of professors (doctors)

of theology, parish priests, etc., but not the abandonment of the traditional individual vote; the former was willing to compromise on a vote according to ecclesiastical provinces. The vote by nations was in great measure the work of the English, German, and French members, but the Italians did not long resist, and on this basis the council's work was organized and executed as follows: By each of the four nations represented at the council, i.e. Germans (with whom were counted the few Poles, Hungarians, Danes, and Scandinavians), English, French, and Italians, several deputies, ecclesiastical and lay, were appointed to represent the entire membership of the nation present at Constance. These national deputies met separately under a president of their own choice, but changed from month to month. Their decisions were reached by a majority vote, and were then communicated to the General Congregation of all four nations in which the vote of a majority (three) was decisive; There seems also to have been (Finke, *Forschungen*, 36-37) an important general committee appointed by the nations to prepare the subjects of discussion for the individual nations, and to act generally as intermediary. At the seventh session (2 May, 1415) the right to vote apart was withdrawn from the cardinals; henceforth they could only vote like other individual deputies in the meetings of their respective nations. The Roman Church, therefore, was not represented as such, while the small English nation (20 deputies, 3 bishops) was equal in influence to the entire Italian representation, as individuals about one-half the council. The decisions of the general congregations were presented at the public sessions of the council and there promulgated, unanimously, as conciliar decrees.

While these measures were being taken John XXIII grew daily more suspicious of the council. Nevertheless, and partly in consequence of a fierce anonymous attack, from an Italian source, on his life and character, he promised under oath (2 March, 1415) to resign. On 20 March, however, he secretly fled from Constance and took refuge at Schaffhausen on territory of his friend Frederick, Duke of Austria-Tyrol. This step filled the council with consternation, for it threatened both its existence and its

authority. Emperor Sigismund, however, held together the wavering assembly. Then followed the public sessions (third to fifth) of 26 and 30 March and 5 April out of which came the famous decrees “Articles of Constance”, long a chief argument of Gallicanism. As finally adopted in the fifth session they were five in number and declared that the council, legitimately called in the Holy Spirit, is a general council, represents the whole Church Militant, has its authority directly from God; and that in all that pertains to faith, the extinction of the schism and reformation in head and members, every Christian, even the pope, is bound to obey it; that in case of refusal to obey the council all recalcitrant Christians (even the pope) are subject to ecclesiastical punishment and in case of necessity to other (civil) sanctions; that without the consent of the council Pope John cannot call away from Constance the Roman Curia and its officials, whose absence might compel the closing of the council or hinder its work; that all censures inflicted since his departure by the pope on members and supporters of the council are void, and that Pope John and the members of the council have hitherto enjoyed full liberty. In the meantime (29 March 1415) the English, German, and French nations had agreed to four articles, in the first two of which was expressed the complete supremacy of the council over the pope; these two were incorporated in the aforesaid articles of the fifth session. It has been maintained that these decrees were meant only for the extraordinary situation which then faced the council; they express, nevertheless, the well-known persuasion of the majority of the peculiar ecclesiastical representation at Constance that the council, independently of the pope, was the final depository of supreme ecclesiastical authority; indeed, by virtue of these decrees they proceeded at once to judge and depose John XXIII, hitherto for them the legitimate pope. It is to be noted that of the twelve cardinals present at Constance only seven or eight assisted at the fifth session, and they solely to avoid scandal (among the absent was d’Ailly). Nor would any cardinal announce these decrees; that office fell to a bishop, Andrew of Posen. The emperor was present at their promulgation, also 200 members, mostly

doctors, etc. These decrees it must be remembered, though adopted at Basle and often quoted by the disciples of Gallicanism and other opponents of papal supremacy, were formulated and accepted at Constance amid quite unusual circumstances, in much haste, and in quasi despair at the threatened failure of the long-desired general council; they ran counter to the immemorial praxis of the Church, and substituted for its Divine constitution the will of the multitude or at best a kind of theological parliamentarism. They were never approved by the Apostolic See (Funk, Kirchengeschichtliche Studien, Paderborn, 1897, I, 489-98) and were almost at once implicitly rejected by Martin V (Mansi, Coll. Conc., XXVIII, 200). The rest of March, and the months of April and May were consumed in a tragic conflict of the council with John XXIII. He did not withdraw his resignation, but posited conditions that the council refused; he called away from Constance several cardinals and members of the Curia, who were soon, however, obliged to return; put forth a plea of lack of liberty; complained to the King of France concerning the method of voting, as well as his treatment by the council and the emperor; and finally fled from Schaffhausen to Lauenburg, giving the council reason to fear either his final escape from imperial reach or the withdrawal of the Italian representatives. The pope soon fled again, this time to Freiburg in the Breisgau, and thence to Breisach on the Rhine, but was soon compelled to return to Freiburg, whence eventually (17 May) he was brought by deputies of the council to the vicinity of Constance, and there held prisoner, while the council proceeded to his trial. He had exhausted all means of resistance, and was morally vanquished. Unwilling to undergo the ordeal of the impending trial he renounced all right of defence and threw himself on the mercy of the council. He was deposed in the twelfth session (29 Mar, 1415), not for heresy but for notorious simony, abetting of schism, and scandalous life, having already been suspended by the council in the tenth session (14 May). Two days later he ratified under oath the action of the council and was condemned to indefinite imprisonment in the custody of the emperor. He was held successively in

the castles of Gottlieben, Heidelberg, and Mannheim, but was eventually released, for a heavy ransom, with the help of Martin V, and in 1419 died at Florence as Cardinal-Bishop of Tusculum. (For a fuller treatment of the charges against him, see JOHN XXIII.) The promised resignation of Gregory XII was now in order, and was accomplished with the dignity to be expected from the pope usually considered by Catholic historians the legitimate occupant of the See of Peter, though at this time his obedience had practically vanished, being confined to Rimini and a few German dioceses. Through his protector and plenipotentiary, Carlo Malatesta, Lord of Rimini, he posited as conditions that the council should be reconvened by himself, and that in the session which accepted his resignation neither Baldassare Cossa nor any representative of him should preside. The council agreed to these conditions. The fourteenth session (4 July 1415) had, therefore, for its president the Emperor Sigismund, whereby it appeared, as the supporters of Gregory wished it to appear, that hitherto the council was an assembly convened by the civil authority. The famous Dominican Cardinal John of Ragusa (Johannes Dominici), friend and adviser of Gregory XII, and since 19 Dec. 1414, the pope's representative at Constance, convened anew the council in the pope's name and authorized its future acts. The reunion of both obediences (Gregory XII and John XXIII) was then proclaimed, whereupon the Cardinal-Bishop of Ostia (Viviers) assumed the presidency, and Malatesta pronounced, in the name of Gregory, the latter's abdication of all right whatsoever to the papacy. Gregory confirmed these acts in the seventeenth session (14 July) and was himself confirmed as Cardinal-Bishop of Porto, Dean of the Sacred College and perpetual Legate of Ancona, in which position he died (18 Oct. 1417) at Recanati, in his ninetieth year in the odour of sanctity. From the fourteenth session, in which he convened the council, it is considered by many with Phillips (Kirchenrecht, I, 256) a legitimate general council.

There remained now to obtain the resignation of Benedict XIII (Pedro de Luna). For this purpose, and because he insisted on personal dealings with himself, Emperor Sigismund and deputies of the council went to Perpignan, then Spanish territory, to confer with him, but the stubborn old man, despite his pretended willingness to resign, was not to be moved (Sept.-Oct. 1415) from the claims he had so persistently and amid so great vicissitudes defended. Soon, however, he was abandoned by the Kings of Aragon, Castile, and Navarre, hitherto his chief supporters. By the Treaty of Narbonne (13 Dec. 1415), they bound themselves to co-operate with the Council of Constance for the deposition of Benedict and the election of a new pope. St. Vincent Ferrer hitherto the main support of Benedict, and his confessor, now gave him up as a perjurer; the council confirmed (4 Feb. 1416) the articles of Narbonne, the immediate execution of which was retarded, among other causes, by the flight of Benedict (13 Nov. 1415) from the fortress of Perpignan to the inaccessible rock of Peñíscola on the sea-coast near Valencia, where he died in 1423, maintaining to the end his good right (see PEDRO DE LUNA).

Various causes, as just said, held back the appearance of the Spanish deputies at the council. Finally they arrived at Constance for the twenty-first session (15 Oct. 1416) and were thenceforth counted as the fifth nation (Fromme, *Die spanische Nation und das Konzil von Konstanz*, Münster, 1896). The next eight months were largely taken up with complicated canonical procedure destined to compel the abdication or justify the deposition of Benedict XIII, who in the meantime had excommunicated solemnly his former royal adherents and with a courage worthy of a better cause maintained that Holy Church, the Ark of Noah, was now on the wave-worn peak of Peñíscola, in the little group of a few thousand souls who yet clung to his shadowy authority, and not at Constance. He was finally deposed in the thirty-seventh session (26 July 1417) as guilty of perjury, a schismatic, and a heretic; his private life and priestly character, unlike those of John XXIII, were never assailed. The Western Schism was thus at an end, after nearly forty years of disastrous

life; one pope (Gregory XII) had voluntarily abdicated; another (John XXIII) had been suspended and then deposed, but had submitted in canonical form; the third claimant (Benedict XIII) was cut off from the body of the Church, “a pope without a Church, a shepherd without a flock” (Hergenröther-Kirsch). It had come about that, whichever of the three claimants of the papacy was the legitimate successor of Peter, there reigned throughout the Church a universal uncertainty and an intolerable confusion, so that saints and scholars and upright souls were to be found in all three obediences. On the principle that a doubtful pope is no pope, the Apostolic See appeared really vacant, and under the circumstances could not possibly be otherwise filled than by the action of a general council.

The canonical irregularities of the council seem less blameworthy when to this practical vacancy of the papal chair we add the universal disgust and weariness at the continuance of the so-called schism, despite all imaginable efforts to restore to the Church its unity of headship, the justified fear of new complications, the imminent peril of Catholic doctrine and discipline amid the temporary wreckage of the traditional authority of the Apostolic See, and the rapid growth of false teachings equally ruinous to Church and State.

Election of Martin V

Under the circumstances the usual form of papal election by the cardinals alone (see CONCLAVE) was impossible, if only for the strongly inimical feeling of the majority of the council, which held them responsible not only for the horrors of the schism, but also for many of the administrative abuses of the Roman Curia (see below), the immediate correction of which seemed to not a few of no less importance, to say the least, than the election of a pope. This object was not obscured by minor dissensions, e.g. concerning the rightful rank of the Spanish nation, the number of votes of the Aragonese and Castilians, respectively, the right of the

English to constitute a nation, etc. The French, Spanish, and Italian nations desired an immediate papal election; a Church without a head was a monstrosity, said d'Ailly. Under Bishop Robert of Salisbury the English held stoutly for the reforms that seemed imperative in the administration of the papacy and the Curia; Emperor Sigismund was foremost among the Germans for the same cause, and was ready to take violent measures in its interest. But Robert of Salisbury died, and curiously enough, it was by another English bishop, Henry of Winchester, then on his way to Palestine, and a near relative of the King of England, that the antagonistic measures of papal election and curial reform were reconciled in favour of the priority of the former, but with satisfactory assurance, among other points, that the new pope would at once undertake a serious reform of all abuses; that those reforms would be at once proclaimed by the council on which all the nations agreed; and that the manner of the imminent papal election should be left to a special commission. Among the five reform decrees passed at once by the council in its thirty-ninth session (9 Oct., 1417) was the famous "Frequens" which provided for a general council every ten years; the next two, however, were to be convoked by the pope after five and seven years respectively, the first of them at Pavia.

In the fortieth session finally (30 Oct.) was discussed the manner of the new papal election. The council decreed that for this occasion to the twenty-three cardinals should be added thirty deputies of the council (six from each nation) making a body of fifty-three electors. Another decree of this session provided for the immediate and serious attention of the new pope to eighteen points concerning reformatio in capite et Curia Romana. The forty-first session (8 Nov.) provided for the details of the election and for this purpose had the Bull of Clement VI (6 Dec. 1351) read. That afternoon the electors assembled in conclave and after three days chose for the pope the Roman Cardinal Odo Colonna, who took the name of Martin V. He was only a subdeacon, and so was successively made deacon, priest, and bishop (Fromme, "Die Wahl Martins V.", in "Röm. Quartalschrift", 1896). His coronation took place 21 November 1417. At

its forty-fifth session he solemnly closed the council (22 April 1418), whereupon, declining invitations to Avignon or to some German city, he returned to Italy and after a short stay in Florence, entered Rome, 28 Sept., 1420, and took up his residence in the Vatican, thereby restoring to the See of Peter its ancient rights and prestige in Christendom.

Reformation of ecclesiastical government and life

The long absence of the popes from Rome in the fourteenth century, entailing the economical and political ruin of the ancient Patrimony of Peter; the many grave abuses directly or indirectly connected with the administration of French popes at Avignon; the general civil disorders of the time (Hundred Years War, Condottieri, etc.), and other causes, had created, long before the Council of Constance, an earnest demand for a reformation of ecclesiastical conditions. The writings of theologians and canonists and the utterances of several popular saints (St. Bridget of Sweden, St. Catherine of Siena) are alone enough to show how well justified was this universal demand (Rocquain). In the minds of many members of the council this reformation, as already stated, was of equal importance with the closing of the schism; and to some, especially to the Germans, it seemed to overshadow even the need of a head for the Church. It was precisely the pope and the cardinals, they argued, whose administration most needed reform, and now, when both were weakest and for the first time in their history had felt the mastery of the theologians and canonists, seemed to this party the psychological moment to write these reforms into the common ecclesiastical law, whence they could not easily be expunged. Since July 1415, there had been a reform commission of thirty-five members; a new one of twenty-five members had been appointed after the entry of the Spanish nation in October, 1416. During its long career many memorials were presented to the council concerning every imaginable abuse. In its general congregations and sessions bitter reproaches were often uttered on the same themes. The academic equality

of many of the members, the prostrate condition of ecclesiastical headship, the peculiar freedom of discussion in the “nation” meetings, and other causes made this council a unique forum for the discussion of all points and methods of reformation. More would certainly have been accomplished had the learned men and the zealous preachers been able to reach some degree of unanimity as to the importance and order of the reforms called for, and had there been more general anxiety for personal reformation and less passion in denouncing the past abuses of papal and curial administration. The Germans (*Avisamenta nationis germanicæ*) and the English were ardent for a reformation of the Roman Curia, so that a new, holy, and just pope would find his way made straight before him. The former asserted that for 150 years the popes had ceased to govern with that justice which for twelve centuries had characterized them. The cardinals, they said, had loved riches too much, and ecclesiastical synods had been neglected. These were the true causes, according to them, of the corruption of the clergy, the decay of good studies, the ruin of churches and abbeys. Reforms had been promised at Pisa, but what had become of these promises? As a matter of fact, however, the reforms most loudly called for meant the restoration to the bishops of their ancient freedom in the collation of benefices, also a notable diminution in the various dues and assessments payable to Rome from the ecclesiastical properties and revenues of the various nations, which for several reasons had been growing in number and size during the previous century, and were not always unjustified or inequitable. We have already seen that it was much against their will that the Germans agreed to a papal election before receiving full satisfaction in the matter of the aforesaid reforms. The day after his coronation Martin V appointed a (third) reform commission, but its members showed no more unanimity than their predecessors in the same office. The new pope declared that he was ready to accept any propositions that were unanimously agreed on. Eventually, after much discussion and various suggestions seven points were agreed to in the forty-third session (21 March 1418). All exemptions granted during the

synod were withdrawn, and in the future should be granted with difficulty; unions and incorporations of benefices were likewise to be diminished; the pope agreed to renounce the revenues of vacant benefices; all simony was forbidden, likewise the custom of dispensing beneficed persons from the obligation of taking orders; the papal right to impose tithes on clergy and churches was sensibly restricted; ecclesiastics must henceforth wear the dress of their order (Mansi, Conc., XXVII, 1114-77). Other reforms were left to the initiative of each nation which provided for them by special concordats, a term said to have been here used for the first time. The German Concordat (including Poland, Hungary, and Scandinavia) and that with France, Spain, and Italy, ran for five years; the English Concordat was indefinite (for the details see Mansi, op. cit., XXVII, 1189 sqq., and Hübler, *Die Konstanzer Reform und die Konkordate von 1418*, Leipzig, 1867). The number of cardinals was fixed at twenty-four, and they were to be taken proportionately from the great nations. Stricter regulation was also agreed on for papal reservations, annates, commendams, Indulgences, etc. Nevertheless, in a papal consistory (10 March 1418), Martin V rejected any right of appeal from the Apostolic See to a future council, and asserted the supreme authority of the Roman pontiff as Vicar of Jesus Christ on earth in all questions of Catholic Faith (*Nulli fas est a supremo iudice, videlicet Apostolicâ sede seu Rom. Pontif. Jesu Christi vicario in terris appellare aut illius iudicium in causis fidei, quæ tamquam majores ad ipsum et sedem Apostolicam deferendæ sunt, declinare*, Mansi, Conc., XXVIII, 200). Von Funk has shown (op. cit., 489 sqq.), that the oft-maintained confirmation of the decrees of Constance by Martin V, in the last session of the council (*omnia et singula determinata et decreta in materiis fidei per præsens concilium conciliariter et non aliter nec alio modo*) must be understood only of a specific case (Falkenberg, see below), and not of any notable part of, much less of all, the decrees of Constance. It is true that in the Bull “*Inter Cunctas*”, 22 Feb. 1418, apropos of the Wycliffites and Hussites, he calls for a formal approval of the decrees of Constance in *favorem fidei a salutem animarum*, but these

words are easily understood of the council's action against the aforesaid heresies and its efforts to restore to the Church a certain head. In particular the famous five articles of the fifth session, establishing the supremacy of the council, never received papal confirmation (Hergenröther-Kirsch, II, 862, and Baudrillart, in *Dict. de théol. cath.*, II, 1219-23). For a refutation of the Gallican claim that these decrees possess a dogmatic character, see GALLICANISM. Nevertheless, the Council of Constance is usually reckoned the Sixteenth General Council; some, as stated above, acknowledge it as such after the fourteenth session (reconvocation by Gregory XII); others again (Salembier) after the thirty-fifth session (adherence of the Spanish nation); Hefele only in the final sessions (forty-second to forty-fifth) under Martin V. No papal approbation of it was ever meant to confirm its anti-papal acts; thus Eugene IV (22 July, 1446) approved the council, with due reserve of the rights, dignity, and supremacy of the Apostolic See (*absque tamen præjudicio juris dignitatis et præeminentiæ Sedis Apostolicæ*). See Bouix, "De papa, ubi et de concilio oecumenico" (Paris, 1869), and Salembier (below), 313-23.

The repression of heresy

At various times the council dealt with current heresies, among them those of John Wyclif and John Hus.

Condemnation of forty-five Wycliffite propositions

In the eighth session it was question of Wyclif, whose writings had already been condemned at the Council of Rome (1412-13) under John XXIII. In this session forty-five propositions of Wyclif, already condemned by the universities of Paris and Prague, were censured as heretical, and in a later session another long list of 260 errors. All his writings were ordered to be burned and his body was condemned to be dug up and cast out of consecrated ground (this was not done until 1428 under Bishop Robert Fleming of Lincoln). In 1418 Martin V, by the

aforesaid Bull “Inter Cunctas”, approved the action of the council (Mansi, op. cit., XXVII, 1210 sq.; see WYCLIFFITES).

Condemnation and execution of John Hus

Since 1408 John Hus, an eloquent preacher of Prague, had openly taught the Wycliffite heresies. By his ardent zeal for ecclesiastical reforms on the basis of Wyclif’s teachings, his patriotic insistence on the purity of Bohemian faith and his assertion of Bohemian nationalism, he had gone rapidly to the front as a leader of his nation, then deeply embittered against the Germans dominant in the political and academic life of Bohemia. Since 1412 he had been banished from Prague, but was only the more dangerous, by his fiery discourse and his writings, among the highly excited Bohemians, who mostly saw in him the flower of their national genius, and were otherwise embittered against a clergy which then offered too many elements of weakness to the attacks of such reformers as John Hus and his friend and admirer Jerome (Hieronymus) of Prague. The errors of Hus concerned chiefly the nature of the Church (only the predestined), the papal headship, the rule of faith (Scripture and the law of Christ), Communion under both kinds (q.v. also HUSSITES), auricular confession (unnecessary), civil authority (dependent among Christians on state of grace). More than once (e.g. 1411) Hus had appealed to a general council, and when at the opening of the Council of Constance Emperor Sigismund and King Wenceslaus of Bohemia urged him to present himself, he was not unwilling; it was made up, he knew, of ardent reformers, and he could hope by his eloquence to convert them to his own intense faith in the ideas of Wyclif. He left Prague, 11 October 1414, in the company of three Bohemian nobles and assured of a safe-conduct (salvus conductus) from Emperor Sigismund. They entered Constance 3 November, where Hus took up his residence in a private house, and where (5 November) the safe-conduct was delivered to him. The day after his arrival he appeared before John XXIII, who treated him courteously,

removed the censures of excommunication and interdict, but forbade him to say Mass or to preach, also to appear at public ecclesiastical functions (his thoroughly heretical and even revolutionary doctrines were long notorious and, as said above, had already been condemned at Rome). He appeared again before the pope and the cardinals, 28 November, declared himself innocent of a single error, and said he was ready to retract and do penance if convicted of any. He had continued, however, to violate the papal prohibition, said Mass daily and preached to the people present. Consequently he was the same day arrested, by order of the Bishop of Constance, and a little later (6 December) placed in the Dominican convent. On complaining of the unsanitary condition of his place of confinement he was transferred to the castle of Gottlieben, and later to the Franciscan convent at Constance (June 1415). His examination went on during April and May, and was conducted by d'Ailly and Fillastre; in the meantime he carried on an extensive correspondence, wrote various treatises, and replied to the charges of his opponents. His Bohemian friends protested against the arrest of Hus, and exhibited the emperor's safe-conduct (but only after the arrest). Sigismund was at first wroth over the arrest, but later (1 Jan. 1415) declared that he would not prevent the council from dealing according to law with persons accused of heresy. The aforesaid condemnation (4 May) of the forty-five propositions of Wyclif fore-shadowed the fate of Hus, despite the protests of Bohemians and Poles against his severe incarceration, the slanders against Bohemian faith, the delay of justice, secrecy of the proceedings, and the violation of the imperial safe-conduct (Raynaldus, ad an. 1414, no. 10). The public trial took place on 5, 7, and 8 June 1415; extracts from his works were read, witnesses were heard. He denied some of the teachings attributed to him, defended others, notably opinions of Wyclif, declared that no Bohemian was a heretic, etc. He refused all formulæ of submission, again declared himself conscious of no error, nor, as he said, had any been proved against him from the Scriptures. He declared that he would not condemn the truth, nor perjure himself. His books were burned by order

of the council (24 June). New efforts to obtain a retraction proved fruitless. He was brought for final sentence before the fifteenth session (6 July 1415), at which the emperor assisted, and on which occasion thirty propositions, taken mostly from the work of Hus "On the Church" (*De Ecclesiâ*), were read publicly. He refused to retract anything and so was condemned as a heretic, deposed, and degraded, and handed over to the secular arm, which in turn condemned him to perish at the stake, at that time the usual legal punishment of convicted heretics. He suffered that cruel death with self-possession and courage and when about to expire cried out, it is said: "Christ, Son of the living God, have mercy on us!" His ashes were thrown into the Rhine. Owing largely to the dramatic circumstances of his death, he became at once the hero of Bohemian patriotism and the martyr-saint of multitudes in Bohemia and elsewhere who shared his demagogic and revolutionary principles. They were surely incompatible with either the ecclesiastical or the civil order of the time, and would at any period have bred both religious and civil anarchy, had they been put into practice. As to the safe-conduct of the emperor, we must distinguish, says Dr. von Funk (*Kirchengeschichte*, 3d ed., Freiburg, 1902, p. 495, and the more recent literature there quoted; also "*Der Katholik*", 1898, LXXVIII, 186-90, and K. Müller, non-Catholic, in the "*Hist. Vierteljahrschrift*", 1898, 41-86) between the arrest of Hus at Constance and his execution. The former act was always accounted in Bohemia a violation of the safe-conduct and a breach of faith on the emperor's part; on the other hand they knew well, and so did Hus, that the safe-conduct was only a guarantee against illegal violence and could not protect him from the sentence of his legitimate judges. (On the death penalty for heresy, see Ficker, "*Die gesetzliche Einführung der Todesstrafe für Häresie*" in "*Mittheil. d. Inst. f. oest. Geschichtsforschung*", 1888, 177 sqq., and Havet, "*L'hérésie et le bras séculier au moyen âge jusqu'au XIIIe siècle*", Paris, 1881; see also Gosselin, "*Temporal Power of the Pope in the Middle Ages*", I, 85-89). In the medieval German codes known as the *Sachsenspiegel* (about 1225) and the *Schwabenspiegel*

(about 1275), heresy is already punishable with the stake. It is not true that the council declared that no faith should be kept with a heretic (see Pallavicino, "Hist. Conc. Trid.", XII, 15, 8; Höfler in "Hist. polit. Blätter", IV, 421, and Hefele, "Conciliengesch.", VII, 227, also Baudrillart, op. cit., II, 1217). In the following year Jerome (Hieronymus) of Prague, the friend of Hus, suffered the same fate at Constance. He had come voluntarily to the council in April 1415, but soon fled the city; afterwards, mindful of the fate of Hus, he obtained from the council a safe-conduct to return for his defence. He did not appear, however, and was soon seized in Bavaria and brought in chains to Constance. In September 1415, he abjured the forty-five propositions of Wyclif and the thirty of Hus, but did not regain his freedom, as his sincerity was suspected, and new charges were made against him. Finally, he was brought before the council, 23 May 1416, one year after his arrest. This time he solemnly withdrew his abjuration as a sinful act and compelled by fear, and proclaimed Hus a holy and upright man. He was forthwith condemned as a heretic in the twenty-first session (30 May, 1416) and perished at the stake with no less courage than Hus. The humanist Poggio was an eyewitness of his death, and his letter to Leonardo of Arezzo, describing the scene, may be seen in Hefele, "Conciliengesch.", VII, 280 sqq. The death of both Hus and Jerome of Prague affected strongly other humanists of the time; Æneas Sylvius (later Pius II) said that they went to their deaths as men invited to a banquet. The immediate consequences were grave enough, i.e. the long Utraquist wars. For an equitable criticism of the defects in the trials of both Hus and Jerome see Baudrillart in "Dict. de théol. cath.", II, 1216-17. (See also HUSSITES.)

Jean Petit (Johannes Parvus) and Johann von Folkenberg

The question of the licity of tyrannicide occupied the attention of the council. The Franciscan Jean Petit (Parvus) had publicly defended (in nine theses) the Duke of Burgundy for his share in the murder of Louis

d'Orléans (23 Nov. 1407), on the ground that any subject might kill or cause to be killed a tyrannical ruler (Kervyn de Lettenhove, *Jean sans peur et l'apologie du tyrannicide*, Brussels, 1861). After several years of discussion this thesis was condemned at Paris in 1414 by the bishop, the inquisitor, and the university. The Duke of Burgundy appealed to the Roman See. At Constance, the matter was discussed in the fifteenth session (6 July 1415); many French doctors were eager for the formal condemnation of Petit and his theses, but his Franciscan brethren defended him in a common memorial; the council finally was content with condemning in a general way the proposition that, regardless of his oath and without awaiting a judicial sentence, any vassal or subject might licitly kill, or cause to be killed, a tyrant. Quite similar was the case of Johann von Falkenberg, a German Dominican, who had maintained in a violent work against the King of Poland that it was allowed to kill him and all other Poles (Mansi, *Conc.*, XXVII, 765). Many demanded with much earnestness the condemnation of Falkenberg, but no definite sentence was pronounced, despite the ardent discussions (see TYRANNICIDE), not even in the forty-fifth (last) session when the Poles urged it on Martin V; he declared that in matters of faith he would approve only what had been decided by the holy general council conciliariter, i.e. by the whole council and not by one or more nations. As noted above, these words of the pope refer only to the particular (Falkenberg) matter before him and not to all the decrees of the council, even in matters of faith.

Attendance at the council; general considerations

Owing to its long duration the attendance at the council varied much. The highest figures reached were: 29 cardinals, 3 patriarchs, 33 archbishops, 150 bishops, 100 abbots, 50 provosts, 300 doctors (mostly of theology). It was calculated that some 5000 monks and friars were present and in all about 18,000 ecclesiastics. The visitors are variously reckoned from

50,000 to 100,000 or more. Many European sovereigns and princes were present, invited by the emperor, among them (besides Emperor Sigismund and his suite) the Electors Ludwig von der Pfalz and Rudolph of Saxony, the Dukes of Bavaria, Austria, Saxony, Schleswig, Mecklenburg, Lorraine, and Teck, the Margrave of Brandenburg, also the ambassadors of the Kings of France, England, Scotland, Denmark, Poland, Naples, and the Spanish kingdoms. Towards the end the Greek emperor, Michael Palæologus, was also present (19 Feb. 1418, with 19 Greek bishops). In some respects the council resembled more a modern Catholic congress than a traditional ecclesiastical synod. The numerous princes and nobles by their tournaments and splendid amusements; the merchants by their rich and curious wares; the travellers by their number and importance; the fringe of fakirs and mountebanks found at all popular gatherings, made Constance for the time the cynosure of all Europe and even of the Greek world. There is, of course, no reason to wonder that in so motley a throng, suddenly gathered from all quarters, moral disorders and loose living should have manifested themselves. Quite apart from the reliability or animus of some gossipy chroniclers, the council was directly responsible only for its own acts and not for the life of the city of Constance. It must also be remembered that in one way or another unforeseen events and situations protracted the council beyond all ordinary prevision. Among these were: the flight of John XXIII; the lengthy process of Benedict XIII; the general jealousy and dislike of the cardinals, and in turn, the natural efforts of the latter to save the ecclesiastical constitution from thorough ruin at the unhappiest moment for the papal authority, hitherto its cornerstone; the passionate longing for a public canonical purification of Catholicism from its acknowledged abuses and excrescences (in the head and in the Roman Curia). We need not wonder that at the end of his remarkable diary of the council, Cardinal Guillaume Fillastre wrote as follows (Finke ed., *Forschungen und Quellen*, p. 242): “Hoc Constantiense concilium ... omnibus quæ precesserunt generalibus conciliis fuit in congregando difficilium, in progressu singularium,

mirabilis et periculosus, et tempore diuturnus”, i.e. no previous council was gotten together with so much difficulty, or ran a career so unique, marvellous and perilous, or lasted so long. From an ecclesiastical point of view, the Council of Constance may truly be said to close the medieval and to open the modern period. It was an anti-climax for the all-dominant medieval papacy, while in Sigismund (Emperor-elect, King of Hungary, heir of Bohemia, etc.) for the last time appears a pale image of the ideal office of the medieval empire. The language of its orators and its “Acta” exhibits a certain dawn of Humanism (Finke) while there for the first time modern nationalism, quite different from its medieval prototype, comes to the front, dominates the entire situation, menaces even the immemorial unity of the Church, and begins its long career of discordant relations with the central administration of Catholicism (see GALLICANISM; JOHANN HONTHEIM). Not a few elements of the later ecclesiastical revolution under Luther are already visibly present at Constance. The German nation in particular remained grievously discontented with the local results of the second of the great reform councils (Pisa, Constance, Basle), and throughout the fifteenth century sought variously, but with little success, to realize the demands put forth at the Council of Constance. [See EUGENE IV; MARTIN V; EMPEROR SIGISMUND; F. Rocquain, “La cour de Rome et l’esprit de réforme avant Luther” (Paris, 1900), also Pastor (see below), and Janssen, “Hist. of the German People”, etc. POPE; PRIMACY; REFORMATION; CHURCH; COUNCIL OF TRENT; COUNCIL OF THE VATICAN.]

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3. Diaries and Chronicles—The most important of the contemporary accounts of the council is the Diary of GUILLAUME FILLASTRE,

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