

The Church in Crisis: A History of the General Councils: 325-1870

CHAPTER 16. The General Council of Constance, 1414-18

There are three really remarkable councils in the fifteenth century--councils of a new kind altogether--that took place all within forty years: Pisa, where two rival popes were declared no popes at all (on their refusal to resign) and a third was elected, a council never reckoned as a General Council; Constance, which deposed the pope who summoned it (the Pisan pope), accepted the resignation of one of those “deposed” at Pisa, deposed the third of the rivals, and finally elected a pope whom the whole Church acknowledged as pope; Basel, a council lawfully called, dissolved, then revived, then dissolved again on its refusal to accept translation to Ferrara, and finally--as a kind of rival to the Ferrara council--condemned anew, to be for all time henceforth (and especially for the sixty years that followed) the very symbol of the theory that popes are subject to General Councils, and to make the very word “council” ominous in papal ears.

Once more we must look back, for our clue to the incredible, to still earlier troubles, to the struggle between Pope Boniface VIII and Philip the Fair of France (1285-1314). From this famous clash, as a kind of by-product, there came, two years after the death of Boniface, the election of a French pope, Clement V (1305-14). He was the fifth French pope in less than fifty years, but he inaugurated a new tradition when he continued to reside in France, in a tiny principality--the Comtat Venaissin--which was already papal territory.[1] For seventy-three years all the popes were French, and all but all of the cardinals. Then, in 1378, persuaded by St. Catherine of Siena, Pope Gregory XI returned to Rome, in the face of the almost unanimous opposition of his Curia.

Only two months after his return the pope died, and it was in a city dominated by mobs howling “Death to the French,” and “This time pick an Italian” that the terrified cardinals (eleven French, three Italians, one Spaniard) chose for pope an Italian archbishop, Urban VI.

It is necessary to bear all this in mind (and much more), for we are at the moment when the Great Schism of the West is about to happen, a regime when for nearly forty years, two sets of popes fought for the control of the Church, with half Europe backing each--a dreadful scandal, and a complicated practical problem of law and politics, for the thousands of anxious men in responsible positions who wished to restore unity. The three fifteenth-century councils, and all their turbulent revolutionary history, were the practical expression of this anxiety. It was the scandals, the spiritual tragedies wrought in every diocese of Christendom by the schism, for two generations, that fired the men who organised the councils, who had no precedent to guide them, who had no help from either of the papal rivals; and who by the time the schism was thirty years old, had no means of certifying themselves which line of popes was the true line, whether the Romans, descended through Urban VI, or the Avignon line descended from his rival Clement VII, elected five months after the election of Urban by the very cardinals who had elected Urban, by all of them.

At the outset of this story, the reader, so accustomed to national and international crises where public men give one another the lie, more or less, and where the newspapers supply an abundance of documentation, more or less complete--the modern reader must make the effort of realising this bygone world of 1400-50 with the restricted conveniences which were all that the men of the time possessed. He must realise that it was inevitable that, in the matter of good faith, there was soon nothing to choose between one side or the other. Here, to support this statement is the witness of a contemporary, who for his learning, his position in public life, and the integrity of his own life, is beyond all reproach, St. Antoninus, Archbishop of Florence, who was born in 1389. In his history of his own times he says, about the disputed point which of the two lines of popes was the true line: "There were many discussions about this matter; and many books were written in defence of both sides. Through all the time that the division lasted, both parts (or obediences) could count among their

supporters men exceedingly learned, both in theology and Canon Law, and also men of most holy life and (what is more striking still) outstanding by the miracles they wrought; yet it was never possible so to decide the question that no doubts remained in the minds of the majority of men”[2]

From the very first months of the schism the one road to unity seemed, to some of those best fitted to judge, to be through the action of a General Council. Such was at any rate the suggestion of the University of Paris to the French king in the year 1380. And the cardinals of the Avignon pope, Clement VII, gave him the same advice, some fourteen years later--somewhat to his dismay, for he seems to have glimpsed behind their no doubt orthodox intentions, the dim line of the controversy that was about to shake Christendom, viz., Are popes the ultimate master, or General Councils? Again, in the conclave of 1389 when the Roman pope Urban VI died, and in that of 1404, the cardinals all swore that, whichever of them was elected, he would summon a General Council, and lay the great problem before it.

And in all these years there was a continuous discussion in the world of theologians and lawyers and royal councillors, not only as to ways and means, practical plans to end the schism, but as to rights and duties: the rights of subjects to take control when rulers show themselves incapable or unwilling, and the Church seems to be drifting to its ruin; the rights of bishops vis-a-vis their chief, the pope; the rights of the learned, expert in the theology of the Church and its law; the rights of the clergy in general; the rights of the laity, i.e., the vast majority of the members of the Church, if this needs saying. All manner of theories, and interpretations of law, and of past events, came in these desperate years into men's minds. The new ideas, the suggested solutions, passed from one university to another, and were passionately discussed at all levels of society. As, no doubt, were the rival popes, of both of whom (long before the crisis of 1408 which produced the first of these councils, Pisa) all parties were heartily sick and tired--because of solemn promises to resign made only to be broken,

promises to negotiate with one another followed repeatedly by endless justifying evasions.

What happened in 1408 was that the rival colleges of cardinals each deserted its pope, and coming together issued a joint summons to a General Council to meet in the Italian city of Pisa, November 1, 1409. And all Christendom responded, save the two kingdoms of Aragon and Scotland (which still stood by the Avignon pope) and southern Italy which still held with the Roman pope.

By the time the council opened at Pisa, almost the whole body of the followers of the rival popes had deserted to the neutral position of the cardinals and their council. It was numerically a splendid gathering, and very representative: 500 active members, that is to say voters, at the great sessions where the popes were condemned--of whom 84 were bishops and another 102 proxies of absent bishops. There were, besides, 100 representatives of cathedral chapters, representatives of 13 universities, and 300 doctors either of theology or of Canon Law--now, for the first time, here given a vote. The "General Council" had indeed a new look. It greatly resembled a parliament, a single-chamber parliament. Seventeen reigning princes sent ambassadors.

Another novel feature was the absolute unanimity of the council. There were no discussions, none were needed. All gladly assented to the forms in which the purpose that had brought them together was set out. The two rivals disposed of, i.e., excommunicated and deposed, it was the council that bade the cardinals set up a conclave and fill the presumed vacant throne. After ten days' seclusion they elected the archbishop of Milan, who took the style of Alexander V, and was duly crowned. He, too, was a very old man, and within the year he died. Whereupon the cardinals elected the strong man of the Council of Pisa, Baldassare Cossa, who called himself by a name that is lately familiar to all of us, John XXIII.

These elections, the first at least, were followed by a vast distribution of ecclesiastical spoil to all comers, and a generous renunciation of papal

financial claims, and a lifting of excommunications levied for nonpayment of papal taxes. All through these thirty years of controversy--as in the history of the previous seventy years and more--two notes never ceased to sound against the popes: the way they used their right to appoint to all offices anywhere in the Church, and the increasing burden of the taxes they levied on the clergy and the harsh methods of their collectors. Nor will these complaints ever cease until, a hundred years or more later, the use of these powers really is abandoned.

It was Pope John XXIII who summoned the sixteenth General Council, the Council of Constance, December 9, 1413. It was to meet on the following November 1. The pope had not done this willingly and cheerfully, but compelled by the emperor Sigismund, at a crisis in John's own fortunes brought about very largely by his own evil life and by a curious loss of practical capacity that seemed to descend on him once he was elected. He was bound, by a decree passed at Pisa, to assemble a General Council in 1412. It met indeed, at Rome, but almost no one attended, and very soon John adjourned it. The faithful--those in a position to influence events--realised that this pope was no reformer. Gradually the whole body grew restive, princes began (for their own ends) to issue harsh threats, and when the King of Naples moved on Rome the desperate pope fled to Florence, whence he made an urgent appeal for help to the emperor Sigismund. His envoys and the emperor planned together the calling of a new council, and then Sigismund imposed this on the pope. As John XXIII made his solemn entry into the Swiss city, October 28, 1414, he was full of apprehension. He had helped two popes out of their place for far less shocking actions than what men were now alleging against himself.

The council that awaited him was made up after the new fashion inaugurated at Pisa. Not all its members by any means were assembled by the opening date. But ultimately there were present, it is held, over 600 ecclesiastics with a say in the council, 183 of them bishops, 300 doctors

of theology and Canon Law; and an innumerable horde of less important clerics, and the suites of these magnificent ecclesiastical lords from Germany especially. Once again it was as the Estates of Christendom that the General Council presented itself.

The council's first task was to organise its procedure. As it turned out, all earlier precedents were abandoned. It was through entirely new machinery that the schism was to be ended and the Church reformed. With John XXIII there had come from Italy bishops enough to outvote the rest. They now overplayed their hand by proposing to limit the council's activity to organising the destruction of John's rivals. The English and the Germans arrived to find Italians and French already at odds about this, and they ranged themselves against the Italians. It was proposed that the council should be organised by nations, as the University of Paris was organized -- Italians, French, Germans, English. In the decisive meetings--the sessions--each nation should have only one vote, and how that vote should be cast would be for the nationals to decide in separate preliminary meetings. In these national meetings not bishops only, and abbots, would have a vote, but the proctors of absentee prelates, the representatives of cathedral chapters and universities and all the doctors of theology and Canon Law-- the parliamentary principle, once more. And John XXIII had no choice but to agree.

To work out this complex scheme, and secure its adoption had taken weeks of work. It was now March 1415, and a new crisis arose. The pope had been increasingly uneasy as his chances diminished. A pamphlet denouncing his sins in the plainest words unnerved him altogether, and on the night of March 20 he fled from Constance, with but a single attendant, to the dominions of Frederick of Hapsburg. The confusion he meant to produce was realised. While the mob pillaged the palace that had accommodated him, the bishops--many of them--thought only of returning to their homes. The council, as John had hoped, was going to break up. But the emperor's presence saved the day. He restored order in

the town and persuaded the bishops to continue their work. The council met and in a violently antipapal mood it resolved that the pope's absence made no difference to the council's status and authority, that it would not break up until it had reformed the Church, and that it could not be transferred to another city without its own consent. Here was revolution-like that of the Tennis Court oath of the Third Estate in 1789.

The pope's reaction to the messages sent from the council only stiffened its determination. On April 5 resolutions were adopted that were a manifesto of antipapalism, and destined to be active in the Church for centuries. The first of them, the classic decree *Sacrosancta*, needs to be set out in detail. "This holy Council of Constance ... declares, in the first place, that, lawfully come together in the Holy Spirit, being a General Council and representing the Catholic Church, it holds an authority directly [derived] from Christ, which authority everyone, of whatever status or dignity, even the pope, is bound to obey in those matters concerning the faith, the extirpation of the said Schism, and the reformation of the Church in head and members. It declares, furthermore, that whoever contumeliously scorns to obey the commands and the laws of this holy council, or of any other General Council lawfully assembled [commands, etc. referring to the matters stated], he is to be duly punished, whatever his status or dignity, even though he is the pope." [3]

Another resolution stated that the pope's flight was a criminal act, rendering him suspect of heresy, and yet another that within the council there was full freedom of action.

This crisis that opened on March 20 lasted for ten weeks or so. The pope offered to resign--at a price: the red hat, control of Italy and Avignon, and 30,000 gold coins. He fled farther, was arrested, tried, and on May 29 deposed by the council, for the crime of his flight, for simony, and for his bad life. He accepted his sentence, and ratified it with an oath, and passed under guard to a German prison.

While this crisis kept Constance in an interested excitement, lovers of peace and unity in the tiny entourage of Gregory XII were busy negotiating with the council. The outcome of these delicate exchanges was the scene on July 4, when in a session not presided over by any ecclesiastic, but by a layman--the emperor--and so not (to all appearances) an assembled council of the Church, one of Gregory's cardinals, sent as legate, read a bull, dated three months earlier, not recognising the council but formally convoking it, and authorising it to work for the restoration of unity. This cardinal, the saintly Dominican, John Dominici, then pronounced the formula convoking the General Council, and the assembly consented to be convoked in the name (as it was expressed) "of the lord who in his own obedience, is called Gregory XII." Next a second bull of Gregory's was read that authorised the second legate he had sent--the prince, Carlo Malatesta--to make in the pope's name a full, irrevocable resignation of the papacy. And Malatesta thereupon made the renunciation, and the council accepted it. The session ended with a new summons to the third of the rivals, Benedict XIII, to yield to the council's authority.

But the Aragonese pope--who still had Spain and Scotland to support him--dwelt now in his family's ancient fortress of Peniscola on the Mediterranean coast of Spain. His wits were as bright as ever, at eighty-six, and his determination to be recognised by all as lawful pope. All his great powers of manoeuvre came once more into play when the emperor, personally, now made the long journey to negotiate with him (July 14-October). But this time the famous ingenuity was too much even for Benedict's own royal supporters, and when he threatened to depose them if they dared to withdraw, the sovereigns accepted the challenge, and went over to the side of the council, December 13, 1415. It was now a year and a month since the council had opened, and the only man living who claimed to be pope actually ruled no more than his own personal servants and bodyguard. The council began the slow process of making a legal end of him.

This called for--among other things--a second expedition to Spain to serve the citation. And before even this was despatched the council, in decency to the new fifth nation--Spain--could not act until the Spanish representatives had come to Constance. So that it was not until March 1417 that the trial really began. It ended, with a sentence of deposition, July 26--two years, almost to the very day, since the emperor took leave of the council, bound for Peniscola and the attempt to win the pope's abdication. The council might now proceed to its second task, reform. But should it not wait until a pope was first elected? Or would it be easier--less embarrassing?--to push through the inevitably drastic reforms while the Holy See was vacant?

To set up a commission of thirty-five members to draft decrees reforming all that was amiss in the Church had been one of the Council's first acts once it had disposed of John XXIII. And for seven months these grave matters were passionately debated. The core of the vast subject was the two-fold development of the papal authority in recent centuries, namely, the way in which the popes had come to intervene, in the matter of appointments to offices of every kind, in every diocese of the Christian world, and their highly developed, centralised system of the taxation of the whole revenues of the universal church. The question was raised whether the whole business of these papal appointments (more accurately provisions) should not be abolished, the system itself having become one vast abuse.

And here the reformers were divided. Against the bishops, who would have swept it away, the university interest--and there were three hundred doctors active members of the council--protested that the Holy See paid far more attention than the bishops to the claims of the educated clergy. And to those who would have swept away the whole taxation system, it had to be pointed out that the popes must have some fixed source of revenue to pay the immense cost of the general administration of the Church. Then, before the findings of the commission were ready for

general criticism, the council found itself swamped by the practical matter of the general day-to-day administration of the Church.

From the date of Gregory XII's abdication there was, effectively, no pope reigning, and the Curia Romana had simply fallen apart. The parliament, so to speak, now had no time for law-making so busy was it with problems of administration. There was also the matter of the two celebrated Czech heretics, John Huss and Jerome of Prague, tried by the council, condemned, and duly burned at the stake. There was the appeal to the council on the very lively controversy of the defence of the murder of the Duke of Burgundy by the orders of the Duke of Orleans--an incident in the history of the quarrel between the regents of France during the insanity of King Charles VI. From this murder a civil war had developed, and a new English invasion of France, which country, at this very moment, seemed from both these causes to have fallen into complete anarchy. One leading light of the French university world, John Petit, had written a book defending the murder; subjects (this was his theme) are morally justified who kill tyrants. The matter was referred to the council, and the discussion was not on purely academic lines. Ultimately it decided against the new theory that tyrannicide is lawful.[4] The negotiations that brought in the Spaniards as a fifth nation were another matter that distracted the council's attention from its second principal objective.

But at last, in the summer 1417, a new reform commission was set up. All the old controversies were immediately renewed, and by September the council seemed about to break up. There was an evident fundamental difference between the point of view of the cardinals and the council generally. And the bishops and doctors began to debate whether cardinals were of any value to religion, and whether the Sacred College should not be abolished. The council was not unanimous in its radical notions. The Italians, French, and Spaniards tended to support the cardinals. It was from Germany and England that the revolutionary ideas came. And

leading the Germans was the powerful figure of the emperor, but for whom the council would never have held together so long.

One last cause of dissension in this same summer was the double question already mentioned, Should the pope be elected before the reform decrees were passed? and how should he be elected? The Council was loth to trust the cardinals with this, their essential function for centuries now. No question could be graver than this last. At all costs the coming election must be free from anything that might justify a future charge that it was not valid. There must not be a second schism. It was a highly placed English prelate who brought all parties to an agreement, Henry Beaufort, bishop of Winchester, and uncle to the reigning King of England, Henry V. He made three suggestions, which all accepted: the council to decree now that, once the pope was elected, reform would be its sole concern; to publish now the decrees it had ready; to set up a commission to decide how the new pope should be elected.

Five decrees were accordingly published on October 5, 1417. The first, and by far the most important in its consequences, is that called, from its first word, *Frequens*. It is a kind of practical corollary to the decree *Sacrosancta* already mentioned. Here is its text: "The frequent celebration of General Councils is the best of all methods for tilling the Lord's field, and for extirpating the weeds and thorns of heresy, schisms and errors.... This it is that brings the Lord's vineyard to the fullness of its fertility. The neglect to hold General Councils fosters and encourages all the disorders here spoken of; the history of former times and the events we ourselves are witness to make this very evident. Therefore, by this perpetual law, we command that, from this time on, General Councils shall be held as follows: the first within five years immediately following the close of this present council; the second within seven years of the close of the council immediately following this present council; and ever afterwards thenceforward every ten years; all these councils to be held in a place which the pope is bound to announce one month before the end of the

council, and with the approbation and consent of the council. Should the pope fail to do this, then the council itself is to choose the place and time. So that, in this way, by a kind of continuity, there shall always be a council in session or the expectation of a council. The term appointed for the coming council the pope may, with the consent of the cardinals, shorten, but in no case may he make it any longer.”[5] There is no need to explain what a revolution in the government of the Church was thus attempted.

A second decree of this same thirty-ninth session provides, with ingenious detail, a quasi-automatic way to prevent the spread of any future schism.[6]

At the fortieth session, October 30, a decree was passed binding the pope about to be elected to proceed, in collaboration with the council, to reform the Church “in its head and members” before the council is dissolved. Eighteen heads of reform are listed.[6a] Further than this list, the council had still not dared to go, so acute were the dissensions. But the Germans now suggested that the council confine itself to matters affecting the whole Church, while the new pope should, in conference with each of the nations, make a series of amendments to meet their particular needs. This was agreed to.

The scheme for the election of the new pope was also adopted at the fortieth session. For this time, and for this time only, said the council, there were to be added as voters to the cardinals, six deputies for each of the five nations. To secure election not only was a two-thirds majority of the cardinals required (the law of 1179) but the like majority in each of the five national deputations. The thirty deputies were elected, their names published, and with the twenty-three cardinals they went into conclave, on November 8, in the Merchants’ Hall, around which the emperor set a strong guard of troops--no mobs were, this time, to play any part in the business. The conclave, despite the new complexities of its constituents, did its work rapidly. On November 11, the new pope was announced, the

cardinal Odo Colonna. He took the name Martin V--the day being the feast of that saint.

The advantage of an undoubted head to lead the council was now clearly seen. The Germans, French, and Spaniards each sent in a list of desired changes, and the pope, on January 20, 1418, sent in to the council a draft of eighteen decrees based on the eighteen points of October 30. From these the council worked out a set of seven decrees, and on March 20 they were published.

These seven decrees, to which alone of the reforms of Constance the papal approval was given, treat of the long-standing financial grievances of the bishops, and the question of appointments to benefices. All exemptions from the jurisdiction of the local bishop, granted since the death of Gregory XI in 1378 (i.e., granted by the popes of any of the various lines) are abolished, all unions of benefices or incorporations,[7] too, which they authorised, provided that the interested parties desire this. The pope promises there will be no more grants of exemption from jurisdiction without the local bishop's consent, and he also surrenders his rights to draw the revenues of sees, abbeys, and other benefices while they are vacant. All dispensations that allow a man to hold an ecclesiastical office without being ordained or consecrated as the office demands are revoked, and the pope promises that no more such will be granted. No more will the pope tithe the revenues of priests and bishops for the profit of lay princes, and Martin V pledged the Holy See never again to tithe the whole body of the clergy except with the written consent of the cardinals and of all the bishops he could consult in the emergency which moved him to act. As to special tithes--i.e., of a particular country--the pope promised never to levy such against the views of the majority of its bishops. And never would this ecclesiastical tax be handed over to laymen to collect.

There is, too, a decree against simony of new and outspoken severity. This vice, the pope declares, no one has yet succeeded in extirpating. All simoniacal elections are henceforward, by the fact, null and void. Those

who disregard this law, and possess themselves of the revenues of the office, are thieves, and must make restitution of the money taken before they can be absolved. All parties to the simoniacal pact are, also by the fact, excommunicated, even though (say, the decree) it is the pope himself.

The Council of Constance was now practically over. It only remained to go through the formalities of closure.[8] It is matter for thought that what had chiefly occupied the minds of those who there gave so much time to the betterment of religious life, was the material organisation of religion - testimony to the extent to which, for generations, abuses of administration, the worship of administrators, had been choking the true life. The material reforms enacted at Constance were indeed essential, if religion was ever again to be healthy. But other things were needed also, were even more necessary, and of these there was no mention in the great debates: questions of the frequentation of the sacraments; of the way in which the truths of faith were explained, "in season and out of season," to the ordinary congregation; the education and training of the parochial clergy; the duties of bishops to reside in the diocese to which they were appointed, to visit regularly all its parishes and the religious houses under episcopal jurisdiction; their duty themselves to preach the gospel; renewed observance of the law about provincial synods, the great check on episcopal negligence; the state of theological teaching in the universities. There was an abundance of crying needs, and the bishops at Constance (to say nothing of the horde of learned clerics) were deaf; or if they heard they were too closely occupied with the great problem of securing that, in their respective spheres, each was more his own master than before.

The council is one of the great turning points of the history of the Church. After Constance things were never the same again in one very important matter. The ecclesiastical system, the system based on the hitherto unquestioned general assumption of the pope's right to rule the whole

Church as its earthly master, this had there received a blow in the face as surely as Boniface VIII at Anagni. To change the simile, rough hands have been laid on the ark--hands of bishops, active in the cause of God (very ostentatiously so, sitting in a General Council); things have been done and things said--things impossible to harmonise with the tradition--with all the apparent prestige of a General Council. If scandal means a stumbling block, what were the three years of Constance to prove? The theologian will find it an easy matter to explain exactly how far this council, with its forty-six sessions, is truly a General Council lawfully summoned in the Holy Spirit, with a real claim to have been divinely guided in its acts. But at the time it dispersed, its prestige, immense and unquestioned, covered (for the ordinary man) all the council had enacted. No General Council had ever before sat continuously for so long a time; nor occupied itself with such a matter of public interest as the place of the pope in the Church's Constitution. And so delicate was the situation still, with decrees like *Sacrosancta* ringing loud in men's ears, that for tears the very popes dared hardly do more than hint at the ambiguities which the prestige masked. The trouble engendered by the forty years of the schism was by no means at an end. It was indeed to endure for hundreds of years to come.

NOTES

1. The city of Avignon was an enclave in this territory, its sovereign the Queen of Naples from whom, many years after the death of Clement V, Clement VI bought it (1348).
2. *Chronicorum III*, tit. 22; quoted by Edmund G. Gardiner, *St. Catherine of Siena*, 252.
3. Session 5, April 6, 1415. Mansi, XXVII, 590f. Barry, no. 83A, prints a translation of the decree.
4. For the text (Latin) of this decree, see Denzinger, no. 690.
5. Sess. 39, Oct. 9, 1417. Mansi, XXVII, 1159. Barry, *op. cit.*, no 83B, prints a translation of the decree.

6. This decree, *Si vero*, far too lengthy to deal with here, will be found summarised in Hughes, *History of the Church*, vol. 111, p. 298 note.

6a. Barry, *op. cit.*, no. 83C, gives the list.

7. An incorporation is the act by which for the individual benefice-holder there is substituted an ecclesiastical corporation, a university for example, a Cathedral chapter, a religious community--to the profit of the corporation. It is to the abbey Or college that the revenues now go, and out of these they pay a salary to the priest they hire to do the work.

8. The council ended April 22, 1418.