

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

CHAPTER 11. The Third General Council of the Lateran, 1179

One of the disappointments as one studies the history of the Middle Ages is the scantiness of personal information about the great men whose acts, and effect upon subsequent ages, are yet really well known to us. Only too often is the personage himself a mere silhouette against the gold and scarlet of the event. Pope Alexander III, who summoned the eleventh General Council, is an instance in point, for in the history of the Church, by his effect, he stands out as one of the six or seven greatest popes of all, one whose laws and creative institutional work still influence the life of the Church. His reign, again, is one of the longest of all, close on twenty-two years. And yet, much as we know about his career, the man himself escapes us utterly.

As to what this pope accomplished, a French scholar of our own time, the author of the most complete study yet made of Alexander III, can say that he “is one of the chief founders of the Roman all-powerfulness over the clergy of the Church, with a very high idea of his office, ruling the clergy by the aid of trustworthy assistants, and thanks to means of government that are steadily being improved, intervening everywhere throughout the Church by his legates, setting in order and controlling the jurisdiction of the archbishops in their provinces and the bishops in their sees, and everywhere seeking to strengthen the links that bind the Holy See to the various local establishments”[1]; such is Alexander III, the first pope effective on the grand scale in the whole daily life of the universal church.

When, eighty years after his death, and after the more recent pontificates of Innocent III and Innocent IV, an ambassador writes from Rome to his sovereign of the newly elected Urban IV, it is not to these famous men that he goes for a comparison. “Men here are saying,” he reports, “that the new pope will be another Pope Alexander.”

There was a special reason for this spectacular achievement of this great pope. He was one of those who, at a crucial moment of history, sometimes appear in the high places of government, with the very personality the time requires, and with the trained competence to make this effective. This rare combination is writ large, for the trained observer at least, in the laws of Alexander's General Council of 1179. These laws are the work of a legal genius; and they are but a fraction of what passed directly from him into the fundamental law of the Catholic Church.

Gregory VII, anxious to bring home to a world reluctant to be reformed, that what he demanded was not a perfection hitherto unheard of, but simply a return to what had always been, set in motion a great movement of research into the past legal history of the Church. And the age when, in a score of able legal-minded writers, these discoveries were attaining something like completeness, knew a still wider legal renaissance, the rebirth of "the divinely reasonable" law of ancient Rome. Here was something that was a collection of laws, and a philosophy of law, and almost Law itself as a living creation, before which the reasonable man gladly bent in reverent acceptance, something than which nothing could be more welcome to rulers everywhere.

Also the age, the early years of the twelfth century, produced the man we know as Gratian, a monk who was a lawyer? a lawyer turned monk? -- a legally trained mind, author of a book that was the first complete, scientifically planned epitome of the Church's law. On this scholar's work the whole magnificent fabric of the Canon Law was to be built--in his spirit and following his pattern. And the first part of the great work called the Corpus Iuris Canonici, which was the Catholic Church's law book down to 1918, is the Decretum of Gratian. Alexander III -- Roland Bandinelli -- was the pupil of Gratian, and the first of the hundreds of lawyers who were to publish commentaries on Gratian's book. And then, as pope, sitting in judgment on appeals of every kind that poured in from every part of Europe, he was so to decide the cases that, in judging them,

he developed law, created law. It is simply not possible to exaggerate the influence of his twenty-one years of legal activity in the highest place of all. And yet, outside this work, and his other public activities as pope, we scarcely know the man.

The other public activities--a seventeen years' struggle against the determination of the emperor Frederick I (called Barbarossa) to make himself master of the Church, and reduce the papacy to an imperial dependency.[2]

This extremely serious affair was for Alexander III an inheritance from the days of his predecessor, the English pope Adrian IV. The emperor, young, ambitious, warlike, and crafty as a fox, allowed by two weak popes to do as he liked with the Church, now meant to make himself even more completely master of Italy than he was of Germany. Against the vast military power which he could assemble, the pope's main hope was the Norman king of Sicily. His own state, effectively, was little more than the city of Rome and its environs, and the city had for some time been enjoying the status of an antipapal republic. The only protection to the north was the fragile hope that the cities of Lombardy, Milan and the rest, would unite against their common foe. But upon Frederick's invasion in 1158 the cities everywhere had to yield, and submit to be ruled by governors he appointed. Lombardy was still seething with discontent, and Adrian IV meditating an alliance of the Lombards and Normans when September 1, 1159, he died, most unexpectedly.

And now the tragedy of thirty years before was repeated--a double election. The details of this affair are fairly well known, and what case can be made out for the lawfulness of the election of the cardinal who received only four votes, where Roland Bandinelli received twenty-two, depends in part upon a current idea that the election, to be valid, had to be unanimous, and in part upon the principle that the majority needs to be not merely the greater part, but the morally better part--a principle whose end is surely anarchy, but which then had its place in the general law about

ecclesiastical elections, and had been successfully invoked by St. Bernard in the affair of 1130. But it was to matter much more that Roland Bandinelli had been Adrian IV's right-hand man in the contest with Barbarossa, and that his rival was the emperor's man.

Frederick did not now make the mistake of marching on Rome, with what troops he still had in Italy. His policy was rather to suggest a kind of congress of princes before whom the rivals could state their case. The princes -- Frederick, in his own mind--would then decide. To this Alexander III, from the first, opposed a blunt refusal, and from this position he never moved. His rival, who called himself Victor IV, accepted, and became henceforth all but a part of the imperial machine.

The schism lasted eighteen years nearly, "Victor IV" being followed by "Pascal III" (who, to make still more evident the sacredness of the emperor's cause, canonised Charlemagne for him in 1167) and he by "Calixtus III." For only two of these years was Alexander III able to live in Rome. The contrast between his masterly ruling of the Church, of which we have spoken, during these years, and his own personal insecurity is most striking. For years he lived in France, and then in the country to the south of Rome, close to the frontier of the friendly kings of Sicily, constantly in movement. At Rome the antipope was lord, and in St. Peter's he crowned Barbarossa and his empress.

This coronation was in 1167 -- the emperor's third or fourth invasion of Italy, and a highly spectacular success until, on the very morrow of the sacrilegious rite the plague struck his army, and troops and notables died like flies. The hated emperor had to disguise himself to get out of the country alive. Seven years later, after long preparation, Frederick returned, to meet at Legnano (in 1176) with a surprising and wholly disastrous defeat at the hands of the Lombard League. Of this league of city states Alexander III had been the real inspiration, and its steadfast counsellor in matters of alliance and diplomacy. The freedom of the Italian cities and the freedom of religion had become one thing in these

tense years. For Frederick, Legnano was the end. He tried, of course, to make peace with the pope without the league, and with the league at the expense of the pope. But Alexander was loyalty itself. A peace congress came together at Venice, in 1177, terms were agreed, and the emperor made his submission to the pope -- not, however, with the spectacular gestures of the frescoes that, at Siena and Venice, commemorate the event, for such was not Alexander's nature. The bad precedent of 1139 was not followed, and when the last of the antipopes came in to make his submission, in the following year, Alexander received him as a guest and provided for him. After all, in the distant days when Adrian IV was pope, had they not been cardinals together?

The General Council of 1179 was the outcome of these Venetian events, and it needs to be seen as such: as the council then promised to the emperor, in which, as will be understood, a whole world of reorganisation had to be faced -- for example, Germany had, in a way, been out of the Church for nearly twenty years. And as well as reorganisation, there was the ever-needed exhortation to reform, and the restraint of the abuses, ecclesiastical and lay, that are the perpetual scandal of church life.

Of the council, itself we know all too little, for its acts have not survived. It opened March 5, 1179, and there were three public sessions, but whether the second and third were March 7 and 19 or March 12 and 23 is not certain. The number of bishops who attended was about three hundred. The greater part came from France and the various Italian states, but there were 19 from Germany and as many from Spain, 6 from Ireland and another 6 from the England of Henry II, with 12 from his French dominions. A Hungarian is mentioned and a Dane, and there were 7 bishops from the various Latin states of the Holy Land. Abbots and priors were still more numerous, and the bishop of Assisi in his sermon at the opening was able to say that the "universal assembly" could be seen to have been brought together from almost the whole of the world. There was even an observer from those Greek churches of the East with which,

for generations now, there had been so little direct contact. “The senate of the whole Christian republic was come together,” as the preacher said, “to consider and to give judgment to the universe. To Rome alone, of all the royal cities [Antioch, Alexandria, Byzantium, Jerusalem were the others] had it been given to rule with supreme power over all the other sees, with the power of the keys, the power to judge; Rome alone had the power to summon a General Council, to make new canons, to abrogate the old.” As for the reigning pope, the benefits of his rule were felt as far away as the Indies.[3]

In this rare sermon we are given, for a fraction of a second, a glimpse of the particular and personal. We could have exchanged it for some slight knowledge of how the council transacted its business. For of this we know just nothing at all. One of the chroniclers who treat of the council speaks of twelve canons proposed which the bishops rejected, and that is the only hint that has survived of all the discussions of those three weeks of March 1179. Were there no critics among the bishops? Was the pope’s new system the very thing all of them desired? A passage in Alexander’s letter convoking the council has been taken as a hint to the bishops that their presence was chiefly required in order to give the decrees a more rapidly effective publicity. Another critic was the English humanist John of Salisbury, present at the council as bishop of Chartres. He wondered whether there were not enough laws already. Was not the Church staggering under their weight? Would it not be better to keep to the simple Gospel, so long neglected these days by so many? Will our Lord not say to us also, “Ye let go the commandment of God and hold fast to the tradition of men”?[4]

This curious anticipation of the simplest solutions of Erasmus is hardly likely to have influenced the world-weary and experienced old pope, who had twenty-seven canons[5] to propose to the bishops, practical regulations in all conscience, with appropriate punishments provided for those who ignored them. For the most part they concern the clergy, and

especially bishops. Eleven are new laws, the rest repeat and renew canons already enacted.

The pope's first thought, naturally, is to amend the law of 1059 about papal elections. There must be no uncertainty about the meaning of such a law. As Alexander III now rewrote it the law has lasted until this present day.[6] Nor were there ever again disputed elections of the type of 1130 and 1159. What this first canon of 1179 decreed was as follows. Should the cardinals, through the malice of the devil, be unable to achieve a unanimous choice, and there be two thirds in agreement and the other third unwilling to join them, or presuming to choose another, then the one chosen by the two thirds is to be taken as the pope. Should it happen that, relying on his choice by one third only, a man usurps the name of pope (for he cannot take the reality), both himself and all who take him as pope are excommunicated, and deprived of whatever ordination has given them, so that communion is denied them except as Viaticum at the hour of death. Should they die unrepentant their lot is that of Dathan and Abiron.[7] Moreover, if anyone receives a majority of the votes but less than two thirds, let him not dare to take on himself the office of pope, or he falls under all the penalties just mentioned. The law states that it does not affect the principle about "the morally better part" which rules in other ecclesiastical elections, for if disputes arise about these there is a superior who can decide the matter. "But in the case of the Roman see there is a special arrangement, since it is not possible here to have recourse to a superior." [8]

"Following the example of our predecessor Innocent [II]," all ordinations made by the antipopes, and by those whom these ordained, are quashed, and the benefices which these schismatics granted are to go back to their rightful owners. All who, of their own free will, took oaths to uphold the schism, are suspended from their orders and their dignity.[9]

As to bishops, no one is to be made a bishop who is under thirty years of age, of legitimate birth and demonstrably suited by his life and education. Elected, the election confirmed, the new bishop having taken over the administration of the see and received consecration, the superior whose duty it is will then fill the benefices vacated by his promotion. Archdeacons, rural deans, parish priests [i.e., pastors] are not to be appointed if under twenty-five, and the first named must at least receive deacon's orders and the rest the priesthood, within the time fixed by law. Clerics who elect contrary to this law lose all future right to elect, and are for three years suspended from their benefices.[10]

One never ceasing complaint is that bishops' official visitations tend to be ruinously expensive for the places they visit. Their train -- officials, guards, servants--is now cut down: archbishops to a maximum of 40 to 50 horses, according to the country and its resources, cardinals 25, bishops 20 to 30, archdeacons 7; deans are told to be contented with 2. No hunting dogs, no hawks and falcons. "And let them not demand sumptuous feasts, but gratefully take the seemly sufficiency set before them." Bishops are not to burden their subjects with taxes. Parents, as Scripture says, should enrich their children, not children their parents. What has been said about the prelate's train is, of course (sane), said as the maximum that is to be tolerated, something allowable in well-to-do places, parishes with ample revenues.[11] Should a bishop ordain anyone priest or deacon who has not any legal right to an ecclesiastical income, the bishop is to maintain him until he is placed.[12]

No cleric is to be appointed to a place which is not yet vacant, or to be promised appointment at the next vacancy -- lest men begin to wish for the death of others. Promises of this kind were forbidden in the pagan laws of old. How shameful, and inviting the wrath of God, that there should be such expectations in God's Church. Bishops are to fill vacancies within six months. If they neglect to do so, the canons of the diocese are to

appoint. If all concerned are negligent, the archbishop of the province is to act.[13]

There are “bitter complaints,” says canon 9, from bishops about the way in which certain religious orders make a mockery of penitential discipline by so using the privileges granted them by the popes as to provide influential sinners with loopholes -- they gladly accept from the lay lords grants of tithes and benefices, admitting these personages to the sacraments although excommunicated, giving them Christian burial, and where the order was allowed during times of interdict to have mass said once a year in that country, taking this to mean once in each of the monasteries of the order. The orders moreover had confraternities of laymen associated with them, and to these it was conveyed that such membership took them out of the bishop’s jurisdiction. The new military orders, the Templars and the Knights Hospitalers, were especially complained of, regarding these gravely scandalous practices. The canon insists that in all these matters the bishop’s authority holds good, over the priests who serve the parishes which the order “owns” and over the members of these various fraternities.

Two canons (16, 17) rule that in differences between the canons of cathedral chapters and others the will of the maior et sanior pars[14] of the chapter is to prevail, and that where there are several patrons of a church the candidate who has the majority of the patrons for him is to be appointed: never are there to be as many pastors as there are disputing patrons.

Abuses in the matter of appeals from the lower ecclesiastical courts are corrected by canon 6. The legal trick of suddenly excommunicating the man thought to be about to appeal, is forbidden and, on the other hand, the man charged with an offence is not allowed to appeal before his case has been tried. Especially are monks and other religious not to adopt such a tactic as this against their superior correcting them according to the rule,

“but let them humbly and devoutly receive what has been commanded for their spiritual good.”

Canon 18 has a more general interest, and it touches on a problem of medieval history that has been all too little explored -- the way in which the rank and file of the parochial clergy were trained. In order that all may have a chance of education, even the poor who cannot expect their parents to pay school fees, every bishop is to arrange that among the members of his cathedral chapter there shall be one who will teach gratis the clerics of that church and poor students too, and the same shall be done in other churches and in monastic churches. No one who is qualified to teach shall be denied permission. From the general terms of the canon, this is not the foundation of a system so much as an order for its restoration. There are as yet no universities in the formal sense of the word, but one has only to recall such a name as that of Abelard, dead now these thirty years, to be aware that in one cathedral city after another there were already remarkably flourishing schools of the liberal arts, and theology. This reforming pope sees no reason why there should not be at least the beginnings of such a school in every diocese.

Of the remaining canons which mostly renew the old laws, we may note how the clergy are now forbidden to accept offerings from the accursed gains of the usurer. Clergy who have accepted such offerings, or given a usurer Christian burial? are to be suspended until they have returned what they accepted.[15] Neither Jews nor Saracens are, on any pretext, to have Christian slaves. Christians who live with them are excommunicated. In all suits a Christian's word is to be preferred against the testimony of Jews, and whoever does the reverse of this is to be excommunicated, for Jews should be subject to Christians and be kindly treated by Christians from human kindness merely.[16]

There is a long and very detailed decree about the restraint of heretics, declared to be numerous in Gascony, and around Albi and Toulouse, “Cathars as they are called,” who make no secret of what they are and

openly work to make converts. Both the heretics and those who protect them are excommunicated; no one is to give them shelter, or allow them in his territory, or to do business with them. If they die in their sin mass is not to be offered for them, nor are they to receive Christian burial. As to the wandering bands of marauders and plunderers, they are to be treated like heretics, and the pope calls on all good men to associate and, meeting violence with violence, destroy these pests of society; and to those who thus manfully organise all the indulgences are granted which the Crusaders in Spain and the Holy Land enjoy. The canon ends with an exhortation to the bishops to be brave themselves, in supporting this movement to protect the community from these powerfully organised hordes. Cowardly bishops and priests are to be deprived of their office.

The last of these laws that regard the social, as well as the spiritual, life of the Catholic, treats of the lepers--an increasingly large section of society since the crusades. Clergy are not to prevent lepers from having churches of their own, and cemeteries, and their own priest. And from the lepers no tithes are to be asked, whether of produce or of their beasts.[18]

NOTES

1. Marcel Pacaut, *Alexandre III, Etude sur sa conception du pouvoir pontifical dans sa pensee et dans son oeuvre*, Paris, 1956, p. 301.
2. These are the years, also (1163-70), of the dramatic contest of St. Thomas of Canterbury with King Henry II.
3. Abyssinia rather, we should say, the mysterious land of Prester John, who had written to the pope about his desire to be better instructed in the Christian religion, and to whom Alexander had replied (1177). For all of which see Rousset de Pina, *Le troisieme Concile Generale du Latran*, in *F. and M.*, vol. 9, part 2, p. 160, n. 1.
4. Mark 7:8.
5. They are translated in Schroeder, pp. 214-35.

6. With a minor change introduced by Pius XII.
7. For whom see Numbers 16:1.
8. In Romana vero ecclesia aliquid speciale constituitur, quia non potest recursus ad superiorem haberi. Canon 1.
9. Canon 2.
10. Canon 3.
11. Canon 4.
12. Canon 5.
13. Canon 8.
14. “The greater and morally more respectable part.”
15. Canon 25.
16. Canon 26.
17. Canon 27.
18. Canon 23.