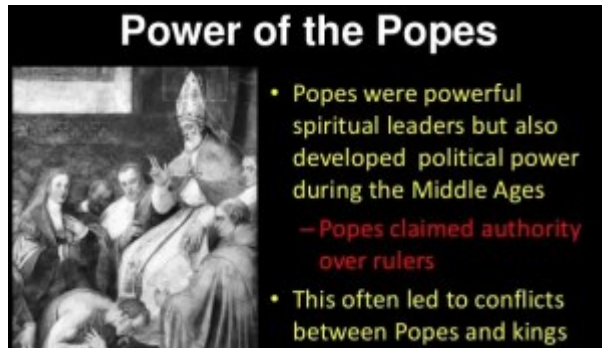


# The Papacy And The Civil Power –

## Chapter XXI. Disputes About Papal Authority



Continued from [Chapter XX. Papal Infallibility](#)

The Condition of the Church at the Time of the Councils of Basel and Florence.—Council at Pavia fixed by that of Florence.—Approved by Martin V.—Transferred to Basel.—Meets there, and is presided over by Legate of Eugenius IV.—It is Ecumenical—Agrees with that of Constance about its Power over the Pope.—Eugenius IV. endeavors to defeat It.—His Proceedings against It.—Organizes a Factious Assembly at Ferrara.—Proceedings of the Council against Him.—He pretends to yield, and approves its Decrees.—He violates his Pledge.—He draws the Greeks to Florence, and calls the Meeting there a Council.—It is not Ecumenical; the Council at Basel is at first, when its Decree against the Pope's Infallibility is passed.—It represents a Majority of Christians.—The Council at Florence is mainly Italian.—The Pope's Agreement with the Greeks about his Primacy.—Limited by Decrees of Councils and Canons of the Church.—The Greeks reject the Agreement, and it falls.—This is called a Decree.—Its Terms.—Misrepresentation of Them.—Do not make the Pope Infallible.—Give Him the Primacy conferred by Decrees and Canons.—Primacy of Honor, not Jurisdiction.—The Fifteenth Century, after the Council of Florence. —The French Church.—Charles VII.—Council at Bourges.—Pragmatic Sanction.—Opposition of the Popes to it. Revoked by Louis XL.—Parliament resisted.—Council of Pisa.—The Fifth Lateran Council in Opposition to it.—The Former renews the Decrees of Constance and Basel—The Latter factious at Beginning.—Afterward assents to.—Concordat of Bologna agreed to by Francis I. and Pope Julius II.—Rejected by France.—French Bishops do not attend the Council.—It is not Ecumenical.—No Deliberation in it.—Submissive to Leo X.—Council of Trent.— Does not assert the Pope's Infallibility.—Does not deny the Validity of the Decree of Council of Constance.—Concedes merely Power of Pope to interpret the Canons, not to set them aside.—Pius IV. does this only in his Profession of Faith.

IT is so positively and dogmatically asserted that the pope's infallibility was recognized by the Council of Florence, that, in order to know whether it is to be accepted as a fact or rejected, we must understand the character of that council, the circumstances which led to it, and the nature of its decrees.

The Church at the time of the two Councils of Basel and Florence was fearfully rent by a most disgraceful schism. The Council of Constance, only a few years before, had appointed a council to meet at Pavia, which had the sanction and approval of Martin V. This fixed its ecumenical character; and when it did afterward meet, in 1423, and was attended by five legates of the pope, and by deputies from France, Germany, and England, it, of course, retained this character. It was, therefore, an ecumenical council at the

beginning, according to the principles then and now universally recognized by the Roman Catholic Church. It was subsequently transferred to Basel, where it was presided over by a legate of Pope Eugenius IV.—his immediate predecessor, Martin V., having, in the mean time, died.

One of the first questions that came before it was that which had been decided by the Council of Constance, involving the relative powers of popes and councils. It became apparent, at once, to the pope that the council would decide, as that at Constance had done, in favor of its own and against his authority; in other words, that it possessed the rightful power to settle and prescribe the faith, independently of the pope, and that the pope had no such power without its consent, because it alone represented the Universal Church. To prevent this, Pope Eugenius IV. immediately began a most disreputable war against the council, intending, if possible, at whatever cost or injury to the Church, to defeat this action. He did not hesitate to inaugurate a war between the Church and the papacy; the former represented by a regularly organized ecumenical council, and the latter by the pope alone. He undoubtedly supposed that the times were favorable to the recognition of the claim of papal supremacy and infallibility; a supposition well warranted by the condition of affairs then existing.

The long residence of the popes at Avignon had corrupted the highest authorities of the Church to so fearful an extent, and the disgraceful schisms existing but a little while before had so rent the Church into factions, that it only required a bold and courageous pope to bring the bishops into obedience, especially when they were assured that they would be the sharers with him of whatsoever power he should acquire over the lay members of the Church. Therefore, Eugenius IV., in the very first step taken by him, exhibited a determination to take advantage of the times, and bring the whole Church to his feet at a single blow. He was determined to lose nothing by equivocation, and, accordingly, as if he were already dictator, commanded his legate to transfer the council to Bologna, where he could preside over it in person, and thus direct and control its action.

Acting under the protection of the Emperor Sigismund, the legate refused to obey this insolent command; whereupon the pope, greatly incensed, published a bull dissolving the council—a course of proceeding both factious and disorganizing. In the mean time, and before this bull was issued, the council had passed a decree to the effect that “every person, of whatsoever state or dignity, even the pope himself, is bound to obey it in what concerns the faith,” and another denying the right of the pope to dissolve it. The issue was thus distinctly made—the pope on one side, representing himself alone; the council on the other, representing the whole Church. One or the other had to recede, or divide the Church—separate its body from its head!

The council, backed by the emperor, sent a deputation to the pope earnestly desiring him to recall his bull for its dissolution. He refused. Whereupon the council renewed their former decrees, and declared that, as they were abandoned by the pope, it was their duty to provide for the necessities of the Church, “as the Holy Spirit should dictate to them.” They summoned the pope to attend in person. This he also refused, and was declared contumacious. He was then notified that unless he appeared at a fixed time he

would be proceeded against. The council declared, also, that no prelates should attend a council at any other place, under the penalty of excommunication. It manifestly did not desire to press matters to an extremity with the pope, unless, by his conduct, he rendered it impossible for them to do otherwise. They accordingly deferred any final action several times, to give him every possible opportunity of seeing that the welfare of the Church required the restoration of the pacific relations between them. The pope, however, when he found the council resolved to treat him as contumacious, and to deal with him accordingly, solicited ten more days of delay, which were readily granted him. He thus acknowledged the jurisdiction of the council over him, and again asked for additional delay of ninety days, which was also granted.

During the third year of the council, the pope sent to it his pontifical bull, wherein he declared that the council was lawful; that it ought to continue, without dissolution; that he annulled and revoked his bulls dissolving it; that he approved it, and would do nothing prejudicial to it. Earnestly desiring conciliation, it accepted this bull as satisfactory; and admitted the pope's legates, upon their taking an oath to approve the decrees of the Council of Constance. And thus peace was seemingly restored upon the basis of the superiority of a council over a pope—the pope having, by his last bull, proposed and agreed to this as the basis of an adjustment.

But it was only *seemingly* restored. The pope soon made up his mind to falsify his own promise, and to get rid of the troublesome fathers of Basel in some way, it mattered little to him how. He was playing the game for empire, and, like other pretentious potentates, considered himself entitled to do with impunity what the universal law of ethics forbids without dishonor. Accordingly, while the fathers were engaged in faithful exertions to bring about a union with the Greek Christians, he, by his emissaries, was constantly engaged in plotting against them.

He issued a bull to transfer the council, this time to Florence. Baffled again in this, he issued another transferring it to Ferrara. Here, at last, "some Italian bishops," with a single cardinal, met and organized a rival council, which immediately proceeded to enact that the council at Basel was illegal, and its acts void. It will be seen at once that such a council as this was schismatical, unless the whole power of the Church were taken away from its legitimate and only representative body, and transferred to the pope. Two councils could not lawfully sit at the same time; and as that at Basel had been legally called and organized, this assemblage at Ferrara was manifestly irregular and factious. In so far as the pope himself was concerned, it was fraudulent; for in the act of convening it he violated the promise made in his bull sent to the Council of Basel. But the two councils did sit at the same time, each having its own representative character: that at Basel representing the Church; that at Ferrara, the pope. The former remained almost entirely unreduced in numbers, being deserted only by the pope's legate and four prelates. These followed their master and the few other Italian prelates to Ferrara; while all the other prelates, with the ambassadors of princes, remained at Basel, representing nearly the entire Church.

The Council of Basel, driven at last to extremities by the factious and malignant conduct of the pope, proceeded with his trial. He was accused by it, among other things,, of simony and breaking his oath; and, being found guilty, a decree was adopted which "declared Eugenius suspended from all kind of administration of the papal power, as well in spirituals as temporals, which had now devolved on the council; decreed that all he did should be null; and forbade all sorts of persons to obey him, under pain of excommunication."

Measures of resistance were adopted by the pope, who caused the prelates at Ferrara to declare all these proceedings void. And he issued another bull to that effect, commanding those at Basel to come to Ferrara, and pronouncing excommunication against those who did not. He enjoined the magistrates and inhabitants of Basel "to force them away under pain of excommunication, and an interdict; and in case they should not do it, he forbade all persons to enter within the city, under the same pains, and enjoined all merchants to withdraw from it."

What a mild and Christian temper did this infallible pontiff display! In dealing with the Baselian fathers, who represented the Church, he exhibited that malignity which bad men always show when balked in the pursuit of unworthy enterprises. But the council at Basel was not intimidated, and retaliated by decreeing that that at Ferrara was illegal, and all its proceedings null. There seemed to be no oil of Christian charity to pour upon the troubled waters. Everything was cursing and anathema.

In the mean time, the Greeks, who had been invited by the Council of Basel to attend it, were on their way to the West, and the pope inaugurated measures to draw them away from Basel to Ferrara, upon the pretext that the prelates at Basel were schismatics because they had opposed him. In this he succeeded, and negotiations were commenced for settling the terms of union between the Greek and Latin Christians. These lasted for some time. The pope insisted that the primacy denied him at Basel should be recognized, but the Greeks refused. The controversy was attended with a great deal of violence, but no compromise was agreed upon at Ferrara.

The pope issued another bull transferring his council from there to Florence, where it could be more directly surrounded by Italian influences, and, consequently, more subject to his dictation. After it reached Florence, much time was consumed in discussions about the procession of the Holy Ghost, and the phraseology to be used in expressing the nature and extent of the pope's power. He desired an unqualified expression of his primacy over both spirituals and temporals—the very opposite of what had been declared at Constance and Basel. His object was to have it so broadly set forth as to show that his power was plenary over everything, including councils, and even the canons of the Church. To this the Greeks were unwilling, because such a concession by them would admit the inferiority of the Church at Constantinople to that at Rome; whereas they had always maintained that each of them possessed equal authority within its own jurisdiction. They would not consent to go farther than the First Council of Constantinople had gone, more than a thousand years before, which was to concede to Rome the first rank of honor, on account of its having been the old imperial city. This they

insisted would be sufficiently indicated by a decree which should provide for the primacy of the pope, within the limitations fixed by the decrees of the ecumenical councils and the canon law—that is, that in the exercise of his primacy he should obey these.

The issue was a very plain one, and required the employment of an unusual degree of diplomatic skin on the part of the pope and his adherents. He was dealing exclusively with those who had been cut off from the Roman or Latin Church by the sword of excommunication, and were therefore heretics; and his manifest object was to entrap them into an agreement as to the extent of his power, which he could fling into the faces of the Latin Christians. These latter were then regularly assembled in the council at Basel, from which he had been able to draw off only the Italian prelates and a few others, leaving the great bulk of the Church still faithful to the decrees of the Council of Constance. And the pope understood perfectly well that, if the sentiment of the Latin Christians were honestly expressed, it would remain thus faithful. Therefore he employed the utmost skill and assiduity in procuring such an act of assent from the Greek heretics as would enable him to set up some claim of right to resist this sentiment, and to disregard the decrees of Constance and Basel. In other words, he desired to employ the Greeks only for the purpose of subverting one of the fundamental principles of faith in the Latin Church, that he might be enabled thereby to bring the whole Church to his feet, and make the pope alone, as its infallible head, the sole custodian of all its authority, the sole guardian of all its rights, and the sole dictator of its faith. How far this papal artifice succeeded will appear in the sequel.

As furnishing one of the best modes of interpreting the result, it is necessary to observe that the chief action of this Council of Florence was in the nature of a treaty between the pope and the Patriarch of Constantinople, and their followers, with reference alone to a union between the Latin and Greek Christians, and not for the settlement of questions of faith. Certainly, it cannot be pretended by anybody that the Greeks had any authority whatever to decide upon matters of faith, so as to bind the Latin Christians, until they had first made such atonement as would remove the sentence of excommunication, and restore them to Christian fellowship. Their visit to the West, and all these negotiations, had this principal object; and therefore what they did or assented to cannot, in any just sense, be considered as a part of the faith, unless also assented to by such regularly constituted authorities of the Church as were then recognized as having the right to bind the Church.

The parties had no special difficulty in agreeing to such general terms as would express the primacy of the pope, and his headship over the Universal Church. They, however, understood these terms differently. The pope considered them as a concession of his infallibility, along with that degree of spiritual power which included jurisdiction over temporals; while the patriarch and the Greek Christians understood them as conferring the utmost degree of honor, but no such authority as should justify the pope in invading their local jurisdiction.

The Greeks not being disposed to make the concession in the former sense, it became necessary to insert some terms of limitation or qualification which

should serve to interpret the meaning of the treaty, in order to obtain their assent. The pope proposed to insert, after the words declaring his primacy, and power to feed, rule, and govern the Church, these words, "According to Scripture and the writings of the saints." ("Latin Christianity," by Milman, vol. viii., p. 46 (note).) But to this the Greeks could not, of course, consent without surrendering everything. They could easily see that the proposition had the stamp of trickery about it.

Finally, however, a treaty was agreed to wherein the words proposed by the pope were so changed as to express the idea that the pope had the power, as the head of the Church, to govern it, according to the acts of ecumenical councils and the canons of the Church. To this we must refer presently, in order to see what its precise meaning is, since it is the basis of the papal claim of infallibility; but, whatever its meaning is, it was the best the pope could do. It may be fairly supposed that he was only reconciled to it in that form, because he saw the possibility of so perverting its terms as to base the claim of infallibility upon it and his own superiority to councils; especially if the Greeks should withdraw from it, and he should be left alone as the only contracting party authorized to interpret its meaning. At all events, he soon found himself in this position; for the Greek Christians at Constantinople, when they learned what had been done, disagreed to and repudiated the treaty of settlement, and thus the effort at union proved abortive, and the compact made at Florence fell to the ground. This left it, of course, entirely worthless for all practical purposes, unless the pope could secure influence enough to gather up its repudiated provisions and impose them upon the Latin Christians as the law of the Church, in opposition to the decrees of Constance and Basel; in other words, unless he could reduce the Latin Christians to such a degree of submission and obedience as to compel them to accept their faith, not from their own legally constituted and assembled councils, but from the heretical Greeks, merely because, by all sorts of art and intrigue, they had been enticed into an agreement which, if it did elevate the pope, most certainly humiliated the Latin Church.

There is nothing to justify the assertion that the Latin Christians assented to these proceedings at Florence. Those of them who attended the council held there under the auspices of the pope, were only such as he had succeeded in drawing away from Basel. The agreement made there took the form of a consular decree only because it was signed by those who followed the pope. Of the Latins, these were, besides the pope, only eight cardinals, two patriarchs (of Jerusalem and Grado), two bishops, ambassadors of the Duke of Burgundy, eight archbishops, forty-seven bishops, four heads of orders, forty-one abbots, and the Archdeacon of Troyes, ("Latin Christianity," by Milman, vol. viii., p. 47.) only *one hundred and thirteen* in all; while the council at Basel was attended by the recognized representatives of all the remainder of the Latin Christians, and had the sanction and approval of the Roman Catholic princes.

Consequently, when the Greek Christians refused to be bound by the treaty, the only support it had left, in all Christendom, was this schismatical faction of the pope. The Council of Basel still represented the Church, and continued its sessions. It reaffirmed its previous decree, and that of

Constance, wherein it was declared that a council was superior to the pope, and more formally than before deposed Eugenius IV. When this formal act of deposition was passed, there were thirty-nine prelates and nearly three hundred ecclesiastics present about three times as many as signed the decree at Florence! They declared him "disobedient to the commands of the universal Church; one that persists in his rebellion, a *violator and contemner* of the Holy Synodical canons; a disturber of the peace and unity; one that gives open scandal to the whole Church—simoniacal, perjured, incorrigible, schismatical, heretical, etc." This was, undoubtedly, the act of a large majority—in fact, of nearly the whole—of the Latin Christians, speaking in the only mode then known to their Church organization.

Du Pin says that at that time "some prelates" were with the pope at Florence, and we have seen that their number was insignificant compared with that of those who remained at Basel. Consequently, the Baselian fathers, after having deposed Eugenius IV., were compelled to elect a successor to him. They did elect Felix V. The combat now thickened, and bulls and other papal weapons were hurled, from side to side, with no less fierceness than velocity. Pope Eugenius flung his bull at the head of Pope Felix, declaring him heretical and schismatical, and excommunicating all his supporters—that is, condemning to eternal perdition all the Baselian fathers and the bulk of the Christian world—for daring to deny to him the right to clothe himself in the robes of deity. The Council of Basel retaliated by declaring the bull null, and signified their contempt of it by consecrating Felix as pope.

The struggle waxed warmer and warmer. Deputies from each party were dispatched to secure the approbation of the princes. The Kings of France and England hesitated, and desired a compromise. Arragon, Hungary, Bavaria, Poland, and Austria took the side of Felix and the Baselian prelates. The universities of Paris, Germany, and Cracow wrote theses acknowledging Felix, and maintaining the authority of councils above popes. Another general council was suggested, but neither party would agree to it. And the consequence was that the schism thus created by Eugenius in attempting to force the recognition of his infallibility upon the Church, and to destroy a legally convened ecumenical council, lasted until his death, which occurred after the councils of Basel and Florence had both terminated their sessions.

Nicholas V. was elected pope by those who espoused the cause of Eugenius. Being of a meek and peaceful temper, he agreed to the suggestions of the princes with a view to compromise. The final result was such an accommodation of the difficulty upon the conditions that Felix should resign and be made chief cardinal, that all the excommunications and censures on both sides should be revoked, and that "also the decrees, dispositions, and regulations they had made should be confirmed." This arrangement was carried into effect, and Nicholas V. issued a bull accordingly, approving the decrees of both the Council of Florence and that of Basel!

What there was, in all these proceedings, indicating the presence and special direction of the Holy Spirit, it would be hard to find. The conduct of Pope Eugenius was characterized by violence, passion, malevolence, and perfidy—an entire absence of Christian charity and love. If he had lived, the schism would, in all probability, have inflicted still greater injury upon the

Church. But it was healed, for the time being, by the pacific temper of Nicholas V., and comparative quiet was restored. (\*)

\* Du Pin, vol. xiii., pp. 28-56; Cermenin, vol. ii., pp. 118-120; "Church of France," by Jervis, vol. i., pp. 94- 98; "Latin Christianity," by Milman, vol. vii., ch. xii., vol. viii., chh. xiii., xiv; "Mosheim's Church History," by Maclaine, vol. i., pp. 416-418.

The Roman Catholic Church rejects the Council of Basel, and accepts that of Florence as ecumenical. The latter, manifestly, has no just claim to that character; or certainly less claim to it than the former, which undoubtedly represented a majority of the Latin Christians. It has been suffered to acquire this character, however, because the popes and those passively obedient to them have been permitted to make up the history of the Church; and they, favoring their own infallibility, and desirous of the power it gives them, have rejected the Council of Basel, which really represented the Universal Church, and the sentiments of the Christian world, far more than did the papal faction at Ferrara and Florence. The assembly at Florence can not be called ecumenical in any proper sense, because there is nothing to show that it represented the Universal Church.

That at Basel was ecumenical for a time, at all events, even according to the papal rule. When Eugenius solicited delay in its proceedings, and agreed, in consideration of its being granted, that he would sustain its action and approve its decrees, he knew that the decree declaring the council above the pope had been passed. He must be understood, therefore, as having by this act made that decree a part of the law of the Church, according to the recognized forms of procedure. True, he supposed he could change it, and resorted to falsehood and intrigue to do so. But having failed in this, the only course left him was to assemble a seceding faction of his own, entice the Greeks to join it, cause it to enact a new decree, and then employ all the authority of the papacy to bring the Church to accept it as an ecumenical council. Even this, however, does not help the supporters of the pope's infallibility out of the difficulty—for Pope Nicholas V. afterward approved the decrees of the Council of Basel, which, according to their theory, makes them a necessary part of the faith, whether the council enacting them was ecumenical or not. But he also approved those of Florence, which, of course, had been also approved previously by Eugenius.

What then? There is but one common-sense view of it: if Florence decreed in favor of the pope's infallibility and Eugenius approved it, Basel decreed against it and Nicholas approved that! Were they both infallible? If so, then the act of one was what the lawyers would call a set-off against that of the other. If neither was infallible, then the act of Nicholas, being the last in point of time, must be held to be of more weight than that of Eugenius; or else Nicholas must be put in the singular attitude of having approved two decrees directly in conflict with each other! This would certainly require infallibility—though the integrity of such an act might well be questioned.

But if it be conceded that the Council of Florence was ecumenical, and that it did regularly enact a decree in reference to the primacy of the pope, as



the advocates of papal infallibility now insist, we are brought to the point of inquiring what that decree in point of fact was—whether it went to the extent asserted, or stopped short of it.

If the reader will keep in mind the circumstances already detailed explaining the difficulty the pope encountered in bringing the Greeks to enter into the treaty in reference to his primacy, it will materially aid him in satisfactorily interpreting what follows.

The Jesuits regard what they call the decree of the Council of Florence as furnishing one of the strongest arguments in favor of their theory of infallibility; and Weninger, true to their cause, gives the whole of it in these words:

“We define that the Apostolic See, that is, the Roman pontiff, has the right of primacy over all the churches of the world; that the Roman pontiff is the successor of St. Peter; that he is the very vicar of Christ, the head of the whole Church, the father and teacher of all the faithful; that in the person of Peter he was entrusted by our Lord with full power to feed, direct, and govern the whole flock of Christ. Such is manifestly the doctrine taught by the acts of the general councils, as well as by the sacred canons.” (\*)

\* “Apostolical and Infallible Authority of the Pope,” by Weninger, p. 148. He gives the Latin thus: “Definimus sanctam Apostolicam sedem et Romanum Pontificem in universum orbem terrarum primatum tenere, et ipsum Romanum Pontificem successorem esse Beati Petri, principis Apostolorum, et verum Christi vicarium, totiusque ecclesix caput, et omnium Christianorum patrem et doctorem existere, et ipsi in Beato Petro pascendi, ret gendi et gubernandi universalem ecclesiam a D. N. J. C. plenam potestatem traditam esse, quemadmodum etiam in gestis (Ecumenicorum Conciliorum et in Sacris Canonibus continetur.” See, also, “Delineations of Romanism,” by Elliott, London ed., by Hannah, p. 607 (note).

Weninger’s book is so full of errors and misquotations as to excite suspicion against the integrity of much that he has said; and where we find him differing with such an author as Du Pin, if the question rested alone between them, the preference should be given to the latter. There is no difficulty about that part of the decree which precedes the power to feed, etc. Du Pin makes it confer the primacy, with “power to feed, to rule and govern the Catholic Church, as it is explained in the acts of ecumenical councils, and in the holy canons;” thus confining it within the limitations prescribed by the latter. But Weninger goes further, and represents the decree as conceding the primacy as an independent and substantive power, with no limitations whatever upon it; and then, beginning with a new sentence, makes it declare that “such is manifestly the doctrine taught by the acts of the general councils, as well as by the sacred canons.”

This rendering of the decree is false at the very point upon which its whole meaning turns. The decree is in a single sentence, as the Latin in the last note will show. To be understood correctly, all its parts must be taken together, not detached. But Weninger very deliberately divides it into two sentences. He takes out the *comma* after the words “traditam esse,” in the

original, and substitutes a *period* for it—thus closing the sentence. And then he translates the remainder (“quemadmodum etiam,” etc.), so as to make it mean, independently of what had preceded, that the same degree of primacy which the first sentence conceded was conferred by the councils and the canons. A school-boy ought to detect this false translation, as almost any one would with the original before him. The words “quemadmodum etiam” mean “as also,” and cannot be tortured into such a meaning as Weninger has given them.

Retaining the comma, then, in its proper place, and leaving the decree one continuous sentence, as it is in fact, the last clause should be rendered, “as also is contained in the acts of the ecumenical councils and the sacred canons;” making the two clauses dependent upon each other, and the last referring to and qualifying what precedes it. This meaning is equivalent to that given by Du Pin, “as it is explained in the acts of the ecumenical councils and in the holy canons;” and substantially like that given by Milman, “according to the canons of the Church.” (Milman, vol. viii., ch. xiv., p. 46.)

The true meaning undoubtedly is this: that the power and primacy of the pope exist just in that degree which is expressed by the councils and in the canons. To have declared the pope infallible, and to have followed it up with the assertion that he was also so declared by the councils and in the canons, would have been false in point of fact—for the very last preceding ecumenical council had decreed precisely the reverse, and there was no existing canon to that effect outside the “constitutions” of the popes themselves. And, besides, the Greeks, who were jealous of Rome, would manifestly not have agreed to a treaty of union with the Latin Church if it—had been understood that they thereby surrendered their independence within their accustomed jurisdiction, and subjected themselves entirely to the dominion of an infallible pope at Rome.

Construing the treaty in the light of the actual relations then existing between the two churches, it must be understood that the Greeks intended to concede nothing more than they had conceded at the first Council of Constantinople; that is, that the Roman Church had the primacy of honor, and nothing more, except such authority as had been from time to time granted by the councils and the canons. (\*)

\* A distinguished British prelate, Monsignor Capel, in defending the Church against the attack of Mr. Gladstone, quotes this decree of the Council of Florence to prove that the pope’s infallibility was established by it. He shows the falsity of Weninger’s translation, and substantially confirms that of Du Pin, by giving the words “quemadmodum etiam” their true rendering. He thus quotes the latter part of the decree: “the full power of feeding, ruling, and governing the Universal Church: as also is contained in the acts of the ecumenical councils and in the sacred canons.”—*New York Tablet*, December 12th, 1874, p. 450. But he commits an error also in this: that he, like Weninger, takes out the comma, but substitutes a colon for it thus designing to show that the words which follow have no necessary dependence upon the previous part of the sentence. He does not pretend to any such translation as that given by Weninger, although, by this introduction of a colon, he evidently intends to convey the same idea, which does violence to the language

of the original.

The Rev. Dr. M'Glynn addressed a large audience in the hall of Cooper Institute, New York, December 27th, 1874, in what is called an "eloquent answer to England's fallen statesman!" After such reckless statements as, that the pope presided, by his legates, over the Council of Nice; and over all subsequent councils, either in person or by his legates, he quotes the decree of the Council of Florence in the precise words of Weninger—from whose book he probably took it, without looking to see whether it was truly or falsely given. He also refers to the language of the pope's legate in an address to the Council of Ephesus, in 430, to show that the legate claimed infallibility for the pope, and that the council acquiesced in it; whereas the fact is that the Council of Ephesus was convoked by the Emperor Theodosius, was presided over by Cyril, Bishop of Alexandria, and decided the controversy upon which it was called to act by deposing Nestorius, before the arrival of the pope's legates!—Du PIN, vol. iii., pp. 195-201.

During the remainder of the fifteenth century, after the proceedings at Florence had ended, the popes were undisturbed both in the claim and exercise of authority, except as they brought themselves in contact with princes. But their efforts to have it accepted as universal were in no manner slackened. Under the influences exercised by them the discipline of the Church had become so relaxed that, in 1512, the Fifth Lateran Council was convened by Pope Julius II. to provide, in some effective mode, for its re-establishment. And this brings us to the inquiry whether or not papal infallibility was so decreed by this council as to make it binding upon the whole Church. This cannot be decided satisfactorily without understanding also the true character of that council, and the circumstances which led to it.

At the time of the Council of Basel the French Church occupied an anomalous position toward the papacy. Realizing that the popes were endeavoring to encroach upon its ancient liberties, and that to concede to them superiority over general councils would enable them to do so, it moved with as much caution as possible, consistently with the preservation of its boasted independence. Therefore, the King of France, Charles VII., instead of giving an open adhesion to the Baselian decrees, favored a compromise of the disagreement between the two councils—Basel and Florence rather than an open rupture. At the same time, he was unwilling to concede to the pope his asserted supremacy. Finding, however, that both parties were driven to extremities—each anathematizing the other as schismatical and heretical—no other course remained to him but independent action. Accordingly, he assembled a national council at Bourges, in 1438, by which was promulgated the "Pragmatic Sanction of Bourges," which not only asserted the right of councils to legislate for the Church and to control the pope by its canons, but went even further, and insisted upon the authority of a national council of France to legislate for the French Church. Thus, upon the vital question out of which the issue between the two rival councils had arisen, the French Christians took the side of the Baselian fathers, maintaining the decrees of the Council of Constance; but from motives of expediency merely they refused to recognize the deposition of Eugenius, and rejected the claims of Felix V.

These contradictory movements had their origin in state policy far more than

in the necessities and interests of Christianity. These latter were of secondary consideration both with the pope and the king—the principal motive with each being the acquisition of temporal power. The pope, of course, was deadly hostile to the “Pragmatic Sanction,” while the king was determined to maintain it. The former and his adherents insisted that, by virtue of his supremacy, he had the power to revoke the authority of the Council of Basel, and that, although it was ecumenical at the beginning, all its decrees passed subsequent to his act of revocation were void. On the other hand, the king claimed that the pope’s approval of its decrees previous to the calling of the council at Ferrara made valid that which asserted the superiority of councils; and that as the council was assembled with the assent of the pope, his sanction related to all the decrees passed by it during its entire session. And hence, as the “Pragmatic Sanction” was but a re-affirmance of the decree passed at Basel, therefore it also had the implied, if not express, sanction of the pope. (Jervis, vol. i., pp. 97-99.)

The “Pragmatic Sanction” became the statute-law of France by enactment of Parliament. It was fiercely denounced by several popes in the language of denunciation so familiar to them. But all their efforts to get it out of the way were unsuccessful during the reign of Charles VII. Under that of Louis XI. they were attended with better results so far as the papacy was concerned. This arbitrary monarch, influenced by both papal flattery and threats, revoked the sanction by an imperial decree, utterly disregarding the will of the French Christians and the dignity of France.

Upon the question of his authority to do this, he and the pope were fully agreed—each maintaining the “divine right” of kings and princes to rule without regard to the wishes of the people. But they disagreed upon another point: Louis supposed that the rescission of the Sanction would give him the whole power, as king, to control the Church in France; whereas, as soon as the act was consummated, the pope claimed all this power for himself, and so exercised it as to sow the seeds of corruption broadcast all over France, and to cause both him and the king to be held in contempt by the French Christians. Parliament now interfered, and declared the king’s act of revocation illegal, which left the principles of the “Pragmatic Sanction” in force.

Yet the restoration of the papal authority consequent upon the conduct of the king had produced such results that the French Church became paralyzed by the blow. This paralysis continued until the reign of Louis XII., who formally re-established the Sanction. Julius II. was then pope, and immediately assumed a hostile attitude toward the king. This led to remonstrances on the part of the French clergy, who insisted upon a general council to settle over again the points of disagreement. To this Pope Julius would not consent, fearing a repetition of the decrees of Constance and Basel. His refusal induced the King of France and the Emperor of Germany to take steps on their own responsibility to have a council convened.

Having obtained the acquiescence of nine cardinals, these latter called a council to meet at Pisa in 1511. The pope now became both embarrassed and incensed, and, like his predecessor, Eugenius IV., immediately inaugurated measures to prevent, if possible, the re-enactment of the decrees of

Constance and Basel the question what was, or was not, the true faith being of far less concern to him than the gratification of his ambition. For this purpose he called a council at Rome, which would be more under his control than that at Pisa, and summoned the prelates who had appointed the latter council to attend his, at his Palace of the Lateran, in 1512. He threatened to degrade them of their dignity, and deprive them of their benefices, if they did not attend. Disregarding both his summons and threat, they opened the council at Pisa, asserting their right to do it, under the protection of the princes at whose instance they had acted, independently of the pope. It was attended by four cardinals in person, the procurators of three others, two archbishops, thirteen bishops, five abbots, several doctors of law and divinity, and the deputies of the universities of France. This council renewed the decrees of the councils of Constance and Basel, concerning the authority of councils over the pope, and adjourned to meet at Milan, where they endeavored to have the pope to meet with them, in order to decide upon the necessary measures of reform. This he refused, and they at last proceeded to declare him contumacious and schismatic, and to suspend him from the administration of the papacy.

The Council of Pisa then came to an end. And although it had not at any time any authority as an ecumenical council, and only serves to show how large a portion of the Christians of Europe refused to admit the supremacy claimed by the pope, yet its decree suspending the pope was accepted in France, where the king, Louis XII., forbade his subjects any longer to regard Julius II. as pope, or to pay any attention to his bulls. The pope replied by excommunicating the king, putting France under an interdict, and releasing his subjects from their oath of allegiance. And thus the contest between these royal representatives of the "divine right" waxed to an exceeding degree of warmth. (Du Pin, vol. xiii., pp. 17-19; Jervis, vol. i., pp. 100-103; Fleury, livre cxxii., 115-117; *apud* Jervis. )

The council called by Julius II.—the Fifth Lateran—met in Rome in 1512. It was certainly not ecumenical at the beginning, having no juster claim to be so considered than the assemblage at Pisa, unless the pope's claim of supremacy is primarily conceded. The word "ecumenical" has but one meaning—that of universal. Ecumenical councils are designed to give expression to the universal faith, and, therefore, in all the early ages of the Church, they constituted "the highest courts of judicature in all dogmatic discussions." (Alzog, p. 677.) But they obtained that character only by virtue of the fact that they represented the entire Church; that is, included all the episcopate. If they did not do this, they had no just jurisdiction over matters pertaining to the Universal Church; or, in other words, could not decide questions of faith.

Measured by this rule, the Fifth Council of Lateran was certainly not ecumenical at its commencement, because the whole Church was not represented there. There were no prelates from England, France, Germany, Spain, Austria, Bohemia, Poland, Hungary, or any other part of the Christian world outside of Italy; and only those who lived alone upon the favor and patronage of the pope. Du Pin says they were "all Italians," except some abbots. Thus far, then, it was entirely factious, like that at Ferrara; both factions having

their origin in precisely the same motive. Did it afterward become ecumenical? Its original character was not changed during the life of Julius II., although, with it that time, it had declared annulled all the proceedings at Pisa, confirmed the bull against the King of France, and fiercely attacked the Pragmatic Sanction. It had also summoned all its supporters to appear and show cause why it should not be revoked.

At this point, the death of Julius II. occurred, and Leo X. became pope. Being of the princely family De' Medici, of Florence, he entertained more enlarged views than Julius II., and the King of France was encouraged by hopes of a satisfactory reconciliation with him. Accordingly, he sent his ambassadors to the council, and renounced the proceedings at Pisa. The King of Spain and the Emperor of Germany did the same; and the prelates who had assembled at Pisa also attended the council. The French bishops had not yet done so. The king stipulated that they should, but the time was postponed till the latter part of the year 1516, when the council was to hold its eleventh session. Before that time arrived, Louis XII. died, and Francis I. became King of France. With him and the pope the question now became one of diplomacy, the interests of the Church still remaining secondary.

A diplomatic ambassador was sent to Rome, and finally came to a compromise with Leo X., by abrogating the Pragmatic Sanction and substituting the celebrated Concordat of Bologna in its place. Each of the parties to this arrangement supposed himself the gainer—the king by being made the head of the Church in France, and the pope by being enabled to collect annats or imposts in France, which had been denied by the Pragmatic Sanction. The pope exchanged a share of the spiritual right claimed by his predecessors for this temporal advantage.

But France was not as easily reconciled as the king. The Parliament resisted the Concordat, and adhered to the Pragmatic Sanction. The University of Paris did the same. An appeal to a general council was insisted on—that at Rome not being so considered. The king, becoming incensed at this resistance to his royal will, denounced these proceedings as seditious, and undertook to enforce the Concordat by despotic power.

In the meantime the period fixed for the eleventh session of the Lateran Council had arrived, and the session was held without the attendance of any of the French clergy. Nothing had transpired to give it universality, inasmuch as many parts of the Christian world yet remained unrepresented in it. It still retained its original Italian character, and was, to all intents and purposes, the pope's council, and not that of the Church. And yet it was at this eleventh session of the council that a decree was passed which, it is now claimed, recognizes the pope's infallibility. The foregoing facts show, if such a decree was passed, that it was not binding on the Church as a part of its faith; and the fact that it was not so considered by the Church is fully established by subsequent events.

But no such decree was, in point of fact, passed by the Fifth Lateran Council. The facts are these: the pope issued a bull abrogating the Pragmatic Sanction, affirming the Concordat, and declaring that he had authority above councils, and full power to call, remove, or dissolve them at will. He also

renewed the bull of Boniface VIII called *Unam Sanctam*, which asserted the supremacy of the pope over the world, both in spirituals and temporals. When this bull was read in the council, it was "approved by all the bishops" except one, says Du Pin. (Du Pin, vol. xiii., pp. 22-25; Jervis, vol. i., pp. 107, 108; Maclaine's "Mosheim's Chutirch History," vol. ii., p. 9.)

There was no freedom either of discussion or of will. It was simply a strong man, as Leo X. was, commanding and exacting obedience by the superiority of his own will. There was no decree about it—nothing but the simple approval of the pope's bull. And, consequently, this is to be taken merely as the assent to it by those prelates who were present; which was in no way binding upon those who were not present. The Church, as such, was not represented in the council, and consequently did not assent to its action, whatever it may have been. The French Christians resisted the whole thing, continued to adhere to the Pragmatic Sanction, and to resist the Concordat. And therefore the defenders of the pope's infallibility can not, with any propriety whatever, insist that the Fifth Lateran Council made it a part of the law of the Church. What was done by the Ecumenical Council of Trent upon this subject is more readily disposed of; although this was the most important of all the councils, and its various sessions were held from 1545 to 1563. In its decree for general reformation it is provided that "they will be obedient to the constitutions of the pope, and of councils, determining that all constitutions of general councils, and of the Apostolic See, in favor of ecclesiastical persons and liberty, shall be observed by all."

In another decree, which was held back until the final session, and was "never mentioned in any congregation," it was provided that in all the decrees of reformation made in the council, under the three previous popes, "the authority of the Apostolic See is excepted and preserved." ("History of the Council of Trent," by Sarpi, pp. 756, 757.) That this council intended to enlarge the power of the papacy to the utmost extent there is no sort of doubt.

Its final action was mainly controlled by Italian bishops from Rome—the tools of the pope; and they would listen to nothing that limited his power. The French ambassador present, writing to the king, said, "They will give ear to nothing that may hinder the profit and authority of the Court of Rome. Besides, the pope is so much master of this council, that his pensioners, whatsoever the emperor's ambassadors or we do remonstrate unto them, will do but what they list." (*Ibid.*, p. 783.)

But it will be observed that neither of these decrees asserts the doctrine of the pope's infallibility. The most they do is to assert that the Church is to be governed by the constitutions of the popes and the canons of councils. They do not decide, nor did the Council of Trent at any other time decide, which of the two should prevail when the constitutions of the popes and the canons of councils came in conflict. The general terms employed embrace all the councils. And as one canon of the Council of Constance declared that the pope was inferior to a council, and no ecumenical council, as we have seen, has repealed that canon, therefore it is included in the decree of the Council of Trent. Besides, it is said that the faith never changes—that it never can change. This being true, the canon of Constance was a part of the

faith after that council had adjourned; and must have continued so up to the Council of Trent, and could not be changed by it. Therefore, the Council of Trent, while it went as far as it dared to go to give supremacy to the pope, must be considered as denying his infallibility, because they did not affirm it. If they had intended to affirm it, they would have required obedience to him alone, as the late Lateran Council has done, and not to him and the canons of councils conjointly. Requiring the faithful to look to the constitutions of popes and the canons of councils is almost an express denial of the pope's infallibility.

Yet it is true that the Council of Trent did not expressly place any limitation upon the power of the pope. It left it as it found it, but somewhat augmented in strength by the failure to place a curb upon it. While it conceded to the pope the power to interpret its canons, and thereby gave him great control over the faith, yet it did not give him the power to set aside existing canons, or to make new ones. Therefore it stopped short of declaring him infallible. And so Pius IV. understood it when, in 1564, he promulgated the creed, founded upon existing canons, which has been since re-proclaimed by Pius IX. and remained as the faith of the Church up to the late Lateran Council.

That creed requires that interpretation of the Scriptures to be accepted which has "the unanimous consent of the fathers;" and, while it enjoins "true obedience to the Roman pontiff," it does not concede to him the power to set aside this "unanimous consent" and substitute his own interpretation for it. That remained for the late council, which has so changed the creed as to require it now to mean that the "true obedience to the Roman pontiff" which is now enjoined is to accept that interpretation of Scripture which he, and not the fathers, shall give! Does not this change the old faith, and substitute a new one for it?

Now, it is undoubtedly true that those who, by this change of faith, have elevated the pope above the fathers and all the great councils of the Church, by assigning to him equality with God on earth, have done so because they hope thereby to be able to bring the world back again into that condition in which it was when the popes did exercise the utmost plenitude of power by usurpations they were strong enough to maintain. Every intelligent reader knows what that condition was; but it is nowhere more graphically portrayed, in so far as the popes were concerned, than by the greatest of Italian historians, who was a personal observer of the passing events just preceding the Council of Trent. After enumerating some of the usurpations by which the popes had obtained their ascendancy over princes and peoples, he says:

"Being raised by these steps unto earthly power, they laid aside by little and little the care of souls and of divine precepts: so that setting their affections wholly upon earthly greatness, and using their spiritual authority only as an instrument of their temporal, they seemed rather to be secular princes than priests. After this their care and business was no more sanctity of life, increase of religion, love, and charity toward their neighbor, but armies, and wars against Christians, handling the sacrifices even with bloody hands; but heaping up wealth; but new laws, new arts, new snares to scrape money from all parts. For this end they used their spiritual weapons without



respect, and sold things, both sacred and profane, without any shame at all. The popes and the court thus abounding with wealth, there followed pomp, riot, dishonesty, lust, and abominable pleasures: no care of posterity, no thought of maintaining the perpetual dignity of the papacy; but in place hereof succeeded ambitious and pestiferous desires to exalt their sons, nephews, and kindred, not only to immoderate riches, but to principalities and to kingdoms; bestowing their dignities and benefices not upon virtuous and well-deserving men, but either selling them to those who would give most, or misplacing them upon ambitious, covetous, and impudently voluptuous persons." (Francis Guicciardini, from the fourth book of his "History;" *apud* Sarpi, pp. 781, 782.)

Continued in [Chapter XXII. The Papacy Always Exclusive](#)