

The background of the page is a detailed Renaissance painting. It depicts a large group of men in period clothing gathered in a grand, domed architectural space, likely a church or a public square. The architecture features a large central dome and two prominent side towers with arched openings. In the foreground, a group of men are engaged in conversation, with one man in the center holding a large key. The scene is set against a sky with soft, white clouds. The overall style is characteristic of the High Renaissance, with a focus on perspective and classical architectural elements.

**Appendix**

# **Roman Catholic Church Councils**

*Compiled by J. Alan O'Connor*

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## Introduction

The information compiled herein reflects a dozen or so sources dealing with some specifics of the Roman Catholic Church. Although data had been gathered from activities over the last 1700 years, it is necessary to understand that many opinions simply reflect the Vatican position “take” on history. It is apparent when conflicts have arisen, that so often they seem to be power struggles.

The outline of Councils in Section 2 is far from complete. It is meant only to be a brief review of some issues that had been addressed. The next component, “Roman Catholic Councils-

Function and Authority” speaks to rules, regulations and structure (mainly that of the Vatican authorities and loyalists’ concept) As seen in this and other sections, historically there has always been a wide range of dissenting opinion.

Two major Councils, Trent and The Vatican Council, were explored because of their impact on modern religious attitudes and beliefs.

The vital need to address a variety of negative issues was identified as early as 1518, but it wasn’t until 1545 that Trent finally got underway, lasting 18 years.

The Vatican Council of 1869, Section 5, concludes this review. There were only two dogmatic Constitutions, one entitled “on the Catholic Faith” and the other, “the Church of Christ” (normally referred to as “on the Pope of Rome”). This Council will probably be remembered for Pius IX’s Infallibility decree.

Since the Twenty-first Ecumenical Council: Second Vatican Council (1962-1965) popularly known as “Vatican II”, is only 25 years old, it is still being analyzed. Some details are reviewed in Section 2.

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## Church Councils

### Ecumenical

#### First Ecumenical Council: Nicaea I (325)

The Council of Nicaea lasted two months and twelve days. Three hundred and eighteen bishops were present. Hosius, Bishop of Cordova, assisted as legate of Pope Sylvester. The Emperor Constantine was also present. This council developed The Creed (Symbolum) of Nicaea, defining against Arius the true Divinity of the Son of God (homoousios), and the fixing of the date for keeping Easter (against the Quartodecimans).

#### Second Ecumenical Council: Constantinople I (381)

The First General Council of Constantinople, under Pope Damasus and the Emperor Theodosius I, was attended by 150 bishops. It was directed against the followers of Macedonius, who attacked the Divinity of the Holy Ghost. To the Nicene Creed, it added the clauses referring to the Holy Ghost and all wording that follows to the end.

#### Third Ecumenical Council: Ephesus (431)

The Council of Ephesus, of more than 200 bishops, presided over by St. Cyril of Alexandria representing Pope Celestine I, defined the true personal unity of Christ, declared Mary the Mother of God (theotokos) against Nestorius, Bishop of Constantinople, and renewed the condemnation of Pelagius.

#### Fourth Ecumenical Council: Chalcedon (451)

The Council of Chalcedon -- 150 bishops under Pope Leo the Great and the Emperor Marcian -- defined the two natures (Divine and human) in Christ, which had been opposed by Eutyches, who was then excommunicated.

#### Fifth Ecumenical Council: Constantinople II (553)

The Second General Council of Constantinople, of 165 bishops under Pope Vigilius and Emperor Justinian I, condemned the errors of Origen and certain writings (The Three Chapters) of Theodoret, of Theodore, Bishop of Mopsuestia and of Ibas, Bishop of Edessa; it further confirmed the first four general councils, especially that of Chalcedon whose authority was contested by some heretics.

#### Sixth Ecumenical Council: Constantinople III (680-681)

The Third General Council of Constantinople, under Pope Agatho and the Emperor Constantine Pogonatus, was attended by the Patriarchs of Constantinople and of Antioch, 174 bishops, and the emperor. It put an end to Monothelism by defining two wills in Christ, the Divine and the human, as two distinct principles of operation. It anathematized (cursed) Sergius, Pyrrhus, Paul, Macarius, and all their followers.

Seventh Ecumenical Council: Nicaea II (787)

The Second Council of Nicaea was convoked by Emperor Constantine VI and his mother Irene, under Pope Adrian I, and was presided over by the legates of Pope Adrian; it regulated the veneration of holy images. Between 300 and 367 bishops assisted.

Eighth Ecumenical Council: Constantinople IV (869)

The Fourth General Council of Constantinople, under Pope Adrian II and Emperor Basil numbering 102 bishops, 3 papal legates, and 4 patriarchs, eliminated the Acts of an irregular council (conciliabulum) brought together by Photius against Pope Nicholas and Ignatius the legitimate Patriarch of Constantinople; it condemned Photius who had unlawfully seized the patriarchal dignity. The Photian Schism triumphed in the Greek Church; no other general council took place in the East.

Ninth Ecumenical Council: Lateran I (1123)

The First Lateran Council, the first held at Rome, under Pope Callistus II. About 900 bishops and abbots assisted. It abolished the right claimed by lay princes, of ratifying their authority with ring and crosier thus giving that right to ecclesiastical (church authority) and dealt with church discipline and the recovery of the Holy Land from the invaders.

Tenth Ecumenical Council: Lateran II (1139)

The Second Lateran Council was held at Rome under Pope Innocent II, with an attendance of about 1000 prelates and the Emperor Conrad. Its object was to end the errors of Arnold of Brescia.

Eleventh Ecumenical Council: Lateran III (1179)

The Third Lateran Council took place under Pope Alexander III, and Frederick, the emperor. There were 302 bishops present. It condemned the Albigenses and Waldenses and issued numerous decrees for the reformation of morals.

Twelfth Ecumenical Council: Lateran IV (1215)

The Fourth Lateran Council was held under Innocent III. Present were the Patriarchs of Constantinople and Jerusalem, 71 archbishops, 412 bishops, and 800 abbots, the Primate of the Maronites, and St. Dominic. It issued an enlarged creed (symbol) against the Albigenses and published 70 other reformatory decrees. This is the most important council of the Middle Ages, and

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it marks the culminating point (or firming) of ecclesiastical life and papal power.

#### Thirteenth Ecumenical Council: Lyons I (1245)

The First General Council of Lyons was presided over by Innocent IV; the Patriarchs of Constantinople, Antioch, and Aquileia (Venice), 140 bishops, Baldwin II, Emperor of the East, and St. Louis, King of France, assisted. It excommunicated and deposed Emperor Frederick II and directed a new crusade, under the command of St. Louis, against the Saracens and Mongols.

#### Fourteenth Ecumenical Council: Lyons II (1274)

The Second General Council of Lyons was held by Pope Gregory X, the Patriarchs of Antioch and Constantinople, 15 cardinals, 500 bishops, and more than 1000 others. It effected a temporary reunion of the Greek Church with Rome. Means were sought for recovering Palestine from the Turks. It also laid down the rules for papal elections.

#### Fifteenth Ecumenical Council: Vienne (1311-1313)

The Council of Vienne was held in that town in France by order of Clement V, the first of the Avignon popes. The Patriarchs of Antioch and Alexandria, 300 bishops (or only 114 according to some authorities), and 3 kings -- Philip IV of France, Edward II of England, and James II of Aragon -- were present. The synod dealt with the crimes and errors blamed on the Knights Templars, the Fraticelli, the Beghards, and the Beguines, with discussions of a new crusade, the reformation of the clergy, and the teaching of Oriental languages in the universities.

#### Sixteenth Ecumenical Council: Constance (1414-1418)

The Council of Constance was held during the great Schism of the West, with the objective of ending divisions in the Church. It became legitimate only when Gregory XI had formally convoked it. Owing to this circumstance it succeeded in putting an end to the schism by the election of Pope Martin V, which the Council of Pisa (1409) had failed to accomplish because of its illegality. The rightful pope confirmed the former decrees of the synod against Wyclif and Hus. This council is thus ecumenical only in its last sessions and with respect to the decrees of earlier sessions approved by Martin V.

#### Seventeenth Ecumenical Council: Basle/Ferrara/Florence (1431-1439)

The Council of Basle met first in that town, Eugene IV the pope, and Sigismund Emperor of the Holy Roman Empire. Its object was the religious pacification of Bohemia. The council was transferred first to Ferrara (1438), then to Florence (1439), where a short-lived union with the Greek Church was effected. The Greeks accepted the council's definition of controverted (to dispute or oppose by reason) points. Of its decrees, Eugene IV approved only those which dealt with the wiping out of heresy, the

peace of Christendom, and the reform of the Church, and which at the same time did not detract from the rights of the Holy See.

#### Eighteenth Ecumenical Council: Lateran V (1512-1517)

The Fifth Lateran Council sat from 1512 to 1517 under Popes Julius II, Leo X, and the emperor Maximilian I. Fifteen cardinals and about eighty archbishops and bishops took part. Its decrees were mostly disciplinary. A new crusade against the Turks was also planned, but did not take place, owing to the religious upheaval in Germany influenced by Martin Luther.

#### Nineteenth Ecumenical Council: Trent (1545-1563)

The Council of Trent lasted eighteen years (1545-1563) under five popes: Paul III, Julius III, Marcellus II, Paul IV and Pius IV, and under the Emperors Charles V and Ferdinand. Also present were 5 cardinal legates of the Holy See, 3 patriarchs, 33 archbishops, 235 bishops, 7 abbots, 7 generals of monastic orders, and 160 doctors of divinity. It was convoked to examine and condemn many of the issues promulgated by Luther and other Reformers, and to amend the disciplines of the Church. Of all councils it lasted longest, issued the greatest number of dogmatic and reformatory decrees.

#### Twentieth Ecumenical Council: Vatican I (1869-1870)

The Vatican Council was summoned by Pius IX. It met 8 December, 1869, and lasted until 18 July, 1870. Many issues were unresolved and, perhaps that is still the case.

There were present 6 archbishop-princes, 49 cardinals, 11 patriarchs, 680 archbishops and bishops, 28 abbots, 29 generals of orders, in all 803. In addition to canons relating to the Faith and the constitution of the Church, the council decreed the infallibility of the pope when speaking *ex cathedra* (i.e. when as shepherd and teacher of all Catholics) he defines a doctrine concerning faith or morals to be held by the whole Church.

#### Twenty-first Ecumenical Council: Second Vatican Council (1962-1965)

Vatican Council, Second, popularly called Vatican II, 1962–65, the 21st ecumenical council convened by Pope John XXIII and continued under Paul VI. Its announced purpose was spiritual renewal of the church and reconsideration of the position of the church in the modern world. The most impressive innovation of the council, which convened Oct. 11, 1962, was the invitation extended to Protestant and Orthodox Eastern churches to send observers; the meetings were attended by representatives from many of those churches. Another obvious feature was the diversity of national and cultural origins.

One announced aim was to consider reform of the liturgy, primarily to bring the laity into closer participation in church services and to encourage diversity in language and practice. Greater emphasis was also placed upon the pastoral duties of the bishops, as compared to administrative functions. The procedure at the conference allowed for some democratic practices, and there was lively debate between the “progressive” and “conservative” groups.

By the time of adjournment, the council had issued four constitutions, nine decrees, and three declarations. The nature of these statements was conciliatory, avoiding rigid definitions and condemnations.

These included: Constitution on the Sacred Liturgy (permitting vernacularization of the liturgy and stressing greater lay participation in the ritual) and the decree on the media of social communication. The Dogmatic Constitution on the Church (which promotes the principle of episcopal collegiality with the pope), the decrees on ecumenism and on the Eastern Catholic churches, and the proclamation of the Blessed Virgin Mary as the "Mother of the Church." Pope Paul VI opened Session IV (Sept.–Dec., 1965) with the announcement that he was establishing an episcopal synod to assist the pope in governing the church. That final session issued the Dogmatic Constitution on Divine Revelation and the Pastoral Constitution on the Church in the Modern World; the decrees on the bishops' pastoral office, on the renewal of the religious life (the life of the religious orders), on education for the priesthood, on the ministry and life of priests, on the apostolate of the laity, and on the church's missionary activity. There were also declarations on Christian education, on religious freedom, and on the relationship of the church to non-Christian religions (which included an important passage condemning anti-Semitism and recognizing "the bond that spiritually ties the people of the New Covenant to Abraham's stock"). Before the close of the council, Pope Paul began to establish a series of commissions to implement the council's decisions

## General Councils

The following is a summary of only the first five general councils:

Eusebius (*Vita Constantini*, III, vi) mentions that the writs of convocation to the First General Synod were issued by Emperor Constantine, but as not one of those writs is presently available, it remains doubtful whether or not they mentioned any previous consultation with the pope. It is, however, a fact that the Sixth General Synod (680) plainly affirmed that the Council of Nicaea had been convened by the emperor and Pope Sylvester (*Mansi, Coll. Conc.*, XI, 661). The same statement appears in the life of Sylvester found in the "*Liber Pontificalis*". The evidence from the council being, from the circumstances in which it was given, seems to be of sufficient strength to carry the point. The Sixth General Council took place in Constantinople, at a time when the bishops of the imperial city already attempted to rival the bishops of Old Rome, and the vast majority of its members were Greeks; their statement is therefore entirely free from the suspicion of Western ambition or prejudice and probably should be accepted as factual. Rufinus, in his continuation of Eusebius' history (I, 1) says that the emperor summoned the synod *ex sacerdotum sententia* (on the advice of the clergy)- it might be fair to suppose that if he consulted several prelates he did not omit to consult with the Pope.

The Second General Synod (381) was not, at first, intended to be Ecumenical; it only became so because it was accepted in the West. It was not summoned by Pope Damasus as is often contended, for the assertion that the assembled bishops professed to have met as the result of a letter of the pope to Theodosius the Great is based on a



confusion. Vatican documentation as legal evidence often refers to the synod of the following year which was indeed summoned at the instigation of the pope and the Synod of Aquileia, but was not an Ecumenical synod.

The Third General Council (Ephesus, 431) was convoked by Emperor Theodosius II and his Western friend Valentinian III- this is evident from the Acts of the council. It is equally evident that Pope Celestine I gave his consent, for he wrote ( May 15, 431) to Theodosius that he could not appear in person at the synod, but that he would send his representatives. And in his epistle of May 8 to the synod itself, he insists on the duty of the bishops present to hold fast to the orthodox faith, expects them to accede to the sentence he has already pronounced on Nestorius, and adds that he has sent his legates to execute that sentence at Ephesus. The members of the council acknowledge the papal directions and orders, not only the papal consent, in the wording of their solemn condemnation of Nestorius: "Urged by the Canons and conforming to the Letter of our most holy Father and fellow servant Celestine the Roman bishop, we have framed this sorrowful sentence against Nestorius." They express the same sentiment where they say that "the epistle of the Apostolic See (to Cyril, communicated to the council) already contains a judgment and a rule *psepho kai typou* on the case of Nestorius" and that they, the bishops in council, have executed that ruling. All this manifests the bishops' conviction that the pope was the moving and quickening spirit of the synod.

How the Fourth General Synod (Chalcedon, 451) was brought together is seen in several writings of Pope Leo I and Emperors Theodosius II and Marcian. Immediately after the Robber Synod, Leo asked Theodosius to prepare a council composed of bishops from all parts of the world, to meet, preferably, in Italy. He repeated the same request, first made in October, 449, on the following Christmas, and prevailed on the Western Empero Valentinian III together with the empress and his mother, to support it at the Byzantine Court. Once more (in July, 450) Leo renewed his request, adding, however that the council might be dispensed with if all the bishops were to make a profession of the orthodox faith without being united in council. About this time Theodosius II died and was succeeded by his sister, St. Pulcheria, and her husband Marcian. Both at once informed the pope of their willingness to summon the council, Marcian specially asking him to state in writing whether he could assist at the synod in person or through his legates, so that the necessary writs of convocation might be issued to the Eastern bishops. By that time, however, the situation had greatly improved in the Eastern Church- nearly all the bishops who had taken part in the Robber Synod had now repented of their "sins" and signed, in union with their orthodox colleagues, the "Epistola dogmatica" of Leo to Flavian, by this act the need of a council was much less urgent. Besides, the Huns were just then invading the West, preventing many Latin bishops, whose presence at the council was most desirable, from leaving their homes for the journey to Chalcedon. Other motives (the fear that it might be made the occasion by the bishops of Constantinople to improve their hierarchical position). This fear was justified by subsequent events. But Marcian had already summoned the synod, and Leo therefore gave his instructions as to the business to be transacted. He said, in a letter to the bishops who had been at the council, that the synod had been brought together "*ex praecepto christianorum principum et ex consensu apostolicae sedis*" (by order of the

Christian princes and with the consent of the Apostolic See). The emperor wrote Leo that the synod had been held by his authority (te auctore), and the bishops of Moesia, in a letter to the Byzantine Emperor Leo, said: "At Chalcedon many bishops assembled by order of Leo, the Roman pontiff, who is the true head of the bishops".

The Fifth General Synod was planned by Justinian I with the consent of Pope Vigilius (q.v.), but on account of the emperor's dogmatic pretensions, quarrels arose and the pope refused to be present, although repeatedly invited. His Constitutum of May 14, 553, to the effect that he could not consent to the cursing of Theodore of Mopsuestia and Theodoret, led to open opposition between pope and council. In the end all was righted by Vigilius approving the synodal decrees.

Three of these synods were each called by the emperors of the time with the "consent and assistance" of the popes.

## SECTION 3

### Roman Catholic Councils Function and Authority

#### The Pope and General Councils

The relations between the pope and general councils must be defined as to the function of councils in the Church, of their rights and duties, and authority. The traditional phrase, "the council represents the Church", associated with the modern notion of representative assemblies, is apt to lead to a serious misconception of the bishops' function in general synods. A modern democratic nation's deputies receive their power from their electors and should be bound to protect and promote their electors' interests. They are directly created by, and out of, the people's own power. The bishops in council, however, hold no power, no commission, or delegation, from the people. All their powers, orders, jurisdiction, and membership in the council, come to them from "above" - directly from the pope. What the episcopate in council represents is the Magisterium, the teaching and governing power of the Church; the interests it defends should always be those of the "Depositum Fidei", of the revealed rules of faith and morals, i.e. the interests of God.

The council is, then, the assessor (or more often the supporter) of the "supreme" teacher and judge. Its operation is essentially co-operation, the common action of the members with their head, changing as required by the pope. A council in opposition to the pope is not representative of the whole elected Church, for it neither represents the pope who opposes it, nor the absent bishops, who cannot act beyond the limits of their dioceses except through the pope. A council not only acting independently of the pope, but sitting in judgment over him, is unthinkable. In fact, such assemblies have only taken place in times of great constitutional disturbances, when either there was no pope or the rightful pope was indistinguishable from antipopes. In such abnormal times the safety of the Church's ruling powers becomes the supreme law. The first duty of the

flock is to find a new shepherd, under whose direction the existing problems may, hopefully, be remedied.

In normal times, according to the constitution of the Church, the pope rules by his power alone. The function of councils is to support and strengthen his authority on occasions of extraordinary difficulties arising from heresies, schisms, relaxed discipline, or external foes. Generally, councils have no role in the ordinary normal governing of the Church. This principle is confirmed by the fact that during nineteen centuries of Church life only twenty Ecumenical councils took place. It is further illustrated by the complete failure of the decree issued during the Council of Constance (then without a “rightful” head) that general councils should meet frequently and at regular intervals. The very first synod summoned at Pavia for the year 1423 couldn’t be held because of the lack of responses to the summons. It is evident that general councils, independent of the pope, are not able to issue binding dogmatic or disciplinary canons. The older councils, especially those of Ephesus (431) and Chalcedon (451), were not convened to decide on questions of faith, but to give weight to, and secure the implementation of, papal decisions previously issued which had been regarded as fully authoritative. The bishops in council are not commissioned, as are modern parliaments, to control and limit the power of the sovereign, or head of the State. Extraordinary circumstances may arise in which it would be, their right and duty to discuss certain of his acts or measures with the pope. The severe restraints byf the Sixth General Council on Pope Honorius I may be cited as a rare case in point.

### Composition of General Councils

#### Right of Participation

The right to be present and to act at general councils belongs to the bishops holding the episcopal office. At the earlier councils, there were also the “chorepiscopi” (country-bishops), who were neither appointed bishops nor of an order. They a level between bishops and priests, ordained by the bishop and charged with the administration of a certain district in his diocese. They had the power to confer minor orders and of the subdiaconate. Titular bishops ( those not ruling a diocese) had equal rights with other bishops (17 were at the Vatican Council (1869-70). The contention is that their appointment (the episcopal consecration) entitles them to take part in the administration of the Church (“jure divino”) and a general council seems to be the proper arena for the exercise of such rights. As their title is based on canon law, those who held episcopal or quasi-episcopal jurisdiction without being bishops (such as cardinal-priests, cardinal-deacons, abbots of orders or monasteries, generals of monastic orders) were allowed to vote at the Vatican Council. At the early councils such votes had not been acceptable, but from the seventh century to the end of the Middle Ages, the practice gradually came to pass and has since become an acquired right. Priests and deacons frequently cast decisive votes in the name of absent bishops whom they represented. At the Council of Trent, however, these representatives were admitted on a very limited basis and at the Vatican Council they were even excluded from the council hall. In addition to voting members, every council admits, a number of doctors in theology and canon law as consultants. At the Council of Constance the consultants were allowed to vote. Other clerics have been admitted as notaries. Lay people may be, and

have been, present at councils for a variety of reasons, but never as voters. They gave advice, made complaints, assented to decisions and, occasionally, even signed decrees. Ever since the Roman emperors had accepted Christianity, they assisted either personally or through deputies ("commissarii"). Constantine the Great was present at the First General Council ( Pope Sylvester had chosen not to attend). It was Constantine who had called the council to establish more lay authority over the political issues affecting the Church). Other political leaders included Emperor Marcian and his wife, Empress Pulcheria, Constantine Pogonatus, and Emperor Basil, the Macedonian. Theodosius II and Empress Irene each sent representatives. Only the Second and the Fifth General Synods were held in the absence of emperors or imperial commissaries, but both Theodosius the Great and Justinian were at Constantinople while the councils were in session, keeping up constant discussions with and recommendations for the members. In the West, the attendance of kings, even at provincial synods, was common. The objective of royal presence was always to protect their specific interests, "assist" the synods, heighten their authority and to foster the needs of particular Christian states and countries. This "co-operation" was usually considered as interference with the pope's rights in conciliar matters.

As early as the fourth century, some bishops were complaining about Constantine the Great's insistence that his commissary's participate at the Synod of Tyre (335). The Eighth General Synod ( 421) defended the Vatican position that synods should be held without the emperor's presence and that emperors had really only been present at general councils ("it was not proper for secular princes to witness certain Church matters"). This was not factual. Historically, in the West secular princes were present even at national synods. Sisenand, King of the Spanish Visigoths, was at the Fourth Council of Toledo (636), King Chintilian at the fifth (638), Charlemagne at the Council of Frankfort (794) and, in 664, two Anglo Saxon kings attended the Synod of Whitby (Collatio Pharenes). About 864, the Eastern Emperor, Michael, claimed the right to summon councils without obtaining the pope's consent, and to take part in them personally or by proxy. Pope Nicholas I opposed this attitude, pointing out in a letter, that imperial predecessors had only been present at general synods dealing with matters of faith. Nicholas then decided that all future synods should be held without the emperor's or his commissaries. Step by step, Rome established the policy that no royal commissary would be present at any council (except general) during which "faith, reformation, and peace" were questions under consideration.

#### Requisite Number of Members

Since it's basic existence depends on co-operation with the Pope, the number of bishops required to constitute an Ecumenical council cannot be strictly defined, nor need it be. It is physically impossible to bring together all the bishops of the world, nor is there any standard by which to determine even an approximate number, or proportion, of prelates necessary to secure ecumenicity. All should be invited. In practice, a considerable number of representatives from the several provinces and countries should actually attend. The ancient Church, however, did not conform to this theory. As a rule only the patriarchs and metropolitans received a direct summons to appear with a certain number of their assistants. At Ephesus and Chalcedon the time between the

convocation and the meeting of the council was arranged to be too short to allow of the Western bishops to be invited. As a rule, very few Western bishops were personally present at any of the first eight general synods. Occasionally, they forced themselves on the council body by sending deputies with precise voting instructions. What gave Eastern synods their Ecumenical character was their early support of the pope as head of the universal, and, especially, of the Western, Church. In this way, the sense of the Church, its essential element, is less the proportion of bishops present to bishops absent than the loyalty of those council members to the Pope.

#### Papal control as the basic element of councils

It is the action of the pope that makes the councils ecumenical. That action is the exercise of his office of ruler of the Church. This is a result of the belief that no authority is commensurate with the whole Church except that of the pope. He alone controls all of the faithful. It seem sufficient when the pope speaks *ex cathedra* making his own decisions binding on any council, regardless of the number of its members. Nothing further is necessary to make them binding on the whole Church. The earliest enunciation of this principle is found in the letter of the Council of Sardica (313) to Pope Julius I, and was often quoted, since the beginning of the fifth century, as the (Nicæan) canon. It concerns the necessity of papal direction in all of the more important acts. Pope Julius said, in reference to the Council of Antioch (341), that the law of the Church (kanon) forbids "the churches to pass laws contrary to the judgment of the Bishop of Rome" and Sozomen likewise declares "it to be a holy law not to attribute any value to things done without the judgment of the Bishop of Rome". The letter of Julius directly refers to an existing custom and, in particular, to a single important case (the authority of a pope).

In effectively defining a council as universal, the Papacy assumes responsibility for any decisions by giving them formal confirmation. The Synod of Constantinople (381) in which the Nicene Creed received its present form (the one used at Mass) had no claim to be Ecumenical. At an Italian synod, well before Pope Damasus and some Western bishops had even seen it, they condemned much of the Creed. Later, after several revisions, Damasus finally confirmed. The canons of this council were still rejected by Leo the Great and even by Gregory the Great (about 600). A proof that the Creed of Constantinople enjoyed papal sanction may be drawn from the way in which the Roman legates at the Fourth General Synod (Chalcedon, 451) allowed appeals to this Creed, while, at the same time, they protested against other canons of the council. It was on account of the papal declaration of the Creed that, in the sixth century, Popes Vigilius, Pelagius II and Gregory the Great individually declared this council to be Ecumenical. This, in spite of the fact that Gregory still refused to sanction its canons. The First Synod of Constantinople presents, then, an instance of a minimum of papal co-operation regarding the mark of universality

The pope's office and the council's function in the organization of the Church requires that the pope call the council, preside over, direct and finally proclaim its decrees to the universal Church as expressing the mind of the whole teaching body guided by the Holy Ghost. Some instances of such rare co-operation occur in the five Lateran councils, which were presided over personally by the pope as the highest

authority in the Church. His direction of the deliberations, and of the decrees, stamp the conciliary proceedings throughout as the function of the "Magisterium Ecclesiae" in its most authoritative form. Councils in which the pope is represented by legates are also representative of the whole teaching body of the Church, but the representation is not considered to be absolute or adequate, lacking that in-person authority and control. They act in the name but not with the whole power, of the teaching Church (pope). Their decrees become universally binding only through an act by the pope. The difference between councils presided over personally and by proxy is marked in the form in which their decrees are declared. When the pope had been present, the decrees are published in his own name with the additional formula ("sacro approbante Concilio"). When papal legates have presided, the decrees are attributed to the synod.

#### Pope's cooperation with the Council

No council is Ecumenical unless the pope has made it his own by personal involvement. The three factors constituting the solidarity of pope and council are the convocation, direction, and confirmation of the council by the pope. However, it is not essential that each and all of these factors should always be fully inclusive..

#### Convocation

The juridical convocation of a council implies more than an invitation addressed to all the bishops of the world to meet in council. It is the act by which, in law, the bishops are bound to take part in the council, and that council is also deemed to be a legitimate tribunal for dealing with Church affairs. The right of convocation belongs to the pope alone. However, the convocations for the first eight general synods were exclusively issued by the Christian emperors, who choose not to enlist guidance from the Vatican. The imperial letters of convocation to the Councils of Ephesus (Hardouin I) in 449 and of Chalcedon (Hardouin II), 451 indicate that the emperors were acting as "protectors" of the Church, believing it their duty to further their power for the common good. Contrary to popular opinion, it was the emperors who followed their own agendas, convening councils and fixing the meeting place with no involvement by the popes. Some really want to believe that the Christian emperors could not have acted without the consent (actual or presumed) of the pope, but history does not support this theory. Regarding the fifth council (553), Pope Vigilius initially declared that any attempt by Emperor Justinian I to convene, would be met with the "most grievous consequences". The emperor's action did cause the legality of the council to be questioned (the mind of the Vatican required the pope's consent for the lawfulness of councils). Concerning the Council of Chalcedon, Emperor Marcian ignored the wishes of Pope Leo I as to the time and place of its meeting. Later, Leo I explained that he only submitted to the imperial arrangements because he was unwilling to interfere with Marcian's good intentions.

The hierarchy had problems addressing the juridical aspect (as an authorized tribunal for Church affairs). The expressions *jubere* and *keleuein*, occasionally used in the wording of the convocation, do not necessarily convey the notion of strict orders. They also imply exhorting, inducing or bidding. The Apostolic See argued that it was the sole source of the juridical constitution of a council. They maintain that the pope was

sometimes *induced* -if not forced - by circumstances to make his authorization agree with the imperial wishes and arrangements.

#### Direction

The direction of councils belongs to the pope by the same right as their convocation and constitution. If a council were directed in its deliberations and acts by anyone independent of the pope and acting entirely on his own responsibility, such a council could not be the pope's own. Pope Adrian II sent his legates to the Eighth Ecumenical Synod (787) with a declaration to Emperor Basil that they were to act as presidents of the council. The legates, Bishop Donatus of Ostia, Bishop Stephen of Nepesina, and deacon Marinus of Rome, read it to the synod. No objection was raised. They took control of all protocols, determined the duration of the several sessions, made speeches, read documents and organized questions. But later, at the sixth session, Emperor Basil arrived with his two sons, Constantine and Leo, and took over the presidency. However, the emperor and his sons were involved in attempting to have members address problems concerning the people and governmental relationships with the Vatican. The meeting was then defined as "conveniente sanctâ ac universali synodo" (the holy and universal synod now meeting). The names of the papal legates appeared first among the members of the synod. Emperor Basil agreed to write his and the sons names immediately after those of the papal legates and of the Eastern patriarchs and before those of the bishops. Pope Adrian II was relieved that Basil had decided to sign more as a witness than as a judge (a letter raises him for not having assisted at the council as a judge (judex), but merely as a witness).

Imperial commissaries acted less like presidents than the emperor. They signed the reports of sessions after representatives of the patriarchs but before bishops. The Eastern patriarch, Ignatius of Constantinople, and the representatives of the other Eastern patriarchs, in some degree, participated in the presidency: their names are constantly associated with those of the Roman legates and clearly distinguished from those of the other metropolitans and bishops. Along with the papal legates they are the board of directors, fixing the order of proceedings, deciding who shall be allowed to speak, and reviewing (and often adjusting) reports of the several sessions. The papal legates unmistakably are in charge. In the papal-approved publications they are always named and sign first, using the formula: *huic sanctae et universali synodo praesidens* (presiding over this holy and universal synod), while Ignatius of Constantinople and the representatives of the other patriarchs claim no presidency but word their agreement: *suscipiens et omnibus quae ab ea iudicata et scripta sunt concordans et definiens subscripsi* (receiving this holy and universal synod and agreeing with all it has judged and written, and defining I have signed). The president and bishops (like the emperor) used the formula: *suscipiens (synodum) subscripsi* (receiving the synod I have signed), omitting the customary *definiens*, which was used to mark a decisive vote (*votum decisivum*). The pope insisted that it is his exclusive right to decide questions on faith and discipline.

To insure that the Council of Ephesus would take place with, at least, some representation by the Apostolic See, Emperor Theodosius II wrote the members

indicating that he had sent Count Candidian to represent him, but that this imperial commissary was not necessarily to take part in dogmatic disputes since "it was unlawful for one who is not enrolled in the lists of the most holy bishops to mingle in ecclesiastical inquiries". Bishops at the Council of Chalcedon acknowledged that Pope Leo, by his legates, presided over it as "the head over the members". At Nicaea, Hosius, Vitus and Vincentius, as papal legates, signed before all other members of the council. The right of presiding and directing implies that the pope determines the subject matter to be dealt with by the council, prescribe rules for conducting the debates, and generally order the whole business as seems best to him, often changing context or deleting unacceptable statements prior to the publication of the meetings' conclusions. No conciliar decree is legitimate if carried under protest by the pope or his legates. Even agreement by the legates alone, acting without a special order from the pope, is not sufficient to make conciliar decrees (the pope alone makes these decisions). There are abundant examples of councils working under pressure. Most of the early councils were convened to approve decisions already instituted by the pope. They were forced to conform their judgment to that of Rome, most often without any discussions allowed. The fact that a synod is, or has been, acting under the leadership of its Divinely appointed head, is the best guarantee of its freedom from unnatural disturbances, such as coercion from dissident members or "outsiders". In the same way any interference with the papal leadership is believed to be an attack on a council's freedom. The Robber Synod of Ephesus (449), though intended to be general and at first authorized by the presence of papal legates, was declared invalid by those same legates at Chalcedon (451), because Emperor Theodosius II had removed the representatives of the pope, and turned over the direction of the council to Dioscurus of Alexandria.

### Confirmation

Without specific papal approval, the council's pronouncements cannot represent the fullest effort of the teaching and ruling Church. Confirmation (at times with corrections) is the final touch of perfection, the seal of authority, and the life of conciliar decrees. This is the personal act of the highest authority, which can never be delegated.

Councils over which the pope presides in person require no further formal confirmation on his part, as their decisions will formally include his own. Those which are presided over by the pope's legates are not the same. They constitute separate, dependent, representative tribunals, whose findings only become final through ratification by the supreme authority.

The papal confirmation is, or may be, presumed in the following cases: When the council is convened for the express purpose of supporting a previous papal decision or when the legates give their consent during a special public instruction from the pope. The consent of the Apostolic See may also be presumed when, as at the Council of Trent, the legates had specific personal instructions from the pope on each particular question coming up for decision, and acted accordingly, i.e. if they allowed no decision to be made unless the pope's consent has previously been obtained.



What could happen if a council were actually composed of the greater part of the episcopate, concurring freely in a unanimous decision and thus bearing unexceptional witness to the mind and sense of the whole Church? It seems that the pope, whose office it is to voice the mind of the Church, would be obliged by the very nature of his office, to adopt the council's decision, and consequently his confirmation or ratification could be presumed. But bear in mind the on-going fear and concern for any disturbing elements. Conflicting religious, political, scientific, and personal interests are all a threat. Therefore, papal ratification is the tool used to crush real or imagined conflicts which otherwise would endanger a "successful" council. The Ecumenical authority of the pope is sufficient to impart validity (and sometimes infallibility) to those decrees which he ratifies. This was done by Pope Vigilius for the Fifth General Synod by simply re-writing and then, ratifying his condemnation of heretics. Leo II also made some changes and then in ratification of the Sixth General Council stated "Because this great and universal synod has most fully proclaimed the definition of the right faith, which the Apostolic See of St. Peter the Apostle, whose office we, though unequal to it, are holding, also reverently receives: therefore we also, and through our office this Apostolic See, consent to, and confirm, by the authority of Blessed Peter, those things which have been defined, as being finally set by the Lord Himself on the solid rock which is Christ."

The controversies during the sixth century about the "Three Chapters" illustrates the necessity and the importance of papal control and confirmation. The Three Chapters were the condemnation (1) of Theodore of Mopsuestia, both of his soul and of his writings; (2) of Theodoret's writings against Cyril and the Council of Ephesus; (3) of a letter from Ibas to Maris the Persian, also against Cyril and the council. The condemned Ibas and Theodoret were later restored at Chalcedon, but only after they had fully renounced their disbeliefs and pledging that they were free from Nestorianism. Two points in debate were: (1) Did the Council of Chalcedon acknowledge the orthodoxy of the Three Chapters? (2) How is the point to be settled? Now the two contending parties agreed in the principle of the test: delacration of the council stands or falls with the approval by the pope's legates and of Pope Leo I. Defenders of the Chapters, e.g. Ferrandus the Deacon and Facundus of Hermiane, put forward as their chief argument (*prima et immobilis ratio*) the fact that Leo had approved. Their opponents never questioned the principle but denied the alleged fact, basing their denial on Leo's epistle to Maximus of Antioch in which they read :If anything not pertaining to the cause of faith should have been settled by the brethren I sent to the Holy Synod to hold my place, it shall be of no force. The point of doctrine (*causa fidei*) referred to is the heresy of Eutyches; the Three Chapters refer to that of Nestorius, or rather to certain persons and writings connected with it. The bishops of the council, assembled at Constantinople in 533 to put an end to the Three Chapters controversy. The *Confessio of Mennas* states "But also the letters of Pope Leo and the Constitution of the Apostolic See issued in support of the Faith and of the authority (*firmitas*) of the aforementioned four synods, we promise to follow and observe in all points and we condemn any man, who should attempt to nullify our promises and we embrace the letters of the bishops of the Apostolic Roman See, those of others as well as of Leo concerning the Faith and the four holy synods or any of them."

## Business Methods

In all earlier councils management of affairs was left to the Priests and adjusted to any objectives and circumstances. The *Ordo celebrandi Concilii Tridentini*, written by the conciliar secretary, A. Massarelli was a record of what had been done, not rules of order. Many fixed rules were established during the reform councils of the fifteenth century to insure absolute power in cases where a pope might be absent ( see the "*Caeremoniale Romanum*" of Augustinus Patritius, 1496). The establishment of "congregations" (.meetings for the purpose of consultation or provisory voting) dates from the Council of Constance (1415). At earlier councils all meetings were referred to as either sessions or actions. Since Constance the term "session" has applied to meetings at which the final votes take place. Particular congregations, also dating from Constance were simply separate assemblies of the "nations" at the council. These formed national votes which were presented in the general assembly. The particular congregations of more recent councils have been committee conferences assembled by papal appointment or invitation to deliberate special matters.

At Trent there were congregations of prelates and of theologians, for dogma and regulations. The congregations of prelates were committees of papal- chosen experts, usually three into which the council divided for the purpose of facilitating discussion. The order of the Vatican Council had confirmed the Tridentine practice. Voting by "nations", distinctive in the reform councils, has also been abandoned in favor of the traditional voting by individuals (*capita*).

The Vatican Council (1869-70) had seven "commissions" consisting of theologians appointed a year before the meeting to prepare subjects. The titles of these congregations are self-descriptive: 1- *Congregatio cardinalitia directrix* (general directive cardinalitial congregation), 2- *Commissio caeremoniarum* (commissions for ceremonies), 3- *politico-ecclesiastica* (political-ecclesiastical affairs), 4- *pro ecclesiis et missionibus Orientis* (the churches and missions of the Orient), 5- *pro Regularibus* (the Regular Orders), 6- *theologica dogmatica* (dogmatic theology), and 7- *pro disciplina ecclesiastica* (ecclesiastical discipline). They worked out the *schemata* (drafts of decrees) to be discussed by the council. Within the council itself there were seven "deputations": *Pro recipiendis et expendendis Patrum propositionibus* (appointed by the pope to examine the independent propositions of the Fathers), *Judices excusationum* (Judges of excuses), *Judices querelarum et controversiarum* (to settle questions of precedence), *deputatio pro rebus ad fidem pertinentibus* (on matters pertaining to faith), *deputatio pro rebus disciplinae ecclesiasticae* (on ecclesiastical discipline), *pro rebus ordinum regularium* (on religious orders) and *pro rebus ritus orientalis et apostolicis missionibus* (Oriental rites and Apostolic missions). All, except the first, were chosen by the council. Objections and amendments had to be written to the responsible deputation, which considered the matter and might modify the agenda. Anyone wishing to further change the draft had to obtain permission from the legates to propose his amendments in a speech, followed by written details. If, however, ten prelates decided that the matter had been sufficiently debated, the speech was refused. At this stage the amendments were collected and examined by the synod congregation and then to the general congregation for vote. The votes for approval or rejection were by the prelates

standing or remaining seated. Even in the case of a favorable majority, it was only accepted during the last solemn public session and then only after a final vote of placet or non placet ("it pleases", or "it does not please").

### Theory

The principle which directs the working of a council is "the perfect, or best possible, realization of its object, a final judgment on questions of faith and morals, invested with the authority and majesty of the whole teaching body of the Church".

The attendance of all the bishops of the world is an unrealistic ideal (a majority is desirable). A quasi-complete council has the advantage of being a real representation of the whole Church, while a sparsely attended one is only so in law, the few members legally represent the many absent, but only represent their juridical power, not their ordinary power. What is missing is an "authentic" witness of the Faith as it exists in his diocese. Many hope for a "free" discussion of all objections. Another goal is unanimity in the final vote (a result of the universal faith as testified to by the voters, of conviction gained in the debates, or compliance with the will of the pope. Of course, there is no standard by which to determine whether or not the number of bishops was sufficient and the debates had been inclusive enough. Nor do the Acts of the councils (documentation regarding the internal activities) give us any solid information as to the unanimity of the final decisions or of the way in which they were obtained.

### The Council as a Court of Judges:

The bishops, in giving their judgment, are directed only by their personal conviction; no previous consent of the faithful or of the whole episcopate is required. In unity with the pope, they are one solid college of judges for united, decisive action - a body much different than a group of simple witnesses. The college assumes a represent their colleagues who were called but failed to take their seats, provided the number of those present is adequate. Their resolutions are, therefore, to be considered as universal consent (*universali consensu constituta*).

The college of judges is subject to the rule of common resolution (*communi sensu constitutum*- (established by common consent). However, if any majority verdict, even including papal legates, does not have the papal approval, it fails to have the authoritative pronouncement of the whole Church. Any decree of a majority, not specifically endorsed by the pope, has no binding force on either the dissentient members present or the absent members, nor is the pope bound in any way to endorse it. A verdict's only value is that it justifies the pope, in case he approves it, to say that he confirms the decision of a council, or gives his own decision *sacro approbante concilio* (with the consent of the council).. A unanimous conciliary decision, as distinct from a simple majority decision, may under very rare circumstances, be binding on the pope and attempt to force his hand (as has so often happened, he merely ignores the decision).

In its relationship to the pope, a council is simply an assembly of witnesses and counselors who may be of some influence. It is hoped that such minimal influence neither lessens the dignity nor the efficiency of any of the bishops but, really, it is never required, in councils or elsewhere, to cause the pope to act upon their verdicts. The

Vatican Council (First), including the fourth session in which papal infallibility ( *ex-cathedra*) was defined, comes nearer than any former council to “perfection”. It was composed of the greatest number of bishops present as well as in proportion to the total number of bishops in the Church. It allowed the right of discussion, appealed to a general ( albeit vague) tradition containing some historical references to the issue ( the duty of submitting to the pope and of conforming his teachings).

#### Infallibility of General Councils

The arguments which attempt to prove the infallibility of the Church also apply to the infallible authority of general councils in union with the pope. It is believed that the Apostles, at the Council of Jerusalem (Acts, xv, 28), put the seal of supreme authority on their decisions attributing them to the joint action of the Spirit of God and of themselves (*Visum est Spiritui sancto et nobis-It hath seemed good to the Holy Ghost and to us*). From the earliest times those who rejected the decisions of councils were themselves rejected by the Church. Emperor Constantine saw in the decrees of Nicaea "a Divine commandment" and Athanasius wrote to the bishops of Africa: "What God has spoken through the Council of Nicaea endureth forever." St. Ambrose (Ep. xxi) pronounces himself ready to die by the sword rather than give up the Nicene decrees. Pope Leo the Great declares that "whoso resists the Councils of Nicaea and Chalcedon cannot be numbered among Catholics" and that the decrees of Chalcedon were framed under the guidance of the Holy Ghost (*Concilium generale representat ecclesiam universalem, eique absolute obediendum-General councils represent the universal Church and demand absolute obedience*). The Scripture texts on which this belief is based are, among others: "But when he, the Spirit of truth, is come, he will teach you all truth . ." (John xvi, 13). "Behold I am with you all days even to the consummation of the world" (Matt., xxviii, 20), "The gates of hell shall not prevail against it [i.e. the Church]" (Matt., xvi, 18).

#### Papal and Conciliar Infallibility

Papal and conciliar infallibility are correlated but not identical. A council's decrees can only be infallible if approved and announced by the pope. It seems that some members of Ecumenical councils employing the historical rules of faith and the promises of assistance made by Christ's "guarantee" (pledge to be in the midst of two or three of His disciples gathered together in His name) often believed that they had the "right and responsibility" to pronounce infallible decisions. An Ecumenical council is, in fact, in theory or in law, a gathering of Christ's ordained co-workers for the salvation of all through true faith and holy conduct; He is therefore in their midst, fulfilling His promises and leading them towards truth. Some also claim that His presence, by cementing the unity of the assembly into one body -- His own mystical body -- gives it the necessary completeness, and makes up for any defect possibly arising from the physical absence of a certain number of bishops. This explains the reason that Pius IX's primary focus was to insure that any measures dealing with infallibility would forever be an exclusive "papal privilege". As spokesperson of the council (and the whole Church), he can say, "it has seemed good to the Holy Ghost and to us", and consequently can put the seal of infallibility on a conciliar decree. An infallible statement is sometimes referred to as

Divine truth, the voice of Christ speaking through the mouth of the visible head of His mystical body or in chorus, with all its members. The bishops who have personally contributed to the definitions have a responsibility to publish and enforce these decrees in their dioceses.

It had been customary in rules of faith, that the authority of the councils and that of the popes was to have been substantially the same. In profession of faith imposed by Pope Hormisdas (514-23) on the Eastern bishops involved in the schism of Acacius: "The first [step towards] salvation is to keep the rule of orthodox faith and in no way to deviate from the constitutions [councils] of the Fathers. ). Wishing by no means to be separated from this hope and faith, we condemn all heresies, especially the heretic Nestorius, in his time Bishop of Constantinople, who was condemned to hell at the Council of Ephesus (431) by Blessed Celestine, Pope of Rome and by Cyril, Bishop of Alexandria. We declare and approve all the letters of Leo, Pope (461) which he wrote concerning the Christian religion". The Vatican falls back on the "Thou art Peter. .", thus defending the ultimate power of the Apostolic See and continually relegates councils to only an advisory position. This, in spite of overwhelming historical precedence as to councils "shared" authority. (ed note: although the sources of the last few paragraphs are more than 80 years old, this seems to be a continuing thought as demonstrated even today)

#### Infallibility, Decrees, and Dogma

The term, infallibility (supreme judicial authority) can be found in various definitions and decrees of councils (excluding, however, any theological, scientific, or historical reasoning). These claim that the promise of infallibility was made to the Church as a whole (the sense of the unchanging Church that is infallible, not that of individual churchmen at any level of authority). Some revised those standards in the sense that they believed it could find manifestation only in those council conclusions which were approved by the pope.

In the East, decisions referring to dogma were called diatyposeis (constitutions, statutes). Those which addressed discipline were kanones (canons, rules), often with the addition of tes eutaxias (of discipline, or good order). The expressions thesmoi and horoi apply to both, and the short formulas of condemnation ( of heresy and people) were known as anathematismoi (anathemas). The West had no such distinctions. Canones and decreta signify both dogmatic and disciplinary decisions. The Council of Trent referred to its disciplinary edicts as decreta de reformatione. Dogmatic definitions were "decreta" (without qualification), used in situations wherein they asserted issues of faith. "Canones" were employed to condemn anyone who refused to accept the council's defined propositions. The council at the beginning and end of each chapter, declared that all propositions contain the rule of faith. As an example, Session XIII begins: "The Holy Synod *forbids* to all the faithful in future to believe, teach, or preach concerning the Holy Eucharist otherwise than is explained and defined in the present decree", and it ends: "As, however, it is not enough to speak the truth without discovering and refuting error, it has pleased the Holy Synod to subjoin the following canons, so that all, now knowing the Catholic doctrine, may also understand what heresies they have to beware against and avoid." The same remark applies to the

chapters of the Vatican Council (1869) in its two Constitutions and from the initial phrases of most chapters. However, chapters of both councils contain the *doctrina catholica* ( the authorized teaching of the Church), but not always *dogmata formalia* (defined propositions of faith)

#### Dissemination

Transmission of conciliar decrees is vital because they are laws, and not obligatory until brought to all people that it intends to bind. The decrees are usually transmitted in the name of the synod. They have also been published in the form of papal decrees in those cases wherein a pope presided in person (applying “*sacra universali synodo approbante*”). Initially, this was used at the Third Lateran (refers to one held in Rome) Council -Eleventh Ecumenical Council, 1179- which took place under Pope Alexander III and Emperor Frederick. In addition, “*Sacra universali*” was applied at the Fourth and Fifth Lateran and with some Decrees from the Council of Constance.

#### Comparative Authority-Council and Pope

The Councils of Constance and of Basle reaffirmed the tradition that an Ecumenical council has greater authority than the pope. Many theologians adopted that proposition as one of the famous four Gallican Liberties. Others insisted that the pope’s power is beyond that any general council. The leading supporter of the Gallican doctrine are: Dupin (1657-1719), professor at the Sorbonne, in his book on the ancient discipline of the Church (*De antiquâ Ecclesiae disciplinâ dissertationes historicae*) and Natalis Alexander, O.P. (1639-1724), in “*Historia Ecclesiastica*” (Diss. iv ad saeculum XV). Lucius Ferraris (*Bibliotheca Canonica*, s.v. Concilium) and Roncaglia, an editor, under the direction of the Vatican, “corrected” Natalis Alexander’s history, both defended papal superiority. Hefele, reviewing the main arguments of the Gallicans ( that Pope Martin V approved the declaration of the Council of Constance and Pope Eugene IV did the same at the Council of Basle) declared his belief in the superiority of an Ecumenical synod over the pope. He concluded that both popes had, indeed, approved of the councils in general terms which implied a sanction of the point in question. Even so, some diehards continue to argue that neither Martin nor Eugene ever intended to claim the superiority of a council over the pope. (See Hefele, *Conciliengeschichte*, I, 50-54)

A controversy remains in that General councils represent the Church and the pope acts at them in the same relation as he stands in the Church. That relation should be one of neither superiority nor inferiority, but of inherent unity: the pope is neither above nor below the Church, but in it as the center. By taking the stand on Scriptural doctrine that the Church is the mystical body of Christ of which the pope is the visible head, some continue to claim that any council apart from the pope is but an insignificant parliament, no matter how well intentioned.

#### Can a Council Depose the Pope

In the history of the Church circumstances have arisen in which several pretenders contended for papal authority and councils were called upon to remove

certain claimants. The Councils of Constance and Basle, and Gallican theologians, hold that a council may depose a pope on two main grounds:

ob mores (for his conduct or behavior, e.g. his resistance to the synod)

ob fidem (on account of his faith or lack of faith, i.e. heresy).

In reality, however, heresy is the only legitimate ground. A heretical pope ceases to be a member of the Church, and cannot be its head. A "sinful" pope, on the other hand, remains a member of the (visible) Church and is to be treated as an unjust ruler for whom "people must pray", but to whom we "owe" obedience.

The question takes on another aspect when a number of claimants pretend to be the rightful occupants of the Apostolic See, and the right of each is doubtful. In such a case the council, according to Bellarmine (*Disputationes*, II xix, de Conciliis) has a right to examine the several claims and to depose the pretenders whose claims they believe to be unfounded. This was done at the Synod of Constance. But, according to the rules, during this process of examination the synod is not yet Ecumenical; it only becomes so the moment the rightful pope endorses the proceedings. It is

evident that this can never be a case of a legitimate pope being deposed by a legitimate council, but simply the removal of pretender (ed note: according to this view any pope in power can eliminate all competition). Not even the Pope could have been deposed at Constance, had his election not been doubtful and himself suspected of heresy. The Pope abdicated and only then, made his removal from the Apostolic See lawful. In all controversies regarding Rome the rule laid down by the Eighth General Synod continues to be a "fall-back"-"If a universal synod be assembled and any ambiguity or controversy arise concerning the Holy Church of the Romans, the question should be examined and solved with due reverence and veneration, in a spirit of mutual helpfulness; no sentence should be audaciously pronounced against the supreme pontiff of the elder Rome" (can. xxi. Hefele, IV, 421-22).

## SECTION 4

### Council of Trent

The nineteenth ecumenical council opened at Trent on December 13, 1545, and closed December 4, 1563. Its main object was the determination of the doctrines of the Church in answer to the "heresies" of the Protestants. Another objective was the execution of a thorough reform of the inner life of the Church by removing the numerous abuses.

#### Convocation

Because he was convinced that he would be condemned at Rome for his "heretical" doctrines, on November 28, 1518, Luther appealed to the pope for a general council. This was ignored. The Diet held at Nuremberg in 1523 demanded a "free Christian council" on German soil, and at the Diet held in the same city in 1524 a demand was made for a German national council to regulate temporarily the questions

in dispute, and for a general council to settle definitely his accusations against Rome, and the religious disputes. Owing to feelings prevalent in Germany the demand was considered very dangerous and, of course, Rome positively rejected the German national council, but did not absolutely object to holding a general council. Emperor Charles V forbade the national council, but notified Clement VII through his ambassadors that he considered the calling of a general council and proposed the city of Trent as the place of assembly. During the next several years this dispute between emperor and pope prevented any further negotiations concerning a council. Nothing was done until 1529 when the papal ambassador, Pico della Mirandola, declared at the Diet of Speyer that the pope was ready to aid the Germans in the struggle against the Turks, to urge the restoration of peace among Christian rulers, and to convoke a general council to meet the following summer. Charles and Clement VII met at Bologna in 1530, and the pope agreed to call a council, if necessary. The cardinal legate, Lorenzo Campeggio, opposed a council, convinced that the Protestants were not honest in demanding it. Still the Catholic princes of Germany, especially the dukes of Bavaria, favored a council as the best means of overcoming the "evils" which the Church was suffering; Charles never wavered in his determination to have the council held as soon as there was a period of general peace in Christendom.

he matter was also discussed at the Diet of Augsburg in 1530, when Campeggio again opposed a council, while the emperor declared himself in favor of one providing that the Protestants were willing to restore earlier conditions until decisions were made at the council. Charles's proposition met the approval of the Catholic princes, who, however, wished the assembly to meet in Germany. The emperor's letters to his ambassadors at Rome led to the discussion of the matter twice in the congregation of cardinals appointed especially for German affairs. Although opinions differed, the pope wrote to Emperor Charles that he could promise a council with his consent, providing that the Protestants go back to obedience to Rome. He proposed an Italian city, preferably Rome, as the place of assembly. The emperor, however, distrusted the pope, believing that Clement did not really desire a council. Meantime, the Protestant princes did not agree to abandon their doctrines. Clement constantly raised difficulties regarding a council, although Charles, along with most of the cardinals, especially Farnese, del Monte, and Canisio, repeatedly urged him to call one as the sole means of settling the religious disputes. The Protestant princes refused to withdraw from the position they had taken up. Francis I, of France, sought to frustrate the launch of a council by making impossible demands. It was mainly his fault that the council was not held during the reign of Clement VII, for on Nov 28, 1531, it had been unanimously agreed in a consistory that a council should be called immediately. At Bologna in 1532, the emperor and the pope discussed the question of a council again and decided that it should meet as soon as the approval of all Christian princes had been obtained for the plan. Briefs were addressed to the rulers and legates were directed to go to Germany, France, and England. The answer of the French King was unsatisfactory. Both he and Henry VIII of England avoided a definitive reply, and the German Protestants rejected the conditions proposed by the pope.

The next pope, Paul III (1534-49), as Cardinal Alessandro Farnese, had always strongly favored the convening of a council. When, after his election, he met the



Cardinals on October 17, 1534. He spoke of the necessity of a general council and repeated this opinion at the first consistory (November 13). He summoned prelates to Rome to discuss the matter. Representatives of Charles V and Ferdinand I also moved to open the council. The majority of the cardinals, however, opposed the immediate calling of a council, and it was decided to notify the princes of the papal decision to hold a church assembly instead. Nuncios were sent for this purpose to France, Spain, and the German King, Ferdinand. Vergerio, nuncio to Ferdinand, was also to tell the German electors and a few of the remaining ruling princes personally of the impending proclamation of the council. He was mostly met with distrust.

The selection of the meeting place was a major problem. Rome insisted that the council should meet in an Italian city. The Protestant rulers, supported by Kings Henry VIII and Francis I, met at Smalkald in December, 1535, and rejected the proposed council. At the same time Charles sent assurances to Rome that a council as necessary for the extermination of heresy (in reference to German Protestantism). A visit to Rome in 1536 led to an agreement between him and the pope concerning the council. On June 2, Paul III published the Bull calling all patriarchs, archbishops, bishops, and abbots to assemble at Mantua on May 23, 1537, for a general council. Cardinal legates were sent with an invitation to the council to the emperor, the King of the Romans, the King of France. A number of other nuncios carried the invitation to the other Christian countries. T Peter van der Vorst of The Netherlands, was sent to Germany to persuade the ruling princes to take part. The Protestant rulers refused the invitation, even though in 1530 they had requested a council—still again, Rome had ignored their appeal for a German location. Francis I took advantage of the war that had broken out between himself and Charles in 1536 to insist that the journey of the French bishops to the council was impossible.

Meanwhile in Rome, the Commission of Reform, appointed in July, 1536, drew up a report as the basis for the correction of the abuses in ecclesiastical life. The Duke of Mantua now raised objections against the holding of the assembly in his city and created impossible conditions. The opening of the council was put off to November and later it was decided to open it at Vicenza on May 1, 1538. Francis I continually attempted to obstruct the opening. Nevertheless the legates who were to preside at the council went to Vicenza. Only six bishops were present. The French King and the pope met at Nice, and it was decided to prorogue until Easter, 1539. Soon after this the German Emperor also tried to postpone the council, hoping to restore religious unity in Germany by conferences with the Protestants.

After unsuccessful negotiations both with Charles V and Francis I the council was indefinitely postponed, to reassemble at the pope's discretion. When Paul III and Charles V met at Lucca in September, 1541, Paul raised the question of the council. The Charles V now ordered that it should meet at Vicenza, but Venice would not agree, whereupon the emperor chose Trent, and later Cardinal Contarini suggested Mantua, but nothing was decided. The emperor and Francis I were invited to send the cardinals of their countries to Rome, so that the question of the council could be discussed by the college. Morone worked in Germany as legate for the council, and the pope finally agreed to hold it at Trent. After further consultations at Rome, Paul III ordered that an

ecumenical council was to meet at Trent on Nov 1, 1541. The Protestants made violent attacks on the Council. Francis I also opposed it, not even permitting the Bull of convocation to be published in his kingdom. The German Catholic princes and King Sigismund of Poland sanctioned the convocation. Charles V, enraged at the neutral position of the pope in the war between himself and Francis I, as well as with the wording of the Bull, wrote a disapproving letter to Paul III. Ignoring Charles, preparations were made for the council at Trent by special papal commissioners and three cardinals who had been appointed as conciliary legates. Francis I and of the emperor again prevented the opening of the council. A few Italian and German bishops appeared at Trent. The pope went to Bologna in March 1543, and to a conference with Charles V at Busseto in June. Differences were not resolved. The strained relations between pope and emperor and the war between Charles V and Francis I, led to more delays. After the Peace of Crespy (Sept. 17, 1544) Paul III and Charles V temporarily reconciled. Francis I had abandoned his opposition and declared himself in favor of Trent, as did the emperor. On Nov. 19, 1544, the Bull "Laetare Hierusalem" was issued, by which the council was again directed to meet at Trent on March 15, 1545. Cardinals Giovanni del Monte, Marcello Cervini, and Reginald Pole were appointed in February, 1545, as the papal legates to preside at the council. As in March only a few bishops had come to Trent and the opening date had to be delayed again. Emperor Charles, however, wanted a speedy opening, consequently December 13, 1545, was selected for the first formal session. This was held in the cathedral of Trent. after the first president of the council, Cardinal del Monte, had celebrated the Mass of the Holy Ghost. When the Bull of convocation and the Bull appointing the conciliary legates were read, Cardinal del Monte declared the ecumenical council opened, and directed January 7, 1546 as the date of the second session. Besides the three presiding legates representatives included Cardinal Madruzzo, Bishop of Trent, four archbishops, twenty-one bishops, five generals of orders. The council was attended, in addition, by the legates of the King of Germany, Ferdinand, and by forty-two theologians, and nine canonists, who had been summoned as consultors.

## II. Order of Business

The first weeks were occupied mainly with settling the order of business of the assembly. After long discussion it was agreed that the matters to be taken into consideration by the members of the council were to be proposed by the cardinal legates; after they had been drawn up by a commission of consultors (*congregatio theologorum minorum*), they were to be discussed thoroughly in preparatory sessions of special congregations of prelates for dogmatic questions, and similar congregations for legal questions (*congregatio proelatorum theologorum* and *congregatio proelatorum canonistarum*).

Originally, council members were divided into three congregations for discussion of subjects, but this was soon done away with as too cumbersome. After all the preliminary discussions, a topic was debated in detail in the general congregation (*congregatio generalis*) and the final form of the decrees was settled on. These general congregations were composed of all bishops, generals of orders, and abbots who were

entitled to a vote, the proxies of absent members entitled to a vote, and the representatives (oratores) of the secular rulers. The decrees resulting from such exhaustive debates were then brought to the formal sessions and votes were taken. On December 18, the legates presented seventeen articles before the general congregations just outlining procedure for the subjects to be discussed. This led to a number of difficulties. The main one was whether dogmatic questions or the reform of church life should be discussed first. It was finally decided that both subjects should be debated simultaneously.

Thus after the sessions of the decrees concerning the dogmas of the Church, a similar debate took place on questions regarding discipline and Church reform. The question was also raised whether the generals of orders and abbots were members of the council and entitled to a vote. Opinions varied greatly on this point. After a long discussion the decision was reached that one vote for the entire order belonged to each general of an order, and that the three Benedictine abbots sent by the pope to represent the entire order were entitled to only one vote.

Violent differences of opinion took place during the preparatory discussion of the decree for the second session determining the title to be given the council; the question was whether there should be added to the title "Holy Council of Trent" (*Sacrosancta tridentina synodus*) the words "representing the Church universal" (*universalem ecclesiam representans*). According to the Bishop of Fiesole, Braccio Martello, a number of the members of the council desired the latter form. However, such a title, although justified in itself, appeared dangerous to the pope's legates and other members of the council because of wording similarity to the Councils of Constance and Basle. It might be taken to express the superiority of the ecumenical council over the pope. Therefore instead of this formula, the additional phrase "oecumenica et generalis" was accepted by nearly all the bishops. Only three bishops who raised the question unsuccessfully several times later persisted in wanting the formula "*universalem ecclesiam representans*".

Another question was in reference to the proxies of absent bishops, namely, whether these were entitled to a vote. Originally the proxies were not allowed a vote. Paul III granted representation by proxies only to those German bishops who could not leave their dioceses on account of religious troubles. In 1562, when the council met again, Pius IV withdrew this permission. Other regulations were also passed, regarding the right of the members to draw expenses from the revenues of their dioceses during the session of the council (approved) and concerning the mode of life of the members. At a later date, during the third period of the council, various enhancements were made in these decisions. Theologians of the council were divided into six classes, each of which received a number of drafts of decrees for discussion. Special consultants also were often appointed for specific questions. The entire regulation of the debates attempted to secure objective and exhaustive discussion for all questions. A courier service was maintained between Rome and Trent, so that the pope was kept fully informed regarding the debates.

### III. The Work and Sessions

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### First Period at Trent

The legates who presided at the Council included Paceco of Jaen, Campeggio of Feltre, and the Bishop of Fiesole. Girolamo Seripando, General of the Augustinian Hermits, was the most prominent of the heads of the orders; theologians included two Dominicans, Ambrogio Catarino and Domenico Soto. After the formal opening session (December 13, 1545), the various questions pertaining to the order of business were debated; neither in the second session (January 7, 1546) nor in the third (February 4, 1546) were any matters touching faith or discipline mentioned. It was only after the third session, when the preliminary questions and the order of business had been settled, that the real work of the council began. The emperor's representative, Francisco de Toledo,

did not even go to Trent until March 15, while another personal representative, Mendoza, arrived in May. The first subject of discussion before the general congregation on February 8 was the Scriptures as the source of Divine revelation. After exhaustive discussions in the various congregations, two decrees were ready for debate at the fourth session (April, 1546), and were adopted. In treating the canon of Scripture they declare at the same time that in matters of faith and morals the tradition of the Church is, together with the Bible, the standard of supernatural revelation; then taking up the text and the use of the sacred Books they declare the Vulgate to be the authentic text for sermons and disputations. It was also determined that the Bible should be interpreted according to the unanimous testimony of the Church leaders (special consideration in these matters rests with Rome and her appointed experts) and never misused for superstitious purposes. Nothing was decided regarding the translation of the Bible in the vernaculars.

Discussions concerning the question of church reform had been carried on between the pope and the legates, and a number of items had been suggested by the latter. These had special reference to the Roman Curia and its administration, to the bishops, ecclesiastical benefices and tithes, the orders, and the training of the clergy. Charles V wished the discussion of the dogmatic questions to be postponed, but the council and the pope could not agree to that, and the council debated dogmas simultaneously with decrees concerning discipline. In May, the general congregation took up the discussion of original sin, its nature, consequences, and cancellation by baptism. At the same time the question of the Immaculate Conception of the Mary was brought up, but the majority of the members finally decided not to give it any definite dogmatic decision. The reforms debated concerned the establishment of theological professorships, preaching, and episcopal obligation of residence. In reference to the latter the Spanish bishop, Paceco, raised the point whether this obligation was of Divine origin, or whether it was merely an ecclesiastical ordinance of Rome, a question which led later to long and violent discussions. In the fifth session (June, 1546) the decree on the dogma of original sin was decided with five canons (anathemas) against the corresponding "erroneous" doctrines; and the first decree on reform (de reformatione) was also accepted treating of professorships of the Scriptures, and of secular learning (artes liberales), of those who preach the Divine word, and of the collectors of alms.

For the following session, which was originally set for July 29, matters proposed for general debate were the dogma of justification as the dogmatic question and the obligation of residence as regards bishops as the disciplinary decree; the treatment of these questions was proposed to the general congregation by the legates on June 21. The dogma of justification debated one of the fundamental questions which had to be discussed with reference to the heretics of the sixteenth century. The imperial party sought to block the discussion of the entire matter, some of the bishops were nervous because of the approaching war of Charles V against the Protestant princes, and there was fresh dissension between the emperor and the pope. However, the debates on the question

were stormy and at the next general session, had to be postponed. No less than sixty-one general congregations and forty-four other congregations were held for the debate of the important subjects of justification and the obligation of residence, before they were ready for the final decision. At the sixth regular session on January 13, 1547, the decree on justification (*de justificatione*) passed, consisting of a prooemium or preface and sixteen chapters with thirty-three canons in condemnation of the opposing heresies. The decree on reform of this session was one in five chapters regarding the obligation of residence of bishops and of the occupants of ecclesiastical benefices or offices. These decrees make the sixth session one of the most important and decisive of the entire council.

The legates proposed the subject-matter for the following session included the doctrine of the Church as to the sacraments, and for the disciplinary question a series of ordinances respecting both the appointment and official activities of bishops, and ecclesiastical benefits. In that seventh session ( March 3, 1547), a dogmatic decree with canons was passed on the sacraments in general (thirteen canons), on baptism (fourteen canons), and on confirmation (three canons); a decree on reform (in fifteen chapters) was also enacted in regard to bishops and their duties and compensations ( including visitations, exemptions concerning the founding of infirmaries, and to the legal affairs of the clergy. Before this session was held the question of the continuing the council or its

transfer to another city had been discussed. The relations between pope and emperor had grown even more strained; the Smalkaldic War had begun in Germany; and now an infectious disease broke out in Trent, killing the general of the Franciscans and others. The cardinal legates, therefore, in the eighth session (March 11, 1547) proposed the transfer to another city, having previously been given this right by a papal Brief. The majority voted to transfer the council to Bologna, and on the following day ( March 12) the legates went there. By the ninth session the number of participants had risen to four cardinals, nine archbishops, forty-nine bishops, two proxies, two abbots, three generals of orders, and fifty theologians.

#### At Bologna

The majority of the council went with the cardinal legates to Bologna; but fourteen bishops who belonged to the party of Charles V remained at Trent and would not recognize the transfer. The sudden change without any special consultation

beforehand angered Paul III, who probably foresaw that this would lead to further difficulties with the emperor. As a matter of fact Charles V was indignant at the change, and through his ambassador, Vaga, protested against it, demanding a return to Trent. The emperor's defeat of the Smalkaldic League increased his power. Influential cardinals sought to mediate between the emperor and the pope, but the negotiations failed. The emperor protested formally against the transfer to Bologna, and, refusing to permit the Spanish bishops who had remained at Trent to leave that city, began negotiations again, on his own, with the German Protestants. At the ninth session of the council at Bologna on April 21, 1547, the only decree issued was one to delay the session. The same action was all that was taken in the tenth session in June. Tension between the emperor and the pope had increased despite the efforts of Cardinals Sfondrato and Madruzzo. All negotiations were fruitless. The bishops who had remained at Trent had held no sessions. The pope ordered four of the bishops at Bologna and four of those at Trent to come to Rome. The bishops at Trent refused to go, thus supporting the emperor. Paul III had now to expect extreme opposition from the emperor. On September 13, the pope suspended the council and commanded the Cardinal Legate del Monte to dismiss all members of the council assembled at Bologna. Those bishops were recalled to Rome, where they were to prepare decrees for disciplinary reforms. This closed the first period of the council. On Nov 10, 1549, the pope died.

#### The Second Period at Trent

Julius III (1550-55), Giovanni del Monte first cardinal legate of the council, was Paul's successor. He began negotiations with the emperor to reopen the council. On Nov. 14, 1550, he issued the Bull "Quum ad tollenda", the reassembling at Trent. He appointed Cardinal Marcellus Crescentius, Archbishop Sebastian Pighinus of Siponto, and Bishop Aloysius Lipomanni of Verona as three presidents. The cardinal legate arrived on April 29, 1551, where the bishop of Trent, fourteen bishops from the countries ruled by the emperor and several bishops from Rome. On May 1, the eleventh session the council opened and merely set September 1 as the date of the next session.

The Sacrament of the Eucharist and drafts of further disciplinary decrees were discussed in the congregations of the theologians and also in several general congregations. Among the theologians were Lainez and Salmeron, who had been sent by the pope, and Johannes Arza, who represented the emperor. Ambassadors of the emperor, King Ferdinand, and Henry II of France were also present. Henry II refused to allow any French bishop to go to the council. In the twelfth session (Sept. 1) the only decision was to delay until October, anticipating the arrival of other German bishops in addition to the Archbishops of Mainz and Trier. The thirteenth session was held on Oct. 11 at which a comprehensive decree on the Sacrament of the Eucharist (in eight chapters and eleven canons), a decree on reform (in eight chapters) regarding the supervision to be exercised by bishops, and one on episcopal jurisdiction were completed. Another decree deferred (until the next session) discussion of four articles concerning the Eucharist, namely, Communion under the two species of bread and wine

and the Communion of children. A safe-conduct order was also issued for Protestants who desired to come to the council. They were not to be eliminated, injured, or imprisoned (an ambassador of Joachim II of Brandenburg had had "some difficulty" en route).

On October 15, the general congregation began discussing drafts of definitions for the Sacraments of Penance and Extreme Unction. At the fourteenth session, November 25, approval was given to dogmatic decrees of the Church respecting the Sacrament of Penance (nine chapters) and three chapters on Extreme Unction. They added fifteen canons condemning "heretical" teachings on Penance and four canons condemning heresies on Unction. The decree on reform touched on the discipline of the clergy and various matters respecting ecclesiastical duties. Meanwhile, ambassadors from several Protestant princes and cities arrived in Trent. They voiced a variety of demands including: that earlier decisions which were contrary to the Augsburg Confession should be

Recalled; any debates on disputes between Catholics and Protestants must be deferred; that deference of the pope to any ecumenical council must be unequivocal; and several other propositions which the council simply would not even consider. Since the close of the last session both the theologians and the general congregations had been discussing the dogma of the Holy Sacrifice of the Mass and of the ordination of priests, as well as with plans for some reformatory decrees. At the fifteenth session (January 25, 1552), in order to make some concessions to the Protestant ambassadors, any decisions regarding current subjects under consideration were postponed. Another, hopefully more effective, safe-conduct order was also drawn up. Attendance at this time included the three papal legates and Cardinal Madruzzo, ten archbishops and fifty-four bishops, most of them from the countries ruled by the emperor. Because of a treacherous attack by Maurice of Saxony on Charles V, Trent and the members of the council were in danger. At the sixteenth session (April 23, 1552) a decree suspended the council for two years.. However, ten years passed before resumption.

### The Third Period at Trent

Julius III did not live to call the council together again. In 1555, he was followed by Marcellus II (Marcello Cervino), a former cardinal legate at Trent. Marcellus died twenty-two days after his election. His successor, Paul IV (1555-9), carried out some internal reforms both in Rome and in

the other parts of the Church; but did not seriously consider reconvening the council. Shortly after his election, Pius IV (1559-65) told the cardinals that he intended to reopen the council with his nephew, the Cardinal Archbishop of Milan, Charles Borromeo, in charge. The Emperor Ferdinand wanted the council, but wished it to be held in some German city, not at Trent. He insisted that it not be meet a continuation of the earlier assembly but as a new council. The King of France agreed and he, too, objected to Trent. The Protestants of Germany worked against assembling the Council. After long negotiations Ferdinand, the Kings of Spain and Portugal, Catholic Switzerland, and Venice left the matter to the pope. On Nov.29, 1560, the Bull "Ad ecclesiae regimen," by which the council was ordered to meet again at Trent at Easter, 1561, was published. In spite of the efforts of the papal nuncios, Delfino and Commendone, the German

Protestants persisted in their opposition. Cardinal Ercole Gonzaga was appointed president of the council; he was assisted by the cardinal legates Stanislaus Hosius, Jacobus Puteus (du Puy), Hieronymus Seripando, Luigi Simonetta, and Marcus Siticus of Altemps. Many bishops, delaying their arrival caused a setback in the opening until Jan.18, 1562.

The sum of business of this seventeenth session was to proclaim the revocation of the suspension of the council and set a date for the next session. In addition to the four cardinal legates,

one cardinal, three patriarchs, eleven archbishops, forty bishops, four abbots, four generals of orders and thirty-four theologians attended this rather brief meeting. The ambassadors of the princes as well as the Protestants argued with the presidents of the council and made requests which Rome basically would not honor. Emperor Ferdinand wished to have the discussion of dogmatic questions deferred.

At the eighteenth session ( Feb.25, 1562) the only matters decided were the publication of a decree concerning the drawing up of a list of forbidden books and still another agreement as to a safe-conduct for Protestants ( there had been dozens of cases of violence directed towards them and other “argumentative parties”). At the next two sessions, the nineteenth on May 14 and the twentieth on June 4, only decrees continuing the council were issued. The number of members and various ambassadors of Catholic rulers had increased but some princes continued to raise objections both as to the character of the council and the place of meeting. Emperor Ferdinand sent an exhaustive plan of church reform which contained many articles all of which the Pope rejected even for any level of discussion.

The legates continued the work of the assembly, and presented the draft of the decree on Holy Communion, which treated the question of Communion under both species, as well as drafts of several disciplinary decrees. These questions were subjected to the usual discussions. At the

twenty-first session (July 16, 1562) the decree on Communion under both species and on the Communion of children was accepted (in four chapters and four canons). A decree upon reformation in nine chapters was also completed It treated ordination to the priesthood, a review of canons, the founding of new parishes, and the collectors of alms. Articles on the Sacrifice of the Mass were the next order of business.

At the twenty-second session, which was held on Sept.17, four decrees were completed. The first contained the dogma of the Church on the Sacrifice of the Mass (in nine chapters and nine canons); the second sought to minimize financial and other abuses in the offering of the Holy Sacrifice; a third (eleven chapters) treated reform (especially in reference to the morals of the clergy), requirements necessary before ecclesiastical offices could be assumed, wills and the administration of religious foundations; the fourth treated the granting of the cup to the laity at Communion, which was left to the discretion of the pope.

The secular rulers had made some seriously difficult demands which were, necessarily ignored while the ordained studied questions of the duty of residence and the relations of the bishops to the pope.



The French bishops who arrived on November 13, 1562 made several propositions. The cardinal legates, Gonzaga and Seripando unexpectedly died. (ed note: no reliable information as to the causes is readily available) Two new legates and presidents, Morone and Navagero, were appointed by the Pope. Various points of the dogma concerning the ordination of priests were discussed both eighty-four theologians and in the general congregations. Finally, on July 15, 1563, the twenty-third session was held. It approved the decree on the Sacrament of Orders and on the ecclesiastical hierarchy (in four chapters and eight canons) as well as a decree on reform (in eighteen chapters). This disciplinary decree treated the obligation of residence, the conferring of the different grades of ordination, and the education of young clerics (seminarians). There were 235 voting members acting on these decrees. More arguing developed as to whether the council should be immediately terminated even as the congregations debated the draft of the decree on the Sacrament of Matrimony. During the twenty-fourth session ( Nov., 1563) a twelve canon dogmatic decree on marriage as a sacrament and a reformatory decree (in ten chapters), treating various conditions required for a valid marriage were approved. In addition they published a general decree on reform treating various questions dealing with the administration of ecclesiastical offices.

Arguments and near rebellion continued to close the council and it was decided to do so as quickly as possible. During the twenty-fifth and final session ( December 3-4, 1563), a variety of dogmatic and other decrees were approved. These included: the veneration and invocation of the saints (and on their relics and images) , on reform ( twenty-two chapters) concerning monks and nuns, on reforming the mode of life of cardinals and bishops, certificates of fitness for ecclesiastics, offerings for Masses, the administration of ecclesiastical offices, one strongly objecting to clergy keeping and supporting mistresses, the life of the clergy in general, on indulgences ( with guidelines for more "appropriate" methods concerning donations) a decree on fasts and feast days. In addition there was a further decree on the preparation by the pope of editions of the Missal, the Breviary, a catechism, and of a list of forbidden books.

It was also declared that the ordained ( ed note: only those allowed to vote) had in no way minimized the contribution of the secular powers and, therefore, the rulers were called upon to accept the decisions of the council and to execute them. Finally, the decrees passed by the council during the reigns of Paul III and Julius III were read and proclaimed to be binding. After agreement to present these decisions to the pope for confirmation, the president, Cardinal Morone, declared the council closed. The decrees had been affirmed by two hundred and fifteen members, consisting of four cardinal legates, two cardinals, three patriarchs, twenty-five archbishops, one hundred and sixty-seven bishops, seven abbots, seven generals of orders, and by nineteen proxies for thirty-three absent prelates. The decrees were confirmed on Jan 26., 1564, by Pius IV in the Bull "Benedictus Deus," and, with a variety of reservations, were accepted by Catholic countries. Specific points in these decrees were never fully accepted or acted on by local religious authorities.

The Ecumenical Council of Trent has been considered to be of the greatest importance for the development of the inner life of the Church. No council had ever had to accomplish its task under more serious political and religious pressures. The assembly proved to the world that notwithstanding renunciations and scandal as well as lay criticism of leadership, there still existed an abundance of religious force and loyalty. Unfortunately the council, was not able to heal the religious differences of western Europe. Rome and her supporters believed that the infallible Divine truth was clearly proclaimed in opposition to the false doctrines of the day, and in this way a firm foundation was laid for the overthrow of heresy and the carrying out of genuine internal reform in the Church.

## Vatican Council 1869-1870

The Vatican Council, the twentieth, opened on December 8, 1869 and adjourned on October 20, 1870. It met three hundred years after the Council of Trent.

### Introductory History

#### Preparations

On December 6, 1864, Pius IX announced his intention to call a general council. He commissioned the cardinals residing at Rome to write their opinions about the need and name subjects which should be discussed. Of the twenty-one reports sent in, only one, Cardinal Pentini's, expressed the opinion that there was no value. Five others did not think that it should be held at this time. Nearly all sent lists of questions that needed conciliar discussion. In March, 1865, the pope appointed a commission of five cardinals to discuss preliminary questions. Later, four more cardinals, a secretary, and eight consultors were added. It held numerous meetings from March, 1865, and December, 1869. Its first motion was that bishops of various countries should also be called upon for suggestions. In March, 1865, the pope commanded thirty-six bishops of the Latin Rite to express their views under pledge of silence. In early 1866, he also designated several bishops of the Oriental Rite under the same conditions. It was now necessary to form commissions for the more thorough discussion of the subjects to be debated at the council. Theologians and canonists, belonging to the secular and regular clergy, were summoned to Rome to co-operate in the work. Earlier, in 1865 the nuncios had been asked to suggest names of suitable people for these preliminary commissions. The war between Austria and Italy in 1866 and the withdrawal of the French troops from Rome on Dec 11 interrupted the discussions ( the pope's original plan had been to open the Council on the festival of the martyrdom of two great Apostles, June, 1867). However, the pope did make use of the nearly five hundred bishops, who had come to attend the centennial celebration, to make the first public announcement of the council at a consistory held on June 26, 1867. The bishops expressed their agreement on July 1. After the return of the French army of protection on Oct 30., 1867, holding the council itself seemed possible. The preparatory commission debated the question of who the pope and they thought should be invited. It was apparent that cardinals and diocesan bishops, the titular bishops, abbots general of congregations from several monasteries, and lastly, heads and generals of the religious orders had the right to be called. It was considered politically wiser not to send invitations to Catholic princes, yet it was intended to grant admission to them or their representatives on demand. The Bull of Convocation, "Æterni Patris", was published on June 29, 1868, declaring Dec. 8, 1869, as the opening date. The objectives of the council were to be the correction of modern errors and revisions of laws. A special Brief, "Arcano divinæ providentiæ", of Sept 8, 1868 suggested that non-united Orientals to reconsider their attitudes towards Rome

and attend. A third Brief, "Jam vos omnes", of Sept. 13, 1868, notified Protestants of the council, and encouraging them to use the occasion to reflect on their immediate return to the faith.

### Reception of the Promulgation

The Bull convoking the council brought anger in many places, especially Germany, France, and England. In these countries it was feared that the council would primarily support the privileges and powers of the papacy and the absolute right of papal infallibility. The dean of the theological faculty of Paris, Bishop Maret, wrote in opposition to these doctrines ("Du concile générale et de la paix religieuse"). Bishop Dupanloup of Orléans published the work "Observations sur la controverse soulevée relativement à la définition de l'infailibilité au prochain concile". Several French bishops and Archbishop Manning denounced Maret. Archbishop Dechamps of Mechlin, Belgium, who had written a work favoring infallibility ("L'infailibilité et le concile générale", became involved in a controversy with Dupanloup. In England, a book entitled "The Condemnation of Pope Honorius" (London, 1868), written by a convert, Le Page Renouf, prompted discussions in newspapers and periodicals. Renouf's publication was countered by Father Botalla, S.J., in "Honorius Reconsidered with Reference to Recent Apologies" (London, 1869). Some letters from French correspondents stated that the majority of French Catholics favored the cause of infallibility, adding fresh fuel to the flames. Ignaz Döllinger, provost of St. Cajetan (Munich) and a professor of church history was the leading spirit of the movement in Germany hostile to the council's declared objectives. He disputed the Syllabus and the doctrine of papal infallibility in five anonymous articles that were published in March, 1869, in the

"Allgemeine Zeitung" of Augsburg. A number of Catholic scholars opposed him, especially after he published his articles in book form under the pseudonym of "Janus", "Der Papst und das Konzil" (Leipzig, 1869). Among these was Professor Joseph Hergenröther of Würzburg, who issued "Anti-Janus" (Freiburg, 1870). Rome was unable to silence the objections and fourteen of the twenty-two German bishops who met at Fulda early in Sept., felt obligated to advise the Holy Father, in a special address, time was not right for defining papal infallibility. The papal notifications addressed to the schismatic Orientals and the Protestants had only the most negative effect. Prince Hohenlohe, president of the Bavarian ministry, sent copies of a letter drawn up by Döllinger, against the coming council, to leadership of European nations. Some decided to remain neutral for the time being. Russia, however, forbade its Catholic bishops to attend the council.

### Preparatory Details

In the meantime the preparatory commission had to draw up an order of procedure for the debates of the council. Five special committees, each presided over by a cardinal with a total of eighty-eight consultors, prepared a plan. These committees were appointed to consider: dogma, church discipline, orders, Oriental Churches and missions, and religious-political questions.

As opening day approached, the following drafts were ready for discussion:

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from *Synopsis of the Reign of the Roman Catholic Pontiffs*

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- three dogmatic drafts- (a) on the Catholic doctrine in opposition to the “errors” which frequently spring from Rationalism, (b) on the Church of Christ and, (c) on Christian marriage.
- twenty-eight drafts treating matters of church discipline. These had reference to bishops, episcopal sees, the different grades of the other clergy seminaries, the “value and contribution” of certain philosophical and theological studies, sermons, the catechism, rituals, impediments to marriage, civil marriage, mixed marriages, improvement of Christian morals, feast days, fasts and abstinences, dueling, magnetism, spiritualism, and secret societies.
- eighteen drafts of decrees had reference to the religious orders; two were on the Oriental Rites and missions ( also been considered in the other drafts)

A number of subjects for discussion had been sent by the bishops of various countries. For example, the bishops of the provinces of Quebec and Halifax demanded the lessening of the impediments to marriage, revision of the Breviary, and, above all, the reform of the entire canon law. The petition of Archbishop Spalding of Baltimore treated the relations between Church and State religious indifference, secret societies, and doubt as to the case of infallibility of the pope ( definition of, and , hopefully , elimination of this was demanded by various bishops). Others asked for a reduction in the numbers in the index of forbidden books. Nine petitions bearing nearly two hundred signatures demanded discussion about the theory of the bodily Assumption of the Blessed Virgin. Over three hundred voting members of the council requested the elevation of St. Joseph as patron saint of the Universal Church.

#### Proceedings of the Council

Presiding Officers, Order of Procedure, Number of Members

On Dec. 2, 1869, the pope held a preliminary session in the Sistine Chapel, which was attended by about five hundred bishops. The officials of the council as well as conciliar procedure was presented.

There were to be five presidents. The Chief presiding officer was to have been Cardinal Reisach, but he died on Dec.22. Cardinal Filippo de Angelis took his place, Jan. 3, 1870. The other presiding officers were Cardinals Antonio de Luca, Andrea Bizarri, Aloisio Bilio, and Annibale Capalti.

Bishop Joseph Fessler of Sankt Pölten, Lower Austria, was secretary to the council, and Monsignor Luigi Jacobi under-secretary. The Constitution "Multiplices inter" ,dealing with procedure, contained the following items:

Sessions were of two types-private sessions for discussing the drafts and motions, under the presidency of a cardinal president and public sessions, presided over by the pope himself for the promulgation of the decrees of the council.

The first drafts of decrees debated were to be the dogmatic and disciplinary as ordered by the pope.

Proposals offered by members of the council were to be sent to a congregation of petitions; these petitions were to be examined by the committee and then only the pope would allow admission or not.

If the general congregation decided that a draft of a decree needed amendments, it was sent, with the proposed amendments, to the respective sub-committee or deputation, either to the one for dogmas or for discipline, or religious orders, or for Oriental Rites. Each of these four sub-committees or deputations was to consist of twenty-four persons selected from the members of the council, and a cardinal president appointed by the pope. The deputation examined the proposed amendments, altered the draft as seemed best, given to the pope for review, and then presented to the general congregation. A printed report on the sub-committee's work also was to be verbally explained by a member.. This procedure was to continue until the draft met with the approval of the majority.

Voting in the congregation was by placet, placet juxta modum (with the amendments), and non placet. Secrecy was to be observed in regard to the proceedings of the council. In the public sessions the voting could only be by placet or non placet. In this way, the public was to have no knowledge of amendments or "other sensitive debate".

The Decrees promulgated by the pope were to bear the title, "Pius Episcopus, servus servorum Dei: sacro approbante Concilio ad perpetuam rei memoriam".

Sessions were to be held in the northern right transept of St. Peter's. Between Dec. 8 1869, and Sept.1,1870, four public sessions and eighty-nine general congregations were held. Of approximately one thousand and fifty prelates entitled to take part in the council, seven hundred and seventy-four appeared for, at least, a portion of the proceedings. At the first public session there were 47 cardinals, 9 patriarchs, 7 primates,117 archbishops, 479 bishops, 5 abbots nullius, 9 abbots general, and 25 generals of orders, totaling 698. At the third public session votes were cast by 47 cardinals, 9 patriarchs, 8 primates, 107 archbishops, 456 bishops, 1 administrator Apostolic, 20 abbots, and 20 generals of orders( 667). United States representatives included all 7 archbishops of that time, 37 of the 47 bishops, and 2 vicars Apostolic. The oldest member of the council was Archbishop MacHale, of Tuam, Ireland; the youngest, Bishop (later Cardinal) Gibbons.

From the Formal Opening to the Definition of the Constitution on the Catholic Faith in the Third Public Session

The First Debates

After the formal opening of the council by the pope at the first public session on Dec. 8, 1869, the meetings of the general congregation began on Dec. 10. Their sessions were generally held between the hours of nine and one. The afternoons were reserved for the sessions of the deputations or sub-committees. The names of the members of the congregation of petitions were disclosed, followed by the elections to the four deputations. The first matter debated during the fourth general congregation ( Dec. 28) was a dogmatic draft of Catholic doctrine against the "errors" due to Rationalism, "De doctrina catholica contra multiplices errores

ex rationalismo derivatos". After a closed, seven-day debate (during which thirty-five members spoke) it was sent on Jan. 19, 1870 to the deputation on faith for revision. Meanwhile, was a second public session (Jan. 2). This had previously been ordered by the Pope for the exclusive purpose of a confession of faith by the members of the council. The subjects discussed from the tenth to the twenty-ninth meeting of the general congregation (on Feb. 22) were the drafts of four disciplinary decrees—on bishops, on vacant episcopal sees, on the morals of ecclesiastics, and on the smaller Catechism. Finally they were all sent for further revision to the deputies on discipline.

### The Parties

Such slow progress of the work had not been expected. The reason was to be found in so many reservations about the question of papal infallibility, which had been subject to so much doubt even before the council. Directly after the opening of the session its influence was evident in the election of the deputies. It divided members of the council into two hostile camps. On all occasions, the decisions and modes of action of each of these parties were determined by its attitude to this question. Regarding the violent disputes which had been carried on everywhere for the past year over the question of papal infallibility, most believed that conciliar discussion and decision of the question to be necessary, even by those aware of extraordinary Vatican pressure.

About a third of the members feared the worst from the definition: the apostasy of many wavering Catholics, an increased estrangement of those separated from the Church, and interference with the affairs of the Church by the Governments of the different countries. There has never been an accurate count as to the number of bishops (privately or openly) willing to express doubts as to the dogma itself (ed note: ethics, morals and job security are always points of consideration). Although the dissenters recognized their powerlessness, they seemed to protract discussions hoping, at least, to delay or even to prevent a decision. Most of the German and Austro-Hungarian members, nearly half of the American and about one-third of the French were against the definition. About 10 Italian bishops, 2 each of the English and Irish bishops, 3 bishops from Canada, and the Swiss bishop, Greith, also joined in this struggle. Some Armenian bishops and most from Spain, Portugal, Belgium, Holland, and Central and South America supported the pope's resolve. Most of the Chaldean and Greek Melchites sided with the opposition. The most prominent members of "the minority" from the United States were Archbishops Kenrick of St. Louis, Purcell of Cincinnati, and Bishop Vérot of St. Augustine. These were joined by Archbishop Connolly of Halifax, Nova Scotia. Some who supported infallibility included Archbishop Spalding of Baltimore, Bishops Williams of Boston, Wood of Philadelphia, and Conroy of Albany.

Some members of the council from other countries included:

France: Opposing Infallibility- Archbishops Darboy of Paris, Ginoulhiac of Lyons, Bishops Dupanloup of Orléans, and David of Saint-Brieuc; Favoring- Archbishop Guibert of Tours, Bishops Pie of Poitiers, Freppel of Angers, Plantier of Nîmes, Raess of Strasburg.

Germany: Oppose- Bishops Hefele of Rottenburg, Ketteler of Mainz, Dinkel of Augsburg; in Favor- Bishops Martin of Paderborn, Senestréy of Ratisbon, Stahl of Würzburg.

Austria Hungary: Opposed- Archbishops Cardinal Rauscher of Vienna, Cardinal Schwarzenberg of Prague, Haynald of Kalocsa, and Bishop Strossmayer of Diakovar; Favoring- Bishops Gasser of Brixen, Fessler of Sankt Pölten, Riccabona of Trent, Zwerger of Seckau.

Italy: Oppose- Archbishop Nazari di Calabiana of Milan, Bishops Moreno of Ivrea, Losanna of Biella; In favor-Valerga, Latin Patriarch of Jerusalem, Bishops Gastaldi of Saluzzo, Gandolfi of Loreto.

England:Oppose-,Bishop Clifford of Clifton; Favoring-Archbishop Manning of Westminster.

Ireland: Oppose- Archbishop MacHale of Tuam; Favor-Archbishops Cullen of Dublin and Leahy of Cashel.

The East: Opposed- Jussef, Greek-Melchite Patriarch of Antioch; Favoring- Hassun, Patriarch of The Armenians.

Switzerland: Opposed-Bishop Greith of St-Gall; In favor- Bishop Mermillod of Geneva.

Others supporting the papal plan were Archbishop Dechamps of Mechlin, Belgium, and Bishop Payà y Rico of Cuenca, Spain.

#### Change of Procedure: The Hall of Assembly reduced in Size

In order to expedite matters, the pope and supporters considered new rules of debate in the proceedings. Consequently, the conciliar procedure was altered by the Decree "Apostolicis litteris", issued on Feb 20, 1870. According to this Decree, any member of the council who wished to raise an objection to the draft under discussion was to send in his proposed amendments in writing, in order that it might be considered by the respective deputies. It is important to remember that proposed amendments would not necessarily ever be added to any draft. In the general congregation, the discussion of a draft as a whole was always to precede the discussion of the individual parts. Although members of a deputation had a right to speak in explanation or correction when not on the list of speakers if, in the opinion of the pope-appointed president and as few as ten members, debate could be closed. Although these claimed procedural improvement, still many were disgusted with them, especially in so far as they were obviously initiated to control all opposing debates. Unsuccessfully, they verbalized their dissatisfaction in several petitions. On the other hand, efforts were made to satisfy another complaint, the poor acoustics of the council hall. Between Feb. 22 and March 18, the council hall was re-configured to about one-third in size for the use by general congregations. It could be restored to its original size for the public sessions (ed note: this subject was covered in extraordinary detail as a significant accomplishment).

#### Completion of the First Constitution

The deputation on Faith was involved in revising the draft of the Decree "De doctrina catholica". On March 1, Bishop Martin of Paderborn presented the first part,



by Father Joseph Kleutgen, S.J., consisting of an introduction and four chapters with the canons. After discussion, on March 14, it was distributed to council members as the actual "Constitutio de fide catholica". Archbishop Simor of Gran gave the oral report on March 18 at the thirtieth general congregation. The debate began on the same day, and was closed after seventeen sessions on April 19 (the forty-sixth general congregation). Over three hundred proposed amendments were brought up. Although there were many objections, the newly developed rules of procedure stifled much debate. A disturbing, fervent speech by Bishop Strossmayer of Diakovár (March 22 at the thirty-first general congregation) called for "reason and fairness in hearing the legitimate protests of those who might ask questions concerning the goals" of the Vatican. A storm of indignation from papal supporters, including screaming and accusations of heresy forced the speaker to leave the meeting. On April 24, the first Constitution, "De fide catholica", was adopted in the third public session by the 667 members present (there had been over 1,050 at the initial sessions) and was formally confirmed by the pope.

#### The Question of Papal Infallibility Motions calling for and opposing Definition

Opponents of infallibility asserted that the pope had convoked the council of the Vatican solely to have papal infallibility proclaimed. Everything else was merely an excuse and for the sake of appearances. None of the numerous drafts drawn up by the preparatory commission dealt with papal infallibility. Although four of the twenty-one opinions sent in by the Roman cardinals had mentioned it, the initial request for suggestions had specifically requested comments about more local concerns. Arguments over the validity of papal infallibility grew more violent. The members continued to plead for conciliar discussion of the question. The first motion was made on Christmas, 1869, by Archbishop Dechamps of Mechlin who presented an opinion of some from the University of Louvain, supporting very limited papal infallibility when accompanied by cardinal and bishop collaboration. He initially discussed this only with select papal supporters. The actual petition for the definition was circulated among all council members on New Year's Day, 1870. Several petitions from opposing groups containing well over five hundred signatures emerged. In addition, there were five documents with 136 member names. Ignoring these appeals, in early February, the papal-selected members of the congregation for petitions (except for Cardinal Rauscher) formally requested that Pius IX consider and offer suggestions regarding the petition for definition.

On March 6, the draft of the Decree on the Church of Christ, which had been distributed on January 21., was given a new twelfth chapter entitled "Romanum Pontificem in rebus fidei et morum definiendis errare non posse" (The Roman Pontiff cannot err in defining matters of faith and morals). Reaction denouncing this display of absolute power appeared in hundreds of pamphlets and innumerable articles in the daily papers and periodicals. In France, the popular theologian, Gratry and Archbishop Dechamps of Mechlin opposed each other in controversial pamphlets. A letter published by Count Montalembert on Feb. 27, 1870, spoke of an idol which had been erected in the Vatican. In England, Newman writing (March) to his bishop, Ullathorne of Birmingham expressed his fears as to "the dreadful results of this declaration of infallibility. Another challenger was Professor Döllinger of Bavaria. Using information

sent from Rome by his pupils, Johann Friedrich and Lord Acton, his "Römische Briefe vom Konzil" was initially published in the "Allgemeine Zeitung" and later in book form.

The Governments of the different countries also took some action. As soon as the original draft of the decree "De ecclesia" with its canons was published in the "Allgemeine Zeitung", Count von Beust, Chancellor of Austria, sent a protest to Rome (Feb.10) which said that the Austrian Government would forbid the publication of all decrees like this that were contrary to the laws of the State. The French minister of foreign affairs, Daru, also sent a memorandum (Feb. 20). He demanded the access of an envoy to the council, and notified the other Governments of this action. Austria, Bavaria, England, Spain and Portugal publicly agreed with the memorandum. The president of the Prussian ministry, Bismarck, would not change his objection in spite of Vatican pressure brought on von Arnim, his ambassador at Rome. On April 18, the leader of the opposition, Count Daru, retired from his post in the ministry. The president of the French ministry, Ollivier, took charge of foreign affairs. Publicly, he decided to take no further action.

#### Debates in the Council

On April 29, during the forty-seventh general congregation, acting upon a request of the pope, the president interrupted the second debate on the smaller Catechism by the announcement that members would receive and examine the draft of a Constitution, "De Romano Pontifice" which would contain the dogma of the primacy and of the infallibility of the pope (the deputies on Faith had altered the eleventh and twelfth chapters of the old draft of the Constitution "De ecclesia". On May 9 it was distributed as the "Constitutio prima de ecclesia", in 4 chapters and 3 canons. For more than two months in about 35 general congregations, and 100 speeches mostly arguing the case of the fourth chapter on papal infallibility dragged on. The most prominent speakers in opposition were: French; Darboy, Ginoulhiac, Maret; German; Hefele, Ketteler, Dinkel; Austrian; Raucher, Schwarzenberg, Strossmayer; United States and Canada; Vérot and Connolly. Archbishop Kenrick of St. Louis, who had lost his chance to speak by a rather abrupt closing of the general debate, published a paper, "Concio in concilio habenda, at non habita".

Supporters of the pope's plan included: French members of the council; Pie and Freppel; Belgian member, Dechamps; English, Manning; Irish, Cullen; Italian, Gastaldi and Valerga; Spanish, Paya y Rico; Austrian, Gasser; German members, Martin and Senestrey; the American member, Spalding.

It was obvious that no other subject had ever been so thoroughly argued than this question of papal power. In the eighty-second general congregation held on July 4, most of those in favor, who still had the right to speak, asked the cardinal president to close the debates. (ed note: by their silence and absence it seems that the "resistance had thrown in the towel")

#### Final Voting and Definition

The eighty-third, eighty-fourth, and eighty-fifth general congregations dealt almost entirely with reports from the deputation on faith concerning the last two

chapters. On July 13 a general vote was taken on the entire draft. There were only 601 members (of the original 1050) in attendance. Of these 451 voted placet, 62 placet juxta modum (conditional affirmative), 88 non placet. Of the North American bishops seven voted non placet; these were Kenrick, Vérot, Domenec, Fitzgerald, MacQuaid, MacCloskey, and Mrac. Bishop Fitzgerald still voted non placet in the fourth public session, while Bishop Domenec voted placet. The other five did not attend this session.

In the eighty-sixth general congregation, on the motion of the president, a close vote by the members condemned two pamphlets which had criticized the council's improper and unethical manner. One, entitled "Ce qui se passe au Concile", asserted that there had been no freedom of discussion. The other, "La dernière heure du Concile", reviewed the accusations that had been raised against it and

encouraged the bishops of the now minority to stand firm and courageously vote non placet in the public session. Because of the war which threatened to break out between Germany and France and generally discouraged, a number of the attendees had returned home. Shortly before the fourth public session, in protest, and with the permission of the directing officers of the council, many bishops of the minority opinion left Rome. The Vatican claimed that these members did not really oppose the dogma of papal infallibility itself, but were only in opposition to the issue being presented at this time. (ed note: there had been rarely a few comments dealing with timing)

On Monday, July 18, 1870, one day before the outbreak of the Franco-German War, 435 members of the council assembled at St. Peter's under the presidency of Pope Pius IX. The last vote was now taken; 433 voted placet, and only two, Bishop Aloisio Riccio of Cajazzo, Italy, and Bishop Edward Fitzgerald of Little Rock, Arkansas, voted non placet. During the proceedings a thunderstorm broke over the Vatican, and amid thunder and lightning the pope promulgated the new dogma ( like a Moses declaring God's law on Mount Sinai).

#### The Council from the Fourth Public Session until the Declaration

At the close of the eighty-fifth general congregation a "Monitum" had been read declaring that the council would be continued without interruption after the fourth public session. Still, the members received a general permission to leave Rome for some months. They had only to notify the secretary in writing of their departure. By Nov. 11, all were to be back. Only slightly over 100 stayed in Rome. They could not take up any new questions so a draft of the decree on vacant Episcopal sees ( which had been amended by the deputation of discipline) was brought up and debated in three further general congregations. The eighty-ninth, which was also to be the last, was held on Sept. 1. On Sept. 8 the Piedmontese troops entered the States of the Church at several points; on Tuesday morning, Sept. 20 they entered Rome through the Porta Pia. The pope remained within the Vatican. He waited a month, then, on Oct. 20, issued the Bull, "Postquam Dei munere", which suspended the council indefinitely. This was the day after a Piedmontese decree had been issued organizing the Vatican (as well as the States of the Church) as a Roman province. A letter, which the pope did not trust, was issued by the Italian minister, Visconti Venosta, on Oct 22, assuring the council of the freedom in continuing the meeting. On the same day, a letter was sent by Archbishop Spalding from London to Cardinal Barnabo, prefect of the Propaganda at Rome. He

suggested that the council continue in Mechlin, Belgian and gave several reasons why this city seemed suitable. This met with the approval of Cardinal Cullen, Archbishop Manning, and Archbishop Dechamps. The pope disagreed.

#### Acceptance of the Decrees of the Council

Over the course of a few years, some members of the minority (previously called enemies of the council) who had maintained their opposition to the definition of infallibility slowly fell into step. Bishop Edward Fitzgerald of Little Rock, Arkansas, who had voted non placet simply said "Holy Father, I will now believe". Others who had chosen to absent themselves from the July 18<sup>th</sup> vote acknowledged the dogma. At a reception on Dec 30, 1870, Archbishop Kenrick of St. Louis gave the reasons for his earlier opposition but "as the pope's wishes had been realized" he submitted unconditionally to its decree. As required, he confirmed this acceptance in a Jan. 13, 1871 letter to the prefect of the Propaganda. Still later, when Lord Acton questioned Kenrick regarding his capitulation, a letter of March 29, 1871 continued to express certain discontent, but confirmed his loyalty to the pope. In addition, Bishops Vérot of St. Augustine, Mrac of Sault-Saint-Marie ( who's Jan., 1872 declaration just met a Vatican-imposed deadline) and Domenec of Pittsburgh fell in line. Four years later (1875) . Bishop MacQuaid of Rochester followed suit.

In Germany, a number of disillusioned Catholic scholars withdrew from the Church and formed the sect of Old Catholics. Professor Döllinger also renounced without connecting himself with any other denomination. In Switzerland the opponents of the Dogma united in a sect called Christian Catholics.

After the Franco-German War, the German Government enacted the "Kulturkampf" which required the bishops and priests to obey civil laws. The Vatican rejected the idea even though there had been no indication of inconsistencies between ecclesiastical duties and national responsibility.

The Austrian Government cancelled the Concordat with the Roman See. Several Swiss districts also nullified agreements.

#### Results

Only two Constitutions were confirmed.

The dogmatic Constitution on the Catholic Faith defended fundamental viewpoints against modern Rationalism, Materialism, and atheism. It maintains the doctrine of the existence of a personal God, Who, has created all things out of nothing, foresees all things, even the future free actions of reasonable creatures, and leads all things to the intended end. The natural and supernatural knowledge of God declares that He, the beginning and end of all things, can also be known using the natural light of reason. It treats the actuality and necessity of a supernatural revelation, of the two sources of Revelation, Scripture and tradition, of the inspiration and interpretation of the

Holy Scriptures. It discusses the supernatural and necessary virtue of faith, the reality of miracles as a confirmation of Divine Revelation; and lastly, the establishment of the Catholic Church by Jesus Christ as the Guardian and Herald of revealed truth. The doctrine connects a relationship between faith and reason. Even though the mysteries of faith cannot be fully grasped by natural reason, revealed truth cannot contradict the positive results of the investigation of reason. However, this Constitution maintains that every assertion is false that contradicts the truth of enlightened faith (ed note: this often referenced to only duly appointed Church authorities as those being the exclusive definers). Faith and true learning are not in hostile opposition, but rather support each other in many ways. Faith is not the same as a philosophical teaching. It is to be considered as a Divine gift to the Church for protection and infallible interpretation. When, therefore, the Church (pope) explains the meaning of a dogma this interpretation is to be maintained for all time. It cannot be changed by the pretense of a more profound investigation. Finally, a variety of "heresies" are rejected by eighteen specific canons.

The other dogmatic Constitution is the first on the Church of Christ, or, as it is also called in reference to its contents, on the Pope of Rome. "The introduction to the Constitution says that the primacy of the Roman pontiff, on which the unity, strength, and stability of the entire Church rests, has always been, and is especially now, the object of violent attacks by the enemies of the Church. Therefore the doctrine of its origin, constant permanence, and nature must be clearly set forth because of opposing errors. Initially it treats of the establishment of the Apostolic primacy in the popes of Rome. Each chapter closes with a canon against any opposing dogmatic opinion. The meaning and nature of the primacy of the Pope in Rome is a constituted power over all other Churches as well as direct, episcopal power of jurisdiction. The clergy and faithful of every rite and rank are bound to true obedience. The power of jurisdiction of the individual bishops in their dioceses is not impaired by the primacy, but only strengthened and defended. The pope has the right to direct and free authority over the clergy and laity of the entire Church. No one is permitted to interfere with this right. It is false to say that the decrees issued by the pope for the guidance of the Church are not valid unless confirmed by the placet of the secular power. The pope is also the supreme judge of all the faithful. Decisions in all matters under examination by the Church ultimately rest with him. No further appeal, not even to an ecumenical council, can be made from the supreme decision of the pope. The canon appended to the third chapter says: "When, therefore, anyone says that the Pope of Rome has only the office of supervision or of guidance, and not the complete and highest power of jurisdiction over the entire Church, not merely in matters of faith and morals, but also in matters which concern the discipline and administration of the Church throughout the entire world, or that the pope has only the chief share, but not the entire fullness of this highest power, or that this his power is not actual and immediate either over all and individual Churches, or over all and individual clergy and faithful, let him be abhorred."

The fourth chapter contains the definition of papal infallibility. All the corresponding decrees of the Fourth Council of Constantinople, 680 (Sixth Ecumenical), of the Second Council of Lyons, 1274 (Fourteenth Ecumenical) and of the Council of Florence, 1439 (Seventeenth Ecumenical), are repeated and confirmed. It is pointed

out, further, that at all times the popes, used their authority in matters of faith for the preservation of the purity of the Apostolic tradition. The successors of St. Peter have been promised guidance by the Holy Ghost, not for the promulgation of new doctrines, but only for the preservation and interpretation of the Revelation delivered by the Apostles. The Constitution closes with the following words: "Faithfully adhering, therefore, to the tradition inherited from the beginning of the Christian Faith, we, with the approbation of the sacred council, for the glory of God our Savior, for the exaltation of the Catholic religion, and the salvation of Christian peoples, teach and define, as a Divinely revealed dogma, that the Roman pontiff, when he speaks *ex cathedra*, that is, when he, in the exercise of his office as shepherd and teacher of all Christians, by virtue of his supreme Apostolic authority, decides that a doctrine concerning faith or morals is to be held by the entire Church, he possesses, in consequence of the Divine aid promised him in St. Peter, that infallibility with which the Divine Savior wished to have His Church furnished for the definition of doctrine concerning faith or morals; and that such definitions of the Roman pontiff are of themselves, and not in consequence of the Church's consent, irreformable."

Some of the unresolved drafts and propositions were later put in place by Pius IX and his successors. Dec.8, 1870, Pius IX made St. Joseph the patron saint of the Universal Church. Some of the moral and religious problems were treated in the encyclicals of Leo XIII on the origin of the civil power (1881), on freemasonry (1884), on human freedom (1888), on Christian marriage (1880). In 1900, Leo XIII also issued new regulations regarding the index of forbidden books. From the beginning of his administration Pius X devoted time to the completion of tasks left by the Vatican Council. Some were: the reform of the Italian diocesan seminaries, the regulation of the philosophical and theological studies of candidates for the priesthood, the introduction of one catechism for the Roman church province, the laws concerning ritual for betrothal and marriage, the revision of the prayers of the Breviary, and the review of all canon law

### Conclusions

In opposition to Rationalism and Free-thinking, the dogmatic decisions elevated the papacy as the crown and center of the entire Catholic Church. The papacy is now and forever to be the fullness of power of administration and teaching as bestowed by Christ upon His Church. Thus ecclesiastical diversity and the theory of national Churches are forever overthrown. On the other hand, it is always hoped that even by the definition of the primacy of jurisdiction and of the infallibility of the pope, ecumenical councils have not forever lost their essential importance. The ecumenical councils have never been absolutely necessary. Even before the Vatican Council their decrees were enacted only after the express approval of the pope. Their lack of importance to the needs of popes and management of Church affairs is shown by the interval of three hundred years between the nineteenth and twentieth ecumenical councils. The definitions of this council have brought about the wishes of the Pope Pius IX and confirmation of any desirable or necessary legal requirements.

## Church Councils

### Ecumenical

#### First Ecumenical Council: Nicaea I (325)

The Council of Nicaea lasted two months and twelve days. Three hundred and eighteen bishops were present. Hosius, Bishop of Cordova, assisted as legate of Pope Sylvester. The Emperor Constantine was also present. This council developed The Creed (Symbolum) of Nicaea, defining against Arius the true Divinity of the Son of God (homoousios), and the fixing of the date for keeping Easter (against the Quartodecimans).

#### Second Ecumenical Council: Constantinople I (381)

The First General Council of Constantinople, under Pope Damasus and the Emperor Theodosius I, was attended by 150 bishops. It was directed against the followers of Macedonius, who attacked the Divinity of the Holy Ghost. To the Nicene Creed, it added the clauses referring to the Holy Ghost and all wording that follows to the end.

#### Third Ecumenical Council: Ephesus (431)

The Council of Ephesus, of more than 200 bishops, presided over by St. Cyril of Alexandria representing Pope Celestine I, defined the true personal unity of Christ, declared Mary the Mother of God (theotokos) against Nestorius, Bishop of Constantinople, and renewed the condemnation of Pelagius.

#### Fourth Ecumenical Council: Chalcedon (451)

The Council of Chalcedon -- 150 bishops under Pope Leo the Great and the Emperor Marcian -- defined the two natures (Divine and human) in Christ, which had been opposed by Eutyches, who was then excommunicated.

#### Fifth Ecumenical Council: Constantinople II (553)

The Second General Council of Constantinople, of 165 bishops under Pope Vigilius and Emperor Justinian I, condemned the errors of Origen and certain writings (The Three Chapters) of Theodoret, of Theodore, Bishop of Mopsuestia and of Ibas, Bishop of Edessa; it further confirmed the first four general councils, especially that of Chalcedon whose authority was contested by some heretics.

#### Sixth Ecumenical Council: Constantinople III (680-681)

The Third General Council of Constantinople, under Pope Agatho and the Emperor Constantine Pogonatus, was attended by the Patriarchs of Constantinople and of Antioch, 174 bishops, and the emperor. It put an end to Monothelism by defining two

wills in Christ, the Divine and the human, as two distinct principles of operation. It anathematized (cursed) Sergius, Pyrrhus, Paul, Macarius, and all their followers.

#### Seventh Ecumenical Council: Nicaea II (787)

The Second Council of Nicaea was convoked by Emperor Constantine VI and his mother Irene, under Pope Adrian I, and was presided over by the legates of Pope Adrian; it regulated the veneration of holy images. Between 300 and 367 bishops assisted.

#### Eighth Ecumenical Council: Constantinople IV (869)

The Fourth General Council of Constantinople, under Pope Adrian II and Emperor Basil numbering 102 bishops, 3 papal legates, and 4 patriarchs, eliminated the Acts of an irregular council (conciliabulum) brought together by Photius against Pope Nicholas and Ignatius the legitimate Patriarch of Constantinople; it condemned Photius who had unlawfully seized the patriarchal dignity. The Photian Schism triumphed in the Greek Church; no other general council took place in the East.

#### Ninth Ecumenical Council: Lateran I (1123)

The First Lateran Council, the first held at Rome, under Pope Callistus II. About 900 bishops and abbots assisted. It abolished the right claimed by lay princes, of ratifying their authority with ring and crosier thus giving that right to ecclesiastical (church authority) and dealt with church discipline and the recovery of the Holy Land from the invaders.

#### Tenth Ecumenical Council: Lateran II (1139)

The Second Lateran Council was held at Rome under Pope Innocent II, with an attendance of about 1000 prelates and the Emperor Conrad. Its object was to end the errors of Arnold of Brescia.

#### Eleventh Ecumenical Council: Lateran III (1179)

The Third Lateran Council took place under Pope Alexander III, and Frederick, the emperor. There were 302 bishops present. It condemned the Albigenses and Waldenses and issued numerous decrees for the reformation of morals.

#### Twelfth Ecumenical Council: Lateran IV (1215)

The Fourth Lateran Council was held under Innocent III. Present were the Patriarchs of Constantinople and Jerusalem, 71 archbishops, 412 bishops, and 800 abbots, the Primate of the Maronites, and St. Dominic. It issued an enlarged creed (symbol) against the Albigenses and published 70 other reformatory decrees. This is the most important council of the Middle Ages, and it marks the culminating point (or firming) of ecclesiastical life and papal power.



#### Thirteenth Ecumenical Council: Lyons I (1245)

The First General Council of Lyons was presided over by Innocent IV; the Patriarchs of Constantinople, Antioch, and Aquileia (Venice), 140 bishops, Baldwin II, Emperor of the East, and St. Louis, King of France, assisted. It excommunicated and deposed Emperor Frederick II and directed a new crusade, under the command of St. Louis, against the Saracens and Mongols.

#### Fourteenth Ecumenical Council: Lyons II (1274)

The Second General Council of Lyons was held by Pope Gregory X, the Patriarchs of Antioch and Constantinople, 15 cardinals, 500 bishops, and more than 1000 others. It effected a temporary reunion of the Greek Church with Rome. Means were sought for recovering Palestine from the Turks. It also laid down the rules for papal elections.

#### Fifteenth Ecumenical Council: Vienne (1311-1313)

The Council of Vienne was held in that town in France by order of Clement V, the first of the Avignon popes. The Patriarchs of Antioch and Alexandria, 300 bishops (or only 114 according to some authorities), and 3 kings -- Philip IV of France, Edward II of England, and James II of Aragon -- were present. The synod dealt with the crimes and errors blamed on the Knights Templars, the Fraticelli, the Beghards, and the Beguines, with discussions of a new crusade, the reformation of the clergy, and the teaching of Oriental languages in the universities.

#### Sixteenth Ecumenical Council: Constance (1414-1418)

The Council of Constance was held during the great Schism of the West, with the objective of ending divisions in the Church. It became legitimate only when Gregory XI had formally convoked it. Owing to this circumstance it succeeded in putting an end to the schism by the election of Pope Martin V, which the Council of Pisa (1409) had failed to accomplish because of its illegality. The rightful pope confirmed the former decrees of the synod against Wyclif and Hus. This council is thus ecumenical only in its last sessions and with respect to the decrees of earlier sessions approved by Martin V.

#### Seventeenth Ecumenical Council: Basle/Ferrara/Florence (1431-1439)

The Council of Basle met first in that town, Eugene IV the pope, and Sigismund Emperor of the Holy Roman Empire. Its object was the religious pacification of Bohemia. The council was transferred first to Ferrara (1438), then to Florence (1439), where a short-lived union with the Greek Church was affected. The Greeks accepted the council's definition of controverted (to dispute or oppose by reason) points. Of its decrees, Eugene IV approved only those which dealt with the wiping out of heresy, the peace of Christendom, and the reform of the Church, and which at the same time did not detract from the rights of the Holy See.

#### Eighteenth Ecumenical Council: Lateran V (1512-1517)

The Fifth Lateran Council sat from 1512 to 1517 under Popes Julius II, Leo X, and the emperor Maximilian I. Fifteen cardinals and about eighty archbishops and bishops took part. Its decrees were mostly disciplinary. A new crusade against the Turks was also planned, but did not take place, owing to the religious upheaval in Germany influenced by Martin Luther.

#### Nineteenth Ecumenical Council: Trent (1545-1563)

The Council of Trent lasted eighteen years (1545-1563) under five popes: Paul III, Julius III, Marcellus II, Paul IV and Pius IV, and under the Emperors Charles V and Ferdinand. Also present were 5 cardinal legates of the Holy See, 3 patriarchs, 33 archbishops, 235 bishops, 7 abbots, 7 generals of monastic orders, and 160 doctors of divinity. It was convoked to examine and condemn many of the issues promulgated by Luther and other Reformers, and to amend the disciplines of the Church. Of all councils it lasted longest, issued the greatest number of dogmatic and reformatory decrees.

#### Twentieth Ecumenical Council: Vatican I (1869-1870)

The Vatican Council was summoned by Pius IX. It met 8 December, 1869, and lasted until 18 July, 1870. Many issues were unresolved and, perhaps that is still the case.

There were present 6 archbishop-princes, 49 cardinals, 11 patriarchs, 680 archbishops and bishops, 28 abbots, 29 generals of orders, in all 803. In addition to canons relating to the Faith and the constitution of the Church, the council decreed the infallibility of the pope when speaking *ex cathedra* (i.e. when as shepherd and teacher of all Catholics) he defines a doctrine concerning faith or morals to be held by the whole Church.

#### Twenty-first Ecumenical Council: Second Vatican Council (1962-1965)

Vatican Council, Second, popularly called Vatican II, 1962–65, the 21st ecumenical council convened by Pope John XXIII and continued under Paul VI. Its announced purpose was spiritual renewal of the church and reconsideration of the position of the church in the modern world. The most impressive innovation of the council, which convened Oct. 11, 1962, was the invitation extended to Protestant and Orthodox Eastern churches to send observers; the meetings were attended by representatives from many of those churches. Another obvious feature was the diversity of national and cultural origins.

One announced aim was to consider reform of the liturgy, primarily to bring the laity into closer participation in church services and to encourage diversity in language and practice. Greater emphasis was also placed upon the pastoral duties of the bishops, as compared to administrative functions. The procedure at the conference allowed for some democratic practices, and there was lively debate between the “progressive” and “conservative” groups.

By the time of adjournment, the council had issued four constitutions, nine decrees, and three declarations. The nature of these statements was conciliatory, avoiding rigid definitions and condemnations.

These included: Constitution on the Sacred Liturgy (permitting vernacularization of the liturgy and stressing greater lay participation in the ritual) and the decree on the media of social communication. The Dogmatic Constitution on the Church (which promotes the principle of episcopal collegiality with the pope), the decrees on ecumenism and on the Eastern Catholic churches, and the proclamation of the Blessed Virgin Mary as the "Mother of the Church." Pope Paul VI opened Session IV (Sept.–Dec., 1965) with the announcement that he was establishing an episcopal synod to assist the pope in governing the church. That final session issued the Dogmatic Constitution on Divine Revelation and the Pastoral Constitution on the Church in the Modern World; the decrees on the bishops' pastoral office, on the renewal of the religious life (the life of the religious orders), on education for the priesthood, on the ministry and life of priests, on the apostolate of the laity, and on the church's missionary activity. There were also declarations on Christian education, on religious freedom, and on the relationship of the church to non-Christian religions (which included an important passage condemning anti-Semitism and recognizing "the bond that spiritually ties the people of the New Covenant to Abraham's stock"). Before the close of the council, Pope Paul began to establish a series of commissions to implement the council's decisions

## General Councils

The following is a summary of only the first five general councils:

Eusebius (*Vita Constantini*, III, vi) mentions that the writs of convocation to the First General Synod were issued by Emperor Constantine, but as not one of those writs is presently available, it remains doubtful whether or not they mentioned any previous consultation with the pope. It is, however, a fact that the Sixth General Synod (680) plainly affirmed that the Council of Nicaea had been convened by the emperor and Pope Sylvester (*Mansi, Coll. Conc.*, XI, 661). The same statement appears in the life of Sylvester found in the "*Liber Pontificalis*". The evidence from the council being, from the circumstances in which it was given, seems to be of sufficient strength to carry the point. The Sixth General Council took place in Constantinople, at a time when the bishops of the imperial city already attempted to rival the bishops of Old Rome, and the vast majority of its members were Greeks; their statement is therefore entirely free from the suspicion of Western ambition or prejudice and probably should be accepted as factual. Rufinus, in his continuation of Eusebius' history (I, 1) says that the emperor summoned the synod *ex sacerdotum sententia* (on the advice of the clergy)- it might be fair to suppose that if he consulted several prelates he did not omit to consult with the Pope.

The Second General Synod (381) was not, at first, intended to be Ecumenical; it only became so because it was accepted in the West. It was not summoned by Pope Damasus as is often contended, for the assertion that the assembled bishops professed to have met as the result of a letter of the pope to Theodosius the Great is based on confusion. Vatican documentation as legal evidence often refers to the synod of the following year which was indeed summoned at the instigation of the pope and the Synod of Aquileia, but was not an Ecumenical synod.

The Third General Council (Ephesus, 431) was convoked by Emperor Theodosius II and his Western friend Valentinian III- this is evident from the Acts of the council. It is equally evident that Pope Celestine I gave his consent, for he wrote ( May 15, 431) to Theodosius that he could not appear in person at the synod, but that he would send his representatives. And in his epistle of May 8 to the synod itself, he insists on the duty of the bishops present to hold fast to the orthodox faith, expects them to accede to the sentence he has already pronounced on Nestorius, and adds that he has sent his legates to execute that sentence at Ephesus. The members of the council acknowledge the papal directions and orders, not only the papal consent, in the wording of their solemn condemnation of Nestorius: "Urged by the Canons and conforming to the Letter of our most holy Father and fellow servant Celestine the Roman bishop, we have framed this sorrowful sentence against Nestorius." They express the same sentiment where they say that "the epistle of the Apostolic See (to Cyril, communicated to the council) already contains a judgment and a rule *psepho kai typou* on the case of Nestorius" and that they, the bishops in council, have executed that ruling. All this manifests the bishops' conviction that the pope was the moving and quickening spirit of the synod.

How the Fourth General Synod (Chalcedon, 451) was brought together is seen in several writings of Pope Leo I and Emperors Theodosius II and Marcian. Immediately after the Robber Synod, Leo asked Theodosius to prepare a council composed of bishops from all parts of the world, to meet, preferably, in Italy. He repeated the same request, first made in October, 449, on the following Christmas, and prevailed on the Western Empero Valentinian III together with the empress and his mother, to support it at the Byzantine Court. Once more (in July, 450) Leo renewed his request, adding, however that the council might be dispensed with if all the bishops were to make a profession of the orthodox faith without being united in council. About this time Theodosius II died and was succeeded by his sister, St. Pulcheria, and her husband Marcian. Both at once informed the pope of their willingness to summon the council, Marcian specially asking him to state in writing whether he could assist at the synod in person or through his legates, so that the necessary writs of convocation might be issued to the Eastern bishops. By that time, however, the situation had greatly improved in the Eastern Church- nearly all the bishops who had taken part in the Robber Synod had now repented of their "sins" and signed, in union with their orthodox colleagues, the "Epistola dogmatica" of Leo to Flavian, by this act the need of a council was much less urgent. Besides, the Huns were just then invading the West, preventing many Latin bishops, whose presence at the council was most desirable, from leaving their homes for the journey to Chalcedon. Other motives (the fear that it might be made the occasion by the bishops of Constantinople to improve their hierarchical position). This fear was justified by subsequent events. But Marcian had already summoned the synod, and Leo therefore gave his instructions as to the business to be transacted. He said, in a letter to the bishops who had been at the council, that the synod had been brought together "ex praecepto christianorum principum et ex consensu apostolicae sedis" (by order of the Christian princes and with the consent of the Apostolic See). The emperor wrote Leo that the synod had been held by his authority (*te auctore*), and the bishops of Moesia, in

a letter to the Byzantine Emperor Leo, said: "At Chalcedon many bishops assembled by order of Leo, the Roman pontiff, who is the true head of the bishops".

The Fifth General Synod was planned by Justinian I with the consent of Pope Vigilius (q.v.), but on account of the emperor's dogmatic pretensions, quarrels arose and the pope refused to be present, although repeatedly invited. His Constitutum of May 14, 553, to the effect that he could not consent to the cursing of Theodore of Mopsuestia and Theodoret, led to open opposition between pope and council. In the end all was righted by Vigilius approving the synodal decrees.

Three of these synods were each called by the emperors of the time with the "consent and assistance" of the popes.

## SECTION 3

### Roman Catholic Councils Function and Authority

#### The Pope and General Councils

The relations between the pope and general councils must be defined as to the function of councils in the Church, of their rights and duties, and authority. The traditional phrase, "the council represents the Church", associated with the modern notion of representative assemblies, is apt to lead to a serious misconception of the bishops' function in general synods. A modern democratic nation's deputies receive their power from their electors and should be bound to protect and promote their electors' interests. They are directly created by, and out of, the people's own power. The bishops in council, however, hold no power, no commission, or delegation, from the people. All their powers, orders, jurisdiction, and membership in the council, come to them from "above" - directly from the pope. What the episcopate in council represents is the Magisterium, the teaching and governing power of the Church; the interests it defends should always be those of the "Depositum Fidei", of the revealed rules of faith and morals, i.e. the interests of God.

The council is, then, the assessor (or more often the supporter) of the "supreme" teacher and judge. Its operation is essentially co-operation, the common action of the members with their head, changing as required by the pope. A council in opposition to the pope is not representative of the whole elected Church, for it neither represents the pope who opposes it, nor the absent bishops, who cannot act beyond the limits of their dioceses except through the pope. A council not only acting independently of the pope, but sitting in judgment over him, is unthinkable. In fact, such assemblies have only taken place in times of great constitutional disturbances, when either there was no pope or the rightful pope was indistinguishable from antipopes. In such abnormal times the safety of the Church's ruling powers becomes the supreme law. The first duty of the flock is to find a new shepherd, under whose direction the existing problems may, hopefully, be remedied.

In normal times, according to the constitution of the Church, the pope rules by his power alone. The function of councils is to support and strengthen his authority on occasions of extraordinary difficulties arising from heresies, schisms, relaxed discipline, or external foes. Generally, councils have no role in the ordinary normal governing of the Church. This principle is confirmed by the fact that during nineteen centuries of Church life only twenty Ecumenical councils took place. It is further illustrated by the complete failure of the decree issued during the Council of Constance (then without a “rightful” head) that general councils should meet frequently and at regular intervals. The very first synod summoned at Pavia for the year 1423 couldn’t be held because of the lack of responses to the summons. It is evident that general councils, independent of the pope, are not able to issue binding dogmatic or disciplinary canons. The older councils, especially those of Ephesus (431) and Chalcedon (451), were not convened to decide on questions of faith, but to give weight to, and secure the implementation of, papal decisions previously issued which had been regarded as fully authoritative. The bishops in council are not commissioned, as are modern parliaments, to control and limit the power of the sovereign, or head of the State. Extraordinary circumstances may arise in which it would be, their right and duty to discuss certain of his acts or measures with the pope. The severe restraints by the Sixth General Council on Pope Honorius I may be cited as a rare case in point.

### Composition of General Councils

#### Right of Participation

The right to be present and to act at general councils belongs to the bishops holding the episcopal office. At the earlier councils, there were also the “chorepiscopi” (country-bishops), who were neither appointed bishops nor of an order. They were a level between bishops and priests, ordained by the bishop and charged with the administration of a certain district in his diocese. They had the power to confer minor orders and to that of the subdiaconate. Titular bishops (those not ruling a diocese) had equal rights with other bishops (17 were at the Vatican Council (1869-70). The contention is that their appointment (the episcopal consecration) entitles them to take part in the administration of the Church (“jure divino”) and a general council seems to be the proper arena for the exercise of such rights. As their title is based on canon law, those who held episcopal or quasi-episcopal jurisdiction without being bishops (such as cardinal-priests, cardinal-deacons, abbots of orders or monasteries, generals of monastic orders) were allowed to vote at the Vatican Council. At the early councils such votes had not been acceptable, but from the seventh century to the end of the Middle Ages, the practice gradually came to pass and has since become an acquired right. Priests and deacons frequently cast decisive votes in the name of absent bishops whom they represented. At the Council of Trent, however, these representatives were admitted on a very limited basis and at the Vatican Council they were even excluded from the council hall. In addition to voting members, every council admits, a number of doctors in theology and canon law as consultants. At the Council of Constance the consultants were allowed to vote. Other clerics have been admitted as notaries. Lay people may be, and have been, present at councils for a variety of reasons, but never as voters. They gave advice, made complaints, assented to decisions and, occasionally,

even signed decrees. Ever since the Roman emperors had accepted Christianity, they assisted either personally or through deputies (“commissarii”). Constantine the Great was present at the First General Council ( Pope Sylvester had chosen not to attend). It was Constantine who had called the council to establish more lay authority over the political issues affecting the Church). Other political leaders included Emperor Marcian and his wife, Empress Pulcheria, Constantine Pogonatus, and Emperor Basil, the Macedonian. Theodosius II and Empress Irene each sent representatives. Only the Second and the Fifth General Synods were held in the absence of emperors or imperial commissaries, but both Theodosius the Great and Justinian were at Constantinople while the councils were in session, keeping up constant discussions with and recommendations for the members. In the West, the attendance of kings, even at provincial synods, was common. The objective of royal presence was always to protect their specific interests, “assist” the synods, heighten their authority, and to foster the needs of particular Christian states and countries. This “co-operation” was usually considered as interference with the pope's rights in conciliar matters.

As early as the fourth century, some bishops were complaining about Constantine the Great's insistence that his commissary's participate at the Synod of Tyre (335). The Eighth General Synod ( 421) defended the Vatican position that synods should be held without the emperor's presence and that emperors had really only been present at general councils (“it was not proper for secular princes to witness certain Church matters”). This was not factual. Historically, in the West secular princes were present even at national synods. Sisenand, King of the Spanish Visigoths, was at the Fourth Council of Toledo (636), King Chintilian at the fifth (638), Charlemagne at the Council of Frankfort (794) and, in 664, two Anglo Saxon kings attended the Synod of Whitby (Collatio Pharenes). About 864, the Eastern Emperor, Michael, claimed the right to summon councils without obtaining the pope's consent, and to take part in them personally or by proxy. Pope Nicholas I opposed this attitude, pointing out in a letter, that imperial predecessors had only been present at general synods dealing with matters of faith. Nicholas then decided that all future synods should be held without the emperor's or his commissaries. Step by step, Rome established the policy that no royal commissary would be present at any council (except general) during which "faith, reformation, and peace" were questions under consideration.

#### Requisite Number of Members

Since its basic existence depends on co-operation with the Pope, the number of bishops required to constitute an Ecumenical council cannot be strictly defined, nor need it be. It neither is physically impossible to bring together all the bishops of the world, nor is there any standard by which to determine even an approximate number, or proportion, of prelates necessary to secure ecumenicity. All should be invited. In practice, a considerable number of representatives from the several provinces and countries should actually attend. The ancient Church, however, did not conform to this theory. As a rule only the patriarchs and metropolitans received a direct summons to appear with a certain number of their assistants. At Ephesus and Chalcedon the time between the convocation and the meeting of the council was arranged to be too short to allow of the Western bishops to be invited. As a rule, very few Western bishops were

personally present at any of the first eight general synods. Occasionally, they forced themselves on the council body by sending deputies with precise voting instructions. What gave Eastern synods their Ecumenical character was their early support of the pope as head of the universal, and, especially, of the Western, Church. In this way, the sense of the Church, its essential element, is less the proportion of bishops present to bishops absent than the loyalty of those council members to the Pope.

#### Papal control as the basic element of councils

It is the action of the pope that makes the councils ecumenical. That action is the exercise of his office of ruler of the Church. This is a result of the belief that no authority is commensurate with the whole Church except that of the pope. He alone controls all of the faithful. It seems sufficient when the pope speaks *ex cathedra* making his own decisions binding on any council, regardless of the number of its members. Nothing further is necessary to make them binding on the whole Church. The earliest enunciation of this principle is found in the letter of the Council of Sardica (313) to Pope Julius I, and was often quoted, since the beginning of the fifth century, as the (Nicæan) canon. It concerns the necessity of papal direction in all of the more important acts. Pope Julius said, in reference to the Council of Antioch (341), that the law of the Church (kanon) forbids "the churches to pass laws contrary to the judgment of the Bishop of Rome" and Sozomen likewise declares "it to be a holy law not to attribute any value to things done without the judgment of the Bishop of Rome". The letter of Julius directly refers to an existing custom and, in particular, to a single important case (the authority of a pope).

In effectively defining a council as universal, the Papacy assumes responsibility for any decisions by giving them formal confirmation. The Synod of Constantinople (381) in which the Nicene Creed received its present form (the one used at Mass) had no claim to be Ecumenical. At an Italian synod, well before Pope Damasus and some Western bishops had even seen it, they condemned much of the Creed. Later, after several revisions, Damasus finally confirmed. The canons of this council were still rejected by Leo the Great and even by Gregory the Great (about 600). A proof that the Creed of Constantinople enjoyed papal sanction may be drawn from the way in which the Roman legates at the Fourth General Synod (Chalcedon, 451) allowed appeals to this Creed, while, at the same time, they protested against other canons of the council. It was on account of the papal declaration of the Creed that, in the sixth century, Popes Vigilius, Pelagius II and Gregory the Great individually declared this council to be Ecumenical. This, in spite of the fact that Gregory still refused to sanction its canons. The First Synod of Constantinople presents, then, an instance of a minimum of papal co-operation regarding the mark of universality

The pope's office and the council's function in the organization of the Church requires that the pope call the council, preside over, direct and finally proclaim its decrees to the universal Church as expressing the mind of the whole teaching body guided by the Holy Ghost. Some instances of such rare co-operation occur in the five Lateran councils, which were presided over personally by the pope as the highest authority in the Church. His direction of the deliberations, and of the decrees, stamp the conciliary proceedings throughout as the function of the "Magisterium Ecclesiae" in its



most authoritative form. Councils in which the pope is represented by legates are also representative of the whole teaching body of the Church, but the representation is not considered to be absolute or adequate, lacking that in-person authority and control. They act in the name but not with the whole power, of the teaching Church (pope). Their decrees become universally binding only through an act by the pope. The difference between councils presided over personally and by proxy is marked in the form in which their decrees are declared. When the pope had been present, the decrees are published in his own name with the additional formula (“sacro approbante Concilio”). When papal legates have presided, the decrees are attributed to the synod.

#### Pope’s cooperation with the Council

No council is Ecumenical unless the pope has made it his own by personal involvement. The three factors constituting the solidarity of pope and council are the convocation, direction, and confirmation of the council by the pope. However, it is not essential that each and all of these factors should always be fully inclusive.

#### Convocation

The juridical convocation of a council implies more than an invitation addressed to all the bishops of the world to meet in council. It is the act by which, in law, the bishops are bound to take part in the council, and that council is also deemed to be a legitimate tribunal for dealing with Church affairs. The right of convocation belongs to the pope alone. However, the convocations for the first eight general synods were exclusively issued by the Christian emperors, who choose not to enlist guidance from the Vatican. The imperial letters of convocation to the Councils of Ephesus (Hardouin I) in 449 and of Chalcedon (Hardouin II), 451 indicate that the emperors were acting as “protectors” of the Church, believing it their duty to further their power for the common good. Contrary to popular opinion, it was the emperors who followed their own agendas, convening councils and fixing the meeting place with no involvement by the popes. Some really want to believe that the Christian emperors could not have acted without the consent (actual or presumed) of the pope, but history does not support this theory. Regarding the fifth council (553), Pope Vigilius initially declared that any attempt by Emperor Justinian I to convene, would be met with the “most grievous consequences”. The emperor’s action did cause the legality of the council to be questioned (the mind of the Vatican required the pope’s consent for the lawfulness of councils). Concerning the Council of Chalcedon, Emperor Marcian ignored the wishes of Pope Leo I as to the time and place of its meeting. Later, Leo I explained that he only submitted to the imperial arrangements because he was unwilling to interfere with Marcian’s good intentions.

The hierarchy had problems addressing the judicial aspect (as an authorized tribunal for Church affairs). The expressions “jubere” and “keleuein”, occasionally used in the wording of the convocation, do not necessarily convey the notion of strict orders. They also imply exhorting, inducing or bidding. The Apostolic See argued that it was the sole source of the juridical constitution of a council. They maintain that the pope was sometimes *induced* -if not forced - by circumstances to make his authorization agree with the imperial wishes and arrangements.

## Direction

The direction of councils belongs to the pope by the same right as their convocation and constitution. If a council were directed in its deliberations and acts by anyone independent of the pope and acting entirely on his own responsibility, such a council could not be the pope's own. Pope Adrian II sent his legates to the Eighth Ecumenical Synod (787) with a declaration to Emperor Basil that they were to act as presidents of the council. The legates, Bishop Donatus of Ostia, Bishop Stephen of Nepesina, and deacon Marinus of Rome, read it to the synod. No objection was raised. They took control of all protocols, determined the duration of the several sessions, made speeches, read documents and organized questions. But later, at the sixth session, Emperor Basil arrived with his two sons, Constantine and Leo, and took over the presidency. However, the emperor and his sons were involved in attempting to have members address problems concerning the people and governmental relationships with the Vatican. The meeting was then defined as "conveniente sanctâ ac universali synodo" (the holy and universal synod now meeting). The names of the papal legates appeared first among the members of the synod. Emperor Basil agreed to write his and the sons names immediately after those of the papal legates and of the Eastern patriarchs and before those of the bishops. Pope Adrian II was relieved that Basil had decided to sign more as a witness than as a judge (a letter raises him for not having assisted at the council as a judge (judex), but merely as a witness).

Imperial commissaries acted less like presidents than the emperor. They signed the reports of sessions after representatives of the patriarchs but before bishops. The Eastern patriarch, Ignatius of Constantinople, and the representatives of the other Eastern patriarchs, in some degree, participated in the presidency: their names are constantly associated with those of the Roman legates and clearly distinguished from those of the other metropolitans and bishops. Along with the papal legates they are the board of directors, fixing the order of proceedings, deciding who shall be allowed to speak, and reviewing (and often adjusting) reports of the several sessions. The papal legates unmistakably are in charge. In the papal-approved publications they are always named and sign first, using the formula: huic sanctae et universali synodo praesidens (presiding over this holy and universal synod), while Ignatius of Constantinople and the representatives of the other patriarchs claim no presidency but word their agreement: suscipiens et omnibus quae ab ea iudicata et scripta sunt concordans et definiens subscripsi (receiving this holy and universal synod and agreeing with all it has judged and written, and defining I have signed). The president and bishops (like the emperor) used the formula: suscipiens (synodum) subscripsi (receiving the synod I have signed), omitting the customary definiens, which was used to mark a decisive vote (votum decisivum). The pope insisted that it is his exclusive right to decide questions on faith and discipline.

To insure that the Council of Ephesus would take place with, at least, some representation by the Apostolic See, Emperor Theodosius II wrote the members indicating that he had sent Count Candidian to represent him, but that this imperial commissary was not necessarily to take part in dogmatic disputes since "it was unlawful for one who is not enrolled in the lists of the most holy bishops to mingle in

ecclesiastical inquiries". Bishops at the Council of Chalcedon acknowledged that Pope Leo, by his legates, presided over it as "the head over the members". At Nicaea, Hosius, Vitus and Vincentius, as papal legates, signed before all other members of the council. The right of presiding and directing implies that the pope determines the subject matter to be dealt with by the council, prescribe rules for conducting the debates, and generally order the whole business as seems best to him, often changing context or deleting unacceptable statements prior to the publication of the meetings' conclusions. No conciliar decree is legitimate if carried under protest by the pope or his legates. Even agreement by the legates alone, acting without a special order from the pope, is not sufficient to make conciliar decrees (the pope alone makes these decisions). There are abundant examples of councils working under pressure. Most of the early councils were convened to approve decisions already instituted by the pope. They were forced to conform their judgment to that of Rome, most often without any discussions allowed. The fact that a synod is, or has been, acting under the leadership of its Divinely appointed head, is the best guarantee of its freedom from unnatural disturbances, such as coercion from dissident members or "outsiders". In the same way any interference with the papal leadership is believed to be an attack on a council's freedom. The Robber Synod of Ephesus (449), though intended to be general and at first authorized by the presence of papal legates, was declared invalid by those same legates at Chalcedon (451), because Emperor Theodosius II had removed the representatives of the pope, and turned over the direction of the council to Dioscurus of Alexandria.

#### Confirmation

Without specific papal approval, the council's pronouncements cannot represent the fullest effort of the teaching and ruling Church. Confirmation (at times with corrections) is the final touch of perfection, the seal of authority, and the life of conciliar decrees. This is the personal act of the highest authority, which can never be delegated.

Councils over which the pope presides in person require no further formal confirmation on his part, as their decisions will formally include his own. Those which are presided over by the pope's legates are not the same. They constitute separate, dependent, representative tribunals, whose findings only become final through ratification by the supreme authority.

The papal confirmation is, or may be, presumed in the following cases: When the council is convened for the express purpose of supporting a previous papal decision or when the legates give their consent during a special public instruction from the pope. The consent of the Apostolic See may also be presumed when, as at the Council of Trent, the legates had specific personal instructions from the pope on each particular question coming up for decision, and acted accordingly, i.e. if they allowed no decision to be made unless the pope's consent has previously been obtained.

What could happen if a council were actually composed of the greater part of the episcopate, concurring freely in a unanimous decision and thus bearing unexceptional witness to the mind and sense of the whole Church? It seems that the pope, whose office it is to voice the mind of the Church would be obliged by the very nature of his office, to adopt the council's decision, and consequently his confirmation or ratification could be presumed. But bear in mind the on-going fear and concern for any disturbing

elements. Conflicting religious, political, scientific, and personal interests are all a threat. Therefore, papal ratification is the tool used to crush real or imagined conflicts which otherwise would endanger a “successful” council. The Ecumenical authority of the pope is sufficient to impart validity ( and sometimes infallibility) to those decrees which he ratifies. This was done by Pope Vigilius for the Fifth General Synod by simply re-writing and then, ratifying his condemnation of heretics. Leo II also made some changes and then in ratification of the Sixth General Council stated "Because this great and universal synod has most fully proclaimed the definition of the right faith, which the Apostolic See of St. Peter the Apostle, whose office we, though unequal to it, are holding, also reverently receives: therefore we also, and through our office this Apostolic See, consent to, and confirm, by the authority of Blessed Peter, those things which have been defined, as being finally set by he Lord Himself on the solid rock which is Christ."

The controversies during the sixth century about the “Three Chapters” illustrate the necessity and the importance of papal control and confirmation. The Three Chapters were the condemnation (1) of Theodore of Mopsuestia, both of his soul and of his writings; (2) of Theodoret's writings against Cyril and the Council of Ephesus; (3) of a letter from Ibas to Maris the Persian, also against Cyril and the council. The condemned Ibas and Theodoret were later restored at Chalcedon, but only after they had fully renounced their disbeliefs and pledging that they were free from Nestorianism. Two points in debate were: (1) Did the Council of Chalcedon acknowledge the orthodoxy of the Three Chapters? (2) How is the point to be settled? Now the two contending parties agreed in the principle of the test: declaration of the council stands or falls with the approval by the pope's legates and of Pope Leo I. Defenders of the Chapters, e.g. Ferrandus the Deacon and Facundus of Hermiane, put forward as their chief argument (*prima et immobilis ratio*) the fact that Leo had approved. Their opponents never questioned the principle but denied the alleged fact, basing their denial on Leo's epistle to Maximus of Antioch in which they read: If anything not pertaining to the cause of faith should have been settled by the brethren I sent to the Holy Synod to hold my place, it shall be of no force. The point of doctrine (*causa fidei*) referred to is the heresy of Eutyches; the Three Chapters refer to that of Nestorius, or rather to certain persons and writings connected with it. The bishops of the council, assembled at Constantinople in 533 to put an end to the Three Chapters controversy. The *Confessio of Mennas* states "But also the letters of Pope Leo and the Constitution of the Apostolic See issued in support of the Faith and of the authority (*firmitas*) of the aforementioned four synods, we promise to follow and observe in all points and we condemn any man, who should attempt to nullify our promises and we embrace the letters of the bishops of the Apostolic Roman See, those of others as well as of Leo concerning the Faith and the four holy synods or any of them."

#### Business Methods

In all earlier councils management of affairs was left to the Priests and adjusted to any objectives and circumstances. The *Ordo celebrandi Concilii Tridentini*, written by the conciliar secretary, A. Massarelli was a record of what had been done, not rules of order. Many fixed rules were established during the reform councils of the fifteenth century to insure absolute power in cases where a pope might be absent (see the

"Caeremoniale Romanum" of Augustinus Patritius, 1496). The establishment of "congregations" (.meetings for the purpose of consultation or provisory voting) dates from the Council of Constance (1415). At earlier councils all meetings were referred to as either sessions or actions. Since Constance the term "session" has applied to meetings at which the final votes take place. Particular congregations, also dating from Constance were simply separate assemblies of the "nations" at the council. These formed national votes which were presented in the general assembly. The particular congregations of more recent councils have been committee conferences assembled by papal appointment or invitation to deliberate special matters.

At Trent there were congregations of prelates and of theologians, for dogma and regulations. The congregations of prelates were committees of papal- chosen experts, usually three into which the council divided for the purpose of facilitating discussion. The order of the Vatican Council had confirmed the Tridentine practice. Voting by "nations", distinctive in the reform councils, has also been abandoned in favor of the traditional voting by individuals (capita).

The Vatican Council (1869-70) had seven "commissions" consisting of theologians appointed a year before the meeting to prepare subjects. The titles of these congregations are self-descriptive: 1- Congregatio cardinalitia directrix (general directive cardinalitial congregation), 2- Commissio caeremoniarum (commissions for ceremonies), 3- politico-ecclesiastica (political-ecclesiastical affairs), 4- pro ecclesiis et missionibus Orientis (the churches and missions of the Orient), 5- pro Regularibus (the Regular Orders), 6- theologica dogmatica (dogmatic theology), and 7- pro disciplina ecclesiastica (ecclesiastical discipline). They worked out the schemata (drafts of decrees) to be discussed by the council. Within the council itself there were seven "deputations": *Pro recipiendis et expendendis Patrum propositionib* (appointed by the pope to examine the independent propositions of the Fathers), *Judices excusationum* (Judges of excuses), *Judices querelarum et controversiarum* (to settle questions of precedence), *deputatio pro rebus ad fidem pertinentibus* (on matters pertaining to faith), *deputatio pro rebus disciplinae ecclesiasticae* (on ecclesiastical discipline), *pro rebus ordinum regularium* (on religious orders) and *pro rebus ritus orientalis et apostolicis missionibus* (Oriental rites and Apostolic missions). All, except the first, were chosen by the council. Objections and amendments had to be written to the responsible deputation, which considered the matter and might modify the agenda. Anyone wishing to further change the draft had to obtain permission from the legates to propose his amendments in a speech, followed by written details. If, however, ten prelates decided that the matter had been sufficiently debated, the speech was refused. At this stage the amendments were collected and examined by the synod congregation and then to the general congregation for vote. The votes for approval or rejection were by the prelates standing or remaining seated. Even in the case of a favorable majority, it was only accepted during the last solemn public session and then only after a final vote of placet or non placet ("it pleases", or "it does not please").

## Theory

The principle which directs the working of a council is” the perfect, or best possible, realization of its object, a final judgment on questions of faith and morals, invested with the authority and majesty of the whole teaching body of the Church”.

The attendance of all the bishops of the world is an unrealistic ideal (a majority is desirable). A quasi-complete council has the advantage of being a real representation of the whole Church, while a sparsely attended one is only so in law, the few members legally represent the many absent, but only represent their juridical power, not their ordinary power. What is missing is an “authentic” witness of the Faith as it exists in his diocese. Many hope for a” free” discussion of all objections. Another goal is unanimity in the final vote ( a result of the universal faith as testified to by the voters, of conviction gained in the debates, or compliance with the will of the pope. Of course, there is no standard by which to determine whether or not the number of bishops was sufficient and the debates had been inclusive enough. Nor do the Acts of the councils (documentation regarding the internal activities) give us any solid information as to the unanimity of the final decisions or of the way in which they were obtained.

#### The Council as a Court of Judges:

The bishops, in giving their judgment, are directed only by their personal conviction; no previous consent of the faithful or of the whole episcopate is required. In unity with the pope, they are one solid college of judges for united, decisive action - a body much different than a group of simple witnesses. The college assumes a represent their colleagues who were called but failed to take their seats, provided the number of those present is adequate. Their resolutions are, therefore, to be considered as universal consent (*universali consensu constituta*).

The college of judges is subject to the rule of common resolution (*communi sensu constitutum*- (established by common consent). However, if any majority verdict, even including papal legates, does not have the papal approval, it fails to have the authoritative pronouncement of the whole Church. Any decree of a majority, not specifically endorsed by the pope, has no binding force on either the dissentient members present or the absent members, nor is the pope bound in any way to endorse it. A verdict’s only value is that it justifies the pope, in case he approves it, to say that he confirms the decision of a council, or gives his own decision *sacro approbante concilio* (with the consent of the council).. A unanimous conciliary decision, as distinct from a simple majority decision, may under very rare circumstances, be binding on the pope and attempt to force his hand (as has so often happened, he merely ignores the decision).

In it’s relationship to the pope, a council is simply an assembly of witnesses and counselors who may be of some influence. It is hoped that such minimal influence neither lessens the dignity nor the efficiency of any of the bishops but, really, it is never required, in councils or elsewhere, to cause the pope to act upon their verdicts. The Vatican Council (First), including the fourth session in which papal infallibility ( *ex-cathedra*) was defined, comes nearer than any former council to “perfection”. It was composed of the greatest number of bishops present as well as in proportion to the total number of bishops in the Church. It allowed the right of discussion, appealed to a

general (albeit vague) tradition containing some historical references to the issue ( the duty of submitting to the pope and of conforming his teachings).

#### Infallibility of General Councils

The arguments which attempt to prove the infallibility of the Church also apply to the infallible authority of general councils in union with the pope. It is believed that the Apostles, at the Council of Jerusalem (Acts, xv, 28), put the seal of supreme authority on their decisions attributing them to the joint action of the Spirit of God and of themselves (Visum est Spiritui sancto et nobis-It hath seemed good to the Holy Ghost and to us). From the earliest times those who rejected the decisions of councils were themselves rejected by the Church. Emperor Constantine saw in the decrees of Nicaea "a Divine commandment" and Athanasius wrote to the bishops of Africa: "What God has spoken through the Council of Nicaea endureth forever." St. Ambrose (Ep. xxi) pronounces himself ready to die by the sword rather than give up the Nicene decrees. Pope Leo the Great declares that "whoso resists the Councils of Nicaea and Chalcedon cannot be numbered among Catholics" and that the decrees of Chalcedon were framed under the guidance of the Holy Ghost (Concilium generale representat ecclesiam universalem, eique absolute obediendum-General councils represent the universal Church and demand absolute obedience). The Scripture texts on which this belief is based are, among others: "But when he, the Spirit of truth, is come, he will teach you all truth . ." (John xvi, 13). "Behold I am with you all days even to the consummation of the world" (Matt., xxviii, 20), "The gates of hell shall not prevail against it [i.e. the Church]" (Matt., xvi, 18).

#### Papal and Conciliar Infallibility

Papal and conciliar infallibility are correlated but not identical. A council's decrees can only be infallible if approved and announced by the pope. It seems that some members of Ecumenical councils employing the historical rules of faith and the promises of assistance made by Christ's "guarantee" (pledge to be in the midst of two or three of His disciples gathered together in His name) often believed that they had the "right and responsibility" to pronounce infallible decisions. An Ecumenical council is, in fact, in theory or in law, a gathering of Christ's ordained co-workers for the salvation of all through true faith and holy conduct; He is therefore in their midst, fulfilling His promises and leading them towards truth. Some also claim that His presence, by cementing the unity of the assembly into one body-His own mystical body -gives it the necessary completeness, and makes up for any defect possibly arising from the physical absence of a certain number of bishops. This explains the reason that Pius IX's primary focus was to insure that any measures dealing with infallibility would forever be an exclusive "papal privilege". As spokesperson of the council (and the whole Church), he can say, "it hath seemed good to the Holy Ghost and to us", and consequently can put the seal of infallibility on a conciliar decree. An infallible statement is sometimes referred to as Divine truth, the voice of Christ speaking through the mouth of the visible head of His mystical body or in chorus, with all its members. The bishops who have personally contributed to the definitions have a responsibility to publish and enforce these decrees in their dioceses.

It had been customary in rules of faith that the authority of the councils and that of the popes was to have been substantially the same. In profession of faith imposed by Pope Hormisdas (514-23) on the Eastern bishops involved in the schism of Acacius: "The first [step towards] salvation is to keep the rule of orthodox faith and in no way to deviate from the constitutions [councils] of the Fathers.). Wishing by no means to be separated from this hope and faith, we condemn all heresies, especially the heretic Nestorius, in his time Bishop of Constantinople, who was condemned to hell at the Council of Ephesus (431) by Blessed Celestine, Pope of Rome and by Cyril, Bishop of Alexandria. We declare and approve all the letters of Leo, Pope (461) which he wrote concerning the Christian religion". The Vatican falls back on the "Thou art Peter...", thus defending the ultimate power of the Apostolic See and continually relegates councils to only an advisory position. This, in spite of overwhelming historical precedence as to councils "shared" authority. (Editor's note: Although the sources of the last few paragraphs are more than 80 years old, this seems to be a continuing thought as demonstrated even today)

#### Infallibility, Decrees, and Dogma

The term, infallibility (supreme judicial authority) can be found in various definitions and decrees of councils (excluding, however, any theological, scientific, or historical reasoning). These claim that the promise of infallibility was made to the Church as a whole (the sense of the unchanging Church that is infallible, not that of individual churchmen at any level of authority). Some revised those standards in the sense that they believed it could find manifestation only in those council conclusions which were approved by the pope.

In the East, decisions referring to dogma were called diatyposeis (constitutions, statutes). Those which addressed discipline were kanones (canons, rules), often with the addition of tes eutaxias (of discipline, or good order). The expressions thesmoi and horoi apply to both, and the short formulas of condemnation (of heresy and people) were known as anathematismoi (anathemas). The West had no such distinctions. Canones and decreta signify both dogmatic and disciplinary decisions. The Council of Trent referred to its disciplinary edicts as decreta de reformatione. Dogmatic definitions were "decreta" (without qualification), used in situations wherein they asserted issues of faith. "Canones" were employed to condemn anyone who refused to accept the council's defined propositions. The Council at the beginning and end of each chapter, declared that all propositions contain the rule of faith. As an example, Session XIII begins: "The Holy Synod *forbids* to all the faithful in future to believe, teach, or preach concerning the Holy Eucharist otherwise than is explained and defined in the present decree", and it ends: "As, however, it is not enough to speak the truth without discovering and refuting error, it has pleased the Holy Synod to subjoin the following canons, so that all, now knowing the Catholic doctrine, may also understand what heresies they have to beware against and avoid." The same remark applies to the chapters of the Vatican Council (1869) in its two Constitutions and from the initial phrases of most chapters. However, chapters of both councils contain the doctrina catholica (the authorized teaching of the Church), but not always dogmata formalia (defined propositions of faith)



## Dissemination

Transmission of conciliar decrees is vital because they are laws, and not obligatory until brought to all people that it intends to bind. The decrees are usually transmitted in the name of the synod. They have also been published in the form of papal decrees in those cases wherein a pope presided in person (applying “*sacra universali synodo approbante*”). Initially, this was used at the Third Lateran (refers to one held in Rome) Council -Eleventh Ecumenical Council, 1179- which took place under Pope Alexander III and Emperor Frederick. In addition, “*Sacra universali*” was applied at the Fourth and Fifth Lateran and with some Decrees from the Council of Constance.

## Comparative Authority-Council and Pope

The Councils of Constance and of Basle reaffirmed the tradition that an Ecumenical council has greater authority than the pope. Many theologians adopted that proposition as one of the famous four Gallican Liberties. Others insisted that the pope’s power is beyond that any general council. The leading supporter of the Gallican doctrine are: Dupin (1657-1719), professor at the Sorbonne, in his book on the ancient discipline of the Church (*De antiquâ Ecclesiae disciplinâ dissertationes historicae*) and Natalis Alexander, O.P. (1639-1724), in “*Historia Ecclesiastica*” (Diss. iv ad saeculum XV). Lucius Ferraris (*Bibliotheca Canonica*, s.v. Concilium) and Roncaglia, an editor, under the direction of the Vatican, “corrected” Natalis Alexander’s history, both defended papal superiority. Hefele, reviewing the main arguments of the Gallicans ( that Pope Martin V approved the declaration of the Council of Constance and Pope Eugene IV did the same at the Council of Basle) declared his belief in the superiority of an Ecumenical synod over the pope. He concluded that both popes had, indeed, approved of the councils in general terms which implied a sanction of the point in question. Even so, some diehards continue to argue that neither Martin nor Eugene ever intended to claim the superiority of a council over the pope. (See Hefele, *Conciliengeschichte*, I, 50-54)

A controversy remains in that General councils represent the Church and the pope acts at them in the same relation as he stands in the Church. That relation should be one of neither superiority nor inferiority, but of inherent unity: the pope is neither above nor below the Church, but in it as the center. By taking the stand on Scriptural doctrine that the Church is the mystical body of Christ of which the pope is the visible head, some continue to claim that any council apart from the pope is but an insignificant parliament, no matter how well intentioned.

## Can a Council Depose the Pope

In the history of the Church circumstances have arisen in which several pretenders contended for papal authority and councils were called upon to remove certain claimants. The Councils of Constance and Basle, and Gallican theologians, hold that a council may depose a pope on two main grounds:

ob mores (for his conduct or behavior, e.g. his resistance to the synod)

ob fidem (on account of his faith or lack of faith, i.e. heresy).

In reality, however, heresy is the only legitimate ground. A heretical pope ceases to be a member of the Church, and cannot be its head. A “sinful” pope, on the other

hand, remains a member of the (visible) Church and is to be treated as an unjust ruler for whom “people must pray”, but to whom we “owe” obedience.

The question takes on another aspect when a number of claimants pretend to be the rightful occupants of the Apostolic See, and the right of each is doubtful. In such a case the council, according to Bellarmine (*Disputationes*, II xix, de Conciliis) has a right to examine the several claims and to depose the pretenders whose claims they believe to be unfounded. This was done at the Synod of Constance. But, according to the rules, during this process of examination the synod is not yet ecumenical; it only becomes so the moment the rightful pope endorses the proceedings. It is

evident that this can never be a case of a legitimate pope being deposed by a legitimate council, but simply the removal of pretender (Editor’s note: According to this view any pope in power can eliminate all competition). Not even the Pope could have been deposed at Constance, had his election not been doubtful and himself suspected of heresy. The Pope abdicated and only then made his removal from the Apostolic See lawful. In all controversies regarding Rome the rule laid down by the Eighth General Synod continues to be a “fall-back”-“If a universal synod be assembled and any ambiguity or controversy arise concerning the Holy Church of the Romans, the question should be examined and solved with due reverence and veneration, in a spirit of mutual helpfulness; no sentence should be audaciously pronounced against the supreme pontiff of the elder Rome” (can. xxi. Hefele, IV, 421-22).

## SECTION 4

### Council of Trent

The nineteenth ecumenical council opened at Trent on December 13, 1545, and closed December 4, 1563. Its main object was the determination of the doctrines of the Church in answer to the “heresies” of the Protestants. Another objective was the execution of a thorough reform of the inner life of the Church by removing the numerous abuses.

#### Convocation

Because he was convinced that he would be condemned at Rome for his “heretical” doctrines, on November 28, 1518, Luther appealed to the pope for a general council. This was ignored. The Diet held at Nuremberg in 1523 demanded a “free Christian council” on German soil, and at the Diet held in the same city in 1524 a demand was made for a German national council to regulate temporarily the questions in dispute, and for a general council to settle definitely his accusations against Rome,

and the religious disputes. Owing to feelings prevalent in Germany the demand was considered very dangerous and, of course, Rome positively rejected the German national council, but did not absolutely object to holding a general council. Emperor Charles V forbade the national council, but notified Clement VII through his ambassadors that he considered the calling of a general council and proposed the city of Trent as the place of assembly. During the next several years this dispute between emperor and pope prevented any further negotiations concerning a council. Nothing was done until 1529 when the papal ambassador, Pico della Mirandola, declared at the Diet of Speyer that the pope was ready to aid the Germans in the struggle against the Turks, to urge the restoration of peace among Christian rulers, and to convoke a general council to meet the following summer. Charles and Clement VII met at Bologna in 1530, and the pope agreed to call a council, if necessary. The cardinal legate, Lorenzo Campeggio, opposed a council, convinced that the Protestants were not honest in demanding it. Still the Catholic princes of Germany, especially the dukes of Bavaria, favored a council as the best means of overcoming the "evils" which the Church was suffering; Charles never wavered in his determination to have the council held as soon as there was a period of general peace in Christendom.

The matter was also discussed at the Diet of Augsburg in 1530, when Campeggio again opposed a council, while the emperor declared himself in favor of one providing that the Protestants were willing to restore earlier conditions until decisions were made at the council. Charles's proposition met the approval of the Catholic princes, who, however, wished the assembly to meet in Germany. The emperor's letters to his ambassadors at Rome led to the discussion of the matter twice in the congregation of cardinals appointed especially for German affairs. Although opinions differed, the pope wrote to Emperor Charles that he could promise a council with his consent, providing that the Protestants go back to obedience to Rome. He proposed an Italian city, preferably Rome, as the place of assembly. The emperor, however, distrusted the pope, believing that Clement did not really desire a council. Meantime, the Protestant princes did not agree to abandon their doctrines. Clement constantly raised difficulties regarding a council, although Charles, along with most of the cardinals, especially Farnese, del Monte, and Canisio, repeatedly urged him to call one as the sole means of settling the religious disputes. The Protestant princes refused to withdraw from the position they had taken up. Francis I, of France, sought to frustrate the launch of a council by making impossible demands. It was mainly his fault that the council was not held during the reign of Clement VII, for on Nov 28, 1531, it had been unanimously agreed in a consistory that a council should be called immediately. At Bologna in 1532, the emperor and the pope discussed the question of a council again and decided that it should meet as soon as the approval of all Christian princes had been obtained for the plan. Briefs were addressed to the rulers and legates were directed to go to Germany, France, and England. The answer of the French King was unsatisfactory. Both he and Henry VIII of England avoided a definitive reply, and the German Protestants rejected the conditions proposed by the pope.

The next pope, Paul III (1534-49), as Cardinal Alessandro Farnese, had always strongly favored the convening of a council. When, after his election, he met the Cardinals on October 17, 1534. He spoke of the necessity of a general council and

repeated this opinion at the first consistory ( November 13). He summoned prelates to Rome to discuss the matter. Representatives of Charles V and Ferdinand I also moved to open the council. The majority of the cardinals, however, opposed the immediate calling of a council, and it was decided to notify the princes of the papal decision to hold a church assembly instead. Nuncios were sent for this purpose to France, Spain, and the German King, Ferdinand. Vergerio, nuncio to Ferdinand, was also to tell the German electors and a few of the remaining ruling princes personally of the impending proclamation of the council. He was mostly met with distrust.

The selection of the meeting place was a major problem. Rome insisted that the council should meet in an Italian city. The Protestant rulers, supported by Kings Henry VIII and Francis I. met at Smalkald in December, 1535, and rejected the proposed council. At the same time Charles sent assurances to Rome that a council as necessary for the extermination of heresy ( in reference to German Protestantism. A visit to Rome in 1536 led to an agreement between him and the pope concerning the council. On June 2, Paul III published the Bull calling all patriarchs, archbishops, bishops, and abbots to assemble at Mantua on May 23, 1537, for a general council. Cardinal legates were sent with an invitation to the council to the emperor, the King of the Romans, the King of France. A number of other nuncios carried the invitation to the other Christian countries. T Peter van der Vorst of The Netherlands, was sent to Germany to persuade the ruling princes to take part. The Protestant rulers refused the invitation, even though in 1530 they had requested a council-still again, Rome had ignored their appeal for a German location. Francis I took advantage of the war that had broken out between himself and Charles in 1536 to insist that the journey of the French bishops to the council was impossible.

Meanwhile in Rome, the Commission of Reform, appointed in July, 1536, drew up a report as the basis for the correction of the abuses in ecclesiastical life. The Duke of Mantua now raised objections against the holding of the assembly in his city and created impossible conditions. The opening of the council was put off to November and later it was decided to open it at Vicenza on May 1, 1538. Francis I continually attempted to obstruct the opening. Nevertheless the legates who were to preside at the council went to Vicenza. Only six bishops were present. The French King and the pope met at Nice, and it was decided to prorogue until Easter, 1539. Soon after this the German Emperor also tried to postpone the council, hoping to restore religious unity in Germany by conferences with the Protestants.

After unsuccessful negotiations both with Charles V and Francis I the council was indefinitely postponed, to reassemble at the pope's discretion. When Paul III and Charles V met at Lucca in September, 1541, Paul raised the question of the council. The Charles V now ordered that it should meet at Vicenza, but Venice would not agree, whereupon the Emperor choose Trent, and later Cardinal Contarini suggested Mantua, but nothing was decided. The emperor and Francis I were invited to send the cardinals of their countries to Rome, so that the question of the council could be discussed by the college. Morone worked in Germany as legate for the council, and the pope finally agreed to hold it at Trent. After further consultations at Rome, Paul III ordered that an ecumenical council was to meet at Trent on Nov 1, 1541. The Protestants made violent

attacks on the Council. Francis I also opposed it, not even permitting the Bull of convocation to be published in his kingdom. The German Catholic princes and King Sigismund of Poland sanctioned the convocation. Charles V, enraged at the neutral position of the pope in the war between himself and Francis I, as well as with the wording of the Bull, wrote a disapproving letter to Paul III. Ignoring Charles, preparations were made for the council at Trent by special papal commissioners and three cardinals who had been appointed as conciliary legates. Francis I and of the emperor again prevented the opening of the council. A few Italian and German bishops appeared at Trent. The pope went to Bologna in March 1543 and to a conference with Charles V at Busseto in June. Differences were not resolved. The strained relations between pope and emperor and the war between Charles V and Francis I, led to more delays. After the Peace of Crespy (Sept. 17, 1544) Paul III and Charles V temporarily reconciled. Francis I had abandoned his opposition and declared himself in favor of Trent, as did the emperor. On Nov. 19, 1544, the Bull "Laetare Hierusalem" was issued, by which the council was again directed to meet at Trent on March 15, 1545. Cardinals Giovanni del Monte, Marcello Cervini, and Reginald Pole were appointed in February, 1545, as the papal legates to preside at the council. As in March only a few bishops had come to Trent and the opening date had to be delayed again. Emperor Charles, however, wanted a speedy opening, consequently December 13, 1545, was selected for the first formal session. This was held in the cathedral of Trent. after the first president of the council, Cardinal del Monte, had celebrated the Mass of the Holy Ghost. When the Bull of convocation and the Bull appointing the conciliary legates were read, Cardinal del Monte declared the ecumenical council opened, and directed January 7, 1546 as the date of the second session. Besides the three presiding legates representatives included Cardinal Madruzzo, Bishop of Trent, four archbishops, twenty-one bishops, five generals of orders. The council was attended, in addition, by the legates of the King of Germany, Ferdinand, and by forty-two theologians, and nine canonists, who had been summoned as consultors.

## II. Order of Business

The first weeks were occupied mainly with settling the order of business of the assembly. After long discussion it was agreed that the matters to be taken into consideration by the members of the council were to be proposed by the cardinal legates; after they had been drawn up by a commission of consultors (*congregatio theologorum minorum*), they were to be discussed thoroughly in preparatory sessions of special congregations of prelates for dogmatic questions, and similar congregations for legal questions (*congregatio proelatorum theologorum* and *congregatio proelatorum canonistarum*).

Originally, council members were divided into three congregations for discussion of subjects, but this was soon done away with as too cumbersome. After all the preliminary discussions, a topic was debated in detail in the general congregation (*congregatio generalis*) and the final form of the decrees was settled on. These general congregations were composed of all bishops, generals of orders, and abbots who were entitled to a vote, the proxies of absent members entitled to a vote, and the

representatives (oratores) of the secular rulers. The decrees resulting from such exhaustive debates were then brought to the formal sessions and votes were taken. On December 18, the legates presented seventeen articles before the general congregations just outlining procedure for the subjects to be discussed. This led to a number of difficulties. The main one was whether dogmatic questions or the reform of church life should be discussed first. It was finally decided that both subjects should be debated simultaneously.

Thus after the sessions of the decrees concerning the dogmas of the Church, a similar debate took place on questions regarding discipline and Church reform. The question was also raised whether the generals of orders and abbots were members of the council and entitled to a vote. Opinions varied greatly on this point. After a long discussion the decision was reached that one vote for the entire order belonged to each general of an order, and that the three Benedictine abbots sent by the pope to represent the entire order were entitled to only one vote.

Violent differences of opinion took place during the preparatory discussion of the decree for the second session determining the title to be given the council; the question was whether there should be added to the title "Holy Council of Trent" (*Sacrosancta tridentina synodus*) the words "representing

the Church universal" (*universalem ecclesiam representans*). According to the Bishop of Fiesole, Braccio Martello, a number of the members of the council desired the latter form. However, such a title, although justified in itself, appeared dangerous to the pope's legates and other members of the council because of wording similarity to the Councils of Constance and Basle. It might be taken to express the superiority of the ecumenical council over the pope. Therefore instead of this formula, the additional phrase "*oecumenica et generalis*" was accepted by nearly all the bishops. Only three bishops who raised the question unsuccessfully several times later persisted in wanting the formula "*universalem ecclesiam representans*".

Another question was in reference to the proxies of absent bishops, namely, whether these were entitled to a vote. Originally the proxies were not allowed a vote. Paul III granted representation by proxies only to those German bishops who could not leave their dioceses on account of religious troubles. In 1562, when the council met again, Pius IV withdrew this permission. Other regulations were also passed, regarding the right of the members to draw expenses from the revenues of their dioceses during the session of the council (approved) and concerning the mode of life of the members. At a later date, during the third period of the council, various enhancements were made in these decisions. Theologians of the council were divided into six classes, each of which received a number of drafts of decrees for discussion. Special consultants also were often appointed for specific questions. The entire regulation of the debates attempted to secure objective and exhaustive discussion for all questions. A courier service was maintained

between Rome and Trent, so that the pope was kept fully informed regarding the debates.

### III. The Work and Sessions

### First Period at Trent

The legates who presided at the Council included Paceco of Jaen, Campeggio of Feltre, and the Bishop of Fiesole. Girolamo Seripando, General of the Augustinian Hermits, was the most prominent of the heads of the orders; theologians included two Dominicans, Ambrogio Catarino and Domenico Soto. After the formal opening session (December 13, 1545), the various questions pertaining to the order of business were debated; neither in the second session (January 7, 1546) nor in the third (February 4, 1546) were any matters touching faith or discipline mentioned. It was only after the third session, when the preliminary questions and the order of business had been settled, that the real work of the council began. The emperor's representative, Francisco de Toledo,

did not even go to Trent until March 15, while another personal representative, Mendoza, arrived in May. The first subject of discussion before the general congregation on February 8 was the Scriptures as the source of Divine revelation. After exhaustive discussions in the various congregations, two decrees were ready for debate at the fourth session (April, 1546), and were adopted. In treating the canon of Scripture they declare at the same time that in matters of faith and morals the tradition of the Church is, together with the Bible, the standard of supernatural revelation; then taking up the text and the use of the sacred Books they declare the Vulgate to be the authentic text for sermons and disputations. It was also determined that the Bible should be interpreted according to the unanimous testimony of the Church leaders (special consideration in these matters rests with Rome and her appointed experts) and never misused for superstitious purposes. Nothing was decided regarding the translation of the Bible in the vernaculars.

Discussions concerning the question of church reform had been carried on between the pope and the legates, and a number of items had been suggested by the latter. These had special reference to the Roman Curia and its administration, to the bishops, ecclesiastical benefits and tithes, the orders, and the training of the clergy. Charles V wished the discussion of the dogmatic questions to be postponed, but the council and the pope could not agree to that, and the council debated dogmas simultaneously with decrees concerning discipline. In May, the general congregation took up the discussion of original sin, its nature, consequences, and cancellation by baptism. At the same time the question of the Immaculate Conception of the Mary was brought up, but the majority of the members finally decided not to give it any definite dogmatic decision. The reforms debated concerned the establishment of theological professorships, preaching, and episcopal obligation of residence. In reference to the latter the Spanish bishop, Paceco, raised the point whether this obligation was of Divine origin, or whether it was merely an ecclesiastical ordinance of Rome, a question which led later to long and violent discussions. In the fifth session (June, 1546) the decree on the dogma of original sin was decided with five canons (anathemas) against the corresponding "erroneous" doctrines; and the first decree on reform (de reformatione) was also accepted treating of professorships of the Scriptures, and of secular learning (artes liberales), of those who preach the Divine word, and of the collectors of alms.

For the following session, which was originally set for July 29, matters proposed for general debate were the dogma of justification as the dogmatic question and the

obligation of residence as regards bishops as the disciplinary decree; the treatment of these questions was proposed to the general congregation by the legates on June 21. The dogma of justification debated one of the fundamental questions which had to be discussed with reference to the heretics of the sixteenth century. The imperial party sought to block the discussion of the entire matter, some of the bishops were nervous because of the approaching war of Charles V against the Protestant princes, and there was fresh dissension between the emperor and the pope. However, the debates on the question were stormy and at the next general session, had to be postponed. No less than sixty-one general congregations and forty-four other congregations were held for the debate of the important subjects of justification and the obligation of residence, before they were ready for the final decision. At the sixth regular session on January 13, 1547, the decree on justification (*de justificatione*) passed, consisting of a prooemium or preface and sixteen chapters with thirty-three canons in condemnation of the opposing heresies. The decree on reform of this session was one in five chapters regarding the obligation of residence of bishops and of the occupants of ecclesiastical benefices or offices. These decrees make the sixth session one of the most important and decisive of the entire council.

The legates proposed the subject-matter for the following session included the doctrine of the Church as to the sacraments, and for the disciplinary question a series of ordinances respecting both the appointment and official activities of bishops, and ecclesiastical benefices. In that seventh session ( March 3, 1547), a dogmatic decree with canons was passed on the sacraments in general (thirteen canons), on baptism (fourteen canons), and on confirmation (three canons); a decree on reform (in fifteen chapters) was also enacted in regard to bishops and their duties and compensations ( including visitations, exemptions concerning the founding of infirmaries, and to the legal affairs of the clergy. Before this session was held the question of the continuing the council or its transfer to another city had been discussed. The relations between pope and emperor had grown even more strained; the Smalkaldic War had begun in Germany; and now an infectious disease broke out in Trent, killing the general of the Franciscans and others. The cardinal legates, therefore, in the eighth session (March 11, 1547) proposed the transfer to another city, having previously been given this right by a papal Brief. The majority voted to transfer the council to Bologna, and on the following day (March 12) the legates went there. By the ninth session the number of participants had risen to four cardinals, nine archbishops, forty-nine bishops, two proxies, two abbots, three generals of orders, and fifty theologians.

#### At Bologna

The majority of the council went with the cardinal legates to Bologna; but fourteen bishops who belonged to the party of Charles V remained at Trent and would not recognize the transfer. The sudden change without any special consultation beforehand angered Paul III, who probably foresaw that this would lead to further difficulties with the emperor. As a matter of fact Charles V was indignant at the change, and through his ambassador, Vaga, protested against it, demanding a return to Trent.



The emperor's defeat of the Smalkaldic League increased his power. Influential cardinals sought to mediate between the emperor and the pope, but the negotiations failed. The emperor protested formally against the transfer to Bologna, and, refusing to permit the Spanish bishops who had remained at Trent to leave that city, began negotiations again, on his own, with the German Protestants. At the ninth session of the council at Bologna on April 21, 1547, the only decree issued was one to delay the session. The same action was all that was taken in the tenth session in June. Tension between the emperor and the pope had increased despite the efforts of Cardinals Sfondrato and Madruzzo. All negotiations were fruitless. The bishops who had remained at Trent had held no sessions. The pope ordered four of the bishops at Bologna and four of those at Trent to come to Rome. The bishops at Trent refused to go, thus supporting the emperor. Paul III had now to expect extreme opposition from the emperor. On September 13, the pope suspended the council and commanded the Cardinal Legate del Monte to dismiss all members of the council assembled at Bologna. Those bishops were recalled to Rome, where they were to prepare decrees for disciplinary reforms. This closed the first period of the council. On Nov 10, 1549, the pope died.

#### The Second Period at Trent

Julius III (1550-55); as Giovanni del Monte was the first cardinal legate of the council and Paul's successor. He began negotiations with the Emperor to reopen the council. On Nov. 14, 1550, he issued the Bull "Quum ad tollenda", the reassembling at Trent. He appointed Cardinal Marcellus Crescentius, Archbishop Sebastian Pighinus of Siponto, and Bishop Aloysius Lipomanni of Verona as three presidents. The cardinal legate arrived on April 29, 1551, where the bishop of Trent, fourteen bishops from the countries ruled by the emperor and several bishops from Rome. On May 1, the eleventh session the council opened and merely set September 1 as the date of the next session.

The Sacrament of the Eucharist and drafts of further disciplinary decrees were discussed in the congregations of the theologians and also in several general congregations. Among the theologians were Lainez and Salmeron, who had been sent by the pope, and Johannes Arza, who represented the emperor. Ambassadors of the emperor, King Ferdinand, and Henry II of France were also present. Henry II refused to allow any French bishop to go to the council. In the twelfth session (Sept. 1) the only decision was to delay until October, anticipating the arrival of other German bishops in addition to the Archbishops of Mainz and Trier. The thirteenth session was held on Oct. 11 at which a comprehensive decree on the Sacrament of the Eucharist (in eight chapters and eleven canons), a decree on reform (in eight chapters) regarding the supervision to be exercised by bishops, and one on episcopal jurisdiction were completed. Another decree deferred (until the next session) discussion of four articles concerning the Eucharist, namely, Communion under the two species of bread and wine and the Communion of children. A safe-conduct order was also issued for Protestants who desired to come to the council. They were not to be eliminated, injured, or imprisoned (an ambassador of Joachim II of Brandenburg had had "some difficulty" en route).

On October 15, the general congregation began discussing drafts of definitions for the Sacraments of Penance and Extreme Unction. At the fourteenth session, November 25, approval was given to dogmatic decrees of the Church respecting the Sacrament of Penance (nine chapters) and three chapters on Extreme Unction. They added fifteen canons condemning "heretical" teachings on Penance and four canons condemning heresies on Unction. The decree on reform touched on the discipline of the clergy and various matters respecting ecclesiastical duties. Meanwhile, ambassadors from several Protestant princes and cities arrived in Trent. They voiced a variety of demands including: that earlier decisions which were contrary to the Augsburg Confession should be recalled; any debates on disputes between Catholics and Protestants must be deferred; that deference of the pope to any ecumenical council must be unequivocal; and several other propositions which the council simply would not even consider. Since the close of the last session both the theologians and the general congregations had been discussing the dogma of the Holy Sacrifice of the Mass and of the ordination of priests, as well as with plans for some reformatory decrees. At the fifteenth session (January 25, 1552), in order to make some concessions to the Protestant ambassadors, any decisions regarding current subjects under consideration were postponed. Another, hopefully more effective, safe-conduct order was also drawn up. Attendance at this time included the three papal legates and Cardinal Madruzzo, ten archbishops and fifty-four bishops, most of them from the countries ruled by the emperor. Because of a treacherous attack by Maurice of Saxony on Charles V, Trent and the members of the council were in danger. At the sixteenth session (April 23, 1552) a decree suspended the council for two years. However, ten years passed before resumption.

### The Third Period at Trent

Julius III did not live to call the council together again. In 1555, he was followed by Marcellus II (Marcello Cervino), a former cardinal legate at Trent. Marcellus died twenty-two days after his election. His successor, Paul IV (1555-9), carried out some internal reforms both in Rome and in the other parts of the Church; but did not seriously consider reconvening the council. Shortly after his election, Pius IV (1559-65) told the cardinals that he intended to reopen the council with his nephew, the Cardinal Archbishop of Milan, Charles Borromeo, in charge. The Emperor Ferdinand wanted the council, but wished it to be held in some German city, not at Trent. He insisted that it not be meet a continuation of the earlier assembly but as a new council. The King of France agreed and he, too, objected to Trent. The Protestants of Germany worked against assembling the Council. After long negotiations Ferdinand, the Kings of Spain and Portugal, Catholic Switzerland, and Venice left the matter to the pope. On Nov.29, 1560, the Bull "Ad ecclesiae regimen," by which the council was ordered to meet again at Trent at Easter, 1561, was published. In spite of the efforts of the papal nuncios, Delfino and Commendone, the German Protestants persisted in their opposition. Cardinal Ercole Gonzaga was appointed president of the council; he was assisted by the cardinal legates Stanislaus Hosius, Jacobus Puteus (du Puy), Hieronymus Seripando, Luigi Simonetta, and Marcus Siticus of Altemps. Many bishops, delaying their arrival caused a setback in the opening until Jan.18, 1562.

The sum of business of this seventeenth session was to proclaim the revocation of the suspension of the council and set a date for the next session. In addition to the four cardinal legates, one cardinal, three patriarchs, eleven archbishops, forty bishops, four abbots, four generals of orders and thirty-four theologians attended this rather brief meeting. The ambassadors of the princes as well as the Protestants argued with the presidents of the council and made requests which Rome basically would not honor. Emperor Ferdinand wished to have the discussion of dogmatic questions deferred. At the eighteenth session ( Feb.25, 1562) the only matters decided were the publication of a decree concerning the drawing up of a list of forbidden books and still another agreement as to a safe-conduct for Protestants ( there had been dozens of cases of violence directed towards them and other “argumentative parties”). At the next two sessions, the nineteenth on May 14 and the twentieth on June 4, only decrees continuing the council were issued. The number of members and various ambassadors of Catholic rulers had increased but some princes continued to raise objections both as to the character of the council and the place of meeting. Emperor Ferdinand sent an exhaustive plan of church reform which contained many articles all of which the Pope rejected even for any level of discussion.

The legates continued the work of the assembly, and presented the draft of the decree on Holy Communion, which treated the question of Communion under both species, as well as drafts of several disciplinary decrees. These questions were subjected to the usual discussions. At the twenty-first session (July 16, 1562) the decree on Communion under both species and on the Communion of children was accepted (in four chapters and four canons). A decree upon reformation in nine chapters was also completed It treated ordination to the priesthood, a review of canons, the founding of new parishes, and the collectors of alms. Articles on the Sacrifice of the Mass were the next order of business.

At the twenty-second session, which was held on Sept.17, four decrees were completed. The first contained the dogma of the Church on the Sacrifice of the Mass (in nine chapters and nine canons); the second sought to minimize financial and other abuses in the offering of the Holy Sacrifice; a third (eleven chapters) treated reform (especially in reference to the morals of the clergy), requirements necessary before ecclesiastical offices could be assumed, wills and the administration of religious foundations; the fourth treated the granting of the cup to the laity at Communion, which was left to the discretion of the pope.

The secular rulers had made some seriously difficult demands which were, necessarily ignored while the ordained studied questions of the duty of residence and the relations of the bishops to the pope.

The French bishops who arrived on November 13, 1562 made several propositions. The cardinal legates, Gonzaga and Seripando unexpectedly died. (Editor’s note: No reliable information as to the causes is readily available)Two new legates and presidents, Morone and Navagero, were appointed by the Pope. Various points of the dogma concerning the ordination of priests were discussed both eighty-four theologians and in the general congregations. Finally, on July 15, 1563, the twenty-third session was held. It approved the decree on the Sacrament of Orders and on the ecclesiastical

hierarchy (in four chapters and eight canons) as well as a decree on reform (in eighteen chapters). This disciplinary decree treated the obligation of residence, the conferring of the different grades of ordination, and the education of young clerics (seminarians). There were 235 voting members acting on these decrees. More arguing developed as to whether the council should be immediately terminated even as the congregations debated the draft of the decree on the Sacrament of Matrimony. During the twenty-fourth session (Nov., 1563) a twelve canon dogmatic decree on marriage as a sacrament and a reformatory decree (in ten chapters), treating various conditions required for a valid marriage were approved. In addition they published a general decree on reform treating various questions dealing with the administration of ecclesiastical offices.

Arguments and near rebellion continued to close the council and it was decided to do so as quickly as possible. During the twenty-fifth and final session (December 3-4, 1563), a variety of dogmatic and other decrees were approved. These included: The veneration and invocation of the saints (and on their relics and images). Twenty-two chapters concerning monks and nuns, on reforming the mode of life of cardinals and bishops, certificates of fitness for ecclesiastics, offerings for Masses, the administration of ecclesiastical offices, one strongly objecting to clergy keeping and supporting mistresses, the life of the clergy in general, on indulgences (with guidelines for more "appropriate" methods concerning donations) a decree on fasts and feast days. In addition there was a further decree on the preparation by the pope of editions of the Missal, the Breviary, a catechism, and of a list of forbidden books.

It was also declared that the ordained (Editor's note: Only those allowed to vote) had in no way minimized the contribution of the secular powers and, therefore, the rulers were called upon to accept the decisions of the council and to execute them. Finally, the decrees passed by the council during the reigns of Paul III and Julius III were read and proclaimed to be binding. After agreement to present these decisions to the pope for confirmation, the president, Cardinal Morone, declared the council closed. The decrees had been affirmed by two hundred and fifteen members, consisting of four cardinal legates, two cardinals, three patriarchs, twenty-five archbishops, one hundred and sixty-seven bishops, seven abbots, seven generals of orders, and by nineteen proxies for thirty-three absent prelates. The decrees were confirmed on Jan 26, 1564, by Pius IV in the Bull "Benedictus Deus" and, with a variety of reservations, were accepted by Catholic countries. Specific points in these degrees were never fully accepted or acted on by local religious authorities.

The Ecumenical Council of Trent has been considered to be of the greatest importance for the development of the inner life of the Church. No council had ever had to accomplish its task under more serious political and religious pressures. The assembly proved to the world that notwithstanding renunciations and scandal as well as lay criticism of leadership, there still existed an abundance of religious force and loyalty. Unfortunately the council was not able to heal the religious differences of Western Europe. Rome and her supporters believed that the infallible Divine truth was clearly proclaimed in opposition to the false doctrines of the day, and in this way a firm

foundation was laid for the overthrow of heresy and the carrying out of genuine internal reform in the Church.

## Vatican Council 1869-1870

The Vatican Council, the twentieth, opened on December 8, 1869 and adjourned on October 20, 1870. It met three hundred years after the Council of Trent.

### Introductory History

#### Preparations

On December 6, 1864, Pius IX announced his intention to call a general council. He commissioned the cardinals residing at Rome to write their opinions about the need and name subjects which should be discussed. Of the twenty-one reports sent in, only one, Cardinal Pentini's, expressed the opinion that there was no value. Five others did not think that it should be held at this time. Nearly all sent lists of questions that needed conciliar discussion. In March, 1865, the pope appointed a commission of five cardinals to discuss preliminary questions. Later, four more cardinals, a secretary, and eight consultors were added. It held numerous meetings from March, 1865, and December, 1869. Its first motion was that bishops of various countries should also be called upon for suggestions. In March, 1865, the pope commanded thirty-six bishops of the Latin Rite to express their views under pledge of silence. In early 1866, he also designated several bishops of the Oriental Rite under the same conditions. It was now necessary to form commissions for the more thorough discussion of the subjects to be debated at the council. Theologians and canonists, belonging to the secular and regular clergy, were summoned to Rome to co-operate in the work. Earlier, in 1865 the nuncios had been asked to suggest names of suitable people for these preliminary commissions. The war between Austria and Italy in 1866 and the withdrawal of the French troops from Rome on Dec 11 interrupted the discussions (the pope's original plan had been to open the Council on the festival of the martyrdom of two great Apostles, June, 1867). However, the pope did make use of the nearly five hundred bishops, who had come to attend the centennial celebration, to make the first public announcement of the council at a consistory held on June 26, 1867. The bishops expressed their agreement on July 1. After the return of the French army of protection on Oct 30, 1867, holding the council itself seemed possible. The preparatory commission debated the question of who the pope and they thought should be invited. It was apparent that cardinals and diocesan bishops, the titular bishops, abbots general of congregations from several monasteries, and lastly, heads and generals of the religious orders had the right to be called. It was considered politically wiser not to send invitations to Catholic princes, yet it was intended to grant admission to them or their representatives on demand. The Bull of Convocation, "*Æterni Patris*", was published on June 29, 1868, declaring Dec. 8, 1869, as the opening date. The objectives of the council were to be the correction of modern errors and revisions of laws. A special Brief, "*Arcano divinæ providentiæ*", of Sept 8, 1868 suggested that non-united Orientals to reconsider their attitudes towards Rome

and attend. A third Brief, "Jam vos omnes", of Sept. 13, 1868, notified Protestants of the council, and encouraging them to use the occasion to reflect on their immediate return to the faith.

#### Reception of the Promulgation

The Bull convoking the council brought anger in many places, especially Germany, France, and England. In these countries it was feared that the council would primarily support the privileges and powers of the papacy and the absolute right of papal infallibility. The dean of the theological faculty of Paris, Bishop Maret, wrote in opposition to these doctrines ("Du concile générale et de la paix religieuse"). Bishop Dupanloup of Orléans published the work "Observations sur la controverse soulevée relativement à la définition de l'infailibilité au prochain concile". Several French bishops and Archbishop Manning denounced Maret. Archbishop Dechamps of Mechlin, Belgium, who had written a work favoring infallibility ("L'infailibilité et le concile générale", became involved in a controversy with Dupanloup. In England, a book entitled "The Condemnation of Pope Honorius" (London, 1868), written by a convert, Le Page Renouf, prompted discussions in newspapers and periodicals. Renouf's publication was countered by Father Botalla, S.J., in "Honorius Reconsidered with Reference to Recent Apologies" (London, 1869). Some letters from French correspondents stated that the majority of French Catholics favored the cause of infallibility, adding fresh fuel to the flames. Ignaz Döllinger, provost of St. Cajetan (Munich) and a professor of church history was the leading spirit of the movement in Germany hostile to the council's declared objectives. He disputed the Syllabus and the doctrine of papal infallibility in five anonymous articles that were published in March, 1869, in the

"Allgemeine Zeitung" of Augsburg. A number of Catholic scholars opposed him, especially after he published his articles in book form under the pseudonym of "Janus", "Der Papst und das Konzil" (Leipzig, 1869). Among these was Professor Joseph Hergenröther of Würzburg, who issued "Anti-Janus" (Freiburg, 1870). Rome was unable to silence the objections and fourteen of the twenty-two German bishops who met at Fulda early in Sept., felt obligated to advise the Holy Father, in a special address, that the time was not right for defining papal infallibility. The papal notifications addressed to the schismatic Orientals and the Protestants had only the most negative effect. Prince Hohenlohe, President of the Bavarian ministry, sent copies of a letter drawn up by Döllinger, against the coming council, to leadership of European nations. Some decided to remain neutral for the time being. Russia, however, forbade its Catholic bishops to attend the council.

#### Preparatory Details

In the meantime the preparatory commission had to draw up an order of procedure for the debates of the council. Five special committees, each presided over by a cardinal with a total of eighty-eight consultants, prepared a plan. These committees were appointed to consider: dogma, church discipline, orders, Oriental Churches and missions, and religious-political questions.

As opening day approached, the following drafts were ready for discussion:

- three dogmatic drafts- (a) on the Catholic doctrine in opposition to the “errors” which frequently spring from Rationalism, (b) on the Church of Christ and, (c) on Christian marriage.
- twenty-eight drafts treating matters of church discipline. These had reference to bishops, episcopal sees, the different grades of the other clergy seminaries, the “value and contribution” of certain philosophical and theological studies, sermons, the catechism, rituals, impediments to marriage, civil marriage, mixed marriages, improvement of Christian morals, feast days, fasts and abstinences, dueling, magnetism, spiritualism, and secret societies.
- eighteen drafts of decrees had reference to the religious orders; two were on the Oriental Rites and missions ( also been considered in the other drafts)

A number of subjects for discussion had been sent by the bishops of various countries. For example, the bishops of the provinces of Quebec and Halifax demanded the lessening of the impediments to marriage, revision of the Breviary, and, above all, the reform of the entire canon law. The petition of Archbishop Spalding of Baltimore treated the relations between Church and State religious indifference, secret societies, and doubt as to the case of infallibility of the pope (definition of, and , hopefully , elimination of this was demanded by various bishops). Others asked for a reduction in the numbers in the index of forbidden books. Nine petitions bearing nearly two hundred signatures demanded discussion about the theory of the bodily Assumption of the Blessed Virgin. Over three hundred voting members of the council requested the elevation of St. Joseph as patron saint of the Universal Church.

#### Proceedings of the Council

Presiding Officers, Order of Procedure, Number of Members

On Dec. 2, 1869, the pope held a preliminary session in the Sistine Chapel, which was attended by about five hundred bishops. The officials of the council as well as conciliar procedure were present.

There were to be five presidents. The Chief presiding officer was to have been Cardinal Reisach, but he died on Dec.22. Cardinal Filippo de Angelis took his place, Jan. 3, 1870. The other presiding officers were Cardinals Antonio de Luca, Andrea Bizarri, Aloisio Bilio, and Annibale Capalti. Bishop Joseph Fessler of Sankt Pölten, Lower Austria, was secretary to the council, and Monsignor Luigi Jacobi under-secretary. The Constitution "Multiplices inter", dealing with procedure, contained the following items:

Sessions were of two types-private sessions for discussing the drafts and motions, under the presidency of a cardinal president and public sessions, presided over by the pope himself for the promulgation of the decrees of the council.

The first drafts of decrees debated were to be the dogmatic and disciplinary as ordered by the pope.



Proposals offered by members of the council were to be sent to a congregation of petitions; these petitions were to be examined by the committee and then only the pope would allow admission or not.

If the general congregation decided that a draft of a decree needed amendments, it was sent, with the proposed amendments, to the respective sub-committee or deputatio, either to the one for dogmas or for discipline, or religious orders, or for Oriental Rites. Each of these four sub-committees or deputations was to consist of twenty-four persons selected from the members of the council, and a cardinal president appointed by the pope. The deputation examined the proposed amendments, altered the draft as seemed best, given to the pope for review, and then presented to the general congregation. A printed report on the sub-committee's work also was to be verbally explained by a member. This procedure was to continue until the draft met with the approval of the majority.

Voting in the congregation was by placet, placet juxta modum (with the amendments), and non placet. Secrecy was to be observed in regard to the proceedings of the council. In the public sessions the voting could only be by placet or non placet. In this way, the public was to have no knowledge of amendments or "other sensitive debate".

The Decrees promulgated by the pope were to bear the title, "Pius Episcopus, servus servorum Dei: sacro approbante Concilio ad perpetuam rei memoriam".

Sessions were to be held in the northern right transept of St. Peter's. Between Dec. 8 1869, and Sept. 1, 1870, four public sessions and eighty-nine general congregations were held. Of approximately one thousand and fifty prelates entitled to take part in the council, seven hundred and seventy-four appeared for, at least, a portion of the proceedings. At the first public session there were 47 cardinals, 9 patriarchs, 7 primates, 117 archbishops, 479 bishops, 5 abbots nullius, 9 abbots general, and 25 generals of orders, totaling 698. At the third public session votes were cast by 47 cardinals, 9 patriarchs, 8 primates, 107 archbishops, 456 bishops, 1 administrator Apostolic, 20 abbots, and 20 generals of orders (667). United States representatives included all 7 archbishops of that time, 37 of the 47 bishops, and 2 vicars Apostolic. The oldest member of the council was Archbishop MacHale of Tuam, Ireland; the youngest, Bishop (later Cardinal) Gibbons.

From the Formal Opening to the Definition of the Constitution on the Catholic Faith in the Third Public Session

#### The First Debates

After the formal opening of the council by the pope at the first public session on Dec. 8, 1869, the meetings of the general congregation began on Dec. 10. Their sessions were generally held between the hours of nine and one. The afternoons were reserved for the sessions of the deputations or sub-committees. The names of the members of the congregation of petitions were disclosed, followed by the elections to the four deputations. The first matter debated during the fourth general congregation (Dec. 28) was a dogmatic draft of Catholic doctrine against the "errors" due to Rationalism, "De doctrina catholica contra multiplices errores ex rationalismo derivatos". After a closed, seven-day debate (during which thirty-five members spoke) it was sent on

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Jan. 19, 1870 to the deputation on faith for revision. Meanwhile, was a second public session (Jan. 2). This had previously been ordered by the Pope for the exclusive purpose of a confession of faith by the members of the council. The subjects discussed from the tenth to the twenty-ninth meeting of the general congregation (on Feb. 22) were the drafts of four disciplinary decrees—on bishops, on vacant episcopal sees, on the morals of ecclesiastics, and on the smaller Catechism. Finally they were all sent for further revision to the deputies on discipline.

### The Parties

Such slow progress of the work had not been expected. The reason was to be found in so many reservations about the question of papal infallibility, which had been subject to so much doubt even before the council. Directly after the opening of the session its influence was evident in the election of the deputies. It divided members of the council into two hostile camps. On all occasions, the decisions and modes of action of each of these parties were determined by its attitude to this question. Regarding the violent disputes which had been carried on everywhere for the past year over the question of papal infallibility, most believed that conciliar discussion and decision of the question to be necessary, even by those aware of extraordinary Vatican pressure.

About a third of the members feared the worst from the definition: the apostasy of many wavering Catholics, an increased estrangement of those separated from the Church, and interference with the affairs of the Church by the Governments of the different countries. There has never been an accurate count as to the number of bishops (privately or openly) willing to express doubts as to the dogma itself (Editor's note: Ethics, morals and job security are always points of consideration). Although the dissenters recognized their powerlessness, they seemed to protract discussions hoping, at least, to delay or even to prevent a decision. Most of the German and Austro-Hungarian members, nearly half of the American and about one-third of the French were against the definition. About 10 Italian bishops, 2 each of the English and Irish bishops, 3 bishops from Canada, and the Swiss bishop, Greith, also joined in this struggle. Some Armenian bishops and most from Spain, Portugal, Belgium, Holland, and Central and South America supported the pope's resolve. Most of the Chaldean and Greek Melchites sided with the opposition. The most prominent members of "the minority" from the United States were Archbishops Kenrick of St. Louis, Purcell of Cincinnati, and Bishop Vérot of St. Augustine. These were joined by Archbishop Connolly of Halifax, Nova Scotia. Some who supported infallibility included: Archbishop Spalding of Baltimore, Bishops Williams of Boston, Wood of Philadelphia, and Conroy of Albany.

Some members of the council from other countries included:

France: Opposing Infallibility- Archbishops Darboy of Paris, Ginoulhiac of Lyons, Bishops Dupanloup of Orléans, and David of Saint-Brieuc; Favoring- Archbishop Guibert of Tours, Bishops Pie of Poitiers, Freppel of Angers, Plantier of Nîmes, Raess of Strasburg.

Germany: Oppose- Bishops Hefele of Rottenburg, Ketteler of Mainz, Dinkel of Augsburg; in Favor- Bishops Martin of Paderborn, Senestréy of Ratisbon, Stahl of Würzburg.

Austria Hungary: Opposed- Archbishops Cardinal Rauscher of Vienna, Cardinal Schwarzenberg of Prague, Haynald of Kalocsa, and Bishop Strossmayer of Diakovar; Favoring- Bishops Gasser of Brixen, Fessler of Sankt Pölten, Riccabona of Trent, Zwerger of Seckau.

Italy: Oppose- Archbishop Nazari di Calabiana of Milan, Bishops Moreno of Ivrea, Losanna of Biella; In favor-Valerga, Latin Patriarch of Jerusalem, Bishops Gastaldi of Saluzzo, Gandolfi of Loreto.

England:Oppose-, Bishop Clifford of Clifton; Favoring-Archbishop Manning of Westminster.

Ireland: Oppose- Archbishop MacHale of Tuam; Favor-Archbishops Cullen of Dublin and Leahy of Cashel.

The East: Opposed- Jussef, Greek-Melchite Patriarch of Antioch; Favoring- Hassun, Patriarch of The Armenians.

Switzerland: Opposed-Bishop Greith of St-Gall; In favor- Bishop Mermillod of Geneva.

Others supporting the papal plan were Archbishop Dechamps of Mechlin, Belgium, and Bishop Payà y Rico of Cuenca, Spain.

#### Change of Procedure: The Hall of Assembly reduced in Size

In order to expedite matters, the pope and supporters considered new rules of debate in the proceedings. Consequently, the conciliar procedure was altered by the Decree "Apostolicis litteris", issued on Feb 20, 1870. According to this Decree, any member of the council who wished to raise an objection to the draft under discussion was to send in his proposed amendments in writing, in order that it might be considered by the respective deputies. It is important to remember that proposed amendments would not necessarily ever be added to any draft. In the general congregation, the discussion of a draft as a whole was always to precede the discussion of the individual parts. Although members of a deputation had a right to speak in explanation or correction when not on the list of speakers if, in the opinion of the pope-appointed president and as few as ten members, debate could be closed. Although these claimed procedural improvement, still many were disgusted with them, especially in so far as they were obviously initiated to control all opposing debates. Unsuccessfully, they verbalized their dissatisfaction in several petitions. On the other hand, efforts were made to satisfy another complaint, the poor acoustics of the council hall. Between Feb. 22 and March 18, the council hall was re-configured to about one-third in size for the use by general congregations. It could be restored to its original size for the public sessions (Editor's note: This subject was covered in extraordinary detail as a significant accomplishment).

#### Completion of the First Constitution

The deputation on Faith was involved in revising the draft of the Decree "De doctrina catholica". On March 1, Bishop Martin of Paderborn presented the first part, by Father Joseph Kleutgen S.J., consisting of an introduction and four chapters with the canons. After discussion, on March 14, it was distributed to council members as the actual "Constitutio de fide catholica". Archbishop Simor of Gran gave the oral report on

March 18 at the thirtieth general congregation. The debate began on the same day, and was closed after seventeen sessions on April 19 (the forty-sixth general congregation). Over three hundred proposed amendments were brought up. Although there were many objections, the newly developed rules of procedure stifled much debate. A disturbing, fervent speech by Bishop Strossmayer of Diakovár (March 22 at the thirty-first general congregation) called for "reason and fairness in hearing the legitimate protests of those who might ask questions concerning the goals" (of the Vatican). A storm of indignation from papal supporters, including screaming and accusations of heresy forced the speaker to leave the meeting. On April 24, the first Constitution, "De fide catholica", was adopted in the third public session by the 667 members present (there had been over 1,050 at the initial sessions) and was formally confirmed by the pope.

The Question of Papal Infallibility    Motions calling for and opposing Definition  
Opponents of infallibility asserted that the pope had convoked the council of the Vatican solely to have papal infallibility proclaimed. Everything else was merely an excuse and for the sake of appearances. None of the numerous drafts drawn up by the preparatory commission dealt papal infallibility. Although four of the twenty-one opinions sent in by the Roman cardinals had mentioned it, the initial request for suggestions had specifically requested comments about more local concern. Arguments over the validity of papal infallibility grew more violent. The members continued to plead for conciliar discussion of the question. The first motion was made on Christmas, 1869, by Archbishop Dechamps of Mechlin who presented an opinion of some from the University of Louvain, supporting very limited papal infallibility when accompanied by cardinal and bishop collaboration. He initially discussed this only with select papal supporters. The actual petition for the definition was circulated among all council members on New Year's Day, 1870. Several petitions from opposing groups containing well over five hundred signatures emerged. In addition, there were five documents with 136 member names. Ignoring these appeals, in early February, the papal-selected members of the congregation for petitions (except for Cardinal Rauscher) formally requested that Pius IX consider and offer suggestions regarding the petition for definition.

On March 6, the draft of the Decree on the Church of Christ, which had been distributed on January 21, was given a new twelfth chapter entitled "Romanum Pontificem in rebus fidei et morum definiendis errare non posse" (The Roman Pontiff cannot err in defining matters of faith and morals). Reaction denouncing this display of absolute power appeared in hundreds of pamphlets and innumerable articles in the daily papers and periodicals. In France, the popular theologian, Gratry and Archbishop Dechamps of Mechlin opposed each other in controversial pamphlets. A letter published by Count Montalembert on Feb. 27, 1870, spoke of an idol which had been erected in the Vatican. In England, Newman writing (March) to his bishop, Ullathorne of Birmingham expressed his fears as to "the dreadful results of this declaration "of infallibility. Another challenger was Professor Döllinger of Bavaria. Using information sent from Rome by his pupils, Johann Friedrich and Lord Acton, his "Römische Briefe vom Konzil" was initially published in the "Allgemeine Zeitung" and later in book form.

The Governments of the different countries also took some action. As soon as the original draft of the decree "De ecclesia" with its canons was published in the "Allgemeine Zeitung", Count von Beust, Chancellor of Austria, sent a protest to Rome (Feb.10) which said that the Austrian Government would forbid the publication of all decrees like this that were contrary to the laws of the State. The French minister of foreign affairs, Daru, also sent a memorandum (Feb. 20). He demanded the access of an envoy to the council, and notified the other Governments of this action. Austria, Bavaria, England, Spain and Portugal publicly agreed with the memorandum. The president of the Prussian ministry, Bismarck, would not change his objection in spite of Vatican pressure brought on von Arnim, his ambassador at Rome. On April 18, the leader of the opposition, Count Daru, retired from his post in the ministry. The president of the French ministry, Ollivier, took charge of foreign affairs. Publicly, he decided to take no further action.

#### Debates in the Council

On April 29, during the forty-seventh general congregation, acting upon a request of the pope, the president interrupted the second debate on the smaller Catechism by the announcement that members would receive and exam the draft of a Constitution, "De Romano Pontifice" which would contain the dogma of the primacy and of the infallibility of the pope (the deputies on Faith had altered the eleventh and twelfth chapters of the old draft of the Constitution "De ecclesia". On May 9 it was distributed as the "Constitutio prima de ecclesia", in 4 chapters and 3 canons. For more than two months in about 35 general congregations, and 100 speeches mostly arguing the case of the fourth chapter on papal infallibility dragged on. The most prominent speakers in opposition were: French; Darboy, Ginoulhiac, Maret; German; Hefele, Ketteler, Dinkel; Austrian; Raucher, Schwarzenberg, Strossmayer; United States and Canada; Vérot and Connolly. Archbishop Kenrick of St. Louis, who had lost his chance to speak by a rather abrupt closing of the general debate, published a paper, "Concio in concilio habenda, at non habita".

Supporters of the pope's plan included: French members of the council; Pie and Freppel; Belgian member, Dechamps; English, Manning; Irish, Cullen; Italian, Gastaldi and Valerga; Spanish, Paya y Rico; Austrian, Gasser; German members, Martin and Senestrey; the American member, Spalding.

It was obvious that no other subject had ever been so thoroughly argued than this question of papal power. In the eighty-second general congregation held on July 4, most of those in favor, who still had the right to speak, asked the cardinal president to close the debates. (Editor's note: By their silence and absence it seems that the resistance had "thrown in the towel")

#### Final Voting and Definition

The eighty-third, eighty-fourth, and eighty-fifth general congregations dealt almost entirely with reports from the deputation on faith concerning the last two chapters. On July 13 a general vote was taken on the entire draft. There were only 601 members (of the original 1050) in attendance.. Of these 451 voted placet, 62 placet juxta modum (conditional affirmative), 88 non placet. Of the North American bishops

seven voted non placet; these were Kenrick, Vérot, Domenec, Fitzgerald, MacQuaid, MacCloskey, and Mrac. Bishop Fitzgerald still voted non placet in the fourth public session, while Bishop Domenec voted placet. The other five did not attend this session.

In the eighty-sixth general congregation, on the motion of the president, a close vote by the members condemned two pamphlets which had criticized the council's improper and unethical manner. One, entitled "Ce qui se passe au Concile", asserted that there had been no freedom of discussion. The other, "La dernière heure du Concile", reviewed the accusations that had been raised against it and encouraged the bishops of the now minority to stand firm and courageously vote non placet in the public session. Because of the war which threatened to break out between Germany and France and generally discouraged, a number of the attendees had returned home. Shortly before the fourth public session, in protest, and with the permission of the directing officers of the council, many bishops of the minority opinion left Rome. The Vatican claimed that these members did not really oppose the dogma of papal infallibility itself, but were only in opposition to the issue being presented at this time. (Editor's note: There had been rarely a few comments dealing with timing)

On Monday, July 18, 1870, one day before the outbreak of the Franco-German War, 435 members of the council assembled at St. Peter's under the presidency of Pope Pius IX. The last vote was now taken; 433 voted placet, and only two, Bishop Aloisio Riccio of Cajazzo, Italy, and Bishop Edward Fitzgerald of Little Rock, Arkansas, voted non placet. During the proceedings a thunderstorm broke over the Vatican, and amid thunder and lightning the pope promulgated the new dogma (like a Moses declaring God's law on Mount Sinai).

#### The Council from the Fourth Public Session until the Declaration

At the close of the eighty-fifth general congregation a "Monitum" had been read declaring that the council would be continued without interruption after the fourth public session. Still, the members received a general permission to leave Rome for some months. They had only to notify the secretary in writing of their departure. By Nov. 11, all were to be back. Only slightly over 100 stayed in Rome. They could not take up any new questions so a draft of the decree on vacant Episcopal sees (which had been amended by the deputation of discipline) was brought up and debated in three further general congregations. The eighty-ninth, which was also to be the last, was held on Sept. 1. On Sept. 8 the Piedmontese troops entered the States of the Church at several points; on Tuesday morning, Sept. 20 they entered Rome through the Porta Pia. The pope remained within the Vatican. He waited a month, then, on Oct. 20, issued the Bull, "Postquam Dei munere", which suspended the council indefinitely. This was the day after a Piedmontese decree had been issued organizing the Vatican (as well as the States of the Church) as a Roman province. A letter, which the pope did not trust, was issued by the Italian minister, Visconti Venosta, on Oct 22, assuring the council of the freedom in continuing the meeting. On the same day, a letter was sent by Archbishop Spalding from London to Cardinal Barnabo, prefect of the Propaganda at Rome. He suggested that the council continue in Mechlin, Belgian and gave several reasons why this city seemed suitable. This met with the approval of Cardinal Cullen, Archbishop Manning, and Archbishop Dechamps. The pope disagreed.

### Acceptance of the Decrees of the Council

Over the course of a few years, some members of the minority (previously called enemies of the council) who had maintained their opposition to the definition of infallibility slowly fell into step. Bishop Edward Fitzgerald of Little Rock, Arkansas, who had voted non placet simply said "Holy Father, I will now believe". Others who had chosen to absent themselves from the July 18<sup>th</sup> vote acknowledged the dogma. At a reception on Dec 30, 1870, Archbishop Kenrick of St. Louis gave the reasons for his earlier opposition but "as the pope's wishes had been realized" he submitted unconditionally to its decree. As required, he confirmed this acceptance in a Jan. 13, 1871 letter to the prefect of the Propaganda. Still later, when Lord Acton questioned Kenrick regarding his capitulation, a letter of March 29, 1871 continued to express certain discontent, but confirmed his loyalty to the pope. In addition, Bishops Vérot of St. Augustine, Mrac of Sault-Saint-Marie (who's Jan., 1872 declaration just met a Vatican-imposed deadline) and Domenec of Pittsburgh fell in line. Four years later (1875), Bishop MacQuaid of Rochester followed suit.

In Germany, a number of disillusioned Catholic scholars withdrew from the Church and formed the sect of Old Catholics. Professor Döllinger also renounced without connecting himself with any other denomination. In Switzerland the opponents of the Dogma united in a sect called Christian Catholics.

After the Franco-German War, the German Government enacted the "Kulturkampf" which required the bishops and priests to obey civil laws. The Vatican rejected the idea even though there had been no indication of inconsistencies between ecclesiastical duties and national responsibility.

The Austrian Government cancelled the Concordat with the Roman See. Several Swiss districts also nullified agreements.

### Results

Only two Constitutions were confirmed.

The dogmatic Constitution on the Catholic Faith defended fundamental viewpoints against modern Rationalism, Materialism, and atheism. It maintains the doctrine of the existence of a personal God, Who, has created all things out of nothing, foresees all things, even the future free actions of reasonable creatures, and leads all things to the intended end. The natural and supernatural knowledge of God declares that He, the beginning and end of all things, can also be known using the natural light of reason. It treats the actuality and necessity of a supernatural revelation, of the two sources of Revelation, Scripture and tradition, of the inspiration and interpretation of the Holy Scriptures. It discusses the supernatural and necessary virtue of faith, the reality of miracles as a confirmation of Divine Revelation; and lastly, the establishment of the Catholic Church by Jesus Christ as the Guardian and Herald of revealed truth. The doctrine connects a relationship between faith and reason. Even though the mysteries of faith cannot be fully grasped by natural reason, revealed truth cannot contradict the positive results of the investigation of reason. However, this Constitution maintains that every assertion is false that contradicts the truth of enlightened faith (Editor's note: This

often referenced to only duly-appointed Church authorities as those being the exclusive definers). Faith and true learning are not in hostile opposition, but rather support each other in many ways. Faith is not the same as a philosophical teaching. It is to be considered as a Divine gift to the Church for protection and infallible interpretation. When, therefore, the Church (pope) explains the meaning of a dogma this interpretation is to be maintained for all time. It cannot be changed by the pretense of a more profound investigation. Finally, a variety of "heresies" are rejected by eighteen specific canons.

The other dogmatic Constitution is the first on the Church of Christ, or, as it is also called in reference to its contents, on the Pope of Rome. "The introduction to the Constitution says that the primacy of the Roman pontiff, on which the unity, strength, and stability of the entire Church rests, has always been, and is especially now, the object of violent attacks by the enemies of the Church. Therefore the doctrine of its origin, constant permanence, and nature must be clearly set forth because of opposing errors. Initially it treats of the establishment of the Apostolic primacy in the popes of Rome. Each chapter closes with a canon against any opposing dogmatic opinion. The meaning and nature of the primacy of the Pope in Rome is a constituted power over all other Churches as well as direct, Episcopal power of jurisdiction. The clergy and faithful of every rite and rank are bound to true obedience. The power of jurisdiction of the individual bishops in their dioceses is not impaired by the primacy, but only strengthened and defended. The pope has the right to direct and free authority over the clergy and laity of the entire Church. No one is permitted to interfere with this right. It is false to say that the decrees issued by the pope for the guidance of the Church are not valid unless confirmed by the placet of the secular power. The pope is also the supreme judge of all the faithful. Decisions in all matters under examination by the Church ultimately rest with him. No further appeal, not even to an ecumenical council, can be made from the supreme decision of the pope. The canon appended to the third chapter says: "When, therefore, anyone says that the Pope of Rome has only the office of supervision or of guidance, and not the complete and highest power of jurisdiction over the entire Church, not merely in matters of faith and morals, but also in matters which concern the discipline and administration of the Church throughout the entire world, or that the pope has only the chief share, but not the entire fullness of this highest power, or that this his power is not actual and immediate either over all and individual Churches, or over all and individual clergy and faithful, let him be abhorred."

The fourth chapter contains the definition of papal infallibility. All the corresponding decrees of the Fourth Council of Constantinople, 680 (Sixth Ecumenical), of the Second Council of Lyons, 1274 (Fourteenth Ecumenical) and of the Council of Florence, 1439 (Seventeenth Ecumenical), are repeated and confirmed. It is pointed out, further, that at all times the popes used their authority in matters of faith for the preservation of the purity of the Apostolic tradition. The successors of St. Peter have been promised guidance by the Holy Ghost, not for the promulgation of new doctrines, but only for the preservation and interpretation of the Revelation delivered by the Apostles. The Constitution closes with the following words: "Faithfully adhering, therefore, to the tradition inherited from the beginning of the Christian Faith, we, with the approbation of the sacred council, for the glory of God our Savior, for the exaltation of



the Catholic religion, and the salvation of Christian peoples, teach and define, as a Divinely revealed dogma, that the Roman pontiff, when he speaks ex cathedra, that is, when he, in the exercise of his office as shepherd and teacher of all Christians, by virtue of his supreme Apostolic authority, decides that a doctrine concerning faith or morals is to be held by the entire Church, he possesses, in consequence of the Divine aid promised him in St. Peter, that infallibility with which the Divine Savior wished to have His Church furnished for the definition of doctrine concerning faith or morals; and that such definitions of the Roman pontiff are of themselves, and not in consequence of the Church's consent, irreformable [sic]."

Some of the unresolved drafts and propositions were later put in place by Pius IX and his successors. Dec.8, 1870, Pius IX made St. Joseph the patron saint of the Universal Church. Some of the moral and religious problems were treated in the encyclicals of Leo XIII on the origin of the civil power (1881), on freemasonry (1884), on human freedom (1888), on Christian marriage (1880). In 1900, Leo XIII also issued new regulations regarding the index of forbidden books. From the beginning of his administration Pius X devoted time to the completion of tasks left by the Vatican Council. Some were: the reform of the Italian diocesan seminaries, the regulation of the philosophical and theological studies of candidates for the priesthood, the introduction of one catechism for the Roman church province, the laws concerning ritual for betrothal and marriage, the revision of the prayers of the Breviary, and the review of all canon law

#### Conclusions

In opposition to Rationalism and Free-thinking, the dogmatic decisions elevated the papacy as the crown and center of the entire Catholic Church. The papacy is now and forever to be the fullness of power of administration and teaching as bestowed by Christ upon His Church. Thus ecclesiastical diversity and the theory of national Churches are forever overthrown. On the other hand, it is always hoped that even by the definition of the primacy of jurisdiction and of the infallibility of the pope, ecumenical councils have not forever lost their essential importance. The ecumenical councils have never been absolutely necessary. Even before the Vatican Council their decrees were enacted only after the express approval of the pope. Their lack of importance to the needs of popes and management of Church affairs is shown by the interval of three hundred years between the nineteenth and twentieth ecumenical councils. The definitions of this council have brought about the wishes of the Pope Pius IX and confirmation of any desirable or necessary legal requirements.