

CURRENT THEOLOGY

AFTER SIX HUNDRED YEARS: THE GREAT WESTERN SCHISM, CONCILIARISM, AND CONSTANCE

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Recent years have seen an awakened interest in the Great Western Schism, conciliarism, and the councils which brought that era to a close. Yet in some ways the vigorous and careful research has not brought us any closer to a solution of many of the questions and problems that confronted Christian society than the answers which the actual participants of that time had. Some of the best and newest work in this area reveals how shifting are the bases on which our answers rest and how nebulous are our certainties.¹ Yet we must start with what is known and agreed upon, and that is little enough.

ORIGINS OF THE SCHISM

In April 1378, in order to elect a new pope after Gregory XI had died, the cardinals gathered in the conclave in Rome under circumstances that are still disputed. They could not agree on a candidate among themselves and they were subject to what any impartial observer might call "inordinate pressures." Finally, for the last time since that day, the sacred college decided to go outside of its own ranks in choosing the new pope, and so Bartolomeo Prignano emerged from the conclave as Urban VI. Even these simple factual statements must be interpreted in the light of what had happened before this, e.g., the seventy years of papal residence in Avignon and what was to follow, i.e., the subsequent abandonment of Urban by the cardinals, their election of one of their members, Robert of Geneva, as Clement VII, and the schism that was to last with two papal claimants (later three, after the Council of Pisa in 1409) until the Council of Constance finally resolved the problem with the election of Martin V in 1417.

¹ For anything like a complete bibliographical survey, one should consult the articles and bibliographies to be found in the *Annuario historiae conciliorum* and in the *Bulletin of Medieval Canon Law*. Two recent collections edited by Remigius Bäumer, *Das Konstanzer Konzil* (Wege der Forschung 415; Darmstadt, 1977), and *Die Entwicklung des Konziliarismus* (Wege der Forschung 279; Darmstadt, 1976), reveal the spread of opinions and interpretations and the basic uncertainties that prevail in this area; they also provide good bibliographies. A select bibliography is to be found in C. N. D. Crowder's *Unity, Heresy and Reform 1378-1460: The Conciliar Response to the Great Schism* (Documents of Medieval History 3; New York, 1977) 190-206.

A number of questions remain unsolved to this day as the residue of these events. (1) Was the election of Urban VI carried out properly, in full freedom, and hence was it valid? Even if the answer is yes, the problem is not fully resolved; for there is no doubt that Urban's later conduct and actions showed him to be at best unstable. From this perspective, (2) can one totally exclude the propriety and validity of the second election by the cardinals once they had become aware of his character and mental state? From the historian's viewpoint, these two questions cannot be answered definitively, and so most would assert that if the saints and scholars who lived during the schism could not agree who was the rightful pope and true successor of St. Peter, modern mortals are not in a better position to answer the question, unless one chooses an a priori stance based on ahistorical arguments.

The Church in the late fourteenth century was sinking in a terrible morass in which society as a whole seemed to be sinking: a crisis of authority. No one knew who the rightful pope was. Some people changed their mind on this question: e.g., Cardinal Pileo da Prata seems to have begun as an Urbanist, switched to the Avignon obedience, and returned to support a later Roman claimant.² Whatever political or personal motives he may have had for this course of action, Pileo seems to have possessed a remarkable degree of prudence and did not allow himself to fall into the hands of Urban when they were disagreeing, and so Pileo escaped the grim fate of five other cardinals, who died as prisoners of Urban VI.

On the basis of the historical evidence, we can now see that it is a mirage to hope for a definitive answer to two key questions: What happened at that conclave, and can the actions of the cardinals be justified or dismissed? The starting point of any investigation, therefore, is the uncertainty as to which claimant (Urban or Clement) was the validly elected pope. This uncertainty began in 1378 and it only grew stronger when political events made authority in general in Western society enter into a deeper crisis: the insanity of Charles VI of France and the power struggle that developed in France between the Orleanist and Burgundian factions, the deposition and death of Richard II in England, the continued hostility and conflicting claims of these two countries, the deposition of King Wenceslaus as emperor-elect and his replacement first by Ruprecht of the Rhine Palatinate and then by King Sigismund of Hungary. These events produced uncertainty and instability across Europe. It is surely a sign that the traditional medieval world order was no longer recognizable when instead of the one body with two leaders (the emperor for temporal affairs and the pope for spiritual

² For information on Pileo, see Paolo Stacul, *Il cardinale Pileo de Prata* (Rome, 1957).

matters), in 1410 there were three claimants to each office and so nine possible combinations for the leadership of Christendom.

ATTEMPTS TO END THE SCHISM

From the beginning of the schism, attempts were made to resolve the deadlock. The traditional three solutions were compromise, cession, or a council; but the first two were never really practical alternatives when the character of the various papal claimants and the political realities of the time were taken into consideration. Thus resort to the general council was at once invoked and came to be the watchword.³ The tradition of canonistic writing on councils and the papacy was now brought to bear on the problem at hand and the whole congeries of ideas that are lumped together under the general heading of conciliarism became widespread. On this topic R. Bäumer has a long and useful bibliographical essay, "Die Erforschung des Konziliarismus," which covers the literature down to 1975.⁴ In the volume of studies on conciliarism that was edited by Bäumer, there are other shorter essays by J. Hollsteiner (1940), A. Franzen (1969), and J. T. McNeill (1971) which also deal with the general idea of conciliarism.⁵ At times very artificial distinctions are created, e.g., Franzen's conciliar versus conciliaristic, in an attempt to separate acceptable conciliar thinkers from unacceptable conciliarists in an arbitrary manner. The volume includes as well the classic essay by A. Kneer (1893), an important study by B. Tierney (1954), and an extended review by M. Seidlmayer (1957) of Tierney's book *Foundations of the Conciliar Theory*, the book which did so much to compel a radical rethinking of this whole topic.⁶

All of this would to some degree presuppose that there is such a single idea as conciliarism. But the continuing research in this area reveals that it is now necessary to speak of conciliar traditions. For example, some writers have written of Marsilius of Padua and William of Ockham as conciliarists. In whatever sense one may accept this designation, it is evident that the conciliar traditions stemming from these two men—and

³ For the assertions at the outset of the schism that a council should decide a disputed election or correct an erring pope, see the studies by Franz Bliemetzrieder, *Das Generalkonzil im grossen abendländischen Schisma* (Paderborn, 1940) and *Literarische Polemik zu Beginn des grossen abendländischen Schismas* (Vienna and Leipzig, 1910; reprint New York, 1967), and the more recent study by Michael Seidlmayer, *Die Anfänge des grossen abendländischen Schismas* (Münster, 1940).

⁴ In *Die Entwicklung des Konziliarismus* (n. 1 above) 3-56.

⁵ J. Hollsteiner, "Die konziliare Idee," *ibid.* 59-74; A. Franzen, "Konziliarismus," *ibid.* 75-81; J. T. McNeill, "Die Bedeutung des Konziliarismus," *ibid.* 82-100.

⁶ A. Kneer, "Die 'Epistola concordiae,'" *ibid.* 103-12; B. Tierney, "Ockham, die konziliare Theorie und die Kanonisten," *ibid.* 113-55; M. Seidlmayer, "Besprechung von Brian Tierney's *Foundations of the Conciliar Theory*," *ibid.* 156-73.

it is not at all settled that the two men agreed in their own definitions and use of this term—were a far cry from what would be found in the conciliar traditions of the theologians at the University of Paris (Langenstein, Gelnhausen, d'Ailly, Cramaud, or Gerson) and the canonists at the Italian universities (Zabarella, Ancharano, *et al.*).

Conciliarism, then, has become a catchall to include the whole spectrum of theories on ecclesiastical authority. At one pole stands the outright secularism of Marsilius, who would totally subordinate the Church in all its aspects to civil authority. On the other side of conciliarism one finds the ideas of earnest and anxious churchmen who advocated the authority of councils as the only hope for union and reform. Even here the call for frequent general councils as well as local ones so as to have ongoing reform was not new at the time of the schism but had been voiced by William Durandus at Vienne in 1311.⁷ But once the schism was in full bloom, the call for a council echoed over and again. The result was that after almost a century without a general council—and this was a significant divergence from what was customary in the High Middle Ages—there were a number of councils in the early fifteenth century, all claiming to be general: Pisa, Peniscola, Cividale, Rome, Constance, Pavia-Siena, and Basel-Ferrara-Florence.

Peniscola and Cividale can easily be dismissed (as they were in their own day) as nothing but the desperate response of Benedict XIII and Gregory XII to the actions of the rest of the Church, which was abandoning them. Pisa has presented more of a problem in that it was both revolutionary and conservative. Pisa was radical in its action, since it declared the two papal claimants deposed and proceeded to elect a new pope, but it was conservative in its makeup in that it was a council dominated by churchmen and prelates in an age when secular rulers were coming to dominate the churches in their respective territories. Moreover, the council at Pisa was a general council called together by the cardinals from the two obediences who had abandoned all hope of obtaining support or action towards unity from either papal claimant. Pisa was, in fact, a general council held against the two who claimed to be pope, two claimants whom it went on to cite and, in their failure to appear, condemned as contumacious. Pisa declared them schismatics and heretics, and then proceeded to elect a new pope, Alexander V. This pope was accepted by the majority of Christendom as the legitimate pope, but still unity was not achieved, since the Iberian kingdoms remained loyal to Benedict XIII and Gregory XII maintained a minuscule and scattered following.

⁷ On this see Andreas Posch, "Die Reformschläge des Wilhelm Durandus iun. auf dem Konzil von Vienne," *Mitteilungen des Instituts für österreichische Geschichtsforschung, Ergänzungsband* 11 (1929) 288-303.

CONSTANCE

In accord with a decree passed at Pisa, an abortive council was attempted at Rome in 1412–13 and then another truly general council was assembled at Constance from 1414–18. The problems and disputes over Constance, what it did and what it meant, have lasted for centuries. It was a council that opened in dispute, was filled with controversy for its entire duration, closed in dispute, and has been a focus for conflict of theories and explanations ever since. In spite of this, certain things are clear about Constance and we find a good deal of this information in another collection of studies edited by R. Bäumer.⁸

First, Constance did achieve unity; it did end the schism. It might have seemed impossible that with the political ambitions of princes and prelates, family interests (and churchmen were not immune to this, as the actions of Gregory XII bore witness), and territorial designs and conflicts, a consensus could be reached on a number of important issues. The three critical questions of the day—union, reform, and faith—were addressed and were implemented with varying degrees of success. It is hard to decide from a later perspective which was the most critical question. The decisions in the area of faith led to the condemnations of Wyclif (posthumously), Hus, and Jerome of Prague. The subsequent Hussite wars, Lollardy, and other divisions resulted, and some of the effects have lasted to this day. The reform movement met entrenched interests at all levels; papal rights of provision, prevalency of nepotism, and the desire for local control of the churches and of patronage are some examples. In the subsequent decades, in the quarrels between the Council of Basel and

⁸ *Das Konstanzer Konzil* (cited in n. 1 above) includes the following: R. Bäumer, "Die Erforschung des Konstanzer Konzils" 3–34; F. Machilek, "Das grosse abendländische Schisma in der Sicht des Ludolf von Sagan" 37–95; J. Hollnsteiner, "Studien zur Geschäftsordnung am Konstanzer Konzil" 121–42; K. A. Fink, "Das Konzil von Konstanz" 143–64; A. Franzen, "Das Konstanzer Konzil" 165–207; H. Hürten, "Zur Ekklesiologie der Konzilien von Konstanz und Basel" 211–28; J. Gill, S.J., "Die fünfte Sitzung des Konzils zu Konstanz" 229–47; R. Bäumer, "Die Stellungnahme Eugens IV. zum Konstanzer Superioritätsdekret in der Bulle 'Etsi non dubitemus'" 248–74; A. Molnar, "Die Antworten von Johann Hus auf die fünf und vierzig Artikel" 275–83; E. C. Tatnall, "Die Verurteilung John Wyclifs auf dem Konzil zu Konstanz" 284–94; A. Franzen, "Konzil der Einheit" 295–305; K. A. Fink, "Die Wahl Martins V." 306–22; F. Seibt, "Geistige Reformbewegungen zur Zeit des Konstanzer Konzils" 323–44; H. Finke, "Die Nation in den spätmittelalterlichen allgemeinen Konzilien" 347–68; O. Engels, "Der Reichsgedanke auf dem Konstanzer Konzil" 369–403. All of these deal with Constance, as do some articles in the other collection edited by Bäumer: e.g., P. deVooght, "Der Konziliarismus auf dem Konzil von Konstanz" 177–97; H. Jedin, "Bischöfliches Konzil oder Kirchenparlament?" 198–228; R. Bäumer, "Die Interpretation und Verbindlichkeit der Konstanzer Dekrete" 229–46; W. Brandmüller, "Besitzt das Konstanzer Dekret 'Haec Sancta' dogmatische Verbindlichkeit?" 247–71; O. Engels, "Zur Konstanzer Konzilsproblematik in der nachkonziliaren Historiographie des 15. Jahrhunderts" 329–59; R. Bäumer, "Die Konstanzer Dekrete 'Haec sancta' und 'Frequens' im Urteil katholischer Kontroverstheologen des 16. Jahrhunderts" 360–92.

Pope Eugenius IV, the desire of Basel to implement reform and to gain support from varying sectors of the Church revealed the contradiction. To win support required the use of patronage, which was precisely what the reform system was trying to curb. In part the victory of the papacy over the council in the fifteenth century was due to its realistic and pragmatic approach to this question and its shrewd use of patronage.

The issue of unity in all this did have an overriding priority at Constance and it was brought to a successful conclusion. But to achieve unity Constance had to walk a thin and dangerous line. It had to vindicate its right to assemble, to decide the disputed papal election, and to end the schism. Constance, therefore, declared itself a general council in its famous decree *Haec sancta* and went on to declare what the powers and rights of such a council were. This has been a center of controversy since the decree was formally enacted during the week of March 30–April 6, 1415.⁹ I have recently presented an interpretation of this decree based on the work and actions of one of those most intimately involved in the events of that period, Cardinal Zabarella.¹⁰

It seems clear now that the earlier attempts to dismiss this decree as invalid will not stand up to criticism. Some had argued that (a) it was issued in a session of the Council when the Council was not yet truly ecumenical and so the decree was invalid. But this theory, if applied to other councils (e.g., Trent, which at times had a very minuscule membership) as well as to Constance would raise problems that its advocates would not desire. Another theory (b) was that *Haec sancta* was contrary to traditional doctrine on the primacy of the papacy. But those at the Council who were writing the decree held the traditional doctrine on papal primacy, for they were in large part theologians and canonists. They believed that the papacy normally was the court of highest instance in the Church, the source of law and teaching, whose decision was binding on all members of the Church, and nothing in *Haec sancta* goes against this doctrine. Another line of approach (c) had been to make it an emergency decree which lost its function and authority when the emergency passed. This solution ignores the claim of *Haec sancta* to be more than an emergency decree. The language of the decree is explicit on this when it claims authority for "this and any other general council." It is obviously not just proposing an *ad hoc* solution for a limited problem of that time and place.

⁹ Some indication of the controversy and disagreement over what exactly happened and what these events and words meant during that week can be evidenced in the many studies and monographs on this by such scholars as J. Gill, S.J., F. Oakley, P. deVooght, I. H. Pichler, H. Riedlinger, H. Hürten, and B. Tierney. The controversy begun so long ago is alive and doing well among scholarly writings.

¹⁰ See my "The Decree *Haec sancta* and Cardinal Zabarella: His Role in Its Formulation and Interpretation," *Annuario historiae conciliorum* 10 (1978) 145–76.

At the same time, is it necessary to affirm that it is clear that the Council of Constance was attempting to define something in *Haec sancta* as dogma, as unchanging truth? In one sense, this concept had yet to be evolved, at least in the way it would be employed in the nineteenth century in theological circles. As has been shown in other studies of councils, the words "define" and "heresy" had in earlier centuries a broader usage than the very technical sense they later acquired. I would argue that *Haec sancta* can be seen as a statement of law which would be binding on all and which would imply certain theological consequences without being a theological statement in itself, much less a dogmatic proclamation on conciliarism.¹¹

A similar line of thought should be employed in looking at the way the Council of Constance dealt with the three claimants to the papacy. The Council was summoned, opened, and ran for a number of months (from November 1414 to March 1415) under the leadership of the Pisan Pope John XXIII. Thus there was no doubt whom it recognized as the legitimate pope, and in so doing the Council was in accord with most of Western Christendom. Only when John, by sneaking out of Constance on the night of March 21-22, 1415, broke or appeared to break his commitment to unity and specifically his promise to resign for the common good, did the Council turn against him. Till then it had accepted his promise to resign; now it compelled him to abdicate and deposed him. This is not to say that the Council fathers had been very happy with John in the first place. After numerous negotiations over the years with Benedict XIII, the Council finally in exasperation accepted the adherence of the Iberian princes and declared Pedro de Luna deposed and condemned as an enemy of Church unity. Some have tried to argue that the third claimant, Gregory XII, was officially recognized as the valid pope by Constance in that it allowed him to reconvoke the Council and then resign. This view is undermined by an examination of the debates at Constance in the first six months of the Council. One group in these debates wanted a simple confirmation of the condemnations issued at Pisa against Gregory and Benedict and then to move on to other matters. A saner and more flexible approach was argued and won out. By this method, since only a small segment adhered to Gregory and the Iberian peninsula to Benedict, it would be better to try the carrot-and-stick approach with these two papal claimants. It did fail with Benedict, as we know. If they could get cooperation by a more lenient approach to the other papal claimants and by giving in to some outward forms, so what? The important thing was Church unity. If their actions and offers made Gregory feel better and got him to adhere to the Council and bring his pitiful band of followers

¹¹ See the excellent discussion of this question in B. Tierney, "Divided Sovereignty at Constance: A Problem of Medieval and Modern Political Theory," *Annuaire d'histoire conciliaire* 7 (1975) 239-56.

into union, so much the better. The Council fathers certainly did not think that by their actions toward them they were settling a theological question for ages to come. It was a pragmatic approach and was not intended to embody or imply any doctrinal or judicial solution to the question as to whose claim was valid. Most importantly, it was a successful approach, and so the Council employed it with all the other segments of divided Christendom as they were incorporated into the Council, e.g., Portugal, the two Sicilies, the County of Foix, Navarre, Castille, and Aragon.

SOME PROBLEMS AT THE COUNCIL

The Great Western Schism opened the doors to many problems and a number of latent ideas came to fruition during this crisis. Perhaps a few reflections on the issues that were dominant in that era are in order and will help clarify the significance of what happened.

It was now many decades since the first controversies between the mendicant orders and the secular masters and others at the University of Paris in the mid-thirteenth century. In the development of this dispute a careful distinction had gradually evolved between the concept of jurisdiction and the concept of orders. The most outspoken proponents of papalism, e.g., Augustinus Triumphus, had stressed this distinction and exalted papal jurisdiction, since they were forced to admit that as far as orders went the pope and the other bishops were equal. But jurisdiction said nothing about orders, and so by the fourteenth century it was being asked whether a layman could be pope, and the answer was being given in the affirmative, since the critical point was that by accepting his election he automatically received the power of jurisdiction.¹² After Constance the question would be even further muddled when permission would be granted by Pope Martin V to certain Cistercian abbots to ordain their monks, since they had quasi-episcopal jurisdiction over them. Here, then, jurisdiction was taken as a reason for exercising episcopal power of orders or at least the power to bestow orders on others.¹³ Perhaps one should not demand theological exactitude when it is realized that in this same century the great preacher and bishop Albergati had to warn his flock that they should remember that only someone who was an ordained priest was to offer Mass.¹⁴

In the long crisis that began in 1378 another dilemma arose for the Christian who was in any position to affect the situation. It was a time

¹² For Augustinus Triumphus' ideas on this topic, see Michael J. Wilks, *The Problem of Sovereignty in the Later Middle Ages* (Cambridge, 1964) 389, 391-92, 394, 472, 497 n. 1, 530 ff.

¹³ For a study of this Bull, see C. Bock, "La bulle *Gerentes ad vos* de Martin V," *Collectanea ordinis Cisterciensium reformatorum* 13 (1951) 1-7, 197-205.

¹⁴ Denys Hay, *The Church in Italy in the Fifteenth Century* (Cambridge, 1977) 56.

when the traditional exhortations and ways of reasoning did not work. It was not good enough for Christians merely to follow orders, do what they were told, and let their betters settle the problem. Their betters had made a mess of things and were only making things worse. What was to be done when each papal claimant said "Just acknowledge me, help me, and we will get rid of that other usurper and false pope"? This line of conduct had led to the shattering of Christian unity. Then the cardinals had abandoned both of the claimants and elected a third person. Which leader was one to obey? Who was the true pope and how could one know this? For almost forty years individual Christians, in trying to answer these questions, were pushed back onto their own consciences, their political interests, the ambitions of their rulers, or the amount of military force one papal claimant might bring to bear on a particular area.

I would suggest a solution to the dilemma from our modern perspective. Since the papacy has never been hereditary and so need not trace connections the way one would the bloodlines of a hereditary monarch, could we not argue for an interregnum in this era? There had been vacancies in earlier centuries for months or even years, when the cardinals could not agree or would not gather in conclave to elect a new pope. In our case, on a larger scale, can this era represent an analogous gap? Is it possible that for the major part, if not all, of the Great Schism there was no pope? Is this proposal any more unthinkable than to maintain that there was a valid pope during those years from 1378 to 1417 but in reality neither the people of that time nor we today are able to say in each case who it was?

In the disputes of that troublesome era another idea emerged. It was not really new, its formulation was slow, and its implications were not realized in some cases for generations. This idea was that in the Church, as elsewhere, there was no such thing as "irresponsible power," that is, a power or authority that did not have to observe law or be answerable for its actions and decisions. The traditional language of the time was based on the distinction made between *potestas ordinaria* (*ordinata*) and *potestas absoluta*. William of Ockham and other later thinkers discussed this at length, as has been shown by Francis Oakley among others.¹⁵ But

¹⁵ On this see Francis Oakley, "Jacobean Political Theology: The Absolute and Ordinary Powers of the King," *Journal of the History of Ideas* 29 (1968) 323-46; id., "On the Road from Constance to 1688," *Journal of British Studies* 1 (1962) 1-31; id., "From Constance to 1688 Revisited," *Journal of the History of Ideas* 27 (1966) 429-32; id., "Pierre d'Ailly and the Absolute Power of God: Another Note on the Theology of Nominalism," *Harvard Theological Review* 56 (1963) 59-73; id., "The 'Hidden' and 'Revealed' Wills of James I: More Political Theology," in *Post Scripta: Essays on Medieval Law and the Emergence of the Modern State in Honor of Gaines Post*, ed. Joseph R. Strayer and Donald E. Queller (Studia Gratiana 15; Rome, 1972) 363-75. Also the two books, one by Oakley, *The Political Thought of Pierre d'Ailly: The Voluntarist Tradition* (New Haven, 1964), the other by Gaines Post, *Studies in Medieval Legal Thought* (Princeton, 1964).

this distinction did not have the same meaning for all scholars. To the philosopher-theologians most of the debate appears to have dealt with the problem of voluntarism, the foundation of law (especially natural and divine law), and similar matters. Canonists such as Cardinal Zabarella took over these concepts in relation to the fulness of power attributed to the papacy, and Zabarella was not unique, I believe, in denying that *potestas absoluta* meant untrammelled power. He was quite vehement in his attacks on those flatterers "who spent their time telling the popes what they could do rather than what they should do."¹⁶ For a canonist like Zabarella all power was responsible power; in fact, his major argument for the resignation, and if necessary for the deposition, of the papal claimants at the time of the schism was precisely that their position and authority were given to them for the sake of the common good.¹⁷ And since unity was in the highest interests of the community, it was incumbent upon the claimants to have their own private interests or personal good give way in this matter to the higher good of the community. In the later disputes over authority in the Church, especially those between the papacy and the Council of Basel, it appears that this aspect of the question ultimately became lost and the assertion of authority as such and the locus of authority became the sole foci of attention, to the detriment of the Church in the centuries to come.

There were constant demands for reform during the schism and after, and many of these cries were centuries old. But at the same time another difficult problem came to the fore. At Pisa the papal claimants were declared deposed from their office because by their actions or failure to act they were impeding union and reform. They had proven themselves unworthy of their position and were a scandal to Christians. The reformers at Pisa and Constance, in this claim to have the right to judge and depose the papal claimants, had a difficult task to perform, for they had to avoid two extremist positions. On the one side were the adherents of unrestricted papal power. This took the form of either legal positivism or of a quietism in the face of papal authority. The first theory argued that as long as anyone in authority had been validly and licitly installed in office, and so long as what was commanded was not contrary to the laws of God (was not commanding sin), then his orders were to be obeyed; for

¹⁶ Zabarella's observations on this topic are to be found above all in his tract *De scismate*. I have used the text as found in the Venice 1502 edition of his commentary on the Gregorian decretals, fol. 119rb.

¹⁷ Yves M. J. Congar, O.P., "Status ecclesiae," in *Post Scripta* (n. 15 above) 1-31. I have explored Zabarella's view on this obligation in "Franciscus Zabarella (1360-1417): Papacy, Community and the Limitations upon Authority," to appear in *Reform and Authority in the Medieval and Reformation Church*, ed. Guy F. Lytle (Catholic Univ. of America Press), and in "Cardinal Zabarella on Papal and Episcopal Authority," *Proceedings of the Patristic, Medieval, and Renaissance Conference* 1 (Villanova, 1976) 39-52.

all that was required for the commands to be binding was present.¹⁸ The second theory argued that in the case of an erring pope (any other official in authority had a superior in the pope who could deal with him) one could only have recourse to God in prayer; other than that, one could merely obey, for the pope was responsible only to God, who alone could judge him and deal with the problem of scandal, disorder, division, or even heresy caused by the erring pope.¹⁹ Both theories contributed to the hardening and perdurance of the schism and of other problems; any solution would have to start with a rejection of the two theories.

On the other hand, ideas were in the air, some associated to some degree with Wyclif and possibly Hus, that only those who were truly Christian (i.e., in grace) had authority. The late fourteenth and early fifteenth century saw a strong strain of what might be called "revived Donatism." It argued that the sanctity or sinfulness of the officeholder affected the validity of his actions. It must not be forgotten that some of these ideas were very close to what had been affirmed by Gregory VII and the Gregorian reform movement of the late eleventh century. The advocates of union and reform who wished to remove the papal claimants because of their failings as regards unity and their responsibility for scandal had to avoid the two extremes in their decisions taken at Constance. The complexity of opinions is exemplified by the fact that at Constance in 1415 the most ardent critics of Pope John XXIII were members of the German nation who wanted him removed but also held that reform had to precede the papal election because once elected the pope could not be bound by anything they might pass as laws; they were in effect adherents of papal absolutism.²⁰ They simultaneously advocated the removal of a pope from office because of his actions and averred that the pope's authority could not be circumscribed. Should, then, part of the ferocity with which many of the fathers at Constance responded to the ideas of Wyclif and to the persons of Hus and Jerome of Prague be explained by the fact that many of the fathers were caught up in the delicate and nerve-wracking task of balancing what appeared to be

¹⁸ Michael Wilks, in his *The Problem of Sovereignty in the Later Middle Ages*, presents Augustinus Triumphus as holding this opinion (472-73), while in the mid-fifteenth century at the University of Vienna a Dominican, Leonhard Huntzpichler, was definitely an adherent of this form of legal positivism as the explanation and extent of papal authority; see Isnard Wilhelm Frank, O.P., *Der antikonkiliaristische Dominikaner Leonhard Huntzpichler: Ein Beitrag zum Konziliarismus der Wiener Universität im 15. Jahrhundert* (Archiv für österreichische Geschichte 131; Vienna, 1976) 357-58.

¹⁹ For a survey of the ingenuity with which the canonists of the twelfth and thirteenth centuries wrestled with the problem of the erring pope and his relationship with the Church as a whole and the council in particular, see Brian Tierney, "Pope and Council: Some New Decretist Texts," *Mediaeval Studies* 19 (1957) 197-218.

²⁰ Heinrich Finke et al., eds., *Acta concilii Constanciensis* (4 vols.; Münster, 1896-1928) 2, 147.

contradictory ideas and assertions? To these men, an approach that appeared as logical and simple as Hus seemed to embody threatened all they were attempting. Hus's very appeal to Christ from the Council would, if validated, undermine all their labors for union and reform: e.g., what if the papal claimants did the same? What would happen to Church unity if each papal claimant, each person who disagreed with their other decisions, could appeal from the Council to Christ and so undermine their labors and the authority of the Council?²¹

RECENT CONTRIBUTIONS AND LINES OF RESEARCH

Some of the questions, then, of the era of the Great Schism and of conciliarism remain with us yet. We are fortunate in having some recent studies that enable us to appreciate and evaluate this period better. C. N. D. Crowder's collection *Unity, Heresy and Reform 1378-1460*²² provides an introduction and then, in translation, the major documents from or about the councils held at Pisa, Constance, Pavia-Siena, and Basel-Ferrara-Florence, and finally the condemnation by Pius II of an appeal from a papal decision to any future council. It is a useful, handy volume to the historian or theologian who wishes to introduce students to this era and its problems. The two volumes edited by Remigius Bäumer, *Das Konstanzer Konzil* and *Die Entwicklung des Konziliarismus*, contain in German the major articles on these two topics as well as excellent bibliographical references. The majority of the articles are from recent decades; only one is from the late nineteenth century. The ongoing questions are also to be found in some of the studies that appeared in the well-deserved *Festschrift* in honor of Hermann Tüchle which was edited

²¹ The personal hostility of some of the people present at the Council towards Hus seems to have gone beyond *odium theologicum* and requires further explanation and motivation. In the vilification of John XXIII, who had also threatened to undermine their hopes and work, they showed some restraint, however limited this restraint was (and one wonders about this when reading what they had to say about John and what they accused him of); but there was a kind of vendetta quality in their treatment of Hus.

²² Crowder's book (n. 1 above) supplies the documents divided according to the respective councils. Thus, for Pisa there are six excerpts: d'Ailly's *Epistola diaboli Leviathan* (1381), Clemange's criticism of the cardinals (ca. 1400), the cardinals' presentation of their case in October 1408, d'Ailly's *Propositiones utiles* (January 1409), an anonymous doubt about a council's authority (1408-9), and some selections from the acta of Pisa. For Constance there are sixteen selections: Henry V's appointment of representatives to the Council, two early memoranda at the Council, Fillastre's discussion of the way to reunion, the debate on the right to vote at the Council, Gerson's famous sermon *Ambulate* of March 23, 1415, the decree *Haec sancta* of April 6, 1415, the condemnation of forty-five articles from Wyclif; then three texts dealing with Hus, a discussion of poverty, a dispatch to Henry V, the dispute between England and France over the English right to be considered a nation at the Council, the sentence against Benedict XIII, the decree *Frequens*, and letters of Peter de Pulka. Pavia-Siena has one set of excerpts, and Basel and Ferrara-Florence have a total of eleven, and finally there is Pius II's Bull *Execrabilis*.

by Georg Schwaiger with the appropriate title *Konzil und Papst*.²³ In this collection the exchanges and interrelationship between the two institutions over nineteen centuries are explored. W. Brandmüller has a study on the embassy of Benedict XIII to the Council of Pisa, J. Leinweber a new listing of participants at Pisa and an essay on its ecumenical nature.²⁴ In addition, there is A. Leidl's essay on the negotiations over the structure of a council of union in the fifteenth century; other studies deal with theories on ecumenical councils in the sixteenth century and with the papacy as an ecumenical question. Schwaiger has a long reflection on *suprema potestas* which is a treatment of papal primacy and the authority of general councils in the mirror of history.²⁵

Attention should be drawn to the collection of studies that appeared a few years ago as *Festschrift für Hermann Heimpel*.²⁶ It may be recalled that Heimpel worked with Heinrich Finke for the later volumes in the edition of the *Acta Concilii Constantiensis* (four volumes, 1896–1928) and has continued his active role as a researcher in this area over the past fifty years.²⁷ The second volume in this *Festschrift* contains valuable work by F. Bartos on the program of reform of Master Johannes Cardinalis of Bergreichenstein, a delegate of the University of Prague to the Council of Constance; K. Fink on the financial aspects of Constance; A. Esch on the papacy under the domination of the Neapolitan families in the Curia during the schism. D. Girgensohn discusses the Council of Pisa

²³ *Konzil und Papst: Historische Beiträge zur Frage der höchsten Gewalt in der Kirche. Festgabe für Hermann Tuchle*, ed. Georg Schwaiger (Munich, 1975).

²⁴ Walter Brandmüller, "Die Gesandtschaft Benedikts XIII. an das Konzil von Pisa" 169–206; Josef Leinweber, "Ein neues Verzeichnis der Teilnehmer am Konzil von Pisa 1409: Ein Beitrag zur Frage seiner Oekumenizität" 207–46.

²⁵ August Leidl, "Die Verhandlungen über Struktur eines Unionskonzils im 15. Jahrhundert" 247–76; Remigius Bäumer, "Silvester Prierias und seine Ansichten über das ökumenische Konzil" 277–302; Hermann Josef Pottmeyer, "'Auctoritas suprema ideoque infallibilis': Das Missverständnis der päpstlichen Unfehlbarkeit als Souveränität und seine historischen Bedingungen" 503–20; Heinrich Fries, "Das Papsttum als ökumenische Frage" 585–610; Georg Schwaiger, "Suprema potestas: Päpstlicher Primat und Autorität der allgemeinen Konzilien im Spiegel der Geschichte" 611–78.

²⁶ *Festschrift für Hermann Heimpel zum 70. Geburtstag am 19. September 1971*, ed. Mitarbeitern des Max-Planck-Instituts für Geschichte (Veröffentlichungen des Max-Planck-Instituts für Geschichte 36; 3 vols.; Göttingen, 1971–73).

²⁷ This collaboration of Heimpel and Finke has created a remarkable continuity. Finke's dissertation in 1880 was on King Sigismund's activity in regard to the German cities in 1414–18, and in 1883 he published an evaluation of the acta of the Council of Constance. He continued his research and writing until his death in 1938. Heimpel worked with Finke on the acta in the 1920's, and he is continuing his research and writing on the era of the schism and the councils now in the late 1970's. For all practical purposes, then, Finke began his studies in the period just after Vatican I and continued for more than fifty years while Heimpel began his research in the 1920's and continues his work in the decades after Vatican II.

that was held in 1135 as it was treated in the tradition at the Council of Pisa in 1409.²⁸

What is being done in research on the Great Schism and conciliarism? What remains to be done? There are the ongoing publications of scholars such as J. B. Schneyer which are making available the sermons and addresses, especially those delivered at Constance, which will afford a better understanding of the mood and thought of a given moment when so many critical questions were being considered and decided.²⁹ There does not exist for Constance anything like the edition of the acts from Trent and Florence. Today's scholar still has to go to Mansi, von der Hardt, Finke, and the many bits and pieces scattered in studies and monographs. For Pisa, the works of Johannes Vincke are essential but not easily obtainable, since several key studies appeared in Germany during the years 1940–42; in addition, scholars continue to uncover other texts.³⁰ The sources for this era are thus still in the process of being mined.

As for the major protagonists in these events, some have only recently been studied; others remain the subject of monographs written many years ago or never published, and still others await their researcher.³¹ Denys Hay in his recent *The Church in Italy in the Fifteenth Century* gives some hints of what has not been studied in Italian church history for that era.³² Recent scholarship has forced a constant re-evaluation of

²⁸ Karl A. Fink, "Zum Finanzwesen des Konstanzer Konzils"; Frantisek M. Bartos, "Das Reformprogramm des Magisters Johannes Cardinalis von Bergreichenstein, des Gesandten der Karls-Universität in Prag, für das Konzil zu Konstanz"; Arnold Esch, "Das Papsttum unter der Herrschaft der Neapolitaner: Die führende Gruppe Neapolitaner Familien an der Kurie während des Schismas 1378–1415"; Dieter Girgensohn, "Das Pisaner Konzil von 1135 in der Ueberlieferung des Pisaner Konzils von 1409."

²⁹ Besides his other work on medieval sermons, Johannes B. Schneyer, chiefly in two journals, *Zeitschrift für die Geschichte des Oberrheins* 113 (1965), 115 (1967), 116 (1968), 118 (1970), 119 (1971), 120 (1972), and *Annuaire d'histoire conciliaire* 2 (1970), 3 (1971), 6 (1974), has been making his research and its results available; in so doing he has added another dimension to our knowledge of Constance.

³⁰ Johannes Vincke published his "Acta concilii Pisani" in *Römische Quartalschrift* 46 (1938–41) 81–331 and two other studies: *Briefe zum Pisaner Konzil* and *Schriftstücke zum Pisaner Konzil: Ein Kampf um die öffentliche Meinung*, which appeared in Bonn in 1940 and 1942. Since then he has continued to pour out studies on this era. One should also mention the study by R. Bäumer, "Konrad von Soest und seine Konzilsappellation 1409 in Pisa," in the volume *Das Konstanzer Konzil* 96–118, and the studies by Margaret Harvey on the Council of Pisa, especially on English involvement and activity there.

³¹ Peter Ancharano has recently been the subject of a dissertation at Cornell University; Robert Hallam, the bishop of Salisbury, was the subject of a dissertation in England which was never published; Howard Kaminsky has begun to publish studies on Simon Cramaud, Fillastre, Gregory XII, and some of the theologians and canonists at Constance need to be re-evaluated in the light of recent research.

³² D. Hay, *The Church in Italy in the Fifteenth Century* 83, points out that there has been no study of the role of the Italian clergy and bishops at the councils in the fifteenth

accepted ideas and beliefs about what happened, what it meant, why it occurred, and what were the motives of those involved in so many events of this era. It is safe to say that the definitive history of the Great Western Schism remains unwritten or may even be a mirage. Like all mirages, it would never exist; unlike most mirages, this one would be useful if it beckoned us on to look again, to restudy and rethink the whole train of events that followed from that conclave six hundred years ago, the disputes that surround it, and their implications for ecclesiology today.

century; earlier (42) he pointed out that we do not know much about the administrative personnel at Constance.