

## THE VOICE OF THEOLOGIAN IN GENERAL COUNCILS FROM PISA TO TRENT

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*[Editor's note: In the nine general councils surveyed, theologians played various roles, ranging from witnesses and advisers to full voting members, either as procurators for others or as theologians in their own right. The various reasons offered to explain these shifts are here evaluated. Was the changing status of theologians determined by the needs of each council and their own behavior? Was it a matter of shifting ecclesiologies and a perceived return to ancient norms? Was their status inversely proportional to the bishops' theological competency? Or was it only the terminology used to describe or mask their role which really changed?]*

**T**HEOLOGIAN DURING the Renaissance acquired and then lost voting rights equal to those of bishops in the general councils of the Church. In this article I trace the changing status of theologians and suggest reasons for these developments.<sup>1</sup>

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<sup>1</sup> Earlier versions of this paper were presented at a symposium sponsored by the Societas Internationalis Historiae Conciliorum Investigandae in Dubrovnik, Croatia, on September 18, 1997 and at the Annual Meeting of the Renaissance Society of America in College Park, Maryland on March 27, 1998. An extended treatment of the historical data on which this article is based will appear as "The Changing Status of Theologians in the General Councils of the West: Pisa (1409) to Trent (1545–63)," in *Annuario historiae conciliorum*. I am grateful to Raymond F. Collins, Michael A. Fahey, S.J., John T. Ford, C.S.C., Dieter Girgensohn, John E. Lynch, C.S.P., and John W. O'Malley, S.J., for their helpful suggestions. For a recent study with rich bibliography on a similar topic for the period following soon after that here under consideration, see Jacques M. Gres-Gayer, "The Magisterium of the Faculty of Theology of Paris in the Seventeenth Century," *Theological Studies* 53 (1992) 424–50. On the role of theologians in late medieval and early modern Church and society, see Robert Guelluy, "La place des théologiens dans l'Eglise et la société médiévale," in *Miscellanea historica in honorem Albert de Meyer 1*, Recueil de travaux d'histoire et de philologie, series 3, vol. 22 (Louvain: Bibliothèque de l'Université, 1946) 571–89; Yves Congar, "Theologians and the Magisterium in the West: From the Gregorian Reform to the Council of Trent," *Chicago Studies* 17 (1978) 210–24; Georgette Epiney-Burgard, "Le rôle des théologiens dans les conciles de la fin du Moyen-

That there are two teaching offices in the Church, the one entrusted to bishops, the other to doctors of theology, has been commonly taught on the basis of Scripture and tradition. Two classical scriptural texts are often cited to illustrate this: 1 Timothy 3:2, where it is required that a bishop be an apt teacher, and Ephesians 4:11, where among the offices in the Church those of apostle and of teacher are enumerated. The "successors to the apostles" (successors to those commissioned emissaries who had witnessed the Resurrection of Jesus) came to be considered *episcopi*, that is, "overseers," or bishops.<sup>2</sup> One of the classical expositions on the topic of teaching offices in the Church is Gratian's *Decretum* (ca. 1140), the notable medieval textbook of canon law, where the distinction is drawn between rendering an authoritative judgment in a case and expounding the meaning of Sacred Scripture. After stating that St. Peter needed the keys of knowledge and power to render a judgment, Gratian's *dictum* concludes: "It is evident that writers on the Sacred Scriptures, although they surpass pontiffs in knowledge and so are to be preferred to them in questions of scriptural interpretation, take second place to them in deciding cases since they have not been elevated to the same high dignity."<sup>3</sup>

On the eve of the period under consideration, one of the leading

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Âge (1378–1449)," in *Les théologiens et l'Église*, ed. Charles Pietri et al., *Les quatre fleuves* 12 (Paris: Beauchesne, 1980) 69–76; Guy Fitch Lytle, "Universities as Religious Authorities in the Late Middle Ages and Reformation," in *Reform and Authority in the Medieval and Reformation Church*, ed. G. F. Lytle (Washington: Catholic University of America, 1981) 69–97; Erika Rummel, *The Humanist-Scholastic Debate in the Renaissance and Reformation* (Cambridge, Mass.: Harvard University, 1995), and her "The Importance of Being Doctor: The Quarrel over Competency between Humanists and Theologians in the Renaissance," *Catholic Historical Review* 82 (1996) 187–203.

<sup>2</sup> On the function of the apostle, see David M. Stanley and Raymond E. Brown, "Aspects of New Testament Thought: The Twelve and the Apostolate," in *The Jerome Biblical Commentary*, ed. Raymond E. Brown et al. (London: Geoffrey Chapman, 1968) 795–99; on bishops as the successors of apostles, see Antonio Javierre, "Apostle," in *Sacramentum Mundi: An Encyclopedia of Theology*, 6 vols., ed. Karl Rahner et al. (New York: Herder, 1968–70) 1.77–79, and Klaus Berger, "Bishop: New Testament," *ibid.* 1.220–21; Raymond E. Brown, *Priest and Bishop: Biblical Reflections* (New York: Paulist, 1970) 47–86; Karl Kertelege, "Apostel," in *Lexikon für Theologie und Kirche*, 3rd ed., Walter Kasper et al., ed. (Freiburg: Herder, 1993) 1.851–54, at 853–54. On teachers of theology in the early Church, see Eugene A. LaVerdiere, "Teaching Authority of the Church: Origins in the Early New Testament Period," *Chicago Studies* 17 (1978) 172–87; John E. Lynch, "The Magisterium and Theologians from the Apostolic Fathers to the Gregorian Reform," *ibid.* 188–209; and Roger Gryson, "The Authority of the Teacher in the Ancient and Medieval Church," trans. Sally Mearns, in *A Critique of Authority in Contemporary Catholicism*, special issue with its own pagination, *Journal of Ecumenical Studies* 19 (1982) 176–87.

<sup>3</sup> For the Latin text, see *Decretum Magistri Gratiani*, 2nd Leipzig ed., Emil Ludwig Richter and Emil Friedberg, ed., *Corpus Juris Canonici, pars prior* (Leipzig: B. Tauchnitz, 1879; reprinted Graz: Akademische Druck und Verlagsanstalt, 1959) col. 65, pars I, distinctio XX, *in principio*; for an English translation with introduction by Katherine Christensen, see Gratian, *The Treatise on Laws (Decretum DD. 1–20)*, trans. Augustine Thompson, with the *Ordinary Gloss*, trans. James Gordley (Washington: Catholic University of America 1993) 84–85; Congar, "Theologians and the Magisterium" 214–15.

theologians and later a prominent churchman, Pierre d'Ailly (1350–1420), addressed the question of the respective roles of theologians and bishops in defining doctrine. In his *Treatise on Behalf of the Faith against a Certain Dominican Friar Giovanni di Montesono*, dated about 1388, d'Ailly asserts that "it pertains to doctors of theology to define by a doctrinal and Scholastic determination those things which are of the faith."<sup>4</sup> They can render their determinations separately and independently of bishops.<sup>5</sup> Indeed, the determinations of theologians should precede the decisions of prelates and others in order to keep them from error. Thus, the proper procedure is that "neither the pope nor doctors of canon law, if they are not theologians, should discuss in a Catholic way or determine authoritatively (*authentice*) anything regarding those things that are of the faith without the previous doctrinal determination of the theologians."<sup>6</sup> D'Ailly argued that bishops have a role in defining doctrine because they have been set *de jure divino* over the Church to rule it and determining questions of faith is central to ruling the Church. It is by judicial authority that bishops "define Catholic truths" and "condemn [heretics]."<sup>7</sup> Should a bishop lack personal expertise in theology, however, he would act irrationally were he to go against the opinions of the doctors of theology.<sup>8</sup> Perhaps it would be fair to conclude from d'Ailly's remarks that it is the role of theologians to determine what is true and of bishops to decide what truths are so important that to deny them will incur a penalty.

The one forum in which the two offices of *episcopi* and *doctores* came together to collaborate on the highest level in the Church was a general council. Historically, over the centuries bishops have come to councils with their theological advisers to help them define doctrine. In the early centuries of the Church, bishops at times shared with priests and deacons the power to define doctrine *judicialiter*. By the eighth and ninth centuries in the West abbots were increasingly given a deliberative voice in councils. Later on this voice was also extended to cardinals and generals of religious orders.<sup>9</sup> During the period I am considering,

<sup>4</sup> *Tractatus ex parte Universitatis Studii Parisiensis pro causa Fidei, contra quemdam Fratrem Johannem de Montesono Ordinis Praedicatorum editus a Petro de Alliaco Episcopo et Cardinali Cameracensi circa annum 1388*, in *Collectio judiciorum de novis erroribus*, ed. Charles du Plessis d'Argentre, tom. 1 (1100–1542) (Paris: Apud Lambertum Coffin, 1724) pars 2, 75–129, at 77. For an analysis of d'Ailly's method of argumentation in this treatise, see Joseph F. Kelly, "The Place of Pierre d'Ailly in the Development of Medieval Theological Sources and Censures," *Studies in Medieval Culture* 6–7 (Kalamazoo: Medieval Institute, Western Michigan University, 1976) 141–50, at 145–48.

<sup>5</sup> d'Ailly, "Tractatus" 78.

<sup>6</sup> *Ibid.* 80.

<sup>7</sup> *Ibid.* 76.

<sup>8</sup> *Ibid.* 85. Melchior Cano, O.P. (1509–1560), a prominent theologian at the Council of Trent, in his *De locis theologicis* (1563) attributed the assistance of the Holy Spirit to any opinion held unanimously by theologians, and felt that bishops were obliged to follow it (Gryson, "Authority of Teachers" 186–87).

<sup>9</sup> Gaetano Moroni, "Concilio," in *Dizionario erudizione storico-ecclesiastica*, 103 vols., plus 6 vols. of indices (Venice: Emiliana, 1840–79) 15.158–87, at 170; also Charles

doctors and masters of theology came to enjoy this same deliberative voice, but then lost it. I examine what happened at each of the nine councils of this period and try to explain why the franchise was given or withheld. I then briefly offer an invitation for further reflection.

#### THE STATUS OF THEOLOGIAN AT VARIOUS COUNCILS

The nine councils here surveyed vary in importance, in the rank and number of participants, and in the procedures used to convoke them and carry out their agenda. Their common denominators are that they were held during the period 1409–1563 and that they claimed to be at least general councils.<sup>10</sup> I exclude from consideration the rival councils of the Avignonese pope Benedict XIII (1394–1417) at Perpignan (1408–1409) and of the Roman pope Gregory XII (1406–1415) at Cividale (1409). Both councils were poorly attended and lacked wide support.<sup>11</sup>

The nine councils here studied are considered general councils of the Western Church, not universal or ecumenical councils of all Christendom, even though some called themselves such. The Council of Constance (1414–1418) and the Council of Basel-Lausanne (1431–1449) acknowledged this distinction in the professions of faith they formulated to be made by newly elected popes, and Basel went on to use the term “ecumenical” to describe a council at which the Greeks were represented.<sup>12</sup> The Council of Ferrara-Florence-Rome (1438–1445) called itself ecumenical from the start because of the anticipated presence of

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Joseph Hefele et al., *Histoire des conciles d'après les documents originaux*, trans. and rev. Henri Leclercq, 11 vols. (Paris: Letouzey et Ané, 1907–52) 1/1.23–33.

<sup>10</sup> On the distinction between an ecumenical council of the whole orthodox Christian Church and a general council of the Roman Catholic Church and on the criteria to be used in determining the ecumenical status of a council, see among other studies Yves Congar, “Conclusion,” in *Le concile et les conciles: Contribution à l'histoire de la vie conciliaire de l'Eglise*, ed. Olivier Rousseau (Paris and Chevetogne: Cerf and Chevetogne, 1960) 285–334, esp. 314–19; his “La primauté des quatre premiers conciles œcuméniques: Origine, destin, sens et portée d'un thème traditionnel,” *ibid.* 75–109, esp. 109; and his “Church Structures and Councils in the Relations between East and West,” *One in Christ* 11 (1975) 224–65; Georges Tavard, “What Elements Determine the Ecumenicity of a Council?” in *The Ecumenical Council: Its Significance in the Constitution of the Church*, ed. Peter Huizing, Knut Wolf, and Marcus Lefebure, *Concilium* 167 (1983) 45–49; and Johannes Madey, “Ecumenical Council and Pan-Orthodox Synod: A Comparison,” trans. Robert Nowell, *ibid.* 61–68. For the celebrations in 1974 commemorating the seventh centenary of the Council of Lyons II, Pope Paul VI in a letter to Cardinal Willebrands (Secretariat for Promoting Christian Unity), pointedly referred to Lyons II as “the sixth of the general synods held in the West” (text in *Documentation catholique* 72 [1975] 63–67). I am grateful to Professor Patrick Granfield, O.S.B., for several of these references.

<sup>11</sup> Hefele-Leclercq, *Histoire des conciles* 6/2.1452–55 (Perpignan), 7/1.61–64 (Cividale).

<sup>12</sup> *Decrees of the Ecumenical Councils*, original text established by Giuseppe Alberigo et al., ed. Norman Tanner, 2 vols. (Washington: Georgetown University, 1990) 1.442:29, 33 (Constance), 1.496:13, 17 (Basel), 1.506:7–8 (*super modo universalis et œcumenici et utriusque ecclesie concilii celebrandi*).

the Greeks.<sup>13</sup> Even though a significant delegation of Greek prelates did attend and approve its decrees, the Greek church soon afterward did not consider the council truly ecumenical because its decrees were not widely received by the faithful of the East and were formally repudiated by the Council of Constantinople in 1484 on the grounds of the uncanonical summoning and composition of the council.<sup>14</sup> Even though the Greek church was not officially represented nor did it receive their decrees, the three subsequent councils (Pisa-Milan-Asti-Lyon [1511–1512], Lateran V [1512–1517], and Trent [1545–1563]) used the term “ecumenical” synonymously for or in combination with the adjectives “universal” and “general” to describe themselves.<sup>15</sup>

Among the nine councils here surveyed, four (Pisa [1409], Rome [1412–1413], Pavia-Siena [1423–1424], and Pisa-Milan-Asti-Lyon) are not included in the standard Roman listing of recognized general councils. The list, determined in the late-16th and early-17th centuries, reflects ecclesiological considerations of its own time and place that were contested by Catholics even then, and the status of these councils is still under discussion.<sup>16</sup> In the period here studied, prominent prelates and theologians accepted the legitimacy of these councils and

<sup>13</sup> *Ibid* 1 514 2

<sup>14</sup> Joseph Gill, *The Council of Florence* (Cambridge Cambridge University, 1959) 349–88 (limited reception of Florentine decrees in the East up to 1453), Steven Runciman, *The Great Church in Captivity A Study of the Patriarchate of Constantinople from the Eve of the Turkish Conquest to the Greek War of Independence* (Cambridge Cambridge University, 1968) 226–28 (repudiation of Florence, especially at the Council of Constantinople), Madey, “Ecumenical Council” 63 (Orthodox view that the acceptance of a council by the whole Church is necessary for it to be considered ecumenical)

<sup>15</sup> *Promotiones et progressus sacrosancti Pisani concilii moderni indicti et incohati anno domini M D XI*, ed Zaccaria Ferreri, in *Acta primi concilii Pisani celebrati ad tollendum schisma anno Domini M CCCC IX et concilii Senensis M CCCC XXIII ex codice MS item Constitutiones sanctae in diversis sessionibus sacri generalis concilii Pisani ex bibliotheca regia* (Paris Melchior Mondiere, 1612) 81 (*sacrosanctam Pisanam universalem Synodum*), 87, 95, 100, 108, 130, 152, etc (*sacrosancta generalis Synodus Pisana*), but 169 (*praefati oecumenici concilii*), Tanner, *Decrees [Lateran V]* 1 595 35 (*hujus sacri universalis concilii*), 1 596 18 (*hoc sacrum concilium oecumenicum*), 1 603 30 (*sacrum generale Lateranense concilium*), 1 608 36–37 (*oecumenicum Lateranense concilium*), [Trent] 2 660 7 (*sacrum Tridentinum et generale concilium*), 2 660 30 (*oecumenicum concilium*), 2 662 2, 2 663 15, 2 665 38, 2 671 5–6, etc (*sacrosancta oecumenica et generalis Tridentina synodus*)

<sup>16</sup> Hefele-Leclercq, *Histoire des conciles* 1/1 79–91, on the importance of the Roman edition (1608–1612) of the general councils for setting the canon of these councils, see Vittorio Peri, “Il numero dei Concilii ecumenici nella tradizione cattolica moderna,” *Aevum* 37 (1963) 430–50 It is interesting to note the publication in Paris in 1612 of the *acta* of three councils left out of the Roman edition, namely Pisa (1409), Pavia-Siena (1423–1424), and Pisa-Milan-Asti-Lyon (1511–1512), see n 15 above for the title of the Gallican edition The inclusion of Pavia-Siena in the list of general councils of the Church has been argued by Walter Brandmüller in his *Das Konzil von Pavia-Siena 1423–24*, 2 vols., *Vorreformationsgeschichtliche Forschungen* 16 (Münster Aschendorff, 1968–1974) 1 266–67, the legality of Pisa-Milan in its early sessions has been defended by Walter Ullmann in his “Julius II and the Schismatic Cardinals,” in *Schism, Heresy and Religious Protest*, ed Derek Baker, *Studies in Church History* 9 (Cambridge Cambridge

argued from their procedures in order to establish the proper status of theologians at councils.<sup>17</sup>

### *Pisa (1409)*

The cardinals from the Roman and Avignonese obediences who convoked this council to heal the Great Western Schism (1378–1417) specifically invited the universities of Christendom to send their masters of theology to advise the Council Fathers.<sup>18</sup> At the council they were members of the deputations organized according to ecclesiastical provinces and could even be chosen head of a deputation and thus among the restricted number of prominent clerics who sat with the cardinals in their deliberations.<sup>19</sup> Theologians also met separately as a group and rendered a judgment that the rival popes were equivalently guilty of heresy because of their schismatic behavior.<sup>20</sup> Theologians signed the decree of deposition, but almost always as procurators for absent prelates and corporations.<sup>21</sup>

### *Rome (1412–1413)*

Meeting in Rome under the presidency of the Pisan pope John XXIII (1410–1415), this council included theologians among its members who were active in its proceedings. The University of Paris sent a delegation to the council. Theologians sat on the conciliar commission that

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University, 1972) 177–93, at 189, reprinted in his *The Papacy and Political Ideas in the Middle Ages* (London: Variorum, 1976) entry xvi.

<sup>17</sup> For example, Pierre d'Ailly argued from the signing of the decrees of Pisa and Rome by theologians to granting them a deliberative vote at Constance; see his statement reported in Fillastre's *Diary*, translated into English by Louise Ropes Loomis in *The Council of Constance: The Unification of the Church*, ed. John Hine Mundy and Kennerly M. Woody, *Records of Civilization: Sources and Studies* 63 (New York: Columbia University, 1961) 213–14. Compare with Louis Aleman's assertion at Basel in 1439 regarding theologians (or "priests") at Rome, recorded in Aeneas Sylvius Piccolomini, *De gestis Concilii Basiliensis commentariorum libri II*, ed. and trans. Denys Hay and W. K. Smith (Oxford: Clarendon, 1967) 120–21.

<sup>18</sup> *Sacrorum conciliorum nova et amplissima collectio*, vols. 1–31, ed. Giovanni Domenico Mansi and a Florentine and a Venetian editor (Florence and Venice, 1757–1793; reprinted by Hubert Welter [see below n. 45]; vols. 31–35, ed. Nicola Coleti (Paris and Leipzig: Hubert Welter, 1901–02); vols. 36–53, ed. Jean Battiste Martin and Louis Petit (Paris: Hubert Welter, 1911–1927) Vol. 27, cols. 152E–153B. This work is hereafter cited as Mansi, with volume, column number, and letter subdivision.

<sup>19</sup> Mansi 27.8A.

<sup>20</sup> Aldo Landi, *Il papa deposto (Pisa 1409): L'idea conciliare nel grande scisma* (Turin: Claudiana, 1985) 173.

<sup>21</sup> For the names of those who signed the decree of deposition, see Johannes Vincke, *Schriftstücke zum Pisaner Konzil: Ein Kampf um die öffentliche Meinung*, *Beiträge zur Kirchen- und Rechtsgeschichte* 3 (Bonn: Peter Hanstein, 1942) item 32, 177–205; and Joseph Gill, "The Representation of the *Universitas fidelium* in the Councils of the Conciliar Period," in *Councils and Assemblies*, ed. G. J. Cuming and Derek Baker, *Studies in Church History* 7 (Cambridge: Cambridge University, 1971) 177–95, at 182.

evaluated the writings of John Wycliffe (ca. 1329–1384) and they signed the decree that condemned his teachings.<sup>22</sup>

#### *Constance (1414–1418)*

Contrary to the wishes of John XXIII, the council adopted a voting system by nations in which doctors and licentiates in theology enjoyed an equal vote with bishops. At formal sessions each nation as a unit cast a single vote.<sup>23</sup> Whether theologians cast their votes in the nations in their own right as theologians or as procurators of absent prelates or corporate entities is a matter of dispute among historians.<sup>24</sup> As theologians they played a prominent role in the conciliar congregations and commissions that examined such doctrinal questions as the errors of Jan Hus (c. 1369–1415),<sup>25</sup> the attacks of Matthew Grabon, O.P., of Wismar on the Brethren of the Common Life,<sup>26</sup> the abdication, suspension, and deposition of John XXIII, and other matters.<sup>27</sup>

#### *Pavia-Siena (1423–1424)*

Once again theologians were granted membership in the various nations into which the council was divided. Eventually anyone in major orders was admitted to membership in the conciliar nations, one nation even admitting laymen. Each member of a nation had equal voting rights within it.<sup>28</sup> Theologians served as deputies representing

<sup>22</sup> On the Council of Rome, see Hefele-Leclercq, *Histoire des conciles* 7/1.90–97, esp. 90 (University of Paris names deputies to the council); Mansi 27.506E (theologians on conciliar commissions that condemned Wycliffe's writings); on theologians signing the decree, see Loomis, *Council of Constance* 214 (d'Ailly's statement), and Piccolomini, *De gestis* 120–21 (Aleman's assertion).

<sup>23</sup> Hefele-Leclercq, *Histoire des conciles* 7/1.185–88; Walter Brandmüller, *Das Konzil von Konstanz*, Konziliengeschichte, Reihe A: Darstellungen (Paderborn: Ferdinand Schöningh, 1991) 1.187–210; Loomis, *Council of Constance* 21–27, 55–58, but 243 (individual members vote at sessions); Francis Oakley, "Councils, Western (1311–1449)," in *Dictionary of the Middle Ages*, ed. Joseph S. Strayer, 13 vols. (New York: Charles Scribner's Sons, 1982–89) 3.642–56, at 648.

<sup>24</sup> Gill argues from the signing of the Narbonne agreement: all but 14 of the 120 non-prelates signed as procurators of others ("Representation" 187–88). The English delegation described in Fillastre's Diary distinguished between procurators and university-trained theologians and canonists; see Loomis, *Council of Constance* 346.

<sup>25</sup> Brandmüller, *Konstanz* 1.163, 323–29; Loomis, *Council of Constance* 233 (two of four examiners of Hus's teachings are masters), 469 (masters belong to twelve-member commission examining Hus).

<sup>26</sup> Regnerus Richardus Post, *The Modern Devotion: Confrontation with Reformation and Humanism*, trans. Mary Foran, Studies in Medieval and Reformation Thought 3 (Leiden: Brill, 1968) 290.

<sup>27</sup> Loomis, *Council of Constance* 231–32 (doctors as members of commission that asked John XXIII to resign), 449 n. 38 (delegates of four French universities approve text of John XXIII's pledge to resign), 243 (masters on commission to investigate behavior of John XXIII), 249 (theologians among members of special commission to deal with heresy).

<sup>28</sup> Brandmüller, *Pavia-Siena* 1.136–39, 258–59.

their nations and one served as a nation's president. They thus were present at and voted in the general congregations.<sup>29</sup>

*Basel-Lausanne (1431-1449)*

Against the wishes of Pope Eugenius IV (1431-1447), the council's cardinal president, Giuliano Cesarini (1398-1444), had invited the lower clergy (including masters of theology) to attend the council.<sup>30</sup> They were admitted to membership in the council and were assigned together with prelates to the four conciliar deputations where they enjoyed individual voting rights equal to those of bishops.<sup>31</sup> Theologians could also vote in the general congregations and sessions where on occasion they and other members of the lower clergy outvoted the prelates. According to Juan de Segovia (1393-1458), an eminent member and historian of the council, Eugenius IV acknowledged as valid these conciliar decrees passed by the lower clergy.<sup>32</sup> On doctrinal questions theologians were very influential and they became the chief exponents of the conciliar theory, refusing to allow the pope to transfer the council to Italy and supporting his deposition and the election of his successor, the anti-pope Felix V (1439-1449).<sup>33</sup>

*Ferrara-Florence-Rome (1438-1445)*

Theologians played a prominent role at the papal council assembled to restore unity between the churches of the West and the East. Eugenius IV explicitly invited to his council professional theologians, whether by name or as part of the delegations accompanying religious superiors and bishops.<sup>34</sup> Theologians who were not prelates served as voting members of two of the three estates into which the Latin par-

<sup>29</sup> Ibid. 140 (theologian Cervantes as president of Spanish nation); 227 n. 8, 228, 229 nn. 14 and 16 (names of deputies).

<sup>30</sup> Mansi 29.279A-81C.

<sup>31</sup> Oakley, "Councils, Western" 651-52; Mansi 29.377AB; for the claim that university clergy as such and not as procurators constituted about a quarter of the council's membership, see Anthony Black, *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage* (Shepherdstown, W. Va.: Patmos, 1979) 33.

<sup>32</sup> Piccolomini, *De gestis* 142-43, reporting the speech of Juan Alfonsi González de Segovia (1393-1458), a professor of theology from the University of Salamanca who was incorporated into the council at first as a theologian and later as the sole representative of his university; on Juan, see Black, *Council and Commune* 118-19, 124.

<sup>33</sup> Ibid. 30-31 (eight of the twelve judges on the conciliar tribunal on faith were theologians), 38-44 (prominent role of theologians at council and their expounding of conciliarist ideas).

<sup>34</sup> *Concilium Florentinum: Documenta et scriptores*, Series A, Partes I and II: *Epistolae pontificiae ad Concilium Florentinum spectantes [1418-39]*, ed. Georg Hofmann (Rome: Pontificum Institutum Orientalium Studiorum, 1940-1944) 1.104-05 (generals with masters); 1.103 (universities); 1.106, 2.57 (individual theologians); 1.79, 2.15 (bishops); Johannes Helmrath, "Die lateinischen Teilnehmer von Ferrara/Florenz," *Annuario historiae conciliorum* 22 (1990) 146-98, at 181-84.



ticipants were organized, namely the estates (*status*) of the religious and of the lower clergy, prelates of the ordinary secular hierarchy constituting the first of the three estates. Decisions at the council were made by a two-thirds or majority vote of each estate and all three estates needed to agree before a decree was approved by the council.<sup>35</sup> The council also established deputations in which doctrinal issues were discussed with the Greeks. In these deputations the leading voices were those of the theologians, with the bishops for the most part sitting, listening, and ready to give their consent to agreements reached.<sup>36</sup> Theologians also attended the general congregations where the three estates met and votes were taken.<sup>37</sup> They did not sign the final decrees because Joseph II, patriarch of Constantinople (1416–1439), insisted that such a procedure was contrary to ancient practice and because the theologians were deemed too numerous for all to sign.<sup>38</sup>

Non-prelate theologians were part of the Greek delegation at the council. Three official theological advisers to emperor John VIII Palaeologus (1392–1448), emperor since 1425, were laymen: Georgios Gemistos Plethon (ca. 1355–1452), Georgios Kurtese Scholarios (1405–1472) who was later elected Patriarch Gennadios (1454–1456), and Georgios Amiroutzes (ca. 1400-d. after 1469).<sup>39</sup> The emperor named Gemistos and Scholarios to the five-member commission that drafted a statement on *Filioque*.<sup>40</sup> While the emperor restricted to bishops and archimandrites the right to speak in the Greek delegation, he required written *vota* from “all of our learned men and philosophers” on the

<sup>35</sup> *Concilium Florentinum: Documenta et scriptores*, Series A, Vol. 3, fasc. 2: *Fragmenta protocolli, diaria privata, sermones*, ed. Georg Hofmann (Rome: Pontificum Institutum Orientalium Studiorum, 1951), Textus 2 (Diaria privata) 4: Excerpta ex diario Andreae de Santacruce, p. 45 (majority vote); and Vol. 4, Pars 1: Andrea de Santacruce, *Advocatus Consistorialis, Acta Latina Concilii Florentini*, ed. Georg Hofmann (Rome: Pontificum Institutum Orientalium Studiorum, 1955) 256–57 (two-thirds vote).

<sup>36</sup> Helmvrath, “Teilnehmer” 160–62, 167.

<sup>37</sup> *Concilium Florentinum*, Series A, Vol. 3, fasc. 2.45, 49.

<sup>38</sup> *Concilium Florentinum*, Series B, Vol. 2, fasc. 2: Fantino Vallaresso, *Libellus de ordine generalium conciliorum et unione florentina*, ed. Bernhard Schultze (Rome: Pontificum Institutum Orientalium Studiorum, 1944) 101.

<sup>39</sup> Johannes Leontiades, “Die griechische Delegation auf dem Konzil von Ferrara/Florenz,” *Annuario historiae conciliorum* 21 (1989) 353–69, at 353, quoting the statement that the Greek delegation of about 700 contained “plurimum experti, docti et litterati”; Joseph Gill, *Personalities of the Council of Florence and Other Essays* (New York: Barnes and Noble, 1964) 79–94 (Scholarios), 204–12 (Amiroutzes); Mary Alice Talbot, “Amiroutzes, George,” in *The Oxford Dictionary of Byzantium*, 3 vols. (New York: Oxford, 1991) 1.77–78; Christopher Montague Woodhouse, *George Gemistos Plethon: The Last of the Hellenes* (Oxford: Clarendon, 1986) 129–30; Hans Georg Thümmel, “Plethon und Florenz,” *Annuario Historiae Conciliorum* 21 (1989) 413–17; and John Monfasani, “Platonic Paganism in the Fifteenth Century,” in *Reconsidering the Renaissance: Papers from the Twenty-Sixth Annual Conference*, ed. Mario A. di Cesare (Binghamton, N.Y.: Medieval and Renaissance Texts and Studies, 1992) 45–61.

<sup>40</sup> Woodhouse, *Gemistos* 173.

issue of *Filioque*.<sup>41</sup> In a meeting in the emperor's presence, all prelates, superiors of monasteries, and clerics accepted the final statement of doctrinal agreement with the Latins on June 7, 1439. But no lay or non-prelate clerical theologian or lay official except for the emperor signed the final decree.<sup>42</sup>

### *Retreat from Theologians' Voting Rights*

This brief review demonstrates that by the mid-15th century theologians had been granted a deliberative vote in both the conciliarist (Basel-Lausanne) and papalist (Ferrara-Florence-Rome) councils. Thereafter writers in the entourage of the popes sought to restrict theologians at councils to a merely consultative vote.

Agostino Patrizzi (ca. 1435–1494), the papal master of ceremonies, in his *Caeremoniale Romanum* (1488) when treating councils claimed that only popes, cardinals, bishops, abbots, and generals of religious orders have a deliberative vote, that theological and canonical experts have only a consultative vote, and in order to manifest this difference in ceremonies, only those with a deliberative voice can be seated in sacred robes and give their judgments in a public session.<sup>43</sup> In his *Summa* (1480) of the histories of the councils of Basel and Florence by Juan de Segovia and Domenico Capranica (1400–1458), Patrizzi insisted that these councils were acting contrary to the custom of the ancient councils in granting a deliberative vote to non-mitres.<sup>44</sup>

Domenico Giacobazzi (1444–1528), the eminent canonist whose *Tractatus de concilio* (1511–1523) prefaces Mansi's *Amplissima collectio*, held that the deliberative vote belongs only to bishops, but can be extended to others either by the pope who can invite and *habilitate* others or, in the pope's absence, by the unanimous consent of the bishops. In general, the most learned and prudent men who are not bishops should be invited to councils and given consultative votes.<sup>45</sup> The posi-

<sup>41</sup> Gill, *Council of Florence* 256–62; Woodhouse, *Gemistos* 174.

<sup>42</sup> Gill, *Council of Florence* 265, 296.

<sup>43</sup> Agostino Patrizzi-Piccolomini, *Sacrarum cerimoniarum Romanae Ecclesiae libris*, ed. Cristoforo Marcello (Venice: Gregorius de Gregoriis, 1516), reprinted as *Caeremoniale Romanum* (Ridgewood, N.J.: Gregg, 1965) 58<sup>v</sup> (Liber primus, sectio quattdecima, caput II).

<sup>44</sup> Hefele-Lecleq, *Histoire des conciles* 1/1.34; Agostino Patrizzi-Piccolomini, *Summa conciliorum Basiliensis, Florentini, Lateranensis, Lausanensis, etc.*, in Mansi 31B.1813C-1940E, at 1936CD (his sources), 1937E (Basel's granting of a deliberative voice to theologians was contrary to the practice of the ancient councils); on Patrizzi, see Rino Avesani, "Per la biblioteca di Agostino Patrizzi Piccolomini vescovo di Pienza," in *Mélanges Eugene Tisserant 4: Bibliothèque Vaticane: première partie*, Studi e Testi 236 (Vatican City: Biblioteca Apostolica Vaticana, 1964) 1–87, esp. 21–25.

<sup>45</sup> On Giacobazzi, see Josef Klotzner, *Kardinal Dominikus Jacobazzi und sein Konzils-werk: Ein Beitrag zur Geschichte der konziliaren Idee*, Analecta Gregoriana 45, Series Facultatis Historiae Ecclesiasticae, sectio B (no. 6) (Rome: Gregorian University, 1948) 19–57 (life), 61 (dating of *Tractatus*), 62 (first printed edition in 1538 from the press of Antonius Bladus in Rome). His *Tractatus de concilio* was reprinted for the seventh time

tions expounded by Patrizzi and Giacobazzi were followed in subsequent councils.

*Pisa-Milan-Asti-Lyon (1511–1512)*

Representatives from universities as well as superiors general of religious orders with their masters of theology were invited to this council by both the cardinals and princes who convoked it.<sup>46</sup> While the superiors general who attended apparently did not bring with them masters of theology, the university delegations included theologians and canonists (e.g., Paris with theologians and canonists, Toulouse and Poitiers with canonists).<sup>47</sup>

Theologians listed as “masters and doctors” (not as representatives of universities?) were considered members of the council, gave sermons, sat on conciliar deputations, but had only a consultative voice.<sup>48</sup> Nonetheless, they were considered so important as members of the council that Leo X (1513–1521) demanded that six bishops and four prominent masters in theology and canon law come to Rome to abjure their participation in this schismatic council.<sup>49</sup>

*Lateran V (1512–1517)*

Theologians, although urged to come to the council by Julius II (1503–1513),<sup>50</sup> were explicitly excluded from conciliar discus-

in 1903 (an anastatic reproduction of Coleti's 1728 edition) in vol. 1, *Introductio seu apparatus ad sacrosancta concilia*, that prefaced Hubert Welter's Paris edition of Mansi's *Sacrorum conciliorum nova et amplissima collectio*; I cite this readily available edition. See, Klotzner, *Jacobazzi* 65; Mansi 1.60aE (by right bishops alone make decisions and determinations), 60aD (pope can invite and habilitate others), 60bE-61aA (unanimous consent of bishops at council required to extend franchise in absence of pope), 58bE-59aB (experts should be invited to advise).

<sup>46</sup> Ferreri, *Promotiones* (1612 ed.) 37–38, 46.

<sup>47</sup> Ibid. 80–81, 106–07, and L. Sandret, “Le concile de Pise (1511),” *Revue des questions historiques* 34 (1883) 423–56, at 437–38 (list of theologians attending the council).

<sup>48</sup> Ferreri, *Promotiones* (1612 ed.) 81 (doctors as members of council); 100, 107, 148, 189 (doctors as preachers); 159 (deputations). The evidence that theologians had only a consultative and not a deliberative voice is found in the sermon for the second session of Zaccaria Ferreri, who was the council's secretary and a scrutator of votes (ibid. 91, 98), where he stated that those who have the deliberative vote are bishops and some abbots, while lesser prelates, masters, and doctors have only a consultative voice. The text of this sermon, missing in *Promotiones* (1612 ed.) 100, is printed in the original *Promotiones et progressus sacrosancti Pisani concilii moderni indicti et inchoati anno domini M.D.XI.*, ed. Zaccaria Ferreri (n.p., n.d.) 18<sup>r</sup>–23<sup>v</sup>, at 21<sup>v</sup>.

<sup>49</sup> Nelson H. Minnich, “The Healing of the Pisan Schism (1511–13),” *Annuario storico conciliorum* 16 (1984) 59–192, at 163–64 no. 3, reprinted in my *The Fifth Lateran Council: Studies on Its Membership, Diplomacy, and Proposals for Reform*, Collected Studies Series 392 (Aldershot, U.K.: Variorum, 1993) entry II. That an effort was made to send such a delegation of penitent Pisan theologians is evident in Mansi 32.834AB and 865A.

<sup>50</sup> While the bull of convocation did not explicitly mention theologians, Julius II's later

sions<sup>51</sup> and apparently were reduced to the status of mere *testes* or witnesses to the public proceedings, being listed in the conciliar *acta* in the same category with unnamed ambassadors, knights, and curial officials who were present at sessions.<sup>52</sup> Leo X explicitly urged rulers and universities to send theologians to the council to help remedy errors in the calendar.<sup>53</sup> While it is known that he added to the reform deputation non-mitred expert advisers, it is not clear that he did the same to the faith deputation that already included some eminent prelate-theologians.<sup>54</sup>

### *Trent (1545–1563)*

Pope Paul III (1534–1549) and the bishops at Trent were determined to avoid the problems of Constance and Basel and therefore resisted inviting universities as such to send representatives to the council.<sup>55</sup> Nonetheless, theologians from universities did come, but as *periti* or expert advisers sent by rulers—e.g., from Louvain by the emperor or regent of the Low Countries, from Paris by the king of France, and from Coimbra by the king of Portugal.<sup>56</sup>

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statements suggest that theologians were among those who by custom attend councils and were at Pisa and Lateran V; see Mansi 32.685B, 687D, 688B, 692B.

<sup>51</sup> On the ruling of Julius II and the cardinals to exclude from the council's deliberations theologians and canonists, see Marc Dykmans, "Le cinquième Concile du Latran d'après le Diarie de Paris de Grassi," *Annuaire historique conciliaire* 14 (1982) 271–369, at 281 (no. 842, q. 3) and 285–86 (no. 842, super 3). De Grassi prejudiced his question with inaccurate information (perhaps because his sources were deficient) when he suggested that the penitentiaries of St. Peter's Basilica should not be present at Lateran V because "neither as doctors [do they qualify] since they [doctors] are not chosen to be present at any council" (281 no. 842, 3<sup>ter</sup>). There is no mention of theologians as members of the nine *classes* (308–09 no. 848, 6) nor of the congregation of 24 prelates plus some cardinals who deliberated on conciliar matters (338 no. 968:2).

<sup>52</sup> On the presence at public sessions under Julius II of theologians, see Mansi 32.680C, 747B, 762D.

<sup>53</sup> Demetrio Marzi, *La questione della riforma del calendario nel quinto concilio lateranense (1512–1517)*, Pubblicazioni del R. Istituto di Studi Superiori Pratici e di Perfezionamento in Firenze, Sezione di filosofia e filologia 27 (Florence: G. Carnesecchi e Figli, 1896) 78–81, 185–86.

<sup>54</sup> Karl Joseph Hefele et al., *Conciliengeschichte nach den Quellen bearbeitet*, Vol. 8 by Joseph Hergenröther (Freiburg im Breisgau: Herder, 1887) 810–12 (reform deputation members); Mansi 32.797B–D (faith deputation members).

<sup>55</sup> Hubert Jedin, *A History of the Council of Trent 2: The First Sessions at Trent 1545–47*, trans. Ernest Graf (New York: Thomas Nelson and Sons, 1961) 19. The three bulls convoking the Council of Trent in 1542, 1544, and 1545 used almost identical wording when inviting prelates and those who by law and privilege attend a council; see *Concilium Tridentinum: Diariorum, actorum, epistolarum, tractatum nova collectio*, ed. Görres Gesellschaft, 13 tomes (Freiburg im Breisgau: Herder, 1901–1985) 4.230, 387, 405; hereafter this collection of documents is cited as CT. On not wanting to follow the precedents of the recent councils in granting decisive voice to non-prelates, see CT 1.10; on not wanting university delegations of theologians to come to the council, see CT 10.724, 763.

<sup>56</sup> E.g., Francis I of France in 1545 sent twelve religious and very learned doctors of theology (CT 10.127), Henry II in 1547 sent Claude d'Espence (CT 6/1.441), and Charles

When Emperor Charles V (1519–1556) through his ambassadors in November of 1546 urged that before the decree on justification was promulgated it should first be approved by the theologians at such major universities as those of Paris, Louvain, and Salamanca in order to assure that it would be received by all the Catholic kingdoms, the cardinal-legates (Giammaria del Monte [1487–1555, later Julius III], Marcello Cervini [1501–1555, later Marcellus II], and Reginald Pole [1500–1558]) rejected his proposal as inconvenient, contrary to conciliar practice, setting a bad precedent, and superfluous because Paris and Louvain had already condemned Luther's views. The requirement of prior approval by universities would also grant too much authority to Paris which held conciliarist views and would diminish the role of the Apostolic See as the judge of whether or not a decree should be confirmed. The imperial alternative suggestion of having delegations of theologians sent to the council from these universities to approve its decrees was also dismissed by the legates as not giving greater authority to the council. The council's authority came not from the prestige and learning of the persons who participate in it, so it was reasoned, but rather from God and the Apostolic See. The legates suspected that the emperor was not sincere in his proposals, but was merely looking for a way to delay or prevent the promulgation of the decree.<sup>57</sup>

Besides being sent by rulers, theologians also came as procurators of absent bishops and as *periti* accompanying prelates.<sup>58</sup> The bishops were initially reluctant to grant them any role beyond that of *testes* at public sessions who would also be available for consultation.<sup>59</sup> When the bishops excluded theologians from their deliberations leading up to a session, the cardinal-legates on the urging of Cardinal Pedro Pacheco (d. 1560) and Cardinal Cristoforo Madruzzo (ca. 1512–1578) intervened, claiming it was unbecoming (*indecentis*) not to hear the opinions of the theologians gathered at Trent when the council treated articles of religion and faith.<sup>60</sup>

Having rejected the deputation system of organization, the council

IX sent a delegation from the University of Paris in 1562 (Mansi 33.209E–210A). Emperor Charles V in 1545 proposed to send two or three friars from Spain who were good theologians (CT 10.16); Philip II of Spain sent a delegation of theologians (Mansi 33.210A–D). John III of Portugal sent three Dominican theologians (CT 4.426 and 6/1.837), Sebastian sent a delegation of theologians (Mansi 33.210D–E). Mary, Regent of the Low Countries, sent a delegation from the University of Louvain (CT 7/3.xxxiii–xxxv).

<sup>57</sup> CT 10.721–22, 763.

<sup>58</sup> CT 4.409–10, 428 (examples of theologians as procurators of absent prelates); CT 7/3.518 and 10.303 (theologians as advisers to individual bishops).

<sup>59</sup> CT 10.303; Johannes Beumer, "Die Geschäftsordnung des Trienter Konzils," *Franziskanische Studien* 53 (1971) 289–306, reprinted in *Concilium Tridentinum*, ed. Remigius Bäumer, *Wege der Forschung* 313 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1979) 113–40, at 116, 121 (citing the report of Le Jay).

<sup>60</sup> CT 1.485–86; and H. Lennerz, "De congregationibus theologorum in Concilio Tridentino," *Gregorianum* 26 (1945) 7–21, at 7.

experimented with *classes* or particular congregations.<sup>61</sup> To utilize the professional abilities of the theologians, the legates invited them to participate in the *classes* where these experts trained in Scholastic disputation debated doctrinal questions with bishops whose lack of theological skills became quickly apparent to all. The bishops found this *classes* system to be very odious (*odiosissima*).<sup>62</sup> To restore peace to the house of the Lord, the legates adopted a new system: beginning on February 20, 1546, congregations of “minor theologians” (to be distinguished from “major theologians” or prelates with theological expertise) debated among themselves the theological issues while the bishops listened silently.<sup>63</sup> Once the issues had become duly clarified and something of a consensus emerged among the “minor theologians,” the bishops by themselves would debate the issues, usually on the basis of a draft statement drawn up by the “minor theologians.” When a consensus seemed to be emerging among the bishops, new draft statements were often crafted by committees composed of bishops and “minor theologians” appointed by the legates. Once a final statement was agreed upon by the bishops, it would on occasion be sent back by the legates to the “minor theologians” to critique in private and they could raise questions that would cause the process to begin all over again.<sup>64</sup> Giammaria del Monte, the cardinal-legate president during the first period (1545–1549), insisted that what was approved by the council have the consent of all.<sup>65</sup> Given this procedure, “minor theologians” surely enjoyed more than merely a consultative voice.<sup>66</sup>

In 1551, when del Monte was now Pope Julius III and the new cardinal-legate president, Marcello Crescenzo (1500–1552), no longer showed the same deference to the views of the “minor theologians,” the imperial fiscal advocate at Trent, Francisco Vargas, tried to have the council officially institutionalize the role of the “minor theologians” in the selection and formulation of the decrees.<sup>67</sup> His proposal was not adopted apparently because it would have limited the president’s dis-

<sup>61</sup> Jedin, *Council of Trent* 1.29, 32–33.

<sup>62</sup> CT 10.394; and Beumer, “Geschäftsordnung” 120–22.

<sup>63</sup> The term “congregation of minor theologians” first appears in the diary of the council’s secretary, Angelo Massarelli, on 20 January 1547 (CT 1.459). From February 20 to October 20, 1546, Massarelli referred to it as a “congregation of theologians” (CT 1.435–49). The word “minor” was added apparently in an effort to distinguish these congregations from one composed of prelates who were expert in theology, “a congregation of prelate theologians” (CT 1.423). Thus Massarelli was not suggesting that just because someone was a bishop, he deserved to be called a “major theologian.” One must wonder, nonetheless, why the demeaning term “minor” instead of the more appropriate term “non-prelate” theologian was adopted by officials at Trent.

<sup>64</sup> Lennerz, “De congregationibus” 8–18; and see the admirable report of Wolfgang Sedelius of January 19, 1552, in CT 7/3.517–18.

<sup>65</sup> CT 1.70.

<sup>66</sup> For the contrary and legalistically narrow view that only bishops determined doctrine at Trent, see Lennerz, “De congregationibus” 21.

<sup>67</sup> CT 11.708–09, 711, 990–91.

cretionary powers and would have prolonged the council by mandating additional discussions.<sup>68</sup>

#### VARIOUS THEORIES TO EXPLAIN THESE DIFFERENCES

Various reasons can be given for the rise and decline of the status of theologians at these general councils.

#### *An Anomaly Due to a Time of Troubles*

Karl Joseph Hefele (1809–1893) in the Introduction to his multi-volume history of church councils claimed that the rise of theologians was an anomaly due to a “time of troubles” in the Church. His citation of sources in support of this view suggests that what he meant by the troubles was the period of the Great Western Schism and the time after when conciliarist ideas still held sway.<sup>69</sup> Although never developed into a coherent explanation, Hefele seems to suggest that in order to end the chaos in the Church, councils needed the expertise and prestige of theologians and canonists to depose the rival popes on grounds of heresy and scandal. The *determinations* of theological faculties, especially those of the University of Paris, carried much weight. Even after the champions of the conciliarist thesis had succeeded in restoring church unity, the precedents they had established of granting voting rights to theologians were followed in councils under the influence of their ideas.

This argument has some validity up to the election of Martin V in 1417 which ended the Great Western Schism. For the period that ensued when the power of theologians continued to rise it is unpersuasive. Conciliarist ideas were not the deciding factor. At the papalist Council of Ferrara-Florence-Rome, theologians as such were granted individual voting rights in two estates equal to those enjoyed by cardinals and bishops in the prelates’ estate. At the conciliarist Council of Pisa-Milan-Asti-Lyon theologians were given only a consultative vote.

#### *Determined by the Needs of Each Council*

The rise and fall in the status of theologians, it has been argued by some, are explainable according to the particular situation of each council. Thus theologians were used by those in power to justify the deposition of the rival popes at Pisa, to strengthen the prestige of John XXIII by their condemnation of Wycliffe at Rome, to dilute the power of John XXIII’s supporters at Constance, to follow the precedents of Constance on whose authority Pavia-Siena and Basel-Lausanne were based, and to convince the Greeks of the validity of the Latins’ positions at Florence. But they were reduced to a consultative role at Pisa-

<sup>68</sup> Hubert Jedin, *Geschichte des Konzils von Trient 3: Bologneser Tagung (1547/48)—Zweite Trienter Tagungsperiode (1551/52)* (Freiburg im Breisgau: Herder, 1970) 295–97.

<sup>69</sup> Hefele-Leclercq, *Histoire des conciles* 1/1.34.

Milan-Asti-Lyon so as to avoid any attacks on this council's legitimacy for failing to follow traditional practices, at Lateran V to follow the prescriptions of Patrizzi and Giacobazzi, and at Trent in part so as to avoid the model of Basel which would have given Protestant theologians a consultative, if not also a deliberative, voice in the council.<sup>70</sup>

While valid in each particular case, this argument fails to explain the pattern or gradual progressions in the rise and fall of the theologians' status.

### *Dependent on the Behavior of Theologians*

The rise and fall in the status of theologians can be attributed to their responsible or irresponsible behavior at councils. Thus they contributed positively at councils to the ending of the Great Western Schism and of the Eastern Schism and hence grew in power and prestige, but acted irresponsibly and self-destructed at Basel by deposing a legitimate pope and reintroducing schism into the Church by electing an anti-pope and hence lost their influence.<sup>71</sup>

While this explanation may be true for the conciliarist theologians at Basel, there were also papalist theologians who served the pope well and yet also suffered a loss of power.

### *Affected by Shifting Ecclesiologies*

The rise and decline of theologians, it has been argued, reflect an evolving ecclesiology: from the *congregatio fidelium* with its ascending power, to the *corpus mysticum Christi* with power descending from the pope.<sup>72</sup> Given the conciliarist claim that a council should truly represent the various constituencies in the universal Church, then the full range of church officials, including *doctores in sacra theologia*, should be present and voting.<sup>73</sup> According to the corporatist model, only those

<sup>70</sup> See my study, ". . . wie in dem Basilschen concilio den Bohemen gescheen?" The Status of Protestants at the Council of Trent," in *The Contentious Triangle, Church, State, and University: A Festschrift in Honor of Professor George Huntston Williams*, ed. Rodney L. Petersen and Calvin A. Pater, Sixteenth Century Essays and Studies (Kirkville, Mo.: Thomas Jefferson University, forthcoming) chap. 13.

<sup>71</sup> Piccolomini, *De gestis xxii*; Black, *Council and Commune* 43–48; Gill, "Representation" 192–93; and Gerald Christianson, "Aeneas Sylvius Piccolomini and the Historiography of the Council of Basel," in *Ecclesia Militans: Studien zur Konzilien- und Reformationsgeschichte: Remigius Bäumer zum 70. Geburtstag gewidmet*, ed. Walter Brandmüller et al., 2 vols. (Paderborn: Ferdinand Schöningh, 1988) 1.157–84, at 169–73.

<sup>72</sup> For the classic statement of this distinction, see Walter Ullmann, *The Growth of Papal Government in the Middle Ages*, 2nd ed. (London: Methuen, 1962) esp. 447–57. For its application to the conciliar period, see Giuseppe Alberigo, *Chiesa conciliare: Identità e significato del conciliarismo*, Testi e ricerche di Scienze religiose 19 (Brescia: Paideia, 1981) 340–54, esp. 349; and Thomas M. Izbicki, *Protector of the Faith: Cardinal Johannes Turrecremata and the Defence of the Institutional Church* (Washington: Catholic University of America, 1981) 41–51.

<sup>73</sup> Gill, "Representation" 195; Pietro de Monte, *Generalium conciliorum materia*, with the annotations of Felini Sandei (published Rome, 1537), in Mansi 1.715aE, 715bB.



officials should be present who receive from the pope a delegation of ordinary jurisdiction.<sup>74</sup>

As noted by Joseph Gill, the conciliarist theory was never really put into practice, given that officials were never elected by the faithful and even the theologians present at councils were usually not elected to represent their colleagues but came as procurators of other officials or entities or as advisers to prelates.<sup>75</sup> With the restoration of the traditional monarchical model of the Church based on the principles of hierarchy and jurisdiction, there was no place for theologians who were teachers rather than members of the hierarchy.<sup>76</sup> The one group in the hierarchy who had suffered the greatest loss of power to the pope, cardinals, Roman Curia, exempt religious and cathedral canons, and civil rulers was the bishops. A council was the forum where they hoped to regain some of that power, and they were not inclined to let it be further diluted by theologians and canonists.<sup>77</sup> It was also during this period of restoration that the classical texts on conciliar ceremonies by Patrizzi (himself a bishop) and on conciliar power and procedures by Giacobazzi (also a bishop) solidified the earlier position that theologians enjoy only a consultative voice in councils. This explanation based on changing ecclesiologies is generally persuasive.

#### *Return to Ancient Norms*

Just as there was a shift in ecclesiologies, so too was there a cultural shift from late-medieval to Renaissance views that emphasized the ancient Church as the normative model and saw change as corruption. The evolutionary process by which abbots, cardinals, and generals of religious orders came to have a deliberative vote was halted. To grant such a vote to theologians was denounced as an anomaly and contrary to ancient church practice.<sup>78</sup>

This argument is also persuasive, but it fails to recognize the efforts made by men such as Cardinal Louis d'Aleman to justify granting to theologians a deliberative vote by appeals to ancient church practice.<sup>79</sup>

#### *Theologians' Influence and Bishops' Lack of Competency*

Theologians came to exercise significant influence when councils dealt with difficult theological issues and the bishops in attendance

<sup>74</sup> Giacobazzi, *Tractatus*, in Mansi 1.59bE.

<sup>75</sup> Gill, "Representation" 195.

<sup>76</sup> Izbicki, *Protector of Faith* 54–60.

<sup>77</sup> For the bishops' efforts to restore their power at Lateran V, see my "The Proposals for an Episcopal College at Lateran V," in *Ecclesia Militans* 1.213–32, esp. 213–15, 231–32, reprinted in my *The Fifth Lateran Council*, entry V.

<sup>78</sup> See above n. 44 (Patrizzi's critique) and n. 38 (Greek patriarch's insistence on following ancient norms, Italian humanists viewed the Byzantines as preserving the language and customs of antiquity).

<sup>79</sup> Piccolomini, *De gestis* 114–21.

lacked the theological skills needed to resolve the doctrinal questions. Thus theologians and canonists played an important role in finding the rival popes guilty of heresy and scandal and thus liable to deposition at Pisa and Constance, in determining at Rome that Wycliffe had written heretical works and at Constance that Hus had done so, and in convincing the Greeks at Ferrara-Florence of the validity of the Latins' theological views. That the bishops present at these councils were not up to the task is suggested by Cardinal Guillaume Fillastre's denunciation of the majority of those at Constance as "mitred asses"<sup>80</sup> and by John-Jerome of Prague's claim that the bishops at Pavia-Siena would typically display their theological skills at banquet tables after consuming four or five goblets of wine.<sup>81</sup>

Canon law and conciliar legislation required of a bishop a "knowledge of letters" (*scientia litterarum*), a vague standard set by Alexander III at Lateran III (1179), and repeated by Eugenius IV at Basel (1433), by Leo X at Lateran V (1514), and by Paul III at Trent (1547).<sup>82</sup> In the late-15th and early-16th centuries (i.e., after Ferrara-Florence and Basel-Lausanne), monarchs such as Isabella (1474-1504) in Castile, Ferdinand (1479-1516) in Aragon,<sup>83</sup> and Francis I (1515-1547) in France made concerted efforts to raise the educational level of their bishops. At the French king's urging,<sup>84</sup> the Concordat of Bologna (1516) required that the nominee to a bishopric be "a respectable master or licentiate in theology or a doctor in both laws or in either law (civil or canon) or a licentiate who passed a strict examination in a well-known university."<sup>85</sup>

At the Council of Trent in 1562 a set of reform proposals presented by the Portuguese ambassador in the name of the youthful King Sebastian (1557-1578) included the suggestion that *scientia litterarum* be certified by the diploma of a doctorate or at least a licentiate in divine or human law, a degree earned in a school where the system of the *studium generale* was maintained.<sup>86</sup> When presented to the Council Fathers for debate, the proposal was modified to require the degree of doctor or licentiate in theology or law or that the candidate be grad-

<sup>80</sup> Mansi 27.562BC.

<sup>81</sup> John-Jerome of Prague, "Sermo modernus ad clerum factus in concilio universali in Sena," in *Annales Camaldulensis Ordinis Sancti Benedicti*, ed. Giovanni Benedetto Mitarelli and Anselmo Costadoni, 9 vols. (Venice: Giovanni Battista Pasquali, 1755-77) 9.736.

<sup>82</sup> Tanner, *Decrees* 1.212 (Lateran III), 1.471 (Basel), 1.615 (Lateran V), and 2.687 (Trent).

<sup>83</sup> Tarsicio de Azcona, *La elección y reforma del episcopado español en tiempo de los reyes católicos* (Madrid: Instituto P. Enrique Flórez, 1960) 224-28.

<sup>84</sup> Jules Thomas, *Le concordat de 1516: Ses origines, son histoire au xvi<sup>e</sup> siècle*, 3 vols. (Paris: Alfonse Picard et fils, 1910) 1.412.

<sup>85</sup> Mansi 32.950DE, translated in *Church and State through the Centuries: A Collection of Historic Documents with Commentary*, trans. and ed. Sidney Z. Ehler and John B. Morrall (Westminster, Md.: Newman, 1954) 139.

<sup>86</sup> CT 13.632.

uated in some other way.<sup>87</sup> In the general congregations of October 10–15, 1562, a good number of bishops expressed negative views, ranging from rejecting the proposal as superfluous given previous legislation, to claiming it was too restrictive in requiring an academic degree, to warning that it seemed to give a false interpretation to St. Paul's prescription that a bishop should be a *doctor* (1 Tim 3:2), or to asserting that a degree in civil law does not qualify one to be a bishop. Other bishops, however, supported it.<sup>88</sup>

At the 22nd session on September 17, 1562, the council decreed that a bishop "should rightly (*merito*) have held the post of master or doctor or licentiate in sacred theology or canon law in a university, or be proved equipped to teach others by public certificate of an academic institute. If he is a regular, he must have an equivalent testimonial from the superior of his own order."<sup>89</sup> The conciliar bishops' approval of this legislation seems to indicate at least their sympathy for raising the theological competency of bishops, a sympathy derived in part from their appreciation of a bishop's need to be able to defend Catholic teachings from Protestant critiques in their dioceses or in discussions at the council. It may also suggest that the bishops sent to Trent by rulers were more educated than the prelates at the councils of the previous century. If the bishops at Lateran V and Trent were more competent than their predecessors, they may also have been more inclined to trust their own abilities and reduce the role granted to professional theologians at these councils.

In order to make a convincing argument for increased theological competency among bishops, one needs to move away from anecdotal evidence to careful prosopographical studies. Cardinal Fillastre's assertion that the majority of the bishops at Constance were ignorant has not been sustained by scholarly research.<sup>90</sup> The approval of the Con-

<sup>87</sup> CT 8.924.

<sup>88</sup> CT 8.928–42.

<sup>89</sup> Tanner, *Decrees* 2.738\*.

<sup>90</sup> Based on the unsystematic data provided by Konrad Eubel in his study of the Catholic hierarchy, Walter Brandmüller has calculated that about 140 of the almost 650 bishops of the period held academic degrees. That German bishops often lacked academic degrees did not necessarily imply that they were ignorant or had not attended a university. The German bishops were drawn in good part from the nobility who considered it demeaning to their social status to take university examinations, even though many attended university lectures (*Konstanz* 1.205–06 n. 30). A study of the English episcopate from 1399 to 1485 based on more ample sources shows that the vast majority of bishops, who were mostly from the middle and gentry classes, were university-trained, and those who attended councils all held university degrees in theology or law; see Joel Thomas Rosenthal, *The Training of an Elite Group: English Bishops in the Fifteenth Century*, Transactions of the American Philosophical Society, n.s. 60, part 5 (Philadelphia: American Philosophical Society, 1970) 12–19 (educational background), 50 (degrees of participants at councils). From a representative sample of 30 dioceses in 15th-century Italy, Denys Hay has determined that only 50 out of 126 bishops were graduates and of these a fifth were theologians and the rest lawyers; see his *The Church in Italy in the Fifteenth Century: The Birkbeck Lectures 1971* (Cambridge: Cambridge University, 1977) 99.

cordat of Bologna by Lateran V (1516) and its registration by the parlements of France did not assure that its educational requirements for bishops were enforced. Studies have shown that by the mid-16th century only 20 percent of the French bishops held degrees in law, while a mere four percent had degrees in theology,<sup>91</sup> and by the third quarter of that century this had increased to 22 and 12 percent respectively.<sup>92</sup> By the end of the century the requirement of a university degree was being enforced, not only in France but elsewhere too.<sup>93</sup> Still missing from the scholarly literature is an extended study of the educational backgrounds of the bishops and religious superiors who attended Lateran V and Trent, especially of those who sat on the commissions entrusted with doctrinal questions.<sup>94</sup> The current state of scholarship does not allow one to assert conclusively that the theological competency of bishops at the councils of the 16th century was markedly superior to that of their predecessors.

### *Little in Fact Changed*

Finally, it can be argued that despite the protestations that theologians had only a consultative voice in the councils after Basel, the procedures followed at least at Trent—where theologians drew up the articles for debate, clarified the issues, helped to draft the decrees,

<sup>91</sup> Frederic J. Baumgartner, *Change and Continuity in the French Episcopacy: The Bishops and the Wars of Religion 1547–1610*, Duke Monographs in Medieval and Renaissance Studies 7 (Durham, N.C.: Duke University, 1986) 237.

<sup>92</sup> *Ibid.* 243. Baumgartner estimates that 84 out of 262 bishops had a university degree in the period 1547–1589, 64 (24%) in law, 20 (8%) in theology (*ibid.* 245).

<sup>93</sup> Joseph Bergin, *The Making of the French Episcopate 1589–1661* (New Haven: Yale, 1996) 208–44, esp. 215–17 (enforcement), 227 (295 out of 351 bishops held university degrees); Moroni, “Dottore,” *Dizionario di erudizione* 19.233–39, at 237 (the Congregation of the Council moved toward enforcement, requiring real and not honorary degrees). It is unclear where the practice originated whereby American bishops assume the academic title “Doctor of Divinity” upon appointment; see James-Charles Noonan, *The Church Visible: The Ceremonial Life and Protocol of the Roman Catholic Church* (New York: Penguin/Viking, 1996) 222. I am grateful to Patrick J. Cogan, S.A., for this reference.

<sup>94</sup> At Lateran V the leading lights among the prelates included Bernardino López de Carvajal, Domenico Grimani, Tommaso de Vio (Cajetan), O.P., Antonio Trombetta, O.F.M., and Juraj Dragišić, O.F.M. The council’s deputation on faith has been studied by M. Daniel Price, “The Origins of Lateran V’s *Apostolici Regimini*,” *Annuaireum historiae conciliorum* 17 (1985) 464–72, at 465–67, and in my “Prophecy and the Fifth Lateran Council (1512–1517),” in *Prophetic Rome in the High Renaissance Period: Essays*, ed. Marjorie E. Reeves, Oxford-Warburg Studies (Oxford: Clarendon, 1992) 63–87, at 81–84. At Trent the leading theologian-prelates were, among others, Girolamo Seripando, O.E.S.A., Stanislaus Hosius, Bartolomeu dos Mártires, O.P., Robert Wauchope, Cornelio Musso, O.F.M. Conv., and Diego Laínez, S.J. Information on these and other prelate-theologians can be found in various monographs and scattered through Hubert Jedin’s monumental four-volume study of the Council of Trent. Pioneering prosopographical studies of the bishops at Trent have been made by such scholars as Giuseppe Alberigo, *I vescovi italiani al Concilio di Trento (1545–1547)*, Biblioteca storica Sansoni, Nuova serie 35 (Florence: G. Sansoni, 1959).

prevented decrees with which they disagreed from being adopted, and consented to those that were passed—clearly indicate that theologians exercised more than a merely consultative voice. To have adopted a different procedure, given the apparently significant number of bishops at Trent who were not expert in theology, while trained theologians were there in abundance, would have been irrational as d'Ailly warned, or *indecent* as the cardinal-legate presidents claimed. To justify a different procedure, one would have to espouse the views of Nicolas Granier in his translated dialogue *Spada della fede*. When questioned by a youth as to whether or not ignorant bishops should attend a council, the elderly interlocutor responded yes, but went on to say that they should have in their company one or two doctors in theology and canon law. Even though the bishops are ignorant and know little, if they are of good and holy life, their faithful simplicity can on occasion be illuminated by God so that they render opinions and judgment that are true and Catholic, better than those given by the learned and prudent.<sup>95</sup>

In the case of the Renaissance Church, bishops who were not expert in theology seem to have recognized and accepted their limitations and compensated for them by depending on the advice of professional theologians. Few if any were the unschooled bishops of Granier's scenario according to which bishops spoke on doctrinal questions depending solely on the inspiration of the Holy Spirit. Many of the bishops at Lateran V and Trent did try to assert their authority, whether out of a felt need to restore the dignity of their office, or in some cases out of a confidence in their own theological abilities, or to avoid the problems of previous councils. It is not surprising, therefore, that an effort was made at these councils to reduce theologians to the status of mere *testes* or to call them *theologi minores*. But the number of eminent theologian-prelates was apparently inadequate to the needs of a council like Trent, so that even if Marcello Crescenzo refused to institutionalize the consultative role of theologians, they nonetheless exercised at least a consultative voice, if not to some extent also a deliberative voice.

Thus the Renaissance period may not have witnessed a dramatic rise and fall of theologians' power at councils, but rather theologians continued throughout the period to exercise a major role which was at times masked behind such diminishing formulations as witnesses (*testes*), consultative voice (*vox consultativa*), and minor theologians (*theologi minores*). In accord with the *dictum* of Gratian and the comments of d'Ailly, the expertise of theologians was de facto acknowledged in the procedures used. While bishops insisted on their prerogative to render judgment, the popes and cardinal presidents at all the councils, except

<sup>95</sup> Nicolas Granier, *Spada della fede per difesa della chiesa christiana contra i nimici della verità*, trans. Antonio Buonagratia (Venice: Gabriel Giolito, 1565) 62; the dedicatory letter in the Italian edition is dated October 16, 1563 (sig.\*ij<sup>v</sup>).

perhaps Lateran V, adopted procedures to insure that these episcopal judgments were informed by the knowledge of theologians.

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