

## **Pope and Council: The Historical Background of the Present Situation**

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The calling of the Second Vatican Council by Pope John XXIII came to almost everyone as a surprise. This did not mean, of course, that a Council had not been considered before; both Pius XI and Pius XII had discussed the idea and had even taken some preliminary steps towards it. But to John XXIII himself, and certainly to others,

The idea of the Council did not come as the slowly ripening fruit of long deliberation, but was like the sudden flowering of an unexpected spring.<sup>1</sup>

Certainly there had been no hint given before the Pope made the announcement of his intention to the Cardinals.<sup>2</sup> This quality of acting under sudden inspiration lay behind much of the charm of the man.

But it was not this suddenness alone that caused the surprise. In fact, since the First Vatican Council, in 1870, had defined the infallibility of the Pope, many both within and without the Catholic Church had assumed that Councils would no longer be needed. "The age of the Councils," it seemed, "had been brought to an end by the new role assigned to the Pope himself by the developments of the nineteenth century."<sup>3</sup> It has been pointed out that Catholic studies of the papacy, in the years before John XXIII, regularly neglected to discuss the possibility of a Council even when they commented upon significant matters as having been rather neglected and cast into the shade since the definition of Infallibility.<sup>4</sup>

Perhaps more than anything else, the definition of the Assumption by Pius XII in 1950 had reinforced the notion that councils were no longer necessary. True enough, the authority of the bishops had not been neglected there, since Pius XII had consulted the bishops of the world, as had Pius IX

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<sup>1</sup> John XXIII, Address to the Presidents of Italian Catholic Action, cited in H. Küng, *The Council and Reunion*, London, 1961, 6.

<sup>2</sup> John XXIII, Allocutio, Jan. 25, 1959, *Acta Apostolicae Sedis*, 51 (1959) 68.

<sup>3</sup> W. Nicholls, "The Significance of the Ecumenical Councils," *Canadian Journal of Theology*, 10 (1964) 98.

<sup>4</sup> H. Daniel-Rops, *The Second Vatican Council*, New York, 1962, 57, citing Msgr. Carton de Wiart, Bishop of Tournai.

before the definition of the Immaculate Conception in 1854, and men even spoke of a “council in writing”; but theologians were quick to point out that this was not the same thing at all as a full Council.<sup>5</sup> It was only with the summoning of Vatican II by Pope John that the full realization came to reflective observers that . . .

today the century-long, one-sided development of papal authority has been as it were suspended, and initiative has been restored to the Church.<sup>6</sup>

Thus the calling of the Second Vatican Council raised at once the whole question of the relation of the Pope and Council in the structure of the government of the Church. The bishops in the Council itself have since grappled with this problem and have produced a statement on it. If, however, this is to be properly understood, it must be seen not merely as produced within the present situation but against the whole historical background. It is the purpose of this paper to present a summary picture of the long history of the relations of Pope and Council in order to supply this needed background.

But here, immediately, we run up against a problem of historical method. The notion of a Council is not an easy one to define historically. We are not dealing with a clear-cut historical entity when we treat of the Councils as having a part in the developing structure of the Church’s government. There have been a great many meetings of bishops and others which have regarded themselves as councils, but which have been rejected as such by other parts of the Church. There have been many debates within the Catholic Church as to the number of gatherings that may properly be called General or Ecumenical Councils. John XXIII referred, in his opening address to the bishops assembled for Vatican II, to this as the twenty-first Council,<sup>7</sup> but the enumeration which made Trent the nineteenth, and thus Vatican I the twentieth and Vatican II the twenty-first, has become common only since the sixteenth century, and presumably Pope John’s statement was not intended to canonize this numbering.<sup>8</sup> In any case, outside the Roman

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<sup>5</sup> M. Labourdette and M. J. Nicolas, “La Définition de l’Assomption,” *Revue Thomiste*, 50 (1950) 253-254. Attention has recently been drawn to this whole problem by Y. Cougar, *Report from Rome II*, Montreal, 1964, 174-206.

<sup>6</sup> Y. Cougar, *Report from Rome*, London, 1963, 15.

<sup>7</sup> *Acta Apostolicae Sedis*, 54 (1962) 791.

<sup>8</sup> In 1417 the Council of Constance listed the previous general Councils, carefully enumerating the eight eastern ones but noting the medieval ones only as those of the Lateran, Lyons and Vienne; *Conciliorum Oecumenicorum Decreta*, ed. J. Alberigo et al., Basle, 1962, 418, Sessio 39. The Council of Basle gave a similar list but adding Constance and itself; *C.O.D.*, 472, Sessio 23. Apart from the question of the authority to be attributed to these lists, they do not indicate whether all four

Catholic Church, the orthodox reject all but the first seven Councils as Ecumenical, while most Protestants hold to the first four only.<sup>9</sup> Necessarily the bases of such divisions are primarily theological rather than historical. For our purposes, if we are to try to understand historically the development of the relations of Pope and Council in the Roman Catholic Church, it seems that we must accept the listing of General Councils as currently given acceptance by it. We shall therefore treat of the twenty-one Councils down to and including Vatican II.

Looked at from the point of view of their relation to the Roman Pontiff, these councils fall easily enough into four divisions. The first eight, all held in the East and all summoned by Emperors rather than Popes, are clearly distinct from the seven Papal councils of the Middle Ages, the three concerned with the Conciliar Movement, and the three post-Reformation councils. This division could, of course, easily be challenged on other grounds, and even on its own there are dubious points. We have grouped the Fifth Lateran Council of 1512-1517 with those concerned with the Conciliar Movement but this was only a small part of its intention and it could easily be linked with the later ones; Vatican II itself may well come to be seen as having marked the end of the Reformation controversies and as having opened a new age.

According to the present Code of Canon Law: An ecumenical council cannot be had lacking convocation by the Roman Pontiff.<sup>10</sup>

But if this were taken as a guide to historical judgement the first eight Ecumenical Councils – those of Nicaea in 325, Constantinople I in 381, Ephesus in 431, Chalcedon in 451, Constantinople II in 553, Constantinople III in 680, Nicaea II in 787, and Constantinople IV in 869 – would all have to be discarded since they were called not by the Popes but by the Emperors. Clearly it would be silly to take a modern law as historical evidence. But the calling of these early councils does certainly raise a question about the relation of Pope and Council which has been of some concern to theologians if not to historians.

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of the Lateran Councils were meant, or both of Lyons. At Florence the Bull of Union of the Copts listed the first six Councils in detail and then in a general way, “all other universal synods legitimately gathered, celebrated and confirmed by the authority of the Roman Pontiff”; *C.O.D.*, 554-556, Sessio 11. Sixteenth century authors tended to omit Lateran I and II and Basle and it was Bellarmine who first drew up what is now the normal list and Baronius who established it; cf. H. Jedin, *Ecumenical Councils in the Catholic Church*, Montreal, 1960, 4; and *C.O.D.*, Intro., xvi.

<sup>9</sup> Cf. W. Nicholls, *art. cit.*, 98-109.

<sup>10</sup> c. 22.

Some theologians have sought to get around the difficulty by arguing that in calling the councils the Emperors must have been acting in a ministerial fashion with authority delegated by the Pope.<sup>11</sup> This kind of *a priori* legalism applied to history without a shred of evidence can only be called historical nonsense. Another theologico-historical opinion – that the Emperors *thought* that they had this right but that their convocation was in fact merely a material one, to be made formal by act of the Pope either then or later – does not really seem much more satisfactory.<sup>12</sup> Some historical perspective as to the significance of the Emperors’ actions, and an adequate notion of the development of dogma would seem to indicate a better answer. The Emperors acted within the Church and as having a legitimate universal concern, but their actions of bringing the bishops together, seeing to transportation, accommodation, good order, etc., were basically temporal in quality and it is clear that there was no question of the Emperors ruling the Church spiritually – at least this is clear, say, in the case of Constantine at Nicaea in 325 who, we are told by Eusebius, “left the direction of the council to its leaders,”<sup>13</sup> although it is perhaps not so clear in the case of Justinian at Constantinople II in 553 – but if we are speaking of governing the Church and of the convocation of a Council as an act of such governance, it is also historically certain that the Popes of the early centuries did not exercise these powers. This does not at all mean that the Papacy did not intrinsically possess such powers, nor that even then the seeds of later developments could not be seen. And certainly it does not take away from the fact, remarkable in itself, that only those Councils came to be seen as Ecumenical which were accepted by the Popes.

The Councils themselves indicate both the veneration held for the successor of St. Peter and the limits of the acceptance of his authority. This can be seen in two principal ways: the determination of the order of primacy among the Patriarchates, and the attitude of the conciliar bodies to papal teaching.

The First Council of Constantinople in 381 set out to exalt the prestige of that imperial city in the ecclesiastical order:

The Bishop of Constantinople has the primacy of honor after the Bishop of Rome, for that city is the New Rome.<sup>14</sup>

This clearly stated the Roman primacy of honor, but implied that this came

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<sup>11</sup> See the list of authors in A. Tanquerey, *Synopsis Theologiae Dogmaticae*, 22nd edn., Paris, 1927, I, 593.

<sup>12</sup> Tanquerey, *op. cit.*, I, 593-594.

<sup>13</sup> Cf. *Vita Constantini*, III, 13.

<sup>14</sup> *C.O.D.*, 28, c. 3.

from the old political preeminence of the city. The Pope refused to accept this idea and refused to see Constantinople, the New Rome, placed ahead of Antioch, Alexandria and Jerusalem, all like Rome itself Apostolic Sees. There the matter rested until the Council of Chalcedon in 451 when the effort to place Constantinople second only to Rome was taken up again. This time the canon expressing this was repudiated by the Papal Legates at the Council itself, and although the statement remained among the canons of the Council it was only with the heading *psephos* or *votum*, that is as a *desire* of the Council.<sup>15</sup> In 453 Pope Leo I, giving his approval to all the other Conciliar decrees, refused it to this one.<sup>16</sup> Again, some four centuries later, the same matter was brought up at the last of the great Councils of the East. This was the Fourth Council of Constantinople which met in 869 to settle the problem of the competing claimants to the Patriarchate of Constantinople, Photius and Ignatius. Pope Nicholas I and his successor Adrian II had strongly supported Ignatius and at the Council he was restored to office. Nicholas and Adrian were called “instruments of the Holy Spirit,”<sup>17</sup> and then in a later canon the order of the Patriarchs was set out:

first, the most holy Pope of Old Rome, then the Patriarch of Constantinople, and then those of Alexandria, Antioch and Jerusalem.<sup>18</sup>

The significance of this, and indeed of the whole of this Council, must, however, be said to be doubtful for ten years later, after the death of Ignatius, Photius was once again named as Patriarch and Pope John VIII, in accepting this, seems to have declared the previous Council’s actions against Photius null and to have removed that Council “from the list of sacred synods.”<sup>19</sup> From that time the Council of 869 was ignored by the East, while in the West, although challenged, it tended to remain listed among the General Councils. In any case, as far as the order of the Sees is concerned, in practical reality since the seventh century Antioch, Alexandria and Jerusalem had become Moslem centres and Constantinople was effectively second only to Rome. This would now be readily accepted in the West.<sup>20</sup>

But of much more significance than any Primacy of honor was the recognition shown by these early Councils of the teaching authority of the Popes – and the limitations of this recognition. This was an issue which did not really arise until the controversy, in the fifth century, over the

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<sup>15</sup> *C.O.D.*, 75-76, c. 28.

<sup>16</sup> *Epis.* 114, *P.L.*, 54, 1027-1032.

<sup>17</sup> *C.O.D.*, 143, c. 2.

<sup>18</sup> *C.O.D.*, 158, c. 21.

<sup>19</sup> *C.O.D.*, 134, discusses this issue.

<sup>20</sup> See below, n. 28.

Monophysite teaching that in Christ human nature was so taken over by the divine as to have practically no reality of its own. In earlier disputes Rome had often been appealed to, but had never played, had never attempted to play, a decisive role. When Monophysitism became an issue, however, Pope Leo I, a man filled with a profound realization of the dignity and authority of his office, intervened strongly with a letter stating the true doctrine about the union of the two natures in Christ. At first this papal attempt to introduce a doctrinal settlement to a council in the East failed. There were violent scenes as a Monophysite majority in a council at Ephesus refused to accept the legates of Pope Leo as presidents and refused to hear Leo's letter concerning the disputed doctrine. Leo indignantly repudiated this meeting as not a council but a gang of thieves, *latrocinium*.<sup>21</sup> Things obviously could not be left in this state, and two years after this debacle another Council met, in 451, at Chalcedon. Here Leo's legates presided and his letter was read to general rejoicing – "Peter has spoken through Leo," was the cry – and in the Conciliar *Definition of the Faith* the letter was hailed as ...

fitting well with the confession of that great man Peter and standing as a sort of common column for us against false teachings.<sup>22</sup>

Nevertheless, the Council refused simply to accept Leo's letter as its statement of faith, as he had wished, but proceeded, using his as a basis, to work out its own.

A century later the great Emperor Justinian, still faced with the problem of reconciling the Monophysites of Egypt, sought to do this by condemning as partaking of the earlier heresy of Nestorianism the writings of three prominent opponents of the doctrines condemned at Chalcedon. This subtle manouever raised a storm among the bishops of the West and protests from Pope Vigilius. To settle the matter Justinian and Vigilius agreed to call a Council, but when it became clear that this was going to be dominated by the Eastern bishops and under the control of Justinian – Vigilius had wanted it to meet in Sicily or Italy but it was called for Constantinople with each of the five Patriarchates to have an equal voice – Vigilius refused to attend. By the Emperor's command he was in Constantinople and under considerable pressure, while in Rome his clergy were persecuted because of the support they gave him. The Council followed Justinian's policy readily enough and condemned the three documents. In part the statement addressed itself to Vigilius:

The most religious Vigilius, staying in this royal city, concerned

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<sup>21</sup> *Epis.* 95, 2, *PL.*, 54, 943.

<sup>22</sup> *C.O.D.*, 61.

himself in fact with the contents of these three documents, and often condemned them both verbally and in writing. And afterwards, also in writing he agreed to attend this Council and discuss these writings along with us, so that a suitable definition of the true faith might be given by all together ... Thus necessarily we have asked him, reverently, to fulfil his written promises. After all, it cannot be just to let the scandal over these three writings increase any more, or the Church of God be any more disturbed. Thus in this regard we have recalled to his mind the great example of the Apostles and the traditions of the Fathers. For although the grace of the Holy Spirit abounded in each Apostle so that he needed no advice as to how to act, still when the question arose whether the gentiles should be circumcised, they did not want it to be decided until they had gathered together and strengthened one another in their statements by the testimonies of the Scriptures.<sup>23</sup>

Vigilius was finally brought to accept the Council's decrees. His objections seem not to have been doctrinal since he appears to have agreed that the opinions condemned were indeed false, but rather circumstantial in character in that he did not think the condemnation opportune. After six months of pressure he finally gave in.

The Third Council of Constantinople met in 680 to face the problem of Monothelism, the doctrine that Christ, although having a human nature, did not have a human will distinct from the Divine Will. To this meeting Pope Agatho sent a statement of the faith which was greeted with enthusiasm; the Council wrote to the Emperor:

We have had with us the most high Prince of the Apostles, for we have received encouragement and a written declaration of the sacred mystery from his imitator and the successor of his See; ... and Peter has spoken through Agatho.<sup>24</sup>

But statements of an earlier Pope were also read at the Council and were received in quite different fashion. Honorius I, 625-638, confronted with these same doctrinal issues and apparently not understanding them, had thought it sufficient to make a declaration on the moral unity of Christ's will. When the Conciliar decree condemning Monothelism came out it included among those named as having favored the heretical teaching "Honorius who was the Pope of Old Rome."<sup>25</sup> This decree was sent to Pope Leo II, successor to Agatho, and he approved it, but interpreted the condemnation of Honorius

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<sup>23</sup> *C.O.D.*, 83-84.

<sup>24</sup> *Enchiridion Symbolorum, Delinitionum et Declarationum de Rebus Fidei et Morum*, ed. H. Denzinger et A. Schönmetzer, editio 22, Barcinone, 1963, 181, # 542-545.

<sup>25</sup> *C.O.D.*, 101.

as having been on account of his negligence rather than of his express teaching.<sup>26</sup>

Thus in 451 and 680 – and in 869 as well although there concerning Church order rather than faith – the papal teaching was received as having a very special authority. Even in Justinian’s Council of 553 this was recognized in a sort of negative fashion. This authority held by Rome was unique; no other See held any comparable position. Nevertheless, the Councils, even when most formally associating themselves with papal teaching, held themselves free and acted freely to set out the truths of faith in their own way. And the Popes, in turn, many time approved this free action of Councils while also holding themselves free to refuse to sanction particular Conciliar decisions. There could be conflict between Pope and Council, but a conflict too violent or irreconcilable as in the case of the *latrocinium* of Ephesus served to discredit the Council and render it null. Thus had the first eight Councils drawn, as it were, in broad outline the picture of the relations of Pope and Council. The picture was to be filled in later.

From the ninth century and especially from the eleventh the drift apart of the East and the West became more decisive. When the series of Councils resumed in the twelfth century, it was in the West and for the Latin Church. At the Lateran in Rome Councils met in 1123, 1139, 1179 and 1215, at Lyons in 1245 and 1274, at Vienne in 1311-1312. These were Papal Councils. For the most part they were not concerned primarily with doctrine but with the reform of the Church and the practical application of papal leadership. From 1179 the Pope appears as the principal legislator “with the approval of the sacred Council.”<sup>27</sup>

By 1215 some contact with the Eastern Church was renewed – albeit an unhappy one arising from the capture of Constantinople by the Crusaders of 1204 and the establishment of the Latin Church there – and a canon of the Fourth Lateran Council listed the Patriarchal Sees:

After the Roman Church, which by the Lord’s dispensation possesses the primacy of ordinary power over all the other Churches as being the mother and teacher of all the faithful of Christ, there come first Constantinople, second Alexandria, third Antioch and fourth Jerusalem.<sup>28</sup>

The Second Council of Lyons in 1274 was much concerned with a reconciliation and full union with the Greeks, who had by this time overthrown the Latin Empire of Constantinople. On both sides the pressures

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<sup>26</sup> *Ench. Symb.*, 189, # 561.

<sup>27</sup> *C.O.D.*, 187.

<sup>28</sup> *C.O.D.*, 212, c. 5.

for union were rather political in nature and the Council's momentary success was not to last long. Nevertheless, there was produced by the Council, as part of the terms of union, a significant profession of faith for the Emperor Michael. In it was included a statement on papal authority:

The Holy Roman Church holds the most high and full primacy and rule over the whole Catholic Church. This it truly and humbly recognizes as having come to it from the Lord Himself in Blessed Peter, the Prince and Head of the Apostles. As it is bound before others to defend the truth of faith, so if questions arise concerning faith they should be settled by its judgement. To it anyone troubled by anything pertaining to ecclesiastical courts may appeal, . . . and to it all the Churches are subject, and their prelates give to it obedience and reverence. It is precisely part of its fulness of power that it shares its sollicitude with other Churches, many of which, and especially the Patriarchal Churches, the Roman Church has honored with various privileges, while, on the other hand, always preserving its own prerogatives both in the General Councils and in other cases.<sup>29</sup>

Thus these medieval Councils witness to the growth of papal administrative activity and control, to the expression of this in legal forms, and in general to a primacy not merely of honor or of teaching authority, but also of ruling power. But if it might be thought that these Councils were lacking in independence in the face of papal power, it could also be noted that in this same period the very canon lawyers who most strongly supported the workings of the Pope's authority also developed a theory of the Council's action as not only associated with the Pope's but in some ways superior to it.<sup>30</sup> Such ideas were to have an unexpected growth in the fourteenth century when a series of disputed Papal Elections brought about the Great Schism of the West, 1378-1415. There were two men claiming to be Pope, each with his own backers, and as this division dragged on for a generation men began to look for a solution to a Council. Even when the first effort in this direction was abortive – a Council met at Pisa in 1409 but instead of solving the problem complicated it still more by electing a third Pope – still the hope remained alive. And finally, in 1414-1418, the Council of Constance did settle the matter. One claimant, The Roman claimant who is now generally seen by historians as having been the true Pope, resigned; the Pisan Pope John XXIII vacillated, was deposed and finally accepted the deposition; the Avignon claimant was deposed and, when he resisted this, deserted by all his supporters.

By the action of the Council the schism was ended. But this very fact

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<sup>29</sup> *Each. Symb.*, 277, # 861.

<sup>30</sup> B. Tierney, *Foundations of the Conciliar Theory*, Cambridge, 1955, *Passim*.

changed drastically the relations of Pope and Council that had characterized the medieval period. Then a new period – the Conciliar Era – began when in its fifth session the Council of Constance stated its own authority:

This synod, legitimately gathered together in the Holy Spirit, being a General Council and representing the Catholic Church Militant, has power immediately from Christ, and to it all of whatever status or dignity, even the Papal dignity, are bound to give obedience in those things that pertain to faith, to the extirpation of the schism, and to the general reformation of the Church of God in head and members.<sup>31</sup>

Come together to regulate the papal office and unable to claim authority from any one unquestioned Pope, the Council sought thus to justify its actions. Those actions were, indeed, seen as necessary, and men thought to make the Council a continuing instrument of government and reform in the Church. Five years after it had ended, the Council decreed, another was to be summoned, and another seven years after that, and thenceforth every ten years.<sup>32</sup> In the meantime, a Pope must be chosen; the Council sought first to bind him beforehand by drawing up a list of matters needing reform, mainly matters concerning papal administration, which, they said, must be dealt with before the Council could be dissolved.<sup>33</sup> Thus when finally, at the forty-first session, November 8, 1417, Pope Martin V was elected, the question was clearly posed. Would he be the Council's servant or its master?

Had Martin simply bowed to the Council or simply confronted it there was no telling what might not have happened. But he was too shrewd a diplomat for that. At a session in March, 1418, certain reforms were promulgated, some of them touching on the matters previously listed by the Council, but hardly more than touching on them, although one of the decrees stated that these reforms, along with a series of concordats signed between the Pope and the various Conciliar Nations, satisfied the previous requirements.<sup>34</sup> Then in April the Council was brought to an end. The Council had done much that was good; but the Pope could hardly confirm all of its decrees. Fortunately for Martin there was little demand that he should do so. The most radical conciliarists denied that his confirmation was necessary. Again Martin found a compromise solution. By Papal Bulls he confirmed particular decrees that needed to be applied, and he confirmed too in a general way the Council's ecumenical character.<sup>35</sup> Other decrees, and

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<sup>31</sup> *C.O.D.*, 385, Sessio 5.

<sup>32</sup> *C.O.D.*, 414-415, Sessio 39.

<sup>33</sup> *C.O.D.*, 420, Sessio 40.

<sup>34</sup> *C.O.D.*, 423-426, Sessio 43.

<sup>35</sup> *Ench. Symb.*, 326-329, # 1247-1279.

especially that asserting the Council's authority even over the Pope himself, were left unconfirmed and unconfirmed.

Five years after Constance another Council was due. Martin V went along with this and summoned it to meet at Pavia in 1423. Attendance was sparse and he was able to show his authority first by transferring it to Siena and then by ending it. Nevertheless, again seven years later pressures were brought on him to summon another Council to meet at Basle. If met under Martin's successor Eugene IV, in 1431. There at last a definite confrontation was to take place.

Again at Basle the Council was sparsely attended, but those who were there were strong conciliarists and determined not to see this meeting go the way of that of 1423. From the start they engaged in a running battle with the Pope. When he attempted to close their proceedings, they renewed the decree of Constance on Conciliar authority.<sup>36</sup>

It soon became evident that in this conflict the conciliar cause elicited more sympathy than the papal. In 1433, in the face of Eugene's refusal to give them recognition, they were able to bring about the reconciliation of the Hussites of Bohemia. This brought the Council such prestige that Eugene was forced to give in and recognize it. A series of reform decrees continued to increase this prestige. The conflict simmered for a while, to boil up again in 1435 when a decree was issued which aimed to withdraw from the Papal Curia most of its revenue.<sup>37</sup> Such headlong reform alarmed many who had been supporters of the Council. In 1438, when the Pope declared the Council, despite the stated wishes of the majority of its members, transferred to Ferrara, only the minority accepted the translation but this included most of those who had been the outstanding figures in the days of the Council's successes.

In the meantime the opportunity of negotiations for unity with the Greek Church had arisen, and for once Eugene was quicker than his opponents. Greek delegates were brought to Ferrara and then in the following year to Florence after another translation had taken place. There on July 6, 1439, union was agreed on. Not only was this a wonderful achievement for the Pope – ephemeral as it was to prove to be – but among the terms of union was the following statement:

We define that the holy Apostolic See and Roman Pontiff holds the primacy of the whole world; that the Roman Pontiff is the successor of Blessed Peter, the Prince of the Apostles, and is the true Vicar of Christ, and head of the whole Church, the father and teacher of all Christians. In Blessed Peter there has been given to him by Our Lord Jesus Christ full

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<sup>36</sup> *C.O.D.*, 432, Sessio 2.

<sup>37</sup> *C.O.D.*, 464465, Sessio 21.

power to feed, rule and govern the whole Church. This indeed has already been contained in the Acts of the Ecumenical Councils and in the sacred canons.<sup>38</sup>

In vain did those stubborn ones who remained at Basle declare Eugene deposed. In vain did they elect another to take his place. This appeal to schism only discredited them, and although their claimant, Felix V, hung on to his pretensions for a decade, Eugene's position was never really threatened. Nevertheless, the conciliar ideas remained dangerous to papal authority. Indeed, in one form, merged with nationalism as in Gallicanism, such ideas were still to have a long history. In the fifteenth century, constant appeals were made from the Pope to some future Council, a practice which undermined the place of Rome at the centre of the ecclesiastical administration and which was by no means ended by the condemnation of it by Pius II in 1460.<sup>39</sup> The ever more evident need for reform, and especially reform of the Papacy itself, made the Council seem the only possible instrument. Still, the reality of the Pope's authority was shown again in 1512 when, by summoning the Fifth Lateran Council, he was able easily to turn aside the efforts of Louis XI of France to create an anti-papal council at Pisa.<sup>40</sup> The tragedy was that the Lateran Council, under the lackadaisical Leo X, did not produce effective reform.

In 1517 the Fifth Lateran came to an end and a new era began. For the Protestants a Council was something far different from anything yet seen. The Lutherans called for "a free Christian Council in German lands." Such a meeting must be free from papal control, Christian in that the only standard was to be the Scriptures.<sup>41</sup> Applying this standard, Luther had already rejected the authority of past Councils. There was little chance that a meeting could be called which would satisfy both Lutherans and Catholics.

For many reasons the Popes were slow in getting a Council underway. There was still the fear of conciliarism, aggravated now by the new ideas. There were practical problems in a time of almost continual war or preparations for war with the Pope always involved at least in the diplomatic if not the military struggles. There was the obvious fact that any reform program must hit the Papal Court first of all. There were personal factors such as Clement VII's fear of embarrassment over the illegitimacy of his own birth. For many reasons the Popes were slow, and people began to lose hope

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<sup>38</sup> *C.O.D.*, 504, Sessio 6.

<sup>39</sup> *Ench. Symb.*, 345, # 1375.

<sup>40</sup> In doing so, and in rejecting the Pragmatic Sanction of Bourges on which Louis' claims were based, the Council also made a statement as to papal authority over Councils; *C.O.D.*, 618-619, Sessio 11.

<sup>41</sup> Cf. H. Jedin, *A History of the Council of Trent*, London, 1957, I, 211-212; and H. Jedin, *Ecumenical Councils in the Catholic Church*, 145-146

in any Council that might eventually be called under papal auspices.

Thus when Paul III did begin, still with caution but seriously and determinedly, to move toward a Council, there was an immense roadblock of suspicion and cynicism to be got over. More than once the meeting failed to get started because too few bishops appeared, and when it finally did start at Trent in 1545 there were only four Cardinals, four Archbishops and twenty-one Bishops present.

Trent was to prove, by the time it closed twenty years later, an immense success for the papally centralized Church, but as late as 1563 this was still in doubt. The current of reform was running strongly by then and had come upon one of the main abuses that had to be attacked, the non-residence of bishops in their Sees. The Spanish prelates, particularly, were determined to cure this evil and demanded a Council statement that the Divine Law itself required residence by bishops. This would effectively prevent dispensations from Rome being used to cover an abuse. But, for precisely this reason, it also raised the whole issue of the relation of the episcopate to the Pope. There were several stormy scenes over this matter and it was finally settled only by a compromise which put forth a strong requirement of residence without raising the theological issue.

What Trent avoided was to become the main issue before the next General Council at the Vatican in 1869-1870. In the intervening three hundred years vast changes had taken place in the structure of society, changes religious, social, economic, political, intellectual. By the nineteenth century the Catholic Church presented a remarkably complex picture of growth and of decline, of modernity and anachronism, of power and of weakness. Never had a Pope been as loved and revered as Pius IX; never had one been more hated and reviled. The role of the Pope in the Church, his rights to his temporal rule in Rome in the face of the Italian *risorgimento* – these along with the attitude of the Church to modern developments were principal issues when the Council was summoned.

Some of the Cardinals whose advice the Pope asked before announcing the Council still feared old dangers. Cardinal Roberti pointed to Gallicanism, which in the seventeenth and eighteenth centuries had become the refuge of conciliarism, as first among reasons for opposing the idea of a Council.<sup>42</sup> Others, too, even though they supported the idea saw some danger of the bishops being carried away and attempting to lessen papal prerogatives.<sup>43</sup> Most of them, however, thought that the bishops were “good, and submissive

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<sup>42</sup> J. D. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, continuation by D. D. L. Petit and J. B. Martin, reprint, Graz, 1961, 49, 33.

<sup>43</sup> E. g., Cardinals Mattei and Sacconi; Mansi, *Ampl. Coll.*, 49, 28 and 49, 48.

to the Holy See.”<sup>44</sup> The more optimistic saw the Council as likely.. .

to elevate the authority of the Holy See by showing clearly that the whole episcopal body of the Catholic Church is perfectly united in teaching with its head.<sup>45</sup>

When in 1865 a number of leading bishops were asked to propose subjects for the Council, a few only, and most clearly Archbishop Manning, suggested the definition of Papal Infallibility.<sup>46</sup> The schemata prepared to be presented to the meeting did not at first include this subject. Nevertheless, even before the opening session, this had become a matter of wild controversy in the press, and it was perfectly evident that it was a subject which could hardly be avoided. Just after the opening a series of petitions for and against the definition of Infallibility were circulated for signatures and sent to the Pope. Over five hundred bishops signed, about three-fourths being in favor of a definition.

The matter was not rushed through. The schema *De Ecclesia Christi* was presented in January, 1870. A statement on Infallibility was added to it as an appendix on March 6. In the next two months the whole thing was re-written on the basis of hundreds of amendments proposed in writing. The debate on the schema took up the next two months and further changes were made. On July 11 the chapter on Infallibility was approved, the votes being 451 *placet*, 88 *non placet*, 62 *placet iuxta modum*. A week later, the final modifications having been made, the whole Constitution was approved, by 533 *placet* to 2 *non placet*.<sup>47</sup>

The statement on Infallibility was carefully worded to situate the Pope’s teaching authority within the Church:

The Roman Pontiff, when he speaks *ex cathedra*, that is when, fulfilling the office of shepherd and teacher of all Christians, on his supreme Apostolic authority, he defines a doctrine concerning faith or morals to be held by the Universal Church, is, through the Divine assistance promised him in Blessed Peter, endowed with that infallibility with which the Divine Redeemer has willed that His Church should be equipped in defining doctrine concerning faith and morals. Therefore such definitions of the Roman Pontiff, of themselves and not by virtue of the consent of the Church, are irreformable.<sup>48</sup>

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<sup>44</sup> Opinion of Cardinal Bizzarri; Mansi, *Ampl. Coll.*, 49, 19.

<sup>45</sup> Opinion of Cardinal Reisach; Mansi, *Ampl. Coll.*, 49, 39.

<sup>46</sup> Manning’s letter, Mansi, *Ampl. Coll.*, 49, 171. Cf. also the “Summarium responsorum,” Mansi, *Ampl. Coll.*, 49, 211, # 24.

<sup>47</sup> Mansi, *Ampl. Coll.*, 52, 1253 and 1335.

<sup>48</sup> *C.O.D.*, 792.

It had been intended to associate with this statement one on episcopal authority, but this was prevented by events and all that was done in that direction was one notable qualification made by the Council in discussing papal primacy. The definition of this given at Florence in the fifteenth century, and cited above, was renewed with the following addition:

This power of the Supreme Pontiff is far from doing any injury to the ordinary and immediate power of episcopal jurisdiction. By this jurisdiction bishops have been set by the Holy Spirit as successors in the place of the Apostles, so that they, each of them, teach and rule as true shepherds the flocks assigned to them. Indeed, rather than being injured, this episcopal power is asserted, strengthened and protected by the supreme and universal shepherd.<sup>49</sup>

Such a statement was important, but it was not sufficient. Vatican I had completed the work of Trent. Papal authority was clearly stated for all time. The movement of conciliarism which had once threatened that authority had been reversed decisively, and the new direction was now to be marked by a series of remarkable Popes. But Vatican I remained incomplete, ended by the outbreak of the Franco-Prussian War, and a question remained as to the role of bishops and others in the Church so clearly headed by the Pope.

As early as 1875 the German episcopate found it necessary to object to the idea, put forward by Bismarck, that by the Vatican decrees episcopal jurisdiction had been swallowed up by papal to such a degree that bishops were now mere instruments of the Pope:

By that same Divine establishment which founded the office of Supreme Pontiff the episcopate was also brought into being. It has its own rights and duties under God's ordinance, and the Supreme Pontiff has neither the right nor the power to change these.<sup>50</sup>

Pius IX himself congratulated the German bishops on their explanation of the decrees as containing a "truly Catholic statement of the position of the Council and of the Holy See."<sup>51</sup> Nevertheless it was clear that Vatican I had left much work to be done. And the very growth in the moral authority of the Papacy since 1870, the effective teaching given in the Papal Encyclicals, the effective administration given by the Papal Curia, have made it ever more imperative that the work left by Vatican I be completed. There were, of course, many other reasons for the calling of a Second Vatican Council; but this was certainly an important one.

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<sup>49</sup> *C.O.D.*, 790.

<sup>50</sup> *Ench. Symb.*, 606, # 3115.

<sup>51</sup> *Ench. Symb.*, 607, # 3117.

The danger of conciliarism had been to see the Church in purely political terms; the danger of the papally centralized Church was to think of itself in purely juridical fashion with the Pope seen as monarch and legislator. The danger was a real one. Such a conception would do obvious damage to the episcopal authority – it would, although not so obviously, do equal damage to the papal authority. The complaint that schemata were presented in language overly juridical in tone had been sounded at Vatican I as it was to be even more at Vatican II.<sup>52</sup>

If the long history of the Councils at which we have been looking shows anything, it is the folly of attempting to draw lines too definitely according to the power balance of the moment. Any adequate statement of the relations of Pope and Council must be firmly rooted in the whole mystery of the Church and must take account of the historical development in which that mystery has been and will continue to be unfolded. It is in this context that the statement issued by Vatican II must be read.

The Second Vatican Council was able to give to this statement the kind of unhurried consideration denied by events to the First. The schema On the Church was presented to the Council in 1962 and was severely criticised. A new version was brought to the second session in 1963 and again much revised especially concerning the episcopal office. Only in the third session, in 1964, did it receive its final revisions and promulgation. The relation of episcopal and papal authority is treated in the third chapter of the Constitution, on the “Hierarchical Structure of the Church and in Particular the Episcopate.” It is significant that this follows the discussion of “The Mystery of the Church” and “The People of God.” Thus the necessary legal and constitutional distinctions can be made within the scriptural and pastoral context. The statement reflects the developments we have been looking at:

The Lord established Saint Peter and the other Apostles as one Apostolic College. In this same way the Roman Pontiff, successor of Peter, and the bishops, successors of the Apostles, are joined with one another ... A man is made a member of the episcopal Body by sacramental consecration and by hierarchical communion with the Head of the College and its members. But unless it be understood with the Roman Pontiff, the successor of Peter, as its head, so that his power of primacy over all, shepherds and faithful alike, remains whole and intact, this College or Body of bishops has no authority. The Roman Pontiff has in the Church, by reason of his office as Vicar of Christ and shepherd of the whole Church, full, supreme and universal power, which he is always free to exercise. But the order of bishops, succeeding to the College of the Apostles in teaching and in pastoral authority, or rather even giving this Apostolic Body continued existence, as long as it is joined with its Head the Roman Pontiff, also

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<sup>52</sup> E. g., Mansi, *Ampl. Coll.*, 51, 929.

possesses supreme and full power over the whole Church, although this can be used only with the consent of the Roman Pontiff. The Lord set one man, Simon, as the rock and keeper of the keys of the Church, and made him shepherd of his whole flock; but it is clear also that the same power of binding and loosing that was given to Peter was given also to the College of the Apostles joined with its Head. This College, as made up of many men, shows the variety and universality of the People of God; as gathered under one Head it shows the unity of the flock of Christ. In it the bishops, faithfully recognizing the primacy and preeminence of its Head, exercise their own power for the good of their own faithful, and indeed for the good of the whole Church which, by the Holy Spirit, is so fully joined together in the concord of one organic structure. The supreme power over the whole Church, which this College possesses, is exercised in a solemn way in the Ecumenical Council. A Council is never held to be Ecumenical unless it is confirmed or at least received as such by the successor of Peter. And it is the prerogative of the Roman Pontiff to convoke such Councils, to preside over them and to confirm them. That same collegiate power can be exercised, together with the Pope, by the bishops even when they are scattered over the whole earth, as long as the Head of the College calls them to collegiate action, or at least approves or freely receives the united action of the scattered bishops so that it becomes a true collegiate act.<sup>53</sup>

This carefully worded statement expresses no mere abstract theory. Its careful balance should be seen neither as the result of speculative uncertainty nor of practical diplomacy, although there can be no doubt that there are questions still to be answered and that the Council had to take the feelings and positions of many men into account. Above all this statement reflects the practical reality that is the Church and its nature as this has been revealed in history. Such a statement could not have been written by the early Councils of the East, nor by the papal Councils of the Middle Ages; certainly not by the Councils of the Conciliar Era, and not in this form even by Trent or Vatican I. But all of these have contributed to the understanding that is expressed therein, and without them it cannot be understood.

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<sup>53</sup> *Acta Apostolicae Sedis*, 57 (1965) 25-27, # 22.