



ON COUNCILS
THEIR NATURE AND AUTHORITY

ST. ROBERT BELLARMINE, S.J.

TRANSLATED BY
RYAN GRANT
MEDIATRIX PRESS





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ON COUNCILS

Their Nature and Authority

by
St. Robert Bellarmine, S.J.
Doctor of the Church



Translated from the Latin by
Ryan Grant

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St. Robert Bellarmine

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Translator's Preface

ANYONE familiar with our other translations will already be used to the style and model followed there. We have, however, made some changes for this edition that will be reflected in future translations of the Controversies.

I have had the benefit of feedback from Academics and lay theologians, as well as priests, as to the format and rendering of certain terms, which will be reflected in this volume on Councils. The first is in the way of references. In the past, I footnoted the sources which Bellarmine provides no matter how dizzying the number of notes on a given page. Here, we will switch to parenthetical notes, or keeping the references in the context of the sentence.

A second change, is, whenever possible, we have adjusted how we render the names of the authors that Bellarmine cites to be in accord with how they are typically cited rather than using their Latinized names.

Then, we should look to the question of the relevance of this particular work. How accurate was Bellarmine? Interestingly, what historians relate today about ancient councils are largely the same as what Bellarmine relates, although the former know very little of the latter. Bellarmine's analysis is based in primary sources, scripture and the Fathers, resulting in a powerful argument grounded in Catholic tradition. Certainly not every individual thing will be cutting edge for us today as historical scholarship continues and does not remain ossified in any century, no matter how brilliant the intellects; nevertheless, the theological import of Bellarmine's argumentation is not only valid for us today, but entirely needed for a return to the sources and acts of individual Councils.

Lastly, we would like to thank all of those who assisted with this translation, most especially my wife without whose strength and encouragement I would not have finished. Further, I would like to thank Paul Banducci of the Bulldog Pipe and Cigar Lounge, which has afforded me a classy and quiet place to work on translating this material where I could also smoke my pipe.

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AUTHOR'S PREFACE

IN this book I am going to defend, with all my strength, the authority of the Sacred Councils, which has always been great in the Church, in opposition to the manifold lies and calumnies of the heretics. Still, before I approach this matter, I have thought a few words must be said on the supreme and incredible subtlety that the supporters of Satan have applied to lessen this authority in our times. For, because the authority of Councils is sacrosanct in the Catholic Church, as is just, it always served to diminish the greatest disturbances of affairs, like a sort of salutary lightening, to shine the light in order to dissipate the darkness of error. As a result, the enemy of the human race reckoned that he could no longer sow discord as well as schism in the Church, and to preserve and propagate heresy, unless he abolished Ecclesiastical judgments and would overturn that chair from which Christ himself speaks and judges through men and settles all controversies and quarrels of faith.

Therefore, he raised up Lutherans, prepared to deceive even as they were prepared to lie, since in the beginning they believed it would never happen that the Supreme Pontiff could be induced to call a general Council. So they began with great contention, even as they grievously accused the Pope at the same time, to appeal to the need for a general Council against the same Pope. They devised this in such a way that they meant to sprinkle each and every one of the crimes and disgraces, although false and unbelievable, freely upon the Pope, and that it would be granted to the Council and all Christian nations to make him guilty of the greatest crimes. These meanwhile, though not yet recognized as enemies of the Church by all (as they really were), were seen as men loving piety and faith, since they were zealous for and recognized the authority of Councils. For that reason, they clearly persuaded many nations with the calumnies and lies that they used to adorn the vicar of Christ, by both word and letter, that he was no Christian prelate at all, but the avowed enemy of Christ even to the point that they said he was truly and properly called Antichrist.

I would most certainly give a lengthy speech were I to review the lies which the heretics of our time most impudently cast onto the Pontiff of the Apostolic See. For the sake of example, I will place one or two. Luther said:

(*lib. de Ecclesia*, near the end), “The Pope buried the Sacred Scripture in mud and ash, and nearly blotted out the whole of Christian doctrine.” There is also extant a little book titled, *de primatu Papae*, written in the name of the whole Schmalkaldic Council, though I believe the author is actually Melancthon, whereby that particular Council of the Lutherans commences from this lie: “The Pope arrogates to himself the authority of fashioning laws on worship, to change the Sacraments, doctrine and wants his articles, his decrees, his laws to be accounted equal to divine laws; ... The Pope arrogates to himself divine authority, because he takes for his own the right to change the doctrine of Christ and the worship established by God, and means for his doctrine and worship to be observed as though it were divine.”

Yet, what Sacrament, what worship established by God, what article of doctrine has the Pope changed? And who was that Pope who equated his own laws with divine laws? Or do we not see Pontifical laws abrogated on a daily basis, either by the same ones who imposed them, or by their successors, if the occasion demanded it? What divine law is read to have ever been abrogated by any Pope? I refuse to waste any more time on trifles of this sort. I affirm this, that the books of the Lutherans are full of lies of this kind, and that those found therein are not doubtful matters, but are celebrated as most certain maxims in the writing and speech of all. Still, from the beginning, as I was saying, lest it would seem that they were altogether foreign to the Catholic Church, as much as they detract from the authority of the Pope, so much the more do they attribute it to a Council. The provocation of Luther for a general Council is still extant. The Imperial diet of Augsburg, Nuremberg, Spire, Ratisbonne, Worms and several others are extant, in which the Lutherans very often demanded a general Council.

Furthermore, lest it would be tiresome, if time were to expunge in so many different acts of assemblies recited, then I would advance to you, O reader, the testimony of their own protestation that is contained in the beginning of their book titled: *Protestatio adversus Concilium Tridentium*, where they say: “We profess and protest that we adhere and have always adhered to the protestation and appeal of the Reverend Doctor, Father Luther, from the most unjust and violent judgment of the Pope and of all the judges of his faction, to a free, Christian, and legitimate Council, gathered in the Holy Spirit. Such protestation proceeded and the appeal was afterwards unanimously and so many times renewed by our Churches, and

even in so many of the imperial assemblies approved by all states.” These are their words whereby, as you see, they affirm firstly Luther, then their Churches, lastly even the Princes that have been added to them, also very often appealed from the Pope to the judgment of the Council.

But, how long do you think they remained of the opinion that they should await a Council? As long as they hoped there would be no Council. For no sooner did Pope Paul III proclaim a general Council at Trent and lay the foundations for the same Council, as soon as the beginnings appeared, then straightaway they [the Lutherans] changed their minds, or rather they feigned their support beforehand. Then, when it sprung up, they rejected the Council and not only rebuked the appeal to recent Councils, but even to all the ancient ones as well, and hardly had Trent begun than they labored to oppress it with invective, censure, protestations, calumnies and lies, so that, if it could be done, that Council could be answered by the cleverness of the heretics before the diligence of Catholics could join together.

I say that all are my witnesses that it is so who read the book, *de Conciliis*, written by Luther at that time, and the book of Melanchthon concerning the reasons why Lutherans would not go to the Council (*Protestatio*, XXXIV). Of ministers: The book of Illyricus, *de norma ac praxi Concilii*, Then Martin Chemnitz, *examen Tridentini Concilii*; (*Examination of the Council of Trent*), and the counsel of Charles Molina over not being admitted to the same Council; and the antidote of John Calvin, *against the poison of the same Council*. But it will be worthwhile to propose something from those very authors, whom we have named, so that you might recognize from their words and testimony how many Councils of the Church they celebrated, which they had agitated for a little earlier.

Martin Luther, when he became famous, proclaimed a Council; after he seized his pen, he wrote a book and titled it, *de Conciliis*. I believe it was so that he would thank God, congratulate the Church and invite all to the Council. Just the same, the chief point of the book is that there is no need for Councils, since even the most ancient, holy and celebrated Councils erred and each Pastor and schoolmaster can be no less in the Church than each of the greatest and most numerous Councils. It begins without controversy from that very ancient and holy Council which the Apostles celebrated at Jerusalem: in that Council the Apostles decreed that one must abstain from blood and animals that had been suffocated. He returns us to these difficulties, that either we ought to abstain from these foods, or clearly

affirm we are free not to obey the greatest and first Council. Next, he shows in earnest what a calamity it would be were we no longer to eat deer, rabbits, stags, hares, geese, thrushes and other small birds as well as certain broths which are seasoned not only with pepper, but even with blood (as he himself says, who is well ignorant of such things) or mixed with liquid, or fat mixed into sausage.

Yet, because it seems that Luther is in no way prepared to undergo such a loss, thus he effects that one need not comply with the Apostolic decree, from which again he so concludes that we are all free to leave behind all other Councils, and thus we are free from all Councils. It is altogether clear: just as we are not held by that law of the Council, which was the only one given in that time, so we are not held by the laws of any other Council.

Therefore, he continues to the First Council of Nicaea, the authority of which has always been the greatest in the Catholic Church. Speaking on the canons of that Council, he says: "All these articles were grass, straw, twigs and stubble ... On those wooden articles the rest shall remain, just as some embers, such as the article on the feast of Easter." This is an example of the honor that Luther has for the most ancient and celebrated Council, that he calls its decrees twigs, grass, straw and stubble. But it would be insufficient, if he were to merely say those canons were not necessary and superfluous, and he would not also contend what is dangerous, impossible and self-contradictory. For, he so rejects the Council, lest they who castrate themselves would be excluded from holy Orders, and at the same time it commands consecrated men not to have any woman in their house apart from mother or sister. Luther says: "Here, altogether I do not recognize the Holy Spirit in this Council. If they are not suitable for Ecclesiastical ministry who castrate themselves to avoid the burning of lust, and again they are not suitable who have wives or marry to conquer the goads of the flesh; in which case, will he not, at length, fall? Or, ought a Bishop, or a preacher sustain the intolerable ardor and heat of illicit love, and not free himself from these dangers by wedlock or castration?" It seems for Luther there was no middle ground between wedlock and castration; but then what do we make of Paul, John, James, the other Apostles, Ambrose, Jerome, Gregory and men without number? What, I say, would we make of so many saints who did not cut off their member but still lived to the end of their lives without a wife? Without a doubt they conquered the glorious struggles

with prayers, fasting, and assiduous labor, not by the severing of their members.

But, let us hear with what honor Luther speaks on this same Council of Nicaea at about the end of the passage: “On the other hand, is there no other business for the Holy Spirit in Councils than to burden his ministers with impossible, dangerous and unnecessary laws?” Since that is so, you certainly see, O reader, what Luther makes of the authority of Councils when he does not hesitate to impudently call the decrees of the Council of Nicaea twigs, unnecessary, dangerous, impossible, self contradictory, and at length, straw, grass and stubble, even though in comparison to it not one is praised more by the Fathers. Why he would so diminish all Councils that the industry of Pastors and the authority of schoolmasters would compare with them, he says: “Do you think it is not so light, or narrow, the duty of a Pastor or a schoolmaster that they could not be compared to Councils? I shall say indeed it is more and greater a light of Christian doctrine that comes from a child’s Catechism than from *all Councils*. ... And what is necessary for words, if the decrees of all Councils would be sent through a funnel into your body, still you would not be a Christian, because they confer too little.” This is rightly an egregious conclusion, and worthy of so serious a theologian who a little before was seen to call for a general Council in earnest. I pass over what he says on the second, third and fourth Councils, since they are similar to the first and I am eager for brevity.

Therefore, I come to those lies which our adversaries babble without any shame to diminish the authority of the Council of Trent. Not including everything, nor even a great many things, for that would be a work without end; rather I will advance a few words from many. Luther says: “These sycophants, who are parasites of the Pope are so demented that they rashly defend this contradiction, that Councils have the power to make new articles of faith and change the old ones” (*liber de Conciliis*). But who are these sycophants? Why is no one named? Where, when, by what witness did they say or write that articles of faith can be changed by Councils?

Matthew Flacius Illyricus, in his book, *de norma ac praxi Concilii Tridentini*, says: “They cry out, that is the Fathers of the Council, the Church, that the Pope with his spiritual powers, is above the Scripture and that the Pope can dispense against the Apostle and the whole Old Testament from the plenitude of his power.” But the Council is extant, let it be diligently read; no one will ever discover portents of this sort.

Martin Chemnitz's work, *in examine Concilii Tridentini*, is so rich with lies that in four little sentences, five lies are found: "The Fathers, that is, of the Council, say that the Pope may have a will for rule in these matters that he wishes, that he can change the form of the Sacraments handed down from the Apostles, that he can establish against the epistles of Paul, that he can dispense against the first four Councils and against the words of the Gospel." Who would believe such impudent men could be found, who so boldly lie about the Council of Trent when both the acts themselves are read everywhere and also that many of those who were at the Council themselves are still alive!

But another splendid thing altogether remains, and the lie is more often repeated by our adversaries. For many reasons the Lutherans pursue Cardinal Hosius, a man of eternal memory, with an implacable hatred, particularly because he presided at the Council of Trent as a legate of the Apostolic See; moreover, by his industry and wisdom he conferred upon the same Council no small dignity and benefit. Therefore, that they might at the same time downplay the authority of the Legate and of the Council, these good men took certain words which the Cardinal quoted in the book, *de expresso verbo Dei*, of a heresiarch by the name of Swenckfeld, and disseminated them everywhere with great loathing as if the Cardinal had said them. Cardinal Hosius had only quoted them so that he would show how foul the errors of the Lutheran heresy are, like a poisoned fruit that sprouted forth from a corrupt root; yet we read in the book, *Protestatio XXXIV Ministrorum*: "But now let us hear the words of this glorious governor who was present at the assembly [Trent], how, also following some rule, he and his associates mean to judge and determine on the controversies of the Church and religion; for thus he breaks out into blasphemous words, saying: 'but we will wait for the opinion of God from heaven, and both contending with those affairs for their own, not fearing the judgment of the Scriptures, and we will see the Scriptures go away. It does not behoove us to be expert in the Law or Scripture, but taught by God. The labor which is devoted to Scripture is vain. For the Scripture is created, and in need of a certain element, it is not fitting for a Christian to be too addicted to a creature'." After reciting these words, the Protestants add: "This is the nefarious Cardinal legate of Antichrist, and the impious governor of the assembly, he blasphemes against the living God."

Illyricus, in his book, *On the Norm and Practice of the Council of Trent*, after he repeats these words quoted from the book of the Cardinal, he so prays: “Lord Jesus, stop up with infernal fire these blasphemous mouths of Antichrist and his slaves, and defend your glory from their tyranny.” Why does it seem to you, o candid reader, that it is an unheard of crime, and clearly an incredible boldness to lie so clearly and impudently for an atrocious cause? The book is in their hands, there is no obscurity in his words, and if the testimony of the author is required, I have heard the most learned old man himself often saying: “If I so thought, would I write such things? If they were my words, truly I would be worthy of a public burning.” Still, it was not one or two, but thirty-four ministers that were pleased to take the words of this great man and so twist them into a foreign sense, which clearly were of Swenckfeld, and they believed were of the Cardinal, to me it seems as though someone would contend that the blasphemous words of the Jews concerning Christ: “Behold a glutton and drinker of wine, this is not a man from God who does not keep the Sabbath; he is worthy of death; take him, take him and crucify him!” and others like it, to say that since these are found in the Gospels, they are not the words of the Jews, but of Matthew or John. Therefore, you see how little account our adversaries reckon Councils, and by how many frauds and calumnies they will try to abolish their authority, who just a few years earlier seemed to desire a general Council as a unique remedy for the present disorder.

On the other hand, someone will perchance say that they indeed wanted it, and they still desire a general Council now, but not of the sort that Trent was. It certainly happens that they desire a general Council, but such as never was. For Philip Melanchthon explains the conditions in a little book which he titled: *de Caussis cur Lutherani ad Concilium non accesserint*, [1](#) and they are chiefly two.

On the one hand, that all learned men ought to have the right to make a decisive vote, whether they are priests or laity; that is something altogether unheard of in the Church of Christ and such an example cannot be advanced from any Council, especially since when they say learned men, they mean those who, when they speak or write, they will mix in some Greek or Hebrew with the Latin. [2](#) On the other hand, the condition is that safe conduct be given by the Emperor not only in their persons, but also that their persons would not be punished if they refuse to submit to the Council, as well as that neither the faith nor the confession of the Lutherans could be

condemned, even if the Lutheran Theologians were unable to defend it; such a condition is clearly opposed with the first one, and is inept and ridiculous in itself. For, if neither their persons nor their opinions can be condemned, then the Council will altogether decide nothing.

Therefore, to what end did it attain to ask that even laymen should have a decisive vote if nothing must be decided in the Council? To what end were so many dangers and labors undertaken so as to gather Council? To what end are Bishops and Doctors troubled from the whole world that they should come to a Council? To what end are so many days consumed in proposed questions of faith, struggles and definitions if after all things have been prepared, yet still each decree of the Council is called back into controversy? Not only does Philip Melanchthon teach this, but Martin Luther taught this before him, as well as John Calvin, John Brenz, Martin Chemnitz, and all Lutherans and Calvinists. Luther says in *artic. 115 ex quingentis articulis*: “This Gospel was consigned neither to the Pope nor to Councils, nor to any man in order that he might conclude something is faith. Therefore, I ought to say you, O Pope, have shut up with Councils, now I have judgment, whether I would accept it or not.” Moreover, Calvin says in book four of the *Institutes* (lib. 4, cap. 9, §8): “As often as a decree of some Council is advanced, I would first diligently judge in what time it was held, for what reason it was held, and by what counsel such men were present; next the very matter on which it is treated should be examined precisely according to the Scriptures, in that manner that the definition of the Council may have its weight; the nature of the example; still not the examination, which I said, would impede.”

Therefore, Calvin would have it that a judgment of a Council is an example, not of a judgment. Next everyone, especially private men, can and ought to judge in regard to that teaching. Chemnitz, Brenz and all others teach this in similar words. But what else is this than to refuse to let any judgment be made? What else is it but to refuse to ever settle controversies and to refuse peace and concord, but instead to allow wars, schisms, disagreements and quarrels to flourish perpetually? But it stands well unless they were to say another thing, that they would escape notice more easily, for certainly heretics do not conduct themselves so. Moreover, now they so advance themselves, that plainly anyone who would not see them as heretics is blind. For, since heresy is so called from the word “choice”, there is no clearer mark, no more certain sign of a heretical man than that he

refuses to acquiesce to Ecclesiastical judgment, but instead will follow himself as a judge, and choose his own doctrine. Obedience is the companion of faith and humility a mother. The sister of heresy is contumacy, a proud mother.

Since these things are so, now it will be our part that for the great work, industry, and labor that the enemies of faith put forth to shake Ecclesiastical authority, so much more we must put forth to assert and vindicate the same, and because this is seen especially in the Supreme Pontiff and the Councils of Bishops, we also, now that we have given dissertation on the Pope in five books, we may do so on Councils as best we can in spite of the lack of our own genius, with clarity, and the support and direction of God.

seruo r x°

Roberto Dellarmini.

BOOK I

ON THE NATURE OF COUNCILS

CHAPTER I: THE ORDER OF DISPUTATION

TO this point we have disputed on the head of the Church militant, now we will dispute on the Church herself. Moreover, because the Church can be considered in two ways, both gathered in Councils and diffused throughout the world, for that reason we will treat first on Councils and then on the Church herself. Furthermore, we propose the disputation on Councils before the disputation on the Church, although the natural order would seem to persuade the contrary, because the disputation on Councils is more connected with the disputation on the Supreme Pontiff that precedes it than the disputation on the Church.

Therefore, the controversy on Councils has been posited over two matters, over the definition of a legitimate Council and over the authority of a legitimate Council. The heretics of our time construct a new form of Councils, and to these they attribute almost no authority. Still, we will add the third to these two parts.

Furthermore, the whole disputation is divided into three parts. In the first we pass over certain matters which might appear as though they were added to the disputation itself; such as who wrote on this matter, what might be a Council, how manifold, how many and which have been celebrated to this point, etc. For we will treat all the matters without contention by a simple manner of narration. In the second we will define what the nature of a properly legitimate Council demands, where we will treat on the matter, form, purpose and efficiency of Councils, and also on those matters which our adversaries require in Councils. In the third part, we will treat on the authority of Councils both absolutely and even in comparison to Scripture, as well as to the authority of the Supreme Pontiff.

CHAPTER II: THOSE WHO WROTE ON COUNCILS

SO as to begin from the first, the books on the very first Councils treat on this matter but were, nevertheless, carelessly preserved and are swarming with many defects that must be corrected from a reading of the Fathers. Thereupon, there are many things extant from the decrees of Gratian, Ivo, Burchard and Martin of Braga; likewise a few things can be read in St. Hilary in his book on Councils, in St. Isidore (lib. 6 *etymolog.* cap. 16); Bede (in *lib. de sex aetatibus*; in *Constantino IV*); Freculph (*Chronicum*) John Psellus and Photius in his book *de septem Synodis*.

Apart from these older writers, more recent ones can be consulted: Thomas Waldensis (lib. 2 *doctrinal. fide*, cap. 26, et 27]; Juan de Torquemada, (lib. 3 *Summae de Ecclesia*); John Gerson (in various treatises *de potestate Ecclesiae et Conciliorum*); Dennis the Carthusian (in three books *de Conciliis*]; John of Eck, (*in Enchiidio*); Jodocus Clichtovaeus *in defense of the Council of Senonensis*; Iodocus Tiletanus (*in defensione Concilii Tridentini*] John Cochlaeus (*in libro de Conciliis*); John Fisher against article 28 and 29 of Luther. Cajetan in various opuscula; Albert Pighius (lib. 6 *hierarch. Ecclesiasticae*); Cardinal Hosius (*in explanation Symboli*, cap. 24 et lib. 2 *contra prolegomena Brentii*); Pedro de Soto in the defense of his confession against Brenz; John Anthony Delphinus (lib. 2 *de Ecclesia*); Melchior Cano (*de locis Theologicis*, lib. 2); Hugh in a work titled *Synodia Hugonia*; likewise, Jacobatius in a work on Councils, Gaspar Villalpandaeus *in disputationibus novem pro Concilio Tridentino*; Alphonsus a Castro (lib. 4 *de haeresibus*;) William Lindanus, lib. 3 cap. 7, *Panopliae Evangelicae*.

CHAPTER III: ON THE TERM “COUNCIL” AND ITS ORIGIN

THEREFORE, by the term “Council” the same is meant in the Church as by the term of assemblies in the state; for just as when controversy arises in the state, the leaders or the magistrates of the kingdom agree as one, and they establish what in fact must be done, so also in the Church when some controversy arises in religion, the Prelates of the Churches come together and uniting their opinions at the same time they establish what seems to be good. In this way, we see what was done in Acts 15, where the first Christian Councils began to be celebrated, and thereafter in each age.

Furthermore, although Albert Pighius, in *de coelesti hierarchia*, lib. 6, cap. 1, contends that this origin of Councils was human and devised by natural reason, still it is more probable that the origin is divine. The Council of Chalcedon, in its epistle to Pope Leo, as well as the sixth Council (act 17), and Pope Celestine, in his letter to the Council of Ephesus, and the 3rd Council of Toledo teach that Councils are pointed out by the words of Christ himself in Matthew 18:20, “Where there are two or three gathered in my name, there I am in their midst.”

Next, it is believable that the Apostles, who were filled with the Holy Spirit, did not come together in the first Council except at the urging of the Holy Spirit himself. Wherefore, they also say: “It has been seen by the Holy Spirit, as well as us, etc.” (Acts 15:8). Besides, even if natural reason would have determined that in doubtful matters the Prince consults learned men, that only Bishops would be called and these would not be counselors, but judges, such does not seem to be an invention of human reason alone. At length, it is certain that the celebration of Councils, which has happened in the Church in every century, descends from Apostolic tradition; but I would certainly not dare to call Apostolic traditions the inventions of men. That is enough on the origin, now on the names in one word.

The Latin term “*Concilium*” is discovered everywhere in the Old Testament as well as the New for gatherings of the Jews, but the Greek

term, σύνοδος (*synodos*) is not discovered in the Scriptures, for where we read *concilium* in the Latin, we always find in the Greek text συνέδριον (*synedrion*) or συναγωγή (*synagogē*). Moreover, the term “Synod” is discovered first in the canons of the Apostles, can. 38, where Bishops are commanded to celebrate Councils twice a year. Next, it is discovered in Eusebius (*hist. ecc.*, lib. 5, cap. 23) and thereafter in all authors.

CHAPTER IV: A TWO-FOLD PARTITION OF COUNCILS

THERE are four kinds of Councils: there are some that are general, national, provincial, and some that are diocesan. St. Augustine mentions the first three in *de Baptismo contra Donatistas*, lib. 2, cap. 3, where he says that the Councils of the provinces, or even greater ones, such as of regions, are emended by plenary Councils. He calls to mind the last section of the Council of Toledo, IV, cap. 25.

They are called General in which the Bishops of the whole world can and ought to be present unless they are legitimately impeded, and in which no man rightly presides but the Supreme Pontiff, or another in his name. From there they are called ecumenical; that is, Councils of the whole world.

National Councils are so called, in which Archbishops and Bishops of one kingdom come together, or of a nation in which some Patriarch presides, or a primate, such as many Roman Councils, Spanish and African, on which it must be noted that although they are really distinct from general Councils and provincial ones, still they are often called by both names.

Often Councils are called “universal”, as is clear from the Roman Councils under Symmachus, where it is always said: “Symmachus, presiding over the general Council, etc.” and still only the Bishops of Italy were present. Thus in the 3rd Council of Toledo, cap. 18, it is said: “This holy and universal Council commands,” and still only the Bishops of Spain were present. The same thing is seen in the 4th Council of Carthage, Therefore these are called general or universal, because they are general in that kingdom, but not because they are general absolutely. Moreover, these same are called provincial by Gratian in dist. 3, can. *Porro*, because they are held in certain provinces, but do not pertain to all Christians, just as a truly general Council.

They are called Provincial, in which the bishops of one province come together, in which an Archbishop or Metropolitan presides, and the volumes of Councils are full of a great many of this kind. Concerning these it appears the Seventh Council spoke, when it said that it embraces even the decisions of local Councils (action 3).

Diocesan Councils are those in which only the priests of one Episcopate come together, and a Bishop presides over them. Very few of this sort are extant, and for good reason, for they can hardly be called Councils when in them there is ordinarily no one who has jurisdiction apart from one Bishop.

The second division of Councils embraces four groups: there are some approved by the Apostolic See and received by the universal Church, there are some altogether reprobated, and some partly approved, while partly reprobated, and some neither approved nor reprobated. The last group chiefly has place in particular Councils.

CHAPTER V: APPROVED GENERAL COUNCILS

HITHERTO, there have been 18 approved general Councils. [3](#) The first is Nicaea, which was celebrated in the year 327-330, held in the 15th year of Pope Sylvester and the 20th of Constantine the Emperor. There, 318 bishops came together, among which were the Patriarchs, Alexander of Alexandria, Eustratius of Antioch and Macarius of Jerusalem, as well as Metrophanes of Constantinople, although these last two were not Patriarchates in that time, receiving that dignity long afterwards. Indeed Metrophanes, not for himself, but through the legate Alexander, who afterward succeeded him in the Episcopate, wished to be present. See Metaphranes in the oration on the deeds in the Council of Nicaea.

Two controversies were especially defined, one on the day of Easter, the other on the divinity of Christ against the Arian heresy; Arius, the chief heretic, died ten years later while using the lavatory and thus died in his own filth.

But, because all these can be called into doubt due to the different opinions of the writers, each must be shown in a few words. 1) There is a marvelous diversity of opinions on the time of the Council, but the truth of our opinion can be confirmed by the following reason: The Council of Nicaea was received in the 20th year of the Emperor Constantine. For, Eusebius writes this (*de vita Constantini*, lib. 3) as well as Socrates (*historiae*, lib. 1, cap. 12), that Constantine began to rule in the year 311. [4](#) Therefore, it effects that the year 330 A.D. will have been the twentieth of Constantine, and the end of the Council of Nicaea.

Likewise, Socrates in his history, (lib. 1, cap. 9, and 13) and Nicephorus in lib. 8, cap. 26, relate that it was begun while Paulinus and Julian were consuls. Moreover, it endured for three years, as the same sources attest. Hence, Cassiodorus records the consulship of Paulinus and Julian as beginning in the 17th year of Constantine, from which it follows that the Council was ended in his 20th year, hence it began in the year 327 and ended in 330. Onuphrius Panvinus correctly places the beginning of the

Council of Nicaea in the year 325, since he places it in the consulate of Paulinus and Julian.

Therefore, the time of the Council fell during the pontificate of Pope Sylvester, not of Sylvester and Julius, as Photius teaches (*de septem synodis*), or of Julius alone, as Sozomen writes in lib. 1, cap. 16, and Calvin from Sozomen (*Instit.* cap. 7, §1) and Joachim Camerarius in his history of the Council of Nicaea, where he affirmed that he was a very diligent reader of ancient writers, as can easily be shown. For, as we said above, in the 20th year of Constantine the Council came to an end, which Camerarius also affirms (*loc. cit.*) Moreover, Sylvester was created Pope in the sixth year of Constantine (*Chronicus Eusebii et Hieronymi*), and was in the Apostolic See for over twenty years, as Damasus, Onuphrius and all writers witness; thus, the 20th year of Constantine necessarily means the Council took place under the Pontificate of Sylvester.

Besides, Milthiades, the predecessor of Sylvester, sat while Constantine was a general, as Optatus (*Contra Parmenianum*, lib. 1), and Augustine (epist. 162 et 165) witness, as well as Constantine himself, quoted by Eusebius in *hist.* lib. 10, cap. 5. So, Sylvester could not have obtained the Apostolic See except after the beginning of Constantine's reign. Therefore, in the twentieth year of Constantine, which was the last of the Council of Nicaea, Sylvester, not Julius, ruled the Apostolic See. This is why many historians (Damasus, *Pontificalis*; Jerome, *Chronicus*; Theodoret, lib. 1, *hist.* cap. 3, sexta Synodus, act. 18; Concilium Florentium, sess. 3), wrote that the Council of Nicaea occurred in the times of Pope Sylvester.

Opinions seem to vary on the number of Bishops who were present at that Council. Eusebius says that it was more than 250, in *de vita Constantini*, lib. 3, while Athanasius said that there were a little less than 300. (lib. *de sententia Nicaenae Synodi*). Eustachius, (quoted by Theodoret, lib. 1, cap. 8 *hist.*), says they were numbered over 270, and the historian Sozomen places the number around 310. (lib. 1, cap. 16.) Nevertheless, the true and common opinion is that it was 318. Epiphanius wrote that even in his times the names of each of the bishops were preserved and that it was precisely 318. Hilary and Ambrose (*prafatio liberorum de fidei, mysticum et sacrum*) also say the number of the Fathers of the Council was 318, and was prefigured in the 318 soldiers with whom Abraham brought back victory over the five kings. Next, Jerome, in his *Chronicum*, Sulpitius in lib. 2, *hist.*, Theodoret (lib. 1, cap. 7), and all others constantly posit this number.

Now, there were two reasons for this Council: The question on the date of Easter, and the question on the divinity of Christ, as Eusebius (*de vita Constantini*, lib. 3), Athanasius (*liber de Synodis Arimini et Seleucia*), and Epiphanius (*Haeresi* 70) make clear.

Next, it is not altogether certain whether the Council of Nicaea was celebrated before the shameful death of Arius. Epiphanius clearly writes that the Council was celebrated after the death of Arius, in *Haeresi* 69, but the historians write to the contrary, such as Ruffinus, in lib. 10, cap. 13, and Socrates (lib. 1, cap. 19 et 25) and the rest, nor can these opinions be reconciled if we were to say there were two men named Arius, as Sulpitius tries to show (*Sacrae Historiae*, liber 2). Even if there were two men named Arius, still there would only be one who perished on the toilet. Moreover, Epiphanius places this very one before the Council, but Ruffinus and the rest place him after the Council, and the historians seem to have sensed this better, especially since it was treated in the fifth Council whether it would be lawful to condemn heretics after their death, because certainly they would not have been able to doubt this if the Council of Nicaea had condemned Arius after he was already dead. Yet, this matter is not of importance, and it would behoove us not to waste any more time on it.

The second Council is that of Constantinople, which was celebrated against the Macedonians who denied the divinity of the Holy Spirit while Theodosius the elder was emperor, and Damasus, the supreme Pontiff. Then, 150 Bishops came together from different provinces, and from the Patriarchs, Nectarius of Constantinople, Timothy of Alexandria, Meletius of Antioch and Cyril of Jerusalem.

Moreover, the time of this second Council was during the consulship of Gratian and Theodosius Augustus, in the year 383 (Prosper of Aquitaine, *Chronicum*), or in the following year as Socrates would have it (lib. 5, *hist.* cap. 8). He writes the Council came together under the Consulship of Syagrius and Eucherius, in the year 384, or if one would follow the reasoning of Onuphrius, in the year 381. Psellus, in his book on the seven Councils, places an interval of 56 years between the first and second Council. Still, if you were to add the number of 56 years to 327, when we said the first Council began, one would make 383, which is the number which Prosper notes down in his Chronicle.

It must also be noticed in this Council that there was no one present from the West. Accordingly, Damasus, the Pope of Rome, compelled a

western Council, and also invited Bishops to that place who had come together at Constantinople, that in the same manner the fullest Council would be celebrated at Rome. But, because the Eastern Fathers could not come to Rome for just causes, Damasus received their excuse and the acts of the two Councils were joined, as if they were one and the same. Due to this joining the Council of Constantinople was held to be one of the legitimate Ecumenical Councils. See Theodoret, *hist.*, lib. 5, ca. 9 et 10.

The third Council is Ephesus I, which was compelled by the Emperor Theodosius the younger and Celestine I the Supreme Pontiff. 200 Bishops came together, among which were Cyril of Alexandria, who even obtained the place of the Roman Pontiff, as well as John of Antioch and Juvenal of Jerusalem, although John, because he was still on the way when the decree of the Council was made, began in the beginning to disagree with Cyril, but afterward was reconciled and agreed to the same thing. The reason for the Council was that Nestorius, the Bishop of Constantinople, had coined a new heresy whereby he divided Christ into two persons.

The Council was celebrated while Bassus and Antiochus were consuls, as Prosper witnesses in his *Chronicle*, and Socrates as well (lib. 7, ca. 34), namely in the year 434. Why should Psellus be followed, who places only the interval of forty years between the second and third Council, and Onuphrius, who remarked that this Council was celebrated three years earlier during the thirteenth consulate of Theodosius, and the third of Valentinian, I cannot say, especially when in the second volume of the Council itself, chapter 1, we read the Synod began in the 13th consulate of Theodosius and the third of Valentinian; nor could Onuphrius ignore the fact that the thirteenth of Theodosius and the third of Valentinian were not the same before and after.

Add that Vincent of Lérin, in his book on the profane novelties of speech, about the end, says: “Before nearly three years a Council was celebrated in Asia while the excellent men Bassus and Antiochus were consuls.” What could be clearer? Concerning this whole Council see Libertus in his *Breviarium*, cap. 5-8; Socrates, lib. 7, cap. 34; Evagrius, lib. 1, cap. 4, as well as the Council itself, preserved from the Greek in the Latin language, and it is contained in the volumes of Councils.

The fourth Council is Chalcedon, which was gathered against the heresy of Eutyches the Archimandrite, who asserted that there is only one nature in Christ after the incarnation. This Council took place while Leo I was Pope,

and Martianus the emperor, during the consulate of the same Martianus, as is clear in the first action. Moreover the consulate of Martianus fell in the year 454, according to the reckoning of Matthew Palmerius and Gregory Haloandrus, or 453 according to Marianus Scotus and Sigebert, or even 452 according to Onuphrius in his book on Roman Pontiffs. Psellus interposes 30 years between the third and fourth Council, but just as he took off ten years in the previous number and placed forty for fifty, so now he added ten years and placed thirty for twenty, unless it is an error of copyists. Next, there were 630 Bishops present among whom were the Patriarchs Dioscorus of Alexandria (who was soon thrown out), Maximus of Antioch, Anatholius of Constantinople, and Juvenal of Jerusalem. One can see Liberatus in his Breviary, ca 11 et seq., and Evagrius, lib. 2 *hist.*, cap. 2-4.

The fifth general Council was not, as many think, the one that was celebrated under Agapetus and Mennas, the four actions of which are contained in the second volume of Councils under the name of the “Fifth Council”, for that was a local Council that preceded the fifth, as John Zonaras in the *Vita Justiniani* and Nicephorus in lib. 17, cap. 9, clearly show.

Moreover, the true fifth Council was carried out in Constantinople while Vigilius was Pope and Justinian the elder was Emperor, in the twelfth year after the consulate of Basil, as we read in the beginning of the same Council which is the year 553 or 556 according to Psellus, who would have it that the fifth Council is 102 years later than the fourth. Psellus likewise hands down that 165 Bishops gathered, among whom were the Patriarch of Constantinople Eutychius, Apollinaris of Alexandria, Dominus of Antioch and Eustochius of Jerusalem, although he was not present himself but through legates. Moreover, the Supreme Pontiff was neither present himself nor through Legates. Still, he confirmed this Council, as Nicephorus writes (lib. 17, cap. 27).

This Council was gathered to oppose the heresy of Origen, which was then growing in strength. Therefore, the Council condemned Origen, and at the same time Dydimus and Evagrius his followers. It also condemned the writings of Theodore of Mopsuestia, Theodoret and some epistles of Ibas of Edessa. [5](#) The historians tell us more on these matters (Zonaras, *loc. cit.*; Nicephorus, lib. 17, cap. 27; St. Gregory the Great, lib. 1 *epist.* 24; Evagrius, lib. 4, cap. 38; Liberatus, *breviarium*, ca. 23 et 24. What Liberatus says must be read very cautiously, either because it was not genuine or he

was deceived by a false relation. Certainly what he says does not agree with the narrations of other Catholics.).

The sixth Council was celebrated at Constantinople in the twelfth year of Constantine IV, as Paul the Deacon witnesses in the life of the same emperor, which was the year 681 or 685 according to Psellus, who places 129 years between the fifth and sixth Council. On the other hand, it is generally ascribed to the twenty-eighth year of the same Constantine; this is not an error of the copyists, as Illyricus thinks (Cent. 7, cap. 9). Even if Constantine IV did not rule but seventeen years after the death of his father, nevertheless he ruled with his father for many years, as Zonaras showed, while he said he was crowned by his father before he departed for Sicily. Therefore, the Council numbered the years of Constantine from that first coronation, while Paul the Deacon numbers them from the death of Constantine's father.

Two hundred eighty-nine bishops came together, as Paul the Deacon witnesses, and that number agrees with what is contained in the seventh Council, act 3. Still, Bede, in libro *de sex aetatibus*, Tumginus, (lib. 1), Ado of Vienna, and Freculph only number one hundred fifty fathers. There were two Patriarchs: George of Constantinople and Macarius of Antioch; only legates were present from the Churches of Alexandria and Jerusalem. The Supreme Pontiff, Agatho, was present through legates and presided. In that Council they condemned the heresy of those who taught that there was only one will in Christ. On this Council see other cited authors, Albert Pighius *in diatriba*; Francis Turrianum in *Apologia pro VI et VII Councils*. Albert contends that the sixth and Seventh Council, in the forms that are extant, have been adulterated and are not genuine. On the other hand, Turrianus teaches that they are true and genuine. What seems more true to us has been related in our treatise *On the Roman Pontiff*. (Book IV, ch. 11).

The seventh Council was gathered in Nicaea in the eighth year of Constantine and Irene, as Paul the Deacon writes in *Rerum Romanarum*, lib. 23, as well as Cedrenus. (*Compendium historiarum*). This was in the year 761 AD if we believe Paul the Deacon, or 786 AD if we believe Cedrenus. Onuphrius places it in the tenth year of Constantine and the year 789 A.D., while Psellus would have it that there were only 60 years between the Sixth and Seventh Council, but this in no way agrees with the truth. Thus some men reckon that it is a mistake of the copyists, and that Psellus himself wrote 100. The same Psellus holds that 350 Bishops were

present, and one Tharadius of Constantinople; the rest of the Patriarchs were present only through legates. Pope Adrian presided by legates and together with the rest of the Council condemned those who deprived images of Christ and the saints of all honor. If one wishes to see more about this Council, then look to what we treat on the Council of Frankfurt in the disputation on the cult of images.

The eighth Council is the fourth Council of Constantinople, which was celebrated by Pope Adrian II and the Emperor Basil in the third year of that same emperor, as is made clear by that Council in its first act, which was in the year 870 A.D. One Patriarch was present, Photius, and then Ignatius, both of Constantinople, while the rest were present through legates.

In this place we must advert that there were three Councils celebrated at Constantinople on the case of Photius, one, in the time of Pope Nicholas and the Emperor Michael, in which Ignatius was deposed and Photius ordained in his place. Zonaras calls this Council to mind in the life of the Emperor Michael, nor is it doubtful that this was a profane Council, as is clear from the epistles of Nicholas I and Adrian II.

The second Council of this name is that which we have called the *eighth*, which is extant although imperfectly in the tomes of Councils, in which after Photius was deposed, Ignatius was again restored; Zonaras records this in his life of the Emperor Basil.

The third is that which Pope John VIII, the successor of Adrian, celebrated in the time of the same emperor, in which, with Ignatius dead, Photius was again restored and, if what the Greeks said in the Council of Florence, (Sess. 6, cf. Franciscus Turrianus, *libro de actis* VI, VII, et VIII Synodi), is true, the acts of the preceding Council under Adrian were rescinded. It was also stated that the particle *Filioque* was abolished from the Creed, but this does not have the appearance of truth. I am easily persuaded of this, because either all these things were made up, which are said about John VIII, as St. Antoninus teaches (*Summa Historiali*, part 3, tit. 22, c. 13, §10), or certainly it is true that Photius was restored by John VIII through his Legates in the See of Constantinople after the death of Ignatius, but the rest was supposed, adulterated and made up by the Greeks, as Turrianus shows from Manuel Calleca in the book that we cited.

Moreover, I am strengthened in this opinion, because Zonaras, where he calls to mind the restoration of Photius, still says nothing of the abrogation of the eighth Council nor the removal of that particle [*Filioque*] from the

creed. Next, the Greeks at the Council of Florence (Sess. 6), did not recognize the Council held under John VIII as an Ecumenical Council, even though it would be a great benefit to them if it were a proper and legitimate Council. Now that is all for the Eastern Councils, so let us briefly add the Western Councils.

The ninth Council is the First Lateran Council, which had 900 Bishops present and was held in the year 1123 against the Saracens for the recovery of the Holy Land, in the time of Calixtus II and Henry V, the Emperor. Platina, as Onuphrius is not extant.

The Tenth is Lateran II. It had a thousand bishops in the year 1139 against Antipopes and for the right of Clergy, in the time of Innocent II and the Emperor Lothaire. Platina. Onuphrius records nothing.

The eleventh Council is Lateran III, which had nearly 300 Bishops for the reform of the Church and against the Waldenses, in the year 1153 in the time of Alexander III and the Emperor Frederick. Platina, Onuphrius, likewise William of Tyre, who was present (lib. 20 *de bello sacro*, cap. 26).

The twelfth Council is Lateran IV, which had 1,283 Fathers, from which there were 473 Bishops in the year 1215, against various heresies and for the Holy Land, in the time of Innocent III and Frederick II. (Mathew Palmerius, Onuphrius, Platina).

The thirteenth Council is the First Council of Lyons, in the year 1245, against the Emperor Frederick and for the Holy Land, in the time of Innocent IV and Frederick II. Mathew Palmerius, Platina, Onuphrius; some decrees of this Council are extant in the Sixth of the decretals.

The fourteenth is the Second Council of Lyons, which had nearly a thousand Fathers, from which nearly 500 were bishops, in the year 1274, against the error of the Greeks in the time of Gregory X and Rudolph the Emperor. (Mathew Palmerius; Platina; Onuphrius). Some things from this Council are extant in the Sixth decretal.

The fifteenth is the Council of Vienne, which had three hundred Bishops in the year 1311, against various heresies, in the time of Clement V and the Emperor Henry VII. (Palmerius; Platina; Onuphrius). Decrees from this Council are those that are called "Clementine".

The sixteenth is the Council of Florence, (omitting Pisa, Constance, [6](#) and Basel, on which we will speak later), in the year 1439, which had 141 Fathers that had subscribed, and many others who left before the subscription, that it would be noted in the end of the Council, against the

errors of the Greeks, in the time of Eugene IV and the Emperor Albert. (Mathew Palmerius; Platina).

The seventeenth is Lateran V. One hundred-fourteen Fathers were present against schism and for other types of business in the time of Julius II and Leo X, as well as Maximilian the Emperor; it began in the year 1512, and finished in 1518.

The eighteenth is the Council of Trent, begun in the year 1545 and completed in the year 1563, against the heresies of the Lutherans, in the time of Paul III, Julius III, Pius IV as well as the Emperors Charles V and Ferdinand. The number of Fathers is described in these words by Gaspar Villalpandaeus, in his fifth disputation on the Council of Trent. "Six Cardinals, four Legates, three Patriarchs, 32 Archbishops, 228 Bishops, five Abbots, seven minister Generals of religious orders, and a great many procurators of Bishops."

From these Councils, there is not one that was not approved by the Pope or is not received by Catholics; for on the first eight Councils it is certain from the decree, dist. 16, can. *Sancta octo*. On the nine following Councils, they were clearly approved because the Supreme Pontiff was present at all of them. On the last it is clear from the confirmation of Pius IV; the Greeks only receive the first seven Councils, as it was noted in the Council of Florence (sess. 5 & 6). The Lutherans only received the first six, as is clear from the *Centuries of Magdeburg* (*Cent.* 8, c. 9; and cent. 9 cap. 9). The Monophysites, who still are found in Asia, only receive the first three. The Nestorians, who are also found in the East, only receive the first two. The "Trinitarians," who live in Hungary and Poland in our day, receive none.

CHAPTER VI: GENERAL COUNCILS THAT WERE CONDEMNED

THE first general Council that was condemned is the Council of Antioch held in the year 344, in the fifth year of Constantius, as Socrates the Historian says (lib. 2, cap. 5), as well as Sozomen (lib. 3, cap. 5), in which Athanasius was condemned by the general opinion of the Arians, and the way was open to overturn the first Council of Nicaea.

It must be noted that this Council is confused by the *summa Conciliorum*, with others, since there were six Councils of Antioch. The first and second were against Paul of Samosata in the time of Pope Dionysius, around the year 269 (See Eusebius, lib. 7 *Histor.* c. 23, 24, & 25). The third of the Arians, held in the time of Julius I, in the year 345, as we said above. The fourth is of the Macedonians, for their heresy in the year 367, in the time of Pope Liberius (Jerome, *in Chronico*). The fifth was a Catholic provincial Council of thirty Bishops, whose 25 canons are contained in the first volume of Councils. It seems to have been in the time of Jovinian and Liberius (See Sozomen, lib. 6, ca 4). The sixth was inserted in act 14 of the Council of Chalcedon.

The second general Council to be condemned is that of Milan, where more than 300 Bishops were present in the year 354, in the time of the same Constantius in which the Catholic Faith was indirectly condemned. Ruffinus (lib. 10, ca. 20; Socrates, lib. 2, ch. 29).

The third is the Council of Rimini, with 600 Bishops present under the same Constantius in the year 363, as Jerome notes (*in Chronico*), in which the term ὁμοούσιος was abolished from the creed; a certain part of this Council was at Seleucia in the East. (See August., lib. 3, *contra Maximian.*, c. 14; Jerome *contra Luciferianos*; Ambrose, Epist. 32; Ruffinus, lib. 10, c. 21; Socrates lib. 2, cap. 29; Basil, epist. 52 *ad Athanasium*).

The fourth Council to be condemned was the second Council of Ephesus, which was condemned in the time of the Emperor Theodosius the younger, in the year 449, in which St. Flavius, the Bishop of

Constantinople, was murdered by the faction of Dioscorus, and the Legates of Pope Leo were put to flight. At length that Council confirmed the Monophysite heresy. This Council was condemned by Leo in his epistle to the clergy and people of Constantinople. Likewise, to the Emperor Theodosius, as well as Pulcheria, the empress, which are numbers 22, 23, 24 and 25 (See the *Breviarium* of Liberatus, c. 12; and Evagrius, lib. 1, c. 9 & 10).

The fifth Council to be condemned is the Council of Constantinople held under Leo the Isaurian against sacred images, in the year 730, which was the thirteenth of that Emperor's reign. The Council was condemned, for there was no Patriarch present, with the exception of St. Germanus, who still did not consent, and therefore he was thrown out of his seat of Constantinople.

The sixth is the Council of Constantinople held under Constantine Copronymus, and in the year 755, when 338 Bishops came together, but no Patriarch was present with the exception of a Pseudobishop of Constantinople. This Council defined that images of Christ and the Saints must be abolished. And this Council was condemned by the Seventh Ecumenical Council, act. 6. (See what Paul the Deacon relates on these two Councils of Constantinople, *rerum Romanarum*, lib. 21 and 22, and Zonaras *in annalibus*).

You will also observe that Several people call this Council the third of Ephesus, such as the author of the *Summa Conciliorum*, in the beginning of the seventh Council, as well as Sixtus of Siena (*Bibliotheca Sanctca*, lib. 5, annot. 247). For all the ancients call it of Constantinople, and it is most obvious that it is called this by the Council itself, the insert of which was read in the Second Council of Nicaea, act. 6. The reason for the error seems to have been that Theodosius, the Bishop of Ephesus, presided at this profane Council.

The seventh is the Council of Pisa, gathered in the year 1511 by the Emperor as well as the King of France, and several Cardinals against Julius II, and it was condemned a little after in the fifth Lateran Council, under Julius II (Sess. 1 & 3).

The Council of Wittenberg can be numbered as the eighth, which the Lutherans call a general Council. It had three-hundred pastors over which Luther presided in the year 1536. (See Cochlaeus, *in actis Lutheri*, and Surius, *in commentario rerum in orbe gestarum*, anno 1536).

CHAPTER VII: COUNCILS THAT WERE PARTIALLY CONFIRMED, AND PARTIALLY CONDEMNED

The first general Council to be partly confirmed and partly condemned is that of Sardica, at which 376 Bishops were present in the year 351, in the time of Constantius and Pope Julius I, from which 300 western bishops confirmed the Catholic faith, which Hilary relates in his book on Councils; the remaining 76 Eastern Bishops subscribed to the Arian faith (See Socrates, lib. 2, cap. 16; Sozomen, lib. 3, *histor.* cap. 10 & 11; Theodoret, lib. 2, cap. 7 & 8).

The second is the Council of Sirmium, which was celebrated five years after Sardica, namely in the year 356, while Liberius was the Supreme Pontiff, and Constantius the Emperor. In this Council, two *formulae* of faith dissenting from each other were published. One Marcus Arethusius composed in Greek, who famously endured martyrdom under Julian the Apostate, and it seems to be the case that when Hilary relates the event near the end of his work on Councils, he was a Catholic. Others composed another formula in Latin full of clear blasphemies, which Hilary condemned in his book on Councils, not far from the beginning. Also, in the same Council the Photian heresy was condemned, and such a condemnation all Churches approved (See Socrates, lib. 1, c. 24 et seq.; Sozomen, lib. 4, cap. 5 & 6; also Epiphanius, *haeresi* 71, although he seems to have fallen in that he received Sardica for Sirmium).

The third is the Quini-sexth Council, [7](#) in which the Canons of Trullo are contained. It must be known from the disputation of Tharasius in the seventh Council, act. 4, the sixth Council, which was celebrated in the time of Constantine IV, published no canons, but after so many years in the time of the emperor Justinian the Bishops returned to Constantinople and the Palace, which is called *in Trullo*, and Theodore Balsamon calls it the *Quinisext Council*, because it is neither the fifth nor the sixth, but added canons to the fifth and sixth Council.

Exactly when this Council was held is not altogether certain. For a certain historian named Theophanes, whom Franciscus Turrianus cites in his book on the sixth Council, teaches that this Council was celebrated 27 years after the dissolution of the true sixth Council, namely, in the second year of the restored Emperor Justinian. But Tharasius in the seventh Council (Act 4), & Epiphanius in the same Council (act. 6, tomus 1), says it was five years after the dissolution of the Council these canons were published, which certainly seems more probable to me; for otherwise I do not see when that erratic Council of Constantinople was held by Justinian in the time of Pope Sergius, and which the same Pope condemned (as Bede witnesses in his book *de Sex Aetatibus*, Paul the Deacon, lib. 6, cap. 4; Otho of Frisia, lib. 5, c. 13; Rhegione, lib. 1, and Ado of Vienna, *in Chronico*). In the twenty-seventh year from the dissolution of the sixth Council, Sergius did not sit, rather, it was Pope Constantine, and certainly Bede and Tharasius are more ancient than this Theophanes, since Bede also lived in the very time in which Pope Sergius sat.

Therefore, we say these canons are partly condemned, because the Supreme Pontiff was present neither in his own person nor through legates when these acts took place. And clearly Pope Sergius, who then sat, condemned the Council as erratic, just as Bede says (*lib. de Sex aetatibus, in Justiniano*). Moreover, it was partly approved because even if these canons have no force of themselves, nevertheless some of them were later approved by the Pope or by other legitimate Councils, such as canon 82 on painting images, which was received by Pope Adrian and the seventh Council, as is clear from the seventh Council itself, act. 1, and 4 (See what we asserted against this Council in *On the Roman Pontiff*, book 2, ch. 18).

The fourth is the Council of Frankfurt, which was celebrated in the year 794, according to Reginus (*lib. 2*), Pope Arian I, and Charlemagne, King of the Franks, because the Council was confirmed by Adrian, in as much as that part in which Christ was defined to not be the adoptive Son of God, and it was condemned by the same Pope in regard to the other part, in which the error condemned at the seventh Council was present (See what we have said in *On Councils*, book 2, ch. 9).

The fifth Council is the Council of Constance. Nearly a thousand Fathers were present from which over 300 were Bishops. It was begun in the year 1414 under [anti-pope] John XXIII, and in the year 1418 it was ended by Pope Martin V and Sigismund the Emperor (Platina, Palmerius). This

Council was condemned in regard to its first sessions, where it defined a Council was above a Pope both by the Council of Florence and the last Lateran Council, while in regard to its last sessions, all of which were approved by Pope Martin V, it is received by all Catholics.

The sixth is the Council of Basel, begun in the year 1431 and continued at Basel, then later at Lausanne even to the year 1449, in which time Pope Nicholas V put an end to it, as both the Council and [anti]Pope Felix V were created in schism there. See *acta Concilii & Bullam annexam Nicolai V Pontificis*. Nothing was ratified and approved by this Council except certain dispositions in regard to Ecclesiastical Benefices that had been made by the Council, which (for the sake of peace and unity), the aforesaid Nicholas approved. But the Council itself was condemned at the fifth Lateran Council, sess. 11.

CHAPTER VIII: ON A COUNCIL NEITHER MANIFESTLY APPROVED, NOR MANIFESTLY CONDEMNED

The Council of Pisa seems to be a Council neither approved nor condemned; in 1409 it deposed Gregory XII and Benedict XIII and elected Alexander V. Accordingly, St. Antoninus (*Summa Historalis* 3. part. tit. 22., cap. 5, § 2 & 3) asserts it was an illegitimate Council, and not a true Council of the Church, and the event seems to show the same thing. The Council was convened to abolish schism, and still it did not do that, but increased it. Moreover, without a doubt it was condemned by Alexander VI (who was not the sixth but the fifth), and it is nearly the common opinion that Alexander and those who succeeded him were true Popes. But certainly from the three who then claimed to be Pope, they were venerated as true Popes.

This is enough on General Councils.

On particular Councils, see the volumes of Councils, as well as the Decretals of Gratian, dist. 16, canon *Sexta Synodus*, and dist. 20, canon *de libellis*. Additionally, the *Chronicum* of Onuphrius, and the second book of the *Chronographia* of Genebrardi.

CHAPTER IX: ON THE UTILITY OR EVEN THE NECESSITY OF CELEBRATING COUNCILS

THEREFORE, with all of this noted, we must explain in what things legitimate Councils consist, and these can be reduced to four: 1) the end; 2) efficiency; 3) matter and; 4) the form of Councils. Now let us begin with the end, which is the first of the reasons. It will be the first reason that must be briefly explained on account of which Councils are usually celebrated; then from those it will be determined whether a gathering of Councils is necessary or merely useful. Moreover, the particular reasons, on account of which Councils are celebrated, are usually numbered as six.

a) The first reason is a new heresy, *i.e.* something that had never been judged before, which is the very reason the first seven Councils were convened. The Church always so dealt with the danger of new heresies, that she did not think it could be resisted otherwise than if all or certainly a great many leaders of the Churches, once their strength was joined as if it were made into a column of soldiers, would rush upon the enemies of the faith.

b) The second reason is schism among Roman Pontiffs; for a Council in the time of Pope Cornelius was celebrated for this very reason. Likewise, another in the time of Pope Damasus and again in the times of Symmachus, Innocent II and Alexander III, as well as Pisa and Constance in the times of Gregory XII and Benedict XIII, for there is a no more powerful remedy than a Council, as has so often been proved.

c) The third is resistance to a common enemy of the whole Church; in this manner Councils were convened by Urban II, Calixtus II, Eugene III, and other Popes, for war against the Saracens. Likewise, to depose an emperor, Gregory III celebrated Councils against Leo III the Iconoclast, as did Gregory VII against Henry IV, and Innocent IV against Frederick II.

d) The fourth reason is suspicion of heresy in the Roman Pontiff, if perhaps it might happen, or if he were an incorrigible tyrant; for then a general Council ought to be gathered either to depose the Pope if he should be found to be a heretic, or certainly to admonish him, if he seemed incorrigible in morals. As it is related in the 8th Council, *act. ult. can. 21*, general Councils ought to impose judgment on controversies arising in

regard to the Roman Pontiff—albeit not rashly. For this reason we read that the Council of Sinnessano in the case of St. Marcellinus, as well as Roman Councils in the cases of Pope Damasus, Sixtus III, and Symmachus, as well as Leo III and IV, none of whom were condemned by a Council; Marcellinus enjoined penance upon himself in the presence of the Council, and the rest purged themselves (See Platina and the volumes of Councils).

e) The fifth reason is doubt about the election of a Roman Pontiff. For if the cardinals could not or would not create a Pope, or certainly if they all died at the same time, or a true doubt should arise for another reason to whom an election of this sort would pertain, would look to a general Council to discern in regard to the election of a future Pope, although it does not seem to be realistic to expect this would ever happen.

f) The sixth reason is the general reformation of abuses and vices which crept into the Church; for even if the Pope alone can prescribe laws for the whole Church, nevertheless, it is by far more agreeable for matters to be done with the approval of a general Council when the Pope prescribes laws of this sort. Hence, we see nearly all general Councils published canons on reformation (See Juan Torquemada, lib. 3, cap. 9 & 10).

CHAPTER X: GENERAL COUNCILS ARE USEFUL AND IN A CERTAIN MEASURE NECESSARY, BUT NOT ABSOLUTELY AND SIMPLY

FROM these reasons, on account of which Councils are gathered we said it will be easy to judge in what way they might be useful, whether Councils are plainly necessary for preservation of the Church. And indeed I so state on general Councils, convocations of Councils of this kind are very useful, and in a certain measure necessary, still they are not absolutely and simply necessary. I am easily persuaded of it: first for the very reason that in the first three centuries the Church lacked general Councils and yet did not perish. Just the same, in those three hundred years the Church remained unharmed, for without question it could endure another three hundred and again another six-hundred and another thousand, for it was not in want of heresies in that time, and there were many schisms and many vices, and also abuses. Nevertheless, all of which could not overthrow the Catholic Church even if she was destitute of the assistance of general Councils.

Next, it also happens that because none of the reasons for holding a general Council are enumerated it convicts the case. For the first, correction of vices and abuses, (that we might begin from the last reason), it can happen with sufficient suitability, both by laws of the Supreme Pontiff and by decrees of provincial Councils, although it would be more agreeable, as we said, to do it through general Councils.

Furthermore, those reasons cannot be made for the election of the Supreme Pontiff, if we speak morally, not metaphysically, if it ever were to come into use. For who would believe that there is going to be a time when the Cardinals would not or could not create a Pope? But if any of this were to happen there could hardly be a doubt as to whom the election would pertain. For when the Roman Episcopate was carried to the supreme Pontificate of the Church, without a doubt, it fell to those, whose duty it is to choose the Roman Pontiff. Moreover, of those whose task it is to choose the Roman Bishop, there could be no more doubt in the absence of

constitutions of Popes, just as it pertains to choose the Bishops of other cities. But this matter must be addressed elsewhere.

It is certain that hitherto a Council has never been called for this purpose. The same can be said about the fourth reason. For on account of suspicions on the doctrine and life of Popes, no Council has been convened apart from provincial or national Councils. Nor does it seem necessary for a greater Council; for while the Pope is truly a Pope, he cannot be judged by any Council, unless perhaps he himself were to grant the power to a Council of examining his case, and it could impose a judgment of Council but not a coercive judgment; consequently, the Pope can equally give power to a particular or general Council.

Indeed, the third reason does not necessarily consider the two-fold name “general Council”. In the first place, it is not absolutely necessary to resist a common enemy, such as the Turks. For if the Church could be preserved under the savage persecution of Nero, Domitian, Decius, and Diocletian, why could it not also under the persecution of the Turks? Who does not see even without a general Council war can be declared upon a common enemy, just as it often has been done?

Next, neither the first nor second reason necessarily demands the convocation of a general Council, as past times witness. For, if to extinguish seven heresies seven general Councils were celebrated, more than a hundred heresies, were extinguished by the Apostolic See alone, with the cooperation of particular Councils: and if one schism was abolished by the general Council of Constance, more than fifty-eight schisms were abolished without a general Council.

But on the other hand, St. Augustine, in book 4 *Contra Duas Epistolas Pelagianorum*, ca. 12, affirms that there were very few heresies for which it was necessary to have a general Council of West and East to overcome them. St. Leo also praises Martianus Augustus (epist. 43 ad Martianum) because he demanded a general Council, and he also determined it was necessary.

St. Isidore, in his preface to his book on Councils, writes that before the times of Constantine, the Christian Church was divided into different heresies, because the persecutions of the emperors would not allow the Bishops to celebrate Councils. There it is beyond all doubt that he is speaking about general Councils. For it is certain before the times of Constantine, many particular Councils were celebrated. This is why Isidore

seems to mean that general Councils are necessary simply to extirpate heresies.

Likewise, St. Eugenius, the Bishop of Carthage, as Victor is a witness (lib. 2, *de persecutione Vvandalica*), that when it was urged by King Hunericus, that he confer on faith with the Arian Bishops, he responded that the cause of faith is common to the whole Catholic Church, hence it is for the Roman Church to convoke Bishops from all parts of the Church, and especially to define the whole matter, since it is the head of all Churches. But such a response Eugenius meant to explain that a general Council is altogether necessary to explain questions of the faith.

Next, on that ancient question, were those that had been baptized by heretics not to be rebaptized? It could never be defined, until the opinion of a general Council were to be added, even if many decrees of particular Councils as well as of the Apostolic See had preceded it; it seems, therefore, a general Council is necessary simply to put an end to controversies of faith. St. Augustine speaks thus on the matter, “The obscurity of this question, that in earlier ages of the Church, before the schism of Donatus, has caused men of great weight, and even our fathers, the bishops, whose hearts were full of charity, so to dispute and doubt among themselves, saving for peace, that the several statutes of their Councils in their different districts long varied from each other, until at length the most wholesome opinion was established, to the removal of all doubts, by a plenary Council of the whole world, because it was thought very beneficial to be strengthened even from remote doubts” (*De Baptismo contra Donatistas*, lib. 1, ca. 7). In ch. 18 he says: “We piously believe about baptism what the universal Church safeguards from the sacrilege of a remote schism. Nevertheless, if different men still held different opinions on the point, then let them so think, save for peace, until some one clear and simple decree should have been passed by a universal Council, it would have been right for the charity which seeks for unity to throw a veil over the error of human weakness.” And in book 2, ch. 4, he says: “Nor should we ourselves dare to assert anything of the kind, were we not supported by the unanimous authority of the whole Church, to which he [Cyprian] himself would unquestionably have yielded, if at that time the truth of this question had been placed beyond dispute by the investigation and decree of a plenary Council.”

But to the first testimony of Augustine, it is not overly difficult to respond, since Augustine does not teach that general Councils were ever simply necessary at any time, but only in a certain time, this is, that a more pleasing and agreeable peace were rendered to the Churches. If indeed Augustine wrote in some place that to crush a certain heresy, *i.e.* Arianism, a general Council was necessary, he wrote in the same place about the Pelagian heresy, and several others, saying that it could be crushed without a general Council. Moreover, if you were to ask why did the case of the Arians require a general Council more than that of the Pelagians, Augustine will not respond that the question introduced by the Arians was more obscure than that brought by the Pelagians, since that does not seem to be true, since there are many more clear testimonies in the Scriptures for the divinity of Christ against the Arians, than for original sin against the Pelagians; but God so willed and arranged that the heresy of the Pelagians was condemned in short order by the universal Church, when the Apostolic See at Rome decreed it with peace and consent, as well as Councils of the East in Palestine, and of the West in Africa. The Arian heresy had many Bishops give it patronage in its beginnings, that did not appear to be easily set at rest unless they would be crushed by the supreme authority of the Church. Therefore, a general Council was not necessary to extinguish the Pelagian heresy because it could be suitably and easily subdued by the Apostolic See in cooperation with provincial councils of different places. The Arian heresy could also have been subdued by the Apostolic See and provincial Councils, but not suitably and easily,

The same answer can be given to the testimony of St. Leo. He judged that the ecumenical Council of Chalcedon was necessary, that by its authority, what had been wrongly done at the second Council of Ephesus could be destroyed by this new Council's authority. This was not an absolute necessity, but precisely something like the clear invalidation of the Council of Ariminium. For the Council of Ariminium was by far more general and populated, as well as more famous, than the second Council of Ephesus, and still it was invalidated by Pope Damasus without the assistance of any general Council. On that businesses, see the epistle of Pope Damasus to the Bishops of Illyricum, as well as epistle 52 of Basil to Athanasius.

In the same mode, we are compelled to explain the testimony of Isidore. For what he says, that before the rule of Constantine the Church was

divided into different heresies because the right to gather into Councils, and thereby to teach the people, was not given to Bishops, if it were understood absolutely it is clearly false. For, even before the times of Constantine a great many heresies were altogether abolished and extinguished by Councils of Bishops, and after the times of Constantine there were not a lack of new heresies which had cause to disturb the Church for the longest time. Certainly the heresies of Nestorian and Monophysite heresies could never be altogether eradicated, and still they arose after the times of Constantine, and still general Councils labored more often in extirpating them. Therefore, Isidore only meant that in the time of Constantine general Councils began to be celebrated, and a very useful thing came into being to crush heresies.

On what St. Eugene meant, the same Victor of Utica explains. For he writes that Eugene made mention of a general Council, and of the Churches beyond the sea, since he was called to confer about the faith with the Arians; not because there were no learned men in Africa, who could safely confer with the Arian bishops, but because he thought the learned men from across the sea, if they came into Africa, would act more freely for the sake of the faith since they were not subjects of the Vandal kings, to whom the Africans were subject. Still, Eugene did not lie when he said that the cause of faith is common, and could not take up that cause without Bishops from across the sea; for even if it were absolutely permitted for him to confer with the Arians about faith, as Catholics in the same region otherwise did with the Donatists, nevertheless, it was not expedient in that time, and hence, it was not lawful without manifest danger. Therefore, Eugene could not truly take up that province without his colleagues from beyond the sea, not because he lacked authority, but because he lacked opportunities; nor was it iniquity, but prudence, to elude the petition of that tyrant with ambiguity of teaching.

The last objection remains, on the baptism of heretics, which is answered in two ways. The first perhaps is not true, which St. Augustine thought, that the question could not be defined before the opinion of a general Council. For the first general Council was celebrated at Nicaea in the time of Constantine. Moreover, St. Jerome writes in his *Dialogue against the Luciferians*, that the Bishops themselves, who decreed with Cyprian that heretics must be rebaptized, later advanced the contrary decree. From which it is gathered that those Bishops, at length, acquiesced

to the Roman Pontiff, Stephen, yet who all died before the times of the Council of Nicaea.

Jerome also writes the same thing in his book, on *Ecclesiastical writers*, that Dionysius of Alexandria conceded the teaching of St. Cyprian on rebaptizing, which Eusebius (lib. 7 *historiae*, c. 4) also indicates; still it is certain the same Dionysius changed his teaching a little later, nor did he dare to rebaptize a certain man whom it was certain was baptized by heretics, as Eusebius related (lib. 7 *historiae*, c. 8). Why would even Augustine himself (*epist.* 48 *ad Vincentium*) suspect that Cyprian retracted his teaching? It is probable then that, even before the Council of Nicaea, by the authority of the Apostolic See, that question was settled among all Catholics; but even if the question was not defined even to the determination of a plenary Council, as Augustine says, still, it would not be necessary thence to gather that it could not have been defined. Although the authority of the Apostolic See cooperating with provincial Councils defining that matter was not lacking, still those holy Popes preferred to delay it for a time that was more opportune for an absolute determination of that question which separated so many great men from the Church; because the opportunity of time had not yet advanced itself, in the way that the Council of Nicaea was celebrated, on that account Augustine repeats himself so often, that question was at length defined in a full Council of the whole world.

But, someone will say, Pope Stephen, when a certain particular Council had gathered, commanded that no one be rebaptized and those who did should be excommunicated, as Dionysius of Alexandria writes (witnessed by Eusebius, lib. 7 *hist.* cap. 4, and Augustine in his book on Baptism, chapter 14). Therefore, the Pope wanted to define the question with his particular Council, but could not. Hence general Councils seem altogether necessary.

I respond: Just as I responded to this matter in my treatise *On the Roman Pontiff* (book 4, cap. 7), Stephen indeed commanded that men should not be rebaptized if they were baptized by heretics, and he also thought those that rebaptize should be excommunicated; still, he did not really excommunicate them, which is clearly understood from many ancient authorities. Especially Cyprian himself, who does not say in his epistle to Pompeius that Stephen excommunicated them, but that he thought they should be excommunicated who acted against it: “He thinks those safeguarding the truth of God, Christ

and the Church must refrain.” And in his letter to Iubaianus, he says that he held his peace, along with those who thought the contrary, but he certainly would not have said this if either Stephen had excommunicated them, or they had excommunicated him: “We, in as much as it is in us, on account of heretics, with our colleagues and fellow-Bishops, do not contend the divine peace with them, and we hold the Lord’s peace.”

Jerome, in his *Dialogue with the Luciferians*, speaks this way about Cyprian: “He remained in communion with those who thought the contrary.” Augustine (lib. 1 *de Baptismo*, c. 7) says that great men and Fathers of the Church, Bishops, *i.e.* Stephan and Cyprian, dissented save for peace and charity. Pacianus (*epis. 2 ad Sympronianum*) says: “Cyprian, in concord with all and common peace, suffered in the flock of confessors.” St. Vincent of Lérin, in his little book, *Orerum*, says: “A marvelous alteration! The authors of the same opinion are Catholics, but their adherents are judged heretics. The teachers are absolved, the students condemned; the writers of the books will be sons of the kingdom; those asserting their propositions will receive hellfire. For who would doubt that this light of all saints and Bishops, as well as martyrs, Cyprian, will reign with Christ in eternity with the rest of his colleagues? Or who, on the other hand, would be so sacrilegious, that would deny that the Donatists and other plagues, that boasted that they rebaptized on the authority of a Council, are going to burn in eternity with the devil?”

CHAPTER XI: SOME COUNCILS OF BISHOPS ARE SIMPLY NECESSARY

Moreover, although general Councils are not absolutely necessary, still, some Councils, whether general or particular, are altogether necessary for the good governance of the Church, and this question can scarcely be called into doubt. For, if “it is necessary that scandals would come,” as the Lord says in Matthew 18:7, “and it is necessary that there be heresies,” as the Apostle says in 1 Cor. 11:19, certainly it is also necessary that in the Church there be a certain judgment, whereby both scandals could be removed and heresies condemned, otherwise in a short time the universal Church would have been torn into parts and perish, for “every kingdom divided against itself will be despoiled.” (Matthew 12:25).

But even if the Supreme Pontiff is the judge, in place of Christ, of all controversies, universal fraternity ought to be submissive, as Cyprian says (lib. 1 epis. 3) and we in our books on the Roman Pontiff have shown in many kinds of arguments; still, the Pope ought not, in judging controversies of faith, either trust in his judgment alone, or to await divine revelation, but to apply diligence, as much as such a matter demands, and the ordinary means, and at length, to await the assistance of the Holy Spirit as well as divine direction.

Hence, the ordinary means, and moreover a necessary one, is a Council, great or small, one or many, exactly as he will judge; this can easily be proven.

First, from the divine promise of Matthew 18:20, “Where two or three are gathered in my name, there I am in their midst.” Hence, the Council of Chalcedon understands about Councils (in epist. *ad Leonem et aliae Synodi*) which we shall advance in the following books.

Secondly, from what was done by the Apostles, who could also define controversies by themselves, but still, lest they would appear to neglect the ordinary means, and what was shown by Christ himself, did not wish to define a controversy on the legal matters that arose at Antioch without a Council (Acts 15).

Thirdly, from the custom of the whole Church, and also of all ages. For the Church has always had the custom of holding Councils of Bishops to explain doubtful matters. The Roman Pontiffs themselves never condemned a new heresy without a new Council, as one will be able to gather either from reading the volumes of Councils or the ecclesiastical histories. However, what was always done by all, who will dare to deny it can be called, and really is, ordinary?

We find confirmation from the Fathers. St. Cyprian (lib. 2 epist. 1 ad Stephanum) says: "We had necessity to compel many priests to gather into one place to celebrate a Council." Gelasius, in his tome on the bond of anathema, says: "If the Pope has already given consent, it is taught by some that where it is done, if it celebrated according to the rule of the Church, if it has proceeded from paternal tradition, if it is advanced from the Fathers, if it is produced from competent examination where it must be required without doubt, if it is celebrated in a Council that has been gathered, such as in the reception of a condemned matter and in the warding off of a Catholic, because it is a new case, it becomes most certain."

Lastly, the Council of Toledo, XI, in its very preface, proves by many words the necessity of Councils in the Church. But that is the chief point; if there were no Councils it is necessary that forthwith all things would be filled with vices and errors. Therefore, if God could preserve his Church without Councils by absolute potency, still, according to his ordinary providence, Councils are necessary for the good governance of the Church.

CHAPTER XII: WHO GATHERS COUNCILS?

WE have given exposition to the purpose, now it is fitting that we explain the efficient cause. Therefore, it is suitable between us and our opponents, that Diocesan Councils ought to be convoked by a Bishop, Provincial Councils by an Archbishop, National Councils by a Patriarch or Primate. For all Catholics affirm it to be true with Augustine (epist. 217 *ad Victorinum*). Calvin affirms the same thing in the *Institutes* (lib. 4 c. 7 § 8) and Illyricus (cent. 4 c. 7 col. 534).

But on a general Council there is the greatest controversy; if certain Catholics would have it that the duty of calling a general Council properly pertains to the Roman Pontiff, but in this way another could summon a Council, with the consent of the Pope, that it would also be sufficient if the summoning were made, he later held it ratified and confirmed it; but if neither he nor someone else at his command or consent summons the Council, or he would at least not approve the summoning, it is not a Council, rather perhaps an assembly.

Moreover, the heretics of this time attribute that authority to the Emperor. Luther says it in his book on Councils (pag. 58) where he also says that universal Councils are called because they were compelled by the universal lord and emperor of all. Charles Dumoulin in his *Consilio de Concilio Tridentino non recipiendo*, § 6, thence shows that the Council of Trent must not be received because it was not summoned by the Emperor, but by the Pope. Likewise, the little book of Protestants, in which they render the account as to why they would not come to the Council of Trent. Calvin and the Centuriators teach the same thing (*loc. cit.*); and just the same, Brenz in his *Prolegomena contra Petrum a Soto*, and above all others, Nilos Cabásilas in his book, *de Primatu Papae*.

However, it is really for the Pope, not the Emperor, to gather a general Council; firstly, it can be proven from the Scripture that a Council of the Church is not legitimate unless it were gathered in the name of Christ, as it is said in Matthew 18, and Calvin admits in the *Institutes* (lib. 4 ca. 9 § 1 and 2) that, to be gathered in the name of Christ, it seems nothing other than to be gathered on the authority of Christ, *i.e.* from him who has the

authority from Christ to gather it. For what Calvin says, to be gathered in the name of Christ is to be so gathered as if Christ alone were to preside and have no colleague, but all as subjects. This is not according to the Scriptures, nor is it a sufficient note to discern legitimate Councils; it is not, I say, according to the Scriptures. For in the Scriptures, that, "In the name," wherever it is received for that which is, from authority, as in the last chapter of Mark: "In my name they will cast out demons," and John 5: "I have come in the name of my father," Matthew 7: "Did we not prophecy in your name?", Acts 4: "In what power, or in whose name do you do this?" Nor does any place perhaps occur where someone does something in the name of Christ and it means Christ holds the presidency without a colleague. But whatever the case with this, it is certain that a legitimate Council could not be discerned by this note, for it is indeed true that it is necessary in a legitimate Council for Christ to so preside that there would be no colleague for him, rather all are subjects, but who will judge, who will discern whether Christ so presides when a Council is called, or not? For Christ does not preside in Councils in a visible form.

Calvin responds that one can easily discern it since Christ then presides without a colleague when the whole assembly is guided by the word and its spirit, *i.e.* when the Bishops define nothing by their head, but everything according to the rule of Scripture.

This is ambiguous and obscure, for even our adversaries in their Councils, and Catholics in theirs, affirm they devise nothing from their own head but produce everything from Scripture. Who, therefore, will judge whether they made a true Council? How, if they are gathered in the name of Christ, is it that Christ holds the presidency, as Calvin explains it? It could not happen that we could discern legitimate Councils from illegitimate ones. Therefore, it remains what we said, to be gathered in the name of Christ is nothing other than to be gathered by one who has the authority from Christ to gather them.

Moreover, Christ, when he ascended into heaven, and withdrew the visible presidency of the Church, did not consign the governance of the Church to the Emperor Tiberius, who reigned at that time, but to Peter the Apostle, to whom he said: "Feed my sheep." Therefore, those who are gathered by him who succeeds Peter are gathered in the name of Christ, but not those who are gathered by those that succeed Tiberius. For this purpose, Peter and those who legitimately succeed Peter, is the Pastor of all the sheep

of Christ, hence, even of Kings, Emperors, priests, for he embraces all and excepts none, when he said: “Simon, son of John, feed my sheep.” Wherefore, St. Leo (Serm. 3, *on the Anniversary of the Assumption of the Pontificate*) says: “One Peter was chosen from the whole world, who was also put in charge of the calling of all nations, and all the Apostles, of all the Fathers of the Church, that although there might be many priests in the people of God, and many pastors, still Peter properly rules them all, whom Christ principally also rules.” But is there anyone who could not discern whether it would be more fitting for the sheep to gather shepherds, or rather more for the shepherd to gather the sheep? Therefore, the Pope is the pastor, the Emperor a sheep, the duty to convoke Episcopal Councils looks not to the Emperor but to the Pope.

Secondly, a general Council ought to be summoned from an authority that can compel everyone; but the Emperor has never had the whole Church as a subject, even in regard to civil actions, as the Pope has in regard to spiritual actions; for the Emperors ruled broadly in the time of St. Leo and St. Prosper, and still then the Christian world was more subject to the Pope than the Roman world was subject to the Emperor. For So St. Leo Speaks in sermon 1 on Sts. Peter and Paul: “By the sacred seat of Peter Rome, having become the head of the world, presided more broadly in divine religion than by earthly dominion.” And Prosper of Aquitaine so sings in his *liber de ingratis*:

*The seat of Peter at Rome, made head of the world
for pastoral honor, holds by Religion
whatever it did not possess by arms.*

Moreover, now, the Emperor could scarcely compel the Bishops of one province let alone the fact that Italy, Spain and France are not subjects of the Emperor, but have their own kings or temporal princes. What if there were no emperor, nay more, even no Christian prince, would it be the case that Councils could not happen?

Thirdly, provincial Councils are summoned by a Metropolitan, and national ones by a Primate or a Patriarch, as we showed above, even by the testimony of our adversaries. Therefore, general Councils must not be summoned by the Emperor, but by the Supreme Pontiff. For if the Emperor ought to summon general Councils, then a king or duke or a civil

Magistrate ought to summon provincial or national Councils. For, as the Emperor of the whole world stands in regard to a general Council, so does a king or duke of one province to a Council of that province or nation. Just the same, since they affirm that provincial Councils are not convoked by a political prince of that province, but by the Ecclesiastical one, why would they not affirm by the same reasoning that general Councils ought not be compelled by a political prince of the whole world, but by the Ecclesiastical one? Moreover, the Roman Pope is the Ecclesiastical Prince of the whole Christian world, as we heard earlier from St. Leo, and we have proven as profusely as possible in the books *On the Roman Pontiff*.

Add that, if the Roman Pontiff were not also a true prince and ecclesiastical monarch, as we teach, but were only the Bishop of the first see, or a *primus inter primarios Patriarchas* as Nilos reckons, still the right to summon general Councils would pertain to him. For, primates do not properly command other bishops, yet because they hold the first place among the bishops of their nation, they can summon national Councils in their own right. For the Metropolitan summons a provincial Council, because he is in charge of the whole province, but the Supreme Pontiff is in charge of the whole world, as is clear from Leo (*Serm. 3 de anniversario die assumptionis suae ad Pontificatum* and *epist. 84 ad Anastasium*).

Fourthly, it is proven from the most ancient canon that Councils cannot be celebrated contrary to the opinion of the Roman Pontiff; for Pope St. Marcellus writes of this apostolic canon in an epistle to the Bishops of the province of Antioch. The first Council of Nicaea renewed the same, as well as the Council of Alexandria witnesses in their epistle to Felix, as well as Julius I in his epistle to the Oriental Bishops, which Socrates calls to mind (lib. 2 cap. 13), Sozomen (lib. 3 cap. 9) and Nicephorus (lib. 9 c. 5). Therefore, if it is not lawful to celebrate Councils without the consent of the Roman Pontiff, it follows he is chiefly the one to convoke them.

Calvin responds, however (*loc. cit.*), that this canon only means that the Roman Pontiff ought to be called to the Council, because he was one from the particular Patriarch. But if that were so, then the canon could also have been made to the effect that Councils could not be compelled contrary to the consent of the Bishop of Alexandria or Antioch, for they were also particular Patriarchs, and they would be equal or greater than the Roman Pontiff according to Calvin.

The *Centuriators* (cent. 4. c 7, col. 533) devised another solution. They say the words of Socrates do not mean Councils ought not be celebrated contrary to the consent of the Roman Pontiff, but Churches ought to be dedicated. For it is held in Greek: Μη δειν παρα γνώμω του επισκόπου ρώμης κανονιζειν τας Εκκλσίας. But the Centuriators are deceived, for κανονιζειν τας Εκκλσίας cannot mean to dedicate Churches, but to convoke a canonical body or to summon a Council, just as Pope Marcellus and Julius say, who seem to have written in Latin, and how Socrates and Sozomen render from Latin the Tripartite history of Cassiodorus (lib. 4 c. 9 and 19), as well as how Nicephorus also understood it (*loc. cit.*).

But the whole matter can be very clearly proven from the epistle of Julius I, which Socrates adduces. Accordingly, in that epistle Julius rebukes the Orientals because they celebrated a Council in Antioch without his consent; moreover, wishing to give an account why he so rightly rebuked them, he adduces that canon into the midst. Therefore, either this canon ought to be understood on the celebration of a Council, or it is necessary that Julius was foolish. But who does not see which one is truer? Add, that none of the Fathers mention a canon whereby they are forbidden to dedicate a Church without the consent of the Roman Pontiff: on the contrary, there was never nor is there, in use in the Church such a canon.

Fifthly, it is proven from the Council of Chalcedon, (act. 1) where Dioscorus of Alexandria is bidden not to sit among the Bishops because of the fact that he dared to make a Council without the authority of the Apostolic See: “Which,” it says, “was never lawful and has never been done.” We have a similar thing in the seventh general Council, act. 6, where what had been decided at a certain Council held at Constantinople was invalidated because it was compelled by the Emperor without the consent of the Roman Pontiff.

Sixthly it is proven from the fourth Roman Council held under Symmachus, during which King Theodoric said he had convoked the Council so that he might judge the case of Pope Symmachus. All the Bishops answered that the Council ought to be called by the Pope and not by the king, even if it were to accuse the Pope. But the king said that he convoked it with the consent of the Pope, but the Bishops did not acquiesce until the King produced the letters of the Pope and the Pope himself when present testified that it was so.

Seventhly, it is proven from the testimony of the ancient Popes. St. Leo (*epistola ad Turbium*, which is 93, c. 17) says, “Having sent letters to our brothers and fellow Bishops, and to others, we have summoned them to a general Council.” Pelagius II (in *epist. 1 ad Orientales*): “The authority to convoke a general Council was entrusted to the Apostolic See of Blessed Peter by a singular privilege.” Sixtus III, who also preceded Pelagius and Leo, in his epistle to the Orientals, says: “Valentinianus Augustus convoked a Council by our authority.” Adrian II, in his letter to the Emperor Basil, which was read in the 8th Council (act 1) said: “We will, by the industry of your piety to convoke a numerous Council at Constantinople.”

Add to these Valentinianus the Emperor, who was asked by other Bishops to permit them to celebrate a Council, who responded, as Sozomen relates it: “It is not lawful for me who stands in the lot of the people to investigate such things; it is priests to whom these cares pertain, let them will to gather in some place” (Sozomen lib. 6 c. 7). Lastly, many other canons are added that are held in dist. 17 and many accounts, which Juan Torquemada makes (lib. 3 cap. 6) as well as the Lateran Council held under Pope Leo X, sess. 11, where it is asserted that it is for the Roman Pontiff to summon general Councils. Such a decree was made in the year before the Lutheran heresy arose.

CHAPTER XIII: THE ARGUMENTS OF ADVERSARIES ARE ANSWERED

IT remains to answer the arguments whereby the truth will also be more confirmed. The arguments of Calvin and the Centuriators are taken from the summons of the first general Councils, which were summoned by the emperors, not by the Popes. Ruffinus says about the first Council of Nicaea (lib. hist. c. 1), “And Constantine convoked a Council in the episcopal city of Nicaea.” Theodoret witnesses that the first Council of Constantinople was summoned by Theodosios I (lib. 5 *Historiarum*, c. 9). Evagrius witnesses in lib. 1 cap. 2 *hist.* that at the nod of Theodosius II the first Council of Ephesus was convened. At Chalcedon, as St. Leo witnesses in epistle 43, as well as a few others, a Council was called by the emperor Martianus. Theodoret asserts in lib. 2 cap. 4, that Sardica was also called by the Emperor Constantius.

Nilos Cabásilas confirms this with the testimony of St. Leo I. For he (in epist. 42 ad Theodosius the Emperor) begs the emperor to call a provincial Council in Italy. The Centuriators strengthen the same argument with the testimony of Pope Liberius, who conceded to the emperor the power to convoke Councils (cited by Theodoret, lib. 2 cap. 16). Charles Dumoulin strengthens it again, in the *Consilio de non recipiendis decretis Concilii Tridentini*, § 6, with the testimony of St. Jerome (lib. 2 *Apologiae contra Ruffinum*), where, speaking about a certain Council, Jerome says: “Tell me who is the emperor that commanded this Council to be convoked?” We might add a fourth confirmation, from the fact that general Councils were first compelled at the same time as the emperors began to be Christian, for if they could be celebrated without the emperors, why were none celebrated in the first three hundred years?

I answer these, *firstly*, that we can rightly scorn these arguments, since our adversaries reject efficacious arguments taken up from traditions or the custom of the Church, but only accept them from Scripture, however, these arguments are sought from mere tradition and the ecclesiastical practice without any testimony of Scripture.

Secondly, I say, we can oppose custom to custom: for if emperors summoned four or five Councils, the Popes have summoned more than twelve, as even our adversaries confess. *Thirdly*, I say a general Catholic Council summoned by the Emperor alone is null, *i.e.* without the consent and authority of the Roman Pontiff, and I shall briefly show this from each of them one by one.

Thus, first about Nicaea we read in the sixth Council (act. 18) that Constantine and Sylvester gathered the great Council at Nicaea. And Ruffinus (lib. 10 *histor.* ca. 1) says Constantine summoned the Council by the opinion of priests. From such we do not only have what we want, but even gather in passing that it is false, what Pighius says (lib. 6 cap. 1 *de Ecclesiastica hierarchia*) that the convocation of general Councils is found in Constantine the great, for he did not devise this by himself but followed the opinion of priests.

Theodoret relates about the first Council of Constantinople that Theodosius did not summon it as much as he sent the letters of Pope Damasus, whereby he summoned the Bishops to the Council. In this way the Bishops gathered in that Council wrote to Pope Damasus (cited by Theodoret *hist.* lib. 5 ca. 9): “At your reverence’s command in the letters sent to the most holy emperor Theodosius in the previous year, we were prepared to make the journey to Constantinople.” Therefore, although Theodosius had summoned the Council, nevertheless, he did so at the command of Apostolic letters. This is why in the sixth Council, act. 18, the Fathers say Theodosius and Damasus opposed Macedonius by means of the second Council, just as it was said a little earlier, that Constantine and Sylvester gathered the first Council to resist Arius.

Prosper of Aquitaine, in his *Chronicle*, indicates on the first Council of Ephesus, that it was summoned by the industry of St. Cyril, and the authority of Pope Celestine. It is also certain from Evagrius (lib. 1 cap. 4) and from the epistle of Celestine to Cyril, which is held among the works of Cyril, and from Photius in his book on the seventh Council, that Cyril set out for the Council as a legate of the Apostolic See, which is a certain argument that the Council was not gathered without the consent of the Pope.

On Chalcedon it is certain from the epistle of the Emperor Martianus to Pope Leo, which is contained before the Council of Chalcedon, in which the Emperor, being about to summon a Council, asked the Pope to come

and conduct the Council, or if he refused to come, if he would show by a letter what he willed to be done and in the end concluded that he would write to all the Bishops to come together at a certain place: “And such things are beneficial to the religion of Christians and the Catholic Faith as your holiness has defined according to the Ecclesiastical rules, they [the Bishops] will declare in their arguments.” (Epistle 76). There is also extant among the epistles pertaining to the Council of Chalcedon, a certain epistle of the Bishops of lower Moesia to the Emperor Leo, where they say: “In the city of Chalcedon many Bishops came together at the command of Leo the Roman Pontiff, who is truly the head of Bishops.”

Lastly, Gelasius, in his epistle to the Bishops of Dardania, [8](#) says that only the Apostolic See decreed by its authority that Chalcedon would become a Council. Here we must note an error of the Centuriators, since in *Centur. 5. cap. 7 col. 786* they did not understand what the word “only” (*sola*) excluded and thought it excluded the Emperor, and therefore called Gelasius an impudent liar. But Gelasius, by the word only did not exclude the Emperor, but only other episcopal Sees. For the Sees of Alexandria, Antioch or Jerusalem, or even Constantinople, did not will it to become a Council. Rather, only the Roman See, and it really brought that to effect, although not without the assistance of the pious Emperor Martin.

Concerning the Council of Sardica, which was summoned by Pope Julius I, it can be understood from Socrates (lib. 2 ca. 16) where he says that the Oriental Bishops directed the fault of their absence from the Council to Julius the Bishop of Rome, due to the fact that he had commanded it to be held in too short a time. From that it seems clear that the Council was not called by the Emperor alone, but also by Pope Julius, and chiefly by him.

Therefore, we have the first Councils summoned by emperors, but also by the opinion and consent of the Pope. Moreover, the reason why the Pope did not summon them alone, as was done later, was not because the authority of the Council would not be ratified by Christians without the authority of the emperor, as our adversaries dream up, but as St. Athanasius clearly says *in his letter to those leading a solitary life*: “When ever did you hold something to be of the authority of a judgment of the Church from the emperor?” Next, it was on account of many other just causes, the *first* of which was that at that time an ancient Imperial law was in force which forbade all gatherings and frequent assemblies of men without the authority

of the emperor for the reason that the Emperors feared sedition would arise from them. See l. 1 *ff. de colegiis illicitis*, and l. *conventicula, c. de Episcopis et Clericis*.

The second reason is because even if that law did not exist, because the emperors ruled the world in a time of great peace a Council could not be held unless it were in some Imperial city, but no reasoning permits that an assembly could be held in some place in the whole world without the license of the master of that place. The manner would be the same if a Council were not held in the Papal States, but in France, Spain or Germany, without a doubt the consent of the one whose city or province it is would be sought.

Third, because in that time general Councils were conducted with public expenses taken up, especially in regard to the journey of Bishops to the place of a Council; for a journey with horses or vehicles of cities, without expense to the Churches, as is certain from book three of the life of Constantine, where Eusebius also adds that all the Bishops lived on expenses of the emperor during the whole time of the Council. The same thing is also clear from Theodoret (lib. 2 cap. 16), where we read that when Liberius sought a general Council, a certain man answered that the public wealth was insufficient to provide for the travel of the Bishops. Likewise, from the epistle of Constantine IV to the Roman Pontiff, which is contained at the beginning of the sixth Council makes plain the same thing.

The fourth reason is because in that time, the Pope, even if he was the head of all in spiritual matters, even of emperors, still in temporal matters he was subject to the emperors, and therefore he could not act against the will of the emperor, especially when he ought to seek help from the emperor to convoke a Council, or that he would permit a Council to be convoked. Nevertheless, because he acknowledged him as his temporal lord, he begged that he would command a Council to be convoked. After those times all these causes were changed, for neither was that law in force nor did the emperors rule the whole world, nor were Councils conducted at public expense, nor are there nations that could impede it, and the Pope, who is the head in spiritual matters, is not subject in temporal matters, since even he is the supreme temporal prince of his domains, just as other kings and princes are, which came to pass by divine providence so that the Pope could freely exercise his office.

I respond to the first confirmation from Nilos, whose book *Illyricus* translated into Latin, that there are two frauds in that testimony of St. Leo which he advances, one of Nilos and the other of *Illyricus*. For St. Leo, in epist. 24 and 25 to Theodosius seeks a general Council in eloquent words: “that you would bid a general Council to be celebrated in Italy.” Nilos, however, referring to this sentence in Greek, placed *ιδικην*, *i.e.* his own or particular, when he ought to have said *οικουμενικην*) And because that word Nilos used, namely *ιδικην*, could be explained in a good sense, that it would mean a particular Council, that is, gathered for a special cause, *Illyricus* wanted to eliminate all ambiguity, so he translated *ιδικην* into *provincialem*, as we are necessarily compelled to understand that St. Leo asked not for a general Council but a particular one.

But this fraud is refuted both from the words of Leo already cited, and also from the epistle of Valentinian to the same Theodosius, which is contained in the preamble to the Council of Chalcedon where Valentinianus says, speaking on the same Council, that St. Leo wanted the Bishops of the whole world to come together in Italy. Lastly, in that very epistle of Leo to Theodosius, wherein he asks for a Council in Italy, he wrote that a provincial Council had already been convoked at Rome, so the inscription has it: “Bishop Leo and the holy Council, which came together in the city of Rome greet the always August Theodosius.” Therefore, if Leo had already convoked a provincial Council in Italy, why would he ask for one from the emperor? Rather, he was really asking for a general Council from the emperor, as we already said.

Now I speak to the second confirmation. The Centuriators lie when they say that Liberius conceded the power to the emperor to convoke a Council, that is, to acknowledge that power to be proper to the emperor, as they understand it, for in the whole *Dialog* of Liberius with the emperor, no mention of this question is made, of whose right it is to convoke a Council; rather, Liberius only asks from the emperor, who was all-powerful and an Arian (and hence dangerous to him), that a Council would be held because he knew it could not be done against the will of the emperor.

To the third confirmation, I say that Jerome says that really then, on account of the aforesaid causes, the emperors were calling Councils, but not without the consent of the Popes.

To the fourth confirmation I say that no general Councils were held before Constantine, not because there was no authority to hold them, but

because there was no opportunity: for it was not lawful for Christians from many provinces to gather into one place due to the assiduous persecutions, as Isidore remarks in *liber 6 Egymologiarum*, c. 16.

CHAPTER XIV: CERTAIN DOUBTS ARE ANSWERED

APART from these arguments of the heretics, Catholics customarily propose certain doubts. *One*, whether or not it is lawful for a Council to be summoned by anyone other than the Pope, when it is necessary for the Church, and still the Pope refuses to summon it. The *second*, whether or not it is lawful for a Council to be summoned by anyone other than the Pope when the Pope should not summon it, for the reason that he is a heretic or a schismatic. The *third* doubt, whether or not it is lawful for a Council to be summoned by someone other than the Pope when the Pope cannot summon one, for the reason that he is captive to infidels, or dead, or became insane or renounced the Papacy.

To the *first*, Torquemada responds (lib. 3 c. 8) that it is scarcely a probable case: for it is not believable that any Pope would be so bad that he would refuse a Council to be celebrated if it were clearly certain that it is necessary for the preservation of the Church, because if he were such of himself, still God, who preserves the Church, without a doubt would either change his mind or remove him from this life. He says secondly, if none of these would happen, he could be held as suspect of heresy, for as it is said in *dist.* 83, can. *Error*, as well as in the others following, one who does not resist a manifest error when he may and must, is thought to approve it.

To the *second* and *third*, I respond that in no cause can a true and perfect Council (such as we make our disputation on here), be convoked without the authority of the Pope, because he has the authority to define questions of faith. For, the particular authority is in the head, in Peter; to whom it was commanded to confirm his brethren, and therefore for whom the Lord himself prayed lest his faith would fail (Luke 22). Still, in those two cases an imperfect Council could be gathered which would suffice to provide for the Church from the head. For the Church, without a doubt, has the authority to provide for itself from the head, although it cannot, without the head, make determinations on many things on which it can with the head, as

Cajetan rightly teaches in his little work, *de potestate Papae*, c. 15 and 16, and much earlier on the priests of the Roman Church in their epistle to Cyprian, which is 7 in the second book of the works of Cyprian. Hence, that imperfect Council can happen, if either it is summoned by the college of Cardinals, or the Bishops themselves come together in a place of themselves.

CHAPTER XV: WHO ARE THE ONES THAT ARE CALLED TO A COUNCIL?

TO this point we have made our dissertation on the final and efficient cause of Councils. Now we must treat on those causes from which Councils are particularly constituted; the material causes, as it were. One, is that the universal Church contains four kinds of men; some are clergy, others lay, and again from the clergy, some are prelates and some are not. Likewise, from the laity, some are princes and some are private citizens. This distinction, although on the one hand, the heretics of this time do not receive it, still on the other they do since they also profess to be certain men dedicated to the ministry of the Word, for whom it is fitting by their office to teach and shepherd the people that call them ministers and again, between those other greater ones, whom they call superintendents, others minors, whom they only call ministers.

The second is, in many Councils on the causes some can be present, others are as judges who are said to have a decisive vote, others that they might examine difficulties in disputation, who are said to have a consultive vote; others, that they would defend the Council and labor that inside and out all will be peaceful. Therefore, the question is, who are the ones from these four kinds of men that must be called to a Council, and for what reasons?

Our adversaries say two things. *First*, some from every kind of man ought to be present who are educated, and all ought to be judges, and also have a decisive vote, whatever might be the other duties. Luther clearly writes in his book on Councils, part 2, pg. 264, where he would have it that, from every place, men learned in sacred Scripture ought to be gathered, up to 300 men. The protestants write the same thing in that book which they titled: *Caussa cur Electores et caeteri Confessionis Augustanae addicti, ad Concilium Tridentinum non accedant*. For, after they argued for their first reason, namely that the Council was summoned by the Pope, they place a second reason, because nobody will have a vote in it unless they are

Cardinals, Bishops, Abbots and Generals of Orders, when all learned men, even if they are lay, ought to have a decisive vote. Charles Dumoulin in his plan for why the *Consilio de Concilio Tridentino non recipiendo*, §28, altogether teaches the same thing. The Centuriators (*Centur.* 1 lib. 2 cap. 9 col. 548) say the same thing, and explain the history of the Council of the Apostles from Acts 15, and say that in that Council, after the opinions were given, votes were conferred upon the whole Church and it was defined by a judgment of all that man is justified by faith alone without works.

Secondly, they say that a Council of the Church is not constituted except from truly pious and chosen men, that clearly Brenz teaches in the *Wirtemberg Confession*, in the chapter on Councils, where, after he had said that Councils ought to yield to the Scriptures, he renders the reason is because we are certain from the Scriptures what is and is not of infallible truth: but on Councils it is not the same, because each body of men is not the true Church, since it is not the faith of all, nor are they all elect; the Confessionists and Calvinists are held to say the same thing, as we will see below, who would have it that only the elect and the saints pertain to the Church, and certainly a Council of the Church is not constituted even if it is from men of the Church.

But the teaching of Catholics is that only greater prelates, that is Bishops, ordinarily have a right to a decisive vote in general and provincial Councils, while from privilege and also custom, even Cardinals, Abbots and the Generals of Orders, even if they are not Bishops. Furthermore, from priests and other lesser clergy only some learned men are called who assist in the disputation, or in other ministries. Princes are called both to defend the Council and to be conscious witnesses to the decrees of a Council, and afterward to punish contumacious transgressors with corporal penalties. Lastly, from private laity, some are only called who seem useful or necessary to some ministry of a Council. This teaching of Catholics is clear both from the persons that were present at the Council of Trent, and from Juan Torquemada (lib. 2 cap. 21 and 15), as well as from other Catholic authors.

Now, we shall constitute the proof of our teaching and the refutation of the contrary. *First*, the second opinion of those we just related does not need refutation; both because it must be refuted in the question on the definition of the Church, and because it is so false that it destroys itself. Really, when it says that a Council is constituted from the elect and the saints, it affirms

something to be a Council and nothing to be a Council; for it posits there is a Council, when it explains it is constituted from certain men; no indeed, Brenz presupposes it to so exist that he says the authority of Councils is great, and still when he says it is constituted from the elect, he is compelled to say there is no Council. For to make a Council, it is for men to be joined and cooperate as one, but the elect in this world cannot be joined together since nobody knows who is truly of the elect, because if some of our adversaries do not require the election of true members of the Church, still they require internal faith and piety, and hence they cannot ever show any Council which could certainly be called a Christian Council since nobody can see internal faith and piety.

Moreover, the first opinion must now be refuted, firstly, by reason taken from Sacred Scripture: to define in Councils those things which must be believed or done is the proper office of pastors, for it is properly to shepherd, to teach, and so teach that others would be held to believe. Hence, to teach is to shepherd, as is clear from Jeremiah 3: “I will give you shepherds according to my heart, and they will shepherd you with knowledge and doctrine.” Likewise from Ephesians 4: “But some are pastors and teachers.” Jerome notes on this verse, as well as Augustine (epist. 59 ad Paulinum) the name of shepherd is joined with the name of teacher, because it is proper for pastors to teach. But laymen are not pastors, nor any Ecclesiastics, but only Bishops; for we so read in Acts 20, “Attend to the whole flock in which the Holy Spirit has placed you as Bishops to rule the Church of God.” And the last chapter of John, where it is said to Peter: “Feed my sheep.”

If anyone would contend that all Christians are Bishops, and what is said to Peter was said to all Christians, he ought to show who they are that are called sheep in the Church; for if everyone is a pastor, where are the sheep? What if some are pastors, that is, Bishops, and some are sheep, that is laymen, and only pastors ought to come together in Councils to define what are good pastures and what are harmful ones; certainly it follows that Councils are not made up of the laity, but the priests. Add that Melancthon (*in Locis*, ca. *de numero Sacramentorum*) and Calvin (*Inst.* lib. 4 c. 14 § 20) place the ordination of pastors who are dedicated to shepherd, *i.e.* to teach the people, among the sacraments of the Church. And Calvin clearly says this sacrament is not common to the whole Church but only to certain men who are initiated to it, hence by their confession, the laity are not ordained

pastors, but only sheep, therefore it is not suitable for them to teach, especially by the authority that is done in Councils.

Secondly, it is proven from the testimonies of the Fathers. The first Councils in the Church were celebrated in the times of Pope Victor over the question of Easter. Eusebius speaks of these in *hist. lib. 5 ca. 23*: “On account of which assemblies of Bishops and Councils were convoked in each individual province.” He says not every educated man you like, but Bishops were gathered into Councils; Cyprian teaches the same thing in the beginning of his letter to Jubianus, and Hilary in his book on Councils, Ambrose (epist. 32), Jerome (lib. 2 *Apologia contra Ruffinum*), Augustine (epist. 119), Leo (epist. 16) and following. Ruffinus, *hist. lib. 10 cap. 1*, Athanasius in his epistle to those leading a solitary life, and other Fathers, who everywhere assert that Councils are made of Bishops.

Besides, Theodosius II, in his epistle to the Council of Ephesus, which is extant in the first volume of this Council, ch. 32, says: “It is illicit for one who is not in the order of the most holy Bishops to mix in Ecclesiastical tractates.” Pulcheria, the empress, in her epistle to the general of Bithynia, which is contained before the Council of Chalcedon, commanded that clergy, monks and laity also be repelled by force from the Council, with the exception of those few whom the Bishops bring with them. In the Council of Chalcedon, act. 1, when it was sent to the Archimandrite Martin that he would subscribe, responded that it was not his place, but for Bishops alone to do so. And in the same Council, when the laity entered on behalf of Dioscorus the monk, the Fathers frequently shouted: “Send the crowd outside, this is a Council of Bishops.”

Thirdly, it is proven from the Councils celebrated to this point: the decrees of all the Councils were made by Bishops alone, as is clear from the subscriptions, for everywhere only Bishops are found to have subscribed, with a few general exceptions, in which the Emperor also subscribed, but in a different manner from the Bishops; the Bishops in defining did so as judges while emperors subscribed by confessing, and also a few others, as at Florence, the Lateran Council and the Council of Trent, in which Abbots and the Generals of Orders subscribed: the rest, even if they were the best and learned, were never admitted except to consult, with the exception of the Council of Basel, where priests were admitted to a decisive vote, but in violation of and against all antiquity, nor was that Council legitimate, as we said above.

Fourthly, it is proved from reason. In the first place, the Ecclesiastical and public business must be treated by Ecclesiastical and public persons, as is known, but such are only Bishops. Next, if all learned men ought to be admitted, there would never have been general Councils because all learned men of the whole Church could scarcely be gathered, or if at length they were gathered, it would be impossible to govern such a Council on account of the exceeding multitude; besides then, without a doubt, there would be more inferiors in the Council than superiors and the greater would conquer the better teaching, and superiors in the Church would be ruled by inferiors, not vice versa, which is an absurdity. Likewise, if it were so, then one prince could easily, if a Council were held in his region, define whatever he would want; for could he not easily gather all the most learned men and priests of his province and introduce them into the Council, which other princes who are very far away could not do? Lastly, there is no republic which, by the teaching of natural reason, did not have some order in assemblies, so that no common member of the citizenry would have a place and a vote, but only the princes and heads of the rest.

CHAPTER XVI: THE OBJECTIONS OF OUR ADVERSARIES ARE ANSWERED

YET, the Protestants object *firstly*, in the little book we have already cited, that the testimony of Luke in Acts 15, where St. Luke speaks about the first Council of the Apostles, says: “The Apostles came together as well as the elders to see about this word.” And further on, “Then it pleased the Apostles and the elders with all the Church,” where we see that even priests and laity were present in the first Council.

I respond: In that Council the Apostles were present as judges to define, and priests to consult, but the people were not called, but still were present and consented not by defining or disputing, but only by listening and not protesting. That this is so is proven in two ways: 1) from the custom of the Church which is the best interpreter of Scripture; for since in all Councils which were celebrated after Apostolic times, it is certain that this order was observed, namely that only Bishops were judges, although there were many others either clergy or laity present, and we ought to believe the same order was altogether preserved as in the Apostolic Council. For the universal Church would never depart from the examples of the first times, especially from the example of the Apostles.

Then, this same thing can be shown from the very context; that only the Apostles and priests were called is clear from that which is said: “The Apostles and the elders came together to see on this word,” where no mention is made of the people. Then, that both the Apostles and the elders spoke, until the controversy was struck, it is gathered from those words (“and that it were done with great inquiry”) that after the disputation, in which the Apostles and elders spoke, only the Apostles spoke a definitive opinion. It is clear from the fact that only Peter, Paul, Barnabas and James are introduced as speaking by Luke. The fact that no others gave their opinions, is clear from the continuation of the text, for after the opinion of Peter, it is soon added: “But the whole multitude fell silent and listened to Paul and Barnabas.” Then, it is added: “And after they were silent,” namely

Paul and Barnabas, “James responded saying,” and as soon as James finished his speech, it is added: “Then the Apostles were pleased, etc.”

Therefore, it is a lie which the Centuriators say, that all who were there gave their opinion because of what follows: “The Apostles and elders were pleased, with all the Church,” is understood on the tacit consent, which ought to be given to all things which are in a Council. See the Council of Carthage in the works of Cyprian, for even in that Council many priests, deacons, and laity were present with the Bishops, and still only the Bishops gave their opinions.

Secondly, they object in the same place that a general Council represents the universal Church, therefore, there ought to be there men from every kind, *i.e.* Bishops, priests, princes, private citizens, clergy, laity, etc.

I respond: Something can be represented in many ways, but the best way is in which the people are represented by princes. For just as in general assemblies of many states, consuls or lords of cities are usually gathered, so also in general assemblies of the Church all Bishops are gathered, for each Bishop manages the person of his Church, as is clear from Cyprian (lib. 4 epist. 9) where he says the Church is in the Bishop. Moreover, Eusebius (*de vita Constantini*, lib. 3) calls the Council of 318 Bishops a gathering of the whole world. And St. Augustine (*de Baptismo* lib. 1 c. 18) calls the consent of the same Council the consent of the whole Church.

Thirdly, they object in the same place that common cause must be assisted by common votes and strength, but the cause of faith is common to all Christians, for the faith pertains no less to the laity than to the clergy, therefore, the laity also pertain to Councils.

I respond: The cause of faith pertains to all, but in a different mode; for it pertains to prelates as teachers, to the rest as students, just as in war the cause of victory pertains to the whole army, nevertheless there is a general to command and lead the army, and it is for the rest to fight.

If anyone would object with the words of Nicholas I (*epistola ad Michaelem*, which are held also in *dist. 96, c. ubinam*): “Wherever you read that your predecessor emperors were present in conciliar gatherings, unless perhaps in certain ones where it was treated on faith, is it not universal, which is common to all, which is not only for clerics but even for the laity, does it not altogether pertain to Christians?” The response can be made that Nicholas, from that “because faith is common to all,” rightly gathered that emperors ought to be present, but not as a judge, but as one to whom it is

incumbent to defend the common faith with edicts and laws, and if it were necessary, even with the sword.

Fourthly, the same as well as Charles Demoulin (*loc. cit.*), and Brenz (*Witemberg confession, c. de Conciliis*), and Herman Hamelmann (lib. 3 *Prolegomena, c. 6*) object that more often the opinion of one man, even of the laity, was proposed for the opinion of the whole Council, because it was more fortified by the authority of Scripture and without a doubt later must be proposed, therefore even laity and whoever else ought to be called to a Council.

They prove the foregoing: 1) from Gratian (36, q. 2 *can. ult.*) where we read the authority of Jerome was fortified by Sacred Scripture, and was prejudicial to a whole general Council; 2) from Panormitanus, in *cap. Significati, de election* and from John Gerson (par. 1 *de examinatione doctrinarum*) of which he says the opinion of one private man must be put before the opinion of a Pope if the private man is moved by better doctrines or the authorities of the Old and New Testament, for he teaches that every learned man may and must resist a whole Council if he would see it err from malice or ignorance.

This argument is confirmed because the reason why Bishops are especially called is because they are reckoned more learned than others, therefore if many laymen are found more learned than Bishops, or equally learned, why ought they not be called to a Council?

I respond to the first: The opinion of one private man can be placed before the opinion of a general Council before a definition, while a reason is discussed, for in discussion, erudition, not authority of the person, holds the first place; besides, even after a definition, when it is certain that Council was illegitimate, but in no manner after the decision of a legitimate Council.

To that from Gratian, I say: 1) Herman lies when he says that, according to Gratian Jerome was put before a general Council, for Gratian does not speak of a general Council but a particular one. I say: 2) those words which Gratian attributes to Jerome are not found in Jerome's works, nor do they seem to be his words. I say: 3) Gratian made a mistake in that citation, for Jerome and the Council did not fight, as Gratian thought. For Jerome only spoke according to an old law that it was permitted for an abductor to marry a woman that he had abducted if her father would consent. Moreover, the Council stated that notwithstanding that old law, which is judicial, it does

not obligate Christians, thus it is not lawful for an abductor to marry a woman that he had abducted.

To that from Panormitanus and Gerson, I say: 1) they spoke conditionally, just as the Apostle, when he says: “Even if we or an Angel from heaven would preach a different Gospel, etc.” (Galatians 1). Therefore, just as from a conditional sentence of the Apostle it is not permitted to understand that therefore the Apostles and the Angels could preach a gospel that is contrary to the Gospel of Christ, so also, from that which Panormitanus and Gerson say, it is lawful for anyone to resist a Council or a Pope if he sees them err, it is not lawful to gather therefore that Councils and Popes could absolutely err, and therefore private men must be called to Councils. I say: 2) they speak on resistance which can be made to a Council or a Pope, in a time of discussion before a decision or even after when a Council is illegitimate.

I say for confirmation, Bishops indeed ought to be chosen that are the most learned and the best; nevertheless, they have the authority to judge not because they are learned, but because they are public persons, namely princes having ecclesiastical jurisdiction, in the very same way that it is required for secular princes and judges to have jurisprudence and an upright life, but on no account would it be lawful for a private man that is better and more learned to topple the prince or judge from his seat and occupy it.

Fourthly, Herman Hamelmann objects (lib. 3 *Prolegomena*, c. 10) with many old testimonies which were disputed at length on a matter of faith in the presence of the people as a judge. They so argue about Peter and Simon Magus (cited by Clement, lib. 1 and 2, *recognitionum*), Bishop Archelaus and Mani (cited by Epiphanius, *haeresi* 56), Pope Sylvester and the Jews (cited by Zonaras in the life of Constantine), Athanasius and Arius (cited by Bishop Vigilus the Bishop of Trent), Augustine and Maximinus (cited by Augustine lib. 1 cap. 1 *contra Maximinum*), and also in the Council of Nicaea there were many learned and eloquent laymen, as is clear from Nicephorus (lib. 8 cap. 14). Lastly, that the people were a judge, Ambrose clearly says in epistle 32, where he says: “Someone may refuse a case of faith to be carried out in the Church: if anyone trusts, let him come here.” And a little after: “That people may judge, who have the divine light and not a human one in their heart; the law was not written with ink, but the spirit of the living God.” And further: “But Auxentius is certain that you are not ignorant of the faith, he flees your examination.”

Two things must be noted for the answer. 1) There is a twofold judgment, public and private. It is public which is advanced by a public judge with authority, so that the rest would be held to acquiesce to that judge. It is private, that opinion which everyone chooses as true, but obliges nobody, in the same way as in the disputations of Theologians and Philosophers, the students are the judges, after hearing each side they choose what they wish, but nobody can compel anyone to think likewise.

2) A public judgment in a cause of faith is never attributed to the people, but a private judgment was sometimes attributed also to pious and holy men, but then only when something else could not be done, for the people are held to follow the judgment of their pastors: nevertheless, when heretics live with Catholics unpunished and seduce many, it is expedient whenever public disputations with them are begun in the presence of the people, to relinquish judgment to the people that it would follow what seems to rest upon better reasons. This is what Elijah did (3 Kings 18) who when he could not otherwise recall the people from the cult of Baal, he instituted a contest with the prophets of Baal, with the people present, and said: "Who will hear through fire, he that is God, if the Lord is God, follow him, if Baal is God, follow him."

With these things being noted, I say to all those citations, that in those disputations private judgment was given to the people, not a public one, and this because it could not be done otherwise. That is what can be understood from the Epistle of Ambrose, for he says: "Let anyone who is present, openly come to the Church, let them hear with the people, not that anyone should reside as a judge, but that each one of his own affect should have an examination, and choose whom he will follow." There you see a public judgment is denied to the people, rather a private one is given. Moreover, the reason that a private one was given, is because then at Milan the emperor favored the Arians, and it could not otherwise be obtained. This can be said in general to all the cited passages. But in particular, to that about the Council of Nicaea, it must be known that laymen were not called nor were present in the acts of the Council, but came of themselves, that they would dispute with Bishops outside the Council, whom they heard came from the whole world. See Ruffinus (lib. 10, cap. 3).

CHAPTER XVII: HOW MANY BISHOPS ARE REQUIRED FOR A GENERAL COUNCIL?

BESIDES these arguments of the heretics, Catholics bring up one of their doubts about those who ought to be present in a Council: either all the Bishops of the world are required to make a general Council, or only some; if all, therefore there never was a general Council to this point, nor does it seem there ever will be; if only some, what is that number? For there does not seem to be a better reason for one or another.

I respond: This question cannot be answered better than from the custom of the Church, from those Councils which were general by the consent of all, such as the first four. Moreover, we gather from the custom of the Church four conditions that both suffice and are required for a general Council. 1) The evocation shall be general, so that it is known to all the greater Christian provinces. For it is certain it was always held that even the seventh Council judged that the Council of Constantinople against images was not general because its noise had not gone out to all the earth.

2) That no Bishop would be excluded, no matter from where he would come, provided it is certain he is a Bishop and has not been excommunicated.

3) That the four patriarchs, apart from the Supreme Pontiff, would be present either themselves or through others, namely, that of Constantinople, Alexandria, Antioch, and Jerusalem, because all other bishops are under them; that is clear both from use, and from the seventh Council, act. 6, where it is censured that the Council of Constantinople against images was not a general Council because it did not have the Patriarchs, and in the eighth Council, act. 9, where the vicar of the Patriarch of Alexandria is received with joy, as if without him something would detract from the fullness of the Council. This third is not altogether necessary, but only judged to be good. The third Council condemned Nestorius of Constantinople without the Patriarch of Antioch, and the Council of Chalcedon concluded nearly everything without the Patriarch of Alexandria,

and not because these Patriarchs are not necessary but because they are heretics or certainly schismatics.

4) That some should arrive from at least a greater part of the Christian provinces, and if the Council were in the east, it always seemed to be sufficient if many Bishops from all the provinces of the east would come together, but from the west some would be sent by the Pope who would supply for the place of others. And on the other hand, if it were celebrated in the west, many Bishops come together from all the provinces of the west, but from the east some few would come in the name of others. So in the Council of Nicaea, only two priests from the west were sent from Italy, one Bishop from France and one from Spain, as well as one from Africa. In the second and third Councils, there were no Bishops from the west but still Popes Damasus and Celestine confirmed those Councils in their name as well as that of other Bishops of the West which they gathered in Rome. In the fourth Council, there were only legates for Pope Leo, and besides he sent the consent of the other Bishops of Spain, France and Italy, who, when they had celebrated Councils in their provinces, wrote to Leo that they would follow his opinion in all things. See the volumes of Councils.

On the other hand, to the Councils of the west, such as that of the Lateran under Innocent III, Lyons under Gregory X, Vienne under Clement V, and recently to Trent, numerous Bishops came from the whole west, but from the east merely a certain few. From which it follows, there can be national Councils that are much greater than general ones in regard to the number of Bishops, and still lesser in regard to their authority, for the second Council only had 150 Bishops from different provinces and nations, but the national Council of Carthage from Africa alone, in the time of St. Augustine, had 217 Bishops, as Prosper of Aquitaine relates in his *Chronicum* for the year 450.

CHAPTER XVIII: IN COUNCILS, BISHOPS ARE NOT COUNSELORS, BUT JUDGES

THE last question follows from the form of Councils, which will be bipartite. *Firstly*, for it occurs it must be explained, whether Councils have a form of judgment or only of inquiry?

Secondly, after this has been defined, that it has a form of judgment, what order ought there to be among the judges, as the form is said to be a form in the body, or the order of all the members in their place of positions, so that in the body of men the form is said to be a certain order in which the one who ought to be in charge is in charge, and the one who ought to be subject is subject. Therefore, this is the first part of the question: Is a Council a true judgment and Bishops true judges, so that their opinions must be so favored because they so favored them, just as the opinion of a judge in political cases; or would it be only a certain inquiry and would a decree of a Council only be valid in as much as its reasoning avails, in the way in which we speak on the decisions of Doctors, which they make either in the schools or in their commentaries?

The heretics of this time nearly all agree on this, that a Council is nothing other than inquiry and that Christ alone and his written word has a decisive vote. Therefore they say the number of those voting must not be attended to, and often one must be more followed who advances the Scripture for himself than the whole rest of the Council. And thence they also deduce that it is lawful for anyone to examine the decrees of a Council and receive or not receive as he wills. Luther teaches this in his assertion of the articles, 29, and cited by Cochlaeus in 500 articles, art. 115. Calvin teaches the same thing (*Instit.* lib. 4 cap. 9 § 8). Brenz writes the same thing in the Wirtemberg Confession, *c. de Scriptura*, and Chemnitz also in his examination of the Council of Trent, 4 sess., where he everywhere rebukes Catholics because they attribute to Bishops judicial authority to judge on controversies.

Lastly, the aforementioned little book of the Protestants, where they explain the reasons why they would not come to the Council, clearly teach that Councils ought not to be convened so that they might define questions by votes, but that someone would be found among so many who shows from the Scripture what must be followed and proposes such a thing to the very numerous Council, even if the number of teachers would convict him. By this opinion the heretics show how little they make of Councils and that they truly desire nothing other than that questions would never be defined.

Therefore, we say that an assembly of Bishops in legitimate Councils is a true assembly of judges, and their decrees and laws must necessarily be followed. Firstly, it is proven from the Scriptures. 1) Deut. 17, where those who have doubts are commanded to have recourse to the Councils of priests, and: "Let those who do not obey their judgments be condemned to death." 2) Matthew 18, "If he will not listen to the Church, let him be to you as a heathen and a publican." This passage, even if it admits different explanations, still, "the Church" can properly be called a Council by the consent of all; this explanation cannot be rejected in any way, whereby we assert the Lord commanded that we should obey the teachings of a legitimate Council. 3) Acts 15 and 16, where Paul, encompassing different cities, commanded them to preserve the dogmas which were decreed by the Apostles in the Council of Jerusalem. On that Council three things must be noted.

First, in that Council it was not from the Scriptures, rather the question was defined by a vote of the Apostles. For the question was not, as our adversaries imagine, whether faith alone would justify, but whether circumcision and the remaining legal ceremonies were necessary for Christians. It is manifestly gathered from the occasion of the Council, from what St. Luke says in Acts 15: "Certain men rose up from the heresy of the Pharisees who believed, saying 'that it was necessary for them to be circumcised, and to command them to preserve the law of Moses.' And the Apostles and the elders came together to see about this word, etc." And from the epistle of the Council, in which nothing is commanded except for abstinence from blood, strangled animals and those immolated to idols, and that the Gentiles would be freed from all other Jewish ceremonies. Certainly none of these are contained in the Scriptures, for where, I ask, was it written that the Gentiles should not keep the laws with the exception

of the command on abstinence from blood, suffocated animals and those immolated to idols?

The second thing that must be noted is the teaching of the Apostles was not consigned to the disciples for the examination, rather, they were simply commanded to obey it, as is very clearly constituted from the cited passages of Acts 15 and 16; why do our adversaries, who would have it that the teaching of Councils is examined by any private man, so manifestly oppose the Scripture?

The third is the definition of the Council of the Apostles. It was a true law binding in conscience, on which matter we treated above in the fourth book *On the Roman Pontiff*, and Luke showed it well enough when he calls upon precepts with a mode, decrees with the mode and dogmas.

Secondly, it is proven from the Councils themselves, for all Councils say anathema to those who do not obey; they call their decrees canons or ecclesiastical laws; when the Bishops subscribe, they say: "I N., defining, subscribed." Besides, in the Council of Chalcedon, act. 4, when ten Bishops of Egypt refused to acquiesce, they were held as heretics by the judgment of the greater part, all of which are the clearest arguments that Councils are true judgments.

It is proved *thirdly*, for if votes were not taken in Councils, but merely disputations, it would be done wrongly that only Bishops would impose sentence when the duty to dispute would be of learned men, whether they were bishops or not, the contrary of which we showed above. For in vain are some bishops called unlearned and simpletons, such as some were in the Council of Nicaea as Ruffinus writes (lib. 10 *hist.* c. 3). Add that the Protestants in their little book clearly oppose themselves, for in that book they teach that laity ought also to have a decisive vote with Bishops, and a little later, in the same place, they say that in Councils something ought not to be defined from the multitude of votes, but only by the testimonies of the Scriptures. We will advance many other things later, when we take up the dispute as to whether Councils can err.

But they object with the example of Paphnutius, who is cited by Socrates (lib. 1 c. 8) and Sozomen (lib. 1 cap. 22), that when the whole Council of Nicaea wished to forbid priests the use of a wife, he alone freely resisted and prevailed. Luther (art. 115 from the 500 cited by Cochlaeus, *Septicipite*, c. 34) says: "The matter is insane that Councils mean to conclude and establish what must be believed, when often there is no man

there who gets a whiff of the divine Spirit, just as happened in the Council of Nicaea where they treated and wanted to fashion laws on the Ecclesiastical state, that they could not marry, already they were all false, then one Paphnutius advanced, and refuted the whole body and said this is not so, this is not Christian, then the whole Council needed to desist from that conclusion of theirs.”

I respond: *Firstly*, this story is uncertain since the more ancient writers, Eusebius, Athanasius, Epiphanius, Ruffinus, etc. make no mention of it. Secondly, if the tale is true, Paphnutius resisted before the definition of a Council, as the authors themselves witness, hence this example is not to the purpose. *Thirdly*, I say Paphnutius does not allege a Scripture, but only contended on his own authority, and for that reason, by the judgment of our adversaries, he ought not to be heard. *Fourthly*, I add, Paphnutius only desired that the use of a wife ought not to be forbidden to those who had them; still, the Council exhorted that it was severely forbidden for priests and Monks to marry after their sacred Ordination or profession, as Socrates and Sozomen witness, from which it is a marvel if the Lutherans are not ashamed, since they marry against the opinion of Paphnutius, even if they were monks and priests.

Some Catholics object *secondly*, if all Bishops are judges, the Pope would be held, who presides in a Council, to follow the decrees made by a greater part of the Bishops; but it is false, since Damasus invalidated the acts of the Council of Armenia, in which a greater part of the Bishops consented, as is clear from the letter of Damasus to the Bishops of Illyria; and Leo invalidated a certain decree of the Council of Chalcedon, to which even a greater part of the Council had consented, as Leo himself witnesses in epistles 53, 54 and 55.

I respond: *firstly*, it perhaps never happened that the Pope followed the lesser part in a Council when they gave their opinions without fraud or deceit. What I say, I say on account of the Councils of Armenia and Chalcedon, which did not lack some deceit, for in the Armenian Council Catholics were deceived by the obscurity of a Greek word, as Ruffinus shows (lib. 10 c. 21). However, in the Council of Chalcedon there was fraud, which is clear from act. 16 of that Council, where the vicars of the Roman Pontiff complained that the decree was fraudulently made while they were absent.

I say *secondly*, the president of a Council, as president, ought to follow in the greater part of the votes in forming a decree; still the Pope, not as president, but as supreme prince of the whole Church can retract that judgment, and consequently, if he were the president of the Council, he can, not as president, but as the supreme Prince, not follow the greater part just as in temporal judgments a president that is constituted by a king ought to follow the greater part of the judges, still the King, as the superior, can invalidate the whole judgment. And this especially holds place in the Pontiff, whose right it is to confirm and direct his brethren, and to have this assistance of the Holy Spirit lest he would err, according to that of Luke 22, "I have prayed for thee, etc." See Juan Torquemada, lib. 3 ca. 63 and 64; Melchior Cano, lib. 5 c. 5 qu. 2.

CHAPTER XIX: WHO IS TO PRESIDE AT A GENERAL COUNCIL

The other part of the question is whether someone ought to preside and who it should be. The heretics of our time teach that the emperor ought to be the ordinary president of Councils, or someone sent by him, or if he sends no one, it ought to be constituted by the Council itself. And really, they say that in the ancient Councils the Roman Pontiff was never in charge, but either the Emperor or his deputies, or the older Patriarch, or the bishop of that place, where the Council was held. The Centuriators teach this (*Cent.* 4 cap. 7 col. 536), Calvin (*inst.* lib. 4, cap. 7 § 1 and 2), Charles Demoulin (*consilium de Concilio Tridentino non recipiendo*, § 4) who clearly lies when he says the legates of the Pope always sat behind all the Bishops in Councils, when in no Council are they discovered in the last place. Further, Herman Hamelmann, (lib. 3 *Proleg.* ca. 8) and Brenz (*Proleg. contra Petrum a Soto*).

All Catholics teach that this office is proper to the Supreme Pontiff, to preside over a Council either by himself or by legates, and as the Supreme Judge to moderate all things. Moreover, we say by himself or by legates, because the Supreme Pontiff was never present at the Eastern Councils by himself, nor was it done in a certain case, but for a certain reason, as is clear from epistle 17 of Leo to Theodosius, and 47 to the Council of Chalcedon, where he says he is not coming to the Council because custom does not suffer it; nor did he have any examples on this matter from his predecessors.

Add, that Pope Vigilius was at Constantinople when the fifth general Council was taking place in the city, but he confirmed the acts of the Council through a little book, as Photius writes in his book on the Seven Councils. The emperors themselves, when they summoned Councils, called all other bishops by an edict, but invited the Bishop of Rome that he may deign to come if he pleased, as is clear from the epistle of the Emperor Martian to Pope Leo, which is held before the Council of Chalcedon. Moreover, what would be the reason for this matter is uncertain. Juan Torquemada (lib. 3 cap. 11) posits several reasons, which do not seem to prove much to me.

I suspect that these two were different reasons among others. *One*, because it did not seem to be fitting for the head to follow the members, when rather more the members ought to follow the head; therefore, on that account the Pope was present at the Roman Councils, and certain others which he convoked to himself, *i.e.* to the place where he was, but he did not wish, nor ought, to go to Councils gathered in other places.

The other reason is because in the eastern Councils the Emperor was always present, or some of his legates, and although neither the emperor nor his legates presided over the Council properly as a judge, nevertheless, he presided at least in regard to the material place, and even if the Supreme Pontiff would have been there, still he would have wanted him to preside in some manner, as is clear from the Council of Florence, in the beginning, where the Greeks altogether contended that the Emperor should have the highest place, and the Supreme Pontiff would precede him. But although it would have been tolerable to some extent, as secular princes would sit in the Council before other bishops, still it was in no way fitting before the Supreme Pontiff himself, lest therefore either this would be tolerated or a tumult aroused, he did not go to these Councils, but only sent legates.

But after all these have been omitted, the right of presidency in general Councils pertains to the Supreme Pontiff, and it is proved firstly by reason sought from the Scripture. The Supreme Pontiff is the Pastor and father of the universal Church, even as all Bishops and princes, in respect to the Supreme Pontiff, are called sheep and sons, as is known from that last chapter of John: "Feed my sheep." And it is confirmed from the fact that the Councils call the Pope father, and he sometimes calls Bishops gathered into Councils sons, as is clear from Theodoret (*lib. 5 hist. c. 10*), where Damasus, responding to the Bishops of the second general Council, so begins: "That you would show due reverence to the Apostolic See, it is for you with great honor, most honored sons." Likewise, from the epistle of the Council of Antioch to Pope Julius, which so begins: "To the most blessed and honorable lord and father, Julius, etc." Stephen, the Archbishop of Carthage, so writes with three Councils: "To our most blessed lord and holy father of fathers, Damasus, etc." And the Council of Chalcedon, in the epistle to Leo, said: "We ask that your strength would fulfill by your decrees the honor of our judges, which is fitting." But who, I ask, can be ambiguous as to whether fathers ought to preside over sons, and pastors over sheep, or the other way around?

Secondly, it is proven from the Apostolic Council, in Acts 15, in which Jerome affirms that Peter presided in his epistle to Augustine, which is 11 among the epistles of Augustine and he gathers the same thing from it; that Peter rose first, spoke first, defined the first question, and all, as Jerome said, followed his opinion.

It is proved *thirdly* from the acts of the eight general Councils, for even our adversaries affirm the Roman Pontiff was in charge of others. The first was at Nicaea, on the presidency of this Council there are four opinions. Some would have it that the Emperor presided, such as Brenz. Others that it was Eustathius of Antioch; such as the Centuriators (*loc. cit.*), and Luther (*liber de Conciliis*, parte secunda). Others, that Athanasius presided, such as Calvin (*loc. cit.*). Others that Bishop Hosius of Cordova, and Vitus and Vincentius, priests and legates of the Roman Pontiff.

The first opinion is absolutely false. In the first place, Constantine subscribed after all the Bishops, as the Emperor Basil witnessed at the end of the eighth Council, but the president subscribed in the first place. Then Constantine did not dare to sit except in a lower place than the Bishops, and those assenting to the Bishops, as is gathered from Theodoret (*lib. 1 c. 7 Hist.*) and Eusebius (*lib. 3 de vita Constantini*). Besides, Constantine professed in that very Council that he ought to be judged by the Bishops, and subject to them, not put in charge of them, as Ruffinus writes (*lib. 10 cap. 2*). Therefore, how could he oppose himself if he meant to preside in episcopal judgment?

Ambrose says to this (*epist. 32*) that Constantine, at the Council of Nicaea, did not make himself a judge, but left a free judgment to priests. Likewise, Athanasius, in his second *Apologia*, says that he could not be present at the Council in which it was not a Bishop, but a Count that presided. And in his epistle to those leading a solitary life, he forcefully about that Constantius, because he meant to hold the first place in Councils, “If the judgment was of Bishops, what does the Emperor have in common with it?” And Hosius wrote to the same Constantius in which he relates of his predecessor: “So that he would not be a teacher for us in this kind of thing, but rather more learn from us, God consigned to you *imperium*, but he entrusted these matters which are in the Church to us.” And not far from the end: “For who, when they saw that he made himself a head of Bishops to make judgments and to preside over ecclesiastical judgments, would they not say rightly, that the very thing is the abomination of desolation, which

Daniel foresaw?" There clearly he calls Constantius antichrist, because he dared to preside in Ecclesiastical judgment. Suidas also writes in the life of Leontius, that when Leontius saw Constantius presiding in the Council and speaking, he said to him that he marveled that he would furnish so curious a sight, while neglecting his own affairs, namely wars and other civil business, he was among foreigners, namely Ecclesiastics. But certainly, neither Athanasius, nor Hosius, nor Leontius would have rebuked Constantius for desiring to preside over the Council if his father Constantine would already have presided over the Council of Nicaea.

That Eustathius was not the president is proven, *firstly* because in the subscription he is not found first, nor second, nor even third; rather, he was placed lower. *Secondly*, because when Alexander, the bishop of Alexandria, was in the Council he was greater and more worthy than the patriarch of Antioch, no reason permitted that he should be in charge.

But the Centuriators say, citing Eusebius (*de vita Constantini* lib. 3), we read him who sat first to the right of the Emperor, gave a speech in praise of the Emperor; but he, who gave the speech was certainly Eustathius, from what Theodoret says in his history, lib. 1 cap. 7.

I respond, Eustathius was the first at the right of the order of bishops, as Eusebius says, but still he was not immediately first after the Emperor. It is certain from Athanasius, in his epistle for those leading a solitary life, that Hosius was the chief of this Council, and thence sat before Eustathius.

Therefore (if one may be permitted to conjecture) there were three orders of those sitting in the Council; one from the right, the other from the left, and the third in the head of the whole assembly, and certainly in this third the emperor sat in between the Bishop Hosius, the legates of the Pope, and bishop Alexander of Alexandria; still Vitus and Vincent were likewise Apostolic legates. Then, the first of its order, who was at the right, sat Eustathius, the Bishop of Antioch. The second of that order, who was at the left, was first Macharius, the Bishop of Jerusalem, and by this account the order of the dignity of the primary Patriarchs was preserved, which was certainly very probable that it was preserved in the Council; or certainly, if it was pleasing, we could respond that a worthier place was granted to Eustathius on account of antiquity and the merit of his sanctity, but that he did not, on that account, preside over the Council; for otherwise the Emperor would have presided over the fourth and sixth Council, in which he sat in the lowest place. Therefore, the presidency must not be gathered

from the place as much as from the subscription, for often someone sits as first for the sake of honor who really does not hold first place.

But that Athanasius was not the president hardly needs proof, for only Calvin asserts it, and without any reason. Besides, it is certain that Athanasius was only a deacon and went to the Council with his Bishop, Alexander, and did not sit nor subscribe. See Ruffinus (lib. 10, hist. cap. 14) and Sulpitius (lib. 2 *Sacrae Historiae*), Gregory Nazanzien (*Oratio in Athanasius*) and Athanasius himself (*in secunda Apologia*). Moreover, that a deacon would sit, much more preside in a Council of Bishops, even if he held the place of his bishop, is altogether unheard of. But Athanasius did not stand in place of his Bishop, since Bishop Alexander himself was present presiding; lastly among the subscriptions, the subscription of Alexander, the Bishop of Alexandria is found, placed after the subscription of the priests of the Roman Pontiff, but no subscription of Athanasius is found.

Therefore, the fact that Bishop Hosius, as well as the priests Vitus and Vincent, the legates of the Pope, were the presidents is proved, *firstly* from the subscriptions. For these three were the first of all to have subscribed. *Secondly*, from Cedrenus in his *Compendium Historiarum* and Photius in his book *de Septem Synodis*, who say that Sylvester conferred authority on the Council of Nicaea by legates. *Thirdly*, from Athanasius, in his epistle to those living a solitary life, where he says that Hosius was the chief in that Council, and that it was he that composed the Creed which is called Nicene. Moreover, since Hosius was a simple Bishop, and hence was inferior to all the Patriarchs that were present in the Council, without a doubt, he would never have had first place unless in turn he managed it for the Roman Pontiff. Therefore, in the aforesaid Council of Sardica, which is contained in the first volume of Councils, and is perhaps by Dionysius Exiguus, a very learned man, he says precisely that Hosius of Cordova acted as a legate of the Roman Pontiff at the Council of Nicaea. The fact can also be understood from the Greek codex which the Vatican library holds, whose testimony can be seen in the second book on the Council of Nicaea, published by Alphonsus of Pisa of the Society of Jesus, at Cologne in 1581.

The second general Council was the first Council of Constantinople, in which it is certain the Emperor did not preside, but only sent the letters of the Roman pontiff to Bishops, whereby they were called to the Council (Epistle of the Council to Damasus, cited by Theodoret, lib. 5 c. 9). It is

also certain that the Roman Pontiff did not preside, rather, Nectarius, the Bishop of Constantinople. The reason for this is because the Roman Pontiff was not present, either himself or through legates. For Pope Damasus called together the Bishops of the East at Constantinople, but later wanted them to come to Rome from there, where he would summon a Council of western Bishops, so that the fullest Council would take place at Rome. The remainder of the eastern Bishops excused themselves on account of just causes, and joined their mind and teachings with the western Bishops, but not their physical presence. See the epistles of Damasus to the Council of Constantinople, and of the Council to Damasus, contained in Theodoret, lib. 5 cap. 9 and 10. Moreover, what if Damasus were present? Without a doubt he would have presided, as is clear from the same epistles, where they acknowledge Damasus as their head, and he calls them sons.

The third Council was the first of Ephesus, in which it is certain that the Emperor did not preside, rather the Roman Pontiff through legates. The fact that the emperor did not preside, nor anyone else in his name, is clear from the epistle of Theodosius the younger to the Council of Ephesus, which is contained in volume 1 of that Council, c. 32, where he says that he sent his constable Candidianus to the Council, not that he would mix in ecclesiastical questions, but for the defense of the Council. See the epistle of Nicholas I to the Emperor Michael. That the Roman Pontiff Celestine presided through his legate St. Cyril, all historians witness (Evagrius, lib. 1 cap. 4; Photius in libro de septem Synodis; Prosper, *Chronicum*; Nicephorus, lib. 14 cap. 34 and Liberatus Abbas in Breviario, c. 15; lastly Justinian in his edict and Nicholas I in his epistle to the Emperor Michael, and Celestine himself in his epistle to Cyril which is extant in this Council, tom. 1 c. 16, and among the works of Cyril).

But Calvin responds that Celestine, by some artifice, sought at least the name of the presidency when he could not hold it in fact and therefore sent his own there, to Cyril, who otherwise was going to hold the presidency, to delegate in their place, that he would at least appear to preside through him.

But this is a figment of Calvin, which he advances without any reason and it is easily refuted. *First*, from Prosper, who says that Nestorius especially resisted the industry of Cyril and the authority of Celestine. *Secondly*, from the epistle of Celestine in which we see that authority was entrusted to Cyril in place of the Roman Pontiff; much earlier than the other legates were sent. *Thirdly*, from Nicephorus (*loc. cit.*) who says that the

great eastern Bishops confirmed this privilege given to Cyril from Celestine, that later Cyril received a mitre and the name of Pope, and was called judge of the whole world, and these ornaments he also transmitted to his successors.

Fourthly, from the epistle of Cyril to the people of Constantinople, in which he says that if Nestorius did not come back to his senses within the limit set by Pope St. Celestine, he would be deprived of communion with the Church. *Fifthly*, from the Council itself, which (as Evagrius relates in liber 1, cap. 4) and from the very sentence which is held in volume 2, cap. 10 of this Council, when it meant to pronounce the condemnation against Nestorius, it prefaced the decree with other canons of the Church, and especially the letters of Pope Celestine necessarily compelled to so severe a sentence. Lastly, an epistle is extant from the Council to Celestine, in which they reserve to the judgment of Celestine himself the case of Bishop John of Antioch, as he was of the same opinion. All such are certain arguments that Celestine really was the president and chief in that Council.

The fourth Council is of Chalcedon, in the beginning of which, that is in the first action, the Emperor Martianus was present and sat in the first place, but he did not preside as a judge, and he himself witnesses to the fact in his speech to the Council, which is extant in the first act, where it says that he came to confirm the faith, just as formerly Constantine the Great had done, *i.e.* to not have come to explain the faith and judge controversies, but of this purpose, that the faith should be explained by the Council, and should be constituted firm and safe, defended by the aid and authority of the Emperor. Then, certain secular judges were present in the name of the Emperor in the other actions, who were not judges of controversies of faith, but were only present that everything would be conducted legitimately, without force, fraud or tumults. This is because, in the second Council of Ephesus, the Bishop Dioscorus, after he had introduced troops, compelled the Bishops to subscribe by force. Either the emperor or his vicar were present at this Council to impede the violence. This appears from the whole Council, for they never imposed sentence, never subscribed and they acquiesced in all the teachings of the Bishops.

Moreover, the legates of Pope Leo were really ecclesiastical judges. For they are named first in every action; they sat first, spoke first, subscribed first, and they advanced a definitive sentence against Dioscorus in the name of the Pope and the whole Council in act 3, in these words: "The most holy

and blessed Pope, head of the universal Church, through us his legates, with the approval of the Holy Council, provided with the dignity of Peter the Apostle, who is named the foundation and rock of faith as well as porter of the heavenly kingdom, made Dioscorus an exile from Episcopal dignity and every priestly work.” Then, blessed Leo and the whole Council affirmed it. Leo so said in epistle 47 to the Council of Chalcedon: “In these brethren, Paschasinus and Lucentius, Bishops, Boniface and Basil, priests, who have been guided by the Apostolic See, let your fraternity view me as presiding over the Council.” The Council of Chalcedon, in a letter to Leo, contained in the third action, (while in certain other copies it is after the end of the Council): “Over whom [the Bishops of the Council] you indeed presided as a head over these members, who hold your order, preferring benevolence. But the Emperors presided to arrange things in a most becoming manner, etc.”

Calvin responds that the legates of the Pope presided in the Council because Pope Leo had extorted this privilege from the Emperor. “When the second Council of Ephesus took place Leo did not dare to seek the first seat in the Council, but sent legates and suffered them to be under Dioscorus, the bishop of Alexandria, as president. Since the matter fell out badly, and Dioscorus did not rightly govern the ship, Leo received the occasion and sought from the Emperor that he would permit another Council to be held over which his legates would preside. The emperor, because he saw there were no Bishops in the east suitable for such a burden, permitted the presidency of the Roman legates from a defect of persons.”

This history, which Calvin recites without any proof, is full of lies, for in the first place, that Leo did not dare to seek the first seat in the Ephesine Council is a lie. Liberatus writes that the legates of the Roman Pontiff refused to sit in the Council when they saw Dioscorus preside, and the presidency was not given to the Roman See. (*Breviarium*, c. 12). Hence, Dioscorus extorted that presidency from the Emperor, against what was right, as Zonaras (in *vita Theodosii*) and Evagrius (lib. 1 c. 10) write. Wherefore, Leo also (epist. 24, 25 and 26 to Theodosius and Pulcheria) frequently repeats that Dioscorus claimed the presidency for himself, where he also witnesses that Flavianus, the Bishop of Constantinople, appealed from that Council to the Apostolic See, and handed a petition of appeal to the Roman legates; how, therefore, did Leo not dare to seek the presidency in that Council, from which it was appealed to him as though to a greater

person? Then, that Leo sought from the Emperor that his legates would preside in the Council of Chalcedon, and that the Emperor conceded it on account of defect of eastern persons, is the most impudent lie, since nothing of the sort is related by anyone, nay more, we see that Leo absolutely sent legates to preside, and sought consent from no one, still less by favor or permission.

The fifth Council was the second of Constantinople, in that Menas did not preside (as Calvin falsely teaches) for the Council Menas celebrated was a particular Council, not a general one, as we proved above; rather Eutychius, the successor of Menas, who acknowledged and professed that the presidency should go to the Roman Pontiff if he should wish to be present at the Council. Zonaras says in the life of Justinian: "Under this, the fifth Council gathered 165 Bishops, of whom the chief was Vigilius, the Roman Pope." And Eutychius himself, the Patriarch, in his epistle to Vigilius, which is contained in the end of the first conferral of the fifth Council: "We ask to discuss and confer with your Beatitude as our president on the three chapters." Such words of the Patriarch not only refute the lie of Calvin, who wrote that Menas presided in that Council, but also that of Illyricus, who, in *Cent.* 6, c. 9 col. 509 asserted that Pope Vigilius refused to be present at the Council lest he would be compelled to sit near Eutychius as second. But who could fear this, when Eutychius offered him the presidency?

The sixth Council was the third of Constantinople, in that the legates of the Roman Pontiff, Agatho, Peter and George, priests, and John the deacon. Zonaras affirms this fact in the *Life of Constantine IV*, and besides it is clear from the Council itself where they were named; they spoke and they subscribed first of all in each action. The Emperor Constantine IV was also present at this Council, and although he presided over such famous men, *i.e.* in the first seat, still he was not in any way a judge or formally president, for he imposed no sentence, and subscribed last of all, not defining, but assenting.

The seventh Council is the second of Nicaea, in which legates of Pope Adrian I were presidents without controversy. For these first are named and they were the first to subscribe. The emperor is read to have done nothing in this Council.

The eighth Council is the fourth of Constantinople, in which the legates of Pope Adrian II presided without controversy, namely Donatus and

Stephen, Bishops, and Marinus a deacon, who are the first to be named, to have subscribed, and in the first action itself were asked by the Council to show the letters of the Pope, whereby the presidency would be given to them, which they did right away. Lastly, at the end of the Council the first so subscribes: "I, Donatus, Bishop of Ostia, by the grace of God, holding the place of my master, Adrian, universal Pope, presiding over this holy and universal Council, have subscribed and promulgated all the things which are read above." Moreover, the Emperor Basil was present, but at the last part of the Council he clearly witnessed with a long speech that it was not for him, nor of any layman to mix in ecclesiastical judgments, and at length he subscribed after all the Patriarchs, not defining, but receiving and confessing the aforementioned formula. He also ought to have subscribed after all the Bishops, as formerly Constantine, Theodosius and Martianus had done, still he subscribed immediately after the Patriarchs, because the Bishops wanted to move him with such an honor.

Therefore, if we were to add to these the rest of the general Councils, in which the Roman Pontiff presided without any controversy, we will have from the continual custom of the Church, that the office of presidency in general Councils properly pertains to the Roman Pontiff. On the rest, which pertain to the form of Councils, such as their order, on which the rest ought to sit, on the garments of Bishops in a Council, on the mode of procession, etc., see Juan de Torquemada (lib. 3 cap. 26 and 27); Council of Toledo, IV cap. 3; XI c. 1 and the beginning of the Councils of Constance and Basel.

CHAPTER XX: THE ARGUMENTS OF OUR ADVERSARIES ARE ANSWERED

THE arguments of Calvin are taken from the practice of the Church. He puts forth five Councils in which the Roman Pontiff did not preside. Certainly the Council of Nicaea, where he says Athanasius presided; the fifth Council, over which he says Menas presided; the second Council of Ephesus, over which Dioscorus presided; the sixth Council of Carthage, over which Aurelius presided (even if legates of the Pope were present), and Aquileia, over which not Damasus, but Ambrose presided. We have already responded to the first three in the last chapter.

To the *fourth*, I say that it is only necessary for the Roman Pontiff to preside over a general Council, for in provincial or national Councils, of the sort as all the Carthaginian Councils were, we do not doubt that the presidency ought to be given to the Archbishop, or the primate of that place. Hence, the legates of the Roman Pontiff were not sent to the Council to preside, but to treat on a certain matter with that Council in the name of the Roman Church.

To the *fifth* I say, the argument is constituted from two lies of Calvin that are the major and minor proposition, whereby it can be gathered except that it is a lie? The first lie is that the Council of Aquileia was a general Council; firstly, if it were general, it would be the second and hence Constantinople which followed after it would not have been second but third. Then, there were hardly thirty Bishops which certainly does not suffice to make a general Council. Next, in the epistle of this Council to the emperor, the Fathers say it was not necessary to gather a general Council, but it was abundantly sufficient for that purpose for which they were called, especially since those few Bishops were from various provinces of the west. Therefore, the Council was provincial, but assisted by a few legates of certain other provinces.

The second lie is that Ambrose presided. The Bishop, Valerian of Aquileia, was named first, Ambrose of Milan second, which is the

argument, that the first place was given to Valerian, nor is it opposed to this that Ambrose disputed nearly alone with heretics, for the office of disputation is not for the president, but is customarily demanded from the most learned Bishop.

Brenz looks to arguments from the Old Testament, in which it is certain that princes or kings were special judges even in spiritual matters, as is clear from Moses, Joshua, David, Solomon, Hezechia, and Josiah. It happened that God consigned custody of the divine law to the princes, as it is said in Romans 13:4, "If you do evil, be afraid; for he does not carry the sword without cause. Therefore, it is for princes to judge concerning the law of God, how it is to be kept and to punish transgressors. But we already answered this argument in the third book *On the Word of God*, and in the first book *On the Roman Pontiff*. Still, because our adversaries are not pained to often repeat the same arguments we will not be at pains to more often also repeat the answers.

Therefore, I respond *firstly*: Moses was not only a prince but also the high priest, as is clear from Psalm 98 (99):6, "Moses and Aaron among his priests." Moreover, Joshua, David, Solomon and others were not only kings, but also prophets to whom God entrusted certain things extraordinarily, which otherwise were considered to belong to the priests by their office. In this way, King Solomon removed Abiathar from the priesthood and constituted Sadoc in his place (3 (1) Kings, 2:35), for he did this not as a king but as a prophet by divine inspiration, wherefore the reason is added in the same place, "That the word of the Lord would be fulfilled, which he spoke over the house of Heli in Silo." But on account of this extraordinary law what we read about the general law in Deuteronomy 17:9 was not blotted out, in which all are commanded when in doubts to have recourse to the priests, nor that of Malachi 2:7, "The lips of the priest will guard knowledge and the they will seek the law from his mouth."

I say *secondly*, other kings of the Synagogue, who were good, never mixed in priestly business, and whenever they did so, they were punished, as is clear from the best king, Josaphat, who in 2 Chronicles 19:11 clearly distinguished offices, and says: "Amarias the priest and Pontiff will preside in all things which pertain to the Lord; hence Zabadius, who is a general in the house of Judah, will devote himself to the matters which pertain to the office of the king." On the other hand, King Hoziah, in 2 Chronicles 26,

when he meant to usurp the office of the priest, soon after he was struck by God and became a leper, and this disease remained even to his death.

I say in confirmation, kings are custodians of the divine Law, but not interpreters and hence it pertains to their office that they command the faith to be held in their edicts and laws, which the priests teach must be held, and compel heretics to ward off from the Church with temporal penalties, as Augustine teaches in his epistles (48, 50 and 166) and the pious emperors Constantine, Theodosius, Martianus, and others often did, as is clear from *l. Cunctos populos, C. de summa Trinitate et fide Catholica*, and from the whole title on heretics in the same code.

The arguments of Herman are taken from various examples of the Fathers. His first is from a disputation of Athanasius with an Arian, while a judge named Probus presided, a layman and not yet a Christian whom the Emperor Constantine assigned, which is extant in an incomplete work in the works of Athanasius, but is completed in the works of Bishop Vigilus of Trent, who lived around the year 500 A.D.

I respond: Such a disputation was never really held; rather, Vigilus composed it in the manner of a Dialogue, and in that way he wrote against the Arians, as he himself affirms in book 5 against Eutyches, not far from the beginning and besides the matter speaks for itself; for the disputation is held among four men, Sabellius, Arius, Phtinus and Athanasius, then a Bishop, as is clear from the letter of the Emperor which he made up in the beginning of the disputation sent to Probus; but Sabellius died before any of the three are made known to the world, as is clear from Eusebius, book 7, *hist. cap. 5*. Arius also died in the time of Constantine, before Constantius began to reign, as is clear from Socrates (lib. 1 cap. 25), therefore he could not have met Athanasius in the time of Constantine, as he makes up here. Moreover, certain men say there were two Arius's, and Athanasius only disputed with the later one, but it is refuted by Vigilus himself, who in the beginning of his disputation clearly witnesses that he spoke on that Arius, who first devised the Arian heresy.

But someone will say, even if the dialogue were fictitious, still it did not seem absurd to Vigilus if a lay judge would preside in a disputation on religion.

I respond: Vigilus so composed the Dialogue to show how great the force of Catholic truth is, that it could even convict under a non-Christian judge.

The second example is taken from Zonaras in the life of Constantine, where we read that at the petition of Helen, who tried to drag her son Constantine to Judaism, thus Pope Sylvester disputed with the Jews in the presence of certain senators who acted as judges at the Constantine's command.

I respond: This story seems uncertain, for all the Fathers praise Helen as a most Christian woman, and not only Catholics; even the Centuriators mock this story as fabulous (*Cent.* 4 col. 694), and it is gathered from the *Chronicum* of Eusebius for the year 325 that Helen discovered the true Cross, and Marianus Scotus under the year 327 writes that the disputation fell upon the works of Helen, then a persecutor of Christ, which does not make sense in any way.

The third example is taken from Optatus of Miletus and St. Augustine, who writes in many places that the Donatists demanded judges from the Emperor in the case of Caecilianus. But the Emperor gave them the Bishop of Rome, with certain other Bishops, yet they appealed them, and received other judges in Gaul from the Emperor; when they appealed again the Emperor himself gave judgment, therefore, the Emperor is the supreme judge in cases of Bishops.

I respond: It is well that the heretics take their argumentation from the deeds of their elder heretics, for the fact is they acted badly in having recourse to the Emperor as a judge, and again acted worse by appealing to him, as Optatus, Augustine and the Emperor themselves witness. Augustine (epist. 48) says thence rightly the Donatists were rebuked because in the presence of the emperor they accused Caecilianus, when rather more they ought to convict him with Bishops from across the sea. He adds in the same place that the Emperor acted more orderly who remitted the Donatists coming to him to the judgment of Milthiadis the Bishop of Rome.

Optatus (lib. 1 contra Parmenianum) relates that the Emperor so shouted: "O rabid boldness of wrath, they have introduced an appeal just as it is usually done in the cases of the Gentiles." Likewise, Augustine, in epist. 162, says: "In such a matter, just as he detested them, Constantius listened and would that he cause them to cease, that for that reason afterward he judged Bishops would afterward seek pardon from holy bishops, so even these at some time would yield to the truth." There you see Constantius did not take well to an appeal made to himself, and judged that after Bishops should be gathered to either so break the fury of the Donatists,

since they saw themselves to be condemned by all others, and besides, Constantius understood that he cannot judge by his own right, but only in that hope that later Bishops would give him pardon, from whom he was going to seek it. That such was the mind of Constantius outside of the points of necessity, is clear from Ruffinus (lib. 10 *Histor.* cap. 2) where he asserted that he ought to be judged by Bishops, not to judge them.

The Fourth example is taken from the Brief Conference with the Donatists, near the beginning, where Augustine so spoke: “When Catholic Bishops and the party of Donatus conducted disputation among themselves in the presence of Marcellinus (the tribune and notary more known by his habits), at the command of the Emperor, he conferred, etc.” And at the end of the Brief conference, he asserted that Marcellinus, as a judge, imposed sentence for Catholics against the Donatists.

The fifth example is taken from Sozomen (lib. 4, cap. 5) and from Epiphanius (*haeres.* 71) who writes that Photinus sought and begged judges from the emperor in whose presence he would argue his case.

I respond to the *fourth* example, from the doctrine of Augustine himself, that the conference with the Donatists was extraordinary, and was received from a certain necessity. When the Pelagians wanted works of the emperor to compel Catholics to a conference in the manner in which the Catholics had earlier compelled the Donatists, Augustine responded that the Catholics held that conference with the Donatists in an extraordinary manner born from necessity, to the extent that they infested the whole of Africa, nor could they be otherwise repressed or compelled to a Council except by the temporal powers, and then it was done (lib. 3 *contra Julianum*, ca. 1).

Besides, I say that judge was not such a judge as we are arguing about, for Marcellinus did not so judge that his sentence would oblige the whole Church, but only that he would repress the boldness of the Donatists; for the opinion of Marcellinus was that these Donatists were so refuted by the Catholics, that they had nothing with which they could respond. Just as also when Augustine disputed with Pascentius the Arian, with Laurence on free will, as is clear from epistle 174 and 178, the teaching of Laurentius was not conducted on a matter of faith, but only availed for the confusion of Pascentius, who was pronounced conquered; and the same thing must be said on the disputation of the heretic Photinus, and on similar disputations. For they were never held for legitimate definitions in the Church, such as the decrees of Councils are.

The sixth example is taken from Socrates (lib. 5, c. 10) and Sozomen (lib. 7 c. 12) where we read that the Emperor Theodosius commanded that individual princes of various religions, that is, Catholics, Arians, and Eunomians, should advance for themselves a written formula of their faith, and when it would come to pass, the Emperor zealously prayed to God that he would direct his mind to choosing the true faith, and then at length after having read all the confessions, approved only the Catholic and commanded it to be kept.

I respond: Theodosius did not undertake to define some new controversy, nor to make himself a judge in a case of faith by any means, as is clear: 1) because that question had already been defined in the Council of Nicaea, of which he was so strenuous a follower, that he refused to be baptized by the Bishop of Thessalonika unless he would first understand that he was of the faith of Nicaea, as Socrates cites (lib. 5, c. 7), therefore he could not hesitate as to whether the Arian or Catholic faith were truer.

Secondly, because Ambrose says in his thirty-second epistle, that it is not for emperors to judge in a case of faith, and he proves this from the testimony of Constantine, Valentinian the elder and Theodosius, likewise in the Council of Aquileia, Ambrose says the same thing, the Emperor Theodosius left free judgment to the priests. Therefore, Theodosius judged nothing in a case of faith, but only read the confessions of those following different faiths, that he would acquiesce to them and satisfy them lest it would seem he condemned them unheard without a reason.

Moreover, Socrates writes that Theodosius asked God by prayers that he would direct him in the choosing a faith, I think is false. For when he prayed in secret, as the same Socrates affirms, who could know what he prayed for? And besides, it is certain that he did not so pray because by so praying he would commit the sin of infidelity, by doubting the faith, which he once received; and still made no sin in this deed, but acted in a praiseworthy manner as all affirm. Therefore, he prayed not that he would be directed in the choice of faith, but that he would be directed in that business not to do something imprudently and perhaps asked forgiveness of God that it seemed he occupied someone else's right; and at the same time he prayed lest he would be deceived by reading the confessions of so many heretics.

The seventh example is taken from Theodoret (lib. 5, cap. 23) where we read that when the Roman Pontiffs refused Flavianus to be the bishop of

Antioch, still Theodosius the emperor judged otherwise and commanded Flavianus to be the Bishop at Antioch.

I respond: this history wonderfully shows the primacy of the Roman Pontiff, and nothing clearly impedes the present case. Therefore, I say the Pope refused by right that Flavianus would be the Bishop, but the Emperor did it from power, not from justice. I prove that because, as Socrates relates (lib. 5 c. 5) when there was a schism in the Church of Antioch, and Meletius and Paulinus sat at the same time, it at length pleased all that they would sit at the same time; but when one of them would die the other would be the sole Bishop, succeeding no dead bishop, and they confirmed it by swearing an oath; just the same, after Meletius died Flavianus succeeded in his place, while Paulinus was still living, against the oath, and hence it was illicit as is known to all. Therefore, why would it be any wonder if Pope Damasus was displeased?

In that regard, St. Ambrose (epist. 78 to Theophilus of Alexandria), speaking on this affair, so said: “Your holiness writes that Flavianus went back on the judgment to an imperial rescript; therefore, the labor of such priests is in vain, to again return to the judgments of this world. ... We think this must rightly be referred to our holy brother, the priest of the Roman Church.” Besides, Chrysostom was also at Antioch and was ordained a priest not by Flavianus, but by Evagrius the successor of Paulinus, as is cited by Socrates (lib. 6 c. 3) because he would never suffer to have held Flavianus for a true Bishop. Likewise, Theophilus the Bishop of Alexandria, as Socrates relates (lib. 5 cap. 15) asked the Roman pontiff through his legate to forgive the sin which Flavianus received. And later Chrysostom labored on a similar work with the Pope, as is clear from Sozomen (lib. 8 c. 3). Whereby it is abundantly clear that Flavianus sinned and his judgment was that the Roman Pontiff was superior. Likewise Jerome, in his epistle to Damasus on the name of hypostasis, speaking about the same schism, asks from the Pope with which of these bishops he should communicate, and asserts that he will communicate with the one that the Roman Pontiff communicates with.

Besides, the three best and holiest Popes, Damasus, Syricius and Anastasius, as Theodoret writes (lib. 5 c. 23) freely rebuked the emperor in that case and said that it is enough if he diligently oppresses tyrants who rise up against him, but in those who exercise tyranny against the law of God, to depart with them unpunished. Certainly Popes as holy as these

would never have applied so fierce rebuke unless it seemed to them that the emperor gravely erred. Why would the emperor, moved by that rebuke, as Theodoret relates in the same place, not judge the Roman Pontiffs, but twice command Flavianus to sail to Rome so that he would oppose himself in the presence of the Pope?

Lastly, as Theodoret relates in the same place, even if the emperor acted from his power, as we said, he did not from justice, for he willed Flavianus to be a Bishop, still he never put an end to that case, nor did he will the Bishops of the west and of Egypt to communicate with Flavian, until after Evagrius died and the Roman Pontiff forgave the crime of Flavianus and promised to admit his legates to himself, so Flavianus sent the most famous priests and deacons of Antioch in a legation to Rome.

Therefore, we have what is required for a legitimate Council. Now, briefly in the place of an appendix, we will take up what kind of Council the Protestants require in that book which they titled: *Caussae cur Electores, Principes, aliisque addicti Confessionis Augustanae ad Concilium Tridentinum non accedant?* [9](#)

CHAPTER XXI: THE CONDITIONS WHICH THE LUTHERANS REQUIRE FOR THE CELEBRATION OF A COUNCIL ARE REFUTED

THE Lutherans, who call themselves Protestants, propose eight conditions for celebrating a Council. Since Gaspar Villalpando has made a sufficient dissertation on these, we will briefly refute them here.

Firstly, therefore, they require that before the Council occurs all the acts of the Council of Trent be invalidated. *Secondly*, that the Council be conducted in Germany; for there the canon *Ecclesiasticus*, cited by Cyprian (lib. 1 epist. 3) says that suits should be judged in the places where they arose. *Thirdly*, that the Roman Pontiff should not summon the Council, nor preside in it, but that it should be on the other side of those litigating, just as when someone is accused and no man is at the same time the judge and the accusing party. *Fourthly*, that sentences should be imposed only from the divine Scripture, not from Traditions. *Fifthly*, that the decision should not be made in the power of a plurality of votes, but pronounced according to the norm of the divine word. *Sixthly*, that the Roman Pontiff would absolve all prelates from the oath of fidelity, in which they have been bound. *Seventhly*, that theologians of the principles and statutes of the Augsburg Confession, no less than Bishops in the Council, be permitted decisive opinions and voices. *Eighthly*, that safe conduct be granted by the emperor, not only to persons, but even to those principal cases, *i.e.*, that neither can persons be punished if they refuse to assent to the Council, nor the faith and confession of the Lutherans can be condemned, even if the Lutheran theologians cannot defend it. They say with these conditions that they desire a Council with all their heart, and they call this a truly pious and free Council.

The first condition is unjust because nothing ought to be held invalid unless it is condemned by a legitimate judgment. Moreover, the Council of Trent is accused by heretics but has not been condemned by any legitimate judge. Therefore, just as the second Council of Ephesus was condemned at

the Council of Chalcedon, and the Council of Constantinople against images was condemned at the seventh Council, so also the Council of Trent, if it must be condemned, ought to be examined and judged in another Council, but not invalidated before the judgment of another Council.

The second condition is also unjust, for the Lutherans seem to seek the right for themselves that the Council not be conducted in Italy, where Catholics prevail, so Catholics can rightly demand that it not be conducted in Germany, where the Lutherans prevail, and really a better and more suitable place could not have been chosen than Trent, which is on the borders of Germany and Italy, even if this question were relinquished to the judgment of a heathen man.

Moreover, to the canon which is cited by Cyprian, I say that canon is understood on particular cases, *i.e.* on crimes of particular men, which ought to be judged where they are committed, because there witnesses can be discovered more easily; but on cases of faith which pertain to the whole Church, there is another reason. The question on the cessation of the law arose at Antioch, but it was finished in the Council of the Apostles at Jerusalem (Acts 15); the Arian heresy arose at Alexandria in Egypt, but it was judged at Nicaea in Bithynia; the heresy of Nestorius rose at Constantinople, but it was condemned at Ephesus; the Monophysite heresy was born at Constantinople, it was condemned at Chalcedon; the heresy of the Originists, Didymus and Evagrius was judged in the fifth Council at Constantinople, but it hardly arose there; the Monothelyte heresy was born in Alexandria, Cyrus being its author, and was condemned first at Rome in the Council of Pope St. Martin, then at the sixth Council in Constantinople; lastly, the heresy of the Iconoclasts, which arose at Constantinople, or at least was wonderfully increased and had been strengthened there, was judged and condemned at the second Council of Nicaea in Bithynia, and before also at Rome in a Council.

Add that the Lutherans have also had not a few provincial Councils such as at Cologne, Moguntinus, and others in which they were condemned. Our adversaries should not object if these Councils were made up of Papists, for all heretics could make the same objection. In the Church it has always been preserved that those who were then Bishops would judge controversies, and new Bishops were not created because of new questions.

The third condition is unjust, because the Roman Pontiff cannot be deprived of his right to summon Councils and preside over them, in whose

possession this right has already been for 1500 years, unless he were first convicted by the legitimate judgment of a Council and is not the Supreme Pontiff. Moreover, what they say, that the same man ought not be a judge and a party, I say has place in private men, but not in a supreme prince. For the supreme prince, as long as he is not declared or judged to have legitimately been deprived of his rule, is always the supreme judge, even if he litigates with himself as a party.

Therefore, private men, when they litigate with their prince, usually appeal from the prince badly represented, to represent the same better, and it is confirmed from the ancient histories, for when Marcellinus sinned, and on account of it he gathered a Council, all the Bishops said he could not be condemned by anyone, rather he ought to be the judge, and the defendant, as Nicholas I relates in his epistle to the Emperor Michael. Likewise, Sixtus III, when he was accused of adultery, the Emperor gathered a Council with the Pope's consent, but in that Council no man dared to strike up the case of the Pope unless first he would have said that he willed the case to be discussed, even if he would be judged by his own judgment, but not judged. It is clear both from the acts of that Council and from the epistle of the same Sixtus to the Bishops of the east.

Next, in the fourth Roman Council under Symmachus, we read that all the Bishops said the Council could not be summoned by right unless it were by the Pope, even if he were the one that were accused. For this purpose, did not Arius litigate with Alexander on the faith? And still in the Council of Nicaea Alexander sat, because he was a Bishop as a judge. Likewise, in the third Council Cyril presided in episcopal judgment, still it was said on the side of the Nestorians to have the side of those litigating. So also in the fourth Council, legates of Pope Leo presided, although the whole case turned the dispute between Leo and Dioscorus. It happens also that the Pope in a Council is not only the judge, but has many colleagues, that is, all the Bishops who, if they could convict him of heresy, they could also judge and depose him even against his will. Therefore, the heretics have nothing: why would they complain if the Roman Pontiff presides at a Council before he were condemned?

The fourth condition is unjust, because that which was once defined ought not be recalled into doubt, according to the law of the Emperor Maritanus, *l. nemo; c. de summa Trinitate et fide Catholica*. It is certain, however, in the seventh general Council that it was defined that unwritten

traditions must not be received. Although, however, that condition is so unjust; still it could be admitted as long as again it were not legitimately defined in a Council that these must be received for the word of God. Hence, the Council of Trent, before it progressed to other things, defined the Scriptures and the Apostolic Traditions received for the word of God.

The fifth condition altogether abolishes the form of Councils that we showed above, and on that account it cannot be done that at some time it would arrive at the end of controversies unless place were given to the greater side of those with a vote, for when both sides advance testimonies of the Scriptures, how can it be understood what the teaching of the Council is unless it is gathered by a vote, and the opinion of the greater would prevail?

The sixth condition is unjust and impertinent. Unjust, because inferiors ought not be free from the obedience to superiors, unless first he were legitimately deposed or declared not to be a superior, just as it would be unjust that as often as imperial assemblies were conducted, the Emperor ought to make the oath of fidelity that all the princes must offer in subjection to him free. Moreover, it is no new or recent thing that Bishops should furnish an oath of obedience to the Pope, as is clear from St. Gregory (lib. 1 epist. 31) and from *cap. Significasti, extra de elect.* Likewise, from the eleventh Council of Toledo (ca. 10). Furthermore, it is impertinent because that oath does not take away the freedom of the Bishops, which is necessary in Councils, for they swear they will be obedient to the supreme Pontiff, which is understood as long as he is Pope, and provided he commands these things which, according to God and the sacred canons he can command; but they do not swear that they are not going to say what they think in the Council, or that they are not going to depose him if they were to clearly prove that he is a heretic.

The seventh condition, if it were understood to be on a properly decisive vote in a form of judgment, it is opposed to the fifth condition, and is against the form of all Councils, as we showed above; if it were understood improperly, and a “decisive voice” were called the divine Scripture in testimony of some teaching brought to the fore, then the condition is most just and was never denied to the Protestants, nay more it was offered to them three times in the Council of Trent, namely in session 13, 15 and 18.

The last condition for the first part, *i.e.* what attains to the safe conduct of persons, was offered to the Protestants, as is clear from the same places

of the Council of Trent, namely sessions 13, 15 and 18; for the second part it is altogether inept and ridiculous, for it is as if they were to have clearly said we want the Bishops of the whole Christian world to be troubled, and take up expenses and suffer great labors to come to the Council, and nevertheless, when they come we will refuse anything to be established, nor quarrels ever to be settled.

BOOK II

ON THE AUTHORITY OF COUNCILS

CHAPTER I: THE ARGUMENT AND PARTITION OF THIS BOOK.

HITHERTO, we have made our disputation on the definition and causes of a Council, so as to make the beginning brief; the authority remains and because both from those Councils that are extant, and from book 4 of *On the Roman Pontiff* it is certain that Episcopal Councils judge controversies both of faith and morals which arise in the Church at some time. With that question omitted, we will only take up the explanation of this point: whether or not the judgments of Councils are infallible?

Moreover, the disputation on the authority of Councils will be bipartite. For the *first part*, the authority of Councils must be understood absolutely, then compared with other similar principles of faith, *i.e.* with Scripture, and decrees of the Pope.

On the authority considered absolutely there are two questions. One, whether Councils confirmed by the Supreme Pontiff could err. The second, whether Councils that have not yet been confirmed by the supreme Pontiff, but are otherwise altogether legitimate, could err. For on Councils that have been condemned or partly approved and partly condemned, there is nothing which we will say since they erred beyond any doubt, however, on those the judgment is the same as others, which were either confirmed or condemned.

CHAPTER II: IT IS PROVEN FROM THE SCRIPTURES THAT GENERAL COUNCILS CONFIRMED BY THE POPE CANNOT ERR.

SO that we might begin from the first question, the heretics of this time would have it that there has never been a Council that could not err. Luther asserts this in article 28 and 29, and in his book on Councils. Brenz, in the *Wirtemberg Confession*, in the chapter on Councils; Calvin in the *Institutes*, lib. 4 cap. 9 § 8, and in the *Institutione minore*, cap. 8 § 163 et *seqq.* But all Catholics constantly teach that general Councils confirmed by the Supreme Pontiff cannot err, either in the explication of the faith, or in handing down precepts of morals common to the whole Church. But in regard to particular Councils, it seems there is some dissension among Catholics, for since the whole strength of those sort of Councils nearly depends upon the strength of the Pope, those who say the Pope can err, consequently ought to say that even Councils of this sort can err. To explain it more easily and clearly, we shall constitute two propositions.

The first proposition is: *It must be held with Catholic faith that general Councils confirmed by the Supreme Pontiff can neither err in faith nor morals.* It is proved first, from the testimonies of divine Scripture, which can be reduced to four classes. In the first, there will be proper testimonies; in the second, those which prove the Church cannot err; in the third, those which prove the Pope cannot err; in the fourth, those which prove that all the Bishops and Doctors of the Church cannot err.

The proper testimonies are three: 1) Matthew 18:20, “Where there are two or three gathered in my name, there I am in their midst.” Calvin does not make much of this testimony because it seems it can be proven from it that a Council of two men cannot err. Yet, while he does not scorn this testimony, he observes that the argument is not taken simply from these words, but from these words continued from what came a little before, and on that account with added argumentation from the minor to the major. For previously the Lord had said in regard to an incorrigible man: “Say it to the Church, and if he will not listen even to the Church, let him be to you as a

heathen and a publican.” But lest someone would think that the Church or a gathering of prelates must be condemned, he immediately added: “Amen I say to you, whatever you will have bound upon earth will be bound in heaven also, etc.”

And so that no one would be uncertain about the assistance of God, when the Bishops have been gathered to condemn something, or absolve, he added: “For where two or three are gathered in my name, there I am in their midst.”

This is the meaning of such words: if two or three are gathered in my name, they always obtain what they ask from God, namely wisdom and light which is sufficient for them to discover what is necessary for them. Thus, how much more will all Bishops gathered in my name obtain what they justly seek, *i.e.*, wisdom and light to judge those things which pertain to the direction of the whole Church?

Therefore, whether few or many, whether private men or Bishops gathered in the name of Christ, all have Christ present, helping, and they obtain what is suitable for them to obtain. But in the gathering of the few and private men Christ is present to help them in small and private matters; in a gathering of Bishops, however, he is present to help them in great and public matters. The Council of Chalcedon explains this passage the same way, and uses this argument in its epistle to Pope Leo, which is after the end of the third action of the same Council. Likewise, the sixth Council, act. 17; the third Council of Toledo, not far from the beginning. Likewise, Pope Innocent, cited by Gratian (*dist. 20, ca. de quibus*).

2) John 16:13, “The Spirit of truth will teach you all truth.” And lest we would think this is said to the Apostles alone, and not also their successors, in chapter 14 the Lord clearly witnesses that the Holy Spirit is going to remain with the Apostles forever, *i.e.* perpetually with them and their successors. But the Holy Spirit does not teach Bishops standing apart all truth, therefore he will at least teach all Bishops gathered into one, and rightly since in the Church there is no greater seat whereby God shall teach us than that of the Supreme Pontiff, joined with the consent of a general Council. If this chair could also be deceived, although it teaches the universal Church, I do not know how that promise, “He will teach you all truth,” would be true.

3) Acts 15:28, where the first Council confidently said: “It has been seen by the Holy Spirit, and us.” Moreover, if that Council, from which all other

Councils receive their form, asserts its decrees, they are decrees of the Holy Spirit; certainly the other legitimate Councils can assert the same thing, which prescribe rules of belief and action for the universal Church. For the Holy Spirit was present in that Council because it was necessary for the preservation of the Church; but it is and will be no less necessary in other times when new heresies arise.

The second class of testimonies contains all those passages with which it is proved that the Church cannot err either in belief or in teaching, such as these: "Upon this rock I will build my Church; the gates of hell will not prevail against it" (Matt. 16); "I am with you even to the end of the age" (Matt. 28:20); lastly, "The Church of the living God is a column and firmament of truth." (1 Tim. 3:15).

From these passages it is clearly gathered that approved general Councils cannot err, and in two ways: 1) Because formally, the whole authority of the Church is in none but prelates, just as it is seen formally of the whole body, it is only in the head; consequently, it is the same thing that the Church cannot err in defining matters of faith and that the Bishops cannot err. It is otherwise, as we said, if they are individuals for then they can err; therefore, they cannot err when they are gathered into one.

2) Secondly, a general Council represents the universal Church, and so has the consent of the universal Church; this is why if the Church cannot err, neither can a legitimate and approved ecumenical Council err. Thus, the universal Church is represented by a general Council, although Calvin rejects this, it can easily be proved. For in the first place, in 3 Kings 8:22, an assembly of princes is clearly called the whole Church of Israel, which had come together with Solomon, for it cannot happen that all Israel, which took pride in the number of thousands upon thousands of men, would be together in the temple at the same time; and in the beginning of the chapter we read that the priests gathered before the king, and the heads of individual tribes.

Additionally, Athanasius, in *epist. de Synodis Arimin. et Seleucia*, and in *epist. ad Episcopos Africanos*; Epiphanius in *fine Ancoratus*, Eusebius, *lib. 3 de vita Constantini*; Augustine *lib. 1 contra Donatistas*, c. 18 and *lib. 2 c. 4 c. 6*; Gelasius in *epist. ad Episcopos Dardaniae*; Gregorius *lib. 1 epist. 24 ad Ioannem Eulogium*, and other Patriarchs argue this. Then, the eighth Council, act. 5, calls a general Council a gathering of the whole world, or the consent of the whole Church. Besides, Martin V, at the end of the

Council of Constance, bids those suspect of heresy to be questioned whether or not they believe a general Council represents the universal Church. Likewise, St. Cyprian, in lib. 4, epist. 9, when he says the Church is in the Bishop, without a doubt he understands that all Churches are in all Bishops. Lastly, if in each kingdom or republic, that which establishes a senate or assemblies, it is said to be for the whole kingdom or republic, why would the same not be said about Ecclesiastical decrees, which are made with the consent of all the Bishops?

The third class of testimonies contains all those places which prove the Roman Pontiff cannot err in faith: such as that of Luke 22:32, "I have prayed for thee that thy faith would not fail," and if there are some others, they are explained in another place, for from these it is clearly gathered that a Council confirmed by the Pope cannot err. Although there are some Catholics who think the Pope can err, still they say then he can err only when he does not apply all diligence; but when a general Council is convoked, without a doubt he applies all diligence in investigating that matter, for what more can he do? Therefore, at least then, by the consent of all, he will not err.

The fourth class of testimonies contains those passages which teach that Bishops must be held as pastors, listened to as teachers and followed as leaders. In Luke 10:16, "He who hears you, hears me;" and Hebrews 13:17, "Obey those put over you and be subject to them." Likewise, those passages where they are called pastors, Acts 20:28, and Ephesians 4:11, for when they are bid to feed the flock, we are bid to follow them to pasture; especially since the Apostle says they were constituted as pastors for that end in the Church. Likewise, those passages in which they are called doctors, in Matthew 28:19, "Teach all nations;" and 1 Timothy 3:2 as well as Titus 1:9, accordingly by some precept they are bid to teach, in the same we are bid to listen. Likewise, those where they are called watchmen: "I have given you as a watchmen over the house of Israel," (Ezechiel 33:7). Jerome and Gregory explain that this passage refers to Bishops. This is why the eighth Council of Toledo (cap. 4) and Ambrose (lib. *de dignitate sacerdotali* cap. 6) are not wrong when they call Bishops "eyes", and certainly, so if Bishops are commanded as watchmen, and the eyes show us the path, then we are bid to embark on that path which they show us. Lastly, those passages where Bishops are called fathers and the rest are called sons, such as Galatians 4:19 and 1 John 2:1.

From all such places, we can reason that: If we are commanded by God to listen and follow Bishops as overseers, pastors, doctors, watchmen and fathers, then certainly they cannot deceive us or err at some point, and whenever they disagree among themselves that we would not know which of them must be followed; therefore, at least all of them, being gathered at the same time, especially in the name of the Lord, when they teach us unanimously, cannot err.

CHAPTER III: THE SAME IS PROVEN FROM THE FATHERS

WE add the second testimony, the tradition of the ancient fathers. The Church and the fathers write many things about Councils, from where it is certain that they thought general Councils cannot err. *First*, they affirm that the teaching of a general Council, in a case of faith, is the last judge in the Church, from which one cannot appeal, nor be invalidated or retracted in any way. Hence it most clearly follows that Councils of this sort cannot err, for otherwise it would be very unjust to compel Christians to not appeal from that judgment if it could be erroneous.

Moreover, this first opinion is cited very frequently in the Fathers. Athanasius, in his letter to Epictetus, which Epiphanius also relates in *heresy 77*, marvels how some dared to question matters already defined at the Council of Nicaea, since the decrees of Councils of this sort cannot be changed unless they were in error. Augustine, in *epist. 162*, says the last judgment of the Church is a general Council. Leo, in epistle 50 to Martianus, asks that what was once defined in general Councils would not be retracted. The same Emperor Martianus ratified this with his own law in *l. nemo, c. de sum. Trinit. et fide Catholica*. Leo also teaches the same thing in epist. 61 to the Council of Chalcedon as well as epist. 62 to Maximus the patriarch of Antioch. Likewise, Gelasius in his epistle to the Bishops of Dardania. The same is established in the Council of Ephesus, near the end, and in the Council of Chalcedon, act. 5, can. ult.

Secondly, the fathers and Councils teach that all those who do not acquiesce to plenary Councils are heretics and must be excommunicated. It manifestly follows from this that they thought that Councils could not err, and also that all general Councils that in particular declare anathema to anyone that would contradict it, as Athanasius witnesses about Nicaea in his letter to the Bishops of Africa, and it is clear from their other acts.

Gregory Nazianzen, because the Apollinarists denied that they were heretics and said that they were received in a certain Catholic Council, said in his first letter to Clidonius: "Let them show this, and we will acquiesce, the particular mark will be if they will assent to right doctrine, for the

matter cannot stand otherwise if they do not act accordingly.” St. Leo, in epistle 78 to the Emperor Leo, teaches that those who resist Nicaea or the Council of Chalcedon cannot be reckoned as Catholics, and he commands a certain priest named Atticus to either acquiesce to the Council of Chalcedon or be excommunicated. Basil explains the faith in epistle 87, in which he teaches that those suspect of heresy must display the decrees of the Council of Nicaea, thence it will be clear whether they are heretics or Catholics. Besides, Augustine, in *de Baptismo*, book 1 ch. 18, only excuses Cyprian from heresy for this reason, because still in that time a general Council did not exist from which that question on the baptism of heretics could be defined. Likewise, Gregory, in lib. 1 epist. 24, says anathema to those that do not receive the five general Councils, which were the only ones celebrated in that time.

Thirdly, the Fathers teach that the decrees of legitimate general Councils that have been published are divine and from the Holy Spirit. From that it follows that they cannot be guilty of error. So Constantine, in his epistle to the Churches (which is cited by Eusebius, lib. 3 *de vita Constantini*) calls the decrees of the Council of Nicaea heavenly commands. Athanasius, in his epistle to the Bishops of Africa, says: “The word of the Lord remains eternal through the ecumenical Council of Nicaea.

Gregory Nazianzen in his oration on Athanasius, says the Bishops were gathered at the Council of Nicaea by the Holy Spirit. Cyril in book 1 *de Trinitate* calls the decree of the general Council of Nicaea a divine and most holy oracle. Leo in epistle 53 to Anatholius and 54 to the Emperor Martianus, affirms that the canons of the Council of Nicaea were drawn up by the Holy Spirit. And in epist. 37 to the Emperor Leo, he asserts that the Council of Chalcedon was gathered by the Holy Spirit. St. Gregory affirms in book 1, epist. 24, that he venerates the first four Councils like the four Gospels. Nicholas I, in his epistle to the Emperor Michael, calls the decrees of Councils divinely constituted, inspired teachings. Lastly, the Councils themselves affirm that they are gathered in the Holy Spirit.

Fourthly, they teach that it is better to die than to recede from the decrees of the general Councils. Ambrose speaks this way in epistle 32: “I follow the tract of the Council of Nicaea from which neither death nor the sword could separate me.” Moreover, Hilary really suffered exile on account of the faith of Nicaea, as he witnesses at the end of his book on Councils. And Victor of Africa in the three books on the Vandal

persecution, describes many famous martyrdoms of the saints who died for the faith explicated in a general Council. Jerome, in his book against the Luciferians, while speaking about Athanasius, Hilary, Eusebius and other holy confessors, says: “How could they act against the Council of Nicaea, on account of which they suffered exile?”

CHAPTER IV: THE SAME IS SHOWN BY ARGUMENTS LEAD IN FROM REASON

LASTLY we add the argument from natural reason. *First*, if general Councils could err, there would be no firm judgment in the Church from which controversies could be settled and unity in the Church would be preserved, for there is nothing greater than a legitimate and approved general Council.

Secondly, if the judgment of Councils of this sort were not infallible, all condemned heresies could rightly be recalled from doubt. For Arius said the Council of Nicaea erred, Macedonius that Constantinople erred, Nestorius that Ephesus erred, Eutyches that Chalcedon erred.

Thirdly, there would be no certitude on many books of Sacred Scripture; for the epistle to the Hebrews, 2 Peter, 3 John, James, Jude and on the Apocalypse, which books even the Calvinists receive, at length were in doubt until the matter was declared by a Council.

Fourthly, if all Councils could err, it would certainly follow that they would all admit intolerable error, and hence would be worthy of no honor. For it is an intolerable error to propose something to be believed as an article of faith on which it is not certain whether it is true or false; yet particular Councils, such as Nicaea, Constantinople, Ephesus, and Chalcedon published a new creed of faith, or certainly new opinions, which they willed to be held as articles of faith. Moreover, who will dare to say that those four Councils contained intolerable error and were worthy of no honor when we see they are received with honor even by our enemies, and are often adduced in testimony to true doctrine? Therefore, it remains that we ought to believe their judgments are firm and infallible.

CHAPTER V: PARTICULAR COUNCILS

APPROVED BY THE POPE CANNOT ERR

THE second proposition: *Particular Councils confirmed by the Supreme Pontiff cannot err in faith and morals.* This proposition is not received as equally as the first. Therefore, for that reason, we do not affirm this proposition must be held with Catholic faith since we do not yet see the authors who think the contrary to have been condemned by the Church as heretics. It is also certain from Eusebius (lib. 7 *hist.* ca. 2, 3, et 4). Pope Cornelius, with a national Council of all the Bishops of Italy established that heretics ought not be rebaptized, and the same was later approved by Pope Stephen who commanded that heretics would not be rebaptized. And at the same time it is certain from the same Eusebius, that St. Cyprian thought the contrary and tenaciously defended it, which he declared in his epistle to Pompeianus, where he argued that Pope Stephen was in error, and still Cyprian has always been held in the number of Catholics.

But whatever about this, upon which we spoke in another place when we were treating about the Pope, it is certainly temerarious, erroneous and proximate to heresy to think that particular Councils confirmed by the Pope can err. This *first* is proven from those arguments with which we showed above that the Supreme Pontiff in judging affairs which pertain to faith and good morals, cannot err. For if the Supreme Pontiff cannot err, certainly even the scantiest Council approved by him could not err.

Secondly, the same is proved from the fact that if Councils of this sort could err, many heresies which were condemned by particular Councils alone could again be called into doubt, such as that of the Pelagians, Priscillianists, Jovinians and others.

Thirdly, to this point a Council of this sort which erred has never been discovered.

Fourthly, in the seventh Council, act. 3, and the eighth Council, in the last act, can. 1, the fathers say they venerate and receive even the decrees of local Councils; nay more, in the same seventh Council they called decrees of this sort divinely inspired. It remains that we propose the arguments of our adversaries and refute them.

CHAPTER VI: Arguments produced from the Scriptures are answered

OUR adversaries make objections to us with four types of arguments. They seek one from the Scriptures, the other from testimonies of the Fathers, the third from the Councils themselves, which seem to often oppose other Councils or the Scriptures. The fourth is from natural reason. But the first have nearly no force, therefore they will be refuted briefly.

Calvin objects in the *Institutes* (lib. 4 cap. 9 §3) with those passages of the Old Testament wherein pastors and priests, as well as prophets, are rebuked not only for wickedness but even for ignorance and error. One is from Isaiah 56:10, “All his watchmen are blind, and they do not know anything, they are all mute dogs that do not bark but lying down sleep and love dreams, and the shepherds themselves know nothing nor understand.” Likewise that of Hosea 9:8, “The watchmen of Ephraim was with my God; the prophet is become a snare of ruin upon all his ways, madness in the house of God.” And that of Jeremiah 6:13, “From the prophet even to the priest, everyone follows lies.” And chapter 14:14, “The prophet prophecies a lie in my name.” Lastly that of Ezechiel 22:25, “The conspiracy of the Prophets in his midst are just as a roaring lion and some take prey, his priests violate my law, and they profane my holy things.”

But all of these can be answered in three ways. *First*, it happens very frequently in sacred things that all are rebuked on account of some bad ones, while on account of some good men all are praised, in such a way that both the rebuke and the commendation are more forceful. St. Augustine records in his book *de Unitate Ecclesiae*, cap. 12, that there are many examples from the divine Scriptures, but this one will suffice. The Apostle writes to the Philippians 2:21, “All seek those things which are the things of Jesus Christ.” And still, in chapter 1:15, he had already said certain men from contention, certain ones from charity, declare Christ. And in chapter 3:17, he says: “Be imitators of me and observe those who so walk that you have our form, for many walk, whom I have often spoken to you of, but now I say weeping, that they are enemies of the cross of Christ.” And which follow. If therefore, certain men announced Christ from charity, and walked

according to the form of the Apostle, so that they would also be worthy, whom the Philippians would imitate and observe; therefore, all do not seek what is their own and still in that mode, *i.e.* by the figure of understanding, all sought what is their own, as the Apostle says. Therefore, the testimonies of the Scripture do not compel that we would understand pastors and priests and prophets of the Old Testament to have all been liars at the same time and that they were wicked, but only a few.

Then, since none of these were said against a Council of priests, but against shepherds and prophets, who deceived the people separately; these testimonies do not seem to affect our argument; another reason is in a Council of pastors gathered by the public authority and who are called in the name of God to diligently examine questions; another reason is of those dispersed and who, while they sit in their own places give way to their own judgment. This is why the same Scripture, which so frequently inveighs against wicked shepherds and warns us to beware of false prophets, sends those who are uncertain about some matter to a Council of priests and commands that they observe that which the priests will have said, “who preside in the place which the Lord has chosen” (Deut. 17:10).

Then, even if we were to have nothing of these, still one may not, thereupon, transfer all those things that are said against Prophets and priests in the Scriptures of the Old Testament to the priests of the New Testament, especially those gathered in a Council. The Church has more certain and greater promises of God than the Synagogue. For, we have never read about the Synagogue what Christ says about the Church in Matthew 16:15, “Upon this rock I will build my Church and the gates of hell will not prevail against it.” Nor that which the Apostle says in 1 Timothy 3:15, that it is “a pillar and firmament of truth.” Nor was it written about Caiaphas, but Peter: “I have prayed for thee that thy faith shall not fail” (Luke 22:32).

Calvin objects *secondly* (*Ibid.*, §4) with these passages of the new Testament: 2 Peter 2:1, “But there will be pseudo-prophets among the people, just as even among you there will be liars as teachers, who will introduce sects of perdition;” Acts 20:29, “I know that ravenous wolves will enter after my departure among you, not sparing the flock and from you men will arise speaking perverse things so that they would lead away disciples after themselves;” and Matthew 24:24, “Pseudo-Christ and pseudo-prophets will rise and give great signs and wonders, so that, if it could happen, even the elect would be led into error.”

But it is a marvel if Calvin, while he proposes these, does not turn his gaze to himself and say: What if I myself am one from the number of these unhappy pseudo-prophets? For, even a blind man can see that Christ, Peter and Paul are describing heretics while using the term of false prophets, who, opposing the doctrine which is preserved in the Church by Bishops in an ordinary succession do not fear to introduce sects and lead away disciples after themselves, and they make a name for themselves on earth such as Lutherans and Calvinists are named. But at length, it is simply not the case that those passages, which warn us to beware of false prophets, should be understood about Councils of Bishops, as it is the other way around; this is the ordinary cause of a Council, that false prophets would be uncovered and refuted so that ravenous wolves would be kept far away from the sheepfold of Christ.

CHAPTER VII: ARGUMENTS SOUGHT FROM THE TESTIMONIES OF THE FATHERS ARE REFUTED

IN the second place they advance testimonies of the Fathers, and first off, Calvin brings to the fore St. Gregory Nazianzen, who, in a letter to Procopius, so speaks: “If I must write the truth, I am so minded that I would flee all Councils of Bishops because I have never seen a happy and prosperous end to a Council, nor that it was ever an occasion for the repulsion of wicked men rather than their entrance and increase.”

I respond: Nazianzen does not deny legitimate Councils make certain faith, rather, in his time it was a question of whether no Council could be completed that was *legitimate on every side*. That is the truest thing. For in the age of Gregory it happened that in the time between the first and second general Council, numerous Councils were held, which, on account of the multitude of Bishops favoring heretics, had an unfortunate end, such as the Councils of Seleucia, Tyrense, Armenia, Milan, Sirmium, etc. Therefore, since he saw so many bad Councils in his time, and none good, and yet was still called by Procopius in the name of the emperor to a certain Council, he applied two excuses: 1) that he despaired of seeing a legitimate Council in that time; 2) the chief reason, that he was detained by so serious an illness that daily he thought he would die. This response is confirmed by St. Basil, who lived at the same time, *i.e.* after the first Council and before the second. And, writing in epist. 52 to Athanasius, he says it seemed impossible to him that in that time a legitimate Council could be held, and so it was fitting to write to the Roman Pontiff asking him to invalidate the acts of the Council of Armenia by his own authority.

Next, it is abundantly clear what Gregory thought about legitimate Councils, both from his opinions cited above and also from the fact that he was so strenuous a preacher of the Council of Nicaea, that the Church in which he preached at in Constantinople was called *αναστασία*, [*anastasia*] *i.e.* the Resurrection, because there the faith of Nicaea, which before had been extinguished for a time by the Arians, rose again by the work of

Gregory, he relates (*historia Tripartita*, lib. 9 cap. 9) and then, because later he was present in the second general Council as is clear from the subscription and from the sermon he gave to 150 Fathers.

Another testimony is that of Augustine, who says in *Contra Maximinum*, lib. 3, cap. 14: “Neither ought I to advance the Council of Nicaea, nor you that of Armenia, as if to prejudice the matter, nor will I be detained by the authority of the latter, nor you by the former, etc.”

I respond: Augustine does not mean that Maximinus was not held in any way by the authority of the Council of Nicaea, but that he is not held *in that disputation*, whereby Augustine promised that, because Maximinus objected to the Council of Nicaea, and the Council of Armenia by Augustine, it seemed to him a waste of time to show the Council of Nicaea was legitimate and that of Armenia not, when he had better arguments from the Scriptures, so he said: “No, neither will I be held by the authority of former Councils nor you of the latter, in other words, I refuse no that we be held by the authority of Councils. Let us omit the Councils and come to the Scriptures.” Yet, the fact that Augustine thought otherwise, that the Council of Nicaea was of the greatest authority and that it behooved all to acquiesce to it, is clear from the preceding words, where he so says: “This is the term *homousion*, which was confirmed in the Council of Nicaea against the Arian heretics by Catholic Fathers, by the authority of truth, etc.” For what is truth of authority except true and certain authority?

He advances another testimony from Augustine’s *de Baptismo*, c. 3, where Augustine says that earlier plenary Councils are emended by later ones, nor can it be said that he speaks improperly about plenary Councils, *i.e.* of national ones, for a little earlier he said regional Councils, and provincial ones ought to yield to plenary ones, and then adds, among plenary Councils themselves, that they are corrected by later ones. Here, Hermann exults (lib. 3 cap. 16, *Prolegom.*): “For if the earlier most ancient Councils need correction, how many errors bubble out of more recent ones?”

I respond: *Firstly*, perhaps Augustine speaks about illegitimate Councils which are later corrected by legitimate ones, as happened to the second Council of Ephesus, which was corrected at Chalcedon. I say, *secondly*, if he speaks on legitimate Councils, he argues on questions of fact, not of law, since, in such questions there is no doubt a Council can err and certainly Augustine seems to argue on questions of this sort, for the particular

question of Catholics with the Donatists was about Caecilianus, whether he should hand the sacred books to the enemies of faith, or not? It can be said *thirdly*, if our adversaries contend that he spoke on all questions, when he said earlier Councils are corrected by later ones, then it was in regard to precepts of morals, but not in regard to dogmas of faith. Precepts are changed according to the changes of times, places and persons, and these changes are called corrections, not for a matter that was bad in the time in which it was established, but because they began to be bad with the change of circumstances. Each answer is sufficiently confirmed from the words of Augustine, who says then Councils are corrected; when what had been closed is opened by some experiment. For by experiment questions of fact are opened, either on morals or when they are not universal questions of law.

Thirdly, Calvin advances Leo the Great, who, in epistle 53 to Anatholius and 54 to Martianus, as well as 55 to Pulcheria, recognizes that the Council of Chalcedon was legitimate, and still does not hesitate to attribute ambition and injudicious temerity to it, therefore he thought that a legitimate Council could err.

I respond: A legitimate Council can err in these matters which are not done legitimately and err on a question of fact, when it is condemned by the Apostolic See; such is that, on which the Council of Chalcedon was rebuked by Pope Leo. For it is clear from the last action of the same Council, and from epist. 61 of the same Leo, which is to the Council of Chalcedon, that decree in which the Bishop of Constantinople is placed ahead of the Patriarch of Alexandria and Antioch, was made while the legates of the Roman See were absent, and not without deceit, and was rebuked by Leo because it was contrary to the constitution of the Council of Nicaea.

To these things, Hermann adds (liber 3 cap. 13, Prolegomena) that Isidore, who asserted with Gratian (distin. 50, *can. Domino Sancto*), that when Councils disagree with themselves, the more ancient and approved must be favored; such a rule is contrary to the earlier rule of St. Augustine who places later Councils ahead of earlier ones, and besides, it is gathered from that rule that at some point Councils oppose themselves and thus some of them can err.

I respond: Isidore speaks on Councils of which the authority is not certain, namely, which have not been expressly confirmed by the Pope; we

do not deny that such Councils can oppose themselves and err. Nor is Isidore opposed with Augustine, for Isidore speaks about the doctrine of Faith, whereas Augustine about questions of fact or precepts of morals.

Luther, in his book on Councils (pag. 54) shows Councils oppose themselves from the title of a decree of Gratian, *concordantia discordantiarum*.

I respond: he speaks about apparent disagreements but not true ones, for if they were true disagreements there could be no reconciling.

Some other men add lastly that Gratian, who in dist. 18, can. 2, says that Episcopal Councils are invalid to define and constitute, but not to correct. I respond, Gratian does not call any Council you like an Episcopal Council, but only provincial ones; for those are properly Episcopal in which only Bishops come together, not Archbishops or Patriarchs. Moreover, these Councils are ordinarily not begun to constitute dogmas of faith, for that is proper for general Councils, rather only to restore Ecclesiastical discipline and correct morals. Therefore, of itself, and ordinarily, they are invalid to constitute dogmas of faith, still if by some urgent necessity they were to define something on faith, and their decree were approved by the Apostolic See, nothing stands in the way for them to be valid.

CHAPTER VIII: Arguments from the errors of Councils are answered

LASTLY, our adversaries enumerate errors of Councils, and especially Hermann (lib. 3 cap. 15 and 16 *Prolegomenorum*) as well as the book of the Protestants that we have already cited. But from the great number of the errors, only a third needs some discussion. The errors that our adversaries observe in Councils are only three. Certain errors are true and crass, but only of illegitimate Councils, and were condemned by Popes, such as that of Ariminum, Seleucia and the second Council of Ephesus, which they enumerate in vain, since they cause no harm to our position. See what we said above on condemned Councils, in book 1, ch. 7-8.

Then the other errors are not true errors, but feigned of legitimate and approved Councils; for everything that they do not approve of, they call errors. In this way they say the Council of Chalcedon erred, in which consecrated religious are forbidden to violate a vow of continence, and the fifth Council of Carthage in which it is established that altars may not be raised without relics of the martyrs, but while they say these things, they assume what must be proved.

Next, they observe errors in true and legitimate Councils, which really seem to have some species of error, *i.e.* they seem to contain opinions of this sort which are judged to be erroneous both by us and them, and to this extent we ought to examine and refute them.

1) Calvin brings up the Council of 150 Prophets who all erred while protesting that God had placed a lying spirit in their mouth (3 Kings 22:23). I ask, however, what sort of Council was this? *First*, they were not Prophets of the Lord, for when these 150 Prophets spoke their opinions, we read that King Josaphat sought from King Ahab whether there was some prophet of the Lord through whom the Lord could be asked? But Ahab answered: "One remains, but I hate him." Thereupon, Councils ought to be made up of priests, not of prophets. Lastly, that Council was gathered by King Ahab, not by the High Priest, hence it will be no wonder if they erred.

Secondly, Calvin and Brenz propose a Council of the Jews, while Caiaphas, the high priest, presided, in which everyone that confessed Jesus

was the Christ were excommunicated (John 9) and later, Christ was judged guilty of death in John 11:47 and Mark 14:64.

I respond: Some say the question was of fact, not of law, which that Council judged, namely whether Jesus must be killed, for in judgments of this sort there is no doubt that Councils can err. But that question, even if it were of fact, still involved a most serious question of faith, namely, whether Jesus was the true Messiah and the Son of God, and also the true God. For that reason Caiaphas erred most grievously in faith with a universal Council, since he judged Jesus blasphemed because he called himself the Son of God.

Others say the high priest and the Council erred in as much as it was an error of their own mind, but still not in the opinion which it advanced. For truly Jesus was guilty of death because he received our sins so as to purge them in himself, and truly it was expedient that he die for the people. This is why in John 11:51 it says Caiaphas prophesied. But although they receive the words of Caiaphas in a good sense, not everything that he said about Christ. "He has blasphemed; what need have we of witnesses?" (Matt. 26:15). Then certainly he did not prophesy, but committed blasphemy.

Others say that the Council erred because it did not proceed according to the custom of a legitimate trial, but by a tumultuous conspiracy. After suborning false witnesses, it condemned Christ: that which was not known to all, that even Pilate knew he had been handed over to him by the priests out of envy, as we have it in Matthew 27:18, and this is indeed a probable response. Yet, because it is not for an inferior to judge whether superiors legitimately proceed, unless it was absolutely manifest that he committed an intolerable error, it is also credible that God did not permit that the Councils, over which the High Priest presided, proceeded legitimately. Therefore, we respond that the priests and Councils of the Jews could not err before Christ came, but they could while he was present; nay more, it was foretold that the Jews would err and deny Christ in Isaiah 6:9, Daniel 9:26 and other passages. For just as it was not necessary that the vicar of the Pope could not err when the Pope rules the Church, and defend it from error, so also it was not necessary that the Pontiffs of the Jews would not err when Christ, the supreme Pontiff of the whole Church, was present and he administered the Church by himself.

Thirdly, it seems Luther rebukes the Council of the Apostles that took place in Acts 15, for he says in his assertion of the articles, n. 29, that James

changed Peter's judgment. For it is certain that the teaching of Peter, who judged that the gentiles should not be compelled to the laws, was good and true, for Paul upheld it in his whole epistle to the Galatians, therefore the opinion of James, which the whole Council followed, was bad and false, namely which commanded the gentiles to abstain from blood and suffocated animals, which is nothing other than to Judaize. Likewise, Luther in his book on Councils, in the first part, says many things on this law of the Apostles, and although he did not dare to assert it was evil, still from there he tries to show that the Council was of no benefit because that law cannot be defended unless we would say that a Council does not oblige.

I respond: There are not lacking Church fathers who would deny that the Council of the Apostles gave any precept on abstinence from the eating of blood and suffocated animals.

Irenaeus (lib. 3 cap. 12), while bringing up this passage twice always omits suffocated animals and seems to understand homicide for the word blood. Cyprian (lib. 3 to Quirinus, near the end) clearly says that the Apostles only commanded that they should abstain from idolatry, fornication and the shedding of blood. Chrysostom and Oecumenius understand blood in this passage to mean homicide. Just the same, in all Greek and Latin codices we discover blood and suffocated animals, and it is certain from Tertullian in his *Apologeticus*, ch. 9, and from the Council of Gangrense, can. 2, that this was kept as a precept in the Church for many years, so that Christians would not eat blood or suffocated animals. Besides, there was no reason why the Apostles should forbid homicide, for they only meant to forbid certain things on which the gentiles were uncertain as to whether they were sins; but all confessed that homicide was a sin.

Therefore, we respond that the Apostles especially forbade fornication because this did not seem to be a sin to the gentiles since it was punished by no law; then they commanded abstinence from anything immolated to idols, as well as blood and suffocated animals, not as an observance of the old law but as their own, namely Apostolic precepts. The purpose for this law was to make it easier for the Church to make a unity of the Jews and Gentiles, for in these beginnings the Jews could not have a common society with the Gentiles if they saw them eat meat immolated to idols, or blood or suffocated animals, from which they vehemently recoiled. Later, as the Church rose and the purpose of that law ceased, the law also ceased in itself. St. Augustine speaks on this matter (lib. 32 *contra Faustum*, c. 13):

“Then, if the Apostles commanded Christians to abstain from the blood of animals and not to eat the meat of suffocated animals, it seems to me they chose an easy matter for a time, and by no means an onerous observance, in which with the Israelites the Gentiles also on account of that cornerstone, building two walls in themselves, commonly observed something. ... With the passage of time, while these two walls came together, the one from circumcision, the other of the foreskin, although they would build upon the cornerstone, still, they stood out more distinctly from certain properties, and where the Church was so effected of the nations that no fleshly Israelite remained, no Christian feels bound to abstain from thrushes or small birds because their blood has not been poured out, or from rabbits because they are killed by a stroke on the neck without shedding their blood. Any who still are afraid to touch these things are laughed at by the rest.”

Thus, neither did the Council err, nor James change the teaching of Peter, but before the matter was defined he thought this precept must be added to Peter’s judgment, both at that time and later when it was defined by the common opinion. See Jerome in his letter to Augustine, which is 11 among the epistles of Augustine, where he says that James and all others acquiesced to the teaching of Peter.

Fourthly, they advance the Council of Neo-Caesarea, confirmed by Leo IV (dist. 20, ca. *De libellis*) and received in the Council of Nicaea as it is said in the Council of Florence (sess. 7), for in this Council, can. 7, an explored error is discovered in which second marriages are forbidden: “A priest [says the Council] shall not be a guest at the nuptials of persons contracting a second marriage; for, since the bigamist is worthy of penance, what kind of a priest will he be, who, by being present at the feast, sanctioned the marriage,” which still the Apostle concedes in 1 Cor. 7: “If her husband sleeps, she is free to marry whom she will, but in the Lord”?

I respond: The Council speaks on one who has two wives at the same time, as the Gloss correctly explains (31 q. 1 can. *de his qui frequenter*). Or, it can be said secondly, it is not forbidden according to matrimony, but according to the solemnity of matrimony, for such a solemnity is not suited to the name of marriage, as Ambrose witnesses about Abraham (lib. 2 *de Abraham*, cap. 9). Therefore, that canon forbids a priest to be present at the celebration of a second marriage, because he ought to enjoin penance upon them instead, who apply a celebration of this sort in a second marriage against the custom of the Church.

Fifthly, they advance the first Council of Nicaea, about which Luther says he does not see the Holy Spirit in that Council (*de Conciliis*, pars prima). For in one canon it says that those who have been castrated are not suitable to be priests, while in another it forbids priests to have wives, and he concludes at length, on page 92, “Does the Holy Spirit have any other business in Councils than to bind and burden his ministers with impossible and unnecessary laws?”

In the same place, Luther relates an erroneous Canon of the Council of Nicaea that the Paulians must be rebaptized, and a similar one from the Council of Iconium related by Eusebius in book 7 of his *Ecclesiastical History*, ch. 6. Likewise, Luther, Brenz and Hermann assert that military service was condemned in the same Council of Iconium, although it was certain that it is licit from the approval given by John the Baptist in Luke 3:14. Moreover, canon 11 of that Council holds: “Those who truly, by the grace of God, were called to show their faith, by having lain aside their military gear, yet after this return to their own vomit so as to make money and again return to military service shall live for ten years among the penitents, after they have been with the “listeners”, that is, the Catechumens, for three years.”

I respond: The Council of Nicaea was always held in authority by the Fathers, so it is a wonder if it could come into Luther’s mind that he would write something against this Council. But without a doubt, it so behooves the heretics to advance so as to rebuke those things which every Catholic Church always approved. Still, to the matter. Luther is displeased by the law enjoining ecclesiastical men to continence, and therefore he declares the Council erred. But to us it seems that Luther erred both in word and in deed, not the Council, but the disputation on this matter will be established in its proper place.

Still, when he rebukes the canon on rebaptizing the Paulians, he advances his ignorance. The Paulians believed that Christ was a mere man; they publicly rejected the Trinity, and did not baptize in the name of the Trinity. Hence, they do not truly baptize. Moreover, the Council of Iconium was a particular Council, and condemned by the Supreme Pontiff, just as the Council of Carthage celebrated under Cyprian, and we scarcely defend Councils of this kind.

Now with what attains to military service: the Council of Nicaea did not forbid military service except insofar as at one time it was a sign of idolatry.

It must be known that at one time the marks of military service were a great honor and also suitable on account of the great privileges conceded to soldiers, and for that reason, those ancient heathen emperors, in the time of persecution, customarily took away these marks to dishonor anyone discovered to be a Christian who refused to deny the faith. This fact is clear from Eusebius (lib. 8 Hist. cap. 10), who also says Licinius, from the beginning of his persecution expelled Christians from the palace and from all military service. Likewise, Ruffinus, who in his history (lib. 10 cap. 32) speaks about Julian the Apostate, that he commanded the marks of military service not to be given except to those that sacrificed to idols. He also says (lib. 11, cap. 2) that Valentinianus received rule from God, because he removed all military garb in the time of Julian for the sake of his faith.

Because then certain Christian soldiers laid aside military honors for the love of the faith, preferring rather more to live without honor than the faith; but then, seduced by the devil, again wore these honors and were prepared to deny the faith, the Council constituted this severe penance against them. That this is so is clear, *firstly*, from Theodore Balsamon and Zonaras, who explained it this way in their commentaries on these canons. *Secondly*, from Ruffinus, who in book 10 of his history, ch. 6, while enumerating the canons of the Council of Nicaea posits: “Who cast off military service for the sake of the confession of faith, etc.” *Thirdly*, from the canon itself, since in the whole canon it is argued on those that fell, and first indeed to those who fell on account of fear for their life, or of losing wealth, fell by denying the faith, the Council enjoined a penance of ten years, then on those who took up military service again which they scorned for the faith, he enjoins them a penance of thirteen years, because without a doubt these fell more seriously, for the former simply denied the faith, while the latter, after denying the grace after the confession in which a greater ingratitude toward God is discovered.

In the *sixth* place, Hermann advances the second Council of Arles, where it is said in the second canon: “It is not fitting for someone to be taken up to the priesthood while continuing in the bond of matrimony unless he will have promised to convert.” Here, Hermann Hamelmann notes two errors. 1) That it is not lawful for priests to have use of wives since it is against the Council of Gangrene, and in canon 4 of which they are excommunicated that refuse to be present at Mass which is offered by a married priest. Moreover, this Council was received by Leo IV, dist. 20,

can. *De libellis*. Nay more, it is also against the Council of Nicaea wherein the opinion of Paphnutius was approved, who thought that Ecclesiastics should not be forbidden their own wives by custom, as is clear from Socrates (lib. 1 cap. 8) from which it necessarily follows that the Council of Arles erred, or else Gangrene and Nicaea did. 2) He notes the error in the word “convert,” for we do not convert from something unless it is bad, therefore whoever bids a married man to convert condemns wedlock, which is a heresy condemned in the same Council of Gangrene, can. 1.

I respond: Those Councils are not opposed with themselves nor did any of them err; for the Council of Gangrene published canons against those who thought marriage, as well as the eating of foods, were absolutely evil and from the devil, which was the Manichaean heresy, and later, Eustachius Sebastenus, against whom the Council of Gangrene was celebrated. Therefore, because these heretics so abhorred marriage that they could not bear priests that had wives, even if they would not have them (at least as wives), that Council also thought this canon must be added. From there, it is so held in the very canon: “Whoever discerns that it is not fitting to partake in the Sacrifice [of Mass] from a priest that had a wife whenever he offers it, *anathema sit*.” There you see it is a question of one who had, a wife not who has one.

As for that about the Council of Nicaea above, we answer that the history was not faithfully related by Socrates and, so as to pass over other arguments, it is gathered enough from that Council of Arles, for this Council was celebrated soon after the conclusion of the Council of Nicaea and received all of its canons as is clear from the fact that this Council repeats nearly everything that was in it. Therefore, since we even find this here, without a doubt it was either also in the Council of Nicaea or at least was not contrary to it, for Catholics never opposed the Council of Nicaea.

I say to the last argument that conversion is not only said from a bad state to a good one, but also from a good to a better. This is why Gregory the Great (lib. 2 epist. 100) calls the profession of monastic life a conversion, and there is extant a title in canon law on the conversion of spouses.

In the *seventh* place, Hermann Hamelmann advances the Council of Sirmium, which seems to have been received because the heresy of Photinus was condemned in it, yet, clearly the Arian heresy was confirmed in this Council. The same can be said on Sardica, that it was received by

Leo IV (dist. 20 can. *De libellis*). And still, St. Augustine says: “Learn what you do not know, Sardica was a Council of the Arians, etc.” (*contra Cresconium*, lib. 3 cap. 34).

I respond: These arguments proceed from ignorance of history. Accordingly, many confessions were published in the Council of Sirmium besides the condemnation of Photinus, some Catholic, others of heretics, as we taught above, and is clear from Hilary in his book on Councils. Moreover, Sardica was soon divided into two parts, one part, being composed of 300 western bishops, with whom there were legates of Pope Julius on the side of the Catholic faith and the restoration of Athanasius. This is clear from Hilary in his book *de Synodis*, as well as from Athanasius in his *Second Apology*, and Leo IV confirmed this party. The other part was of 70 eastern bishops who, coming together separate from the others, condemned the Catholic faith and St. Athanasius. And Augustine speaks about the latter. Moreover, it does not appear that Augustine read anything from the Council of Sardica than that which the eastern bishops sent to Africa to unite themselves with the Donatists.

In the *eighth* place, Hermann Hamelmann advances the Council of Laodicaea, in the first chapter of which it is established that, following an indulgence, communion should be given to those who are joined in a second marriage, from which it seems the Council earlier had taken away communion from those who married a second wife and later condoned sin by restoring it to them; for it signifies it with, “following an indulgence”.

I respond: *firstly*, perhaps the Council speaks about those who apply solemnity in a second marriage, as we said on the Council of Neo-Cesarea. *Secondly*, I say the Council did not err, even if it spoke on a second marriage, rather it corrected an error; for it appears in this place that some particular Bishops, from zeal but not according to knowledge, denied communion to someone married twice, which error the Council corrected and commanded those married twice to be restored to communion; therefore in the beginning of the canon it calls second marriages free and legitimate. But that “following an indulgence” is taken from Paul in 1 Cor. 7:6, where he says that he does not command the use of a spouse, but forgives. When he says he forgives the use of a wife, he did not mean that he forgives a sin, but that he concedes a lesser good, although he desired that they would embrace a greater good; so this Council says it forgives second marriages, *i.e.* concedes them as a lesser good, although it would

prefer widowhood to be chosen, which is a certain good that is more excellent than wedlock.

In the *ninth* place, Hermann Hamelmann advances the second general Council, in canon 5 in which two errors are discovered opposed with the decrees of other Councils: 1) is that Ecclesiastical Primacy is of the Roman Pontiff. 2) The other is that the Bishop of Constantinople ought to follow immediately after the Roman Pontiff, which was again renewed in the Council of Chalcedon in the last act. The first error is opposed with the Council of Nicaea, in the seventh canon of which it attributes primacy to the Bishop of Jerusalem, and with the third Council of Carthage, ch. 26, where it is discerned that no man ought to be called prince of priests, or supreme priest.

The second error is opposed with the Council of Nicaea, can. 6, where second place is given to Alexandria, third to Antioch, and Pope Leo I frequently cites this canon (epist. 53, 54 & 55).

I respond: First it is neither an error nor opposed to any Council. But what Hermann adds from canon 7 of the Council of Nicaea is of no avail, for there some honor is attributed to the Bishop of Jerusalem, but not primacy in every Church; nay more, the See of Jerusalem is not only subjected in that Council to the Roman See, but also to those of Alexandria and Antioch, and even Caesarea which was the Metropolitan See of Palestine, as is clear from canon 6 & 7 of that very Council, and from Leo (*loc. cit.*) as well as from St. Jerome in his epist. to Pammachius on the errors of John of Jerusalem. Still, what he adds from the Council of Carthage is even more impertinent, since that Council was a *national* Council, nor did it impose laws for the universal Church, but only *for the Bishops of Africa*: therefore it neither did nor could forbid the Roman Pontiff to be called a prince of priests, or supreme priest, but merely lest any Metropolitan of Africa would be so called.

The second error cannot properly be said to be an error; for that decree on the honor of the Sees, just as it was done at the Council of Nicaea, could in like manner be changed by a similar Council; still, because it was changed without a just reason by the Council of Constantinople and later by Chalcedon, the Roman Pontiffs, Damasus and Leo, refused to approve it, and no decree in the times of those popes commanded it to be put into execution, as is clear from the epistle of Pope Leo to Anatholius, where, speaking on the decree of the Council of Constantinople he says: “The

consent of certain bishops was advanced in vain, for which the succession of so many years denied the effect.” And in epistle 55 to Pulcheria, speaking on the decree of the Council of Chalcedon he said: “We make void the agreement of the Bishops opposed to the rules of the holy canons enacted at Nicaea, by the piety of your faith united with ours, and through the authority of Blessed Peter the Apostle we altogether invalidate it by a general definition.”

In the *tenth* place, Hermann Hamelman advances the third Council of Carthage, can. 47, where certain Apocryphal books are numbered in the Canon, such as Tobit, Judith, Baruch, Wisdom, Sirach and Maccabees, against the authority of the last Canon of the Council of Laodicea, where all these books are rejected from the Canon.

I respond: In the *first* place, the Council of Carthage is of greater authority than Laodicea both because it is *later*, and also because it was a national Council of 44 Bishops that was later *confirmed* by Pope Leo IV (dist. 20 can. *De libellis*). But Laodicea was a provincial Council of 22 Bishops and was not confirmed by the Pope. Consequently, here is what Augustine says can have place, that earlier Councils are corrected by later. Nevertheless, I say *secondly* that neither Council erred. The Council of Laodicea placed in the canon those books on which the Bishops of that Council were certain; they omitted others, however, certainly not denying them to be canonical, but *refusing to define a doubtful matter*; but the Council of Carthage discussed the matter at greater length and defined that which an earlier Council left in doubt.

In the *eleventh* place, he advances the first Council of Toledo, where it is written in its 17th canon that someone that has a concubine can be admitted to communion, provided he were not married; this Council was celebrated at the command of Pope Leo I, as is clear from cap. 21. I respond: In this place a wife is called a concubine, who was married without a dowry and external solemnity, as Gratian correctly noted (dist. 34, can. *Omnibus*); which is in conformity with civil law, as is clear from *Novella* 18 of Justinian. Genesis says the same thing about Hagar (25:6), and Cethura are called the concubines of Abraham who were still true wives, as is clear from Genesis 16:3 about Hagar, and 25:1 about Cethura.

But someone will object that St. Leo, who commanded this Council to take place and approved it in ep. 92 to Rusticus of Narbonne in chapter 4, speaking about a wife and a concubine, says: “A concubine is not truly a

wife nor does a union with her make a sacrament or matrimony; and for this reason that woman, who marries a man having a concubine, does not sin as though she wed a married man, because the man having the concubine, is not said to be married. I respond that Leo receives the term concubine in a different sense than the Fathers of this Council received it, for he calls someone a concubine that is taken as a consort to the bed without mutual consent to live together forever; but the Council calls a woman a concubine that is wed with this consent but privately and not by public means.

But someone might say, if Leo was the author of this Council, how did he absolutely deny a wife could be called a concubine? I respond that Leo was not the author of this Council, but of the last canon. For from the beginning, it is said of the Council that this Council was gathered in the time of the emperors Honorius and Arcadius, Leo was not yet Pope in that time; for he was created in the time of Theodosius the younger, thirty years after the death of Arcadius, as is clear from the *Chronicum* of Prosper. Then in the last canon some explanation of faith is placed, which was made at the command of Pope Leo, which cannot make sense unless we were to say that the Council of Toledo was held before the times of Leo, but later, in his time, that explanation of faith, was finished, and connected to the same Council, because the same Bishops subscribed to this explanation who were in the Council earlier. And certainly there can be a great conjecture of this matter which we shall see, before that explanation of faith the subscriptions of the Bishops were placed, among whom the Council came to an end. Then, again, the other subscriptions of the same after that explanation of faith. Therefore, St. Leo did not confirm this Council except for that last Canon made in his time.

In the *twelfth* place, Hermann Hamelmann advances the Council of Worms, in canon 3 of which an explored error is discovered. It commands that secret thieves be discovered by reception of the Holy Eucharist, which St. Thomas teaches is an error (3 q. 80 ar. 6 ad 3). I respond, the Council was provincial and not confirmed, nay more it is rather more condemned, in regard to that canon, by the Supreme Pontiffs, as St. Thomas shows in that place.

In the *thirteenth* place, he advances Canons of the sixth Council, since these seem to be received, for Adrian I in his epistle to Tharasius, which is in the second action of the seventh Council, says these canons were divinely and legally predicated. Likewise, Nicholas I in his epistle to the Emperor

Michael, as well as Innocent III, *cap. A multis, extra de aetate ordinandorum*, and the seventh Council in act. 2, 3, 4 5 and 6 uses these canons. But great errors are discovered in these canons. Canon 2 receives the Council under Cyprian on rebaptizing heretics, which St. Augustine proved was erroneous in his seven books *on Baptism*, likewise, 72 canons are judged to be invalid and dissolve marriages of Catholics with heretics, which is an express error; even if a Catholic sins in marrying a heretic, still the marriage is a sacrament on account of the character of Baptism which heretics retain and therefore such a wedlock cannot be broken.

I respond: Not only these two, but even many other canons are erroneous among these canons, but they were not published by any legitimate and approved Council. For it is certain from Tharadius in the seventh Council, act. 4, that these canons were not published by the sixth Council, which took place in the time of Pope Agatho and the Emperor Constantinus, but many years after under the emperor Justinian II, at which Council the Roman Pontiff was not present either in himself or through legates, and he did not later confirm the Council but clearly condemned it, as Bede witnesses in his book *de sex aetatibus* in Justinian, as well as Paul the Deacon in his life of the same Justinian, and Platina in the life of Sergius.

I respond to the words of Adrian: here he only recites the opinion of Tharadius, nor does he refute it, because that 82nd Canon on pictures was useful in the time for which that question was argued. I respond to Nicholas, that his words were for us, for he says he cited that canon of the Greeks in the way that Paul cited the words of heathen poets. I say to Innocent, there he defined nothing in regard to these canons, but only cited one canon from them; moreover, the fact that he cited them in the name of the sixth Council happened either because they were so-called commonly, although they were not truly from that Council; or because Innocent received them from Gratian, dist. 32, can. *Si quis*. Moreover, Gratian often erred in this regard, attributing a work to those of whom they were not. I say to the seventh Council, these canons were always cited by private men in that Council during disputation, but nothing was defined by the whole Council, for the definition of the Council is contained in act 7 only. There, however, no mention is made of these Canons. See Francis Turrianus in his book on the *seventh Council*, and those which argued on these canons in book 2 of *On the Roman Pontiff*, ch. 14.

In the *fourteenth* place, Hermann Hamelmann (lib. 3 *Prolegom.* can. ult.), Calvin (*Inst.* lib. 1 cap. 11 § 14 and following), lib. 4 cap. 9 § 9; and even the Centuriators (8 cap. 9) advance the seventh Council, that second of Nicaea, which they say is opposed with two Councils: the one earlier, that is of Constantinople under Constantine Copronymus, the other later, of Frankfurt under Charlemagne, so that one must either follow the rule of St. Augustine in *de Baptismo* book 2, cap. 3, who would have it that earlier Councils are corrected by later ones, or the rule of St. Isidore cited by Gratian, *dist.* 50, can. *Domino sancto*, which teaches the more ancient Councils must be placed ahead of more recent ones, either way it would be necessary to reject this Council of Nicaea.

The fact that Nicaea II is opposed with the earlier Council of Constantinople is clear from Nicaea II, act. 6, where the Fathers in the time of the more recent emperor at the Council of Constantinople defined that images were not to be venerated in any matter, which is opposed with the later Council of Frankfurt, in which even the legates of the Roman Pontiff were present; our adversaries prove: 1) from Ado, Aimonio, the Abbot of Ursberg, Platina and other historians who, when they speak on the times of Charlemagne and Adrian, say that in the Council of Frankfurt the seventh Council of the Greeks was condemned; 2) they show it from four books of Charlemagne which were recently published in the year 1549, and there Charlemagne uses many words against images and opposed the seventh Council, and in the same place we read those books were approved in the Council of Frankfurt.

I respond: Nicaea II is not opposed to any legitimate Council. *First*, what attains to the Council of Constantinople under the emperor Constantine Copronymus, it is certain that it was neither general nor legitimate in any way, since the Roman Pontiff is not found at it in himself or through legates, as John Zonaras and Cedrenus relate in the life of Constantine Copronymus, and the Centuriators affirm the same thing (Cent. 8 cap. 9 col. 551). Yet, without the Roman Pontiff ecumenical Councils cannot be celebrated, as is clear from the rule of the Council of Nicaea which Socrates cites (lib. 2 cap. 13). The fact that the other three patriarchs were not present, namely of Alexandria, Antioch and Jerusalem, as is clear from the same Zonaras, Cedrenus and the Centuriators. Therefore, how can it be called a general Council to which neither the east, nor the west, nor the south consented, but merely a few bishops from the north? Then, as many

historians as are extant, both Greek (such as Zonaras, Psellus, Photius, Nicetas, Cedrenus), and Latin (such as Rheginus, Sigebert, Ado, Paul the Deacon, the Abbot of Ursberg) and many others, all either clearly condemn this Council or refuse to number it among the Councils of the Church.

Moreover, on the Council of Frankfurt, which our adversaries especially depend upon, I say three things. *Firstly*, whatever that Council defined, it is not made greater, since there is no question that the second Council of Nicaea must be placed before it, which certainly was more universal, more ancient, and without controversy approved by the Supreme Pontiff. For it is certain from the Council itself, legates of Pope Adrian were present and again that it was approved by Leo III is clear from Ivo of Chartres, 4 part. cap. 147.

I say *secondly*, if it is true what the Centuriators say (*Cent.* 8 cap. 9 col. 639) this Council does not harm our position. For they say Adrian and his legates did not consent to the Council of Frankfurt but condemned it; but it is certain that a Council which the Roman Pontiff condemns is of no authority, as is clear from Gelasius in his volume on the bond of anathema, as well as from experience. No Council was ever held as legitimate which the Roman Pontiff condemned. What of the fact that this Council of Frankfurt teaches this thing, for that is clear from the Carolingian books, the Council of Frankfurt decreed that the last judgment of controversies pertains to the Roman Pontiff, and especially by this argument tried to refute the seventh Council because it thought that it was celebrated without the authority of the Roman Pontiff; therefore the Council of Frankfurt destroys the position of the Centuriators by its own testimony.

Besides, the Centuriators say in the same place that the Council of Nicaea was confirmed by Adrian, and that the Council of Frankfurt condemned a Council completed without the authority of the Pope, therefore in the judgment of the Centuriators, it is not our Nicaea, but some other which is condemned by that Council. Next, the Centuriators teach in the same place that the Council of Frankfurt did not define that images must be removed from Churches, but that in churches they should remain *but not be worshipped*; therefore, why remove images from Churches? Why break them? Why not preserve the decree of Frankfurt? From all this, the lie of the *Apology* of the English is refuted, since it teaches that in the Council of Frankfurt there was a decree that images be destroyed, while on the other hand, the Council of Frankfurt, by the testimony of the Carolingian Books,

Hincmar of Reims and of the Centuriators themselves, anathema was pronounced upon those who would destroy images. Besides, the matter itself shows the same thing; if that Synod established it, why was it not done? For who in the western Church would resist a decree of all Bishops and an all-powerful king? Moreover, the fact that it did not happen is more certain because no historian relates it, nay more, Jonas Aurelianensis relates it as a new thing and a sacrilege that Claudius Taurinensis wanted to destroy images in his diocese.

Thirdly, I say the matter is most uncertain which was established on images in the Council of Frankfurt, for ancient authors have not proven it. In the first place the very decree of this Council, which is cited in the preface of the Carolingian Books witnesses that in the Council of Frankfurt, a Council that had convened at Constantinople and had commanded images to be worshiped was condemned. Since it names Constantinople, it seems to speak about the Council of the heretics against images, but when it says there was a decree that images should be worshipped, it seems to speak about the Council of the Catholics [at Nicaea].

For equal reason, these Carolingian books say in the Council of Frankfurt a Council was condemned that was held in Constantinople in Bithynia without the authority of the Pope, for the adoration of images; after it names Constantinople and says that this Council did not have the authority of the Pope, it seems to speak about a Council of heretics; moreover, since it says in Bithynia the Council was celebrated for images, it seems to speak about our Nicaea. For Nicaea is a great city in Bithynia, but Constantinople is in Thracia.

Indeed, Hincmar of Reims, in cap. 20 of his book against Hincmar of Laon, who lived in nearly the same time, says a Council which convened at Nicaea without the Pope's authority was condemned in the Council of Frankfurt, where he also unites two contrary things, as is clear. Aimonius (lib. 4 cap. 85) on the deeds of the Franks and the Abbot of Ursperg in his *Chronicum* for the year 793, writes that in the Council of Frankfurt the seventh Council of the Greeks was condemned, which had convened at Constantinople under Constantine and Irene. There they also join contrary things between themselves. Moreover, many recent historians say that in the Council of Frankfurt, the Council that abolished images was condemned, which the Greeks call the seventh General Council. So does Platina in the

life of Adrian, Blondus, *decadis* 2, lib. 1, Sabellicus lib. 8; Enneadis, 8; Paulus Aemilius lib. 2, *de gestis Francorum*.

On account of this confusion Alanus Copus, in his Dialogue (4 and 5), teaches that in the Council of Frankfurt only the heretical Council of Constantinople was condemned, but not only was Nicaea not condemned, rather it was also confirmed. I would desire such an opinion to be true, nevertheless I suspect it is false.

1) Because these Carolingian books, although they are falsely attributed to Charlemagne, as we will say, were nevertheless written in his times, as is clear from the refutation of the same books which Adrian I published; and they seem to have been written in the Council of Frankfurt, and they also contain the acts of this Council. Hincmar asserts that the author was of this time and the books themselves represent this: moreover, the fact that the Council, which is refuted in these books, is really the Second Council of Nicaea cannot be doubted if either the books themselves, or the response of Adrian were read.

2) Because all ancient authors agree on this, that in the Council of Frankfurt the Seventh Council was condemned which had decreed that images must be adored. So teach Hincmar, Aimonius, Reginus, Ado and others; but to say that all of them lied or that their books were corrupted, as Copus says, seems to me a little too hard.

3) Because if these authors spoke on the false seventh Council, that is the Council of Constantinople against images, certainly they would also have remembered Nicaea II in their histories, but they do not mention any seventh Council except for this one which they say condemned images. It is also not opposed that the Carolingian books, as Abbot of Ursperg and Aimonius say, condemn the Council held at Constantinople; for the Abbot followed the Carolingian books, as also Aimonius, but the author of these books either had a lapse of memory or from inexperience placed the name of Constantinople in place of Nicaea; for otherwise when he says a Council celebrated in the province of Bythina, where Nicaea is, not Constantinople, it seems to show enough that he spoke about Nicaea, and likewise the Abbot and Aimonius when they say a Council celebrated under Constantine and Irene, clearly they show that they are speaking about Nicaea II, even if through an error they named Constantinople.

And it is not opposed that Hincmar and the Carolingian books say the Council was condemned at Frankfurt was convened without the authority of

the Pope, which is false about Nicaea and true about Constantinople. For Hincmar followed the Carolingian books, as he shows, for the author of those books fabricated this lie with many others that he would impose upon the Council of Frankfurt, as we will say in a little while.

Lastly, it is not opposed that Platina, Blondus, Sabellicus and Paulus Aemilius say that a Council forbidding images was condemned, for in the first place all of these are more recent. Then, what they say does not oppose the sayings of the old historians since two Councils are condemned in the Council of Frankfurt, namely Constantinople against Images and Nicaea II for images, as is clear from the Carolingian books and from Hincmar, and perhaps this is the reason why some of the ancient historians name Nicaea, some Constantinople, when they say a Council of the Greeks condemned at the Council of Frankfurt.

Therefore, it seems to me that in the Council of Frankfurt Nicaea II was truly condemned, but in error and materially, in the same way as once the Council of Ariminum condemned the term *homoousion*. For the author of the Carolingian books inflicted upon the Council and blocked it up with two lies. One lie was that in the Council of Nicaea it was defined that images should be adored with the cult of *latria*. The other is that the decree was made without the consent of the Roman Pope. Since it held these two lies as true, the Council of Frankfurt condemned, and rightly if these two things were true, the Council of Nicaea as profane and illegitimate.

The fact that these two lies persuaded the Council is clear from the Carolingian books themselves, for the preface clearly says: "A new question has been brought [to the Council's attention] from a Council of the Greeks, which they made at Constantinople concerning the adoration of images, in which it was decreed that those who would not so devote service and adoration of images of the saints deified as the Trinity, will be judged anathema, which moreover, our Fathers refusing to devote service to them, scorned and condemned those consenting to it." Also, in the work, Constantine, the Bishop of Cyprus is introduced at the second Council of Nicaea speaking anathema against anyone that does not adore images with the same cult in which the most Holy Trinity is adored. There you clearly have the first lie.

The same author clearly teaches that judgment of controversies of faith pertains to the Pope, and therefore, that Council would avail nothing for the adoration of images which lacked the authority of the Pope.

Besides, these ancient authors, who say they condemned the false Council which had decreed images must be adored, without a doubt understand “must be adored with *latria*” for “must be adored”, for they also teach images must be venerated and still that Council rebuked those that commanded images to be worshiped. Ado, in his *Chronicum* for the year 696, says that at Rome, on the day of the exaltation of the Cross, the Cross was kissed by the whole people, and given customary adoration and even in the same work for the year 717, he calls an image which the heretic Philippicus overturned and the Catholic emperor Theodosius restored something that must be venerated. Reginus, in book 1 of his *Chronicum*, near the end, recognizes the adoration of the Cross and called the toppling of images by Leo the Iconoclast a crime. John Aventinus (lib. 4, *annalium*) says that at a sign from the Emperor Charlemagne, his image in the Church was venerated by all present. The Abbot of Ursperg, in his *Chronicle*, inveighs against Leo the Isaurian and Constantine Copronymus, on account of the casting out of images and calls them impious and precursors of Antichrist; and on the other hand he praises Pope Gregory and calls him a holy man because he excommunicated the emperor on account of the destruction images of Christ and the Saints.

The fact that these are truly lies, namely that Nicaea II lacked the authority of the Pope and that it decreed images must be adored with the cult of *latria* is most certain. In the Second Council of Nicaea itself, act. 2, they recite the epistles of Pope Adrian favoring images and in all actions the legates of the Pope are the first to subscribe. Then with what attains to cult, in the first act Basil of Ancyra, who was previously a heretic, when he had become reasonable again published a Catholic confession with the attention and approval of the whole Council, said he certainly worships images, but not with the cult of *latria*, since this is due to God alone. The Bishop Constantine of Cyprus spoke likewise in the seventh Council, act. 3. All the rest say the same thing in act. 4 and 7.

And one ought not marvel that the author of the Carolingian books would have blocked up the Council of Frankfurt with such manifest lies about Nicaea II held a little earlier. If today the Centuriators and Calvin dare to write that we worship images with divine honors as gods when so many books of Catholics and a Latin Council celebrated in German lands at Trent all clearly and eloquently declare the contrary, what marvel is it if the

same was made up about a Greek Council which was celebrated in the east and few could read?

Yet, what if someone were to say that at least the Council of Frankfurt, which was very well attended and legitimate could err?

I respond: It could err and did err not in a matter of law but on a question of fact, and besides, it would be no wonder if it could err for the Roman legates did not consent, as the Centuriators say. For the Pope not only withheld his consent, but even refuted the decree of Frankfurt, as is clear from the book of Adrian on images to Charlemagne, where all the lies of those Carolingian books are refuted.

Next, the fact that they advance these accounts from those books as though they were of Charlemagne, which serves as the foundation of this case. I say those books are neither of Charlemagne nor can any trust be placed in them.

That they are not of Charlemagne is proved 1) because the book of Pope Adrian I to Charlemagne is extant, in which these books are accurately refuted and it is especially understood that those books were composed by a heretic and sent by Charles to the Pope so that he would respond to them. Moreover, there is this book of Adrian, which is extant in the third volume of Councils, and it can also be understood from Ivo of Chartres, who transfers many things from this book in the name of Adrian in the fourth part of his decree.

2) It is certain from the Greek and Latin historians, Zonaras and Cedrenus in the life of Leo the Isaurian, still Paul the Deacon in the life of the same, that the Roman Pontiffs Gregory III, Adrian I and Leo III defected from the Greek emperors, excommunicated them, forbade taxes to be sent to them from Italy, and consigned themselves to the protection of the Franks, and also at length transferred the empire to them especially for the reason that the Greek Emperors gave patronage to the heresy of Iconoclasm, since conversely, the kings of the Franks were steadfast in the ancient faith. How could it have the appearance of truth that the Emperor Charlemagne labored in the same heresy and favored the error of the Greeks against which the Roman Pontiff wrote? Rather, let us hear the words of Zonaras: "Therefore, Pope Gregory forsook obedience of the emperor on account of the perversity of his opinion, made peace with the Franks since they had previously often given assistance that he might recall Emperor Leo from hatred of God by letters, and lead him back to the cult of

sacred images.” And then on the life of Irene: “After the death of Adrian, the Pope of old Rome, Leo was appointed Pope, a revered and honorable man, who, consigned himself to Charles, the king of the Franks, and from that time Rome was in the power of the Franks, and Charles, after being crowned by Pope Leo, was called Emperor of the Romans.” For Pope Gregory would have nothing to do with the impious governors of the Church of Constantinople, and made peace with the Franks.

3) John of Arles writes in book 1 *de cultu imaginum* (and he lived in the time of Louis the Pious, the son of Charles), that Claudius Taurinensis, the patron of that heresy for the whole time in which Charlemagne lived, never dared to utter a sound. And in the same place, he calls the Emperor Charlemagne that most pious man, and of holy memory. Therefore, if the Iconoclasts, living at the same time as Charlemagne did not dare to preach their heresy, if the defenders of images venerated Charlemagne as a pious and holy emperor, how impudent is it to attribute these books against images to Charlemagne?

4) Paulus Aemilius writes in book 2 of his history of the Franks, just as Reginus in his *Chronicus*, in Council compelled by a certain heathen, King Peppin, the father of Charlemagne, confuted the error of the Greeks against sacred images with the legates of the Greek emperor present; from the same Paulus it is certain that not long after Pope Stephen celebrated a Council at Rome against the same error of the Greeks to which Charlemagne sent twelve bishops from particular parts of his kingdom. So what boldness do our adversaries rest upon to transform this most Christian prince into an Iconoclast? Especially when the Centuriators assent on the side of Paulus Aemilius? (Cent. 8, cap. 9 col. 570).

5) It is certain from all historians and from the letters and songs of Charlemagne, nay more even from his deeds, that he was always most united with Pope Adrian. Still, there is an epitaph extant by the Emperor Charlemagne that is no less elegant than it is piously written, cited by Onuphrius in his addition to Platina, which begins in this way:

Hic pater Ecclesiae, Romae decus, inclytus auctor
Adrianus requiem Papa beatus habet.
Vir cui vita Deus, pietas lex, gloria Christus:
Pastor Apostolicus promptus ad omne bonum.

...

Post patrem Carolus lacrymans haec carmina scripsit,
Tu mihi dulcis amor, te modo plango pater.
Tu memor esto mei, sequitur te mens mea semper,
Cum Christo teneas regna beata poli.

This father of the Church, ornament of Rome, the illustrious authority
Blessed Pope Adrian has rest.
A man for whom God was life, law piety and Christ glory;
Apostolic Pastor eager for every good.

...

After a father Charles crying wrote these things,
You are sweet love to me, now I a father mourn you,
Remember me, my mind always follows you,
May you hold the blessed kingdoms of heaven with Christ.

How is it believable then, that Charles was of another religion and faith than Adrian? Or that he wrote so bitterly against Adrian himself when he venerated him in such a way as well as praised him after his death?

Next, it is certain that Charlemagne was a man learned in Latin and Greek, prudent and ingenious, but these books are of a barbarous and unlearned man, light and seem plainly stupid. For to say that Constantinople, a very famous city, was in Bithynia when everyone knows that it is in Thrace, unless perhaps there were frequent earthquakes there that only changed it. Then, it asserts that a Council favoring the cult of images was celebrated at Constantinople, although every man knows that was celebrated at Nicaea unless he reads nothing at all. And how serious is it to attribute these many things to the fathers of Nicaea II by calumny and a lie, which they never said, and meanwhile which their adversaries had said, such is that the Eucharist is an image of the body of Christ, which not only the Fathers of Nicaea II did not defend, as this author dreams up, but they even avowedly reject. Wherefore Calvin takes up the occasion of another lie. Since the Iconoclasts said only one image must be adored, *i.e.* the Eucharist, and this pseudo-Charles attributed it to Nicaea, Calvin was pleased to so change the matter, as to say: "Moreover, lest the fable would lack solemn applause a little clause was added (namely by the Council of Nicaea), 'let them rejoice and exult who, having images of Christ, offer

sacrifice to them’.” This is a most impudent lie. God forbid that Nicaea II meant for sacrifice to be offered to images, as we see in act. 7 where they declared precisely that true latria is not to be offered to images, but only honorary adoration.

Finally, it happens that this book, like another Melchisedech, is without a father, mother or genealogy; for it appeared suddenly into the light, nor is it known when or where or how, or by whom it was found, nor does it have the name of the author nor of the printer, nor of the place where it was printed. Such are all the arguments and the marks of deceit. Be that as it may, what if it were a book of Charlemagne? What, then, would our adversaries gain? Absolutely nothing. For the author of this book clearly opposes nearly all the dogmas of Calvin when he clearly teaches that the final judgment on controversies of faith pertains to the Roman Pontiff, and he holds the primacy not from Councils but from God himself. The same would have it that exorcism is applied in Baptism, Churches are dedicated with certain rites, prayers must be offered for the dead, Saints invoked, relics venerated, chrism, water and salt are to be blessed and retained for use in the Church, that the body of Christ is truly present in the Eucharist and must be worshiped and offered as a true and proper sacrifice, all of which our adversaries cite as explored heresies.

So, if they want us to believe this author when he teaches that the Council of Nicaea erred, let them believe the same when he asserts as many things as we have already enumerated. What if it were certain that Charlemagne himself wrote this book and it agreed in all things with the Calvinists, what else would they have but the testimony of one lay soldier? To oppose this to a general Council of Bishops is manifest foolishness. For as St. John Damascene rightly says about images (*orat. secunda*), Christ did not consign the Church to kings and emperors, but to Bishops and pastors.

In the *fifteenth* place, they advance two Councils opposed between themselves, in which Roman Pontiffs presided. For the Roman Council under Stephen VII, it invalidated all the acts of his predecessor, Pope Formosus. Thereafter, the Council of Ravenna under John IX invalidated the acts of the Council under Stephen and approved the acts of Formosus. See Sigebert in his *Chronicum* for the year 903; Matt. Palmerius in *Chronicum* for the year 899 and Platina in the lives of these Popes.

I respond: This was a question of fact, *i.e.* whether Formosus was a true and legitimate Pope and because Stephen was badly informed, he thought

that Formosus was not a Pope and invalidated his acts. Later, because John truly investigated the matter better, he discovered the contrary and corrected the error of the earlier Council, according to the rule of St. Augustine which says: earlier Councils are emended by later ones, without a doubt in particular cases of this sort.

In the *sixteenth* place, they advance the Roman Council under Nicholas II, in which it was defined that not only the sacrament of the body of Christ, but even the true body of Christ itself is taken up and broken in the hands of the priests and ground by the teeth of the faithful, as is clear from can. *Ego Berengarius, de consec.* dist. 2. But this is a manifest error against the glorious resurrection of Christ, about which the Apostle speaks: “Christ, rising from the dead, does not die again.” (Romans 6:9) For if the true body of Christ is broken and ground, certainly it is corrupted and will die.

I respond: It was never a question of whether the body of Christ truly, as it is in itself, would be broken in the hands and ground up in the teeth; for it was always certain that the body of Christ, as it now exists, is incorruptible and cannot be broken and ground except in a sign of the Sacrament, so that it might be said to be broken and ground since its sign, *i.e.* the species of bread, is broken and ground. Yet, the question was whether the sign, which is broken and ground, were an empty sign or whether it truly and really contained the body of Christ, because Berengarius had taught it was an empty sign. Thus, the Council, while constituting the form of abjuration of this error, wanted him to say that it is not only a Sacrament, but also the true body of Christ that is broken and ground. Here, the sense of the words is not that it is ground and broken as an empty sign, but also as the true body of Christ, that is rather more a sign really having the body of Christ joined, or rather, even the true body of Christ existing there present, is broken and ground but not in itself, rather in the sign. This is how we also understand it with what Chrysostom says: “O how many times they say would that I might see his form and his shoe! You truly do see it, you touch it, you eat it.” (Homily 83 in Matthew).

In the seventeenth place, Hermann advances the Lateran Council under Innocent III, in which it was defined that it must be held as an article of faith that the bread and wine are transubstantiated in the Sacrament into the body and blood of Christ. But at the Council of Ephesus anathema is said to all those advancing another creed.

I respond: a) the Lateran Council did not compose any Creed, but merely defined one question on faith, just as many Councils did after Ephesus.

I say: b) The Council of Ephesus declared anathema to anyone advancing another creed, *i.e.* against the Council of Nicaea, but not another, that is, one that is new and more explicit. I say: c) The Council of Ephesus forbade Bishops to compose a new Creed as well as particular Councils, but not the Supreme Pontiff or a general Council, for no one has the authority to command an equal or a greater.

In the eighteenth place, they advance the Council of Constance and Basel, for in sess. 13 they excommunicated anyone that communicated under both species, but conceded both species to the Bohemians.

I respond: Whatever might be the case on the authority of Councils, I say these are not opposed in themselves since Constance excommunicated those who communicated under both species without a license from the Church. So the precepts of the Fathers are understood, but one that commands does not thereby deprive himself of the authority to dispense. Moreover, the Council of Basel dispensed with the Bohemians and gave a license to them to communicate under both species.

Lastly, they advance from the same Councils of Constance and Basel that they ratified the position that a Council is above a Pope, whose contrary is held in the fifth Lateran Council, sess. 11, but we will speak on this matter below at the end of this book.

CHAPTER IX: THE OBJECTION ADDUCED FROM REASON IS ANSWERED

LASTLY, they object the following from reason. It often happens in every body of a multitude, that a greater part conquers the better part, therefore, in Councils of the Church, where all things are defined by a greater vote, it can easily happen that they fall into error. Thus: while legitimate Councils cannot err, still who knows whether there was ever a legitimate Council? For a Council is not legitimate unless it is made up of faithful Bishops; yet who can know whether those who gather together have true faith and true ordination? Then, in the ancient Councils, Bishops gathered together from many provinces, diligently examined a proposed question, then subscribed of their own will, not being coerced by some external force and did other things of this sort which legitimate Councils require; from what source do we know except faith in historians? But historians (except for divine ones) often lie, and certainly they do not make firm and infallible faith. Therefore, it remains that all the decrees of Councils are doubtful.

We respond: In human assemblies it sometimes happens that a greater part conquers the better; but in a Council of the Church, where the Holy Spirit presides and where Christ is in the midst of them, in whose name they are gathered and where he is present, to whom it was said by Truth itself: "I have prayed for thee that thy faith would not fail, and when thou has been converted, confirm thy brethren," it is not such a thing that ought to be feared. Even if the greater part resisted the better, as happened in the Council of Armenia and the second Council of Ephesus, still it never conquered because acts of Councils of this sort were soon invalidated by the one for whom it is fitting to confirm the brethren by his office, in the same way as we see happened in the Councils of Armenia and Ephesus II.

Now, to respond to the second objection, it is not necessary that we know the Bishops that gather together at Councils have true faith and true ordination, rather, it is enough if the contrary were not certain. For even if the Supreme Pontiff (which we cannot believe would happen), and all the Bishops who are called to some general Council by the supreme Pontiff, were really heretics at heart and were only Catholics by external confession,

nor truly received the invisible character of Sacred Order but an empty imposition of hands, nevertheless, we are certain that God would never permit that a Council of this sort would err in forming its decrees; for the Holy Spirit assists in a Council not because of the Council itself, but because of the universal Church which is held by divine precept to not argue with the teaching of the Bishops, rather, to venerate it. Therefore, divine providence saw to it that the universal Church would not err, so that even a Council of fake Bishops, whether they want to or not, would propose the truest faith for the Church to follow. Hence, for some gathering of Bishops to be legitimate it is also said that it is only required that these Bishops come together, who ordinarily preside in the Church and are true Bishops, and also are held publicly as Catholics by all, whatever might be the case on the things that they hide in their hearts.

Still, because we not only know that God has care of the salvation of his Church, but we also learn from the Scriptures that the providence of God sweetly disposes all things, consequently we believe for certain that God will never permit that in a Council, which is believed as legitimate by the Church, that either all, or the greater part of the Bishops gathered there would not be legitimate or even Catholics, for it would be terribly hard and violent (although it is not impossible for God, who also rebuked an insipid prophet with a beast of burden) that a whole Council of heretics, while opposing his will and teaching, would fashion a Catholic decree.

Certain men respond to the last objection, such as Vega (in Concil. Trid. lib. 3, cap. 39) that a Council is legitimate and held with Catholic faith by the faithful not because of the witness of historians but because the Council itself defined this; for Councils usually in the beginning of their acts define their gathering to be legitimate and gathered in the Holy Spirit.

But this certainly does not seem to be a solid response. *Firstly*, because the old Councils usually did not witness in the beginning that the assembly was legitimately gathered in the Holy Spirit; rather certain later Councils, such as Constance, Basel, Lateran V, Trent and others, give that witness but not as some decree formed *de fide*. Among the canons, properly so called, no canon of any Council has ever been found wherein it is defined that the Council itself is legitimate whereby those canons are fashioned. *Secondly*, either it is certain to us from another source that some Council was legitimate, when they meant to define that it was legitimate, or it is not certain. If it is certain, in vain is such a decree fashioned; if it is not certain,

now we will begin to doubt the decree itself; if it were ambiguous whether a Council were legitimate before it defined that it was legitimate, it will also be ambiguous as to whether it would have erred in the very decree in which it pronounced itself legitimate.

So others respond that any Council you like is legitimate from the circumstances present at that time, and they can be evident without other proof. For they see that the Bishops come together as one who are held to be true Bishops by all, and come together from different provinces and are called by one who has the authority and if something else were required for a legitimate Council, they can also see since, as we said above, nothing invisible is required. Moreover, for posterity or those that were absent the very thing is known from human faith, but is most certain and such evidence can be compared by a natural mode. For the sake of example, not merely one or two historians witness that the Council of Nicaea was legitimate, but many different writers of that time as well as of the subsequent times and the Church which now is asserts this very thing; there is not, nor was there, anyone who would think or did think to the contrary.

This is why, in the same way that Cicero was a consul, Julius Caesar a dictator, Octavian fought with Mark Antony in a naval battle, and other things of this kind, even if they depend upon human faith, still they are so certain that they seem to have a certain evidence. So also Councils of the Church, which we say were legitimate, have so many testimonies of all ages that it leaves absolutely no doubt in our minds whereby we would believe them to be less than what they are said.

This is why we must hold with Catholic faith that legitimate Councils confirmed by the Supreme Pontiff cannot err, even from natural evidence, or that we would know from a most certain human faith that the Council of Nicaea, Constantinople, the first of Ephesus and others of this sort were legitimate and approved by the Supreme Pontiff, it certainly follows that we should believe decrees of this with certain faith. Please, see Melchior Cano in book 6 *de Locis*, last chapter, in the solution to the tenth argument, for more on this matter.

CHAPTER X: PARTICULAR COUNCILS THAT WERE NOT APPROVED BY THE SUPREME PONTIFF DO NOT IN ANY WAY MAKE CERTAIN FAITH

NOW, another question follows namely whether Councils that have not been confirmed by the Supreme Pontiff would make certain faith. This is not a controversy among Catholics and heretics and scarcely ever among Catholics, therefore we will briefly explain the whole matter and first about particular Councils, then we will argue about general ones.

We assert two opinions from the common teaching of Catholics, 1) Councils of this sort *absolutely* can err; nevertheless *they are of great authority*, so that it would be rash to not acquiesce to them. We have, as a witness to the fact that Councils of this sort could err, the Council of Carthage under Cyprian, which was national, famous, legitimate and of 85 Bishops, of which many were martyrs or confessors, as is clear from the letter of Cyprian to Jubaianus, and still it erred. For a *second* witness, the fifth Roman Council under Symmachus, where we read that provincial Councils, because they do not have the presence of the Pope, lost their strength.

For a third, we have Prosper of Aquitaine in his *Chronicle* for the year 420, in which he says the Pelagian heresy was condemned by an African Council of 217 Bishops, no sooner was that heresy condemned by the Church of the whole world than Pope Zozimus approved the decrees of that Council. This is why St. Augustine (lib. 2 *Retract.* cap. 50) does not say that the Pelagian heresy was condemned by African Councils, which were particular, but by Popes Innocent and Zozimus in cooperation with the African Councils. As a *fourth* witness, the reason why general Councils cannot err is from a special twofold cause: 1) Because a general Council represents the whole Church and therefore, if it were to err, the whole Church would err; 2) because a Council does not become general without the Supreme Pontiff, for whom Christ prayed that his faith would not fail; but none of these causes have place in a particular Council.

But someone will object that, in cap. *Ad abolendam, extra de haereticis*, all those who are judged heretics by the Roman Church or by a provincial or diocesan Council are excommunicated; therefore, provincial and diocesan Councils make dogmas on faith, otherwise he would not be a heretic who would deny them.

I respond: One can be judged for heresy in two ways: 1) *secundum se*, in the abstract as it were, as when it is asked whether it is heretical to say this or that; 2) *in ordine ad hominem haereticum*, as when it is asked whether this man fell into a heresy that was condemned by the Church. Therefore, although provincial or diocesan Councils cannot constitute dogmas of faith, still they can judge whether someone falls into manifest heresy, just as inquisitors also judge. The Council of Aquileia was gathered in the time of St. Ambrose, but nothing was defined there except that a certain Palladius was a true disciple of Arius and that chapter, *Ad abolendam* seems to argue this about heretics. For even if this judgment is not infallible, still it suffices to excommunicate.

Besides, I say *secondly* that particular Councils can discern about heresy *secundum se*, when it is easy and in which nearly all Doctors agree; in the way that the Council of Antioch once made a judgment concerning the heresy of Paul of Samosata (cited by Eusebius, lib. 7 *hist.* cap. 24). The Bishops agreed on every side, not on a doubtful matter, but to expel a manifest wolf from the sheepfold of Christ. For, even if this judgment is not altogether infallible, still, private men should acquiesce to the judgment of the same and if they otherwise need, they should be duly excommunicated provided that the Apostolic See or a universal Council would not judge otherwise.

Next, I say *thirdly* that particular Councils can also define dogmas that are truly in doubt, and its decrees are strong if they do this from a commission of the Apostolic See, as the fathers of the Council of Araviscanus II and Toledo I did in the time of Leo I and the Council of Alcala in the time of Sixtus IV (On this see the *Summa Conciliorum*). Or at least, if they send the decision to the Roman Pontiff and they receive confirmation from him, just in the way it is certain that it was done in the Councils of Milevitanus and Carthage (Augustine, *epist.* 90, 91, 92 & 93). Nay more, it is believable that no particular Council ever defined something *de fide* without approval of the Apostolic See. From all these things that chapter *Ad abolendam* can be understood.

Furthermore, the fact that a particular Council that was not expressly confirmed would make the argument so probable that it would be temerarious for one not to acquiesce is obvious: 1) Because in the seventh Council (act. 3 and in the eighth Council, last act, first canon), the local Councils are honored and received; but no mention is made there as to whether they were confirmed or not; 2) because a great many of these Councils, such as Toledo, Braga, Arles, Hispalensia, etc. seem approved by the use of the Church; 3) Because if a few holy fathers coming together in the same opinion in a certain case make a probable argument, how much more 50 or 60 Bishops coming together and invoked by the Holy Spirit, establishing something by common consent?

CHAPTER XI: GENERAL COUNCILS, BEFORE THEY RECEIVE CONFIRMATION BY THE POPE, CAN ERR UNLESS THE FATHERS WERE TO FOLLOW THE INSTRUCTION OF THE POPE IN DEFINING

THERE are indeed different opinions on universal Councils. For some of the Parisians think, as well as all those that teach a Council is above the Pope, and some others besides, that legitimate general Councils cannot err even before the confirmation of the Pope. Others teach the contrary, such as Cajetan (*in Apolog.* part. 2 cap. 21) and Torquemada (lib. 3 cap. 32, 33, 34 & 38).

Note two things. *First:* Legates are sometimes sent to a Council with the instruction of the Apostolic See, just as we read happened in the fourth, sixth and seventh Council; sometimes without instruction, as happened in the Council of Trent. The reason for this is, because in those first Councils only one question was treated and therefore the Pope could easily explain to the legates what his teaching was on that question. But in the Council of Trent there were so many questions and they needed to be treated so differently that he could not suitably have applied an instruction of this sort.

Secondly, there can be four ways it can happen that a definition of a general Council is made. 1) that the fathers would agree and define while the legates of the Apostolic See dissent; 2) that they would define with the consent of the legates, but acting against the instructions of the Pope; 3) With the consent of all, even the legates, but they did not have a certain instruction; 4) All consent with the legates that have and follow the instruction of the Pope.

In respect to 1 and 2 there is no difficulty. For it is certain that such Councils can err. *In the first place* the second Council of Ephesus erred *de facto* because it wanted to define something against the opposition of the legates of Pope Leo (as is clear from epistle 2 and 25 of Leo), etc. Likewise, the Council of Constantinople in the time of Nicholas I erred when the

legates of Nicholas acted against the instruction of the Pope, as is clear from the epistle of Nicholas to the Patriarch and the other Bishops of the east, as well as from Zonaras in the life of the Emperor Michael. *Secondly*, Councils of this sort not only should be said to not have been confirmed, but should also be said to have been condemned, since it is the same thing whether a Pope expressly condemns a Council, or whether a Council acts against the judgment of the Pope. Moreover, it is certain that Councils condemned by the Pope have no authority, as Gelasius shows with many examples in his volume *de Anathema*, and in his epistle to the Bishops of Dardania. *Thirdly*, they cannot be called legitimate Councils which are opposed with their head; and similarly when they agree with legates acting against their information because in that case the legates do not act as legates as they would not be acting in the name of the Pope; for St. Leo, in epist. 45 to Pulcheria and Agatho in his epistle to the emperor (which was read in the sixth Council, act. 4) precisely affirm they do not give authority to legates except that they would act according to the rules handed over to them.

Now, in regard to the third mode the matter is under opinion. Still, I think such a Council could err, nor is its judgment infallible before the confirmation of the Pope. *Firstly*, because the teaching of that Council is not the last judge of the Church, and still if it could not err, it would be the final and intractable judgment. Moreover, that the judgment of these Councils is not the last is plain. For Councils of this sort are sent to the Pope and the Pope can approve the Council or condemn it, as is clear from Gelasius in epist. to the Bishops of Dardania, and from Nicholas in his epistle to the Emperor Michael, as well as from the practice of Councils to seek confirmation; and namely from the bull of Pius IV in which he confirms the Council of Trent. (On that matter, see Torquemada, lib. 3 cap. 34).

Besides, *secondly*, the strength of the Council is born from the consensus and union of the body with the head, but the head has not yet made its judgment clear. Even if the legates preside in the name of the Pope, still they are not really Popes, nor know what the mind of the Pope is, nor do they have the privilege to not err that the Pope has.

Thirdly, the Council of Basel (sess. 2) together with a legate of the Pope established by common consent that a Council was above a Pope, which certainly is now judged to be erroneous.

Fourthly, a Council can err when it defines something against the instruction of the Pope, as in fact the Council of Constantinople erred with the consent of the legates of Pope Nicholas to the error; so it can also err when it has no instruction; for the Bishops in a Council are not held to follow that instruction, otherwise they would not be judges, nor would their votes be free.

But some object that a Council of this sort is general, legitimate and represents the universal Church, therefore it cannot err. Melchior Cano responds, that a Council cannot err in that mode in which the Church cannot err, *i.e.* just as the Church cannot err in those things on which everyone in the Church agrees, so also the Council cannot err in those things on which everyone agrees at the Council. But on the other hand, since the Church cannot err in regard to personal faith, therefore it cannot err only in that on which all agree. But a Council cannot err in a judgment of faith, *i.e.* in forming a decree; moreover, it is a true decree of a Council which is made by the greater part, otherwise there would be no legitimate decree of a Council since some will always dissent. Thus, a Council is said to err absolutely when the greater part errs, which forms the decree. This is why I think the objection must be answered with another reason.

So I say that Council cannot err which is absolutely general and perfectly represents the universal Church, moreover a Council of this sort does not exist before the judgment of the Pope would come. For the rest of the Bishops indeed represent the body of the Church, and what they do the body of the Church is thought to do; but the Papal legates do not so represent the head of the Church, *i.e.* the Pope himself, so that what they do the Pope is absolutely thought to have done, otherwise no confirmation would be required; rather they only represent the Pope as his vicars and intermediaries ought to refer to him when doubts arise and wait for his judgment and follow it. And so accordingly, such a Council, since it does not absolutely represent the authority of the head, only imperfectly represents the whole Church.

What if someone would altogether have it that a Council of this sort absolutely represents the whole Church, he could respond that the general Council is not thought to be entirely absolute until after the confirmation of the Pope; but when it is said that a general Council cannot err and its decrees do not make certain faith, it must be understood when it was altogether absolute and signed by all.

Secondly, they object that Councils impose anathemas upon those thinking the contrary before they are confirmed. I respond: They indeed impose anathemas, but it understands the force it is going to have if it is confirmed by the Pope, just as when a Judge, from whom one can appeal, imposes the death penalty against someone, it is understood he ought to die unless the prince retracts the sentence.

Now, on the *fourth mode* there can be hardly any doubt, for it seems to be certain that such a Council cannot err; for first, in such a Council express consent of the head and members is found, and hence of the whole Church, which without a doubt cannot err nor is it opposed that the instruction given by the Pope does not seem to be a definitive teaching of the Apostolic See. For when a Council agrees with the judgment of the Pope and a decree is formed by the legates in the name of the Pope, then it begins to be a definitive judgment and a final one, not only of the Council but also of the Pope, and the Pope cannot retract it, since he certainly understands his judgment was from God when it is approved by the Council, as St. Leo says in epist. 63 to Theodoret: “That which the Lord first defined by our ministry he has made firm by the assent of all fraternity that he would truly show that he produced what was first formed by the first see of all, has received the judgment of the whole Christian world so that in this also, the members are in harmony with the head, etc.”

Now, so that it would be better understood, it must be known that the Pope usually sends Legates instructed about the judgment of the Apostolic See with that condition, that if the Council would consent to the judgment of the Apostolic See, the decree will be formed, but if not, the formation of the decree should be delayed until the Roman Pontiff, after he has been consulted, shall respond. This fact is clear from the Council of Chalcedon, since in act. 3 when the Council consented to the judgment of the Pope in regard to the deposition of Dioscorus, the next the legates formed the decree with these words: “The most holy and blessed Pope, head of the universal Church, Leo, through us his legates with the consent of this holy Council, provided with the dignity of the Apostle Peter which is the foundation of the Church and the rock of faith, named the porter of the heavenly kingdom, has stripped Dioscorus of his episcopal dignity and made him an exile from every priestly work.”

Next, in act. 16, when the Council meant to establish something against the instruction of the Pope, the legates said it ought to first be shown to the

Apostolic See. So when the Council defined something, following the express judgment of the Pope it is the same as if it were confirmed.

Add to these that the Council of Chalcedon (in an epistle to Leo which is contained in act. 3), when it sought confirmation of the decrees it clearly says it wrote to the Pope and sought confirmation because apart from the decree on faith against Dioscorus, they established certain other things without the express judgment of the Pope; therefore, they only sought confirmation of those things which they had defined apart from the judgment of the Pope. Even Leo himself, in epistle 61 to the Council of Chalcedon, in which he confirms it, shows that it did not need his confirmation except because some were uncertain whether the decree of the Council was really made with his consent, and this is the method whereby the Pope also confirmed many similar Councils, not because they could err, rather, so it would be ratified more certainly for all that what the legates had done was truly done at the express command of the Pope.

Lasly, in Councils of this sort another confirmation of the Pope was not awaited, next the execution is made, *i.e.* those who think the contrary are condemned as manifest heretics and deposed from the episcopate or priesthood. So in the Council of Nicaea, six Bishops were condemned and sent into exile together with Arius, as Ruffinus writes (lib. 10 *hist.* cap. 5); in the Council of Ephesus Nestorius was deposed and condemned, as Evagrius witnesses (lib. 1 cap. 4); in the Council of Chalcedon, act. 3, Dioscorus was deposed, and in act. 4 ten Bishops of Egypt were judged to be heretics because they refused to acquiesce to the decree that had been advanced in act. 3; at the sixth Council, in the 6th and 8th actions, Macharius, the Patriarch of Antioch, was condemned and deposed and sent into exile with some of his disciples, and in the 15th action Polychronius, a priest, was condemned and deposed. But if these Councils could err before the confirmation of the Pope, they were not manifest heretics who resisted before the confirmation.

CHAPTER XII: WHETHER THE AUTHORITY OF A COUNCIL IS GREATER THAN SCRIPTURE

WE spoke on the authority of Councils considered absolutely, now we must speak on the same by a comparison to other principles of faith, *i.e.* the written word of God (and for traditions the reasoning is the same), and the Pope. The heretics of this time everywhere cry out that we subject Scripture to Councils. Calvin, in the *Institutes*, book 4, cap. 9 §14, says: “To subject the oracle of God in this manner to the censure of men that it would be ratified because it pleases men is an unworthy blasphemy which is commemorated.” Similar things are discovered everywhere in the writings of the others. Moreover, this is not our blasphemy, but is their strawman. For Catholics do not subject the Sacred Scripture to Councils, but places it before them; nor is there any controversy on this point. But if some Catholics sometimes say scripture depends upon the Church, or a Council, they do not understand this in regard to its authority, or according to what it is, but in regard to the explanation and in regard to us.

Therefore, it must be observed that there is a manifold distinction between Sacred Scripture and the decrees of Councils, from which it is understood that Scripture is put before Councils. 1) Scripture is the true word of God, immediately revealed, and in a certain measure at God’s dictation according to what we read in 2 Peter 1:21 “Inspired by the Holy Spirit the holy men of God spoke,” and in 2 Timothy 3:16 “All Scripture is divinely inspired.” Nevertheless, it is not so understood to mean that all the sacred writers had new revelations and wrote things of which they were ignorant beforehand. It is certain that the Evangelists, Matthew and John, wrote those things which they saw while Mark and Luke wrote those things which they heard, as Luke himself declares at the beginning of his gospel: “Just as they handed it down to us who saw from the beginning.” (Luke 1:2).

Therefore, the Sacred Writers are said to have had immediate revelation, and wrote the words of God himself, because either some new and previously unknown things were revealed by God, according to that in Psalm 50 (51):8, “You have made known to me the uncertain and hidden

matters of your wisdom”; God immediately inspired and moved the writers to write the things which they saw or heard and directed them so that they would not err in some matter. Just like an epistle may truly said to be of a prince and dictated by the prince, even if he that transcribed the dictation already knew what he was going to write, so it is said to be and really is the immediate word of God which was written by the Evangelists at God’s inspiration and direction, even if they wrote the things which they saw or heard. But Councils do not have, nor write immediate revelations, or the words of God, rather they only declare what indeed the word of God is, written or handed down, and how it ought to be understood; besides, they deduce conclusions from it by reasoning. Consequently, when Councils define what are the canonical and divine books, they do not cause them to be of infallible truth, but only declare that they are such.

So even the Council of Trent, in session 13, c. 1, when it defines that those words: “This is my body” must be understood properly, not figuratively, it did not publish but declared the word of God. And when the Council of Nicaea defined that Christ is *homoousion* (consubstantial) with the Father, it drew the conclusion from the Scriptures in which it is precisely contained that there is one God, and the Father is God, as well as the Son, from which it necessarily follows that the Father and the Son are of the same substance and divinity. Likewise, in the sixth Council, when it defines that Christ had two wills, divine and human, it drew the conclusion from Scripture in which it is contained that Christ is perfect God and perfect man.

The second distinction arises from this first, and is that the sacred writers ought not labor much in producing these books; for it was enough if they would labor by writing or dictating if they were giving prophecies; or to the chief point by recalling to memory what they had seen or heard, and thought the words which they should write, if they were writing histories or epistles or something similar. But the Fathers in Councils ought to seek the matter itself, *i.e.* to investigate conclusions by disputation, reading and reflection. For that reason, we read in Acts 15 in the first Council that there was a great deal of questioning. Ruffinus witnesses about the Council of Nicaea in book 10, cap. 5, *hist. Ecclesiasticae*, in regards to Acts 15 the fathers of the Council say: “It has been seen by the Holy Spirit and us,” *i.e.* the Holy Spirit assists our industry and diligence. But the

sacred writers only attribute the things which they write to God and this is why the prophets so often repeat: “Thus speaks the Lord.”

The third is that in the Scripture there is no error whether it is treated on faith or on morals, and whether some general thing is affirmed, even common to the whole Church, or some particular thing pertaining to one man. But it is both certain and of the faith that without the grace of the Holy Spirit no man is saved, and Peter, Paul, Stephan and certain others truly had the Holy Spirit and were saved, seeing that the same Scripture witnesses that both are most true, but Councils can err in particular judgments.

The fourth is that in Scripture not only teachings, but even each and every word pertains to faith. We believe no word in Scripture is in vain or not correctly placed, but in Councils the greater part of the acts does not pertain to faith. For disputations that are prefaced, or reasons which are added, or the things that are advanced to explain and illustrate matters are not *de fide*, rather only the bare decrees and not even all of these, but only those which are proposed as *de fide*. Sometimes Councils define something not as a decree but as probable, such as when the Council of Vienne decreed that it must be held as more probable that grace and the virtues are infused into infants at Baptism, as it is contained in *Clem. uni. de Summa Trinitate et fide Catholica*. But when a decree is proposed as *de fide*, it is easily discerned from the words of the Council because they usually say they explain the Catholic faith or they must be held as heretics who think the contrary; or what is most common, they say anathema and exclude anyone from the Church that thinks the contrary. But when they say none of these, the matter is not certain *de fide*.

Next, in the very decrees on faith, not the words but only the sense pertains to faith. It is not heretical to say that in canons of Councils some word is superfluous or not correctly placed, except perhaps the decree were formed from the word itself, such as when in the Council of Nicaea they decreed the word ὁμοούσιον must be received, and in Ephesus the word Θεοτόν.

The fifth is, that Scripture does not need the approval of the Pope to be authentic, but only that its authority would be known; but Councils, even legitimate and general ones, are not ratified until they are confirmed by the Pope, as we showed in a previous question.

But certain men object. Gratian, in d. 19, can. *In canonicis*, affirms the decretal epistles of Popes ought to be numbered among the canonical

Scriptures, and in d. 20, can. *Decretales*, says the canons of Councils are of the same authority with the decretal epistles, therefore even the canons of Councils are numbered among the canonical Scriptures; consequently the Scriptures are not placed before Councils. Besides, St. Gregory says that he venerates the first four Councils as the four books of the Gospels (lib. 1 epist. 24).

I respond twofold to Gratian.

Firstly, he was deceived from a corrupted codex which he held to be of St. Augustine, for he attributed that canon to Augustine (lib. 2 *doct. Christiana*, cap. 8); but the true and corrected codices of St. Augustine do not have what Gratian relates but differ by far. Augustine does not say that the epistles that the Apostolic See usually gives or receives are canonical Scripture, as Gratian read, but a judgment on holy writings that pertain to the Churches and chiefly to those which are Apostolic Sees or merit to receive epistles, such as are Rome, in which Peter sat and to which Paul wrote; Ephesus, in which John sat and to which the same Paul wrote, and certain others.

I say *secondly*, with this error posited, Gratian did not mean to say that decrees of the Popes are properly sacred and canonical Scriptures like the Gospels or the Psalms, but that they are holy writings so as to distinguish them from profane writings, and canonical so as to distinguish them from the sacred writings of the Fathers, which are not rules nor have the authority to oblige. Although the canons of Popes and Councils are distinguished and placed after the divine Scripture, nevertheless they may and must be called sacred writings as well as canonical, just as the seventh Council, in act. 3, calls decrees of Councils divinely inspired constitutions. Nay more, Innocent, cap *Cum Marthae extra de celebratione Missarum*, calls the teaching of St. Augustine a sacred writing: "He does a martyr an injury that prays for him," serm. 17, from the words of the Apostle. Moreover, that Gratian felt the decrees of Councils must not be equated with the divine scriptures properly so called, is clear from 36 *caussa, quaest. 2 can. Placuit*, where he placed the opinion of Jerome, because it was fortified with the testimony of divine Scripture, ahead of a decree of a Council.

I respond to that of Gregory: it sounds like a similitude, not equating, as that of Matthew 5:48, "Be perfect just as your heavenly father is perfect." Or if it would sound like equating, it will need to be said that Gregory does not compare the Councils with the Gospels in all things, but only in the

same certitude whereby it is spoken of in the Scriptures as well as in the decrees of Councils. Since both are of infallible truth, they can be said to be equally certain; but just as Councils are not of a greater authority than the Scripture, it remains that we explain at least whether the authority of an ecumenical Council were greater than that of the Supreme Pontiff.

CHAPTER XIII: WHETHER A COUNCIL IS ABOVE A POPE

THIS question arose at the time of the Council of Pisa. when there were two Popes who sat at the same time in schism, Gregory XII and Benedict XIII. They did not seem to think in earnest of abolishing the schism by a willful abdication, just as before the Pontificate the Cardinals of each party vowed and swore they would leave Pisa and begin to treat whether it were lawful to call a general Council against the will of those Popes to depose them. Antoninus calls this disputation to mind which took place in Florence, in 3 part. *Sum. hist.* tit. 22 c. 5 §2.

Next, when a little later the Council of Constance was called, and John XXIII, who alone had come to the Council left it in secret, then the Council remained without a head and the Fathers began to treat on whether a Council could judge a Pope and depose him against his will. Yet, the controversy particularly arose in the time of the Council of Basel, because Pope Eugene IV wanted to dissolve and impede the Council from beginning, lest it would progress any further, so the Fathers began to ask whether they were held to obey the Pope, or rather more whether the Pope was held to obey them, *i.e.* the Council; and because a little earlier they saw two Popes, John XXIII and Benedict XIII were deposed by the Council of Constance, and imposed an end upon the greatest schism, they began to fear that if the Pope was not held to obey the Council the schism would again be renewed and the Church would remain without any remedy. Consequently, on this occasion, then many entered into the opinion that a Council was above a Pope. But while they wanted to close the path to schisms, they made a new one, and created the anti-Pope Felix V who later, after he recognized his error, abdicated the pontificate. Although later at the Council of Florence and the last Lateran Council the question seemed to have been defined, still, because the Council of Florence did not so expressly define it, and from the Lateran Council which most expressly defined the matters, some were uncertain whether it was truly a general Council; therefore, even to this day the question remains, even among Catholics.

Furthermore, it must be observed that a Pope can be compared with a Council in two ways: 1) that only a true and undoubted Pope were taken on the one hand, on the other a general Council over which the Pope presides in himself or through legates, so that nothing would be defined without his consent.

2) In the second mode, that the Pope alone were taken on the one hand, and on the other a general Council over which he presides neither in his person or in his legates. I do not, however, understand him to preside through his legates even when he sends a legate to preside over a Council, if the latter acts against the will of the Pope since then he is not truly a legate, although he holds himself out as such.

The present question, although it seems to several authors to turn especially on the first comparison, nay more, those who think a Council without a Pope is not a true Council, and hence, without a doubt, the Pope is greater than such a Council; still, really the particular question is on the second comparison. That is clear *firstly*, because this question was introduced on account of the deposition of Popes, *i.e.* it must be inquired whether the Pope could also be judged, condemned and deposed by a Council against his will. Moreover, for this purpose the question is superfluous, whether a Council with a Pope were greater than the Pope alone, for whether it is greater or lesser it will never judge nor condemn nor depose the Pope against his will. For how would this Council do it when it does nothing without the consent of the Pope? Would the Pope will himself to be judged and condemned against his will?

Secondly, the same is clear from the Council of Basel, for the Fathers at Basel, who defined that a Council was above a Pope, asserted that their Council was above Pope Eugene, at a time in which neither the Pope nor his legate were present at the Council. In fact, they even undertook to depose the Pope opposing them by all means.

Therefore, this is the particular question, and it must be treated alone. It will be clear from its explanation what must be said about the first. For those who teach a Pope is above a Council celebrated without him also teach the authority in the Pope alone and in a Council with the Pope intensively, although extensively it would be greater in a Council; and hence the Pope cannot be judged or condemned in such a Council, nor can he be obliged coercively by the decrees of such a Council, but only as a guidance, and he can dispense against them with the exception of decrees

on faith which are immutable. The reason is because an equal does not have power in an equal matter. But those who teach a Council without the Pope is above the Pope, consequently also teach that a Council with the Pope is above the Pope and affirm it obliges the Pope just as a minister of the Church dispenses against general Councils, but if he badly dispenses, he can be corrected and punished later by a general Council. Thus, omitting the first comparison, only the second must be treated.

CHAPTER XIV: DIFFERENT OPINIONS ARE EXPLAINED

HENCE, on the proposed question I find three opinions of the doctors. 1) The position that a Council is above the Pope, which all the heretics of this time especially assert, namely Herman Hamelmann, who tries to prove it with many arguments in book 3, cap. 13 *Prolegomenorum*. Cardinal Cameracensis, John Gerson, Jacobus Almainus and several others asserted this in their treatises on the power of the Church. Likewise, Nicholas of Cusa, in his treatise *de concordantia canonica*, lib. 2, last chapter. Panormitanus, in *cap. Significasti, extra de electione*, and in the same place his teacher, Cardinal Florentius, and Abulensis in cap. 18 of Matthew, quest. 108, and in defense of three conclusions, as well as certain others.

So, that this opinion would be understood, it must be known that there are two foundations for it. The first is that the Pope is not properly head of the universal Church gathered together, but not in the same way as the heretics and other authors understand it. For the heretics would have it that the Pope is in no way head of the whole Church, but only a Bishop of his particular Church, and at the most, patriarch of the West.

But the other cited authors teach that the Pope is the head and shepherd of individual Christians as well as individual Churches, if they are taken separately, but not of the whole Church gathered together in a general Council. For then the Church receives, as a form of the body, and the whole power which is separated into different members is united there so that to compare the Pope with other Christians taken apart is to compare the most noble member with a less noble one, but to compare the Pope with a Council is to compare a part with its whole, and hence the lesser with the greater.

And lest we were to say that a Council without a Pope is not wholly perfected but a body without the head, they add a second foundation, which is that supreme Ecclesiastical power is both in a Council and in a Pope, but more principally, immediately and immovably in a Council. They say that Christ immediately gave all power to bind and loose to the Church, and since the Church will always endure, this power always remains immovably

in it; since the Church cannot always remain gathered and exercise this power by itself, Christ established the Supreme Pontiff as a general instrument for all the actions of the Church, and placed in him this supreme power that he would exercise it in the name of the Church.

These authors differ among themselves because some place this power formally and subjectively in the Pope alone, but place it in the Church as in the end, because it is on account of the Church as in regulating since it is for the Church to regulate and direct the Pope, since she cannot err, but the Pope could and thereupon that in supplying, because the Pope lacks it on account of natural death, or civil, the Church supplies his office.

But others would have it that it is formally and subjectively principally in the Church, but instrumentally in the Pope, still all agree on this: they teach this power is immediately in the Church and hence, when the Pope dies or is deposed, or when he refuses to be present at a Council, a Council is not on that account an imperfect body, but a perfect one and has the Papal power to define on faith, ratify laws, grant indulgences, etc., from which they deduce that a Council is above a Pope and can judge and punish him; it is the same thing to ask whether a Pope is greater than a Council as if one were to ask whether a part were greater than the whole.

Next, they would have it that the Pope is in the Church in the way that the Venetian Doge is in the Republic of Venice, or a superior general in some religious order. For it is certain the Venetian Doge is above individual magistrates, and above individual senators and citizens of Venice, still, he is not above the whole senate gathered together; when the Doge dies, it is certain that his whole authority is in the senate. In the same way a superior general is over individual religious and even priors, provincials, etc., still, he is not above the general congregation, since he ought to obey it and not command it.

Now, the *second opinion* is of some canonists, who would have it that the Pope is above a Council and can be judged by no man against his will, yet he can subject himself to a Council and grant it power over him; if he did this he ought to acquiesce to the judgment of the Council, even if it were a question of his deposition. So the Gloss teaches in can. *Nos si incompetenter*, 2. q. 7, and in can. *In Synodo*, d. 63.

The last opinion is nearly common, namely that the Pope is so above a Council that he could not even subject himself to its judgment if it were a question of a properly coercive judgment. This opinion seems to be of all

the old Scholastics, such as Albert the Great, St. Thomas, St. Bonaventure, Richardus, Paludanus and others commenting on the Sentences (4 dist. 19) where it is argued on the keys, even if they did not avowedly dispute this point. Moreover, St. Antoninus [10](#) expressly teaches it in *Summa Historialis*, 3 part. tit. 22 cap. 10 § 4; and *Summae Theologicae*, 2 par. tit. 3 cap. 11; Juan Torquemada in lib. 2, cap. 93 and 104 of *Summa de Ecclesia*, as well as in response to the orators of Basel on the Supreme Pontiff and a general Council. Alvarus Pelagius, *de planctu Ecclesiae*, lib. 1, art. 6; Dominic Jacobatius in book 10 *de Conciliis*, art. 7, in which he most profusely disputes the question and answers sixty-three arguments of opponents. Cardinal Cajetan, in his treatise *de Comparatione Papae et Conciliorum*, and in *Apologia* of the aforesaid treatise. Albert Pighius, lib. 6 *de hierarchia Ecclesiae*. Francis of Ferrara, in lib. 4 contra Gentes, cap. 76. Augustino de Ancona in his treatise *de potestate Ecclesiae*, and Peter de Monte in his book *de potestate Papae et Concilii*. Francis Turrianus in three books in which he wrote on the question, and nearly all Canonists commenting on cap. *Significasti, de electione* and can. *Si Papa*, dist. 40. John Anto. Dephinus, lib. 2 *de Ecclesia*, cap. ult.; Thomas Campeggio in his treatise *de potestate Romani Pontificis*, cap. 22 *et seq.* Nicholas Sanders, lib. 7 *de visible monarchia*, where he argues about the Council of Constance, pg. 540.

CHAPTER XV: THE SUPREME PONTIFF IS HEAD OF THE WHOLE CHURCH

INDEED, so as to declare the truth of the matter, we will convey and demonstrate several propositions, of which this is the *first*. *The Roman Pontiff is pastor and head not only of all particular Churches, but even of the whole universal Church gathered together, being constituted immediately by Christ.* This is against the first foundation of our adversaries, which, even if it was profusely proven in the books *On the Roman Pontiff*, still it also must be briefly proven in this place.

Therefore, it is proved: 1) from Scripture. Peter is the foundation of the Church, a foundation which was laid by Christ according to that of Matthew 16:18, “You are Peter, and upon this rock I will build my Church,” hence head and pastor, for what the foundation is in the house the head is to the body and the shepherd to the flock. Just as the foundation does not depend upon the house, but the house on the foundation, so also the head does not depend upon the body, but the body upon the head, and a shepherd does not depend upon the flock, rather the flock upon the shepherd. Moreover, in this place the universal Church is understood by the word Church, even gathered together, as it is in a general Council, which is proven from Matthew 18:17, where Christ says on the same Church: “If he will not hear them, let him go to the Church.” In such a passage, our adversaries understand a general Council by “church”.

Besides, once the Church has been gathered, a Council is more properly the Church of Christ, as even our adversaries concede, for the Church is a congregation of the faithful, therefore, the more the faithful are gathered and united the more properly they are the Church. Yet, it is stupid when something is pronounced absolutely on another thing, to remove that which is most properly meant by it; consequently when Christ says, “Upon this Rock I will build my Church,” the universal Church gathered together is stupidly removed since it is most properly the Church.

Next, the Church of Christ is always formally gathered together, because it is one kingdom, one household, one flock, even if it seems to be so much dispersed to a place. Thus, if the Pope is the shepherd and head of the

Church, certainly it is not a dispersed Church, which is null, rather he is pastor and head of the Church gathered together. The same is held from the last chapter of John: “Feed my sheep.” For even if our adversaries say that the Lord had said “feed my sheep” not my Church, still the Church so explains this in the prayer for the Pope: “O God, pastor and ruler of all the faithful, who willed your servant N. to preside over your Church.” And besides, either the Church gathered together (or a general Council), pertains to the sheep of Christ, or it does not. If it pertains, consequently Peter is the pastor of the Church gathered and of a general Council; if it does not pertain, therefore Christians, through being gathered cease to be the sheep of Christ, which is most absurd.

2) It is proven from Councils, for in the Council of Chalcedon, in its epistle to Pope Leo, it declares with precise words that St. Leo was head of that Council, which was the greatest of all, in which the whole Church was seen gathered together. It says: “Who you preside over as the true head.” Likewise, the Council of Lyons, as it is held in the chapter *Ubi periculum, de elect.* in 6, calls the Pope ruler of the universal Church, not merely the ruler of particular Churches. Similarly, at the Council of Florence it was defined that the Pope is head of the whole world and received the fullest power from the Lord to rule the universal Church. The Council of Constance, sess. 15, condemned the heresy of John Hus, saying that the Pope is not head of the Church.

3) It is proven by reasons. *Firstly*, the Pope is one head, therefore he is the head of one body, but particular Churches taken separately are not one body, therefore the Pope is head of the universal Church. *Secondly*, the universal Church is one visible body, consequently, it ought to have one visible head, otherwise it would appear to be a monster. But it produces no other head than the Pope. Therefore, the Pope is head of the whole Church at the same time. *Thirdly*, the Pope is immediately Vicar of Christ, as is held in the cited Councils of Lyons and Florence, and also in the Council of Constance, sess. 8, where the heresy of Wycliffe is condemned, saying the Pope is not immediate vicar of Christ; nor do our adversaries deny it, as a result he presides over all of them in place of Christ, over whom Christ himself invisibly presides; but Christ presides and would do so visibly if he were visibly present, not only over particular Churches, but even over the whole universal Church and general Councils; therefore even the Pope presides over the universal Church.

CHAPTER XVI: SUPREME POWER IS NOT IN A COUNCIL

NOW for the second proposition: *Supreme Ecclesiastical Power is not in the Church or a Council without the Pope either formally or supplied.* This is against the second foundation of our adversaries and that supreme power is not formally in the Church or in a Council in the way it is in the Pope is clearly gathered from the Scriptures. According to the Scriptures, the Church is not a democracy, or an aristocracy, but a monarchy, or the kingdom of Christ, according to that of Psalm 2:6, "I have been set up as King by him over mount Sion, his holy mountain." And in Luke 1:33, "Of his kingdom there will be no end." and John 18:37, when Christ is asked "Are you a king?", he does not say "I am not", or my kingdom is not in this world, rather he says: "My kingdom is not of this world," *i.e.* it is indeed in this world, but it is not such a kingdom as you think of, such as that of Herod and similar kings. Thereupon, Scripture everywhere calls Christ a King and the Church his kingdom, from which it follows that the Church herself ought to be ruled by one, not by many just as all kingdoms are governed.

But that this authority in the Church is not supplied is shown by this reason. The Church does not hold this authority of itself, nor from another, therefore, in no manner does it hold it. A distinction between the kingdom of Christ and other kingdoms manifestly shows that the Church does not hold this authority of itself. For, the Church is not such a kingdom as the kingdoms of this world in which supreme power is in the king, rather, the same power, proceeding and derived and hence radically supplied by the people is in the kingdom, because the people make the King who would otherwise be a private citizen, just as the rest, for all men are naturally free and equal, nor can one command the rest unless they would subject themselves to him and concede power to him.

But Christ is God and man, and to the extent that God is naturally the lord and king of all creatures, insofar as he is man he has all power from God, nor was he made king by the Church, rather he made himself its king. Apocalypse 5: "You have made us a kingdom for our God," hence it is that

in Scripture, the kingdom of Christ is the Church. Now, lest someone would think it were like other kingdoms, it is also compared to a household: “Who is a faithful and prudent servant whom the Lord constituted over his household?” (Matthew 24:45); and in Hebrews 3:2, St. Paul says that Moses was faithful in the whole house of God as a servant, but Christ was faithful in the whole house as the Lord. For it is certain that the householder does not have any authority from the household, but of himself; because a father is not constituted by the family, rather he makes the family for himself by begetting sons and correcting servants. For that reason, a householder, even if he were the worst, can never be judged by the household or expelled, just as a king can when he degenerates into tyranny. The Church is also compared to a sheepfold in John 10:1, likewise to a body and a spouse in Ephesians 4 and 5, that we would understand that a pastor does not receive authority from the sheep, nor the head from the body, nor a man from his wife, so neither does Christ from the Church.

From these, we hold that the Church of itself has no authority, rather all is in Christ and those to whom Christ communicated it. Moreover, that it does not have it from another, namely from Christ, is proven. For Christ is read to have given the keys of the kingdom of heaven to Peter in Matthew 16:18, and to have put the same in charge of his sheepfold in the last chapter of John, he also gave power to the other Apostles to preach, Baptize, forgive sins and do certain other things which look to the Episcopal office, but this power Christ gave to individuals so that everyone would be able to exercise all these without the gathering of all, as is known; but that he gave some power to the Church itself, *i.e.* to the corporate body of the faithful in itself, that is, by reason of its totality is read nowhere; nay more we read the contrary, the people are commanded to be obedient and subject to their pastors (Hebrews 13:17). But if no authority were given to the corporate body of the Church therefore, neither was it to a general Council, to the extent in which it represents the whole Church. Therefore, supreme authority is not in a Council, nor Papal, but only Episcopal or Archiepiscopal, exactly as the persons are who come together there. At least supreme or Papal authority is not placed in a Council by our adversaries, except insofar as the Council it manages the universal Church in his place. If, therefore, the universal Church, without the Pope, does not have papal authority, as a result so much the less does a Council have it.

Secondly it is proved: If a general Council without the person of the Pope would have Papal authority formally, or supplied, it would not need the confirmation of the Pope. But that is false, as it is certain that all general Catholic Councils sought confirmation.

Thirdly, a Council without the Pope can err even in decrees of faith, as is clear in the Council of Sirmium, to which Hosius subscribed. Likewise, Milan, Armenia, Ephesus II, Constantinople under Justinian II, Constantinople under Leo the Isaurian, and another under Constantine Copronymus. But a Council with the Pope cannot err; therefore, it cannot do all things without the Pope which it can with the Pope. Nor can one respond that these Councils erred because they were not legitimate, for many of them lacked nothing other than the assent of the Pope; nay more, Ephesus II was altogether similar to Basel; for both were summoned by a Pope and in both a legate of the Pope was there in the beginning; shortly after the Papal legate departed at both Councils, the Pope was excommunicated at both, and all of these things were certain at Basel from its deeds described by Aeneas Sylvius. Moreover, in regard to the Council of Ephesus, it is certain from the epistles of Pope Leo, 12, 13, 15, 21, and 22 as well as from the Council of Chalcedon, act. 3; but just the same our adversaries cannot deny the second Council of Ephesus erred.

Fourthly, if supreme power were principally in the Church, but instrumentally in the Pope, as in a minister of the Church, as they themselves say, it would follow that the Pope is not the *immediate* vicar of Christ, rather he would be a mediate one; for the Church would *immediately* be the vicar of Christ, but the Pope would be the mediate vicar of the Church, which is expressly against the Council of Constance, sess. 8, where the heresy of Wycliffe was condemned, that said the Pope is not the immediate vicar of Christ.

CHAPTER XVII: THE SUPREME PONTIFF IS ABSOLUTELY ABOVE A COUNCIL

THE third proposition. *The Supreme Pontiff is simply and absolutely above the universal Church as well as above a general Council, so that he would recognize nothing on earth above his judgment.* This is also truly *de fide*, and proven. 1) From the two preceding propositions; for if the Pope is head of the universal Church, even when it is gathered together, and the universal Church gathered together does not also have any power by reason of its totality, then it follows the Pope is above a Council and above the Church, not vice versa.

2) It is proven from reason, and founded in the scriptures; for all the names which are given to Christ in the Scriptures whereby it is certain that he is above the Church, all the same are attributed to the Pope. *First*, Christ is the householder in his house, which is the Church, the Pope in the same house is the supreme steward, *i.e.* in the place of Christ the householder: “Who is a faithful steward, and prudent, whom the Lord constituted above his household, etc.” (Luke 12:42) Here, by steward, or *oecomonon*, as it is in the Greek text, the Fathers understand a Bishop. Ambrose, as well as Hilary and Jerome (in cap. 24 Matth., where a similar sentence is contained) understand this passage in the same way. And although the Fathers do not speak expressly about the Roman Bishop, nevertheless, without a doubt the teaching of that Scripture is: as particular Bishops are supreme stewards over their Churches, so the Roman Bishop is in the universal Church. Wherefore, Ambrose, on 1 Timothy 3. That you would know how you ought to be preserved in the house of God, etc., he says: “The Church is called the house of God, whose ruler today is Damasus.” And Chrysostom, in lib. 2 *de sacerdotio*, near the beginning, cites this passage: “Who is a faithful servant,” etc., explaining that it is about Peter.

However, the supreme steward is over the household, and he cannot be judged and punished by it, as is clear from the same passage, for the Lord says: “whom the Lord constituted over his household ... But if the servant would say in his heart: ‘the master delays his coming’, and would begin to strike the servants and the maidservants, to eat and drink and be drunk, the

Master will come on a day in which he hopes not, and divine him and place his lot with the infidels.” There you see the Lord saves that servant for his judgment and does not consign him to the judgment of the household. The use of all household teaches the same thing; for there is no household in which it would be lawful for inferior servants to punish even when gathered together, or expel the steward, even if he were the worst, for it pertains to the Lord of the household alone.

The *second* name of Christ is shepherd, “I am the good shepherd, etc.” He shares the same with Peter in the last chapter of John: “Feed my sheep.” It is certain, however, that a shepherd is so in charge of the sheep that he cannot be judged by them.

The *third* is “head of the Body of the Church,” (Eph. 4:15-16), and he shares the same with Peter, as we have it in the Council of Chalcedon, act. 3, where the legates pronounce sentence against Dioscorus, and in the epistle of the Council to Leo. Moreover, that the head would be ruled by the members and not rather rule them is against nature, just as also it is against nature for the members to cut off their head when it is gravely sick.

The *fourth* is husband, or bridegroom (Ephesians 5:25), “Men, love your wives just as Christ loved the Church and gave himself up for it, etc.” The same agrees with Peter, for in the general Council of Lyons, as it is found in *c. Ubi periculum, de electione, in Sexto*, the Council speaks on the election of a Roman Pontiff: “Let a useful provision make haste for the necessary things of the whole world, for a suitable bridegroom to speedily be given to the Church.” But it is against the Apostle in Ephesians 5:25 as well as against the order of nature that the bride would be in charge of the bridegroom, and not rather subject.

In the second place, it is proven from the express words of Councils and Popes; for although the controversy is on the power of Councils and of Popes, if Councils and Popes agree between themselves, why is it necessary for us to argue? *First*, the Council of Sinnessano under Marcellinus is extant, in the end of which we read: “The first see is judged by no one.” A little after, the Roman Council under Sylvester stands out, in the last canon of which we read likewise: No one will judge the first see.”

Besides, it is gathered from the Council of Chalcedon that a Pope is greater than a Council, for in act. 3 many written epistles are cited from different places to the Council, which all so begin: “To the most holy, blessed and universal Patriarch of great Rome, Leo, and to the holy

universal Council gathered in the city of Chalcedon, etc.” But there was no man in the whole Council that cried out and said that the Pope ought not be placed before the whole Council. Nay more, in the end of that action there is extant an epistle of the Council to the same Leo, in which they acknowledge him as their head and father. Besides, in the same action Dioscorus was condemned along with the whole second Council of Ephesus, not only for different reasons, but especially because it had dared to judge and condemn the Roman Pontiff, Leo. For, as Nicholas I says in his epistle to Michael, Dioscorus was not condemned so much for heresy as for the horrendous presumption in which he dared to impose sentence against the Supreme Pontiff. There it must be noted that if Dioscorus, who was the Patriarch of Alexandria, that is, the first after the Roman patriarchate, could not lawfully judge the Roman Pontiff with a general Council, clearly it follows that a Council is not above a Pope. For why could it not judge the Pope if it was above him, nay more his judge as our adversaries would have it?

Likewise, the fifth Roman Council under Symmachus received and approved as if they were its own decrees, a book of Ennodius the deacon, in which we so read: “God willed the cases of other men to be concluded by men. The prelate of this See without question he reserved to his own judgment, for he willed that the successors of Peter the apostle ought to have their innocence judged by heaven.” In the eighth general Council, act. 7, we read the Roman Pontiff judges in regard to the prelates of every Church, while on the other hand no man ever judged him. Here it must be understood *legitimately*, so that a judgment of this kind was received by the Church. Platina, in *vita Leonis III*, and Paulus Aemilius in lib. 3 *historia Francorum* write that when Charlemagne came to Rome to discern the case of Pope Leo III, against whom many crimes had been objected, and at the same time he convened a great Council of Bishops, all the Bishops cried out in one voice that no man is allowed to judge the Supreme Pontiff; then Charlemagne desisted from that office of judgment, and Leo purged himself with an oath.

Besides, the Lateran Council under Alexander III, as it is held in c. *Licet, extravagantes, de elect.* says: “In the Roman Church, something is specially constituted because recourse may not be had to a superior.” There, the Council teaches that the Roman Pontiff should be chosen with greater caution than other Bishops, because if a bad Bishop were chosen, he can be

corrected and deposed by the Roman Pontiff; but if a bad Pope were chosen, there is no remedy, for he has no superior whereby he could be deposed. Likewise, at the Council of Constance, a Bull of Martin V was published with the approbation of the Council, in which anyone suspect of heresy is commanded to be interrogated as to whether or not they believe the Roman Pontiff has supreme power in the Church of God. But certainly it is supreme, in which there is no greater and for whom there is no equal.

Next, the fifth Lateran Council under Leo X, in its eleventh session, precisely and avowedly taught that the Pope is above all Councils and rebuked the contrary decree published at the Council of Basel: “It is evident that the Roman Pontiff alone, as one having authority over every Council, and the right and power to summon Councils, transfer them, and dissolve them, not only by the testimony of Sacred Scripture, the aforesaid Holy Fathers and other Roman Pontiffs, but so much more even by the very confession of the same Councils.”

There is no response to this passage, except that it was not a general Council or was not received by the Church, or that it did not define this *de fide*. Yet, it can scarcely be said that it was not a general Council, for even if there were few Bishops (as it did not attain to 100), still it was clearly a Council to all, and all were called to it, and in it the true and unquestioned Supreme Pontiff presided. But that it was not received it is hardly related, since the decrees of Councils do not need the approval of the people, since they do not receive their authority from them. It is true that decrees on customs, if they were not received and the Pope would turn a blind eye to them, at length are abrogated by custom; but this does not happen because those things needed the approval of the people, rather because the decrees were mutable and when the Pope sees that after a long time they are not preserved, and is silent, he is considered to abrogate them. But decrees on faith are immutable, nor can they be abrogated in any manner, once they have been established. But such is this, on which we are arguing. But the Council did not so define the matter, properly, as a decree that must be held with Catholic faith, so there is a doubt and therefore they are not properly heretics who think the contrary, but they cannot be excused from great temerity. [11](#)

Now we add *thirdly*, Popes. Leo the Great, in epist. 48 to Anastasius, says: “By the great disposition of God it has been provided lest everyone would have to defend all things themselves, rather there would be in each

province individuals of whom among the brethren would have the first judgment, and again certain men were constituted in the greater cities that received a greater sollicitude, through which to the one See of Peter the care of the universal Church would be brought, that no one would ever be at variance from its head.” Now, if care of the universal Church pertains to Peter, certainly also of a Council, which in turn acts for the universal Church.

Pope Gelasius, in his epist. to the Bishops of Dardania, says: “The Church through all the world knows that the most holy Roman See has the right to judge all things, nor is it lawful for anyone to judge its judgment.”

Nicholas I, in his epistle to the Emperor Michael, repeats the same thing: “It is clear that there is certainly no authority greater than that of the Apostolic See, whose judgment is retracted by no man.”

St. Gregory in his epistle to Theotista (lib. 9 epist. 39) says: “If Blessed Peter, when he is reproached by the faithful, were to attend to the authority which he received in the Holy Church, he could respond that the sheep ought not dare to rebuke their shepherd, but if in the quarrel of the faithful he were to say something of his power, he would not be a mild doctor; therefore he placated them with humble reason.”

Pope Paschal, as it is held in c. *Significasti, extra. de electione*, says: “They say in Councils it is not found stated as if the law of the Roman Church was set in front of any Councils, since all Councils are made and are fortified by the authority of the Roman Church, and in their statutes, the authority of the Roman Pontiff is clearly received.”

Innocent III, in serm. 2 *de consecr. Pontificis*, says: “In so great a matter, it is necessary that I have faith, since I have God as a judge on the rest of my sins, only on account of sin which is committed against faith, could I be judged by the Church.”

Boniface VIII, in *extravag., Viam Sanctam, tit. de major. et obed.*, says: “If earthly power would stray, it will be judged by the spiritual power. If the spiritual would stray, the lesser by the greater. But if the supreme power would stray, it can be judged by God alone, not by man.” He adds the testimony of St. Boniface, the Bishop of Fulda, who, even if he was not a Pope, still was of great authority. Therefore, it is held in dist. 40, can. *Si Papa*, where he says: “He that will judge all must be judged by nobody unless he is found to have deviated from the faith.”

It is proven *fourthly*, from the appeals from a Council to the Pope. A lesser can always appeal to a greater without any controversy; that one can appeal from a Council to a Pope, not the other way around, is clear from the epistle of Gelasius to the Bishops of Dardania: “To the Apostolic See one may appeal from every part of the world, but nobody is permitted to appeal from it.”

And lest we might think he speaks on appeals from some Bishop, not from a Council, he adds that often the Roman Pontiffs absolved those whom Councils had unjustly prosecuted. Famous examples of this fact are extant. For, Athanasius, the Bishop of Alexandria, and Paul, the Bishop of Constantinople, were deposed by a Council; they appealed to Pope Julius I, and they were restored to their Sees by him, as the author Sozomen notes (lib. 3, *hist.* cap. 7), and similarly Flavian, the Bishop of Constantinople, appealed from the second general Council of Ephesus to Pope Leo, as Leo witnesses in epist. 25 to the Emperor Theodosius. Likewise, Theodoret, the Bishop of Cyprus, appealed from the same Council to the same Pope Leo, as is clear from Liberatus in his *Breviarium*, cap. 12, and from that epistle of Theodoret which is extant at the end of the works of Leo. Lastly, John Chrysostom was deposed by a Council and he appealed to Pope Innocent, as Gelasius witnesses (*loc. cit.*) and the same is gathered from the epistles of Chrysostom to Innocent.

It is proved *fifthly* from the approval and condemnation of Councils; for all are recalled, at length, to the examination of the Roman Pontiff, and those which he approves are received, but those which he condemns are rejected, as Gelasius witnesses in the same epistle to the Bishops of Dardania, and even that the Pope approved many Councils at their request is clear from the deeds of these very Councils, especially the first, second, third, fourth and sixth Councils.

Moreover, that the Popes at some time condemned the decrees of Councils, which is a clear sign of superiority, is certain from St. Basil, who writes in an epistle to St. Athanasius (which is number 52), that it seemed good to him that the Pope might be asked to send some men into Greece to invalidate the Council of Armenia in his name. Pope Damasus himself, in his epistle to the Bishops of Illyria condemned that Council. Likewise, Leo, in epist. 55 to Pulcheria, says: “We make void the agreement of the Bishops opposed to the rules of the holy canons enacted at Nicaea, by the piety of your faith united with ours, and through the authority of Blessed Peter the

Apostle we altogether invalidate it by a general definition.” St. Gregory the great says: “All the acts of that Council opposing the Apostolic See have been scattered.”

CHAPTER XVIII: THE POPE CANNOT SUBJECT HIMSELF TO THE COERCIVE JUDGMENT OF COUNCILS

THE fourth proposition. *The Supreme Pontiff cannot consign himself either to the coercive judgment of a Council or any man, rather, only to discretionary judgment.* Now, in a perfect judgment two things are required. *Firstly*, the power to discuss the case and to discern or judge what must be done. *Secondly*, the power to compel him who falls in the case to obey the judgment imposed against him. Both are found in a judge properly so called, such as a prince is, or a judge constituted by the prince. But the first is only found in arbiters, whose judgments, even if men are held to stand from the law of nature, because they are held to keep their promises, still not from the force of the sentence, because arbiters cannot compel.

Now, the Supreme Pontiff cannot constitute a judge, properly so called, over himself, but only in the manner of arbiters, whose judgment if he is not held to obey, he might do what he ought not, but not what he cannot.

The first part is proven. *Firstly*, because the power of the Pope is above all, and of divine law as is clear. But the Pope cannot dispense against divine law. *Secondly*, because an inferior cannot consign judgment to someone that is reserved to a superior. A Bishop cannot consign to his penitentiary that he would absolve in cases reserved to the Pope; but judgment in the case of a Pope is reserved to God, as we taught above. *Thirdly*, because it would follow that the Pope is a superior and not a superior in respect to the same thing, which is a tautology. It is shown to follow from this reason. The Supreme Pontiff, when he consigns himself and his case to the judgment of another, does not cease to be Pope, consequently, he does not cease to be the superior of every Christian; but just the same, if he can be compelled then he is not a superior, rather an inferior. Therefore, he would be a superior and not a superior at the same time.

The second part is clear from Sixtus III, Leo III, Symmachus, Leo IV and others, who when they were accused, wanted their cases to be discussed

in a Council of Bishops, just as is clear from can. *Mandastis*, and can. *Auditum*, 2. q. 5, as well as from the fourth Council under Symmachus; still the Bishops did not dare to judge such things. For this reason, in the fourth Council under Symmachus, all the Bishops subscribed, and affirmed that they relinquished the whole judgment to God.

CHAPTER XIX: THE RESPONSES OF OUR ADVERSARIES ARE REFUTED

IT remains to answer arguments. In the first place are those of Hermann, who objects in book 3, c. 12 *Prolegomenorum* with some old examples. Secondly, certain arguments from Gerson; thirdly, something else from the Council of Basel.

1) The example of Marcellinus, who in the Council of Sinnessano was condemned by the Bishops and deposed. I respond: a) Marcellinus was accused of an act of infidelity, in which case a Council can discuss the case of the Pope and if they were to discover that he really was an infidel, the Council can declare him outside the Church and thus condemn him. b) I say the Bishops did condemn Marcellinus, but only after the very man had condemned himself, *i.e.* he abdicated the Papacy, for before they had often declared: “The first see will be judged by no one, you are guilty, you are the judge, do not be judged by us, etc.” See Nicholas I in his epistle to Michael.

2) The next is the example of Pope Miltiades. After he had imposed judgment the Bishop of Arles judged the very same case, as Augustine witnesses in epist. 162 to Glorius and Eleusius, where he also adds: “Behold, we think the Bishops that judged at Rome were not good judges. Still a plenary Council of the universal Church remained, where even with these judges the case could be argued. So that if they are found to have judged badly their sentence will be lifted.”

I respond: To that of the Bishop of Arles from the same Augustine and in the same place, not because it needed to be done, but because the Emperor wished to acquiesce to the Donatists who were begging for another judgment, so that maybe the guilty party would be cleansed in two judgments. To that about a general Council, I say Augustine did not discuss a Pope without a Council so as to support a Council without a Pope, as we recently discussed, rather he discusses a particular Council over which the Pope would preside, then a general Council, over which also the Pope would preside. Moreover, there can be no doubt that a case judged by the Pope in a particular Council can again be judged by the same in a general Council, especially in a question of fact, which depends upon information

and in which the Church can err, such as the question was that was being argued then. Nay more, even ordinarily, after a general Council has been summoned, if formerly there were particular Councils held earlier in individual provinces—even at Rome, and later the matter which was treated in those particular Councils was defined in a general Council, then the final judgment and definitive sentence of the Roman Pontiff with the assent of a Council is imposed.

3) The example of Liberius, whom the Emperor deposed and later restored in his see, bidding him to rule the Church of Rome with Felix, and the Council of Sirmium commanded the same thing, after letters were given to Felix, as Sozomen relates (lib. 4, cap. 14).

I respond: An Arian emperor did this unjustly and tyrannically, in the way that Nero also killed Peter and Paul. But the Council of Sirmium did not command, rather it only sent exhortatory letters to Felix asking him to suffer Liberius to sit at the same time as himself. Add the fact that the Council was especially made up of Arians, and is of no importance.

4) The example of St. Leo, whose epistle in the Council of Chalcedon was examined by many Bishops, as Evagrius relates in lib. 2 cap 18, and Leo also boasted, in epist. 63 that his epistle was approved by the Council.

I respond: From here it does not follow that a Council is above a Pope. Leo had sent his epistle to the Council not as something containing a final and definitive sentence, but merely as an instruction, whereby bishops are assisted to judge better. Moreover, after they all consented to the epistle of Leo, then at length a final definition was published in the name of the Pope and the Council. That is enough for examples.

In the second place, he proposes arguments of John Gerson: 1) The first is that of Matthew 18, where it is said: “If your brother sins against you, etc., tell it to the Church.” But the Pope is also our brother, since he is a Christian, and ought to say the *Our Father*, therefore, the Pope can be called to judgment, moreover he can be judged by the Church and punished; but the Church does not do anything except by its prelates, therefore the Pope can be judged by a Council of prelates.

I respond: By the word *Church*, either a Bishop is understood, as Chrysostom explains on this passage, as well as Innocent III in c. *Novit, extra, de judiciis*, and the praxis of the Church demonstrates this. Daily they are denounced to a Bishop, on whom the Lord said: “Tell it to the Church”; or it would mean the body of the faithful with their head. As Cyprian says

in his letter to Florentius, which is the ninth in book 4: “The Church is the people united to the priest and a flock adhering to its shepherd.” This is why in each episcopate sinners are brought to the Church and the Bishop of that place, but if the Bishop were to sin, he cannot be brought to that Church unless he were to be brought to himself, since he would be the head of the same Church; rather he must be brought to some higher Church, over which an Archbishop or a Patriarch presides; but if the Patriarch were to sin, he cannot be brought to his own Church but to a greater one, that is to the Roman Church, or a general Council, over which the Supreme Pontiff would preside. Still, if the Supreme Pontiff himself were to sin, he must be reserved for the judgment of God, for there is no other Church to which he could be brought, since without him no Church would be discovered with a head.

But again, they insist. These words: “Speak to the Church”, were said to Peter, therefore even Peter and his successors ought to bring sinners to the Church, therefore he ought to acknowledge a certain tribunal of the Church greater than his own.

I respond: When these things were said to Peter, he was not yet the Pope, but a private man, hence what was said to him is fitting to those who acknowledge some superior. I add besides, in his own way the Pope can fulfill this precept: first he ought to privately correct one who is a sinner, then apply witnesses, lastly speak to the Church, that is himself, as the president, and to the Church over which he presides, *i.e.* to publicly excommunicate him. This is how St. Gregory understood this passage, in lib. 4, epist. 38 to John, the Bishop of Constantinople.

2) The Pope is a member of the Church, therefore he is lesser than the whole, which is the Church, and may and must be cut off if he would corrupt the Church because it is from natural law that members corrupting the whole body must be cut off.

I respond: in regard to the first consequent, when the Church is gathered, it is either received with the Pope or without the Pope, thus, the Pope, as a member, is lesser than the Church which is a whole. If the Church were received without the Pope, it is false that it is whole, for it is not whole, but a part, and indeed a greater part than the head, like a boulder in magnitude, but lesser in the magnitude of strength, or authority, as is clear in every body. Yet, what our adversaries say, that the authority of the head remains in the Church as an assistance, was already refuted earlier. But if the Church

were received with the Pope, then, as we otherwise said, the authority of the Church is extensively greater than that of the Pope alone, intensively, however, it is equal. Just as being, as it embraces God and creatures is not greater than if it were only God intensively even if extensively it is greater since there are many goods, so also Christ, as man, is the head of a homogenous Church, and hence part of it, and still the whole Church is not greater than Christ alone.

But they insist against this: “All power to act is more principally in the whole than in the parts, which are instruments of the whole; for a man is said to see more principally than the eye, this is why when the Pope is also included in the Church, it makes a certain whole, and the Pope is a certain part and instrument of this whole, so it follows supreme ecclesiastical Power more principally fits the Church itself than the Pope.”

I respond: a judgment on the body of the Church is one thing, and on natural bodies another; for in natural bodies the power proceeds from the essence to the powers, therefore, it is said more principally the whole acts rather than any part or power; but in the body of the Church the power does not proceed from essence to the powers, or parts, but from an outward power. For the Pope, who is head of the Church, does not hold authority from the Church, but from God, and so the principal agent is not the Church, but God. *In the second place*, it may be said that the principal agent in whatever body you like is always supposed to be the very thing which sustains and moves all the members. Hence, for the body of the Church Christ is supposed, as when we say this is the body of Peter, or Paul, it declares it is supposed of Peter or Paul, so when we say the Church is the body of Christ, it declares that of Christ is supposed. Nor is it opposed that Christ is also the head of the Church, for Christ, as flowing into all the members, is called the head that he would sustain and move all things, it can be supposed, and in this way we concede the Pope is the instrument of the body of the Church, and in a certain measure less than the whole itself, just as without a doubt we include Christ himself in the whole, as supposed.

To the second consequent it can be said: *firstly*, on the law of nature, that putrid members should be cut off with the exception of the head. For it is better to have a putrid head than none. But this answer avails little, for in natural bodies the head ought to be cut off because by that amputation the whole body dies. But the body of the Church does not die when the Pope does, and for that reason we also see in temporal states that if the King

degenerates into a tyrant, it will be permitted for the head of the kingdom to be deposed and another chosen. So I say *secondly*, in a natural body and in temporal states corrupting members are cut off because they depend upon the body and have their force from it; but the body of the Church does not have the same arrangement, whose head does not receive authority from the body, but from God, just as even it is not lawful for a household to depose the supreme steward, even if he is the worst, because he was not set up by the household, but by the master.

But they will say, therefore, only the Church is without remedy if it has a bad Pope, and the Pope can disturb all things unpunished, and destroy and no one will be able to resist.

I respond: No wonder, if the Church remains without an efficacious human remedy, seeing that its safety does not rest principally upon human industry, but divine protection, since God is its king. Therefore, even if the Church could not depose a Pope, still, it may and must beg the Lord that he would apply the remedy, and it is certain that God has care of its safety, that he would either convert the Pope or abolish him from the midst before he destroys the Church. Nevertheless, it does not follow from here that it is not lawful to resist a Pope destroying the Church; for it is lawful to admonish him while preserving all reverence, and to modestly correct him, even to oppose him with force and arms if he means to destroy the Church. For to resist and repel by force of arms, no authority is required. See more on this with Juan Torquemada, lib. 2 cap. 106.

The third argument of Gerson, related by Herman, is taken from the Council of Constance. Constance defined, in session 4, that a general Council has authority immediately from Christ, which all are held to obey even if it is provided with papal dignity. Either this Council is approved or not; if it is approved, therefore it is true and must be received, because it defined it; if not, it wrongly deposed John XXIII, Gregory XII and Benedict XIII and chose Martin V, whom all other Popes succeeded thereafter. Add, Pope Martin V, in the last session, confirmed all the decrees of this Council that were on faith, moreover, this decree seems to pertain to faith.

I respond: 1) The Council of Constance was legitimate and approved, but that is not opposed to those things which we said. For it did not define absolutely that general Councils have power from Christ over Popes, but only in a case, that is, in a time of schism when it is now known who is the true Pope; for a doubtful Pope is held for no Pope, and so to have power in

that case is not to have power against the Pope. So think Torquemada, Campeggio, and Sanders (*ll.cc.*)

2) The response can be made that the Council of Constance was not, when it asserted something of this kind, that it could define questions of faith; for in the first place it was not yet a general Council then, since only a third of the Church was present, *i.e.* only those prelates who obeyed the anti-Pope John XXIII, for those who obeyed Gregory and Benedict opposed the things which were being done by the Council. Next, a certain Pope was not present in the Church, without which doubts on faith could not be defined; thus there was no Pope in the Council. For John XXIII, who began the Council, already departed when the fourth session was being held.

Nor is it true that Martin V confirmed this decree. For he precisely said that he confirmed only those decrees on faith which were done *Conciliariter*, that is, by the custom of other Councils, after the matter was diligently examined. Furthermore, it is certain this decree was made by the Council without any examination. Consequently, Martin, when he confirmed decrees on faith that were concluded in a conciliar fashion, understood only the condemnation of the heresies of Wycliffe and Hus.

And it does not follow that if the Council erred in this, it also erred in deposing Gregory XII, John XXIII and Benedict XIII. For, even if the Council without a Pope cannot define new doctrines of faith, still it can judge in a time of schism who is the true Pope and prove to be a true shepherd for the Church when there is not one, or there is a doubtful one, and this is what the Council of Constance rightly did. Besides, John and Gregory were not deposed against their will, for even they renounced the Papacy freely, as is clear from the acts of the Council in session 12 and 14. Moreover, Benedict did not yield, but after his death Clement VIII, his successor yielded to Martin V, who all the Church venerated as a true Pope.

Lastly, Herman advances the Council of Basel, which in sess. 33 defined that it must be held with Catholic faith that a Council is above a Pope. Moreover, this Council was summoned by Martin V, as we see in sess. 1, and then declared legitimately continued from its beginning in sess. 16 by Eugene IV. Lastly, it was confirmed by Nicholas V with its acts.

I respond: The Council of Basel was legitimately begun, but illegitimately completed. Moreover, it is a clear lie of Hermann that it was confirmed by Nicholas V with its acts. For Nicholas, as is obvious from his Bull connected to the same Council, only confirmed those things which the

Council did in regard to benefices and ecclesiastical censures. Such things, however, as the Council of Basel had defined on its authority over the Pope, no Pope approved, rather condemned avowedly, especially Pope Eugene IV, as is clear from the Council of Basel in sess. 38, then Leo X in the last Lateran Council, sess. 12, and again by the whole Church, which, when the Council deposed Eugene, always held him as a true Pope. Lastly, those at the Council of Basel and Pope Felix, whom they created, as Pope Felix at length yielded to Nicholas, Eugene's successor, and those at Basel, who transferred the Council to Lausanne and at length subjected themselves to Pope Nicholas, as Nicholas witnesses in the same Bull. Many other arguments could be proposed and answered, but these are answered in our treatise *On the Roman Pontiff*. See also what we will say about the Council of Basel, in the following book, chapter 16.

END BOOK II

Footnotes

1

On the reasons why the Lutherans did not come to the Council.

2

Translator's note: What Bellarmine means is those who insert Hebrew and Greek to show off their learning as a mark of rhetoric to obscure the points at hand.

3

Translator's note: Circa 1588.

4

Cf. Chronicus S. Hieronymi; Gregorius Haloandrus, aliisque Chronologis.

5

Translator's note: Collectively known as the "Three Chapters".

6

Translator's note: Constance was considered properly to be an ecumenical Council, and St. Robert certainly held it as such, but he will consider that

under the section of Councils that were partly approved and partly condemned.

7

Translator's note: Also called the Council in Trullo.

8

Translator's note: Modern Kosovo.

9

The reasons why the Electors, Princes and others attached to the Augsburg Confession should not come to the Council of Trent.

10

Translator's note: Although Bellarmine cites St. Antoninus in favor of this opinion, St. Antoninus does not quite say this. Rather, after he asserted that the Pope is above a Council, he adds three exceptions from the Gloss, of which one is: "When he submits himself to the judgment of the Church, a Council or another of his own will." (*Summ.*, part. 2, tit. 3, cap. 11, §10).

11

Translator's note: While this claim that a Council is above the Pope was hardly tenable after Bellarmine's time, after the decree of Vatican I it is properly heretical.