



THE ECUMENICAL COUNCIL: ANTIDOTE FOR SCHISM

Just five years ago discussion about the ecumenical councils would have seemed rather academic. Today, however, we all share the joy of having a Holy Father whose primary interest, care, solicitude—one might even say drive—is to bring to successful conclusion the Second Vatican Council. Studying the councils, therefore, has become a practical necessity for everyone in the Church, each according to his capacities.

And all sorts of capacities are, indeed, to be invoked, for an ecumenical council is a many-faceted affair. In every discussion, therefore, a person should reasonably limit himself to the treatment of one or another aspect of a reality which is rooted in the mystery of the Church.

The approach to be taken here could be called historico-theological, I suppose; and the best apology ever written for such an orientation that I know of is that of Cardinal Cajetan (a sixteenth century theologian who wrote a little treatise, *De comparatione auctoritatis Papae et Concilii*, at the very moment the Fifth Lateran Council [eighteenth among the ecumenical councils] was to be called to order, i.e., in 1511):

There is something I must state in the beginning [of this study], lest people think that I am butting into matters which are none of my business. It is this: the authority of the Pope is immediately from God and is revealed in Holy Scripture. [Likewise] the authority of the universal Church is said to be immediately from God, this according to the declaration of the Council of Constance. *Therefore*, this matter pertains first and foremost to theologians, whose business it is to study [*perscrutari*] Holy Scripture and the works of God. It pertains only secondarily to canonists, i.e., insofar as it is dealt with in the sacred canons. In view of this a person would err seriously in deferring first of all to the canonists in this matter. The docile man must of necessity listen to what both the theologians and the canonists have to say about it, honoring each discipline in its proper place, thus giving to theology the primacy. Canon law must, in the end, appeal to theology, i.e., to the authority of the Scriptures, which is true theology.¹

¹ The text of this quotation may be found in Cajetan's *Scripta Theologica*, vol. I (edited by V.M.I. Pollet. Rome: 1936), para. 7 (pp. 15-16). When Cajetan

Obviously Cardinal Cajetan would not show what appears to be animus toward the canonists unless some problem existed. The problem might have been only subjective, of course, the result of Cajetan's high estimation of the theologian's function and his low opinion of the role of the canon lawyer. What he says, however, seems to be objectively true and stated with equanimity. And from this a person might possibly conclude that Cajetan is pointing toward a tendency which really needed to be checked at that moment in the history of the Church: the propensity to consider that the "sacred canons" say everything that needs to be said—or at least that which is primary—about the Council. Cajetan's statement is a protest against this feeling and in favor of the rights of both history and theology.

Even to take a topic like "the theology of the ecumenical council in historical perspective" would seem to be a rather ambitious project; so I should like to limit this discussion to a consideration of just one element of what might be called "conciliar theology": the relation of a council (*ecumenical* council being the prime analogue) to schism.

Facts must be brought to bear, of course. For this reason I shall begin with a little historical resumé of some councils which have been convoked explicitly for the healing of schism. Then I shall present an interpretation of these facts, which will include a theological statement of what schism is and what are its effects, concluding with some reflexion on how the ecumenical council is universally an antidote for the various forms of schism, which menace the Church from time to time.

From Constance to Florence

First, then, I shall describe some factors in a rather confusing situation—confusing to both the people who were involved in it, to the historian who attempts to sift out the significant factors, and perhaps even to the theologian who tries to analyse it. I have in mind a situation which is the object of an oblique reference in the apology of Cardinal Cajetan, cited

refers to the "sacred canons" he does not have in mind the *Codex Juris Canonici* of the present day, but rather the various collections which were then extant. These were: (a) the Decretals of Pope Gregory IX, compiled by St. Raymond of Pennafort, published in 1234, and divided into five books; (b) the so-called *Liber Sextus* of Pope Boniface VIII, promulgated in 1298; (c) the *Collectiones Clementinae*, dating from 1317; (d) the *Extravagantes*, a compilation attributed to the French jurist, Jean Chapuis. The Code of Canon Law as it exists today was promulgated in 1918 by Pope Benedict XV. Of the 2414 canons contained therein, eight deal explicitly with the ecumenical council (nn. 222-229). For a bibliography of commentaries on these canons, see Küng, H., *Strukturen der Kirche (Quaestiones Disputatae, 17)*. Freiburg: Herder, 1962, p. 17, n. 12.

just a moment ago. "The authority of the universal Church *is said to be immediately from God.*" This is actually a quotation from the acts of the fifth general session of the Ecumenical Council of Constance.²

This assembly of bishops had been convoked in the beginning by John XXIII (elected pope by the self-summoned Council of Pisa), at the behest of the Emperor, Sigismund. During the first year or more of its tenure three figures were claiming to be bishop of the universal Church: besides John XXIII, just mentioned, Gregory XII and Benedict XIII. In the end Gregory was persuaded to resign, while the other two claimants were deposed by the Council. And on November 11, 1417, Martin V was elected Pope, to end the Great Western Schism. This is doubtless the most significant effect of the Council.

In the meantime, however, and as a sort of *ad hoc* instrument for the resolution of the schism, the conciliar Fathers had issued the following doctrinal decree: ". . . this synod legitimately assembled in the Holy Spirit, [thus] constituting a general council and representing the militant catholic Church has its power immediately from Christ [the source of Cajetan's remark]. Everyone, of whatsoever status or dignity, even if it be papal, is bound to obey this power in those things which pertain to the faith and the resolution of the present schism."³

On February 22, 1418, the newly elected Pope, Martin V, issued the bull, *Inter cunctas*, in which he expressly approved the Council of Constance as being ecumenical, although he refrained from sanctioning all the decrees issued by the conciliar Fathers. It seems, moreover, that his successor, Pope Eugene IV (March 3, 1431-February 23, 1447), went even further. Only four months after his election to the papal throne a new council had been assembled in the city of Basel (July 23, 1431), the beginning of a series of synodal gatherings which would not be completed until the adjournment of the Council of Florence (August, 1445), where a vain attempt was made to heal the schism between the Eastern and Western

² For what follows see the note on this Council in Denzinger-Schönmetzger (1963 edition), pp. 315-316, and the article of Paul de Vooght, "Le concile oecuménique de Constance et le conciliarisme," *Istina*, 1963, n. 1 (Jan.-Mars), pp. 57-86. This latter article furnishes valuable insights concerning the personalities of four men involved in the conciliar controversy of the fifteenth century: Popes Martin V and Eugene IV, and Cardinals John Turrecremata and Nicholas of Cusa. On Turrecremata, see also the work of K. Binder, *Wesen und Eigenschaften der Kirche bei Kardinal Juan de Torquemada*, O.P. Innsbruck: Kommissionsverlag, 1955, xxv, 231 pp.

³ Denz.-Schönmetzger, *loc. cit.*; cf. de Vooght, *loc. cit.*, p. 58.

Churches. Within a half-year of the opening of the Council of Basel, however, the Pope dissolved the assembly, at the same time convoking a council to meet in Bologna. As it turned out, the Fathers continued to hold their deliberations at Basel, and finally the Pope was constrained to recognize the ecumenicity of the assembly. Writing about the affair in retrospect, in a letter addressed to his legates in Germany (July 22, 1440), the Pope stated:

We accept and venerate with all reverence and devotion the general Councils of Constance *and Basel*, from their beginning through to the moment we transferred them [Constitution of September 18, 1437, *Doctoris gentium*]; without prejudice, however, to the right, dignity and primacy of the holy, apostolic see, or to the power residing in it canonically, which was given to it by Christ in the person of St. Peter.⁴

To sum up this data, during a great part of the first half of the fifteenth century, one or another synod claiming to be an ecumenical council was in session. Throughout this period, moreover, the chief preoccupation of those involved in these synods was the healing of schism, either the state of confusion which existed in the Western Church, or the rupture which had separated East and West already for several centuries. Running through all the various synods is also the controversy over the relation of an ecumenical council with the Pope. Who has the last say? The "conciliarist" point of view was expressed first in the decree of the fifth session of the Council of Constance which the Popes neither approved nor formally condemned as erroneous. Later at Basel, especially after 1437, the idea of the supremacy of the ecumenical council over every other power in the Church was pushed to an extreme which is obviously heretical. In the meantime, the two Popes, Martin V and Eugene IV, continued to accord the power of assembly to the councils, to approve most of the actions taken by them, and even to admit that the Pope owes a certain submission to the ecumenical council. Regarding this last point the papal theologian, John of Turrecremata, made the following observation:

If there be a difference of conviction [between the Pope and a council] in a matter of faith not yet defined, but which is to be defined by the council . . . ordinarily the judgment of all the

⁴ Denz.-Schönmetzer, *loc. cit.*

Fathers of the entire council would prevail over the judgment of the Roman Pontiff. This conclusion seems to be in accord with the gloss on the canon, Anastasius, d. 19, which affirms that the Pope is bound to seek counsel from the bishops where the faith is concerned. In this situation the synod prevails over the Pope, its prevalence being understood as pertaining to discretionary judgment. In this order there is no doubt but that a council ordinarily prevails over the Pope.⁵

This bit of history, taken out of the fabric of the Church's life does not furnish us with any ready-made answers to the question we have proposed: what, precisely, is the relation between the ecumenical council and the healing of schism? Obviously the result of these assemblies, taken in conjunction with the efforts of all faithful members of the Church *was* the partial restoration of peace within the Church. For a brief moment it even appeared that there would be reconciliation between the East and West; but this proved to be a chimera, mostly because of the motives for rapprochement were too political. In order really to understand the meaning of what was taking place then, theological principles will have to be brought into play.⁶

Principles of Unity

In the first place, the schisms which existed then—as any schism—were opposed to the unity of the Church. It seems, therefore, that the fundamental problem is to discover the principles of that unity. The solution of this problem, moreover, must be rather complex, simply because the mystery of the Church is composed of many elements or factors.

⁵ [Si] praedicta contrarietas sit in materia fidei sed nondum diffinita sed quae noviter per concilium veniret diffinienda, tunc in tali casu ponitur ista conclusio . . . quod magis regulariter standum foret iudicio patrum totius concilii quam iudicio Romani pontificis. Ista conclusio . . . videtur colligi ex glossa in c. Anastasius dist. 19, quae ita habet papa tenetur requirere concilium episcoporum ubi de fide agitur, et tunc synodus major est papa, quod intelligendum est majoritate discretivi iudicii, secundum quod non dubium quin regulariter concilium sit majus Romano pontifici. *Summa de Ecclesia*, 1. 3, c. 64, 352-355. Cf. *Oratio synodalis de Primatu* (ed. Candal, Rome: 1954), 58.

⁶ In connection with the following paragraphs, it would be helpful to consult the remarkable commentary of Cardinal Cajetan on St. Thomas' discussion of the nature of schism, as a sin which is opposed to charity, *Summa Theol.*, II-II, 39, 1. This commentary can be found in the Leonin edition of the *Summa*. See also J. Hamer, *L'Eglise est une communion (Unam Sanctam, 40)*. Paris: éditions de Cerf, 1962, pp. 193-199.

In order to prepare the ground for the solution, it seems feasible to recall a point made by Pope Pius XII in his encyclical on the Church, *Mystici Corporis*. There he observes that the unity of the Mystical Body of Christ transcends in its perfection the unity of every other body, be it physical or moral. The reason he assigns is the presence of a "distinct internal principle, which exists effectively in the whole and in each of its parts, and whose excellence is such that of itself it is vastly superior to whatever bonds may be found in any physical or moral body. . . . Essentially it is something infinite, uncreated: the Spirit of God, who, as the angelic doctor says, 'numerically one and the same, fills and unifies the whole Church.'"⁷ This sublime unity, however, does not prejudice the independence of the persons who are members. "In the Mystical Body that mutual union, though intrinsic, links the members by a bond which leaves to each intact his own personality."⁸

This provides us with a primary datum concerning the unity of the Church, which is, in the phrase used frequently by St. Thomas and other scholastic theologians, "the congregation of all the faithful."⁹ This congregation or collection of independent, autonomous persons is one with a numerical unity, the ultimate source of which is the Holy Spirit. But *how* does the Holy Spirit produce this numerical unity?

One's first inclination here might be to have recourse to the factors which Pius XII enumerates as conditions of membership in the Church: baptism and the profession of the true faith.¹⁰ In this context faith might be taken as standing for the life of the theological virtues, while baptism suggests sharing in the Church's sacramental worship. Members of the Church believe, hope in and love one God; they share in the same sacraments. And in these things they are, at least in some way brought together in unity. We could not say, however, that this is the core of the numerical unity of the Church, because in their faith, hope, charity and sacramental life the faithful are made *like* one another, not one, simply speaking.

The reason behind all this is simply that to achieve numerical unity among independent and autonomous individuals the only effective means are (a) mutual inter-action and (b) relation. And this itself suggests another explanation of the mysterious numerical unity of the Church: the

⁷ *The Mystical Body of Christ* (America Press, third edition, 1957), p. 33.

⁸ *loc. cit.*, p. 32.

⁹ Cf. Congar, Y., "The Idea of the Church in St. Thomas." *The Thomist*, I (1939), p. 339, n. 16.

¹⁰ *Mystici Corporis*; in the translation cited, see p. 18.

order of all the members of the Church to the Head, Christ, and to His Vicar on earth, the Pope. Here there *is* mutual inter-action: the pastoral activity of the Shepherd and the submissive obedience of the flock. There is relation too; but in this relation of many to one it again appears that we do not have the core of the Church's unity. Of the relation of all members of the Church to Christ and to His Vicar it is more accurate to say that it results more in their being *under* one than it does in their being one, simply speaking.

What, then, must be said in order theologically to explain what Pius XII affirms to be true? The answer consists in understanding the extent of the efficacy of the operation of the Holy Spirit, by whom the Church, as the people of God, is ruled first and foremost. He moves us to believe, to hope, to love, to take part in Christian worship. He moves us, depending on what our functional position in the Church is, either to feed the flock or to obey our pastors, i.e., to assume a proper position within the structure of the Church. And the Holy Spirit does all this—causes our belief, hope, love, sacramental life, pastoral solicitude and active response to it—in a very peculiar way. He makes us not merely to believe, but to believe as members of a communion; not merely to love, but to love as parts of a whole; not merely to take a proper position in this community, but to assume that position and the responsibilities which it implies in relation to everyone else in it.

In a word, God has willed that among the articles of the Creed there be *Credo in unam sanctam catholicam et apostolicam Ecclesiam*, and this divine disposition modifies everything else which has to do with the Christian life. It establishes the members of the Church in a sort of "relative existence," and in this consists the numerical unity of the Church. Everyone in the Church is in some more or less perfect way moved by the Holy Spirit to do all those things which pertain to the Christ-life precisely as a member of a body, a part of a whole. Justly, therefore, a contemporary writer, in defining the Church, says: "The Church is a mystery of inter-dependence, a network of inter-personal relations."¹¹

The Sin of Schism

Clearly, then, schism in its most general theological sense is the will to withdraw from this "network of inter-personal relations," which is based

¹¹ Hamer, *op. cit.*, p. 99.

on a divinely authentic functional structure. The unity of the Church is perfected through the effective realization on the part of all members, that, as members, they are *related*, first of all to the Crucified and Risen Body of the Savior, and, through Him to the persons who are in communion with Him by faith. This realization takes place, of course, most concretely in a locality where bishop, priest, and layman are in face to face contact with one another—where there is the possibility of really human confrontation. Its extension, however, is universal; and the most recent proof of this is the all-embracing paternity of Pope John XXIII and the response it evoked from the entire world. By the same token a blow is struck against the unity of the Church wherever there is withdrawal from the community, wherever a person or group of persons decides to "go it alone."

It ought to be made very clear, both for the analysis of the situation in the fifteenth century and for the understanding of the situation in which we live today, that this schismatic withdrawal can be on the part of either the person(s) in authority or the person(s) who are subject to authority. In other words, schism need not be "from below"; it can have its origin in "high places." Everyone has a position in the Church; to relinquish that position when it is clear that love demands steadfastness—and the light of the Holy Spirit is never lacking to the Church in this regard—is, in this general sense, a schismatic movement.¹²

Schismatic tendencies need not always be characterized by violence. Withdrawal from communion with the Church can, indeed, be accompanied by "fireworks," fulminations, and reprisals. But it can also be ominously quiet. Where subjects are concerned the difference would seem to be based on the different types of anger which may give rise to schism. Anger may manifest itself by either violent outbursts or a cold resentment toward the encroachment of authority on real or imagined prerogatives. Persons in authority may also relinquish their spiritual headship in the

¹² Cf. St. Thomas, *Summa Theol.*, II-II, 39, 1. *Peccatum schismatis proprie est speciale peccatum ex eo quod intendit se ab unitate separare quam caritas facit.* In this passage St. Thomas distinguishes two kinds of the schismatic tendency: (a) the rupturing of a relationship with another person who, in charity, is one with me by the bond of spiritual love; (b) the rupturing of the relation with the whole Church, the unity of which is the principal effect of the Spirit's direction. This rupture, moreover, has two aspects; because the unity of the Church itself is complex, consisting as it does in communication among the members and relation to the one Head. "So these persons are said to be schismatic who refuse to submit to the Supreme Pontiff and who refuse to be in communion with the members of the Church who are subject to him" (*ibid.*).

Church by a violent show of tyranny or by a quiet relinquishing of responsibility.¹³

Now, granted it does not belong to the theologian to sit in judgment over what has taken place in the past; the theory we have proposed here is certainly related to the events recalled as having happened in the fifteenth century. First of all, it is symbolic that during an era in which the Church, Christ's Bride, was harassed by multiple schisms, the constant tendency was to have recourse to an ecumenical synod. These assemblies, moreover, attempted, with a greater or less degree of success, to deal explicitly with these ruptures in unity. Of course, these attempts were somewhat frustrated by the doctrinaire "conciliarism" of that age; but this fact ought not to blind us to the truth that this tendency to gather together in the name of the Lord is a movement natural to the Church insofar as she is a mystery of communion.¹⁴

Withdrawal from the "relative existence," which is of the essence of the Church's unity, was certainly at the root of these various ruptures. Nor is it necessary—or even possible—to assign to this or that person or group the full weight of moral responsibility for the tragic results. Our beloved late Pope John cautioned us against engaging in any sort of trial of the past. As far as is concerned the schism between the East and the West, it is certainly true that the responsibility is shared. *Servatis servandis* the same is true of the complicated situation in the West. In the late fourteenth and fifteenth centuries Christians of undoubted holiness were divided in their allegiance to this or that Pontiff. Other Christians tended to magnify the prerogatives of the ecumenical council to the detriment of the rights of the Holy See. All reasonable men must recognize that, even though no one had the *right* to withdraw his loyal submission

¹³ Cardinal Cajetan envisages the possibility of even the Pope's falling into schism. "This would be the case if the Pope should intentionally refuse to communicate with the Church *as a part*, i.e., *as her spiritual head*, and to act as a temporal lord. The carrying out of this intention would make him schismatic in fact. . . ." (Commentary on *Summa Theol.*, II-II, 39, 1.) Of course the "temporal lordship" of which Cajetan speaks had, for him and his contemporaries, connotations which it could not possibly bear today. Still, what he says remains substantially true; it is only the mode of the withdrawal of spiritual leadership which has changed—with the changing of the times. In this connection we think of the gulf that sometimes exists between the clergy and the faithful, and we wonder to what extent schismatic tendencies are not found therein.

¹⁴ Cf. Matt. 18:20 and Hamer's remarks on the meaning of the text in *L'Eglise*, pp. 213-217.

from rightful authority in the Church, with its divine authenticity, still the men in authority themselves, insofar as they did not shoulder the responsibility of spiritual headship, provided the climate of which schism was the quasi-natural product.

The Great Western Schism was brought to a close by a conjunction of conciliar action and papal initiative, and this even though the issues were not as clearly defined as they seem to be today. The rupture between East and West proved to be too abysmal for solution at that time, and this in spite of the responsible cooperation of the Popes and the bishops gathered in conciliar assembly.

Conclusions

Now we can draw some general conclusions about the ecumenical council, as a factor in the life of the Church, and the imminent danger of schism in the Christian community. It is certainly true that, absolutely speaking, the ecumenical council is not of the essence of the constitution of the Church. In other words, the councils are a creation of the Church herself. This "creation," moreover, is a product of an historical evolution the vagaries of which are difficult to explain. The first seven ecumenical councils, for example, were convoked at the behest not of any ecclesiastical figure but rather under the aegis of the Byzantine emperors. But even when these historical facts are put into their proper context, we must go a step further and say that this creation is something that is in perfect accord with the constitution of the Church as it is willed by Christ.

With the successor of St. Peter possessing plenary powers to govern the Church as her spiritual head, and with the bishops, successors of the Apostles, possessing by divine right the power to govern the flocks committed to them, it is natural that at least in times of stress, the mystery of the Church should be "represented" to the entire world, i.e., that the relations between the Supreme Pontiff and the bishops of the Catholic Church should be acted out on the stage of the conciliar hall.

But this representation goes far beyond a mere concretizing of the structure given to the college of the apostles, when Christ chose the Twelve, made them to be the foundation of his Church (cf. Eph. 2:20), and placed Peter at their head. The bishops in council are not to be considered as delegates of their respective local churches. They themselves are the heads of the congregations for whom they speak; they represent their churches in a personal and a total manner. The whole Church, therefore, is present in an

ecumenical council; and one might justly say that such an assembly is a celebration of the mystery of the Church's unity.¹⁵

From this it is evident that that council will be the most perfect representation of the Church's unity in which the Pope and the bishops themselves bear witness to their "relative existence" in the Church. They are acting precisely as heads: the Pope in relation to the universal Church, the bishops in relation to the flocks committed to them. Normally such a way of acting would be a sign of a living contact existing between the pastor and his people, a contact expressed by mutual inter-action, wherein each person, enlightened by faith, strengthened by a sense of justice, moved by charity, and in the atmosphere of that freedom which is an attribute of the sons of God, assumes the position and responsibility in the community which are his in the Providence of God.

In consequence of this consciousness of "relative existence" the law of the council is not one of the majority, but of unanimity. Parties may very well appear; and this is all but inevitable. But the vote taken on the various issues set before the conciliar Fathers does not have as its purpose the sounding out of the relative strength of contending factions. Its purpose is rather to reach that agreement or consensus which is in accord with the Spirit, whose own proper work is to establish communion where men are open to his strong and sweet activity.

At this moment in history it would appear that the Catholic Church's integrity and prestige before the world is more splendid than ever before. Yet great rifts in understanding and sympathy bear witness that perfect Christian unity is still not achieved. From the remarks made here we might be able to surmise that the Second Vatican Council holds promise in this regard. Pope John XXIII, it is true, indicated that the primary reason for assembling this Council was not to consider the means for healing the wounds of Christendom, so manifest in the separation of Orthodox and Protestant Christians from the Roman Catholic Church. The purpose he assigned was simply the rejuvenation of the inner life of the Church, that life the structure of which is derived from the Wisdom of Christ and the

¹⁵ In at least two places Cardinal Cajetan suggests that the Council is the natural fruit of the vigorous life of the Church. Concluding his discussion of the unity of the Church, he observes that "the sign of this one whole and its parts is the unity of the universal synod" (Commentary on *Summa Theol.*, II-II, 39, 1). Again, in even more striking terms: "In order to avoid always having to write 'Church' and 'Council' together, let the two terms be taken for the same thing; because in reality they are only distinguished one from the other as that which is representative" *De comparatione auctoritatis Papae et Concilii*, para. 56, p. 36.

breath of which is the Love of the Spirit. Now, on its most profound level, this activation of the Church's eternal youth must have as its primary and authentic effect the realization on the part of all the members of the Church that they share in a communion of love. There exists no more effective preventive antidote for the seeds of schism than this!!

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