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THE PRACTICAL RESULTS OF CONCILIARISM

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In an age of decentralization in ecclesiastical government, the question of the practical results of recent experiments ought to come more frequently to the fore. Much is argued—and rightly so—about the structure of ecclesial affairs dictated by this or that theological consideration, but not so much is heard about what will actually happen if certain new structures are introduced. So it was in the great conciliar controversy of the fourteenth, fifteenth and early sixteenth centuries. Then too the argument was primarily theoretical, but at least one pro-papal writer did focus on the likely practical consequences of conciliarism. The article that follows details the work of this writer, and, with a little imagination, the conclusions may be applied to the current controversy.



THE RECENT DEATHS OF POPES PAUL VI AND JOHN PAUL I HAVE NECESSARILY FOCUSED attention on the office of that papacy. At the same time, many would still prefer a Church freed from papal control, democratic, decentralized, and identified above all with “reform”. The common linking of the ideas of decentralization and reform—in which it is assumed that the reduction of papal control will inevitably create more favorable conditions for the Church’s effectiveness at the local level—has its origins in a conciliar movement which began opposing papal primacy as early as the 14th century. A study of the arguments of those who defended the popes at that time sheds much light on the question as currently argued, and in our pragmatic age a consideration of the practical, rather than theological, side of the question is of special interest.

Perhaps the best-known Renaissance treatise in defense of papal power against conciliarism is Juan de Torquemada’s *Summa de Ecclesia*, a thorough study of the nature, privileges, operation and government of the Church. Juan, however, was only one of a group of at least ten Dominican defenders of the papacy during the fifteenth and early sixteenth centuries whose works all bear on the theological aspects of the problem. (1) The uniqueness of Juan’s contribution rather consists in that he alone set aside theological argument long enough to give some insight into what the papal defenders thought the practical results of conciliarism would be.

A THEOLOGICAL ISSUE

That these practical considerations appear only in a minor work and not at all in the *Summa* is a further indication of the papalists’ concern to treat their subject in overwhelmingly spiritual terms. Indeed, in the fifteenth and early sixteenth centuries, the papal defense was carried on almost exclusively by theologians rather than by jurists. The canonists had had their day in the thirteenth and fourteenth centuries, when the chief concern of papalists was to distinguish the relative political powers of the *sacerdotium* and the *regnum*. (2) Since these writers were primarily concerned

with expounding the temporal power of the popes, the arguments were rooted very much in Canon and Civil Law, and involved numerous worldly concerns. During the Great Western Schism, the early conciliarists likewise appealed to equity and necessity-canonistic devices-and canonists remained pre-eminently active on questions of papal power up through the Council of Constance,(3) despite a growing number of theologians in the lists. In a united Church, however, the conciliar threat involved a fundamentally different set of questions than did the claims of kings and emperors around 1300 or even the necessity of pragmatically uniting a Church divided by antipopes between 1378 and 1417. Conciliarism raised doubt about the basic constitution of the *sacerdotium* itself, which is primarily a theological question to anyone who believes-as most men of that time did-that the Church derived a divine authority from a Divine Person, Jesus Christ. Henceforth, at least for the papalists, the conciliar controversy was a matter not of law but of theology and faith. It is thus understandable that the early 16th century papalist Cyprianus Benetus argued that in a papal election a theologian should be preferred, quite a shift from a century earlier. And Tommaso de Vio (Cardinal Cajetan) summed it all up in arguing against the conciliarist Jacques Almain that his pragmatic approach was deficient because it did not get to the root of the problem: authority in the Church is a matter of divine, not positive, law.(4)

THE PRACTICAL QUESTION OF REFORM

In such an atmosphere we are not surprised to find little to indicate what the papalists thought the practical results of conciliarism would be. Nonetheless, the question is particularly interesting even for the 15th century because the conciliarist argument was in large part presented in terms of the practical need for reform of the Church in head and members-a need to reduce the worldliness of the Holy See and to ensure the promotion of learning and spirituality throughout the entire Church. In this connection, we are fortunate that the one pragmatic treatise of Juan de Torquemada has been preserved, and also that we know so much about his life, for a biographical summary helps us to appreciate the truly

holy spirit in which Juan must have delivered his rather negative opinion of conciliarism's practical effects.

Juan, not to be confused with his inquisitorial nephew Thomas, was born in Valladolid in 1388. There he studied after joining the Dominicans about 1403. In 1417 he went with Ludovico of Valladolid to the Council of Constance as an orator of John II of Castille. In 1424 he undertook advanced studies at Paris, where he became



Council of Constance

a Master of Theology in 1425. After serving as prior at Valladolid and Toledo, he served again as an orator for King John at Basle, as well as being named a negotiating procurator by the Master General, Bartheleme Texier, for the defense of the Order's prerogatives at the Council. Before formally entering the papal lists, he performed two tasks for the Council, an examination of the revelations of St. Brigida (1433) and an analysis of the ideas of Augustine of Rome (1435). During this same period, however, Juan was alarmed by the Council's attempt to take the provision of benefices out of papal hands, and his remarks on this problem revealed clearly his papal sympathies. Because of his service to the Pope at this time, Juan was named Master of the Sacred Palace in 1434 by Eugenius IV. Juan's defense of the papacy quite naturally intensified after 1434, and in 1437 he wrote his first comprehensive work on papal authority. In October and November of 1438, Juan attempted to win the King of the Romans to the papal side at the second Diet of Nuremberg, an effort repeated at the Congress of Mainz in March and April of 1439. Later that year he returned to his role as papal advisor at the Council of Florence. He won the title *Defensor fidei* for his oration on the Primacy there, and was made Cardinal of St. Sixtus. After the storm, in 1448-9, he wrote his *Summa*. In 1458 he alone supported Pius II's efforts to raise a crusade against the Turks at the Congress of Mantua. Juan died, 26 September 1468.(5)

Perhaps most important to the discussion at hand, Juan was one of the most active reformers of his day. (6) After the controversy over the primacy subsided, he devoted much time to furthering the Dominican Order's return to the pristine observance of the Rule, which he himself adhered to even after he was made a cardinal. He

was instrumental in introducing observance into Santa Maria sopra Minerva, and at the Congress of Mantua he obtained a bull from Pius II attaching Minerva to the reformed Lombard Congregation. On his way to the Congress, Juan exhorted the novices at St. Dominic's in Bologna to the observant life. (7) The Cardinal's most significant work, however, was done a decade earlier in Spain, when he visited his native Province and looked into the progress of Spanish observance. At Villalon he built a new house for secular clergy because the Dominican house there was lax. Since the Dominicans at Valladolid were reformed, however, Juan founded the College of St. Gregory there, which later became a university. He also improved the buildings. Finally, following up his exhortation to the Spanish priors at the Chapter General in Rome in 1451, Juan persuaded Master General Auribelli to visit Spain after France in the 1460's. It was at this time that the Master General erected the reformed Spanish Congregation. (8)

Juan's intellectual concerns also reveal his intense spirituality and zeal for genuine renewal. (9) Juan wrote three works specifically on the question of true reform. The first is his *Libellus velociter compositus... contra certos hereticos noviter impugnantes paupertatem Christi et suorum Apostolorum*, which had a sequel. the third is a letter on poverty in which he argued that poverty is not the essence of perfection, but rather that essence is charity. However, Juan argued that poverty is a counsel of perfection and can be an instrument in achieving the end of following Christ completely. Juan also concluded that having goods in common in no way diminishes perfection, which exists in accordance with how well poverty is proportioned to the end in view. (10) As might be expected, Juan also wrote at least three works on that well-spring of all renewal, the Eucharist. That a consideration of this sacrament was also related intimately to his faith in papal primacy may be seen in his commentary on the ideas of Augustine of Rome where he moves easily from a consideration of the Eucharist as the bond of the faithful to point out that the Church is united to Christ as a body to a head. (11) It is of special interest here that Augustine of Rome, in asserting the sacramental union of the Church, denied the political structure; again, in asserting the headship of Christ, he denied that of the Pope. In response, Juan argued that the administrative function of the Church consists in a gift of power parallel to and protective of Christ's gift of grace. For Juan there was no separation between the mystical and the political: the separate gifts of Christ combine to the one end of unity.(12) Finally, Juan revealed this same conception of

the intimate relation among true renewal, grace and the papacy in his *Meditationes in Salvatoris Nostris Iesu Christi Vitam*, Chapters 23, 25 and 26 of which discuss the three things important to the life of the Church in the world: Peter's pastorship, the descent of the Holy Spirit, and the Eucharist. (13) Most of Juan's remaining hundred or so works relate to papal power directly, and cannot be detailed here.



THE PRACTICAL REMARKS

That this Dominican reformer Juan de Torquemada was well-qualified to comment on the practical results of conciliarism, especially as defended in the context of ecclesial renewal, is by now obvious. The key source is his very first effort in behalf of the papacy, toward the end of May 1433, when the rebellious Council of Basle was debating the provision of benefices within the Church. The Council generally wanted to remove from the papacy the power of provision of churches (appointment of a cleric to a church position, especially one not yet vacant) and collation of benefices (reservation of right to appoint, and the appointment of, clerics to any church office). Juan rose to the occasion with his *Tractatus de decreto irritante quod attentabatur per multos Basileae contra summum pontificem in materia provisionis ecclesiarum et collationis beneficiorum*. (14)

Basically the treatise consists of three parts, a statement of principles, a statement of the objections to those principles, and a refutation of the objections. The initial statement, about one-half of the whole, is by far the most interesting and most valuable part. Juan began by challenging the right of a council to pass an irritating decree against the papacy simply and indistinctly. He protested that he subjects himself to correction by the Council and wishes to say nothing contrary to the teaching of the Church. Perhaps because he was commenting upon a specific decree, Juan's remarks were oriented somewhat more to jurisprudence than his other works, and it is for this reason that the practical remarks slipped through. Underlying the entire argument, however, is Juan's conviction that the Council, in passing the decree, would be usurping power given to the popes by Christ. (15)

The major part of the treatise consists of Juan's exposition of nine principles or conditions of law, taken from St. Isidore.⁽¹⁶⁾ Briefly he considered all the conditions as a group. Law must be *honesta*, or conformed to divine law and convenient to religion. Likewise, law must be *justa*, or conformed to the natural law. All human law is "*regula regulata*" by these higher concerns. Further, law must emanate from authority, or it has no support and is impossible *de facto*. Finally, it must conform to custom, be convenient to the time and place, serve for the purgation of evils (i.e. be necessary), be useful, be manifest or clear in its application, and serve the common-not some private-good.⁽¹⁷⁾ On this basis, Juan stated his initial conclusion: the decree in question cannot be passed against the pope.

The major reason Juan gave is that the decree would dissipate the community of Christian polity, which is impossible *de iure* even by a general council. Moreover, it is not possible to make-as the Council wishes-a permanent law for the practical utility of the Church, since in a situation which changes constantly, permanent laws are not ultimately useful. Juan also concluded that a general council cannot take power from the pope on a matter which concerns the sacraments, as the decree on benefices and the provision of churches certainly does; nor, finally, does a council have the right to pass an unqualified decree against the papacy in the matter of provision of churches and collation of benefices itself.⁽¹⁸⁾

From this statement, Juan launched into his analysis of each of the nine conditions. The first three points take two-thirds of the space, all of them relating to the nature of papal power, and revealing again that Juan was from the first convinced of the essentially theological nature of the controversy. In relation to a law being *honesta*, Juan argued that no decree emanating from a council in which the faith is taught can be valid since it includes a danger of heresy. Likewise, any decree which detracts from the privileges of the Holy See breaks the bond between head and members, tends toward schism, and wrecks the unity of the Church. Thus such a decree goes contrary to the sign and purpose of a council, and is invalid. Such a law is sacrilegious because it goes against the Holy See, which is a sacred thing. It also goes against divine law, and is therefore presumptuous, since submission to the pope is necessary for salvation.⁽¹⁹⁾

In relation to a law being *justa* or in conformity to the natural law, Juan argued primarily from Aristotle that

no law which goes against the authority upon which society is based is just. Hence no law is just which despoils the monarchical Apostolic See, the power of which comes from Christ. But the decree in question would take away the power of jurisdiction, so it cannot be just. Juan concluded by pointing out that only Peter was given the pastoral power to care for the flock of Christ, and not the other Apostles.⁽²⁰⁾ Finally, in relation to the question of authority, Juan cited the saints, doctors and popes on papal authority, and argued that any decree against a superior is suspended, saying that "all power of jurisdiction of the other prelates in the whole body of the Church is derived and emanates from the highest pontiff..." No decree can change that upon which the Church is founded (cf. Matthew 16, 16-19); no decree can dissolve the hierarchy by subtracting the inferiors and interrupting the flow of power; no decree can act against an act of the pope from a power given by Christ.⁽²¹⁾

After this, Juan returned to the matters of jurisprudence, and it is here that he revealed his chief practical objections to the conciliarist position. As this, again, is the only papal treatise which includes consideration of any kind of the practical results of the conciliar program, it deserves special attention and gives precious insight into the thinking of the papalists as a whole. As will be seen, Juan regarded the conciliar program, at least in this instance, to be no reform at all. He believed the results of removing control of provisions from papal hands would be bad, and it should be noted that such a decree had to be at the basis of any true conciliar program.

Passing quickly over the fact that the decree oversteps the customary limits of conciliar activity and so violates the fourth condition of law, Juan went to the heart of the matter at hand in discussing the fifth and sixth conditions, whether the decree is convenient to time and place, and whether it is necessary for the purgation of evils. First, Juan argued that the decree is not convenient to the times because of the tremendous power of the secular princes, who would quickly control all provisions of churches if the power were taken away from the pope. Juan noted that the princes already so dominate the prelates in their lands that the proposed decree would only result in the disposition of churches and benefices devolving upon these same secular princes. Juan stated, moreover, that such a proposal is "most absurd."⁽²²⁾ In addition, Juan said that in fact the princes would impede the prelates of their own territories in making provisions, while they might not dare to impede the pope. In-

deed, “they will even support more patiently provisions made by the pope than by others.”(23) From this Juan also made a reasonable argument for papal residence in Rome, where, unlike in other countries, he is freer from domination and can more effectively rule for the good of the Church.(24)

Second, Juan argued that, far from purging evils from the Church, the proposed decree would multiply them. Making an introductory observation from his own experience, Juan stated that he has seen many prelates provide most badly for their churches: “if the pope is bad in his sphere, the bishops are most often worse in theirs, not providing churches, but persons, and not moral persons adorned with learning, except very few, but nephews, servants and men of this type.”(25) What is worse, this situation cannot be corrected if provisions are in the hands of the bishops. Juan’s argument is simple. If the disposition of the whole Church is committed to the bishops, then, considering the present times and the disposition of the world, the Church will face major corruption. It will do no good to say the pope can correct the situation, for no one will dare to accuse the bishops before the pope, especially in abuses countenanced by the lords of the land. And in general the pope does not correct unless an accusation is made, or unless he is certain himself, which is impossible without a general denunciation. Hence, correction of evils under the proposed decree would be uncertain.(26) The alternative is for the pope to correct abuses by his control over provision of churches and distribution of benefices, giving each one his due.

Juan also argued on the seventh condition of law that the decree is not useful to the Christian community. He stated that obedience to the Holy See is important to the general good of the Church, especially in emergencies. First, as he has noted, those churches badly provided could not otherwise be better provided. Second, in emer-

gency cases, such as threats to peace, heresy, violence of princes and the like, the impediments to action in local areas would be very great indeed.(27) Juan’s conclusion is clear. The decree, and the conciliar program, is bad for very practical reasons: “the decree does not effect the common good of the universal Church, but the temporal gain of other bishops, their friends and familiars, who hope to get quicker and richer promotions.”(28) He ended by reminding the council that the glory and help of all the bishops is the Apostolic See. (29)

Juan’s practical remarks, unique as they were, give a good example of what all early papalists and Dominicans in general must have thought of the conciliar program. That they were aware of a certain degree of corruption on the papal side is evidenced by their activities, and by Juan’s remark, elsewhere in the treatise, to the effect that the Council ought to try to correct specific abuses, but should leave the Pope with his power intact for the good of the Church. No power would remain to any bishop, said Juan, if it were removed for each abuse.(30) That the Council Fathers paid no heed to such considerations is perhaps more evidence that the problem was theological, and not practical: the bishops were really episcopists, holding that all power in the Church was theirs directly from Christ. At any rate, Juan de Torquemada saw the dangers, both theological and practical, in his commentary on the decree which took provision of churches out of papal hands. His practicality reveals much about the Renaissance papalism which has been the subject of this inquiry, and much about human nature in general down to our own times. “Many seek this decree,” said Juan in his concluding lines, “because they do not like to be subject to superiors, or because they hope to more fully satisfy their cupidity, or to be promoted by the ordinaries more quickly or more richly; others truly have good zeal, but I think they are not led according to knowledge, believing by this way to better provide for the Church of God.”(31)

NOTES

1 Giovanni Casanova (d. 1436); Raphael de Pornasio (1388-1467); Giovanni di Montenero; Joannes Leone (d. 1463); Henricus Institoris (1430-1505); Cyprianus Benetus (1460-1520’s); Alberto Pasquali (1480-1543); Tommaso de Vio (Cardinal Cajetan); and Sylvestro Prierias (1456-?). The only two significant non-Dominicans were Petrus de Monte and Giovanni di Capistrano, and the former copied Juan de Torquemada’s ideas.

2 See Brian Tierney, *The Foundations of the Conciliar Theory*, for the importance of canonists.

3 See Matthew Spinks, *Advocates of Reform*, introduction to the conciliarists, on equity, etc. On canonist pre-eminence, see Chroust Corbett, “The Fifteenth Century ‘Review of Politics’ of Laurentius of Arezzo” in *Medieval Studies* XI, 1949. See Michael Wilks, *The Problem of Sovereignty in the Middle Ages*, App.

4 See Benetus, *Tractatus Quattuor: de prima orbis sede, de concilio, de ecclesiastica potestate, de pontificis maximi auctoritate* in J. Th. Rocaberti, *Bibliotheca Maxima Pontificia* (VII) 787. And Tommaso de Vio, *Apologia for his Tractatus de Comparatione Auctoritatis Papae et Concilii in Rocaberti* (XIX) 493: "...non ex iure positivo, sed naturali vel divino, aut utroque veritas pendet..."

5 The sources for Juan's life include several encyclopedia articles: "Torquemada" by A. D'Amato in *Encyclopaedia Cattolica*; "Johannes de Turrecremata" by R. Baumer in *Lexikon für Theologie und Kirche* (V. 1093-4); "Torquemada" by F. Courtney in *New Catholic Encyclopedia*, XIV; "Torquemada" in the *Dictionnaire de Theologie Catholique* (XV-1, 1235-39). Also Angelo Walz, O.P. I Cardinali Comenicani; D.A. Mortier, *Histoire des Maitres Genereaux...* IV,301-19, 381-2, 455-6; the *Acta of the Order* (MOPH VII, 208 for Lyons, 1431) reveal that Juan served as diffinitor from Spain at the Chapter General at Lyons in 1431. See also V. Beltran de Heredia, "Noticias y documentos para la biografia de1...J. Torq." in AFP, 1960.

6 It is a noteworthy fact that there is a definite corrolation between defense of the papacy and reform-mind- edness, as especially indicated by the predominance of pro-papal literature precisely among the observant members of the Dominican Order. This point is fully developed in my doctoral dissertation *The Dominican Defense of the Papacy in the Renaissance* (Ann Arbor, University microfilms).

7 Mortier, IV, 381-2, 394.

8 Mortier IV, 455-6.

9 A number of interesting connections between attention to the spiritual life and papalism can be made during this period, most notably a strong connection between reverence for the Real Presence in the Eucharist and apprecia- tion for the primacy of the popes. This point is developed at length in my doctoral dissertation, see note 6.

10 The *Tractatus de Corpore Christi adversus Boemos* has eluded me. The other two works are in Mansi, *Collectio Sacrorum Conciliorum*, XXXIV: *Joannes de Turrecremata Demonstrat Confici Eucharistia Sacramentum* [p. 1671ff] and *Turrecremata doctissime demonstrat veritatem forma transubstantionis* (p. 1683ff).

11 *Super Quibusdam Propositionibus Augustini de Roma* (Mansi XXX 979-1033, esp. 1028).

12 *Super*. Augustine's view: 982-984,993,1031; Juan's response: 1032-4.

13 Ed. Francisco Swertius, Cologne, 1607 in *Bib. Vaticana*. Also MS Latini Cl. 111 167 (2782) s.XV in *Bib. Nazionale Marciana*, Venice.

14 A decree effecting what the Council wanted was passed in the 12th session, on 13 July 1433. Naturally, Dominicans held little chance of receiving benefices from the bishops, who were naturally hostile to the free spiritual role the friars played. Under the patronage of the popes, however, Dominicans had traditionally done well. At the time of the debates, only one of the papalists held benefices, Giovanni Casanova. Giovanni di Montenero had the use of funds from one Church while in the papal service at Florence. Both Juan and Giovanni Leone were rewarded with bishoprics after the Council closed. The text of *Tractatus* is in *Mansi* XXX, 550-590.

15 See introductory remarks, 550-1. The statement of his initial challenge, or question, is on 551: "Utrum in omni lege licita, ad obviandum abusibus curiae Romanae multiplicibus, possit per generale concilium simpliciter et indistincte poni decretum irritans summis pontificibus." See pp.575-580 for Juan's central argument on the divine origins and nature of papal power, in answer to objections raised against his statement of principles.

16 551. The quote from Isidore, 2 Eth. 10, dis.4: "...erit autem...lex honesta, justa, possibilis secundum naturam, secundum consuetudinem patriae, temporis locoque conveniens, necessaria, utilis; manifesta quoque, ne aliquid per obscuritatem in captione contineat, nullo privato bono, sed pro communi utilitate omni conscripta."

17 551-53.

18 *On dissipation*, 553: "Primo sic ponere in omni lege licita universaliter, et indistincte decretum irritans contra summum pontificem, est dissipare communitatem politicae Christianae: ergo tale nec fiendum, nec etiam per generalia concilia est possibile fieri de iure." *On permanent law*, 553. *On sacraments*, 554. *On provisions*, 554.

19 See 554-557; *on heresy*, 554-5; *on schism*, 555-6: Juan also comments on the maternity of Rome, arguing the decree is invalid "quoniam dividit membra a capite, et filias a matre, dum decernit in provisionibus ecclesiarum eccle- sias inferiores non obedire matri, hoc est ecclesiae Romanae." *On sacrilege*, 556. *On the divine law*, 556: "In tantum enim obedientia sedis apostostolicae est necessaria divinae legis imperio, ut subesse Romano pontifice sit de necessitate salutis."

20 See 557-59.

21 See 559-63. Quote 560: “tota potestas iurisdictionis aliorum praelatorum in tota corpore ecclesiae derivatur et emanat a summo pontifice...” Juan argued very strongly on 562 that the Church is hierarchical in essence, with the hierarchy consummated in Jesus and his vicar, the pope: “Imo timendum est, ut non habet Christum caput, qui non habet summum pontificem caput.” At the time there was a considerable argument that the council was superior to the pope in matters of heresy, schism or reform of the Church (from the Council of Constance). Juan bypassed this problem, 563, by arguing that the decree in question applies to none of these things. Specifically it does not apply to reform, since a reform is against an evil, and the papal power limited by the decree is from God, and so must be good.

22 565-6: “quoniam istis temporibus principes iam videntur sic dominari praelatis intra regnorum, privinciarum sive terrarum suarum ambitum dignitates habentibus, ut decreto illo posito, universum quasi regimen ecclesiae in ecclesiarum provisione, et collatione beneficiorum ad dispositionem devolveretur principum saecularium, quod esset absurdissimum.”

23 565: “tamen hoc addimus, non ita generaliter sequeretur, cum dispositio ecclesiarum papae providentia gubernatur, non audentibus ita principibus saecularibus impetere papam, sicut praelatos terrarum suarum; patientius etiam supportabunt provisiones factas a papa, quam ab aliis.”

24 565-6: “Ex qua radice sumitur convenientia residentiae summi pontificis in civitate Romana, populo Christiano facere utilitatem, sicut Romae, et in patrimonio S. Petri residendo. In alia enim patria supponit se sub dominio regum, vel principum; et sic vel timore, vel amore, non libere potest uti potestate sua, seu iustitiae aequitate.”

25 566: “...cumque experientia nostra videamus multum quamplurimos praelatos pessime providere ecclesiis, beneficiis in temporibus sibi competentibus; si papa male in suo mense, episcopi saepissime peius in suo, non providentes ecclesiis, sed personis, nec personis moribus, et litteris adornatis, nisi bene paucis, sed nepotibus, servitoribus et huiusmodi.” Juan further stated that examples of this can be seen in the Council itself.

26 566: “Quid ergo esset, si tota ecclesiarum dispositio eorum providentia plenaria committeretur: currentibus temporibus praesentibus, et considerata dispositione mundi, salva reverentia eorum, timendum esset, quod major corruptio esset in ecclesia. Nec valet fuga quorundam decentium, quod tunc papa posset eos corrigere; papa vero peccans non haberet corrigentem; turn primo, quia nullus esset ausus, aut paucissimi accusare apiscopos apud papam; praesertim in abusibus commissis contemplatione dominorum terrae. Item quis se vellet laboribus, periculis et expensis se exponere ad episcopos accusandum? papa autem non corrigeret nisi accusata, vel certa sibi; certa autem non possunt esse sibi mala per alios praelatos commissa lege communi, nisi per denunciationem factam, et ita correctio esset incerta.”

27 567: “primo, ecclesiis pessime provisus per ordinarios, non posset commode de melioribus provideri. Turn etiam emergentibus casibus, ex quibus ecclesiae possent inferri gravamina, vel aliis causis imminentibus, ut puta ratione pacis iniendae, ratione haeresis extirpandae, ratione malitiae eligentium refranandae, ratione violentiae principum quandoque populsandae, quandoque etiam ratione principum voluntati justae complacendi; quibus omnibus impedimentis maxima commoditas populi Christi communis esset impedita...”

28 568: “...tale decretum ex rationibus supra assignatis non cedit in commune bonum universalis ecclesiae; sed tantum videtur deservire commodis temporalibus aliquorum ordinariorum, amicorum, et familiarum suorum, qui tali decreto posito arbitrantur citius, et pinguius promoveri

29 568: “Gloria quidem et auxilium episcoporum est ipsa sedes apostolica.”

30 580: “Si denique omnis occasio abusuum in ecclesia esset auferendae, cum nostris demeritis innumeri sint in ecclesia praelati, archiepiscopi, episcopi, abbates abutentes sua potestate; apud quem remaneret ista potestas?” 581: “Corrigantur ergo abusus per eum, ad quem spectat, et maneat intacta liberaque ipsa potestas ad bene agendum.”

31 590: “licet illud petant multi vel quia non patiuntur bene subesse, vel subalternari superiori; vel quia multi inde sperant suae cupiditati plenius satisfieri, aut quia ab ordinariis sperant, alii citius vel pinguius promovendi; alii vero habentes bonum zelum, sed existimo quod non secundum scientiam ducti, credentes per hanc viam melius ecclesiae Dei provideri.”

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