

## **Council of Constance 1414-1418 A.D.**

### **Summary**

Just over a century after the Council of Vienne the 16th Ecumenical Council was called in the French area of Switzerland in 1414. Because of the Great Western Schism the legitimate **Pope Gregory XII** abdicated the Papal throne during the Council at the Emperor **Sigismund**'s request for the sake of unity so that the Council could sort out the mess and end the Schism amid the confusion of the multi-popes which included the anti-popes of Avignon - **Benedict XIII** and **John XXIII**. The latter had called a Council in Pisa in 1403 which was not recognized because of its illegality. The Council took control and elected **Pope Martin V** to the seat of **Peter** in 1417, three years after the Council was opened. It brought to an end the Great Schism and opened a whole new can of worms with the struggle between papal power and conciliar power. Condemned were the heresies of **John Wycliffe** and **John Hus**, the tip of the iceberg that would erupt a century later.

### **INTRODUCTION 1**

**[This is the introduction given by Tanner in *Decrees of the Ecumenical Councils*]**

This council was summoned by John XXIII, the Pisan pope [1], with the support of Emperor Sigismund. It began on 5 November 1414 in the cathedral of Constance, with many bishops from all parts of Europe. Business in the council was transacted in a way that was largely new for an ecumenical council, namely votes were cast not by Individual persons but by nations.

The council, from the very beginning, proposed the following three topics:

1. To bring unity back to the church and **to make an end to the schism** which had divided the church since 1378 and which the council held at Pisa in 1409 had not healed but rather aggravated when it elected

Alexander V as a third pope. When the council of Constance opened, Christians owed obedience to three different popes: some owed obedience to Gregory XII of the Roman party others to Benedict XIII of the Avignon party, and others to John XXIII, who had been elected after the death of Alexander V. John XXIII and Benedict XIII were deposed by the council, Gregory XII voluntarily resigned. Then Martin V was elected pope on 11 November 1417 and he was regarded as the legitimate pontiff by the church as a whole.

2. **To eradicate heresies**, especially those spread by John **Wyclif** in Britain and by John **Hus** and **Jerome** of Prague in Bohemia.
3. **To reform the corrupt morals of the church**. This, however, was only partly accomplished in the final sessions of the council.

With regard to the ecumenical nature of the sessions, there is dispute about those before the election of Martin V and also about the significance and force of the approval which he gave to the matters transacted by the council. The decrees notably those of **sessions 3-5** and the decree *Frequens* (**session 39**), appear to proceed from the council's teaching. Objection has been made to them on the grounds of the primacy of the Roman pontiff. There is no doubt, however, that in enacting these decrees there was solicitude and care to choose the true and sure way ahead in order to heal the schism, and this could only be done by the authority of a council.

The acts of the council of Constance were first published by Jerome of Croaria at Hagenau in 1500 (*Acta scitu dignissima docteqe concinnata Constantiensis concilii celebratissimi* = Asd), from the epitome of the acts which the council of Basel had ordered to be compiled and publicly accepted in 1442. This edition of the Basel epitome was followed by all general collections of the councils (including *Editio Romana*, IV 127-300, even though it ignores the council of Basel). These collections, down to Mansi (27, 529-1240), added various appendices. H. von der Hardt, in his great collection of the sources of the council of Constance, made an

edition of the acts and decrees of the council according to the earliest trustworthy documents (*Magnum oecumenicum Constantiense concilium*, in six tomes, Frankfurt-Leipzig 1696-1700; tome IV, *Corpus actorum et decretorum magni Constantiensis concilii de Ecclesiae reformatione, unione ac fide* = Hardt). **We have followed von der Hardt's edition throughout** and have noted only the principle variants provided by Asd. We indicate only, and do not print, the decrees pertaining to the internal administration of the council and of the church and to judicial acts.

## Second Introduction

### [By the e-text editor]

I have given the conventional session numbers for “the” Council of Constance so as to make cross referencing with other editions easier. However it is very misleading to do so. One should not speak of “the” Council of Constance, but of the councils of Constance. There was a council of bishops [and others] beginning 16 November 1414 which styled itself *ecumenical*, but which the true pope of the day **did not** recognize as such. There was another council [even if its members were those of the first] which he convoked, by proxy, on 4 July 1415 and **did** recognize as ecumenical. The ratification of “the” council by Martin the fifth, given in a footnote to session 45, was a ratification of everything determined “in a conciliar way ... by **this** present council of Constance”, i.e. of the one convoked on 4 July 1415. The intent of the words “in a conciliar way” is, on my reading, to distinguish the true [ecumenical] council from the false one.

The matter is crucial to the possibility of the catholic doctrine of the infallibility of ecumenical councils, since the teachings of Vatican 1 on papal primacy are inconsistent with those of the first [non-ecumenical] Council of Constance [in particular the famous session 5, *Haec Sancta*, which taught conciliarism], but not with those of the second [ecumenical] one.

Crucial to my claim is the question of who the true pope was and when a genuinely ecumenical council came into existence. I shall quote from Phillip Hughes (the footnotes here included are from Hughes' text):

“Just five weeks after Baldassare Cossa so meekly accepted the council's sentence, the fathers met to receive the solemn abdication of Gregory XII. He was in fact, and to the end he claimed to be in law, the canonically elected representative of the line that went back to Urban VI, the last pope to be acknowledged as pope by Catholics everywhere [2]. The abdication was arranged and executed with a care to safeguard all that Gregory claimed to be; and this merits - and indeed, requires - much more detailed consideration than it usually receives. [3]

Gregory XII sent to Constance as his representatives his protector Carlo Malatesta, the Lord of Rimini, and the Dominican cardinal, John Domenici -- to Constance indeed, but not to the General Council assembled there by the authority, and in the name, of John XXIII. The envoys' commission was to the emperor Sigismund, presiding over the various bishops and prelates whom his zeal to restore peace to the Church had brought together. To these envoys -- and to Malatesta in the first place-Gregory gave authority to convoke as a General Council -- to **convoke and not to recognise** -- these assembled bishops and prelates ; [4] and by a second bull [5] he empowered Malatesta to resign to this General Council in his name.

**The emperor, the bishops and prelates consented and accepted the role Gregory assigned.** And so, on July 4, 1415. Sigismund, clad in the royal robes, left the throne he had occupied in the previous sessions for a throne placed before the altar, as for the president of the assembly. Gregory's two legates sat by his side facing the bishops. The bull was read commissioning Malatesta and Domenici to convoke the council and to authorise whatever it should do for the restoration of unity and the extirpation of the schism -- with Gregory's explicit condition that there should be no mention of Baldassare Cossa, [6] with his reminder that from

his very election he had pledged himself to resign if by so doing he could truly advance the good work of unity, and his assertion that the papal dignity is truly his as the canonically elected successor of Urban VI.

Malatesta then delegated his fellow envoy, the cardinal John Domenici, to pronounce the formal operative words of convocation [7]; and the assembly -- but in its own way -- accepted to be thus convoked, authorised and confirmed in the name “of that lord who in his own obedience is called Gregory XII” [8]. The council next declared that all canonical censures imposed by reason of the schism were lifted, and the bull was read by which Gregory authorised Malatesta to make the act of abdication [9] and promised to consider as *ratum gratum et firmum*, and forever irrevocable, whatever Malatesta, as his proxy, should perform. The envoy asked the council whether they would prefer the resignation immediately, or that it should be delayed until Peter de Luna’s decision was known. The council preferred the present moment. It ratified all Gregory XII’s acts, received his cardinals as cardinals, promised that his officers should keep their posts and declared that if Gregory was barred from re-election as pope, this was only for the peace of the Church, and not from any personal unworthiness. Then the great renunciation was made [10], “. . . renuncio et cedo . . . et resigno . . . in hac sacrosancta synodo et universali concilio, sanctam Romanam et universalem ecclesiam repraesentante” and the council accepted it [11], but again as made “on the part of that lord who in his own obedience was called Gregory XII”. The Te Deum was sung and a new summons drawn up calling upon Peter de Luna to yield to the council’s authority.

The work of Pisa was now almost undone, and by this council which, in origin, was a continuation of Pisa. It had suppressed the Pisan pope whom Pisa, with biting words, had rejected as a schismatic and no pope.”

Phillip Hughes *A History of the Church*, p289-291

## **SESSION 1 - 16 November 1414**

**[On the matters to be treated in the council, in which order and by which officials [12]]**

John, bishop, servant of the servants of God, for future record. Wishing to carry out those things which were decreed at the council of Pisa [13] by our predecessor of happy memory, pope [14] Alexander V, regarding the summoning of a new general council, we earlier convoked this present council by letters of ours, the contents of which we have ordered to be inserted here:

John, bishop ... [15]

We have therefore come together with our venerable brothers, cardinals of the holy Roman church, and our court to this city of Constance at the appointed time. Being present here by the grace of God, we now wish, with the advice of this sacred synod, to attend to the peace, exaltation and reform of the church and to the quiet of the christian people.

In such an arduous matter it is not right to rely on one's own strength, but rather trust should be placed in the help of God. Therefore, in order to begin with divine worship, we decreed, with the approval of this sacred council, that a special mass for this purpose should be said today. This mass has now been duly celebrated, by the grace of God. We now decree that such a mass shall be celebrated collegially in this and every other collegiate church of this city whether secular or regular, once a week, namely each Friday, for the duration of this sacred council. Moreover, in order that the faithful may devote themselves to this holy celebration most fervently, whereby they will feel themselves refreshed by a more abundant gift of grace, we relax, mercifully in the Lord, the following amounts of enjoined penance to each and every one of them who is truly penitent and has confessed: for each mass, one year to the celebrating priest and forty days to those present at it. Furthermore, we exhort our venerable brothers, cardinals of the holy Roman church, as well as

patriarchs, archbishops and bishops, and our beloved chosen sons, abbots and others in the priesthood, devoutly to celebrate this mass once every week, in order that the aforesaid divine aid may be implored; and we grant the same indulgences to the celebrant and to those present at the mass. We exhort in the Lord, moreover, each and all who glory in the name of Christ, in order that the desired outcome to so great a matter may be obtained, to give themselves diligently to prayer, fasting, almsgiving and other pious works, so that God may be placated by our and their humility, and so deign to grant a happy outcome to this sacred gathering.

Considering, moreover, that a council should specially treat of those matters which concern the catholic faith, according to the praiseworthy practices of the early councils, and aware that such things demand diligence, sufficient time and study, on account of their difficulty, we therefore exhort all those who are well versed in the sacred scriptures to ponder and to treat, both within themselves and with others, about those things which seem to them useful and opportune in this matter. Let them bring such things to our notice and to that of this sacred synod, as soon as they conveniently can, so that at a suitable time there may be decided what things, it seems, should be held and what repudiated for the profit and increase of the same catholic faith.

Let them especially ponder on the various errors which are said to have sprouted in certain places at various times, especially on those which are said to have arisen from a certain John called Wyclif.

We exhort, moreover, all Catholics assembled here and others who will come to this sacred synod that they should seek to think on, to follow up and to bring to us, and to this same sacred synod, those matters by which the body of Catholics may be led, if God is willing, to a proper reformation and to the desired peace. For it is our intention and will that all who are assembled for this purpose may say, consult about and do, with complete freedom, each and all of the things that they think pertain to the above.

In order, however, that a rule may be observed in the procedure of this sacred synod with regard to what things are to be said and decided, the action to be taken and the regulating of customs, we think that recourse should be had to the practices of the ancient fathers, which are best learned from a canon of the council of Toledo, the contents of which we have decided to insert here [16]:

Nobody should shout at or in any way disturb the Lord's priests when they sit in the place of blessing. Nobody should cause disturbance by telling idle stories or jokes or, what is even worse, by stubborn disputes. As the apostle says, if anyone thinks himself religious and does not bridle his tongue but deceives his heart, then his religion is vain. For, justice loses its reverence when the silence of the court is disturbed by a crowd of turbulent people. As the prophet says, the reverence due to justice shall be silence. Therefore, whatever is being debated by the participants, or is being proposed by persons making an accusation, should be stated in quiet tones so that the hearers' senses are not disturbed by contentious voices and they do not weaken the authority of the court by their tumult. Whoever thinks that the aforesaid things should not be observed while the council is meeting, and disturbs it with noise or dissensions or jests, contrary to the things forbidden here, shall leave the assembly, dishonourably stripped of the right to attend, according to the precept of the divine law (whereby it is commanded: drive out the scoffer, and strife will go out with him), and he shall be under sentence of excommunication for three days.

Since it may happen that some of the participants will not be in their rightful seats, we decree, with this sacred council's approval, that no prejudice shall arise to any church or person as a result of this seating arrangement.

Since certain ministers and officials are required in order that this council may proceed, we therefore depute, with this sacred council's approval, those named below, namely our beloved sons... [17]

## **SESSION 2 - 2 March 1415**

**[John XXIII publicly offers to resign the papacy]**

## **SESSION 3 - 26 March 1415**

**[Decrees on the integrity and authority of the council, after the pope's flight [18]]**

For the honour, praise and glory of the most holy Trinity, Father and Son and holy Spirit, and to obtain on earth, for people of good will, the peace that was divinely promised in God's church, this holy synod, called the sacred general council of Constance, duly assembled here in the holy Spirit for the purpose of bringing union and reform to the said church in its head and members, discerns declares, defines and ordains as follows.

First, that this synod was and is rightly and properly summoned to this city of Constance, and likewise has been rightly and properly begun and held.

Next, that this sacred council has not been dissolved by the departure of our lord pope from Constance, or even by the departure of other prelates or any other persons, but continues in its integrity and authority, even if decrees to the contrary have been made or shall be made in the future.

Next, that this sacred council should not and may not be dissolved until the present schism has been entirely removed and until the church has been reformed in faith and morals, in head and members.

Next, that this sacred council may not be transferred to another place, except for a reasonable cause, which is to be debated and decided on by this sacred council.

Next, that prelates and other persons who should be present at this council may not depart from this place before it has ended, except for a reasonable cause which is to be examined by persons who have been, or will be, deputed by this sacred council. When the reason has been examined and approved, they may depart with the permission of the person or persons

in authority. When the individual departs, he is bound to give his power to others who stay, under penalty of the law, as well as to others appointed by this sacred council, and those who act to the contrary are to be prosecuted.

#### **SESSION 4 - 30 March 1415**

**[Decrees of the council on its authority and integrity, in the abbreviated form read out by cardinal Zabarella]**

In the name of the holy and undivided Trinity, Father and Son and holy Spirit Amen. This holy synod of Constance, which is a general council, for the eradication of the present schism and for bringing unity and reform to God's church in head and members, legitimately assembled in the holy Spirit to the praise of almighty God, ordains, defines, decrees, discerns and declares as follows, in order that this union and reform of God's church may be obtained the more easily, securely, fruitfully and freely.

First, that this synod, legitimately assembled in the holy Spirit, constituting a general council, representing the catholic church militant, has power immediately from Christ, and that everyone of whatever state or dignity, even papal, is bound to obey it in those matters which pertain to the faith and the eradication of the said schism. [19]

Next, that our most holy lord pope John XXIII may not move or transfer the Roman curia and its public offices, or its or their officials, from this city to another place, nor directly or indirectly compel the persons of the said offices to follow him, without the deliberation and consent of the same holy synod; this refers to those officials or offices by whose absence the council would probably be dissolved or harmed. If he has acted to the contrary in the past, or shall in the future, or if he has in the past, is now or shall in the future fulminate any processes or mandates or ecclesiastical censures or any other penalties against the said officials or any other adherents of this council, to the effect that they should follow him then all is null and void and in no way are the said processes, censures and

penalties to be obeyed, inasmuch as they are null and void, and they are invalid. The said officials are rather to exercise their offices in the said city of Constance, and to carry them out freely as before, as long as this holy synod is being held in the said city.

Next, that all translations of prelates, and depositions of the same, or of any other beneficed persons, revocations of commendams and gifts, admonitions, ecclesiastical censures, processes, sentences, acts and whatever has been or will be done or accomplished by our aforesaid lord and his officials or commissaries, from the time of his departure, to the injury of the council or its adherents, against the supporters or participants of this sacred council, or to the prejudice of them or any one of them, in whatever way they may have been or shall be made or done, against the will of the persons concerned, are in virtue of the law itself null, quashed, invalid and void, and of no effect or moment, and the council by its authority quashes, invalidates and annuls them.

[Next, it was declared and decided that three persons should be chosen from each nation who know both the reasons of those wishing to depart and the punishments that ought to be inflicted on those departing without permission. [20]]

Next, that for the sake of unity new cardinals should not be created. Moreover, lest for reasons of deceit or fraud some persons may be said to have been made cardinals recently, this sacred council declares that those persons are not to be regarded as cardinals who were not publicly recognised and held to be such at the time of our lord pope's departure from the city of Constance.

## SESSION 5 - 6 April 1415

**The famous Haec Sancta decree contradicting Vatican 1 on papal primacy/infallibility.**

**[Decrees of the council, concerning its authority and integrity, which had been abbreviated by cardinal Zabarella at the preceding session, against the wishes of the nations, and which are now restored, repeated and confirmed by a public decree]**

In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. This holy synod of Constance, which is a general council, for the eradication of the present schism and for bringing unity and reform to God's church in head and members, legitimately assembled in the holy Spirit to the praise of almighty God, ordains, defines, decrees, discerns and declares as follows, in order that this union and reform of God's church may be obtained the more easily, securely, fruitfully and freely.

First it declares that, legitimately assembled in the holy Spirit, constituting a general council and representing the catholic church militant, **it has power immediately from Christ; and that everyone of whatever state or dignity, even papal, is bound to obey it in those matters which pertain to the faith**, the eradication of the said schism and the general reform of the said church of God in head and members.

Next, it declares that anyone of whatever condition, state or dignity, even papal, who contumaciously refuses to obey the past or future mandates, statutes, ordinances or precepts of this sacred council or of any other legitimately assembled general council, regarding the aforesaid things or matters pertaining to them, shall be subjected to well-deserved penance, unless he repents, and shall be duly punished, even by having recourse, if necessary, to other supports of the law.

Next, the said holy synod defines and ordains that the lord pope John XXIII may not move or transfer the Roman curia and its public offices, or its or their officials, from the city of Constance to another place, nor

directly or indirectly compel the said officials to follow him, without the deliberation and consent of the same holy synod. If he has acted to the contrary in the past, or shall in the future, or if he has in the past, is now or shall in the future fulminate any processes or mandates or ecclesiastical censures or any other penalties, against the said officials or any other adherents of this sacred council, to the effect that they should follow him, then all is null and void and in no way are the said processes, censures and penalties to be obeyed, inasmuch as they are null and void. The said officials are rather to exercise their offices in the said city of Constance, and to carry them out freely as before, as long as this holy synod is being held in the said City.

Next, that all translations of prelates, or depositions of the same, or of any other beneficed persons, officials and administrators, revocations of commendams and gifts, admonitions, ecclesiastical censures, processes, sentences and whatever has been or will be done or accomplished by the aforesaid lord pope John or his officials or commissaries, since the beginning of this council, to the injury of the said council or its adherents, against the supporters or participants of this sacred council, or to the prejudice of them or of any one of them, in whatever way they may have been or shall be made or done, against the will of the persons concerned, are by this very fact, on the authority of this sacred council, null, quashed, invalid and void, and of no effect or moment, and the council by its authority quashes, invalidates and annuls them.

Next, it declares that the lord pope John XXIII and all the prelates and other persons summoned to this sacred council, and other participants in the same synod, have enjoyed and do now enjoy full freedom, as has been apparent in the said sacred council, and the opposite has not been brought to the notice of the said summoned persons or of the said council. The said sacred council testifies to this before God and people. [21 ]

## **SESSION 6 - 17 April 1415**

[At this session there were, among other minor deliberations, decrees about admitting the office of proctor in the matter of pope John XXIII's renunciation of the papacy and about the citing of Jerome of Prague.]

## **SESSION 7 - 2 May 1415**

[At this session it was decreed that pope John should be publicly summoned and that the summons of Jerome of Prague, now charged with contumacy, should be repeated.]

## **SESSION 8 - 4 May 1415**

This most holy synod of Constance, which is a general council and represents the catholic church and is legitimately assembled in the holy Spirit, for the eradication of the present schism and the elimination of the errors and heresies which are sprouting beneath its shade and for the reform of the church, make this perpetual record of its acts.

### **[Sentence condemning various articles of John Wyclif]**

We learn from the writings and deeds of the holy fathers that the catholic faith without which (as the Apostle says) it is impossible to please God, has often been attacked by false followers of the same faith, or rather by perverse assailants, and by those who, desirous of the world's glory, are led on by proud curiosity to know more than they should; and that it has been defended against such persons by the church's faithful spiritual knights armed with the shield of faith. Indeed, these kinds of wars were prefigured in the physical wars of the Israelite people against idolatrous nations. Therefore, in these spiritual wars the holy catholic church, illuminated in the truth of faith by the rays of light from above and remaining ever spotless through the Lord's providence and with the help of the patronage of the saints, has triumphed most gloriously over the darkness of error as over profligate enemies. In our times, however, that old and jealous foe has stirred up new conflicts so that the approved ones

of this age may be made manifest. Their leader and prince was that pseudo-christian **John Wyclif**. He stubbornly asserted and taught many articles against the christian religion and the catholic faith while he was alive. We have decided that forty-five of the articles should be set out on this page as follows.

1. The material substance of bread, and similarly the material substance of wine, remain in the sacrament of the altar.
2. The accidents of bread do not remain without their subject in the said sacrament.
3. Christ is not identically and really present in the said sacrament in his own bodily persona.
4. If a bishop or a priest is in mortal sin, he does not ordain or confect or consecrate or baptise.
5. That Christ instituted the mass has no basis in the gospel.
6. God ought to obey the devil.
7. If a person is duly contrite, all exterior confession is superfluous and useless for him.
8. If a pope is foreknown as damned and is evil, and is therefore a limb of the devil, he does not have authority over the faithful given to him by anyone, except perhaps by the emperor.
9. Nobody should be considered as pope after Urban VI. Rather, people should live like the Greeks, under their own laws.
10. It is against sacred scripture for ecclesiastics to have possessions.
11. No prelate should excommunicate anyone unless he first knows that the person has been excommunicated by God; he who does so thereby becomes a heretic and an excommunicated person.
12. A prelate excommunicating a cleric who has appealed to the king or the king's council is thereby a traitor to the king and the kingdom.
13. Those who stop preaching or hearing the word of God on account of an excommunication issued by men are themselves excommunicated and will be regarded as traitors of Christ on the day of judgment.

14. It is lawful for any deacon or priest to preach the word of God without authorisation from the apostolic see or from a catholic bishop.
15. Nobody is a civil lord or a prelate or a bishop while he is in mortal sin.
16. Secular lords can confiscate temporal goods from the church at their discretion when those who possess them are sinning habitually, that is to say sinning from habit and not just in particular acts.
17. The people can correct sinful lords at their discretion.
18. Tithes are purely alms, and parishioners can withhold them at will on account of their prelates' sins.
19. Special prayers applied by prelates or religious to a particular person avail him or her no more than general prayers, if other things are equal.
20. Whoever gives alms to friars is thereby excommunicated.
21. Whoever enters any religious order whatsoever, whether it be of the possessioners or the mendicants, makes himself less apt and suitable for the observance of God's commands.
22. Saints who have founded religious orders have sinned in so doing.
23. Members of religious orders are not members of the christian religion.
24. Friars are bound to obtain their food by manual work and not by begging. [22]
25. All are simoniacs who bind themselves to pray for people who help them in temporal matters.
26. The prayer of someone foreknown as damned profits nobody.
27. All things happen from absolute necessity.
28. Confirming the young, ordaining clerics and consecrating places have been reserved to the pope and bishops because of their greed for temporal gain and honour.
29. Universities, places of study, colleges, degrees and academic exercises in these institutions were introduced by a vain pagan spirit and benefit the church as little as does the devil.

30. Excommunication by a pope or any prelate is not to be feared since it is a censure of antichrist.
31. Those who found religious houses sin, and those who enter them belong to the devil.
32. It is against Christ's command to enrich the clergy.
33. Pope Silvester and the emperor Constantine erred in endowing the church.
34. All the members of mendicant orders are heretics, and those who give them alms are excommunicated.
35. Those who enter a religious or other order thereby become incapable of observing God's commands, and consequently of reaching the kingdom of heaven, unless they leave them.
36. The pope with all his clerics who have property are heretics, for the very reason that they have property; and so are all who abet them, namely all secular lords and other laity.
37. The Roman church is Satan's synagogue; and the pope is not the immediate and proximate vicar of Christ and the apostles.
38. The decretal letters are apocryphal and seduce people from Christ's faith, and clerics who study them are fools.
39. The emperor and secular lords were seduced by the devil to endow the church with temporal goods.
40. The election of a pope by the cardinals was introduced by the devil.
41. It is not necessary for salvation to believe that the Roman church is supreme among the other churches. [23]
42. It is ridiculous to believe in the indulgences of popes and bishops.
43. Oaths taken to confirm civil commerce and contracts between people are unlawful.
44. Augustine, Benedict and Bernard are damned, unless they repented of having owned property and of having founded and entered religious orders; and thus they are all heretics from the pope down to the lowest religious.
45. All religious orders alike were introduced by the devil.

### [Condemnation of Wyclif's books]

This same John Wyclif wrote books called by him **Dialogus** and **Trialogus** and many other treatises, works and pamphlets in which he included and taught the above and many other damnable articles. He issued the books for public reading, in order to publish his perverse doctrine, and from them have followed many scandals, losses and dangers to souls in various regions, especially in the kingdoms of England and Bohemia. Masters and doctors of the universities and houses of study at Oxford and Prague, opposing with God's strength these articles and books, later refuted the above articles in scholastic form. They were condemned, moreover, by the most reverend fathers who were then the archbishops and bishops of Canterbury, York and Prague, legates of the apostolic see in the kingdoms of England and of Bohemia. The said archbishop of Prague, commissary of the apostolic see in this matter, also judicially decreed that the books of the same John Wyclif were to be burnt and he forbade the reading of those that survived.

After these things had again been brought to the notice of the apostolic see and a general council, the Roman pontiff condemned the said books, treatises and pamphlets at the lately held council of Rome [24], ordering them to be publicly burnt and strictly forbidding anyone called a Christian to dare to read, expound, hold or make any use of any one or more of the said books, volumes, treatises and pamphlets, or even to cite them publicly or privately, except in order to refute them. In order that this dangerous and most foul doctrine might be eliminated from the church's midst, he ordered, by his apostolic authority and under pain of ecclesiastical censure, that all such books, treatises, volumes and pamphlets should be diligently sought out by the local ordinaries and should then be publicly burnt; and he added that if necessary those who do not obey should be proceeded against as if they were promoters of heresy.

This sacred synod has had the aforesaid forty-five articles examined and frequently considered by many most reverend fathers, cardinals of the Roman church, bishops, abbots, masters of theology, doctors in both laws and many notable persons. After the articles had been examined it was found, as indeed is the case, that some of them, indeed many, were and are notoriously heretical and have already been condemned by holy fathers, others are not catholic but erroneous, others scandalous and blasphemous, some offensive to the ears of the devout and some rash and seditious. It was also found that his books contain many other similar articles and introduce into God's church teaching that is unsound and hostile to faith and morals. This holy synod, therefore, in the name of our lord Jesus Christ, in ratifying and approving the sentences of the aforesaid archbishops and of the council of Rome, repudiates and condemns forever, by this decree, the aforesaid articles and each one of them in particular, and the books of John Wyclif called by him Dialogus and Trialogus, and the same author's other books, volumes, treatises and pamphlets (no matter what name these may go under, and for which purpose this description is to be regarded as an adequate listing of them). It forbids the reading, teaching, expounding and citing of the said books or of any one of them in particular, unless it is for the purpose of refuting them. It forbids each and every Catholic henceforth, under pain of anathema, to preach, teach or affirm in public the said articles or any one of them in particular, or to teach, approve or hold the said books, or to refer to them in any way, unless this is done, as has been said, for the purpose of refuting them. It orders, moreover, that the aforesaid books, treatises, volumes and pamphlets are to be burnt in public, in accordance with the decree of the synod of Rome, as stated above. This holy synod orders local ordinaries to attend with vigilance to the execution and due observance of these things, insofar as each one is responsible, in accordance with the law and canonical sanctions.

### **[Condemnation of 260 other articles of Wyclif] [25]**

When the doctors and masters of the university of Oxford examined the aforesaid written works, they found 260 articles in addition to the 45 articles that have been mentioned. Some of them coincide in meaning with the 45 articles, even if not in the forms of words used. Some of them, as has been said, were and are heretical, some seditious, some erroneous, others rash, some scandalous, others unsound, and almost all of them contrary to good morals and the catholic truth. They were therefore condemned by the said university in correct and scholastic form. This most holy synod, therefore, after deliberating as mentioned above, repudiates and condemns the said articles and each one of them in particular; and it forbids, commands and decrees in the same way as for the other 45 articles. We order the contents of these 260 articles to be included below [26] .

### **[The council pronounces John Wyclif a heretic, condemns his memory and orders his bones to be exhumed]**

Furthermore, a process was begun, on the authority or by decree of the Roman council, and at the command of the church and of the apostolic see, after a due interval of time, for the condemnation of the said Wyclif and his memory. Invitations and proclamations were issued summoning those who wished to defend him and his memory, if any still existed. However, nobody appeared who was willing to defend him or his memory. Witnesses were examined by commissaries appointed by the reigning lord pope John and by this sacred council, regarding the said Wyclif's final impenitence and obstinacy. Legal proof was thus provided, in accordance with all due observances, as the order of law demands in a matter of this kind, regarding his impenitence and final obstinacy. This was proved by clear indications from legitimate witnesses. This holy synod, therefore, at the instance of the procurator-fiscal and since a decree was issued to the effect that sentence should be heard on this day, declares, defines and decrees that the said John Wyclif was a notorious and

obstinate heretic who died in heresy, and it anathematizes him and condemns his memory. It decrees and orders that his body and bones are to be exhumed, if they can be identified among the corpses of the faithful, and to be scattered far from a burial place of the church, in accordance with canonical and lawful sanctions.

### **SESSION 9 - 13 May 1415**

[Pope John is publicly summoned for the second time and an inquiry against him is decreed.]

### **SESSION 10 - 14 May 1415**

[John XXIII is summoned for the third time, he is accused of contumacy and is suspended from the papacy.]

### **SESSION 11 - 25 May 1415**

[Pope John XXIII is publicly charged and forty-four articles against him are produced.]

### **SESSION 12 - 29 May 1415**

**[Decree stating that the process for electing a pope, if the see happens to be vacant, may not begin without the council's express consent [27]]**

This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit, for the eradication of the present schism and errors, for bringing about the reform of the church in head and members, and in order that the unity of the church may be obtained more easily, quickly and freely, pronounces, determines, decrees and ordains that if it happens that the apostolic see becomes vacant, by whatever means this may happen, then the process of electing the next supreme pontiff may not begin without the deliberation and consent of this sacred general council. If the contrary is done then it is by this very fact, by the authority of the said sacred council, null and void. Nobody may accept anyone elected to the papacy in defiance of this decree, nor in

any way adhere to or obey him as pope, under pain of eternal damnation and of becoming a supporter of the said schism. Those who make the election in such a case, as well as the person elected, if he consents, and those who adhere to him, are to be punished in the forms prescribed by this sacred council. The said holy synod, moreover, for the good of the church's unity, suspends all positive laws, even those promulgated in general councils, and their statutes, ordinances, customs and privileges, by whomsoever they may have been granted, and penalties promulgated against any persons, insofar as these may in any way impede the effect of this decree.

### **[Sentence deposing pope John XXIII]**

In the name of the holy and undivided Trinity, Father and Son and holy Spirit Amen. This most holy general synod of Constance, legitimately assembled in the holy Spirit, having invoked Christ's name and holding God alone before its eyes, having seen the articles drawn up and presented in this case against the lord pope John XXIII, the proofs brought forward, his spontaneous submission and the whole process of the case, and having deliberated maturely on them, pronounces, decrees and declares by this definitive sentence which it commits to writing: that the departure of the aforesaid lord pope John XXIII from this city of Constance and from this sacred general council, secretly and at a suspicious hour of the night, in disguised and indecent dress, was and is unlawful, notoriously scandalous to God's church and to this council, disturbing and damaging for the church's peace and unity, supportive of this long-standing schism, and at variance with the vow, promise and oath made by the said lord pope John to God, to the church and to this sacred council; that the said lord pope John has been and is a notorious simoniac, a notorious destroyer of the goods and rights not only of the Roman church but also of other churches and of many pious places, and an evil administrator and dispenser of the church's spiritualities and temporalities; that he has notoriously scandalised God's church and the christian people by his detestable and

dishonest life and morals, both before his promotion to the papacy and afterwards until the present time, that by the above he has scandalised and is scandalising in a notorious fashion God's church and the christian people; that after due and charitable warnings, frequently reiterated to him, he obstinately persevered in the aforesaid evils and thereby rendered himself notoriously incorrigible; and that on account of the above and other crimes drawn from and contained in the said process against him, he should be deprived of and deposed from, as an unworthy, useless and damnable person, the papacy and all its spiritual and temporal administration. The said holy synod does now remove, deprive and depose him. It declares each and every Christian, of whatever state, dignity or condition, to be absolved from obedience, fidelity and oaths to him. It forbids all Christians henceforth to recognise him as pope, now that as mentioned he has been deposed from the papacy, or to call him pope, or to adhere to or in any way to obey him as pope. The said holy synod, moreover, from certain knowledge and its fullness of power, supplies for all and singular defects that may have occurred in the above-mentioned procedures or in any one of them. It condemns the said person, by this same sentence, to stay and remain in a good and suitable place, in the name of this sacred general council, in the safe custody of the most serene prince lord Sigismund, king of the Romans and of Hungary, etc., and most devoted advocate and defender of the universal church, as long as it seems to the said general council to be for the good of the unity of God's church that he should be so condemned. The said council reserves the right to declare and inflict other punishments that should be imposed for the said crimes and faults in accordance with canonical sanctions, according as the rigour of justice or the counsel of mercy may advise.

**[Decree to the effect that none of the three contenders for the papacy may be re-elected as pope]**

The said holy synod decrees, determines and ordains for the good of unity in God's church that neither the lord Baldassare de Cossa, recently **John XXIII**, nor Angelo Correr nor Peter de Luna, called **Gregory XII** and **Benedict XIII** by their respective obediences, shall ever be re-elected as pope. If the contrary happens, it is by this very fact null and void. Nobody, of whatever dignity or pre-eminence even if he be emperor, king, cardinal or pontiff, may ever adhere to or obey them or any one of them, contrary to this decree, under pain of eternal damnation and of being a supporter of the said schism. Let those who presume to the contrary, if there are any in the future, also be firmly proceeded against in other ways, even by invoking the secular arm. [28 ]

**SESSION 13 - 15 June 1415**

**[Condemnation of communion under both kinds, recently revived among the Bohemians by Jakoubek of Stribro]**

In the name of the holy and undivided Trinity, Father and Son and holy Spirit, Amen. Certain people, in some parts of the world, have rashly dared to assert that the christian people ought to receive the holy sacrament of the eucharist under the forms of both bread and wine. They communicate the laity everywhere not only under the form of bread but also under that of wine, and they stubbornly assert that they should communicate even after a meal, or else without the need of a fast, contrary to the church's custom which has been laudably and sensibly approved, from the church's head downwards, but which they damnably try to repudiate as sacrilegious. Therefore this present general council of Constance, legitimately assembled in the holy Spirit, wishing to provide for the safety of the faithful against this error, after long deliberation by many persons learned in divine and human law, declares, decrees and defines that, although Christ instituted this venerable sacrament after a meal and ministered it to his apostles under the forms of both bread and

wine, nevertheless and notwithstanding this, the praiseworthy authority of the sacred canons and the approved custom of the church have and do retain that this sacrament ought not to be celebrated after a meal nor received by the faithful without fasting, except in cases of sickness or some other necessity as permitted by law or by the church. Moreover, just as this custom was sensibly introduced in order to avoid various dangers and scandals, so with similar or even greater reason was it possible to introduce and sensibly observe the custom that, although this sacrament was received by the faithful under both kinds in the early church, nevertheless later it was received under both kinds only by those confecting it, and by the laity only under the form of bread. For it should be very firmly believed, and in no way doubted, that the whole body and blood of Christ are truly contained under both the form of bread and the form of wine. Therefore, since this custom was introduced for good reasons by the church and holy fathers, and has been observed for a very long time, it should be held as a law which nobody may repudiate or alter at will without the church's permission. To say that the observance of this custom or law is sacrilegious or illicit must be regarded as erroneous. Those who stubbornly assert the opposite of the aforesaid are to be confined as heretics and severely punished by the local bishops or their officials or the inquisitors of heresy in the kingdoms or provinces in which anything is attempted or presumed against this decree, according to the canonical and legitimate sanctions that have been wisely established in favour of the catholic faith against heretics and their supporters.

**[That no priest, under pain of excommunication, may communicate the people under the forms of both bread and wine]**

This holy synod also decrees and declares, regarding this matter, that instructions are to be sent to the most reverend fathers and lords in Christ, patriarchs, primates, archbishops, bishops, and their vicars in spirituals, wherever they may be, in which they are to be commissioned and ordered on the authority of this sacred council and under pain of

excommunication, to punish effectively those who err against this decree. They may receive back into the church's fold those who have gone astray by communicating the people under the forms of both bread and wine, and have taught this, provided they repent and after a salutary penance, in accordance with the measure of their fault, has been enjoined upon them. They are to repress as heretics, however, by means of the church's censures and even if necessary by calling in the help of the secular arm, those of them whose hearts have become hardened and who are unwilling to return to penance.

From this point on the council becomes a duly convened ecumenical council, all previous sessions being ultra-vires.

#### **SESSION 14 - 4 July 1415 [29]**

##### **[Uniting of the followers of pope Gregory XII and of the former pope John XXIII, now that both men have abdicated]**

In order that the reunion of the church may be possible and that a beginning may be made which is fitting and pleasing to God, since the most important part of any matter is its beginning, and in order that the two obediences--namely the one claiming that the lord John XXIII was formerly pope and the other claiming that the lord Gregory XII is pope--may be united together under Christ as head, this most holy general synod of Constance, legitimately assembled in the holy Spirit and representing the catholic church, accepts in all matters the convoking, authorising, approving and confirming that is now being made in the name of the lord who is called Gregory XII by those obedient to him, insofar as it seems to pertain to him to do this, since the certainty obtained by taking a precaution harms nobody and benefits all, and it decrees and declares that the aforesaid two obediences are joined and united in the one body of our lord Jesus Christ and of this sacred universal general council, in the name of the Father and of the Son and of the holy Spirit.

**[Decree stating that the election of the Roman pontiff is to be made in the manner and form to be laid down by the sacred council, and that the council shall not be dissolved until the election of the next Roman pontiff has been made]**

The most holy general synod of Constance, etc., enacts, pronounces, ordains and decrees, in order that God's holy church may be provided for better, more genuinely and more securely, that the next election of the future Roman pontiff is to be made in the manner, form, place, time and way that shall be decided upon by the sacred council; that the same council can and may henceforth declare fit, accept and designate, in the manner and form that then seems suitable, any persons for the purposes of this election, whether by active or by passive voice, of whatever state or obedience they are or may have been, and any other ecclesiastical acts and all other suitable things, notwithstanding any proceedings, penalties or sentences; and that the sacred council shall not be dissolved until the said election has been held. The said holy synod therefore exhorts and requires the most victorious prince lord Sigismund, king of the Romans and of Hungary, as the church's devoted advocate and as the sacred council's defender and protector, to direct all his efforts to this end and to promise on his royal word that he wishes to do this and to order letters of his majesty to be made out for this

**[The council approves Gregory XII's resignation]**

The most holy general synod of Constance, legitimately assembled in the holy Spirit, representing the universal catholic church, accepts, approves and commends, in the name of the Father, the Son and the holy Spirit, the cession renunciation and resignation made on behalf of the lord who was called Gregory XII in his obedience, by the magnificent and powerful lord Charles Malatesta. here present, his irrevocable procurator for this business, of the right, title and possession that he had, or may have had, in regard to the papacy. [30]

## **SESSION 15 - 6 July 1415**

### **[Sentence condemning 260 articles Wyclif] [31]**

The books and pamphlets of John Wyclif, of cursed memory, were carefully examined by the doctors and masters of Oxford university. They collected 260 unacceptable articles from these books and pamphlets and condemned them in scholastic form. This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit for the purpose of extirpating schism, errors and heresies, has had all these articles examined many times by many most reverend fathers, cardinals of the Roman church, bishops, abbots, masters of theology, doctors of both laws, and very many other notable persons from various universities. It was found that some, indeed many, of the articles thus examined were and are notoriously heretical and have already been condemned by holy fathers, some are offensive to the ears of the devout and some are rash and seditious. This holy synod, therefore, in the name of our lord Jesus Christ, repudiates and condemns, by this perpetual decree, the aforesaid articles and each one of them in particular; and it forbids each and every Catholic henceforth, under pain of anathema, to preach, teach, or hold the said articles or any one of them. The said holy synod orders local ordinaries and inquisitors of heresy to be vigilant in carrying out these things and duly observing them, insofar as each one is responsible, in accordance with the law and canonical sanctions. Let anyone who rashly violates the aforesaid decrees and sentences of this sacred council be punished, after due warning, by the local ordinaries on the authority of this sacred council, notwithstanding any privilege. [32]

## **[Articles of John Wyclif selected from the 260]**

1. Just as Christ is God and man at the same time, so the consecrated host is at the same time the body of Christ and true bread. For it is Christ's body at least in figure and true bread in nature; or, which comes to the same thing, it is true bread naturally and Christ's body figuratively.
2. Since heretical falsehood about the consecrated host is the most important point in individual heresies, I therefore declare to modern heretics, in order that this falsehood may be eradicated from the church, that they cannot explain or understand an accident without a subject. And therefore all these heretical sects belong to the number of those who ignore the fourth chapter of John: We worship what we know.
3. I boldly foretell to all these sects and their accomplices that even by the time Christ and all the church triumphant come at the final judgment riding at the trumpet blast of the angel Gabriel, they shall still not have proved to the faithful that the sacrament is an accident without a subject.
4. Just as John was Elias in a figurative sense and not in person, so the bread on the altar is Christ's body in a figurative sense. And the words, This is my body, are unambiguously figurative, just like the statement "John is Elias".
5. The fruit of this madness whereby it is pretended that there can be an accident without a subject is to blaspheme against God, to scandalise the saints and to deceive the church by means of false doctrines about accidents.
6. Those who claim that the children of the faithful dying without sacramental baptism will not be saved, are stupid and presumptuous in saying this.
7. The slight and short confirmation by bishops, with whatever extra solemnised rites, was introduced at the devil's suggestion so that the people might be deluded in the church's faith and the solemnity and necessity of bishops might be believed in the more.

8. As for the oil with which bishops anoint boys and the linen cloth which goes around the head, it seems that this is a trivial rite which is unfounded in scripture; and that this confirmation, which was introduced after the apostles, blasphemes against God.
9. Oral confession to a priest, introduced by Innocent [33], is not as necessary to people as he claimed. For if anyone offends his brother in thought, word or deed, then it suffices to repent in thought, word or deed.
10. It is a grave and unsupported practice for a priest to hear the confessions of the people in the way that the Latins use.
11. In these words, You are clean, but not all are, the devil has laid a snare of the unfaithful ones in order to catch the Christian's foot. For he introduced private confession, which cannot be justified, and after the person's malice has been revealed to the confessor, as he decreed in the law, it is not revealed to the people.
12. It is a probable conjecture that a person who lives rightly is a deacon or a priest. For just as I infer that this person is John, so I recognise by a probable conjecture that this person, by his holy life, has been placed by God in such an office or state.
13. The probable evidence for such a state is to be taken from proof provided by the person's deeds and not from the testimony of the person ordaining him. For God can place someone in such a state without the need of an instrument of this kind, no matter whether the instrument is worthy or unworthy. There is no more probable evidence than the person's life. Therefore, if there is present a holy life and catholic doctrine, this suffices for the church militant. (Error at the beginning and at the end.)
14. The bad life of a prelate means that his subjects do not receive orders and the other sacraments. They can receive them from such persons, however, when there is urgent need, if they devoutly beseech God to supply on behalf of his diabolical ministers the actions and purpose of the office to which they have bound themselves by oath.

15. People of former times would copulate with each other out of desire for temporal gain or for mutual help or to relieve concupiscence, even when they had no hope of offspring; for they were truly copulating as married persons. [34]
16. The words, I will take you as wife, are more suitable for the marriage contract than, I take you as wife. And the first words ought not to be annulled by the second words about the present, when someone contracts with one wife in the words referring to the future and afterwards with another wife in those referring to the present.
17. The pope, who falsely calls himself the servant of God's servants, has no status in the work of the gospel but only in the work of the world. If he has any rank, it is in the order of demons, of those who serve God rather in a blameworthy way.
18. The pope does not dispense from simony or from a rash vow, since he is the chief simoniac who rashly vows to preserve, to his damnation, his status here on the way. (Error at the end.)
19. That the pope is supreme pontiff is ridiculous. Christ approved such a dignity neither in Peter nor in anyone else.
20. The pope is antichrist made manifest. Not only this particular person but also the multitude of popes, from the time of the endowment of the church, of cardinals, of bishops and of their other accomplices, make up the composite, monstrous person of antichrist. This is not altered by the fact that Gregory and other popes, who did many good and fruitful things in their lives, finally repented.
21. Peter and Clement, together with the other helpers in the faith, were not popes but God's helpers in the work of building up the church of our lord Jesus Christ.
22. To say that papal pre-eminence originated with the faith of the gospel is as false as to say that every error arose from the original truth.

23. There are twelve procurators and disciples of antichrist: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons with their two-peaked hats, the recently introduced pseudo-friars, and pardoners.
24. It is clear that whoever is the humbler, of greater service to the church, and the more fervent in Christ's love towards his church, is the greater in the church militant and to be reckoned the most immediate vicar of Christ.
25. Whoever holds any of God's goods unjustly, is taking the things of others by rapine, theft or robbery.
26. Neither the depositions of witnesses, nor a judge's sentence, nor physical possession, nor inheritance, nor an exchange between persons, nor a gift, nor all such things taken together, confer dominion or a right to anything upon a person without grace. (An error, if it is understood as referring to sanctifying grace.)
27. Unless the interior law of charity is present, nobody has more or less authority or righteousness on account of charters or bulls. We ought not to lend or give anything to a sinner so long as we know that he is such, for thus we would be assisting a traitor of our God.
28. Just as a prince or a lord does not keep the title of his office while he is in mortal sin, except in name and equivocally, so it is with a pope, bishop or priest while he has fallen into mortal sin.
29. Everyone habitually in mortal sin lacks dominion of any kind and the licit use of an action, even if it be good in its kind.
30. It is known from the principles of the faith that a person in mortal sin, sins mortally in every action.
31. In order to have true secular dominion, the lord must be in a state of righteousness. Therefore nobody in mortal sin is lord of anything.
32. All modern religious necessarily become marked as hypocrites. For their profession demands that they fast, act and clothe themselves in a particular way, and thus they observe everything differently from other people.

33. All private religion as such savours of imperfection and sin whereby a person is indisposed to serve God freely.
34. A private religious order or rule savours of a blasphemous and arrogant presumption towards God. And the religious of such orders dare to exalt themselves above the apostles by the hypocrisy of defending their religion.
35. Christ does not teach in scripture about any kind of religious order in antichrist's chapter. Therefore it is not his good pleasure that there should be such orders. The chapter is composed, however, of the following twelve types: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons, friars of the four orders, and pardoners.
36. I infer as evident from the faith and works of the four sects--which are the caesarean clergy, the various monks, the various canons, and the friars--that nobody belonging to them is a member of Christ in the catalogue of the saints, unless he forsakes in the end the sect which he stupidly embraced.
37. Paul was once a pharisee but abandoned the sect for the better sect of Christ, with his permission. This is the reason why cloistered persons, of whatever sect or rule, or by whatever stupid vow they may be bound, ought freely to cast off these chains, at Christ's command, and freely join the sect of Christ.
38. It is sufficient for the laity that at sometimes they give tithes of their produce to God's servants. In this way, they are always giving to the church, even if not always to the caesarean clergy deputed by the pope or by his dependents.
39. The powers that are claimed by the pope and the other four new sects are pretended and were diabolically introduced in order to seduce subjects; such are excommunications by caesarean prelates, citations, imprisoning, and the sale of money rents.

40. Many simple priests surpass prelates in such power. Indeed, it appears to the faithful that greatness of spiritual power belongs more to a son who imitates Christ in his way of life than to a prelate who has been elected by cardinals and similar apostates.
41. The people may withhold tithes, offerings and other private alms from unworthy disciples of Christ, since God's law requires this. The curse or censure imposed by antichrist's disciples is not to be feared but rather is to be received with joy. The lord pope and bishops and all religious or simple clerics, with titles to perpetual possession, ought to renounce them into the hands of the secular arm. If they stubbornly refuse, they ought to be compelled to do so by the secular lords.
42. There is no greater heretic or antichrist than the cleric who teaches that it is lawful for priests and levites of the law of grace to be endowed with temporal possessions. The clerics who teach this are heretics or blasphemers if ever there were any.
43. Temporal lords not only can take away goods of fortune from a church that is habitually sinning, nor is it only lawful for them to do so, but indeed they are obliged to do so under pain of eternal damnation.
44. God does not approve that anyone be judged or condemned by civil law.
45. If an objection is made against those who oppose endowments for the church, by pointing to Benedict, Gregory and Bernard, who possessed few temporal goods in poverty, it may be said in reply that they repented at the end. If you object further that I merely pretend that these saints finally repented of their falling away from God's law in this way, then you may teach that they are saints and I will teach that they repented at the end.
46. If we ought to believe in sacred scripture and in reason, it is clear that Christ's disciples do not have the authority to exact temporal goods by means of censures, and those who attempt this are sons of Eli and of Belial.

47. Each essence has one suppositum, following which another suppositum, equal to the first, is produced. This is the most perfect immanent action possible to nature.
48. Each essence, whether corporeal or incorporeal, is common to three supposita; and the properties, the accidents and the operations inhere in common in all of them.
49. God cannot annihilate anything, nor increase or diminish the world, but he can create souls up to a certain number, and not beyond it.
50. It is impossible for two corporeal substances to be co-extensive, the one continuously at rest in a place and the other continuously penetrating the body of Christ at rest.
51. Any continuous mathematical line is composed of two, three or four contiguous points, or of only a simply finite number of points; and time is, was and will be composed of contiguous instants. It is not possible that time and a line, if they exist, are composed of in this way. (The first part is a philosophical error, the last part is an error with regard to God's power.)
52. It must be supposed that one corporeal substance was formed at its beginning as composed of indivisibles, and that it occupies every possible place.
53. Every person is God.
54. Every creature is God.
55. Every being is everywhere, since every being is God.
56. All things that happen, happen from absolute necessity.
57. A baptised child foreknown as damned will necessarily live long enough to sin in the holy Spirit, wherefore it will merit to be condemned for ever. Thus no fire can burn the child until that time or instant.
58. I assert as a matter of faith that everything that will happen, will happen of necessity. Thus if Paul is foreknown as damned, he cannot truly repent; that is, he cannot cancel the sin of final impenitence by contrition, or be under the obligation not to have the sin.

### **[Sentence against John Hus]**

The most holy general council of Constance, divinely assembled and representing the catholic church, for an everlasting record. Since a bad tree is wont to bear bad fruit, as truth itself testifies, so it is that John Wyclif, of cursed memory, by his deadly teaching, like a poisonous root, has brought forth many noxious sons, not in Christ Jesus through the gospel, as once the holy fathers brought forth faithful sons, but rather contrary to the saving faith of Christ, and he has left these sons as successors to his perverse teaching. This holy synod of Constance is compelled to act against these men as against spurious and illegitimate sons, and to cut away their errors from the Lord's field as if they were harmful briars, by means of vigilant care and the knife of ecclesiastical authority, lest they spread as a cancer to destroy others. Although, therefore, it was decreed at the sacred general council recently held at Rome [35 ] that the teaching of John Wyclif, of cursed memory, should be condemned and the books of his containing this teaching should be burnt as heretical; although his teaching was in fact condemned and his books burnt as containing false and dangerous doctrine; and although a decree of this kind was approved by the authority of this present sacred council [36 ] ; nevertheless a certain John Hus, here present in person at this sacred council, who is a disciple not of Christ but rather of the heresiarch John Wyclif, boldly and rashly contravening the condemnation and the decree after their enactment, has taught, asserted and preached many errors and heresies of John Wyclif which have been condemned both by God's church and by other reverend fathers in Christ, lord archbishops and bishops of various kingdoms, and masters in theology at many places of study. He has done this especially by publicly resisting in the schools and in sermons, together with his accomplices, the condemnation in scholastic form of the said articles of John Wyclif which has been made many times at the university of Prague, and he has declared the said John Wyclif to be a catholic man and an evangelical doctor, thus supporting his teaching, before a multitude of clergy and people. He has

asserted and published certain articles listed below and many others, which are condemned and which are, as is well known, contained in the books and pamphlets of the said John Hus. Full information has been obtained about the aforesaid matters, and there has been careful deliberation by the most reverend fathers in Christ, lord cardinals of the holy Roman church, patriarchs archbishops, bishops and other prelates and doctors of holy scripture and of both laws, in large numbers. This most holy synod of Constance therefore declares and defines that the articles listed below, which have been found on examination, by many masters in sacred scripture, to be contained in his books and pamphlets written in his own hand, and which the same John Hus at a public hearing, before the fathers and prelates of this sacred council, has confessed to be contained in his books and pamphlets, are not catholic and should not be taught to be such but rather many of them are erroneous, others scandalous, others offensive to the ears of the devout, many of them are rash and seditious, and some of them are notoriously heretical and have long ago been rejected and condemned by holy fathers and by general councils, and it strictly forbids them to be preached, taught or in any way approved. Moreover, since the articles listed below are explicitly contained in his books or treatises, namely in the book entitled *De ecclesia* and in his other pamphlets, this most holy synod therefore reprovcs and condemns the aforesaid books and his teaching, as well as the other treatises and pamphlets written by him in Latin or in Czech, or translated by one or more other persons into any other language, and it decrees and determines that they should be publicly and solemnly burnt in the presence of the clergy and people in the city of Constance and elsewhere. On account of the above, moreover, all his teaching is and shall be deservedly suspect regarding the faith and is to be avoided by all of Christ's faithful. In order that this pernicious teaching may be eliminated from the midst of the church, this holy synod also orders that local ordinaries make careful inquiry about treatises and pamphlets of this kind, using the church's censures and even if necessary the punishment due for

supporting heresy, and that they be publicly burnt when they have been found. This same holy synod decrees that local ordinaries and inquisitors of heresy are to proceed against any who violate or defy this sentence and decree as if they were persons suspected of heresy.

### **[Sentence of degradation against J. Hus]**

Moreover, the acts and deliberations of the inquiry into heresy against the aforesaid John Hus have been examined. There was first a faithful and full account made by the commissioners deputed for the case and by other masters of theology and doctors of both laws, concerning the acts and deliberations and the depositions of very many trustworthy witnesses. These depositions were openly and publicly read out to the said John Hus before the fathers and prelates of this sacred council. It is very clearly established from the depositions of these witnesses that the said John has taught many evil, scandalous and seditious things, and dangerous heresies, and has publicly preached them during many years. This most holy synod of Constance, invoking Christ's name and having God alone before its eyes, therefore pronounces, decrees and defines by this definitive sentence, which is here written down, that the said John Hus was and is a true and manifest heretic and has taught and publicly preached, to the great offence of the divine Majesty, to the scandal of the universal church and to the detriment of the catholic faith, errors and heresies that have long ago been condemned by God's church and many things that are scandalous, offensive to the ears of the devout, rash and seditious, and that he has even despised the keys of the church and ecclesiastical censures. He has persisted in these things for many years with a hardened heart. He has greatly scandalised Christ's faithful by his obstinacy since, bypassing the church's intermediaries, he has made appeal directly to our lord Jesus Christ, as to the supreme judge, in which he has introduced many false, harmful and scandalous things to the contempt of the apostolic see, ecclesiastical censures and the keys.

This holy synod therefore pronounces the said John Hus, on account of the aforesaid and many other matters, to have been a heretic and it judges him to be considered and condemned as a heretic, and it hereby condemns him. It rejects the said appeal of his as harmful and scandalous and offensive to the church's jurisdiction. It declares that the said John Hus seduced the christian people, especially in the kingdom of Bohemia, in his public sermons and in his writings; and that he was not a true preacher of Christ's gospel to the same christian people, according to the exposition of the holy doctors, but rather was a seducer. Since this most holy synod has learnt from what it has seen and heard, that the said John Hus is obstinate and incorrigible and as such does not desire to return to the bosom of holy mother the church, and is unwilling to abjure the heresies and errors which he has publicly defended and preached, this holy synod of Constance therefore declares and decrees that the same John Hus is to be deposed and degraded from the order of the priesthood and from the other orders held by him. It charges the reverend fathers in Christ, the archbishop of Milan and the bishops of Feltre Asti, Alessandria, Bangor and Lavour with duly carrying out the degradation in the presence of this most holy synod, in accordance with the procedure required by law.

### **[Sentence condemning J. Hus to the stake]**

This holy synod of Constance, seeing that God's church has nothing more that it can do, relinquishes John Hus to the judgment of the secular authority and decrees that he is to be relinquished to the secular court.

### **[Condemned articles of J. Hus]**

1. There is only one holy universal church, which is the total number of those predestined to salvation. It therefore follows that the universal holy church is only one, inasmuch as there is only one number of all those who are predestined to salvation.

2. Paul was never a member of the devil, even though he did certain acts which are similar to the acts of the church's enemies.
3. Those foreknown as damned are not parts of the church, for no part of the church can finally fall away from it, since the predestinating love that binds the church together does not fail.
4. The two natures, the divinity and the humanity, are one Christ.
5. A person foreknown to damnation is never part of the holy church, even if he is in a state of grace according to present justice; a person predestined to salvation always remains a member of the church, even though he may fall away for a time from adventitious grace, for he keeps the grace of predestination.
6. The church is an article of faith in the following sense: to regard it as the convocation of those predestined to salvation, whether or not it be in a state of grace according to present justice.
7. Peter neither was nor is the head of the holy catholic church.
8. Priests who live in vice in any way pollute the power of the priesthood, and like unfaithful sons are untrustworthy in their thinking about the church's seven sacraments, about the keys, offices, censures, customs, ceremonies and sacred things of the church, about the veneration of relics, and about indulgences and orders.
9. The papal dignity originated with the emperor, and the primacy and institution of the pope emanated from imperial power.
10. Nobody would reasonably assert of himself or of another, without revelation, that he was the head of a particular holy church; nor is the Roman pontiff the head of the Roman church.
11. It is not necessary to believe that any particular Roman pontiff is the head of any particular holy church, unless God has predestined him to salvation.
12. Nobody holds the place of Christ or of Peter unless he follows his way of life, since there is no other discipleship that is more appropriate nor is there another way to receive delegated power from God, since

there is required for this office of vicar a similar way of life as well as the authority of the one instituting.

13. The pope is not the manifest and true successor of the prince of the apostles, Peter, if he lives in a way contrary to Peter's. If he seeks avarice, he is the vicar of Judas Iscariot. Likewise, cardinals are not the manifest and true successors of the college of Christ's other apostles unless they live after the manner of the apostles, keeping the commandments and counsels of our lord Jesus Christ.
14. Doctors who state that anybody subjected to ecclesiastical censure, if he refuses to be corrected, should be handed over to the judgment of the secular authority, are undoubtedly following in this the chief priests, the scribes and the pharisees who handed over to the secular authority Christ himself, since he was unwilling to obey them in all things, saying, It is not lawful for us to put any man to death; these gave him to the civil judge, so that such men are even greater murderers than Pilate.
15. Ecclesiastical obedience was invented by the church's priests, without the express authority of scripture.
16. The immediate division of human actions is between those that are virtuous and those that are wicked. Therefore, if a man is wicked and does something, he acts wickedly; if he is virtuous and does something, he acts virtuously. For just as wickedness, which is called crime or mortal sin, infects all the acts of a wicked man, so virtue gives life to all the acts of a virtuous man.
17. A priest of Christ who lives according to his law, knows scripture and has a desire to edify the people, ought to preach, notwithstanding a pretended excommunication. And further on: if the pope or any superior orders a priest so disposed not to preach, the subordinate ought not to obey.

18. Whoever enters the priesthood receives a binding duty to preach; and this mandate ought to be carried out, notwithstanding a pretended excommunication.
19. By the church's censures of excommunication, suspension and interdict the clergy subdue the laity, for the sake of their own exaltation, multiply avarice protect wickedness and prepare the way for antichrist. The clear sign of this is the fact that these censures come from antichrist. In the legal proceedings of the clergy they are called fulminations, which are the principal means whereby the clergy proceed against those who uncover antichrist's wickedness, which the clergy has for the most part usurped for itself.
20. If the pope is wicked, and especially if he is foreknown to damnation, then he is a devil like Judas the apostle, a thief and a son of perdition and is not the head of the holy church militant since he is not even a member of it.
21. The grace of predestination is the bond whereby the body of the church and each of its members is indissolubly joined with the head.
22. The pope or a prelate who is wicked and foreknown to damnation is a pastor only in an equivocal sense, and truly is a thief and a robber.
23. The pope ought not to be called "most holy" even by reason of his office, for otherwise even a king ought to be called "most holy" by reason of his office and executioners and heralds ought to be called "holy", indeed even the devil would be called "holy" since he is an official of God.
24. If a pope lives contrary to Christ, even if he has risen through a right and legitimate election according to the established human constitution, he would have risen by a way other than through Christ, even granted that he entered upon office by an election that had been made principally by God. For, Judas Iscariot was rightly and legitimately elected to be an apostle by Jesus Christ who is God, yet he climbed into the sheepfold by another way.

25. The condemnation of the forty-five articles of John Wyclif, decreed by the doctors, is irrational and unjust and badly done and the reason alleged by them is feigned, namely that none of them is catholic but each one is either heretical or erroneous or scandalous.
26. The viva voce agreement upon some person, made according to human custom by the electors or by the greater part of them, does not mean by itself that the person has been legitimately elected or that by this very fact he is the true and manifest successor or vicar of the apostle Peter or of another apostle in an ecclesiastical office. For, it is to the works of the one elected that we should look irrespective of whether the manner of the election was good or bad. For, the more plentifully a person acts meritoriously towards building up the church, the more copiously does he thereby have power from God for this.
27. There is not the least proof that there must be one head ruling the church in spiritual matters who always lives with the church militant.
28. Christ would govern his church better by his true disciples scattered throughout the world, without these monstrous heads.
29. The apostles and faithful priests of the Lord strenuously governed the church in matters necessary for salvation before the office of pope was introduced, and they would continue to do this until the day of judgment if--which is very possible--there is no pope.
30. Nobody is a civil lord, a prelate or a bishop while he is in mortal sin.

**[Sentence condemning John Petit's proposition, "Any tyrant-"]**

This most holy synod wishes to proceed with special care to the eradication of errors and heresies which are growing in various parts of the world, as is its duty and the purpose for which it has assembled. It has recently learnt that various propositions have been taught that are erroneous both in the faith and as regards good morals, are scandalous in many ways and threaten to subvert the constitution and order of every state. Among these propositions this one has been reported: Any tyrant

can and ought to be killed, licitly and meritoriously, by any of his vassals or subjects, even by means of plots and blandishments or flattery, notwithstanding any oath taken, or treaty made with the tyrant, and without waiting for a sentence or a command from any judge. This holy synod, wishing to oppose this error and to eradicate it completely, declares, decrees and defines, after mature deliberation, that this doctrine is erroneous in the faith and with regard to morals, and it rejects and condemns the doctrine as heretical, scandalous and seditious and as leading the way through perjury to frauds, deceptions, lies and betrayals. It declares, decrees and defines, moreover, that those who stubbornly assert this very pernicious doctrine are heretics and are to be punished as such according to canonical and legitimate sanctions. [37]

#### **SESSION 16 - 11 July 1415**

[Deliberation about the council's legates due to depart with the emperor Sigismund for Spain; minor deliberations about the conduct of the council's business.]

#### **SESSION 17 - 15 July 1415**

[The emperor's imminent departure from the council is treated of; the council offers prayers for his success.]

#### **SESSION 18 - 17 August 1415**

[Decrees about various matters to be decided by the council: power is given to judges to make decisions, and for pairs of them to hear cases; that bulls of the council are to be obeyed; that forgers of conciliar bulls are to be punished in the same way as forgers of apostolic letters; that letters are to be despatched regarding the graces granted by the former pope John,

except expectative and exceptional graces; ambassadors to Italy are appointed.]

### **SESSION 19 - 23 September 1415**

[Jerome of Prague finally abjures his faith publicly and solemnly. There is promulgated at this session an Ordinance between the friars Minor of the strict observance and others of the common life, to put an end to the discords which have arisen in certain provinces; another Ordinance by which cases of heresy are committed to certain judges. It is also decreed that, notwithstanding safe conducts of emperors and kings and others, a competent judge can inquire into heresy; that the lord vice-chancellor shall expedite the Caroline constitution [38] under a bull of the council; that those with benefices who are attending the council shall receive the fruits of their benefices in their absence, that the letters regarding provisions to patriarchal, metropolitan and other churches, which were granted by the former pope John before his suspension, shall be despatched.]

### **SESSION 20 - 21 November 1415**

[A warning is decreed against the duke of Austria, on behalf of the bishop of Trent.]

## **SESSION 21 - 30 May 1416**

[Sentence condemning Jerome of Prague]

In the name of the Lord, Amen. Christ our God and saviour, the true vine whose Father is the vine-dresser, said when teaching his disciples and other followers in these matters: If anyone does not abide in me, he shall be cast forth as a branch and shall wither. This holy synod of Constance is following the teaching and carrying out the commands of this sovereign teacher and master in this case of inquiry into heresy which was started by the same holy synod. It notes the public talk and loud outcry against the said master Jerome of Prague, master of arts, layman. From the acts and proceedings of the case it is evident that the said Jerome has held, asserted and taught various heretical and erroneous articles, which were long ago condemned by holy fathers, some of which are blasphemous, others scandalous and others offensive to the ears of the devout as well as rash and seditious. They were long ago asserted, preached and taught by John Wyclif and John Hus, of cursed memory, and were included in various of their books and pamphlets. These articles, doctrines and books of the aforesaid John Wyclif and John Hus, as well as the memory of Wyclif, and finally the person of Hus, were condemned and damned by this same holy synod and its sentence of heresy. The said Jerome later, during the course of this inquiry, in this holy synod, approved and consented to this sentence of condemnation and acknowledged and professed the true, catholic and apostolic faith. He anathematised all heresy, especially that for which he had been defamed--and he confessed himself defamed--and which John Wyclif and John Hus had taught and held in the past in their works, sermons and pamphlets, and on account of which the said Wyclif and Hus, together with their dogmas and errors, had been condemned as heretical by this same holy synod, and their teaching likewise condemned. He professed acceptance of every condemnation of the aforesaid things and swore that he would remain in the truth of the faith, and that if he ever dared to think or preach anything to the contrary

then he wished to submit to the severity of canon law and to be bound to eternal punishment. He offered and gave this profession of his, written in his own hand to this holy synod. Many days after his profession and abjuration, however, like a dog returning to its vomit, he asked for a public hearing to be granted to him in this same holy synod, in order that he might vomit forth in public the deadly poison which lay hidden within his breast. The hearing was granted to him and he asserted, said and professed in effect, at a public assembly of the same synod, that he had wrongly consented to the aforesaid sentence condemning the said Wyclif and John Hus and that he had lied in approving the sentence. He did not fear to state that he had lied. Indeed, he revoked now and for eternity his confession, approval and profession regarding the condemnation of the two men. He asserted that he had never read any heresy or error in the books of the said Wyclif and John Hus, even though it was clearly proved, before his profession to the sentence on the two men, that he had carefully studied, read and taught their books and it is clear that many errors and heresies are contained in them. The said Jerome professed, however, that he held and believed what the church holds and believes regarding the sacrament of the altar and the transubstantiation of the bread into the body of Christ, saying that he believed in Augustine and the other doctors of the church more than in Wyclif and Hus. It is evident from the above that the said Jerome adhered to the condemned Wyclif and Hus and their errors, and that he was and is a supporter of them. This holy synod has therefore decreed and now declares that the said Jerome is to be cast away as a branch that is rotten, withered and separated from the vine; and it pronounces, declares and condemns him as a heretic who has relapsed into heresy and as an excommunicated and anathematised person.

## **SESSION 22 - 15 October 1416**

[The treaty of Narbonne, between the king of Aragon, the emperor and the envoys of the council, is confirmed [39 ] : the king of Aragon withdraws obedience from Benedict XIII and recognises the council of Constance through his envoys.]

## **SESSION 23 - 5 November 1416**

[Beginning of the process against Peter de Luna, called Benedict XIII in his obedience.]

## **SESSION 24 - 28 November 1416**

[A citation against Peter de Luna, called Benedict XIII in his obedience, is decreed.]

## **SESSION 25 - 14 December 1416**

[The envoys of the Spanish count of Foix are united with the council in accordance with the terms of the treaty of Narbonne.]

## **SESSION 26 - 24 December 1416**

[The envoys of the king of Navarre are united with the council in accordance with the terms of the treaty of Narbonne.]

## **SESSION 27 - 20 February 1417**

[The dispute between Frederick, duke of Austria, and the bishop of Trent is discussed: a report is made on the carrying out of the warning decreed in session 20.]

### **SESSION 28 - 3 March 1417**

[The Trent dispute is concluded: Frederick, duke of Austria, is condemned.]

- I. The articles of Narbonne concerning the unity of the church, which were agreed between the emperor Sigismund and the envoys of the council of Constance on the one side, and the envoys of the kings and princes of Benedict XIII's obedience on the other side, were published by the council in a general assembly on 13 December 1415 (see Hardt 4,584). They are printed in Hardt 2, 542-554.

### **SESSION 29 - 8 March 1417**

[Peter de Luna is accused of contumacy.]

### **SESSION 30 - 10 March 1417**

[The process against Peter de Luna continues.]

### **SESSION 31 - 31 March 1417**

[A warning is decreed against Philip, count of Vertus, at the request of the bishop of Asti. Other minor deliberations take place.]

### **SESSION 32 - 1 April 1417**

[Peter de Luna is again accused of contumacy and an inquiry about him is established.]

### **SESSION 33 - 12 May 1417**

[The process against Peter de Luna, who is deemed contumacious, continues.]

### **SESSION 34 - 5 June 1417**

[Everything is made ready for the condemnation of Peter de Luna.]

### **SESSION 35 - 18 June 1417**

[The envoys of the king of Castile are united with the council in accordance with the terms of the treaty of Narbonne.]

### **SESSION 36 - 22 July 1417**

[It is decreed that Peter de Luna is to be cited to hear the council's sentence.]

### **SESSION 37 - 26 July 1417**

[Definitive sentence whereby Peter de Luna, pope Benedict XIII, is divested of the papacy and deprived of the faith.]

May this judgment come forth from the face of him who sits on the throne, and from his mouth proceeds a double-edged sword, whose scales are just and weights are true, who will come to judge the living and the dead, our lord Jesus Christ, Amen. The Lord is just and loves just deeds, his face looks on righteousness. But the Lord looks on those who do evil so as to cut off their remembrance from the earth. Let there perish, says the holy prophet, the memory of him who did not remember to show mercy and who persecuted the poor and needy. How much more should there perish the memory of Peter de Luna, called by some Benedict XIII, who

persecuted and disturbed all people and the universal church? For, how greatly he has sinned against God's church and the entire christian people, fostering, nourishing and continuing the schism and division of God's church How ardent and frequent have been the devout and humble prayers, exhortations and requests of kings, princes and prelates with which he has been warned in charity, in accordance with the teaching of the gospel, to bring peace to the church, to heal its wounds and to reconstitute its divided parts into one structure and one body, as he had sworn to do, and as for a long time it was within his power to do ! He was unwilling, however, to listen to their charitable admonitions. How many were the persons afterwards sent to attest to him! Because he did not listen at all even to these, it has been necessary, in accordance with the aforesaid evangelical teaching of Christ, to say to the church, since he has not listened even to her, that he should be treated as a heathen and a publican. All these things have been clearly proved by the articles coming from the inquiry into faith and the schism held before this present synod, regarding the above and other matters brought against him, as well as by their truth and notoriety. The proceedings have been correct and canonical, all the acts have been correctly and carefully examined and there has been mature deliberation. Therefore this same holy general synod, representing the universal church and sitting as a tribunal in the aforesaid inquiry, pronounces, decrees and declares by this definitive sentence written here, that the same Peter de Luna, called Benedict XIII as has been said, has been and is a perjurer, a cause of scandal to the universal church, a promoter and breeder of the ancient schism, that long established fission and division in God's holy church, an obstructor of the peace and unity of the said church, a schismatic disturber and a heretic, a deviator from the faith, a persistent violator of the article of the faith One holy catholic church, incorrigible, notorious and manifest in his scandal to God's church, and that he has rendered himself unworthy of every title, rank, honour and dignity, rejected and cut off by God, deprived by the law itself of every right in any way belonging to him in the papacy or pertaining to

the Roman pontiff and the Roman church, and cut off from the catholic church like a withered member. This same holy synod, moreover, as a precautionary measure, since according to himself he actually holds the papacy, deprives, deposes and casts out the said Peter from the papacy and from being the supreme pontiff of the Roman church and from every title, rank, honour, dignity, benefice and office whatsoever. It forbids him to act henceforth as the pope or as the supreme and Roman pontiff. It absolves and declares to be absolved all Christ's faithful from obedience to him, and from every duty of obedience to him and from oaths and obligations in any way made to him. It forbids each and every one of Christ's faithful to obey, respond to or attend to, as if he were pope, the said Peter de Luna, who is a notorious, declared and deposed schismatic and incorrigible heretic, or to sustain or harbour him in any way contrary to the aforesaid, or to offer him help, advice or good will. This is forbidden under pain of the offender being counted as a promoter of schism and heresy and of being deprived of all benefices, dignities and ecclesiastical or secular honours, and under other penalties of the law, even if the dignity is that of a bishop, a patriarch, a cardinal, a king or the emperor. If they act contrary to this prohibition, they are by this very fact deprived of these things, on the authority of this decree and sentence, and they incur the other penalties of the law. This holy synod, moreover, declares and decrees that all and singular prohibitions and all processes, sentences, constitutions, censures and any other things whatsoever that were issued by him and might impede the aforesaid, are without effect; and it invalidates, revokes and annuls them; saving always the other penalties which the law decrees for the above cases.

## **SESSION 38 - 28 July 1417**

[Decree about the right to vote of the deputies of the kings of Castile and Aragon, concerning which agreement had not been reached among the said deputies in the previous session; decrees about other lesser matters.]

## **SESSION 39 - 9 October 1417**

### **[On general councils]**

The frequent holding of general councils is a pre-eminent means of cultivating the Lord's patrimony. It roots out the briars, thorns and thistles of heresies, errors and schisms, corrects deviations, reforms what is deformed and produces a richly fertile crop for the Lord's vineyard. Neglect of councils, on the other hand, spreads and fosters the aforesaid evils. This conclusion is brought before our eyes by the memory of past times and reflection on the present situation. For this reason we establish, enact, decree and ordain, by a perpetual edict, that general councils shall be held henceforth in the following way. The first shall follow in five years immediately after the end of this council, the second in seven years immediately after the end of the next council, and thereafter they are to be held every ten years for ever. They are to be held in places which the supreme pontiff is bound to nominate and assign within a month before the end of each preceding council, with the approval and consent of the council, or which, in his default, the council itself is bound to nominate. Thus, by a certain continuity, there will always be either a council in existence or one expected within a given time. If perchance emergencies arise, the time may be shortened by the supreme pontiff, acting on the advice of his brothers, the cardinals of the Roman church, but it may never be prolonged. Moreover, he may not change the place assigned for the next council without evident necessity. If an emergency arises whereby it seems necessary to change the place--for example in the case of a siege, war, disease or the like--then the supreme pontiff may, with the consent

and written endorsement of his aforesaid brothers or of two-thirds of them, substitute another place which is suitable and fairly near to the place previously assigned. It must, however, be within the same nation unless the same or a similar impediment exists throughout the nation. In the latter case he may summon the council to another suitable place which is nearby but within another nation, and the prelates and other persons who are customarily summoned to a council will be obliged to come to it as if it had been the place originally assigned. The supreme pontiff is bound to announce and publish the change of place or the shortening of time in a legal and solemn form within a year before the date assigned, so that the aforesaid persons may be able to meet and hold the council at the appointed time.

### **[Provision to guard against future schisms]**

If it happens--though may it not!--that a schism arises in the future in such a way that two or more persons claim to be supreme pontiffs, then the date of the council, if it is more than a year off, is to be brought forward to one year ahead; calculating this from the day on which two or more of them publicly assumed the insignia of their pontificates or on which they began to govern. All prelates and others who are bound to attend a council shall assemble at the council without the need for any summons, under pain of the law's sanctions and of other penalties which may be imposed by the council, and let the emperor and other kings and princes attend either in person or through official deputies, as if they had been besought, through the bowels of the mercy of our lord Jesus Christ, to put out a common fire. Each of those claiming to be the Roman pontiff is bound to announce and proclaim the council as taking place at the end of the year, as mentioned, in the previously assigned place; he is bound to do this within a month after the day on which he came to know that one or more other persons had assumed the insignia of the papacy or was administering the papacy; and this is under pain of eternal damnation, of the automatic loss of any rights that he had acquired in the papacy, and of being disqualified both

actively and passively from all dignities. He is also bound to make the council known by letter to his rival claimant or claimants, challenging him or them to a judicial process, as well as to all prelates and princes, insofar as this is possible. He shall go in person to the place of the council at the appointed time, under pain of the aforesaid penalties, and shall not depart until the question of the schism has been fully settled by the council. None of the contenders for the papacy, moreover shall preside as pope at the council. Indeed, in order that the church may rejoice more freely and quickly in one undisputed pastor, all the contenders for the papacy are suspended by law as soon as the council has begun, on the authority of this holy synod, from all administration; and let not obedience be given in any way by anyone to them, or to any one of them until the question has been settled by the council.

If it happens in the future that the election of a Roman pontiff is brought about through fear, which would weigh upon even a steadfast man, or through pressure, then we declare that it is of no effect or moment and cannot be ratified or approved by subsequent consent even if the state of fear ceases. The cardinals, however, may not proceed to another election until a council has reached a decision about the election, unless the person elected resigns or dies. If they do proceed to this second election, then it is null by law and both those making the second election and the person elected, if he embarks upon his reign as pope, are deprived by law of every dignity, honour and rank--even cardinalatial or pontifical--and are thereafter ineligible for the same, even the papacy itself; and nobody may in any way obey as pope the second person elected, under pain of being a fosterer of schism. In such a case the council is to provide for the election of a pope. It is lawful, however, and indeed all the electors are bound, or at least the greater part of them, to move to a safe locality and to make a statement about the said fear. The statement is to be made in a prominent place before public notaries and important persons as well as before a multitude of the people. They are to do this as quickly as they can without danger to their persons, even if there is a threat of danger to all their goods.

They shall state in their allegation the nature and extent of the fear and shall solemnly swear that the allegation is true that they believe they can prove it and that they are not making it out of malice or calumny. Such an allegation of fear cannot be delayed in any way until after the next council.

After they have moved and have alleged the fear in the above form, they are bound to summon the person elected to a council. If a council is not due for more than a year after their summons, then its date shall be brought forward by the law itself to only a year ahead, in the way explained above. The elected person is bound under pain of the aforesaid penalties, and the cardinals under pain of automatically losing the cardinalate and all their benefices, to announce and proclaim the council within a month after the summons, in the way mentioned above, and to make it known as soon as possible. The cardinals and other electors are bound to come in person to the place of the council, at a suitable time, and to remain there until the end of the affair.

The other prelates are bound to answer the cardinals' summons, as mentioned above, if the person elected fails to issue a summons. The latter will not preside at the council since he will have been suspended by law from all government of the papacy from the time the council begins, and he is not to be obeyed by anyone in any matter under pain of the offender becoming a promoter of schism. If the aforesaid emergencies arise within a year before the beginning of a council--namely that more than one person claim to be pope or that someone has been elected through fear or pressure--then those who claim to be pope, or the one elected through fear or pressure, as well as the cardinals, are deemed by law as having been summoned to the council. They are bound, moreover, to appear in person at the council, to explain their case and to await the council's judgment. But if some emergency happens during the above occurrences whereby it is necessary to change the place of the council--for example a siege or war or disease or some such--then nevertheless all the aforesaid persons, as well as all prelates and others who are obliged to attend a council, are

bound to assemble at a neighbouring place suitable for the council, as has been said above. Moreover, the greater part of the prelates who have moved to a particular place within a month may specify it as the place of the council to which they and others are bound to come, just as if it had been the place first assigned. The council, after it has thus been summoned and has assembled and become acquainted with the cause of the schism, shall bring a suit of contumacy against the electors or those claiming to be pope or the cardinals, if perchance they fail to come. It shall then pronounce judgment and shall punish, even beyond the aforesaid penalties and in such a way that the fierceness of the punishment acts as an example to others, those who are to blame--no matter of what state or rank or pre-eminence, whether ecclesiastical or secular, they may be--in starting or fostering the schism, in their administering or obeying, in their supporting those who governed or in making an election against the aforesaid prohibition, or who lied in their allegations of fear.

The disturbance caused by fear or pressure at a papal election corrodes and divides, in a lamentable way, the whole of Christianity. In order that it may be assiduously avoided, we have decided to decree, in addition to what has been said above, that if anyone brings to bear or causes, or procures to be brought about, fear or pressure or violence of this kind upon the electors in a papal election, or upon any one of them, or has the matter ratified after it has been done, or advises or acts in support of it, or knowingly receives or defends someone who has done this, or is negligent in enforcing the penalties mentioned below--no matter of what state or rank or pre-eminence the offender may be, even if it be imperial or regal or pontifical, or any other ecclesiastical or secular dignity he may hold--then he automatically incurs the penalties contained in pope Boniface VIII's constitution which begins *Felicis*, and he shall be effectively punished by them.

Any city--even if it be Rome itself, though may it not be!--or any other corporation that gives aid, counsel or support to someone who does these things, or that does not have such an offender punished within a month, insofar as the enormity of the crime demands and there exists the possibility of inflicting the punishment, shall automatically be subject to ecclesiastical interdict. Furthermore the city, apart from the one mentioned above, shall be deprived of the episcopal dignity, notwithstanding any privileges to the contrary. We wish, moreover, that this decree be solemnly published at the end of every general council and that it be read out and publicly announced before the start of a conclave, wherever and whenever the election of a Roman pontiff is about to take place.

### **[On the profession to be made by the pope]**

Since the Roman pontiff exercises such great power among mortals, it is right that he be bound all the more by the incontrovertible bonds of the faith and by the rites that are to be observed regarding the church's sacraments. We therefore decree and ordain, in order that the fullness of the faith may shine in a future Roman pontiff with singular splendour from the earliest moments of his becoming pope, that henceforth whoever is to be elected Roman pontiff shall make the following confession and profession in public, in front of his electors, before his election is published.

In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. In the year of our Lord's nativity one thousand etc., I, N., elected pope, with both heart and mouth confess and profess to almighty God, whose church I undertake with his assistance to govern, and to blessed Peter, prince of the apostles, that as long as I am in this fragile life I will firmly believe and hold the catholic faith, according to the traditions of the apostles, of the general councils and of other holy fathers, especially of the eight holy universal councils--namely the first at

- Nicaea, the second at
- Constantinople, the third at
- Ephesus, the fourth at
- Chalcedon, the fifth and sixth at
- Constantinople, the seventh at
- Nicaea and the eighth at
- Constantinople--as well as of the general councils at the
- Lateran,
- Lyons and
- Vienne,

and I will preserve this faith unchanged to the last dot and will confirm, defend and preach it to the point of death and the shedding of my blood, and likewise I will follow and observe in every way the rite handed down of the ecclesiastical sacraments of the catholic church. This my profession and confession, written at my orders by a notary of the holy Roman church, I have signed below with my own hand. I sincerely offer it on this altar N. to you, almighty God, with a pure mind and a devout conscience, in the presence of the following. Made etc.

**[That prelates may not be translated without their consent]**

When prelates are translated, there is commonly both spiritual and temporal loss and damage of a grave nature for the churches from which they are transferred. The prelates, moreover, sometimes do not maintain the rights and liberties of their churches as carefully as they otherwise might, out of fear of being translated. The importunity of certain people who seek their own good, not that of Jesus Christ, may mean that the Roman pontiff is deceived in such a matter, as one ignorant of the facts, and so is easily led astray. We therefore determine and ordain, by this present decree, that henceforth bishops and superiors ought not to be translated unwillingly without a grave and reasonable cause which, after the person in question has been summoned, is to be inquired into and

decided upon with the advice of the cardinals of the holy Roman church, or the greater part of them, and with their written endorsement. Lesser prelates, such as abbots and others with perpetual benefices, ought not to be changed, moved or deposed without a just and reasonable cause that has been inquired into.

We add, moreover, that for abbots to be changed the written endorsement of the cardinals is necessary--just as it is necessary for bishops, as has been said--saving, however, the constitutions and privileges of any churches, monasteries and orders.

### **[On spoils and procurations]**

Papal reservations as well as the exacting and receiving of procurations which are due to ordinaries and other lesser prelates, by reason of a visitation, and of spoils on deceased prelates and other clerics, are seriously detrimental to churches, monasteries and other benefices and to churchmen. We therefore declare, by this present edict, that it is reasonable and in the public interest that reservations made by the pope, as well as exactions and collections of this kind made by collectors and others appointed or to be appointed by apostolic authority, are henceforth in no way to occur or to be attempted. Indeed, procurations of this kind, as well as spoils and the goods of any prelates found at their deaths, even if they are cardinals or members of the papal household or officials or any other clerics whatsoever, in the Roman curia or outside it, no matter where or when they die, are to belong to and to be received by, fully and freely, those persons to whom they would and ought to belong with the ending of the aforesaid reservations, mandates and exactions. We forbid the exaction of such spoils on prelates even inferior ones and others, which are outside and contrary to the form of common law. However, the constitution of pope Boniface VIII of happy memory, beginning *Praesenti*, which was published with this specially in mind, is to remain in force.

## **SESSION 40 - 30 OCTOBER 1417**

### **[Reforms to be made by the pope together with the council before it is dissolved]**

The most holy synod of Constance [40 ] declares and decrees that the future supreme Roman pontiff, who by God's grace is to be elected very soon, together with this sacred council or those to be deputed by the individual nations, is bound to reform the church in its head and in the Roman curia, according to justice and the good government of the church, before this council is dissolved, under the topics contained in the following articles, which were at various times put forward by the nations by way of reforms.

1. First, the number, quality and nationality of the lord cardinals.
2. Next, reservations of the apostolic see.
3. Next, annates, common services and petty services.
4. Next, collations to benefices and expectative graces.
5. Next, the cases that are, or are not, to be heard at the Roman curia.
6. Next, appeals to the Roman curia.
7. Next, the offices of chancery and penitentiary.
8. Next, exemptions and incorporations made at the time of the schism.
9. Next, commendams.
10. Next, confirmation of elections. [41 ]
11. Next, intercalary fruits.
12. Next, not alienating goods of the Roman church and of other churches.
13. Next, for what reasons and how a pope can be corrected or deposed.
14. Next, the eradication of simony.
15. Next, dispensations.
16. Next, revenues of the pope and the cardinals.
17. Next, indulgences.
18. Next, tithes.

With this addition, that when the nations have deputed their representatives as mentioned above, the others may freely return to their own countries with the pope's permission.

**[That the election of the Roman pontiff may be begun, notwithstanding the absence of Peter de Luna's cardinals]**

The most holy general synod of Constance notes what was previously agreed upon at Narbonne concerning the church's unity and the admission to this synod of the cardinals of the obedience of Peter de Luna, called Benedict XIII in his obedience. It notes, too, that after the notorious expulsion of the said Peter de Luna, the aforesaid cardinals who had been summoned before the expulsion according to the terms of the agreement, did not come within three months and more after the aforesaid expulsion. The synod therefore decrees and declares that, notwithstanding their absence, it will proceed to the election of the Roman pontiff on the authority of the said synod and according to what has been decided by the same synod. It declares, however, that if they arrive before the election of the future supreme pontiff has been completed, and if they adhere to the council, they are to be admitted to the aforesaid election together with the other cardinals, according to the directives of the law and what shall be decided by the council.

**[On the manner and form of electing the pope]**

For the praise, glory and honour of almighty God and for the peace and unity of the universal church and of the whole christian people. The election of the future Roman and supreme pontiff is soon to be held. We wish that it may be confirmed with greater authority and by the assent of many persons and that, mindful as we are of the state of the church, no doubts or scruples may later remain in people's minds regarding the said election but rather that a secure, true full and perfect union of the faithful

may result from it. Therefore this most holy general synod of Constance, mindful of the common good and with the special and express consent and the united wish of the cardinals of the holy Roman church present at the same synod, and of the college of cardinals and of all the nations at this present council, declares, ordains and decrees that, for this time only, at the election of the Roman and supreme pontiff, there shall be added to the cardinals six prelates or other honourable churchmen in holy orders, from each of the nations currently present and named at the same synod, who are to be chosen by each of the said nations within ten days. This same holy synod gives power to all these people, insofar as it is necessary, to elect the Roman pontiff according to the form here laid down. That is to say, the person is to be regarded as the Roman pontiff by the universal church without exception who is elected and admitted by two-thirds of the cardinals present at the conclave and by two-thirds of those from each nation who are to be and have been added to the cardinals. Moreover, the election is not valid nor is the person elected to be regarded as supreme pontiff unless two-thirds of the cardinals present at the conclave, and two-thirds of those from each nation who should be and have been added to the same cardinals, agree to elect him as Roman pontiff. The synod also declares, ordains and decrees that the votes of any persons cast at the election are null unless, as has been said, two-thirds of the cardinals, and two-thirds of those from each nation who should be and have been added to them, agree, directly or by way of addition, upon one person. This must be added, moreover, that the prelates and other persons who should be and have been added to the cardinals for the election, are bound to observe all and singular apostolic constitutions, even penal ones, which have been promulgated regarding the election of the Roman pontiff, just as the cardinals themselves are bound to observe them, and they are bound to their observance. The said electors, both cardinals and others, are also bound to swear, before they proceed to the election, that in attending to the business of the election, they will proceed with pure and sincere minds--since it is a question of creating the vicar Jesus Christ, the

successor of the blessed Peter, the governor of the universal church and the leader of the Lord's flock--and that they firmly believe it will benefit the public good of the universal church if they entirely prescind from all affection for persons of any particular nation, or other inordinate affections, as well as from hatred and graces or favours bestowed, in order that by their ministry a beneficial and suitable pastor may be provided for the universal church. This same holy synod, mindful of this notorious vacancy in the Roman church, fixes and assigns the next ten days for all and singular cardinals of the holy Roman church, whether present here or absent, and the other electors mentioned above, to enter into the conclave which is to be held in this city of Constance, in the commune's principal building which has already been allocated for this purpose. The synod ordains, declares and decrees that within these next ten days the aforesaid electors, both cardinals and others mentioned above, must enter into the conclave for the purpose of holding the election and of doing and carrying out all the other matters according as the laws ordain and decree in all things, besides those mentioned above regarding the cardinals and other electors, concerning the election of a Roman pontiff. The same holy synod wishes all these laws to remain in force after the above matters have been observed. For this time, however, it approves, ordains, establishes and decrees this particular form and manner of election. The same holy synod, in order to remove all scruples, makes and declares fit for actively and passively carrying out all legitimate acts at the same synod, insofar as this is necessary, all those who are present at the same synod as well as those who will come and adhere to it, always saving the other decrees of this same sacred council, and it will supply for any defects, if perchance any shall occur in the above, notwithstanding any apostolic constitutions, even those published in general councils, and other constitutions to the contrary.

## **SESSION 41 - 8 November 1417**

[Everything is prepared for the start of the conclave to elect a pope. On 11 November cardinal Oddo Colonna is elected pontiff as Martin V.]

## **SESSION 42 - 28 December 1417**

[In this session a bull of Martin V was approved regarding Baldassare Cossa, formerly pope, who was earlier deprived of his see and imprisoned by the council but who is now to be set free]

## **SESSION 43 [42] - 23 MARCH 1418**

### **[Certain statutes promulgated on the reform of the church]**

On exemptions

Martin, bishop and servant of the servants of God. We note that from the time of the death of pope Gregory XI, our predecessor of happy memory, some Roman pontiffs, or those who claimed to be and were reputed as such in their various obediences, either of their own will or on account of the importunity of petitioners, have granted exemption from the jurisdiction of their ordinaries to certain churches, monasteries, chapters, convents, priories, benefices, places and persons, which were in no way exempt in the time of the said Gregory, to the great detriment of the ordinaries in question. We wish to avoid damage of this kind. We therefore revoke, with the approval of this sacred council, all exemptions that were first granted after the said Gregory XI's death, by any persons whomsoever claiming to be Roman pontiffs, even if perchance we ourselves with full knowledge approved or renewed the exemptions, without the party in question being heard, to any cathedral churches, monasteries (even those that were exempt but were later made subject to a monastery of a different order or tradition), chapters, convents, prelaties, benefices, places and persons whatsoever, if they had enjoyed

no exemption before they were exempted in this way, but were simply subject to ordinary jurisdiction, and had no beginning before that time. We except, however, exemptions that were made or granted either by way of confirmation, increase or addition, or concerning which the matter was ordained by the competent authority, after the interested parties had presented themselves and been heard, or to which the ordinaries consented, to a whole order or to churches, monasteries, chapters, convents, benefices and places founded after the aforesaid time by way of or on condition of exemption or with a new foundation in mind, or to universities and colleges of scholars. We also revoke, with the approval of this sacred council, all perpetual exemptions granted by the pope through inferior persons. We revoke them even if unresolved suits about them are pending, and we end these suits. We return the churches, monasteries and other aforesaid places to the former jurisdiction of their ordinaries. We do not wish to prejudice by this in any way other exemptions held or granted before the death of the said Gregory. In future, however, we do not intend to grant exemptions unless the case has been examined and the interested parties have been summoned.

### **On unions and incorporations**

Martin, etc. It is not possible to give a certain rule about unions and incorporations made or granted after Gregory XI's death. We shall therefore revoke them, with due regard to justice, even though the authority of the apostolic see may have been involved, on the plea of the interested parties, unless they were made for good and true reasons or unless the interested persons themselves have obtained benefices united in this way.

### **On intercalary fruits**

Martin, etc. Next, we leave the fruits and revenues coming from churches, monasteries and benefices during a vacancy to be disposed of in accordance with the law and customs or privileges. We forbid them to be applied to us or to the apostolic camera.

### **On simoniacs**

Martin, etc. Many constitutions have been issued in the past against the evil of simony, but they have not been able to eradicate the disease. We wish to attend carefully to this matter in the future according as we are able to. We therefore declare, with the approval of this sacred council, that persons ordained in a simoniacal fashion are automatically suspended from exercising their orders. Simoniacal elections, postulations, confirmations and provisions that are henceforth made to or in respect of any churches, monasteries, dignities, parsonages, offices or ecclesiastical benefices are rendered null by the law itself and nobody acquires any rights through them. Those who have been thus promoted, confirmed or provided may not receive their fruits but are bound to restore them as though they had received things that had been unjustly taken. We decree, moreover, that both those who give and those who receive money in this matter of simony automatically incur the sentence of excommunication, even though their rank be pontifical or cardinalatial.

### **On dispensations**

Martin, etc. Since benefices are granted by reason of the duties attached to them, we consider it absurd that those who obtain benefices refuse or neglect to carry out their duties. We therefore revoke, with the approval of this sacred council, all dispensations, granted by any persons whomsoever claiming to be Roman pontiffs, to any persons elected to,

confirmed in or provided to churches, monasteries, conventual priories, deaneries, archdeaconries or any other benefices for which a particular order ought to be bestowed, or to which one is attached, whereby the persons in question are dispensed from receiving the episcopal consecration or the abbatial blessing or the other orders that ought to be bestowed or are attached. This does not include, however, the dispensations granted according to the form of Boniface VIII's constitution beginning *Cum ex eo* We decree that within six months from the publication of this our constitution, for those who are presently holding such appointments, and within the time laid down by the law for those who will hold them in the future, the persons concerned are to have themselves consecrated or blessed or promoted to some other required order. Otherwise they are deprived by the law itself of the said churches, monasteries, dignities, parsonages, offices and benefices. These may then be freely conferred on other persons or provision may be made for them. However, other published constitutions on this matter are to remain in force.

### **On tithes and other dues**

Martin, etc. We command and order the strict observance of the laws which forbid tithes and other dues to be imposed on churches and ecclesiastics by persons lower than the pope. For ourselves, moreover, we shall in no way impose them generally on the whole clergy unless there is a grave and serious reason and an advantage for the universal church in doing so, and then with the advice, consent and written endorsement of our brothers, the cardinals of the holy Roman church, and the prelates whose advice can conveniently be obtained. This should not happen especially in any kingdom or province where the prelates in question, or the majority of them, have not been consulted or have not consented. In this way they may only be levied by ecclesiastics acting on the authority of the apostolic see.

## **On the life and probity of clerics**

Martin, etc. Among the various faults of clerics and prelates this one has especially taken root, namely that many of them despise an appearance of ecclesiastical decency in their dress and delight in what is unbecoming. They seek to conform to the laity and they exhibit outwardly in their dress whatever they are thinking in their minds. Therefore, with the approval of this sacred council, we renew and order the careful observance of all the laws currently in force regarding the clothing, tonsure and habits of clerics, as to both shape and colour, and their hair-styles and the style and uprightness of their lives. These laws have been heeded far too little by both the secular and the regular clergy. Especially we order to be utterly abolished, with the same council's approval, the abuse whereby in certain regions some clerics and churchmen, both secular and regular, and even (which we deplore still more) prelates of churches, wear long gloves that are unnecessarily large and sumptuous, extending to their elbows, and clothes with slits at the back and sides, with furs covering the edges even of the slit parts. Moreover, they are not afraid to attend the divine offices in churches--even in the churches in which they are beneficed--in such clothes together with their surplices and other garments worn for worship and the church's services. We condemn this unbecoming way of dressing for all churchmen and we forbid the wearing of such garments. Those who do otherwise are to be punished as transgressors of the canons. We decree in particular that if any beneficed person, or any holder of an office in a church, dares to attend the divine office in such clothing, then he shall know that he is suspended from receiving his ecclesiastical incomes for one month for each such occasion, and the fruits of these incomes are to be applied to the fabric of the church in question.

Martin, etc. We decree and declare with the approval of this sacred council, that the demands of this same sacred council. regarding the articles contained in the reform decree promulgated on Saturday 30 October [43] of last year, have been and are met by the various decrees,

statutes and ordinances, both those which have been read out in this present session and those upon which agreement has been reached with the individual nations of the council. [44] We wish these decrees, statutes and ordinances to be deposited in our chancellery and that letters in public form, under the seal of our vice-chancellor, be drawn up and handed over to those who wish to have them.

## **SESSION 44 - 19 April 1418**

### **[Decree on the place of the next council]**

Martin, etc. We wish and desire to put into effect a decree of this general council [45] which lays down, among other things, that general councils must always be held in the place which the supreme pontiff, with the consent and approval of the council, is bound to depute and assign, within the month before the end of this council, as the place for the next council after the end of the present one. With the consent and approval of this present council, we therefore, by this present decree, depute and assign the city of Pavia for this purpose, and we ordain and decree that prelates and others who ought to be summoned to general councils are obliged to go to Pavia at the aforesaid time. Let nobody therefore ... If anyone however . . . Given and enacted at Constance, in the place of this public session . . .

## **SESSION 45[46] - 22 April 1418**

### **[Sentence dissolving the council, and the granting of indulgences]**

Martin, etc. We dissolve the council, as the sacred council itself requires, for reasons that are certain, reasonable and just. We give permission, with the council's approval, to each and every person at the council to return home. Furthermore, on the authority of almighty God and of his blessed apostles Peter and Paul and on our authority, we grant to each and every

person who has taken part in this sacred council and its business a full absolution of all his sins, once in his life, provided he takes advantage of the absolution in the correct form within two months of his hearing about it. We grant the same at the hour of death. This is to be understood as applying to both lords and members of their households; provided that they fast on each Friday for a year from the day they come to know of this indulgence, in the case of those who seek the absolution for while they are alive, and for another year in the case of those who seek it for the hour of death, unless they are legitimately prevented from doing so, in which case they should perform other pious works. After the second year, they ought to fast on Fridays until the end of their lives or to perform other pious works. Let nobody therefore . . . If anyone however . . . Given and enacted at Constance in the place of this public session. ..

## FOOTNOTES

1. 1 This footnote is not from Tanner. This council was occasioned by The Schism begun when the cardinals who had elected Urban VI pope on 8th April 1378 and who had all repeatedly recognised him subsequently, decided in view of his offensive zeal for reform to claim that the pressure they had been under during his election had invalidated it. In September 1378 they elected Robert of Genoa [anti] pope Clement VII. Urban VI excommunicated them all and appointed a new college of cardinals. There then continued two lines of popes with supporting cardinals. Fed up with this bipartite division of christendom the “council” of Pisa in 1409 made it tripartite beginning another line The legitimate line ran : Urban VI, Boniface IX, Innocent VII, Gregory XII.

The first line of antipopes ran :Clement VII, Benedict XIII.

The second line of antipopes ran : Alexander V, who was succeeded by antipope John XXIII.

It should be remembered that those assembled at Constance did not constitute an ecumenical council until the bull of Gregory XII was proclaimed on 4 July 1415 in what in Tanner is called “Session 14”.

2. i.e. for the few weeks of 1378 that intervened between his election and his electors’ repudiation of the election.
3. The documentation can be found in MANSI, vol. XXVII, cols. 730-46.
4. *Terrenas Affectiones*, March 13, 1415, MANSI, XXXII, col. 733.
5. *Cum ad laudem* of same date; *ib.* col. 733-4.
6. *Remota tamen omnino dicti Balthassaris praesidentia et praesentia*; MANSI, col. 733. The powers granted in the commission are stated to have reference to “*congregationem ipsam, in quantum per dictam serenitatem regiam, et non Balthassarem, sese nuncupari facientem Joannem XXIII vocatum . . .*” Gregory XII nowhere speaks of John XXIII’s “obedience”.
7. The schedule, *Quia sanctissimus dominus noster*: which begins by describing the assembly . . . *celebris fama huius sanctae congregationis pro generali concilio Constantiensi . . . congregatae*: the vital words are given *Ego Joannes . . . istud sacrum concilium generale CONVOCO et omnia per ipsum agenda auctorizo et confirmo*: MANSI, *ib.* col. 734.
8. MANSI, *ib.*, col. 735.
9. *Divina gratia dirigente* dated from Rimini, March 10, 1415; MANSI, *ib.* col. 737.
10. The schedule, *Ego Carolus de Malatestes*, MANSI, *ib.*, col. 744
11. “*Admittit, approbat et collaudet*“, *ib.*, col. 745.
12. This document of John XXIII was read and approved by the council at this first session.

13. A “council” not recognized by the legitimate pope, the council of Pisa (1409), session 22 (Msi 26, 1155).
14. really antipope Alexander V
15. Here was read John’s “Bull” Ad pacem et exaltationem ecclesiae dated 9 December 1413.
16. The 11th council of Toledo (675), canon 1 (Mansi 11, 137; Bruns 1, 308), ch. 3 C. V q. 4 (Fr 1, 548).
17. Here follow the appointments of the council’s ministers and officials
18. John XXIII had fled from Constance on 20 March 1415
19. and the general reform of God’s church in head and members adds Asd. These words are not found even in the reliable codices of the Basle epitome (see Hardt IV, prologue 15 ff.)
20. This paragraph is in Asd, but in fact the matter was only proposed, not decided upon (see Hardt, IV 90).
21. The following were also approved at this session : a proposition concerning matters about Hus and Wyclif to be treated at the next session; a decree about writing letters to kings and princes in the name of the council, about the pope’s flight and about the continuing integrity of the council; a decree to the effect that pope John should be brought back by the emperor to the council of Constance.
22. Regarding this article, the reasons for the condemnation are included in the acts as follows: The first part is scandalous and presumptuous inasmuch as it speaks in general terms and without distinctions; the second part is erroneous inasmuch as it asserts that beggin is not permitted to friars.
23. Regarding this article, the acts include the following reasons for the condemnation: It is an error if one understands by the Roman church

the universal church or a general council, or inasmuch as it would deny the primacy of the supreme pontiff over the other individual churches.

24. In 1412 (Msi, 27, 505-508)
25. This condemnation is not in Asd
26. These 260 articles condemned by the university of Oxford in 1411 (see J. A. Robson, *Wyclif and the Oxford Schools*, Cambridge 1961, 244-246) are not to be found in any versions of the council's acts. Indeed, the French nation said that it knew nothing about them, and for this reason the same topic was taken up again in the 15th session (see Hardt 4, 156 and 191; Finke II 34, 40 and 362. H-L wrongly affirms [7, 226] that this decree was passed in the 9th session. See the 15th session below.
27. In Hardt this decree follows the sentencing of pope John to be removed and deposed; H-L (7, 248 n.), on the other hand, correctly affirms that it preceded the sentence, as the heading of the decree shows.
28. There follows a separate decree on electing four judges for summoning absent prelates.
29. Tanner curiously says "At this session pope Gregory XII, through his legate Charles Malatesta, approved the council of Constance and solemnly renounced the papacy." The actual word used was convocato. See my introduction (2).
30. The following decrees were also promulgated at this session for the purpose of confirming Gregory XII's resignation and of uniting the followers of the two obediences: Legal proceedings in the two obediences, arising from the schism, are declared ended. Decree stating that the process for electing the Roman pontiff, when the see is vacant, may not begin without the council's consent (this decree accords with the decrees promulgated in the earlier session). The council ratifies all that Gregory XII did, canonically and according to reason, within his

actual obedience. The decree that Gregory XII may not be re-elected was not made on the grounds of incapacity on the part of the said lord Gregory. The council reserves to itself, and declares that it will indeed see to, the resolution of problems where two or more persons from different obediences hold the same title. The council accepts and admits as cardinals the lord Gregory and his cardinals. That the lord Gregory's officials shall retain their offices. That nobody may depart from the council without the council's permission. That the emperor Sigismund is to attend to the council's safety. Decree stating that the council requires Peter de Luna (Benedict XIII) to resign .

31. The whole of this sentence condemning John Wyclif, together with the articles selected from the 260, is not in Asd; but the articles are published also in H-L 7, 308-313.
32. See above, session 8 (p. 415). In Hardt (4, 400 and 408) this second condemnation of John Wyclif is not clearly distinguished from the condemnation of John Hus which follows immediately in the same session.
33. Innocent III; see Lateran council IV, constitution 21 (see above, p. 245)
34. but they were not copulating as married persons Msi
35. Held in 1412 (Msi 27, 505-508)
36. Session 8 [before the council became ecumenical]
37. In this session various matters were also agreed upon concerning the ordering and protecting of the council's work: Decree on silence; Constitution of the council against those who plunder or despoil persons coming to or returning from the council.
38. The Caroline Constitution on ecclesiastical liberty, promulgated by the emperor Charles IV in 1377, was published by Hardt among the acts of the council (4, 523-525). On the confirmation discussed at this session and afterwards promulgated, see Hardt 4, 562-583
39. The articles of Narbonne concerning the unity of the church, which were agreed between the emperor Sigismund and the envoys of the

council of Constance on the one side, and the envoys of the kings and princes of Benedict XIII's obedience on the other side, were published by the council in a general assembly on 13 December 145 (see Hardt 4, 584). They are printed in Hardt 2, 542-554

40. The most holy general synod of Constance, legitimately assembled in the holy Spirit, representing the universal church Asd.
41. This article comes fifth in the changed order in Asd.
42. On 22 February 1418 Martin V's bull *Inter cunctas* was promulgated against the followers of John Wyclif and John Hus. It was addressed to all archbishops, bishops and inquisitors. Included in it were the 45 articles of Wyclif condemned in the 8th session and the 30 articles of Hus condemned in the 15th session. All suspects were to answer 39 questions, which were enumerated in the bull, on these articles (see Hardt 4, 1518-1531; H-L 7, 507-529; D 657-689).
43. Session 40
44. Those agreed upon in the council by Martin V--with the Spanish, French, German and English nations--have also been published in *Raccolta di concordati su matene ecclesiastiche tra la S. Sede e le autorita civili*, edited by A. Mercati, I Roma 1954, 144-168 (see H-L 7, 535-565).
45. Session 39
46. At the beginning of this session the Poles petitioned for a solemn confirmation of the condemnation as heretical of John Falckenberg's doctrine on tyrannicide. This doctrine had already been condemned by the individual nations but not by the council. Pope Martin's reply was as follows: The aforesaid lord our pope said, in answer to these proposals, protestations, requests and suggestions, after silence had been imposed on all (since some were saying much and causing a disturbance), and by way of replying to the aforesaid points, that he wished to hold and inviolably observe, and never to contravene in any way, each and every thing that had been determined, concluded and decreed in a conciliar way, in matters of faith, by this present sacred

general council of Constance. The pope approves the things done thus in a conciliar way, and he ratifies all things about matters of the faith that were done in the council in a conciliar way and not otherwise or in some other way (Hardt 4, 1557).

Translation taken from *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner