

## **The Church in Crisis: A History of the General Councils: 325-1870**

### **CHAPTER 13. The First General Council of Lyons, 1245**

The vast achievement of the General Council of 1215--the fourth in ninety years--might have been expected to make further councils unnecessary for some generations. But General Councils have always been the product of historical accident. And who shall foretell when accidents will happen? The thirteenth General Council was to meet, in fact, just thirty years after the Fourth Lateran, and at Lyons in France. The purpose for which the pope called it together makes it a council apart--the trial of the emperor.

The emperor was Frederick II, that King of Sicily whom, as a child of three, his dying father, Henry VI, had made a ward of the pope; and whom, as a young man of twenty, Pope Innocent III had called to be emperor. Within four or five years of this, Frederick was launched on his great career as chief antagonist of all that the popes had been striving for since Hildebrand--the papal control (for protection's sake) of the papally reformed church, its total independence of the lay power, and the subjection of the lay sovereign, in regard to the morality of his rule, to the teaching of the Church, i.e., to the pope as teacher. Crises, all crises, develop character, and these long conflicts had developed a papal mentality vis-a-vis the empire, as surely as they had developed a "mens" in that corps of law-trained counsellors through whom princes were now governing their states. As well as personalities, rival doctrines of law were now in conflict, irreconcilable claims to supremacy, to independence of control, vested interests hostile by tradition. Frederick II, ward of Innocent III, was locked in conflict for a good thirty years with Innocent's three successors, Honorius III, Gregory IX, and Innocent IV. It was the last-named who called the first General Council of Lyons.

To understand the degree of the menace, we need to recall that Frederick was a unique figure, as a man and as a ruler, in all these years; "the world's wonder man," said the contemporary chronicler, Matthew Paris. And we need to say something of the kind of place Sicily was, where Frederick II

was born and bred and where he lived for as much of his life as he could, of Sicily the kingdom and Sicily the island of that name. The kingdom then meant the island and all the Italian mainland from Sicily to about 80 miles southeast of Rome on the Mediterranean coast, and to about 130 miles northeast of Rome on the Adriatic. For the best part of two hundred miles the King of Sicily and the pope had a common frontier. Potentially, Sicily was the chief permanent menace to the pope's independence. All this territory, the island certainly and a good part of the southern mainland, had been for centuries, and until about the time of Hildebrand, a part of the Byzantine empire. In the eighth and ninth centuries it had been the object of continual Mohammedan raids, and the Saracens had settled there in great numbers. Then, halfway through the eleventh century, Norman adventurers had gradually wrested the whole from Saracens and Byzantines. Frederick II was, on his mother's side, the descendant of these Normans.

The social effect of this extraordinary history was to produce, in the island of Sicily especially, a culture richly diverse. Here, religiously, were Latin and Greek, Christian and Moslem and Jew; the Levant, the Mediterranean, the north of France; and eastern manners of life as deeply rooted as western, eastern vices and western vices, the culture of Syria and Egypt as of Italy and France. Frederick II grew up all but inevitably only half a western European, it might be thought; and even more orientalised by his own tastes than by the chance of the milieu where he was bred. He was extremely intelligent, interested in the arts, active, virile, ambitious, a strong ruler, utterly unscrupulous, and an accomplished man of pleasure. He was as much at home with Moslems as with Catholics, and lived in a half-Moslem court. Such was the prince on whom the popes chiefly relied, in the years that followed the council of 1215, to lead the great crusade that would reverse the long series of Saracen victories and once more restore Jerusalem to Christian hands.

Left to himself, and no pope interfering, what would Frederick II have done with the crusade? what would he have attempted? To make himself master of the eastern Mediterranean and of Italy, as his father before him had planned? The despotic ruler of a great state? And the Church in his dominions? with no rights, no property but what the state allowed it? the state controlling its whole life? With the papacy left at Rome in full independence? What actually happened has often been told, and for the most part has best been told by writers whose sympathies are not with the pope.

It was in 1211 that the German princes elected the seventeen-year-old Frederick as “King of the Romans,” that is to say, emperor-to-be. Innocent III acquiesced. But he demanded that Frederick, who as King of Sicily was his vassal (a feudal relation, pure and simple), should now make over that kingdom to his infant son: the all-powerful lord of Germany should not simultaneously be the lord of the realm which geography made the chief threat to the pope’s independence. This arrangement was ratified by the act called the Pledge of Eger (1213), in which (among other matters) the suzerainty of the Holy See over Sicily was explicitly acknowledged. And Frederick, on the occasion of his receiving the crown of Germany, solemnly took the crusader’s vow, before the tomb of Charlemagne at Aachen.

The crusade set on foot by Innocent at the Fourth Lateran Council was a fiasco. Frederick II took no part in it. He now began the most unusual part of his complicated policy, the dissolution of all the royal power that his father and grandfather[1] had built up in Germany, by surrendering to the multitude of ecclesiastical princes, archbishops, bishops, and abbots, all claim to control their temporalities, pledging himself to champion them against any usurpation by the lay princes. This was a preliminary to securing the election of his son, the nominal King of Sicily, as emperor-to-be. A massive violation, indeed, of the pact made with Innocent III. To the pope, Honorius III (1216-27), Frederick explained that the election

had been made without his knowledge and that, moreover, the arrangement secured that Germany would co-operate more easily in the next crusade. He also asked that he might now be crowned emperor by the pope, and when this took place (1220), Frederick renewed his crusader's vow, fixing August 1221 as the date of his departure.

For six years Frederick continued to delay the sailing date, and each time the pope accepted the excuses he made. But in 1227 this pope died, to be succeeded by one of the toughest popes who have ever reigned, a relative of Innocent III who called himself Gregory IX. He immediately began to put pressure on Frederick, who responded by assembling a great army and a fleet of transports at Brindisi. On September 8, 1227, he sailed, but two days later put back into port--the plague had caught his troops, they were dying by the hundred. The pope simply ignored his explanation and excommunicated him for breaking his vow (September 29). Frederick replied by a violent attack on the pope. The Church, he said was a stepmother, not a mother. He would leave for the Holy Land in May next year. To which the pope retorted by renewing the excommunication, with the severe addition that wherever the emperor went an interdict would fall--for as long as Frederick stayed in any place the churches would close, there would be no mass and no sacraments, except baptism and the last rites for the dying. If he insisted on mass being said and was present (Gregory had already rebuked him for doing this), he would be treated as a heretic, and the Sicilians be freed from their allegiance to him.

Frederick organised his partisans in Rome, and soon Gregory IX was a fugitive. On June 28, 1228, the emperor sailed for the East.

There was nothing religious about this expedition, and it was (in one sense) completely successful, a diplomatic triumph. The emperor persuaded the sultan to cede Jerusalem, Bethlehem, and Nazareth and the route from the coast leading thither, with all the villages through which it passed. The Mohammedan inhabitants were to remain the sultan's subjects and have the free exercise of their religion. Also the great mosque

of Omar, in the Holy City, was to be theirs and remain in use. Frederick, on the other hand, pledged himself to prevent any attack from the West during the next ten years. And in the church of the Holy Sepulchre the excommunicated emperor crowned himself King of Jerusalem, before an audience of his own soldiers and the Moslems. It was, indeed, wonderful. The Crusade principle, the Christian reconquest of the Holy Land, had disappeared. The Christian no longer planned to drive out the infidel.

By June 10, 1229, Frederick was back in Sicily. He had been away all but twelve months.

It would be a pleasure now to tell the story of the sixteen years between the hero's return and his excommunication at Lyons, in some detail. But our business is merely to record the stages in his duel with the popes.

What Frederick II wanted to be, it seems agreed, was the Roman emperor of old, but a "Catholic" Roman emperor--claiming that the empire was created divinely, and that he was divinely commissioned to bring about the reign of justice and peace, and also to spread the gospel everywhere. The Church, as an institution wholly self-controlled (existing for the purposes of very much the same divine mission) and the pope as its single supreme ruler, could scarcely find any place in this fantasy. Which is why historians can say that Frederick could not have succeeded and the Church survive, except as a corps ministering and receiving sacraments within the four walls of the basilicas. So long as this man was in power there must be war--unless upon the Holy See there fell the misfortune of a succession of weakling popes, too simple to be able to read the signs of the times.

The emperor returned from the East to find the war already on in his kingdom of Sicily. He managed to drive out the papal army, punished his own rebels with shudderingly cruel executions--we are told of men he had skinned alive. Then he made a peace with the pope in which he conceded almost everything, and was re-instated in the Church--an essential need, if his gains in the Holy Land were to be maintained.

For six years after the treaty of San Germano (July 23, 1230) there was a kind of truce. Frederick in his kingdom of Sicily ruled pretty much as if he were already emperor and pope in one, building up his ideal of a strong central despotism, and in Germany bribing the princes with lavish surrenders of imperial rights; while the pope could barely maintain himself in his own ever turbulent capital, and was quieted (to some extent) by the emperor's exemplary, not to say bloody, repression of heretics, in Italy and in Germany too.

Presently Frederick was ready, and in 1236 he returned from Germany to make himself as truly master of Lombardy as he was of Sicily. The pope's diplomacy was of no avail, nor the armies of the Lombard cities. At Cortenuova, near Bergamo, the emperor routed them utterly (November 27, 1237), reversing his grandfather's defeat at Legnano of sixty years earlier. To the Romans he announced his victory as a monarch writing to his own capital city. He reminded them, in fact, that Rome was just this, and spoke of celebrating a "triumph" there, in the antique fashion. Yet once again the emperor was to govern the empire from his capital, they were told; the ancient offices were to be revived and the Roman nobles be called to fill them. From Rome the proconsuls, once again, would go forth to govern the provinces, and to "infuse the blood of Romulus." The slender hold of the pope on the city and the surrounding lands was almost the only obstacle to the emperor's dream being realised.

But Gregory IX had already made clear his own conceptions of the relations between pope and emperor--conceptions just as extreme as those of Frederick, and presented with no less assurance that they were divinely willed. So long as he lived there would be no weakening. He listed Frederick's crimes against religion and once again excommunicated him with a personal interdict (March 24, 1239). Frederick had not waited to be attacked. He had already done his best to rouse the cardinals against Gregory, telling them that the pope was no more than a kind of chairman of their college, and appealing from his judgment to theirs. And his

diplomats worked to bring into combination against the pope Henry III of England and St. Louis IX of France. All princes ought to unite to protest against a pope who had gone so far beyond the limits of his real powers. And the emperor also suggested to the cardinals that they call a General Council, and he would offer his case for the judgment of all the bishops of the world.

In reply to these manoeuvres the old pope replied in the tones of a very Lear:[2] “A great beast has come out of the sea ... this scorpion spewing passion from the sting in his tail ... full of the names of blasphemy ... raging with the claws of the bear and the mouth of the lion, and the limbs and the likeness of the leopard, opens its mouth to blaspheme the Holy Name ... behold the head and tail and body of the beast, of this Frederick, this so-called emperor...”[3] Frederick was a heretic for his denial of the pope’s authority, for his mockery of the virgin birth, and his declaring that nothing is to be believed that cannot be proved by the natural reason.

Frederick replied like a Father of the Church, pained at the pope’s lack of charity--”the pharisee who sits on the plague-stricken seat, anointed with the oil of wickedness.” He makes a most dutiful profession of faith and retorts that the pope is a liar. It is he who is the sole cause of the trouble, and the emperor too quoted the Apocalypse: “And a second horse came out fiery-red, whose rider was empowered to take away all peace from the world, bidding men slay one another.”[4]

But if England and France held aloof from Frederick’s invitation, they did nothing to protect the pope from what his power could do. Moreover all Germany--the ecclesiastical princes with the rest--stood by the emperor. By the summer of 1240 the pope was fairly isolated. But on August 9 he issued a summons to a General Council, to meet at Rome the following Easter. There was only one way for the bishops to come--by sea. Gregory negotiated with the Genoese for transports and protecting galleys. Frederick retorted by an alliance with Pisa, and at the sea fight of La Meloria (May 4, 1241) the Pisan fleet defeated the Genoese and took

prisoner two cardinal legates and a hundred bishops en route for the council. It never met, and Frederick, moving ever closer to Rome, was all but prepared for the final assault when, August 21, Gregory IX died. For nearly two years the Holy See was vacant.

Gregory IX left twelve cardinals. Two of these were prisoners, a third, Colonna, had gone over to the emperor. The official who actually ruled Rome, the Senator Matteo Orsini, rounding up Colonna with the rest, locked them all up in the ancient Septizonium with the announcement that none should go forth until they had elected a pope. In this ruin they endured the horrors of a semi-imprisonment for a couple of months, then elected Celestine IV and--a number of them--immediately fled from Rome, as from the plague. Celestine was dead within the fortnight, from the effects of the weeks in the Septizonium. The cardinals refused to meet so long as Frederick held their two brethren captive. Then Louis IX intervened. Frederick thought it wise to release them, and on June 25, 1243, they elected pope the cardinal Sinibaldo Fieschi a Genoese. He called himself Innocent IV.

This new pope was a man in the early fifties, vigorous, a practiced diplomatist and a born administrator, "the greatest lawyer that ever sat upon the chair of St. Peter."<sup>[6]</sup> His personal contribution to the strong drink of Gregory IX's ideas about the Pope-State relation, was to make the draught still stronger. God's mandate to the popes to govern men is absolute and universal. The pope is lord of all, in the temporal sphere no less than in the spiritual--the princes who rule the various states are, whether they know this or not, rulers by delegation from him to whom both swords were given.<sup>[6]</sup> Frederick's attempts to treat with this personage broke down at the outset, for the pope's first condition was the release of the hundred bishops. Nor would he make a peace without the Lombard cities.

In 1244 the negotiations were renewed, and in the midst of them the pope--did he fear a plot to kidnap him? it is not impossible--fled from Italy in disguise, to the city of Lyons on the very frontier of St. Louis' kingdom of France (December 2, 1244). A month later the summons went out for a General Council, to meet here on June 24, 1245, the feast of St. John the Baptist. In an address given in the cathedral of Lyons the pope called on the emperor to appear before the council, if not in person then by proxy, and clear himself.

The acts of this council have not survived. But from two contemporary accounts we know fairly well what happened at the three public sessions of June 28, July 5, and July 17.

The attendance of bishops (140-50) and prelates was notably smaller than at any of the earlier General Councils held in the West--less than half the number who came to the council of 1179, perhaps a third of those at Innocent III's council in 1215. Almost the only topic was the menace of Frederick II.

The emperor had not ignored the pope's summons, or challenge. To Lyons he sent one of his most capable legists, Thaddeus of Suessa. This personage, on the eve of the council (according to one account of the affair), renewed in his master's name all the promises made so many times before, but refused the guarantees which the pope had demanded.

The council opened with an address by the pope on the five wounds of the Church. These were the sinful lives of the clergy (high and low), the recapture of Jerusalem by the Saracens, the Greek threat to that pitiful mockery the Latin empire set up at Constantinople these forty years now, the devastation of the Tartars in Hungary, and Frederick's persecution of religion.

As to Frederick, the pope recapitulated the whole long story of his cruelty and treachery, and put the case for his deposition. It was at the second session that Thaddeus made his defence, putting the best colour he could

on the undoubted facts, and using all his skill on the points of law. Very notably he impressed the bishops by his argument that no man should be condemned as a heretic who had not been personally heard. Who else but the accused could really know his own innermost heart and mind? And so a delay was allowed for Frederick to put in an appearance--he was, at this time, at Verona, the key city which, from the Italian side, commanded the main route to Germany. Could the emperor have made the necessary arrangements and arrived at Lyons within the nine days allowed him? And if he had done so, would his known gifts of personality and oratorical skill have prevailed? Conjecture, reveries of wishful thinking, cannot fill the gaps in our knowledge.

It is said, by Matthew Paris, that the bishops were disturbed by the argument about condemning a man for heresy in his absence. And at the third and final session, on July 17, there was no general debate on the case. The pope had spent the interval between the sessions in personally interviewing the bishops, asking each whether he thought the case against Frederick had been proved. The emperor found none to defend him--not a single bishop had come from Germany,[7] by Frederick's own choice. At the third session his advocate had not a second opportunity to reply on the facts. All he could do was to raise the question whether this assembly was truly a General Council. Were there enough bishops present to make it such? The protest merely brought from Innocent the answer that Thaddeus must have expected -- who but Frederick had hindered the attendance of the bishops of Germany and Italy? And the pope proceeded to the inevitable sentence--excommunication and deposition.[7a]

Supposing the General Council had authority to pass such a sentence, was Frederick guilty of the crimes alleged? especially of the really fatal crime, that against the Faith? His own manifesto, a protest against the sentence and a defiance, can leave no doubt that the council had read his character and intentions truly. The emperor did not, by any means, straightway wither up and die. But the solemn act of the General Council was the

beginning of the end, of himself and the whole great house of Hohenstaufen. Five years of bloody war followed, with the usual alternations of unexpected defeats and unexpected victories. But when Frederick II died, December 13, 1250, his cause was lost and the pope on the way to become (should he choose) King of Sicily as well as pope--a story that must be sought in the bitterly contested pages of Italian church history. Just four years after Frederick, Innocent IV too died.

There remain for consideration the twenty-two canons enacted by Innocent at Lyons, "the sacred universal council assenting." For once the laws are not concerned with the moral state of Christendom. What more could have been added to the seventy canons of the Fourth Lateran, barely thirty years old? Innocent IV is the jurist par excellence. To the new Canon Law--i.e., the great code promulgated by his predecessor Gregory IX in 1234, the Five Books of the Decretals [of the Popes]--he stands in the same relation as does Alexander III to the work of Gratian. Innocent was already a cardinal when this great act of Gregory's was accomplished,[8] but he somewhere found the time to write the first great commentary on it.[9] And when, forty years after his death, another papal legist, Boniface VIII, added a sixth book to the work, much of this was made up of Innocent IV's decisions. Among his legal works that then passed into the body of the Canon Law are these canons of 1245, almost wholly taken up with the details of judicial procedure, and no doubt a definite landmark in the history of church law.

For one who is not a lawyer to attempt to make clear to readers who are not lawyers the importance of a series of technical legal reforms, would be to waste their time and make himself ridiculous. But certain things may be said about these twenty-two canons, nevertheless. One explains the meaning of the technical term *quidam alii* ("certain others") in certain papal rescripts. There is the useful rule that suits are to be dealt with by professional lawyers--tried only in places where there is an adequate supply of legal talent. Only to dignitaries must the important office of

Judge Delegate of the Apostolic See be committed. Judges against whom one of the parties to the suit raises an objection are given powers to act, in the case that the arbitrators chosen to judge the objection fail to act. Judges delivering an unjust sentence are, by the fact, suspended from office, and must make good the damage caused. They must not, while suspended, say mass, under pain of a censure from which only the pope can absolve them. Plaintiffs who fail to appear in court are to pay the costs of the suit. Excommunications are to be set down in writing, with the reason, and a copy given to the person affected. No judge is to excommunicate those who hold intercourse with an excommunicated person, except by process here provided. Otherwise the excommunication does not bind, and the judge is liable to a penalty. Bishops are not affected by suspensions or interdicts, unless the decree makes special mention of bishops. In appeals to the Holy See in suits about elections to benefices or provisions, the parties must set off for the Curia within one month from the date of the appeal. If within twenty days of the arrival of one party the other has not arrived, the case will be heard without him. "It is our ardent desire to lessen litigation," says the pope, in the manner of all good lawyers, and he proceeds to describe how appeals to his own supreme tribunal must be set in motion.

There is a canon about elections, which decides that conditional votes are invalid, and in the count are to be disregarded. And there is a canon about homicide--about the practice of hiring murderers to get rid of an enemy. "Prominent persons," says the canon, "have been reduced through fear of this danger, to pay money to the chief of the gang ... not without detriment to their Christian dignity." So any prince or prelate, or indeed anyone at all, who makes such an arrangement with assassins, incurs by the fact excommunication, and deposition from his office--whether the murder takes place or not. Should it ever be established, in later years, that a man made such a pact, no new sentence of excommunication or deposition is needed in order to deprive him. The present suffices.

Finally, the council enacted a lengthy decree about the need to deliver the Holy Land from the Saracens, calling for prayers, for volunteers, offering spiritual privileges, granting protection to the property of the crusader, and levying new taxes on all clerical incomes, 5 per cent per annum for three years. “We and our brethren the cardinals of the Holy Roman Church, will pay one tenth of our revenues.” Deliberate tax-dodgers, those who make a fraudulent return of their income, are excommunicated. There are clauses releasing crusaders from paying the interest on money debts, and commands to creditors to release them from their oaths to pay the interest, and stringent excommunications of Christians who supply the Saracens with munitions of war, or give them advice and aid of any kind to the detriment of the crusade. If such are taken prisoner, all their possessions become the property of their captor, and they themselves become his slaves. For four years all trade with the Saracen lands is to cease, so that ships may be gathered for the expedition and the Saracens (it is hoped) be reduced to beggary meanwhile.

## **NOTES**

1. The emperors Frederick I (Barbarossa) 1152-90, and Henry VI 1190-97.
2. Gregory IX was something like 100 years old, if many historians are correct. It seems more likely that he was only 80.
3. Apocalypse 13.
4. Ibid., 6:4. Knox translation.
5. F. W. Maitland, *Moral Personality and Legal Personality*, in *Selected Essays* (1936), p. 228.
6. The reader will understand that these personal ideas of the medieval popes, whatever their worth, were never part of the universal teaching of the Church.

7. From the whole empire only Liege and Prague had come. Few Italians were present. The majority were from France and Spain.

7a. Barry, no. 77, prints a translation of the bull.

8. The actual author of the compilation was the Dominican canonist, St. Raymund of Penaforte.