

The Relations of the Church to Society: A Series of Essays (*The Relations of the Church to Society*)

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Chapter 24, The Council of Constance (cont.)

Moreover, the technical meaning of *matter of Faith* in that Council seems to have been what had relation to the errors of Wickliffe, Huss, and others whose doctrines were examined and censured at Constance. The business of the Council was mainly threefold: namely, the extinction of the schism, the reformation of abuses in the Church, and the maintenance of sound doctrine, by the elimination of heretical and otherwise unsound tenets broached by various evil teachers. This last head of the Council's work appears to have been emphatically designated *matter of Faith*, and it is in this sense the phrase must be understood in the confirmation of the Council by Martin V. Principles of Faith naturally entered into the transaction of the other business which engaged the attention of the Fathers, but were not comprised under the distinctive appellation of *matters of Faith*.

The Pope likewise restricted his confirmation to those things which were done *conciliarly*—to use a rather strange English or un-English word—(*conciliariter acta*) that is to say, after the proper manner of proceeding of a Council. Now, in the fourth and fifth and some following sessions, the Council was carried on according to an unusual system of division into *nations*; and, besides, the Decrees regarding the Council's power were not maturely discussed as dogmatic decisions would need to be. It is quite true, as I have stated elsewhere, with reference to the Pope, that when an Infallible authority solemnly teaches a doctrine, exception cannot be taken to its teaching on the ground of insufficient deliberation. But a General Council disjoined from the Pope is not an Infallible authority, as I have long since explained and proved, even irrespectively of the Personal Infallibility of the Pontiff. Hence, conciliar dogmatic Decrees not yet sanctioned by the Pope are in an inchoate condition, and the mode of their adoption may be examined by the Pope, and he may properly restrict his approbation to those which have been duly treated of in the Council, and if he use this restriction we are at liberty to inquire how far it extends. I do not, however, care much about the word *conciliariter*, as I can maintain my point independently of it.

I undertook to show first, that the Decrees of Constance, of which Mr. Gladstone makes so much, do not express or imply what he understands them to mean, nor anything else at variance with the Vatican definition; and, secondly, that those Decrees were not confirmed by Martin V. I have, I think, succeeded in establishing both these points. As to the first, *at the very least* I have proved that the Decrees *need not necessarily* be understood in a sense opposed to the dogmatic decision of the later Council.

This much is enough; for the *onus probandi* lies on the side of those who affirm the opposition. It is their business to show that the Decrees of Constance *must* mean what they—our opponents—say. As to the second, I venture to assert that the proof is thoroughly conclusive.

After all we have seen concerning the Council of Constance, it will be easy to understand how much or how little force there is in a triumphant passage of Mr. Gladstone's "Vaticanism." Pope Martin V. derived his whole power to confirm from his election to the Papal chair by the Council. And the Council was competent to elect because the See was vacant. And the See was vacant because of the depositions of two rival Popes, and the resignation of the third; for, if the See was truly vacant before, there had been no Pope since the schism in 1378, which is not supposed by either side. But the power of the Council to vacate the See was in virtue of the principle asserted by the Decree of the fifth session. We arrive, then, at the following dilemma. Either that Decree had full validity by the confirmation of the Pope, or Martin V. was not a Pope; the Cardinals made or confirmed by him were not Cardinals, and could not elect validly his successor, Eugenius IV.; so that the Papal succession has failed since an early date in the fifteenth century, or more than four hundred and fifty years ago.

"Therefore the Decree of the fifth session must, upon Roman principles, have been included in the *materiæ fidei* determined by the Council, and, accordingly, in the confirmation by Martin V."

By way of reply to the argument contained in this passage, I make the following observations. (1) The See was vacant by the removal of whoever was the *true* Pope, whichever was the man. The *certainty* of the vacancy depended on the operation of causes sufficient to remove each of the three in case he happened to be the true Pope. One, as Mr. Gladstone says, *resigned*; that was Gregory. Two were deposed. Of these, John, who was most likely true Pope up to that time, *accepted his own deposition*, and thus *equivalently resigned*; though, even if he had not, he could have been set aside as doubtful. The other, Benedict, was, at the best, a doubtful Pope, and consequently could be deposed by the highest authority that existed in the Church under the circumstances, since there *must be a way* of getting rid of a doubtful Pope. Whatever power the Council had of deposing a Pope did not depend on any definition or declaration, nor does Mr. Gladstone say it did, but, as he does say, *on a principle*, and so far he is right. But when he says this was the principle involved in the Decree of the fifth session, he unintentionally confuses the matter. For the Decree might involve something more than the principle on which the power of the Council rested. Thus, the principle might regard a doubtful Pope, or

a case of schism, and the Decree *might* include a certain Pope outside of a case of schism, and then the principle would be right and the Decree wrong. (2) The principle on which the Council's action depended, so far as this affected the validity of Martin's election, did not need *his* recognition, nor could such recognition give it certainty, were it previously doubtful; for, if *it* was not sound, *he* was not Pope. If he had *denied* the principle, he would have compromised his own position. But omitting to affirm is not denying; and yet Mr. Gladstone seems to imply that it is, or, at any rate, if it is not, his argument falls to the ground. (3) Whatever power the Council had of deposing a Pope did not and could not come from a Pope, nor depend on his confirmation or recognition. It was a singular, abnormal power which accrued to that Council in special circumstances, and would accrue to another Council in similar circumstances. It may be said, no doubt, that a definition of the Pope and Council dogmatically affirming such a power would give the doctrine a new *status* for the future. But the Council of Constance, as we have seen, did not frame such a definition. It proposed nothing *to be believed* on the subject. As to Pope Martin's right to his position, his universal acceptance by the Catholic Church settled that; and the universality of this acceptance was not appreciably affected by the obstinate persistence of Peter de Luna with a handful of adherents.