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Historical Aspect of the Relations Between Church and State

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HISTORICAL ASPECT OF THE RELATIONS BETWEEN
CHURCH AND STATE

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FOREWORD

There are many who hold that the Roman Catholic Church is of its nature antagonistic to, and incompatible with the existence of an independent civil state and hence that the co-existence of the Church and State must necessarily produce friction in a territory where one or other is not subservient. On the other hand, there are those who say that the constitution of the Catholic Church is not incompatible with the existence of such a state though its constitution may be incompatible with certain theories regarding the origin and nature of the state. Such theories, instead of regarding the state as a union of individuals for the protection and enjoyment of rights which these persons had from nature as individuals and hence anterior to and independent of the state, consider the state as an absolute entity for whose benefit the individual exists and on the will of which all his rights depend.

It is not the object of this thesis to justify or condemn such theories. We merely seek to investigate the relations existing between the Catholic Church and the State in the various epochs of its career and in the light of historical documents to state the relation of cause and effect perceptible in the relations of two such living and active organisms as the Church and State are.

No attempt is made to evaluate the claims of either in

the conflicts that are recorded. The historic facts are given as well as the sources when such facts admit of dispute either as to their existence or interpretation. Otherwise, it has been deemed sufficient to record the facts in their chronological order. In doing so, reliance has been placed in Mann's "Lives of the Popes" for the earlier period and on such works as those of Pastor and Ranke for the subsequent period. Reference to these in each particular instance in the case of undisputed fact has been deemed useless.

CHAPTER I

THE APOSTOLIC CHURCH

The epoch which witnessed the institution of the Christian Church was one of moral degradation in which tyranny and brute force prevailed. It was an age of wealth and self-indulgence, of tasteless luxury, cruelty and fatalism, of extravagance, infidelity and superstition.

In the lowest grade of the social scale were countless slaves, bereft of family ties, deprived of the consolations of religion, having no recognized rights and without any protection on the part of the state which tolerated their existence. (It is reckoned that in the Roman Empire there were sixty million slaves—Le Maister, Du Pape, I. p. 283.) A little higher in the social scale stood the vast majority of the inhabitants. They were, for the greater part, beggars and idlers, familiar with the grossest indignities of an unscrupulous dependence. They were ready to support any government which would cater to their depraved tastes in providing amusements and the means of livelihood. (Among 1,200,000 inhabitants of Rome in Cicero's time there were less than two thousand proprietors—Cicero, De Officiis, ii, 21.) Family life had almost died out (*Raraque in hoc aevo quae velit esse parens—Ov. Nux. 15*). Divorce was prevalent (*non consulum numero sed maritorum annos suos computant—Sen., De Benef. iii, 16*). Literature, art and eloquence were involved in the

general decadence.

*In such a depraved society, unconscious or oblivious of the natural rights of man, the Emperor was supreme. Every sort of priesthood or presidency was heaped upon him, though only after the death of Lepidus, in B. C. 13, did he allow himself to be elected (in his careful observance of old forms) pontifex Maximus. The supreme religious and political powers were now concentrated in one man's hands. Augustus could, and did, dominate the great religious bodies; supervise their numbers and personell. His power was felt throughout the provinces; political pamphlets of which he disapproved, and religious manifestos which he disliked, were equally suppressed; more than 2,000 copies of spurious predictions he caused to be burnt. Later the Emperor Trajan (a modest and liberal prince) solves for his commissioner, Pliny, questions relating directly to the religious scruples even of provincials.*¹

The Emperor and the State were one and the same thing the dominion of which was absolute, for of it he was both the spiritual and civil ruler.

Such, in brief, were the conditions of society in that vast empire with which the Church was to come in contact in its infancy. In spite of the internal corruption which later was to be the cause of its decay, it was at the time of which we

(1) Martindale, Religion of Imperial Rome, p. 3.

speak in a most prosperous condition. The state with which the Apostolic Church had relations was the most efficient social organization known to mankind before the Christian Era."²

With this powerful state Christ himself came in contact for he had been accused of claiming to exercise kingly jurisdiction within its territory. Though innocent of the accusations, he is, nevertheless, put to death by that same state. Yet the Roman empire was not the enemy of the rising Church. Up to the tenth year of Nero's reign the Christians had many reasons to be grateful to the power of the Roman Empire. St. Paul when he wrote from Corinth to the Thessalonians, had indeed seen in the fabric of Roman polity, and in Claudius, its reigning representative, the "check" and "checker" which must be removed before the coming of the Lord. Yet during his stormy life the Apostle had been shielded by the laws of Rome in more than one provincial tumult. The Roman politarchs of Thessalonica had treated him with humanity. He had been protected from the infuriated Jews, in Corinth by the disdainful justice of Gallio. In Jerusalem the prompt interference of Lysias and of Festus had sheltered him from the plots of the Sanhedrim. At Caesarea he had appealed to Caesar as his best security from the persistent hatred of Ananias and the Sadducees. If we take a correct view of the latter part of his career, his appeal had not been in vain, and he owed the last

(2) Cadman, Christianity and the State, p. 72.

two years of his missionary activity to the impartiality of Roman Law*.³

St. Paul recognized himself as a Roman citizen in his Epistle to the Romans (ch. 13, 1-7) and urges the Christians there dwelling*to be subject to the higher powers* and to recognize in them the ordinance of God.

It was not until 64 A. D. that the Church came into direct conflict with the State in the person of the Emperor Nero. This tyrant (Nero-----ut erat execrabilis ac nocens tyrannus prosilivit ad excidendum coeleste templum delendamque justitiam-Lact. De Morte Persec. II) was suspected by the historians of his nation of having set fire to the city of Rome in order that he might build on its ruins a grander capital (Tac. Ann. XV 67; Suet. Ner. 38). Four out of fourteen districts of the city escaped the flames and Nero, unwilling or afraid to take the blame before the infuriated populace, sought to accuse the most helpless of his subjects as the cause of the disaster. *Nero* says Tacitus, *exposed to accusation and tortured with the most exquisite penalties a set of men detested for their enormities, whom the common people call Christians.* (Ann. XV 44.) Dean Farrar⁴ is of the opinion that Nero was led to single out the Christians as scapegoats through the influence of two of his favorites--the pantomimist Aliturus and the

(3) Dean Farrar, Early Days of Christianity, p. 13.

(4) Ibid., p. 37.

Empress Poppaea with whom the Jews--the enemies of the Christians--were in constant communication. In any case it would seem that hatred of the Christian religion was not the sole cause of the persecution.

Still the Christians had to suffer many hardships and their leaders, Sts. Peter and Paul, were put to death. Thenceforward a conflict between Church and State is in progress for the religion of the Christians was unconstitutional, being neither permitted nor officially recognized by the State. The liberty of professing and practising a foreign worship did not dispense the Roman from the obligation of performing also the sacrifices or other religious rites of his own land. Eusebius tells us that religion was divided by the Romans in three parts; the mythology or legends that had descended from the poets, the interpretations or theories by which the philosophers endeavored to rationalize, filter or explain away these legends, and the ritual or official religious observances. In the first two spheres perfect liberty was accorded but the ritual was placed under the control of the government and was a matter of compulsion.⁵ The Romans believed that the welfare of the empire depended on such observances.* It should be remembered, too, that the oriental custom of deifying emperors had been introduced into Rome. To burn incense before their statues had become a test of loyalty; and although this adoration does

(5) Lecky, History of European Morals, p. 431.

not appear to have implied any particular article of belief, yet it was regarded as inconsistent with Christianity and the conscientious refusal of the Christians to comply with it aroused a feeling resembling that which was long produced in Christendom by the refusal of the Quakers to comply with the usage of courts.⁶

It was a case of rendering to Christ the things that are Christ's and to Caesar the things that are Caesar's and when confronted with the dilemma of choosing between Christ and Caesar, the early Christians did not hesitate.

*The further fact that the church was organized from the first as universal, gave color to the plea that she was antagonistic to an imperial World-State. Christianity was regarded by its followers as an independent, catholic and self-sufficient religion. It stood out in contrast to national religions like Judaism, or any other cult of the age. The Church insisted on going her own way while the Imperial State regarded the Church as an enemy in disguise.*⁷

*The personal guilt which every Christian had contracted in thus preferring his sentiment to the national religion, was aggravated in a very high degree by the number and union of the criminals. It is well known that Roman policy viewed

(6) Lecky, Ibid, p. 143.

(7) Cadman, Op. Cit., p. 198.

with the utmost jealousy and distrust any association among its subjects; and the privileges of private corporations, though formed for the most harmless or beneficial purposes, were bestowed with a very sparing hand (Pliny, Epist. X). The religious assemblies of the Christians, who had separated themselves from the public worship, appeared of a much less innocent nature; they were illegal in their principle and in their consequence might become dangerous; nor were the emperors conscious that they violated the laws of justice when, for the peace of society, they prohibited those secret and sometimes nocturnal meetings. The pious disobedience of the Christians made their conduct, or perhaps their designs, appear in a much more serious and criminal light; and the Roman princes, who might perhaps have suffered themselves to be disarmed by a ready submission, deeming their honor concerned in the execution of their commands, sometimes attempted by rigorous punishments, to subdue this independent spirit which boldly acknowledged an authority superior to that of the Magistrate. The extent and duration of this spiritual conspiracy seemed to render it every day more deserving of animadversion. We have already seen that the active and successful zeal of the Christians had insensibly diffused them through every province and almost every city of the empire. The new converts seemed to renounce their family and country that they might connect themselves in an indissoluble bond of union with a peculiar society which everywhere assumed

a different character from the rest of mankind.⁸

The Church of the Apostolic age was, therefore to the pagan state a strange rival. On the one hand loyalty to the state was expressly inculcated within certain limits (Romans XIII). On the other hand the Christians were governed by certain laws in direct conflict with the customs then prevailing in the state. When such laws clashed, the Christians were the most obstinate of men. "Whatever" says Pliny, "may be the principle of their conduct, their inflexible obstinacy appeared deserving of punishment."

Thus we observe that at the end of the Apostolic age the Christian Church was a compact, well-organized society with its own laws and discipline. Their loyalty to their Founder was undivided and indivisible. "It suffered no rivalry, not even that of imperial Rome, to infringe upon the lordship of the Risen Redeemer and King. They viewed the imperial government with long-lived distrust and Tertullian openly declared that the Christian preferred any other interests to those of the State."⁹

(8) Gibben, Decline and Fall of the Roman Empire, Vol. I, p. 609.

(9) Cadman, Op. Cit., p. 197.

CHAPTER II
PERIOD OF GROWTH

For at least twenty years after Nero's death which occurred in A. D. 68, the Church endured peace without any interference from the State. During this time the Christians had even the courage to build a church near a public highway. (Rossi's *Bellitino di Arch. Crist.* 1865) St. John was exiled to the Island of Patmos under the Emperor Domitian, while many others suffered like privations. Nerva, the successor of Domitian absolved those accused of impiety and recalled the exiles. (Lact. *De Mor. Per.* iii.)

*In the eyes of the pagan historian, the period from the accession of Nerva in A. D. 96, to the death of Marcus Aurelius in A. D. 180, is memorable as a period of uniform good government, of rapidly advancing humanity, of great legislative reforms and of a peace which was rarely broken. To the Christian historian, it is the more remarkable as one of the most critical periods in the history of the faith. The Church entered into it considerable, indeed, as a sect, but not large enough to be reckoned an important power in the empire. It emerged from it so increased in numbers and so extended in its ramifications, that it might defy the most formidable assault.*¹

Of this period Lactantius (*De Mort. Per.* 3-4) says:-

*The acts of the tyrant (Nero) being revoked, the Church was

(1) Lecky, History of European Morals, p. 461

not only restored to its former state, but shone forth with a greater splendor and luxuriance; and a period following in which many good sovereigns wielded the imperial sceptre, it suffered no assaults from its enemies but stretched out its roots to the east and to the west.*

The practical observance of laws dealing with religion had been modified. Certain cults were recognized by the state which merely tolerated the existence of others. The laws forbidding the latter were unrepealed but their enforcement depended on the local governors of provinces. This accounts for the partial persecutions of the Church during the period of which we speak.

One of the governors, Pliny (Pliny, Ep. X, 97-98) writes to the Emperor Hadrian for an expression of state policy in regard to the Christians. Hadrian's answer was to the effect that Christians, if brought before the tribunals should be punished; but that they should not be sought for; that, if they consent to sacrifice, no inquisition should be made into their past lives, and no anonymous accusations should be received against them (Eusebius, Lib. iii). Hadrian, indeed, (Justin Mar. i. 68-9) sought by an edict to protect the Christians and ordered all false accusers to be punished. The Stoic Philosopher Marcus Aurelius, renewed the persecution, probably on account of the persuasion that the Christian Church, existing as a state within a state, with a government, ideals, enthusiasms,

and hopes wholly different from those of the rest of the nation, was incompatible with the existing system of the Empire.*²

It would seem that the emperor was driven to persecute the Christians rather from a desire to strengthen the empire than out of a hatred of the Christian religion, in fact, Tertullian mentions him as a protector of the Christians.

In the period which intervened between the death of Marcus Aurelius, in A. D. 180, and the accession of Decius in A. D. 239, the Christians had grown to be a powerful and influential body whose adherents occupied high civil and military positions in the state. In the difficulties that beset the empire from its barbarian neighbours the rise of Christianity within the empire assumed the form of a menace which threatened to disrupt it. Hence the growth of the Christian religion had frequently been the cause of grave anxiety to thoughtful emperors but with the exception of Septimus Severus and Maximus they would seem, as a general rule, to have been favorably inclined to the Church. Parents were free to educate their children in what religion they pleased while there was no restriction on the dissemination of Christian literature so that the Church was comparatively free to spread the Gospel.³

While Eusebius (VI.39) ascribes the general persecu-

(2) Ibid, p. 468.

(3) Sir Chas. Lewis, On the Credibility of Roman History, Vol. I, p. 52.

tion that broke out under Decius in 249 to the hatred which the emperor bore his predecessor, Philip, who had been very friendly with the Christians, it is not at all improbable that *it was begun in hopes of restoring the empire to its ancient discipline and eliminating from it all extraneous and unpatriotic influence.*⁴

Hitherto the Roman legislators, however unfavorable to the formation of guilds or associations, made an exception in favor of burial societies. Rossi (Roma Sotterranea, Tom. I, p. 108) thinks that the Church legalized its existence as a burial society under the name of "Ecclesia Fratrum". In this way the Church was able legally to possess the catacombs and hence could use them as places of worship even in times of persecution. Not until the time of Decius were they disturbed in the use of them.

In the years which elapsed between the accession of Decius in A. D. 249, and the accession of Gallienus in A. D. 260 political disasters, which clearly foreshadowed the approaching ruin of the empire, were followed by frightful famines. Since these disasters were ascribed by the superstitious populace to the displeasure of the Gods for having been deserted, their fanaticism was aroused against the Christians and the Emperor was left no other alternative than to take extreme measures against them so that this period was one of continuous and severe persecution.

(4) Lecky, Op. Cit., p. 480.

The forty years which followed were years of peace for the Church and the appeal by the orthodox bishops to Aurelian to expel Paul of Samoseta from the see of Antioch is the first recorded instance of an appeal by the Church to the secular authority for aid in exercising its jurisdiction. (Eusebius VII, 30).

At this time Christianity was greatly honored and Christians were appointed governors of the provinces and were expressly exonerated from the duty of sacrificing. The bishops were treated by the civil authority with great respect. Christian servants were employed in the very palace of the emperor and given full liberty of worship. Spacious churches were built (Eusebius, VIII, II) so that in the time of Diocletian Rome alone had forty churches.

Diocletian, seeing how corrupt life and society was in Rome, sought to create new centers of political activity at Nicomedia, Carthage, Milan and Ravenna--places which had hitherto escaped the general corruption. He thus hoped to save the empire. Viewing with alarm the universalist and anti-national tendency in the growing church, he allowed himself to be persuaded by Galerius to try to uproot Christianity. (Lact. De Mor. Per 15) and in A. D. 303 the Roman Empire was to begin its last stand against the Christian Church.

In Gaul Constantius Chlorus governed and while he destroyed the Christian churches in obedience to the Emperor's

edict, he otherwise left the Christians unmolested. In A. D. 305, Diocletian resigned and peace was restored to the western church while in the East persecution raged until Galerius in 311 issued a proclamation⁵ restoring liberty to the Christians and permitting them to rebuild their churches. (Eusebius, Hist. Lib. VIII).

Henceforth the Church is no longer unconstitutional in the Roman empire. What the edict of Galerius really conceded is a mere arbitrary toleration (*venia, Indulgentia*) grounded on special reasons of political necessity rather than on general principles,⁶ but nevertheless it marked the repulse of the civil power, after which Christianity remained the acknowledged master of the of the masters of the world in which all religious beliefs were now tolerated.⁷

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- (5) Gibbon, Vol. I, p. 672; Robinson, Readings in European History, Vol. I, p. 21.
 (6) A. Taylor-Innes, Church and State, p. 21.
 (7) Cadman, Christianity and the State, p. 199.

CHAPTER III

FROM CONSTANTINE TO CHARLEMAGNE

In A. D. 306, Constantine succeeded his father as Caesar, while Maxentius and Maximilian Hercules were proclaimed emperors in Italy. The latter was put to death for an attempt on the life of Constantine while the former was conquered by him in 312. In concert with Licinius, Constantine (313) proclaimed liberty of worship throughout the empire and the restoration of ecclesiastical goods to the Christians.

Henceforward Christianity was recognized as authorized and permitted by the State and was accorded those rights and privileges hitherto enjoyed by the pagan religion.¹ The clergy were exempt from the public services (Codex Theod. XI. i. i) while ecclesiastical property was exempt from all taxes other than the extraordinary. (Barenus, Annal. Eccles.) Clerics were declared exempt from the jurisdiction of the civil tribunals (Cod. Theod. XI.ii)² The state officials had the obligation of executing the decisions of the bishop's tribunal from which there was no appeal. The right of asylum was now enjoyed by the Christian Churches as hitherto by pagan temples. (Cod. Theod. IX.45) and any violation of this right was treated as high treason.

(1) Robinsen, Readings in European History, p. 24.

(2) Ibid, p. 25.

The bishop was to be freely elected by the clergy but the people could veto the selection (Themassin, Discip. de l'Egl c. 1-8, 675) which was made from those qualified by age, and doctrine according to ecclesiastical law.

The Edict of Milan (A. D. 313) gave the Church the legal right to possess property while the faithful (Cod. Theod. XVI, tit. leg. 4) are given the right to freely dispose of their property in favor of the Church.

Even the emperors are subject to the Church as are the lowest members (Basil, Epist. 47. cit. by Baronius in Ann. Eccles.). The position of the emperor as regards the Church is somewhat peculiar. The pagan emperors as we have seen, had been regarded as and claimed the title of, "Pontifex Maximus." This title was retained by the Christian emperors until Gratian (375-83) under the influence of St. Ambrose left it aside. Gibbon³ says: "The convocation of general and extraordinary synods was the prerogative of the emperor alone. Whenever the emergencies of the Church required this decisive measure, he dispatched a peremptory summons to the bishops, or the deputies of each province, with an order for the use of post-horses and a competent allowance for the expenses of the journey." In the letters of invitation now extant the emperors deduce the right of convocation from the duty of providing for the peace and

(3) Gibbon, Volume II, p. 25.

well-being of the empire the basis of whose good order is religion. It is not at all improbable that such conduct was due to a survival of the pagan conception of the rights and duties of the emperor as Pontifex Maximus. Certainly the emperors recognized the bishops as the authoritative judges in the councils. Giannone⁴ observes that the emperors gave a legal sanction to the decisions of the councils which had previously received the sanction of the pope (Socrates, 2.17). *Sancimus igitur vicem legum obtinere, quae a quattuor Sanctis Conciliis expositas sunt aut firmatae* (Justinian, Novell, 131). Beveridge notes (ad Pandect. proleg. p.2) that the emperors never made new laws in ecclesiastical matters.

The influence of the new state religion made itself felt in the improved condition of the prisons (Codex. Theod. IX.3) and in the abolition of slavery. The exposure of infants was forbidden; the position of the woman in the family recognized; gladiatorial fights abolished and marriage unions rendered stable.

The close union between Church and State now noticeable gave rise to a certain intolerance of all other religions than the Christian. Gratian withdrew the state support from the pagan religion while Theodotus the Great (379-395) confiscated the goods of the apostate Christians and declared them incapable of making a will. He also closed the pagan temples

(4) Storia Civile di Napoli, Vol. I. p. 136.

and prohibited the pagan sacrifices (Cod. Theod. XVI, 7, 1-5; 10-2).

Heresies, also were punished as crimes against the good order in the state. "Quod in religionem divinam committur, in omnium fertur injuriam" (Codex Theod. XVI 2,3).

With the exception of the few years (381-383) during which Julian the Apostate as head of the empire sought to restore the pagan religion in a purified form, the Christian religion received the support of the state even against its domestic foes for a long period.

During this time the Goths had settled along the Danube, the Visigoths in Spain; the Ostrogoths and Lombards in Italy. For many years previously the members of the Frankish tribes had fought in the Roman armies and already in the IV century a good number had embraced the Christian religion.⁵ In 496 Clovis their king, was baptized with many of his people and this event was of far-reaching importance to the church since the Frankish nation, thus converted, was to give the Church its future protector in the person of Charles the Great.⁶ Germany embraced the faith in this period (520-800),⁷ while the British Isles had already become Christian⁸ and Scandinavia was seen to follow.

(5) Gregory of Tours, History of France, II, 10.

(6) Robinsen, Op. Cit., Vol. I, p. 51-5.

(7) Willibald's Life of Boniface in Robinsen, Op.Cit. 106-8

(8) Green, Short Hist. of the English People, Chap. I.

As these barbarian tribes encroached on the confines of the Roman empire, the latter became weaker while the church braced herself for the task of converting them. "As the Empire had decayed, the Church had grown stronger, and now while the one, trembling at the approach of the destroyer, saw province after province turn away, the other rising stately youth, prepared to fill her place and govern in her name and in so doing to adopt, sanctify and propagate anew the notion of a universal state."⁹

The temporal power or territorial possessions of the Church had its origin, like other states, in the historic circumstances prevailing at this time. We have seen that according to the Theodosian Code¹⁰ liberty was given the faithful to bequeath property to the Church. Out of such bequests arose the "Patrimonium Petri" consisting of goods, lands and even cities belonging to the Church. This property was held in Italy, Sicily, Corsica, Sardegna and Gaul, so that the Pope about A. D. 600 was one of the richest men in the world. Naturally the popes took a lively interest in the political events of the Italian peninsula, on the peaceful condition of which the safety of their property depended. Besides, the popes alone at this time were able to effectually protect the Roman people against the barbarians. Thus Leo I saves them from Attila.¹¹

(9) Bryce, Holy Roman Empire, p. 21.

(10) Robinson, Op. Cit., Vol. 1, p. 25.

(11) Robinson, Op. Cit., Vol. I, p. 49.

Gregory I, intervenes with the Longbards. In addition, the "patrimonium Petri" enabled the popes to succour the needs of the poor and distressed and thus won for the papacy the good will of the Italians.

Constantine had transferred the capital of the empire to the East and Rome was not even the residence of the emperors of the West. Justinian (527-65), having reconquered Italy, gave the bishops in conjunction with the nobles the right to elect the officials of the government. Consequently, the pope as first of the bishops, had a great influence in the city. When the Longbards invaded Italy, the people depended on the pope to obtain aid from the emperor and we find him as their representative making treaties in the name of the Italian people with the invaders. Gregory the Great discharges the office of intermediary between the Longbards and the Hexarch of Ravenna. In the VII century this influence of the papacy had so increased that we find Gregory II and his successors acting as temporal sovereigns of the duchy of Rome. In 743 Pope Zachary leaves Rome to treat with Liuprand, King of the Longbards and "appoints the duke Stephen to govern Rome during his absence". (Le Livre Pontificalis; Texte, etc. parl., Duchesne, Paris, 1886, 1-2). The authority of the Eastern Emperor was still recognized but the pope was sovereign in fact. Besides, the emperors of the East had alienated the sympathy of the Roman people on account of their conduct in the Iconoclast centre-

versy for which they were suspected of being heretics. Under Zachary (741-52) the city appeared as the "Respublica Romanorum" with its functionaries chosen independently of the Emperor. (Regest Pontificum Romanorum ab condita Ecclesia ad a. 1198, Leipzig, 1885-7, No. 2349.)

This situation could not last, however, and in order to have security, Pipin, powerful king of France¹² was chosen by the pope to protect the rights and possessions of the Holy See. Pope Stephen III, concluded with Pipin an agreement which served as the basis of relations between the popes and the emperors during the Middle Ages. Pipin as "Patritius Romanorum" was to defend the Church against all enemies, while the pope, on his part, promised not to recognize as king anyone who did not belong to Pipin's family. (Regesta Pontificum, 28: 1023.)

(12) Letter of Pope Stephen to Pipin, Robinson, Op. Cit., p. 122.

CHAPTER IV

RESTORATION OF IMPERIAL DIGNITY IN THE WEST

Pipin, King of France, had been made *Patritius Romanorum*, a title which signified*not an office but a rank the highest after that of emperor and consul*¹ This was to be a step preparatory to conferring the imperial title. The popes were the subjects of the eastern emperors from whom, on more than one occasion, they had suffered annoyance. When their aid had been sought in the struggle with the Longbards it was not forthcoming. In addition, the growing power of Islamism was a standing menace to the Church which felt keenly the need of a protector. This protection Pope Stephen sought to obtain by his (illegal according to Bryce) compact with Pipin.

In virtue of the title of *Patritius Romanorum*, Charles the Great considered himself the (766) *devotus sanctae ecclesiae defensor atque humilis adiutor* (Monumenta Germaniae Hist. (Leges)-Pertz, Berlin, 1826). On the occasion of his coronation Leo III (795-816) sent him the key of the Sepulchre of St. Peter and made the Romans swear fidelity to him as the Protector of the Church.

In 799 Leo besought the aid of Charles to quell a domestic disturbance² and while the latter was hearing Mass on Christmas Day (800) in the Church of St. Peter at Rome his

(1) Bryce, Holy Roman Empire, p. 40.

(2) Einhard's Life of Charles, Robinson, Cit., Vol. I, p. 126

secret desire of donning the imperial crown was gratified and Charles was crowned emperor of the West. What authority the pope had for this act is not clear. Bryce holds that it was illegal and was made in virtue of the "Donatio Constantini" forged in order to justify the action of the pope and the resulting transfer of the imperial dignity in the West. It seems more probable, however, that it was invented at a later period in France for no use was made of it until Hincmar of Rheims (869-83) quotes it. In any case, Pope Hadrian had already written (778) that Constantine had "given to the pope the authority on these regions of the West" (Cod. Carol. ep. 61) so that Law is not relying on a forged document merely.

The justification of such action on the part of the pope would rather seem to lie in the belief that sovereignty lies in the people and consequently, since the Eastern Emperors had forfeited it by their heretical attitude in the Iconoclast controversy, it had again reverted to the people and hence, could be by them transferred to whomsoever they wished. This view would seem to be borne out by the account of the coronation of Charles given in the "Chronicle of Moissac" (801) as preserved in "Monuments Germaniae Historica":-

"Now when the king upon the most holy day of the Lord's birth was rising to the mass after praying before the confession of blessed Peter the Apostle, Lee the Pope, with the consent of all the bishops and priests and of the senate of the

Franks and likewise of that of the Romans, set a golden crown upon his head, the Roman people also shouting aloud. And when the people had made an end of chanting the Lauds, he was adored by the Pope after the manner of the emperors of old. For this was done by the Will of God. For while the said emperor dwelt at Rome certain men were brought to him, who said that the name of emperor had ceased among the Greeks, and that among them the empire was held by a woman named Irene, who had by guile laid hands on her son, the emperor, and put out his eyes, and taken the empire to herself as it is written of Athaliah in the Book of Kings; which when Leo the Pope and all the assembly of the bishops and priests and abbots heard, and the senate of the Franks and all the elders of the Romans, they took counsel with the rest of the Christian people, that they should name Charles king of the Franks, to be the Emperor, seeing that he held Rome the mother of the empire where the Caesars and Emperors were always used to sit; and that the heathen might not mock the Christians if the name of Emperor should have ceased among the Christians.* Neither in this account nor in that given in the *Liber Pontificalis* is there any reference to the *Denatio Constantini* as the justification of the pope's action.

The empire of Charles was considered both by himself and by his contemporaries as a renewal and continuation of the Western Empire. The Eastern Emperor still retained his dignity and Charles writing to him (811) addresses him as *dilecte et

honorabil fratris Micaeli glorioso imperatori et augusto* (Migne, Patrologiae L.—Cursus Completus, Paris I 854, 98--931) and was by him recognized as emperor of the West (Eginhart, Annals, ad ann. 812).

*The prerogatives and duties implied in the imperial dignity are thus described by Bryce.³ "Acting and speaking thus when merely king, it may be thought that Charles needed no further title to justify his power. The inference is in truth rather the converse of this. Upon what he had already done the imperial title would naturally follow. The attitude of protection and control which he held towards the church and the Holy See, belonged, according to the ideas of the time, properly and only to an Emperor. His coronation was, therefore, the fitting completion and legitimation of his authority, sanctifying rather than increasing it. We have, however, one remarkable witness to the importance that was attached to the imperial name, and the enhancement which he conceived his office received from it. In a great assembly held at Aachen A. D. 802, the lately crowned Emperor revised the laws of all the races that obeyed him, endeavoring to correct and harmonize them, and issued a capitulary singular in subject and tone. 'All persons within his dominions, as well ecclesiastical as civil, who have already sworn allegiance to him as king, are thereby commanded to swear afresh to him as Caesar; and all who have not yet sworn, down to the age of twelve, shall now take the oath.'

At the same time it shall be publicly explained to all what is the force and meaning of the oath, and how much more it includes than a mere promise of fidelity to the monarch's person. Firstly it binds those who swear it to live, each and every one of them, according to his strength and knowledge, in the holy service of God; since the Lord Emperor cannot extend over all his care and discipline. Secondly, it binds them neither by force or fraud to seize or molest any of the goods or servants of his crown. Thirdly, to do no violence nor treason towards the Church, or to widows, or orphans, or strangers, seeing that the Lord Emperor has been appointed, after the Lord and his saints, the protector and defender of all such.*

In other words, Charles regards himself as the temporal hand of the universal Christian State, having entrusted to him the welfare of all and sundry. From the obligation of obedience which men owe him as emperor he deduces their moral and social obligations towards him and towards one another. He claims jurisdiction over the whole West in virtue of the imperial dignity and "since the powers it gave are autocratic, it must swallow up all minor claims and dignities; the rights of Charles; the Frankish king, were merged in those of Charles the successor of Augustus, the lord of the world".⁴

The intimate union of Church and State inaugurated by Constantine is now placed on a firm basis by Charles. Bishops

(4) Bryce, Op. Cit., p. 69.

and abbots became an essential part of the rising feudal system—holding their benefices under the same conditions of fealty and service in war as their vassal tenants.⁵ They have similar rights and similar duties, and likewise are subject to the imperial "Missi".⁶

This investiture of bishops and abbots with temporal benefices or imperial fiefs, while it strengthened the influence of Charles and provided him with a class of educated servants, was detrimental to the interests of the Church. The bishops very often acted more in their capacity of feudal barons than as ecclesiastical prelates and thus the seeds were laid of that long conflict which proved as dangerous to both Church and Empire at a later date.

Hence, while Charles effectuated a close union between the temporal and spiritual powers in his own reign, it was nevertheless a union which could not last since it entailed a divided allegiance on the part of the prelates and a consequent neglect and abuse of the spiritual offices which, in a subsequent period, the combined efforts of pope and emperor found it hard to remedy.

(5) Letter of Chas. to Abbot Fulrad,—Robinson, Readings, p. 136.

(6) Robinson, Op. Cit., p. 139.

CHAPTER V

CHURCH AND STATE IN THE MIDDLE AGES

Until the advent of the Christian religion there was no universal conscious bond between men. Any union that existed between the various races and tribes was founded in the domination of one and the subservience of the others. Each tribe rejoiced in its own peculiar deity with the result that paganism as a religion was ineffectual for producing a union of mankind.

The domination of the Romans, while it could not bridge the chasm which separated the races, did, however, by giving the nations subject to them a common speech and common laws, unite them politically so that Christianity with its belief in one God who was Father of all alike, was able to effect a moral and intellectual and moral union. Christianity taught men that they must love one another and sought to unite all in one visible church. Men had been accustomed to regard the vast Roman Empire as something eternal. The Church, they believed, was destined to last to the end of time. Hence, seeing these two institutions allied and centerminous, men came to regard their union as natural and equally eternal. Hence, the Catholic Church and the Roman Empire were regarded as merely two names for the same Christian community accordingly as they considered it from the spiritual or temporal side.

As there is one truth, whether in the natural or the supernatural order, so there should be one body of all those who recognize that truth. Of truth in the supernatural order men believed the Church to be the divinely appointed guardian and infallible interpreter so that there was one universal law which bound the consciences of all men, dictated to them their reciprocal duties and was the universal standard by which rival claims and disputes were settled. In this universal Church and subject to this universal law all men were united without any distinction of race or nation.

Being thus bound together in the spiritual order men were naturally disposed to a union in the temporal and political order whereby the common interests of Christianity might be guarded and preserved from all enemies.

The limits of the two powers for a time were not closely defined and as a consequence, their spheres of activity were in practice often confounded. The bishops were princes and often ministers of the sovereign. As feudal lords they not infrequently led their flocks in war. On the other hand kings and emperors did not hesitate to summon councils and to interfere with the appointment of bishops and other clerical functionaries.

The belief in a universal monarchy had its theoretical as well as its historical basis. *Th est sola respublica totius pepuli Christiani, ergo de necessitate erit et unus*

solus princeps et rex illius reipublicae, statutus et stabilitus ad ipsius fidei et populi Christiani delatationem et defensionem. Ex qua ratione concludit etiam Augustinus (De Civitate Dei. lib. XIX) quod extra ecclesiam nunquam fuit nec potuit nec poterit esse verum imperium, etsi fuerint imperatores qualitercumque et secundum quid, non simpliciter, qui fuerunt extra fidem catholicam et ecclesiam.¹

According to the prevalent ideas, since every act of man is not a moral and personal act only but has a moral and social bearing as well, it followed as a natural consequence that there should be a certain parallelism in the forces which directed such acts. In as far as their acts were moral acts, men were directed by the teaching of the Church with its supreme head the pope. On the other hand in so far as men's acts had a public and social bearing it was deemed fitting that they should be directed to their end by one emperor rather than by a conflicting body of kings. This conception of the necessity of a universal Christian empire it was that made the popes so reluctant to break with Constantinople even at times when instead of the much desired aid they received insults.

From the time of Otis the Great men began to have still clearer ideas as to the relative provinces of the spiritual and temporal powers and their mutual relations. These relations rather than formulated in clear definitions are pre-

(1) Engelbert, De Ortu, Progressu et Fine Imperii Romani (1310), apud Goldast, Politica Imperii, p. 754.

posed through certain analogies which they have with things corporal. St. Thomas Aquinas compares the spiritual and temporal powers to the soul and the body since they mutually depend on each other and as the body receives its life and operation through the soul so the emperor gets his jurisdiction from the pope. "Merito summus Pontifex Romanus episcopus dici potest rex et sacerdos. Si enim Dominus Noster Jesus Christus sic appellatur, non videtur incongruum suum successorem. Corporale et temporale ex spirituali et perpetuo dependet, sicut corporis operatio ex virtute animae. Sicut ergo per animam habet esse virtutem et operationem, ita et temporalis jurisdictio principium per spiritualem Petri et successorum ejus." (St. Thos. Aquinas, De Regimine Principum).

The pope is regarded as God's vicar in spiritual matters whose office it is to lead and direct men and nations in the practice of virtue. The emperor is regarded as God's vicar in things temporal whose duty and office it is to centralize the affairs of the great Christian commonwealth that men may be able to best look after the welfare of their souls. The chief duty of the emperor is, therefore, to maintain world-peace and to act as the Advocate and Patron of the Church.

"Nonne Romana ecclesia tenetur imperatori tanquam suo patrono, et imperator ecclesiam fovere et defensare tanquam suus vere patronus? Certe sic——Patrenis vero concessum est ut praelatos in ecclesiis sui patronatus eligant. Cum ergo imperator

onus sentiat patronatus, ut qui tenetur eam defendere, sentire debet honorem et emolumentum.*²

The functions of the office of patron were, therefore two. He had to enforce the acts of jurisdiction of the spiritual power at home and, abroad, it was incumbent on him to spread the Gospel as far as in him lay.

While St. Thomas Aquinas, probably influenced by the historical fact of Charles the Great's coronation by Leo as well as by the existence of the "Donatio Constantini" (believed authentic in his time), would seem to infer that the emperor had his jurisdiction directly from the pope, the opposite opinion was common that in things merely temporal the emperor had his authority directly from God. Thus the *Sachsenspiegel* or great North-German law book says: "The Empire is held from God alone not from the Pope. Emperor and Pope are each supreme in what has been entrusted to them; the pope in what concerns the soul; the emperor in what belongs to the body and to knighthood." (*Speculum Saxenicum*, A. D. 1240.) Likewise St. Bernard writing to Conrad III says: "Non veniat anima mea in consilium eorum qui dicunt vel imperie pacem et libertatem ecclesie vel ecclesie prosperitatem et exaltationem imperii nocituram." (Book II, Ch. 6).

While there was, as we see, a difference of opinion as to whether the emperor received his authority directly from

(2) Goldast's, Collection of Tracts—*Monarchia Imperii*, Vol. I, p. 229.

God or indirectly through the pope, all were agreed that the authority of the pope was superior to that of the emperor since the end for which the papal authority was instituted—the salvation of men's souls—was more important than man's temporal welfare. Besides the emperor had a two-fold personality at least, for, apart from being emperor, he was a Christian and, hence a member of the church, subject to her discipline "ratione peccati", as the theologians expressed it, like any other member. Opposition between the spiritual and the temporal powers was, therefore inconceivable in theory since the emperor had to be guided by the Christian law in the exercise of his office. Each was, however, bound to co-operate with the other in all that regarded the welfare of the Christian commonwealth.

*This is the one perfect and self-consistent scheme of the union between Church and State, for, taking the absolute coincidence of their limits to be self-evident, it assumes the infallibility of the joint government, and derives as a corollary from that infallibility, the duty of the civil magistrate to root out heresy and schism no less than to punish treason and rebellion. It is also the scheme which, granting the possibility of their harmonious action, places the two powers in that relation which gives to each of them its maximum of strength.*³

Such was the ideal union of Church and State according to the conceptions of the best thinkers of the Middle Ages.

(3) Bryce, Holy Roman Empire, p. 10.

In actual practice things were far different. We have seen that Charles invested the bishops with feuds of the empire. Now, in course of time the emperors came to regard that which at first was held to be something superadded to the imperial dignity, as the essential constituent element in making a bishop. Hence, they sought to reserve to themselves the right to elect bishops and to confirm abbots. The fact that they were at times able to effectuate such ideas naturally caused a decadence in the clergy for unworthy candidates were often promoted to spiritual offices for political reasons. As a consequence such candidates regarded the emperor rather than the pope as their master and looked on themselves more as functionaries of the state than as ministers of the church whose interests they neglected. Such bishops imbued with worldly ideas were at a later date the greatest obstacles which the German popes met with in their efforts at reform. So deeply had these secular ideas penetrated that Pope John X in 921, regarded it as "an ancient custom that no one but the emperors can confer a diocese on a cleric". (Regesta Pontificum Romanorum Leipzig, 1885-7, 1-2.)

CHAPTER VI

THE PAPACY FROM CHARLES THE GREAT TO GREGORY VII

After his death the empire of Charles the Great grew gradually weaker through internal disorders until it finally came to its end in 924.¹ On the other hand the papacy gradually increased in strength and influence so that under Nicholas I it had reached a degree of splendor and influence rarely surpassed in succeeding ages. As we have seen, Leo III, in order to combat the moves of the nobility in elections and in order to quell internal disorders in the papal territory, did not hesitate to have recourse to the emperors from whom he received valuable help.

Under Sergius II (844-47) and Leo IV (847-55) the Saracens had been threatening Rome, in 846 had attacked St. Peter's. Leo fortified what was henceforward called the "Leone City" and drove the enemy back to Ostia, thus securing a peace which lasted to 873. In the period which followed the church in Italy had no defender but was at the mercy of local factions who elected and deposed popes much as they pleased. The head of the dominant faction called himself "Patritius Romanorum" and as such ruled the Church through the choice of candidates for

(1) Annals of Fulda apud Robinson, op. cit., p. 79-81;
Annals of Hantem apidem, 82-87.

the papal chair. A council held in 769, ordered that no layman could be elected pope and that no one but a cardinal could take part in the papal election. (Hinschius, KR. I. 217); (Mansi, I2, 719). Such prescriptions were in viger during the IX century and were again put into force by Nicholas I under pain of excommunication. It is true, however, that Lothair I (84-55) and his successor, Charles III, claimed the right to take an active part in the papal election, nevertheless, they were unable to succeed in exercising this pretended right. After the death of Pope Formosus (848-55), however, a Roman synod, in 892, decreed: "Constituendus pontifex convenientibus episcopis et universo clero eligatur, expetente senatu et populo, qui ordinandus est; et sic in conspectu omnium celeberrime electus ab omnibus, presentibus legatis imperialibus, consecretur." (Corpus Juris, C.28: D.63).

Such a concession to the lay authority was of enormous consequence and produced the most deplorable results in the following century. Nicholas I (858-67) tried with considerable success to restrain the secular authority from interfering in ecclesiastical elections. His successor, Hadrian III, (867-72) was too mild to vindicate his rights as pope and when the energetic John VIII (872-82) ascended the throne of Peter he found the factions grown too strong to be dominated by him and, not obtaining aid from Charles the Bald (875-87), he had to flee to France.

After the deposition of Charles III (887), the liberty of the pope became less and less and the papacy entered on a period of the greatest decadence. The Carolingian empire became broken up into five parts: Germany under Arnolf, France under the last of the Carelingians, Provence, Burgundy and Italy. In the latter state both Berengarius of Friuli and Guido of Spoleto sought the imperial crown. Guido was crowned by Stephen V in 891 and his son by Formosus the year following. The last mentioned pope called in the German king Arnolf and crowned him emperor (896). On the death of Formosus the Spofetan faction elected Stephen VI as pope who caused the body of Formosus to be exhumed and declared the sacraments conferred by him invalid. He and his two successors were killed in the fights between the factions. John IX (898-900) tried during his short reign of two years to reform the state of the Church and repealed the partisan decrees of Formosus. Leo IV after a reign of two months was killed by his chaplain, who having become pope soon met the same fate. Sergius III, a nominee of the noble Tusculan party, renewed the decrees of Formosus. This Tusculan party was dominated by three infamous women--Theodora the Elder, Marozia and Theodora the Younger. These women did what they liked with the papal throne. To them it would seem that John X (914-29) owed his election as also John XI, (931-6) who became pope at the age of nineteen years. After the death of the latter the papal see was occupied by good popes until 955, when John

XII became pope, uniting in himself as son and heir of Alberic II (who became master of Rome in 954 with the title of "senator et princeps omnium Romanorum") the temporal and spiritual powers. Seeking to reconquer the papal territory taken from him he made himself the enemy of Berengarius of Ivrea, the master of Northern Italy.

In order to defend himself against Berengarius, Stephen called in the German king, Otis I, whom he crowned emperor and from whom he received in return a confirmation and amplification of the grants made by Pipin and Charles the Great. The vacillating pope then sought the aid of the Hungarians and Goths against Otis by whom after a synod held at Rome in 963 he was declared deposed and a layman (Hefele-Knopfler, Konziliengeschichte, IV.612) elected. John returned to Rome the next year and depose the emperor's nominee. On the death of John shortly afterwards the Romans elected Benedict V, but Otis banished him and restored his own nominee, who, however, died in 965 and was succeeded by John XIII, who for his energetic action against the Roman nobles was imprisoned for eleven months. As Otis remained in Italy from 966 to 972, the pope was left in peace but on the death of Otis in that year the party of the Cresenzi rebelled against his successor, Benedict VI, whom they put to death, electing instead Boniface VII, who was immediately exiled by Otte II (974-83). With the aid of the emperor Benedict VII, (974-83) had a tranquil pontificate but his successor

John XIV, was starved to death by Boniface VII, who returned after the Emperor's death. Boniface himself soon met a violent death—the victim of the popular fury. Otto III (983-1002) caused Gregory V to be elected (996-8) as also his successor the learned Geibert who took the name of Sylvester II (999-1003). Both were good popes. (*Vita et Scripta-Migne, Patrologiae Cursus Completus, 19, 139. 85.*)

Again in 1002 there sets in another period of decadence, for, Alberic of Tusculum, a descendant of the above-mentioned Theodora the Younger, caused his brother to be elected with the name of Benedict VIII (1012-24) and the papacy became for a time hereditary in that family. Benedict at first lived a worldly life but under the influence of the emperor, Henry II, sought in later life to have the ecclesiastical law observed. His brother Roman succeeded him while still a layman under the name of John XIX, (1024-33). This pope was but a weakling who allowed his relatives to do what they pleased. He in turn was succeeded by the twelve year old son of Alberic with the name of Benedict IX. He led a life, as might be expected in the circumstances, unworthy of the papacy and was banished by the Romans in 1044. They elected in his stead John bishop of Sabina who took the name of Sylvester III. Soon, however, Benedict IX, supplanted Sylvester, but afraid of the Romans, he sold the tiara to John Gratian who with the name of Gregory the VI, worthily occupied the papal chair. Then Henry III, the German king,

interposed directly and established order. The synods of Sutri and Rome (1045-7) deposed the three popes and elected Clement II, (1046-7) with whom was initiated a line of worthy German popes who immediately set themselves to reform the Church. By the efforts of these the papacy was restored to its former glory and prestige.

From this brief glance at the history of the papacy in the period which intervened between 900 and 1050, we can see that, except for brief intervals, it was one of strife and turmoil. Warring factions fought with each other and now one, now another, succeeded in putting its candidate on the papal throne. These candidates were not chosen for their fitness to rule the church and, as was natural, they were more anxious as popes for the welfare of their faction than they were for the good of religion.

Consequently, it was only to be expected that the papacy should fall in the esteem of the nations and of the emperors who had trouble in putting things right. Even when the German emperors had restored order to the Church by giving her worthy popes, this tendency to despise the papacy still lingered and the emperors were inclined to regard the popes as their servants and subjects so that the papacy became, to a certain extent, dependent on the emperor.

Probably at no period in the history of the Church did the secular power exercise such a baneful influence in

ecclesiastical affairs as during the time of which we speak. As we have seen the papacy had become a mere tool in the hands of political schemers with which to work their own aggrandizement and to them more than to the unworthy popes must the blame for the consequent decadence among the clergy and in the monasteries and the impaired morality of the people be attributed. If the German emperors interfered to an unjustified extent, at least their interference was the lesser of two evils and was to a great extent justified by the deplorable condition into which the papacy had fallen as well as by the happy outcome of their interference.

The restoration of the Holy Roman Empire of the German Nation was, hence, an event fruitful of consequences for the Church. Though Otis I owed the imperial title in the first instance to the pope², still the popes of this period did not claim the right of electing the emperor. This right was reserved exclusively to the princes of the German nation who presented the emperor-elect to the pope for coronation.³ Partly to the masterful character of Otto, but in greater part to the decadent condition of the papacy at this period, is due the tendency of Otto and his successors to make the imperial predominate over the papal authority even in purely ecclesiastical affairs.

(2) Darras, General History of the Church, Vol. II, p. 592.
 (3) The Sachsenspiegel, cited by Bryce, p. 197.

This tendency was not manifested as much by the actual interference in spiritual things for, as a rule, the German emperors were very careful to abstain from such interference, but rather by the influence which the emperors sought to exercise in the election of popes and in the appointment of bishops and abbots. On the whole, while this interference could hardly be justified on principle, in actual practice, it proved very beneficial. The four German popes, Damascus II, St. Leo IX, Victor II, and Stephen X, were men well qualified for their sacred office and though they owed their election to the imperial influence, nevertheless, they recognized the necessity of freedom in ecclesiastical elections and earnestly strove to bring it about. St. Leo IX held synods all over Italy, France and Germany in which simony and the violation of clerical celibacy were condemned and measures taken for reform. Leo's right-hand man, Hildebrand, at Leo's death led an embassy to Germany in order to prevail on Henry III, to designate in the name of the clergy and people of Rome Gebhart as the successor of Leo. Gebhart, like Leo IX, accepted on one condition, viz-that he be the free choice of the clergy and people of Rome. When he found that this condition was verified, he accepted the papal dignity and assumed the name of Victor II.

CHAPTER VII

FROM GREGORY VII TO INNOCENT III

In opening this chapter a discussion of the "False Decretals" may not be out of place since they were frequently made use of by popes and others in the period we are about to deal with. Bryce¹ says: "By the invention or adoption of the False Decretals it (the papacy) provided itself with a legal system suited to any emergency, and which gave it unlimited authority throughout the Christian world in causes spiritual and over persons ecclesiastical. Canonistical ingenuity found it easy in one way or another to make this include all causes and persons whatsoever; for crime is always, and wrong is often, sin, nor can aught be anywhere done which may not affect the clergy." Again he asserts² that it was on account of the alleged decree of Hadrian ("ne quisquam audaciter Imperii Romani sceptrum praepestere gestare princeps appetat neve Imperator dici aut esse valeat nisi quem Pape Romanus morum probitate aptum elegerit eique commiserit insigne imperiale) that the emperors recognized the right of the pope to crown the person elected by the German princes.

Now, as regards the False Isoderian Decretals, Hirschius (*Decretals Isoderian*, 1865, *Civilita Cattolica* and other periodicals) has summarized his conclusions which seem to be

(1) Bryce, Holy Roman Empire, p. 156.

(2) Ibid, p. 197.

well grounded in fact. He finds that the Decretals contain (at least in the longer recension) (I) a preface, (II) the Apostolic canons with the Decretals Constantini, (III) 53 papal letters ranging from Clement I to Melchisedech (83-314), (IV) canons of councils up to the second synod of Seville, (V) papal decrees from Sylvester I to Gregory II (314-731). The first three parts are apocryphal as well as sections of the other two parts—in all about one hundred documents. Many of these documents while not the work of the authors to whom they are ascribed are, nevertheless, the decrees of ecclesiastical authorities anterior to the time in which it is generally believed the Decretals were invented. Practically all are taken from genuine fonts. Hence, they would express the customs and discipline in vigor at the time of their composition and he concludes that this is one of the main reasons why they were so easily accepted as genuine. They contain no real innovation in ecclesiastical discipline and though they have been blamed for augmenting the papal authority as regarding the reservation of "major causes" to the pope, nevertheless, it is true that Innocent I had already written: "Majores causas ad sedem apostolicam post iudicium episcopale referendas". (Regesta Pont. Romanorum, Leipsig, No. 286.) So also in the matter of the approbation of synods, the deposition of bishops, etc., there was no disciplinary innovation.

Having prefixed these remarks, we are now in a posi-

tion to deal with the relations as modified by the struggle between the emperors and Pope Gregory VII. We have seen in the preceding chapter what was the Christian conception of the relations which should exist between Church and State as determined by the nature and end of each. A universal empire was regarded as the natural consequence of a universal religion. This empire was to have its two heads, spiritual and temporal. The pope was regarded as the Father of the great Christian family. He was the custodian of public and private morals with jurisdiction over nations as well as individuals. Hence, he had the power as well as the right and duty of punishing offences against Christian morality even in princes. In civil affairs he was looked upon as the natural arbitrator of disputes since his exalted position of spiritual father of all must tend to render him impartial to all contendents whether nations or individuals. He was, moreover, the supreme director in all the enterprises affecting the common interests of the whole Christian family.

Still, even the most powerful of medieval popes recognized the independence of the civil authority in things merely temporal. Gregory II had written: "Quemadmodum pontifex introspiciendi palatium potestatem non habet, ac dignitates regias deferendi, sic neque imperator in ecclesiam introspiciendi et electiones in clero peragendi neque confirmandi" (Migne, Pat. Lat. Cursus Completus, 89, 522). Speaking of the penance to

which the emperor subjected the uncrowned Emperor at Canossa, Bryce³ says: "Gregory had extorted the recognition of that absolute superiority which he was want to assert so steadily, proclaiming that to the Pope, as God's vicar, all mankind was subject, and all rulers responsible, so that he, the giver of the crown may also excommunicate and depose*."

Here we have more or less of an equivocation. Only when civil questions entered the spiritual or moral field—that is when they affected the salvation of souls—did the pope claim jurisdiction. In other words, as the jurists of the Middle Ages expressed it, the princes are subject to the pope "ratione peccati non domini*." This is manifest from a letter written by Gregory III, to William I, of England in 1080. "If I, therefore" he says, "am to answer for thee on the day of judgment before the Just Judge who cannot lie, bethink thee whether I must not very diligently provide for thy salvation, and whether, for thine own safety, thou oughtest not without delay obey me, so that thou mayest possess the land of the living.*" Evidently the Pope demands obedience from the king as spiritual head of the Church only.

Bryce⁴ asserts that "Gregory was not the first pro-
pounder of these doctrines; they had been before his day a part

(3) Ibid., p. 160.

(4) Ibid.

of medieval Christianity, interwoven with its most vital doctrines.....but Gregory was the first who tried to apply these to the world as he found it. His was that rarest of gifts, an intellectual courage and power of imaginative belief which, when it has convinced itself of aught, accepts it fully with all its consequences, and shrinks not from acting at once upon it.....But it was the very suddenness and boldness that secured the ultimate triumph of his cause, awing men's minds and making that seem realized which had been till then a vague theory. His premises once admitted—and no one dreamt of denying them—the reasonings by which he established the superiority of spiritual to temporal jurisdiction were unassailable. With his authority in whose hands are the keys of heaven and hell, whose words can bestow eternal bliss or plunge into everlasting misery no earthly potentate can compete or interfere... It was thus that Gregory and his successors were wont to argue; the wonder is, not that they were obeyed, but rather that they were not obeyed more implicitly*.

There is no contradiction between the principles which inspired the two Gregories though the strong personality of Hildebrand was such that he did not hesitate to effectuate in practice what had been, as the author admits, the basis theory underlying the political system of the Middle Ages.

In order, however, to avoid all misunderstandings as regards the conduct of the popes we must keep in mind that they acted in a manifold capacity, They were spiritual heads of the

church, civil rulers of the papal states with all the rights and duties of such, feudal lords of states whose rulers had for one reason or another become their vassals, as Sicily in 1029 and England under Innocent III. Of other kingdoms they were the protectors as was the case of Hungary, Bohemia and Poland, which state paid an annual tribute for such protection. Hence, we must know in which of these capacities the pope is acting before we can lawfully draw conclusions from his acts. Thus when Gregory VII declares "Quem (Petrum) Dominus Noster Jesus Christus, rex gloriae, principem super regna mundi constituit". (Migne, Pat. Lat. 148; 339) it is evident from the context that he is referring to the spiritual power. Certainly the same pope says distinctly that God has made Henry, King of Denmark.

If Gregory IX. (1227-41) and Innocent IV. (1243-54) claim by virtue of the "Donatio Constantini" to have any effectual universal monarchy, their claim made in good faith, rests on a false title and is consequently invalid. In any case they never claimed this in virtue of their office as primate of the Church. It is a superadded right. Innocent IV declares: "Temperalia et spiritualia diversa sunt et diversas judices habent, nec unus iudex habet ^{se} intromittere de pertinentibus ad aliam, licet se ad invicem juvare debent". (Acta Imperii II, 696.)

Even in regard to Innocent III, the ablest statesman among the popes of the Middle Ages, it would be untrue to say

that he ever dreamt of claiming a universal monarchy in virtue of his office as head of the Church. Like all the popes, he holds that the temporal power is subservient to the spiritual in so far that in the exercise of it a ruler must be guided by the revealed law of God of which as head of the Church the pope is both the guardian and the interpreter. According to him, however, the papal authority (Migne, Patrologiae Latinae-Cursus Completus, 214-6) does not extend to those who are not baptized and hence are outside the Church. In the Church it is restricted within the limits given it by Christ and by the Natural Law. Within these limits the pope has the fullness of power. This authority extends to all the parts and members of the Church and to all ecclesiastical affairs and is an "ordinary power" which belongs to the pope in virtue of his office as head of the church. In purely civil matters, however, the pope has no direct authority. The French king, he says, has no superior in temporal affairs ("Cum rex ipse superiorem in temporalibus minime recognoscat"--Regesta Pent, Roman V, 128). This decree was soon afterwards included in the Corpus Juris Canonici. He, moreover, asserts that in such things the king is not obliged to consult the pope, though he can do so if he wishes. If, however, the questions are at the same time religious or moral, the pope exercises an indirect authority in temporal affairs. "Non intendimus judicare de feude, cujus ad ipsum (regem) spectat judicium...sed discernere de peccato, cujus ad nos pertinet sine dubitatione censura, ~~quam in~~ quam in quemlibet ex-

circere possumus et debemus" (Regesta Pen. Rom. VII, 42).

The pope never considered the emperor his subject except he was his vassal on account of some other title as was the case with Henry IV. when Gregory invested with the fiefs bequeathed him by the Countess Matilda.

As we have seen, the principal office and duty of the emperor was the protection of the interests of the whole Christian community without detriment to the independence of individual states. He was the "Advocatus Ecclesiae", and since, according to the ideas of the time, this was the essential duty of the emperor, it naturally followed that it depended on the pope to crown him and historical writers do not designate as emperors persons who did not receive the crown at the hands of the pope. It is, however, true that in the later Middle Ages the German princes elected the emperor but this they did indirectly in so far as they had the lawful right to elect the king of Germany and custom exacted that the German king should be crowned emperor. Still, theoretically, at least, the pope could refuse to crown the person so elected and substitute some other person instead. Louis the Bavarian was the first to deny this right on the part of the pope.

The popes claimed and effectually exercised the power of excommunicating kings and princes⁵ and consequently to liberate their subjects from their allegiance. According to the

(5) Decree of Gregory VII excommunicating Henry IV:
Rehmsen, op. cit., 281.

ideas of the time, the excommunication had the effect of rendering a person incapable of exercising a public office, and as the king like any other member of the church could be excommunicated, it naturally followed that he was incapable of ruling as king. He was not dethroned immediately, but was given a year in which to take measures to have the excommunication removed. If he still continued under the ban of the Church he was dethroned and his subjects freed from their allegiance. (Decrees of XII, Ecumenical Council.)

CHAPTER VIII

INVESTITURES

A separate chapter has been devoted to this subject because of the importance which it assumed in determining the relations between Church and State. By means of the growing abuse of lay investiture the appointment of bishops in the eleventh and succeeding centuries had passed completely into the hands of princes and as a consequence the Church was often at the mercy of self-seeking courtizans and adventurers. In Germany and the regions dependent on it as Upper Italy, the king elected and deposed bishops as he pleased ever since the time of Otis I (962-73) who under pretext of seeking the good of the empire had endowed the dioceses with feudal estates. Otis was anxious to have a strong support against the powerful dukes and St. Henry (1002-34) behaved in a like manner. In England and France the greater part of the dioceses were in the hands of the nobles and appointments were made by the king. The persons appointed to the ecclesiastical dignity were afterwards invested with the ring and pastoral staff and the formula "Accipe Ecclesiam". Still, this part of the ceremony came to be regarded as of secondary importance since the persons appointed by the king and invested with the fief was almost invariably invested with the spiritual benefice.

Even the monasteries were regarded in many places as the private property of noblemen who influenced the appointment

of abbots and used the monastic belongings for their own needs. Nor was it otherwise with the secular priesthood for a great number of them were employed in the service of churches built or endowed by noblemen and, therefore regarded as their property so that practically all the ecclesiastical benefices were in the hands of laymen.

A natural consequence of this state of affairs was the prevalence of simony in the conferring of the benefices. The person to be invested with a benefice had to pay a certain sum to the patron of the church in which the benefice was located. Nor did the evil end here for those seeking benefices did not hesitate to outbid each other or to bribe the king's counsellors who had the disposal of the benefices. Under Henry IV, (1056-1106) these abuses became so prevalent that St. Peter Damian could say "that it was permitted as if there was nothing wrong or punishable in it and was now the general rule as if recognized by law". (Migne, *Patrologiae-Cursus Completus*, I45; 140). Pascal II, writing to Henry V. says: "Nevertheless, in portions of your kingdom bishops and abbots are so absorbed in secular affairs that they are obliged regularly to appear at court and to perform military service, pursuits rarely, if ever, carried on without plunder, sacrilege or arson. Ministers of the altar are become ministers of the king's court, inasmuch as they receive cities, duchies, margravates, mints and other things which have to do with the king's service. Hence, the

custom has grown up intolerable for the Church, that bishops should not receive consecration until they have been first invested by the king. From this have sprung the prevalent vices of simoniacal heresy and ambition, at times so strong that episcopal sees were filled without any previous election. Occasionally investiture has taken place even while the bishop holding the office was still alive".¹ Gregory VII speaking of the same matter says: "Whether I turn to the north, south or west, I can hardly find a bishop who has got his benefice lawfully, who lives a priestly life and governs souls for the love of Christ rather than for worldly ambition". (Regesta Pent. Rom. II, 49.)

Ambitious and worldly men thus became prelates or priests not through vocation, but in order to enjoy the temporal advantages attached to the clerical state, and as a consequence, the vow of celibacy was little respected. Bishop Bruno of Segni in his life of Leo IX (1048-54) says: "Simon Magus ecclesiam possedebat et sacerdotes voluptatibus et fornicationi dediti erant. Non erubescabant sacerdotes uxores ducere, palam nuptias faciebant...Sed quod his omnibus deterius est, vix aliqui inveniebatur, qui simoniacus non esset, vel a simoniacis ordinatus non fuisset."

While these abuses were prevalent there were many who sought to reform the clergy and to free the church from the domination of laymen. Among these were St. Peter Damian

and Hildebrand who had the courage to tell the newly elected Leo IX. that if he were elected to the papal throne through the influence of the emperor he would regard himself not as "apostolicus" but as "apostaticus". Nevertheless, he was made papal treasurer and through his influence a Roman synod was held by Leo IX. in 1049 in which were renewed the decrees of Clement II. (1046-7) against simony, excommunicating those guilty of it or ordained by such. In the years following, synods were held all over Germany and France in which similar remedies were adopted. In Milan the arch-bishop refused to obey and grave disturbances resulted. In England William the Conqueror (1066-8) did good service to the Church by banishing the incontinent clergy, though simony still continued.

The root of the evil yet remained. The State still dominated the Church and there was no possibility of free election to ecclesiastical offices. This freedom in the papal election to the exclusion of the Roman nobility and the German emperor alike, the decree of Nicholas II. (1058-61) sought to establish² allowing the German emperor and his successors the right of verifying the freedom of the election. In 1059 Gregory formed an alliance with the Normans who in the person of Robert Guiscard became vassals of the pope and a valuable ally against the exaggerated claims of the Germans. After the death of Henry IV, Gregory withdrew from the emperor the conceded right of confirming the freedom of the papal election.

Gregory was the last pope to have his election confirmed by the emperor. He immediately renewed the decrees of Nicholas II. (1074) and added grave penalties for their infraction. In 1075 he had written to Henry IV: "We return to the ancient discipline and the teachings of the Fathers, decreeing nothing new, and we believe that it is our duty to follow and put in operation the first and principal rule of ecclesiastical discipline and the means used by the Holy Fathers thus removing the abuses".³

Many of the German ecclesiastics affected by these measures were discontented and Gregory was obliged to address an encyclical to the German people imposing on them the duty of refusing obedience to bishops who allowed infractions of the vow of celibacy. (Reg. Pon. Rom. 4902.) In the synod held at Rome in 1075, Gregory struck at the rest of the ecclesiastical abuses by prohibiting lay investitures⁴. This precipitated a momentous struggle between the pope and emperor which, while it remedied the prevailing abuses, initiated the process of decay as regards both the papal and imperial powers. Henry sought to depose the pope⁵ with the aid of the bishops of Germany and Northern Italy. The pope then excommunicated the king, suspending him from the government of Germany and Northern Italy.⁶

(3) Watterich, I, p. 367.

(4) Monum. Germaniae History, VIII, 412.

(5) Robinson, op. cit., p. 279.

(6) Watterich, I, op. cit., 516.

the king meeting with opposition on the part of his nobles in the Diet of Tribur (1076) was forced to amend and after his famous three days of penance at Canossa was absolved from the excommunication.⁷ Internal trouble continued in Germany and Henry had difficulty in maintaining his position. Having again infringed the decree forbidding investitures by the lay authority, the pope again excommunicated and deposed him, whereupon Henry declared Gregory deposed and in his stead elected an antipope.⁸ Gregory soon afterwards died but his successors Victor III. (1086-87) and Urban II. (1088-99) continued his work. The synod of Clermont (1095) went even further than Gregory and forbade any ecclesiastic to take a feudal oath to a layman. The fight continued until 1122, when an agreement was reached in the Concordat of Worms. Among its provisions were the following: (i) Ecclesiastical persons are not to be invested with a feud by giving the ring and pastoral staff but by means of the sceptre, (ii) Bishops and abbots must be freely elected and consecrated, (iii) The king is given the right to be present at the election of the bishops, (iv) The king having heard the bishops of the province can decide "pre saniore parte" disputed elections, (v) The investiture of feuds must precede the consecration.⁹ These provisions were sanctioned by the First Lateran Council in 1123 which also decreed that no prince or layman could take part on ecclesiastical affairs or dispose

(8) Menun, Germanae, History, VIII, p. 451.

(9) Concordat of Worms, Robinsen, op. cit., p. 292.

of the benefices of the Church. The Lateran Council of 1179 decreed that the majority of votes must prevail in all ecclesiastical elections.

(7) Robinsen, op. cit., p. 282.

CHAPTER IX

FURTHER CONFLICT

The most bitter fight between Church and State during the Middle Ages was that waged between the popes and the Hohenstaufen emperors less than half a century after the end of the conflict over the investitures. In essence the new conflict differs little from that waged in the preceding century. It had for its object the conservation of the liberty obtained for the Church in the preceding conflict and in addition, aimed to secure the liberty of the entire Church and of the papal states in particular. The powerful Hohenstaufen were as despotic as the pagan emperors of Rome. In 1159, Frederick Barbarossa did not hesitate to declare to the pope: "Si autem in nostre sole et alie die sunt papatia episceporum, cum profecto omne qued edificatur sole cedat, nostra sunt et palatia".¹ They pretended an absolute dominion over Italy and Sicily and aimed at doing away with the independence of the papal states as well as the right of free election to the papal throne. They claimed that the papal states as well as its feudal states of Sardegna and Corsica were feuds of the empire. The goods which the Countess Matilda of Tuscany had donated to the Holy See were also claimed. The appointment of bishops again became an agitated question and Barbarossa, under pre-

(1) Watterich, II, p. 371.

text of observing the Concordat of Worms was able to obtain the right of nominating them in Germany.

Arnold of Brescia had incited the Romans (1155) to force Hadrian IV. (1145-53) to renounce the temporal power. The pope placed the city under an interdict and Arnold had to flee. In 1152 Frederick Barbarossa, a descendant of the Guelfi, ascended the throne. His ideal was to restore the imperial power and the domination of the German sovereigns over Italy. In achieving this ideal, he was unscrupulous. Disregarding the prevailing theories of the time (V. Ch. V) he was an absolutist in every respect and this tendency brought him into conflict with the nobles of his own kingdom, with Italy and with the Church. In the Diet of Ulm he had denied in the initial years of his reign that the pope could, independent of the civil power, excommunicate the violators of ecclesiastical property. In 1156, infuriated because Hadrian IV. had confirmed William II. of Sicily as king of Naples and exasperated because in a papal letter addressed to him the imperial crown was referred to as "beneficium" translated by an interpreter as "vassal", he ordered the papal legates to return to Rome and affirmed that "in consequence of his election by the German princes, he held the crown from God alone". The pope explained the "beneficium" as "benum factum"² and Frederick was satisfied but nevertheless claimed the papal state as his property and the pope as his vassal. Hadrian died in 1159 and Alexander III, was elected in (2) Watterich, II, 366.

spite of the efforts of the emperor who, discontented, called a synod of fifty bishops. They sat at Pavia and elected an antipope. England and France remained faithful to Alexander as did the greater part of the Christian world. Still the latter was forced to flee to France and the emperor sought to have Louis VIII. hand over Alexander. Louis called a synod of the French bishops to decide the question, but Frederick, through his envenomed Reginald, Bishop of Dassel, declared: "The emperor does not recognize the right of anyone to interfere in questions concerning the Roman Church, which belongs to him solely".³

A council of all the German bishops held at Tours under the presidency of Alexander (1164) sought to find a way of reconciliation, but Frederick in the Diet of Wurtzburg (1165) made the German bishops swear that they would never recognize Alexander as pope. He descended to Rome, banished Alexander and set up an antipope, but owing to a pestilence breaking out in the army, he had to return to Germany. The Lombard cities formed a league with Alexander as protector. They defeated Frederick at Legane (1177) after which the "Treaty of Venice" was concluded by which the pope recognized as valid the appointments made to bishoprics in Germany during the schism and the Emperor recognized Alexander as pope and his acts of

(3) Watterich, II, p. 529.

jurisdiction as valid. The emperor promised to defend the pope and to restore the possessions taken from him. He still retained for fifteen years, however, the heredity of the Countess Matilda.

In 1179 was celebrated the Third Lateran Council which regulated the ordination of candidates for the priesthood and took measures against simony and usury. It was decreed that a two-thirds majority was necessary for the election of the pope.

To Frederick I, succeeded his son Henry VI, (1190) who was actuated by the same ideas as his father and as a first measure towards their realization, he conquered Sicily. He took prisoner his cousin, Richard Cœur de Leon of England, while the latter was engaged in a crusade and therefore, according to the customs of the time, inviolable. Richard, in order to regain his liberty, was forced to pay a fine and to declare England a feud of the empire. Henry also sought to conquer France and the Oriental empire. Pope Innocent III, however, resisted his claims and managed to regain Sicily. At the instance of his mother, the Empress Constance, he conferred the investiture of the kingdom of Sicily on her son Frederick and in 1198 became his guardian.

In the disputed election which followed the death of Henry VI, in 1197, Innocent sought to prevail on the parties to agree on some candidate or, if they could not, to leave the

decision to him, since by him would have to be crowned whoever was elected. On both parties refusing to do this, Innocent recognized Otis IV, an opponent of the Hohenstaufen, as emperor. The candidate of the latter party was already excommunicated and hence incapable of exercising the office. When the party of the Hohenstaufen murmured, Innocent issued a decree recognizing the right of the German princes to elect but claims for himself the right to examine if the elected candidate be worthy of the office. (Regesta Pent. Rom. n. 62.) Having conquered his rival, Otis was crowned emperor in 1209, promising to respect the rights of the pope.⁴ Immediately he forgot his promises and treated the papal states as his private property. For such conduct he was excommunicated in 1211 and the Diet of Norimberg deposed him and elected his successor, Frederick II. (1215-1250).

This emperor became one of the most fierce opponents of the papacy. He sought to become master of all Italy including the papal states. He had little religion and few moral principles and broke his promises as often as it suited him, leading a life "full of hypocrisy" (Bohmer). To Honorius III, he promised to engage in a crusade but his efforts were directed against the papal states rather than against the Turks. The real conflict broke out when Frederick's relative, Gregory

(4) Annals of Cologne, Robinson, op.cit., p. 307.

IX, (1228-41) became pope and excommunicated him for spoiling all hope of the success of the crusade by his prearrangement. To this the emperor replied with insults and banished Gregory from Rome. Soon afterwards, in order to preserve the good will of the Franks, he set out on a pretended expedition against the Saracens⁵. The conflict continued with varying fortunes until the death of Gregory in 1241 while Rome was besieged by the imperial troops. In the meantime, there was being carried on a literary war between the adherents of the contendants, which in its outcome was to undermine the papal and imperial powers. In 1244 the new pope, Innocent IV, (1243-54) made peace with Frederick on condition that the latter would remove the cause of the excommunication. This condition was not fulfilled and the pope was obliged to flee to Lyons where was held the XIII. General Council (1245) which deposed Frederick and authorized the princes to elect another. Frederick's fortunes were on the decline and he died in 1254. The Hohenstaufen line ceased to exist in 1268.

The conflict between the Hohenstaufen emperors and the pope changed the whole political situation in Europe. In Germany there were internal disorders without a king who might quell them. A similar state of affairs existed in Italy and the States of the Church. The families of Colonna and ^{Gaetani} Orsini

(5) Huill, III, p. 100.

became supreme in an almost independent Rome. Charles of Angiou, king of Naples, was even more tyrannical in his dealings with the Church than the Hohenstaufen emperors, dominating Rome and Northern Italy and even having a supporting faction in the college of Cardinals itself so that because of it a papal election was often delayed. Gregory X. (1261-6) and Nicholas (1277-81) sought the aid of Rudolf of Hapsburg and offered him the imperial crown, which owing to political troubles, he was unable to accept. After a two year vacancy of the papal throne there was elected a weak pope in the person of Celestine V, who lived in Naples and allowed himself to be used as a mere instrument by Charles II. On his resignation in 1294, Boniface VIII, was elected but had to encounter the opposition of the powerful Colonna family by whom he had in all probability been greatly maligned. (Sanerland, Documents Relative to the Conflict between the Colonna and the Gaetani Families, Archives of the Roman Society di Storia Patria, Roma, 1877.)

During this pontificate Philip IV. (the Handsome) engaged a war with England on account of the expenses of which he was obliged to place a very heavy burden of taxes on ecclesiastical property. The pope issued the bull "Clericos Laicos" (C. III. De Impun. Eccles. in VI⁶) whereby were prohibited taxes of ecclesiastical property without the pope's consent.

(6) Robinson, op. cit., Read. In Hist., Vol. I., p. 489.

Laymen levying such taxes were subject to excommunication.

The French prelates, however, stood by the king and the pope was forced to modify his attitude⁷ and expressed himself as willing to consent to any form of taxation the king might deem necessary⁸. A temporary peace was concluded but Philip abused his war-time privilege and disposed of ecclesiastical benefices as before. In 1301 the pope revoked these privileges and invited the king to Rome to discuss the causes of disagreement. The king published a falsified copy of the papacy bull, inselent in tone, by which means he aroused the sympathy of the French people for his cause. The next year a council was held in Rome and made a conciliatory offer which Philip refused. Boniface then reserved to himself the disposal of all French benefices.

A product of this conflict between the pope and Philip was the famous bull "Unam Sanctam" issued in 1302 and which defines the relation of the temporal to the spiritual power. It lays down these propositions. The Church has two swords: the spiritual and the temporal powers. (Uterque in potestate ecclesiae est, spiritualis scilicet et temporalis.) The one is to be used by the Church; the other for the Church (sed is quidem pro ecclesia, ille vere ab ecclesia exercendus). The temporal power is in the hands of the king and the warrior who must be guided in its use by the spiritual power for "oportet

(7) Potthast, 24, 467-8.

(8) Ibid, 24, 529.

gladium esse sub gladio, et temporalem auctoritatem spirituali subiecti potestati". The nature of the co-ordination is thus declared: "potestas spiritualis terrenam institure habet et iudicare, si bona non fuerit". Then follows the only dogmatic definition in the whole bull: "Porro subesse Romano Pontifici omni humanae creaturae declaramus, dicimus, definimus et pronunciamus omnia esse de necessitate salutis". (We, moreover, proclaim, declare, and pronounce that it is altogether necessary to salvation for every human creature to be subject to the Roman Pontiff.) This is the ordinary Catholic teaching that outside the Church there is no salvation.⁹

When Bercheld and others translate "humanae creaturae" as referring to the civil power, they are evidently reading into it a sense which it can by no means bear. On the contrary the sense is obvious and the Bull is taken in great part, word for word, from earlier theologues. (St. Bernard; Hugh of St. Victor, St. Thomas Aquinas, etc.) It makes no innovations as regards the rights of temporal princes or their subjection to the ecclesiastical authority. This is evident from the Brief of Clement V, issued in 1306. While this is true of the definition, it may or may not be true of the preamble which is not of faith even for Catholics.

(9) Translation of "Unam Sanctam", Vide, Robinson, op. cit., p. 348.

APPENDIX TO CHAPTER IX
CHURCH AND STATE IN ENGLAND

In England much the same conditions prevailed as in Germany since the greater part of the prelates were considered as feudal lords. The same causes produced like effects. William the Conqueror (1066-87) was on good terms with Gregory VII, but maintained a firm stand on the question of investitures and even after 1075 conferred them. Since, owing to William's influence, the clergy in England were otherwise upright, the popes tolerated his conduct in the matter of investitures. Under William II, (1087-1100) the benefices were often kept vacant and simony grew apace, especially after the death of Lanfranc in 1089. After keeping the primatial see vacant for a long time the king prevailed on Anselm of Bec to accept it. Anselm did all he could for the Church there, but abuses existed. The abbacies remained vacant and the primate was forbidden to go to Rome to receive the pallium. He was not allowed to recognize the lawful pope, Urban II. In this attitude the English bishops supported the king and demanded that Anselm should conform to the king's wishes. So strained did the relations between king and primate become that Anselm had to betake himself to Rome and was not allowed to return until the reign of Henry I, (1100-35). Then the conflict regarding investitures began, for in 1102, Pascal II, had ordered that the

law prohibiting investitures by laymen should be observed in England also.¹⁰ Anselm sought to carry out the pope's wishes, but had to flee to France. Excommunicated with his ministers of state, Henry came to an agreement with the Church in the "Treaty of Bec" (1106) which was ratified by the English parliament soon afterwards. In this treaty it was agreed on the one hand, that no one was to be invested by a layman by means of the ring and pastoral, and on the other, that on account of the oath of vassalage no one was to be denied consecration.

By this treaty the abuse of lay investitures was removed, but the canonical freedom of election was not yet assured. Besides, there were the "Royal Customs" which led to a new conflict between Church and State in the persons of Henry II. and Thomas a Becket. The latter refused to absolve an excommunicated person at the dictation of the king and, moreover, refused to hand over some clerics taken in crime to be tried by the secular court. The king demanded in the council of Westminster¹¹ (a) to have a royal representative present when a cleric was being tried by the bishop's court, (b) that all clerics found guilty should be degraded and handed over to the secular courts. This would have meant double punishment for an offence and was indirect opposition to canon law. Thomas refused to allow the traditional law of the Church to be infringed in favor of the "Consuetudines Avitae" or the royal

(11) Abbot, London, 1898, 1-2.

rights in ecclesiastical matters as acquired by custom. Thomas was assassinated in 1170, and the king to escape the consequences of his crime, assented (1172) to allow appeals to Rome and to wipe out customs introduced during his reign.¹²

The conflict was renewed under John (1199-1215). The monks of Canterbury had elected Reginald as archbishop, but, threatened by John, they annulled the previous election and chose one of the king's favorites. Innocent III, ordered a new election in which Stephen Langton was chosen, but whom John would not recognize. England was put under interdict by the pope and the king was excommunicated in 1209. As such measures were of no avail the pope deposed John and entrusted the French king with the duty of carrying it into effect. In 1215, John was forced to sign the "Magna Charta Libertatis".¹³ It defined and limited the royal power and protected the rights of the Church, especially in ecclesiastical elections. Innocent protested against the provisions of the Magna Charta, since he was not a party to it, but with little effect. (Giles, J. A., *Patres Anglicanae*, London, 1899.) The provisions of this document with some modifications became the basis of the English Constitution though, with the advent of the Reformation, the Church lost all rights guaranteed by it.

(12) Robertson, Materials for the History of Thos. A. Beckett, London, Chapter III.
(13) Roberson, Readings in European History, Vol. I, p.233.

CHAPTER X

DECADENCE OF THE PAPAL POWER

With the election of Clement V, (1305-14) we enter a new phase in the historical development of the relations between Church and State. The papal residence is now removed to Avignon, which at this time belonged to the King of Naples, being purchased from him later in 1348 by Clement VI. Clement V, who had been archbishop of Bordeaux was elected chiefly through the influence of the French king, Philip the Fair.¹ Under the influence of Philip he abelished the bull of Boniface VIII, *Clericos Laicos* and granted to the king the use of the church tithes for five years, allowing the king, also, to persecute the Knights Templar, whose possessions he was anxious to have. This cowardly and subservient conduct on the part of Clement caused general discontent, while his residing at Avignon naturally made the Italians and others regard him as a mere tool in the hands of the French monarch, thus giving an excuse to the discontented Roman factions to rebel.²

This dependence of the pope on the French monarch caused the practice of the papacy to fall to a very low level and enabled the State to more and more extend its influence in matters ecclesiastical. A consequence of this state of affairs was soon manifest in the spread of revolutionary and heretical ideas.

(1) Finke, Acta Aragonensia (1291-1327), p. 279-90.

(2) Hefele-Knopfler, Konziengeschichte, Ch.1-9, Friburg 1873.

Clement had six French successors in the papacy whose reigns constitute what is known as the "Babylonian Captivity". Of these some like Benedict XII. (1334-52) and Innocent VI. (1352-62) were active and zealous in the interests of the Church. None of them, however, ^{was} were free from the suspicion of acting under French influence.

Another cause of discontent against the popes of Avignon was the fact that they levied exorbitant taxes on church property. Germany and England, especially, complained about the heavy levies of John XXII, Clement VI. and Gregory XI. In the papal court, as in the city of Avignon, the clergy lived lives of luxury.³ Their example was only too well followed by the clergy in other countries.

In opposition to the idea of Catholic Political unity, there was abroad a growing spirit of nationalism due in part, at least, to the fact that the common center of the Christian commonwealth was now himself a subject of the French crown. Certainly this latter fact helped to render vain any initiatives towards the reform of the Church taken by the French popes.

It was during this period that one of the most momentous conflicts in the history of the papacy took place, notable not so much because of the issues at stake, but be-

(3) Petrarch's Account, See Readings in European History, Vol. I, p. 503.

cause of the change it produced in the attitude of the people at large towards both the papacy and the empire. The two contentents had their supporters who appealed to the rank and file of the Christian people to decide between their rival claims. Hence, the ordinary people found themselves addressed as the arbiters of the quarrel. From this was begot a consciousness of their own power which Lecky⁴ considers one of the great milestones in the growth of modern democracy. The common people remained more or less aloof from the controversy but in them it had (been) engendered a contempt for authority.

It was during the reign of John XXII, that a contested election took place in Germany between Frederick of Austria and Louis the Bavarian, who had received a majority of the electoral votes. Pope John undertook to decide the question and claimed the right to appoint the imperial viceroy in Italy during the vacancy of the imperial throne. (Extravag. Joan. tit. V.). He did in fact appoint Robert of Naples, who was related to the royal house of France. This latter fact strengthened the belief that the pope's conduct was inspired by French interests. In 1322, Louis took his rival prisoner and, forbidden by the pope to exercise the imperial office, he disobeyed and was declared dethroned. Louis retaliated by declaring the pope deposed (Raynaldus, 1323, no. 30) and appealed to a general council. He even went so far as to create Peter

(4) Lecky, Holy Roman Empire, p. 108.

Corbario antipope, crowning him himself and receiving from him in turn the imperial crown. In 1333 Louis expressed his willingness ^{to reign} in favor of his cousin, Henry of Bavaria, but owing to the death of the pope, nothing came of the proposal. In a diet held at Frankfort in 1338, Louis protested against the treatment he had received from John XXII, and asserted that since the imperial dignity came directly from God, the emperor cannot be judged or excommunicated by the pope, whereas, the pope is subject to a general council. In 1346 the electors with the pope's consent, chose Charles IV, son of the Bohemian king. By the "Golden Bull" of 1356, the election of the emperor was regulated ~~as~~ the right of election was confined to seven electors, a simple majority of whose votes was sufficient for a valid election. Thus was removed the election of the emperor as a cause of quarrel between papacy and empire.

The two quarrels between Philip the Fair and Louis the Bavarian on the one hand and the papacy on the other, were to have lasting consequences. A controversy on the merit and claims of the rival parties had been provoked which changed men's ideas in their regard and paved the way for the revolutionary movements in Church and State during the subsequent period.

In favor of Philip there was John of Paris (De potestate regia et papali) and the advocate, Peter Dubois and many others. With the exception of John of Paris, these writers

deny that the pope has any authority, direct or indirect (ratione peccati) in temporal affairs. The State, they say, is exclusively national and must be independent alike of papal and imperial authority. The privileges of the church should be abolished and its goods administered by the State as the property of the nation. While the primacy of the pope is recognized, it is limited as far as possible. The pope is inferior to the college of cardinals and the general councils which should be held every ten years, nor can the pope, according to John Durand (*De modo concilii generalis celebrandi*) modify an existing law of the church.

In the conflict with John XXII, Louis the Bavarian was sponsored by William of Ockham, who makes an heretical pope subject to the jurisdiction of the emperor.⁵ He says that a general council, at least in case of necessity, can be held without any papal convocation; that even a simple layman is superior to an heretical pope. He maintains, moreover, that the imperial power is conferred immediately by God in accordance with the choice of the electors and independent of the pope's intervention. This opinion, pleasing to the Germans, was voiced by Lupold of Bebenburg, Bishop of Bamberg (*De jure regni et imperii*). In his "*Defensor Pacis*"⁶ Marsilius of

(5) *Historisches Jahrbuch der Germanengesellschaft*, Vide Kuffer VII, 433.

(6) Robinsen, op. cit., Vol. I, p. 491.

padua collected and reduced to an organized system the opinions hitherto expressed relative to the relation of the papal to the temporal power.

His principal propositions are (a) Quod res ecclesiae temporales sint imperatori subjectae et eas potest recipere velut suas, (b) Quod b. Petrus Apos. non plus auctoritatis habuit, quam alii apostoli habuerint nec aliorum apostolorum sit caput. Item quod ad imperatorum spectat, papam instituere et punire. (c) Quod omnes sacerdotes, sive sit papa, sive archiepiscopus, sive sacerdos simplex, sunt ex institutione Christi auctoritatis et jurisdictionis aequalis; quod autem unus plus alie habeat, hoc est secundum quod imperator concedit uni vel alii plus et minus, et sicut concessit alicui, sic potest illud revocare. (d) Quod tota ecclesia simul juncta nullum hominem punire potest punitione coactiva, nisi concedit imperator.⁷

Here the absolute supremacy of the State is plainly advocated and the way is well paved for the Reformation theories which are to follow and which fully adopt these principles. The author of the "Defensor Pacis" was excommunicated by John XXII, but though condemned and confuted by the University of Paris, the supreme representative of ecclesiastical knowledge and jurisprudence of the time; nevertheless, the book and still more the principles contained in it, had a wide diffusion and influenced succeeding generations in a way

(7) Martene-Durand, II, 715.

that could not be counteracted by the numerous and able defenders of the papal power. The latter took the bull "Unam sanctam" as their guide but at times they weakened their cause by unduly amplifying the papal claims.

Already weakened by the above-mentioned causes and by the diffusion of such literature, the papacy was to sink to a still lower level of degradation. The Christian community, in general, had disapproved of the popes residing at Avignon and there were earnest entreaties for their return to Rome. Only under Gregory XI. (1370-8) was this definitely accomplished.⁸ In 1378 Urban VI was elected to the papal throne and soon, by his brusque treatment of the cardinals, (of whom a majority were French) and by his energetic opposition to the French influence in ecclesiastical affairs, he created great discontent. The French cardinals with the support of three Italians, and instigated by the French king, declared the election of Urban invalid and elected instead Clement VII, who, recognized by France, lived at Avignon. To him also adhered Spain and Scotland. "The schism, provoked by the French cardinals forgetful of their duty, was, in great part, nothing else than the competition between two nations for the possession of the papacy. The Italians wished to see the pope in Rome again and the papal chair occupied by one of themselves, while the

(8) Filippini, in Missellanea di Storia Ital., Vol. II, p. 387.

French were unwilling to lose it after a conquest of seventy years. For forty years the Christian world was horrified to see rival popes excommunicate each other while they remained in doubt as to who was the lawful pope.⁹

In 1381 the University of Paris proposed that a general council be called to remedy the existing state of affairs, but only in 1394 did the French court accept the proposal. The death of the antipope in this year availed nothing for the French cardinals proceeded immediately to the election of a successor in the person of Benedict XIII, who had been one of the chief obstacles in the way of reuniting the Church. In 1394, Charles VI, of France, the University of Paris, and in 1397, the kings of Castile, England and Germany agreed that both the rival popes should either abdicate themselves or be made *de se*. They agreed to refuse obedience to both in case they did not comply. Such efforts were unavailing until the cardinal supporters of both invited them (both) to the Council of Pisa where they were both deposed and Alexander V. elected. There were now three popes instead of two as heretofore. In 1414-8, was held the Council of Constance through the efforts of the German king, Sigismund. This Council at last secured unity by the election of Martin V, and thus was overcome *The greatest crisis that the Roman Church had to undergo in its

(9) Pastor, I, p. 109, Mercati's Ital Edition.

long history of nearly two thousand years".¹⁰

Martin V, a wise and able ruler and a prudent pope set about healing the effects of the schism as far as he could.¹¹ He could not hope, however, to restore the papacy to its former splendor. The religious-political unity of the Christian peoples was a thing of the past and the principle of nationalism began to dominate men's minds impelling them to reciprocal strifes, which in the religious field made themselves felt even in the general councils of the Church. The papacy, instead of being regarded as heretofore superior to the imperial power, was now regarded as its inferior. As a consequence of the low esteem in which it came to be held there followed a great diminution in the papal revenue so that the popes were obliged to compensate by imposing heavy taxes on ecclesiastical property and to reserve to themselves the collation of some of the most important benefices. The maintaining of two, and even of three, papal courts during the schism had not a little to do with this state of affairs. On account of the heavy levies, the papal collectors were detested in England and Germany especially. The clergy, both high and low, owing to the absence of proper supervision, became debased and worldly and consequently there was universally voiced a desire for a complete reform of Christian discipline.

(10) Pastor, *Ibid.*

(11) Documents relating to Council of Constance, V.
Robinson, p. 511.

Nicholas Clamanges on the three vices that have corrupted the Church¹².

To carry into effect this desire was no easy matter. The reforming capacity of any pope, however energetic, was hampered by the theory evolved in the University of Paris during the schism, according to which the pope was subject to a general council and hence bound by its laws. Hence, a pope could be judged by such a council and any person condemned by him could evade punishment by appealing to a future council which could be convoked even against the will of the reigning pope.

In consequence of such theories the pope often found himself impeded in the exercise of his jurisdiction in the early part of the XIV. century. In England about the year 1400 there was already legally constituted the national church.¹³ France adopted much the same attitude and in 1407 the "Liberties of the Gallican Church" received legal approbation.¹⁴ During the schism the regal "placet" came into use as a safeguard for the authenticity of papal decrees before putting them into execution. The schism ended, Martin V. prohibited this as an usurpation of the papal authority since it was no longer justified by the necessity which called it into use. The abuse, however, continued and by virtue of it the state could impede

(12) Robinson, Readings in European History, Vol. I, p. 508-10

(13) Haller, Papatum und Kirchenreform, vier Kapitel sur Geschichte des aufgehenden Mittelalters, Vol. I, p. 375.

(14) Ibid, p. 278.

the operation of any measure taken by the pope. The 'privilegium fori' was almost entirely suppressed since the secular judges were empowered to exercise their jurisdiction over clerics in almost every case. Ecclesiastical goods were secularized at will, or if not, were subjected to heavy taxes and their administration made dependent on the pleasure of the State which used them as best suited its interests. The nobles, especially, were anxious to exercise this power despotically and hence gladly availed themselves of the latitude afforded them by the new theories of which we have spoken, and the occasion of putting them into practice offered by the Reformation. Against all such abuse the Councils of Constance and the Fifth Lateran protested, but in vain, for the way had been paved for the absolutism of the State which was determined to maintain its new prerogatives, acquired through the weakening of the papal and imperial forces in their mutual conflicts.

The new ideas relative to the papal power had so permeated men's minds that the Council of Constance in its decree "Frequens"¹⁵ ordained that a general council should be held every ten years since the council was really the ruler and moderator of the Church of which the pope was but the "Caput Ministeriale" endowed with executive powers to carry into effect its decrees. In fact, the Council of Basle (1431-79) was in continual disagreement with Pope Eugenius IV. A

(15) Robinson, op. cit., Vol. I, p. 512.

section of its members seemed determined to strip the papacy of all its powers.¹⁶ Their intentions were thus manifested by the bishop of Tours: "We must snatch the Apostolic See out of the hands of the Italians and so limit its powers (Scortiacarla) that it is of no importance where it is". (Cecconi, *Studi Storici sui Conc. di Firenze*, Firenze, 1889.)

The National Assembly of the French clergy held at Bourges (1438) accepted the "Pragmatic Sanction" of Charles VII, and it was proclaimed as the law of the State. It sanctioned twenty-three decrees of reform of the Council of Basle, on the convocation of councils, the conferring of benefices, asserting the superiority of a general council over the pope. This civil-ecclesiastical law practically withdrew France from the papal jurisdiction and in this was the forerunner of Gallicanism. Germany at first remained neutral, but in 1439 approved the decrees of Basle. (Koch, *Sanctio Pragmatica Germanorum Illustrata*, 1789.)

By 1448 the German princes had practically all submitted to Nicholas V. (1447-55) and in this same year the Concordat of Vienna was given the force of the law of the state. By it was regulated the conferring of benefices and the taxes to be paid to the pope by the Germans.

Nicholas set himself energetically to reform the

(16) Hardouin, *Monum. Concil. Gen.*, Saec. XV, Vol. VIII.

abuses in the Church, sending Cardinal Niccolo Cusano to Germany and Cardinal Estenville to France to foster religious unity and by the celebration of frequent synods to bring about reformation in the lives of clergy and people. In 1452, he performed the last imperial coronation held at Rome, the recipient of the crown being the Emperor Frederick III. During the reign of his successor, Callixtus III, (1455-8) all the energies of the Church were directed against the growing menace of the Turk. The pope called for a crusade for the liberation of the Holy Land, and though opposed by the University of Paris and the German prelates, he saw his efforts crowned by a partial if temporary success. Pius II, (1458-64) had to overcome the ecclesiastical revolution sponsored by Duke Sigismund in the Tyrol. He obtained the repeal of the "Pragmatic Sanction" in France but only temporarily.

In the period which intervenes between 1471 and 1521 nepotism prevailed to a great extent in the papal court and the cardinals living a lax and worldly life were anything but an inspiration for the Christian people. Even the popes were inclined to forward their interests as political rulers rather than as spiritual fathers of Christendom and some of them led lives unbecoming their exalted position. This would seem to be especially true of Alexander VI, and in a lesser degree of the others, who, due to the influence of a false "Renaissance", allowed secular concerns to claim too much of their attention.

given to nepotism¹⁷ Sixtus IV. was by this weakness entangled in the feud between the noble families of the Pazzi and the Medici of Florence. Innocent VIII. (1484-92) might with some truth be called a libertine, though he was a strong defender of the rights of the Church against the interference of civil governments in ecclesiastical affairs. With Alexander VI. (1493) the papacy fell into the mire, (Leonetti, Monografia, Bologna, 1880). Of him Pastor says: "To the very end he was the slave of immorality". He was an able politician and would seem to have obtained his election through simony. He succeeded in composing the differences between Spain and Portugal regarding their rights in the New World and ably defended the rights of the papacy against encroachments. His successor, Julius II. (1503-13) succeeded in extending the boundaries of the pontifical territory and in regaining some provinces lost in the preceding disturbances. He was able to drive the French out of Italy and to resist the attempt which they, supported by the Emperor Maximilian, made to dethrone him. In him the papacy recovered much of its lost prestige but his political activities left him little time for the reform of the Church. Like his predecessor, Leo X. (1513-20) was an able politician but indifferent regarding the reform of the Church. With him Francis I. of France, entered into a concordat (1516) by which

(17) Vita in Muratori, III, p. 1052.

the Pragmatic Sanction of Burges was abolished and the right of the king to present candidates for consecration as bishops recognized (Thomas, Monografis, 1910). Regulations were also made regarding ecclesiastical penalties. This concordat was later ratified in the V. Lateran Council (1512-17) which re-affirmed the superiority of the pope over the council which he has the exclusive right of convoking, transferring and approving. Other good and useful disciplinary decrees were enacted which, if they had been observed, might at least have deferred the outbreak of the religious revolution known as the Protestant Reformation.

CHAPTER XI

THE REFORMATION IN CHURCH AND STATE

The fact that great numbers of the Christian people were in doubt during the great Western Schism as to who was the rightful pope, beget an attitude of mind which proved fertile ground for the dissemination of new theories of religion and government. These theories were allowed to fructify in the period that followed when the popes, more given to worldly than to spiritual affairs, paid little attention to them or to the proper instruction of the Christian people. Adopted in their fulness by Wycliff and John Huss, they prepared the way for the Reformation which was as much a revolution in the political as in the religious field.¹ In Wycliff and Huss, the Reformation had able precursors. Both were men of upright life and imbued with a desire of purifying the Church and clergy. Both were learned and eloquent preachers and such a combination of qualities, in such strange contrast with the manners of many of their contemporary ecclesiastics, captivated the minds of the people and enabled them to spread their doctrines far and wide. Among the propositions of Wycliff condemned by the Council of Constance, are the following relating to the relations between Church and State: (a) *Si papa sit praescitus et malus et per consequens membra diaboli, non*

habet potestatem super fideles ab aliquo sibi datum, nisi forte

(1) Manifesto of Peasants, 1524, Robinson, Abr. Ed. of Readings in European History, p. 281.

a Caesare, (b) Pect Urbanum VI, non est aliquis recipiendus in papam sed vivendum est more Graecorum sub legibus propriis, (c) Contra scripturam sacram est quod viri ecclesiastici habeant possessiones, (d) Praelatus excommunicandi clericum, qui appellavit ad regem et ad concilium regni, eo ipso est traditor regis et regni, (e) Decimae sunt purae elemosynae et parichiani possunt propter peccata suorum praelatorum ad libitum suum eas auferre, (f) Excommunicationem papae vel cujuscumque praelati non est timenda, quia est censura Antichristi.²

As can be seen, there is a decided antipapal and nationalistic tendency pervading these propositions. Such doctrines influenced John Huss and became widely diffused especially among the higher classes in Bohemia. In the meantime, the frustration of the hope of a reform of the Church from within, began to tell on the minds of men. Their hope and energies were turned in other directions. Ever since the time of the Crusaders (A. D. 1100-1300) there had been a certain literary intercourse between Europe and the East. Now the fall of Constantinople (1453) at the hands of the Turks caused the immigration into Italy of many learned Greeks and Orientals. The result was a renaissance of classic poetry, philosophy and art, the passion for which carried away the learned world and did much to the revival of pagan political theories of the

(2) Hefele-Knopfner, Kongilesch ichte, VII, p. 116 et. seq.

absolute supremacy of the state.

A combination of these revived ideas with the teachings of Marsilius of Padua and Wycliff is noticeable in the teachings of the reformers. Thus Luther says: "See now what sort of a Christian doctrine is this that the temporal power is not above the spiritual, and may not punish it. That is like saying that the hand shall do nothing to help, however grievously the eye may suffer. Is it not unnatural, not to say unchristian, that one member may not help another, even to shield it from destruction. The nobler the member, the more the others are bound to help it. Therefore, I say, forasmuch as the temporal power has been ordained by God for the chastisement of the wicked and the protection of the good, therefore we must let it exercise its functions, unhampered, throughout the whole Christian body, without respect of persons, whether it strikes popes, bishops, priests, monks, nuns or whatever else".³

Luther urged the liberation of the Church in Germany from the exactions of the Roman Court. He based this demand on a denial of the traditional distinction between the temporal and spiritual estates; for all Christians are spiritual, and are priests of God, and popes and bishops are, like other Christians, subject to the secular power ordained of God. The second (book) on the "Babylonian Captivity" went still further.

(3) Luther, Address to the German Nobility, (1520),
Robinson, Readings, Abr. Ed., p. 269.

In it he maintains that the Catholic Church and its sacraments were originally free, but that they had been enslaved by passing under the tyranny of the Roman Curia. "By what right," he exclaims, "has the pope given us laws? Who gave him the power to bring into bondage the freedom we have received in baptism? I assert that neither pope, nor bishop, nor any human being, has the right to bind a single syllable upon any Christian man, except with his own consent; and whatever is done otherwise is tyrannically done."⁴

Luther made these statements in 1520, the year after the death of Maximilian. While the imperial dignity had been steadily losing its influence before the rising tide of nationalism, still such monarchs as Henry VIII, of England and Francis I. of France, were now candidates for the dignity. The German Electors, jealous of foreigners, offered the title to Frederick of Saxony who, however refused it, and Charles V. of Spain was elected. As emperor he was "Advocate and Protector" of the Church as we have seen and was therefore bound to uphold and execute the decisions of the Church. Hence, when Luther, condemned by Rome, at the head of a procession of the students and doctors of the University of Wittenberg, publicly burned the Bull of condemnation, he was naturally brought into conflict with the imperial power. He was summoned to present himself in the Diet of Worms (1521) in which the Emperor presided. In May of that year the Edict of Worms was issued by

(4) A. Taylor Innes, Church and State, p. 113.

the Emperor,⁵ condemning Luther and his doctrines. In parts of Germany, however, it was not put into force and in the diets of Nuremberg in 1522 and 1524 it was suspended.⁶

There followed a flood of propagandistic literature, spreading abroad discontent with both pope and emperor which discontent culminated in the Peasants Revolt in 1525. This movement was political and religious at the same time and its defeat obliged Luther to lean on the secular authority. After the Edict of Worms the Emperor, occupied with other parts of the empire, and a war with France, was absent from Germany until 1530. In his absence, according to the prescriptions of the Diet of Worms, "a government composed of the States of the Empire" should administer the affairs of state. The majority of the component members of this government were supporters of Luther and hence the latter had an open field. In the Diet of Nuremberg (1522-3) Hadrian IV, had promised a real reform of the Church and demanded that the Edict of Worms should be put into execution. Nothing, however, was done until the Diet of Speirs in 1526 when it was decreed that "subjects should be governed in such a way that each person might be responsible for his actions before God and his Imperial Majesty". This was a momentous step for it meant the legal toleration of the new religion with all it implied; in Protestant States the complete rejection of the pope's authority

(5)Robinson, op. cit., abr. ed., p. 274.

(6)Raynald, n. 25; Beard, M. Luther, Ch. VII and IX.

both in spiritual and temporal affairs. The principle of "cujus regio, ejus religio" had been adopted and many of the princes took advantage of it to impose the doctrines of their religion on their Catholic subjects. As a consequence of this principle and of the doctrines of the Reformation regarding the relation of the Church to the State, the Protestant princes became the administrators of the ecclesiastical property in their territory, and even the possessors since they believed that the State was supreme in its territory. They were, hence, at the same time political rulers and chief priests in their state.⁷ In this way was admitted the principle of national churches in which the supremacy of the state was the dominant feature. For the authority of the pope was substituted that of the state which did not hesitate to judge, condemn and punish persons on the charge of heresy in a way more despotic than the Church ever adopted. Melancton could write in 1530: "Video postea multa intolerabiliorem futuram tyrannidem quam antea unquam fuit".⁸

From 1518 Zwingli had been propagating the new ideas in territory prepared by the supporters of the Council of Basle and for a time there seemed inevitable a religious war between the different cantons. With the peace of Kappel (1531)

(7) A. Taylor Innes, *Ibid.*, p. 134.

(8) Corp. Ref. II, p. 334; 360, 341.

the various Swiss States agreed that each should persevere in the profession of its own creed.

The movement led by Philip of Hesse (1528) against the adherents of the ancient Church and especially against its bishops had the effect of bringing about a reconciliation between the pope and the emperor, the result of which was a resolution of the Diet of Speirs favoring the Catholics though recognizing the right of the princes of the new faith to continue to profess it until the next general council, but on condition that they should not attempt to spread the new doctrines in the meantime. At the same time, the freedom to practice Catholic worship in the Lutheran states was guaranteed. In 1530, the emperor Charles V, returned to Germany and tried in the Diet of Augsburg to secure peace and freedom for the practice of the Catholic Religion. He was resisted in this resolve, however, by the German princes, many of whom confiscated the property of the Church against his express wishes.

After some hesitation, many of the princes in 1531 entered into the Smaikaldic League⁹ by which they bound themselves to mutual help in case any of them was attacked on account of his religious opinions. France and Bavaria soon joined the others and when the Turks invaded Hungary in 1532, the Emperor in sore distress turned to the League, they offered to

(9) Armstrong, The Great Events by Famous Historians,
 Vol. IX, p. 312.

give it on condition that he should suspend all accusations and processes against the Protestants in matters of faith until the next general council or a diet might pronounce on the matter. This Treaty of Norimberg was violated by the occupation of Wurttemberg by Philip of Hesse and the Emperor had to contend with an alliance between France, the Turks and England and, in 1535, Wurttemberg, Pomerania, Augusta, Frankfort and Hamburg, joined the alliance and Saxony and Denmark later and in a meeting of the League held in 1537, it was decreed that anyone who tolerated the Catholic religion in his dominions was an accomplice in propagating idolatry. In the meantime the Catholic princes formed the League of Norimberg for defensive purposes. In 1539 the members of the Smalkaldic League declared war but the declaration was never carried into effect because of the illness of Philip of Hesse. New attempts at reconciliation were made and as the Emperor depended on the help of the Protestants in his resistance to the Turks he was obliged to make further concessions. They obtained leave to freely preach their doctrines even in the Catholic territories. However, as the Reformers resorted to force on the Duchy of Braunschweig-Wolfenbüttele in 1542, the Emperor was drawn into the conflict and so broke out the War of the Smalkaldic League in which the victories of the emperor brought temporary relief to the Catholics.

(10) Armstrong, op. cit., p. 322.

In all probability, if Charles had known how to profit by his victory in 1547 over the Smalkaldic League instead of abusing his success, Germany would still be Catholic. However, he immediately broke his agreement with the pope of doing nothing hurtful to the Church and made exorbitant demands on ecclesiastical property. He even went so far as to compile an exposition of the disputed doctrines which the Protestants were to be made accept until the holding of a general council. Although the Council of Trent had defined the doctrine of justification, Charles in his "Interim of Augsburg" gives the Lutheran version.¹¹

Under Pope Julius III, the Emperor sought to get the Protestants to submit to the general Council of Trent, then in session, but, though for a time success seemed in sight, new disturbances broke out and much blood was spilled and ecclesiastical property destroyed.¹² The result of these disturbances was that the Catholic prelates were willing to make peace at any price and in the Diet of Augsburg (1555) they resigned all jurisdiction over the protestant subjects in their temporal possessions as well as all claims to ecclesiastical property taken from them by the Protestants.

The terms of the Treaty of Augsburg¹³ was nothing

(11)Leva, La Politica Papale Nella Controversia sull 'Interim di Augusta, in Revista Storica Italiana, Turino, 1884, p. 251.

(12)Pastor, Hist. of the Popes, Mercati, Vol. IV.

(13)Robinson, Great Events by Famous Historians, Vol. IX, 349

more than an armistice since the Catholics could not resign themselves to the losses sustained by the Church and sought a change in the laws of the state in their regard. On the other hand, the Protestants were not pleased at having their propagandistic activities restricted. They insisted on the abolition of the oath taken by the bishops to the pope. In case of their demands being denied they threatened to refuse their help against the Turks. Owing to an outburst of lively polemic literature feelings became embittered and about 1580 a party arose determined to destroy the Catholic Church. In this they were backed by France, anxious to destroy the power of the Emperor and of Germany. The war between the two parties broke out in 1618, owing to the fact that on the territory of an ecclesiastical prince of Bohemia there had been erected a Protestant Church against the existing laws of the State. The Bohemians, aided by the German Protestants, revolted and were defeated. Peace was not yet attained for Christian IV, of Denmark, England and the Low Countries came to the aid of the Protestant cause. In 1639 the Emperor issued the Edict of Restitution according to which the Treaty of Augsburg should be strictly adhered to so that the Calvinists were denied religious freedom in Germany. Moreover, the territories taken from the Catholics in 1555 were to be restored. This latter provision was a political mistake for it hit the interests of the Protestant princes and produced anew outbreak of war in which

he Emperor was victorious but the war dragged on until the peace of Westphalia was signed in 1648. (Contarini, Relazioni del Congresso di Munster, Venet, 1864.) In addition to the territorial provisions of this treaty it was enacted that Catholics and Protestants should live together in peace and on equal terms. They were each to have an equal number of members on the imperial tribunals. In religious controversies majority rule in the diet was no longer to prevail but they were to settle the disputes by peaceful agreement. A modus vivendi regarding the right to carry on propaganda was found. The episcopal jurisdiction in temporal affairs in the secularized territories was abolished and as regards the secularized ecclesiastical property, things were allowed to remain as in 1624. This treaty, while anything but favorable to the church brought to the exhausted empire a rest from bloodshed and contention. Against its provisions, Innocent X. protested but without any practical effect since the papal bull of protest could not be even published in the imperial territory.

Although the University of Paris condemned the new religious doctrines, and although the French prelates held synods which brought about real reforms in the Church, the French kings, Francis I. (1547) and Henry II, (1559) strongly supported the German Protestants while severely punishing the adherents of the Reformation in their own kingdoms¹⁴ and

(14) White, D'Israeli, Rudd, Great Events by Famous Historians, Vol. X, p. 118.

Charles IX. (1574) the new religion spread rapidly especially amongst the French nobility. In 1559, they composed the "Confessio Gallicana" and decreed the penalty of death for the Catholics. With the adhesion of the Bourbons and Henry of Navarre, they soon became a party of great political importance between whom and the Catholics a horribly cruel civil war broke out in 1562, which lasted for thirty years and ended with the Edict of Nantes.¹⁵ This Edict guaranteed the Protestants full religious liberty with the exception that they had still to conform to the religion of the state in such things as matrimonial causes, the observances of feasts, etc. The political cardinal and minister of state, Richelieu took energetic measures against them, taking their principal seat, Rochelle. Consequently, their power was greatly diminished as were their numbers, for through fear many conformed to the Catholic religion. Louis XIV. (1643-1715) revoked the Edict of Nantes and those of them who were unwilling to embrace Catholicism had to betake themselves to the Low Countries.¹⁶

Though the Emperor Charles V. was held in high personal esteem in the Low Countries, nevertheless, during his reign the new doctrines had made great progress. Under his successor, Philip II, (1556-98) the nobles led by William, Prince of Orange, rebelled.¹⁷ The disturbance was soon quelled

(15) Roberson's Readings, Abridg., Ch. XXIX.

(16) Saint-Simon, Account of Revocation of Edict of Nantes, Roberson, op. cit., p. 382.

(17) Von Schiller, Revolt of the Netherlands, Great Events, Vol. X, p. 81.

but broke out anew. In 1574 by the "Treaty of Gand" the various provinces agreed to assist the Spaniards and in fact the seven northern provinces by the Union of Utrecht with William as head proclaimed themselves the Republic of Holland. William who, when invading the territory, had proclaimed religious freedom, in 1582 prohibited the Catholic Cult and persecuted its adherents who numbered about one-fifth of the population. Calvinism became the state religion and for a long time there was no toleration for any other religion.

As we saw when treating of Wycliff, there had already been spread abroad in England principles antagonistic to the organization and discipline of the Catholic Church. The nobility had become infested and the clergy having become wealthy had as a consequence failed in their zeal for souls. The State had for a long time interfered in ecclesiastical affairs and hence, when refused a decree of divorce by Clement VII, Henry VIII, (1509-47) by a parliamentary "Act of Supremacy"¹⁸, declared himself the supreme head of the church in England. He obliged his subjects, both clergy and people, to recognize him as such under oath and treated their refusal to do so as high treason. He thus brought the clergy under his despotic control, ordered the reading of the bible in English and that the services should be conducted in the same language. He did away with the monasteries great and small and appropriated their

(18) Roberson's Readings, Abr., p. 306.

lands. (Casquet, Henry VIII, and the English Monasteries, VI. Ed. Land., 1895.) Henry, however, could not be persuaded to accept the Lutheran doctrines. "In England, however, as indeed unfortunately in most kingdoms of Europe, arbitrary regal government had at this time reached its height. The Tudor Henry VIII. was perhaps more absolute than any sovereign on the English throne before or after him. He had no sympathy with the reformation and until his death it cannot be said to have even commenced in England. But he was led by circumstances practically to substitute himself for the pope or governor of the Church."¹⁹ Thus the papal power in England even in matters spiritual ceased to function. Under his nine year old son and successor, Edward VI, what was hitherto a schismatical church developed into a reformed church with a new liturgy composed under the direction of the Lutheran Cramer. For a brief interval under Mary, (1553-8) the papal supremacy in religious affairs was again recognized. Her successor Elizabeth was crowned according to the Catholic ritual but, though she swore to preserve that religion, nevertheless the papal supremacy was again rejected and the Thirty-nine Articles of belief were approved by parliament. She vigorously persecuted the Catholics who were almost wiped out. (I, Elizabeth, C. 2.)

In Scotland the crown had for a long time conferred the benefices with the result that they often fell into the hands of unworthy priests. The nobility were poor and hence

(19) Church and State, Taylor Innes, p. 143.

anxious to participate in the monastic spoils which the Reformation seemed to offer. In 1557 the nobles united to form "the Congregation of the Lord" (Monograph of Bishop Brown, London, 1895.) to combat the Catholic Church. John Knox, an ardent Calvinist, stirred up the people and a civil war broke out. The Earl of Arran, regent for the young queen Mary Stuart with the aid of France, defeated the adherents of the new religion who were aided by England. In 1559 religious liberty was granted to the Calvinists but they were not content with this and on the death of the regent in 1560, the Scottish parliament rejected the pope's jurisdiction, at the same time declaring confiscated all ecclesiastical property. A vigorous persecution against the Catholic Church followed and in 1592 Puritanism was declared the state religion. (Papal Negot. with Mary Stuart, Ed. in 1901.)

In Ireland, on the other hand, though a large number acknowledged the king of England, and though the unrepresentative parliament of 1535 accepted the religious enactments of Henry VIII, which suppressed many monasteries and convents, the opposition of the people was too strong and they remained faithful to the papacy. Under Elizabeth, many of them suffered death for their convictions or had their property confiscated and their civil rights taken from them. Such repression, especially since it came from an English source, only infuriated the Irish who rose in rebellion in 1641 and though aided by

the pope and Spain were defeated. Another attempt at rebellion in 1653 only resulted in the subjugation and depopulation of the island under Cromwell. Under James II. and Charles II., there was a brief respite from persecution which was again renewed under William of Orange and continued with brief intervals until the passing of the Catholic Emancipation Bill of 1829. (Meran, Catholics of Ireland under the Penal Laws, London, 1899.)

During this same period the Nordic Kingdoms of Denmark, Norway and Sweden fell away completely from the Catholic religion and as a consequence from the papal jurisdiction, while in eastern Europe, Poland, by the vigilance of King Sigismund I. (1541-48) and the bishops who impeded the introduction of literature propagating the new ideas, remained faithful to the pope. Under Sigismund II. (1548-72) all the sects made headway and in the "Pax Dissidentium" of Warsaw in 1573, obtained freedom of worship. In Silesia, Bohemia and Hungary subject to the Grand Duke Ferdinand, the new ideas made progress for a time in spite of his efforts. Under Maximilian II. (1564-76) they made greater progress but gained no solid footing since Rudolf II. (1576-1612) and Ferdinand II. (1619-1637) strongly upheld the Catholic religion. While the princes and nobles were the principal factors in propagating the new religion in England, Germany and the Nordic kingdoms, in Italy and Spain the channel used to reach the people was the newly invented

printing press. In these countries the state offered an active resistance so that those engaged in propagating the Reformation had to do so from outside. Whether the governments took this course from a real desire to uphold the Catholic faith or through political expediency in order that their kingdoms might not be divided into warring factions is not evident. In any case, the results were the same.

In the principal cities of Italy such as Turin, Naples, Florence, Ferrara and especially in Venice, there were numerous followers of Luther with whom the Valdese of Piedmont and Calabria made common cause. They sought to diffuse the writings of Luther and Melancthon, but the Inquisition rendered this impossible. Besides, the pope and the emperor were the sovereigns of the greater part of Italy so that the heads of the smaller states dared not oppose them. In addition, the movement for reformation of the Church was proceeding apace in Milan and other Italian centers. (Biblioteca della Riforma Italiana, Roma, 1883.) (Documenti Vaticani contra l'Eresia Luterana, Archivio della Societa Romana di Storia Patria, Roma, 1887.)

In Spain the reform movement within the Church was highly successful. Luther's works were prohibited while those of the Humanists like Erasmus were eagerly read and for a time there seemed a tendency to break away from the old faith, but this was averted through the combined efforts of Paul IV. and

of Philip II. (1556-98).

If we are to believe such writers as Llorente (*Hist. Critique de l'Inquisition d'Espagne*, Paris, 1817) the tribunal of the Inquisition was purely ecclesiastical and exercised its powers in a most cruel manner in the interests of the Church. On the other hand, Lea, a Protestant (*History of the Inquisition of Spain*, New York, 1906) and Ranke in his *History of the Popes* are inclined to believe that it was purely civil. In reality it partook of the nature of both since the State conferred on it civil jurisdiction and the Church the ecclesiastical. It would seem that its civil character was perhaps more predominant (Rodrigo, *History Veridera de la Inquisicion*, Madrid, 1876). The Jews had by fictitious conversions advanced themselves to high positions of trust in the state and the Christians in self-defence set up the Inquisition to ensure the sincerity of the converts. While it had the approval of Sixtus IV, it was nevertheless used and abused when, and as political expediency required it so that this same pope had to set up a Grand Inquisitor to superintend its procedure and to receive appeals from it. In 1820 it was suppressed by the civil power. Even such weighty authorities as Dollinger accuse it of having impeded the progress of science and literature, though the fact remains that Spanish literature had its golden age precisely in the period when the Inquisition was most active. Be this as it may, it certainly served the purpose

of preventing the dissemination of the Reformation doctrines.

From this brief review of European history during this period, we see that the papal authority is confined to the south and west if we are to except Ireland in the north, where it is still recognized but impeded in its exercise by the English masters of the country.

CHAPTER XII

THE POST-REFORMATION PERIOD

The great strides which the Reformers had made in northern Europe made a reformation within the Church itself absolutely necessary. The papacy had again risen from the degradation into which it had fallen and had become the center of the opposition to the new doctrines giving the Church a solid unity of direction in the conflict. On the other hand, the Reformers from want of this unifying force became every day more and more divided and their efforts fell short of the aim proposed. Paul III. had chosen the most learned and excellent men he could find for the work of reforming and purifying the Church¹. He convoked the Council of Trent for the same purpose and not less energetic in the same direction were Julius III. (1550-5), Marcellus II. and Paul IV. (1555-9), who by his alliance with France brought about an invasion of the papal states by the Spaniards. The consequent hardships which his subjects had to endure made him hateful to them as they considered him the cause of their misfortunes. Pius IV. (1556-72) of austere and saintly life, reformed the papal court and purified the city of Rome from immoral practices which had grown up in it. He entered into a treaty with Venice against Turkey, causing John of Austria to be elected to the supreme command of the Christian forces. To him and his efforts

(1) Pastor, Vol. IV.

is due the victory of Lepanto and through this victory the preservation of the Christian civilization in Europe. Gregory XIII. (1572-85) and Sixtus V. (1585-90) continued the work of reform. The last especially was an able ruler who as soon as elected introduced a just and rigorous administration into the papal State which he purified from disorders and crimes due to brigands.

Although the support of the Catholic states had been of immense aid to the popes in the conflict with the reformers and with the Turks, nevertheless such support was attended with danger to the liberty of the papacy itself, for such states often pretended to have the right to veto the papal election itself. (Sagmüller, Die Papstwahlbulden u. d. stastilche Recht der Exklusion, Tub., 1892). Clement VIII. (1592-1605) found himself in conflict with the Republic of Venice which had violated the *Privilegium Fori* and the ecclesiastical immunity, prohibiting the clergy from acquiring stable possessions or building churches without the consent of the civil power. In 1606 the pope placed Venice under interdict. The Venetian clergy, the regulars excepted, took no notice of the interdict which would have been without avail if France had not interposed to make the Republic recede from its position. With Innocent X. (1644-55) there is a slight reversion to the policy of the popes of the decadence since, though a man of exemplary

private life, he allowed himself to be influenced by his relatives in matters of civil and ecclesiastical government. Under Alexander VII. (1655-67) the papacy was subjected to oppressions at the hands of France.

The work of internal reform of the Church was greatly facilitated by the recalling of existing orders to their primitive discipline and by the founding of new orders of which the most important was that of the Jesuits. Of this order Banke says: "Such a combination of solid knowledge and untiring zeal, of study and eloquence, of exterior richness and individual mortification, of rapid and widespread diffusion, had not been witnessed in the past nor have they yet been seen in the world.* This new order formed the advance guard of the Church in her dispute with the princes who had thrown off her allegiance. In 1540 the Jesuits spread themselves throughout the Catholic districts of Germany and soon brought about a reform of Catholic morals and practice. (Monumenta History Soc. Jesu., Madrid, 1894). Their labors were seconded by such princes as Albert of Bavaria who in their respective territories prohibited the diffusion of protestant literature and assisted in the founding of elementary schools among their subjects. The Austrian princes acted in common concert in the same direction, so that by 1623 the new religion hardly existed in ^{central} Europe and Bohemia.

As we have seen, Marsilius of Padua in his "Difensor pacis" had maintained that all priests are equal and that no one has authority over the others unless that authority has been conceded to him by the emperor, who having given it, can take it away. This germ of state absolutism bore fruit in those countries which followed the Reformation doctrines. In 1554 England declared that the head of the state was also head of the Church and the same ideas prevailed in the other protestant countries for two centuries preceding the French Revolution. As we saw the Renaissance with its devotion to classic authors had done not a little to prepagate the political ideas of Rome and Greece regarding the supremacy of the state. Even in Catholic countries this tendency to regard the state as supreme even in spiritual matters was quite manifest and Catholic sovereigns did not hesitate to claim and exercise despotic powers in such matters. Every effort was made to restrict the authority of the pope and in some countries rulers aimed at founding national churches which should function as governmental departments. This movement had its origin in France but soon spread to Austria and Italy.

From the time of Philip the Fair (1285-1314) there had existed in France a tendency to recognize in the French king an authority in church affairs much akin to that exercised by the pope. As a consequence the French church often claimed a certain independence from papal authority and inasmuch as

it was independent of the pope, it acknowledged itself subject to the king. Such claims were known as the "Gallican Liberties".

Under the absolute monarchy of Louis XIV. (1643-1715) there was grave danger of a schism for the king sought the aid of the French clergy in limiting the authority of the pope. The clergy proved very pliant. Bossuet in his *Politics Drawn from the Very Words of Holy Scripture*, thus speaks of the royal power:

"The royal power is absolute. With the aim of making this truth hateful and unsufferable, many writers have tried to confound absolute government with arbitrary government. But no two things could be more unlike, as we shall show when we come to speak of justice.

"The prince need render account of his acts to no one 'I counsel thee to keep the king's commandments, and that in regard of the oath of God. Be not hasty to go out of his sight; stand not on an evil thing for he doeth whatsoever pleaseth him. Where the word of a king is, there is power; and who may say unto him, What doest thou? Whoso keepeth the commandment shall feel no evil thing'.² Without this absolute authority the king could neither do good nor repress evil. It is necessary that his power be such that no one can hope to escape him, and finally, the only protection of individuals

(2) Ecclesiasticus, VIII, 2-5.

(3) Robertson's Readings, Abridg., p. 375.

against the public authority should be their innocence".³

While this theory of an absolute state, limited as it is by the Law of God, is not unreasonable, events in France proved that it left little room for the exercise of the papal power. The French clergy in 1682 in general assembly approved the famous "Cleri Gallicani de Ecclesiastica Potestate" containing the following articles: (Acta et Decreta S Concilii, Recentiorum, Collectio Lacensis, Friburg, 1870, c. I and 7)

(a) The Church has no authority in temporal affairs, and the sovereigns in such matters are absolutely independent of the pope who can neither depose them, nor can he dispense their subjects from their oath of fidelity. (b) A universal council has its authority directly from Christ as the Council of Constance has defined, is superior to the pope, for this council did not intend to restrict its definition to the period of the western schism. (c) The power of the pope is limited by the canons accepted by the whole Church and the "regulas, mores et instituta a regno et ecclesia Gallicana recepta". (d) The dogmatic definitions of the pope are only infallible after the church has accepted them.

A royal decree ordered that they should be written into the official records of parliament as in those of the universities and that they should be taught in all schools; the professors undertaking to do so under oath (Libertes de

(3) This footnote on preceding page.

1. Essi. Gall, Paris, 1596).

In 1690 Pope Alexander condemned the articles, declaring null and void the acts of the clerical assembly of 1682. In 1693 the king was persuaded by Innocent XII, to repeal them, but at the king's death the parliament again approved them. Though their legal force was short-lived, the ideas underlying them persisted and especially ^{under} Napoleon. In the Vatican Council they received their death blow so far as Catholics are concerned.

Under the name of Febronius, Hontheim propagated the same ideas regarding the relation of the Church to the State in the Germanic Empire. His book "De Statu Ecclesiae et Legitima Potestate Pontificis Romani Liber Singularis" appeared in 1763 and was immediately translated into French, Italian, Spanish and Portuguese. His ideas are a modification of the Gallican propositions relative to Church and State in so far that he attributes to the bishops instead of to the civil authority the powers which he in common with the Gallicans, denies to the pope. According to him, the pope is merely the executor of the decrees of the general councils and the defender of the bishops from unjust oppressions. In the absence of the totality of the latter, he can define doctrines of faith and morals but the validity of the pope's definitions depends on their acceptance by the entire Church. While the pope has the right to convoke councils and to preside in them,

papal infallibility, papal jurisdiction in the diocese of a bishop to the detriment of that bishop, authority in things temporal, the reservation of benefices, etc., are all rights usurped by the pope and which the state can and sometimes must limit in their exercise. Though condemned, the doctrines were put into practice by several princes. In Austria under Charles VI. (1711-40) and under Marie Terese (1740-80) the Gallican ideas had got a firm footing. The Emperor, Joseph II, (1780-90) sought to make the Church a department of government which he might supervise and use like any other state department. He subjected papal and episcopal decrees, alike, to the royal "placet", abolished the reserved cases of consanguinity within the realm and prohibited the asking of matrimonial dispensations at Rome. He forbade religious processions without the permission of the civil authority and gave the most minute instructions for the celebration of the Liturgy. He abolished ecclesiastical immunity, took possession of all the churches in the name of the state, substituted four central seminaries for the diocesan ones and in these of his own creation he had the Gallican doctrines taught to the seminarists. Pius VI. went to Vienna in 1778 to protest, while similar protests came from Belgium, which soon afterwards declared its independence. (Die Regierung Jos. II in den Belg. Niederl., Wein, 1900.)

In Italy, especially in Tuscany, the princes were not very friendly to the Apostolic See in the XVIII. century and they did not hesitate to meddle in the affairs of the Church. In Tuscany, which was dependent on Austria, laws hostile to the Church were promulgated under Francis II. (1733-67) and his successor, Leopold I. (1765-90). Through the efforts of the bishop of Pistoia, Scipio Ricci, in a synod held in that city the civil enactments were given a seemingly canonical sanction, but eighty-five propositions approved by the synod were later condemned by Pius VI, in 1794. (Venturi, *Il Vescovo di Ricci e la Corte Romana fino al sinodo di Pistoia, Firenze, 1885.*)

In Sicily a peculiar state of affairs existed. In 1098, Urban II. had conferred on Robert, Duke of the Normans, a species of papal legation. From that time on the Sicilian sovereigns were accustomed to style themselves as papal legates and in virtue of this dignity, considered themselves as heads of the Church in Sicily. Only with the permission of the king could the pope send legates to Sicily, nor could the Sicilian bishops take part in a council outside the kingdom without the sovereign's permission. The king conferred ecclesiastical benefices as he pleased. He delegated to a judge the power to settle all ecclesiastical disputes in the kingdom, to annul the decrees of the bishops, to visit and inspect religious

houses and to absolve from censures reserved to the pope. The episcopal authority was almost suppressed while that of the pope was very limited since his decrees were dependent on the good will of the king for their validity. The Sicilian king was, hence, a pope in his own territory and though the popes from the Council of Trent onwards were most active in their protests, all their efforts to exercise an effective jurisdiction in Sicily were fruitless until the Spaniards took possession of the island in 1728.

As is evident from the foregoing remarks, very critical was the position of the popes in the XVIII. century. The absolutism of the civil powers was a continued menace to them. Even the Catholic sovereigns expected the pope to be their ready servant in carrying out their absolutist designs in their own states as well as in their projects of conquest. The popes sought by means of concordats to regulate their excessive and arbitrary demands, but they had little scruple in violating the terms of the concordats when occasion required it. (Mussi, *Conventiones de Rebus Ecclesiasticis*, 1870). Sometimes concessions were wrung from the popes which entailed great danger for the Church. The consequence was that popes seeing themselves worsted in the political and diplomatic arena, sought to keep away from politics and devoted their time and energies to the spiritual concerns of the Church. Clement XI found himself in difficulties with Frederick of Brandenburg, who in

1701 assumed the title of king and who deprived the Teutonic Order of the Duchy of Prussia. The same pontiff in the War of the Spanish Succession (1701-14) was unfortunate in antagonizing both contendants and their supporters. Charles VI. took the Duchy of Rome from Innocent XIII. (1721-4), Benedict XIII. was forced to recognize the right of presentation to bishoprics on the part of the kingdom of Sardegnia. Under Clement XII. (1730-40) Spain and Naples broke off all relations with Rome and ejected the papal nuncios from their territories until a concordat with Spain established peace in 1737. Benedict XIV (1740-58) recognized the king of Prussia, who had usurped the property of the Teutonic Order.

Mention has already been made of the active part which the Jesuit order had taken in stemming the tide of the Reformation. They had been the most ardent defenders of the papacy and for this reason as well as because of their defence of the natives in the colonies of the European powers, they had gained for themselves the hatred of the despotic rulers of these countries. Hence, in the XVIII. century all the elements hostile to them and their cause united to persecute them. Hostilities against them began in Portugal, and then extended to France and Spain, from whose colonies they were driven in 1763. Clement XIII. (1758-69) on whom pressure had been brought to bear by the courts of Europe, had resisted,

but his successor Clement XIV. (1769-74) gave way and the order was suppressed in 1774.⁴

(4) Brief of Suppression, Bormann-Daniels, p. 124.

CHAPTER XIII

THE FRENCH REVOLUTION TO THE PRESENT DAY

From the time of Louis XIV. (1715) onwards, the French court had become demoralized¹ and in its train there followed the demoralization of the nobility and the higher clergy, many of whom had been promoted to their high office through the influence of relatives but without any inclination to discharge the duties of their calling.² It was the fashion among the nobles to deride everything religious and even the lower clergy, trained as they were in seminaries under state control, were not free from such an irreligious taint. The irreligious literature from England and the rationalistic writings of the German protestants had produced in the minds of the rank and file the greatest contempt for authority and religion.

Montesquieu (1755) in his book "Esprit des Loix" had advocated the republican form of government as preferable to that of a corrupt monarchy. Voltaire, educated by an irreligious though priestly uncle, had imbibed naturalistic ideas during his sojourn in England. He now sought by his satirical writings to destroy Christianity and became, for his efforts the idol of the corrupt Paris society.³ Rousseau

(1) The Ancient Regime, Matthews, p. 1-30.

(2) Church and Clergy, Matthews, p. 41-51.

(3) The Philosophers, Cambridge Modern History, Vol. VIII, p. 1-35.

(1779) inspired by the same naturalistic ideas, propounded his political doctrine of a social-democratic republic. The state, according to him, had its origin in a free contract between men, by which each of the contractors renounced his individual rights in favor of the community of people who alone possess sovereignty and who can therefore dispose of it at will. (Lowell, The Eve of the French Revolution, p. 274-321.)

In a society where such ideas had gained a firm footing, there were already lurking the seeds of a revolution which with unequalled violence sought to overthrow a political order rendered hateful by its absolutist excesses. The American War of Independence (1775-83) had awakened in the oppressed French masses the desire of obtaining redress from their tyrannical masters. As the corrupt nobility and clergy were exempt from every tax, they were naturally the object of the first outbursts of the popular hatred. In 1789 the deputies of the whole kingdom had been called together to find means to meet the treasury deficit. Out of this assembly emerged the "National Convention" which by confiscating the ecclesiastical possessions found the necessary finances to avoid the threatened bankruptcy of the state. Animated by the prevailing ideas they went still further and adopted a new constitution which placed the civil power in the hands of the people. To the constitution they added the "Civil Constitution of the Clergy" which made the ecclesiastical organization

of the Church impossible and exterminated the religious orders. The number of the dioceses and parishes was greatly diminished, the cathedral chapters suppressed and the pope excluded from the appointment of bishops. The latter with the pastors had to swear fidelity to the State and its laws, including the "Civil Constitution of the Clergy" (Giobbio, La Chiesa e lo state in Francia durante la Rivoluzione, Roma, 1905). The great majority of the French clergy rejected the oath and Pius VI suspended those who conformed to the civil law. The excesses of the revolutionaries made the French people desire a restoration of order and paved the way for Napoleon Bonaparte, who as First Consul in 1799, by establishing a military dictatorship, put an end to the reign of terror and re-established the Catholic Religion in France.

One good effect of the French Revolution was the abandonment of civil sovereignty on the part of the state in religious matters. Though the Treaty of Augsburg recognized the "Confession of Augsburg," still religious tolerance existed in very few places. By the Treaty of Westphalia it was agreed that the dissidents might worship privately as they pleased. Frederick II, without giving legal sanction to Catholicism, had proclaimed a general edict of tolerance. Joseph II, in Austria did likewise (Art. XVI of Austrian Const.) so that political tolerance soon became general in the Euro-

pean states as in the American colony of Maryland. Russia was the last to accept it in 1905.

By the concordat of 1802, peace was reestablished between the papacy and France (Theiner, Hist. des deux concordats en 1801, 1813, Paris, 1889). By virtue of it the Catholic religion was recognized as that of the great majority of the French people and the Church was guaranteed freedom of worship and organization. The First Consul was to nominate the bishops, the pope to confirm them (Arts. 4,5). The bishops had to swear fidelity to the state before taking possession of their sees (Art. 7). The churches were restored to worship with the exception of those already alienated whose possessors were not to be disturbed. The state on the other hand, was to support the clergy. Napoleon made the concordat a law of the state, but in doing so he attached seventy-seven "Organic Articles" which would have made the Church absolutely dependent on the state. Pius VII, who had made concessions to the extent of displeasing many French Catholics rejected the Organic Articles* and immediately Napoleon annexed the papal states, taking the pope a prisoner to France. On the fall of Napoleon (1815) the Church regained peace. (Rinieri, Napoleon and Pius VIII, 1804-13).

From 1792 the revolutionary French troops had gradually succeeded in conquering Italy, and in the wake of

their conquest followed the dissemination of revolutionary ideas. As a result, there were formed in Italy a number of independent republics on the model of that in France. In 1798 even the papal states constituted themselves into the "Roman Republic". In the first decade of the XIX century Piedmont, Savoy with the Roman Republic were annexed by France while the Cisalpine Republic with Venice became the nucleus of the Kingdom of Italy. The remaining states were parcelled out among Napoleon's relatives so that the French completely dominated Italy. Wherever they were, ^{they} despoiled the Church little less under Napoleon than under the revolutionary regime. Napoleon reestablished the church in Northern Italy by a concordat with the pope, but as in France the "Organic Articles" were added, making the Church the servant of the State. (Lemmi Fr., *Le Origini del Risorgimento Italiana*, Milano, 1906.)

The Congress of Vienna (1814-5) at which the able diplomat, Cardinal Consalvi represented the pope, set up new boundaries to the Italian states and reinstated the lawful sovereigns in their states. Through the exertions of the latter the traces of the revolutionary ideas were wiped out but, nevertheless, Gallican ideas still animated these sovereigns in their dealings with the Church. (Rinieri, *Il Congresso di Vienna e la Santa Sede*, Roma, 1904.)

From the time of Dante there were those, who conscious

of common origin and having a common language in the Florentine dialect, nationalized by Dante, sought to amalgamate the various Italian states in one political unit. The more ardent spirits of the period of which we speak had organized themselves in secret societies (Bianchi N., *Docum. Diplomatici sulla Questione Romana*, Turino, 1861) whose watchword was "Unity, Liberty and the Independence of Italy". Austria and the papal states stood in the way. As the secret societies were known to be hostile to the Church, the popes were very suspicious of all movements sponsored by their adherents for bringing about the union of Italy whether within a federal constitution or otherwise. Still, the new Kingdom of Italy managed to take Lombardy from Austria in 1859, Venice in 1866, Naples was captured for united Italy in 1860 and Rome and the Papal States were annexed in 1870, so that Rome became the capital of the new kingdom.

As was to be expected, the popes were not content with losing the temporal possessions of the Holy See. The Law of Guarantees had no international sanction and hence the sovereignty of the pope is left dependent on the will of the Italian people who can take away what they conceded. (*Statuto, Garantigie Pontifice e Relaz. fra Stato e Chiesa*, Roma, 1881). Hence, arose the "Roman Question" which since 1871 has been felt by all Italians, whether liberal or clerical, to be a

to be a source of weakness to the nation. Now the Italian ideal of an integral peninsula can be reconciled with papal territorial independence, is a problem that is occupying the attention of Mussolini and his government. In the meantime, though the pope has never recognized the Law of Guarantees and as a protest against the occupation of Rome still remains a voluntary prisoner in the Vatican, yet in strange contrast with the past liberal governments of Italy, the present government even in the most delicate situations, has consistently maintained the most cordial relations with the Church and has actively co-operated in the promotion of many measures for the spiritual and moral advancement of the Italian nation.

In Germany the Church suffered little less than France and Italy during the period when Napoleon was in power. The property of the Church was secularized and many dioceses were suppressed. (^{Roman} La Secularizatione, Roma, 1906). The State sought to predominate in ecclesiastical affairs so that the bishops were greatly hampered in the supervision of their dioceses. (Gayan, L'Allemagne Religieuse, Le Cathol., Paris, 1905, 1-4). Still the secularization of the ecclesiastical property had some beneficial results. The bishops, deprived of their temporal estates were free to devote their attention to the spiritual interests of their diocese.

While the territories hitherto subject to the bishops as theirs passed into the hands of secular rulers, these, often

protestants, not infrequently acted towards their new Catholic subjects according to protestant principles. Not a few of them accepted the doctrine of an absolute union of Church and state and hence, believed that the education of the young was an affair wholly within the province of the state. Even Catholic princes, infected by ideas of Josephinism, differed little from their protestant neighbors in this regard so that in Germany the princes were accustomed to regard themselves as so many popes in their own territories. They claimed (a) the "jus reformandi" or right of defining on what conditions the Church might exist in their dominions. (b) The "jus cavendi" or the right to take measures to limit the exercise of ecclesiastical authority and, hence, the "jus supremae vigilantiae" or the right to watch over the internal and external life of the Church, to regulate the freedom of communication with the pope, the holding of synods, processions, establishment of religious houses, etc. The "jus cavendi" likewise embraced the "jus placati regii" by the exercise of which all papal and episcopal decrees and documents had to have the royal approval before being published in the kingdom. Besides, the sovereign claimed an active participation in the appointments to ecclesiastical offices. He claimed that the civil courts were, moreover, superior to the ecclesiastical in the case of appeal and that all ecclesiastical property

was ultimately vested in the State.⁴

As a consequence of these theories, many dioceses had been suppressed and many cathedral chapters abolished so that general disorder due chiefly to the prolonged vacancies of dioceses, prevailed. Some Catholics, habituated to the existing regime, desired the creation of national churches independent of all outside interference and in this desire they were supported by their civil rulers. From 1817 there appeared a growing tendency to draw closer to Rome and many of the princes entered into concordats with the papacy by which their relations with it were regulated. In consequence of the new state of things, it was rendered possible for the pope to fill the vacant sees and thus restore order in the dioceses.

Owing to a variety of circumstances, new life was indeed infused into the German Church in the second decade of the XIX. century. The insults of the Lutherans celebrating the Feast of Luther in 1817, the founding of various Catholic periodicals, as well as the result of the Disturbances of Cologne (1837-40) all contributed to awaken the Catholics to a determined defense of their rights and as a consequence, the government was forced to considerably modify its attitude towards the Church.⁵

The activity of the secret societies in spreading liberal and revolutionary ideas was especially noticeable in Prussia and Baden, districts most hostile to the Church. In

the Conference of Wurtzburg (1848) the German bishops drew up a common programme counselling submission to authority and at the same time demanding for the Church "full liberty and independence" in the exercise of its mission. They demanded also that the concordats, where they existed, should be strictly observed. They claimed the right to teach in their own schools as also the right to erect seminaries and control them. By its Constitution (1848-50) Prussia renounced all claims as regards the control of the Church (Arts. 15; 16) and granted full liberty of teaching (Art. 24). Hannover, Nassau and Hesse-Kassel were incorporated with Prussia in 1866 and consequently abode by the existing constitution. The peace thus obtained lasted until 1871, when the Grand Chancellor of the Empire, Bismark, sought by his famous Kulturkampf to again make the Church dependent on the State. By 1887 its provisions were considerably mitigated as to allow the Church tolerable liberty, though up to the end of the Great European War it was hampered by the civil authorities.⁶ In the revolution which then took place the Lutheran Church was disestablished and the new Constitution makes no distinction but allows full freedom to all religious bodies.

(4) Nussi, Conventiones de Rebus Eccles, 1870, p. 624 et seq

(5) Ruskovany, Monum. Cath. pro Independentia Potestatis Eccles. ab Imperio Civili, Vol. II.

(6) Ruskovany, Monum. Cath., Vol. IV, p. 58.

In Austria the Constitution of 1849 recognized the independence of the Church in ecclesiastical matters. (Art. 2-kremer-Aurenrode). The state reserved the right of vigilance over public instruction but religious instruction was entrusted to the church which could open schools if it desired. By the concordat of 1885 the Church was forced to renounce part of its independence. From 1866 the liberals sought to restrict this liberty still further and in 1874 a modified form of the German Kulturkampf was put into execution. The same happened in Hungary, where from the year 1897 there has been noticeable a tendency in a certain section to separate themselves from Rome.

Switzerland was erected into a republic in 1798 and soon afterwards the Church had to suffer the confiscation of her property. From 1830 the radicals and protestants who were in power oppressed it by force. In 1834 the deputies in the Conference of Baden agreed on fourteen articles which completely subjected the Church to the state.⁷ Owing to the persistent infractions of their liberty, the Catholic cantons formed in 1847 the "Sonderbund" for mutual defense. They were defeated in a war which they undertook in defense of their religious rights. The Federal Constitution of 1848 excluded the Jesuits and like teaching orders from the country. Up to the present day religion does not figure in the curriculum of the Swiss

(7) Raskovany, Monum. Cath., Vol. III, p. 251.

schools.

As we have seen, the Church in France was in a miserable condition after the fall of Napoleon in 1815. Charles X. of the unpopular House of Bourbon, sought to restore it but made the fatal mistake of coupling with its restoration the setting up again of the old and unpopular regime. The revolution of 1848 had not the anticatholic character of its predecessor. From 1870 the radicals came into power and have sought by antagonistic legislation to uproot Catholicism in France. (Brizzolari G. *La Francia dalla Ristorazione alla Formazione della Terza Repubblica*, Milano, 1903.) In 1903 the religious orders were excluded from the elementary schools and most of the religious were exiled. In 1905, Church and State were declared separated and authorized the formation of Associations of Cult. These were condemned by Pius X. (Acta S. Sedis, n. 9, 3) but have since been approved under a somewhat modified form by the Holy See. The fact that the clergy and the expelled religious behaved as patriotically during the Great War has been a factor in bringing about better relations between Church and State (in France). The founding of the association of L'Action Française has been somewhat of an obstacle in this regard. This association has for its aim the restoration of the monarchy and is hence hostile to the Republic. Composed mostly of Catholics, the association sought to use the Church to

further its own designs. In addition, it sought to influence ecclesiastical appointments by having its adherents promoted to the episcopal sees. Making itself obnoxious to both Church and State it has been condemned by the present Pope. (See Article in November issue of the "Nineteenth Century" as also the reply of H. E. Card, Bourne in English "Universe".)

In the Low Countries the Constitution of 1815 was very hostile to the Church so that the bishops were obliged to refuse the oath of allegiance to it and hence were regarded as rebels. The "Organic Articles" were extended to this country in 1816; the higher institutions of learning had exclusively protestant professors; religious orders were forbidden to take novices; priests were obliged to undertake military training and those who refused the oath of allegiance were deposed and imprisoned.

In 1825 the Catholic schools and seminaries were closed and their property confiscated. In 1830 took place the revolution which resulted in the separation of Belgium from Holland. In the former country the Constitution of 1831 proclaimed liberty of worship, of teaching and of association. Relations with Rome have always been friendly with the exception of the period 1878-84, in which neutral schools were introduced but not frequented and diplomatic relations with Rome temporarily broken off. In Holland the Constitution of

1848 proclaimed religious liberty and from 1889 Catholic schools had legal recognition. From 1905 they were given the protection of the government which, however, reserves the right of state vigilance.

When Joseph Napoleon ascended the Spanish throne in 1808, he immediately set about persecuting the Church. He suppressed religious houses and sought to impose the Gallican doctrines on the clergy many of whom he exiled. Ferdinand VII, in 1814, repealed these measures but, nevertheless, acted despotically towards the Church. Persecution and toleration alternated each other in the period which followed. In 1845 Spain broke off relations with the pope and practically all ecclesiastical property was confiscated. In 1851 was concluded a concordat by which the Catholic Church became the state Church and its clergy were to be maintained by the nation. With brief intervals of hostility, the relations between Church and State in Spain have been and are consistently good.⁸

The condition of the Church in Portugal was much the same as that in Spain. The state sought to interfere in ecclesiastical affairs especially under Maria da Gloria (1834-53) when the regal "placet" was rigorously applied. In 1910, the king abdicated and in 1911 the law separating Church and State was passed.

(8) Roscovany, Monum. Cath., Vol. XIII, p. 164.

In the American colonies of the latter two powers it would be well nigh impossible to trace the relations between Church and State since the several states by turns promoted, tolerated or persecuted the Church, according to the political party that held the reins of government. On the whole, there was and is a tendency to state despotism more or less restrained by the concordats entered into with Rome.

In the British Isles and in the various dependencies within the British Empire, the Church has been legally tolerated since 1829. Great Britain maintains a representative at the papal court and the only disability that remains for those professing the Catholic faith is the fact that the king must belong to the established church. However, it would seem that the Anglican church will soon be disestablished in which case this would automatically disappear.

In the United States the state remains neutral in the matter of religion, allowing Catholics the fullest freedom in this regard, though there is a tendency for the state to interfere in the matter of education.

In Russia the state religion until 1914 was the Orthodox and those in communion with Rome were often hampered in the exercise of their religion. With the revolution of 1915-6, all Christians alike have been oppressed by the Soviet Government and things still remain very unsatisfactory.

To sum up, then, we have seen the Church merely tolerated when not persecuted during the first three hundred years of her existence. Nevertheless, it was able to adapt itself to the conditions of the times, and prospered. It was able to convert the barbarians who overthrew the great empire which had oppressed it. During the Middle Ages it remained closely associated to the state directing and elevating it, restraining the despotism of rulers and serving as the bond of union in the great Christian commonwealth.

Lastly comes the period when religious unity has been lost and various sects, intolerant of each other's existence, spring into life. Impaired in her influence, the Church has still a unique function in the State whether it in withstanding those doctrines disruptive of state and individual morality alike, or in the contribution which she makes to the solution of social problems by her authoritative teaching which impels respect and acceptance on the part of the reasonable citizen, not because he recognizes the binding authority of her teaching, but because the intrinsic reasonableness of social doctrines appeals to his sense of justice.

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FINIS

R E F E R E E S ' R E P O R T S

It is the practice of the Graduate School to have theses read by three referees. If the first two votes are favorable, the third reading is sometimes omitted. The Graduate Council regularly recommends for the degree all students who have a majority of favorable votes.

Students are frequently required to rewrite portions of their theses because of the referees' criticisms. This will explain why references to pages are sometimes inaccurate and why shortcomings concerning which comment is made in the reports are found not to exist.

"HISTORICAL ASPECT OF THE RELATIONS BETWEEN CHURCH AND STATE".

by James P. Montague

This thesis displays an extended study of the sources and a careful selection of material. The author proves that he is familiar with his subject and where interpretation of events is required, manifests good judgement and sound philosophy.

The period of time covered necessitates a rather scant treatment of some important questions and the entire omission of others. For example, we believe that the Constitution of the United States will forever be a document of prime importance in any adequate discussion of the question of Church and State, and the historical value of the controversy on this topic carried on by the great Bellarmine can scarcely be overlooked.

It is our opinion that this thesis should be accepted.

G. P. Walsh, S.J.

I have carefully read the essay submitted and I believe it should be accepted.

I would not like to recommend the article for publication, however, because the author quotes opponents of the Church, like Bryce, Gibbon, and others, throughout, without commenting on the errors contained in the quotations. Indeed, there is not enough argumentation for the position of the Church whenever the Church's "mistakes" have been rather baldly stated. Moreover, there are several typographical (at least) errors of spelling and grammar, which give the impression of careless work. On page 43 the author states that the "outcome justifies the means." On page 135 he says "religious unity has been lost"; since the unity of the Church is one of its four marks, this ought to be qualified. The author calls Dollinger "a weighty authority" without comment. The essay is full of quotations and appears to be a compilation rather than an original work.

Sincerely,

William J. Murphy, S.J.