

# **REORDERING**

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**THE**  
**REORDINATIONS**

**STUDY ON**  
**SACRAMENT OF ORDER**

**BY**

**Father Louis SALTET**  
PROFESSOR OF ECCLESIASTICAL HISTORY AT  
THE INSTITUT CATHOLIQUE DE TOULOUSE

**PARISLIBRAIRIE**  
**VICTOR LECOFFREJ**

**GABALDA & C<sup>1</sup> "**  
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**1907**

**S33**

**TO THE DEAR MEMORY**

FROM

**J. A. VIDAL**

CURATE-ARCHIPRESTLE OF ESPALION



## FOREWORD

There are many reasons why I should have been diverted from such a delicate subject as the history of reordination. "But in the course of a study of the Reformation of the Church in the twelfth century, I came face to face with the theological controversies which so profoundly agitated the minds of the time on the subject of the transmission of the power of order. And since, in spite of many - preliminary works, this history is almost entirely new, at least for the xi<sup>e</sup> and xu<sup>e</sup> centuries, it was not possible to refer to previous studies. I was therefore obliged to make a personal examination of the question. But the investigation could not be limited to the xi<sup>e</sup> and xn<sup>o</sup> centuries; it was necessary to find the main moments of theological development. The materials accumulated, and the projected chapter became the present volume.

We can say that the history of reordinations is still at the point where it was left by the Oratorian Jean Morin. Moreover, the solution of this problem has suffered a notable setback, which will be all too easy to see by studying the bibliography on the subject. This state of affairs is perhaps explained by the theological interests at stake in the present question. While some authors have wanted to see reordinations everywhere, others have not wanted to see them anywhere. Such biases multiply the chances of error in a difficult study. Thus it happened that characteristic texts exhumed by Morin disappeared from circulation; and that certain sharp-edged

conclusions, put by him beyond doubt, were blunted, trimmed and rendered unrecognizable. After that, it is only fair to pay tribute to such an author, who, without claiming to exhaust the question, has treated it with the frankness and objectivity of our old authors.

The retreat thus noted in the discussion of the reordinations contrasts, disconcertingly, with a no less certain fact, the accumulation of new data which allows a much better statement of the problem. Some of these data are available to all, such as the three volumes of *Libelli* in the *Monumenta Germaniae*. Others are still unpublished in the *Summaries* of the Decree of Gratian, which contain, on this point, the expression of a theology almost unknown until now.

As will be seen, the bibliography of this book is, for the most part, composed of German works. This is a fact which may surprise some, but which causes the author no embarrassment. Our contemporaries have nothing to learn about the extent and thoroughness of German scholarship. It presents us, in every field, with a great number of works which it is impossible to overlook. In the present case, a whole part of the subject studied here, that which concerns the xi<sup>e</sup> and xn<sup>e</sup> centuries, is of special interest to the history of the Germanic Church; it is not surprising that the attention of the Germans should have been specially directed to this side, and that we should be dependent on them in working on it. Besides, I am only borrowing data or material from our neighbouring scholars. It will be easy to see that the proposed solutions come from elsewhere.

This book contains the transcription of many texts. In a delicate subject, it is important that the reader be able to verify the interpretations proposed. Simple references do not would be sufficient. Few readers have at hand all the works cited. Moreover, a good number of the texts transcribed in the fourth part are unpublished. Finally, it goes without saying that one should not ask for the identity of spelling in Latin texts of very diverse origins.

May this study not be too unworthy of my first and foremost teacher, whose name is at the head of these pages.

**FOREWORD.**

**see**

**La Tour, near Villecomtal, September 8, 1906.**



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# REORDERING

## INTRODUCTION

Ministry of the word, sacramental power, gift of miracles, these are the principal prerogatives of the Church from the first Christian generation. But since we agree on this, it was necessary to say to what extent these privileges are particular to the Church. Can they be possessed by separate Churches? Under what conditions can they be acquired?

### I

From the very beginning of the apostolic preaching, it was necessary to defend oneself against an attempt to monopolize it. Hence an incident which struck the Christian imagination of the time to the highest degree, and which has had a long repercussion in ecclesiastical history. It was after the stoning of Stephen. The persecution in Jerusalem had dispersed the community of believers, except for the Apostles. So the disciples began to preach on all sides. Philip the deacon went into Samaria. By his miracles he converted a large crowd, including Simon, a magician who had previously exercised great authority over the people. "Simon himself believed," say the *Acts*, "and when he was baptized, he did not leave Philip any longer, and he saw with wonder the miracles and great wonders that were done."

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Some time later, the Apostles Peter and John came to Samaria to give the Holy Spirit to those who had been baptized by Philip.

When Simon saw that the Holy Spirit was given by the laying on of the Apostles' hands, he offered them money, saying, "Give me this power also, that he on whom I lay my hands may receive the Holy Spirit. n But Peter said to him, "Let your money perish with you, since you thought that the gift of God was bought with money. You have no share or lot in this matter, for your heart is not right before God. Repent of your wickedness<sup>1</sup> .

This is the first impression of selfishness in the presence of the gifts of the Gospel. In *Acts*, Simon's greed and recklessness are asserted with rare energy. They show the dangers to which the Church would be exposed in its work in the world. Individuals or groups would tend to exploit the prerogatives of the community: ministry of the word, liturgical power, the gift of miracles.

First of all, the Church was in danger of being absorbed or denatured in the unhealthy environment into which it had fallen. This reaction of the Greco-Roman environment on Christianity is called the Gnostic movement. Under the influence of oriental superstitions and degenerate philosophies from the great classical schools, decadent philosophers and magicians of all kinds had put into circulation romantic metaphysics, which were continued by theurgy and the occult sciences. They saw in Christianity only one more theme for their attempts at religious syncretism.

This danger was averted by the Church's deep sense of Christian unity, and by the strength with which tradition established revealed truth. By the end of the second century the game was irretrievably lost to the philosophers and magicians. The Church claimed exclusively for herself the revealed word<sup>2</sup> and the gift of miracles<sup>3</sup> . On these two points, the doctrine of St. Irenaeus presents all the desired clarity.

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<sup>1</sup> *Acts*, VIII, 18-22.

<sup>2</sup> S. IRENAEI *Contra haereses*, I, 10, 2; III, 24, 2, in *P. G.*, vol. VII, col. 55i and

<sup>3</sup> As for the gift of miracles, according to Saint Irenaeus, it is not only an exceptional and theoretical prerogative; it is an effective and very actual demonstration of the divinity of the Church. The Gnostics invoke, in favour of their doctrine, the prodigies they perform; but these are false prodigies. Only the Church has received the power to perform miracles and does so. (*Op. cit.*, II, 3i, 32, col. 824, 828).



Thus, at the end of the second century, two of the principal prerogatives granted to men by Jesus Christ were clearly defined and attached exclusively to the true Church. There remained the third, which consists of liturgical or sacramental power. This power, no less wonderful than the gift of miracles and the right to define dogma, has the peculiarity of being exercised daily and as the final end of ecclesiastical activity. God acts through his agents and, in the sacraments, communicates supernatural realities to men.

This state of affairs, so surprising for the sake of reason alone, does not raise any difficulty in the eyes of faith, as long as the minister of the sacraments maintains, with regard to God and the Church, the proper attitude of submission and obedience. It is easy to understand that God can make use of a human instrument, even for the accomplishment of a marvellous work, on condition that the instrument is docile and pure. But an enormous difficulty arises as soon as the minister places himself, in relation to God and the Church, in a state of disobedience or hostility. If a minister is unworthy, that is to say, if he is a sinner, if he is a heretic or a schismatic or an excommunicate, can he be an effective agent of God and really administer the sacraments? In such cases, is there not an absolute incompatibility between the personal quality of the minister and the sacramental role he claims to assume? And, consequently, is not the ministerial power of the guilty party suspended or even annihilated?

There came a time, and it will be determined later, when this question arose before the Christian conscience. The present volume would like only to recount the various answers that were given, in the course of time, on the subject of the transmission of the power of order.

## II

Since the thirteenth century, Catholic theology has answered this question with perfect decision and clarity, not because theology waited until the time of the great scholastics to find the true solution, but because only then did it come to a universal and definitive agreement. The scholastics had the merit of taking up and imposing on all, the principles laid down, several centuries earlier, by Pope Stephen and developed by St. Ambrose and St. Augustine.

Let us speak first of the transmission of the sacrament of order. On this point, Catholic theology distinguishes two effects of order; the first is the sacramental character or power; the second is the

grace of the sacrament. Provided that an ordination is made according to the form prescribed by the Church, and with the intention of doing what the Church does, whatever the unworthiness of the minister or of the ordained cleric, it always confers sacramental character. Consequently, the transmission of the power of order can be made, in a very true and complete way, through a continuous series of unworthy, schismatic, heretical or excommunicated ministers. The reason for this is that the sacrament of order produces, like all the others, its effect *ex opere operato*. Moreover, it confers a character or power which is indestructible and independent of the dispositions of the subject. As for the grace of the sacrament, it is given exclusively to those who receive ordination in the moral dispositions prescribed by the laws of God and of the Church.

The administration and reception of the other sacraments are governed by the same principles. By observing the conditions prescribed by the Church, every priest actually consecrates the Eucharist and administers Extreme Unction, every bishop gives Confirmation, every man confers Baptism. But the grace of these sacraments is received only by those who have recourse to the ministers of the sacraments under the moral conditions already mentioned. As for penance and marriage, because of their nature, they are subject to special conditions.

This doctrine is the result of two principles. On the one hand, it affirms that the efficacy of the sacraments is objective, that is to say, essentially independent of the dispositions of the minister or the subject. Secondly, it proclaims the necessary subordination of the minister and the subject of the sacraments, first to God and then to the Church. But from this exposition it is clear that of the two principles thus combined, it is the first, that of the objective efficacy of the sacraments, which has the preponderant influence; the subordination of the minister to the Church is maintained in the smallest possible measure.

From a theoretical point of view, this doctrine is deduced from the notion of sacrament. From the practical point of view, it has two main consequences. First of all, it is a guarantee of security for the Church. What would happen if the administration of the sacraments were made dependent on the moral and religious worth of men as to their essential validity? The greatest uncertainty would soon reign, not only as to the religious situation of individuals, but also as to the reality of the power of order of a large part of the clergy. This state of affairs would become inextricable, and the Church would be unable to carry out its principal mission, that of dispensing the means

of salvation. It was necessary, therefore, that the most essential - efficacy of the sacraments should escape the fluctuations of men's morality and religious value. The Church has provided for this by affirming the objective value of the sacraments.

But, and this is the second aspect of the question, in this way the sacraments escape so well from the turmoil of this world that they are removed, to the greatest extent, from the control of the Church. The sacraments can exist and be transmitted outside the true Church, in heretical or schismatic communities. From this it follows that ordinations conferred outside the Church, according to the conditions indicated, must in no case be repeated. These ordinations are valid. And if a cleric thus ordained is converted, the Church may authorize him to exercise the functions of his order among Catholics.

### III

It is therefore true that the doctrine on the conditions of - transmission of the power of order is the result of the combination of two principles: that of the objective effectiveness of the sacraments, and that of the subordination of the minister to the Church. To study the history of reordination is to trace the long struggle between these two principles. Depending on whether it is the first or the second that prevails, ecclesiastical doctrine affirms the reality or the subordination of the minister to the Church.

6 the nullity of ordinations outside the Church. This doctrinal development must have taken place in a straight line. If we were to draw up a graph, it would be singularly complicated. Not only would the curve be jagged and broken, but it would show numerous regressions, frequent returns to stages previously passed through and surpassed<sup>4</sup>.

What is the cause of these variations? It is the varying insistence with which Church people, whether theoreticians or men of action, have pressed for the subordination of the minister to the Church. Sometimes a broad subordination, similar or identical to that which is demanded today, is accepted; at other times a very strict subordination is demanded. To what do we attribute these successive evaluations? Not to theoretical preoccupations, which could have found their solution once and for all, but to an often resurgent practical necessity, that of tightening the unity of the Church. Individualism and selfishness have given themselves free rein during periods of schism, heresy, simony, etc. What better way to discourage these attempts to monopolize the gifts of the Gospel than to attach the sacraments indissolubly to the Church and to say: Outside the Church there is no true minister of the sacraments<sup>5</sup>? It was, in advance, to proclaim the radical failure of any separatist movement, or of any project of exploitation in the manner of Simon.

Now, in the long history of the Church, there have been many times when it was necessary to

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a. PERRONE wrote: "Ordinationes ab illegitimo ministro peractas illicitas esse, nemo unquam theologorum dubitavit: utrum vero praeterea irritae, inanes ac nullae habendae sint, implicatissima olim quaestio fuit, adeo ut Magister Sententiarum scribat: "Hanc quaestionem perplexam ac paene insolubilem - faciunt doctorum verba, quae plurimum dissentire videntur (l. IV, dist. 35) - ; deinde profert quatuor sententias, quin ulli adhaereat. *Monumenta ecclesiastica prope innumera pro utraque sententia, sive affirmante irritas esse eiusmodi ordinationes sive negante, stare videntur, cum res nondum eliquata esset.* Nunc iam a pluribus saeculis sola viget S. Thomae doctrina, cui suffragium accessit universae ecclesiae, ordinationes ab haereticis, schismaticis ac simoniacis factas validas omnino esse habendas." In *Tractatus de ordine*, cap. IV, n. i36, in MIGNE, *Theologiae cursus completus*, vol. XXV, p. 55 (Paris, 1841);

<sup>5</sup> The same concern has led some authors to attribute to the Church the means of binding absolutely, that is to say, of rendering practically null, the power of order of the ministers who are *in the Church*. According to them, this effect was achieved by the canonical penalties of solemn deposition and degradation. But this is a special aspect of the question, and it is sufficient to indicate it in this general outline.

## INTRODUCTION.

The practical need to strengthen unity has become apparent to the competent authorities with inescapable force. And since, on the other hand, theology has not always been very explicit about the conditions of validity of the sacraments, people have come, in good faith, to exaggerate the subordination of the minister to the Church in matters of the sacraments. For this reason, the history of reordination is intimately interwoven with the greatest trials of the Church. Many conflicts and violence will be mentioned in this book: they are not recalled for the sake of presentation, but because they were the immediate occasion of doctrinal deformations.

The Catholic doctrine on the transmission of the power of order is universally accepted today, and that is what matters. Why study its history? Because it can be of interest to the theologian and the historian.

It would be difficult to understand this doctrine if we were to confine ourselves to drawing it from the brief formula of a *compendium* of theology, even though we would justify this doctrine rations borrowed from dogmatism with the help of considerations.

The reason is that a doctrine always receives much light from the exposition of the phases through which it has passed in the course of its development. The absolute element is best seen when it is found in the variety of successive forms, and the speculative theologian is well advised to distinguish the core from the shell, or to build his synthesis only on resistant data. Moreover, in the present case, it is not a question of an exclusively speculative truth, but of a doctrine which owes as much to the demands of practice and of the life of the Church as to theoretical discussion. Now, historical requirements cannot be conjectured; they are established.

As for the historian, he is interested in the doctrine of reordination, as he is in any juridical theory which has had a great influence on men and on facts. As such, he studies the history of episcopal elections, the theory of benefice, ecclesiastical doctrine on the relationship between the two powers, the renewal of canon law in the ninth and twelfth centuries. Could he be uninterested in the theories that were current, at various times and especially in the twelfth and THIRTEENTH centuries, on the transmission of the power of order? In times when political power was indefinitely

**In a society where the government was fragmented or powerless, and where religious interests were at the forefront of public concern, all the vicissitudes through which the power of order passed had an impact on social life.**

**In summary, this book studies the history of ordinations which have been considered invalid, for any other reason than the lack of the prescribed form or intention, and which have been repeated. Finally, it is recalled that the doctrine which affirms the validity of baptism administered outside the Church, according to the prescribed form and intention, is a truth of faith. The validity of confirmation and order, conferred under the same conditions, is not defined: it is a truth *proxima fidei*. If the latter doctrine was not defined by the Council of Trent, as was the former, it was because of the hesitations and partial disagreements attested to on this point by the history of theology. The Council did not wish, by its definition, to place the doctrine of many authors in opposition to a truth of faith, nor to make the task of historians of tradition more difficult.**

**FIRST PART**  
**GREEK AND ROMAN THEOLOGIES UNTIL ST.**  
**GREGORY I**

**CHAPTER ONE**

TWO TRADITIONS IN THE OLD CHURCH.

The first three centuries provide us with very little information about ordinations made outside the Church, that is, in schism or heresy, but following the prescribed form. About 200, Tertullian describes the heretical clergy thus:

Ordinationes eorum temerariae, leves, inconstantes; nunc neophytos conlocant, nunc saeculo obstrictos, nunc apostatas nostros, ut gloria eos obligent, quia veritate non possunt. Nusquam facilius proficitur quam in castris rebellium, ubi ipsum esse illic, promereri est. Itaque alius hodie episcopus, cras alius; hodie diaconus, qui cras lector; hodie presbyter qui cras laicus : nam et laicis sacerdotalia munera iniungunt<sup>6</sup>.

If these details are to be taken literally, it is clear that the Church could not put much stock in a transmission of the power of order which seems to take so little account of ritual. Firmilian of Caesarea and St. Cyprian have more explicit statements<sup>7</sup>. In a56, Firmilian limits the absolute power of ordination to the bishops who are in the Church<sup>8</sup>. This decision was made,

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<sup>6</sup> *De praescriptionibus haereticorum*, 41, in *P. L.*, vol. II, col. 56.

a. In all this work, the works of St. Cyprian will be cited according to the edition of Hartel: *S. Thasci Caecili CYPRIANI Opera omnia*, 3 parts or volumes, Vienna, 1868. The collection of the letters of St. Cyprian is in the second volume; it is known that it contains letters of other persons, Firmilian, Corneille etc. These will be designated by the words *Inter Cyprianicas*.

<sup>8</sup> *Inter Cyprianicas*, Ep. 75, c. 7, p. 814: "Ceteri quique haeretici, si se ab Ecclesia Dei sciderint, nihil habere potestatis aut gratiae possunt, quando omnis potestas et gratia in Ecclesia constituta sit, ubi praesident maiores natu qui et baptizandi et manum inponendi et *ordinandi possident potestatem*. Hae-

As we shall soon see, for both of them it is the application of a general theory: outside the Church there are no sacraments. As we shall soon see, for both of them, it is the application of a general theory: outside the Church there are no sacraments. Consequently, any baptism administered outside the Church is null; it must be repeated. Yet, according to Saint Cyprian, this expression is completely inaccurate: there is no reiteration, since the first act was null. Also, the Church does not rebaptize heretics who were supposedly baptized outside of her; she baptizes them for the first time<sup>2</sup>.

Moreover, any ordination conferred outside the Church is null. Can it be repeated? In the third century, the question was not asked, for it was dismissed by a prior objection: "oportet sacerdotes et ministros qui altari et sacrificiis deserviunt integros

In Rome, in matters of atque immaculatos esse<sup>4</sup>". ordination, there was a different - doctrine. Pope Cornelius, as well as St. Cyprian, regarded Novatian as a heretic and schismatic<sup>4</sup>. When he speaks of the episcopal consecration of the antipope, he uses very strong language<sup>5</sup>; but there is no indication that he regarded this con-

reticum enim, sicut ordinare non licet, nec manum inponere, ita nec baptizare, nec quicquam sancte et spiritaliter gerere, quando alienus sit a spiritali et dei-fica sanctitate. Quod totum nos iam pridem, in Iconio qui Phrygiae locus est, collecti in unum convenientibus ex Galatia et Cilicia et ceteris proximis regionibus, confirmavimus tenendum contra haereticos firmiter et vindicandum, cum a quibusdam de ista re dubitaretur."

1. *Ep.* 55, c. 24" P" 643: "Qui ergo nec unitatem Spiritus nec coniunctionem pacis observat et se ab ecclesiae vinculo atque a sacerdotum collegio separat, episcopi nec potestatem potest habere nec honorem, qui episcopatus nec unitatem voluit tenere nec pacem." Just as "pseudo-baptizatus" was spoken of, when someone had been baptized in 1 heresy [*Sententiae episcoporum*, 4, in S. CYPRIAN *Opera*, ed. Hartel, t. I, p. 438], so does S. Cyprian speak of "pseudo-episcopi" in regard to bishops who are outside the Church; for example, in regard to the bishops instituted by Novatian, *Ep.* 55, c. 24, p. 642; in regard to Fortunatus, *Ep.* 5q, c. 9, p. 67G.

2. *Ep.* 71, c. 1, p. 771 "Nos autem dicimus eos qui inde fab haeresi] veniunt non rebaptizari apud nos, sed baptizari. Ne^ue enim accipiunt illic aliquid ubi nihil est, sed veniunt ad nos, ut hic accipiant ubi et gratia et veritas omnis est."

3. *Ep.* 72, c. 2, p. 777.

4. *Epist. Cornelii Cypriano, Inter Cyprianicas, Ep.* 49" c. 1, p. 610, and c. 2, p. 611.

5. *Ibid.* c. 1, p. 610: "Haeresis auctores fuisse ut paterentur ei [Novatiano] manum quasi in episcopatum inponi." And in the *Letter of Cornelius to Fabian of Antioch*, EUSEBIUS, *Hist. eccl.*, VI, 43, P. G., vol. XX, col. G20: "cum episcopatum sibi a Deo minime concessum rapere ac vindicare conaretur..." Novatianus duos episcopos "adumbrata quadam et inani manuum impositione episcopatum sibi tradere per vim cogit; eumque nullo sibi iure competentem per fraudem atque insidias vindicat." Here is the Greek text: "ὉΤvρ/fixa icapatncâata; secreation as null. This interpretation is strengthened by the fact that Pope Cornelius considers the masses celebrated by the antipope to be valid. Since Pope Cornelius admits that Novatian, previously a Catholic priest, could celebrate baptism and the Eucharist outside the Church, it is

difficult to see how he could have rejected the ordination of the same Novatian by two previously Catholic bishops. But this is only a deduction, which remains to be verified and clarified. In the third century there is no explicit statement on the validity of ordination conferred outside the Church. The opposition between the Roman tradition and that of the Churches of Africa and Asia Minor is absolute only on the value of baptism, recognized by some, denied by others. On the subject of ordination, the opposition of the two traditions may have been only partial, the Africans and Asians affirming the absolute nullity of such ordinations, the Romans refusing to settle the question and admitting converted heretical clerics only to lay communion.

These are the facts to be explained.

### 1. -Both traditions until Pope Stephen.

As for the validity of baptisms administered outside the Church, there are two different traditions in Christian antiquity<sup>2</sup>. According to the first, that of Rome, baptisms administered outside the Church, but according to the prescribed rite, are real or valid and cannot be repeated. The existence of this tradition is attested by Pope Stephen, whose testimony on this point cannot be discounted. According to the second tradition, that of the Churches of Asia Minor, baptisms administered under these same conditions are harmful and must be repeated.

Tt xat v̄caoxiC̄civ rip pnrj iōēfaav aŪTŪ āvæŌĒv̄luxsīpct... p.ETà pia;  
 ^v̄ayxaaĒv dxovt^ TIVI xal ptaraia xetpĒmŌeala ζntaxoTrr̄çv aūr<7) ŌoOvaf  
 èvèōp̄q̄ixai xavwpȲla [AT] èxiéaXXouaav aūrçp ζXGIXEG "The reason for not taking  
 these words literally is that, a few lines below, Pope Cornelius seems to question the  
 value of Novatian's baptism, which was certainly valid.

1. This can be deduced from the story told in the same letter by Cornelius.  
 EUSEBIUS, *loc. cit.* col. 6a5.

a. See on this question J. ERXST, *Die Stellung der r'ömischen. Kirche on Ketzertauffrage vor und unmittelbar nach Papst Stephan I*, in *Zeitschrift für katholische Theologie* d'innsbruck (1903), pp. 258-205.

What is the origin of each of these traditions? Both claim an apostolic origin. Is this legitimate? To answer this question, history provides us with no means of control. Since each of these traditions has good guarantors, it is best to admit that their antiquity is approximately the same. As a result, on a very important point of theology, we find a disagreement between the two most important groups of the ancient Church: Rome and the Christians of Asia Minor.

The Church of Africa at first followed the Roman practice.

However, in his *De baptismo*<sup>9</sup> composed between 200 and 206, Tertullian, who was still a Catholic, rejects as invalid baptism - administered outside the Church. Does this mean that by this time the change in the discipline of the Church of Africa had already taken place? It is rather difficult to say, for the doctrine of Tertullian may have been both the cause and the effect of the change in the discipline of the churches of Africa on this point. We know only from the testimony of St. Cyprian that in Africa the practice of rebaptization was first prescribed in a council held under the episcopate of Agrippinus of Carthage<sup>9</sup>. Unfortunately, nothing is known of Agrippinus. However, there is reason to believe that his episcopate dates from the last years of the second century. Tertullian would thus have only recorded the new doctrine of the Africans.

During the first half of the 111<sup>e</sup> century, there were other tendencies in the Latin world to substitute Eastern usage for Roman usage in these matters: this was the case with Hippolytus and Novatian. Hippolytus, a Roman priest, came into conflict with Pope Callistus (217-222). The causes of opposition were dogmatic and disciplinary. It seems that the question of baptism administered by heretics was a further cause of division. Hippolytus reproached Callistus for admitting a second baptism, that is, that of heretics<sup>10</sup>. This criticism is surprising, since the Roman practice, maintained by Callistus, was already very old. It is probable that the pope, following his administrative way, will have transformed into law and strictly applied the consecrated practice: hence a new subject of discontent, among systematic opponents.

These doctrinal questions thus provided excellent pretexts to justify party politics. This was best seen in the Novatian schism. After the election of Pope Cornelius (March a5i), a minority appointed a bishop of their own choice, the antipope Novatian. Between Cornelius and Novatian, no doctrinal differences were discernible at first. But soon the schism was coloured by theological reasons. The Novatians presented themselves as defenders of the old penitential discipline: they claimed to exclude from the Church, without hope of reconciliation, and to reserve for the mercy of God, all those who had weakened during the persecution either by sacrificing or by signing a form of apostasy. Pope Cornelius and St. Cyprian declared that the

□ . S. CYPRIANI *Epiat.* 71, p. 774; and *Epiât.* 73, p. 780.

10. *Philosophoumena*, IX, ia, P. G., t. XVI, p. 111, col. 3387: \*EKI TOUTOU Ttpwpc̄; TËTÔ)p7]Tac ðeuTepov avroî; pâKtapia. On the various interpretations of this - passage, see the article quoted by J. ERNST.

Church has the right to absolve and reconcile *lapses* during persecution.

Novatian used this doctrinal opposition to justify his schism, which was organized and soon included a number of communities with bishops at their head. It was to last for a long time. In the seventh century, Novatians were still found in the East.

Of this long history of the Novatians only one fact interests us here. From the beginning, these schismatics rejected the sacraments administered by the Catholics and repeated them. According to them, the essential mark of the Church is holiness. Now, they said, the Church of Cornelius is not holy, for it counts among its members apostates who are supposedly absolved, but who are in reality sinners, since no one, except God, has the right to forgive them. So the only church is the Novatian church, which reserves these apostates for the judgment of God. It alone can confer grace through the sacraments. This last doctrine of the Novatians had one practical advantage: it was likely to make an impression on rigorists and exalted people. No other could more strongly assert the claim of the separatists to constitute the true Church. This condemnation of the Catholic sacraments has been the ordinary teaching of the Novatians. However, it was abandoned by some of them in the fifth century.

I. On the Novatian schism, read the article: A. HARNACK, *Novatian*, in the

As we have seen, St. Cyprian and Cornelius, by common agreement, claimed for the Church the right to absolve apostates, and consequently condemned the Novatian schism. There were several reasons for this decision of the two bishops. But for St. Cyprian, in this matter, one consideration had been paramount: the maxim *Outside the Church, no salvation*. While, according to the Novatians, an apostate excluded from the Church for life and reserved for the mercy of God's judgment could hope for final forgiveness, according to St. Cyprian, God chooses the elect only from among the members of the Church. Therefore, for him, to be excluded from the Church for ever is to be condemned to eternal perdition. Therefore, the Church must have the power to reconcile the *lapsed*:

Et quia apud inferos confessio non est nec exomologesis illic fieri potest. qui ex toto corde paenituerint et rogaverint in Ecclesiam debent interim suscipi et in ipsa Domino reservari, qui, ad Ecclesiam suam venturus, de illis utique quos in ea intus invenerit iudicabit. Apostatae vero et desertores vel ad versa rii et hostes et Christi Ecclesiam dissipantes, nec si occisi pro nomine foris fuerint, admitti secundum Apostolum possunt ad Ecclesiam pa-

Such was the theory of the Church which determined St Cyprian to side with Pope Cornelius against Novatian. Unfortunately, this same theory was soon to bring St Cyprian into conflict with Pope Stephen. For St Cyprian, the formula "*Outside the Church, no salvation*" had the variant "*Outside the Church, no sacraments*". This last formula is one of the essential facts of *De unitate Ecclesiae*, a treatise written around Easter of the year a5i, against the schismatic movement organised in Carthage by the deacon Felicissimo, who wanted to grant special facilities for forgiveness to the *lapsi* of the persecution of Decius<sup>2</sup>.

At that time the Church of Rome suffered from a division. The majority was for Bishop Cornelius; a minority was for the antipope Novatian. The latter included clerics who had confessed the faith during the persecution, and who maintained

*Rcalencyklopädie für Protestantische Theologie und Kirche*, vol. XIV, Leipzig, 1904.

1. S. CYPRIANI *Epist.* 55, p. 647.

2. Cf. on this subject the very important article by Dom J. CHAPMAN, *Les interpolations dans le traité de S. Cyprien sur l'imité de l'Église*, in the *Revue bénédictine* of July, October 1902, and January 1903.

relations with Saint Cyprian. The latter had the joy of detaching them from the antipope and reuniting them with their bishop. Then, towards June or July of the following year, in order to strengthen them, he sent them his treatise *De catholicae ecclesiae unitate*, but not without introducing important changes concerning the Roman primacy. The exposition concerning the sacraments remained absolutely the same. The treatise of St. Cyprian, thus arrived at Rome, was obviously much read there. However, during the lifetime of Pope Cornelius, no contradiction arose. The same was true of his successor Stephen.

## II. - The theology of Saint Cyprian.

The immediate occasion of the controversy was the return to the Church of a number of Novatians from Africa. It has already been seen that in the election of Pope Cornelius, the Roman priest Novatian had, out of ambition, assumed the role of antipope. He immediately organized schismatic communities on all sides, in Italy, in Gaul, in the East. Thus there was a Nova Scotian bishop in Carthage. The organization of the schism made rapid progress, but

the union of the Catholic bishops soon stopped it. In Africa, St. Cyprian and Pope Cornelius acted in concert, so that by A.D. 55 there was a marked return of the Novatians of Africa to the Church. At this point the question arose: "What is to be thought of the baptism performed by the Novatians? Is it real or null? The case to be solved was particular, but it posed the general problem of the value of sacraments administered outside the Church, either in heresy or in schism<sup>11</sup> .

A bishop, Magnus, asked St Cyprian whether Novatians baptized outside the Church should be treated like other heretics, that is, rebaptized. The whole question, then, was whether the principle of the Church of Africa, according to which baptism administered by heretics is void and must be repeated, should be applied to Novatians. St. Cyprian replied that the African custom should be maintained and applied to the Novatians<sup>12</sup> . The Council of Carthage, meeting in the same year, was of the same opinion<sup>13</sup> . A second council, held in the spring of a56, communicated an identical sentence to Pope Stephen<sup>14</sup> . The opposition of the Church of Rome and that of Africa on this point had been latent until then; from then on it became declared.

In 206, Pope Stephen wrote that the Roman custom with regard to Christians baptized in heresy was not to rebaptize them, but to lay hands on them. Let us disregard here the nature of this imposition of hands. The fact remains that the Roman Church refused to repeat the baptismal rite received in the prescribed form. This was to lay down the principle of the objective efficacy of the sacraments in relation to baptism. But Pope Stephen proceeded ruthlessly. He wrote a violent letter to Africa, and sent a circular to the East. These documents are lost. But judging from the letters of St. Cyprian and Firmilian, the tone of these documents must have been aggressive and unpleasantly authoritarian.

The result was deplorable. As the Churches of Asia Minor and Syria were practising the rebaptization of heretics, St Cyprian entered into relations with them and especially with Firmilian of Caesarea in Cappadocia. Then he wrote two new doctrinal letters<sup>15</sup> , and provoked the sentence of the council of i<sup>er</sup> September a 56.

11 It is always assumed that these are sacraments administered in the form prescribed by the Church.

12 S. CYPRIANI *Ep.* 69, p. 749.

□. *Ibid.*, *Ep.* 70, p. 766.

14 *Ibid.*, *Ep.* 72, p. 775.

15 *Ibid.*, *Ep.* 73 and 74, pp. 778 and 799.

Eighty-seven bishops there proclaimed the African usage<sup>3</sup>. Some time later, St. Cyprian received from Firmilian of Caesarea a letter of formal adhesion, but one which was more than impertinent towards Pope Stephen<sup>16</sup>.

This controversy, in which St. Cyprian's attitude was somewhat contradictory, cannot be explained unless we take into account the influence of Tertullian's books on the bishop of Carthage. Pope Stephen invoked custom in favour of his doctrine. St. Cyprian dismissed this argument, drawing on Tertullian's criticism of tradition:

Non est de consuetudine praescribendum, sed ratione vincendum<sup>17</sup> ... Proinde frustra quidam qui ratione vincuntur consuetudinem nobis opponunt, quasi consuetudo maior sit veritate, aut *non id sit in spiritualibus se-*

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<sup>16</sup> *Ep.* 70, p. 810.

<sup>17</sup> *Ep.* 71, c. 3, p. 773.

TWO TRADITIONS IN THE ANCIENT CHURCH. 17 *quendum quod in melius fuerit a Sancto Spiritu revelatum*\*... Nec consuetudo quae apud quosdam obrepserat impedire debet quominus veritas praevaleat et vincat, nam consuetudo sine veritate vetustas erroris est... Propter quod relicto errore sequamur veritatem... quam veritatem nobis Christus ostendens in Evangelio suo dicit : Ego sum veritas<sup>18</sup> ... Non tamen quia aliquando erratum est, ideo semper errandum est '.

After Tertullian, St. Cyprian insists a great deal on the action of the Spirit in the Church, and this is the origin of the multiple oppositions which are encountered between his doctrine and that of the Roman Church. We have just noted a first conflict concerning custom. While in Rome custom is the law, for the bishop of Carthage it must yield to the revealing action of the Spirit. But there is more. If the Roman Church and the African Church do not agree on the value of the sacraments administered outside the Church, it is because they do not understand in the same way the action of the Spirit in the sacraments. "Outside the Church, there is no Holy Spirit," the Africans rightly say. But they add: "No Holy Spirit, no sacraments", and it is here that they enter into conflict with Roman theology, in a very decisive manner indeed.

This can be seen from the letter of the Council of Carthage of 255. It contains a very clear theory of the causality of the sacraments<sup>19</sup>. Heretics cannot baptize because they cannot perform any of the preparatory rites of Christian initiation, that is, neither the blessing of water and oil nor the consecration of the Eucharist. Now these preliminary blessings are the *sine qua non* of baptism. Indeed, what washes the soul is not the water, but the Holy Spirit contained in the water<sup>20</sup>. One recognizes here an idea of Tertullian<sup>21</sup>. Why can't those who are outside the Church be baptized?

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a. *Ep.* 74, c. 9, p. 806.

19 *Ep.* 70, p. 766 ff.

20 *laud.* c. 1, p. 767: "Oportet vero mundari et sanctificari aquam prius a sacerdote, ut possit baptismo suo peccata hominis qui baptizatur abluere. S. Cyprian returns to this idea, *Ep.* c. 5, p. 803: "Peccata enim purgare et hominem sanctificare aqua sola non potest, nisi habeat et Spiritum Sanctum. i"

G. The idea that baptismal water is sanctified by the Spirit is found in other authors; but Tertullian and St. Cyprian push it to the limit. Cyprian push it to the limit. Tertullian, *De baptismo*, 4, *P. L.*, t. 1, col. 1204: "Supervenit enim statim Spiritus de caelis et aquis superest sanctificans eas de semetipso, et, ita sanctificata, vim sanctificandi combunt."

How can they proceed with these blessings? This is because, not having the Holy Ghost, they cannot give it; and this is in virtue of the axiom: "Nemo datquod non habet"<sup>22</sup> . This theory is very different from the doctrine of the Church, according to which the minister administers not the grace, which God alone can give, but the sacrament.

For St. Cyprian, the nullity of the sacraments of heretics and schismatics also results from the notion of the true Church. This view is developed at length in the letter to Magnus. There is only one Church, and it is to her alone that God has entrusted the sacraments. To her we must apply the words of the *Song of Songs*: "hortus conclusus soror mea sponsa, fons signatus, puteus aquae vivae". Now these symbols are highly expressive, for if the garden is closed, if the fountain is closed, people from outside cannot claim to enjoy it<sup>23</sup> . Therefore, it is of little importance that Novatian and others retain the faith of the Church. Since they are outside the unity, they are left to their own devices<sup>24</sup> . In the matter of sacraments, there is no difference between heretics and schismatics.

### III. - The theology of Pope Stephen.

After mentioning the difference in doctrine between the Roman Church and those of Africa and Asia concerning sacraments administered outside the Church, Mr. Harnack wrote: "Presumably the bishops of Rome were in this matter determined solely by a concern to facilitate the return of non-Catholics to the Church<sup>25</sup> . Is this not too simple an explanation, and does it not belittle the debate? Instead of this self-interested and political preoccupation, should we not recognize, among the Romans, very firm dogmatic ideas? The controversy between Pope Stephen and St. Cyprian

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<sup>22</sup> Ep. 70, c. 1, p. 769: "Sed et pro baptizato quamprecem facere potest sacerdos sacrilegus et peccator? Guin scriptum sit : *Deus peccatorem non audit, sed qui Deum coluerit et voluntatem eius fecerit, illum audit*. Quis autem potest dare quod ipse non habeat, aut quomodo potest spiritalia gerere, qui ipse "miserit Spiritum Sanctum?"

\*- Ep 79. c. 2', p. 751.

<sup>24</sup> *Ibid*, c. 7-11, p. 736 ff.

<sup>25</sup> *Lehrbuch der bogmngeschichte*, I, p. 411, n. 1, Leipzig, 1894.

TWO TRADITIONS IN THE ANCIENT CHURCH. 19 leads us to see a clearly defined theology in each of the two parties. Should we admit that these theologies were invented for the occasion? Is it not probable that they are older, and that they are to be found at the origin of each of the two usages of Africa and Rome? In fact, it is to this answer that we are led by the study of the texts.

The letters of Pope Stephen have been lost, but Firmilian and St. Cyprian have preserved for us the most important maxims of the pope. Thus the Bishop of Caesarea says, speaking of Stephen and his followers:

Non putant quaerendum esse quis sit ille qui baptizaverit, eo quod qui baptizatus sit gratiam consequi potuerit, invocata Trinitate nominum Patris et Filii et Spiritus Sancti<sup>26</sup>. Sed in multum, inquit [Stephanus], proficit nomen Christi ad fidem et baptismi sanctificationem, ut quicumque et ubi- cumque in nomine Christi baptizatus fuerit, consequatur statim gratiam Christi<sup>2</sup>.

From these few words, is it possible to form an idea of the pope's theology? An author who has studied the history of these controversies with great penetration, Mr. Ernst, has considered especially the second text. He has seen in it a doctrine more or less in conformity with the theology of today. According to him, this maxim of Stephen answers the principle of the Africans, according to which heretics, not having complete faith in the Trinity, cannot baptize:

"It is as if the pope had said: The name of Christ, mentioned during the ceremony of baptism, serves much for the faith necessary for the validity of baptism. It is the baptism of Christ that heretics also wish to give; consequently, they baptize according to the intention of Christ and consequently in the name of the true Trinity, in whose name Christ wishes baptism to be given. The mention of Christ's name during baptism is a guarantee of this intention. The 'in multum proficit ad fidem' shows that Stephen did not regard every kind of faith as required for validity; but he recognized in the 'intentio faciendi secundum mentem Christi' a sufficient faith to be able to administer and receive baptism validly. Stephen believed that a completely cor-

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<sup>26</sup> *Ep.* 5, c. 9, p. 815.  
a. *Ibid.*, c. 18, p. 833.

recte in the Trinity, as Cyprian and his party demanded, was not required for the validity of the sacrament<sup>27</sup> ."

One will hardly find all this in Pope Stephen's text, "The name of Christ contributes much to faith and to the sanctification of baptism." Is the pope here aiming at the African theory of the necessity of faith for the validity of baptism? There is no indication of this. Saint Cyprian had communicated to Stephen the letters 70 and 71<sup>28</sup> . Now nothing is said there about the necessity of faith for baptism. Rather, it was the pope who raised this question<sup>29</sup> . The Africans only answer him. It is quite likely that Roman theology was inspired by the words of Scripture about the power of Christ's name<sup>30</sup> . St. Cyprian suggests this idea<sup>31</sup> : "*Si effectum baptismi maiestati nominis tribuunt... cur non eadem maiestas nominis praevallet in manus impositione?*" It is explicitly formulated by the author of *De rebaptismate*, who was a contemporary of St. Cyprian and shows himself to be well informed about the theology of his time. This - anonymous author gives us a whole theory of the power of the name of Christ, and also of the Trinitarian formula:

Considerare oportet quod invocatio nominis Iesu non debet a nobis futilis videri, propter venerationem et virtutem ipsius nominis, *in quo nomine virtutes omnes solent fieri et nonnumquam aliquae etiam ab hominibus extraneis*<sup>32</sup> . Sed enim virorum optime reddamus et permittamus virtutibus caelestibus vires suas, et dignationi divinae maiestatis concedamus operationes proprias, et intelligentes quantum in ea sit emolumentum, libenter ei adquiescamus " .

However, Pope Stephen and the anonymous person understand the action of Christ's name and the Trinitarian formula differently. The pope understands this action as a real and sacramental effect. He who is baptized in heresy receives the grace of Christ, but not that of the Holy Spirit. These formulas are singular; but they affirm that a reality is produced by the baptism of heretics. The anonymous one does not want to accept this doctrine in all its force. He attenuates it and seeks a middle ground between Saint Cyprian and Stephen. For him, the baptism of heretics has no absolute value: it should not be repeated, however, out of respect for the invocation of Christ<sup>33</sup> ; but

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27 J. ERNST, *Die Ketzertaufangelegenheit in der altchristlichen Kirche nach Cyprian*, p. gi, Mainz, 1901.

28 *Ep.* 72, c. 1, p. 776.

29 There is another allusion to the doctrine of Stephen in *Ep.* 73, c. 4. p. 781: a quaerendum non sit quis baptizaverit, quando is qui baptizatus sit accipere remissionem peccatorum potuerit, *secundum quod creavidit*."

30 *Acts*, IV, 12, etc.

31 *Ep.* 74, c. 5, p. 802.

32 *De rebaptismate*, 7, S. CYPRIANI *Opera*, ed. Hartel, III, p. 78.

33 *Ibid.*, p. 82: "ne invocatio nominis Iesu quae aboleri non potest contemptui a nobis videatur habita, quod utique non oportet".

it only begins to produce an effect when it is completed by the - imposition of hands in the Church<sup>34</sup>. This means that theology was still not very explicit about the causality of the sacraments. However, we can discern in the maxims of Pope Stephen a first affirmation of the objective and, so to speak, material efficacy of the rite. The invocation of the name of Christ<sup>35</sup> has a mysterious virtue which allows one to work miracles or to baptize; it is the act of a superior power, that of God himself; it is the relationship established between a human gesture and a divine action; it is the whole sacramental mechanism.

But these considerations must be strictly limited to baptism. In the middle of the third century, the efficacy of all the other sacramental rites was not represented in this way. To be convinced of this, it is sufficient to study the way in which Pope Stephen understood and carried out the reconciliation of Christians baptized in heresy: he repeated confirmation for them. Why, in this study, speak of confirmation? Because it is always mentioned in the decisions of - Greek theologians concerning the conditions of validity of the - sacrament of order. Moreover, it is less surprising that the reality of certain ordinations was denied, when we see that that of certain confirmations was also denied. Finally, in the last years of the twentieth century<sup>e</sup> and the first years of the twentieth century<sup>e</sup> the theory of the reconciliation of heretics and schisma

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<sup>34</sup> *Ibid.* c. 12, p. 83: "Invocatio nominis Iesu ideo tantum patrocinari potest, si rite suppleta postea fuerit, quia et prophetae et apostoli ita praedica- verunt." *Ibid.* c. 7, p. 78: "Invocatio haec nominis Iesu quasi initium quod- dam mysterii dominici commune nobis et ceteris omnibus accipi, quod possit postmodum residuis rebus impleri, alias non profutura talis invocatio cum sola permanserit."

<sup>35</sup> HEFELE, *Conciliengeschichte*, I, p. 128; Delarc translation, I, p. 109: "Sacred Scripture had introduced the custom of calling *baptism in the name of Christ* all baptism conferred in virtue of faith in Jesus Christ and in accordance with his precepts, consequently, in the name of the Holy Trinity, as we see in the *Acts of the Apostles* (II, 38; VIII, 16; XIX, 5), and in the *Épistle to the Romans* (VI, 3). It is not surprising, therefore, that Pope Stephen should have used an expression which, at that time, was perfectly intelligible. It goes without saying that the question of baptism *in nomine Christi* cannot be discussed here.

tics through the rite of the imposition of hands had a great influence on the theology of the order.

#### IV. - The reiteration of the confirmation of heretics in Rome.

Here are the decisions of Pope Stephen. We compare the pope's

##### TEXT OF POPE STEPHEN

Si qui ergo a quacumque haeresi venient ad vos, nihil innovetur nisi quod traditum est, *ut manus illi imponatur in paenitentiam*, cum ipsi haeretici proprie alterutrum ad se venientem non baptizent, sed communicent L

*ad accipiendum Spiritum Sanctum,*

Tunc enim demum plene sanctificari et esse filii Dei possunt, *si sacramento utroque nascuntur*<sup>2</sup>.

formula with St. Cyprian's refutation of it.

REFUTATION BY St. CYPRIAN De eo vel maxime tibi scribendum... eos qui sunt foris extra ecclesiam tincti, et apud haeticos et schismaticos profanae aquae labe maculati, quando ad nos... venerint, baptizari oportere, eo quod *parum sit eis manum imponere* nisi accipiant et Ecclesiae baptismum.

In the present case, there is identity between the "impositio manus in paenitentiam" of the first text and the "impositio manus ad accipiendum Spiritum Sanctum" of the second. The testimony of these texts is confirmed by that of the *De rebaptismate*, a treatise which teaches that the imposition of hands on heretics "ad accipiendum Spiritum Sanctum" was preceded by penance<sup>3</sup>.

With regard to the reconciliation of heretics, Pope Stephen and St.

Cyprian were in agreement on one point and in opposition on another. They agreed on the manner of reconciling heretics who, having been baptized and confirmed in the Church, then turned to heresy, only to return to the Church: such Christians were to be reconciled by penance<sup>4</sup>.

1. This quotation from Stephen is contained in a letter of St. Cyprian, *Ep.* 74, c. i, P\* 799, where it is introduced by the words, "Etiam illud adiunxit [Stephanus] ut diceret."

a. This text is taken from the letter of St. Cyprian to Pope Stephen: *Ep.* 72, c. i, p. 775.

3. *De rebaptismate*, 10, in S. CYPRIANI *Opera*, ed. Hartel, vol. III, p. 82: "paenitentiam agentibus correctisque per doctrinam veritatis et per fidem ipsorum, quae postea emendata est *purificato corde eorum*, tantummodo baptismate spiritali, id est manus impositione episcopi et Spiritus sancti subministracione subveniri debeat."

Cf. moreover WITASSE (or better VUITASSE), *Tractatus de confirmatione*, p. I, q. I, ch. 2, in the *Theologiae cursus completus* of Migne, t. XXI, coi. 618.

4. This discipline is clearly attested only from the Council of Elvirc (35/6), c. 22, in HARDOUN, *Acta Conciliorum*, t. I, col. 25a: but it obviously goes back to the middle of the third century. St. Cyprian designates this penitential reconciliation by the words: "in poenitentia manum imponere" in *Ep.* 71, c. 2, p. 772.

The disagreement arose over the manner of reconciling the heretics who had been baptized and confirmed in heresy. While Pope Stephen, accepting their baptism, repeated on them the imposition of the hands of confirmation, that is, in the thinking of the in<sup>e</sup> century, confirmation itself, St. Cyprian simply wanted to renew on them the entire rite of Christian initiation, including baptism and - confirmation today.

This thesis could be demonstrated by the one text of St. Cyprian quoted above. Indeed, St. Cyprian attributes the gift of the Holy Spirit to the laying on of hands, and designates the latter rite by the name of sacrament. Then he says to the pope, "You reject one of these two sacraments; that is insufficient; you must reject them both."

It is therefore true that the reconciliation of heretics practiced by Pope Stephen consisted in the reiteration of confirmation by the mere imposition of hands<sup>36</sup>. This theology of Pope Stephen was strongly attacked by St. Cyprian. His argument was this: Why grant heretics that their baptism is valid, and reject their confirmation? If the first sacrament is valid, the second is also valid<sup>37</sup>. The objection was peremptory, and there was nothing to answer it. In fact, the Pope should have accepted the baptism and confirmation administered by the heretics. By rejecting the latter, he was providing the ruthless

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36 The text of St. Cyprian where the reconciliation of heretics is mentioned: "Non est necesse ei venienti manum imponi ut Spiritum Sanctum consequatur et *signetur*" \*<sup>^</sup>*Ep.* 73, 6) should not be understood as the complete reiteration of the confirmation, including the *consignatio*. This *signetur* is the interior result of the imposition of hands, and not a material rite. Cf. *De rebaptismate*, in S. CYPRIANI *Opera*, ed. Hartel, III, p. 69: "et h<sup>^</sup>ec manus impositio *signum fidei iteratum atque consummatum cis praestaret* etc." On this point I differ from the opinion of M. TIXERONT, *Histoire des dogmes*, t. I, p. 389 (Paris, 1905).

a. *Ep.* 73, 6.

logic of his opponent with the means of overturning his whole doctrine. The inconsistency which lay at the bottom of Pope Stephen's theology explains, in good part, why St. Cyprian's opposition was intractable<sup>38</sup>.

This practice was continued by the Roman Church and developed by the Greek and Gallican churches in the West. It can be said that the ancient Church reconciled heretics baptized in heresy by the reiteration of confirmation<sup>1</sup>. It goes without saying, moreover, that this practice was to make it more difficult to accept ordinations made outside the Church. It is for this reason that the reconciliation of heretics will be discussed briefly.

Until the end of the fourth century<sup>e</sup>, in the West, the reconciliation of heretics validly baptized outside the Church was carried out - according to the rite of the second century, without objection.

This can be seen from canon 8<sup>e</sup> of the first Council of Arles (314) concerning the Novatians, and from a letter of Pope Sirice concerning the Arians. Bishop Himerius of Tarragona had asked Sirice whether the Arians should be rebaptized. The pope replied, in 385:

Baptizatos ab impiis Arrianis, nos cum Novatianis aliisque haereticis, sicut est in synodo constitutum, per invocationem solam septiformis spiritus, episcopalis manus impositione, catholicorum conventui sociamus<sup>2</sup>.

Sirice treats the Arians like the Novatians, who neglected to confer the *consignatio* on their followers<sup>3</sup>. This practice had previously been rejected as illogical by St. Cyprian. In the fifth century, this same defect was pointed out by the separatists who had difficulties with the Church, concerning the sacraments. For example, the Luciferians, who admitted lay Arians into the Church by the laying on of hands, refused to accept Arian clerics into the clergy; they only granted them lay communion. How, they said, would we accept a clergy whose baptism is so imperfect that it

1. L. DUCHESNE, *Les origines chrétiennes* (lithographed text), p. 433: "On the universal usage in antiquity of reconciling heretics by the sacrament of confirmation, see Witasse, vol. VII, *de sacramento confirmationis*, pp. 55-568, noting that the texts of St. Optatus and St. Augustine, which leave some doubt as to its conclusion, do not speak of the conferring of the Holy Ghost. The allusions or mentions which we find in the texts of the authors with regard to the ceremony in question vary a little on the rite itself, some speaking of the anointing, others of the imposition of hands; but all agree on the effect of the rite, which is the impartation of the Holy Ghost." The treatise of Witasse to which M<sup>gr</sup> Duchesne refers is found in the *Cursus theologiae* of Migne, vol. XXI, and the texts referred to. *Ibid.*, col. io3a-io6a. Cf. also L. DUCHESNE, *Le Liber Pontificalis*, t. I, p. 167, note 3, and p. 189, note 17.

2. SIRICII *Epist.* in P. L., vol. XIII, col. 1135.

3. As stated below, p. 36, the Novatians omitted the rite of *consignatio* with chrism

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38 The fact that Pope Stephen reconciled heretics baptized outside the Church by the imposition of hands regarded as a reiteration of confirmation, is admitted by many theologians, e.g., by P. SCHANZ, *Die Lettre von den heiligen Sacramenten der katholischen Kirche*, p. 287, n. 6, Freiburg in B., 1893"

in confirmation, while the Arians practiced *consignatio*. The fact that at Rome the Novatians were reconciled by the laying on of hands alone, like the other heretics, without conferring the *consignatio*, seems to be further evidence that the laying on of hands was then regarded as the essential rite of confirmation.

must be completed by the laying on of hands and the gift of the Holy Spirit? The argument was embarrassing. It is curious to see St. Jerome, in his dialogue *Contra Luciferianos*, taking pains to remove all importance from the rite of reconciliation of Arians by the laying on of hands. We must remember that this dialogue is a series of *ad hominem* arguments. St. Jerome does not endorse all the ideas he puts forward. But his criticism of the reiteration of the laying on of hands to Arians nevertheless shows how troublesome this practice was becoming, when the theory of the sacraments was established<sup>39</sup>.

St. Jerome would have wanted to suppress the rite of reconciliation of heretics by the imposition of hands. This was merely the idea of a polemicist. It was necessary to give up the idea of doing away with an ancient practice, consecrated by new laws. But the necessities of theology so demanded a reduction in the importance of this rite that the doctrine of St. Augustine provided a bold attempt on this point.

The Donatists took up against the Catholics and St. Augustine the argument of St. Cyprian against Pope Stephen: "If baptism conferred outside the Church is valid, so is the imposition of hands or confirmation<sup>40</sup>. What does St. Augustine reply? He reduces the laying on of hands spoken of by St. Cyprian and Pope Stephen to being a simple ceremony of reconciliation<sup>41</sup>, which can be repeated \*. For him, confirmation implies two rites: the imposition of hands and the *consignatio*: it cannot be repeated. In this way, confirmation was clearly defined and distinguished from the reconciliation of heretics. Like baptism and order, confirmation has a lasting effect, distinct from grace<sup>42</sup>.

If this doctrine had prevailed very clearly, the theology of the sacraments would have been rid of an element that could become disruptive. But the old language, which was expressed in the liturgy,

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<sup>39</sup> *Adversus Luciferianos*, in *P. L.*, vol. XXIII, col. 1G1: "Si Arrianus Spiritum Sanctum non potest dare, ne baptizare quidem potest, quia Ecclesiae baptisma sine Spiritu Sancto nullum est. Tu vero [the Luciferian] cum baptizatum ab eo recipias, et postea invoces Spiritum Sanctum, aut baptizare eum debes, quia sine Spiritu Sancto non potuit baptizari, aut si est baptizatus in Spiritu, *desine ei invocare Spiritum*, quem tunc cum baptizaretur, accepit."

<sup>40</sup> See above, p. 22.

<sup>41</sup> *De baptismo contra Donatistas*, V, 33: "Manus autem impositio, si non adhiberetur ab haeresi venienti, ianquam extra omnem culpam esse indicaretur; propter caritatis nutem copulationem, quod est maximum donum Spiritus Sancti, sine quo non valent ad salutem quaecumque alia sancta in homine fuerint, manus haereticis correctis imponitur."

<sup>42</sup> *Contra litteras Petilianii*, II, 23g: "Et in hoc unguento [psalm i 3M1 sacramentum chris matis vultis interpretari quod quidem in genere visibilium

was maintained. Innocent I, St. Leo, Vigilius, the *Liber Pontificalis*, St. Gregory I<sup>1</sup> speak, in the same terms as Pope Sirice, of the imposition of hands by which the reconciliation of heretics is effected: it is the imposition of hands without a *record*, but characterized by the collation of the Holy Spirit. Old language for new ideas.

Thus Roman theology in the fifth<sup>c</sup> and sixth centuries is summarized: the imposition of hands on heretics who come to the Church is given as necessary; its effect is represented as analogous to that of the confirmation (imposition of hands and *consignatio*) given to Catholics. The imposition of hands had thus retained its primitive meaning only in the reconciliation of heretics; in the confirmation of Catholics it was combined with or subordinated to the *consignatio*. By this extension of confirmation, there were two rites; the old confirmation continued to be reiterated to heretics<sup>2</sup>. In time, the distinction of the rites helped to make the distinction of the effects of each of them accepted.

Such is the Roman practice. In the countries of Gallican rite, in Gaul and in Spain<sup>3</sup>, the Roman practice was followed at first. Thus, according to the first Council of Arles, Donatists were received by the mere laying on of hands, and were always so treated thereafter. But towards the end of the fourth century<sup>c</sup> or the beginning of the fifth<sup>c</sup>, the custom was established in Gaul and from there in Spain of reconciling heretics baptized outside the Church by

signaculorum sacrosanctum est, sicut ipse Baptismus, sed potest esse et in hominibus pessimis, in operibus carnis vitam consumentibus et regnum caelorum non possessuris. Discerne ergo visibile sanctum sacramentum, quod esse et in infidelibus potest, illis ad praemium, illis ad iudicium, ab invisibili unctione charitatis, quae propria bonorum est."

1. See these testimonies in WITASSE, *Tradatus de confirmatione*, in *Je Theologiae cursus completus* de Migne, t. XXI, col. io34 and io51.

2. Among the Orientals, we do not find this double form of confirmation. This is because in the East, from the patristic period onwards, the reconciliation of heretics was carried out by the full rite of confirmation (imposition of hands and *consignatio*). It is known, moreover, that of the two elements of confirmation, the *consignatio* seemed to the Greeks to be the more important. It is probable that in the East the reconciliation of heretics through the reiteration of confirmation did not begin until a time when the laying on of hands and the *consignatio* of early Christian initiation were regarded as two moments of one and the same rite: confirmation. Previously, baptism and the entire initiation were repeated to heretics. Cf. *Y theological interpretation of the appendix*.

3. WITASSE, *op. cit.* col. io3; and io38.

TWO TRADITIONS IN THE ANCIENT CHURCH. 27 the full rite of developed confirmation: imposition of hands and *consignatio*, It was by this rite that the lay Arians were reunited with the Church. Instead of reiterating the ancient confirmation (imposition of hands) as was done in Rome, in countries of Gallican rite, the developed confirmation (imposition of hands and *consignatio*) was reiterated to heretics. This Gallican practice is a further verification of the meaning attributed above to the reconciliation of heretics in Rome. The Roman usage is recalled by Pope Zacharias to St. Boniface in ^4\$ The Gallican usage is indicated by Walafrid Strabon, in the first half of the ix® century<sup>43</sup> .

In the middle of the fifth century, the Greek Church reconciled Novatians, Arians and Apollinarians to the Church by *consignment*, i.e. by confirmation<sup>44</sup> .

These data are verified by the testimony of the ancient *Sacramentaries*. For example, the *Gelasian Sacramentary*^ gives two formulas for the reconciliation of heretics baptized outside the Church<sup>45</sup> . They are identical to the formula for the imposition of hands in Confirmation<sup>6</sup> . Even today the *Pontificale romanum* contains, after the formulas for the degradation of clerics and excommunication, an *Ordo ad reconci- liandum apostatam, schismaticum vel haereticum*, whose principal prayer during the imposition of hands is identical with the prayer for the imposition of hands in Confirmation<sup>46</sup> .

The reconciliation of heretics, among the Greeks, was done according to a rite of which we can have an idea by the oldest known *Euchologe*, that of the Barberini Library (end of the

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43 *De ecclesiasticarum rerum exordiis* etc., P. L., vol. CXIV, col. 958.

44 WITASSE, *op. cit.* col. 1089<sup>c</sup> ff. See below, p. 41.

45 *Sacramentarium gelasianum*, I, 85, 86, in P. L., t. LXXIV, col. n3; These formulas of Roman origin will have served for the reconciliation of the Arian Lombards.

46 *Pontificale Romanum, Ordo ad reconciliandum* etc. (Malines ed., 1855, pars 3', p. i3i); and *De confirmandis, Ibid.* pars i\*, p. 3. Note a variant. While the first formula ends with the words: "in nomine eiusdem Domini nostri Jesu Christi *signetur* signo crucis in vitam aeternam", the second says: "*consigna* eos signo crucis Christi in vitam propitiatus aeternam". It is more likely that this variant is intentional. The word *consigna* announces the *consignatio* of confirmation, a rite which does not take place in the reconciliation of the heretic.

wine<sup>0</sup> century). It is a liturgy quite similar to that of the *Pontificale romanum* of today, but increased by a ceremony: the *consignatio* with the holy chrism, as for the confirmation. A characteristic detail: the imposition of hands, which has more or less disappeared from the confirmation of the Greeks, has been preserved in their reconciliation of heretics: this is one more proof that this last rite is identical to the ancient confirmation, among the Greeks as well as among the Latins

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#### V. - St. Cyprian on the power of order.

We have not exhausted the theology of the order according to St. Cyprian when we say that, according to him, ordinations made outside the Church are null and void. It remains to speak of the value of sacramental acts performed by a bishop who is a public sinner. Towards the beginning of the third century, Pope Callistus had given a decision in this sense which had scandalized some people. He had declared that a bishop did not lose his office in any way, even after having committed a mortal sin<sup>47</sup>. Both this decision and the opposition to it prove that the contrary doctrine was quite widespread.

The question arose again in Africa after the persecution of Decius. Bishops and clerics had apostatized. For example, Fortunatian, bishop of Assuras in Africa, had sacrificed to idols. Basilides and Martial, Spanish bishops of Legio and Asturica, had made a declaration equivalent to apostasy. How were these culprits to be treated?

The councils of 201 and 252 gave a decision on the subject of clerics. We know its content from a letter of St. Cyprian<sup>48</sup>. These clerics were to be deposed in perpetuity; ecclesiastical communion was to be granted to them only after a long penance, and after the approval of the people. The bishop Therapius, however, admitted to lay communion a priest Victor who had apostatized without these delays. St. Cyprian blamed this failure to comply with the decision, but maintained the priest's premature pardon.

St. Cyprian assures us that a similar decision concerning the bishops was approved by Pope Cornelius L. He therefore treated the bishops who had apostatized in the same way as the bishops who had

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<sup>47</sup> *Philosophoumena*, IX, 12, in *P. G.*, t. XVI, col. 3386.

<sup>48</sup> S. GYPRIAXI *Ep.* 64, c. 1, p. 717.

crowned the antipope Novatian<sup>49</sup>. However, subsequent experience has shown that there was some difference between the judgment passed at Rome and at Carthage on the bishops who had defected during the persecution.

The bishop of Assuras, Fortunatian, who had apostatized, persisted in exercising his functions. In a50, St Cyprian had to write to the faithful of the unworthy bishop. This letter is severe. For St Cyprian, the sentence of deposition passed on a bishop who had apostatized was final and could not be overturned. Moreover, the bishop of Carthage justifies this judgement on doctrinal grounds; it would seem that, according to him, such a bishop has lost the power of order:

Qui ergo gravia delicta in se adduxerunt, id est qui idolis sacrificando sacrilega sacrificia fecerunt, sacerdotium Dei sibi vindicare non possunt, nec ullam in conspectu eius precem pro fratribus facere, quando in evangelio scriptum sit: *Deus peccatorem non audit*<sup>50</sup> ... ne adhuc agere pro sacerdote conentur qui ad mortis extrema deiecti, ultra lapsos laicos ruinae maioris pondere proruerunt.

Si vero apud insanos furor insanibilis perseveraverit et recedente Spiritu Sancto quae coepit caecitas in sua nocte permanserit, consilium nobis erit singulos fratres ab eorum fallacia separare, et ne quis in laqueos erroris incurrat, ab eorum contagione secernere, *quando nec oblatio sanctificari illic possit ubi Sanctus Spiritus non sit*, nec cuiusquam Dominus per eius orationes et preces prosit qui Dominum ipse violavit ♦.

Does St. Cyprian mean that such a bishop has lost the power of order? It would seem so. St. Cyprian always establishes an indissoluble relationship between the power of order and the possession of the Holy Spirit:

Declarat in Evangelio suo Dominus, per eos solos posse peccata dimitti qui habent Spiritum Sanctum. Post resurrectionem enim discipulos suos mittens loquitur ad eos et dicit: *Sicut misit me Pater*, etc. (Io. XX, ai, ail. Quo in loco ostendit eum solum posse baptizare et remissionem peccatorum dare qui habeat Sanctum Spiritum... Manifestum est nec remissionem peccatorum dari per eos posse quos constet Spiritum Sanctum non habere<sup>51</sup> .

So according to St. Cyprian, no Holy Spirit, no sacraments. Therefore heretics, not having the Holy Ghost, have no sacraments. Therefore Fortunatian, not having the Holy Ghost, administers no sacraments. We cannot see how to escape this second consequence. The case of Fortunatian did not bring the Church of Africa into conflict with Rome. Otherwise it was another matter,

At the end of the year 254, St. Cyprian was brought to deal with the churches of Legio and Asturica, whose incumbents, Basilides and Martial, had signed *libelli*. Each of these dioceses was divided; some held for the bishop, others asked for a new election. In this way, it is

a. EUSEBIUS, *Hist. of the Church*, VI, 43, P-G, vol. XX, c. 622.

50 S. CYPRIANI *Ep.* 65, c. 2, p. 723.

51 *Ibid*, *Ep.* 69, c. u, p. 759.

possible to see how much this decision was contrary to that of the councils of 23i and s5a, which had been approved by Cornelius. It is not possible to say exactly. In any case, in Rome, it was admitted that an apostate bishop could exercise the power of order. The principle of Callistus was strictly applied, according to which a bishop notoriously guilty of a mortal sin could remain in office. Why make an exception for the sin of idolatry, since the Church handed it over to ordinary Christians? It was precisely this parity that St. Cyprian refused to admit. He therefore took a strong stand against Pope Stephen; he speaks of the sacraments administered by the two Spanish bishops as the sacraments administered by Novatian. The parallelism is complete.

First common trait. - For Saint Cyprian, the sacraments administered by schismatics are harmful, because they are sacraments usurped against the right of the Church:

Quomodo perficere quae agunt aut impetrare aliquid *inlicitis* conatibus de Deo possunt qui contra Deum *quod eis non licet* moliuntur? Quare qui Novatiano sive ceteris eiusmodi schismaticis patrocinantur, frustra contendunt baptizari et sanctificari illic aliquem salutari baptismo posse, ubi constat baptizantem *baptizandi licentiam* non habere... Quomodo tales iustificare et sanctificare baptizatos possunt qui hostes sacerdotum aliena et *inlicita et nullo sibi iure concessa* usurpare conantur ... quamvis sciant id quod faciunt *non licere* L..

Second common trait. -The case of the Novatians is even worse than that of Korah, Dathan, and Abiron, for these had not caused a schism, and yet their sacrifices were harmful:

Tamen quia loci sui ministerium transgressi, contra Aaron sacerdotem, qui sacerdotium *legitimum*, dignatione Dei adque ordinatione Doinini perce - perat, sacrificandi sibi *licentiam vindicaverunt*, divinitus percussi poenas statim pro *inlicitis conatibus* pependerit, nec potuerunt rata esse et proficere sacrificia inreligiose et *inhicite contra ius divinae dispositionis oblata* \*.

Thus, for Saint Cyprian, the legitimacy and validity of sacramental acts are two inseparable ideas. Legitimacy results from conformity to the law of God. Now this law is violated by Basilides and Martial<sup>52</sup>. Also they are assimilated to Korah, Dathan and Abiron "qui sacrificandi licentiam tibi vindicaverunt"; also we speak of their "iniustum adque *inlicitum* episcopatum"<sup>53</sup>. The consequence is this:

Cumque alia multa sint et gravia delicta quibus Basilides et Martialis implicati tenentur, frustra tales *episcopatum sibi usurpare conantur*, cum manifestius sit eiusmodi homines nec Ecclesiae Christi posse praeesse, nec Deo sacrificia offerre

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52 *Ibid*, Ep. c. 1, p. 735.

53 *Ibid*, c. 3, p. 737.

debere<sup>54</sup>.

It is for this reason that of the unworthy bishops, as well as of the Novatians and of Korah, Dathan and Abiron, it may be said, "Sacrificia eorum tamquam panis luctus, omnes qui manducant ea contaminabuntur." Therefore the necessity is the same to avoid schismatic bishops and unworthy bishops:

Nec sibi plebs blandiatur quasi immunis esse a contagio delicti possit cum sacerdote peccatore communicans, et ad iniustum adque illicitum praepositi sui episcopatum consensum suum commodans, quando per Osee prophetam comminetur et dicat censura divina: Sacrificia eorum tamquam panis luctus, omnes qui manducant ea contaminabuntur, docens scilicet et ostendens omnes omnino ad peccatum constringi quique fuerint profani et iniusti sacerdotis iudicio contaminati... propter quod *plebs* obsequens praeceptis dominicis et Deum metuens a peccatore praeposito separare se debet, nec se ad sacrilegi sacerdotis sacrificia miscere, *quando ipsa maxime habeat polcerstatem vel eligendi dignos sacerdotes vel indignas recusandi*<sup>55</sup>.

It is certain that in Rome these maxims would not have been accepted. It is not possible to weaken them, because they are found, with all possible clarity, in the letter of Firmilian of Caesarea to St. Cyprian. It is known that the two bishops had the same theology, and that the bishop of Caesarea almost slavishly copies his colleague. Now Firmilian declares that he has Christians rebaptized by a bishop who has faltered during the persecution<sup>56</sup>.

To what cause may be attributed this divergence between the Church of Rome and the Churches of Africa and Asia with regard to unworthy bishops? The first cause may be found in the different interpretation given to the decisions of 251 and 202 concerning *lapsed* clerics, which are as follows:

Cum iam pridem nobiscum et cum omnibus omnino episcopis in toto mundo constitutis etiam Cornélius collega noster, sacerdos pacifions ac iustus et martyrio quoque dignatione Domini honoratus, decreverit eiusmodi homines ad paenitentiam quidem agendam posse admitti, ab ordinatione autem cleri adque sacerdotali honore prohiberi<sup>57</sup>.

Obviously the difference in doctrine between the Roman Church and St. Cyprian arose from the interpretation of this prohibitio. The Roman Church interpreted it in much the same way as the canonical deposition of today. Such a penalty renders the exercise of the order illicit but not null. And as Pope Stephen granted pardon to Basilides and Martial, he recognized, without difficulty, the reality of their power of order. As for St. Cyprian, not only did he attribute to the

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54 *Ibid*, c. 6, p. 741.

55 *Ep. fy*, c. 3, p. ;3;  
a. *Ep. yS*, c. sa, p. 824.

57 *Ibid*, c. 6, p. 741.

deposition of the two unworthy bishops a definitive character, but also, by his theory of the "licentia," he was led to deny both legitimacy and validity to the sacraments administered by Basilides and Martial. He was the first to give us a theory of deposition which had supporters not only in antiquity, but even up to the middle of the 19th century .<sup>e</sup>

Finally, when we speak of the theology of St. Cyprian, we cannot forget the considerable role he attributes to the Holy Spirit. This divine influence seemed to the Bishop of Carthage to be absolutely necessary for all manifestations of ecclesiastical life. If he refused all value to the sacraments administered outside the Church or by unworthy bishops, it is because these rites, accomplished without the cooperation of the Holy Spirit, could only be harmful.

In Rome the details of the rite were insisted upon with great care, and the essential value of the sacramental act depended on their full observance. In Carthage, less attention was paid to the ritual, but the dispositions of the minister and the subject of the sacraments had a preponderant influence on the validity of the sacraments. Taking things to an extreme, it might be said that in Rome, in matters of the sacraments, the theologians were liturgists, greatly concerned with ritual; while in Carthage the liturgy was less meticulous and gave a great deal to idealism. These opposing states of mind can be seen in the different appreciation in Rome and Carthage of the baptism of the sick, or the baptism of the dead. That of Rome, which still presented some inconsistency, in admitting the reiteration of confirmation, was to apply the principle of the objective efficacy of the sacraments, which it proclaimed in connection with baptism. The Churches of Africa and Asia Minor soon softened their initial condemnation of sacraments administered outside the Church.

The controversy which had arisen between Pope Stephen, St. Cyprian and Firmilian of Caesarea was not without result. In the second half of the m<sup>e</sup> century, at a date which cannot be specified, an Eastern Council decided that not all baptisms administered outside the Church should be rejected. It would accept any baptism conferred in the faith of the Church, even though by

j. The Roman opinion on this point is known to us from the *Letter of Pope Cornelius to Fabian of Antioch*, in EUSEBIUS, *Hist. eccl.*, VI, 43, in P. G., vol. XX, col. 616 ff. As is well known, in the third century the rite of Christian initiation included baptism by total immersion and confirmation; under normal conditions, these two acts were always combined. When a Christian was in danger of death, it was enough to baptize him with a lotion, as today. If the sick man recovered, he was then given the additional rites. Some people found it very difficult to fully assimilate this baptism with the first. Pope Cornelius was one of them. The antipope Novatian having received the baptism of the sick, Cornelius wondered whether Novatian's baptism was indeed a baptism of the sick (*loc. cit.*, col. 621). This Roman assessment found supporters in Africa, where it was strongly opposed by St. Cyprian: *Ep.* 79, c. 12-17, p. 760 ff. It seems that he is

aiming at Roman theology on this point.

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of the separated Christians<sup>1</sup>. This was an abandonment of the extreme doctrine of Firmilian. It was on a path which would soon lead to the admission of the sacraments of the schismatics and the rejection of those of the heretics only.

i. This decision, which has received the name of *Canon of the Elders*, is attested by St. Basil in the first *Canonical Letter* to Amphiarchus (*P. G.*, vol. XXXII, col. 665).



## CHAPTER II

### THE REORDINATIONS IN THE EAST UNTIL THE COUNCIL

#### "IN TRULLO".

It is well known that the dogma of the consubstantiality of the Father and the Son, which was defined by the Council of Nicaea, was accepted by the Greek Church only after half a century of controversy and struggle. Is it any wonder that the decisions of the Council of Nicaea concerning the sacraments administered outside the Church were even less successful? They were soon contested, and never gained acceptance in the East. On these questions the Greek Church has always had a practice irreconcilable with that of the West. The Greek Church has judged with severity the sacraments administered outside the Church. This is because there were many more heretical sects in the East than in the West. Secondly, the hierarchical organization of the Greek-speaking patriarchates was much less strong than that of the Roman patriarchate. The heretical danger was therefore greater in countries where they were less well equipped to ward it off. Hence there was much uncertainty in ideas in these matters.

#### I. - The decisions of the Council of Nicaea.

The Novatians had accepted the decisions of the Council of Nicaea concerning the consubstantiality of the Father and the Son, and concerning the feast of Easter. One of their bishops, Acesius, was present with other colleagues at the Council of Nicaea, where he received the most flattering welcome from Constantine. The Council therefore wanted to encourage their return to the Church. In this regard, it issued the following canon:

Concerning those who call themselves *Cathars*, the holy and great

Council decides that, if they want to enter the Catholic and Apostolic Church, hands must be laid on them, and they will then remain in the clergy (ἘπιτοῦςΤουπτουῶς αὐροῦς πὲνΕἰν οἰρωε ἐν χτο xX^po))... they will therefore be bound to follow, in all its parts, the teaching of the Catholic Church. Therefore, when in villages or towns there are only clerics of their party, the oldest of these clerics must remain in the clergy and in their position (?vOa πὲν οἰν ZIVTEÇ EITE ἐν xôpaïç, and iv XOXE(ΕΙV αὐροῖ povot Euplaxotvpo ^Et porovt)(HVTEÇ, ol E&ptaxôpEVot ἐν ρε xX^po" iaovrat TW auTw "r/ departure), but if a Catholic priest or bishop was in their midst, it is obvious that the bishop of the Catholic Church must retain the episcopal dignity, while the one who has been awarded the title of bishop by the *Cathars* in question will only be entitled to the honours reserved for priests, unless the bishop sees fit to let him enjoy the honour of the episcopal title. If he does not wish to do so, let him give him a place as a rural bishop or priest, so that he may appear to be a real member of the clergy, and so that there are not two bishops in one city<sup>58</sup>.

It seems that this canon contains only one explanation. The council accepts as valid the ordinations of the Novatians. Such a decision should not be surprising from a council which, thanks to Constantine, held in which Westerners have had, had a leading role. Unless there is good evidence, it cannot be accepted that the Roman Church accepted the re-ordination of Novatian clerics. This impression is verified by an examination of the text. It speaks of the Novatian clerics who meet in the various cities... eupioxoivro yetpoTOVTjôévTeç. This last expression can only be understood as the imposition of the hands of ordination. How is the analogous expression ^eipoôeTou|xévouç to be explained, which precedes it and on which the whole problem is based? Will we admit that it is really a question here of the imposition of the hands of ordination? One could, at a pinch, if this expression were isolated. But here, as it is followed by ^siporovYjOévTçç, everything suggests that these two different expressions cover a different meaning. The expression ^gipc6eTOÛ|xévouç can only be understood as - confirmation.

Thus it is. The Novatians, as we know from two good witnesses<sup>59</sup>, had suppressed the rite of *consignatio* with chrism in the ceremony of Christian initiation. Moreover, according to the principle of the Roman Church, any Christian baptized outside the Church had to be reconciled by the imposition of hands. For these two reasons, the confirmation of new clerics prescribed by the Council of Nicaea is not

58 HARDOUIN, *Acta conciliorum*, vol. I, col. 3a5.

59 Theodoret attests that the Novatians had suppressed the use of chrism in the rites of Christian initiation: *Haereticarum fabularum compendium*, III, 5, in *P. G.*, t. LXXXIII, col. 408: Τοτç Oxo afôv pamiÇolj.évoic TO xavâyiov or wpoocépowt êpta|xa. Pacien, bishop of Barcelona, at the end of the iv<sup>e</sup> century, gives the same information, *Epist.* III, in *P. L.*, vol. XIII, col. io65 : " Vestrae plebi unde Spintum, quam non consignât unctus sacerdos ?"

surprising. This prescription was not shocking to the Novatians, since it was a rite of which they had received only a part<sup>60</sup>. On the contrary, can one imagine the Council of Nicea prescribing the reordination of the Novatian bishops, who had attended the deliberations under the protection of Constantine? It would have been to raise the most irritating discussions, and to blame the procedure followed during the council. Besides, the whole of this text can only be understood if the ordinations of the Novatians are valid, just like their baptism<sup>61</sup>.

This was, moreover, the interpretation of the eighth canon of Nicea in Rome at the end of the fourth century<sup>e</sup>; we know this from Pope Sirice in 385 and from St. Jerome<sup>62</sup>. The Roman Church, therefore, in regard to the Novatians, had the Council of Nicea accept the principle that ordination conferred outside the Church could be valid. In reality, this was more of a precedent than a principle.

The Orientals having thus made one concession, the Occidentals made another. It is contained in the ninth canon.

With regard to the *Paulianists* who wish to return to the Catholic Church, *Ford's ruling* that they must be rebaptized (ἀνασajcrÎteaOai) *must be observed*. If some of them were previously members of the clergy, they will be ordained by the bishop of the Catholic Church after they have been rebaptized (ἀναGajmaðévrτç xetpoTOVtlaûbiaav), provided, however, that their reputation is intact and that they have not been condemned. If the investigation shows that they are unworthy, they must be deposed (xaOatpsîaOat) L

It seems that under the name of Paulianists (IläüMavÎÇeavTçç), we must understand not only the disciples of Paul of Samosata, but also the anti-trinitarian sects denying the existence of three persons in the Trinity. All these heretics must be re-baptized and, if necessary,

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60 It seems that in Rome, the Novatians were received by the only imposition of the hands without *consignatio*. But in the East, Novatians were received by the full rite of confirmation (xetpoðeaca): imposition of hands and *consignatio*.

62 J. ERNST, *Die Ketzertaufangelegenheit* etc., p. 6, admits that the Council of Nicea prescribed the reordination of Novatian clerics, and that it refused to pronounce on the value of Novatian baptism. This is an explanation which does not seem to be well founded. The opinion of Mr. Ernst may be supported by the testimony of Theophilus of Alexandria, who understood ἑπιθετικῶς of the Council of Nicea in the sense of ysiporoveToGai or the imposition of the hands of ordination. Cf. below, p. 43. But the Bishop of Alexandria is here the interpreter of the severe practice which was to lead the Church of Constantinople to reiterate the ordination of all heretics. (Letter to Martyrius.)

3. S. HIERONIMI *Adversus Luciferianos*, P. L., vol. XXIII, col. 181: "Synodus quoque Nicaena, cuius paulo ante fecimus mentionem, omnes haereticos suscepit, exceptis Pauli Samosatani discipulis. Et quod his maius est, episcopo Novatianorum, si conversus fuerit, presbyterii gradum servat." S. SIRICII *Epist. ad Himerium*, P. L., t. XIII, col. n35: "Quos [Arrianos] nos cum Novatianis aliisque haereticis, sicut est in synodo constitutum, per invocationem solam septiformis Spiritus, episcopalis manus impositione, catholicorum conventui sociamus, quod etiam totus Oriens Occidentisque custedit."

reordered. On what grounds? We have the testimony of St. Athanasius on this point. The disciples of Paul of Samosata used the form prescribed<sup>63</sup>. If their sacraments were rejected, it was because of their anti-trinitarian doctrine. It is easy to understand, therefore, that this nineteenth canon refers to an ordinance already in force, which can only be the *Canon of the Ancients*.

The Council of Nicaea thus sanctioned an Eastern practice which was quite different from the Roman practice. While the Greek Church rejected baptism and all the sacraments of heretics who suppressed the Trinity, in Rome such baptisms were accepted, provided they were given in the prescribed form. The council merely recorded an ancient custom, without discussing it, but it seemed to approve the doctrinal principle which justified this custom and which has since been maintained among the Greeks.

The Melecians of Egypt were a schismatic sect which was attached to Bishop Melèce of Lycopolis. He had usurped the right of ordination of his colleagues and of the bishop of Alexandria in several dioceses. At the time of the Council of Nicaea, Patriarch Peter of Alexandria was struggling with these usurpations of power. According to Sozomen, he even rejected the baptism of the Melecians<sup>64</sup>. The Council of Nicea had to settle this matter<sup>65</sup>. He decided that Melèce would continue to bear the title of bishop, but that he would not retain any power of ordination. As for the clerics ordained by him, they were to be "sanctiore ordinatione confirmati: ἵεροῦ τῆς ἐπίσκοπῆς ἐπιτάξεως ἕνεκα."

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3. *Oratio II contra Arriano*", n. 43 (*P. G.*, vol. XXVI, col. a38).

64 *Hist. ecclesiasticus*, I, i5, *P. G.*, t. LXVII, col. go5.

65 These measures are contained in the letter of the Council of Nicaea to the Egyptians in *SOCRATES, Hist. eccl.*, I, 9. *Ibid.* col. 80.

It is certain that the Council did not consider the ordinations made by Melchior as null and void. Numerous passages in St. Athanasius, in which the former clergy of Meletius is mentioned, and in Ischyras are sufficient to prove this<sup>66</sup>. But at the insistence of Peter of Alexandria, a "confirmation" was deemed necessary. In what form did this take place? By an imposition of the bishop's hands. The word *episcopovia* is usually understood to mean ordination. But it is difficult to give it this meaning in the present case. This ceremony of reconciliation is no less strange. Today's theology does not allow us to explain it. This ceremony supposes the idea of a complement added to a sacrament which should have been considered valid and complete. On this point, the Council yielded to a demand of the bishop of Alexandria, who wished to assert his authority over the clerics ordained by Meletius. But in these matters, such preoccupations are dangerous: they have often led to prescribing the reiteration of the order<sup>67</sup>. In fact, Photius used this text concerning the Meletians to attempt the reordination of the clerics ordained by Ignatius.

## II. - The consultation of Martyrius of Antioch.

In Syria, in the fifth<sup>e</sup> century, there were two opposing traditions. - One, probably the older, is recorded in the *Canons of the Apostles*, placed at the end of the VIII<sup>e</sup>,

book of the *Apostolic Constitutions*. We know that originating in the Patriarchate of Antioch, were composed in the last quarter of the fourth century<sup>e</sup>. Canon 69<sup>e</sup> reads:

Si quis episcopus vel presbyter vel diaconus secundum ordinalione m (/jtprov(av) acceptit ab aliquo, deponatur et ipse et qui eum ordinavit, nisi ostendat ab haereticis se ordinationem habere ; a talibus enim bapti- zati vel ordinati nec fideles nec clerici esse possunt<sup>68</sup>.

Which heretics are we talking about? Probably those who alter the

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<sup>66</sup> So well was Melèce's power of order admitted, even after the faculty of ordination had been taken away from him, that he was asked for a list of all the clerics ordained by him up to the Council of Nicaea. Only these would be allowed to exercise their orders. This list has been preserved (P. G., vol. XXV, col. 376).

a. It is known that for a long time the only essential rite for the ordination of bishops, priests and deacons was the imposition of hands, conferred with the corresponding prayer. This is the only rite attested by the oldest *sacramentaries*.

<sup>68</sup> X<sup>e</sup>. FUNJL, *Didascalia et Constitutiones apostolorum*, t. I, p. 585, Paderborn, 1906. Canons 46 and 47 give an analogous doctrine: "Episcopus vel presbyterum vel diaconum qui haereticorum. baptismum acceperint vel sacri-

symbol regarding the Trinity<sup>1</sup>. The Novatians and the Quartodecimans would therefore not be covered by this rule. But we will see, by the example of Saint Basil concerning the Novatians, that practice did not always correspond to theory.

A contrary doctrine is given by the *Quaestiones et responsiones ad orthodoxos*, composed by an anonymous person of the patriarchate of Antioch, in the first half of the v<sup>e</sup> century:

QUAESTIO. Si falsus et vanus est baptismus qui ab haereticis datur, quare orthodoxi confugientem haereticum ad coetum orthodoxorum *non baptizant*, sed in spurio, illum tanquam in vero baptisate relinquunt? *Quod si forte et ordinationem ab illis acceptit, illam etiam ut firmam et stabilem recipiunt.* Quomodo ergo et qui admittitur et qui admittunt extra reprehensionem sunt? RESPONSIO. Haeretici ad coetum orthodoxorum venientis lapsus emendatur : pravae quidem opinionis, mutatione sententiae; baptisimi, unctione sancti unguentixou iyiou pupou ordinationis vero, manuum impositione xijc /tipoToviag xp YETpoOsaia nec quidquam ex prioribus superest quod non solutum sit : OUSEV XWV zdXat JUVEI iXuxov 2,

This text excludes the reordination prescribed by the *Apostolic Canons*. But this is the only point on which his testimony is clear. How is the imposition of hands (yet- poêaia) which serves as a complement to the ordination conferred by heretics to be understood? According to him, it is neither the imposition of hands of confirmation<sup>3</sup>, nor that of ordination. So what can it be? The liturgy does not provide for any such rite. Everything makes us believe that here yeipoGeaia is only a recall of the word Xeipo0£Tou|xévo jç of the eighth canon of Nicaea relating to the novatians. According to the author of the *Quaestiones*, the baptism of the heretics was a

ficium, de poni praecipimus. Quae enim conventio Christi ad Belial ? aut quae pars fideli cum infideli? - Episcopus vel presbyter si eum, qui vere habet baptismum, iterum baptizaverit, vel eum qui ab impiis pollutus fuit non baptiza- verit, deponatur tanquam deridens crucem ac mortem Domini, neque discernens sacerdotes a falsis sacerdotibus." *Ibid*, p. 579.

1. This can be deduced from the text of the *Apostolic Constitutions* (VI, 15) which gives the theory of the *Canons* (*Ibid.*, p. 33g). The *Didascalia of the Apostles*, which, for the first six books, serves as a framework for the author of the *Apostolic Constitutions*, contains nothing on the sacraments of heretics.

2. *P. G.*, vol. VI, col. 1262.

3. In the ordinary language of the Greek Church at that time, ^scpoOEofa designates the complete rite of confirmation: imposition of hands and *consignatio* with chrism. But this is not the sense in which the author uses the term, for it would be a duplication of reiti^piotç xov &ycou pypov or *consignatio*, which is mentioned in connection with the reconciliation of the Neretic laity. Therefore, the YETpoOsaia must be a rite distinct from the incxp^t; or *consignatio*, the essential rite of confirmation for the Greeks.

He wants to indicate by analogy a complement to the ordination - conferred by heretics. For this purpose he mentions the yeipoêeaix prescribed by the Council of Nicaea for novices, without taking into account that it is identical with confirmation. All in all, the solution

proposed by him seems not to be suggested by the practice of his Church, but deduced from the texts, at a time when the exact meaning of these had been lost. The Patriarchate of Antioch must therefore have been rather confused as to how to reconcile heretics, clerics and laymen, who were being converted. A consultation was requested from Constantinople. It has been preserved. It is a letter addressed to Patriarch Martyrius of Antioch (409-471). It reads:

Quod ARRIANOS quidem et MACEDONIANOS et NOVATIANOS qui se puros et puriores dicunt, et QUARTODECIMANOS sive Tetraditas et APOLLINARISTAS recipimus libellos dantes, et omnem haeresim anathematizantes quae non sentit ut sancta nostra et catholica Ecclesia, cuius tu praeses et caput, beatissime, sentit, et signatos sive unctos primum sancto chrismate, frontem et nares et aures et pectus et omnes sensus ; et eos signantes dicimus : Signaculum doni Spiritus Sancti et postea, ut probati laici, ordinantur illi qui inter eos prius sive presbyteri, sive diaconi, sive subdiaconi, sive cantores, sive lectores fuerant.

EUNOMIANOS autem una mersione baptizatos, et MONTANISTAS qui hic dicuntur - Phryges et SABELLIANOS qui eumaem esse Patrem et Filium opinantur, utrumque simul confundentes et alia gravia indigna faciunt; et ALIAS OMNES HAERESSES : quoniam hic inulti sunt haeretici, et maxime qui ex Galatarum regione veniunt; quicumque ex his rectae fidei adseribi volunt, ut Gentiles admittimus... et tunc eos baptizamus<sup>69</sup>.

In relation to reconciliation, the Church of Constantinople divided heretics into two categories. The first included Arians, Macedonians, Novatians, Quartodecians and Apollinarians. Of all these, only baptism was admitted as valid: their confirmation and ordination were considered null and void: they had to be reiterated. The second category included heretics from whom no sacrament was accepted: these were the eunomians, the Montanists, the Sabellians and all other heretics. There is no mention of the Nestorians or the Monophysites, because they were not organized in separate groups. We shall see later how they were treated half a century later. There is no doubt that the practice of the Church of Constantinople mentioned in the letter to Martyrius owes its origin to this idea that the sacraments of heretics must be completed. Their baptism was completed by confirmation. How should their ordination be completed? There was some hesitation, as is shown by the *Quaestiones et responsiones ad orthodoxos*, just mentioned. Then, in the absence of any proper rite for this purpose, it was decided to reiterate the imposition of the hands of ordination: this was to reiterate the ordination itself. In the history of the Church, many an attempt to complete or heal an ordination made *extra Ecclesiam* has resulted, on this account, in actual re-ordinations.

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<sup>69</sup> G. BEVERIDGE, *Synodicon sive pandectae* etc., t. II, *Annotationes*, p. 100, Oxford, 167a. In this text, after *Macedonianos* add *and Sabbatianos*.

This usage of the Church of Constantinople is interesting, because it is the conclusion of the doctrines of the Greek Church during the iv<sup>e</sup> and v<sup>e</sup> centuries. It summarizes a fairly large number of particular facts, and gives the key to the often rather confused discussions of the earlier period. Finally, it records the final opposition between the Eastern usage and that of the Latin world. A word about each of these categories of heretics, in order to show how Eastern usage evolved in the direction of severity.

### III. - The reordering of innovations.

And first, in the middle of the fifth century, the Greek Church prescribed the reordination of the Novatians. This was a breach of the decisions of the Council of Nicea. And yet the reordination of Novatian clerics should not be surprising, since there was a time in the East when even the baptism of Novatians was repeated. No doubt the Council of Laodicea, held in Phrygia between 343 and 381, recognized the baptism of novatians as valid<sup>70</sup>; but this decision was not accepted everywhere in the East. St. Basil recognizes that, in his time, there are contrary customs on this subject in the East: some accept the baptism of novatians, others reiterate it; he adds that each one must follow the custom of his country

The same rule of conduct was to be accepted for ordination. From the end of the fourth<sup>e</sup> century, there was a tendency in the East to judge the sacraments of the Novatians more severely. Theophilus, Patriarch of Alexandria (385-412), interpreted the eighth canon of Nicea as prescribing the reordination of novatians.<sup>71</sup> The Church of Constantinople adopted this practice and recommended it to the Church of Antioch.

### IV. - Reordering of the Arians and Macedonians.

While the Arians denied the divinity of the Son, the Macedonians

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<sup>70</sup> HARDOUIN, *Acta conciliorum*, vol. I, col. 781, c. 7. For the reconciliation of Novatians and Quartodecimans (those who refused to accept the date of Easter fixed by the Council of Nicea) it is prescribed that they should be asked to abjure themselves and be anointed with chrism. In some texts of this canon a third category of heretics is found, but these are not named in the older redactions. Cf. HEFELE, *Histoire des Conciles* (trans. Delarc), t. H, p. 187.

a. J. B. PITRA, *luris ecclesiastici graecorum historia et monumenta*, t. I, p. 648, Rome, 1864.

denied that of the Holy Spirit. Their case was similar. So in the second half of the fifth century, the Church of Constantinople treated Arians and Macedonians in the same way: it repeated confirmation and, when they were clerics, ordination. Their baptism was thus accepted. This result was not obtained without resistance. Around 375, St. Epiphanius attests that Catholics, without claiming a conciliar decision, took it upon themselves to rebaptize Arians. The bishop of Salamis strongly condemns this practice<sup>72</sup>. It is more surprising to find that St. Athanasius was on the point of rejecting baptism and, consequently, the ordination of Arians. But here there are nuances to note.

The great objection of St. Athanasius against Arianism is that this heresy compromises and ruins the work of redemption. It is because Jesus Christ is the God-man that he can fulfill the role of mediator. To deny the humanity or divinity of the Savior is to make redemption impossible, which for St. Athanasius consists in the divinization of human nature: "Idcirco huiusmodi copulatio [Dei et hominis] in Christo] facta est, ut eum qui natura homo est, cum illo qui natura Dei est, coniungeret, hocque pacto firma (3e6a(a) cset élus salutis et deificatio<sup>73</sup>." On the contrary, by teaching that Christ is a The union of man with God is made impossible: "Homo cum re creata coniunctus non potuisset divinus effici<sup>74</sup>. One of the principal arguments of St. Athanasius, in defense of the consubstantiality of the Son with the Father, is to say that this dogma alone makes redemption assured (0e6aia).

It is necessary to put oneself in this point of view, to understand the presentation of Saint Athanasius on the baptism of the Arians, in the *II Oratio contra arrianos*. One discerns there two very different arguments. By denying the divinity of the Son, the Arians compromise 1° baptism, 2° their baptism. The first proposition is unassailable. If the Son is only a creature, baptism given in his name can have no divine effect; moreover, baptism loses its unity: it is given in the name of the Creator and of a created being:

Arriani in periculum veniunt amittendae mysterii (de baptismo loquor) integritatis... Nec enim in Patris et Filii nomine dant baptismum, sed in nomine creatoris et rei creatae, effectoris et rei factae. Unde quemadmodum res creata alia est a Filio, ita baptismus quem illi dare putantur, a vero baptisate alius est, etiamsi

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<sup>72</sup> *Expositio fidei catholicae*, P, G., vol. XLII, col. 805.

<sup>73</sup> *Oratio II contra Arrianos*, 70, P, G., t. XXVI, col. 296.

<sup>74</sup> *Ibid.*

□. *Ibid.*, kv, coi. a35.

nomen Patris et Filii, ut praecipit Scriptura, proferre assimulent<sup>2</sup>.

This is just a variation of St. Athanasius' argument that if Christ is not God, then salvation is impossible, because a created being cannot save mankind or give value to baptism. All this is an excellent theory. So St. Athanasius wanted to apply it to the Arians. This is his second argument, which, taken literally, is erroneous. He tells us that the Arians compromise their baptism, the one they administer. As we can see, there is here a passage from speculation to practice, against which the doctrine of the objective efficacy of the sacraments protests. The first argument said: If Christ *is* not God, baptism is void; the second declares: If Christ is not *invoked* as God, baptism is void:

Qui fieri potest ut prorsus vacuus ac inutilis non sit baptismus, qui ab illis datur, in quo quidem insit religionis simulatio, sed revera nihil ad pietatem queat conferre? Qui enim in nomine eius qui nullus est (TOV OUX baptismum videntur accipere, nihil certe accipient, sed rei creatae coniuncti, nullum ab ea consequentur auxilium. Cum item in rem natura a Patre alie- nam et dissimilem iidem *credant*, nullam quoque cum eo coniunctionem sunt habituri<sup>75</sup>.

A few lines above, Saint Athanasius has brought the baptism of the Arians closer to that of the Montanists, the Manicheans and the disciples of Paul of Samosata, all heretics whom the Greek Church was rebaptizing. So this statement cannot be weakened. The two arguments that I have distinguished, one relating to theory, the other to practice, are intertwined and confused. The concern to link the whole work of redemption to the divinity of Christ led St. Athanasius to weaken, if not to suppress, the proper efficacy of the sacraments. Here, as always, an exclusive point of view distorts the perspective.

But did this very real deformation of the doctrine of the sacraments represent the true and definitive thought of St. Athanasius? This is another question. To answer it, we have the testimony of the Bishop of Alexandria. Later, in the first *Letter to Serapion*, he had occasion to combat the Macedonians, heretics who denied the divinity of the Holy Spirit. Against them, he renews the argumentation of the *II O ratio contra arrianos*, concerning baptism. As, from the theological point of view, the condition of the Macedonians and that of the Arians is absolutely the same, one expects to find an identical argument in the *Letter to Serapion*. It is not so.

This second statement is no longer objectionable. The sacraments of the Macedonians and those of the Arians are treated in the same way; there is no mention of nullity. Of the two arguments of the *II*

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<sup>75</sup> *Ibid*, 42, 43, col. a38, a3g.

*Oratio contra arrianos*, one finds only the first, that which, from the negation of the God-Verb, deduces the theoretical impossibility of the Redemption and the sacraments : OLBèν kc 177 b y ûp.(5v ζGtpaXèç ou3è àXiQ Séç. Christian initiation becomes àòsôia<sup>76</sup> . This is the opposite of the results obtained by the aflirmation of the divinity of the Word.

St. Athanasius thus changed his mind on these matters. About twenty years separate the composition of the *II Oratio contra arrianos* and that of the first *Letter to Serapion*\*. The prolonged stay of St. Athanasius in Rome falls within this interval. It may be conjectured that the Roman doctrine, which was very explicit on this point, led the bishop of Alexandria to appreciate the sacraments of the Arians more favourably. He was thus brought to the state of mind from which the very conciliatory decisions of the Alexandrian Council of 36a were to emerge: acceptance not only of baptisms, but also of ordinations administered by Arians<sup>77</sup> .

In the beginning of the fifth century, in the East, there was a very exact feeling of the views which had inspired this indulgence. Theophilus of Alexandria wrote to Flavian of Antioch about 40>, - urging him to receive into his clergy clerics of the Austathian or Pauline party. After having remarked that there is no reason jjour not to enter into communion with clerics whom the bishop of Rome, Anastasius, admits into his own, he adds:

You know perfectly well that our holy Fathers resolved far greater difficulties than these, and that by adopting intelligent measures they acted towards those who were not under the law, as if they themselves were not subject to it; they smoothed out the difficulties and did not disturb the whole body of the Church. Thus Ambrose, of happy memory, admitted the clerics ordained by Auxentius, his predecessor at Milan, and many others in the East were recognized whom the orthodox had not ordained. If they had been left out, the Arian heresy would have taken root; it would have been the loss of the faithful and of a large part of the people. This was done for the clerics of Palestine and Phoenicia and many others, by relaxing the rigour of the laws concerning ordination, with a view to the salvation of the people<sup>78</sup> .

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a. *Epist. I ad Serapionem*, 29, 30, P. G., t. XXVI, col. 5q5, 5g8.

77 *Tomus ad Antiochenos*, P. G., vol. XXVI, col. 795. This indulgence applied only to the past. In the future, it was strongly declared that ordinations made by Arians would not be accepted. Thus did S. Basil did this when the Arians appointed Fronto bishop of Nicopolis in place of the deceased Theodotus. Several letters of St. Basil relate to this ordination. *Epist.* 239: "Quis autem possit, ut par est, res Nicopolitarum lugere? Nimirum miser ille Fronto prius quidem defensionem simulaverat veritatis, sed tandem turpiter prodidit et ndem et seipsum, ac mercedem proditiōnis accepit nomen ignominiae. Accipit enim ab illis episcopatus dignitatem, ut existimat, sed Dei gratia factus est execratiō totius Armeniae." *Epist.* 240: "Non agnosco episcopum nec numerarim inter Christi sacerdotes qui a profanis manibus ad eversionem fidei principatum accepit." P. G., vol. XXXII, col. 891 and 898.

78 I borrow this translation from M. F. CAVALLERA, *Le Schisme d'Antioche*, p. 290,

The letter addressed by the Church of Constantinople to Patriarch Martyrius of Antioch proves that the Greek Church did not adhere to the lenient practice of the Council of Alexandria. At some unspecified time, ordination by Arians was considered null and void, and in some cases repeated. This is because, in the meantime, the Arians had organized themselves into separate groups and rejected and repeated all the sacraments administered by Catholics. This situation prompted a new severity.

The Arians had even begun to re-order the sacraments of Catholics before the Council of Alexandria. For example, the Arian bishop of Alexandria, George (356-363), prescribed the reordination of Catholic clerics and bishops who switched to Arianism. In Oxyrinchus there were three bishops: Heraclidas, a rigorist bishop like Lucifer of Calaris; Apollonius, a Melecian bishop; and Theodore. The latter, at first a Catholic, had been reordained by George of Alexandria. He had then lived in good relations with the Melecian bishop Apollonius. Having become a Catholic again, since 379, and the only one recognized by the imperial power, in Oxyrinchus, Theodore, wanting to show zeal, applied himself to reordering the Melecian clergy of his diocese<sup>79</sup>. Such facts must have been repeated elsewhere, and gradually determined a similar practice among the Catholics.

It is therefore of interest to know the reasons which led the Arians to reject the sacraments of the Catholics. A recently published text gives us, on this subject, the confidences of Maximinus, an Arian bishop of the beginning of the fifth century. The author complains of the laws of Theodosius which deprived the Arians of the use of their churches. The perfidious Aman had to climb the gallows he had prepared for Mordecai; in the same way the Catholics are stricken by the anathema they have launched against the Arians:

Iuste [catholici] nunc per omnia exteri christianis iudicabuntur, qui basilicas christianis violenter diripuerunt et eis denegaverunt. Audient utique secundum magisterium Christi ab ipsis: *Ecce relinquetur vobis domus vestra deserta*, in qua nec baptismum verum celebratur, nec mysteria sancta efficiuntur, nec sacerdotium stare potest *pubis sacerdotibus veris*.

Nam denique nisi sic a nobis geratur, invenimur firmare eorum sententiam, qui vacuis verbis sacerdotalem officium, *quantum ad ipsos* sanctis denegaverunt. Quomodo? Non valebit eorum sententia aut auctoritas sacerdotalis. Si eis baptizandi

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Paris, 1905. This letter of Theophilus is quoted in a letter of the patriarch Severus of Antioch. It is found on p. 303 of the edition of the letters of Severus by E. W. Brooks, whose reference is given below, p. 50. I owe my knowledge of Severus' letters on ordinations to Mr. Cavallera's book.

<sup>79</sup> *Ibid.* at 33 and 36.

licentiam demus, *si habent licentiam baptizandi, habent et saceraotes ordinandi*. Opus opificem probat. Si habent licentiam ordinandi, habent et deiciendi et invenimur ab ipsa conscientia redarguti nostra, quia religionis concedimus in quibus religio non consistit. Nam cum Dominus Petro et non Iudae proditori dixerit: *Tibi dabo claves regni caelorum, quod-cumque ligaveris*, etc., constat utique hos habere claves regni caelorum, qui fidem Petri sequuntur, qui Christum Filium Dei fatentur et non ipsum Patrem<sup>80</sup>.

Here we find the argument of all heretics who reject the sacraments of the Church. Saint Augustine attests to the use of rebaptization among the Arians<sup>81</sup>. They kept it until the end<sup>82</sup>.

## V. - Reordination of the Quartodecimans and Apollinarians.

In Constantinople, according to the letter to Martyrius, the Quartodecimans were treated in the same way as the Arians: - confirmation and ordination were repeated. These quartodecimans - constituted small groups in the province of Asia. For them, the essential feast of Easter week was not the commemoration of the Resurrection, but of the Passion. They celebrated the memory of the Passion on the fourth day of Nisan, the same day as the Jewish Passover. Hence their name<sup>83</sup>.

These separatists continued a very ancient usage which had been abandoned by the great Church. In the 11<sup>e</sup> century there was a double usage in the celebration of Easter, the quartodeciman rite, located in the province of Asia and just defined, and the Sunday rite, according to which the principal feast of the Easter week is the commemoration of the Resurrection, which is always celebrated on the Sunday following the 14 nisan. The result was that the feast of the Passion, which always fell on an 14 nisan for the quartodecimans, could fall on another day in the Sunday rite, since it was fixed three days before Easter Sunday.

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80 F. KAUFFMANN, *AUS der Schule des Wulfila Auxenti Dorostorensis epistula de fide vita et obitu Wulfilae im Zusammenhang der* Dissertatio Maximini contra Ambrosium, p. 78, Strasbourg, 1899.

81 S. AUGUSTINE, second sermon *De Symbolo ad catechumenos*, n° 4; sermon *De IV feria sive de cultura agri dominici*, n° 8; sermon *De tempore barbarico*, n° 10.

82 This usage is defended against the Catholics by the Arian author (end of vi<sup>e</sup> c.) of *VOpus imperfectum in Matthaëum*, in which the Middle Ages saw a work of St. Chrysostom. Since these homilies contain a good deal of heterodoxy, they were expurgated in the Middle Ages. Untoward passages were deleted in some manuscripts. Thus it is with three passages where the author defends the Arian practice of rebaptism: *P. G.*, t. LXVI, *Opus imperfectum, Homilia III*, col. 653; *Hom. IV*, col. 673.

83 In the second century, the Quartodecimans were divided into two groups. Some admitted that Our Lord died on a Friday, the 14th of Nisan, that is, on the same day as the Jewish Passover. On this date they celebrated the death of Jesus Christ. The others placed the death of Our Lord on a Friday, the fifth of nisan.

Pope Victor (189-198) formally condemned the Quartodeciman rite. In the second century, it gradually disappeared. The adherents it retained were, at the time of the Council of Nicea, considered schismatic. The Council of Laodicea, held in Phrygia between 343 and 381, accepted their baptism, but not their confirmation, without saying anything about their ordination.

Finally, in Constantinople, at the end of the fifth century, the Apollinarians were treated like the heretics already mentioned; their baptism alone was accepted; their confirmation and ordination were repeated.

That is to say, the ordinations of all heretics were regarded as null and void.

san, the day after the Passover. On the 14th they celebrated the institution of the Eucharist as the anticipated sacrifice of Christ; it seems that some of this second category celebrated the Jewish Passover simultaneously. They thus contributed greatly to the condemnation of the Quartodeciman rite. The Roman Church and all the supporters of the Sunday rite admitted that Our Lord died on Friday, 14 Nisan.

It is known that the synoptics and St. John disagree, or seem to disagree, on the date of the death of Jesus Christ. John is or seems to be in disagreement about the date of the death of Jesus Christ, the first placing it on Friday the 15th and the second on Friday the 14th of Nisan. The choice of one or the other of these dates is free. The ancient tradition of the Church seems to justify the date of the 14th and consequently S. John. Chronology seems to justify the date of 15 and the synoptics, giving as more probable the date of Friday <5 nisan of the year 30, for the death of Jesus Christ.

The *Sabbalians* (so called from their founder Sabbatius), mentioned in the letter to Martyrius of Antioch, were a sect of novatians founded at the end of the fourth century. They deviated from the Novatian practice of fixing Easter. While the Novatians calculated the Easter date according to the Roman custom of the middle of the third century, without taking into account the Jewish count, Sabbatius, who was a convert from Judaism, celebrated the feast of Easter in the Jewish Easter week. Cf. SOCRATES, *Hist. eccl.* IV, 38; V, 31, P. G., vol. LXVII, col. 537, 622. It is a well established fact that in the fourth and fifth centuries some Catholics insisted on having their Easter feast coincide with that of the Jews. L. DUCHESNE, *La question de la Pâque au concile de Nicée*, in *Revue des Questions historiques* (1880), t. AXVIII, p. 26.

1. HARDOUIN, *Acta Conciliorum*, vol. I, p. 781, c. 7.

REORDERING.

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## VI. - Reordinations of monophysites.

This practice set a precedent to which the supporters of the various conflicting theologies in the Byzantine world could refer. It was so customary to call one's opponents heretics that, by an application of the old rules, one could easily deny them the power of order. A similar attempt was made at Constantinople with regard to the Monophysites by the Patriarch John the Scholastic (565-577).

The Monophysites had all the more right to complain of this abuse of power, since one of their principal leaders, Severus of Antioch, had, half a century earlier, defended the right principles in these madrasas. On this point we are informed by two letters of Severus\*.

At the beginning of the Monophysite schism, Timothy, patriarch of

Alexandria<sup>a</sup>, had admitted to the exercise of their orders, with a slight penance, the clerics ordained by the Catholic patriarch Proterius (452-457). In this regard, he had been disowned by some violent Monophysites who separated from him<sup>84</sup>. In Antioch, the same ideas had defenders. It was demanded that those who abandoned the doctrine of the two natures, in order to rally to Monophysitism, should be subjected to the reiteration of confirmation. This measure, applied to the laity, was to lead to the reordination of the clergy. The patriarch Severus opposed these claims. According to him, if one reorders, one must rebaptize<sup>85</sup>. The Dyophysites should not receive a new confirmation<sup>86</sup>: they should only condemn their heresy in writing.

In this connection, Severus sets out the Church's practice on the reconciliation of heretics. He distinguishes three categories of heretics, as did St Gregory after him<sup>87</sup>. He testifies to an accurate knowledge of the baptismal controversy in the 6<sup>e</sup> century. In his opinion, the fault of St. Cyprian was to ignore the very diverse condition of heretics<sup>88</sup>. He notes that the Council of Ephesus in 431 did not decide anything about the reconciliation of the Nestorians. Finally, he has the very accurate feeling that heretics of recent date are treated more favourably than the old ones, on their entry into the Church.

The reign of Emperor Justin II (Nov. 4, 565-Oct. 5, 578) was filled with a consistent policy to check the organization of the Monophysite churches. This organization had been begun in 541-43, by James Raradai. At this date of 543, the great difficulty for the Monophysites was to secure for their sect the possession of the power of order; for

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84 *Ibid.* p. 181, 182, 305. This information given by Severus on Monophysite Alexandria shows the accuracy of the information translated by Anastasius the Librarian in his *Historia ecclesiastica*. It is said there, concerning the patriarch Dioscorus II (517-519), who had been appointed by the emperor Anastasius: "Cum idem Dioscorus manus impositionem accepisset, recesserunt multitudines rusticorum dicentes, quia nisi secundum quod sanctorum apostolorum canones continent fiat episcopus, non recipietur. Principes enim inthronizaverunt eum. Dioscorus autem venit ad S. Marcum et venientes clerici induerunt eum secundo et iterum consecraverunt. Et ita veniens ad S. Iohannem, perfecit collectam." In A. FABROT, *Anastasio Bibliothecarii historia ecclesiastica*, p. 55, Paris, 164p. These peasants, mentioned in the text, must have been exalted Monophysites and not Catholics. Deusedit transcribed this information in *Libellus contra invasores et simoniacos (- Libelli etc., t. II, p. 302)*.

85 W. Brooks, *op. cit.* p. 181.

a. *Ibid.* p. 185.

87 *Ad Quiricum episcopuni*, in *Epist.* XI, 67 (*P. L.*, vol. LXXVII, col. 1204).

88 W. BROOKS, *op. cit.* p. 396. This statement is to be compared with that of St. Augustine given below, p. 216. According to S. Augustine, the fault of St. Cyprian was that he did not distinguish between the *sacramentum* and the *virtus sacramenti*. The difference between Roman and Eastern theologies is made clear by these two statements.

Justinian kept the suspected bishops locked up, to prevent them from ordaining dissidents. But the empress Theodora, devoted to the sect, obtained that Theodosius<sup>89</sup>, a Monophysite bishop kept under surveillance in the suburbs of Constantinople, consecrated two monks, Theodore and James, as bishops.

The latter is the founder of the Monophysite Church. For more than thirty-five years he travelled throughout the East, escaping police pursuit and carrying out numerous ordinations of bishops, priests and deacons. Justinian's opposition to Monophysitism was not successful. It was taken up again

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<sup>89</sup> This Theodosius had been appointed patriarch of Alexandria by the Monophysites in 535. Around 538, he was deposed by Justinian and put under surveillance near Constantinople. He died in 566. But during his long exile, he remained the leader of the Monophysites in Egypt.

He was advised by the patriarch John III, known as the Scholastic, and the first Greek canonist whose works have been preserved<sup>90</sup>. His episcopate in Constantinople was from the beginning of 565 to 31 August 077.

The attitude of this patriarch towards the Monophysites is best known to us, thanks to a contemporary witness who is well placed to see, the Monophysite historian. John of Asia or Ephesus<sup>91</sup>. He was born in Amid, a city in northern Mesopotamia, and had been influenced by Eastern monasticism, which professed Monophysitism with exalted obstinacy. Arriving at Constantinople about 535, he was, together with Theodore and James, ordained by Theodosius, the former Monophysite patriarch of Alexandria, and, as he knew Greek well, was appointed bishop of Ephesus and appointed to the Monophysites of Western Asia. During the reign of Justinian, thanks to the favour of the empress Theodora, he did not suffer too much from the persecution directed against the Monophysites. In 566, on the death of the ex-patriarch Theodosius, his importance increased still further; he was given the leadership of the party; he was the patriarch of the sect. He was allowed a few more years of tranquillity.

But in 571, the patriarch John the Scholastic decided to give Justin II full power to bring back the dissidents. These were to experience very hard times. John the Scholastic completely forgot the principles of evangelical indulgence which he had proclaimed in the preface to his *Suvaycûfrj xavôvœv*. At home, the jurist he had been before entering the orders, regained the upper hand: he came to practice the measures he had withered: *non existimabant [Apostoli] oportere, sicut civiles leges sanciunt, delinquentes verberibus foedare*<sup>^</sup>. "He conducted his campaign with rare brutality. John of Ephesus was saddened to see the harsh measures that his followers' resistance gave rise to. He himself was soon imprisoned with some other Monophysite bishops. By dint of tricks, they were persuaded to adhere momentarily to the Orthodox confession. But as they immediately recanted, they were returned to the jail of the patriarchate. Old age had come with its attendant infirmities. Alone in a stinking cell, lying on a bad bed, the poor bishop could not even use his crippled limbs to fight the vermin. Eventually he was released, though he was watched very closely. The

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<sup>90</sup> On John the Scholastic, read J. PARGOIRE, *L'Église byzantine de 521 à 867*, P\* 78-79, Paris, 1905.

<sup>91</sup> On this Syriac historian, whose work is partially preserved, see Rubens DuvAL, *La littérature syriaque*, p. 192-195, Paris, 1899; and L. DUCHESNE, *Jean d'Asie historien ecclésiastique*, lecture given at the annual public session of the five Academies of 25 October 1892. In the *Journal officiel of Thursday, October 27, 1892*, n. 292, p. 5200-5203.

last years were years of persecution... He died under the Emperor Maurice, aged over eighty<sup>92</sup>."

During such a hectic life, John of Asia found time to write an ecclesiastical history in three parts. The first is completely lost; the second is partially preserved in the plagiarism of a later writer. As for the third, it has come down to us more or less intact<sup>93</sup>. It contains the history of the party from 521 to 584-5, that is, during the hardest years of the persecution. This work has the defects and the value of all memoirs. The general history is sacrificed, but precise and characteristic details abound, for example on the subject of ordinations.

Patriarch John wanted to bring the Monophysites to renounce heresy and to join the Catholics or Dyophysites.

To this end, the heretics, that is, clergy, monks and nuns, were hunted down in the provinces, and many of them locked up in Constantinople. The nuns especially were numerous; one convent contained nearly three hundred of them. To them and to the monks they tried to impose Catholic communion; hence indescribable scenes. They were repeated in the provinces, for the patriarch had given orders accordingly<sup>94</sup>. As for the clergy who had returned from heresy, John was at first debonair. He allowed the converted clerics to carry out the duties of their respective orders, and in fact these clerics took an active part in the liturgy on many occasions. Then everything changed. The patriarch declared that the converted clerics should be deposed and reordered. The measure was carried out, but not without protests from these poor clerics and even from Catholics<sup>95</sup>.

Reordination was imposed not only on clerics and priests, but also on bishops. The history of John of Ephesus tells us of six of them: Paul, the former monophysite bishop of Aphrodisias of Caria, Elisha and Stephen, whose episcopal see is not indicated, then the monophysite patriarch Paul of Antioch, and finally John of Asia himself. These characters were simultaneously in the capital, and concerted as best they could, to stand up to the patriarch of Constantinople. The latter proposed to have the heretical bishops abjured, and then to give them a place in the Catholic hierarchy; but

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<sup>92</sup> L. DUCHESSÉ, *John of Asia*, p. 5ao3.

<sup>93</sup> It is contained in a Syriac manuscript in the British Museum. I use the following translation: J. M. SCHOENFELDER, *Die Kirchengeschichte des Johannes von Ephesus*, München, 186?

<sup>94</sup> *Die Kirchengeschichte des Johannes*, etc., p. 7-8.

<sup>95</sup> *Ibid.*, p. 9.-10.

he does not seem to have been, at first, well fixed as to the means to be taken in order to attain his end.

John of Ephesus states that Paul of Aphrodisias, Elisha and Stephen were invited to be reordained. This injunction probably takes place at the same time as the reordinations of clerics mentioned above. In any case, one fact is attested by John of Ephesus: the reordination of Paul of Aphrodisias. This person was a man of excellent character but weak mind; moreover, he was very old. By order of the patriarch of Constantinople, he had been taken from his diocese, sent to the capital, and locked up in one of the many dungeons of the episcopal palace. After some resistance, he gave in and accepted the communion of the Catholics. He was immediately pardoned and left for Caria with a letter of recommendation to the Catholic bishop of Aphrodisias. What was in the letter? Paul found out when he arrived in his former episcopal city. It was intended to serve as an example. For this purpose he was to be solemnly deposed and reordained and sent as bishop to the city of Antioch in Phrygia. What a lesson this was for his former diocesans in Aphrodisias and for all the Mo-Nophysites in Asia Minor! The poor old man defended himself by saying that if his ordination was contested, his baptism should also be contested and he should be rebaptized. Finally he gave in again. He signed an act of recantation and let himself be reordered. It was the shame of his life. His clergy only called him "rebaptized"<sup>1</sup>.

The Monophysite bishop Elisha, holder of an unknown see, and interned in the convent of Dios, was destined by the patriarch John to be bishop of Sardis, metropolis of Lydia. But before this, Elisha had to be deposed and reordained.

Energetic refusal by Elisha. New proposal of the patriarch. That Elisha consent only to be invested with the pallium. New refusal. The recalcitrant is sent to the convent of Abraham<sup>2</sup>. A similar attempt, this time accompanied by corporal punishment, was made with bishop Stephen. He was to allow himself to be reordained and then leave to become bishop of the island of Cyprus. But Stephen resisted, and in the church itself caused a gathering followed by an uproar<sup>3</sup>. The scandal reached the emperor, who issued an edict forbidding the making of such demands.

Some time later, John the Scholastic agreed to a conference with the bishops he held prisoner in his palace: Elisha and Stephen, Paul of Antioch and John of Asia. Among other matters, they discussed reordination. The patriarch was thoroughly refuted. He merely demanded a ceremonial laying on of hands for reconciliation, but even

this was rejected<sup>4</sup>.

Such is the testimony of John of Asia; it is as explicit as possible. Is there any reason to dismiss it? There is none. No doubt not all the details are to be accepted; some of them, for example the account of the contradictory conference held in the episcopal palace, attest to a naive bias. But there is no reason to reject the substance of the story. The successive attitudes of John the Scholastic, his first successes and his final failure in the practice of reordination are perfectly plausible. In all these features, there is nothing to suggest the idea of an artificial arrangement. Moreover, this affair of reordinations holds a great place in the *History of John of Asia*; to put it in doubt, it would be necessary to classify our historian among the forgers: it is an extremity to which one will be resigned with difficulty.

j. *Ibid.*, pp. ii, 83, 84.

a. *Ibid.*, pp. 11-12.

3. *Ibid.* at 12-14.

4. *Ibid.* at 15-17.

Moreover, the deposition of John of Asia can be confirmed by a testimony of the first order, that of the patriarch John the Scholastic. Before his elevation to the see of Constantinople, John had studied law and composed a *Suva<sup>^</sup>wy-r]* xavovwv which has been preserved. Now in this, the title XX<sup>e</sup> is thus entitled: "De ordinationis modo, deque iis qui ordinari non debent, et de iis qui raptim ordinantur", and among the canons quoted is 54<sup>e</sup> of the *Apostolic Canons*, that which expresses the ancient discipline of the Greek Church and the nullity of ordinations made by heretics. John, having become Patriarch of Constantinople, merely applied the doctrine which he had taught as a scholastic<sup>96</sup>.

A word again on the theological terms used by John of Asia, or lent by him to the patriarch of Constantinople, on the subject of reordinations. According to John of Asia, the patriarch began by deposing the bishops or the Monophysite clerics; then, he reordered them<sup>97</sup>. This language is completely in conformity with that which we will meet elsewhere.

The accounts of John of Asia analysed above are of interest. They show us that in a time of crisis, in the most energetic attempt to destroy the organization of the Jacobite and Paulite churches, a canonist who became patriarch of Constantinople saw no more effective means than this: to challenge the power of order of the Monophysites, to treat them like Arians, Macedonians, Novatians,

<sup>96</sup> Chr. JUSTEL, *Bibliotheca juris canonici veteris*, vol. II, p. 55i.

<sup>97</sup> *Die Kirchengeschichte des Johannes von Ephesus*, pp. 10 and 14.

Apollonians, and to have them reordered. But this practice could not be imposed. In the East, this was a disavowal of the doctrine of the *Canons* and the *Apostolic Constitutions*; it was not to be the last.

## VII. - Abandonment of reordering.

At the beginning of the second century, the priest Timothy of Constantinople wrote a treatise *De receptione haereticorum*<sup>98</sup>. It is a kind of ritual containing the official practice of the Byzantine capital. It provides a valuable comparison with the letter sent from Constantinople to Martyrius of Antioch one hundred and twenty years earlier. Timothy distinguishes three categories of heretics: (i) those from whom no sacrament is accepted: the Mon-tanists, Eunomians, Sabellians, etc.; (ii) those from whom only baptism is accepted: the Quartodecimans, Novatians and Sabbatians, Arians, Macedonians, and Apollinarians; (iii) those from whom baptism and confirmation are accepted: the Messalians, Nestorians, various Monophysite sects, etc. The ordination of the latter heretics was also accepted, though Timothy does not mention it.

And first of all, this treaty records the definitive abandonment by the Greek Church of the theories of the patriarch John the Scholastic. The case of the Monophysites, Nestorians, Messalians, etc., is refused to be equated with that of the heretics whose ordination was rejected in the letter to Martyrius of Antioch. The condition of the Monophysites and Nestorians was much better than that of the Arians, Macedonians, Novatians and Apollinarists in the fifth century. All their sacraments were accepted. Opinion no longer permitted Christians to be treated as pagans, or clerics as laymen, merely because they professed a heterodox doctrine. The acceptance of the sacraments of the Monophysites and Nestorians was therefore a great advance.

But this progress was bound to lead to the reparation of an old injustice. If the sacraments of the Nestorians and Monophysites were good, on what grounds could those of the Arians, Macedonians, Novatians and Apollinarians be condemned? What reason can be given for this difference of appreciation? From the theological point of view, there is none. For example, the Apollinarists did not compromise the efficacy of the sacraments any more than did the Monophysites and Nestorians. In all three cases, it is a matter of

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<sup>98</sup> In *P. G.*, vol. LXXXVI, p. 1, c. 11 ff.

Christological heresy. A revision of the ritual recorded in the letter to Martyrius of Antioch could therefore be anticipated.

Between the treatise of Timothy and the letter to Martyrius there is a close dependence. All the heretics mentioned in the letter reappear in the treatise. Their baptism and confirmation are assessed in the same way. There is only one difference. Timothy says nothing about the ordinations of Arians, Macedonians, etc. He does not prescribe any re-ordination.

Here is a more explicit document. A hundred years after Timothy, the Quinisext Council or *In Trullo*, held at Constantinople in 692, promulgated as canon 95<sup>e</sup>, the letter to Martyrius of Antioch<sup>1</sup>, but with a deletion. In this canon 95<sup>e</sup>, the phrase relating to the reordination of Arians, Macedonians, Novatians, Sabbatians and Apollinarists was deleted. This change is intentional, and much more expressive than Timothy's silence. Obviously, the council does not admit the reordination of these heretics. For what reason? It seems to be a matter of principle. It was no longer thought that ordination could be reiterated. From then on, two hypotheses were possible: either these heretics were admitted to the exercise of their orders, after their conversion; or they were admitted only to lay communion.

In summary, the deletion made by the Quinisext Council in canon 95<sup>e</sup> shows that the Greek Church no longer admitted reordinations of heretics. This conclusion is justified by the Greek theology of the following period.

I. HARDOUIN, *Acta conciliorum*, vol. III, col. 1693.

## CHAPTER III

### DEVELOPMENT OF ROMAN THEOLOGY BY SAINT AUGUSTINE.

In the Latin Church, in the fourth and fifth<sup>e</sup> centuries, the doctrine of the validity of sacraments administered outside the Church according to the prescribed form was increasingly asserted. The contrary theory of the Donatists had the result of inducing the Catholics, Optat of Milæus and St. Augustine, to clarify their doctrine, and to recognize a definitive value to the formulas given by Pope Stephen in the controversy against St. Cyprian. This explains the limited extension of the Luciferian schism, and the formal theological declarations of Pope Anastasius II on the occasion of the schism of Acacia.

#### II. - Reordinations among the Donatists.

It was the Donatist controversy which gave St. Augustine the opportunity to formulate a more or less definitive doctrine on the conditions of validity of baptism and order.

Each persecution had the result of bringing the party of the confessors of the faith and the representatives of the ecclesiastical authority into contact and soon into conflict in the various churches. The confessors did not always show the required deference to the bishop; when they did not encroach on episcopal power, they demanded respect or privileges which were not compatible with good order. In Carthage, during the persecution of Diocletian, the confessors seem to have been rather exalted, and the deacon Cecilian giants. The bishop and Mensurius were cautious and firm in their attitude to all the malcontents. Hence the resentments. They were given free rein, in the last years of the

time and, especially, at the death of Mensurius, in a vast cons\*  
piration.

When Caecilian was elected and consecrated bishop of Carthage, a powerful party of bishops refused to recognize him. They reproached him for having been consecrated by Felix, bishop of Abtughi, who, it was said, had weakened during the persecution and had *been traditor*'. Then the opposition appointed a second bishop of Carthage, Majorin. This schism of Carthage is the origin of Donatism. It posed two questions, one of fact, the other of doctrine. Firstly: Was Felix the consecrator of Caecilian a *traditor*? The Donatists answered yes. Secondly: Can a *traditor* bishop validly administer the sacraments? The Donatists answered no. On these two points, the Catholic answers were quite opposite. The Catholic Church recognized Cecilian.

Of these questions, only the second, which relates to doctrine, interests us here. In the African milieu, where the rigorist ideas of Tertullian and St. Cyprian still had so much credibility, it was to cause an interminable controversy.

The Donatists are most often represented as rejecting, in an absolute manner, and reiterating the sacraments administered by Catholics. This is a theory which is belied by the facts; it results in the incomprehensibility of Optatus' treatise against the Donatists. The validity of baptism and that of the order must be examined separately.

In all eras, the Donatists have looked

The Donatists, however, have come to regard the reiteration of baptism administered by Catholics as permissible; but whereas at first they regarded this reiteration as indispensable, they have come to regard it as optional. According to information borrowed from Tichonius by St. Augustine, about 3ao-33o, a council of 270 Donatist bishops had permitted Catholics who refused to be rebaptized to - join the sect without any formality<sup>99</sup>. To what motive can this decision be attributed? It is undoubtedly to the rigorous action of Constantine against the Donatists. The abandonment of rebaptism lessened the emperor's displeasure. The re-establishment of religious unity ceased to seem unattainable, since both parties recognized that they had a common baptism.

At the time when Optat of Milaeus wrote his treatise *De schismate Donatistarum*, that is to say, around 368, the Donatist theory was still that of the 270 bishops. Thus it is explained that Optatus mentions two very different practices by which the Donatists accepted defectors from the Catholics into their party. The first method consisted in reiterating the baptism of these converts<sup>100</sup>; the second was to lay hands on them *in paenitentiam*<sup>101</sup>. It goes without saying, moreover, that these two procedures could not be applied to the same individual: baptism made penance unnecessary. Moreover, this interpretation is verified by the formulas of Optat<sup>102</sup>. But the Donatists soon abandoned this mixed practice; in the time of St. Augustine they seem to consider rebaptization as necessary once again. In these matters the practice of the Donatists thus varied.

As for the sacrament of order, it seems that at first the Donatists did not reiterate it. The decision of the Roman Council held under Miltiades, in 313, reproaches Donatus of Carthage "quod confessus sit rebaptizasse et episcopis lapsis  
This was an innovation. L Egi

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99 S. AUGUSTINI *Ep.* XCIII, 43.

100 The Donatist practice of rebaptization is mentioned by Optatus in many places, and refuted especially in book 11, *De schismate Donatistarum*, in *P. L.*, vol. XI, col. 1040 ff.

101 *Ibid.* col. 984: "Matronae, pueri simul et virgines a vobis coactae, nullo interveniente peccato, salva innocentia et pudicitia, vobis doctentibus, paenitentiam gerere didicerunt... Indixistis paenitentiam plebibus; nec enim acta est ab aliquo, sed a vobis exacta; nec aequalibus temporum spatiis, sed egistis omnia pro personis, alter anno toto, alter mense, alter vix tota die, imperantibus vobis, paenitentiam gessit! Si unitati consentire (ut vultis) peccatum est, si est similis culpa, quare non est aequalis pro eodem reatu paenitentia?" Cf. *Ibid.*, coi. 888, 889, 979; in the latter place Optat writes: "Invenistis pueros, de paenitentia sauciastis, ne aliqui ordinari potuissent. Agnoscite vos animas eversisse. Invenistis fideles antiquos, fecistis paenitentes".

102 *Ibid.* at 1048: "De sacramento [baptismi] non leve certamen innatum est, et dubitatur an post Trinitatem in eadem Trinitate hoc iterum liceat facere. Vos dicitis: licet; nos dicimus, non licet. Inter *licet* vestrum et *non licet* nostrum, nutant et remigant animae populorum." Cf. coi. 895.

manum imposuisse<sup>103</sup> ". What imposition of hands is this about? It is that of penance. Donatus rebaptized those who had received the baptism of Catholics since the schism. He subjected to penance the Catholic priests whom he accused of being *traditores*.

The ancient church did not admit the priests to penance. And even a Christian who had been under

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103 *De schismate Donatistarum*, I, 24, P. L., t. XI, c. 982.

put to penance could not be raised to orders. And it was precisely this rule which motivated the practice of the Donatists. A cleric who had done penance publicly was, by that very fact, deposed *in perpetuum*. From the beginning, the Donatists had thought of applying this elegant solution to Caecilian. Optatus tells the following scene. No sooner had the ordination of Caecilian taken place than it was contested by the opposite party. It was declared null and void, as having been done by Felix of Abtughi, who was a *traditor*, said the opponents.

A Caeciliano mandatum est ut si Felix in se, sicut illi arbitrabantur, nihil contulisset, ipsi tanquam adhuc diaconum ordinarent Caecilianum. Tunc Purpurius [donatista]... sic ait : *Exeat [Caecilianus] huc quasi imponatur illi manus in episcopatum, et quassetur iUi caput de poenitentia*<sup>104</sup>.

Caecilian replies that he is ready to be re-ordained if his opponents prove that Felix, his consecrator, was a *traditor*. Taken literally, this reply would lead one to believe that Caecilian accepts the principle of the opposing party, namely that ordination by a *traditor* is null and void. But St. Augustine saw in this repartee only an *ad hominem*\* argument. On the other hand, the word of Purpurius is quite clear. He wants Caecilian to be allowed to come and, instead of the imposition of hands of ordination, to be given the imposition of hands of penance, "*et quassetur illi caput de paenitentia*". It was difficult to explain more clearly the effects of penance by a cleric.

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104 *Ibid*, I, 19, col. 920.

Until the time of Optatus (368), the attitude of the Donatists - towards clerics of all orders was the same. What an excellent way to humiliate and demoralize Catholics is to subject their priests to penance! Optat exclaims: "Sic cuncta malignitate quadam ordinasse vos constat, ut in una specie operis vestri, species alias impleretis : ut dum presbyter aut episcopus deicitur, sic populus caperetur. Quomodo posset turba hominum stare, quae rectorem suum a vobis elisum esse conspiceret<sup>105</sup> ?" Before thus subjecting the Catholic bishop to penance, the Donatists were careful to throw away or trample under foot the Eucharist and chrism consecrated by him: that is to say, if, at a pinch, they admitted the baptism of Catholics, they rejected their other sacraments.

In this way it is explained that towards the end of the fourth century, when the Donatists returned to their original thesis of the necessity of rebaptization, they took up the habit not only of rebaptizing, but also of reordering Catholic clerics of all orders who came to them. These facts are attested by St. Augustine. The Donatists, however, did not have the right to do so, and they were not only rebaptized, but also reordered and promoted. But usually the Donatists were not long in repenting for having accepted such recruits<sup>106</sup>.

The Donatist doctrine did not remain uniform. It underwent variations which St. Augustine did not fail to point out as the origin to be worthwhile. To explain the fact, we must remember that of the doctrine.

105 *De schismate Donatarum*, II, 21, P. L., vol. XI, col. 976. The whole of the end of Book II of Optat is devoted to describing and refuting the practice according to which the Donatists subjected the clerics to penance.

106 As an example of reordination, cf. S. AUGUSTINI *Ep. CVIII*, 19 and *Contra litteras Petilian*, III, 44" In letters XXII and C.VI-GVIII, the rebaptization of a subdeacon and a deacon by the Donatists is mentioned: this act was the prelude to reordination.

There is, in the editions of St. Augustine, a sermon *De Rusticiano subdiacono a Donatistis rebaptizato et in diaconum ordinato*, which would be of great interest for this study. But... it is not authentic; the Benedictines have demonstrated this peremptorily. This text first appears in J. VIGNIER, *Supplementum operum "aucti Augustini*, t. II, Paris, 1655. Since the work *Les découvertes de Jérôme Vignier*, in J. HAVET, *Questions mérovingiennes*, p. 19- 90, Paris, 1896, it is known that Fr. J. Vignier, of the house of St. Magloire in Paris, was an ingenious manufacturer of ancient texts. Obviously he was jealous of the laurels of the Spanish forgers who so indignantly attacked the Cardinal of A- guirre. This so-called sermon of St. Augustine is one of the many forgeries that came from the pen of "Vignier. The Benedictines have done wrong to Vignier by writing: Vignenus nihil dubitans quin vere dictus [hic sermo] ab Augustino fuerit".

The origin of this forgery is easy to trace. Vignier wanted us to believe that he had found the first sermon published by Saint Augustine, bishop of Hippo. Hence a praise of his predecessor Valerius. But as this material was insufficient, Vignier supposes that St. Augustine gives an account to the faithful of the defection, then the rebaptization and reordination of the subdeacon Rusticianus, among the Donatists. Here the forger borrows his information from the letters XXJII and CVI-CVIII of St Augustine.

The schism is a personal matter: the opposition made to Cecilian by a group of malcontents. The doctrinal arguments were then invoked; and, in the course of time, they were modified according to the needs of the moment. Both in the beginning and in later times, Donatism was far from having only ministers of unimpaired reputation, that is, such as the principles of the sect demanded. The longer the schism lasted, the more complicated this *imbroglio* of personal and theological questions became. The Donatists were unable to sustain the discussion when St. Augustine proposed it to them. One of their bishops, pushed to the limit by the irresistible argument of the bishop of Hippo, could find nothing to answer except "se in id quod a prioribus acceperit permanere<sup>107</sup>".

The Donatist doctrine has the advantage of showing how, in the fourth century, sacramental theology was distorted by concerns of ecclesiastical politics. If the theory on the conditions of transmission of the power of order was then modified and distorted, it was not so much for theological reasons as for party interests.

### III. - Theological significance of the Luciferian schism.

The eleven years during which Constantius was the sole master of the Empire (351-361) mark the hardest and most dangerous years of the Arian crisis. It was the time when the emperor wanted to obtain, at a price, the condemnation of St. Athanasius and the acceptance of the formulas of faith drawn up by his court episcopate. These years saw the Council of Milan (355), the banishment of Eusebius of Vercell, Lucifer of Calaris, and Pope Liberius, and the capitulation of the Councils of Seleucia and Rimini (359). St. Jerome may have said, with some exaggeration, that at the beginning of 360, "ingemuit totus orbis et arrianum se esse miratus est<sup>108</sup>". The death of Constantius on 3 November 361 changed the situation. Julian took power and asked all those exiled for religious reasons to return to their country.

The results of the long interference of imperial authority in theology were then seen. It was no longer unity but division that seemed to characterize the Christian Church. Some seats had two or even three incumbents, each in one of the various shades of Eastern theology.

The conflict of persons was localized; that of doctrines was general.

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107 S. AUGUSTINI *Ep.*, CVII.

108 *Adversus Luciferianos*, P. L., t. XXIII, col. 172.

The bishops had descended more or less low on the scale of dogmatic concessions, so there was conflict at every level. Julian was well aware of this state of affairs, and it was not with a view to liberalism or appeasement, but to display a division which seemed to him irremediable, that he had recalled the exiles.

His expectation was deceived; not that theological unity was immediately restored, for divisions and misunderstandings remained until the end of the fourth century; but a general pardon, soon approved by Pope Liberus, was granted by the Council of Alexandria in 36a, presided over by St. Athanasius. With regard to the Church of Antioch, it was decided that all laymen and clerics who had pacted with the heresy should be received, on condition that they condemned Arianism and professed the faith of Nicaea. On these conditions, clerics and bishops would be retained in their offices, with the exception of party leaders.

It is known that the idea of this pardon was not accepted by all. Some rigorists rejected it. Intransigent they had shown themselves at the height of the danger, remaining faithful, in spite of everything, to the Catholic faith; intransigent they remained after the crisis, refusing to leave in possession of their office the bishops who had weakened during the persecution, and admitting them only to the lay communion. The most prominent of these rigorists was Bishop - Lucifer of Calaris; hence the name of Luciferians which they received from their contemporaries, after they had broken with the Church and organized a schismatic party.

There is, therefore, a genuine, though partial, analogy between Luciferian principles and those of rigorists of various shades, such as the Novatians, St. Cyprian, and the Donatists. The essential tendency of these theologians is the same: to safeguard the sanctity of the Church; but this common concern is not in all of them equally tyrannical. It dominates everything in the Novatians, who do not admit, after baptism, any penance capable of reintegrating the repentant sinner into the Church. It is still very strong among St. Cyprian and the Donatists, who reserve sacramental power to the Church alone and to the faithful ministers of the Church alone. It is very attenuated among the Luciferians, since, without denying the power of order of the bishops who have yielded during the persecution, they declare them unworthy of exercising their office, and return them to lay communion.

It is precisely this attenuation of the principles of Saint

It is this conflict between St. Cyprian and the Donatists that makes the Luciferian schism interesting from the point of view of the history of dogma. The Luciferian doctrine is the resultant of two forces: the rigorist tendency which still exists, and the common ecclesiastical doctrine. If this resultant does not coincide with the dogmatic line of St. Cyprian and the Donatists, it is not that the rigorist tendency has been weakened, but that the common doctrine of the Church has been singularly strengthened on one essential point: the absolute independence of the power of order from the religious and moral value of each minister. This was an acquired truth, against which, in the second half of the fourth century, no revision could be claimed.

The Luciferians confined themselves to inveighing against Catholics and peddling unpleasant stories about the most compromised prelates. In 36a, Lucifer of Calaris\*, returning from the East, stopped at Naples. He took advantage of the opportunity to hurl a strong anathema at Bishop Zosimus, who had taken the place of Maximus, the orthodox bishop, who had died in the exile to which Constantius had sent him. Shortly after the passage of Lucifer :

Idem Zosimus cum in coetu plebis vult exsequi sacerdotis officia, inter ipsa verba sacerdotalia eius lingua protenditur nec valet eam revocare intra oris capacitatem, eo quod, contra modum naturae, extra os penderet ut bovi anhelato. Sed ut vidit se linguae officium perdidisse, egreditur basilica et (res mira) foris iterum in officium lingua revocata est. Et primum quidem non intelligitur compleri in eum sententiam martyris et confessoris, sed cum hoc totiens patitur, quotiens et basilicam diversis diebus temptavit intrare, ipse postremo recognovit ob hoc sibi linguam inter pontificii solemnium verba aenegari, ut sanctorum episcoporum in eum rite prolata sententia probaretur. Denique cessit episcopatum, ut ei lingua, quae cesserat, redderetur.

Non res antiquas referimus, quae solent quadam ratione in dubium venire; vivunt adhuc praesentia ista documenta, nam et Zosimus hodieque in corpore est, usum iam linguae non amittens, posteaquam maluit cum amissione episcopatus vivere dolens suis impietatibus.

This story has been preserved in an official document<sup>2</sup>.

i. Lucifer, bishop of Calaris in Sardinia, appears in history in 354, when he was charged by Pope Liberius with an embassy to Constantius at Aesculus. The following year, at the Council of Milan, he put up the most determined resistance to the heretical demands of the emperor, and was sent into exile. He remained there until the edict of Julian (36a). During these years he composed five treatises, virulent pamphlets against Constantius, and letters. He did not attend the Council of Alexandria of 36a, whose lenient measures he soon rejected. A small but fairly active schismatic party regarded him as its leader.

a. This is the petition addressed to Theodosius by Faustinus and Marcellinus, - Luciferian priests. Cf. O. GUF.NTHER, *Epistulae imperatorum pontificum... Avettana quae dicitur collectio*, t. I, p. a4, Vienna, 1895.

One can imagine the inventions that these rigorists must have allowed themselves, when they were not trying to be exact. At least theology was saved.

### 111. - Definitive theology of St. Augustine.

At the time when the Luciferian schism was being formed, around 368, Optatus of Milaeus wrote his treatise *De schismate Donatistarum adversus Parmenianum*. Optat wants to bring the Donatists back to the Church or at least to recognize the value of the Catholic sacraments: "Pares credimus et uno sigillo signati sumus; nec aliter baptizati quam vos; nec aliter ordinati quam vos<sup>109</sup>. He clearly teaches that the validity of the sacraments depends on the use of the prescribed form. However, he insists so strongly on the necessity of faith that it has been thought that, for him, only the sacraments of schismatics and not those of heretics are valid<sup>110</sup>. This last interpretation seems the least likely. On the other hand, one fact is perfectly certain: Optatus did not succeed in giving his ideas the final precision. It was St. Augustine who formulated the definitive theology on these questions.

St. Augustine had led the Donatists to say, as a *der\* nier* argument: "Baptismum quidem non amittit qui recedit ab Ecclesia, sed ius tamen dandi amittit." The theologian of the sacraments replies, in the year 4<>o:

Multis modis apparet frustra et inaniter dici. First, quia nulla ostenditur causa cur ille qui ipsum baptismum amittere non potest, ius dandi potest amittere. Utrumque enim sacramentum est; et quadam consecratione utrumque homini datur : illud, cum baptizatur; istud, cum ordinatur: ideoque in Catholica utrumque non licet iterari. Nam si quando ex ipsa parte venientes etiam praepositi, pro bono pacis, correcto schismatis errore suscepti sunt, et si visum est opus esse ut eadem officia gererent quae gerebant, non sunt rursus ordinati ; sed sicut baptismus in eis, ita ordinatio mansit integra : quia in praecisione fuerat vitium, quod unitatis pace correctum est, non in sacramentis quae ubicumque sunt ipsa sunt<sup>111</sup>.

This text was as explicit as possible and, if properly understood, would have eliminated any controversy over reordination. - Unfortunately, on the one hand, it gave a pretext for epiloguery. As a result of his *ad hominem* argument, St. Augustine seems to identify the power of order with the power of baptism. "This is only an

109 *De schismate Donatistarum*, III, 9, P. L., vol. XI, col. 1020. These last words" are not found in all the manuscripts.

110 This is the opinion of J. ERNST, *Die Ketzertaufangelegenhet* etc., p. 143 et seq.

111 *Contra epistolam Parmeniani*, II, 28.

appearance, but it has given rise to discussion in the controversies of the twelfth and fifteenth centuries. With Gratian it was answered: "Potestas dandi baptismum et ius consecrandi domi- nicum corpus et largiendi sacros ordines plurimum inter se differunt<sup>112</sup> ." From the power to baptize, one refused to conclude that of consecrating the Eucharist and of ordaining. A miserable dispute, but one which has been enough to lead many theologians astray.

#### #. 7IV. - The formulas of the Roman chancery. \*

The Roman Church thought like St. Augustine. In the fifth century, its doctrine on this question was expressed in texts which presented no real difficulty. But, by an unfortunate combination of circumstances, they were subsequently misunderstood. This is how the Middle Ages were able to misunderstand, for a time, the teaching of the Roman Church in its most glorious period.

Pope Innocent I gave very accurate indications on this question. He recognized the value of ordinations conferred outside the Church. He expressly disapproved of re-ordinations. Unfortunately, in order to indicate the illicit character of these ordinations, which he admitted as valid, he used expressions so energetic that the Middle Ages were mistaken about the pope's thinking. Innocent I was ranked among the supporters of the nullity of ordinations conferred outside the Church. Hence, for a fairly long period, a distortion of theological teaching. Here are the texts which have exerted this unfortunate influence.

Towards the end of the fourth century, Bishop Bonosis of Sardique taught various errors which led him to deny the Trinity. The synod of Capua (3gi), having received complaints against him, instructed the bishops of the province of Illyricum to investigate his trial. Bonose was condemned and deposed. But he continued to dogmatize and built up a powerful group. He exercised

It is not surprising that this was the case in the first half of the 19th century. In the same way, it is not possible to say that the "theology of the Church" is not the same as that of the Church of the Holy Roman Empire. He upheld a previous decision of Anysius, bishop of Thessalonica, according to which only those clerics ordained by Bonosis before his condemnation should be admitted to the exercise of their orders. This course of action did not prevail in 1'11- lyricum.

Some bishops consented not to interfere with the ministry of the

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112 C. I, q. I, c. 97, *Dictum Gratiani*.

clerics ordained by Bonosis, but they refused to communicate with them. In the diocese of Naïssus, one of them, the priest Rusticius, had been reordained, and claimed that clerics in the same situation as him could not be received until after their reordination. Hence a great emotion among the former clergy of Bonose. As the clerics of this category were quite numerous, they sent two of them to Pope Innocent I. It was the year 4<sup>10</sup> - Italy was devastated by the Goths of Alaric. Innocent I had gone to Ravenna, to solicit Honorius for Rome, which was on the verge of being taken. It was in Ravenna that Innocent I received the two deputies who had come from Naïssus. After hearing them, he gave them a letter for Marcian, bishop of Naïssus. The pope maintained the decision taken by Anysius and already confirmed by him.

The matter was not over. Some bishops of the Illyricum justified the practice of reordination. Moreover, on other points, after having requested and received decretals from Rome, they took no account of them, and notified the pope of their attitude. When the Pope read their letter, he could not believe his eyes. Was this the way to treat apostolic authority? A new papal letter of December 13, 1914, put everything in order. On the ordinations of Bonose, it expressed itself as follows:

Ventum est ad tertiam quaestionem, quae pro sui difficultate longiorem exigit disputationem : cuin nos dicamus an haeticis ordinos vulneratum per illam manus impositionem habere caput. Et ubi vulnus infixum est, medicina adhibenda est ut possit recipere sanitatem. Quae sanitas post vulnus secuta, sine cicatrice esse non poterit : atque ubi naenitentiae remedium necessarium est, illic ordinationis honorem locum habere non posse. Nam, si ut legitur, quod tetigerit immundus, immundum erit, quomodo id ei tribue-

tur quod munditia ac puritas consuevit accipere? *Sed e contra asseritur, eum qui honorem amisit honorem dare non posse : nec diu aliquid accepisse, quia nihil in dante erat, quod ille posset accipere. Acquiescimus et verum est. Certe quia quod non habuit dare non potuit, damnationem utique, quam habuit, per pravam manus impositionem dedit : et qui comparticeps factus est damnationis, quomodo debeat honorem accipere, invenire non possum L*

These expressions are very strong and moreover are not isolated in the decretal. It is not surprising that the Middle Ages heard them as referring to the nullity of ordinations. However, we cannot accept this exegesis. Innocent I does not mean order, but ecclesiastical dignity or the exercise of the power of order. Clerics ordained outside the Church are bound to do penance: hence, in virtue of the ancient rule which excluded from the clergy those who had submitted to public penance, their passage into the category of penitents is equivalent to deposition. In consequence of the same rule, laymen who had fallen into heresy and returned to the Church, being obliged to public penance, could not be admitted to orders. Also clerics ordained by "usurpatae dignitatis", because "id se putaverunt esse quod eis nulla Bonose, condemned by 1 Church, are guilty fuerat *regulari* ratione concessum".

Following the above passage, Innocent I answers an objection made to him by his correspondents: a reordination would legitimize the situation of these clerics:

*Sed dicitur vera ac insta legitimi sacerdotis benedictio auferre-omne vitium quod a vitioso fuerat iniectum. Ergo si ita est, applicentur ad ordinationem sacrilegi, adulteri atque omnium criminum rei, quia p?r benedictionem ordinationis crimina vel vitia putantur auferri. Nullus sit paenitentiae locus, quia id potest praestare ordinatio, quod longa satisfactio praestare consuevit.*

This condemnation of reordinations would seem quite indirect, if we did not remember that Innocent I, in another decretal, described the reordination of the priest Rusticius of Naissus as "peccatum". Moreover, a third letter of the same pope is written along the same lines. About 4°5, he had been consulted by Bishop Alexander of Antioch as to what to do with the Arian clergy.

1. INNOCENTII *Epist*, 17, c. 3, *P, L*, vol. XX, col. 530.

## V. - Reconciliation and reordination of the Arians.

By the fourth<sup>e</sup> century, the Church of Antioch had suffered more than any other from the Arian crisis. Towards the end of that century there were at least three clergies: the Meleciian clergy, the Austrian

clergy and the Arian clergy. The first two were Catholic, but, as a result of the split known as the Antiochian schism, did not communicate with each other. The bishop Alexander of Antioch (413-440) was concerned to re-establish ecclesiastical unity. He resumed, with Innocent I, the relations which had been interrupted after the condemnation of St. John Chrysostom. He admitted the Arian clerics into his clergy: a belated measure, but one which prejudice and disciplinary canons alone had prevented<sup>113</sup>. The bishop of Antioch also wanted to bring back the Arians. He was obviously inclined to make good terms with the Arian clergy who were to join the Catholic Church; he would have agreed to admit converted Arian clerics to exercise their orders in his diocese. This would have been to conform to a previous practice.

But the bishop of Antioch wanted to consult Innocent I first. The latter was of the opposite opinion. By this time Arianism was constituted as a separate Church; it was difficult to maintain the condescensions of former times. There is more. If Innocent I did not admit Arian clerics to the exercise of their order, it was because he saw no way to cure the defect of their ordination. The laity of this sect are received by the rite of the imposition of hands, that is to say by the reiteration of confirmation. Their baptism thus takes on its full force. But how can the undeniable defect in the ordination of the Arians be cured?

Arrianos praeterea, caeterasque huiusmodi pestes, *quia* eorum laicos conversos ad Dominum, sub imagine paenitentiae ac sancti Spiritus sanctificatione, per manus impositionem suscipimus, *non videtur* clericos eorum cum sacerdotii aut ministerii cuiuspiam suscipi debere dignitate : quoniam quibus solam baptismata ratum esse permittimus, quod utique in nomine Patris et Filii et Spiritus Sancti perficitur, nec Sanctum Spiritum eos habere ex illo baptismate i illisque mysteriis arbitramur: quoniam cum a catholica fide eorum auctores descenderent, perfectionem Spiritus quam acceperant amiserunt. Nec dare eius plenitudinem possunt, quae maxime in ordinationibus operatur, quam per impietatis suae perfidiam potius quam fidem dixerim, perdidit. Qui fieri potest ut eorum profanos sacerdotes dignos Christi honoribus arbitremur, quorum laicos imperfectos, ut dixi, ad Sancti Spiritus percipiendam gratiam cum paenitentiae imagine recipimus. Gravitas itaque tua haec ad notitiam episcoporum, vel per synodum, si potest, vel harum recitationem faciat pervenire : ut quae ipse tam necessario perceptus es, et nos tam elimite respondimus, communi omnium consensu studioque serventur L

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113 Mr. F. CAVALLERA, in his book *Le schisme d'Antioche* (Paris, 1905), wrote, p. 289: "We have seen how vehemently St. John Chrysostom, when he was at Antioch, proclaimed the nullity of ordinations. The problem was serious indeed; yet a transaction was necessary in view of the final pacification." C is an allusion to the speech of John Chrysostom [*P. G.*, vol. LXII, col. 85 ff.]. In the first place, it is inaccurate that in this place there is a question of the nullity of the ordinations of the Arians; in the second place, it is not clear how a transaction was possible in matters of the validity of the sacraments.

The reasoning of the letter amounts to saying: how could one accept the ordination conferred by Arians, since one recognizes their baptism alone and reiterates their confirmation? The strength and weakness of this statement can be seen. Innocent I refuses to reiterate the ordination of Arians. But he considers it as tainted by a defect of extreme gravity. It is here that we may note the unfortunate effects exerted, in the theology of the sacraments, by the reiteration of confirmation prescribed by Pope Stephen, in the case of heretical baptisms. This reiteration had given St. Cyrian an argument for reiterating baptism itself. A century and a half later, it suggested to Innocent I some harsh words about the value of ordaining Arians.

It was to be a long time before the principles laid down by St. Augustine were applied without hesitation. In short, Innocent I was taking up the arguments presented by the Luciferians against the ordinations of the Arians. Innocent I, however, must have remembered that St. Ambrose had received into his clergy the clerics ordained by the Arian Auxentius<sup>114</sup>.

The Germanic invasions, the beginnings of which Pope Innocent I had seen, were to have a lasting effect: the settlement in the West of many peoples from the Danube frontier. "In these regions, shortly after the middle of the fourth century, they had made contact with the Roman world. It was the time of Constantius and Valens. The majority of these peoples accepted Arianism. When they settled in the West, the Catholic communion at first united only the defeated. Only the conversion of Clovis allowed for better times to come.

The victories of Clovis over the Burgundians and the Arian Visigoths gave the Catholic clergy in Gaul an immense advantage - over the Arian clergy. As early as 5n, the Council of Orleans provided for the return of heretical clerics to the Church, and regulated it:

*De hereticis clericis, qui ad fidem catholicam plena fide ac voluntate venerint, vel de basilicis, quas in perversitate sua Gothi hactenus habuerunt, id censuimus observari, ut si clerici fideliter convertuntur et fidem catholicam integre confitentur vel ita dignam vitam morum et actuum probitate custodiunt, officium quo eos episcopus dignos esse censuerit, cum impositae manus benedictione suscipiant; et ecclesias, simili quo nostrae innovari solent, placuit ordine consecrari<sup>4</sup>.*

What is the imposition of hands? If this text were isolated, one might hesitate. But when we compare it with the decision of the Council of Saragossa of 5ga, which is about to be transcribed, the -

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<sup>114</sup> The fact is attested by a letter of Theophilus of Alexandria to Flavian of Antioch, quoted by the Monophysite Severus. Cf. above, p. 46. The letter of Theophilus is in BROOKS' edition (*op. cit.*, pp. 303-304).

"impositae manus benedictio" referred to here can only be the imposition of the hands of ordination, that is to say the ordination itself. There is every reason to believe that the bishops of the Council of Saragossa were aware of the decision of the Council of Orleans of 511 and drew inspiration from it, writing it in clearer terms. The Frankish Church thus reconciled the lay Arians by the reiteration of confirmation<sup>115</sup> (imposition of hands and *consignatio*); and reconciled the clerics by the reiteration of the imposition of the hands of ordination, i.e., by a true reordination.

-Five years later, after the defeat of the Vandals in Africa, a different procedure was followed with regard to the Arian clergy in that country. The clerics who converted were admitted only to lay communion<sup>116</sup>. It is because no leniency was to be shown to them. The few Vandals who remained in Africa were of no political or military importance.

The conversion of the Arian people of Spain took place in a third way. In this country, it was Recaredes, the Arian king, who converted and brought his people and clergy to the Church. Some consideration was owed to public peace. Little is known about the conditions under which the liquidation of the Arian Church in Spain took place. The decisions of the Council of Saragossa, held by the bishops of the *Tarraconensis* in 529, are all the more worthy of attention:

1. Id placuit sanctae et venerabili synodo ut presbyteri qui ex haeresi Arriana ad sanctam catholicam Ecclesiam conversi sunt, qui sanctam et puram fidem, atque castissimam tenuerint vitam, *accepta denuo benedictione presbyterii*, sancte et pure ministrare debeant : ceteri vero, qui hanc supra- scriptam vitam adimplere vel tenere neglexerint, ab officio depositi sint in clero. Ita et de diaconibus, sicut et de presbyteris constitutum est...

111. Statuit sancta synodus, ut episcopi de Arriana haeresi venientes, si quas Ecclesias sub nomine catholicae fidei consecraverint, *ne dum benedictione percepta*, a catholico sacerdote consecrentur denuo L

The *benedictio presbyterii denuo percepta*, which is here referred to, can only be the reordination<sup>117</sup>. The council assumes that the

a. See above, p. 37.

116 These milks are attested by an exchange of letters which took place, in 522, between the Council of Africa sitting at Carthage, and Pope Agapet. These letters are to be found in O. GUENTHER, *Collectio Avellana*, pp. 3a8 ff, Vienna, 1895.

117 The word *benedictio* here designates the formula for the consecration of priests. Cf. the so-called *Gelasian Sacramentary*, a book of Gallican liturgy whose Roman original dates from the years 628-731. In *P. L.*, vol. LXXIV, col. 1145, *De sacris ordinibus benedicendis*; col. 1139 *benedictio altaris sive consecratio*; col. 1147 *benedictio diaconi*; cf. the *Leonian Sacramentary*, a collection of Roman liturgy not very much older than St. Gregory, in *P. L.*, vol. LV, col. 115, the formula of the *benedictio* of priests; col. 114 *Benedictio super diaconos*.

reordination of Arian bishops has already been prescribed. How can this decision be explained? In addition to the precedent of the Council of Orleans of 5n, an influence of Eastern theology is possible in Visigothic Spain, in whose south the Byzantines had an enclave, since the middle of the vi<sup>e</sup> century. Perhaps also one will have interpreted in the direction of the reordination, the 8<sup>e</sup> canon of Nicea relating to the novatians.

Above all, it must be recognized that theological culture was not progressing in the West at the end of the vi<sup>e</sup> century. In Rome, the disasters of the Gothic warfare have destroyed without return the prosperity and splendour of the capital of the ancient world. The city and the Roman countryside lay in irreparable ruins; the population was greatly diminished; the Senate had definitely disappeared; the level of culture, greatly lowered by the interruption of studies, would never rise again. Saint Gregory appears for



DEVELOPMENT OF ROMAN THEOLOGY. 75 give the last consolations to a world which believes itself near the final catastrophe. Literary decadence is even asserted in his works. How much, however, he is superior to his milieu! St. Gregory had to maintain, against Bishop John of Ravenna, the doctrine of St. Augustine on the non-repetition of the order. The bishop of Ravenna wanted to reorder a priest or deacon who, before his ordination, had committed some fault which he had belatedly revealed. St Gregory replies:

Illud autem quod dicitis, ut is qui ordinatus est iterum ordinetur, valde ridiculum est et ab ingenii vestri consideratione extraneum, nisi forte quod exemplum ad medium deducitur, de quo et ille iudicandus est, qui tale aliquid fecisse perhibetur. Ahsit enim a fraternitate vestra sic sapere. Sicut enim baptizatus semel baptizari iterum non debet, ita qui consecratus est semel in eodem ordine iterum non valet consecrari. Sed si quis cum levi forsitan culpa ad sacerdotium venit, pro culpa paenitentia indici debet et tamen ordo servari L

This letter is dated July 5ga. It is the same year in which the Council of Saragossa prescribed the reordination of Arian priests. So this last decision should not come as a surprise. The bishops of Spain were much more excusable than the bishop of Ravenna, who was brought back to the true doctrine by that of Rome.

There is every reason to believe that the Arian clergy of Lombardy will have been reconciled to the Church according to the principles of the theology of St. Gregory<sup>118</sup>.

## VI. - During the Monophysite controversies.

One must attach little importance to a letter of somewhat emphatic form written by Saint Leo. But it must be mentioned because, as a further misunderstanding, it has been misunderstood by certain theologians of the Middle Ages. The Council of Chalcedon had defined the Incarnation as the mystery

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118 Speaking of the reign of the Lombard king Roth a ri (636-652), Paul Diaacre writes, towards the end of the viii\* century: "Huius temporibus pene per omnes civitates regni eius \*100 episcopi erant, unus catholicus et alter Arianus. In civitate quoque Ticinensi (Pavia) usque nunc ostenditur ubi Arrianus episcopus apud basilicam "ancti Eusebii residens baptisterium habuit, cum tamen ecclesiae catholicae alius episcopus resideret. *Qui tamen Arrianus episcopus, qui in eadem civitate fidi Anastasias nomine, ad fidem catholicam conversus, Christi postea ecclesiam rexit..*" *Historia Langobardorum*, IV, 42, ed. of Mon, Germ. p. i34 (Hanover),

of the unity of the person and the duality of natures in Jesus Christ. This doctrine aroused great opposition in various countries of the East and especially in Egypt. In 4<sup>th</sup>, Proterius had been appointed patriarch of Alexandria, in place of the monophysite Dioscorus, who had been sent into exile. But his situation became very difficult after the death of the emperor Marcian. The Monophysites then entered into conflict with the Catholics. Proterius was killed in one of these battles. Immediately both parties sent petitions to the emperor Marcian. The latter communicated them to all the metropolitans, asking for their opinion. St. Leo replied, on December 1<sup>st</sup> 457 :

*Nonne perspicuum est quibus pietas vestra succurrere et quibus debeat obviare; ne Alexandrina Ecclesia, quae semper fuit domus orationis, spelunca nunc sit latronum? Manifestum quippe est, per crudelissimam insanissimam\* que saevitiam<sup>119</sup>, omne illic caelestium sacramentorum lumen extinctum. Intercepta est sacrificii oblatio, defecit chrisimatis sanctificatio, et parricidalibus manibus impiorum omnia se subtraxere mysteria\*.*

In the 5<sup>th</sup> century, these eloquent metaphors did not present any danger, but a time would come when they would be taken literally. It must be admitted, moreover, that St. Augustine would not have spoken like Innocent I or St. Leo. Some will say that these are nuances of language. Yes, but this proves that the Roman chancellery was still using outdated formulas in matters of sacraments.

At least there was no mistaking the meaning of the decretal of Pope Anastasius II to the Byzantine emperor of the same name. It was in 496. Since 484, the Churches of Rome and Constantinople had been separated by the schism of Acacia caused by Zenon's Henotic. Acacia, patriarch of Constantinople, having signed the imperial edict, was excommunicated by Pope Felix III. Anastasius II was concerned to put an end to this split, and wrote to the Byzantine emperor. Without making any theological concessions, he made advances. For example, he recognized all the ecclesiastical acts performed by Acacia. The solemnity of his declarations makes one believe that there had even been controversies on this point:

*Nullum de his vel quos baptizavit Aeacius vel quos sacerdotes sive levitas secundum canones ordinavit, ulla eos ex nomine Aeacii portio laesionis*

attingat, quo forsitan per iniquum tradita sacramenti gratia minus firma videatur... Nam si visibilis solis istius radii, quum per loca foetidissima transeunt, nulla contactus inquinatio maculantur, multo magis illius, qui istum visibilem fecit, virtus nulla ministri indignitate constringitur... Ideo et hic... [Aeacius] male bona ministrando sibi tantum nocuit. Nam inviolabile sacramentum, quod per illum datum est, aliis perfectionem suae virtutis obtinuit. Quodsi est aliquorum in tantum se extendens curiosa suspicio, ut imaginetur, prolato a papa Felice iudicio, postea ineffaciter in sacramentis, quae Aeacius usurpavit, egisse, ac perinde eos metuere qui vel in consecrationibus, vel in baptisate mysteria tradita susceperunt, ne irrita beneficia divina videantur, meminerint \* etc.

This piece is inspired, sometimes verbatim, by Saint Augustine. It reproduces a decision of popes Felix III<sup>120</sup> and Gelasius<sup>121</sup>. But politics came to blur the texts here. A legend creates this decision, one of the mostly political grudges soon discredited explicit of the popes on the sacraments administered outside the Church: it is the legend of Anas-tasis II in the *Liber Pontificalis*<sup>122</sup>.

The conciliatory policy of Anastasius II found opponents in the Roman clergy. A kind of schism arose. On the death of Pope Anastasius II, this division resulted in a double election. The party hostile to Anastasius II elected Symmachus; the other elected Lawrence. Hence competitions which ended in the success of Symmachus. The memory of these facts would not have been very lasting if it had not been fixed, at that very moment, in a book which had the greatest credit in the Middle Ages. The *Liber Pontificalis* was begun by a contemporary of Anastasius II and Symmachus; it expresses with extreme vivacity the sentiments of the ecclesiastical party hostile to Anastasius II:

Eodem tempore multi clerici et presbiteri se a communione ipsius<sup>123</sup> erigerunt, eo quod communicasset sine consilio presbiterorum vel episcoporum vel clericorum cunctae ecclesiae catholicae diacono Thessalonicensi, nomine

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120 S LEONIS *Epist.* i56, *P. L.*, t. LIV, col. n3i.

121 *Ibid.*, p. 3i5, GELASII *Epist.* 3, in 492: "De nis quos baptiza vit, quos ordinavit Aeacius, maiorum traditione confectam et vestrarum praecipue regionum sollicitudini congruam praebemus sine difficultate medicinam."

122 On this legend, cf. L. DUCHESNE, *Le Liber Pontificalis*, t. I, p. XLVI and 208; FRIEDRICH-DOELLINGER, *Die Papstfabeln des Mittelalters*, p. 146-153, Stuttgart, 1890.

123 Pope Anastasius II.

Folino, qui communia erat Acacio et quia voluit occulte revocare Acacium et non potuit. Qui nutu divino percussus est

The unexpected death of the pope, which occurred shortly after the end of the Byzantium, was interpreted as a punishment negotiations with heaven. How would the Middle Ages have detected these grudges? It knew Anastasius II in a completely inaccurate light. The doctrine of this pope was discredited.

### VII. - Pelagius I and the schismatics of Aquileia.

The Monophysite quarrel, which provoked the letters of St. Leo and Anastasius II, just mentioned, was also the occasion for the letters of Pelagius I concerning the schism of the Three Chapters.

Taken from Rome on 22 November 545, Pope Vigilius was taken to Constantinople, where, despite his opposition, he had to subscribe to the imperial edicts against the Three Chapters, write condemnations himself, and accept the decisions of the fifth ecumenical council (553). It took nearly ten years to achieve all these results. Vigilius never saw his episcopal city again. He died in Syracuse on 7 June 555, during his return journey.

It was unheard of for the Bishop of Rome to be absent for so long. In the West it was felt that the Council of Chalcedon had been undermined. Immediately a very strong opposition arose against Vigilius and the fifth council. That of the Africans was tamed by the Byzantine government. But the West escaped the action of the emperor. The resistance there was very strong and threatened to drag on. Pelagius I, Vigilius' successor, ruled during the acute period of the crisis (556-561). The bishops of northern Italy, especially the metropolitans of Milan and Aquileia, did not accept the communion of the pope: this was the schism of the Three Chapters<sup>2</sup>.

All the letters of Pope Pelagius relating to this matter are of a very high tone. They attest to the gravity of the crisis. Pelagius had not only to defend the decision and doctrine of

r. L. DUCHESNE, *op. cit.* p. 258.

2. On the extent and duration of this schism, see L. DUCHESNE, *Vigilius and Pelagius*, in the *Revue des questions historiques*, vol. XXXVI (1884), p. 43i ff. His very person was much attacked. As he had long been opposed to the condemnation of the Three Chapters, he was reproached for having been unfaithful: from there to accusations of treason, it was not far. Distrust was born in the West with regard to the bishops of Rome. We

can see the strong echo of this even in the letters of Saint Gregory the Great. Why should we be surprised if Pelagius' words are violent? His actions would hardly pass for models of liberalism. He raged, with all his might, against dissenters, invoking against them the support of the secular arm. He took advantage of the terrible words pronounced by Saint Augustine, on the occasion of the Donatists, and which were to serve later to justify the Inquisition.

In 557, Macedonius, bishop of Aquileia, having died, was replaced by the monk Paulin, whom Vitalis, bishop of Milan, consecrated in his episcopal city and not in Aquileia as was the custom. Pelagius had every reason to disavow an ordination made by the separatists, and which would perpetuate the schism. But he formulated his condemnation in too absolute terms. Pauline had been ordained in the schism and under the protection of the heretical Lombards:

*Quid autem\* de eorum iam principe loquar [Paulinus of Aquileia] qui et monachum, si tamen aliquando fuit, invadendi episcopatum ambitu perdidit, et episcopatum nec contra morem factus nec schismaticus potuit obtinere? Quid enim in eiusdem ordinatione vel potius destructione legitimo iure vel consuetudine canonica factum esse poterit dici? Nonne haereticorum etiam temporibus principum<sup>4</sup> cum ipsorum tamen notitia vel iussione, vel illarum partium est episcopus ordinatus adhuc in catholici contemptu principis<sup>124</sup>, magis autem in ipsius catholicae fidei iniuria quae non prohibebat ut fieret, sed ne schismaticus fieret, pudenda, ut ita dicam, rapina in divisione non est consecratus sed execratus episcopus? Si enim ipsius consecrationis nomen - rationabili ac vivaci intellectu discutimus, is qui cum in universali consecrari detrectet Ecclesia, consecratus dici vel esse nulla poterit ratione. Consecrare enim est simul sacrare. Sed ab Ecclesiae visceribus divisus et ab apostolicis sedibus separatus dissecrat potius iste, non consecrat... Unum Christi corpus, unam constat esse Ecclesiam. Divisum ab unitate altare veritatem Christi corporis non potest congregare\*.*

The underlined passage was very often quoted in the Middle Ages. The nullity of ordinations made outside of the Church was affirmed.

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a. The Byzantine emperor.

the Church. Is this interpretation correct? It seems not. Like many others on the same subject, this text should not be taken literally. The question of ordinations conferred outside the Church has always been very irritating. It was intended to cut short the formation of separate communities. To this end, no expression has seemed too harsh or exaggerated. It is necessary to take into account the context and the state of theology in the places where these statements are made. Unfortunately, the Middle Ages knew these documents only in short extracts giving the most violent words. They did not know enough about history, and did not have enough sense of nuance, to allow for deliberate exaggerations.

A second text of Pelagius misled him. Paulin, bishop of Fossombreuse in Tuscia, did not accept the condemnation of the Three Chapters and refused Pelagius' communion. So the pope had him apprehended and interned in a monastery. But the prisoner escaped and fled to Ravenna. Hence a letter from Pelagius to the magistrates Viator and Pancras, begging them to return the escapee to his prison. The pope took advantage of the occasion to excite the zeal of his correspondents against the schismatics, supporters of the Three Chapters. These magistrates were content, he said, with a theoretical distance from the schism, and wondered whether they would not be allowed to attend the services of the separatists. The Byzantine officials evidently regarded these divisions as the result of the ignorance or simplicity of mind of a few misguided people. It is quite different, says the Pope:

Non ergo unitati communicant [schismatici], partes sibi fecerunt et ab eo quod unum est, ut apostoli iudae verbis iam loquar, semetipsos segregantes Spiritum non habent. Quibus omnibus illud efficitur, ut quia in unitate unum non sunt, ut quia in parte esse voluerunt, ut quia Spiritum non habent, corpus Christi sacrificium habere non possint... Noli ergo quasi nulla schismaticorum atque Ecclesiae differentia sit, velle indifferenter utrorumque sacrificiis sociari. *Non est enim Christi corpus quod schismaticus conjicit, si veritate duce dirigimur.* Nec enim divisum esse Christum poterit quisquam, sine apostoli reprobatione, confingere. Unam, ut saepe dictum est, quae est Christi corpus, constat esse Ecclesiam, in duo vel in plura dividi non potest. Simul enim cum ab ea quisque discesserit, esse desistit Ecclesia. Unum Jérusalem templum est : idolis necesse est ut immolet qui seipsum diviserit L

i. PELAGI *Epist. in P. L.*, t. LXIX, c. 412.

This is another text that put the Middle Ages on the wrong track. It has often been quoted, from the underlined words *No is emm*. Taken in isolation and in its oblique sense, it is inaccurate. It means: outside the Church there is no Eucharist. One thus joined the emphatic

assertion of the letter to the patrician John: *Is qui cum in universali consecrari detrectet Ecclesia^ consecratus dici vel esse nulla poterit ratione*: outside the Church, no ordination. The concordance seemed perfect between the theory of the Eucharist and that of ordination. Yet these interpretations are unjustified.

And first of all, this text of Pelagius contains a formula which is quite exact, and which must be used to interpret the one which seems inaccurate. When Pelagius writes: "[schismatici] corpus Christi sacrificium habere non possunt", he uses a formula that theologians of today could adopt. Indeed, the Eucharist has two distinct values: one as a sacrament; the other as a sacrifice. The sacrament can be valid and the sacrifice ineffective, through the fault of those who celebrate and receive it in schism. There is every reason to believe that, in both passages, Pelagius means the Eucharist as a sacrifice.

Another reason to think so is provided by another text of Pelagius. In the letter to the patrician John already quoted, we read: *Unum Christi corpus, unam constat esse Ecclesiam. Divisum ab unitate altare veritatem Christi corporis non potest congregare* L We can see that Pelagius here puts the Eucharist in relation to the mystical body of Christ which is the Church. He means that the schismatic cannot celebrate the perfect Eucharist, that is, the union of Christ and the mystical body of Christ which is the Church. This is a very Augustinian idea<sup>125</sup>. Well formulated, as in the text which has just been transcribed, it is quite exact. Expressed without the necessary precision, it can lead to confusion and erroneous interpretations. It must be recognized that Pelagius did not avoid this danger in the assertion: *Non est corpus Christi quod schismaticus conficit*.

Here, as before, Pelagius intends to speak of the mystical body of Christ; but, at the same time, he substitutes for the word *congregare* that of *conficere*. Hence a confusion of ideas, and inevitable errors of interpretation. When it is a question of the Eucharist considered as the cause of Christian unity or of the mystical body of Christ which is the Church, the word *congregare* is perfect and best expresses the thought of Saint Augustine\*. The word *conficere* is quite different. First of all, it is not found in Saint Augustine; it expresses the Eucharistic doctrine of Saint Ambrose. Secondly, this verb cannot be

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Quare ergo in pane?... "Unus panis, unum corpus multi sumus": intelligite et gaudete; unitas, veritas, pietas, charitas. "Unus panis" *quis est iste unus panis?* < *Unum corpus multi* ". Recolite quia panis non fit ae uno grano sed de multis. Quando exorcizabamini, quasi molebamini. Quando baptizati estis, quasi conspersi estis. Quando Spiritus Sancti ignem accepistis, quasi cocti estis... Estote quod videtis et accipite quod estis... *Ita et Dominus Christus nos* LES RÉORDINAVIONS. 6

used to designate the realization of the mystical body of Christ through the Eucharist; it can only be understood as the production of the personal body of Christ.

In short, Pelagius expressed an Augustinian idea in the language of Saint Ambrose. He also seemed to deny that the schismatic could operate not only the realization of the mystical body of Christ (which is correct), but also the consecration of the personal body of Christ (which is incorrect).

It is thus sure that it is the Eucharistic doctrine of Saint Au-

*significavit, nos ad se pertinere volait, mysterium pacis et unitatis nostrae in sua mensa consecravit, Qui accipit mysterium unitatis, et non tenet vinculum pacis, non mysterium accipit pro se, sed testimonium contra se."*

I. S. AUGUSTINI *In Iohannis evangelium tractatus* XXVII, 18: "Denique iam exponit quomodo id fiat quod loquitur, et quid sit manducare corpus eius et sanguinem bibere. "Qui manducat carnem meam et bibit meum sanguinem in me manet et ego in illo." *Hoc est ergo manducare illam escam et illum bibere potum, in Christo manere, et illum manentem in se habere. Ac per hoc Irui non manet in Christo et in quo non est Christus, procul dubio nec manducat spiritualiter] carnem eius nec bibit eius sanguinem, [licet carnaliter et visibi- iter premat dentibus sacramentum corporis et sanguinis Christi] etiamsi tantae rei sacramentum ad iudicium sibi manducet et bibat. [Quia immundas praesumpsit ad Christi accedere sacramenta, quae aliquis non digne sumit, nisi qui mundus est de quibus dicitur " Beati mundo corde, quoniam ipsi Deum videbunt]."*

II. And above (Zoid., i5): "Hunc itaque cibum et potum societatem vult intel' ligi corporis et membrorum suorum auod est Sancta Ecclesia etc."

This text and others like it are a somewhat over-stated paraphrase of the word: "Esto membrum corporis Christi ut verum sit Amen" in the previous note. In the above text, the words in square brackets are not found in the manuscripts. According to a note by the Benedictines, they come from the commentaries of Bede and Alcuin on St John. It was thought necessary to paraphrase this passage. Cf. *P. L.*, t. XCII, col. 719 and t. C, col. 835.

It was the cause of Pelagius' *lapsus linguae*. If Pelagius, in this case, did not distinguish more clearly between the personal and mystical bodies of Christ, it is because, in the doctrine of St. Augustine, which is so complex and rich, they are, in many passages, closely united though separable. Could it not be said that if St. Augustine had spoken more clearly, Pelagius would have reproduced his exposition better? Then the Middle Ages would not have committed an unfortunate error by taking Pelagius' text in the wrong way. The doctrine of St. Augustine concerning the validity of the sacraments had only a crack in it, but the Middle Ages widened it to the point of making a breach.

In any case, Pelagius' thinking on these matters cannot be doubted. A recently discovered text proves this. Between 558 and 560, Count John intervened with Pelagius, in order to obtain the reinstatement in the Church of a cleric who had joined the schism of the Three Chapters. The pope replied:

Et suscepi eum et catholice fidei communionem iussimus adunari; quia aient docte veraciterque dixistis, nihil in illo maxime nisi solam a se divisionem dolebat Ecclesia.

Eadem siquidem fides in symbolis, eadem forma in baptismatis sacramento, eadem in dominici corporis consecratione mysteria<sup>126</sup>.

After reading this text, it would be difficult to accept that Pelagius considered the Eucharist celebrated in the schism to be null and void.

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x. S. LOEWENFELD, *Epistolae pontificum romanorum ineditae*, p. i5, Leipzig, i885. It is not expressly stated that the convert was a cleric, but this is the only assumption the context allows.



## SECOND PART

### DURING THE ECCLESIASTICAL AND POLITICAL CONFLICTS

#### CHAPTER IV

THE INTRODUCTION OF GREEK THEOLOGY INTO THE CHURCH  
ANGLO-SAXONNE.

On 27 May 669, the Greek monk Theodore of Tarsus, appointed and consecrated bishop of Canterbury by Pope Vitalian, entered the Kent capital<sup>127</sup>. This initiative of the pope was a consequence of the decisions of the synod of Whitby (664). At this meeting, held under the presidency of King Oswi of Northumbria, the question was discussed: would the Germanic churches of Brittany accept, in matters of liturgy, the institutions of the Roman Church or those of the Irish and Breton churches? The synod decided in favour of the Roman customs<sup>128</sup>. This decision marks one of the most important dates in the history of the Church of England. It put an end to long controversies and set the Anglo-Saxon Church on a new course.

#### I. - Hostility of the Breton and Anglo-Saxon churches

And at first a return to the past was made impossible. It is a curious spectacle that of the Churches of the island of Brittany, during the first half of the vn<sup>e</sup> century. Two very different Christianities were juxtaposed, and in such a state of hostility that one would look in vain for a similar one in the long history of the Catholic Church. Since 450, during

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127 BEDAE *Hist. eccl.* IV, 2, P. L., vol. XGV, col. 173.

128 *Ibid.*, III, a5, col. i58.

For two centuries, Jute and Anglo-Saxon emigrants had landed on the coasts of Brittany, and, gradually driving the native population westward, had created permanent billets for themselves. The war having been merciless, the most violent hatred separated the Celtic and Germanic groups. The diversity of religion created a new barrier, for the Anglo-Saxons were pagans and the Bretons were Christians.

But it was a rather special Christianity that of the island of Brittany. Since the departure of the last Roman legion for the continent in 4<sup>th</sup> century Brittany had been left to itself. Many causes had from then on favoured a narrow particularism: the distance from Rome, from which one was still more separated by the invaders established in Gaul, and especially the necessities of the daily fight against the Germans. The result was this. While the Churches of the continent continued their normal development in the various fields of ecclesiastical activity, the Breton Church stood still and froze in the form it had towards the middle of the fourth century. So when in 597 the monk Augustine, sent by Gregory I, entered Canterbury and set out to evangelize the Anglo-Saxons, he found himself in an inextricable situation. Not only did the Bretons refuse to evangelize their enemies, and resent the apostolate of St. Augustine among the invaders, but they were also scandalized by certain practices of the Roman mission, which differed from their own.

These differences seem to us, and are, of no importance; yet they have caused long conflicts, and made the wall of prejudice which separated the two Christianities even thicker. The opposition was especially marked on two points.

The Breton Church had remained, to calculate the date of Easter, with the computation in use in Rome in 343. Since that date, the Roman Church had changed its method of calculation three times\*. As a result, the Breton churches and the churches of St. Augustine did not celebrate Easter on the same day. This led to controversies reminiscent of those which, in the second century, had endangered Christian unity. Moreover, an external sign separated the two clergies: the Breton and

1. A. GIRY, *Manuel de diplomatique*, n. 141 ff, *De la date de Pâques*, Paris, 1894; and W. HURST, *The English Church, from its foundation to the Norman conquest*, pp. 5-6, London, 1901.

For all these reasons, St. Augustine had met with absolute opposition from the Breton clergy<sup>129</sup>. But the conflict was then localized on the frontier of the two Christianities. From about 630 onwards, it had spread, step by step, to the centre of Anglo-Saxon Christianity. This was a continuation of the Irish apostolate. The monks of this country, animated by an ardent proselytism, did not have, against the invaders, all the prejudices of the Breton clergy. So they carried out an apostolic action which was very fruitful.<sup>130</sup> But as their liturgy had more or less the same characteristics as that of the Bretons, there soon arose in Germanic territory two groups, the Irish and the Roman Christians, between whom the animosities of the Roman and Breton Churches remained, albeit attenuated. It was to such a situation that the Synod of Whitby put an end. The adoption of the Roman liturgy ensured the unity of the English Church.

This decision, which made it impossible to return to a divisive past, paved the way for a brand new future.

In this connection an Anglican writer, the Rev. John Richard Green, has written: "However secondary the points of discussion between the two Roman and Irish Churches may have been, the question of the communion to which Northumbria should belong - must have been of immense importance for the further history of England. If the Irish Church had definitely won, the ecclesiastical history of England would probably have been the same as that of Ireland. Deprived of the organizational spirit which made the Roman Church strong, the Celtic Church in Ireland put the clan system prevalent in the country at the basis of its ecclesiastical government. To tribal quarrels were added ecclesiastical controversies, and

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a. R. P. BHOUE, *S. Augustine of Canterbury*, p. no-i3a, Paris, 1898.

130 From the pontificate of Pope Honorius (625-638) Ireland began to rally gradually to Roman customs (BEDAE *Hist. eccl.*, II, 19); and his example was slowly followed by the Breton church in the VII<sup>th</sup> and IX<sup>th</sup> centuries. Cf. *P. L.*, t. XCV, col. 317, *Appendix ad omnia Bedae opera*.

the clergy, deprived of all true spiritual influence, contributed only to the increase of disorder in the State. Hundreds of wandering bishops, religious authority in the hands of hereditary chiefs, the divorce between piety and morality, the absence of those broad and beneficent influences which arise from contact with the outside world, such is the picture which the Church of Ireland presents to us up to a time very near at hand. It was from such chaos that the Church of England was saved by the victory of Rome at the Synod of Whitby. A picture which would be quite accurate, if the exaltation of Rome were not obtained by an exaggerated debasement of the Irish Church.

## II. - Reordination by the Greek legate Theodore.

The synod of Whitby was followed by an exodus of Irish monks to their homeland. The place was free; the kings of Kent and Northumbria appealed to Pope Vitalian. Hence the sending of Archbishop Theodore<sup>131</sup>. This personage, a Greek monk, a native of Tarsus in Cilicia, had for some time been settled in Rome. He was a man of experience and great culture: the pope chose him for the difficult mission of organizing the English Church. And, as a Greek monk did not give every guarantee of orthodoxy, at the time of the Monothelion controversies, Theodore was joined as a companion and adviser by the monk Hadrian, an African by birth and in charge of a monastery in Naples. The precaution proved insufficient. Did Theodore not listen to his mentor, or did his theology fail him on the English moors? We cannot say. In any case, Archbishop Theodore made a judgment on Breton ordinations that would have been difficult to accept in Rome. In these matters, Theodore brought and applied to Brittany the principles of Greek theology.

In one of his first tours, in 669, Theodore saw the aftermath of an offensive return of the Irish party. After the synod of Whitby, Wilfrid had been made bishop of York by the king of Northumbria, and, to take no part in the ordination

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131 BEDAE *Hist. eccl.* IV, 1 ff.

THE GREEK THEOLOGY IN THE ANGLO-SAXON CHURCH. 89 of the Irish bishops, he went to be consecrated in the Frankish country, at Compiègne<sup>132</sup>. His absence was short, but it had been sufficient to allow a successful reaction at the court of Northumbria. The seat of York had been given to Ceadda. He was a man of the greatest virtue; he was a Northumbrite by birth, but had been educated in Ireland; moreover he was consecrated by Bishop Wine of Winchester assisted by two Breton bishops. On his return from the Frankish country, Wilfrid found his see occupied, but did not mind: there was enough territory to evangelize in the vicinity. Wilfrid turned his activity to this side.

Archbishop Theodore was less conciliatory. When he was made aware of everything, he found the situation irregular, although it had lasted for three years, and applied an unexpected remedy. Wilfrid was returned to the seat of York, and Ceadda deposed. But as the latter was full of merit, and the King of Mercia required a bishop for his kingdom, the ex-bishop of York was appointed to the Mercian see of Lichfield. Only, before he left for his new see, he was treated by Theodore and Wilfrid as a layman, that is, reordained, from tonsure up to and including the episcopate:

Postquam ergo tribus annis transactis Theodorus archiepiscopus de regione Cantuarum veniens ad regem Deyroruin et Berniciorum, statuta iudicia Apostolicae sedis, unde emissus venerat, secum deportans: primoque ingressu regionis illius rem contra canones male gestam a veris testibus audivit, quod, praedonis more, episcopus alterius episcopi sedem praeripere ausus sit, indigne ferens, Ceaddam episcopum de sede aliena iussit deponi.

Ille vero servus Dei<sup>133</sup> verus et mitissimus, tunc peccatum ordinandi a Quartodecimani in sedem alterius plene intelligens, paenitentia humili se-

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132 EDDH STEPHANI *Vita Wilfridi episcopi*, cap. XII, in *Rerum britanni-carum mediaevi scriptores*, J. RAINE, *The historians of the church of York and its archbishops*, vol. I, p. 18 (London, 1879) and BEDAE *Hist. eccl.*, III, 28. Here is Eddi's text. It is a speech made by Wilfrid to the two kings to obtain permission to be crowned on the continent; it expresses emphatically the distance of the Romans from the ordination of the Bretons and the Irish.

*Vita Wilfridi*, p. 18: "O Domini venerabiles reges, omnibus modis vobis - necessarium est provide considerare quomodo cum electione vestra, sine accusatione catholicorum virorum, ad gradum episcopalem, cum Dei adiutorio, venire valeam. Sunt enim hic in Brytannia, multi episcopi, quorum nullum meum est accusare, quamvis veraciter sciam quod Quatuordecimani sunt, ut Brittones et Scotti ab illis (sunt) ordinati, quos nec Apostolica Sedes in communionem recipit, neque eos qui schismaticis consentiunt. Et ideo in mea humilitate a vobis posco, ut me mittatis cum vestro praesidio trans mare ad Galliarum regionem, ubi catholici episcopi multum habentur, ut sine controversia Apostolicae sedis, licet indignus, gradum episcopalem merear accipere."

133 Ceadda.

eundum indicium episcoporum confessus emendavit, et cum consensu eius in propriam sedem Eboracae civitatis sanctum Wilfrithum episcopum constituit. Tunc sanctus pontifex noster, secundum praeceptum Domini, non malum pro malo, sed bonum, ut David Saulo, pro malo reddens, qui dixit *Non mittam manum meam in Christum Domini*, sciebat sub Wlfariorege Merciorum, fidelissimo amico suo, locum donatum sibi Licitfelda, et ad episcopalem sedem aut sibimet ipsi, aut alio cuicumque voluisset dare paratum; ideo- que pacifice inito consilio cum vero servo Dei, Ceaddan, in omnibus rebus episcopis obediente, *per omnes gradus ecclesiasticos ad sedem praedictam plene eum ordinaverunt*, et honorifice rege suscipiente eum, in locum praedictum constituerunt, ibique benedice in vita sua multa bona perficiens, tempore opportuno in viam patrum exegit, exspectans diem Domini in iudicio venturo, ut credimus, sibi mitissimum, sicut dignum est<sup>4</sup>.

Who speaks thus? It is an eyewitness, Eddi, the companion and biographer of Wilfrid, the bishop whose place Geadda had taken at York. Eddi was a native of Kent, the only kingdom where a school of Roman chant existed, and had a remarkable voice. A talent for singing was a most valuable guarantee of success in evangelism. So Wilfrid attached Eddi to his person and took him with him when he moved to York<sup>134</sup>. Eddi has since accompanied his bishop, whose life he wrote around 710, a year or two after Wilfrid's death. He is therefore an eyewitness. Now his testimony is perfectly clear: "*per omnes gradus ecclesiasticos ad sedem praedictam plene eum ordinaverunt.*" Ceadda successively received all the orders. There is no better example of reordination.

It has long been known that Eddi is not an impartial historian. His bias in favour of Wilfrid is obvious<sup>135</sup>. In this case, is there any reason to doubt his testimony? For what purpose would he have devised this fable of Ceadda's reordination?

We don't see it. So if there were no way to verify Eddi's assertion, we would have to bow down and accept it. Fortunately, there is no lack of means of verification

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134 *Vita Wilfridi*, ch. 14, p. 22; *BEDAE Hist. eccl.*, IV, 2.

135 J. RAINE, *The historians of the church of York*, I, xxxi-vi. To be mentioned in *The english historical review* (London, 1891) is the article by Mr. B. W. WELLS, *Eddie Life of Wilfrid*, pp. 545-550. The author wanted to show that Eddi had ample sources of information, but was not a conscientious historian. The author's method is to compare Eddi with other historians and find him wanting. I confess I was not convinced. This is how Mr. Wells discusses the speech attributed to Wilfrid (*Vita Wilfridi*, cap. XII, p. 18) and transcribed above on p. 89, n. 1.

GREEK THEOLOGY IN THE ANGLO-SAXON CHURCH. 91 not. The close connection which, through the agency of the ex-Greek monk Theodore, who became Archbishop of Canterbury, connects the reordination of Ceadda with the most assured principles of Greek theology, has not hitherto been indicated.

One will have noticed above, in the texts of Eddi relating to the ordination of Wilfrid and the reordination of Ceadda, the qualifier "quartodecimans" applied to the Bretons and Scots who communicated with them. In ecclesiastical history this term has a very definite meaning. It refers to the separatist Christians who continued to celebrate the feast of Easter on the same day as the Jewish Passover (i4 nisan). This sect included several varieties, as we have seen<sup>136</sup>. It is clear that neither the Bretons nor the Scots could be attached to this heresy. But, as their Paschal reckoning differed from that of the other Western churches, they were given the name of the heretics who seemed to embody all the liturgical heterodoxy on this point<sup>137</sup>. It is not by chance that the word "quartodecimans" is used again in Eddi's writings. It is obviously a name familiar to his milieu, and also to Archbishop Theodore.

It is therefore impossible not to compare the integral reordination "per omnes gradus" of Ceadda with the decisions of Greek theology on the quartodecimans. Their baptism was accepted, but not their confirmation or orders. When quartodeciman clerics returned to the Church, they were re-confirmed "et postea, *ut probati laici, ordinantur illi qui inter eos prius sive presbyteri, sive diaconi, sive subdiaconi, sive cantores, sive lectores fuerant*<sup>138</sup>". This is the reordination "per omnes gradus".

It should be noted, however, that Eddi, who so accurately gives the sentence and the facts, executing the sentence, only imperfectly relates the recitals. According to him, Ceadda's fault was to have received from the Quartodecimans the seat which belonged to another. This situation alone was the reason for the reordering "per omnes gradus"? We cannot believe it. It is probable that it was found, after investigation, that Ceadda had received several ordinations from the Scots or the Bretons; whereas Eddi alone had received a "per omnes gradus".

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136 P. 48-49-

In addition, the fourteenth day of the lunar month had a role in the Breton count.

138 See full text, above, p. 41.

This is the reason why we have retained the immediate precedent, which was the ordination of Ceadda by a bishop assisted by two Bretons. In any case, the complete reordination of Ceadda is the simple and easy to observe fact which struck Eddi, an eyewitness. This is the point which his testimony brings to light, and to which the others must be subordinated. Now this discipline, which was not in use in Rome, had long been in use in the East. It was therefore the Greek ex-monk Theodore, who became Archbishop of Canterbury, who introduced it into the island of Brittany.

This observation has its price. It shows us first of all how much more precise Eddi's account is than Bede's. The latter, in fact, mentions the reordination of Ceadda. The latter, in fact, mentions Ceadda's reordination. He tells of the humility with which Ceadda accepted his deposition and adds: "At ille [Theodorus] audiens humilitatem responsio\* nis eius, dixit, non eum episcopatum dimittere debere; sed ipse ordinationem eius denuo catholica ratione consummavit \*." The expressions of Bede are vague. It is because Bede depends here on Eddi and unintentionally distorts his author. He does not speak of reordination "per omnes gradus", but of the reiteration of the episcopal consecration alone. This is how Bede was understood by authors who do not seem to have known Eddi's text<sup>139</sup>. How to explain this distortion in Bede? It is a consequence of the incoherent writing of Eddi, and of the gap which existed, in the biographer of Wilfrid, between the recitals of the sentence and the sentence itself.

Secondly, we can see that the reordination of Ceadda cannot be considered as an unprecedented or consequential event, as an accident due to exceptional circumstances. In reality, it is the application of a theological principle. And here we are not reduced to conjecture: we can invoke the doctrine of Archbishop Theodore.

### III. - The theology of Legate Theodore.

This doctrine is attested by the Anglo-Saxon *Penitentials* which reproduce the intelligence and legislation of Legate Theodore. Here

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139 For example, M.<sup>r</sup> DUCHESNE, *Églises séparées*, p. 8 (Paris, 1896); and R. P. BROU, *5. Augustine of Canterbury*, p. 130. It is not understood how Mr. WELLS in *Eddi's Life of Wilfrid*, quoted above, came, on this point, to prefer Bede's testimony to that of Eddi, and to interpret Bede as speaking not of a true reordination, but of a kind of rite of reconciliation. If Bede does not speak of Wilfrid's collaboration with Theodore, in this circumstance, it is because this fact, interesting to the biographer of the bishop of York, was much less so to the historian of the English Church. When Bede makes Theodore say that Ceadda must not "dimittere episcopatum", there is no NEED to draw the conclusion that Ceadda really had the episcopate, on the pretext that he could not "dimittere" what he did not have. The thought is that Ceadda should not give up being a bishop.

we cannot dwell on the origin and nature of these penitential books. It will suffice to say that they constitute one of the most curious peculiarities of the Irish and Anglo-Saxon churches. On the continent, canonical collections prescribing the conditions of public penance had been known for some time. The *Penitential Books* of which we have to speak deal with the conditions of private penance. Their importance is of the first order in reconstructing one of the most important phases in the development of the sacrament of penance. Here these books interest us only because they contain the teaching of Archbishop Theodore on the conditions of validity of the sacraments.

If the literature of the penitentials were perfectly classified today, nothing would be simpler than to refer to it to know the thought of Theodore. Unfortunately, the study of this very complex question is still in its infancy, although there are already some works of great merit<sup>140</sup>.

J. Schmitz has published two volumes which contain the results of a very extensive survey of the manuscripts of the penitentials and numerous texts; he proposes a classification of the various works. But on this last point, much remains to be done.

Compilations provided by manuscripts of the vm<sup>e</sup> century contain penitential and disciplinary texts formally attributed to the legate Theodore<sup>1</sup>. This attestation, so close to Theodore's *Fe- poque*, deserves the greatest consideration, especially if one admits, with M<sup>sr</sup> Schmitz, that these compilations are independent. Moreover, the very content of these canons justifies their attribution to Theodore.

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140 Of particular note is the two-volume work by the former Cologne coadjutor, M<sup>sr</sup> H. J. SCHMITZ, *Die Bussbücher* and the articles by M. Paul FOURXIER, *Études sur les pénitentiels*, in the *Revue d'histoire et de littérature religieuses*, VI (1901), p. 289-317; VII (190a), p. 69-70 and 121-127; VIII (1903), P- 518 ff; IX (1904), p. 97-103. Schmitz's book contains some very good information. But in this work the central idea, which is inspired by an apologetic concern, is false. This idea is thus summarized by M. P. Fournier, *op. cit.*, VI (1901), p. 289: "From early times there has existed a penitential system which merits the name of Roman, because it represents, as far as penance is concerned, the custom and tradition of the Church of Rome, which would be those of the universal Church opposed to those of the local Churches. The primitive collection in which the Roman customs in these matters were recorded has not been preserved for us. However, it has given rise to a group of penitentials which reproduce it more or less completely, while introducing some foreign elements. Against this thesis, several critics, notably M. P. Fournier, have established the following, *op. cit.* IX (1904), p. 102: "In reality, the practice of penitentials, that is to say, lists of penances paid for by P<sup>re</sup>he, was born in the Celtic Church and passed early into the PANGLO-SAXON . . . By the vin<sup>e</sup> century it had spread to the Frankish Church. This . . . The Church was not content to borrow Jes penitentials brought to it by the missionaries from the British Isles; being accustomed to canonical discipline, "Ue made penitential tariffs which applied this discipline. These tariffs are the canonical series, which more or less merged with the insu.<sup>iii</sup> re8. In the ix<sup>a</sup> century, undoubtedly with the Frankish conquest, the Fusage of the penitentiaries crossed the mountains; one then meets in Italy penitentials whose

One finds in them allusions and obvious borrowings from Greek canon law. Only the monk from Tarsus and legate of Pope Vitalian could have introduced such rules into the island of Britain<sup>2</sup>. After these generalities, which the older ones are transpositions of the Frankish penitentials, while the more modern ones add to the Frankish element special materials from the collections of the peninsula."

1. On this question one should read the chapter entitled *Kritik der Ueberlieferungen Theodor'scher Satzungen*, in J. SCHMITZ, *Die Bussbücher*, vol. II, pp. 510-521.

2. The following references are to SCHMITZ's second volume, *Die Bussbücher*. Note how the author of these texts is concerned with Greek monastic discipline. P. 523, n° i: "In ordinatione episcopi... ; in ordinatione presbyteri vel diaconi oportet episcopum cantare missam, similiter et Graeci faciunt, quando abbatem elegunt vel abbatissam"; n° 7: "Graeci simul benedicunt viduam et virginem et utramque abbatissam elegunt"; n° 8: "Secundum Graecos presbytero licitum est virginem sancto velamine consecrare et reconciliare paementem et facere oleum exorcizatum et infirmis chrisma si necesse est; secundum Romanos autem non nisi episcopis licitum est solis." P. 524, no. 18: "Cum Graecis non frangunt diaconi panem sanctum, nec con-lectionem dicunt."

3. 528, n° 54 : a De operibus diei dominici. *Graeci et Romani* navigant et equitant, panem non faciunt, nec in curru pergunt, nisi ad ecclesiam tantum, nec balneant se. *Graeci non scribunt* publice, tamen pro necessitate scribunt in domo"; n° 55: "Qui operantur in die dominico, *Graeci* prima vice arguunt etc."; n° 56: "*Graeci et Romani* dant servis suis vestimenta et laborant nisi die dominico. *Graecorum monachi* servi non habent, *Romani* habent." P. 529, no. 59: "*Graeci* omni die dominico communicant, clerici et laici et qui tribus dominicorum diebus non communicaverint, excommunicantur sicut canones habent. *Romani* similiter communicant, qui volunt, qui autem nolunt non excommunicantur."

P. 530, n° 78: "*Secundum Graecos* in quarta propinquitate carnis licet nubere, sicut in lege scriptum est. *Secundum Romanos* in quinta et in quarta ; tamen non solvunt coniugium postquam factum fuerit. In tertia tamen propinquitate non licet uxorem alterius accipere post obitum eius." P. 531, n. 84: "Potest autem alter [coniugatus] alii licentiam dare accedere ad servitium Dei in monasterium et sibi nubere, si in primo connubio erant; *Secundum Graecos* tamen non est canonicum." P. 534<sup>n</sup> ° 114: "Si iuraverit <juis in manu hominis, a<sup>ud</sup> *Graecos* nihil est. Si vero iuraverit in manu episcopi... unum annum pae- niteat." P. 537, n° >36: \* *Graeci* carnem morticinorum non dant porcis suis; pelle autem ad calciamenta utuntur etc." P. 540, n° 172. a Inter decreta maiorum. Ante natale Domini N. I. C. *Graeci* sera, Latini nona hora missas celebra-

GREEK THEOLOGY IN THE ANGLO-SAXON CHURCH. 95 are completed in note by the required clarifications, here are the decisions of Theodore concerning the quartodecimans heretics of Britain's file.

And first of all, in the *Penitentials* which contain decisions of Theodore, the reordination of heretics is prescribed, and dissenters in matters of the paschal compass are treated as heretics and quartodecimans :

1. Si quis ab hereticis ordinatus fuerit, iterum debet ordinari.
2. Si quis ab heretico baptizatus sit qui recte Trinitatem non crediderit, iterum debet baptizari.
3. Si quis a catholica ecclesia ad heresim transierit, et postea reversus fuerit, non potest ordinari nisi pro magna necessitate aut post longam abstinentiam.
4. Si quis a fide Domini discesserit sine ulla necessitate et postea ex toto animo paenitentiam accepit, III annos extra ecclesiam id est inter audientes, iuxta Nicenum concilium, et VII annos in ecclesia inter paenitentes, et R sine communione sit.
5. Si quis contempserit Nicenum concilium et fecerit Pascha cum ludaeis quarta decima luna, exterminabitur ab ecclesia nisi paenitentiam egerit ante mortem.
6. Si aulem oraverit cum illo heretico quasi cum clerico catholico et nescit, VII dies paeniteat; si vero neglexerit, XL dies paeniteat prima vice.
7. Si quis hortari (?) voluerit heresim eorum et non egerit paenitentiam, et ipse similiter exterminabitur Domino dicente : qui mecum non est contra me est.
8. Si quis dederit aut acceperit communionem de manu heretici et nescit quia catholica ecclesia contradicit et postea intelligit, annum integrum paeniteat. Si autem scit et negligit et postea paenitentiam egerit, X annos paeniteat.
9. Si quis permiserit haeticum missam suam celebrare in ecclesia catholica et nescit, XL dies paeniteat. Si pro reverentia eius fecerit, annum integrum paeniteat.
10. Si pro damnatione ecclesiae catholicae et consuetudine Romanorum, proiciatur ab ecclesia sicut hereticus, nisi egerit paenitentiam; si egerit, X annos paeniteat.
11. Si quis recesserit ab ecclesia catholica in congregationem hereticorum, alios persuaserit et postea paenitentiam egerit, XII annos paeniteat *etc.*
13. Si quis episcopus aut abbas iusserit monacho suo pro hereticis mortuis missam cantare, non licet et non expedit ei obedire.
14. Si presbytero contigerit ubi missam cantaverit, et alius recitaverit nomina mortuorum, et simul nominavit hereticum cum catholicis et post mittam intelligit, hebdomadam paeniteat...
15. Si quis autem pro morte heretici missam ordina-verit et pro religione

bunt .\* P. 541, n" 181: "*Graeci et Romani* III dies abstinent se a mulieribus, sicut in lege scriptum est, ante panes propositionis."

This frequent mention of the Greeks distinguishes Theodore's *Dicta* from all other Penitential literature. It presupposes a detailed knowledge of Greek life, and testifies to the fact that these texts depend closely on the teaching of Theodore, as the manuscripts say. These texts have suffered greatly and are still to be restored.

sua reliquias sibi tenuerit, quia multum ieiunavit et nescit differentiam catholicae fidei et Quartodecimanorum et postea intellexerit, et paenitentiam egerit, reliquias igni concremare debet et annum paeniteat. Si autem scit et negligit, paenitentia commotus X annos paeniteat L

Theodore's *Penitential*, as far as it is known, is characterized by a combination of the prescriptions of Greek canon law and those of the Celtic and Anglo-Saxon penitentials. Now this is the economy of the chapter we have just transcribed. The first two canons are only the reproduction of Greek ecclesiastical law. This is evident in the second canon, which declares void the baptism given by a heretic who does not profess the orthodox faith in the Trinity. An exegesis that does not take history into account could make this canon coincide with our present theology. It is a question, one would say, of heretics who are led by their heterodoxy to alter the form of baptism: it is therefore null. In reality, it is a question, in this canon, of something quite different, that is to say, of a particularity, already noted above, of Greek theology.

This is so true that the copyists, in transcribing this passage, have not failed, in several manuscripts, to make the following reservation: "Hoc Theodorum dixisse non credimus contra Nicene concilium et sinodi decreta, sicut de Arrianis con-

1. A word on the manner in which this text was established. It is not intended to give a critical edition of a single chapter of the Penitential of Theodore. Such an undertaking would require all the preliminary work of a complete edition. We only want to give the means to find, in the four principal collections, the canons transcribed here. These collections will be designated by the acronyms A, B, C, D.

A - *Canones Gregorii* in J. SCUMITZ, *Die Bussbücher*, vol. II, p. 5a3 ff - B = *Capitula iudiciorum*, cap. XXVI. *De heresibus et contentionibus, ludi-cium Theoaori*, *Ibid.* p. 242 - C = The book of the *Discipulus Umbrensius*, cap. V and VI, *Ibid.* p. 548. - D = *Excarpus* (Cummeani), cap. X, *Ibid.* p. 633.

The 14 canons transcribed in the text are found in this order in the collection B, which is from the beginning of the vin\* century. They are found separately, but in a still recognizable order, in collections A, C and D. This can be seen from the following table. The first column gives the number of the canons transcribed in the text. The following columns give the number of these same canons in the collections A, B, C and D.

	A	B	C	D		A	B	C	D
1 -	26	1	1	19	8	5o	8	7	25
2 -	27	2	6	24	9	=5ia	9	8	26
3 =	28	3	2	20	10	--5ib	10	9	27
4 -	45	4	14	32	11	5ic	11	10	28
5	48a	5	3	21	12	-52	12	11	29
6 -	48b	6	4	22	13	-53a	i3	12	3o
7 =	49	7	5	23	14	=53b	i4	i3	3i

versis Trinitatem non recte credentibus confirmatur L' The - glossator contrasts Theodore's decision with the Church's practice towards Arian converts. These, he says, did not have orthodox faith in the Trinity, and yet their baptism was accepted as valid. This observation is only partially correct. It is true that the baptism of the

Arians was considered valid, but their sect was not counted among the antitrinitarian heresies<sup>2</sup>. Theodore's decision was therefore unassailable from the point of view of Greek canon law. It is without success that the glossator tries to put it in opposition to those of the Council of Nicea<sup>3</sup>.

Canon 4<sup>e</sup> contains prescriptions borrowed from Greek canon law and from public penance<sup>4</sup>. As for canon 2<sup>e</sup>: "*Si quis ab hereticis ordinatus fuerit, iterum debet ordinari*", it is laconic and allows for many interpretations. For it could be applied either to all heretics, according to the doctrine of Saint Cyprian, or only to certain categories of them, according to the doctrine of the Greek Church. Given the theological culture of Theodore, the second term of the alternative is the only acceptable one. Thus we find again, under the pen of Theodore, the principle which, by way of induction, we had drawn from the reordination of Ceadda. The principle of the *Penitential* prescribing the reordination of heretics applies to a category of heretics which remains to be determined, but to which belong the Bretons and Scots who use an outdated paschal computation.

L. This addition is found in the *Cod. Vindob. iur. can.* n<> 116 (vm\*-ix\* c.) of "Capitula iudiciorum" (J. SCHMITZ, *Die Bussbücher*, II, p. 1142); and in the four manuscripts of the *Discipulus Umbrensius* (*Ibid.*, p. 549).

2. See above, p. 38.

3. The glossator is obviously thinking of the interpretation given by Western theologians (St. Augustine, Pope Innocent I) to the 19<sup>e</sup> Nicene canon concerning the Paulianists. This canon prescribed the rebaptism of the Paulians. Westerners concluded from this that the Paulianists were not observing the prescribed form. S. AUGUSTINI *Liber de haeresibus*, XIV: "Istos sane Paulianos baptizandos esse in Ecclesia catholica Nicaeno concilie constitutum est. Unde credendum est eos regulam baptismi non tenere, quam... multi haeretici... custodiunt." INNOCENT "Epist. ad episc. Macedoniae, P. L., vol. XX, col. 533: \* Paulianistae in nomine Patris et Filii et Spiritus Sancti minime baptizant."

4. After canon 3<sup>e</sup>, the glossator makes a reservation motivated by different decisions of Pope Innocent I: "Hunc Innocentius papa nec post penitentiam clericum fieri canonica auctoritate adserit permitti. Ergo si hoc Theodorus ait, pro magna tantum necessitate, ut dicitur, consultum permisit, qui nunquam Romanorum decreta mutari a sepe iam dicebat voluisse." This text is found in J. SCHMITZ, *Die Bussbücher*, II, p. 549, p. 242; and the first sentence only, p. 633.

REORDERING.

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Now the very continuation of the chapter leads us, by another route, to the same conclusion. In canons 5-i4 there is mention of heretics celebrating the feast of Easter with the Jews. Moreover, these canons presuppose continuous neighbourly relations between the Anglo-Saxon Christians of Theodore and these heretics. From then on, no doubt is possible; the heretics referred to, not only in canons 5-i4, but in the whole chapter, and consequently in canon 2\* relating to reordinations, are the Bretons and Scots, nonconformists in matters of the Paschal computation. The monk Eddi, biographer of

Wilfrid of York and contemporary of Theodore, simply called the Bretons and Scots quartodecimans. This was an unfair term, for there was no connection between the small heretical groups in Asia Minor who continued to celebrate Easter on the fourth of nisan, and the Celtic Christianity of the islands of Britain, who kept to the Roman count of the middle of the fourth century. But this term *quartodeciman*, though unfair in this case, was a very expressive term for dissenters who were to be regarded as heretics.

If Eddi uses the term *quartodeciman*, it is because it was in use around him. And, in fact, it is used in canon 14<sup>c</sup>, where it speaks of a priest "*who nescit differentiam catholicae fidei et Quartodecimanorum*"<sup>141</sup>. These canons of the Theodorean Patent thus preserve a memory of the rivalry between the Breton and Anglo-Saxon churches at the end of the seventeenth century: further proof of their authenticity<sup>142</sup>.

From the texts which have just been quoted, can we conclude that Theodore prescribed, in a general way, the reordination of the clerics ordained by the so-called *quartodecimans* of Brittany and Ireland? To proceed by deduction, it would not be necessary

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141 These last two words have fallen into a few manuscripts, but they have been preserved in most of them.

142 J. SCHMITZ, *Die Bussbücher*, vol. II, p. 5ai, regards the words "*et Quartodecimanorum*" as not primitive and as a late addition made in the Frankish country. He writes: "The mention of the *Quartodecimans*, a heterodoxy relating to the feast of Easter, and which had Judaizing tendencies, and which was especially prevalent in the Frankish country in the *vin*<sup>e</sup> century, leads one to conjecture that the manuscripts in which it occurs are of a later date, and in connection with the Frankish country." A singular appraisal, which, of course, is not accompanied by any reference. It was not suggested to the author by the facts. It is a statement intended to support the classification of the manuscripts proposed by the author.

It is a question of doubt, since one canon prescribes the reordering of heretics and others call dissenters in matters of the Paschal compass heretics. In practice, the question is whether Ton gave the word "heretic" its full meaning when applied to the Bretons. The question would be insoluble if, in a canonical collection dependent on the teaching of Theodore, we did not find the following decisions:

*De communione Scottorum et Brittonum qui in pascha et tonsura catholici non sunt.*

Qui ordinati sunt a Scottorum vel Brittonum episcopis qui in pascha vel tonsura catholice non sunt adiuncti ecclesie, iterum a catholico episcopo manus impositione confirmur\*.

Similiter et ecclesie que ab ipsis episcopis consecrantur, aqua exorcizata aspergantur et aliqua collectione confirmentur.

Licentiam quoque non habemus eis poscentibus chrisam vel eucharistiam dare nisi ante confessi fuerint velle se nobiscum esse in unitate ecclesie. Et qui ex horum similiter gente vel quicumque de baptismo suo dubitaverint, baptizentur<sup>2</sup>.

Certainly, in these texts, the word 'confirmur' cannot be taken to mean the sacrament of confirmation; it refers to an act intended to complete or validate a previous rite, either ordination or the consecration of a church. The sacraments conferred by the Bretons and Scots are, in these texts, considered not as harmful, but as defective. This defect is serious enough, since, in order to correct it, it is necessary to proceed with the reiteration of the imposition of the hands of ordination<sup>3</sup>.

Do these canons contain the thought of Theodore or do they give an attenuation of it? It is impossible to say. What is certain is that the Anglo-Saxon Church, during the first half of the 7th century, had only uncertain ideas about the conditions of validity of the sacraments. The testimony of Egbert, Archbishop of York, and that of St. Boniface may be cited in this regard. It would not be very wrong to attribute these uncertainties to the legislation and practices of the legate Theodore.

Egbert, who was archbishop of York from 734 to 766, composed, on matters of ecclesiastical government, a

t. Some manuscripts add "et aliqua collectione" but this is an addition borrowed from the following canon.

a. *Das Theodor'sche Rechtsbuch*, IX, *Jbid.* p. 574. The same text is found in *P. L.*, t. XCIX, col. c3a; and in the *Canones Gregorii*, SCHMITZ, *op. cit.*, P- 54i

3. As for the terms, there is a great analogy between these canons and the decision of the Council of Nicea concerning the Meleciens of Egypt. Cf. above, p. 38.

100 DURING ECCLESIASTIC AND POLITICAL CONFLICTS, a series of consultations, in the form of requests and responses. It reads:

INTERROGATIO. Quid habemus de sacris ministeriis quae ante damnationem presbyter corruptus peregit, vel quae postea damnatus inconsulte usurpavit?

RESPONSIO. Ministeria vero quae, usurpato nomine sacerdotis, non dicatur ignorante populo peregit, minime credimus abiicienda, nam male bona ministrando, ipse sibi reus, aliis non nocuit. Scienti autem causas minime detersas, et qui tamen particeps factus est damnati, quomodo tribuitur ei per\*fectio c quia nihil in dante erat quod ipse accipere posset >. Damnationem utique quam habuit per prava officia dedit, ut eius particeps similem sortiatur excommunicationis sententiam. *Sed hoc de baptismo accipi fas non est quod iterari non debeat. Reliqua vero ministeria per indignum data minus firma videntur* L

Egbert depends here on the letter of Innocent I to the bishops of Macedonia. From the point of view of validity and reiteration, he makes a difference between baptism and the other sacraments. It will then be noticed how Egbert's expression "sacramenta *minus firma*" verifies the interpretation given above of the following words of the canons attributed to Theodore: "iterum manus impositione *confirmur*". This last word expresses well the idea of completed or validated ordination.

In 726, St. Boniface, who was in charge of the Germanic mission, received the answer to a consultation he had sent to Pope Gregory II. It reads:

VIII. Enimvero quosdam absque interrogatione symboli ab adulteris et indignis presbyteris fassus es baptizatos. - In his tunc dilectio teneat antiquum morem Ecclesiae quia quisquis in nomine Patris et Filii et Spiritus Sancti baptizatus est, *rebaptizari eum minime licet*. Non enim in nomine baptizantis, sed in nomine Trinitatis, huius gratiae donum percipitur. Et teneatur quod Apostolus ait : *Unus Deus, una fides, unum baptisma*. Doctrinam vero spiritualem talibus studiosius ut impertias demandamus.

IV. Nam de homine qui a pontifice confirmatus fuerit, *denuo illi talis reiteratio - prohibenda est* .

Gregory II was therefore obliged to remind St. Boniface of the obligation not to repeat either Baptism or Confirmation. In 744, Pope Zachariah instructed St. Boniface to consider

1. EGBERTI *De institutione catholicae dialogus*, V, in *P. L.*, vol. LXXXIX, col. 436. The words put between quotation marks are a restitution. At this place the text of the editions is disturbed; it reads: "aue in dante non erat quam ipse accipere potest." As Egbert depends here on Innocent's letter to the bishops of Macedonia, quoted above, p. 70, this restitution seems likely.

2. GREGORII II *Epist. ad Boni facium*, *P. L.*, t. LXXXIX, col. 5a5.

certain baptisms that he had had repeated<sup>143</sup> as valid.

These facts of St. Boniface's history, together with the consultation of his friend, the Bishop of York, show that the Anglo-Saxon Church in the first half of the fifth century had much stricter ideas about the conditions of validity of the sacraments than the Roman Church. Where did these ideas come from? There is every reason to believe that they were the result of the teaching and practice of Theodore. Given the importance of the Anglo-Saxon clerics in the Western Church in the vm<sup>e</sup> century, these features of their teaching were not unimportant. They were certainly known in the Frankish country, which had many relations with the Anglo-Saxon island. To what extent did they influence the Frankish bishops who led the Roman Council of 769, which will be discussed?

#### IV. - Reordinations of the Roman Council of 769.

A study of reordination must necessarily mention the decisions of the Roman Council of 12-14 April 769. This council had to give a canonical solution to the first of the many tragedies caused in Rome, after the foundation of the temporal power, by the rivalry of the churchmen and the nobility. Pope Paul had had a very authoritarian government. When he died on June 28, 767, a reaction began. The aristocracy tried to take power. Their candidate was Constantine, a military man of noble origin. Thanks to an armed conspiracy, on that same day, June 28, Constantine was tonsured, then, the next day, promoted to the various orders, up to and including the diaconate, and, finally, on Sunday, July 5, consecrated pope in St. Peter's. This pontifical ordination was obviously irregular: there had been no canonical election; the new pope had been elevated from the lay state to the episcopate, without any regard for the interstices prescribed by law between the various ordinations; finally these ordinations had been made *extra tempora*.

But as Constantine was supported by a powerful party, he remained bishop of Rome for thirteen months; and during this time consecrated eight bishops, and ordained eight priests and four deacons, at the Four Summer Times of 768. The leader of this conspiracy was Primate Christopher, one of the most important figures in the Roman Church. The result was that on Saturday, July

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143 ZACHARIAE *EpUi*. 7, in *P. L.*, vol. LXXXIX, col. 929.

30, a Lombard troop entered Rome and arrested Constantine, who had huddled in the oratory of the cloakroom at the Lateran. Then, on August 1<sup>er</sup>, the election of Pope Stephen III took place in the Forum, under the direction of the Primate Christopher. Immediately, the vengeance began. The vidame and a brother of Constantine had their eyes gouged out<sup>144</sup>. As for Constantine, after having undergone a ridiculous cavalcade<sup>145</sup>, he was solemnly deposed on Saturday, August 6; the pallium was taken from him, and the shoe of honour he wore was torn off. This revolution in the Lateran allowed the leaders of the gangs to terrorize the city: there were executions, mutilations and, among others, that of Constantine, the ex-bishop of Rome, whose eyes were gouged out.

To regularize such an abnormal situation, Pope Stephen III, consecrated on August 7, appealed to the Franks. He asked Pepin to send some bishops "gnaros et in omnibus divinis scripturis atque sanctorum canonum institutionibus eruditos ac peritissimos"<sup>146</sup>. Pepin having died in the meantime, his two sons Charles and Carloman sent seven metropolitans and six bishops. These dignitaries were joined by some forty Italian bishops, and on April 12, 769, the Roman Council opened its sessions. The great question was this: what to make of the ordinations made by Constantine? Pope Stephen III asked the question:

Slephanus episcopus sanctae catholicae et apostolice romane ecclesiae dixit: - Sanctissimi fratres et consacerdotes, ideo vestram Deo amabilem, atque conspicuam sanctitatem in hanc sacrosanctam, matrem omnium aec- desiarum Dei, Romanam ecclesiam aggregare de diversis provinciis studuimus, ut de invasione et nova temeritatis praesumptione, quae per Constantinum et eius sequaces huic apostolicae sedi inrepsit, subtile rei meritum perscrutari iubeatis et secundum sanctorum canonum atque probabilium patrum decreta, id quod aequitatis exigit ratio decernere studeatis. "

Sanctum concilium respondit : < Veniant in nostri presaeantia hi qui eum elegerunt atque enormiter consecraverunt et dicant qualiter se rei habet qualitas, ut sciamus quod exinde canonicae cum Dei auxilio decernamus \*

First, Primate Christopher appeared as the main witness. Then it was Constantio's turn. He was questioned in the first two sessions. And as, at the end of the second, the blind man invoked precedents to justify his ordination, "ilico irati zelo ecclesiasticae traditionis universi sacerdotés, alapis eius cervicem cedere facientes, eum extra eandem ecclesiam eiecimnt<sup>2</sup>. At the third session, the sentence was given.

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144 The vidame was the bishop Theodore. After his execution, he was locked up in the house of Pope Gregory I "ubi et famé et siti cremans clamansque aquam, ita exalavit spiritum". *Liber Pontificalis*, vol. I, p. 471.

145 "Magno pondere in eius adhibentes pedibus, in sella muliebrile sedere super eum fecerunt." *Ibid.*

146 *Liber Pontificalis*, I, p. 473.

With the exception of baptism, all of Constantine's acts were declared to be harmful. Various cases were then distinguished. Bishops ordained by Constantine were returned to the order they had at the time of submitting to the ordination of the pseudo-pope. But after they had again been elected bishops in a diocese, they could come to Rome and be re-ordained by the pope. As for the priests and deacons ordained by Constantine, they were treated much more severely. According to the council, they were to be returned to the order they had before being consecrated by the pseudo-pope; however, Stephen III remained free to reorder them, but without being able to raise them to the episcopate. At this point the Pope intervened and declared that he would not take advantage of the permission: none of the priests and deacons would be reordained by him. As for the laity who had been raised to orders by Constantine, they were to lead an edifying life either in a monastery or in their homes.

These important decisions are known to us from texts that are entirely trustworthy. The first is a very important fragment of the *Acts of the Council*; the second is the notice of Stephen III in the *Liber Pontificalis*. It was written with the help of the minutes of the Council, so it allows us to fill a gap in the *Acts*. Here is the text of the latter:

1. *Monum. Concilia*, vol. 2, 82.
- a. *Uber Pontificali*''', vol. I, p. 4?5.

Post haec vero sanctissimi episcopi dixerunt : " Nunc restat ut de ordinatione - episcoporum, presbyterorum vel diaconorum, quam praedictus Constantinus apostolicae sedis invasor peregit, id, quod communi consensu tractavimus, coram omnibus declaremus.

Primum omnium decernimus, ut *episcopi* quos consecravit, si quidem presbyteri prius fuerunt, aut diaconi, in eodem pristino honore revertantur et postmodum, facto more solito decreto electionis eorum, ad sedem apostolicam cum plebe atque decreto ad consecrandum eveniant et consecrationem a nostro apostolico suscipiant, acsi prius fuissent minime ordinati. Sed et *quae alia in sacris officiis* isdem Constantinus peregit, praeter tantummodo baptismum, omnia iterentur. At vero *presbyteri illi vel diaconi*, quos in hac sancta romana ecclesia ordinavit, in pristino subdiaconatus ordine vel alio, quo fugebantur, officio revertantur, cum et postmodum in vestrae sanctissimae almitatis potestate sit sive eos ordinandi sive, ut vobis placuerit, disponendi<sup>147</sup>.

[*The Acts of the Council contain a gap which can be filled by means of the very precise analysis given by the Liber Pontificalis:*

... Statuentes<sup>148</sup> ut his qui ex eis consecraturi erant, nequaquam ad fortiorem honorem ascenderent nec ad pontificatus promoverentur culmen, ne talis impius novitatis error in ecclesia Dei pullularet. Ipse vero antefatus beatissimus Stephanus papa quoram omni sacerdotali collegio clara voce clamavit, dicens nullo modo se mitti aut penitus declinari in eorundem presbiterorum aut diaconorum consecrationem...]

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<sup>147</sup> *Ex concilio Domini Stephani III papae, actione III*, in *M, G. H., Concilia*, vol. II, pp. 85-86 (Hanover, 1904). This text was preserved for us by RATHIER of Verona, in *Libellus cleri Veronensis nomine inscriptus ad Romanam ecclesiam*, in *P. L.*, t. CXXXVI, coi. 480.

<sup>148</sup> L. DUCHESNE, *Le Liber Pontificalis, Stephanus III*, p. 476.

... *Laici*\* vero illi qui ab eo tonsorati sunt atque consecrati, decernentes statuimus ut aut in monasterio detrudantur, aut in propriis domibus residentes spiritalem atque religiosam vitam degant.

These decisions of the council were carried out to the letter. The bishops ordained by Constantine returned to their dioceses; after being re-elected, they returned to Rome where Stephen III reordered them. As for the priests and deacons ordained by the pseudo-pope, they returned to the order they had before the simulacrum of ordination. The pope would not reorder them.

These measures of the Council of 769 and of Pope Stephen III were without precedent in the history of the Roman Church. Yet they do not seem to have aroused any protest; they are recounted very quietly by the author of the *Liber Pontificalis*. How can they be explained? Without doubt we must take into account the weakening of theological studies in Rome and especially in the Frankish country. It was a very political act on the part of Stephen III to call to Rome, for the council of 769, the principal members of the episcopate beyond the mountains. They were

This confidence was exaggerated because the theological level was very low in the Frankish country before the Carolingian revival. This confidence was exaggerated, for the theological level was very low in the Frankish country before the Carolingian revival. This inadequacy of foreign advisors was all the more unfortunate because the irritation of the Roman clergy was pushing for extreme measures. It was necessary to humiliate the Roman aristocracy, to make a mockery of their attempt to gain control of the spiritual power, and to show the futility of such efforts. Such attitudes were to lead to the most radical solutions. But the violent ones were at their best. The case of Constantine was very serious. Formal and repeated canons had forbidden the elevation of laymen to the episcopate. This prescription, it is true, had been violated, like so many others, in many churches. But in Rome there were only two exceptions to be recorded: those of Popes Fabian and Silvester, who, as laymen, had been made bishops without the time limits prescribed by law.

From this combination of circumstances resulted the deposition of Constantine, then the annulment and reiteration of the acts - performed by him. Of these three measures, the last two can be - explained very well: ordinations considered to be a thousand were to be reiterated.

At first glance, Constantine's deposition is less understandable. As we have seen, it took the form of a degradation; the accused was stripped of his insignia. But from there a difficulty, which can be

formulated in a dilemma: Constantine was either a layman or a bishop: if he was a layman, how could he be deposed from an episcopate which he did not have? If he was a bishop, and as such could be deposed, how could the ordinations made by him be annulled and reiterated? Each of the two alternatives seems equally unfortunate to the canonists of the Council of 769. But this difficulty is only apparent: it is founded entirely on our present definition of deposition, and consequently on an anachronism.

In ancient law, the word deposition designated very different acts: either degradation; or the withdrawal of the ecclesiastical office, as in present-day theology; or the resumption of the insignia usurped by a pseudo-bishop. It was in the latter way that Constantine was deposed; an episcopate in which one wanted to see only a bad joke was brought to an end. Thus understood, the deposition had, in forms

106 DURING THE ECCLESIASTIC AND POLITICAL CONFLICTS, ecclesiastical, the same meaning as the ridiculous cavalcade imposed, a few days before, on Constantine, by the popular.

These acts of the year 769 were serious; they were made even more so by the fact that they were inserted in the *Liber Pontificalis*, that pontifical chronicle which was so widespread in the Middle Ages. These acts could no longer be forgotten; the memory of them constituted a permanent danger to sound theology. They were to be invoked in many crises, and to serve to consecrate the worst arbitrariness, that which violates at the same time the law of persons and doctrine.

#### V. - A Patristic Survey at the Seventh Ecumenical Council.

From 720 to 780, under the emperors Leo III, Constantine V and Leo IV, iconoclasm had been, except for short interruptions, the official doctrine of the Byzantine Church. In 753 the Synod of Hieria condemned the worship of images as idolatrous, and this sentence was signed by 338 bishops. In the course of half a century, the Byzantine episcopate had been carefully purged. But this political submission of the clergy did not definitively commit the doctrine. Only the emperors, a part of the administration and the army firmly pursued the disappearance of images. A change of master was to change everything, at least for a few years. In 780, on the death of Leo IV, the empress Irene, devoted to images, took power. Her action led to the holding of the seventh ecumenical council at Nicaea, in the presence of two legates of Pope Hadrian (24 September - 3 October 787).

The first session was devoted to examining the case of some fervent iconoclast bishops. Should they be kept in office? They had a powerful party against them, the monks, who had suffered so much from the iconoclastic policy. The patriarch Tarasius and the Roman legates were for conciliation. In order to settle the controversy, a patristic inquiry was made as to whether clerics returning from heresy should be admitted to the exercise of their orders. On this question, seventeen texts were alleged, which were favourable to the heretics<sup>149</sup>.

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149 This patristic dossier was inserted in the *Acts of the Council* (HARDOUIN, *Acta*





After the twelfth text, Sabbas the Studite interrupted: "Si placet sanctae synodi videamus si ordinationes eorum qui recepti sunt ab haereticis fuerint an non L "

This was to raise a delicate question. A new patristic investigation was ordered. Whether the elements were gathered in advance, or whether it was improvised, this investigation is remarkable. From the Greek tradition it mentions only indifferent or favourable testimonies to ordinations made by heretics<sup>150</sup>. It mentions neither the 69<sup>e</sup> *Canon of the Apostles*<sup>151</sup> nor the letter of the church of Constantinople to Patriarch Martyrius of Antioch, nor the ritual of Timothy of Constantinople<sup>151</sup>. Are these omissions involuntary? It is impossible to believe so, at least for the *Canon of the Apostles*<sup>152</sup>. The investigation was therefore complacent. This can be explained very well by hearing the patriarch Tarasius declare, prompted as he was by an objection which was not very formidable: "Ubique Patres sibi invicem concordantes sunt, nec inest illis refragatio ulla ; sed adversantur eis qui dispensationes et intentiones eorum minime didicerunt." This observation put an end to the debate: "Reverendissimi monachi dixerunt: Congrua quaeque dissoluta sunt<sup>153</sup>."

Was this the time to indulge in theoretical discussions and to flaunt the differences of tradition? The Greek Church had for a century abandoned the rigorous principles of her elders on the subject of ordination. It had accepted the ordinations of heretics as dangerous as the iconoclasts. Could this precedent not be invoked? Patriarch Tarasius did not fail to do so. He recalled<sup>154</sup> that for more than forty years, from the *VEcthesis* of 638 until the Sixth Ecumenical Council, Nestorianism had been the official doctrine of the Byzantine Church. Of the nine patriarchs of Constantinople who lived in this period, the first four were the leaders of the heresy, and three others had been consecrated by their heretical predecessors. However, the ordinations made by them had not been disputed<sup>1</sup>.

150 Here are the references of these texts (*Ibid.*, col. 68): I = SOCRATIS *Hist. eccl.*, II, 27 and 38, in *P. G.*, t. LXVII, col. 272 and 324. This text proves absolutely nothing. - II = THEODORI LECT. *Hist. eccl.*, V, it is an extract from the Lost work of Theodore. It speaks of Anatolius of Constantinople named by influence of the Monophysite Dioscorus of Alexandria. - III = *Concilii Chaicedu-nensis actio I* in HARDOUN, *Acta conc.* t. II, col. 53. This text proves nothing. - IV = *De vita S. Sabbae* in COTELIER, *Ecclesiae graecae monumenta*, t. III. - V = S. BASILII *Epist. ad Nicopolitas*, in *P. G.*, t. XXXII, col. 897. Cf. above, p. 46, n. 1.

151 These are the texts quoted above, pp. 39, 41 and 56.

152 The *Canons of the Apostles* are cited in the first patristic survey (HARDOUN, *Acta conciliorum*, t. IV, col. 49).

153 *Ibid.*, col. 74.

154 *Ibid.* at 72.

**108 DURING ECCLESIASTICAL AND POLITICAL CONFLICTS.**

**1. It was at this same Council that the nature of the imposition of hands referred to in the Nicene canon concerning the Novatians could not be determined (see above, p. 36). It is surprising that the Roman legates found nothing to say on this Question. The reconciliation of the Arian clergy of Lombardy should, however, be remembered.**

## CHAPTER V

### REITERATION OF THE ORDINATIONS MADE BY THE CHOREOGRAPHERS.

The doctrine of the inamissibility of episcopal power was seriously undermined in the ninth century<sup>e</sup> by the annulment and reiteration of the episcopal acts of the choreographers<sup>155</sup>. This annulment was not pronounced for isolated cases. It was prepared by the opposition made to the chureves in the first half of the ninth century; it had already been formulated by several bishops, when it was written into the False Decretals. Since then, it has had a new credit. Nicholas I fought against it, but without success. In 888 a Council of Metz proclaimed the doctrine of the False Decretals on this point. There is no doubt, however, that the chorevals received episcopal consecration<sup>156</sup>, but usually they were consecrated by a single bishop<sup>3</sup>.

The institution of the choreographers appears, in the West, towards the middle of the vni<sup>e</sup> century. When the evangelization of Germania was resumed with greater vigor, the bishops often had to give themselves collaborators. To designate them, they adopted the name of churevics, which is frequently found in the ancient legislation of the Greek Church, where it applies to the bishops of the Church.

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155 On the choreographers you will find all the essentials and the bibliography of the subject

156 On this point, we cannot accept Morin's ideas.

3. RABANI MAURI *De chorepiscopis*, P. L., t. CX, col. 1195: "Hinc reor quod usus chorepiscoporum... hactenus in Ecclesia retineatur, ut ipsi chorepiscopi a propriis episcopis ordinati, iuxta praeceptum eorum diaconos et presbyteros ac caeteros gradus ordinent, atque reliqua officia sacerdotalia peragant." As late as the end of the xi<sup>e</sup> century, the choreves of Ireland were consecrated by a single bishop. Cf. S. ANSELMI *Epist. III*, 147, P. L., vol. CLIX, col. 179. In this place, St. Anselm criticizes the institution of the Irish choirmen, from the point of view of Pseudo-Isidore. According to him, both the choir-bishop and his consecrator must be deposed. However, he does not declare the episcopal acts of the choreves to be harmful.

the countrymen. Then the number of bishops increased. The prelates, who were not very eager to discharge their duties or who were kept close to the sovereign to follow political affairs, relieved themselves of their duties on such auxiliaries. But before long, these coadjutors had become onerous to the bishops. There must have been encroachments. Moreover, the kings made improper use of the co-bishops. If a bishop had difficulties with the sovereign, he was dismissed; then he was removed. If a see became vacant, the entrusted his duties to a choreographer administration was entrusted to a chorebishop. At a time when Church property was constantly arousing the greed of secular power, these interim administrations were excellent for facilitating the secularization of ecclesiastical property. Also, from the first quarter of the ninth century<sup>e</sup>, the choir bishops had many enemies. They seemed to be the accomplices of the laity.

#### I. - Raban Maur defends the ordinations of the bishops.

It is not easy to grasp the meaning of a canon of the Council of Paris of 829<sup>157</sup>. But the Council of Meaux of 845 is explicit. The preface of this council<sup>158</sup> describes in expressive terms the sad situation of the Church at that time. Canon 44<sup>o</sup> states in what way the bishops contributed to this disorder. It also indicates the remedy: it is the restriction of the episcopal powers of the choirbishops:

Ut chorepiscopus modum suum iuxta canonicam institutionem teneat, et nec sanctum paraclitum Spiritum, solis episcopis iuxta decreta Innocentii tribuere debitum, tradere tentet : nec ecclesias consecret, neque ecclesiasticos ordines qui per impositionem manus tribuuntur, id est nonnisi usque ad subdia- conatum ethoc iubente episcopo, et in locis quibus canones designant, agere praesumant. Impositioni autem paenitentiae aut paenitentium reconciliationi per parochiam, secundum mandatum episcopi sui inserviat<sup>159</sup>.

If this text were isolated, its interpretation could be doubtful. But the testimony of Raban Maur, which will be quoted, proves that the council denies the bishops the power to

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157 HARDOUIN, *Acta Conciliorum*, vol. IV, col. 1314, c. 27. One point seems certain: the council refuses to give confirmation to the bishops.

158 *Ibid.*, col. 1478.

159 *Ibid.* col. 1491, c. 44.

REITERATION OF ORDINATIONS OF CHOREVISHES. 111 validly conferring major orders and confirmation. Between 84<sup>^</sup> and 847, Raban Maur, who was then living in the retreat which preceded his episcopate of Mainz, replied to Drogon, archbishop of Metz, on the following consultation: *Si liceat chorepiscopis presbyteros et diaconos ordinare cum consensu episcopi sui.*

Rabah first recalls the information given to him by Drogon; some bishops reiterate the ordinations and consecrations of churches made by the chorebishops. This practice led to discussions, which displayed the divisions of theologians and canonists; the people were scandalized by this dissension of authorities:

... retulistis qualiter quidam de occidentalibus episcopis senserunt de chorepiscoporum ordine, et quod quidam illorum reordinarent illos, qui tempore antecessorum suorum a chorepiscopis ordinati sunt, presbyteros atque diaconos, necnon et ecclesias ab eis similiter consecratas, profanantes omnem sanctificationem pristinam quasi non legitimam, quam tamen cum consensu atque praecepto episcoporum suorum ipsi chorepiscopi perpetraverunt.

Unde schismata in Ecclesia Dei oriuntur, cum rectores populi Dei in doctrina sua ab invicem discrepant : alii dicentes licere chorepiscopis cum consensu et praecepto maiorum suorum, hoc est praesulum civitatum sub quibus ipsi degunt, manus baptizatis imponere ut accipiant Spiritum Sanctum, presbyterosque atque diaconos, necnon et caeteros Ecclesiae gradus ordinare ; alii vero affirmantes nullo modo eis hoc ministerium competere, sed tantum illis episcopis qui urbibus praesunt. Ex quo videlicet excitantur sectae, invidiae, irae, rixae, emutationes, dissensiones, contentiones : per quae multi de populo, videntes magistrorum dissensiones non mediocriter scandalizantur \*.

Then he condemns these discussions as contrary not only to charity but to dogma. He recalls that, according to the *Liber Pontificalis*, Lin and Cletus exercised episcopal functions in Rome during the lifetime of Saint Peter. The latter had St. Clement as his successor<sup>160</sup>. Raban adds that this state of affairs is attested by Clement's letter to James<sup>161</sup>. He is therefore inclined to believe that the choir bishops were instituted as early as

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160 The *Liber Pontificalis* tells the story of the first popes in this way. Cf. L. DUCHESNE. *The Liber Pontificalis*, t. I, p. 118 and following. The *Liber* depends here on the preface added by Rufinus to his translation of the *Clementine Recognitions* {*P. G.*, vol. I, col. 1207).

161 In fact this Clementine apocrypha represents St. Clement as the successor of St. Peter. It says nothing about Lin and Clet (*P. G.*, t. I, col. 4<sup>^</sup>4). The idea of making Lin and Clet vicars of St. Peter is due to Rufinus, see on this question L. DUCHESNE, *op. cit'* p. LXXXIII.

the origin of the Church. Lin and Clet would be the first witnesses. To contest the validity of the episcopal acts of the chor-bishops is therefore to contradict tradition and dogma. Raban quotes canon 12<sup>e</sup> of the Council of Ancyra, and io<sup>e</sup> of the Council of Antioch of 341<sup>162</sup>. H adds:

Cum autem chorepiscopus manus impositionem episcoporum<sup>163</sup> percipere dicat (canon 10<sup>e</sup> of Antioch) et quidem sicut episcopi sint, cur cum consensu episcoporum quibus subiecti sunt, consecrationes sacrarum ordinum eis facere non licet, et cum chrismate sacro fideles consignare? Vanum est enim quemquam consecrationem episcopalem habere, si ministerium episcopi ei non licet agere. Ad quid ergo invocatur Spiritus Sanctus ab episcopo ordinatore ut sanctificationem personae ordinandae tribuat, si ipse invocator et ordinator, post consecrationem quam rite peregit, reprehenderit? Numquid Dominum irridet, cuius donum poscit cum postea illud donum spreverit?... Planum est ergo quod in Spiritu Sancto per verbum Dei omnis sanctificatio adimpletur.

The question is thus perfectly posed and resolved by Raban. The author adds a large number of arguments from Scripture. Finally he humbly submits his views to Drogon. The latter, son of Charlemagne, had a very high position in the Frankish Church. Although he was assigned to a non-metropolitan see, Metz, he bore the title of archbishop. About this time (844), H papal vicar for the Gauls, by Sergius II<sup>164</sup>. Drogon could thus put a great influence at the service of the true doctrine, in these matters. It is a fact that the thesis contrary to the episcopal power of the choreves was to receive an unforeseen authority, because of its insertion in the False Decretals.

## II. - False decretals against the chorea in the "Hispana Augustodunensis".

This project of ecclesiastical reform through the publication of a whole body of apocryphal legislation led at first to a modest but promising falsification. In about 847, a group of ingenious text-makers put into circulation the collec-

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162 P. 2., t. GX, col. 1198. These canons are: the 13<sup>#</sup> of Ancyra of 131\$, in HARDOUIN, *Acta conciliorum*, t. I, col. 276, and the 10<sup>@</sup> of Antioch (*Ibid.*, col. 598).

163 For Raban, the essence of the order is the laying on of hands.

164 E. LESNE, *La hiérarchie épiscopale., en Gaule et en Germanie* (742-882), p. 251, Paris, 1905.

This unpublished collection is so named because the manuscript which contains it (Katicanus 1341, x century) comes from Autun; and because this collection is only a reprint of the canonical edition designated today under the name *A'Hispana Augustodunensis*. This unpublished collection is so named, because the manuscript which contains it (*Katicanus* 1341, x<sup>e</sup> century) comes from Autun; and because this collection is only an interpolated re-edition of the collection *Hispana gallica*<sup>165</sup>.

Let us note only the interpolations of *VHispana Augustodunensis* that are of interest in this study<sup>166</sup>. They consist of three false letters<sup>167</sup>. These contain a whole programme of reform. The first two relate to the judgment of bishops. These prescribe that judicial investigations against bishops be surrounded by numerous and effective guarantees. One of the most important of these is the right of appeal to the Holy See, instilled as one of the first teachings of theology. These various rules are designed to defend episcopal power against enemies from without. The third letter, addressed by Damasus to the bishops of Numidia, is directed against the dangers from within. It contains a formal condemnation of the chorevies, and a denunciation of the ordinations made by them as unlawful. Damasus goes so far as to prescribe that all ordinations, confirmations and other episcopal acts performed by them should be reiterated.

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165 It is known that a canonical collection composed in Spain around 633 is designated under the name of *Hispana*. To know it, we have the text published by Migne (*P. L.*, t. LXXAIV, col. 93-848) and the critical study of F. MAASSEN, *Geschichte der Quellen und der Literatur des canonise h en Rechts*, etc., p. 667 ff. Gratz, 1870. The first part contains texts of councils since Nicaea; the second, decretals of popes since Damasus.

*V Hispana* was known in France only in an edition designated under the name of *Hispana gallica*. This edition has the following peculiarities (according to MAASSEN, *op. cit.*, p. 711 ff.): interpolation of numerous conciliar canons in the first part; change of order of eight decretals in the second; moreover, the text of *VHispana gallica* is very corrupt. This collection is not edited. It is represented by *Codex Vindobonensis* 411 (9th century).

a. On *VHispana Augustodunensis*, read F. MAASSEN, *Pseudo-Isidor Studien, II Die Hispana der Handschrift von Autun und ihre Beziehungen zum Pseudo-Isidor*, Vienna, 1885; and also the article *Pseudo-Isidor*, by E. SECKEL, in the *Realencyklopadie*, vol. XVI, Leipzig, 1906.

167 The first letter is that of the bishops of Mauritania to Pope Damasus ff. HITISCHUIS, *Decretales pseudo-isidorianae*, p. 50i, Leipzig, 1863; *P. L.*, t. CXXX col. 65§). The second is the answer of Damasus to the preceding ones (HIN-SCHIUS, *op. cit.*, p. 50a; *P. L.*, *Ibid.*, col. 660). The third is a letter of Damasus to the bishops of Numidia (HINSCHIUS, *op. cit.*, p. 50g; *P. L.*, *Ibid.*, col. 668). Moreover, it is very probable that *VHispana Augustodunensis* already contained canon 7\* of the second Council of Seville in the interpolated form which is found in the *False Decretals* (*YLmscnivis, Decretales pseudo-isidorianae*, p. 438). The effect of this interpolation is to assimilate priests and chorebishops from the point of view of the power of order. Cf. p. 119, n. 2.

**On these various points, the doctrine attributed to Damascus by  
the**



This is as explicit as it can be. According to them, ecclesiastical tradition has always condemned as harmful the episcopal acts usurped by the choir bishops. For what reasons?

Tria obstant quibus eorum cassatur actio vel institutio. UNUM quod *ab uno episcopo ordinari solent*, in quo eorum ordinatio a canonibus discordat, qui per manus episcoporum eos institui iubent. ALIUD si a pluribus episcopis sunt ordinati et aut in villa aut castello seu in modica civitate aut omnino *non in eo loco prefixi quo iuste episcopi fieri debent*, aut dudum non fuerunt, ubi non vilescat auctoritas et nomen episcopi, aut si in civitate cum altero, cum, ut praedictum est, in una civitate duo non debeant consistere episcopi. TERTIUM *si absolute fuerint instituti*, sicut de quibusdam audivimus, quae omnia episcopali omnino carent auctoritate<sup>1</sup>.

For these reasons, the episcopal consecration of choir bishops is null: "*Quod ipsi idem sint quiet presbiteri sufficienter invenitur qui ad formam et exemplum septuaginta [discipulorum] inveniuntur prius instituti.*" Also "*quod agebant actum non erat, et propterea, multi in securitatem lapsi ecclesiastica fraudabantur et frustrabantur ministeria.*" The bishops of the present time are in a similar condition. They are not bishops. The episcopal acts they have usurped must be reiterated.

Such is, without a doubt, the theory that was accepted, in the ninth century, in Western France. We can see how irreconcilable it is with the most assured patristic theology. None of the facts alleged against the bishops is a case of nullity for ordination. Here again we see how concerns of ecclesiastical politics could distort the principles of theology. Every chorebishop was tainted by one of the three cases of nullity alleged. If he had been consecrated by three bishops, he was accused of having an insufficient *titulus ordinationis*. Prescriptions of ecclesiastical law, from which the chorebishops had been regularly dispensed, were transformed into decisive impediments.

The principle of the objective efficacy of the sacraments - administered in the prescribed form was contradicted. Why was this so? Because the institution of choir bishops gave rise to abuses: the bishops dispensed with the duties of their office by giving themselves substitutes. Some of them spent

i. HINSCHIUS, *op. cit.*, p. 512.

In this way, the authority of the bishops was diminished. The episcopal authority was diminished. The author of the false letter is also inexorable. If the bishops undertake in writing to exercise only priestly functions, they will be able to obtain a place in the ecclesiastical administration; if not, they will be deprived of any kind of function. This is the answer given to the problem posed in the title of the false decretal: *De chorepiscopis et quid idem sint, aut si aliquid sint aut nihil* L

### III. - Same negative theories in the False Capitulars.

These three forged letters of the *Hispana Augustodunensis* are important, because they are the first products of an office that was to prove particularly prolific in forging documents. The rest came quickly. It was not much to put the authority of the popes on one's side, if one had the authority of the emperors against one's will. So these people conceived a grandiose work. They had to create, from scratch, an imperial legislation inspired by the principles that seemed best to ensure ecclesiastical reform. This was done by forging the *Capitularium collectio* of Benedict the Deacon.

This forgery is presented with some skill. It is given as the continuation of the collection of *Capitularies*<sup>168</sup> published in 827, by Ansegise, abbot of the monastery of Fontenelle, in the diocese of - Rouen. Archbishop Otgar of Mainz (826-847)<sup>au</sup> \* would have commissioned Benedict the Deacon to continue the collection of Ansegise. Hence the publication of the work of the imaginary Benedict. It was made between 847 and 850. As for the form, it reproduces the manner of Ansegise. It consists of three books followed by four appendices<sup>169</sup>. It has 1721 chapters or articles of which about a quarter are authentic: all the rest are apocryphal. As for the substance, this considerable work is only a development of the three false letters of 1'*Hispana Augustodunensis*, of which it was spoken.

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a. This collection of Ansegise is found in *P. L.*, vol. XCVII, col. 489 ff. It consists of four books and two appendices.

169 The false capitularies are found in *P. L.*, vol. XCVII, col. 697 ff.

It is a question of judicial guarantees in favour of the episcopate, of independence from the civil power, and finally of the suppression of the choir-bishops. The *Capitularies* of Benedict the Deacon contain the entire doctrine of the false letter of Damascus. The identity of origin of the *Hispana Augustodunensis* and the *Capitularia* is clearly established. The identity of the origin of the *Hispana Augustodunensis* and of the *Capitularia* is clearly established, and is confirmed by the identity of the doctrine of these two works with regard to the conditions of transmission of the power of order.

Seven articles, some of which are quite long, relate to the question. One of them is an alleged capitulary of Charlemagne. The emperor declares that the question of chorebishops causes him great perplexity: it constitutes a problem which recurs again and again. The clerics ordained by the bishops declared that those ordained by the chorebishops could not validly perform ecclesiastical functions. As for the laity, they do not want to have any relationship with the bishops and the clerics ordained by them in matters of sacraments. To settle these difficulties, the emperor sent the archbishop of Salzburg, Arno (785-821), to Rome for consultation with Leo III (795-816). The pope was astonished to see a long-settled question being discussed again:

Dixit [papa] nullum fore presbiterum vel diaconum aut subdiaconum ab eis ordinatum, nec ecclesiam ab eis dedicatam, nec virginem consecratam, nec quemquam confirmatum, *neque quicquam quod de episcopali ministerio praesumpere esse peractum*, sed quicquid ex his ab eis inficite erat praesumptum, *omnia a canonice ordinatis episcopis 'debere rite peragi et in meliorem statum reformari, quia quod non ostenditur gestum, ratio non sinit ut videatur iteratum...* Nam episcopi non erant, quia nec ad quamdam civitatis episcopalem sedem titulati erant, nec canonice a tribus episcopis ordinati. Ideo de episcopali ministerio nihil agere potuerunt. Et idcirco non ostenditur gestum, quod praefixi agere putaverunt. Quia quod non habuerunt nullatenus dare potuerunt<sup>170</sup>.

Thus, according to Benedict the Deacon, one must be careful not to speak of the reiteration of a sacrament in such cases. As the act performed by the chorebishop is null and void, that which is subsequently performed by a bishop for the same purpose should not be called the second, but the first. The argument of St. Cyprian is recognized; it will reappear in Cardinal Humbert and in all the theorists of reordination. Finally, the Chapter says: "Scimus enim, sicut et in antiquis patrum legimus decretis, posse veram ac iustam legitimi episcopi benedictionem auferre omne vitium quod a vitioso fuerat iniectum<sup>4</sup>." The result of reordination is to cure the "vulnus

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<sup>170</sup> III, 260, in *P, L*, vol. XCVII, col. 830. The last words are an allusion to the letter of Innocent I to the bishops of Macedonia (cf. above, p. 69), which reproduced a principle of Saint Cyprian (cf. p. 18).

infixum in capite" of one who has been ordained by the choirbishop. Pope Leo III was, we are told, so displeased with the chorebishops that he sentenced them to exile. But the emperor and the Frankish bishops meeting in synod were more lenient: they maintained the chorebishops in their priestly functions<sup>171</sup>. Six false capitularies repeat these prescriptions<sup>172</sup>.

An even more extraordinary production was to come out of the *False Decretals* of pseudo-Isidore.

## VI. -\* Negative Theories of False Decretals.

These text makers had been put in taste by the interpolation of the three false letters of Damasus in the collection *Hispana Augustodunensis*. It seemed to them that it was too little to enrich the letters of the popes with the three new pieces. They wanted to proceed to a new enrichment of *VHispana Augustodunensis*. To this end, they first composed about sixty false letters of the popes of the first three centuries up to and including Miltiades (311-314). Then they inserted the first part (i.e., the councils) of the *Hispana Augustodunensis*, merely inserting a coin made by them. Then they transcribed the second part of *Y Hispana* (the decretals of the popes), inserting many forgeries, e.g. twelve relating to popes from Mark (336) to Liberius, the predecessor of Damascus; at this point the forgers joined the letters of Damascus, which begin the second part of *YHispana*.

From that time until the last piece of the collection (Roman Council of 721), they alternated authentic pieces with pieces of their own making. Then they put into circulation this *Hispana* so considerably increased. This was between 847 and 852. Such is the origin of the *False Decretals*, which were so successful in the Middle Ages.

To give credence to their work, forgers have given it as having "Isidorus Mercator" as its author. The first of these two names is reminiscent of Saint Isidore of Seville (636). The second is due to an association of ideas. Since the forgers borrowed the title of the preface from Marius Mercator, they mechanically wrote the name "Mercator" next to "Isidorus". Today this apocryphal work is referred to as the *False Decretals*, or the *Decretals of Pseudo-Isidore*. As we shall see later, by way of an example, it is impossible to plead the good faith of these text-makers. In many cases, they have

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171 *P. L.*, vol. LXXXVII, III, 260, col. 83o.

172 *Ibid.*, II, J2i, col. 764; II, 369, col. 788; III, 394, col. 848; III, 402, col. 349; III, 423-424, col. 85i.

transposed from the pros to the cons of the authentic texts which they have inserted in their collection. This collection is made up of pieces from all sources: it constitutes a mosaic containing more than ten thousand fragments<sup>2</sup>.

The False Decretals interest us only because of the apocryphal texts relating to the conditions of transmission of the power of order. In the False Decretals, we see all the theses of the first interpolation of *YHispana Augustodunensis* and the False Capitulars reappear. This means that the choir bishops have their place there. First of all we find in the False Decretals the letter of pseudo-Damasus already studied. But it is not isolated. Its conclusions are repeated in a false letter of St. Leo<sup>3</sup> (44<-461) and in

1. The preface of the False Decretals" is entitled: "Isidorus Mercator servus Christi lectori conservo suo et parens in domino fidei salutem." These words are borrowed from the title of the translation of the fragments of Nestorius by Marius Mercator, *P. L.*, t. XLVIII, col. 753.

2. Cf. the article *Pseudo-Isiaor* by E. SECKEL, in the *Realencyclopâdie*.

3. P. HINSCHIUS, *Decreta pseudo-isidoriana*, p. 628; *P. L.*, t. CXXX, col. 880.

another of Pope John III<sup>173</sup> (56i-We remember that the false capitulary of Charlemagne featured Pope Leo III. In the *Faussees décrets*, we have something better: it is Leo the Great who comes to testify against the sacraments administered by the chorebishops

Will it be said that these makers of texts were acting in good faith in declaring the episcopal acts performed by the choir bishops to be harmful? This would be to push indulgence to excess. The author of the false letter of John III had before his eyes the little treatise of Raban Maur on the chorebishops. This results from a comparison of the two texts. But the pseudo-John III says the exact opposite of Raban's doctrine. In addition, and this is where the falsification is obvious, he transforms into its opposite a historical fact provided by Raban, concerning the relations of Lin and Clet with Saint Peter. The reconciliation of the texts will prove it:

RABAN MAUR.

Habebant enim ipsi apostoli adiutores in praedicatione Evangelii Christi, qui etiam ordinationes fecerunt ex praeceptis eorum. Unde legitur in codice quem Damasus papa de episcopis Romanae ecclesiae, **te** Hieronymo presbytero, **con-** scripsit <sup>3</sup>, quod Linus et Cletus ex

PSEUDO-JOHN III.

Sic autem Petrus, princeps apostolorum, adiutores sibi ascivit Linum et Cletum : non tamen potestatem

pontificii, aut ligandi vel solvendi normam eis tradidit, sed successori suo sancto Clementi qui sedem apostolicam post eum et potestatem pontificalem, tradente sibi beato Petro, praecepto beati Petri ordinationes presbyterorum fecerunt, cum tamen post passionem Petri, non illi, sed Clemens, in honorem cathedrae successerit, ipso etiam tradente principe apostolorum, sicut epistola eiusdem Clementis scripta ex mandato Petri ad Jacobum fratrem Domini testatur. **L** tum eis a beato Petro praecipiebatur,

173 P. HINSCHIUS, *Ibid*, p. 71.5; *P. L.*, t. GXXX, c. 1081.

tenero promeruit. Linus vero et Cletus ministrabant exteriora, princeps autem apostolorum Petrus verbo et orationi insistebat, et quae non incongrue ad traditionem Spiritus Sancti per manus impositionem pertinent. .. Linus namque et Cletus nihil legitur umquam egisse ex pontificali ministerio potestative<sup>174</sup>, sed quantum solummodo agebant<sup>175</sup>.

Why insist on this dependence on texts? Because the doctrine of pseudo-Isidore on this point had a great influence in the ninth century. It is interesting to show to what deformations theology could be exposed, because of unscrupulous falsifiers.

### V. - Influence of this apocryphal literature.

We know how successful the False Decretals were. They found immediate publicity. As early as 852, Hincmar used them in the *Capitula* of a synod held on 1<sup>st</sup> November 85a<sup>4</sup>. Such formal texts relating to the chorebishops would not fail to attract attention. So it was, as can be judged from well attested facts.

Between 850 and 856, a cleric of the Church of Le Mans published the *Actus pontificum Cenomannis in urbe degentium*<sup>5</sup>. It is a kind of *Liber pontificalis* of the Church of Le Mans. At that time, Bishop

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3. This false letter of Leo I is characteristic of the manner of pseudo-Isidore. It is fabricated, for the most part, with the help of canon 7<sup>c</sup> of the second council of Seville. Bishop Agabius of Cordoba had passed without transition from the lay state to the episcopal office. He was therefore somewhat ignorant of the canons. He delegated priests to consecrate altars and churches. The council disapproves of this practice and lists the various episcopal functions which are forbidden to priests. The forger has seized upon this text, but interpolates it: wherever priests are mentioned, he adds "et chorepiscopi", and this three times. This canon 7<sup>c</sup> of the Council of Seville is found twice in the False Decretals, but each time interpolated. It is first in the false letter of Leo I (HINSCHIUS, *op. cit.*, p. 628), then in the text of the second Council of Seville (*Ibid.*, p. 438). Was this last text also interpolated in *Hispana*

*Augustodunensis*? One cannot say, because at this place a notebook is missing in the *Vaticanus* 1341. But all likelihoods are for the affirmative.

175 Raban alludes here to the *Liber Pontificalis*. If one were to believe two false letters, one of Saint Jerome, the other of Damasus, which are found at the head of the *Liber Pontificalis* (ed. L. DUCHESNE, vol. I, p. 49), this chronicle would have Damasus as its author.

We find no trace of Raban Maur's treatise on the chorebishops in *V Hispana Augustodunensis*, which was, as has been said above, a first attempt at the False Decretals. It would not be this passage of Raban Maur thus distorted in the decretal of pseudo-John III, which would have given to pseudo-Isidore the idea to make precede the False decretals of an alleged letter of Saint Jerome to Damasus? The reasons for believing this are: the great role played by the

**Aldric (832-857) was seriously affected by the infirmities of**

in the falsifications of Pseudo-Isidore by fortuitous circumstances (cf. above, p. 118, the origin of the name of *Mercator* added to that of Isidorus);

The best way to contradict the *Liber Pontificalis* on this point was to have the False Decretals endorsed by the same authorities: St. Jerome and Damasus. The best way to contradict the *Liber Pontificalis* on this point was to have the False Decretals endorsed by the same authorities: St. Jerome and Damasus.

1. RABANI MAURI *De chorepiscopis*, *P. L.*, t. CX, col. 1197.

2. Here Pseudo-Isidore comes closer to the data of Raban. To the same extent, he contradicts what he first had.

3. P. HINSCHIUS, *Decretales pseudo-isidorianae*, p. 716-717; *P. L.*, t. GXXX, col. io83.

4. *P. L.*, vol. GXXV, col. 775. Cf. on this subject: E. In the CASE of the latter, it is not possible to determine whether or not it was the case in the first place.

5. G. BUSSON and LEDRU, *Actus pontificum Cenomannis in urbe degentium*, Le Mans, 1902. I quote this work only for the text of the *Actus*. The critical introduction is bad. On this question one should read: J. HAVET, *Questions mérovingiennes*, p. 271 and following, Paris, 1896; L. DUCHESNE, *Fastes épiscopaux de l'ancienne Gaule*, t. II, p. 323; and *Bulletin critique* (1896), p. 221.

REITERATION OF THE ORDINATIONS OF THE CHURCHES<sup>1</sup> 121 old age. He was unable to take an active part in his office. The administration of the bishopric fell to the bishop's entourage. It was from this circle that the *Actus pontificum* would emerge. In Le Mans, as in all the bishoprics of that time, the great business was the defence of ecclesiastical property. There was also, as elsewhere, the conflict between the bishop and the neighbouring monasteries. The bishops of Le Mans, Aldric, Robert, and others before them, were especially concerned to annex the neighboring abbey of Saint-Calais. For this purpose they composed a series of forgeries which have been wonderfully criticized by Julien Havet. The author of the *Actus pontificum* had all the concerns of a secular cleric of Le Mans.

He did not hesitate to make biased and, if necessary, falsified history. He was also interested in the choir bishops. For what reason? Julien Havet conjectured that the author of the *Actus* was chorebishop of Aldric L M<sup>er</sup> Duchesne thinks that he was not a chorebishop, but only wanted to show that the chorepiscopate of Le Mans was legitimate. In any case, the author of the *Actus* was interested in chorebishops. Here is the story he tells us.

It was in the second half of the wine<sup>0</sup> century. The Church of Le Mans was witnessing a conflict between two candidates for the episcopal see. Gauziolen, the most senior candidate, succeeded in getting rid of Hermund, his competitor, by gouging out his eyes. But at this point, Pepin intervened. As Herlemund's protector, he inflicted the penalty of retaliation on Gauziolen and gouged out his eyes. However, he left Gauziolen in possession of his office. The latter, unable to discharge his duties, appointed choir bishops, and, as his episcopate lasted fifty years, he had to change them four times. For the first three, the institution was made without difficulty. The same was not true of the fourth, Mérolus. When Gauziolen asked Charlemagne for permission to make Merolus his choirbishop, there were formalities to be completed. Under Charlemagne's government, "ceperat canonica auctoritas... enucleatim perscrutari". So the emperor and his council decided:

Ut nullus chorepiscopus crisma conficeret, virgines sacraret, Spiritum paraclitum traderet, neque ecclesias dedicaret vel altaria erigeret, seu aut sacraret, etiam oleum ad infirmos unguendos benediceret, nisi a tribus etiam

1. J. HAVET. *op. cit.* p. 33g.
2. *Critical Bulletin*, *loc. cit.*, and *Fastes*, p. 3a3.

ordinatus episcopis, que vero omnia summis sacerdotibus et non chorepiscopis - debentur; qui licet ordinationem habeant, tamen summi pontificatus apicem non habent. Quoniam nec in tabernaculo Domini, quod Moyses fecerat, alius altaria non erigebat aut deponebat, nisi tantummodo Moyses et Aaron, qui summi pontifices erant et quorum typum hodie in sancta Ecclesia episcopi gerunt; filiorum quoque eorum normam reliqui sacerdotes tenent... Ideoque medicinam inuenientes, predicti pontifices et eruditi doctores, renuntiaverunt domno Karolo preacti sacerdotes ut chorepiscopus iam dicti Gauzioleni, cecati episcopi, a tribus episcopis in idipsum - convenientibus ordinaretur et nomen a titulo vilano, quae graeco sermone *chore* vocatur, haberet et non ab ordinatione. Ministerium quoque episcopale, tali benedictione, si condignus fuerit, adepta, devotissime, una cum interrogatione et consensu... Gauzioleni, cecati episcopi, propterea quia ipse non poterat facere et non aliter contingere nullo modo quicquam de suo ministerio praesumeret<sup>4</sup>.

Here is the explanation that can be given for this story. The author of the *Actus pontificum* of Le Mans was aware of the attacks on the choir bishops in the three letters of Damasus, Leo I and John III contained in the Faux décrétales. As he had an interest in defending the episcopal acts performed by the choreviscs, he imagined a narrative that is like a novel, to a degree that is difficult to specify<sup>176</sup>. Gauziolenus, being blind, had excellent reasons for giving himself a chorebishop. Then, when it came to the fourth, Merilo, Charlemagne is said to have prescribed a procedure which partially satisfies the law inserted in the False Decretals: Merilo was consecrated by three bishops. Thus fell the first of the reproaches addressed to the chorebishops by pseudo-Isidore. But the second remained, that is, the absence of a canonical *titulus ordinationis*. On this point, the author of the *Actus* bravely stands up to the False Decretals. He maintains that such a chorebishop is absolutely legitimate.

That the *Actus* are intended to answer the False Decretals results from the fact that, in the passage quoted, they depend on the false letter of Leo I against the chorevishops. It goes without saying, moreover, that it was not the bishops of the vin\* century, but those of the middle of the ix<sup>e</sup>, who interested the chronicler. It was to serve them that he imagined this account. In reality, this little novel is intended to be the counterpart and refutation of the false capitulary attributed to Charlemagne by Benedict the

Deacon. In the *Adus*^ it is Charlemagne who determines the conditions for the enthronement of the choir-bishop Merilo. This - precedent was to be authoritative. In the case of the latter, what right did he have to condemn the chorebishops instituted afterwards, according to the jurisprudence laid down by Charlemagne for Merilo of Le Mans? And lest the reader fail to understand the apologue, the

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□. On the interpretation of this account of the *Actus*, cf. L. DUCUESNE, *Fastes épiscopaux*, t. II, p. 3a3; and J. HAVET, *Questions mérovingiennes*, p. 33i et seq.

*A dus* insist. The chorebishop Merilo, consecrated by three bishops, had such episcopal powers that, without receiving a new ordination, he was the second successor of the blind bishop Gauziolenus.

This apology is remarkable. It shows how threatened the situation of the choir bishops was in the years following the publication of the False Decretals<sup>a</sup>. Nicholas I had to inter-

- He came to prevent the Frankish bishops from repeating the ordinations conferred by the chorebishops. In 864 he wrote to the archbishop of Bourges:

A chorepiscopis asseris multas esse in regionibus vestris ordinationes presbyterorum et diaconorum effectas, quos quidam episcoporum deponunt, *quidam vero dentio consecrant*. Nos vero dicimus nec innocentes oportere percelli, *nec ullas debere fieri reordinationes vel iteratas consecrationes*. Ad formam enim Septuaginta chorepiscopi facti sunt, quos quis dubitet episcoporum habere officia? Sed quia sacri canones vetant ne omnes sibi omnia vindicent, ac per hoc dignitas episcoporum ad chorepiscopos suos videatur transferri, fiatque vilior honor episcopi, decernimus nihil in hoc praeter regulas ulterius heri<sup>177</sup>.

In spite of such firm decisions, the False Decretals exerted an influence quite hostile to the choir bishops. In 888, a Council of Metz, in connection with the consecration of churches, took a decision which declared the episcopal acts performed by the chorebishops to be harmful:

Et ut basilicae a chorepiscopis consecratae, ab episcopis consecrentur roboratum est; quia iuxta decreta Damasi papae. Innocenti i et Leonis, vacuum est atque inane quidquid in summi sacerdotii chorepiscopi egerunt ministerio; et quod ipsi iidem sint qui et presbyteri, sufficienter invenitur<sup>4</sup>.

The *decrees* of Damasus and Leo are the false letters of these popes on the chorebishops, in the collection of pseudo-Isidore; that of Innocent I is the famous letter of this pope to the bishops of Macedonia, which, henceforth, was to be understood as affirming the nullity of ordinations made by a bishop condemned by the Church.

i. HARDOUIN, *Acta conciliorum*, vol. VI, p. i, col. 41a.



## CHAPTER VI

### EBO'S ORDINANCE OF REIMS.

The conflict between Ebo and Hincmar of Reims is, from the ecclesiastical point of view, the most important episode in the struggle between Louis the Pious and his sons. The history of this conflict shows us what the idea of the transmission of orderly power was during the most enlightened period of the Carolingian era. It shows us how party spirit and interest could attempt to distort, on this point, the principles of dogmatics, and partially succeed. This experience is characteristic. It foretells the complete success which similar attempts could not fail to obtain in periods of lesser culture, or when the Holy See was occupied by popes of less foresight and energy than Nicholas I. Ebo and Hincmar were archbishops of Rheims, one of the most prominent sees in the Frankish country; in both of them personal merit justified their high fortune. Thus it can be explained that the dispute between them agitated the Frankish Church, and occupied the papacy for more than twenty years.

Ebo had been appointed archbishop of Reims in 816. In 829, he joined the party of the sons of Louis the Pious who were in revolt against their father. Also, during the restoration of Louis the Pious, in February 834, he found himself in an unfortunate situation. At the synod of Thionville (835), he was solemnly condemned and deposed. Then he was kept under guard until the death of the emperor,

I. The indispensable book on Hincmar is the masterly history of H. SCHROERS, *Hincmar Erzbischof von Reims*, Freiburg in B., 1884. M. Schrörs admits Cp. 6a, n. 5a) that the synod of Rheims of 853 declared simply non-canonical, i.e. illegitimate the ordinations made by Ebo in 840, after his deposition. On this point alone, I will allow myself to be of a different opinion from that of Mr. Schrörs. I believe that Hincmar had the ordinations made by Ebo annulled, but that he could not maintain this claim afterwards.

which occurred on June 20, 840. A few months later, Ebo was restored to the see of Rheims, by a diploma of Lo-thaire bearing the signatures of eighteen bishops, and then by an act signed by the suffragans of Rheims. This restoration lasted only one year. Charles the Bald having seized the territory of Reims, Ebo had to flee and seek refuge with his protector Lothaire. Four years later, on April 18, 845, Charles the Bald gave the siege of Reims to Hincmar. Shortly afterwards, at least before 847, Ebo was appointed bishop of Hildesheim by Ludwig the German. He died, at the latest, on October 20, 851 L

It seems that this event should have put an end to the conflict between the two bishops. It was not to be. It is that Ebo, during the year of his restoration in Reims, had proceeded to various ordinations.

#### I. - Annulment of the ordinations of Eboau Council of Soissons.

The synod was held at Soissons in April 853<sup>178</sup>. The acts of the council leave no doubt as to Hincmar's attitude. In order to better affirm the legitimacy of Ebo's deposition in 835 and the absence of any reinstatement in 840, Hincmar came to deny the validity of all the ordinations made by Ebo at the time of the resumption of the archiepiscopal see in 840. On this point all the data concur: both the general statements of the council, and the historical precedents invoked, and the practical consequences which were immediately drawn from these premises. At the fourth session Immo, bishop of Noyon, read a memorandum showing that the ordinations made by Ebo, after his deposition, were void:

... Tune surgens Immo, Noviomagensis episcopus, porrexit rotulum, auctoritatem canonicam et apostolicam continentem, quod *qui ab ipso voluerant et visi fuerant ordinari in gradus ecclesiasticos, ab eodem quod idem, non habuit nemo eorum accipere potuit: damnationem, utique, quam habuit, per pravam manus impositionem eis dedit: quia qui particeps factus est damnato, quomodo debeat honorem accipere, ut Innocentius Papa dicit, in venin non potest.*

The synod here refers to the letter of Innocent I to the bishops of Macedonia<sup>179</sup>. The interpretation he gives is certainly inaccurate. But from then on, this document would often be invoked in the wrong way, to justify measures that Innocent I would have condemned. The deliberate exaggeration of the pope's language, the absence of the necessary theological corrections, favoured self-serving distortions or

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<sup>178</sup> The *Acts of the Council* can be found in HARDOUIN, *Acta Conciliorum*, vol. V. col. 45 ff.

<sup>179</sup> *P. L.*, vol. XX, col. a56.

simplistic interpretations.

At the next session, the council drew the consequence of these principles. It declared that all the sacramental acts performed by Ebo, since his deposition, were harmful, baptism alone excepted. Here again, the council invokes an authority, which is the *Gesta pontificum* or the *Liber pontificalis*, as we say today. It has in view the decisions of the Council of Rome of 769, and the cassation of ordinations made by Constantine. What was the value of this argument? Not much, it seems, because the legal situation of Constantine and that of Ebo were very different. The fact would not have escaped the attention of a canonist as experienced as Hincmar. Moreover, could he, in good faith, have accepted the procedure of the Roman Council of 769, and especially the reordinations which were prescribed there? One can doubt it, because elsewhere Hincmar quotes texts which formally condemn the reordinations. Also the Council of Soissons passes under silence this abuse of power of Pope Stephen III, successor of Constantine:

Et sic quinte actione, canonica et apostolica auctoritate inventum et decretum est a sacratissima synodo, ut quidquid in ordinationibus ecclesiasticis idem Ebbo post damnationem suam egerat, secundum traditionem apostolicæ sedis, ut in *Gestis Pontificum legitur, præter sacrum baptismum, quod in nomine Sanctæ Trinitatis perfectum est, irritum et vacuum habeatur* : et ordinati ab eo, in quacumque terrarum partem profugi evagentur, vel vagati sunt, quia divinum iudicium effugere nullatenus possunt, Spiritus Sancti indicio, ecclesiasticis gradibus privati perpetuo habeantur.

If our interpretation seemed to distort the texts, we should be reassured by the practical consequence which the Council of Soissons drew from these premises. At the sixth session, the situation of the abbot Hilduin had to be settled. He had been ordained deacon by Ebo during his second episcopate, and was then ordained priest by Wolf, bishop of Châlons. The ordination of Hilduin by Wolf had been marred by another defect, for it had not been preceded by the canonical examination of the orator. The council judged that Hilduin should be deposed on two grounds: 1° as having been ordained without a canonical examination; a<sup>0</sup> as having been ordained priest *per saltum*, without having received the diaconate. This meant that the ordination conferred on him by Ebo was null:

... Tune de presbitero quodam et monachorum abbate in Altvillaribus monasterio, nomine Halduino, qui ab eodem Ebone diaconus iussus fuerat ordinatus et a Lupo postea venerabili episcopo Catalaunensi presbiter sine examine fuerat consecratus, mota est quaestio... De quo indicatum est a sinodo secundum sacros canones, sicut scriptum est. Ut " qui presbyteri sine examine per ignorantiam, vel per ordinantium dissimulationem sunt proventi, cum fuerint cogniti, deponantur : quia quod irreprehensibile est catholica defendit ecclesia." [*Concilium Nicaenum*, c. 9]. Et ostensum est in eodem ex concilio Sardicensi, cap. X, et ex aliis conciliis et decretis, *damnationis scripto secundum canonicam formam, eundem episcopum nihil de illius ordinatione attigisse, sed qui saltu, SINE GRADU DIACONI ad sacerdotium prosilierat, in degradationem debitam resilire deberet.*

Finally, in the fifth session, the clerics ordained by Ebo having been accused of having given false testimony in their defence, a decision was made as to the penalty to be applied to them. The conclusion was: "Et quia gradus ecclesiasticos quibus privarentur non habebant, iussi sunt communione privari."

It is therefore beyond doubt that the council held at Soissons, in April 853, upheld the absolute nullity of the ordinations made by Ebo after his deposition. It is thus best to explain a fact attested by the annalists, and which has hitherto been little noticed: the cassation and reiteration by Bishop Alfrid of the sacraments administered by Ebo during his episcopate at Hildesheim. This was merely the implementation of the decisions of the Council of Sins.

By October 20, 851 at the latest, Ebo had died in his bishopric of Hildesheim, after having performed ordinations and consecrations of churches. Until the Council of Soissons (April 853), it was possible to regard these sacramental acts as valid. But what could Bishop Alfrid of Hildesheim do after a solemn council had declared all the sacraments administered by Ebo after his deposition to be invalid? All that remained was to reiterate them. This was done<sup>180</sup>.

## II. - Hincmar's procedure and duplicity in this matter."

This Council of Soissons of 853 is one of the principal events of Hincmar's episcopate. It caused the powerful archbishop many difficulties, in the course of which he showed the extent of his legal knowledge, his taste for intrigue and a remarkable lack of scruples. Finally, in 866, Hincmar was obliged to recognize as valid the ordinations made by Ebo after his deposition; he was even obliged to allow these clerics the exercise of their orders; in spite of his procedural devices, he implicitly recognized that their deposition by the Council of Soissons had not been legitimate.

This story has been told several times<sup>1</sup>. But it is possible to introduce some important details and to show how, in order to overcome these difficulties, Hincmar came to compose a juridical theory of the dispensation. This theory has been preserved in a work that was demarcated by a canonist at the end of the twentieth century, but which must be restored to Hincmar. The presentation which will follow will therefore have the interest of novelty. If it is given a place here, it is because it has a close relationship with our study.

The sentence of the Council of Soissons reached thirteen clerics: four

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<sup>180</sup> This fact is first attested by the *Chronicon Hildesheimense*, in the *Monum. Germ. Scriptores*, t. VII, p. 851 : a Ebo archiepiscopus Remis deponitur, et in Hildesheim imperatoris clementia relegatur. Qui XH annis ecclesie praeftuit.

canons of the cathedral, one monk of St. Thierry and eight monks of St. Remi. Of these, the following were noted

et episcopalem ordinem, ut sibi videbatur, exercuit. Anno deinde 847 incarnationis - Domini, Alfridus quartus episcopus ordinatur. Qui ecclesiam regulariter regendo, quicquid antecessor suus de sacris ordinibus temere usurpavit, decreto canonum rationabiliter annullavit." This *Chronicon* was written in 1079 (W. WATTENBACH, *Deutschlands Geschichtsquellen im Mit tel alter*, t. II, p. 33, Berlin, 1894). But this text is certainly earlier, for in 1076 it was used by the scholastic Bernhard, who was then in Hildesheim, in his treatise *De damnatione scismaticorum* (*Mon. Germ., Libelli de lite etc.*, t. II, p. 44). The chronological indications of the *Chronicon Hildesheimense* are moreover inaccurate.

The same information is found in *Yannalista saxo* (*Mon. Germ., Scriptores*, t. VI, p. 676): "Eppone, primum Remensi archiepiscopo deinde Hildesheimense episcopo, defuncto, Alfridus quartus ordinatur episcopus. Qui instructus sacerdotem et ecclesiam tali vinculo federari quo virum et uxorem; secundum hanc spiritualis matrimonii sanctissimam legem, administrata ab antecessore suo ecclesiastica sacramenta cassavit, utpote post amissum priorem episcopatum ad alterum promotus, iterando scilicet ecclesiarum consecrationes et clericorum, si qui digni videbantur, consecrationes." In 866, at the Council of Soissons, Hincmar knew nothing of the reordinations and other reiterations of sacraments made at Hildesheim. Cf. the second memorandum addressed to the council by Hincmar, *P. L.*, vol. CXXVI, col. 5i.

1. See especially H. SCHROERS, *Hincmar*, pp. 61-71 and pp. 270-292.

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especially Canon Wulfad. He was a very learned man, and of great skill in politics. A friend of John Scotus, the adventurous but very learned philosopher, who dedicated his book *De divisione naturae* familiar to Charles the Bald, who appreciated his services, Wulfad was no mean adversary. Hincmar had the bitter experience of it.

First of all he obtained a success. He succeeded (synod of Quierzy, February 85?) in preventing Wulfad from ascending to the see of Langres. On this occasion, he even extorted from Wulfad a promise, written and confirmed by oath, not to aspire to any more ecclesiastical honours<sup>181</sup>. In reality, Wulfad and his fellow sufferers did their best to obtain justice. They had the right to expect everything from the righteous Pope Nicholas I (858-86?). The pope had already asked Hincmar for a review of the trial \* (April 3, 866), when an unforeseen event further aggravated Hincmar's embarrassment. On the death of Rodolphe, archbishop of Bourges (ai June 865), Charles the Bald wanted to give this metropolis to Wulfad. At that time, out of thirteen condemned of 853, there were nine survivors.

The pope left the archbishop of Reims free either to admit the clerics of Ebo to the exercise of their orders, or to have the dispute settled by a council. Hincmar having chosen the latter course, the council met on 18 August 866 at Soissons. Hincmar's embarrassment was extreme. He felt obliged to support the legitimacy of the Council of Soissons of 853, and the validity of the condemnation of the clerics ordained by Ebo. This thesis was not without its difficulties. The first

181 *P. L.*, vol. CXXVI, col. 60.

was to prove the nullity of the ordinations made by Ebo. It was necessary to give up the idea of having Nicholas I accept this theory. So, in relation to the Pope, Hincmar kept a prudent silence on this point. He contented himself with a short but very clear insinuation in a confidential memorandum addressed to the bishops of the council. Listing several assessments that could be made of the ordinations made by Ebo, he places in the first line the hypothesis of nullity<sup>182</sup>.

Hincmar's thoughts on this point are given in another passage of the same memoir. He comes to speak of the acceptance, by Pope Anastasius II, of the ordinations made by Acacia of Constantinople after his condemnation<sup>1</sup>. This decision does not seem to him to be irreproachable. Obviously Hincmar still doubts or pretends to doubt that an ordination made by a condemned or excommunicated bishop is valid. Let there be no haste to speak of a new fraud on the part of Hincmar. In this case he may well have been sincere. During Hincmar's lifetime, John VIII declared ordinations made by an excommunicated bishop to be void.

These hesitations or skills have left traces in the official documents. On three occasions in 866, Hincmar is led to speak of the canonical authorities which justify the condemnation of the clerics ordained by Ebo. These were good opportunities to recall the authorities invoked at the Council of Sois-sons in 853: the letter of Innocent I to the bishops of Macedonia, and the annulment of the ordinations made by Constantine, at the Roman synod of 769. What does Hincmar do? He mentions the letter of Innocent I, which relates to a case of illegitimacy and not of invalidity; he passes completely over in silence the Roman council of 769, whose decisions relate exclusively to cases of invalidity. This omission can be seen in the three cases where Hincmar gives the recitals of the condemnation of 853<sup>2</sup>.

three hypotheses. The first is the nullity of the ordinations made by Ebo. Hincmar was careful not to send this memorandum, as indeed the three others written by him at the same time, to Nicholas I. Cf. his instructions to his envoy in Rome: *Ibid.* col. 65.

i. Hincmar writes *P. L.* t. CXXVI, col. 58: "Anastasios iunior papa, ad Anastasium imperatorem scribens de ordinatis a damnato Acacio, recipiendos in suis ordinibus dicit. Quanquam eadem epistola sacris canonibus et decretis Innocentii, Zosimi et Leonis atque Gelasii a quibusdam non convenire dicitur; quia ut ambigua sententia in eadem epistola idem Anastasius scribit et baptizavit catholice, non canonice; nec secundum sacras regulas, neque secundum Ecclesiae catholicae consuetudinem sacerdotes vel levitas damnatus ordinavit Aeacius, quia possunt etiam interdum laici catholici baptizati, ut dicit Gelasius, catholice baptizare, et etiam criminosi; adhuc sedentes super cathedram, sicut Scribae et Pharisei, et sicut Iudas, pro ministerii dignitate inter apostolos sibi commissa et nondum iudicio aperto amissa, pro suo officio quae in eodem ministerio operanda sunt operari." This passage is unclear, no doubt intentionally so. But, it seems, Hincmar means to imply: Acacia did not ordain "nec canonice nec catholice". Hincmar

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182 He says to the bishops, *P. L.*, t. CXXVI, col. 5g: "A vestra fraternitate ne- cesse est providerine hac, quod absit, occasione auctoritatem in sacris ordinibus ministrandi usurpent, qui aut penitus non acceperint, aut contra régulas acceperint, vel quibus regulariter ministerium fuerit interdictum." Hincmar lists

reproduces, to contradict them, the terms of the letter of Anastasius II (HLVSCHIUS, *Decretales pseudo-isidorianar*, p. 656) : "Nam *secundum Ecclesiae catholicae consuetudinem*, sacratissimum serenitatis tuae pectus agnoscat quod nullum de his vel quos baptizavit Aeacius vel quos sacerdotes vel levitas *secundum canones* ordinavit ulla eos ex nomine Aeacii portio laesionis attingat."

x This omission is first noted in the first submission to the

This omission is therefore intentional. It shows the change of thesis of Hincmar. The latter renounces arguing the nullity of the ordinations made by Ebo; he only wants to show that they are illegitimate and have been rightly condemned. To this end, when he alludes to the recitals of the sentence of 853, he replaces the Roman Council of 769 with other authorities: letters from Zosimus to the bishops of Africa, to the Church of Marseilles and to Patroclus of Arles<sup>1</sup>, and finally a letter from Saint Leo<sup>2</sup>. In spite of these ingenious substitutions, Hincmar was not reassured: he feared the foresight of Nicholas I. We shall soon see how he tried to avoid any indiscreet questions on this point.

From the point of view of our study of reordinations, this change in Hincmar's thesis regarding the ordinations made by Ebo of Rheims deserves our full attention.

In short, Hincmar carefully concealed the fact that the Council of 853 had declared the ordinations made by Ebo to be null and void; for the declaration of nullity pronounced by the Council, he substituted an alleged sentence of deposition against the clerics of Ebo. In this way, the situation became defensible. Hincmar could maintain that the condemnation of 853 was legitimate. Would he then oppose the wishes of Nicholas I and Charles the Bald, who agreed to demand the reinstatement of the nine clerics of Ebo in their orders? Hincmar did not think about it for a moment. As a good lawyer, he decided on a combination.

### III. - Hincmar's change of thesis. The theory of the dispensation.

When the council prescribed by Nicholas I was convened in Soissons on 18 August 866, Hincmar endeavoured to have the following resolution adopted: the council would affirm the legitimacy of the sen-

In the case of the Council of Soissons of 866 (*P. L.*, vol. CXXVI, col. 66): then in his instructions to Egilo of Sens, his envoy to Rome (*Ibid.*, col. 65). On the third omission, see below, p. 133, n. 3.

i. In the two places indicated in the preceding note, Hincmar refers to the following letters of Zosimus: *P. L.*, t. XX, col. 661, 674<sup>n</sup> 673. It is a question of the conflict of Patroclus of Arles with the bishops of Vienne, Narbonne and Marseilles concerning ordinations.

a. In the same places, Hincmar refers to the letter of St. Leo (*P. L.*, vol. LIV, col. 614, cap. V).

It is not possible to say that this is the only way to avoid the problem of the 853 sentence; however, he would recognize the right of the pope to pardon the condemned; and he would even urge Nicholas I to take this measure of clemency. The advantages of the solution are seen. Hincmar made the concessions which had become inevitable; but, thanks to a procedural device, he maintained the condemnation of 853. Hincmar succeeded in bringing the council into line with these views. A conciliar letter<sup>183</sup>, written by the archbishop, was brought to Nicholas I, by Egilo archbishop of Sens. Between Egilo and Hincmar the agreement was complete. This can be seen from the instructions given to Egilo. One point worried the archbishop. Would Nicholas I accept the thesis of the legitimacy of the condemnation of 853, and would he be satisfied with granting a pardon to the clerics of Ebo? Would the pope not ask on what recitals, on what canonical authorities the legitimacy of the first condemnation, which he insisted on maintaining, was based? If the Pope were curious enough to ask this question, the whole system constructed by Hincmar would collapse: for example, it would be seen that the patristic authorities of 853 were not the same as those of 866; it would be seen that, while maintaining the condemnation of 853, Hincmar changed the object of it: to the declaration of nullity pronounced by the Council, he substituted a so-called sentence of deposition. At all costs, it was necessary to avoid these clarifications and keep the question vague. Hincmar wrote to his chargé d'affaires:

Et si dominus apostolicus a vobis quaesierit ipsas auctoritates qualiter isti deiieiendi iudicati fuerunt, potestis, si vobis videtur, illi respondere : unanimitate episcopi suum studium ad hoc converterunt ut isti fratres restituere- tur: unde illi miseront auctoritatein quam invenerunt<sup>184</sup>. Et quia non fuit rorum studium ut in deiectione permanerent, illas auctoritates sacrorum canonum, et decretorum Innocentii, Zosimi, Leonis, quae supra dictae sunt, et illi sunt cognitae, ei transmittere omiserunt\*.

Hincmar wanted to avoid any discussion of the substance of the matter, but his calculations were foiled. They earned him very harsh letters from the pope, in which he was accused of intrigue and

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183 HARDOUX, *Acta conciliorum*, vol. V, col. 6a3. t

184 Hincmar is no doubt referring to the canonical authorities inserted in the letter of the Council of 866 to Nicholas I: HARDOUX, *Acta conciliorum*, vol. V, col. 6a3. These authorities express the obligation to maintain the sentences legitimately rendered. Of the reasons which justify the condemnation of the clerics of Ebo, pa" nn word. It is a real game of hide and seek.

4- *Epit. ad Egilonem*, P. L., t. CXXXVI, col. 67.

even forgery. Nicholas I clearly asked the question; with regard to Ebo's clerics, he did not want to hear of grace, but of justice. Whatever Ebo's unworthiness may have been, the clerics who in good faith had been ordained by him received no prejudice from it, in accordance with the well-known teaching "quod mali bona ministrando sibi tantummodo noceant, nec Ecclesiae sacra\* menta commaculent"<sup>185</sup>. Hincmar had to submit. He recognized the good faith of the clerics ordained by Ebo; but he did not want to admit expressly that their condemnation had been unjustified<sup>186</sup>. This was no less a defeat for the proud archbishop.

#### IV. - Ratification of non-canonical ordinations according to Hincmar

It remains to say a word about Hincmar's doctrine on the manner of reconciling clerics whose ordination has been irregular. The archbishop of Rheims has twice explained himself on this question. It is first in the long work composed by him, in 870, against his nephew, Hincmar bishop of Laon. Here he mentions the various modes of reconciliation prescribed by the canons<sup>187</sup>; but he does not resolve the essential question: what exactly is the nature of the imposition of hands prescribed in these circumstances? The answer is provided in another more recent book. It is a book which, at the end of the xi<sup>e</sup> century, was transcribed and demarcated by Bernold of Constance, who attributed it to himself\*. It must be restored to Hincmar, apart from some short interpolations, which belong to Bernold.

In writing his treatise *De praedestinatione* around 85g-860, Hincmar manifested his intention to write a work of canon law with an original idea. He wanted to show that the canons published at various times by councils and popes, far from presenting contradictions, as a superficial examination might lead one to believe, in reality attest a profound unity<sup>188</sup>. Hincmar did not find the time to realize his idea until the pontificate of Pope Hadrian (867-872). At that time, Hincmar was very upset by the controversy over the ordinations made by Ebo after his deposition. The decision of Nicholas I concerning Wulfad and his

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185 *Epist.* 107, *P. L.* t. CXIX, col. 1100. In this place Nicholas I refers to two patristic authorities: the letter of Leo I to the bishops of Mauritania concerning Maximus (*P. L.*, t. LIV, col. 645) and the letter of Anastasius II mentioned on p. i3i, n. 1, and which Hincmar had tried to turn against the clerics ordained by Ebo.

186 *Epist.* ii, *P. L.*, t. CXXVI, col. 76; H. SCHROERS, *Hincmar*, p. 287.

187 *Opusculum LV capitulorum*, *P. L.*, vol. CXXVI, col. 38i.

188 *De praedestinatione*, XXXVII, u, *P. L.*, t. CXXV, col. 4i3. Hincmar had also given attention to the divergences of the Fathers in theology. *Ibid.* col. 86.

companions was a defeat for the archbishop. He was sure to be reminded of it, if need be. Hincmar responded with his distinction between the strict right and the power of dispensation which belongs to the Holy See<sup>189</sup>. So when Hincmar set out to carry out his former project of showing the unity of ecclesiastical legislation, he gave an important place in his theory to the right of dispensation, whose usefulness he had appreciated in critical circumstances.

As early as the ninth century, Hincmar gave the principles of a - *Concordantia discordantium canonum*. He is a precursor of Gratien. Strangely enough, on many points, Hincmar has a firmness of doctrine and an orthodoxy which is totally lacking in his successor of the xn<sup>e</sup> century. This is the case in matters of the sacraments.

In his treatise *De variis capitulis ecclesiasticis*, Hincmar is led to speak of the canonical prescriptions concerning the penance of clerics. Here again, he finds decisions that show some variety. Some texts declare that *lapsed* clerics are to be deposed *in perpetuum*; others grant such clerics the benefit of reinstatement. All this is explained by the theory of dispensation, which allows the Church to achieve good sometimes by rigour, sometimes by indulgence<sup>190</sup>. Hincmar then determines the nature of the imposition of hands by which clerics ordained outside the Church, that is, in schism or heresy, but who are, by

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189 Thus Hincmar replies to the reproach made to him on this subject by his nephew: *Opusculum LV capitulorum, N*, in *P, L.*, t. CXXVI, col. 3op.

190 *M, G., Lielli de lite* etc., vol. II, p. 117.

dispensation, admitted to exercise their orders in the Church, after their conversion.

The question was very serious. We shall see, later on, in what an absolutely unexpected and bold manner it was resolved by Urban II. The solution proposed by Hincmar is much more traditional. He discusses the case, in connection with the imposition of hands prescribed by the Council of Nicaea for the reconciliation of Novatian clerics<sup>191</sup>, and he admits that it was the imposition of hands of penance. From the historical point of view, this explanation is false. We have seen that the Council of Nicaea understood the laying on of hands to be carried out on Novatian clerics in another way. But, from the theological point of view, Hincmar's solution had the great advantage of not undermining the theology of the order. It proclaimed that no part of the order's liturgy could be repeated. This statement was invaluable. Hincmar enumerates the various ceremonies to which the name imposition of hands is appropriate; he allows all of them to be repeated except those of confirmation and order:

Cum vero pro confirmatione vel ordinatione impenditur, non iam pro sola oratione, sed etiam pro sacramento habenda est, quod sancti Patres iterari prohibuerunt. Nam non minus peccatur, si cui manus pro confirmatione vel ordinatione iterum imponitur, quam si altera vice baptizetur... Ergo quod in Niceno concilio clericis novatianorum conversis manus imponi iu- betur, nullatenus ordinatoria manus impositio intelligenda est, sicut quidam translatores eiusdem concilii minus cauti intellexisse videntur, qui eosdem iterum ordinandos interpretati sunt<sup>192</sup>.

Hincmar then speaks of the reconciliation of laymen who have received baptism outside the Church. He cites the famous text of St. Gregory in which the Western and Eastern practice for various heretics is described<sup>193</sup>. Hincmar approves of the Western practice of reconciling Arians and other heretics by the laying on of hands alone, and not by confirmation as the Orientals did:

Multo tamen competentius occidentales huiusmodi hereticos absque chrismatis - unctione suscipiunt, ne sacramentum confirmationis iterasse videantur ; quod illi cum ipso baptismo ab hereticis multoties acceptunt, cuius inquam sacramenti, aequè ut baptismi iterationem, vitare debemus. Si autem, ab hereticis nondum confirmati sunt, venientes ad Ecclesiam, per chrismatis unctionem procul dubio confirmandi sunt<sup>194</sup>.

As a result of his office, Hincmar is very familiar with the bishops' ritual, in which the various rites of reconciliation are indicated. He draws from this book:

Sciendum autem non per eamdem manus impositionem suscipiendos eos, qui apud hereticos baptizati sunt, et eos, qui in catholica baptizati, postea in heresim prolapsi sunt... Unde et in antiquis ordinibus diversae orationes ad huiusmodi manus impositiones

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191 See above, p. 3G.

192 *M. G., Libelli*, vol. II, p. 119.

193 See above, p. 5i, n. 3.

194 *M. G., Libelli*, vol. II, p. 120.

distribuuntur. Nam quae super eos dicuntur qui ab hereticis baptizati<sup>4</sup> sunt, Spiritum Sanctum in eos venire petunt, quae autem apostatis redeuntibus impenduntur<sup>195</sup>, gratiam tantum reconciliationis sub paenitentia eis impetrare videntur<sup>196</sup>.

This whole presentation is remarkable. It attests to a very sound knowledge of the theology of the sacraments. The whole theological part is excellent. Only the history has some reservations. The imposition of hands prescribed by the Council of Nicaea for the Novatians was not that of penance. Moreover, Hincmar, who knew the ancient *Sacramentaries* so well, *did* not notice that the formulas for the reconciliation of heretics baptized outside the Church are identical to a part of the confirmation ritual. This observation would have led Hincmar to recognize that the reconciliation of heretics was carried out for a long time in the West and in the East by ceremonies which differed in form but were identical in substance, at least originally<sup>4</sup>.

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□. As the context proves, Hincmar hears about the apostates who were rebaptized into heresy. About them there was a special formula. *Ibid*, no. 87.

<sup>196</sup> *M. G., Libelli*, vol. II, p. 121.



## CHAPTER VH

### THE ORDINATIONS OF PHOTIUS

Exactly one century passed between the deposition of Constantine (768) and the first deposition of Photius (867). Like Constantine, Photius was a neophyte: in six days he had been raised from the lay state to the episcopate (857-8). But his elevation involved notably aggravating circumstances: he was an intruder who took the place of Ignatius, patriarch of Constantinople since 846, and still alive; secondly, he had been consecrated by Gregory Asbestas, a deposed bishop and burdened with ecclesiastical censures; thirdly, prior to his consecration, he was regarded as a schismatic, in his capacity as a supporter of

Gregory. Such was the man who, for more than thirty years, was to cause and maintain, between the Roman Church and Byzantium, a conflict fatal to ecclesiastical unity, since he was one of the remote but undeniable origins of the Greek schism (July 16, 1954). Now the question of the ordinations made by Photius was the main object of these controversies, and it was the solution of the popes, on this subject, which raised the Greek world against Rome. To us today the question is not in doubt: the ordinations made by Photius were illicit, but valid. Was the question so clear for the popes of the ninth century? Not all historians think so.

#### I. - Status of the issue.

According to Hefele, the historian of the councils, the eighth ecumenical council of 869, sitting under the presidency of the legates of Pope Hadrian, declared the ordinations absolutely null and void

Then, ten years later, in 879, Pope John VIII is said to have regarded these ordinations as real or valid<sup>2</sup>. Finally, in a third variation, Pope Formosius is said to have returned to the opinion of Popes Nicholas I and Hadrian, and to have regarded these ordinations as null<sup>3</sup>. Such a state of affairs is not impossible in itself, but it is so strange that it must be admitted only on good evidence.

Finally, one of the authors who have studied this question most coolly, Dom Chardon, has written, speaking of the strong expressions of Nicholas I and Formosa on the ordinations of Photius: "I know that these expressions may be interpreted favorably; but again, they were not suitable for clearing up a question which was beginning to become obscure<sup>4</sup>."

It is therefore worth examining this question closely. And first of all, let us note a valuable clue, which has been hitherto overlooked. In the course of these long controversies, when the main concern was to strike hard, neither the popes nor their friends ever invoked the precedent of the intruder Constantine. It was, however, the straightest blow that could be struck against Pho-

1. HEFELE, *Conciliengeschichte*, IV, p. 437: "According to the canon law in force at our time, the ordinations made by Photius, as well as his own ordination by Gregory of Syracuse, would be regarded as *illicitae*, but not as *invalidas*, whereas in the eighth ecumenical synod those who had been so ordained by Photius were merely regarded as laymen, and Pope Nicholas I pronounced their formal and irrevocable deposition. The supporters of Photius must have been all the more irritated by this severity, as they certainly remembered that the seventh ecumenical council had explained the 8th canon of Nicaea in this sense that clerics returning from a sect did not need a new *ordination in order* to resume their functions."

a. *Ibid.*, p. 458: "This fact that Photius had received *illicit* orders was not such as to make his reinstatement forever impossible. The Council of Nicaea had also yielded under similar circumstances, and Pope John was fully justified in not requiring any reordination of the bishops and clerics ordained by Photius. Pope John could legitimately reinstate Photius, on condition that he should do penance for his past conduct; now what he could do seemed to him very expedient and wise to do."

3. *Ibid.*, p. 488, Hefele admits that Pope Formosus regarded the ordinations conferred by Photius as null and void. He writes of Formosius' letter to Stylianus and his friends (HAKDOUIN, *Acta Conciliorum*, vol. V, col. 1131): "The pope regrets that they are employed in favour of certain people, without even indicating whether they are priests or laymen. It was possible to forgive laymen, but not priests, for Photius could not give to anyone a dignity (the priestly dignity) which he himself did not possess. He had been able to give to those whom he had ordained only the curse which he himself had received, when, by sacrilege, hands had been laid upon him." These three passages of Hefele are quoted here in the translation of Abbé DELARC, *Histoire des Conciles*, vol. VI, pp. a, 26 and 59.

4. *History of the Sacraments*, col. 889.

tius, if one wanted to deny the validity of his ordinations. The solution of the Roman Council of 76g, contained in the *Liber Pontificalis*<sup>^</sup> was known to all. If it was not invoked, it was because it was not recognized as applicable in this case; moreover, it was because its legitimacy was denied, since the case of Photius was worse than that of Constantine. "If it is true, this attitude of the great popes of the second half of the ninth century, from Nicholas I to Formosa, is not surprising. From the

point of view of theological culture, this was a far cry from the barbarism of the Frankish consultors of 769; the last good days of the Carolingian renaissance were being lived. It is not surprising that the untenable attitude of Constantine's judges was not taken towards the Greek world, whose theological science was precisely feared. Once again, the silence on Constantine's condemnation is only a hint; but it puts us on the way to more precise findings, which fully confirm this first impression.

## II. - The declarations of Nicholas I and Hadrian II.

In short, Patriarch Ignatius succumbed, in 807, to the intrigues of a corrupt court, which found his morals too severe. Not accepting his condemnation, he appealed twice to the only judge left to him: he summoned Nicholas I to remember the great popes of his predecessors: Fabian, Julius, Innocent, Leo<sup>197</sup>. This appeal of Ignatius is the main episode of the appeals to the pope in the Greek Church<sup>198</sup>. The - magnificent manner in which he was accepted and judged, in Rome, places Nicholas I immediately after the great popes whose memory his protégé invoked. But the vigilante did not see the success of his efforts. On 13 November 867, Nicholas I's last thoughts were for the persecuted righteous<sup>199</sup>, and ten days later, the backlash of

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<sup>197</sup> It is the *Libellus de Ignatii causa* of the monk Theognostus, in HARDOUIN, *Acta Conciliorum*, vol. V, col. 1014. The piece is of 861; it is by mistake that it is dated 869 in Hardouin.

<sup>198</sup> P. BERNARDAKIS, *Les appels au pape dans l'Église grecque jusqu'à Photius*, in *Echoes from the East*, vol. VI, pp. 30-42, 118-125, 249-257 (Paris, 1903).

<sup>199</sup> Letter of Pope Hadrian II (10 June 869), in HARDOUIN, *Acta Conciliorum*, vol. V, col. 793.

The first episcopate of Phoenicians was in the hands of the Pope, and the first episcopate of the Archbishop of Rome was in the hands of Phoenicians, who were to become the first bishops of the Church. The first episcopate of Photius had lasted ten years 807/8-867; the second episcopate of Ignatius lasted the same length of time 867-877/8.

There is a gradation in the judgments of Nicholas I concerning Photius. Since the Roman synod of April 863, he declares Photius deposed<sup>200</sup> and the clerics ordained by him<sup>201</sup>. In November 13, 866, he still speaks of the deposition, but he adds much stronger expressions, which, taken alone, could lead one to believe in the nullity of the ordinations made by Photius. A papal letter is especially vehement; but, a circumstance to be noted, it is addressed (November 13, 866) to the emperor Michael the Drunkard (842-867), one of the most odious Basileis who occupied the throne of on such a character, it was necessary to force the expression and even the thought. The pope applied himself to this task and succeeded. Taken literally, these

Byzantium. To make an impression expressions can only be understood as absolute nullity<sup>202</sup>. They reappear, but slightly attenuated, and corrected by the context, in a letter of the same day addressed to the clergy of Constantinople<sup>203</sup>. These letters are placed at the time of the most energetic action of the pope against Photius; they are very much affected by oratorical exaggeration. Will they be interpreted as juridical documents? This would be a misunderstanding which a study of the other decisions of Nicholas I is sufficient to rule out.

This would, moreover, render unintelligible the subsequent - controversies, in which Pope Hadrian II (867-72) merely followed the line of his predecessor. Before the eighth ecumenical council (869), in which the deposition of Photius was pronounced, Ignatius asked, in Rome, what course of action to take with regard to the clerics ordained by Photius; he then solicited the grace of Paul, archbishop of Caesarea of Cappadocia, who was of that number<sup>204</sup>. The ordinations of Photius

200 *Ibid.*, coi. io25, Roman Synod of April 863: "Sit... omni sacerdotali honore et nomine alienus, et omni clericatus officio prorsus exutus."

201 *Ibid.*, coi. 1076: "Eos vero quos Photius... provexit... omni clericali officio privamus, et... eos penitus sequestramus."

202 *Ibid.*, coi. 1027: "Gregoriv" (the consecrator of Photius) qui canonice ac synodice depositus et anathematizatus erat, quemadmodum posset quemquam provehere et benedicere, ratio nulla docet. Igitur nihil Photius a Gregorio percepit, nisi quantum Gregorius habuit; nihil autem habuit, nihil dedit... Si execrabilis [Gregorius], utique et non audibilis; si non audibilis, ergo inefficax; si inefficax, profecto Photio nihil praestans: nimirum qui vulneratum caput per illam manus impositionem potius habere dignoscitur." Nicholas I is inspired here by the famous decretal of Innocent I. Cf. above, p. 70, n. 1.

203 *Ibid.*, cols. 1078-79; 1081 D.

204 *Epistola ignatii ad Nicolaum papam*, in HARDOUXX, *Acta Conciliorum*, vol. N, col. 792. This letter arrived at Home after the death of the pope.

were therefore considered illicit, but not invalid. On June 10, 869, Hadrian II rejected this request, not without a great deal of force<sup>205</sup>. If we must always take into account the liveliness of language, this is - especially true of the rather lively discussions which took place in the sixth session of the eighth ecumenical council. Some of the bishops ordained by Photius had been called to appear, and as they bitterly defended themselves, they were called laymen<sup>206</sup>.

The fourth canon of the same council is affected by this agitation of minds; it has an emphatic form which could be misleading:

... Photium... iusto decreto damnamus : promulgantes nunquam fuisse prius aut nunc esse episcopum, nec eos qui in aliquo sacerdotali gradu ab eo consecrati vel promoti sunt manere in eo ad quod proveci sunt : ... sed et ecclesias quas, ut putatur, tam Photius quam ii qui ab ipso consecrati sunt dedicaverunt, vel si commotas mensas stabilierunt, rursus dedicari et inthronisari atque stabiliri decernimus; omnibus maxime quae in ipso et ab ipso ad sacerdotalis gradus acceptionem vel damnationem acta sunt in irritum ductis<sup>207</sup>.

This canon is inspired by the letter of Pope Hadrian II, of June 10, 869, which contains the reconciliation between Maximus, the intruding bishop of Constantinople, and Photius<sup>208</sup>. However, this reconciliation does not clarify the question, because the fourth canon of the Council of Constantinople of 381 relating to Maximus, can receive and has

received opposite interpretations. These are rather strong expressions: "promulgantes nunquam fuisse prius aut nunc esse episcopum". Is this not to declare the ordination of Photius null? Fortunately, this difficulty is removed by the decisive testimony of Anastasius the librarian. He has added notes<sup>209</sup> to his translation of the *Acts* of the Eighth Council. Now one of them<sup>210</sup> explains the previous formula

205 *Ibid.*, col. 793.

206 *Ibid.*, 83o.

207 *Ibid.*, col. 900.

208 *Ibid.*, col. 793.

209 He warns us of this in the preface to the *Acts*’, HARDOUIN, *Acta Conciliorum*, vol. V, col. 766.

210 This note is found following the letter addressed on November 10, 871 by Hadrian II, to the emperor Basil. The pope, asked by Ignatius to reinstate the clerics ordained by Photius, refuses to do so. Anastasius indicates in this connection an objection which he had often heard, and immediately gives the answer (*Cibid.*, col. 939):<sup>11</sup> *Quaeritur cur sedes Apostolica eos qui a Photio damnato in diversis sunt Ecclesiae gradibus constituti, sine recuperatione deposuerit, cum ab Eb- bone [Remensi] damnato sacrosatos, et post adstantibus episcopis depositos, instaurari decreverit. Sed sciendum est quia Photius tanquam neophytus et adulter, qui scilicet Ecclesiam viventis invaserit, nunquam fuisse episcopus, dictus et promulgatus est; sed nec ii qui ab eo manus impositionem acceperunt, comparati videlicet Maximo Cynico et ordinatis ab eo a secunda synodo cum ordinatore repulsis; Ebbo autem, licet postea sit depositus, quandoque tamen episcopus fuit, quemadmodum et Aeacius, de cuius ordinatione Papa statuit Anastasius : ut scilicet, quos post damnationem ordinavit Aeacius, nulla portio laesionis attingeret. Denique si pater meus adulter est, et ego ex adulterio nascor, profecto ut non legitimus ex hereditate repellor : quod tamen non paterer, etiam si pater meus probaretur veraciter homicida."*

"promulgantes" and leads to its completion by the word "episcopum legitimum".

### III. - The indulgence of John VIII and the severity of Formosa.

Thus, on the subject of the ordinations of Photius, the judgment of Rome was in accordance with current theology, but there is a great difference between the language of the popes at the beginning of the controversy, and that of the years 866-69: the tone went ever upwards, and it was with the utmost energy that Hadrian II refused to recognize the clerics ordained by Photius. He even pursued them to Bulgaria, to prevent them from exercising their orders, and to obtain their deposition<sup>211</sup>. What a change when one hears the decisions of John VIII of 16 August 879! He admitted Photius and his clerics to the exercise of their office<sup>212</sup>. The external situation had changed considerably. Ignatius had died (877-8); and Photius had succeeded him in the patriarchal see; he even took care not to encroach on the rights of the pope in Bulgaria. From the ecclesiastical point of view, therefore, a reconciliation was possible. But from the political point of view, it is highly desirable: in Italy, the pope is surrounded by enemies, the main ones being the dukes of Spoleto and the Saracens. If he could obtain from the powerful Emperor Basil an armed collaboration, it would be the end of that terrible crisis of the year 879. Hence the concessions of John VIII. They remained unrewarded; the pope had to - excommunicate Photius again, and he has been judged very severely by posterity

Until the second deposition of Photius in 886, the situation remained as it had been during the last years of his first pontificate (863-867). Rome resumed an attitude of unyielding resistance. But these variations produced a deplorable impression in the East. The finer points of Byzantine politics made it difficult for many to decide which way to go. The popes criticized the ordinations of Photius; the patriarch attacked the elevation of Pope Marin<sup>2</sup>, successor of John VIII; he even tried to reorder the clerics ordained by Ignatius, and sometimes succeeded<sup>3</sup>. But soon encountering determined opposition, he invented an ingenious way of reconciling them<sup>4</sup>. In the midst of

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211 Letter to Ignatius of November 10, 871, in HARDOUIN, *Acta Conciliorum*, t. V, col. 1110. D. HEFELE, *Conciliengeschichte*, IV, p. 437, understood this passage as affirming the nullity of the ordination of these priests, ordained for Bulgaria by Photius. Cf. translation DELARC, VI, p. 3.

212 IOHANNIS PAPAE *Epistolae*, in *P. L.*, t. CXXVI, col. 855: "Hunc ipsum patriarcham [Photium] cum omnibus sive episcopis sive presbyteris, ceu cae-

these controversies, the

teris clericis et omnibus laicis, in quos iudicii fuerat censura prolata, ab omni ecclesiasticae sanctionis vinculo absolvimus, sanctaeque Constantinopolitanae Ecclesiae iudicamus recipere sedem."

1. Fr. LAPOTRE (*John VIII*, p. 6 ff.) has attempted to justify the pope.

3. Photius attacked the election of Pope Marin because he, previously bishop of Cere in Etruria, had transferred from that see to that of Rome. The canon law of that time, which was very often violated, forbade episcopal translations. Photius had decided that the emperor Basil should write to Rome on this subject. This letter is lost, but we have the reply sent by Pope Stephen V at the beginning of his pontificate (Sept.-Oct. 885); it is found in HARDOUIN, *Acta Conciliorum*, vol. V, col. in5.

4. The fact is attested in a kind of *Synodicon* contemporary with the events: "Alii quidem vi coacti, alii volentes communicarunt. Et auidam impositas ab eo poenas ecclesiasticas quindecim dierum, ut qui illum antea damnavissent, susceperunt. Plurimos vero illorum denuo consecravit, voca- vitque illam mysticam consecrationem... eliminandum... necnon et eos qui ab illo denuo sacrilege consecrati sunt." *Ibid.*, col. n38.

5. The fact is attested in the *Biography of Ignatius* by Nicetas (c. 890): "Consecratos a sancto Ignatio reconsecrare conatur. Quod cum aequum parum succederet, omnesque indignissime ferrent, atque execrarentur, ne ita quidem defecit iniquitas. Humeralibus et orariis et aliis status sacerdotalis comptis insignibus, secreto preces super ea quasdam (si tamen preces, et non potius dirae execrationes appellandae sunt) pronuntiabat: sicque ea singulis locis nature and the conditions of the power of order ended up being obscured in many minds.

After the removal of Photius, peace could have been made. Emperor Leo VI placed his brother, Prince Stephen, on the patriarchal see. Annoyingly, Stephen had been ordained a deacon by Photius. He was therefore under a perpetual deposition. Nevertheless, they began by consecrating him (December 886). Then negotiations with Rome began. They did not succeed. Popes Stephen V and Formosa<sup>1</sup> spoke even more harshly than Nicholas I and Hadrian II. After seven years of episcopacy, Patriarch Stephen died in 893 without being recognized by the popes. In fact, the clerics and bishops consecrated by Photius remained, for the most part, in office. To what extent was this situation accepted and legitimized by Rome? It is impossible to say. There had been such a lack of follow-through and such failures in papal policy on these matters that the peace was made, warily, by letting go and letting be, rather than by an authorized decision<sup>2</sup>. It was, moreover, the time when the Roman Church saw the tragic darkness of the tenth century taking place around her<sup>3</sup>.

muneris largitionisque dabat." In HARDOUIN, *Acta Conciliorum*, vol. N, col. 1007.

1. The request in favour of the patriarch Stephen was made in secret by the metropolitan Stylianus, who had always remained faithful to Ignatius' party (*Ibid.*, col. 1122). A letter from the emperor, which must have been more explicit, has been lost. Around 888 Stephen V replied (*Ibid.*, col. n30) asking for explanations. Stylianus provides them (*Ibid.*) in a new letter. While some admitted that in 886 Photius had resigned freely, others, holding to the decisions of Nicholas I and Hadrian II, said that he had not resigned, because he had never been a bishop. Pope Formosus replied in 892 (*Ibid.*, 1131): he accepted the second opinion; moreover, clerics ordained by Photius could not be reinstated. The pope simply called Photius a layman. This expression should not be taken literally. It had already been used by Nicholas I, in the letter *Ad universos catholicos* of November 13, 860 (*Ibid.*, col. 120), and in the decisions of the VIII<sup>e</sup> Ecumenical Council, as we have seen above.

2. HERGENROETHER, *Photius*, vol. II, p. 701.

3. It should be noted that Photius used the decision of the Council of Nicaea - concerning the Melecians of Egypt (cf. above, pp. 38-39) to reorder some of Ignatius' clerics. This follows from the text quoted in note 3 on page 144. The words "vocavitque illam [reordinationem] *mysticam* consecrationem" are an allusion to the words pvarixcürépq x<sup>61</sup> P<sup>OTOV</sup> ^Me the letter of the Council of Nicaea relating to the Melecian clerics.

## CHAPTER VH!

### POLITICS AND ORDINATIONS IN MILAN, ROME AND VERONA.

The reordination of Joseph, bishop of Vercell, was carried out, by order of John VIII, by the metropolitan of Milan. It is linked to the most decisive episode of a pontificate that was otherwise so agitated. It was at the death of the Emperor Charles the Bald (6 October 877), an event which opened up the most worrying prospects for the future to the Pope. Under John VIII, the situation of the Holy See was always very precarious. It was necessary to repel the Saracens, who, established in southern Italy, threatened the Roman countryside and the walls of the city; to stand up, in Rome itself, to a strong party of malcontents; and finally to thwart the intrigues of the dukes of Spoleto and the marquis of Tuscany. With Charles the Bald, the emperor of his choice, John VIII could hope to cope with these difficulties; but on the unexpected death of this protector, the most essential guarantees of security were lacking. It was necessary, at all costs, to find an emperor who was anxious to fulfil his duties of protection towards the Holy See<sup>213</sup>.

This need became even more urgent after an attack on the pope. He was held captive for a month in the church of St. Peter by Lambert of Spoleto. He was therefore at the mercy of the first attack. So he decided to leave for France. He arrived in Arles on the day of Pentecost, 11 May 878.

His intention was to bring about a meeting of the Carolingian princes, and to have them appoint the emperor he needed.

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213 On this situation of John VIII at the death of Charles the Bald, read L. DUCHESNE, *Les premiers temps de l'état pontifical*, p. 141 ff; and A. LAPOTRE<sub>R</sub> *Le pape Jean VIII*, p. 316 et seq.

For this purpose the Pope had given an appointment in France to the principal personages of Italy, and among them the Metropolitan of Milan, Ansbert. It was a question of uniting the political world, and the holder of the see of Milan had an influence that could not be neglected. Hence a summons addressed to him and his suffragans. It was this summons which was to bring about a conflict of a very special nature between the Bishop of Milan and the Pope.

In the negotiations undertaken to give the empire a holder to his liking, the failure of John VIII was complete. The meetings at Troyes (August-September 878) produced no results. The pope then devised a combination, that of giving the empire to Boson, the new master of Arles and Provence. Hence the summonses sent out on all sides for a new meeting at Pavia in December of the same year. But the abstentions were so numerous that no decision was possible. From that moment on, John VIII, unable to direct events, had to suffer them, and accept as king of Italy (880) and emperor (881) Charles the Fat, in whom he had little confidence. Events justified these fears. The new protector was of no help to the Holy See. John VIII died surrounded by enemies and the victim of a conspiracy: it seems that he was murdered.

The succession of Charles the Bald was thus the most serious crisis of the turbulent pontificate of John VIII. In the course of this crisis, papal policy met with much opposition; but none, it seems, was so sensitive to the pope as that of the Bishop of Milan, Ansbert. The latter adopted an attitude of inertia and absolute disobedience. In the most pressing terms, John VIII had summoned him to the Council of Troyes; then, on his return from France, he had given him an appointment at the Italian frontier<sup>214</sup>, at the Council of Pavia<sup>215</sup>, at the Roman synod<sup>216</sup> of May 879. All these summonses, formulated in the most moving and energetic terms, remained without result. At the height of a formidable crisis, the bishop of Milan refused to collaborate with papal policy.

He adopted towards the Pope the attitude which the great Carolingian legates had towards their sovereigns. He was not concerned with the general interest, but negotiated on his own behalf, and it seems that, not sharing John VIII's preference for a French emperor, he was in league with the German princes.

What is certain is that John VIII was extremely irritated by this opposition. At the Roman Council of May 879, he excommunicated the bishop\*, and threatened him with even more serious ecclesiastical

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a. *Ibid*, Ep. 100, col. 806 (Oct.-Nov. 878).

215 *Ibid*, Epist. 168, col. 807 (November); Epist. 171, col. 808 (December).

216 *Ibid*, Epist. 200, col. 822 (March 879).

penalties<sup>217</sup>, if he did not appear, with his supporters, at the Roman Council of October. The pope renewed these threats a month later, on June 14th<sup>218</sup>. Ansbert had aggravated his case by refusing to receive two papal legates, and by continuing to exercise his ministry and to celebrate, under the effect of the excommunication. Again, old Ansbert did not budge. Neither a deputy nor an apology was sent by him to the Roman synod in October. This was too much. On October 15, 879, John VIII deposed Ansbert; he immediately wrote to the clergy of Milan<sup>219</sup>, instructing them to proceed with the election of a new archbishop; at the same time, he sent two legates to represent him in the vote; finally, he reserved the right to consecrate the newly elected. The sentence pronounced against Ansbert was thus motivated: "Ansbertum... *episcopali honore privavimus, quia ante audientiam (his appearance in Rome) communicare pertinaciter praesumpserit, et ante legitimum suae purgationis examen ministerium sacrum contra statuta maiorum temere agere non dubitavit, et quia nondum a vinculis excommunicationis absolutus in Vercellensi ecclesia episcopum enormiter ac pervicaciter ordinare, contra regiam voluntatem, praesumpsit.*" It was this ordination of a bishop of Vercueil by the excommunicated Ansbert that was to lead John VIII to make a decision without precedent in the history of popes.

Such an affair was obviously of interest to the temporal ruler of Italy. This country had passed from Charles the Bald to Carioman, and then to Charles the Fat. John VIII therefore wrote to this

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217 *Ibid, Epist.* 223, col. 836 (ig mai). " Scias pro certo quoniam maiori te iudicii ecclesiastici vinculo, velut inobedientem incunctanter ligabimus."

218 *Ibid, Epist.* 240, col. 85o.

219 *Ibid, Epist.* 265, col. 886.

He told him that Ansbert, being excommunicated, had ordained the priest Joseph, bishop of Verceil. The pope had not recognized this ordination; at once he had consecrated a certain Cospert bishop of Verceil; now he asked the king to recognize these various acts. On the same day, the Pope wrote to the clergy of Verceil<sup>220</sup>; he renewed the communications made to Charles the Fat; but to justify them, he added an argument. Ansbert being excommunicated could not proceed to an ordination, for having nothing, he could give nothing: "*Nam cum praedictus Ansbertus dudum Mediolanensis archiepiscopus esset regulariter excommunicatus, aliquam vél minimorum in Ecclesia Dei consecrationem graduum jacere nullo modopotuit; quia quod non habuit dare profecto nēquivit*" The pope then exhorted the clergy of Verceil to welcome Bishop Cospert. Finally, all the acts performed by the intruder Joseph were to be annulled: "*omnia quae fecit esse iudicamus vacua et inania, quia legitimus ipse non fuit episcopus.*"

As one might expect, the Metropolitan of Milan defended himself as best he could. He appealed to Charles the Fat, who wrote to the Pope. The king readily acknowledged Cospert's elevation to Verceil, but demanded that Ansbert remain in Milan. On 24 November, the Pope replied that he could not grant this request<sup>221</sup>. The sentence could only be withdrawn if the culprit appeared in Rome. Ansbert decided to satisfy the pope. Did he come to Rome? Most probably, yes. In any case, he made John VIII keep a promise of loyalty confirmed by an oath<sup>222</sup>. These events took place during the year 880.

#### - I. - The reordination of the bishop of Verceil by John VIII.

The question of the ordination of Joseph, ex-bishop of Verceil, remained to be settled. Ansbert was particularly interested in him. So before doing anything in his favour, he asked Rome for advice. The pope replied that, after deliberating in a synod held in St. Peter's, he decided that, in such a case, Joseph, having been regularly elected, should simply be reordained, since he had received nothing in the first consecration, conferred by an excommunicate. The sentence was soon carried out. Joseph having been elected by the Church of Asti was reordained by Ansbert. But this act provoked violent protests. To cover his tracks, the Bishop of Milan asked the Pope for a declaration. It was sent on February 15, 881, and was very explicit, as we shall see; the

<sup>220</sup> *Ibid, Epist.* 267, col. 887.

<sup>221</sup> *Ibid, Epist.* 276, col. 894 0\*4 November 879).

<sup>222</sup> This follows from the letter cited in the following note.

reordination was completely approved: ' 1

Consultationis<sup>4</sup> tuae qua nos super Joseph, nuper in Vercellensi Ecclesia ordinatum, nova nunc electione vel ordinatione in Ecclesia Astensi, consulere voluisti, perspectis suggestionibus, quibus super hoc nostrae auctoritatis consultum requiris, canonicum iudicavimus, et nostris tibi decretis convenienter, propitia Divinitate, respondimus.

Fuerat autem de illo primum, ut ipse mecum advertis, quoddam irregulariter institutum; sed nos apud B. Petrum apostolum, cum sancta synodo residentes, salubri potiti consilio, et animositatem illius correximus, et misericordiae fomenta, gratia Sancti Spiritus revelante, profinus adhibuimus, scilicet ut, *eo in pristinum ordinem reducto*, si alium episcopatum ei concedere voluisses, et cleri vel populi vota hunc sibi concorditer in episcopum expeterent, et eligeretur, *et sicut qui nihil ab ordinatore prius acceptit, in episcopum crearetur*.

Interea accidit ut, Astensis Ecclesiae rectore proprio obeunte, permissu Caroli gloriosi regis, idem Joseph, post electionem cleri et expetitionem populi, in eadem ecclesia deberet ordinari episcopus, tua fraternitas, tam nostra absolutione quam etiam ipsius regis exhortata monitionibus, hoc libenter admisit *et canonice iussa complere conata est*. Quod quia nunc sententiam nostram tu quoque secutus, et regalem permissionem devote, sicut concedet, es amplexatus, *praefatum Joseph presbyterum sanctae Ecclesiae Astensi episcopum praefecisti, et ordinationem illius ratam haberi decernimus, et omnium ora contra hoc quoquo modo mussitantia apostolica auctoritate obstruimus*<sup>1</sup>, quia sicut de irregulariter quibuslibet habitis nos ad haec corrigenda zelus iustitiae excitat, ita de bonorum virorum laudabilibus factis gratia divina laetificat. Nam et sedes apostolica, iuxta quod S. Leo papa scribit, hanc temperantiam servat, ut et severius agat cum obduratis et veniam cupiat praestare correctis : et ideo his omissis, *de praelibati Joseph iterata creatione sanctitas tua in nullo penitus haesitet*, quia hanc et nos approbatam - admittimus, et ab omnibus admittendam esse mandamus : *quia quod non ostenditur factum per impositionem manus illius, qui<sup>223</sup> tempore suae ligationis\**, quod dare visus est, *ut ita dixerim, non habuit, ratio non sinit ut videatur iteratum*.

This text is perfectly clear. Joseph, having received nothing in the ordination made by Ansbert "tempore ligationis", was not a bishop, but a priest, as before this ordination; for this reason, he had to be consecrated bishop before being placed on the see of Asti: "præfatum Joseph *presbyterum* sanctæ ecclesiæ Astensi episcopum præfecisti". But this is not a reiteration, since the first ordination was void.

Here we find the language of all those who have reiterated the sacrament of order: if they cannot deny that they are making a - material reordination, they declare that the reiteration is only - apparent, the first ordination having been null. So much was known that a valid ordination cannot be reiterated! But the question was whether the first ordination was void. John VIII affirms it; theology denies it: excommunication cannot prevent a bishop from transmitting the power of order.

It is interesting to note the terms used by John VIII to designate the acts of this procedure. In one place the pope distinguishes between the penalties against Ansbert and Joseph: "Ansbertum dudum archiepiscopum... *omni episcopali honore privavimus*, et eum quem illicite ordinavit episcopum, decrevimus synodali iudicio *depositum esse ab ordine episcopatus*; intuitu tamen misericordiæ *in pristinum quo erat antea gradum reverti*<sup>224</sup> ." On the same day, writing to the Church of Vercel, he expresses himself differently: "eundem archiepiscopum et hunc ipsum Joseph... *omni episcopali honore decrevimus esse privatos et alienos* : tamen intuitu misericordiæ..., iam fatum Joseph, invasorem ecclesiæ vestræ, *de ordine episcopali deiectum, in gradum et ordinem quo prius exstitit, omnimodo reverti. Nam cum prædictus Ansbertus... quod non habuit, dare profecto nequivit*\*. Will it be said that the measures taken against Ansbert and Joseph were of the same nature? This would be to go against the testimony of the last letter of John VIII to Ansbert transcribed above, and according to which Joseph, intruder bishop of Vercel, was only a priest<sup>225</sup> . In reality, the letters of John VIII place us in the presence of a double form of deposition: that of Ansbert is the equivalent of the canonical deposition of today; that of Joseph is the equivalent of the deposition of Constantine \*, in Rome, in 769; it is a declaration of nullity of the usurped ordination: "*eo in pristinum ordinem reducto... et sicut quinihil ab ordina- tore prius acceperit, in episcopum crearetur*"^".

This letter was not known in the second and third centuries<sup>e</sup> . How much it would have been quoted during the controversies on the

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224 P. L. t. CXXVI, *Epi*\*: 366, col. 887.

225 It cannot be accepted that John VIII regarded the penalty of deposition as forfeiting the power of order. In that case he should have had the archbishop of Milan reordered as well as Joseph of Vercel, for both had been given the same penalty.

validity of the sacraments administered by the excommunicated! It was not, because it was buried in a manuscript of Mont-Cassin, which escaped the researchers. And, here, it is enough to recall a story which has been perfectly unraveled by Fr. Lapôtre<sup>3</sup>. At a date which we cannot specify, but which was before the twelfth century, the second part of the register of John VIII (containing the letters from September 876 to the end of the pontificate and consequently the letters relating to the Ansbert affair) disappeared from Rome. In the twelfth century<sup>e</sup>, this mutilated register was at Monte Cassino, where a monk made a copy. This copy was given to the pontifical archives towards the end of the xm<sup>o</sup> century; it is still there, and forms the first volume of the long series of pontifical registers. Thus it was that the Middle Ages did not know this letter, which could have had a great influence on the controversies whose history we are tracing.

In 879, in spite of such formal declarations by Nicholas I and Hadrian II, John VIII admitted to the exercise of their orders Photius and the clerics ordained by Photius. The following year he prescribed the reordination of Joseph Bishop of Verceil, who had been consecrated by the excommunicated Archbishop of Milan. It was, therefore, that he attributed to himself, if not a decisive power, at least a singularly extensive and authoritative arbitration over the conditions of transmission of the power of order. The reason of opportunity seems to have weighed greatly, in the eyes of John VIII, in these matters. In 880, he wanted to teach a good lesson to the great lords of Lombardy.

## II. - The annulment of the ordinations made by Pope Formosa.

The case of the ordinations of Pope Formosa<sup>4</sup> (891-896) cons-

I. See above, pp. 105-106.

a. P. L., vol. CXXVI, *Epist.* 310, col. 920.

3. A. LAPOTRE, *Le pape Jean VIII*, p. 1 and following.

4. Sources and bibliography for the subject can be found in

In this way, it is possible to see the demarcation between the brilliant history of the papacy in the ix<sup>a</sup> century and the long series of scandals which followed one another in Rome for a hundred and fifty years until the middle of the xi<sup>e</sup> century. This affair preoccupied public opinion for more than thirty years, and at least until the death of John X in 928. It cannot be said, however, that it marks the transition between periods of greatness and abasement, for the fall was all at once, and so deep that the last level was reached from then on.

This scandal was caused by a political issue. It should have disappeared with the cause that gave rise to it. It did not. The environment in Rome was so unhealthy that this scandalous affair became acclimatized and endemic. The crisis had periods of slumber and revival. Popes solemnly condemned the injustice committed against Formosa by one of their predecessors; other popes quashed these sentences of cassation, and declared the popes who had rendered them to be intruders. The question of the ordinations of Formosa gives the impression of the case of Pope Constantine of 769, continued for thirty years.

Like his predecessors, Formosius, the temporal ruler of Rome, needed a protector to support him against the Roman aristocracy and against enemies from outside. On the other hand, this position of protector of the Holy See was so advantageous that it was eagerly coveted. Like John VIII, Formosa wished to choose the sovereign who would be responsible for protecting him. Unfortunately his policy was contradictory. There were two candidates for the imperial crown: Guy or Lambert, princes of the house of Spoleto, and Ârνού, king of Germany. The first, being in Italy, could become troublesome; the king of Germany, being far away, would intervene only on great occasions. The preferences of Formosa were for Arnoul. It is true that at the beginning of the pontificate the pope subdued the princes of Spoleto and even crowned Lambert, the heir of the house. But in secret he called Arnoul, who, having arrived in Rome, was crowned by the pope on 22 February 896. A few weeks later Arnoul died, leaving Formosa exposed to the vengeance of the princes of

J. HERGENROETHER, *Handbuch der allgemeinen Kirchengeschichte*, vol. 2, pp. 189 and 197, Freiburg in B., 1905. To this should be added L. DUCHESNE, *Les premiers temps de l'état pontifical (754-1073)*, pp. i53 ff, Paris, 1898.

Spoleto whom he had deceived. The pope had such a clear vision of the peril, that he died of it, on April 4, 896.

Nine months later, in January 897, under Pope Stephen VI, a sinister trial took place in Rome: it was the cadaverous council. On the orders of the princes of Spoleto, the body of Formosa was exhumed and placed on a seat in the middle of the assembly where the administration of Formosa was to be judged. The judgment was

rendered in advance. It was to condemn Formosa as an intruder, and to declare his pontifical acts harmful. It was especially the coronation of Arnoul on February 22, 896 that was to be annulled. But the ecclesiastical acts of Formosius, and especially the ordinations made by him, were included in the condemnation. The political matter was complicated by ecclesiastical recriminations. As always, the winning party denied the power of order to its enemies.

Recitals were soon found to justify the sentence prepared in advance. Formosa's career had been eventful, and even presented accidents that were easy to exploit. Formosa had had difficulties with John VIII. Deposed and excommunicated on April 19, 876, Formosius, cardinal-bishop of Porto, had been reconciled and admitted to lay communion at the synod of Troyes in August 878, presided over by John VIII. But he had to swear an oath not to appear again in Rome, and never to claim the episcopal dignity. It is true that Pope Marin, successor of John VIII, pardoned Formosa, and put him back in possession of his bishopric of Porto. But these old stories were still brought up at the Council of 897. The translation, forbidden by the ancient canons, which had taken him from the see of Porto to that of Rome, was also invoked against the dead man: but no account was taken of the numerous precedents which had taken all the best of the force of this ancient law. Other charges were also raised. Finally, the dead man was condemned, declared an intruder, stripped of the pontifical vestments, and deprived of the fingers which had been used to bless him. Then, after a few days' rest in the foreigners' cemetery, he was thrown into the Tiber.

Formosa's acts were overturned. During his five-year pontificate, Formosius had made numerous ordinations of clerics, both Roman and foreign. It seems that at first they did not dare to declare them null and void. All the Roman clerics ordained

by Formosa; the others were not worried, as they were out of reach<sup>226</sup>

The successors of Stephen VI endeavoured to annihilate this procedure. Theodore II (897) and John IX held councils at Rome and Ravenna (898) in which the clerics ordained by Formosus were restored to their offices. These acts of reparation required courage, for the party hostile to Formosa was very strong. At the death of Theodore II (897), this party had been powerful enough to oppose a competitor to the new pope John IX: it was Sergius, crowned bishop of Caere by Formosa, and condemned with his main supporters, at the council of Rome of 898, by John IX. But fortune turned rather quickly. Five years later, in 904, there were three popes in Rome: Leo V, elected at the end of July 908, and imprisoned by his successor Christopher the following September; Sergius III, John IX's competitor in 897, who, succeeding Christopher, soon suppressed his two predecessors. Contemporaries had the sensation of a period of darkness and madness<sup>227</sup>.

The pontificate of Sergius III (904-911) was worthy of such a beginning. It is enough to mention the resumption of the trial of Formosa, in a Roman council. The clerics who had been rehabilitated by Theodore II and John IX were considered as laymen. They were given the choice of losing their office or being reordained<sup>228</sup>. These measures were then extended to the whole of Italy and beyond<sup>229</sup>. The bishops who had been ordained by

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226 The priest Auxilius, of whom we are about to speak, writes in 908, in his treatise *In defensionem sacrae ordinationis Formosi*; "ordinationes tamen eius [Formosi] procul existentes, sicut omnes nostrarum regionum testes existunt, exagitare non ausus est [Stephanus V]." In E. DUEMMLER, *Auxilius und Vulgarius* etc., p. 71, Leipzig, 1866.

a. The same Auxilius says: "Unde totus orbis divina illustratur luce, tristes eruperunt tenebrae." *Ibid.* at 62. And his contemporary, the grammarian Vulgarius, in the treatise *De causa Formosiana libellus*: "Quod nuper de Leone et Christoforo sacris apostolicis actum totus mundus contremuit: quando simul tres luctabantur apostolici, quorum unus [Sergius III] qui fortior reliquos duro domans ergastulo, vitam eorum cruda maceratione decoxit ac tandem miseratus (!) diro martyrio finiri compulit... O aurum quomodo mutasti colorem tuum optimum! Sparsi sunt lapides sanctuarii in capite platearum, nimirum Balthasar potat in fialis aureis. Hierosolymitana caecitas transiit rediuidere in arces Romanas." *Ibid.*, p. 135.

228 Auxilius writes in the *In defensionem* etc. (*Ibid.*, p. 78), "Quosdam autem ex illis, tamquam si nihil sacrae unctionis habuerint, novum imitati sacrilegium, iterum consecrare non timuerunt, tamquam si prima in eis non consecratio sed magis execratio fuerit."

229 Auxilius, in his treatise *De ordinationibus* etc., chapter 9 (*P. L.*, t. CXXIX, col. 1083), answers the following objection: "Numquid omnes qui Formosi consecrationem nihil esse professi sunt, et in eodem ordine iterum consecrati

Formosa and who, for several years, had carried out numerous ordinations<sup>1</sup>. It was forbidden to add the title of priest and bishop to the name of Formosa. This was to pronounce the revision of ecclesiastical situations which had been undisputed until then. The validity of the most essential religious acts came to be doubted<sup>2</sup>. This led to a long period of agitation, during which a literature of controversy was created. The conditions of validity of ordination were then discussed in detail.

## II. - Defense of the ordinations of Formosa by Auxilius.

Sergius III and his party invoked, against the ordinations of Formosa, the arguments already formulated during the cadaveric council: the condemnations brought by John VIII against Formosa, and the translation which had made the unhappy cardinal pass from the see of Porto to that of Rome. The ordinations made by Formosa were unquestionably valid.

A cleric from the Frankish country, who appears to be called Auxilius, had come to Rome at the end of the ninth century and had been ordained by Formosa. He had then settled in Italy and seems to have finally settled in Naples. He had been summoned to the Roman Council in which Sergius III took up the trial of Formosa, but he was careful not to appear. He was therefore prosecuted by Sergius III. As he was a learned man, he wanted to defend himself. Hence his works.

In 908, he wrote the treatise *In defensionem sacrae ordinationis papae Formosi I*; then, around 911, a patristic dossier entitled *De ordinationibus papae Formosi*; finally, around the same time, the dialogue *Injensor et defensor*. The relationship of these three works is close. By returning, three times, to a rather limited question, the author became more and more master of his subject. The progress made from one work to the next is obvious. The first of these, *In defensionem*<sup>3</sup>, is rather confused: it deals, without any order, with the ecclesiastical policy of Sergius III<sup>4</sup>,

sunt, ad inferna praecipitantur? Neque enim Deus tantam episcoporum, presbyterorum atque levitarum multitudinem perdet?"

1. See further the story of the Bishop of Noia, and the not identical but analogous story of the Bishop of Naples.

2. *De ordinationibus*, ch. 28, *Ibid.* col. 1070.

3. This treatise can be found in E. DUEMMLER, *Auxilius und Vulgarius* etc., pp. 59-94, Leipzig, 1866.

4. *Ibid.* p. 60, threats by Sergius III to have the goods of the Trial of Formosa \* condemned, the prescriptions of canon law and theology on the translation of bishops.

The *De ordinationibus* is a didactic treatise. The first part shows that

translations of bishops are not absolutely forbidden by the law<sup>2</sup>. A second part proves that ordinations made by Formosa must be admitted, even if there was some irregularity in the elevation of this pope<sup>3</sup>. The end of the treatise examines questions of a practical nature: how this matter should be judged; what is, in such cases, the authority of the pope and that of the general council<sup>4</sup>. The third work, entitled *Infensor et Defensor*<sup>5</sup>, is the best of the three. It is a contradictory discussion between an opponent and a supporter of the ordinations of Formosa. This treatise is distinguished by a rather tight form and by the firmness of the ideas. The author was well inspired by the circumstances. He did not write a theoretical work, but a consultation requested by Leo, bishop of Noia. This one, having been consecrated bishop by Formosa, saw himself, like so many others, summoned to be reordained. He sought advice from various quarters, and finally from Auxilius, whom his previous works on the subject had made known. Also, in this new treatise, the latter employed all his means of persuasion. Here is a summary of the author's ideas in these three works.

It will suffice to point out the attitude of Auxilius towards the - papacy. He had great respect for the Holy See, but in this case he refused to submit to the demands of Sergius III, who wanted everyone to accept the nullity of the ordinations of Formosa. Sergius III had the publicists he had at hand support his thesis in this regard. When they were at their wits' end, they invoked the sovereign authority of the pope. They put their opponents in the presence of texts which prescribe obedience to the Holy See. Auxilius examines several

ordinations of Formosa. P. 61, the way in which he treats his predecessors since Formosa as intruders. P. 84, how Sergius III, who had been consecrated bishop of Caere by Formosa, is again consecrated bishop in Rome.

1. *Ibid*, pp. 63-65, Formosa's deposition. P. 66, his reconciliation. P. 67, his transfer from Porto to Rome.

a. These are the first five chapters of the treatise, in *P, L.*, vol. CXXIX, col. 1059-1066.

3. These are chapters 16-37, *Ibid*. col. 1066-70. This is the part where the traditional texts on the conditions of validity of the power of order are given.

4. Chapters 38-40, *Ibid*, cols. 1070-74.

5. *Ibid*, col. 1073-1103.

the objection \*, and at great length. These passages show what perplexities such scandals were worth to the Christian conscience. Auxilius declares straightforwardly that unjust prescriptions are not to be obeyed. Auxilius took no notice of the excommunication brought against him by Sergius III; he continued to celebrate mass. He is not content, with regard to ecclesiastical authority, to distinguish between just and unjust precepts; he distinguishes between *sedes* and *sedens*. He writes: "Honor et dignitas uniuscuiusque *sedis* venerabiliter - observanda sunt. *Praesidentes* autem si deviaerint, per devia sequendi

non sunt ; hoc est si contra fidem<sup>230</sup> vel catholicam religionem agere coeperint, in talibus eos nequaquam sequi debemus, quod plerumque apud Constantinopolitanam et Alexandrinam sedem contigit<sup>231</sup> ." Auxilius invokes the higher authority of the general council<sup>232</sup> . Such are the dangerous claims which the policy of Sergius III provoked. For all powers, it is perilous to force subjects to distinguish between just and unjust precepts. This distinction leads to other less innocent ones.

On the subject of ordinations, Auxilius opposes to Sergius III an exact doctrine. He establishes a complete analogy between baptism and ordination. Neither of these two sacraments can be repeated. He proves this doctrine by the letter of Saint Gregory to the archbishop of Ravenna<sup>233</sup> . The reiteration of these sacraments is a heretical act<sup>234</sup> . Ordinations conferred outside the Church are valid, as the story of the heretic

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230 Cf. a similar passage in *Infensor* etc., chap. 3i, *Ibid.* col. 1099. Auxilius quotes a few words from the third false decretal of Anacletus, and then adds, "Doctores enim vel quilibet qui locum pastoris in Ecclesia tenet, si a fide exorbitaverit, est a fidelibus corrigendus, sed pro reprobis moribus magis tolerandus quam iudicandus." Cf. *Ibid.* at 1100.

231 *Infensor et defensor*, chap. 18, P. L' t. CXXIX, c. 1089. The same distinction is found in *De ordinationibus*, ch. 35, *Ibid.* col. 1073.

232 *De ordinationibus*, ch. 40, *Ibid.* col. 1074. Cf. *Infensor* etc., ch. 5, *Ibid.* col. 1082.

233 *Infensor* etc., ch. 5-6, col. 1082. This is the letter of St. Gregory quoted above, p. 75.

234 *Ibid.* ch. 6, col. 1082; *In defensionem* etc. (ed. Duemmler), pp. 78, 79, 80, 81. (ed. DUEMMLER), pp. 78, 79,

Liberus and the texts of St. Leo<sup>235</sup> and Anastasius II<sup>236</sup>; the ordinations of unworthy or intruding bishops are valid, as are those of Vigil<sup>237</sup>, the proscriber and substitute for Pope Silvester<sup>238</sup>.

As objections to his thesis, Auxilius examines only the Roman Council of 769, in which the condemnation and reiteration of the ordinations of Pope Constantine were decided. This was the great authority invoked by Sergius III. Auxilius does not hesitate to see this as an abuse of power incapable of setting a precedent<sup>239</sup>.

There are other facts to remember in the books of Auxilius. In his time, anointing had been introduced into the rite of ordination of priests in Rome. As they were not yet practiced at the time of Nicholas I, this innovation is therefore placed in the second half of the ninth century<sup>e</sup>. By an *ad hominem* argument, those who denied the value of the ordinations made by Formosus, reproached this pope with having been re-ordained bishop at the time of his enthronement in Rome: he would then have received a second imposition of hands. Auxilius replies by denying the fact. But, he adds, if the reiteration of the imposition of the hands of the episcopate had taken place, it would be a fact without consequence: according to Saint Jerome<sup>240</sup>, there is identity between the episcopate and the presbyterate. Consequently, the episcopal consecration does not have the meaning that one might think: it only completes the presbyterate. In an analogous manner, the pontifical consecration of Formosa completed his episcopal consecration:

Igitur cum presbyter manus impositionem accipit, ut caeteris praeponatur et episcopus appelletur, numquidnam in eo quoa est presbyter iterum con - secratur, et non potius, in eiusdem manus impositione, augmentum episcopa- lis ministerii quod non habet accipit? Sic itaque Formosus, in illa manus im- positione, non id quod episcopus erat perdidit, sed augmentum apostolicae dignitatis quod non habebat accepit<sup>4</sup>.

This question, concerning the difference between the episcopate and the priesthood, was to occupy theologians for a long time afterwards<sup>241</sup>

<sup>235</sup> *De ordinationibus*, ch. 16, col. 1066; cf. *P. L.*, vol. LIV, *Epist.* 167, col. 1203.

<sup>236</sup> *De ordinationibus*, ch. 19, 20, col. 1066. This is the letter of Anastasius II to the emperor of the same name. Cf. above, pp. 76-77.

<sup>237</sup> *Ibid.*, ch. 26, 27, col. 1069. Auxilius depends here on the notice of Silvester in the *Liber Pontificalis*.

<sup>238</sup> Auxilius again cites the Nicene canon in favour of the Novatians (*De ordinationibus*, ch. 23, col. 1068; cf. above, p. 36); - the letter of St. Leo to Anastasius, *De ordinationibus*, ch. 24, col. 1068; cf. *P. L.*, vol. LIV, col. 1001, *epist.* 106.

<sup>239</sup> *Infensor* etc., ch. 4, col. 1080.

<sup>240</sup> *Epistola ad Evangelum*, *P. L.* t. XXII, col. 1192, *Ep.* 146.

a. Another peculiarity of the doctrine of Auxilius. II admits that an ordination imposed by violence is valid. *Ibid.* col. 1075, 1076. II is led to discuss this question because clerics and bishops (e.g. Sergius III.) ordained by Formosa, claimed that they had been ordained by force (*In defensionem* etc., ed. DUEMMER, p. 85). The cases were not rare, in the antiquity, where the priesthood was imposed by force on a deacon, to reduce his chances of reaching the episcopate (*Ibid.*, p. 84). This doctrinal particularity of Auxilius is contradicted by theology. Cf. on this subject the commentary of Morin (*P. L.*, t. CXXXIX, col. 1058).

• Shortly after the death of Bishop Stephen of Naples, which occurred in 907, Auxilius was led to take up the defence of this character. Stephen had led a very troubled life. He had suffered from the political instability of southern Italy and the Saracen invasions. First as bishop of Sorrento, he had wandered from city to city, finally becoming bishop of Naples. It was still an episcopal shift! Sergius III attached too much importance to this breach of the canons for the case of Stephen of Naples to go unnoticed. He owed it to himself to declare the ordinations made by the bishop of Naples null and void. He did not fail to do so. Auxilius defended Stephen as he did Formosa. This treaty has been preserved<sup>242</sup>.

#### IV. - The discussion of Eugenius Vulgarius.

A professor of grammar in southern Italy also took part in these discussions. He is Eugenius Vulgarius, of whom two treatises have been preserved<sup>4</sup>. His dialogue *De causa et negotio Formosi papae* is not without merit. The condition of baptism and that of ordination are identified there, as regards validity and permanence in the soul. The reality which is the effect of these sacraments is very clearly described. We find, in

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<sup>242</sup> *Libellus in defensionem Stephani episcopi*, in E. DUEMMLER, *Auxilius und Vulgarius*, pp. 96-106. Auxilius does not forget to recall the reordination of Sergius III, *ibid*, p. 102.

THE ANNULMENT OF THE ORDINATIONS OF FORMOSA. 161 **this work, notions which were to become singularly weakened during two centuries and which would not be found, with this degree of clarity, until the end of the xn<sup>e</sup> century. To his opponents, who claimed that, by deposition and excommunication, Formosius had lost the power of order, Vulgarius replies that ordination, no more than baptism, cannot be removed from the soul: it is "inseparable from it":**

Non enim accidentia sunt quae accidant et recedant baptismus et sacerdotium per excommunicationem, ut puta quodlibet accidens : veluti sapientia quae recedit a subiecta mente aut dum desipit uit dum obliviscitur. Nec quidem perdunturper segregationem potestatis, nec ullo modo naevum infectionis in se perpetiuntur, nec mutari ut sanctum non sint \*. nec etiam ita evelluntur, ut sive ad malum sive ad bon<sup>u</sup>m, secundum illum acceptum ordinem ordinati<sup>243</sup> non iudicentur. Quocirca necesse est ut concedas, sacerdotium ab accepto *inseparabile* sicut baptismum : aut si non, aliud esse donum baptismi aliudque sacerdotii, quod dictu impium est<sup>244</sup> .

**This passage is excellent. Vulgarius is not a theologian; he does not burden his discussion with patristic or conciliar texts. As a good logician, he looks for principles from which he then draws deductions which overwhelm his opponent. While Auxilius invokes authorities, Vulgarius examines the substance of things, as in the preceding text. Elsewhere, he shows the contradiction which is inseparable from the opposing thesis. How can we imagine the loss of the power of order in Formosa, as a result of its translation? The opponent comes to say that Formosius had powers in his first diocese of Porto, but not in Rome. Vulgarius seizes upon this concession, and draws from it the condemnation of his opponent:**

Si in sua [sede] concedis posse, necesse est ut et in aliena concedas posse, licet, ut disputatum est, ex parte iniuste<sup>245</sup> . Unde primum factum<sup>246</sup> dicat ex parte irritum, non tamen secundum &, quia quod posse est, procul dubio pro libitu possibile est. Id enim quod dicitur posse, si est posse, sicut in licitis, ita et in illicitis dicitur posse.

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243 The editions give "secundum illud acceptum ordinis". As it does not seem that the word a sacramentum is implied, this text should be corrected.

244 *De causa et negotio Formosi papae*, in *P. L.*, vol. CXXIX, col. 1108. This treatise found by Mabillon, in a manuscript without name of author, had been attributed by him to Auxilius. In the manuscript P III 20, of the Royal Library of Bamberg, used by Dümmler, this dialogue bears the title: "Eugenius Vulgarius Petro diacono fratri et amico."

245 This passage alludes to a concession of Vulgarius, according to whom the translation from Formosa to Rome may have been, in some respect, illicit.

246 It is the elevation of Formosa to the papal throne.

At si negas in illicito Spiritum Sanctum posse invitare, consequens est ut neges in illicito coitu animam Deum posse mittere. Illicitum dico, qui qualibet occasione ad tempus sacra tus est : sequestratus ab altari et in ipso fervore sequestrationis fungitur officio. Nam etsi actus aliquandiu separatur a specie. non tamen posse. Potestas enim nulla ratione a specie disiungitur. Risibile namque quod est posse, vivere et dormire et caetera quae suut speciei cohaerentia, non quidem semper sunt in actu, cum sint in potestate<sup>247</sup>.

Auxilius also shows that the ordinations of Formosa cannot be discussed, if we admit the validity of those of Pope Marin (882-884). He too had been transferred from one see to another, from Caere to Rome. Yet his episcopal acts remained unchallenged<sup>248</sup>.

The nullity of the Formosan ordinations was the official thesis under Sergius III (904-911) and John X (914-928). The opposition of this attitude and that of Theodore II and John IX is still expressed in the epitaphs of John IX and Sergius III<sup>249</sup>. By an irony of fate, Stephen VI and Sergius III, who condemned the ordinations of Formosa, had also been transferred from one see to another; they had been bishops, the first, of Anagni, and the second, of Caere. The principles which they applied to Formosa were thus the condemnation of their pontifical administration in Rome. But, as they had been consecrated by Formosa, whose power of order, according to them, was void in Rome, their first consecration had been invalid. They had become bishops only after their re-ordination, on their elevation to the Holy See; they had not been transferred. John X had first been archbishop of Ravenna. Not having been consecrated bishop by Formosa, he must have been more embarrassed to justify his change of see.

The theory of the supporters of Sergius III, according to which the condemnation of the Church or a serious irregularity of promotion had the effect of depriving every cleric and bishop of the power of order, was, for different reasons, often repeated in the following years. As a result of the lowering of theological culture, it will find more and more credence. The notion of the power of order will become obscured. After long variations, when the pure doctrine of St. Augustine on these matters is re-established, no better expression than that created by Vulgarius three centuries before will be devised to express it. It will be said that baptism and order always remain in the soul, that they are "inseparable" from it. It will be added that the power of order can never be so bound by the Church as to become ineffective and inert. At about the same time, the doctrine of character was defined. But this last precision, which had been very close to being formulated at the end

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247 *De causa et negotio Formosi papae*, P. L., t. CXXIX, col. 1107.  
a. *Ibid.* col. 1111.

249 L. DUCHESNE, *Le Liber Pontificales*, vol. II, pp. 23a and 238, Paris, 1892.

of the twentieth century, was not found until the second half of the TWELFTH<sup>c</sup>. In the meantime, there was not a doctrinal development, but a theological regression of long duration and great scope. In a wide variety of ecclesiastical circles, some of them of great influence and authority, the traditional doctrine, which had been so clearly affirmed by Auxilius and Vulgarius at the beginning of the x<sup>e</sup> century, was lost sight of, and replaced by others which were much less certain; misunderstandings and confusions multiplied. One would look in vain for an equivalent in some other area of Catholic theology to this regression in the doctrine of the conditions of validity of the power of order.

#### V. - Poster and consultation of Rathier de Verona.

Among the churches of the x<sup>e</sup> century, very few are as well known as that of Verona. This is because its bishop was Rathier, a person who wrote a great deal, and whose works are almost entirely preserved<sup>250</sup>. It is a very picturesque and original figure that of this Fleming, who persisted in being bishop of Verona. He was one of the most cultured men of his time, fully committed to the reform of the clergy, but gifted with a humorous temperament which made him many enemies. He would have had enemies without it. What right did this man from the North have to come and govern one of the most envied dioceses in Italy, and to preach reform to a rich clergy of easy morals? Even though he was protected by Otto I, King of Germany, who appointed him in 931, this meant stirring up ecclesiastical opposition and secular jealousy against him, at a time when the choice of means was not very scrupulous. This was made clear to him. On thirty-seven years of episcopacy (931-968),

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<sup>250</sup> There is an excellent edition with introductions and notes by the Ballerini brothers. It is reproduced in *P. L.*, t. CXXXVI.

He spent only ten in his diocese, in three stays (982-934, 946-948, 962-968). In the intervals, Rathier had the most varied existence, sometimes in prison or under surveillance by his enemies, sometimes as a tutor in Provence, then as a private person in Laon and Lobbes, and finally as Bishop of Liège, from where he was driven out by his diocesans on occasion, etc.

In this eventful career, only one episode is of interest to this study; it is the conflict of the bishop with his clergy, concerning a mass reordination which Rathier wanted to carry out. It was the beginning of 963; for the third time, Rathier had just taken possession of his see; he had been reinstated first by a council of Rome, around February 962, then by a council of Pavia towards the middle of the same year. As soon as he was reinstated, one of his first concerns as a bishop was to take part in the siege of Garda prescribed by Otto I. When this difficult task was over, he thought of his clergy. In this undisciplined troop, the bishop's eyes were particularly fixed on the clerics who had been in command for twelve years. To him these clerics belonged to the Church in name only; in reality they were laymen. The point was clear. Had they not been ordained by the intruder Milon? The latter, son of the Count of Verona, had, around 950, bought the episcopal see from the bishop Manassès<sup>251</sup>, the same one who had provoked the first expulsion of Rathier, in 934. Now Rathier knew his canon law, and knew, especially, how the ordinations of the intruder Constantine had been appreciated in Rome in 769. So his opinion was settled. The ordinations made by Milon were null and void. But he could not, without provoking formidable opposition against him, drive so many people from the clergy. Hence his plans.

On Sunday, February 8, 963, Rathier issued a decree. According to the rigour of the law, the clerics ordained by the intruder Milon were to be deposed for ever; but the bishop consented to a softening of the canons: that they should henceforth refrain from exercising their orders, and they would be reordained at the next ordination.

Ab invasore\* sedis istius ordinatos, mitigantes canonicam, quae super eos lata est, sanctionem, praecipimus usque ad venturam legitimae ordinationis diem ab officio, in quo illegaliter eos instituit, abstinere ex auctoritate Dei et sanctae Mariae et sancti Petri apostolorum principis omniumque sanctorum. Actum secunda dominica Februarii mensis<sup>252</sup>.

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a. This Manassès was archbishop of Arles from 920 to 961. He belonged to the family of the counts of Arles, and was given the contiguous bishoprics of Verona (933- 946), Trent (933-957), Mantua (933-^45), and Milan (-953), which constituted fruitful benefices. Cf. in the *Galla christiana novissima*, J. H. ALBAXES and U. CHEVALIER, *Arles*, p. 98 (Valencia, 1900).

a. RATHERII *opera*, P. L., t. CXXXVI, c. 477. The interpretation given above of this decree results from a comparison with the *Libellus* of Rathier, quoted below.

This edict raised violent opposition among the clergy. So Rathier had to renew it the next day. But the opposition redoubled. Also, that same day, February 9, the bishop made a concession. He renounced imposing reordination, and left each one to face his conscience. Moreover, he refuted an objection. The clerics of Verona said: priests ordained by the intruder Milo were later consecrated bishops by others; yet no one thought of questioning the value of these episcopal consecrations; therefore the priesthood received from the hands of Milo was real and valid. To which the bishop replies: this argument is worthless, because the episcopal consecration conferred on a deacon gives him, by the same fact, the priesthood. Here is this document:

Leges inter bella silere Tullio didicerim licet, non Augustino docente, hesternae - promulgationis<sup>1</sup> indicium non unanimi cum vos consideraverim laudavisse consensu, in promptu fuit agnoscere, murmur inde potius multorum quam rectitudinis praeconium processurum, vel utilitati animarum proficuum aliquem fructum. Unde ne temerarius mei ipsius laudator, et mihi illatae potius iniuriae ultor quam legum iudicer executor, invasorem officii mei non ausus dicere praesulem, ne me propria ipse voce condemnem, nec ab eo institutos censere ullatenus fore presbyteros vel diaconos, ne deposuisse videar meos<sup>253</sup>; levigata ipsa quam protuli hodie quoque ut heri\*, illa quandoque praeterita sanctione super illos canonica, Dei indicio et proprio eos committens arbitrio, si exequi iniuncta ab invasore non timent officia, audere illos non prohibet violentia mea. Si timent, timere non cogit iussio mea: intersit illorum uti an abuti Dominico decernant ipsi praecepto, me in hoc penitus inculpato. - De episcopis caeterum quos ordinasse isdem opponitur ad presbyteratum, non aliter mea satisfacit inertia, nisi ut respondeam quia *unusquisque onus suum portabit*. Utinam vero ipsorum transgressio istorum saltem valeret esse defensio. Non defore tamen pronuntio, qui episcopum ex diacono sine presbyteratus ordine viderit factum, astruen-

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253 Note the reasons given by Rathier for declaring the ordinations made by Milon null and void.

166 DURING ECCLESIASTIC AND POLITICAL CONFLICTS, tibus facti auctoribus, qui esset episcopus, consequenter quod presbyter aut sacerdos utique foret. Viderint tantum qui ordinatione huiusmodi sortiti sunt praesulatum, ut a legitimo pontifice indepti fuerint diaconatum.

The concession made by Rathier to his clergy was not final. After six months of hesitation, he decided to refer the matter to Rome. He had, in fact, a high idea of the mission of the apostolic see, even when the holder was a person like John XII. The letter is written in the name of the clergy of Verona, but it is the bishop who holds the pen. The document is dated i<sup>er</sup> August 963. At this date it was known in Verona that a conflict had arisen between Otto I and John XII, and that the deposition of the latter was a matter of a few weeks. Hence the address *qui- cumque est, apostolico.*" After mentioning the singular letter: "Domino sanctae Romanae sedis, ordinations made by the intruder, Rathier asks what solution should be adopted in regard to them, and at once he supplies the elements of the discussion:

Domino sanctae romanae sedis, quicumque est, apostolico, et universo senatui, sanctaeque et canonicae legislatoribus universis, hinc demum sancto coetui omnium sub catholica fide degentium, clerus omnis sanctae Veronensis ecclesiae, debita subiectionis obsequium.

Non ignotum vestrae novimus paternitati invasionem hic olim, diabolo instigante, Patres Sanctissimi, factam, in qua cum contigerit illegalitate, ut asseritur, publica, plurimos nostrum ad diversa non provectos quidem, sed constitutos officia, petimus flexis hic, quod egimus, poplitibus consilium quod sequi debeamus, a vestra supplices sanctitate, cui de talibus iudicandi singularitas concessa noscitur esse. Obstacles enim, quibus in officio impedimur stare concessio, haec dominus episcopus noster recitat cum [aliis] innumeris esse; *quaecumque scripta sunt, ad nostram doctrinam scripta cum Apostolo asserens pariter fore.*

The "obstacles" mentioned by Rathier are: the thirteenth canon of Antioch<sup>254</sup> of 341; the fourth canon<sup>255</sup> of Constantinople of 381; a decision<sup>256</sup> of Innocent I; the fourth canon of Constantinople<sup>257</sup> of 868; the sentence of Nicholas I against the clerics ordained by Photius<sup>258</sup>. The author interprets these texts as proclaiming the nullity of ordinations made by an intruder, and as prescribing the deposition of clerics so ordained. There is however a remedy. Rathier continues:

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254 DIONYSII EXIGUI *Codex canonum*, in *P. L.*, vol. LXVII, col. 64.

3. *Ibid.*, col. 78.

256 INNOCENTII *Epistolae*, in *P. L.*, vol. XX, col. 530. It is the fragment *Ac- quiescimus et verum est.*

257 HARDOUIN, *Acta Conciliorum*, vol. V, col. 900.

258 *Ibid.*, col. ao3.

Adiutorium vero, si vestrae dominationi placeret, hoc tantum se pontifex noster dicit, non amplius invenisse : *Post hæc vero sanctissimi episcopi dixerunt...* [This is the fragment quoted above, p. 104, from the *Acts* of the Roman Council of 769, relating to the ordinations of Constantine].

Adiciens suprascriptus nostrae ecclesiae praesul quoque fatetur quia dicente - Domino: "Non discipulus supra magistrum " quidquid vos hinc decre- veretis pro rato se habiturum. *Optat vero ut vestrum quod in hoc sequendum censet arbitrium, ab auctoritate non discreparet penitus canonum.* Interesse tamen vestra dimisit arbitrium in hoc proprium, an sequi vobis antecesso\* rum libeat iudiciuin, sanctissimi Patres, vestrorum<sup>CCLIX</sup> ...

Basically, it is not a consultation, but an approval that Rathier asks of Rome; he wishes to be allowed to reorder all the clerics of Milon. What is the value of the authorities alleged by him to justify his feeling? The first five, which appear to him to be peremptory, prove nothing of his thesis. None of them affirms the nullity of the ordinations. If we place them in the historical circumstances to which they apply, we see that they prohibit the exercise of order, but do not deny the power of order to any of the offenders whom they strike. It must be conceded, however, that some of these texts were specious, and might suggest misinterpretations. If Rathier was so completely misled, the cause is that his opinion was made by the sixth authority cited by him. The notice of Stephen III in *ve Liber Pontificalis* is as explicit as possible on the nullity and reiteration of the orders conferred by the intruder Constantine. By a process not peculiar to the people of the tenth century, Rathier then came to see and introduce his idea, in texts which do not contain it.

Did Rome's answer reach Rathier? We cannot say. In any case, the bishop of Verona must have rejoiced at the decisions of the Council of Rome of the following year (964), which will be discussed. They constituted a complete approval of his thesis, which nevertheless had to be disavowed by the theology of the Church.

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CCLIX *Libellus cleri Veronensis*, in *P. L.*, t. CXXXVI, col. 479\* The end of this *Libellus* is very characteristic of the spirit of the time. The clerics of Verona promise, through the pen of Rathier, to thank the Roman Church with a handsome present, in case the answer received is favourable. "Quod si nobis in tanto animarum succurrere dignamini periculo, quem inde remuneratorem sperare debeatis, doceri nullatenus indigetis. Cum vero plurimi simus, non defuturum promittimus qui ad vestram redeat sanctitatem, dans in vobis gloriam Deo, vestraeque paternitatis condignam, quirites, quos hinc specialius precamur, venerandi, mercedem. Dat. Kal. Augusti."

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logy: ordinations made by an intruding bishop, who takes the see of another, are valid, and cannot be repeated.

#### **IV. - Annulment of the ordinations of Leo VIII by John XII.**

The Roman Council of April 769, in which the ordinations made by Constantine were declared a thousand, had a counterpart: it was the Roman Council of February 964, in which Pope John XII, taking advantage of the precedent of 769, declared the ordinations made by Benedict VIII null and void. This affair is linked to the conflict between Emperor Otto I and John XII.

For more than half a century, from the death of Arnoul (896), the protector of Formosa, until 951, the sovereigns of Germany had lost interest in Italy. In 951, the Germanic royalty, reconstituted and strong, intervened again, in the person of the powerful King Otto I, in the affairs of northern Italy. But Rome closed its doors to the German ruler. Alberic, prince of the Romans, continued in Rome the government of the Theophilacts; the Holy See had become a family possession. It was therefore important to remove any co-sharer. So Alberic refused to receive Otto.

His son Octavian was to be less careful. He became pope at the age of sixteen, on December 16, 933, took the name of John XII, and died at the age of twenty-five, after having displayed, on the pontifical throne, all the varieties of scandal. It was this character who, in 961, invited the king of Germany to intervene in Italy. He crowned Otto I emperor on February 2, 962. Then he intrigued against the protector he had given himself. Otto's patience was wearing thin. Faced with the pope's betrayals and notorious indignity, he decided to take energetic action. At the Roman synod of November 6, 963, he had John XII deposed and gave him as his successor the protoscrinarian Leo, who, being only a layman, - successively received all the orders and took the name Leo VIII. At this time Otto, treating the Holy See as a mere German bishopric, assumed the right of pontifical appointment, and thereby inaugurated a regime which his successors continued, not without some interruptions, for more than a hundred years L

1. An account of this council has been preserved for us by an eye-witness, Luitprandi, bishop of Cremona. Cf. LUITPRANDI *De rebus gestis Ottonis*, in *P. L.*, vol. CXXXVI, col. 902 ff.

Obviously this ecclesiastical revolution of 963 was not canonical. John XII did not lack pretexts to defend himself. Withdrawing to the outskirts of Rome, he threatened the council with excommunication<sup>260</sup>. The Council of Otto ignored this, and Leo VIII, consecrated on December 6, at first quietly exercised his pontifical functions. He even proceeded to an ordination, probably before the feast of Christmas. But John XII did not accept the deposition - pronounced against him. He had already stirred up trouble in Rome during Otto's stay; after the emperor's departure, at the beginning of February 964, he renewed his attempt, and this time succeeded in seizing the city. After vengeance in the taste of the time<sup>261</sup>, he held a synod in the church of St. Peter, February 26, 964. The *Acts* of this meeting are preserved. They relate solely to the ordination of Leo VIII and the ordinations made by him. On this last point, the decisions are formal. All the clerics ordained by Leo VIII were deposed:

Piissimus atque sanctissimus papa<sup>262</sup> dixit : Quid sentitis de eis qui ab eo \* ordinati sunt? Sanctum concilium respondit : Priventur honore quem ab ipso acceptunt. Tunc idem benignissimus Papa praecipit ingredi eos in concilium cum vestimentis, planetis, atque stolis, et unumquemque eorum in chartula scribere fecit huiusmodi verba : *Pater meus nihil sibi habuit, nihil mihi dedit.* Et sic eos exutos privavit honore quem dederat eis ipse invasor et neophytus atque curialis, *et revocavit eos in pristinum gradum*<sup>263</sup>.

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260 11 wrote to the members of the Council of Otto: "Nos audivimus dicere quia vos vultis alium papam facere; si hoc facitis, excommunico vos de Deo omnipotenti ut non habeatis licentiam (n)ullum ordinare et missam celebrare." *Ibid.* at col. 905. By this excommunication did John VIII intend to take away the power of ordination from the bishops he was striking? It is quite probable, for only on this condition did his sentence have any effect. In this case, this decision would be similar to that of John VIII, concerning Anspert of Milan. In fact, at the Council of 864 the ordination of Leo VIII was declared null and void on another ground: the imperial pope's status as a neophyte and intruder.

262 *De rebus gestis Ottonis*, in *P. L.*, t. CXXXVI, col. 908: "Imperator... tantum dedecus aegre ferens... ex Iohanne cardinali diacono et Azone scri- niario, quorum alterum manu dextera, alterum lingua, duobus digitis, naribusque abscissis, Iohannes [XII] abdicatus defedaverat,... Roma redire disposuit,"

3. John XII.

263 *Actio III*, in HARDOUIN, *Acta Conciliorum*, vol. VI, pars 1, c. 634.

This solemn degradation is the equivalent of that of Constantine mentioned above<sup>264</sup> ; with ceremonial forms in addition, it is the equivalent of the deposition of Bishop Joseph of Verceil<sup>265</sup> by John VIII. For the council and for John XII, the ordinations made by Leo VIII are naked. The degradation puts an end to a usurpation of insignia; and the meaning is further affirmed by the confession written on parchment, "Pater meus nihil sibi habuit, nihil mihi dedit."

If there were any doubt as to the legitimacy of this interpretation, it would be removed by another statement of the Council. The ordinations of Leo VIII are compared with those of Constantine and appreciated in the same way. The Council even quotes the text of the notice of Stephen III in the *Liber Pontificalis*; and this quotation is made so awkwardly that, in order to grasp its meaning, it must be compared with the text of the *Liber*;

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264 P. 105-106.

265 P. 151-J52.

## Acts of the Council of 964.

Eos vero quos ipse neophitus et invasor sanctae catholicae et apostolicae Romanae ecclesiae in quolibet ecclesiastico ordine provexit, apostolica atque canonica auctoritate et sinodali decreto, in pristinum revocamus gradum : quia ordinator eorum nihil sibi habuit, nihil illis dedit, sicuti olim noster praedecessor piave memoriae Papa Stephanus sententiam tulit de iis qui ordinati fuerant a Constantino quodam neophito et invasore sanctae sedis apostolicae, et postmodum quosdam eorum sibi placabiles presbyteros aut diaconos consecravit : statuens ut hi qui ab eo consecrati erant, numquam ad superiorem honorem ascenderent, nec ad pontificatus culmen promoverentur, ne talis impiae novitatis error in ecclesia pullularet L

honorem ascenderent, nec ad pontificatus promoverentur culmen, ne talis impius novitatis error in ecclesia Dei pullularet<sup>2</sup>.

The conciliar text of 964 derives from the *Liber Pontificalis*,

If the transcription is awkward, it is because the two cases were not absolutely similar. Constantine had ordained bishops, priests and deacons. As can be seen from the text of the *Liber Pontificalis*, the Council of 769 treated bishops differently from deacons and priests. Leo VIII, on the other hand, had not ordained any bishops at the Christmas ordination in 963. The text of the *Liber* therefore had to be slightly modified to apply to the situation of 964. Hence the hesitation and clumsiness of the *Acts of the Council*.

By way of simplification, these *Acts* assume that Stephen III applied to the letter the decisions of the Council of 769. These declared the ordinations of priests and deacons made by Constantine null and void, but allowed Stephen III to repeat them. At the Council, Stephen had declared that he would not take advantage of this freedom and indulgence<sup>266</sup>. In a different way, the Council of 964 assumes that Stephen III reordered the priests and deacons who had been consecrated by Constantine; then it establishes parity between the ordinations of Constantine and those of Leo VIII.

From then on, the sentence of the Council of 964 is not in doubt:

## Notice of Stephen III (768-772).

De episcopis vero atque presbiteris et diaconibus quos ipse Constantinus consecraverat, ita in eodem concilio promulgatum est, ut episcopi illi, si qui eorum prius presbiteri aut diaconi fuerunt, in pristino honoris sui gradu reverterentur; et si placibiles fuissent quorum populo civitatis suae, denuo facto decreto electionis more solito, ab eodem sanctissimo Stephiano papa benedictionis susceperant consecrationem.

Presbiteri vero illi ac diaconi ab eodem Constantino consecrati, simili modo in eo quo prius existebant habitu reverterentur, et postmodum, si qui eorum placibiles extitissent antefato beatissimo pontifici, presbiteros eos aut diaconos consecrasset; statuentes ut hi qui ex eis consecraturi erant, nequaquam ad fortiorem

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266 Cf. this statement by Stephen III, p. 104.

it declares that the ordinations made by Leo VIII, neophyte and intruder, are null and void. Without doubt, this decision, given in such troubled circumstances, is hardly of interest to theology; it is one more violence, in a time that saw others much stronger. This decision should nevertheless be mentioned, because it shows the unfortunate influence of the Council of 769 and the lowering of - theological culture<sup>267</sup>.

In conclusion, an essential remark. The principles of Sergius III, Rathier and John XII were not generally accepted in the<sup>e</sup> and early<sup>e</sup> centuries. The good theology did not lack defenders. Among them was one of the most prominent bishops of the time. Between 908 and 962, Liutprand composed his *Antapodosis*. After recalling the reordinations made by Sergius III, he thus challenges Bishop Recemund, of Elvira, to whom his book is dedicated:

Quod quammalegerit, pater Sanctissime, in hoc animadvertere poteris, quoniam et hi qui a Iuda, D. N. I. C. proditore, ante prodicionem, salutem, seu benedictionem apostolicam perceperunt, ea, post prodicionem, propriique corporis suspensionem, minime sunt privati, nisi quos improba forte defoe\* darunt flagitia. Benedictio siquidem quae ministris Christi impenditur, non per eum qui videtur, sed qui non videtur, sacerdotem infunditur. Neque enim qui rigat est aliquid, neque qui plantat, sed qui iumentum dat, Deus<sup>268</sup>.

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a. The Council of 964 further declared that Leon VIII and his consequential bishops should be deposed. In this case too, the word deposition refers to two very different acts. Cf. above, p. 169.

268 *Antapodosis*, I, 30, P. L., t. CXXXVI, col. 804.



# **THIRD PART**

## **DURING THE CHURCH REFORMATION**

### **CHAPTER IX**

#### **THE REITERATION OF SIMONICAL ORDINATIONS BY LEO IX.**

The story of Rathier of Verona and that of Leo VIII are quite characteristic of the state of the Church in the middle of the x<sup>e</sup> century. The Church had been drawn into the system of social life known as feudalism, and was suffering multiple damages. In order to understand the conduct of the Popes of the Reformation since Leo IX, and the revision of the power of order or sacramental power which was then attempted, it is necessary to say a word about the damage done to the Church by feudalism. The violence of the evil alone can make us understand the unheard-of character of the remedy.

#### **I. - Nature, extent and effects of simony in the X<sup>e</sup> and XI<sup>e</sup> centuries.**

It is well known that feudalism is the system of protection which was established in the West after the definitive failure of the Carolingian restoration. The central power being, as a result of its weakness, powerless to assure its subjects the principal benefit of social life, namely security, the instinct of conservation came into play, and soon brought about new forms of life. Not that feudalism was a sudden creation; it was the adaptation and enactment of tendencies which can be traced back through Merovingian times to the last days of the Roman Empire. It was like a tacit and slow denunciation of the social pact, for which particular contracts were soon substituted, and which seemed more effective.

After the bankruptcy of the common and distant protector, the - emperor or the king,\* a particular and neighbouring protector was given. The circle of social life narrowed: the immense space which the State alone had occupied was bristling with a multitude of compartments, in which life was limited to be more secure.

The initial mechanism of this society is very simple, almost primitive. At a time when commerce and industry barely existed, the great business was to secure as quiet a possession as possible of the corner of the earth on which they lived. To this end, the weak gathered around the strong man who could, in close proximity to them, take the place of the distant and powerless ruler. The social contract that came into being at that time has very ancient origins. It is the "recommendation". Reduced to a simplified *scheme*, it consists in the subordination of the land and the person of the "recommended" to the protector. In exchange for the protection afforded him, the recommended person cedes to the protector the eminent domain of his land; of this he keeps only the useful domain or the usufruct.

From now on, the recommended person enjoys his land thanks to a grant from the protector, and as a fief, that is to say, as a *largesse*. He must pay for the protection by royalties and personal services. Hence all the degrees of subordination and servitude. The condition of the land determines that of the man who lives on it. Such land, such a man. It can be seen that in this system security is dearly bought. If only it had been assured!

But there was no choice of means. Everyone had to go through this, the Church people as well as the others. Ecclesiastical property, needing protection more than any other, found itself involved in the feudal system from the very beginning. But since, according to the law of the time, the ecclesiastical function was indissolubly linked to the benefice, the protector who had the ecclesiastical land most often conferred the function. From then on, this function was no longer the sole responsibility of the Church, but depended mainly, and sometimes even more so, on

i. This failure of central authority was, moreover, singularly precipitated by the disobedience of officials who exercised on their own behalf, in a personal and hereditary capacity, the powers that had initially been temporarily delegated to them.

The reiteration of the SIMONIAN ORDINATIONS. 175 exclusively, of the feudal protector. Also the choice of ecclesiastical personnel, the essential prerogative of the heads of the Church, passed to the laity.

This first disorder led to others: the maxim "such a land, such a man" resulted in the subordination of the priest in charge of souls to the lord of the Church land; a personal link, a very strict dependence existed between the priest and his protector; the priest was the "man of the liege", that is to say, the "faithful" of the laity. Such a system was applied to the various levels of the hierarchy: it was the end of ecclesiastical autonomy, the control of the laity over all the essential workings of the Church.

Never before had the Church been in such danger. For if the great centralization of the Byzantine emperors or of Charlemagne had its disadvantages, especially because of the interference of political power in matters of dogma, it also had its advantages, by subjecting the Church to a regular control, truly concerned with the general interest. How the situation has changed, after the fragmentation of sovereign power between the great and small feudal powers! Feudal power is the most particular and selfish of all. The Church no longer has to reckon with a single power; she finds herself delivered to a multitude of insatiable exploiters, against whom it is almost impossible to defend herself.

In such a state of society, the chronic diseases of the ecclesiastical organism found a very favourable breeding ground. This is the case with simony. From the beginning of the vi<sup>e</sup> century until the xi<sup>e</sup>, canonical legislation presents a long series of laws forbidding the making of money, on the occasion of the various acts of ecclesiastical administration<sup>4</sup>. But the temptation to be selfish was too strong. These prescriptions often remained without effect. Episcopal elections, even those in Rome, gave rise to haggling<sup>1</sup>. The more so, the more so it was

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1 In the time of Boniface II (53-532), the Roman Senate was accused of having - previously tampered with the papal election. The Senate justified itself by a senatus-consult which condemned simony. Cf. *Liber Pontificalis*, ed. DUCHESNE, vol. I, p. 282 and *P. L.*, vol. LXIX, col. 779. The king Athalaric confirmed and completed this decree. Then the two documents were engraved on marble, and placed in *Yatrium* of St. Peter's. *Ibid.*

smaller acts, in smaller settings.

The feudal regime contributed to giving these abuses an unprecedented extension. After having fragmented and absorbed the sovereign rights of political power, after having, for example, made money out of the rights of justice, feudalism came to make money out of ecclesiastical administration, and even out of sacramental acts.

By recommendation, the ecclesiastical land had been, at first, almost secularized by passing into the eminent domain of the laity. The monopolization continued with irresistible continuity: the church, the altar, the rights of baptism and burial also changed master. The priest became a simple farmer of the land and of the functions of the Church, of which the laity were owners. Often the layman eliminated the intermediary: after having bought an ecclesiastical benefit, he became a priest and managed his property. The very principle of such a system was inadmissible. Church property was then exploited as mines and railways are today. In those times of faith, "ecclesiastical values" were the most productive. Were they not, moreover, about the only ones in existence at a time when commerce was restricted?

The system was quickly spread and shamelessly applied. In the 10th and 11th centuries, bishoprics, parishes, abbeys, and various benefits were very often sold. It is not surprising that, having bought the office, the incumbent wanted to recoup his expenses and taxed his subordinates. Here is how a bishop of the x<sup>e</sup> century, who is probably Gerbert, the future Pope Silvester II, expressed himself in a conciliar sermon:

Ita videas in Ecclesia passim sacerdotes, quos non merita sed pecuniae provexerunt, nugacem et indoctum, sacerdotalem arripuisse gradum : quos, si percunctari fideliter velis quis eos praefererit sacerdotes, respondent mox et dicunt: "ab archiepiscopo sum nuper ordinatus episcopus, centumque solidos dedi ut episcopalem gradum mihi conferret: quos si minime dedissem, hodie episcopus non fuisset. Unde melius est mihi aurum de locello minuire quam tantum sacerdotium perdere. Aurum dedi et episcopatum accepi; quod tamen, si fideliter vivo, recepturum illico non difficto. Ordino presbyterum et accipio aurum; facio diaconem et accipio argenti multitudinem, et de aliis nihilominus ordinibus singulis, et de abbatibus benedicendis et ecclesiis pecuniae quaestus profligare confido. Ecce aurum quod dedi, in meo locello illibatum habeo."

... Ecce ad quae mala devolvitur deificus ordo. Ecce ad quaesunt probra prolapsi, qui audire meruerunt a iudice mundi : *Pos estis lux mundi* L

I. *Sermo de informatione episcoporum, P. L., vol. CXXXIX, c. 174; cf. c. 75.*

Since the power of order was the indispensable condition for the exercise of an ecclesiastical function, ordination could not escape these bargains: it was sold either indirectly, as included in the purchase of the benefit, or directly, by a contract of which the

sacramental act itself was the object. The consequences of such a system can be guessed. Religion in spirit and in truth was monopolized and exploited by the crudest selfishness. This time the salesmen had settled in the back of the temple. The most religious acts were no longer performed for their own sake. The ecclesiastical ministry ceased to be a vocation. The moral state of the clergy also declined in proportion. It was the reversal of the order willed by Jesus Christ. Instead of charity and the spirit of sacrifice, selfishness and interest became the main driving forces of the ecclesiastical organism. This poor feudal society made a government and a religion in its own image. The abuses lasted a long time, a century and a half.

## II. - Growing disfavour of simoniacal ordinations.

The Christian conscience was exasperated. There was fault on both sides: among the laity, who sold their ecclesiastical benefits, and among the clergy, who charged for the acts of their ministry. How could this state of affairs be remedied? The initial usurpation of the laity, being the cause of the self-interested spirit of the clergy, was the root of the whole evil; if it could have been prevented, the situation would soon have been improved. But how to dispossess countless owners of such a fruitful right? This solution was so difficult to put into practice that it was tried last, at all costs, by the popes of the Reformation, since Leo IX.

Meanwhile, the Christian conscience protested in its own way, in the purely religious domain. Beautiful souls, indignant at seeing the grace of God become an object of exchange and sale, took a dislike to the simoniacs. At first, communion with them was avoided; then the contempt for their persons was extended to their spiritual acts. Their sacraments were regarded as a defilement; they were even denied any validity. At the end of this movement, the nullity of simoniacal ordinations was proclaimed.

We must not ignore the high feelings that provoked this extraordinary protest. It is the violent separation of religious souls from a world that exploited the gift of God. Besides, what better way to discourage such usurpations than to proclaim, in advance, their inevitable failure? It was like a spontaneous strike of conscience against an ecclesiastical ministry diverted from its essential purpose and subordinated to the interests of selfishness. No doubt, but unfortunately, it was also a revolutionary situation. The ecclesiastical hierarchy and the power of order\* were being profoundly affected. At first, it was not noticed. Then, at a time when ecclesiastical culture was at a lower level, the new theory took root in people's minds; it became a false tradition which was opposed to the true tradition of the Church, to the point of completely obscuring it. It remains for us to see the main episodes of this theological regression.

The sermon already quoted from Gerbert may serve to characterize a first stage. The simoniacal ordinations are not yet declared a thousand, but they are presented in such an unfavourable manner that one can guess which way the doctrine will deviate. The dialogue between the preacher and a simoniac bishop begins:

Interrogo tamen paulisper fratrem coepiscopum, quia episcopus sum et cum episcopo loquor. Dic mihi, frater episcopo, cum dares pecuniam, quid accepisti? - Quid? inquit. Gratiam episcopalem. - Et haec gratia cur tali vocaoulo nuncupatur? - Cur? inquit, ut reor, ab eo quod gratis datur, et ideo gratia vocitatur. - Et si gratia gratis datur et auro non aestimatur, cur a te pecunia comparatur? - Ut apparet ex responsionibus tuis, gratiam, cum ordinareris, non suscepisti, quia gratuito eam non meruisti; et si gratiam frater, non accepisti, quomodo episcopus effici potuisti?... Ut video et aurum, cum dares perdidisti, et *sanctam gratiam minime acquisisti* L

This and similar formulas could become dangerous at a time when the word "sacramental character" was not yet in use. One was exposed to the idea that "grace" was the full effect of ordination, and thus to the denial of the validity of the sacrament.

*i. De informatione episcoporum, P. L., t. GXXXIX, col. 175.* This sermon was often quoted in the Middle Ages: by Cardinal Humbert, Manegold, Placid of Nonantula, Siebert of Gembloux, Deusdedit, Alger of Liege. Cf. *Libelli de lite*, t. I, p. 655, t. II, p. 732. From the middle of the twelfth century, this text was attributed to St. Ambrose, under various titles.

of simoniacal ordinations. Doubts on this subject become more frequent at the beginning of the xi\* century. In 1008-1009, Lenthéric, Archbishop of Sens, was at a loss as to what to do about a priest, his diocesan, who had been ordained for money by another bishop. He had some inclination to proceed with a re-ordination. Fortunately he had the good sense to consult his suffragan, Fulbert of Chartres, one

of the most learned men of the time. The latter replied:

Ex auctoritate sanctorum canonum, tale vobis consilium dono. Primum degradetur; deinde ab Ecclesia separatus, duobus annis severa paenitentia multetur, ut honoris gradus, quos pretio taxaverat, lacrymis conquirere et reparare contendat. Postea, si digne paenituerit, restauretur... Ceterum re- baptismationes et reordinationes fieri canones vetant. Propterea depositum non reordinabitur, sed reddetis ei suos gradus per instrumenta et per vestimenta quae ad ipsos gradus pertinent, ita dicendo : " Reddo tibi gradum ostiarii *et cetera* in nomine P. et F. et S.-S. > Novissime autem laetificabitur eum sic concludendo : " Benedictio Dei Patris et F. et S.-S. super te descendat, ut sis confirmatus in ordine sacerdotali, et offeras placabiles hostias pro peccatis atque offensionibus populi \*... "

When an archbishop, in charge of one of the principal metropolises of France, had doubts about the conduct to be observed with regard to clerics ordained for money, it is easy to understand why a pious monk from Italy, in his zeal against simony, formulated an extraordinary doctrine, the influence of which cannot, it seems, be exaggerated. It is a letter addressed, about 1033- 1033, to the archbishop of Milan, Heribert. This character was not a model bishop. He had delayed the consecration of the bishop of Cremona until the latter had made good territorial cessions to him<sup>2</sup> .

### III. - Thesis of the nullity of simoniacal ordinations.

It was no doubt on the occasion of the scandal provoked by this attempt at simony that a monk named Guy of Arezzo wrote a letter to the archbishop of Milan which was to have a surprisingly good reputation for almost a century. By a confusion difficult to explain, the letter was soon passed off as the work of a "Paschasius in libro de consecratione", in which one saw probably Paschasius Radbert, the author of *De sacramento corporis et sanguinis Christi/then Pascasius* became Pascalis, and was identified with the first pope of that name. One can guess how much this demarcation contributed to recommending the theology of this document.

Guy d'Arezzo is a well-known musician of the first half of the twelfth century<sup>6</sup> . It is considered certain that he is the author of the letter to the archbishop of Milan. Guy was a monk and had a true religious sense, so he speaks out strongly against the simoniacal clergy. By reaction, he goes beyond the goal and denies the culprits the possession of the power of order. "From the twelfth century

onwards, his text seemed so exaggerated that characteristic cuts were made to it<sup>3</sup>; but what was preserved was still too explicit. The author addresses the archbishop of Milan:

Audivimus enim, quod valde miramur, quia sacri apud vos ordines pecuniis distrahuntur, dum quicumque tale aliquid attemptaverint omnino heretici comprobentur Sancto Spiritu per Gregorium intonante, quia quisquis per pecuniam ordinatur ad tioc, ut fiat hereticus, promovetur... Quis non videat quod huiusmodi sacerdotum aut clericorum missae et orationes super populum Deum ad iracundiam provocent, quem placari talibus credebamus. Scriptum est enim : a Omne quod non est ex fide peccatum est ". Et item : " *P eri sacrificii locus extra Ecclesiam non est* ' .'' [Numquid<sup>4</sup> maledictus sua benedictione panem in Christi carnem poterit vertere? maxime cum quic- quid benedixerit, Dominus se maledicturum asserit... Si heretici sacerdotes voces exhortationum non possunt fari, quomodo valeant vinum in Christi cruorem vertere? Etsi Dominus praecepit nequaquam dari homicidis, adul-

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3 The letter of Guy d'Arezzo can be found in the *Libelli*, 1.1, pp. 5-7; it is preceded by a critical introduction by F. Thaner. It is a problem to know what the original form of this document was. The eight preserved manuscripts do not contain any of the pieces quoted by Bernold of Constance in 1076; and Deusdedit provides two important incisions, which are found neither in Bernold nor in the manuscripts. Therefore Deusdedit, Bernold and the manuscripts represent three forms of the letter of Guy of Arezzo. Which is the oldest redaction? Will we say that it is the longest? In this case, it must be admitted that the primitive text appeared too unfavourable to the simoniacs and that it was mutilated, as early as the xi<sup>th</sup> century. This is the hypothesis adopted by F. Thaner in his edition of the *Libelli*.

4 The three passages put in square brackets are given, the first by Bernold in the *De damnatione scismaticorum* (*Libelli*, t. I, p. 41); the other two, by Deusdedit, *Collectio canonum*, IV, 53.

THE REITERATION OF SIMONIAN ORDINATIONS. 181 teris, rapacibus et celeris criminalibus peccatis irretitis, corpus et sanguinem suum usque ad satisfactionem, quomodo ipse dabit sacerdotium usurpanti per simoniacam heresim ubique dampnatam?] Unde et dicitur : " Hereticum nomen post primam et secundam correptionem devita."

Quomodo ergo tales episcopos, abbates vel reliquos clericos devitamus, si eorum missas audimus, cum quibus si vel simul oramus, excommunicationem subimus. Quos quidem sacerdotes esse saltem credere omnino errare est, cum Petrus Simoni dicat : " Pecunia tua tecum sit in perditionem, quia existimasti donum Dei pecuniis possideri. [Non est tibi pars neque sors in sermone isto]. Ubi cum "existimasti" dicitur, patet quia non pro eo quod fecerit, sed quod facere se posse crediderit condemnatur, cum tamen minus sit existimare quam credere<sup>4</sup>. [In hoc vero quod subiungitur "non est tibi pars neque sors in sermone isto", patenter ostenditur quia nihil sacrae ordinationis in hac promotione percipitur].

The simoniacal heresy! The great word is said. Borrowed from the letters of St. Gregory, it was to be given a meaning and scope which the great pope never thought of.

#### IV. - Reform initiative of Leo IX.

Around the time Guy of Arezzo wrote his letter to Heribert, the situation of the Church was not much better in Rome. It was the time of John XIX (1024-1033). Judging from the letters of William, abbot of St. Benigne of Dijon, the monastic party, which was prelude to the reformation of the Church, had a severe appreciation of the administration of this pope. William was an Italian who had been recruited for Cluny by his grandfather. When he wanted to urge the Pope to fight simony, his frankness did not allow for nuance:

Parcite, quaeso, parcite, qui dicimini sal terrae et lux mundi. Sufficiat hominibus iam semel Christum fuisse venditum pro communi salute universorum. Iam enim refugae veri luminis, solo nomine pastores, ovile Christi, imo membra illius, videte post vos quo eunt. Si iuxta fontem tepet rivus, in longinquum fetere nulli dubium est. Idcirco cura quibusdam venditur ad suum interitum. Volo vos pastores ac pontifices omnes, in commune, iudicis securim gestantis, ante ianuam assistentis memores\*.

In the Cluniac monasteries, while being very concerned to safeguard the spiritual primacy of the pope<sup>5</sup>, they granted

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<sup>5</sup> William of Dijon, having learned that John XIX wanted to grant the patriarch of Constantinople the title of *episcopus universalis*, hastened to protest by a letter preserved in Raoul Glaber, *Hist.* IV, 1, *Ibid.* col. 671.

It was Henry III who was expected to take the most effective action against simony\*. The ideal of these monks would have been a close collaboration of the German king and the popes for the reform of the Church. Noble minds, for example Peter Damian, remained faithful to this thought to the end. They continued the old ideas; being conservatives, they remained theorists. The men of action who launched the reform of the Church did not do so in the same way. They wanted to reserve the initiative of this regeneration to the Church and especially to the Pope. Their first attempt, the appointment of Gregory VI (1045-1046), failed, because of German defiance. It was still necessary to accept popes of the Empire: Clement II and Damasus II (1046-1048). However, one should not say too much against this regime, since it led to the appointment of Leo IX (1048-1054), the first of the reform popes.

Although appointed by Emperor Henry III, Leo IX exercised his office with the utmost independence. He wanted to bring the papacy back into contact with the Christian people. Hence his trips to France and Germany. He wanted to restore ecclesiastical discipline by holding numerous councils. Finally, he worked, with all his energy, to suppress simony.

It was easy to condemn simoniacal practices. It was even easy enough for an energetic pope to force offenders to confess their guilt in some great *coulpe*, such as that of the Council of Rheims in 1049. It was more difficult to determine what to do with the guilty. Should bishops and clerics convicted of simony be deposed? What was the value of an ordination made for money, and even of an ordination received free of charge from a simoniac bishop? All these questions put the wise men in a quandary and even in opposition.

## V. - The reordering attested by Pierre Damien.

In his *Liber gratissimus*, written about the summer of 105a, Peter Damian testifies to the extent to which, for the past three years, the question of or-

1. In this respect, the alleged speech of Henry III. against the simoniacal bishops is characteristic of Gluny's ideas. This speech is in Glaber, *Hist. 5, Ibid.*, col. 697.

THE REITERATION OF SIMONIAN ORDINATIONS. 183 dinations concerned Fautori te ecclesiastical; bishops had proceeded to reordinations; at the Roman Council of 1051, Leo IX had conjured the bishops to ask God to reveal to the Church the true solution L Damien even indicates the ritual according to which these reordinations were made.

Sed ut omnia illis (reordinatis) constet provenire confusa, hoc etiam advenus canones agunt, quia cunctos simul gradus in reconsecratione suscipiunt. Unde cum de quodam mihi noto, quia nuper reconsecratus fuerit, comperissem, fateor, exhorruí facinus. Quid plura? Tandem conveni hominem : *Numquid, inquam, iam in te erat aliquid ex his gradibus, quos nuper ab episcopo suscepisti?* - *Nihil prorsus, ait, ut quid enim, acciperem, si me habere constaret?* Et adieci : *Ergo a laico nil distabas, immo laicus prorsus eras, - Etiam, inquit, purus profecto laicus, utputa qui de clerico nihil habuerim. - Sed si laicus, inquam, ipso die quo laicus est, ad sacerdotii iura proruperit, tuo quoque iudicio Jit neophitus, ac perinde procul dubio deponendus.*

Ad haec ille confusus erubuit, et conclusionis necessitatem qui labefactare non potuit, tacendo firmavit. Illud quoque non levioris videtur esse vesaniae, quia reconsecratores novi non préfixa canonibus ieiunia curant, non sabbata conferendis sacris officiis dedicata conservant, sed, quocumque mense vel feria, munus inordinatae ordinationis indifferenter usurpant, tamquam prima consecratio hanc secundae consecrationis licentiam praebeat, ut confusis ordinibus, utpote simul datis, etiam temporum statuta confundat, et hoc in reconsecratione sit licitum, quod ipsi etiam in consecratione omnimodis testant absurdum<sup>a</sup>.

What was Leo IX's attitude in the midst of these controversies? A very simple reflection suffices to show that, if the pope's thought had been firm on these questions, ecclesiastical opinion would not have been so uncertain. This induction is completely justified by the texts. We see there that Leo IX had, in these matters, an inconsistent attitude. As for clerics ordained, gratuitously, by simoniacs whom he knew to be such, he accepted a decision of his predecessor Clement II (1047), according to which such clerics were to undergo a forty-day penance, and then be admitted to the exercise of their orders<sup>6</sup>. On ordinations made for money, he passed a very unfavourable judgement; he considered them, more often than not, to be a thousand, and repeated them despite the opposition of some of his entourage. These facts are attested by several witnesses.

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<sup>6</sup> *Ibid.* at 70.

The first is Peter Damian. At the beginning of 1056, he was sent as legate by Nicholas II, to Milan, to restore ecclesiastical discipline. Of this embassy we have the account sent by the legate to Hildebrand, the archdeacon of the Roman Church who was to become Pope Gregory VII. The clergy of Milan were living in a manner contrary to the canons, and especially in simony. But, at the urging of Peter Damian, they decided to accept the reform. This caused the legate great embarrassment. Most of these clerics were simoniacs, that is, heretics. How should they be treated? A council was held to discuss the matter. Various authorities were put forward.

First of all, a word of Innocent I was quoted: *quod a multis peccatur inultum est*. The conciliatory attitude of the Church towards the Novatian and Donatist clerics was then recalled. Peter Damian adds: "Id etiam nos non praeterit quod nostrae (?) memoriae nonus Leo papa plerosque simoniacos et male promotos *tanquam noviter ordinavit*. Haec et alia plurima meditantibus et invicem conferentibus<sup>7</sup>, etc."

This is the short sentence to be explained. I translate, "We do not forget that Pope Leo IX of holy memory ordained, as for the first time, most of the simoniacal and irregularly promoted (clerics)." In the theological language of the time, this text means that Leo IX reordained these clerics, but that, in his mind (*tanquam*), this was the first ordination received by these clerics (*noviter*= *tunc primum*). This translation, which is very natural, is all the more necessary as it is the only one possible<sup>8</sup>. By the words "*tanquam noviter*", Damian expresses the idea which he has rendered elsewhere, by representing as being "*quodammodo novi*"<sup>9</sup> clerics whose ordination was declared null and void, and whom, for this reason, it was desired to have reordained.

<sup>7</sup> *Actu Mediolanensis*, in *P. L.*, t. CLXV, col. 93.

<sup>8</sup> In his article *Papste al' offenbare Ketzer*, p. 199, Fr. Michael endeavours to show that Leo IX did not make any reordinations. He translates *tanquam noviter* by *gleichsam von neuem, tanquam de novo*. Peter Damian would like to designate here a ceremony of reconciliation which could be called a kind of reordination, because the ceremonies were borrowed, for a good part, from the ordination. This translation is unacceptable. The adverb does not have this meaning. Moreover, in order to avoid one evil, the priest falls into another. How will he translate the first words of the *Liber grati* "imu" of Peter Damian, addressed to the archbishop of Ravenna: "qui sacerdotium auctore Deo *noviter* suscepisti"? *Libelli*, 1.1, p. 18. Will the Rev. say that the archbishop of Ravenna has been reordained? *Noviter* should be translated as "recently".

<sup>9</sup> *Liber gratissimus*, in *Libelli*, vol. I, p. 63: "Consuluerunt nempe Mace-

All those who declared the sacraments administered outside the Church to be harmful, and who reiterated them, indignantly dismissed any thought of rebaptism and reordination. The heretical act, having been null and void, did not count at all, and the baptism administered by the Catholic was not a second, but the first baptism. The same reasoning was made in regard to ordination. Thus expressed, about the same time, Cardinal Humbert, the most convinced theorist of reordination\*.

This last word being taken in the wrong way and rejected by all, Damien could not, without a lack of respect or an obvious intention of criticism, use it to designate the acts of Leo IX; so he presented the reiteration of the order prescribed by the pope, with the help of the formulas accepted by Cardinal Humbert and by the opponents of simoniacal ordinations<sup>2</sup>.

The translation given above assumes that, in this text, *noviter* has the sense of *tune primum*, which is close to *nouvellement*. It is in this sense that the term is used by Pierre Damien<sup>3</sup>. Finally, this translation is confirmed by the context. Peter Damian compares and contrasts the conciliatory policy of indulgence of Pope Innocent and the followed with regard to the novatians and the dona

done, utrum ab his redeuntes hereticis... liceret *denuo consecrari*. Atque intérim, quibusdam argumentorum consecutionibus disputabant id iure fieri posse, quia hereticorum ordinatio, dum non esset rata, esset etiam nulla... atque ideo tales *quodammodo novi* venire ad ordinem viderentur."

1. *Adversus simoniaebs*, in *Libelli*, t. I, p. n3: "Liquet *secundam* manus impositionem authenticam esse et pernecessariam, si tamen a catholicis post haereticos... Identidem sentiendum et *de ordinationibus sive, ut obtrectatores contendunt, de reordinationibus*... Si autem catholicus post haereticum, recta et *una* habetur haec ordinatio, et ideo *non reordinatio* sea *unica* purgatio."

a. Michael commits in assuming that Damien is talking about a ceremony of reconciliation which would be "a kind of reordination". This is to have Damien highlight a way of speaking that he wanted to avoid.

Here is a passage in which Gratian expresses the idea of "tanquam noviter ordinavit" in almost identical terms. It is D. LXVIII, c. a *post*. Gratian speaks of the ordination *per cautelam* of a priest whose first ordination is unknown. He writes: "nunc *quasi primum* ad consecrationem veniens, ab episcopo sacerdotalem benedictionem consequitur."

3. He writes in the *Liber gratissimus* (*Libelli*, vol. I, p. 36): "Ad hos nempe gradus cum ministri Ecclesiae provehuntur, non ita credendi sunt Spiritum sanctum noviter ac repente suscipere, ut ipso facto. 36): "Ad hos nempe gradus cum ministri Ecclesiae provehuntur, non ita credendi sunt Spiritum sanctum *noviter ac repente* suscipere, ut ipsos tanquam eotenus vacuos ille supernus habitator TUNC PRIMUM incipiat visitare, sed hoc potius modo ut quos *sam* inhabitat, per ampliorem gratiam ad altioris quoque gradus incrementa perducatur. Alioquin quomodo quis in subeundis honoribus *noviter* illum posset accipere, cum et ipsi gradus *per morosa temporum intervalla* regulariter conferantur, et baptismus, cui primitiae Spiritus ascribuntur, *longe prius* susceptus fuisse videatur?" This text is decisive. We see there the identity of *noviter* and *tune primum*, and the opposition of *noviter* and *longe prius*.

lists, to the severe solution of Leo IX. Then he continues his -

enumeration, with texts of Leo I, and of Fulbert of Chartres which constitute a middle solution, by indicating formalities to be fulfilled, for the reception of heretics.

Pope Leo IX therefore reiterated the ordination of most of the simoniacal and irregularly promoted clerics. The testimony of Peter Damian is, on this point, verified by others, quite independent of his own.

## VI. - Testimony of Bruno of Angers and Berenger of Tours.

Eusebius Bruno, bishop of Angers (1047-1081), was involved in the affair of the heresiarch Berenger of Tours, to whom he was long loyal. In addition, he was the supporter of Count Geoffrey of Anjou, in the struggle against Bishop Gervais of Le Mans. For these reasons the bishop of Angers had, on several occasions, difficulties with the curia. Shortly after 1051, he received a letter from Cardinal Humbert containing admonitions. Among other grievances, the cardinal reproaches the bishop of Angers for a certain letter written earlier by him to the bishop of Le Mans, an extract of which he gives us. In this letter, the bishop of Angers recalled that Leo IX had reordered bishops, and had a book by John Scotus Erigena destroyed. Here is an excerpt from Humbert's letter to the bishop of Angers:

Quin etiam, recordare illius scripli tui ad Gervasium (bishop of Le Mans) auod in manibus habemus, in quo inter alia quae pompaticè declamasti. ixisti : " *Non parum carceri suo<sup>10</sup> contulisset, si nichil irrationabile, si nil frustrandum apostolicus (Leo IX) attemptasset, quando non minus inconsiderate, si pace illius hoc dici liceat, quam episcopus reordinaverat, Iohannis Scoti libellum concidisset* " .

Thus, shortly after 1051, in the middle of the pontificate of Leo IX, there was a question in France of the reordinations made by the pope. What was the answer to this accusation by Cardinal Humbert, the author of the treatise *Adversus simoniacos*, in which the nullity of ordinations if-

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10 This is an allusion to the imprisonment of Bishop Gervais in 1047.

a. At the Council of Verceil of 1051, Leo IX had condemned the book of Scotus Erigena on the Eucharist. Cf. LANFRANC, *Liber de corpore et sanguine Domini*, cap. 4, P. L., t. CL, col. 413.

THE REITERATION OF SIMONIAN ORDINATIONS 187 and the necessity of reiterating them are inculcated so strongly? He will expound the distinction already quoted from him, "Si autem catholicus post haereticum, recta et *una* habetur haec ordinatio, et ideo non *reordinatio* sed *unica* purgatio." The cardinal replies to the bishop of Angers, following the passage transcribed above:

Quod absit ipsum dominum nostrum papam aliquando conatum ut *reor- dinaret* saltem ostiarium nedum episcopum. Porro si tibi visus est *perperam aut secus quam debuit fecisse*, non debuisti inde Summam Sedem a nemine iudicandam lacessere, nec in celum os tuum ponendo, *super hoc in angulis inter indoctos disputare*, sed docturus aut docendus magistrum veritatis adire vel consulere, ne notareris pernicioso stulte et audacis mulieris elogio : "Aque furtive dulciores sunt et panis absconditus suavior". *Ast palam arguendo pacem faceres* \*.

Humbert gives only an apparent denial of what Eu- sèbe of Angers said. He only contests (we know in what sense) that Leo IX made reordinations. But he concedes that the practice of the pope, as regards the administration of the order, may be open to discussion. He reproaches the bishop of Angers for not having come to Rome to discuss this question. So Humbert confirms the testimony of Peter Damien.

It is not surprising that this reply from Humbert did not prevent the opponents of the curia from exploiting the reordinations made by Leo IX. The bishop of Angers had to communicate the cardinal's reply to Berenger of Tours. Berenger did not give up invoking this charge, but, to cut short any denial, he gave names. Thus he says in the *De sacra coena*, published shortly after 1072:

Nichilominus papa idem \*, cum fuisset a quibusdam admonitus, quod faceret, contra ecclesiasticas rationes, reordinare episcopos et presbiteros, in *Vercellensi illo concilio, a regia illa sua sede consurgens* ^ omnes qui circumsedebant, in medio positus postulavit, Dominum pro eo quod reordinasset, ut sibi indulgeretur, orare: et id quidem recte, sed tamen quanta laboraret indigentia pleni, quanta ageretur levitate, quam omni circumferretur veuto doctrinae, paucis post diebus excursis, manifestissimum dedit. Romam enim reductum obiurgatione adorti sunt hi, quorum consilio reordinationes fecerat, cur, Vercellis, contradictoribus illis ad non reordinandum cessisset, in errorem rediit, atque post *ad voluntatem eorum, qui Romae fuerunt, maxime Humberti* ^ illius tui, reordinavit episcopum Redonensem, Magnum nomine,

1. This text is published in the article by R. FRANCKE, *Zur Charakteristik des Cardinal" Humbert von Silva Candida*, in the *Neues Archiv*, vol. VII, pp. 613 ff, Hannover, 1882.

2. Leo IX.

3. Cardinal Humbert, who, with Lanfranc, was Berenger's most determined opponent.

*episcopum Lemovicensem, Iterium, cognomento Capreolum, abbatem quoque Rodonsensem nomine Pirenacum, quos pro eo nominatim insérai, quia noti mihi erant, et mecum de eo quod Romae gestum fuit, ipsi egerant. Ne quis me pulet de opinione, non de rei veritate scripsisse, nec de papa illo Leone maledicendi voto haec refera, cum audierim ex Evangelio : neque maledicti regnum Dei possidebunt ...*<sup>c</sup>

In this passage, where Berenger corrects Lanfranc's account of the Council of Verceil in September 1050, the ecologist of Tours accuses Leo IX of having reordered Magnus, bishop of Rennes, Itier, bishop of Limoges and Pirenaeus, abbot of Redon. What is the value of this statement? It is a question here of characters with whom Berenger was in contact; then the accusation is launched into a work of controversy, which was to raise ardent contradictions. Would Berenger have exposed himself to a denial so easy to give, if his account had been false or inaccurate? Without mentioning the concordance of these data with those of Peter Damian and Eusebius of Angers, it can be said that they fit very well with proven facts.

Brittany was one of the countries that first attracted the attention of the popes during the reform of the Church in the middle of the twentieth century<sup>e</sup>. It is because the abuses were greater there than elsewhere. The bishops of Brittany had organized themselves under the government of the bishop of Dol, to the detriment of the metropolitan of Tours. Once in the family, the Bretons practiced simony on the largest scale. Leo IX must have hesitated all the more to crack down, as he had little to fear from the ruler of the country. The Breton bishops had neglected to appear at the Council of Rheims in October 1049, so they were summoned to appear at the Roman synod in April 1049. On this date, the bishop of Rennes and the abbot of Redon were the only ones to appear in Rome, that is, two of the people indicated by Berenger as having been reordained in Rome<sup>11</sup>. The coincidence is remarkable, and highlights the accuracy of Berenger's information. Another concordance. At this same synod of Rome, a good number of bishops appeared. All were not blameless: Geoffroy, bishop of Coutances, and Hugues, bishop of Nevers, who, at the con-

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<sup>11</sup> Decree of May 2, 105, P. L., t. CXLIII, col. 647 BC and D. Magnus or Mainus was bishop of Rennes since 1040.

**The bishop of Rennes and the abbot of Redon had come to Rome in bad company. The bishop of Rennes and the abbot of Redon had come in bad company to Rome. On Itier of Limoges, we are also well informed. His reordination must be in 1053 or 1054<sup>1</sup> - There is no reason to suspect Berenger's testimony on the reordinations of Leo IX<sup>2</sup> .**

**i. On this bishop, cf. W. BROECKING, *Die französische Politik Papst Leos IX*, p. 81, 8a, Stuttgart, 1891. The decree of election and consecration of Itier has been preserved: HARDOUIN, *Acta Conciliorum*, t. VI, col. 10ap.**

**a. On the interpretations which have been given, until now, of Berenger's testimony, cf. I. SCHNITZER, *Berengar von Tours*, p. 45, n. 1, München, 1890.**

## CHAPTER X

### THE STRUGGLE OF THE TWO OPPOSING THEOLOGIES OF PIERRE DAMIEN AND CARDINAL HUMBERT IN THE CURIA.

#### I. - Doctrine of Peter Damian.

Damien dedicated his book to Archbishop Henry of Ravenna, who had just been appointed, in April 105a. This was an excellent way of having the book presented to the bishops and, through them, of influencing Leo IX. But the goal was not achieved. In 1060, Damien had to admit that he had been unable to obtain "ne tenuem quidem scintillam solutionis<sup>12</sup> " from this bishop. It was necessary that ecclesiastical opinion was very hostile to Damien's thesis, for the bishop of Ravenna not to be won over by Peter Damien's stirring eloquence. "The *Liber gratissimus* does not have a clear plan; it contains many repetitions; nevertheless, it is one of the most remarkable works of theology in the second century.

Damien establishes certain principles, which he then applies to simoniacs. First, he shows that the power of order is a ministerial power. God has made clerics "non auctores baptismi, sed ministros". So it is with the other sacraments. The minister is a channel that transmits grace. Despite bad ministers: "cc Fons ille vivus non restringitur quominus, usque ad finem seculi, per nemus ecclesiae profluit, ut non solus ille sacerdotalis ordo, sed et omnes in Christo renati salutis suae poculum hauriant"<sup>13</sup> .

These quite correct ideas should, it seems, have spared Damien a mistaken theory. He comes to say that, to be

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<sup>12</sup> *Libergratissimus*, in the *Libelli*, vol. I, p. 75.

<sup>13</sup> *Ibid.* at 20 and 33.

valid, an ordination must be "Catholic", that is, conferred in the orthodox faith in the Trinity:

Indubitanter credendum est quod, si consecratio cuiuslibet ecclesiastici ordinis intra catholicam fiat Ecclesiam, in unitate videlicet orthodoxae fidei, ut in utroque nimirum vera sit fides, quicquid bono per bonum traditur, hoc etiam malo per malum efficaciter exhibetur, quia sacramentum hoc non ministrantis vel ministraturi pendet ex merito, sed ex ordine ecclesiasticae institutionis et invocatione divini nominis... Consecratio non ordinati vel ordinatoris est meritum, sed ad utriusque potius fidem totum respicit sacramentum... Si recta fides assit, videlicet ut in Patrem et Filium et spiritum sanctum recte credatur, indigni etiam cuiuslibet sacerdotis consecratio - indifferenter impletur<sup>14</sup>.

It is surprising that the theologian of the twelfth century who best understood the theology of the sacraments taught such a doctrine. Where did it come from? Everything leads us to believe that it is from the letter of Innocent I to Alexander of Antioch on the attitude to be observed towards Arian clerics<sup>15</sup>. Damien saw the nullity of the ordinations of Arians affirmed in this document. He then attributed this to the lack of faith in the Trinity. Finally, he was confirmed in this sentiment by a word of St. Augustine which he took literally<sup>16</sup>.

This is the doctrine, with its merits and shortcomings, which Damian applies to the simoniacs. These, according to him, being in no way heretical, their ordination cannot be compromised. It is true that Simon the Magician believed that he could buy the Holy Spirit with money: for this reason his faith is suspect. Otherwise, the simoniacs of the twentieth<sup>e</sup> century are suspect. They do not want to buy the Holy Spirit, but are only concerned to satisfy their greed. Therefore, their sacraments are real. But if we admit that the simoniacs are heretics, and that their ordinations are null, it would be impossible to reiterate them, because the ecclesiastical laws forbid both reordination and rebaptism<sup>17</sup>.

To this main argument, Damien adds others. He quotes the 68<sup>e</sup> canon of the Apostles, which forbids rebaptisms and reordinations<sup>18</sup>. Unfortunately, his text is incomplete; it lacks the incision: "nisi forte eum ab haereticis ordinatum comprobaverit": these few words change the meaning of the canon. While Damien sees in it an absolute prohibition against the reiteration of baptism and order, we must see

<sup>14</sup> *Ibid.*, pp. a4 and 5i.

<sup>x</sup> *Ibid.*, p. 5o. See above, p. 71.

<sup>16</sup> This is the text of Saint Augustine: "Unde ista tanta virtus aquae, ut corpus tangat et cor abluat, nisi faciente verbo? *Non quia dicitur, sed quia creditur,*" *Expositio in Ioh. Evangelium*, tract. 80, c. i5 (*Libelli*, vol. I, p. 39).

<sup>17</sup> *Ibid.*, pp. a3, 49, 65.

<sup>18</sup> *Ibid.*, p. 66.

in it a partial prohibition, that is to say, for the case where these sacraments were conferred by Catholics. The reiteration of baptism and order conferred by heretics is not only permitted, but ordered.

Elsewhere, Damien argues from the deposition often promulgated by councils against simoniacs. If councils depose simoniacs, it is because they are clerics and not laymen. Therefore their ordination is real. By an identical exegesis, he finds the reality of simoniacal ordinations affirmed in the texts of St. Gregory where they are most energetically prohibited and condemned. He quotes the letter of Gregory I to Bishop John of Ravenna. He recalls the history of bad bishops whose ordinations were not, however, rejected: Liberus, Vigilius, Polychronius, Anatolius, Acace of Constantinople<sup>19</sup>. Finally, he appeals to miracles. Among those who were freely ordained by simoniacs, there were saints who performed miracles. Moreover, notoriously simoniac bishops have performed miracles. How could - they not have conferred ordination<sup>20</sup> ?

The *Liber gratissimus* does not have the dryness of a theological treatise. Damien's usual verve is present. It is a question of current affairs, and the author never loses sight of the repercussions that these sacramental theories have on the life of the Church. As simony has been rife for many years, especially in Rome, if simoniacal ordinations are nil, it must be admitted that the power of order has almost disappeared from the earth. The sacraments administered in good faith by so many priests and received religiously by the faithful were nothing but simulacra. And Damien exclaims:

Videtur igitur, o cultores perversorum dogmatum, quo vergat vestra caligosa - prudentia? Perpenditis quid vestri acuminis pariant argumenta? Huc - cine tandem litigando perventum est, ut et misericordiae Christi finem im - f "onere, et Ecclesia eius spei commercium presumati\* auferre? Sed nos ei fide - iter confitemur quoniam bonus, quoniam in saeculum misericordia eius<sup>1</sup>.

## II. - Doctrine of Cardinal Humbert.

Humbert refutes a treatise on theology<sup>2</sup> which was closely related to the *Liber gratissimus*. Perhaps even this book was only a modified edition of Damien's treatise<sup>3</sup>. In any case, Humbert was writing, under Leo IX, the first book of *V Adversus simoniacos*, the only one in which the reordinations are discussed<sup>4</sup>.

<sup>19</sup> *Ibid.* at 67, 57, 50, 55. In Thaner's edition, these various texts are identified.

<sup>20</sup> *Ibid.* at 60 and 41.

This treatise is very violent in its language. It gives an idea of the tone of the discussions in the curia on the subject at hand. Leo IX, having no personal opinion on these matters, could not but be impressed by the terrible cardinal. Moreover

1. *Ibid.* at 60.

2. According to Humbert, the author whom he refutes i<> quoted the letter of S. Léon to Rustique of Narbonne (*Libelli*, I, p. 104). The same text is alleged by Peter Damian (*Ibid.*, p. 52). 2° quoted the letter of Gregory I to John of Ravenna (*Ibid.*, p. 110). The same text is alleged by Peter Damian (*Ibid.*, p. 65). 3° quoted the 68° canon of the Apostles, omitting the words "nisi forte eum ab hereticis ordinatum comprobaverit" (*Ibid.*, p. 112). This is exactly the case with Damien (*Ibid.*, p. 66). 4° According to Humbert, in the work which he refutes, the text of the 2\* and that of the 3° were quoted one after the other (*Ibid.*, p. 112). This is the case in the treatise of Peter Damian (*Ibid.*, pp. 65, 66). 5° The author whom Humbert refutes used texts of Saint Gregory (*Ibid.*, p. 123), in the same way as Damien (*Ibid.*, p. 57). 6° This same author drew argument from the deposition pronounced by the canons against the simoniacs, to prove that these have the power of order (*Ibid.*, p. 131). Damien reasons in the same way (*Ibid.*, p. 67). Such close relations between the *Liber gratissimus* and the book refuted by Humbert can only be explained by a dependence of? two works.

3. Only one fact leaves uncertainty about this conclusion. It is that the author refuted by Humbert used the history of Pope Formosa (*Ibid.*, p. 104) in more detail than Damien (*Ibid.*, p. 66). However, Humbert's portrayal of his opponent proves that the latter was not an insignificant character. He is an "accerrimus coniecto"; he is "arrogantia scientiae seu qualiscumque continentiae suae elatus". Underneath these two features distorted by the polemicist, we recognize two undeniable merits of Damien.

4. Is it any wonder that Humbert spoke so freely of Peter Damian? The fact is surprising if Humbert wrote, as is admitted, in 1057-58, that is to say at a date when Damien had just been made cardinal of Ostia. But these chronological determinations can only apply to the II° and III° books of *Y Adversus simoniacos*. There is reason to believe that the first book, the only one written in dialogue, is earlier. It must be - contemporary with the letter of Humbert to Eusebius of Angers (cf. above, p. 186), and therefore date from the reign of Leo IX. The text of *Proverbs* (vu, 17) which Humbert applies to the bishop of Angers is opposed to the opponent of the reordinations in *Y Adversus simoniacos* (*Ibid.*, p. 101). Moreover, the argumentation (*Ibid.*, p. n3) is identical to that of the letter to the bishop of Angers. Consequently there is reason to believe that the two pieces are contemporary.

Humbert would have written his treatise against Damien when the latter was not yet a member of the curia.

REORDERING.

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It is necessary to recognize the religious conviction which animates all these pages. More than others, this book can give an idea of the revolt of souls against ecclesiastical abuses, in the middle of the twentieth century<sup>e</sup>. The reform of the Church had then the character of a revolutionary movement. In this respect, the prologue to the treatise is remarkable. In a fiery apostrophe, whose sincerity stops the smile, the author invites God to take in hand the cause of ecclesiastical freedom. Through images, the piece sums up all of Humbert's theology:

At nunc iam, Spiritus alme, veni nostraeque ad iunge te voci. Correptionem et, si fieri potest, correctionem adhibe symoniacae vesaniae... Defende, o liberrime omnium Deus... tuam singularem libertatem a sacrilegis nego- ciatoribus... Et quorsum evadet

illa nostra libertas... si ipse nummulariis et servis mammonae servus addictus es, et tu columba, necessitate aut voluntate, te ipsam laniandam milvis praebes? Quod si, ad tam nequam servorum et pessimorum mercatorum nutum, sanctificandis creaturis illaberis aut infunderis, dicendum est te aut timore talium dominorum, velut ostensis emptionis tuae instrumentis et chartis, ad id violenter cogi, aut certe concordissimum et unanimum perversis dominis, affectum amore et reverentia quadam pecuniae, delectabiliter betrayed ; et sic gratia non est gratia, quia non gratis accepta... Sed absit tale aliquid vel leviter suspicari de te, o inviolabilis et irreprehensibilis veritatis verax Spiritus, quem dedit nobis Deus fidei et spei pignus, ut pecuniae pignere obligatus simoniaci non dominus minorum, sea iam tertio gradu inferius aut etiam millesimo servus pessimorum servorum peioris domini, mammonae scilicet, praediceris <

It is a long way from this emotion to the coldness of the theological principle according to which the sacraments are independent of the religious value of the ministers! After this, it is useless to expect Humbert to come to a restful and methodical discussion. He is too animated to reason calmly, and the heat of his conviction will quickly melt away any evidence that might be contrary to it. His system amounts to the following syllogism: ordinations made by heretics are a thousand. Now the simians are heretics. Therefore etc.

Humbert makes his own the doctrine of Saint Cyprian and the *Canons of the Apostles*<sup>21</sup>. The sacraments administered by heretics are harmful; they must be repeated. However, he says, as this question raised controversies, and as the obligation to be rebaptized prevented certain conversions, the custom was established not to repeat the baptism of heretics. Hence expressions such as the following: heretics possess "*formam tantum baptismi sine sanctificationis virtute*"<sup>22</sup>. This *forma baptismi* is only an appearance, it is the simple ablution of the body; it does not produce any kind of interior effect. It could also be repeated in the past. Today the Church admits it, but afterwards confers its efficacy by the rite of the imposition of hands. In any case, no such dispensation could validate an ordination made by heretics: it is absolutely null.

Humbert then establishes that the simoniacs are heretics. Simon already was, but they are even more so than he: "*Venialior est error [Simonis] Magi, qui tantum aestimavit vel cogitavit donum Dei pecunia posse possideri, quam istorum qui credunt et confidunt, insuper et dicunt se illud nichil ominus pecunia accepisse, possidere et cuilibet dare... Si autem credunt, manifeste haeretici sunt, peiores illo, qui hoc prius aestimavit vel cogitavit tantum.*" Under these conditions, to believe that simoniacs can transmit the sacrament of order is "*non tantummodo peccatum, sed immane quoque est*

3. *Ibid.*, p. 114.

<sup>22</sup> These words from St. Leo's letter 15Q are quoted by Humbert (*Ibid.*, p. io5).

sacrilegium<sup>23</sup> ". Such ordinations are pure simulacra.

Here Humbert has a very graphic way of expressing his thought. A previously Catholic bishop who wants to proceed with an ordination, for a fee, sees his power of order immediately bound: he becomes inert or "statunculus":

Symoniaci ergo sacerdotes, instar simulacrorum, nonnisi inane nomen - catholicorum sacerdotum et exterioris cultus eorum similitudines usurpantes, quia médiatrice avaritia, quae est idolorum servitus, auro et argento facti sunt, quasi simulacra aurea vel argentea ab idolatria acceptunt. Quorum quia omnia sunt fucata, patet profecto, quod minimi aestimanda sint, quae apud eos dicuntur sacramenta. Unde et episcopus talium factor, etiamsi f>ridem computabatur catholicus, accedente sibi pretio, fit et ipse statunculus..., secundum quod Psalmista imprecatur . "Similes illis fiant qui faciunt ea, et omnes qui confidunt in eis"... Et quia quod unusquisque colit hoc fit, simulacrum fit qui simulacrum colit<sup>3</sup>...

This idea, which is inaccurate, that simoniacal bishops lose the power of order could not be expressed more strongly or made more sensitive.

It is fair to say that this theologian, who seems to be dominated by imagination and sentiment, knows how to resort to distinctions of a subtle verbalism, as soon as it is a question of dismissing awkward objections. Is it objected to him that St. Gregory said: ordination is sold: "columba venditur... Spiritum sanctum praemiis asecurunt simoniaci"? In response, he wrote a chapter: *De propriis et impropriis dictionibus et vanitate simoniacorum*. We read there:

Haec igitur et huiusmodi orthodoxorum Patrum dicta, si pia aure haurissent et catholici cordis ore ruminassent, tandemque nobiscum Spiritum Sanctum nec posse vendi nec comparari praedicarent, sed suam damnationem negligentes aut dissimulantes suscipiunt quidem improprie et usualiter loquentes sanctos Patres, sed respuunt proprie et regulariter se ipsos exponentes. Usualiter siquidem vel improprie beat us Gregorius loquitur ubi dicit L..

The opponents are pulverized. There is more theological interest in noting Humbert's theory of the reconciliation of heretics baptized outside the Church. For him, it must be done by the laying on of hands and by chrismation, that is, by the reiteration of confirmation. Humbert is thus a witness to Gallican usage<sup>24</sup> .

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<sup>23</sup> *Ibid*, pp. 105 and 109.  
<sup>24</sup> *Ibid*, p. 116.

### III. - The legation of Peter Damian in Milan.

Which of these two theologians prevailed, Damien or Cardinal Humbert? For the most part, it was Damien's doctrine that won the day, at least for a few years, after the reordinations made by Leo IX.

About a year after the publication of Humbert *Ad-versus simoniacos*, early in 1009, Peter Damian was sent by Nicholas II, as legate, to Milan to begin the reform of the clergy. On this solemn occasion Peter Damian had the courage to put his doctrine into practice; but a few months later, at a Roman synod of 105g, a decision was reached which was far less liberal. A word about these events.

By the middle of the twelfth century<sup>0</sup>, canon law no longer existed for the clergy of Milan. Concubinage and simony were practiced openly. The reception of orders was subject to a tariff known to all. This situation, which was complicated by political rivalries, led to the formation of a reformist party, the *Pataria*. For about twenty years (1056-1076), this party exercised a kind of dictatorship over the Church in Milan. At first frowned upon by the papacy, it was later accepted as an auxiliary. At the beginning of 105g, Peter Damian was constituted arbitrator between the clergy and the *Pataria*. His assessor was Bishop Anselm of Lucca, who, having originally belonged to the clergy of Milan, had connections with the leaders of the reform movement in that city.

Archbishop Guy and his clergy recognized all the charges brought against them. On the other hand, some exalted people of the *Pataria* rejected the sacraments of the simoniacs, following the reformers Landolf, Ariald and Erlembad I.

Peter Damian had to decide on the canonical situation of all these clergy. The summary consultation mentioned in the previous chapter was then carried out. Since the canons differed greatly in their decisions, to say the least, Damian decided on the most lenient solution. All the guilty parties, headed by the archbishop, were required to make amends, confess their guilt, and express their firm intention for the future in an act signed and confirmed by oath. Then penances and pilgrimages were imposed on them. Finally, all the clerics who were "eruditi et casti" were admitted to the exercise of their orders.

Damien had left for Milan without specific instructions. After having done his best, he was not without concern about the reception that would be given to his report by the curia. What would Cardinal Humbert say about this mass reception of people who had to be

reordered? In this respect, the end of the report to Hildebrand is instructive. Damien resorts to a singular explanation, to justify his sentence:

Illi etiam ipsi quibus ministrandi licentia redditur, non ex male mercata veteri ordinatione ad amissum reparantur officium, sed ex illa potius beati Apostolorum principis efficacissima auctoritate qua in beatum

i. *Gesta archiepiscoporum Mediolanensium* in *Monum. Germ. Scriptores*, U VHI, p. 19 and auiv.

Apollinarem repente usus est, dicens : *Surge inquit, accipe, Spiritum Sanctum simulque pontificatum* L

Like every good Ravenna, Damian had the greatest worship for St. Apollinaris. The *Acts* of the saint were an authority for him. And do we not read in them the remarkable ordination of Apollinaris by St. Peter? "Ait beatus Petrus Appollinari discipulo suo: *Quid sedes nobiscum? Ecce eruditus es de omnibus quae fecit Iesus, Surge et accipe Spiritum Sanctum simulque pontificatum* et perge ad urbem quae vocatur Ravennantium<sup>25</sup>." It is certain that such a ceremonial greatly simplified the procedure with regard to the clergy of Milan. But was this not resorting to an extraordinary delegation? We are a long way from the very firm statements of the *Liber gratissimus*. The legate was concerned above all to have his sentence ratified: "Utrum ego in reconciliatione illorum erraverim, nescio... Apostolica tamen sedes haec apud se retractanda discutiat : et utrum puncto an lima digna sint, ex auctoritatis suae censura decernat."

#### IV. - Decisions of the Roman Council of 1059.

What happened in Rome? It is not well known. But we do know the decisions of the council held in 1059 by P<sup>ar</sup> Nicholas II. They are much more severe than those of Peter Damian. All clerics ordained for money must be deposed. All those who, prior to the council, were ordained free of charge by simoniacs whom they knew to be such, are, by mercy, admitted to the exercise of their orders. In the future, clerics of the latter category are to be deposed without mercy:

*Erga simoniaços nullam misericordiam in dignitate servanda habendam esse decernimus; sed iuxta canonum sanctiones et decreta sanctorum Patrum, eos omnino damnamus aq̄ deponendos esse apostolica auctoritate sancimus. De iis autem qui non*

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<sup>25</sup> *Passio S. Apollinaris*, in *Acta sanctorum*, L V of July, p. 344, Paris, 1868.

*per pecuniam sed gratis sunt a simoniacis ordinati, quia quaestio a longo tempore est diutius ventilata, omnem nodum dubietatis absolvimus, ita ut super hoc capitulo neminem deinceps ambigere permittamus... eos qui usque modo gratis sunt a simoniacis consecrati, non tam censura iustitiae quam intuitu misericordiae, in acceptis ordinibus manere permittimus... De cetero autem si quis hinc in posterum ab eo quem simonia- cum esse non dubitat, se consecrari permiserit, consecrator et consecratus non disparem damnationis sententiam subeat, -sed uterque, depositus, paeni- tentiam agat, et privatus a propria dignitate persistat<sup>26</sup>.*

This procedure is stricter than that of Damian. On this account the clergy of Milan should have been deposed en masse. Nicholas II refused to admit the mercy advised by the *Liber gratissimus*. So Damian added a postscript to his work, to make known the pope's new decision. With great humility, he submits, but not without forbidding himself the hope of a revision of the sentence: "quod iam promulgatum est, sequimur, vel si quid adhuc *elimatius* atque *salubrius* in posterum statuendum est, obedientiam profitemur<sup>27</sup>".

This wish, concerning a softening of the conciliar sentence, was not to be granted. The opposition to the sacramental administration of the simoniacs was too strong. The Council had made all the concessions then possible to Damien's doctrine. To maintain them was quite a success. It was successful under Nicholas II and Alexander II. If ordinations made for money were refused, they were not considered null and void<sup>28</sup>. Dispensations were even granted to clerics and bishops who had been<sup>29</sup> ordained gratuitously but knowingly by simoniacs: dispensations which were a softening of the legislation of Nicholas II.

After that, we are all the more astonished by the decisions of the Council of Girona in 1078. They take us back to the practice of Leo IX. The curia has returned to appreciations which one would have thought it had gone beyond forever. This is one more regression in these great doctrinal movements. At the Council of Girona in 1078, held under the presidency of Amatus, legate of the Holy See, it was decided:

Si quae ecclesiae per pecuniam essent consecratae vel a simoniaco, a legitimo canonicè consecrentur episcopo. Si qui etiam clerici, pecuniam praebendo vel a simoniaco sunt ordinati, eodem modo a catholico ordinentur episcopo. Non enim his fit reiteratio sed ipsa consecratio, quoniam nihil praecesserat quod ralum haberi quae<sup>30</sup>.

26 HARDOUIN, *Acta conciliorum*, vol. VI, p. i, coi. io63.

27 *Libelli*, vol. I, p. 75.

28 This can be deduced, for example, from a decision of Alexander II in 1066-67: LÆ-WENFELD, *Epistolae pontificum romanorum ineditae*, n° 118, p. 58, Leipzig, 1885.

29 *Ibid.*, no., p. 54.

30 MANSI, *Sacrorum conciliorum nova... collectio*, vol. XX, col. 5ig.

These canons would have pleased Cardinal Humbert and saddened Peter Damien. They declare void any sacramental act (except baptism) administered by a simoniac, even gratuitously. If they are mentioned here, in anticipation, it is to highlight what was still imperfect in the decisions of Nicholas II, in 1009. These did not satisfy Damien. In 1060, he added an appendix to the *Liber gratissimus*, the tone of which is serious and sad. It is that discipline was not the only issue in this matter. To a degree that is difficult to specify but very real, the Council's decision was interpreted in a way that was unfavorable to the sacraments administered by simoniacs. This is because the Council did not resolve the doctrinal question; it took - practical decisions, which each one could interpret according to his own thesis. This state of affairs does not appear clearly in the conciliar texts. But one document provides new details about the Council of 105g. It is a promulgation of the council made in France, shortly after<sup>31</sup>. It reads:

Ut ecclesiae per precium a simoniacis consecrate denuo consecrentur. Ut presbiteri et omnes a tempore Nicholai pape usque mine et deinceps scienter ordinati a simoniacis, *sciant se non esse ordinatos* et deinceps non fiant L

The comparison of this text with that of the Council of Girona is obvious. It shows the overall difference but also a point of contact between the ideas of 1059 and those of 1078. Churches consecrated at a cost must be re-consecrated. Simoniacal consecration is therefore null and void. What about ordinations made for money? The text does not say. Judging by analogy, they should be considered null. On the other hand, reordination is not prescribed. One only hears of reordination since 1078. From this we can conclude that the Council of 105g did not officially decide the fundamental question. This timidity proved to be very regrettable later on. It allowed the resumption of controversies which should have been considered closed. Finally, according to the French text of the Council of 1059, clerics knowingly ordained by simoniacs must know "se non esse - ordinatos". The expression is brief and harsh. It is all the more noteworthy because it seems to have inspired the decision of the Council of Girona of 1078 prescribing the reiteration of any - ordination made by a simoniac<sup>4</sup>.

In sum, the impression left by these decisions of 1009 is mixed. The

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31 This text is found in ms. Bibl. Nat. lat. 38;5 (xin\* century), fol. 107 v<sup>o</sup>. This ms. contains the *Collectio Caesaraugustana*. This text is transcribed in MANSI, *Sacrorum conciliorum... collectio*, t. XIX, col. 873, 876.

advocates of nullity received a pledge: the consecration of churches consecrated at a price; the defenders of validity obtained the acceptance of orders received from a simoniac not known as such and that of gratuitous ordinations made by simoniacs before the council. More seriously, Damien was obliged to write: "Non modo simoniacos reprobamus, sed et *per eos exhibita sacramenta contemnimus*." These few words raise the delicate question of what was then thought of ordinations which were not accepted, and of the value of the sacraments administered by the ministers thus rejected in 105g.

On this point, data that cannot be overlooked are provided by Peter Damian, in a letter to the Florentines.

#### V. - Conflict between Peter Damian and the monks of St. John Gualbert in Florence.

From 1062 to 1066, the Church in Florence was in no better condition than that in Milan. There was a reforming party in Florence, which was in contact with the Pataria of Milan. The Benedictine reform inaugurated in Vallombrese by St. John Gualbert (985-1073) had resulted in conflicts between the monks and the seculars suspected of simony or lack of zeal. The monks of the region had been confirmed in their prejudices by Cardinal Humbert, who had resided in Florence in 1007 and '58<sup>3</sup>. In this divided environment, the election of Bishop Peter became a new subject of discord. Peter of Pavia had become bishop of Florence after 1061-1062. John Gual-

1. There is every reason to believe that the drafters of the decisions of Girona, in 1078, had before their eyes the French text of the decrees of Nicholas II. Compare, on this subject, the two documents.

2. These words are found in the letter written by Damien to the Florentines, in 1066-67, in *P. L.*, vol. CXLV, col. 524. In the article in *Y Oesterreichische Vierteljahresschrift*, vol. I, p. 429, Hergenrother agrees that Damien saw in the decisions of 105g a "missachtung" of the sacraments of the simoniacs.

3. The relations of Cardinal Humbert and the Florentine monks of John Gualbert are attested in the second *Life* of the latter (*P. L.*, t. CXLVI, col. 680).

bert and the monks of Vallombrese denounced his elevation as simoniacal. Hence two factions and continuous troubles in the city.

The monks and their party were declaring that they were harming the powers of the bishop, Damian expresses himself thus about them:

Hinc ad commonachos meos articulum transfero, a quibus profecto pro cedere notam hanc iurgandi materiam non ignoro. Dicunt enim quia ab huiusmodi sacerdotibus *nec chrisma confici, nec ecclesia dedicari, nec clericalia iura conferri, nec*

*missarum ullo unquam tempore potuerunt solemnia celebrari. Et tam haec impudenter allegant ut anno... compulerint in tribus plebibus sine conspersione chrismatis catechumenos baptizari* \*.

Towards the end of 1066, Peter Damian was asked to go to Florence to make an inquiry. He found the charges against the bishop insufficient. But he was frightened by the revolutionary spirit that these recriminations developed among the people:

Sed cur de sola sacerdotum sive sacramentorum obrectatione conque-  
riinus, cum ab eis omnia pene dilacerari, omnia conspui, omnia dicantur irrisione publica subsannari? Non est, inquiunt, papa, non rex, non archie-  
piscopus neque sacerdos. Unde factum est, sicut dicitur, ut mille circiter homines his nugis naeniisque decepti, sine sacramento Dominici corporis et sanguinis hoc mundo recesserint. Opinantur enim per huius temporis sacerdotes nullam in sacramentis posse fieri veritatem; sed et quamplure-  
reperiuntur ecclesiae, quas non modo suis ingressibus indignas ducunt, sed nec salutationis quidem obsequio idoneas arbitrantur. Nam et salutare despiciunt quas utique dedicatas ab indignis nescio quibus episcopis suspicantur.

It is not surprising that in such an environment Damian's arbitration in favour of Bishop Peter was rejected with indignation. The legate was accused of a perverse doctrine. He had to defend himself in a letter to the Florentines. First he condemned simony; then he recalled the doctrine of his *Liber gratissimus*, on the sacraments administered by simoniacs. Finally he recalls the decisions of the Council of Nicholas II (1059-60):

Licet eorum [simoniacorum] sacramenta ex authentica canonum possent sanctione defendi; ut eos tamen magis ac magis synodalis sententia confunderet, constitutum est in Romano, s. m. Nicolao praesidente, concilio ut quicumque per eos eatenus fuissent in cuiuslibet ecclesiastici gradus dignitate promoti, in percepti honoris ministerio permanerent; et tunc vero et

1. The following texts are taken from Damian's letter to the Florentines, *P. L.*, t. CXLV, col. 5a3.

deinceps quicumque se pateretur a simoniaco provehi, ni! penitus ex ea deberet promotione lucrari, et .*sic ministrandi iura deponeret, tamquam si haec nullatenus percepisset*. Hac itaque ratione iam non modo simonacos reprobamus, sed et *per eos exhibita sacramenta contemnimus*.

Here by the *iura ministrandi*, Damien designates the power of order. Also the first underlined passage must be understood as the deposition. This is so serious and so effective that it allows the sacraments administered by such ministers to be "contemplated". Other passages throw light on this one. Damian only reproaches the exalted of Florence for rejecting the sacraments of ministers ordained by simoniacs before the decree of Nicholas II. He abandons to them the sacraments of ministers ordained by simoniacs since the same decree:

Si ergo ego et vos de simoniacis eorumque reprobandis in posterum - consecrationibus *una sententia* utique congruimus, cur adhuc invicem litigamus?... Sed nunc cur ista prosequimur<sup>4</sup>, cum consecrationem simoniacis nuper fuisse prohibitam superius praefati sumus? Plane *quia* iidem ipsi qui baptismum fieri sine chrismate docuerunt, adhuc adversus eos qui *ante synodum* gratis a simoniacis ordinati sunt, suffiant, eosque cum suis ordinatoribus esse haereticos dogmatizant, eorumque missas et omnia per eos facta mysteria blasphemant, anathematizant, conspuunt, abiiciunt et explodunt, eorumque benedictionibus terribiliter maledicunt.... et in suis maledictionibus illud Malachiae prophetae testimonium adhibent quo dicitur : " Maledicam benedictionibus vestris. "

The text of the Council of 1059 did not allow the legate to condemn such abuses completely. It merely gave him the means to safeguard the sacraments of ministers ordained gratuitously by simoniacs before the Council of Nicholas II. As for ministers ordained under the same conditions after the council, Damien renounces defending them: he has not a word to say against the profanation of their sacraments. Did he not write: "*eorum sacramenta contemnimus*"? If the exalted ones of Florence had a more energetic way of showing their contempt, how could they be blamed? It is difficult today to perceive such nuances clearly. But there is no doubt that, in the ideas of the time, the contempt for the sacraments of the simoniacs was a consequence of the decisions of the Council of Nicholas II. It was this consequence that Damien regretted, and which perpetuated an unfortunate state of mind.

2. Damien has just recalled the principles according to which the value of the sacraments is independent of that of the ministers.

In the critical circumstances that were to come, the old prejudices, incompletely overcome, had enough force to command the

**abandonment of the practice of Nicholas II.**

The trial of Bishop Peter of Florence had shown an opposition between the attitude of St. John Gualbert, and that of Peter Damian. A few years later, the Roman Church was to vindicate the monks of John Gualbert and a cardinal of the Roman Church was to compose a refutation of the doctrine of Peter Damian.

3. It is curious to compare Damien's invectives against the monks of Florence, *P. L.*, vol. GXLV, col. 525 ff. with information supplied by the first *Life* of St. John Gualbert. These are the same events, but often assessed in an opposite way. Cf. the first *Life* (*P. L.*, vol. CXLVI, col. 777, no. 29; col. 794, no. 79; col. 803, no. 109, 110). We cannot make St. John Gualbert responsible for the exaggerations of his monks; but he was certainly not in the same position as Damien.

## CHAPTER XI

### THE PONTIFICATE OF GREGORY VII.

What was the doctrine of Gregory VII (1073-1080) on the conditions of validity of the power of order? There is no explicit document, but indirectly we can arrive at an answer that is very close to the truth. In the curia, the doctrinal conflict of Cardinal Humbert and Peter Damian continued. Only the characters were changed. Damien's thought was defended by Cardinal Atto and by Anselm of Lucca; that of Humbert, by a group to which belonged Cardinals Deusdedit and Beno and the legate Amat of Oloron.

#### I. - The two theologies present in the curia.

Atto, cardinal priest of St. Mark\*, who was to abandon the cause of Gregory VII, in 1084 composed a canonical manual for the clerics of his Church. In a prologue, the cardinal makes known the unfavourable condition of the Roman clerics. The unhealthy climate of Rome prevented foreigners from coming to teach there, and the poverty of the Romans did not allow them to study elsewhere. Hence a great ignorance. To counter this, the cardinal dedicated a "deffloratio canonum" to his clerics. It is a collection of patristic and scriptural pieces.

4. It seems certain that a distinction must be made between Atto, cardinal of St. Mark, who signed the decisions of the Roman Council of 1081 ( E. MARTINE, *Veterum, scriptorum, amplissima collectio*, t. VU, col. 64, Paris, 1733), from Atto of Milan, who had been appointed bishop of Milan by the Pataria. In the subscriptions of the Council of Rome of 1078, we read: "cardinalibus Attone Mediolanensi etc." *P. L.*, vol. CXLVIII, col. 810, but the text is disturbed at this place.

5. *Libelli*, vol. II, *Gesta romanae ecclesiae*, pp. 36g, 371.

rai res, transcribed not only without commentary, but also without any title to indicate the question treated. Such a collection would have been very unsuitable for teaching, if the cardinal had not given the key to it through oral explanations. As for the sacraments, the choice of pieces is characteristic. In this collection there are texts that are very explicit about the value of the sacraments administered outside the Church: for example, the letter of Pope Anastasius II to the emperor of the same name<sup>32</sup> : the letter of St. Leo to Anatolius of Constantinople<sup>33</sup> . These texts were to serve the author in his explanation of two decisions of Innocent I which he quotes earlier, and which led so many theologians astray in the twentieth century<sup>e 34</sup>

The canonical collection of Anselm of Lucca is of quite different importance from that of Atto. It is a considerable work, and has had a very great influence on the development of ecclesiastical law. The doctrine suggested by the *Collection* of Anselm of Lucca is that of the validity of sacraments administered outside the Church<sup>35</sup> .

This impression given by the canonical collection of Anselm of Lucca is confirmed by formal testimony. After the death of Gregory VII, between May 1085 and March 18, 1086, Anselm replied to a letter from the antipope Qément III, whose assertions hostile to Gregory VII he refutes. By this reply we see that the antipope's party reproached the Gregorians for considering as harmful the sacraments administered outside the Church. Anselm replies:

His et aliis innumeris salutaribus praeceptis admoniti, detestamur non sacramenta ecclesiae, sicut tu mentiris, sed scismaticos et sacrilegos, quorum parricidalibus manibus sese sacramenta divina subtraxerunt<sup>36</sup> ; et curti catholica matre nostra ecclesia, persequar inimicos eius nec convertar, donec deficiant. Sanctum quippe suum, quod foris habetis, quod malo vestro accepistis, quia bono odore peristis, veneratur ecclesia, sed vos persequitur, ut Sara ancillam, quae tamen de semine Abrahae concepit et peperit<sup>37</sup> .

This statement is sufficient to justify the personal doctrine of Anselm of Lucca. It in no way prejudices the doctrine of the other members of the curia. Under Gregory VII, Cardinal Deusdedit was

32 *Ibid.*, p. 82; this is the letter quoted above, pp. 76-77.

33 *Ibid.*, p. 76; *Ex decretis Leonis, P. L.*, vol. L<sup>IV</sup>, col. 1101 BG.

34 *Ibid.*, p. 74; *Ex decretis Innocentia*. This is first of all an extract from the letter of Innocent I to Alexander of Antioch (above, p. 71) and to the bishops of Macedonia (above, p. 69).

35 The canonical collection of Anselm is unpublished. An edition by M. Thaner is announced as being forthcoming. Here are some references according to the ms. Bibl. Nat. lat. 12451: fol. 24 v. libr. IX, c. 44: *Quod eadem* [Christi] *sacramenta ubique sunt integra*; fol. 25 r. libr. IX, c. 49: *Quod sacramenta Dei ubique sunt recta*. Cf. also libr. IX, c. 5oct57, at fol. 25 v. and 29 v.

36 These words allude to the words of St. Leo quoted above, p. 76.

37 *Liber contra Wibertum*, in the *Libelli*, vol. I, p. 522.

composing the canonical collection which, some years later, he was to dedicate to Pope Victor III (1086-87). These are the same texts which served him, between 1090 and 1093, to form the framework of his *Libellas contra invasores et symoniacos*, in which the nullity of ordinations made outside the Church is so strongly insisted upon. There is no doubt that under Gregory VII, Deusdedit had the same ideas in these matters as under Urban II.

Deusdedit was a theorist. In the curia, a man of action, Amat, bishop of Orléans and legate of the Holy See under Gregory VII and Urban II, put Deusdedit's doctrines into practice. It was Amat who presided over the Council of Girona (1078), which formally prescribed the reordination of clerics ordained for money or even free of charge by simoniacs: a decision unique in its kind, and which made the practice of Leo IX obligatory for Spain. The scope of this act is considerable. It shows that Amat shared the ideas of Cardinals Humbert and Deusdedit.

This legate was very severe towards the simoniacs. In the diocese of Albi, he had had to enforce the sentence passed against the simoniac bishop, Frotardus, in a council of Toulouse. The excommunicated bishop continued to perform his duties. Amat, having stopped at Avalats, was asked to baptize a child. As the oils consecrated by the excommunicated bishop were presented to him for the ceremony, the legate "dixit chrisma illud non consecratum sed execrandum, asinorum magis unctioni convenire quam christianorum, et in circumstantium aspectu in terram, verso vâsculo, distillando effudit"<sup>38</sup>. Unfortunately, there is a lack of precise information on how Amat appreciated the simoniacal ordinations during his legations outside Spain.

Does the decision of Amat at Girona engage the authority of Gregory VII? It is certain that, through overzealousness, the legates of this pope often exceeded their instructions, and had to be called to order. It is highly probable that the decisions of Girona are attributable to Amat alone. The memory of Peter Damian was always dear to Hildebrand, who became pope<sup>39</sup>.

The act of Amat is no less instructive. It must undoubtedly be

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38 *Notitia de ecclesia S. Eugenii de Viancio*, in *Recueil des historiens des Gaules et de la France*, t. XIV, p. 50. Frotardus was realizing the ideal of a simoniacal event. This *Notitia* is a very curious text, whose detailed criticism remains to be made. It was written by an author who had detailed information at his disposal. Les Avalats is a locality of the canton of Villefranche-d'Albigeois.

39 This can be deduced from information provided by Berenger of Tours on the Roman Council of 1078 (*P. L.*, t. CXLVUI, col. 809). Gregory VII would have opposed the opinion of Lanfranc to that of Peter Damian.

explained as follows: the pontifical regulations excluded simoniacs and the clerics ordained by them from all ministry. But to apply these rules in Spain would have been to depose the greater part of the clergy. To continue the cult, the legate will have prescribed -reordinations. Amat would therefore have faced an exceptional situation, which the canons of Gregory VII did not foresee. But Amat would not have followed this procedure if he had not been sure of obtaining, at the very least, a good minority in his favour, in the curia, and the tolerance of Gregory VII.

## II. - Uncertainty and patristic investigation of two German schools.

If the canonists in Rome were divided on the value of ordinations made outside the Church, how can we be surprised that two poor German clerics were in great difficulty on the same subject?

In 1076, in Constance, there lived an old scholar named Adalbert and a young cleric named Bernold. They had just learned of the -decisions of the Roman Lenten Council of 1076, in which King Henry IV of Germany, a rebel against the Holy See, had been -excommunicated along with the group of bishops who were faithful to him. This event raised several serious questions of canon law, on which the two clerics of Constance could not arrive at a satisfactory answer. They then thought of consulting a friend of theirs, Bernhard, who, after having been a pupil of Adalbert and the teacher of Bernold, had accepted service in the diocese of Hildesheim, and then in a monastery in Saxony.

The consultation addressed to Bernhard<sup>40</sup> contained a question about the ordinations made by simoniacs and excommunicates. Were these real or null? The consultants were obviously leaning towards the negative. They quoted a famous text of Prosper summarizing the doctrine of St. Augustine; another of St. Leo and a third of St. Gregory, in which are found strong words against sacraments administered outside the Church<sup>41</sup>.

Bernhard's reply<sup>42</sup> says a lot about the uncertainty of the educated circles in Germany concerning the theology of the sacraments. It is divided into three points. First, simoniacs and excommunicates whose crime and conviction are not known may validly administer

40 It is in the *Libelli*, t. II, p. 27, and in *P. L.* t. CXLVIII, col. 1141.

41 Cf. above, p. 180, n. 2; p. 70; and *P. Z.*, t. LXXVII, col. 689 (ep. IV, 20).

42 It is in the *Libelli*, vol. II, p. 29, and in *P. L.*, vol. C<sup>^</sup>LvIII, col. 1143.

the sacraments. Second, the same ministers, in the event that their situation becomes known, may not administer the sacraments. As evidence, Bernhard cites the letter of Innocent I to the bishops of Macedonia and the alleged letter of Pope Paschal I, i.e., the letter of Guy of Arezzo to the archbishop of Milan<sup>43</sup>. He then mentions certain precedents, for example, the cassation, in 769, of ordinations made by Pope Constantine, and that, in 964" of ordinations made by Leo VIII. He also recalls the reiteration, at Hildesheim, of the ordinations made by Ebo<sup>44</sup>.

Bernhard saw the difficulty of his thesis very well. According to him, the same minister will or will not administer the sacraments, depending on whether his situation is known or not. It is clear that such a doctrine leaves nothing of the objective value of the sacraments or of the efficacy *ex opere operato*. Bernhard answers: this is the mystery of faith<sup>45</sup>.

As for simoniacs and excommunicates whose condemnation is public, they cannot confer any sacraments either. Moreover, it is forbidden to have any relationship with them.

It is understandable that this letter did not convince its recipients. Bernold immediately criticized it, and more clearly stated the state of the question<sup>46</sup>. He showed how repugnant it was that the same Eucharistic species should be consecrated or not, according to whether they are given to a Christian who is aware or not of the irregular situation of the minister<sup>47</sup>. As for the value of ordinations conferred outside the Church, he noted divergences between the witnesses and tradition. Some texts declare them valid, others null and void and to be repeated. How can these decisions be reconciled? By a theory of the "forma sacramenti". Here Bernold formulates ideas whose discussion was to play a great role under Urban II:

Harum igitur sententiarum repugnantiam concordare nescimus, nisi hoc auctoritati sedis apostolicae, cum consensu sanctae matris Ecclesiae, licitum fore dicamus, ut, pro aliqua temporis necessitate, ordinatos ab haereticis, per invocationem sanctae Trinitatis in ordine suo non reconsecrandos suscipiat; quos tamen aliquando, ad evidentiorum haereticarum ordinationis proscriptionem, reconsecrari praecipiat... Hinc igitur conicitur ordinatos ab haeretico non consecrationem aliquam accepisse, sed solam formam consecrationis, absque virtute sanctificationis, - quae utique forma, sive accepta virtute sanctificationis, ex consensu sanctae Ecclesiae, a conversis

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43 *Ibid.*, pp. 41-42. These are the texts mentioned above, pp. 71 and 180.

44 *Ibid.* at 42-44. These facts are noted above, pp. 104, 168, 128.

REORDERING.

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45 *Ibid.*, p. 40.

a. This letter is contained in the *Libelli*, vol. II, p. 47, and in *P. L.*, vol. CXLVIII, col. 1166.

47 *Ibid.* at 55.

retineatur sive per iterationem penitus proscribatur, ad praesens non occurrit quid rationabiliter obici possit<sup>48</sup>.

Here Bernold extends to ordination the theory of dispensation which Cardinal Humbert agreed to apply only to baptism<sup>49</sup>. Everything leads us to believe that Bernold did not know the work of the cardinal. It is therefore remarkable that these two authors agree in interpreting, in an identical manner, the

The "forma sacramenti" of which St. Augustine and St. Leo spoke. This "forma" is only an appearance, an external rite: an interpretation which proves that Bernold and Deusdedit had only a very remote suspicion of the doctrine of character. It goes without saying that, on this point, they are united with and representative of the doctrine of their contemporaries. Such a theory allows for the possibility of reordering.

Basically, Bernold was not solving the question. He was turning a dogmatic question into a matter of discipline. For him, it depended on the Church to admit or not an ordination made outside it. He added that, in fact, simoniacs and excommunicates whose condemnation is not known can validly administer the sacraments, "per consensum Ecclesiae<sup>50</sup>". This is how he explained the decision of Pope Anastasius II, concerning the sacraments administered by Acace.

Finally, Bernold, whose curiosity was very much aroused, was - concerned with the situation of ministers who, without becoming heretics, were nevertheless, because of some fault, "remoti ab officio," that is, suspended and deposed, as we would say today. It seems to him that the permanence of the power of order in them is guaranteed by St. Augustine. In this connection he designates these clerics as "quondam catholice ordinati" or ordained in the Church, as opposed to those ordained by heretics.

This is a distinction which, many years later, was to have the greatest fortune, to the point of commanding the whole theology of the sacraments. Between the two opposing theories, one of which declared ordinations conferred outside the Church to be invalid and the other valid, an intermediate opinion found illustrious patrons. They declared valid the ordinations made outside the Church by the

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<sup>48</sup> *Ibid.* at 56.

<sup>49</sup> See above, p. ig5.

<sup>50</sup> *Libelli*, vol. II, pp. 55 and 58.

bishops alone "quondam catholice ordinati". This was a judgment in the manner of Solomon. Bernold was one of the first to have the idea. He was to find much better in later years, and to rally to the pure doctrine of St. Augustine.

### III. - The Synod of Quedlinburg.

As we have seen, a considerable party in the Roman curia declared ordinations made outside the Church null and void. This theology of Amat, Deusdedit and Beno was a doctrine of combat. To fight the enemies of the papacy and of the reforms, no better way, it seemed, than to deny them the power to confer ordination. The more the struggle between Gregory VII and Henry IV of Germany worsened, the more the moderate theologians and canonists lost their influence. There came a time when Odo, Cardinal of Ostia and legate of Gregory VII in Germany, had to take sides. The fact is not unimportant, since three years later, Odo of Ostia was to become pope, under the name of Urban II.

This was at the beginning of 1085. The German episcopate was divided into two hostile groups: the bishops who supported the excommunicated King Henry IV, and those who remained faithful to Gregory VII. An attempt was made to reach an understanding. The Gregorian bishops had proposed to their adversaries a contradictory conference. They were determined to demonstrate, by canonical authorities, that bishops could no longer obey an excommunicated king. The conference took place on January 15 at Gerstungen, a town in Thuringia<sup>51</sup>. It was not successful. For this reason alone, the schism could only worsen. If we add to the impression produced by this failure on the part of the Catholics, the resentment provoked in them by a discussion that was not very loyal<sup>52</sup>, we can get an idea of the exasperation of the Catholic bishops presided over by the legate Odon of Ostia. The schism appeared to them to be irremediable, for a long time, for

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<sup>51</sup> The only complete account of these negotiations can be found in M. SDRÁLEK, *Die Streitschriften Aumanns von Passau und Wezilos von Mainz*, p. 3-i3, Paderborn, 1890.

<sup>52</sup> The royalist bishops, especially the newly installed Wezilo of Mainz, had produced, without indicating its origin, a text of the *Preface* of the False Decretals *fomsciiuSiDecretalespseudo-isidorianae*, p. 18, § 6). This text had been fabricated by Pseudo-Isidore to delay the legal proceedings against the bishops. Wezilo wanted the laity and King Henry IV to benefit from this provision. At Quedlinburg the Catholic bishops and the legate, unable to discover the fraud, appeared defeated. They compensated themselves, a few days later, by a protest in good standing. If Wezilo's manoeuvre had succeeded, Henry IV should have been restored to full possession of his rights before proceeding against him judicially. This would have been to annul the principal acts of Gregory VII.

of the bishops. The claim of the royalist bishops to apply to the king a privilege guaranteed, by the False Decretals, to the bishops alone, seemed to them a revolt against the sovereign authority of the pope, and in this connection the word heresy had been uttered.

These circumstances help to understand the serious decision taken three months later, on April 20, 1085, at Quedlinburg, by the Catholic bishops. Meeting in synod, they issued the following canon, the analysis of which is provided by the minutes then published:

In eadem synodo ordinatio Wecilonis Moguntini inuasoris, immo omnes ordinationes vel consecrationes ab excommunicatis factae irritae indicatae sunt iuxta decreta sanctorum Patrum Innocentii, Leonis, Pelagii atque successoris eius sanctissimi papae Gregorii L

We would have to give up interpreting this decision if we were reduced to using such a vague text. Fortunately, contemporaries can be called as witnesses. In this canon, Bernold of Constance saw affirmed the nullity of the sacraments conferred by the excommunicated. The same is true of Bernard<sup>53</sup> of Constance, who was then living in Saxony. These are testimonies that it is difficult to dismiss. Bernold is all the more worthy of attention because a few weeks earlier, on December 22, 1084, he had been ordained in Constance by the legate Odon, who was then on his way to Saxony. Since Bernold was so keenly interested in the controversy over the sacraments, it is impossible to imagine that he did not speak with Odo on this subject. If an intermediary had been necessary between the humble monk and the legate, Gebhard, the new bishop of Constance, who was ordained a priest on the same day as Bernold, would have filled this role.

A few months after the Synod of Quedlinburg, between the middle of 1085 and the end of 1088, Bernold wrote to a member of the royalist party to refute the attacks on the Gregorian bishops. He wrote as follows, to justify the thesis of the nullity of sacraments administered outside the Church:

Quid<sup>54</sup> autem miramini, si sacramenta Ecclesiae apud excommunicatos esse negantur, cum beatus Augustinus locum veri sacrificii extra Ecclesiam non esse protestetur. Item sanctus GREGORIUS de consecratione Maximi pre- sumptoris scribens : Quam rem, inquit, nullo modo possumus dicere consecrationem, quia ab excommunicatis celebrata est<sup>55</sup>. Item PREDECESSOR EIUS PAPA PELAGIUS : *Extra*

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discussions in Quedlinburg. Cf. the previous note.

<sup>54</sup> *Apologeticae rationes*, in *Libelli de lite*, l. As Ussermann had seen, this treatise is prior to the *De sacramentis excommunicatorum* of the same author (*Ibid.*, p. 89 and following). The contrary opinion of Thaner, editor of Bernold, cannot be retained.

a. S. GREGORII *Epist.* IV, 20. The next three texts are those quoted above, p. 79, 69,

*Ecclesiam, inquit, non ꝑconsecratur sed execratur episcopus. Item beatus INNOGERTIUS papa : Qui, inquit, honorem amisit, honorem dare non potest. Et post pauca : Dampnationem ergo quam habuit, per pravam manus impositionem aedit. Item sanctus LEO papa Leoni Augusto scribens de quodam Timotheo dampnato, eiusque sequacibus, omnia sacramenta se eorum sacrilegis manibus subtraxisse testatur.*

In this passage Bernold is certainly referring to the decisions of Quedlinburg. He adds to a famous text of Prosper<sup>56</sup>, often quoted in these controversies, the authority of the four persons mentioned in the synodal circular. However, as Bernold reverses the order, he writes: "*praedecessor eius [Gregorii] Pelagius*", while the synod says: "*Pelagii atque successoris eius Gregorii*"<sup>57</sup>. The texts quoted here by Bernold are therefore the very ones that the Council of Quedlinburg had invoked, and of which Bernold will have been made aware by the person who represented Bishop Gebhard of Constance at Quedlinburg. At this time, after the unpleasantness that had befallen them at Gerstungen three months earlier, the Gregorians were backing up their decisions with good patristic authorities.

It is thus in the name of the four texts cited by Bernold that, if we are to believe him, the sacraments conferred by the excommunicated were declared harmful by the legate Odon of Ostia. These quotations are also of interest for the history of theology. As

The controversy over the sacraments had been going on for a long time, and these texts had already attracted the attention of theologians. I have made no secret of the strength of the testimony of Bernold and Bernhard in interpreting the decisions of Quedlinburg. I believe, however, that one would not be greatly mistaken in admitting that the thought of the legate Odo of Ostia would be more faithfully summed up by the formulae employed later by Urban II. The sacraments conferred by the excommunicated have the "forma" but not the "virtus sacramenti"; the "forma" being understood as a material reality, purely external, which can, according to the decision of the Church, be accepted or rejected. These formulas can therefore lead to Bernold's interpretation, but they have the advantage of not lending to the theologians and canonists of the twelfth century<sup>e</sup> the clear-cut ideas of validity and nullity with which we are much more

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<sup>56</sup> *Lib. Sentent, ex Augustino, XV, in P. L." t. LI, col. 43o.*

<sup>57</sup> The common error in the conciliar record and in Bernold only emphasizes their dependence: Gregory I was not the successor of Pelagius I.

familiar than they are.

#### IV. - Discovery of the theology of St. Augustine by Bernold of Constance.

In his *dpologeticae rationes*, Bernold was still far from the true doctrine concerning the validity of the sacraments.

It is all the more interesting to note that, shortly afterwards, he had arrived at a completely accurate theology. This is contained in the treatise *De sacramentis excommunicatorum*<sup>58</sup>, composed before the end of 1088. While for several years under Urban II the Roman curia could not settle on any firm doctrine on these matters, there is some contrast in seeing the little monk of Constance in possession of the pure doctrine of St Augustine. This treatise is addressed to Bernhard. Bernold begins by reminding his correspondent of their exchange of views several years before, and then he lets him know what he has found: "quid Dei aspirante dementia parvitas nostra invenerit.

The author first mentions the authorities which seem to declare sacraments administered outside the Church to be harmful: these are the four texts invoked, on this same question, at the synod of Quedlinburg. Then he indicates the authorities which pronounce for the validity of sacraments administered under the same conditions: the letter of Pope Anastasius to the emperor of the same name and a text of Saint Augustine\*.

How do these seemingly contradictory decisions fit together? Bernold had the good fortune - which will be explained shortly - to come across a text by St. Augustine which contained the liberating distinction. It is a text from the sixth book *Against the Donatists*, in which the difference between *sacramentum* and *Yeffectus sacramenti* is very clearly stated. According to St. Augustine, it is because St. Cyprian did not see this distinction that he had an erroneous doctrine. Bernold has understood the bishop of Hippo very well, and shows how texts that seem to diverge lead to the same theology:

Superiores sententiae ad *effectum* sacramenti referantur, qui nusquam extra Ecclesiam esse posse veraciter asseritur, et inferiores ad *veritatem* sacramentorum referantur, quae eadem integritate et bonis et malis adesse creduntur ac si uno ore ipsi sancti Patres nobis com muni ter dicerent : < Extra Ecclesiam nec sunt, nec fiunt sacramenta *effective*, id est cum salute animae, ubi tamen eadem *inutiliter* imo

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58 This tract is found in *Libelli*, vol. II, p. 89 and in *P. L.*, vol. CXLVIII, c. 1061.

perniciose et esse et fieri non denegamus. >

This was the right way to go. Bernold is even more assured of this, seeing that several popes, St. Leo, Innocent I, St. Gregory finally accepted the sacraments of ministers on whom they had expressed themselves in the most negative manner. He then quotes a series of well-chosen texts of St. Augustine; he returns to the monk Guy of Arezzo the alleged letter of Pope Paschal I; and finally he dismisses, in a very deliberate manner, the alleged authority of the Roman synods of 769 and 964, in which the ordinations of Popes Constantine and Leo VIII were declared invalid. These are not very ancient precedents, says Bernold: "in quibus temporibus multa contra fas et ius usurpata repe- riuntur. The *Liber Pontificalis* naively recounts all these facts; but abuses should not be turned into rules. This is what it says about the reiteration of the ordinations made by Ebo in Hildesheim.

This treatise by Bernold is remarkably clear in its views.

1. For the letter of Pope Anastasius, cf. above, p. 76; the text of St. Augustine is taken from *Letter* 93, § 46.

If our author had arrived, by his own effort, at such a clear doctrine, he should be considered one of the best informed theologians of the twentieth century. But Bernold's merit is not so great. It consists in having understood Peter Damian and the doctrine of the *Liber gratissimus*, to which Bernold refers. But there is another source of information which our author does not mention, and to which he owes much: it is the canonical collection of Anselm of Lucca. To this, he owes almost all of his patristic citations. Bernold must therefore pass only for an intelligent and unbiased compiler<sup>1</sup>.

1. Almost all of the texts cited by Bernold are found in Anselm's canonical collection, which is still unpublished. This last fact explains why Bernold's dependence has not yet been reported. Here are some references to the ms. Bibl. Nat. lat. 12481.

Text of Anastasius II (*Libelli*, vol. II, p. 00) and Anselm (fol. i56). St. Augustine, g3, §46 (*Lib.*, *Ibid.*) and Ans. (IX, 5i, fol. 26 v.). St. Augustine, *ad Bonifacium Lib.*, p. 91) and Ans. (IX, 5i, fol. 27 r.). St. Augustine, *Libr. VI contra Donatistas* (*Lib.*, p. 91) and Anselm (IX, So, fol. 25 v.). The texts of St. Augustine in *Libelli*, p. 92, are found in the collection of Anselm, IX, 46, fol. 25 r.; IX, 48, fol. 25 r.; IX, 67, fol. 29v.; IX, 58, fol. 29 v.; IX, 43, fol. 24 v.

## CHAPTER XII

### DECISIONS ü'URBAIN II.

The texts to be discussed below are not scholarly curiosities. They are not decisions chosen arbitrarily today from the correspondence of Urban II. If the texts that follow had such an origin, one would have the right to begin their study with suspicion. Is it appropriate, one might say, to give such attention to texts which may have only secondary importance in the legislative activity of Urban II? This scruple, so legitimate, has no reason to exist here. The following decisions are presented to us by canonists of the eleventh century as the authentic expression of the legislation of their time. Indeed, most of these texts would be lost, had not the canonists taken care to include them in their collections. These decisions come to us through two main sources: the *Collectio Britannica*<sup>59</sup> and the canonical works of Yves de Chartres.

An unpublished collection of letters of the popes, which was compiled and copied at the beginning of the twelfth century, is known as the *Collectio Britannica*. It is admitted<sup>2</sup> that this collection derives from a collection of letters of the popes composed under Urban II, and now lost. This latter collection contained the results of a vast survey carried out both in earlier collections and in the papal archives, which were then more or less intact. This collection was evidently a compendium

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<sup>59</sup> On this collection, called *Britannica* because it is contained in manuscript 8873 of the additionnai ms. of the British Museum, cf. P. EWALD, *Die Papstbriefe der Britischen Sammlung*, in the *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde*, N. Bd., pp. 375-414 and 505-590 (Hannover, 1880). In this article the letters of Urban II are discussed, pp. 35a-375.

a. P. EWALD, *Die Papstbriefe* etc., p. 294.

preliminary, a storehouse of texts. It was to be used to write a great work of canon law. The author who composed it was most likely writing in Rome. He went through the complete register of Urban II's letters, leaf by leaf. His concern was to compose a collection that would meet the needs of his time. P. Ewald has already noted the special attention he paid to the prescriptions concerning pseudo-bishops. The *Collectio Britannica*, having preserved for us long extracts from this work, is therefore very valuable. It contains 47 fragments of Urban II, of which 31 are known only from it. P. Ewald would admit that it was composed about 1089-1090.

The canonical collections of Yves of Chartres also contain texts of Urbanus II. The bishop of Chartres wrote his compilations<sup>60</sup>, probably between 1093 and 1095. He used collections related to the *Britannica* and also, no doubt, information gathered during his two trips to Italy. Finally, he was not exclusively a canonist; in his collections, and especially in the *Decree*, he made some use of theology: "To be convinced of this, it is sufficient, for example, to go through the portions of the *Decree* relating to faith, baptism and the Eucharist. In this respect, this compilation is clearly distinguished from contemporary collections, such as those of Anselm of Lucca and Deusdedit; on the contrary, it is close to other works of no less importance, where canonical legislation is mixed with doctrinal texts. No more than Hugh of St. Victor, Abelard or even Peter Lombard, the author of the *Decree* knows no strict delimitation between theology and canon law<sup>61</sup>.

#### I. - The testimony of Bonizo de Sutri.

The pontificate of Urban II constitutes a decisive period in the history we are studying. The discussion that follows is delicate, because of the doctrines involved, and also because of the texts to be studied. This is all the more reason to reproduce, at the outset, the statement of a witness from the end of the eleventh century: Bonizo, appointed Bishop of Sutri by Gregory VII, driven from his see in

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<sup>60</sup> I admit here the results of the work of M. P. FOURNIER, in his book *Les collections canoniques attribuées à Yves de Chartres*, p. 123: "In short, the *Panormia* must be considered, without any hesitation, as the work of Yves de Chartres; it is the same, in my opinion, for the *Decree*, although the attribution to Yves is more subject to discussion. Finally, it seems to me very likely that the *first two* parts (= A) of the *Tripartita* also belong to Yves or to his immediate circle. The *Tripartita* is unpublished; the *Decree* and the *Panormia* are in *P. L.*, t. CL XL. The fragments of Urban II are 5 in the collection A, 15 in the *Decree*, 14 in the *Panormia*. Cf. P. FOURNIER, *op. cit.* p. 33, n. 3, p. 88 and p. 107.

<sup>61</sup> P. FOURNIER, *Les collections canoniques attribuées à Yves de Chartres*, p. 74.

1082 by the Emperor Henry IV, and approved as Bishop of Piacenza by Urban II in 1089. Bonizo was completely devoted to Gregory VII and to Urban II, and was willingly occupied with theology and canon law. His testimony is therefore of the highest order. Now in his *Decree*, an extensive work which could not be completed until 1090, Bonizo is led to deal with ordinations administered outside the Church, that is, by heretics, schismatics or excommunicates. He recognized these ordinations as valid. But he immediately states that not everyone agrees with him. Recently, he says, ordinations made outside the Church have been rejected and reiterated. Bonizo does not approve of these measures, but he does not dare to condemn them, because he hears that they claim to be from the Roman Church in order to justify them:

Scio autem, nostris temporibus, quosdam promotos qui voluntarie coinquinati sunt temporibus coinquinationis<sup>62</sup>; et quod peius est, *reordinatos et re-ordinasse*; quod licet non approbem, canonibus interdicentibus, omnino tamen vituperare non audeo, quia audio et hoc Romanae Ecclesiae factum esse auctoritate.

Ut enim beatus Nicolaus scribens ad Michaelem imperatorem ait: "Li- . cuit semperque licebit Romanis Pontificibus novos canones cudere, et veteres, pro consideratione temporum, immutare." Sed non omne quod libet expedit. Verum donetur necessitati quod factum est. Ergo quod necessitas reperit, secundum decreta Innocentii papae, cessante necessitate, debet pariter cessare quod urgebat. Quia aliud est ordo legitimus, aliud usurpatio, quae ad praesens tempus facere impellit. Videant alii quid sentiant de talibus: *mea autem sententia de recens actis haec est: difficile bono consummantur exitu, quae malo sunt inchoata initio*<sup>1</sup>.

This text is interesting for two reasons. Firstly, it tells us that, around 1088-1090, there were reordinations in northern Italy, and that they claimed to be from the Roman Church to justify them. Bishops were re-consecrated and re-ordained clerics previously ordained by them: "quosdam... reordinatos et reordinasse >. Obviously Bonizo speaks of acts committed by the party of the *Pataria*. Reordinations therefore took place; but to what extent did the Roman Church participate in them? This is a point that Bonizo does not specify.

Secondly, Bonizo, although he considers these questions very important, sees them as a matter not of dogma but of discipline. He admits that, in very rare cases, reordinations may have been made.

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62 That is, during the schism of Clement III.

## II. - Thesis statement and status of the issue.

The interpretation of the texts of Urban II on the validity of sacraments (except for the sacrament of baptism<sup>63</sup>) administered outside the Church is the greatest difficulty in the history of reordination. The ancient canonists, who had insufficient texts at their disposal, got it all wrong. In the xn<sup>e</sup> century, a whole school of canonists in Bologna, which has not yet been studied, attributed to Urban II the following doctrine. In regard to sacraments administered outside the Church, that is, in schism or heresy, only those conferred by a minister previously ordained in the Church, that is, by Catholics, are real or valid; the sacraments of ministers ordained by bishops who received their consecration outside the Church are harmful. These canonists saw very well that Urban II made a difference between the sacraments administered outside the Church, according to whether or not the minister was ordained in the Church; but they were quite mistaken as to the nature of this difference. Modern theologians have not tried to put the decisions of Urban II into a system, in order to see the connection. On this theology of Urban II, everything remains to be done. For the sake of clarity, perhaps it is well to indicate, even now, the results to which the discussion will lead.

I. At first, in regard to sacraments administered outside the Church, Urban II made a privileged condition, (a) to sacraments - conferred by ministers previously Catholic and not simoniac. He admitted that the sacraments celebrated by such ministers *intra* or *extra Ecclesiam* are of the same nature, all valid and complete, (b) As to the sacraments administered outside the Church, by ordained ministers *extra Ecclesiam*, he regarded them (the Eucharist, it would seem, excepted) as valid, but incomplete, in a manner to be defined later; and this is the weak point of the system. This doctrine may be referred to as the theory of the 'ordi-natio catholica'.

II. Early on, Urban II was led to identify the condition of sacraments administered outside the Church, whether or not the minister had previously been ordained in the Church. Henceforth, according to him, all sacraments administered outside the Church are valid but incomplete. At this point Urban II abandoned the theory of the "ordinatio catholica". He was led to this result by the patristic doctrine of the *forma* and *virtus sacramenti*. We shall refer

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63 Any baptism celebrated *extra Ecclesiam* was admitted by all.

to this new doctrine of the pope as the theory of the *forma sacramenti*.

III. According to Urban II, ordination administered outside the Church therefore confers the *forma* alone. To participate in the *virtus sacramenti*<sup>64</sup> such ordinands must receive the reiteration of all the rites of ordination except the anointing: a theory which is explained by the fact that Urban II considered the anointing to be the essential rite of ordination and the only one which could not be reiterated.

IV. Urban II admitted or practised the re-ordination of deacons ordained for money<sup>64</sup> or by bishops consecrated outside the Church: it seems that this doctrine is a

As a consequence of the theory on the essential rite of ordination, and of the theory of F "ordinatio catholica".

### III. - Theory of the "ordinatio catholica".

At the end of the twelfth century<sup>e</sup>, in the thorny discussions which took place on the validity of the sacraments administered outside the Church (schism and heresy) and by the simoniacs, the validity and complete reality of the sacraments administered outside the Church by a minister who had previously been ordained in the Church was almost universally accepted: this is what we have called the theory of F "ordinatio catholica". From then on, it became customary to contrast this category of sacraments with all the others, that is, with the sacraments administered outside the Church, by ministers who were themselves ordained outside the Church. The opposition thus established between two categories of sacraments did not mean that, since the first was considered valid and complete, the second had necessarily to be considered null; it meant that the sacraments of the second category were in a more unfavourable condition, which, for certain theologians, could go as far as nullity.

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<sup>64</sup> Urban II considered any ordination for money or simoniac as made *extra Ecclesiam*. He even judged such ordination more severely than ordinations made in schism or heresy. Exceptionally he re-ordained deacons ordained *simoniacally*.

As for priests ordained for money, Urban II admitted that they have the *forma sacramenti*; but he never allowed them to receive the *virtus sacramenti* by the reiteration of all the rites of ordination except the anointing. He considered them as deposed *ipso facto*.

Prior to<sup>65</sup> to the Council of Piacenza (1059), Bruno de Segni<sup>66</sup>, a member of the curia and a friend of Urban II, wrote in his *Commentary on the Gospel of St. John*:

Quidquid igitur in Ecclesia faciunt [simoniaci.] vanum et inutile est. Sed quid de illis dicemus QUI PER OSTIUM QUIDEM INTRANT, SED POSTEA PER HAERESES, PER LITES ET CONTENTIONES ET SCHISMATA DE ECCLESIA EXEUNT? *Isti enim et quando in Ecclesia sunt et quando extra Ecclesiam sunt, quamvis ad periculum suum, Ecclesiae tamen sacramenta dare possunt. Illi vero, quia non habent, dare non possunt; quid enim habent, nisi maledictionem quam Simon Magus a Simone Petro recepit? Et illi quidem, si ad Ecclesiam redeunt, aut omnino a suis officiis suspenduntur, aut, si in eis permanent, nihil reiteratur in eis : nulli enim sacramento iniuria facienda est*<sup>67</sup>.

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<sup>65</sup> The reason for accepting this date is that on the subject of the sacraments of the simoniacs, the *Commentary* makes no reference to the decisions of Piacenza. Moreover, compare the passage quoted in the text with the doctrine of the *Libellus de simoniacis* in *Libelli de lite*, vol. II, p. 546.

a. Bruno was bishop of Segni from 1079 to ca. 1103. Cf. B. GIGALSKI, *Bruno Bischof von Segni*, Münster, 1898.

<sup>67</sup> BRUNONIS *Commentarius in Ioh., P., L.*, t. CLXV, col. 533. The words *Illi quidem* apply to ministers who enter "per ostium", i.e. or-

## DURING THE REFORMATION OF THE CHURCH.

In this passage Bruno contrasts the unfavourable condition of the sacraments administered in the Church by ministers who have purchased ordination, with the complete value of the sacraments administered *intra et extra Ecclesiam*, by ministers *ordained i° in the Church*; and 2° gratuitously. On the one hand, there is an identity between the nature of the sacraments administered *intra and extra ecclesiam* by the latter ministers; on the other hand, the condition of these sacraments is very different from that of the sacraments - administered by ministers ordained *outside the Church* or ordained at a price, within the Church.

Following the passage just transcribed, Bruno de Senni wrote: "Quidam tamen sanctorum dicunt eos qui ab hereticis baptizantur, a catholicis debere confirmari, quia heretici dare non possunt Spiritum Sanctum." This was a mention of the traditional fact against which the theory of the "ordinatio catholica" came up against. Christian antiquity considered confirmation given outside the Church to be null and void, whether or not the minister had previously been consecrated in the Church. As for the administration of the sacraments outside the Church, tradition recognizes no advantage for ministers previously consecrated in the Church. - However, this same distinction as to the condition of the heretical or schismatic minister, according to whether or not he had previously been consecrated in the Church, is found in official decisions of Urban II, with a meaning which we must try to determine.

At the beginning of 1089, Urban II responded to a consultation from Bishop Anselm of Milan. The latter had asked the pope about the value of the sacraments administered by excommunicates. Obviously this question was motivated by controversies provoked, in Milan, by the *Pataria* or reforming party, which was led to deny the value of the sacraments administered by unworthy ministers. Urban II replies:

Eorum qui in Ecclesia ordinati sunt, sed ab Ecclesia per scismata disceserunt sacrificium, secundum Patrum auctoritatem, non exsufflamus<sup>a</sup>.

given "in ecclesia". Bruno, like all the canonists of his time, grants no grace to simoniacs (*Libellas de symoniacis*, in *Libelli*, vol. II, p. 559).

1. This unfavourable condition has to be defined. We will try to do so later.

2. This sentence comes to us from the *Britannica*. Cf. LOEWKELFELD, *Epistolae etc.*, p. 62.

Let us first note a significant clue: whatever the meaning of this phrase, and especially of the verb "exsufflare," this assessment rests on an inaccurate consideration. The Fathers make no distinction between the Eucharist celebrated outside the Church, depending on whether or not the minister has been consecrated in the Church. This unjustified reference to the Fathers only serves to highlight the novelty of the doctrine proposed to us. What is this doctrine?

It must be admitted that this text, which the canonists of Bologna do not seem to have known, is the most explicit statement that can be invoked in favour of their exegesis of Urban II: nullity of sacraments administered *extra Ecclesiam*, by ministers consecrated *extra Ecclesiam*. Making this argument, one might say:

"In the controversies of that time, the meaning of the verb "exsufflare" is perfectly clear: it is synonymous with annihilating or declaring null; it expresses absolute nullity. Thus Urban II declares to the Archbishop of Milan that Masses celebrated by priests now outside the Church but previously ordained in the Church are not miles. And the *Masses celebrated by priests ordained outside the Church, what are they worth?* The canonist of the end of the twelfth century who compiled the collection from which the *Britannica* is derived was content to copy this single sentence.

"It is probable that if the letter to Anselm had contained any decision in this regard, the canonist would have transcribed it. Urban II did not pronounce directly on this second case. But was he not pronouncing indirectly? It is certain that what is at issue here is not the licitness, but the validity of Masses. Now Urban II brings in the authority of the Fathers to justify the acceptance of Masses celebrated by schismatic priests previously ordained in the Church. This is a remarkable circumstance.

i. For example, Bernold, speaking of the letter of Guy of Arezzo affirming the nullity of the sacraments of the simoniacs, writes: "Quapropter illud scriptum... non in tantum attendere debemus, ut contra assertionem prae-fati doctoris [Saint Augustine] sacramenta ab hereticis usurpata temere *exsufflemus*. Scribit enim satis improvide de *annutandis simoniacorum sacramentis...*". In *De sacramentis excommunicatorum*, in *Libelli* etc., vol. II, p. 9a; *ct.Ibid.* p. 91, line 16; *De reordinatione vitanda*, *Ibid.* p. x5a, line 21. Cf. Gui de Fer-rare, *De Scismate Hildebrandi*, in the *Libelli*, t. I, p. 558, l. 9; *Ibid.* p. 560, line 2. Cf. also the text of Bernold quoted below, p. 248.

"Indeed, one cannot believe that Urban II mentions the authority of the Fathers in order to accept only part of their teaching. It is thus that, for him, the patristic tradition was explicit only on the value of Masses celebrated by schismatics previously ordained in the Church.

What is Urban II's thinking on Masses celebrated by priests consecrated outside the Church? Interpreted according to the ordinary rules, the decision sent to Anselm of Milan presents itself as a solution, not provisional but definitive: by priesthood, it excludes the validity of Masses celebrated by ministers ordained outside the Church."

This argument is specious and has long embarrassed me. But it is not established that the verb 'exsufflare' has everywhere the meaning of annulling or declaring null. If, however, we were to admit that it has this meaning in the text of Urban II<sup>68</sup>, it would not necessarily follow that the nullity of these masses supposes the nullity of the ordination of the ministers who celebrate them. In the Middle Ages it was sometimes admitted that a Mass celebrated according to the prescribed form by a true priest outside the Church is null<sup>69</sup>.

The main thing is to consider all of Urban II's statements. Here is a decision contained in a letter of 18 April 1089, addressed by Urban II to Gebhard of Constance, his legate in Germany<sup>70</sup>:

Porro de clericis qui ab excommunicatis sunt episcopis ordinati, necdum sententiam fiximus, quia generalis mali contagium generalis sinodi est cauterio comburendum. Tuae tamen fraternitati hoc respondemus ad praesens, ut ab excommunicatis, quondam tamen catholicis, episcopis ordinati, si quidem ordines ipsos non symoniace acceperunt, et si episcopos ipsos non symoniacos fuisse constiterit, ad hoc si eorum religiosior vita, doctrinae praerogativa visa fuerit promereri, paenitentiam indictam quam congruam duxeris, in ipsis, quos acceperunt ordinibus manere permittas, ad superiores autem

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68 This seems to be the most likely solution. Cf. p. 339, n. 4.

a. Cf. below, p. 314, n. a; p. 229, n. 4; P<sup>sa</sup> 76, 281.

70 This letter has been very often quoted in the canonical collections of the xi<sup>c</sup>\* and xii<sup>c</sup>\* centuries, and was the origin of the peculiar theology of the college of Bologna in the xi<sup>c</sup>\* century. It is quoted in the *Britannica* (URBANI *ep.* 38, P. Ewald, *Die Papstbriefe* etc., p. 365); in the *Decree* of Yves of Chartres (VI, c.406, P. h., t. CLXI, col. 53a); in an appendix to the collection of Anselm of Lucca (XII, c. 74, *Bibl. Nat. lat.* 12401, fol. 140'); in a treatise on the Schismatic Cardinals (*Libri*, t. II, p. 413); in the *Decree* of Gratian, C. IX, q. 1, c. 4.

ascendere non concedimus, nisi necessitas et utilitas maxima flagitaverit, et ipsorum sancta conversatio promeruerit<sup>4</sup>.

At that time, the Pope refused to settle definitively the fate of clerics who had been ordained by excommunicates. He pronounced only on a very specific category of them, on those who had been ordained by excommunicated bishops, but previously consecrated by Catholics. Under certain conditions, the pope admits these clerics to the exercise of their orders.

He therefore recognizes the validity of these. But what is to be thought of ordinations on which the Pope does not pronounce, that is, those made by bishops consecrated outside the Church? Unfortunately, the text itself does not shed much light. From the fact that the Pope admits only the first category of ordinations, it does not necessarily follow that he rejects the others as nil.

The question of order is very different from that of the Eucharist. For the latter, it is only a question of validity. For the order, it is a question of both the validity of the ordination and the licitness of the reconciliation to the Church of the cleric thus ordained. It is therefore easy to understand why Urban II could have limited the measures of clemency at first to the category of clerics who were most excusable, to those who had obeyed a previously Catholic bishop. He was thus able to reserve the extension of these lenient measures to other categories of clerics until later.

There is therefore nothing to be drawn from this text in favour of the exegesis of the Bologna school. It fits very well with our explanation.

#### IV. - Theory of the "forma sacramenti".

This theory has its origin in texts of St. Augustine and St. Leo analogous to the following: "Hi qui baptismum ab haereticis - acceperunt, cum baptizad antea non fuissent, sola Sancti Spiritusinvocatione, per impositionem manuum, confirmandi sunt, quia formam tantum baptismi sine sanctificationis virtute sumpserunt<sup>2</sup> ." This formula may seem irreproachable today.

1. *P. L.*, vol. GLL, col. 398.

3. S. LEONIS *Ep.* 169 (ad Nicetnm), c. 7.

The term "forma" is used to refer to character. In the twelfth century<sup>c</sup> it was not understood in this way. The "forma" was often understood as the material rite, the external ablution. As is well

known, Humbert declared that it depends on the Church to admit the forma of baptism given by a heretic or to reiterate it: a statement which shows that, for Humbert, forma and character were two different things. Early on, the notion of "forma" was extended to the ordination conferred by heretics. According to Bernold, the first way, it depends on the Church to accept or reiterate this forma. So this is an external reality, which does not commit God or the Church to much.

These definitions were necessary for the interpretation of the letter of Urban II to Provost Lucius of Pavia, written between 1088 and 1090, most probably L

The provost had asked the pope a very concrete question: "Utrum sit utendum ordinationibus et reliquis sacramentis, a criminosis exhibitis, ut ab adulteris, vel sanctimonialium violatoribus, vel huiusmodi?" These "criminosi", of which it is a question, are those of the diocese of Pavia or Lombardy, in 1089-90. In his reply, the Pope divides these clerics into two categories, according to whether they are inside or outside the Church:

Ad hoc inquam, ita respondemus. Si schismate vel haeresi ab ecclesia non separantur, eorumdem ordinationes et reliqua sacramenta *sancta et veneranda non negamus*, sequentes beatum Augustinum... sed agentibus vel suscipientibus eadem sacramenta, contra praefatorum pontificum instituta, nisi forte sola morte interveniente, utpote ne sine baptismate vel communione quilibet humanis rebus excedat; eis, inquam, in tantum obsunt, ut veri idolatrae sint, cum talibus et ordinationum et sacramentorum confectio et aliter quam praemissum est scienter susceptio vehementer a sanctis canonibus prohibeatur... Haec de malis catholicis qui intra Ecclesiam sunt.

Caeterum *schismaticorum et haeticorum sacramenta, quoniam extra Ecclesiam - sunt*, iuxta sanctorum patrum traditiones, scilicet Pelagii, Gregorii, Cypriani, Augustini, Hieronymi, *formam quidem sacramentorum, non autem*

1. The quotations in this letter are taken from the *Collectio de Deusededit*. In the absence of the new edition by W. v. Glanvell (Paderborn, 1905), I\*e quote the edition by Martinucci (Rome, 1869). In this letter to Lucius dePavia, the mention of the Council of Cŕialcedon and of an alleged text of Pope Paschal I are borrowed from the *Collectio canonum* of Deusededit, p. 377, n° 53. It is the letter to the monk Guy quoted above (p. 180) and which, as we have seen, circulated under the name of a Pope Pascal. The text of St. Jerome on the letter to the Philippians is taken from Deuseddit (p. 457, n' 130). The texts of St. Augustine *Super ioannem* come from Deuseddit (p. 453, no. 128). The text of Gregory VII comes from Deuseddit (p. n° 107). Only the text of S. Augustine *Super ioannem* (in *P. L.*, t. GLI, col. 530 D) could not be found in Deuseddit.

*virtutis effectum habere profitemur, nisi cum ipsi vel eorum sacramentis initiati, per manus impositionem, ad catholicam redierint unitatem L.*

In this document, it is a question of heretics and schismatics in general<sup>2</sup>, and of the various sacraments, but especially of baptism and order. Outside the Church, the sacraments have *forma*, but not *virtus sacramenti*. The nature of this *forma* is different according to the sacraments: 1° Baptism reduced to the *forma* must be completed by the imposition of hands, that is to say, by the reiteration of the imposition of hands of confirmation: this is the rite of which we have already spoken several times; 2° Order reduced to the *forma* must also be completed by the imposition of hands. But this is different from the preceding one, although Urban II says nothing about it in this place: it consists in the reiteration of all the rites of ordination except the anointing<sup>3</sup>; 3° the Eucharist reduced to the *forma* is very incomplete: it was, for the theologians of the Middle Ages, a great difficulty to say what the Eucharist reduced to the *forma*\* could be.

An analysis of this decision will reveal some fairly serious flaws. Therefore, clarity requires that the criticism of this document be complete, so that the reader can make an informed judgment. Let it be noted, first of all, how little the alleged authorities cover the doctrine that is attributed to them. There is no need to insist too much on the fact that St. Cyprian on the one hand, and St. Augustine, St. Jerome, Pelagius I, and Gregory I on the other, are indicated as witnesses to the same doctrine in regard to the validity of the sacraments. It is more serious that the author wishes to have the reconciliation of clerics ordained *extra Ecclesiam* sanctioned by the authorities already cited, by means of an imposition of hands, which, according to Urban II, consists in the

1. *P. L.*, vol. CLI, col. 53T. IT IS NOT POSSIBLE TO date this letter exactly; but its place in the *Britannica* suggests that it is from the end of 1089 or the beginning of 1090. In any case, it is not older than 1090.

2. Without distinction as to whether they were ordained *intra* or *extra Ecclesiam*.

3. See in this regard the prescriptions of Urban II, a little further on, p. 231.

4. This can be judged from Gerhoh's embarrassment. Half a century after Urban II, Gerhoh understood the Eucharist reduced to the *forma*, as consisting only of the elements of bread and wine, which remain unchanged: the Eucharist reduced to the *forma* is an invalid or null sacrament (*De scismaticis*, in *Libelli*, vol. III, pp. 127 and 261). The theory of the *forma* and the *virtus sacramenti* can thus be reconciled with the doctrine of the letter to Anselm of Milan on the Eucharist (cf. above, p. 22G, n. 1).

It is not a matter of a few days before the end of the year, but of a few days before the end of the year. The alleged authorities say nothing of this. This is the substance.

As for the value of sacraments administered outside the Church, this text makes no distinction between ministers according to whether or not they have been consecrated in the Church: the sacraments of all heretics must be judged in the same way. As, on the other hand, this distinction, with regard to the condition of the minister, is formulated, with regard to the value of Masses, in the letter of Urban II to Anselm of Milan: Validity of Masses celebrated outside the Church by ministers consecrated in the Church only, it follows that the doctrine of the letter to Anselm of Milan and that of the letter to Lucius of Pavia cannot be maintained simultaneously, without some inconsistency. On the other hand these documents are of too near a date to suppose that between the two the pope changed his mind.

There is every reason to believe that Urban II did not decide to make a choice between these formulas. In theory, he admitted that every sacrament administered outside the Church lacks *virtus - sacramenti* in accordance with the letter to Lucius of Pavia; in practice, he considered the sacraments administered outside the Church to be very different, depending on the origin of the minister's consecration<sup>2</sup>. How can this inconsistency be explained? It seems to be because of the very unfavourable idea that the theologians of the time had of the *forma sacramenti*: it was a purely external reality which, according to Bernold, first manner, and Cardinal Deusdedit, the Church can accept or reiterate: it was therefore a *proper nihil* as a certain scholastic entity. For Urban II, it was more: a reality that prevented the reiteration of the sacrament. Such a reality, even if thus affirmed, was however too small<sup>3</sup> for Urban II

T. It is no longer inconsistency, but a complete contradiction that would exist - between this letter to Lucius of Pavia and the letter to Anselm of Milan quoted above, if the latter were to be understood as affirming the nullity of the sacraments conferred by ministers ordained *extra Ecclesiam*. The letter to Lucius of Pavia alone refutes this exegesis of the Bolognese canonists, for it attributes the *forma sacramenti* to all sacraments celebrated outside the Church, according to the prescribed conditions.

a. For example, there is no evidence that Urban II later denied the privileged condition which he made, in the letter to Anselm of Milan already quoted, for Masses celebrated by heretical or schismatic ministers previously ordained" in the Church and free of charge.

3. The principal texts concerning the nature of the *forma sacramenti* are: that

He was resigned to seeing only herself in the sacraments administered outside the Church by ministers who were previously Catholic. The mere fact of leaving the Church did not seem to him to have such an influence on the sacraments conferred by one and the same minister.

It remains to be seen how Urban II understood the imposition of hands, by which, according to him, the reconciliation of ordained ministers outside the Church was to take place.

#### V. - Reiteration of all the rites of ordination except the anointing.

According to the letter to Lucius of Pavia, the sacraments administered outside the Church by heretics have only the *forma*, but not the *wrtus sacramenti* "nisi cum ipsi vel eorum sacramentis initiati *per manus impositionem* ad catholicam redierint unitatem. In other words, the *virtus sacramenti* is given by the rite of the imposition of hands. Two questions then arise: what is the nature of this rite; and to which clerics should it be conferred?

According to Urban II, this rite is not unique; it takes a double form: the imposition of hands which completes baptism, and that which completes ordination.

The laying on of hands to complete baptism administered outside the Church was known since the middle of the 11<sup>th</sup> century. This rite is still described and contained in the Roman *Pontifical*. It has been discussed at length above<sup>2</sup>. There is no doubt that Urban II is referring to this rite here. In 1094 Bernold of Constance was discussing the question whether little children could be saved if they died after being baptized by an excommunicate. In this case, it is not possible to say whether the person who has been baptized has been baptized by a person who has not been baptized.

of Bernold quoted above, p. 210; that of Cardinal Humbert on the *form* of baptism, in *Adventus symoniacos* {*Libelli* etc., t. I, p. 105: "Liquet ergo... baptisma hereticorum *formam tantum vel speciem* veri baptismatis habere, et lavacrum sive *ablutionem corporibus solummodo*, non etiam animabus prae-stare..."; that of Bruno de Segni, in the *Libellas de symoniacis* {*Libelli*, t. II, p. 506).

2. See p. 22 ff. See a theological note in the appendix.

not receive the Holy Spirit, who alone works the remission of sins; after such a baptism, the Holy Spirit must be communicated by the rite of the imposition of hands. Bernold writes:

Sed 'obicitur quod heretici nec Spiritum Sanctum dare valeant nec peccatorum remissionem... Adhuc fortasse et hoc obicitur quod Sancti Patres parvulos in heresi baptizatos *per manus impositionem* in catholicam recipiendos fore non dicerent, si penitus illos inculpabiles

esse indicarent. Sic ergo beatus Gregorius papa... Nec nos utique his contradicimus, immo libentissime adquecimus.\* videlicet ut parvuli apud hereticos baptizati, per manus impositionem, recipiantur, si tamen tandiu vixerint, ut ad reconciliationem pervenire possint... Sic ergo nec nos de parvulis in heresi baptizatis desperare debemus, si mors eos preoccupaverit antequam ad legitimam manus impositionis reconciliationem pervenerint<sup>71</sup>.

This question of the salvation or baptism of children baptized by the excommunicated was to be discussed at the Council of Piacenza in 1095<sup>72</sup>. It seems that it did not come up for discussion. In any case, after the Council of Piacenza, Bruno, bishop of Segni, still considered the question to be open<sup>73</sup>. But he too speaks at length about the reconciliatory rite of the imposition of hands. He discusses the nature of this rite. Use asks whether it consists only in the imposition of the hands of confirmation, or in the full reiteration of confirmation (imposition of the hands and *consignatio* with the holy chrism). It is for this last opinion<sup>74</sup>.

It is true, then, that in the letter to Lucius of Pavia, by the words *per manus impositionem*, Urban II meant the reconciliatory rite which completes the baptism administered outside the Church. But there is more. Urban II also meant another imposition of hands: that by which an ordination conferred outside the Church is completed. This rite is mentioned by Cardinal Deusdedit<sup>75</sup>. It is described, in the clearest terms, by Urban II.

In the years 1088-1090, Urban II wrote to the metropolitan of Milan, telling him how clerics ordained by excommunicates should be reconciled<sup>76</sup>.

It is the canonists of the twelfth century<sup>e</sup> who have preserved and who point out to us this text which, without them, would be lost. This document comes to us through the *Britannica*<sup>77</sup>, through the *Decree*<sup>^</sup> of Yves of Chartres, and in

<sup>71</sup> *De presbyteris*, in the *Libelli de Vite* etc., vol. II, p. 145.

<sup>72</sup> *Ibid*, p. i44-

<sup>73</sup> In the xii<sup>o</sup> century, some still hesitated. Here is a letter from Gauthier de Mortagne, bishop of Laon, to a monk Guillaume:

*Dixistis quoa non credatis firmiter peccatorum remissionem conferri parvulis, ante tempus discretionis, ab haeretico, Christi baptismo baptizatis. Indubitanter vero credendum est Christum aequaliter, in dispensatione suorum sacramentorum, per quoscumque ministros operari... Praeterea hoc attendite, in sacramentis ecclesiasticis qualescumque sint ministri, solus Deus invisibile donum gratiae operatur, non illi per quos sacramenta dispensantur... Inveniuntur tamen nonnullae auctoritates Romanorum Pontificum, qui videntur asserere quod baptisimus Christi per haeticos consecutus nihil conferat baptizatis. Quibus supersedendum iudicavi, cum praedictae auctoritates magis consentiant rationi.*

Vale. in L. D'ACHERY, *Spicilegium sive collectio veterum aliquot scriptorum* etc., vol. III, p. 5ao, Paris, 1723.

<sup>74</sup> See below, p. 264.

<sup>75</sup> *Libellus contra invasores et symoniacos*, dons the *Libelli de lite* etc., vol. II, p. 3a8.

a. It is indeed these clerics that are in question. In the *Decretum*, Pars VI, c. 406, we read: *De ordinatis ab excommunicatis, Urbanus secundus Gebhardo*. This is the letter of Urban II to Gebhard of Constance, transcribed above. Then Yves writes: "De modo reconciliandi. *Idem Anselmo Mediolanensi*." This is the text *Discretionis nostrae* etc. This text refers to the reconciliation of the clerics mentioned in the previous one.

<sup>77</sup> *Coll. Brit*, URB. ep. a3.

an addition to the canonical collection of Anselm of Lucca<sup>78</sup>.

Discretioni nostrae videtur, quatenus, secundum praecepti nostri tenorem, quando, secundum Ecclesiae vestrae morem, sacros daturus quibuslibet aliis ordines, benedicere coeperis, eos quos tua duxerit solertia reconciliandos, inter benedicendum et manus imponendum, facias interesse, quibus caetera omnia consecrationis instrumenta praeter unctionem explebis, et sic ad sancta ministeria reconciliabis.

In order to reconcile clerics ordained by excommunicates, these clerics must be placed among the ordinands, subjected to the imposition of hands, and all the rites of ordination except the anointing performed on them. The same ceremonial is prescribed in a letter to the bishop of Bologna<sup>79</sup>.

It is obvious that this decision applies, in the first place, to priests and bishops ordained by excommunicates, since priests and bishops receive an anointing during their ordination. The gravity of these measures is immediately apparent. They imply that the essential rite of priesthood and episcopacy is functional.

In the XII<sup>th</sup> and XIII<sup>th</sup> centuries, certain theologians held this doctrine. We shall see later on a text of Gratian in this sense. We can also cite Master Bandinus and the *Compendium*

*theologicae veritatis*<sup>^</sup>, which was so successful in the fifteenth century, and which has been wrongly attributed to St. Bonaventure.

This is not the theory of Christian antiquity, nor of today. The most ancient *Sacramentaries* mention, for the ordination of bishops, priests and deacons, only the imposition of hands and the corresponding prayer<sup>2</sup>. The imposition of hands was therefore the essential rite of ordination. This truth has only been clearly seen since the revival of liturgical studies in the seventeenth century. The Middle Ages and even Popes<sup>3</sup> considered the laying on of hands at ordination to be an apostolic institution; at the same time the essential rite of ordination was seen in the *porrectio instrumentorum* and the corresponding prayer. The history of these controversies and hesitations is well known. Curiously enough, the theory of Urban II and Gratian seems to have escaped the notice of historians of the liturgy and the sacraments.

The terms employed by Urban II leave no doubt: it is indeed a question of reordination minus the anointing. One has only to refer to the *Roman Pontifical* or to the ancient texts collected by Martène<sup>5</sup> to recognize at once, in the decretal, the various moments of ordination. How did Urban II come to this theory, of which he is the first explicit witness? There is no doubt that this is a consequence of the distinction between

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78 Bibl. Nat. lat. 1S451, f° i40<sup>r</sup>.

79 See below, p. a50.

tiam consecrationis accipiunt. Accipiunt et stolam quae tenet utrumque latus seu premit, ut tanquam perfectiores adversa et prospera iugo Domini submittant. ■ *Abridged Sentences*, by Bandinus, *P. L.*, t. CXCII, coi. 1104'.

1. "De substantia huius sacramenti sunt sex : Primum est potestas ordinis, quia oportet quod sit episcopus. Secundum est materia, scilicet unctio in sacerdotibus, et tactus illorum quae tangenda sunt, in aliis. Tertium est formu verborum. Quartum est sexus virilis, quia mulier non recipit characterem ordinis. Quintum est intentio recta. Sextum\*est quod ordinandus sit baptizatus, quia baptismus est ianua omnium sacramentorum." In *Compendium theologiae - veritatis*, libr. VI, c. 36, in S. BONAVENTURAE *Opera*, vol. VII, p. 785, Lyon, 1668.

2. An account of all the questions relating to the liturgy of the order can be found in S. Many, *Praelectiones de sacra ordinatione*, especially p. 483 ff. MANY, *Praelectiones de sacra ordinatione*, especially p. 483 ff.

3. A decision in this regard is found in the *Decretals* of Gregory IX, Cap. *Presbyter*, DE SACRAMENTIS NON ITERANDIS. On this subject, M. Many writes, *op. cit.* p. 496: "Unde dicendum est Gregorium IX, qui haec scribebat circa annum 123a, hanc solutionem practicam dedisse iuxta disciplinam sui temporis, quo vulgo iam putabatur ritum illum esse mere accessorium. Ceterum, ut ipso capituli tenore patet, Gregorius nihil definit quod ad fidem pertineat, sed tantum disciplinarem condit canonem."

4. This doctrine is taught in the *Decree to the Armenians* (1439), in HAR-DOUIN, *Acta conciliorum*, t. IX, col. 440. This is not a definition of faith.

5. E. MARTENE, *De antiquis Ecclesiae ritibus* etc., cap. VIII, *De ritibus ad - Sacramentum Ordinis spectantibus*, t. II, p. 1-120, Antwerp, i;63.

laforma and *virtus sacramenti*. From baptism, this distinction was extended to order. It was then admitted that the *forma* of the order, like that of baptism, must be completed by the rite of the imposition of hands. But it was necessary to determine the rite according to which this reconciliatory imposition of hands would take place for the order. Here again analogy played its part. Here is how.

Let us recall the theory which gave rise to this mode of reconciliation of the laity by a partial reiteration of confirmation. It is the principle that the Holy Spirit cannot be given outside the Church. But one can see at once how this equivocal principle compromised not only confirmation, but also ordination conferred outside the Church. The famous decretal of Innocent I to Alexander of Antioch was present in the minds of all theologians<sup>80</sup>. It establishes a close parallelism between confirmation and order administered outside the Church: this idea became strongly established in the minds of the theologians towards the end of the twentieth<sup>e</sup> century. It was accepted that the imposition of the hands of confirmation should be repeated for laymen who had been confirmed in the schism. Could clerics ordained during the same schism be received without a ceremony of reconciliation? If the laity had not received the Holy Spirit, had the clergy received it more? Both were to receive the *perfectionem Spiritus Sancti*<sup>81</sup>. This was given to the laity by the reiteration of the rites of confirmation except for the anointing<sup>82</sup>. How was it to be given to clerics? Analogy led to the reiteration of all the rites of ordination except the anointing. For there is a great analogy between the prayers which accompany, on the one hand, the laying on of hands at Confirmation, and on the other, that of the Order. These prayers were considered equivalent in importance, and so the essential rite of ordination was placed in the anointing<sup>83</sup>.

This disciplinary development presupposes, as far as order is concerned, a sacramental theology which is neither that of Christian antiquity nor of today. Under the pretext of reconciliation, real reordinations were prescribed. And in fact, as we shall see later, this ritual of clerical reconciliation was followed in Italy and Germany.

It would be interesting to know to what exact extent Urban II applied

80 They could read it in Pseudo-Isidore. Cf. above, p. 71.

a. This is the effect which Deusdedit attributes to the reconciliation of the priests by limposition of the hands. Cf. *Libelli de lite* etc., vol. II, p. 3<sup>^</sup>8.

82 From Bruno's statement, it follows that he was isolated in Italy in asking for the full reiteration of confirmation (imposition of hands and *consignatio*) for the reconciliation of baptized laymen outside the Church. Cf. *Libelli de lite*, vol. II, p. 556. Cf. the opinion of Humbert (Gallican usage), above, p. 196.

83 This theory of the essential rite of ordination explains why Urban II consented to the reiteration of the diaconate, while the preserved texts do not mention any reiteration of episcopal and presbyteral ordinations.

The ordination of the diaconate, not involving anointing, seemed to be

his theory of the reiteration of all the rites of ordination except the anointing. Did he make any difference in this respect between clerics ordained outside the Church, according to whether or not the consecrator had been ordained *intra Ecclesiam*? Cer-

<sup>1</sup> makes it seem so, but any extensive information makes it

Secondly, what is the nature of the obligation of Urbain II? Secondly, what is the nature of the obligation of Urban II

Did he attach any importance to his precept of the reconciliation of clerics through this rite? It is impossible to say. In any case, Urban II did not that logically develop ways of speaking and ideas

which we have already found in the letter of the Council of Nicea on the Meleciens of Egypt, in the Frankish and Spanish decisions on Arian ordinations, and in the canons of the legate Theodore<sup>2</sup>. This is an unfortunate development, but one that is well followed.

## VI. - An Interpretation of Fr.

This means that we must reject the interpretation commonly given by theologians to the imposition of hands prescribed in the letter to Lucius of Pavia. Fr. Hurter<sup>3</sup> sees in this text the current doctrine of the revival of grace. As is well known, according to Catholic doctrine, the sacraments communicate habitual grace to Christians "non ponentibus obicem". For example, ordination received under the conditions

reiterated. In a word, the *forma sacramenti* of the diaconate seemed less guaranteed than that of the higher orders. In this respect, Gratian glimpsed the truth.

1. It is supplied by the ceremonial of the ordinations of Goslar and Heil<sup>en</sup>-stadtd. referred to below, p. 5g. Clerics ordained during the schism by a bishop consecrated *intra Ecclesiam* were reconciled by a simpler rite than that employed for clerics ordained by a bishop consecrated *extra Ecclesiam*: a fact which proves that Urban II. made a real difference between these ordinations, but that this one, did not fall within the categories of validity and nullity. Cf. also another clue, further on, p. 244.

2. See above, pp. 38, 73-74, 99.

3. *Theologiae dogmaticae compendium*, vol. III, p. 224, Innsbruck, 1900.

required imparts character and grace. If Ferdinand presents an "obex", that is, a bad conscience, he receives only the character. If he does penance, it is a common doctrine that grace lives again in his soul "sublato obice".

Now Fr. Hurter finds this doctrine in the letter to Lucius of Pavia. He transcribes the text, adding his commentary. Here is the end of the transcription: "nisi cum ipsi vel eorum sacramentis initiati per manus impositionem ad catholicam redierint unitatem" *quo reditu tollitur obex*, adds Fr. This is a bold simplification! Nothing is said about the imposition of hands. Was it not necessary to investigate what was the rite of this imposition of hands, and what were its effects, according to Urban II? We must not substitute our ideas for his. Is this reiteration of the most essential rites of ordination a matter of indifference? The "remotio obicis" is purely negative; the "manus impositio" is a positive complement of the "forma sacramenti". These are two different mechanisms.

Moreover, it is difficult to understand why, if the decretal to Lucius of Pavia appreciates, as we do, the validity of ordinations made outside the Church, it prescribes, in order to ratify them, a rite as serious as the partial reiteration of the ordination. These ordinations must be very defective in order to have recourse to such an extraordinary means to complete or cure them. Secondly, this interpretation supposes that, in our decretal, the word *virtus sacramenti* has the meaning we attribute to it today. But this is not so. For the pope, the sacraments administered by ministers who are notoriously unworthy but who have not been put out of the Church are complete. These sacraments are holy and venerable. If they are harmful to those who receive them, it is only because the Church forbids their administration and reception under such conditions. To such sacraments the decretal in no way applies the distinction of *forma* and *virtus sacramenti*, for they possess both these realities. In them, if the *virtus sacramenti* does not act, it is because the subject who receives them impedes it.

The sacraments administered outside the Church are quite different. They are incomplete. They have the *forma*, but not the *virtus sacramenti*. Now this *virtus sacramenti*, if we understand it in our present-day manner, is lacking both in the sacraments administered by ministers who are notoriously unworthy<sup>84</sup> but who are still in the Church, and in the sacraments conferred by ministers outside the Church. The lack of *virtus sacramenti*, being limited to ministers of the second category, must be understood in a special way, which can only be an aggravation. It is the gravity of this *defectus* which motivates reconciliation by the rite of partial reiteration of ordination.

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84 And forbidden by the Church.

The letter of Urban II to Anselm of Milan gives us very good information about the rite of reconciliation for priests. It is much less explicit about the reconciliation of deacons and lower clerics, whose ordination does not include anointing. Theoretically, this reconciliation should have consisted in a pure and simple re-ordination. This deduction seems inescapable. It was also formulated, as early as the xn<sup>th</sup> century, by Gratian. But in the history of theology, deduction is a bad advisor. Let us see, by means of precise testimonies, what was the practice of Urban II with regard to deacons ordained outside the Church.

## VII. - The reiteration of the diaconate.

On i<sup>er</sup> February 1091, Urban II wrote to two abbots of the diocese of Metz, concerning the replacement of Bishop Hermann of Metz, a faithful supporter of the Holy See, who had just died. The Church of Metz had elected Poppo, archdeacon of Trier. Urban II approved this choice, allowing the recipients to have the newly elected bishop consecrated by any bishop they wished, because the metropolitan Egelbert of Trier was schismatic, that is to say, a supporter of Henry IV and of the antipope Clement III. But a difficulty arose. Poppo, archdeacon of Trier, had been ordained deacon by the schismatic Egelbert. Urban II writes:

*Illud sane omni modo requirendum est utrum, per manum Trevirensis illius dicti archiepiscopi, simoniace fuerit in diaconiem ordinatus. Quidquid enim ab eo extraordinarie indigneque suscepit, nos Sancti Spiritus iuicio irritum esse censemus et eosdem ordines ab aliquo sorliatur episcopo catholico, praesenti auctoritate praecipimus. Talis enim ordinator, cum nihil habuerit, dare nihil potuit.*

The pope prescribes the pure and simple re-ordination of Poppo, if he has received from Egelbert's hands the diaconate and the inferior orders, in an ordination tainted by simony.

One thing is beyond doubt. Urban II considered the diaconate conferred for money to be null and void; he even admitted the reordination of deacons: the decretal concerning Poppo of Trier proves this peremptorily. This fact is irreconcilable with the present theology of the order. Does it consider the priesthood and episcopate conferred for a price to be harmful? Those who are fond of deductions will not hesitate to answer yes. It will be seen, moreover, that members of the curia and those familiar with Urban II, for example Deusdedit, held this doctrine. But, at a time when people were very divided on these questions, each one must be judged on his own statements and not on those of his neighbour. There is no text to show that Urban<sup>11</sup> declared the priesthood and episcopate conferred for money to be harmful and reiterated.

Let us come to the reordination of Deacon Daibert. This is a fact which

has been much discussed for and against. It has seemed, up to now, that the whole theology of Urban II on the sacrament of order depended on it. This was an oversimplification, for the reasons already given. Secondly, the reordination of Poppo of Trier was not noticed. This one remains, even if, with a great deal of subtlety, one would apparently get rid of Daibert's. But the discussion relating to Daibert is instructive, to know the state of mind which often presided over the study of the reordinations.

The year 1088 saw the occurrence of an event about which we are well informed, and which is of primary interest to the doctrine whose history we are studying. It was the reordination of the deacon Daibert by Urban II.

Daibert was no ordinary cleric. So he left his mark on the history of his time. He was ordained a deacon by Wezilo, the schismatic archbishop of Mainz, who has already been mentioned. He served his bishop in the period from 1084 to 1088. At a time which cannot be specified, but at the latest at the beginning of 1088, he left the schismatic party and made his submission to the pope. Daibert could see better than anyone the failure of the policy of his archbishop and chancellor. His return was a success for the Catholics. So Urban II gave him an honourable welcome, and soon appointed him bishop of

Pisa. This appointment caused a scandal in some quarters. How could the pope consecrate as a bishop a cleric ordained deacon by the schismatic archbishop of Mainz, by the leader of the rebels in Germany?

Two people, Peter, bishop of Pistoia, and Rusticus, abbot of Vallombreuse, wrote to Urban II expressing their surprise. These names are noteworthy. They remind us of an environment which was very hostile to the sacraments of the simoniacs, and in which Peter Damian had difficulties. Rusticus was the second successor of John Gualbert. The bishop of Pistoia was very devoted to the Camaldolese<sup>85</sup>. We thus see the continuity and survival of old prejudices, among the most devoted supporters of the reform. Urban II replied, and it is this letter which gives us information about the whole affair.

At the outset, the Pope recalls two principles: first, the modesty and reserve which are imposed on inferiors with regard to the acts of their leaders; and second, the right of dispensation which belongs to the Church with regard to certain canonical prescriptions. Then comes the explanation of the very substance of the debate. The pope has nothing to learn about Wezilo's ecclesiastical situation, since it was he himself who, as legate, excommunicated him and deposed him from all ecclesiastical functions. Wezilo, having been consecrated by heretics, could not confer ordination on Daibert. Daibert therefore received absolutely nothing from

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85 *P. L.*, vol. CXLVI, col. G70.

Wezelo. And it was for this reason that, because of his merit, he was reordained a deacon by the pope and made bishop of Pisa. It is not true, therefore, that Daibert was ordained a deacon by Wezelo, as the pope's correspondents claimed, and, in this way, all their criticisms fall away of their own accord. Here is the text:

Debent subditi, secundum beati Iob sententiam dicentis : *Rem quam nesciebam - diligentissime investigabam*, dubitationis suae nodos morosa et patienti inquisitione dissolvere, non autem in ea redargutionis aut culpationum manum extendere... Multa ecclesiae principes pro tenore canonum districtius indicant, multa pro temporum necessitate patienter tolerant, multa pro personarum qualitate moderanter dissimulant. Si enim semper protracto nervo arcus extenditur, segnus [in] ea, in quae ad tempus intendendus est, iaculatur. Per apostolos siquidem communi est sententia Ierosolimis confirmatum, et per Paulum et Barnabam fratribus per Asiam destinatum, ne quisquam ad fidem veniens circumcisioni legis haberetur obnoxius. Ipse etiam

Paulus ad Galatas, *Si circumcidimini, inquit, Christus vobis nihil proderit*. Multa etiam a sanctis... patribus pro tempore immutata scripturarum testimonio comprobantur, sicut sanctae Romanae ecclesiae, cui Deo auctore deservimus, sanctus pontifex Leo neophitos ad summi sacerdotii gradum permisit ascendere, quos, Pauli apostoli voce, palam est ab eodem officio inhiberi. Sicut etiam Arrianus legimus, postquam conversi sunt, in suis officiis manere permisso<sup>86</sup> ...

Scripsistis nobis maximum apud vos scandalum emersisse, quo Pisanum episcopum consecraverimus, quod a Guezelone haeretico diaconus fuerat ordinatus. Et nos profecto scimus Guezelonem haereticum fuisse Moguntinumque episcopatum simoniaco credimus facinore invasisse, propter quem aut alium acquirendum regi sub anathemateposito diu servierat, et propter acquisitum omni vitae suae tempore deservivit. Eundem et ipsi nos pro eadem causa, qui [sic] ab excommunicatis consecratus est, in synodali concilio excommunicavimus, condemnavimus et ab omni ecclesiastico officio sine spe restitutionis aliqua deposuimus\*.

Daibertum a Guezelone licet simoniaco non simoniace eiusdem confessione reperimus in diaconum ordinatum, et B. Innocentii Papae sententia constat declaratum, quod Guecelon haereticus *quem constat ab haereticis ordinatum*<sup>^</sup> quia nihil nabit, dare nihil potuit ei cui manus imposuit. Nos igitur tanti Pontificis auctoritate firmati, Damasi papae testimonio roborati, qui ait : " Reiterari oportere, quod male actum est" Daibertum, ab haereticis corpore et spiritu digressum atque utilitati ecclesiae pro viribus insudantem, ex integro, ecclesiae necessitate ingruente, diaconum constituimus. Quod non reiterationem existimari censemus, sed tantum integram diaconii dationem, quoniam quidem, ut praediximus, qui nihil habuit, nihil dare potuit<sup>87</sup>

It is not useless to say by what means this document came to us. It is first by the *Britannica*<sup>^</sup>, which contains it in its entirety. Then it is through the *Panormie*<sup>^</sup> of Yves de Chartres, which contains the most important passage *Daibertum*\*. Thus, this document is brought to our attention by two canonists of the eleventh century; that is to say that it seemed to them remarkable. Any interpretation which would make us find a banality in this text would be very likely to be insufficient. Then, Yves knew Daibert, and had with him rather regular relations<sup>88</sup>. He had close relations with Urban II. He is thus, in this

86 S. LOEWENFELD, *Epistolae pontificum romanorum ineditae*, pp. 61-62 (Lipsiae, 1885).

87 IVONIS *Panormia*, III, 81, in *P. L.* t. CLXI, col. 1148.

88 This fact can be deduced from a letter of recommendation addressed to Daibert, who had become patriarch of Jerusalem, by Yves of Chartres. Cf. IVONIS *Epistolae*, Ep. 93, in *P. L.* t. CLXII, col. n3. In the same volume of Migne are found, col. 352 and 457, information on Daibert.

case, a witness of the first order.

In this text, one point is beyond dispute: Daibert has been reordered. One only has to read the text. But one can invoke good witnesses. Yves understood Urban II's letter as affirming the nullity of the ordination made by Wezelo, and the pure and simple reordination of Daibert, by Urban II. This interpretation was that of Gratian, of the *Glossa* of Gratian, and of all the canonists of the Middle Ages. These are, as we shall see, testimonies which cannot be discarded.

We know the influence of St. Augustine's words in the Middle Ages: "nulli sacramento iniuria facienda est". Some authors understood it in the sense that no sacrament could be repeated: Yves of Chartres was one of them. He did not admit of the reiteration of extreme unction, because he attached it to the sacrament of public penance<sup>89</sup>. It is not surprising, therefore, that in the third book of the *Panormia* he wrote the following title *De ordinatis non reordinandis*. But the question was to know in what cases a cleric is really *ordinatus*. On this subject Yves has only one heading: *Redeuntes ab haereticis sunt reordinandi*; and he immediately quotes the canon *Daiberturn*. It is quite clear that, for him, there is no opposition between the content of the title and that of the rubric. Moreover, the next two canons express the sovereign authority which - belongs to pontifical decisions. Poir Yves, Daibert's first ordination had been null.

There can therefore be no doubt about the fact of Daibert's reordination. Moreover, we know of no text in which Urban II formally declared that the priesthood and the episcopate conferred by excommunicates were prohibited. Thus, with regard to Poppo (simoniacal ordination), and Daibert (ordination by an excommunicate), we find a particular theology of Urban II on the conditions of validity of the diaconate. What was this theology?

The present doctrine does not allow us to explain or justify these two decisions of Urban II. Today, ordinations like those of Daibert and Poppo would be considered valid, and would not, in any case, be repeated. It goes without saying, moreover, that Urban II had a theory to justify these acts. We must try to find it. And first of all, let us rule out a false explanation. A piece of information provided by the *Liber pontificalis* of Pandolfo, composed around 1133-1137, would lead one to believe that such reordinations were not very deliberate acts, which Urban II later disavowed completely. But as we shall see below, the story told by

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REORDERING.  
89 Ivoix *Epistolae*, Ep. a55, in P. L., vol. CLXII, col. 260. Cf. concerning this letter, the note on col. 419.

Pandolfe is a systematic reversal of the data relating to Daibert: it is a marked forgery; there is no need to take it into account. No text lets us guess that these reordinations were disavowed and condemned, thereafter, by Urban II.

Between 1i3g and i ;4<sup>^</sup>, Gratian composed, in Bologna, his *Decretum* or *Concordantia discordantium canonum*. About Daibert's reordination by Urban II, he writes:

Nunc autem quaeritur de bis qui ab haereticis ordinati sunt, si ad unitatem catholicae matris ecclesiae ab haeresi redierint, utrum in eodem ordine iterum valeant ordinari? *Semel enim consecratus*, ut ait B. Gregorius, *iterum consecrari non debet*. Item sacramenta quae ab haereticis in forma ecclesiae ministrantur (sicut Augustinus testatur) reiterari non debent ne non homini, sed sacramento videatur iniuria fieri. Sed illud Gregorii de his intelligitur qui consecrationem sacerdotalem vel episcopalem acceptperunt, qui aut per manus impositionem cum ad Ecclesiam redeunt, effectum suae unctionis accipiunt, aut ab eius administratione perpetuo cessare iubentur. Similiter illua Augustini de eadem mystica unctione et de sacramento baptismatis intelligitur. *Sunt autem in ecclesia alii ordines, qui sine sacramentali unctione, sola episcopi benedictione, cum quadam vasorum vel indumentorum distributione praestantur; Ut sunt levitae et caeteri infra eos constituti. Hi, quamvis ab haereticis ordinentur, tamen ad ecclesiam redeuntes, in eodem ordine (si alias digni fuerint) ab Ecclesia ordinentur, nec fiet eis reiteratio muneris, cum nihil ab haereticis eis doceatur fuisse collatum L*

Thus, according to Gratian, only those ordinations which involve anointing, that is, the priesthood and the episcopate, cannot be reiterated. The diaconate and the lower orders can be reiterated, when they have been conferred outside the Church. What is the value of this explanation? Its respectable antiquity recommends it favorably. It has the advantage of being verified by the decretal of Urban II to Anselm of Milan, on the reconciliation of clerics ordained by excommunicates: reiteration of all rites except the anointing.

i. C. I, q. 7, c. a3 ante.

It must therefore be concluded that Urban II admitted and practiced the reiteration of the diaconate and lower orders, conferred outside the Church.

But here the question of the 'ordinatio catholica' comes up again. Did Urban II declare null any ordination to the diaconate made outside the Church, or did he admit as valid the ordination to the diaconate, made outside the Church, by a previously Catholic bishop? It seems that the second of the two alternatives is the true one. Daibert was reordained because he had received the diaconate from Wezelo, consecrated not by Catholics, but by schismatics. And Poppo? Urban II admits his ordination, if he was ordained without simony by the schismatic Egilbert of Trier. Therefore, if it were shown that Poppo was ordained by

Egilbert, after the consummation of the schism, it would follow that Urban II applied to the validity of the diaconate the principle of the "ordinatio catholica". It is not possible to demonstrate this fact, but it seems to be the most probable hypothesis.

### VIII. - The doctrine of Cardinal Deusdedit.

The decisions of the Council of Piacenza of 1055 come after the composition of the *Libellas contra inuasores et symoniacos* of Deusdedit, and before that of the *Libellas de symoniacis* of Bruno de Segni. Thus framed, they are much better understood. If the doctrine of Bruno is in great progress on that of Deusdedit, it is a result of the discussions of the Council of Piacenza.

Deusdedit gave two editions of his *Libellas*<sup>90</sup>. The first is a treatise against secular investiture and simony. It

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<sup>90</sup> The first is given, by error, in the manuscripts, following the *Contra Guibertum* of Anselm of Lucca, under the title of the second book. This first edition, which has two chapters, can be found in *P. L.*, t. CXLIX, col. 455-476 (*OpUuante... tub regia ditione manere*). - The second edition, which has four chapters, can be found in *A. MAI, Nova bibliotheca Patrum*, t. VII, p. 3, p. 77 ff. (Romae, 1857). - In the *Libelli de lite* etc., vol. II, pp. 300-340, if one reads the whole text, one has the first two chapters of the second edition; if one omits the texts placed in square brackets, one has the complete text of the first edition. - In the *Libelli*, *loc. cit.* p. 341-365 are the chapters III and IV of the second edition. - In this volume, reference is always made to & the *Libelli* edition.

contains, towards the middle, an exposé on the value of the sacraments administered by the simoniacs. The second edition contains the preceding text, but increased first by a long interpolation on the sacraments of the simoniacs, and then by two new chapters. The first edition was aimed almost exclusively at the simoniacs; the second puts, moreover, the schismatics in question. From what date are they? So far, it seems, the question has been examined by E. Sackur alone, who has not arrived at any firm indications. It can be established, however, that the two editions were composed after the letter to Lucius of Pavia<sup>91</sup> (1089-1090), and before the Council of Piacenza (spring 1095)<sup>92</sup>.

The work is dedicated, by Deusdedit, to the clerics of the Roman Church. There is no doubt that the cardinal composed it with a view to the discussions of the Council of Piacenza. Characteristically, which says a lot about the state of mind in the curia at that time, the author's main aim was to refute Peter Damian<sup>93</sup>.

Deusdedit accumulates the most unfavorable texts on the value of the sacraments administered outside the Church. Saint Cyprian, the so-called Pope Paschal, who is in reality Guy of Arezzo, Pope Pelagius, Prosper summarizing Saint Augustine, all testify in favour of the author's thesis\*. First of all, he recalls that baptism administered outside the Church does not confer the Holy Spirit, which can only be given by the imposition of the hands of Catholics, at the time of the reconciliation of the baptized to the Church. As for the Eucharist administered in schism, it is null: "*Quo aperte intelligitur quod in eorum*

(all ministers outside the Church) *sacrificio non accipitur Christi corpus, sicut nec in baptismo Spiritus Sanctus*<sup>94</sup> ." By which we see that Deusdedit is even more exclusive than Urban II, for, according to the latter, schismatic priests previously ordained in the Church gratuitously can validly celebrate the Eucharist.

As for ordinations made outside the Church, Deusdedit states that

91 The first edition of Deusdedit is based on the letter to Lucius, provost of Pavia. It is enough to compare the letter to Lucius from the words: "*alia in baptismo et alia in reliquis sacramentis*" in *P. L.*, t. CLI, col. 53a, with the treatise of Deusdedit from the words: "*quod quidem non baptizato ilico morituro necessarium non est*", in the *Libelli*, t. II, p. 322.

92 The situation of the antipope Clement III, as represented in the treaty of Deusdedit, fits very well the years 1093-1095. Moreover, this treaty betrays no knowledge of the decisions of the Council of Piacenza (1095).

93 Deusdedit writes: "*Quamvis quidam [Peter Damian] scripserit quod sicuti in baptismo simoniacorum, ita et in eorumdem sacrificio virtus Spiritus Sancti cooperetur, scilicet ut non eisdem sit verum et salutare sacrificium, sed his quibus exhibetur. Quod ex praemissis Patrum sententiis apertissime refellitur.*" *Libelli*, vol. II, p. 322. It is immediately after this passage that Deusdedit draws on the letter to Lucius of Pavia, at a point where Urban II establishes the difference which exists between the administration of baptism and that of the other sacraments. Deusdedit sees this difference in the fact that baptism is valid and the other sacraments are harmful.

94 *Ibid*, p. 323.

ecclesiastical history gives certain examples of reordinations, and doubtful examples of outright ratification. Deusdedit believes that reordinations are not forbidden by any text, and that it may have depended on the Church to accept or reject such an ordination. In any case, an ordination made for money, i.e., simoniacal, is void. Moreover, the cleric thus tainted with the simoniacal heresy cannot be ordained, for "iuxta Innocentium et Leonem et alios Patres ab haeresi redeuntes promovendi non possunt. As can be seen, in this case, reordination is prevented by considerations of a canonical rather than dogmatic order<sup>95</sup>.

#### IX. - The ideological criticisms of the antipope Clement III.

It is not surprising that these controversies moved the antipope Clement III and his party. Their sacraments being much disputed by the Catholics, they energetically maintained their validity, and proclaimed the principles of St. Augustine. It is on their side that the most explicit and exact sacramental theology is to be found. In theology they have been very well inspired by the concerns of their interest.

Already, under Gregory VII, the antipope Clement III accused the Gregorians of condemning the sacraments of his followers. We have seen the reply made by Anselm of Lucca. As the schism continued, the issue was further emphasized. In his treatise *De scismate Hildebrandi*, written about the middle of 1086, Guy of Ferrara, a supporter of the antipope, summarized the arguments of each party. As to the sacraments, he summarizes the doctrine of Gregory VII thus: "Contra Patres NoVi Testamenti docuit, cum scis-

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<sup>95</sup> *Ibid.* at 326 ff.

m a t i c o r u m et indignorum ministrorum sacramenta non recipienda sed exsufflanda mandavit, cum excommunicatorum quoque consecrationes sive in oleo, sive in eucharistia, vel ordinationibus eorum quibus manus imponitur, nullam vim habere nec consecrationes dici debere perhibuit<sup>1</sup> " : formulas a little exaggerated, but under which one recognizes the vague and worrying character of certain declarations of Gregory VII. The emphatic and not very exact style of the decretals of Innocent I continued to be used in these controversies. How much better would a few formulas of St. Augustine have been!

In 1089, in the *Decretum* of Clement III, the criticisms became clearer. As the schism continued, the gap between the sacramental theology of the two parties became wider and wider. The antipope writes, concerning the Catholics, supporters of Urban II:

Dicunt enim sacramentum corporis et sanguinis D. N. I. C., consecrationes chrismatis, immo quaecumque aa episcopale et sacerdotale officium pertinent, ab his qui sectae eorum non communicant celebrata, nulla prorsus esse sacramenta, et nihil aliud suscipientibus nisi damnationem conferre. Nam panem illum qui de caelo descendit, in quo tota salus et vita nostra consistit, impio ore blasphemantes, pollui potius quam consecrari astruunt. Aquam quoque baptismatis, per sacerdotum preces et benedictiones et chrismatum admixtiones, nihil sanctificationis suscipientem, his qui regenerandi sunt potius sordidi tatis maculas quam spirituales mundicias aiunt prestare. Sic etiam pessime sentiunt de reiterandis ecclesiasticis ordinibus, de reconsecrandis ecclesiis et pueris reconsignandis. Postremo de omnibus idem testantur quae, per sacerdotale officium, christianis conferuntur \*.

Not a single feature of this statement is an invention of the antipope. Cardinals Humbert and Deusdedit, Legate Amat, and others in the curia have said or done similar things without being disavowed as they should have been, by authority. It was a good argument for a polemicist to point out these theological errors. But one cannot, without more, attribute them to Gregory VII and Urban II. We have already seen what can be reconstructed from the decisions of these popes.

## X. - The decisions of the Council of Piacenza.

It was in the second half of 1094 that Urban II

1. *Libelli*, vol. I, p. 558.
2. *Decretum Wiberti*, dan" *Libelli*, t. I, p. Ca3.

He sent out invitations for a council to be held in the spring of 1095 either in Lombardy or in Tuscany. Gebhard of Constance, legate of the Holy See in Germany, received his, and at once thought to ask his friend, the monk Bernold, to consult him on the business to be transacted at the coming council. It was a great honour and responsibility for the humble monk to

become the theologian to one of Urban's chief advisers.

**Bernold deals with ordinations made by excommunicates:**

De his ergo qui hactenus apud excommunicatos ordinati sunt, in illa synodo ventilandum esse non dubito, qualiter in ecclesia recipiendi sunt. Unde ego vester cliens auctenticas sanctiones de hac causa singulari diligentia perquirens, satis abundanter usquequaque inveni quod nullus eorum iuxta rigorem canonicum in ecclesia officium ordinis administrare debeat quem in excommunicatione acceptat.

Sed quia modo summa necessitas illum rigorem quodammodo emollire cogit, illud summopere provideamus ut ipsam emollicionem nequaquam contra canones, sed secundum canones temperemus, videlicet, ut si quem eorum de excommunicatione conversum ecclesiastica necessitas cum officio recipi cogit, nequaquam illum contra canones reordinemus, sed potius secundum canones cum ordonnance recipiamus... Sunt tamen quidam simplices nimiumque zelotes, qui quoslibet in excommunicatione ordinatos, si resipuerint, non cum ordine recipiendos, sed omnino reordinandos esse putant : et hoc ideo, quia sacramenta in excommunicatione usurpata penitus exsufflare non dubitant L

Bernold is harsh on an opinion that had long been his own! Moreover, he is not very modest. He writes: "De hac causa singulari diligentia perquirens, satis abundanter usquequaque inveni quod..." So he would have done considerable research? Yet this research was not very complicated, for Bernold uses, in his memoir, the *Liber gratissimus* of Peter Damian, and especially the canonical collection of Anselm of Luke. It is the latter which has provided, here again, almost all the patristic texts quoted by the monk of Constance<sup>2</sup> : new proof of the necessity which is imposed on the theologian to know the canonical collections. Bernold is not the scholar one would think he is, after a superficial reading; his erudition is all borrowed. However, one cannot deny him a merit, that of having soundly interpreted the texts which he received in a classified manner.

1. *De reordinatione vitaitda* etc., *Libelli*, t. II, p. 151.

a. Since this dependence is not of the same importance as for the *De sacramentis excommunicatorum* (cf. above, p. ai7), we limit ourselves to pointing it out.

What was the influence of Bernold's memoir? We do not know the details of the deliberations of the council, but we know that they were very long. The *Acts of the Council* state: "Facta autem magna est consultatio de bis qui ecclesias vel praebendas emerant, sed et de iis qui in schismate Guibertino<sup>96</sup> fuerant ordinati.. Septimo tandem die, post tractationem diutinam, haec sunt capitula prolata et assensu totius concilii comprobata<sup>97</sup> ." This means that the deliberations were laborious. Certain questions raised were not resolved, no doubt because agreement could not be reached<sup>98</sup> . The wise solutions which were published concerning the conditions for the validity of the sacrament of order did not prevail without opposition, if we judge from the treatise on *Deus dedit*, which has already been mentioned.

With regard to the Council of Piacenza, a distinction must be made between the practical decisions that were taken and the theology with which they were justified.

Here are the canons relating to ordinations made by excommunicates:

8. Ordinationes quae a Guiberto heresiarcha factae sunt, postquam ab apostolicae memoriae Gregorio papa et a Romana Ecclesia est damnatus, quaeque etiam a pseudo-episcopis per eum postea ordinatis, perpetratae sunt, *irritas* esse indicamus.

9. Similiter autem et eas quae a caeteris heresiarchis nominatim excommunicatis factae sunt, et ab eis qui catholicorum et adhuc viventium episcoporum sedes invaserunt, nisi probare potuerint se, cum ordinarentur, eos nescisse damnatos.

10. Qui vero ab episcopis quondam quidem catholice ordinatis, sed in hoc schismate a Romana Ecclesia separatis, consecrati sunt, eos nimirum, cum ad ecclesiae unitatem redierint, servatis propriis ordinibus, misericorditer suscipi iubemus, si tamen vita canonica eos commendat.

Canon 1<sup>o</sup> reproduces the decisions of the letter addressed by Urban II to Gebhard of Constance in 1089. Canons 8<sup>o</sup> and 9<sup>o</sup> contain completely new ones. They recognize the validity of all ordinations made outside the Church during the schism of Clement III. However, they admit to the exercise of the orders thus received only certain categories of clerics, whose guilt was less. In 1097, the bishop of Bologna asked Urban II to admit to the exercise of their orders clerics ordained during the schism by the antipope Clement III or by bishops ordained by him. The bishop of Bologna claimed that these clerics had been ordained in spite of themselves. Urban II granted the requested authorization, but prescribed the reconciliation of these clerics by the rite of the imposition of hands:

Si quos tamen propensiori necessitate restitueris, non sine paenitentiae quotidianae remedio pateris; *et ipsos autem inter eos quibus ordinandis manum imponis, dum orationum*

<sup>96</sup> It is the schism of Clement III, previously Guibert of Ruvenne.

<sup>97</sup> HARDOUIN, *Acta Conciliorum*, vol. VI, p. 2, col. 17-18.

<sup>98</sup> We see from Bernold's memoir (*Libelli*, t. II, p. i54), that the council was to deal with the value of baptism conferred on infants by the excommunicated. The council decided nothing on this question, which, after 1095, Bruno of Segni discussed in all freedom. Cf. further on, p. 253.

*solemnitas agitur, interesse praecipito. Quod tamen omnino praecipimus ne, sine graviore Ecclesiae necessitate et personarum merito, ullatenus praesumatur*

This is indeed the rite which Urban II had prescribed to Anselm of Milan, and which we shall see applied by Gebhard of Constance, in Germany.

Of particular note is canon 10<sup>e</sup>. It reproduces the content of the letter of Urban II to Gebhard of Constance, in which the distinction between heretical bishops ordained *intra* or *extra Ecclesiam* is formulated. This 10<sup>e</sup> canon has been invoked by canonists who attributed to Urban II the doctrine according to which orders conferred by a bishop consecrated outside the Church are harmful. They did not notice that this exegesis is refuted

1. In these texts, the expression "ordinationes irritae" can have only one meaning, that of ordinations which are real or valid, but opposed, that is to say, practically null. In fact, canon 15<sup>e</sup> of the Council is formulated thus: "Decernimus ut sine titulo facta ordinatio *irrita* habeatur. This is the canonical prescription according to which every ordinand was to be ordained to a special church, which would provide him with sustenance. It goes without saying that the lack of a title could not invalidate the ordination. The word "irritas" here, therefore, has the meaning of practically nothing. Consequently, this is the meaning it has in the whole conciliar text. Moreover, the Council applies the same qualification of 'irritae' to two categories of ordinations: 1<sup>o</sup> to ordinations made by the antipope Clement III (Guibert of Ravenna) (c. 8) and by bishops excommunicated or heads of heresy but previously ordained by Catholics (c. 9); a<sup>o</sup> to ordinations made by bishops ordained by the antipope Clement III (c. 8) and by *invasores* bishops, who, seizing the see of Catholic bishops still living, could only be ordained by schismatics (c. 9). Now according to the letter of 1089 to Gebhard of Constance, ordinations of the first category were valid. It was thus the case with the second category, to which the same qualification of "irrita" is applied: it cannot be admitted that the meaning of this word varies within a few lines.

a. *Epist. ad Bernardum Bononicensem episcopum*, in *P. L.*, vol. CLI, col. 50e. Cf. the letter to Anselm of Milan, p. a33; and the liturgy of Gebhard of Constance, p. 260.

by the content of canons 8<sup>e</sup>, 9<sup>e</sup>, where ordinations made by bishops consecrated *extra Ecclesiam* are accepted.

Let us now turn to the canons of the Council of Piacenza concerning simoniacal ordinations.

2. Quidquid... vel in sacris ordinibus vel in ecclesiasticis rebus vel data vel promissa pecunia adquistum est, nos irritum esse et nullas umquam vires obtinere censemus.

3. Si qui tamen a symoniacis consecrari passi sunt, si quidem probare potuerint se, cum ordinarentur, eos nescisse symoniacos, et si luin pro catholicis habebantur in ecclesia<sup>99</sup>, talium ordinationes misericorditer sustinemus, si tamen eos laudabilis vita commendat.

4. Qui vero scienter a symoniacis consecrari passi sunt, consecrationem omnino irritam esse

<sup>99</sup> This phrase means that a simoniacal ordination outside the Church (in schism) will not be validated, even if the ordinand was unaware of the simoniacal status of his consecrator.

a. *Libellus de simoniaciis*, in the *Libelli*, vol. II, p. 55g. Bruno discusses the reasons for not accepting the ordination of simoniacs like that of other heretics. This passage of Bruno's is to be compared with another quoted above (p. a33) which predates the Council of Piacenza. In both texts, the words "vanum et inutile" must be understood as referring to a sacrament reduced to *forma*, i.e. without the *virtus sacramenti*. Cf. p. 229, n. 4 and p. 226, n. 1.

decernimus.

This text has given rise to very different explanations, some seeing in it the absolute nullity, others, the practical condemnation of ordinations made at a price. This second opinion is ours. As we have seen, in all the other canons of the Council of Piacenza, the word *irritus* has the meaning of unrecognized or practically null. We cannot admit that it has any other meaning here. The words "nullas unquam vires obtinere censemus" mean that these ordinations will never be validated. They will consist in the "forma", without receiving the "virtus sacramenti", by the reiteration of the imposition of hands.

The decisions of the Council of Piacenza immediately became law. Shortly afterwards, and certainly before 1109, Bruno bishop of Segni wrote his *Libellus de simoniacis*. In it we read his old formula, but with the attenuation imposed by the Council of Piacenza: "Sic ordinati [simoniace]... ad sibi - commissas ecclesias veniunt, ubi, *et tamen manifeste tales sint*, praeter baptismum et sana consilia quae ipsi quoque saepe dant quic- quid agunt vanum et inutile est.'" Does this mean that at the end of the twelfth century<sup>e</sup> those who accepted these decisions gave the explanation that is ours? This would be a mistake. After

At the Council, it was necessary to accept the practice approved and ordered by Urban II, but one could compensate oneself by explaining these decisions with a theory of one's own choosing. Bruno de Segni gave himself a consolation of this kind.

#### XI. - The theology of the decisions of Piacenza, according to Bruno de Segni.

This statement is somewhat contradictory and does little credit to the Roman Curia. The Council of Piacenza admitted ordinations received by an ordinand who is unaware of the simoniacal quality of his consecrator. This decision was easily justified by the principles of the efficacy of the sacraments *ex opere operato*, and of the communication of grace to all subjects "non ponentes obicem". But Bruno's sacramental theology was very confused, and was further confused by his horror at the simoniacs.

Bruno admits that every simoniacal ordination gives the "forma sacramenti". But when it comes to explaining how a simoniac can confer grace on a bona fide ordinand, he will leave out the power of order of the consecrator altogether, and attach the whole effect of the ordination to the faith of the ordinand and that of the Church. Hence two possible interpretations of Bruno's thought. According to one, which is the most

widespread, the bishop of Segni, in the matter of simoniacal ordinations, recognizes as valid only those of ordinands of good faith. In this way, ignorance of the simoniacal quality of the consecrator would be a condition of validity. This interpretation must be plausible, since it is that of conscientious historians<sup>100</sup>. For my part, I cannot accept it.

The result would be that, according to Bruno, so-called simoniacal prelates, who were merely laymen, could confer ordination on ordinands in good faith. Before attributing such an enormity to a theologian of the end of the twelfth century, one must look twice. This theory would be the negation of the very notion of sacrament, and the doctrinal distortion of the

the crudest occasion of these controversies. Secondly, in fact, Bruno admits the existence of the "forma sacramenti" among the simoniacal bishops. We must not lose sight of this, even though he neglects to mention it when necessary.

We are thus led to interpret Bruno by himself. He has such an unfavourable idea of the simoniac and the "forma" possessed by him that he neglects their indispensable participation in the sacramental act. The latter appears not as effective in itself, but as a condition *sine qua non* for the communication of grace by God:

*Homo est qui loquitur, sed Spiritus Sanctus est qui sanctificat. Hoc autem totum suscipientis clerici et offerentis Ecclesiae fides facit. Multis enim ipsum Dominum dixisse legimus ut, secundum eorum fidem, fieret illis. Si ergo illi sua fide sanabantur, quare non isti sua fide sacramentur<sup>k</sup>?*

In this text two facts are evident. The man who speaks can only be a qualified minister, even if only in the most rudimentary way, by the forma sacramenti. Secondly, sacramental efficacy is linked to faith. Our theologian has reduced as much as possible the participation of the simoniac in the sacramental act. It is efficacy "*ex fide* suscipientis", not for the "forma", which is always given, but for grace: a distinction which Bruno has neglected to recall here, but which is essential to his theory.

Bruno was so committed to his theory of sacramental efficacy "*ex fide* suscipientis" that he applied it to infant baptism. Here is a concrete example. An infant is baptized outside the Church, either by an excommunicate or by a heretic, and dies immediately afterwards. According to Catholic doctrine, this child is saved, because he or she does not *oppose* grace. Bruno, instead of the all negative condition of the absence of *Vobex*, demands, for the full effect of baptism, an explicit faith. Also, pushing these ideas to the limit, he admits that the salvation of an infant baptized by a heretic is impossible, and

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100 G is that, for example, of M. GIGALSKI, *Bruno, Bischof von Segni*, p. 184.

that of an infant baptized by an excommunicate, very doubtful<sup>2</sup>. It will be remembered that this question of the salvation of children baptized outside the Church had to be submitted first of all to the council of the Church.

1. *Libellas de simoniaciis*, in *Libelli*, vol. II, p. 560.  
a. *Ibid.*, p. 559.

The latter did not have to deal with it effectively, since Bruno presented us with a personal solution.

Note finally how the Bishop of Segni is reserved as to the manner of reconciling clerics ordained outside the Church. Like Deusdedit, he was misled by a false reading of St. Augustine's text: "Manus autem impositionis non sicut Baptismus repeti non potest. Quid est enim aliud nisi oratio super hominem<sup>101</sup>." The texts of Deusdedit<sup>102</sup> and of Bruno<sup>103</sup> omitted, in the first sentence, the first negation. This text, thus distorted, had the disadvantage of being in contradiction with others which are quite explicit, in which St. Augustine and other Fathers declare that the *laity* who return to the Church after having been in heresy, must be reconciled by the imposition of hands. Now it was on the basis of these latter texts that, at the end of the twelfth century<sup>e</sup>, not only laymen but also clerics who had returned from heresy were reconciled to the Church.<sup>104</sup> We can see how this double practice was condemned by the text of St. Augustine, where the first negation was suppressed.

Chance did it well, and gave the theologians an opportunity to reflect and recant. Yet it seems that Deusdedit was not struck by this difficulty. He understood the alleged text of St. Augustine and especially the *manus imposition* as speaking of ordination, which cannot be repeated. As for the imposition of hands by which schismatic clerics are reconciled to the Church, he knows it well, but he does not discuss its nature, nor its relation to ordination: it is for him a matter of practice<sup>G</sup>.

It may be thought that this is too much to emphasize the many theological difficulties with which the bishop of Segni had to contend. But these difficulties are instructive, when one remembers that Bruno was one of the most learned bishops in Italy at the end of the twelfth century, and that he was one of the confidants of Urban II.

## XII. - Schismatic Cardinals.

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a. *De baptismo contra Donatistas*, III, ai. Cf. above, p. a5, n. 4.  
102 *Libelle de lite* etc., vol. II, p. 3a6.  
103 *Ibid.* at 557.  
104 See above, p. a35.

The doctrine of Urban II stands between that of the schismatic cardinals and that of the antipope Clement III.

It was the under the name of schismatic cardinals, a dou-  
time when

Henry IV of Germany, who had been before Rome for nearly three years, had wearied of the resistance of the Roman people and clergy. The pope refused any accommodation. Hence, against him, a revolt, which brought together all the discontented people who had been made by the personal and authoritarian government of Gregory VII, who had reduced the participation of the Roman clergy in the government of the Church. Old grudges, combined with the dangers of 1084, led to a split. It does not appear that these cardinals joined the cause of the antipope Clement III. They were content to pursue with their invective the memory of Gregory VII and Urban II L

With regard to the primacy that belongs to the Roman Church, they made a distinction between the "sedes" and the "sedens". According to them, the primacy belongs to the Roman Church, represented by the popes and cardinals<sup>2</sup>. In the case of an unworthy pope, the cardinals function as judges and depose him. In this regard, the cardinals recall the legends of Liberius and Anastasius II in the *Liber pontificalis*. The name of Anastasius II provides, to their very poor verve, a subject of development on a little limited: to solve a difficulty, it arrives to employ principles cniï give rise to others, more serious. Thus it is in the present case. He probably did not have in view the reconciliation of schismatic clerics. It remains that Bruno does not mention the rite prescribed by Urban II. This observation is important.

1. The literature of the schismatic cardinals has been collected in the *Libelli*, vol. II, pp. 367ff.

2. In the *Letter* to Countess Mathilde, *Ibid*, p. 418.

to which they keep returning. Gregory VII had been wrong to speak of the "beatus Anastasius<sup>105</sup> "; at the Roman Council of 1078, he had softened the canonical legislation on relations with the excommunicated; Anselm of Lucca had inserted in his canonical collection the letter of Anastasius II to the emperor of the same name, on the sacraments administered by Acace; in the letter to Lucius of Pavia, Urban II had referred to this same letter, in order to prove that baptism received from an excommunicate can confer salvation<sup>106</sup>.

This acceptance of part of the doctrine of Anastasius II by the curia became a subject of recrimination for certain schismatic cardinals. They reproached Gregory VII, Anselm and Urban II for admitting that baptism

105 In the letter to Hermann of Metz, *Registrum*, IV, 2, and *Libelli*, t. II, P.<sup>38</sup> 9\*

106 Roman Council in BAUDOUIN, *Acta conciliorum*, vol. VI, col. 1578; on the letter to Lucius of Pavia, see above, p. 229.

received from an excommunicate could give salvation<sup>107</sup>. This is the origin of the discussions which can be seen in Bernold and Bruno de Segni. Obviously, before their split, Beno<sup>108</sup> and his group belonged to the party in the curia most unfavourable to sacraments administered outside the Church. This attitude of some cardinals, who never had much influence, is only a detail of these controversies. It is of more interest to note that they saw perfectly well the real inconsistency of certain statements of Gregory VII: "Vide, quantum a teipso [Gregory VII] dissenseris, cum episcoporum communicantium imperatori consecrationem maledictionem diceres, et, contra te ipsum, decretum Anastasii, ordinationes factas ab Aeacio heretico et excommunicato confirmares, et nihil lesionis ordinatos ab ipso contraxisse pernitiosissime praedicares<sup>109</sup> . "

Finally, the criticisms presented by these cardinals against Gregory VII's overly favourable assessment of sacraments administered outside the Church confirm the interpretation given above of Gregory VII's attitude in this matter<sup>110</sup> .

It would be too long and without theological interest to follow the course of these controversies in the various ecclesiastical circles of the time. It would be to gather fragmentary and uncharacteristic indications. It will suffice to recall a letter written under Gregory VII or under Urban II, and published recently by Dom G. Morin<sup>1</sup> . It is from Walter, schoolmaster of the abbey of Honnecourt, in the diocese of Cambrai.

A young monk, invited by his superiors to take Holy Orders, gently refused to do so, having learned that the bishop to whom he was to present himself had shown himself to be a simoniac several times. This monk was only complying with the most certain decisions of the reforming popes. By going beyond this, he was exposing himself to being forbidden to exercise the orders received from such a consecrator. It is all the more curious to see the superior of this monk write to the abbot of Honnecourt, to ask him to have the bishop Walter act on the insubordinate ordinand.

Walter complied and sent a very erudite letter. A profound silence is kept in it, and for good reason, on canonical legislation. But the theological principles on the efficacy of the sacraments are recalled with great assurance. It will undoubtedly be found that the controversies which, at

<sup>107</sup> *Libelli*, vol. II, p. 375, 393, 404 > 4\*2 etc. On Bernold and Bruno de Segni, cf. above, p. 249, a53.

<sup>108</sup> Beno is a schismatic cardinal who wrote on behalf of his colleagues.

<sup>109</sup> *Libelli*, vol. II, p. 398. This is an allusion to the letter of Gregory VII quoted above, p. 208, n. 1.

<sup>110</sup> It is certain that the schismatic cardinals are wrong to attribute the doctrine of Anselm of Lucca to Deusdedit, who is a supporter of the thesis of nullity. Their interpretation of the thought of Gregory VII seems to me to be correct, contrary to the view of the Church.

that time, so profoundly agitated Italy and the Roman curia had a very weakened backlash in the diocese of Cambrai. It is because the ideal of the Gregorian reform was not tormented there.

This is the opinion of J. SCHNITZER, *Die Gesta romanae ecclesiae des Kardinals Beno.* p. 102, Bamberg, 1892.

1. *An unknown writer of the XI<sup>o</sup> century, Walter, monk of Honnecourt, then of Vézelay*, in the *Revue bénédictine*, April 1905, t. XXII, p. i65 and following.

## CHAPTER XIII

### THE RECONCILIATION OF SCHISMATIC CLERICS IN GERMANY UNDER PASCAL II.

The short pontificate of Urban II (1088-1099) saw a complete change in the situation of the Roman Church. Succeeding Victor III after an interregnum of six months, Urban II inherited a very difficult situation. In Rome, he had the antipope Clement III close to him; in northern Italy, he came up against the hostility of Henry IV, who had established his quarters there since 1090; in Germany, he could count on only thirteen bishops, some of whom were banished from their dioceses; the majority of the German bishops belonged to the party of the antipope Clement III. The majority of the German bishops belonged to the party of the antipope Clement III. Thanks to his continuous and skilful action, Urban II improved this situation a great deal: he established himself solidly in Rome, defeated Henry IV in Lombardy, and rallied to him half a dozen German bishops. But he was not to see the restoration of Christian unity.

At first, this happiness seemed assured to Paschal II (1099-1118). After the death of the antipope, in September 1100, Henry IV gave up on giving him a successor and began negotiations with Pascal. After a struggle of more than twenty years, many people in Germany were getting tired. For both political and religious reasons, peace was universally desired. The emperor's son took advantage of these circumstances to create a party against his father and take power<sup>111</sup>. One night of de

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<sup>111</sup> On these events, cf. A. HAUCK, *Kirchengeschichte Deutschlands*, t. HT, p. 878; and G. RICHTER, *Annalen des deutschen Reichs im Zeitalter Heinrichs IV.* p. 481ff. (Halle, 1898).

In December 1104, at Fritzlar, he left the royal residence, and went to take sides with the enemies of Henry IV.

Paschal II, who had no reason to spare the emperor, supported the rebel. Towards the end of February 1105, through the ministry of the legate Gebhard of Constance, he relieved Henry V of the excommunication - previously incurred. Then the new king and the legate collaborated in a work that was both political and religious: they simultaneously ensured the submission of all to Paschal II and Henry V. The first direction was towards Saxony, which had been the boulevard of opposition to Henry IV. From the ecclesiastical point of view, the work to be done was to settle the fate of the bishops who supported the emperor's party, and most of whose elevation was marred by serious irregularities. It was also necessary to examine the ecclesiastical situation of the clerics ordained by these bishops.

#### 1. - The ordinations in Goslar and Heiligenstadt.

The holders of the central Saxon bishoprics of Hildesheim, Paderborn and Halberstadt were mainly dealt with.

It so happens that these three bishops found themselves, from the canonical point of view, in very different situations. That of Odo of Hildesheim was the most normal. He had been appointed, in 1079, by Henry IV; but Gregory VII had made no opposition. Then, in 1085, he had joined the imperial cause, that is, the antipope Clement III. Frederick of Halberstadt presented a particularly serious irregularity. He was an *invasor*. He had allowed himself to be appointed by Henry IV, before 1102, to the bishopric of Halberstadt, which had a Catholic incumbent. The only merit of Henry of Werle, bishop of Paderborn, was that he was not an *invasor*. His case was, moreover, rather complicated. He had been appointed by Henry IV in 1084, with the approval of the antipope Clement III. This was while Gregory VII was under siege in Rome. Other aggravating circumstances: the purchase of the bishopric by the family of the incumbent had been scandalously notorious; the new bishop had established himself in his diocese by military means<sup>112</sup>.

How did the legates settle the situation of these people? We are very well informed on this point, thanks to two contemporary witnesses. The chronicler Ekkehard was present at the synod of Nordhausen on May 29, no. 5. He notes the decision concerning the

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u. *G. cala episcoporum Magdeburgensium*, in *M. G. H., Scriptores*, vol. XIV.

clerics ordained during the schism: "His vero qui a pseudo-episcopis fuerant consecrati, *per catholicam manus impositionem*, reconciliatio proximo ieiunio danda fore promittitur<sup>1</sup>. As for the three bishops, they made a complete submission: "Uto... Henricus... ac Fridericus... praesules vestigiis metropolitani prostrati, ipsius atque regis astantis totiusque presentis ecclesiae testimonio, apostolicae se dedunt obedientiae. Quorum etiam commissa apostolice nihilominus iudicio reservantur, sub officii sui tantum suspensione<sup>2</sup>."

It remained to give the clerics ordained by these bishops the "reconciliatio per catholicam manus impositionem." This was done on Saturday, June 3. Gebhard of Constance proceeded to ordinations at Goslar, and Rothard of Mainz, at Heiligenstadt. On this point again we have the account of a contemporary:

Gebhardus vero Constantiensis episcopus, apostolicae sedis legatus, in sancto sabbato hebdomadae Pentecostes Goslariae ordines fecit, *ordinatos Uodonis Hildenesheimensis sine albis, Henrici vero Patherbrunnensis, indutos albis caeterisque indumentis, unumquemque ad sui ordinis habitum praeparatum, inter ordinandos locavit et per manus impositionem redintegravit*. Ibiq[ue] domnum Heinricum Magetheburgensem electum ad presbyterii gradum sublimavit. Similiter Ruothardus Magontinus archiepiscopus in praepositura Heligenstad ordines celebrans, *ordinatos Henrici Patherbrunnensis qui eo venerant, eodem modo quo Gebhardus ordinibus suis restituit*<sup>3</sup>.

p. 40G and 407. On this bishop, cf. G. MEYER VON KNONAU, *Jahrbücher des deutschen Reiches unter Heinrich IV. und Heinrich V.*, vol. III, p. 505 (Leipzig, 1900).

1. *Chronicon*, ad A. no. 5, dan" P. L., t. GLIV, col. 991.

2. *Ibid.*

3. P. SCHEFFER-BOICORST, *Annales Patherbrunnenses*, etc., p. 110, Innsbruck, 1870. This passage of the chronicler of Paderborn was copied by *YAnnalista Saxo*.

It is to this circumstance that we owe the preservation of the text. In the xv<sup>th</sup> century, when Gobelinus Persona used the Annals of Paderborn, he summarized them thus: "Eodem anno Gevehardus Constantiensis episcopus Apostolicae sedis legatus, in sabbato hebdomadae Pentecostes in Goslaria ordines celebrans, per manus impositionem restituit suspensos ab ordinibus seu executione ordinum. Et archiepiscopus Moguntinus eodem die ordines celebrans in Heiligenstadt eo die de episcopatibus supra dictis venientes restituit, auctoritate apostolica supradicta." cf. GOBELINI PERSONAE *Cosmodromii aetas VI*, in H. MEIBOMIUS, *Rerum germanicarum tomus tris*, t. I, p. 264, Helmaestadii, 1688. It is clear how the author of the XV<sup>th</sup> century has distorted the information so accurately provided by the author of the XVIII<sup>th</sup> century. The different dress of the clerics ordained by Henry of Paderborn and by Odo of Hildesheim is passed over in silence. The reconciliation of these clerics becomes the lifting of a suspense. Gobelinus Persona has understood and maintained nothing of the nuances of the Paderborn chronicle.

This passage has remained unexplained until now. As it is decisive for the history we are studying, before giving the key, a word on the exceptional guarantees presented by this testimony. It was written by a contemporary chronicler\*, living in the country, and especially interested in the history of Saxony and especially of the dioceses of Hildesheim and Paderborn. This writer was a monk of the Abdinghof convent in Paderborn; Gumbert, his abbot, was a native of Hildesheim.

The convent was thus intimately involved in the events of this religious restoration. The ordinations, above all, must have been noticed in this monastic milieu, which most probably included clerics affected by the measures of the legate. And in fact, the chronicler was very struck by the facts he saw. He noted especially the unusual ceremonial of the ordinations of Goslar and Heiligenstadt. Let us not expect a theological exposition from him; he tells what everyone else saw. In addition to the ordinands who were presenting themselves for the first time to the various orders, one saw, in Goslar, first of all clerics ordained by Odo of Hildesheim; they were as we would say today *in nigris* or in town costume. Finally, there were clerics ordained by Henry of Paderborn: these were clothed in the alb and wore their other insignia. In Heiligenstadt, were there these three categories of clerics? Perhaps; but the chronicler mentions only the first and third.

How should this text be interpreted? To what sacramental rites do these different terms correspond? Everything can be explained if we recall the decisions of the Council of Piacenza, and the ceremonial prescribed by Urban II, for the reconciliation of clerics ordained outside the Church.

And first of all the chronicler tells us nothing about the clerics ordained by *Vinvasor* Frederick of Halberstadt. This is because they were not admitted to the ceremony of reconciliation. With regard to such clerics ordained by an *invasor*, the Council of Piacenza had decided that they could be admitted to the exercise of their orders,

i. His chronicle still existed in the 15th century. It is now lost. But as it was much used, in the Middle Ages, by the annalists, the historical criticism was able to reconstitute long pieces of it, with a perfect certainty. The credit for this reconstruction goes to Scheffer-Boichorst. One discusses

Even today, certain details of his thesis are still being discussed; but the main lines are universally accepted. Cf. P. SCHEFFER-BOICHORST, *op. cit.*, Introduction, P- 1-91.

if they proved that at the time of their ordination they were unaware of the condemnation weighing on their consecrator. Since the clerics ordained by Frederick of Halberstadt could not provide this proof, they were considered deposed *in perpetuum*.

As we have seen, according to the ritual laid down by Urban II, clerics ordained outside the Church were to be reconciled by a ceremony which included, for each order, the reiteration of all the rites of the corresponding ordination, except for Puncture.

But in the eyes of the legate, there was a difference in value between the ordinations of Henry of Paderborn and those of Odo of Hildesheim, and he wanted to mark it by a difference in rite.

At the ordinations of June 3, 1055, in Goslar and Heiligenstadt, the clerics ordained by Henry of Paderborn, previously clothed in the alb and wearing the ornaments of their order, were placed among the ordinands. They were each to receive the reiteration of their order, except for the Function. The original ritual was applied to them in full. The reason for this was that they had been ordained by a consecrated bishop in 1084, in the schism. As for the clerics ordained by Odo of Hildesheim, they were placed *in nigris* among the ordinands: this means that their reconciliation was more summary: they received only the reiteration of the imposition of hands. Why this difference? It is because Odo of Hildesheim, although he had passed, in 1085, to the party of the antipope, had been consecrated, in 1079, by the Catholics.

It cannot be doubted that this difference in ritual is an application of Urban II's theory on the difference in value of ordinations made outside the Church, according to whether the consecrator has or has not been consecrated by Catholics V

This ceremonial followed, under Paschal II, by Gebhard of - Constance, the legate and trusted man of Urban II in Germany, is a verification of the interpretation given above of the doctrine of Urban II on the conditions of transmission of the order: a real difference of value between ordinations celebrated outside the Church, according to whether the consecrator was or was not consecrated in the Church, but a difference which must not be expressed by the ideas of validity and nullity.

I. See above, pp. 223-224; 226-227; 244-.

II. - The reconciliation of King Henry V of Germany.

The final result of this activity of Henry V and the papal legate was the abdication of Henry IV, on the last day of 1055. A few days later, the new sovereign took possession of power. It was preceded by an episode attested by an excellent witness, Ekkehard. A word about this episode, because it has been misunderstood, and because it is important for the understanding of the theology of the time. On the vigil of the Epiphany (January 5, 1106), in Mainz, the change of power took place. Henry V, the new king, was invested with the insignia abandoned by his father, and then received an imposition of hands which Ekkehard describes as follows: "ab apostolicis quoque legatis per manus impositionem *catholice* confirmatus, acceptis tam ab episcopis quam laicis iuxta morem patriae sacramentis, regnare coepit"<sup>113</sup>.

How should this imposition of hands be understood? Historians have hitherto seen in this act only a consecration of the political power of Henry V, and the confirmation by the pope of the election of the sovereign<sup>2</sup>. Thus understood, this ceremonial is without analogy. Some historians therefore reject the information provided by Ekkehard. This is a hopeless solution. It is better to try to understand this episode. It is linked to concerns of an exclusively theological nature. These have escaped the historians. But the present study lets us guess them very quickly.

In the text of Ekkehard, one will have noticed the word *catholice*. This is inexplicable, if one admits that this imposition of hands constitutes a kind of coronation, because this one, made by the legates, could only be Catholic. The word *catholice* makes one think of another passage of Ekkehard, the one which has already been transcribed, concerning the synod of Nordhausen (2.9 May no. 5):

" His [clericis] vero qui a pseudo-episcopis fuerant consecrati, per *catholicam* manus impositionem, reconciliatio... danda fore promittitur."

The two passages of Ekkehard are parallel and of the same meaning. Since Henry V, born in 1081, in the midst of the schism of Clement III, had been baptized by the schismatics, he had to be reconciled with the Church. That is why he was "per manus impositionem *catholice confirmatus*". This last word now takes on its full meaning. Henry V

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<sup>113</sup> *Chronicon*, ad A. 1106, P. L. t. GLIV, col. 998.

a. For example G. ENGELMANN, *Der Anspruch der Papste auf Konfirmation und Approbation der deutschen Königsfamilien (1077-1379)*, p. 1a, n. 5 (Breslau, 1886). This view is accepted by G. RICHTER, *Annalen des deutschen Reiches im Zeitalter Heinrichs IV*. This explanation is unacceptable, for the reasons given in the text and for this one. When it is a question of the confirmation of the royal authority, one says, like Gregory VII, "per auctoritatem beatorum Apostolorum Petri et Pauli confirmate", and not "per manuum impositionem". I borrow this indication from E. ENGELMANN, *op. cit.* p. 6, n. 5.

was simply *confirmed*, as any Christian baptized outside the Church should be, according to theologians of the time. Had the new king been previously confirmed by the schismatics? The affirmative is by far the most likely solution. The phrase "per manus impositionem *catholicæ confirmatus*" suggests the idea of an earlier imposition of hands, *schismaticæ*.

So Henry V was confirmed again. What was the ritual of this confirmation? We have seen above<sup>114</sup> that, in such cases, reconciliation could be carried out in two ways: either according to a formula very similar to that of the present *Pontifical* for the reconciliation of heretics, schismatics and apostates; or by the pure and simple reiteration of the two rites of confirmation, that is to say, the imposition of hands and the *consignatio* to the forehead. Which of these two - reconciliations was applied to Henry V? Ekkehard's text does not suggest an answer. It is therefore necessary to rely on the ideas current at the beginning of the twelfth century. Bruno of Segni writes: "*Sancti Romani pontifices... constituteunt, ut hi qui ab hæreticis veniunt, quoniam formam baptismi habent, nullatenus rebaptizentur; quia vero virtutem huius sacramenti non habent, ad invocationem Sancti Spiritus, qui ab hæreticis dari non potest, per manus impositionem sacrosancto chrismate confirmatur*"<sup>115</sup> ." Here, it seems, Bruno is not expressing a personal opinion; he wants to indicate the practice fixed by the Roman pontiffs\*. Henry V would thus have been truly confirmed by the imposition of hands and the anointing with chrism.

If we were to rely on Bruno de Segni, as a reliable witness of ecclesiastical practice at the end of the 11th century, we would have to

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<sup>114</sup> P. 26-28; 196, n. 2.

<sup>115</sup> *Libellus de symoniacis*, in *Libelli de lite* etc., vol. II, p. 556.

THE RECONCILIATION OF THE GERMAN CLERICS. 265 It must be admitted that Henry V received the pure and simple reiteration of the sacrament of confirmation. But, as we have seen<sup>116</sup>, in these matters Bruno's testimony must be accepted only with the benefit of verification. Moreover, in this same place and on the same question, Bruno mentions, in a veiled manner, opinions different from his own. In the absence of any formal testimony on the reiteration of confirmation in such circumstances at that time, it will be accepted that Henry V was subjected to the only ceremony still indicated in the *Pontifical*.

But even reduced to this meaning, the ceremony of January 5, 1106, in Mainz, is no less interesting. It is, for a layman, the exact counterpart of the ordinations of June 3, no. 5, at Goslar and Heiligenstadt. These various ceremonies are the application of a single theology hitherto unsuspected. They are the consequence of the idea that was held at that time of the reconciliation of baptized Christians and ordained clerics outside the Church<sup>2</sup>. But we can see immediately the difference in legitimacy of these two rites, from the traditional point of view. Since the middle of the m<sup>e</sup> century, it was a received idea in Rome that Christians baptized outside the Church should receive the reiteration of the imposition of the hands of confirmation; the formulas for this reconciliation are still found in the Roman *Pontifical*.

But Christian antiquity knew no rite, no imposition of hands, for the reconciliation of clerics ordained outside the Church. It is a theory whose immediate origins escape us, that which claimed to reconcile these clerics by the reiteration of the imposition of the hands of the order, that is to say, by the reiteration of the most essential rite of ordination, the only one that could not be repeated according to ancient ideas. There has been, therefore, an unfortunate development on this point; it has been desired to have, for clerics, a counterpart of the reconciliation of the laity.

## CHAPTER XIV

### FROM PASCAL II TO INNOCENT II.

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116 P. a54, n. 6.

a. The imposition of hands was the final rite. It was preceded by the abjuration of the error of the schism, and the promise of obedience to the head of the Church. Thus Ekkehard testifies concerning Henry V, from his rupture with Henry IV: "Primo quippe haeresim praescriptam anathematizans, apostolicae sedis pontifici debitam profitetur obedientiam. *P. L.*, vol. CLIV, col. 990. Here again, it is a question of a ceremony of a purely religious order; heresy and schism are synonymous there. ENGELMANN, *op. cit.* p. 1a, n. 1. understands the text of a political act, of the renunciation of the right of investiture. He counted without the discipline and the religious feeling so strong in the Middle Ages.

In the first half of 1105, the only ordinations known in detail are those of Goslar and Heiligenstadt, of 3 June 1105. Was the same ceremonial to be applied to the reconciliation of all German clerics ordained during the schism? The chroniclers of the time have so far failed to provide any information on this subject. On November 11, 1105, Paschal II, writing to Archbishop Rothard of Mainz, ordered him to consecrate again the churches of the schismatics, and to adhere, as regards ordinations, to the decisions of the Council of Piacenza<sup>1</sup>. This is the only known decision, until that of the Council held in Upper Italy, at Guastalla (22 October 1106).

### I. - The decisions of the Council of Guastalla.

In the pope's mind, this council, which was attended by the legate Gebhard of Constance, was to settle the situation of the king and the pope in Germany once and for all. Unfortunately, these hopes were only partially fulfilled. The political agreement did not take place, for the king's ambassadors did not give their consent to the council's condemnation of ecclesiastical investitures given by laymen. Only religious unity was re-established by the lenient measures of Paschal II. Here is the decree of the council:

Per multos iam annos regni Theutonici latitudo ab apostolicae sedis uni-

1. PASCHALIS U papae *Epistolae, Epistolae, ad Rothardum Moguntinum archiepi-acopum*, in *P.L.*. t. CLXIII, col. 1;5; this letter is of 11 November 1105.

taie divisa est. In quo nimirum schismate tantum periculum factum est, ut, quod cum dolore dicimus, vix pauci sacerdotes aut clerici catholici in tanta terrarum latitudine reperiantur. Tot ergo filiis in hac strage iacentibus, Christianae pacis necessitas exigit, ut super hoc materna ecclesiae viscera aperiantur. Patrum ergo nostrorum exemplis et Scripturis instructi, qui diversis temporibus Novatianos, Donatistas et alios haereticos in suis ordinibus susceperunt, praefati regni episcopi in schismate ordinatos, nisi aut invasores aut simoniaci aut criminosi comprobentur, in officio episcopali suscipimus. Id ipsum de clericis cuiuscumque ordinis constituimus, quos vita scientiaque commendat<sup>117</sup>.

How the firmness of these decisions contrasts with the provisional and often confused character of the previous decisions! It was the solution of all the difficulties relating to the power of order which had remained, since the rupture of Gregory VII and Henry IV. The same clearness is found in the recitals of the sentence. The matter was too serious, the long discussions on the conditions of validity of the power of order had disturbed Catholic opinion too much, for it was possible to take a measure of this kind without justifying it with good traditional evidence. The Council therefore indicated guarantors. In the minutes we read:

Circa<sup>118</sup> solutionem vero concilii, lecta sunt, de reconciliandis qui extra ecclesiam - catholicam ordinati sunt, sanctorum Patrum capitula, Augustini ex epistola ad Bonifacium<sup>119</sup>, Leonis, ex epistola ad episcopos Mauritaniae<sup>5</sup>, Carthaginensis concilii IV, capitulo tertio<sup>5</sup> cuius initium est: *Placuit ut litterae mittantur ad fratres et coepiscopos nostros, et maxime ad sedem apostolicam*. Novum vero in haec verna capitulum institutum est: Per multos iam annos etc.

The Council adheres to the most established authorities of the century. It neglects the difficult or ambiguous texts which had made the question almost inextricable. It adopts the theology of St. Augustine.

To whom should we attribute the merit of this precise patristic consultation? A circumstance puts us on the way. Two<sup>120</sup> of the three patristic authorities alleged by the Council of Guastalla are to be found, one after the other, in the treatise *De reordinatione vitanda* by Bernold of Constance. Now this treatise had been dedicated to the legate

117 BAUDOIN, *Acta Conciliorum*, vol. VI, p. 2, col. i883.

118 This is an erroneous indication. This canon is 68\* of the *Codex canonum ecclesiae Africanae* (H ARDO LIN, *Acta Conciliorum*, t. 1, col. 902), and 35<sup>c</sup> contained, under the title *canones conciliorum diversorum Africanae provinciae numero CV*, in the *Collectio Dionysio-Hadriana* (F. MAASSEN, *Geschichte der Quellen* etc., p. 447, n<sup>o</sup> 12). In reality, it is the second canon of the Council of Carthage of September 13, 401. Anselm of Lucca had already quoted this text in *Collectio canonum*, I. VIII, c. 34 (Bibl. Nat., lat. 12450, f. 10 r.). Bernold borrowed this quotation from Anselm, cf. *De reordinatione vitanda* in *Libelli de lite*, etc., t. II, p. 151.

119 The Council certainly has in mind here the text: "Sint in Ecclesia clerici, sint episcopi utiliter, qui contra illam fuerunt hostiliter". S. AUGUSTINI *Epist.* 185, *Ad Bonifacium*. Of the three letters to Boniface, letter 185 is the only one in which, in a short passage, the sacraments of the Donatists are mentioned. This text is already found in the *Collectio canonum* of Anselm of Lucca I. XII, c. <>0 (Bibl. Nat., lat. 12451, f. 124 r.). Bernold borrowed it from Anselm; he quotes it in *De reordinatione vitanda* (*Libelli de lite* etc., t. 11, p. 151).

120 Cf. p. 267, n. 3 and 5.

Gebhard of Constance, the same one who attended the Council of Guastalla<sup>121</sup>, where he must have had a great influence. The coincidence is remarkable. It seems to have only one explanation<sup>122</sup>. Gebhard took a leading part in the drafting of the canons of the council, and he drew much of his inspiration from *De reordinatione vitanda*.

The exact scope of the Council of Guastalla can be seen from the fact that the conciliar decision settled only a particular case of the general problem concerning the validity of sacraments administered outside the Church. It declared valid only the transmission of the power of order made outside the Church; it said nothing about the validity of the Eucharist administered under the same conditions. On this last point, great doubts remained. The controversies which followed, and of which a word must be said, prove this only too well.

And even the thesis of the validity of the order conferred outside the Church is not definitively accepted. With the help of the German schism, a contrary thesis had taken root outside Rome in various quarters. The decisions of Guastalla did not succeed in having it abandoned. So when, in the course of the xn<sup>e</sup> century, new schisms came to tear apart

In the Roman Church, the old rigorist thesis, more or less mitigated, will reappear in the most authorized circles. Uncertainty will again arise on the questions so well resolved by the Council of Guastalla<sup>123</sup>.

## II. - The theology of Algiers of Liege.

Alger was a scholastic in Liege for about twenty years, from 1121. He thus taught in an environment which was particularly troubled by the struggles of the priesthood and the empire. Otbert, bishop of Liege, to

<sup>121</sup> I borrow this information from *De Eginone et Herimanno de UODALSCAL- cus (Monumenta Germ., Scriptores, t. XII, p. 4<sup>e</sup> 9)* quoted by Hardouin, following the *Acts* of Guastalla.

<sup>122</sup> During the controversies of the xi/xn<sup>e</sup> centuries, these two texts are found only in Anselm of Lucca, Bernold and the *Acts* of the Council of Guastalla. Bernold depends on Anselm of Lucca. He brought together two texts which are found one in book VII, the other in book XII of the *Coilcedio canonum*. Now these two same texts are brought together in the *A of Guastalla*. Consequently the dependence of the *A des de Guastalla* on Bernold is obvious. One will not admit that the Council of Guastalla, inspired by Anselm of Lucca, brought together precisely the two texts already brought together by Bernold. On the contrary, it is easy to understand why Gebhard of Constance, to whom Bernold's treatise was dedicated, used it at the Council of Guastalla.

<sup>123</sup> How was the reconciliation of clerics ordained during the schism carried out? Was the ritual followed by Gebhard of Constance in 1105 at Goslar? This is the most likely solution, although no document explains this point. The reconciliation of Henry V at Mainz on 5 June 1106 may also be regarded as the type of reconciliation of baptized laymen during the schism.

whom he owed his appointment to the cathedral school, was a simoniac, a supporter of Henry IV, and remained excommunicated, until the end of 1107<sup>124</sup>. In 1121, Alger made profession at Cluny, and lived there for about ten years. Peter the Venerable praised him enthusiastically. The teaching of Alger of Liege did not have, in the eyes of contemporaries, the brilliance of that of Anselm of Laon. It had however, on the studies of the Middle Ages, more influence than that of the French master. Of the works of Algiers, only the *Liber de misericordia et iustitia* interests us here. From the point of view of the history of law, this book makes the transition between the canonical works of Yves de Chartres and the *Decree* of Gratien. Alger owes the guiding idea of his book to the *Preface* which precedes the canonical works of Yves de Chartres.

The distinction of necessary and contingent laws and the theory of *dispensation*, which had been largely sketched by the bishop of Chartres, serve in Algiers to explain and remove the apparent contrariety of the ecclesiastical canons. The dependence of Algiers on Yves can be clearly demonstrated by the identity of the expressions and the sequence of ideas: for example, the opposition of mercy and justice, which provided the title of the work of Algiers, is the first idea formulated in the *Preface* by Yves<sup>125</sup>. But once the borrowing of general ideas has been noted, it must be recognized that the choice and the implementation of the materials belong to Algiers, and attest to a real originality on his part. Of the three parts of the book, the first deals with the merciful application of laws or dispensation; the second, with the administration of justice; the third, with the value of the sacraments administered outside the Church.

The method of exposition is new. While, until then, canonical collections were made up of series of patristic or conciliar texts, each of which was preceded by a very short title or summary, comprising only a few words; in Alger, the authoritative canonical text is preceded or followed by a commentary which constitutes a *Dictum Algeri*. The reader thus has at his disposal not a simple collection of authorities, but a true canonical treatise. As we shall see later, the *Decree* of Gratien came out of the realization, on a vast scale, of the new idea conceived by Alger.

In the third part of his book, Algiers deals first of all with the sacraments administered outside the Church by excommunicates, schismatics and heretics: this is the object of the first 29 chapters; he

124 On the episcopate of Otbert in Liège, cf. A. CAUCHIE, *La querelle des investitures dans les diocèses de Liège et de Cambrai*, Second part, pp. 7-118 and 181-193, Louvain, 1892.

125 The *Liber de misericordia et iustitia* of Algiers is found in P. L., t. CLXXX, col. 857-968. If one compares columns 857-861 of this work with the *Preface* of Yves, P. L., t. GLXI, col. 47 and following, one will note the dependence.

a. P. L., t. CLXXX, col. 936. (III, 8). Of this chapter, the title and the doctrinal statement are in disagreement.

treats, secondly, of the sacraments administered by simoniacs: hence the chapters 3 to 86. Algiers does not reject en bloc all the sacraments - administered outside the Church; he judges them according to the principle of solution formulated by the title of chapter VIII: "Quod pro fide haereticorum damnentur vel approbentur sacramenta eorum<sup>2</sup>". Is it integral faith or faith in certain fundamental dogmas that Algiers requires for the valid administration of the sacraments? To read only the *Liber de misericordia et iustitia* of Algiers, it would be rather difficult to answer. But one fact allows us to shed light on this whole confused presentation.

Here Algiers depends on the *Liber gratissimus* of Pierre Damien. As we have seen, the latter, following the advice of former

theologians, rejected only the sacraments administered by the anti-trinitarian sects. Algiers reproduces this doctrine of Peter Damian, but with much loss of clarity. In the first 29 chapters, where he deals with the sacraments administered by excommunicates and schismatics, Algiers agrees essentially with Peter Damian, although his expressions are as pejorative as possible. This is a fundamental correctness, for which Algiers must be given great credit. He has thus escaped the disturbing influence of certain texts the decisions of the popes

He refers only to ancient authorities, and especially to St. Augustine. Is this d Yves de Chartres. Alger does not quote<sup>a</sup> bias? In any case, this simplification has facilitated the work of our author.

When Alger speaks of simoniacal ordinations (chapters 3 to 86), he comes to criticize Peter Damian by name<sup>126</sup>. The latter had refused to recognize simony as a heresy; his ideal was the jurisprudence established by Clement II: to impose a light penance on clerics who had been - gratuitously ordained by prelates whom they knew to be simoniacs. Against such a doctrine, Algiers protested strongly. For him, the simoniacs were heretics; the sacraments administered by them had just the minimum value that theology did not allow to deny to the sacraments of the Arians.

In 1869, H. Huefler thought he could attribute to Algiers a *Liber sententiarum* which is found in the manuscript Bibl. Nat. lat. 3881 (fol. 191-235). This attribution was, since then, considered probable. It is not, however, definitive. The contemporaries of Algiers do not attribute to him any work of this kind; the title *Liber sententiarum Magistri A.* is hardly explicit; finally the proposed attribution raises some difficulties. If these *Sentences* are from Algiers, the chapters relating to ordination (fol. 218<sup>T</sup> - 220<sup>r</sup>) must be related, both for the choice of texts and for the doctrine, to the third part of the *Liber de misericordia et iustitia*. But this is not the case. There is therefore

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126 P. L., t. CLXXX, col. 949 et 950, *sed obicit Petrus Damianus*; col. 951, *Ap- probat ergo Petrus Damianus ilia sacramental valere, in quibus Augustinus testatur ignem Spiritus Sanctinon lucere*; col. 954, *Eant ergo ad Petrum Damianum, et in die iudicii eum habeant patronum, qui commendant sacramenta simoniacorum.*

The attribution of this work to Algiers should be viewed with great caution.

Will it be found that the doctrine of Algiers of Liege on simony is very severe? This would be to forget how much uncertainty there was in people's minds at that time concerning the conditions of validity of the order. Let us judge from Hildebert de Lavardin, one of the most learned prelates of his time. During his episcopate at Le Mans (1096-1125), he responded to a consultation from his archdeacon. A cleric who had been ordained a deacon for a fee had subsequently been ordained a priest. Could he be allowed to exercise the priestly ministry? The bishop replied:

Fratrem illum, quem diaconatum pretio comparasse significasti, a diaconatu et supra submovendum cognovimus et submovemus. Nullam enim partem, nullam ei sortem concedit Petrus *in ordine, quem, dum emit, non accepit...* A sacerdotio quoque canonica eum suspendit auctoritas, quo *vel nondum, vel male factus diaconus* evolavit. Quomodo enim stabit edificium, cui nullum suppositum est fundamentum? Agitur itaque de periculo tuo, si patiaris praescriptum fratrem, vel in sacerdotio ministrare, quod revera male accepit, *vel in diaconatu, quem fortasse non accepit*. Nam de eius reformatione quid loquar, cum morbus huiusmodi nullum penitus inveniatur invenire remedium\*.

The ordination of the diaconate at a price seemed to Hildebert to be of very doubtful value. Did he make, in the matter of simoniacal ordination, a more favourable condition for the transmission of the episcopate and the priesthood? It is impossible to say.

### III. - Theology of Hugh of Amiens.

Shortly before 1123, Matthew, prior of Saint-Martin-des-Champs in Paris, asked his relative Hugh, abbot of Reading, England, for explanations on various theological questions.

These two correspondents were prominent figures<sup>127</sup>. They had studied at Laon under the famous Anselm. They had then entered the Benedictine order, and had obtained a place of first rank there. But their merit led them even higher.

In 1126 Matthew was created Cardinal-Bishop of Albano, by Honorius II; he served as legate to Honorius II and Innocent II, and died in 1134- He was a monk of the old temperament, never finding the interminable Cluniac office too long, urging the maintenance of manual labour, and speaking too frankly to the Pope. This austerity was not accompanied by an equivalent theological culture. Monks like Matthew of Albano can serve as an example to show, by contrast, what

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<sup>127</sup> On Mathieu d'Albano, see *Histoire littéraire de la France* etc., vol. XIII, p. 5i ff. On Hugues, *op. cit.* in vol. XIII, p. 647 ff.

new elements St. Dominic brought to the religious life of the Middle Ages. His relative Hugh had a different culture. He was appointed abbot of Reading by Henry I of England in Na5, and was elevated to the archiepiscopal see of Rouen in N3o, which he held until his death in 1164. During this long episcopate, Hugh played a leading role, and was noticed by Pope Innocent II.

The theological views of such people cannot be considered negligible. They are all the more worthy of attention because they were welcomed in Rome, as we shall see later.

Hugh's response to his relative's consultation was a theological work composed in the form of a dialogue, and comprising six books. On the subject of the administration of the sacraments, the author comes to formulate a theory concerning the effects of the deposition and excommunication of ministers, priests or bishops. He declares that these ecclesiastical punishments leave the sacrament of order in the guilty party, but suppress in him all active sacramental power, except that of baptism:

Non omnium est altaris mysteria celebrare, consecrationes agere vel ordinare... Ei autem cui Christus per Ecclesiam consecrandi officium tradit, ipsi Christus, si quando expedit, per Ecclesiam officium subtrahit, et ne ministret interdicat. Aliquando etiam deponit aut a sorte fidelium excommunicando deicit. Quem itaque Christus, per Ecclesiam, deponendo et excommunicando destituit ab officio, *si in sacramentis ministrare praesumit, qui iam minister non est, nihil facit*. Sic enim ea Deus agenda instituit, ut non nisi per ministrum valeant fieri. Quare qui minister non est nihil facit. Quod si quilibet in sacramentis ministrare posset, si bene consideres, status omnis Ecclesiae deperiret. Quid namque clavis Ecclesiae ageret, si in sacramentis nusquisque prout vellet agere posset? Quid ligaret? What can be done? Sed velit nolit iniquorum pravitas, Christus imperat, clavis eius Ecclesiae commissa solvit et ligat, ministros sacramentorum ordinat, deponit, reconciliat L

**This text is clear. Any sacrament administered by a minister**

1. E. MARTINE and M. DURAND, *Thesaurus novus Anecdotorum*, t. V, col. g5S (Paris, 1717).

deposed or excommunicated is void. And yet the author writes immediately afterwards:

Legimus tamen et de excommunicatis talibus dispensationem factam a Patribus. Universalis Ecclesia Novatianos haereticos anathematizans dam\* naverat, sed eorum clericos ad catholicam [fidem] redeuntibus Nicaena synodus quos acceperant habere permisit [immo dedit] ordines. Carthaginensis quoque synodus Donatistarum clericos cum suis ordinibus suscipiendos esse decrevit, quibus ordines concessione rata praestitit, attendens non quid mali in ordinatore fuerit, sed quid in ordinandum per sacramenti verba descendit.

This passage is characteristic. It shows us what extreme difficulty there was at that time in discussing the question of the validity of the sacraments with any continuity. Hugh had previously declared that the sacraments administered after deposition or excommunication are harmful. Now he admits, in the most embarrassing terms,\* that by dispensation the Church could recognize ordination conferred under such conditions. How can a dispensation make a null act real? The author does not ask this question.

The prior of Saint-Martin-des-Champs hastened to make the work of his relative Hugues known to those around him. It was well received. However, there were criticisms of the doctrine we have just read about, concerning the effects of deposition and excommunication on ministers of the sacraments. Informed of these criticisms by the prior of Saint Martin, Hugues replied in a detailed and very explicit letter<sup>128</sup>. Here are some of the main passages:

Utrum quem semel posuit Ecclesia ministrum, ad agendum aliquod sacramentum, ipsa possit, culpa promerente, aliquando deponere vel excommunicare ita ut in sacramentis agere nequeat quod ante potuit... Apostólica sedes et ubique terrarum catholici doctores, ut scripta testantur antiquorum, predicare solent quod tam sacerdotes quam in clericali ordine ministri quilibet, tempore depositionis vel excommunicationis sue *gratiam semel acceptam quidem retinent, sed officio carent*. Addunt etiam, quia si in sacramentorum officiis consecrari praesumant, qui ministri non sunt, nihil utique faciunt<sup>129</sup> ...

Da ministrum quantumque indignum, da ministrum, fatemur eum habere officium. *Aliud est loqui de sacramento, aliud loqui de officio*. Officium enim sacerdotali quam multis interdicitur, sed eis sacramentum non auferitur. Inde fit quod cum Ecclesiae placet, ut aliquando revocet, revocatos absolvit et reconciliat, non quidem reordinat\*... Quapropter quicumque accedit, ut alios de sacramentis ministrorum edoceat, in docendo discernens ordinationis sacramentum et ordinati officium, dicatquod sacramentum semel susceptum in susceptore inanet, susceptoris officium saepius Ecclesiae censura removet.

Hugh therefore maintains his opinion and identifies it, in the most decisive

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{The fact that a minister is deposed or excommunicated confers a certain reality on the recipient. The origin of this inconsistency of Hugh will be explained later.

129 Here Hugh alludes to the decretal of Urban II concerning Wezelo and Daibert. He interprets this decision as affirming the nullity of the episcopal consecration of Wezelo, and, consequently, the nullity of the ordination of the deacon Daibert.

way, with the teaching of the Church. He has even removed the reservations placed on his first thesis: he no longer speaks of the dispensation granted to Novatian and Donatist clerics by the Church. The thesis of the nullity of sacraments administered by a deposed or excommunicated minister is presented in all its force. Its arguments are: 1° For the real administration of the sacraments, the power of order and the delegation of the Church are absolutely required. Now this no longer exists in a deposed or excommunicated priest or bishop. Therefore, in the case of these, the power of order is bound and completely inactive; a<sup>0</sup> Hugues claims to be referring to the decretal of Urban II relative to Daibert; 3° he then gives scriptural and traditional arguments:

Scismaticus... de quo auctoritas ita dicit : *Quod conficit scismaticus Christi corpus non est*<sup>130</sup> . Et alibi : *Extra catholicam Ecclesiam non est veri sacrificii locus\**. Unde et Dominus de agno per Moysen ita precepit : *In una inquit, domo comedetis eum ne efferetis de carnibus eius foras, et incircumcivus non comedet ex eo*. In uitate ergo, non in scisinate sumitur, nec enim extra - catholicam nec ab alienigena obtinetur.

These last quotations are instructive, and reveal to us all the essential of the author's thought. Hugues was especially struck by these texts relating to the Eucharist, and so often quoted in the Middle Ages. He interpreted them in the sense that there is no

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130 This is found in E. MARTÈNE and M. DURAND, *op. cit.* in vol. V, col. 981. The two Benedictines indicate that the letter of Hugh is quoted by Gerhoh. It can indeed be read in the *Lioer contra duos hereses* de Gerhon (*Libelli de lite* etc., vol. III, p. a85). E. Sackur, who edited this treatise, did not notice that the letter of Hugh is also found in Martène. Also the text of Sackur leaves much to be desired. Sackur does not indicate, either, that Hugh refers to his dialogue, written earlier.

#### DURING THE REFORMATION OF THE CHURCH.

real presence of the body of Christ, outside the Church. Then, by a generalization, he extended this theory to all the other sacraments. Thus he came to deny the reality of ordinations made by deposed or excommunicated ministers. However, on the question of the validity of the sacraments, his thinking on ordination is not as clear-cut as it is on the Eucharist. This is because the deductions of Hugh, though supported by the decretal relating to Daibert, were in opposition to the texts relating to the Novatian and Donatist clerics<sup>131</sup>. We are thus led to note, once again, the influence exercised on the theory of the conditions of validity of the order by the theory of the conditions of validity of the Eucharist.

#### IV. - The discussions in Rome under Innocent II.

After the death of Honorius II (13 February 1130), the Roman Church was divided by a schism which was to last eight years. - Cardinal Aymerich, chancellor of the Holy See, had Innocent II elected (1130-1143); a few hours later, a more numerous party elected Cardinal Peter of Leon, who took the name of Anacletus II (1130-1138). All this history is well known<sup>132</sup>. It is particularly well known what a prominent part St. Bernard took, on this occasion, in the re-establishment of Christian unity, and in the acceptance of Innocent II as legitimate pope. One episode of these long controversies is of interest to this study: it is the discussion on the value of the sacraments administered by the supporters of the antipope Anacletus.

It is a well-established fact that Chancellor Aymerich and Innocent II displayed an energy and severity against the schismatics that seemed exaggerated to the best friends of the Roman Church, and to St. Bernard first of all<sup>133</sup>. The facts which we

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131 As was to be expected, Hugh also speaks of the need to tighten ecclesiastical unity: "Noverit autem tua prudentia, quia<sup>3</sup> si essent efficacia que a scismaticis fiunt vel depositis consecrationum officia, infinitos haberet hodie presules unaquaque sedes, etquam multos Roma pontifices, qui, confusionehorribili, et ligatos ab aliis solverent et solutos indebite ligarent."

132 To be read especially by E. VACANDARD, *Vie de S. Bernard, abbé de Clair vaux*, Paris, 1895.

133 In this connection, we may cite the attitude of Innocent II at the Lateran Council of April 2, 1139, and the deposition of Cardinal Peter of Pisa. E. E. VACANDARD, *op. cit. in vol. 2*, p. 56 ff.

have to tell provide one more justification of the feeling of contemporaries, about the severity of the pope and the chancellor.

These facts are known to us from the works of Gerhoh of Reichersberg (iog3-i 169). Gerhoh belonged to the diocese of Augsburg, in which the work of ecclesiastical reform met with persistent opposition. After some hesitation, he joined the reforming party. From then on his life was filled with continuous difficulties, which were further aggravated by his fiery and uncompromising character. Thus he passed from the diocese of Augsburg to that of Regensburg and finally to that of Salzburg. One thesis in particular provoked a coalition against Gerhoh. In the course of his polemics against the unworthy clerics, the reformer came to say that they, being excommunicated and heretics, because of their opposition to the Holy See, could not validly consecrate the Eucharist.

Hence a quarrel which excited the ecclesiastical circles of the neighbourhood. One day, before the YEAR 163, AT a meeting attended by the bishops of Regensburg and Salzburg, the latter, to whom Gerhoh then belonged, was strongly attacked on account of the doctrine of his diocesan. He was accused of promoting heresy, and thus of being a heretic himself. Shortly afterwards, in Regensburg, Gerhoh took his revenge. In a meeting attended by Gauthier, Archbishop of Ravenna, legate of Honorius II in Germany, and the Bishop of Salzburg, Gerhoh argued against his opponents, maintained that excommunicated and heretical clerics cannot consecrate the body of Christ, and had the joy of seeing his thesis approved by the papal legate<sup>2</sup>.

At the end of n30, Gerhoh wanted to make Innocent II judge of the questions so hotly debated in the diocese of Salzburg. Since Gerhoh followed the rule of the canons of St. Augustine, the controversy had taken the form of a conflict between the regular and secular clergy. This was another cause of discord. But Gerhoh cheerfully accepted this way of putting the question.

1. These works can be found in *P. L.*, t. CXIII-CXCIV. Some extracts, which are of historical value, are given by the *Libelle de lite* etc., t. III, p. i3i-5a5.

2. Gerhoh relates these facts in *VEpistula ad Innocentium papam* written in n30; in *Libellé de lite* etc., t. III, p. aa5.

tion. His appeal to Innocent II is therefore written in the form of a dialogue between a regular and a secular. One of the questions discussed was the validity of the sacraments administered outside the Church. Gerhoh states, in no uncertain terms, that the Eucharist - celebrated under these conditions is null and void, and remains a mere material bread. This doctrine is, for him, the consequence of a general theory.

Gerhoh distinguishes between those sacraments whose subject is a human person, as in the case of baptism and ordination, and those whose subject is an inanimate object, such as the bread of the

Eucharist and the oil of chrism<sup>134</sup>. The sacraments of the first category are always real, though they must be supplemented by the Catholic rite of the laying on of hands; those of the second are harmful. How does Gerhoh justify this system? By a theory of intention. In certain cases, he says, baptism and ordination may be received outside the Church, but *mente catholica*, without any fault of heresy or schism, for example, through ignorance or necessity. Now this *intentio catholica* can never be found in sacraments whose subject is inanimate matter. Therefore they are harmful.

We can see how flawed such an argument is<sup>135</sup>. What would be the value of baptism and ordination received without this *intentio catholica*? In reality, Gerhoh distinguishes, as to the conditions of validity, two categories of sacraments: the theory which he thinks himself obliged to give is accessory.

The schism of Anacletus, which had just begun, gave even greater currency to these controversies. As at the time of the German schism, under Urban II, the validity of sacraments administered outside the Church was the question on the agenda. It was discussed in Rome in May and June of the year 1093. Gerhoh made his third *ad limina* visit around this time. What a good opportunity for him to uphold, in the capital of the Christian world, the doctrine which had caused him so many setbacks in Germany!

The Provost of Reichersberg appeared before Innocent II and succeeded in justifying himself. His doctrine on the sacraments was not

condemned. Moreover, on this point, Gerhoh found allies in the curia. The papal advisors were divided. While the French supported the validity of the Eucharist administered outside the Church, a party, headed by Chancellor Aymerich, defended the opposite thesis. Gerhoh took part in the debates, and supported his argument with texts from both the ancient Fathers and more recent authors. It was a half-success. Gerhoh returned to Germany with all his convictions.

Two years later, he learned that St. Bernard was to go to the Diet of Bamberg (March 1135). He ran to the meeting. The purpose of the Diet was to bring about the reconciliation of King Lothar and the Hohenstaufens. This peace was the preliminary condition for an effective intervention of Lothar in favour of Innocent II, in Rome. The burden of these negotiations fell, for the most part, on the abbot of Clairvaux. During this time, the provost of Reichersberg was thinking only of his difficulties, and especially

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<sup>134</sup> *Epist. ad Innocentium papam*, in *Libelle de Lite* etc., vol. 111, pp. 221-327.

<sup>135</sup> This theory is taken up and developed in the *Liber de simoniaciis* do Gerhoh, *Ibid*, p. 267.

of his thesis on the nullity of the sacraments. His ardent and somewhat simplistic nature made him consider a definitive explanation with St. Bernard indispensable. In Bamberg itself, he was pursued by his opponents. What a triumph if he could oppose them with the greatest authority of the time! Alas, St. Bernard recused himself. Gerhoh could not talk to him at leisure; he had only to return home<sup>136</sup>.

But Gerhoh's mind had been too active on these matters to apply himself at once to the daily affairs of the Reichersberg provostry. Since he could not make himself heard, he would at least have the abbot of Clairvaux read to him. Hence the *Liber de simoniacis* dedicated to Saint Bernard.

In this treatise, Gerhoh uses the *Libellas contra invasores et sy-moniacos* of Cardinal Deusdedit, which he would have learned about in Rome on one of his previous trips. The provost of Reichersberg thus had at his disposal all the texts that the cardinal had collected to prove the nullity of the Eucharist administered outside the Church. This textual dependence makes the reserve with which Gerhoh speaks of the sacrament of order even more remarkable. One has the impression that Gerhoh does not share, on this point, the ideas of Deusdedit. Obviously for him,

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<sup>136</sup> *Liber de simoniacis*, in *Libelle de Ute* etc., vol. III, p. 241.

the validity of ordination administered outside the Church is not in doubt: it results from the distinction previously made by him and developed more widely here, between the sacraments whose subject is a human person, and those whose subject is an inanimate being L

There is thus a great progress from Deusededit to Gerhoh. Does this mean that the gain thus made would no longer be lost? It would be an exaggerated confidence to hope so. The imperfection of Gerhoh's theories is not attributable to the Reichersberg provost alone. It is inherent in the theology of the time. When confronted with Gerhoh and his opponents, St. Bernard did not take sides in the controversy over the validity of the Eucharist administered outside the Church<sup>137</sup>. If Gerhoh resorts to such a fallacious distinction of two categories of sacraments, it is because he could not find a better one around him. It is clear, moreover, that the validity of the order, justified by such poor reasons, would have great difficulty in resisting an offensive return of the old objections, still surviving here and there.

The works of Gerhoh provide us with an example. In 114a he made another trip to Rome, and came into contact with several cardinals, in particular with Gerhard, who had succeeded Aymerich as chancellor to Innocent II. On this occasion, it seems, or a little later, Gerhoh, through the intermediary of the archives of the Holy See, received communication of the letter of Hugh abbot of Reading, which has been analysed above. How had this document entered the papal archives? - Obviously through a gift or bequest from Cardinal Matthew of Albano, the same Cardinal who, as Abbot of Saint-Marlin-des-Champs in Paris, had received the letter from Hugh of Reading.

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137 *Liber de simoniacis*, in *Libelli de Hievte*, vol. III, p. 241.

In any case, this letter, which affirms the nullity of all the sacraments (except baptism) administered by deposed or excommunicated ministers, was known in the curia, and did not meet with very decided opposition. Gerhoh was aware of it, and introduced its main formula in his *Liber contra duas hereses*; but, by a happy inconsistency, he changed nothing in the main lines of his theory. Could one expect such inconsistency from all ecclesiastical theorists?

#### V. - A forgery from the party of the antipope Anacletus.

In fact, in the party of the antipope, there are concerns about the apologetic claims that assume a situation threatened by the Catholic controversy. At the time when Gerhoh was seeking, without success, an opportunity to argue against St. Bernard, about

In 1133-113, Pandolfo, a cardinal of the party of the antipope Anacletus, wrote a *Liber Pontificalis* or history of the popes, intended to show the legitimacy of his party. The original text of this work is lost. But it survives in part in a revision made, in 1142, *ad mentem Romanam*, by Pierre Guillaume, librarian of the priory of Saint-Gilles d'Acely, in the diocese of Reims.

The *Liber Pontificalis* of Peter William contains a notice of Urban II. This one is a combination of the text of Pandolfo and certain reworkings of Peter William. Here is one of the pieces of information she provides:

Iste benignissimus Pontifex quemdam factum subdiaconum a Guiberto reordinavit : quod videns se minime bene fecisse damnavit, ne aliquis deinceps faceret. Illi autem cui manum imposuerat sub interminatione praecepit ne ad sacrum ordinem ascenderet: quod et factum est<sup>1</sup>.

This information, if we take it literally, provides an explanation of Daibert's reordination. It would have been the case with the reordination of this deacon, as with that of the sub-deacon of whom we are speaking here. These two facts would be similar, and would involve an identical explanation. Urban II, having at first proceeded to reordination, would have, after a more attentive examination, regretted these acts and prescribed not to reorder anyone. This theory therefore put us in the presence of a change of ideas and a retraction of Urban II. As it is suggested by a twelfth-century author, it should be verified.

1. Cf. on this subject: L. DUCHESNE, *Le Liber Pontificalis*, vol. II, p. xxiv ff.
2. *Ibid.* at 294.

In his commentary on this *Pius* of Urban II, M.<sup>Kr</sup> Duchesne has shown that it is closely dependent on the register of Urban II, from which it copies verbatim several data. About the reordination of the subdeacon ordained by Guibert (the antipope Clement III), Duchesne wrote: "This, except perhaps for the last four words, still seems derived from the register, but verification is not possible." To be quite accurate, this remark needs only to be supplemented. The note here does depend on the register of Urban II, but the dependence, though very real, is concealed, at first sight, by the following fact: the systematic reversal of the data in the register concerning Daibert. The anonymous sub-deacon reordered by Urban II is none other than the deacon Daibert: but the circumstances of this reordination are presented to us with tendentious changes, the whole of which constitutes a forgery.

A supporter of the schism of Anacletus, Pandolfe was writing at a time when a powerful party, including Chancellor Aymerich, was denying the validity of the sacraments administered by the schismatics. Daibert's reordination was a precedent which was certainly invoked in the discussions, as it had been in the letter of the abbot of Reading, discussed before Innocent II, in May-June 1133. Now the decretal relating to Daibert still appeared in the collection of the letters of Urban II which Pandolfe used; moreover, it immediately followed the letters of Urban II summarized by Pandolfe in his notice L What was the rhistoriographer of the antipope Anacletus going to do? He could not be asked to copy an act whose backlash could be prejudicial to his patron. One would thus forgive him for having turned this leaflet, without transcribing it.

But Pandolfe did mine. He was an ingenious man

1. Pandolfe had at his disposal, for his notice, a collection of letters of Urban II similar to that of the *Britannica* and containing only letters of 1088- 1090. It is from this that he borrows 1° the data on Anselm of Milan relating to the month of July 1088; a° the data on Bernard of Toledo, relating to October 1088; 3° the data on the bishops of Soissons and of Beauvais 4° Immediately after these letters, Pandolfe thus read the decretal relating to Daibert, because this one is of the end of this same year 1088: and the letters of the collection were arranged in chronological order. From then on, it becomes obvious that the reordering of the subdeacon told by Pandolfe is the distortion of the story of Daibert. Indeed Pandolfe depends on the collection, and this one could not contain, at a few swims of distance, two decisions so different. In 1093 and 1094, Yves de Chartres, who knew Urban II and who had frequented the curia, would not have reproduced the decretal relating to Daibert, if it had been disavowed by the pope.

character! It did not cost him anything to distort the best established facts, as soon as the interests of Pope Anaclet were at stake. That is how Mr.<sup>gr</sup> Duchesne caught him in the act of historical falsification. We know how the last months of Leo IX were saddened by his captivity at the hands of the Normans, after he had been defeated by them at the battle of Cività.

In the *Liber Pontificalis* of Pandolfe, all this is changed. Leo IX is no longer the enemy, but the ally of the Normans. Where does this beautiful change come from? It is because the Normans were the best friends of the antipope Anacletus. Pandolfe treats them as well as possible in his book; could he recall their struggle against Leo IX? "In this state of mind and relations, the memory of the battle of Cività must have seemed very inconvenient to him. Leo IX, marching at the head of German warriors against the companions of Drogon and Robert Guiscard, was too much like what we saw in 113? when Pope Innocent II and his protector Lothair invaded Norman Italy. Pandolfe corrected this unwelcome story. According to him, Leo IX did not go to Puglia to fight the Normans; on the contrary, he had them as allies, under his flags L "

Pandolfe simply treated Daibert's reordination as Leo IX's relations with the Normans. He has interpreted it in a way that is the opposite of reality. He changed the decision so deliberate of Urban II, into a rash act, soon disavowed by a formal recantation, and a prohibition of such acts in the future. Then, to conceal the forgery, he spoke of a subdeacon and of the antipope Clement III. From then on, Daibert's precedent ceased to be dangerous for schismatics. The Pope's retraction could be invoked.

In its own way, the forgery of Pandolfo attests to the importance the schismatics attached to discussions about the value of their sacraments.

## VI. - The canonical collection of the "Vaticanus" 1345.

Here is a collection that is related to the study movement from which the Gratian *Decree* emerged. It is the collection contained

I. L. DUCHESSE, *Le Liber Pontificalis*, t. II, p. xxxvī.

in the Latin manuscript 1345 in the Vatican Library<sup>138</sup>. It is remarkable, because it combines data borrowed from the works of Yves of Chartres with others, which come from the *Liber de misericordia et iustitia* of Alger of Liege<sup>139</sup>. Now Yves and Alger are two of Gratien's principal sources, in any case those which contribute most to the character of his work.

The collection of *Katicanus* 1345 thus proves that the combination of the works of Alger and those of Yves was not an idea personal to Gratian. Given the compilation habits of the Middle Ages, this

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<sup>138</sup> This collection is briefly described in P. FOURNIER, *Les collections canoniques attribuées à Yves de Chartres*, pp. 198-306, Paris, 1897.

<sup>139</sup> He also uses the *Summa Sententiarum* attributed to Hugues de Saint- Victor.

combination was an obligatory moment in the development of canonical studies. It is not to say that the doctrine of these various compilations was, by the very fact, identical. Each author was free to choose from among decisions which were often not very consistent. A comparison of the *Decree of Gratian* and the Vatican collection would suffice to prove this.

The Vatican collection contains a rather long exposé on the sacraments administered outside the Church<sup>140</sup>. The elements are borrowed, almost exclusively, from Yves and Alger. Only some of the data are later than the most recent texts inserted by Yves. These are canons 5-7 of the Council of Piacenza of 1055, relating to the purchase, by parents, of an ecclesiastical benefit for their child<sup>141</sup>. The texts of Urban II quoted by Yves, for example the decretal relating to Daibert, or the letter to Gebhard of Constance, are not in *série*. The author of the Vatican collection also sticks to the doctrine of Alger on the subject of sacraments administered outside the Church. As we shall see, Gratian, who included in his *Decree* the principal decisions of Urban II, could not simply copy the conclusions of Alger. He had to formulate new ones.

The XII<sup>e</sup> century is the time of the great school formations. Schools were established, most of which were to have a lasting existence, and traditions of teaching were to be found. At the beginning of the XII<sup>e</sup> century, the most famous school is that of Laon, which was directed by the two brothers Anselm and Raoul. Judging by the few testimonies that have come down to us, it had an extraordinary vogue. Anselm had first taught at the episcopal school of Notre-Dame, in Paris. Towards the end of the twelfth century, he returned to his native town of Laon, where he became the chancellor of the chapter and, as such, was entrusted with the direction of the episcopal school, which he maintained until his death on the eve of the Second World War. He came in 1117.

The works of Anselm are worth considering, because they give us the state of theological teaching before Abelard. The profound effect of Abelard on the intellectual life of his time is better explained when we see the contrast between the method of the venerable master of Laon and that of the young innovator. Of Anselm's various works, only the *Sentences*<sup>142</sup> are to be considered here.

It is a collection of patristic texts, in which one can recognize the concern to put theological questions in order. As to method and

140 Vatican Bibl. lat. 1345; it is part XV<sup>e</sup>, contained fol. i50r.-i53 v., containing canons 263 to 295.

141 *Ibid.*, fol. i51 r. et v., canons 274-276.

142 The *Sentences* of Anselm of Laon are contained in the ms. Bibl. Nat. lat. i65a8 (XII<sup>e</sup> century), fol. i-a5x

composition, the *Sentences* of Anselm of Laon correspond completely to the *Canonical Collection* of Anselm of Lucca. The author's invention consists only in imagining a division into seven parts, and in preceding the patristic texts with a short summary of their contents. Thus we read in book V, chapter xxviii: *Quod sacramenta communia non improbentur in hereticis*<sup>143</sup>. This is followed by the patristic texts<sup>144</sup> which justify this maxim. Anselm of Laon thus had the right principles on these questions.

It was thought that the *Sentences* of Guillaume de Champeaux I could be found in manuscript 18113 of the Latin collection of the Bibliothèque Nationale. However, this manuscript is like several others: it bears a wrong title<sup>145</sup>. This manuscript contains, in reality, *Quaestiones* which date from the first half of the xn<sup>e</sup> century. They contain large extracts from the theological works of Anselm of Laon<sup>146</sup>. We read:

Queritur<sup>147</sup> utrum presbiteri excommunicati vel heretici possint dominicum corpus conficere an non. Responsio: postquam fuerint ordinati et si excommunicati vel heretici vel simoniaci fuerint, per sacra verba<sup>148</sup> que proferunt bene conficiunt dominicum corpus. Sed si ipse vel aliquis ei<sup>149</sup> communicans (et) sciens eum talem esse de manu eius dominicum corpus sumpserit, in iudicium sumit. Si vero aliquis eum talem esse nescians... tamen ei valet ac si de manu beati Petri ceperit.

a. *Ibid.*, fol. 39 r.

144 *Ibid.*, fol. 174 V. The *Sentences* of Anselm are unpublished. Here is the division. "PRIMA pars continet de Patre et Filio, de angelis, de Adam, defide antiquorum, de prophetis, de Apostolis. SECOND, de intellectu Scripturarum, de diapsalmate, de obelo et asterisco, de divitibus. TERCIA, de sacrificiis paganorum et nostris, de baptismo, de viventibus ex oblationibus. QUARTA, de incommodis que propter peccata evenerint, de ipsis peccatis, de iusiurandis, de testimoniis, mendaciis, furtis, negotiationibus. De avaritia, de usura que liceat que non, de honesto opere, de confessione, de remissione, de quibusdam mundanis. QUINTA, de potestate ligandi atque solvendi, de pastoribus et doctoribus, de ordinatione, de doctrina domestica, de excommunicatione qui tollerandi sunt qui non, de sinagoga et hebreis, de ecclesia et ecclesiasticis. SEXTA, de cruce, de tempore paschali, de orationibus, de elemosinis, de militia, de dominis et servis, de matrimonio, quod apostoli habuerint uxores. SEPTIMA, de restauratione et angelorum et hominum, de diabolo, [p. 4] de antichristo, de ultimo iudicio, de resurrectione, de igne ante iudicium."

145 One reads, in a folio which I forgot to note: "Secundum *Cathalaunensem Guillelmum*, non admittantur ad publicam penitentiam... sed secundum episcopum *Cantuariensem*, quamdiu ille vixerit, nec ad publicam nec ad privatam penitentiam admittantur." Usually an author does not quote himself: these *Questiones* are therefore not by Guillaume de Champeaux. The mention of the bishop of Canterbury is the result of a confusion. From very early on (already in the ms. *Bibl. Nat. lat.* 16028), one attributed the *Quaestiones* of Anselm of Laon to Anselm of Canterbury. Here it is not the bishop of Canterbury, but Anselm of Laon, whose opinion is mentioned next to that of Guillaume de Champeaux. The choice of these authorities indicates when this text was written.

146 The fact has already been noted by M. Hauréau in the *Journal des Savants* (1805, p. 444) in connection with the brochure G. LEFÈVRE, *Anselmi Laudunensis et Hadulfi fratris eius sententiae nunc primum excerptae*, Lvrcux, 1895. This fact emerges even better from a comparison of the *Quaestiones* of ms. 18113 with the *Sentences* of Anselm of Laon of the Ms. *Bibl. Nat. lat.* 16628.

147 *Bibl. nat. lat.* 18113, f. 20 v. This same text is found, with some variants, in the manuscript *Bibl. Nat. lat.* i65a8, p. 454; we will note only the most important variants.

148 Ms, 16528 donne *per sacramenta*.

149 The same ms. gives *vel*.

Sed dicit aliquis: Postquam excommunicatus est et ei a quo ordines accepit, ne divinum officium cefabret interdictum fuerit, nullo modo dominicum corpus consecrare potest. Responsio. Si *potest* accipis pro *debet*<sup>150</sup> verum dicis. Sed si large accipis, non est verum. Postquam enim ordinatus est, per sacra verba que proferet dominicum corpus celebrabit *nisi sit a suo episcopo de gradatus*. Quod autem per excommunicationem solam non sit uegrauatus, sic potest videri. Detur ei a suo episcopo, facta absolutione, potestas sacrificandi, nulla regradatione facta, bene consecrare poterit.

So the degradation<sup>151</sup> has the effect of making it absolutely inactive the power of order. However, this power remains in some way after the degradation: the author of the *Quaestiones* does not admit the re-ordination of the cleric who has been degraded.

sentence. In the xn\* century, in the case of conflicts between ecclesiastical and secular jurisdictions, the Church practiced degradation, before handing over guilty clerics to civil justice. From that time onwards, deposition and degradation were, for the most part, defined by canonists as they are today. However, the theory of the effects of degradation, equant to the power of order, is particular to certain authors of the xn<sup>e</sup> and xui<sup>e</sup> centuries. Cf. on this subject: F. KOBÉK, *Die Deposition und Dégradation*, p. 1-178<sup>n</sup> Tubingue, 1867.

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j. The same ms. gives: *Si potentiam accipis pro debito*.

<sup>151</sup> Until the xn<sup>e</sup> century, the words *depositio* and *degradatio* designate the memo



## FOURTH PART

### THE THEOLOGY OF THE BOLOGNA SCHOOL

#### CHAPTER XV

##### THE DECREE OF GRATIAN.

Between i i3g and i i4a, the monk Gratian of Bologna composed his *Concordantia discordantium canonum* which, since the end of the xii<sup>o</sup> century, has been known as the *Decree* of Gratian. This work is the result of the study of canon law since the middle of the xi<sup>o</sup> century. Throughout the THIRTEENTH century and the first half of the twentieth century<sup>e</sup>, it provided the sole text for the *lecturae* which constituted the courses in canon law. Although it never had the value of a code, and was considered a private work, it is nevertheless of great importance for ecclesiastical law. The canonists, however, have little sympathy for Gratian. The monk of Bologna quotes texts from all periods, from which it is very difficult to draw a homogeneous doctrine. Moreover, the *Dicta Gratiani* or *paragraph* as it was called in the xn<sup>e</sup> century, contain more than one strange statement. Hence the difficulty of using Gratian without preliminary explanations. The Middle Ages had already come to cite Gratian's gloss, rather than the text itself, because the gloss presented a more refined Gratian<sup>152</sup>. It is therefore understandable that today's canonists prefer

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152 In the xii<sup>o</sup> century and even in the xm<sup>o</sup>, in certain circles, Gratian was considered dangerous, because of the texts he contained. The Cistercians forbade their novices to read the *Decree*. A decision of the general chapter of their order in 1188 states: "Liber qui dicitur canonum sive Decreta Gratiani, apud eos qui habuerunt secretum custodiantur, ut cum opus fuerit, proferantur. In communi armario non resideant, propter varios qui inde provenire possunt errores." In MARTINE, *Thesaurus novus anecdotorum*, vol. IV, p. ia63, n. 5. I borrow this quotation from H. DENIFLE, *Die Universitäten des Mittelalters bis 1100*, p. 700, n. 131, Berlin, 1885.

refer to those parts of the *Corpus iuris* which have official value.

### I. - Importance of the Decree for the history of theology.

But the theologian and the legal historian appreciate the *Decree* quite differently. For them, this book represents, in a characteristic and copious way, a moment of ecclesiastical studies in the xii<sup>e</sup> century. And since it has been commented on, in an original way, for more than a hundred years, and these commentaries remain with us (*Gloses and Summaries of the Decree*), the historian has at his disposal firm and continuous data to appreciate the development of the ideas formulated in Gratian. These ideas concern not only law, but also theology and especially the doctrine of the sacraments.

A general idea familiar to the teachers of Roman law in Bologna inspired the plan of the work<sup>153</sup>. The method of exposition is that which has prevailed in the schools since Yves de Chartres. It consists in exposing the various authorities on the same question, and in showing that they are in complete agreement. This preoccupation, which inspired the theological culture of the xii<sup>4</sup> century and the xm<sup>e</sup> century at its beginning, can be explained by the idea, perhaps exaggerated, that one had at that time of the constancy of ecclesiastical teaching, and by the observation of numerous divergences in the traditional texts. Once these two premises were established, the need for *concordance* appeared absolute and inescapable. A small number of principles were devised which would show the agreement of the most divergent texts<sup>154</sup>. It is not surprising, therefore, if the harmony established by such means has sometimes been artificial and outdated. The idea of Yves de Chartres was adopted by Alger of Liège, and developed by Abelard, in his *Sic et Non*<sup>155</sup>. Then, in the disposition of his book, Gratian is very much indebted to Alger of Liège. It is to him that he owed the idea of a continuous exposition (*Dicta Gratiani*), in which the canonical texts intervene as supporting documents. This is a great advance over the

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153 Of the three parts of the *Decree*, the first and third were divided into *distinctions*, not by Gratian, but by Paucapalea. Gratian regarded his work as comprising: 1° a *proemium* (the first 20 distinctions) indicating the *sources of the law*; 2° a *tractatus ordinanorum* (distinctions 31-101) indicating *ius quod pertinet ad personas*; 3° the 36 *causes* of the second part giving the *ius quod pertinet ad res et ad actiones*; the *res liturgicae*. This division was suggested to Gratian by Roman law. Cf. F. SCHULTE, *Die Geschichte der Quellen* etc., t. I, p. 50 and 62.

154 Cf. on Yves, p. 219; on Hincmar, p. i35 and the appendix.

155 See the *Prologue to Sic et Non*, which, while borrowing ideas from Yves,

canonical collections of Yves de Chartres, which consisted only of strings of texts.

Finally, Gratian poured an enormous mass of texts into the frames thus constituted. Such a work of stripping the texts would have been impossible, if it had not been prepared by the canonical collections composed for eighty years. Gratian borrowed quotations from all hands. Modern criticism has succeeded in resolving, in a way which is very close to being definitive, the problem of Gratian's sources<sup>1</sup>. The *Decree* being thus characterized, we see how it is at the centre of the controversies whose history we are studying. The texts it put into circulation dominated the teaching of the xn<sup>e</sup> century, and the *Dicta Gratiani* always had, if not the general approval, at least the honours of discussion.

## II. - Uncertainty in Gratian's doctrine.

The value of ordinations conferred outside the Church is discussed by Gratian in *Causa I\**. This is, in fact, a complex case of conscience, in which all the questions to be resolved are brought together in an artificial way. *Causa* is subdivided into seven secondary problems or *Quaestiones*. In the frameworks thus formed, the pieces of information are stated and discussed in a somewhat floating order<sup>2</sup>. In the first as-

indicates new principles of solution, *P. L'* t. CLXXVIII, col. i33q and following. These pages of Abelard should be quoted in a history of criticism.

1. The best edition, for studying Gratian's dependence on Algiers and the canonical collections, is that of E. FRIEDBERG, Leipzig, 1879. Unfortunately, not to mention the errors of criticism, this work has the serious defect of presenting numerous printing errors in the references accompanied by figures. These references are the most valuable part of a critical edition of the *Decree*. Hence, for the worker, misunderstandings and the need to always check Friedberg.

2. It is good to be aware of the imperfect composition of the *Decree*, for the question which concerns us. One will better understand the embarrassment of the theologians and canonists of the twentieth century in arriving at a solution. If we keep to the title of the *Quaestiones de la Causa I<sup>a</sup>*, it is only the last two questions

The whole thing is very cluttered, and it seems difficult to discern the conclusions clearly. But, as always, criticism of the sources sheds light on the situation. In this *Causa I\**, Gratian's dependence on Algiers is particularly marked<sup>1</sup>. It is therefore possible to determine the alterations made by Gratian, and to discern their meaning. From then on, what may be incoherent in the presentation of the *Decree* finds its explanation and, consequently, far from creating difficulty, becomes instructive.

It is obvious that Gratian, while accepting the basis of Algiers' discussion, singularly broadened it. As we have seen, by a convenient simplification and, all in all, a happy one, since it removed difficulties, Algiers limited his investigation to the patristic texts and especially to those of St. Augustine. So it was possible for him to formulate the best solution that had been found up to then. Gratian does not content himself with quoting the Fathers; he indicates recent decisions and, for example, those of Urban II.

Hence, in the *Decree*, a mass of texts relating to the conditions of validity of the order<sup>a</sup>. We are obliged to say that this whole is inextricable, and that all opinions can find arguments in it. The main cause of this *imbroglio*

(Qu. VI.) *Sexto, an UH qui ab eo [episcopo] iam symoniaco ordinati sunt, sint abiciendi an non?* (Qu. VII.) *Septimo, si renunciens suae heresi sit recipiendus in episcopali dignitate, vel non?*" In fact, the validity of the sacraments administered outside the Church and by simoniacs is discussed at great length in the first question: "(Qu. I.) *Hic primum queritur an sit peccatum emere spiritualia.*"

1. Gratian slavishly copies, in the *Dicta Gratiani*, many passages from the third book of the *Liber de misericordia et iustitia* of Algiers.

a. The *Decree* contains most of the texts which have been mentioned in the course of this study: the letter of Innocent I to Alexander of Antioch (C. I, q. i, c. 17 and 73); the letter of the same to the bishops of Macedonia (*Ibid.*, c. 18 and 53); St. Leo to the emperor of the same name (*A<W.*, c. 69); the word of Prosper (*Ibid.* c. 71); the canon of Nicaea of the Novatians (G. I, q. 7, c. 8); Note that in the text of Gratian, as well as in that of *Hispana* (P. L., t. LXXXIV, col. 95) and of the *False decretals* (P. HINSCHIVS, *Decretales pseudo-isidorianae*, p. 259), one reads "placuit... *ut ordinentur* [Novatiani] *et sic maneat in clero*". This is the translation of the Greek: *wort xtpo6srou|vov; avrotç psvsiv ourw; ivmots* which have been translated by Dionysius the Lesser: *ut impositionem manus accipientes sic in clero permaneat*" (P. L., vol. LXVII, col. 149). The text of *Hispana* supposes that the council prescribed the reordination of the novatians.

The *Decree* also contains the decretal relating to Daibert (C. I, a. 7, c. 24); a quotation from the False Decretal of Damasus on the choirbishops (*Ibid.*, c. 23); the text of Saint Gregory *Nos consecrationem* (C. IX, q. 1, c. ik finally the texts of Pelagius I (C. XXIV, q. 1, c. 33, 34); numerous texts of Saint Cyprian (cf. the table of sources of Gratian, in the edition of Friedberg).

is this: Gratian is said to have accepted the teaching of Algiers, of which he reproduces whole pieces in his *Dicta*; but he understood the decisions of Urban II in such a way that they were irreconcilable with the doctrine of Algiers; hence an inconsistent and even contradictory exposition.

Gratian introduced into the *Decree* the two texts of Urban II in which ordinations made outside the Church are assessed differently, depending on whether the consecrating bishop is consecrated in the Church or not (letter to Gebhard of Constance and canon of the Council of Piacenza). These two quotations are made by Gratian in *Causa IX*\* concerning the effects of excommunication:

*Sententia excommunicationis notatus quidam archiepiscopus aliquot clericos alterius metropolitani ordinavit; quemdam capellanum sui suffraganti illo inconsulto deposuit, atque alium in locum eius ordinavit. Queritur i<sup>o</sup> an ordinatio que ab excommunicatis tacta est, aliquo modo possit rata haberi ? 2<sup>o</sup> etc.*

*Questio I. Quod ordinatio, que ab excommunicatis celebratur, nullas omnino vires obtineat, nec etiam consecratio appellanda sit. testatur Gregorius dicens:*

*C. I. Non potest appellari consecratio que Jit ab excommunicatis.*

*Nos consecrationem nullo modo dicere possumus que ab excommunicatis hominibus est celebrata\*.*

*DICTUM GRATIANI. Sed excommunicati hic intelligendi sunt, qui in ipsa sua ordinatione penam excommunicationis contraxerunt, qui numquam in numero catholicorum fuerunt. Ceterum, qui inter catholicos prius deputati sunt, si postea excommunicationis sententia notati fuerint, ordinationes tamen eorum ab Ecclesia misericorditer tollerantur.*

*Unde Urbanus II scribit dicens:*

*C. IV. Ordinationes ab excommunicatis non symoniace factae ex misericordia - tollerantur. 156 Ab excommunicatis ... sancta conversatio promeruerit.*

*DICTUM GRATIANI. Sed et illud Gregorii de nominatim excommunicatis intelligitur, quorum ordinationes sunt irritae, si eorum dani p nat io non erat ordinandis incognita.*

*Unde idem Urbanus ait .-*

*C. V. Qui nominatim excommunicati sunt, et qui aliorum sedes invadunt, alios ordinare non possunt.*

*Ordinationes que ab heresiarchis... subtrahendum est aliquid severitati<sup>157</sup>.*

What is the interpretation proposed by Gratian? In the xn<sup>e</sup> century, these *Dicta were* often understood as affirming two things, on the authority of Urban II: i<sup>o</sup> the validity of ordination con 2<sup>o</sup> the nullity of ordinations made by bishops consecrated by excommunicates. This exegesis of the decisions of Urban II has long given credence to an erroneous doctrine in the school of Bologna.

And first of all, it is in Gratian himself that we see the unfortunate effect produced by this doctrine, considered as that of Urban II. In the *Decree*, it has introduced a contradiction which it is important to note. Canon C. I, q. 1, c. 97 gives a text of St. Augustine which concludes from the validity of baptism conferred outside the Church, to that of ordination made under the same conditions. Immediately afterwards follows a particularly extensive *Dictum Gratiani*, from

156 S. GREGORH *Epistolae*, IV, 20.

157 These are canons 9 ff. of the Council of Piacenza quoted and explained above, p. 249.

which it is at first impossible to get a clear idea. After examination, everything is explained. This text is made of the juxtaposition of two contradictory pieces. Between two long quotations from Algiers\*, which give reason to Saint Augustine, a very different doctrine has been introduced. Gratian begins by denying that there is parity between the conditions of transmission of baptism and those of the order. In proof of this, he alleges the fact that a deposed minister can confer baptism, while he cannot validly consecrate the Eucharist or confer orders:

*Opponitur huic sententiae Augustini. Potestas dandi baptismum et ius consecrandi dominicum corpus et largiendi sacros ordines, p'urimum inter se differunt. Suspensio enim vel deposito \* sacerdote, nulla ei relinquitur potestas sacrificandi. Sacramentum tamen baptismi non solum a sacerdote deposito vel laico catholico, verumetiam ab heretico vel pagano si ministratum fuerit, nulla reiteratione violabitur : nulla autem ratio sinit ut inter sacerdotes habeantur qui de manibus laici vel pagani oleum sacrae imo exeerandae unctionis assumunt. Non ergo consequenter colligitur ut si recedentibus a fide ius baptisandi relinquatur, potestas etiam distribuendi sacros ordines eis relinquatur, quamvis utrumque consecratione proveniat. Degradatus enim episcopus potestatem largiendi sacros ordines non habet, facultatem baptizandi tamen non amisit.*

1. The *dictum Gratiani* begins with the text *Ex his verbis Augustini... et digne dampnabitur*, which is borrowed from Algiers (III, 84, in *P. L.*, t. CLXXX, coi. 966). Pius comes the text transerit by us *Opponitur... assecutos testatur*, which is from Gratian. This is followed by the text *Quamvis possit generaliter... a catholicis sacerdotibus consequi* which is from Algiers (111, 50-5a, *Ibia.*, col. g58-g55), and finally the passage *Sciendum vero est... sibi ad indicium sument* which is also from Algiers (III, 54, *Ibia.*, col. 906).

a. Gratian therefore admits that suspense and deposition have an analogous effect. But does he admit that these penalties are analogous to degradation, of which he speaks below? It is difficult to say.

This is a theory of the effects of deposition and degradation which is consistent with that of Hugh of Amiens. It is thus that the distinction between *sacramentum* and *V officium* is no longer lost sight of by canonists or by theologians<sup>158</sup>.

After this preamble, which has the result of clearly distinguishing between the possession of the sacrament of order and the power to transmit or exercise it, Gratian gives his solution.

Sed ne Augustinum in hac sententia penitus reprobemus, intelligamus aliud esse potestatem distribuendi sacros ordines, aliud esse executionem illius potestatis. Qui intra unitatem catholice Ecclesie constituti sacerdotalem vel episcopalem unctionem accipiunt, officium et executionem sui officii ex consecratione adipiscuntur. Recedentes vero ab integritate fidei *potestatem acceptam sacramento tenus retinent, effectu suae potestatis penitus privantur*, sicut coniugati ab invicem discedentes coniugium semel initum non dissolvunt, ab opere tamen coniugali inveniuntur alieni.

*De his ergo qui accepta sacerdotali potestate ab unitate Ecclesie catholice recedunt, loquitur Augustinus, non de illis qui in scis mate vel here si positi sacerdotalem unctionem accipiunt;*<sup>159</sup> alioquin esset contrarius Calcedonensi concilio, in quo ordinati a symoniacis in nullo proficere indicantur, et In- soscenio qui ordinatos a ceteris hereticis, per pravam manus impositionem, nolam dampnationem et vulnus capitis assecutos testatur.

Bishops presently outside the Church, but previously consecrated by Catholics, may confer the order. Those who have been consecrated outside the Church can't.

Here, Gratian inserts this theory

between two extracts from Algiers which say the opposite, and without anything indicating This method, which consists of which opinion is proposed to the

reader. It was necessary if to formulate opposing teachings with such serenity that neither is particularly recommended. This is a peculiarity of Gratian's method; it was later adopted by Peter Lombard, and did not contribute little to exasperate, at the end of the 19th century, the opposition made to the scholastic method by many minds. Such a procedure is not attributable to scepticism, as violent and narrow-minded polemicists, such as Gauthier de Saint-Victor, said<sup>160</sup>; it can be explained by the indecision of a science still incapable of taking a clear-cut view of the world.

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158 See pp. 373, 386.

3. Gratian mentions here two categories of bishops between whom there is, from the point of view of order, a difference which can only be relative to the *potestas ordinis* and not to *Vexecutio potestatis*.

160 See the introduction to Gauthier's treatise *Contra quatuor labirinthos Fran- cie, in VArchiv fur Literatur undKirchengeschichte aes MittelaUers*, t. I, 1885, p. 406.

and by a lack of experience in the exhibition.

In short, Gratian merely sketched out here a solution which a whole school of canonists in Bologna was to develop and apply subsequently. Practically speaking, we do not see that Gratian makes any difference between ordinations made outside the Church, according to whether they were conferred by a bishop consecrated or not in the Church. This can be deduced from another *Dictum Gratiani*<sup>1</sup> and from the way in which Gratian explains the reordination of Daibert<sup>2</sup>.

The *Decree* of Gratian contains, in an incoherent assembly, the two opposing theories which were to divide the minds of the School of Bologna.

i. This is the *Dictum*, C. XXIV, q. i, c. 37 *post*.

3. As regards ordinations conferred outside the Church, Gratian uniquely admits the reordination of the diaconate and the lower orders. He has no regard for the quality of the consecrator ordained or not in the Church. Cf. above, p. 343,

## CHAPTER XVI

### THE BEGINNINGS OF THE SCHOOL OF BOLOGNA.

As soon as it was published in Bologna, the *Decree* of Gratian had a great success in intelligence. It was accepted as a text for lessons in canon law, and was to enjoy this credit until the end of the Middle Ages. Bologna was then a particularly favourable environment for the establishment of an academic reputation. Students flocked there from all over for the study of Roman law. The teaching of theology and canon law, without attracting as many students, was nevertheless very active there. It is one of the beautiful discoveries of Fr. Denifle to have demonstrated the existence of a school of theology in Bologna, around the middle of the twentieth century .<sup>c</sup>

#### I. - The teaching of Master Roland (Alexander III).

The origin of this school is linked to France and especially to the teaching of Abelard. The lessons given in Paris, at Saint-Denys, at the Paraclete, by Master Peter, as they were then called, had a great impact in Italy. The *Theologia* of Abelard was particularly noted<sup>161</sup>. This great synthesis has been taken as a basis for teaching by many theologians. Fr. Denifle has discovered three books of *Sentences*, dating from the middle of the xn<sup>e</sup> century, and which are in a dependence

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<sup>161</sup> This *Theologia* was not published by Abelard at once, but in fragments, on several successive occasions. It was condemned to the fire by Innocent II. Only the first fragment published by Abelard survives. It is the piece which, in the editions, bears the inaccurate title *Jntro ductio ad Theologiam* (P. t. CLXXVIII, col. 979 and following).

of the *Theologia* of Abelard. These are the *Sentences* of Roland, Omnebene and an anonymous Italian author. The study of the theological activity of these authors leads to the conclusion that they taught canon law with the help of the *Decree* of Gratian, and theology with the help of the *Theologia* of Abelard.

This fact is well attested by Master Roland. We have from him a *Summa Decreti* and a book of *Sentences*, precious works, since they are by a professor of Bologna who, in 1150, became a cardinal of the Roman Church, and, in 1109, pope under the name of Alexander III. The *Summa Decreti* or *Stroma* is earlier than 1148; the *Sentences* were written during Roland's teaching in Bologna, but were published in Rome after his elevation to the cardinalate. We have good editions of both works. Fr. Gietl has published the *Sentences*, with a commentary which is a model of the genre. It is seen, with some surprise, that Roland, without being a disciple of Abelard, and while departing on several important points from the teaching of the professor of Paris, depends to a very real extent, for example for the Trinity and the Redemption, on the *Theologia*.

The *Summa Decreti*, of which we have an edition by Thaner<sup>162</sup>, has so far only interested canonists. Theologians, however, have something to gain from it. For example, on the question of the validity of the sacrament of order, Roland is the first to formulate a doctrine which was to find great credit in schools for a century.

This very particular doctrine is hitherto unknown, because it is contained in a text which has the disadvantage of having been badly established by Thaner, and of containing a gap which has not been interpreted. This piece is as follows:

Quaeritur an renuntians suae haeresi in sua dignitate sit recipiendus.

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162 F. THANER, *Dic Summa Magistri Rolandi nachmals Papstes Alexander III.* Innsbruck, 1874.

Notandum quod haeticorum episcoporum (a) alii erant<sup>163</sup> ordinati a catholicis vel qui potestatem ordinandi habent. - (a?) alii vero minime<sup>4</sup>.

Item, -(b) alii sacramenta ecclesiastica in forma Ecclesiae praestant. - (b') alii non.

Item eorum qui ab haeticis ordinantur - alii contemptis catholicis episcopis ad eos currunt, - alii vero violenter trahuntur.

SOLUTIO. - § i. Quicumque violenter § a. Qui vero (a') a non ordinato, - (b') attractus - (a) ab haeticis a catholicis) vel extra formam Ecclesiae, per ordinatis, - (b) in forma Ecclesiae ordinati violentiam tractus, ut dictum est, sunt, (si esse postea cum eisdem minime ordinatur, hic, si alias dignus fuerit, ut consenserunt, et quam citius potuerunt, abita dicam, *reordinabitur*.

eorum se collegio segregaverunt) in collatis

ordinibus perseverant, et, si digni inventi fuerint, ad superiores provehantur.

g3. Qui vero non coactus sed ultroneus ab haetico ordinatur, hic nimirum, de rigore iuris absque indulgentia degradatur, sed de misericordia in proprio ordine, sine spe promotionis recipitur<sup>2</sup>.

Roland, having to deal with the value of the ordination conferred by heretical bishops, begins by distinguishing the elements of the question, which for him are three in number: 1. the quality of the heretical consecrator. The latter, in fact, either was consecrated, before falling into heresy, by a Catholic bishop, that is to say, having the power to ordain; or was consecrated by a heretical bishop, that is to say, not having this same power to ordain; 2. the mode of ordination: this can be done according to the form prescribed by the Church or outside this form; 3. the dispositions of the orator: the latter can receive ordination willingly or only by force.

Roland first considers the case where Ferdinand allows himself to be ordered as a result of violence done to him. These are §§ i and 2. But this case has two opposite solutions; according to the first, that of § i, the ordination is valid. It is when the following two conditions are fulfilled: 1. when the consecrating bishop has been ordained by Catholics, who have

and bears the number 63; D = Cod. Ms. Sav. 14 of the Savigny collection of the Royal Library of Berlin. Now the lesson *erant ordinati* is that of the manuscripts S<sup>1</sup>, B, and moreover, it is indicated in the margin of S<sup>2</sup>, which, in the text, gives *curant ordinari*. Thus our lesson is provided by three manuscripts, while the lesson adopted by Thaner is found in only one. Moreover, S<sup>1</sup>, which gives *erant ordinati*, is the best manuscript. This last lesson is therefore necessary.

1. The meaning of this second member is thus this: "alii vero minime, *id est ordinati sunt ab haeticis vel qui potestatem ordinandi non habent*". It follows from this that *catholicus episcopus = episcopus potestatem ordinandi habens* and that *haeticus episcopus = episcopus potestatem ordinandi non habens*. The nature of this *potestas*

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163 I have written *erant ordinati* instead of *curant ordinari* in Thaner's text. This correction is justified thus. The text of Thaner is incomprehensible, for what idea is there of heretical bishops who "curant ordinari a catholicis". The lesson *erant ordinati* is provided by the manuscripts. Thaner uses three manuscripts: The first, S<sup>1</sup> = Cod. H. B. VI Jur. et polit. 62 from the Royal Library of Stuttgart; the second, S<sup>2</sup> belongs to the same Library and to the same collection

*ordinandi* will be determined later.

2. *Die Summa Magistri Rolandi*, p. i5.

the power to ordain; 2<sup>0</sup> when the ceremony has been performed according to the prescribed form. In this case, the Church will be able to recognize the ordination made by the heretical bishop and allow the cleric thus ordained to exercise his order. But let it be clearly understood that these two conditions are *de valido*, not *de licito*. This is because they are opposed to a condition of *licito* formulated at the same time: "si esse postea cum eisdem minime consenserunt et quam citius potuerunt ab eorum se collegio separaverunt". Roland thus indicates two conditions of *valido* and two others of *licito*.

According to the second solution<sup>164</sup>, that of § 2, the ordination is null. This is the delicate point. This text mentions two causes of nullity. The second (6<sup>Z</sup>) is the lack of the prescribed form, the same one which appears in second place in § i and in the prelude. The first cause of nullity (*a*) consists in the fact that the ordination was conferred *a non ordinato (episcopo)*. How is this expression to be understood?

## II. - A text to interpret or complete.

An explanation immediately presents itself. The expression *non ordinatus* is understood to mean a minister who has not received any kind of episcopal ordination, either real or apparent. Obviously, such a translation does not, to the point offrom the theological point of view, there is no difficulty. An unordained bishop is not a bishop, and the pretence of ordination which he may engage in is of no value, so that all that such a person has thought to do is not to be begun again, but to be begun. Such a translation would therefore be convenient. Unfortunately it is unacceptable.

In the first place, it is unlikely that a canonist as practised and as concerned with brevity as Roland would have taken the trouble to formulate such an obvious truth. In the second place, this

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<sup>164</sup> The third solution is relative to the case where it is very freely (jue l'ordi- nand submits to the ordination of a heretical bishop whoever he may be, i.e. ordained or not by Catholics. Here Roland makes no distinction. Since this cleric, acting freely, commits a very serious fault, in all rigour of law, he should be completely degraded; but by mercy, he may be allowed to exercise the order which he has previously received: "in proprio ordine" is opposed to "in collatis ordinibus" of § i.

This explanation is belied by Roland's compositional habits. He only includes as an essential element of a solution hypotheses previously formulated in the prelude<sup>165</sup>. However, the hypothesis of the absolute lack of ordination is not found in the preliminary distinctions. The expression *a non ordinato* cannot therefore be understood as an absolute lack of ordination. These words, which seem simple, cover an idea which is to be found again.

Here is the solution which seems most probable. We have seen that § i formulates two conditions for the validity of heretical ordination. The first is that the heretical consecrating bishop must have been consecrated by Catholics. *Consequently, from § i follows this conclusion that the ordination made by a heretic consecrated by a heretic is null. Is it not this cause of nullity which is formulated by the words a non ordinato?* One reason to believe this is that Roland's discussions are didactic and of a very rigorous plan. They form a - coherent and strongly connected system. In a prelude, Roland - distinguishes various hypotheses; in the conclusions, he gives the solution answering each of them. But the prelude and the conclusions contain exactly the same hypotheses. Thus the necessity of the prescribed form is mentioned in the prelude and in §§ i and 2. The quality of the consecrator (whether ordained by Catholics *or* by heretics) is mentioned in the prelude and § 1. It must be mentioned in § 2.

From then on two hypotheses are possible: i° either Roland's text contained "*a non ordinato a catholicis*", the last two words having fallen into the manuscript from which the present texts depend<sup>166</sup>; or 2° Roland thought that the plan of his discussion was clear enough to allow him this suppression<sup>167</sup>.

Understood in this way, Roland's text is completely in the didactic and rigorous manner which is his. No other interpretation can have the same advantage, because it will necessarily introduce in § 2 a hypothesis which is neither considered in § 1, nor formulated in the prelude. Under these conditions, on the one hand the geometrical form and on the other hand the incoherent content of the discussion would be in flagrant opposition. The interpretation proposed by us

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165 Cf. Roland's discussions quoted on pp. 30a-30\$.

a. Thaner admits that the three preserved manuscripts depend on a very close manuscript of each of them.

167 It could be said that in Roland's text the words "non ordinatus" refer to the bishop consecrated by bishops "non habentes potestatem consecrandi". Now according to the prelude to this distinction, *episcopis potestatem ordinandi non habens = episcopus haereticus*. These words 'non ordinatus' recur, with a different meaning, in the texts of Omnebene and Stephen of Tournai quoted below, p. 309, n. 3, and 345.

is therefore the only one possible.

It is immediately obvious what judgment to make of this doctrine. It contains both truth and falsehood. It is true that the form prescribed by the Church is necessary for the validity of an ordination. But it is false that an ordination is void if it has been made, according to the prescribed form, by a heretical bishop consecrated by a previously Catholic bishop. Ordinations made by heretical bishops according to the prescribed form are indefinitely valid; under these conditions, the transmission of the order can never be stopped. Consequently, it is not possible to consider such sacramental acts as harmful, nor to reiterate them, as Roland allows.

### III. - Application of the same doctrine to the Eucharist and to Penance.

That this doctrine concerning the conditions of transmission of the power of order is indeed that of Roland is verified by two other passages, one of the *Sentences*, the other of the *Summa Decreti*.

In the *Sentences*, Roland asks, "Utrum Eucharistia ab omnibus valeat celebrari sacerdotibus?" He answers:

Eorum<sup>168</sup> qui sacerdotum accipiunt consecrationem (a) alii consecrantur ab his qui habent potestatem consecrandi, - (a') alii non.

Item eorum qui consecrantur ab his qui habent potestatem, (b) alii consecrantur in forma Ecclesiae, - (b') alii non\*.

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168 M. GIETL, *Die Sentenzen Bolands*, p. 217.

SOLUTIO. - § i. Omnes ergo illi sacerdotes qui dicuntur cum non sint, - (aj) qui sunt ordinati ab his qui non habent potestatem consecrandi - (b') vel ab his qui habent potestatem, veruntamen non in Ecclesiae forma, minime prestant consecrationem; nullam habent potestatem, sicuti nec quilibet laicus, consecrandi Christi corpus et sanguinem.

§. a Qui vero, - (a) ab his qui potestatem habent consecrandi, - (6) et in Ecclesiae forma sunt consecrati, hi profecto L. Christi corpus et sanguinem habent potestatem consecrandi<sup>2</sup> ...

The identity of plan of this discussion relative to the Eucharist, and of the preceding one relative to the order, is manifest. The identity of content is not less so. Indeed according to Roland: *episcopus haereticus = episcopus potestatem ordinandi non habens*. If in the preceding text, we substitute the first term of equality for the second, we arrive at the doctrine that priests ordained by heretical bishops cannot validly consecrate the Eucharist. As we can see, this is the exact counterpart of the conclusions concerning order: bishops consecrated by heretics cannot validly ordain.

A similar doctrine is found in the *Summa Decreta* concerning the administration of the sacrament of Penance: priests ordained by heretical bishops previously ordained by Catholics have no power of absolution. This last conclusion follows, like the others, from the principle that in a priest or bishop ordained by a heretic previously ordained by Catholics, the power of order is bound, that is, practically null. It becomes effective only upon the reconciliation with the Church of the minister thus ordained. But all the acts performed by this minister before his reconciliation (ordination, masses, absolutions) are absolutely harmful and must be repeated.

Here is the text of the *Summa Decreti*;

Haereticorum<sup>169</sup> (a') alii sunt ordinati ab his qui habent potestatem consecrandi ut episcopi, - (a') alii non.

Item eorum qui ordinantur ab habentibus potestatem, - (b) alii ordinantur in forma Ecclesiae, - (b') alii vero minime L

SOLUTIO. - § i. Ordinati igitur g Reliqui vero \*... possunt<sup>3</sup>. (a') ab his qui potestatem ordinandi non habuerunt, - (//) vel ab his qui habebant, sed in forma Ecclesiae minime ordinabant, alios ligare vel solvere non valent.

According to this text and the equality *episcopus haereticus = episcopus potestatem ordinandi non habens*, only heretics who, before

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169 Die *Summa Magistri Rolandi*, p. xoo.

separating from the Church, had been ordained by Catholic bishops can be absolved. Thus, in these three passages where the conditions for the validity of the power of order are concerned, Roland's discussions present the same plan and the same content. This is a new verification of the interpretation given above of the first passage and of the formula *a non ordinato*. We see that Roland has no idea of the actual doctrine on the necessity of jurisdiction, for the validity of the sacrament of Penance, except in *casus necessitatis*.

#### IV. - The principle of Roland's doctrine.

How to explain this doctrine of Roland? He himself gives us the theory. In the *Summa Decreti*, the author wants to explain the canons "quibus sacerdotalia ac clericalia officia monachis interdicta probantur". He writes:

Verum et adhuc aliter ea reputo fore solvenda. Notandum est enim quod ad sacerdotalis dignitatis amministrationem, duo sunt necessaria : *ordo et licentia ordinis exsequendi*\*. - Licentia enim absque ordine nichil confert; quamvis enim ab episcopo concedatur aut etiam iniungatur non diacono evangelica lectio, nondum sacerdoti missarum celebratio, erit tamen eis semper illicitum, quousque diaconii vel sacerdotii fuerint adepti officium. - *Item ordinatio quoque praestita absque licentia exsequendi nichil quod ad hoc*

1. Roland adds: "Item ordinatorum ab habentibus potestatem in forma Ecclesiae - (c) alii tolerantur ab Ecclesia, - (c') alii reprobantur."

a. Roland adds "(c) dum ab Ecclesia tolerantur, possunt, - (c') reprobati vero non".

3. In the continuation of the discussion, Roland writes (*Ibid.*, p. 100): a Sacramenta ab haereticis in forma Ecclesiae ministrata effectu carere non possunt." In this place Roland does not mean all heretics indiscriminately, but only those who, according to his theory, have the power of order.

4. Cf. an identical distinction in Kuhn's text quoted on p. 3ia, where it is a question, in the same sense, of the *ordo* and of *Yexecutio ordinum*.

*speciat, conferre videtur cum eadem subtracta, etiam post longi temporis amministrationem, sacerdotes cessare protinus ab officio videamus. - Dici- mus ergo etiam monachis sacerdotibus interdictum absque licentia episco- porum suorum sacerdotalia celebrare mysteria \*

This passage contains a general theory, of which the conditions of validity of ordinations made outside the Church are merely a special case.

This theory is not new. It only implements, admittedly with much decision, the distinction of Hugh of Amiens between *sajcramentum* and *Vofficium*. Unlike today's theologians, Roland does not consider the sacrament of order as an indefinitely active power, provided that

it is exercised according to the form prescribed by the Church. For him, the power of order of a minister can be bound, rendered inactive, that is, practically null, by a decision of ecclesiastical authority. This means that Roland clearly subordinates the objective efficacy of the sacraments to the ratification of the Church or *licentia ordinis exsequendi*.

This explains why, for Roland, a priest who has been degraded or deposed *in perpetuum* cannot validly consecrate the Eucharist<sup>170</sup>, even though he uses the prescribed form. It is because degradation and deposition remove from the minister the *licentia exsequendi*, and do not leave him any more sacramental powers than a layman.

The same reason explains the conditions of transmission of the power of order. A particularly bizarre case, for the theologian of - today, is that of the bishop consecrated by a heretic who is himself consecrated by Catholics. As we have seen: (i) clerics ordained by such a bishop, even in the prescribed form, receive no vestige of ordination; everything happens absolutely as if they had received this ordination from a layman; (2)<sup>0</sup> however, this same bishop, if he returns to the Church, will not be reordained; he will simply be reconciled by a special ceremony. Thus in the first case, this person is treated as a layman; in the second, as a bishop; in the first case, he is *non ordinatus*; in the second, he is *ordinatus*. All this seems inconsistent and is not. Such a bishop had *Yordo*, but he lacked the *licentia ordinis exsequendi*, without which the order is practically void. But what of the heretical bishop previously ordained by the Catholics? Roland grants him the right to transmit *Yordo* or the sacrament of order.

In short, for Roland, only Catholics have the full *potestas ordinandi*. Thus it is only between Catholics that the uninterrupted and indefinite transmission of the power of order can take place. Between heretics, the transmission of the power of order is soon stopped, *ipso facto*, without the Church having to intervene, as it does in deposition and degradation.

The flaw in such a theory is immediately apparent. It is that of inconsistency. If the heretical bishop previously ordained in the Church can transmit *Yordo*, so can the bishop ordained by him, for between these two bishops there is no difference. Both are outside the Church. This argument is peremptory. It is the same one that Gan-

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170 Cf., on this subject, the texts quoted, p. 303, n. a.

dolph will employ to bring back, on this point, the true doctrine in the school of Bologna, but Roland does not seem to suspect this defect. The reason is simple. This theory was not invented and formulated by Roland. He thought he found it contained in texts of Urban II, quoted by Gratian\*, and did not allow himself to discuss it. The *Dicta* of Gratian<sup>171</sup> seemed to contain the same interpretation; moreover, it could agree very well with the theory accredited at the time of the effects of degradation; we must not look elsewhere for the origins of this singular doctrine of Master Roland.

What is even more certain is that this doctrine, far from constituting progress, was on the contrary a regression. It was a retreat from the teaching of Innocent II and Urban II. It was a move singularly close to that of Cardinal Humbert<sup>172</sup>. It was perpetuating and setting up as a system an error which, moreover, was very - understandable in Gratian. Yes, one may say; this is a scholastic teaching which only involves the authority of a canonist. It is true; but this canonist was one of the most influential professors of his milieu; and the School of Bologna was in the xn<sup>c</sup> century, the most active workshop of canonical jurisprudence. Finally, Master Roland became Chancellor of the Roman Church and Pope under the name of Alexander III. Such a master and such a school would give unforeseen credit to these new theories.

#### V. - The doctrine of Omnebene.

Master Omnebene, a professor of Bologna, is mentioned in a letter<sup>173</sup> of Pope Eugene III (i 1145-1153). He had been constituted a judge in a trial of the bishop of Bologna. He was still teaching under the pontificate of Eugene III. In 115<sup>^</sup> he was created bishop of Verona. As a bishop in Lombardy, he was placed in the main theatre of the struggle between the popes Adrian IV, Alexander III, and Frederick Barbarossa. Omnebene was not inferior to the great duties that were imposed on him. He remained faithful to Alexander III. At the height of the struggle, a few weeks after the destruction of Milan

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171 See above, p. 295.

172 Cardinal Humbert maintained the nullity of all ordinations made outside the Church. Maître Roland accepted this thesis, with a slight restriction: contrary to Humbert's ideas, he considered as valid (in the sense that has been said) ordinations made outside the Church by bishops, previously ordained by Catholics.

173 *P. L.* t. CLXXX, col. 1564-

(i<sup>er</sup> March 1162), Omnebene received a letter from Alexander III, who had taken refuge in Montpellier, praising his fidelity and recommending that he keep an eye on an archpriest and other people who, communicating with the supporters of the antipope, were harming faithful Catholics. In this letter dated 17 May, Alexander III alludes to the doctrine of Omnebene: "Quod utique quam sit indignum, et a tramite rationis extraneum, tanto tua discretio plenius novit, quanto ecclesiasticis et saecularibus disciplinis eruditus magis nosceris et instructus<sup>1</sup> ." He died in 1185.

Omnebene, professor of Bologna and contemporary of Roland, is to be credited with the *Abbreviatio Decreti* contained in manuscript 68 of the Frankfurt am Main Library, and the *Sentences* discovered by Fr.

These two works are still largely unpublished.

The *Abbreviatio Decreti* is anonymous. It is by comparing this work with information provided by authors of the xii<sup>e</sup> and xm<sup>e</sup> centuries, that Bickell attributed this work to Master Omnebene, who later became bishop of Verona<sup>174</sup>. When Fr. Denifle discovered the *Sentences*, which in the Munich manuscript bear the name of Omnebene, the question arose whether *V Abbreviatio Decreti* and the *Sentences* are by the same Master Omnebene. Fr. Denifle at first regarded the thing as very doubtful, then as very probable<sup>175</sup>. This change of opinion was not, for the learned critic, without relation to the desire to increase the role of the school of Bologna, which he had just discovered.

In reality, the question of whether the two works are by the same author has not yet been studied. What is certain is that the Omnebene of the *Sentences* was contemporary with Roland, whose *Sentences* he used. Another certain fact, hitherto unnoticed, is that the Omnebene of *Y Abbreviatio Decreti* was contemporary with Roland, whose *Summa Decreti*\* he used. These two facts having been established, one can only admit one Omnebene, a character who wanted, just like Roland and inspired by him, to publish *Sentences* and a commentary on the *Decree*.

These observations lead us to make Omnebene the contemporary and, very probably, the successor of Roland in Bologna. Fr. Gietl has already noted that it is with regard to the doctrine of the sacraments that Omnebene seems, in the disposition of his work, more independent of Roland<sup>176</sup>. This remark must be extended. It is not only as to the disposition, but also as to the content of the doctrine of the sacraments that Omnebene is independent of Roland. For example, as to the conditions of validity of the sacraments, Omnebene teaches the actual doctrine; moreover, he mentions, in order to dismiss it, the doctrine of Roland. No doubt, in accordance with the habits of that time, Roland is not named, but his doctrine is perfectly recognizable:

[P. 63, col. a] De<sup>a</sup> hereticis et scismaticis queritur si possunt baptizare et *ordines dare* et corpus Domini conficere... [Sed tenendum est quod heretici et scismatici baptizant et non est baptisma eorum reiterandum, quia sacramento non est facienda iniuria et *ordinant* et consecrant corpus Domini, sed ad perniciem suam. Auctoritates

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174 V, L' t. CC, col. 144.

175 Cf. the already quoted work H. DENIFLE, *Die Sentenzen Abaelards* etc., in *Archiv* etc., vol. I, pp. 468 and 621.

176 M. GIETL, *Die Sentenzen Rolands*, j". LVI.

quae videntur contradicere lo- cuntur de his qui alia forma baptizant et consecrant quantum ad suam opinionem... Alii dicunt quod quantum in se est non consecrant neque ordinant, id est indig [P. 66, col. i] ni sunt ista facere quod verum etiam de malis sacerdotibus qui tamen catholici sunt...

Alii dicunt : omnes auctoritates que dicunt hereticos et scismaticos posse ordinare et corpus Domini conficere, loquuntur de his qui tollerantur ab ecclesia; ille que negant loquuntur de illis qui depositi sunt sine spe restitutionis, vel de his qui sunt ordinati ab his qui non potuerunt ordinare.

There is no doubt that the second "alii dicunt" contains the teaching of Roland, that is to say: i° the effects of perpetual deposition. As we have seen, according to Roland, this ecclesiastical punishment makes it impossible to exercise the power of order. 2° Omnebene then speaks to us of "de his qui sunt ordinati ab his qui non potuerunt ordinare". We remember the formulas of Roland. They are identical. This text of Omnebene thus has the advantage of confirming the interpretation given above of the doctrine of Roland.

Here is a passage from the *Sentences of Omnebene*.

De hereticis questio est, si possint conficere corpus Christi. Ita, sed hoc est ad damnationem suam. Item de simoniaciis eadem questio est. Dicimus quod ipsi etiam conficiunt corpus Domini; de illis dico qui sunt ordinati<sup>177</sup>.

The agreement is thus complete between the *Sentences* and *V Abbreviano Decreti* of Omnebene. On the other hand, the opposition is also complete between the doctrine of Roland and that of Omnebene. In the middle of the xu\* century, these two doctrines solicited the spirits in Bologna. Which one will win? No doubt Omnebene has tradition on his side. But he is a very small character, next to Master Roland who became a cardinal and a pope.

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<sup>177</sup> This passage from Omnebene is quoted in M. GIETL, *Die Sentenzen Rolands*, p. 217, n. 1.

## CHAPTER XVII

### THE TWO OPPOSING THEOLOGIES OF RUFIN AND GANDÚLPH.

The teaching of the school of Bologna, during the ten years following the elevation of Roland to the cardinalate, is represented by the *Stimma Decreti* of Master Rufinus of Bologna. This work, of which an excellent edition exists, is the first methodical and complete exposition of the *Decree*. It is also much more extensive than Roland's *Summa Decreti*. It is not a literal commentary and, as such, inseparable from the text of the *Decree*; it is a continuous explanation, but which does not exclude a great freedom of exposition. Rufino's *Summa* is a personal work, and best represents the teaching of Bologna at that time. It was probably composed between the years 1157 and 1139.

Rufin knows both of Roland's works and criticizes them, sometimes without regard. Who is the character who hides for us under the name of Rufinus? The editor of the *Summa*, M. Singer, thinks that he is a professor of Bologna, who later became bishop of Assisi, and who, in that capacity, attended the Lateran Council of 1179. The conformity of Roland's teaching with that of Rufino, on the point which interests us, shows that we are in the presence of a doctrine characteristic of the Bolognese school. The ideas of Roland are strengthened and developed in Rufino: they have taken on the form of a very coherent system.

#### I. - Rufin's doctrine.

Rufin gives a general theory on the ordinations made

by the heretics. This is Roland's theory, but this time with dazzling clarity.

First Rufin explains that an ordination can be said to be *irrita* in two ways:

Sed sciendum quod... ordinatio habetur irrita : quoad sacramenti veritatem, quantum ad officii executionem... Et quidem irrita *quantum ad veritatem sacramenti* illa est que fit præter formam ecclesiae vel a non habentibus potestatem ; irrita *quantum ad officii executionem* : ut illa, quae non fit a suo episcopo<sup>178</sup> .

An ordination is therefore *irrita quoad veritatem sacramenti*, that is, null, when it is made *a non habentibus potestatem*. Who are those who must be considered as *non habentes potestatem*? They belong to several categories. And first of all they are heretical bishops who were ordained not by Catholic bishops, but by heretical bishops.

Rufin writes<sup>179</sup> :

Qui vero apud haereticos ordinantur aut ab illis ordinantur qui ultimam manus impositionem in ecclesia susceperant, aut ab illis qui apud haereticos ultima unctione promoti fuerant.

Qui ergo ordinati sunt in ecclesia catholica, si postea in heresim labuntur, et eis ab hereticis eidem ordines non repetuntur, cum ad ecclesiam reversi fuerint, ex dispensatione ecclesiae in suis ordinibus recipiuntur, ita ut ulterius non promoveantur... ex maiori autem misericordia etiam ad ultiores gradus poterunt sublimari... Si apud haereticos reordinati sunt, cum ad ecclesiam redierint, nec etiam priores ordines retinebunt, ut habetur ex fine illius capituli...

Qui autem apud haereticos ordinati sunt, *si ab illis haereticis sunt ordinati qui ultimam manus impositionem*<sup>180</sup> *apud ecclesiam receperant*, vere quidem sacramentum ordinis susceperunt, sed executionem ordinis, vel virtutem sacramenti non acceptunt, quia neutrum in ordinatore erat ; nam utrumque ordinator perdidit, cum ab ecclesia recesserat : sacramentum ordinis quod adhuc retinuerat, ordinando dare potuerat. Ideoque si huius- modi ordinatus ad ecclesiam catholicam redierit, et eius persona ecclesia in\* diguerit, non reiterabuntur in eo ordines sed per benedictionem sacerdotis et invocationem S.-S. confirmabuntur... Et hoc totum quando in forma ecclesiae - ordinati sunt tales...

Si autem *ab illis hereticis ordinati sunt qui ultimam manus impositionem in ecclesia non susceperunt*, cum ad ecclesiam reversi fuerint, si necessitas vel

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178 H. SINGER, *Die Summa des Magister Rufinus*, D. LXX, *Ab episcopis alterius civitatis*, p. 161. In this place Rufinus reports the opinion of the canonists who - distinguish three kinds of *ordinatio irrita*; as for him he rejects the third: *ordinatio irrita quantum ad beneficii perceptionem*, because it is reduced to the second.

a. H. SINGER, *Die Summa des Magister Rufinus*, [G. I, q. i, c. 17], p. ao5.

180 That is, the episcopate.

OPPOSED THEOLOGIES OF RUFIN AND GANDULPH. 313 *utilitas* interpellaverit ut fungantur ordinibus, *in ecclesia iterum ordinabuntur ex novo*, quia a suis ordinatoribus non solum executionem ordinum vel virtutem sacramenti, sed etiam nec ipsum sacramentum receperunt. Et hoc est infra q. ult. cap. Daibertum.

Here Rufinus authorizes himself from c. *Daibertum*, that is to say from C. I, q. 6, c. 24. This *capitulum* of Gratian is the letter of Urban II on the subject of Daibert, quoted above. It is worth recalling the explanation which Gratian gave of the reordination effected by Urban II, and which has been quoted above. Gratian said that an ordination which does not involve anointing can be reiterated, and hence Daibert's ordination to the diaconate. On the contrary, the priesthood and the episcopate, which involve an anointing, cannot be reiterated. Concerning this solution of Gratian, Rufinus writes<sup>181</sup> : "Sic magister solvit, ut audis; utrum autem hec solutio potior sit illa, quam supra fecimus. Q. I. cap. *Qui perfectionem-*, arbitrio tuo, pie lector, examinandum relinquimus." Rufinus does not accept Gratian's distinction between the various orders; for him, the condition of validity of the various orders is the same. In the present case, Daibert's ordination would have been equally invalid, if Daibert, instead of being promoted to the diaconate, had been raised to the priesthood or the episcopate.

A second category of bishops *non habentes potestatem ordinandi* consists of certain excommunicated bishops:

Excommunicati ordinatorum alii in ipsa excommunicatione ordinati sunt, alii prius in Ecclesia catholica consecrati et postea excommunicati. Item qui ab istis posterioribus ordinantur, aut contempnentes ecclesiasticos episcopos ab eis ordinari vadunt, aut ex negligentia vel timore vel ex alia causa noc faciunt, aut, cum eis in scismate existentes, ab eis tanquam a suis episcopis ordines suscipiunt.

Si itaque ordinatorum tales sint, *qui in ipsa excommunicatione consecrati fuerint*, ordinatio ab eis facta omnimodo erit irrita : et quantum ad veritatem sacramenti, et quantum ad executionem officii. In quo casu intelligitur primum caput huius quaestionis.

Si autem prius fuerint *catholici episcopi* et postmodum per excommunicationem expulsi, ordinatio quidem facta ab eis nullo modo irrita esse poterit quantum ad sacramenti veritatem, sed erit vana quantum ad officii executionem<sup>3</sup> .

So with regard to the power of ordination, Rufinus classifies heretical and excommunicated bishops in the same way. Those who have been ordained in the Church can make valid ordination; the others cannot, for in them the power of order is bound *ipso facto* by the mere fact that they have been consecrated outside the Church. But moreover, like Roland, Rufinus admits that the power of order of a minister may be bound, rendered practically null, by the penalty of deposition promulgated by the Church. In this regard, Rufinus comes to distinguish between suspense and deposition:

Cum<sup>182</sup> tales [indigni] deponuntur, non quidem sacramentum absolute amittunt, sed quoad potestatem utendi illo sacramento : de cetero enim eo uti non poterunt. In officio sacerdotali duo sunt : usus et potestas. Item potestas triplex est : aptitudinis, habilitatis et regularitatis. Potestas aptitudinis est, qua sacerdos, ex sacramento ordinis quod accepit, habet aptitudinem cantandi missam. Potestas habilitatis est, qua ex dignitate officii, quam adhuc habet, habilis est ad cantandam missam. Potestas regularitatis est, qua ex vite merito, ex integritate persone, ex sufficiente eruditione, dignus est missam canere.

Sacerdos itaque aliquando in crimen labitur, sed tamen ab officio non suspenditur; aliquando labitur et suspenditur; aliquando labitur et non tantum suspenditur, sed etiam deponitur. - Quando labitur et non suspenditur, non quidem usum officii amittit, sed illa tertia potestas abiudicatur ei; non enim potest cantare missam ex merito vite. - Cum vero labitur et suspenditur, usum quidem officii perdit, sed habilitatis potestatem non amittit; de levi enim, scilicet simplici iussione episcopi, usum officii recuperare potest qui non perdidit dignitatem. - Si vero labitur et suspenditur et deponitur, usum utique officii, *cum potestate habilitatis* et regularitatis amittit, *sed - potestate aptitudinis eatenus nunquam carere potest, quatenus illud sacramentum ei dum vivit, deesse non potest\**.

This *potestas aptitudinis* is nothing other than the power of a bound or practically null order. We see that the canonists had

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182 *Die Summa decretorum des Magister Rufinus*, p. 210. Rufinus does not speak of the degradation. For him, the deposition is *in perpetuum*, and identical to Roland's *Vexau-toratio*.

a. The question of the validity of the sacraments is discussed in all its details by Rufinus, p. 309 of SINGER's edition; we read there, p. 211, on the subject of confirmation and the Eucharist: "Si igitur necessitatis et dignitatis ab haereticis celebrata sint, hoc est eukaristia et confirmatio, confirmatio quidem caret effectu, sed FORTE non caret veritate sacramenti. Eukaristie autem sacramentum nec etiam veritatem essentie apud hereticos habet ; nam cum hoc sit specialiter sacramentum unitatis, *apud catholice unitatis hostes confici non valet...* et ideo, nec etiam necessitate instante, aliquis de manu hereticorum conscienter debet communionem suscipere..." Here Rufinus departs from the teaching of Urban II and Roland, according to which the Eucharist can be validly celebrated outside the Church, by those who have been ordained by Catholics.

THE OPPOSING THEOLOGIES OF RUFINUS AND GANDULPH. 315 There is still much progress to be made in defining precisely the ecclesiastical penalties: suspense, deposition and degradation L

## II" - John of Faenza.

Between 1171 and 1179, John, bishop of Faenza<sup>183</sup>, composed a *Summa super Decretum*. This work is a plagiarism of those of Rufinus and Stephen of Tournai. For about half a century it had a success which contrasts with the minimal originality which can be recognized in it. This work was much studied in the schools, and made the books of Rufinus and Stephen of Tournai take second place. For ordinations, John of Faenza reproduces exactly the doctrine of Rufinus. Therefore, any quotation is useless<sup>184</sup>. It is better to indicate the theoretical justification which was given by John of Faenza, of the system of Rufinus. This explanation is not found in the *Summa super Decretum*, but was contained in the glosses of John of Faenza. The greater part of them has probably disappeared. But around 1186 they were used by the author of the *Summa Lipsiensis*<sup>185</sup>, who was probably writing in Paris. He writes about the decretal of Urban II concerning Daibert:

*Daibert uni\* etc. nihil habuit, id est nullam potestatem ordinandi habuit. QUBRITUR quare episcopus quondam catholicus - ordinem tribuit, et here- ticus<sup>186</sup> qui nunquam<sup>187</sup> fuit catholicus ordinem non tribuit, cum uterque ordinem habeat et neuter executionem ; item quid excommunicatus vel suspensus amittat in depositione. Ad hoc dicit [Iohannes]<sup>188</sup> quod innocens in ordinatione sua triplicem repetit potestatem : potestatem scilicet sacra faciendi; item potestatem iuris ex officio faciendi; item potestatem iuste faciendi. Ultimam perdit, cum in crimine labitur, mediam, cum suspenditur, primam, cum degradatur, ordine semper retento. Itaque quoniam catholicus, suspensus,*

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183 On this person and his work, see Fr. SCHULTE, *Die Geschichte der Quellen und Literatur des canonischen Rechts* etc., vol. 1, pp. 137 ff.

184 One can refer for example to the commentary given by John of Faenza of the decretal relating to Daibert, G. I, q. 7, c. 24 in the *Summa super Decretum* of the ms. P II 27 of the Royal Library of Bamberg, fol. 35 r.

185 On this *Summa Decreti*, see below, p. 334.

186 and 7. *Canonicus*, in the ms.

187 *Nunquid* in the ms.

188 John of Faenza.

cum ad hoc potestatem faciendi retineat, dare ordinem potest, sed potestatem iuris vel iustitiae quam non habet dare non potest. Item nec potestatem faciendi quam habet dare potest, quia *licet potestas faciendi sine potestate iuris in aliquo esse possit, non tamen sine ea incipere potest*, cum naturalis ordo sit ut ex officio quis incipiat consecrare posse, non e contrario. Sicut et omnia artificialia et figuia sine figulo vel artificio possunt esse sed non incipere, sic et perfectum coniugium sine mutua servitute esse potest sed non incipere. Cum itaque, ut ex premissis apparet, ordinator hereticus potestatem ordinandi non tribuat, ergo ab eo ordinatus potestatem ordinandi non habet : ergo nec potest dare ordinem. Quid ergo si cum isto qui solum ordinem habet dispensaretur? Per manus impositionem accipiet a catholicis quod ab hereticis nemo accipere potest, scilicet omnem ordinis potestatem... Hoc capitulum multum contra sententiam G[andulph] qui dicit impositionem manus *ambulatoriam!*

This Gandulph mentioned by the *Summa Lipsiensis* is a professor of Bologna contemporary of John of Faenza. He had the merit of recovering the true doctrine on the subject of the transmission of the power of order. But as we can see from the text just quoted, around 1186, the reordination of Daibert by Urban II was regarded as a decisive objection to Gandulph's very exact doctrine.

### III. - The life and works of Gandulph.

We now come to Gandulph, the theologian and canonist who brought the School of Bologna back to the true doctrine. Of this author neither the exact period nor his decisive role in the controversy with which we are concerned was known until now. Unpublished texts make it possible to arrive at certain and developed conclusions on these two points.

What is now known about Gandulph is due to the work of M. Schulte and Fr. The former studied Gandulph as the glosser of the Decree. He wrote: "Gandulph glossed the whole Decree, was used of all those who followed it, and shows a remarkable originality and novelty of conception. This quality, which made him express his opinion with entire freedom, sometimes earned him reproaches<sup>189</sup>."

In his already quoted article on the Theological School of Bologna, after speaking of Roland and Omnibonus, Fr.

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189 Fr. SCHULTE, *Die Geschichte der Quellen etc.*, t. I, p. '13a.

THE OPPOSING THEOLOGIES OF RUFINUS AND GANDULPH. 317  
writes: "However it is not only the two canonists above named who belong to this school, but, still another, whose name is not less often named than that of Roland: this is Gandulph, whom our modern - canonists know only by quotations from foreign writers, but not by books. We had no idea that this canonist was also a theologian, at Bologna, where he did not teach much later than Roland<sup>190</sup> ."

Father Denifle then points out four manuscripts of the *Sententiae* of Gandulph. Unfortunately, these four manuscripts belonged to a single collection, the National Library of Turin. They disappeared in a fire at the beginning of 1904<sup>191</sup> . The *Sententiae* of Gandulph are known today only by an extract or *Flores Sententiarum Magistri Gandulphi*, which was also pointed out by Fr. Denifle, in a manuscript of Bamberg<sup>192</sup> . Denifle's assessment: "Gandulph carries, to be sure, in his *Sentences* (which do not betray great speculation, but great patristic knowledge, in the manner of the older *Sentences*) more than one singular opinion; but he is, if I am not mistaken, outside the circle of Abelardian ideas<sup>193</sup> ."

When did Gandulph teach in Bologna? On this point, M. Schulte and Fr. Denifle are of a different opinion. While the former<sup>194</sup> , relying on certain expressions in Huguccio's *Summa Decreti*, is of the opinion that Gandulph was Huguccio's teacher, Fr. Denifle finds these conclusions beyond the texts alleged, and as we have seen above, he admits that Gandulph "did not teach much later than Roland." These two assessments are hardly reconcilable, for Roland having ended his teaching career about 1150, and Huguccio, his in 1190, there are forty years left for the two successive professorships of Gandulph and - Huguccio. This is a long time. But could we not find, in

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190 *Archiv für Literatur und Kirchengeschichte des Mittelalters*, vol. I (1885), pp. 621 ff.

a. At least they do not appear in *Y Inventario dei Codici superstiti*. This means that they are in a state that makes them unusable.

192 (Test manuscript B. IV. 39 of the Royal Library of Bamberg. The *Flores sententiarum* can be found on fol. 126 "b-i42" b.

193 *Archiv für Literatur und Kirchengeschichte des Mittelalters*, 1.1, p. 622.

194 Fr. SCHULTE, *Die Geschichte der Quellen* etc., vol. 1, p. i56, n. 2.

the works of Gandulph, some clue to the time when he was teaching?

In the *Sententiae* there is a thought of Petrus Manducator<sup>195</sup>. This is an indication which cannot be neglected. Father Denifle dismisses it, because he admits that the *Flores sententiarum* of the manuscript of Bamberg give, with the text of Gandulph, additions made by subsequent authors. But on what proof is this feeling based? None is given. Now a priori and in the absence of any reason to the contrary, one must admit that the *Flores sententiarum* give exclusively extracts from Gandulph. We can see how this quotation from Petrus Manducator is likely to strengthen the sense which Mr. Schulte recognized in certain passages of Huguccio. Petrus Manducator was chancellor of the School of Paris from 1164-68 to 1178<sup>196</sup>. Consequently Gandulph could well have quoted him around 1170, and have been Huguccio's teacher.

These inferences are further verified by the fact that the *Summa Lipsiensis* cites John of Faenza and Gandulph as its principal authorities. In important theses, these authorities are often cited in favor of opposite conclusions, and it is Gandulph's opinion that is followed. Now an unpublished work, which will be discussed, summarizes Gandulph's discussion of a system of John of Faenza. All this can be explained as follows: John and Gandulph were contemporaries. Each of them wrote a *Summa Decreti*, but John's appeared first and quotes Gandulph at least once. As for the *Summa Gandulphi*, it discussed the opinions of John. It is from this work that both the author of the *Summa Lipsiensis* and the author of the unpublished work that will be discussed shortly made use of.

A manuscript in the Royal Library of Bamberg contains a rather extensive treatise to which M. Schulte has given the title: *Anonymi quaestiones decretales ad compilationem I compositae c, a. 1190*<sup>197</sup>. Schulte places the composition of this work a few years after 1190: "The author has a broad legal education. His writing is valuable and provides the most comprehensive discussions of that

195 Cod. B. IV. 29 of the Royal Library of Bamberg, *Flores sententiarum Magistri Gandulphi*, fol. 131 "a": "Petrus Manducator, in sermone cui incipium est *Qui habitat in adiutorio Altissimi* etc. Notandum quod novissima carnis nostre sint quinque, materia vilis, actus humilis, ingressus febilis, status difficilis, [fol. 131"D] egressus horribilis." This text is found in PETRI COMESTORIS *Sermones, P. L.*, t. CXCVIII, coi. 1757.

196 Petrus Manducator (Comestor) appears in the acts as chancellor of the University of Paris, from 1168 to 1178. His predecessor Odo signed an act in 1164. This information is taken from H. DENIFLE and E. It is a very good example of the use of the term "theology" in the context of the history of the Church.

197 This manuscript, with the symbol P. II. 4", belongs to the Royal Library of Bamberg. It is analysed and described on pp. 58-64 in the following article: Fr. SCHULTE, *Literaturgeschichte der Compilatioenet antiquae*. In the same place Mr. Schulte indicates two other manuscripts of the same work.

time, on the issues addressed<sup>198</sup>. " Who was this author? Mr. Schulte has neglected to study the question. Here is a piece of information. The author was writing in France; he wonders whether a concession made by the bishop of Paris is valid for the diocesans of Chartres<sup>199</sup>. On the other hand he was very familiar with the literature of the Bolognese school, especially Gandulph and John of Faenza.

Here is what we read in the manuscript. The author first reports the opinion of John of Faenza, according to whom the Eucharist cannot be consecrated by heretical priests who have the power of order. He adds: "Opinioni G. in hoc et in premis- sis consentimus ut generaliter sive heretici sive depositi si con- fitiant et in forma, verum esse corpus Christi, sic et si ordinent veritatem ordinis collati habereL" Who is the author designated by the initial G.? This sign usually designates Gandulph, in the glosses and the *Summae Decreti*<sup>^</sup>. This general reason would thus be quite sufficient. But it can be confirmed again, by showing that the doctrine lent to the Magister G. of our manuscript, is exactly that which the glosses attribute to Gandulph<sup>200</sup>. Finally the Magister G. of the *Summa Lipsiensis* is - certainly Gandulph<sup>201</sup>. Now a characteristic word which the *Summa*

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198 Fr. SCHULTE, *op.cit.* p. 64.

199 Cod. Bamberg, P. II. 4 "f<sup>o</sup>L<sup>a</sup> 9<sup>a</sup> > sub fin", contains, with regard to indulgences: "Item queritur utrum huiusmodi remissio facta a Parisiensi sit generaliter ad parrochianos Carnotensis, etc." At a pinch, the manuscript could only have been copied in France, in Chartres or in Paris, and the copyist would have substituted these names of city to those which were in the original. In any case, there are other mentions of Chartres and Paris in the canonical literature of this time. H. SINGER, *Beitrage zur Würdigung* etc., p. 4r3, gives a text of the *Summa Monacentit 1608k* where these two cities are mentioned. This *Summa* is regarded by Mr. H. SINGER as belonging to the French school (*op. cit.*, pp. 438-446).

200 Thus Gandulph's doctrine of degradation, as given in the glosses quoted below, p. 354, n. 2 and 3, agrees perfectly with that which the ms. P. II. 4 attributes to G.

201 *Die Summa Decreti Lipticntit*, pp. 42-44.

*Lipsiensis* attributed to Gandulph is attributed by our text to Magister G<sup>202</sup>.

#### IV. - The doctrine of Gandulph.

The author recalls first the opinion theology that we con-  
We know well that

the transmission of the power of order, which can be done by a heretic ordained in the Church, stops completely with a heretic ordained outside the Church. The latter possesses the episcopal order, but in him the power of order is bound and as it were immobilized. Now it is against this theory that Gandulph has created a very happy and hitherto unknown word: *ordo est ambulatorius* :

Eccontra vero dicit Magister G[andulphus] *ordinationem esse ambulatoriam*, ab eo qui ultimam manus impositionem accepit in ecclesia et post- modum lapsus est in heresi[m], et talis ordinavit alium et, a secundo in ter- cium et sic usque in [in]ninitum; quia non est ratio quare primus possit ordinare magis quam secundus, cum neuter habuit, tempore ordinationis, executionem et uterque habuit ordinationem ; nec enim ex olim habita exe- cutione confert in ordinationem, nam primus censura degradatus, qui ordinem retinet ex olim habita executione, posset ordinationem conferre, quod tamen secundum Jo[hannem]<sup>203</sup> non est verum. Immo *presens status, scilicet status temporis ordinationis est inspiciendus*<sup>1</sup>. Unde sicut primus ratione ordinis quem habuit, non autem executionis quam tunc non habuit, ordinem confert, sic et secundus ratione sui ordinis ordinationem confert, sic et tertius et usque in infinitum \*.

One could not have wished for more expressive formulas, nor a better reason. As for the absolute power to ordain, there is no difference between the heretic of the first degree and that of the second, between the deposed bishop and the one who is not. The order conferred according to the prescribed form is *ambulatorius ad infinitum*.

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202 The ms. of the *Summa Lipsiensis*, Cod. 986 of the Library of the University of Leipzig, contains, fol. 104'a, About c. *Daibertum* [C. I, q. 7, c. 24]: "Hoc capitulum multum contra sententiam Gandulphi qui dicit impositionem manus *adulatoriam*." Obviously this is a false reading of the word so colorful and so happy attributed to Magister G. by the manuscript P. II. 4 of Bamberg, fol. 29'a: "E contra vero dicit Magister G. ordinationem esse *ambulatoriam*."

203 John of Faenza.

Gandulph then completed his discussion by invoking, in favour of his thesis, the authorities of the *Decree*. He points out that the letter of Urban II to Lucius of Pavia makes no distinction between heretics: the pope, he says, acknowledges that the sacraments administered by them, according to the prescribed form, have the *forma sacramenti*. This was to ruin the distinction which is the basis of the system of Roland, Rufinus, and John of Faenza.

Præter has etiam rationes suam sententiam suis auctoritatibus confirmat<sup>204</sup> : Dist. XXXII *Kerum*. [3<sup>A</sup> Pars] Ibi<sup>1</sup> enim loquitur Urbanus de sacramento ordinis, baptismi et heucaristie dicens huiusmodi [sacramenta] formam generaliter habere, id est veritatem et integritatem, non effectum virtutis nisi per manus impositionem; et ibi generaliter dicit de hereticis. ergo de quibuslibet est intelligendum.

Is this interpretation of the letter to Lucius of Pavia correct? Certainly, in the main! But one can only agree with Gandulph when he interprets the decisions of the Council of Piacenza of 1095.

Item evidenter exprimit<sup>205</sup> [C. IX, q. i.c. 5] *Ordinationes*<sup>206</sup> ubi expresse loquitur de ordinalis ab hereticis heresiarenis qui ultimam manus impositionem extra ecclesiam acceptperunt, dicens de talibus quod eorum ordinatio erit irrita; et quod de extra ecclesiam ordinalis heresiarchis loquitur innuit id quod sequitur in eodem capitulo, scilicet *qui vero ab episcopis quondam catholice ordinatis* etc. Per illud *vero* perpenditur quod [cum] de aliis premiserit, de aliis subiungat; alioquin illud *vero* non esset adversativum; a talibus ergo facta (est) ordinatio, ut ibi dicitur, irrita erit. Ergo aut erit irrita quoad veritatem aut quoad executionem. Sed quoad veritatem nequaquam, quia probata ignorantia amittitur officii exequio ut ibi; ergo irrita est quoad officii executionem; ergo manifestum est eum qui ultimam accepit manus impositionem extra ecclesiam, si ordinet, ordinationes conferre. Illud capitulum *Daiber- tum*<sup>1</sup> et que eo modo loquuntur, intelliguntur de hereticis preter formam ordinantibus vel de illis qui nunquam erant ordinati, non autem de depositis vel de his qui ultimam manus impositionem acceperunt [extra ecclesiam], et ubicumque talium ordinatio dicitur irrita, intelligitur quoad executionem, non autem [quoad] veritatem.

After this, it will come as no surprise that Gandulph rejects the theory of Roland, Rufinus and John of Faenza on the effects of deposition and degradation. For him, these ecclesiastical penalties - can in no way bind a minister's power of order. Between them and suspension, there is only a difference of degree. Therefore, all sacraments conferred by a deposed or degraded minister are valid:

Item queritur quid suspensus amittat in depositione, qui nisi ordinem nil h a beat, qui amitti non potest. Secundum G[andulphum] solam executionem quam prius temporaliter [amiserat] amittit perpetuo... secundum G[andulphum] potestas

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204 Substitute subject: *Gandulphus*.

205 Substitute subject - *Ur bonus II* -

206 These are canons 8-12 of the Council of Piacenza cited and discussed above.

aptitudinis vel potestas faciendi, que eadem est, nunquam amitti potest, *et ideo ordo usque in infinitum est ambulatorius* .

Here again we find the expression coined by Gandulph to say that the power of order cannot be bound.

Gandulph found the decisive reason to fight against an unjustified doctrine, accredited for too long. No doubt he was not immediately successful. But his teaching is a milestone in the history of theology, not only in the School of Bologna, but also\* in all the schools of the late xn<sup>e</sup> century.

If Gandulph's theology was not immediately successful, the reason was, first, that the habits of the school were too strong to be changed at once, and, second, that there were some weak points in the teaching of the Bologna professor. Thus, as a reaction, Gandulph exaggerated, to the point of distortion, the true idea he had just conquered. He had affirmed the objective efficacy of the sacraments, and, in the case of baptism and order, he had shown that these sacraments produce in the soul, independently of the dispositions of the subject, an effect which, persisting in the soul, prevents the repetition of these rites. But in pushing this truth to the limit, Gandulph did not make the necessary reservations. For example, there is at least one disposition that is required in the minister of baptism, and that is the intention to administer the sacrament. Now Gandulph, exaggerating the objective efficacy of the sacraments, declares that this intention is not necessary, and that the material action of baptism is sufficient<sup>207</sup>. Moreover, he applies his theory to the subject who receives the sacrament: in this subject, no intention to receive the sacrament would be required; for this subject can receive baptism in spite of himself, or in a complete state of unconsciousness, such as sleep, and yet be really baptized. Like the first, this second assertion is contrary to the most assured conclusions of theology. The Professor of Bologna has gone from one extreme to the other. This is quite understandable. Is it not in the nature of all reactions to be exaggerated and dangerous?

i. *Ibid.*, p. 54, n<sup>o</sup> a3: " c. 3i, D. IV, *De consecr.* ad 'verbum *approbandus* ; " G. dicit etiam ita baptismum conferri [scilicet *ficte* datus]. Quid autem si invito? Quid autem si dormienti? Dicit quoque quod et illis baptismus confertur. Numquid enim, si postea consentiant, illi sunt rebaptizandi? Certe non, sed nunquam consensus eos fecit esse baptizatos. Sed de hoc dubitatur magis, an sint cogendi permanere fideles. G. dicit,

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a. Fr. SCHULTE, *Die Glosse zum Decret* etc., p. 53, n<sup>o</sup> 17: "c. 3i, D. IV, *De consecr.* Arigumentum] quod baptizatus est quem sine intentione baptizandi baptizo. G. )" This gloss is taken from ms. 90G (early xm<sup>e</sup> century) of the library of the city of Trier.

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ita, *ar^umenium*] Dist. XLV, De *Judaeis*, [c. 5J."

## CHAPTER XVIII

### PUTTING BOLOGNA THEOLOGY INTO PRACTICE BY THE CURIA.

These discussions in the second half of the twentieth century<sup>e</sup> were not only theoretical in character. Under the pontificate of Alexander III (1159-1181), ordinations made outside the Church did not exist only in the thought of canonists or theologians; they were one of the realities which the persistent schism of the antipopes Victor IV, Paschal III, Calixtus III and Innocent III, imposed most strongly on the attention of Catholics. Either in groups or individually, clerics of all orders ordained by these figures returned to the Church under the pontificates of Alexander III and Lucius III. How were these clerics to be treated?

#### I. - The theory of the "ordinatio catholica" in Cardinal Laborans.

Cardinal Laborans, born near Florence, studied in Paris, where he obtained the title of master, and then travelled to France, Germany, Italy and Sicily. In 1183, his authority as a canonist led to his being elevated to the cardinalate by Alexander I. His death occurred after 1189. In 1182, after twenty years of work, he completed a *Codex compilatorius* which was intended to be a recasting of the *Decree of Gratian*, in a more systematic or didactic framework. This work had no publicity. But it informs us about the ideas of the curia, at the time of Alexander III.

Let us consult Cardinal Laborans on the conditions of validity of the sacrament of order. First of all, he recalls the solution of

Gratian and criticizes it. It will be remembered that, according to Gratian, the episcopate and the priesthood can be conferred outside the Church, but not the lower orders. The cardinal writes:

Sed mirum tamen est, haereticum posse cuique tribuere maxima et non vero posse diaconium et quod infra. Si nou potest minima, quomodo poterit maxima? Quapropter aut diaconus (ais) ordinari valet aliquis ab haeretico, aut non episcopus neque sacerdos.

Distinguunt aliqui sic : Haereticorum aliquis ordinatur foris ab haeretico, alius intus a catholico et postmodum fit haereticus.

Qui vero foris ordinatur *vel ab illo qui ultimam, manus impositionem receperat in Ecclesia*, ultima unctione promotus, ordinatur, sacramentum accipit ordinis, non autem ordinis executionem, id est, virtutem sacramenti, quia iam in dante virtus illa non est. Qui sic ordinatur, post reditum, non in eo reiterabitur ordo, sed, si oportet, per benedictionem sacerdotis et invocationem Spiritus Sancti, confirmabitur. Unde *Ordinationes*, tit. XVI; *Convenientibus*, tit. XXIII; *Ab excommunicatis*, supra P. III, tit. III; *Quod quidquam*, supra. Praeter formam tamen Ecclesiae, nec sacramentum accipit aliquis ordinis, veluti nec baptismi.

Porro si ab illo suscepit ordinem qui foris ultima est promotionis unctione perfusus, si necessitas vel utilitas interpellat, ordinabitur ut non hactenus ordinatus, quia nedum ordinis executionem virtutemve sacramenti, sed nec sacramentum suscepit ordinis. Unde *Daibertum. Qui perfecte*, supra<sup>1</sup>.

This is exactly the teaching of the Bologna School.

The cardinal then expounds a different theory, according to which the sacraments administered outside the Church in the prescribed form are real and cannot be repeated:

Aliquibus autem videtur utrumque possibile, ut videlicet *ab eo qui est novissime foris inunctus* et minima tribuantur et maxima, sed alterum non deputabile; ut de Maximo dictum est qui tamen canonice fuisse creditur ordinatus, supra libr. X, cap. *Propter*. Nam et Dominus qui cum segete zizania *cognoscit* in area, eisdem zizaniis est dicturus : *Tamen dico vobis nunquam novi vos* ; item filios Abrahae Iudaeos non deputat filios Abrahae. Dicit etiam illos *ex Deo non esse*, cum tamen dicat Apostolus, quoniam *ex ipso per ipsum et in ipso sunt omnia*. Sed idem Apostolus ait : *Sine caritate nihil sum*, cum reprobis sine caritate sit animal. *Imperiali* supra libr. !.- p. VIII, tit. XIV

This is to give an excellent thesis a very poor demonstration. So we are not surprised by the final conclusion:

i. The cardinal then raises this objection: "Quid igitur illud Augustini est: *sic inquit, redeunt non redditur quod foris habebat, sic venienti repetendum non est quod foris acceptat*. Supra cap. *Quod quidam*. [Resp.] : sed hic nihil accipit."

a. InP. L' t. CCIV, c. 889 ff. (in note).

" Ast in omnibus id videndum quod sacrosanctae videtur Ecclesiae." No doubt, but it was impossible to say more clearly that the Church of his time had no firm doctrine on this question. Indeed, would one understand such a way of speaking in a cardinal, an authorized

canonist of the curia, if the latter had decided to take a clear stand? The passages just quoted predate the treaties of Anagni and Venice. They show the wisdom of the decisions which were taken at that time.

## II. - The peace of Anagni and Venice.

The facts from which the long schism which divided the Church during the pontificate of Alexander III arose are well known. The five years of the pontificate of Adrian IV (1154-1159) had brought into conflict the equally lofty and irreducible claims of the pope and Frederick I of Germany. The rupture, which had become inevitable between the papacy and the empire, was further aggravated by the vacancy of the Holy See at the most acute moment of the crisis. The Roman Church and the German party came into conflict over the papal election. Hence two elevations, those of Alexander III and Victor IV.

Frederick I hesitated all the more to support Victor IV, as the chosen one of the Roman Church was particularly odious to him. Alexander III was Master Roland, the former professor of Bologna, who had become a cardinal in 1150, the same one who, at the diet of Besançon, in October 1137, had defended before Frederick I, the most extreme theories of Adrian IV. Thus the schism was immediately consummated. As the causes were political, this situation lasted until events changed the balance of the parties. These events were the disasters of Frederick I before Rome, in July 1167, and at Leg-Nano, in May 1176. Alexander III had contributed powerfully to the final success by his perseverance and diplomacy.

During the peace negotiations, the fate of clerics ordained during the schism constituted one of the greatest difficulties to be settled. Already during the schism this question had been discussed by the German party. At the Diet of Wurzburg in May 1165, the imperial chancellor, Rainald of Dassel, demanded that the as-

The whole country, kings, nobles and bishops, promised by oath never to recognize Alexander III, and to remain faithful to Paschal III. It was to forbid himself any return to the past. Now the chancellor who made this proposal, archbishop-elect of Cologne, was still only a deacon; he was delaying indefinitely the time of his episcopal consecration. It was said to be a political move, so as not to commit himself fully to the schism, and to reserve the chance of a reconciliation with Alexander III. In the opinion of all, an ordination received in the schism constituted, with respect to Rome, an unforgivable provocation and the definitive rupture. It was for these very reasons that the German bishops, pushed to the limit by the chancellor, demanded that he give a token of his feelings by being ordained\*. The chancellor gave in, but asked that the king swear an oath never to abandon the bishops thus ordained<sup>208</sup>.

The emperor kept his word. In the peace of Anagni (November 1176) concluded between Frederick I and Alexander III, we read, in article 10:

Universi etiam ordinati a quondam catholicis vel ab ordinatis eomm in Teutonico regno restituentur in ordinibus suis taliter susceptis<sup>209</sup>.

This article is reproduced with the insignificant addition: "nec occasione huius scismatis gravabuntur", in the peace of Venice<sup>210</sup> of May 1177. The language of the Bologna School is recognizable. But the addition of the words "ab ordinatis eorum" constitutes an extension of the doctrine of Roland and Rufinus. The curia - recognized as valid ordinations made *extra Ecclesiam* by a bishop consecrated *extra Ecclesiam*, by a previously Catholic bishop. On this point as on others, Master Roland, who became pope under the name of Alexander III, did not follow the principles he had taught at Bologna.

An article of the peace of Venice was thus worded, "Gero tune dictus Halberstatensis deponetur et Ulricus restituetur."

This is the ecclesiastical situation in the diocese of Halberstadt in Saxony. Bishop Ulrich of Halberstadt had been elected at the end of 1149<sup>ou</sup> au beginning of 1150. In 1154 he had difficulties

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208 Letter of Frederick I, of 1166, in BALDWIN, *Acta Conciliorum*, vol. VI, p. II, col. 2614 (erroneously 1614).

209 P. KEHR, *Der Vertrag von Anagni, im Jahre 1176*, in *Nettes Archiv* etc., vol. XIII (1888), p. 112.

210 *Ibid.*, p. 117, n° 20.

with Frederick I, concerning the military contingent that he was Pope obliged to provide as prince-bishop. In 1155, Adrian IV intervened in this matter, and struck him with the penalty of suspense, from which he relieved him the following year. After the double papal election of 1109, Ulrich was one of the few German bishops who sided with Alexander III. He was immediately 'stricken. In 1160, Frederick I declared him stripped of his dignity and appointed in his place Gero, who administered the diocese from 1160 to 1177. It is easy to understand why Alexander III, in the negotiations for the peace of Venice, did not forget his faithful supporter Ulrich. Hence the article declaring that Gero would be deposed, and Ulrich restored to his office.

The clerics of Halberstadt ordained by Gero need not have been embarrassed to defend their cause. It was enough for them to show that their case was identical with that of many German clerics admitted by the pope to exercise their orders. Gero had been consecrated by Hartwig Archbishop of Bremen, who was already a bishop in 1048, more than ten years before the schism. From then on the validity of his ordination could no more be discussed than that of the bishops of Augsburg, Bamberg, Paderborn etc., who had also been consecrated during the schism. The clerics of Halberstadt won their case in Rome at the Lateran Council of 1179<sup>211</sup>.

### III. - The reordinations of Lucius III and Urban III.

According to an article in the Peace of Venice, the fate of the schismatic Italian clergy was, with a dozen or so exceptions, left entirely to the discretion of the pope. How was this regularization effected? It is impossible to say exactly. Only a few episodes are known. Around 1190, Huguccio, bishop of Pisa and former teacher

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211 "Pergebant illuc multi ordinati a schismaticis, sperantes se gratiam Apostolici invenire et misericordiam exsequendi officii ab eo consequi. Praecipue autem de ecclesia Halberstadensi, quae per Geronem nimis demembrata erat, tam monachi quam clerici clementiam Apostolicae sedis adierunt. In qua profectioe praecipue erat abbas Theodoricus de Hilseneburg, quia fere omnis congregatio monachorum suorum in salicibus organa sua suspenderant, exceptis paucis senioribus, qui ante schisma ordinati fuerant. Cumque omni instantia instarent, pulsantes Apostolicam pietatem, tandem de ordinatis Geronis dispensatum est : ut quia idem Gero non a schismatico, sed a catholico Uartwicu videlicet Bremensi archiepiscopo, ordinatus erat, ordinati ejus, per gratiam Apostolicam, in ordinibus suis persisterent, et ad maiores per benedictionem ascenderent. Ipse etiam Gero hanc obtinuit gratiam, ut officium pontificale in omni loco libere exsequeretur, nisi in episcopatu Halberstadensi." HARDOUIN, *Acta Conciliorum*, t. VI, IL p., coi. 1686 (Hermoldus chron. libr. 2. cap. 28). The same text is found in *Helmoldi Chronica Slavorum*, M.G., *Scriptores*, t. XXI, p. i3a. On Helmold, cf. W. WATTENBACH, *Deutschlands Geschichte's^ quellen...*, II, p. 338 ff. (Berlin 1894).

of Innocent III in Bologna, published his voluminous *Summa Decreti*. As a pupil of Gandulph, he taught the correct doctrine concerning the conditions of validity of the order. But he was obliged to mention the theories of Rufino and John of Faenza, which still had credence. He then comes to mention the practice of the Church in condemning reordinations. He adds:

Quod bene observavit Alexander inordinatis, in scismate Octaviani, a scismaticis excommunicatis. Papa tamen Lucius, ut audivi, fecit reordinari ordinatorum ab illis qui ultimam manus impositionem acceperant extra ecclesiam. Et fuit mirum qualiter consenserunt cardinales; sed forte sequebantur predictam pravam opinionem vel hoc fecerunt in detestatione scismatis L

Huguccio speaks here of Alexander III and Lucius III. His testimony has in this matter a value of the first order, for it concerns facts very near to him, and which he had an interest in knowing well. Pope Lucius III ruled from 1181 to 1185. The facts reported by Huguccio, about 1190, were still quite recent when he wrote. It is therefore difficult to see how they can be dismissed, even if the words *ut audivi* are interpreted in the most pejorative way. Lucius III thus put into practice the theories of the Bologna School<sup>2</sup>.

Bernard of Pavia attests a reordination made by Pope Urban III (1185-1187), who succeeded Lucius III. Bernard of

1. HUCOMS *Summa Decreti*, C. IX, q. 1, *principium*, in ms. 985 of the University Library of Leipzig (xm<sup>th</sup> century), fol. 88 v.

2. It would be interesting to know the exact nature of the facts reported by Krantz, in his *Saxonia* (VI, ch. 47<sup>th</sup> anno 1184) and transcribed by MANSI (*Conciliarum... - collectio*, t. XXII, col. 487). Krantz, who died in 1517, used ancient sources. In the following place he may well have distorted the text he reports in a similar way to that noted above, p. 260. n. 3, in Gobelius *Persona*, in connection with a piece of information borrowed from the Annals of Paderborn. Here is the text of Krantz:

a Imperator [Frederick I] in Italiam contendit anno proximo: et exierat urbe Roma Lucius papa, tractaturus cum illo Christianae reipublicae negotia, quae in Asia nimirum ceperant labefactari. Veronae convenerant duo Christianismi columina. Concurrerat ingens ecclesiasticorum multitudo, reconciliationem deposcens sedis apostolicae, quod in schismate imperatorem secuti, ab antipapae essent ordinati et instituti. Intervenit pro his Fridericus imperator, ut in gratiam sumerentur. Annuit perbenigne pontifex. *Sed cum postera die manus illis essent imponendae singulis, immutatum erat consilium quod diceret, in concilio Venetiano decreta, non posse nisi alio concilio irritari. Promisit autem, de proximo alium a se revocandum coetum, in quo super his constitueretur. Auditae sunt Germanorum minae pro sua consuetudine: sed nihil ea re moti sunt cardinales. Credebatur autem ea consilii mutatio, a Conrado Moguntino et Worinatiensi pontificibus prodiisse."*

Pavia wrote his *Summa Decretalium* between 1191 and 1198, in which he maintains, in the firmest manner, the doctrine of Roland, Rufino and John of Faenza. He adds:

Et licet non sit exemplis sed legibus iudicandum, quia tamen Romana ecclesia in speculum est et exemplum, ut Di. XIX. *Enimvero* (c. 4-)<sup>2a</sup> b ipsa huius rei sumamus auctoritatem. Tempore Domini Alexandri III fuit vir quidam nobilis schismaticus a schismatico ordinatus in diaconem et cardinalem, immo carpalis adversae partis effectus; demum pace inter ecclesiam et imperium Venetiis facta, et schismate illo penitus annullato, praefatus vir canonicam regularem intravit, quem postea Dominus

*Urbanus de novo ordinari concessit, dicens, eum a schismatico ordinatore nihil accepisse, cum ipse ordinator nunquam catholicus episcopus fuisset. Hinc potes in similibus sumere formam et auctoritatem ut ar. C. XVI, q. 3, Licet (c. 5) and Cod. de legibus et constit. Si imperialis (L. 12) \*.*

We can see how these facts confirm the interpretation we have given above of the conditions of the peace of Venice. The theory of the school of Bologna still had much credit in the curia; one did not resign easily to apply to Italy the benign interpretation which had been given to Germany. Hence the revival of the Bolognese theory and, if necessary, its reordering.

I. T. LASPEYRES, *Bernardi Papiensis... Summa Decretalium*, p. ai5-ai6.

## CHAPTER XIX

### THE ABANDONMENT OF the theology of bologna.

It is not surprising that a doctrine which retained so much credit in the curia should have been maintained for some time in teaching. Thus it is found, far from Italy, in the canonical works which depend directly or indirectly on the books of Roland, Rufino and John of Faenza; finally, it continues as a school tradition in Bologna. Huguccio of Pisa, Innocent III's teacher in Bologna, greatly diminished its credit, which was very nearly annihilated by St. Raymond of Pennafort.

#### I. - The "Summa Coloniensis".

Mr. Schulte has given the name *Summa Coloniensis* to an explanation of the *Decretum* of Gratien which is found in the manuscript D. II. 17 of the Royal Library of Bamberg<sup>212</sup>. This title indicates that the author belonged to the diocese of Cologne. Mr. Schulte considers the author to be German; Mr. H. Singer<sup>213</sup>, a Frenchman living in the diocese of Cologne. According to both critics, the composition of the work is placed a few years after 1169-1170I

Mr. Schulte's study is detailed and instructive. But it goes without saying that such accounts are only of provisional value. In the present case, the account we have

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212 A description of the manuscript, and a detailed study of the *Summa*, can be found in the article by F. SCHULTE. *Zweiter Beitrag*; the first (p. 93-114) of the three chapters of this article is entitled: *Dic Summa Coloniensis des Cod. Bamberg. D. II. 17.*

213 H. SINGER, *Die Summa Decretorum des Magister Bu fi nus*, p. LIV, n. 43.

This is based on the inspection and reading of a rather extensive manuscript and of a writing not always easy to read. It is not surprising, therefore, that several important features of the *Summa Coloniensis* escaped Mr. Schulte. I will quote only one, but which throws much light on the subject. The *Summa* of Cologne uses the book of the *Sentences* of Peter Lombard and this circumstance makes it possible to bring back to unity all the findings of Mr. Schulte.

Our *Summa* is not a running commentary on the various canons of the *Decree*, like the other *Summas*. It is a systematic exposition of the law, with the help of Gratian. The author first formulates general principles, then discusses them using the texts provided by Gratian; he does not hesitate to divide his subject in a personal manner and independently of the *Decree*. These particularities, according to M. Schulte, give the *Summa* a very special interest. Undoubtedly, but this is a merit which is not at all personal. It was Pierre Lombard who gave the Cologne canonist the idea of a systematic exposition of the law. One can see how the systematic form created by Peter Lombard soon became attractive to people, since it came to be applied to the teaching of the *Decree* and the law. Mr. Schulte has noted that the author uses Rufinus, Stephen of Tournai, Burchard; one can add the *Pa-normia*<sup>214</sup> of Yves de Chartres. The author is very familiar with the method of the School and the works of Bologna. He probably studied in that city. In this way his doctrine presents us with a combination of the teaching of Paris and that of Bologna. It is therefore interesting in this respect, but also because the author attaches great importance to the authority and decisions of the Roman Church. On the question of ordinations, what is the doctrine of the *Summa Coloniensis*? It is not that of the Paris schools, but that of Bologna. The author of Cologne is in complete agreement with Roland and Rufin:

De sacramento dignitatis questio latebrosa nascitur quam sanctorum testimonia in utramque partem loquencia perplexam efficiunt. Siquidem pre-dicta considerantibus videri potest sacramenta dignitatis apud hereticos non esse, quod utique verum est et presentis temporis ecclesia ita credit et docet: unde et Anastasios secundus<sup>215</sup> claimnationis sententiam promeruit, quia sicut dignitatis sic necessitatis sacramenta ab hereticis collatu virtutem et effectum habere asseruit<sup>216</sup>.

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a. *Summa Coloniensis*, Cod. Bamberg, D. II. 17, p. 104: "Require in prologo *Panormie* Yvonis."

<sup>215</sup> This is Pope Anastasius II. Cf. above, p. 32.

a. *Summa Coloniensis*, Cod. Bamberg, D. II. 17, p. 104. The author then gives the objections which arise against this solution. Here he depends very closely on Peter Lombard in *Sententiarum*, IV, dist. a5, S a, in P.

t. CXCI, col. 906. He concludes, p. io5: "Ecce quomodo Ecclesia pia dispensatione, in redeuntibus ordines et dignitates agnoscit quas foris perceperunt. Ergo in hereticis

After recalling the classical objections against the thesis he supports, the author criticizes Gratian's theory:

In hac questione Gratianus ita pertransit ut dicat quod generaliter sacramenta apud hereticos non aliter quam in Dei ecclesia celebrantur *vera et rata sint quantum ad se, inania quantum ad effectum*, et in his a quibus male suscipiuntur. Que solutio ideo infirma est, quia idem de catholicis criminaliter irretitis dici posset, in quibus, propter reprobam vitam, non efficiunt sacramenta quod continent.

He then gives his solution: it has two formulas, like Roland's and Rufin's<sup>217</sup> :

Melius ergo per hereticorum distinctionem lis ista dirimitur.

I. - Vel enim heretici occulti vel manifesti tolerati et notati et hoc vel suspensione vel depositione vel excommunicatione vel precisione. Inter suspensionem et depositionem hoc interesse puto quod inter relegationem que ad tempus et deportationem que in perpetuum. Qui ergo sola excommunicatione ab ecclesia separati sunt, sacramenta foris conferre possunt, ex potestate quam intus acceptunt; precisi vero minime; precisi sunt qui quorumque errores in catholice ecclesie concilio anathematizati sunt.

Vero inter ipsos precisos quidam subsequenter distinguunt quia dupliciter precisio fit: vel per solam anathematis sententiam, vel per exaurationem. Precisi ergo nec exauctorati adhuc super se retinent sacramenta que intus acceptunt, unde nec redeuntibus reddunt, si dispensatio exigit ut insuis gradibus recipiantur. Itaque quia foris retinent quod intus acceptunt, etiam precisi ordinare possunt, sed exauctoratis non nisi laica communio relinquitur, ideoque de talibus auctoritates superiores interpretantur.

II. - *Qui vero in ecclesia potestatem acceptunt*<sup>1</sup> etiam foris eam exercere possunt, nisi in precisione nudentur\*.

*Ordinati ergo extra ecclesiam ab his qui potestatem intus acceperunt per manus impositionem confirmantur.*

*Ordinati vero extra ecclesiam ab his qui in ecclesia ordinandi potestatem non acceperunt\* dispensatorie reordinantur: \*Daibertum a Nezelone ordinatum*".

Ordinali<sup>218</sup> aulein in ecclesia, si postmodum in heresim labuntur, possunt resipiscentes dispensatorie in suis ordinibus recipi, sed non ulterius promoveri.

Such are the heretics who, according to our author, have the power of order; can they validly consecrate the Eucharist? The author discusses the question at length and concludes in the negative: "Haereticis alia sive dignitatis sive necessitatis sacramenta - concedantur, sed sacramentum misse, propter nunc positas auctoritates eis adimatur<sup>219</sup> ."

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extra ecclesiam sacramentum dignitatis est."

<sup>217</sup> *Summa Coloniensis*, Cod. Bamberg, D. II. 17, p. io5.

<sup>218</sup> *Summa Coloniensis*, God. Bamberg, D. II. 17, p. 106.

<sup>219</sup> *Ibid*, p. 107.

II. - The "Summa Lipsiensis".

*Summa Decreti*, composed about 1186 in Paris or Oxford, the teaching of John of Faenza. It is contained in a manuscript which belonged to the Dominicans of Leipzig, and for this reason has been designated as the *Summa Lipsiensis*<sup>220</sup>.

The author of the *Summa* writes:

Hec est distinctio Iohannis... Alii distinguunt ita ut idem sit sensus sententiae sed brevius dicunt. In tribus casibus nihil accipit ordinatus, puta si fuerit ordinatus a deposito vel [non] in forma ecclesievel ab eo qui non

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220 See F. SCHULTE, *Die Summa Decreti Lipsiensis*, pp. 37-54. This work gives a description of the manuscript (XIV century) and the work. The author of the *Summa* used the works of John of Faenza and Gandulph. As for the question which occupies us, it gives reason to John of Faenza.

That the work was composed either in Paris or in Oxford is evident from the form on fol. 117 b, transcribed by M. Schulte, p. 5i. It is not explained that M. Schulte places the writing in Bologna. The most probable hypothesis is that of Paris. The most likely hypothesis is that it was written in Paris. At a pinch, the work could have been composed in Oxford, where, at that date, the existence of a *Studium generale* or university is perfectly attested. This university owed its origin to an exodus of teachers and students who had first settled in Paris. Texts from this period show us the circulation of teachers and students that took place between Bologna, Paris and Oxford. The *Summa Lipsiensis* is a good example of this cosmopolitan teaching. See on Oxford teaching: Hastings RASHDALL, *The Universities of Europe in the middle ages*, t. II, part. II, pp. 3a8 ff. and p. 344, n. 3 (Oxford, 1890).

The *Summa Lipsiensis* was copied in 1530, for the Dominican convent in Leipzig. This copy was probably made from a copy which had been brought from Paris by the Dominicans who founded the convent in Leipzig. It is a well established fact that the Dominicans originally prepared their readers in theology at the University of Paris.

acceptit ultimam manus impositionem in ecclesia; in omnibus aliis casibus ordines suscipiunt ordinati, sed quandoque deponuntur, puta si ordinati fuerint simoniace. Item si per contumaciam ab illis qui ultimam manus impositionem acceperunt in ecclesia et modo sunt extra\*.

Hoc capitulum multum contra sententiam G[andulphi] qui dicit impositionem manus ambulatoriam<sup>221</sup>.

### III. - The teaching of Bernard of Pavia.

Between 1187 and 1191, Bernard of Pavia composed his *Breviarium ex t rav agantium*, which later took the title of *Compilatio prima*. Fauteur's intention was to bring together important canonical texts, some of which had been published since the composition of the Decree, and others of which had been neglected by Gratian. The author inscribed the following title: *De scismaticis et ordinationis ab eis et alienationibus factis*. He then quotes two texts. The first is the summarized and distorted history of the condemnation of Pope Constantine and the reordinations of the year 769. The second is canon 2<sup>e</sup> of the Lateran Council of 1179<sup>222</sup>.

How did Bernard interpret these texts? He tells us in his *Summa Decretalium*, composed between 1191 and 1198, during his episcopate in Pavia.

De ordinatis autem ab haereticis vel schismaticis sic tenere solemus. Distingue utrum ordinator accepit ultimam manus impositionem in ecclesia au non; id est si fuit quondam catholicus episcopus, factus haereticus vel schismaticus. dat ordinem, sed non ordinis executionem; si vero non accepit ultimam manus impositionem in ecclesia, id est, si numquam fuit catholicus episcopus, net\* ordinem dat nec executionem, unde ab eo ordinatus ex dispensatione poterit ordinari ad eundem ordinem, tamquam qui nihil ab eo accepit ut C. I, q. ult. *Daibertum*<sup>223</sup>.

The *Breviarium extravagantium* of Bernard of Pavia soon became a classic book in Bologna. It was commented on in the manner of the Decree. Now the texts collected by Bernard were of a nature to strengthen the doctrine which the School found in Rufino and John of Faenza. However, this was an insufficient help against the increasingly numerous critics of the Bolognese theory. Gandulph had established a school. The *Summa Decreti* of his disciple Huguccio

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221 *Ibid*, C. I, q. 7, c. 24, fol. 104 r. The *capitulum* commented on by the author is the decretal of Urban II concerning Daibert.

222 E. FRIEDBERG, *Quinque compilationes antiquae. Compilatio I*, libr. V, tit. 7, p. 57 (Leipzig, 1882). On the history of Pope Constantine, cf. p. 104. The 2<sup>e</sup> canon of the Lateran Council in HARDOUIN, *Acta conciliorum*, vol. VI, p. II, col. 2674 (by mistake 1674).

223 T. LASPEYRES, *Bernardi Papiensis Summa Decretalium*, libr. V, tit. 7, p. 215.

ensured the success of the true doctrine.

#### IV. - Huguccio of Pisa.

Huguccio recalls the presentation of Rufino and John of Faenza; but it is to dismiss it definitively:

In hac opinione fuit Ru[finus], Jofhannes] et forte Gratianus, ut videtur infra, eadem causa § *Sed excommunicali*, et C. I. q. I § *Opponitur* [XII Pars] ; ibi tamen post hanc opinionem ponit Gratianus catholicam veritatem quam amplectimur. Hec opinio ex toto reprobatur ab Urbano infra, eadem questione *Ordinationes*<sup>224</sup> [c. 5.].

About the canon *Ab excommunicatis* of the Council of Piacenza of 1095, he writes:

Hoc verbum decept illos qui sequuntur reprobata opinionem quod si- fuissent ordinati ab illis qui nunquam fuissent catholici episcopi, nichil recepissent<sup>225</sup>. Videtur Gratianus ponere in hoc paragrapho primam opinionem reprobata et iam cancellata<sup>226</sup>. Si subtiliter volumus considerare litte\* ram paragraphi, non videtur Gratianus assignare nisi differentiam in dispensatione inter ordinatos ab illis qui nunquam fuerunt catholici episcopi, et ordinatos ab illis qui primo fuerunt catholici episcopi et postea fuerunt ex- communicati\*.

Huguccio's doctrine became more and more prevalent in Bologna. Thus it was adopted by Benencasa of Siena ( 7 1206) in his *Casus decretorum*, which is a simplification of the *Decree*. This work was very successful. Towards the middle of the xm<sup>e</sup> century, Bartholomew of Brescia ( f 1208) gave a revised edition, which has been widely read since then and which was introduced into the gloss of the *Decree* by Jean Chappuis in i5o5. These *Casus* of Bartholomew of Brescia were maintained in the GZosis by the authors of the official pontifical edition of 1082. As for the validity of the ordinations, Benencasa opposes the doc-

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224 *Summa Decreti*, C. IX, q. 1, in ms. 985 of the University Library of Leipzig, fol. 88 v.

225 *Ibid.*, C. IX, q. 1, c. 4, fol. 89 r.

226 This is the doctrine of Rufinus and John of Faenza.

of John of Faenza, Simon and Rufino, to that of Huguccio, which he accepted:

Utrum ordinatio que fit ab episcopo excommunicato possit haberi rata? Respondent Johannes, Simon et Rufinus quod si ordinator episcopus ultimam recepit manus impositionem in Ecclesia, confert ordines; si vero recepit ultimam manus impositionem extra Ecclesiam, nullum confert ordinem ut infra, eadem causa, paragrapho *Excommunicate*. Hugo autem dicit quod, sive in Ecclesia, sive extra Ecclesiam, episcopus excommunicatus vel hereticus fuerit ordinatus, dat ordines, sed non executionem\*.

The Simon mentioned here must be Simon of Bisiniano, whose *Summa Decreti* was composed between 1174 and 1179<sup>227</sup>, and is closely related to John of Faenza.

#### V. - A "Summa Decreti" of Bologna.

We can see the credit lost by the Bolognese theory, in an anonymous *Summa Decreti* which dates from the years 1191-1198<sup>228</sup>.

Prima<sup>228</sup> questio utrum teneat ordinatio facta ab excommunicatis. Nota ergo quod ITA TENET HODIE ECCLESIA, quod ordinatus ab heretico sive excommunicato recipit ordinem. C. I, q. 1, *Quidam* [c. 97] et a talibus ordinati confituntur [eucharistiam] *De Consecr.* IV, *Volū est in vobis* [c. 43] et cap. *Ostenditur* [c. 3A] et hoc dum in forma ecclesie confituntur, quia si præter formam ecclesie, non confituntur vel ordinant. C. I, q. VII, *Daibertum* [c. 24] quia forma est de substantia sacramenti C. I, q. 1, *Si quis confugerit* [c. 5a]. Nullus autem hereticorum executionem prestat, quia extra ecclesiam nullus habet executionem. C. I, q. 1, *Qui perfectionem* [c. 17] and cap. *Arrianos* [e. 73] ET RECESSIT FERRE AB OMNIUM OPINIONE SENTENTIA FAVENTINI<sup>229</sup> secundum quem ab excommunicato episcopo ordinatus, si excommunicatus erat ordinans, ordinationis sue tempore, nec ordinem nec executionem recipit. Si vero quum recepit episcopus ordinem episcopalem erat in ecclesia, postea factus est symoniacus vel excommunicatus, ordinali ab eo ordinem recipiunt, non executionem. Non tenet hoc ecclesia quia a quocumque habente ordinem episcopalem ordinatus ordinem recepit, dummodo in forma

ecclesie, sed executionem non. Ratio est quia effectus dicitur character ordinis qui anime imprimitur, unde non potest per inhibitionem alicui auferri, unde etiam depositus si confitatur, confectum est, ut *Distinet. L, Accedens* [c. io].

The doctrine of Roland, Rufinus and John of Faenza continued to be mentioned in the schools, but it was criticized without mercy. Thus it is in the *Quæstiones decretales* composed in France, towards the

<sup>227</sup> F. SCHULTE, *Die Geschichte der Quellen und der Literatur des canonischen Rechts*, vol. I, p. 140 ff. This *Summa* is found in the ms. Da. IL ao of the Royal Library of Bamberg.

<sup>228</sup> *Summa Decreti*, C. IX, q. i in ms. P. II. i5 of Bamberg, fol. 74 v.  
<sup>229</sup> John of Faenza.

end of the xn<sup>e</sup> century. We read: "De sacramento dignitatis tantum id est ordinis, inter iuris canonici peritos multa est dissensio quoad veritatem sacramenti, non autem quoad effectum." There follows a summary of the doctrine of John of Faenza. Then Fauteur adds:

Sed ab his queratur ratio diversitatis quare is qui ultimam manus impositionem accipit in ordinatione heresiaca [ordinem] accipiat et ordinem dare non potest. Respondent : etiam, ratione diversitatis que sic assignatur, videlicet quia is qui postremo in lieresi ordinatur ab eo ordinatur qui aliquando habuit executionem, puta qui ultimam manus impositionem in Ecclesia [accepit] et postea lapsus est in heresim. Ceterum secundus ab eo ordinatur qui nunquam acceperat executionem, unde ab eo nichil suscipit. *Licet enim in aliquo possit ordo esse sine executione, non tamen ordo conjerri potest sine aliquando habita executione*<sup>230</sup>.

As we have seen, Gandulph had no difficulty in dismissing this so-called explanation, which in reality explains nothing. The author of the *Quaestiones* follows Gandulph's doctrine. However, he indicates reasons which could be invoked in support of the doctrine of John of Faenza: "Ad tuendum vero Magistri Jo-[hannis] opinionem dici potest quod<sup>2</sup> ..."

## VI. - Doctrine of Saint Raymond de Pennafort.

It was St. Raymond of Pennafort who gave the final blow to the Bolognese theory in the first half of the<sup>e</sup> century. Raymond was led to deal with ordinations conferred outside the Church. Like Robert of Flamesbury, he was led to it by writing a penitential. This is the famous *Summa de paenitentia et matrimonio*. In it we read:

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230 Ms. P. II. 4, fol. 28 v., of the Royal Library of Bamberg. Cf. above, p. 319. This explanation is very similar to that of the *Summa Lipsiensis*. It is that both depend on a Glosis of John of Faenza.

<sup>2</sup> *Ibid*, fol. 29 r.

Nota quod Joannes et Roffredus<sup>231</sup> dixerunt quod episcopus haereticus qui recepit ultimam manus impositionem, id est ordinem episcopalem, in Ecclesia, ordines confert sed non ordinis executionem ; si autem extra, nihil confert, nec ordinem nec ordinis executionem, quia nihil receperat... Dicas ergo cum Laurentio, Vincentio et aliis fere omnibus, quod, seu quis recipiat ultimam manus impositionem in Ecclesia seu extra, dum tamen formam Ecclesiae servet in ordinando, et in forma Ecclesiae fuerit ordinatus, semper verum ordinem confert, sed non ordinis executionem, et hoc sive scierit, sive ignoranter alius ordinetur ab eo.

Unde regulariter teneas quod episcopi et sacerdotes, sive sint excom- municati, sive haeretici, sive depositi, vera conferunt sacramenta, dum tamen in forma Ecclesiae\*.

Sound theology won. However, in the law schools of Italy, and especially in Bologna, there had been too much discussion about the necessity of the "licentia ordinis exsequendi" for the validity of the exercise of the order, for something not to remain. Roland, Rufino, John of Faenza, Bernard of Pavia had made the "licentia ordinis exsequendi" a condition for the validity of the order. They had admitted that this "licentia" was lost *ipso facto* in schism or heresy. Hence the stopping of the transmission of the power of order in the second heretical bishop. Gandulph, Huguccio, Raymond de Pennafort had this idea discarded.

But it survived in another form. The withdrawal of the licentia ordinis exsequendi was reserved for an extraordinary intervention by the pope. Because of this restriction, the effects of this withdrawal of the licentia were singularly aggravated. It was admitted that the pope could bind, in a complete manner, not only the power of order of bishops and priests, but also the power of any man to baptize.

## VII. - Right of veto in the administration of the sacraments.

In 1245, after the Council of Lyons, Innocent IV (1243- 1254) composed his *Apparatus*, which in the Middle Ages enjoyed the greatest authority among canonists. In it we find the following theory, which reproduces, singularly accentuated, the doctrines of Roland and Rufinus. The right is attributed to the pope to determine dirimant impediments for all the sacraments, including baptism, as for marriage:

*Alii dicunt quod si Papa prohibet episcopum chrismare, quod postea chrismando non confert characterem. Licet enim Papa non possit tollere sacramen\* tum confirmationis, potest tamen circa illud, ut in forma et in personis et in diebus a quibus et in quibus*

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231 Of these two proper names, the first refers to John of Faenza; Roffredus is an Italian canonist (-{ after 1243); cf. HURTER, *Nomenclator literarius* etc., col. 299, Innsbruck, 1906. In this book Fr. Hurter makes two characters of one and the same Roffredus (*Ibid.*, col. 299 and 251, n. 1; pp. xi and xm, and CLI). *Ibid.* col. 299, read *Aretii* instead of *Fretii*. On Laurentius and Vincentius, see *Ibid.* col. 2Ji and 3oi.

conferri debeat, suas constitutiones facere, ut notatur infra (*De baptisate* cap. I). Et si potest circa personas conferentes aliquid statuere, ergo *certae personae vel etiam, episcopo potest potatem auferre chrismandi. Idem dicunt de baptismo.* Tamen si papa talia laceret sine causa magna et aliis nota, non debet sustineri, tanquam laciens contra generalem statum Ecclesiae. De episcopo autem non credunt quod, si prohibet aliquid a baptizando, quod propter hoc minus baptizatus est, non enim episcopus potestatem habet super hoc aliquid constituendi sicut papa.

Hoc autem dicunt papam posse per illud privilegium ei divinitus datum : " Quodcumque ligaveris super terram etc. " Quod sic intelligitur : Quod cumque - ligaveris per constitutiones vel praecepta. Ei enim in omnibus obediendum est in spiritualibus, et in his quae ad animam spectant, nisi contra fidem vel his specialiter prohibita sint. Et quidem *satis bene videntur dicere* in eo quod dicunt quod possunt facere constitutiones Summi Pontifices super praemissis, et, eis factis, si constituatur quod non valeant sacramenta a talibus collata, non valebunt. *Idem bene fatemur quod possunt episcopos prohibere a chrismando, vel sacerdotes a baptizando;* sed in hoc non valet prohibitio sine constitutione quod non teneat sacramenti collatio etiam si fiat contra mandatum episcopi L

Et cave tibi quia non dicimus quod Ecclesia infigat characterem animae, sed solus Deus; sed Ecclesia potest facere constitutiones super baptismo non quod non sit (vel) sed quod non credatur omnibus. Tamen circa baptismi collationem potest facere constitutiones et praefigere formas, quas quia Deus ratas habet et quia bonae sunt, eis infigit characterem qui secundum tales constitutiones baptizati sunt. Idem facit Ecclesia in matrimonio et in aliis sacramentis et dispensat in voto et iuramento et in omnibus aliis fere, nisi contra fidem; de quibus alias notatur \*.

Thus, the pope would have the right to prevent bishops from confirming and ordaining, and priests from baptizing. This is

1. INNOCENTII IV... *In quinque libros decretalium apparatus* (L. I Decretalium, c. Quanto. De consuetudine), p. 22 r., Lyon, 1578.

2. *Ibid.* (L. III de baptismo, *Si quis puerum*), p. 295 r. This theory is up-firv® century by Nicholas Tedeschi, canonist and archbishop of Palermo (-1445). "Innocentius concludendo dicit quod aut Papa facit legem per quam tollit hanc potestatem episcopis et nihil ageret episcopus postea conferendo. Aut simpliciter prohibet episcopis ne facerent, et tunc prohibitio non impediret impressionem characteris. - Puto tamen quod Innocentius habet optimam sententiam in hac sua distinctione. Nam faciendo legem et auferendo per legem potestatem episcopis, nihil potestatis quoad actum prohibitum remanet ipsis episcopis. Sed quando simpliciter prohibet, non tollit potestatem, sed interdict exercitium. Merito hoc casu imprimatur character, non obstante prohibitione Papae, quia simplex prohibitio non impedit impositionem characteris in habentem potestatem." In *ABBATIS PANORMITANI Commentaria primae partis in secundum Decretalium librum*, t. I, pars II, p. 94 v., Lyon, 1586.

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regulation and, consequently, a limitation of the sacramental efficacy  
*ex opere operato*. In those days canonists did not always follow the  
doctrine of the theologians. Finally, this theory speaks volumes about  
the increase in papal authority since Gregory VII and Urban II.

## CHAPTER XX

### EDUCATION IN PARIS.

The practice of students in the Middle Ages to pass from one school to another was bound to lead to exchanges of ideas and doctrines between Paris and Bologna. We have seen what Roland and Omnebene owe to Abelard. In the twelfth century, a master from Paris, who had made a trip to Bologna, was reproached for having returned with new ideas. On the present question, there is no evidence of any serious influence of the Bologna School on the theologians of Paris. A former pupil of Bologna, who became a master in Paris, mentioned in his *Sentences* the Bolognese theory. He is Pierre Lombard. But this doctrine was hardly noticed in the *Sentences*: a remarkable fact, for Lombard's book was, after the Bible, the obligatory theme of the professor of theology, in the schools of the Middle Ages.

#### I. - Pierre Lombard.

As to the value of ordinations conferred outside the Church, Lombard is a very accurate reporter of the opinions current in his time. First of all he states, "Hanc quaestionem perplexam ac pene insolubilem faciunt doctorum verba, qui plurimum dissentire videntur." Then come two series of traditional testimonies: those which seem to prove that outside the Church there is no transmission of the power of order, and those which seem to prove the contrary thesis.

1. Speaking of his masters of Paris, Robert of Melun and Albéric of Reims, John of Salisbury adds: - Unus eorum profectus Bononiam dedidit quod docuerat, siquidem et reversus dedocuit. An melius, iudicent qui ante et postea audierunt." In *Metaphisicus*, II, 10, P. L., t. CXGIX, col. 867.

Will Lombard decide in favour of one of these two theses? No, he is

content to enumerate the opinions of the schools; he gives four of them. Here it is necessary to transcribe, because Lombard reviews the theories which shared the minds until the middle of the XIII<sup>o</sup> century:

Haec quidam ita determinant : dicunt enim haereticos accepta sacerdotali vel episcopali unctione, ab Ecclesia recedentes, Baptismi quidem dandi ius retinere, sed non habere facultatem tribuendi sacros ordines, consecrandi Dominicum corpus, postquam praecisi et damnati sunt ab Ecclesia, sicut degradatus episcopus non habet potestatem largiendi sacros ordines, facultatem tamen baptizandi non amisit.

This first theory has been the one of many French theologians; it is not surprising that it is mentioned first.

Alii vero dicunt sacramenta ab haereticis et praecisis secundum formam Ecclesiae celebrata, vera esse et rata, quia recedentes ab Ecclesia, ius ordinandi et consecrandi non perdidit, et qui sic ab haereticis ordinantur, cum redeunt, iterum ordinandi non sunt.

This is the real solution, the one that was to prevail after long discussions<sup>232</sup>.

Nonnulli vero tradunt illos haereticos qui in Ecclesia ordinati sunt, ius ordinandi et consecrandi, etiam cuin separati fuerint, habere. Qui vero in schismate vel haeresi positi ab eis ordinati et inuncti fuerint, illo iure carent. Ideoque cum ordinare volunt, vulnus potius infligunt quam gratiam conferunt<sup>2</sup>.

Who are the authors designated by this indefinite pronoun *nonnulli*? In accordance with the habits of his time, Pierre Lombard does not say. But we are entitled to think that he is referring to the teaching of the School of Bologna. At that time, only the Bolognese were teaching this doctrine. It is they whom Lombard has in view. But it cannot be proved that he knew any of Roland's works.

Master Bandinus wrote, in the second half of the xu<sup>e</sup> century, an abridgement of the *Sentences* of Peter Lombard. On the subject of -ordinations made outside the Church, he mentions the opposing authorities cited in the schools and adds:

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<sup>232</sup> Lombard then indicates a third opinion. It is quite similar to the second, and seems to have been that of Gratian.

a. *Sententiae*, 1. IV, dist. XXV, *De ordinatis ab haereticis*, S 3, in *P. L.*, I. CXCII, col. 907.

Sed haec contrarietas nullis modis conquiescit. Aut enim praedicti auctores [those who deny the validity] de haereticis *sententia praecisus* loquuntur, Augustinus autem de iis qui tantum pravitate sui sensus a fidei puritate divisi sunt; - aut praedicti de haereticis sub alia forma sacramenta celebrantibus loquuntur, Augustinus vero de his qui, in celebrando, formam Ecclesiae servant; - aut praedicti ad effectum sacramentorum respexerunt, quae illicite tractantibus inania sunt, Augustinus vero ea dixit vera et recta quan - tum ad se; - vel praedicti de his haereticis loquuntur qui extra Ecclesiam, Augustinus vero de his qui intra Ecclesiam ordines acceptunt<sup>233</sup>.

One cannot reproach Master Bandinus for imposing his opinions on the reader. The reader has a choice of four solutions, the third and fourth of which are irreconcilable. The fourth opinion is Roland's.

## II. - Stephen of Tournai.

Between 1160 and 1170, Etienne of Tournai composed his *Summa Decreti*<sup>234</sup>. Born between 1118 and 1135 in Orléans, Etienne studied in Paris, then went to complete his law studies in Bologna, taught at Chartres, then at Orléans (1152-76), was abbot of Sainte-Geneviève in Paris (1176-91), and died bishop of Tournai in 1203. AT THE time he wrote his *Summa Decreti*, probably in Orleans, Stephen was aware of the culture of his time<sup>235</sup>. He had benefited from the training of Paris and Bologna. In the latter city, he had been a pupil of Rufino and had known the *Summa Decreti* of Roland. Was Stephen going to slavishly reproduce the teaching of these two masters? Nothing of the sort.

As for the value of ordinations made outside the Church, Stephen gives the doctrine which can be considered as that of the French schools of his time:

Notandum quod eorum qui ordinantur a simoniacis vel aliis haereticis in forma Ecclesiae ordinantibus, alii ordinantur ab his quos tolerat Ecclesia, alii ab his quos non tolerat Ecclesia. Ordinati ab his quos tolerat Ecclesia... veram ordinationem habent... quoniam et in forma Ecclesiae, et ab habente potestatem ordinati sunt.

Qui ordinantur ab his quos non tolerat Ecclesia, aut ordinantur ab excommunicatis et non exauctoratis, aut exauctoratis et excommunicatis.

<sup>233</sup> In *P. L.*, vol. CXGII, col. no. 5. On the manuscripts of Bandinus, see H. DENIFLE, in *Archiv für Literatur und Kirchengeschichte*, t. I, p. 438.

<sup>234</sup> H. SINGER, *Die Summa Decretorum des Magister Rufinus*, pp. cxv-cxvi. On Stephen of Tournai, cf. *Histoire littéraire de la France*, t. XV, p. 5a4> and *P. t. CGXI*.

<sup>235</sup> Later, when he was abbot of Sainte-Geneviève, it seems that he delayed. It was a time of great intellectual activity in the secular schools of Paris. The abbot watched with suspicion the aristocrats of the Ile Notre-Dame and the PetiUPont. In theology, the dialectical method, which was becoming predominant, worried him. In canon law, he deplored the introduction of new collections of decretals, and the decrease in credit for the *Decree* which he had explained so well. Cf. the letters of Stephen relating to these questions in the *Chartularium Universitatis Parisiensis*, t. I, p. 4<sup>A</sup> et seq. (Paris, 1889).

Qui ab excommunicatis et non exauctoratis, aut scientes aut nescientes; si *scientes*, deponuntur, utpote qui nomen officii et ordinem sine effectu gratiae perceperunt; qui *ignorantes*, per manus impositionem in ordinem confirmantur, nisi sit crassa et resupina ignorantia, et quae non caderet in constantem virum et perfectum; talis ignorantia non excusatur.

Qui ordinantur ab excommunicatis et exauctoratis, aut scientes aut ignorantibus; et si *ignorantes*, excusantur apud Deum, si non ad illam ignorantiam propria culpa devenerunt, non autem excusantur apud ecclesiam, nisi sit iusta et probabilis ignorantia; quae si fuerit, REORDINANTUR, quoniam et sine culpa sunt et nihil in priori ordonnance susceperunt. Si *scientes*, aut sponte, aut coacti; qui sponte, nihil accipiunt nec postea promoveri possunt; de misericordia tamen, si eos paenituerit et alias digni fuerint, in prioribus ordinibus, si quos habebant, sine spe promotionis recipiuntur. Qui vero coacti, aut statim, quando licet, respiscunt et ad ecclesiam fugiunt, aut moram voluntariam cum ordinatoribus suis faciunt. Qui statim respiscunt, si alias digni fuerint, REORDINANTUR; qui moram ex voluntate faciunt, et a suis ordinibus, si quos *habuerant*, deponuntur, et ad altiores non procedunt.

Quae de exauctoratis et excommunicatis diximus, intelligimus etiam de simoniaciis illis et haereticis, qui, per generalem sententiam in synodo vel concilio promulgatam, cum haeresi sua damnati sunt. Talis enim damnatio pro exauctoratioe habetur, quamdiu per manus impositionem ecclesiae non reconciliatur. Nota, neque exauctoratis, neque non ordinatis, neque extra formam ecclesiae ordinatis ordinationem aliquam esse, aliquidve dignitatis vel gratiae conferre<sup>236</sup>.

Stephen of Tournai thus admits that outside the Church, all bishops who have not been "exauctorati", that is to say, degraded, or struck down by a conciliar sentence forbidding them to exercise their order, have the power of ordination. In speaking thus, Stephen agrees with Roland and Rufinus. But he refuses to follow them, when they affirm that an ordination is null *ipso facto*, if it has been made outside the Church, by a bishop not consecrated by the Catholics. He simply gives them a brief mention: "Quidam dicunt catholicos transientes ad haeresim ordinare posse; semper haereticos, non<sup>237</sup> ." It is thus very deliberately that Stephen rejects, on this point, the teaching of the School of Bologna.

Once his system was decided, Stephen applied it with great continuity. When interpreting the reordination of Daibert by Urban II, he writes: "Daibertus iste a simoniaco et haeretico *extra formam Ecclesiae* diaconus factus erat, et ideo, quia nihil acceperat, a Summo Pontifice fit diaconus. *Eel Nezelon, ex auctoratus erat* et iam nihil in ordinatione sua contulerat'."

As for the validity of the Eucharist celebrated outside the Church, Stephen refuses to take sides:

Utrum autem praecisi corpus Christi perficiant, non minor huius quaestionis dubitatio

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236 F. SCHULTE, *Die Summa des Stephaniis Tornacensis über das Decretum Gratiani*, pp. 123-123 (Giessen, 1891). This edition can be of great service, but cannot be considered as definitive.

237 *Ibid.* at 127.

est. Nam et orthodoxi Patres videntur discordare, et nostri etiam temporis catholici doctores in eo articulo contradictorie dissentiunt. Nihil ergo in utramlibet partem temere asserentes, hoc nobis videri non diffitemur, ut, quoad tolerantur ab Ecclesia, et eorum ordinationes ratae habeantur, et consecrationes ecclesiarum non nihili pendantur\*.

### III. - The "Summa Parisiensis".

About the time Stephen of Tournai wrote his *Summa*, and probably a little later, between the death of Peter Lombard (i 160 or 1164) and the appointment of the Paris professor, Gerard Pucelle, to the bishopric of Coventry, England (1181-82), a canonist of Paris, whose name has remained unknown, composed a *Summa Decreti* which has been preserved in a manuscript at Bamberg. This work transports us to a completely different milieu from that of Stephen of Tournai. The anonymous author lived in the school world of Paris, which so worried the abbot of Sainte-Geneviève. He quotes Pierre Lombard, Gérard Pucelle and even Gilbert de la Porrée, the former professor of Paris and friend of Abelard, the same one who, having become bishop of Chartres, had to give proof of his orthodoxy before two councils, at the request of Saint Bernard. This anonymous author gives a doctrine similar to that of Stephen of Tournai<sup>3</sup>.

1. *Ibid.* at 157.

2. *Ibid.* p. 265. On g 2 of the *Dictum Gratiani*, G. I, q. I, c. 97poil, Stephen of Tournai writes (*Ibid.*, p. 140), concerning the opinion of Gratian who identified deposition and suspension: "Dicunt *quidam* hoc interessé inter depositionem et suspensionem quod inter deportationem et relegationem ; ut scilicet, sicut deportatio est in perpetuum, sic et depositio; et sicut relegatio ad tempus, ita et suspensio... Differunt tamen, nam depositus nec sibi nec aliis conficit [Eucharistiam], suspensus vero, etsi non sibi, sed tamen aliis." Among these *quidam* we must rank Gandulph of Bologna, cf. p. 322. On the other hand, the opinion supported here by Stephen of Tournai is that of Roland. Cf. p. 305.

3. This is the ms. P. II. 26 of the Royal Library of Bamberg. This *Summa* is described in F. SCHULTE, *Zweiier Beitrag*, p. 114 ff.

On the text of Gratian, C. I, q. i, c. 17, he writes:

Distinctio hic attendenda que in pluribus locis huius cause necessario est repetenda. Hereticorum alii occulti alii manifesti. Manifestorum alii sunt infra ecclesiam, alii extra. Eorum qui extra ecclesiam sunt, alii se ipsos pre cidunt ab ecclesia, alii iudicio ecclesie eiecti sunt. Item eorum qui iudicio ecclesie precisi, alii simpliciter excommunicati, alii depositi vel degradati.

Ordinati ab heretico occulto vel ab illo quem sustinet ecclesia veros ordines accipiunt, et quidquid tales fecerint, qui infra ecclesiam sunt, ratum erit.

Cum autem suspensi fuerint vel si seipsos precipiunt, vel iudicio ecclesie eiecti, ita tamen quod non depositi vel degradati, potestatem retinent, executionem vero amittunt. Id est possunt quidem dare ordines et cetera sacramenta celebrare et vera erunt sacramenta, scilicet vere ordinabunt, verum etiam corpus Domini conficient et sic in ceteris, sed executionem non habebunt, id est ius illud faciendi, et ideo si execuntur, ad datpnationem

suam faciunt. - Ordinati autem a talibus ignorantes vel violenter attracti vere ordinantur, et revera gratiam spirituales et potestatem et executionem accipiunt. - Qui vero scienter a talibus ordinantur, ordinantur quidem vere et potestatem accipiunt, non autem executionem. Dubitatur tamen de talibus utrum, si forte presumpserint celebrare sacramentum corporis Domini, an vere conficiant necne. Videtur tamen quod vere conficiant, et hii si revertantur ad ecclesiam, forte dispensatione recipi possunt.

*Qui autem depositi sunt vel degradati, si aliquod sacramentum celebrare p resumunt, nichil agunt et a talibus ordinati nichil accipiunt.*

**The author consistently applies his doctrine, for example, to the validity of the Eucharist:**

Postquam enim convictus et depositus fuerit [presbyter], revera inaniter dicitur sacerdos, quia et si tunc etiam ipsa verba canonis in altari proferat, nichil tamen consecrabit. Hoc inquam dicosi iudicioecclesie deponitur vel degradatur, que est species depositionis; quia si suspensus fuerit ab officio suo vel etiam ei interdictum fuerit officium, si interim presumpserit conficere et missam celebrare, executionem quidem habet et vere conficit, tamen ad perniciem suam<sup>238</sup>.

**He also applies it to Daibert's reordering:**

Inducit Gratianus, ad formandam questionem, illud decretum de Daberto, qui cum fuerat ordinatus a Nezelone heretico, postea est reordinatus. Sed forte ordinator ille depositus fuerat, unde subditur in decreto *nichil habuit* etc. Gratianus tamen subtilius determinat quod sunt quidam ordines qui dantur per unctionem ut presbyteratus et supra, et ibi non potest fieri reordinatio. Sunt alii qui dantur per distributionem vasorum vel similia sine unctione aliqua, velut diaconatus et infra, et in illis potest esse reordinatio, sicut factum est de Daiberto. In hac determinatione non omnes laudant Gratianum\*.

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238 Cod. Bamberg, P. II. 26, fol. 26 r., on the *Decree* C. I, q. I, c. 2.

Moreover, the anonymous author carefully distinguishes between deposition and degradation<sup>1</sup>.

#### IV. - The "Summa Monacensis".

In order to know the doctrine of the French canonists, it is necessary to take into account a *Summa Decreti* which is found in the Latin manuscript 16084 in the Munich Library. This anonymous work has been called *Summa Monacensis* by M. H. Singer, who has studied it in detail<sup>2</sup>. According to him, this work was composed between 1160 and 1170. It would be a work of the French school, attesting to a very - personal manner, and being attached to the old method, that of the time when the canonists were, at the same time, theologians. It would be later than the *Summa* of Stephen of Tournai, and earlier than that of John of Faenza, and would have been used in teaching. Huguccio and Sicard of Cremona are said to have used it, and to have borrowed from it.

Almost all of this information is to be retained; perhaps it should be completed in the following way: the *Summa Monacensis* is not an original work; it is a French adaptation of an Italian work. Consequently, there would not be a direct dependence between this *Summa* and that of Huguccio, but the two would depend on a common source<sup>3</sup>.

1. *Ibid*, fol. 34 r. Aliud est deponere et aliud est degradare, vel sicut quidam alii dicunt exauctorare. Deponi potest absens; degradatur aliquis quum ci manu aufcruntur insignia, ut baculus, mitra; quod absenti non potest fieri."

2. H. SINGER, *Beiträge zur Würdigung* etc., pp. 372-379 gives a description of the Latin ms. 16084 of the Munich library; pp. 380-440 gives an analysis and excerpts from the same manuscript, as well as critical observations.

3. I believe that this conclusion emerges from the comparison of texts which is made by Mr. Singer, in the article quoted in the preceding note (*Beiträge*, p. 437, n. 217). It will be difficult to admit that the text of the second column derives from that of the first. The text of the *Summa Monacensis* is a clumsy abridgement of the text transcribed by Hugues.

##### SUMMA HUGONIS

Dubitari potest quid iuris sit [si] qui ita convenerunt : puta usque ad decem annos vel quamdiu voluerint. Ad quod dicendum, temporis adiectione vel copiamque divertendi mentione, vitiatur contractus, ut ipsiorem nullus sit - contractus. Sic enim contrahendo agunt ut nil agant; paciscuntur enim contra - naturam ipsius substantiae contractus, quippe coniugium individuum vitae consuetudinem desiderat.

##### SUMMA MONACENSIS

Si ergo aliqui sic contrahunt scilicet usque ad decem annos vel quamdiu voluerint, non est matrimonium. Adiectione enim temporis vel divertendi quando voluerint vitiatur contractus ut ipso iure nullus sit. Omnis enim contractus vitiatur, si contra substantiam et naturam ipsius aliquid adiciatur... Paciscuntur enim contra substantiam et naturam ipsius matrimonii; coniugium enim desiderat individuum vite



of the book of the book of the book. In his *Gloses* on the *Sentences* of Peter Lombard, he writes, in connection with the *Distinction in Book IV: De ordinatis ab haereticis* :

*Haec questio magis est decretalis quam theologica.,. In hoc ei [Lombardo] omnes conveniunt : heretici possunt dare nostrum baptisma, si modo faciant in forma Ecclesiae; quidam et similiter sentiunt de confectione Eucharistiae, circa illos qui benedictionem manus ordinati receperunt in Ecclesia<sup>^</sup>*

In this text, Peter of Poitiers first formulates, with all desirable clarity, a theory that is often encountered at that time: namely, that the decision on the conditions of validity of the order is a matter for the authority of the Church, and therefore for canon law, and not for theology. The last words of the quoted text allude to the Bologna doctrine.

Master Prevostinus (*Praepositivus* or *Praepositinus*) was a native of Cremona; he was Chancellor of the Church of Paris, and, as such, head of the schools of the city, from about 1206 to 1209<sup>2</sup> . As for the validity of the sacraments administered outside the Church, he teaches, in a *Summa* still unpublished :

Quidam<sup>3</sup> aliter respondent de ordine, aliter de eucharistia, distinguentes circa ordinem. Refert utrum hereticus recepit ultimam manus impositionem in Ecclesia vel extra.

Si in Ecclesia recepit, et ordinem habet et potestatem dandi. Si extra Ecclesiam, dicunt quoa habet ordinem sed non potestatem, si tamen recepit ab eo qui ultimam manus impositionem in Ecclesia [habuit]. *Si recepit ab eo qui non habuit ultimam manus impositionem in Ecclesia, nihil recepit, quia dans potestatem dandi non habuit<sup>^</sup>.*

1. *Gloses* by Peter of Poitiers on the *Sentences*, in *Bibl. Nat., lat. i44a3*, fol. 109 r. (x<sup>m</sup> century).

2. *Chartularium Universitatis Parisiensis*, t. I, p. 65, 66 and 74.

3. This quotation is taken from the *Summa* del Prevostin, in the ms *Bibl. Nat. lat. 15738*, fol. 80 v. This ms. is from the second century.

4. The author then speaks of the Eucharist: "De Eucharistia autem non distinguunt dicentes quod non nisi catholicus potest hoc sacramentum conficere.

Nobis videtur consentiendo [fol. 81 r.] Augustino quod hereticus omnia sacramenta et habeat et conferat, dummodo in forma ecclesie faciat et pote\* statem habeat. Potestatem autem [habet] non tantum qui ultimam manus impositionem recepit in ecclesia, sed secundus et tertius et usque ad infinitum. Quod dicimus ex autoritate septime synodi, ubi Therasius patriarcha dixit quod in sede Constantinopolitana fuerint quinque episcopi omnes here t ici, unus post alium ordinati, tamen ab eis in ordinibus suis recepti sunt. Non est credibile quod omnes hi fuissent ordinati ab iis qui ultimam manus impositionem receperunt in ecclesia.

Quod obiciuntur illud Innocentii et alia, sic exponimus quod *vulneratum caput* habet qui ab heretico recipit scienter, quia sine peccato non recipit. Ordo non est ei honor sed honus. Quod dicit Cipriamus : *Inania sunt* etc. ibi intelliget quantum ad effectum. Cipriamus tamen in hac parte reprehensus fuit, ut dicit Augustinus, quia putabat quod nullum sacramentum esset verum apud hereticum, nec baptismus. Nunc ad illud Pelagii : *Si veritate duce* etc., sic intellige non est ei corpus verum<sup>1</sup>.

It was quite the right doctrine. One will not be surprised to find it also in the abbey of Saint-Victor, situated in the countryside, very close to the wall of Paris. No doubt studies there had declined greatly since the times of Hugh and Richard. But much attention was paid to morals and the administration of penance. It had become customary for students from Paris to come to Saint Victor's to be absolved. Innocent III had approved this custom, and conferred special powers on the abbey's penitential priest. At the end of the xn<sup>o</sup> and the beginning of the xm<sup>e</sup> centuries, this penitentiary was Robert of Flamesbury, a former fellow student of Stephen of Tournai. He was naturally led to write a *Penitential*, or methodical collection of cases of conscience.

The third book of this collection is devoted to the sacrament of order. We read there more than one singular discussion<sup>3</sup>. As for the

quia sacramentum est unitatis, et hoc dicunt inn ;tentes verbo Pelagii dicentis : " si veritate duce dirigimur, non est verum corpus Christi quod conficit scismaticus." Hoc quidam dicunt de consecratione ecclesie in nitentes verbo Johannis papae et beati Gregorii qui ecclesias Arrianorum consecrari praecipunt."

1. The author refers here to facts or texts quoted above, pp. 69, 80, 108, n. 6.

a. The following quotations are taken from ms. Bibl. Nat. lat. 35<sup>99</sup> (xrv<sup>e</sup> century). Here is the title: "Incipit liber penitentialis Magistri Roberti de Flames- bure canonici Sancti Victoris Parisiensis et penitentiarii."

3. Here are the divisions of the third book: "(fol. 18 v.) Incipiunt capita ter- cii libri. Quid sit ordo. Que exigantur ad ordinem et sint de substantia ordinis. Que impediunt ordinem et ordinis executionem. Que impediunt executionem tantum, (fol. 19 r.): Que exigantur ad ordinem et sint de substantia ordinis. De sexu. De baptismo, prima tonsura. (Fol. 19 v.): *Sicut baptismus est fundamentum omnium sacramentorum, ita et secundum quosdam prima tonsura est fundamentum omnium ordinum et illa non habita, nullus ordo suscipitur.* Unde si aliquis, non habita prima tonsura, accedit **conditions of validity of the order**, the author depends closely on Huguccio's *Summa Decreti*. He writes<sup>1</sup> :

Potestas ordinandi est de substantia ordinis, sed nota quod quandoque potestas ordinandi in aliquo omnino non est, ut in non sacerdote quantum ad coronam conferendam, et non episcopo quantum ad ordines superiores. Episcopo catholico et catholice viventi inest potestas ordinandi soluta et libera in suo episcopatu. In alieno est

ligata... Ligatur etiam ista potestas in suspenso, scismatico, excommunicato et heretico. Ligatur, inquam in' istis, ordinandi potestas, quia uti non possunt, id est non debent ordinare. *Utrum tamen ordines conferant questio est. et maxime de heretico de quo diverse sunt opiniones.* Dicunt aliqui : si accepit quis ultimam manus impositionem, id est ordinem episcopalem, qui sic dicitur quia post illum nullus ordo confertur [fol. so v.]; si ergo illum accepit in Ecclesia, id est, in unitate Ecclesie, ordinem confert; si extra, non, et qui ab illo accepit nihil accepit... Hugo<sup>2</sup> dicit quod quilibet episcopus sive excommunicatus sive non, sive catholicus sive hereticus, sive ultimam manus impositionem accepit in ecclesia sive extra, ordinem confert. Similiter et ordinatus ab illo et sic in infinitum... Unde si cum talibus dispensetur, oportet eos recoronari ut habetur in pre- dictis capitulis. Alii non debent reordinari.

Ego autem omnes tales tam ordinantes quam ordinatos, si ordinaverint vel ordinati fuerint in suspensione, scismate, excommunicatione, heresi, ad dominum papam transmitterem.

A *Summa* from the first years of the xm<sup>e</sup> century, and which is probably by Cardinal Robert deCourçon<sup>3</sup>, is expressed with all the desired clarity:

Haec est inconcussa regula et compago totius christianae religionis quod virtus sacramentorum non pendet de meritis ministrorum... Quod autem confectio [eucharist] et ordinatio facta ab hereticis teneat habetur in C. IX, q. I, *Ordinationes* [c. 5] et in suis concordantiis\*.

ad acolitatum, postea ad subdiaconatum, deinde ad sacerdotium, nullum ordinem habet. Immo si vult in aliquo ordine ministrare, oportet quod suscipiat primam tonsuram et deinde acolitatum postea subdiaconatum et sic deinceps. Aln dicunt quod hoc totum falsum est et quod, non prehabita prima tonsura, quilibet ordo haberi potest... (fol. 20 r.) Ego omnes sine prima tonsura ordinatos ad dominum papam transmittito et ab omni amministrazione suspendo. Idem facio de illis qui, prima tonsura a simplici sacerdote suscepta, posteriores susceperunt ordines, nisi sint in partibus illis in quibus adhuc, de antiqua consuetudine, primam tonsuram benedicunt sacerdotes."

1. *Ibid*, fol. ao r.

2. He was Huguccio, a former professor of Bologna and bishop of Pisa.

3. This *Summa* is contained in several manuscripts. The oldest (xm<sup>\*</sup>-xiv<sup>e</sup> c.): that of the Bibl. Nat., lat. 14524 and that of the Bibl. of Bruges, n. 247 attribute the work to Robert de Courçon. The ms. 1175 of Troyes and 62 of Arras are anonymous. The ms. Bibl. Nat. lat. 3258 and 3a59 attribute the work to Pierre le Chantre; and ms. 3203 of the same collection, to Simon de Tournai. This *Summa* is not of Pierre le Chantre, since there is question of his death in one place. This *Summa* is rather of Robert de Courçon than of Simon de Tournai. It is not possible to find a single word of this text in the Bible, but it is possible to find a single word of it in the Bible, and it is not possible to find a single word of it in the Bible.

4. Bibl. Nat. lat. 3203, fol. 278 v. and 279 r. (xv<sup>\*</sup> century).

However, the theory of Rufinus and John of Faenza still had supporters in Paris. It was adopted by Simon of Tournai, master of the University of Paris, who wrote the *Summa de sacramentis in the* first twenty years of the xm<sup>e</sup> century:

Queritur an sacerdos excommunicatus vel hereticus ab ecclesia precisus conficiat... Sive scismaticus, sive hereticus vel excommunicatus nihilominus conficit, si in conficiendo servat formam ecclesiasticam, et secundum formam ecclesiasticam in ecclesia fuerit ordinatus *vel ab eo qui consecrationem in ecclesia receperit.* Semel enim sacerdos non

degradatione nec excommunicatione nec heresi vel scismate potest non esse sacerdos<sup>245</sup>.

**Guillaume d'Auxerre, master of the University of Paris (f i23i), dismisses the French theory of the nullity of sacraments administered by an excommunicate:**

Ultimo queritur utrum heretici ordinent aut non et vere conficiant... Ad hoc solvunt quidam sicut habetur in Sententiis, quod distinguendum est inter hereticos. Sunt enim quidam heretici precisi ab ecclesia, quidam non precisi... Sed quod solutio nulla sit probatur... Dicimus ergo quod si heretici servent formam ecclesie, sive sint precisi sive non, vera sacramenta dant \*...

**Brother Roland of Cremona was the first of the Friars Preachers to obtain the *licentia docendi* at the University of Paris (1229). He taught in Paris and Toulouse<sup>246</sup>. The ms. 795 of the Mazarine library contains the *Conclusiones Magistri Rolandi super IV libros sententiarum*. As for the validity of the sacraments, they contain the doctrine which was to prevail in the schools of the Middle Ages:**

Consequenter queritur utrum illi qui receperunt veros ordines in ecclesia et fuerunt veri episcopi, sed facti sunt scismatici et heretici, utrum existent- tes in heresi vere ordinent, et veros tradant ordines, et utrum vere conficiant. Videtur quod non, quia auctoritates dicunt *Maleaicam benedictionibus vestris*...

Sed contra dicunt omnes sancti quod heretici vere baptizant. Ergo eadem ratione veie conficiunt; ergo eadem ratione vere ordinant. Ita... dicit Gregorius quod sicut baptizati ab hereticis iterum non baptizantur, ita ordinati ab hereticis iterum non ordinantur.

**Then Roland dismisses a different opinion. It is not that of the masters of Bologna, heirs of Roland, Rufino and John of Faenza; it must therefore have had no more credit in Paris; it is the old French theory on the effects of excommunication and deposition:**

Ad hoc distinguitur a quibusdam quod sunt quidam heretici precisi ab ecclesia, et quidam non sunt precisi. De precisis dicunt quod baptizant, quia baptismus est sacramentum necessitatis, sed non ordinant vere nec consecrant nec confirmant. Sed qualis sit illa solutio habetur per rationem quam supra posuimus : quia ad hoc quod homo consecrat, non est necesse nisi ut sit sacerdos et observet formam ecclesie, et alia habeat scilicet panem triticeum et vinum, et hec omnia sunt in consecratione hereticorum. Heecet ergo opinio sana quod heretici, sive sint precisi, sive non, quod conficiunt et a/ia vera sacramenta dant, dummodo observent formam ecclesie L

**It is unnecessary to push this examination further. In the early years of the xin\* century, the definitive doctrine prevailed in Paris.**

245 Bibl. Nat., lat. 14886, fol. 48 r\* (xm\* century).

246 DENIFLE, *Die Universitäten des Mittelalters bisik00*, p. 3<sup>^</sup>7, Berlin, i885.

## VI. - Degradation according to the theologians of Paris.

<sup>ee</sup>It is in the glosses of Gandulph that we find the first precise indication of a singular theory which had some success in France in the 19th and 19th centuries. According to these authors, degradation not only renders the power of order practically null; it has the effect of removing the sacrament and returning the minister to the lay state. This is a doctrine which neither Roland nor Rufinus would have admitted, and whose origins escape us. It is attested, first of all, by the refutation which Gandulph makes of it in his *glosses*. With regard to the text of the *Decree, De consecratione, Dist. IV, c. 3a*, he writes:

Argumentum quod degradatus et exauctoratus remanet ordinatus, quia non iteratur ordo in degradato, sicut nec baptismus in baptizato<sup>2</sup>.

And elsewhere: Hinc collige sacramentum ordinis *inseparabile* sicut et baptismus, unde degradatus retinet ordinem<sup>3</sup>.

If this allusion seemed to be not very explicit, it would take on all the

1. Mazarine Library, ms. 795, fol. 128 r. (xin<sup>e</sup> century).

2. F. SCHULTE, *Die Glossc zum Decret* etc., p. 53. This gloss is contained in Cod. 906 (early xm<sup>e</sup> century) of the Trier City Library.

3. *Ibid.* This gloss is contained in the ms. of Wolfenbüttel, Bibl. Helmst. 33. Note that this word *inseparabile* had been found previously by Vulgarius. Cf. above, p. 161. Moreover, like Gandulph, Auxilius admitted that a sacrament conferred by force on a subject who resists is valid. Cf. above, p. 160, n. 2.

its value by the following quotations. They show that it was in France that this singular doctrine had taken root. We read in a gloss on the *Decree, Dist. I, c. 10*: "Argumentum quod degradatus non retineat ordinem, ut etiam non sit sacerdos, non clericus." And on the *Decree, Dist, L, c. 9* and *C. XV, q. 8, c. 4*:

Et hoc dicunt maxime *ultra montani*. Alii dicunt in contrarium quod, ex quo aliquis clericus est vel sacerdos, licet degradetur, tamen retinet ordinem, et est sacerdos vel clericus, sed non retinet privilegium et executionem sui ordinis L

These ultramontanes were certainly on this side of the mountains. The two canonists or theologians to whom this doctrine can be attributed are two Frenchmen: Maitre Gérard Pu- that of the University of Paris, and Guillaume d'Auvergne, of the University of Paris and then Bishop of Paris.

In the *Summa Lipsiensis*, with regard to the application to deposed priests of the *privilegium canonis*, in *Decree C. XVII, q. 4, c. 29* we read:

Hoc videtur mihi potius dicendum, ut scii, non sit excommunicatus qui in tales manus iniicit, licet omnes fere contradicant. Magister tamen G. Coven- trensis episcopus dixit quod nec ordinem habent tales ; sed ulterius processit quam debuit, ut dicunt quidam,

potuit enim concessisse, ut ordinem haberent, non tamen ut privilegium<sup>2</sup>.

This *Mag. G. Coventrensis episcopus* is certainly Gerard Pucelle, professor of the University of Paris, who, about 1177, was recommended to Alexander III for a bishopric, by Peter, cardinal of St. Chrysogonus, and who soon afterwards obtained the see of Coventry in England. The example of Gerard Pucelle and that of William of Auvergne show that the masters of Paris had no right to be too severe on their colleagues in Bologna. All had progress to make.

1. This gloss is quoted by Fr. SCHULTE, *Die Glosse zum Decret* etc., p. 14, in Cod. 10244 (Pal. M. 244) xm<sup>e</sup> century, *teVHofbibliothek* Munich.

a. In quoting this passage, M. Fr. SCHULTE, *Die Summa Decreti Lipsiensis* etc., p. 43, wants to identify this magister with Gandulph. It will be difficult to agree with him, for while *G. Coventrensis episcopus* says that deposed or degraded clerics lose the sacrament of Tordre, Gandulph was, as we have seen, of the opposite opinion. Lesigle *G. Coventrensis episcopus* refers to GerardusPucella mentioned in a letter of Peter Cardinal of S. - Chrysogon to Alexander III (c. 1177) in *P. L.*, t. CC, col. i3?o. This acronym G designating the same personage is also found in the *Glossa ordinaria*, D. XIX, c. 8.

In his *Gloses* on the *Sentences*, Peter of Poitiers, whose information in Paris fills the last forty years of the xn<sup>e</sup> century, is by no means fixed on the effect produced in the soul by ordination. He writes about the question: *Quid sit quod vocatur ordo P*

Dicitur tamen quod est quibusdam character spiritualis, id est discretio qua discernitur ordinatus a non ordinato. De hoc characterе solet quaeri *utrum semel susceptus aliquo modo adimatur?* Hec questio decretalis est. *Quidam concedunt et probabilius, quidam non*<sup>247</sup>

Here again, Peter of Poitiers attributes to canon law, and not to theology, the solution of questions which concern the character of the order<sup>248</sup>.

William of Auvergne, who was bishop of Paris from 1228 to 1249, first mentions and dismisses the opinion of those according to whom priests suspended *àd tempus* and excommunicated cannot consecrate the Eucharist. But he adds that perpetual deposition, done in the liturgical form of degradation or *exauctoratio*, completely removes the powers and very character of the order. On this point, the exposition of the bishop of Paris contains some alterations which it is interesting to know. First, the theologian expresses his doctrine in a very firm manner:

Cum ergo ecclesia exauctoratos atque depositos licet sacerdotes suos eos constituerit,

<sup>247</sup> *Gloses* by Peter of Poitiers on the *Sentences of Lombard* (1. ;V, dist. 24) in *Bibl. Nat.*, lat. 14423 (xm<sup>e</sup> century), fol. 109 r.

a. See above, p. 350.

sacerdotes tamen ipsos post exaurationem et depositionem non habeat, nec reputet, imo a sacerdotio penitus subtractos, et ideo nec ratum habeat quicquid de sacerdotali ministerio attentare praesumpserint, necesse est praesumptionem eorum et attentionem, quantum ad sacerdotale officium, vacuum et irritam esse : et hoc ipsum forma exaurationis et \* exordinationis indicat evidenter, qua vestimentis sacerdotalibus sigillati m et illis inversatis exuuntur, per quod indicare intendit ecclesia manifeste nihil eis dignitatis, potestatis officii sacerdotalis relinqui, sicut de vestimentis sacerdotalibus nec unum eis relinquitur... |

*Hinc est quod rationabilissime dixisse videtur exauctoratos atque depositos reordinandos esse cum redierint, et eos ecclesia restituere voluerit, caeteros J autem ab ecclesia apostantes reconciliandos tantum, non autem iterum ordinandos... nec timendum ullatenus iniuriam fieri sacramento ordinis, si hoc modo, ut diximus, iteretur : si enim non reputatur iteratum quod nescitur esse factum, multo fortius non est reputandum iteratum quod scitur abolitum esse penitus et destructum<sup>249</sup>.*

It is indeed on the question of fact that William of Auvergne has just pronounced himself. For him, the text of the *Pontifical* leaves no doubt: by the degradation, the Church intends to take away the powers and character of the order. But this solution is very serious. The theologian realizes this: so he will gradually tone it down. Until then, for him, the Church's intention was clear. Now he says that everything depends on the intention of the Church:

Si enim intentio ecclesiae exauctorando et deponendo sive degradando ordinatos, ipsos characteres ordinum delere, sive abolere in illis intendit, non solum verisimile, sed etiam necesse est ecclesiae intentionem, omnipotentiae divinae virtute, quae ministerio ecclesiae semper assistit et per ipsum operatur, impleri : sicut enim ministerio ecclesiae adest omnipotens virtus ad imprimenda sanctitatis signacula sive characteres quos ordines vocamus, et ad infundendam gratiam ipsius ordinibus congruentem, sic et ad abolendum ipsa singula, dubitandum non est eiusdem ecclesiae ministris eandem esse et operari virtutem et perficere intus quod foris facit ecclesia. Amplius... *quomodo deesset divina virtus ecclesiae in isto ministerio auferendi ordines, quod tam salubre, tamque necessarium est ad iustitiam exercendam, contra exeerabiles eorumdem praesumptores et contaminatores? Quod si ecclesiae intentio non fuerit ipsos ordines auferre ministerio exaurationis et depositionis, sed solum eorum executionem, manifestum est quod ordines in exauctoratis et depositis remanere necesse esset, eosque ab ipsa executione solummodo de perpetuo esse suspensos : et propter hoc, si postea a suffragantibus - restituantur, ordinari iterum eos nullo modo est possibile...*

But what is, in fact, the Church's intention? Here, as we can see, the theologian returns to the question he has already decided. In his answer, his respect for the authority of the Roman Church is once again affirmed:

Quae autem sit intentio ecclesiae in opere exaurationis et depositionis, ab ecclesia Romana discendum est, penes quam residet auctoritas universalis ecclesiae, cuius auctoritate de exaurationibus et depositionibus omnia statuta edita sunt : adiiciendum est tamen eius esse legem interpretari qui condidit : intentio autem ecclesiae semper, aut sacra eruditione aut divina inspiratione, in his quae generaliter statuit et formavit, procul dubio firmatur; propositum vero nostrum non est hic canones sacros exponere, vel

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249 *De sacramento ordinis*, c. 7, in GUILIELMI ALVERMI *Opera*, vol. I, p. 53p.

contrarias opiniones doctorum ipsorum in his ad concordiam reducere<sup>250</sup> ...

**William of Auvergne thus admits that the character of baptism and that of the order are not of the same nature. The former is ineffaceable and remains with the baptized, even after the ablutions and scrapings which the Jews sometimes practiced to debaptize Christians. The reason for this is that the**

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<sup>250</sup> *Ibid*, p. 54o.

Baptism is the sacrament, the sign of the death of Christ: "Et propter hoc, quia figura et veritas concordare debent, sicut una mors Domini salvatoris, ita sit unum baptisma<sup>251</sup>. This character of a sign of Christ's death is not suitable for the order, and this is why the character of the order can be taken away, and then given again, if such is the will of the Church.

The relationship between these theories of William of Auvergne and the ceremonial degradation of clerics of the various orders should be studied.

Alexandre de Halès, master of the University of Paris, entered the order of the Friars Minor in 1231, and taught theology in their house in Paris, until his death in 1245. His *Summa Theologica* opens the apogee of scholastic theology. It follows the plan of the *Sentences* of Pierre Lombard; but this external resemblance only makes the difference of the two works more noticeable. In Alexander of Hales, the theological data or positive information are incomparably more abundant, and they find place in discussions of the most rigorous order. Finally, the doctrine of the *Summa theologica* has a firmness which contrasts with the indecision of Pierre Lombard. Unfortunately the *Summa* of Alexander of Hales is unfinished. Thus, in the fourth book, the exposition relative to the sacrament of the order is missing<sup>252</sup>. One can however get an idea of the doctrine of this theologian on the point which occupies us. The author discusses the old French theory according to which degradation removes from a minister the power to exercise his order<sup>253</sup>. This is an opportunity for the theologian to define, with perfect clarity, the nature of ordination:

An et degradati consecrare possint ?... Quod sic videtur ex praedictis. Contra C. I, *Quod quidam*. (Here the author transcribes the passage of Gratian which was quoted on p. 294) Ex hoc patet quod episcopus degradatus non habeat officium episcopi neque potestatem : unde non potest ordinari nec conferre. A simili videtur quod sacerdos degradatus iure non habet officium sacerdotis, nec potestatem consecrandi. *Item*, eius est interpretari cuius est condere : igitur si episcopus qui contulit ordines sive condidit in degradato, interpretetur illum nullum esse et omni carere potestate, standum est eius ordinationi : igitur non est ordo in talibus alicuius potestatis... Rationes quae ostendunt quod haereticus potest consecrare ostendunt similiter quod et degradatus.

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<sup>251</sup> *De sacramento baptismi*, c. 3, p. 4<sup>3</sup>. William recalls the same doctrine *De sacramento ordinis*, c. 8, p. 540.

a. On the *Summa* of Alexandre de Halès, cf. H. FELDER, *Geschichte der wissenschaftlichen Studien im Franziskanerorden bis um die Mitte des 13. Jahrhunderts*, p. 177-au (Freiburg in B., 1904).

<sup>253</sup> Alexandre de Halès does not deal with the radical theory according to which degradation takes away the very character of the order.

RESPONDEO quod degradatus habet potestatem consecrandi : ius tamen exequendi non habet, sicut supra dictum est de haeretico. Sicut enim character non potest privari, nec sic potestate conficiendi. j

Here, Alexandre de Halès answers the various objections he has just formulated. Here are only two answers out of four. The first of these is relative to degradation. The author first shows that we must not identify the degradation of bishops with that of priests:

Ad aliud quod obiicitur dicendum quod (*ut dicunt*) non est simile de episcopo degradato et sacerdote, quia in ordine episcopali non imprimitur character sicut in sacerdotali : qui scilicet character impressus in anima deleri non potest : unde solummodo aufertur illi officium consecrandi: non enim aufertur illi potestas sed executio potestatis: sed quia in ordine episcopali non imprimitur character, in degradando aufertur ei potestas conferendi ordines et officium executionis.

This is a theory on the nature of the episcopate which had supporters in the Middle Ages, but Alexandre de Halès does not stop there; he proposes another solution:

Aliter dicitur : Si episcopus degradatus ordinaret aliquem, est ordinatus. Et quod dicitur quod non habet potestatem largiendi ordines, intelligitur de potestate executionis : quasi diceret, ligata est potestas quantum ad executionem.

Ad aliud quod obiicitur, quod *eius est interpretari* etc., Dicendum quod character, unde est potestas ordinis, est immediate a Deo, licet episcopus cooperetur ministerialiter : dominus autem non interpretatur degradatum carere potestate consecrandi : nec episcopus etiam, sed iure executionis<sup>254</sup>.

On this date 1 agreement is made on all essential points.

The great scholastics remained faithful to the doctrine of Alexander of Hales. They do not admit that the episcopate - constitutes an order and confers a character; yet they teach that any bishop, even if deposed or degraded, can validly confer the order<sup>255</sup>. Duns Scotus saw in the episcopate an order, although

that he does not explicitly state that episcopal consecration is a sacrament. To support his feeling, he does not hesitate to say that if the episcopate is not an order, it follows that a bishop who has been struck by ecclesiastical penalties can no longer validly ordain<sup>1</sup>. But this is a consequence that neither Alexander of Haies nor St. Thomas

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254 ALEXANDRI de ALES *Summa theologica*, P. IV, q. X, m. 5, a. i, § 6, p. 147.

255 S. THOMAE *Commentum in IV libros sententiarum*, L. IV, disl. 24, q. 1, art. 2, ad 2<sup>um</sup> : "In promotione episcopi datur sibi potestas quae perpetuo manet in eo; quamvis dici non possit character, quia per eam non ordinatur homo directe ad Deum sed ad corpus Christi mysticum; et tamen indubitanter manet sicut character, quia per consecrationem datur. -

**had admitted.**

1. Du<sup>o</sup> SCOT, *Quaestiones in IV libros Sententiarum*, L. IV, dist. a5, q. i, art. 2, ad 3<sup>o</sup>: "Si vero [episcopus] sit praecisus et condemnatus ab Ecclesia, non confert ordines si episcopatus non sit ordo et possit simpliciter auferri, sicut haberent respondere illi qui tenent episcopatum non esse ordinem, sed quamdam dignitatem additam super ordines, quae ad iurisdictionem magis spectat." In J. Duxs SCOTI... *Opera omnia*, vol. XIX, p. 49, Paris, 1894.

## CHAPTER XXI

### DURING THE GREAT SCHISM. REAPPEARANCE OF THEOLOGY OF BOLOGNA.

The great schism which, since 1953, has divided the West into two rival obediences, has led theologians to concern themselves with the value of the sacraments administered in the obedience of the false pope. In some quarters, it was believed for a time that the administration of the sacraments was compromised. But no doctrinal distortion has occurred. We could even dispense with recalling the few discussions which took place at that time, if they did not bring us face to face with a surprising fact: the brief reappearance of the old theory of the Bologna school.

#### I. - Speech of the Bishop of Lisbon, in 1380.

First of all, a text to show that, from the beginning of the schism, the question of the sacraments was a concern. It is an account of the ideas that were current in the Church and at the court of Portugal in the years 1379-1380. After a long period of hesitation, King Ferdinand decided against Urban VI in favour of Clement. This adherence to the papacy of Avignon immediately brought Portugal and France closer together. The bishop of Lisbon was sent on an embassy to Paris<sup>CCLVI</sup>. In a long speech, delivered on July 14, 1380, before Charles V, he explained the

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<sup>CCLVI</sup> On these facts, read ?i. VALOIS, *La France et le grand schisme d'Occident*, t. I, p. 225 ff, Paris, 1896.

reasons which had led to his master's decision, and expressed himself thus on the sacraments:

Ex hoc scismate nascitur error manifestus in lege, quia cum, secundum fidem, una tantum sit Ecclesia sponsa Christi, immaculata, non habens maculam neque rugam, mater omnium fidelium et magistra, extra quam nullus salvatur, et una fides et unum baptismum... aliqui nefandissimi, Christiani nomine, hodie ponunt unam aliam que est ecclesia malignantium. *Et ex isto errore sequitur alius error, scilicet, ydolatry, de necessitate, quod probo.* Ista mala Ecclesia non potest facere episcopos et facit de facto; nomine isti antiepiscopi celebrant et ordinant alios antipresbyteros, qui similiter celebrant et dicunt se conjicere [*Eucharistiam*] quod non est verum, nam sacramentum altaris non nisi a presbytero recte ordinato secundum claves Ecclesie conficitur... Dicebatur ergo in Concilio<sup>4</sup> : si alter istorum est papa, concluditur quod alter est antipapa, et, per consequens, ordinati per eum non episcopi, neque presbyteri, et, per consequens, non corpus Christi, sed damnatum sacrificium quod ab eis demonstratur, et, per consequens, honorantur non clerici et pro clericis reputantur, et sic lex et sacerdotium confunduntur<sup>8</sup>.

According to the Bishop of Lisbon, the result of the schism is to give the Church an anti-pope, anti-bishops and anti-priests. The latter two terms refer only to bishops and priests ordained under the obedience of the antipope. Such ministers cannot validly consecrate the Eucharist, for they have not been ordained in the Church: "nam sacramentum altaris non nisi a presbytero recte ordinato secundum claves Ecclesie conficitur. So according to our bishop, in the obedience of the false pope, there are two categories of ministers: 1<sup>o</sup> those who were ordained before the schism: they can validly celebrate the Eucharist; 2<sup>o</sup> those who were ordained under the obedience of the antipope: "ordinati per eum non episcopi neque presbyteri"; they do not consecrate the body of Christ; hence, for the faithful, there is the danger of idolatry, for believing they are worshipping the Eucharist, they will be worshipping a material object.

The theology of the bishop of Lisbon is exactly that of Master Roland, Rufinus and Bernard of Pavia. Doubt is all the more impossible since the same doctrine reappears, a few years later, in Italy.

#### I. The Council of the King of Portugal.

a. N. VALOIS, *Discours prononcé, le 14 juillet 1380, en présence de Charles V, par Martin, évêque de Lisbonne, ambassadeur du roi de Portugal*, in *Bibliothèque de l'École des Chartes*, t. LII (1891), p. 504. In this transcription, the dots mark the place of the patristic references, which Mr. Noel Valois did not transcribe.

#### II. - Letter from the Chancellor of Florence, in 1397.

On August 20, 1897, Coluccio Salutati, Chancellor of Florence, and previously Chancellor of Urban V in Rome, wrote to the Margraves of Brandenburg and Moravia, on the evils occasioned by the schism; he expressed himself thus:

Non solum cum iactura rerum temporalium... sed in spiritualium rerum confusionem... abominabilis neglectus est. Nam si papam vel hinc vel inde legitimum non habemus, quod profecto fateri necessarium est, quis nescit ex vitiosa parte veros episcopos esse non posse? Et, per consequens, veros deicere sacerdotes, veraque non habituros, post aliquid temporis, sacramenta, quos contigerit partem vitiosam esse secutos. Licet enim clericalis carácter sic semel transeat, quod etiam per supervenientem haeresim non tollatur, quod adeo verum est, quod certum sit haereticos etiam publice condemnatos vera conficere sacramenta : quae tamen iurisdictionalia sunt, propter haeresim pereunt ipso iure, ut forte probabile sit adfirmare credereque quod, post mortem felicitis recordationis Gregorii XI, nullus, ex parte pontificis electi per vitium, nactus sit sacerdotii dignitatem, nec per illos sacerdotes haberi possint legitime sacramenta, utpote deficiente "iurisdictione sacerdotia conferendi. Illi ergo qui Juerint obedientes non vero pontifici, quamvis simpliciter et conscientia non corrupta, si in aliquem inciderint ordinatum ab episcopis novis, adorantes hostiam et calicem, non Christi corpus et sanguinem, sea illam puram panis materiam atque vini cum aqua mixti, veluti quoddam idolum adorabunt<sup>CCLVII</sup>.

The theory expressed by Salutati is completely in line with that of the Bishop of Lisbon. It even has the advantage of being expressed in technical terms. It represents the valid transmission of the power of order as dependent not only on the power of order, but also on the power of jurisdiction of the consecrating bishop. The priest ordained by a bishop consecrated during the schism does not consecrate the Eucharist; that is, he does not have the power of order and his ordination is void. The longer the schism lasted, the worse the situation became. One could foresee the moment when all power of order would disappear in one of the two obediences. Salutati could therefore write that, as a result of the renewal of the clergy, "veraque non habituros, post aliquid temporis, sacramenta".

Where did the Bishop of Lisbon and the Chancellor of Florence get this theory? Obviously from the ancient books of canon law which contained the doctrine of the School of Bologna.

The *Decree* of Gratian was still used as ordinary reading, that is to say principal, in the Faculties of Decree: the masters still had to read, for the preparation of their course, the ancient *Summae Decreti*, No wonder that this theory of the Bolognese was preserved in the Faculties of Decree, although it had no credit in the Faculties of

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CCLVII. RIGACCIUS, *Liae Coluccii Pierii Salutati epistolae*, pars I, p. Iao, Florence, 1741.

## Theology.

## III. - Bull of Boniface IX of 1401

This phenomenon of survival is therefore not at all surprising. It is more remarkable that the ancient theory of Bologna should have become sufficiently established in people's minds for them to conform to it in practice. It will be remembered that, according to the theory of Roland and Rufinus, a cleric ordained by a bishop consecrated in the schism has not received any kind of ordination, and can be reordained, if he deserves it. But a cleric or bishop ordained outside the Church by a previously Catholic bishop need not be reordained: it is sufficient that he be reconciled to the Church by the rite of the imposition of hands. Now, in 1401, Boniface IX, Pope of Rome and rival of Benedict XIII of Avignon, received a petition from Bishop James of Aquila. Like so many other sees at that time, that of Aquila had had two incumbents, one of each obedience. Jacques de Donadieu had been appointed bishop of Aquila by Clement VII of Avignon in 1394. But soon afterwards he made his submission to Boniface IX of Rome, and was appointed by him bishop of Aquila, on the death of Bishop Louis. On this occasion, Bishop Jacques de Donadieu was relieved and absolved of all the penalties he had incurred in the schism. However, he did not rest. It seemed to him that he lacked the "administratio ordinis episcopalis", and that this could only be granted to him by the imposition of hands received from a Catholic bishop. He therefore asked Boniface IX for permission to have this imposition of hands given to him by a bishop of his choice. Boniface IX replied with the following bull, dated 1<sup>st</sup> March 14<sup>o</sup>CCLVIII -

Bonifacius.. etc. Dilecto filio Jacobo de Donadeis electo Aquilan. Sa- lutem etc. Pridem ecclesiae Aquilan., pastoris destitutae, de persona tua nobis et fratribus nostris ob tuorum exigentiam meritorum accepta, de fratrum eorundem consilio? auctoritate apostolica, duximus providendum... Verum, quia a pluribus jam retroactis annis ad unitatem et gremium ecclesiae de damnabili schismate reversus existis, in quo etiam a scismaticis (in forma tamen ecclesiae) munus consecrationis recepisti, QUAMQUAM tempore dictae tuae reversionis [te hoc humiliter petente] a sententis tam canonis quam processuum generalium contra scismaticos promulgatis te absolvi, reintegrari, restitui et habilitari fecerimus, TAMEN aucti muneris consecrationis et ordinis episcopalis, ut praefertur, suscepti administratione adhuc carere dignosceris : quam per manibus impositionem tibi concedi humiliter postulasti. Nos igitur ad ea, quae ad tuam

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CCLVIII On the situation of this bishop cf. C. EUBEL, *Hierarchy, Catholica meduavei*, p. 99, n. 4, Monasterii, 1898.

commoditatis augmentum cedere valeant, favorabiliter intendentes, tuis supplicationibus inclinati, *tibi, ut a quocunque malueris catholico antistite gratiam et communionem apostolicæ sedis habente manus impositionem recipere valeas, ac eidem antistiti, ut dicti muneris consecrationis et episcopalis ordinis administrationem et executionem impendere tibi possit, plenam et liberam concedimus tenore præsentium facultatem* \*.

What could have been the imposition of hands requested and received by the Bishop of Aquila? It would be difficult to say, if we were to confine ourselves to canon law and the Pontifical. There is no formula for such cases. The petition of the Bishop of Aquila is therefore a small problem awaiting solution. It is incomprehensible, if one disregards the letter of the Chancellor of Florence and the sermon of the Bishop of Lisbon. But it can be explained very well by these two documents. The bull of Boniface IX of March 1<sup>er</sup> 140 i, is the putting into practice of the theology recalled by these two characters. Without probably having a very clear feeling about it, the Bishop of Aquila requested the reconciliatory rite which had been prescribed by Urban II, for the schismatic clergy of Germany. After that, what exactly was the imposition of hands received by the Bishop of Aquila? It would be very difficult to say, for the ritual followed, two hundred years earlier, by Gebhard of Constance, must have been somewhat forgotten.

#### IV. - At the University of Paris.

It will come as little surprise that these theories are not to be found in the Faculty of Theology in Paris. The latter had never had a distaste for the doctrine of Bologna in these matters. The value of the sacraments administered during the schism had nevertheless been studied in Paris. Before 1892, one of the most prominent doctors, Henri

1. *Römische Quarlalschrift*, vol. IX (1896), p. 508; published by Fr.

of Langenstein or Hesse, had composed a treatise on this subject L This information is furnished us by Gerson, in his *Resumpta* or first doctoral lesson, given in i3cp.

This was the time when the University was busy putting an end to the schism. Following the custom, Gerson takes up, in his *Resumpta*, a particularly important point from his *Actus aulae* or lesson given in the episcopal palace<sup>2</sup>. His practical conclusion is this: "In præsentis schismate quilibet contendens de papatu et Cardinales tenentur,

secundum animi praeparationem, dimittere status suos pro sedando ilyd, et scandala subditorum removendo. As a good scholastic, Çerson then solves six objections which can be formulated against his thesis. The sixth is formulated as follows:

Sexto : quid fieret de ordinatis a parte schismatica? *An reordinarentur vel sic dimitterent?* Quia ubique videtur periculum.

Ad rationes istas... Ad sextam : *Quid fieret* etc. [Answer] Difficultas \* principalis est non de baptisatis et similibus, sed de coimrmatis et presbyteratis. Dico primo, quod illi qui dicunt omnem sacerdotem posse alium in sacerdotem instituere, et posse confirmare, facilius se expedirent : quia nullus est institutus, quin sit institutus mediate vel immediate a sacerdote, concordi papa praecedente. Ita videtur tenere Hass. Alia opinio forte hoc idem diceret, et naberet pro se utraque opinio apparentiam de illis qui fuerunt ordinati sub Papis non rite electis, qui postmodum non leguntur reordinati, sicut est de muliere quae fuit Papa<sup>4</sup> ; cie Joanne X; Joanne XVII; Silvestro II. Item di-

1. The fact is attested by Gerson, in the passage quoted a little further on. This treatise is certainly the one mentioned in the catalogue of the Library of Conrad of Gelnhausen, in TOEPKE, *Die Matrikel der Universität Heidelberg*, vol. I, p. 661, Heidelberg, 1884 ff. It is said in this catalogue " item (161) tractatus magistri Henrici de Hassia *De consecratione episcoporum tem- pore currentis illius scismatis* ". I borrow this last piece of information from A. KNEER, *Die Entstehung der konziliaren Theorie*, p. 57, n. 1, Rome, 1893. It would remain to look for this treatise.

2. On these acts which inaugurated the doctorate in theology, cf. DENIFLE-CHATELAIN, *Chartularium Universitatis Parisiensis*, t. II, p. 693, Paris, 1891.

3. *De iurisdictione spirituali*, in J. GERSONII, *Opera omnia*, vol. II, col. 267, Antwerp, 1706.

4. It is an allusion to the legend of the papess Joan, which was accepted until the XVIIITH century. This legend created many difficulties for theologians, especially concerning the ordinations made by the papess. Cf. DOELLINGER-FRIE-DRICH, *Die Papst-Fabeln des Mittelalters*, pp. 1-53.

5. Antoninus ff (1459) was concerned with this question in his *Summa historiarum* . He expresses some doubts about the authenticity of this story, then adds: "Sed et si fuit verum nulli tamen ex hoc salutis praeiudicium, quia nec Ecclesia tunc fuit sine capite quod est Christus, unde influxum gratie percipit; nec ultimi effectus sacramentorum que illa conferebat deficiebant eis qui devote accipiebant ab ea seu gratia. Licet illa sicut nec alie femine sint suscepti- biles characteris alicuius ordinis, nec conficere Eucharistiam, nec etiam de facto ordinare possint, nec absolvere a peccatis, unde ordinati ab ea erant iterum ordinandi, quia nihil ab ea acceperant, gratiam tamen sacramentorum Christus supplebat in recipientibus- digne : ignorantia facti invincibili eos excu- ceretur de Damaso II et de Victore II<sup>1</sup> . Item diceretur de actibus factis per tales sic ordinatos, quod Deus misericorditer supplet quoddeest, sicut in simili dicit Scotus de illis qui putant esse sacerdotes et non sunt, quod Deus supplet consecrationem. Ad hoc non esset periculum, item adnuc melius esset, quod omnes tales suspenderentur ab officio exercendi actus presbyte- rales, quam quod schisma sic duraret perpetuo in casu qui est evenire.

Gerson first reports the solution proposed by Henry of Hesse. It will be remembered that the Middle Ages had a tendency to distinguish, as to the conditions of validity of the sacraments, between the acts of bishops and those of priests. For example, in the 19th century, the sacraments administered by a degraded priest were recognized as valid; but certain theologians expressed reservations, more theoretical than practical, it is true, concerning ordinations

made by a degraded bishop. The priesthood, conferring a character, seemed far more independent of the power of jurisdiction than the episcopate, which was not generally attributed a character, but only a power, and some even made it a mere delegation. In times of schism, therefore, the validity of episcopal acts must have seemed more open to question than that of priestly acts.

To get out of the predicament, an old opinion was exhumed, according to which a simple priest could confirm the faithful and ordain other priests. In this theory, it did not matter that there were no bishops; the transmission of the power of order was assured indefinitely, for the power to ordain was attached to the priestly character, which, according to all, is independent of jurisdiction. Unfortunately, this was to overlook an essential element of the theory. Ancient authors state that a simple priest has the power to confirm and ordain priests, but they stipulate a condition: the delegation given by the Supreme Pontiff<sup>2</sup>. In times of schism, there was no way to sup-

sante a culpa." In *Historiarum Domini ANTONINI... in tribus tamis pars prima... tertia*, pars II, tit. XVI, cap. 1, J 7, fol. GLXXV v<sup>o</sup> (Lyon,

The earliest writing of this legend is from the middle of the 19th century. How this story would have been used in the controversies of the xi<sup>c</sup> century, if it had already existed!

1. Gerson names here popes whose history presents difficulties, either real or imaginary, that is to say, created by legend.

2. On this question see MORIN, *Commentarius* etc., p. III, *De chorepiscopis*, cap. 3, p. 61. It is a matter of faith that the bishop is the ordinary minister of confirmation and order. The priest is the extraordinary minister of confirmation by delegation from the pope in the West. Today, according to the most common opinion of theologians, it is taught that a priest cannot confer the priesthood even after a delegation from the pope.

The remedy proved to be ineffective. So we must wait for a lucky chance to find Henri de Hesse's treatise. Only then can his theory be fully appreciated.

Gerson has a more practical solution. He authorizes himself from the precedents of ecclesiastical history in which, it seems to him, jurisdiction has been lacking in certain popes. Finally, he appeals to an affirmation of Scotus which removes all difficulty, by an appeal to Providence. In time he arrived at a firmer doctrine. It is because he had to react against abuses quite similar to those of the end of the twentieth century<sup>e</sup>. In countries where the two obediences were particularly in conflict, as was the case in Flanders, the sacraments of the opposing party were being profaned. Against these disorders, Gerson declares, in a consultation on this subject:

5. Quacumque parte demonstrata, temerarium et scandalosum et sapiens haeresim

est, asserere sacramenta Ecclesiae suam efficaciam non habere; aut sacerdotes non esse consecratos, pueros non esse baptisatos, sacramentum altaris non esse confectum, et similia.

Ratio quintae conclusionis manifesta est advertenti : quoniam neque schisma neque haeresis, neque aliud quodcumque vitium obstat, in ministro, quin sacramentorum collatio habeat suam efficaciam ; dummodo conferentes intendant id facere quod Christus et Ecclesia instituerunt, et recipiens illud recipere, sicut rationabiliter praesumi debet de omnibus.

1. M. N. VALOIS has pointed out facts of this kind in his history *La France et le grand schisme d'Occident*, t. I, p. 229; t. II, p. 256; t. IV, p. 69, p. 49<sup>^</sup>.

2. *De modo habendi se tempore schismatis*, in J. GERSONU *Opera omnia*, t. II, col. 4, 5; Antwerp, 1706. This treatise seems to be from 1395, the year in which Gerson was appointed chancellor of the University.

## CHAPTER XXII

### CONCLUSION.

After this long investigation, we must summarize the facts studied, and say how we can represent their succession. But, before making this examination, it is worthwhile to recall briefly the solutions that have been proposed so far. This will help us to see how it is necessary to formulate new ones.

#### I. - History of the issue.

It will suffice to begin this exposition with Baronius. No one will be surprised that in his colossal work, the *Annales ecclesiastici*, Baronius did not pretend to give a detailed solution of the problem of reordinations. It is more surprising that he was embarrassed by certain data provided by history. As we have seen, the Council of Saragossa of 561 issued three canons, two of which related to the power of order of the Arians, and the other relating to the relics possessed by the Arians. Baronius reports the decree which relates to the relics; he says nothing of those which prescribe and suppose the reordination of the Arian clergy<sup>259</sup>. Were not the latter more remarkable than the other?

In connection with the Roman Council of 769, in which the ordinations made by Constantine were declared null and void, Baronius transcribes the text of the *Liber Pontificalis*. The nullity of the sacraments administered by Constantine is clearly stated in this text;

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259 C. BARONIUS, *Annales ecclesiastici*, t. VIII, Rome, 1599, P\* 4<sup>o</sup>: "Ubi inter alia, illud notatu dignum sanctum reperitur ut sacrosanctae reliquiae quae inventae essent in ecclesiis arianorum, eadem praesentatae episcopis igne probarentur, ut tunc legitimae censerentur, si ab incendio illaesae remanerent."

Pope Stephen IV then received from the council the faculty of reordering deacons, priests and bishops ordained by Constantine. Stephen IV used this faculty only for the bishops consecrated by his predecessor. What does Baronius do? In four places in the text of the *Liber Pontificalis*, he assumes that the text is altered: instead of *consecrare*, he proposes to substitute *conciliare*. Then he adds: "At quod ad episcopos spectat, ne eos existimes iterum consecratos, sed accepisse dumtaxat, more maiorum, benedictionis mysterium, quod auctor nominat benedictionis sacramentum, ritus illos solemnnes adhiberi solitos in reconciliatione schismatici vel haeretici L" Baronius has not decided to examine the question. He corrects the text according to an *a priori* idea. However, when he encounters this text again, in the *Acts* of the Roman Council of 964, he gives up correcting it<sup>260</sup>.

In connection with the affair of Ebo of Rheims and the Council of Soissons of 853, Baronius transcribes the *Acts* of the Council without reflection. In the table of contents it is stated that the synod declared the ordinations made by Ebo after his deposition to be a thousand<sup>261</sup>. As for the reordinations made by Sergius III, he does not concern himself with them, since the pope was an intruder. Moreover, he takes the opportunity to formulate a principle: "reordinationes legitimum signum Pontificum eorum qui illicite et per vim Sedem Apostolicam usurpaverunt<sup>262</sup>". Was it not forbidden in advance to admit, even on good historical evidence, that popes had permitted or ordered reordinations?

Baronius did not notice the decision of the Roman Council of 964, presided over by John XII, declaring the ordinations made by Leo VIII to be null and void and, if necessary, subject to reiteration<sup>263</sup>. Finally, after mentioning and summarizing the *Liber gratissimus* of Peter Damian, Baronius declares that this book has definitively eliminated the controversy concerning the conditions of validity of the order. The true doctrine was no longer questioned<sup>264</sup>. Baronius did not know the treatise of Cardinal Humbert, written a few years after the *Liber gratissimus*; he suspected nothing of the controversies of the xi\* and xn<sup>e</sup> centuries on these questions.

From Baronius to Morin the progress is considerable. Scholarship

260 *Ibid.*, vol. X, p. 782, Rome, 1602.

261 *Ibid.*, p. 91, and the word *Ebo*.

262 *Ibid.* in the table at *Reordinationes*. See *Ibid.* at 667.

263 *Ibid.*, p. 782. Baronius cannot praise enough the energy of John XII against Leo VIII.

264 *Ibid.*, vol. XI, p. 182, Rome 1605: "Haec et alia in reprobationem ac de-

has narrowed its field of study in order to explore it better; in the course of half a century, it has been enriched with new working tools, and the method has been improved.

As for his knowledge of sources and bibliography, Morin's erudition is still very much in evidence, and seems very remarkable for the time in which he is writing. Morin is familiar with the most important historical texts relating to this controversy<sup>1</sup> : he has also made a large part of the study of the theologians and canonists of the Middle Ages<sup>2</sup>. In the history of the sacraments and in that of the liturgy, he very deliberately uses the comparative method. Therefore, there is much to borrow from him, and one must always take into consideration the interpretation he gives to the texts. Unfortunately, Morin felt obliged to propose a single theory which could account for all the facts observed in the long history of these controversies. It was a chimerical undertaking to seek a single key for these various difficulties. In fact, Morin's theory, which does not account for all the texts, did not receive the approval of theologians. Basically, he, who has often disparaged the scholastics, comes, like them, to make of these "violent concordandae" of the texts, of which Roger Bacon spoke in criticizing the masters of the theology of his time. It seems to him necessary that the facts attested by history, in these questions, should have a unique explanation in harmony with the principles of theology. It is that he represents the per-

testationem novae haeresis [the reordinations] Petrus [Damiani]; cuius scriptionis tanta fuit auctoritas, ut nullus amplius sit repertus, qui eidem fuerit patrocinatus errori. >

1. I shall mention the various texts of the fourth and fifth centuries, the letter to Martyrius of Antioch, the Council of Saragossa, the book of the priest Timothy (beginning in the seventh<sup>e</sup> century), the deliberations of the seventh Council (<sup>e</sup>), the history of Constantine, Ebo, Phofius, Formosa (it was Morin who published the two treatises *De ordinationibus* and *Infensor et defensor* of Auxilius), the history of Leo IX, Urban II, etc.

a. Mention should be made of the then or still unpublished works of Peter of Poitiers, Prevostinus, Robert Pulleyn, Robert of Flamesbury, Hugh or Huguccio of Pisa, William of Paris, the Cardinal of Ostia, Innocent IV, Nicholas Tedeschi (Panormitanus), second-rate theologians such as Peter Auriol and John Bassols, not to mention the masters of scholasticism. He also used the testimony of Greek canonists of the Middle Ages, such as Zonaras and Balsamon (xii<sup>o</sup> c.) and Harmenopoulos (xiv<sup>e</sup>).

petuity of faith as inseparable from the absolute identity of dogmatic formulas, from the origins of Christianity to us. He would willingly have subscribed to Bossuet's statement that <c the truth that came from God first had its perfection. Today theologians speak with more nuance. They speak of the various states of tradition or stages of theology. Within strictly defined limits, the exposition of theology progresses or retreats. There are developments or regressions.

Is it any wonder that Morin did not see or put these theories into practice? This would be to forget that in no science do the precursors go to the end of the road they open. Petau and Mabillon, who had difficulties with Bossuet, did not go much further than Morin. Yet Petau saw all the essentials of the theology of the first three centuries, and Mabillon understood well the theology of St. Augustine. However, neither of them tried to give an account, by means of a general theory, of the various forms which the Christian tradition, always identical in substance, has taken in the course of time.

In order to explain the controversies concerning the conditions of validity of the power of order, and to justify the reordinations, Morin does not invent a personal system; he is content to give a general value to certain theories formulated in the XII\* and XIII® centuries. These are those of which the text of Innocent IV quoted above constitutes the summary, not without introducing a notable exaggeration\*. The Church, and particularly the Pope, would have a power over the sacrament of Holy Orders analogous to that exercised over Marriage and Penance. The Pope can determine certain conditions, the non-observance of which will result in the nullity of a marriage which otherwise presents all the conditions of validity. These are the -dirimant impediments. In the same way, by declaring jurisdiction necessary (except in cases of necessity) for the valid administration of the sacrament of penance, the Church shows us that, while leaving the priestly character intact in his soul, she can bind the power of order to the point of rendering it practically null. By generalizing the question, Morin says, do not

1. Cf. above, p. 34o. While the school of Bologna applied its theory to the sacrament of order alone, Innocent IV extended it to the sacrament of baptism.

Can it not be said that in ancient times, up to a time which cannot be strictly determined, the Church intended to exercise these prerogatives, that is to say, to place diriment impediments to the reception of the order; to make jurisdiction necessary for the valid exercise of the order? No doubt today the Church renounces the exercise of these privileges, but this is no reason to deny that she had recourse to them previously. It is this greater initiative on the part of the Church with regard to the administration of the sacraments which explains and justifies the reordinations<sup>265</sup>.

What are we to think of this theory? It is not, as is sometimes believed, attributable to the ingenuity of Morin alone. As for the

substance of things, and leaving aside certain accessory ideas, it can be authorized by doctrines in honour since Master Roland, particularly in the School of Bologna, in the xn<sup>e</sup> century and at the beginning of the xin<sup>\*</sup>. The text of Innocent IV, to which reference has already been made, is the logical conclusion of these doctrines. By introducing the nuances required by the complexity of the subject, Morin's theory can account for the most curious particularities of the theology of the order in the Xn<sup>®</sup> and Xm<sup>e</sup> centuries. But there is a long way to go to explain the theology of order during the whole life of the Church.

Two questions arise. First, from Master Roland to Innocent IV, was the doctrine proper to these doctors the common doctrine of the Church? We cannot say so at all. It is a school doctrine, which has been highly accredited, even to the point of being professed but not defined by certain popes. Other doctrines, and above all the present doctrine, were current at that time. The doctrine of Roland and that of Innocent IV did not have sufficient extension or authority to - commit the Church. Secondly, are theologians today willing to give this doctrine the authority it did not have in the xn<sup>e</sup> and xm<sup>e</sup> centuries? Not at all. Theologians present very strong objections. They say that to speak of dirimant impediments for order, as for marriage, is unjustified.

In marriage, the element affected by the diriment legislation is the contract and not the sacrament; in the sacrament of penance, jurisdiction is made necessary by the judgment which precedes the sacrament. There is neither contract nor judgment in the sacrament of order, so the Church has no control over it.

It is therefore impossible to give the doctrine of Roland and Innocent IV the authority of a principle of solution in the present question. Far from being a solution, this doctrine is a difficulty.

After that, it is useless to follow Morin's application of his theory to the history of reordination. We would see how this history, which presents some scandals, becomes quite edifying. Is it not the implementation of a principle

In the case of theological? For Constantine, Ebo, Photius, Formosa and

Leo VIII, it was simply a question of fact that was being debated: had these pontiffs been legitimately elected? All agreed that the illegitimacy of the promotion rendered the power of order void L

Note only a few details. Morin admits that the Council of Nicaea prescribed the reordination of the *no va tiens*, and that of the Meleciens. For him, Innocent I declared null the ordinations made by Bonose after his condemnation. Finally, he interprets the texts of St. Basil<sup>266</sup> and the letter of St. Leo to Rusticus of Narbonne<sup>267</sup>, in the sense that these doctors would have granted the Church the power to recognize, that is to say, to validate after the fact, a baptism or a harmful ordination. On this last point, Morin seems to have been alone in his opinion.

In giving an account of Morin's works, Elies Dupin wrote: "This great man gave a new method of treating solidly the subject of the sacraments which has since been followed in the Paris School<sup>268</sup>". This was flattering the Paris School too much.

inquisitione pependisse  
et caeteris indicibus et

266 *Second canonical letter to Amp kilo que*, n° 47, in P. G., t. XXXII, col. 729.

267 *Epist*, 167, n. 1, in P, L' t. LIV, col. 1a03.

268 *Bibliothèque des auteurs ecclésiastiques du XVII<sup>e</sup> siècle*, second part (i630-i650), p. 31q, Paris, 1719.

The Protestant L. Hahn, in his useful history of the sacraments<sup>1</sup>, has devoted a few pages to the conditions of validity of the order. According to him, until the time of scholasticism, theologians were divided on the validity of ordination conferred outside the Church. He counts St. Jerome, Damasus, Innocent I, Leo the Great, Pope Pelagius, Gregory I, the Synod of Rome of 1102, and the Synod of 1663 among the authorities who pronounced such ordinations null and void; he even notes references. Unfortunately, here as elsewhere, Hahn is not the most accurate. His text of Damascus is the False Decretal on the chorebishops; he forgets that St. Gregory spoke out strongly against reordinations. According to Hahn, the transition between this early theology and that of the scholastics is formed by Gratian, Peter Lombard and Gerhoh of Reichers- berg. This is a simplification of the question.

Hergenrôther's studies on reordinations are full of texts and good discussions<sup>2</sup>. But they are very thick and inconclusive. The author has taken his otherwise correct principle to the extreme: "Until the most pressing reasons present themselves to us, we must not admit that the practice of the ancient Church is opposed to that of today<sup>3</sup>". For the Roman Council of 769 and the reordinations of Constantine, he notes that the authentic *Acts* of the Council are lost, which is an inaccurate assertion; he opposes the formal testimony of Auxilius attesting to the reordinations of that time to the opinion of theologians. In conclusion, for him, it is "probable" that these were illicit but not invalid ordinations<sup>4</sup>. All of this is of a very questionable historical method. One must renounce knowing anything about history, if one challenges the testimony of the texts confirmed by the interpretation of all ecclesiastical antiquity.

For him, the Council of Soissons of 853 has, "as it seems",

1. L. HAHN, *Die Lehre von den Sakramenten in ihrer geschichtlichen Entwicklung innerhalb, des abendindischen Kirche bis zum Concil von Trient*, pp. 237- 241, Breslau, 1864.

2. Cf. HERGENROTHER, *Die Reordinationen der allen Kirche*, in the *Oesterreichische Vierteljahresschrift für katholische Theologie* (vol. 1, 1862), pp. 207-262 and 387-467. The first part of this study is reproduced in the form of an *excursus* in the great work by the same author, *Photius Patriarch von Constantinopel*, vol. II, pp. 321-376, Regensburg, 1867. This *excursus* contains the history of the reordinations up to the end of the x<sup>e</sup> century. For the history of these controversies from the xi<sup>e</sup> century to the xm<sup>e</sup> century, it is necessary to consult the review already cited, pp. 387-456.

3. *Photius*, vol. III, p. 331.

4. *Ibid.* at 352.

declared null the ordinations made by Ebo after his deposition<sup>4</sup>. Even about the reordinations made by Sergius III, he writes: "It would be possible in itself that his opponents would have declared, for a

reordination, the reconciliation by which the degradation with which the clerics ordained by Formosa had first been struck down would have been annihilated; however, the expressions used are too precise, for us to free Sergius from any reproach in this regard, although the text of his decrees has been lost."

In the Roman Council of 964" Pope John XII, in order to declare the ordinations made by Leo VIII invalid, referred to the decisions of the Roman Council of 769, against Constantine. Hergenrother discusses the *Acts* of the Council of 964, and finds nothing in them which obliges one to admit a declaration of nullity. Then he writes: "If we are allowed to interpret by this council (964) the decree of Stephen IV (769), it does not *seem improbable* that this one either is not to be interpreted in the sense of the nullity of ordinations, and the interpretation already given (of the council of 769) seems completely supportable<sup>3</sup>. All these deductions are very fragile. The coup de grâce is given to them by the memorandum sent to Rome, about the same year 964, by Rathier, and which Hergenrôther did not know.

With regard to Urban II, Hergenrother's account is rather - contradictory. The author first tells us that at the end of the twelfth century<sup>c</sup>, one of the main supporters of the nullity of simian ordinations was Deusdedit, who always argued against Peter Damian, the defender of the true doctrine. Then, "Pope Urban II seems to have shared completely the principles of Deusdedit: his statements and acts have been studied especially by Morin." Then comes a long and confused examination of the decretal of Urban II relative to Daibert, and finally, in conclusion: "From this we may conclude with considerable certainty that Urban II is by no means to be reckoned among the partisans and supporters of the theory which denies the value of ordinations conferred outside the Church." It is not clear how these two judgments about Urban II can be brought together.

1. *Ibid.* at 358.
2. *Ibid.*, p. 369.
3. *Ibid.*, p. 3;5.

Hergenrôther does not mention the Council of Girona of 1078, nor the text of Peter Damian on the subject of Leo IX's reordinations (*tanquam noviter ordinavit*). His survey of the doctrine of Urban II is not complete. He does not speak of the rite used for the reconciliation of schismatic clerics. He is more at ease in speaking of the doctrine of the xn<sup>e</sup> and xin\* centuries, because the authority of the popes does not seem to him to be so involved. For this whole period, he borrows heavily from Morin, to whom he owes most of his references.

One notices only better certain omissions. Hergenrôther does not say anything about the reordinations carried out by Lucius III. This fact is however mentioned by Robert of Flamesbury quoted by Morin. Hergenrôther alludes to this same text, to show the conformity of Robert's teaching with current theology; he says nothing about the reordinations mentioned there<sup>269</sup>. One says nothing of the so curious text of Innocent IV also quoted by Morin. Finally, when Hergenrôther brings a new text taken from the *Summa of Bernard of Pavia*, his embarrassment is extreme. It is about the reordination of a deacon by Urban III (1185-87). H writes: "This case does not accord very well with what is said before that the ordinations of schismatics, especially if their schism was against the Roman Church, were to be 'irritae,' and that clerics returning from heresy are, by dispensation, received into their orders." Always the same way of making certain texts vanish. How much more firm our Morin was in his view!

The late Professor Fr. Schanz, of the Catholic Theological Faculty of Tübingen, has also made room for the exposition of this question, in his treatise on the sacraments<sup>270</sup>. He accepts all the essentials of Hahn's exposition, to which he refers. However, he enriches it by borrowing from Kober and Hefele. He seems to attribute reordinations to Leo IX, but does not mention Urban II.

B. Jungmann has devoted a dissertation to the controversies - concerning the conditions of validity of the order. He declares, at the outset, that he will follow the remarkable exposition given by Hergenrôther in his *Photius*. This statement does not announce a very personal work. Was it really useful to summarize Hergenrôther? However, Jungmann refers to Morin's treatise<sup>271</sup>. One can therefore

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269 This is the text of Huguccio of Pisa reproduced by Robert, cf. above, p. 329. Hergenrôther refers to Robert of Flamesbury, in *Y Oesterreichische Vierteljahresschrift* etc., t. I, p. 454.

270 P. SCHANZ, *Die Letzre von den heiligen Sacramenten der kalholÿtchen Kirche*, pp. 694-695, Freiburg in B., 1893.

271 B. JUNGSMANN, *Dissertationes selectae in historiam ecclesiasticam*, vol. IV, p. i 10-

hope that he will have, once again, introduced into the debate the characteristic texts rejected by Hergenröther. This is not the case. The data of the problem appear, in an even more impoverished form, in Jungmann<sup>272</sup>. The author wanted to examine the "praecipua facta et argumenta" of the question. It must be admitted that he made the wrong choice.

Jungmann establishes some principles by which the problem "aptissime solvitur"<sup>273</sup>. There is no doubt that his observations are sound, and can be applied in many cases. But the question is whether they account for all the known facts, and even for the few facts mentioned by Jungmann. On this point I have no hesitation in answering in the negative. It is certain that these are thousand and repeated ordinations in the case of Constantine, Sergius III, Leo VIII; the ordinations of Ebo were declared null and void at the Council of Soissons. No benign interpretation can dissolve these texts

After these observations, the reader regrets all the more the indifference of Jungmann with regard to many other characteristic texts, of which he does not say a word, and which had however been pointed out by Morin: the letter of the Church of Constantinople to Martyrius of Antioch, the texts of Peter Damian relative to Leo IX, the *Daibertum* decretal, the text of Robert de Fiâmes-bury on the subject of Lucius III" the passages so formal of Innocent IV and the *Panormitanus* relating to the right of the pope to bind absolutely the power of order of bishops and priests, to the point of preventing them even from baptizing validly. These and other facts were to be taken in very serious consideration. I do not speak of those which have been pointed out since Morin. Jungmann has treated, in the most superficial and simplistic way, a difficult subject<sup>274</sup>.

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134 (*Controversia de reordinationibus*), Regensburg, 1884\*.

a. He examines only the controversy on the ordinations of Formosa, the ordinations of Photius, Ebo, Constantine, the texts of Theodore the Studite, the condemnation of Maximus by the Council of 381, the Council of Saragossa, the ordinations of Leo VIII, the treatises of Peter Damian and Deusdedit; the decisions of the first Council of Nicaea; the letter of St. Leo to Rusticus of Narbonne. Finally he adds (*Ibid.*, p. 118): "Saeculo duodecimo adhuc modo satis confuso de valore ordinationum collatarum ab haereticis aliis praesulibus indignis litigatum est."

<sup>273</sup> *Ibid.*, p. 111-116.

<sup>274</sup> Also, it is not possible for the historian to adopt Jungmann's statement: "Re videlicet accuratius examinata graves auctores censent, quae ex antiquis saeculis afferuntur effata et facta valori illarum ordinationum apparenter opposita, reordinationumque exempla, talia non esse. Hinc dicendum, semper in Ecclesia praevaluisse eam doctrinam et praxim ut ordinationes illicitae episcoporum etiam illegitimorum tamen validae haberentur. Posteriori vero tempore dubia apud aliquos irrepisse, remque in controversiam adductam esse, atque tunc etiam quaedam reordinationum exempla obvenire." *Ibid.*, p. 116.

Mr. B. Gigalski, professor at Braunsberg, was led to deal with the controversy of the reordinations, in connection with Bruno de Segni. His two studies constitute the most conscientious work that has yet been written on the history of this problem under Urban II<sup>275</sup>. Only one important text has escaped Mr. Gigalski<sup>276</sup>. The author has seen very well that the essential thing is to determine the meaning of the decisions of the Council of Piacenza of 1095. On this meaning, we agree: the Council admits as valid the ordinations made outside the Church by schismatics, simoniacs, etc. But the author has renounced exposing the thought of Urban II before 1095. Basically he admits that Urban II's act in regard to Daibert was a pure and simple reordination; but he does not say so clearly, and above all, he does not try to explain this reordination. Secondly, he says nothing about the manner in which Urban II operated and justified the reconciliation of schismatic clerics, by the characteristic rite of the imposition of hands.

Finally, I cannot accept Mr. Gigalski's explanation of Bruno's theology. He says that Deusdedit and Bruno opposed the Council of Piacenza. It is certain that Deusdedit has a doctrine opposed to that of the council. But did Deusdedit write his second edition in 1097, as has been admitted so far? I do not believe so, for the reasons stated above. Deusdedit wrote his treatise before the Council of Piacenza. There remains Bruno de Segni. According to Mr. Gigalski, Bruno would have taught that ordinations made by a simoniac known as such by the ordination are absolutely null. I do not believe this.

It seems to me that a distinction must be made between Bruno's practical decisions and the theoretical justification he gives for them: the practical decisions are, in my opinion, entirely in accord with those of the Council of Piacenza; as for the theory, it is inaccurate.

And even so, I believe that Bruno had more accurate feelings about the validity and essence of the order than most of his contemporaries. He does not mention the reconciliation of schismatic clerics by the rite of laying on of hands, which was practised by Gebhard of Constance and Ruthard of Mainz in 1009, at Goslar and Heiligenstadt. This is, it seems to me, the testimony of the texts. Moreover, does it not seem impossible that two friends of Urban II, Deusdedit and Bruno, would have opposed, on such an essential point, the principal council held

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a. B. GIGALSKI, *Bruno, Bischof von Segni, Abt von Monte-Casaino*, etc. The author deals with the question of orders on p. 584-ao5, studying Bruno's treatise. The same author published in the *Theologische Quartalschrift* of Tubingue (year 1897, t. 79, p. a18-a58) a more general work entitled *Die Stellung des Papales Urbana II. zu den Sakramentahandlungen der Simonisten, Schismatiker und Uäretiker*.

276 This is the letter of Urban II mentioned above, p. a38, n. 1.

under the pontificate of their leader and friend?

M. Schulte, professor at the University of Bonn, has published a study which is of interest to this history<sup>J</sup>. According to him, according to a long ecclesiastical tradition, which would have lasted until the scholasticism of the THIRTEENTH century, the order is a sacrament which can be repeated, because it does not confer character. It is therefore the whole theology of order that is called into question by Mr. Schulte. To discuss his presentation would take me too far. I will only say that, if we put aside the denial of the character of order, which is peculiar to Mr. Schulte, this theory resembles very much that of Morin. Mr. Schulte and Morin admit that the Church can establish

I. F. von SCHULTE, *Die geschichtliche Entwicklung de" rechtlichen " Character indelebilis " al" Folge der Ordination*, in *Revue internationale de théologie* (1901), no. 33, January-March, pp. 17-49. I grant Mr. Schulte that Catholics have not always studied this subject properly (*Ibid.*, p. 17, n. 1). But did not the learned professor himself give in to some Old Catholic prejudice in his article in the *Revue internationale de théologie*?

dirimant impediments to order and to marriage. We have seen above what difficulties this system encounters.

The question of reordination was raised in the heated discussions surrounding the Vatican Council as early as 1869. These were unfavourable conditions for dealing with such a delicate history. On both sides, one is too exposed to distorting the texts in such conflicts. Secondly, the doctrinal scope of these texts was bound to be exaggerated, to the detriment of the papacy, at a time when the object and extent of papal infallibility were not yet defined. Today, we can speak of these controversies in cold blood.

Döllinger has devoted a few pages of *Janus* to the subject of reordination. According to him, it is a constant doctrine in the Church that the power of order is independent of the moral and religious quality of the minister. "From the ninth to the fifteenth century, he says, this doctrine was often violated in theory and in practice. What is to be thought of this general view? It is exaggerated, but basically correct. On this point, the doctrine was not as constant as Döllinger says, but from the rv® to the ix® century, it can be taken for granted in Rome. As examples of distortions, Döllinger cites Popes Constantine, Formosa, Leo IX, Urban II, and rightly so. But he

provides other references, which are unjustified\*.

In *YAnti-Janus*, Hergenrother<sup>277</sup> has given an answer of which at least one point is definitive: that in all these facts the infallibility of the popes is not involved. Hergenrôther's other arguments can be discussed. For example, he speaks of the rite which was in use in the twelfth century for the reconciliation of schismatic clerics; but, not having studied this rite, he does not see that this is raising a new - difficulty.

The year 1892 saw the publication of both Friedrich's reprint of Döllinger's *Janus* and Fr. J., on Döllinger. Such books show that, for some minds, controversy has an inexhaustible charm. This is best seen in an article written the following year, 1898, on reordinations, by Fr. Michael<sup>278</sup>. This article is aimed at the presentation given by the second edition of *Janus*, on the subject of reordinations. It can be summarized as follows: all of Döllinger's assertions on this point are false.

In saying that the validity of the order administered outside the Church is "a constant doctrine" in ecclesiastical antiquity, Döllinger was exaggerating real facts; it is that he wanted, by a sort of contrast, to make the doctrinal deformations of the xi<sup>o</sup> and XII<sup>o</sup> centuries more sensitive and more serious.

Fr. Michael does not admit this game; so he engages in another of opposite purpose: he wants to diminish the real facts exaggerated by Döllinger: for him, the doctrine of the validity of the order was not constant, but always predominant. This nuance is quite subtle! Was it worth trying to accredit it by an even more subtle demonstration<sup>279</sup> ?

As for the details of the facts, Fr. Michael admits neither the reordinations made by Leo IX, nor the reordination of Dai- bert by Urban II. In my opinion, this goes against the testimony of the texts. Moreover, Father limits himself to an examination of the facts noted by Döllinger. He says nothing of the Council of Girona of 1078, nor of

<sup>277</sup> *Anti-Janus* etc., p. 55, 56, Freiburg in B., 1870.

<sup>278</sup> *Päpste als m offenbare Ketzler". Geschichtsfabeln Döllingers, in the Zeit*

<sup>279</sup> Fr. Michael quotes an appreciation by HARNACK, *Lehrbuch der Doemengeschichte*, vol. III, p. 547, Freiburg, 18<sup>^</sup>7. In the first place, one is astonished to see Mr. Harnack accepted as an arbitrator by Fr. Secondly, in order to refute Döllinger, from whom he is separated on this point only by an insensible nuance, the R. P. invokes an appreciation of Harnack which is exactly the contradiction of his own thesis. He is well aware of this. Also in his article (p. 196), the R. P. makes a benign exegesis of Harnack's passage; then (p. 228, n. 4), he rejects as a declamation a second passage of Harnack (*Lehrbuch* etc., t. III, p. 426, n. 1) which is a simple development of the first. In reality, these texts of Harnack contain exaggerations and at least one inaccuracy (on Pierre Lombard). The question is not what Harnack's opinion is, but what the historical reality is.

the decretal of Urban II concerning Poppo of Trier, two acts in which the nullity of certain simoniacal ordinations is so clearly affirmed. Is this not a simplification of the question? Such works are of interest to controversy, not to history.

Neither did Fr. Michael, M. C. Mirbt, professor at the Evangelical Faculty of Theology at Marburg, was fortunately not - inspired by polemical intentions<sup>280</sup>. Mr. Mirbt has written a book on the literature of controversy at the time of Gregory VII. A whole part of it is concerned with controversies about the validity of the sacraments administered by unworthy ministers. But this presentation has nothing in common with the manner of historians. Instead of bringing together texts relating to the same environment and the same period, in order to understand them better, the author examines separately the works of the controversialists and the decisions of the popes. It is especially the latter that he blames: "Insofar as we can speak of the constancy of the teaching of the popes on these questions, it is the stability of error, of heresy<sup>9</sup>". This is because Mr. Mirbt understands absolute nullity to mean the expression "ordinatio irrita," which is found in so many conciliar decisions of that time. All the categories of ordinations mentioned in the decrees of Piacenza<sup>281</sup> (1095) would be null. Decisive objections made to this interpretation do not stop the author's fine assurance for a moment. According to Urban II, ordinations made "sine titulo", that is to say, in the language of that time, without the attribution of the ordinand to a specific church, would be null. Such an enormity is presented with all confidence. Let Mr. Mirbt read such a decretal of Urban II in which the Pope declares that he accepts an ordination "sine titulo". It is undoubtedly because he did not consider it to be null<sup>282</sup>. Just as remarkable, if not more so, is the discovery of null ordinations in a decree of Nicholas II where there is no trace of them<sup>283</sup>.

Secondly, Mr. Mirbt admits<sup>284</sup> "a manifest contradiction of the Fathers" on the doctrine of the conditions of validity of the order, and this on the faith of Hahn, which he does not bother to check. The question was to know to what extent this contradiction, admitted by certain authors of the xi<sup>e</sup> century, is apparent or real.

280 C. MIRBT, *Die Publizistik im Zeitalter Gregors VII*, The discussion of reordering is found on pp. 372-462 of this work.

281 *Ibid.*, p. 441.

282 *Epiât, ad Pibonem Tullentem*, in *P. L.*, t. CLI, col. 307. This letter is from September 1089.

283 MIRBT, *op. cit.* p. 440.

284 *Ibid.*, p. 419 (HAHN, *Die Lehre von den Sakramenten* etc., p. 238).

As for the controversialists of the twelfth century<sup>e</sup>, Mr. Mirbt reports their doctrine "on the sacraments of simoniacal and married priests". This brings together very different questions. The validity of the sacraments administered by married priests has never been seriously questioned. The precept of avoiding their attendance is disciplinary, not theological. Nor can the classification of the controversialists' theories into three groups<sup>285</sup> be admitted: " 1° The sacraments of simoniacal and excommunicated ministers are not sacraments and have absolutely no efficacy; 2° They are sacraments, and they confer the grace of God; 3° They are sacraments, but do not confer the grace of God."

These last two divisions have only an apparent, purely verbal value, because a particular author, for example Peter Damian, belongs to both. Indeed, Damien admits that an ordination received for a price confers the sacrament and not the grace; whereas an ordination received gratuitously from a notorious simoniac confers the grace and the sacrament. Mr. Mirbt has employed, without fully realizing their meaning, the definitions of current theology. In order to classify these theories, it would have been necessary to use the terms of the authors of the twentieth century<sup>e</sup>. Finally, we cannot place among the theorists of nullity the anonymous Hirschau or Geoffroy de Vendôme. Anselm of Lucca, Bonizo must be placed with Peter Damien in the same category. There is no difference in doctrine between the treatise *De reordinatione vitanda* and the *De sacramentis excommunicatorum* of Bernold. Yet M. Mirbt places the former in the second category, and the latter in the third<sup>2</sup>.

We can see what such classifications are worth. <sup>0</sup>The long pages devoted by Mr. Mirbt to the controversies of the twentieth century on the sacraments are a masterpiece of confusion. And it is he who speaks willingly of the "sacrificium intellectus" in use, since the good old days, among Catholics!

In the study of reordination, concerns about apologetics and denigration have also been detrimental to

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285 *Ibid*, p. 43.

a. *Ibid*, pp. 383, 385, 400, 397, 399.

historians. It is better to try to enter into the dispositions recommended by Morin: "Si quis tamen haec [texts about reordinations], ut catholicum decet, oculis aspiciat aequis, non transversis et hircinis, facile conciliabit, nec erit illi necesse absurdos et inauditos sensus verbis Patrum affingere, phrases planas et obvias velut in aequuleo torquere, susque deque flectere, vertere, trahere, ut quod anticipata opinio praeiudicavit, tandem expriment<sup>286</sup> . "

## II. - Summary.

The first fact is that the history of the reordinations is divided into several clearly distinct periods, although they are linked together by a more or less marked continuity. The reason for this is, first of all, that the development of theology has taken place in successive stages, and secondly, that each period has sought, as far as possible, to link its teaching to that of the preceding period. This continual return of theological thought to the past, in order to be enlivened by it, has the great advantage of assuring the continuity of teaching, but in practice it can present real dangers at times when theological literature is insufficiently known and understood.

Indeed, nowhere is the fallacy of incomplete enumeration more dangerous than in an argument from tradition. Since theological teaching has become more precise and, to a very limited but real extent, corrected, it is not enough to take certain patristic formulas at random and to set them up as a rule, as if theology had merely repeated itself slavishly, always absolutely identical to itself, from century to century. The successive formulas of the tradition must be classified, in order to be appreciated and used later, according to the authority which belongs to them. Now this classification can only be done by a comparison of the various testimonies relating to a question. Tradition judges itself. Thus placed in the presence of one another, the texts are arranged, so to speak automatically, in series in which one has no difficulty in recognizing the origin of the text.

The history of the tradition is made up of partial developments and regressions.

Hence the value of a testimony can be judged very well by a comparison with the primitive traditional data, and with the teaching which tends to prevail. In this way, the theologian can, with good reason, question tradition: he can show, in the patristic texts, the gradual clarification of the primitive teaching. Certain testimonies, instead of being invoked as proofs, will be explained as difficulties, whose origin and scope can be determined. In other words, the theologian will know the various moments of the tradition, and the law of succession which connects them together. He will not take a momentary regression or deformation for the authentic expression of doctrine. Doctrinal certainty is, for the historian of tradition, the reward of a complete knowledge and comparison of texts.

On the contrary, let us imagine a theologian who, in times of little culture, has only a fragmentary knowledge of the tradition, acquired haphazardly, according to the luck of his readings. He will be exposed to the worst inconveniences. Drawing blindly from the deposit of tradition, he will draw from it testimonies which may be heterogeneous, sometimes even in appearance or really contradictory. Not having knowledge of the whole, and of the series to which they belong, he will be unable to make a sufficient assessment of their value; he will be able to establish as rules doctrinal distortions or abuses of power.

This has happened too often in the long history just traced. Ecclesiastical culture has undergone many variations from the first to the THIRTEENTH century; but the average value is not very high. How much the Merovingian period and the century and a half between Formosa and Leo IX serve as a backdrop to the Carolingian renaissance and that of the xi<sup>e</sup> and xn<sup>e</sup> centuries! <sup>e</sup>After the long obscurity of the early Middle Ages, with the popes of the Reformation in the middle of the twentieth century, it was necessary to rediscover not only canon law, but also, to a large extent, theology. The zeal put into this work was admirable. The tradition was questioned with ardent curiosity. The investigation of the theologians and canonists of that time has been described as gigantic.

But let us not forget the inferiority of the means of information at our disposal, nor the necessity of using, on a day-to-day basis, the texts thus exhumed, and we will no longer be surprised at the uncertainties of theological exegesis. The classification and appreciation of the texts could not take place until later. The theologians did not know the principle of solution which would have allowed them to bring the heterogeneous data of the tradition into agreement. <sup>e</sup>As a result of this misinformation, the theology of the second and third centuries fell back to stages that one would have thought had been left behind forever: having lost its way, it sought it on the paths of the past, going backwards, and took some time to find it again.

From the beginning of Christianity, there were two different traditions. That of Rome affirms that baptism administered outside the Church, under certain conditions, can be valid and need not be repeated. That of Asia considers as null and void baptism administered outside the Church, and even by ministers of a certain unworthiness, in the Church, and admits the reiteration of such baptism. At this remote date, there was little talk of anything but baptism. But these decisions were based on an idea which could not fail to be extended to the other sacraments in the future. In the province of Asia, the mystery or sacrament is, by definition, reserved for the initiated or the member of the Church. In Rome, a certain participation of heretics and schismatics in the sacraments was admitted. This had the effect of preventing reiteration, but required a special rite of reconciliation to become an effective participation in grace.

The Church of Africa followed the Roman custom at first, but later adopted the Asian one. <sup>f</sup>In the middle of the ninth century, under Pope Stephen, a conflict arose between the Churches of Rome and Africa: this was the baptismal controversy. The thesis of the invalidity of the sacraments administered outside the Church is strongly developed by St. Cyprian. Although abandoned in the fourth century by all the Catholics of the Latin world, it remained in the works of St Cyprian as a witness to an ancient tradition. This tradition was maintained by the Donatists and Arians. At the end of the twelfth century, Cardinal Deusdedit used it to deny heretics and schismatics any sacrament except baptism.

Against the Donatists, St. Augustine clarified and developed the doctrine that was in the making in the statements of Pope Stephen. He definitively established the doctrine of the validity of the sacraments outside the Church. Unfortunately, in Rome, the papal chancery continued to use the old formulas. Innocentai, St. Leo, and Pope Pelagius, while professing the principles of St. Augustine, employed language which contained much of the old severity against the - sacraments of heretics and schismatics. These eloquent exaggerations became a cause of error, at a time when doctrine, on this point, having become obscured, and general culture having greatly declined, these statements were taken literally. This was the case with a good number of theologians of the xi<sup>e</sup> and xn<sup>e</sup> centuries.

The language of the papal chancery had been maintained all the more easily because the reconciliation of heretics, as prescribed by custom and liturgy, constituted a very serious ceremony: it was the reiteration of the most essential rite of confirmation, according to the ancient Church, that is, the imposition of hands. In accordance with his principles, St. Augustine had reduced this rite to a very secondary value. But in Rome, the old ideas were maintained by the liturgy. The baptism of heretics was considered very imperfect, since it had to be validated by such a serious rite. Hence the severe language used in regard to the sacraments of heretics. It took some time for the reconciliation of heretics in Rome to take on the meaning that St. Augustine attached to it.

As for the sacrament of order, it was not admitted at first to be repeated. Heretical clerics were admitted only to lay communion. Since their baptism was so imperfect, how could their ordination be accepted, as Pope Innocent said? The reordination of the Arians, as it took place in the Frankish country and in Spain, seems to be a fact unrelated to Roman theology and practice. The true principles were proclaimed, with dazzling clarity, by Pope Anastasius II. But a legend inserted in the *Liber Pontificalis* removed from this pope all authority.

In the East, for the reconciliation of heretical laymen baptized outside the Church, the same procedure was followed as in Rome. - Confirmation was repeated. But as this practice was of more recent date than in Rome, having succeeded the practice of rebaptization, not only the laying on of hands was reiterated, but also the *consignât*<sup>TM</sup> which, at that date, was attached to confirmation and not to baptism. That is to say, the full rite of confirmation was repeated. Much more, the laying on of hands, which has pretty much disappeared from confirmation in the East, has been maintained very well in the reconciliation of heretics, even to this day.

As for the ordination of heretics, the Greek Church has had several practices. In the middle of the fifth century, the Greek Church reordered Arians, Macedonians, Novatians and Apollonians. But this rule was not applied to the more recent heresies: Nestorianism and Monophysitism. At first their followers were not even reconfirmed. Theological opinion was becoming more and more hostile to these strictures of the old law. The enterprise of Patriarch John the Scholastic remained isolated and unsuccessful. At the seventh ecumenical council, the doctrine of the Greek Church seemed to coincide with that of Rome. In spite of this, in the course of time, the Orthodox Church returned to its principles of severity, and applied them to the Nestorians, the Monophysites and even the Catholics. The so-called *Canons of the Apostles* perpetuated the old hostility against the sacraments of the heretics.

From the seventeenth to the tenth<sup>e</sup> century, the Church underwent a series of trials. The power of order was dragged into and compromised by ecclesiastical and political conflicts. Doctrine received some unfortunate backlashes. These were the attitude of the English Church towards the Bretons; the annulment and reiteration of the ordinations of Pope Constantine by the Roman Council of 769; those of the ordinations of Ebo, of the choir bishops, of Ansbert Archbishop of Milan, of Leo VIII. Finally, it is the consultation of Rathier of Verona.

In the twelfth century<sup>e</sup> the Christian conscience in the West had the same horror for simony as it had for heresy at other times. The monk Guy d'Arezzo denied simoniacs any power of order in a letter soon attributed to Pope Paschal I. On this basis, a theology was formed, whose architect was Cardinal Humbert. It took a long time to root out the inaccurate ideas thus put into circulation. Pope Leo IX put Humbert's ideas into practice, and made many reordinations. Peter Damian supported the true doctrine, but came up against very determined opposition, of which Cardinal Deusdedit was a good representative. The latter exploits to marvellous effect the traditional texts which can be favorable to him, and draws the others to him.

The schism caused by the struggle between Gregory VII and King Henry IV of Germany once again raised the question of the validity of the power of order outside the Church. It was Urban II who bore the heavy responsibility of resolving it. As for the principles, two points are beyond doubt: first, in the sacrament of order, Urban II considered the function as the essential rite, the only one that could not be repeated. Secondly, Urban II, applying to ordination the traditional texts which speak of the reconciliation of heretics by the

imposition of hands, reconciled clerics ordained in schism by the reiteration of all the rites of ordination except Function. Applied to priests, this ceremonial constituted, contrary to the pope's intention, true reordinations. Furthermore, Urban II considered the diaconate and the lower orders, conferred for a fee, as harmful and reiterated them. He considered as harmful and reiterated the diaconate and lower orders conferred in schism or heresy by a bishop consecrated outside the Church. Finally, as to the sacraments administered outside the Church, Urban II saw a real difference between these sacraments, according to whether they had been administered by a minister ordained *intra* or *extra Ecclesiam*: but, except probably in the case of the Eucharist, this real difference could not be expressed by the ideas of validity and nullity.

The decisions of Urban II, inserted by Gratian in *the Decree*, were interpreted by a whole school of canonists in Bologna in the sense of the theory of the "ordinatio catholica". For Master Roland (Alexander III), Rufinus, John of Faenza, Bernard of Pavia and others, ordinations conferred outside the Church are valid only if they are celebrated by a bishop consecrated by Catholics; all others are null and void and can be repeated. Then, according to the same authors, perpetual deposition and degradation, without depriving a minister of the power of order, bind this power in such a way that it is practically ineffective and null. This doctrine had great credit in the School of Bologna, and was applied, several times, by the curia, in the xn<sup>e</sup> century. In Paris, some theologians have even attributed to degradation the effect of entirely erasing the power of order from the soul of a minister of the Church.

This theory was successively opposed by Gandulph, Huguccio of Pisa and Raymond of Pennafort. It reappeared, like a school souvenir, during the great schism. But from the middle of the twentieth century, the great scholastics set forth, with all the clarity desirable, the doctrine on these questions. They were not concerned to agree or explain the divergent testimonies contained in the texts. With great theological sense, they opted for the principles of St. Augustine. This bold simplification was, for the time, the best possible solution.

How to assess these facts?

They constitute a whole which shows, in a rather raw light, the doctrinal difficulties already seen by Morin. In concluding the history of these controversies, Dom Chardon wrote: "It is thus that the truth, after having suffered some obscurations, which prevention, passions

and the heat of the disputes<sup>287</sup> had caused, finally recovered all its brightness. Nevertheless, it may be said that those who, during this time, thought differently and acted accordingly, are in some way excusable, the truth to which they were opposed, or about which they were wavering, having returned to the same state of obscurity in which it was in the time of St. Cyprian, whom his opposition to the true sentiment of the Church, concerning the reiteration of baptism and ordinations, has not prevented from being ever since regarded as one of the greatest ornaments of this same Church. We may therefore apply to those who have not thought rightly about the ineffaceable character of ordination<sup>288</sup>, what St. Augustine said, with such light and wisdom, to excuse St. Cyprian; especially when they acted with as much uprightness and good faith in this matter as did the holy Pope Leo IX, who sought in everything only the truth, the good of the Church, and the reformation of the abuses of which all the good people of his time were complaining.

"This is how I would answer many of the objections which it is usual to propose, in the schools of theology, against

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287 To this list of causes of error we must add the weakening of theological culture.

288 The expression here betrays the thought, as will be noticed later.

the indelibility of the character of Tordre, if I had to treat this matter theologically. However, I see most of them taking different routes to resolve this Gordian knot.

"Some undertake to show that those who seem to have thought they should repeat the ordinations made by those spoken of, were never actually of that sentiment; and, in taking this side, they are often obliged to do violence to the texts of the authors, in order to make them say what they claim.

"The others, on the contrary, frankly confessing that many of those whose words we have alleged were in the belief that ordinations made by excommunicates, intruders, simoniacs, etc., were absolutely null and void of all effect, seek other solutions to get out of this labyrinth<sup>289</sup>."

With these words, Chardon alludes to Morin's theory, which was already found inadmissible. Chardon's solution is to speak of temporary doctrinal distortions. It will be difficult to find another. The doctrine concerning the conditions of validity of the sacrament of order presents an example of a regressive step in the long history of the most characteristic of which may be the theology. The reason for this is that this doctrine is of interest not only to speculation, but even more so to daily practice, to the life of the Church, and even, at certain times in history, to politics. Under these conditions, it had to suffer, more than any other, the backlash of the great crises of ecclesiastical history.

So it was. But it is important to specify on what points the deformation occurred. It has always been admitted that a validly conferred ordination could not be reiterated. Re-ordinations do not imply the negation of the inamissibility of the order: they always imply a previous ordination which was considered null. It is undeniable that there was a mistake about the nullity of the first ordination, but this error of fact left the doctrine that an ordination cannot be repeated untouched. For this reason there is a correction to be made to the statement of Chardon just quoted. The same observation applies to the reiteration of confirmation, examples of which have been given.

On the other hand, it is certain that the reordinations presuppose a notion of the power of order that is not that of today. According to theology, the sacrament of order confers a character or power<sup>290</sup> that can never be so bound as to become practically null. In the twentieth

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289 C. CHARDON, *Histoire des sacrements*, p. 892-893.

290 In all rigor this identification of the character and power of the order can be discussed. If it is made here, it is to express in a rapid formula the opposition of certain theologies of the Middle Ages and of our own.

and nineteenth centuries<sup>e</sup> and<sup>e</sup> it was admitted that the power of order could be bound, either *de facto* outside the Church, or by perpetual deposition or degradation. This explains why certain ordinations were considered null and void, and why they were reiterated. <sup>e</sup>Finally, in the seventeenth and eighteenth centuries, the essential rite of the sacrament of order was sometimes considered to be the anointing, and the reconciliation of heretics was carried out in accordance with this theory. In this way, too, true reordinations were unintentionally brought about.

It is true that the doctrinal authority of the popes has been questioned several times during these controversies. To what extent? One would not hesitate to say that the decisions of the popes on these questions did not have the character determined by the Vatican Council for those definitions which engage the sovereign authority of the popes in doctrinal matters. In the history of reordinations, the authority of the popes is much less involved than in the doctrine relating to the relations of the two powers, in which, however, in the opinion of theologians, papal infallibility is beyond question<sup>291</sup> .

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291 Read, on this question, the particularly broad and sure principles of the - Secretary General of the Vatican Council, whose commentary has received almost official approval: J. FESSLER, *La vraie et la fausse infaillibilité des papes*, Paris, 1873. The commentary of M<sup>sr</sup> Fessier shows very well how the interpretation of the texts of the Vatican Council is a question of strict theology, in which sentiment has no part. For this reason, he is excellent in guarding against two tendencies of opposite inspiration, which ultimately come to exaggerate the object and extent of infallibility: the tendency of the opponents of the papacy, desirous of taking the teaching of the popes to task; and that of certain well-meaning Catholics, to whom it seems that ( the extension of the dogmatic formulas of the Vatican Council is a duty of piety or of good ecclesiastical spirit. The reward of M<sup>sr</sup> Fessier's measured book was to contribute, very effectively, to Hefele's submission to the Vatican Council.



## APPENDIX

### 1. - A TREATISE BY HINCMAR "DE CONCORDANTIA CANONUM"

The history of the theological controversies at the end of the twelfth century would become an enigma if the treatise *De excommunicatis vitandis, de reconciliatione lapsorum et de fontibus iuris ecclesiastici*, which has been included among Bernold's works in volume II of the *Libelli de lite* etc., in the *Monumenta Germaniae*, were to be attributed to the scholastic Bernold of Constance. This treatise is of a firmness and breadth of doctrine which have no equivalent at the end of the twelfth century<sup>a</sup>. In reality, except for short interpolations, which are easy to distinguish, it is a work of Hincmar: Bernold has attributed it to himself, by demarcating it. Here is the thesis to be 'demonstrated: it is necessary to return to Hincmar the text of the alleged work of Bernold from page 114, line 17 to page 142, line 11 of the edition of volume II of the *Libelli de lite* etc., with the exception of the following interpolations: p. 119, 1. 21-23 *Petrus tamen Damiani... cognominavit*; - p. 121, 1. 26-28; - p. 128, 1. 14-28 *Romani ... non rennuat*; - p. 132, 1. 34 - p. 133, 1.12 *Et notandum ... esse cognoverint*; and most probably p. 136, 1. 14-17 *Sanctus quoque ... non formidant*<sup>3</sup>.

The problem which consists in seeking, in Bernold's treatise *De excommunicatis vitandis* etc., what part should be restored to Hincmar was, it seems, first posed by Thaner.

1. This treatise is also found in *P. L.*, vol. CXLVIII, col. 1181-1218. In the remainder of this work, we shall quote only the edition of the *Libelli* in the *Mon. Gcrm.*

2. This is true of the whole treatise and especially of the *Libelli* passage, t. II, p. n8, 1. 26 - p. 119, 1. 17, which relates to the non-repetition of the confirmation and order.

3. This passage alludes to the *Capitula Angilramni*, on the authenticity of which Hincmar had the most serious doubts. Moreover this same passage returns in two other works of Bernold (*Libelli*, t. H, p. 97, 1. 26, and p. i56, 1- 27).

In his edition of the works of Bernold, in I volume II of the *Libelli de lite* etc., he noted that one finds, in the treatise of Bernold, fragments of a work of Hincmar which have been preserved for us by the Jesuit de Torres<sup>292</sup>. The latter, in his book against the centurions of Magdeburg, quotes extracts from a *De variis capitulis ecclesiasticis* by Hincmar<sup>293</sup>. In his edition of *De excommunicatis vitandis*, Thaner has indicated, in a note, the fragments thus borrowed from Hincmar. He even made some comparisons between the text of Bernold and other works of Hincmar; but he considered it impossible to make the departure of what belongs to Bernold and to Hincmar, in the *De excommunicatis vitandis*.

The question took another step forward in 1903 with the publication of a memoir by Professor Francesco Ruffini<sup>3</sup>. He noticed, in a manuscript in the university library of Pavia, a canonical collection divided into forty chapters. Chapters 4-40 contain Bernold's treatise *De excommunicatis vitandis*, from page 112, line 40, to the end of the treatise, p. 142, line 11, of the edition of volume II of the *Libelli*. The first three chapters contain other fragments of Bernold\*. Of the four manuscripts which contain this work, the only one to be retained is the *Vaticanus* lat. 1324 of the xv<sup>e</sup> century, which gives the canonical collection fol. 92 v-121 v. The title of the collection is: *Higmarus archiepiscopus Remensis*, with an unrelated addition<sup>1</sup>.

Mr. Ruffini was led, by this discovery, to return to the literary problem whose solution had been abandoned by Thaner. But he arrives at no firm result. He gives as the most probable solution that the treatise of Bernold is an amplification of the lost work of Hincmar.

In reality, Bernold's treatise is, except for a few interpolations, an exact transcription of Hincmar's work. This treatise, thus demarcated, was early on cut into sections and increased by three pieces borrowed from other treatises of Bernold. In this way was born the canonical collection, in 40 chapters, contained in the *Vaticanus* lat. 1324. At a time which we cannot specify, a reader of the collection will have recognized the work of Hincmar, which was not yet lost, and will have written this title: *Higmarus archiepiscopus Remensis*. Then the Jesuit de Torres found the collection thus summarily designated and gave it the title: "Hincmari, *De variis capitulis ecclesiasticis*. >

This is a title invented by do Torres<sup>4</sup>. Hincmar's work had a title expressing the idea of *De concordantia canonum*.

A word, first of all, to show how Hincmar was led to write a treatise *De concordantia canonum*. As a good administrator, Hincmar was always concerned about the fate of clerics guilty of very serious misconduct. His advice was to depose them *in perpetuum*. Now this is one of the points on which Hincmar came into conflict with the party which used the *False Decretals* as a weapon against him.

The second forged letter of Callistus read: < Errant enim ■ qui putant sacerdotes, post lapsum, si condignam egerint paenitentiam, Domino ministrare non posse, et suis honoribus frui, si bonam deinceps vitam duxerint et suum sacerdotium condigne custodierint. Et ipsi qui hoc putant non solum errant, sed etiam contra traditas Ecclesiae claves dissipare et agere videntur, de quibus dictum est: "Quaecumque solveritis super terram etc."

This text was objected to by Hincmar, who replied in his *Capitula* of 852, in the course of an appendix which, it seems, was at first reserved for the deans, charged with making the opinion

292 Fr. TURRIANUS, *Pro canonibus apostolorum, adversus Magdeburgenses centuriatores defensio*, Florence, 1572.

293 *Di un opera inedita attribuita ad Incmaro di Reims*, in *Atti dei congresso internazionale di scienze storiche*, volume IX. - Sezione v: *Storia del Diritto*, p. 79-99), Rome, 1903.

of the lower clergy. Here is the beginning of that piece:

(Title). Quod de crimine *confessi* vel *convicti* sint a gradu ecclesiastico deponendi.

(Text). Et ne quidam, contra Apostolum delectantes, *non solum vocum, sed et constitutionum ac factorum novitate*, qui, ut audivimus, dicunt non debere presbyterum vel diaconum de crimine confessum sive convictum deponere, sed tantum suspendere, quia sic possunt confessionem et paenitentiam, sicut et alii homines facere, nos dicant cum Novatianis paenitentiam quibuslibet denegare, - quae cum orthodoxis doctoribus de paenitentia et degradatione ecclesiasticorum ministrorum sentimus, eorum sensibus et verbis dicemus<sup>3</sup>.

He then gives his solution, which consists in deposing clerics who confess their fault or who are convinced in court. To demonstrate his thesis, Hincmar quotes a large number of patristic authorities, which he interprets in the most arbitrary manner. This subject was so close to - Hincmar's heart that he returned to it in his treatise *De praedestinatione*, composed in 859-860, in connection with the condemnation of the wrongdoers and supporters of heresy. After having spoken of the condemnation, Hincmar comes to the reconciliation of heretics\*. He indicates the

1. Another hypothesis, that de Torres used a manuscript containing the authentic work of Hincmar, is much less likely. This question of the source used by de Torres is secondary.

a. H1N8CB1U8, *Decretale*" *pseudo-isidorianae*, p. 142, g 20.

3. P. £., t. CXXV, col. 786. On these *Capitula*, cf. E. LESNE, *La hiérarchie épiscopale, en Gaule et en Germanie* (742-882), p. 209-804.

4. *De praedestinatione*, c. xxxvii, P.L., t. CXXV, col. 405.

The law is sometimes severe, sometimes merciful. Sometimes the law is severe, sometimes it is merciful. These are the different "formae canonum". In this regard, the Archbishop of Rheims makes known his project of writing a book on the *concordantia canonum*;

De canonum autem formis, quas quidam non attendentes solertius, ecclesiasticas regulas inter se autumant discordare, quae et quot sint, et quas singulae canonum complectantur sententiae, quia sagaces et studiosi non indigent, devotis atque simplicibus, si Dominus spatium et otium dederit, quod gratia sua nobis ostenderit, sicut doctrina magistrorum accepimus, scribere temporis processu disponimus, quibus nihil discors, nihil sibi dissidens in sacris canonibus lector quilibet facillime valebit dignoscere. Sed pro temporum varietate et causarum, atque medicatione morborum, per diversa organa, ut ab unico multiplici prolata Spiritu, cuncta consona, cuncta reperiet temporis, necessitatis atque infirmitatis causae convenientia. Uti enim necessitatum ac temporum inaequalitas opportunitatis postulat congruentiam, ita et diversa morborum genera cogunt invenire, sicut notum est, diversa medicamentorum experimenta<sup>294</sup>.

The work which Hincmar thus projected was written by him; but it was lost as an authentic work, and was only preserved in Bernold's plagiarism. Before demonstrating this fact, an observation which will enable us to date the work of Hincmar plundered by Bernold.

In 870, the old objection drawn from the text of Pseudo-Callistus was still presented to the archbishop of Reims, by his nephew, Hincmar of Laon. The archbishop answers this difficulty summarily. It is thus that he had not yet carried out his project to write a great work on this question. Here is this answer taken from *Y Opusculum LV capitulorum* :

Sed et quidam de bis ex quorum epistolis quaedam sunt a te [Hincmar de Laon] collecta, lapsos et paenitentes in gradibus suis manere debere dixerunt. *Postea autem aliter ex sacris canonibus a sequentibus est constitutum*. Unde Augustinus ad Bonifacium scripsit dicens : a ... "

<sup>294</sup> *Ibid.* col. 4i3. This passage was pointed out by M. Schrörs, in connection with the frag

Sic multitudinibus per schismata et haereses pereuntibus Ecclesia catholica subvenire consuevit. Et DE HAC DISCRETIONE Gelasius in quadam sua epistola, et beatus Gregorius in suis epistolis, et in aliis suis dictis mirabiliter disseruerunt<sup>295</sup>.

It is the theory of this canonical *discretio* that Hincmar gave in the work demarcated by Bernold<sup>296</sup>. Here is the provenance criticism of this work. This can be divided into three parts:

1° Different modes of penance and reconciliation for laymen and clerics; 2° Enumeration of the principal sources of canon law; 3° General principles of interpretation of the canons. The first part (*Libelli* etc., vol. II, p. 114, l. 17 - p. 122, l. 40) includes two developments, the first of which, which ends on p. 118, l. 13, concerns the possibility of the reconciliation of a guilty cleric; the second concerns the mode of reconciliation. On these two points, the exposition presents certain points of connection with the works of Hincmar.

I. In the past, penance was granted only once (p. 114, l. 17 - p. 115, l. 9); the weakening of morals has obliged the Church to be more indulgent. Then the author responds to an objection drawn from a text of Innocent I, which greatly delays the penance of a nun who has failed in her vows (p. 115, l. 10-27). The penance of nuns preoccupied Hincmar\*, and this same text of Innocent I was quoted by him<sup>297</sup>. Then (p. 115, l. 21 - p. 117, l. 4), the author states the reasons which commit the Church to shorten the duration of penance. They are provided by four patristic texts. I find one (p. 115, l. 30-31) in the *Capitula* of 852 of Hincmar<sup>298</sup>; and the second (p. 116, l. 5-18) is found in the treaty of 870 addressed to Hincmar of Laon<sup>299</sup>. Then the author in<sub>1</sub> comes to the penance of the clerics; he writes (p. 117, l. 5-11):

Sacri quoque canones, in pluribus locis, clericos in crimine lapsos *ab ordine deponant* nec eis aliquam spem restitutionis prescribunt. Sed et hunc rigorem canonum non adeo attendere debemus *ut cum, Novatianis ecclesiae potestati ligandi atque solvendi temere preiudicemus*. Nam ut beatus Augustinus ad Bonifacium scribens testatur: "Huiusmodi irreparabilis depositio etc."

This passage has points of connection: 1° with the *Capitula* of 852, which quote this same text of Saint Augustine<sup>300</sup>, and whose beginning has this same concern to avoid the error of the Novatians; 2° with the reply of 870 of Hincmar of Reims to his homonym of Laon<sup>301</sup>, which contains this same text of Saint Augustine. Finally, the author quotes (p. 117, l. 15-16) the text of Pseudo-Callistus which authorizes the reconciliation of clerics: "Errant qui putant sacerdotes, post lapsum, non posse restitui etc." \* This is the text which gave rise to the difficulties of the archbishop of Reims since 852.

(p. 117, l. 24 - p. 118, l. 13), the author explains the conduct of the Church which sometimes grants and sometimes refuses pardon to guilty clerics. This is a development of the idea formulated in the *De praedestinatione*, in the place quoted above, and in which Hincmar made known his project of writing on the *concordantia canonum*.

(p. 118, l. 13 - p. 122, l. 40), the author explains the way in which the reconciliation and

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to have been composed in 87a (*Hincmar*, p. 407).

296 P. L., vol. CXXVI, col. 357.

297 P. L., vol. CXXVI, col. 380 D.

298 P. L., t. CXXV, col. 789 C.

299 P. L., vol. CXXVI, col. 355 CD.

300 *Jbid.* col. 788 D.

301 This is the text quoted above, p. 398.

retraction of a guilty or heretical cleric should be carried out. Here again, there is no lack of links with the works of Hincmar. The idea of the two authors is the same, and very original. It consists in distinguishing between clerics who return to the Church by coming out of schism or heresy, and those who are guilty within the Church. The former are to be reconciled by the penitential imposition of hands; the latter by the "privata secessio" or retreat to a monastery, but in no case by penance<sup>3</sup>. In both authors, the same comparison, supported by the same two texts, between rebaptization and reordination<sup>302</sup>. In both authors, the same enumeration of the various modes of reconciliation of heretics in the course of time<sup>303</sup>. In both, the same preoccupation with the formulas of retraction\*.

II. The second part of our treatise includes two developments. The first (*Libelli*, t. II, p. 123, 1. 1 - p. 135, 1. 37) gives an enumeration of the sources of ecclesiastical law, according to the collection *Dionysio-Hadriana*. This enumeration of the sources of canon law leads us to note the points of connection of our treatise with Hincmar's *VOpusculum LV capitulorum*. In this work, the archbishop of Reims gave a lesson in canon law to his nephew. Now it is the same ideas which are presented, in the two works, with a complete identity of inspiration.

The five apostolic councils of our text (*Libelli*, vol. II, p. 123, 1. 1-45) are found, in Hincmar, defined in the same way; to the fifth of them is attributed the redaction of the symbol of the apostles, characterized by the same words of Saint Leo \*. The discussion of the apostolic canons (p. 124, 1. 1-19) repeats the teaching of *VOpusculum*<sup>6</sup>. The discussion on the use of the apocrypha has a counterpart in the same work of Hincmar<sup>7</sup>. The discussion of the letters of the popes recalls the ideas and two canonical authorities of a similar passage of Hincmar'. The enumeration of the general councils (p. 126, 1. 15 - p. 130, 1. 8) is only an enlargement of the sketch contained in

*VOpusculum* between the two pieces of verbal encounters are noted.

In the framework thus provided by the enumeration of the general councils, there are particular discussions, the counterpart of which is immediately found in Hincmar: for example, the determination of the authority of the Council of Nicaea, proven by three same patristic texts (p. 126, 1. 30 - p. 127, 1. 4) and in Hincmar<sup>8</sup>. The discussion on the number of the canons of Nicaea (p. 127, 1. 4-17) has as its counterpart a whole chapter of Hincmar<sup>304</sup>. This is followed by an enumeration of the provincial councils (p. 130, 1. 9 - p. 135, 1. 37) which is not found in Hincmar. The latter, in *VOpusculum*, was content to determine the authority of these councils<sup>305</sup>. Our author citing only one patristic authority on this subject, it is found in *VOpusculum*<sup>1</sup>. Finally our author alludes several times to Osius, just as does . Hincmar<sup>306</sup>.

III. The final development of our treatise gives rules of interpretation of the canons. Note the passages on pontifical authority (*Libelli*, vol. II, p. 135, 1. 38 - p. 136, 1. 17, and p. 141, 1. 29 - p. 142, 1.12). If we compare them<sup>307</sup> with the summary given by M. Schrors of the doctrine of Hincmar on this question, we will immediately see the concordance. Here is a formula: "In hoc utique Romani Pontifices aliis pares esse vulerunt, quod non tam novae institutionis

302 Compare the text of the *Libelli*, t. II, p. n8, 1. 13-25 and p. 122, 1. 15-22, with *Opusculum LV capitulorum*, c. 24, in *P. L.*, vol. CXXVI, col. 381 AB. The identical doctrine of the two works is deduced from the same text of Saint Leo.

303 Compare *Libelli*, vol. II, p. 120, 1. 25-31 with *Opusc. LV capitulorum*, *P. L.*, vol. CXXVI, col. 381 C.

304 *Ibid*, c. ai, col. 365-366.

305 *Ibid*, c. a5, col. 388 ff.

306 Compare *Libelli*, vol. II, p. 126, 1. 1; 127, 1. 23, 1. 3i; p. i30, 1. 40-46 with *P. L.*, vol. CXXVI, col. 363 C and col. 364 BC.

307 *Hincmar*, pp. 401-406.

*auctores quant veteris executores existere studuerunt, quod non solum Romano, sed cuilibet episcopo idem Gelasius licere testatur -.*" This is a perfect formulation of Hincmar's ideas. The tone is remarkable. It is a bishop who speaks, and who has a high idea of his dignity. This formula is implausible from the pen of a poor monk of the end of the twelfth century, at a time when, under the necessities of ecclesiastical reform, the popes had been, to the greatest extent, *novae institutionis auctores* and not only *veteris executores*.

The author then applies his theory of the *discretio canonum* to two particular points of law: 1° to the translations of bishops; 2° to the accusation of bishops: concerns quite natural in a dignitary as concerned with the rights of the episcopate as was Hincmar; and which the excellent Bernold left to himself would never have had.

Now, in a page in Hincmar's *Opusculum LV capitulorum*<sup>308</sup>, these

two juridical questions are brought together with the question of the penance of clerics, as an example of the *discretio canonum*. The question of the translation of bishops returns in a letter of Hinc-Marl

It can be seen that the treatise marked out by Bernold fulfils the project formulated by Hincmar in his *De predestinatione*<sup>1</sup>. From one end to the other of the treatise, the points of connection with the works of Hincmar are numerous; if we suppress the few interpolations noted at the beginning of this study, the whole treatise has an indisputable character of unity. Besides, how can one attribute to Bernold such a wealth of canonical and patristic information? The erudition of the good monk was short. He made full use of the canonical collection of Anselm of Lucca. One will see it without difficulty, when one has, of this one, the edition prepared by Thaner

## 1. - THE TWO SUCCESSIVE STATES OF CONFIRMATION<sup>4</sup>.

This title should not surprise those who are familiar with the controversies of theologians concerning the essential rite of confirmation<sup>5</sup>, and the more general question of whether Jesus Christ determined the matters and forms of the sacraments *in genere* or *in specie*.

1. *Epiât. 3i, P. L.*, t. CXXXVI, col. 222 C.

2. I have neglected to indicate how the author of the treatise constantly returns to the differences of time, place and intention to explain the diversity of ecclesiastical laws.

3. In spite of the analogy of the subject, the treatise of Bernold *De statutis ecclesiasticis sobre legendis* (in *Libelli* etc., t. II, p. i56 et seq.; the same work is found in *P. L.*, vol. CXLVIII, col. 1265-1272) is completely foreign to the treatise of Hinc-Marl *De concordantia canonum*.

The *De statutis ecclesiasticis*, etc., is an application, & a particular question, of the principle of the *Concordantia canonum* of Hincmar. This question was suggested & Bernold (*Libelli*, t. II, p. 167, l. 21) by a text of Innocent I already mentioned in the *Concordantia canonum* (*ibid.*, p. 115, l. 12), and relating to the penance of nuns. Once in possession of this theme, Bernold treated it by drawing inspiration from certain ideas of St. Jerome against Jovinian, and which had been recalled by him, in treating of ecclesiastical celibacy (*ibid.*, p. 25, 73, 74, 77, 79).

4. Bernold did not refrain from reproducing the authorities and even a passage of the *Concordantia canonum* (compare *ibid.*, p. i58, l. 32-37 with p. u5, l. 4-9).

5. This note of theological interpretation is motivated by the words "old" and "new" confirmation, which I had to use on pages 2-28. Some indispensable data and references, which can be found on the same pages, are not reproduced here.

6. Cf. the treatise *De confirmatione* of WITASSE in the *Cursus theologiae completus* of Migne, vol. XXI, col. 761-914, and especially p. 907-909.

7. On this subject, one can read S. HARENT, *-La part de l'Église dans l'Indétermination du rite sacramental*, in *Études publiées par des Pères de la Compagnie de Jésus* (année 1897), t. LXXIII, col. 3i5 et seq. The numerous and decisive references contained in this article would be much more useful if they indicated the edition to which the author refers.

8. On this question, Fr. HURTER writes: "Licet tueri, eum [Christum] in nonnullis quidem sacramentis materiam et formam accurate seu, ut dicunt, *in specie* infima determinasse, in aliis *in genere* tantum, adeo ut Ecclesiae permisierit

Many theologians, and not the least, teach a doctrine on the subject of the essential rite of confirmation, which is thus summarized by Fr. Hurter: "Altera [doctrina] quae arrisit Thomæ, Bellarmino, Maldonato, contendit, *solum materiam essentialem esse inunctionem, quae substituta fuerit manu impositioni* \*". Without taking sides in this controversy concerning the essential rite of Confirmation, let us only note that very authoritative theologians see no problem in admitting that the sacrament of Confirmation passed through two successive states, each characterized by a different *material*. Consequently, if the study of the texts concerning the

reconciliation of heretics leads us to recognize two successive states of confirmation, this solution, far from raising scruples or causing scandal, should be discussed in all tranquillity.

As an example, here is the doctrine of Isaac Habert, bishop of Vabres and one of the most reliable theologians of the Sorbonne in the XVth century<sup>a</sup>. He teaches that the confirmation consisted at first in the sole imposition of hands, increased in the continuation of the *consignatio* by the chrism. At what date was this addition made? Habert answers :

Neque refert an Apostoli... an vero Ecclesia, traditione ab apostolis accepta, *post Apostolos chrisma confirmationi adhibere coeperit* : Ecclesia si quidem, etsi instituendorum in solidum sacramentorum potestatem a Deo non accepit, nec originariam auctoritatis, ut theologi vocant, nec derivatam excellentiae, eorum tamen quorum in Scripturis expressa non est materia et forma, neque nisantum in genere designata, utriusque constituendae, determinandae, exprimentae, restringendae, amplificandae, dummodo servata semper significatione praecipue a Christo intenta... potestatem accepit cumulatissimam<sup>2</sup>. Unde veteres Scholae antesignani confirmationis *chrisma-tionem* ad ecclesiam hoc sensu retulere : *quae diverso tempore, diversis Ecclesiis in usu esse coepit, aliis maturius, serius aliis\**.

arbitrio, eam accuratius constituere. *Nisi enim quandam institutionis latitudinem admittimus, et si omnia quae materiam formamque spectant a priori, ex quibusdam - congruentis et subtilibus considerationibus, definire volumus, in graves incidimus - difficultates ex ipsa historia administrationis sacramentorum petitas.*" In *Theologiae dogmaticae compendium*, vol. III, p. 244" Innsbruck, 1900. At this point Fr. Hurter refers to the article by Fr. This question is freely debated among theologians. Fr. P.F.SCH is of the opposite opinion. He extremely reduces the initiative of the Church in these matters. Cf. *Praelectiones dogmaticae*, vol. VI, p. 86, Fribourg en B. (s. d.).

1. HURTER, *op. cit.* p. 277. It goes without saying, moreover, that theologians explain in different ways the circumstances and mode of this *substitution* in the essential rite of confirmation. Some admit that this substitution was foreseen and even prescribed by Jesus Christ; others attribute it to the Apostles, others to the successors of the Apostles.

But the essential point is that authorized theologians recognize such a power in the Church, on the Indetermination of the matter of Confirmation. It is a very important question no doubt in practice, but incidental in theory, to know *at what date* the Church made use of this power. The answer on this point must be sought from the testimony of the texts.

The theology of confirmation, which is very simple in the textbooks, appears to be very complex when we study the great theologians and the tradition.

2. I. HABERT, 'Ap'upaTtxôv, *Liber Pontificalis Ecclesiae graecae*, p. 703, Paris, 1676.

Without admitting the broad power which Habert attributes to the Church in sacramental matters, the fact remains that theology does not strictly determine the following two points: (1) at what period the anointing of the chrism began; (2) at what period it became an essential part of the rite of confirmation.

It is a task still in its infancy to determine the exact nature of the rite by which (1) the reconciliation of Christians baptized and confirmed outside the Church was carried out in the ancient Church and (2) is still carried out today<sup>309</sup>.

The first of these two questions is historical, and is entirely free<sup>3</sup>. Very authoritative theologians and historians teach that the ancient Church reconciled such converts by the reiteration of confirmation: this is the solution which is adopted in this book. The second question is dogmatic: it is certain that the rite prescribed by the *Pontifical* for the reconciliation of such heretics is not confirmation. A Catholic must reconcile these two statements, one of which is historical and the other dogmatic. There is a difficulty in this: it is that the rite of the present *Pontifical* is identical to that of the ancient Roman Church reconciling heretics by the reiteration of confirmation. From this it would follow \* that today the Church still reiterates confirmation. This question therefore seems inextricable to a Catholic. In reality, several explanations are possible.

In his *History of the Sacraments*, Dom Chardon wrote: < If I were permitted to state my feeling on this matter so embarrassed, I would frankly confess that in most Churches certain heretics were received into Catholic unity, with the same rites as those of the sacrament of confirmation ; And I would say at the same time that it was not this sacrament that was administered to them, because in *employing these rites for the reconciliation of heretics, it was not intended to confirm them anew, but only to obtain for them the grace of the Holy Spirit*<sup>4</sup> ... " Two questions remain to be resolved. The first is of a theoretical nature: is the intention of the Church sufficient to remove from a sacramental rite its character and its efficacy in certain cases? It would seem so, although it is not clear why the Church would resort to such a procedure. Is it not simpler to create a new rite and leave the old one with all its meaning?

The second question is a practical one. At what time can we assume that the Church had this intention? Here we must restrict Chardon's assertion. It is not true that the Church never - intended to repeat confirmation. The Greek Church, it seems, always intended to reiterate confirmation to converts previously baptized and confirmed *extra Ecclesiam*. As for the Roman Church, it certainly had this intention, in the time of Pope Stephen and later. But there came a

309 The first of these two questions has often been studied; but little attention has been paid to the second, which nevertheless deserves consideration. It is on the reconciliation of the data of theology with those of history that the work of theologians and historians should henceforth focus.

3. This question was discussed in connection with the Calvinists at the Council of Rouen in 1558. It was not possible to reach agreement, so a consultation was sent to Rome. It is not a matter of a few minutes' notice, but of a few days' notice, and it is not a matter of a few minutes' notice. This text (HARDOUX, *Acta conciliorum*, t. X, col. 1264) is as follows: "*Difficultas*. Circa decretum de baptismo a calvinistis colato, dubitatum fuit, an redeuntibus ad Ecclesiam taliter Daptizatis, omnes caerimoniae a calvinistis ommissae essent adhibendae et supplendae. - Negarunt plerique, quoniam legebant, in antiquis, redeuntes ab haereticis recipiendos cum manu impositione, quam existimabant esse confirmationis sacramentum. Dicebant insuper multos adultos non redituros, ex verecundia recipiendi tales caerimonias, si exactius observarentur. *Alii* dicebant, apud antiquos, de baptizatis in haeresi, cum debitis caerimonis inter<sup>hi</sup>: quibus redeuntibus dabatur manu impositio, quae non esset confirmationis sacramentum" sed absolutionis et reconciliationis caerimonia. Semper vero fuisse assuetum, in antiqua Ecclesia, ut supplerentur ommissae caerimoniae baptismi, ut chrismatism, quia ommitteretur a novatianis, atque ita aliae ab aliis. - *Alii* censurerunt caerimonias explendas, praeter exorcismos. - Conclusum tandem, de hoc consulendam esse Sedem Apostolicam, ut sopirentur contentiones. *Responsio*. Caerimo-

time, difficult to determine, when this intention changed. Since then, the rite inscribed in the ancient *Sacraments* and still today in the *Roman Pontifical* has lost its meaning, and is no longer the reiteration of Confirmation.

Another solution is possible. According to it, the change in the Church's intention as to the meaning of the reconciliation of heretics coincided with a change in the interpretation of the essential elements of confirmation. And it is here that the certain doctrine of the two successive states of confirmation can become a principle of solution.

The rite prescribed in the *Pontifical* for the reconciliation of heretics is materially identical with the ancient confirmation. But in Rome, in the second half of the fourth century or later<sup>51</sup> (from the theological point of view, the question of date is irrelevant<sup>3</sup>), the reconciliation of heretics was carried out by a po-

nias baptismi supplendas esse, praecedente in adultis abiuratione haecresis et reconciliatione." (This last "reconciliation" is *Ordo ad reconciliandum haereticum*, which is prescribed in the *Roman Pontifical*, and is essentially identical with the reconciliation of the heretics of the ancient *Sacramentaries*, and of the oldest Roman liturgy<sup>^</sup>).

About this decision of Gregory XIII, Witasse wrote: "Quaestionem qua inquirebatur utrum manus impositio, perquam admitterentur olim haeretici, esset confirmatoria, intactam reliquit, et merito quidem; quaestio enim est solutu difficillima, (piae sine fidei dispendio in utramque partem a viris eruditis agitur. >" *Tractatus de confirmatione*, in the *Cursus* etc. of Migne, t. XXI, col. 1047. Such a reservation on the part of Gregory XIII is even more understandable than that of the Council of Trent, which refused to define, as a truth of faith, the validity of confirmation and order conferred outside the Church.

1. C. CHARDON, *Histoire des sacrements*, ch. vi, in Migne's *Cursus theologiae completus*, t. XX, col. 19\*2, Paris, 1860.

2. It is not possible to give exact dates, memo by considering only one Church, for example, that of Rome. But the initiative of St. Augustine, mentioned on p. 25, had been prepared long before him. The old ways of speaking were preserved, even after the reconciliation of heretics and confirmation were distinguished.

3. Cf. L. BILLOT, *De Ecclesiae sacramentis* etc., t. I, thesis 11, p. 34, n. 2.

The rite of reconciliation of heretics, which was and is still done by the reiteration of the imposition of hands (accompanied by the corresponding prayer) of Confirmation, has ceased to be Confirmation. The rite of reconciliation of heretics, which was and is still done by the reiteration of the imposition of hands (accompanied by the corresponding prayer) of confirmation, has ceased to be confirmation. The latter is constituted either by the reunion of the imposition of hands and the *consignatio*, or by the *consignatio* alone and the corresponding prayer.

Will this liturgical and sacramental development seem too slow or too late? It would be to forget the obstacles it faced. *The theology of confirmation emerged from the Roman rite.* This rite has had to struggle with the theological interpretation proposed by the other rites. In all of them, the reconciliation of heretics through the reiteration of confirmation was an unquestioned principle. The Roman Rite had to discard this idea in order to formulate and impose its own: such work required time.

The explanation proposed here has the advantage of being deducible from the doctrine of a large number of authorized theologians. Before declaring it arbitrary or unacceptable, the difficulty which it is intended to solve must be destroyed.

This difficulty is constituted - 1° by the very numerous texts which show that the ancient Roman Church reconciled Christians baptized and confirmed outside the Church, by the reiteration of Confirmation;<sup>1</sup> and - 2° by the indisputable identity of the rite of the *Pontifical of today* with that by which the ancient Roman Church reconciled such converts. An explanation must therefore be found to account for the different value, according to the times, of one and the same rite: that which is still contained in the *Roman Pontifical*.

### III. - NOTES.

1. 18-22. As for the theology of Pope Stephen, there is no agreement on all points. On this subject, see the state of the question in the *Theologische Revue* of Münster (1906), n<sup>os</sup> 13-14, p. 401-405.

2. Schanz did not deal with the reconciliation of heretics in the ancient Church. He would have been led to note that in Rome this reconciliation was always carried out according to the rite practiced by Pope Stephen. Since, according to Schanz, this rite of Stephen consisted in the reiteration of confirmation, a theological problem results from these facts which one would have been happy to see resolved by

This question of date is of interest only in determining how long in Rome confirmation administered outside the Church was considered null and void. This question is also important for the history of theology.

1. It has sometimes been replied that the imposition of hands, by which the heretics were reconciled in antiquity, was a penitential rite. This assertion is contradicted by the text of the ancient *Sacraments*, which have preserved the prayer which accompanied this imposition of hands. This prayer is the same as that of confirmation.

Schanz. It is this same problem that is discussed in this *Appendix*, §2.

P. 39. On the manner in which Phq̄tius claimed the decision of Nicaea concerning the Melecians of Egypt, see p. 144, n. 3, and 145, n. 3.

P. 67. This text of St. Augustine (*Contra epistolam Parmeniani*, II, 28) supposes known the principles of St. Augustine on the administration of baptism by a layman or by an infidel. Here is for the layman: < Nulla enim cogente necessitate si fiat, alieni muneris usurpatio est; si autem necessità urgeat, aut milium aut veniale delictum est." (*Ibid.*, II, 29). As for the infidel: < Utrum et ab hiis qui nunquam fuerunt christiani possit baptismus dari, nec aliquid temere inde affirmandum est sine auctoritate tanti concilii quantum tantae rei sufficit.

^(*Ibid.*, II, 30).

P. 112 ff. In the *Revue d'Histoire ecclésiastique* of the University of Louvain (1906), M. P. Fournier published a series of articles entitled: *Étude sur les Fausses décrétales*. It is a particularly complete and authoritative exposition of the question.

P. 126-128. It is a question of knowing whether Hincmar did not retouch the *Acts* of the Council of Soissons of 853, before sending them to Rome. M. Schrörs has noticed that there is no identity between the *Acts* which we possess and those which Nicholas I read. Cf. H. SCHROERS, *Hincmar*, p. 64, n. 57. This reworking of the *Acts* of the Council of Soissons could well be explained by the change of thesis of Hincmar, who finally supported the illegitimacy and not the invalidity of the ordinations made by Ebo after his deposition.

P. 140-143. The language of Nicholas I and Hadrian II on the ordinations made by Photius may lead one to believe that the ordinations of Photius were null and void for these popes. However, I believe that the interpretation proposed in this book is more likely to be true. Great account must be taken, it seems to me, of John VIII's acceptance of the ordinations of Photius. The latter had rigorous principles regarding the validity of the order, since in 880 he had the bishop of Verceil ordained by an excommunicated archbishop reordained. With these principles, would he have accepted the ordinations of Photius the year before, in 879, if they had been considered a thousand by his predecessors?

P. 179. This ceremony prescribed by Fulbert of Chartres is inspired by the most exact theology. But it is a personal solution of Fulbert. If it had been inscribed in the liturgical books, it would not have been imagined, at the end of the twelfth century, to reconcile the schismatic clergy of Germany by the reiteration of all the rites of ordination except the function.

P. 182 ff. *The 74-title canonical collection* studied by Ballerini, Theiner and Messrs Thaner and P. Fournier is attributed by the latter to the pontificate of Leo IX (1048-1054). See P. Fournier, *Le premier manuel canonique de la Réforme du XI<sup>e</sup> siècle*. Extract from *Mélanges d'archéologie et d'histoire* published by the École française de Rome, t. XIV, separate edition, pp. 1-86, Rome, 1894. In this *Collection*, one reads under n° 38 (*op. cit.*, p. 33): DE MS QUI AB HAERETICIS ORDINAN-

TUR, *In decretis Innocentii*: "Ordinati ab haereticis... invenire non possumus. > This text is taken from the letter of Innocent I to the bishops of Macedonia (cf. above, p. 69). It is the famous decretal *Ventum est*, which the theorists of the nullity of simoniacal ordinations were constantly asking Peter Damian to explain. The latter tells us, in the *Liber gratissimus* (*Libelli*, vol. I, p. 62): "Quotiescumque pro his qui a simoniaco ordinati sunt, loquimur, ilico ad *Ventum est* veniunt, *Ventum est* ingerunt, *Ventum est* oculis, ut inspiciamus, opponat. Et nos etiam ad *Ventum est* veniamus."

N. B. - P. 184-186, it has been admitted that the text of Peter Damian: < Leo papa plerosque simoniacos et male promotos tanquam noviter ordinavit ", should be understood of the usual reordination of simoniacs by Leo IX. This interpretation is also that of authorized canonists. It cannot, therefore, be considered imprudent or manifestly erroneous. However, it is a pleasant duty for me to say that certain texts of Peter Damian make this interpretation doubtful. Usually, to speak of reordination. Damien uses the word "reconsecratio". Although he sometimes uses the word "ordi-natio" to designate the sacrament of order, he more often uses the word "consecratio"<sup>1</sup>.

Therefore, a text of Peter Damian, in which the word "ordinatio" corresponds to the *canonical institution* of today<sup>2</sup>, must be given special significance. As this latter text is contemporary with the one we are interpreting, it seems more likely to understand the words "tanquam noviter ordinavit" as referring to the reiteration of the canonical institution.

This reiteration must have taken the form used at the Council of Rheims in 1049. The bishop of Nevers, accused of having benefited from a simoniacal promotion, laid his crosier at the feet of Leo IX, and received a new one<sup>3</sup>. This procedure must be compared with Cardinal Humbert's interpretation of the "traditio baculi". This act seems to him the most essential of episcopal consecration<sup>4</sup>. There is no doubt that this singular theory was inspired by the practice of Leo IX. This theory of Cardinal Humbert is moreover very close to the interpretation, proposed by Peter Damian, of the ordination of St. Apollinaris of Ravenna (cf. above, p. 198).

In summary, Peter Damian's text seems to say that Leo IX reconciled most of the simoniacal bishops by the reiteration of the canonical institution, by means of the "traditio baculi". The real reordinations carried out by Leo IX were exceptional in character. The foregoing statement should be modified in this sense. In this way we

2. These facts result from an examination of the *Liber gratissimus*.

3. This is a passage from a letter of Damian to the bishop Henry of Ravenna, in *P. L.*, vol. CXLIV, col. 292 A. Damian refers to the enthronement of the anti-pope Benedict X, by a priest of Ostia, in April 1058, as an "ordinatio".

4. *History of the dedication of the Church of Saint-Remi*, in *P. L.*, t. CXLII, col. 1435 D.

5. *Adversus simoniacos*, III, 6, in *Libelli de lite*, t. I, p. ao5.

The controversies of the second half of the twentieth century are better understood. There is not the opposition between the practice of Leo IX and that of his successors that has sometimes been admitted. On the other hand, we can see how the importance attributed to the "traditio baculi" was to lead the popes to withdraw this privilege from the laity. Gregory VII treated the bishops invested by laymen just as Leo IX treated the simian bishops: Gregory VII reiterated to them the "traditio baculi"<sup>10</sup>.

P. 329. Huguccio, a native of Pisa, was bishop not of Pisa but of Ferrara.

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<sup>311</sup> The first fascicle of the edition of this canonical collection, by F. Thaner, has just been published.

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who is in schism or heresy or struck by excommunication.

1. *De baptismo*, G, P. L., t. I, col. 1206.

5. S. CYPRIANI *Opera*, vol. I, p. 435.

i. *Ep.* 73, c. i3, p. 787.

3. *Ep.* 73, c. 23, p. 796.

7. *Ibid.*, c. 10, p. 82.

4. *Ibid.*, III, 2i: "Manus impositio non sicut Baptismus repeti non potest. Quid est enim aliud nisi oratio super hominem?"

i. *Epist.* VII, in P. L., vol. LXXXIX, col. 929.

4. This is the name given to a Roman liturgical collection which is original and for the whole of its text, but which has undergone more than one alteration in the Gallican sense. The original Roman sacramentary belonged to the period 628-731.

6. *Ibid.*, I, 44, col. 1112.

1. The form for the reconciliation of heretics in the East is given by I. GOAR, *Euchologion "eu Rituale Graecorum*, p. 883, Paris, 1647. In this edition, in order to have the text of the euchologia in the Barberini Library, one must take into account the variants.

Cf. in *Echos d'Orient* (March 1906), pp. 60-76, M. JUGIE, *La reconformation des apostats dans l'Église grecorussse*. The author of this work has not noticed that, in the Latin Church as in the Greek, the rite of reconciliation of heretics has been extended to apostates.

i. *Ibid.*, *Ep.* &), c. G, p. 741.

4. *Ibid.*, c. 3, p. 724.

i. *Ibid.*, *Ep.* 69, c. 8, p. 757; c. 10, p. 758 and p. 759.

u. *Ibid.*, c. 8, p. 757.

i. HARDOUIN, *Acta conciliorum*, t. I, col. 33i.

i. *Epist. ad Amphilochium*, P, G., t. XXXII, col. 664, 669.

3. n. Loofs has given excellent reasons for placing the four *Orationes contra Arrianos* about 338, 33g. The first *Letter to Serapion* is about 358, 35g. Cf. article *Athanasius in the Realencyklopiidie*.

1. The fact is attested in the *Libellas precum* of Marcellinus and Faustinus. O. GUEKHTER, *Epistulae imperatorum... Avellana quae dicitur collective*, t. I, p. 19: "Execrabiles enim Arriani in partibus Orientis et maxime in Aegypto non fuerunt hoc solo contenti, ut episcopi, damnata fide integra, in eorum impiam sententiam declinarent, sed hos ipsos qui primum fuerant per catholicos episcopos ordinati, ubi pro eorum desideriiis subscriperunt, in iaicorum numerum exigebant, et postea iterum eos idem haeretici episcopos ordinabant, ut non solum fidem catholicam damnare viderentur, sed etiam ordinationem factam per catholicos episcopos. s *Ibid.*, p. 33, the Arian bishop George is named as the author of this practice.

i. These documents can be found in E. W. BROOKS, *The sixth book of the select letters of Severus patriarch of Antioch*, vol. II (translation), pp. 180 ff, n. 294 (1903). The first is a letter to Photius and Andrew, archimandrites. The second is a treatise against those who claimed that converts from diophysitism (Catholics and Nestorians) to monophysitism should receive the reiteration of chrismation or confirmation.

□. It was Timothy II, who was Monophysite patriarch from 457 to 460 and from 476 to 477-

3. The canonical collection of John the Scholastic is found in Christ. Jus- TEL, *Bibliotheca juris canonici veteris*, vol. II, pp. 499-602, Paris, 1661. The sentence quoted is taken from the preface of the book.

1. A *traditor* was the one who had delivered the Holy Books or the objects of worship to the police during the persecution.

a. *Breviculus collationis cum Donatistis*, col. III, 29.

i. INNOCENT" *Epist.* 24, P. L., vol. XX, col. 549.

i. *Concilium Aurelianense*, c. 10 in F. MAASSEN, *Concilia aevi Merovingici*, p. 5, Hanover, 1893.

1. HARDOUIN, *Acta conciliorum*, vol. III, col. 533. Canon II<sup>e</sup> relates to the relics of the Arians.

i. S. GREGORII *Epist.* II, 46. The bishop of Ravenna invoked a precedent.

i. A. THIEL, *Epistolae romanorum pontificum genuinae* etc., pp. 620, 622, Braunsberg, 1868.

2. *Ibid.*, p. 269: FELICIS *Epist.* 14, in 490: "Nobis Deo inspirante provisoris rationabiliter... ut eorum quos ordinavit vel baptizavit Aeacius, salva confessione catholica pro caritatis Ecclesiae redintegratione nihil pereat."

1. The Lombard princes.

3. The fullest text of this letter is given in the *Collectio britannica, Epist. Pelagii, Ep.* 11. A long fragment is already published in P. L., vol. LXIX, col. 411. I borrow the beginning of the quotation from *Libelli de lit* etc., vol. III, p. 598.

i. P. L. t. LXIX, col. 411.

a. S. AUGUSTINI *Sermo* 272: Quomodo est panis corpus eius? et calix vel quod habet calix, quomodo est sanguis eius? Ista, fratres, ideo dicuntur sacramenta quia in eis aliud videtur, aliud intelligitur. Quod videtur speciem habet corporalem, quod intelligitur, fructum habet spiritualem. Corpus ergo Christi si vis intelligere, Apostolum audi dicentem discipulis: "Vos autem estis cor- pas Christi et membra". Si ergo vos estis corpus Christi et membra, *mysterium vestrum accipitis. Ad id quod estis, Amen respondetis, et respondendo subscribitis. Audis enim: " Corpus Christi " et respondes " Amen " . Esto membrum corporis Christi ut verum sit Amen.*

i. Note that the preoccupation with the mystical body of Christ in the theology of the Eucharist and the symbolism of bread and wine was suggested to St. Augustine by St. Cynrian and the African tradition. This preoccupation fitted very well with the theology of St. Cyprian, according to which: *Outside the Church there are no sacraments*; it is somewhat disconcerting in the sacramental theology of St. Augustine, for whom the sacraments can exist outside the Church. In this respect, St. Augustine depends on the past.

i. The clerics of St. Augustine wore the Roman tonsure, of the same form as ours, but larger: it was the tonsure of St. Peter. The tonsure of the Bretons and the Irish consisted in shaving the whole front of the head along a line from one ear to the other: for those who wore it, it was the tonsure of St. John; for the Romans, it was that of Simon the Magician. Cf. BEDAE *H lit. eccl.*, N, ai, col. 371 and 327.

1. J. R. GREEN, *A short history of the english people*, p. 30, London, 1902.

3. The Bretons, who did not accept Rome's Easter count.

1. *Vita Wilfridi episcopi*, cap. XV, p. 22.

i. BEDAE *Hist. eccl.*, IV, a.

1. The principal sources for the knowledge of Constantine's episcopate and judgment are: 1® fragments of the *Acts of the Roman Council of April 12-14, 769*, collected in the *Monumenta Germaniae, Concilia*, vol. 2, pp. 74 ff; a® the notice of Pope Stephen III in the *Liber Pontificalis*, vol. I. It is written by a contemporary, who used the *Acts of the Roman Council* very carefully and closely. So gaps in the text of the *Acts* for the third session of the Council can be filled with the help of the *Liber Pontificalis*.

3. This is the continuation of the first fragment *Post haec vero...*, *placuerit disponendi*.

1. *Ibid.*, col. 62.

in P. HINSCHIUS, *System des katholischen Kirchenrechts mit besonderer Rück- sicht auf Deutschland*, vol. II, p. 161, Berlin, 1878.

1. P. L., t. GX, col. 1195. On the date of this letter, cf. P. HINSCHIUS, *Decretales pseudo-isidorianae*, p. CCII.

1. This title appears in the table of *VHispana Augustodunensis*. The title of the decretal is different: *De vana superstitione chorepiscoporum, vitanda*.

i. In this place Pseudo-Isidore accepts as truth the assertion of the bishops of Macedonia which Pope Innocent had rejected as an error. This is a further proof of the good faith of this text-maker. This idea < posse veram ac iustam legitimi episcopi benedictionem auferre omne vitium quod a vitioso fuerat iniectum " was an application of the principle admitted by some that ordination, absolutely like baptism, wipes out all previous sins. This idea is attested, among others, by *Epipna- rü Canaries*, which may be of the vi\* or vu" century: "Many have said that the dignity of the priesthood wipes out previous sins, just as baptism does"; in W. RIEDEL, *Die Kirchenrechtsquellen des Patriarchats Alexandrien zusammenge- stellt und zum Theil übersetzt*, p. 291, g ai, Leipzig, 1900. It can be seen that this idea has a great analogy with the theory of *monastic baptism*, according to which religious profession is a *second baptism*: an assertion professed and pushed to the limit by many apologists for the monastic life in the Middle Ages, and for which Luther wanted to make the Church responsible.

i. *Actus pontificum Cenomannis* etc., ed. BUSSON-LEDRU, p. a5g.

1. The successor of Gauziolenus was Hodingus. But he found the diocese of Le Mans so impoverished that he left it for that of Beauvais. At this time the chorebishop of Le Mans, Merilo, went to Angilramne bishop of Metz and archbishop of Charlemagne: "Domnus itaque ANGLIRANNUS sciscitans de sua [de Merilo] ordinatione, reperit eum a tribus esse ordinatum episcopis, et prop- terea canonice posset adimplere episcopale ministerium. Gloriosus igitur Ca- rolus, rex Francorum, nullum inveniebat cum ipsum episcopatum ita desolatam dare aut commendare potuisset; cepit consilium ut praedicto Merolo, licet cor- episcopo, a tribus tamen episcopis supra dicta conditione ordinato, ipsum episcopatum daret; quod et ita consulto ndelium suorum, factum est." *Actus pontificum* etc., p. 266.

x This account is also important for the determination of the homeland and the author of the False Decretals, since it depends on three related works: False Decretals, False Capitulars of Benedict the Deacon, and *Capitula Angilramni*. It is certainly no coincidence that in the text of the *Actus* quoted in the previous note, Angilramne, bishop of Metz and arch-chaplain of Charlemagne, appears: the author of the *Actus* knew the *Capitula Angilramni*. It is remarkable that at Le Mans, at this date, one had knowledge of the three apocrypha.

1. A. H AU CK, *Kirchengeschichte Deutschlands*, vol. II, p. 785, Leipzig, 1900.

t. P, L., vol. CXXIX, col 964.

i. This solution was recommended to the Council by Hincmar in four memoirs, P. L. t. CXXVI, col. 46 and following.

4. This treatise, which we shall call *De variis capitulis ecclesiasticis*, is found among the works of Bernold, under the title *De excommunicatis vitandis, de reconciliatione lapsorum et de fontibus iuris ecclesiastici in M. G., Libelli de liteetc.*, vol. II, p. 112 ff, and in P. L., vol. CXLVIII, col. 1181.

The literary problem constituted by this treatise *De variis capitulis ecclesiasticis* of Hincmar and the discussion of the relations of this work with the *De excommunicatis vitandis* of Bernold are not yet completely resolved. See on this subject, a note in the appendix.

i. Hincmar alludes here to a form similar to that of the *Gilasian Sacramentaire*, P. L" t. LXXIV, col. 1137, no. 86.

4. See above, pp. a5-8, and the theological note in the appendix.

1. Here are these principal decisions; the figures refer to P. L., t. CXIX, NICOLAI PAPAEP *Epistolae* : 25 Sept 860, *Ad Photium*, col. 780 : a Vestrae consecrationi consentire modo non possumus... Et tunc, si dignum fuerit, ut tantae sedis praesulem, ceu convenit, honorabimus et fraterna dilectione amplex- temur." - March 18, 862, *Ad Photium*, coi. 789: "Et sicut illum [Ignatium] in pristino honore mansurum, si ei damnationis crimina non comprobantur, sancta Romana refinet ecclesia, sic vos, qui incaute et contra paternas traditiones promoti estis, in patriarchatus ordine non recipit; et neque ante iustam damnationem I gnati i patriarchae, in ordine sacerdotali vobis manere consentit."

1. JOUANNIS PAPAEP *Epistolae et decreta*, in P. L. t. CXXVI, *Ep.* 118, col. 771 (April-May 778).

1. *Ibid.*, *Epist.* 3i2, col. 829 (i<sup>st</sup> May).

1. *Ibid.*, *Epist.* 266, col. 887 (24 October).

3. We recognize here a formula which is found in the letter of Innocent I to the bishops of Macedonia and in St. Cyprian: cf. above, p. 70 and p. 18. Taken literally by St. Cyprian, and by John VIII in this passage, it does not leave the efficacy *ex opere operato* of the sacraments.

a. The printed text gives *cui*.

3. The printed text gives *legationis*.

a. *Ibid.*, *Epist.* 367.

i. In the treatise *In defensionem* (ed. DUEMMLER), p.'a 62, 73-77, 89-93. - In the *De ordinationibus*, ch. 2-40 (P. L., t. CXXIX, col. 1071-74). Later Auxilius added new considerations on the same theme, in additions which are found in the only manuscript of Bamberg, and which were published by Dümmler, *op. cit.* p. 107-116. - In the dialogue *Infensor et defensor*, ch. 11- 19 (P. L" t. CXXIX, col. 1085-89).

1. *De ordinationibus*, ch. 25, 27, coi. 1068. Auxilius depends here on the legendary notice of Liberus in the *Liber Pontificalis*; he regards Liberus as a heretic and an apostate.

1. *Infensor et defensor*, ch. 36, P. L., t. CXXIX, col. 1096.

4. We will not speak here of the second treatise of Vulgarius *De causa Formosiana libellas*, which is found in *Ibid.* at 116-139.

5. This is the papal administration from Formosa to Rome.

#### REORDINATIONS

1. This Council of Pavia, whose existence and *Acts were brought* to light by the Ballerini brothers (P. L., t. CXXXVI, col. 91 ff.), escaped Hefele, historian of councils.

1. Bishop Milon,

3. The previous poster, which had been put up the day before.

5. This is a communication made by Rathier to his clergy between the previous one and this one.

4. Leo VIII.

1. HARDOUX, *Acta Conciliorum*, vol. VI, pars i, col. 635.

2. *Liber Pontificalis*, vol. I, p. 476.

1. One can consult on this subject the tables of contents of the *History of the Councils* of Hefele, French translation, t. XII, p. 229; and also *Y Index de simonia*, in P. L., vol. CCXX, col. 879 etsuiv.

1. FULBERTI *Epistle, P. L.*, t. CXLII, col. 207.

It could also be said that the present manuscripts containing the brief redaction give the primitive text. The passages particular to Bernold and Deuseddit would be interpolations intended to reinforce the condemnation of the simoniacs. This second hypothesis is much less probable than the first. It has against it that the passages proper to Bernold present a construction which is found in the shorter text provided by the manuscripts. The two incises attested by Deuseddit fit so well into the context that they must be considered primitive. - The brief reduction of the manuscripts is contained in *P. L.*, vol. CLI, col. 637.

a. PROSPERI *Lib. Sent. ex Augustino*, XV, *P. L.*, t. LI, col. 430.

i. *Libelli*, 1.1, pp. 5-7.

a. *Vita S. Guillelmi*, 19, *P. L.*, t. CXLII, col. 713.

1. *Lib. gratissimus in Libelli*, vol. I, p. 18: "quanta iam per triennium in tribus romanis conciliis [104a, 1050, 1051] fuerit discipatum, quamque perplexa atque confusa dubietas et in his partibus cotidie ventiletur etc."

a. *Ibid.*, p. 68.

1. F. Th. VISCHER, *Berengarii Turonensis "De sacra coena adversus Lan-francum"*, p. 40, Berolini, 1834.

i. HUBERTI *Adversus simoniacos*, libr. I, in the *Libelli*, vol. I, p. 10a.

3. *Ibid.*, p. 1a5, 12G.

i. *Ibid.*, p. 124-

1. *Actus Mediolanensis, P. L.*, t. CXLV, c. 98. This is the report sent by Damian to Hildebrand on his mission.

1. This work is found in A. MAI, *Scriptorum veterum nova collectio* etc., vol. VI, p. 2, pp. 60 ff, Rome, 1832.

1. First of all, in a general way, it is necessary to renounce taking advantage of the conciliar canons which speak of "ordinationes irritae". This last term belongs to the juridical language and expresses above all a practical decision. Such ordinations are considered practically null. That in some cases the word "irritus" has been used to designate an ordination which is really null is certain, but such an interpretation must be accepted only on good evidence. The word alone is an insufficient clue, and would lead one to see null ordinations everywhere. I therefore renounce making use of the decisions of the two Roman Councils of 1078 (*P. L.*, vol. CXLVUI, col. 798 BC, 801 AB) where ordinations made by simoniacs and excommunicates are said to be "irritae".

In the second place, there is nothing to conclude from the following passage of the letter to Hermann of Metz (*Epist.* IV, 2 *Ibid.*, col. 455): "Episcoporum autem qui excom- municato regi communicare praesument, ordinatio et consecratio apud Deum, teste beato Gregorio, fit execratio... Ut autem maledicti et excommunicati possint benedicere et divinam gratiam quam non timent operibus denegare, alicui largiri, in nullius sanctorum Patrum praecepto potest inveniri."

1. M. SDRALEK, *op. cit.* p. 179: Wczlzo had taken a leading part in the

3. 11 expresses himself thus in his *Liber canonum contra Henricum quartum (Libelli de lite, etc., t. I, p. 515)*: "Scias etiam nec fuisse nec fieri posse archie- piscopum [This is aimed especially at Wezilo of Mainz] qui ab eo [antipope Clement 1111] accepit vel accipiet archiepiscopale pallium; vel esse episcopum ab his pseudoechiepiscopis ordinatum; vel quandam per eundem perditissimum papam vel per aliquem ex eius pallio archiepiscopantum, vel per episcopum ab eiusmodi archiepiscopis promotum ecclesiasticos gradus posse dari, vel ecclesiam sive chrisma consecrari; aut per aliquem presbiterum ex eodem execrationis fonte derivatum vel eis scienter communicantem vel unanimi con- sensu eorum sectae acclinem, vel quicquid a sanctis Patribus sub anathematis vinculo interdictum praesument, dominicum corpus posse confici vel ali- quod Ecclesiae sacramentum fieri, nisi quod bap- tisma per eos factum prohibetur iterari." This treatise, composed about the middle of 1085, mentions the synod of Quedlinburg and summarizes the ideas of the German Gregorians.

1. *De damnatione scis mati eorum*, in *Libelli*, vol. I, p. 28.

1. It also contains fragments of Gelasius I, Pelagius I, Alexander II, John VIII, St. Boniface, Stephen VI, Leo IV and the *Varia*. A good proportion of these texts are known only from the *Britannica*.

2. *Ex libris Decreti Bonizonis episcopi excerpta*, in A. MAI, *Nova Patrum Bibliotheca*, i. VII, p. III, p. 2 (Romae, 1854). Bonizo had written a little earlier, "Quibusdam non ambigo videri mirabile, cum Spiritus Sanctus sit pacis et non dissensionis, quid est quod sancti viri Spiritu sancto pleni, multum de sacramentis inter se diversa dixisse videantur."

4. *Decretum*, VI, 407, in *P. L.*, vol. CLXI, col. 53a.

7. "Istis [presbyteris] cum ordinantur, episcopus manus inungit quo gra-

2. *P. L.* t. CLI, col. 327.

2. *URBANI papae epistolae*, in *P. L.* t. CLI, col. 294.

4. *Collectio Britannica*, Urb. ep. 30, 1. 1. fol. 147, in LOEWENFELD, *Epist. rom. pontif. ined.* p. 61.

5. *Panormia*, III, c. 81, *Daibertum*, in *P. L.*, vol. CLXI, col. 1148.

6. A fragment of this text *Scriptisistis...*, *deposuimus* had already been published, according to a manuscript of S. Victor of Paris, *P. L.*, t. CLI, col. 294.

i. Urban II would have mentioned in his letter the hypothesis of Poppo's ordination during the schism, if it had led to reordination, as well as to simony.

4. *Libellus contra invasores et simoniacos*, in *Libelli delite* etc., vol. II, pp. 319 ff.

i. See above, p. a3a.

6. 11 It may seem that Bruno is indirectly condemning the reconciliation of schismatic clerics, as laid down by Urban II and including the reiteration of the imposition of hands and blessing. Gf. above, p. a33. Bruno writes (*Libelli*, vol. II, p. 55g): "Non igitur reiteretur oratio super hominem in illis sacramentis que reiterari non licet." But, it will be said, the reconciliation prescribed by Urban II certainly included the reiteration of a notable part of *Voratio super hominem*. Bruno and Urban II do not agree. - I reply that in this passage Bruno is concerned to justify the full reiteration of confirmation to schismatics who return to the Church. To this end, he employs two texts of S. Augustine, one of which provides him with the mention of *Voratio super hominem*. Bruno proposes only to separate con- firmation from the other sacraments. But we have seen above that Bruno's view is

1. A. HAUCK, *Kirchengeschichte Deutschlandx*, III, p. 981.

5". *Ibid.*, col. 1882.

4. In *P. L.*, vol. LIV, col. 645 and 656. The Council has in view the texts inserted afterwards by Gratian in the *Decree*, C. I, q. VII, c. 19 and 20.

1. *Ibid.* (III, 3a), col. 946. Algiers considers the sacraments of the Arians valid, contrary to Peter Damian. Cf. above, p. 191 and 270, n. 2.

1. *P. L.*, t. CLXXI, col. a;3.

i. Basically, in this passage, Hugh admits that ordination, even when given

□. Hugh then distinguishes between baptism and the other sacraments. Baptism, being necessary for salvation, may be validly administered by all, even by a deposed or excommunicated minister. The same is not

true of the other sacraments.

3. PELAGII *Epist. ad Viatorem et Pancratium*, JAFFE, *Regesta* etc., no. 994. Cf. above, p. 80.

4. PROSPERI *Liber sententiarum ex Augustino*, c. 15, P. L., vol. LI, col. 430.

i. See above, p. 239, Gerhoh's theory of *forma* and *virius sacramenti*.

i. *Histoire littéraire de la France*, t. X, p. 313; H. It is THE first time that a book has been published in this form. It is the ms. Bibl. Nat., lat. iSiiSfxn® century) whose beginning is 'Incipiunt sententiae Guillelmi Cathalaunensis episcopi. Guillaume de Champeaux was bishop of Châlons, from 1113 to 1141.

A. This is a passage from the letter to Gebhard of Constance, reproduced and explained above, p. 228.

i. H. DENIFLE, *Die Sentenzen Abaelards und die Bearbeitungen seiner Theologia*, in *V Arc hiv fur Literatur und Kirchengeschichte des Mittelalters*, vol. I, pp. 402-469 and 584-624, Berlin, >885.

1. M. GIETL, *Die Sentenzen Roland'* nachmals Papstes Alexander III, Freiburg in B., 1891.

2. Roland adds: "Item eorum qui consecrantur in forma Ecclesiae, alii sunt boni, alii mali. Item malorum - (c) alii tolerantur ab Ecclesia, - (c) alii sunt depositi. Item depositorum - (d) alii sunt simpliciter depositi, id est ad tempus interdicti, - (d) alii vero exactorati."

i. Roland adds "sive boni sint sive mali, - (d') et si sint ad tempus depositi, dum non modo sint exactorati..."

a. Roland adds, "Quod - (d') si fuerint exactorati, eis consecrandi potestas perpetuo inhibetur." On the theory contained in these two passages of Roland (notes i and a) cf. below, p. 305.

i. *Die Summa Magistri Rolandi*, p. 38. It goes without saying that this solution has, for Roland, a theoretical value. He admits that practically a monk who receives orders receives at the same time both *Yordo* and the *licentia exsequendi*. Here, as elsewhere, Roland wants to affirm the absolute dependence of the minister on the church. Moreover, here again, Roland only systematises the data of Gratian in the *Decree*, C. XVI, q. i, c. 40 *post*.

i. See above, p. 293.

i. This is the Latin manuscript 19134; pp. 148-217 is a work whose first words are *Incipit tractatus. Mag. Omnebene*. Cf. the work already quoted by H. DENIFLE, *Die Sentenzen Abaelards* etc., in *Archiv* etc., t. I, p. 461-46961 621.

2. The ms. 68 of Frankfurt contains a copy of a letter addressed, on this date, by Bickell to Boehmer. Cf. F. SCHULTE, *Geschichte der Que lien und Literatur des canonischen Rechts*, vol. I, p. 119; and by the same author: *Dissertatio de decreto ab Omnibono abbreviato* (Bonn, 1892, programme for the feast of 3 August).

4. To demonstrate this fact, it will suffice to compare the prologue of the *De Coniugio* of Roland (*Summa Rolandi*, p. n3 and 114) with the prologue of *Causa XXVII'* in *Y Abbreviatio Decreti*. This prologue was transcribed by M. SCHULTE, *Dissertatio de Decreto ab Omnibono abbreviato*, p. 12 and 13. It should be noted that the prologue of *De coniugio* of the *Summa Decreti* of Roland was transcribed with some variations in the *Sentences* of the same author (M. GIETL, *Die Sentenzen Rolands*, p. 270-272). But *Y Abbreviatio Decreti'* Omnebene depends here, not on the *Sentences*; but on the *Summa Decreti* of Roland.

□. Ms. 68 of the Library of the City of Frankfurt am Main.

a. This is the explanation which immediately precedes in our text, relating to C. I, q. I, c. 17, and beginning with the words *Qui vero apud haereticos*.

3. H. SINGER, *Die Summa Decret, d. Mag. Ruf*, C. IX, q. 1, *Quod ordinatio*, p. 398.

1. Suspension has been studied historically, especially by F. KOBER, *Die Suspension der Kirchendiener*, pp. 1-29, Tubingen, 1862.

5. *Summa Lipsiensis*, in ms. 986 of the Library of the University of Leipzig (fol. 104 r.). The text transcribed here is the commentary on the decretal relating to Daibert in the *Decree* of Gratian, C. I, q. 7, c. 24.

i. The ms. gives *adulatoriam*. Cf. further on, p. 3ao, n. i.

4. Cod. Bamberg, P. II. 4. fol. 29' b\*

5. Cf. Fr. SCHULTE, *Die Glotte zum Decret Grattant* etc., pp. 52-55, and *Die Summa Decreti Liptientis*, pp. 4<sup>n</sup>-44-

3. This passage alludes to the theory, widely accepted in the xn' century and in particular by John of Faenza, according to which the power of a degraded minister is bound or practically null.

4. Cod. Bamberg, P. II. 4, fol. 29' a.

->. This is the letter of Urban II to Lucius of Pavia, quoted and interpreted on p. 228.

5. C. I, q. 7, c. 24. This is the letter of Urban II concerning Duibert. THE REORDINATIONS. 21

i. This passage, like the preceding ones, is borrowed from the legal treatise described above (p. 319) and is found in the manuscript of the Royal Library of Bamberg P. II. 4, fol. 29 r.

1. Letter in Baronius, ad A. 1166, vol. XII, p. 527 (Rome, 1607).

i. *Summa Coloniensis*, in God. Bamberg. D. II. 17, p. 107: "De sacerdote vero catholico sed excommunicato utrum [eucharistiam] conficere possit, non est auctoritativum perspicuum. Magistro doctori Petro visum est quod non et in scriptis suis ita tradidit." This is the solution given by Peter Lombard, in *Sententiarum*, IV', dist. 13, § 1 (P. L., t. CXGII, col. 868). Here the author of Cologne obviously depends on the text of Lombard. One will see later on another example of this dependence.

4. One reads in overprint, above the line, *nec nudati sunt*. It is a reminder of the effects of *Vexauctoratio*,

5. Elsewhere (p. 106) the author uses the expression "manualiter nudare". This is an allusion to the ritual of degradation.

4. John of Faenza.

1. *Summa Lipsiensis*, G. IX, q. i, in ms. 986 of the University Library of Leipzig, fol. i3q r.

4. *Ibid*, fol. 89 r. On the *Dictum Gratiani* 'Sed excommunicati' in C. IX, q. 1, c. 3*post*.

1. BENENCASA SENENSIS, *Casus Decretorum*, G. IX, q. i, in ms. P. II. 17 of the Royal Library of Bamberg, fol. 3i v. This ms. on parchment is of the on s.

3. *Summa Decreti*, contained in ms. P. II. 15 of the Royal Library of Bamberg, the quires of which are sewn in no order. This *Summa* is found, fol. 75-90 of ms. P. I. 11 of 71-100; 108-119. *Causa I* is missing.

This *Summa* is described in F. SCHULTE, *Dritter Beitrag*, p. 59.

THE REORDINATIONS.

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2. *Summa de paenitentia et matrimonio*, libr. I *De peccatis adversus Deum*, c. *De haereticis et ordinatis ab cis*, J 9, p. 37 and 38 (Paris, 1720).

2. *Ibid*, fol. 32 V., on G. I, q. VII, c. 24.

3. I borrow these words, which are missing in the *Summa Monacensis* and which are the most important, from the *Summa* of the ms. of Bamberg P. I. 11, fol. 84 v., which gives the same text.

4. This is the *Summa* contained on fol. 75-90 of ms. P. I. 11 of the Royal Library of Bamberg. It is described in Fr. SCHULTE, *Zweiter Beitrags*, pp. i38 ff. The same *Summa* is contained in fol. j-9b of ms. Ye. 5a. of the library of

the University of Halle. It is a more extensive analysis than the previous one, in Fr. SCHULTE, *Dritter Beitrag*, p. 43 ff. M. SINGER, *Die Summa Decretorum des Magister Ru finus*, p. LIV, n. 4a, has already noted a borrowing from the *Summa Bambergensis* P. I. 11 to the *Summa Monacensis*,

a. GUILIELMI ALTISSIODOREMSIS *Summa aurea in quatuor libros Sententiarum...* fol. 284 v. Impressa est Parisiis, maxima Philippi Pigoucheti cura, impensis vero Nicolai Vaultier et Durandi Gerlier alme Universitatis Parisiensis librariorum iurutorum (s. d.).

1. This chapter does not pretend to give a history of theology as to the conditions of validity of the power of order during the Great Schism: for that it would be necessary to read the *Commentaries on the Sentences* written during that period. We limit ourselves to pointing out the reappearance of the Bologna theory.

1. *Ibid.*, vol. IX, p. 294, Rome, 1600. Compare L. DUCHESNE, *Le Liber Pontificalis*, vol. I, p. 476. Baronius usually transcribes the text of his manuscripts. When he makes a textual correction, he puts it in the margin, as is the case here, for *conciari* substituted for *consecrare*.

i. J. MORIN, *op. cit.* p. III, p.106: "Hinc manifestum est acerrimas illas Pontificum inter se contentiones, in quas nonnulli historici praedure et contumeliose invecti sunt, in factis sedisse non in iure, et a diligenti circumstantiarum

in quibus facile et Summis Pontificibus et Conciliis, ut principibus, imponiessit." The inaccuracy of this

This theory is particularly evident when applied to the discussions concerning Formosa. Auxilius and Vulgarius maintained the validity of the ordinations of Formosus, even on the hypothesis that his elevation had been illegitimate.

4. On Constantine, he writes (*Ibid.*, p. i3o): "Quamvis hac in re certa non suppetant argumenta, tamen valde probabile est, etiam ibi non agi de nullitate absoluta ordinationum Constantini, sed depositione ordinatorum." About the reordinations made by Sergius III (*Ibid.*, p. i33): "Nec tamen istae reordinationes frequentes fuisse videntur, quum resisterent ordinati; frequentiores forte fuerunt consecrationes vel benedictiones reconciliatoriae(!)."

1. I know the *Janus* from the reprint given by FRIEDRICH, *Das Papslthum vonl. von Dollinger*, pp. 140-143, Munich, 1802.

*Schrift für katholische Theologie* (1893, vol. XVII, pp. ig3-230).

2. *Ibid.*, p. 445.

2. Also M. SchrtJrs has made a place for this treatise in his *chronological catalogue* of Hincmar's works, accompanying this mention with a substantial note. Cf. *Hincmar Erzbischof von Reims*, p. 542, n© 33o; and p. 407" n. 88\*.

4. The concordance table of this canonical collection and Bernold's works is given by Ruffini, *op. cit.*

5. Prior to Ruffini, Mr. Scbrors had known of the existence of three other manuscripts from this same canonical collection.

de Torres (*Hincmar*, p. 407, n. 88). Schrörs concluded that the work used by de Torres was the work planned by Hincmar in the *De praedestinatione*.

3. M. Schrörs had already conjectured that the work used by de Torres must

i. *De coercendo raptu viduarum* etc. and the *Excerpta ex sacri" canonibus* etc., P. L., t. CXXV, col. 1017 and io3a. Cf. especially col. io34 D, the text of the Council of Toledo which repeats the decision of Innocent I.

6. This is the text quoted above, p. 397.

2. Compare *Libelli*, vol. II, p. 119, 1. n-15 and HINCARI *Epist.* 3i, P. L., vol. CXXVI, col. 212 D and 2i3 AD.

4. Compare *Libelli*, vol. II, p. 121, 1. 12 - p. 122, 1. 6, with *De praedestinatione*, c. xxxvii, in P. L., vol. L., vol. CXXV, col. 407 B-408 D. Two of the texts invoked, as regards the formulae of retraction, are found in both works.

5. P. L., vol. CXXVI, col. 376.

6. *Ibid.*, col. 376 AB.

7. *Ibid.*, col. 384 D, 376 AB.

8. *Ibid.* at 354 D-355 A B.

i. *Ibid.*, 359-36.

-j. *Ibid.*, col. 393 AB, 39a D, 393 BG.

5. Compare the text of Pope Gelasius in *Libelli*, t. II, p. i3o, 1. 17 and that of the same in P. L., vol. CXXVI, col. 384 B.

8. *Libelli*, vol. II, p. 142, 1.8. Two quotations with which our author supports his theory (*Ibid.*, p. 141, 1. 3i and p. 142, 1. 2, are found, at the same end, in Hincmar P. L., t. CXXVI, col. 390 D, 324 D and 219 E).

i. There is the greatest analogy between these principles of Habert and those declared by

BILLOT, *De Ecclesiae sacramentis*, vol. II, thesis xxx, p. 269 ff, Rome 1897, Cf. also *Ibid.*, vol. I, p. 34" n. 1.