SYNODALITY AND THE CONCILIAR TRADITION OF THE CHURCH: MEDIEVAL AND EARLY MODERN EXPERIENCES OF SYNODALITY

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POPE FRANCIS has elevated the concept of "synodality" to the status of a new ecclesiological guiding concept, comparable to a *nota ecclesiae*, which captures the essence of the Church as comprehensively as do the traditional characteristics of the Church, namely, unity, holiness, catholicity, and apostolicity. Vatican documents since then have sought to concretize and differentiate the concept of synodality, beginning with interpreting it etymologically as *syn-hodos*, a path to be walked together. This emphasizes, on the one hand, the way-character of the Christian faith and its missionary commitment and, on the other hand, the community aspect of the Church, which finds its expression in ecclesial structures, the liturgy, and caritative life.[1] In such explanations of synodality, reference is regularly made to the rich synodal tradition of the Church. Earlier theories concerning councils, however, are hardly taken

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[1] A key document is the declaration of the International Theological Commission, "Synodality in the Life and Mission of the Church" (March 2018). Since the proclamation of the "synodal process" by Francis, many publications have tried to contribute to a wider understanding of the concept. I mention only the recent special issue "Synodale Kirche" of *Internationale Katholische Zeitschrift Communio* 51 (July-August 2022) with contributions by Walter Kasper, Rowan Williams, Peter Erdö, Stefan Oster, and others.

into account in the specification of the theological understanding of synodality.[2]

This article aims to recall some aspects of the synodal tradition of the Middle Ages and the early modern period in order to delineate some continuity with the current discussions of synodality. Moreover, it also recalls the emphases of a Latin synodal tradition against an inflationary use of the new concept of synodality, one which runs the risk of distracting from the importance of synods rather than clarifying their task and nature.

Summarizing a long period of history, I would like to insist on a connection between synod and reform. More than any other operative concept in the history of the Church, "reform" characterized the horizon and the expectations of synods in the second millennium. "Reform," however, tended to be as broad, unspecific, and at times contradictory as "synodality" is today. Yet, as expressions of and commitment to more missionary zeal and higher standards in personal life and the life of the Church, "reform" and "synodality" share a common concern. Synods in the Middle Ages and the early modern period were not ends in themselves, but means of mobilization and conflict management. By synods, the Church committed herself to regaining momentum when stakes were high.

Already in ancient times, the regular holding of synods at the level of ecclesiastical provinces was obligatory.[3] Convened by the metropolitan, the synod was to contribute to the strengthening of ecclesiastical structures, to ensure unity and uniformity among the Churches in a specific area and beyond. Synods were occasions for appointing new bishops, settling disputes, and recalling canonical regulations. These provincial synods are poorly documented in their entirety, but they shaped

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[2] The aforementioned text of the International Theological Commission surveys in roughly fifteen pages the history of councils from antiquity to Vatican II.

[3] Nicea, can. 5, in *Conciliorum Oecumenicorum Decreta*, ed. Istituto per le scienze religiose Bologna, 3rd ed. (= *COD*), 8; Josef Fischer, Adolf Lumpe, *Die Synoden von den Anfängen bis zum Vorabend des Nicaenums* (Paderborn: Schöningh, 1997); Wilhelm de Vries, *Orient et Occident: Les structures ecclésiales vue dans l'historie des sept premiers conciles œcuméniques* (Paris: Cerf, 1974).

the life and the constitution of the Church far more than did the great ecumenical councils, which were admittedly of enormous importance for defining doctrine and preserving the unity of the Church. Synods were gatherings of bishops only (or their representatives), even though congregations participated in the solemn liturgies celebrated at these occasions. By synods the monarchical structure of a local Church headed by a single bishop was tempered and integrated into the *koinonia* of the universal Church, represented by the gatherings of the bishops.[4]

I. Synod and Reform in the High Middle Ages

With the rise of the papacy and the growing alienation between Eastern and Western Churches, *communio* ecclesiology disappeared to some extent in the early Middle Ages. At the beginning of the second millennium, an epochal change in the history of the Church took place in Europe, a change that was perceived as revolutionary. The papacy, escaping the grip of the Roman nobility, began to reconceive the Petrine office and its tasks. The movement was often misunderstood as a merely political dispute between pope and emperor and connected to the slogan "Libertas ecclesiae," freedom for the Church. The popes, however, aspired to spiritual and ecclesiastical goals rather than political ones, even if the two areas were difficult to separate in the Middle Ages. The movement strove radically to change the life of the Church in important areas. In the eyes of the popes, such "reform" was not modernization or "aggiorna-mento," but a return to the discipline of the early Church. In particular, the reform targeted the way of life of the clergy, of

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[4] Vatican II retrieved this ancient model of *communio ecclesiarum*, by making the early history of councils and the role of the individual bishop in antiquity the basis for its wider *communio*-ecclesiology. See esp. *Lumen gentium* 19-27. On the role of early councils for the concept of *communio*, see J. Hajjar, "Die bischöfliche Kollegialität in der östlichen Tradition," in G. Baraúna, ed., *De Ecclesia: Beiträge zur Konstitution "Über die Kirche" des Zweiten Vatikanischen Konzils*, vol. 1 (Freiburg i. Br: Herder, 1966), 125-47; G. Dejaifve, "Die bischöfliche Kollegialität in der lateinischen Tradition,' in Baraúna, ed., *De Ecclesia*, 1:148-65; J. Ratzinger, "Die bischöfliche Kollegialität: Theologische Entfaltung," in Baraúna, ed., *De Ecclesia*, 1:44-70.

whom sexual abstinence and celibacy was required.[5] Priests were to live up to their spiritual status and to be models of holiness. To facilitate this, the Roman reformers recommended establishing communities of priests who imitated the *vita communis sive apostolica* of the early church (Acts 2:42-47; 4:32-37) and were thus free to devote themselves entirely to pastoral care. A third item on the agenda was the fight against simony. This referred to the abuse of paying for Church offices, a rather common practice in medieval feudalism. In the imagination of the reformers, the Church was the property of Christ, who paid for her by his suffering and death. Paying for offices or sacraments would therefore be a blasphemy and also an offense against older ecclesiastical canons. The reform agenda demanded a separation of the Church from the "world." It was inspired by a new understanding of the Church as a holy space, which must be freed from all worldly entanglements in order to bring salvation to the world. Both symbol and consequence of this ecclesiology were the celibate priest and the emancipation of every church, diocese, or monastery from unjustified claims of a powerful lay nobility.

This program, first formulated by Pope Leo IX (1049-54), was implemented by synods celebrated both in Rome and outside of Rome. Leo's successors up to Gregory VII and beyond continued the reform, relying also on synods. On the basis of their decrees, it is possible to trace the three focal points (celibacy, simony, investiture) well into the twelfth century. The topics dealt with at these synods were manageable, and to a large extent predictable. First the pope or his legate inculcated

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[5] On celibacy: Anne Llewellyn Barstow, *Married Priests and the Reforming Papacy: The Eleventh-Century Debates* (Lewiston, N.Y.: Mellen, 1982); Johannes Laudage, *Priesterbild und Reformpapsttum im 11. Jahrhundert* (Cologne and Vienna: Böhlau, 1984). Recent surveys on the investiture contests are: Claudia Zey, *Der Investiturstreit* (Münich: Beck, 2017); Werner Goez, *Kirchenreform und Investiturstreit. 910–1122*, rev. ed. (Stuttgart: Kohlhammer, 2008). See also the classical study by Gerd Tellenbach, *Church, State, and Christian Society at the Time of the Investiture Contest* (Oxford: Blackwell, 1940; repr. Toronto: University of Toronto Press, 1991); this is the translation of Tellenbach's habilitation thesis, *Libertas: Kirche und Weltordnung im Zeitalter des Investiturstreits* (Stuttgart: Kohlhammer, 1936; repr. Stuttgart: Kohlhammer, 1996).

the few principles of the reform, then he inquired about simonistic bishops. These bishops were forced to do penance or step down. The consistent policies of the papacy over a long period of time helped to spread the reform and to find sufficient support within the Church. The target vision was a Church that took the call to holiness (of the clergy) and to sanctification (of the laity) very seriously.[6]

The synod thus fulfilled several functions. It communicated and simultaneously implemented the reform. It served as a court where bishops were deposed or excused. The actual judge was the pope himself, but the synod established the judicial context, so that the papal judgment was supported by the synod's authority and the consent of the gathered bishops. The synod also took care of specific problems in the particular local Churches, promoting peace and justice. In addition to these pragmatic functions, the synod fulfilled also a representative purpose. It made clear to observers that the Church became manifest or took on a visible form, not in a sacramental sense, like the Eucharist, but in a dynamic and juridical sense as a jointly exercised and hierarchical Church government.

Beginning in the twelfth century, the synod underwent some transformations. Instead of pushing a small number of reforms, the popes used the synods to produce new canon law. Synods clarified existing law and identified new areas of reform. Papal authority and synodal practice thus continued to shape medieval societies according to Christian morals and social teaching.[7] The exclusive synod of bishops of the ancient Church was transformed into an assembly that mirrored the differentiation within Church and society. Besides the bishops, representatives

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[6] F. J. Schmale, "Systematisches zu den Konzilien des Reformpapsttums im 12. Jahrhundert," in *Annuarium historiae conciliorum* 6 (1974): 21-39; Georg Gresser, *Die Synoden und Konzilien in der Zeit des Reformpapsttums in Deutschland und Italien von Leo IX. bis Calixt II. 1049–1123* (Paderborn: Schöningh, 2006); Filippo Forlani, *I sinodi in Italia nei pontificati tra Onorio II ed Eugenio III (1124-1153)* (Rome: Pontificia Università della Santa Croce, 2019).

[7] German historians use the term "Verkirchlichung" to describe the growing influence of canon law on medieval societies.

of the new orders (Cistercians, Premonstratensians, regular canons) were invited to the councils, as well as princes and civil authorities, especially when political disputes had to be settled or when the Church needed the assistance of the secular arm, as for the crusades or the prosecution of heretics.[8] Little is known about the procedures at these synods.[9] Discussions and nego-tiations probably ran parallel, but a lot of work was done in advance, so that the meeting itself consisted mostly of the ceremonies and the promulgation of the decrees. Yet, the council made visible the consensus of the participants and obliged them to defend and implement the decisions. We do not hear about votes or voting at these synods or about negotiations to form majorities. The synod remained an instrument of papal Church governance. It strengthened the ties between the papacy and the bishops and ultimately the very primacy of the pope. Synods in the high Middle Ages were not occasions to debate Church authority or to check papal power; quite the contrary.[10]

II. Lateran IV: The Ideal Form of the Reform Synod

The transformation of the papal synod came to a climax at the Fourth Lateran Council in 1215. This council, summoned by Pope Innocent III, was one of the most impressive councils of the Middle Ages. With its seventy decrees, it was also a culmination of synodal reform legislation. Its resolutions had a lasting impact on the Church. They addressed a range of problems, such as the status of the hierarchy of the Eastern Churches, aspects of sacramental pastoral ministry and preach-

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[8] Albert Hauck, *Die Rezeption und Umbildung der Allgemeinen Synod im Mittelalter*, in *Historische Vierteljahrschrift* 10 (1907): 465-82; Georgine Tangl, *Die Teilnehmer an den Allgemeinen Konzilien des Mittelalters* (2nd ed.; Weimar: Böhlau, 1932; repr. Darmstadt: Wiss. Buchgesellschaft, 1969).

[9] In the Middle Ages, *synodus* and *concilium* were synonyms. Differences regarding the nature of synods or councils were expressed by adjectives: *concilium/synodus universale/is* (or *generale/is*), or *concilium/synodus provinciale/is sive diocesanum/a*.

[10] Hermann Josef Sieben, "Das Konzil und sein Verhältnis zum Römischen Stuhl in Kirchenrechtssammlungen (485-1140)," in idem, *Die Konzilsidee des lateinischen Mittelalters (847–378)* (Paderborn: Schöningh, 1984), 188-231.

ing, religious orders, schools, and even Jews. As in previous decades, provisions concerning the life and duties of the clergy took up a lot of space.[11]

In the invitation letter *Vineam Domini* the pope presented himself as the supreme shepherd of the Church, who has to weed the vineyard of the Lord and eradicate every abuse by his "apostolic rake." In preparation for the council, the pope invited the bishops to collect everything that needed attention and report it to the papal curia.[12] The council thus started in the local Churches, from which the pope received information regarding problems to be fixed. Innocent used the time before the synod to prepare the reform decrees according to the complaints he had received from the bishops. This procedure, or rather strategy, explains why the council lasted only three months and why Innocent was able to present seventy-one carefully drafted decrees at the final session. The synod itself was mostly the solemn forum or the stage on which the pope presented the results of his previous examination. We do not hear about consultation with the bishops on these reform matters. Unlike the few dogmatic decrees issued by the Fourth Lateran Council, like the creed *Firmiter* and the condemnation of some teachings by Joachim of Fiore, for which the pope sought the explicit consensus of the bishops, the disciplinary canons were apparently not debated or voted on. Their nature as basically papal decisions has been preserved in the canonical collections (esp. the *Liber extra*), where they are introduced by

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[11] The 800-year jubilee of Lateran IV in 2015 summarized recent scholarship: Gert Melville and Johannes Helmrath, eds., *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal* (Affalterbach: Didymos, 2017); Agostino Paravicini Bagliani, "Le concile de Latran IV: Un aperçu des recherches récentes," *Schweizerische Zeitschrift für Religions- und Kulturgeschichte* 109 (2015): 15-26; Raymonde Foreville, *Lateran I, II, III, et Lateran IV* (Paris: Ed. de l'Orant; German trans. *Lateran I-IV* [Mainz: Grünewald, 1970]); A. García y García, *Historia del concilio IV Lateranense de 1215* (Salamanca: Universidad Pontificia de Salamanca, 2005).

[12] The text of *Vineam Domini* in Migne, *Patrologia Latina* 126, col. 824f.; A. Melloni, "Vineam Domini—10 April 1213: New Efforts and Traditional Topoi—Summoning Lateran IV," in J. C. Moore, ed., *Pope Innocent III and His World* (Aldershot: Ashgate, 1999), 63-73.

the formula "Innocentius in synodo Lateranensi."[13] One could ask why the pope celebrated the council at all, bringing so many people to Rome and hosting an expensive council. An answer may be found in his ecclesiological convictions, but also in his political abilities. He knew about the prestige of a universal council and that the decrees issued there would meet with higher consensus and stronger urgency. The success of the canons of the Fourth Lateran Council shows that he was correct. The solemn promulgation of the decrees in Rome in midst of the assembled universal Church carried much more authority than a lonely decision of the pope. The participants brought copies of the decrees to their home places, along with the momentum of an impressive display of the universal Church.

The Fourth Lateran Synod was the largest synod in the Middle Ages up to that time. In the invitation letter *Vineam Domini*, the pope attached importance to the fact that representatives from all Church provinces should come to the council and that the bishops should be present as completely as possible. In addition, the cathedral chapters were also invited, as well as a large number of abbots and representatives of the religious orders. Since one of the main reasons for the council was the preparation of a new crusade, the pope also invited a large number of princes to Rome. Lateran IV became the epitome of the papal universal council in the Middle Ages.[14] It aspired to display a Christendom united and committed to expand, bringing the representation of the universal Church to one place. The fitting motto of this self-understanding was "Quod omnes tangit ab omnibus approbari debet."[15] The focus was on

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[13] The place of the decrees in the *Liber extra* are referenced in the footnotes in *COD*, 230-67.

[14] Lateran IV was the ideal type of council also for Thomas Aquinas: a manifestation of the universal Church led by the Roman Pontiff; see Thomas Prügl, "The Fouth Lateran Council: A Turning Point in Medieval Ecclesiology?," in Melville and Helmrath, eds., *The Fourth Lateran Council*, 79-98, esp. 95-97.

[15] "What concerns everyone has to be approved by everyone." On the role of this legal formula for conciliar theory, see Yves Congar, "Quod omnes tangit, ab omnibus tractari et approbari debet," *Revue historique de droit français et étranger* 81 (1958): 210-59; reprinted in Y. Congar, *Droit ancien et structures ecclésiales*, Variorum collected studies series 159 (Aldershot: Ashgate, 1982).

"omnes," the council being an expression of the pope's "universal ecclesiology," which emphasizes the one flock under its leader, the vicar of Christ. "Approbation," it should be noted, did not entail any form of ratification or shared authority. At the time of Lateran IV every participant attending a council was aware of the fact that his coming signaled already consent and approbation. Those who took issue with the pope and his strategy would more likely abstain from coming rather than openly contradict him in council. The council was organized as a rally around the pope as the apostolic leader of the Church.

From this point on, the idea that the universal council represented the Church was solidified. What was not reflected upon was the nature and meaning of such representation. Did this imply notions of delegated authority, so that the participants were each seen as representatives of their particular Churches and social groups? Did the council receive its authority from the assembled representatives, or was it an ecclesial reality in itself? Neither theologians nor canonists elaborated on the nature of such representation and its meaning.[16] The pope was careful enough to avoid speaking of the council in terms of a sacrament. His understanding of the Church, however, was developed also within a Eucharistic context. In his famous commentary on the Mass Innocent elaborated on the notion of Church, when the priest recites in the Eucharistic Canon: "pro ecclesia sancta catholica, quam pacificare digneris et adunare, quam etiam custodire digneris et regere."[17] It is by the papal office and the pope that God grants peace, unites, guards and governs the entire Church, which faces dispersion, divisions, heresies, demons, and vices. The

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[16] For more details, see Massimo Faggioli and Alberto Melloni, eds., *Repraesentatio: Mapping a Keyword for Churches and Governance*, Proceedings of the San Miniato International Workshop, October 13-16, 2004 (Münster: Lit, 2006), esp. the contributions by G. Alberigo, K. Pennington, and C. Nederman; Walter Brandmüller, "Sacrosancta synodus universalem ecclesiam repraesentans: Das Konzil als Repräsentation der Kirche," in idem, *Papst und Konzil im großen Schisma (1378-1431): Studien und Quellen* (Paderborn: Schöningh, 1990), 157-70.

[17] ". . . for your holy catholic church. Be pleased to grant her peace, to guard, unite and govern her . . ."

Church is already united by the sacraments of faith in an invisible or inner way. However, she needs to be united and taken care of also externally and visibly against the afore-mentioned enemies and obstacles.[18] The council helps to bring about this work, which evokes not a superficial activist reform program, but the eschatological battle against the devil.

In the context of the council Innocent III suggested a mechanism of synodality, by which he aspired to perpetuate the celebration of synods and thus the ongoing solicitude for Church reform. The decree *Sicut olim* obliged metropolitan bishops to hold an annual provincial synod, which had the task of correcting abuses and improving the way of life of the clergy.[19] *Sicut olim* goes into further detail: the provincial synod had to recall the decrees of the universal synod (i.e., the Lateran Council); if necessary, offenses against its stipulations had to be punished. Then the provincial council was to appoint visitators for every diocese, who were to collect and note the abuses throughout the diocese during the year. The cases were to be raised and corrected at the synod of the following year. The orders of the provincial council should be made known and implemented at diocesan synods, also to be held annually. *Sicut olim* thus instituted a continuing synodal practice of alternating provincial and diocesan synods, accompanied by reports from visitations. These local efforts ought to be related to the preceding and subsequent universal councils. The purpose of this mechanism was to instill a permanent alertness for wiping out tenacious abuses and to keep alive aspirations for ever higher standards. It was a reform initiated and conceived "from above," that is, by the papacy, though the implementation had to happen in the particular Churches.

A succession of annual synods in each diocese and in each province was too ambitious a plan, which could not keep pace with the situation in the local Churches. Nevertheless, nu-

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[18] Innocentius III, *De sacro altaris mysterio – Il sacrosancto mistero dell'altare*, lib. 5, cap. 5 (*In primis*), ed. S. Fioramonti (Vatican City: Libreria Editrice Vaticana, 2002), 220f.

[19] Can. *Sicut olim* (*COD*, 236f.). The text became part of medieval canon law as can. 25, X, V, 1 of the *Corpus Juris Canonici*, ed. Ae. Friedberg II, 747.

merous provincial councils were held in the course of the thirteenth century, which helped to spread the legislation of Lateran IV.[20] From the end of the thirteenth century on, the expectations regarding provincial synods changed. Instead of providing information regarding the situation in the dioceses, the meetings focused on the renewal of the so-called synodal statutes, a collection of laws with a local reference, inspired by the reform legislation of the Fourth Lateran Council. These statutes were renewed at each provincial synod, with occasional small adjustments.[21] The bishops and archbishops were rather hesitant in this regard. Mostly they took existing statutes of other provinces as a model that remained consistent over long periods of time. The reform of the Fourth Lateran Council thus lost its momentum, and the synodal life vanished. Provincial synods in the later Middle Ages were dominated by concern for ecclesiastical property and privileges and by protest against violations of these rights by the nobility. Besides, the moral and intellectual formation of the clergy never ceased to be a prime topic in these synods. Diocesan synods especially tried to respond to the lack of theological training of ordinary priests. The bishops invited university scholars to these synods to deliver the synodal sermon and to provide simple theological and catechetical literature for the clergy. Collegial elements, such as joint deliberation or even voting, hardly took place at these synods. By and large, the diocesan synod was an instrument of disciplining and instructing the poorly trained clergy. For both bishops and priests, attending the synods was mostly a

[20] Stefanie Unger, *Generali concilio inhaerentes statuimus: Die Rezeption des Vierten Lateranum (1215) und des Zweiten Lugdunense (1274) in den Statuten der Erzbischöfe von Köln und Mainz bis zum Jahr 1310* (Mainz: Gesellschaft für Mittelrheinische Kirchengeschichte, 2004).

[21] On provincial synods and synodal statutes in the Middle Ages, see Odette Pontal, *Les status synodaux* (Turnhout: Brepols, 1975); Johannes Helmrath, "Partikularsynoden und Synodalstatuten des späteren Mittelalters im europäischen Vergleich: Vorüberlegungen zu einem möglichen Projekt," in Michael Borgolte, ed., *Das europäischen Mittelalter im Spannungsbogen des Vergleichs* (Berlin: De Gruyter, 2001), 135-69; Nathalie Kruppa and Leszek Zygner, eds., *Partikularsynoden im späten Mittelalter* (Göttingen: Vandenhoeck & Ruprecht, 2006).

burden, financially and personally, which explains the dwindling number of such synods and the many excuses not to participate.

III. Schism—Conciliarism—Church Reform

As early as the fourteenth century, there was a growing number of voices lamenting the stagnation of synodal activity. The Council of Vienne (1311) undertook an effort to revive the experience of 1215. Intensive preparations were made once again to collect grievances and to find legal solutions. The reform proposals were again collected in the run-up to the council, but were not discussed there in a collegial way. As at Lateran IV, the Vienne decrees were promulgated by the pope and incorporated into legal collections.[22] The Council of Vienne—which was overshadowed by the outrageous scandal of the dissolution of the Knights Templar—did not revive regular synods in the provinces and dioceses. One reason for this was that, after two centuries of intensive papal legislation, papal decretal law had widely covered all the areas usually addressed by synodal reforms. The need for councils and synods as preferred venues for ecclesiastical legislation had ceased.

When in 1378 the Great Western Schism broke out, with cardinals overestimating their role and power and electing two popes within a few weeks, contemporary voices saw this scandal as a result of the termination of synodal life and thus as a standstill of reform commitment. University professors, who were the first to call for a council to settle the schism, complained that the papacy had stalled all conciliar activity for too long, preventing reform and allowing the Church to

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[22] On the Council of Vienne, see Andrea Nicolotti, "Concilio di Vienne (1311-1312)," in Onorato Bucci and Pierantonio Piatti, eds., *Storia dei concili ecumenici: Attori, canoni, eredità* (Rome: Città nuova, 2014), 291-317. In the run-up for the council, William Durant presented a plethora of reform ideas, suggesting, among others, to celebrate universal councils every ten years and to put papal government under the control of cardinals and councils. See Constantin Fasolt, *Council and Hierarchy: The Political Thought of William Durant the Younger* (Cambridge: Cambridge University Press, 1991), 160-68.

deteriorate to this miserable state.[23] Although the schism was a crisis of the papacy rather than of the Church, it is interesting to observe how a new reform discourse emerged on account of the schism. The reform literature of the time, which purposely exaggerated in accord with the literary genre, gave the impression that there would be no hope for the Church unless a council would shoulder the gigantic task of universal reform. Calls for reform, which grew louder and louder during the schism, gave rise to the idea of a necessary "general reform" (*reformatio generalis*), which gave the impression that the entire Church was in shambles, with the schism within the papacy being only the most obvious symptom. Looking at individual complaints, however, concern about the quality of the clergy continued to predominate.[24] Yet the schism was an eye-opener,

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[23] Among the first who called for a universal council were Henry of Langenstein and Konrad of Gelnhausen, both professors at the University of Paris: Hans-Jürgen Becker, *Konrad von Gelnhausen: Die kirchenpolitischen Schriften* (Paderborn: Schöningh, 2018), 29-50; Hélène Millet, "Le Grand Schisme d'Occident vu par les contemporains: Crise de l'Église ou crise de la papauté?," in idem, *L'Église du Grand Schisme 1378-1417* (Paris: Picard, 2009), 13-28. John of Ragusa, O.P., one of the leading people at the Council of Basel, also complained in retrospect about the halt of councils. He blamed the papacy for having drawn all legal cases to the papal court, thus marginalizing the provincial synods. H.-J. Sieben, "Basler Konziliarismus konkret (I): Der 'Tractatus de auctoritate conciliorum et modo celebrationis eorum' des Johannes von Ragusa," in idem, *Vom Apostelkonzil zum Ersten Vatikanum: Studien zur Geschichte der Konzilsidee* (Paderborn: Schöningh, 1996), 97-128, at 109f.

[24] Henry of Langenstein summed up these ideas some months after the outbreak of the schism: "If the priesthood had integrity, the whole church would flourish, but if it were corrupt, the faith and virtue of all would be flaccid" (Henricus de Langenstein, *Consilium pacis de unione ac reformatione ecclesiae in concilio universali quaerenda*, in L. Dupin, ed., *Johannis Gersonis Opera omnia*, vol. 2 [Antwerp, 1728], 837 A). On Church reform in the late Middle Ages see: Johannes Helmrath, "Theorie und Praxis der Kirchenreform im Spätmittelalter," *Rottenburger Jahrbuch für Kirchengeschichte* 11 (1992): 41-70; Klaus Unterburger: "Reform der ganzen Kirche, Konturen, Ursachen und Wirkungen einer Leitidee und Zwangsvorstellungen im Spätmittelalter," in A. Merkt, G. Wassilowsky, and G. Wurst, eds., *Reformen in der Kirche: Historische Perspektiven* (Freiburg i. Br.: Herder, 2014), 109-37; Philipp H. Stump, "The Continuing Relevance of 'The Idea of Reform,'" in Christopher M. Bellitto and David Z. Flanagin, eds., *Reassessing Reform: A Historical Investigation into Church Renewal* (Washington, D.C.: The Catholic University of America Press, 2012), 42-57.

showing that the papacy, too, was in dire need of reform. Unable to resolve the schism by its own efforts and abilities, the papacy (consisting of pope, cardinals, and curia) faced harsh criticism. Obviously, it needed reform just as much as did other reform targets in the Church. The formula *reformatio in capite et membris* expressed the expectation for fundamental change in the papal office. The only institution that would be able to heal the schism, judge and depose the obstinate pope pretenders, and manage the *reformatio generalis* was a general council. Consequently, the council was seen as the panacea for all the Church's woes and wounds.

The Councils of Pisa (1409) and Constance (1414-18) in fact succeeded in putting an end to the schism that had lasted for almost forty years. An important role was played by the decree *Haec sancta*, which, in the face of a confused canonical situation and putative vacancy of the papal see, granted supreme authority to the General Council of Constance. Contemporaries insisted that the Church could not return to business as usual after the schism, and that the papal leadership of the Church needed control. For this purpose, a general council was to meet regularly and at intervals of ten years, in order to be prepared against all possible crises and to have a solution at hand at any time.[25] The extent and character of the decree *Haec sancta* was not clear, though. Did it resolve a one-time emergency situation or did it introduce a general validation of conciliar authority? Was the experience of the schism so grave that the claimed superiority of the council over the pope rescued the Church and therefore should stay in force? Or did the council simply restore the papacy in all its former authority and power? These views clashed at the Council of Basel (1431-49).[26] Following a conciliarist interpretation of *Haec sancta*, the council saw itself

[25] Decree *Frequens* (COD, 438f.); decree *Haec sancta* (COD, 409f.).

[26] Giuseppe Alberigo, *Chiesa conciliare: Identità e significato del conciliarismo* (Brescia: Paideia, 1981), 187-256; Thomas Prügl, "Antiquis iuribus et dictis sanctorum conformare: Zur antikonziliaristischen Interpretation von Haec sancta auf dem Basler Konzil," in *Annuarium historiae conciliorum* 31 (1999): 72-143; Walter Brandmüller, "Besitzt das Konstanzer Dekret Haec sancta dogmatische Verbindlichkeit?," in idem, *Papst und Konzil im Großen Schisma*, 225-42.

as the supreme ecclesiastical authority, which the pope had to obey. We need not trace here the details of this dispute at the Council of Basel. The fight between the two powers led to another schism and another crisis. After years of intense political negotiations and numerous theological debates, the papacy prevailed and conciliarism was condemned as a heresy.[27] The success of the papacy, however, was a Pyrrhic victory. Although the papacy regained its former sovereignty after 1450, it was permanently suspected of being an enemy of councils and opposed to Church reform. Calls for a new general council were indeed seen as the greatest threat for the papacy and the monarchical constitution of the Church.

The conciliarism of the late Middle Ages left an ambivalent legacy. The solution of the schism at the Council of Constance made a deep impression. It paved the way for a new ecclesiology which subjected the pope to the control of general councils and which elaborated on the notion of *repraesentatio ecclesiae*: the Church as represented by a general council is able to articulate herself and to take measures, if necessary even against her head, the Roman Pontiff. Excited about the success of the council and the reestablished Church unity, the participants left Constance with high spirits and the certainty that they were part of the governance of the Church. For the first time the universal Church was experienced as an event and as a collegial and cooperating corporation. More than ever before, the council fathers considered themselves as active "members" of the Church, the council becoming the "member meeting" of the faithful.

The central formula of the decree *Haec sancta* says: "This holy synod, which represents the universal church, is legitimately gathered in the Holy Spirit."[28] It became the basis of a conciliar theory that no longer viewed the council as an

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[27] Michiel Decaluwe, *A Successful Defeat: Eugene IV's struggle with the Council of Basel for Ultimate Authority in the Church, 1431-1449* (Brussels and Rome: Institut historique Belge de Rome, 2009).

[28] "Haec sancta synodus, universalem ecclesiam repraesentantem, in Spiritu sancto legitime congregata" (*COD*, 409).

instrument for papal reform legislation, but understood it as a manifestation of Church. Under the guidance of the Holy Spirit, and convinced that Christ is in its midst (Matt 18:20), the council reclaimed Church reform as its original task. Many enthusiastic conciliarists identified the decrees and the initiatives of the Council of Basel as immediate expressions of the Holy Spirit. In their eyes, anyone who opposed the general council committed a sin against the Holy Spirit.[29]

Basel conciliarism bore striking features of ecclesiological triumphalism. It displayed a strong corporative and institutional view of Church. Of course the council fathers subscribed to the traditional idea of Church as *congregatio fidelium*, but in a proper sense, the Church was "re-presented" by the council— not in terms of of delegated authority, but as enabling a "presence" of Church.[30] So close an interpretation of representation even claimed an identity between Church and council: the council *is* the Church, it shares the Church's characteristics and notions such as oneness, holiness, catholicity, and apostolicity.[31] The Council of Basel maintained a rather egalitarian view of Church, but limited to clergy only. Everyone who earned a baccalaureate in theology was entitled to join the council and have voting rights. In view of the intensive discussions and the tiresome negotiation processes, by which the council tried to reach maximum consensus, one could also speak of proto-democratic procedures in Basel.[32]

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[29] Alberto Cadili, *Lo Spirito e il concilio: Basilea 1432: Legittimazione pneumatologica del conciliarismo* (Bologna: Mulino, 2016).

[30] The idea was so important for the Basel fathers that it became the standard opening formula for every conciliar document: "Sacrosancta synodus Basiliense universalem ecclesiam repraesentantem." Despite the conciliaristic reminiscence, the Council of Trent also adopted the formula.

[31] E.g., John of Segovia, *Liber de magna auctoritate episcoporum in concilio generali*, 4th animadvertencia, ed. Rolf de Kegel (Fribourg: Universitätsverlag, 1995), 218-35.

[32] On the procedures of the Council of Basel, see Paul Lazarus, *Das Basler Konzil: Seine Berufung und Leitung, seine Gliederung und Behördenorganisation* (Berlin: Ebering, 1912); Stefan Sudmann, *Das Basler Konzil: Synodale Praxis zwischen Routine und Revolution*, (Frankfurt am Main: Lang, 2005); Thomas Prügl, "Geschäftsordnung und Theologie: Synodale Verfahrensweisen als Ausdruck ekklesiologischer Positionierung auf dem Basler Konzil," in Bernward Schmidt and Hubert Wolf, eds.,

Ultimately, the fathers of the Council of Basel failed in their ambition to place the entire Church on a new footing. They made serious mistakes, both political and theological. For one thing, conciliarism did not find an adequate role for the successor of Peter after he had been put in second place. The formerly productive interaction between the two reform institutions, pope and council, turned into a paralyzing antagonism. Second, the council overestimated its authority. Identification with the universal Church became ideological self-immunization in the face of any criticism. After it broke with the pope and caused a new schism in the Church, large parts of the Church, especially the princes, distanced themselves from the council. Thus the claim of *repraesentatio ecclesiae* became a farce.

Nevertheless, synodal life did not collapse after the council's inglorious end. In 1433 a reform law had been passed in Basel in which the regular celebration of diocesan and provincial synods in the spirit of Lateran IV was renewed.[33] Despite the failure of the *Basiliense* as such, this decree was observed in many countries. It established continuity with the earlier synodal tradition and did not attempt to implement the collegial and egalitarian structure of the Council of Basel at the level of the local Churches. As in previous centuries, the diocesan and provincial synods were conceived as measures for disciplining and instructing the clergy. Basel urged the bishops to comply with their most important pastoral duty, which is to "improve" the clergy and pastoral care. The provincial synods were furthermore recommended as peace-building events. During wartime neighboring provinces should celebrate synods simultaneously in order to support peace activities. Last but not least, provincial synods were commissioned to collect grievances reports and bring them to the attention of the next general council, where appropriate provisions would be made.

Ekklesiologische Alternativen? Monarchischer Papat und Formen kollegialer Kirchenleitung, 15.-20. Jahrhundert, (Münster: Rhema, 2013), 77-99.

[33] *De conciliis provincialibus et synodalibus,* Sessio 15 (Nov. 26, 1433) (*COD* 473-76).

The regular celebration of diocesan and provincial synods every two to four years was again mandated by the Council of Trent.[34] In the centuries after the Reformation, a number of other questions required attention, but the Tridentine and post-Tridentine reform relied also on regular celebration of synods. The Catholic countries of the world implemented this Tridentine prescription very differently. While in France, on the Iberian Peninsula, and in Poland this Tridentine mandate was observed seriously, most dioceses and provinces in the Holy Roman Empire (i.e., in the German-speaking countries), refused to follow the decree. They considered it an inappropriate attempt of control on the part of the Roman curia, incompatible with their understanding of ecclesiastical autonomy.[35]

CONCLUSION

What insights can be gleaned from this historical review for today's question? The synodal life of the Church in the second millennium was lively and it responded flexibly to the needs of the time. The way that synods were celebrated, their occasions, frequency, and topics, mirrors the respective ecclesiologies of the time. Synods were generally identified with reform, whereby reform meant in particular the "betterment" of the clergy. Much of the synodal legislation of the Middle Ages and early modern period regarded the life of the clergy, its sustenance, education, duties, and chastity. The reform of the clergy aimed at an improvement of pastoral care. Both are leitmotifs and central goals of medieval synodality. In addition to this pragmatic function, the Middle Ages developed the notion of *repraesentatio* of the entire Church in councils. It manifested the conviction that synods and councils are privileged events, in which the Church itself comes alive or in which the faithful recognize a kind of obliging presence and impulse. The formula also underscores

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[34] Concilium Tridentinum, Sessio XXIV, Decretum de reformatione, can. 2 (*COD*, 761).

[35] Maria Teresa Fattori, *Provincial Councils in Polycentric Catholicism, 1517-1817* (Vatican City: Archivio apostolico Vaticano, 2024) (in press).

that synods and the conciliar tradition stimulated ecclesiology and promoted increased reflection on the nature of the Church and its "Gestalt."

The average synod in the Middle Ages showed much more interest in ethics and canon law than in creeds and articles of faith. The concern to shape people's lives outweighed doctrinal aspects. Since the social and juridic reality of Church in the Middle Ages was identified mostly with the clergy, Church reform was nearly identical with reform of clergy. Even the famous *reformatio generalis* of the late Middle Ages was driven, for the most part, by the concerns of the educated and higher clergy. The laity was to a large extent absent and barely represented in the councils. If the laity was mentioned specifically, it usually referred to secular princes.

Medieval and early modern conciliar tradition also offers a number of lessons on the relationship of pope and council. They are closely related. The pope gained much of his authority and esteem by promoting reform programs via synods. In turn, those synods that were most successful were supportive of and cooperated with the papacy. Nevertheless, the Councils of Constance and Basel left a lasting legacy for the Church. Papacy and councils have tended since to be rivals, which again produced rival ecclesiologies. While Basel conciliarism attempted to deprive the papacy of its power, the Renaissance papacy was eager to dismiss any initiatives of conciliar reform, emphasizing the sovereignty and monarchy of the Church. Only unwillingly did either of them consider the benefit of cooperation and mutual support. Given the painful and conflicting history of papal primacy and conciliar authority, the concept of episcopal collegiality developed by the Second Vatican Council found a promising balance between the responsibilities of the Petrine office and the wisdom of the bishops worldwide. It would be a step back to understand the concept of synodality only in terms of authority and organization, instead of keeping in mind the main task and only purpose of the Church, which is to continue the mission of Jesus Christ, or in the word of *Lumen Gentium*, to be "sign and instrument of union with God

and of the unity of the whole human race" (*LG*, 1). When the entire Church is called to engage in the "synodal process" these days and to reflect on the many ways of participation and communion in their inner and outer structures, it enters new territory and tries new forms of communication. Within the many voices and ideas, however, it will be expedient to not forget the twofold role of the successor of Peter as the one who gives direction and the one who throws the flag if reform turns into abuse. This should not be misunderstood as a call for papalist absolutism and disrespect for representative partici-pation and dialogue. But respecting the rules that govern the relation of different roles within the Church, and the boundaries of synodality, should help to revive and strengthen the Church's mission.