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“BISHOPS ARE BLIND: IT IS UP TO US TO OPEN THEIR EYES” | TIM ENLOE

Most of us are very familiar with the Reformers' polemics against the episcopate of their day, but it's just as important to be familiar with long-standing pre-Reformation critiques of it. For it is there that we can find a major illustration of why it is wrong to claim that the *Protestants* were the heretics, rebels, and innovators who ripped to shreds the seamless robe of Christ and departed from “the ancient and constant faith of the universal church.”

A number of papalists both before and throughout the Reformation well knew the source of the divisions and scandals plaguing Christendom, and it was *not* (to grant for a moment popular Roman polemics) German “wild boars,” kings who just wanted no-fault divorce and freedom to steal Church property, or Bible-clutching plowboys fancying themselves the intellectual superiors of the Fathers and Doctors. Rather, the real problem, according to many papalists, was the episcopacy itself, inclusive of the pope himself.

A good portion of that critique originated within the episcopate's own long tradition of treating laymen, especially lay authorities, as mere creatures of a higher, ostensibly purer order. Over several centuries, the close identification of the episcopate with God's very own, unchallengeable authority created an explosive situation because the episcopate came widely to be seen as an “in name only” hypocrisy. Amidst a fascinating survey of lay Protestant pamphleteers, Steven Ozment cites one description of the 16th century lay German opinion of the God taught by the pope and his creatures:

“JESUS CHRIST IS SENDING
OTHER REFORMERS, WHO
WILL UNDERSTAND THE
TASK BETTER THAN I DO ...
MANY OF YOU WILL SEE
AND EXPERIENCE WHAT IS
COMING...”

We now have a God who does us no good. He takes away our property and endangers our lives. Frequently he forbids us to eat eggs, butter, and meat, sends us off to die in his wars, and excommunicates and damns us eternally over one unpaid groschen. Either our God is no God at all, or he is not the true God. For a true God does good things for his servants and protects and saves them.¹

A similar complaint appeared in a 1508 sermon by a priest named Geiler von Kaysersberg: “You laymen hate us priests and it is an old hatred that separates us. Whence comes your hatred for us? I believe from our insane way of life and that we live so evilly and create such scandal.”² Almost three decades previously, in 1482, Geiler had written to his fellows that “Jesus Christ is sending other reformers, who will understand the task better than I do ... many of you will see and experience what is coming. Then you'll want to heed and obey me, but then it will be too late.”³

Note the dates: Geiler was no Protestant.

We might add the incisive remarks by the Catholic humanist John Colet in a 1512 sermon in the London cathedral:

1. Steven Ozment, *Protestants: The Birth of A Revolution* (New York: Doubleday, 1992), 56.

2. Thomas A. Brady, Jr., *The Politics of the Reformation in Germany: Jacob Sturm (1489-1553) of Strasbourg* (New Jersey: Humanities Press, 1997), 28.

3. Brady, *The Politics of the Reformation in Germany*, 29.

In these times also we experience much opposition from the laity ... Nor does their opposition do us so much hurt as the opposition of our own wicked lives, which are opposed to God and to Christ; for He said, "He that is not with me is against me." We are troubled in these days also by heretics, men mad with strange folly, but this heresy of theirs is not so pestilential and pernicious to us and the people as the vicious and depraved lives of the clergy, which, if we may believe St. Bernard, is a species of heresy, and the greatest and most pernicious of all: for that holy father, preaching in a certain convocation to the priests of his time, in his sermon spoke in these words: "There are many who are catholic in their speaking and preaching who are very heretics in their actions, for what heretics do by their false doctrines these men do by their evil examples; they seduce the people and lead them into the error of life; and they are by so much worse than heretics as actions are stronger than words."⁴

The last few sentences are provocative, given that a common Roman apologetic for papal infallibility surrounds "heresy" with so many limitations that no pope could ever legitimately be accused of "teaching" it. Yet according to Bernard of Clairvaux, evil living in a cleric is not just heresy, but *worse than* heresy, and does, in fact *teach* heresy. On this principle, arising from pre-Reformation sources, the Medieval papacy actively taught heresy for several hundred years prior to the Reformation. In this light, it is fascinating to read the Italian humanist Pico della Mirandola warning Pope Leo X in March, 1517, just eight months before Luther nailed the 95 *Theses* to the door.

These diseases and these wounds must be healed by you, Holy Father; otherwise, if you fail to heal these wounds, I fear that God Himself, whose place on earth you take, will not apply a gentle cure, but with fire and sword will cut off those diseased members and destroy them; and I believe that He has already clearly given signs of his future remedy.⁵

Such complaints litter our sources. One of the best is Gasparo Conrariini's 1537 *Advice on the Repair of the Church*, in which a moderate, dedicated, defender of the papacy wrote:

For how can this Holy See set straight and correct the abuses of others, if abuses are tolerated in its own principal members? ... For the life of these men [cardinals and bishops] ought to be a law for others, nor should they imitate the Pharisees who speak and do not act, but Christ our Savior who began to act and afterwards to teach ... We believe that this can easily be done, if

we wish to abandon the servitude to Mammon and serve only Christ.⁶

Having surveyed the papalist awareness of the fact that the episcopacy was the real problem in Christendom, I will spend the balance of my space discussing some important backdrop to the Reformation, the closing decades of the 14th century and the whole of the 15th.

"I have seen iniquity and strife in the city", said the prophet [Ps. 54:10] of God. While the inhabitants of the city of God, the Universal Church of the faithful, have been sitting in dwelling houses of security, comfort, and plenty, they have grown fat, gorged, and gross; their flesh has grown hot, their spirit cold, and the world become wise and God foolish [in their eyes]. Thus the devil has raised himself up; virtue has been outlawed, vice has taken its place; the malice of succeeding generations has rendered the straight paths of the fathers crooked; and the decrees of the Church have been violated. It has become the custom for the Church to be built on blood relations and the sanctuary of God maintained as if it were a family possession. Hence the flock of the Lord is today deprived of its shepherd; the patrimony of the Church is consumed in vainglorious ostentation; and the temples for the worship of God lie open and in ruins. The unworthy are raised high with dignities. The ministers of the Church seek after the things of the world, despise the things of the spirit, set their minds on the laws of the world and upon the fomenting of lawsuits, and are not mighty in the Word of God to kindle men's souls ... this is the iniquity that the prophet saw, which, I fear, conceived the distress and brought forth the strife.



JOHN COLETT

These are not the words of Luther or Melanchthon or Calvin or Bucer or anyone else in the 16th century, though they sound similar. They are the words of the German theologian Henry of Langenstein in 1381,⁷ almost 140 years before Luther's famous tower experience. The context of Henry's lament was the lengthy schism between two, and then three, popes—with all Europe simultaneously excommunicated by one or the other. The intractability of the popes, who mutually refused all attempts to end the schism, at last led bright minds, including Henry's, to bring together centuries of theology, philosophy, and political thought justifying revolt against corrupt shepherds in the Conciliar Movement. Though it was not concerned with the soteriological issues we love, and though it was ultimately defeated by a resurgent papacy, conciliarism yet burned into everyone's minds the overriding theme that the papacy ought not—*must* not—be allowed to continue its depredations of the faithful.

4. John C. Olin, *The Catholic Reformation: From Savonarola to Ignatius Loyola* (New York: Harper & Row, Publishers), 35.

5. Olin, *The Catholic Reformation*, 55.

6. Olin, *The Catholic Reformation*, 191.

7. "Letter Concerning a Council of Peace," trans. in Matthew Spinka, ed., *Advocates of Reform: From Wycliffe to Erasmus* (Philadelphia: Westminster, 1953), pg. 129.

Indeed, the German historian Dietrich of Niem penned *On the Ways of Uniting and Reforming the Church* (1410) highlighted the sin of simony of which all three papal regimes were guilty, and explicitly denied that such men ought to be held the real successors of St. Peter: "It is ridiculous to think that one mortal man should say of himself that he has the power of binding and loosing of sins in heaven and on earth, and yet be a son of perdition, a simoniac, a miser, a liar, an exactor, a fornicator, one who is proud, pompous, and worse than the devil."⁸

Dietrich was something of an extremist among the conciliarists, his words especially about simony are important, since the sort of papalism with which the Reformers contended was born in the fires of a decades-long battle waged by the 11th century popes *against simony*.⁹ It is no accident that the Council of Pisa, the opening act of the conciliar movement, the English theologian John Luke explicitly connected the council's deposition of one of the two competing popes with his direly sinful conduct as a bishop, including simony:

O faithful Cardinals who for so long have labored with the faithful bishops and prelates for the unity of the Church, judge, indeed, cooperating now with the Holy Spirit, you have judged that our mother church having spoken, the aforementioned Gregory XII is certainly a schismatic who must be deposed, but also is just like a heretic and heresiarch, and as a putrid member, as an individual he ought to be sacrificed and abandoned on account of his fornications and spiritual adulteries, avarice, simony and most inordinate translations of bishops and most foolish promotions, nay more, the profane [appointment] of new Cardinals against [his] own vow and solemn oath.¹⁰

Again, there is no whiff of Protestantism here. This is a dedicated catholic churchman who is not against the papacy itself, but is unable to countenance what amounts to an insane head destroying the entire body. Moreover, we must see that men like John Luke and the rest, who deeply influenced Luther, did not spring up from nowhere, and did not invent whole cloth the principles of authority they articulated against the popes. Centuries of confusion about the nature and relationship of Christ's two kingdoms (subsequently clarified by

the Reformers) had conflated the duties of bishops and civil rulers so badly that one author writing in 1438, only 25 years into the conciliar program and almost 50 years before Luther was born, urging his readers to "look at how bishops act nowadays," complained that rather than shepherding,

They make war and cause unrest in the world; they behave like secular lords, which is, of course, what they are. And the money for this comes from pious donations that ought to go to honest parish work, and not be spent on war. I agree with a remark made by Duke Frederick [of the Tyrol] to the Emperor Sigismund in Basel: "Bishops are blind; it is up to us to open their eyes."¹¹

Ten years later, while the third act of conciliarism, the Council of Basel, was still in session, Aeneas Piccolomini warned that

Christianity has no head whom all wish to obey. Neither the Pope nor the Emperor is rendered his due. There is no reverence, no obedience. Thus we regard the Pope and Emperor as if they bore false titles and were mere painted objects ... There are as many princes as there are households."¹²

Extending that observation, in the very year Aeneas was crowned Pope Pius II, a Venetian bishop wrote that, "Obedience to the Holy See will only be restored on the day when the prelates of the Church, headed by the Pope and the cardinals, begin to seek the kingdom of God instead of their personal advantage."¹³

Perhaps realizing the critics could not be easily dismissed, Pius himself got on the rhetorical bandwagon in 1460:

It will be [the pope's] care to keep heresy and schism far from the flock entrusted to him, and to revive and promote piety and virtue in Christian peoples. In these manifestations of Christian life, he himself will lead the way with a good example. He will, to the utmost of his power, avoid avarice, from which the Roman Pontiffs are bound especially to flee, and all simony, which is the consequence of avarice. In short, he will labour, according to his power, to eschew all faults and vices, and to practise all virtues, so that he may, in all things, become like unto Him, whose place, unworthy though he be, he holds.¹⁴

And regarding his own councillors, Pius wrote in the same place:

The Cardinals are to be distinguished from the rest of the faithful by the sanctity of their lives. If, by an evil life, any one of them should bring shame on his exalted position, he will have to

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8. As cited in Matthew Spinka, *John Hus at the Council of Constance* (Columbia University Press, 1965), 21.

9. The story of "the reformation of the 11th century" is one of the most important parts of Church history for Protestants to understand, not just in terms of our "Two Kingdoms" doctrine, but also because that investiture battle more or less made the papacy the divine-right tyranny it would be in Luther's day.

10. My translation from a quote given by Margaret Harvey, "A Sermon By John Luke on the Ending of the Great Schism, 1409," in *Schism, Heresy, and Religious Protest: Papers Read at the Tenth Summer Meeting and the Eleventh Winter Meeting of the Ecclesiastical History Society*, ed. Derek Baker (Cambridge University Press, 1972), 166: "O fideles Cardinales qui diu laborastis pro unitate ecclesie cum fidelibus episcopis et prelatibus, iudicate, ymmo Sancto Spiritu cooperante iam iudicastis matrem vestram ecclesiam scilicet predictum Angelum scismaticum nedum fore deponendum, sed esse precium tamquam hereticum et heresiarchum, ut membrum putridum pro proprio abiciendum et abiectum propter fornicationes et adulteria spiritualia, avariciam, symoniam et inordinatissimas translationes episcoporum et ineptissimas promotiones ymmo pocius prophanationes novorum Cardinalium contra votum proprium et solempne iuramentum."

11. Brady, *The Politics of the Reformation in Germany*, 23.

12. Brady, *The Politics of the Reformation in Germany*, 8.

13. Cited in Hubert Jedin, *A History of the Council of Trent, Vol. I*, trans. Dom Ernest Graf (London: Thomas Nelson and Sons, Ltd., 1957), 122.

14. Cited in Ludwig Von Pastor, *History of the Popes From the Close of the Middle Ages, Third Edition, Vol. III* (London: Kegan Paul, Trench, Trübner, & Co., Ltd., 1906), pg. 398.

reckon with the anger of the Pope as well as with the chastening hand of God. He will not suffer a bad example to be given by the Cardinals.¹⁵

Again, note the dates, and *who* is speaking this way: to allow the papalists their language for a moment, this is no “heretic,” no “rebel,” no “wild boar.” Here, minus the papalism proper, we read, from the mouth of a reigning pope of the 15th century, the same sentiments as the Reformers articulated with respect to the duties of pastors to their flocks. We might almost hear behind the pope’s words the Apostle Paul’s early warning about “savage wolves” arising from within the episcopate (Acts 20:29), and his clear instructions to Timothy about the necessary moral qualifications for church leaders (1 Tim. 3:2-12).

Of course, to all of this a modern Roman Catholic might respond by saying, “Sure, the Church prior to Luther was exceedingly corrupt. Yes, reform was desperately needed, and was in the air for a long time, and even if the Church was slow to initiate it, she *did* get around to it at Trent. But in the meantime, the Reformers *still* had no right to rebel against lawful episcopal authority on the basis of their own private authority.”

Here we reach the crux of the matter, especially since the episcopate with which the Reformers were dealing was, politically speaking, characterized by a radical confusion of the Two Kingdoms doctrine. The complex issues of the nature and limitations of authority, what constitutes both obedience and rebellion with respect to it, and the Christian’s duty to discern and submit to God’s providence cannot be fruitfully discussed (particularly relative to Roman Catholic claims) without further examination of the Medieval debates over these topics. But this will have to be a topic for another time.

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15. Von Pastor, *History of the Popes From the Close of the Middle Ages*, 399-400.

In the meantime, we should appreciate a final quote from Aeneas Piccolomini, who, just a year prior to being crowned pope, tried to deflect all criticisms of the Vicar of Christ with the glib-sounding remark, “Abuses do exist, but popes and cardinals are men, after all, and will occasionally fall victim to human failings. If you observe the conduct of secular rulers, Rome will come out well in the comparison.”¹⁶

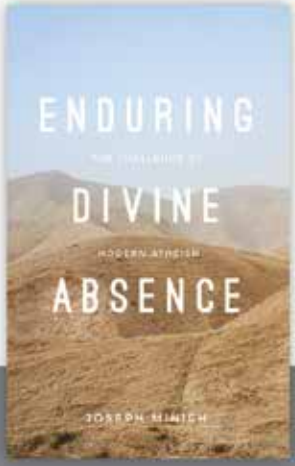
Much fun could be had with these words, especially by taking a close look at what even ancient pagan Romans thought about the “human failings” of leaders claiming more than mere human authority. More fun could be had by discussing the Medieval canonists’ incisive debates about what would happen if a pope ever *did* become a heretic.¹⁷ And knowing what we know from 500 years of historical hindsight, it might be fun, and instructive for today’s ecclesiastical idealists, if we constructed an argument that Luther’s 16th century work was an “unintended reformation” sparked by blind bishops who, rather rudely, though quite justly, had their eyes forced open by their “inferiors” in the 16th century.

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16. Aeneas Piccolomini, “Enea Silvio’s Germania,” in *Manifestations of Discontent in Germany on the Eve of the Reformation* (Bloomington: Indiana University Press, 1971), 39.

17. I have to share my all-time favorite quote on this topic, from the 13th century canonist Huggucio of Pisa, teacher of Pope Innocent III: “If the pope is a heretic he would harm not only himself but the whole world, especially because simpletons and idiots would easily follow the heresy because they would believe it was not a heresy.” My translation of “si papa esset hereticus non sibi soli noceret sed toto mundo, presertim quia simplices et idiote facile sequerentur illam heresim cum credent non esse heresim” as found in Brian Tierney, “Ockham, the Conciliar Theory, and the Canonists,” *Journal of the History of Ideas* XV [1954], 50, fn. 35.



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DOES GOD EXIST?

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“I AM NOW A GOOD CONCILIARIST, AND MUST BE”: MARTIN LUTHER’S MATURE CONCILIAR THOUGHT IN HIS *ON THE COUNCILS AND THE CHURCHES*

ANDRE A. GAZAL

In a previous article on Martin Luther and conciliarism, we argued that Luther’s important treatise of 1520, *An Appeal to the Ruling Class of German Nationality*, is essentially a conciliarist work in which he employs concepts from Decretist and conciliarist thought in his call for a council to reform Christendom. Central among these ideas was that of the church as the universal *congregatio fidelium* (“congregation of the faithful”) from which he derived his doctrine of the priesthood of all believers. This doctrine effectually de-sacralized the clergy while re-sacralizing the laity, thereby empowering its most prominent members, the civil magistrates, to summon the council. Luther further utilized the possibility of the pope lapsing into heresy, a scenario posited by earlier Decretists and conciliarists, as reason for the convoking of a council for the sake of the *status ecclesiae*.

Between 1520 and 1538, calls for a general council came from many quarters of western Christendom, both evangelical and traditionalist alike,¹ including the Holy Roman Emperor, Charles V (r.1519-56). However, these entreaties were not well received in Rome. Pope Clement VII (r.1523-34) vehemently opposed the measure. Clement’s successor, Paul III (r.1534-49), unable to resist the emperor’s demand, finally consented, and issued the first call for the council in June of 1536. According to the papal summons, the council was to convene in Mantua in May of 1537. Unfortunately, hostilities between Charles V and King Francis I (r. 1515-47) prevented the council from meeting. In April of 1537, the date for the council was postponed until November of the same year. Later, the council was re-scheduled for May 1, 1538, and the meeting-place moved from Mantua to Vincenza. Yet, on this projected date, fighting between the emperor and the French king continued, resulting in the council’s indefinite postponement on May 21, 1539.

It was during this time of uncertainty concerning the meeting of a council that Luther wrote his treatise, *On the Councils and the Churches*, which he completed in 1539. Perusal of this work would detect disillusionment on the part of the reformer regarding councils as effective institutions for reforming the church. However, such apparent disillusionment did not prevent Luther from employing conciliarist concepts in this treatise, even though he does so in a manner that accommodates them to what he perceives as new ecclesiastical realities. Specifically, Luther, in this treatise, severs the church as the universal *congregatio fidelium* from its necessary institutional expression through a council, and in so doing assigns to it the capacity of being conciliar. In other words, Luther ascribes to the church as the *congregatio fidelium* the capacity to act communally in affirming truth, affecting reform on the basis of the same by virtue of its identity as an entity indwelt by the Spirit. This will become apparent through a brief examination of the three main parts of the treatise.



COUNCIL OF CONSTANCE (1414-1418)

THE CHURCH CANNOT BE REFORMED ACCORDING TO THE COUNCILS

In this first section of the treatise, Luther very candidly expresses his disillusionment with conciliar reform according to the pattern established by the ancient councils. This is simply because the pope cannot be reformed.² The pope actively resists any attempts at reform. Concerning this question of reform by traditional conciliar means, Luther identifies two types of advocates, the first being those who desire the pope and his officials to submit themselves voluntarily to such reform. Concerning these, he writes:

1. For this essay, we will refer to those agreeing generally with Luther as “evangelicals,” and those opposing him as “traditionalists.”

2. Martin Luther, *The Works of Martin Luther*, ed. Charles Jacobs (Philadelphia, PA: A.J. Holman Company, 1931), 5: 136. Cited hereafter as Luther, *Works*.

I believe some good, pious people who would like to see the Church reformed according to the standard of these councils and fathers. They are moved to this by the fact that the present state of the Church, under the papacy disagrees shamefully with the ways of the councils and the fathers. In this case, however, their good intentions are quite in vain; for beyond doubt, it is their idea that the pope and his people would, or would have to, include themselves in such a reformation. But that is a vain idea, for there stands the pope, with his abiding lords, and defies them, as he defies us, saying that they would rather let the Church perish than yield a single point; i.e., they would rather let councils and fathers perish than yield to them in anything. For if the councils and fathers were to be followed, God help us! What would become of the pope and the present bishops? In truth, they would have to become the perishable Church, instead of abiding lords.³

Though commendable, entreating the pope to include himself in any comprehensive reform is utterly futile. The pope's unyielding opposition to conciliar reform is based in the high papalist contention that the pope is above all councils as well as "above fathers, above kings, above God, above angels."⁴ The second group comprises those who want such reform to proceed even against the pope's will.⁵ To this, Luther alleges that none entertaining this hope have dared publicly to interpret either the councils or the fathers towards this end.⁶

Earlier canonists and conciliarists averred the indispensable role of councils in maintaining the *status ecclesiae* by necessarily limiting papal authority.⁷ Thus, according to these earlier theorists, a necessary relationship existed between the *status ecclesiae* and the councils. However, as Luther seems to imply above, councils can only sustain the *status ecclesiae* as long as the pope cooperates with them. This means that conciliar effectiveness depends on papal cooperation. Luther, however, presents a scenario in this part of the treatise wherein the pope proves so recalcitrant to these bodies that he actively suppresses them by exalting his feigned superiority, thereby inflicting considerable injury upon the *status ecclesiae*. In so doing, Luther radically alters the conciliarist tenet of a vital relationship between councils and the *status ecclesiae* by exposing the vulnerability of those councils to papal opposition, and therefore their uselessness in safeguarding the church's well-being. From here, the reformer clarifies, and, to some extent, deflates the special status accorded to the first four ecumenical councils. This is the purpose of the second section of the treatise.

EXPOSITION OF THE COUNCILS

This section arguably constitutes the heart of the treatise. Luther begins this section by expounding on the basic purpose of councils. In this regard, Luther reports the intention behind the assembling of the First Council of Nicaea (325): "From this it is easy to see why the council came together and what it had to do; namely preserve the ancient article of faith, that Christ is true God, against the new wisdom of Arius, who wanted, on the

basis of reason, to alter and condemn it; and he was himself condemned."⁸ This council, Luther notes, endeavored to protect a major doctrine which the church heretofore had already professed, the deity of Christ. In characterizing the work of this council as one of preservation, Luther unambiguously states as the council's definitive function the defense and definition of previously held doctrine: "This council did not set up this article, or set it up as something that was new and had not existed in the Church before, but only defended it against Arius."⁹ Here the reformer articulates a principle that established the First Council of Nicaea as well as the following three ecumenical councils to be canonical precedents for the basic purpose of subsequent synods. Namely, councils do not create doctrine, but rather clarify it in order to refute heresy.¹⁰ Luther then directs this principle against papal opponents whom he accuses of using councils to promulgate new doctrines, and alter existing articles of faith.¹¹ Significantly, the reformer argues the re-affirmation of antecedent truth to be the biblically prescribed task of councils on the basis of the Jerusalem council in Acts 15.¹²

Luther interprets the account of the Jerusalem council through the canon law categories of doctrinal and disciplinary enactments. In so doing, Luther identifies the former as being the council's main work with the latter being secondary and thus conditioned by its unique historical circumstances. For the reformer, this meant that the council's definitive task was its affirmation of Gentile admittance into the Church on the basis of faith in Christ alone with no need of circumcision.¹³ Since this constituted a defense of what Luther considered already received truth, it carried the force of absolute doctrine; however, he regarded the decree issued by the council, particularly the prohibitions of eating anything strangled or consuming blood, to be purely disciplinary as it pertained only to unique circumstances of the time, and therefore not applicable to those beyond the declaration's immediate recipients.¹⁴ Luther again applies these categories to the Council of Nicaea, the ecumenical council foundational to the three succeeding ones, by characterizing its affirmation of Christ's deity as its primary work and its subsequent enactments regarding ecclesiastical polity as ancillary at best, and hence, not binding on the Church.¹⁵ "Who can hold these things as articles of faith? What of them can one preach to the people of the Church? What difference do these things make to Church or people?"¹⁶ Though these measures contained nothing relevant for the present-day Church, they were, nevertheless, useful for historical understanding, which enables one to appreciate the overtly human characteristics of this council: "Unless, of course, they are to be treated as a history from which one can learn that at the time, too, there were everywhere in the Church self-willed, wicked, disorderly bishops, priests, clergy, and people, who were more concerned about honors and power and wealth than about God and His kingdom, and the people needed to be

3. Luther, *Works*, 5:137.

4. Luther, *Works*, 5:138. What served as the basis, in part, for papal superiority to the general councils is D.17 of Gratian's *Decretum* which assigns the power to convoke councils to the papacy. See Gratian, *The Treatise on Laws*, trans. Augustine Thompson (Washington, D.C.: Catholic University of America Press, 1993), 66-70.

5. Luther, *Works*, 5:142

6. Luther, *Works*, 5:142.

7. Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge, U.K.: Cambridge University Press, 1968), 51.

8. Luther, *Works*, 5:178.

9. Luther, *Works*, 5:178.

10. Paul Valliere, *Conciliarism: A History of Decision-Making in the Church* (New York, NY: Cambridge University Press, 2012), 94.

11. Luther, *Works*, 5:178. Luther specifically is taking aim at the papal councils of the Middle Ages, specifically the four Lateran councils in Rome in 1123, 1139, 1179, and 1215 as well as the two councils of Lyons in 1245 and 1274, and the Council of Vienne in 1311-12. These councils, as Luther indicated, approved measures that the pope had already decided. See Norman Tanner, *The Church in Council: Conciliar Movements, Religious Practice, and the Papacy from Nicaea to Vatican II* (New York, NY: I. B. Tauris, 2011), 20-34; 80-88.

12. Luther, *Works*, 5:193-99.

13. Luther, *Works*, 5:193-95.

14. Luther, *Works*, 5:95-99.

15. Luther, *Works*, 5:179-80.

16. Luther, *Works*, 5:180.

on their guard against them.”¹⁷ Luther highlights the flawed characters of this council’s participants not only to emphasize the human dynamics of the council’s deliberations, but also to remind readers of the role of self-interest even in the most esteemed judicatories of the Church, both past and present. Aiding this candid treatment of the councils is Luther’s employment of critical historical scholarship (evidenced by his likely mention of Peter Crabbe’s 1538 collection on the Councils,¹⁸ his analytical engagement with Eusebius, the Tripartite History, Theodoret’s Ecclesiastical History, and Platina’s *Lives of the Popes*¹⁹). Luther applies this critical approach particularly to the Council of Chalcedon (451).

Luther begins his examination of the Council of Chalcedon with a frank assessment of the participants as “very faulty men” for whom it was not easy to yield to one another.²⁰ Yet, despite such flaws, Luther notes, the Holy Spirit still indwelt most of the council’s participants.²¹ From here, in trying to ascertain the reason for this council, Luther compares and contrasts the accounts contained in the histories mentioned above. Accepting the narrative given by Bartolomeo Platina (1421-81) in his *Lives of the Popes*, Luther observes that Chalcedon was occasioned by Eutychus who allegedly taught heretical views regarding the relationship of Christ’s natures, but the reformer notes the uncertainty regarding the specific content of the heretic’s supposed doctrine.²² After an excursus on the nature of Eutychus’ teaching,²³ Luther concluded that he was in error, and that the council corrected it by affirming what had been understood as the orthodox teaching regarding the union of Christ’s divine and human nature in the one person. The Council of Chalcedon, for Luther, stands as a prime example of a helpful, but limited apparatus for discerning and defining truth. The weakness of this, or any council, lay in either the fallible judgement or corrupt motives of its members. Indeed, a council with corrupt delegates can delineate orthodox doctrine as easily as a wicked prophet can proclaim God’s Word, or a hypocritical Pharisee teach the Torah: “Balaam was a true prophet and Judas was a true apostle and the Pharisees sit in Moses’ seat and teach correctly. We, too, therefore must have for our faith something more and something more certain than the councils. That something more and more certain is the Holy Scriptures.”²⁴ Theological accuracy does not necessarily denote sanctity. Because every human agency for determining truth is compromised by sin, Scripture, by virtue of its divine author, is thus the only uncorrupted repository of truth.

By heavily stressing the fallible human element of the councils, Luther’s critical examination of them had the effect of significantly circumscribing their functional role as ecclesiastical institutions giving voice to the Church’s consent regarding truth. As a consequence of his assessment of the four councils, Luther denudes them of their exalted status of equiva-

lency to the four gospels heretofore assigned to them by canon law.²⁵ “For these four articles are established far more abundantly and powerfully in St. John’s Gospel alone, even though the other evangelists and St. Paul and St. Peter had written nothing about them, though all these, together with the prophets, teach them and testify mightily to them.”²⁶ Luther further highlighted the limited capacity of these councils by noting how the heresies they condemned, like Arianism, still persisted long after they issued their decrees. The Council of Constance most recently attested to this seemingly inherent weakness of councils in that although it issued the *Haec Sancta* in order to subordinate the pope to conciliar authority, the pope has since continued to undermine them flagrantly with impunity.²⁷ However, it is possible for councils to operate as truly effectual ecclesiastical institutions if they can exercise their legitimate powers unhindered.

It is at this point that Luther enumerates specific powers and prohibitions for councils. First, councils cannot establish new articles of faith, but rather clarify those already divinely received. As with the first four ecumenical councils, councils are “bound to suppress and condemn new articles of faith according to Holy Scripture and the ancient faith.”²⁸ Moreover, councils cannot enjoin upon the faithful deeds not prescribed by Scripture. Instead, “a council has the power, and is bound to condemn wicked works that are contrary to love, according to the Scriptures and the way of the ancient Church, and to rebuke individuals who are guilty of them,” as did the Council of Nicaea regarding [the] ambition and vices of various deacons and bishops.²⁹ Furthermore, councils cannot impose ceremonies, feast days, and other practices “on pain of mortal sin or at peril of conscience,”³⁰ but are “bound to condemn such ceremonies according to the Scriptures.”³¹ However, councils do indeed have authority to institute ceremonies, provided they do not inordinately increase episcopal power, but instead promote the general discipline of the Church.³² Finally, councils cannot interfere with the affairs and functions of secular governments,³³ and for this reason should nullify that section of canon law, the *Decretals*, which authorize papal usurpation of secular authority.³⁴

Luther delineates what he regards as the necessary powers of councils in order to stress their essential role as a court of the Church, which itself is the truly divinely ordained judge in matters of faith: “A council, then, is nothing else than a consistory or court in which the judges, after hearing the parties, give their verdict, but with proper humility, saying, ‘According to the law, our office is *anathematizare*, ‘to condemn’; not, however, according to our own idea or will, or newly invented law, but according to the old law, which is recognized as law throughout the empire. Thus, a council condemns even a heretic, not according to its own opinion, but according to the imperial law, i.e., according to the Holy Scriptures, which they confess to be the law of the holy Church.”³⁵ As a court intended to try controversies regarding the faith, a council should meet only when such

17. Luther, *Works*, 5:180.

18. Luther, *Works*, 5:137. Peter Crabbe, *Concilia omnia, tam generalia quam particularia: ab apostolorum temporibus in hunc usque diem a sanctissimis patribus celebrata, & quorum acta literis mandata, ex vetustissimis diuersa[rum] regionu bibliothecis haberi potuere, his duobus tomis continentur: tomus primus ea recenset concilia, quae a beato Petro apostolo usque] ad Iohanne huius nominis papam secundu seruata inuenimus: quo[rum] ordinem & nomina si quis accuratius desideret, versa pagina indicabit*, vol. 2 (Coloniae: Petrus Quentel, 1538). Though this is the likely collection of councils to which Luther refers, it is also possible that he might be speaking of an earlier edition published by Jacob Merlin in 1523.

19. Luther, *Works*, 5:179; 227-27.

20. Luther, *Works*, 5:226.

21. Luther, *Works*, 5:226.

22. Luther, *Works*, 5:228.

23. Luther, *Works*, 5:228-38. Luther concludes that Eutychus was guilty of heresy by teaching that Christ’s divine nature absorbed his human nature, which can be prevented by allowing for the divine attributes to be communicated to the human nature.

24. Luther, *Works*, 5:240.

25. Luther, *Works*, 5:241-42. Gratian, in the *Decretum*, records Gregory the Great’s ascription of this status to the four general councils: “Like the four books of the Holy Gospel, so, too, I confess that I accept and venerate the four councils.” See Gratian, *The Treatise on Laws (Decretum DD. 1-20) with Ordinary Gloss*, trans. Augustine Thompson (Washington, D.C.: Catholic University of America Press, 1993), 55.

26. Luther, *Works*, 5:241.

27. Luther, *Works*, 5:240.

28. Luther, *Works*, 5:243.

29. Luther, *Works*, 5:244.

30. Luther, *Works*, 5:250.

31. Luther, *Works*, 5:250.

32. Luther, *Works*, 5:251.

33. Luther, *Works*, 5:251.

34. Luther, *Works*, 5:251.

35. Luther, *Works*, 5:253.

disputes occur, and disband when it renders its judgment. “The council, therefore, is the great servant, or judge, for this empire [the church] and its law; but when the time of need is passed, it has completed its duty.”³⁶ Thus, councils are *ad hoc* agencies through which the Church exercises its own divinely invested authority regarding the doctrines of the faith. In keeping with conciliar theory, Luther locates the source of the authority exercised by councils in the Church as the *congregatio fidelium*, which is the subject of the third part of his treatise.

THE CHURCH

Elaborating on the statement in the Apostles’ Creed affirming belief in the “Holy Christian Church and the Communion of Saints,”³⁷ Luther defines the Church as an assembly of a “Christian holy people, which believes in Christ.”³⁸ The holiness of this people results from the Holy Spirit’s continuous work of sanctification which consists of the forgiveness of sins, as well as the active “abolition, purging out, and slaying of sins.”³⁹ These redemptive activities of the Spirit within the Church bespeak his indwelling within it. In short, the Spirit’s indwelling presence makes the Church holy. The following marks identified by Luther give evidence of the Spirit’s generation of holiness within the Church: possession of the Word, baptism, the Eucharist, the public exercise of the keys, ordination, prayer, and “the cross” (the ability to endure hardship and persecution). The Church’s possession of these characteristics empowers councils to employ their judicatory functions. Although much of what Luther has stressed would be akin to conciliar theory with respect to councils deriving their authority from the Church as the *congregatio fidelium*, he radically departs from traditional conciliar theory in his response to what he understands to be the present state of councils—papally controlled conventicles which suppress the voice of the *congregatio fidelium*. Luther does this by re-locating the Church’s adjudicating power from the general council to other institutions already endemic to Christian society: the family, state, and school.⁴⁰ Each of these participates in the deliberative activity of the church. Within the family, parents raise their children by inculcating to

36. Luther, *Works*, 5:254.
 37. Luther, *Works*, 5:264.
 38. Luther, *Works*, 5:265.
 39. Luther, *Works*, 5:265.
 40. Luther, *Works*, 5:298-99.

them the faith. The state oversees the activities of the church, and in this regard, participate in the summoning of local and national synods to arbitrate over matters of faith and discipline. The school factors very significantly among the entities in Christian society which utilize the deliberative power inherent within the Church. This is because schools train the pastors and other officials by imparting to them the knowledge and the skills necessary to execute judgment on behalf of the Church as part of the Church. It is for this reason that Luther referred to schools as “young and everlasting councils, which do more good than many great councils.”⁴¹ Thus, for Luther, since the Church, and by extension, Christian society possesses the power with which to make judgment regarding the faith, it is itself a council, making general councils expendable.

CONCLUSION

In his mature treatise on the role of councils in the Church, Martin Luther deconstructed general councils as effective organs of ecclesiastical reform. Yet throughout this work, the reformer retained the foundation of conciliar thought, which was the possession of juridical authority by the Church as the *congregatio fidelium* indwelt and sanctified by the Spirit. Although councils serve as courts to settle disputes over doctrine and to condemn heretics, they do so with power delegated to them by Church, the *congregatio fidelium*. Yet, because the Church as the *congregatio fidelium* is indwelt by the Holy Spirit, it can perform this deliberative function by means of numerous other agencies throughout the Christian society. Thus even without a council, the Church as the *congregatio fidelium* is a council governed by the Spirit according to the imperial law of his Word.

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41. Luther, *Works*, 5:298.

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