The Closing of the Fifth Lateran Council (1512-17)

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In the bull *Constituti iuxta verbum* that closed the Fifth Lateran Council on 16 March 1517, Leo X (1475-1521, pope 1513-21) provided a brief history of the council to demonstrate how it had accomplished the goals set for it and thus should be concluded. He claimed that on several occasions the cardinals and prelates of the three committees or deputations charged with preparing material for the council's consideration had reported that for several months now no new materials had been brought to their attention to discuss and examine. He went on to state that in this the concluding session, the conciliar fathers willingly approve everything that has done up to this time in the council. They who had come to Rome to share with the pope responsibility for the care and support of the Lord's flock should no longer be burdened by this labor and expense and need to return to their own churches to bring encouragement to the faithful and for other just reasons. Leo ordered that everything decided in the earlier sessions and those things contained in published letters and whatever was executed in the three conciliar committees were to be implemented and observed. And he gave the prelates permission to return to their countries. But when the draft of this bull was put to the fathers for their approval, it was passed by only two or three votes. The prelates clearly did not agree with Leo X's assessment of the situation. The bishop of Salamanca, Francisco Bobadilla, openly complained that now that the warfare that had impeded prelates from attending the council had ceased, it was not the time for ending the council, but for beginning it in earnest.

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3 Sacrorum Conciliorum nova et amplissima collectio, ed. G. D. MANSI et aliis, 54 vols., Paris 1901-27, here XXXII, col. 979D - hereafter this volume is cited as MANSI.
Conciliar Goals

What were the goals set for the council by the popes? In his bull convoking the council, Julius II (1443-1513, pope 1503-13) assigned the goals of extirpating ancient but not extinct heresies, extinguishing schism, and bringing about a reformation of morals among both clergy and laity⁴. At the inaugural session he listed them as the ending of warfare among Christian princes, an expedition against the enemies of the Faith, the removal of heresy, and the improvement of morals⁵. In his allocution at the first session he assigned whatever pertains to the peace and state of the Church, to the extinction of schism, to the reformation of the Church, and to peace among Christian princes and their expedition against the infidels⁶. In his oration to the council, Leo X stressed the goal of establishing universal concord and peace among Christian princes⁷. But a fuller and clearer description of the goals he set for the council can be seen in the tasks he later assigned to the three conciliar deputations. The first was to concern itself with composing a universal peace among Christian princes and with the extirpation of schism. The second was given the task of formulating a general reformation, and also a specific one of the Curia and its officials. The third was to deal with the matter of the Pragmatic Sanction of Bourges and with things touching on the faith⁸.

Did the council achieve these goals? With great skill Leo X terminated the Pisan schism (1511-13) and ended armed conflict with France. By the time of the twelfth and final session, peace had been mostly restored among Christian princes, in part as a result of papal diplomacy and military alliances. Leo X’s continued efforts resulted a year after the council closed in a formal five-year truce among the leading Christian princes that would allow them to participate in a crusade against the Turks⁹. His bull

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⁴ MANSI 687B, 688D. It should be noted that a reform of morals was considered to be a reform of external behavior and not of an inner transformation of the soul – non tamquam reformatione animarum – nam de ea reformatione in concilio non tractatur – see: DYKMANS (as note 2), 281 (842: 3̅)

⁵ MANSI 667B-D.

⁶ MANSI 680D

⁷ MANSI 788E

⁸ MANSI 796B – 797E, 989D; DYKMANS (as note 2), 338 (968: 2), 337 (964: 9)

Pastoralis officii approved implicitly at the eighth enacted a detailed reform of the offices and officials of the Roman Curia, while his Great Reform Bull, Supernae dispositionis arbitrio, of the ninth session provided a sweeping reform of clergy and laity\textsuperscript{10}. To meet the bishops’ demand for restrictions on those enjoying exemptions from episcopal jurisdiction, Leo issued the bulls Regiminis universalis ecclesiae of the tenth session and Dum intra mentis arcana of the eleventh session\textsuperscript{11}. In the area of removing heresy, he issued the bull Apostolici regiminis of the eighth session that condemned the teaching on the soul’s mortality, the eternity of the world, and the possibility of truths contradicting each other\textsuperscript{12}. To prevent the spread of heretical ideas, he imposed preventive censorship on printed books (\textit{Inter solicitudines} of the tenth session) and controls on the pulpit (\textit{Supernae majestatis} of the eleventh session)\textsuperscript{13}. To resolve the dispute over the validity of the montes piætatis he issued \textit{Inter multiplicibus} of the tenth session. By the bull \textit{Pastor aeternus} of the eleventh session, he abrogated the Pragmatic Sanction of Bourges\textsuperscript{14}. Leo X’s claim that the goals of the council had been met thus had some basis in fact.

\textit{Three Draft Measures}

Was Leo X’s claim true that whatever had been proposed for the council’s consideration had already been discussed and examined and disposed of and nothing new brought forth? The answer is difficult to determine since almost none of the working papers of the conciliar deputations have survived. But two reports by cardinals who presided over the meeting of the general congregation of 13 March 1517 prior to the twelfth session do exist: a memorandum of Cardinal Lorenzo Pucci and the account in the official acta of the council edited by Cardinal Antonio del Monte. The cardinals proposed three drafts of bulls for the prelates’ approval.

The first draft apparently prohibited anyone from invading the homes of cardinals and their familiars especially during a conclave, even into that of the cardinal elected pope, in order to carry off their goods. With little controversy the draft was quickly approved. Bishop Bernardo Rossi of Treviso, who had served as governor of Rome during the most recent conclave, claimed that he could provide splendid testimony on this matter and

\textsuperscript{10} Mansi 845D–846E (Curia - the conciliar approval was not of the particular reforms, but of the sanctions to be imposed for their violation); 874C - 885D (general reformation).

\textsuperscript{11} Mansi 907D–912A (exempt nuns and curial officials); 970E–974E (mendicants).

\textsuperscript{12} Mansi 842A–843D.

\textsuperscript{13} Mansi 912C–913D (censorship), 944A–947D (pulpit).

\textsuperscript{14} Mansi 965C–970C.
that it would be good if those who perpetrated invasions of cardinals’ homes during a sede vacante were punished more severely.\(^{15}\)

The second draft dealt with the decree *Ambitiosae cupiditati* (15 March 1468) of Paul II (1417-71, pope 1464-71), hence known as the Paulina, that forbade any alienation of ecclesiastical goods or any agreement involving an outright gift, grant of a fief, rental, mortgage, or long-term lease for more than three years done without the approval of the Apostolic See. Because the draft proposal has not survived, it is difficult to know what it contained. The report of a consistory meeting prior to the congregation referred to a moderation (*moderatione*) of the decree; Pucci called it a renewal of the Pauline letters (*innovantur*); the *acta* stated that the draft called for a confirmation and extension (*super confirmazione et extensione*) of its provisions.\(^{16}\) Various prelates commented on the draft. Bishop Andrea de Valle of Mileto complained that when clergy and laity wanted to sell and buy church goods of modest value, they were required to obtain from the Apostolic See a permit for which the curial secretaries charged a high fee. Archbishop Geremia Contughi of Krain noted that those buying and selling church goods select their own judges who approve the alienation to the harm of the Church. Archbishop Giovanni Vicenzo Todeschini-Picolomini of Siena said that it was necessary to distinguish various forms of alienation. One form of alienation that gives to the buyer direct and useful ownership of the goods requires the permission of the Apostolic See. Other forms do not give direct ownership, but result in the exchange of goods for the benefit of each. These do not require papal permission but only that of the local ordinary. Bishop Giovanni Francesco della Rovere of Torino and Francisco Bobadilla of Salamanca agreed. Bishop Scaramuzio de Trivulzio of Como reported that throughout Lombardy there were contracts lasting for nine years that were called alienations but did not receive the permission of the Apostolic See. Should the local church have recourse to the Holy See to obtain a permit, it would suffer more injury than gain a benefit. That is because those granting a contract for the first three years receive

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\(^{15}\) C. J. von Hefele, *Conciliengeschichte nach den Quellen bearbeitet*, Band 8: Der Fortsetzung erster Band, continued by J. Hergenröther, Freiburg i. Br. 1887, Beilage K, p. 853; *Mansi* 979C.

more harm than profit and only later during the remaining six years recover a profit. Cardinal del Monte who administered the diocese of Pavia in Lombardy confirmed the truth of the claim. Cardinal Pietro Accolti inclined to the same opinion. Given these observations, Cardinal Lorenzo Pucci recommended to Cardinal Giulio dei Medici, the Vice-Chancellor and principal adviser of Leo X, that it was more beneficial to the honor of the pope not to approve the modifications in the draft proposal, but to reaffirm the Pauline letters that had been drawn up after much mature deliberation. The most learned men of the time of Paul II had considered these arguments. The proper understanding of a law is to be found in the reasons for its enactment. Pucci therefore proposed not altering the Pauline letters but making provisions for the indemnification of churches which can be harmed by free alienations, exchanges, and leasing contracts. Given the variety and conflicting views expressed, the three presiding cardinals finally decided that the draft should not be modified, but to drop the proposed matter, despite the sentiment among the prelates for modifying it. Unless Leo X decided otherwise, there should be no renewal of the letters of Paul II against alienating church goods.

The third draft imposed a crusade tax and closed the council. While the prelates supported the call for a crusade against the Turks, they were skeptical about imposing immediately a tenth tax to finance it. Bobadilla and other prelates wanted added to the wording of the draft a provision that the tenth tax would be imposed only after a war against the Turks had been declared. Rossi claimed that he had it from the mouth of the pope that unless all Christian princes supported the crusade no tax would be levied. The three presiding cardinals also pledged that such was indeed the pope’s intention.

The phrase *nothing remained that was not discussed and unexamined*, used as a justification for closing the council, came under criticism. Bishop Beltramo Costablii of Adria wanted the statement qualified by the phrase *from those things brought forth and proposed*, which he later formulated as *that from those things proposed all negotiations were expedited*. Bishops Gerolamo

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17 HEFELE - HERGENRÖTHER (as note 15), VIII, 853-855; MANSI 979BC.

18 HEFELE - HERGENRÖTHER (as note 15), VIII, 854-855; MANSI 979DE.

19 MANSI 979D (votum at general congregation): placuit, excepto quod cupiebat, quod ubi dicit in schedula, esse relatum a cardinalibus et praelatis, nulla remanere indiscussa et examinata, placert quod addurentur ista verba, Ex deductis seu propositis; ibid., 990C (wording of decree): nulla negotia eis discutienda, examinanda remanissent; ibid., 992DE (votum at 12th session): placet sibi, quod ad illa verba, Omnia negotia, addentur ista verba, Ex propositis; ita quod sensus sit, Quod omnia singula ex propositis fuerunt expedita.
Magnani OFM of Budua in Dalmatia, Trivulzio, Rossi, and Bobadilla protested against the assertion that everything done at the council was now approved, pro cautela. They wanted the approval to be limited to what had been expedited and approved by the conciliar fathers, so that what had been rejected by them remained rejected. It is difficult to identify what measures earlier rejected by the bishops were now being presented indirectly for their approval. At the eighth session some bishops complained about being called upon to approve implicitly a bull reforming the Roman Curia which they had not seen. Many had protested at the eleventh session over the phrase Salvis tamen in reliquis of the decree Dumb intra mentis arcana that seemed to imply that the exemptions of mendicants not being eliminated or restricted were being confirmed. In the bull Constituti iuxta verbum, Leo X suggested that not everything secured the approval of the all the fathers, but that some things were concluded and terminated in the conciliar deputations or directly by him. Contughi stated that although he had opposed things earlier, now that they had been approved he too approved them. Pucci reported that this excellent sentiment was confirmed.

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20 Ibid., 991A–C: nec non omnia et singula, quae in undecim sessionibus partim per nos, partim per lulum praedecessorem huissmodi, hacaten tentis, gesta et facta, potitori pro cautela, approventur et innoventur, ac inviolabiler observari mandentur. Habita igitur super his cum fratribus nostris et alii praetatis matura deliberacione, sacro approbante concilio, omnia et singula in dictis undecim sessionibus gesta et facta, ac litteras desuper editas, cum omnibus in eis contentis clausulis, exceptis quibusdam quae certis personis pro universalis ecclesiae pace et unione duximus concedenda, nec non executorum in illis deputatione apostolica auctoritate approbamus et innovamus, illaque perpetuis futuris temporibus inviolabiliter observari debere decreninus atque mandamus, et illorum executores ad illa et in eis contenta observari faciendum ...

21 Hefele - Herгенröther (as note 15), VIII, 855.

22 Dьякман (as note 2), 351, No. 1039: 14; Mанси 846E–847A, 974A, 975AB.

23 Ibid. 989D–990A: Et cum unaquaeque deputationi quamplura utilitatem necessaria diligenter examinaverint, et accurate nobis retulerint, ac per eos discussa et examinata in aliis quinque sessionibus successive per nos tentis, sacro approbante concilio, per nos, favente domino, absoluta et terminata fuerint, procul dubio cognoscimus, Deum ipsam bonorum daorem datorem piis nostris, et non nisi ad commune bonum tendentibus desideriis, pro sua immensa pietate et misericordia plurimum favisse, ac nobis, ut quae mente nostra gessimus, et circa quae plurimum laboravimus, videlicet ut concilium ipsum causis, propter quae regitum fuerat, iuxta votum terminatis, feliciter claudii et absolvi posset, concessisse; ibid., 990B–C: ac nonnullae aliae materiae, in dictis tribus deputationibus cardinalium et praelatorum diligenter examinatae et discussae in dicto concilio solerti cura expeditae et terminatae fuerunt; nobisque per cardinales et praetatos deputationum huissmodi plurium relatum fuit nulla negotia eis discutienda, examinandaque remansisse, et a pluribus mensibus citra, nulla prorsus de novo a quoquam ad eos prolata fuisse.

by all the fathers. On the question of closing the council, two bishops spoke out in opposition. Bobadilla and Bishop Domenico Scriboni of Imola claimed that now that peace had been restored and the obstacles to attending caused by warfare were removed, closing the council constitutes an injury to the bishops who can now freely attend.

The claim in the draft decree that nothing new had been recently proposed is difficult to verify. At the general congregation on the eve of the final session an apparently new topic was introduced. Bishop Rossi, the governor of Rome, indicated that he wanted the council to declare that a clandestine marriage does not bind. Bobadilla seconded his suggestion and wanted it and other measures discussed and expedited.

Calendar Reform

An old topic also came up for discussion. A needed reform of the calendar had come to the attention of previous councils. For the Council of Rome (1412), Pierre d’Ailly (c. 1350–c.1420) had written a treatise De concordancia astronomicae veritatis et narrationis hystorice in which he described the difficulty of determining the accurate date of Easter. John XXIII issued a decree that adopted d’Ailly’s suggestions for adjusting the date of Easter, but it was not implemented. At the following Council of Konstanz (1414-18), d’Ailly on two occasions (1415 and 1417) once again argued for accurate calendrical calculations based on the works of previous astronomers, but once again nothing came of it. At the Council of Basel-Lausanne (1431-49) a commission was set up to work on the question of a calendar reform. Among its members were two clerics who had written on the topic. The treatise of the monk named Hermann Zoestius penned in 1432 was discussed at Basel two years later. The multi-talented Nicklaus Krebs of Kues (1401–64) authored for the council’s consideration De reparatione kalendarii. In its report of March 1437, the proposal was made to eliminate seven days from the month of June 1439 and insert an extra day into the year every 304 years to keep the calendar on target. The conciliar commission was given the power to promulgate the reform, which it did in 1437, ordering the dropping of seven days and a change in the “golden number” in the nineteen-year lunar cycle. But this reform was never implemented.

25 HEFELE - HERGENRÖTHER (as note 15), VIII, 855.
26 Ibid., 854.
27 Ibid., 854-855.
At the Fifth Lateran Council the central figure was Bishop Paulus van Middleburg of Fossombrone (1445-1533). A former professor of astronomy at the University of Padua, this prelate composed a work entitled *Paulina sive de recta Paschae celebratione et die passionis D. N. J. C.* published in Fossombrone by O. Petrutius on 8 July 1513. He prefaced this work with a series of letters: to Leo X, to Emperor Maximilian I (1459-1519, emperor-elect 1493-1519), to the College of Cardinals, to leading scholars, and to the Lateran Council. Leo X showed great interest in the project, granting to Paulus on 30 April 1513 a privilege preventing unauthorized republications of his work. The pope also set up a special commission to study the issue and on 16 February 1514 ordered Paulus to come to Rome for consultations on the matter. Once there Paulus was installed as president of the commission.

News of the proposed calendar reform produced a number of publications. Venetian printers made available some earlier works. The Sessa Press published in 1513 the *Opusculum Sphaericum* of John of Holywood (Sacrobusto, fl. 1230) together with the treatises of Johann Müller (Regiomontanus, 1436-76) and Georg von Peuerbach (1423-61). The printer Petrus Liechtenstein published a poem of Giacomo Sentini of Ticino in praise of the work on the calendar done by Johann Müller, *the illustrious astronomer of our age*. The Catalan Dominican and doctor of theology from the University of Paris, Cyprian Benet (d. 1522), who taught logic at the University of...
Rome, published in Rome on the press of Marcello Silber in 1515 a treatise entitled Tractatus de non mutando Paschate, et contra servile pecus Judeorum Aculeus in which he argued that the Church cannot err about the first sacrament of the faith which is the feast of Easter. If she has erred on that, then she could also err on other matters, but this is impossible\textsuperscript{32}.

On 24 July 1514 Leo X sent letters to the universities of Christendom requesting their input on the calendar reform and in a special letter to Emperor Maximilian I requested his assistance. The emperor forwarded Leo’s request to the mathematicians at Ingolstadt, Tübingen, Leuven, and Vienna, urging them to send their recommendations either directly to him or to the Lateran Council. Leo X wanted to resolve the matter in time for the tenth session scheduled for early December of 1514. The emperor’s letter to the authorities at Vienna is dated 4 October 1514. On 16 December 1514 the emperor acknowledge having received the judgment of its most learned theologians and mathematicians on the correction of the calendar which he has sent on to Rome and which he hoped would win for him and them uncommon praise and perpetual glory. He singled out for his special gratitude the scholars Andreas Stöberl (c. 1464-1515), a theologian and mathematician, and Georg Tannstetter (1482-1535), a philosopher, medical doctor, and former rector of the University who in 1514 published the Tabulae Eclypsium containing works of Müller and Peuerbach and for which Stöberl wrote prefaces. Tannstetter and Stöberl collaborated on the Super requisitione sanctissimi Leonis Papae X. et divi Maximiliani Imperatoris. p[ii], f[elici]. Aug[usti]. De Romani Calendarii correctione consilium in florentissimo studio Viennensi Austriae conscriptum et aeditum (Vienna: Johannes Singriener, c. 1515). They proposed that the date of Easter be calculated based on astronomical data that determines the spring equinox and not by using the nineteen-year metonic cycle. From Tübingen came the scholarly opinion of Johann Stöffler (1452-1531) of Justingen, a professor of mathematics. In his work Tabulae astronomicae (Tübingen, 1514) he demonstrated how the calendar could be harmonized with data from the movement of the stars. Other opinions came straggling in. From Ingolstadt came the De vera Paschae celebratione of Johann Maier von Egg (Eck, 1486-1543) published in Augsburg on 11 May 1515, and from Leuven came that of Albertus Pigghe (c. 1490-1542) not finished until 1518. They arrived too late, even with the

prorogation of the tenth session to May of 1515. In August of 1515 the emperor wrote to his ambassador in Rome, Alberto Pio (1475-1531), that Leo had sent a letter asking him to forward the opinions of the theologians and mathematicians of his domains. Maximilian noted that he had already done so and now sent them again annexed to this letter. He was pleased that the calendar errors which were a source of great scandal in the Church were going to be properly corrected at last. Pio was to communicate to the pope these words of the emperor. Maximilian’s letter to Johannes Reuchlin (1455-1522) seeking his opinion did not produce a response, for Reuchlin felt the topic was beyond his competence and there was an abundance of very learned men at the council so that there was no need for his calculations.

The pope also sent letters to the other leading rulers of Christendom asking them too to solicit the opinion of their learned men on a calendar reform, but few seem to have taken any action. The two letters Leo X sent to Henry VIII (1491-1547, king 1509-47) on 21 July 1514 and 1 June 1515 requesting the assistance of English scholars also failed to produce any advice. In Spain Cardinal Francisco Jimenez de Cisneros (1436-1517) received in 1514 a copy of the treatise of Paulus van Middleburg that pointed out that because Christians could celebrate Easter in February, they had become the laughing stock of the Jews. The cardinal welcomed a report that Leo intended to reform the Julian calendar at the Lateran Council. But when Jimenez consulted the scholar Elio Antonio de Nebrija (1441-1522) about the particulars of the proposed reform, he was told that a council

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33 HeFeLe - Leclercq VIII-1, 448-451; Letter of Leo X to the Rectors of Studia and Universities, Rome, 24 July 1514, printed in MANSI 35: 1580A-82B; Letter of Maximilian to the Rectors and Consistory of the University of Vienna and to Johannes [sic] Stiborius and N. Tannstetter, from Innsbruck, 16 December 1514, Vienna, Haus-Hof- und Staatsarchiv, Maximiliana 33, I, 33r; North (as note 28), 96-97; IGUENTHER, Johann Stöffler, in: Biographical Register (as note 29), III, 288-89; J. METZLER, Tres orationes funebres in exequiis Ioannis Eckii habitae. Acceserunt aliquot epitaphia in Eckii obitum scripta et catalogus lucubrationum eiusdem (1543), Münster 1930 (= CCath 16), LXXIV, nr. 5; Marzi (as note 29), 212 (Pigghe began work on his reply De aequinotiorum solstiorumque inventione in 1514, finished it in 1518, and sent it to Rome in 1520).
34 Letter of Maximilian to Alberto Pio, from Wels, 21 August 1515, Maximiliana (as note 33), 34, I, 86°.
35 Letter of Johannes Reuchlin to Jacob Quastenberg, from Stuttgart, 21 November 1514, printed in Johann Reuchlins Briefwechsel, Stuttgart 1875 (= BLVS CXXVI), 231-232.
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should not concern itself with such matters, a suggestion Jimenez rejected. In Italy the Florentine Dominican Giovanni Tolsani wrote a treatise *De correctione Calendarii pro vera celebratione Pascatis*.

Prior to the summer of 1516 the numerous disagreements and difficulties posed by the various opinions of the scholars consulted were discussed and debated in the congregations of the cardinals and prelates (i.e., the conciliar deputation of faith), one meeting even held in the presence of the pope. From these discussions a list of thirteen propositions was drawn up to serve as the basis for further work. It was sent to some scholars with a request for their opinion. Among those consulted was Nicholas Copernicus (1473-1543). The conciliar scribe and sub-alternate notary, Bernhard Schulz of Lowenburg, had even extended a personal invitation to Copernicus in 1514 to come to Rome to work on the calendar reform. Copernicus declined the invitation because no solution to the problems could be devised until the motions of the sun and moon had been clearly determined, a task on which he was currently working. In 1513 he had set up his astronomical tower with a device to calculate the moon’s distance from earth, a quadrant for following the path of the sun, and an astrolabe for tracking the stars. By the beginning of May 1514 he had written up his findings in the *Commentariolus*, which was privately circulated. In it he first suggested that the earth rotated on its axis while orbiting the sun.

Finally in early June of 1516 Leo summoned a meeting of the commission and of some cardinals. Paulus van Middleburg had taken the opinions of the scholars received thus far and revised the *Compendium* accordingly. It was published in Rome as *Secundum Compendium correctionis Calendarii*. This compendium was revised again and sent by Leo X in early July of 1516 to the rulers of Christendom and to bishops, universities, and scholars for their comment. He requested a response within four months in time for

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38 Mansi 35: 1574A.

the eleventh session, but few responded. Cyprian Benet, however, revised his earlier treatise against a change in the calendar, addressing items in the *Compendium*. Paulus van Middleburg responded with his *Parabola Christi de correctione Calendarii* printed in Rome on 20 November 1516, a month before the eleventh session of the council. It attacked Benet for holding onto error and being unwilling to look for truth in science. Following the eleventh session, Cardinal Giulio dei Medici wrote on 21 December 1516 to the nuncio in France asking that King François I (1494-1547, king 1515-47) solicit from the learned men and institutions of study in his kingdom their opinions on a reform of the calendar, an issue the pope wanted resolved in the upcoming twelfth session in March. He regretted that so far he had not received a response to his earlier request on this matter. Given the years of work on this issue by Paulus van Middleburg, it is not surprising that in the general congregation of 13 March 1517, prior to the twelfth and last session of the council, Paulus asked that the question of the reform of the calendar be finally settled. He was laboring on it with individual prelates and wanted it at least committed by the bull *Constituti iuxta verbum* to the cardinals so that they could continue work on this matter. His proposal, however, was rejected.

**Bohemian Hussites**

A number of issues were brought to the attention of the council but never made it to a formal vote of the fathers in a general congregation or session. Whether they died in the deputations or in the inner circle of the pope is unclear. In his memorial to the council, Stefano Taleazzi (c. 1445-1515), a court preacher, titular archbishop of Patras and bishop of Torcello in the Venetian lagoon, urged that the Bohemians be kindly invited to recognize the truth of the Catholic faith and their own errors and thus live in unity with the holy Church. To encourage this, he favored allowing them to retain half of the ecclesiastical property they had seized, because it was this issue that prevented them from returning to the Church. Among the

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41 *Marzi* 206-208.

42 Ibid., 210.

43 *North* (as note 28), 99-100; Heele - Hergenröther (as note 15), VIII, 855.

items listed by the imperial ambassador to the council, Alberto Pio, in his report to the emperor of 12 March 1517 as issues left unresolved by the council was the return to the unity and obedience of the Catholic Church by the Bohemians and Ruthenians.45

At the time of the Lateran Council the Hussites were divided into factions. The principal group was known as the Calixtines or Utraquists. Following their military victory with imperial help over the radicals (Taborites, Orphans, Adamites, etc.) in the battle of Lipany in 1434, the Utraquists adhered to the Compactata of 1436 negotiated between the followers of Jan Hus (1369-1415) and the Council of Basel (1431-49) and promulgated at Jihlava/Iglau. Its four articles called for the free preaching of God’s word, provided one had a mission from the Church; communion under both kinds, provided the recipient believed that Christ was fully present under only one species and that Catholics were allowed to communicate freely using only one species; the punishment of public, scandalous, mortal sins by legitimate authority according to divine and ecclesiastical laws; and the recognition that the Church and its clergy can own property.46 Pius II unilaterally abrogated the agreement in 1462, but the Utraquists maintained the Compactata as the legal basis for the organization of their church. While not recognizing the jurisdictional authority of the pope, in doctrine and practice they saw themselves as part of the Catholic Church and followed its teachings and sacramental-liturgical usages. They had their clergy ordained by Latin or Greek Catholic bishops and used the traditional missals of the Czech church. With the death of the last archbishop of Prague, Konrad of Vechta (1413-31), who had joined the Utraquist movement in 1421, Jan Rokycana (c. 1395-1471) had assumed control of the church in Prague, although he lacked episcopal consecration. A consistory of administrators ruled the Utraquist church and at the time of the Lateran Council Pavel of Žatec was the chief administrator (1500-17). With the archbishopric of Prague vacant, the Catholics were under the consistory located in the Prague

46 For the version of the Four Articles before they were modified by negotiations, see: J. MACER, The Hussite Movement in Bohemia, 2nd ed., Prague 1958, 128-29; for the revised Four Articles accepted by Basel and Rome, see: Vetera Monumenta Historica Hungariam Sacram Illustriantia, ed. A. THEINER, Tomus Secundus: Ab Innocentio PP. VI usque ad Clementem PP. VII, 1352-1526, Rome 1860, 610-11 and also O. RAYNALDUS, Annales Ecclesiastici ab anno MCXCVIII ubi desinit Cardinalis Baronius, ed. G. D. MANSI, Tomus XII, Lucca 1755, 33-35, ad annum 1513, nr. 70-73.
cathedral and ruled by Arnošt of Šlejnice and Jan Žak (1511-1525). While the Utraquists were the dominant group among the Hussites, a group known as the Unity of Brethren (Bohemian Brethren, Moravian Brethren), following the teachings of Peter Chelcicky (ca. 1380-c. 1460), and led by Řehoř of Prague (d. 1474) broke away in the winter of 1457-58. It was joined in 1480 by German-speaking Waldensians fleeing persecution in Brandenburg. Over time, the Brethren adopted various teachings and aspects of the church polity of the Waldensians. The Unity of Brethren was then led by Řehoř of Prague (d. 1522), more ascetical, refusing to bear arms or serve in the government. Catholic opposition to the Waldensian beliefs of the Czech Brethren was voiced by the Moravian Augustin Käsenbrod (1467-1513) and the Bavarian Jakob Ziegler (c. 1470-1549), both humanists and theologians.

The relationship between the followers of Hus and the rulers of Bohemia changed over time. Emperor Sigismund as king of Bohemia (1419-37) fought crusades against the Hussites, ended their armed resistance by 1437, and tried to restore the Utraquists to the Catholic Church; Albert II von Habsburg (1437-39) was too weak to do much and his son Ladislaus V von Habsburg (1440-57) was often not in Bohemia; the Utraquist George of Poděbrady (1420-71) as regent administered the kingdom from 1452 on-


ward, and was elected king in 1458. He suppressed the radical wing of the Hussites at the battle of Tabor in 1452, opposed the Unity of Brethren, and sought to reconcile the Catholics and Utraquists. On the death of George in 1471, Ladislaus II (c. 1456-1516), son of King Casimir IV Jagiello (1427-92, king of Poland 1447-92) and Elizabeth von Habsburg, was elected king (1471-1516), to be succeeded by his son Louis I (1506-26, king 1516). Before being crowned, Ladislaus was required to swear an oath to uphold the Compactata. Tensions between Catholics and Utraquists were alleviated by the decree of the Diet of Kuntá Hora in 1485. By it religious freedom was granted to all members of each communion for thirty-one years. The Bohemian Diet of 1512 renewed the decree of tolerance and extended it indefinitely. The members of the Unity of Brethren did not come under its provisions. In 1500 they were probably about 10,000 strong. On reports in 1503 that the Brethren were engaged in treason, Ladislaus ordered their destruction on lands under his control and their removal from civil offices and their expulsion elsewhere. He considered them to be Picard heretics. Executions followed. In 1508 by a document known as the St. James Day Mandate, the Bohemian Diet ordered the suppression of all churches and congregations of the Brethren, prohibitions on their worship services, the confiscation of their books, and closure of their printing presses. Many imprisonments and several executions followed. This was the religious situation in Bohemia at the time of the Lateran Council.

Complicating this scene were political factors on an international scale. The Habsburg emperor Maximilian initially saw as his rivals the Jagiello brothers, Zygmunt I Stary (1467-1548, king of Poland 1506-48) and Ladislaus II ruling in Hungary and Bohemia. As emperor, he took the side of the Teutonic Knights in their conflict with Poland and befriended the Grand Duke Vasily III (1479-1533, Grand Duke of Moscovy 1505-33) who waged warfare on Poland-Lithuania. Earlier border skirmishes and Maximilian’s efforts to succeed to the thrones of Hungary and Bohemia on the death of Ladislaus were sternly opposed by the national party led by János Zápolja (1487-1540, governor of Transylvania 1511-16, king 1526-40) at the Diet of Rákós. Tensions mounted when Bohemian heretics invaded Upper Germany in 1504, desecrating the Eucharist and saints’ relics and persecuting Catholics. Julius II tried to assist the emperor by forbidding Catholics from

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lending any assistance to the Bohemians. Ladislaus proved a weak and ineffectual king and his lands were threatened by the Turks. According to Johann Cuspinian, Maximilian’s agent for eastern European affairs who was privy to the emperor’s planning, the Habsburg ruler wanted to create a strong wall against the Turks by negotiating a close alliance, a “perpetual peace”, with the kings of Hungary, Bohemia, and Poland. Let rivalries be put aside. In 1515 Emperor Maximilian succeeded in making peace with the kings by negotiating the Treaty of Vienna whereby the heir to the throne of Bohemia Louis (1506-26) married the emperor’s granddaughter Mary (1505-58), while the sister of the future king Anna married his grandson Ferdinand (1503-64), with Maximilian acting as proxy and with Ladislaus agreeing to a Habsburg succession should Louis fail to produce an heir.

When Ladislaus died in 1516, he left his ten-year old son as heir, with Emperor Maximilian and King Zygmunt I of Poland as his guardians, but under the care of Cardinal Tamás Bakócz Erdődi (1442-1521), primate of Hungary and chancellor of the realm. The affairs of the kingdom were in the hands of two prelates, Cardinal Bakócz and György Szakmary, the bishop of Pécs, and of two barons, the Count Palatine and János Zápolja, the governor of Transylvania. The influence of Bakócz fluctuated over time.

By late 1513 Cardinal Bakócz was probably already in Buda on a mission from the Lateran Council. Having negotiated the rank of legatus a latere in return for his attendance at the council, he was charged by the council to perform two tasks related to the goals of the council: to promote a crusade and to bring the Bohemians back to the Catholic Church. The bull Ad omni-potentis of the eighth session confirmed him in this role. It claimed that God is much offended by the continued and multi-faceted heresy of the Bohemians. See: I Diarii di Marino Sanuto, ed. R. Ulin et al., 58 in 59 vols., Venice 1879-1903, XX, 282, 483, 490, XXIII, 349.

Bakócz left Rome on 9 November 1513, see: ASV, Acta consistorialia, Acta Miscellanea 3, fol. 54r.
hemians and that the Christian people are scandalized by it. The pope urged the Bohemian heretics to send representatives with sufficient mandates either to him and the Lateran Council in Rome or to the legate Cardinal Bakócz who would be closer to them. The Bohemians were to seek an opportune remedy for acknowledging their errors and for returning under God’s guidance to the bosom of Mother Church and to true religious cult. So that they could come to the council without fear, they were granted by the pope a safe conduct.\(^{(54)}\)

The bull \textit{Humani generis redemptor} of 20 September 1513 constituted Bakócz \textit{legatus de latere} for the task of leading the Bohemians back to the unity of the Church. He was given the faculty for absolving them of heresy and for negotiating with them the terms of a binding peace agreement.\(^{(55)}\) In the accompanying bull \textit{Cum te ad partes}, Leo rehearsed the decisions made in the councils of Konstanz and Basel regarding the reception of the Eucharist. He also reviewed the terms of the Four Articles of the \textit{Compactata} as approved in a secret agreement by the presidency of the Council of Basel and indicated under what conditions he was willing to abide by them. The first article allowed to the Bohemians to receive under both species, provided on other matters they returned to church unity and believed that the whole Christ is contained and received under only one species. If the present Bohemians agree to this, the pope may consider it convenient to have the agreement granted and determined in the Lateran Council. But the pope was less inclined to allow children before the age of reason and those who are at times mentally deranged receive communion due to the danger of irreverence or of spitting up or vomiting the Eucharist. The second article prescribed that those who commit public mortal sins considered such by the law of God and the writings of holy doctors, in so far as it can be done in a reasonable manner, should be altogether confined and brought to trial, but the power of punishing the guilty parties does not belong to private persons but is reserved to those having jurisdiction, in these matters the order of law being preserved. The third article on preaching the word of God held that it should be preached freely and faithfully by suitable priests and Levites of the Lord, who were freely approved and sent by superiors, not haphazardly but in an orderly and faithful way, preserving the authority of the pope who is the preacher of everyone in

\begin{footnotes}
\item[54] P. B. T. Bilaniuk, The Fifth Lateran Council (1512-1517) and the Eastern Churches, Toronto 1975, 135-36; \textit{Mansi} XXXII, 844D-85B.
\item[55] \textit{Vetera Monumenta Historica Hungaria Sacram Illustrantia} (as note 46), 609-10; the bull \textit{Sacrosanctae universalis ecclesiae regimini} of 9 August 1515 also gave him authority to enforce its provisions against the heretics in Poland, \textit{ibid.}, 620, 622.
\end{footnotes}
the Church according to the teachings of the holy fathers. The fourth article concerning the possessions of the Church allowed the clergy and the Church itself to have temporal lordships and possessions. Regarding the ecclesiastical property already confiscated, Bakócz was granted a range of options so that he could allow the Bohemians to retain all or part of it on certain conditions: that they dedicate its fruits to fielding an army of ten or five thousand armed men against the Turks and pay all or half their stipends; that they give back half of the goods for setting up cathedrals, dignities, canonries, monasteries, and benefices to sustain ministers, or use a fourth for these purposes; and that they allow the Church in the future to acquire temporal goods through donations and last testaments and to retain them safely. Church lands now in the territory of the Turks, can be granted as fiefs and leases unto the third generation with a modest annual tribute to those who reconquer them. Should the Bohemians agree to this disposition of confiscated church property, it should be referred back to the pope because of its seriousness and be confirmed by the Lateran Council. On such matters as dispensations from fasting, matrimonial grades, the observance of feast days, and versions of the divine office, because they do not concern the Catholic faith, Bakócz can on his own authority allow for diversity.

On his return to Hungary Bakocz seems to have devoted his energies to raising a crusade, rather than negotiating an agreement with the Utraquists. The army he assembled was composed of 40,000 peasants who once they were armed turned against their feudal overlords. Led by György Dózsa (1470-1514), the peasant army fought for three months, but was eventually crushed by the nobles led by János Zápolja. The rebel leaders were cruelly executed in Timisora in July of 1514, being roasted alive on a throne of red-hot iron, and the peasants subjected to a system of serfdom. Bakócz was also concerned with the awkward situation of the boy king who had powerful rival guardians. Soon after Ladislaus’ death, Leo X sent Archbishop Roberto Latino Orsini as legate Buda to work with Bakócz to resolve conflicts in the kingdom.

The emperor’s agent in Bohemia, Andrea da Borgo, reported on the religious and political situation there. At a meeting in Benesov in early 1517 the representatives of Emperor Maximilian, Zygmunt I of Poland, and Louis of Hungary and Bohemia tried to negotiate an agreement on what would happen should Louis die without an heir. Andrea reported that some of the

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56 Ibid., 610-12; and RAYNALDUS (as note 46), XII, 33-35, ad annum 1513, nrs. LXX-LXXV.
57 SETTON (as note 9), III, 157-58; Acta Tomiciana (as note 36), III, 12; RAYNALDUS (as note 46), XII, 78-79, ad annum 1514, nrs. LIII-LVII.
Bohemians preferred Zygmunt to be regent because he spoke a Slavic tongue. Dealing with the heretics need not be that difficult.

But when the emperor wants to do something about it, and he becomes firm in his guardianship, there will not be lacking a good way and not everything needs to be done at once, but he should labor so that the worst heresy of the Picards does not occur. And there is nothing to do against those who communicate under both species. Rather a middle course is that there be one archbishop who might have care over both and prudently gradually induce others to the Roman rite and faith. And those who communicate under both species also welcome an archbishop. And regarding the revenues for the archbishop, that with a small sum so many [sources of] revenues might be recovered that he could have annual revenues of at least five or six thousand ducats. Afterwards with time, it could be seen how those things ought to be recovered which others hold. And let it be done without scandal.

Andrea da Borgo assessment was shared by his colleague. In his report to the emperor of 12 March 1517, Alberto Pio claimed that the situation in Bohemia could be handled without any further input from the Lateran Council. The instructions Leo X had given to Bakócz, however, wanted agreements with the Bohemians confirmed by the council. But thus far Bakócz had secured no such agreements.

Ruthenian Schisms

Relations with the Greek-rite church in Poland-Lithuania were also listed by Pio as an item left unresolved by the Lateran Council. Jan Łaski (1455-1531), the former royal grand chancellor of Poland (1503-10) and then Archbishop of Gniezno and primate of Poland (1510-31), came to the Lateran Council as ambassador of King Zygmunt. He submitted a Report on the Ruthenians and Their Errors Prepared for the Fifth Lateran Council, based on the earlier work of Johannes Sacranus (Jan Sakran z Oświęcima, 1443-1527), the...
Elucidarum errorum ritus Ruthenici (Wilna, 1500, 1508) and proposed for action at the council’s ninth session.

At the time of the Lateran Council the Greek-rite church in the Polish-Lithuanian Commonwealth consisted of eight eparchies under the metropolitan of Kiev. While being under the patriarch of Constantinople, the Ruthenians, as they were called, had earlier been in union with Rome according to the agreement reached at the Council of Florence in 1439. The fall of Constantinople to the Turks in 1453 led the Greek church to sever its ties with the Latin church, which was formally done at the Council of 1484 that also set up procedures for the return of unionists to the Orthodox church.

The metropolitans of Kiev, however, remained unionist in sentiment. In 1500 Josyf Bolharynovych, appointed by the Lithuanian Grand Prince Aleksander (1461-1506, Grand Prince of Lithuania 1492-1506, king of Poland 1501-06) in 1498, wrote to Pope Alexander VI (1431-1503, pope 1492-1503), recognizing his supreme authority and adhering to the faith as defined at Florence. But the pope demanded that he first renounce his allegiance to the Orthodox Patriarch, something Josyf was reluctant to do. On the death of Josyf in 1502, Queen Elena, the Orthodox wife of King Aleksander, secured the appointment to the see of Kiev of her anti-unionist chaplain Jonas II (1502-07) who was confirmed by Patriarch Pachomios I of Constantinople (1503-13) and succeeded by Josyf II Soltan (1507-22), similarly confirmed.

In 1504 King Aleksander and in 1506 and 1511 King Zygmunt reaffirmed the full rights of the Greek-rite church in the Commonwealth as granted earlier following the Council of Florence. Influential members of

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61 J. Krajcar, A Report on the Ruthenians and Their Errors, prepared for the Fifth Lateran Council, in: OrChrP 29 (1963) 79-94, for the claim that its author was not Łaski but probably someone in his suite (79, 94), that its target was the Church of Moscovy and not the Ruthenians living in Poland-Lithuania (92, 94), and that it was prepared for the eleventh session but probably never read at the council (79, 92); Bilaniuk (as note 54), 87, 141-47. An annotated English translated is provided on Ibid., 88-134. On Sakran’s work, see: B. A. Guzziak, Crisis and Reform: The Kyivan Metropolitanate, the Patriarchate of Constantinople, and the Genesis of the Union of Brest, Cambridge, MA 2001, 56-57, 324 nn. 68-69. For a fuller treatment of the topic of this section, see: my Leo X’s Response to the ‘Report on the Errors of the Ruthenians’, in: Fiat voluntas tua. Beiträge zur Theologie-, Kirchen- und Landesgeschichte: Festschrift zum 65. Geburtstag von Harm Kluiting, edd. R. Haas et al., Münster 2014, 209-222.


63 Guzziak (as note 60), 54-55, 65.

64 Ibid., 65, 330 nn. 16-17.

65 Ibid., 74.
the Latin hierarchy in Poland-Lithuania were hostile to the Greek-rite church and wanted any communications between it and Rome to go through them. They considered the Greek-rite Ukrainians to be unreliable in the struggle against Moscow. According to Skaran, they rejected the agreements reached at the Council of Florence, they administered baptism improperly and their bishops and priests were ordained invalidly, they held theological errors, did not follow proper rituals, practiced superstitions, and engaged in immorality. Skaran found forty such topics of concern. Given these problems, they could not be reconciled as a community to the Church of Rome, but must be converted individually to the Latin Church. The report Łaski submitted in Rome repeated many of Skaran’s accusations.

The religious situation in Poland-Lithuania was one of great concern to Leo X. He was known to be most vigilant from the very beginning of his pontificate to unify the Church, to bring the Eastern church into union with the Catholic flock. Because other items were preoccupying the attention of the Lateran Council, Leo X decided to establish a special commission composed of eight prominent cardinals drawn primarily from the conciliar deputations on faith and reform. It members were charged with becoming informed and freely discussing the situation in the Polish church and with providing the pope with mature advice. The members of this committee were the cardinal protector of Poland, Achille de Grassi; three cardinals known for their theological expertise: Bernardino López de Carvajal, Domenico Grimani, and Marco Vigerio; two eminent canonists, Pietro d’Accolti and Antonio del Monte; and two cardinals skilled in diplomacy, Federigo di Sanseverino, and Ippolyto d’Este. Leo X personally attended their deliberations and in the end incorporated the commission’s recommendations into the bull Sacrosancte universalis ecclesie regimini dated 9 August 1515.

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66 Ibid., 57; BILIAN (as note 54), 141.
68 LEO X, Sacrosancte universalis ecclesie regimini, Rome, 9 August 1515, printed in: Vetera Monumenta Historica Hungaricae Sacrae Illustrantia (as note 46), II: (1410-1572), 620-23, nr. 812, here 620 – hereafter cited as Sacrosancte universalis. A copy exists in: ASV, Vat. Lat. 1195, fols. 142r-144v, here fol. 142r (variants found in ASV copy are indicated by MS): Nos quos zelus animarum eo potissime urget quo prò ills ratio debetur exactior creatori, determinatione sinodali in publica sessione [MS: cessione] propter alias [MS: varias] ipsius sinodii occupationes alter non exspectata, venerabilibus fratribus ... cardinalibus, ut de premissis se in [MS: sic] informarent et providenda...
In it Leo X states that Łaski has reported to him that in the kingdoms of Poland, Hungary, and Bohemia and in neighboring territories there are large gatherings of heretics and schismatics. Because of the steady incursions of the infidel Tartars and Turks, there is the greatest and continual exchange of ideas, more often involving many errors, giving rise to scandal and causing many parish churches to be almost deserted. The imposition of interdicts and the cessation of divine services have apparently led to a diminution of the people’s religious devotion. Cases sent to Rome for resolution are dealt with only with much difficulty and expense.

To remedy this situation, Leo X is providing many measures to improve the quality of bishops and priests and the pastoral care they provide to the faithful living among or near schismatics. He grants that Catholics may hold schismatics and Ruthenians in their service and that the Mass and the divine office may under certain circumstances be celebrated with schismatics and heretics present. He also makes provisions regarding the conference.
nal of sacraments on the schismatics and Ruthenians. In addition he provides rules for dealing with matrimony, public adultery, the burial of those under censure, the division of revenues from vacated benefices, and the annual celebration of a Mass in honor of the Blessed Virgin Mary on whose nativity the Poles won their great victory over the Moscovites in 1514. In these areas the bull regulates relations between Latin-rite Catholic Poles and Lithuanians and Greek-rite Orthodox Ruthenians in the Commonwealth of Poland-Lithuania without a specific formal decree of the council. In the bull Constituti iuxta verbum closing the council, Leo X stated that some items had been discussed and resolved in committees and that the council by this bull gives its approbation to their decisions. According to Alberto Pio’s report to the emperor, the problem of bringing the schismatic Ruthenians back to the unity and obedience of the Roman Church could also be handled apart from the Lateran Council.

Teutonic Knights and Poland

Another issue dealing with Poland was its relationship to the Teutonic Knights of St. Mary’s Hospital in Jerusalem and Prussia. In the Middle Ages...
Poland was in effect a land-locked Christian country, most of the coastlands being held by pagan Prussians. Duke Conrad of Masovia invited the Teutonic Knights to take charge of the province of Chelmo/Kulmerland and of any Prussian lands they could conquer and convert to Christianity. The Knights obtained from the emperor in 1223 a bull granting them full sovereignty over any lands they conquered, with the pope as their ultimate sovereign. In 1226 Emperor Frederick II (1194-1250, emperor 1212-50) made the Grand Master Hermann von Salza (c. 1165-1239, Grand Master since 1210) and his successors princes of the Empire with a seat in the imperial Diet. The Knights were very successful crusaders and eventually set up an independent state with its headquarters in Prussia. The achievement of the Knights in extending their lands along the Baltic coast brought together a coalition of rival neighbors who defeated the Knights in the battle of Tannenberg/Grünwald on 15 July 1410. In the First Peace of Toruń (1411), the Knights were forced to cede to Poland some of their territories. After a thirteen-year war with Poland that resulted in their defeat at the battle of Zarnowitz in August of 1462, they agreed to the Second Peace of Toruń (1466). By it, the Knights ceded to Poland the towns of Danzig/Gdańsk, Elbing/Elbląg, Kulm/Chelmno, Marienburg/Malbork, and Thorn/Toruń, plus the duchy of Pomerellen which they had taken from Poland in 1308 and the bishopric of Warmia/Ermland which they had set up in 1243; they acknowledged that they were vassals of the king of Poland; they moved the residence of the Grand Master to Königsberg/Królewiec/Kaliningrad; and they agreed to accept into their order large numbers of new members so that at least half would be Poles. But the term of Toruń were at times not observed. A Polish majority in membership did not occur and the Grand Master did not always acknowledge that he was a vassal of the king of Poland.

The conflict came to the attention of Julius II. Emperor Maximilian advised the pope that the terms of the Second Peace of Toruń were unfavorable to the Knights and thus they deserved some indemnity. Julius, who tried to promote justice and peace among Christians, wanted a stable and solid peace established between the Knights and the Polish king. To achieve this, he asked the parties to appoint two negotiators each, who should meet together to work out a new accord, or to send these negotiators to Rome to meet with Cardinal Raffaello Riario, the protector of the

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Knights, and with Cardinal Petrus Isvalies, protector of Poland, to present their cases, and to come to a peaceful resolution. To a meeting in Poznan called to promote a peace accord and to be attended by the emperor, king of Poland, king of Hungary and Bohemia, and Grand Master, Julius sent the papal nuncio, Achille de Grassi, bishop of Civita Castellana, a man very experienced in diplomacy. But no stable settlement came of the meeting. That the conflict between the Knights and Poland could ultimately wind up on the agenda of a general council soon to be called would not be unusual. Both Konstanz and Basel earlier had dealt with similar problems.

At the time of the Lateran Council the Grand Master of the Teutonic Knights was Albrecht von Hohenzollern (1490-1568), the third son of Frederick, the margrave of Brandenburg-Ansbach, who had been elected on 13 February 1511 and made a prince of the Empire against the wishes of his uncle King Zygmunt. Like his predecessor Friedrich of Saxony (Grand Master 1498-1511), Albrecht refused to acknowledge Zygmunt as his liege lord. As chancellor of Poland, Łaski had labored to bring Prussia under the direct control of the king, even advocating the removal of the Teutonic Knights from Polish lands. In 1511 he negotiated peace terms with the Knights at Toruń. With Łaski no longer in charge, a new agreement was worked out at Piotrków on 4 December 1512 with Kasimir von Hohenzollern of Brandenburg-Kulmbach (1481-1527), acting as intermediary for his younger brother Albrecht. The Second Peace of Toruń of 1466 was modified so that, while the Grand Master would still pay homage to the Polish king and have no superiors other than the pope and king of Poland and the borders between the Knights and Poland not be altered, the Knights would be invited to participate in the election of the future kings of Poland, they were to seek the consent of the king to initiate any warfare against infidels and schismatics, they were to be given the southern regions of Podolia and Roxolania to conquer and convert together with 2,000 golden ducats for a number of years to set up their operations there, they were to be allowed to keep one-third of the conquered lands as a fiefdom of Poland, and they were no lon-

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ger obliged to admit Poles into the order. The negotiators agreed to seek papal confirmation of the agreement.  

Albrecht, however, refused to pay homage and carry out the other terms of the agreement, until he had consulted first with the pope, his ultimate suzerain, and with Emperor Maximilian, the protector of the order. In the meantime he urged the schismatic Grand Duke of Moscovy, Vasily III, to break his recent treaty with Poland and attack it from the East, capturing Smolensk in 1514. He stirred up sympathy for his cause among his fellow German nobles and got Maximilian to strengthen his ties with Vasily. And he sent Johann Blankenfeld (1471-1527), the procurator of the order, to Rome to argue his case before the pope. He arrived there in the autumn of 1512 and cultivated friendships with important cardinals: Raffaello Riario, the protector of the order; Mathias Schiner, with whom he often dined; Sigismondo Gonzaga; and Antonio Ciocchi del Monte. He hired a solicitor and two of the most prominent consistorial advocates in Rome, Angelo Cesi and Melchiorre Baldassini, both conciliar advocates of the Lateran Council. He developed a special friendship with the fellow knight, Giulio dei Medici, a prior of the Knights of St. John and cousin of cardinal Giovanni dei Medici who would soon be elected pope, taking the name of Leo X and appointing his cousin Giulio archbishop of Florence, cardinal, and vice-chancellor of the Church. With such friends Blankenfeld obtained an audience with Leo soon after his election. The pope assured him that nothing would be done in the Knights’ conflict with Poland that touched the necessities of the order or that Blankenfeld would not find acceptable.

On the urgings of the German, Leo wrote to King Zygmunt on 16 March 1513, telling him that he has learned of the conflict between him and Albrecht and that he fears that open warfare could break out that would cause great harm to the Christian population there. He urged the king to hold back on his anger toward Albrecht until a papal legate has arrived whose task it will be to establish a fair settlement that brings peace and concord. Or, if the king prefers, he can refer the whole case to the Lateran Council.
Council, for it is an appropriate venue for the resolution of the controversies of great rulers, done under the gaze of all Christendom. If the controversy is not soon ended, Leo X feared that it would only encourage the Turks to attack the quarreling Christians.\footnote{JOACHIM (as note 78), I, 223--24, App. 65 and 66; and SETTON (as note 9), III, 144, n. 341.}

Blankenfeld, backed by Emperor Maximilian, warned the pope not to make any decision that might detract from the might and rights of the Knights. Leo X therefore urged Zygmunt on 1 April 1513 to have the case decided by the council. In order to have a firm and perpetual treaty emerge with the council’s blessings, no prejudice can influence the negotiations and the interests of the Knights, the Polish king, the emperor, and the pope all need to be taken into consideration in a final agreement.\footnote{JOACHIM (as note 78), I, 225--26, App. 67; RAYNALDUS (as note 46), Tomus XII, 15, ad annum 1513, nr. 34.}

On learning that Zygmunt was willing to have the council hear the case, Leo X wrote to him on 30 April 1513 to praise his decision. He also informed the king that Cardinal Bakócz and the cardinal protector of Poland, Achille de Grassi, have reported to the pope that Zygmunt is willing to abide by the terms of the most recently negotiated agreement. Leo X commended the king for this stance, urged him not to take up arms, and thought that the peace accord could be stabilized within a short time. But should the king desire a new decision in the matter, the pope was concerned about the significant distances involved, and wondered if a new decision would be necessary. In the meantime, by not disturbing the peace, the king will afford the Grand Master no grounds for backing out of the current agreement.\footnote{RAYNALDUS (as note 46), Tomus XII, 16, ad annum 1513, nr. 37.}

On 1 May 1513, Leo X wrote to the Grand Master Albrecht. He told him that he had learned of a solemnly concluded new agreement, but had also heard from many sources that Albrecht was resisting it. If the Grand Master was unhappy with its terms and wanted a new judgment, he must realize that that cannot be done quickly, given the great distances. In the meantime, the pope urged the Grand Master to put down his arms and observe the agreement as it currently stands, even if it is imperfect. It is unworthy of a Christian prince to keep the nations of the North in a state of warfare.\footnote{Ibid., nr. 35; Acta Tomiciana (as note 36), Letter nr. 271, II, 212.}

During the summer months, the case in Rome slowly moved forward. On 5 June 1513 the embassy sent by Zygmunt arrived, led by Łaski who made his obeisance on June 13th. On June 22nd the pope committed a formal investigation of the case to Cardinals Adriano Castellesi and Francesco So-
derini, two members of the conciliar deputation on peace. Blankenfeld met with them on July 11th and laid out the case from the Knights’ perspective. He wanted the case brought before the next session of the council and urged the cardinals to obtain from the pope a new letter to be sent to Zygmunt and Albrecht telling them not to take any action against each other. Blankenfeld even handed to the cardinals the draft of the proposed letter which he had prepared beforehand. It was used by the pope’s secretary, Pietro Bembo, who composed the formal letter sent by the pope on 27 July 151384. When the Poles spread reports in Rome that Albrecht was in league with the schismatic Vasily, Blankenfeld worked hard to counter the rumor. Enlisting the services of many officials in Rome on behalf of the Knights proved a difficult and expensive task, but Blankenfeld felt he had been very successful so far85.

On 27 September 1513, Leo X wrote from Rome to King Zygmunt to say that the Polish ambassadors have informed him of the continuation of the controversies between the Knights and their liege lord and of the king’s wish that the various agreements worked out between the Knights and the king’s predecessors be confirmed by apostolic authority. The pope told him that he was sending letters by way of a courier to the king and to the Grand Master urging them to commit their disagreements to the pope or the Lateran Council for a hearing and decision. Once rendered, the judgment will be quickly communicated to him, but in the meantime he was to avoid conflict. Because the order is immediately subject to the Holy See, the pope cannot fail to make some indemnity for the violations of the perpetual peace done by the Knights. The emperor, writing in the name of the whole German nation, has strongly urged the pope to use his pastoral office to bring an end to the dissension. The pope therefore warned and required the Polish king to remit to him or the council the resolution of the controversy. The pope was requiring the same of the Grand Master. In the meantime, neither party was to take up arms or engage in warfare86.

From Vilnius Zygmunt wrote to Łaski on 9 December 1513 to inform him that the numerous altercations with the Knights have become more difficult due to the involvement of the emperor, Germans, and pope. Łaski was instructed not to allow the abrogation of the obligations of the Knights toward the king that had been previously negotiated, since justice favored...
the king. Given the powers of Bakócz as legatus a latere, perhaps he can bring about a settlement. It would be good if the Knights were resettled on the border with the Turks, rather than remaining along the Baltic coast where they live and drink in leisure. Pride and temerity have led the emperor to interpose himself outside his realm into the affairs of a foreign lord and his vassal. Trusting in the emperor’s support, the Knights remove themselves from their vowed religious duty and fail to fight the infidels. Rather than confronting the emperor in public, it may be best to work in private with his agents to work out a foundation for observing love and benevolence between the emperor and Polish king. And let Łaski also work with Leo X so that he understands better than currently appears to be the situation the reasoning behind the king’s case.

A later report provided a summary of the case as seen from the king’s perspective. Zygmunt wanted Albrecht to pay to him the homage owed according to the terms of the Second Peace of Toruń, something the Grand Master’s predecessors had done for over thirty years. Albrecht should acknowledge that he has no claim on Pomerellen, or on the cities and surrounding regions of Chelmno (Kulm) and Toruń (Michelau). These lands have always belonged to the kings of Poland. The historical record proves it, the rulings of John XXII (1316-34) and Benedict XII (1334-42) support it, and the citizens there acknowledge it. If Albrecht ever had a right, he has lost it due to his ingratitude and failings. He has never fulfilled his feudal obligations nor provided the military service owed by a vassal to his lord engaged in warfare. Any grants of lands given previously to the Knights have no validity since they were done in grave prejudice to the Polish crown. If any grants were valid, they have been superseded by the terms of sworn treaties.

Maximilian was busy supporting the Knights. He, together with the Knights, encouraged Grand Duke Vasily to prepare for war with Poland. He instructed his ambassador in Rome, Alberto Pio, to work on the Knights’ behalf. Pio reported on 31 March 1514 that he was having troubles because of the peace treaties the Knights had signed with the Polish kings, but did not observe, and thus their case was in doubt. The imperial lieutenant in Italy, Cardinal Matthaeus Lang (1468-1540), wrote on the same day that Leo X would deliberate on the case with the cardinals and try to come to a res-
olution before the next session of the Lateran Council. The pope suspected that the Polish king was trying to extend the boundaries of his kingdom by incorporating the bishopric of Ermland/Warmia into it, and the pope would try to satisfy the desires of Maximilian on this issue\textsuperscript{90}. The conflict between the Knights and Zygmunt still was not resolved when the ninth session of the council was held on 5 May 1514. During that session while the prelates were vesting, the imperial orators and the procurators of the Knights joined forces to try to have the Polish king cited to appear before the council and to prevent him in the meantime from taking up any arms against Albrecht\textsuperscript{91}. The orators of Poland protested. Leo X rejected the proposal for the time being, saying that it should be deferred to the next consistory\textsuperscript{92}. Leo reported on 18 July 1514 that the agents of the Knights want the pope to remit the controversy to the Lateran Council to be judged and terminated\textsuperscript{93}.

Meanwhile Zygmunt was preoccupied with defending his lands from attacks by Grand Duke Vasily of Moscovy. In an effort to end the warfare, Leo X, working through Bakócz, sent the Transylvanian Jacobus Piso (d. 1527) as his nuncio to Zygmunt and Vasily. While the Polish king welcomed the papal initiative, he was trying by military might to regain the city of Smolensk which had been treacherously surrendered earlier to Vasily. Unable to retake the city due to inclement weather, Zygmunt, nonetheless, achieved a great military victory at Orsza on 8 September 1514, killing or wounding 30,000 of the 80,000 troops sent against him, taking 1,500 prisoners, including some prominent Moscovite nobles, and seizing their supplies. On 18 September 1514 he reported to various rulers and to Leo X about his significant victory and sent off to Rome as proof some of his more illustrious prisoners. Because a courier sent to Vasily wound up drowned in a river, Piso interpreted this event as an indication of Vasily’s unwillingness to receive an intermediary and decided not to approach the Grand Duke. In celebration of the Polish victory, a Mass of thanksgiving was later offered by Achille de Grassi, the cardinal protector of Poland, at

\textsuperscript{91} Letter of Peter Tomiczki to Jan Lubranski, 31 July 1514, Acta Tomiciana (as note 36), III, 155, letter 218. Apparently Lang and Pio had won to the side of the Knights the orators of Spain, England, and Denmark - Ibid., 154.
\textsuperscript{92} Dykmans (as note 2), 354, Nr. 1081: 8; Blankenfeld left Rome after the ninth session, see: Minnich, Participants (as note 39), 182 nr. 41.
\textsuperscript{93} Letter of Leo to the Master of the Livonian Brotherhood, Rome, 18 July 1514, in: Raynaldus (as note 46), XII, 79, ad annum 1514, nr. 54.
The Closing of the Fifth Lateran Council (1512-17)

the Vatican on 25 January 1515 at which Camillo Porcario gave an oration. Leo hoped that Zygmunt would become the leader of the crusade against the Turks. From Vilnius Zygmunt wrote to the cardinal protector of Poland, Achille de Grassi, thanking him for being so diligent and prudent in the defense of his interests. In late May of 1514 it was reported that the imperial lieutenant cardinal Lang and other backers of the Knights in Rome intervened to deny Bakócz any faculty for resolving the controversy on his own, but to have the affair discussed in the Lateran Council. Zygmunt wrote on 11 October 1514 to the cardinal protector of the Knights, Raffaello Riario, to point out that what the king wanted from Albrecht was what his predecessors as kings of Poland had peacefully received, namely, the homage of the Grand Master. It is what is owed to him. On the next day Zygmunt notified Cardinal Bakócz that the case had been moved from being discussed in the Lateran Council to being heard in the papal Signature of Justice. Achille de Grassi and Łaski were scarcely able to obtain a suspension of hostilities lest a commission be assigned, but the matter was to be put off until the scheduled session of the council set for December. Łaski learned from Leo X that the king should provide information on how the matter should proceed. This was a cruel, unnecessary, and inopportune ploy to get the king involved in the case while he was preoccupied with the more important matter of fighting off the troops of Grand Duke Vasily. Besides, the king who was in Vilnius cannot act without taking the advice of his councilors and of the Senate back in Poland. For many years the affairs of the Knights were tranquil and they swore their oaths of loyalty to the king’s predecessors. Without the knowledge of


95 Letter of Zygmunt to Albrecht, 19 May 1514, in: Acta Tomiciana (as note 36), III, 99, letter 130: praesertim quod procuratores vestrae Illustrae in urbe Roma existentes impudice famam nostram et dignitatis nomen lacerare non verentur.


97 Letter of Peter Tomiczki to Jan de Lubranski, 30 May 1514, in: ibid., III, 101, letter 133.

the Senate, the king cannot send instructions to Łaski. Besides, the king was very burdened by the war with Moscovy. He has written to the pope asking for his clemency so that the matter of the Knights could be suspended until the king can return to his kingdom, receive the advice of his Senate, and then respond to the pope. Equity would seem to back this course of action and one should not fear that the king unprovoked would do something untoward. The king asked Cardinal Bakócz to write to the pope and to his friends among the cardinals on Zygmunt’s behalf in order to have the resolution of the conflict with the Knight postponed to a more opportune time and thus allow the king to concentrate his attention on defending the Christian Republic. Zygmunt wanted his brother King Vladislaus of Hungary and Bohemia to write in a similar vein to the pope and cardinals. In his opinion the current darts being hurled at him do not come from justice, but from a certain hatred of his neighbors. But he considered them of little importance for when God is on one’s side, who can be against him? He made similar complaints in a letter to his brother King Vladislaus, noting that his nephew Albrecht feels free to break sworn oaths whenever it pleases him. Without the king present, the Senate cannot meet and give advice on how to proceed with the case in Rome. He has asked the pope to suspend the case until Zygmunt can return to his kingdom and consult with the Senate.

In his letter from Rome to King Zygmunt of 14 February 1515, Łaski reported that the castellan Nicolaus Volski sent to Rome by the king to work on a resolution of the conflict with the Knights has characteristically little to show for his many labors. The Polish king had tried to send along with Volski as proof of his recent victory ten Moscovite nobles taken prisoner in battle and put in chains. On their way through German territory, however, the captives were intercepted and released on orders of Maximilian and sent back to Moscow. Volski pleased the pope by returning the spoils taken from them. But Łaski was bitter about the affair, and for the pope to accept this restitution was something seriously grave, unworthy, and contrary to what should be allowed. He let his complaints be known to cardinals de Grassi and Accolti, summoned to assist him. And he accused the Grand Master and his order of being the author and instigator of hatred. Łaski told the cardinals that the king had done nothing to provoke the anger and insults of Albrecht, but had expected instead a fitting love from his vassal and nephew. Łaski said that he did not know into whose custody or why

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The captives were released. Leo X promised the Polish ambassador that he would write two briefs, one to the emperor and the other to the Grand Master. He would urge the emperor to release the Moscovite captives and the Grand Master to proffer his owed oath of loyalty to the Polish king. Łaski claimed that the action of the emperor was full of injuries and insults, that the opposition of the Grand Master was unjust, and that the whole German nation has displayed hatred and spite toward the Poles. The pope has promised to provide protection and wants to accomplish much in the future session of the council scheduled for the middle of Lent of 1515, after Laetare Sunday. While still in Rome Łaski promised to work that the case between Poland and the Knights was either postponed or suspended or to do something else in a future session, but he planned to return to Poland soon after Easter and before Pentecost. In a subsequent letter of 19 March 1515, Łaski reported that Leo X wanted everything to be secured in part by the Prussians and by those who are allied with them, in order that the pope’s plans for a crusade can go forward. After the tenth session on 5 May 1515, both Volski and Łaski returned to Poland.

While Blankenfeld missed the tenth session, he returned for the final two. In the meantime he had been appointed bishop of Reval. On 28 July 1516 Albrecht gave Blankenfeld a commission to work for a papal decision in writing that would annul the perpetual peace agreement between the Knights and Poland and grant the Knights their independence from the Polish crown. Back in Poland Albrecht created disturbances by attacking Polish fortifications, robbing, killing, or taking prisoner Polish merchants and citizens, moving his army to the border of Samogitia, and encouraging Vasily to attack Poland. When Blankenfeld arrived in Rome in November, he soon discovered that the situation had changed during his absence. To his surprise, the new Polish ambassador did not show any hostility toward him. While cardinals dei Medici, Riario, and Pucci were still friendly and Leo X promised to provide him services, Blankenfeld’s mission was not going to succeed. He handed the pope his draft of a letter he hoped...
pope would sign that granted Albrecht’s wishes to be released from the earlier sworn treaties. While the pope wanted Albrecht’s participation in the proposed crusade against the Turks, the Grand Master had given only evasive answers to the papal request. In addition, Blankenfeld could no longer count on the assistance of Emperor Maximilian and his agents. After the Treaty of Vienna on 22 July 1515, the emperor abandoned the Knights in favor of his new allies, the Jagiellian kings of Hungary, Bohemia, and Poland. Blankenfeld concluded that the Polish party in Rome was too strong to overcome, that he could not secure Albrecht’s wishes, and that the best he could do was to see that the Grand Master’s position was not weakened.

Zygmunt wrote to Leo X from Vilnius on 7 November 1516 to complain about Albrecht. He accused him of causing disturbances and difficulties for him in Poland, of conspiring with Grand Duke Vasily of Moscovy against him, and of having sent an agent to Rome to work against him in the Roman curia. Instead of listening to Blankenfeld, let Leo give ear to the cardinal-protector of Poland, Achille de Grassi, and to the royal secretary, Stanislaw Goreczki, there in Rome.

Blankenfeld attended the eleventh and final twelfth sessions of the Lateran Council, where the topic of the conflict between the Knights and Poland never came up for discussion or action. Meanwhile Albrecht was negotiating a treaty with Vasily against Zygmunt. It was not until after yet another armed attempt in 1519 by Albrecht to assert the Knights’ independence had failed, that he finally gave up on his quest and signed a new

105 SCHÖRING (as note 79), 39; JOACHIM (as note 78), I, 283-84, App. 117 letter of Blankenfeld to Albrecht, 18 November 1516; apparently at Vienna, Maximilian agreed to exhort Albrecht to pay homage to Zygmunt, see: Acta Tomiciana (as note 36), III, 439, HUBATSCH (as note 78), 52, and C. KRÄMER, Beziehungen zwischen Albrecht von Brandenburg-Ansbach und Friedrich II. von Liegnitz: Ein Fürstenbriefwechsel 1514-1547, Darstellung und Quellen, Berlin 1977 (= Veröffentlichungen aus den Archiven preussischer Kulturbesitz 8), 20. In 1516 Maximilian declined to join forces with Vasily against Zygmunt because he had made a treaty with him to join in a crusade against the Turks, see: Acta Tomiciana (as note 36), IV, 1; according to a report from Buda of 14 August 1515, the treaty signers hanno concluso il governo di Prussia resti al ducho di Lituania fratello di do reali; et li mandar oratori in materia di far la expedition contra infidel: see: I diarii di Marino Sanuto (as note 51), XX, 552; the new Polish orator in Rome may have been either Laurentius Miedzyeski or Nicholas Volski and Stanislav Goreczki – see: Acta Tomiciana (as note 36), III, 97, 101, IV, 82.

106 Ibid., IV, 82, Document CII, Letter of Zygmunt to Leo X, Vilnius, 7 November 1516.

107 JOACHIM (as note 78), I, 294-98, App. 127-28, reports of 26 February and 6 March 1517 on treaty terms. On 10 March 1517 the treaty was concluded – see: HUBATSCH (as note 78), 61.
peace agreement at Toruń on 5 April 1521. The resolution of the conflict came on the battlefield and not from discussions in the Vatican palace or Lateran complex.

Immaculate Conception

Another topic that came before the attention of a conciliar deputation but was not resolved by the council was the question of the Immaculate Conception of Mary. When a large number of conciliar fathers asked Leo X to have the Lateran Council define the doctrine of the Immaculate Conception, he turned to Tommaso de Vio (Cajetan, 1469-1534), the master general of the Order of Preachers, to prepare a votum or formal opinion on the topic. The Dominicans were in the forefront of opposing this teaching, despite the rulings in its favor by the remnant of the Council of Basel (Elucidantibus of 1439) and by Pope Sixtus IV (1414-84, pope 1471-84) (Cum praecesta of 1477 and Grave nimis of 1482 and 1483). Not deterred by the papal warning not to engage in heated debates on the topic that involved accusing one’s opponent of heresy, the Dominican Vicenzo Bandello (1435-1506) had held a debate in the presence of Duke Ercole I d’Este (1433-1505, duke 1471-1505) in Ferrara during Lent of 1474 in which he cited two-hundred-and sixty sacred authors who taught that Mary was conceived with original sin. He claimed that this sin was later removed by the blood of her Son. Because of the duke’s interest in the topic, Bandello dedicate to him his book entitled Liber recollectorius auctoritatum de veritate conceptionis beatae Virginis Mariae that was published in Milan in 1475 and republished there by Leonardo Vegio on 5 March 1512 under the title Tractatus de singulari puritate et prerogativa conceptionis salvatoris nostri Iesu Christi. The Dominican Isidoro Isolani (c. 1477-1528) published a work in Milan two years earlier in 1510 that tried to defend the traditional position of his order as probably just as

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108 H. KOWALSKA, Sigismund I king of Poland, in: Biographical Register (as note 29), III, 249-51; for the text of the 1521 treaty, see: JOACHIM (as note 78), II, 387-90, Nr. 191.
correct as that of their opponents the Franciscans. In the Swiss city of Berne in 1506 four Dominicans were implicated in fabricating nocturnal apparitions of Our Lady to the illiterate novice Hans Jetzer in which Mary stated that she was conceived in sin. The falsification was detected, the case became a cause celebre, and eventually Achille de Grassi was sent from Rome to preside over a tribunal that condemned the Dominicans to death by fire on 24 May 1509. In Germany the Dominican Wigand Wirt (1460-1519) was an ardent polemicist against the teaching of the Immaculate Conception and went so far as to accuse his opponents of heresy. They took the case to Rome where on 22 October 1512 a decision was rendered against Wirt and he was forced to read a public submission in Heidelberg on 24 February 1513. At the time of the Lateran Council, the Dominicans were clearly on the defensive regarding their opposition to the doctrine of the Immaculate Conception 110.

As general of the order de Vio tried to limit any damage by arguing that the council should not make a declaration, but the matter should be left to the pope to decide. In August of 1515 he published his De conceptione beatae Mariae virginis ad Leonem decimum. In it he complained that a secret of the Christian faith that befits only the nature of God to know, such as whether or not Mary was preserved in the womb from original sin, has now been placed on the agenda for a decision by the Lateran synod. De Vio argued that in order to maintain that Christ redeemed in time everyone, it is necessary to posit that there was in Mary at least the tendency to original sin; and had it not been for the intervention of grace, she would have contracted actual original sin. He cited as proof the Pauline teaching that all men have sinned 111. To counter the claim that an ecumenical council had

110 Ibid.; Horst, Dogma und Theologie (as note 109), 34-76, 105; Vincentius Bandelius de Castro Novo, Terdonensis diocesis, OP, Opus de singulari prerogativa conceptionis domini nostri iesu Christi, Milan: apud Leonardum Vegium, 1512, fols. 1’ (debate), 3’ (title with the word salvatoris found in the debate before duke), 82’ (BVM conceived with original sin removed by the blood of her Son), 84’ (title with word domini, cites 260 authors); on the Jetzer affair, see: A. Büchi, Le cardinal Mathieu Schiner, adapted from the German by A. Donnet, Neuchatel 1950, 58-65; on Wirt, see: B. Cavanaugh, Wirt, Wigand, in: NCE 1 (1967) XIV, 964. F. Lauchert, Der Dominikaner Wigand Wirt und seine Streitigkeiten in: HJ 18 (1897) 759-791, and C. Schmitt, La controverse allemande de l’Immaculée Conception: Intervention et le procès de Wigand Wirt, O.P. (1494-1513), in: AFP 45 (1952) 397-450.

111 Thomas de Vio, De conceptione beatae Mariae (as note 109) 157; the supporting Pauline texts were Rom. 3: 23 and 5: 12 and II Cor. 5: 19. F. Lauchert, Der Dominikaner Wigand Wirt und seine Streitigkeiten in: HJ 18 (1897) 759-791, and C. Schmitt, La controverse allemande de l’Immaculée Conception: Intervention et le procès de Wigand Wirt, O. P. (1494-1513), in: AFP 45 (1952) 397-450.
declared the Immaculate Conception a dogma of the Church, de Vio pointed out that the declaration *Elucidantibus* of Basel was made by a rump assembly after the true council had been transferred to Ferrara and hence the decree had no validity, and moreover the Council of Florence in its bull of Union with the Copts, *Cantate Domino* of 4 February 1442, had explicitly taught that *never was anyone, conceived by a man and a woman, liberated from the devil’s dominion except by faith in our lord Jesus Christ ... [who] unlocked the entrance to the heavenly kingdom, which the first man by his sin had locked against himself and all his posterity*. Mary was thus implicitly not exempted from original sin.

Protesting that he is submitting his thinking on the matter to the correction and judgment of the pontiff, de Vio provides Leo X with a carefully reasoned presentation of the arguments. Ordinarily, matters of faith can be determined by revelation found in the Bible, tradition, the decrees of the Holy See made with or without the support of a council, the writings of saints and holy doctors, and in reasoning that is consonant with them. In an extraordinary way, a teaching can also be shown to be true due to supporting miracles, but great care needs to be taken due to the deceptions of the devil and human dishonesty. One does not need to believe in Mary’s Immaculate Conception or her bodily assumption into heaven. They are only probably true and to deny them is not heresy. The contrary teaching seems to be more probable and consistent with the Bible. De Vio cites fifteen church fathers, such as Augustine and Ambrose, and holy doctors of the likes of Anselm, Bernard, Bonaventure, Thomas Aquinas, and Bernardino da Siena, who taught that Mary was conceived in original sin. The arguments in favor of her Immaculate Conception are flawed and weak. Given the testimony contesting this teaching of so many holy men whom the Holy Spirit would not allow to teach contrary to the faith, the pope would be wise to follow the example of Clement V (1305-14) in the Council of Vienne (1311-12) and side with the more probable opinion based on the teachings of saints and doctors. Christ has placed Leo in this holy Lateran synod as the arbiter of the Christian religion. May the pope firmly embrace the truth and not be pressured by crowds agitating in favor of the Immaculate Conception. While Leo X and the Lateran Council had gone against

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113 THOMAS DE VIO, *De conceptione beatae Mariae* (as note 109), 137-42. De Vio claimed (142: 78) that the Franciscan theologians John Duns Scotus (c. 1266-1308), François of Meyronnes (c. 1285-c. 1328), and Pierre Aureoli (c. 1280-1322), who argued in favor of the Immaculate Conception, were not following the teachings of other members of their order. In his decree
the Dominicans on the issue of the *montes pietatis*, they took no stand on the Immaculate Conception.

**Reuchlin Affair**

Requests were made that the Lateran Council become involved in the controversy over the burning of Hebrew literature containing anti-Christian passages\(^\text{114}\). Emperor Maximilian I in 1509 had authorized the confiscation and destruction of Hebrew books found to be offensive to the Christian religion. This edict provoked much protest and eventually the Christian jurist and scholar of the Hebrew language Johannes Reuchlin (1455-1522) was consulted for his professional opinion. In his *Ratschlag* of 1510 he opposed the edict on the grounds that it violated imperial law protecting the Jews\(^\text{115}\). Following his advice, the emperor restored to the Jews the books that had been confiscated. A pamphlet war ensued between Johannes Pfefferkorn (1469-1522/23) with his Dominican allies and Reuchlin with his humanist supporters\(^\text{116}\). The pamphlet of Reuchlin entitled *Augenspiegel* (1511) was initially condemned by the theological faculty of the University of Köln and Maximilian in 1512 prohibited its sale. Reuchlin appealed the decision in his *Defensio contra caluminatores suos Colonienses* (1513), a pamphlet the emperor tried to suppress. The theologians at Köln, supported by their colleagues at Louvain, Mainz, and Erfurt, formally condemned the *Augenspiegel* in 1513. When the Dominican inquisitor Jacob van Hoogstraeten (c. 1460-1527) cited Reuchlin to appear before his tribunal, the accused appealed to Leo X who ordered that the case be heard in Germany where in

on baptism at Vienne, Clement noted the diversity of opinions among theologians on the effects of baptism and sided with what he considered the more probable and consonant with the teachings of saints and modern doctors, namely that sanctifying grace and virtues are conferred on both infants and adults. See: ALBERGO - TANNER, Decrees of Ecumenical Councils (as note 1), I, 361: 20-24.


\(^{116}\) J. H. O'VERFIELD, A New Look at the Reuchlin Affair, in: SMRH 8 (1971) 165-207 argues that a clear division between theologians and humanists is inaccurate.
1514 Hoogstraeten was found culpable, ordered to keep silent, and fined. But Hoogstraeten appealed directly to the pope and secured a stay of the penalty\(^{117}\). King Louis XII of France (1462-1515, king 1498-1515) and the theological faculty of the University of Paris came out against the Augen-\(\text{spiegel}\) in 1514, as did also François I (1494-1547, king 1515-47) in 1515. Leo X entrusted the hearing of the case to two cardinals, Domenico Grimani (1461-1523) and Pietro Accolti (1455-1532), and set up a twenty-two-member commission to aid them, of which only five members were from the conciliar deputation on the faith. When the work of the commission dragged on, Hoogstraeten urged that the case be taken away from the commission and be entrusted directly to the Lateran Council. Archduke Charles von Habsburg of Burgundy (1500-56, archduke of Burgundy 1506-55, later emperor) in May of 1515 urged the same\(^{118}\).

The decree on preventive censorship of printed books of the tenth session of the Lateran Council on 4 May 1515, *Inter sollicitudines*, can be seen as an attempt to address the issue indirectly, while never mentioning Reuchlin by name. If observed, it would have put an end to the pamphlet warfare, unless the protagonists could have found a bishop willing to grant them his *imprimatur*. The majority of the members of the extra-conciliar commission that heard the case were favorable to Reuchlin and ready to render their verdict in 1516, but Leo ordered a suspension in the proceedings. He did not refer it to the council, but waited until after the council’s close, issuing a decision against Reuchlin on 23 June 1520\(^{119}\). As in the other cases here reviewed, Leo X carefully controlled the Lateran Council. Not everything proposed for its consideration was allowed to be discussed and decided by the council.

“Occasionem scandalorum in ecclesia Dei ... apud ... inquietos et turbulentos spiritus”

In his report to Emperor Maximilian on why he advised the pope to bring the council to a conclusion, Pio stated that synods should not be *perpetual*. The Lateran Council has already lasted many years, more than the matters required, and had given an occasion for scandals in the Church of God.


\(^{119}\) VON PASTOR (as note 114), VIII, 323-25.
Wickedness, iniquity, and temerity always provide opportunities for restless and turbulent souls. Thus it would be wise to take away from them any possibility for burdening anew and abusing the synod by perverting it from the purposes for which it was convoked. The actions of the prelates which Pio saw as threatening and disruptive of the council probably had little to do with the unfinished business of the council, but with the bishops’ earlier demands for a rescission of the exemption of the mendicant friars and for the establishment of an episcopal college in the Roman Curia to advance their interests. They had threatened to vote down other measures and boycott the sessions if their demands were not met. Because of the adamant opposition of the College of Cardinals to the establishment of a rival college of bishops, Leo was forced to impose a perpetual silence on the proposal. Only with great difficulty could he get the bishops to agree to merely a modest reduction in the friars’ privileges. The bishops were also calling for a sweeping reform of the various religious orders to be mandated through the council. The generals of the orders tried to head this off by handling the reform themselves in their general chapters. Both Christian rulers and the bishops looked to the council to find a solution to the endless and bitter quarrels among the Friars Minor which previous popes had failed to end. Leo X established a commission of four cardinals (Pucci, Carvajal, Grimani, and Accolti) to study the matter, but its recommendations were not yet available.

But it was not only prelates who could be the source of disturbances in the council. The ambassadors of rulers, Roman officials and barons, and knights all quarreled over places of honor. The master of ceremonies, in his capacity as the council’s official assigner of seats, tried to impose order.

Popes Julius II and Leo X also got involved in the controversies. A ruling by the council could have carried great weight, but there is no record of discussions on this issue in the conciliar deputation on peace 124.

Pio feared that if the council continued, there was the danger that the bishops might return to their earlier demands and press for more sweeping reforms in the Curia and among the mendicants whom he strongly supported. He claimed that the cardinals, many prelates, and the Spanish ambassador were all for terminating the council. But other ambassadors, and especially the French, were opposed. Leo X, however, inclined toward bringing the council to a close 125.

The Closing of the Council

At the twelfth session a draft of the bull *Constituti iuxta verbum*, that put an end to the council, was put to a vote of the conciliar fathers. According to the official acta of the council, sixteen bishops protested against the provision in the bull that imposed a one-tenth tax for three years on ecclesiastical benefices to support a crusade that had not yet begun. According to Bishop Beltramo Costabili of Adria, the wording of the bull confirming everything done in the council needed to be revised to confirm only those things that had been proposed and expedited by the council. Bishop Bernardo Rossi of Treviso was willing to confirm only those things to which he had already agreed. Two prelates openly opposed the closing of the council: Archbishop Geremia Contughi of Krain and Bishop Francisco Bobadilla of Salamanca. Earlier Bishop Domenico Scriboni of Imola had also opposed the closing with the imposition of a tithe. While he still opposed the tithe, his opposition to the closing was not recorded in the acta 126. According to the diary of Paride de Grassi, the final vote was much closer than the acta suggested: *many, and almost the majority, said that it was not only not the time for closing the council, but rather for opening it, and also of not imposing any tithe, especially because there was not any hope of an expedition against the Turks; but if there actually is one, and in truth an expedition then happens, also there should be a tax of one-tenth. Which votes, as I said, were all together many, so that scarcely*

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125 Minnich, Function of Sacred Scripture (as note 45), 329 n. 26.

126 *Mansi 992D-93A, here 992E (Contughi and Bobadilla), 979E and 993A (Scriboni).
did the proposal win approval. Nonetheless, there were two or three more votes for the pope, than against him\(^{127}\).

Having sat for five years under two popes, the Lateran Council finally came to an end. Leo X rose from his throne, intoned the *Te Deum laudamus*, gave a final blessing, ordered the cardinal deacon to publish a plenary indulgence for the participants, processed out of the conciliar chamber in the Lateran Basilica, and rode triumphantly back to the Apostolic Palace\(^ {128}\). While the majority of the council members considered the synod a success that had accomplished the goals set for it, as claimed by the bull *Constituti iuxta verbum*, an Augustinian friar in Wittenberg complained that it had wasted its energies on mere ceremonies and had left unfinished a serious reform of the Church\(^ {129}\). Ironically, the council’s master of ceremonies, Pa-ride de Grassi, had a somewhat similar assessment. He felt that the council had spent its energies on *many insignificant and almost futile, do I not say, puerile issues*. He found some comfort though in the fact that the council was finally over and totally dissolved\(^ {130}\).

Despite the bold assertions to the contrary by the bull *Constituti iuxta verbum* that closed the council, the Fifth Lateran Council did not accomplish all the goals set for it, as has been demonstrated by the survey of its unfinished business. That same review of its failed efforts to reform the calendar, to bring the Hussites and Ruthenians back to church unity, to restore peace between the Teutonic Knights and King of Poland, to resolve the controversy over the Immaculate Conception, and to deal with other matters also clearly proves that it was not engaged in mere ceremonies and insignificant, even puerile matters. A study of the decrees it promulgated would also confirm this conclusion.

\(^{127}\) Dykmans (as note 2), 369 (1231: 8): *que cedula fuit quasi perdita in tractatu et votis prelatorum, quia multi, et fere major pars dixerunt non esse tempus claudendi concilium modo, immo potius aperiendi, ac etiam non ponendi aliquas decimas, presertim quia non est spes de expeditione illa contra Turchas, sed si actualiter, et in veritate expeditio tunc fiat, etiam exactio decimarum. Que vota, ut dixi, fuerunt in multa summa, ita vix evicta sit propositio. Tamen in duobus aut tribus plura fuerunt pro papa quam contra eum.*

\(^{128}\) Dykmans (as note 2), 369 (1231: 9); Mansi (as note 3), 993B.

\(^{129}\) D. Martin Luthers Werke: Kritische Gesamtausgabe (Weimarer Ausgabe), 5. Band, Weimar 1892, 345, lines 22-26: *Quid Constantiens, quid Basiliensis promotum est in hanc rem, ut taceam istud novissimi Concilii ludibrium? Quid est iste Spiritus sanctus, qui legitima (ut iactant) Synodo coacta nihil curat Ecclesiae suae correctionem, sed tantum ceremoniis perdit omnes dies Concilii?*

\(^{130}\) Dykmans (as note 2), 369 (1231: 10): *Tandem finitum est et penitus dissolutum cum gratiarum actione apud Deum et pontificem maximum, licet pleraque levia et pene futilia, ne dicam puerilia tractata fuerunt, ut supra de singulis scripti.*