



Nationality at the Council of Constance: An Anglo-French Dispute

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NATIONALITY AT THE COUNCIL OF CONSTANCE

AN ANGLO-FRENCH DISPUTE

EVERYONE in these days talks of nationalism and views with satisfaction or dismay the spread of the idea of nationality around the globe from Europe to Cathay. A few have the curiosity to wonder when and how this idea first made its appearance in modern Europe but find among the learned no agreed answer as yet to their question. One may recall Luther's appeals to folk consciousness as a force to array Germans against an Italian pope or look back a century earlier to the enthusiasm kindled by Jeanne d'Arc for the deliverance of France from the alien English or discover still earlier traces of discrimination between peoples on ground of differences in blood, manners, language, climate, or political allegiance and call these the beginnings of nationalism.¹

It is doubtless impossible to name any event of which one may confidently assert that it reveals a modern nation in the very act of emerging into conscious existence, a nation, that is to say, as distinct from an earlier clan, tribe, province, or kingdom. But one may take it as presumptive proof that something at least resembling what we now call nationalism had arrived when one discovers the word "natio" defined in almost a modern sense in the course of an argument at the Council of Constance over the right of one people to rank as a nation in that international assembly. The phenomenon, one would suppose, must even have existed for a considerable time when an old word is interpreted in a new way to give it a name, especially when the phenomenon is not so much a new material creation as a new social complex of attitudes and relationships, marking a new shift in popular interests and loyalties of the sort that comes about slowly and is seldom remarked at once. A few years previously another old word had been given a fresh definition. "Humanitas" and "studia humanitatis" meant in the fourteenth century something different from what they had meant to Cicero or to the twelfth and thirteenth century schools. But

¹ For evidence of so-called German national feeling as far back as Charlemagne see K. G. Hugelmann, "Die deutsche Nation und der deutsche Nationalstaat im Mittelalter". *Historisches Jahrbuch*, LI (1931), 1-29, 445-84.

the movement for the revival of classical letters was in its third generation before the old word was reinterpreted to furnish it a name.²

In the Middle Ages the word "natio", whether in Latin or in one of its vernacular forms, had been used in several senses, each of them simpler than the modern. At times it had merely the old Roman meaning of "gens" or "familia", family, kindred, a group of persons nearly related by blood. Hear the Wife of Bath lamenting:

Allas! that any of my nacioun
Sholde evere so foule disparaged be!³

In the plural it might take on the more comprehensive sense, in which it had been used by Cicero and St. Jerome, of "gentes", "populi", the indefinite hordes of humankind outside either the Roman state or the Jewish or Christian scheme of salvation. "Salve nos fac Domine Deus noster et congrega nos de nationibus", the Psalmist prayed.⁴ Or, in a medieval context, it might denote the countryside in which a man was born, his native region, "patria". "Qui por amor de vos avoie ma terre lessiee et la douçor de ma nacion", protests the king of Sarras to Joseph of Arimathea in a thirteenth century romance of the Holy Grail.⁵ Or, finally, it might mean any group of persons connected by bonds of common traits or pursuits, especially if to these were added further ties of common birthplace, language, or habitation.

Among the gentil nacion
Love is an occupacion,

sang Gower, with the gentlefolk of all Europe in his mind.⁶ Whereas Wyclif was indubitably thinking only of men bred in England when he spoke of "gospels of Crist written in Englische, to moost lernyng of oure nacioun".⁷

The bands of foreign merchants who established themselves for trade in medieval cities and of masters of arts in medieval universities, organized on the basis of the provenance of their members, were called "nations". In both merchant community and university the primary requirement for the erection of a nation seems to have been the

² Coluccio Salutati, *Epistolario*, ed. by Francesco Novati (4 vols. in 5, Rome, 1891-1911), III, 534-36.

³ Chaucer, *Wife of Bath's Tale*, ll. 212-13.

⁴ Vulgate, Psalm CV, 47; King James's version, CVI, 47.

⁵ *La queste del Saint Graal*, ed. by Albert Pauphilet (Paris, 1923), 34, ll. 2-3. This reference I owe to Miss Winifred Sturdevant.

⁶ John Gower, *Confessio amantis*, bk. iv, ll. 1451-52.

⁷ *Select English Works of John Wyclif*, ed. by Thomas Arnold (3 vols., Oxford, 1869-71), III, 393.

presence of enough men from a single locality, speaking the same dialect and addicted to the same habits, to function as a unit for the purpose in view. The relative size or importance of the locality whence they came mattered not at all. The silk merchants of Lucca had their nations in Genoa, Rome, Paris, Bruges, and London.⁸ At the University of Paris the nation from the comparatively small home province of the Isle de France counted for as much as the nation that included the masters from all England and Germany. In most universities the number of nations was early fixed by custom at four, and thereafter men from regions without a nation of their own were assigned to membership in that one of the four which seemed geographically most appropriate. Once started, the life of these nations went on under their elected officers, proctors, receptors, beadles, and the like, with little or no more reference, apparently, to the home region, except when it became necessary to draw more clearly the boundary that separated one region from another in order to determine to which of two nations a newcomer at the university belonged.⁹ After all, the members were in Paris or Orleans or Toulouse for their own individual advancement, and the nations existed for their convenience and for nothing else.¹⁰

The nations that presently appeared at ecumenical church councils, however, were from the outset a somewhat different thing.¹¹ We hear of them first at Lyons in 1274, when Gregory X, in order to drive through, against the resistance of his cardinals, some measures of reform relating especially to the conduct of papal elections, met the archbishops and abbots of the council "by nations" secretly between sessions and at these meetings got their written consent to his proposals. The cardinals retorted by holding meetings of nations too, but quite in vain.¹² At Vienne, in 1311-12, when the business of the Knights

⁸ James Westfall Thompson, *Economic and Social History of Europe in the Later Middle Ages, 1300-1530* (New York, 1931), p. 253.

⁹ See Gray C. Boyce, "The Controversy over the Boundary between the English and Picard Nations in the University of Paris", *Études d'histoire dédiées à la mémoire de Henri Pirenne* (Brussels, 1937).

¹⁰ Boyce, *The English-German Nation in the University of Paris during the Middle Ages* (Bruges, 1927), pp. 14-15, 25-28.

¹¹ The common practice of comparing the nations of church councils with university nations tends to obscure the difference, as, for example, in Boyce, *English-German Nation*, p. 13; A. Diehl, "Heiliges Römisches Reich Deutscher Nation", *Historische Zeitschrift*, CLVI, 461; Eustace J. Kitts, *Pope John the Twenty-third and Master John Hus of Bohemia* (London, 1910), p. 282; M. Creighton, *History of the Papacy from the Great Schism to the Sack of Rome* (London, 1899-1901), I, 318.

¹² G. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio*, XXIV, 66.

Templars was pending, Clement V conferred with certain archbishops whom he had caused to be elected for the purpose from several kingdoms and called for the final votes of the prelates in order of their "nations", Italians first, then Spaniards, Germans, Danes, English, Scotch, Irish, and French.¹³ At both councils it seems clear that the pope utilized the deepseated differences that existed between these various groups of clergy to break up the unity that properly should have characterized an ecclesiastical assembly and impose his own will. At Vienne, certainly, the nations were divided along the main regional and political lines of Western Europe, all Italians together, and likewise all Spaniards, all Germans, all Scandinavians, and all Frenchmen. Only the delegates from the small kingdoms of the British Isles, clustering in little groups, amalgamated no further.

At Pisa, in 1409, there was but one nation from the British Isles, and the character and purpose of all the nations were still more altered. Called by the cardinals in the hope of ending the Great Schism and lacking the sanction of either pope or emperor, this council had to justify somehow its assumption of power, and to do so fell back on the theories of Marsiglio of Padua, William of Ockham, and their followers, to wit, that a general council represented the universal church and hence possessed full authority, even without a pope, to act for the good of the church, that it was, in fact, superior to a pope. Under such circumstances it was eminently desirable that the most influential peoples and governments who had sent deputations to its sessions should feel that their views were indeed represented in the conduct of proceedings. As a way to ensure this result, the envoys from Italy, France, Germany, and Britain, of their own accord, began meeting apart, each group by itself, and appointing a spokesman to present their opinions to the council. Robert Hallam, bishop of Salisbury, was the mouthpiece for "the English nation" and Simon de Cramaud, who carried the title of patriarch of Alexandria, for the French and Provençal nation.¹⁴ There were no representatives from Spain, which still remained loyal to the pope at Avignon.

By general consent membership on important commissions was divided among these four nations.¹⁵ They each chose deputies to

¹³ Ewald Müller, *Das Konzil von Vienne, 1311-1312, seine Quellen und seine Geschichte*, in the *Vorreformationsgeschichtliche Forschungen* (Münster, 1934), pp. 99, 108, 113-14.

¹⁴ *Chronique du religieux de Saint-Denis* (Paris, 1839-52), bk. xxx, ch. 3, Vol. IV, pp. 228, 230, in the *Collection de documents inédits sur l'histoire de France*.

¹⁵ Mansi, XXVI, 1219; XXVII, 7, 266.

attend the meetings of the cardinals, who were acting as official heads of the assembly, in order to report back what was said and done there.¹⁶ Still sitting separately, each nation came to its own decision on the questions at issue and voted as a unit when it met the other nations in sessions of the council as a whole.¹⁷ These nations were definitely representative bodies, basing their claim to a voice not on the number or status of the members present at Pisa but on the power and importance of the land whence they came. The English were one of the four nations, although in that gathering of over five hundred there were said to be only fifteen Englishmen.¹⁸

Five years later the Council of Constance was convened by a pope and an emperor-elect and attended by them both, but there was still schism and discord in Europe and no universally accepted head. Again, therefore, the authority of the council was declared to rest on its representative character, and again the four nations promptly appeared, this time as even more aggressive elements in the situation, with positive wills and policies of their own.¹⁹ When in February, 1415, it was necessary to begin voting on a method to end the schism and Pope John XXIII's host of Italians threatened to outvote all the others, the English and the Germans proposed that each nation should again cast its vote in the sessions as a unit, no count being taken of individuals. The French nation, after some hesitation, concurred. In this way the nations at Constance became, as at Pisa, constituent parts of the council and the council itself distinctly a federation of nations under the sanction of the emperor. For a time even the cardinals were forbidden to act or vote as a college and were instructed to join their nations. The nations were formally organized, each with its president, deputies, and notaries, its seal and bank of seats in the cathedral, and its private hall

¹⁶ *Ibid.*, XXVII, 7-8.

¹⁷ Anonymous letter to the Council of Constance, Heinrich Finke, ed., *Acta Concilii Constantiensis* (Münster, 1896-1928), III, 101.

¹⁸ There were but eight members in the English royal delegation, Jacques Lenfant, *Histoire du Concile de Pise* (Amsterdam, 1724), p. 26.

¹⁹ The council was opened on November 5, 1414. On December 7 there were speakers for the Italian and the English nations. A. Fillastre, "Gesta Concilii Constantiensis", in Finke, II, 17; Cerretano, "Liber gestorum", Finke, II, 197. Not long afterward Cardinal d'Ailly proposed that a committee on order of procedure be appointed, with members chosen from each nation, to prepare business between sessions. Hermann von der Hardt, *Magnum oecumenicum Constantiense Concilium* (6 vols. in 4, Frankfurt, 1700), II, 197. He repeated the suggestion in January. Finke, III, 55. On January 7 the envoys from the University of Cologne wrote of attending meetings of the German nation. Edmond Martene and Ursin Durand, *Thesaurus novus anecdotorum* (Paris, 1717), II, 1610.

of meeting, where it assembled regularly three mornings a week to discuss and vote on each question as it arose. The votes of the nations having been harmonized by the efforts of the commission of general deputies or central steering board, composed of representatives from each nation, the council gathered in stately session in the cathedral and publicly ratified the conclusions already reached by the nations in their separate meetings.²⁰

As to what groups should be recognized as nations for purposes of separate participation in the council there seems at the beginning to have been no dispute. No Spaniards joined the council during the first year, and the Italians, French, Germans, and English carried over from Pisa without, apparently, much opposition. For a moment the Emperor Sigismund hoped that his Hungarians might be admitted as a fifth nation, but his wish, however it may have been expressed, was disregarded.²¹ Hungarians, Czechs, Poles, Danes, and Swedes joined the German nation and made what impression they could on its proceedings. The Italian nation took in the prelates from Dalmatia, Cyprus, and Greece. Yet it was understood that, ideally at least, each nation was distinguished from the rest by some degree of homogeneity in its membership, particularly as regarded language. The French nation embraced the delegates from Savoy, Provence, and much of Lorraine, provinces of the Empire, because they spoke the French tongue and were therefore of that nation.²² At the same time the word "nation" was frequently used to denote the people at home represented by the nation at Constance. They were also a unity of some sort, linguistic, geographic, or racial.

Contemporary writers describing the organization at Constance seem not as a rule to have remarked any particular resemblance between it and the familiar organization of the universities, beyond the fact that in both there was corporate voting.²³ On the other hand, every now and again there are references to current theories of corporate representation in law, politics, or business and to the responsibilities of the nations at the council to the greater nations at home. "As

²⁰ For more details of this procedure see Louise R. Loomis, "The Organization by Nations at Constance", *Church History*, I (1932), 191-210.

²¹ Only one chronicler mentions this ambition of Sigismund: William of Turre, "Acta concilii", Finke, II, 351.

²² Bibliothèque nationale MS. Latin, 1450, fol. 62^r, quoted by Noël Valois, *La France et le grand schisme d'Occident* (4 vols., Paris, 1896-1902), IV, 283, n. 2.

²³ Peter de Pulka, envoy from the University of Vienna, writes back to his colleagues that the nations at Constance vote as faculties do in universities. "Epistolae", II (Feb. 7, 1415), in *Archiv für Kunde österreichischer Geschichts-Quellen*, XV, 14.

the rights of an entire college or corporation", said an English spokesman, "may be lodged, we know, in one person or two, so the rights of a whole nation may and should reside in one or two persons in a general council, for they represent not themselves alone but innumerable others."²⁴ The French demanded a reform of the annates system so that when they returned home "they might report the efforts they had made to the princes, prelates, and other clergy who had stayed behind and not be thought to have acquiesced tamely in abuses".²⁵

The organization by nations at Constance seemed at first thoroughly successful. It reduced the Italian vote to one in four, put through rapidly the deposition of John XXIII and the execution of John Hus, received the abdication of Gregory XII, and started proceedings against Benedict XIII. In July, 1415, Sigismund left Constance on a trip to the south to win over the Spaniards, Benedict's sole remaining supporters. In Sigismund's absence the council was to take up the needed work of reform and the further eradication of heresy. And herewith began the troubles within and between the nations that reached their climax in the French attack on the right of England to retain her status as one of the four nations that made up the council.

The mood of elation that had marked the earlier months of accomplishment faded when the council was faced with issues no longer comparatively simple but complicated and distorted by every sort of prejudice and passion, political, institutional, and personal. Practically everyone but a few negligible Bohemians had agreed on the condemnation of Hus, but when it came to Jean Petit and his doctrine of tyrannicide, it was a different matter. From the outset the French nation at Constance had been the least united, reflecting, as it did, the divisions in the country whence it came and combining in one uneasy company the ambassadors of Charles VI, then under the domination of the Orleanist party, the deputies of the duke of Burgundy, himself almost an independent sovereign and the Orleanists' mortal enemy, the delegates from the nobility, clergy, and universities of the French kingdom at large, loyal for the most part to their poor, crazed king but distrustful of both the violent parties that fought for possession of his unhappy person, and, finally, the envoys from the French-speaking

²⁴ Hardt, V, 97.

²⁵ French nation, "Declaratio de annatis non solvendis", *ibid.*, I, 785. See also the unwillingness professed by the French to embark on new business that might impede their carrying out of the mandate with which they were sent to Constance, as described below, pp. 519-20. For a description of the election of representatives from the French clergy to the council see Valois, IV, 256 ff.

provinces of the Empire with their varying interests and points of view. The case of Petit split the nation wide apart. The royal ambassadors, supported by Jean Gerson, chancellor of the University of Paris, and by the most eminent French cardinal, Pierre d'Ailly, called on the council to condemn the perilous and heretical theory of tyrannicide as propounded by Doctor Jean Petit in order to defend the duke of Burgundy's murder of the king's younger brother, the duke of Orleans, in 1407. The theory had already been condemned by an episcopal court at Paris. A special panel of judges from different nations was accordingly appointed, as for the case of Hus. But the agents of Burgundy, among whom was Bishop Pierre Cauchon, later to win greater notoriety at the trial of Jeanne d'Arc, resorted to every ingenious argument, counteraccusation, and threat and eventually prevailed on the court to confine its inquiry to the question of the legality of the episcopal trial at Paris and, in January, 1416, to annul the verdict as irregular and void.

This signal victory obtained by the Burgundians over the representatives of Charles VI aroused a storm of bitter discussion that raged through the following spring and summer and exacerbated many of the meetings of the council. An additional cause of French unhappiness was the news of the disaster to the king's forces at Agincourt, in October, 1415, and of the subsequent English advance through Normandy. In the summer of 1416 the French complained that business of importance to everyone was being smuggled through the commission of general deputies without the knowledge of the nations. The deputies from the French nation then on the commission happened to include several Burgundian sympathizers. Their president was known to be on close terms with Sigismund.²⁶ There was a feeling that French interests were being sacrificed by the treacherous Burgundians to the English and the Germans. An attempt on the part of a French contingent to join with the cardinals and the Italians to bring about the adoption of stricter rules of order, requiring open and thorough discussion of every matter by both college and nations, was foiled by English and German opposition.²⁷

The resentment of the French royalist party against the Burgundians and their associates, the Anglo-German bloc, was intensified

²⁶ The president was Jean Mauroux, patriarch of Antioch, "a snake in the grass", D'Ailly called him.

²⁷ On this episode see Fillastre, "Gesta", Finke, II, 65, 71, 72, and Peter de Pulka's letter of August 29, 1416, *Arch. Kunde Öst. Gesch.*, XV, 48. The text of the proposed rules is in Finke, II, 742-58.

still more by the news that arrived early in the fall of 1416 that Sigismund in the course of his travels had abandoned his original notion of acting as impartial mediator between the French and English kings and had signed a treaty of active alliance with Henry V and met the duke of Burgundy in amicable conference;²⁸ also, that the duke had sent instructions to his subjects at Constance to co-operate in every way with the English and the Germans.²⁹ The one consolation lay in the arrival of a small but proportionately haughty embassy from Aragon, who demanded as the price of their joining the council a place in it suitable to their dignity, certainly not the last seats in the cathedral, below the English.³⁰

In the midst of simmering agitation, on October 1, 1416, Cardinal d'Ailly read to a meeting in the parish church of St. Paul his newly finished treatise, *De ecclesiastica potestate*, which contained, along with a scholarly defense of conciliar authority in general, a short but sharp attack on the national system, which he with his nation had once accepted. It had, he announced, by this time gone far to destroy the essential nature of a church council, its unity. "Do the four nations, as distinguished in this sacred council . . . excluding the college of cardinals, in fact constitute a general council?" he asked. "Are they not rather several particular councils, very unequally and disproportionately divided, coming to separate conclusions?" Granted that under the circumstances some division of the membership had been desirable at the beginning, there were precedents to indicate how it should have been carried out. Pope Benedict XII, in his bull *Vas electionis*, had divided the Roman obedience into four parts: the first comprising France, Navarre, and Majorca; the second, Germany, England, Hungary, Poland, Norway, Denmark, etc.; the third, the Spanish kingdoms; and the fourth, Italy, Sicily, Sardinia, Corsica, Greece, Slavonia, and Cyprus. Now that the Spaniards were assuming their rightful place in the council, the reason for the continuance of England as a separate nation existed no longer. The council should be reorganized on the lines laid down by Benedict XII and England reduced to her proper position as a part of the great German nation.

²⁸ When Sigismund left Constance, the duke of Burgundy was his hardly concealed enemy, and Sigismund went south by way of Savoy to avoid the risk of journeying through Burgundian territory.

²⁹ Letter of the duke of Burgundy, Aug. 26, 1416, in Joannes Gerson, *Opera*, ed. by Du Pin (5 vols., Antwerp, 1706), V, 672-73.

³⁰ D'Ailly, "Responsiones ad quaedam interrogatoria", Gerson, V, 693.

As additional proof to show the subordinate place England should occupy, D'Ailly cited a second bull of Benedict XII, which divided Western Christendom into thirty-six provinces for the holding of local synods by the Black Monks of St. Benedict. One of these provinces embraced the two sees of Canterbury and York. By this ruling, then, all England constituted just one thirty-sixth of the Roman obedience. How absurd to permit her to play the part of one fourth or even, after Spain was admitted as a nation, of one fifth! If she were to continue as a separate nation, all the great nations of the council should be divided into smaller nations, each equivalent to England and each with a vote. Otherwise the ancient canonical method of voting in councils by individuals should be restored.³¹

D'Ailly's assault on the national system seems not at first to have been taken seriously by the council at large. There were more pressing subjects to consider—the tedious proceedings against Benedict XIII and the terms on which Aragon might be induced to combine with Castile, Portugal, and Navarre to form the new Spanish nation.³² It was fantastic at this juncture to suggest upsetting the whole conciliar framework and destroying the balance of power that had lasted so long. The English, however, were outraged at what they considered a gratuitous insult to their nation³³ and were suspicious thenceforth of the slightest gesture of Frenchman or Spaniard that seemed to cast a slur upon their standing in the council. The following incident reflects their feeling. A routine document was being stamped, as usual, with the seals of the approving nations. A notary had affixed five pieces of wax to the bottom of the paper to receive the impressions of five seals, the Aragonese being invited as a matter of courtesy to add theirs. The presidents of the Italian, French, and German nations had stamped their seals on the first three bits of wax. The president of the Aragonese got the paper next and set his seal on the fourth. The president of the English had the paper last. He effaced the seal of Aragon, stamped the English in its place, and wrote above the fifth wax: "The same for Spain." The Aragonese thereupon refused to sit in the council until they were given fourth place, above the English. They talked of not

³¹ D'Ailly, "De ecclesiastica potestate", Hardt, VI, 15-78; also in Gerson, II, 925-60. On the general argument of this treatise see Agnes E. Roberts, *Pierre d'Ailly and the Council of Constance*, in the *Transactions of the Royal Historical Society*, 4th ser., XVIII, 132-38.

³² Fillastre, "Gesta", Finke, II, 71-76.

³³ D'Ailly, "Responsiones", Gerson, V, 693.

regarding the English as a nation at all. For eight days business was at a standstill while desperate efforts were made to restore peace and placate the Spanish wrath.³⁴

For November 1, the feast of All Saints, Cardinal d'Ailly had been appointed celebrant of High Mass and preacher in the cathedral. Bishop Hallam of Salisbury, leader of the English at Constance as at Pisa, convinced that D'Ailly would seize the occasion to repeat to a larger audience his denunciation of the organization by nations, persuaded Count Palatine Ludwig of Bavaria, whom Sigismund had left as chief lay guardian of the council, to see that D'Ailly had orders to refrain from introducing the dangerous topic into his sermon. D'Ailly obeyed as far as his cathedral sermon was concerned, though he filled it full of solemn warnings against errors of faith, scandals, and dissensions,³⁵ but on that same day, in another place, a substitute read for him a series of propositions, "Canones reformandi ecclesiam", in which he referred again to the defects of the system at Constance. Church councils should not be divided into nations representing kingdoms, for "such a mode of division is secular rather than ecclesiastical and foments disputes over superiority or priority". They should be divided on ecclesiastical principles, as laid down in the past; there should be no intrusion of lay politics.³⁶

The interference, such as it was, with D'Ailly's right to say what he pleased in his cathedral address gave him and his supporters, the French royal ambassadors, a new grievance, the value of which they were quick to appreciate.³⁷ On several previous occasions the council had upheld the right of liberty of speech for all its members.³⁸ D'Ailly now prepared a formal protest to be read in the approaching general session of November 5, but the English and the Germans heard of it beforehand and sent notice to the college of cardinals to intervene and

³⁴ Fillastre, "Gesta", Finke, II, 77.

³⁵ Extracts from this sermon are given by Paul Tschackert, *Peter von Ailli* (Gotha, 1877), pp. 46-50 of the appendix.

³⁶ D'Ailly, "Canones reformandi ecclesiam", Hardt, I, 409-33.

³⁷ D'Ailly, "Responiones", Gerson, V, 693.

³⁸ In his imperial writs of summons to Constance, Sigismund had promised that speech and act there should be free. Hardt, VI, 5-6. Pope John XXIII had repeated the promise in his address at the first session. *Ibid.*, IV, 16-19. In January, 1415, the count palatine himself and the bishops of Worms, Speyer, and Verden had made the preservation of free speech a condition of their adhesion to the council. *Ibid.*, II, 207. The council had stood resolutely for the principle against Sigismund. Cerretano, "Liber", Finke, II, 202-206. One of its charges against John XXIII had been his attempts to prevent free debate. Finke, III, 61-63, 66-74.

stop it. Otherwise, they said, neither Germans nor English would attend the session, and the scheduled steps in the case against Benedict XIII would be indefinitely delayed. The cardinals informed D'Ailly, who reluctantly agreed to content himself for the moment with reading the protest to the college alone. But the incident of the seal still rankled in the breasts of the Aragonese, and in the following session they precipitated the disturbance it had been hoped to avert by announcing positively their intention not to regard the English thenceforth as a nation. The bishops of Salisbury, London, Bath, Lichfield, and Norwich and the noble ambassadors of Henry V leaped to their feet and, as soon as quiet could be restored, registered their protests against the unwarranted aspersions of Aragon. Before the day was over there were clashes between French and English men-at-arms and belligerent parades with daggers, swords, and clubs through the cathedral and the city streets. D'Ailly and the French royal ambassadors were warned to stay indoors.³⁹

Next day D'Ailly appeared in a meeting of the French nation to ask its approval of a new protest he was making in the name of the king and realm of France against the violence and intimidation to which he was subjected by the king's enemies, the English and their confederates. In his person the honor of the king and the realm of France was being assailed. He might indeed do well to stay away from the council thereafter, for in such a state of tumult and insecurity it could accomplish nothing and would probably be dissolved.⁴⁰ The French nation, however, deliberated and returned a cool and sober reply. It would have no hand in the protest, first, because it had not been consulted about the previous protest; second, because, with no special mandate from home, it disapproved thoroughly of the attempt to alter the constitution of the council at this time and deprive the English nation of its standing. Such an attempt was peculiarly ill advised at a moment when a truce had been signed between the kings of France and England, which, it was hoped, might develop into a permanent peace.⁴¹ The English would manifestly die sooner than surrender the honor they had enjoyed so long. They would never

³⁹ *Acta* for Session XXIII, Hardt, IV, 960-61; D'Ailly, "Responsiones", Gerson, V, 693-94; Fillastre, "Gesta", Finke, II, 78-79; envoy from the University of Cologne, letter of Nov. 16, 1416, Martene and Durand, II, 1667.

⁴⁰ D'Ailly, "Protestationes lectae in natione Gallicana", Gerson, V, 696-97.

⁴¹ A truce had been signed on October 3, which lasted until February 2 of the following year.

submit meekly to such ignominy. The French nation was aware of no grievances sufficient to make it forget the solemn obligation, laid upon it by princes and superiors at home, to labor for peace and reform in the church. To join the movement started by D'Ailly would be to prepare the way for new divisions and new wars.⁴²

With no large following even among the French and only the handful of fire-eating Aragonese besides to back them, D'Ailly and the royal ambassadors were in an isolated position. The Aragonese too were losing interest since the Germans, acting the part of magnanimous hosts of the council, had offered them for the time being their own place as third nation and declared their willingness to take the last place themselves.⁴³ Meanwhile the lay potentates in charge of the council, Count Palatine Ludwig and Burgrave Friedrich Hohenzollern of Nuremberg, with a number of prominent German bishops, had come to the college of cardinals and stated their conviction that D'Ailly's complaints of insecurity were damaging to the status of the holy council and a reflection on the honor of the serene king of the Romans and of the count palatine himself. Confronted with this formidable opposition, D'Ailly succumbed, confessed that he had no fears for his personal safety, and affirmed that he had not meant to impugn the honor of the Roman king or to imply that either the count palatine or the burgrave had failed in his duty of preserving liberty in the council.

With these admissions on D'Ailly's part the cardinals professed themselves satisfied. The count palatine, however, prompted, it was said, by the English, went on to call a large meeting of prelates and notables from every nation and lay before them the charge against D'Ailly as disturber of the peace. Deputies came to D'Ailly to discuss the situation and impress on him the necessity of allaying the excitement and allowing the council to proceed with its work unimpeded. D'Ailly irritably replied that he had already done what was asked of him to appease the count palatine and saw no more that he could do. He was sure that the bishop of Salisbury was behind the count's hostility. Everyone knew that the English had the Germans on their side.⁴⁴

⁴² French nation, "Motiva propter quae regnicolae Franciae non debent adhaerere protestationibus", Gerson, V, 697-99.

⁴³ Envoy from the University of Cologne, Martene and Durand, II, 1667; Fillastre, "Gesta", Finke, II, 81-82.

⁴⁴ Fillastre, "Gesta", Finke, II, 79; D'Ailly, "Responsiones", in reply to the questioning of the deputies, Gerson, V, 692-96.

D'Ailly was thus effectively silenced, but now the ambassadors of Charles VI came forward to state with dignity that their duty to their king compelled them to make a public explanation of their position, and they secured from the count palatine permission to do so at some future session. Matters, however, temporarily went no further, although during the Christmas season feeling again ran high. Once more the count palatine was called in to calm the contestants, and Christmas mass was celebrated by the Germans and the English in one church, by the cardinals, the French, and the Italians in another, and by the Spaniards in a third.⁴⁵ At last came the long anticipated return of Sigismund to Constance, toward the end of January, 1417. Any lingering hope, however, that the French may have cherished of finding a fair arbiter in him must have been dashed by the mode of his entry into the city. He was wearing the collar of the Garter, newly bestowed on him by his beloved ally, Henry V, and he singled out the English, in the throng who went out to meet him, for handclasps and other conspicuous signs of friendship. D'Ailly had planned to deliver a speech of welcome at the cathedral, in which he might have commended himself and the French to Sigismund's kindness, but Hallam of Salisbury hurried on ahead and got possession of the pulpit for an exuberant eulogy on the text, "He shall be great in the sight of the Lord." By the time he was through, Sigismund, hungry and tired, would listen to no one else.⁴⁶

The French ambassadors waited a few days and then, aware that a move of some sort was imperative, sent a delegation to the emperor with an offer to drop all efforts to alter the constitution of the council on condition that they be allowed to make one statement of their grievances at a public session and then refer them to the consideration of the future pope. For answer Sigismund appointed a commission, which immediately drew up a resolution for presentation to the council by the terms of which the latter pledged itself to permit no prejudice to the right of "any nation here principally represented" and no increase or diminution in their number and enjoined future councils to

⁴⁵ *Ulrichs von Richental Chronik*, ed. by Michael Richard Buck (Tübingen, 1882), pp. 96-97. Not long after this time the English must have received the letters patent issued by Henry V on December 2, appointing Hallam, two other bishops, Lords John Tiptoft and Hertonk van Clux, and Master Philip Morgan, doctor of laws, as proctors and ambassadors to treat with the clerical and secular princes and nobles of the Empire for their oaths of fealty and aid to himself, in return for annual money pensions as fiefs. Thomas Rymer, *Foedera* (London, 1704-35), IX, 412-13.

⁴⁶ Letter of John Forester to Henry V, Feb. 2, 1417, in Rymer, IX, 434.

continue the system of organization by nations, "as the Holy Spirit hath inspired us". A copy of this resolution Sigismund himself took to the house of Cardinal d'Ailly, whom he found in conference with another French cardinal, Fillastre, and the royal ambassadors. What words D'Ailly used to the emperor on his abrupt appearance we do not hear, but Fillastre, who tells the story, says that after a glance at the paper he himself burst into a hot defense of his friends' conduct, insisting that "there had been no scandals in the council but those the English had created", that the French had never had a chance to present their case, and that it was strange indeed that the simple right of a hearing, granted to the legates of Portugal and Poland and everyone else, "as often as they chose", was denied to the reasonable and conciliatory envoys of the great king of France. Sigismund, annoyed, demanded back the paper and left the house. In dread of his anger, the French proposed an amendment to the resolution that would make it more acceptable, but Sigismund rejected this and ordered the resolution in its original form to be submitted to the vote of the nations. The Germans, English, and Italians approved it. In the debate in the French nation the royal ambassadors were silent, but the nation as a whole called it tricky and refused to pass it. The Spaniards followed the French. In consequence the affair was once more at a standstill.⁴⁷

At length, at the session of March 3, when the business scheduled for the day had been dispatched, the advocate of the French king arose and asked permission for one of the royal proctors to speak. Master Jean Campan thereupon started to read a paper setting forth the views of his party in full but had not got beyond the first eight or ten lines when a loud groan interrupted him and then such a clamor that he could not be heard. He shouted above the tumult his protest against the injustice and his demand that a record be made of it and of the paper he had tried to read. But when the noise had subsided, Sigismund expressed his own severe disapprobation of this infraction of the conciliar rule against bringing any matter before a session that had not previously been approved by the nations as well as of all propositions that tended to throw discredit on the council. He desired that nothing more of the kind be attempted as long as the council lasted.⁴⁸ At the session of March 31 Thomas Polton, an English protonotary, delivered to the notaries of the council for record an English answer in writing to the French argument.⁴⁹ With this unsatisfactory perform-

⁴⁷ Fillastre, "Gesta", Finke, II, 86-88.

⁴⁸ *Ibid.*, pp. 89-90; *Acta* for Session XXVIII, Hardt, IV, 1103-1109.

⁴⁹ *Acta* for Session XXXI, Hardt, IV, 1196.

ance the ambassadors of Charles VI had perforce to let the matter rest.

Some inkling of the feeling produced in England by reports of the incident may be gathered from an unprinted letter, written on April 23 by Chicheley, archbishop of Canterbury, to Hallam at Constance, congratulating him and his colleagues on the favor shown them by the emperor and on their victorious defense of the rights and honor of the realm and clergy of England "against the malice of the French, who have always been our enemies" and urging an unremitting vigilance "lest by their wiles they regain the control over the church which they had in times past and cunningly rob others of their rights".⁵⁰

In these French and English memorials, presented in the third year of the council and never publicly read, we find at last a realization of the need of putting an end, for the moment at least, to the vagueness and ambiguity inherent in the various uses of the word "natio" and of clarifying the issues at stake by definitions that fitted not merely the transient groups at Constance but also the far larger, permanent associations of people at home whom the nations at Constance were there to represent. The French begin by pointing out that four of the nations at the council represent "general", not "particular" nations, that is, great divisions of the Roman obedience, that the Italian, French, Spanish, and German groups include delegates from several "particular" nations, regions, or provinces, whereas the English includes men from but one "particular" nation, since neither Wales nor Scotland and only a small part of Ireland have sent delegates or count themselves subjects of the English king. The French hark back to the four ecclesiastical divisions of Benedict XII, in which England figured as part of the German section, and to his list of thirty-six provinces, in which England appeared as one and France as six. It is not just to the others, they contend, that England should keep a position so out of proportion to her size. There have been only twelve to twenty-four voting members in the whole English nation at Constance. If they are unwilling to become one of the particular nations included in the general German nation, then the other general nations should separate into their component parts, each part with a vote. France alone would furnish six provinces, each as large as England and with a longer history of undeviating devotion to the faith. Or else the council should revive the ancient practice of voting by individuals.⁵¹

The English in answer carry further the process of definition thus

⁵⁰ British Museum, King's MSS., 10. b. IX, f. 59, a-b. The letter bears no year date, but the contents show that it must have been written in 1417.

⁵¹ "Gallicae nationis solemnns protestatio contra Anglos", Hardt, V, 56-75.

begun by the French. They admit a distinction between general and particular nations but with no great difficulty dispose of the French argument for reorganizing the council after the pattern set by the scheme of Benedict XII. His four divisions were merely economic regions, in each of which the fee for episcopal procurations might be fixed at a uniform rate. He had no more thought of mapping out the nations of Europe in this plan than he had when he listed the ecclesiastical provinces where Benedictines might hold their synods. Rules should not be stretched to cover cases for which they have never been intended. In a soaring flight of imagination the English go on to assert that as a matter of fact they are a general nation, representing eight particular kingdoms, viz., "England, Scotland, and Wales—the three that together compose Great Britain—the kingdom of the Sea,⁵² and, in Ireland, near to England, four large and notable kingdoms—Connaught, Galway, Munster, and Meath—as recorded together expressly and by seal in the catalogue of Christian kings in the registers of the Roman curia . . . also the notable principality of John, prince of the Orkneys and other islands, about sixty in number, some as large as or larger than the realm of France".⁵³ They comprehend five languages, English, the tongue used by both England and Scotland, Welsh, Irish, Gascon, and Cornish. "By every law it can represent as many [particular] nations as it contains distinct languages."⁵⁴

As for the characteristics required of an authentic nation, England possesses them all, "whether nation be understood as a people marked

⁵² The name of this fourth kingdom might, I suggest, be read as "kingdom of Man", "regnum de Man", instead of, as in the text, "kingdom of the Sea" or "de Mari". Britannia did not so early claim to rule the waves. But in the thirteenth century the Isle of Man had been held as a "regnum" in fee from the pope. In 1406 Henry IV had granted it with regalities to Sir John Stanley and his heirs, subject only to a relief of two falcons to be paid to every future king of England at his coronation. A. W. Moore, *History of the Isle of Man* (2 vols., London, 1900), I, 196-97. William E. Lunt, *Papal Revenues in the Middle Ages* (2 vols., New York, 1934), no. 226.

⁵³ "Anglicae nationis . . . vindicatio sui juris quoad propriam nationem in concilio", Hardt, V, 86. There were in fact at this time a Patrick, bishop of Cork, a Lewis, bishop of Bangor, and several Welsh doctors and clerics in the English nation at Constance but no representatives from the Scottish or other dioceses. James I of Scotland was a prisoner in England. In February, 1416, the council had sent envoys with a letter of convocation to the duke of Albany, acting regent for James, and to the clergy and nobility of Scotland and in January, 1417, had received the duke's promise to send a Scottish deputation to Constance as soon as he could. Fillastre, "Gesta", Finke, II, 57, 84-86. The English reply, "Anglicae nationis vindicatio", covers pages 76 to 101 in Hardt (Vol. V).

⁵⁴ "Anglicae nationis vindicatio", Hardt, V, 93.

off from others by blood relationship and habit of unity or by peculiarities of language, the most sure and positive sign and essence of a nation in divine and human law . . . or whether nation be understood, as it should be, as a territory equal to that of the French nation".⁵⁵ The realm of England alone comprises, besides many duchies, baronies, and other domains, "thirty-two spacious counties, four or five of which are equal to the whole realm of France". The realm of France has only two archiepiscopal provinces, Reims and Sens, twenty dioceses, and six thousand parish churches, to which England can oppose the two huge provinces of Canterbury and York, twenty-five dioceses, and over fifty-two thousand parish churches, besides cathedrals, collegiate churches, monasteries, and hospitals. (One must find what excuse one can for these figures by recalling the mutilated state of France in 1417.) England has the more ancient faith, reaching back to Joseph of Arimathea, who lies buried at Glastonbury, whereas France had to wait for Christianity until the coming of St. Denis. England has its excellent royal house that produced St. Helen and her son, the Emperor Constantine, and has never departed from obedience to Rome.⁵⁶ It has its own wide land, eight hundred miles or forty days' journey from north to south, and its numerous and mighty people.

In spite of the dangerous sea and the long distance that separate England from Constance, it has sent to the council, first and last, twenty-two bishops, abbots, and other high ecclesiastics, twenty-seven masters of law or theology, twenty-five other university graduates, over sixty proctors of prelates and cathedral chapters, and more than a hundred lesser men of letters. Even if this representation has been smaller than that of other nations, each nation should count as equal to every other, as faculties and guilds do in university and city governments. For one peer has no rights over another peer nor one superior over another. "Nations in a general council should be considered equals and each should have the same rights." God, who is the author of change, has permitted nations to come into being and the ancient method of governing councils to be superseded by one more appropriate and rational in these days when men and customs vary widely

⁵⁵ The Latin of this noteworthy passage runs: "sive sumatur natio ut gens secundum cognationem et collectionem ab alia distincta, sive secundum diversitatem linguarum, quae maximam et verissimam probant nationem et ipsius essentiam, jure divino pariter et humano, ut infra dicitur; sive etiam sumatur natio pro provincia aequali etiam nationi Gallicanae, sicut sumi deberet." *Ibid.*, p. 92.

⁵⁶ A contrast is doubtless implied here with the French kings, who for over twenty years during the schism had supported the Avignon pope against Rome.

from land to land, and each land should have a voice in framing the laws to be imposed upon it.

The rest of the English argument, the proposal to disregard nations and divide Europe thenceforth for purposes of conciliar representation simply into four geographical blocks, as suggested by Albertus Magnus, a western block consisting of France and Spain, a northern block of England, Scotland, Ireland, Norway, Denmark, and Sweden, an eastern block of Germany, Poland, and Hungary, and a southern block of Italy and the other Mediterranean lands, is of little interest now. At the time, moreover, hardly anyone could have expected that it would be taken seriously. It was merely a counterblast to the bulls of Benedict XII, with the special merit of reducing the two votes of France and Spain to one.

What is of interest in all this is the English summary of the elements essential in a nation that would rank as such in an international council—a sense of race and “habit of unity, setting it off from others”, a peculiar language, and an extended territory. Race, a common unity of some sort, language, territory—each of these elements in turn had been the basis of one or another of the many medieval kinds of nation. The nations that are called such at Constance must have them all. Behind the English boasts of king and church there is evident a consciousness of solidarity and character as a people. There may well have been some thought, too, of recent prowess in France, although no one in the sacred assembly alluded openly to the war. A nation, while admittedly a growth of the newer times, is already something substantial, with an existence quite apart from the royal dominion. It is not the same as a kingdom. “Everyone knows that it matters not whether a nation obeys one prince only or several. Are there not many kingdoms in the Spanish nation that pay no obedience to the king of Castile, the chief ruler in Spain? But it does not follow that they are not parts of the Spanish nation. Are not Provence, Dauphiny, Savoy, Burgundy, Lorraine, and many other regions that have nothing to do with our adversary of France included nevertheless in the French or Gallican nation? And the like is true in other nations.”⁵⁷ In the previous October the Portuguese embassy had objected to the inclusion of prelates from Sicily and Corsica with the Aragonese in the Spanish nation on the ground that, although subjects of the king of Aragon, they spoke another language and were “truly of a different nation”.⁵⁸

⁵⁷ *Ibid.*, p. 87.

⁵⁸ “Protestatio Portugallensium”, Hardt, IV, 218.

Every nation at Constance displayed on occasion the peculiar species of touchy conceit and bombast and the unscrupulous assertiveness that were to be symptoms of the new nationalism. The English, being the least numerous, posed as champions of the right of each nation to be counted as the equal of every other. Yet they joined with the larger nations in ignoring the rights of Hungarians, Czechs, and Poles to separate identity and a separate vote. With nearly five centuries and a quarter of nationalist history since Constance behind us, we read with a stirring of something not unlike sympathy the following remedy for international contentiousness prescribed by an anonymous observer of events at the council, though we ourselves may see no reason for limiting the ingredients to churchmen:⁵⁹ "Recipe for the stomach of St. Peter and total healing of the same, issued at the council of Constance. Take twenty-four cardinals, one hundred archbishops and prelates, the same number from each nation, and as many curials as you can get. Immerse in Rhine water⁶⁰ and keep submerged there for three days. It will be good for St. Peter's stomach and for the cure of all his diseases."⁶¹

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⁵⁹ *Ibid.*, I, 499.

⁶⁰ The Rhine, it will be remembered, flowed by one wall of the city of Constance.

⁶¹ As I was finishing this paper, my attention was called by Professor Gray C. Boyce to an admirable article by Finke, covering some of the same material, "Die Nation in den spätmittelalterlichen allgemeinen Konzilien", *Hist. Jahrbuch*, LVII (1937), 323-38.