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JEWES AND THE ECUMENICAL COUNCILS *

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DIOCESAN OR NATIONAL COUNCILS could be called at regular intervals; but Ecumenical (general, universal) Councils gathered only when the Church had to meet some critical problem of faith or organization. Sometimes these Councils served to lend force to decisions already reached by the head of the Church, whether emperor (in the Eastern Roman Empire) or pope (in the west); sometimes the members of the Council themselves attempted to solve problems that faced the Church. In the latter case, the Council's decisions had no binding force unless agreed to by the head of the Church. More was discussed than was finally published as a decision of the Council. The members of the Council represented the body of Christendom; the pope, since the early Middle Ages, represented its head. The two had to act jointly, and the final decision had to be that of the Church's head.¹

The Jews and Judaism figured to some extent, directly or indirectly, in almost every one of the first twenty Ecumenical Councils, although actual decisions concerning them appear in the decrees of comparatively few. The discussions

* Bibliographical abbreviations: *COD* = *Conciliorum Oecumenicorum Decreta*, edidit Centro di Documentazione Istituto per le Scienze Religiose, Bologna (Herder, Basel, 1962); *Hefe* = C. J. Hefe and H. Leclerque, *Histoire des Conciles* (Paris, 1907-1952); *Mansi* = J. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio* (Florence *et alibi*, 1759-1927); *ChJ* = S. Grayzel, *The Church and the Jews in the XIIIth Century* (Philadelphia, 1933); *UB* = Moritz Stern, *Urkundliche Beitræge ueber die Stellung der Paepste zu den Juden* (Kiel, 1893).

¹ For concise, informative surveys, see Hubert Jedin, *Ecumenical Councils in the Catholic Church* (New York, 1960); Philip Hughes, *The Church in Crisis: A History of the General Councils, 325-1870* (New York, 1960).

and decisions naturally reflected the crises which motivated the calling of the respective Councils, and they showed how the local clergy and the popes viewed the presence of Jews in the midst of the Christian population.

The first universal council in the history of Christianity, described in the Book of Acts, chapter 15, is not considered an Ecumenical Council, since it ante-dated the organization of the Church. Yet this Council took the first great step away from Judaism. For it met to discuss whether belief in Jesus as the messiah should be preached to pagans and whether, if the pagans adopted belief in Jesus, they should be required to observe Jewish ceremonial life, including circumcision. A simple reading of the passage appears to indicate that Paul won but a partial victory at this Council, which permitted him to preach Jesus to the pagans, without promising such believers full participation in the Jewish people.² The complete separation of Christianity from Judaism and the claim that the Synagogue had been rejected and that only the Church enjoyed divine election were still a generation or two off.

By the beginning of the fourth century the separation had long been achieved. Judaism had been declared rejected and the Christian Church proclaimed itself heir to the Election and the Promise.³ But the leaders of the Church did not minimize the danger which threatened from Judaism, since respect for Jewish observances was widespread. Local councils of clergy and Christian preachers continued to inveigh against Judaizing tendencies, such as observing the Jewish Sabbath

² Hans Joachim Schoeps, *Theologie und Geschichte des Judenchristentums* (Tuebingen, 1949), especially pp. 258 ff.; Joseph Klausner, *From Jesus to Paul*, tr. by W. F. Stinespring (Macmillan, 1943), pp. 366 ff. For the problem of squaring Acts 15 with Galatians 2, see F. J. Foakes-Jackson and Kirsopp Lake, *The Beginnings of Christianity* (Macmillan, London, 1922) vol. II, pt. 1, pp. 273 ff. Cf. *The Interpreter's Bible* (Abingdon Press, Nashville, Tenn., 1951), vol. 9, pp. 155-6.

³ For a discussion of the process, see Schoeps, *op. cit.*, *passim*, and Marcel Simon, *Verus Israel* (Paris, 1948), esp. pp. 438 ff.

and making the date of the Crucifixion coincide with the date of Passover.⁴

The call for a Council of all Christendom, issued by Emperor Constantine to meet in 325, was primarily for the purpose of bringing peace and unity to the Church by defining the nature of Jesus; but the call also mentioned the disgraceful lack of unity due to the widespread Judaizing practices among Christians.⁵ The recognized canons of this first Ecumenical Council, I Nicaea, in 325, however, do not indicate any decisions of direct concern to the Jews.⁶

The first Ecumenical Council solved neither the theological problem of the Trinity nor that of the Judaizing tendencies among Christians. Echoes of relations among Jews and Christians are heard in the decisions of various local councils following I Nicaea. For example, the council of Sirmium, in Dalmatia, in 351-2, issued a number of imprecations against those who interpreted Bible passages in the Jewish sense.⁷ In Laodicea, in 364, Christians were forbidden to Judaize by remaining idle on the Sabbath, or by eating unleavened bread on Passover, or by celebrating any holiday along with the Jews.⁸

⁴ Cf. Simon, *op. cit.*, chapter XI. For early councils and popes who dealt with the subject, see Mansi, I, 686, 704, 710 ff.; Hefele, I, pt. 1, 145-52. Cf. Kenneth A. Strand, "John as Quatrodeciman; a Reappraisal", in *Journal of Biblical Literature*, LXXXIV (1965), 251-8.

⁵ Mansi, II, 923; Hefele, I, pt. 1, 460 f.

⁶ Cf. Hefele, I, pt. 1, 416 ff., 528-620. Mansi, II, 969:53, gives a decision about intermarriage: a Christian may not choose a wife of any nation, unless she joins him in the faith; nor may a Christian give his daughter to an infidel. This, however, is drawn from the Arabic report of the Council which Hefele does not consider authentic. The authentic canon XVII of the Council prohibits clergy from taking usury (*COD*, p. 13). It is noted here because of references to the subject later.

⁷ Hefele, I, pt. 2, p. 856: Anathema 11 is directed against those who interpret Isaiah 44. 6 to exclude Jesus; Anathema 14 is directed against those who deny that Jesus was addressed in Genesis 1.26.

⁸ Hefele, I, pt. 2, c. 7, p. 999; c. 20, p. 1015; c. 37-8, p. 1010; Mansi, II, 565. On the question of the Jewish calendar, see L. Duchesne in *Revue des questions historiques*, 28(1880), pp. 5-42; cf. Isidore Loeb in *REJ*, II (1881), 158. See also the council of Antioch (332) in Mansi, II,

The second Ecumenical Council, I Constantinople, met in 381 to deal with practically the same problems. Its primary interest was still the definition of the Trinity; but it also dealt with Judaizing tendencies. It mentions among heretics the Sabbatiani and the Quattuordecimani, that is, those who observe the Jewish Sabbath and those who observe Easter on the 14th of Nisan, thus following the Jewish calendar.⁹

The definition of the Trinity occupied the next four Ecumenical Councils: that of Ephesus in 431, of Chalcedon in 451, II Constantinople in 553, and III Constantinople in 680-1. A variety of heresies had to be challenged and overcome, and many disciplinary problems within the Church had to be adjusted. The Judaizing tendencies were incidental and did not show up in the resolutions passed.¹⁰ A stand against them had been taken, and it was now up to the local councils to make that stand prevail. Local councils in various parts of Europe did, in fact, have much to say about such tendencies.¹¹ So did the Christian preachers of those days.¹²

The seventh Ecumenical Council, II Nicaea, in 787, had a special problem. It was called to re-establish the worship of images. Earlier in that century, Emperor Leo III had forbidden the worship of images. This may have been a result of Jewish criticism, re-enforced by criticism on the part of Islam. But the expressed motive of the emperor had been to strengthen his empire against the growing Moslem threat

c. 1, col. 1319.

⁹ Hefele, II, pt. 1, 37-8; *COD*, c. vii, p. 31; Mansi, III, 563.

¹⁰ Hefele, I, pt. 1, 133-51, discusses the councils, Ephesus among them, which dealt with the subject of Passover.

¹¹ See the list of such local councils in B. Blumenkranz, *Juifs et Chrétiens dans le monde occidental*, 430-1096 (Paris, 1960), p. 173. These local councils considered such matters as intermarriage, eating at Jewish homes, seeking medical advice from Jews, socializing with them, and the like. Cf. Hefele, II, 469 f.; III, 564; also James Parkes, *Conflict of the Church and the Synagogue* (paper, Philadelphia, 1961), pp. 151 ff.

¹² Numerous excerpts from sermons and writings of these centuries are collected in B. Blumenkranz, *Les auteurs chrétiens latins du Moyen Age sur les Juifs et le Judaïsme* (Paris, 1963).

by forcibly converting all the non-orthodox elements in the Byzantine empire. The abolition of image-worship was in the nature of an attempt to soften the blow. The plan failed in part because the element of force stood out above that of compromise, and it led to further division within Christian ranks. The Empress Irene called the Council to restore the worship of images, and it also admitted that the compulsory conversion of Jews had failed. Canon 8 of the Council is headed: That it is not proper to receive Hebrews [into the Church] unless they become converted wholeheartedly. The canon goes on to say that such secret Judaizers must not be tolerated in the Church, their children must not be baptized, and their slaves must not be bought or otherwise acquired. If, however, any Jews make honest confession of their Judaizing after conversion and prove themselves sincere by their actions, they may be received into the Church, though they have to be watched lest they fall back into their old Hebrew notions.¹³

The eighth Ecumenical Council, IV Constantinople, in 869-70, was called for a further definition of the Christian faith. The problem this time was the place of Mary in Christian theology. It said nothing about Jews or Judaizing. By this time, however, cleavages of another kind were developing within the Church. The growing rivalry between East and West led to the denial of this Council's ecumenicity by the Byzantine Church.

For two and a half centuries there were no councils generally recognized as ecumenical. A new series of Ecumenical Councils begins with the ninth, I Lateran, in 1123. The first eight had struggled with the definition of Christianity and revolved around the questions of the Trinity and worship, so that their overall attitude toward the Jews was also one of definition in the sense of de-

¹³ Cf. S. W. Baron, *A social and Religious History of the Jews* (2nd ed., Phila. and New York, 1957), III, 174 ff. and notes pp. 313-4. See especially Joshua Starr, *The Jews in the Byzantine Empire* (Athens, 1939), pp. 92-7. Canon viii is given in translation in both the above. Cf. Hefele, III. pt. 2, 782; *COD*, pp. 121 f; Mansi, XIII, 428 f.

limitation and separation. The next few Councils centered about the relations between the Papacy and the Empire, Church and State. The Jews became part of the struggle in that the question arose whether they were a Church or a State problem: which of the two powers was to supervise them and legislate for them. The series began with I Lateran, called primarily for the purpose of ratifying the victory of the Church implied in the Concordat of Worms, and it ended with the Council of Vienne (1311-12), which witnessed the defeat of papal supremacy. As far as the Jews were concerned the attitude of either the Church or the State had advantages and disadvantages. The Jews received a measure of protection from both sides, and these should not be underestimated.¹⁴ At the same time, both sides developed theories which deprived the Jews of status: the Empire its theory of Chamber Serfdom which other princes imitated;¹⁵ and the Church its theory of social degradation which the Councils of this period made quite explicit and which the popes enforced against the secular interests of the states.¹⁶ The Church's emphasis on lowering the status of the Jews, as expressed in the Ecumenical Councils of this period and followed by the local councils, enabled princes to justify whatever action against the Jews they found to their advantage. It also implanted an attitude in the individual Christian which underlay the Jewish-Christian relationship for centuries to come.

I Lateran made no mention of the Jews, not even in the paragraph granting privileges to crusaders,¹⁷ in which the

¹⁴ For Church protection see S. Grayzel, "The Papal Bull *Sicut Judaeis*," in *Studies and Essays in Honor of Abraham A. Neuman* (Philadelphia, 1962), pp. 243-80. For Imperial protection see Julius Aronius, *Regesten zur Geschichte der Juden* (Berlin, 1902), nos. 171, 315, 448 and others.

¹⁵ On Chamber Serfdom see *ChJ*, appendix E, pp. 338-56; for another theory see S. W. Baron, "Medieval Nationalism and Jewish Serfdom," in the Neuman volume cited above, pp. 17-48; also Guido Kisch, *The Jews in Medieval Germany* (Chicago, 1949), pp. 145-53 *et passim*.

¹⁶ See specifically below; but in general, *ChJ*, pp. 41-83.

¹⁷ *COD*, p. 167, x; Mansi, XXI, 284.

suspension of interest on debts due to Jews later became a prominent item. Also the tenth Ecumenical Council, II Lateran, in 1139, does not refer to Jews or Judaism. It was called to heal the schism created by the double election of Innocent II and Anacletus II¹⁸ and concerned itself primarily with internal reforms, including the prohibition of usury among Churchmen.¹⁹

The eleventh Ecumenical Council, III Lateran, in 1179, was called to heal the schism caused by the imperial ambitions of Frederick I Barbarossa. Pope Alexander III had spent many years in exile from Rome; but in the end the Pope prevailed. The Ecumenical Council which he called marked the next step in the assertion of papal power which Alexander's equally able successors were to carry forward for a century. What appeared to justify the Church's claims to supremacy was the inability or the unwillingness of the civil authorities to curb nascent heresies or the danger from heresy. The heretical movements in the Provence were but one example.²⁰ The Church turned its attention also to the Moslems in Spain and to the presumed influence of the Jews in various parts of Europe.

The danger of Judaization in the sense in which the eastern Ecumenical Councils had seen it was now past. The Jews of the west were now far from being aggressively missionary,

¹⁸ The economic and social position of the Jews was in effect undergoing a change since the First Crusade; but the change was not yet so apparent. In the vituperative propaganda which was carried on against Anacletus II, his Jewish origin seems to have played but a minor part, although Bernard of Clairvaux, who a few years later was to defend the Jews against the crusaders, did mention his Jewish background: cf. Peter Browe, *Die Judenmission im Mittelalter und die Paepste* (Rome, 1942), p. 211. For the course of the schism see E. Vancandard, "Saint Bernard et le schism d'Anaclet II en France," in *Revue des questions historiques*, 43 (1888), 61-126. This modern historian characterizes as sordid in Anacletus ambitions which he finds perfectly natural in Honorius.

¹⁹ *COD*, p. 176, c. 13; Mansi, XXI, 529 f., c. xiii.

²⁰ Cf. Foreville et J. Rousset de Pina, *Du premier concile de Latran à l'avènement d'Innocent III* (in Fliche et Martin, *Histoire de l'Eglise*, IX, pt. 2 [Paris, 1953]), 167 ff.

while most Christians no longer even knew about Judaism and its ceremonies. No doubt there were occasional instances of conversion to Judaism; but it is hard to believe that they were numerous enough to warrant the attention of an Ecumenical Council during the later Middle Ages.²¹ In several parts of Europe—the Spanish principalities and Hungary, for example—Jews were employed in political office and in economic administration. The conclusion is unavoidable that the decisions of the Council were politically and sociologically, rather than theologically, motivated.

Canon 26, which dealt with this problem, made four points:²² A Christian must not be allowed to live in a Jewish home, either as slave or servant or nurse; the Christian who serves a Jew or a Saracen shall suffer excommunication. Christian testimony must be admitted against Jews just as Jewish testimony was admitted against Christians. As an extension of this regulation the important statement was made that no one must place Jews above Christians, since it is only proper that Jews be in a subordinate position and be treated kindly purely out of humane considerations. Finally, secular authorities were enjoined not to permit a convert from Judaism to be economically worse off as a Christian than he had been as a Jew. This last regulation aimed to prevent the disinheriting of converts by their parents or, as frequently happened, the confiscation of the convert's property or his share of an inheritance by his Christian prince.

The part of the canon which dealt with Christian servants in Jewish homes, though repeatedly re-enacted by local councils, could never really be enforced. The other rulings became effective in time. The matter of testimony came to be applied in lawsuits involving a Jew and a Christian, whether before a Jewish court of law or a civil court. The original privilege was part of the protection accorded the Jewish minority by

²¹ Cf. Baron, *Social and Religious History*, IV, 8-9.

²² *ChJ*, pp. 296-7. Cf. Baron, *ibid.*, pp. 15 f.; W. Holtzmann, "Zur päpstlichen Gesetzgebung ueber die Juden im 12ten Jahrhundert," in *Festschrift Guido Kisch* (Stuttgart, 1955), pp. 217-228.

the secular state because the impartiality of the non-Jewish courts as well as the credibility of non-Jewish witnesses were open to doubt.²³ Preferment of Jews in public office was characteristic of underdeveloped and un-unified states; it diminished as the Christian population advanced culturally and as kings and princes found their Christian subjects sufficiently reliable.²⁴ Enforcement of the rule against disinheriting converts clearly clashed with the theory of Chamber Servitude which the secular rulers cherished and from which they profited.²⁵

What was not included in the Council's decisions is also of some interest. Its statement on usury referred to Christian usurers, not to Jews.²⁶ Moreover, nothing was said about separating Jews from Christians by any visible sign. It is significant also that, this being the first Ecumenical Council that dealt to any extent with the position of the Jews in Christian society, it made no statement about protecting the Jews against attack by crusaders or ordinary Christians. Pope Alexander himself, however, issued the Bull of Protection *Sicut Judeis*, which had been issued by two of his predecessors.²⁷ It is not impossible that the omissions indicated above, as well as the issuance of the Bull of Protection, were due to the intervention of a man by the name of Yehiel who was described by his contemporary, the traveler Benjamin of Tudela,

²³ The situation implied may have been for the Christian to be admitted as a witness before a Jewish court where the litigants were Jews. Cf. *ChJ*, pp. 56-7, nn. 72-4. For its application to general courts, cf. Kisch, *The Jews in Medieval Germany* (Chicago, 1949), pp. 172 f.

²⁴ The appointment of Jewish officials, especially tax collectors, is exemplified in *ChJ*, no. 53, pp. 170-3 (Hungary); no. 61, pp. 186-7 (Hungary); no. 69, pp. 198-200 (Germany). In Spain the matter was a cause for complaint to the day of the expulsion, though increasingly less as the country was reconquered from the Moslems: cf. Yitzhak Baer, *A History of the Jews in Christian Spain* (Philadelphia, 1961), pp. 46 ff., 162 ff., and *passim*.

²⁵ Browe, *op. cit.*, pp. 178-95, discusses the issue at some length and with much documentation.

²⁶ *COD*, p. 199, canon 25.

²⁷ Grayzel, in *Studies and Essays in honor of A.A. Neuman* (Philadelphia, 1962), pp. 10-11 nn.

as "handsome, intelligent, bright, and a regular attendant at the Pope's household which he managed along with his property." ²⁸ Yehiel's intercession may well have been due to urging by representative Jews. It is known that Jews from various parts of Europe had been so deeply disturbed by the possibility of hostile legislation by the Council that they fasted for three days. ²⁹ It is hard to believe that they took no other action.

Somewhat more definite information is available about Jewish preparation for the IV Lateran, the twelfth Ecumenical Council, in 1215. We learn ³⁰ that, under the leadership of Don Isaac Benveniste of Barcelona and the Nasi R. Levi of Narbonne, ³¹ a meeting of communal delegates from northern Spain and southern France took place at St. Gilles just before the Council was scheduled to meet. These were among the most important Jewish communities of the day; these also were the districts to which Jewish refugees must have fled from the crusade against the Albigensians a few years before. The meeting was called to pick representatives to go to Rome for the purpose of obviating anti-Jewish decisions by the Council. Unfortunately there was no one in Rome with the influence that Yehiel had exerted a generation previously. Besides, the pope now was Innocent III, who could not be swayed from what he considered ecclesiastical imperatives. He knew better than any of his line how to make the Church supreme.

The Jews could do nothing to prevent the adoption by the Council of a number of regulations which the pope had prepared and which went far toward reducing their status in Christ-

²⁸ "Massa'ot R. Benyamin," in *Ozar Massa'ot*, by J. D. Eisenstein (New York, 1926), pp. 19 f.; cf. Vogelstein u. Rieger, I, 227.

²⁹ Cf. Solomon ibn Verga, *Shevet Yehuda*, ed. Eliezer Shohet (Bialik Press, Jerusalem, 1947), p. 146, lines 22-5.

³⁰ *Ibid.*, p. 147, lines 30-5.

³¹ *ChJ*, no. 40: a Papal Bull, issued in 1220 at the Aragonian king's request, exempts Isaac Benveniste from wearing the Badge. The probable genealogy of R. Levi is given in H. Gross, *Gallia Judaica* (Paris, 1897), p. 407.

ian society. Canons 67 to 70 dealt directly with the Jews; and the call for volunteers to the on-going crusade in the Holy Land also mentioned them.³² The four canons became part of Canon Law. The first dealt with the growing preoccupation of the Jews with moneylending. The statement pointed out that, the more successful the Church was in persuading Christians to abstain from the practice of usury, the more the Jews became addicted to the business. It expressed the fear that before long the Christians would be ruined, and the regulation was therefore made for the protection of the common man; the princes (who derived advantage from Jewish wealth) were urged to compel the Jews to abstain from immoderate usury. At the same time, Jews must be made to pay the tithe to the local churches for property formerly owned by Christians and now fallen into the hands of Jews. The princes were not too eager to respond to the urgings of this canon, so that the regulation on usury was enforced only when it was to their advantage.³³

Canon 68 dealt with the question of keeping Jews and Christians apart. This was the notorious regulation establishing the Badge. It is startling that its reasoning appears to condone immorality by objecting only to immorality that may result from mixed religious company. There are places, it says, where the inability to distinguish between Jews and Christians

³² Cf. Hefele, V, pt. 2, 1385-90, 1393; *ChJ*, nos. IX-XIII, pp. 306-13; *COD*, pp. 241-5. On the subject of the Badge, see also Guido Kisch, "The Yellow Badge in History," in *Historia Judaica*, XIX (1957), 89-146.

³³ For a general discussion of the Church's efforts in connection with usury, see Benjamin N. Nelson, *The Idea of Usury* (Princeton, 1949), esp. pp. 16 ff. Cf. S. Stein, "Interest Taken by Jews from Gentiles," in *Journal of Semitic Studies*, I, no. 2 (April 1956). For a discussion of the biblical laws on usury, see Bernard J. Meislin and Morris L. Cohen, "Backgrounds of Biblical Law against Usury," in *Comparative Studies in Society and History* (University of Michigan), IV, no. 3 (April 1964). *ChJ*, pp. 41-9. The pious King Louis IX of France actually legislated that Jews must avoid usury and toil with their hands; but the economics were against him.

leads to sinful mingling of the sexes, Christian men and women not being able to tell whether their companions are Jews or Saracens and vice versa. Non-Christians must therefore be made to wear garments that will reveal their religious affiliation. Cruel as it sounds, it is typical of the mentality of Innocent III further to justify such a separation between Jews and Christians by a reference to the Mosaic obligation of fringes on the garments of Jewish males. He implies that these were meant to separate Jews from Gentiles, which of course was not the case at all.³⁴ Coupled with this separation was the further complaint that at Easter time, and such other Christian festivities, Jews go about in holiday attire, thereby mocking the lamentations of the Christians. The frequent coincidence of Passover and Easter now led to results completely different from those which concerned the earlier Ecumenical Councils.

Canon 69 re-asserted the prohibition against Jews holding public office. It added that whatever profits the Jewish official made from such employment must be confiscated for the use of the Christian poor. The reference is apparently to the employment of Jews in various parts of Europe as tax collectors and managers of monopolies like flour mills or mines.

Canon 70 deals with converts from Judaism to Christianity, who must be compelled to stay within the Christian fold. The regulation takes on added significance from the forced conversions which must have accompanied the Albigensian crusade and the anti-Jewish activities of the crusaders on the way to the Holy Land.

The call for enlistment in the crusading army which was

³⁴ Numbers 15. 37-41, part of which reads: *Look at them [the fringes] and recall all the commandments of the Lord and observe them.* This was obviously not intended for social or moral separation. But the Pope and Council no doubt referred to the next phrase: *so that you do not follow your heart and eyes in lustful urge.* In context, the word *zonim*, which the Vulgate translates *fornicantes*, applies to all temptation to deviate from the divine commands. Cf. Midrash Rabba, *ad loc.*

appended to the Council's regulations was couched in terms of a ready formula. One of its paragraphs called upon the secular authorities to compel the remission by Jews of debts owed them by those who took the cross. In view of the numbers who thus escaped paying their debts, whether they really went on a crusade or not, this regulation was probably a cause of considerable loss both to the Jewish creditor and to his prince.³⁵

IV Lateran marked the high-point of Church authority over State; it also laid the foundations for the position the Jews were to occupy in Christian Europe for centuries to come. The implementation of the policy it set forth was taken up by the local and national councils. It is not surprising, therefore, that the following Ecumenical Councils had considerably less to say about the Jews.

The thirteenth Ecumenical Council, I Lyons, in 1245, was convoked for the purpose of carrying forward the Church's cause in the quarrel with Emperor Frederic II. It had nothing to say about the Jews and Judaism, except in connection with the debts of crusaders.³⁶ The fourteenth Ecumenical Council, II Lyons, in 1272, was called after the defeat of the Hohenstauffens had freed the Church from the most dangerous challenge to its authority over the State. On the other hand, its internal authority had suffered from the delay of almost three years in the election of a pope, so that the Church had to set its house in order both internally and externally. II Lyons made frequent mention of resolutions adopted by previous Councils, but it made no specific mention of the Jews. The problem of usury came to the fore, but it was usury practiced by Christians.³⁷

³⁵ For the crusaders' formula, see *COD*, pp. 243 ff.; the reference to their Jewish creditors on p. 245; Mansi, XXII, 1063. Cf. Gerard J. Campbell, "Clerical Immunities in France during the Reign of Philip III," in *Speculum*, 39 (July, 1964), 404-24, especially pp. 416 f.

³⁶ Hefele, V, pt. 2, p. 1659; *COD*, p. 275; Mansi, XXIII, 630 f.

³⁷ *COD*, p. 304; Hefele, VI, pt. 1, 204 f., c. 26-7; Mansi, XXIV, 99 f.

The fifteenth Ecumenical Council, that of Vienne, in 1311-12, met under entirely different circumstances. Far from being in a position to make such assertions of supreme authority as had been made by Innocent III and his successors to the end of the 13th century, Pope Clement V found himself an exile from Rome and in a distinctly defensive position. While local councils had much to say about the economic influence and social standing of the Jews,³⁸ the Ecumenical Council had little to say about them. One interesting statement involved a renewal of the regulation made by III Lateran on the subject of witnesses in a trial in which a Jew was a party.³⁹ It urged kings and princes not to grant such privileges to Jews or Saracens as would make it impossible for Christians to testify against them; nor must Jews take advantage of similar privileges granted them formerly. An entirely new subject, fraught with considerable consequences, was the decision that the universities of Paris, Oxford, Bologna and Salamanca be asked to establish professorships in Hebrew, Aramaic and Arabic. The aim was more effective conversionist propaganda. Since this involved an expenditure of funds by local ecclesiastical institutions, it took time before the idea was implemented.⁴⁰ Eventually it led to the preaching of conversionist sermons in synagogues.

³⁸ So for example, the council of Mainz in 1310 (Hefele, VI, pt. 1, 628; Mansi, XXV, 333) on the Badge, restriction of movements, office-holding, servants in Jewish homes, and reversions to Judaism; Ravenna in 1311 (Hefele, *ibid.*, 638; Mansi, *ibid.*, 462) on the Badge.

³⁹ Clementinarum (in *Corpus Juris Can.*), liber II, tit. viii, c. 1: *Cum Judaei*. Cf. Ewald Mueller, *Das Konzil von Vienne* (Muenster, 1934), pp. 642 f. It seems fairly clear that a subject discussed at the Council, but not formulated until after the Council had adjourned, had to do with the protection of Jews by civil authorities against ecclesiastical jurisdiction (*ibid.*, p. 640). Pope Clement nevertheless issued it as a conciliar decision; and it was so considered by his successor, Pope John XXII. See above, n. 23.

⁴⁰ *COD*, p. 355; Hefele, VI, pt. 2, p. 688, no. 10; *Chartularium Universitatis Paris.*, II, 154, no. 695. Cf. Grayzel, "References to the Jews in the Correspondence of John XXII," in *HUC Annual*, XXIII, pt. 2, pp. 43 f., no. VI, and 71 f., no. XXIX. The suggestion, made in

The perennial problem of usury was also discussed at the Council of Vienne. The general terms in which this resolution appears would not ordinarily have been interpreted as applying to the Jews; but it was so applied later on by the inquisitors of heresy, who thereby extended their authority over the Jews.⁴¹

A hundred years passed before the meeting of the next Ecumenical Council. It began a series in which popes and emperors joined in trying to keep the Jews off the agenda. During the 14th century national divisions became more marked, while the authority of the papacy suffered as a result of the popes' residence in Avignon and of the Great Schism which followed, when two and sometimes three men claimed to be sole successors to Peter. Since the rival popes would not agree on a compromise and could not be deposed, the clergy of the various nations took matters into their own hands. The emperor also claimed his right to play a part in the drama. The three forces continued to operate even after papal unity was reestablished. The upper clergy, in council assembled, continued to claim the right to supervise the papacy. The emperor and the kings each pursued his own interests by playing off popes against councils. The incumbents of the Papal Throne, eager to re-establish papal independence, in turn played a diplomatic game with the royal powers and the advocates of conciliar supremacy. The Jews need not have been mentioned directly in the decisions of the Ecumenical Councils of the 15th century to have been affected by the politics involved.⁴²

the first place by Raymond Lull, is found in Mueller, *op. cit.*, pp. 610 f., 638 f., 641 f., 696 f.

⁴¹ *COD*, p. 360; Hefele, VI, pt. 2, 693 f. Alexander V, Aug. 30, 1409: *Ab exordio nascentis*, gives an inquisitor authority to prosecute usurers, Jews and Christians, who claim that usury is not sinful: Eubel, *Bullarium Franciscanum*, VII, 413, no. 1181; the like by Martin V. *ibid.*, p. 500, no. 1371. J. M. Vidal, *Bullaire de l'Inquisition française* (Paris, 1913), p. 478, no. 338.

⁴² Cf. F. Vernet, "Le Pape Martin V et les Juifs," in *Revue des Questions historiques*, 51 (1892); also Max Simonsohn, *Die kirchliche Juden-*

The efforts to settle the Schism by means of a council had serious results for the Jews of Spain. The council which met at Pisa (1408-9) having failed to bring peace to the Church, another Council was called to meet at Constance. Thereupon, Peter de Luna, an able schemer, who was one of the three rival popes and went by the name of Benedict XIII, decided that he would gain the gratitude of the clergy and attract the attention of all Christians if he succeeded in converting the Jews. He resided in Spain because, after the council of Pisa, only the Iberian nations recognized him as pope. He therefore compelled the Jews of Spain to enter into the long and painful disputation which took place at Tortosa in 1413.⁴³ It was followed by the harshest anti-Jewish pronouncement ever theretofore issued by pope or council.⁴⁴ Even though this anti-pope was never recognized, his decree had a lasting effect in Spain and served as a model for later decrees.

The council of Pisa having failed, it was not recognized as ecumenical. The sixteenth Ecumenical Council was therefore that of Constance, 1414-18. There was probably plenty of sentiment among the delegates at Constance for some repressive expressions against the Jews. Had any such resulted, they would have been at least as violent as those of anti-Pope Benedict. Fortunately, the Council had more important problems to tackle. Besides, King Sigismund of Germany was not at all eager for the Council to interfere with the internal affairs of his state. Such matters were left to be worked out in a series of separate concordats between the Church and the various states.⁴⁵ The Jews apparently followed the proceedings of the Council with great interest. As soon as Pope Martin V

gesetzgebung im Zeitalter der Reformkonzilien von Konstanz und Basel (Breslau, 1912).

⁴³ On the disputation, see Yitzhak Baer, *A History of the Jews in Christian Spain*, vol. II (Philadelphia, 1965), chapter xi.

⁴⁴ Simonsohn, *op. cit.*, pp. 1-2. Peter de Luna's Bull, *Etsi doctoribus gentium*, is analyzed in Simonsohn's dissertation; it is given in full in Amador de los Rios, *Historia social . . . de los Judios de Espana y Portugal* (Buenos Aires, 1943), II, 543-60.

was elected, the Jewish communities of northern Italy sent representatives to a conference at Forlì, and its delegates did in fact obtain a favorable Bull from the Pope.⁴⁶ The Jews of Germany may have approached King Sigismund and sought intervention with the Council. In any event, he claimed credit for having obtained the favorable Bull which Pope Martin issued for the Jews of Germany,⁴⁷ and imposed on the Jews of Frankfort, and perhaps of other cities, a special tax to defray his expenses incurred in connection with the Council.⁴⁸

One interesting action at Constance deserves mention even though it did not appear subsequently in the official record. In order to encourage Jews to become converts, the Council voted that they and their Christian heirs could retain half their wealth, although it may have been amassed through usury. In the course of the previous centuries, money acquired through usury had to be restored to those from whom it had been collected. Since such people were usually no longer known, the state confiscated the money presumably for eleemosynary uses: so Aquinas had advised the Duchess of Brabant in his famous epistle. The Council's permission to retain half of the wealth was therefore an important concession. It was now justified by having the money classified as used for pious purposes, since it helped in converting Jews to Christianity.^{48a}

The Council of Constance adjourned in the firm belief that the direction of the Church would thenceforth rest in the

⁴⁵ Hefele, VII, pt. 1, 485 n. 1. For the Council in general, see Louis R. Loomis, *The Council of Constance* (New York, Columbia U. Press, 1961), esp. pp. 3-49.

⁴⁶ *UB*, p. 25, no. 11; Vogelstein und Rieger, *Geschichte der Juden in Rom* (Berlin, 1895), II, 4.

⁴⁷ *UB*, pp. 21-2, nos. 9 and 10; Simonsohn, *ibid.*, p. 21.

⁴⁸ I. Kracauer, *Geschichte der Juden in Frankfurt a.M.* (Frankfurt, 1925), I, 154-5.

^{48a} Heinrich Finke, *Acta Concilii Constanciensis*, vol. II (1923), 666 f.; Mansi, 28, col. 347; Browe, p. 196. Cf. "De regimine Judaeorum," in *Aquinas: Selected Political Writings*, ed. by A. P. D. 'Entrèves, tr. by J. G. Dawson (Oxford, 1948). See p. 306 below.

hands of the bishops, monastic Orders, university professors and other members of the clergy, and that they, rather than the popes and the cardinals, could be better trusted to cure the ills of the Church. Pope Martin naturally was loath to call a Council that would attempt to give him orders and undertake to supervise the papacy. But he could not withstand the pressures; and the secular rulers, eager enough to use the Pope for their own benefit, piously agreed in theory that reforms within the Church were long overdue. Pope Martin finally called a council to meet at Basel; but he died before it met and his successor, Eugenius IV, had to carry on the battle for papal independence. He pursued the same fluctuating policy, toward the Jews as well as in other respects, as Pope Martin had pursued. For several years he alternately quarreled and compromised with the Council at Basel and finally ordered it to leave Basel and reconvene at Ferrara, and still later in Florence, so that, in Italy, he might have greater influence upon its members. Since the most stubborn protagonists of conciliarism refused to move and continued meeting at Basel, there were now two Councils, just as a generation earlier there had been several popes.

This turbulent history of the seventeenth Ecumenical Council ⁴⁹ is in a measure connected with the papal and Conciliar attitude toward the Jews. The stock argument of the conciliarists was that the popes were unwilling to undertake internal reform of the Church. Pope Martin's and Eugenius' repeated attempts to soften the restrictions on the Jews were pointed to as proof that the popes could not be trusted to do the right thing. ⁵⁰ Furthermore, the Council of Basel was under

⁴⁹ Hefele, VII, pt. 1, 585-62; VII, pt. 2, *passim*. The confusing politics of those years are described briefly and clearly in W.T. Waugh: *A History of Europe, 1378-1494* (London, 3rd ed., 1949), pp. 188-207.

⁵⁰ Simonsohn, *ibid.*, pp. 34, 45-50. The lower clergy in various European countries, meeting in local synods after the close of the Council of Constance, expressed hostility to the Jews. For example, the Council of Salzburg in 1419: Hefele VII pt. 1, p. 599, no 33; also Simonsohn, p. 38, on the preparatory council of Siena. On the other hand, there is a report of a discussion which took place at Basel

the influence of its Spanish members. In Spain, at the time, the problem of the Marranos was growing in intensity, while the memory of Peter de Luna's repressive Bull of 1415 was strong.⁵¹ The decisions which the Council took regarding the Jews were in fact reminiscent of that Bull.⁵² To be sure, the validity of the decisions taken at Basel has been seriously questioned. Those taken after 1438, when the Council was transferred to Ferrara, are conceded to be invalid; but the pope never expressly validated even the decisions taken before that date. Nevertheless, the regulations were passed and, even if they did not have full ecumenical force, they remained part of the record.⁵³ For the next few centuries they more or less characterized the position of the Jews in Europe; they therefore deserve to be noted.

The Council of Basel dealt with matter pertaining to the Jews at its nineteenth session, on September 7, 1434.⁵⁴ The Council prefaced its decisions on the Jews by saying that it was animated by the spirit of love for the Jews and other non-believers, with the intention of drawing them into the Church and having them persevere in the Christian faith. For this purpose, bishops were asked to send, from time to time, learned preachers into places inhabited by Jews. Jewish men and women must be compelled to listen to such instruction in 1433 about re-admitting Jews to Verdun. The local chapter sent Canon William Chaney to ask the Council's permission to let Jews come in so that the city might regain its prosperity, just as Rome, Avignon and other cities were well off because of the presence of Jews. Cf. Emile Levy, "Les juifs de Metz," in *REJ*, XI (1885), 127 n. 2.

⁵¹ One of the prominent members of the Council of Basel was Alonso de Cartagena, son of the convert Paul of Santa Maria, Bishop of Burgos and right hand of Benedict XIII: cf. Graetz, *Geschichte der Juden* (Leipzig, 1875), VIII, 173.

⁵² Max Simonsohn, *op. cit.*, makes this similarity the basis of his argument.

⁵³ Hefele, VII, pt. 2, pp. 878 f. Despite their ultimate defeat, the Fathers of Basel made a tremendous impression, especially in Central Europe: *ibid.*, 1061-1140.

⁵⁴ *COD*, pp. 459-61. Many of these decisions harked back to those of III and IV Lateran; but they were sharpened here and made more specific.

tion, and Christians who helped Jews avoid attending were to be treated as accomplices in heresy. To make such missionizing activity more fruitful, the Council re-enacted the decision of the Ecumenical Council of Vienne encouraging students to study Hebrew, Arabic, Aramaic and Greek.

The Council ordained that the clergy must prevail on the secular authorities not to permit Christians to serve Jews, nurse their children, or have any social contacts with them such as participating in their festivities, attending their weddings and other celebrations, or bathing along with them. Christians must not use Jews as physicians or as marriage brokers or as any other kind of intermediary. Jews must not be entrusted with public office or be admitted to an academic degree. Jews must not be permitted to buy or receive in pledge, or in any other way obtain possession of, Church articles or ornaments. They must be made to wear clothing that would distinguish them from Christians. In order to obviate every possible contact in cities or towns, Jews must be compelled to live apart from Christians. They must not be allowed to keep their shops open or to do work on Sundays or other days of religious solemnity.

The Council then turned to problems connected with conversion and converts. It re-enacted the decision of Constance mentioned above and amplified it.⁵⁵

Churchmen were urged to protect and support converts and grant them a privileged position. At the same time, ecclesiastics were warned to continue instructing the converts and do everything possible to prevent them from maintaining contact with unconverted Jews, since they might otherwise be tempted to revert to their old faith. In fact, the clergy were asked to try and have the converts marry Christians of Christian lineage. They were to be on guard lest the new converts bury their dead in accordance with Jewish ritual, or lest they observe the Jewish Sabbath, or follow other Jewish rites. Indeed, all their actions were to be watched and, if

⁵⁵ See note 48a.

they were found to deviate, they must be punished as heretics. A Christian cleric who abets them in a violation of the Christian faith shall himself be punished as a heretic. Finally, no one, not even prince or pope, shall grant any privilege to Jews; and all those granted in the past must not be observed. It was ordained that all these regulations be publicized in every cathedral and church.

The conciliar cause was defeated by the excessive and arrogant claims of its protagonists, of which the above is but a minor illustration. Nevertheless, conciliarism could not be considered dead as long as the popes did not undertake the internal reforms which the Church so obviously needed. It is not surprising therefore that the calling of an Ecumenical Council continued to be a threat to the Papacy. It was used as such by King Louis XII of France who, for political reasons, instigated an unauthorized council at Pisa in 1511, where an attempt was made to revive the spirit of Constance and Basel. Pope Julius II countered by convoking the eighteenth Ecumenical Council, V Lateran, in 1512-15. Pope Julius died in 1513, and his successor, Leo X, saw the Council through. Apart from making clear that conciliarism was a dead issue, V Lateran was of slight importance. It, too, failed to deal with adjusting the Church to the demands of the time and thus made the Protestant revolution inevitable.⁵⁶

The Council had no more significance for the Jews than for the Church. It dealt with them indirectly in three areas. In its ninth session, on May 5, 1514, Judaizers were lumped with heretics and ordered ejected from the Church.⁵⁷ This has to be read with the Marrano problem in mind, both as it affected Spain and Portugal as well as the refugees from these countries. Again, Jews must have figured prominently in the discussion which preceded the adoption of the decree permitting the *monti di pieta*, the loan-banks under super-

⁵⁶ T.G. Jalland, *The Church and the Papacy* (London, 1944), pp. 431 ff.

⁵⁷ *COD*, p. 601; Hefele, VIII, pt. 1, 440, no. 10.

vision which were being established in various parts of Italy. Indirectly this concerned the Jews. For the very establishment of such institutions implied a recognition of the usefulness of moneylending and, consequently, admitted the economic utility of Jewish loan banks.⁵⁸

Thirdly, there arose in this Council, for the first time, the question of controlling the printing of books. The argument between Reuchlin and Pfefferkorn was then at its height; but the Council did not deal directly with the Talmud or with any books in Hebrew. Its decree was limited to books translated into Latin from Greek, Hebrew, Arabic, or Aramaic. In some of these, it asserted, errors were to be found and criticisms of Church and faith. The Council called such books poisonous, and it decreed that none such should be printed unless passed upon by a Church authority.⁵⁹

The nineteenth Ecumenical Council, that of Trent, met in an entirely different atmosphere. Called originally when there was still hope of drawing the dissident groups, before long to be known as Protestants, back into the Roman Catholic fold, it ended in a spirit of intransigence. It met in three periods spread over eighteen years: 1545-8, 1551-2, 1562-3. Suasion proved impossible, and war was unsuccessful. Conciliarism was dead; papal absolutism emerged undisputed. The Church reformed itself and organized for intellectual and theological battle. The surpassing importance of the Council was that it set the policy of Roman Christianity for four hundred years.

The Council of Trent had no need to legislate on the subject of the Jews. The war against the Jews, which had begun before

⁵⁸ *COD*, pp. 603 ff. Cf. Benjamin N. Nelson, *op. cit.*, pp. 18-20; Cecil Roth, *The History of the Jews of Italy* (Philadelphia, 1946), pp. 111-16. Concessions to open banks were usually solicited from popes. Ermano Loevinson lists hundreds of such grants in the course of the 15th to the 17th centuries: "La concession de banques de prets aux Juifs par les papes," in *REJ*, 92-95 (1932-3). *Les banchieri juifs et le Saint-Siege*, by Leon Poliakov (Paris, 1966), arrived too late for consultation.

⁵⁹ *COD*, pp. 608 f. Hefele, *ibid.*, 472 f.

the Council of Nicaea, had already been won, at least insofar as the Church could wage it. It was no longer necessary for a pope or a council to set anti-Jewish policy. Each state in which Jews could still be found treated them for better or for worse according to the needs of its prince or the vociferous demands of its population. Popes could only show the way by example; and the grim Pope Paul IV (1555-9) set such an example by imposing upon the Jews in the State of the Church conditions of extreme hardship.⁶⁰

There was, however, one area of life, the comparatively new business of printing, for which the Council could set policy. V Lateran had already passed a decree on the subject and the matter had been discussed frequently since then.⁶¹ While still a cardinal and head of the Inquisition, Paul IV (Peter Caraffa) had the Talmud burned in 1553, thereby setting an example which was followed in other parts of Europe. His action may have been traceable to the decision by the Council at its fourth session of the first convocation, on April 8, 1546, when it was forbidden to print and publish any book in which the words of the Bible were subjected to false interpretation and connected with fables or superstitions.⁶² Jewish books were not mentioned, and the intent of the decree was to limit the influence of books, and especially of Bible translations and interpretations, in the spirit of Protestantism. Nevertheless, the wording of these paragraphs is reminiscent of similar wording applied to Jewish books whenever these were attacked.⁶³

The Jews, at any rate, did not doubt that the censorship of books which was being planned would come around to

⁶⁰ Vogelstein und Rieger, *op. cit.*, II, 150-60; Roth, *op. cit.*, pp. 294-304.

⁶¹ Cf. Grayzel, "The Talmud and the Medieval Papacy," in *Essays in Honor of Solomon B. Freehof* (Pittsburgh, 1964), pp. 240-2.

⁶² *COD*, pp. 640 f.; Hefele, X, pt. 1, 31.

⁶³ As far back as the attacks on the Talmud in the 13th century: see *ChJ*, pp. 240-3 nos. 96-8; pp. 274-9, no. 119; also M. Spanier, "Pfefferkorns Sendschreiben von 1510," in *MGWJ*, 78 (1934), 581 ff.

⁶⁴ *UB*, no. 128.

making their study of the Talmud all but impossible. During the final session of the Council they redoubled their efforts. On February 3, 1563, a man by the name of Jacob di Bonaventura wrote in the name of the Jews, addressing himself to the presidents and delegates of the Council, and pleaded that the printing of the Talmud be not forbidden, but that it be subjected to censorship of the objectionable passages.⁶⁴ At the same time, the Jews of Prague petitioned Emperor Ferdinand I to the same effect,⁶⁵ and two weeks later the heads of the Prague community sent a letter of effusive thanks to Archbishop Anton of Prague for having done his best to obtain permission for the reprinting of the Talmud, under the supervision of censors.⁶⁶ Since the matter had not yet been finally disposed of, the Jewish community of Mantua met in October 1563 to choose five delegates who were to go to Trent and do everything possible to prevent the total prohibition of the Talmud.⁶⁷ The Council finally voted to establish a censorship of suspected books; the matter of the Talmud was arranged separately on this basis.⁶⁸

Three hundred years elapsed between the nineteenth and the twentieth Ecumenical Councils. For three centuries the Roman Catholic Church remained in a state of expectancy for the return of its strayed adherents. They did not return. Protestantism became fragmentized into hundreds of sects; Roman Catholicism, now cured of those internal weaknesses which had led to the Protestant revolt, became more unified and purposeful than ever. But these two segments of Christendom continued to drift farther apart. They did not draw closer to one another even when, in the 18th and 19th centuries, all religion was under attack by Rationalism and the skepticism which Rationalism fostered. Attacks on faith and tradition were answered by some Protestants by further retreat

⁶⁵ *Ibid.*, no. 129.

⁶⁶ *Ibid.*, no. 130; G. Bondy and F. Dworsky, *Zur Geschichte der Juden in Boehmen* etc. (Prague, 1906), pp. 481 f., no. 655.

⁶⁷ *UB*, no. 131.

⁶⁸ *COD*, p. 773; Grayzel, in *Essays . . . Freehof*, p. 243.

into increasingly liberal definitions of the religious attitude, and by Catholicism, for the most part, by continued intransigence. The Catholic Church in the 19th century saw Liberalism—economic, political, social and cultural—as the most potent force undermining faith. The twentieth Ecumenical Council, I Vatican, 1869-70, was called to strengthen faith, but left as one of its most important results the impression that the Church was ranged unalterably on the side of absolutism and reaction.⁶⁹

The Council promulgated no decrees which mentioned or directly involved the Jews. Yet it had been Liberalism in western Europe and America that had emancipated the Jews from medievalism. The Jews were loyal to Liberalism and were largely connected with it, so that reactionaries asserted that it was the creation of the Jews.

It was not till almost a hundred years later, under vastly different circumstances, in a vastly different world, that this basic attitude underwent a radical change in the Twenty-first Ecumenical Council, II Vatican, 1962-1965.

⁶⁹ For the background and the deliberations of I Vatican, see the brief yet earnest discussion by Philip Hughes, *A History of the General Councils*, 325-1870 (New York, 1960), pp. 333-365.