Johann Nikolaus von Hontheim's Febronius: A Censored Bishop and His Ecclesiology

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Abstract

In the second half of the eighteenth century, the greatest enemy of the Roman Curia was no longer French Gallicanism but German Febronianism, since it challenged papal primacy. It gained its name from the pseudonymous author of the book, *De statu Ecclesiae* (1763). The author, auxiliary Bishop Johann Nikolaus von Hontheim, was immediately censored and later forced to sign a retraction. This essay will provide the first English synthesis and overview of the publishing history of this important work and its ecclesiology, as well as show how the Curia dealt with this dissident theologian.

Keywords

Febronius; Church and State; Enlightenment; Ultramontanism; Nikolaus Hontheim; Febronianism; Gallicanism.

245 years ago, in 1763, the auxiliary Bishop of Trier, Johann Nikolaus von Hontheim, stirred up a hornet’s nest when he dared to publish his book *Justini Febronii JCTi. de statu Ecclesiae et legitima potestate Romani Pontificis liber singularis: ad reuniendos dissidentes in religione christianos compositus* (under the pseudonym Justinus Febronius). Intransigent Roman theologians from different European countries immediately attacked the new publication and denounced it as highly biased, even heretical, and dozens of refutations were printed. Others regarded it as a sound piece of scholarship that united the tradition of conciliarism with the so-called Catholic Enlightenment. However, *De statu...
Ecclesiae did not become a bestseller due to its originality or academic quality, but because it successfully articulated the German dissatisfaction with the Holy See with vigorous conviction and summarized concisely the theses of Gerson, Cusanus, Bossuet, Natalis Alexandre, Claude Fleury, Van Espen, Johannes Schilter, Barthel, and others. The early papal censoring (1764) increased the book’s audience. This also explains why the book remained a poltergeist for Catholic authorities well into the twentieth century. This essay will explore the publishing history of this groundbreaking work as well as the often-overlooked retraction Hontheim was forced to sign in 1778.

1. From Medieval Conciliarism to Early Modern Gallicanism

Since the Council of Constance (1414–1418), which helped to heal the Occidental Schism by displacing three popes, had issued the decrees Haec Sancta and Frequens, the authority of the Council over the pope had become a common theological issue. Nevertheless, it was unresolved how the relevant texts should be interpreted: Should the superiority of a council over the pope be reserved to emergencies or should it be regarded as a truth of faith? At the Council of Basel (1431–1439) it became clear that there was no peace in sight between conciliarists and curialists. This council viewed the decrees of Constance as a doctrine of faith against the resistance of Pope Eugene IV (in Eisi non dubitemus, 1441). Soon the conciliarist bishops
lost the support of the secular princes and enabled the papacy to gain an enormously important political victory. Despite the lost battle, the war still went on. Conciliarism was still taught at a number of leading universities, e.g., in Paris, Erfurt, Cologne, Krakow, and Vienna. German-speaking Catholic scholars in particular remembered the deeds of Constance with reverence, but also with vehemence. The Reformation and the Catholic Reform after Trent transformed this movement but did not extinguish it. In France it took the shape of Gallicanism. With its masterthinkers Edmond Richer and Jacques Bossuet, the French ecclesiastics frightened and challenged the Roman Curia throughout the seventeenth and eighteenth centuries, since the oldest daughter of the Church officially considered herself as an independent national church in the Declaratio Cleri Gallicani (1682). The Declaratio restricted the influence of the pope to the spiritual realm and declared the secular princes exempt from ecclesiastical power. Moreover, the French clergy also claimed that the pope could only teach infallibly if his teachings were received universally. Especially in the Holy Roman Empire, Bossuet’s defense of Gallicanism was widely read and had an enduring influence on the author of the Febronius.

In the Empire, the tradition of Conciliarism also continued. A definite point of culmination in the seventeenth century is the Gravamina of the three Rhenish prince bishop electors (Cologne, Mainz, and Trier) in 1673, in which they asked the Emperor to continue to adhere to the 1448 Concordat of Vienna regarding the freedom of episcopal elections, tithes, and other ecclesiastical appointments. Whereas in the seventeenth and the first half of

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5) Schneider, Der Konziliarismus (see above, n. 4).


7) Heribert Raab, ‘Der reichskirchliche Episkopalismus von der Mitte des 17. bis zum Ende
the eighteenth centuries French theologians dominated the conciliarist and episcopalist “scene” (including Jansenism), the focus of scholarly attention had since shifted to the Holy Roman Empire ever since canon lawyers there had adopted Zeger–Bernhard van Espen’s (1646–1728) *Jus ecclesiasticum* (1700) as their main textbook and thus started to buttress German episcopalism theologically. *De statu Ecclesiae* (1763) made its anonymous author, known to the public as Justinus Febronius Jurisconsultus, instantly famous.

2. Justinus Febronius – *De statu Ecclesiae*

At the time of the publication of *De statu ecclesiae* (1763), whose full English title is *On the Constitution of the Church and the Legitimate Power of the Pope: A Book Composed for the Purpose of Reuniting Separated Christians*, it
was unresolved what authority the Holy See possessed in diocesan territories and affairs, e.g., regarding dispensations. The German prince bishops had to defend their autonomy against the papal nuncios in Vienna, Luzern, Cologne, and Dresden, who tried to intervene with papal jurisdiction within their diocesan lands. Therefore the ecclesiastical princes fostered the publication of episcopalist canon law books, e.g., Bydams František Kollár (Adam Franz Kollar) (1718–1783), and the edition of conciliarist medieval documents, e.g., the Mainz instrument of acception of 1439. The tensions between Rome and the Empire reached a point of culmination when in Lüttich two bishops were elected on 20 April 1763, one with the approval of the Holy See and one without. Therefore support for Hontheim’s Febronius was very much in the interest of German bishops, and indeed their Monitum Palatinum (1764) as well as the Koblenz Gravamina of 1769 made De statu Ecclesiae a somewhat “canonized” book of the German Reichskirche. When Pope Clement XIII put the work on the Index of Forbidden Books on 27 February 1764, many liberal-minded thinkers across Europe regarded this as a sign of its literary quality. It is not surprising, then, that within a short time Hontheim’s book was translated into several languages and reprinted again. However, only ten of 26

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16) Even the nuncio in Cologne, Caprara-Montecuculi, thought that the enormous success was due to the hastened censoring of Hontheim’s book by the Curia. Mejer, Febronius (see above, n. 2), pp. 74–75; cf. Christopher Spehr, Aufklärung und Ökumene. Reunionsversuche zwischen Katholiken und Protestanten im deutschsprachigen Raum des späteren 18. Jahrhunderts
German clerical princes publicly announced that the book had been censored. \(^{17}\) Pope Clement XIII even regarded it as necessary to call on the German bishops in three briefs to stop the “infamous” work with its attack on papal authority since it called for an ecclesiastical revolution that would deprive the church of its buttress. \(^{18}\) The pope was right in a certain sense: With *De statu Ecclesiae*, or as it was more commonly called *Febronius*, a “Catholic intellectual revolution” began, \(^{19}\) which united not only Catholic intellectuals and Protestants in their antipathy to the Roman Curia, but also the otherwise competitive German bishops: already on 19 March 1764 the three Rhenish prince bishop electors asked the newly elected Roman king (emperor since 1765) Joseph II (1764–1790) to forbid all appeals to the nuncios and the Roman Curia. \(^{20}\) A few months later, Hontheim, still in disguise but aware of the turmoil he had started, offered his resignation as auxiliary bishop to the Elector and Prince-bishop of Trier, which was nonetheless not accepted. \(^{21}\) He refused to retract, however, as such a step would be incompatible with his being a “man of honor.” \(^{22}\)

Due to the controversies he caused, Hontheim still concealed his authorship. Therefore a number of episcopalist canonists, in particular Benedikt Oberhauser O.S.B., Johann Baptist Horix, Christoph Neller, and Ludwig Philipp Behlen were suspected to be the instigator. However, in spring 1764 the papal nuncio, Niccolò Oddi, learned from the Frankfurt canon, Damian Friedrich Dumeiz (1728–1802) that Hontheim was the creator of the *Febron-
ninus. Nevertheless, the Trier auxiliary bishop publicly denied his authorship until 1776/77.

In 1769 after the death of Pope Clement XIII the ecclesiastical climate changed. His successor, Clement XIV (Lorenzo Ganganelli), was less fervent when it came to objecting to the interference of the state in church affairs. Also, Trier received a new bishop in February 1768, Clement Wenzeslaus, Prince of Saxony (1768–1802). Like his predecessor, Johann Philipp von Walderdorf (1756–1768), the new shepherd of Trier protected his auxiliary: Wenzeslaus did not answer the protest notes that two different popes wrote to him asking for strict measures against the second edition of De statu Ecclesiae. He asked Hontheim, the author of the incriminated book, to answer to Rome. Not surprisingly the latter denied that it contained any “dangerous” content.

3. The life of Johann Nikolaus von Hontheim (1701–1791)

Johann Nikolaus Hontheim was born 27 January 1701 in Trier, where his family had made a career as administrators for the archdiocese. A gifted lad, he attended the Jesuit Gymnasium in his hometown, then studied law, theology, and classics at the University of Trier. He continued his studies in Louvain and Leiden. However, despite his stay at a Protestant university, he never gained a profound knowledge of Protestant theology. His time in Louvain seems to have shaped him more deeply. There he encountered a lively Jansenist culture and the Gallicanist works of Zeger van Espen. After he received his doctorate in civil and canon law from the University of Trier in 1724, he began a three-year journey through Europe, during which he stayed for almost a year (1726/27).

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26) Seibrich, Die Weihbischöfe (see above, n. 25), pp. 140–150 (incl. list of archival files and bibliography).

27) Pitzer, Justinus Febronius (see above, n. 16), p. 13; Schneider, Der Konziliarismus (see above, n. 4), p. 70; Mejer, Febronius (see above, n. 2), p. 22.
in Rome, where he handled judicial affairs at the Roman Curia for his bishop. After his ordination to the priesthood (22 May 1728) in the cathedral of Trier,\(^\text{28}\) he began his career as a canon lawyer for the consistory there, and received a canonry at St. Simeon in the same city. Between 1733 and 1738 he also lectured there as a professor of Roman law and published a number of articles in the fields of diocesan history and canon law.\(^\text{29}\) Following a promotion within the consistory, Hontheim was appointed auxiliary bishop and general vicar in 1748. In the same year, the canons of St. Simeon also elected him dean. As auxiliary bishop he was also vice-chancellor of the University of Trier, where he tried to implement a reform of the educational system against the ferocious resistance of the Jesuits.\(^\text{30}\) In 1753 he even suggested replacing the intransigent Jesuits with Benedictine monks, who on the whole were very open to the ideas of a moderate Enlightenment. However, this could not be achieved until 1764.\(^\text{31}\) Hontheim was also in charge of the French speaking parts of the diocese, where he encountered the practice of highly developed Gallicanism.\(^\text{32}\)

It is not surprising that Clement Wenzeslaus, who was doctrinally an orthodox Catholic, protected Hontheim and disappointed the Roman Curia, which had hoped for a political change when the old archbishop died in 1768. Clement Wenzeslaus was a grandson of Emperor Joseph I and as such had good relations with the court in Vienna. Maria Theresia, however, urged him to continue to support Hontheim.\(^\text{33}\) The archbishop changed his mind only because he was eager to obtain the rich abbey of Mettlach, which the Curia promised him in exchange for censoring the loathed author of the *Febronius*.

\(^{28}\) Raab, ‘Johann Nikolaus von Hontheim’ (see above, n. 2), 26; Seibrich, *Die Weihbischöfe* (see above, n. 25), p. 142.

\(^{29}\) Mejer, *Febronius* (see above, n. 2), p. 23; Seibrich, *Die Weihbischöfe* (see above, n. 25), p. 142.


\(^{32}\) Just, ‘Zur Entstehungsgeschichte des Febronius’ (see above, n. 10), 371; cf. Schneider, *Der Konzilizismus* (see above, n. 4), p. 70.

Nevertheless, it was also Hontheim himself who contributed to his fall, when he backed the Enlightenment theologian Isenbiehl. However, it was not until spring 1779, one year after his famous retraction (see below) that the old auxiliary bishop’s resignation was accepted. Hontheim retired to his castle Montquintin in Luxemburg, where he died on 2 September 1790.34

4. The Background of De statu Ecclesiae

The main theses of De statu Ecclesiae probably go back to 1742, when the electors and their delegates disputed article 14 of the election treaty that they had requested from the designated Emperor Charles VII. Since Charles V, 1519, this article had been binding the emperors to the Vienna Concordat of 1448, in which the head of state promised the bishops his protection against papal punishments as well as interference in their dioceses by the nuncios. Hontheim and his friend Jakob Georg von Spangenberg (1695–1779), a convert from Protestantism, being delegates for the elector of Trier, even suggested at this event to deny all papal jurisdiction for dioceses in the Holy Roman Empire.35 Already at this point, Hontheim rejected the defense of a monarchical power of the papacy, such as that provided by St. Robert Bellarmine (1542–1621), Guiseppe Agostino Orsi (1692–1761), Prospero Fagnani (1588–1678), and Benedict XIV (1740–1758). Furthermore, the election treaty gave him the opportunity to study the history of Conciliarism and the so called “liberties of the German Church” in more detail.36 Nevertheless, one must not underestimate the personal influence of Spangenberg and the elector himself, Franz Georg von Schönborn (1729–1756), on Hontheim’s episcopal system.37

34) Spehr, Aufklärung und Ökumene (see above, n. 16), p. 33. Andreas Adolf von Kruff (1721–1793) collected relevant biographical material about Hontheim: Stadtbibliothek Trier: CH.M. 1570–1574, cf. Mejer, Febronius (see above, n. 2), pp. 6–7. However, most of the personal papers seem to be lost due to a fire (1790) at the Montquintin castle.
35) Hontheim and Spangenberg were also election delegates when Franz I was elected Roman King in 1745. Cf. Mejer, Febronius (see above, n. 2), p. 29.
36) Pitzer, Justinus Febronius (see above, n. 16), pp. 103–107; Peter Frowein and Edmund Janson, ’Johann Nikolaus von Hontheim – Justinus Febronius. Zum Werk und seinen Gegenern,’ Archiv für mittelrheinische Kirchengeschichte 28 (1976), 129–153, there 129. However, Hontheim never gained a profound knowledge of the different streams of Conciliarism. He seems to have been familiar mainly with Gerson, Cesarini, and Andreas Escobar. Cf. Sieben, Die katholische Konzilsidae (see above, n. 9), pp. 433–434.
37) Just, ’Zur Enstehungsgeschichte des Febronius’ (see above, n. 10), 372.
Among Hontheim’s literary influences, the most important one was certainly Bossuet’s *Defensio declarationis cleri Gallicani* (1730),\(^{38}\) which he quoted regularly and at length. However, he also used the works of Protestant scholars, e.g., historians like Marquard Freher (1565–1614), Hermann von der Hardts (1660–1746), Johann Georg Schelhorn (1694–1773), Hermann Conring (1606–1681), the philosophers Gottfried Wilhelm Leibniz (1646–1716), Samuel Pufendorf (1632–1694), and Christian Thomasius (1655–1728). Among the few German Catholics whom Hontheim regarded as important thinkers were the Augustinian canon Eusebius Amort (1692–1775), arguably one of the most prominent proponents of a Catholic Enlightenment, Prince Abbot Martin Gerbert (1720–1793), the German Mabillon, and last but not least the Wolffian Jesuit Benedikt Stattler (1728–1797).\(^{39}\) Hontheim also quoted frequently two of the main advocates of the Austrian school reforms, the enlightened Abbot Stephan Rautenstrauch (1734–1785) and the canon lawyer Paul Joseph von Riegger (1705–1775).\(^{40}\)

5. The main idea of *De statu Ecclesiae*

Like so many other works of the time, *De statu Ecclesiae* was influenced by a number of what Jonathan Israel calls conservative Enlightenment ideals, e.g., peaceful ecumenical dialogue, decentralized church government, and relative freedom of expression. Nevertheless Hontheim’s book also stood in the tradition of Tridentine Reform Catholicism, which aimed at better pastoral care, simpler and less ostentatious piety, clear theological doctrines, etc. This could also be a description of the phenomenon of the Catholic Enlightenment.\(^{41}\) However, the book also paid its tribute to the conciliarist tradition of the Middle Ages. Thus, one can truly call Hontheim’s work a “marriage” between “conservative” (J. Israel) Enlightenment thought (heavily influenced by Jansenism) and conciliarism.

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\(^{38}\) Schneider, *Der Konziliarismus* (see above, n. 4), p. 71; Spehr, *Aufklärung und Ökumene* (see above, n. 16), p. 38. Cf. Duchon, ‘*De Bossuet*’ (see above, n. 6); Sieben, *Die katholische Konzilsидеe* (see above, n. 9), p. 433.

\(^{39}\) Stattler wrote extensively in the following years on the primacy of the pope and was finally censored by the Roman Curia. The works of Amort and Gerbert were never suppressed.

\(^{40}\) Pitzer, *Justinus Febronius* (see above, n. 16), pp. 97–110.

\(^{41}\) Raab, *Die Concordata* (see above, n. 14), p. 125 affirms that this stream of thought, which tried to bring about reforms in the Church, was in its essence not rationalist but rather influenced by Enlightenment ideals *and* the spirit of Trent.
Febronius idealized the first eight centuries of the church (ecclesia primitiva) – very much as Jansenism\textsuperscript{42} did – as the true and normative Christendom, and the later developments, especially of the papacy, as a decline and perversion. Such a rigid view of history which excludes from the beginning any doctrinal or organizational development, was not only a common feature of eighteenth-century scholastic theology\textsuperscript{43} but also of the Catholic Enlightenment.\textsuperscript{44} The Josephinist university reform in particular favored the expansion of church history as a discipline, not because of a sudden interest in history, but because it could legitimize the ecclesiastical policy that was exercised by the state. The reforms of Joseph II pretended to restore the true, pope-free Catholicism of the early patristic era.\textsuperscript{45}

\textsuperscript{42} It has not yet been investigated to what extent Hontheim followed Jansenist thought. Certainly he flirted with Jansenism, but we lack primary sources to connect him firmly with this current of thought. However, one can surely call him a sympathizer with parts of Jansenist ecclesiology and theology. This is evidenced by his loathing of scholasticism: Johann Nikolaus von Hontheim, Justinus Febronius abbreviatus et emendatus, id est De statu ecclesiae tractatus ex sacra scriptura, traditione, et melioris notae catholicis scriptoribus adornatus ab autore ipso in hoc compendium redactus (Cologne, 1777) (hereafter cited as Febronius abbreviatus), ch. 1, pp. 1–2: “Antiqua & sanior Theologia, quam Positivam vocant, consistit in studio Sacrae Scripturae, Conciliorum, SS. Patrum & Historiae Ecclesiasticae. Ei Scholastica successit: primum quidem rariore usu, post aperto marte, & tantum non universim. Hae docuit dogmata fidei dialectis subjicere difficulatibus, aptioribus ad avertendam veritatem, quam ad eam declarandam. Aristotelis Dialectica, in Theologia invecta, fuit mater plurimarum questionum magis curiosarum quam utilium, subinde etiam ridicularum; peperit insipias argutias, sophisticas subtilitates, distinctiones frivolas & captiosas; demique induxit barbaram illam latinitatem, qua hodie scholae nostrae resonant.” Cf. Leo Just, ‘Weihbischof Hontheim und der Ausklang des Jansenismus in Orval, 1758–1788,’ Vierteljahresblätter der Trierer Gesellschaft für nützliche Forschungen 5 (1959), 33–40.

\textsuperscript{43} It had been in fact Bossuet’s main argument against the Protestants that they made changes in their theology. Owen Chadwick describes this beautifully in his classic From Bossuet to Newman (New York, 1957; 2nd ed. 1987).


\textsuperscript{45} Cf. Emil Clemens Scherer, Geschichte und Kirchengeschichte an den deutschen Universitäten. Ihre Anfänge im Zeitalter des Humanismus und ihre Ausbildung zu selbständigen Disziplinen (Freiburg, 1927). Schneider, Der Konziliarismus (see above, n. 4), p. 79.
6. The content of De statu Ecclesiae – an overview

Hontheim was not a clever innovator. Despite the fame his book received, it did not really say anything new and did not propose a new thesis. However, it brought the century old critique of the papacy into a “coherent and pragmatic system.” Moreover, it did not start out with a philosophical foundation, but by stating a fact: the influence of secular princes on ecclesiastical affairs. For the author of De statu Ecclesiae the state was the primary guardian of the church’s constitution, since it was – like the Church – instituted by God himself. Therefore, Hontheim tried to convince the secular princes to use their influence to win back lost liberties that were usurped by the Curia. In the same manner, the French and later also the Austrian Jansenists sought the support of the civil authorities, but finally handed over the Church to a limitless governmental influence.

Febronius’s concern is nevertheless a theological one: In the four prefaces (to Pope Clement XIII, the Christian kings and noblemen, the bishops, and the theologians/canonists) Hontheim elucidates that the office of bishop was of divine law and therefore unrestrictable by a human institution like the Curia. “The bishops are the true limits of the primacy.” To restore the ancient

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47) Hontheim gives a clear definition of what he means by Church in vol. 4/1 of his *De statu Ecclesiae* (Frankfurt, 1773), p. 23: “Ecclesia est societas hominum per Baptismum in Christo eum in finem unitorum, ut secundum normam in Evangelio praescriptam verum Deum colant, et aternam salutem consequantur. Est societas inaequalis, in qua sunt, qui imperium sacrum exercent; alii, quorum omnis sita est in obediendo gloria, attamen simul cum illis corpus unum mysticum seu morale constituens.”
48) Seibrich, *Die Weihbischöfe* (see above, n. 25), p. 147.
52) Schneider, *Der Konziliarismus* (see above, 4), p. 72.
church order, the episcopal authority had to be reinstituted and the Curia had
to be confronted with reports about her abuse of power as well as with the fact
that her legitimization was based on forgeries. The papacy could only keep
what it entailed in the first centuries of Christianity. Everything else had to
be regarded as redundant or harmful historical ballast. Hontheim even went
so far as to claim that a “reformed” Catholicism has to avoid the “extremes”
of Protestantism, which includes the complete abandonment of a papal office,
and Ultramontanism, an exaggeration of papal authority. Such a proposition
was a declaration of war: The auxiliary bishop had charged the defenders of
curialism as extremists and had dared to compare them with Protestant heretics.
Consequently, canonists who were loyal to Rome declared the ecclesiology of
De statu Ecclesiae as no longer within the boundaries of legitimate dissent.
It was labeled heretical.

Hontheim, however, did not understand himself as an “innovator,” but as a “restorer” or “reformer.” The first edition with its
nine chapters was soon expanded to four volumes and only in 1777 was an
abridged version, the Febronius abbreviatus, published.

The first part of De statu Ecclesiae (chapters 1 and 2) lays out Hontheim’s
considerations about the external way of governing the church and its

53 Pitzer, Justinus Febronius (see above, n. 16), p. 87.
54 Rechenmacher, Der Episkopalismus (see above, n. 10), p. 3.
55 Pitzer, Justinus Febronius (see above, n. 16), pp. 33, 149, n. 30.
56 De statu Ecclesiae (Frankfurt, 1763) [“ch.” indicates the chapter]: ch. 1: De exteriore forma
regiminis, quam in sua Ecclesia Christus Dominus instituit (pp. 1–68); ch. 2: De Primatu
in Ecclesia, et genuinis ejus juribus (pp. 69–127); ch. 3: De incrementis jurium Primatus
Romani, illorumque annis, tum fortuitis et innocuis, tum spontibus (pp. 128–184); ch. 4: De
causis, quae vulgo maiores vocantur (pp. 185–220); ch. 5: De Legibus Ecclesiasticis, earum
pro Universali Ecclesiae ferendi jure; et de Appellationibus ad Romanum Pontificem (pp. 221–
280); ch. 6: De Conciliis Generalibus (pp. 281–440); ch. 7: De authoritate Episcoporum
ex Jure divino (pp. 441–514); ch. 8: De libertate Ecclesiae, ejusque restaurandae jure et
causis; ch. 9: De mediis recuperandae Libertatis Ecclesiasticae (pp. 559–623). Febronius
abbreviatus (Frankfurt, 1777): Epistula ad Thomam Mamachium (cf. Leo Just, ‘Iustini
Febroni Epistola ad Thomam Mamachium,’ Quellen und Forschungen aus italienischen
Archiven und Bibliotheken 22 (1930/31), 256–288); Discursus praevius: De subsidiis &
methodo in tractandis Ecclesiasticis Disciplinis (pp. 1–6); ch. 1: De Ecclesia & ejus Statu
(pp. 7–34); ch. 2: De Concilibus generalibus (pp. 35–100); ch. 3: De Primatus in Ecclesia
(pp. 101–148); ch. 4: De Episcopatu (pp. 149–180); ch. 5: De Praebendis & Dignitatibus
(pp. 181–209); ch. 6: De Legibus & Judiciis Ecclesiasticis (pp. 210–250); ch. 7: De Libertate
Ecclesiae (pp. 251–295). Cf. Pitzer, Justinus Febronius (see above, n. 16), p. 31.
57 Mejer, Febronius (see above, n. 2), p. 101; Allgemeine deutsche Bibliothek, 1780, Anh.
foundation in Scripture and tradition. Christ is thus the true head of the church (caput et perpetus rector)\textsuperscript{58} and the pope is subordinate to the council of bishops. Furthermore, the papal office is not preserved from error (infallibility); only the teaching of the universal church is so preserved.\textsuperscript{59} The legitimization of the papal office lies in the unifying function of the papacy. Therefore the papacy is entitled only to the rights and privileges it needs to fulfill its purpose – all other liberties are not essential and can be abandoned.\textsuperscript{60} To be centrum unitatis,\textsuperscript{61} the pope has the right to be informed by all local churches (jus relationis) – at least regarding more general issues. If he decides to answer an informing letter, however, the pope’s lines must not be understood as commands, but as advice. A second right of the pope consists in sending legates. Originally, Hontheim points out, legates were without jurisdiction and only during the course of the Middle Ages did they illegitimately acquire this authority.\textsuperscript{62} This

\textsuperscript{58} \textit{Febronius} (see above, n. 51), ch. 1, § 8 (“Capitalis haec quaestio de forma Ecclesiae Monarchia in Concilio Tridentino agitata, nec tamen favore Romanis Pontificis decisa fuit”), pp. 40–41: ibid., § 9: “Ecclesia hodieque regitur exteriore Christi institutoris assistentia.” \textit{Febronius abbreviatus} (see above, n. 42), ch. 1, § 2.

\textsuperscript{59} \textit{Febronius} (see above, n. 51), ch. 1, § 9, pp. 46–64; cf. ibid., § 10, p. 64: “Ultramontanorum doctrina de Romani Pontificis infallibilitate neque ab alis Catholicis Ecclesiis agnoscetur [...] Neque practicam habet utilitatem.” Infallibility is for Hontheim the Church’s participation in the Divine, cf. Janson, \textit{Das Kirchenverständnis} (see above, n. 46), p. 168.

\textsuperscript{60} \textit{Febronius} (see above, n. 51), ch. 2, § 4 (“In quo consistat natura Primatus, & quae sint genuina ejus jura?”), pp. 83–88; cf. ibid., ch. 2, § 2, pp. 74–76 (“Fundamentum huius Primatus est bonum Unitatis in Ecclesia.”)

\textsuperscript{61} Already in the first sentence of the dedication to Pope Clement XIII the term \textit{centrum unitatis} is used: “Junctus Cathedrae Petri, tanquam Centro Catholicae unionis, a quo separari nunquam permissum est [...] plenus sincera veneratione erga eum, quem divina Providentia locavit in Apostolico throno [...] qui Primatum in universa Ecclesia divinitus institutum, legitime tenet: de huius Primatus jure tractare praesumens, ejusdem veros terminos delineare agredior [...]”). Neller seems to have the term from the \textit{Febronius}. In 1786 we can also find it in the files of “Punctuation of Ems” and the Synod of Pistoia. Although the words were used in Gallicanism since around 1681, they were not restricted to it: even Thomassin and Duperron use \textit{centrum unitatis}. However, at the end of the eighteenth century the term becomes somewhat identified with Febronianism. Theologians of the nineteenth century avoid it, while the Second Vatican Council used it again. Cf. Peter Frowein, ‘Primat und Episkopat,’ \textit{Römische Quartalschrift für christliche Altertumskunde und Kirchengeschichte} 69 (1974), 227–229; Franz Stümper, \textit{Die kirchenrechtlichen Ideen des Febronius} (Aschaffenburg, 1908), pp. 38–42.

\textsuperscript{62} \textit{Febronius} (see above, n. 51), ch. 2, § 10: “Romanus Pontifex habet jus mittendi Legatus ad opus officii sui Primarialis,” pp. 113–116; \textit{Febronius} (see above, n. 51), ch. 2, § 5/6, pp. 88–91 (“Ecclesia, cui Primatus annectitur, per hoc sit Centrum Unitatis”; § 6: “ Ea, quae ad Ecclesiae statum attinent, ubivis gerantur, ad Romanum Pontificem, tanquam Primatem,
view of the nuncios as troublemakers is only a consequence of Hontheim’s view of the episcopal office: every bishop has immediate jurisdiction over his local church, which is not derived from the Holy See but from his apostolic succession. Although the preservation of ecclesiastical unity is the central task of the papacy, Hontheim’s choice of words is very reserved. He tries to avoid a causal connection between the Church’s unity and the necessity of the papal office, since for him the unity of the Church is the foundation of the primacy and not its consequence: “The Primacy [of the pope] has functional, but not constitutive importance for the Church.” Another papal responsibility is to be vindex canonum, securer of the deposit of faith. However, this task also has to be considered subsidiary (jus suppleendi). The pope also has the authority to decree provisional law, since it is impossible to convene a council often enough. Such law acquires universal validity only if all bishops, or at least a majority, agree with it.

Hontheim’s emphasis on conceding to the papacy more than an honorary primacy is irreconcilable with his assertion that the pope is not summus episcopus, but only episcopus primae sedis. Thus, the bishops as successors of the apostles have an authority equal to that of the Bishop of Rome (omnes episcopi in episcopatu pares sunt). In the college of bishops all are coimperantes, coregnantes ac conjudices.
This is, however, not enough for the reformer of Trier: For him the succession of St. Peter is divine law, instituted by Christ; the content and mode (location and rights) of this succession, though, are human law. Consequently, papal primacy is bound only by human law to the see of Rome and could be transferred to any other diocese. This is the application of the Gallican axiom that the keys to the kingdom of God were not given to St. Peter, but to the whole Church (Matt. 16, 18).

The lengthy second part (chapters 3–7) analyzes the historical development of papal rights and privileges. In Hontheim’s view, the early medieval *Pseudoisidorian Decretals* established a new ecclesiology that saw the pope as the Bishop of the Catholic Church and the diocesan bishops as his subordinated chaplains. This “perverted” system is, in the eyes of the Trier auxiliary bishop, one of the main reasons for the church division created by the Reformation. Consequently, *Febronius* distinguishes between the *Apostolic See* as the bearer of the primacy and the Roman Curia as the institution that had usurped the liberties of the local churches. This also makes the difference between

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69) Stümper, *Die kirchenrechtlichen Ideen* (see above, n. 61), p. 22. *Febronius* (see above, n. 51), ch. 2, § 3, pp. 76–77: “Personas, quae post futurum Petri decessum primarium hoc in Ecclesia munus gestuerae essent, salvator non designavit: Fecit id vel Petrus ipse, & solus; vel cum eo Ecclesia. Perinde est, qua ratione & quo tempore, id factum fuerit; sufficit Primatum a Christo institutum esse; provisione eatenus a Deo non facta. […] Cum itaque firmum maneant, quoad personam & locum successoris in Primatu, a Deo nihil provisum statutomque [sic!] esse, reliquum est, ut penes Ecclesiam (cui, uti dictum, potestas clavium, & omnis Ecclesiastica authoritas tradita fuit), & etiamnun perduret jus determinandi, per quem unam alteramve partem clavium administrari, adeoque, per quem primum in Ecclesia officium, per quem inferiora munia, Antistiti sacer Primatus creditus fuit; sic & ex rationabilibus motivis auctoritate Ecclesiae eundem ad alium Epicopum, eg. Mediolanensem, Parisiensem & ch. Transferri posse, recte statuunt.” Hontheim refers on this page mostly to Scotus and Cusanus.


71) *Febronius* (see above, n. 51), ch. 1, § 2–3; *Febronius abbreviatus* (see above, n. 42), ch. 1, § 3; Stümper, *Die kirchenrechtlichen Ideen* (see above, n. 61), p. 29; Janson, *Das Kirchenverständnis* (see above, n. 46), pp. 114–135 (cf. ibid., pp. 139–140, where Janson makes clear that the governance of the church cannot be executed by the faithful alone).

72) Cf. *Febronius* (see above, n. 51), ch. 3; *Febronius abbreviatus* (see above, n. 42), ch. 3.

73) May, *Die Auseinandersetzungen* (see above, n. 2), p. 43. “Primatus authoritatis et potestatis: primatus curae ac sollicitudinis, primatus quoque in ferendis una cum Corpore
Hontheim’s view and both Gallicanism and episcopalism. He does not propose a diminution of papal rights but a restoration of a primordial ecclesiology. Moreover, this explains why he never participated in the discussion regarding the German concordates (Concordata Germaniae). For Hontheim every treaty would have been a compromise and an implicit acceptance of wrongful Roman claims.74

Especially important is chapter 6, in which the author again explains his concept of the papal office as service for the union of the church. Furthermore, he gives practical reasons along with historical ones as to why the college of bishops, when it is convened in a council, bears supreme jurisdiction over the church.75 The main rationale for such a necessity is that the Curia has proved itself to be remarkably resistant to all attempted reforms for the good of the church.76 A good example is that the decrees of Trent were not implemented until the seventeenth and eighteenth centuries, for which, not the bishops, but the popes, are to be blamed.77 Moreover, in order to retrieve the liberties of the local church, it is not enough that the bishops claim their rights, but that the laity be educated, and that they ask, together with their shepherds, for a universal council to resolve the problem.78 Only councils and regular...
synods of all bishops could stop the abuses of the Curia and prevent scandals. Moreover, Hontheim goes so far as to say that whoever defends the grievances brought about by Roman ultramontanists departs from the real will of Christ and therefore risks losing his eternal salvation.

Part 3 (chapters 7–9) can be regarded as a conclusion. It focuses on the liberty of the church (libertas ecclesiae). To regain it and to achieve a reunion between Catholics and Protestants, papal primacy has to be reduced to its Christ-given size. Unfortunately, Hontheim does not explain how the reunion should come about. He seems to imply that Protestant Christians should revert to a reformed Catholic Church that is purged of the primacy ballast. Nevertheless, they would have to leave behind their theological axioms (sola gratia, sola fides, sola scriptura, etc.). This oversimplification of ecumenism shows – according to Harm Klueting – that Hontheim did not really envision a reunion. On the contrary, he used the disguise of ecumenism for his own episcopalist agenda. How else could one explain the complete absence of any discussion of justification or sacramental theology?

7. Reaction and Retraction (1778)

The mass of pamphlets and books directed against De statu Ecclesiae challenged the author to respond. Already the second edition (Frankfurt, 1765) contained four appendixes. Four volumes followed until 1774 (vols. 2–4). However, not until 1778 did the influence of the nuncios Carprara, Bellisomi, Garampi, Pitzer, Justinus Febronius (see above, n. 16), p. 36; Sieben, Die katholische Konzilsidee (see above, n. 9), pp. 426–436. Cf. Febronius (see above, n. 51), ch. 6, §7, p. 329; §8, p. 331; §10, pp. 359–361, and §15, p. 398: “Adversus modernos abusus Ecclesia semper in Generalibus Concilibus reclamavit, & eorum reformationem studiose quaesivit. Sed per Romanam Curiam ab optimo proposito nunquam non impedimenta fuit.” Febronius abbreviatus (see above, n. 42), ch. 2, §2.

80) Pitzer, Justinus Febronius (see above, n. 16), p. 37; Febronius (see above, n. 51), ch. 6, §14: “Illos quisquis sponte tolerat, summa injuria in Ecclesiam agit, nec potest salvare animam suam.”

81) Febronius (see above, n. 51), ch. 8, §7; Febronius abbreviatus (see above, n. 42), ch. 7. Cf. Klueting, ‘Wiedervereinigung’ (see above, n. 1).

82) Spehr, Aufklärung und Ökumene (see above, n. 16), pp. 42–43.

83) Printed separately as Vindiciae Febronianae seu refutationes nonnullorum opusculorum quae adversus Justini Febronii Ieti tractatum de statu Ecclesiae et potestate Romani Pontificis nuper prodierunt (Zurich, 1765).

and the confessor Franz Beck bring Hontheim to “recant” his *Febronius*. However, it was Guispee Garampi (1725–1791) who became the key figure of an anti-Febronian network between 1764 and 1776.

Since 1771 it had become more and more problematic for the aging auxiliary bishop to deny his authorship. When Franz Heinrich Beck was called as confessor to the court of Prince-bishop Clement Wenzeslaus (1768–1797), he immediately started to conspire against Hontheim. He was successful in alienating the two bishops from each other. Nevertheless, Clement Wenzeslaus still maintained a certain appreciation for the old man. Also, the suppression of the Jesuits (1773) delayed actions against the author of the *Febronius*.

The newly elected Pope Pius VI (1775), however, was not willing to continue the more lenient policy of his predecessor. At the ordination ceremony of the new nuncio for Cologne on 24 September 1775, the pope was hard on German episcopality. He complained about the “self-indulgent” innovators who wanted to overthrow the Apostolic foundation of the church, the papacy. He called this school of thought a contagious disease (*contagio*) which originated in Germany. However, it was not only a case of the pope and the Archbishop of Trier increasing the pressure on Hontheim. A worldly motive also contributed to Hontheim’s fall: the Curia promised Clement Wenzeslaus the abbey of Mettlach if he would silence Hontheim by appointing a coadjutor for him. On 2 March 1777 Johann Maria Herbain was in fact made coadjutor auxiliary bishop with the right to succeed Hontheim.

Any remaining sympathy for the old man was lost when Hontheim recommended on 6 November 1777 the contested book *Neuer Versuch über die Weissagung von Emmanuel* by Johann Lorenz Isenbiehl (1744–1818), a professor of exegesis and oriental languages. Isenbiehl explained Isaiah 7:14 not as a foretelling of Christ’s virginal conception but as a verse connected historically

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87) Vanysacker, ‘Der Widerruf’ (see above, n. 86), 125–141.
89) Zitiert nach Mejer, *Febronius* (see above, n. 2), pp. 97–98.
91) Partially reprinted in Mejer, *Febronius* (see above, n. 2), pp. 112–113; cf. Vanysacker, ‘Der Widerruf’ (see above, n. 86), 132.
to Isaiah’s time.\textsuperscript{92} Since the exegete was already under suspicion (and was later censored),\textsuperscript{93} Hontheim’s support – let us not forget, he was a bishop – caused a scandal: Wenzeslaus urged him to make a clarification. He acceded in a document dated 9 April 1778. In it Hontheim declares that he embraces and supports every ecclesiastical judgment over Isenbiehl. However, he still charged the Curia with abuse of power and distinguished it from the “true” Apostolic See.\textsuperscript{94} This was a fatal diplomatic mistake. Now the auxiliary bishop was even more vulnerable. The Trier elector Clement Wenzeslaus requested in a lengthy letter dated 21 April 1778 that Hontheim not only embrace all possible outcomes of the Isenbiehl trial but also retract his \textit{De statu Ecclesiae}. The archbishop suggested that he should follow the example of Bishop Fenelon, who had recanted. Surprisingly, Hontheim immediately obeyed. Clement now sent him a list of sixteen curialist sentences, which a French theologian (perhaps Nicolas Bergier) had collected. These should be the basis for the retraction.

Had Hontheim really changed his mind? Not at all; he had only obeyed his superior. If one reads the manuscript Hontheim was working on during this year, this much becomes obvious: He planned a refutation of Thomas Maria Mamachi’s (1713–1792) \textit{Epistula Justinum Febronium Ictum de ratione regendae Christianae Reipublicae deque legitima Romani Pontifics potestate} (Rome, 1776). Only the proscription of the prince-elector stopped the project.\textsuperscript{95}

During the summer of 1778 the retraction was sent to Rome. Yet, in a letter from 22 August 1778, the papal court criticized some passages of Hontheim’s text. He was asked to change them according to the attached annotations.\textsuperscript{96}

\footnotesize
\begin{itemize}
\item \textsuperscript{94} Partially reprinted in Mejer, \textit{Febronius} (see above, n. 2), pp. 113–114. Cf. \textit{Febronius} (see above, n. 51), ch. 9, §7, p. 588: “Verum ab hac Prima Sede apprime distinguenda Curialistarum cohors […]”
\item \textsuperscript{95} The manuscript was probably given to Pope Pius VI as a personal “trophy” when he met the Archbishop of Trier in 1782. Just, ‘Justini Febronii Epistola ad Thomam Mamachium’ (see above, n. 56), 256–259.
\item \textsuperscript{96} Mejer, \textit{Febronius} (see above, n. 2), pp. 116–125; see also pp. 135–136.
\end{itemize}
Moreover, he was to weave these changes into the text in such a way that every reader would assume that they were written by Hontheim himself. “It was the perfect instruction for play-acting. If the auxiliary would not accept everything from Rome and perhaps even more corrections he would not receive forgiveness.” The old auxiliary bishop only refused to implement the sentence that the papal government was rightly called monarchical (ut proinde merito monarchium Ecclesiae regimen a catholicis Doctoribus appelletur). At least in one point he remained truthful. The affair took the whole summer: First the prince-elector was dissatisfied with the text, then the Curia and so on. In November 1778 Hontheim’s text was finally endorsed both by the Archbishop of Trier and the Curia. The final draft was in the form of a letter to the pope, dated 15 November 1778. In it Hontheim admitted to and repented of his mistakes as well as surrendered himself to the Holy See. However, the penitent had severe misgivings about the publication of his letter. Pius VI answered on 19 December, already delighted.

The author of the Febronius seemed surprised when journals and newspapers all over Europe reported that Pope Pius VI had presented his letter to the college of cardinals at their Christmas meeting in 1778. The Curia now “invited” the German bishops to congratulate the pope on his victory and thus indirectly to accept his jurisdictional claims. Hontheim’s retraction was also considered politically valuable since the Curia thought it could be used against Josephinist canonists (e.g. Valentin Eybel, Paul Joseph von Riegger, and Stephan Rautenstrauch).

On 15 January 1779 Clement Wenzeslaus required Hontheim to prepare the publication of the Roman files regarding his retraction as well as the text of

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97) Ibid., p. 127; cf. ibid., p. 131.
98) Ibid., p. 128.
99) Rechenmacher, Der Episkopalismus (see above, n. 10), p. 4. Hontheim rejected this term not because he denied an “imperium” within the Church but because for him “monarchia” was connected to the dangers of arbitrariness and despotism, cf. Janson, Das Kirchenverständnis (see above, n. 46), p. 200.
101) Mejer, Febronius (see above, n. 2), p. 130: “Monumentum revocationis omnium, quae adversum ea et si quae fortasse alia verae doctrinae capita seu universalis Ecclesiae jura, licet praeter intentionem, a me quavis via aut modo dicta scriptaque fuere vel scripta videri possent.”
102) Brandl, ‘Bemühungen der Wiener Nuntiatur’ (see above, n. 100), 79.
his letter. Hontheim was shocked, since he believed that his submission would remain private; much later he told his biographer that he had made strict privacy a condition of his retraction. Hontheim’s archbishop even pretended that he had not imagined that the pope would publicly announce the retraction letter. One cannot but feel sympathy for the old auxiliary bishop who tried to appease his superiors and was, as it seems, betrayed. He played his part in the publication of the files and of his letter on 4 February 1779, probably too exhausted to fight his immediate superior in Trier and the Curia at the same time. Nevertheless, Rome insisted that the deceived Hontheim stay in his office in order to keep the appearance of a completely settled strife.

For all supporters of the Josephinist ecclesiastical policy, e.g., Ignaz de Luca, the retraction was one of the most dangerous writings, “against the worldly regents.” The papal victory, however, was a small one, first of all because a number of German bishops and secular governments refused to allow the printing of the book (Austria, Spain, Milan, and Venice), and secondly, because Hontheim’s friends publicized the truth about the retraction, which the “penitent” had only signed and not – as the Curia claimed – authored.

8. The Commentary on Hontheim’s Retraction (1781)

In 1780 a choir of papers spread the news that the text of Hontheim’s retraction had been forced. Hontheim was fully aware of this revelation and encouraged it. Archbishop Clement Wenzeslaus, however, requested a public statement in which Hontheim should tell the public the “truth.” On 2 April 1780 he indeed published a letter that asserted that his retraction was voluntary. Yet, in his private correspondence, he admitted that he was moved by the immense pressure put on him to take this step. Even his close friend Krufft was

103) Mejer, Febronius (see above, n. 2), pp. 143–144.
105) Brandl, ‘Bemühungen der Wiener Nuntiatur’ (see above, n. 100), 92–94.
106) Ibid., 86.
107) Ibid., 89–90; Mejer, Febronius (see above, n. 2), pp. 159–161. On the editions of the acta consult Brandl, ibid., 100–105. In the Holy Roman Empire there was no universal censoring of books like in France, cf. Papenheim, ‘Die katholische kirchliche Zensur im Reich’ (see above, n. 15), 91–92; Ulrich Eisenhardt, Die kaiserliche Aufsicht über Buchdruck, Buchhandel und Presse im Heiligen Römischen Reich Deutscher Nation (1496–1806) (Karlsruhe, 1970), passim.
108) Mejer, Febronius (see above, n. 2), pp. 163–166.
109) The only detailed study is still Mejer, Febronius (see above, n. 2), pp. 177–201.
disappointed – he thought the brave author of *De statu Ecclesiae* had become a frail geriatric.\footnote{110}

At this point, Hontheim decided to comment on his retraction. The idea for this went back to the year 1778, when he had to implement the sixteen curialist theses in his letter to the pope.\footnote{111} At that time he did not have the energy for resistance. The legitimization for Hontheim’s new work was the pope’s reaction himself: he had asked the ailing auxiliary bishop to write an academic work that would defend the rights of the Holy See. That Hontheim’s book, *Commentarius in Suam Retractationem*, which was published under the pseudonym Febronius in Frankfurt 1781, was quite the opposite is surprising. Finally, it seems, he had the courage to say what he thought.

In sentence seven Hontheim explains how the papal office unifies the church. However, he also remarks on the illegal papal “interferences” with diocesan jurisdiction, since he describes the bishops not only as successors of the Apostles but also as vicars of Christ – the latter being a title reserved for the Papacy alone! Even if Hontheim refused to acknowledge it, what jurisdiction he left to the Holy See gave him only the power of an honorary Primacy, which again is restricted by the General Council.\footnote{112}

The State is given great influence (37th proposition): First, it can justly revoke all ecclesiastical privileges, second, every church authority needs the approval of the state to make proclamations regarding faith, sacraments, or discipline that could have an effect on the public life; thirdly, the state *placeat* implies the publication of dogmatic decisions and censorships.\footnote{113} What Hontheim embraces here is *pure* Gallicanism, thereby showing that he had never changed his mind. Febronius was still Febronius!\footnote{114} What then did he retract according to his “commentary”? Only the public call for resistance against Rome and the acrimony of his critique, not the basic ideas of his work. Simultaneously however, Hontheim assured the pope that his commentary was a defense of papal rights and that he never engaged in spreading rumors about the nature of his retraction. This was certainly the culmination of dishonesty.\footnote{115}

\footnote{110} Ibid., pp. 80–185.
\footnote{111} Reprint of Hontheim’s “Promemoria” in Mejer, *Febronius* (see above, n. 2), pp. 303–316.
\footnote{112} Mejer, *Febronius* (see above, n. 2), p. 188.
\footnote{113} Ibid., pp. 189–190; Rechenmacher, *Der Episkopalismus* (see above, n. 10), p. 40.
\footnote{114} Cf. Brandl, ‘Bemühungen der Wiener Nuntiatur’ (see above, n. 100), 82; Mejer, *Febronius* (see above, n. 2), pp. 153–154.
\footnote{115} Mejer, *Febronius* (see above, n. 2), pp. 190–192.
Thus, another book by Hontheim caused a scandal. Clement Wenzeslaus tried to stop the delivery of it, but failed. The Curia was outraged – especially because Hontheim had not submitted his manuscript to the censors. Cardinal Hyacinth Gerdil (1718–1802), the prefect of the Congregation of the Index, received the order to analyze the disturbing new book from Germany: to what extent was it really a defense of papal rights? Gerdil did not need much time to realize that the commentary practically revoked the retraction. The pope, however, hesitated to publish Gerdil’s findings so as to prevent an escalation of trouble with Austrian Emperor Joseph II, who since 1780 had implemented Febronian policies. Only after Joseph’s (20 February 1790) and Hontheim’s deaths (2 September 1790), was Gerdil’s book published (1792).

9. A Milestone of Ecumenical and Ecclesiological Theology?

There is an established consensus that Georg Christoph Neller (1709–1783), professor of canon law in Trier and a student of Johann Caspar Barthel (1697–1771), as well as the convert and state minister Jakob Georg Freiherr von Spangenberg (1695–1779) contributed to the text of De statu Ecclesiae. Spangenberg seems to have been responsible for the ecumenical tendencies of the book. De statu Ecclesiae shows a remarkable stance toward Protestantism.

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116) Pope Pius VI travelled to Vienna in 1782 in order to convince Joseph II to stop his ecclesiastical politics.
117) Hyacinth Gerdil, In commentarium a J. Febronio in suam retractationem editum animadversiones (Rome, 1792); Mejer, Febronius (see above, n. 2), pp. 194–199, 216.
119) Barthel was a student of Prospero Lambertini, the future Pope Benedict XIV (1740–1758), and created through his transformation of Gallican principles the theoretical foundation of German episcopality. Raab, Die Concordata (see above, n. 14), pp. 79–96.
and is free of polemics, but is shaped by irenicism. This was still unusual – one only has to read the works of Johann Nikolaus Weisslinger (1691–1755) to encounter one of the most strident polemicists of the time. Moreover, Hontheim even agrees with the Protestant critique of religious orders and monasticism, since they diminish (and often ridicule) episcopal jurisdiction.

When the Jesuits initiated the *Antifebronio* by Francesco Zaccaria (1767), 16 refutations had already been printed. Among them is also one by St. Alphonsus Liguori. Nevertheless, Zaccaria’s book gained wide appreciation and was reprinted until 1859. Even the main propagator of the Catholic Enlightenment in Germany, the Augustinian Canon Eusebius Amort, criticized Hontheim’s *Febronius* in his *Epistola Justiniani Frobenii ad Cl. V. Justinum … de legittima potestate summi pontificis*. Most contemporary reviewers thought that Hontheim’s proposal for a reunion of the churches, which used ideas of


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124) Frowein and Janson, ‘Johann Nikolaus von Hontheim’ (see above, n. 36), 139–143. Sieben shows that Zaccaria was not only more innovative than Hontheim when it came to arguing, but also that his Latin was by far superior; Sieben, *Die katholische Konzilsidée* (see above, n. 9), pp. 434–449. May, *Die Auseinandersetzung* (see above, n. 2), p. 49: “Es erging den Widerlegern [des Febronius, U.L.] wie allen Bemühungen, die eine herrschende Ideologie zu bekämpfen unternehmen: Ihre Wirksamkeit blieb eng begrenzt, der Strom des Zeitgeistes war stärker als jedes Argument. Fast alle katholischen Zeitschriften befanden sich in den Händen der Episkopalisten.”
Johann Gerhard and Georg Calixt, but asked for a *conversio aberrantium*,
and a conversion of the Protestants to a Catholic Church purified from
all medieval exaggerations of Papal Primacy, was ridiculously naïve. To
the extent to which Febronianism reduced papal powers, it increased
the power of the bishops, which was no less problematic for Protestants.
A reunion was only possible, stated Hontheim’s opponents, Zaccaria as well as the
Heidelberg professor Georg Sigismund Kleiner (1725–1786), if the Protestant
churches surrendered fully to the papal see. One can indeed speak of a “war of
ecclesiologies”: For Hontheim, all authority derives from service, which in itself
is shaped by humility, exemplary charity, pastoral care, and great tolerance. For
Zaccaria and Kleiner the church was a hierarchical society, built on the absolute,
unquestionable power and authority of the pope. Unfortunately, nobody really
engaged Hontheim’s idea. The reaction was rather polemic and defamatory:
The author of the *Febronius* could only be an apostate since his proposed
reforms would cause the downfall of the Catholic Church.

Among Protestant academics, *De statu Ecclesiae* was reviewed positively,
especially at the leading reform university in Göttingen, Germany. Friedrich
Nicolai (1733–1811) called the book a monument of “freedom of the mind”
and as a Catholic approximation to the Reformation. The potential for ecu-
menical talks offered by Febronius, however, was viewed rather negatively: Carl
Friedrich Bahrdt (1740–1792) renounced it since Hontheim had taken nei-
ther the *sola scriptura* principle nor freedom of conscience into consideration.
Christian Wilhelm Franz Walch (1726–1784) and Johann Friedrich Wilhelm
Jerusalem (1709–1789) thought similarly. Gotthold Ephraim Lessing (1729–
1781) went so far as to call it a “sassy flattery” of secular princes. None of
them had the impression that Hontheim understood the essentials of Protestant

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128) Seibrich, ‘Aufgeklärtes Kirchenrecht’ (see above, n. 49), 250.
129) *Allgemeine deutsche Bibliothek* (1780), 333–335.
130) On Kleiner’s critique of *Febronius*, see Pitzer, *Justinus Febronius* (see above, n. 16), pp. 68–71.
132) Spehr, *Aufklärung und Ökumene* (see above, n. 16), pp. 44–47; Pitzer, *Justinus Febronius* (see above, n. 16), pp. 72–74; Just, ‘Zur Entstehungsgeschichte des Febronius’ (see above, n. 10), 376–378.
133) Carl Friedrich Bahrdt, *De eo, an fieri possit, ut sublato pontificis imperio reconcilientur dissidentes in religioni Christiani contra Justinum Febronianum dissertatio* (Leipzig, 1763).
135) Rechenmacher, *Der Episkopalismus* (see above, n. 10), p. 10.
theology. In their eyes he downplayed the doctrinal differences and assessed them too much from the standpoint of governmental church politics.\textsuperscript{136}

Nevertheless, \textit{De statu Ecclesiae} suggested a national church reform, recognized the necessity of ecumenism, rediscovered the sovereignty and liberty of the church as the people of God, and thus paved the way to the modern ecclesiologies of the twentieth century.\textsuperscript{137}

\textbf{10. How the \textit{Febronius} affected the German Church}

The immediate effect of \textit{De statu Ecclesiae} was an increase in the self-confidence of bishops. This led the Rhenish archbishops to the decrees of Koblenz (1769) and later to the decrees of the congress at Ems (1786) as well as to the synod of Pistoia (1786). Simultaneously Hontheim’s ideas influenced the reforms of Joseph II in Austria. However, the Febronius did not accomplish its goals – because the book advocated a politically strong position for the Emperor which would equal that of the French king. After the Seven Years War (1763), however, the position of the Habsburg emperors was so weak that one could not expect from them the reconstruction of a German national church. Moreover, when Joseph II adopted Febronian ideas, he did this not to strengthen the position of the diocesan bishops but only to contribute to the centralization of the state. Strong and independent bishops were not part of his agenda.\textsuperscript{138}

It has not yet been investigated in depth what immediate influence the book had on the European movement of Febronianism, which taught the basic theses of Hontheim in combination with Jansenist or Enlightenment ideas and produced a radical episcopalism.\textsuperscript{139} Pope Clement XIII (1758–1769) of course called the book a danger for all Catholics since it would make them insecure about the foundation of the church.\textsuperscript{140}

\begin{itemize}
\item \textsuperscript{136} Pitzer, \textit{Justinus Febronius} (see above, n. 16), p. 74.
\item \textsuperscript{137} Cf. Spehr, \textit{Aufklärung und Ökumene} (see above, n. 16), p. 47. \textit{Febronius abbreviatus} (see above, n. 42), ch. 7, §1: “Ecclesia usque ad Constantinum M. gemebat sub gravi servituti etnicorum principum. Eadem post aliquot saeculorum decursum novam servitutem subiit ab iis, a quibus omne praesidium ex quo circa saeculum X. obstetricante ignorantia parta fuit, tantum non in dies incrementa cepit usque ad Constantiensem et Basiliensem synodum, a quibus aliquot lenimen accipere visa est.” Klueting also thinks that the main goal of \textit{De statu Ecclesiae} was not ecumenism but the strengthening of episcopalism, see Klueting, ‘Wiedervereinigung’ (see above, n. 1), 276–277.
\item \textsuperscript{138} Schneider, \textit{Der Konziliarismus} (see above, n. 4), p. 78.
\item \textsuperscript{139} Pitzer, \textit{Justinus Febronius} (see above, n. 16), p. 114.
\item \textsuperscript{140} Briefwechsel zwischen weiland Ihrer Durchlaucht Dem Herrn Kurfürsten von Trier Clemens
\end{itemize}
In the German church one can detect a reserved stance toward papal claims of jurisdiction up to the eve of Vatican I (1870). Episcopalism and Josephinism were also still very much alive at the Frankfurt Conferences of 1818. Nevertheless, the basis for the movement of Febronianism disappeared gradually in the nineteenth century since the papacy knew how to make use of the sufferings it had endured during Napoleon’s reign. After the end of the *Reichskirche*, the popes became the unchallenged moral leaders of Catholicism. From here it was only a small step to the uniform common identity within Catholicism (1846–1958), which hardly ever challenged the infallibility of the popes.142

11. Critical Résumé

The eminent German canon law historian Georg May has recently pointed out the weaknesses of *De statu Ecclesiae*: It is a work ignorant of historical developments which sees the papal monarchy solely based on the Pseudoisidorian Decretals, a ninth-century forgery. However, these originated not in Rome, but in France. May rightly argues that the Decretals do not directly strengthen the primacy of the pope but are rather ambiguous. They can be used either for an episcopalist or a papalist argument. “The idea of an ecclesiastical constitution, which adjudged the Roman Church a normative position, came into existence independent from the Pseudoisidorian Decretals.”143 The Decretals were thus not the basis for the primacy but a symptom for its increase in authority. Even though, as May correctly remarks, Hontheim never combined the democratic and the aristocratic part of his ecclesiology, and also committed other sins of inconsistency,144 one cannot but admit that *De statu Ecclesiae* brought up an

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143) May, *Die Auseinandersetzungen* (see above, n. 2), pp. 45–46.

144) Ibid., p. 46.
important question, which found its answer for Catholics exactly 200 years later, during the Second Vatican Council (1962–1965).

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