CHAPTER 5

Fulgosio and the Question of Suffrage and Representation at the Council of Constance

"Hunc versum vidi allegari multum singulariter in civitate Constantie"

1.a Voting by Nation at Constance

One of the main administrative questions facing the council was how the assembly should vote. More specifically, the council had to determine whether voting should be on the basis of ecclesiastical rank, per capita (i.e. one delegate, one vote) or be more collegiate in character and reflect the national or linguistic communities in to which those arriving at the council tended naturally to form and which replicated the internal constitutional arrangements of many universities. Despite the fundamental nature of the question, no definitive ruling was reached on the matter at the council and although voting by nation became the norm, the formal indeterminacy of the question meant that the issue always retained the potential to be the focus of dispute and disharmony.1

The question of voting rights flared up, for example, following the admission of the large French delegation in the spring of 1415; and again in 1416/17 when English and French members of the council clashed over the relative voting weights to be attributed to their respective nations.2 On other occasions, the

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union of the tiny English national delegation with the German was proposed whilst the nation to which individual delegates should rightly belong also became a bone of contention. In the months before the Agincourt campaign of the English King Henry V, for example, his ally Sigismund contentiously claimed that a good proportion of the French nation were either subjects of the empire and therefore rightly belonged in the German nation or were really subjects of Henry V and not his Valois opponent for the French crown and thus should rightly join the ranks of the English. Although these incidents held the potential to disrupt conciliar business for significant periods, they never culminated in the abandonment of the principle of voting by nation which continued as the *de facto* voting system at Constance. English, French, German, Italian and later Spanish delegates all assembled separately in order to debate, with the president of each nation then casting a block vote when the council met in a plenary, and hopefully unanimous, session.

This system was however not without its critics. Voting by nation effectively side-lined important individuals like the cardinals and also diminished the power of bishops and archbishops. The hierarchical structure of the church with its pattern of ecclesiastical provinces subdivided into dioceses was effectively replaced by a system which favoured the proto-national, secular and linguistic groups in to which Europe was in reality sub-divided. A nation which included only a few archbishops for example would be able to veto a nation which contained a far higher number of such prelates.

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3 See, for example, the proposal in 1415 to unite the two nations in: *Mansi XXVIII*, 15.
5 On the overall position of Nations at Constance, its organisation and which countries, for example, were included within each Nation, see: Herbert Kraume, ‘Aufgaben des Konzils’, in: edd. Idem and Thomas Martin Buck, *Das Konstanzer Konzil*, 103–111.

An example of the probable arrangements for national voting and the appointment of committees to which nations sent their elected representatives is indicated by the reform proposal published in: Finke, *ACC*, II: 742–758. Arrangements for proxies are not discussed in this document.

For the position of the cardinals at the council and an overview of the opening period of the council see: Conrardin Zähringer, *Das Kardinalkollegium auf dem Konstanzer Konzil, bis zur Absetzung Papst Johans XXIII*, (Münster, 1935), 60–65.

At one juncture the cardinals proposed that they should be considered a nation in their own right: Joseph Gill, ‘The Representation of the *Universitas Fidelium* in the Councils of the Conciliar Period’, *Studies in Church History*, 7 (1971), 185.