



# Methods of Dogmatic Discourse in the Dispute over the Immaculate Conception of the Blessed Virgin Mary as Exemplified by German Dominican Theologians from the 13th to the 16th Century

BOGDAN FERDEK 

Pontifical Faculty of Theology in Wrocław, bferdek@pwt.wroc.pl

**Abstract:** The important problem of the publication is expressed by two questions: what method was used by German Dominican theologians who were supporters of the Immaculate Conception? How did the change in method change the view of the Immaculate Conception? The path to solving the problem has three stages. The first of them is a reconstruction of the views on the Immaculate Conception of German Dominican theologians. The next stage examines these views in terms of the method used. The final stage is a critical look at the methods used by Dominican supporters of the Immaculate Conception. The method used in the article consists of: systematization of the views of German Dominicans, analysis of the methods used by them and a discourse on the methods of the supporters of the Immaculate Conception with the opponent of this opinion, St. Thomas Aquinas. The change of method, from the scholastic method to the liturgical method (*lex orandi – lex credendi*), the argument from congruity (*ex convenientia*), and typological exegesis, has led a few Dominican theologians to the opinion that Mary was preserved or purified from original sin, or that she was conceived without original sin. The methods used by Dominican supporters of the Immaculate Conception have weaknesses. They resemble a circumstantial trial, which provides a high degree of probability, but not proof. This weakness of the methods is exposed by the discourse of these methods with the scholastic method of St. Thomas. This discourse results in the postulate of reinterpreting the Immaculate Conception. We should return to the biblical term “sanctification” and explain that Mary was saved by a more sublime sanctification. This would prevent the immaculate conception of Jesus from being equated with the immaculate conception of Mary. Only Jesus is Immaculate because He was conceived by the Holy Spirit, and His Mother, conceived by Joachim and Anna, was saved by a more sublime sanctification.

**Keywords:** scholastic method, *lectio divina*, immaculate conception, sublime sanctification, heresy, reinterpretation

St Dominic (c. 1171–1221), the founder of the Order of Preachers (Ordo Praedicatorum), chose Mary, Queen of Mercy, as the Order’s patroness (Eckert and Witzleben 1989, 210ff). As this title appears in the *Salve Regina* antiphon, so Blessed Jordan of Saxony (1190–1237), St Dominic’s successor as General of the Order, introduced in 1221 in Bologna the obligation to sing *Salve Regina* after the compline during the procession in the church (Lohrum 1989, 207–8). Mary, Queen of Mercy, is believed particularly by the Dominicans to be the help of Christians in the fight against

the devil. A Dominican, Albert von Weissenstein (1430–1484) published in Zurich a commentary on *Salve Regina*, in which he calls Mary “*demonibus terribilis*” and “*castrorum acies ordinate*” (Segl 2016, 463). Despite the veneration of the Queen of Mercy invoked in the fight against the devil, the vast majority of Dominican theologians, led by Saints: Albert the Great and Thomas Aquinas, rejected the doctrine of the Immaculate Conception of the Mother of the Lord. This can be seen as a paradox: the Dominicans ask the intercession of Mary as *demonibus terribilis* and at the same time, by attributing to her the condition of original sin, give her over to the power of Satan.

The objection of leading Dominican theologians to the Immaculate Conception resulted from the situation in theology at that time. The Immaculate Conception became a subject of theological discussion when theology was becoming an academic discipline in the medieval sense of the term, that is, an argumentative discipline. This marked a shift from belief in what was worthy of belief to belief in what was comprehensible. Theology as an argumentative discipline had to develop its method (Sesboüé and Théobald 2003, 74). Central to the method of theology practised at the cathedrals was *quaestio*, that is, the problem arising in contact with the words of Scripture. This problem triggered a discussion in which arguments from authority as well as reasoned arguments were put forward. The discussion led to a synthesis of authority, i.e. Scripture and the Church Fathers, with reason. This method, called the scholastic method, led to an encounter between human reason and the Word of God. In this way, the Word of God received the reasonable dimension (Benedict XVI 2011, 47–50). It was impossible to substantiate the Immaculate Conception with the scholastic method, which was perfected by Thomas Aquinas. Using this method, Aquinas did not pose the problem: “Was the Mother of God immaculately conceived?” For he did not find such a term as “Immaculate Conception” in the Bible. Thomas was inspired by the statements of the Bible which mention the sanctification of prophets in the wombs of the mothers: Jeremiah (Jer 1:5) and John the Baptist (Luke 1:41). In connection with these statements, Thomas took up the subject of Mary’s sanctification in the womb of her mother as part of Christology. According to Thomas, however, Mary’s sanctification in the womb does not imply her freedom from original sin. If Mary were free from original sin, this would contradict the dogma on the universality of original sin (cf. Rom 5:12) and the dogma on the universality of salvation (cf. 1 Tim 4:10). Indeed, the dogmas resemble a set of interconnected vessels and therefore the exception of Mary’s sanctification understood as her freedom from original sin would undermine the dogmas of the universality of original sin and the universality of salvation. In justifying his standpoint, Thomas also refers to the feast of the Nativity of Mary, which implies her sanctification in the womb of her mother. For Thomas, however, this is not a sanctification from the very beginning of Mary’s existence, for it took place after the animation (ensoulment). The position of Thomas Aquinas on the immaculate conception is elaborated in detail (Balić 1958,

192–97; Horst 2009, 7–27; Kochaniewicz 2021, 167–71; Napiórkowski 2005, 19–22). Thomas' opinion will be defended by the Dominicans almost up to the very proclamation of the dogma of the Immaculate Conception in 1854 by Pius IX. Even on the eve of the proclamation of the dogma, Angelo Ancarani, General of the Dominican Order, asked the Congregation of Rites, among other things, whether the Feast of the Conception of Mary, together with the octave and the words of the preface “et te in immaculata conceptione,” was valid for those Dominicans who do not believe in the Immaculate Conception, because they are bound by their oath to observe the teaching of St. Thomas Aquinas (Horst 2009, 147–49).

However, the scholastic method was not the only method used at a time when theology was becoming an academic discipline. In the monasteries, *lectio divina*, or prayerful reading of the Bible, was used. In order to grasp the profound meaning of the Bible with its inner unity and transcendent message, one had to be open to the Holy Spirit. Due to this attitude, on every page of the Old and New Testaments one can find what the Bible says about Christ (Benedict XVI 2011, 47–50). While in the scholastic method the Scriptures and the Church Fathers held a unique normative status, the method used in the monasteries was open to new means of proof, such as the liturgy, the argument from congruity *Deus potuit, deuit, ergo fecit*, or typological exegesis. Ulrich Horst in his publication *Die Diskussion um die Immaculata Conceptio im Dominikanerorden: Ein Beitrag zur Geschichte der theologischen Methode* suggests that the turning point in the discussion of the Immaculate Conception was a change of method in theology (1987, 1–3). This change in method may have changed the position of at least some Dominican theologians towards the Immaculate Conception. This change is mentioned by Carlo Balić who referred to the publication of Réginald Masson quoting the statements of 132 Dominican theologians on the Immaculate Conception. Only one-fifth of this group approved the Immaculate Conception (Balić 1958, 195). Masson's work is critically referred to by Bogusław Kochaniewicz, according to whom:

Réginald Masson OP, relying on formulations taken out of context without critiquing the sources he analysed, listed in his article the names of many Dominicans who were in fact opposed to the Immaculate Conception, or whose statements did not concern the Marian privilege (e.g. Hugo de Sancto Caro, Vincent of Beauvais or John Tauler). The fear of using erroneous data in the research did not allow the information contained in the aforementioned study to be used. (Kochaniewicz 2004, 199–230)

In 1935, in Breslau (today's Wrocław), Bruno Binnebesel received his doctorate in theology on the basis of his dissertation *Die Stellung der Theologen des Dominikanerordens zur Frage nach der Unbefleckten Empfängnis Marias bis zum Konzil von Basel* (1934). This is the first work to present the position of Dominican theologians towards the Immaculate Conception. This was previously attempted by Alva

y Astorga (1666) and Thomas Strozzi (1700). Binnebesel drew on their work, presenting, however, the Dominican views from the perspective of a discussion with the proponents of the Immaculate Conception: Heinrich von Gent and John Duns Scotus. He then presented the position of Dominican theologians towards one of the most famous theological conflicts of the 14th century, which took place in Paris and Avignon, and concerned the Immaculate Conception of the Blessed Virgin Mary. This conflict is known to historians as the “Montson’s affair,” after the Spanish Dominican Juan de Monzón (de Montesono). His theses against the Immaculate Conception attracted opposition and condemnation from the Paris Theological Faculty. Another doctoral thesis on the controversy surrounding the Immaculate Conception was written by Marielle Lamy (2000). Although she justified the thesis that the vast majority of Dominican theologians was against the Immaculate Conception, she found several Dominican fathers defending this opinion (Kochaniewicz 2001b, 349–61). Noteworthy is another publication by Ulrich Horst *Dogma und Theologie. Dominikanertheologen in den Kontroversen um die Immaculata Conceptio* (2009). The author analyses the arguments of Dominican theologians against the Immaculate Conception. These were based on Scripture, the tradition of the Fathers and the teaching of great theologians, Thomas Aquinas including. Although the opponents of the Immaculate Conception defended their position to the end, voices began to appear in their ranks demanding a revision of the previous position against the Immaculate Conception. Horst only notes these views in the 17th century. In 2011, a doctoral thesis was published by Réjane Gay-Canton *Entre dévotion et théologie scolastique. Réceptions de la controverse médiévale autour de l’Immaculée Conception en pays germaniques* (Gay-Canton 2011). The author writes about the Immaculate Conception in the context of a medieval Marian cult originating in the apocrypha. The idea of the Immaculate Conception came to the continental Europe from England, where it was spread by the Benedictines despite the opposition of the influential Bernard of Clairvaux. It sparked a theological dispute between Franciscans and Dominicans. However, not all opponents of the Immaculate Conception were Dominicans, nor did all Dominicans object to the Immaculate Conception.

This study has a theoretical objective: to present the views of German Dominican theologians who are proponents of the Immaculate Conception and to examine their way of acquiring knowledge about the Immaculate Conception, i.e. their method. The research problem can be then formulated as: how did the change of method change the view of the Immaculate Conception in German Dominican theologians?

This problem will be solved in three stages. Stage one will be a reconstruction of the views of German Dominican theologians, living in the Rhine and Elbe river basins, who were proponents of the Immaculate Conception. There were two provinces in this area, Teutonia and Saxony. *Marienlexikon* mentions two German Dominicans who advocated the Immaculate Conception: Johannes Streler (1390–1459) and Johannes Nider (c. 1380–1438) (Schiewer 1991, 410). Bogusław Kochaniewicz

(2008, 33–34), on the other hand, counts Pseudo Johannes Tauler (1301–1361) and Johannes Herolt (1390–1468) among the proponents of the Immaculate Conception.

Stage two will be an examination of the views on the Immaculate Conception in terms of the method used. For in the background of the dispute over the Immaculate Conception is a discussion about the methods used in theology. This comes particularly to the fore at the invalid Council of Basel. The Franciscans Jean de Rouvroy and Pierre Porcher, supporters of the Immaculate Conception opinion, and the Dominicans Johannes de Montenegro and Johannes Torquemada, supporters of the opposite opinion, use different methods. The methods of the Dominican supporters of the Immaculate Conception opinion will be described and then compared with the justification of the dogmatic definition promulgated by the invalid Council of Basel. Since Pope Eugenius IV closed the Council of Basel in 1437, therefore its decisions from the sessions of 1437–1449, including those about the dogma of the Immaculate Conception, are invalid.

Stage three will attempt to take a critical look at the methods used by the Dominican supporters of the Immaculate Conception view. For this purpose, an academic discourse will be created between the Dominican proponents of the Immaculate Conception and Thomas Aquinas. This discourse will address the methods they apply. The method used by Thomas allows one to affirm the sanctification of Mary in the womb. It did not, however, allow for the assumption of this sanctification from the very beginning of Mary's existence, because it is not explicitly stated in Scripture and by the Fathers of the Church, and reason perceives the incompatibility of Mary's sanctification from the very beginning with the universality of original sin and with the universality of redemption. In contrast, Dominican proponents of the Immaculate Conception used other methods to demonstrate the compatibility of the Immaculate Conception with Scripture and the Fathers of the Church and to reconcile the Immaculate Conception with the universality of original sin and the universality of redemption.

The role of method in the dispute about the Immaculate Conception will be established by reconstructing the views of German Dominicans who approved the Immaculate Conception. This will be followed by an analysis of how they acquired their knowledge of the Immaculate Conception. This will enable a critical analysis of the method used by the Dominicans who were in favour of the Immaculate Conception. This analysis will be made through a comparison with the method used by Thomas Aquinas.

For the purposes of this research, it is important to clarify the terms that have their origin in the Feast of the Conception of Mary. St Thomas Aquinas was familiar with this Feast, but he did not use the term "conception" but "sanctification." This sanctification took place after Mary's animation, but before her birth, since sin and grace can only be attributed to a rational creature (Kochaniewicz 2021, 159–76). For Thomas, the object of the Feast of the Conception is not her conception but her

sanctification, which is why the Dominicans celebrated the Feast of the Sanctification of Mary. In comparison, the Carthusians introduced *ad libitum* the Feast of the Conception of Mary in 1333. In 1341 they changed the name of the Feast to “Sanctification” and in 1471 they returned to the name “Conception.” Pope Gregory XV (†1623), in order to preserve peace and harmony in the Church, sought to eliminate both the word “sanctification” and the adjective “immaculate” before the term “conception.” This is because the Pope believed that the term “conception” allowed two opinions: either Mary’s purification from the very beginning or her purification immediately after animation. Pope Urban VIII (†1644), however, in granting the request for the approval of the chivalric order under the name “Immaculate Conception,” changed the title to “Conception of the Immaculate Virgin.” The term “Immaculate Conception” gained the approval of Pope Alexander VII (1559–1667) and from then on it began to be accepted in the Church without hindrance (Laurentin 1958, 271–324). As can be seen the dispute over the Immaculate Conception is visible already at the level of terminology. The term “conception” is biased because of the state of medieval biological knowledge. The Feast of the Conception, however, is not about biology but about theology, favoured by the biblical term “sanctification.” Mary’s conception was not virginal; she was not conceived the way Jesus was, but like any human being. Her biological conception, however, has a theological dimension. It is either sanctification, i.e. purification from original sin in the womb, or Immaculate Conception, i.e. preservation from original sin. The solution to this dilemma depends on the theological method adopted, which, however, cannot be dogmatised. Since the undogmatized theological method influences the dogma of the Immaculate Conception, therefore the process to its proclamation was long and marked by disputes. Thus, in the background of the dispute over the dogma of the Immaculate Conception is the dispute over undogmatized theological methods.

## 1. Proponents of the Immaculate Conception among German Dominican Theologians

Finding proponents of the Immaculate Conception within the province of Teutonia is an extremely difficult task. In 1225, the first general chapter of this province (the eighth Dominican province in order of foundation) took place. In the same year, Saint Thomas Aquinas was born; he stayed in Köln with his master Albert the Great (of Lauingen) from 1248 to 1252. In 1323, Pope John XXII proclaimed the canonisation of Thomas. This was the impetus for the recognition of Thomas’ theology as the official theology of the Dominicans. Its integral part is the thesis of the sanctification of Mary in the womb of her mother, St Anne. Thomas’ thesis goes further than the thesis propounded by Peter Lombard (1100–1160). According to Lombard, Mary

was cleansed by the Holy Spirit from all contamination by sin: “the whole of Mary, the Holy Spirit having previously descended upon her, completely cleansed her from sin and also freed her from the disposition to sin” (Lombard 2015, 120–21). However, this cleansing did not take place until the Annunciation. Quoting John of Damascus, Lombard (2015, 120–21) wrote: “But after the consent of the holy Virgin, the Holy Spirit descended upon her first, according to the word of the Lord, which the angel had spoken, purifying her and preparing the power to conceive the Godhead of the Word, and at the same time to give birth.”

Thomas shifted Mary’s purification to the moment of her being in her mother’s womb using the biblical term “sanctification,” referring to Jeremiah and John the Baptist, still in their mothers’ wombs.

Since Thomas’s thesis of Mary’s sanctification in the womb was part of the official theology of the order, it is therefore repeated by the vast majority of Dominican theologians. The typical Dominican position is represented by Master Eckhart (von Hochheim) (1260–1328): “Although Mary was conceived in sins and her body was united to her soul in original sin, she was cleansed by the Holy Spirit immediately afterwards and was born holy. That is why we solemnly celebrate her very birth. This has shown us the perfect love of the Lord, because He never created such a pure creature and so noble (as Mary)” (Master Eckhart 2020, 33). The Mother of the Lord surpasses all creatures in holiness, but she does not match the holiness of her Son. Eckhart derives Mary’s holiness from the words of the book of Song of Songs: “Who is this that looks forth like the dawn” (Cant 6:10 RSV). Mary reflects the holiness of the Son like the morning star at dawn reflects the light of the sun, and therefore the holiness of the Son cannot be equated with the holiness of his Mother. Eckhart makes an important addition to Mary’s sanctification. Sanctification is not only purification, i.e. freedom from original sin, but also holiness. After being released from original sin, Mary was not left with emptiness, but holiness.

A subtle change in the understanding of Mary’s sanctification was introduced by Henry Suso (Heinrich von Berg, 1295–1366), who, while in Köln from 1324 to 1327, met Master Eckhart there. Although Suso (2016, 152) never explicitly mentioned the Immaculate Conception, he implied it when he wrote: “We have lost one paradise, we have gained two. Is not Paradise the One in which the Fruit of the Tree of Life has grown [...] Or is not the One in which the dead regain life if they taste its fruit a Paradise more beautiful than all others [...] Truly, o Lord, whoever has tasted of this fruit, whoever has drunk from this fountain, knows that these two paradises surpass disproportionately the earthly paradise.”

Paradise was free from sin, and therefore the two paradises, Jesus and his mother, are free from the sin that Adam and Eve committed, which ended their stay in paradise. Jesus and Mary would therefore be in the state of Adam and Eve before their fall. Suso justifies his thesis by referring to the biblical books: the Book of Esther and the Song of Songs. Based on the book of Esther, Suso (2016, 152–53) formulates the

following argument: “if King Ahasuerus’ heart was enraptured by Esther’s charms, if she pleased his eyes more than all other women, if she found before him more grace than all of them, so that he fulfilled all her wishes (cf. Esth 2:9) – then you, who in beauty surpass the roses and all the lilies, how will you delight the heavenly King with your great purity, your meekness and humility, the fragrance of all your virtues and all your graces!”

However, Suso does not refer to the following passage from the book of Esther: “and when the king saw Queen Esther standing in the court, she found favor in his sight and he held out to Esther the golden scepter that was in his hand. Then Esther approached and touched the top of the scepter” (Esth 5:2). Commenting on this passage, proponents of the Immaculate Conception point out that by stretching out the golden scepter towards Esther, King Ahasuerus took her out of the universal law punishing her with death for wilfully approaching the king. Similarly, God took Mary out of the universal law of original sin. In this way, Mary triumphed over Satan, who was seen in Holofernes (Mayberry 1991, 215–16). And when it comes to the Book of Song of Songs, Suso uses the following verse: “My beloved is mine and I am his” (Cant 2:16). Commenting on it, he writes: “Yes, you belong to God and God to you, together you engage in the art of eternal love, unfathomable, which nothing can ever interrupt” (Suso 2016, 153). This comment seems to suggest Mary’s sanctification from the very beginning of her existence. Such sanctification is demanded by the eternal love through which Mary belongs to God. However, Suso failed to use another text “You are altogether beautiful, my love; there is no flaw in you” (Cant 4:7). This text was earlier commented on by Jordan of Saxony. According to Jordan (Jordan z Saksonii 2017, 66), Mary is the only dove of Christ, “His beloved; She – all beautiful (Cant 2:14), for there is no blemish in her; She who was never affected by the wound of sin, full of love and tenderness, full of grace, blessed among women – the Lord is with her!”

Jordan’s statement echoes the imperfect terminology of the Immaculate Conception – “there is no blemish in her.” It is difficult to decide whether Jordan shared Lombard’s opinion of Mary’s purification from all taint at the moment of the Annunciation, whether he anticipated Thomas’s opinion of Mary’s purification from all taint at the time of sanctification in the womb, or whether he already implies Mary’s purification from all taint from the very beginning of her existence. In any case, in Jordan’s writings the terminology of the Immaculate Conception – “there is no blemish in her” – resonates more strongly than in Suso, who did not want to overstep the boundary set by Thomas for Mary’s sanctification in the womb.

This limit set by Thomas for the sanctification of Mary in the womb was exceeded by the author of the sermons *Sermo de festo Purificationis B. M. Virginis* and *De decem caecitatibus* attributed to John Tauler (1301–1361). However, Tauler left no writings. His sermons in particular were written down by the Dominican nuns of the Strassburg monastery. Later, more and more sermons began to be written under his name. Even Protestants did so, as Luther valued Tauler because he saw in his sermons

a rejection of the cult of the saints and the necessity of good works to justify the sinner. Today, eighty-three of Tauler's sermons are considered authentic. They did not include *Sermo de festo Purificationis B. M. Virginis* and *De decem caecitatibus*. These sermons, however, represent the Dominican milieu (Kochaniewicz 2004, 226). They contain explicit references to the fact that Mary did not contract original sin, that is, she was preserved by God from the taint of sin throughout her life, from conception to death (Kochaniewicz 2004, 226–28). The argument for this position is the feast of the Conception. If the conception of Mary were not holy, there would be no basis for celebrating it. However, in sermons recognised as authentic, Tauler teaches the sanctification of Mary in the womb. In his sermon for the feast of the Nativity of the Blessed Virgin Mary, he repeats Thomas' thesis of Mary's sanctification in the womb: "We celebrate today the glorious day on which the divine Virgin Mary came forth pure, undefiled and holy from her mother's womb, in which she was sanctified. In her, man recovered what was destroyed in paradise, namely the noble image which the Father created in his likeness and which man lost there" (Tauler 2016, 146). Tauler thus echoes Thomas' view of Mary's sanctification in the womb of St Anne.

The scope of Mary's sanctification is expanded by Johannes Nider, who is the author of six sermons: on Mary's birth, conception, purification, annunciation, visitation and assumption. In the sermon on Mary's conception, he states briefly: "Maria immediate, postquam anima infusa est corpori, sanctificata est." (Schiewer 1991, 410). Mary was thus sanctified immediately after the animation (Siebert 1906, 470–91). By linking Mary's sanctification with animation, Nider reaches the boundary of the Thomistic school, beyond which there is the Immaculate Conception. This boundary is crossed by Johannes Herolt (Schenk 1991, 157ff). In his sermon on the Feast of the Conception, he explains that Mary's sanctification in the womb means her preservation from sins for the sake of the future event of the incarnation. In this way, God prepared Mary's womb for the event of the incarnation. In order for Mary to conceive Jesus, she was more perfectly sanctified than Jeremiah and John the Baptist. The words of Psalm 46[45]:5[4] about the sanctified tabernacle ("The Most High hath sanctified His tabernacle," "the holy habitation of the Most High" [RSV], "the holy dwelling of the Most High" [USCCB], "the holy place where the Most High dwells" [NIV], "the holy place of the tabernacles of the most High" [KJV]) seem to speak in favour of a more perfect sanctification. The sanctified tabernacle of the Most High is a type of Mary, who became the Tabernacle of the Incarnate God. As the Tabernacle of the Incarnate God, it is convenient that Mary should be more perfectly sanctified than Jeremiah and John the Baptist. If Jeremiah and John were sanctified in their mothers' wombs for the sake of the Christ whom they were to announce, how much more should Mary, who conceived Christ, be sanctified. Such a more perfect sanctification of Mary is already the beginning of salvation. Concerning this perfect sanctification of Mary, Herolt uses the Latin expressions: "hodie sanctifica est et preservata prae omnibus sanctis" and "virgo beata concepta est et preservata"

(Herolt 1584, 11). In these statements, one can see implicitly the truth of the Immaculate Conception. However, these statements lack the explicit addition made by Alexander VII in his letter *Sollicitudo Omnium Ecclesiarum* of 8 December 1661: “a macula peccati originalis praeservatam immunem” (Alexander VII 2012, 1661). Such an explicit addition is made by Herolt in his sermon on the words “Fecit mihi magna” (Luke 1:49). Among the many “great things” done by God to Mary, Herolt places her purification from all original, mortal and venial sin in the first place: “ab omni peccato originali, mortali et veniali mundata” (Herolt 1529). This purification from all original, mortal and venial sin Herolt justifies with the words from the Song of Songs: “You are altogether beautiful, my love; there is no flaw in you” (Cant 4:7). Herolt thus uses a method of typological interpretation of the Bible. The Immaculate Conception is also justified by Herolt with the words of the angelic greeting: “full of grace” (Luke 1:28). The angel declares to Mary that from the moment of her conception she is “full of grace”: “Maria ab conceptione plena gratie ab angelo nuntiatur” (Herolt 1529). Herolt clearly crossed the boundaries of the Thomistic school. Departing from the scholastic method and moving to typological exegesis and the argument from congruity (*ex convenientia*), he arrived at the preservation and purification of the Mother of the Lord from original sin and all other sins. This preservation and purification of Mary is her perfect sanctification. Herolt did not explicitly use the term “Immaculate Conception,” which is of great theological significance. Nor did he equate the conception of Jesus from the Holy Spirit with Mary’s perfect sanctification, which was not, however, her conception from the Holy Spirit. There can be no equivalence between the mystery of the Immaculate Conception of Jesus and the mystery of Mary’s preservation and purification from original sin. Johannes Streler, a student and later professor and dean of the Faculty of Theology at the University of Vienna (Powitz 1995, 411–16), formulated a similar thesis about Mary’s conception. Although he is a commentator on Peter Lombard’s sentences (Blažek 2014, 669–726), he did not adopt Lombard’s view of Mary’s purification at the moment of the annunciation, nor Thomas’s view of sanctification in the womb, but teaches the conception of Mary without original sin. In a short writing *Informationes*, in six sentences Streler expressed his opinion on the various election procedures in the monastery, the question of confession and absolution and the Immaculate Conception. On the latter issue, Streler insisted that “Beatae Mariae Virginis tenet conceptam sine originali” (Streler 1924, 162; Powitz 1995, 415). The claim that Mary “possesses” a conception without original sin is less precise than the claim that she was preserved or purified from original sin.

Few German Dominican theologians teach the preservation or purification of Mary from original sin, or that she was given a conception without original sin. They do not yet use the technical term “Immaculate Conception,” although they come close to it. Mentions of Mary’s preservation or purification from original sin or that her conception was free from original sin appear in preaching, not in theological

treatises. In Dominican theological treatises, there is – in contemporary language – a “hierarchy of truths.” Mary’s sanctification is subordinated to the Christological dogma, and therefore the authors of the treatises do not equate the humanity of Jesus with that of Mary. Only Jesus was sanctified from the very beginning of his earthly existence, so that there was never original sin in him. To equate such a humanity of Jesus with the humanity of Mary would be idolatry. It is for this reason that the German Dominican theologian called “the Great,” Albert of Lauingen called a heresy the view that proclaims Mary’s sanctification before animation. According to Albert: “Dicimus, quod Beata Virgo non fuit sanctificata ante animationem: et qui dicunt oppositum est haeresis condemnata a Bernardo in epistola ad Lugdunenses et magistris omnibus Parisiensibus” (Albertus Magnus, *In tertium sententiarum* d.3, a.4). Albert’s authority strengthened Dominican theologians’ defence of the opinion that Mary was sanctified in the womb. To defend this opinion, the Dominican theologians initiated disputes at the universities of Leipzig (1489 and 1490) and Frankfurt (1500). At Leipzig, George Orter von Frickenhausen (†1497) (Kaeppli 1975, 26–27) called the opinion of the Immaculate Conception a heresy because it is incompatible with Scripture and the Fathers of the Church (Löhr 1934, 63–67). In Frankfurt, Wigand Wirt (1460–1519) (J. Lauchert 1898, 522–25) also accused of heresy those who dared to exclude Mary from the taint of original sin (Steitz 1877, 1–35; F. Lauchert 1897, 759–91). The defence of the view that Mary was sanctified in the womb was linked to the Order’s concern for orthodoxy. Not coincidentally, Pope Gregory IX (1227–1241) entrusted the Dominicans with the Inquisition to combat heresy. The view of Mary’s Immaculate Conception was affected by the heresy of Pelagius (354–427), according to which Adam’s sin is passed on to his descendants by imitation rather than inheritance. On the basis of this heresy, Julian of Eclanum (386–455) preached the Immaculate Conception of Mary. She was the one who did not imitate Adam in sinning, although she was not the only one. The Immaculate Conception in Julian’s view was described as a “diabolical dogma” (Sebastian 1958, 235) and could therefore arouse the suspicion of the Inquisitors. In fact, the General of the Order Humbert von Romans (1200–1277), describing the tasks of the Dominicans, did not explicitly mention inquisitorial activity, but they were best suited to it due to the application of the principle: *docentura pro praedicatione*. The position of the German Dominicans against the Immaculate Conception was indirectly confirmed by Pope Leo X (1475–1521). The Italian Dominican Thomas Cajetan (Tommaso de Vio, 1469–1534) asked Leo X to decide between two opinions with his infallible authority. One of these opinions proclaims the Immaculate Conception of Mary. It has a large number of adherents, but it is a new opinion that is not supported by arguments from Scripture and the Fathers of the Church. The second opinion, on the other hand, denies the Immaculate Conception. However, it is an ancient opinion, for which arguments from Scripture and from the Fathers of the Church are put forward. Leo X did not settle the dispute about the Immaculate Conception himself, but brought it to the Fifth Lateran

Council (1512–1517) (Sebastian 1958, 235). Although the Dominicans were opposed to the Immaculate Conception, their position did not weaken the cult and veneration the Order had for Mary. In fact, it was not inferior to the cult of the supporters of the Immaculate Conception. One need only mention the fact that it was the Dominicans who spread the rosary. The Dominican Prior of Köln, Jakob Sprenger, founded the first German Rosary confraternity on 8 September 1475. It is the love to Mary that led to the idea of the Immaculate Conception. For the Dominicans, however, love for the Mother of the Lord intertwined with love for revealed truth. This love commanded them to respect the silence of Scripture and the Fathers of the Church about the Immaculate Conception. This love for truth, however, is not a barrier against the greater love of the Mother of the Lord.

## 2. The Theological Method of the Dominican Proponents of the Immaculate Conception

The few Dominican proponents of the Immaculate Conception did not write theological treatises but expressed their views in sermons. Behind their statements on the Immaculate Conception is one of three theological methods: the method of congruity (*ex convenientia*), the method of *lex orandi – lex credendi* and the method of typological exegesis.

The method of congruity seeks probable reasons. With regard to the Immaculate Conception, this means demonstrating the possibility of such an action of God whose appropriateness is justified by the economy of salvation, above all by the mystery of the incarnation. It was convenient that the holy Son of the Most High should have taken flesh from a holy mother from the very beginning of her existence. The argument from congruity (*ex convenientia*) can be rendered by the following formula: *potuit – conveniens fuit – ergo fecit*. This is a reinterpretation of Eadmer's (1060–1126) *potuit – si voluit – ergo fecit* principle. The principle of congruity hides an intellectual catch, because it cannot be applied to prove the Immaculate Conception was something certain. Only the probability of this event can be demonstrated. Since the Immaculate Conception is only probable, therefore it should not be dogmatised. Dogma should be backed by the certainty guaranteed by Revelation.

The *lex orandi – lex credendi* method seeks arguments in the liturgy. In the light of this principle, the liturgy is the profession of faith and as such it is the living of dogma. The proponents of the Immaculate Conception looked for an argument for this view primarily in the Feast of the Conception of Mary. In this Feast they saw the living of the dogma of the Immaculate Conception. However, St Bernard of Clairvaux was opposed to the liturgical celebration of this feast in Lyon for three reasons: the feast is not celebrated in Rome, it is contrary to reason and it does not grow out

of ancient tradition. According to Bernard, “although it was given to some people to be born (but not to be conceived) in holiness, the privilege of holy conception was reserved only to one, to sanctify all.” The people born in holiness are the prophet Jeremiah (Jer 1:5) and John the Baptist (Luke 1:41). What was granted to Jeremiah and John was not denied to the Mother of the Lord. “The Mother of the Lord was undoubtedly holy before she was born; by no means does the holy Church err in considering the day of her Nativity as holy.” St Bernard, as it were, contrasts the feast of the Nativity with the feast of the Conception. The Feast of the Conception could only be held by the Lord Jesus Himself. For He was conceived of the Holy Spirit and therefore only He is holy before conception. “Apart from this exception, the words [...] ‘Behold, I was brought forth in iniquity, and in sin did my mother conceive me’ (Ps 51:5 RSV) apply to all those born of Adam” (Bernard z Clairvaux 2015, 81–85). The first traces of the Feast of the Conception of Mary can be found in the seventh century. St Andrew of Crete (650–740) witnesses to a feast that celebrated the conception of Anne, the mother of Mary. The canon he wrote mentions that God heard Anne’s prayer made to Him in the garden and gave her, as the fruit of her womb, the One who would open the gates of the Garden of Eden. Anna’s womb bears the royal purple that the divine King will wear when He comes to mortal men to defeat their enemy (Bouman 1958, 118). Through the Greek communities in Italy, the Feast of the Conception of Saint Anne spread to the West. As early as around 830, it was already known to the West in Naples (Bouman 1958, 124), and before 1066 it is celebrated on 8 December in England (Bouman 1958, 127). In 1476 Pope Sixtus IV approves the Feast of the Conception with the constitution *Cum praeexcelsa*: “dignum, quin potius debitum reputamus, universos Christi fideles, ut omnipotenti Deo [...] de ipsius immaculate Virginis mira conceptione gratias et laudes referant (We consider it meet, nay, rather due, to invite [...] all the faithful in Christ to return thanks and praises for the wonderful conception of the immaculate Virgin to Almighty God)” (Sixtus IV; DH 1400). Supporters of the Immaculate Conception accepted the feast, while opponents rejected it. These included the Dominicans, who celebrated *Sanctificatio beatae Mariae Virginis*. The collect of this feast contains the following words: “Deus, qui beatissimam virginem Mariam post animae infusionem per copiosum gratiae munus mirabiliter ab omni peccati macula mundasti et in sanctitatis puritate postea confirmasti, praesta quaesumus, ut qui in honorem suae sanctificationis congregamur, eius intercessionibus a te instantibus periculis eruamur” (Bouman 1958, 145). The biblical term “sanctification” appears in the collect with reference to Jeremiah and John the Baptist. The collect therefore grew up in the climate of the Bible, in contrast to the Feast of the Conception, which grew up in the climate of the apocrypha: *The Protoevangelium of James* and *the Gospel of Pseudo-Matthew*. According to *The Protoevangelium of James*: Anna “about the ninth hour went down to the garden to walk [...] And she saw a laurel, and sat under it, and prayed to the Lord, saying: O God of our fathers, bless me and hear my prayer, as You blessed the

womb of Sarah, and gave her a son Isaac. [...] And, behold, an angel of the Lord stood by, saying: Anna, Anna, the Lord has heard your prayer, and you shall conceive, and shall bring forth [...]” (cf. *The Gospel of Pseudo-Matthew*, n.d.). A similar annunciation is experienced by Anne’s husband Joachim: “For an angel of the Lord went down to him, saying: Joachim, Joachim, the Lord God has heard your prayer. Go down hence; for, behold, your wife Anna shall conceive” (*Protoevangelium of James*, n.d.; cf. *The Gospel of Pseudo-Matthew*, n.d.) Joachim returned to Jerusalem. “And, behold, Joachim came with his flocks; and Anna stood by the gate, and saw Joachim coming, and she ran and hung upon his neck, saying: Now I know that the Lord God has blessed me exceedingly” (*Protoevangelium of James*, n.d.; cf. *The Gospel of Pseudo-Matthew*, n.d.). *The Protoevangelium of James* thus attributes to Mary the virgin conception by her mother Anna. This view of Mary’s virgin conception from Anne was declared a heresy by Pope Innocent XI in 1677 (Mayberry 1991, 211). The heresy underlying the Feast of the Conception disqualifies this feast as a liturgical argument for the Immaculate Conception. The Council of Trent (1545–1563) also weakened the feast of the Conception as a liturgical argument for the Immaculate Conception. This is because the Council did not count either *The Protoevangelium of James* or *The Gospel of Pseudo-Matthew* among the canonical books. Therefore, a liturgical argument for the Immaculate Conception cannot grow out of these apocrypha. The Council itself did not attempt to dogmatise the Immaculate Conception because of the many opposing theologians and in order not to exacerbate the dispute with Protestants. References to the Immaculate Conception appeared in the Decree Concerning Original Sin and in canon 25 in the Decree on Justification.

This same holy Synod doth nevertheless declare, that it is not its intention to include in this decree, where original sin is treated of, the blessed and immaculate Virgin Mary, the mother of God; but that the constitutions of Pope Sixtus IV, of happy memory, are to be observed, under the pains contained in the said constitutions, which it renews. (Council of Trent 1546) “If any one saith, that a man once justified can sin no more, nor lose grace, and that therefore he that falls and sins was never truly justified; or, on the other hand, that he is able, during his whole life, to avoid all sins, even those that are venial, -except by a special privilege from God, as the Church holds in regard of the Blessed Virgin; let him be anathema.” (Council of Trent 1547)

Typological exegesis is based on the patristic principle that the New Testament is hidden in the Old, and the full meaning of the Old is only revealed in the New (“St Augustine: et in vetere novum lateat et in novo vetus pateat”) (Fiedrowicz 2009, 150). For this reason, the main lines of interpretation of the Old Testament lead to Christ as the central figure of all Scripture. The method of typological exegesis makes it possible to find on every page of the Old and New Testaments what the Bible says about Christ. Since Mary is the Mother of the Lord, typological exegesis makes it possible to discover her already in some Old Testament texts. The Mother of the Lord was found, for example, in the Song of Songs, the Book of Esther or even

in Genesis. Mary was seen in the Bride without any blemish (Cant 2:14), belonging to the Bridegroom (Cant 2:16); in Esther exempted by King Ahasuerus from the law punishing with death any subject approaching the king without being asked (Esth 5:2); in Eve before original sin. Typological exegesis made it possible to see in the Bride, Esther or Eve not only the Mother of the Lord but also her Immaculate Conception. A typological reading of the Bride, Esther and Eve provides a stronger argument for the Immaculate Conception than arguments from congruity and the Feast of the Conception of Mary. Typological exegesis helps to demonstrate the compatibility of the Immaculate Conception with Scripture. However, the argument for the Immaculate Conception from typological exegesis is not evidence from Scripture, which cannot be separated from the evidence from the testimony of the Church Fathers. “In the theological sciences one cannot speak of proofs in the strict sense of the word. If they actually existed, i.e., they would give object self-evidence, they would destroy the nature of faith, which, in spite of justifications, must remain a free act [...] Therefore, in theology one must speak of justification rather than proof” (Rusecki 2010, 43–93).

The methods that substantiate the Immaculate Conception on the basis of Scripture and the Fathers of the Church can be compared to a judicial process based on direct evidence. In contrast, the methods to justify the Immaculate Conception from congruity (*ex convenientia*), liturgy and typological exegesis can be compared to circumstantial evidence. The methods based on Scripture and the Church Fathers would give evidence for the Immaculate Conception. In contrast, methods based on *ex convenientia*, liturgy and typological exegesis would give a high probability opinion of Immaculate Conception. While the scholastic method, based on Scripture and the Fathers of the Church, prevented Thomas and most Dominican theologians from adopting the doctrine on the Immaculate Conception, the shift from this method to that of congruity, liturgy and typological exegesis allowed some German Dominicans to come close to the opinion of the Immaculate Conception or even to accept it. The change in methods thus led a small number of German Dominican theologians to approve the Immaculate Conception of the Mother of the Lord.

Johannes Streler and Johannes Herolt were contemporaries of the event when the dogma on the Immaculate Conception was proclaimed on 17 September 1439 by the Council of Basel, which at that time was no longer recognised by the Pope. Johannes Nider, on the other hand, was then superior of the Dominican convent in Basel and delivered the opening speech at the Council on 27 July 1431. From Basel he went to Vienna, where he became dean of the Faculty of Theology. He supported the proponents of the Council in Basel. However, when Pope Eugenius IV firmly confirmed the decision to move the Council to another place, he stopped supporting the anti-Council supporters. Nider died in 1438, a year before the attempt to dogmatise the Immaculate Conception. The dogma of the Immaculate Conception was formulated by the invalid Council of Basel in such a way that it listed the methods that led to

the dogmatisation of the opinion on the Immaculate Conception. This dogma was formulated as follows:

Nos vero diligiter inspectis auctoritatibus et rationibus, quae iam a pluribus annis in publicis relationibus ex parte utriusquae doctrinae coram hac sancta synodo allegatae sunt, aliisque etiam plurimis super hac re visis, et matura consideratione pensatis, doctrinam illam differentem gloriosam virginem Dei genetricem Mariam, praeveniente et operante divini numinis gratia singulari, numquam actualiter subiacuisse originali peccato; sed immunem semper fuisse ab omni originali et actuali culpa, sanctamque et immaculatam; tamquam piam et consonam cultui ecclesiastico, fidei catholicae, rectae rationi et sacrae scripturae, ab omnibus catholicis approbandam fore, tenendam et amplectendam, diffinimus et declaramus, nullique de cetero licitum.

We define and clarify that doctrine which proclaims that the glorious Virgin, the Mother of God, Mary, by the prevenient act of the special grace of God's majesty, was never actually subject to original sin, but was always free from all original and actual guilt, and was holy and Immaculate, and that this doctrine is to be acknowledged by all Catholics as true and in conformity with the cult of the Church, with the Catholic faith, with correct reasoning, and with Sacred Scripture. This doctrine is to be preserved and accepted by all. And in the future no one will be allowed to preach or teach anything contrary to this doctrine. (CGVM 425)

According to this definition, the opinion of the Immaculate Conception becomes dogma because it is in accordance with the cult of the Church, with the Catholic faith, with the correct way of reasoning and with Sacred Scripture. The order of the methods that led to the dogmatisation of the opinion of the Immaculate Conception may be surprising. The cult of the Church, or liturgy, was put first, and Scripture, which is the primary source of revelation, was mentioned at the end. This is some kind of "inverted hierarchy of methods." At the top of this inverted hierarchy is the liturgy, which is a profession of faith. However, the Feast of the Conception of St Anne, based on the apocrypha, can hardly be considered a profession of faith in the Immaculate Conception. The Catholic belief in the Immaculate Conception should be the belief of the Fathers of the Church, who, however, never explicitly taught about it. In the process of arguing for the dogmatisation of the Immaculate Conception, the right way of reasoning was taken into account. However, it is difficult to recognise the argument from congruity (*ex convenientia*): *potuit – conveniens fuit – ergo fecit* as such a right way of reasoning. For it can be used to justify any potential dogma. Although the role of reason cannot be diminished in the process of dogmatisation, Scripture must have primacy in this process. For it has a decisive function in the judgment of faith. It is, after all, a certain dogmatic foundation. If it is silent about the Immaculate Conception, it should be followed in this silence. With the method of typological exegesis, one can only demonstrate the compatibility of the Immaculate Conception

with Scripture, but one cannot demonstrate that this opinion grows out of Scripture. The dogmatic definition of the antecedent of the Council of Basel combines the methods used by proponents and opponents of the Immaculate Conception, albeit in reverse order. Proponents of the Immaculate Conception opinion appeal to the liturgy, which is the profession of the Catholic faith, to correct way of reasoning and finally to Scripture. This order of methods makes it possible to recognise the opinion of the Immaculate Conception as a dogma. Opponents of the Immaculate Conception, on the other hand, without rejecting the *lex orandi – lex credendi* method and appealing to the correct way of reasoning, put Scripture first. Its silence on the Immaculate Conception is the decisive argument against dogmatising this opinion. The sequence of methods leading to the dogmatisation of the opinion on the Immaculate Conception referred to in the dogmatic definition of the anti-council in Basel supports the thesis that the change in theological method led to the first attempt to dogmatise the Immaculate Conception. The few supporters of the Immaculate Conception among Dominican theologians were part of this process of change of method. Two of them: Streler and Herolt were contemporaries of the Council of Basel and therefore may have been inspired by its methods, which led to the failed attempt to dogmatise the Immaculate Conception. Nider, on the other hand, was distinguished from other theologians by his adherence to the scholastic method and therefore, although he reached the boundary of the Immaculate Conception, he did not cross it.

The document of the anti-council in Basel that contains the definition of the Immaculate Conception, in addition to the methods leading to the dogmatisation of this opinion, the terminology is noteworthy. The document is entitled *On the Glorious Conception of the Virgin Mary*. This title refers to the Feast of the Conception (now Solemnity), which is to be celebrated on 8 December in all Churches. It is a feast in honour of the Conception – the Polish translation adds “Immaculate” in brackets. The Latin text does not include this word: “sub nomine conceptionis festis laudibus colendam esse” (CGVM 424).

The Feast of the Conception is thus the main justification for the dogma according to which “Mary, by the prevenient act of the special grace of God’s majesty, was never actually subject to original sin, but was always free from all original and actual guilt, and was holy and Immaculate.” The dogmatic definition, as well as the entire document *On the Glorious Conception of the Virgin Mary* does not include the term “Immaculate Conception” but the term “Immaculate.” As Immaculate, Mary is not only free from original sin, but also holy. This holiness is the result of her sanctification. The document does not avoid this term “sanctification.” Mary’s conception is the beginning of her sanctification: “God saved her with sublime sanctification” (CGVM 425). The document seeks to combine the apocryphal term “conception,” which gave its name to the Feast of the Conception, with the biblical term “sanctification.” Mary’s conception is thus a perfect sanctification giving freedom from original guilt, and holiness. Mary’s conception therefore has not only the negative

aspect of freedom from original guilt but also the positive aspect of holiness. The document of the invalid Council of Basel *On the Glorious Conception of the Virgin Mary* thus seeks a compromise between the proponents of the Immaculate Conception, who used the apocryphal term “conception,” and the opponents of this view, who preferred the biblical term “sanctification.” The fruit of this compromise is the term “Immaculate,” meaning free from original sin and at the same time holy through sanctification. Her conception is a salvation accomplished by God through sublime sanctification. This teaching of the document *On the Glorious Conception of the Virgin Mary* conceals an appeal to the opponents of the Immaculate Conception to consider Mary’s sanctification in her mother’s womb as more perfect than the sanctification of Jeremiah and John the Baptist and to link it to the conception itself, i.e. to go even further than the Dominican Johannes Nider preaching Mary’s sanctification immediately after the animation. However, one must understand the Dominican opponents of the Immaculate Conception who defended their position, even after the failed attempt to dogmatise the Immaculate Conception. They were not convinced by the method of proving the dogma used in the document *On the Glorious Conception of the Virgin Mary*. All these “new” theological methods by which they attempted to dogmatise the Immaculate Conception were only substitute theological arguments. Because they weakened or even replaced the role of Scripture and the Fathers of the Church, they therefore failed to convince of the Immaculate Conception. For this reason, after the formally invalid dogmatisation of the Immaculate Conception at the anti-council of Basel, most Dominican theologians continued to be opponents of the Immaculate Conception, as evidenced by the disputes initiated by George Orter von Frickenhausen in Leipzig (1489 and 1490) and Wigand Wirt in Frankfurt (1500).

The correctness of the position of the Dominican theologians was indirectly confirmed by the two subsequent Councils of Lateran V and Trent. They did not attempt to dogmatise the Immaculate Conception the way the anti-council of Basel did. This was influenced by the Dominican theologians who, in the name of the scholastic method, were able to oppose the dogmatisation of the Immaculate Conception, which *de facto* had already taken root among the laity, but not yet in the Magisterium of the Church entitled to dogmatise the opinion on the Immaculate Conception.

### **3. The Method of the Dominican Proponents of the Immaculate Conception versus the Scholastic Method of St Thomas**

Statements by a small number of German Dominican theologians confirm the thesis that theological methods stand in the background of the dispute over the Immaculate Conception. The change of method, from the scholastic method to the liturgical

method (*lex orandi – lex credendi*), the argument from congruity (*ex convenientia*), and typological exegesis, has led a few Dominican theologians to the opinion that Mary was preserved or purified from original sin, or that she was conceived without original sin. The Dominican theologians who authored these opinions, however, did not use the term “Immaculate Conception.” In their opinions, they are close to the invalid Council of Basel, which taught about the Immaculate Mary. The preservation or purification from sin, or the immaculate conception, makes the Mother of the Lord Immaculate. A few German Dominican theologians base the opinion of the Immaculate Mother of the Lord from the Feast of the Conception by means of the principle *lex orandi – lex credendi*. To this end, they refer to the Feast of the Conception. They try to justify the Immaculate Conception also with the “correct way of reasoning,” which takes the form of the argument from congruity (*ex convenientia*). Also by means of the method of typological exegesis they want to find the biblical sources of the Immaculate Conception. The German Dominicans Johannes Streler and Johannes Herolt using these methods arrived at the opinion of the Immaculate Conception of the Mother of the Lord. Other Dominican theologians: Jordan of Saxony, Henry Suso (Heinrich von Berg), John Tauler came closer to this opinion. They wrote about it not explicitly, but they implied it. However, they did not explicitly cross the boundary of the opinion on the sanctification of Mary in the womb of St Anne. As it were, Johannes Nider stood on this boundary teaching the sanctification of Mary immediately after the animation. The methods used by the proponents of the Immaculate Conception, including those of the Dominicans, had their weaknesses. They resembled the circumstantial process, which gives a high degree of probability but nevertheless not direct evidence. These methods favoured *via devotionis*, which promoted the Immaculate Conception. *Via devotionis* was faster than *via theologiae*, because love for the Mother of the Lord preceded the truth about the Mother of the Lord. Meanwhile, love for the Mother of the Lord must be compliant with the revealed truth about the Mother of the Lord. It is primarily *via theologiae* that leads to the dogmatisation of the Immaculate Conception, not *via devotionis*. *Via theologiae* of the vast majority of Dominican theologians was based on the scholastic method. This method requires direct evidence and therefore, in the case of the Immaculate Conception, Dominican theologians were unable to find evidence in Scripture, in the Fathers of the Church and in the correct way of reasoning. Scripture and the Fathers spoke directly of the sanctification of Jeremiah and John in the wombs of their mothers, which suggested a similar sanctification of the Mother of the Lord. It could not, however, take place at conception alone, for the correct way of reasoning showed that this was impossible because of the universality of sin and therefore the universality of redemption. The Mother of the Lord could not be excluded from either the universality of sin or the universality of redemption. The Dominican position, a result of the scholastic method, effectively prevented the rapid dogmatisation of the opinion of the Immaculate Conception demanded by *via devotionis*. After the

invalid Council of Basel, which dogmatised the Immaculate Conception, the Dominicans moved to defensive positions. However, they were convinced of the superiority of the scholastic method, which is based on evidence and not circumstantial evidence. By means of this method the term “sanctification” rather than “conception” was extracted from Scripture. The Bible speaks of the conception of Jesus by the Holy Spirit. Mary is to conceive and give birth to her Son through the Holy Spirit, who comes upon her and causes her to give birth to the Holy Son of God (Luke 1:31–35). The Holy Spirit created in Mary the human nature of the Son of God and therefore Jesus is immaculately conceived. Today, the Immaculate Conception of Jesus is more and more boldly spoken of in connection with the feast of the Annunciation of the Lord. In fact, it is the feast of the Immaculate Conception of Jesus. This conception of Jesus of the Holy Spirit is not a paradigm for the Immaculate Conception of Mary. Mary’s conception took place in Anna, just like the conception of any human being. It was not a virgin conception because it was not of the Holy Spirit, as in the case of Jesus. The term “immaculate” applied to Mary’s conception seems to equate it with the Immaculate Conception of Jesus, which was by the Spirit of the Creator. Meanwhile, Mary’s conception in Anne was quite a different conception from Jesus’ conception in Mary. In Mary’s case, a better term would be the biblical term “sanctification.” Mary’s sanctification in Anne’s womb would be analogous to John’s sanctification in Elizabeth’s womb. John’s sanctification was also accomplished by the Spirit when He filled Elizabeth at the moment of her visitation by the Mother of the Lord (Luke 1:41). John’s leaping for joy in Elizabeth’s womb (Luke 1:44) can be interpreted as the joy of the child still in his mother’s womb because of the sanctification effected by the Holy Spirit. The Saviour still in the womb of his mother Mary is already sanctifying John through the Holy Spirit. John is already experiencing salvation through the forgiveness of sins (Luke 1:77), which John’s father Zechariah will prophesy about. John’s sanctification in the womb of his mother Elizabeth was for the vast majority of Dominican theologians the paradigm for the sanctification of the Mother of the Lord. The scholastic method prevented them from accepting the more perfect sanctification taught by the invalid Council of Basel: God saved Mary by “sublime sanctification” (*sublimiori sanctificationis genere redemit*). The position of most Dominican theologians can be summarised by the opinion of St Thomas. As Bogusław Kochaniewicz writes:

Thomas, reflecting on the question of the Immaculate Conception, analyses four hypotheses. Three of them place the moment of sanctification before the person is constituted, in the last one he considers sanctification *post animationem*. When analysing Aquinas’s doctrine, it is important to bear in mind that the conception (*conceptio*) refers only to the process of formation of the fetal body, while *animatio*, the infusion of the human soul, takes place several days after *conceptio*, constituting the human person. It follows that the person of the Blessed Virgin Mary did not yet exist at the moment of conception. It is

therefore obvious that, in the light of such an anthropological conception, the opinions which speak of Mary's sanctification before animation had to be rejected. In the last of the four listed hypotheses, *Doctor Angelicus* considers the possibility of Mary's sanctification after her existence as a human person (that is, after the infusion of the rational soul). Only this solution is recognised and accepted by Thomas. It is this position that we find in all of Aquinas' works. (Kochaniewicz 2001a, 175)

Thomas' position can be summarised as follows: "Beata autem Virgo in originali est concepta, sed non nata" (The Blessed Virgin was conceived in original sin, but was not born in it). Carlo Balić (1899–1977) writes that at the 1954 International Mariological Congress in Rome, some theologians, e.g. John F. Rossi (Balić 1958, 194, 196) tried to argue that Thomas was definitively in favour of the Immaculate Conception. Balić calls such opinions "a romance without a shred of truth" (Balić 1958, 195). Thomas Aquinas, however, needs no justification for his negative position on the Immaculate Conception. Already after the dogma of the Immaculate Conception of the Mother of the Lord was proclaimed by Pius IX in 1854, his successor Leo XIII – as recalled by Benedict XVI (2011, 82) – "declared St. Thomas to be the patron saint of Catholic schools and universities. The fundamental reason why he is held in such high esteem is not only the content of his teaching, but also the method he employed." Although Thomas using the scholastic method only arrived at the opinion of the sanctification of Mary in the womb, his method remained valid, also when it came to the modern justification of the Immaculate Conception. As a suggestion for further research, an attempt can be made to reinterpret the dogma of the immaculate conception by developing Thomas' thought of Mary's sanctification in the womb. The immaculate conception would be Mary's salvation by a sublime sanctification. The sublimity of this sanctification would be that Mary was not sanctified in the womb like Jeremiah and John the Baptist, but was sanctified from the first moment of her being. The reinterpretation is not about rejecting the 1854 dogma but about deepening it. Deliverance by elevated sanctification implies not only Mary's freedom from original sin but also her holiness. Freedom from original sin and holiness make Mary Immaculate. As Immaculate, Mary shares in the immaculate conception of Jesus from the Holy Spirit. The Mother of the Lord is therefore Immaculate in and through the Immaculate Lord. To the words of *Lumen Gentium* stating that "Just as the priesthood of Christ is shared in various ways both by the ministers and by the faithful, and as the one goodness of God is really communicated in different ways to His creatures" (LG 62), so too the one Immaculate Conception of Jesus communicates its immaculateness into the conception of Mary.

## Conclusion

Dominican theologians, led by St. Thomas Aquinas, rejected the theological opinion of the immaculate conception of the Mother of the Lord. Since Thomas' position became part of the official theology of the order, therefore, theologians sympathetic to the opinion of the immaculate conception were an exception among Dominicans. When it came to the German Dominicans, Johannes Streler, Johannes Herolt and Johannes Nider sympathized with the immaculate conception opinion. Their sympathy with the opinion of the immaculate conception was due to the theological methods they used. This change in theological methods in the dispute over the Immaculate Conception inspired the posing of a problem: what method was used by German Dominican theologians who were supporters of the Immaculate Conception? How did the change in method change the view of the Immaculate Conception? The path to solving the problem had three stages. The first was a reconstruction of the views on the Immaculate Conception of German Dominican theologians. The next stage examined these views in terms of the method used. The final stage was a critical look at the methods used by Dominican proponents of the immaculate conception. The change of method from the scholastic method to the liturgical method, the allegorical interpretation of Scripture and the method of congruity (*ex convenientia*), has led a few Dominican theologians to the opinion of Mary's preservation or purification from original sin or her having a conception without original sin. Especially the method of typological exegesis allows them to show the compatibility with Scripture of this preservation or purification of Mary from original sin or her conception without original sin. Streler, Herolt and Nider, however, avoid the term "immaculate conception." These three German Dominicans were active in the era of the Council of Basel, which may have inspired them. The document of the unrecognized part of the Council, *On the Glorious Conception of the Virgin Mary*, seeks a compromise between theologians who use the apocryphal term "conception" and those who prefer the biblical term "sanctification." Mary's conception is God's accomplished deliverance through sublime sanctification. A similar compromise comes to a head with the three German Dominicans mentioned above. However, the methods used by Dominicans approaching the opinion of the immaculate conception have weaknesses. They resemble the circumstantial process, which gives a high degree of probability, but nevertheless not proof. Moreover, the Dominican theologians expressed their views in sermons, not in theological treatises. Nevertheless, the views of the three German Dominicans represent a break in the position presented by Thomas that Mary conceived in original sin, but was not born in it.

The old dispute over the immaculate conception may be relevant to the modern reinterpretation of the dogma promulgated in 1854. This reinterpretation is about deepening the dogma, not contesting it. Showing this meaning is a suggestion for further research. This further research could show Mary's immaculate conception

as her perfect sanctification from the first moment of her being. This makes her without original sin and at the same time all holy. Grace, in removing sin, does not leave some kind of vacuum but fills her with holiness. Next, one could show the connection between Mary's immaculate conception and the immaculate conception of Jesus by substantiating the thesis that the Mother of the Lord is Immaculate in and through the Immaculate Lord. This would be an extension of the suggestion made in the document *On the Glorious Conception of the Virgin Mary*, which seems to suggest shifting the emphasis from the immaculate conception to the Immaculate.

*Translated by Monika Szela-Badzińska*

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