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A Pathway Scattered with Stumbling Blocks: The Theology of the Episcopate and the Obligation of Residence at the Council of Trent

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The Council of Trent (1545-1563) is inseparably doctrinal and pastoral. On the doctrinal level, its program is largely, if not entirely, determined by the need to give firstly an answer to the Lutheran assertions, then Calvinist ones, taking into account the stretching of the council during the course of time. As for the pastoral program of the council, it can be summed up in one watchword, omnipresent within the life of the Church at least since the Council of Vienne (1311-1312): reform (*reformatio*)¹. In the middle of the 16th century, one of the main challenges of this reform, perhaps even the main one in the eyes of contemporaries, was the re-legitimation of the pastoral body, made up of bishops and priests, and vigorously criticised in its very sacramental identity by the Protestant Reformers.

If it is true that the theological reception of the Council of Trent has very logically privileged, until our present days, the interpretation of decrees and canons with doctrinal scope², many ecclesiastical and lay actors of the time consider on the contrary that the reform – in a practical, disciplinary and pastoral perspective – must be the foremost objective of the council. On the one hand, as a matter of fact, the disappointing succession of “colloquia” between Catholic and Protestant theologians gives credence to the idea that doctrinal debates can only deepen and intensify the separation; on the other hand, a finally reformed Catholic Church, purified of its

¹ Because it develops the need for a *reformatio Ecclesiae tam in capite quam in membris*, the written work which is usually considered as foundational is the *Tractatus de modo generalis concilii celebrandi* of the Bishop of Mende William Durant the Younger, printed on the occasion of the Council of Vienne and several times reprinted in modern times. See Constantin FASOLT, *Council and Hierarchy: The Political Thought of William Durant the Younger*, Cambridge, Cambridge University Press, 1991; ID., “Die Rezeption der Traktate des Wilhelm Durant d. J. im späten Mittelalter und in der frühen Neuzeit”, in Jürgen MIETHKE (dir.), *Das Publikum politischer Theorie im 14. Jahrhundert: zu den Rezeptionsbedingungen politischer Philosophie im späteren Mittelalter*, München, Oldenbourg, 1992, p. 61-80.

² For classic analyses of historical theology on the “Tridentine Doctrine” of the holy sacraments, see Ludwig OTT, *Das Weihesakrament*, Freiburg im Breisgau, Handbuch der Dogmengeschichte, IV, Sakramente, 5, 1969). André DUVAL, *Des sacrements au concile de Trente*, Paris, Éditions du Cerf, 1985. Henri BOURGEOIS, Bernard SESBOÜÉ, Paul TIHON, *Les signes du salut*, vol. 3 of *Histoire des dogmes* edited by B. Sesboüé, Paris, Desclée, 1995.

abuses, can again become attractive, it is estimated, for those who have separated from it or who would be tempted to do so. In other words, the search for orthodoxy by theologians is likely to make the separation final; quite the opposite, a search for orthopraxy could help the reunification of Christians.

As we shall see, the Council Fathers finally decide to juggle doctrinal reflection and the labour of reform; in spite of a very troubled history, in spite of the suspensions and the, sometimes, violent conflicts which lead the council to the brink of failure, this double program is more or less maintained, from the opening of the council in 1545 until its closure in 1563. Moreover, in terms of volume, the Decrees Concerning Reformation constitute the most important component of the Tridentine corpus³. Certainly, because of their frequently detailed nature, it is quite understandable that these texts are much longer than the doctrinal decrees which aim for conciseness. Nevertheless, their prolixity, their somewhat tedious character and their obvious obsolescence in many aspects of the institutional life of the Church should not deter the historian from giving them all the attention they deserve, if he wants to correctly identify the contours of the ministry of the bishop and the priest as demarcated by the Council of Trent, beyond the too easy myth of the “Tridentine priest”, man of the mass and of the other sacraments. It is essential not to focus solely on the “true and Catholic doctrine about the Sacrament of Orders to condemn the errors of our time⁴” of the 15th of July 1563, but also to take into account the various Decrees Concerning Reformation which deal with one way or another of this pastoral ministry, as much in what is common to the bishop and the priest as in what is applicable to one or the other. Above all, the study of the sometimes very long editorial path of these texts greatly helps to understand the real issues, the scope, but also the silences.

The debates on the Sacrament of Orders, which took place during the third and last period of the council, in 1562-1563, were undoubtedly the fiercest in the whole history of this assembly, which we obviously do not suspect nowadays, just by reading the resulting doctrinal decree. Much more than the priesthood, it is the episcopate that is at the heart of these debates: irreconcilable points of views are expressed on its theological and juridico-canonical definition. The episcopate is also the central subject of the Decrees Concerning Reformation, with a question that permeates almost the entire council, despite its fragmented history: the obligation

³Giuseppe ALBERIGO (dir.), *Les conciles œcuméniques*, II-2, *Les Décrets. De Trente à Vatican II*, Paris, éditions du Cerf, 1994, p. 1344-1623. This edition offers in parallel the Latin text (even pages) and its French translation (odd pages). In this contribution, the French translation is quoted while always indicating the Latin and French double page.

⁴ Text available in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1508-1513.

of residence, which is also the subject matter of such passionate discussions that they too contribute to block the council for several months.

Well known to specialised historians, the unfolding development – rich in twists and turns – of the Council of Trent is not really part of the common culture of theologians. This is why it first seems useful, in this contribution, to insist on the fragility and precariousness of this council, which was closely dependent on the political and military history of Europe in the middle of the 16th century. The difficulties of drafting decrees and their ultimately partial nature will only become clearer. We shall then see that the problem of the residence of pastors – especially bishops – is articulated very early in the history of the council, and that it was primarily through disciplinary means that the priestly ministry (especially episcopal, presbyteral to a lesser extent) is thematised. However, during the third and last period of the council’s history, the problem of residence was, so to speak, theologised and found itself intimately connected to the extremely difficult elaboration of the decree on the Sacrament of Orders, where the debates become tense on the episcopate, in particular on its relations with the sovereign pontiff. The resolution of the deadlock, the merit of which is attributed in large part to Cardinal-Legate Giovanni Morone, predominantly circumvents the most serious problems, not without proposing some strong formulas whose vigour, without literally repeating the terms or expressions to which were attached the partisans of a most resolute “episcopalist” reform, allows all the same to obtain their agreement.

A Fragile, Precarious and Fragmented Council

The history of the Council of Trent cannot be separated from the political and military history of Europe in the middle of the 16th century, it is even unintelligible if one does not have some essential knowledge of the fairly complex and turbulent situation of the continent: according to the happy metaphor of Adriano Prosperi, the Council of Trent is a seismograph of great European politics⁵. Our intention is not to propose here an overall history of the council: for this, there are excellent writings, different in their objectives, their approach and their volume⁶.

⁵Adriano PROSPERI, *Il Concilio di Trento: una introduzione storica*, Torino, Einaudi, 2001, p. 44.

⁶Hubert JEDIN, *Geschichte des Konzils von Trient*, Freiburg im Breisgau / Basel / Wien, Herder, 1949-1975, 5 vol.; A.A.V.V., *Histoire des conciles œcuméniques*, t. X, *Latran V et Trente*, Fayard, 2007 (l’Orante, 1975 for the first edition); t. XI, *Trente*, Paris, Fayard, 2005 (l’Orante, 1981 for the first edition); Alain TALLON, *Le concile de Trente*, Paris, Éditions du Cerf, 2000; Adriano PROSPERI, *Il Concilio di Trento...*, *op. cit.*; John O’MALLEY, *Trent. What Happened at the Council*, Cambridge (MA) / London, Belknap Press of Harvard University Press, 2013 (French translation: *Le concile de Trente. Ce qui s’est réellement passé*, Bruxelles, Lessius, 2013). One can also refer to an important collection of more recent studies: Wim FRANÇOIS and Violet SOEN (dir.), *The Council of Trent: Reform and Controversy in Europe (1545-1700)*, Göttingen, Vandenhoeck & Ruprecht, Refo500 Academic Studies, 35-1-3, 2018, 3 vol. Most of the documents related to the Council of Trent have been published by the

Within the subsequent lines, our aim is only to propose some elements of historical contextualisation, in order to avoid an abstract and distorted theological interpretation of the Tridentine texts.

The First Period (1545-1549): a Hesitant Council

The opening of the council, on the 13th of December 1545, in the small alpine city of Trent⁷, was a long awaited event, but it was by no means triumphant: only four cardinals were present (the three legates of Pope Paul III, still absent as would be his successors until the closure of the council in 1563, and the local prince-bishop, Cristoforo Madruzzo), four archbishops and twenty-one bishops, to which should be added five superiors general of religious orders and three Benedictine abbots – the latter having only one voice between them⁸. Thirty-seven Council Fathers, of whom only twenty-nine are endowed with the episcopal in character, is very few at a time when the number of bishops in full communion with the Holy See of Rome, rather difficult to estimate with precision, nevertheless exceeds well over five hundred⁹. One could consider such a meagre gathering of the Catholic episcopate as very disappointing, even pitiful, especially since the Italians are strongly overrepresented¹⁰. But the expectation had been so long and so often disappointed¹¹ that the opening of the council, even under such modest

Görres-Gesellschaft in the monumental collection *Concilium Tridentinum. Diariorum, epistularum, tractatum nova collectio*, Freiburg im Breisgau, Herder, 1901-2001, 19 vol. (from now and onward abbreviated as CT).

⁷The Emperor Charles V, the first interested in the resolution of the schism generated in Germany, absolutely wanted the council to be held in the Holy Empire, so that it would genuinely be received by the Germans. Pope Paul III, for his part, wanted to see the assembly meet in the States of the Church, in the centre of the Italian peninsula: he hoped in this way to be able to control more easily the work of the council and remove it from the cumbersome influence of the emperor. At the end of a long deadlock between the two men, a choice of compromise was made for the City of Trent, capital of a small episcopal principality belonging to the Holy Empire, located on the southern, therefore Italian, side of the Alps. This solution quickly revealed its disadvantages: the absence of libraries was detrimental to the progress of theological work, the hotel structures of this town of approximately 7000 inhabitants did not allow the reception of a large assembly in good conditions, the supply difficulties led to high inflation, the rigors of the Alpine winter could harm the health of southern prelates accustomed to a milder climate... These very down-to-earth considerations help to understand the chaotic nature of the history of the council.

⁸*Histoire des conciles œcuméniques...*, *op. cit.*, t. X, p. 226.

⁹H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, I, p. 457.

¹⁰They are eighteen among the twenty-nine cardinals, archbishops and bishops, if we rely on the elements provided by J. O'MALLEY, *Le concile de Trente...*, *op. cit.*, p. 97, and if we count the prince-bishop of Trent, Madruzzo, bilingual, among the Italians rather than among the Germans. For the rest, there are four Spaniards, two English (including the Legate Reginald Pole, moreover very Italianised), two French, a German, a Swede, an Irishman.

¹¹As early as 1518, Martin Luther, after the statement of failure of the Augsburg conversation with Cajetan, had appealed to Leo X, then to a council: this last text, first published against his will in 1518, was taken up and assumed by Luther in 1520 (text in Martin LUTHER, *Œuvres*, Paris, Gallimard, Bibliothèque de la Pléiade, t. I, 1999, p. 867-871). Also in 1518, by a striking coincidence, but on a completely different subject, the Faculty of Theology in Paris, dissatisfied with the Concordat of Bologna signed in 1516 by Francis I and Leo X, appealed to the council. In 1520, in the *Appeal to the Christian Nobility of the German Nation*, Luther expresses at greater length his expectations as to the work of reform of the Church that a council should carry out. ~~On the one hand,~~ Charles V made the meeting of a council in the land of the Empire one of the great objectives of his reign, because as emperor, he considered himself to be the guarantor of the unity of Christianity. But Francis I, King of France and enemy of Charles V, has no political interest in supporting the holding of a council whose first objective would

conditions, could really appear as a happy event, arousing the strong emotion of several participants, well attested in the diary faithfully kept by Angelo Massarelli¹², the Secretary of the Council of Trent.

Such a fragility of the council is not anecdotal: even if, after the opening, a few additional fathers joined the council, the size of the assembly, during the first period of work in Trent, from 1545 to 1547, remained very limited. Texts as fundamental in the history of theology as the decrees on the reception of the Holy Books and traditions of the Apostles (8th April 1546), on original sin (17th June 1546) and on justification (13th January 1547) are only voted for by around sixty fathers, most of them Italian. This very low representativeness significantly affects the credibility of the council, in particular of its doctrinal undertakings, which does not immediately appear to contemporary observers, notably to Protestants whose theologians were neither invited, nor received, nor heard, as a valid and admissible expression of the faith of the Catholic Church¹³.

Furthermore, the doctrinal nature of the council was not initially self-evident. In the Holy Roman Empire ~~and Archduchy of Austria~~, Charles V had been able to observe that the discussions between theologians did not make it possible to obtain a real reunification, but rather contributed to the distancing of the respective vantage points. Such was the case with the debates which took place at the Diet of Augsburg in 1530, afterwards with the colloquies of Haguenau, Worms and Regensburg in 1540-1541: all these meetings of theologians were in reality only occasions, for one and the other camp, to present solidly established positions, without seeking any real conciliation¹⁴. Disappointed by these inconclusive attempts which he himself had attended in Augsburg and Regensburg, Charles V was now ready to use all his

be to work together in order to reduce a schism generated within the Empire. ~~On the one hand~~, Pope Clement VII first tried – incidentally and unsuccessfully – to manage his relations with these two powerful antagonistic sovereigns, and he did not venture to convene a council. But Paul III, elected in 1534, was deeply convinced of the need for a council, but he also obviously wanted to keep control of this assembly. Two attempts to convene the council, in Mantua in 1536, then in Vicenza in 1538, ultimately failed. In Trent, the opening had first been announced for the 15th of March 1545, but on that day, only two out of three papal legates and an Italian bishop were present... There was therefore a period of waiting of another eight months in uncertainty and weariness, while there were random arrivals of bishops and theologians.

¹² J. O'MALLEY, *Le concile de Trente...*, *op. cit.*, p. 98.

¹³ “The discussion of these decrees continued among a very small number of those who must convoke a universal, free and Christian council. Very few prelates and representatives of the German states were present: this can be judged by the nominal catalogue, which was published with the decrees. Moreover, these decrees cannot in any way be recognised and received as decrees of a universal council” (address to the Council of Trent by Leonhard Badhorn, Orator of the Elector of Saxony, January 24, 1552; cited in *Histoire des conciles œcuméniques*, *op. cit.*, t. XI, p. 635).

¹⁴Klaus GANZER (dir.), *Akten der deutschen Reichsreligionsgespräche im 16. Jahrhundert*, Göttingen, Vandenhoeck & Ruprecht, 2000-2007, 6 vol.

weight to ensure that the general council was primarily pastoral and not doctrinal: thus, it could be a genuine council of reunification of Christians, and not a council of separation.

For the most part, the Council Fathers were more competent in canon law than in theology, and little informed about the doctrinal debates between Catholics and Protestants. Even if the successive bulls convening the council by Paul III, and following them the decree opening the council¹⁵, included the “extirpation of heresies” in the program of the works of the assembly, it was not obvious that the fathers simply accept this prescription, if they consider themselves theologically incompetent. The “imperial” bishops, that is to say subjects of Charles V, were favourable, like their sovereign, to a council of reformation, not to a council of doctrines. Nonetheless, the dual pastoral and doctrinal dimension of the works to come ended up imposing itself at the request of the papal legates, among whom Cardinal Marcello Cervini appeared as a particularly learned theologian, a very knowledgeable connoisseur of the Fathers of the Church¹⁶. It should be noted that despite the long wait for the opening of the council, no serious plan of works had been prepared by anyone, either for doctrine or for the reformation of the Church. From the discussions between theologians and amongst church fathers emerged more or less laboriously some major points, starting from the controversial matters between Protestants and Catholics as well as from the needs of the Church: the respective authority of the Holy Scriptures and of the traditions, the justification of the sinful human being, the sacraments, the reformation of the clergy and especially of the episcopate.

It is remarkable that throughout its tumultuous history, the Council of Trent has remained faithful to this double program, most often publishing jointly doctrinal texts and pastoral texts called Decrees Concerning Reformation.

The council was fragile, not only because of the modesty of its numbers and the imbalance of nationalities represented, but also because of the political and military situation in Europe. The publication of the decree on original sin in June 1546, the elaboration of the decrees on the justification and on the residence of bishops and other clerics, finally published in January 1547, and ultimately the drafting of the decrees on the sacraments and on various elements of reformation published in March 1547, are contemporaneous with the beginnings of the war opposing Charles V and his ally of circumstance Paul III¹⁷ to the Protestant princes united since

¹⁵ Decree of the Opening of the Council of Trent, 13th of December 1545, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1344-1345.

¹⁶*Histoire des conciles œcuméniques...*, *op. cit.*, t. X, p. 228-229.

¹⁷The pope indeed sends a contingent to fight in the Empire alongside the armies of Charles V.

1531 in an alliance called the Schmalkaldic League – from the name of the city of Thuringia where was concluded the treaty of alliance. The threat of a descent of the Protestant armies as far as Trentino, the fear of an epidemic of typhus heightened by the suspicious death of a Council Father, and even more, however paradoxical it may seem, the desire of Paul III to disengage from this war, once the Protestant defeat is certain, to prevent Charles V from deriving from it an additional power and prestige which could weigh too heavily on the council: all this contributes to the heightening of tensions in Trent and to the decision, proposed by the legates and voted by the Council Fathers in March 1547, to transfer the council to Bologna, in the Papal States. In that way, Paul III intends to retain control of the council and facilitate communication with his legates. Theologians rejoice at the prospect of being able to work in a large university town where they will have all the writings useful for their reflection and will be able to consult eminent colleagues. But Charles V is obviously furious to see the council leave Trent – that is to say the Empire – and the “imperial” bishops refuse to go to Bologna. The council is consequently split, without the two parties ever breaking contact, but without it being possible either to make concrete progress in the drafting of the decrees, even if the theologians in Bologna are far from being indolent. When Paul III dies in 1549, the council was *ipso facto* suspended, but in reality, it has already withered away, several Council Fathers having discreetly left Bologna or Trent even before the pope’s death.

The Second Period (1550-1551): a Resumption that Came to a Standstill

Is this council which had turned out to be so precarious doomed to remain unfinished? Elected in 1550 after a long and laborious conclave, the former papal legate to Trent Giovanni Maria Ciochi del Monte, who had become Pope Julius III, wants to reopen the council, not in Bologna but in Trent, to obtain the support of Charles V. A second period in the history of the council then begins in March 1551, with the reopening in Trent, even less solemn than that of December 1545 since there are only about fifteen bishops present. If so few of them made the journey, it is because there was little belief in the effective resumption of the conciliar work and the voyage could seem very hazardous. But after the actual opening of the council, other bishops do join the assembly. It can be noted that it was during this second period of the Council of Trent that the German participation was the strongest: the number of bishops from Germanic countries increase to fourteen, and a delegation of Protestant ambassadors is received by the Council Fathers – however, without any result – in January 1552.

This second period turns out to be even shorter than the first, because of the resumption of hostilities in March 1552 between the Protestant princes of the Empire and Charles V: the

imperial armies are surprised and found themselves in serious difficulty, the Protestant forces ravage the south of Germany, and the emperor has to flee his residence at Innsbruck, from which he hoped to be able to influence the council more easily thanks to the relatively short distance between the capital of Tyrol and the City of Trent, and therefore thanks to the speed and ease of communication. Once again, the Council Fathers fear the arrival of Protestant troops and the sacking of the conciliar city: several leave even before Julius III officially requests the suspension of the council, decreed by the assembly on the 28th of April 1552, without any date being indicated for the resumption of conciliar works.

During this brief period of a little more than a year, the council published decrees on the Eucharist, penance and extreme unction, as well as on several points of Reformation relating mainly to the exercise of the episcopal office. The work accomplished by theologians during the Bolognese period (1547-1549) could certainly be put to good use, but it is obvious that the council has not yet finished its task: all the disputed questions of sacramental theology have not been dealt with, and the Decrees Concerning Reformation are far from constituting a complete and coherent program for the pastoral renewal of the Catholic Church.

A Decade of Suspension (1551-1561/1562)

Suspended in April 1552, the council did not reopen in Trent until January 1562. Julius III considers that the international context is too unsettled to allow a resumption of the conciliar works: when he dies in March 1555, the peace talks are in progress between the Protestant princes and Ferdinand the King of the Romans, brother of Charles V, who acts on behalf of the emperor. Those peace talks result into the Peace of Augsburg, a peace treaty ratified on the 25th of September 1555¹⁸, an absolutely crucial text in the history of Germany, Christianity and law since it recognizes the legal existence of Lutheranism - called “religion of the Augsburg Confession” in reference to the text presented by Philip Melancthon and the other evangelical theologians at the Diet of Augsburg in 1530 – facing the “old religion”. In each of the approximately 360 territories of the Empire, the prince has the right to choose one or the other of these two “religions”: his subjects must conform to his choice or else, if they wish to remain faithful to their Church, to emigrate to a territory whose prince professes the same religion as

¹⁸Text searchable in Arno BUSCHMANN, *Kaiser und Reich. Klassische Texte und Dokumente zur Verfassungsgeschichte des Hl. Römischen Reiches Deutscher Nation*, Baden Baden, DTV Wissenschaft, 1994, vol. 1, p. 215-283.

them¹⁹. Thus, a Church, which professes doctrines already condemned as heretical by an assembly claiming to be a general council of the Catholic Church, finds itself fully recognized in the Holy Roman Empire – which signifies the ruin of the great project of Charles V: the reunification of Christians of the Empire in one single Church at the same time faithful to the old faith on the points deemed essential, in communion with the successor of Peter, and reformed in its discipline and its pastoral care, with a certain plurality of uses, in particular in liturgical and sacramental life.

Such a peace scandalised the newly elected pope, Paul IV (1555-1559), an umbrageous and suspicious personality, whose violent anti-Habsburg sentiments could only be reinforced by this legal status granted to “heresy” in the Holy Empire. Within such a situation, to say the least, the future of the council suspended in 1552 is uncertain. Religious pacification in the Empire according to the provisions of Augsburg implies as its corollary a reinforcement of the separation between Catholics and Protestants and the fixing of a sort of confessional front line in the German-speaking countries where the Lutheran Reformation has been spreading. In these new circumstances, what can be then the usefulness of the council? If the separation is irreversible, what is the use of formulating Catholic doctrine more precisely? What is the point of bringing together a council – very costly for papal finances – in an inconvenient city, chosen by compromise with an emperor who is now seen as the great loser of history?

To these primordial questions are added the authoritarianism and the morbid distrust of Pope Paul IV. At his advanced age, although he is already a historical figure within the reformation of the Catholic Church, he is convinced in his capacity as pope of the uselessness and impracticality of the council to carry out such a reformation. It is not until his death, in 1559, that the question of a potential reopening of the council could again arise, in view of the completion of the works accomplished in 1545-1547 and in 1551-1552.

In spite of this, such a need for completion cannot in itself constitute a sufficient reason. The authority and normative character of the decrees and canons published by the Council of Trent are far from being universally recognised, even in the countries and regions which remained faithful to the Roman Catholic Church: in Germany, would there not be a risk for the precarious balance between Catholics and Lutherans of being disturbed by the resumption of a council whose doctrinal and pastoral decisions could thus prove to be completely untimely? Have not

¹⁹The politico-religious situation established in the Holy Empire by the Peace of Augsburg (freedom of choice of the prince, conformity of his subjects to his choice) is usually summarised by the aphorism *cujus regio ejus religio*, which does not however appear in the text of the peace treaty.

the French always been very reluctant, even hostile to the council²⁰, Francis I and even more so his son Henry II believing that the Gallican Church could very well reform itself? In England, in this same year of 1559, the almost simultaneous death of Mary Tudor and Cardinal Pole, former papal legate at Trent who has become archbishop of Canterbury and promoter of the kingdom's return to full communion with Rome, leaves the way open for Elizabeth I, which bodes ill for the future of the Catholic Church in the country. Do Spain and Portugal, almost impervious to Protestantism, need the council to resume and end? Can the Italian states look favourably upon a council which is so clearly an instrument of papal power – the pope being also temporal sovereign of a fairly large State in the centre of the peninsula, and thereby a stakeholder involved in the ever-changing strategic balances within Italy?

It is after a vacancy of four months, marked by a series of all sorts of tortuous negotiations, that Gian Angelo Medici²¹ is elected pope in December 1559. He takes the name of Pius IV. Nothing seemed to predispose this man to the supreme pontificate: his election appears rather as a compromise solution, while the strong personalities of Cardinals Ercole Gonzaga, Pedro Pacheco, Carlo Carafa and Giovanni Morone were emerging. Gonzaga first appears as the best placed: Pacheco, Spaniard, an important figure in the first period of the Council of Trent, he may seem to be too subservient to his powerful sovereign Philip II; Carafa, favourite nephew of the late Pope Paul IV, is too closely associated with the previous pontificate, while many cardinals wish to turn this page; a high-flying diplomat, Morone is highly respected, but he has just come out of the prison into which Paul IV has had him thrown for obscure reasons²² : even if his innocence is certain, and the firmness of his conscience has commanded admiration, the accession to the throne of Saint Peter of a freshly freed former prisoner might come as a surprise.

Upon his election, Pius IV is supposedly bound by the capitulations drawn up at the beginning of the conclave. These capitulations are a list of measures that each cardinal had promised to apply in the event of him being elected as pope. Among them is the reopening of the council – a measure of rupture with the authoritarian pontificate of Paul IV. Yet, in practice, the

²⁰On the very complex history of relations between the French and the Council of Trent, see the classic work of Alain TALLON, *La France et le concile de Trente (1518-1563)*, Rome, École française de Rome, 2017 (1997 for the first edition).

²¹As a Milanese, he has no kinship with the Medici of Florence.

²²Officially, Morone was accused of heresy: his missions in the Holy Empire, his in-depth knowledge of German affairs and his proficiency with the problems linked to the Protestant Reformation had undoubtedly made him suspect in the eyes of Paul IV. He was subjected to an inquisitorial trial and locked up in Castel Sant'Angelo. Another major figure in the college of cardinals, Reginald Pole, then archbishop of Canterbury, was also suspected of heresy by Paul IV, who summoned him to return to Rome; but Pole remained in England, where he died.

capitulations were no more binding on a newly elected pope than the electoral programs of our present days...

Like his predecessors, Pius IV practices nepotism. But as we know, the one of his nephews whom he favours, and on whom he relies with total confidence, is an exceptional personality: Charles Borromeo, very quickly appointed cardinal then archbishop of the immense Diocese of Milan, with, moreover, a role of the very first order in the Roman Curia, comparable nowadays to that of the Secretary of State.

Even more than the capitulations of the conclave of 1559 and the counsels of Charles Borromeo, it was however the evolution of the European situation, and especially of the religious and political situation in France, which instigates Pius IV to engage himself in the preparation for a resumption of the council. If it is true that in Germany, the interconfessional front is more or less fixed by the Peace of Augsburg, the “second wave” of the Protestant Reformation – Calvinist – is then at its pinnacle in France. After the accidental death of Henry II in 1559, the internal situation threatened to degenerate into civil war under the reign of the very young and fragile Francis II²³. Under the influence of Cardinal Charles of Lorraine, archbishop of Reims and member of the powerful House of Guise on which the king and his mother Catherine de’ Medici rely, the solution of a national council is adopted to settle down the religious crisis of the kingdom. Fearing that France would go its own way²⁴, Pius IV wants to thwart the plans of the teenage king and his entourage by reopening the general council. Nevertheless, after eight years of suspension, the task promises to be difficult because the pope must convince the main Catholic sovereigns to support this initiative: without their agreement, it is vain to hope that they will allow the bishops of their respective kingdoms undertake the travel to Trent.

Without going into the details of this very complex diplomatic history, it is important to specify that the nature of the council desired by Pius IV is far from being unanimous among the Christian princes. Is it the continuation and completion of the council previously hosted at Trent in 1545-1547 and 1551-1552? Or will it be another council, a new one, where the Council Fathers will be able to rediscuss certain subjects which have indeed already been tackled in Trent, but which have been resolved in a questionable way by an assembly deemed too small

²³On this reign little studied for itself but decisive for the tilting of the Kingdom of France within a long period of civil wars, we await the forthcoming publication of the work of Sophie TEJEDOR, *À la croisée des temps. François II, roi de France, et la crise des années 1559-1560*, Paris, Champ Vallon. This book is the outcome of a doctoral thesis defended in 2019 at Sorbonne University.

²⁴In 1551, while the council was preparing to resume its work in Trent, Henry II, opposed to a general council too influenced in his view by the emperor, had already threatened Julius III by announcing the holding of a national council, but without giving any date. See A. TALLON, *La France et le concile de Trente...*, *op. cit.*, p. 226-232.

and insufficiently representative to be able to be truly considered as a general council? Philip II of Spain, who intends to present himself as an international champion of the Catholic cause, is resolutely in favour of continuity. But in France, after the death of Francis II in 1560, the regent Catherine de Medici hopes to reach a certain agreement with those who are beginning to be called the Huguenots; and within the Holy Roman Empire, Ferdinand I, who succeeded his deceased brother Charles V, does not despair of finding a resolution that would go beyond the Peace of Augsburg and unite Catholics and Lutherans. From the point of view of the Royal Court of France as well as from the perspective of the emperor, if the decrees of the two Tridentine periods were considered final, the search for common ground between Catholics and Protestants would be prevented. It is therefore a new council that should be opened.

Obviously attached to the continuity of the council, whose decrees voted under the pontificates of Paul III and Julius III are for them definitively acquired, Pius IV and Charles Borromeo have to deploy treasures of diplomacy and ingenuity to obtain the support of the three main Catholic powers, despite their divergent positions on the council. Here once again, we see how much the council is fragile, precarious, dependent on political circumstances, contested. Neither its authority nor its continuity is evident to its contemporaries. Yet, it is this continuity which is essential, without being affirmed however, in the bull of convocation *Ad Ecclesiae regimen* dated on the 29th of November 1560: the pope, after having consulted the cardinals and taken the opinion of the Emperor Ferdinand, the kings and other Christian princes, assigns (*indicimus*) the Council to Trent for Easter Sunday (the 6th of April 1561), “all suspension being lifted” (*sublata suspensione quacumque*)²⁵.

The Third Period (1562-1563): Tensions, Deadlock and Solution

The delay between the signing of the bull of induction and the planned opening of the council is certainly very short: just over four months. For Pius IV, it is a way to show his determination, as he continues to deploy, for several months, all his energy to convince the bishops to come – and the princes to allow the bishops to come. On the scheduled date, to say the least, the outcome leaves much to be desired: only four bishops were present in Trent on Easter Sunday 1561; among them is none of the legates appointed by Pius IV in February. It is not until the 18th of January 1562 that the meeting of the council is made effective, in the presence of a

²⁵ CT VIII, p. 105. The text of the bull (p. 104-106) refers very explicitly to the previous sessions of the Council at Trent, under Paul III and Julius III, as well as to their tumultuous course, so dependent on the wars in Europe. The verb *indicere* is sufficiently general to designate both the resumption of work and the opening of a new council, as well, a few lines above (p. 105, l. 16), as the expression “*eadem concilii via*” (“by the same way of the council”).

hundred of Council Fathers²⁶. During this third and last period of the council, also fairly eventful, which ends in general joy on the 4th of December 1563, the number of Council Fathers present increases to reach 236, according to the number of signatories of the final decree requesting confirmation of the council by the Sovereign Pontiff²⁷. As a result, the third period is undoubtedly marked by the greatest attendance in the tormented and fragmented history of the Council of Trent, even if the final number represents less than half of the worldwide Catholic episcopate at the time.

As during the two previous periods, the Council Fathers work together on the doctrinal decrees and the Decrees Concerning Reformation. It is essentially a question of addressing the controversial questions of sacramental theology which were not settled neither in 1545-1547 nor in 1551-1552, and of consolidating the work of reformation of the Church. On this last point, the conciliar debates quickly stumble on a question, which had already been dealt with, albeit incompletely, during the two previous periods, and which turns out to be truly pivotal in its ecclesiological and juridico-canonical issues: the residence of pastors, most especially bishops. In Trent, the dissension on this subject is such that from September 1562 to July 1563, the council is really blocked. However fragmented and chaotic it is, by its recurrence throughout the history of the council, and by the violence of the conflicts it arouses, the question of the residence of pastors appears as the keystone of the reforming project of the council – a project where the pastoral objectives appear in fact inseparable from theological and juridico-canonical presuppositions, the formulation of which proves to be both essential to the advancement and conclusion of the conciliar works, dangerous in the eyes of some, and consequently extremely laborious.

The Subject Matter of the Residence of Pastors: Keystone of the Reformation – A Minefield

Some Data About the Problem

The pastoral dimension of the Council of Trent is to be understood in the strong sense of this adjective. In 1520, in the appeal *To the Christian Nobility of the German Nation*, Martin Luther considered the distinction between “ecclesiastical status” and “lay status” as the first of the

²⁶Text of the decree of the meeting in G. ALBERIGO (dir.), *Les conciles œcuméniques. Les décrets...*, *op. cit.*, p. 1468-1471.

²⁷The 236 signatory Fathers are segmented as follows: four papal legates, two other cardinals, three patriarchs, twenty-five archbishops, 169 bishops, seven abbots, seven superiors general, nineteen procurators of absent prelates (CT IX, p. 1111-1120).

three walls with which the “Romanists” had surrounded themselves to protect themselves and prevent anyone from reforming them²⁸. If it is true that the Lutheran refusal to consider ordination as a sacrament did not prevent the Evangelical Churches from equipping themselves with a pastoral body distinct from the rest of the faithful, the fact remains that the tip of the Lutheran criticism, beyond the debate on the sacramental character or not of ordination, was the observation, widely shared in the Church at the turn of the 15th and 16th centuries, that the men supposed to be pastors of the Christian people by their preaching, the celebration of the sacraments and their moral exemplarity, in reality made use of ecclesiastical dignities and mostly the corresponding income and prestige to mainly draw from it worldly advantages, because of the close intertwining of ecclesiastical, political and economic structures²⁹. Faced with such widespread criticism, taken up at the highest level of the Roman Church as shown, for example, by the letter of Pope Adrian VI to the Diet of Nuremberg in 1522³⁰ and the final report of the Commission of the Council of Cardinals instituted by Paul III in 1536 for dealing with the reformation of the Church³¹, it is clear that one of the chief tasks of the Council of Trent is to provide, so to speak, for the re-pastoralisation of the ecclesiastical body. The reformation of the Church must be pastoral in the sense that it is a matter of rebuilding the credibility and the pastoral skills of Catholic clerics – bishops and priests, in this case – in such a way that the function performed corresponds to the juridico-canonical status.

Undoubtedly, the subject matter is not new, but the European magnitude of the Lutheran crisis gives it a particularly pressing urgency. Nonetheless, within the Catholic Church itself, the pastoral reformation of the episcopal and presbyteral body cannot fail to come up against an intimidating obstacle³²: the existence of powerful religious orders, very committed to preaching, teaching, the control of doctrine and morals, the ministry of confession. Directly attached to the Apostolic See, the religious orders are very largely autonomous in relation to the bishops. As a result, a large part of the *cura animarum* – the pastoral care of the Christian people –, ensured by the members of these orders, escapes the authority of the bishops – who,

²⁸Martin LUTHER, *Appel à la noblesse chrétienne de la nation allemande*, Œuvres, t. II, Genève, Labor et Fides, 1966, p. 84-85.

²⁹Hans-Jürgen GOERTZ, *Pfaffenhass und groß Geschrei. Die reformatorischen Bewegungen in Deutschland 1517-1529*, München, Beck, 1987. Peter DYKEMA and Heiko OBERMAN (dir.), *Anticlericalism in Late Medieval and Early Modern Europe*, Leiden / New York / Köln, Brill, 1993.

³⁰For a commented presentation of the text, with substantial translated extracts, see Ludwig VON PASTOR, *Histoire des papes depuis la fin du Moyen Âge*, t. IX, Paris, Plon, 1913, p. 102-105.

³¹CT XII, p. 131-145. French translation in *Histoire des conciles œcuméniques...*, *op. cit.*, t. X, p. 433-444.

³²A. PROSPERI, *Il concilio di Trento...*, *op. cit.*, p. 79-80.

moreover, carry out their pastoral duties with a very unequal zeal, which is a big part of the problem...

The Decrees Concerning Reformation Throughout the First Two Periods: Principles and Shortcomings

Right from the first period, the conciliar assembly intended to tackle the reformation of the clergy: in conjunction with the Decree on Original Sin, a Decree on the Teaching of Sacred Scripture³³ and Preaching was published on 17th of June 1546; afterwards, at the same time as the Decree on Justification, a Decree on the Residence of Bishops and other Inferior Clerics was published on the 13th of January 1547; finally, on the 3rd of March 1547, at the same time as the Canons on the Sacraments in General, on Baptism, and on Confirmation, a Decree Concerning Reformation dealing in particular with the Accession to the Episcopate and to other Ecclesiastical Benefices was in turn published.

The Decree on the Teaching of Sacred Scripture and Preaching should logically have been published in April 1546, together with the Decree on the Reception of the Holy Books and Apostolic Traditions and that on the Edition of the Vulgate and the Manner of Interpreting Sacred Scripture. From the outset, however, the discussion on this subject extends widely³⁴, hence the delay in the text. It is at this point that the residence of the bishops becomes a clearly formulated issue. The reasoning is indisputable: in order to take their own part in the ministry of preaching, to oversee the training of preachers and to exercise their duty of vigilance over the proclamation of the faith, it is essential that bishops reside in their diocese, and therefore that the council clearly expresses this obligation³⁵.

In the 16th century, it is not self-evident that a bishop resides in his diocese. It is not possible to draw up in a few lines an overall picture of the Catholic episcopate at that time, but we can establish, for the purposes of our research paper, a very concise typology of the bishops which will help us to visualise the magnitude of the problem.

If there is no doubt that a significant number of bishops actually reside in their diocese to administer and visit it, in an already reforming spirit³⁶, it is just as indisputable that many

³³As the content of the text confirms, this is indeed the technical meaning of the term *lectio* which appears in the title of the decree.

³⁴Good summary written in a few lines in *Histoire des conciles œcuméniques...*, *op. cit.*, t. X, p. 251-252.

³⁵Already in 1537, the Report of the Commission of Cardinals appointed by Paul III with a view to the reform of the Church noted that “the task of the bishop is to feed his flock, which he cannot do if he does not dwell with his flock as the pastor with his flock” (quoted in *Histoire des conciles œcuméniques...*, *op. cit.*, t. X, p. 438).

³⁶For Italy, the classic example is that of the Bishop of Verona Gian Matteo Giberti, who died two years before the opening of the Council of Trent: Adriano PROSPERI, *Tra evangelismo e controriforma: Gian Matteo Giberti*

bishops are absent. Schematically, we can mention three main reasons: the accumulation of bishoprics, which makes residence necessarily impossible; the exercise of an advisory function at the court of a Christian prince; an extended stay in Rome.

A practice obviously inconsistent with the nuptial symbolism of the union between the bishop and his Church, the accumulation of bishoprics was nevertheless formerly tolerated and relatively usual among certain high prelates in the first half of the 16th century – and also after the Council of Trent, despite its very clear provisions against this practice. Accumulating bishoprics gives the prelate additional prestige and above all income, which should not necessarily be interpreted, according to modern moral criteria, as a manifestation of greed: the high standard of living of certain bishops also allows them to use part of their income in charitable works, for the construction of hospitals or schools, for the maintenance of churches, for sponsorship – all of this belonging by right, from their point of view, to the exercise of their episcopal functions. However, the practice of cumulation is not within the reach of all bishops because it requires a costly pontifical dispensation. One of the best-known examples of a cumulative prelate is undoubtedly Albert of Brandenburg (1490-1545), prince of the Margravian House of Hohenzollern, archbishop of Magdeburg, administrator of the Bishopric of Halberstadt, archbishop of Mainz – and in respect with this last title, prince-electoral and arch-chancellor of the Holy Empire³⁷. To obtain from Pope Leo X the various dispensations – of age, studies and accumulation – that he needed, he fell heavily into debt with the Augsburg Banker Jakob Fugger. In order to repay this debt, he organized with the pope a campaign of indulgences in the Holy Empire, the proceeds of which were to go partly to Rome for the reconstruction of the Papal Basilica of Saint Peter in the Vatican, partly to the coffers of the prelate and from there into those of Jakob Fugger. As we know, it was against this campaign of indulgences that Martin Luther protested in 1517.

In the 16th century, as in previous centuries – and for some time to come – it was not uncommon for a Christian prince to make a bishop one of his advisers or ministers. Naturally, residence at the princely court is then incompatible with residence in the diocese. Often misunderstood and decried, this high court clergy must however be assessed according to the criteria of the time –

(1495-1543), Rome, Edizioni di storia e letteratura, 2011 (1969 for the first edition). For France, the classic work of Nicole LEMAITRE, *Le Rouergue flamboyant. Le clergé et les fidèles du diocèse de Rodez (1417-1563)*, Paris, Éditions du Cerf, 1988, depicts in a rich and comprehensive way the strong figure of François d'Estaing, bishop from 1504 to 1530, tireless visitor to his diocese. Other examples could obviously be found in these two countries as well as elsewhere.

³⁷ Friedhelm JÜRGENSMEIER (dir.), *Erzbischof Albrecht von Brandenburg (1490-1545). Ein Kirchen- und Reichsfürst der Frühen Neuzeit*, Frankfurt, Knecht, 1991.

even if there was no shortage of critics at the time either. Since the prince is a Christian and often exercises a very real power over the Church within his States, it can be justified, for the very benefit of the Church, for the defence of its interests and also to enlighten the conscience of the Christian prince, that a bishop exercises a court office: this can be understood as a particular way of exercising the service of the Church. Of course, in reality, not all governing prelates seek such spiritual justifications; but it would be neither true nor just to regard them globally as mere politicians disguised as ecclesiastics, devoid of sincerity and indifferent to their episcopal status³⁸.

The stay in Rome, more or less long, may be necessary for different reasons: the exercise of a curial office, in particular for the cardinals; the seeking of a favour; a mission entrusted by a prince, especially for foreign cardinals who are natural ambassadors of their prince to the pope; simple idleness, more or less mixed with careerism... Among countless cases that are certainly very diverse and unequally documented, we can cite that of Cardinal Gian Angelo Medici, future Pius IV, seasoned canonist and curialist much appreciated by Paul III who names him, for the prestige of the title and to guarantee his incomes, archbishop of Ragusa in Dalmatia (nowadays Dubrovnik), where he does not go. Subsequently, Medici obtains higher functions in the Curia and in the administration of the Pontifical State and resigns his office as archbishop, which he no longer needs, neither for prestige nor for money.

Given this wide-ranging variety of attitudes among bishops at the time, to advocate for residence, as did, for example, Pedro Pacheco, bishop of Jaén³⁹, and Cristoforo Madruzzo, cardinal-bishop of Trent⁴⁰, is both to recommend a proven practice, illustrated by a number of bishops, famous or not, and propose a radical change by uprooting certain deep habits in the Church of the time, notably in the Roman Curia. Nonetheless, on this last point, as we shall see, the issue is not only disciplinary, but also and above all theological, and therefore extremely sensitive.

³⁸ Regarding France, see Benoist PIERRE, *La monarchie ecclésiastique. Le clergé de cour en France à l'époque moderne*, Paris, Champ Vallon, 2013.

³⁹ J. O'MALLEY, *Le concile de Trente...*, *op. cit.*, p. 126-127. "If the bishops resided in their diocese, they could preach," declares Pacheco, who goes on to endorse, perhaps with a touch of humour, a remark he attributes to Charles V: "[...] the resident bishops cannot be bad bishops, even if they were bad men" ("Si episcopi residerent in suis dioecibus, possent praedicare. [...] quod episcopi residentes non possint esse mali episcopi, etiam si essent mali homines"; CT V, p 80).

"I would like that before we deal with the preaching of bishops, we would deal with the question of their residence" ("Placeret tamen, quod antequam agatur de praedicatione episcoporum, ageretur de ipsorum residentia"; CT V, p. 132). Just after Madruzzo, Pacheco expresses his agreement on this point (*ibid.*, p. 133.).

Right from the 17th June 1546 Decree Concerning Reformation on the Teaching of Sacred Scripture and Preaching, residence appears – although only implicitly – as the *sine qua non* of all the recommendations that this text addresses to bishops. If it is true that “to preach the Gospel” is “the principal office of bishops” (*praecipuum episcoporum munus*), and that they are therefore “obligated to preach the Holy Gospel of Jesus Christ themselves, unless they are not legitimately prevented from doing so”, failing which they incur a “rigorous punishment⁴¹”, such a recommendation is only really applicable if the bishop resides in his diocese and travels through it. If “bishops, archbishops, primates and other local Ordinaries” must ensure that “prebend, prestimony or similar salary [intended for lectors in sacred theology] [are] granted only to persons fit and capable of discharging this office by themselves⁴²”, such a control requires their presence in their diocese, the knowledge of their clergy, their availability to examine the candidates for such an office – and the income which corresponds to it. What is more, the vigilance of bishops should not only relate to clerics with teaching duties, but also to priests with the responsibility of souls, who are also bound by the obligation to preach:

Archpriests too, parish priests and all those who are at the head, in any way whatsoever, of parish churches or others having the responsibility of souls, [...] at least on Sundays and during solemn feasts, will nourish with words of salvation the people entrusted to them according to their personal capacity and that of their listeners. They will teach them what all must know for their salvation and will teach them briefly, and in easy language, the vices from which they must deviate and the virtues they must practice so that they can escape eternal punishments and obtain celestial glory. If one of them neglects to fulfil such responsibilities, [...] let the pastoral solicitude of the bishops not be lacking, lest the words come true: “The little children asked for bread, and there was no one to break it for them^{43,44}”.

As we notice, such exhortations remain very general without any provision being made for better training priests in preaching or helping them to renew themselves or to stimulate each other reciprocally in this task⁴⁵. From prescription to practice, the road can be long...

⁴¹Decree on the Teaching of Sacred Scripture and Preaching, 17th of June 1546, § 10, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1362-1363.

⁴²*Ibid.*, § 1, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1358-1361.

⁴³ Lam. 4:4.

⁴⁴ Decree on the Teaching of Sacred Scripture and Preaching, 17th of June 1546, § 11, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1362-1363.

⁴⁵During the debates on the drafting of the decree, Cardinal Pacheco had frankly expressed his scepticism on this point: “As many parish priests are ignorant, this article does not seem to provide for the situation. I would therefore be of the opinion that the Holy Father be asked that the parishes be entrusted to educated and worthy priests; otherwise, the council would do nothing” (“Tamen qui multi parochi ignari sunt, in hoc articulo non bene provisum

This same 17th June 1546 Decree Concerning Reformation also entrusts to the bishops a responsibility with reference to the preaching of the regular clerics, thereby remaining safe the prerogatives of the religious superiors. A recurring problem since the foundation of the mendicant orders in the 13th century, the relations between diocesan bishops and exempt members of a religious order – that is to say dependent exclusively on the Apostolic See and essentially removed from the local jurisdiction of the bishop – were singularly complicated by the very strong pastoral commitment of these friars, especially in the suburbs of large cities whose population had been growing almost continuously for several centuries (despite the Black Death and other sometimes terrible famines and epidemics at the end of the Middle Ages), but also in an ever-increasing network of smaller towns. Obliging members of religious orders to “present themselves personally to the bishops”, to “ask their blessing before beginning to preach”, to obtain “the bishop's permission” to preach “in churches which are not of their order⁴⁶”, presupposes, there too, that the bishops reside in their diocese and take it to heart to exercise this task of supervising the preaching of members of religious orders – a task that is certainly difficult and even thankless, given the quite often conflicting relations between bishops and members of religious orders – because the latter were not very zealous in letting themselves be controlled by bishops to whom they did not consider themselves subordinate for the reason of their exemption.

We can see that the definition by the Council of Trent of the tasks and prerogatives of the bishop in anticipation of the much-desired reform of the Church could very well become nothing but a catalogue of useless prescriptions if the obligation of residence in the diocese was not clearly formulated. This is the subject matter of the decree dated 13th of January 1547, the preparation of which has begun even before the end of the previous session⁴⁷, but has fallen behind schedule because of differences between the Council Fathers and the urgent need to deal with the doctrinal problem of justification, central in the controversy with the Protestants, on which, however, few Council Fathers were theologically trained.

videtur. Sentirem igitur, ut instaretur apud Sanctissimum Dominum, ut parochiales litteratis et dignis dentur, alias nihil synodus faceret”; CT V, p. 80).

⁴⁶*Ibid.*, § 13-14, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1364-1365. It is the resumption of a prescription of the Fifth Council of the Lateran (1512-1517) in its 11th session. Such a repetition shows enough that this practice was not applied...

⁴⁷Good summary of the beginnings of the discussion on this crucial question in *Histoire des conciles œcuméniques...*, *op. cit.*, t. X, p. 314 sqq.

Dedicated to the bishops, chapter I of this Decree on the Residence⁴⁸ begins with a long preamble rather conventional on “the extremely collapsed ecclesiastical discipline” and the “depraved morals within the clergy and the Christian people”. The reform must “begin with those who are at the head of major churches”, that is to say the bishops:

Let them know that they can in no way [fulfil their ministry] if they abandon, like mercenaries⁴⁹, the flocks which have been entrusted to them and if they do not concern themselves at all with their sheep, whose blood the Sovereign Judge will call them to account⁵⁰, since it is very certain that there is no excuse for the pastor if the wolf eats the sheep and the pastor ignores it. Nevertheless, we find today a certain number (which is deeply distressing) who, forgetful of their own salvation and preferring the things of earth to those of heaven, that which is human to that which is divine, wander from court to court⁵¹, or (abandoning the sheepfold and neglecting the care of the sheep entrusted to them) are taken up with concern for temporal affairs⁵².

This is followed by the device, of a disciplinary nature, which provides for penalties ranging from partial deprivation of income to prohibition. Notwithstanding a few biblical quotations or allusions, one can only detect the silence of the conciliar text on the type of obligation that residence is, on its theological and juridico-canonical justification. Such a silence is explained by the differences in the various points of views of the Council Fathers – differences which one can substantially qualify as doctrinal and which one finds in the continuation of the history of the Council of Trent, until the crisis of 1562-1563 which, as we shall see, clearly sheds light on the crux of the problem: the respective powers of the pope and the bishops – a subject matter which none of the successive popes contemporary to the council (Paul III, Julius III, Pius IV) want to see discussed.

Concerning the bishop, is the obligation of residence of divine right or of ecclesiastical right? This question is already asked by several Council Fathers in the debates of 1546-1547. In his commentary on Thomas Aquinas’ *Summa Theologiae*, Cajetan has decided in favour of residence as a precept of divine right (*divini iuris praeceptum*) for the bishop⁵³. In spite of this,

⁴⁸ Text of the decree in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1386-1391.

⁴⁹ Jn. 10:12.

⁵⁰ Ez. 33:6.

⁵¹ This refers to the Roman Curia and the princely courts.

⁵² Decree on the Residence of Bishops and other Inferior Clerics, 13th January 1547, chap. I, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1388-1389.

⁵³ CAJETAN, *In Summa theologiae*, II^aII^{ae}, q. 185, a. 5, in the Leonine Edition of the *Summa theologiae*, Rome, 1899, vol. 7, p. 476. This edition is easily available online at the website <https://www.corpusthomicum.org> developed by the Fundación Tomás de Aquino of the University of Navarra.

the long argumentation of the eminent theologian, based among other things on the Holy Scriptures and the liturgy of the ordination of the bishop⁵⁴, in practice, comes up against two problems of unequal importance.

In very many dioceses, the multitude of ancient privileges granted to members of religious orders or lay people – in particular for the appointment of parish priests –, the innumerable special cases of resignation from ecclesiastical benefices which allow a priest to choose his successor himself and, in this way, to transmit to him his benefit, without forgetting the prerogatives of the cathedral chapters, which are sometimes very powerful, can considerably restrict the powers of the bishop. In such conditions, what is the point of residing since the bishop can do little or nothing in his diocese?

Even more than this problem, which is very real but varies from place to place, is that of the possibility of a papal dispensation. On this noteworthy point, the theological and juridico-canonical stakes are considerable. If the residence of the bishop is defined as an obligation of ecclesiastical law, then the Sovereign Pontiff can dispense with it; but if it is defined as an obligation of divine right, then the Sovereign Pontiff cannot dispense with it⁵⁵. In the latter case, the power of the Sovereign Pontiff over the episcopal body would be very limited, and the episcopate would in fact be of divine institution. The entire process of rebuilding and strengthening Roman primacy over the episcopal body, from the stormy Council of Constance (1414-1418) and the end of the Great Schism to the Fifth Council of Lateran (1512-1517) through the throes of the Council of Basel-Ferrara-Florence-Rome (1431-1449), would consequently be undermined. Here, summarised in broad strokes, is identified the problem that begins to germinate during the debates of 1546-1547 to go through the whole Council of Trent, beyond its interruptions, and finally threaten to block it in 1562-1563.

The Decree Concerning Reformation dated the 3rd of March 1547 intends to supplement that of June 1546. The history of its drafting is long, made up of hopes, stiffening and disappointments, certain Council Fathers awaiting firmer prescriptions on residence, accompanied by more rigorous condemnations in case of a failure to comply, while the Cardinal-Legate Giovanni Maria del Monte, first President of the Council of Trent, was particularly attentive to preserving the authority of the Apostolic See – or of the Sovereign Pontiff, according to recurring formulas

⁵⁴ It is precisely this word that Cajetan uses: *in ordinatione episcopi*.

⁵⁵ While defending the residence by divine right, Cajetan does not seem to have explicitly drawn this consequence. At the Fifth Council of the Lateran, he was a faithful defender of papal authority, as shown by the speech he delivered on the 17th of May 1512 (see *Histoire des conciles œcuméniques...*, *op. cit.*, t. X, p. 415-416).

in the acts of the council⁵⁶. Finally, more than the residence of bishops on which differences remain, it is certain technical points of the system, still very complicated in the early modern period, of the collation of ecclesiastical benefices that the final text of the decree deals with. The overall impression is that of a clear affirmation of episcopal prerogatives, without taking too unequivocal a position on the obligation of residence. Nevertheless, with reference to the ministry of bishops, we must retain paragraph 2:

Let no one, of whatever dignity, rank or pre-eminence he prides himself, presume, against the decisions of the holy canons, to accept or keep several Metropolitan Churches or Cathedrals simultaneously, whether in title, or in commendation, or under any name whether it be. We must indeed consider as very happy the one to whom it is given to govern well, and with fruit, a single Church, for the salvation of the souls who have been entrusted to him. Those who, contrary to the content of this decree, currently hold several Churches, will be required, by keeping only one, the one they prefer, to abandon the others, within an interval of six months if these are at the disposal of the Apostolic See, within an interval of one year for the others. Otherwise, except for the one obtained as a last Church, these same Churches will be considered vacant by the same fact⁵⁷.

Despite the clarity of the decree, the rule of non-accumulation of bishoprics continues, well after the Council of Trent, to suffer from notable exceptions. An extreme and fascinating example is provided by Archduke Leopold Wilhelm (1614-1662), son of Emperor Ferdinand II and brother of Emperor Ferdinand III⁵⁸. Cumulating first – at the age of twelve! – the bishoprics

⁵⁶See for example the long nocturnal debate (from 9 p.m. to 2 a.m.!) during the general congregation on the 30th of December 1546. Unsurprisingly, the first to speak out energetically in favour of divine right was Cardinal Pacheco. Twenty-one other Fathers speak after him, more or less lengthily, with divergent opinions. The last of them is the bishop of Porto, the Carmelite Baltazar Limpo, who defends the residence by divine and natural right, on the one hand, relying allusively on John chapter 10, and on the other hand, arguing that the sheep “naturally” follow their pastor; but this divine right is not to be understood strictly, because the absence can be based on legitimate reasons. Limpo ends his speech in a threatening way: if the decree on the residence consists only of pure words, not followed by effect, the Council Fathers will draw on them the anger of the Christian princes. With Pacheco and Limpo, it is the “episcopalist” camp, reformer and anti-curial, more Iberian than Italian, which expresses itself in a characteristic way. Del Monte closes the session by calling on the Council Fathers to moderate their remarks, in particular on the authority of the Sovereign Pontiff in matters of exemption and dispensation from impediment (CT V, p. 745-749). A few days later, during the general congregation on the 3rd of January 1547, which was again dedicated to the residence of the bishops, four Council Fathers out of fourteen who intervened on that day said that it was explicitly by divine right. A fifth Council Father affirms the divine right of residence in general, “within the Catholic Church”, not of residence in such and such a local Church, which would be of positive law, since it is the Sovereign Pontiff who delimits the dioceses (CT V, pp. 753-755). The discussion goes on for a long time during the following congregations.

⁵⁷ Decree Concerning Reformation, 3rd of March 1547, § 2, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1398-1399.

⁵⁸There is no overall study of this astonishing character: the most recent and most satisfactory notice that one can find is that devoted to him by Ludwig HÜTTL, *Neue Deutsche Biographie*, München, Bayerische Akademie der Wissenschaften, t. XIV, 1985, p. 296-298 (digitalised work available online).

of Passau and Strasbourg which he kept until his death, he added those of Halberstadt (1627-1648), Magdeburg (1629-1635), Olmütz (nowadays called Olomouc, from 1637 to his death) and Breslau (nowadays called Wrocław, from 1655 until his death). Along with this accumulation of bishoprics, the Archduke Leopold Wilhelm received other prestigious and lucrative benefits: the abbeys of Murbach and Hersfeld, as well as the Grand Master Title of the Teutonic Order. However, Archduke Leopold Wilhelm is not content with these ecclesiastical dignities: during the Thirty Years' War, he commands the imperial armies from 1639 to 1642, then again from 1645 until the conclusion of the peace treaties of Westphalia in 1648. He also receives from the King of Spain Philip IV, his relative, the office of Governor of the Netherlands (territory corresponding approximately to present-day Belgium, Luxembourg and part of Northern France), which he exercises from 1646 to 1656. A leading sponsorship patron and great art lover, he is responsible for a large part of the current collections of the Kunsthistorisches Museum in Vienna. Despite all this, Leopold Wilhelm is nevertheless a man of undeniable piety, for whom the ecclesiastical career is not only a dynastic strategy to be accepted, but also and above all a matter of personal inclination. Aware of his duties as a bishop, anxious to reside in Passau and to also show himself in Strasbourg, he establishes the Seminary of Passau, supports the Jesuits in these two cities, does not hesitate to spend his money generously to help with the reconstruction of Passau devastated by the Thirty Years' War... For Leopold Wilhelm, who fully subscribes to the policy of Catholic reconquest led by his father and then by his brother, the accumulation of bishoprics is a means of preventing the progress of Protestantism in these territories and to consolidate the control of the House of Habsburg over strategic regions in the Holy Empire, in the midst of the Thirty Years' War. Thus, a century after the Council of Trent, such a flagrant breach from the conciliar rule of non-accumulation of bishoprics does not exclude the implementation, admittedly limited but real, of the duty of residence and more broadly of a sincere episcopal ideal, within a political and military context of interconfessional confrontation. The reception of the Council of Trent shows here altogether its limits, its flexibility, its realism...

During the period usually described as Bolognese (1547-1549), which is in fact marked by the disjunction of the council between a part transferred to Bologna and a part which remained in Trent out of loyalty to the emperor, theologians keep on working on the sacraments, but the residence – a topic studied mainly by the minority who remained in Trent – is no longer the main subject matter. With the reopening of the council under Julius III (the former Cardinal-Legate Giovanni Maria del Monte) in 1551, the strengthening of episcopal prerogatives once

again becomes an essential theme in discussions on the necessary reform of the Church: the relatively large presence of Spanish bishops, generally favourable to a strong and free episcopate in the face of the Roman Curia, weighs in this direction⁵⁹. But Julius III does not intend to let the Spaniards determine the course of the council: under the presidency of the Cardinal-Legate Marcello Crescenzo⁶⁰, who receives very precise instructions from the pope, the second period of the council is marked by an undeniable restriction of the debates⁶¹, within a lukewarm atmosphere. The Decree Concerning Reformation dated 11th of October 1551 relates only to certain points of the exercise of the judicial function of the bishop, as well as to the cases which could be heard against a bishop. In the long preamble of this decree, the residence is mentioned only as a happy consequence that one can hope for from these new provisions, since they are supposed to strengthen the powers of the bishop:

The same Holy Council of Trent [...] wants to rule on certain points concerning the jurisdiction of bishops so that, in accordance with the decree of the last session, they reside all the more willingly in the Church entrusted to them that they will govern more easily their subjects and maintain them in an honest life and morals⁶².

It would therefore aim at weakening in some way the argument of the bishops who are refractory to residence, as mentioned above: what is the point of residing if the bishop does not actually have the necessary powers to govern his diocese? This being so, the objective of the decree remains very targeted, and one can only see in it a modest stone in the still very incomplete edifice of a pastoral reform of the Church – in the sense of a renewal and a relegitimization of its contested pastoral body, starting with the episcopate.

The reform projects still carried by the Spanish bishops as well as by Francisco de Toledo, ambassador of Charles V, come up against the opposition of the Legate Crescenzo, visibly very suspicious, who happens to be the only writer of the text presented to the council in November 1551 as a future decree of reform. The tension is then very strong⁶³: in a largely dominant

⁵⁹About the Spaniards at the Council of Trent, see the work of Constancio GUTIERREZ, *Españoles en Trento*, Valladolid, Instituto Jerónimo Zurita, 1951.

⁶⁰The second period of the Council of Trent differs from the other two in that the pope is represented by only one legate, compared to three for the first period and five (officially, but four in reality) for the third period. No doubt the weight of this mission is too heavy for the only shoulders of Crescenzo.

⁶¹On the doctrinal level, the subject matter addressed is then the Sacrament of the Eucharist.

⁶²Decree Concerning Reformation, 11th of October 1551, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1420-1421.

⁶³J. O'MALLEY, *Le concile de Trente...*, *op. cit.*, p. 184-188. Material difficulties (housing problems, high inflation, high cost of living) were decisive in the deterioration of the conciliar atmosphere at that time.

position in the Empire – but for yet a short time –, Charles V, from Innsbruck, hopes to influence the council. Communication between the emperor and his Ambassador Francisco de Toledo is faster than between the Legate Crescenzo and Pope Julius III who remains in Rome. In addition to the Spanish bishops, about fifteen German bishops are present: together, they constitute a kind of “imperial party” over which the pope and his legate fear losing control. The text of reform, presented by Crescenzo, is openly criticized as very insufficient; several prelates, in particular the three archbishop-electors of Mainz, Cologne and Trier threaten to leave the council. However, the tension eventually subsides, and Crescenzo’s text is adopted, albeit without any enthusiasm, on the 25th of November 1551. Without great order, the canons are presented as a succession of unambitious measures relating to the exercise of episcopal authority over other clerics: promotion to orders, suspension, obligation to wear the clerical habit, impediments to orders, collation of benefits... We cannot find there a coherent program, likely to contribute effectively to the restoration of the credibility of the Catholic clergy. Nothing is said about the residence of pastors – bishops or priests – a subject undoubtedly considered, from the Roman point of view, as sufficiently treated by the earlier texts.

Debates Concerning Order and Residence during the Third Period: A Theological Psychodrama

However, the residence makes a resounding comeback in the discussions of the third and last period of the Council of Trent (1562-1563), and even paralyses the works of the assembly for several months. During the course of ten years, the situation has changed. The office of papal legate no longer rests on the shoulders of a single man, as in 1551-1552. Five very different cardinals have the mission of presiding over the council in the name of the Sovereign Pontiff: Ercole Gonzaga, archbishop of Mantua, unhappy *papabile* in 1559; Girolamo Seripando, former superior general of the Order of Hermits of Saint Augustine and major theologian of the first period, now archbishop of Salerno⁶⁴; Ludovico Simonetta, former bishop of Pesaro who became curialist, completely devoted to the pontifical cause, destined to become the leader of the *zelanti*, that is to say the intransigent defenders of the authority and rights of the pope; Stanisław Hozjusz (or Stanislas Hosius), Polish bishop of Warmia, specialising in the controversy against Protestants; and the ephemeral Mark Sittich von Hohenems, bishop of Constance, nephew of Pius IV and cousin of Charles Borromeo, but totally incompetent, who

⁶⁴Hubert JEDIN, *Girolamo Seripando. Sein Leben und Denken im Geisteskampf des 16. Jahrhundert*, Würzburg, Rita-Verlag, 1937, 2 vol.

only made a very brief visit to the council. As it is not very coherent, can such a team, marked by growing tension between Gonzaga and Seripando on the one hand, Simonetta on the other, hope to guide the council effectively? The question arises all the more since the assembly, during this third period, is significantly more numerous than during the first two, that its number continues to increase, and that it is by this very fact more difficult to govern.

From Discipline to Theology: The Displacement of the Question of Residence

On the 26th of February 1562, when fixing the next session, several Fathers express the desire that during the intersession, the reform be discussed. Cardinal Ercole Gonzaga, first president, expresses his full agreement on this subject⁶⁵. Also, a memorandum of reform in twelve points, synthesizing the views of several Italian bishops, is proposed by the same cardinal during the general congregation dated 11th of March 1562⁶⁶. The first point evokes the need of the residence for patriarchs, archbishops, bishops and other persons in charge of souls. The subject matter therefore returns to the forefront, a sign that the decrees are considered insufficient and ineffective. What means would make it possible to obtain a real practical application of the obligation of residence? A solution is taking shape, which nevertheless triggers long and not easy debates: as the Italian bishops mentioned above propose, “residence by divine right should be declared, if no other certain remedy could be found so that [pastors] reside⁶⁷. Even if the memorandum, due to Seripando in its final form, cautiously refrains from repeating this bold proposal, the idea is in the air, and during the general congregation of the 7th of April, the archbishop of Granada, Pedro Guerrero, decides to point out the problem from the outset: on the obligation of residence, “it is necessary to declare by virtue of which law we are required to reside; it would be a scandal not to explain it: if the residence is by divine right, it must be declared [...]. Let the theologians be listened to, in order for us to know by virtue of what right bishops are bound to reside⁶⁸”. The appeal to theologians has all its importance here: Guerrero thus wants to make the residence a question not simply disciplinary or juridico-canonical, but indeed theological. In the end, beyond the obligation of residence, it is a real theology of the episcopate that should be formulated, if we follow the logic of the archbishop of Granada.

⁶⁵ CT VIII, p. 359-360.

⁶⁶*Ibid.*, p. 378-379. What is known of the Italian origin (without further details) of the memorandum comes from the testimonies of Girolamo Seripando, who put into shape within twelve points the more numerous proposals of these bishops, and of the archbishop of Braga, Bartholomew of the Martyrs (p. 378, n. 1, and p. 379, n. 1; for the text of the Italian bishops, see CT XIII/I, p. 607-612).

⁶⁷ “Declarandum esset residentiam esse de iure divino, si certum aliud remedium non inveniretur ad hoc, quod resideant” (CT t. XIII/I, p. 609, l. 21-22).

⁶⁸ “Quoad primum [i. e. Obligationem residendi] declaretur, quo iure residere teneamur, et esset scandalum, id non explicare, ut, si est de iure divino, id declaretur [...]. Et audiantur theologii, quo iure episcopi tenentur residere” (CT VIII, p. 403, l. 36...39).

Hence, he places the discussion on a new terrain, obviously sensitive, even a minefield: one does not see how a theological reflection on the episcopate could do without a certain number of precisions on the relations between the pope and the other bishops, on the power of the pope over other bishops, and finally on the relationship between the council and the pope. Are we going to return to the ecclesiological debates of the 15th century? Behind the episcopalism of Guerrero, who appears as the spokesman for a large group made up of Spanish and Portuguese bishops and certain Italians, Simonetta and other Italian bishops attached to the rights of the Sovereign Pontiff fear that the spectre of conciliarism will reappear.

By taking a decided position, Guerrero launches a bitter debate lasting several months, sometimes interrupted by the works on Eucharistic communion and the sacrifice of the mass, but never absent from the mind or totally abandoned. Throughout the month of April, many bishops speak at length on the subject. One can note the very energetic speech, of an almost prophetic vehemence, of the archbishop of Braga, the Dominican Bartholomew of the Martyrs: his argumentation in favour of the divine right of the residence is accompanied by a very frank, tight and realistic denunciation of abuses within the clergy of the time⁶⁹. Finally, during a vote on the 20th of April, no clear majority emerges for or against the declaration of residence by divine right: 22 Fathers answer *non placet* unless they consult the Sovereign Pontiff; 65 answer *placet*; 32 answer *non placet*; 9 respond *placet* subject to the opinion of the Sovereign Pontiff⁷⁰. Regularly informed about the evolution of the council by Cardinal Simonetta, the most “papalist” of the legates, and therefore the most suspicious of the council, Pius IV expresses by letter his dissatisfaction with the legates⁷¹. To avoid any loss of papal control over the council, he also mandates Charles Borromeo to inform Cardinal Simonetta about his determined refusal to see the residence declared by divine right. The tension is at its height between the legates: Gonzaga and Seripando are in fact in disgrace, while Simonetta has the full confidence of the pope. While the conciliar assembly wants to make progress on the subject matter of the reform and in particular on the residence, the legates, themselves in full dissension, have to find a solution that could appease the pope, without setting the council up against them definitively. The solution adopted is not really one, but only postpones the problem: the discussion on residence is suspended, but with the promise of a resumption when the Sacrament of Orders will be dealt with.

⁶⁹ CT VIII, p. 418-421.

⁷⁰*Ibid.*, p. 464.

⁷¹For a concise explanation of the crisis: J. O'MALLEY, *Le concile de Trente...*, *op. cit.*, p. 223-225. For a detailed description of the crisis: H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 116-173.

In this context of tension temporarily overcome, the discussion ends up leading to a decree of reform published on the 16th of July 1562, which essentially concerned the life of clerics and parishes⁷². The result of a demanding and difficult debate between bishops who are no doubt more proactive than their predecessors in the first two periods of the council, the text, divided into nine canons, is marked by the firmness and precision of its style, even if it does not represent, to tell the truth, a decisive step in the direction of reform. Canon II, which prescribes to candidates for Holy Orders the possession of a sufficient ecclesiastical benefice, and which establishes as a criterion, for the bishop to confer ordination, the necessity or the benefit of the churches of the diocese, is of a particularly important nature for the organization of the Catholic Church in the early modern period, and even up to the present day in the case of the criterion of the necessity or the benefit of the churches of the diocese, which has become in the current Code of Canon Law the criterion of usefulness for the service of the Church⁷³. Although the obligation of residence is not explicitly mentioned, canon VIII, which outlines for bishops a very ambitious and certainly unrealistic program of annual visits to places placed in commendation, clearly assumes it.

The Eucharistic Sacrifice and the Life of Clerics

The crisis of May and June 1562 has forced the legates to draw up a more precise program for the council. After ruling on eucharistic communion in the first of two July decrees, the council has to address the sacrificial character of the Eucharist: Luther and other Protestant theologians vigorously denied this, believing that such a doctrine undermined the uniqueness and perfection of Christ's sacrifice on Calvary. This opposition to the sacrificial character of the Eucharist is related to the Lutheran doctrine of justification by faith alone; because if the Eucharist is a sacrifice, then it appears from the Protestant point of view as a work, as an offering made by human beings in order to obtain, even to deserve reconciliation with God.

As we shall see later, the Decree on the Sacrifice of the Mass dated 17th of September 1562 also determines the "true and Catholic doctrine on the Sacrament of Orders to condemn the errors of our time", set out in the decree of the 15th of July 1563, which establishes a necessary relationship between priesthood and sacrifice. This is not the place to retrace the elaboration of the Decree on the Sacrifice of the Mass, which is marked by demanding theological debates on

⁷² Text of the decree in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, op. cit., p. 1480-1489.

⁷³ CIC, can. 1025, § 2.

the sacrificial character or not of the Last Supper⁷⁴. No doubt it is precisely the technicality of these debates, which is followed by a new tense discussion on the possibility of granting communion to the laity in the chalice, which prevents the new decree concerning reformation from being the subject of a serious amplification. Prepared “in all haste”⁷⁵, in a papalist spirit, by the legates helped among others by Gabriele Paleotti⁷⁶, an auditor of Rote destined to become one of the main figures of the Italian episcopate after the council, the text disappoints a good number of Council Fathers as well as lay ambassadors, called orators⁷⁷, who collectively express their dissatisfaction with such a timorous project of reforming the clergy; a quick textual grooming shortly before the date fixed for the vote and a call for the council’s unity around the pope are however enough to obtain its approval on the 17th of September, “the dissatisfaction [...] concerning more what does not appear in the decree than what is there”⁷⁸. Nevertheless, it should be emphasised, that the decree, even if it aims mainly to resolve some targeted problems in the administration of Church income and property – always a very sensitive topic – formulates in its first canon a kind of charter of life which has subsequently become a reference text frequently quoted by promoters of the renewal of priestly life:

There is nothing that more and continually trains others in godliness and service to God than the life and example of those who devote themselves to divine ministry. Indeed, as we see them raised in a higher place outside the things of the century, the others cast their eyes on them as on a mirror and take from them the examples to imitate. This is why it is absolutely fitting that clerics who have been called to the inheritance of the Lord should regulate their life and all their conduct in such a way that, in their clothes, their manner of being, their walk, their words and all the other things, they let nothing appear but serious, restrained and perfectly religious. Let them flee even slight faults, which would be considerable in them, so that their actions arouse respect in all. As these things are the more diligently to be observed as they are of greater utility and ornament to the Church of God, the Holy Council decrees that what has otherwise been decreed by the Sovereign Pontiffs and Holy Councils as to be kept, concerning the life, honesty, conduct and knowledge of clerics, and what is to be prohibited concerning luxury, feasts, dances, games of chance, amusements and all reprehensible things whatsoever, as well as secular affairs, whether observed in the future under the same penalties or under more serious penalties, which will be

⁷⁴See H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 174-209. The debates, very intense, occupy a good month of summer, from the first congregation of theologians on July 21 until the last general congregation where the theme of the sacrifice of the mass is addressed, on August 27 (CT VIII, p. 722-786).

⁷⁵ “In aller Eile”, according to the words of H. JEDIN, *GeschichtedesKonzils von Trient*, *op. cit.*, t. IV/1, p. 200.

⁷⁶ Paolo PRODI, *Il cardinale Gabriele Paleotti (1522-1597)*, Rome, Edizioni di storia e letteratura, 1959, 2 vol.

⁷⁷ Although they do not take part in the vote, the orators play a significant role in the history of the Council of Trent as representatives of the Christian princes.

⁷⁸ “Die Unzufriedenheit [...] bezog sich weniger auf das, was in dem Dekret stand, als auf das, was *nicht* darin stand” (H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 208. Italics is from the author.).

imposed in the judgment of the Ordinary. And no appeal will suspend the execution of what falls under the correction of morals?⁷⁹.

The decree asserts its own lack of originality, claiming to refer to previous provisions that it is contented to renew in a very general approach. The first sentences are a rhapsody of themes that one would find scattered in the second *Discourse* of Gregory of Nazianzus, the dialogue *On the Priesthood* of John Chrysostom or the *Pastoral Rule* of Gregory the Great: the conciliar text bears no references, and it is obviously difficult, if not impossible, to know whether its editors clearly had the works of these authors in mind; but precisely, the commonplace character of these lines only appears all the better, with this fundamental idea that the cleric is a being looked at, who must know that he is looked at and behave accordingly. The lifestyle thus appears as the most eloquent and fruitful preaching for the edification of the Christian people. About a century after the council, an author who is primarily a practitioner of the training of future priests, the French Sulpician Louis Tronson (1622-1700), uses the first lines of this decree to compose a comprehensive interview for seminarians who are participating in a spiritual retreat⁸⁰. Beyond this outstanding example, there would be material for a detailed study of the reception of this decree among the spiritual authors of the early modern period engaged in the training of candidates called for holy orders: this reception has undoubtedly largely exceeded the very mixed feelings of the fathers of the Council of Trent when the decree was voted on.

At the Heart of the Debate on the Sacrament of Orders: The Stumbling Block of the Episcopate

From lukewarm in mid-September 1562, the conciliar atmosphere becomes frankly appalling during the autumn, on the occasion of the debate already announced and henceforth inevitable on the Sacrament of Orders. As the legates have promised in June, this doctrinal debate should make it possible to take up the much-dreaded subject of the residence and its basis in law – divine or ecclesiastical. It has already been emphasised above that in discussing this foundation, the Council Fathers, in the forefront of them, on this very sensitive subject, the archbishop of

⁷⁹ Decree Concerning Reformation dated 17th of September 1562, canon I, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1498-1501.

⁸⁰ Louis TRONSON, *XII^e entretien ecclésiastique*, “Sur le bon exemple que les ecclésiastiques doivent donner aux peuples”, *Œuvres*, Paris, Migne, 1823, t. I, col. 651-661. About this author who, precisely because he is second-rate and has dedicated his whole life to the training of future priests and to the spiritual direction of priests, is well representative of a certain type of priestly spirituality, nourished with many readings and a long experience, I allow myself to refer to David GILBERT, « *Le grand secret de la vocation* ». *Louis Tronson (1622-1700)*, Paris, Honoré Champion, 2018.

Granada Pedro Guerrero, a vigorous defender of divine right, were aware of committing the council into a not only disciplinary but also theological debate about the episcopate and its possible divine institution. At this point, with the Sacrament of Orders now on the program of the council, the theology of the episcopate turns out to be the predominant problem, even the stumbling block on which the nave of the council is in great danger of breaking, because of an irreconcilable opposition between the supporters of a strong and free episcopate – reinforced by the arrival on the 13th of November 1562 of a relatively large delegation of French bishops led by the archbishop of Reims, Charles de Guise, Cardinal of Lorraine – and the defenders of plenary authority of the Sovereign Pontiff, many of whom fear a strong comeback of conciliarism throughout this debate.

Since the bishop calls to orders and confers them, dealing with the Sacrament of Holy Orders amounts to dealing with a sacrament that only the bishop can celebrate, therefore dealing with one of his essential prerogatives, absolutely decisive for the whole sacramental structure of the Catholic Church. In fact, the Council of Trent, even if it has not yet defined the necessary relationship between Eucharistic sacrifice and priesthood, has already declared, in the Doctrine Concerning the Holy Sacraments of Penance and Extreme Unction dated 25th November 1551, that only bishops and priests were ministers of these sacraments⁸¹.

On the 18th of September 1562, the day after the vote on the decree related to the sacrifice of the mass and the decree of reform, the theologians of the council are presented by the legates with a draft decree which they discuss extensively from the 23rd of September to the 2nd of October, and which largely resumes the work of theologians during the Bolognese period of the council, in 1547-1549, but by omitting the expression *iure divino* in the definition of the ministry of the bishop⁸². Naturally, this absence escapes no one: when a small group of Iberian bishops, led by Pedro Guerrero and Bartholomew of the Martyrs, complain to Legate Seripando of this omission, he replies that this question is not one of the controversial points with the Protestants, since they deny in any case the existence of a sacramental hierarchical structure in the Church. One can legitimately find, with Hubert Jedin, that this answer is “unsatisfactory⁸³”; that being said, such a way out, on the part of a theologian of great stature, but increasingly won over by exhaustion in the exercise of his office as legate, is all the same indicative of a globally

⁸¹ Doctrine Concerning the Holy Sacraments of Penance and Extreme Unction, 25th November 1551, chap. 6; Doctrine on the Sacrament of Extreme Unction, chap. 3; see G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1438-1439 et 1446-1447.

⁸² H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 210 sqq.

⁸³ “Wenig befriedigend” (H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 212).

predominant theological perspective at the Council of Trent: the primary purpose of doctrinal decrees is not to present a systematic and, so to speak, irenic exposition of the Catholic faith on the subject matters in question, but to reaffirm this faith, by specifying its expression, against the Protestant doctrines, without going too deeply into the disputed questions between Catholic theologians, whose differences arise not from faith, but from theological opinions.

It remains that the distinction between faith and theological opinion is not always easy, and that in this case, the desire to see or not to see the divine institution of the episcopate defined obeys ecclesiological and pastoral considerations certainly internal to the Catholic Church, but of great importance for its organisation and its government – and even, in this case, for the progression of the council itself, as an assembly of bishops. Defining the divine institution of the episcopate, with as a corollary the affirmation of its full sacramentality, would theologially guarantee the authority of the bishop over priests⁸⁴ – by making the sacramental distinction between bishop and priest rest on a divine and not ecclesiastical provision – but also in respect of the Sovereign Pontiff, of whom the bishop cannot be considered as a simple delegate. Strengthened by this theologially based authority, the bishop could be fully the main and influential acting factor in the reform of the Church within his diocese, and the structures of consultation between bishops at the provincial level would also be re-legitimised. Such were the views promoted in particular by the Iberian bishops and by some Italian bishops, soon reinforced by their French counterparts. In contrast, if one refuses to define the divine institution of the episcopate, one tends to approach a monarchical conception of the Church, which would lead in practice to a reinforcement of the Roman Curia.

The divine institution of the episcopate becomes an undoubtedly critical issue in October 1562, Hubert Jedin even hypothesising that the draft decree, written after the debates among theologians and delivered to the legates on the 5th of October by the archbishop of Zara in Dalmatia, Muzio Calini, would have included the mention *iure divino* to justify the superiority of bishops over priests; but this mention would have been removed by the legates in the version which they would have transmitted to Rome on the 8th of October⁸⁵, and which only defines the superiority of bishops over priests, without mentioning divine right. Jedin suggests more than he proves, but this suggestion is very plausible, given what we know elsewhere about the discussions between theologians, of the personal position of Calini, a supporter of the *ius*

⁸⁴On the distinction between bishops and priests, theologians must reckon with the embarrassing authority of Saint Jerome, who rejects in letter 146 any difference between these ministers within the primitive Church.

⁸⁵H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 213. We follow closely the analysis he offers of this period of crisis during the unfolding of the Council of Trent.

divinum, as well as of the Bolognese text on which this decree project is based and which everyone, at the council, knows that it affirms the divine institution of the episcopate: to omit once again the *ius divinum*, as in the first text presented by the legates on the 18th of September, could only have surprised and displeased the Council Fathers a little more.

As the text presented by the legates to the council during the general congregation dated 13th of October 1562 does not mention the divine institution of the episcopate, negative reactions are not long in coming. Unsurprisingly, Pedro Guerrero, archbishop of Granada, and Bartholomew of the Martyrs, archbishop of Braga, vigorously demand that the divine institution of the episcopate be defined. The bishops, affirm Guerrero, are successors of the Apostles, and as Saint Paul says in his speech to the elders of Ephesus (Acts 20:28), it is the Holy Spirit who institutes them as pastors of the people. Cardinal Hozjusz, who presides over the congregation, does not get to the heart of the theological debate, but only disputes the need to define this divine institution of the episcopate. On the 15th of October, Martin Pérez de Ayala, bishop of Segovia, another supporter of the *ius divinum*, distinguishes between episcopal consecration, which confers the fullness of the priesthood, and papal investiture, which allows the exercise of jurisdiction. For the latter, it is clear that episcopal consecration is sacramental, but he also intends to maintain the authority suitable to the Sovereign Pontiff.

Essentially opposed to these theological approaches, supported by about fifty Council Fathers, are the approaches of the canonist Fathers, who undeniably admit that episcopal consecration confers the power of order, but that jurisdiction, as a power (and not just permission to exercise jurisdiction, as in Pérez de Ayala's standpoint), is entrusted to the bishop by the pope who alone retains its fullness⁸⁶. Among the canonists defending this doctrine are three future popes: Giovanni Battista Cagnana, archbishop of Rossano, future Urban VII; Ugo Boncompagni, bishop of Viesti, future Gregory XIII; Giovanni Antonio Facchinetti, bishop of Nicastro, future Innocent IX. But another Father, who was neither a canonist nor even a bishop, but a theologian and superior of a religious order, marks the spirits much more than these three men, because of his moral and intellectual authority: the General of the Society of Jesus, Diego Laínez, first successor to Ignatius of Loyola, whom the "Episcopalists" however suspect of wanting to guarantee the full independence of the very dynamic new religious order which he is leading.

⁸⁶ For a historical, theological and juridical-canonical outline of the distinction between power of order and power of jurisdiction, see Laurent VILLEMEN, *Pouvoir d'ordre et pouvoir de juridiction. Histoire théologique de leur distinction*, Paris, Éditions du Cerf, 2003.

The Laborious Resumption of the Debate on the Residence of Pastors

As Cardinal Gonzaga has promised in June 1562 that the debate on the residence would resume in parallel with the discussion on the Sacrament of Orders, it was also appropriate, if one wanted to honour this promise despite the very tense circumstances, to work on a draft decree – especially since the orators, above all Louis de Saint-Gelais, Lord of Lansac, ambassador to the King of France, and Georg Draskovich, bishop of Pécs, ambassador to the King of Hungary – who is none other than the Emperor Ferdinand I –, weigh with all their influence so that the council does not stop at the level of doctrinal debates, but also deals with the essential reform of the Church and, in particular, the duties of bishops. Such an influence of the orators at the council should not come as a surprise: since the Christian sovereigns, to admittedly varying degrees, exercise a form of responsibility in the Church, even over the Church, they cannot see the reform as a purely disciplinary question, strictly internal to the clerical world, not falling within their competence: the reform of the Church, with a view to a better ordering of Christian society, is also a political question of the first order, where the Christian sovereign considers that his responsibility is committed, especially when the pastors of the Church are deemed too slow, ineffective or negligent in exercising their own responsibilities over the Christian people – a people for whom the Christian prince is also responsible, from his point of view.

The legates begin their work on the future decree of reform in September 1562: the back and forth between Rome and Trent quickly reveals that there is no question of the decree of reform affirming the divine character of the episcopal obligation of residence; the text must simply reinforce the sanctions for those who contravene the obligation of residence. What follows is an eloquent sign of the strictly disciplinary dimension that the Sovereign Pontiff and his Curia want for the Decree Concerning Reformation: of the thirty-three points of reform proposed by the text of the legates, Pius IV scratches out and deletes twenty, most of which provided for a strengthening of episcopal authority in line with the expectations of the ambassadors of the princes⁸⁷. The new version of the draft decree, presented on the 2nd of November by the legates to the orators, does not even contain a specific paragraph on the obligation of residence. Without fear of thus putting Gonzaga in an awkward position, Pius IV probably hopes to prevent the quarrel from erupting again over the divine character or not of this obligation. But the exasperation of the tensions in the discussion on the Sacrament of Orders, where the divine institution of the episcopate is precisely at stake, can only condemn such a manoeuvre to failure.

⁸⁷ H. JEDIN, *Geschichte des Konzils von Trient*, op. cit., t. IV/1, p. 222.

Profoundly divided, the conciliar assembly is deeply modified within its very composition by the spectacular arrival, on the 13th of November 1562, of the French delegation headed by the Cardinal of Lorraine. Even more than the size of the delegation (some thirty fathers and theologians, plus their retinue), it is the extraordinarily strong personality of the Cardinal of Lorraine that modifies the balance within the Council of Trent: from the outset, the latter claims himself as the leader of the assembly – a leader who, however, is far from being unanimous, and whose ascendancy erodes in the spring of 1563.

Aware of his worth and his talents, as a member of the illustrious House of Guise whose influence at the Court of France is then considerable, the Cardinal of Lorraine is nevertheless a sincerely reforming prelate and attached to his pastoral duties⁸⁸. At first eager to find a common ground with the Protestants, he thereby attracted the mistrust of Pius IV, who has dispatched Diego Laínez to monitor, so to speak, the colloquium organised in Poissy in 1561 by Catherine de Medici between Protestants and Catholics: the Cardinal of Lorraine was already a leading figure there. The symposium has led to nothing tangible, but the latter was still considered by some, especially in the Curia, as an unreliable, vain and ambitious man. The instability of the Kingdom of France, which was then tipping over into civil wars, could also arouse not only concern, but also a sly form of contempt, in particular among the Italian “papalists”: what good could be expected from such a country?

In fact, the arrival of the French strengthened the “reformist” camp led, until then, mainly by Pedro Guerrero and Bartholomew of the Martyrs; but at the same time, the risk of deadlock is increased, because the “papalist” camp, made up of the majority of Italians, no longer has as strong a majority as before. The Cardinal of Lorraine deploys all his intelligence and eloquence to propose to the council, on the 4th of December 1562, in an impressive speech of almost two hours, a solution on the episcopate. Everyone agrees on the fact that the bishop immediately receives the power of order: in this respect, one can say that the bishops are instituted by God. As for jurisdiction, it comes from God through the pope. As a formula of anathema, the Cardinal of Lorraine finally proposes: “If anyone says that bishops are not instituted in the Church by Christ and that by their ordination (*ordinatione*) they are not superior to priests, let him be anathema”⁸⁹. In consequence, within a spirit of conciliation, the Cardinal of Lorraine avoids the formula *iure divino*.

⁸⁸ Alain TALLON, “Le cardinal de Lorraine et la Réforme catholique”, in Patrick DEMOUY (dir.), *École et université à Reims IX^e – XVIII^e siècle*, Les Cahiers de la Chancellerie, Académie de Reims, 2010, p. 43-46.

⁸⁹ H. JEDIN, *Geschichte des Konzils von Trient*, op. cit., t. IV/1, p. 232-233.

Initially considered interesting by the legates, the Cardinal of Lorraine's proposal is quickly suspected of leading to conciliarism by the canonists of Cardinal Simonetta's entourage, who withdraws his favourable opinion. Gonzaga, Seripando and Hozjusz then decide to refer the matter to Pius IV, who expresses his disagreement. Great are then the disappointment and anger of the Cardinal of Lorraine, who does not understand that one can find his proposal detrimental to the authority of the Apostolic See. This new stage of the crisis reveals all the ambiguity of Pius IV: if he did desire to convene the council, it is in particular, as we have seen, to contribute to the settlement of the religious situation in France; as a result, the participation of the French seems essential to him; but he also fears that at the council, the French would defend Gallican and conciliarist positions, likely to turn the assembly towards an anti-pontifical direction⁹⁰. It is readily understandable that Pius IV does not want such an evolution at all; but from Rome, he certainly underestimates the sincerity of the Cardinal of Lorraine in his search for conciliation, and he does not seem to understand that the intransigent attitude of Simonetta and the *zelanti* is probably not the best defence of pontifical authority. By his refusal, Pius IV strongly irritates the Cardinal of Lorraine and, consequently, installs him in a role of opponent which can in fact be very dangerous, taking into account the prestige and immense capacities of the French cardinal.

As a result, the already very bad conciliar mood further deteriorates. The discussion on the draft decree on residence, which began on the 10th of December 1562, quickly turns sour. Admittedly, after the disappointments of November, the new version of the text innovates by presenting residence as a serious obligation of conscience, and the breach of residence as a sin (except in several carefully enumerated cases) whose absolution is reserved to the Sovereign Pontiff or to a priest of the diocese of the negligent bishop⁹¹. But for Guerrero and Bartholomew of the Martyrs in particular, the contention fails to be fully resolved: it is simply necessary to declare the residence of divine right. The Cardinal of Lorraine also criticises the project, but for other reasons that distance him from the Iberian bishops: too strict an obligation of residence risks preventing the bishops from performing court functions where they can be very useful to the Church. Without success, various formulas are tried, both in the Decree on the Residence and in the Decree on the Sacrament of Orders: in January-February 1563, the council is blocked. Exasperated, Emperor Ferdinand I travels to Innsbruck, the capital of Tyrol, where he brings together theologians, in the hope of thus providing more effectively for the needs of the reform

⁹⁰With reference to the mistrust and even the hostility of Pius IV towards Lorraine, see A. TALLON, *La France et le concile de Trente...*, *op. cit.*, p. 364 sqq.

⁹¹H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 237.

than the Council of Trent which is being bogged down. A significant fact: the Cardinal of Lorraine leaves Trent to meet Emperor Ferdinand I in Innsbruck. Is a *de facto* counter-council therefore being set up in the Tyrolean capital?

Cardinal Giovanni Morone and the Resolving of the Blockage: How to Navigate Obstacles to Find a Common Ground

The unexpected death of Cardinal Gonzaga during the night of the 2nd to the 3rd of March 1563, soon followed by that of Cardinal Seripando on the 17th of March, may appear as a particularly gloomy sign: the two highly respected papal legates were deeply worn down by their task of directing the council, made singularly arduous by the distrust of Pius IV and the malevolence of Simonetta. Nonetheless, their death allows the unblocking of the council, thanks to the appointment by Pius IV of two new legates: the Venetian Cardinal Bernardo Navagero and especially the Cardinal Giovanni Morone⁹², bishop of Modena, diplomat of high calibre, former prisoner of Paul IV as we have seen above. Strengthened by the total confidence of the pope, Morone, after his arrival in Trent on the 10th of April, is able to assert himself against Simonetta, which momentarily benefits the council since Morone proves to be much less intransigent and more skilful than his colleague, whose influence now wanes. As an undeniable sign of his desire to negotiate and work to relaunch the council, Morone leaves on the 16th of April for Innsbruck, to meet the Emperor Ferdinand I. He stays there for a month: an infrequent situation, where a papal legate, responsible for presiding over the Council of Trent, is absent for such a long time just after his arrival (while the obligation of residence is being discussed!) to regain the support of the emperor at the council⁹³.

A few days before the return of Morone in May, the Council Fathers resume their discussions on the abuses in the administration of the Sacrament of Orders. It is another way of preparing the future Decree Concerning Reformation, without coming back head-on to the then still insoluble question of residence. The criteria to be observed for the appointment of bishops are the subject of particular attention⁹⁴. One should also note the almost literal resumption of a decree of the Synod of London presided over by Cardinal Reginald Pole in 1556, during the

⁹²Of “this undoubtedly exceptional, but enigmatic man” (“[...] dieses unzweifelhaft hervorragenden, dennoch rätselhaften Mannes”), Hubert Jedin left a remarkably suggestive portrait: H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/2, p. 26-28.

⁹³J. O’MALLEY, *Le concile de Trente...*, *op. cit.*, p. 253-255, gives a good summary of this difficult but ultimately very fruitful mission for the council. We can add that strengthened by the trust of Pius IV, Morone, who was nuncio in Germany and who worked closely on German affairs for forty years, also enjoyed the confidence of Ferdinand I.

⁹⁴ H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/2, p. 35.

short Catholic restoration in England under the reign of Mary Tudor – a synod whose acts have, in those days, just been published in Rome⁹⁵: the aim of this decree is to ask for the creation of a college near each cathedral church, for the general and religious instruction of children likely thereafter to become priests. By doing so, one would therefore establish “like a nursery (*seminarium*) of ministries”. If the Synod of London remains unsuccessful in England because of the early death of Mary Tudor, it finds, on this particular point of the training of future priests, an unexpected fruitfulness at the Council of Trent.

Nonetheless, the Cardinal of Lorraine, meanwhile, wants to go further in the reform by advocating on the 14th of May a massive return to the uses of the ancient Church – or at least the uses that the Cardinal, inspired by theologians Gentian Hervet and Claude d’Espence, believes to be those of the ancient Church: that the temporal power should not intervene in the appointments of bishops; that the pope himself renounces the right of nomination, which burdens his conscience excessively; that the cathedral chapters also lose their electoral prerogatives, where they are located. In short, the Cardinal of Lorraine quite simply demands the abolition of the three modes of accession to the episcopate which are then prevailing in the Catholic Church, and the “restoration”, according to an idealised vision of ancient practices, of the authority of the metropolitan – or suffragans in the case of the election of the metropolitan – as well as the participation of the clergy and the “people” (in fact the local lay elite) in the election of the bishop. Such a program, radical, complex and ultimately unrealistic, obviously arouses, despite the talent of the orator and the support he has in the ranks of the French episcopate, the opposition of a large majority at the Council. Even Pedro Guerrero and Bartholomew of the Martyrs, usually rather favourable to the Cardinal of Lorraine and his French entourage, reject this program which, while claiming its roots in Antiquity, badly masks an idealism that is very little historical in reality. On the 15th and 16th of May 1563, the two Iberian archbishops propose their own program of reform which is intended to be more realistic, but no less demanding, by insisting on the rigorous examination of candidates for the episcopate, without however renouncing the right of appointment by the kings of Spain and Portugal. The institution of “seminaries” for the training of future priests appears most useful and urgent.

The debate on the reform proves to be particularly long. Previously proposed, the idea of abolishing auxiliary and titular bishops is abandoned – the former being indispensable in the

⁹⁵CT IX, p. 483-484; cf. *Reformatio Angliae ex decretis Reginaldi Poli cardinalis, Sedis Apostolici legati, anno MDLVI*, Romae, apud Paulum Manutium Aldi F[ilium], 1562.

large dioceses of Germany, Bohemia, Poland and Hungary. At the same time, the debate on the Sacrament of Orders is taking place, and it is even more tense because of the ecclesiological stakes: the “papalists” do not want the teaching of the decree, by specifying the doctrine of the episcopate, to be able to reopen the door to conciliarism, while the French refuse a bestowment of the primacy of the pope likely to undermine the freedoms of the Gallican Church as well as the teaching of the Council of Constance (1414-1418), a reference for theologians and canonists favourable to the superiority of the council over the pope. To reach a resolution of the crisis, Cardinal Morone must deploy treasures of ingenuity, for instance by submitting the successive versions of the decree beforehand to a sort of “assembly of notables”, composed of particularly respected figures, but of different tendencies, about forty in number. He also has to take the risk of assuming his own responsibilities without always waiting for answers from Rome, which often takes a long time to come. This is precisely what happens in the resolution of the crisis on the Sacrament of Orders: on the 6th of July 1563, before receiving the answer of Pius IV on yet another draft decree – an answer which was deemed to be negative –, Morone presents to the “notables” another project prepared, it seems, with the Cardinal of Lorraine and Paleotti⁹⁶. Already envisaged previously, but not supported by Pius IV, the solution consisting in putting into parentheses the ecclesiological problem of the relations between the pope and the bishops is nevertheless retained. The reference to Acts 20:28, essential in Guerrero’s argument as we saw above, is maintained: the bishops are “assigned by the Holy Spirit to govern the Church of God”, but it is not said that they are instituted by Christ, as wished by Guerrero, Bartholomew of the Martyrs and, with them, the Spanish and Portuguese episcopates. The distinction between power of order and power of jurisdiction is also put aside, since there is no unanimity on the origin of the bishop’s power of jurisdiction, and that after all, the purpose of the decree is not to present a complete doctrine about the primacy within the Church. On the same day, a new draft Decree Concerning Reformation is also proposed to the “notables”: residence is not presented there as being by divine right, but it is the fact of knowing the sheep, with all the pastoral acts that this supposes (celebration of the Eucharist and the other sacraments, preaching, exemplary life, charity towards the poor), which is declared to be a divine commandment (*praeceptum divinum*). It is remarkable to observe that the reservations expressed by such and such Council Father belonging to the assembly of notables do not prevent the latter from unanimously approving these two decrees, after a five-hour long discussion, so great is the desire to finally come to a solution⁹⁷. Three days later, on the 9th of July, during the

⁹⁶ H. JEDIN, *Geschichte des Konzils von Trient*, op. cit., p. 67.

⁹⁷*Ibid.*, p 68.

general congregation, no doubt largely thanks to the favourable intervention of Bartholomew of the Martyrs, and despite the opposition of Pedro Guerrero and Martin Pérez de Ayala, an overwhelming majority of 227 Council Fathers approve the two decrees. Between the general congregation and the solemn session scheduled for the 15th of July, the pressure remains strong, however, both on the Spanish side and on the side of the *zelanti*, to pull off last minute modifications. Among them, one can retain, at the request of a group of Italian bishops, the equalisation of the authorisation of absence for the bishops and for the parish priests: while the draft decree granted to the bishops an absence of two or three months, permission was only for two days regarding priests. Finally, it was agreed on a permitted absence of two months for priests, and two to three months for bishops.

The 15th of July 1563 Decrees: Deliberately Partial Texts

The two decrees ratified on the 15th of July 1563 are therefore the culmination of extremely long and difficult work, which nearly blocked the council definitively because the tensions were so strong. If one bears in mind the painful progress of these texts, one easily understands that because of the double imperative of refuting Protestant doctrines and producing a text acceptable to all the Council Fathers, one should not seek there neither a systematic and exhaustive account of the Sacrament of Orders nor of the obligations of the pastors of the Church: on the contrary, the Council Fathers of Trent finally gave up being exhaustive in order to reach such agreements related to the doctrine and reform.

The “true and Catholic doctrine on the Sacrament of Orders to condemn the errors of our time⁹⁸” is intimately connected with the decree on the sacrifice of the mass, since the text begins by affirming the union between sacrifice and priesthood by virtue of a divine disposition. It is because the mass is a real sacrifice that the priesthood is necessary and that it really exists in the Catholic Church. Furthermore, the decree on the sacrifice of the mass had already set a milestone by affirming that, by giving the Apostles His body and His blood under the species of bread and wine, Christ had instituted them as priests of the New Covenant⁹⁹.

This being clearly stated, if it is certain, for the council, that the sacrificial character of the Eucharist necessitates and legitimises the existence of a priesthood within the Catholic Church,

⁹⁸ Text in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1508-1513.

⁹⁹ Doctrine and Canons on the Most Holy Sacrifice of the Mass, 17th of September 1562, chap. I, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1490-1491. Pedro Guerrero contested that the Sacrament of Holy Orders was thus instituted at the Last Supper, but his prestige and authority did not prevent this point from ultimately posing no problem for the approval of the text by the council. See H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 188.

it would be wrong to conclude from this that the council defines the priesthood with exclusive reference to the celebration of the Eucharistic sacrifice. It is precisely the object of the Decrees Concerning Reformation to specify in what practically consists the ministry of the bishop and the priest, which is not reduced to the offering of the Eucharistic sacrifice. We have seen above that the decree of the 17th of June 1546 already taught that preaching the Gospel was the main office of bishops¹⁰⁰. With a critical perspective, one can certainly wonder about the effective scope of this pronouncement which is neither a dogmatic definition nor a perfectly exact description of the reality at the time... The Council Fathers gathered at Trent in 1562-1563 also felt strongly the insufficiency of the decrees of the two preceding periods, or rather the insufficiency of their respective implementation. It remains that the perseverance of the Council Fathers, through the chaotic history of the Council of Trent, to specify the practical obligations of the pastors of the Church must be taken into account, in order to avoid the mythification of a “Tridentine Doctrine of the Priesthood” exclusively centred on the offering of the Eucharistic sacrifice. As we have seen, the tortuous elaboration of the dogmatic decree on the Sacrament of Orders is historically inseparable from the debates on the obligation of residence, with all that this implies in terms of pastoral acts. Indisputably, the Council Fathers do not think they engage the authority of the council less gravely than in the case of the Decree on the Sacrament of Orders when they declare within the Decree Concerning Reformation:

It is commanded by divine precept to all those who have been entrusted with the charge of souls to know their sheep, to offer sacrifice for them, to nourish them by the preaching of the Word of God, by the administration of the sacraments and by the example of all good works, to have fatherly care for the poor and others in need, and to apply oneself to other pastoral charges. Now, all this can never be done or accomplished by those who do not watch over their flock and do not assist it, but who abandon it like mercenaries. This is why the Holy Council warns them and exhorts them to shepherd and govern in judgment and truth the flock of which they will make themselves the model, remembering the divine precepts. So that what has been holy and usefully prescribed before on the residence, under the pontificate of Paul III, of blessed memory, is not taken in a sense foreign to the spirit of the Holy Council, as if, by virtue of this decree it was permissible to be absent for five continuous months, the Holy Council, attaching itself to this earlier decree, declares that all who, under whatever name and by whatever title, are at the head of patriarchal, primatial, metropolitan and cathedral Churches, even if they are cardinals of the Holy Roman Church, are obliged to reside in person

¹⁰⁰Decree on Teaching and Preaching, 17th of June 1546, § 9, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1362-1363.

within their Church or diocese, where they are bound to fulfil the office entrusted to them [...] ¹⁰¹.

The Council of Trent further specifies that anyone who contravenes this obligation commits a mortal sin ¹⁰², which is also an unquestionably serious position. Admittedly, this assertion comes after the list of exceptions; nevertheless, it no doubt engages the authority of the Church in the minds of the Council Fathers no less than the doctrinal decree on the Sacrament of Orders, the purpose of which, once again, has no systematic or exhaustive claim, but consists only in reaffirming and clarifying – but in a measure acceptable to all the Council Fathers and theologians of the Council of Trent – the Catholic doctrine on the Sacrament of Orders, with reference to the points contested by the Protestant Reformers.

In this regard, it is worth clarifying an affirmation of this decree:

If a person asserts that all Christians, without distinction, are the priests of the New Testament, or that all are endowed with the same spiritual power among themselves, that person seems to be doing nothing more than to erase the ecclesiastical hierarchy, which is like “an army arrayed in battle ¹⁰³”; as if, contrary to the teaching of Saint Paul, all were apostles and all prophets, all evangelists, all pastors, all teachers ¹⁰⁴.

It should not be deduced from these few lines that the Council of Trent would deny the existence of the priesthood of the baptised. It is indeed the absence of distinction in the priesthood that is rejected here. Retracing the elaboration of the decree in 1562-1563, Hubert Jedin ~~certainly~~ recognises that one of the versions mentions the common priesthood of the faithful, from which the priesthood conferred by the Sacrament of Orders is distinct; but he considers that in theological debates, “the treatment of the common priesthood is markedly weak” ¹⁰⁵. This judgment of the great master of Tridentine studies must be put into perspective and supplemented by the original study by Nelson Minnich on the common priesthood of the faithful at the Council of Trent ¹⁰⁶. Indeed, as this historian shows, the long debate on the Lutheran doctrine of the universal priesthood, aimed at formulating as accurately as possible

¹⁰¹ Decree Concerning Reformation, 15th July 1563, canon I, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1512-1513.

¹⁰² *Ibid.*, p. 1514-1515.

¹⁰³ Ct. 6:4,10.

¹⁰⁴ True and Catholic Doctrine on the Sacrament of Orders to Condemn the Errors of Our Time, 15th of July 1563, chap. IV, in G. ALBERIGO (dir.), *Les conciles œcuméniques...*, *op. cit.*, p. 1510-1511.

¹⁰⁵ H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 211.

¹⁰⁶ Nelson H. MINNICH, “The Priesthood of all Believers at the Council of Trent”, *Councils of the Catholic Reformation. Pisa (1409) to Trent (1545-1563)*, Aldershot/Burlington, Ashgate, Variorum Collected Studies, 2008, XI 1-21.

the propositions to be condemned, attests that the Council Fathers and theologians of Trent admitted the existence of a certain priesthood of the faithful.

Nevertheless, the affirmation of the royal priesthood of the faithful, offering living and spiritual sacrifices to God through Jesus Christ, based on 1 Pet 2:5, which is found in the document dated 21st of January 1552¹⁰⁷, disappears from the decree dated 15th July 1563: this must be seen as the consequence of the highlighting, during the debates, of the existence of a hierarchy in the Church, by virtue of a divine disposition – and above all of the passionate controversy over the powers of the pope and the bishops within this hierarchy: the tension is then such that the search for a compromise on this question prevails, with a search for brevity in the formulation and the haste to reach a solution. The mention of the royal priesthood of the faithful bears the impact of this feverish search for intra-hierarchical compromise, but the work of theologians on this question is taken up in the *Roman Catechism*, in its development on the “interior priesthood” based on baptism¹⁰⁸. The sacrifice offered by this priesthood consists in the offering to God of good deeds:

But as the Holy Scriptures distinguish between two priesthoods, one interior and the other exterior, it is necessary to characterise them both, so that the pastors can explain of which priesthood we are speaking here.

Hence, when we say of the faithful purified by the water of baptism that they are priests, we are talking about an interior priesthood. In the same order of ideas, all those who are just are priests, who have the spirit of God in them, and who have become, by a blessing of grace, living members of the High Priest who is our Lord Jesus Christ. In fact, they immolate to God, on the altar of their heart, spiritual hosts, whenever, enlightened by faith and inflamed by charity, they do good and honest works which they attribute to the glory of God. This is why we read in the Book of Revelation¹⁰⁹: “Jesus Christ cleansed us from our sins in His blood and made us kings and priests to God His Father. This is also what made the prince of the Apostles say¹¹⁰: “You are placed on Him like living stones, to form a spiritual edifice and a holy priesthood in order to offer spiritual sacrifices to God which are acceptable to Him through Jesus Christ. It is also for this reason that the Apostle exhorts¹¹¹ us “to offer our bodies to God as a living host, holy and pleasing in His eyes, and to render Him spiritual worship. Finally, long

¹⁰⁷ CT VII-I, p. 461, l. 23-25.

¹⁰⁸ *Catechismus Romanus*, cap. 26, “De sacramento ordinis”, § 7, “De sacerdotio”, according to the translation (slightly modified by us) published in Tournai by Desclée in 1923. For an older translation, one can refer to the following edition: *Le catéchisme romain composé par l’ordonnance du concile de Trente, mis en lumière par le commandement du pape Pie V, et traduit en notre langue par M. Louis Coulon, prêtre et docteur en théologie*, Paris, Gervais Clousier, 1672, first part, § XLV-XLVI, p. 458-459.

¹⁰⁹ Rev. 1:5.

¹¹⁰ 1 Pet. 2:5.

¹¹¹ Rom. 12:1.

before, David had said¹¹²: “The sacrifice that God requires is a soul broken with pain, You will not disdain, O my God, a contrite and humbled heart.”

All of this, of course, relates to the interior priesthood. As Nelson Minnich articulates, it is, for that reason, in the *Roman Catechism* that one can find “a summary of the official and unofficial teachings of the Council of Trent on the universal priesthood (*sic*) of the faithful¹¹³”. Undoubtedly, this catechism, too often and improperly called *Catechism of the Council of Trent*, is not a work produced by the council itself¹¹⁴: its official title already proves it, and recent research has shed light on the genesis of this fundamental text, from the ending of the Council of Trent to the first printing of the *Catechism* in 1566¹¹⁵. This confirms that the doctrinal decrees of the Council of Trent do not claim to say everything and that such decrees always gain from being interpreted in the light of their often-tumultuous writing and editorial history.

Conclusion

A more in-depth study of Tridentine sources allows us to show that the theology of the episcopate and, to a lesser extent, the common priesthood of the faithful are already important subject matters of theological discussion in the middle of the sixteenth century. The irreconcilable nature of the theses presented at Trent, the tensions associated with the political and religious circumstances of Europe as a whole, the inevitable clashes between strong personalities attending the Council of Trent, the ecclesiological uncertainties inherited from the tormented history of the papacy and the conciliar institution from the end of the fourteenth to the beginning of the sixteenth century, did not make it possible to reach a coherent doctrinal demonstration about the episcopate¹¹⁶. The fact remains that the decrees of reform, despite their imperfections, paint by successive strokes an ideal portrait of the bishop who appears as the cornerstone of the ecclesial edifice to be rebuilt. Without a doubt, it is not enough for a council to issue prescriptions for them to be immediately put into practice: the very plurality of the decrees of reform, in which the obligation of residence is addressed, demonstrates this sufficiently, and the Council Fathers of Trent were well aware of this difficulty. The “Catholic Reformation” was a much larger phenomenon than the Council of Trent alone, and it has

¹¹²Ps. 50:19.

¹¹³ “The Roman Catechism can thus be seen as a summary of Trent’s official and non-official teachings on the universal priesthood of the faithful” (N. MINNICH, “The Priesthood...”, *art. cit.*, p. XI-20).

¹¹⁴ H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/2/, p. 237-238.

¹¹⁵ Matteo AL KALAK, “La nascita del Catechismo romano”, *Revue d’histoire ecclésiastique*, n° 112/1-2, 2017, p. 126-168.

¹¹⁶ See about this subject matter the penetrating analysis of the legates on the deadlock of the situation in June 1546 and on the need to clarify, one day or another, the disputed questions on the episcopate, as quoted and commented by H. JEDIN, *Geschichte des Konzils von Trient*, *op. cit.*, t. IV/1, p. 56-57.

become classic to underline the existence of reform movements within the Catholic Church long before the Council of Trent, the decisive implication of the popes and the Roman Curia after the council for the implementation of essential reforms (in particular for the elaboration of a universal catechism, the *Roman Catechism*, and for the reform and edition of the normative liturgical books), and finally the exemplary character of some episcopal figures, the first of which was Charles Borromeo, who was incidentally a man of the Curia before becoming a resident bishop. That being said, the contentious debates of the Council of Trent revolving around the episcopate, the obligation of residence and ultimately the concept of primacy within the Church, and their partial and provisional resolutions by setting aside the most ardently disputed questions and issues, constitute a milestone in the history of ecclesiology and pastoral ministry within the Roman Catholic Church, if only as paving the way for a resumption and development of the debate in the continuation of the history of the Church, subsequently during Vatican I and Vatican II, but also nowadays and in the future.

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