

CARDINAL HOSIUS AND THE COUNCIL OF TRENT

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LAST year the Catholic Church celebrated the fourth centenary of the opening of the Council of Trent, which was convoked to meet the wave of heresy spreading over the Christian world.¹ As stated in the Bull of Convocation, the purpose of the Council was fivefold: the advance and exaltation of the Christian faith; the extirpation of heresy; the peace and unity of the Church; the reform of the clergy and of the Christian people; and the conquest of the enemies of the Christian name.²

The present article aims at indicating the role played by Cardinal Hosius, one of the papal legates to the Council; accordingly, only the last nine sessions of the Council, in which he participated, are brought under brief review. Hosius deserves a particular tribute; for there is perhaps no greater name in the history of the Counter-Reformation.³

The encomia heaped upon him by his contemporaries and by distinguished historians and writers represent him as one of the outstanding leaders of Catholicism of his time. He was the spirit behind the Catholic movement to stem the tide of Protestantism not only in his native land but also in the rest of Europe.⁴ His numerous polemical works written in defense and exposition of the Catholic faith, and the similarity of his methods as well as of the circumstances in which he lived to those of the great African bishop, St. Augustine, have merited him the titles of "second Augustine" and "pillar of the

¹ Cf. "Bull of the Convocation of the Holy Oecumenical Council of Trent," in H. J. Schroeder, *Canons and Decrees of the Council of Trent* (St. Louis: Herder, 1941), p. 1.

² *Ibid.*, p. 11.

³ Hosius was born in Cracow, May 5, 1504. Nominated bishop of Culm in 1549, he was transferred two years later to the see of Ermland in East Prussia. In 1561 he was created cardinal by Pius IV and was sent as legate to the Council of Trent. He was appointed major penitentiary by Gregory XIII in 1573. He died August 5, 1579, at Rome where he is buried in the Church of S. Maria in Trastevere. The cause of his beatification has been in process for several years.

⁴ Cf. K. Volker, *Slavischer Grundriss* (Berlin u. Leipzig, 1930), VII, 119; 198; F. Hipler, "Hosius," *Kirchenlexikon* (Wetzer-Welte, 1889), VI, 297; K. Benrath, "Hosius," *Realencyklopädie für protestantische Theologie u. Kirche* (1900), VIII, 384-6.

Church."⁵ Rescius, who edited his works, reports that Lutherans feared and respected him; they called the Catholic faith "Hosen Glauben" (Hosian faith), and surnamed Hosius "Polnischen Gott" (Polish God).⁶ Rescius records the opinions of his contemporaries: "Others call him [Hosius] the pillar of the Church . . . others the hammer of heretics, others the Polish Patriarch . . . others the Great Hosius . . . others the Augustine of our times . . . others the new Bessarion . . . others the evermore praiseworthy champion of the Church."⁷ The great Jesuit historian of the Council of Trent, Cardinal Pallavicini, paid a fitting tribute to Cardinal Hosius when he called him a man of the highest esteem and of eternal memory who joined in himself two distinctive qualities, sanctity of life and loftiness of doctrine.⁸ Another illustrious historian, Cardinal Baronius, stated that so great was the authority and renown of Hosius that the heretics feared his very name and took measures to eliminate him as the best means of overthrowing the Catholic religion in Poland.⁹ Ludwig von Pastor calls him the savior of Catholic religion in Poland.¹⁰ Fr. Hipler calls him "Tod Luthers" (the death of Luther).¹¹

The fact that Hosius had been bishop of Ermland in East Prussia, then under Polish rule, did not limit the sphere of his religious influence or diminish his prestige as a theologian. Three factors contributed largely to his universal renown. The first was the widespread circulation and diffusion of his polemical works. The mere fact that even during the author's lifetime some of his works ran to thirty-two editions and were translated into many languages indicates the extent

⁵ J. Migne, "Hosius," *Nouvelle encyclopédie théologique* (sér. 2), II, 724. Cf. B. Jungmann, *Dissertationes Selectae in Historiam Ecclesiasticam* (Ratisbon, 1887), VII, n. 87.

⁶ "Epistola Dedicatoria," *Opera Omnia Hosii* (Coloniae, 1584), II, f. 3.

⁷ *Loc. cit.* Cf. J. Uminski, *Opinie o cnotach, świętobliwości i zasługach Stanisława Hożjusza* (Lemberg, 1932), p. 98 ff.

⁸ *Istoria del Concilio di Trento* (Faenza, 1795), XV, vi, 3. (This work will be cited hereafter as "Pallavicini," with book, chapter, and number.) Cf. A. Eichorn, *Der ermländische Bischof und Cardinal Stanislaus Hosius* (Mainz, 1855), II, 563-5.

⁹ *Annales Ecclesiastici* (Barri-Ducis, 1864 ff.), XXXV, n. 326. Cf. L. E. du Pin, "Hosius," *Nouvelle bibliothèque des auteurs ecclésiastiques* (Amsterdam, 1710), XVI, 118; Brischar, "Hosius," *Dictionnaire encyclopédique de la théologie catholique* (Paris, 1861), XI, 133.

¹⁰ *History of the Popes*, (2d ed.; Kegan Paul, London, 1923), XII, 490. Cf. Eichorn, *op. cit.*, I, 57.

¹¹ Hipler, *art. cit.*, p. 297.

of their influence.¹² His contemporary, St. Peter Canisius, rates him as "a most elegant writer and distinguished theologian."¹³ The other two factors were his sanctity of life and his immediate, cordial relations with the ruling kings and emperors, at whose courts he performed several missions.

It was not long before the popes secured his services on behalf of the Church. In 1558 Paul IV summoned him to Rome, and soon Hosius became an influential member of the Roman Curia. His thorough knowledge of the Protestant teachings was greatly appreciated, especially since the Pope was contemplating the reopening of the Council of Trent. Upon the death of Paul IV (1559), his successor Pius IV sent Hosius as his personal nuncio to the imperial court of Ferdinand I at Vienna with the important mission of gaining the Emperor's good will and co-operation towards the reopening of the Council.¹⁴ Hosius was assigned, besides, another diplomatic mission, that of obtaining the support of the young ruler of Bohemia, Prince Maximilian. The obstacles to be overcome were by no means trivial. The Emperor desired the Council but wished it to be held in some German city, and not at Trent; moreover, he desired it to meet, not as a continuation of the earlier assembly, but as a new council. As for Maximilian, he openly supported the Protestant movement. Despite these and other serious difficulties, Hosius acquitted himself well of his missions.¹⁵

On February 26, 1561, Pope Pius IV created him cardinal.¹⁶ The red hat had been offered him before by Paul IV, but Hosius had refused it, and would have declined the honor even now had not the

¹² Eichorn, *op. cit.*, I, 220 ff.; II, 570. Cf. K. Werner, *Geschichte der apologetischen u. polemischen Literatur der christlichen Theologie* (Schaffhausen, 1861-67), IV, 350-53; A. Humbert, "Hosius," *DTC*, VII, 182; I. Bullart, *Académie des sciences et des arts, contenant les vies et les éloges historiques des hommes illustres* (Bruxelles, 1695), I, 70; *Acta Historica Res Gestas Poloniae Illustrantia* (Cracoviae, 1886-88), IX, 1007-8.

¹³ *Opera Omnia Hosii*, I, 422. Brischar (*art. cit.*, p. 127) calls Hosius one of the most eminent theologians and cardinals of the sixteenth century.

¹⁴ Pallavicini, XIV, xiii, 9. Cf. Bullart, *op. cit.*, I, 67.

¹⁵ Pallavicini, XVII, 27. On Hosius' mission to the imperial court of Ferdinand I, see S. Steinherz, *Nuntiaturberichte aus Deutschland: 1560-1572* (Wien, 1897), I.

¹⁶ *Concilium Tridentinum: Diariorum, Actorum, Epistularum, Tractatum Nova Collectio* (ed. Soc. Goerres.; Friburgi Br., 1901 ff.), II, 540. (This work will be cited hereafter as *CTrid.*) Cf. Baronius, *op. cit.*, XXXIV, n. 1.

Emperor and Bishop Draschovitch of Fünfkirchen, the ecclesiastical orator to Hungary, persuaded him to accept it. Shortly after, in a consistory held on March 10, Pius IV appointed Cardinals Hosius, Seripando, and Simonetta legates *a latere* to preside at the Council;¹⁷ Cardinals Gonzaga and Puteo had previously been appointed legates on February 14.¹⁸

By the papal Bull *Ad ecclesiae regimen* the Council was ordered to meet again at Easter, 1561. On March 17, the legatine cross was given to Cardinal Seripando, and all the bishops present at Rome were directed to repair to Trent. By April 16, three of the cardinals legate had arrived at Trent; but, though they made their public entry into the city on that day, they found that only nine bishops were present and that none of the ambassadors had as yet arrived. The Council had to be postponed. At the desire of the Pope, Hosius left the imperial court of Ferdinand I at Vienna and, contrary to the usual procedure, arrived secretly at Trent on August 20.¹⁹ Cardinal Simonetta arrived early in December.²⁰

After a lapse of approximately ten years, the seventeenth session of the Council of Trent, the first under Pius IV, was finally held on January 18, 1562. It proclaimed the suspension of the Council revoked and announced the day of the next session. Besides the four legates, Gonzaga, Seripando, Hosius, and Simonetta, there were present Cardinal Madruzzo, three patriarchs, eleven archbishops, ninety bishops, four abbots, four generals of religious orders, four auditors of the Roman Rota, and forty-one other officials.²¹

In a general congregation held on January 27, the legates proposed three subjects for the deliberation of the Fathers: (1) the preparation of an index of forbidden books; (2) the invitation to the Council of those concerned in such books lest they complain of being condemned

¹⁷ *CTrid*, II³, 353; 541; VIII, 176. Cf. A. Theiner, *Acta Genuina ss. Oecumenici Concilii Tridentini* (Zagrabiae, 1874), 666.

¹⁸ On November 10, 1561, instead of the then ailing Cardinal Puteo, Cardinal Sittich was appointed legate. He did not arrive at Trent until January 30, 1562. Cf. J. Šusta, *Die römische Kurie u. das Konzil von Trent unter Pius IV.* (Wien, 1904-11), I, 134; 151; Theiner, *op. cit.*, I, 680; *CTrid*, VIII, 122.

¹⁹ *CTrid*, II³, 357; Theiner, *op. cit.*, I, 669.

²⁰ Šusta, *op. cit.*, I, 114; Theiner, *op. cit.*, I, 672.

²¹ Theiner, *op. cit.*, I, 676.

unheard; (3) the arrangement of such a safe-conduct as might meet the demands of the Protestants. These matters were discussed at length in an assembly on February 1.

On the morning of February 26, the eighteenth session was held. Owing to the serious debates on the question of precedence and on the method of procedure in the agenda of the Council, the only matters decided upon were the publication of a decree concerning the choice of books and an agreement as to the safe-conduct for the Protestants who were invited to the Council.²² A decree which fixed the date of the next session for May 14 was approved by all.

The next two sessions, on May 14 and June 4, were void of any appreciable results; only decrees proroguing the Council were issued. This was owing in large measure to the heated disputes on the highly controversial question of bishops' duty of residence. The minds of the Fathers were vehemently and continually agitated in private and public assemblies on the question whether the law of residence of bishops is of divine or ecclesiastical institution. One group maintained the divine, another the ecclesiastical, origin of the law. A third party steered a middle course, declining to give any definite answer to either side, or to come to any conclusion without first consulting Rome.

The whole question of the divine or ecclesiastical origin of the episcopal duty of residence was opened by the Archbishop of Granada, Pedro Guerrero, who was the principal spokesman of the Spanish bishops. He recommended that the subject be at once consigned to the consulting theologians, to be examined by them and reported on to the assembly of bishops. The subject, once proposed, was keenly debated under all aspects. The opinions of the Fathers were so completely divided that eleven congregations scarcely sufficed to enable them to express their views. Since no agreement could be reached, the legates despatched a messenger to Rome to inform the Pontiff of the actual state of opinions and parties, and requested instructions as to the manner of procedure. In the meantime, to facilitate the deliberations and help formulate a decree, the legates resolved to propose in the next general assembly that the sentiments of the Fathers on the proposed article that the residence of bishops is

²² Schroeder, *op. cit.*, pp. 125 ff.

of divine institution should be declared by the simple words placet or non placet. The result of the voting on April 20, as recorded by Angelo Massarelo, Secretary of the Council, was as follows: thirty-three non placet, sixty-six placet, and thirty-eight conditionally, *non placet nisi consulto Domino nostro Papa*. Hosius inclined towards the opinion that the bishops' duty of residence is of mediate divine institution, and voted accordingly.²³ At this point, Cardinal Gonzaga, the first legate, desired to arrive at a majority of votes by counting the votes of those who affirmed unconditionally the divine institution along with those who voted conditionally, and then to proceed to settle the issue without further delay, but Hosius and Seripando firmly opposed the idea. Consequently, the whole controversy was left open for further discussion.²⁴

It was now evident that, according to the votes, no decision could be made without first consulting the Pope, who was thereby placed in a painful and unenviable position; for, whatever course he chose, he was sure to offend one side. In the meantime, a messenger arrived from Rome intimating that further discussions on this vexing question be suspended. The Pontiff's directions were to postpone its solution, if possible, until such time as the minds of the assembled Fathers had calmed down and could approach the subject with greater clearness and deliberation.²⁵ Accordingly, the legates resolved that the decision be deferred until the sacrament of orders should come under consideration.²⁶

In the general assemblies that preceded the twenty-first session, the task of formulating the decrees on Holy Communion, which treated especially of Communion under both species and of Communion for children, was entrusted to Hosius as theologian and Simonetta as jurist.²⁷ The representatives of the secular powers, supported by many Fathers of the Council, advanced the opinion that, if Communion under both species were granted to those who asked for it, many heretics would come back to the Church. Hosius was of a different mind. It was his firm conviction, based on past experience with the

²³ Baronius, *op. cit.*, XXXIV, 206.

²⁴ Šusta, *op. cit.*, II, 90.

²⁵ *Ibid.*, pp. 109 ff.

²⁶ *Ibid.*, pp. 121 f.; 126.

²⁷ *Ibid.*, p. 218; Pallavicini, XVII, vii, 4.

heretics, that those who separated themselves from the Church under the pretext of desiring Communion under both species had no sincere desire to return to the fold; what they actually demanded was to have their separation ratified and approved by the Council; and, besides, a pretext would be given for further demands. He therefore firmly opposed any conciliatory formula, unless the Fathers should decide otherwise.²⁸ As one of the presidents of the Council, Hosius had to face serious opposition. Many princes and ambassadors clamored on behalf of the countries which they represented for Communion under both species as the surest means of reconciling the heretics.

After the articles had been thoroughly discussed by the theologians and the Fathers, the doctrinal decree regarding Communion under both species and Communion of children was finally drawn up in the twenty-first session, celebrated on June 16, 1562. It decreed that there is no divine law which requires either laymen or priests when not sacrificing to communicate under both species, that children who have not attained the use of reason are not bound to sacramental communion of the Eucharist, and that as much is contained under one species as under both.²⁹ A disciplinary decree in nine chapters was also formulated. The session adjourned with the announcement that the next session would be held on September 17.

The proceedings of the twenty-second session opened much more favorably than had been anticipated. The main body of doctrine concerning the sacrifice of the Mass, which was controverted by the Protestants, had been thoroughly debated in the congregations that preceded the general session. Among other articles of doctrinal and disciplinary nature, two main issues were placed before the Fathers: Did Christ offer Himself in sacrifice at the Last Supper or solely on the Cross? Is the Mass a real sacrifice or only a commemoration of the sacrifice offered on the Cross?³⁰ No less than thirteen meetings, between July 21 and August 4, were required to settle the discussions.³¹

²⁸ *CTrid.*, VIII, 797, and note 6.

²⁹ Cf. Schroeder, *op. cit.*, pp. 132-35.

³⁰ Baronius (*op. cit.*, XXXIV, 252-54) mentions four opinions of the Fathers on the sacrifice of the Mass. Cf. Šusta, *op. cit.*, II, 250-52; 269; 546.

³¹ Theiner, *op. cit.*, II, 60-73.

On July 21, the consulting theologians began to deliver their opinions on the articles proposed. Alphonse Salmeron, S.J., opened the debate, defending the thesis that Christ did offer Himself for us as a sacrifice at the Last Supper; in turn, Peter de Soto, O.P., resolutely opposed him. The Fathers were divided in their views. Cardinal Madruzzo, supported by Archbishop Castagna of Otranto and by very many Fathers, at once maintained that Christ offered Himself sacrificially for us at the Last Supper. They substantiated their views by obvious texts of Scripture and by numerous passages from Greek and Latin Fathers. Their position was brilliantly defended by James Lainez, General of the Society of Jesus. He regarded the question as one of fact, and, as such, to be decided by testimony. Accordingly, he adduced extracts from more than forty ancient and modern writers, both Latin and Greek, who clearly assert the sacrificial act of Christ at the Last Supper. These he confirmed by a lucid exposition of the various passages from Scripture which bear on the subject, and replied to the only objection of moment urged against this view, namely, that it derogates from the sacrifice of the Cross. He contended that our salvation is not to be ascribed solely to Christ's death, though that was the supreme and crowning act; but to His life and death considered as a whole, and as embracing, not one salutary and satisfactory act, but a whole series of acts of obedience to the will of His Father, each of which was of infinite value, conducive to human salvation.³²

The Archbishops Pedro Guerrero of Granada, Leonard Marino of Lanciano, and Bartholomew de Martyribus of Braga, and four bishops, supported the contrary opinion, their chief ground being that the view which they opposed derogated from the sacrifice of the Cross. They argued that Christ did indeed offer a sacrifice at the Last Supper, but only a sacrifice of praise and thanksgiving, and not of satisfaction and propitiation; hence, He did not, on that occasion, offer Himself sacrificially for us to His Father.

A third party recommended that the decree should declare the sacrificial act of Christ at the Last Supper under the species of bread and wine, but that no mention be made of the nature of that sacrifice, seeing that the minds of the Fathers were much divided on this subject.

³² Cf. J. Waterworth, *The Canons and Decrees of the Sacred and Oecumenical Council of Trent* (London, 1848), p. clxxxviii.

This suggestion, as may be seen by the decree in question, in the first chapter on doctrine,³³ was eventually adopted in the twenty-second session held on September 17, 1562.

After many alterations and modifications of the proposed articles on the sacrifice of the Mass, brought about by prolonged and animated debates, the dogmatic decrees were then drawn up and formulated in the light of Sacred Scripture and tradition and embodied in nine doctrinal chapters and canons, to which eleven chapters of reformatory measures were added. The decree concerning the concession of the chalice to the laity at Communion and to priests when not sacrificing was left to the discretion of the Pope.³⁴ The next session was announced for November 12.

The twenty-third session of the Council was not held until ten months later; it was prorogued ten times before it finally assembled on July 15, 1563.³⁵ The Council had hardly ever been in a more difficult and precarious position than that in which it now found itself. In the ten months that elapsed between the twenty-second and the twenty-third sessions, many memorable events took place, which necessitated the prolongation of the Council. The secular rulers made contradictory and, in part, impossible demands; two of the cardinals legate, Ercole Gonzaga and Jerome Seripando, died on March 2 and 17, 1563, respectively. In their places were appointed Cardinals Morone and Navagerro. One of the chief causes of the delays and prorogations of the session was undoubtedly the violent and heated controversies on the question of the law of episcopal residence and the relation of bishops to the Pope. The bone of contention was the origin of the episcopal power and authority. The bearded figure of Cardinal Hosius, the staunch champion of the rights of the Church and of the Pope, dominated the meetings of this session.

Upon the instructions of the legates, the theologians prepared a list of seven articles on the sacrament of orders preparatory to the deliberations of the Fathers. A group of Spanish bishops, led by the fiery and impetuous Archbishop of Granada, Pedro Guerrero,

³³ Cf. Schroeder, *op. cit.*, pp. 144 f.

³⁴ *Ibid.*, p. 159. On the outcome of the voting on the granting of the chalice, cf. *CTrid.*, VIII, 906-7.

³⁵ Baronius, *op. cit.*, XXXIV, 266 ff.

vehemently objected to the seventh canon, which read as follows: "If anyone says that bishops are not superior to priests . . . , let him be anathema." They insisted that the words "iure divino" be added to the decree.³⁶ These last words were suppressed for several reasons: first, this detail was not questioned by the Protestants; secondly, there was fear of renewing the former disputes about the origin of the law of residence; and lastly, it was desirable to avoid raising other questions closely connected with that subject. This omission, however, and the motives for it did not escape notice of the Spanish bishops who, supported by the French ambassador, remonstrated with the legates on the suppression. They replied that they intended to abide by their former promise to discuss the origin of the bishops' duty of residence in the present session; that they wished to avoid complicating that problem with merely speculative points, which had not been questioned by any of the present heretics; but that if it could be sufficiently demonstrated that the doctrine involved in the omitted words had really been denied by the heretics, they would not refuse to consider the subject.

In reply to this challenge, the Archbishops of Granada, Braga, and Messina, and the Bishop of Seville, produced various passages from heretical writings which they considered to touch the point in question. Hosius explained that the texts adduced did not deny the divine institution of episcopacy, but claimed only that the bishops of the present day were not true and legitimate bishops; hence, there was no need of defining that point. Guerrero answered that bishops, as successors of the Apostles, derive their institution, not from Peter, but from Christ, inasmuch as the Apostles received their institution from Christ, and not from the Prince of the Apostles. But Hosius could not be swayed; he replied that the Spanish contention was out of place inasmuch as the Protestants did not deny it, and the Confession of Augsburg acknowledged this pre-eminence in bishops and merely claimed that bishops who are chosen and instituted by the Pope are not true bishops, and consequently not instituted by Christ.³⁷ Guerrero retorted that the Council had met to condemn the errors,

³⁶ *CTrid*, IX, 48-50; Šusta, *op. cit.*, II, 23-24; 383-84; III, 405; 466; C. Hefele-H. Leclercq, *Histoire des conciles*, IX³, 744 ff.

³⁷ *CTrid*, IX, 52, note 1; Šusta, *op. cit.*, II, 23 f; 383-84.

not merely of the Confession of Augsburg, but of all modern heretics, some of whom were known to deny the superiority of bishops over priests. He was supported by other Spanish bishops, among whom was Martin Perez de Ayala, Bishop of Seville, who urged the necessity of defining episcopacy as a distinct order—a demand in which he received support from other Fathers. This, however, was objected to as being a point which had been purposely omitted by the consulting theologians and had hitherto been an open question in the schools.

By far the majority of the Fathers and theologians agreed that, as regards orders, but not as regards jurisdiction, the episcopacy is of divine institution. The minority, consisting chiefly of the Spanish bishops, maintained that both the orders and jurisdiction of bishops were immediately from Christ, but that it belonged to the Roman Pontiff to assign the precise place and manner in which that office and jurisdiction were to be exercised. Some one hundred and eighty-one Fathers expressed their sentiments in a manner more or less favorable to one or other of the above views; and of these, fifty-three supported the demand for the reinsertion of the omitted words into the seventh canon, while the rest thought the matter had better be altogether avoided.

The Spaniards, intent on the defense and consolidation of the episcopal dignity, proceeded to defend in the succeeding meetings the divine institution of episcopal power and jurisdiction. They declared themselves in favor of the opinion that in the consecration of a bishop, God confers immediately a certain, though still undetermined, power and authority, whereas the Supreme Pontiff in conferring a bishopric does no more than designate the person to whom this power came directly and immediately from God. Thus, by the insertion of the words "iure divino" into the seventh canon, they hoped to obtain a strengthening of episcopal jurisdiction as against the central power of the Pope, and a limitation of Roman dispensations.⁸⁸ This view, however, was hotly contested by many theologians and Fathers, and because of the deeply-rooted differences of opinion the discussions proved to be long and stormy.

⁸⁸ Cf. L. von Pastor, *op. cit.*, XV, 272 f.

In a general congregation held on October 13, 1562, Guerrero publicly defended his contention that bishops are instituted immediately by God and receive their power and jurisdiction immediately from Him and not from the Pope. This determined opposition on the part of the Spanish prelates caused Hosius much worry and anxiety. In a letter addressed to St. Peter Canisius, Hosius reveals his profound grief that there are some in the Council who wish to be independent of the pope and claim they were called directly and immediately by God, and not by the Roman Pontiff. He states that Protestants act in a similar fashion: they protest they are called immediately by God, and not by the pope, and eventually reject the authority of the Vicar of Christ.³⁹

On October 20, Lainez delivered a long and erudite dissertation before the assembled Fathers and theologians on the thesis that the Pope receives his power of jurisdiction directly and immediately from God, whereas the bishops receive their episcopal power immediately from the pope and only mediately from God. He explained that the episcopal order is indeed immediately from God in every individual raised to that rank, but not so jurisdiction: jurisdiction is immediately from God only in those individuals to whom God has communicated it directly, as to Peter and his successors, and was possessed by the other Apostles only by special privilege and commission; whereas all other bishops receive it only mediately from God, and immediately from the successor of Peter, the pope. In the Vicar of Christ jurisdiction is unchangeable, as it was in Peter and the other Apostles; in bishops it is changeable by the pope—though not at his mere pleasure, but for a reasonable and just cause. Lainez' forceful and convincing arguments gained a number of adherents for his view, but most of the Spaniards remained unmoved.

The dispute which arose on this point, during which the relation of the pope to a general council and to the whole Church was debated, drove everything else into the background, and prevented any progress of the Council.

In the meantime, the theologians labored for several days on the articles proposed, especially on the seventh canon, and presented a

³⁹ O. Braunsberger, S.J., *Beati Petri Canisii Epistolae et Acta* (Friburgi Br., 1896-1923), IV, n. 785.

revised form to the legates who at once communicated it to the Spanish bishops for their consideration and approval. In this canon bishops were declared to be instituted by Christ as regards their orders, but as no mention was made of the origin of their jurisdiction, the Spaniards refused to accept the canon. The impetuous Guerrero would not abandon his original opinion and even threatened to appeal to his sovereign, Philip II of Spain.⁴⁰

The rift grew wider, and the controversy waxed in violence in the subsequent meetings. On December 1, 1562, Melchior Alvarez de Avosmediano, Bishop of Guadix, addressed the Fathers on the question whether bishops need to be called and instituted by the Pope. He contended that if a bishop is instituted according to the canons of the Apostles and of the Council of Nicea, he becomes a true bishop, even though he has not been assumed and called by the pope. According to the canons of the Council of Nicea, he continued, one consecrated by a metropolitan without any authorization from the pope is a true bishop. And he brought forth examples of SS. Nicholas, Ambrose, Augustine, and a score of others who were consecrated by metropolitans without being assumed and called by the pope. Therefore, he went on, it is not necessary that the pope have anything to do in the election and consecration of bishops.⁴¹ Pallavicini narrates that, as Alvarez proceeded to explain his position, a general commotion broke out in the assembly. Cries of "Away with him!" and "Anathema!" arose. Some began to shuffle their feet and stamp on the floor, while others were hissing in an effort to stop him.⁴²

Two days later a similar scene took place. Gilbert of Noguerra, Bishop of Aliffe, spoke on the same subject. He explained that even after the death of Christ bishops were not elected and instituted by Peter, but by Christ. And he adduced as examples Matthias and Barnabas (Acts 1:23-26; 13:2-3). He stated that Christ called and instituted them, while Peter merely pronounced the divine sentence. Accordingly, the external calling and institution came from Christ. Consequently, he explained, the external consecration rested with the Apostles, whilst the conferring of power and authority was the exclusive work of God. He had not proceeded far in his discourse before

⁴⁰ Hefele-Leclercq, *op. cit.*, IX², 744 ff.

⁴¹ Pallavicini, XIX, v, 5.

⁴² Pallavicini, *loc. cit.*

he was admonished by Cardinal Hosius that his speech did not tend to bring unity and harmony among the assembled Fathers. Hosius then proceeded to explain to Noguerra that the entire controversy with the Protestants centered about the question whether bishops who are elected and instituted by the pope are true bishops and, hence, instituted also by Christ. Besides, Hosius reminded him, it did not behoove the Fathers to question the authority of the pope.⁴³ Noguerra replied that, as long as the power of bishops was under discussion, the pope's authority should also be discussed. As the arguments grew in fervor, Archbishop Guerrero and Bishop Caselius rose to defend Noguerra. Cardinal Simonetta motioned Caselius to take his seat, and Noguerra was permitted to continue with his speech. When he had finished, Hosius addressed the assembled Fathers and once more made it clear that the contention of the Spanish bishops was very irrelevant, for the controversy between Catholics and Protestants was whether or not bishops who are chosen and instituted by the Roman Pontiff are true bishops. These impertinent disputes, he added, help to discredit the Catholics and the entire Council in the eyes of the heretics.⁴⁴

The animated and stormy discussions continued for some time. On December 7, Aegidius Spifame, Bishop of Nevers, delivered his sentiments on the same question. He distinguished two classes of bishops, namely, those of Christ and those of the pope, and argued in much the same tenor as the other Spanish bishops. Hosius replied that those who are not elected and instituted by the pope are not bishops at all, adding that if anyone were to question his episcopal power, he would answer that he was chosen and instituted by the Supreme Pontiff, to whom belongs the power of creating bishops.⁴⁵

Hosius realized the grave consequences of the opinion held by the Spanish bishops and those who supported their views. It was not a dispute merely about words, as some, who had considered the matter only superficially, later believed. What was really being discussed, as Pastor observed,⁴⁶ was rather a question of profound dogmatic significance, the answer to which involved most serious consequences.

⁴³ *Ibid.*, 11. Cf. Šusta, *op. cit.*, III, 405; 466.

⁴⁴ Pallavicini, *loc. cit.*

⁴⁵ *CTrid*, IX, 215.

⁴⁶ L. von Pastor, *op. cit.*, XV, 272 f.

The controversy affected the innermost constitution of the Church, and touched the old antithesis between the papal and the episcopal systems. Hosius and Simonetta saw very clearly the weapon against the papal primacy contained in the theory of the Spanish prelates, as well as the dangers which would follow: it would bind the hands of the pope and create an important prejudice in favor of the superiority of council over pope. How well Hosius defended papal rights can be gathered from the fact that, in the end, very few Fathers sustained the opinion of the Spanish bishops about the divine origin of episcopal jurisdiction, and, as a result, the eighth canon was finally approved and defined by the Council. It reads as follows: "If anyone says that the bishops who are chosen by the authority of the Roman Pontiff are not true and legitimate bishops, but merely human deception, let him be anathema."⁴⁷ It is precisely the point which Hosius stressed against the Spanish bishops.

At length after many postponements, the twenty-third session of the Council was celebrated on July 15, 1563. The Council promulgated in four doctrinal chapters and eight canons the decrees on the sacrament of orders and on the ecclesiastical hierarchy, and a disciplinary decree in eighteen chapters on ecclesiastical reform.⁴⁸ The dispute regarding the origin of the law of residence of bishops was left unsettled; instead, the Council decided to secure the discharge of the obligation of personal residence of a bishop in his diocese by disciplinary measures.⁴⁹ Similar provisions were made in regard to inferior pastors and to all others who hold any ecclesiastical benefice having the *cura animarum*.⁵⁰

The legates, filled with joy at the happy termination of the session, resolved to hasten the remaining tasks and bring the Council to a speedy close. The congregations proceeded to debate on the proposed draft of the articles on the sacrament of matrimony previously prepared by the theologians. Of the proposed articles, only one occasioned any serious debate—the decree to render clandestine marriages henceforth null and void. The opposition arose from doubts whether it was in the power of the Church to annul such marriages, and also whether it would be wise and advisable to enact so important a law.

⁴⁷ See Schroeder, *op. cit.*, p. 163.

⁴⁹ *Ibid.*, pp. 164 ff.

⁴⁸ *Ibid.*, pp. 160-79.

⁵⁰ *Ibid.*, p. 166.

This time the opposition came from Cardinal Hosius himself. In the previous assemblies he had already expressed his disapproval of the decree on the grounds that an ecclesiastical impediment should not render such marriages invalid. Cardinal Simonetta and many other Fathers supported his view, but the majority favored the proposed decree.⁵¹ In the course of long and difficult discussions which lasted far into the autumn, various modifications were suggested to meet the approval of the Fathers. When the articles were submitted to a vote on September 10, it was learned that their opinions were much divided. Some denied the power of the Church to annul clandestine marriages; others asserted it; others, again, admitted that the power existed and might be exercised provided there is a sufficient cause, but contended that no such cause had been proved; while some advised that, whereas there were so many Fathers who affirmed or denied the existence of such a power in the Church, the matter should be regarded as one of dogma, which ought not to be determined on either side, in face of such a large and serious opposition. There were, however, one hundred and thirty-three votes in favor of the legislation, and fifty-six against it; while the remainder were for various and conflicting means of meeting the evils ensuing from clandestine marriages.⁵²

In an effort to arrive at a closer agreement on the decree in question, another meeting of bishops and theologians was summoned for September 13.⁵³ Hosius, who presided at the meeting, briefly addressed the theologians who had been selected to argue the matter, and exhorted them to avoid mere subtleties, and to state plainly and concisely the reasons for the denial or assertion of the power of the Church in the matter of clandestine marriages. But they were unable to settle the issue, and the meeting was dissolved without coming to any satisfactory conclusion. Meanwhile, the next session was called for November 11.

⁵¹ Pallavicini, XXII, ix, 6; x, 7; xi, 6.

⁵² Cf. Waterworth, *op. cit.*, p. ccxxx.

⁵³ Pedro Gonzalez de Mendoza, Bishop of Salamanca, writes in his *Diary of the Acts of the Council of Trent* that the Fathers voted three times on this decree in order to assure Hosius that they definitely approved of it (*CTrid*, II, 696): "Entre los demas que son de opinion que no se deben irritar los matrimonios clandestinos, uno fue el card. Warmiense, que ni las disputas pasadas de los theologos ni los pareceres de los perlados han sido bastantes para quitarle un escrupulo grande, de que la iglesia no lo puede hazer, y despues de averse votando tres veces el card. Moron por satisfacerle."

As the day of the announced session was drawing near, the legates renewed their efforts to have everything ready. Meetings were held daily to smooth away the differences of opinion on some of the decrees, until at length the whole was adjusted in as satisfactory a manner as was possible. Hosius, worn out and exhausted by the burdensome tasks of legate, his physical strength much impaired by prolonged fevers, was unable to take an active part in them. By a special indult of Pius IV, he was permitted to take part only in the more solemn functions.⁵⁴

The twenty-fourth session was finally held on November 11, 1563. The proposed canons and decrees on the sacrament of matrimony were submitted to the votes of the Fathers and were approved by the majority, fifty-two Fathers disapproving of the decree on clandestine marriages. Of the papal legates, Cardinal Morone appealed to the judgment of the Pope on the subject of clandestine marriages. Cardinal Hosius, being absent owing to his illness, sent his vote by means of his secretary; he disapproved of the decree nullifying clandestine marriages, and submitted himself to the judgment of the Holy Father on that matter,⁵⁵ Cardinal Simonetta likewise voted against the decree and referred himself to the decision of the Pope. Thus the three cardinals legate were ready to approve of the decree, if it should meet with the approval of the Supreme Pontiff. After several modifications and alterations of minor importance, a dogmatic decree in twelve canons on the sacrament of matrimony and a reformatory decree in ten chapters were promulgated. As regards clandestine marriages, the Council declared that henceforth all marriages not contracted in the form prescribed in the Fourth Lateran Council are null and void.⁵⁶ A general decree on reform in twenty-one chapters, in which various questions connected with ecclesiastical administration were treated, was also passed.

Less than a month later, the twenty-fifth session, the ninth under Pius IV, and the last of the Council of Trent, was celebrated on Dec-

⁵⁴ Pallavicini, XXIII, vii, 17.

⁵⁵ Pallavicini (*loc. cit.*) has excellently refuted the false rumor spread by the apostate Paolo Sarpi that Hosius had purposely simulated illness in order to absent himself when the voting on the decree was in progress. Cf. P. Bayle, "Hosius," *Dictionnaire historique et critique* (Leide, 1730), II, 801.

⁵⁶ Schroeder, *op. cit.*, p. 183 ff.

ember 3-4, 1563. The agenda had been prepared well in advance by the consulting theologians and were now ready for final definition. Decrees concerning the Catholic teaching on purgatory, on the invocation and veneration of saints, and on relics and images, were formulated in accordance with the traditional teaching of the Church. Thereafter, decrees on reformation of monastic, religious, and clerical life were drawn up; in them, the Catholic Church, ever zealous for the spiritual welfare of its children, promulgated salutary measures for the rebirth of the inner life of the faithful. Besides, other reformatory measures of a social and moral nature were passed, by means of which the Church intended to do away with prevalent abuses.⁵⁷

Amidst the joy and jubilation of the Fathers, the Council of Trent was declared closed on December 4, 1563. Two hundred and thirty-five Fathers approved and subscribed to its decrees and definitions. There were present, besides the four cardinals legate, Morone, Hosius, Simonetta, and Navagerro, two other cardinals, three patriarchs, twenty-five archbishops, one hundred and sixty-eight bishops,⁵⁸ seven abbots, seven generals of religious orders, and nineteen proxies for absent prelates.⁵⁹

Cardinal Hosius left Trent the day after the closing of the Council and immediately repaired to his diocese where the Protestants had waxed strong and increased in number during his absence. He applied himself energetically to carrying out the decrees of the Council. Thanks to his untiring labors and to the aid of certain Jesuit Fathers, he was able to stem the tide of Protestantism and restore Catholic religion to its pristine glory in his native country.⁶⁰

As papal legate to the Council of Trent, Cardinal Hosius proved to be a veritable pillar of the Church. His profound learning and wide renown, his thorough knowledge of the Protestant claims and teachings contributed in large measure to the glory of the Council. The Fathers appealed to him as one "most versed in the teachings of the heretics."⁶¹

⁵⁷ *Ibid.*, pp. 215-55.

⁵⁸ *CTrid.*, IX, 1120, note 2.

⁵⁹ *Ibid.*, 1111-20.

⁶⁰ Cf. Werner, *op. cit.*, IV, 343-47.

⁶¹ *CTrid.*, IX, 180; II, 466. Cf. J. Lainez, *Disputationes Tridentinae* (ed. H. Grisar; Oniponte, 1886), I, 95.*

The historian C. Hefele stated that it was owing chiefly to the vast knowledge and experience of Cardinal Hosius and to Cardinal Seripando that the Council of Trent could discuss its affairs on a wide scale, as the needs of the Church demanded.⁶² The universal esteem for Hosius evidenced itself at the time when he was laid up with fever and could not participate in the deliberations. Simonetta despatched a letter to Cardinal Borromeo in Rome requesting that prayers be offered for his recovery, stating that it would be a great loss to the Catholic religion, for few could equal him both in learning and piety.⁶³ Pallavicini summed up succinctly the general opinion of the Fathers of the Council, saying that Cardinal Hosius presided at the Council with his learning, sanctified it by his piety, and sanctioned it by his authority.⁶⁴

⁶² Hefele, *op. cit.*, IX², 573: "On peut affirmer qu'aucun de ses contemporains n'en avait une connaissance plus étendue; la sienne était à ce point d'une vue vaste, sinon universelle et le Concile allait pouvoir, grâce à lui et à Seripandi, établir les débats avec toute l'ampleur que requeraient les besoins présents de la chrétienté."

⁶³ Šusta, *op. cit.*, II, 129.

⁶⁴ Pallavicini, XV, vi, 3. Cf. H. Hurter, *Nomenclator Literarius*, (ed. 3^a; Oniponte, 1906), I, 15-16.