

# The Ghost of Pistoia: Evocations of *Auctorem Fidei* in the Debate over Episcopal Collegiality at Vatican II

Theological Studies  
2018, Vol. 79(1) 60–85  
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DOI: 10.1177/0040563917744651  
journals.sagepub.com/home/tsj



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## Abstract

This article explores the evocations of the Synod of Pistoia (1786) at Vatican II, arguing that Pistoia was a “ghost” on the council floor, that is, a key moment in the Church’s collective memory which influenced drafting and debate. This is apparent in Bishop Carli’s evocation of *Auctorem Fidei* (the 1794 bull condemning Pistoia) during debates surrounding the theology of the episcopacy. This article concludes by arguing that the historical contextualization of Pistoia by figures like Cardinal Silva Henríquez was ultimately successful, as *Auctorem Fidei* did not exert a strong “controlling function” over Vatican II’s ecclesiological debates.

## Keywords

*Auctorem Fidei*, Luigi Carli, ecclesiology, episcopal collegiality, Silva Henríquez, Jansenism, Pius VI, Scipione de’Ricci, Synod of Pistoia, Vatican II

There is a rich amount of scholarship concerning the Synod of Pistoia (1786) and the bull *Auctorem Fidei* (1794) of Pope Pius VI (1775–1799), which censured 85 propositions of the Tuscan diocesan synod.<sup>1</sup> Historians have meticulously

1. The only monograph on the Synod of Pistoia in English is Charles Bolton, *Church Reform in 18th Century Italy: The Synod of Pistoia, 1786* (The Hague: Martinus Nijhoff, 1969). Other helpful overviews in English include Mario Rosa, “Italian Jansenism and the Synod

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detailed the various theological, political, and cultural dimensions of the Erastian anti-ultramontane, and Jansenist-influenced synod, in its preparation, proceedings, and aftermath.<sup>2</sup> While similarities between some of the goals of Pistoia and the reforms instituted by the Second Vatican Council (1962–1965) have been pointed out,<sup>3</sup> there has been little scholarly attention given to how the legacy of the synod and the bull *Auctorem Fidei* impacted the drafting of conciliar documents and subsequent debates. In this article, I will show that Pistoia was one “ghost”<sup>4</sup> among many present on the council floor, by which I understand a key moment in the Church’s collective memory which influenced the drafting of texts and the subsequent debate over them. These debates are not only of interest to the historical theologian, but to the contemporary systematician as well, since in certain key respects some of the ecclesiological issues themselves, like the proper instantiation of episcopal collegiality, remain contested.<sup>5</sup>

Although the Synod’s theological project was very broad, Pistoia and *Auctorem Fidei* were evoked principally during ecclesiological debate at the Second Vatican Council. A holistic examination of these evocations will demonstrate that the “minority”<sup>6</sup> (exemplified by Bishop Luigi Carli of Segni) wanted to frame the debate

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of Pistoia,” *Concilium* 17 (August 1967): 34–59; Ludwig von Pastor, *The History of the Popes*, vol. 39, trans. E. F. Peeler (St. Louis, Herder, 1952), 127–56; Owen Chadwick, *The Popes and European Revolution* (Oxford: Clarendon, 1981), 419–31.

2. Indispensable sources include: the critical edition of the synodal acts edited by Pietro Stella, *Atti e decreti del concilio diocesano di Pistoia dell’anno 1786*, 2 vols. (Florence: Olschki, 1986) (hereafter cited as *Atti*); the Bull itself and surrounding documentation in Pietro Stella, ed., *Il Giansenismo in Italia III: La bolla Auctorem Fidei (1794) nella storia dell’Ultramontanismo: Saggio introduttivo e documenti* (Roma: Ateneo Salesiano, 1995); Claudio Lamioni, ed., *Il sinodo di Pistoia del 1786: Atti del convegno internazionale per il secondo centenario Pistoia-Prato, 25–27 settembre 1986* (Roma: Herder, 1991).
3. Albert Gerhards, in two essays, has explored the liturgical similarities in detail. See “Von der Synode von Pistoia (1786) zum Zweiten Vatikanischen Konzil? Zur Morphologie der Liturgiereform im 20. Jahrhundert,” *Liturgisches Jahrbuch* 36 (1986): 28–45; “Die Synode von Pistoia 1786 und ihre Reform des Gottesdienstes,” in *Liturgiereform: Historische Studien zu einem bleibenden Grundzug des christlichen Gottesdienstes*, ed. Martin Klockener and Benedikt Kraneman (Münster: Aschendorff 2002), 496–510. Many studies make brief references to these similarities.
4. I take this image from Francis Oakley, who sees the “ghost of Bellarmine” as the only survivor of the bitter ecclesiological wars which intermittently raged between conciliarists and ultramontanists from 1300–1870. See Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300–1870* (Oxford: Oxford University Press, 2003), 141–216 at 216.
5. See Luis Antonio Tagle, “Episcopal Collegiality and the Ecclesiological Project of Vatican II,” *Landas* 7 (1993): 149–60.
6. John O’Malley’s distinction (among others) between a “majority” and a “minority” position at the Council is verifiable and avoids ideological language like “conservative” and “liberal” or potentially pejorative language (e.g. “ultramontanist,” “Modernist,” etc.). See O’Malley, *What Happened at Vatican II?* (Cambridge, MA: Harvard University Press, 2008), 102.

over episcopal collegiality—including the relationship between the episcopate and the papacy, the episcopate and the Roman Curia, and the function and status of national episcopal conferences—through *Auctorem Fidei*. The minority also used *Auctorem Fidei* and the memory of Pistoia to insinuate that a contested idea, episcopal collegiality, at least had roots in condemned movements like Jansenism, Josephinism, Gallicanism, Richerism, and Febronianism, which were all Erastian to various degrees. Their agenda was this: if they could successfully argue that episcopal collegiality (or certain forms of it) had already been condemned by Pius VI in *Auctorem Fidei*, then they could stall or end the debate, or confine any doctrinal conclusions to narrower theological and juridical affirmations than their opponents wished.

The “majority”, typified by the German Hermann Schäufele (Archbishop of Freiburg) and the Chilean Cardinal Raúl Silva Henríquez (Archbishop of Santiago), responded to the minority’s evocations of Pistoia by demanding a contextualization of the synod and *Auctorem Fidei*, either through a close reading and thus a more hermeneutical approach (Schäufele) or through a thorough historical contextualization (Silva Henríquez). Thus, the positions of Schäufele and Silva Henríquez prevailed in seizing hermeneutical control by successfully rejecting the claim or insinuation that the ecclesiological aims of the majority had already been condemned in *Auctorem Fidei*. However, the minority was successful in a rear-guard action, as their protests forced deadlocks which necessitated compromises ensuring the final documents did not contradict the ecclesiological censures of *Auctorem Fidei*.

This episode exemplifies a conflict of hermeneutics at Vatican II. The Council Fathers constructively dealt with ecclesiastical censures and problems of the past to issue documents which achieved a wide consensus. In order to deal with these past conflicts which were resurfacing in their conciliar debates, the Council Fathers had to investigate not only the papal censure of Pistoia, but the event itself and the historical world in which it occurred. These efforts can be understood as part of a larger process of a growth of historical consciousness and an increasing understanding, not always explicit, of the development of doctrine.

This article argues that *Auctorem Fidei* did not ultimately exert the strong controlling function that Bishop Carli wanted it to, and that the majority seized hermeneutical control by historically contextualizing the condemnations of Pistoia successfully. My argument for this position comes in three stages. First, I will demonstrate the enduring importance of the synod and the bull in Catholic consciousness from 1786 to the 1960s. Then, I will examine the Synod of Pistoia itself, and the negative papal reaction to it in *Auctorem Fidei*, paying particular attention to ecclesiological claims and censures, since these were most significant in the debates at Vatican II. This contextualization leads to an analysis of the evocations of Pistoia and *Auctorem Fidei* during the conciliar debate on episcopal collegiality. These evocations constitute the most detailed discussion of an eighteenth-century doctrinal document at the council, and they prove that Pistoia was a “ghost” in the aula. In the conclusion, I will briefly summarize the trajectory of the debate over collegiality, and comment on the enduring significance of these issues during the papacy of Francis.

## The Enduring Legacy of the Synod of Pistoia (1786) and *Auctorem Fidei* (1794) in Catholic Consciousness

A ten-day synod of a single late-eighteenth-century Tuscan diocese whose decrees were never fully implemented and an almost 200-year-old bull may seem obscure objects of reflection at Vatican II. But *Auctorem Fidei* and the Synod of Pistoia were not in fact obscure to the Council Fathers. First, the standard collection of magisterial texts, edited by Heinrich Denzinger, immortalized the renegade synod by including all 85 condemned Pistoian propositions listed in *Auctorem Fidei*, instead of just providing a brief excerpt as he did with other similar decrees.<sup>7</sup> In fact, the coverage of *Auctorem Fidei* in the 1952 edition of Denzinger used by the Council Fathers is the longest dedicated to any single act of the magisterium in that collection.

Second, many Council Fathers most likely also remembered Pope Pius XII's reference to Pistoia and its dangers issued just a few years earlier in the 1947 encyclical *Mediator Dei*, a landmark in the history of liturgical renewal. The "illegal council of Pistoia," Pius XII wrote, was driven by an "exaggerated and senseless antiquarianism"; it promulgated "a series of errors" that did "grievous harm to souls."<sup>8</sup> Pius XII contrasted genuine and organic *ressourcement* with Jansenistic primitivism, the latter of which he saw in Pistoia and for which he wanted to ensure his own reformist efforts were not mistaken.

Third, the Pistoia conflict included some of the key names of an ecclesially and politically turbulent era. On one side were the "late Jansenists" who led the synod, Bishop Scipione de'Ricci (1741–1810) of Pistoia-Prato and Pietro Tamburini (1737–1827) of the University of Pavia, supported by the Grand Duke of Tuscany, Peter Leopold (1747–1792), brother to the Hapsburg Emperor Joseph II and son of Empress Maria Theresa. On the other were the censors, Pope Pius VI and Cardinal Gerdil of Savoy, the principal author of *Auctorem Fidei*.<sup>9</sup> These famous figures from the era of

7. Denzinger (1952) 1501–96. For example, the brief *Super soliditate* (1786) condemning Joseph Valentin Eybel's *Was ist der Papst?* (which Denzinger lists under the heading "against Febronianism") occupies only entry number 1500. The excerpt from *Super soliditate* is only about 650 words in English translation, compared with nearly 11,500 words in the English translation of *Auctorem Fidei*. *Super soliditate* was by no means an irrelevant or obscure dogmatic document. It was evoked many times at Vatican II, most notably in a footnote to an early draft of *De Ecclesia*. See *Acta 2/1*, 248n38. *Acta* = *Acta Synodalia Concilii Vaticani Secundi*, 25 vols. (Vatican City: Typis Polyglottis Vaticanus, 1970–1996); Denzinger (1952) = *Enchiridion Symbolorum: Definitionum et Declarationum de Rebus Fidei et Morum*, 28th ed. (Freiburg: Herder, 1952). I use the 1952 numbering of Denzinger in this text because the Council Fathers cited and quoted *Auctorem Fidei* from this numbering system. The English translation of *Auctorem Fidei* that I use is from the most recent version of Denzinger. See *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals*, 43rd ed. (San Francisco: Ignatius, 2012).

8. Pius XII, *Mediator Dei* (November 20, 1947), 63–64, [http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf\\_p-xii\\_enc\\_20111947\\_mediator-dei.html](http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_20111947_mediator-dei.html).

9. For Cardinal Gerdil's involvement in the drafting of *Auctorem Fidei*, see Dries Vanysacker, "Giacinto Sigismondo Cardinal Gerdil (1718–1802): Enlightenment as Cultural and Religious Achievement," in *Enlightenment and Catholicism in Europe: A Transnational*

the French Revolution would have been well known to the Council Fathers, especially the Italians. Finally, the anti-curial and anti-ultramontanist Synod of Pistoia was convened uncomfortably close to Rome and the Papal States. This assembly was not the resistance of English “Cisalpiners,” entrenched Gallicans, or troublesome German intellectuals, but the project of a Grand Duke resident in Florence and a bright Italian bishop educated in Rome, from the old and respected de’Ricci family of St. Caterina de’Ricci (1522–1590).<sup>10</sup> This Italian assault on the papacy proved to be traumatic for the Curia and for ultramontanist theology, to which fact the pages of Denzinger are ample witness. In addition, ecclesiastics were unlikely to forget the episode, since it was associated with the painful memories of international Jansenism and the Civil Constitution crisis in revolutionary France (1790).<sup>11</sup>

After thorough preparation, de’Ricci convened the diocesan synod from September 18 to September 28, 1786, in the Church of St. Leopold. This was an answer to the Grand Duke’s call for regular diocesan synods in his circular letter containing 57 “points” (the *Punti Ecclesiastici* of January 1786).<sup>12</sup> The diocesan secular clergy were invited to attend and vote. Indeed, every effort was made to elevate the status of the parish priest, even to accord them a level of judgment of the faith, alongside but underneath their bishop.<sup>13</sup> However, the theology that drove the Synod’s proceedings came from de’Ricci and a number of other late-Jansenist intellectuals, especially Tamburini,

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*History*, ed. Ulrich Lehner and Jeffrey Burson (South Bend, IN: University of Notre Dame Press, 2014), 89–106 at 91–93. Gerdil was responsible for the unique and significant addition of “sic intellecta” (thus understood) and “quatenus innuit” (insofar as it intimates/signifies) to the notices on condemned propositions in the bull.

10. An invaluable source for de’Ricci life is his memoirs: *Memorie di Scipione de’ Ricci, vescovo di Prato e Pistoia*, ed. Agenore Gelli, 2 vols. (Florence: Le Monnier, 1865). See also Bolton’s sketch of de’Ricci’s origins and life before the Synod. *Church Reform*, 1–54. Pius VI’s frank distress at the dissent of an Italian bishop educated in Rome is apparent in the prologue (3) to *Auctorem Fidei*. The prologue is not printed in Denzinger but is available in Italian on the Vatican website: <https://w2.vatican.va/content/pius-vi/it/documents/bolla-auctorem-fidei-28-agosto-1794.html>.
11. The connection between Pistoia and the French Constitutionalist clergy (as well as Provincial Council of Utrecht in 1763 and the Punctuation of Ems in 1786) is thoroughly explored by Dale van Kley, “Catholic Conciliar Reform in an Age of Anti-Catholic Revolution,” in *Religious Differences in France: Past and Present*, ed. Kathleen Perry Long (Kirksville, MO: Truman State University Press, 2006), 91–140.
12. *Punti ecclesiastici compilati e trasmessi da sua Altezza reale a tutti gli arcivescovi e vescovi della Toscana e loro rispettive risposte* (Florence: Gaetano Campiagi, 1787). The Synod of Pistoia ratified and accepted all of these “points.” De’Ricci’s hand is clearly perceived in some important places. See also Bolton, *Church Reform*, 41–51.
13. See, for example Guglielmo Bartoli, *Orazione al Sinodo* 8, in *Atti*, 28–40 at 34–35. This arrangement was considered Richerist. Edmond Richer (1559–1631) was Professor of Theology at the Sorbonne, and most known for the alleged “ecclesial democracy” of his *Libellus de ecclesiastica et politica potestate*. The *Libellus* was published in Paris in 1611 (French edition: *De la puissance ecclésiastique et politique*, 1611). For Richer’s thought, and the extent to which it was “democratic,” see Oakley, *Conciliarist Tradition*, 159–72.

the Synod “Promotor.”<sup>14</sup> The Synod passed strong and decisive resolutions on grace and predestination, the place of the mendicants, the veneration of Mary and the saints, and the liturgy, as well as regulations regarding processions, feast days, indulgences, and devotions, and stipulations regarding marriage. The most notable decrees, however, were ecclesiological.<sup>15</sup> *Auctorem Fidei* also recognizes an ecclesiological radicalism—all seven Pistoian propositions condemned as outright heresy (as opposed to a lower grade of censure) concern the nature of the church.<sup>16</sup>

The highest grade of censure was reserved for the ecclesiological propositions of the Synod of Pistoia since Pius VI and the drafters of *Auctorem Fidei* correctly understood that in the synod’s ecclesiology was found the Gallican, late-Jansenist, Febronian, and Richerist foundations undergirding the Pistoian program for church reform. There was nothing hidden about this agenda, as the synod actually ratified and adopted the four Gallican Articles of 1682.<sup>17</sup> The ecclesiology of de’Ricci, Tamburini, and Peter Leopold was radically different from that of the ultramontanists, and would have radically changed the Catholic Church; indeed, such was their intention. In these matters, *Auctorem Fidei* correctly read the Acts of Pistoia and the objectives of de’Ricci. Especially in light of the theological developments at Vatican II, two ecclesiological affirmations of Pistoia that were not censured by *Auctorem Fidei* have importance. The first was a proposition affirming the priesthood of all believers (without denying the ordained, “visible priesthood”).<sup>18</sup> A second statement, from the same paragraph in which the pope’s role is described as “ministerial head” (*capo ministeriale*), asserts that infallibility is not the prerogative of one but was given to the whole body of pastors.<sup>19</sup> Many other elements of the Pistoian reform project were deeply unpalatable to Pius VI and his ecclesial allies. The condemnations covered almost every subject addressed in the Acts of Pistoia: Christology, grace and predestination, limbo, the place of the religious orders, the administration of the sacraments, relations between church and state, the temporal power of the Church, liturgical reform, and the necessity of Bible reading.

Despite the multitude of ambiguities, errors, and heresies that Pius VI and his advisors perceived in the Acts of Pistoia, the official condemnation was delayed almost a full eight years, until 1794. Several reasons help to explain this delay. First, Pius VI had an understandable fear of Peter Leopold. The pope prudently delayed any strong action while he was Grand Duke. Second, the pope was heartened by events in Tuscany. Other than the Bishops of Colle, Cortona, and Chiusi-Pienza, the Tuscan bishops refused to support de’Ricci and Peter Leopold at an episcopal Convocation in Florence

14. *Atti*, 10 *et passim*; Bolton, *Church Reform*, 59–60. As “Promotor,” Tamburini was an honored adviser to de’Ricci at the Synod, and a chief drafter of the theological decrees.

15. For eighteenth-century Gallicans, Jansenists, and Italian Augustinians, “it was the ecclesiology that made the difference.” See van Kley, “Catholic Conciliar Reform,” 114.

16. See Denzinger (1952) 1501–5, 1559, 1593 (*Auctorem Fidei* 1–5, 15, 85).

17. See *Auctorem Fidei* 98–99 (Denzinger 1598–1599). *Decreto della Fede e della Chiesa* §16, in *Atti*, 81–83.

18. *Decreto dei Sacramenti in Genere* 11, in *Atti*, 108.

19. *Decreto della Fede e della Chiesa* 8, in *Atti*, 78. See also Bolton, *Church Reform*, 72, 79.

in 1787.<sup>20</sup> Many of the faithful were even less friendly to de'Ricci's reforms. Probably stirred up by the religious orders with which de'Ricci was constantly feuding, the people of Prato actually rioted during the bishops' Convocation, storming into the cathedral to protect most their beloved relic—believed to be the Virgin Mary's girdle, fallen from her during the Assumption—from the alleged plans of de'Ricci to remove it. Jansenist books were burned,<sup>21</sup> church bells rang, and incensed crowds sang late into the night. The military had to be sent to restore order. A further riot, equally intense, led to the resignation of de'Ricci in 1791, which was a boon for the reigning pontiff.<sup>22</sup>

Third, and probably most importantly, the pope was in a very difficult political position in the late eighteenth century. The potential ramifications of any doctrinal condemnation had to be carefully weighed. Often, papal documents were openly banned and rejected by hostile governments. Indeed, when *Auctorem Fidei* was published (August 28, 1794) it was banned in Austria, Tuscany, Turin, Naples, Venice, Milan, Spain, Portugal, and by the Constitutionalist French clergy (which included some prominent friends of de'Ricci).<sup>23</sup> In 1789, the French Revolution rocked all of Europe, and particularly the Catholic Church. The Civil Constitution of 1790 put Pius VI in perhaps one of the most politically difficult positions in the history of the papacy. After these calamities, Pius VI judged it impossible to continue to ignore the Synod of Pistoia.

The drafters of *Auctorem Fidei* almost certainly had the French Revolution in mind when they penned the condemnation.<sup>24</sup> It has been convincingly argued, based on epistolary evidence, that Rome was even more concerned with Spain than with France. Spanish sympathizers were preparing to publish a Castilian translation of the Acts of Pistoia.<sup>25</sup> It seems clear that Pius VI and his advisors decided they were willing to risk condemning ecclesiastical assemblies that “encourage[d] democratic and reforming tendencies that might be of a revolutionary kind.”<sup>26</sup> While the papacy continued to

20. They were, respectively, Niccolò Sciarelli (1731–1801), Gregorio Alessandri (1728–1802), and Giuseppe Pannilini (1742–1823). On the Episcopal Convocation, see Appolis, *Le tiers parti Catholique au XXVIIIe: entre jansénistes et zelanti* (Paris: Picard, 1960), 383–90.

21. The fact that the townspeople knew which books were Jansenistic suggests the involvement of the Regulars. See Jozef Lamberts's discussion of de'Ricci's liturgical and devotional reform, and the fierce opposition to it, in Lamberts, “The Synod of Pistoia (1786) and Popular Religion,” *Questions liturgiques* 76 (1995): 86–105 at 104–5, <https://doi.org/10.2143/ql.76.2.2003638>.

22. Bolton, *Church Reform*, 118.

23. Bolton, *Church Reform*, 136; Stella, *La Bolla Auctorem Fidei*, cxiii–cxli.

24. During de'Ricci's personal submission to Pius VII in 1805, the pope's confessor, Giuseppe Menochio, blamed Pistoia for the “overthrow” of discipline in France and the “war waged on religion” there. See *Memorie* 2:244–45. Edmond Préclin argued that *Auctorem Fidei* was instrumental in damaging the credibility of the Constitutionalist Clergy. See Préclin, *Les jansénistes au XVIIIe siècle et la Constitution civile du clergé* (Paris: Gamber, 1929), 532–33.

25. See Antonio Mestre, “La repercusión del sínodo di Pistoya en España,” in *Atti del Convegno* (1986), 425–40.

face political turmoil and change in the period from Pistoia to Vatican II, *Auctorem Fidei* ceased to be of serious political importance, and became a key doctrinal document for forming an “ultramontanist sense” in nineteenth-century clergy.<sup>27</sup> Pietro Stella even states that there is not a single manual of moral theology, dogmatics, canon law, or liturgy from 1850 to 1950 that did not make reference to the condemned propositions of Pistoia.<sup>28</sup>

Since the First Vatican Council (1869–1870) rather resoundingly settled, in favor of the papacy, some major ecclesiological questions fiercely debated during the centuries-old struggle between ultramontanism and various forms of conciliarism, it might seem that there was “a rapid descent into oblivion of the storied Gallican past.”<sup>29</sup> While such a view is no doubt true in a certain sense, the ecclesiological debates of the post-Vatican I period shifted to different questions, sparking fresh considerations which culminated in the doctrine of episcopal collegiality at Vatican II. These new debates, and particularly the debates at the council regarding the relationship between the office of bishop and the papacy, reached back to the Gallican and conciliarist past. One ghost that was awakened in this process of remembering, as we will see, was the resilient ghost of the Synod of Pistoia.

## Evocations of Pistoia during the Conciliar Debate over Collegiality

All five evocations of *Auctorem Fidei* in the debate over collegiality and the proper relationships between the pope, the Curia, and the episcopacy took place during the second session, held from September 29 to December 4, 1963.<sup>30</sup> Here I will neither explore evocations of *Auctorem Fidei* in discussion of other matters,<sup>31</sup> nor give a full

26. Bolton, *Church Reform*, 106.

27. Pietro Stella, *La bolla Auctorem Fidei*, v.

28. Pietro Stella, *La bolla Auctorem Fidei*, v.

29. Oakley, *Conciliarist Tradition* 216.

30. *Auctorem Fidei* was cited four times in the first draft of the schema *De Ecclesia*, but all of these references were eventually deleted in what became *Lumen Gentium*. The document, of course, changed tremendously. *Auctorem Fidei* 4–5 was cited to support the right of bishops to coerce the erring. Articles 6–8 were used to support the thesis that the pope has sovereign authority over bishops. *Auctorem Fidei* 5 supported the thesis that the church was a perfect society, and the rejection of the Gallican Articles in 98–99 is repeated. The draft is available in *Acta* 1/4, 12–122, *Auctorem Fidei* references at 30, 68, 70, 108. Joseph Komonchak has provided an English translation on his personal website: <https://jakomonchak.files.wordpress.com/2013/07/draft-of-de-ecclesia-chs-1-11.pdf>.

31. During debate over chapter 2 of the schema *De Ecclesia*, Eduardo Martinez Gonzales, Bishop of Zamora (Spain) worried language in the draft was ambiguous concerning the relationship between the hierarchy and the laity (“*in ecclesia prius pastores posterius oves sunt considerandi*”). See *Acta* 2/2, 356–58, citing *Auctorem Fidei* 2 (Denzinger 1502). Citations of the Bull can also be found in *Acta* 1/4, 93, on the veneration of Mary, (*Auctorem Fidei* 71); 1/4, 709, on venial sin (§39); 1/4, 709, on marriage (§60). In the fourth session



account of the debate over collegiality. Rather, I will reconstruct the debate about the controlling function<sup>32</sup> of *Auctorem Fidei* in the controversy over episcopal collegiality, which ended in November 1963.<sup>33</sup>

***I. “Truths already in the peaceful possession of the Church”: Framing the Questions with Auctorem Fidei—Bishop Luigi Carli (Segni), November 5, 1963***

The most important evocations of Pistoia and *Auctorem Fidei* concerned a debate sparked by Bishop Carli, the *Relator* of the schema *De Episcopis ac Dioecesium Regimine* (which ultimately become *Christus Dominus*).<sup>34</sup> Carli staunchly supported the conciliar minority, which on the issue of episcopal collegiality attempted to guard against what they perceived as threats to papal authority and as doctrinal novelty.<sup>35</sup>

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*Auctorem Fidei* was cited twice, in connection to errors concerning indulgences. See *Acta* 4/6 137, 144 (§40–41).

32. By “controlling function” I refer to a past doctrinal pronouncement which continues to frame Catholic doctrinal debate by setting boundaries of discussion. For example, no Council Father at Vatican II challenged the primacy or infallibility of the pope because the judgment of Vatican I’s *Pastor Aeternus* was definitive and thus had a controlling function in discussions of the pope’s ministry.
33. Space prevents a more full discussion of the intervention on October 11, 1963 of Enrico Nicodemo, the Archbishop of Bari (*Acta* 2/2, 459–61), during the debate on *De Ecclesia* (which became *Lumen gentium*). A member of the Theological Commission of Italian Bishops established in August 1963, Nicodemo was a noteworthy figure. His intervention offers a roadmap for the debate and its resolution. His speech evoked Trent, *Auctorem Fidei* (2), and the decree against Modernism (*Lamentabili*). He therefore framed the debate through these three documents that were aimed at certain ecclesiological errors, one of them Pistoianism. But, while apparently holding these past doctrinal statements as inviolable, Nicodemo thought there could (and should) be a real doctrinal development, accomplished through a *ressourcement* of Scripture and tradition and a consequent explicit teaching of things held in the past only implicitly. *Auctorem Fidei* pointed to a doctrinal boundary, but did not prohibit further discussion. In this sense, Nicodemo portrays a hermeneutic of openness and a presumption of trust, that deliberation as a “seeking church” (*ecclesia quaerens*) will only help what must ultimately be a “teaching church” (*ecclesia docens*). Because of this hermeneutic, he challenged the Council Fathers to allow themselves to trust the Spirit and each other while *in itinere*, on the journey. On balance, Nicodemo pointed to objective difficulties that continued to haunt the ecclesiological debates at the council, but also wanted to be conciliatory to minority sensibilities while acknowledging the positive successes of then-chapter 2 of *De Ecclesia*.
34. The *Relator* functioned as the official presenter of a draft text, with commentary. For an important account of the history of *Christus Dominus*, see Klaus Mörsdorf, “Decree on the Bishops’ Pastoral Office in the Church,” *Commentary on the Documents of Vatican II*, ed. Aloys Grillmeier (New York: Herder: 1968), 2:165–300 at 165–97.
35. For a helpful overview of this moment in the debate see Massimo Faggioli, *Il vescovo e il concilio: Modello episcopale e aggiornamento al Vaticano II* (Bologna: Il Mulino, 2005), 186–89.

The *emendationes* proposed by various fathers to the schema *De Episcopis* shed further light on the tenseness with which both episcopal collegiality and the relationship between diocesan bishops and the Roman Curia were being discussed at the council. Even the title of the document came under scrutiny. Carli submitted an *animadversio generalis* (general observation) that the title should read “*De Episcopis* in [not “*ac*” (and)] *dioecesium regimine* . . . lest it be considered that here we treat of the dogmatic and juridical figure of the Bishop.”<sup>36</sup> In Carli’s view, such questions were for the Theological Commission, and ultimately for the schema *De Ecclesia*, not for the text on which he was working. Although these statements only prove Carli was reticent to discuss these questions in the context of the schema *De Episcopis*, when this reticence is coupled with his charged criticism of the moderators for allowing the vote on *De Ecclesia*, we have evidence of Carli’s overall discomfort with any discussion of these questions.<sup>37</sup>

The frustration of many bishops with the canonical status quo was apparent: a group of East African bishops called for an abrogation (*abrogantur*) of “all limitations of his [the diocesan bishop’s] rights or their exercise.” Presumably, they meant no cases involved in the government of a bishop’s diocese were to be reserved to the pope or the Curia at all.<sup>38</sup> The frustration with the Roman Curia, which some bishops saw as infringing on the role of the residential bishop, was palpable. Bishop Alfred Couderc (Viviers, France) put his frustrations bluntly. “The episcopal power is bound in many things . . . the Roman Curia” should rather be “primarily the helper of the bishops and not their tutor.”<sup>39</sup> Archbishop Schäufole also made a strong statement in favor of local bishops having all faculties required by his duties in his diocese, a stance Schäufole was later to reiterate and to attempt to square with *Auctorem Fidei*.<sup>40</sup>

In the context of this debate, Carli evoked Pistoia and *Auctorem Fidei* during his *Relatio*<sup>41</sup> on the November 5, 1963 draft of the schema *De Episcopis*.<sup>42</sup> The critical comments came in Carli’s discussion of episcopal faculties. While explaining the diocesan bishops should have all “normal rights” (*iure communi*) article 3 of the schema (“Concerning Episcopal Faculties”) begins thus:

[*Fundamental principle*]: § 1. The power of the Roman Pontiff to reserve cases to himself is always secure; whether by the nature of the matter, or for the conservation of the unity of the Church, he should judge necessary to reserve cases to himself because of the circumstances of places or times.<sup>43</sup>

36. *Acta* 2/4, 394. “Ne putetur hic agi de figura dogmatica et iuridica Episcopi.”

37. Jan Grootaers, “The Drama Continues between the Acts: The ‘Second Preparation’ and Its Opponents,” in *History of Vatican II*, vol. 2, *The Formation of the Council’s Identity: First Period and Intersession; October 1962–September 1963*, ed. Giuseppe Alberigo and Joseph Komonchak (Maryknoll, NY: Orbis, 1997), 359–514 at 453.

38. *Acta* 2/4, 395, *emendatio* 18.

39. *Acta* 2/4, 395.

40. See *Acta* 2/4, 399 *emendatio* 52.

41. Carli’s *Relatio* is in *Acta* 2/4, 439–45.

42. The draft of *De Episcopis* is in *Acta* 2/4, 364–92.

43. See *Acta* 2/4, 365–66 for the fundamental principle concerning episcopal faculties. Carli refers to it in *Acta* 2/4, 442.

Carli announced that the Commission elaborated such formulas in order to keep from treating theological questions that belonged to *De Ecclesia*. Surely the Commission “neither could nor should withdraw (*abstrahere*) from truths already in the peaceful possession of the church, namely, from the definitions of the First Vatican Council and from doctrines already declared by Pius VI” (in *Auctorem Fidei* 6 and 8).<sup>44</sup> Carli’s implication was that the Commission neither should nor could<sup>45</sup> tackle such questions, and, by extension, neither should the Council Fathers at large. It was not only during the discussion of *De Episcopis* that such questions should be avoided. Carli plainly cast *Auctorem Fidei* as a document which should limit and circumscribe the debate *tout court*, since in it the Church had already definitively decided upon at least some critical questions. This stance was narrower than the cautious openness of Nicodemo.<sup>46</sup> At least for Carli, *Auctorem Fidei* exerted a very strong controlling function in the conciliar debate.

But what were these critical questions? Provocatively, Carli did not simply allude to *Auctorem Fidei* articles 6 and 8, but quoted them in full in the text of his *Relatio*. Pius VI had declared it

to be surely schismatic, and at least erroneous what the Pistoians maintained: *A bishop receives from Christ all necessary rights for the good rule of his diocese*, as if higher ordinances that deal either with faith and morals or with general discipline and that can come from the Supreme Pontiff and the general Councils for the universal Church are not necessary for the good rule of each diocese.<sup>47</sup>

Carli next accurately notes that *Auctorem Fidei* labels as “inducing to schism and subversion of hierarchical rule and erroneous,” the Pistoian proposition that

*“The rights of a bishop received from Jesus Christ for governing the Church can be neither altered nor hindered (nec alterari nec impediri posse), and, when it should happen that the exercise of these rights has been interrupted for any reason whatsoever (quavis de cause fuisse interruptum), a bishop can and should always return to his original rights, as often as the greater good (maius bonum) of his church requires it”*; insofar as it [this proposition] intimates (innuit) that the exercise of episcopal rights can be hindered or restricted by no higher power, whenever a bishop by his own judgement (*proprio iudicicio*) reckons that it is less expedient for the greater good of his church.<sup>48</sup>

“Hence,” Carli continued, “it is clear why, though obliquely (*unde clare patet cur, licet in obliquo*), the Schema affirms the right which the Roman Pontiff enjoys to reserve to himself, according to his prudent judgment and the circumstances of various times or places, so called ‘greater cases’ (*causas maiores*).”<sup>49</sup>

44. *Acta* 2/4, 442.

45. See Grootaers, “The Drama Continues,” in 446–55 for the history of the Commission.

46. On Nicodemo, see note 33 above.

47. Denzinger 1506 (*Auctorem Fidei* 6) cited in *Acta* 2/4, 442. Emphasis in original.

48. Denzinger 1508 (*Auctorem Fidei* 8) cited in *Acta* 2/4, 442. Emphasis in original.

49. *Acta* 2/4, 442.

It is significant that Carli, while only mentioning Vatican I, chose to cite two lengthy articles of *Auctorem Fidei* in full, including the degree of condemnation they assigned to Pistoian propositions. One could argue that, by including the text of *Auctorem Fidei* 6 and 8 in his *Relatio*, Carli was consciously contributing this citation to the council's future hermeneutics. Thus, the mere citing of such documents created a permanent record of opposition that could be used in the future for polemical purposes and the creation of one's own historical narrative. Such a strategy had precedent: the minority anti-infallibilist bishops at Vatican I made multiple references to the decrees of the Council of Constance in St. Peter's, in the face of much ultramontane hostility.<sup>50</sup>

However, in this case, not only would his speeches form part of the official conciliar *Acta*, but as a *Relatio* on a text to be voted on, Carli knew his words had special hermeneutical value. As *Relator*, Carli's role was to give an official report (not a private opinion) on the meaning of the text on which the fathers were to vote. Thus, the debate over the theological and juridical nature of the episcopacy would be linked to *Auctorem Fidei* in a more official way than if a minority father had raised the specter of Pistoia in a personal capacity.

The "definitions of Vatican I" were too well known to be quoted in full, and no council father had challenged the primacy or infallibility of the pope. While the discussions of collegiality and reserved canonical cases were not efforts to challenge Vatican I per se, they were unmistakable attempts to revisit what some considered the "unfinished business"<sup>51</sup> of that council. Many of the fathers of Vatican II were attempting to reexamine the question of how the office of bishop and its accompanying rights and duties related to the papal primacy. Quoting *Auctorem Fidei* 6 and 8 in full as examples of settled Church doctrine on the matter was therefore a strong statement of opposition to such reexamination,<sup>52</sup> and consequently a statement of support for the then current papal limitations on the exercise of faculties bishops had in virtue of their office. By associating the views of his opponents with the condemned ecclesiology of Pistoia, Carli was both attempting to circumscribe the debate and to make insinuations about the dubious doctrinal heritage of his opponents. Predictably, this resulted in a number of fathers taking offense,<sup>53</sup> including Archbishop Schäufele, a leader in a group of progressive Northern Europeans.

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50. Archbishop Darboy (Paris), Bishop Strossmayer (Djakove, Croatia), and Augustin Vérot, Bishop of St. Augustine, Florida (but educated at Saint-Sulpice, France), all evoked the decrees of Constance during debate at Vatican I. See Oakley, *Conciliarist Tradition*, 215.

51. This is a common phrase for a desire to balance Vatican I's focus on the centrality and prerogatives of the papacy with the more multifaceted emphases of *Lumen Gentium*.

52. By stating that the Commission that produced the text he is introducing must not violate *Auctorem Fidei* 6 and 8, Carli is also implying that some of the Council Fathers might want the document to do so.

53. Carli acknowledged this consequence of his remarks eight days later (November 13, 1963). See *Acta* 2/5, 72.

## 2. “The Error of the Pistoians Is Not Advanced”: A Close Reading of the Bull—Archbishop Hermann Schäufele (Freiburg), November 6, 1963

The next day, speaking in the name of many German bishops and the Scandinavian episcopal conferences, Schäufele vehemently rejected Carli’s insinuations.<sup>54</sup> Indeed, since the full commission had not met for almost a year, Schäufele was bringing his own concerns and those of many others to the council floor with some sense of frustration.<sup>55</sup> Instead of going on the offensive immediately, however, Schäufele first diplomatically outlined where the advantages of the schema lay. He saw them in the principle of subsidiarity (which, he noted, Pius XII had commended) contained in chapter 3, on national episcopal conferences. Then he turned to matters which needed to be “completed” or “improved” (*perficienda*).

For Schäufele, the “fundamental principle” concerning episcopal faculties required crucial emendation. The text delivered in the schema should be conceived differently. It ought to begin rather thus:

In virtue of his episcopal office, the residential bishop must have all the faculties which befit him as ordinary and immediate pastor, for the shepherding of his flock, always keeping firm the Supreme Pontiff’s power to reserve. Therefore, his original rights ought to be restored (*restituenda sunt*) to the residential bishop.<sup>56</sup>

Schäufele argued that the council should sanction an “Index Reservationum” rather than an “Index Facultatum.” This proposed shift, from declaring what was granted (*Index Facultatum*) to what was reserved (*Index Reservationum*) would not be mere rhetoric, but a strong statement about who has the original right. The German and Scandinavian bishops were calling for the residential bishop to have, in virtue of his office, all faculties except those reserved to the Holy See, rather than the bishop having no faculties except those granted by the pope as he sees fit. Presumably, under this configuration, a case or faculty would have to be explicitly declared by the pope or Curia to be reserved, otherwise it would be assumed the local bishop had the right to adjudicate the case or to exercise the faculty. The norm should be that the bishop has, in virtue of his office, all the faculties and jurisdiction necessary for his “ordinary and immediate” rule in his diocese. Clearly under the surface is the repeated grievance that

54. *Acta* 2/4, 495–97. All told, about 80 Council Fathers signed on, including Cardinals Döpfner and Frings. Schäufele had been appointed “reporter” for one of *De Episcopis*’ five subcommissions (his subcommission was “on pastoral care”), making his clash with Carli a dispute between two of the most prominent figures in this discussion. Alberto Melloni, “The Beginning of the Second Period,” in *History of Vatican II*, vol. 3, *The Mature Council: Second Period and Intersession; September 1963–September 1964*, ed. Giuseppe Alberigo and Joseph A. Komonchak (Maryknoll: Orbis, 2000), 1–116 at 23n89.

55. See Joseph Famerée, “Bishops and Dioceses and the Communications Media (November 5–25, 1963),” in Alberigo and Komonchak, *History of Vatican II*, vol. 3, *The Mature Council*, 117–88 at 117.

56. *Acta* 2/4, 496.

bishops were treated as mere vicars of the pope and as subjects of the Curia. It should be recalled that this grievance animated the Pistoian bishop Scipione de'Ricci's most heated rhetoric, and also drove Febronianism, Jansenism, Josephinism, and Gallicanism, in distinct but similar ways.<sup>57</sup>

Indeed, by speaking of "restoring" to the bishops their "original rights," Schäufele takes up one of the chief demands of the Pistoians, one which was common in late Jansenist, Gallican, Febronian, and Josephinist rhetoric.<sup>58</sup> It is striking that Schäufele chose to approximate such language so closely, since these eighteenth-century groups who used such language had been repeatedly condemned. In the case of the Pistoians, *Auctorem Fidei* implies the language itself is doctrinally suspect.<sup>59</sup> Schäufele's language of "restoring original rights" certainly endorses a view of the history of the episcopate and of its relations to the papacy and the Curia that is at least sympathetic to that of the Pistoians and other like-minded eighteenth-century groups.

Moreover, in Schäufele's twentieth-century context, such language could imply an indirect attack on Vatican I as having usurped rights. *Pastor Aeternus* 3 speaks of papal jurisdictional power as ordinary and immediate in every diocese and over all the faithful. The canon of *Pastor Aeternus* 3 may also be targeting Pistoian ecclesiology. Certainly, the errors condemned in the following give a good summation of the sort of ecclesiology embraced by late Jansenists, Febronians, and the followers of van Eybel:

So, then, if anyone says that the Roman pontiff has merely an office of supervision and guidance, and not the full and supreme power of jurisdiction over the whole church, and this not only in matters of faith and morals, but also in those which concern the discipline and government of the church dispersed throughout the whole world; or that he has only the principal part, but not the absolute fullness, of this supreme power; or that this power of his is not ordinary and immediate both over all and each of the churches and over all and each of the pastors and faithful: let him be anathema.<sup>60</sup>

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57. On this aspect of the Febronian agenda for supporters of the "rights" of the German Church vis-à-vis Rome, see Michael Printy, *Enlightenment and the Creation of German Catholicism* (Cambridge: Cambridge University Press, 2009), 25–54. Leopold followed the Josephinist line and abolished the Nunciature and forbade appeals to Rome. See Bolton, *Church Reform*, 51. The Pistoian appellation of the pope as "primo tra Vicari di Gesù Cristo" (first among the vicars of Jesus Christ) was taken from French Jansenists (the phrase appears in de'Ricci's Letter of Convocation in *Atti*, 1). De' Ricci spoke of a bishop's "inalienable rights" and wanted to strike the Curia with "a salutary fear" to limit their encroachments; quoted in Bolton, *Church Reform*, 116 (cf. *Memorie* 1: 505–6).
58. See *Punti ecclesiastici* §5, p. 6. Grand Duke Peter Leopold decreed that the "original rights" (*diritti originari*) of his bishops had been "usurped from them by abuse of the Court of Rome" and gave the Tuscan bishops the right to examine canonical dispensations reserved to Rome and reclaim those which were taken unlawfully.
59. This is clear in *Auctorem Fidei* 7 (Denzinger 1507).
60. *Pastor Aeternus* 3 (Denzinger 1827, 3060 in new numbering).

The phrase “principal part” is the language of the Pistoian Decree on Faith and the Church, which was directly approving the Gallican articles.<sup>61</sup>

It is extremely improbable that a learned man such as Schäufole was unaware of such associations, since the Denzinger doctrinal handbook was a common teaching tool, and Schäufole’s native country had a history of such thought in Febronianism and the episcopalism of the great prince-bishops of the Rhine. Not only that, but just a day earlier Carli had read the condemned proposition (*Auctorem Fidei* 8) which read in part that “a bishop can and should always return to his original rights,”<sup>62</sup> which makes Schäufole’s speech even more likely to be a direct statement of opposition to the attempted seizing of hermeneutical control of the debate by Carli, but also a daring push against the ultramontanism present and implied in documents like *Auctorem Fidei* and *Pastor Aeternus*.

Were Schäufole and his 80 confreres advancing an error of the Pistoians, already condemned by the Church? The Archbishop of Freiburg was eager to counter: “The principle now proffered does not labor under the error of the Pistoians; the essential difference is in this: that the Pistoians denied to the Roman Pontiff the right of reserving.”<sup>63</sup> Schäufole, or those in his party, had subjected *Auctorem Fidei* to a close reading. The proposition in question was condemned as schismatic only “insofar as it (*quod innuit*) intimates that the exercise of episcopal rights can be hindered or coerced by no higher power.”<sup>64</sup>

While Schäufole’s statements had an intentionally sharp polemical edge to them, this stance was not really a stand against the papacy per se. Rather, it was a shrewd rhetorical manoeuver to gain control over the hermeneutic of the council during the present drafting of texts and their future reception. Schäufole and the German and Scandinavian signatories were signaling that although there were parallels with the Pistoians, the intention and scope of twentieth-century reformers were different; while the Pistoians argued that the pope did not have the right of reserving cases to himself,<sup>65</sup> the majority group pushing for *aggiornamento* at Vatican II accepted that he did, at least in theory, but implied that he ought not to exercise that right, or at least not as often as he did in the pre-conciliar status quo. Still, Schäufole’s group technically did

61. See note 17, above. See also Cardinal Silva Henríquez’s characterization of this Pistoian ecclesiology as “Gallican Jansenism” in his written intervention in *Acta* 2/4, 659, discussed below.

62. *Auctorem Fidei* 8 (Denzinger 1508) cited in *Acta* 2/4, 442.

63. *Acta* 2/4, 496.

64. *Auctorem Fidei* 8 (Denzinger 1508) cited in *Acta* 2/4, 442.

65. This position appears in the 17-volume series of over 70 tracts by various authors that de’Ricci published at his own expense between 1783 and 1790 and circulated throughout his diocese. Tract four goes further, even arguing that the traditional oath of allegiance to Rome at episcopal ordinations should be abolished. De’Ricci was aided in this endeavor by eager friends from the Jansenist Utrecht circle. The *Raccolta di opuscoli interessanti la Religione* (Pistoia: Bracali, 1783–90) are all accessible on <http://archive.org>. See also Bolton, *Church Reform*, 28–29, 35. De’Ricci had actually abolished reserved cases in Pistoia-Prato at the request of Grand Duke Peter Leopold.

not advocate the errors Pius VI had identified. Rather, they attempted to pick and choose reformist ideas from the church's past that they perceived to be doctrinally sound and disentangle them from heretical or schismatic theses to which their forebears had connected them.

While there is no doubt that the rhetoric of "restoring" to bishops their "original rights" sounded dangerously radical to many, both in 1786 and in 1963, Schäufele insisted that only careful interpretation of *Auctorem Fidei* could circumscribe discussion; one could not broadly insinuate that the aims or even the rhetoric of the proponents of juridical reform of the relationship between the Vatican and the local bishop were Pistoian and thus beyond the pale.<sup>66</sup> Schäufele, however, was not the only one offended by the evocation of Pistoia. There was to be one more major rebuttal of Carli's evocation of Pistoia.

### 3. "The Norms of Sound Theology": Historical Contextualization of the Synod of Pistoia—Cardinal Raúl Silva Henríquez (Archbishop of Santiago, Chile), November 8, 1963

From the Spanish-speaking global South came the next retort to Carli's insinuations. A fascinating rebuttal came from the Salesian Cardinal Silva Henríquez of Santiago, Chile,<sup>67</sup> in the form of a written intervention two days later, arguing for a historical contextualization of *Auctorem Fidei*. Silva Henríquez wrote in Spanish rather than Latin. His words deserve close attention because the Chilean presented the most detailed rebuttal of Carli's evocation of Pistoia.

Silva Henríquez was attacking the idea that faculties of any kind were "granted" to bishops by the pope, and supporting the contention that the bishop receives from Christ all that is necessary for the governance of his diocese.<sup>68</sup> For him, the language of "amplifying" the faculties of the bishops (*amplificentur*) that the schema *De Episcopis* used, however well-intentioned, can easily be understood in a problematic way:

If we read these affirmations in the light of the explanation given in [Carli's *Relatio*], we are not able ... to shirk the impression that the title (*titulo*) on which these faculties are based is not the ordination to the episcopacy and the assignment of a particular diocese, but a "gracious concession" on the part of the Roman Pontiff. This *Relatio*, in fact, alludes to two propositions of the Synod of Pistoia.<sup>69</sup>

66. See Boris Ulianich, "Il Sinodo di Pistoia e i poteri dei vescovi, nell'*Avvenire d'Italia* del 17 novembre 1963," in *Coraggio del Concilio: Giorno per giorno la seconda sessione*, ed. Raniero La Valle (Brescia: Morcelliana, 1964).

67. See Mario I. Aguilar, *A Social History of the Catholic Church in Chile*, vol. 2, *The Pinochet Government and Cardinal Silva Henríquez* (Lewiston, NY: Edwin Mellen, 2006). See esp. 141–47 for his activity during the Second Session of the Council; for the Third Session, 153–60; for the Fourth, 165–70.

68. *Acta 2/2*, 658–59.

69. *Acta 2/2*, 658.



Silva Henríquez proceeded to quote portions of *Auctorem Fidei* 6 and 8 (as Carli had in full) in Latin, and then concluded,

From the citation of these two schismatic propositions in the *Relatio*, it would seem we must logically come away with this conclusion: the bishops do not receive, by the fact of their episcopal character and their assignment to a particular diocese, all the powers necessary to rule their diocese; and here they have need of the Roman Pontiff's "granting" (*ortogue*) these powers.<sup>70</sup>

Silva Henríquez then pointed to a tension between a critical affirmation in the text—that the residential bishop does indeed receive all that is necessary for the rule of his diocese from Christ—and the interpretation that the *Relatio* seemed to give, framed as it was within Carli's reading of *Auctorem Fidei*, or insinuations from the text. This was deeply problematic for the Cardinal, because if Carli's interpretation were true, "it cannot be affirmed that the bishop, in virtue of his ordination and given assignment to a diocese, has all the necessary powers to rule his diocese, except those that the Holy See holds to be reserved in view of the common good of the Church," as the "fundamental principle" of the draft schema on bishops' rule in dioceses affirmed.<sup>71</sup>

Silva Henríquez proceeded to a detailed historical contextualization and theological analysis of *Auctorem Fidei* and the Pistoians that showed an ability to read doctrinal documents of the past in their proper historical context, an ability that many *periti* and Council Fathers were insisting was necessary to do good theology. He begins by inviting the fathers to contemplate the history of the problem, and proceeds to outline the affinities of Pistoian thought with Jansenism and Gallicanism.

The propositions of the Pistoians are condemned in so far as they match a Jansenist, Gallican, and episcopalist mentality. The influence of Jansenism on the Pistoians has been made manifest by the authors that have specialized in the history of this religious movement in Tuscany.<sup>72</sup> If not necessarily Bishop Ricci, all of the Italian Jansenist movement was marked by a deep animosity toward the Holy See (cf. Matteuci, *op. cit.*, p. 164 s.). This was translated, in theory, into Gallican and episcopalist thought, in which Ricci and the other Pistoians certainly participated, as was noted already by Pius VI in his two briefs to the Bishop of Chiusa and Pienza (cf. *Mansi* 38:1103–1108). It is thus not at all strange that these ideas and attitudes appear in the writings of the Pistoians. Thus, for example, Gallican Jansenism shows itself clearly in the "Decree on the Faith and on the Church" of the Synod of Pistoia: "although the pope has the principal part in questions of faith, and his decrees pertain to all the church and to each church in particular, his judgement is not irreformable, if the consent of the church does not intervene" (number 16 of the Decree, *Mansi* 38:1017).<sup>73</sup>

70. *Acta* 2/2, 659.

71. *Acta* 2/2, 659.

72. Silva Henríquez cites here J. Carreyere, "Pistoie," *Dictionnaire de théologie catholique*, 12b:2135–39; B. Matteuci, *Scipione de' Ricci* (Rome Morcelliana, 1941), 50–69. Both sources are still useful for the study of de' Ricci and the Synod.

Indeed, the cited *ex consensu* clause was part and parcel of Gallicanism and so popular in anti-ultramontane circles that *Pastor aeternus* deliberately rejected it in the conciliar definition of papal infallibility: the definitions of the Roman Pontiff are irreformable “of themselves, and not from the consent of the Church” (*ex sese, non autem ex consensu Ecclesiae, irreformabiles esse*). In order to prove his point that Pistoia was following radical, now defunct theological currents, Silva Henríquez quoted three excerpts of de’Ricci’s letters (in Italian) to Grand Duke Peter Leopold.

In light of this historical contextualization, Silva Henríquez then set out to provide his fellow bishops with an outline of his careful hermeneutic of *Auctorem Fidei*:

Following the norms of all sound (*sana*) theology, these two propositions must be understood in the light of their historical context. In other words, the error of the Pistoians, and that by which the qualifier “schismatic” fits them, consists in not acknowledging the Roman Pontiff’s power to intervene in matters of doctrine and the government of residential bishops. It is, in brief, its Gallicanism and its episcopalism. Hence, what was condemned by the Bull *Auctorem Fidei* are these two errors. It would therefore violate the sense (*sentido*) of the Bull of Pius VI to read in these two propositions the affirmation that the bishop, in virtue of his consecration and by the assignment of a diocese, *does not receive* all the powers for the administration of his flock, except those that the Pope reserves to himself, without which it would be required that the Pope graciously “grant” (*concediese*) them. Concerning this question *Auctorem Fidei* did not pronounce. It should therefore be wished that in the *Relatio* the necessary clarifications be made so that the two citations against the Pistoians might not be taken as a criterion that has to guide the interpretation and the discussion of the problem of the origin of episcopal power.<sup>74</sup>

First, Silva Henríquez’s text makes clear that the historical context of a condemned or censured proposition must necessarily be considered if one is to judge it justly, and he does the contextualizing himself in this case. It would follow that *periti* and Council Fathers should provide such context if they cite condemnations. For Silva Henríquez it was clear that the propositions could not be considered as timeless truth claims *per se*. The use of past condemnations from Denzinger’s collection without knowledge of the historical context in which such censures arose could lead one to uncritically reject reform that was not in fact rejected by the condemnations in question. It could even lead to rejecting healthy reformist ideas of the past that were historically linked with rightly rejected ideas. Thus, Silva Henríquez rejected Carli’s insinuation that his opponents were merely repeating Pistoian errors, already condemned, on the origin of episcopal power.

Second, Silva Henríquez insisted that any reading of a magisterial text needs a careful hermeneutic to guide interpretation. He adopted a close, almost contemplative reading of the text with a generous hermeneutic. This generous hermeneutic does not unnecessarily demonize the Pistoians, but interprets them as bound up with certain erroneous doctrinal systems of their day. He isolates these two ideologies (which he

73. *Acta* 2/2, 659.

74. *Acta* 2/2, 660, emphasis Silva Henríquez’s.

calls “Gallicanism and episcopalism,” both practically defunct among Catholic bishops in the 1960s, at least in their eighteenth-century sense) and then interprets the condemnations of *Auctorem Fidei* in a sense which restricts them to those conflicts of the past. While from Carli’s *Relatio* it “logically” seemed to follow that residential bishops do “not receive” all necessary rights and powers (from their ordination and assignment to a diocese), that is not in fact what *Auctorem Fidei* says. If one read quickly, or uncritically, one could easily misunderstand it to state that denial, and there certainly were ultramontanist theologians who argued that such was the implication of papal primacy.<sup>75</sup> But the Cardinal made clear that Pius VI declared only that it was schismatic to assert that bishops receive all necessary powers from Christ, *if by that it is intimated (quod innuit)* that the pope cannot condition the exercise of those powers. Such an intimation was simply not being made at Vatican II. Thus, Silva Henríquez’s hermeneutic allowed him to interpret the intentions of the majority of his confreres, which were to affirm the rights of local bishops, in a positive light. How the pope’s recognized superior power related to the local bishop and the full teaching on the origin of the bishop’s authority to govern his local church were the questions at present. However, Silva Henríquez’s emphasis was that *Auctorem Fidei* does not require a belief that he implies is unacceptable: that all a bishop’s faculties necessary for governing his local church are granted by a “gracious concession” of the Roman Pontiff. He found this belief unacceptable because he wanted to leave room for the notion that ordination together with assignment of a diocese is what invests a bishop with these faculties, and thus wanted to conceive of ordinary episcopal power coming directly from Christ.

Third, Silva Henríquez thought it important to differentiate carefully between doctrinally orthodox reformist ideas and other unacceptable notions with which they were entangled in the past. If one conflated the two, one could easily stifle the freedom for the healthy theological debate and discernment that Archbishop Nicodemo had urged the Council Fathers to be open to. Silva Henríquez favored one position on an open question, “the problem of the origin of the episcopal power.” But *Auctorem Fidei*, as properly understood in its historical context, had not pronounced on this most important question.<sup>76</sup>

Silva Henríquez offered the most detailed analysis of an eighteenth-century doctrinal text and the debate surrounding it in the acts of Vatican II. Moreover, he offered a generous hermeneutical outline for the historical contextualization of doctrinal documents that became widely accepted, albeit perhaps not openly acknowledged. This hermeneutic was critical because Silva Henríquez’s demonstration of the importance

75. See Giuseppe Alberigo, “La collégialité épiscopale selon quelques théologiens de la papauté,” trans. P. Hamon in *La Collégialité épiscopale: Histoire et Théologie*, ed. Yves Congar (Paris: Cerf, 1965), 183–221. Alberigo pays special attention to the papalist ecclesiology of Giovanni Vincenzo Bolgeni, SJ (1733–1811).

76. This was really a question for *De Ecclesia* and not *De Episcopis*, although the latter had to be deeply informed by the former. The critical vote of October 30 had already partially addressed this issue, but the text on this matter (*Lumen Gentium*) had not yet been officially promulgated. See O’Malley, *What Happened*, 183–85, for the votes on the “five questions.”

of historical contextualization for the consideration of past doctrinal teachings was necessary in light of the council's coming formal recognition of at least some sort of doctrinal development.<sup>77</sup> These skills were to become even more relevant as debates over religious liberty came to the fore (especially in light of numerous magisterial documents of Gregory XVI, Pius IX, Leo XIII, and Pius X) in some of the bitterest conflicts in sessions three and four.

Silva Henríquez's wish that the *Relatio* be amended and that *Auctorem Fidei* "might not be taken as a criterion that guides the interpretation and discussion" of the issues surrounding the origin of episcopal power and episcopal collegiality is as clear a statement as possible against allowing *Auctorem Fidei* and the memory of the Pistoians to exert what I have called a "controlling function" over the debate.

#### 4. "Sub luce illius Bullae": Bishop Carli's Response to his Critics—Bishop Luigi Carli (Segni), November 13, 1963

The heated exchanges sparked by Carli's public reading of *Auctorem Fidei* 6 and 8 in his *Relatio* of November 5, 1963 on *De Episcopis* constituted a major controversy at the council, as they touched upon the hotly contested questions of episcopal collegiality and the relationship of residential bishops to the pope and the Curia. The perceived "assimilation"<sup>78</sup> by Carli of his opponents to the Pistoians in his *Relatio* was found offensive (*contumeliosam*) by many.<sup>79</sup> Carli's defense was delivered on November 13. He claimed to speak in the name of thirty Council Fathers and his rebuttal "appears to have been a reply to the earlier speech of Msgr. Schäufele."<sup>80</sup> Although Silva Henríquez had offered the more detailed rejoinder, Carli's main target in his defense was Schäufele, whose speech had been in a plenary assembly; moreover, he was the spokesperson of a large group of progressive Germans and Scandinavians. It was thus imperative that Carli defend himself against this "very strong statement."<sup>81</sup>

Carli's speech began with the presentation of his credentials as a *Relator* chosen according to the council's rules of procedure, so as to parry the procedural criticisms leveled at him in the first and second conciliar sessions.<sup>82</sup> Then, he defended his evocation of *Auctorem Fidei* by claiming that his mention of the Pistoians was not intended to slander any of his fellow bishops. Rather, he argued that the preparatory commission had worked specifically within the bounds of *Auctorem Fidei* to avoid giving the

77. *Dei Verbum* (November 18, 1965), 8, [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_const\\_19651118\\_dei-verbum\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651118_dei-verbum_en.html).

78. A contemporary Italian report uses the word *assimilato*. See *L'Avvenire d'Italia*, 14 November 1963 in Giovanni Caprile, ed., *Il Concilio Vaticano II: Cronache del Concilio Vaticano II edite da La Civiltà Cattolica; Secondo Periodo, 1963–1964* (Roma: Società Grafica Romana), 3:263n4.

79. Carli in *Acta* 2/5, 72.

80. Grootaers, "The Drama Continues," 453n234.

81. Famerée, "Bishops and Dioceses," 150.

82. *Acta* 2/5, 72–73.

impression of being “unjust” (*iniustam*) and “injurious” (*iniuriosum*) to the Roman Pontiff, by implying that the pope and the Curia were guilty of encroaching on the rights of the episcopate. This was always his intention, argued Carli, for it was precisely “in light of that Bull” (*sub luce illius Bullae*) that the preparatory commission in the plenary sessions of April 26 and September 28, 1961 had deliberated on the sections of *De Episcopis* in question.<sup>83</sup> For him and the commission, Carli argued, it was important that any expansion of episcopal power would not be construed as the return of something unjustly taken away (*quasi de redditione iniuste ablate*) and would not be insulting to the pope. Carli’s argument cannot be said to lack historical grounding. After all, Pius VI had rejected many reform attempts of Pistoia with the argument that if they had been accepted, the Catholic teaching and practice of that day would rightly be called into question.<sup>84</sup>

On one hand, Carli did not directly answer the allegation that he had “assimilated” (*assimilato*) the opinions of his opponents to those of the Pistoians.<sup>85</sup> But, by calling attention to two Plenary Sessions of 1961—before any conciliar debate had occurred, before the Council Fathers had even been presented with the first drafts of *De Ecclesia* or *De Episcopis*—Carli was offering an olive branch of sorts. It might not be satisfying to those pushing hardest for reform, but Carli’s speech of November 13 was attempting to be conciliatory insofar as it demonstrated that the evocations of *Auctorem Fidei* originally came from a preparatory phase, in which some fathers<sup>86</sup> had always wanted to avoid implying any of the radical claims of the Pistoians.

It should also be noted that *Auctorem Fidei* does imply that the language of “restoring” original rights to bishops was at best erroneous, and it was well known that the Pistoians and other Jansenists and episcopalists often wrote, in sometimes extreme language, about recovering episcopal rights unjustly taken from them by the pope and the Curia.<sup>87</sup> Wanting to guard against such an interpretation is not a misuse or misreading of the document at all. But, as Schäufele pointed out, it cannot be maintained that *Auctorem Fidei* explicitly condemned the position advanced by the Vatican II majority; it only explicitly condemned denying the right of a *superior potestas* to limit the exercise of a local bishop’s rights. The general orientation of Carli’s thought is clearly

83. *Acta 2/5*, 72. See Massimo Faggioli, *A Council for the Global Church: Receiving Vatican II in History* (Minneapolis: Fortress, 2015), 241. “During the April 20, 1961 meeting ... [Pasquazi] underlined the theological issues and noted that the two drafts had some links with the Synod of Pistoia (1786), condemned by Pius VI. The reactions of the commission’s members were almost unanimously critical, except for the position of Monsignor Carli, who desired to avoid questioning the relationship between local bishops and the Roman Curia, in order to avoid the risk of echoing the statements of the aforementioned synod.” For a full account of the relevant commission meetings in April 1961, see Faggioli, *Il vescovo e il concilio*, 90–94.

84. This attitude is apparent in, for example, *Auctorem Fidei* 1, 33, and 66.

85. *L’Avvenire d’Italia*, November 14, 1963, cited in Caprile, *Il Concilio*, 263.

86. Although Faggioli suggests it could have been very few, even Carli and one other. See note 83, above.

87. See Bolton, *Church Reform*, 41, 55–56, 93, 116.

closer to that of Pius VI and *Auctorem Fidei*, which is precisely why the majority did not want attention called to *Auctorem Fidei*, just as *Dignitatus Humanae* cited John XXIII and Pius XII, but not Gregory XVI or Pius IX.

The strategy of the majority was to contextualize *Auctorem Fidei* historically and dismiss it from the discussion as not touching upon their present debates; evoking it was “neither pertinent nor legitimate.”<sup>88</sup> The majority could make a strong case for dismissing it, and this dismissal was not just a negative cancellation, but a positive attempt to advance a certain hermeneutic, and thus take hermeneutical control of the debate. First and foremost, no bishop at Vatican II “would ever think of putting in doubt the validity of the papal primacy.”<sup>89</sup> The ecclesiological common ground of 1963 was radically different from that of 1786, when diverse forms of anti-papal conciliarism flourished before the catastrophe of the French Revolution and the triumph of ultramontanism. But even in the days of Pistoia, as Boris Ulianich noted in his coverage of the Carli incident in *l’Avvenire d’Italia*, Cardinal Gerdil of Savoy interpreted *Auctorem Fidei* (of which he was a principal author) to teach that as long as the “immediate superior authority of the Roman Pontiff over all the faithful” is secure, there is no “prejudice to the ordinary power of the bishops in their respective dioceses.”<sup>90</sup> Of course, it is critical how “ordinary powers” are defined and whether the origin of episcopal authority is directly from Christ or whether it flows through His Vicar, the pope. It is these questions that Silva Henríquez wished to become the focus of attention.

After Carli attempted to clear up what he claimed was confusion about the *Relatio* (he wanted to establish “the real situation”), he immediately attacked the notion that episcopal collegiality could be *de iure divino*, specifically when this collegiality was claimed to take shape in national episcopal conferences.<sup>91</sup> His arguments were varied, and some of them are in force today—such as the inadmissibility of a national episcopal conference interfering in the authority of a local bishop in his diocese without the consent of the Holy See.<sup>92</sup> While an analysis of these perspectives and the wider debate at the council on these points is beyond the scope of this article, it is important to note that for Carli, as well as for his opponents, there was an intimate connection between the debate over the restoration of “original rights” to the bishops and ecclesiologies that leaned toward the papalist stance or toward the episcopalist stance.<sup>93</sup> Silva Henríquez rightly reminded the Council Fathers that *Auctorem Fidei* cannot be

88. Ulianich, “Il Sinodo di Pistoia,” 321. This article is significant since it was published only days after Carli’s intervention (November 17, 1963), and in the organ of the Italian episcopate (*l’Avvenire*). It is evidence of the uproar the Carli incident caused both inside and outside St. Peter’s.

89. Ulianich, “Il Sinodo di Pistoia,” 321.

90. Ulianich, “Il Sinodo di Pistoia,” 321.

91. *Acta* 2/5, 73–75. See also Famerée, “Bishops and Dioceses,” 149–52.

92. *Acta* 2/5, 73–74. See Code of Canon Law, c. 455. For the postconciliar debate, see Francis Sullivan, “The Teaching Authority of Episcopal Conferences,” *Theological Studies* 63 (2002): 472–93, <https://doi.org/10.1177/004056390206300302>.

93. See Cardinal Tagle, “Episcopal Collegiality,” 150–54.

understood in a vacuum; its eighteenth-century context must frame our understanding. While Silva Henríquez intended to bolster the position of the majority, and his arguments were prescient, this ability to historically contextualize cuts both ways. For it is surely not a coincidence that the same eighteenth-century voices calling for a reform of canon law and the Curia, and restoring bishops' "original rights," were also calling for Febronian, Gallican, and Josephinist church structures. The issues were intimately related in the minds of these reformers in their eighteenth-century context, and, while many Council Fathers deeply resented his insinuations, Carli understood this relationship. For this reason, he could move seamlessly from a defense of his evocation of *Auctorem Fidei* 6 and 8, which do not explicitly address episcopal collegiality, to an attack on episcopal collegiality.

The contemporary reports of this series of events enlighten us as to the emotional atmosphere in which it occurred, an atmosphere that made all parties prone to exaggeration and caricature. For example, on November 14 *L'Avvenire d'Italia* reported the events in a slanted and incomplete manner, reporting that Carli was a "direct collaborator of Cardinal Ottaviani in the Theological Commission."<sup>94</sup> *L'Avvenire* went on to allege a certain dissimulation on the part of Carli, implying that he supported the text as *Relator* only to slander it in his personal capacity (a *titolo personale*). This was simply not the case. Nor was the *L'Avvenire* report correct in the detail (no doubt intended to tar Carli) of his close association with Ottaviani, who by the second session was already being cast by many as the *bête noire* of the council. These errors were pointed out, and *L'Avvenire* issued a retraction of its slanted reporting, admitting that "the sense of [Carli's actual words] appears different from that reported earlier."<sup>95</sup>

In perhaps the most influential history of the council, Joseph Famerée sees Carli's full retort of November 13 as meriting the subheading "a new attack on collegiality."<sup>96</sup> However, concerning the references to Pistoia, Famerée argued that Carli was at least partially misunderstood. The hasty and inaccurate attack on Carli by *L'Avvenire* makes "clear the atmosphere at the council, but it also shows how the commentaries and rumors that circulated about the event often distorted it, consciously or not, in accordance with the views of the journalist or the newspaper."<sup>97</sup> Since Carli was seen as the "paragon of the 'anti-collegialists,'" he was "spontaneously associated with Ottaviani." While it might seem that Carli had "likened the fathers of the majority to the Pistoians condemned by Pius VI," in fact "the reality was somewhat different from this account [*L'Avvenire's*] ... Carli mentioned the Bull *Auctorem Fidei* simply in order to explain the uncontroversial meaning that, he maintained, the citation had had in his report of November 5."<sup>98</sup> These are helpful clarifications from a historian who presents Carli on the whole unflatteringly, as "one of the most obdurate representatives of the minority at the Council."<sup>99</sup>

94. *L'Avvenire d'Italia* cited in Caprile, *Il Concilio Vaticano II*, 263.

95. Caprile, *Il Concilio Vaticano II*, 263.

96. Famerée, "Bishops and Dioceses," 149.

97. Famerée, "Bishops and Dioceses," 151.

98. Famerée, "Bishops and Dioceses," 151.

99. Famerée, "Bishops and Dioceses," 117–18.

Famerée's sympathy for Carli concerning his evocations of *Auctorem Fidei* is not shared by all historians of the council. Also writing in Alberigo's *History of Vatican II*, Jan Grootaers narrates Carli's speech of November 13 thus:

[He] went on the offensive and created a sensation at the Council by attacking the moderators for allowing the recent vote on preliminary questions on collegiality and by defending the invocation in the schema of the condemnation by Pius VI of the heresy of the Jansenists of Pistoia.<sup>100</sup>

These contemporary reports and later accounts are stimulating for our study not so that we can pass judgment on Carli, but because they shed much light on how evocations of *Auctorem Fidei* functioned at the council, and how they were received and countered. It is clear that to evoke Pistoia, and in particular to "assimilate" the views of opponents to the Pistoians, was not merely to conjure up an abortive reform attempt by an eighteenth-century diocesan council. It was to rake up old graves, but very real ones: bishops who felt juridically denigrated by the Curia and theologically bullied by ultramontanists as mere vicars of the pope rather than true successors of the apostles. From the ultramontanist perspective *Auctorem Fidei* functioned as an important monument of a besieged papacy's victory over a cluster of ecclesiological errors, and the worst and most despotic forms of Erastianism. From this perspective, fear of such errors colored perception of all attempts to affirm the prerogatives of bishops.<sup>101</sup>

## Conclusion: The "Controlling Function" of *Auctorem Fidei*

In this article, I have shown that the Synod of Pistoia was a "ghost" on the council floor, that is, a key moment in the Church's collective memory which influenced the drafting of texts and subsequent debate. The debates discussed in this article show that the Council Fathers were not concerned only with the legacy of the Vatican I, Modernism, and the renewal movements of the twentieth century. The conflicts, hopes, and fears of the eighteenth-century Catholic Church also made themselves felt in the aula. One of these "ghosts" was that of Pistoia, and the legacy of the thought of de'Ricci, Tamburini, and Peter Leopold, which was itself the culmination of a long

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100. Grootaers, "The Drama Continues," 453n234. Grootaers accurately reports that Carli did indeed attack the moderators for allowing the collegiality vote and Carli defended his evocation of Pistoia, but he did so in the careful manner described above.

101. If the report given to Yves Congar is correct, minority evocations of Pistoia continued after the exchanges in the *Aula* centered around Carli, but they were delivered privately by minority fathers directly to Pope Paul VI. See Congar's journal entry of November 16, 1963: "On the conservative side, attempts are being made to instil fear into [Paul VI] ... Possible or threatening dangers are pointed out to him and, for example, in the case of collegiality, the spectre of the Synod of Pistoia." Dom Leclerq delivered this news to Congar, having heard it from Alberigo. See Congar, *My Journal of the Council*, trans. Mary John Ronayne and Mary Cecily Boulding, ed. Denis Minns (Collegeville, MN: Liturgical, 2012), 426.



line of seventeenth- and eighteenth-century attempts at Catholic reform, from the most radical strains of Jansenism to some fairly moderate Gallican notions.

We have seen that *Auctorem Fidei* was cited by some Council Fathers in an attempt to orient discussion in a particular direction, and to exert what I have called a “controlling function” in certain debates over ecclesiological issues. Most notably, Carli, a central figure at the council, used the memory of Pistoia to liken his ecclesiological opponents to schismatics. Ultimately, the majority dealt with *Auctorem Fidei* by subjecting it to close textual scrutiny (Schäufele) or by applying a rigorous historical contextualization (Silva Henríquez) to argue that the condemnations of *Auctorem Fidei* could not be appropriately applied to the ecclesiological issues facing the council, in particular the problems of the origin of episcopal power and reserved canonical cases.

However, while not evoking Pistoia to frame their presentation of issues, the final documents did not technically violate the ecclesiological parameters of *Auctorem Fidei* (and *Pastor Aeternus*) either; the rights of the papacy were vigilantly guarded.<sup>102</sup> In this sense, the explicit ecclesiological condemnations in *Auctorem Fidei* did have a controlling function. However, the condemnations did not condition debate in the way Carli wished them to do, by the insinuations of the text and through the ultramontanist theology from which it arose. These did not ultimately circumscribe debate and were not determinative of the final ecclesiological affirmations of *Lumen Gentium* and *Christus Dominus*. It was an advance for the majority that something like Bishop Nicodemo’s cautious optimism prevailed in the tense ecclesiological debates over a renewed theology of the episcopacy and of its relations to the Holy See.<sup>103</sup>

Along with debates over *Dignitatus Humanae* and *Nostra Aetate*, the theological and juridical issues surrounding episcopal collegiality remained some of the most controversial and time-consuming on the council’s agenda. *Lumen Gentium* was finally promulgated on November 21, 1964; chapter 3 having been one the most intensely scrutinized and debated of any conciliar passage. On October 28, 1965, in the fourth and final session of the council, *Christus Dominus* was promulgated by an overwhelming vote. The judgment of Gilles Routhier broadly encapsulates the qualified, perhaps heavily qualified, optimism of many in the conciliar majority:

Vatican II succeeded, not without difficulty, in providing the Catholic Church with a conciliar text on bishops [*Christus Dominus*]; it seemed thereby to balance the unfinished teaching of Vatican I on the primacy of the Bishop of Rome. On the other hand, chapter I, on the role of the bishops in relation to the universal Church, did not manage to give a concrete insight into the application of the principles set down in chapter III of *Lumen gentium*, which dealt with the episcopate. While the new schema did assert once again that collegial authority can be

102. See, for example, *Lumen Gentium* (November 21, 1964), 21–23, [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_const\\_19641121\\_lumen-gentium\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html); *Christus Dominus* (October 28, 1965), 2, 4–5, 8, [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decree\\_19651028\\_christus-dominus\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_christus-dominus_en.html) (formerly *De Episcopis*). The prerogatives of Vatican I are clearly retained.

103. On Nicodemo, see above, note 33.

exercised outside a council (no. 5), it did not elaborate either the means of this exercise or the norms of defining it. No. 6 did reaffirm the concern of the bishops for the entire Church, but it did not suggest any way of making this concern effective ... It did indeed include the seeds of renewal, but nothing had yet been done about them.<sup>104</sup>

Just as concerns about the “unfinished business” of Vatican I survived long after that council closed in 1870, so have the concerns described by Routhier endured past the fiftieth anniversary of the closing of Vatican II. There were important moments in this continued debate in the church in the postconciliar period, such as the revision of Canon Law in 1983, the Extraordinary Synod of Bishops in 1985, and the promulgation of *Ut Unum Sint* (1995) and *Apostolos Suos* (1998) by Pope John Paul II. In the papacy of Francis, however, calls for a reexamination of collegiality, often through appeals to “synodality,” are increasing. In light of the collegial deliberations of the Synod on the Family (October 4–25, 2015) and the widely diverging reactions to the Apostolic Exhortation *Amoris Laetitia* (May 19, 2016), the Catholic Church may again be preparing for a major debate surrounding the exercise of the papal primacy in light of episcopal collegiality.<sup>105</sup>

### Author Biography

Shaun Blanchard is a doctoral candidate at Marquette University in theology. His current research seeks to draw parallels between and trace the influence of eighteenth-century reform on Vatican II and the twentieth-century Catholic Church. He has published in *Pro Ecclesia* and *New Blackfriars*. He is currently a Smith Fellow, living in Milwaukee.

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104. Gilles Routhier, “Finishing the Work Begun: The Trying Experience of the Fourth Period,” in *History of Vatican II*, vol. 5, *The Council and the Transition: The Fourth Period and the End of the Council; September 1965–December 1965*, ed. Giuseppe Alberigo and Joseph A. Komonchak (Maryknoll: Orbis, 2006) 49–184 at 180–81.

105. I am grateful to the Smith Family Fellowship for funding my travel and research during the time in which this article was completed. I am also grateful to Joseph Mueller, SJ, Ulrich Lehner, and the peer reviewers, who read earlier drafts of this essay and offered invaluable feedback.