



**The long and troubled history of the Council of Trent and its fortunes.
Legal-historical perspectives
(15th-20th centuries)
Reading seminar**

Research group: Normative knowledge in the praxis of the Congregation of the Council.
The production of normative categories and models for the post-Tridentine world
Max Planck Institute for Legal History and Legal Theory
September-December 2022
Room G503 – 18:00-19:30



Image: "Allegory of the Council of Trent", fresco by Andreas Brugger, 1798, parish church of St. Charles Borromeo in Hohenems (Vorarlberg, Austria)

Introduction

The image we have chosen for this reading seminar, the "Allegory of the Council of Trent", a fresco by Andreas Brugger (1737-1812), a minor German painter of the Rococo and Classicist period, well represents the long and complex fortune of the Council of Trent throughout history: its power to bind people and places far apart in time and space, its capacity to convey knowledge and paradigms – and to allow their continuous use and reuse. Our reading seminar will dive into this fortune, addressing it from five perspectives, each corresponding to a discussion session. First, we will approach the Council of Trent as the object of a wide range of interpretations – on the part of historical actors from the 16th century onwards, but also on the part of recent



historiography. Afterwards, we will reflect upon the changes that the Tridentine (and the series of norms following it) brought to how canon law was conceived and practiced along time. A further session will be dedicated to the role of the Council of Trent in establishing a legal framework where procedures shaped actors and vice-versa. The fruitful tension between the Tridentine as part of universal canon law and its transformations when transposed to local realities will also be addressed. Finally, we will discuss how the Council of Trent prompted the construction and transformation of legal knowledge, taking as point of departure the century-long efforts of the Congregation of the Council to interpret the Council of Trent to the Catholic world.

Each session will start with a commentary by a member of the research group or an invited researcher. Open discussion will follow.

Registration is necessary to take part of the reading seminar. Please register at least one week before the session you wish to attend, so as to allow enough time for the sending and preparation of the readings. Last-minute registrations will be accepted only on an exceptional basis, depending of room capacity. One may apply for more than one session in the same act of registration. A reminder of the event will be sent to the participants the day before each session.

To register, please send an e-mail to albani@lhl.mpg.de

The reading material will be in English, Italian and Portuguese.

Organisation and Contact

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Programme

29.09.2022

The Council of Trent. A 500-year history

The first meeting intends to look at the Council of Trent from different points of view: certainly as a punctual incident, with its own contextualisation and dynamics, but also as an event that has been prepared, desired, opposed, observed, commented on over time, which became a paradigm and that has had, and perhaps still has, an effective and tangible presence during its almost 500 years of history. The suggested readings will allow an in-depth examination of some historiographical positions on the council and the post-Tridentine era and will offer the possibility of discussing other possible interpretations of one of the central events of the modern world.



Readings:

- ❖ O'Malley, John W. (2018), *What Happened and Did Not Happen at the Council of Trent*, in: Wim, François – Violet, Soen (eds.) (2018), *The Council of Trent*, 1 (Academic Studies, 35, 1), Vandenhoeck & Ruprecht, Göttingen, pp. 49-68.
- ❖ Emich, Birgit (2015), *Dalla Chiesa tridentina al mito di Trento: una rilettura storico-concettuale*, in: *Storica*, 63, pp. 39-66.

Commentary: Benedetta Albani

19.10.2022

The Council of Trent and Canon Law

This session aims at examining how the Council of Trent was approached within the field of canon law along time, considering the challenges that the Tridentine brought forth from a theoretical and practical point of view. How canonists and other jurists addressed the novelty represented by this council – as well as the wide range of norms (pontifical constitutions, general and particular decrees, instructions, provincial councils, diocesan synods etc.) that followed it? This kind of inquiry implies observing changes at the level of historiography as well, considering the differences among the perspectives of legal history, history of the Church, theology etc. What, after all, characterized the so-called post-Tridentine canon law?

Readings:

- ❖ Sinisi, Lorenzo (2017), *Prima del Codex pio-benedettino. Il diritto della chiesa tridentina fra chiusura ed integrazione del corpus iuris canonici*, in: *Ephemerides Iuris Canonici*, 57, 2, pp. 525-565.
- ❖ Prodi, Paolo (1972), *Note sulla genesi del diritto nella Chiesa post-tridentina*, in: *Legge e vangelo. Discussione su una legge fondamentale per la Chiesa*, Paideia Editrice, Brescia, pp. 191-223.

Commentary: Christoph Meyer

09.11.2022

Actors developing procedures, procedures shaping actors. The Council of Trent in practice

The aim of this session is to discuss how the Council of Trent led to the redefinition of actors and legal institutions by establishing new procedures or transforming those already existent. In other words, the session means to dive into the close relationship between legal form and reality, acknowledging that it did not go only in one direction: just as procedures shaped actors, actors also imposed changes on procedures, so as to better accommodate them to particular circumstances. Discussion will focus on the examples of marriage and nomination of bishops. This session will take into account the judicial as well as the administrative sphere.



Readings:

- ❖ Quaglioni, Diego (2001), "Sacramenti detestabili". *La forma del matrimonio prima e dopo Trento*, in: Seidel Menchi Silvana - Quaglioni Diego (eds.), *Matrimoni in dubbio. Unioni controversie e nozze clandestine in Italia dal XIV al XVIII secolo*, Il Mulino, Bologna, pp. 61-79.
- ❖ Faggioli, Massimo (2001), *La disciplina di nomina dei vescovi prima e dopo il concilio di Trento*, in *Società e Storia*, 92, pp. 221-256.

Commentary: Jorge Traslosheros

30.11.2022

The space and places of the Council of Trent

This session intends first of all to investigate the tension between the universalistic conception of the council (Roman, but not only) and its local dimension, i.e. its use in local contexts, and thus attempt to define the spaces and places of the Council of Trent. The meeting will also offer the opportunity to discuss, in the light of current historiographical reflections, the well-known and debated question of the reception/application of the Council of Trent in the Catholic world and beyond.

Readings:

- ❖ Pizzorusso, Giovanni (2017), *The Congregation de Propaganda Fide and Pontifical Jurisdiction over the non-Tridentine Church*, in: Catto, Michaela – Prosperi, Adriano (eds.), *Trent and Beyond. The Council, Other Powers, Other Cultures*, Brepols, Turnhout, pp. 423-442.
- ❖ Ditchfield, Simon (2018), *De-centering Trent: How 'Tridentine' was the making of the first world religion?*, in: François, Wim - Soen, Violet (eds.), *The Council of Trent: Reform and Controversy in Europe and Beyond (1545-1700)*, 3, Vandenhoeck & Ruprecht, Göttingen, pp. 185-208.

Commentary: Thomas Duve

14.12.2022

Organise, classify, decide. The Council of Trent and the construction and use of legal knowledge in the modern world

This session aims to start a reflection on how the Council of Trent, via the Congregation of the Council, brought forth not only a large amount of case law to clarify the council's terms and enable its execution, but also comprised the urge to classify and organise this material in ways that were functional to governing purposes. The subject addressed is how legal knowledge is constructed and transformed within long-duration processes of resolution of practical cases.



Readings:

- ❖ Sinisi, Lorenzo (2020), «*Pro tota iuris decretalium ulteriore evolutione*»: le declarationes della Congregazione del Concilio e le loro raccolte dei secoli XVI e XVII fra divieti e diffusione, in: *Historia et Ius*, 18, pp. 1-40.
- ❖ Hespanha, António Manuel (2003), *Categorias. Uma reflexão sobre a prática de classificar*, in: *Análise Social*, XXXVIII, 168, 2003, pp. 823-840.

Commentary: Benedetta Albani and Anna Clara Lehmann Martins