

# Hypocrisy, ‘Prudence’, ‘Conscience’ in Administration: The Congregation of Bishops and Regulars in Seventeenth-Century Italy

Simone Maghenzani\*   
University of Cambridge

*The article argues that the post-Tridentine papacy was more focused on maintaining its own centrality than on implementing the reforms established by the Council of Trent. It shows that the Roman Curia often undermined its own bishops and interfered with their efforts to reform their dioceses. This practice – which might be perceived as hypocritical by us and was viewed as such by some contemporary commentators – was seen as justified by the baroque political virtue of ‘prudence’, and the idea of bishops being the conscience keepers of their dioceses. The article, in pondering the theme of hypocrisy, explores the work of the Sacred Congregation of Bishops and Regulars, which was responsible for overseeing the episcopate and religious orders. It uses previously unnoticed sources from the Bodleian Library in Oxford to show how the Congregation operated and how it perceived its role in defending the rights of the church and its clergy.*

---

## INTRODUCTION

‘I would like to present the hypothesis,’ wrote the German church historian Günther Wassilowsky, ‘that the post-Tridentine papacy was more interested in the permanent assertion of its own decision-making powers and the symbolic representation of papal sovereignty than in the realisation of Tridentine reform.’ ‘I would like to make the case,’ he argued, ‘that the post-Tridentine papacy massively violated

\* My thanks go to Miles Pattenden and Joan Redmond for reading a draft of this article, and to the Librarian at Girton College, Cambridge, Jenny Blackhurst, for her practical help. Girton College, University of Cambridge, Huntingdon Road, Girton, Cambridgeshire, CB3 0JG. E-mail: [sm955@cam.ac.uk](mailto:sm955@cam.ac.uk).

*Studies in Church History* 60 (2024), 216–237 © The Author(s), 2024. Published by Cambridge University Press on behalf of the Ecclesiastical History Society. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited.  
doi: 10.1017/stc.2024.8

the order that was in fact created by the Tridentinum.<sup>1</sup> It would be hard to disagree with these statements. The empowerment of Roman Catholic bishops to reform their dioceses pastorally is one of the most celebrated outcomes of the Council of Trent (1545–63), almost a term of reference of Counter-Reformation scholarship.<sup>2</sup> Many studies have nevertheless shown that to achieve such reform often meant going through a real struggle with Rome. In seventeenth-century Italy, the ability to improve diocesan discipline very often did not align with the actual instructions bishops received from the Curia, the Holy See's administrative centre.<sup>3</sup>

During the entirety of the Counter-Reformation, as much of the recent historiography has illustrated, the Roman Curia often undermined its own Italian bishops via the work of its congregations, the apostolic visitations of the dioceses, and the offices of the nuncios (who not only discharged the function of ambassadors, but also led their own tribunals).<sup>4</sup> On the ground, and almost on an everyday basis, aristocrats, clerics and common people tried to escape from the jurisdiction of their bishops. Clergy, especially when accused of wrongdoing, tried any possible expedient route to undermine episcopal decisions. In this, they repeatedly found a powerful ally in Rome.

The aim of this article is to consider the practice of the Curia in weakening diocesan reforms. Most importantly, I want to investigate the mindset of one of its institutions that was *de facto* at the heart of the unravelling of the local projects of episcopal reform, the Sacred Congregation of Bishops and Regulars, which, from the late sixteenth

<sup>1</sup> Günther Wassilowsky, 'The Myths of the Council of Trent and the Construction of Catholic Confessional Culture', in Violet Soen and Wim François, eds, *The Council of Trent: Reform and Controversy in Europe and Beyond (1545–1700)*, 3 vols (Göttingen, 2018), 1: 91, 82–3.

<sup>2</sup> See, for instance, Ronnie Po-chia Hsia, *The World of Catholic Renewal (1540–1770)*, 2nd edn (Cambridge, 2005; first publ. 1998); John W. O'Malley, *Trent and all That: Renaming Catholicism in the Early Modern Era* (Cambridge, MA, 2000).

<sup>3</sup> Celeste McNamara, *The Bishop's Burden: Reforming the Catholic Church in Early Modern Italy* (Washington, 2020); Thérèse Peeters, *Trust in the Catholic Reformation: Genoa 1594–1664* (Leiden, 2022); Thomas B. Deutcher, *Punishment and Penance: Two Phases in the Bishop's Tribunal of Novara* (Toronto, 2013).

<sup>4</sup> Massimo Firpo, *Riforma cattolica e concilio di Trento. Storia o mito storiografico?* (Rome, 2022); Elena Bonora, *Giudicare i vescovi. La definizione dei poteri nella Chiesa posttridentina* (Rome and Bari, 2007); Michele Mancino and Giovanni Romeo, *Clero criminale. L'onore della Chiesa e i delitti degli ecclesiastici nell'Italia della Controriforma* (Rome and Bari, 2013).

century, was the Roman dicastery with oversight of the episcopate and religious orders, and of controversies among clergy.

This article will demonstrate that the Curia did not perceive as hypocritical the distance that occurred between the theory established at Trent and the outcome of many of its decisions. On the contrary, this article argues that the Congregation of Bishops and Regulars emphasized two ideas as justifications for its actions: the political virtue of 'prudence', so typical of seventeenth-century politics; and the idea of the bishop as the 'keeper of the conscience' of his diocese, and therefore the need for the prelate in question, in extreme circumstances, to obey a superior order of priorities and principles, sometimes even going against the letter of ecclesiastical law. The split between the narratives of reform and moral conformity of the clergy coming out of Trent's decrees, and the practice of 'negotiated justice', in which the Congregation was often embroiled, is palpable. At the heart of the Congregation's purpose was the defence, at all times, of the rights of the church and of its clerks in holy orders.

To our eyes, as well as in the eyes of some contemporary critics, hypocrisy was a key aspect of the Congregation's *modus operandi*. Hypocrisy is of course a polyhedric concept: it can belong to our interpretation, as well as appearing in accusations formulated at the time. It can be a contested concept. To some extent, hypocrisy as we understand it was framed in the age of the baroque as a form of political deception: it belonged to the virtues of statesmanship. But how else should the fact that, as we will see, almost none of the bishops in charge of the Congregations of Bishops and Regulars actually had any pastoral experience be interpreted? How should the fact that the ultimate authority in charge of local episcopal reforms and discipline consistently lay in the hands of absentee bishops be judged, if not as hypocritical?

When we look at the self-protective instincts of the ecclesiastical hierarchy, we can undoubtedly find elements of continuity, as well as discontinuity, throughout the history of the church. The preoccupation with scandal, and its avoidance, has through the centuries influenced the development of clerical discipline. It has also been deeply intertwined with Christian attitudes towards gender and sexuality. Extensive scholarship has paid attention to such themes, both in terms of historical research and of Christian ethics, as well as part of current political and ecclesiastical debates. This includes the work of Dyan Elliott, Francesco Benigno, Vincenzo Lavenia, Thomas

P. Doyle, Jean Bartunek and many others.<sup>5</sup> This article is more specifically concerned with investigating the new institutional mentalities of 'cover-up' that developed within the Roman Curia during the Counter-Reformation.

This article will explore material from five volumes of records (previously unnoticed by scholars) of the Congregation of Bishops and Regulars dating from the period 1604–7, currently held at the Bodleian Library in Oxford.<sup>6</sup> Most of these are copy letter books, with correspondence between officials of the Congregation and Italian dioceses, priests and ecclesiastical institutions. These show some of the day-to-day actions of the Congregation, their interest in pursuing certain cases, or the lack thereof. With the entire correspondence for a year at our disposal, we can see the routine nature of the work of the Congregation, what it cared about and how it thought. Antonio Menniti Ippolito has done something similar with the so-called *Positiones Episcoporum*, the official reports and complaints by the bishops to the Congregation in Rome, for the year 1664.<sup>7</sup> Our sources bring us to a much earlier period, and an even less organized and more indiscriminate operating of the Congregation at the moment when the initial post-conciliar willingness to reform was fading away.<sup>8</sup>

<sup>5</sup> Dyan Elliott, *The Corrupter of Boys: Sodomy, Scandal, and the Medieval Clergy* (Philadelphia, PA, 2020); Francesco Benigno and Vincenzo Lavenia, *Peccato o crimine. La Chiesa di fronte alla pedofilia* (Rome and Bari, 2021); Thomas P. Doyle, A. W. R. Sipe and Patrick J. Wall, *Sex, Priests and Secret Codes: The Catholic Church 2,000-Year Paper Trail of Sexual Abuse* (Horley, 2016); Jean M. Bartunek, Mary Ann Hinsdale and James F. Keenan, eds, *Church Ethics and Its Organisational Context: Learning from the Sex Abuse Scandal in the Catholic Church* (London, 2005).

<sup>6</sup> The Bodleian Library purchased these records from an Oxford antiquarian dealer in the mid-1980s. Prior to that date, we can only make the hypothesis that these papers were among those brought from Rome to Paris during the Napoleonic occupation (1809–14) and that, in 1815, rather than being sent back to Rome or destroyed, they passed into private hands.

<sup>7</sup> Antonio Menniti Ippolito, *1664. Un anno della Chiesa universale. Saggio sull'italianità del papato* (Rome, 2011), 87–94.

<sup>8</sup> Some of the administrative changes of the Congregation, compared to an earlier period, are described in Menniti Ippolito's *1664*. As with much of the Curia, a more substantial reorganization of the Congregation's operations would come in 1693, with the reforms of Pope Innocent XI: see Silvano Giordano, 'Uomini e dinamiche di Curia durante il papato di Innocenzo XI', in Richard Bösel et al., eds, *Innocenzo XI Odescalchi. Papa, politico, committente* (Rome, 2014), 41–56.

If we look at those sources most used in the historiography of Counter-Reformation pastoral reform – acts of synods, conciliar doctrinal documents, reports of visits *ad limina* (the compulsory quinquennial trip to Rome by diocesan ordinaries), apostolic visitations, letters to and from the Congregation of the Council – we might be justified in thinking that a transformation of the discipline of the clergy and an end to clerical abuses was actually taking place in the sixteenth and seventeenth centuries. But the Congregation of the Council was mostly tasked with (re)interpreting the legal corpus of Trent, as well as with encouraging the celebration of (often neglected) diocesan synods, checking pastoral reports and organizing episcopal visits to the Holy See. Except for oversight on the matter of forced vocations, it dealt with very few disciplinary cases.<sup>9</sup> In drawing instead on the documents of the Congregation of the Bishops and Regulars (and we could probably say something similar for the Camera Apostolica and the Tribunal of the Apostolic Signatura), the gap between the lofty ideals of Tridentine reform and the practical compromises of its everyday reality hit home quite quickly.<sup>10</sup>

It is not my intention to deny the centrality and creativity of Counter-Reformation bishops, especially outside of Europe and in missionary contexts. As Simon Ditchfield has rightly articulated, ‘de-centering Trent’ has to be a priority in the current historiography on the Counter-Reformation.<sup>11</sup> In addition, national contexts were hugely different, from France to Spain, to the Holy Roman

<sup>9</sup> Anne Jacobson Schutte, *By Force and Fear: Taking and Breaking Monastic Vows in Early Modern Europe* (London and Ithaca, NY, 2011). On the Congregation of the Council, see Federica Meloni, ‘La Sacrée Congrégation du Concile et l’interprétation de la réforme tridentine’, in Soen and Wiem, eds, *The Council of Trent*, 1: 371–96, at 387; Christian Wiesner, *Tridentinisches Papsttum und Trienter Residenzpflicht. Römische Konzilsrezeption zwischen Kurienzentrismus und Seelsorgsreform (1563–1680)* (Stuttgart, 2022). See also Menniti Ippolito, 1664, 23–5. On local synods, see Pietro Caiazza, *Tra stato e papato. Concilii provinciali posttridentini (1564–1648)* (Rome, 1992).

<sup>10</sup> Maria Grazia Pastura Ruggiero, *La reverenda Camera Apostolica e i suoi archivi* (Rome, 1984); Christopher Weber, ‘Il referendariato di ambedue le Segnature. Una forma speciale del ‘servizio pubblico’ della Corte di Roma e dello Stato pontificio’, in Armand Jamme and Olivier Poncet, eds, *Offices et papauté (XIVe–XVIIe siècle). Charges, hommes, destins* (Rome, 2013), 565–86; Mario Rosa, *La Curia romana nell’età moderna. Istituzioni, cultura, carriere* (Rome, 2013).

<sup>11</sup> Simon Ditchfield, ‘De-centering Trent: How “Tridentine” Was the Making of the First World Religion?’, in Soen and François, eds, *The Council of Trent*, 3: 185–208, at 192.

Empire.<sup>12</sup> Even within Italy, the nature of episcopal appointments, their jurisdiction and the pressure put on them by secular authorities, differed significantly between the papal states and the Kingdom of Naples, and those localities where the secular state was more involved (or tried to be) in the administration of ecclesiastical justice, such as the Duchy of Milan, the Duchy of Savoy and the Republic of Venice.<sup>13</sup> Further, as it has been amply demonstrated, when we look at the Italian episcopate, periodization also matters: it is undeniable that there was an early push for reform by some bishops in the immediate aftermath of the Council.<sup>14</sup> Nevertheless, such efforts soon weakened, and by the early seventeenth century, Rome was not that keen to oversee the implementation of sweeping reforms (and would not be until at least the 'second wave' of reforms in the 1670s and 1690s, or even until those of Benedict XIV in the eighteenth century).<sup>15</sup>

It is my contention that the documents examined here offer an insight into Rome's thinking about church discipline and local ecclesiastical justice. What emerges is a world of political dissimulation, cunning political manoeuvring, legal escamotages and, sometimes, outright hypocrisy.

#### THE CONGREGATION OF BISHOPS AND REGULARS

*The Sacra Congregatio negotiis et consultationibus Episcoporum et Regularium praeposita* traced its origins to the curial reforms of Pius V (1566–72), Gregory XIII (who in 1576 created a Congregation of

<sup>12</sup> Joseph Bergin, *The Making of the French Episcopate, 1589–1661* (New Haven, CT, 1996); Christian Hermann, *L'Église d'Espagne sous le patronage royal (1476–1834)* (Madrid, 1988).

<sup>13</sup> Federico Chabod, *Lo Stato e la vita religiosa a Milano nell'epoca di Carlo V* (Turin, 1971); Achille Erba, *La Chiesa sabauda tra Cinque e Seicento. Ortodossia tridentina, galli-canesimo savoiardo e assolutismo ducale (1580–1630)* (Rome, 1979); Paolo Prodi, 'Chiesa e società', in Gaetano Cozzi and Paolo Prodi, eds, *Storia di Venezia. Dalle origini alla caduta della Serenissima*, 14 vols (Rome, 1995), 6: 305–39.

<sup>14</sup> Mario Rosa, 'La Chiesa meridionale nell'età della Controriforma', in Giorgio Chittolini and Giovanni Miccoli, eds, *Storia d'Italia Einaudi. Annali 9* (Turin, 1986), 295–346, at 299. Rosa clearly shows that by the 1580s a settlement was reached between Naples and the Roman Catholic Church, allowing several traditional practices to continue.

<sup>15</sup> Firpo, *Riforma cattolica*; Bösel et al., eds, *Innocenzo XI Odescalchi*; Maria Teresa Fattori, *Benedetto XIV e Trento. Tradurre il concilio nel Settecento* (Stuttgart, 2015).

Bishops) and, most importantly, Sixtus V (who famously reformed the Curia via his bull *Immensa Aeterni Dei* in 1588).<sup>16</sup> The joint oversight of bishops and regulars by one congregation was achieved only in 1601 under Clement VIII. A few decades later, Urban VIII made clear that the Congregation's remit was essentially 'universal', with the only limitation that it could not (re)interpret Trent's canons. From the Congregation of Bishops and Regulars in 1622 stemmed the Congregation of *Propaganda Fide*, as well as the Congregation of Ecclesiastical Immunity in 1626.<sup>17</sup> We should not think of congregations as being like modern cabinet ministries: the boundaries of responsibility were porous, and the outcome of a request often depended on who was approached in Rome. The congregations received reports on all sorts of questions, but mostly accusations concerning bishops, priests and the regular orders, as well as complaints of bishops to Rome. The key issues were: matters of benefices, patronage and patrimony; clerical concubinage (a terrain disputed, of course, with the Inquisition); diocesan and parish vacancies, especially when not everything went smoothly; questions concerning rites, especially how much it was right to charge for certain services; disputes among clergy and local authorities, between regular and secular clerics, and between bishops and monasteries; conflicts of jurisdiction among tribunals, especially between the tribunal of the bishop, that of the nuncio, and the Holy Office; and finally the issue of the 'dowries' of young aristocratic women who joined the regular life.

When we look at the actual archive of the Congregation in Rome – a very extensive one, preserved in the Apostolic Archive – the reality seems less grand. According to the statistics compiled by Antonio Menniti Ippolito, ninety-eight per cent of the sources pertain to

<sup>16</sup> Antonio Menniti Ippolito, 'Sacra Congregazione dei Vescovi e Regolari', *Associazione Italiana dei Professori di Storia della Chiesa*, online at: <<https://www.storiadellachiesa.it/glossary/congregazione-dei-vescovi-e-regolari-e-la-chiesa-in-italia>>, accessed 8 January 2024; Giovanni Romeo, 'La Congregazione dei Vescovi e Regolari e i visitatori apostolici nell'Italia post-tridentina: un primo bilancio', in Maurizio Sangalli, ed., *Per il Cinquecento religioso italiano. Clero, cultura e società* (Rome, 2003), 607–14; Maria Teresa Fattori, *Clemente VIII e il Sacro Collegio, 1592–1605. Meccanismi istituzionali e accentramento di governo* (Stuttgart, 2004), 173–8.

<sup>17</sup> Massimo Carlo Giannini, 'La Congregazione dell'Immunità ecclesiastica. Per una storia dell'istituzione e dei suoi componenti (1623–1700)', *Archivium Historiae Pontificiae* 53 (2019), 301–26.

Italy. Of these, eighty per cent refer to southern Italy.<sup>18</sup> The main exception is some correspondence with the Iberian peninsula. Simon Ditchfield is correct in articulating some caution in inferring from this that the early modern papacy – as Menniti Ippolito argued – could be seen less as a universal monarchy (the classic argument put forward by Paolo Prodi),<sup>19</sup> and more as a commonwealth of national churches.<sup>20</sup> Of course, it would be possible to argue that there was quite a difference between the representation the papacy gave of itself and the everyday (and very Italian) life of the Curia. Maria Antonietta Visceglia has found the right balance in describing the self-understanding of the papacy at the turn of the seventeenth century, showing the presence both of strong Italian dynamics and of globalizing forces and narratives.<sup>21</sup> In sum, we would be too quick in reducing the preoccupation of much of the Curia to Italy. Nevertheless, it is quite clear, in this instance, that the focus of interest of the Congregation was often local and Italian, deeply intertwined with specific cultural, political and social dynamics, in which the Italian cardinals and bishops of the Curia were personally embedded.

Investigating the administrative workings of the early modern Roman Curia can often feel like entering into a thick forest.<sup>22</sup> The forest turns into an impenetrable jungle when we move onto the ground of church life. Trying to make sense of rights and privileges, feudal entitlements and ecclesiastical liberties, forms of patronage and local traditions, can become bewildering, and can make any attempt at systematization and generalization almost impossible.<sup>23</sup> Michele Mancino and Irene Fosi, for example, have shown the many conflicts

<sup>18</sup> Menniti Ippolito, *1664*, 87–152.

<sup>19</sup> Paolo Prodi, *Il sovrano pontefice: un corpo e due anime. La monarchia papale nella prima età moderna*, 2nd edn (Bologna, 2006; first publ. 1982).

<sup>20</sup> Ditchfield, 'De-centering Trent', 192. See also, idem, "'In Sarpi's shadow': Coping with Trent the Italian way', in *Studi in memoria di Cesare Mozzarelli*, 2 vols (Milan, 2008), 2: 1585–606.

<sup>21</sup> Maria Antonietta Visceglia, 'The International Policy of the Papacy: Critical Approaches to the Concepts of Universalism and Italianità, Peace and War', in eadem, ed., *Papato e politica internazionale nella prima età moderna* (Rome, 2013), 17–62.

<sup>22</sup> Niccolò Del Re, *La Curia romana. Lineamenti storico-giuridici*, 4th edn (Vatican City, 1998; first publ. 1952), 369–72.

<sup>23</sup> Claudio Donati, 'Vescovi e diocesi d'Italia dall'età post-tridentina alla caduta dell'antico regime', in Mario Rosa, ed., *Clero e società nell'Italia moderna* (Rome and Bari, 1992), 321–89. See also Gaetano Greco, 'Fra disciplina e sacerdozio. Il clero secolare nella società italiana dal Cinquecento al Settecento', in *ibid.* 45–113.



of jurisdiction among the several branches of ecclesiastical penal justice.<sup>24</sup> When we move to the matter of benefices, the complications can appear endless: in early modern Italy, these benefices could be major or minor, they could be chaplaincies *sine cura* (without care of souls), curacies, canonries, or be constituted by the simple right to officiate. One could be the holder of a *provostura* or *prepositura nullius*, a type of benefice free from episcopal oversight – and the language would often change according to regional habits. Patronages could be ecclesial (that is, owned by religious orders, bishops or monasteries) or secular, and in turn these could be split among those kept by individual families, those which were elective, and those belonging to secular institutions.<sup>25</sup> Even the best-intentioned bishop had to negotiate a constant set of limitations to his authority and see many doors slammed in his face: a constant reminder that he had no right to trespass. If much of this was typical throughout early modern Europe, the Italian south was for many reasons the apex of this complex world: the Kingdom of Naples had the highest number of dioceses (131) of any country in Christendom, which were often extremely small and with very limited financial resources.<sup>26</sup> Its clergy was therefore very often poor and highly dependent on local economic and social networks, not least because of the common presence of *ricettizie* churches, temporal associations of self-organized and property-owning priests. Clerical literacy was rather limited (it would take up to the eighteenth century for the establishment of diocesan seminaries in some localities); the number of ecclesiastical properties was enormous and deeply intertwined with the power of local feudal and urban aristocracy; monasteries and churches could be quite isolated, and it could take years for illegal practices to become noticed by superiors.<sup>27</sup> All this was the cause of endless conflicts and

<sup>24</sup> Michele Mancino, 'La giustizia penale ecclesiastica nel primo Seicento: linee di tendenza', *Studi Storici* 51 (2010), 1003–33; Irene Fosi, *La giustizia del papa. Sudditi e tribunali in età moderna* (Rome and Bari, 2007).

<sup>25</sup> On the matter of the *jus patronatus*, see Gaetano Greco, 'I giuspatronati laicali in età moderna', in Chittolini and Miccoli, eds, *Storia d'Italia*, 9: 531–72. For the patronage of bishoprics, see Mario Spedicato, *Il mercato della mitra. Episcopato regio e privilegio dell'alternativa nel Regno di Napoli in età spagnola, 1529–1714* (Bari, 1996). See also Simone Maghenzani, 'Giuspatronati laicali e benefici ecclesiastici. Ripartendo dal protestantesimo', *Rivista Storica Italiana* 133 (2021), 783–824.

<sup>26</sup> Rosa, 'La chiesa meridionale'.

<sup>27</sup> Enrico Stumpo, 'Il consolidamento della grande proprietà ecclesiastica nell'età della Controriforma', in Chittolini and Miccoli, eds, *Storia d'Italia*, 9: 264–89; Giovanni

of numerous reports to the Curia in Rome, which was frequently asked to intervene by those who wanted to keep their bishop at bay.

The Congregation of Bishops and Regulars shows us a world of clerical privileges and of resistance to reform, an opposition evenly shared between local clergy and parts of the Curia in Rome. Hypocrisy was essential to this reality. It appeared in the form of immunities and cover-ups of corruption accusations, but most importantly in protecting clerical power and entitlement above the rights of lay victims of all sorts of abuses. Protecting the status and public honour of the clergy – even sometimes defending the indefensible – was at the heart of the Congregation's operation. But what was the reasoning behind all this?

Cardinal Giovan Battista de Luca – the great ecclesiastical lawyer of the mid-seventeenth century – offered a good insight into the mindset of those who governed the Bishops and Regulars.<sup>28</sup> 'The Congregation', he wrote:

is used to proceed reasonably as an ecclesiastical prince, with the rules of prudence, not deviating of course from the *sensus*, that is, from the reasons of the sacred canons and the councils, but also with those news and information that are perhaps best kept secret, as the nature of these matters require, many of which concern supporting the dignity of bishops, the reputation of orders, and that of monasteries, and therefore it is better not to show these in public ... as it is necessary to govern them with pious ecclesiastical politics.<sup>29</sup>

Prudence, *sensus ecclesiae*, dignity, reputation: these are four terms that remind us of the forms and expressions of politics in the age of the baroque. They are four pillars of the politics of dissimulation

---

Brancaccio, 'La geografia ecclesiastica', in Giuseppe Galasso and Rosario Romeo, eds, *Storia del Mezzogiorno* (Rome, 1994), 235–76; Firpo, *Riforma Cattolica*, 172–3.

<sup>28</sup> Agostino Lauro, *Il cardinale Giovanni Battista de Luca. Diritto e riforma dello Stato della Chiesa* (Naples, 1991).

<sup>29</sup> 'Ragionevolmente alle volte suol camminare da principe ecclesiastico, con le regole prudenziali, non devianti però dal senso, ovvero dalla ragione de' sacri canoni e de' concilii, e con le notizie e informazioni anche occulte, così richiedendo la qualità de' negozi, molti de' quali, o per sostenere la dignità episcopale, o la riputazione delle religioni, o de' monasteri, non conviene di mettere in pubblico ..., sicché comple di governarli con una pia ecclesiastica politica': Giovan Battista de Luca, *Il Dottor volgare ovvero il compendio di tutta la legge civile, canonica, feudale e municipale* (Rome, 1673), 4: 514. See also Menniti Ippolito, 1664, 26.

that were so typical of this era (and perhaps are typical of outright hypocrisy too). To some extent, this was clearly the legitimization of outright Machiavellian behaviour. Indeed, to some extent too, De Luca was simply rationalizing, a posteriori, the practice of the Congregation. This was an explanation, also, that Rome had to think with the 'mind of the Church', keeping its reputation as its highest priority, and that, at all costs.

#### KEEPING THE CONSCIENCE OF THE CHURCH

In the spring of 1604, the Congregation wrote to the office of the archbishop of Naples, asking to exert pressure on the archpriest (the dean) of the cathedral, that he should not reprimand and discipline one of the canons, known for going around with a knife with which he intimidated people.<sup>30</sup> The canon was apparently a 'well connected' man, and some of the city greats would be upset if he were to be punished, despite his behaviour.<sup>31</sup> On 27 July, the Congregation wrote again to the see of Naples regarding accusations of sexual impropriety against one of the priests: they objected that 'he is known to us as a good man, and honourable priest', and recommended that the authorities close the inquiry.<sup>32</sup>

These exchanges are a good example of the Congregation's practices. Several letters from the Congregation of Bishops and Regulars engage with Trent's decisions, formulating exceptions to the new rules concerning discipline and oversight. Trent had established a new disciplinary system, but, in response to emergencies, for reasons of 'prudence', or in needing to keep scandals from coming out, the old procedure of managing affairs was often still invoked. The preferred method of solving an issue was the extrajudicial one. Often a letter would be sent from the Congregation, presenting the way out: it was rare that Rome would indicate that a petition had to be heard by a court, and even more rarely, by a local one. Occasionally, the Congregation of the Council would be consulted on a point of

<sup>30</sup> These letters reached Naples during the vacancy that had arisen with the death of the archbishop, Cardinal Alfonso Gesualdo, in February 1603; he was replaced only in 1605 by Cardinal Ottavio Acquaviva d'Aragona. The *sede vacante* might help to explain the rather peremptory tone used by the Congregation.

<sup>31</sup> Oxford, Bodl., MS Ital. c. 82–86, now in MS Cons. Res. c. 44, vol. 1, fol. 58<sup>r</sup>.

<sup>32</sup> *Ibid.*, fol. 69<sup>r</sup>.

doctrine or principle, but mostly the Congregation took its own decisions directly. From time to time, a case was entrusted to a cardinal of the Congregation, who would have to come up with a solution, and would have oversight of the outcome.<sup>33</sup> Sometimes, the Congregation simply wanted to exercise what was, essentially, a moderating effect. When the bishop of Alatri (Lazio), Michelangelo Brancavalerio, became the object of a complaint from his community concerning his brother who had been lending money at high interest, beating people up and issuing threats, the Congregation encouraged the bishop to try to calm down his sibling and stop him from misbehaving (instead of exiling him, as demanded by the petitioners).<sup>34</sup> The general picture is of a Congregation that was constantly concerned about the defence of the rights and privileges of the church and the clergy, even on matters as trivial as asserting the right to choose the preacher for the Lenten cycle.<sup>35</sup>

Priests were not always defended. A clear situation in which a priest would face the punishment of the Congregation was if he himself had decided to avail of secular justice. On 14 October 1604, for example, the Congregation wrote to the bishop of Senigallia (Marche), Antaldo degli Antaldi, about a priest causing 'discord among the people', because he had decided to turn to a secular tribunal – instead of an ecclesiastical one – to defend some of his privileges. This would potentially destabilize the recognition of ecclesiastical immunities, and so was to be brought to an end, and the priest punished for unintentionally undermining the church.<sup>36</sup> The only eventuality in which the Congregation was not reluctant to involve secular justice was in cases of sexual violence of priests against nuns: in such situations, the Congregation generally favoured the hanging of the priest, mostly privately, but occasionally in public. Sometimes, there was no better outcome for the victim: in extreme cases, nuns (especially those who had become pregnant and either given birth to children or undergone an abortion) were enclosed in

<sup>33</sup> Gaetano Moroni, *Dizionario di erudizione storico-ecclesiastica*, 109 vols (Venice, 1840–78), 16: 278.

<sup>34</sup> Rome, Vatican City, Apostolic Vatican Archive, Congr. Vescovi e Regolari, *Registra Episcoporum*, 109, c. 50<sup>r-v</sup>.

<sup>35</sup> Stanislao da Campagnola, 'La predicazione quaresimale. Gestione, evoluzione, tipologia', in idem, *La predicazione in Italia dopo il Concilio di Trento tra Cinquecento e Settecento* (Rome, 1994), 243–80.

<sup>36</sup> Bodl., MS Ital. c. 82–86, now in MS Cons. Res. c. 44, vol. 1, fol. 221<sup>r</sup>.

their cells for the remainder of their lives, with the doors bricked up.<sup>37</sup>

Matters of privileges and benefices constantly appear in these Oxford documents: the Congregation for the Ecclesiastical Immunity was, at this stage, yet to be founded. The case of the bishop of Gravina (Puglia), Girolamo De Mari, who had also acted for a while as the apostolic administrator of the diocese of Matera, and who refused – once an episcopal vicar had been dispatched to Matera – to give up the income of several pensions imposed on benefices by him, is indicative of much of the correspondence.<sup>38</sup> Often the Congregation wrote in support of the local bishop against some monastery or stubborn parish priest who was unwilling to submit to the will of the ordinary. Sometimes, the pettiness was extraordinary. The bishop of Vicenza (in theory, the absentee Cardinal Giovanni Dolfn, but in all probability the auxiliary bishop Raffaele Inviziati) had no success in resolving a dispute between a nunnery and a parish priest on the matter of who should possess the lock and keys of a church (and thus the right to open up and close the building). In the end, only Rome could resolve the dispute.<sup>39</sup> Whilst on financial issues the Congregation usually took the side of the bishop, on disciplinary matters the Congregation often undermined the decisions of the ordinary, frequently restoring priests to their previous roles, regardless of their suspensions or excommunications.<sup>40</sup> The Congregation was always adamant in defending clergy from any secular inquiry, or from any dispute with local authorities. Occasionally, the technique was a bureaucratic one: constantly asking for additional information, for further discussion, or for a re-examination of the jurisdiction's rights, before any decision should be taken.<sup>41</sup> The practice of undermining the local bishop became quite evident. In 1600, as part of his attempts to limit the success of those who opposed pastoral reforms in the Kingdom of Naples, Clement VIII had to explain to the Congregation that 'from now onwards we should proceed with more calm with bishops, and not trust so easily the reports of the complainants.'<sup>42</sup> His plea went unheard.

<sup>37</sup> Mancino and Romeo, *Clero Criminale*, 182.

<sup>38</sup> Bodl., MS Cons. Res. c. 44, vol. 1, fol. 166<sup>r-v</sup>.

<sup>39</sup> *Ibid.*, vol. 2, fol. 105<sup>r</sup>.

<sup>40</sup> *Ibid.*, vol. 1, fol. 429<sup>v</sup>.

<sup>41</sup> *Ibid.*, vol. 2, fol. 272<sup>r</sup>.

<sup>42</sup> Quoted in Fattori, *Clemente VIII*, 178 n. 97.

Several cases in these files concerned some of the more isolated dioceses of the Italian south. The lack of clergy able to say mass was always given as a reason (or an excuse?) for priests previously accused of wrongdoing or suspended, to be moved or redeployed. Close to Easter of 1607, the Congregation did not hesitate to announce to the southern Italian dioceses: 'We judge right that – among those who had incurred excommunication or had been suspended – some will be given the faculty to absolve in foro conscientiae [i.e. in confession] as the timing requires it because of the imminence of the Holy Days.'<sup>43</sup> Scarcity of priests was also the reason behind the solution offered in the following strange case. The bishop of Marsico (Basilicata) had initially refused to absolve a priest who had entered a marriage, but had also recently become a widower, arguing that this was a case reserved for the pope. The issue was serious because the priest had married in church after having been ordained. In the end, the general agreement was for an absolution, because the diocese was in desperate need of clerics, and after all the poor chap was indeed a good man.<sup>44</sup>

Despite the lack of available priests, in many parts of Italy – and especially in Calabria – there was a plethora of men ordained only in minor orders. They often did not have a benefice to support themselves and frequently ended up leading the life of brigands, yet they still routinely asked for exemptions from the secular courts. Criminality was a common way of life in these circumstances, and cases of homicide were frequent. A group of minor clergy had even managed to 'run a brothel' out of the church of Magisano, in the diocese of Catanzaro (Calabria), in order to make ends meet. The bishop's frustration could not be greater: it was like fighting against a hydra, with new heads constantly reappearing despite his actions.<sup>45</sup> He was not alone. The bishop of Montepeloso (Basilicata), Lucio Maranta, complained to the Congregation that the local 'bosses' among the clergy were making his life hell, although he had inflicted on them 'ten trials' (the most significant case concerned sexual

<sup>43</sup> 'Di quelli i quali per il passato furono incorsi in scomunica o sospensione si giudica bene [che si] dia l'autorità ad alcuni che possano assolvere et abilitare *in foro conscientiae* tanto più che l'opportunità del tempo lo richiede per la vicinanza dei giorni santi.' Bodl., MS Ital. c. 82–86, now in MS Cons. Res. c. 44, vol. 3, fol. 271<sup>r</sup>. Italics mine.

<sup>44</sup> Apostolic Vatican Archive, Congr. Vescovi e Regolari, *Registra Episcoporum*, 109, c. 143<sup>v</sup>.

<sup>45</sup> Menniti Ippolito, 1664, 129.

intercourse with a virgin, fornication with married women and usury). The Congregation did not take the side of poor Maranta, instead referring the case to a neighbouring bishop who quickly proved to be more friendly to the accused.<sup>46</sup> In a story well illustrated by Massimo Firpo, some bishops decided to give up: according to Cornelio Musso, bishop of Bitonto (Puglia), his flock was ‘undisciplined and undisciplinable’, and he was lost in a nest of vipers of ‘pretensions of patronages of churches and monasteries’. In the end, he decided to ask Rome to be allowed ‘to leave this Egypt’: a bishopric was just a way ‘to lose time, stuff, and scholarship’.<sup>47</sup>

In the more sordid stories, it is often clear that the incriminated clergy were aware that Rome could offer them a helping hand in getting out of trouble. Invoking a conflict of jurisdiction was one possible way out. Several priests, for example, had been found sleeping or living with young boys or girls (a four-year-old girl, in the case of Larino’s priest). Bishops often denounced these situations to Rome: in the words of the contemporary ordinary of Pozzuoli (Campania), Jerónimo Bernardo de Quirós, several priests were guilty of ‘the most indecent actions in respect of their habit and clerical honesty’.<sup>48</sup> Rarely were they dismissed or put on trial: more often, they were simply moved to another parish or diocese.<sup>49</sup> When a priest who had raped his own daughter in a church building in the diocese of Ferentino was put in jail (in the same room as the victim!), he did not hesitate to call on Rome on procedural grounds, to free him both from the episcopal tribunal and from the secular one, claiming the immunity provided by the building. When the archpriest of the *nullius* church of San Pietro di Scafati (a peculiar) was found to have killed a man during a wild boar hunt, a conflict between the bishop of Nola, Francesco Gonzaga (whose diocese surrounded San Pietro’s Church) and the archbishop of Brindisi, Francesco de Estrada (where the crime had been committed) ensued. Despite having been jailed by Nola’s ordinary, the archpriest claimed, in Rome, that only the nuncio’s court in Naples could judge him and, of

<sup>46</sup> Mancino and Romeo, *Clero criminale*, 127.

<sup>47</sup> ‘Di perdere il tempo, la robba et gli studi’: Firpo, *Riforma cattolica*, 181.

<sup>48</sup> Pasquale Lopez, *Ischia e Pozzuoli. Due diocesi nell’età della Controriforma* (Naples, 1991), 256.

<sup>49</sup> For a discussion of clerical paedophilia, see, in particular, Mancino and Romeo, *Clero criminale*.

course, from there he could appeal once again to Rome.<sup>50</sup> When a clerk in holy orders had intercourse with a woman in Rimini, intending to impede her marriage to one of his cousins, the father of the victim insisted that a secular and not an ecclesiastical court punish the priest, so that an exemplary condemnation could be inflicted. However, Rome was keen to protect the clerical status of the culprit and denied the request.<sup>51</sup>

Of course, Rome could also offer sensible legal remedies, especially in cases in which the penalty inflicted by bishops and their vicars had been objectively too harsh, or people had experienced too much cruelty in torture. The aristocratic condition of some clergy could also allow some sort of protection. Maintaining good relationships with the local aristocracy was a constant pressure on bishops from the Congregation, especially when examining issues such as the dowry expected from a noblewoman who was due to enter the conventual life, as in the case of Caterina Orsini.<sup>52</sup>

Reinstating priests subject to episcopal discipline, avoiding scandals and mitigating punishments was at the core of the practice of the Congregation.<sup>53</sup> But what was the mentality underpinning this process? What was the justification offered by Rome? A letter in the Oxford papers presents the clear mindset with which – according to the Congregation – the bishop should approach all disciplinary matters. The ‘heart of any ecclesiastical policy’, the Secretary of the Congregation wrote, ‘is to avoid a scandal breaking out’.<sup>54</sup> This is not a surprising sentence, given what we have seen so far, but in this instance the secretary elaborated this idea: the bishop was the ‘keeper of the conscience of the church’, and he had to act with that responsibility in mind.

‘Keeper of the conscience’ was not a casual expression employed by the secretary. Indeed, I would like to maintain that it was, in fact, a ‘legal cryptotype’, elegantly employed by a well-trained lawyer.<sup>55</sup> In medieval legal thought, ‘conscience’ was the faculty of applying moral reasoning to individual cases. Such morality was objective,

<sup>50</sup> Menniti Ippolito, *1664*, 137.

<sup>51</sup> *Ibid.* 141.

<sup>52</sup> Bodl., MS Ital. c. 82–86, now in MS Cons. Res. c. 44, vol. 2, fol. 260<sup>r</sup>.

<sup>53</sup> *Ibid.*, fol. 153<sup>r</sup>.

<sup>54</sup> *Ibid.*, vol. 3, fol. 33<sup>v</sup>.

<sup>55</sup> See Rodolfo Sacco, ‘Legal Formants: A Dynamic Approach to Comparative Law’, *The American Journal of Comparative Law* 39 (1991), 1–34.



according to Thomist natural law. Most importantly, it was commonly believed that – although positive law could only stem from natural law – in exceptional instances, such conscience could even disregard the law.<sup>56</sup> Much of the discussion within the *jus commune* on the nature of judicial *arbitrium* (discretion) – at least since Gratian’s *Decretum* – saw the conscience as something to employ with restraint, as it was opposed to the *allegata et probata* (that is, the required proof) in trial. Significantly, the conscience was believed to be ‘private’ and could also correspond to a ‘special judicial knowledge’ reserved to the judge.<sup>57</sup>

Furthermore, the employment of the ‘conscience’ was a function proper to the exercise of the *episcopé*. The bishop, once again, was not left complete discretion in judging according to his ‘conscience’: this was not an arbitrary decision, but obedience to a higher principle of sovereignty and authority, and to a moral concern which demanded a sort of primacy. Nowhere was this more visible than in medieval English law, when a bishop at court was named as the ‘keeper of the King’s conscience’ (a role soon subsumed into the office of Lord Chancellor). Albeit not in such an obvious form, elements of a ‘prerogative court’ that kept the monarch’s conscience also existed in some of the procedures employed by the imperial Reichskammergericht, in the French Parlement of Paris, and in the Grand Conseil of Malines of the dukes of Burgundy.<sup>58</sup> Despite using the expression ‘keeper of the conscience’, the Congregation might not have developed a full theory on the matter. This is why I believe it could be helpful to talk of a ‘legal cryptotype’ (that is, ‘a non-verbalized legal formant’), although further research is needed to see the extent of its use.<sup>59</sup> However, in Rome’s parlance, the meaning of ‘keeper of the conscience’ was shifting in comparison to secular thought. The secretary was not imagining a separate, parallel jurisdiction, a ‘remedy’ to the system (as, for example, the English Court of Chancery). For Rome, the ‘conscience’ was a real ordering principle, which enabled the achievement of the ultimate aim: avoiding a

<sup>56</sup> Mike McNair, ‘Equity and Conscience’, *Oxford Journal of Legal Studies* 4 (2007), 659–81, at 662. See also Stefania Tutino, *Uncertainty in Post-Reformation Catholicism: A History of Probabilism* (Oxford and New York, 2018).

<sup>57</sup> Thomas A. Green, *Verdict According to Conscience* (Chicago, 1985).

<sup>58</sup> Heinrich Brunner, *Grundzüge der deutschen Rechtsgeschichte* (Münich, 1930); Albert Mathieu, *Histoire du Grand Conseil de Malines* (Bruxelles, 1874).

<sup>59</sup> Sacco, ‘Legal Formants’.

scandal. The bishop's calling as 'keeper of the conscience' of his diocese was the conceptual framework that legitimized an entire system of episcopal judicial administration, for which the church, not unsurprisingly at this juncture, adopted the language of the state. The fundamental concern for the bishop's conscience was that of the defence of the honour of his church. In the idea of being the 'keeper of the conscience' of the whole episcopate, the Congregation further found its own intellectual justification for disregarding rules and decisions which, by then, and in the aftermath of the Council of Trent, it should have been bound to. Tridentine reform was not the goal: protecting the hierarchical church and its reputation was. What to us can only appear as a justification for the hypocritical covering up of the misdeeds of the clergy, and an arbitrary way to administer justice, was instead endorsed as the ultimate service to a higher moral imperative.

‘PRUDENCE IN ALL MATTERS’

During the Counter-Reformation, the choice of the Roman Catholic Church to protect the clergy and its own institutions above other interests – in some respect, an instinct common to most human organizations – expanded for at least two reasons. First, in the aftermath of the Council of Trent, the reaffirmation of clericalism became obvious, as well as the repositioning of the hierarchy as the exclusive mediator between the divine and the faithful. This, of course, carried with it all sorts of gatekeeping issues, but also resulted in the recommendation to victims of abuses that they entrust themselves to an authority that, statutorily, was perceived as ‘good’. Secondly, the Counter-Reformation church was deeply influenced by the nature of baroque politics and political thought, in which seventeenth-century Italian ecclesiastical elites were truly embedded.<sup>60</sup> This was an age in which terms such as ‘novelty’ and ‘change’ were perceived as negatives, and in which the idea of ‘reason of state’ was making its way into public discourse. It was the role of the prince to be ‘prudent

<sup>60</sup> Rosario Villari, *Politica barocca. Inquietudini, mutamento e prudenza* (Rome and Bari, 2010); idem, *Elogio della dissimulazione. La lotta politica nel Seicento* (Rome and Bari, 2003; first publ. 1987); José Antonio Maravall, *Culture of the Baroque: Analysis of a Historical Structure* (Manchester, 1986).

as a serpent' (occasionally forgetting the other bit about being as 'harmless as a dove').<sup>61</sup> Hypocrisy, as we might perceive such behaviour today, was understood as the virtue of prudence. With their prudential and deceptive manners, many protagonists of the Roman Curia appear to us, even if this was not all that they were, as politicians of the baroque age.

A look at the profiles of the personnel at the top of the Congregation of Bishops and Regulars might help us further our understanding of the Congregation's mental *habitus*. Throughout the early seventeenth century (1598–1621), the Congregation had as its prefect Cardinal Benedetto Giustiniani, mostly remembered today for the extraordinary art collection which he patronized with his brother, the marquis Vincenzo.<sup>62</sup> Giustiniani came from a distinguished family of Genoese aristocrats and bankers, and during his career, he spent much of his time concerned with Rome's finances, as well as the administration of the papal state. He became a cardinal at just thirty-two, having previously been the treasurer of the Camera Apostolica; he was a 'prince of the church' for sixteen years before accepting ordination as bishop as well (despite being deputized to oversee bishops). In the end, the pope would express the opinion of many when he praised Giustiniani's 'industry and prudence' in managing the affairs of the church.<sup>63</sup> Under the Cardinal Prefect, each Congregation had a secretary of episcopal rank. The Secretary of the Congregation at the start of the seventeenth century was the Bolognese lawyer Girolamo Agucchi, the architect of the implementation of Clement VIII's reform of the Congregation. A man of the Curia and sometime referendary (solicitor) of both tribunals of the Signatura, Agucchi was described as 'an eminently dexterous man, circumspect, born to do business'.<sup>64</sup> He in turn would become cardinal in 1604, and be replaced as secretary by Monsignor Berlingero Gessi. Gessi, too, was a lawyer from Bologna, and knew well the machinery of the administration of diocesan ecclesiastical justice,

<sup>61</sup> Robert Bireley, *The Counter-Reformation Prince: Anti-Machiavellism or Catholic Statecraft in Early Modern Europe* (Chapel Hill, NC, and London, 1990).

<sup>62</sup> Simona Feci and Luca Bortolotti, 'Giustiniani, Benedetto', *Dizionario Biografico degli Italiani* 57 (2001), online at: <[https://www.treccani.it/enciclopedia/benedetto-giustiniani\\_%28Dizionario-Biografico%29/](https://www.treccani.it/enciclopedia/benedetto-giustiniani_%28Dizionario-Biografico%29/)>, accessed 8 January 2024.

<sup>63</sup> Apostolic Vatican Archive, Segreteria di Stato, Bologna, 184, c. 42.

<sup>64</sup> 'Uomo insignemente destro, avveduto, e nato per maneggiare affari': Lorenzo Cardella, *Memorie storiche de' Cardinali di Santa Romana Chiesa* (Rome, 1793), 109.

having served as vicar general of the archbishop of Bologna, Gabriele Paleotti, then in both Signaturae, and latterly as vicegerent to the cardinal vicar of Rome, Camillo Borghese, before finally joining the Congregation.<sup>65</sup> There is no doubt that he was Borghese's man: when Borghese became Pope Paul V in 1605, Gessi's career took off further. He was appointed absentee bishop of Rimini whilst being posted to the role for which he is today mostly known to scholars: as nuncio to the Republic of Venice (1607–18) during the difficult years following the Venetian Interdict (1606–7), which had seen the total breakdown of relations between the papacy and the Serenissima. When describing Gessi, the words chosen by his contemporaries were once again 'dexterous and prudent.'<sup>66</sup>

None of these men were theologians or Tridentine reformers. They were bishops, but only by virtue of office, and sometimes even reluctantly so, with no pastoral experience whatsoever. They were shrewd officials and politicians, learned and experienced in matters of finance, canon law, patronage, jurisdiction and benefices. At their core was the sense of the dignity of their office and of the church, and the centrality of the papacy in ecclesiastical life. Their aim was – no matter what – the 'prudent' protection of the interests of the clergy or, even more so, that of the papacy (and the two did not always coincide). Their prudence was not the Ciceronian *prudencia*, the moral attribute much loved by the humanists.<sup>67</sup> Of course, prudence was a charged word in the Thomist tradition, where it was understood as the ability to adapt broad principles to individual situations. But 'prudence' was here a key part of the seventeenth-century political imagination: a political virtue. 'Prudence' was what was needed, as the over-reaching of the secular state could pose a risk to Rome and its clergy. This was not a theoretical possibility: it was before everyone's eyes *c.* 1605. By then, the cardinals of the Curia stood firmly with Robert Bellarmine in his strong polemic against Paolo

<sup>65</sup> Paolo Prodi, *Il cardinale Gabriele Paleotti, 1522–1597* (Bologna, 2022).

<sup>66</sup> Simona Feci, 'Gessi, Berlingero', *Dizionario Biografico degli Italiani* 53 (2000), online at: <[https://www.treccani.it/enciclopedia/berlingero-gessi\\_%28Dizionario-Biografico%29/](https://www.treccani.it/enciclopedia/berlingero-gessi_%28Dizionario-Biografico%29/)>, accessed 8 January 2024. See also Birgit Emich, *Bürokratie und Nepotismus unter Paul V (1605–1621)* (Stuttgart, 2011).

<sup>67</sup> See, for example, Brendan Cook, 'Prudentia in More's *Utopia*: The Ethics of Foresight', *Renaissance and Reformation* 36 (2013), 31–68.

Sarpi and the idea of the primacy of the Venetian Republic over the clergy.<sup>68</sup> The interdict, and the ‘Venetian overreach’, had caused a real shift in Rome. According to the Curia, defending the honour of the church meant standing along clear battle lines: lines which, at the time, passed through the Venetian lagoon.

Somewhat ironically, Bellarmine’s theology, and that of other flag-bearers of Counter-Reformation militancy, had not always been a favourite of the curial eminences. When just a few years earlier, in the autumn of 1600, Bellarmine had reprimanded Pope Clement VIII over the nature of episcopal appointments with the essay *De Officio Primario Summi Pontificis*, much of the Curia’s ranks had closed behind the pope.<sup>69</sup> According to Bellarmine, too many bishops did not have the pastoral qualities required for the office; too many still ‘failed to reside in their dioceses, thereby explicitly contradicting the dictates of the Council of Trent that established that bishops had to reside in their dioceses *praecepto divino*, by divine precept (this almost forty years since the end of the Council).<sup>70</sup> The finger was quickly pointed at people such as Agucchi and Gessi. Pope Clement did not hesitate to push back, ultimately sending the theologian away from Rome to the see of Capua (Campania).<sup>71</sup> Bellarmine pointed to the theory, but the practice was more complicated. ‘Those things can be indeed said, but, when we come to practice, we stumble over many difficulties,’ the pope objected.<sup>72</sup> As Stefania Tutino has demonstrated, Bellarmine’s intended purpose in all this was, in fact, to strengthen the authority of the pope over secular rulers in appointing bishops, and to mitigate against an excessive episcopal autonomy. But it also reveals the ongoing messy state of episcopal affairs throughout much of Italy. This was something that even the same Clement VIII had been aware of, given his fight to reform the behaviour of cardinals, and his consciousness of their wealth, double-dealings and hypocrisies.<sup>73</sup>

<sup>68</sup> Robert Bellarmine, *Risposta di Card. Bellarmino a il trattato di sette theologi di Venetia sopra l’interdetto della santità di nostro signore di Papa Paolo Quinto* (Rome, 1606).

<sup>69</sup> Robert Bellarmine, *De officio primario Summi pontificis*, now in *Actuarium bellarminianum*, ed. Xavier Marie Le Bachelet (Paris, 1913), 513–18.

<sup>70</sup> Stefania Tutino, *Empire of Souls: Robert Bellarmine and the Christian Commonwealth* (Oxford, 2010), 261–92.

<sup>71</sup> Fattori, *Clemente VIII*, 214–39.

<sup>72</sup> Tutino, *Empire of Souls*, 261–92.

<sup>73</sup> Fattori, *Clemente VIII*, 315–25.

Scholarship has sometimes seen the *De Officio* as an out-dated document, and has maintained that Tridentine reform (as in the case of the Bolognese Paleotti) was already happening.<sup>74</sup> The documents of the Congregation of Bishops and Regular leave a very different impression of the reality on the ground. The issues were such that, in 1634, Pope Urban VIII ended up promulgating the apostolic constitution, *Sancta Synodus Tridentina*, feeling the need to reaffirm the obligation for bishops to reside in their dioceses. The problem was such that the following year a separate Congregation was created, with both judicial and executive powers to impose such residence.<sup>75</sup> However, at the start of the seventeenth century, Rome was only too aware of a hiatus between theory and practice, between theology and the political management of ecclesiastical affairs. In that gulf, 'prudence' was the statesmanlike virtue to employ in the discretion afforded to the episcopal conscience. The gap between what the church claimed to be doing, and what it ended up doing, especially in many of the southern Italian dioceses, might appear to us as hypocritical. But to quote once again Cardinal de Luca: the Congregation of Bishops and Regulars moved 'like a prince, not like a judge'. And indeed, a prudent baroque prince it was, concerned, above all, with the preservation of its 'estate'. It was a prudent prince, in charge of many hypocritical judges.

<sup>74</sup> As argued in Prodi, *Paleotti*.

<sup>75</sup> 'Congregazione della residenza dei vescovi', in Del Re, *Lineamenti*, 378–9.