

[ANONYMOUS], *Treatise on the Celibacy and Chastity of the Clergy*
In Latin and Greek, manuscript on paper
Italy (Rome, Lucca or Fabriano?), c. 1560-1570

61 folios on paper, watermark, étoile dans un cartouche inscrit dans un cercle, Briquet 6097, Lucca 1566, Fabriano 1572, Rome 1567, early foliation in ink top corner recto, lacking 8, but with 7bis and 37bis: 1-7, 7bis-37, 37bis-59, followed by a blank unnumbered leaf, complete, vertical catchwords on every leaf (omitted on f. 3), very bottom inside margin, some obscured in the gutter (collation, i⁶ ii¹⁰ iii⁶ iv¹⁰ v⁶ [-4, following f. 35, cancelled with no loss of text] vi¹⁴ [begins on f. 37 bis] vii¹ viii⁶ [structure uncertain, 2, f. 56, probably single, 6, blank unnumbered leaf], unruled (justification 180-177 x 130-123 mm.), copied in a large competent but informal humanistic cursive script in twenty- to seventeen-long lines, acidity of ink causing some minor discoloration from the other side of leaves, some foxing, first and last leaf slightly discolored, edges in original rough-cut state, now slightly frayed, overall in very good condition. Bound in its ORIGINAL limp vellum binding, slight damage to top of spine, rather soiled especially at the edges, in very good condition. Dimensions 240-237 x 170 mm.

This text constitutes a learned Catholic response to one of the crucial issues of the sixteenth-century Protestant Reformation – clerical celibacy and marriage. The unidentified author had access to extensive sources, including the Papal Library in Rome, and his identity should perhaps be sought among theologians connected with the Council of Trent. His interest in the Eastern Church, knowledge of Greek sources, and competent Greek script are especially notable. This is the only copy of this text known, and it was most likely copied by the author himself.

PROVENANCE

1. Watermark evidence suggests the manuscript was written in Italy, in Lucca, Rome or Fabriano, c. 1560-1570 (dates range from 1566-1572), which is in keeping with the script; the text mentions the library of Pope Marcellus II, who was Pope in 1555, and therefore cannot be earlier than 1555.

No other copies of this treatise have been identified (it is not, for example, found in the *Iter italicum*, *Manuscripta mediaevalia*, or *In principio* Databases, see *Online Resources*; this is the only copy listed in the *Schoenberg Database*), and it is therefore likely that this manuscript is the author's own copy; the text has been corrected in a manner that suggests authorial intervention, rather than simple corrections of scribal inaccuracies, see for example ff. 12, 22, and 24 ("dubitet" changed to "existimet").

2. Description from a nineteenth-century sales catalogue, cataloguing notes in pencil, including modern notes on the watermark, and earlier notes in Italian in ink, inside front cover.
3. Anthony Howe Denney (1913-90) (bookplate, inside front cover), British photographer, art connoisseur, and collector, perhaps purchased by him from Maggs, *Catalogue* 884, May 1962, no. 64.

TEXT

ff. 1-59, incipit, "Non novum aut recens inventum esse in Ecclesia Dei ut qui sunt in sacris ordinibus constituti seruent continentiam docent patres ... Haec ex his quae collegit Aleander [sic] postea Cardinalis brundisinus cum esset nuncius sedis apostolicae apud germanos hic descripsimus ut ostenderemur in omnibus articulis propositis fuisse hanc clausulam appositam ut illorum sacerdotum qui iam contraxerant toleranda essent usque ad futurum concilium in quo etiam illud proponeretur an expediat de caetero coniugatos ad sacerdotium admittere" [ends mid f. 59; remainder and f. 59v, blank].

A treatise on the celibacy and chastity of the clergy by an unknown author, no other copy of this text has been identified. This is likely the author's own, autograph copy, and is almost certainly unpublished.

The question of the celibacy and chastity of the clergy has been an enduring point of debate through most of Christianity's history. The issue has been especially contentious, however, during certain eras. Certainly, it is an issue often raised today by critics of the Roman Catholic Church. It was a defining point for the Gregorian Reform movement in the eleventh century, and it became a crucial practical and doctrinal issue for the Protestant reformers in the sixteenth century. The historian Steven Ozment has observed, "No institutional change brought about by the Reformation was more visible, responsive to late medieval pleas for reform, and conducive to new social attitudes than the marriage of the Protestant clergy (Ozment, 1981, p. 381). The new Protestant churches re-established marriage as a normal state for the clergy in the West; whereas the Catholic Church re-asserted its efforts to ensure a celibate clergy – largely established by the early twelfth century (in theory, even if not always in practice).

As early as 1520 in *Address to the Christian Nobility*, Luther proclaimed that priests should be free to marry, "before God and the Holy Scriptures marriage of the clergy is no offense," and in May 1521 three priests in Wittenberg publically married. Others followed suit, including the leaders of the Protestant movement. Zwingli married in 1522 (publically in 1525), and Luther himself married Katherine von Bora in 1525. In his writings, and in the writings of other Protestant reformers, marriage was seen as a positive good, and the theology of a sacrificial, celibate priesthood was rejected.

The author of the present treatise was obviously very learned, citing Catholic teachings on the subject from a broad range of sources in Latin and Greek, including the Councils of the Church, patristic and medieval authors, including numerous sources from the Eastern Church (for example, f. 15, Theodore Balsamon, d. after 1195, a canonist of the [Greek Orthodox Church](#) and in 1193, [Orthodox Patriarch of Antioch](#)), and Papal decretals. In at least two passages, he notes where he found his text, on f. 10v, in a certain Vatican library ("Extat basili magni episcopi Caesareae cappadociae epistola in nono canone Theodori balsamonis et in exemplarii quodam bibliothecae Vaticanae ..."), and on f. 54v, "ex bibliotheca Marcellii ii," that is the library of Pope Marcellus II (1501-1555, Pope in 1555), suggesting he was well-connected and possibly someone with ties to the Papacy.

Among the sources cited: f. 1, Council of Carthage; f. 1v, Jerome, *Adversus Jovinianum*; f. 3, Clement of Alexandria (c. 150-215); f. 3v, Eusebius, and f. 8v, (including biographical information of Eusebius); f. 10, Cyril of Jerusalem (c. 313-386); f. 10v, Basil the Great (c. 329-379); f. 14, Council of Nicea (325); f. 14v, Gratian; f. 17v, Isidore Pelusiotae (fourth century); f.

21, Gregory the Great (540-604), f. 24, Gregory of Tours (c.538-594), ff. 26v-27, Boniface (d. 754); f. 28, Sigebert of Gembloux (c. 1030-1112), f. 28rv, the eleventh-century chronicle by Lambertus Schafnaburgensis, *De rebus germanicis* (including a long discussion of Pope Gregory VII, who was Pope from 1073-1085); papal letters, including letters of Gregory VII, and on f. 47v, a letter beginning, "Hec sumpsimus ex registro litterarum honorii tertius"; f. 51v, Thomas Aquinas (c.1225-1274); f. 54, the Benedictine chronicler, Ostiensis (c. 1055-1115); f. 54, the canon lawyer, Joannes Andreae (c. 1270/5-1348); and f. 54v, Bishop Aeneas of Trieste (that is Pope Pius II, Enea Sylvio Piccolomini; 1405-1464, Pope from 1458-1464).

The author concludes the treatise by citing contemporary texts (beginning on f. 54), including the Catholic response to the Augsburg Confession of 1530 ("Extat in bibliotheca Marcelli secundi Responsio catholica super nonnullis Articulis catholicae per illustriss. Electorem Saxoniae atque alios quosdam principes et duas civitates oblati anno md xxx in responsione illa ad articulum an coniugati admittendi sint ad sacerdotium ..."), mentions the heretics in Spain and England, the Diet of Augsburg and Luther (on f. 57). The contemporary treatise cited on f. 57v, "... in eodem libro Summa quaedam tractatus ad concordandam fidei causam instituti, ad quem peragendum ex utraque parte septem personae deputatae fuerunt duo principes tres theologi, et duo canonistae," is found in Munich, Bayerisches SB, Cod Clm 23737, 46-53v; ÖNB, Cod 11833, ff. 127-134v; ÖNB, Cod 11824, ff. 114-122.

These most recent pronouncements reflect the uneasy situation the Church found itself in during the tumultuous decades following the Diet of Augsburg up until the Council of Trent. As various cities and regions made clerical marriage legal, there were priests who married, but who did not intend to leave the Catholic Church, believing it was allowed, as well as married priests who returned to the Church. The Church was therefore forced to accommodate these priests and to protect the rights of their wives and families, while at the same time reiterating their firm support for a celibate clergy (see Lynch, 1972; Brundage, pp. 567-8; and Plummer, 2012).

The Council of Trent at its twenty-fourth session (1559-63) decreed that marriage after ordination was invalid: "If any one saith, that clerics constituted in sacred orders, or Regulars, who have solemnly professed chastity, are able to contract marriage, and that being contracted it is valid, notwithstanding the ecclesiastical law, or vow; and that the contrary is nothing else than to condemn marriage; and, that all who do not feel that they have the gift of chastity, even though they have made a vow thereof, may contract marriage; let him be anathema: seeing that God refuses not that gift to those who ask for it rightly, neither does He suffer us to be tempted above that which we are able." (canon 9). The Council did however authorize papal nuncios and legates to recognize marriages contracted by priests if they were repentant and gave up public priesthood.

The debates surrounding the Council on clerical marriage are the immediate context for this treatise; given the author's impressive learning, and his access to the Papal library, it is tempting to suggest that he may at some point be identified either among the clerics attending the Council, or their immediate followers.

LITERATURE

Brundage, James A. *Law, Sex, and Christian society in Medieval Europe*, Chicago, University of Chicago Press, 1987.

Fudge, Thomas A. "Incest and Lust in Luther's Marriage: Theology and Morality in Reformation Polemics," *The Sixteenth Century Journal* 34 (2003), pp. 319-345.

Harrington, Joel F. *Reordering Marriage and Society in Reformation Germany*, Cambridge, England and New York, Cambridge University Press, 1995.

Lynch, J. "Marriage and the Celibacy of the Clergy. The Discipline of the Western Church: An Historico- Canonical Synopsis," *The Jurist* 32 (1972), pp. 14-38 and 189-212.

Ozment, Steven E. *The Age of Reform (1250-1550). An Intellectual and Religious history of Late Medieval and Reformation Europe*, New Haven, Yale University Press, 1981, pp. 381-396.

Parish, Helen L. *Clerical Celibacy in the West, c.1100-1700*, Farnham, Surrey, and Burlington, Vermont, Ashgate, 2010.

Plummer, Marjorie Elizabeth. *From Priest's Whore to Pastor's Wife, Clerical Marriage and the Process of Reform in the Early German Reformation*, Farnham, Surrey and Burlington, Vermont, Ashgate, 2012.

Vauchez, André. "Clerical Celibacy and the Latiy," in *Medieval Christianity*, ed. Daniel E. Bornstein, Minneapolis, Minesota, Fortress Press, 2009, pp. 179-203.

[ONLINE RESOURCES](#)

Manuscripta mediaevalia (online catalogue of manuscripts in German Libraries)
<http://www.manuscripta-mediaevalia.de/handschriften-forum.htm>

In Principio, Incipit index of Latin texts
<http://www.brepolis.net/>

Iter Italicum is the electronic version of Paul Oskar Kristeller's *Iter Italicum: a finding list of uncatalogued or incompletely catalogued humanistic manuscripts of the Renaissance in Italian and other libraries* (print ed., 6 vols 1963-92)
<http://www.itergateway.org/>

Project Wittenberg, Selected Writings, Martin Luther in English translation
<http://www.iclnet.org/pub/resources/text/wittenberg/wittenberg-luther.html#sw-nobility>

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