The Implementation of the Council of Trent: The Provincial Councils of Granada and Toledo, 1565-1566

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Standard Abstract

In 1565, Philip II of Spain announced that five provincial councils would meet in five cities to implement the Tridentine decrees. The five cities were: Granada, Toledo, Valencia, Zaragoza and Salamanca. In this thesis, I focus exclusively on the provincial councils held in Granada and Toledo. These two gatherings offer a unique chance to examine how the Tridentine decrees were implemented at the local level. In this regard, these two councils also offer unique chances to examine how the Spanish *patronato* functioned. The Tridentine decrees, while universal, needed to be tailored to reflect the king's rights and the problems facing the Church at the local level.

Both the councils in Granada and Toledo worked diligently from 1565 until 1566 to draft their own decrees, which would become the manual for governing the Church in each province according to the Tridentine decrees. With this in mind, the topic uniformity of doctrinal belief among the laity was the most important topics at both councils. However, at Toledo and Granada problems arose which threatened to derail the proceedings, reinforcing the awareness that the Tridentine decrees had to be adapted to deal with the specific problems of the Church in Spain and in these two kingdoms.

However, abiding by the king's rules and protecting his rights according to the *patronato* were also necessary. The prelates at Toledo consulted the king and requested his guidance on several occasions. The bishops there had to tread a thin line between royal policy and Tridentine reform. The prelates at Granada in contrast resisted Philip's insistence that royal approval was needed for the council's decrees, instead deferring to their own experiences and training. In the end, one council would have a successful conclusion while the other would be suspended indefinitely.

Thesis Abstract for History Faculty

In 1565, Philip II called for five ecclesiastical provincial councils across his kingdoms in Spain. These synods were held in Salamanca, Valencia, Zaragoza, Toledo and Granada. Headed by an archbishop (with the exception of Toledo which was lead by a bishop), these councils were responsible for implementing the recently approved Tridentine decrees. They represented very diverse populations, and each of the kingdoms that made up the composite monarchy had a unique relationship to the king in terms of privileges and rights. In order to better understand these relationships during this period, particularly in ecclesiastical terms, this thesis focuses exclusively on the councils held in Toledo and Granada. These two councils provide us with revealing illustrations of the system of patronage in reference to the Church. They also reveal the challenges which accompanied the implementation of the decrees from Trent.

Very little has been written on these provincial councils. The names and dates of the councils usually appear in the historiography in passing and without further depth of study. Only three books need be mentioned: Ángel Fernández Collado, *El Concilio Provincial Toledano de 1565* (1996); Ignacio Pérez de Heredia y Valle, *El Concilio Provincial de Granada en 1565 : edición crítica del malogrado concilio del Arzobispo Guerrero (1990)*; and Antonio Marín Ocete, *El Concilio Provincial de Granada en 1565* (1990). All consist of a narrative for each council and a valuable collection of associated documents in an appendix. While the text serve as helpful introductions, they offer no sustained analysis or critical discussion of the larger implications of each council, and offer very little information on the larger situation. A focused study of the surviving

records of the councils, therefore provides us with a new perspective on the realities of the Spanish king's rights and how they functioned within his various kingdoms. The examination of these councils also illustrates how the local diocesan synods attempted to implement Trent in very different areas.

These synods were held at the bequest of the king and under his authority alone. Philip and his council planned every detail of the meetings before convening the councils. Their instructions included a detailed list of topics to be discussed, and another list of those to be left for the king's judgment. It was not uncommon for the king to reference his own patronage outright in these letters and instructions, providing a revealing insight into how the royal rights concerning the Church functioned in practice, and how Philip viewed the rights he had inherited from his predecessors. Another interesting avenue opened by the king's attention to detail in these documents is the role of his own officials at the councils. Philip even drew up a detailed seating chart that clearly identified where his royal representative should sit in relation to the others attending, including the presiding archbishop.

In order to ensure their compliance, the king appointed men to attend each council with the sole focus being the protection of his *patronato.* They were given lists of topics, that should not be discussed or debated because of how they affected the king's rights. In addition, they were required to correspond with Philip and keep him informed of every detail of the councils' proceedings. They were sent to the councils with a series of letters certifying their authority addressed to the prelates attending the councils and local secular officials of the hosting city. These letters of introduction firmly placed the royal representative in the network of support Philip had already established. However, while

this plan worked in Toledo, a sudden departure from Granada meant that another man was obliged to take on the burden of representing the king's interests without any of the powers granted to an officially recognized minister, and relying solely on the reports of the archbishop.

Once the councils had been officially opened, issues arose at both councils that necessitated royal intervention, whether as a result of requests from the presidents or their actions. At one level, both synods were successful in accomplishing what they set out to do, in that they developed plans for implementing the Tridentine decrees. This had been the first and most important requirement in Philip's initial instructions. While this task encountered some resistance from local cathedral chapters, and even at times from the king himself, progress was generally smooth. It is clear though that the king was intimately involved in the decision-making process: consulting the pope was not an option. I examine this stage of the councils' work in the thesis, and analyze why the council in Toledo faced more problems than that in Granada. As the end of the year drew closer, the archbishop and the bishop presiding over the two synods believed that they were making good progress. After that point however, the councils turned their attention to other pressing issues.

In contrast to the synod in Toledo, this later stage of proceedings was the point at which the council at Granada began experiencing further difficulties, and often clashed with Philip's authority. This was especially the case with the council's policies for dealing with New Christians and the formerly Muslim population in Granada. It is clear from the correspondence that Philip was determined to have these questions clarified by the synod in Granada, and the council's desire to move on to other issues caused a serious

rupture between the king and the archbishop over Philip's right to determine or veto the council's decrees. As the council progressed, the archbishop maintained a record of the decrees as they were approved. When the king heard of this through his royal representative, he demanded to see the volume. While the first exchanges between the king and the archbishop were pleasant, the question of the king's right to view the decrees subsequently became a major point of contention.

The synod in Toledo faced a different set of issues at this later stage. When the question of imposing episcopal jurisdiction over the local cathedral chapters was discussed, their representatives raised objections and stalled debates, which forced the prelates at the council to write to the king to emphasize the necessity of this particular reform. They requested that the king change the established voting procedure and personally intervene on this issue at the council. This reliance on the king's personal intercession to end the conflict with the chapter was a stark contrast to the experience of the council at Granada.

What resulted provides another interesting example of the differences between the two councils. In Toledo, the council sent its decrees to Philip for approval and closed down. In Granada, the argument between the king and the archbishop continued until the archbishop finally agreed to surrender his volume of decrees; the council was then suspended until the king could review them. That however never happened. While it is unclear whether Philip ever actually looked over the decrees, he certainly never called for the council in Granada to reconvene or even for it to be formally closed. It was thus left suspended indefinitely. This difference highlights why these two councils offer such an

interesting comparison. The councils' ability to keep Philip on side was the key to their success: without royal favor, they could and did simply cease to exist.

The two councils did however, despite the problems, draft a series of decrees. These reveal yet more differences in how two councils, established to fulfill identical obligations, altered and adapted the Tridentine decrees to suit the local situation. Their decrees somehow managed to be both similar but also strikingly different in form and substance. The decrees from the council in Granada are almost three times the length of those from its sister council. Both offer a manual for future clergy to follow, and the influence of the Tridentine decrees are evident in both. They both include rules governing the behavior of clergy at every level of the ecclesiastical hierarchy, and impose educational requirements as directed by Trent. However, the decrees from Granada are far more thorough, and include the distinctive addition of rules concerning the New Christians of Granada, which were not echoed by the prelates at Trent.

These two provincial councils have left abundant records for the historian, and provide both interesting parallels and striking differences that can illuminate the relationship of the Spanish crown with the Church and religion in his kingdoms. While this abstract provides only a brief summary, there is much to unpack from these records, and especially from the mountains of correspondence between the key players and the king. They offer a fascinating example of the interweaving of Church and State in Spain, and a window into the state of religion in two contrasting regions at a key moment in the Counter-Reformation.

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Acknowledgements

To Will,
For telling me to take a chance and then chasing my dreams around the world together. On to the next great adventure.

And

To Aunt Wendy,
I submitted my application to Oxford from your living room and I finished my final edits from the floor of your hospital room. You let me move into your home without hesitation, included me as family even before I married Will, and let the bonus kids basically destroy your house on the weekends all with a smile. I pray everyday that you'll beat this and be able to celebrate together soon. Praise to the Almighty, from whom all sessions flow.

A Note on Abbreviations

ACG	Archivo Catedralico de Granada
AGS	Archivo General de Simancas
EC	Estado-Castile
PTR	Patronato Real

Timeline

8 April 1565	Guerrero Receives Appointment to Preside
10 April 1565	Rojas y Sandoval Receives Appointment to Preside
30 August 1565	Marqués del Carpio is Appointed as Royal Minister
31 August 1565	Francisco de Toledo is Appointed as Royal Minister
8 September 1565	Opening Session of the Council in Toledo
8 September 1565	Prelates in Granada raise the issue of Clerical Marriage ahead of the Council
12 September 1565	Opening of the Council in Granada
17 September 1565	Marqués del Carpio Leaves and Covarrubias assumes his duties
22-28 September 1565	Granada General Congregations 2 Through 8 After Session 3 on 22 September Problems Arise with Philip
1-23 October 1565	Granada General Congregations 9 Through 25 Session 23 on 20 October was to review the Constitutions Session 25 on 23 October was the last General Congregation although a smaller group continued to meet
13 January 1566	Second Session in Toledo
25 February 1566	Prelates at Toledo Write to Philip concerning Episcopal Jurisdiction and Problems with the Cathedral Chapter
25 March 1566	Third and Final Session in Toledo
26 March 1566	Prelates Leave Toledo
4 April 1566	Council in Granada is Suspended

List of Characters

Present at Granada

- Pedro Guerrero, Archbishop of Granada
- D. Antonio de Corrionero de Bibalafuente, Bishop of Almería
- D. Melchor Álvarez de Vozmediano, Bishop of Guadix
- 3 Abbots of Granada: From Santa Fe, S. Salvador and Villa de Ugijar
- Procuradores of the Church of Granada, Almería, and Guadix
    - Canónigo Luna for the Cabildo of Granada
        - El Dean de Almería, Alonso Tamayo y el doctoral Suero Méndez for the Cabildo
    - El Dean de Gaudix Alonso Reinero
- Arcipriest of Granada, El canónigo Pedro de la Cueva
- Vicars of Lojas, Alhama, and Almuñecar
- Provisor of Granada
- Various other vicars
- Various procuradores of benefices
- Presidente de la Chancillería, Alonso de Santillana
- The Alcalde Mayor
- Priests from around the city and kingdom
- Marqués del Carpio (Left after the opening ceremonies)
- Antonio de Covarrubias, (Takes over as royal minister without official appointment) was originally appointed to assist the Marques

Present at Toledo

- D. Cristóbal de Rojas y Sandoval, Bishop of Córdoba
- D. Bernardo de Fresneda, Bishop of Cuenca, previously confessor of the king
- D. Pedro de la Gasca, Bishop of Sigüenza
- D. Diego de Covarrubias y Leiva, Bishop of Segovia
- D. Cristóbal Fernández de Valtodano, Bishop of Palencia
- D. Honorato de Juan, Bishop of Osma
- Diego de Ávila y Zúñiga, Abbot of Acalá la Real
- Diego de los Cobos, Bishop of Jaén (Died shortly after arriving)
- In the name of the Church of Toledo
    - Fernando de Mendoza archdeacon of Toledo
    - Rodrigo Zapata, Capellán Mayor and Canonigo
- In the name of the Ecclesiastical Governor of Toledo
    - *Licenciado* Manrique de Chaves
    - Doctor Jerónimo Manrique
- In the name of the Bishop of Burgos
    - Doctor Castro
    - D. Benedicto Bullo
- In the name of the Church of Burgos
    - Abbot Sandoval
    - Doctor Guillermo

- In the name of the Church of Córdoba
    - Canónigo Valenzuela
    - Racionero Pineda
- In the name of the Church of Sigüenza
    - Archdeacon de Molina
- In the name of the Church of Segovia
    - Doctor Miravete
- In the name of the Church of Palencia
    - Doctor Jerónimo Gallo
- In the name of the Church of Cuenca
    - Canónigo doctor Vergara
- In the name of the Church of Osma
    - Abbot of Santa Cruz
    - *Licenciado* Zárate
- A representative of the Church of Jaén
- *Licenciado* Gonzálo Meléndez Valdés, Secretary
- Doctor Velasco, Fiscal
- Juan Rincón, Master of Ceremonies

Introduction

In 1565, Philip II summoned five ecclesiastical provincial councils in Salamanca, Valencia, Zaragoza, Toledo and Granada.[1] The terms synod and council will be used synonymously throughout the thesis. An archbishop presided over each (with the exception of Toledo, which was led by a bishop), and their purpose was the implementation in their provinces of the recently approved Tridentine decrees. They represented very diverse populations, and each of the kingdoms that made up the composite monarchy in Iberia had a unique relationship to the king in terms of privileges and rights. In order to understand these relationships during this period, particularly in ecclesiastical terms, this thesis focuses on the councils held in Toledo and Granada. These two councils provide us with revealing illustrations of the system of patronage to the Church. This is due to the differences between the two provinces. Toledo was a part of the New Castile which had been long considered Christian simply because it had been conquered by the Christian monarchs of Castile over four centuries earlier from the Islamic rulers of the Nasrid Sultanate. The Catholic Monarchs, however, had captured Granada, only in 1492, and it still had a large population of people only recently converted to Christianity. With this in mind, the rights the king held concerning the governance of religion were also different in the two provinces. In Toledo, the king held the right of presentation to bishoprics through his nomination, and personally guiding the Church though his appointments. In 1486, Pope Innocent VIII granted the Spanish monarchs the right to appoint all clerical positions within the kingdom of Granada as part of their duty to convert the population there who practiced Islam. The development of

[1] Henry Kamen, *The Phoenix and the Flame : Catalonia and the Counter Reformation* (New Haven, Connecticut: Yale University Press, 1993), 61-63.

these rights will be explored later in this chapter in greater detail. Thus the two councils offer revealing perspectives on church history in Spain, as the Tridentine decrees had to be tailored to their respective provinces. They also reveal the challenges that accompanied the implementation of the decrees from Trent.

The names and dates of the councils appear regularly in the historiography in passing, but without further depth of study. Very few books deal with these two provincial councils alone and the two which are cited the most are: Angel Fernández Collado, *El Concilio Provincial Toledano de 1565* (1996) and Antonio Marín Ocete, *El Concilio Provincial de Granada en 1565* (1990).[2] Both are short, and consist of a narrative of each council and a collection of associated documents in an appendix. While they can serve as helpful introductions, they offer no sustained analysis or critical discussion of the implications of each council, and offer very little information on the larger situation. Ángel Fernández Collado has also written other studies on various post-Tridentine councils, which include the 1565 provincial council in Toledo and Ignacio Pérez de Heredia y Valle has written on the provincial council in Granada as well in relation to its archbishop who presided and whose dominating personality guided the council. Given the small amount of work dedicated to the councils, studies of those men in attendance offered another source of information. Two men who played a prominent role in these councils later had illustrious careers, which brought attention to their lives and resulted in a number of studies: Francisco de Toledo and Pedro Guerrero. However, the former's career as Viceroy in Peru has been the focus of numerous studies, but almost

[2] Ángel Fernández Collado, *El Concilio Provincial Toledano de 1565*, Publicaciones del Instituto Español de Historia Eclesiástica. Monografías. 37 (Rome: Iglesia Nacional Española, 1996) & Antonio Marín Ocete, *El Concilio Provincial de Granada En 1565* (Granada: Facultad de Teología, 1962).

none mention his time at the provincial council in Toledo.[3] While Guerrero's long and distinguished career as the archbishop of Granada normally eclipses any mention of the 1565 provincial council in Granada.[4] While only briefly mentioning the councils, however, studies of Toledo and Guerrero do provide valuable information about them and their relationships with the king before and after 1566.

In addition to the available secondary sources, the councils produced a large collection of documents. While most can be found in the Archivo General de Simancas, some are available online, and in rare instances in print. These records cover a wide array of topics, including correspondence of the presidents at the council, the royal representatives, and the king. This tangled web of documents convey an image of how the king kept the synods firmly in his grasp and how he diligently rebuffed anything he saw as prejudicial to his patronage. A focused study of the surviving records of the councils can therefore give us a new perspective on the realities of the Spanish king's rights, and how patronage functioned within his various kingdoms. The examination of these councils also illustrates how these local synods attempted to implement Trent in very different regions in Spain. In Toledo the focus was initially the correcting behavior of various offices within the Church only to realize it would require more than a provincial council was able to do in such a short time. In Granada, the council focused on

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[3] For more on Francisco de Toledo see: Roberto Levillier, *Don Francisco de Toledo, supremo organizador del Perú; su vida, su obra (1515-1582)*. Madrid: Espasa-Calpe, 1935 or Léon Gómez Rivas. *El Virrey del Perú don Francisco de Toledo*. Toledo: Instituto Provincial de Investigaciones y Estudios Toledanos, Diputacion Provincial, 1993.

[4] For more on Guerrero see: Carmen Herreros González and Ma Carmen Santapar Pastor. *Pedro Guerrero: vida y obra de un ilustre Riojano del Siglo XVI*. Ciencias Historicas 23. Logroño: Institutos de Estudios Riojanos, 2012. and Antonio Marín Ocete,. *El arzobispo don Pedro Guerrero y la política conciliar española en el siglo XVI*. 2 vols. Consejo Superior de Investigaciones Científicas. Instituto Enrique Flórez. Monografías de historia eclesiástica. 3 & 4. Madrid: Consejo Superior de Investigaciones Científicas, 1970.

how to teach converts the new doctrine and correct current belief to align with Trent throughout.

Philip and his councillors planned out every detail of the meetings in advance. Their instructions included one detailed list of topics to be discussed, and another of matters to be left for the king's own judgment. It was not uncommon for the king to reference his ecclesiastical patronage rights in the instructions and letters, providing a revealing insight into how they functioned in practice, and how Philip viewed the rights he had inherited from his predecessors. Another interesting avenue opened by the king's attention to detail in these documents is the role of his own officials at the councils. Philip even drew up a detailed seating chart that clearly identified where his royal representative should sit in relation to other participants, including the presiding archbishop or bishop.

Once the councils were officially opened, issues such as those involving complaints from the cathedral chapters arose. Studies on the cathedral chapters such as Raphael Marín López *El Cabildo de la Catedral de Granada en el siglo XVI* (1998) were invaluable for understanding how the cathedral chapter worked within the church hierarchy and their roles and in this study how these men interacted with their archbishop.[5] At one level, both provincial synods were successful in accomplishing what they set out to do, in that they developed plans for implementing the Tridentine decrees locally. That had been the first and most important requirement in Philip's initial instructions. And while the task ran into some resistance from local cathedral chapters, and even from the king himself at times, progress was generally smooth. It is clear

[5] Rafael Marín López, *El Cabildo de la Catedral de Granada en el siglo XVI* (Granada: Universidad de Granada, 1998).

though that the king was intimately involved in the decision-making process: consulting the pope was not an option. I examine this stage of the councils' work in chapters four and five specifically, and analyze why the council in Toledo faced more problems than that in Granada.

As the end of 1565 drew closer, the archbishop and the bishop presiding over the two synods believed that they were making good progress. After that point, however, the councils turned their attention to other pressing issues. The council in Toledo dealt with an openly hostile cathedral chapter and worried that they could not adequately remedy the errors and abuses occurring in Toledo, but eventually closed without issue thanks to the intervention of the king in both cases. Only after the closure did difficulties with the cathedral chapter in Toledo arise again after the acceptance and implementation of the decrees.[6] In contrast to the synod in Toledo, however, in this later stage of proceedings the council at Granada began experiencing difficulties, and often clashed with Philip's authority- especially when dealing with New Christians and the formerly Muslim population in Granada. The synod in Toledo faced no such issues. It is clear from the correspondence that Philip was determined to have the question clarified by the synod in Granada, and the council's desire to return to these issues after Philip's decisions had been given caused a serious rupture between the king and the archbishop over Philip's right to determine or veto the council's decrees. As the council progressed, the archbishop maintained a list of the decrees as the council approved them but the king only received those that the archbishop thought pertained to the king's rights or what was sent by the unofficial minister in Granada. When the king heard of this through his royal

[6] Ángel Fernández Collado, "Felipe II y su mentalidad reformadora en el concilio provincial toledano de 1565," *Hispania Sacra* 50, no. 102 (February 8, 2018): 450.

representative, he demanded to see the volume. While the first exchanges between the king and the archbishop were initially pleasant, the question of the king's right to view the decrees also became a major point of contention.

The council in Toledo sent its decrees to Philip for approval and closed down on 26 March 1566. Given how closely they had been consulting Philip, they must not have seen a need to remain in Toledo after sending the decrees to the king and the monarch might omit parts if he disagreed. In Granada, the argument between the king and the archbishop continued until the archbishop agreed to surrender the volume of decrees in April 1566 but the precise date is unknown; the council was then suspended while king reviewed them. It is not in fact clear that Philip ever looked over the decrees; he certainly never called for the council in Granada to reconvene, or even to be formally closed. It was thus left suspended indefinitely. This difference highlights another reason why the councils in Toledo and Granada offer an interesting comparison. The councils' ability to keep Philip on side was the key to their success: without royal favor, they could -and did- simply cease to exist.

These two provincial councils provide both interesting parallels and striking differences that can illuminate the relationship of the Spanish crown with the Church and religion in Philip's kingdoms. While this introduction can give only a brief summary, there is much to unpack from the mountains of correspondence between the key players and the king himself. They offer a fascinating example of the interweaving of Church and State in Spain, and a window into the state of religion in two contrasting regions at a key moment in the Counter-Reformation.

The first step in more fully understanding the differences between these two locations and their interactions with the Spanish monarch is understanding what exactly the king's right of patronage allowed in each territory. To do this, one must detail a little of the history of the Spanish *Patronato*, and what Philip inherited when he became king of the various kingdoms of Spain in 1556. The main difference in the kingdoms for this study was the way the secular and religious authorities interacted. Following decades of consolidation, Philip was able to intercede in church affairs according to the rights of patronage bestowed on him by the papacy. However, the rights that the monarch exercised in each province differed due to the date when the two areas were conquered.

W.E. Shiels defines the term patronage as 'the sum of privileges and duties belonging to the founders of church and other ecclesiastical enterprises'.[7] The *Patronato Real* was an agreement between the papacy and a head of the State in which the monarch accepted the burden of maintaining the clergy and all buildings in return for the right of presentation of bishops and control of certain church revenues, such as the *diezmo* in conquered territories. This agreement was done over several generations of Spanish rulers and represents a patchwork of rights that extend over the various kingdoms of Spain to a certain degree. These rights were granted by the papacy in order to allow the Spanish monarch to rule over the Church, and in newly conquered territory, set up a church hierarchy. The reasons behind such grants of control over the Church in Spain are often debated and range from the Church's avoidance of financial strains associated with this task, as well as the favor between certain popes and Spanish monarchs. The Spanish *Patronato* is thus another expression of what John Elliott termed a 'composite monarchy'

[7] W. Eugene Shiels, *King and Church. The Rise and Fall of the Patronato Real* (Chicago, Illinois: Loyola University Press, 1961), 21.

as the various kingdoms in Spain operated with different privileges, customs, and institutions although the *patronato* was not included in this study.[8] A universal *Patronato*, which in this case meant that the same laws affecting the relationship between king and Church would be the same throughout the peninsula, would not be granted until 1753, long after Philip's death. However, during his reign, we can already trace a process by which the local privileges were beginning to coalesce. W.E. Shiels used the term 'papal vicariate' to describe the monarch's right of patronage during Philip's reign, mostly in reference to the Indies.[9] The situation was more complicated on the Spanish mainland.

Philip II had inherited a system of patronage that varied for each of his kingdoms, as the result of lobbying by his father Charles V, his paternal grandparents, Ferdinand and Isabella, and their agents. As a whole, these powers exercised by the Crown are known as the *Patronato Real*; but each was granted separately and at different dates, reflecting the slow conquest of the peninsula by Christian rulers throughout the Middle Ages culminating with the capture of Granada. Here the king held the most power over the Church as a result of the territory's reconquest and the agreement to give the monarch the right to establish the Church in the kingdom and appoint men at every level of the hierarchy to assist in conversion to the Catholic faith. The kingdoms of Castile also had their own system of patronage where the king was able to interject himself in the affairs of the Church, though to a lesser extent. Philip certainly recognized these differences and before the councils of 1565, he wrote detailed instructions about what could be discussed at each one and what had to be left to him as related to his right of patronage.

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[8] John H. Elliott, "A Europe of Composite Monarchies," *Past & Present* 137, no. 1 (November 1, 1992): 52.

[9] Shiels, *King and Church,* 9.

Surprisingly little has been published on the Spanish *Patronato* and the most well-known study, *King and Church* by W.E. Shiels focuses mainly on the *Patronato* in the Indies. Jesús Suberbiola Martínez's *Real Patronato de Granada : El Arzobispo Talavera, La Iglesia y El Estado Moderno, 1486-1516* (1985) offers a little more specific information on Granada but Toledo remains lumped into the larger category of Castile.[10] The first step had been Innocent VIII's Bull of *Orthodoxe fidei propagationem,* issued on 13 December 1486, to Isabella and Ferdinand, which conceded the *plenum ius patronatus et praesentandi* in the Canary Islands and the kingdom of Granada, though the conquest of the latter would not be complete until 1492. This gave the monarchs the right to erect cathedrals, monasteries, and other religious institutions in those territories, as well as present to major and minor benefices in the kingdom of Granada. Although this was the first bull of patronage in the sense we usually understand the term, it was an expansion of an earlier bull of 1436 issued by Eugenius IV known as *Laudibus et honore* which granted the monarch of Castile personal patronage over all churches recovered during the 'crusade of Castile'.[11] In practice this meant that the monarchs gained a portion of the church tithes in this area and were allowed to make appointments to every position within the Church of Granada, although in reality this was often done from a list of men prepared by councillors or local officials in the case of the lower benefice holders. In a strict sense, although the king technically presented men for vacant sees, he was actually selecting a person from a list prepared for him. The bull's wording reflects the idea that the reconquest of Castile from the Muslim inhabitants to the south was a crusade and

[10] Jesús Suberbiola Martínez, *Real Patronato de Granada : El Arzobispo Talavera, La Iglesia y El Estado Moderno, 1486-1516: Estudio y Documentos* (Granada: Caja General de Ahorros y Monte de Piedad de Granada, 1985).

[11] The full text of *Laudibus et honore* can be found in Shiels, *King and Church*, 64-65.

granted the rights of patronage and presentation to the Spanish monarch. In addition to this new bull, the monarchs also asked for an official copy of the earlier bull to be sent with it; in effect the Catholic monarchs were ensuring that the rights granted earlier to the king of Castile were continued into the present monarchy. Alfonso El Sabio outlined this Medieval practice in his *Siete Partidas*. The king was told of prelate's death by the cathedral chapter and sanctioned the election to replace him after which the king approved the appointment. The papal bulls were thus an official recognition and extension of this traditional Spanish practice.[12]

The 'heart of the *patronato*' was the right of presentation by which the monarch advanced a cleric of their choosing, who would wield the religious, social, and political power of the vacant post.[13] This power of presentation during Ferdinand and Isabella's reign was strictly no more than a recommendation, and the pope could reject the candidate proposed. However, conflicts between the Catholic monarchs and Sixtus IV in 1478 over appointments to the bishoprics of Tarragona and Cuenca led to a further extension which enabled the monarchs to recommend names for vacant sees without formal presentation, meaning that new bishops could take up their see based on the royal recommendation alone. In 1523, Adrian VI granted to Charles V the right to nominate men to all Spanish bishoprics with the papal bull, *Eximiae devotionis* This right was reinforced with the right of perpetual presentation for both Castile and Aragón from Clement VII in 1530 and 1531.[14] Paul III reconfirmed this with an additional bull in 1536. By the time of Philip's reign, therefore, a royal recommendation guaranteed

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[12] Shiels, *King and Church,* 28.

[13] Ibid., 22.

[14] Ignasi Fernández Terricabras, *Felipe II y el clero secular: la aplicación del Concilio de Trento* (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2000): 175.

appointment to all bishoprics. One example that demonstrates this was the appointment of Bartolomé Carranza, who was recommended by Philip for the archbishopric of Toledo. The bull of his appointment was issued on 10 December 1557, the same day as the king's nomination arrived in Consistory, meaning that it cannot have been subjected to any significant debate or discussion.[15] Philip was also responsible for extending these rights of patronage to his other territories including Sicily and Sardinia in 1586. Not only was Philip interested in extending his *patronato*, he also sought to codify and protect it. He granted access to two men, *licenciado* Melchor de Rosales and don Martín de Córdoba in 1564 and 1594 respectively, to look through all official documents to find all legislation on the king's rights and codify them. This could then be used to secure further rights in the Spanish kingdoms. By the time Philip died, the Spanish Crown had the right of presentation in fifty-five dioceses: thirty-four in Castile, twenty in Aragón, and one in Navarre.[16]

The importance of presentation cannot be overstated. By appointing bishops across Spain, Philip and his predecessors were able to place talented, and often favored, men into positions of ecclesiastical power, although by extension political as well. They could also appoint their favorites and loyal supporters. This system was an important way by which Philip could strengthen his ties to his various kingdoms as the bishops owed their positions to the king, and owed him a debt of loyalty. In addition, if the prelate served the king well, he could expect further appointments, such as positions in royal councils or the Inquisition, and promotion to more wealthy dioceses. These two factors are crucial to understanding why the bishops often supported their king in his dealings

[15] Helen Rawlings, *Church, Religion, and Society in Early Modern Spain*, European Studies Series (Basingstoke: Palgrave, 2002), 45.
[16] Fernández Terricabras, *Felipe II y el clero secular*, 227.

with the pope, while opposing the king might hurt the potential for a bishop to gain more important and affluent diocesan appointments later in his career, or to be given appointments at all after a certain age. Philip did clearly use his power of presentation to appoint talented or at least well-educated men to bishoprics, as evidenced by men such as Archbishop Pedro Guerrero, of Granada. The men he selected to attend the Council of Trent were all highly educated. The prelates attending the provincial councils in Granada, however, believed that they knew what was best for the Church rather than the monarch.

One of the major differences in the rights of patronage granted to the monarch in most Spanish kingdoms compared to those granted in the more recently added territories such as Granada, was the duty to convert people of other religions as a condition of the papal grant. In the American territories, this related directly to the conversion of indigenous people; in Granada it meant converting Muslims and Jews. The bull granting the Crown the right of patronage in Granada from 13 December 1486, therefore mentions 'the repression of the infidels and their conversion to the faith', present in earlier Portuguese bulls issued between 1452 and 1456 by Pope Nicholas V and Callixtus III, but not included in earlier Spanish documents.[17] Historians have argued that the difference between the evangelization of the inhabitants of the Indies cannot be compared to the conversion campaign among non-Christians of Granada because unlike native Americans, the non-Christian populations in Spain had lived alongside the Catholics for centuries. However, the *Patronato*, which required the evangelization of both groups, was much the same in both Granada and the Americas. Even before the provincial councils in 1565, the Archbishop Pedro Guerrero of Granada was adamant that education

[17] Shiels, *King and Church,* 66. Both bulls for Portugal can be found in Shiels, *King and Church.*

was the foremost tool of spiritual conquest when it came to the non-Christians of Granada and the obligation to remove the 'vestiges of Islam' provided one of the main points of discussion during the provincial council in Granada.[18] This remained true throughout Philip's reign as evidenced by a royal edict or *pragmática* on 1 January 1567, a year after the close of the provincial council and on the anniversary of the fall of Granada, which prohibited the practicing of 'Moorish tradition' in the kingdom of Granada including certain styles of clothing and use of certain public spaces.[19] There continued nonetheless to be a distinct fear of continued Muslim practices in Granada even after Philip II's death, and his successor, Philip III, ordered Moriscos (who would have been considered New Christians at the time of the 1565 councils) to leave in 1609. In short, if presentation was important for the *Patronato* in Spain, the duty of evangelization was the cost of the extension of royal power throughout the church hierarchy in Granada, especially during the reign of Philip II with his intense dedication to the reform and protection of the Catholic Church within his territories. The *Patronato* enabled Philip to interject himself into the organization of the cathedral chapter of Granada, and to select men for positions throughout the hierarchy including the chapter if he wished. Some historians have even argued that the reforms of the Council of Trent were redundant in Granada because of the influence of the archbishops of Granada, including Pedro Guerrero.[20] In fact, a copy of Philip's initial instructions for the provincial council survives in the Cathedral Archive of

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[18] David Coleman, *Creating A Christian Granada: Society & Religious Culture in an Old-World Frontier City, 1492-1600* (Ithaca, NY: Cornell University Press, 2003), 181.
[19] Rawlings, *Church, Religion, and Society,* 19.
[20] Coleman, *Creating A Christian Granada,* 180.

Granada, with Guerrero's hand written comments in the margins that note that many of the decrees did not apply to Granada under the *patronato*.[21]

The last major element of Philip's tools to enforce his ecclesiastical patronage was called the *Pase Regio*. It was never explicitly recognized by the papacy but it became entrenched in Spanish law and was a key tool for the monarch during Philip's reign even before the Council of Trent.[22] The term referred to the king's right to approve, permit, or license people or documents from the papacy to his subjects.[23] By the 1550s, the *Pase Regio* had merged with the existing practice of the *placet* and *exequatur*, the former signifying royal agreement and the latter royal permission for performance of duties.[24] The most common form of this before Philip's reign was the acceptance of papal appointments of bishops.[25] This meant that the king was able to act as a barrier preventing direct contact between his realms and the papacy. It was the key element in his patronage, and a tool by which he chose to defend it. Even when the king received an admonition from the pope in 1568 that the '*Pase Regio* was out of character in a Catholic king,' Philip refused to abolish the practice.[26]

In practice the *Pase Regio* had two distinct implementations. The first was Philip's right to approve the movement of men to and from Rome. This was especially significant in his handling of Trent, when he had his secretaries compile a list of all the bishops from Aragon and Castile and their educational and spiritual attributes, which he used to determine which men would attend the Council, which despite the council being

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[21] Archivo de la Catedral de Granada (ACG), Leg 12, 34.
[22] Shiels, *King and Church,* 170.
[23] Ibid.
[24] Ibid., 176.
[25] Ibid.
[26] Ibid., 180.

held in Trent, was seen as an extension of Rome in this situation. Religious and prelates similarly needed approval from the Council of the Indies to travel to the Americas. Clerics wanting to go to the colonies were required to carry a letter of approval from the Council of the Indies, and once there, they were required to carry proof of permission to travel outside their diocese from a superior. However, this requirement was more difficult to enforce in Europe. W.E. Shiels points to one relevant situation: the imprisonment of Bartolomé Carranza, archbishop of Toledo, by the Spanish Inquisition. During Carranza's nine-year imprisonment in Spain from 1558 until 1567, Philip rejected the papacy's request for the archbishop's transfer to Rome for investigation and trial until 1567, when he was finally taken to Rome. This case has been studied in more depth elsewhere.[27] It is however, valuable as an illustration of Philip's use of his power to restrict movement between Spain and Rome. It is also a poignant example for this study given Carranza's position as archbishop of Toledo: the provincial council was held while he was imprisoned. However, it is a rare example of the king's use of the *Pase Regio*; to affirm the institutional independence of the Spanish and Roman Inquisitions.

The most common use of the *Pase Regio* within Spain was to control the circulation of papal documents in the peninsula. The most well-known example concerns the publication of the bull *In coena Domini* which was pronounced annually in Rome from 1364 and dealt with papal censures on a variety of topics which was reviewed each year. In 1566, however, the Spanish prelates refused to publish the text unless the royal council approved it. In this case, Philip examined the bull and found it no different from earlier versions and so permitted its publication. The Spanish bishops halted its

[27] For more on the trial of Carranza José Ignacio Tellechea Idígoras, *El arzobispo Carranza y su tiempo.* Madrid: Ediciones Guadarrama, 1968.

publication again in 1568, and Philip then supported the bishops and refused to publish it in any of his kingdoms because it contained clauses, which contradicted the allegiance oath taken by bishops in the Indies to the king.[28] His order was followed everywhere except Naples. The new version of the bull contained new clauses against caesaropapalism, which the king saw as an attack on his own rights. His decision to stop the publication of the bull was followed by a royal *pragmática* on 30 August 1568, which 'forbade under grave penalty the publication of any papal rescript, brief, or other ordinance, without the usual *exequatur'*.[29] This order, like the physical use of the *Pase Regio* proved easier to enforce in the Americas than in Spain and in Philip's European possessions.

This last aspect of the *Pase Regio* is especially important in regard to the provincial councils of 1565. Philip used this privilege to control the publication of the Council of Trent's decrees in Spain and the provincial councils' own decrees. Despite his initial acceptance of the Tridentine decrees on 12 July 1564, he restricted the circulation of summaries from Trent preceding the provincial council. On 4 September 1564, two months after officially accepting Tridentine decrees, Philip issued a *cédula* that instructed his bishops to halt the publication of the summaries.[30] He issued a second *cédula* on 4 December 1564 requiring members of the church hierarchy in Spain to write to him and not the pope if they had concerns about the decrees.[31] These measures were also enforced later during the provincial councils. The *Pase Regio* came to be Philip's most used tool in

[28] Shiels, *King and Church,* 187.
[29] Ibid., 188.
[30] Fernández Terricabras, *Felipe II y el clero secular*, 117.
[31] Ibid., 118.

his efforts to maintain his control of the Spanish Church during the 1560s, especially concerning the implementation of the Council of Trent in Spain.

The history of the *Patronato* seems to be one of an ever-increasing reach for the King of Spain. However, during Philip's reign, Pius V attempted to remove aspects of the *Patronato* granted by his predecessors. The implementation of Trent caused many tensions between Pius V and Philip II, as the pope attempted to persuade the king that the *Pase Regio,* and particularly Philip's attempts to circumvent papal authority by making his prelates write to him rather than the pope, was contrary to the Tridentine reforms which called for the clergy to initiate reform and report directly back to the papacy.[32] Later in Philip's reign, when the Papacy attempted to oblige Spanish bishops to visit Rome according to thirteenth century customs of the *ad limina* visits, Philip forbad travel to the Holy See without royal approval. Most prelates, though not all, avoided the issue by claiming that age, illness, poverty, or duties kept them from traveling anyway; possibly a consequence of Philip's insistence on the bishops' loyalty to the king, and their need to maintain that relationship with the monarch as the patron of the Spanish Church.[33]

This brief history of the development of the Spanish right of patronage provides some essential background in to the Councils in Toledo and Granada. It is no wonder that the councils relied heavily on the approval of the king for their success, and the publication and implementation of their decrees. When these councils were in progress, the king remained in control even though he was not there in person.

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[32] Anthony David Wright, *Catholicism and Spanish Society Under the Reign of Philip II, 1555-1598 and Philip III, 1598-1621* (Lewiston, New York: Mellen, 1991), 31.
[33] Ibid., 78.

Philip was the first ruler in Europe to officially accept the Tridentine decrees. When the papacy issued the bull *Benedictus Deus et Pater* on 26 January 1564, which was the officially accepted version of the decrees from Rome, it was not actually published until June. The royal *cédula* approving the decrees as issued by the papacy is dated 12 July 1564.[34] However, just as he accepted the decrees as published by the papacy, he suspended diplomatic relations with the papacy because of a dispute over precedence between his ambassador and the French one in Rome, in which the French ambassador was granted precedence over his Spanish counterpart when presenting themselves to the Pope.[35] The king's willingness to challenge the papacy is apparent also in the history of his relations with the provincial councils in Toledo and Granada. Had Philip accepted the Tridentine decrees without reservations, they could have been implemented in Spain relatively easily. However, Philip accepted the Tridentine decrees only insofar as they did not restrict his own rights of patronage in the Spanish kingdoms. He also personally managed the calling of the provincial councils that were required to implement the decrees in their respective areas. The correspondence between Philip and his advisors and representatives detail how the decrees should be tailored in each province.[36] In the *cédula* halting the circulation of summaries of the Tridentine decrees on 4 September 1564, Philip made it clear that he intended to oversee personally the dissemination of the decrees and their execution.[37] When the archbishop of Tarragona,

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[34] Philip II of Spain. "Council of Trent, July 12, 1564," Manuscripts Collection No. 143, Pitts Theology Library, Emory University.
[35] Kamen, *The Phoenix and the Flame,* 55-56.
[36] Fernández Terricabras, *Felipe II y el clero secular*, 114.
[37] Ibid., 117.

Fernando de Loaces, attempted to convene a provincial council in October 1564 in Barcelona without royal consent, Philip stepped in to stop it.[38]

Philip's fears about the unauthorized calling of a provincial council stemmed from two concerns: the fear that the papacy would interfere as a way to regain an increased authority in the Spanish kingdoms; and that unsupervised councils might lead to heresy or improper belief according to Trent as the Carranza trial proved, who as archbishop, would have led the synod in Toledo and possibly perpetuated the ideas and beliefs for which he was being held by the Inquisition.[39] Philip also feared that the provincial councils might encroach upon the limits of his *Patronato*. If Spain had to hold provincial councils, he wanted to control them.[40] Already, therefore, Philip was seeking to assert his personal control over reform dictated by the Tridentine decrees, having already curbed the unauthorized circulation of decrees and closed a provincial council called without his permission.

When Philip II first decided to hold the provincial councils, he quickly wrote on 10 April 1565, to the presiding prelate to tell them that the provincial councils should convene.[41] Each council was to be held in a metropolitan see under the leadership of the archbishop, in theory under the metropolitan himself. These letters explained how to proceed and the king ordered all the councils to convene between the following July and August. In Toledo, Archbishop Bartolomé de Carranza, was imprisoned on suspicion of heresy and was therefore replaced by the bishop of Córdoba, Cristóbal de Rojas y Sandoval, as Philip's hand-picked presiding prelate. In Granada, the well-regarded

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[38] Ibid., 124.
[39] Ibid., 123.
[40] Ibid.
[41] Archivo General de Simancas (AGS), Patronato Real (PTR) Leg 22, Doc 2, 1.

archbishop Pedro Guerrero was to preside. The background of these two men will be examined in depth in chapter three.

Although the provincial councils were required by the Tridentine decrees, the papacy was made uneasy by the news of their summoning in Spain.[42] The Council had stated that a provincial council was to be held within one year of the Council's closing to receive and implement the Tridentine decrees, and then at least once every three years.[43] The Spanish King and the Pope thus 'agreed on the objective but disagreed on the means' of implementing the Council's decrees.[44] The papacy feared that Philip's plan to control the councils might mask an attempt to initiate his own reforms and secure more influence over the Church than he already held through his extensive *Patronato*. [45] Those fears were not allayed by Philip's imposition of a minister on each council, which will be discussed below, and later when he called for all decrees from the provincial synods to be submitted to the Royal Council and the king for approval.[46]

The thesis is divided into eight main chapters. Each one will examine a different aspect of the provincial councils in Toledo and Granada in order to determine how the pieces of the puzzle fit together. By combining the different aspects of these gatherings and their relationship with the king, we can gain a better understanding of the king's ecclesiastical rights and how they function in those two different Spanish kingdoms.

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[42] Fernández Terricabras, *Felipe II y el clero secular*, 136.

[43] Council of Trent, Session XXIV, Decrees Concerning Reformation, Chapter 2 & Session XXV, Decrees Concerning Reformation, Chapter 2 in James Waterworth, ed., The Canons and Decrees of the Sacred and Oecumenical Council of Trent: Celebrated under the Sovereign Pontiffs, Paul III, Julius III and Pius IV (London: C. Dolman, 1848).

[44] Henry Kamen, *The Phoenix and the Flame,* 54.

[45] Ibid., 61.

[46] Ibid., 60.

The first chapter will examine the initial plans for a series of provincial councils and the king's actions to initiate the process and maintain control through his use of hand-picked royal representatives. In the following chapters, the terms royal representative or minister will be used interchangeably to describe the individual nominated by the king to attend in his name. The situation was further complicated, however, when the nominated representative at the synod in Granada had to leave just after its official opening, causing Philip's carefully created control measure to crumble. Another aspect was the network that Philip established to support his nominated royal representatives at Toledo and Granada. At the same time that Philip was constructing this network of control, both the presiding bishops sought outside opinions and advice: the councils were not in reality wholly isolated from the outside world.

The second chapter will examine how the Tridentine decrees were discussed in Philip's initial instructions. After deciding to hold the provincial councils and who would be attending, the king wrote to each gathering to explain what the council should focus on and what they should shy away from, as some topics infringed on his royal privileges as Philip understood them. In this chapter, the instructions sent to Toledo and Granada will be compared to identify the topics that were open for discussion, and those that Philip deemed prejudicial to the crown's interest. A secondary set of instructions to Granada only will also be discussed to illustrate how the *Patronato* differed in the two regions. In addition, while the council in Granada was more restricted because in many ways the king's rights extended much further, the president there and his fellow bishops found ways to test the limits set by the king and even by the papacy.

The third chapter builds on the second by examining the developing relationship between the king and the presiding prelates, the bishop of Córdoba and the archbishop of Granada. The chapter provides some background information on these two men: their upbringing and education, their ties to the Crown and how their experiences at Trent defined their relationship to the king and to their councils. The comparison of the two figures begins to reveal how the outcome of each council would be shaped by their relationship with the monarch. This chapter sheds light on the early stages of the council and problems that arose in their planning stage and how they would be dealt with.

In chapter four, the problems at both councils with the local cathedral chapters will be examined. The *cabildo*, the term here meaning a cathedral chapter, was often a source of frustration and conflict at both provincial councils. In Toledo, the local chapter fought against calling the council at all and with the support of the ecclesiastical governor Gómez Tello Girón, a stand in for the absentee archbishop who would perform the administrative tasks of the diocese, they refused to name procurators. The king's involvement was subsequently required to oblige the cathedral chapter to name a representative. This was not however, to be the only issue from the Toledo *cabildo* and at both provincial councils the chapters resisted the implementation of the Tridentine decrees that sought to extend episcopal jurisdiction over them. In Toledo, the bishops at the council grew frustrated with the *cabildo* in February 1566, and wrote to the king explaining why this particular issue was so important and asking him to intercede to address the problem. In Granada, the prelates faced similar resistance from the cathedral chapter about Tridentine decrees but wrote to both the archbishop and the king to resolve their problems. It seems as though the archbishop in Granada was more often the target of

their letters expressing their grievances. Similar issues at each council were thus handled in very different ways, in part due to the king's relationship with each council and as a reflection of the extent to which his rights extended in each kingdom.

In the fifth chapter, we will examine an issue that was unique to the provincial council in Granada: the presence of New Christians in the city and the Church's responsibility to educate them to ensure their true conversion. It begins with a brief history of the province from its conquest by the Catholic monarchs and the transition from non-Christian to New Christian subjects. It will also examine how this issue ultimately damaged relations between the king and the council because it challenged the clear division between secular law and governance of the Church . While both sides realized that it required attention, the topic raised issues of authority, and who should have the final say over the council's decrees. Both the king and the archbishop of Granada thought they both knew what was best for the Church in that kingdom.

In chapter six, both councils are examined together to explore their final phases in 1566 and the end of both synods. The council in Toledo realized that there were simply too many issues within the diocese for them to handle in such a short time. They looked to the king for guidance and argued that only the monarch could remedy the situation. In Granada, following the confrontation with the king over who would decide the final wording of the decrees, the small group consisting of the archbishop, two bishops and a few unidentified others continued to revise and work on their decrees to send to the king for approval. The council in Toledo closed with a set of decrees that seemed to be readily accepted by the crown. In Granada, however, the council was indefinitely prorogued, and the council's draft decrees were never acknowledged and thus never implemented.

In chapters seven and eight, the decrees of both councils are examined. The length and scope of the decrees varies, with the decrees from Granada being easily triple the length in typed format. The chapters lead the reader through the decrees and seek to draw from the materials in earlier chapters to reveal how the king's advice was reflected in the decrees, how external influences guided their formation, and how the events at the council shaped their final texts.

The thesis thus seeks to illustrate how the king's right of patronage affected the implementation of the Council of Trent's decrees in the two provinces of Toledo and Granada, and assess how the *Patronato* worked in the two different Spanish kingdoms during the reign of Philip II. The implementation of the Tridentine decrees offers a glimpse into the practical application of the king's rights in regard to the Church. By comparing and contrasting these two provincial synods, we can gain a more thorough understanding of how those theoretical rights functioned in the hands of a monarch who actively sought to use his power over the Church. In addition, they provide a glimpse into the ecclesiastical priorities in the provinces of Toledo and Granada. In just a short period, therefore, the two councils provide us with revealing illustrations of the system of patronage and the challenges that accompanied the implementation of the Tridentine decrees.

Chapter 1: The Royal Ministers and an Outsider

The king's first step was to start the process of selecting the man who would attend in his name at each council, act on his authority and protect the royal rights and authority when necessary. This person will be referred to as the royal representative or minister interchangeably. In both Toledo and Granada, however, the decision about who to name as royal representative was not so easily decided. The king's first choice as minister for the synod in Toledo was Francisco de Vargas y Mexía, his former ambassador to both Venice (1552-1559) and Rome during the council of Trent (1559-1563). The nomination was suggested by the king's secretary Gonzalo Pérez, who was responsible for compiling the list of men for the king to choose from in this situation.[47] For Granada, Pérez suggested the Conde de la Puebla, don Pedro de Cárdenas y Figueroa de Toledo.[48] While neither of these two men was eventually appointed for unknown reasons, their recommendations reveal the important qualities that the Crown initially considered important for its representatives at the councils: a noble background and/or past service to the crown. In the end, the king selected Francisco de Toledo for the synod in Toledo and the Marqués del Carpio for the council in Granada, although this latter appointment was short-lived. To emphasize their qualifications, a brief background is necessary.

Francisco Álvarez de Toledo was born on 10 July 1515 to the third Count of Oropesa and María de Figueroa. The family title of Count of Oropesa had been granted to the family in 1474 by Ferdinand the Catholic and the family had since served the royal family over several generations. That title later passed to Toledo's oldest brother Don

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[47] Ángel González Palencia, *Gonzalo Pérez : secretario de Felipe Segundo*, vol. 1 (Madrid: Consejo Superior de Investigaciones Cientificas, 1946), 264.
[48] Marín Ocete, *El Concilio Provincial*, 40-41.

Fernando de Álvarez de Toledo, but service to the Spanish monarch still remained the duty of his younger brothers including Francisco. Through their mother, Francisco and his siblings were distantly related to the Duke of Alba and he was also third cousin to the Emperor Charles V.[49] Throughout the Emperor's life, Toledo remained close to the royal family. As a child of eight or nine years old, he had served the Emperor's sister, Eleanor, between the death of her first husband Manuel I of Portugal in 1521 and her marriage to Francis I of France in 1526. He also served Charles V's wife, Empress Isabel, after the departure of Eleanor until 1539.[50] In 1535 at the age of nineteen, Francisco had taken the habit and vows of the religious-Military Order of Alcántara. While in the order, he served in the army of Charles V and was present at battles in Germany, Flanders, Italy, Hungary, France, and the Barbary Coast. In the final year of Charles' reign, Toledo appeared once again as a member of the royal entourage when Charles abdicated his throne in Brussels. On the way to Yuste, Charles stayed at the Oropesa family castle in Jarandilla from 12 November 1556 until 3 February 1557, though Toledo was not present during that time.[51] However, after Charles had moved into the monastery at Yuste, Francisco de Toledo was a frequent visitor of the former emperor, along with one of his older brothers and he was one of the few people present when Charles died on 21 September 1558.

After the death of the emperor, there was a lull in Toledo's career and his ties with the crown loosened significantly. From 1558 until 1565, when he was named Philip's representative at the provincial council in Toledo, it has been historians' belief that he was living in Rome, possibly as a delegate of the Order of Alcántara. However,

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[49] Arthur Franklin Zimmerman, *Francisco de Toledo, Fifth Viceroy of Peru, 1569-1581* (Caldwell, IN: The Caxton Printers LTD., 1938), 45.
[50] Levillier, *Don Francisco de Toledo,* 42-43, note 6.
[51] Zimmerman, *Francisco de Toledo*, 47.

his exact career path has been made more difficult to follow by another man who shared the name 'Francisco de Toledo'. There is mention of a Francisco de Toledo at the last session of Trent, which seemingly confused even Philip, because he asked for clarification when appointing Toledo as the representative for the council in Toledo. Gutiérrez's *Españoles en Trento* makes a clear difference between the two men, noting that the future viceroy of Peru was not the same Francisco de Toledo who was present at Trent.[52] However, his oldest brother Fernando, the Count of Oropesa, had initially been selected by Philip to serve as Spanish Ambassador at Trent in January 1562 in until a sudden illness led to the naming of the Count of Luna to replace him.[53]

The man chosen to represent the king at the council in Granada was the first Marqués del Carpio, Diego López de Haro y Sotomayor. Some indecision occurred before he was named as the royal representative.[54] He was the first of his title, which had been given to him only in January 1559.[55] He also had a connection with the crown, as he had married one of Empress Isabel's ladies-in-waiting which showed that he had some royal favor in securing such a match for marriage. The exact reason for the delay is unknown, but the official opening of the council in Granada had to be postponed, even though the archbishop of Granada, Pedro Guerrero had already decided that it should open on 1 September.[56] The Marqués was notified of his appointment only on 20 August

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[52] Constancio Gutiérrez, *Epañoles en Trento (*Valladolid: Consejo Superior de Investigaciones Científicas, 1951), 440, note 881.

[53] Blas Casado Quintanilla, *Claudio Fernandez Vigil de Quiñones, Conde de Luna. Embajador de Felipe II en el Imperio y en el concilio de Trento (III Etapa),* (Unpublished Doctoral Thesis, Universidad Complutense de Madrid, 1984), 215.

[54] Ignacio Pérez de Heredia y Valle, *El Concilio Provincial de Granada en 1565 : edición crítica del malogrado concilio del Arzobispo Guerrero*, Publicaciones del Instituto Español de Historia Eclesiástica, Subsidia 26 (Rome: Iglesia Nacional Española, 1990), 27.

[55] Marín Ocete, *El Concilio Provincial,* 40-41.

[56] Pérez de Heredia y Valle, *El Concilio Provincial,* 31.

1565, and Philip informed Guerrero on the same day. The council's opening session was as a result, delayed to 12 September, both to accommodate the royal representative's travel and to avoid the heat of Granada in August.[57] Soon after his arrival in Granada, however, he learned that his brother was gravely ill in Madrid and requested permission from Philip to return to the city.[58] He was therefore present for the solemn liturgy held on 16 September to mark the opening of the council, but left the following day, the first formal day of the council's deliberations. The first working session was thus postponed until 19 September.[59] Philip never named a replacement for the Marqués del Carpio, choosing instead to rely on Antonio de Covarrubias, who was already present at the council, but without bestowing on him the rights associated with a royal representative. Covarrubias was a jurist and humanist who had attended the council of Trent with his brother, Diego de Covarrubias y Leyva, bishop of Segovia, who attended the provincial council in Toledo.[60] He came from a noble family in Toledo where his father, Alonso de Covarrubias, designed a chapel in the Cathedral of Toledo. Antonio studied law at the University of Salamanca, as had his brother, Diego. Antonio had also been a theologian for the archbishopric of Granada but is unclear where he received his theological training. His experience in dealing with religious matters, specifically in Granada and his well-regarded family background, may have made him especially suitable for the position. At the time of his nomination from the king, he was serving as an *oidor* in the *chancellería* of Granada. Antonio de Covarrubias had a diverse career after the provincial council of Granada: he was a judge or *oidor* in the *chancillería* of Valladolid and served as the

[57] Guerrero had originally written to the king that the council would open on 1 September before the issues with the representative arose.
[58] Pérez de Heredia y Valle, *El Concilio Provincial,* 32.
[59] Ibid., 33.
[60] Marín Ocete, *El Concilio Provincial,* 41-42.

rector at the University of Santa Catalina in Toledo in 1580. He was also rewarded with a position as a councilor on the Council of Castile in that same year. His appointment to the last position shows that he must have maintained Philip's favor during the council, despite never receiving the official title of royal representative.

Covarrubias had originally been assigned to assist the Marqués as an adjunct of sorts, giving him advice and giving any assistance the Marqués might need. He was already well regarded by the king, who praised Covarrubias in his initial instructions to the Marqués. Writing again on 8 September, the king ordered the Marqués to keep him informed and should he need guidance, not to hesitate to write to the crown. The monarch would respond as quickly as possible in order to answer questions. In order to aid the Marqués in his tasks and guide the representative in the city of Granada, the king nominated Covarrubias. According to the king, he was well versed in the decrees of the Council of Trent and would thus serve as an useful resources for the minister, who was coming to the synod with no related experience. The instructions dictated however that Covarrubias was not allowed to enter the public congregations in an official capacity or the closed sessions like the Marqués.[61]

Soon after the initial instructions were sent, the situation in Granada changed very quickly. On 14 September, a letter from the royal secretary Gonzalo Pérez, revealed that the monarch was already aware that the Marqués wanted to leave the council and had decided that Covarrubias should be given all the memorials sent before to the official minister. He was not however given the privileges that would allow him to sit in on the congregations and closed sessions: '… pero que conviere advertirle que use dellos

[61] AGS, Estado, Leg 148, Folio 160.

solamente para enderecar los negocios con el Arcobispo de Granada y los que mas fuere menester, al fin que V.M. quiere que se tenga en ellos, pero que en ninguna manera trate de entrar en las congregaciones ni sesiones ni pedir lugar en ellos ….'[62]

This letter was written before the Marqués left Granada and seemingly before Covarrubias knew what was about to happen. In a letter from Covarrubias to the king on the following day, the *oidor* writes to pledge his service to the king, in the calling of the provincial council and to assure him that the prelates coming to the council will also do their best for the benefit of the Church and the implementation of the Tridentine decrees. In a letter from the Marqués dated 16 September, Covarrubias is praised for his work, writing that: 'En estos negocios lo que con vimese ninguno lo hubiera mejor que Covarrubias.'[63]

The real change in tone in Granada concerning the role of Covarrubias happens on 16 September just as the Marqués is praising him. The letter is from Covarrubias saying that he has received his instruction and looks forward to working with the Marqués. However since a family member of the Marqués, a don Luis de Haro, is very unwell and his life is in doubt, the Marqués was asking for a license to go to Madrid to see him, Covarrubias reports that he intends, together with the archbishop, meaning Guerrero, to carry out the king's instructions and promises not to interfere with the congregations or sessions.[64]

On 19 September, Covarrubias was introduced to the council of Granada without an official title and read the letters sent to the Marqués del Carpio to the council.

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[62] AGS, Estado, Leg 146, Folio 56.
[63] AGS, Estado, Leg 148, Folio 115.
[64] AGS, Estado, Leg 148, Dated 16 September 1565 from Covarrubias.

Covarrubias reported on the opening of the council in a letter on 23 September. This letter included a point-by-point summary of what has happened in Granada from the arrival of the bishops and details his conversations with archbishop Guerrero and their arrangement of the seating order, according to Philip's diagram. At this point, the Marqués was still in Granada for the official opening ceremonies.

The king discussed Covarrubias's position in a letter of 24 October. Covarrubias was, the king instructed, to be diligent and careful in his correspondence. He was responsible for keeping a dialogue open with the archbishop and the prelates as well as ensuring that they conformed to what the king had advised.[65] However, he was to do this while not intervening in the congregations or sessions. He needed to be punctual and precise when informing the king of what was happening so that the king might advise and send orders when necessary. The king then says that when he wrote to the archbishop and prelates; he would include a copy for Covarrubias.[66] Covarrubias was clearly in an ambiguous position: he had the responsibilities of a royal minister, but without the actual power to carry them out. Most of the intelligence Covarrubias was expected to collect would come from the notes of the proceedings and the reports of the bishops and archbishop in attendance. Even with this degree of separation, he was expected to inform the king of what was happening in a timely manner. In many ways, he held the position of a secretary rather than a royal representative; his duty was more to report than actively defend the king's rights, as the royal representative would do in Toledo, or even as was expected in the original documents sent to the Marqués del Carpio. This would continue to be the case throughout the council.

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[65] AGS, Estado-Castilla (EC), Leg 148, Folio 157.
[66] Ibid.

Philip had also compiled an initial instruction to be sent to each of his representatives, which are held in the Archivo General de Simancas.[67] It included a description of the position he would be taking within the council, and a list of letters to distribute when he reached the cities where the provincial synods were held, which they presumably would have received before they set out for Toledo and Granada. A more detailed set of instructions on the Tridentine decrees for the councils would be sent later. In the initial instructions, the letters were only to be seen by the minister; they just described the role of the royal representative, the privileges they were entitled to within the council, who they should seek out if they needed assistance, and who would perform the role of their adjunct. They deserve some analysis, as they reveal much about the relationship between the crown and the provincial councils.

The instructions for Granada are dated after those sent to Francisco de Toledo, which incidentally also predate the letter notifying him that he was to be the minister for the synod in Toledo by two days. This illustrates that the instructions were being drafted even while the king was still debating whom to name as his representative. The instructions for the Marqués are dated 8 September 1565 and the instructions for Toledo are dated 29 August 1565. Both begin with a brief description of the position, and of their right to attend and intervene in the council in the king's name in accordance with the his guidance.[68] More specific orders follow. In detail, the letters are mostly identical, though they do include a few local differences. The ministers are told the start dates of their respective councils and instructed to proceed to the two cities immediately, so that they could be present for a few days before the opening sessions during which they could meet

[67] AGS, Estado, Leg 148, Folio 161 & AGS, Estado, Leg 146, Folio 2.
[68] AGS, PTR, Leg 22, Folio 30.

with the bishops who would be presiding over the councils. Both the Marqués and Toledo were instructed to contact the Archbishop of Granada and the Bishop of Córdoba immediately after they had arrived in their respective cities. Included in this instruction were letters the representatives were meant to deliver to 'algunas personas zelosas del servicio de Dios…' including the presiding bishops, and a memorial on the Tridentine decrees, which will be examined later in this chapter, and a letter from the king to be read before each council at its opening session. [69] The text of the memorial on the Tridentine decrees was the same in each case, though the king notes in the instructions to the Marqués, that 'aunque algunas de los puntos y cabos en el contenido no serán necesarias o apropósito en la provincial de Granada, por ser diferente de las otras…'[70] The king explains briefly that he will write about these on a later occasion if the need should arise. Both sets of instructions make it clear that the royal representative should be present at all meetings during the council and 'no solo en las sesiones, y actos públicos que se harán en la iglesia, mas en las congregaciones generales donde se ha da tratar de los negocios, En las quales es mas necesarias y de mas importancia vuestra asistencia'.[71] The royal representatives were thus allowed to attend the closed sessions, which Covarrubias could not. The instructions do make an exception for the ministers being present for issues being treated by a deputation because all matters had to come before the general congregation eventually, meaning that smaller meetings to plan and draft decrees could be closed to the minister as all material had to eventually appear before the entire council

[69] AGS, Estado, Leg 148, Folio 158.
[70] AGS, Estado, Leg 148, Folio 160.
[71] AGS, PTR, Leg 22, Doc 30 & AGS, Estado, Leg 148, Folio 158.

before approval. Philip evidently felt the need to emphasize that the royal representatives were allowed to attend every element of the synod's activities.

Philip also sought to establish the place of his ministers in a clear order of precedence within the synods. For much of Philip's reign the idea of preeminence was a contentious matter. In what seems to be an effort to avoid this and establish his ministers within the synods, he included guidance on how he intended the councils to be set out and where his ministers should be seated. The ministers are ordered to discuss with the archbishop or bishop presiding the place they would take in the sessions and congregations: it was presupposed that, since the representatives attended in the name of the king, they should be 'preeminente, y de manera que después del arcobispo precedáis a todos los demás…' and in order to explain this, the king sent a *designo* or seating chart separately to each president. [72] Two versions of this chart still exist. One is a generic copy, showing where the presiding archbishop, the royal representative, and others in attendance -such as other bishops and representatives from the cathedral chapters- should sit. Next to the circle on the chart representing the minister, there is a description of why the royal minister was positioned just to the right of the archbishop or bishop presiding, which reads:

[72] AGS, Estado, Leg 148, Folio 160.

> ‘Assiento dela persona que ha de assistir en el concilio en nombre de su mag[d] el qual ha de estar encima del banco de los Prelados, pero no frontero dellos, sino un poco mas a fuera, de manera que no paresca que sele igualan, ni que el se assienta en la orden dellos, y ha de venir a estar quasitan alto como la mesa del Presidente en puesto que tenga respecto a las dos cosas’.[73]

The minister for the king was therefore not to be viewed as an equal to the prelates, and separate from although close to the presiding bishop. His role as an intermediary and outsider in this meeting was thus reinforced in the seating arrangement.

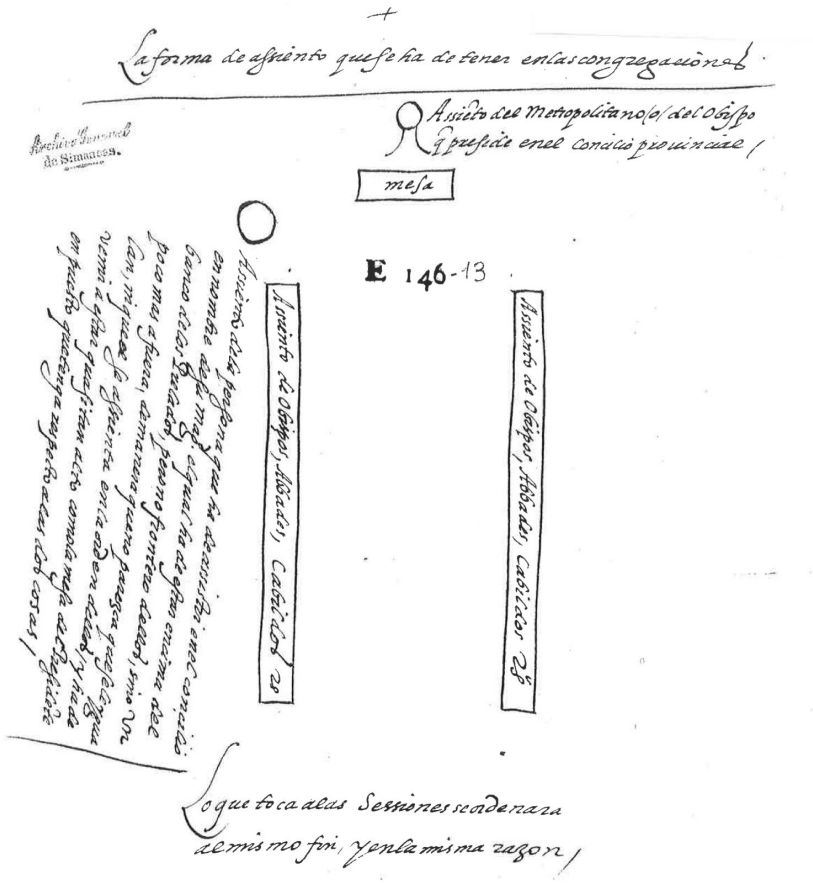


Figure 1 AGS, Estado, Leg 146, Folio 13

We know that this seating arrangement was observed in the council at Granada because a copy of the seating arrangement survives today in Simancas. However, rather than using generic terms, such as bishop and abbot, this document includes titles, so it is

[73] AGS, Estado, Leg 146, Folio 13. See Figure 1.

possible to see who attended the council and who sat where. After the presiding archbishop and royal representative, the left and right bank of seating facing each other are headed by the two other attending bishops of Almería (right) and Guadix (left), followed by procurators from the Church of Granada and other dioceses.[74]

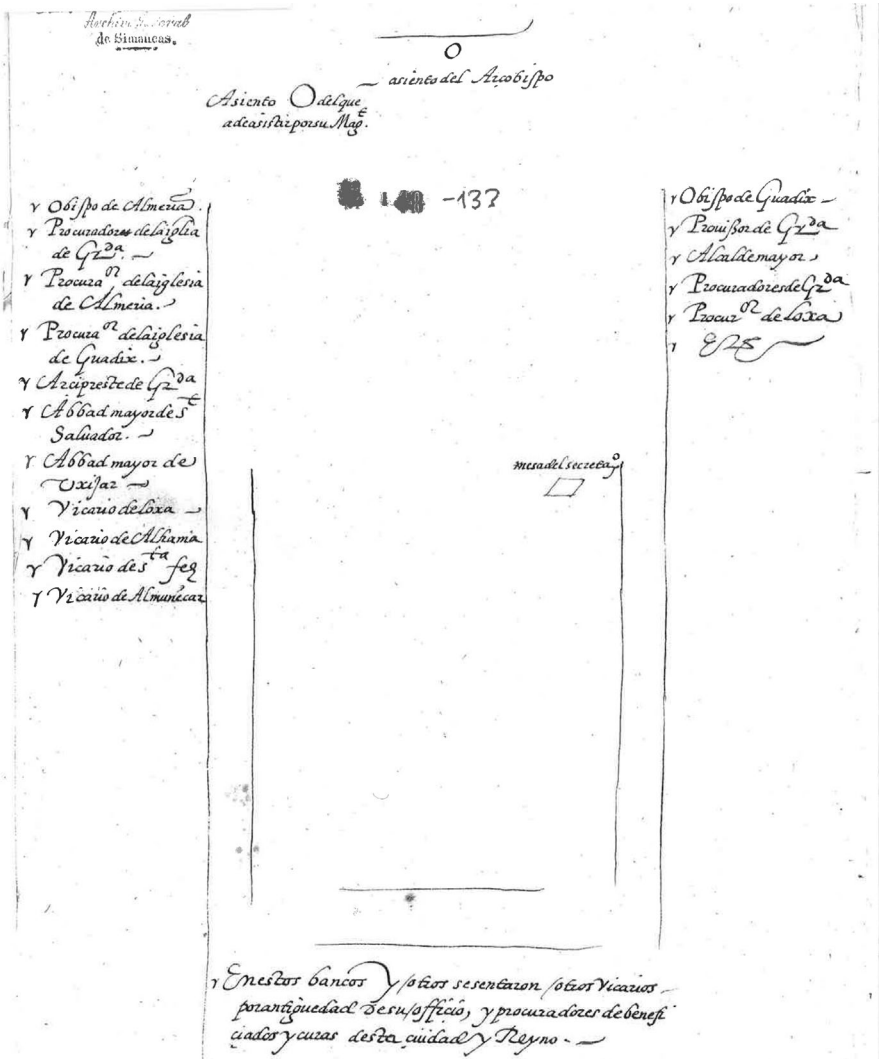


Figure 2 AGS, Estado, Leg 148, Folio 137.

The royal representative was thus shown as outranking everyone except the presiding bishop and served to make the involvement and supremacy of the king at these gatherings visible. The king left the exact details of the seating arrangements in Toledo and Granada

[74] AGS, Estado, Leg 148, Folio 137. See Figure 2.

to the presiding (arch)bishop to decide, noting also in the instructions to both councils who was allowed to speak and vote because while all the bishops in attendance could vote, this right was extended to certain abbots as well. [75]

The ministers are told in the instructions to maintain contact with the presiding bishops as both the laymen and the clerics present had a duty to ensure that the councils ran smoothly and effectively. Should relations within the council sour, the ministers should resolve the problem. The king makes it clear however that his representatives were not to intercede in any formal discussion at the council, which was to have 'libertad para proponer y pedir lo que les paresciera…'[76] The president was to determine in advance the topics to be debated. In practice, therefore, the minister and the presiding archbishop or bishop had to stay in close contact if they were to manage discussions effectively. During the meetings, the royal representative's role was merely to observe and then report back to the king; though his presence in itself would serve as another visible reminder that the king would be kept aware of the proceedings.

The royal representatives were also responsible for liaising with the local secular authorities. The instructions state that the royal representatives should ensure that those attending Granada and Toledo for the councils were well treated. This included providing for their maintenance, and necessary items such as housing and food were available, though the prelates would pay for themselves.[77] The king therefore included with his instructions letters that the ministers were to deliver in their respective cities as soon as

[75] AGS, PTR, Leg 22, Doc 30 & AGS, Estado, Leg 148, Folio 160.
[76] Ibid.
[77] Ibid.

they had arrived; copies of these letters survive for both the council in Granada and Toledo.

The first letters sent to Granada was addressed to the *chancellería* of the city of Granada as a whole. The *chancellería* was the office where official correspondence between the city and the crown was registered and sealed, and after announcing that there will be a provincial council and justifying it as in accordance with Trent, the king's letter introduces his representative, and orders the members of the *chancellería* to grant him favor and assist him in ensuring the progress of the council. They should not impede him or the work being done by the council.[78]

A further letter addressed for the president of the *chancellería*, Alonso de Santillana, similarly requires him to ensure there are no impediments to his work from outside sources or from within the *chancellería*. The president can call on the *audiencia* or the *alcaldes* if necessary to ensure that the Marqués is able to perform his duties effectively and communicate regularly with the king.[79] Santillana could also call on other members of the secular government to ensure the council proceeded smoothly.

Two further letters were addressed to the captain general of the kingdom of Granada, the fourth Conde de Tendilla, Íñigo López de Mendoza y Mendoza, and the *corregidor* of Granada, don Francisco Hernández de Córdoba, who represented the highest levels of military and secular authority in Granada. They had been appointed by the king and controlled the government within the city and the kingdom. The Conde de Tendilla controlled the military forces in the kingdom of Granada, while Hernández de Córdoba was the leader of the local branch of government. The letters formally

[78] AGS, Estado, Leg 148, Folio 148.
[79] AGS, Estado, Leg 148, Folio 149.

introduced the Marqués and ordered them to assist the smooth progress of the council. Philip told the Conde to maintain 'la paz, conformidad, y concordia' in the city, to work for the good progress of the council, and to maintain correspondence with the royal representative. [80] The *corregidor* was similarly required to ensure freedom and security for the prelates and others attending the council.[81] This included having 'buena provisión de las cosas necesarias'.[82] That could mean a number of things, including perhaps finding housing for the entourages of the bishops but the letter does not offer any further detail. He was also instructed to keep the Marqués informed by maintaining a good correspondence. The letters demonstrate that the king recognized the need for his minister to work in tandem with the local government; the archbishop was not mentioned in these letters. These two men combined make a powerful statement in terms of the position Philip was giving his royal minister. They would be power allies for the representative. In addition, these letters also suggest that Philip knew that the presence of the council might cause some problems locally including pressures on the availability of food and accommodation but also popular unrest due to these factors.

The Marqués also took with him a letter addressed to the whole city of Granada. As in his other letters, the king formally announced the convocation of the council and introduced the Marqués as his representative. He asked for city's assistance and requested that the prelates and those coming to attend the council be well treated and provided for, and expressed his desire for 'la libertad, seguridad, paz, quietud, y concordia que se

[80] AGS, Estado, Leg 148, Folio 150.
[81] AGS, Estado, Leg 148, Folio 151.
[82] Ibid.

requiere'. [83] While the request made to the *corregidor* made him personally responsible for such measures, this request seems to be more a general statement that the people of Granada should be hospitable to the influx of prelates to the city. The addressing of this letter makes it difficult to know who it was intended for but it seems to be directed at the city of Granada as a whole, thus bringing the council to the attention of the public at large through some medium such as posting in prominent locations or reading the announcement publically.

The Marqués was directed to deliver two additional letters. The first was to Antonio de Covarrubias, and informed Covarrubias that he had been selected because 'será muy acertado y por la noticia y tenéis de semejantes negocios', and warned him that given the quality and importance of the topics to be discussed, the Marqués would need his advice, counsel, and assistance in the negotiations.[84]

The last letter in the collection sent to the Marqués del Carpio is a general letter to the provincial council, and is similar to the letter sent to Francisco de Toledo, apart from the change in the name of the minister concerned. It explains that the council was required by the decrees of the council of Trent and in line with the king's obligation as a Catholic King and Christian Prince.[85] The synod should act for the reform and good governance of the Church, and praised the minister for his prudence, zeal, and Christianity, and justified their selection in accordance with the 'Antiguo ejemplo de algunos de los Reyes Nos ante pasado…'[86] The king wished the councils success, and ordered them to keep his ministers informed. The instructions to the Marqués ended with

[83] AGS, Estado, Leg 148, Folio 152.
[84] AGS, Estado, Leg 148, Folio 153.
[85] AGS, Estado, Leg 148, Folio 158 & AGS, Estado, Leg 146, Al concilio.
[86] Ibid.

a note that a separate tract would be sent to him concerning the *patronato* and the peculiar and distinct circumstances of the kingdom of Granada.[87]

Included with the instructions to don Francisco de Toledo is a letter addressed to the bishop of Córdoba, who presided over the provincial council in Toledo in lieu of the archbishop of the diocese, Bartolomé de Carranza, held by the Inquisition on suspicion of heresy.[88] In the letter to the bishop, the king introduced his minister and described his role and stated that a set of further instructions would soon follow to guide the council.[89] The king emphasized that he viewed the council as working for the good governance of the Church, a thought echoed in most of the letters, and there is a brief reference to the voting practices to be adopted by the council, which did not appear in other letters. Abbots holding episcopal jurisdiction were to vote alongside the bishops; only one such abbot was present at the council, Diego de Ávila y Zúñiga, the abbot of Acalá la Real.[90] The king also expressed concern that the cathedral chapter had refused to name a representative for the council because they were resisting having the council in their city at all given that their archbishop was absent.[91] This topic will be discussed in detail later, but to resolve the situation, the king reported that he had already written to the chapter, and informed the governor of the archbishopric, who would have headed the municipal government but in Toledo was serving as the ecclesiastical governor to fill the void left by the archbishop's absence, to pressure them to make a nomination. This particular conundrum will be further examined in a later chapter. The king informs the bishop that

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87 AGS, Estado, Leg, 148, Folio 158.
88 In comparison, there does not appear to be a letter with the minister to the archbishop of Granada although the king does mention that he has written to the archbishop separately.
89 AGS, Estado, Leg 146, Folio 6, Al obpo de Córdoba.
90 Ibid.
91 Ibid.

the governor had been told to provide for the council, including 'gastos de oficiales y otras cosas necesarias', from the archbishopric's revenues.[92] He ended by reporting that the Cardinal bishop of Burgos would also be naming a procurator to attend in his name. The details of this last addition will be explained in chapter four.

This letter highlights the problems already arising before the council of Toledo had even been opened, which the minister was to face and indeed the bishop of Córdoba. They will be explored in chapter four, but we can see a difference in procedure between the two provincial councils, as the archbishop in Granada seemed to have more direct communication with the king in Granada, while in Toledo the king's chief link was the minister. This is mainly due to the way that the archbishop in Granada was personally handling the council in his diocese and the absence of the local metropolitan in Toledo.

The other letters addressed to Toledo are very similar to those to Granada. Don Francisco de Toledo also carried a letter to the city of Toledo, which echoes that to the city of Granada, and to the *corregidor* of Toledo, don Bernardo Carrillo de Mendoza, and to the governor of the archbishopric of Toledo, Gómez Tello Girón, which are identical to their counterparts sent to Granada. The only exception was the substitution of the ministers' names and a small addition concerning the cathedral chapters in the letter to the governor instructing him to assist Toledo in obliging the cathedral chapter to name a procurator.[93] The next letter is to the cathedral chapter, which is a brief statement emphasizing that the canons are an impediment to the convocation of the council and ordering them to name their procurator.[94]

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[92] AGS, Estado, Leg 146, Folio 6, Al obpo de Córdoba.
[93] AGS, Estado, Leg 146, Folio 6, Al governador del Arcobispado.
[94] AGS, Estado, Leg 146, Folio 6, A la yglesia de Toledo.

The last two letters are addressed to individuals. The first is the bishop of Cuenca, who was in Toledo to attend the council but not presiding. He was Philip's confessor and a member of the Council of State; the letter urged him to write to the king concerning the council's progress.[95] Clearly, the king trusted the bishop's opinion. This is yet another divergence from the council in Granada where the minister was supposed to be the king's point of contact, and the archbishop was the only other participant required to write directly to the king.

The final letter don Francisco de Toledo had to deliver was to his assistant, *licenciado* Francisco de Soto, who had been Inquisitor in Córdoba and then Seville before moving to serve as the Inquisitor of Toledo.[96] While the letter itself is similar to that of Covarrubias, Soto was encouraged to write to the king in confidence about the council.[97]. The choice of the inquisitor in this case may be revealing as the archbishop of Toledo was at this date imprisoned by the Inquisition. In choosing Soto, Philip appeared to have the same requirements as he did when naming Covarrubias to assist the Marqués in Granada. His position implies that he had a thorough understanding of theology. Thus Soto appears to be a calculated selection by the king. His presence at the provincial synod would have been a sort of threatening symbol to the Church in Toledo but also a vigilant observer of the events unfolding within the council. That Philip asked him to keep a private correspondence during the synod also implied that Soto could write to the king if he suspected anything unorthodox.

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[95] AGS, Estado, Leg 146, Folio 6, al obpo de Cuencas

[96] He would later be named bishop of Segorbe-Albarracín (1571-1576) and Salamanca (1576-1578) and Comisario General de Cruzada in 1572 by Philip II.

[97] AGS, Estado, Leg 146, Folio 6, Al Inquisidor Soto.

Comparing these two batches of initial letters, there are some obvious similarities. The king arranged support for his ministers from the local authorities of the cities where the councils were to be held. The *corregidor*, the governor of the archbishopric, and the captain general of Granada were given similar orders to support the minister: to disobey the minister was an affront to the king. However, the differences in these letters are also notable. The letters sent to Toledo seem to give more autonomy to the bishop of Cuenca and Inquisitor Soto in comparison to their counterparts in Granada. The bishop was outside the local power structure in the city entirely even if his diocese was subject to the metropolitan in Toledo, and Soto should have been solely responsible to the minister in regards to the council. In Granada, initially the minister's authority was shored up, in comparison with only the archbishop required to write directly to the king, until the Marqués's untimely departure.

It is clear however that Philip was setting up a power structure for the councils that left him in control. The minister was the single representative of royal authority at the councils. The instructions to arrive before the council had opened ensured that by the time the council was convened, the royal minister would already be securely established in the local hierarchy. The king had for example written to the *corregido*r of Toledo, don Hernando Carrillo de Mendoza, in July: on 2 July, he announced the official calling of the synods, including that in the city of Toledo, and informed the *corregidor* that due to the absence of the archbishop, the bishop of Córdoba would preside over the council.[98] The *corregidor* was thus one of the first in the city to know the council was going to be held without the archbishop of that city. The second letter dated 18 July required the

[98] AGS, Estado, Leg 146, Dated 2 July 1565

corregidor to keep peace in the city and write to the king personally if he heard anything concerning the council.[99] Philip was in effect already preparing the network of local secular officials before the minister was selected, so that when the royal representatives arrived in Toledo, he would encounter a system of royal supervision for the council that already existed. The *corregidor* in that city had already received another letter from the king dated 29 August informing him that don Francisco de Toledo had been chosen.[100] In Toledo, therefore officials in the city could quickly take up their assigned roles.

In Granada, the situation was very different. On 14 September, the Corregidor of Granada, Don Francisco Hernández de Córdoba, informed the king that he had received the letter passed on by the Marqués del Carpio but he was not then in Granada. Instead, due to 'una pierna tan mala', which had caused him to stay in bed for several days, he was in Alpujarras.[101] Since he was currently bedridden and unable to return to the city, he had ordered his officials to deal with the council under the Marqués del Carpio's guidance. According to the *corregidor*, they had been in contact with him already, and were executing the orders sent by the king. This letter was written in Alpujarras, where he went to 'quiet the scandal'.[102] The scandal he is referring to is unknown but just a few years later in 1568, the Moriscos in this area would lead a uprising against the imposition of Christian traditions. It is unclear whether these two events are linked but there was

[99] AGS, Estado, Leg 146, Dated 18 July 1565
[100] AGS, Estado, Leg 146, Dated 29 August 1565
[101] AGS, Estado, Leg 148, Folio 122.
[102] Ibid.

already at this time unrest in that area that required the attention of the secular authorities.[103]

The Marqués, although only briefly in Granada, clearly began to form the network of support that the king wanted despite the absence of the local *corregidor*. However, as the Marqués left on 17 September, the lack of the royal representative would soon be a problem for the council. When Covarrubias stepped into that role without the official title, he has already been working in the *chancellería* in Granada, and may thus have already known some of the men involved in their network. He may have even known most of them though his work.

Although there were disagreements over who should preside in Toledo, most of the secular officials there were already in place and writing regularly to the king. When don Francisco de Toledo arrived in the city therefore, he could slip into this pre-existing network of support and communication. His early letters do not indicate any initial problems, and he seemed to be quite pleased with the progress of the council.

The roles of the royal representatives, as set out in the royal instructions, included keeping the king abreast of developments at the councils and keeping the council's actions in line with the monarch's instructions. The ministers therefore sent periodic summaries of the events taking place in the council and forwarded letters from the king to the councils and vice versa.

The Marqués left Granada quite soon after the initial convocation ceremonies, but Covarrubias almost immediately took up the role. A letter to the king from the council as a whole dated 10 October, records that Covarrubias had already passed on the king's

[103] There are responses to the king from the Conde de Tendilla and don Alonso de Santillana in AGS, Estado, Leg 148, Folios 117 & 116, respectively.

earlier two letters.[104] This letter was from the council as a whole but was most likely drafted by Guerrero on behalf of those attending the council and it is a response to those initial letters and they do not mention the Marqués at all. It seems that the only action taken by the Marqués before his departure was the delivery of the letters to the secular officials as dictated in his initial instructions. Moving on, in a few weeks time when Philip once again sent instructions for the council, Covarrubias was once again used to deliver these messages. Another letter from 31 October to the king from Guerrero and the two attending bishops at the council of Granada made note that Covarrubias had in fact presented another letter from the king. Covarrubias's role thus seems to have been that of a secretary or middleman between the king and the council; it does not seem that the king or the council were using him in any other way or that his opinions were taken into account. Covarrubias does not state his opinion at any point either on the topics being discussed.

While in Toledo, Francisco de Toledo also forwarded letters between the council and the king, there seems to have been more direct contact between the prelates in Toledo and the king. Many of the men at the provincial synod in Toledo had direct ties to the monarch, serving on councils in Madrid or even personally serving the king himself. These prelates and officials would not perhaps hesitate to write to the king on their own initiative. Don Francisco de Toledo also wrote to the king, and expressed his own views when he felt it was required, which Covarrubias did not. This will be examined further in detail but just the idea that the royal representative could influence the council through

[104] AGS, Estado, Leg 148, Folio 127.

writing to the king, shows the definite contrast in the roles of the ministers in these two councils.

Moreover, later documents also emphasize the role Covarrubias is filling. As the unofficial royal representative, Covarrubias was responsible for keeping the king updated on what was happening at the council but he does so by repeating the information he receives from Guerrero. Covarrubias spoke with the archbishop on his various memorials from the king including the seating order but his memorials contain the start dates of the council and who attended and only later does Covarrubias include a list of topics covered, which again he would have received from Guerrero as he could not attend the sessions. In practice, his role looks very different to that of Francisco de Toledo.

The letter refers also to another meeting with the archbishop, at which Covarrubias had discussed what occurred in the closed sessions and the book of drafted decrees, which was being compiled as the council met and reached consensus on the topics debated. However, Covarrubias told the king that the synod had not reached a resolution. This *libro* would become a point of contention between the king and the council.

The role of the minister in the provincial council in Toledo seemed to be very similar, in that that he too had to forward summaries of the council's proceeding to the king. A short note to the king from his secretary dated 25 August mentions that Francisco de Toledo had sent detailed records from the debates from within the synod in Toledo.[105] These appear to be Toledo's own account and report the discussions at that council in rather more detail than Covarrubias's record of dates, places, and people from Granada.

[105] AGS, Estado, Leg 146, Dated 25 August 1565.

This is also evident in the letter from the king to the provincial councils concerning topics of interest. Responding to the reports from Toledo, the king weighs in on the debate offering his advice and endorsing the decisions of the council. In the letter to Granada, the king asks for more information in response to a letter from the prelates on topics they had asked him about directly.

Several documents from November onward illustrate just how different the situation was in Granada, which became all the more evident as time passed and the synod in that city resorted to holding smaller, closed gatherings with only a few deputies present, debating the final wordings of the decrees and thus limiting Covarrubias's role even further. One letter dated 14 November from the king to Covarrubias states that the king has received his letter of 2 November, which he describes the letter as 'pía y doctamente';[106] Gonzalo Pérez has also received a letter from him. Philip praises Covarrubias's work to keep him advised of everything that is happening in the council and for his quick response concerning the letter to the papacy concerning the topic of clerical marriage. However, after this amicable opening the king says that he received the news that there were no longer public congregations in Granada, but only the meetings of the prelates and a few deputies who were revising a book that the Archbishop had compiled of possible decrees, presumably from Covarrubias's earlier letter. While he acknowledges that this is good work, he also says that it is of the utmost importance that the council should not publish anything until it has been sent to him for review. The king places responsibility for ensuring that this task is carried out on Covarrubias, who may work with the archbishop in secret to guarantee that nothing is published before a royal

[106] AGS, EC, Leg 148, Folio 154.

review. The king offered a partial solution to the problem by suggesting that Covarrubias send him the constitutions that are already resolved and completed from the book rather than the entire volume, as a way to save time. The prelates should not however leave the city until after he has responded and given his advice on every one of the decrees, which deal with the well being of the kingdom of Granada. Philip also demands an account of the situation regarding the founding of seminaries sent to him, as well as details of the decrees on the New Christians, an important topic for the council in Granada and the king because of his rights of patronage. He wanted these two topics resolved as quickly as possible, probably because he wants to be sure of what is written and have the opportunity to contribute and shape the decrees. The second letter was sent to the council, informing them that Covarrubias has received new instructions, but giving no further details. If this had been an officially recognized minister, he would not have needed another letter from Philip to address the council. However, this only further exemplifies how Covarrubias was restricted by his lack of an official title, although the king still expected him to send summaries of what was happening based on his communication with the archbishop who was his only real source of information. In a letter from the Archbishop of Granada dated 21 November, the archbishop says that Covarrubias has only corresponded with him and no one else.[107] In this letter the archbishop also related that Covarrubias has seen everything done by the council until this moment after the fact from the archbishop.[108] This reveals again how he is receiving his information for the letters sent to the king. Towards the end of the letter, the archbishop mentions that Covarrubias has advised them, meaning he has been advising the archbishop who was

[107] AGS, Estado, Leg 148, Folio 125.
[108] Ibid.

expected to pass the information to the others in the closed sessions. Covarrubias thus continued to be essentially a secretary, taking notes to send to the king and forwarding letters and correspondence between the monarch and the synod. His summaries to the king continued to be simple bulleted lists of topics. As the meetings at the council shrank, Covarrubias had to rely solely on the archbishop to pass on information to those attending the closed sessions and to give him the documents being produced in order to form the basis of his summaries.

Philip also took care to control the people the councils interacted with including bishops who should not be present in some rare cases and even restricting his representatives from closed sessions. This is in line with his desire to separate the councils from the papacy's control, as was discussed in the Introduction. Only the royal representatives were allowed into the Church's domain and even he was restricted to attending the council's public sessions and could not interject. With this in mind, the council would appear to be very isolated from any outside influences. However, just at the time when the king was preparing for the council, the presiding bishops, Archbishop Guerrero and Bishop Rojas y Sandoval, were also preparing; and in the process, they sought advice from men outside Philip's recognized network. Both men turned to Juan de Ávila, a reformer and preacher, who was canonized in 1970. His writings have been collected in a multi volume edition that includes his correspondence with both Guerrero and Rojas y Sandoval.[109] These letters predate the opening of both councils, and give advice on the topics the councils should cover. Ávila's earliest letter to Guerrero congratulates the Archbishop of Granada on his election to that position in April 1547. At

[109] Juan de Ávila, *Obras completas del santo maestro Juan de Ávila: edición crítica*, ed. Luis Sala Balust and Francisco Martín Hernández, 6 vols., (Madrid: Editorial Católica, 1970).

this date, Ávila was working in Andalusia as a missionary to New Christians. The letters between the two men continued until November 1565. Ávila's letters to the bishop of Córdoba by contrast, began just before the opening of the provincial synod. Ávila had fallen ill in 1551 and retreated to Montilla in the province of Córdoba, where he would eventually die in 1569. This meant that Ávila worked in various locations in the kingdom of Granada beginning in 1527 until 1539, as well as kingdom of Toledo from 1546 until his death. These letters to Sandoval y Rojas are very different to the congratulatory message, which initiated the correspondence with Guerrero. They are lengthy tracts on the topics that Ávila believed should be debated at the provincial council, including many topics covered in the Tridentine decrees. They are long and offer a wealth of information, which Ávila thought should be considered in the upcoming council.

The letters from Ávila offer an interesting perspective on how men other than the king might influence the councils. Ávila was a highly influential religious leader whose influence helped to shape some of the Tridentine decrees; but traditional scholarship has excluded him from the history of the provincial councils, because Philip limited access to their debates and restricted whom the councils themselves might contact.[110] The king's detailed plans for the council and what they should cover guided their discussions and their final decrees, but the letters from Ávila studied offer a glimpse of alternative sources of guidance. Philip does not appear to have known about this correspondence, and there is no evidence that anyone in his network of loyal ambassadors and representatives knew either.

[110] David Coleman, "Moral Formation and Social Control in the Catholic Reformation: The Case of San Juan de Ávila," *The Sixteenth Century Journal* 26, no. 1 (1995): 18.

Before the opening of the councils, Juan de Ávila wrote a lengthy tract as his first letter, which has been labeled as *Advertencies al Concilio de Toledo* in his collected works. This document conveys Ávila's thoughts on the proceedings of the synod and the topics he thought should be covered. Obviously, these topics, which were important to Ávila, were informed by his own thinking. The first topic is the of reform of the episcopate: '…se deben comenzar a tractor los cánones que tocan a la reformación de los obispos…'[111] The letter continues by mentioning the various canons from Trent which address the reform of bishops, identifying specifically Session 6, Decrees on Reformation, chapter 1 and Session 25, chapter 1 in his letter.[112] Ávila follows the archetype for documents related to the provincial councils and quickly moves on to historical precedent. As evidence for Spain's tradition of reforming bishops, he mentions earlier provincial synods, such as the Medieval councils of Toledo, Cartagena, and Turón, which Ávila says, had already dealt with the reform of bishops.

Ávila condemned modern bishops who were wealthy and indulged in banquets and secular music instead of living as poor pilgrims, saying '…en lugar de la pobreza de la mesa, banquetas sumptuosos y delicadas comidas; en lugar de los huéspedes pobres y peregrinos, los señores ricos y poderosos; en lugar de lección sagrada, los truhanes o música profana….'[113] In this way, according to Ávila, 'Y ansí, la antiguaAntigua virtud se mude en disolución y majestad profana.'[114] This topic had been a focus of Ávila's own career in the Church as a missionary in Andalusia where he remained for nine years beginning in 1527. To fix this abuse and corruption, he believed first that bishops should

111 Ávila, *Obras Completas*, 4: 231.
112 Ibid.
113 Ibid., 233
114 Ibid.

act as 'la guía que enseñan los caminos…'; this was key, he believed, to the entire project of reform.[115] By reforming the bishops, the council would be completing the only real reform necessary to correct the errors and abuses in the Church. However, as the length of his letter suggests, Ávila felt that the reform needed a further explanation in order for the council to fully recognize the issues and how to fix them. He therefore urges the council to emphasize that the bishops' way of life must follow Christ's example. He extolled the virtues, which the bishops should strive for and which should also dictate how the council should precede. The most important of these virtues, humility, was a main point of Ávila's teachings. In order to drive this point home, he specified what he meant by living humbly. According to Ávila, bishops should not wear silk or brocaded clothing, as these were a sign of wealth. In addition, the episcopal household should reflect their humble occupation: they should retain only virtuous priests, but no servants or guards. The household was to be in action a small version of a church and eschew all signs of wealth. This advice would have been very testing in Spain, as bishops were usually men from wealthy families, who often took their family money with them to their dioceses and retained both servants and guards. The bishops at the Council of Toledo were no different, and they resisted Ávila's attempt to limit the quality of life they were accustomed to. In fact Philip accounted for some of their entourage when writing to the city officials to accommodate the prelates and others coming to Toledo for the council to ensure there was enough accommodation and food to cover the basic needs of the council.[116] The response would have been quite similar in all the councils.

[115] Ibid., 235.
[116] AGS, Estado, Leg. 146, 29 August 1565.

Ávila argued that the employment of guards and servants not only went against the example that the bishops should be setting, but also lead them to spend more and retain nothing for the poor as they should.[117] If the bishops lived a humble life, they would save money that could then be used to care for poor, including widows and orphans and so do more good works within their communities.

Ávila's next topic was related: episcopal residence. For the provincial councils in Spain, this was another very sensitive subject. Several Spanish bishops had pressed for stricter regulations on episcopal residence at Trent; Philip II however had declared that it was not as important as other issues.[118] In fact, debates on residency and the Spanish bishops' demand for stricter regulations delayed Trent's proceeding. As if that were not enough reason to proceed with caution, Ávila also mentions the archbishop of Toledo, Bartolomé de Carranza, although tacitly supporting Carranza. According to Ávila, the archbishop had also spoken on episcopal residence, though he makes no mention of when or what Carranza had said.[119] Ávila emphasizes that bishops should be able to preach to their flock:[120] preaching was a bishop's primary responsibility, and thus mandated his presence in his diocese.[121] Ávila was adamant that bishops should personally make their visitations within their dioceses, again something that was facilitated by their being in residence. A bishop who resided in his diocese would better understand the needs of his congregations and provide for them. In particular, Ávila speaks about caring for the poor and suggests that bishops should form *confradías*, organized groups of lay people whose

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[117] Juan de Ávila, *Obras Completas,* 4: 242.
[118] Juan Tejada y Ramiro, *Colección de cánones y de todos los concilios de la iglesia de España y de América, en latín y castellano, con notas e ilustraciones,* vol 4 (Madrid: P. Montero, 1859), 615.
[119] Ávila, *Obras Completas,* 4: 245.
[120] Ibid.
[121] Ibid., 247.

purpose included special devotional activities and caring for the poor. The advice on residence may have been left to one side when the prelates at the provincial council discussed reform. Given their close ties to the crown, those with roles in the government would have not been resident in their diocese but in Madrid or elsewhere where they were needed by the king.

Ávila's discussion then turns to the selection of bishops. This topic touched directly on the rights claimed by the king in the *patronato* and was thus a very delicate subject. The bishops attending Toledo's provincial synod would have recognized this and very wisely did not engage with it. Ávila's arguments are interesting, however, as he seems to offer a way to elevate qualified men of virtue by ensuring that the king is provided with full information on potential candidates, including for example their education, family background, and past history. The king would then be able to make a more appropriate choice on who to elevate to a bishopric. Ávila was thus treading a careful line on the question of what could be done to improve the quality of men selected, while avoiding any challenge to the king's right to appoint bishops.

Ávila then moves to his last section, which focuses on the decrees of Trent, on education as a tool of doctrinal unity. His first target was the reform of cathedral chapters. Trent had agreed several decrees, which set out the education levels required in a variety of positions within the Church. Ávila had expressed his opinion earlier in the letter that bishops should be doctors of theology, and now advocated the degrees and training he believed necessary for the positions on cathedral chapters.[122] Here, though, he again added a challenge to the royal right of patronage by briefly mentioning that he should not interfere with the publishing and implementation of papal bulls - something

[122] Ibid., 245.

which Philip certainly did - saying: 'Y debe procurarse persuadir todo lo posible a su majestad que por este solo privilegio de elegir confesor no se tomen ni se dejan de tomar las bulas.'[123] He included this line in the section dealing with the educational requirements, which Philip had told the councils to address and implement in his initial instructions.

Ávila also encourages the founding of seminaries. Though he does recognize their cost. To reduce those costs, he suggests that the diocese should buy a house for the bishop, and furnish it with necessary items only. The funds saved could then be used to found and run seminaries. His other advice for seminaries included offering entry to two age ranges depending on the position they were training for, with most seminarians being accepted between the ages of eighteen and twenty, but allowing for a small number twelve to fourteen year olds.[124] Money could be saved again by making older seminarians work for the seminary by teaching younger boys and/or men.

Ávila ends his letter by briefly noting some of the decrees from Trent and how they should be implemented. However, this passage is more akin to a list of brief clarifications, and does not replicate the impassioned defense for reform had preceded it. It seems almost like an afterthought, and offers no further direction. We know however that he followed his first letter with a more detailed account of what he believed were the more important sections of Trent. This second letter was a more fleshed out and detailed version of the end of the previous letter. Both clearly predate the beginning of the council, but neither is dated.

[123] Ibid. 268-269.
[124] Ibid., 272.

Following on from what seemed a precursory summary on his thoughts on the Tridentine decrees, Ávila's second tract was a more detailed reflection. He acknowledged that there might be complications in calling the provincial councils and implementing Trent. He believed a lack of money might be an issue but argued that it could be easily remedied if the local Church has provided for its community, as the people would be willing to help. By this Ávila meant that if the Church has adequately provided for the community's needs, the Church could then count on the support of the diocese to help provide for the council.[125] However, it is interesting that Ávila does not mention another major issue at Toledo, the absence of the archbishop. The main difficulty for the Toledo council in Ávila's mind seems to have been a lack of funds and not its lack of an archbishop. It is possible that at the point of writing, the bishop of Córdoba had already been appointed as the presiding bishop for the council, so that the archbishop's absence was no longer a relevant factor.[126] Ávila also advises that older bishops should be allowed an adjunct to assist them. This shows that Ávila and the king had similar thoughts on who was attending the council because the topic of who should attend the provincial synods, including entourage, was covered in Philip's initial instructions.

In this letter, he has a lot to say on the behavior of the clergy and how that might reflect on the celebration of the mass in the minds of the laity. Though the validity of the sacrament could not be affected by the actions of the clergy administering it, the poor behavior of clergy did cause concern among lay people. He limits the actions of the clergy in orders to not leaving their home after nightly prayers as possibly a way to

[125] Ibid., 317.
[126] Ibid., 318.

prevent wrongdoing and they cannot attend 'los toros ni otros espectáculos profanes.'[127] This matches his concern, expressed in the first letter about abuses among the bishops of Spain. Where his first letter had addressed bishops directly, this letter instead dealt with a variety of clergy, including parish clergy, and might have been better received by the bishops attending the provincial synod.

Ávila also addresses the question of clandestine marriages, which the Spanish bishops had urged should be forbidden at Trent and would be an important topic for both councils. This topic is addressed in the canons from Trent, which outlawed the practice as well as calling for registers of marriage to be kept. Ávila's letter reveals a concern that women should be protected from 'el mal hombre' who takes what he wants from them and then abandons them. He also mentions the need to prevent poorly arranged marriages where dowries are promised which the party does not have. Ávila's wrote:

> 'Aquí se advierta que conviene mucho que los curas y predicadores muchas veces en sus Iglesias digan a el pueblo los impedimentos no vulgares de los matrimonios, y los padres los avisen a sus hijos en sus casas para que todos los sepan, porque por su ignorancia se hacen muchos yerros que no se harían; porque, pensando la pobrecita doncella que el mal hombre que pretende engañarla queda casado con ella por lo que él le dice, le concede todo lo que quiere, y así queda perdida, y él riéndose.'

Here Ávila provides a window into the society that existed around the provincial councils. It is very poignant that this topic was raised by Ávila, a missionary who had worked in Granada, and it remained to be seen whether Guerrero would raise it in his own provincial synod after being present during this debate at Trent. It would be up to the bishops attending the provincial councils to implement the Tridentine decrees.

[127] Ibid., 323.

Ávila also discusses episcopal control over men and women who wish to leave their monasteries and convents, and the establishment of hospitals as a duty the bishops owed to the community. In both cases, Ávila points to the city of Granada as the example to be followed. It comes as no surprise that Ávila would praise the archbishopric of Granada, the city with which he was most familiar. He also seemed to have a relationship with the archbishop Guerrero and thought highly of him and his work in the city. That should be kept in mind when we look at the next documents he addresses to the archbishop of Granada.

In stark contrast to the long tracts from Ávila to the council in Toledo, the letters to Pedro Guerrero are much shorter. From 1547, the correspondence between Juan de Ávila and Guerrero is more or less continuous. The letters touch on matters connected with Ávila's missionary work, including one dated 22 December 1564 in which Guerrero asks for more ministers in the city of Granada where there were many New Christians and even Moriscos who needed to be ministered to.[128] In another letter dated 19 January 1565, just months before the councils were called, Ávila writes to Guerrero that he is concerned that the king will also want more than just the right to publish the decrees, including having his own say in what was included in them.[129] What these letters reveal is a personal, as well as professional relationship between Ávila and Guerrero. The correspondence precedes the provincial synods and seems to express a genuine mutual respect for each other. In contrast, this element is missing in the two letters to Rojas y Sandoval. Even in his short letter to Córdoba written on 12 November 1565, Ávila is still advising the bishop on how to proceed in the council, especially in regards to the creation

[128] Ávila, *Obras Completas,* 5: Doc 178, 621.
[129] Ibid., Doc. 180, 627.

of hospitals.[130] However, this is not to say that Ávila had no thoughts to share with Guerrero when it came to the provincial councils.

The first letter from Ávila to Guerrero that mentions the provincial council is dated 5 September 1565. It is not a lengthy tract, like the letters sent to the provincial council in Toledo, but a prayer for the council and Guerrero. Ávila urges Guerrero to work for the good of the Church and likens his zeal to a great flame.[131] This letter was sent around the same time as the two long pieces sent to Toledo. Before that short note, however, Ávila and Guerrero had exchanged at least two letters but unfortunately few of Guerrero's letters survive.

The first is dated 25 May 1565, and asks Guerrero for clarification on several of the decrees from Trent, in some cases suggesting changes to those that he feels contain errors or at the very least needed further clarification to make the decrees' intentions more apparent. The letter lists a number of his own suggestions for changes: in the Decree on Reformation in Chapter 8 of Session 21 for example, he proposes replacing the phrase *commendata monasteria* with the single word 'abadías', as a more appropriate and clearer alternative - although he does not explain further.[132] He also suggests ways to clarify the decrees. Most of these clarifications are simple phrase or word substitutions, as when he corrects Guerrero as mentioned before. [133] While Ávila's comments do not note specific Tridentine decrees, they do relate more broadly to topics covered at Trent and his corrections and adjustments seem to be clarifications for the implementation and presentation to the local Church.

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[130] Ibid. Doc. 215, 709.
[131] Ibid., Doc. 181.
[132] Ibid., Doc. 219, 713.
[133] Ibid., 714.

The other letter is dated 7 May 1565, to Guerrero, in which Ávila asks Guerrero to assist him in writing a tract for the bishop of Córdoba, Rojas y Sandoval: 'Lo principal que entiendo se debe tratar es la ejecución del concilio Tridentino y que se señalen ejecutores para ello…'[134] The letter was presumably the one to Toledo discussed above although it is unclear what Guerrero added to the final composition. In a short note dated 28 July 1565, Ávila gives Guerrero a brief summary of what he had sent to Toledo, and seems to imply that Guerrero did indeed give some suggestions to Ávila on what he should say. [135] The tone in these letters is very different to those to Toledo, and reveals a professional respect; the letters to the council in Toledo, by contrast, read like a lecture to someone who needed help or at the very least guidance. What is unclear is if this need for guidance was something that Ávila felt was needed without provocation or if it was something the bishop of Córdoba initiated.

Ávila expressed himself strongly on topics that he believed were important. Guerrero was in a difficult position: the bishop of Córdoba had been thrust into the position of presiding over the council in a city that was not his within his own diocese and for which he had no significant experience and Ávila felt the need to send guidance. Their correspondence with Ávila also indicates the limits of the king's control of the provincial councils. Despite Philip's determination to maintain a tight grasp of every aspect of their activities, his detailed instruction did not prevent Ávila writing to the synod in Toledo to offer advice and guidance. These letters thus demonstrate an interesting network of influence that sprang up surrounding the councils before they opened and during their discussions. The king's attempt to protect his rights did not

[134] Ibid., Doc. 243, 799.
[135] Ibid., Doc. 244.

prevent the presiding bishops from seeking external advice and guidance.

TABLE 1: Addressees of letters sent to Granada with the royal minister from the king

The *Chancillería* of Granada
The President of the *Audiencia y Chancilleria* of Granada, don Alonso de Santillana
The Conde de Tendilla, Íñigo López de Mendoza y Mendoza, *Capitán General* of the Kingdom of Granada
The *Corregidor* of Granada, don Francisco Hernandez de Córdoba
The City of Granada
Oidor in the *Chancillería* of Granada, Antonio de Covarrubias,
To the Provincial Council of Granada

TABLE 2: Addressees of letters sent to Toledo with the royal minister from the king

The Bishop of Córdoba, Cristóbal de Rojas y Sandoval
The City of Toledo
The *Corregidor* of Toledo, don Bernando Carrillo de Mendoza
The Ecclesiastical Governor of the Archbishopric of Toledo, Gómez Tello Girón
The Bishop of Cuenca, don Bernardo de Fresneda
The Inquisitor of Toledo, *licenciado* Francisco de Soto y Salazar
To the Provincial Council of Toledo

Chapter 2: Initial Instructions

The king's initial instructions established the two ministers in a position of power within each provincial council, and beyond in the local municipal government so far as the provincial councils were concerned. However, the ministers' central duty was to use their authority to protect the king's rights as each council debated the implementation of the Tridentine decrees, and in order to achieve this, the king sent two subsequent memorials to each synod in October 1565, one for the ministers and a second for the presiding bishops. The first letter will be the focus of the initial discussion in this chapter, as it sets up in very general terms which topics were off-limits, and what the king wanted the council to focus on. The text was the same for both the councils. The memorials for the bishops were intended to guide the councils on specific decrees. Another version of this second memorial was addressed to the minister at the joint 1565 Santiago-Salamanca provincial council, and this more detailed memorial may have been sent to the ministers at all the councils convening in 1565 in Granada, Toledo, Valencia, Zaragoza, and Salamanca, as well as to the presiding bishops.

The first memorials sent to the ministers mentioned above are now held in the Patronato Real collection in the Archive at Simancas and are dated 6 October 1565. The presentation of the document marked the first working session of each council. They would have been sent to the royal minister by the king after the initial instructions. It begins by stating that the councils should follow the earlier instructions, which had called for the provincial councils to be held, and whose principle objective was the implementation of the Tridentine decrees. However, the councils were told not to discuss the significance of the decrees 'por estar todo esto reservado a su santidad'. The instructions that follow were designed to aid the royal representatives to 'guiar y

encaminar' the council's discussions, and to ensure that the king's rights were protected.[136] The list of topics in the instructions was to be closely followed by the presence of the royal minister. That Philip had in fact edited these instructions before they were sent to the representatives is revealed by an undated note to Philip, written by Gonzalo Pérez, the king's secretary. At the time this note was written , the final text of the memorials had been prepared with the king's amendments, though the details of Philip's changes are not listed. It ends with Philip's own scrawled addition in the margin that he was still reviewing the letters for the council in Aragón to ensure that his *patronato* there would be protected.[137] While this note mentions the council in Aragón specifically, the detail is telling because it suggests that he was reviewing all documents for the councils before they were sent and giving his personal approval for any correspondence with all of the provincial councils. These memorials were dated in October, which means that they were sent after the initial instructions to the ministers and would have arrived after the official opening of the councils they were addressed to.

After a brief justification for the need for provincial councils as called for by Trent and the good of the Church, the memorials list the first matter for the councils' consideration, which are the educational requirements set out by Trent for the clergy in various church offices. A basic knowledge of Latin was required for promotion to minor orders.[138] This was just the beginning however because those being promoted to any cathedral church positions with a benefice were required to have a degree from a

[136] AGS, PTR, Leg 22, Doc 1, 1.
[137] AGS PTR, Leg 22, Doc 5.
[138] Council of Trent, Session 23, "Decree on reformation," Chapter 11.

university in theology or canon law.[139] In addition however, Philip insisted that the men selected for promotion to any church position should be from his kingdoms, 'especialmente enestos tiempos' meaning he did not want men from countries that were heretical or might spread non-Catholic teachings although the document does not say this explicitly, and Philip reserves the right to personally guide this point of discussion, through letters and his ministers.[140] He was of course responsible for appointing bishops to vacant sees in Toledo and more extensive positions in Granada such as cathedral chapter positions. However, Philip had the power to appoint anyone he wished, even if they did not meet Trent's educational requirement. Philip wanted Tridentine requirements implemented, but did not want his privilege of appointment affected. This topic is also poignant for the council in Toledo, where the decrees were put into action almost immediately upon the death of the Reader of the Sacred Scripture, and his replacement had to be named meaning that the council was able to implement the Tridentine decrees on education even before their decrees were approved by the king or even before end of the provincial council.[141] This Tridentine decree was perhaps less necessary in Granada where Pedro Guerrero had fostered the Colegio de Santa Catalina and the Colegio Eclesiástico de San Cecilio and their work as archbishop. The first was a school established in 1537 by Gaspar de Ávalos, archbishop of Granada at the time, and Juan de Ávila, who was mentioned in the last chapter. The second was a "proto-seminary" founded by Hernando de Talavera, the first archbishop of Granada, in 1492.[142] This meant that in the kingdom of Granada, provision for the education of the clergy was

[139] Council of Trent, Session 22, "Decree on reformation," Chapter 2.
[140] AGS, PTR Leg 22, Doc 1, 2.
[141] Ángel Fernández Collado, *Concilios Toledanos Postridentinos: estudio y edición* (Toledo: Diputación Provincial de Toledo, 1996), 53.
[142] Coleman, *Creating A Christian Granada*, 151.

already underway, and had in fact been renewed under Guerrero; the Tridentine decrees were thus redundant in the city but would hopefully encourage foundations throughout the kingdom.[143] The council was however given permission by Philip to discuss which qualities would be unfavorable for persons chosen for ecclesiastical office, though only in general terms. In this way the council could include in their decrees the qualities, whether personal or professional, that might affect a man's ability to carry out the clerical functions or that might be desirable in terms of education. In this way, while the Tridentine decrees could be implemented, the council was allowed a small amount of freedom without actually impeding the king's rights to appoint whomever he chose. However, these proposed decrees would have to be reviewed by the king before they could be officially promulgated by the council and/or published.

The memorial also discusses the provisioning of benefices, a subject that related directly to the *patronato*. Philip was keen to delineate what exactly the councils could discuss on this matter and his minister was given a key part to play. A note was added about the provision of patrimonial benefices and the kingdom of Granada, requiring the minister to confer with the monarch directly.[144] Here again, the king insists that a general discussion be held, but subjects the provincial council's freedom of action to advice and counsel of the king through his minister. In fact, on certain points the council was required to consult the king first: any topic concerning religious orders, appointments, and more broadly anything which touched on the king's *patronato*.[145] The king would thus be forewarned when topics that might affect his patronage might arise and so enforce

[143] Ibid., 180.
[144] AGS, PTR Leg 22, Doc 1, 4.
[145] Ibid., 8.

his opinion on the council before further discussion. This later became controversial when Philip and Guerrero disagreed over whether royal approval was needed before the decrees were drafting.

The issue of residency was another that Philip was keen to influence. It had almost stalled the Council of Trent when Spanish bishops, including Guerrero, had insisted on a resolution to resolve absenteeism and simony among bishops and the debates dissolved into discussions about the source of papal authority and power of bishops.[146] In addition, Philip had been opposed to the discussion of the topic for many reasons but most notably because some bishops served in his government in Madrid. Now those bishops who stalled the debates at Trent, would be convening councils and Philip did not wish to have the provincial gatherings face almost the same disastrous fate the Council of Trent only narrowly avoided. The bishops at Trent had promoted their views against the king's wishes and Philip had no intention of letting them take up the discussion once again, as it countered Philip's own practice of having bishops serve in roles outside their sees. The topic of residence outlined in this memorial 'sea de facto y no solo asistencia de la persona' meaning that residence did not have to be actual attendance in person.[147] This relates back to the same objections the king had raised during Trent: while he understood why the bishops wanted it addressed, several bishops and clerics served the king in official capacities in Madrid. He called the issue of residency a 'punto muy general' that did not require discussion at the provincial council.[148]

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[146] Hubert Jedin, *Crisis and Closure of the Council of Trent: A Retrospective View from the Second Vatican Council*, trans. N. D. Smith (London: Sheed & Ward Ltd., 1967), 28-31, 44, 50-1.
[147] AGS, PTR Leg 22, Doc 1, 9.
[148] Ibid., 11.

The king directed the provincial councils to avoid any discussion of the Tridentine decrees on Rome and the Curia as they had no relevance in Spain. Instead, he urged the prelates to focus on what he considered to be more important issues, ranging from cathedral chapters, and the monastic and regular clergy, to visitations. The memorial stresses that consultation with the king and his ministers would be key to drafting the councils' own decrees, and that there should be no discussion of any subject that related to the king's rights of patronage. Philip urged the councils to write to him rather than the pope on all matters: if necessary, the king would write to the pope. This use of the *pase regio* was another way for the council's proceedings to be controlled by the monarch, and caused difficulties in the provincial council in Toledo as the cathedral chapters reached out directly to Rome to resolve issues. The memorial also includes a section on excommunication and censure, which Philip felt might infringe on his jurisdiction and urges the council to proceed cautiously and only with the input of the royal minister.

An almost bulleted section instructs the clergy how to respond to Trent's rulings on nuns and cloistered orders. While the treatment of this topic is brief, Philip required the council to consider whether to make new regulations on the circumstances around the taking of vows to ensure that the decisions of nuns and other regulars were voluntary as the Tridentine required in session twenty-five.[149] However, the memorial also warns the council to be wary when dealing with monastic and regular orders because they came under royal jurisdiction. Philip saw monastic reform as part of his personal efforts to reform the Church in Spain even before the provincial councils and it became a key component of his implementation of Trent, much to the unhappiness of some orders, such

[149] Ibid., 22. & Council of Trent, Session 25, "On Regulars and Nuns," Chapter 18.

as the Hieronymite order which had formerly enjoyed royal favor throughout Philip's reign. In the case of this order, the king's goal was to reunite the various splinter groups of the order.[150]

Even while the provincial councils were in session, Philip was seeking to implement some reforms concerning the monastic orders in Spain. His plan was to dissolve smaller monasteries and convents and unify orders that had begun to splinter and divide. Communities in smaller monasteries would thus be moved to larger ones; the Church would retain the possessions of the closed houses.[151] Papal cooperation during this process was not guaranteed, however. When Pius IV refused to accept certain reforms, which included dissolving certain orders, Philip threatened to empty the monasteries anyway rather than allow them to continue as they were.[152] Pius IV did yield to Philip's demands about the monasteries in December 1566. Royal commissioners visited each house before any attempt at dissolution, and the process involved consultation with the papal nuncio in Spain.[153] Some orders however managed to resist the closing of their houses, and the reforms were in the end geographically restricted to Castile, where he held more power over the Church thanks to his rights of patronage.

The memorial also raises the issue of clandestine marriage. This topic had been brought to the Council of Trent in 1563 by some of the Spanish prelates: marriages in their dioceses were being held outside the Church. In theory couples that engaged in clandestine marriages would agree to marry and should then present themselves in church for a blessing. However, as Henry Kamen pointed out, this blessing rarely occurred. It

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[150] *Timothy J.* Schmitz, "The Spanish Hieronymites and the Reformed Texts of the Council of Trent," *The Sixteenth Century Journal* 37, no. 2 (July 1, 2006): 376-377.
[151] Kamen, The *Phoenix and the Flame,* 66.
[152] Ibid.
[153] Ibid., 68.

was common at this time for couples to decide on marriages and arrange them without going through the Church at all. Most marriages were arranged in this way with the local priest acting as a notary on marriage contracts if the Church was involved at all.[154] This was the case for most of Philip's reign despite his attempts to correct this, though his motivation is unclear. His memorial advised prelates not to allow these marriages to occur, and if a clandestine marriage was being arranged, the couple is to be impeded in their union.[155] The instructions also advise the councils that clandestine marriages were to be declared invalid as a deterrent. In order to be valid the ceremony had to take place in front of a 'cura o de otra sacerdote con su comisión y testigos…'as declared in Trent.[156] However, the next section states that the topic was raised at Trent, stating that these clandestine marriages can be made valid and clergy are to respond to this situation should they encounter it according to the Tridentine decrees. The decrees on marriages try to prevent clandestine marriages but acknowledge that they do occur and offer various routes to deal with them. This included provisions for legal clandestine marriages so long as both parties agreed to the union. However, should the marriage be found to be improper, the prelates and clergy had the ability to invalidate unions if they violated the decreed regulations.[157]

Philip's final concern in the memorials was the councils' contacts with the papacy: the prelates were to write to him, but should not supercede his authority and write to the papacy directly. Initially, this requirement is set down in relation to the question of clandestine marriages, but after ordering the council to be a shining example

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[154] Ibid., 9.
[155] AGS, PTR Leg 22, Doc 1, 23.
[156] Ibid.
[157] Council of Trent, Session 24, "On the Reformation of Marriage," Chapter 1.

of the success of reform in the Spanish Church, he again requires the prelates to write to only him and his ministers. His fear was that the papacy would use the councils as a way to regain some of the privileges granted to the Spanish monarchs by earlier popes.

Three versions of the memorial have survived. The first was sent to Francisco de Toledo- the final two lines detail who carried the message, the date it was dictated (6 October 1565), and the signature of Gonzalo Pérez. The other copies do not indicate whom they were sent to though the contents are word for word the same apart from the final paragraph, and were probably sent to the other provincial councils being held in the kingdom of Castile, and also Granada, which, though a different kingdom, formed part of the kingdom of Castile.

So what did this memorial mean for the provincial council when it was written? The most obvious answer was that it delineated which issues might become points of conflict with the crown. The bishops attending the council in Toledo all had close ties to the crown and were probably keen to maintain the king's favor, as they all owed their future career advancement as well as their current positions to the monarch. It placed the royal representative in a key position in council discussions; the bishops were to defer to his guidance on the issues raised in the memorial. The minister on the other hand had not only this memorial, but access also to the memorial given to the bishops, which further dictated what topics conflicted with or at the very least concerned the royal rights of patronage.

However, some exceptions were made to the rules set out in the memorial sent to Granada. It appears that the archbishop of Granada already realized this, as in the copy of the instructions set to him, Guerrero made notes throughout the twelve pages on the

topics that were relevant to the kingdom of Granada where the king had more complete rights of patronage. In the margins, for instance, there are notes indicating that the rulings on the founding of seminaries, the appointment of benefices, and even monastic reforms did not apply as in Granada Philip controlled appointments to all clerical positions at every level and financial control through the donation of the church tithes to the crown. The situation in Toledo was different, and the prelates were able to discuss far more than Granada and relied more heavily on the memorial from the king. In Toledo, the recent imprisonment of the archbishop and the overall state of the Church in Toledo preoccupied the council's proceedings. In Granada, the Church was more concerned with correcting the beliefs and doctrine being taught to the city's diverse population.

In addition to setting out his rules about his patronage, the king also felt the need to give his input to the bishops attending the councils. So they received a memorial similar to the one examined above; theirs was however rather more detailed. Copies of the memorial to the bishops of Granada that survive are addressed to another royal representative, Conde de Montegudo, at a separate council although the note on the memorial says that it was intended for Granada. This is not surprising because a few of the documents have the names and place names crossed out and replaced showing that the instructions were the same, regardless of location. This implies that the minister at Granada would have also seen the documents: in a letter of 23 October 1565, the king wrote to Covarrubias that the *oido*r (as he was still called), now possessed all the memorials sent to the Marqués, and that these should guide him.[158] This would have included the memorial sent to the bishops, which will be examined below and which

[158] AGS, Estado, Leg 148, Folio 157.

would have been the first tract from the king for the prelates to guide their discussions. However, we know that the king had previously written to the presiding archbishops or bishop at each council before it opened from a series of letters sent between the initial letter announcing the council and the official opening.

The memorial to the bishops at the councils from October begins with the usual justification that this provincial council has been decreed by Trent and followed those held in the kingdom of Castile, though not in the memory of anyone now alive. This is an interesting proposition, as Granada was still a relatively recently conquered territory. This historical reference could be to provincial synods dating back to Roman times, such as the Council of Elvira, held in Granada around the year 305AD. The historical justification was potentially more relevant to the city of Toledo, where seven medieval councils were held beginning in 1138 and the last before the 1565 councils was held in 1379. That versions of this document were sent to several councils suggests that the point was expected to resonate with those in attendance in the different Spanish kingdoms.

The instructions acknowledge that too much time had passed between those ancient councils and the calling of a new provincial council, and that there was, as a result, even more reason to call a new synod in the hope of reintroducing and renovating the old decrees and canons. The next step was therefore to agree who could vote in these new councils and how this voting would take place. This echoes the instructions set to Toledo from 6 October almost word for word. The document requires the council to proceed in the same way as the ancient councils, and conform to the Tridentine decrees, meaning that the metropolitan should convoke the synod or (should he be lawfully hindered) the oldest (in age) suffragan bishops. The prelates who historically by right or

custom attended should be summoned. The council should discuss all matters relevant to the 'gobierno y regimiento y reformación de las yglesias y provincial y personas dellas…' However, the primary objective for the first sessions of the provincial council was to accept and execute only the decrees from the Council of Trent. That seems to be almost a step backwards in terms of what was said earlier about working for the reformation and governance of the Church as it limits that opening phrase to those topics discussed at Trent. In other words a façade of freedom disguises the king's limitation of what could be discussed at the provincial council. However, as we shall see, the prelates, especially Guerrero, subsequently found a way to discuss what they wanted even though it was thinly veiled as a discussion of the Tridentine decrees. In fact the instructions state that there should be no discussion that attempted to amplify the power of those attending. The prelates were told that they had no power to make declarations about the Tridentine decrees: the right to interpret the decrees is reserved for the pope, and questions of interpretation should also be addressed to him, though this should be done with caution as Rome might use it as an excuse to exert control over the council and usurp its authority. This was clearly one of Philip's key fears, and by mentioning it to the bishops in Granada, he was also warning them that the papacy might seek to overrule their authority. Any letters to the papacy must however, first be sent to the king, who will forward them on if necessary. The king warned the prelates against discussing topics relating to the Roman court, as those topics could lead to suspicion, scandal, and above all impede the progress of the provincial council.

The king also acknowledges that many topics of discussion will touch upon his own authority and rights. The *patronato* was the basis for the Church in Granada more so

than for any other provincial council location. The instructions dictate that topics concerning the 'consejos, audiencias, y otras tribunales y juezes reales y de otras cosas que conciernen a las leyes, usos, y costumbres destos reynos y del estado segular…' may arise, and members of the council must have good reason to discuss them. The prelates are told to consider very carefully how they might deal with these topics, including how they might phrase their responses and the solutions to problems, and that the king's representative would advise them on such topics. They should also refer to the king for clarification. This is a clear indication of how enshrined the *patronato real* was, even more revealing of Philip's feelings concerning the papacy and the threat it posed to the *patronato*. The idea that the councils were permitted to debate these topics at all is interesting; but as part of the Church in Granada, the role of the State would no doubt arise in their deliberations. The instructions also note that the king's agreement will be needed if the council wishes to meet again at a later date, though the Tridentine decrees already mandated that provincial councils should meet every three years.[159] Philip also warned that differences of opinions between the metropolitan and the other attending bishops could disturb the peace and impede the council's progress: he was implementing strict rules for dealing with the issues that arise.

The council was to officially accept the decrees of Trent as its first action, and it should conform to the decrees in its implementation. More importantly, the acceptance 'tener la forma y estilo que en substancia se tuvo en la que su Magestad hixo por su patente dando…'[160] The king was in this way requiring the councils to present a unified front himself. Their acceptance should not mention the confirmation by the pope, thus

[159] Council of Trent, Session 24, "Decree on Reformation," Chapter 2.
[160] AGS, EC, Leg 148, Folio 164.

notionally separating the Spanish Church from the authority of Rome without undermining the faith. The acceptance should instead mention only that the papacy had declared that the decrees should be 'published and executed'.[161] This would 'conserve la autoridad de la sede apostólica y no se perjudique a la de los concilios generales cerca de loqual se podrá advertir mas en particular de la forma'.[162]

On the detailed topics to be discussed by the council, Philip first instructed the council on the process by which clerics were selected for promotion to positions to cathedral churches. In Castilian dioceses, the king appointed only to bishoprics; but in Granada he appointed to every level in the cathedral church. Philip is clear that the expectations had already been laid out by ancient councils and as such should not be a topic of discussion at the provincial councils. The instructions say that this topic is 'en perjuizio del patronazgo de su Magestad' a blunt indication of how Philip saw his own rights and the differences between the two kingdoms in question, as it does not appear in the previous memorial to Toledo. [163]

The instructions also seek to ensure that some of the topics of the councils of 1565 were uniform across the kingdoms. The king delegates the topic of 'beneficiados curados' specifically what information was needed to properly select men for positions with a benefice, just as he did with the instructions to Toledo. The provincial councils should also regulate for the examination of candidates in line with the educational requirements set down by Trent and to list the qualities that should prevent appointments and be reported to the king for his consideration. Any decisions were thus at the discretion of the king. The king thus gave the council a morsel of authority, but limited

[161] Ibid.
[162] Ibid.
[163] Ibid.

what they could do with that small freedom. The same instructions were included in the document to Toledo as well.

The king delegated the founding of seminaries to the provincial councils of 1565- a process he describes as 'good, sacred, and of great benefit to the Church and its ministry'.[164] However, he adds, the necessary discussions needed to deal with this topic could create suspicion and disquiet in the kingdom, as they touch on the king's subjects, the state, and the Military Orders. All decrees or decisions should thus proceed in a uniform and ordered manner; the *cédulas* of the prelates should be sent to the king and no action taken without his approval on the grounds that the king would need to discuss the topic with the pope to better understand what was necessary. This seems like an odd argument; the prelates had initially been told that the seminaries were good and necessary, and then that any decisions had to be screened by the king, and make his decision, which would be passed on to the archbishop, who would direct the provincial council's discussion in line with the royal orders. Once again the king is giving a little independence to the provincial council but immediately rescinding almost every element of that autonomy.

The king claimed more explicitly that the council was ill-equipped to deal with this topic of Military Orders without his specific instructions if it were to be broached, he should be made aware and would intervene. The reasons for this decision are not stated explicitly in the instructions. Philip's limitation on this matter boils down to what a Military Order was at the time of the provincial council. Though these orders had once been religious orders when they were founded during the various crusades, during

[164] Ibid.

Philip's reign, they were more honorary titles granted to men who performed services for the crown. Though their titles were called orders, they were more often than not, military men and royal servants rather than men of the Church. Thus, the council would need serious royal approval and oversight to even discuss them.

In a further section, the king insists that certain topics relate directly to his rights and that the *patronato* must not to be discussed; as to do so would cause grave inconveniences and suspicion in the kingdoms. Unfortunately, the king does not see fit to include which topics specifically he is referring to beyond those already mentioned. According to the king, the universal Church had granted the *patronato*, and it was 'muy defendido y conservado' by the kings. Here Philip was both laying down his justification for the continued defense of the *patronato* and presenting a scarcely veiled threat that he was determined to defend it. The royal representative and the archbishop had already been given their own instructions on how to deal with decrees that touch on the *patronato* and the pope had also been informed that the councils would proceed with implementing the decrees in a manner that benefited the Church and the kingdoms of Spain. This is the most straightforward discussion in these documents of how Philip viewed his *patronato* and how he expected his prelates to defend them, or at the very least not infringe upon them.

The instructions subsequently details how the council should begin, and how it should proceed. Following the general acceptance and implementation of the decrees from Trent, Philip assumes that episcopal residency would be an issue especially for Pedro Guerrero who had been a proponent of strengthening the requirements around residency while at Trent. The king attempts to deal with the topic quickly and avoid much

discussion stating that residence was required except in the case of visitations and synods, but makes an exception for an absence licensed by the crown for those serving in government or resident in Madrid in the royal service. Given his correspondence with the Archbishop before the council, the king may already have expected him to broach this subject at the provincial synod. Philip was thus giving the archbishop some allowance but also protecting his own right to use bishops in secular positions.

This letter also recommended that clerics selected for any church positions not provided for by Rome should be graduates and in line with the Tridentine decrees call for men to hold a degree in theology or canon law before assuming positions within the cathedral chapters and beyond. However, the king should confirm such appointments. This would have been of important relevance in both cities, as there was a vacant position in Toledo because the Reader of the Sacred Scripture died just after the convocation of the council, and in Granada, where the king was able to fill all church positions at every level through his *patronato*. This seems like an olive branch extended to placate the bishops after having curbed any initial discussion of interest regarding other topics.

The king did allow the council to deal with the residence requirements in inferior churches and pluralism at lower levels of the Church in their kingdom, but only after the Tridentine decrees had been implemented. This was another attempt to placate the prelates at Granada in the hope that they would not attempt to make grand reforms that infringed on the *patronato*. These lower offices would have been subject to the authority of the diocesan bishops, though the king could still license an absence if circumstances dictated it.

Philip ends his letter with a final plea for the smooth calling and progress of the council: he urged the prelates to recognize the gravity of the matter at hand, what it meant for the Church within the Spanish kingdoms, coupled with a restatement of his own power and insisting again that all questions should be forwarded to him.

These two memorials together offer a very interesting insight into the relationship between the councils and the king. Everyone involved in the councils was instructed on the king's right of patronage before any decrees had even been formulated. Although these instructions are to an extent generic and were sent to various kingdoms of Castile, they reveal the king's own view of his rights, what he thought needed to be addressed by the councils, and the topics he knew (or thought) would be raised in the councils' discussions. By writing to his ministers and the bishops in advance, he seems to have wanted to avoid any chance of conflict. The instructions to the ministers provided a brief introduction, but they would have relied on their adjuncts to assist them. In the case of Granada, the adjunct was in part performing the duty of the royal representative. In addition, the bishops were given a more detailed survey of topics and how to address them. Both memorials identify the relevant Tridentine decrees when addressing each topics: in the letter to the ministers, they are noted in the margins.

However, because the situation in Granada was very different from that in the other Spanish kingdoms, the king wrote a second memorial for the council, there which went into further detail on topics which affected the *patronato* in that kingdom and specifically the treatment of New Christians.[165] This question was pressing in Granada because of the large numbers of New Christians in the kingdom and Guerrero was eager

[165] AGS, Estado, Leg 148, Folio 159.

to take this on even before the opening of the council. What is interesting is that in these initial memorials as mentioned above, the archbishop of Granada already was making note of the topics to address at the council, and an important one was how to provide for the true conversion of the New Christians in the kingdom of Granada. As this topic was a central element in the king's *patronato* in the kingdom, it became a source of contention between the king and the archbishop. In order to receive the *patronato* from the papacy, the monarchs of Spain were responsible for converting all non-Christians to Catholicism.

In the letter to Covarrubias of 23 October 1565, the king had more to say about the council of Granada. Covarrubias was told to maintain communication with the archbishop, and to inform him of what was included in the second memorial: in particular the topics that related directly to the kingdom of Granada. Writing on the unique situation in Granada the king wrote:

> 'Y algunos puntos de los contenidos en este memorial para esse Reyno y provincial por ser tan diversa de las otras, no serán necesarias o no se aplicaran, vos en esto mirarais de lo que se debe usar y de lo que será a propósito desse Reyno, para que lo procuréis de guiar y encaminar conforme a lo que en el dicho memorial se dice y advierte…'[166]

The notations from the archbishop of Granada on the initial memorial, marking many as not applying in Granada, were thus correct insofar as very few topics discussed there related directly to the council being held in Granada.

Another letter dated 24 October 1565, is presumably the second, more comprehensive set of instructions mentioned by the king to Covarrubias on the previous day. This memorial is addressed to the bishops, who had apparently written to the king

[166] AGS, Estado, Leg 148, Folio 157.

twice before to ask for guidance: he had received those letters on 10 October in addition to a letter from Covarrubias, which provided an account of the council's proceedings until that point, including a section praising those in attendance for their zeal and caution.[167] He described to the king the opening convocation ceremonies and listed who was in attendance- thus demonstrating that the council in Granada was following the royal instructions.

The first topic discussed in the king's letter is an ongoing issue in Rome concerning clerical marriage, which the prelates in Granada had written on and which will be addressed later in this chapter. He also addresses the New Christians in Granada and the obligations to them from the Church. This was to become the most important topic for the Church in Granada. However, as it fell under the jurisdiction of the king and the royal *patronato*, it needed to be handled carefully. Philip began by acknowledging that there was a great need to provide for the kingdom's New Christians and that the king and Church both have an obligation to provide for them.[168] He acknowledged the letter already sent to him by the prelates, ordered them to draft their resolutions after a thorough discussion and send them to Madrid. The king and his council would then make any alterations that they deemed necessary.[169] While at first the council's freedom to debate the topic seems to be unrestricted, there was again a check on that freedom. It was clear that while the council was permitted to debate and make suggestions based on their own knowledge and experience, the king's rights were not affected; any implementation must be approved by him and his decision was final. The prelates in Granada had written

[167] AGS, EC, 148, Folio 159.
[168] Ibid.
[169] Ibid.

a long letter to the king on the subject, (which will be discussed in a later chapter) and it must have been disappointing that the king responded with only a single paragraph. As this would later become a major point of disagreement between the king and the council, the lack of direct instruction on this topic is striking.

The king acknowledged that the foundation of seminaries was more important for Granada than for other parts of Spain, as the clerics in the kingdom would frequently be ministering to New Christians and thus had a greater need of newly trained priests than other parts of Spain. However, the king wanted more information about the institutions that already existed in Granada, and about plans to erect new ones.[170] He asked where specifically the seminaries would be erected and what form they would take.[171] While new diocesan seminaries were called for in the Tridentine decrees, the Fathers at Trent allowed instead for the details to be settled at the national or provincial level. Philip also wanted to know how any new institutions would affect the existing distribution of seminaries in the province and the provisioning of each establishment and the training of personnel.[172] The synod was therefore to discuss these questions and report back to him. It is clear that the king did favor the creation of more seminaries throughout the kingdom and pledged his support. As already mentioned, the city of Granada already had two educational institutions, which had been formed during the reign of the Catholic Monarchs and Charles V. So while Philip felt this topic was important, Granada and indeed much of Spain already had proto-seminaries in some locations like el Colegio de

[170] Ibid.
[171] Ibid.
[172] Ibid.

San Pablo de Valencia and several established universities, such as the University of Salamanca that provided training for clerics, from which to draw.

The letter also discusses the question of *limpieza de sangre* for those nominated for benefices. The king here again insisted on maintaining control himself.[173] The 'purity of blood' statues were issued throughout Spain and forced families to prove their ancestry was strictly Christian with no ancestors of other religions. These statutes were initially targeted at *converso* families who could not prove consistent Christian ancestry in many parts of Castile and could thus be excluded from positions in both secular and religious spheres on these grounds alone. In Granada, purity of blood could be used against New Christians, whose Islamic family ancestries occupied the forefront of people's concerns. While the king reserved the right to decide on nominations, should anything related to the topic of blood and family religious history be uncovered during the examination of their background it could be given as evidence the person. While he seemed to be certain that anyone with 'impure' lineage would be discovered during the process anyway, if such issues were raised, Philip could still disregard it. It is possible that by addressing this topic, the monarch was seeking to prevent its discussion entirely; as in the end it came down to his prerogative on whether it affected the nomination.

The letter ends with Philip telling the prelates that he had written to Covarrubias to explain his duties and asking them to facilitate his correspondence, before wishing the council well in its meetings. [174] He continued to protect his rights and provide feedback on the ever-changing topics discussed by his councils through his correspondence. As early as 27 June 1565, he had written to the archbishop of Granada to confirm that he

[173] Ibid.
[174] Ibid.

would work 'para la buena dirección u efectuación del dicho concilio'.[175] In a letter of 23 August, the monarch's involvement became even clearer when he declared that he hoped the Marqués and the archbishop would work together with him for the good governance of the Church and the success of the council.[176]

However, these early letters do reveal the topic which would draw the king's attention to the provincial synod in Granada more than the others: the local population of New Christians. It certainly comprised the bulk of his discussion with the council during the fall of 1565 and early into the new year, because the council felt that they had little in reality to discuss due to the king's insistence on his rights. Writing to the king on 31 October, for example, the prelates emphasized the extent to which their initiative was limited. After acknowledging his letters and memorials, they claimed that 'en este sínodo, hay poco cosas que hazer, porque patronazgos, no los hay o muy pocos, de algunas pequeñas capellanes'.[177] They could not deal with benefices or pluralities because they touched on the privileges granted to the king.[178] Topics such as these might have been the focus of other councils around the Spanish kingdoms, but not in Granada.[179] In Granada, the provincial council wanted conformity throughout Spain in terms of doctrine as decreed at Trent especially as it was taught to the New Christians. In the letter from 31 October from the prelates at the provincial council in Granada, the prelates in attendance expressed the wish to visit their dioceses to ascertain how to implement the decrees: the archbishop of Granada claimed that it has been more than four years since he had made a

[175] AGS, EC, Leg 148, Folio 171.
[176] AGS, EC, Leg 148, Folio 165.
[177] AGS, Estado, Leg 148, Folio 128.
[178] Ibid.
[179] Ibid.

visitation of his diocese in person. Their priority was to devote themselves to their pastoral duties and provide for the churches of the kingdom.

This letter illustrates the other end of the *patronato* and how it was perceived. While the king had his view of what might infringe on his rights, his bishops had theirs. In these initial exchanges it seemed as if there might be nothing for the council in Granada to discuss. However, rather than leaving the council immediately, the bishops began to focus on their own choice of topics. The archbishop assured Philip in a letter of 21 November that the provincial synod was keen to remain in line with the king's instructions; they had followed his advice on the issues he had written about, and Covarrubias had advised them.[180] However, the prelates had claimed that the topics that required the king's direct supervision were not relevant in Granada.[181] When the bishops drafted their first proposals on Moriscos, they were sent to Philip early in December.[182] Despite this early notice, the king wrote to the council saying: 'Porlo que ultiman[te]. Os escrivimos auréis visto como aviamos mandado juntar personas para tratar y resolverlo que se deve proveer en el remedio delos nuevos convertidos desse reyo.'[183] This brief letter shows that the king wanted the council to resolve the issue of New Christians, but again added that when they had decided what to do, they should inform him immediately through Covarrubias before acting on it. The council did write to the king regarding what could be done when the king's rights of patronage quite literally left nothing within the bishops' control. While they attempted to find topics that allowed them some input, the

[180] AGS, Estado, Leg 148, Folio 125
[181] Ibid.
[182] AGS, Estado, Leg 148, Folio114.
[183] AGS, Estado, Leg 146, Folio 133.

king's prerogative always returned to protect his *patronato*. This severely limited what could be discussed in the provincial council in Granada.

A letter dated 10 December from the king to the provincial council in Toledo reveals a vastly different perspective. This is a point-by-point account of Philip's views on the topics already treated or on the agenda for the council; topics that the king severely limited at the council of Granada were openly debated at the council in Toledo.

The first topic was episcopal residence. This matter had of course been discussed at Trent, but Philip believed that areas for interpretation needed further clarification. He wanted the council at Toledo to define and narrow the causes for absence and what was necessary for a prelate to claim absence legitimately. He thought the question of residence was not an important matter at Trent, and was certainly wary of opening it to debate in Granada. He was more willing perhaps to let the prelates who had served him directly, or were closely associated with the court in Madrid, and were now in Toledo, to discuss it. He acknowledged the importance of residence when bishops were not visiting their diocese but raised the example of prelates going to Rome at the expense of their church and the public good, implying that they should not visit Rome without his approval. Once again, he was seeking to protect his own authority over the Spanish prelates, and shielding them from Rome. The issue of residence of prebendaries is also mentioned, and the king believed that they too should be excused from the residence requirement. Later in the document, he adds that anyone performing royal duties should also be excused from residency requirements.[184]

[184] AGS, Estado, Leg 146, Folio 5.

The letter also refers to some smaller points of concern. Night services in churches and hermitages, he insisted, be cleared of existing abuses, and the veneration of saints corrected. This seems to stem from local issues in parts of Spain where church traditions had been perverted and were not performing any religious function any longer. However, reform in these matters is left to the ordinaries to deal with. Philip insisted that the rules and regulations that applied to the prelates' table, food, and well-being should apply to all clerics, and the number of banquets in the homes of the higher clergy should be limited to three or four per year. The king noted that this particular decree from session twenty-two of Trent had been hard to enforce because it was so generic, and required all the councils to enact a decree on it.

The king further mentioned the distribution of the products and incomes of the Church to provide for the prelates. His advice was that there was an established custom in the kingdom that was both ancient and approved in law: 'Y seria bien referir las palabras mis mas del decreto del concilio del Trento en el principio deste decreto…'[185] In other words, this task was to be left to the king according to the *patronato* where it applied rather than the Tridentine decrees regarding residence. This allowed some room for interpretation by the monarch yet left the topic of donation open for the council to discuss. However, his advice should be heeded above the decisions of Trent.

Philip gave the council in Toledo freedom to act on the Tridentine requirement of degrees for clergy and canons, meaning little more than that they could discuss it. He wanted only graduates from within the Spanish Kingdoms appointed: '…como se ha advertida, convendría que se declara se que fue se en una de las universidades destos

[185] Ibid.

Reynos y no de fuera dello'.[186] On the delineation of parish borders and how they should be provided for in terms of money, he wrote almost a page insisting that the Tridentine decrees and the wishes of the pope were prejudicial to royal jurisdiction: 'Seria en mucho prejuizio del derecho y jurisdicción real. Y esta material es muy grave, y que toca mucho al estado del Reyno, y en que no se podría dexar de interponer al consejo, haziendo a terminación sobre las dichas particularidades…'[187] Neither of these topics were discussed at Granada due to the *patronato*, and their presence on the agenda at Toledo reveals an interesting difference in the way the *patronato* worked in these two different kingdoms. In regards to the selection of a new Reader of the Sacred Scripture in Toledo, Philip said that the new rules for educated men applied, which called for degrees in theology and canon law for various positions. [188]

The differences in these two letters, written on just weeks apart are stark. If the letter to Granada were to be used as evidence, the council would seem to have dealt almost entirely with the issue of New Christians to the virtual abandonment of other topics. In Toledo, however, a host of other debates were conducted. The topics in his letter to Toledo reflect Philip's thoughts on topics the council had sent to him; but already there was a clear difference between these two councils, which the earlier memorials would have us believe, should have followed the same rules. While both councils received the initial memorials through the royal representative, the kingdom of Granada as a conquest of Castile was subject to a host of further regulations as outlined in the king's rights of patronage. Even the prelates in attendance at the provincial council

[186] Ibid.
[187] Ibid.
[188] Ibid.

recognized that those initial instructions would be severely limited by the *patronato*. What is revealed even more in the last document is that the bishops present at Toledo were able to discuss topics that seemed off-limits in the initial memorials. The issue of residence could not be broached in the council of Granada, for example, but we have clear evidence that the council at Toledo did discuss it. In addition, the selection of clerics for benefices and appointments were completely reserved to the king in the kingdom of Granada, and even topics that might relate to this were subjected to royal review.

The topic of clerical marriage mentioned earlier, provided a starting point for the council in Granada to challenge the boundaries set by the king and use their situation as a gathered group of senior clerics to exercise their own authority. The three attending prelates in Granada, the archbishop, and the bishops of Almería and Guadix, realized that they were in a unique position to use the provincial synod to inform the pope of their opinions. However, their position was complicated by the fact that Philip was reluctant to allow direct communication between the provincial councils and the papacy. He saw the synods as under his authority alone; this was most certainly the case in Granada. In order to achieve their aim, the bishops in Granada organized their efforts in a way that suggested the king was wielding the necessary power. In fact, the letters that emerged from the council seem to give the king all the authority on this subject, which in practice made him more willing to go along with the plan. If it were not for the initial letter of 10 October, where the bishop raised the topic and suggested the plan, the king could have been given credit for the entire scheme as he mentioned the topic on 29 August

condemning it.[189] This indicates the skill of the bishops, and illustrates how they were able to exert their will over both the king and the papacy, at least on this one occasion.

The way the council at Granada took advantage of this unique opportunity to exert its own power is revealing. The framing of their actions as under royal control and in defense of Catholicism is key to understanding how it occurred. In writing the letter to the pope which would be sent by the king, they argued against clerical marriage in much the same way as the council of Trent had. Guerrero's being one of the signatories of this letter gave them even more weight because he had been present at the final session of Trent when several attendees from the Holy Roman Empire on behalf of their emperor, Ferdinand, Philip's uncle, had initially raised the topic of clerical marriage.

The clerics at the council of Granada even sought to influence the pope's views. The two bishops and the archbishop learned that the pope was considering a proposal presented at Trent by clerics from the Holy Roman Empire to allow priests to marry. Although there is no dated evidence of exactly when they first learned of this, references to the topic appear just after the beginning of the provincial council, and so the initial source may have been the letter from Philip dated 29 August discussed below. While clerical marriage among Protestant clergy had become familiar in the Holy Roman Empire even during the time of Charles V, the issue was strictly opposed by Spanish clerics.[190] The actions of the council in Granada on this matter offer a unique example in which it went beyond its official goal of implementing Trent, and ventured to influence the policy of the pope.

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[189] AGS, Estado, Leg 148, Folio 127 & AGS, Estado, Leg 146, Folio 4.
[190] Marjorie Elizabeth Plummer, *From Priest's Whore to Pastor's Wife : Clerical Marriage and the Process of Reform in the Early German Reformation* (Farham: Ashgate, 2012), 281.

The first time the issue of clerical marriage was addressed in the surviving records was by Philip himself in his initial communications to the council of Granada. Dated 29 August 1565, to be read before the council at its opening, Philip condemns some princes and provinces of Germany for offering communion in the form of both wine and wafer to laity which in Catholicism restricted to clergy. As well as condoning clerical marriage, which he described as 'dangerous and prejudicial'.[191] In a further letter a day later, addressed only to Francisco de Toledo though intended to be shared with the bishops of Toledo and Cuenca, the king expressly prohibited the council from discussing clerical marriage, and in addition, ordered that there should be no contact on this matter with Rome.[192]

Clerical marriage is also referred to another letter from the king to his royal representative in Granada, dated 8 September in which Philip required him to present the memorial to the council, which he enclosed with the letter to guide those in attendance on which topics were most important. The 'conjugio de los Sacerdotes' was included because the king had heard that some of the clerics at Granada were considering writing to the Pope about the matter.[193] The king wanted any such letter to be forwarded to him first via 'correo expreso' so that he might read it and give his advice on it before they signed it. In this case, as so often, Philip insisted that only he should mediate between the provincial council and the pope in line with his instructions that councils should contact him first before writing to the papacy if they have any questions. [194] One wonders whether the king had learned of the council's concern about clerical marriage from Pedro

[191] AGS, Estado, Leg 146, Folio 4.
[192] AGS, Estado, Leg 146, Dated 30 August 1565.
[193] Marín Ocete, *El Concilio Provincial*, XII.
[194] Ibid.

Guerrero; perhaps he suspected that Guerrero himself might have initiated the correspondence, given his recent experience at Trent. What the letter also reveals is that the idea to write to the papacy emerged from the council itself and not from the king.

After this preemptive warning from Philip, it was up to his officials to keep the king abreast of the situation and enforce the rules set down by the monarch. The Marqués del Carpio wrote to the king on 15 September to inform him that the question of clerical marriage had been raised. The provincial synod had agreed with the Council of Trent[195]; there was very little discussion, though the council had decided to write to the papal nuncio in Madrid; Carpio included a copy of that letter. In what might appear to be an attempt to ease Philip's fears, the Marqués also says that the archbishop had been extolling Philip's virtues.[196] Guerrero himself praised Philip's zealous and cautious approach to all matters of religion: there was no one in his kingdoms, claimed Guerrero, who was more devoted to the universal Church than the king.[197]

In what appears to be his first letter to the king dated 23 September, Antonio de Covarrubias, acting as an unofficial royal representative, summarized what had occurred at the council until that moment. It was accompanied by a complete report on the first congregations, and mentions the letter from the bishops at Granada about clerical marriage, which was addressed not to the nuncio, but to the pope. Unfortunately, that letter does not seem to have survived. It seems the king had himself sent his views on a number of points, which he wanted the bishops to include in their letter. Covarrubias says that he will send the letter for the pope to Philip first, and as soon as possible.[198] Philip

[195] AGS, Estado, Leg 148, Folio 114
[196] Ibid.
[197] Ibid.
[198] AGS, Estado, Leg 148, Folio 131.

had thus successfully placed himself as the intermediary between the council and the pope in order to ward off any threat of encroachment from the papacy on the work of the provincial synods.

The council's letter to the king on the subject of clerical marriage dated 10 October acknowledges the two first letters from the king, passed to them by Covarrubias, which had been read before the congregation. They thank him for the favor and authority given to them, and reassure him that they wish only to serve God and the king, whose heart (they say) is Catholic and pious. They then respond to two points from the king. First, they ask the king to intercede with the pope on the topic to make him see the grave and serious nature of the appeal he has received to permit clerical marriage. They also ask him to use the provincial councils to assist his campaign by allowing them also to write to the pope.[199] In the words of the bishops: '…pues aunque no se ofreciera tan a la mano esta oportunidad…' for this was an opportunity not to be missed.[200] The prelates at Granada insist that they be allowed to write to the pope to advise him on what will be good for the Christian religion concerning the issue of clerical marriage. They also ask that the letters be sent to Cardinal Pacheco to pass on to the pope. The bishops at Granada were thus seeking to influence the pope's policy, and to convince Philip to support them. They acknowledged Philip's power by letting him act as an intermediary, but also exercised their own influence to argue the case against clerical marriage to the pope, despite Philip's stated order not to involve Rome in their deliberations.

Covarrubias mentioned clerical marriage in another dispatch to the king on 23 September, but only in passing, confirming that the prelates had prepared their letter,

[199] AGS, Estado, Leg 148, Folio 127.
[200] Ibid.

though it remains unclear whether Philip sent it on to Rome.[201] In a letter dated 14 November from the king addressed to Covarrubias, Philip praises his work at the council and his quick response concerning the letter to the papacy, which he describes as 'pía y doctamente.'[202] In a second letter of the same date addressed to the council, he applauds their quick response, and tells them that Covarrubias had sent the letter they had written for the pope.[203] Since by this point, the public congregations at Granada had ceased, the council had no further opportunity to engage with the topic. Instead, a smaller group made up of the archbishop, the bishops of Almería and Guadix, and *diputados* selected by Guerrero were now debating the detailed implementation of Trent's decrees.[204] The last document referencing the prelates' letter is only dated 30 November 1565 and summarized the events, adding that the other councils had also written to the pope urging him not to concede 'el conjugio a los sacerdotes' in Germany.[205] It is not clear whether the letter ever actually went further than the monarch.

As evidenced from the documents discussed here, Philip was not shy about writing to the council and his ministers on any topic he deemed necessary. The Morisco question in Granada became one of those topics, as it affected both the Church in the kingdom of Granada and the Spanish *patronato* in a very significant way. In addition, questions concerning the cathedral chapters could also be resolved through royal intervention. This distinction links the councils to an interesting relationship with the secular government, and specifically with the king. Moreover, this relationship between the presiding prelates and the king was key to the overall success or failure of the

[201] AGS, Estado, Leg 148, Folio 131.
[202] AGS, Estado, Leg 148, Folio 154.
[203] AGS, Estado, Leg 148, Folio 155.
[204] See Chapter 5, 15.
[205] ACG, Lib. III, 326.

councils and getting their decrees published. A good relationship was necessary for the councils to reach a successful conclusion; and when relations soured, the council's decrees were the victim.

Chapter 3: The Bishops

The largest group at the provincial councils was the attending bishops. They held the most influence within the gatherings; they debated the Tridentine decrees, and their views shaped how those decrees would be implemented locally. Within each gathering, they ranked just below the royal representative, sitting in banks opposite each other and separate from the minister. The presiding bishop however was seated above everyone else.

This powerful group of bishops therefore deserves further examination. How were they selected, and who were they? The two councils offer a glimpse into the different types of men attending these councils. In Toledo, several of the six bishop attending had close ties to the king, whereas in Granada, none of the three bishops had any close relationship with the king. Moreover, the bishops at Granada seem to have had more decided opinions on the implementation of the Tridentine decrees, while at Toledo, they simply accepted what was sent by the king.

The most important figure at the two councils was the president. In theory, this should have been the metropolitan archbishop; in Granada, the archbishop Pedro Guerrero, and at Toledo, archbishop Bartolomé Carranza. The suffragan bishops of each province attended the council in the metropolitan capital, and the archbishop was responsible for proposing the topics for discussion, working closely with the royal representatives in line with the instructions sent by the king. In this chapter, the two presidents will be examined. In the case of Granada, don Pedro Guerrero de Logroño presided; but at Toledo in the absence of the archbishop, the king chose a bishop from a neighboring ecclesiastical province to preside don Cristóbal de Rojas y Sandoval, the

bishop of Córdoba. For clarity, these men will be identified by their surnames rather than their shortened titles.

They remain the main force guiding the council's discussions and maintaining the relationship with the royal representatives and the king; but their previous careers had been very different. The appointment would not have been a surprise for Guerrero, but it may well have been for Rojas y Sandoval. His appointment did cause issues with another suffragan bishops, Francisco Mendoza Bobadilla of Burgos. The king's intervention was required to resolve the matter and his justification for the choosing Rojas y Sandoval is explained in several letters, which will be explored later in this chapter. The conflict eventually led the king to request that the bishop of Burgos not to attend the provincial synod. This series of events will also be examined in detail later in this chapter.

The suffragan bishops were expected to participate in their provincial council. In Toledo, five bishops, in addition to the president, attended throughout the council. Unfortunately this number excludes Diego de los Cobos Molina, the bishop of Jaén who travelled to Toledo for the council but died on 8 September, shortly after arriving and his successor was not named until April 1566. However, only two other bishops (those of Almería and Guadix) attended the synod in Granada in its entirety, with the archbishop. Guerrero commented on these absences in a letter dated 3 July 1565, asking that the council continue as planned.[206] While attending the council, the presiding bishops at both councils also wrote to the king to inform him of the council's proceedings and on topics that varied from council to council. In addition to the bishops, the abbots in attendance who held episcopal jurisdiction, such as Diego de Ávila y Zúñiga, the abbot of Acalá la

[206] AGS, Estado, Leg 148, Folio 136.

Real at the council in Toledo, had a vote as well. This meant that while everyone else including procurators for cathedral chapters, priests, or the secretaries, in attendance could discuss and debate, the bishops and abbots alone decided which decrees were approved and would eventually (in theory) published. We need to know more about these bishops if we want to understand the power dynamic at the council, and by extension how this group as a whole interacted with the king. The letters from the attending prelates also reveal how the king used these men with close ties to the crown to reinforce his own control.

The king and the presiding bishop were therefore the two pillars of authority at each council. They needed to work together to make the councils function, implement the decrees, and eventually to publish the decrees after their closure. However, the first step in unraveling this relationship involves understanding the relationship of the presiding bishops with the king before the councils opened. The early life and career paths of Guerrero and Rojas y Sandoval offer some insights to how they eventually headed the provincial councils.

Pedro Guerrero was born in 1501 in Leza in what is today the Basque Country in the north of Spain. His parents were Diego Guerrero and Catalina Fernández, but their status is unclear; historians have argued either that they were laborers or they were of noble status.[207] The latter was perhaps more likely, given their son's education and career trajectory. He probably received his early education at the monastery of San Prudencio de Monte Latuce in his birthplace.[208] Before being accepted to a university, prospective students had to attend a secondary school between the ages of eight and seventeen, and

[207] Herreros González and Santapar Pastor, *Pedro Guerrero: vida y* obra, 953.
[208] Ibid. 137-138.

Guerrero left Leza at the age of ten to study grammar in the city of Sigüenza with the recommendation of his uncle, a monk with the Order of San Jerome or Hieronymites.[209] His education there would have included subjects such as history, mathematics, geography, philosophy, and rhetoric. He moved to the university in Alcalá in 1519, and received his first degree in 1523. It is unclear what drew him to that university. During his time there, he also began his sacerdotal training.[210] Guerrero returned to study at the University of Sigüenza in 1524, where he began his study of theology, and obtained a master's degree in theology in 1529. Guerrero then moved to the University of Salamanca where he remained until 1534; he was funded by a scholarship there, which was valid for eight years, although he only used it for roughly five.[211] He also used his time there to attend lectures by Francisco de Vitoria, credited as the father of international law and celebrated figure in debates about religion and government.[212] Guerrero received his doctorate in theology from the University of Salamanca on 22 June 1535.

After completing his academic studies, Guerrero began his new career in the Church. During the reigns of Charles V and Philip II, among other posts, he held canonries in the cities of Sigüenza and Cuenca. It was while he was in Sigüenza, that Juan de Ávila suggested his name for the vacant see of Granada, having been offered the position himself earlier in 1546.[213] The two seemed to have met while both were studying at the University of Alcalá and established a friendship that would last into the years of

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[209] Ibid., 141.
[210] Ibid., 149.
[211] Ibid., 157.
[212] Ibid., 160.
[213] Coleman, *Creating A Christian Granada*, 149.

the provincial council, during which time they corresponded on theological matters and on the council. The king had the right to appoint the archbishop of Granada from a list of possible candidates suggested by advisors and church officials. Guerrero had no significant administrative experience at this date. However, he also had the favor of Ávila who had already gained some renown for his missionary work in Andalusia, especially in Córdoba, and as the first rector of the University of Baeza. With his support and at the king's discretion, Guerrero was appointed to the post on 27 February 1547. Ávila, wrote to congratulate him and offer advice on 2 April that year. He described Guerrero's new position as a 'carga tan pesada' and told the new archbishop to serve God, be a pastor to the people, and to favor the Colegio de Santa Catalina. Ávila had helped to found this college as early as 1537, as a college for the training of priests and later giving control to the Jesuits in 1551. After the Jesuits took over the college, it was officially founded in 1554 when it was recognized by the papacy to provide for the moral and theological training of future clergymen.[214] Guerrero took this advice to heart, and once in Granada, began to follow in the footsteps of another model, Hernando de Talavera, Granada's first archbishop following its conquest in 1492 until his death in 1507. David Coleman has argued that between the death of Talavera and the appointment of Guerrero, Granada's ecclesiastical establishment suffered from a lack of effective leadership.[215] Guerrero immediately began holding monthly meetings with the clergymen of the city and the archdiocese in his home, following the example of Talavera. These meetings were akin to a sort of miniature council, at which the clergy could discuss problems facing the Church at the time or more generally, and together with the archbishop present, find a way to

[214] Ibid., 151 & Ávila, *Obras Completas*, 5: Doc 177, 618-620.
[215] Coleman, *Creating A Christian Granada*, 11.

address them.[216] In addition, he began to foster growth in two institutions within the city: the Colegio de Santa Catalina, as Juan de Ávila had requested, and the Colegio Eclesiástico de San Cecilio, a 'proto-seminary' founded by Talavera in 1492.[217] As a result of these monthly meetings and Guerrero's attempts to improve the education and doctrinal homogeneity of clergy in Granada, many of the decrees of the council of Trent would subsequently be considered redundant in the archdiocese. However, it was his role in the second and third sessions of the Council of Trent that made him well known in the Church beyond the limits of his own diocese.

Pedro Guerrero attended the second session of the council of Trent from 1 May 1551 until 28 April 1552. There he presented a very different persona than he did later, for although some historians have called him one of the more significant and influential figures at this session, it was for different reasons. Antonio Marín Ocete describes him as being more willing to work with the other bishops at Trent and to negotiate in order to continue debates. A very different man seemed to return to the Council for its third session from 18 January 1562 until 4 December 1563. Most historians of the Council and of Guerrero have noted a rapid change in his demeanor between the two sessions. While no single source suggests any specific causes, Marín Ocete notes that Guerrero was increasingly concerned by the problem of absent prelates in his own diocese and the ever-growing New Christian population.[218] Between the two sessions he attended at Trent

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[216] Ibid., 86.

[217] Ibid., 151.

[218] Antonio MarRO_ITEM CS*El arzobispo don Pedro Guerrero y la política conciliar española en el siglo XVI* , 2 vols., Consejo Superior de Investigaciones Cientntes Cientliar española en el siglo XVIitation":"{\\rtf Antonio Mtica. 3 & 4 (Madrid: Consejo Superior de Investigaciones Científicas, 1970).

from 1552 to 1562 Guerrero returned to Granada, and this period hardened his resolve and made him much less willing to negotiate when the third session convened.[219]

Before the opening of the final sessions of the Council of Trent, Philip had taken a keen interest in who among his Spanish bishops should be allowed to attend. In order to prepare, he had called together some of the principal prelates of Spain, including the archbishop of Granada.[220] This gathering, known as the junta of Toledo, met in May 1561 just after the bull of convocation had been issued by the papacy. Its purpose was threefold: to examine the bull of convocation, to decide which prelates should attend, and to develop a plan of action for the council. The first part was more a concern for Philip than for the prelates gathered in Toledo. The bull of convocation did not explicitly state that this third session was a continuation of the previous ones, and its wording implied that the decree on justification from the first session of Trent in 1547 could be put in doubt. These early decrees from Trent set out the Catholic doctrine on justification as separate and different from several reformed religions which argued for salvation through grace alone or by works alone. This decree had already been accepted in Spain implicitly, and the Spanish Inquisition had already been using it when investigating heresy.[221] Not conforming could lead to execution by burning at the hands of the Inquisition.[222] Philip had also implemented his own reforms concerning the religious orders as dictated in the early sessions of Trent. This appears in two letters to Pius IV from the king on 18 March 1561 and 15 November 1563 in which he asks the pope to listen to his ambassador on the

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[219] Coleman, *Creating A Christian Granada*, 147.

[220] Fernández Terricabras, *Felipe II y el clero secular*, 43.

[221] Council of Trent, Session 6.

[222] M. Boeglin, "Evangelismo y sensibilidad religiosa en la Sevilla del Quinientos: consideraciones acerca de la repression de los luteranos sevillanos," *Studia Histórica: Historia Moderna*, 27 (2005): 165.

subject and to give the papal approval to enact his reform of the cloistered orders, and specifically a reduction in their numbers.[223] The Spanish ambassador was supposed to speak with the pope about the implementation of Trent on 24 February 1556, and specifically the subordination of cathedral chapters to bishops, an issue also for the provincial councils in 1565.[224] Only after Pius IV promised to issue a papal brief to Philip stating that the council's decrees were valid and not 'subject to the discontinuation of any suspension' were Spanish demands for a direct acknowledgement of the council as a continuation quieted, and the papal bull published in Spain in May 1561. [225] The papal brief dated 16 July 1561 arrived in Spain and confirmed that the council was indeed a continuation just as the pope had promised.[226] A letter from Philip on 18 August 1561 acknowledged receipt of the brief and promised the king's help and support for the council.[227]

The question for the junta in 1561 was which bishops should attend. While this seems to hint that the prelates at Toledo had a say in whom among the prelates of Spain might be selected, it is more likely that they set out some guides for Philip to use when making his selection, as they also seem to have realized the king did not want all his bishops move to Trent, even though all bishops were supposed to attend. This was certainly a different policy to that of Charles V, who allowed his bishops to decide for themselves whether or not to attend. We know that Philip asked his secretaries compile a list of bishops throughout his kingdoms of Castile and Aragón, with information about

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[223] AGS, Estado, Leg 891, Folio 40 & AGS, Estado, Leg 901, Folio 198.
[224] AGS, Estado, Leg 511, Folio 83.
[225] Jedin, *Crisis and Closure*, 41-42.
[226] AGS, Estado, Leg 889, Folio 66.
[227] AGS, Estado, Leg 891, Folio 86.

their education, and their previous attendance at the Council, and whether there was any reason they should not make the journey to Trent. The reasons could have been anything from suspect history such as consorting with heretical thinkers or opposition to the king in anyway, poor educational credentials, old age or infirmity. Unsurprisingly, Guerrero as archbishop of Granada, with his educational achievements and previous experience at Trent was selected as one of the twenty-two delegates from Spain. Once there, as we have seen, however, his reputation as a man willing to negotiate and cooperate would change drastically; this latter persona was the one that Philip had to contend with during the provincial council in Granada.

Almost as soon as he arrived in Trent, Guerrero began intervening in the debates among the attending prelates. One of the first topics on which he spoke was the inclusion of the phrase 'proponentibus legatis' in the opening session of the Council on 18 January 1562. This phrase irritated several of the other key bishops from Iberia as well. The phrase can be translated as 'the legates propose,' meaning that the papal legates alone would have control over which topics would be brought for discussion before the prelates and theologians. In other words, it prevented motions from the floor.[228] The main concern here was therefore the authority of the pope over the bishops in general, and over the council specifically. The debate centered on the question whether the authority of a bishop was an agent of the papacy or by divine authority. This debate had its origins in medieval councils, when prelates had attempted to formalize conciliar authority over the pope. The argument also related to a larger problem of how much reform would occur if the pope and his legates controlled what was brought before the council. This question

[228] John W. O'Malley, *Trent: What Happened at the Council* (London: Belknap, 2013), 9.

was especially significant for the Spanish prelates, who had gathered together in Guerrero's home before leaving Spain for Trent and discussed the topics they thought needed to be raised. With no other alternative due to the inclusion of this phrase, the prelates presented a memorandum to the papal legates, and hoped that their preferred subjects for debate would surface during the Council. Guerrero wrote to Philip expressing his concern about the phrase and asking Philip to intervene with the pope. However, it seemed that Philip was not interested in this issue, despite letters that echoed Guerrero from others, including his ambassador to Rome, Francisco de Vargas y Mexía. The king argued that there were more important topics, which needed to be addressed, and this discussion of a procedural rule was delaying more meaningful progress and reform.

Guerrero, the outspoken leader (in an unofficial capacity) of the Spanish cohort at Trent, continued to be critical of the Council's proceedings when he disagreed with its decisions or was unhappy with the amount of reform occurring. He wrote regularly to the king throughout the council, especially when he thought no real progress was being made. This occurred for example just after the council had opened. On 16 February 1562, he wrote to the king to say that nothing significant was being accomplished by the Council and asking the monarch to intercede personally.[229] While this might seem odd, a bishop asking for the king to intervene in a church matter, Philip had been sent the list of topics the bishops who had gathered at Guerrero's home before the council considered important. Guerrero presumably believed that the monarch's intervention might convince to pope to remove or at least modify the rules that prevented the prelates from proposing topics.

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[229] Hubert Jedin, *Historia del Concilio de Trento*, vol. 4 (Pamplona: Ediciones Universidad de Navarra, 1981), 192.

Guerrero also sometimes hindered the council's debates. He was in some ways responsible for the deadlock that gripped the last session of Trent concerning residency. In March 1562, the seventeen Spanish prelates present began to argue for a decree that would eliminate episcopal absenteeism as contrary to divine law; their opinion again related to the broader question of authority between the pope and the bishops.[230] Philip wrote on 10 June 1562 addressed to the archbishops of Granada and Messina and the bishop of Segovia, to drop this topic, as he considered it unimportant.[231] The issue of absenteeism among prelates had been brought up before at the first session in 1547, but without a resolution. During the later sessions, harsher punishments were proposed to rectify the problem. While the debate centered on absenteeism, it quickly developed into a debate on why prelates had to reside in their sees at all, and on the status of the pope as bishop of Rome and his position in relation to other bishops.[232] The debates concerning episcopal residence became deadlocked through the autumn, leading many to believe that the council would fail to accomplish any real reform. With the Spanish prelates pushing for a decree on absenteeism, Philip wrote to them on 30 November 1562, instructing them again that the council had more serious concerns than the issue of residency. On 6 July 1563, he wrote to tell them directly to stop, and informing them that he had written to the Pope on the subject.[233] Eventually, the question of residency was left without resolution due in large part to diplomatic management of Cardinal Giovanne Morone.[234]

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[230] Jose Arcilla, "Philip II of Spain and the Council of Trent, 1562-1563" (Masters, Loyola University, 1965), 59.
[231] Tejada y Ramiro, *Colección de cánones,* 615.
[232] Fernández Terricabras, *Felipe II y el clero secular*, 78.
[233] Arcilla, "Philip II of Spain," 66-67.
[234] See Massimo Firpo and Ottavia Niccoli, eds., *Il cardinale Giovanni Morone e l'ultima fase del Concilio di Trento* (Bologna: Il mulino, 2010).

However, the papal legates had to promise that residency would be discussed at a later date. Though this request to leave the debate for a time was granted in part, the Spanish prelates including Guerrero had been made to understand by the king that to continue the debate would be to go against his wishes.

While the cohort of Spanish bishops did listen to the king on this particular topic for the sake of continuing the Council, Guerrero and a small group seemed to vacillate between defending the king and purposefully going against his wishes. When prelates at Trent began to discuss the immunity of the clergy from secular jurisdiction in July 1563, several Spanish bishops, including Guerrero defended the *patronato* and stalled the debate.[235] The common defence echoed by the Spanish ambassadors and prelates was that the Council had no right to discuss the *patronato*, because it had been rightfully bestowed on the Spanish monarchy by previous popes. The council should in any case focus on more important issues.[236] In contrast, Spanish prelates, and specifically Guerrero, were also more than willing to challenge the boundaries of the king's wishes when they thought a topic was worth debating or required more attention. During the last session of the Council, for instance, an attempt was made by the prelates to reform the Index of Prohibited Books in June 1563. This was viewed as potentially undermining the Spanish king's rights, and he sought to prevent the Council from examining the Index as it was related to the Holy Office, a separate state institution in Spain, which had already issued its own Indexes in 1551, 1554, and 1559 independently of those dictated by Rome.[237] When the Index came up for discussion, Philip intervened to prevent Rome

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[235] Fernández Terricabras, *Felipe II y el clero secular*, 73.
[236] Ibid.
[237] See Jesús Martínez de Bujanda, *Index de l'Inquisition espagnole, 1551, 1554, 1559* (Sherbrooke: Centre d'Études de la Renaissance, Éditions de l'Université de Sherbrooke, 1984).

using this opening to enforce its own power over the independent Spanish tribunals.[238] On 2 June 1563, the council did debate the orthodoxy of the catechism written by Bartolomé de Carranza, the archbishop of Toledo, who had been incarcerated by the Inquisition in Spain for heresy in 1559.[239] When Philip opposed the decision to address this topic, the Spanish bishops were divided over whether to support him or not. Pedro Guerrero led a group that supported the Council's decision to confirm the orthodoxy of Carranza's catechism; two other bishops led a group who voted against it, in accordance with the wishes of the king.[240] The only way that the situation could be resolved was by an agreement, which allowed for the decree to be certified in secret but not published.[241]

These examples provide interesting background information about the archbishop who would later preside over the provincial council in Granada. Pedro Guerrero was favored by the king for his education and experience. However, he could and would agree and disagree with the king if he thought the interests of the Church were at stake. He was part of the Spanish delegation that defended the king's rights of patronage and asked for the king's intervention. However, his stance on residence and the catechism of Carranza are clear proof that on topics he thought important, he was more than willing to stand in opposition to the king. This interesting dynamic would play out at the provincial council in Granada later, when the king held most control over the Church.

Inasmuch as the two provincial councils studied in this thesis offer so many valuable comparisons and contrasts, so too do their two presiding bishops. While Guerrero at different points went against the wishes of the king, Rojas y Sandoval was a

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[238] On this debate, see Santiago Aleixos Alapont, "Las aportaciones de Antonio Agustín en el Concilio de Trento desde la óptica regalista," *Estudis* 36 (2010): 165-8.
[239] Fernández Terricabras, *Felipe II y el clero secular*, 73.
[240] Ibid., 74.
[241] Ibid., 74-75.

lifelong servant of the crown. The bishop of Córdoba held close ties to the government, and his background reveals just how similar and yet also how different the two clerics were.

Cristóbal de Rojas y Sandoval was born on 26 July 1502 in Fuenterrabia in the Basque Country. His parents were the Marqués of Denia and doña Dominica de Alcega, a noblewoman. Noticeably, his mother did not hold the same title as his father, because they were not married at the time of the bishop's birth. In fact, as Constancio Gutiérrez's *Españoles en Trento* explains, the strange circumstances around his birth are known only because they required a dispensation from Rome when he was named bishop of Oviedo on 8 October 1546. His submission noted that he was born '*de conjugate ex illustri genere et salute*'.[242] In addition, his father's name is also known from a later letter from Charles of Spain, the son and heir of the Philip II at the time, dated 28 December 1562.[243] Despite the circumstances of his birth, Rojas y Sandoval was connected to two very influential families and his father had close ties to Charles V, which subsequently benefited his son. Rojas y Sandoval was well educated: he studied at the university in Alcalá de Henares and received his bachelor's degree on 28 April 1527, and a master's degree on 26 November 1528. He then moved to Colegio Mayor de San Ildefonso where he received a doctorate in theology in 1535. Soon after he finished his studies, he was selected as a *capellán* to the Emperor Charles V and accompanied him on his travels between his kingdoms for roughly ten years, including the Emperor's journey to Regensburg for the Colloquy in 1541. He secured an archidiaconate in the cathedral of

[242] Gutiérrez, *Españoles en Trento*, 202, n.417
[243] Ibid.

Seville later at some point during his time serving Charles V.[244] It was also during this period of travel with the emperor that he was presented for the bishopric of Oviedo, and the dispensation was requested from the pope in 1546.

He was appointed bishop on 8 October that year, and took up his position on 18 January 1547. During this nearly ten-year episcopate at Oviedo, Rojas y Sandoval attended the first session of Trent, though there does not seem to be any noteworthy mention of Rojas y Sandoval during the initial period. Gutiérrez reports that Rojas y Sandoval attended only the second and third periods, which suggests that his role was very minor earlier, if he attended at all.[245] He did however, attend the Council from 1551 as the bishop of Oviedo, though again, while he did participate (as evidences by the presence of his name in the voting records), there are no noteworthy mentions of the bishop in the documents. After returning to Spain at the end of the second session, Rojas y Sandoval served as a bishop in two different cities: he was transferred to the see of Badajoz on 4 May 1556, though it seems he never resided in the diocese. Instead, a *licenciado* Gonzalo Meléndez took possession of the see in his name in August of that same year. This was probably because Rojas y Sandoval continued to work for the king, who appointed him *capellán*, which required him to remain wherever the king might be. His position at Badajoz was followed by appointment as bishop of Córdoba on 27 May 1562. However, he was again unable to take possession in person, and the Dean of the cathedral chapter, don Juan de Córdoba, took possession in his name on 23 August 1562. As the dates of appointment indicate, Rojas y Sandoval began attending the third period of Trent as the bishop of Badajoz, and was subsequently appointed to the bishopric of

[244] Josd., n.417 Trentoo s egalista,a,sta,"ín en el Concilio de Tsité de *Sancho el Sabio* 10 (1999): 153.
[245] Gutiérrez, *Españoles en Trento*, 203.

Córdoba. However, while Guerrero was making a name for himself as the leader of the Spanish bishops during this time, Rojas y Sandoval seemed once again to fade into the background. Already the differences between the two prelates are becoming more obvious.

Their behavior at this last period at Trent exemplifies the two men. Guerrero was outspoken and a leader among the Spanish cohort at the Council. He defended the rights of the king over the Spanish Church, but also showed that he could resist royal pressures on topics he personally believed were important, based on his experiences in the Church in Granada. Rojas y Sandoval does not seem to have made a name for himself in Trent. Instead, he can be grouped among the Spanish prelates who followed Guerrero on most occasions. Given his close ties to both Charles V and Philip II, his obedience is hardly surprising. While Guerrero could resist Philip's instructions, Rojas y Sandoval heeded the king's letters and followed directions. When they were later to preside over the provincial synods, their paths would similarly be quite different. Even before the provincial councils were called, there were negotiations about the Tridentine decrees within Spain, and Guerrero, as the only archbishop at the last session of Trent, would no doubt have known that he would need to preside over a provincial council to implement the decrees if one were called. Rojas y Sandoval was not an archbishop, and while the archbishop of Toledo, Bartolomé de Carranza y Miranda, was absent, a provincial synod in that city could only be held if someone else was allowed to preside, or that council was joined to another as was the case in Salamanca and Santiago de Compostela.[246] Even if a council was called, there was an older and more experienced man than Rojas y Sandoval in the

[246] Kamen, *The Phoenix and the Flame,* 61-63.

bishop of Burgos, who had his own close ties to the king. Philip's decision to nominate Rojas y Sandoval to lead the provincial council in Toledo probably came as a surprise to the bishop as much as to anyone else at the time. This difference is illustrated very clearly in the letters between the king and two prelates. While the letter to Guerrero suggests that he was already involved in planning his council, Rojas y Sandoval is simply informed of the king's decision and only later informed about further developments.

The first official correspondence from the king to the prelates concerning the provincial councils is dated 10 April 1565; they form a part of a series of letters addressed to the Archbishops of Spain 'y otros prelados' who would be presiding.[247] The letter was generic, and announced the calling of the councils; and although it is specifically addressed to the Archbishop of Seville, Fernando Valdés, Pedro Guerrero would have received a copy as well. The king explained that the Council of Trent had called for provincial councils in order to implement the Tridentine decrees. These synods were important to the service of God and his Church, and especially for the reformation and government of the Church. [248] The archbishops should summon the suffragan prelates and cathedral chapters, and he also required the attendance of 'the other people that conform to the sacred canons and ancient use of the Church', such as abbots of Acalá la Real at Toledo and Santa Fe, San Salvador, and Villa de Ugijar at Granada.[249] Royal representatives were also to attend, according to historic precedent. He called for the councils to start toward the end of July or the beginning of August, though left the exact date to de determined by the presidents, who should relay it to the king and his council

[247] AGS, PTR, Leg 22, Doc 2, p 1.
[248] Ibid.
[249] Ibid.

once it had been agreed. The king also demanded to be informed of exactly where within each city the gatherings would be held. Guerrero immediately begin preparing.

A rather different set of documents was directed at the prelates in the province of Toledo. Both are dated 10 April. The first of the letters addressed to Toledo is to the bishop of Córdoba, Rojas y Sandoval of the king's council.[250] Although the letter does not specify which royal council, this only furthers the connection that Rojas y Sandoval had with the king. It begins in much the same way as the letter to the archbishops, but then notes that as the Archbishop of Toledo is unable to convoke the necessary council, Rojas y Sandoval should preside over it instead.[251] The king explains that he has selected Rojas y Sandoval for the task as the bishopric of Córdoba was the oldest of the suffragan bishoprics in the province of Toledo.[252] There is no information to suggest this was not the real reason for the choice, though it no doubt helped that the bishop in the oldest suffragan diocese had close ties to the king. The letter suggests the end of July to the beginning of August as acceptable dates to convene the council. The letter to the archbishops assumed that there would not be any resistance from the suffragan bishops to their plans, and the letter to the bishop of Córdoba does not suggest that he would face any opposition from his fellow bishops either. However, there were suffragan bishops who might consider themselves suited to preside over the council in Toledo, and while the other archbishops were expected to contact their own suffragan bishops about their plans, the king wrote himself to two other bishops in the Toledo Province instead of Rojas y Sandoval.

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[250] Ibid., 2.
[251] Ibid.
[252] Ibid.

One of these letters is addressed to Cardinal don Francisco de Mendoza, bishop of Burgos since 1550. He was also a royal servant and resident in Spain. In addition, he had been a cardinal since 1544, though he had not attended the conclave of 1559, nor the later sessions at Trent. His father had served the king as Viceroy of Navarre and several relatives had also been cardinals. In terms of age and experience, he would have had the most cause to challenge Rojas y Sandoval for the right to preside. The king seemed to take this into consideration by writing to him to announce his selection of president for the council in Toledo. The letter begins with the same text as the other letters and seems to be going in the same pattern as the letter to Rojas y Sandoval but includes the king's justification for choosing Rojas y Sandoval: because his diocese was the oldest of the suffragan bishoprics.[253] In addition, he asked the cardinal to assist Rojas y Sandoval in calling of the synod. The bishop of Oviedo, Jerónimo de Velasco, who according to the introduction of the letter was also part of Philip's council received a letter that was almost exactly the same as the one to the cardinal, including his reasoning that the diocese of Córdoba was the oldest of the suffragan bishoprics, though the king also mentions in passing that Toledo could be exempt from calling a council, though this point is not made in any other letters.[254] Those bishops, whose metropolitan was not asked to summon a council, specifically the archbishop of Seville, could and should join one of the other provincial synods. The bishop of Oviedo was in fact given the option of attending any of the provincial councils should the council in Toledo fail to meet. Though the bishop of Oviedo received a letter from the king, it is unclear whether he had any claim to preside.

[253] Ibid., 4.
[254] Ibid., 6.

In the event the bishop attended the provincial council of Santiago de Compostela, held in the city of Salamanca.[255]

Another letter from this set was not sent to a bishop. It was addressed to the Governor of the archdiocese of Toledo, don Gómez Tello Girón. In much the same way that Philip had established his royal representatives at each council, in the case of Toledo, the king needed to ensure support for the bishop presiding in Toledo, who was stepping into the position of the absent Archbishop Carranza. Many members of the church hierarchy would not be happy with this because the rightful president of the provincial council - the still incumbent archbishop Carranza - was absent, as was noted in much of the correspondence with the crown. The repeated acknowledgment of this absence was always vague and it seems as though the cathedral chapter was attempting to support the archbishop while not overtly saying they supported him: outright support for Carranza might bring the attention of the Inquisition to the Church in Toledo as a whole. The king therefore included the governor of the archdiocese in his initial correspondence to aid the smooth introduction of the bishop of Córdoba to the city of Toledo. Philip called on Tello Girón, to aid the bishop both in the convocation of the council and, its continued progress and success.[256]

While they do not add any new details about the council, these letters illustrate the two very different situations in Toledo and Granada. The letters to the archbishops are direct and matter of fact, and we know from a few letters that Guerrero immediately began planning for his council. Unfortunately, very little information has survived about those plans beyond his correspondence with the king in which he relays little further

[255] Included in the official decrees of the council signatories in Juan Tejada y Ramiro, *Colección de cánones*.
[256] AGS, PTR, Leg 22, Doc 2, 9.

information. There seemed to be no resistance to his presiding, though this would have been unlikely given his experience and reputation. Nor does there appear to have been any opposition to the council in general. However, a very different dynamic was in play in the province of Toledo, and the surviving evidence provides some suggestion of the problems that would subsequently bring the provincial council in Toledo to the forefront of Philip's mind.

The king wrote four letters about who might preside over the council in Toledo.[257] The letter to Rojas y Sandoval is similar to the king's letters to the other archbishops; but the other letters seem to reflect the possibility that both the Cardinal bishop of Burgos and the bishop of Oviedo might potentially have been asked to preside. The cardinal was older, and had more experience in terms of senior ecclesiastical positions. The bishop of Oviedo, however, was a member of the king's council, and seems to have had very similar ties to the king as Rojas y Sandoval. There is however no evidence as to how Philip came to his decision, though the letter to the Governor reveals that Philip wanted an extended network of support for his selected president, in the way that he did for his minister.

Philip may have believed his letters would end any further discussion on the topic of who would preside; but the bishops responded in very different ways. The bishop of Oviedo quietly accepted the king's decision, and subsequently attended the council and assisted in its progress. The cardinal's reaction was however very different: he protested, and – responding to Philip's letter almost immediately - pressed the king to change his decision. Instead, he made a formal protest of the decision. He also wrote to Rojas y

[257] Ibid.

Sandoval on 21 April. In both letters, he presented his credentials claiming the right to preside over the council based on his superior position as a cardinal, his age, and the number of years he had served as a bishop.[258] It was however probably these very facts that had persuaded Philip not to select him in the first place. As an older prelate, and with many years of episcopal administration, he may have been viewed by Philip as harder to influence or less willing to allow royal interference at the council; even through that experience and knowledge might have benefited the council on a strictly theological and practical basis. Above all, though Philip would have weighed his links to Rome against all other qualities. He had lived in Rome and in Italy during the 1550s, and Philip was keen to exclude Rome from any role in the provincial synods.

The cardinal's letter to Rojas y Sandoval, dated 21 April, reads like a rebuke. Arguing again that his status as a cardinal and his experience and age qualified him to preside over the council. He urged Rojas y Sandoval to step down in his favor, or at least make him question whether he had the necessary experience to preside. It is unclear whether the cardinal really believed that Rojas y Sandoval was not up to the task, or if he was simply expressing his own wounded pride. He seemed sure though that Rojas y Sandoval would willingly step aside if presented with the facts of his own superior qualifications. Rojas y Sandoval was not however deterred: his response, dated 10 May, insists that the king has selected him to lead and that he would follow the king's orders. This reflects the usual dynamic between the monarch and the bishop of Córdoba: whatever the king wanted was what would happen when Rojas y Sandoval was presiding at the council. While by extension of the king's *patronato*, the council in Granada was

[258] Fernández Collado, *El Concilio Provincial*, 29.

under the authority of the king, the council in Toledo would be under the king's control in a much more practical way.

This letter shut down all attempts by the cardinal to persuade the bishop of Córdoba to step down in his favor. However, even before he had received the bishop's response, he had begun a campaign to find more supporters for his claim. In a letter of 30 April to a secretary of the king, the cardinal claimed that the *cabildo* of Toledo also wanted him to preside over the council. According to the cardinal, the members of the *cabildo* were serious and learned men, who had examined who should lead the council and decided on the cardinal as the oldest bishop, and also because of the state of the other suffragan bishoprics - although he does not identify how the dioceses were underserved. He urged the secretary to listen to the 'razón y justicia' of the *cabildo*, including the reader of sacred scripture, Liermo and the *contador,* Pedro de Arze, who were to present the king with this argument as representatives of the cathedral chapter in Toledo.[259] In a further letter to the king of the same date, the cardinal again asked to be put in charge of the provincial council, referring again to the support of Liermo, and on 1 May, the *cabildo* of Burgos also asked the king to appoint the cardinal as the president of the provincial council, as he was the oldest prelate. [260] The letter cited his proven experience and the opinion of the *cabildo* who 'guarde mío señor la vida y real persona de Vuestra Magestad. Por muchos y bien aventurados años como sus leales vasallos y capellanes deseamos y continuamente le regamos'.[261] The cardinal was thus collecting supporters though it does not appear that Philip took notice of their appeals.

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[259] AGS, Estado, Leg 147, Folio 67.
[260] AGS, Estado, Leg 145, Letter from Cardinal Dated 30 April 1565.
[261] AGS, Estado, Leg 145, Dated 1 May 1565

In Toledo, meanwhile, the bishop of Córdoba was quietly preparing for the council. On 10 May – the same day that he responded to the cardinal's letter - he signed a proclamation that the city of Toledo would hold a provincial council.[262] The dean and cathedral chapter of Toledo immediately submitted a formal protest to the bishop against having the council held in Toledo in the archbishop's absence. They did not mention any details about the archbishop's case, instead framing their argument in terms that made it seem as if having a council then would damage the city's reputation even further.[263] In response, Rojas y Sandoval wrote on 14 May to the cathedral chapter of Toledo as a whole, informing them that he would be presiding at the explicit request of the king.[264]

It seemed as though the bishop was attempting to close down the debate. He was preparing for the council, while the cathedral chapter was demanding it should not start. In a letter of 7 June, the cardinal wrote to Philip saying that he should be able to attend the council in Toledo barring any illness.[265] This letter seems to have been a response to a letter from the king (which has not survived), who had apparently decided that the cardinal should not attend. In his letter the cardinal implied that his presence would allay the objections of the cathedral chapter, which had already voiced their support of him and who wanted to cancel the council entirely if he did not preside. In addition, though, the cardinal argued that even if the cathedral chapter continued to resist the calling of the council, he would be more adept at handling their protest than the bishop of Córdoba. The cardinal despite all previous rebuttals was still arguing explicitly that he should

[262] Fernández Collado, *El Concilio Provincial,* 7.
[263] AGS, Estado, Leg 145, Dated 10 May 1565.
[264] Fernández Collado, *El Concilio Provincial,* 32.
[265] AGS, Estado, Leg 145, Dated 7 June 1565.

preside over the council instead of Rojas y Sandoval, and that he was sure that the king would be persuaded.

Meanwhile, the cardinal re-gathered his support network and drew also on the pope, who he saw as one of his strongest allies, but who had remained silent until this point. On 18 June, Pius IV wrote to the king expressing his support for the cardinal to preside over the provincial council of Toledo.[266] While the letter from the pope seemed positive for the cardinal, it had the opposite effect of that intended. In reaching beyond Philip for support in his goal, the cardinal had very likely sealed his own fate, for the letter from the pope seemed to prove his close links to the papacy. Philip was very wary of allowing the pope any role in the provincial councils, and the letter from the pope would have immediately increased his suspicions. It also turned the debate in Spain from the question of who would lead to the question of whether the cardinal should attend at all, as had already been suggested by the king. Following the letter from the pope on his behalf, the cardinal wrote again to the king on 30 June, agreeing that he would not attend the council because of illness, but he continued to argue that there were many problems with the council being holding it in Toledo, even according to the Tridentine decrees (although he did not explain why).[267] The largest and most obvious problem being the absence of the archbishop of the city and in the cardinal's eyes, a poor selection for his replacement, although he does not state that outright. The cardinal did however say that he would send well-informed procurators on his behalf, although he does not go into more detail.[268]

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[266] Fernández Collado, *El Concilio Provincial,* 32.
[267] AGS, Estado, Leg 145, Dated 30 June 1565.
[268] AGS, Estado, Leg 145, Dated 30 June 1565.

By the time the cardinal wrote to the Prince of Eboli, one of Philip's main advisers, on 3 July, he was resigned to the fact he would not attend. He repeated his promise to name procurators, although he did not mention his poor health. He reported however that he would move to his home in Burgos so that if he did need to attend, he would not be too far from the king's residence in the Bosque of Segovia or the Council. Apparently, he was also writing at this time to officials in Toledo, offering his service to the provincial council should they need it. He ended by mentioning that Burgos and other unnamed dioceses are very large, and their reform require much work, echoing his earlier insistence that the dioceses in the province were in a poor state.

The king replied on 2 August, insisting that he should not attend the council, almost a full month after the cardinal had decided not to attend.[269] He did however establish a royal commission to examine the cardinal's claim. On 15 August the Duke of Alba, the king's secretary, Gonzalo Pérez, and an unnamed bishop among others gathered in Seville to examine the evidence in favor of the cardinal's claim. The connection of the group's members with the cardinal is unclear. They discussed the papal brief and the royal decision, and (unsurprisingly) decided not to recommend any change.[270]

The provincial council in Granada offers a fascinating counter example to the disputes about Toledo. While at least seven bishops planned to attend the council in Toledo, in Granada Guerrero seemed to have a problem gathering the bishops from around Granada together. All suffragan bishops were entitled to attend the council; Guerrero could only secure attendance from two bishops, though he never reveals how many suffragans were missing. He started planning from the moment he received the

[269] AGS, PTR, Leg 22, Doc 20.
[270] Fernández Collado, *El Concilio Provincial*, 31.

news of his appointment from the king. The first letter from Guerrero to Philip is dated 3 July, almost three months after his appointment letter; he reported that he was currently working with the Don Antonio Corrionero, bishop of Almería, who travelled with Philip to England prior to his appointment to his see, and Don Melchor Alvarez de Vozmediano, bishop of Guadix, a staunch defender of the Spanish *patronato* during the final session at Trent. Together they were to come up with a working list of topics to discuss at the council.[271] They had agreed to attend the provincial council, and had also worked with Guerrero at Trent: Vozmediano had attended the earlier sessions as an adjunct to the bishop of Badajoz. Upon arriving back in Granada from the second period of Trent, Guerrero had undertaken a general visitation of his own diocese, and the information gathered then was used as a guide as they formulated the discussion points at Granada. Guerrero also informed the king that he had decided to delay the council's opening by a month, from August to September, in part due to the heat in the region at that time of the year.[272] However, the archbishop also stated that there are 'poco prelados' near Granada.[273] In fact, the two that he was working with at the time of writing this letter would be the only other prelates to attend the provincial synod. It is unclear what other bishops would have attended because Almería and Guadix were the only two bishooprics subject to the archbishopric of Granada at this time.. The archbishop does not dwell on this problem, as it seemed that he had no solution to it. In addition, Guerrero stated that there would be little to discuss at the council in Granada other than the New Christians, which he acknowledged was an important matter, but one that was subject to

[271] AGS, Estado, Leg 148, Folio 136.
[272] Ibid.
[273] Ibid.

the king's *patronato* in the kingdom of Granada, which has been discussed in the initial instructions from the monarch. Guerrero and the bishops were as a result already gathering other topics to deal with, which at this point he does not specify. The archbishop ended his letter by asking for the king's favor in executing this council, because without royal support, nothing could be achieved.

The king replied on 20 August. He agreed that the council in Granada could start in September, as Guerrero had suggested, thus enabling the archbishop to invite the bishops and others to attend. He did not however respond to Guerrero's other points, but did promise to send another dispatch with his named representative to 'intervenir y asistir a la celebración' in the king's name.[274] That representative however had not yet been selected, and he adds that a start-date at the beginning of September would leave too little time for preparation. In addition, it left little time for any royal representative to prepare and travel to the council. So instead he suggested proroguing the opening of the council to either 12 or 15 of September. [275] The letter ends abruptly with a comment that Philip would send his own advise on topics for the council's debates and its 'buena dirección'.[276]

As the opening of the council in Granada drew closer, the problem of low attendance became more pressing, at least for Guerrero. In his response of 23 August, Guerrero reported that the council would start on 12 or 15 September despite the attendance of only two other bishops, their cathedral chapter procurators and those of the cathedral chapter of Granada, and three abbots. The archbishop mentioned that more

[274] AGS, Estado, Leg 148, Folio 170.
[275] Ibid.
[276] Ibid.

vicars and several priest were also making their way to the council, although he did not mention from where or how many.[277] He also drew attention to topics that he felt needed rapid attention at the council, including the adoption of several decrees from Trent; he does not specify, indicating only that they concerned 'la vida habito y honestidad del clero' and 'la orden de los juicios'.[278] Guerrero also believed that the council should discuss how to instruct the New Christians of Granada on Catholic doctrine; the topic of the New Christians was 'lo principal'. He says that he will discuss it with the other prelates and send the resulting advice to the king. This was not of course a matter the Council of Trent had discussed, so any deliberations at the council would extend its original purpose. The letter ends with a list of men attending the provincial council in Granada: the bishops of Almería and Guadix; procurators from the deans of those two cathedral chapters; the abbots of Santa Fe, San Salvador, and la villa de Urijar; vicars including those of Lojas, Alhama, and Almuñecar; and secular persons like the president of the *chancillería*. The numbers of the two councils seem to be similar, with more than twenty present at each, though six bishops were at Toledo and only three at Granada.

Both councils opened in September 1565. The three bishops at Granada seem to have been genuinely committed to ensuring the success of the council. Only Corrionero had a tie with the crown, though both bishops had attended the last session of Trent with Guerrero. The bishop of Guadix had attended earlier sessions as well, assisting another bishop before receiving his own diocese as mentioned earlier. While at Trent, the bishop of Guadix had contributed to the debates on residency and those that stalled the council on episcopal authority. In addition, he also defended the Spanish *patronato*.

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[277] AGS, Estado, Leg 148, Folio 120.
[278] Ibid.

Five suffragan bishops were present at the council in Toledo: from Cuenca, Sigüenza, Segovia, Osma, and Palencia. Of these, it appears only Diego de Covarrubias y Leiva, the bishop of Segovia, had attended the third session of Trent, then as the bishop of Ciudad Rodrigo.[279] While Guerrero held his position at the council as metropolitan, Rojas y Sandoval had no higher rank than the other bishops at Toledo, and almost every prelate at Toledo had close ties to the king - ties he used to gather information on the council. For example, Bernardo de Fresneda, the bishop of Cuenca and Observant Franciscan, had been one of the king's confessors, who accompanied him to England to marry Mary Tudor, and a familiar in the royal court, who gained renown his reform of his own order.[280] So while the personal letters to Philip from the council of Granada were generally from Guerrero, the other prelates present appear only in formal letters to the king from the council as a whole. The archbishop was the dominant figure, as he was during the Council of Trent. In contrast, the bishops at Toledo seem to almost to have been working independently: letters survive between the king and the individual prelates, and on some occasions, the king directed his minister to address bishops by name.

Cristóbal Fernández de Valtodano, the bishop of Palencia, for example also had close ties to the monarch. He did not attend Trent but he had been an inquisitor at the tribunal in Toledo from 1543 until 1554, when he was appointed to the royal Council of the Inquisition (or *Suprema*). In that post, he initiated and was active in the trial of

[279] This list excludes the bishop of Jaén, who went to the provincial synod only to die shortly after arriving.

[280] Fresneda would go one to be appointed Councilor of State, Commissioner General of the Cruzada, Provisioner of the galleys and a member of the Junta de la Reforma. Sara T. Nalle, *God in La Mancha* (Baltimore: John Hopkins University Press, 2008), 38.

Archbishop Carrannza of Toledo, which had brought him royal attention and approval.[281] Writing to the king in February 1566, the bishop references the Council of Trent, because in a now lost letter, Philip had written to him about the Tridentine decrees on seminaries. Valtodano provides his own thinking on how to found seminaries while also ensuring that they all follow the doctrines agreed at Trent.[282] Nothing is discussed in more detail: he does not mention the provincial synod or having discussed the topic with anyone else. The letter is from the bishop alone.

Another bishop who received letters from the king at Toledo was the bishop of Cuenca, who knew Philip well. He was one of the recipients of the letters sent with the minister to Toledo on 29 August.[283] The royal representative was told to rely on him in the first set of instructions sent by the king. Philip also ordered the bishop to write to him on everything and keep his minister informed, and to aid the bishop of Córdoba with his 'prudence and authority' to support the progress of the council.[284] Philip sent another revealing letter on 30 August, addressed to both the presiding bishop and the bishop via whom he ordered that the topic of clerical marriage should not be broached, and that there must be no direct contact with Rome.[285] This suggests that a different type of relationship was forming at Toledo, where the suffragans were given an independent role as well as a joint role with Rojas y Sandoval. The bishop also wrote independently to the king. On 2 September, for example, before the council had opened he wrote to Philip that

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[281] Kimberly Lynn, *Between Court and Confessional: The Politics of Spanish Inquisitors*, (Cambridge: Cambridge University Press, 2013), 48.
[282] AGS, Estado, Leg 146, Dated 16 February 1566.
[283] AGS, Estado, leg 146, Dated 29 August 1565.
[284] Ibid.
[285] Ibid.

the Church in the city of Toledo was in a poor state.[286] He provides no further detail; but his comment may have reflected his desire for the council to focus on other problems, beyond the implementation of the Tridentine decrees. In this regard, both provincial councils were looking beyond the implementation of Trent, but targeting local issues, which they alone could rectify. This could have also been used as further validation for deciding to hold the council despite the outcry from the cathedral chapter of Toledo.

So in addition to selecting a bishop to preside over the council in Toledo with whom he had close ties, the king was already familiar with the other bishops at the council, who could keep him informed on developments in the city and at the council, whether because Trent had mandated them or in response to a perceived need for local reform. Bernardo de Fresneda's letter was written very soon after he arrived in Toledo, and during the open resistance of the cathedral chapter against the council. The bishop of Cuenca's early letter discussed above may have helped to justify the need to call a provincial synod in that city against the appeals of the cathedral chapter.

The two presiding prelates at Toledo and Granada were thus very different in as many ways as the councils themselves. Both Rojas y Sandoval and Guerrero were well educated; both had attended sessions of the Council of Trent, and had their own understanding of the purpose of its decrees. However, they differed in their willingness to resist pressure from the king. Guerrero was in any case severely restricted in what he could do in Granada because of the king's *patronato* but he wanted to extend the council's range of discussions, and had even indicated this to the king before it had opened, however briefly. Rojas y Sandoval had more freedom in Toledo, where the

[286] AGS, Estado, leg 145, Dated 2 September 1565

king's rights were not as extensive as in the kingdom of Granada and seemed more keen on following the king's orders. In addition, where Guerrero had a clear authority over his suffragans, Rojas y Sandoval was struggling for dominance from the outset, and working under closer royal supervision in that several of the bishops at Toledo were already well connected with the king, and some were writing to him independently.

The relations of these prelates and the king were to affect the development of the two councils: their background and personalities would ultimately decide how the councils would end, at least as much as local circumstances.

Chapter 4: Problems at the Councils

Almost immediately as Philip had decided to call the provincial councils, the process faced complications. Some of the most serious problems came from the cathedral chapters, which according to Trent were supposed to be reformed and brought under episcopal jurisdiction.[287] This caused issues between the bishops and chapters at both Toledo and Granada as the cathedral chapters at the councils attempted to rebuff the changes, which would bring them more fully under the power of their archbishop or bishop. While the focus of this chapter is the cathedral chapters of both the cities, this problem extended beyond the metropolitan dioceses and caused tensions in more remote dioceses. The Spanish cathedral chapters fought to defend their privileges, and even opposed the calling of provincial councils in general. They had been reprimanded during the last session at Trent, when the king's ambassador was informed that he should send the uninvited cathedral chapters back to Spain when they sent representatives to oppose the changes that authorized the bishops to act as delegates of Rome, with jurisdiction over the cathedral chapters.[288] If the chapters were willing to send representatives beyond Spain's borders, it should come as no surprise that they resisted the Tridentine decrees in their own cities. However, despite the seemingly similar origins, the evolution of these problems in Toledo and Granada and how they were resolved differed. This in turn reflects the local situations in the two cities. In Toledo, as would be expected the cathedral chapter bypassed the presiding bishop, whom they disapproved of anyway, and appealed to the king or the pope. In Granada, the cathedral chapter held the archbishop accountable, and he dealt with them personally, while the bishop of Córdoba wrote to the

[287] Council of Trent, Session 6, "Decree on Reformation," Chapter 4 & Session 25, "Decree on Reformation," Chapter 6.
[288] Wright, *Catholicism and Spanish Society*, 65.

king to address the situation. Once again, we see the two councils acting very differently even when dealing with a strikingly similar situation.

The council of Toledo ran into problems almost immediately. The first conflict was over who should preside, and whether the city should have a council at all in the absence of their archbishop, as discussed in an earlier chapter.[289] The cathedral chapter posed a staunch resistance to the provincial council beginning with a formal protest to Rojas y Sandoval on 10 May 1565. They rejected the calling of the council; but barring an outright cancellation, after the king made his decision clear, they focused on who would preside, supporting the bishop of Burgos according to a letter from the bishop himself dated 30 April. Although they eventually resigned themselves to the fact that the bishop of Córdoba would preside, they sought to defy him in other ways. They initially resisted naming anyone to attend the provincial council on their behalf, until ordered to do so by the king, when they named Fernando de Mendoza, an archdeacon, and Rodrigo Zapata, a canon, both well connected and would hopefully have some influence with the king.[290] Once the council had begun, these two men caused further difficulties when they voted against implementing the Tridentine decrees, which would give the prelates' jurisdiction over cathedral chapters. These issues illustrate not just the relationships within the councils, but also the chapters' relations with the State, as Philip made the final resolutions for problems arising in Toledo.

While the archbishop of Toledo was being held by the Inquisition, don Gómez Tello Girón, who was both the governor for the diocese and the *Cabildo Primado* of the cathedral chapter, ran the diocese's daily functions. In these positions, he was able to

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[289] See Chapter 3, beginning on p. 18.

[290] Ángel Fernández Collado, *La Catedral de Toledo en el Siglo XVI. Vida, arte y personas* (Toledo: Diputación Provincial de Toledo, 1999), 84 & 104.

manage the day-to-day functions of the diocese to ensure that the Church continued to function without an archbishop and the *cabildo* was also under his control. He had received one of the letters written by the king on 10 August 1565, in which Philip informed him of the decision that the bishop of Córdoba would lead the council in Toledo, and urged Girón to aid in the convocation and success of the synod.[291] In response, Girón wrote to Philip that the Church of Toledo could not hold a provincial council in the absence of their archbishop, a theme that was present in all of his letters. In response to a letter from the bishop of Córdoba, Girón maintained that while it was an honor to be nominated by the king, he had already written to tell the king that the council would not be possible in the absence of the city's archbishop.[292] The intentions of Girón are unclear, but his actions reflect the overall unease of the cathedral chapter at having its actions under review. In addition, as leader of the *cabildo*, he was also most likely protecting this group from the imposition of Tridentine decrees, which were prejudicial to their autonomy, a topic that will be explored later in this chapter. The governor did not however make any mention of freeing Carranza or urge the resolution of his case; so it is unlikely his reinstatement was his primary aim. More probably, he did not want any maladministration of the diocese in Toledo to come to light. In fact, he had already sent two men to Madrid to personally deliver the chapter's the letter of 10 May 1565 and asked for an annulment of the provincial council in Toledo.[293] Philip responded to each

[291] AGS, PTR, Leg 22, Doc 2, 9.
[292] Fernández Collado, *El Concilio Provincial*, 35-36.
[293] Fernández Collado, *Concilios Toledanos,* 30.

concern in a letter 20 May, which was read before the chapter, including Girón on 27 May telling them that the council would convene as intended.[294]

During the absence of the archbishop, reports from visiting prelates and even from Francisco de Toledo, seem to suggest that the Church needed serious reform by the time the council convened. The bishop of Córdoba told Philip on 9 March 1566, towards the end of the council, that the general governance of the diocese had many errors and that all the bishops were in agreement on this topic when the procurators were not present.[295] A letter from the bishop of Palencia to the king that he had written on the first day of the council said that he had been making a review of the seminaries in Toledo since his arrival in the city, at the request of the king. However, he needed more time to complete his work.[296] The results of reviews by the bishops of Palencia and Córdoba were sent to the king in January 1566 and were far from positive. They presented a list of complaints about the archdiocese of Toledo and its administration under Girón. The governor had, they claimed, failed to repartition the cathedral prebends and had not demanded residence in line with the Tridentine requirements.[297] In addition to negligence, he was found to be deliberately abusing Tridentine decrees on appointments and patronage even during the provincial council's sessions.

In addition, Girón had written to the papacy just after Philip decided to call the provincial councils, asking the pope to revoke or reinterpret the Tridentine decrees that gave jurisdiction over the cathedral chapters to the bishops. Philip had already formally accepted them, so Girón's intervention seems to have been another effort to protect the

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[294] Fernández Collado, *El Concilio Provincial,* 37 & 41.
[295] AGS, PTR, Leg 22, Doc 38.1.
[296] AGS, PTR, Leg 22, Doc 21.
[297] Lynn, *Between Court and* Confessional, 77.

authority of the cathedral chapters.[298] This letter prompted Philip to write to him again on 18 July 1565, to suggest it would be best if the governor sent two representatives instead of attending in person. This seems to be Philip's standard response to anyone he thought would prevent the councils from running smoothly – he had made the same suggestion to the bishop of Burgos to ensure that their opposition was considered in a more muted fashion. Girón attempted to delay proceedings by refusing to name his representatives: when Philip wrote to the bishop of Córdoba on 29 August, Girón had still not named any.[299] This letter was delivered by Francisco de Toledo, and was included in his initial instructions.[300] Philip told the governor that he should personally ensure the timely start of the provincial council by naming his procurators and urged his royal representative and the presiding bishop to put pressure on Girón to name someone. The ecclesiastical governor used this delay in naming his procurators as his last effort to resist the calling of the council. It was not until the beginning of September that the governor named *licenciado* Manrique de Chaves and the doctor Jeronimó Manrique, and Philip made no attempt to resist these nominations.[301]

It seemed as though the decision to cooperate with the council was a difficult one for the cathedral chapter. While the actions of the ecclesiastical governor hint at this, the decision was openly discussed in the chapter and the letters from the king and the cathedral chapters' responses were included in the minutes of its meetings. Through the month of September the *cabildo* as a whole was quite reluctant to hold the council at all. In the notes from the cathedral chapter's meetings on 11 August, just before the opening

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298 Fernández Collado, *El Concilio Provincial*, 42.
299 Ibid.
300 AGS, PTR, Leg 22, Doc 30
301 Fernández Collado, *El Concilio Provincial,* 43 & 83.

of the council, there was a discussion whether to nominate anyone to attend it. Of the thirteen votes recorded in the document, only three voted no, while nine voted in favor.[302] What is interesting is not just that they took a vote, but that they thought they had the right to vote. This was before the king had ordered the cathedral chapter to name its representatives, though it seems by this date as if the cathedral chapter as a whole was coming around to the idea, despite their earlier efforts to prevent it. It also is interesting that the person responsible for the delay in naming the *cabildo*'s representatives was the ecclesiastical governor, as the voting clearly shows that only the minority thought that no one should be named.

The common factor between these incidents in Toledo is Philip's reaction. When faced with a situation that they did not support, the chapter sought support from the pope, despite Philip's determination to run the provincial councils independently with himself acting as a buffer between Rome and the participants. In addition, just as he had done with the cardinal bishop of Burgos, Philip requested procurators from the ecclesiastical governor rather than have a person who might prove to be a disruptive presence. In theory, a procurator acting on behalf of a person would be less disruptive that the figure they represented and in both of these cases, offer more separation from Rome. It seems the chapter thought a letter or brief from the pope would strengthen their claims, but in reality papal support had the opposite effect with the king. This contact with Rome made Philip rule against them as a way to exclude the pope from participating in any way. The attendance of the cardinal and the attempts of the chapter to control the council was something that Philip would not tolerate, as their attempts to involve the pope were a

[302] Archivo Capitular de Toledo, Secretaría Capitular, Dated 11 August 1565.

threat to his *patronato*. However, even though Girón and the cardinal were not present, this did not ensure that the council ran smoothly, as Girón's representatives subsequently caused another problem.

Within the Archivo General de Simancas there is a small collection of seven letters from February 1566 to the king from Francisco de Toledo, and from the bishops as well as the presiding bishop of Córdoba, each signed independently. It seems the bishops thought that multiple individual letters would persuade the king to ensure that they should continue to exercise jurisdiction over the *cabildos* and their subordinates to correct errors and abuses, as dictated by Trent, which the cathedral chapters were still seeking to derail.

The 'Capitulo de carta de Don Francisco de Toledo', written on 25 February 1566, reminds Philip that in one of his earlier letters, the council was ordered to implement the Tridentine decree which dealt with 'la corrección y castigo de los capitulares de sus yglesias…' agreed at the twenty-fifth session and included in chapter six of the Decree on Reformation.[303] He laments that the provincial council had not been able to do justice to this order or even to implement this decree, though the bishops in attendance were all in favor of doing so, because of the opposition from the chapters' representatives in attendance. Toledo does not include the names of anyone in particular but he did note that the superiors of the procurators from the chapter were instructing the men to resist any decrees by stalling debates and voting against decisions. This was in regard to extending episcopal jurisdiction over the cathedral chapters, which is what the provincial council was attempting to implement from the Tridentine decrees according to Toledo's letter. He writes that '…y cerca dello cada uno de los prelados ha dado una

[303] AGS, PTR, Leg. 22, Doc 35.1

memoria de lo que en sus diócesis ha pasado que aquí envió…' and the accounts from the prelates about what has occurred in their various dioceses should illustrate why reform was needed.[304] Francisco de Toledo and the *licenciado* Soto, who was assisting the minister, submitted a formal memorial in support of the bishops.[305] Toledo asked Philip to issue an order giving the prelates 'autoridad plena para castigarlos…' signed by his own hand.[306]

More details were provided in the letters from five of the six bishops, which asked for Philip's intervention as the representatives of the *cabildo* were attempting to stall the debates. The bishop of Córdoba admonished the procurators named by the *cabildo*, Fernando de Mendoza and Rodrigo Zapata and detailed the problems they had brought to the smooth progress of the council.[307] The provincial synod had, he added, been trying to implement the decrees of Trent concerning the authority of the prelates when they reprimand errors, specifically in respect of the correction and punishment of those who had erred and those who did not fear punishment. The major issue was 'que aviendo de tener voto los dos nombrados por el cauildo en el castigo de los otros capitulares, que delinquieron, e ser juezes en efecto de la causa que se propia por tocar a sus hermanos e compañeros'. The procurators were thus seeking to stall the progress a matter that directly affected them. This had created tension as the procurators of the various cathedral chapter procurators in attendance, who were the bishops' subordinates, had an equal vote. This point was echoed in the letters from the other attending bishops.

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304 Ibid.

305 For more information on Licenciado Soto see Ch. 1 p. 21

306 AGS, PTR, Leg 22, Doc 35.1

307 AGS, PTR, Leg 22, Doc 35.2, 1.

The bishops also complained that those who were punished by their bishops were simply 'encarcelados en casas de otros capitulares donde se hazen algunas excesos dignos de otros nuebos castigos'.[308] The bishop of Córdoba suggested as a solution that the procurators should be given only a consulting vote rather than the definitive vote ('voto definitivo sino consultivo') exercised by the bishops.[309] This would resolve the situation at hand by limiting the power of the procurators, and reinforce the power hierarchy, within the council. He suggested further that the bishops should be obliged to give only a summary of information to the procurators when dealing with issues related to the cathedral chapters. [310]

The letters from the bishops of Cuenca, Palencia, and Sigüenza are each brief in comparison to the one from the presiding bishop, and follow a common formula. They begin with a history of their own diocese and the punishment of errors found during past *visitas*, whether their own or a predecessor's. They describe how errors continue because the prelates had no jurisdiction over the cathedral chapters. They formally asked for Philip's intervention, and report that the *cabildo* had submitted a plea to the papacy. They were clearly intended to add credence to the letters from the bishop of Córdoba and Francisco de Toledo, and strengthen the argument that this was an important issue which required the king's intervention.

The bishop of Córdoba for example lamented that all his predecessors had had difficulties in correcting and punishing errors in cathedral chapters, both doctrinal errors and disciplinary misbehaviors. Practice had traditionally restricted the bishop to the

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[308] Ibid., 2.
[309] Ibid.
[310] Ibid.

interrogation of the 'beneficiados' or those clergy of the Church that held a benefice. This had also blocked his own most recent attempt to review the cathedral chapter when he was first named to the diocese. The bishop lamented that 'todas las culpas aunque havía muchas y grabes, no eran ningunas castigadas'.[311] The bishop of Sigüenza praised his predecessor García de Loaysa, who was able to work with his *cabildo* to correct errors in their subordinates, although he did not explain how this happened.[312] However, relations between subsequent bishops and the chapter had subsequently broken down and errors had thus not been punished, although the bishop does not provide further detail on what occurred. The bishop of Cuenca had attempted to initiate a *visita* of his diocese sometime after the approval of the decrees of Trent in July 1564, only to be told by Don Alonso Carrillo, Pedro de Maquina, and the notary, Cristoval de Morillas, all members of the cathedral chapter, 'que no procediese contra ninguno de los beneficiados de su cabildo sin los acompañados del'.[313] In this case, the *cabildo* had written to Rome and the bishop had written to the Royal Council, who had informed the bishop to abide by the decrees of Trent. However, the situation had not changed by the time that the bishop was called to attend the provincial council. The bishop of Palencia recounts a similar story: a *visita* had been stalled when the local cathedral chapter wrote to Rome in order to reduce the pressure from prelates to punish errors.[314]

These accounts illustrate two things very clearly. First, there was no established process by which *visitas* were managed and errors corrected or punished. The Council of Trent's decrees thus marked a first step in establishing this practice; however, most

311 Ibid.
312 AGS, PTR, Leg 22, Doc 35. 5.
313 AGS, PTR, Leg 22, Doc 35. 3.
314 AGS, PTR, Leg 22, Doc 35. 4.

cabildos were not willing to move away from traditional practices. As the letter from the bishop of Cuenca revealed, the attempt to introduce new practices was rebuffed by the local *cabildo*, and in that case and that in Palencia, the cathedral chapters reached out to Rome to halt change and the implementation of the new decrees. Whether they thought Rome would rule in their favor and allow them an exemption from the decrees is debatable; however, their appeal did help them to draw out debates and outlast the council. In every letter, the bishops lamented that because they had no effective jurisdiction over the chapters, abuses and errors had continued. The bishops now hoped to persuade the king that reform of the cathedral chapters needed enforcement, and that the provincial council had to set a guideline on how to proceed.

In each letter, the men included some information about how the process of reform had been undermined by the chapters' involvement. The first letter from the Bishop of Córdoba included a summary of how members of the chapters escaped punishment, as custom demanded that only clergy from the chapter should be nominated to serve as judges for their colleague. A 'dignidad, canónigo, y racionero' was nominated to serve with the bishop who initiated the *visita*; a notary would also be named from the cathedral chapter. [315] This was in line with session 25, Decrees on Reformation, chapter 6 of the Tridentine decrees, which outlined how to proceed with *visitas* of exempted cathedral chapters. However, the Spanish cathedral chapters were not subject to this exemption and were thus asking for special, non-Tridentine treatment. In addition, even if the process was followed and the 'delito' was found guilty and sent to 'prison', – often the home of a fellow canon - he retained his position in the chapter and his privileges and

[315] AGS, PTR, Leg 22, Doc 35.2, 5.

standing. [316] The bishop argued that the only way to fix the problem, and halt the increase in offenses and the bad example set by the local clergy, was to allow the correction of errors without any involvement of the *cabildo*.[317] The bishop of Cuenca went as far as to say that bishops had little real power over the cathedral chapters.[318] The bishop of Osma went further, reporting that the cathedral chapter in his diocese had actually removed 'ladrones' from their prison and freed them.[319] Even when punishments were enacted, therefore, the *cabildo* found a way to undercut its severity or to ignore the verdict entirely. The bishops thus had no opportunity to enact lasting or effective change through their *visita.*

The inclusion of these accounts demonstrated that even when the process of conducting a *visita* was carried out, abuses identified, and a trial initiated against the sinners or derelicts, nothing came of it. The cabildo was involved from the very start, and represented throughout the process. Even if a verdict was passed in favor of punishment, therefore, the guilty parties often faced little or no repercussions.

When the bishop of Córdoba discussed the debate at the provincial council about the Tridentine decrees on cathedral chapters, he argued that the two representatives from the *cabildo* were blocking discussion in order to protect their colleagues.[320] The bishop of Osma agreed that the *cabildo*'s representatives were holding up debates although he does

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316 Ibid., 6.

317 Ibid. The bishop of Cuenca's letter from the same series said that the prelates should proceed with correcting the abuses in Toledo because 'there are many and are a bad example.' Furthering the argument that the chapter in Toledo was simply protecting themselves by resisting this particular decree.

318 AGS, PTR, Leg 22, Doc 35. 3.

319 AGS, PTR, Leg 22, Doc 35.7, 1.

320 AGS, PTR, Leg 22, Doc 35. 2, 2.

not say exactly how they were doing this.[321] The decree that seems to have been creating most concern was the decree on reformation from Session six, Chapter four, which stated that nothing, including exemptions, should prevent a bishop from reviewing and correcting abuses.[322] Even with other decrees making exceptions for some cathedral chapters, this decree seemed to give complete control to the bishops over the cathedral chapters.

The bishop of Córdoba suggested that the bishop alone should preside over criminal cases and proceeding of *visitas*; the *cabildo* need not take part other than receiving a summary of charges. [323]. The bishop of Cuenca included copies of the records from the pending criminal trials of his cathedral chapter, adding that insolence and errors remained in many churches, 'porque habiendo todo lo que los prelados pudiéremos podremos muy poco, por la mucha libertad de los cabildos'.[324] The bishop of Palencia echoed this, insisting the bishop should have sole jurisdiction over his diocese, and that that was the intention of Trent's decree from the twenty-fourth session.[325]

In Francisco de Toledo's initial instructions Philip had been adamant that if any questions arose which required the Pope's involvement they be sent to him first and that he would either resolve the conflict or forward the query to Rome. While there seem to be no surviving correspondence from cathedral chapters, it is clear that some had written to the pope to ask not merely for a clarification but for an exemption from the Tridentine decrees which required them to submit to the bishops. The bishops of Palencia and

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[321] AGS, PTR, Leg 22, Doc 35. 7, 1.
[322] Council of Trent, Session 6, "Decrees on Reformation," Chapter 4.
[323] AGS, PTR, Leg 22, Doc 35. 2, 7.
[324] AGS, PTR, Leg 22, Doc 35. 3, 2.
[325] AGS, PTR, Leg 22, Doc 35. 4, 2.

Sigüenza both claimed in their letters that the *cabildo* planned to appeal to Rome again, if they had not already done so by the time they were writing.[326] The bishops clearly hoped that Philip would intervene not only to prevent the *cabildos* writing to Rome but also to restrict them to a consulting vote only. The king had always been very protective of his royal prerogatives concerning religion, and the provincial councils were a great concern to him, as we have seen, as they held the potential for papal interference in the Spanish Church.[327] Whether or not the cathedral chapters did actually write to the pope again at this point, the threat of papal intervention in the provincial council of Toledo had already occurred twice: first when the bishop of Burgos attempted to assert his right to lead the council, and then when the *cabildo* had attempted to stop the convocation of the synod completely.[328] On both occasions, Philip had rejected the attempt to circumvent his authority, standing by this decision even when papal support was secured. The bishops were thus exposing the *cabildo* and its representatives as a threat to Philip's direct control. Indirectly, this was possibly the strongest argument for Philip's involvement because while he did want the council to progress smoothly, he also wanted more than anything to keep papal authority out of the provincial councils.

The bishops were thus following Philip's instructions and their letters highlight how they insisted that this decree be enforced for the benefit of the Church. They were also seeking to increase their own authority, and demonstrate their full support for the Tridentine decrees. Philip's will to implement Trent as a whole had been a key point in his early acceptance of the decrees, even before formal papal authorization. By demonstrating to Philip their own desire to conform to the Tridentine decrees, the bishops

[326] AGS, PTR, Leg 22, Doc 35. 4, 1 & Doc 35.5, 2.
[327] Fernández Terricabras, *Felipe II y el clero secular*, 138.
[328] See Chapter 3, p. 24.

provided themselves with even more support for their case against the *cabildos*. The bishop of Córdoba had specifically asked for their ability to vote at the council's meetings to be revoked, a request repeated in a letter from the bishop of Osma, who suggested that they should either be replaced altogether, or the powers of the current procurators named by the cathedral chapters should be revoked.[329] From the bishops' point of view, the two representatives of the *cabildo* should therefore not be given a vote equal to that of the bishops, and should not be allowed to judge their own cases.[330]

Francisco de Toledo's two letters of 25 February 1566, act as a sort of introduction and epilogue for the bishops' concerns. Toledo no doubt hoped to persuade Philip that quick action was required. It is unlikely Philip held any strong personal opinions about who should control episcopal visitations, so instead, the bishops framed their concerns about how the cabildo were stalling debates around topics that Philip had a personal stake in. Those concerns being: the king was adamant that the papacy should not become involved in the council's debates, and he seems to have been interested in reform of the Church, as his interest in Trent had shown. The bishops were writing that the cathedral chapters had already written to the papacy before the council and were considering that option again during the council's sessions and the prelates harped on the issue of errors and abuses running amok in the Spanish kingdoms and that they had witnessed these scenarios first hand. The second letter which appears later in this collection after several letters from bishops, details the problems within the council from the point of view of the minister and his assistant the *licenciado* Soto, who was a member of the Inquisition specifically appointed to guide the royal minister in Toledo. These

[329] AGS PTR Leg 22, Doc 35,7. 1.
[330] AGS, PTR, Leg 22, Doc 35.2, 2.

letters raise several questions about the king's views on the council's deliberations. It seems that the bishops knew how to pique the king's fears to get his assistance when faced with opposition to the Tridentine decrees.

Francisco de Toledo set out in his letter to explain the situation occurring in the provincial council and specifically references the decrees that were causing the most resistance ('el capitulo 4 de la session 6 y del capitulo 6 de la session 25').[331] In particular he reprimands the procurators from the cathedral chapter and echoes the concerns put forth by the letters from the bishops, adding further legitimacy to the problems facing the provincial council and enacting lasting reform. He claims that the cathedral chapters do not fear the *visitas* and the punishment was seen as an impediment to be overcome rather than anything more problematic. [332] He therefore asked the king to write to the pope for clarification, and recommended giving the bishops the ability to castigate errors without the involvement of a chapter representative or adjunct. He did however provide some more details about the chapters' tactics: that they intimidated witnesses, and that some witnesses were 'compañeros y amigos' of the delinquents. He criticized the chapters' involvement in providing an advisor to the bishop during trials and described the situation in which sentences were imposed but then modified. Those who were jailed/secluded were often just kept in the house of a fellow church administrator, where they could be visited and receive gifts. All this meant 'que a los injuriados y al puebla son escándanlos y causan que tengan por burla lo que los jueces eclesiásticas hacen'. [333] He also described how the progress of a trial could be delayed by absences or illness, and

[331] AGS, PTR, Leg 22, Doc 35.6, 1.
[332] Ibid.
[333] Ibid., 2.

how the punishments were often inadequate.[334] He emphasized too that the current state of affairs in the diocese of Toledo set a bad example to other clergy in the suffragan dioceses. This last comment may have carried great weight coming from the *licenciado* Soto, who was aiding the minister and who is also credited as an additional writer in this last letter. The suggestion from an inquisitor that the unpunished corruption and errors set a bad example to other clergy in the city of Toledo and beyond would have piqued Philip's interest, because it skirted very close to the idea of spreading heresy especially in the archdiocese where the archbishop was already being held by the Inquisition. Even though nothing is directly said about this, the idea is surely there if unspoken. Toledo concludes by saying that the king's intervention was important for the good of the Church and by extension for the council's progress, and he asks Philip to contact the papacy for clarification over the scope of the ordinaries' power over the cathedral chapters. In this regard, Francisco de Toledo is offering a different perspective from the council and revealing his own loyalties. Like many of the bishops attending the council, Toledo owed his position to the king and had been specifically chosen to protect the king's prerogative. While the provincial council was to remain separated from the papacy, if this topic of episcopal jurisdiction required papal intervention, Francisco de Toledo was approaching it in a much better way, through the king as an intermediary. This approach would have been a better option for the cathedral chapter as well but just this one slight adjustment meant that Toledo and the bishops retained the king's favor. Whether Philip would seek clarification from Rome, or intervene on his own, remained uncertain. Since he was always very reluctant to invite papal intervention, it was perhaps more likely that Philip

[334] Ibid., 3.

would settle the dispute himself and the bishops at the provincial council in Toledo realized this and wrote these letters to reflect their need for his personal intercession.

The matters presented by the bishops and Toledo also appears in an undated document entitled, 'Estos son los casos que sean de consultar con su magestad', in which ten topics concerning Trent have been summarized in list form.[335] They are also included in a more detailed summary dated 10 December 1565.[336] Unfortunately, there is no surviving response from the king, but there is evidence that he responded favorably to the prelates' request. On 26 March 1566, the prelates wrote to thank Philip for his letter, which they were now implementing though without details. [337] Another letter to the dean, don Diego de Castilla, as leader of the cathedral chapter and dated 1 April 1566, informs him that the provincial council's decisions will be implemented, despite the *cabildo*'s desire to appeal to the pope against the approval of certain sections, which although unlisted in this letter, are no doubt the ones mentioned in the letters to Philip discussed above.[338] These letters support the assumption that Philip ruled in favor of the prelates, and the final decrees from the provincial council include sections on the punishment of errors and criminal cases, which rules that the ordinary should control the entire process and prohibit the cathedral chapters from interfering.[339] It is unclear however, whether the king revoked the *cabildo*'s voting privilege at the council, or simply gave the prelates the power to control the *visita* process and impose punishments. However, the names of the

[335] The date attributed to the document by Portal de Archivos Españoles is approximately 1566.
[336] AGS, PTR, Leg 22, Doc 36 & 37.
[337] AGS, PTR, Leg 22, Doc 39.
[338] AGS, PTR, Leg 22, Doc 40.
[339] Fernández Collado, *El Concilio Provincial*, 190-191.

procurators for the cathedral chapter do not appear in the text of the final decrees, when the voting responses were recorded and read aloud.[340]

The importance of this episode illustrates how Philip was willing to exercise control over the provincial council in Toledo. During the final sessions of Trent, Philip had created a network of correspondence with his ministers and bishops, and this practice continued during the provincial councils. The provincial synod in Toledo is exceptional however because all of the bishops had fairly close ties to the monarch, and they did not hesitate to write to him when debates had stalled. Francisco de Toledo also wrote to the king regularly, and guarded his *patronato* as he had been instructed. These episodes of conflict with calling the council and jurisdiction of the prelates were resolved in favor of the bishops, which in no small part played on their close connection to the king and his fears of papal infringement. Philip's intervention much like his role at Trent was to order the council to proceed as he wished. Intervention from the bishop of Burgos and the cathedral chapter were not tolerated, and their appeals to the Papacy further strengthened Philip's resolve to direct the council and its decisions himself. As at the Council of Trent, when Philip ordered his bishops to stop stalling debates and move on to different topics, he smoothed the way for the provincial council in Toledo to continue and conclude.

A very similar incident occurred in Granada. Whereas tensions in Toledo were present even before the council was called, in Granada the cathedral chapter seemed pleased until the synod began its first sessions. The chapter is mentioned in the letter of 23 August from Guerrero to the king, reporting that the chapter was represented and that

[340] The decrees record the votes only of the bishops and the Abbot of El Alcalá Real.

the council would go ahead despite the low attendance.[341] Representatives from the cathedral chapter were some of the first members of the council to attend and there was no debate about separate nominations.

Disputes between the council and the chapter appeared early in the first working session of the council in October. A letter dated 3 October 1565, was addressed to the king from the parochial churches in the city of Granada, who objected to some of the canons of Trent. The protest was presented by 'el doctor Hernando de Galuez and el licenciado Pe(d)ro Gomez' who claim to be writing on behalf of all clergy of the parochial churches in the city of Granada.[342] Thirteen more priests and the locations of their benefices in Granada are listed, which extend past the city boundaries including priests from smaller towns in the extended kingdom of Granada, such as Bezna, Beschules, and Loja just to name a few. The letter maintains that they represented all parishes in the kingdom. It is likely that these thirteen signatories were solely those who were present at the provincial council. The document formally protests against two decrees and one chapter from Trent and although the letter does not include references to specific decrees, they do include the portions, which they rejected. The first pertained to the order of entrance and precedence in processions, burials, and formal gatherings, which requires:

> 'En las demás procesiones o entierros o otras qualquiera juntas donde no fuere el cabildo de nuestra santa iglesia entra el rector del colegio eclesiástico o en su ausencia el capellán mas antiguo y el beneficiado cura mas antiguo, se guarde la orden de su antigüedad declarando que el dicho rector aunque sea nueuo en el ofiçio tenga y goze

[341] AGS, Estado, Leg 148, Folio 120.
[342] ACG, Leg 35, 12.

> respeto del beneficiado cura mas antiguo del antigüedad del mas antiguo capellán para yr primero en el coro de la mano derecha o izquierda...'.[343]

The second decree mentioned requires that 'Los vicarios en el coro de todas de las Iglesias de su partido tendrán el primer lugar y presidieran en el coro a todas los horas y oficios que en la Iglesias se hicieron'. In this case the worry seemed to be that anyone official should take precedence in procession regardless of seniority in terms on date of appointment. The document is also concerned with all the constitutions under the title *De mayoritate et obediencia* from Trent and, in particular, decrees on the reformation of the clergy which it characterized as 'injustos y muy agrauiados'.[344] The first two of these points were related directly to issues of precedence and challenged established custom in Granada. On the issue of the first point of contention, the premise of having a rector of the ecclesiastical college be in a preferred location to clergy who held benefices during processions was unacceptable; even if the rector were to have a position attached to a benefice, this would not alter the fact that in these processions and gatherings he would be acting as the rector and would thus still be behind the other clergy. The office of rector was 'personal y temporal' and could not therefore be given a preferred place or seat. The decree from Trent offered no leniency on this topic even when men held two positions simultaneously, whether beneficed or not. For the second decree, the cathedral chapter pressed to allow vicars to have preeminence when visiting parochial churches. Seats denoting respect should be reserved solely for those who held benefices and were senior in terms of age and service as was custom because vicars were only given jurisdiction for a limited time when visiting these churches, and should thus be seated below the clergy in

[343] Ibid.
[344] Ibid.

their respective churches. In these cases, tradition dictated that the beneficed clergy in the parochial churches were preferred, which was contrary to the Tridentine decrees mentioned above and this formal protest to the king was an attempt to secure an exemption from these decrees. If these issues from Trent reveal an obsession with preeminence at the lower levels of the church hierarchy, it is no surprise that that topic of episcopal jurisdiction over chapters and parochial churches should raise alarm. This protest was given before one of the king's secretaries by the cathedral chapter and was then sent directly to the king. Obviously, the cathedral chapter in Granada was already willing to make objections to Tridentine decrees and voice their strong opinions on decrees which they felt were prejudicial to their local customs and traditions.

This petition reveals that some of the problems in Toledo were also appearing in Granada, though more slowly. The cathedral chapter in Granada however, adopted a different tactic to that of its counterpart in Toledo. Instead of writing to the pope, the cathedral chapters from across Granada instead wrote directly to the king. This difference exemplifies the situation in each locale. In Toledo, the king's rights of patronage were limited to *de facto* presentation to the highest clerical offices, whereas in Granada, the king had the right to oversee all levels of church administration, including the cathedral chapters. In this context, the chapters reached out to the king in Granada and the pope in Toledo. They were looking to the highest possible authority for their area within the confines of the royal *patronato* - though it should be noted that in one city, the appeal was to enforce the decisions of Trent, while in the other it was to over-rule them. Moreover, while it appears that the cathedral chapter in Toledo resisted engaging directly with the provincial council, that was not true in Granada. As early as 12 October, disputes

between the cathedral chapter and the council in Granada were becoming more evident. The *cabildo* wanted to view all the constitutions as they were drafted, in order to use their consulting vote; but Guerrero and the prelates prevented them. Interestingly enough, when Guerrero wrote to Philip after the first session, his letter can best be described as an initial study of the constitutions – suggesting that the council's decrees were still being discussed, and the bishops editing them. At this stage, no texts had been definitively agreed and they could therefore be edited, changed, voted on, and even discarded.[345] This may explain why the chapter in Granada felt they could petition both the king and the council, while in Toledo, the *cabildo* tried to bypass the council all together. In fact, in addition to the petition of 3 October discussed above, the council addressed the provincial council as well in a letter of 12 October, again protesting that their rights and duties were being infringed by the new rulings from Trent.[346] This document is very similar to the previous one but is directed not to the king but to the provincial council of Granada. The situation highlighted by this letter are the differences between the councils in Toledo and Granada. The main difference is that the chapter in Granada actually addresses the council in contrast to Toledo, which tried to bypass the council and the king in general. The Tridentine decrees, they claimed, were in conflict with the traditions in place since the foundation of their own churches, and they ask the council to side with them and not ratify any constitution prejudicial to their rights and customs. If the council does confirm the Tridentine decrees, they state, they will resist. In Granada, therefore the issue of jurisdiction was raised in the same letter as concerns over precedence; but the goal was the same: to stop the Tridentine decrees from giving episcopal jurisdiction over the

[345] Pérez de Heredia y Valle, *El Concilio Provincial,* 35.
[346] ACG, Leg 35, 10.

chapters. The situation ultimately at this stage was that the council wanted to view any topics, which might be prejudicial to its interest before they were brought before the council, as Guerrero prepared topics for discussion prior to any meetings. Guerrero did not agree, and only later relenting by allowing them to view some potential constitutions after November 1565.[347]

The presiding prelate at each of the two councils dealt with the chapters' appeals in different way. In Toledo, as we have seen, the bishops wrote as a group to the king to express their concerns; and Rojas y Sandoval did not respond to the *cabildo*'s criticisms of the council's voting procedures. In Toledo, the bishops always deferred to the king's judgment concerning the decrees. In Granada, Guerrero's attitude was that he, as the presiding bishop, should deal with issues within the council. This is also reflected in the actions of the cathedral chapter. Early in September, two canons were sent by the cathedral chapter to speak with the archbishop about 'algunas cosa que perjudican al cabildo', although it remains unclear what they discussed.[348] Their first attempts to mediate the council's decisions were thus focused on the archbishop rather than the monarch.

In addition to the document presented to the council concerning their grievances, the cathedral chapter in Granada also actively used the king's rights of patronage against the archbishop. When the council raised the topic of seminaries in an early session in October, the chapter voiced their concerns about the economic cost of supporting seminaries in the three cities of Granada, Almería and Guadix. The *cabildo* told Guerrero that they were willing to observe the Tridentine requirements, but that the archbishop

[347] Marín Lopez, *El cabildo de la cathedral,* 268.
[348] Ibid., 267

should first ask the king for his view; and on 31 October, the *cabildo* presented a statement to the council reminding the archbishop that he must consult with the king about seminaries because Philip controlled church tithes through his *patronato*.[349] While this was probably only a delaying tactic, it reveals a growing boldness, which as always focused on the archbishop's relationship to the king in its attempts to mitigate the constitutions being proposed.

On other occasions, the chapter approached the crown directly, as well as presenting their grievances to Guerrero and the council. In fact, this trend continued as Guerrero mediated their critiques and demands as detailed below. Just after the first few sessions in September and October, the *cabildo* considered taking legal action against the provincial council although it is not clear what illegality they could accuse the council of.[350] However, they decided instead to approach Guerrero and the council again to see if their petition could be dealt with. A series of notices was sent to the council, and read before the congregation on 9 November; a copy was sent to Guerrero on 14 November.[351] It is unclear why the version sent to Guerrero was dated later; however, it is possible that the chapter's representatives realized that approaching the archbishop directly as they had done before, was a more efficient way to secure a response. The theme of the document was again the challenge to the chapter's authority from the bishops and the Tridentine decrees. Guerrero wrote in the margins of his copy to answer each point.

The *cabildo* stated that they held objections to the topics being discussed by the provincial council: a diocesan council, they believed, should address those topics, rather

[349] Ibid., 265
[350] Ibid., 268
[351] Ibid., 268-269.

than a larger provincial one- though they also acknowledged that in a show of goodwill, the *cabildo* had not opposed the provincial council's convocation.[352] That seems to be true; and the *cabildo* had been invited to attend the council by Guerrero before the royal representative of the king had been named. In reality, although they wrote this in November, there does not seem to be any evidence that the cathedral chapters had opposed the summons of the provincial council. The chapter however raised some minor concerns in September and October about a number of decrees, including those on jurisdiction and precedence as mentioned above. On his copy of the document, Guerrero made notes in the margins indicating whether or not he would accept slight modifications to appease the chapters. [353] For example, he agreed to modify the decrees changing the punishments suggested by the council so that clerics would not be imprisoned for civil debts unless the cleric actually had the money to pay what was owed: the chapter here asked for no punishments to be imposed, but Guerrero's response suggested a way to satisfy both sides. [354] Most of the notes however voice his willingness for the council to discuss the decree and the expressed grievance before reaching a final decision.[355] Thus he was displaying the same flexibility as he did with the early protests about the chapter's rights to view the decrees before they were brought forward for discussion.

Guerrero's response enabled the council to continue without further disturbance from the chapter. It also ensured that neither the king nor the pope became involved. By giving the chapter a response, albeit one that did not give way to all their demands, Guerrero appeased their concern that they would lose their standing at the council and

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[352] Ibid., 269
[353] Ibid., 270
[354] Ibid., 270-272
[355] Ibid., 272

their voice in its deliberations. He also confirmed that its consulting vote would be considered in discussions and in the drafting of the council's decrees. The result was that the chapters used their representatives to voice their opinions, and intervene in the sessions of the council in its early stages. However, in comparison to the episodes mentioned above, their later grievances often went unheard by the synod and the archbishop. [356]

Despite his lack of response during the later sessions, the chapter never rejected the archbishop's authority, nor his role as the leader of the council. In fact, as late as 7 February, the two procurators from the *cabildo* approached the bishops of Almería and Guadix, the only bishops attending the provincial council in Granada, asking them to intercede with the archbishop on their behalf about the grievances they were then raising concerning the synod decrees and their right to review them.[357] It seems however as though by this stage, the council in general had more important matters to attend to, and no further responses survive from the archbishop to the members of the cathedral chapter.

In contrast to the experience at Toledo, the cathedral chapter in Granada thus seemed to make headway with the archbishop during the initial sessions of their council, and neither the procurators nor the chapter as a whole took their complaints higher than the archbishop. While the chapter in Toledo seemed to avoid approaching the presiding bishop directly, in Granada Guerrero was the first target of the chapter's actions. While the bishops in Toledo passed their problem with the chapters on to the king, in Granada it was only after the suspension of the council in the spring of 1566, that Guerrero found himself in a legal battle with both the chapter and the municipal government about the

[356] Ibid., 275.
[357] Ibid., 274.

council's decrees. The municipal government sued the archbishop over the augmentation of the diezmos, an ecclesiastical tithe. Unfortunately for Guerrero, this particular battle remained in court until 1572. The cathedral chapter also challenged Guerrero, hiring a lawyer and laying grievances against him in 1568, 1569, and 1570. The subject of these cases remains unclear, but was certainly linked to the decrees of the provincial council. After the last challenge, and despite strong resistance again from the cathedral chapter, a new provincial council was convened in 1572. This would simply restate some of the topics of the suspended council, and Guerrero published its decrees in a limited format. It is unclear whether the chapter's earlier challenges were argued before or assessed by a municipal or an ecclesiastical court, but in Granada, where the spheres of temporal and spiritual were in any case intrinsically linked thanks to the king's rights of patronage. These legal challenges against the archbishop from the cathedral chapter would last until just before Guerrero's death.

The chapter's recourse to legal action against the archbishop reflects its view that he was personally accountable for the council's decrees, in a way that Rojas y Sandoval completely avoided. There is little research on these cases. However, some of the same drafted decrees from 1565 were published as part of the 1572 decrees suggesting that Guerrero intended to enforce them despite the resistance from the cathedral chapter against the decrees from the first provincial counci, which led the chapter to take Guerrero to court in the first instance.[358]

The disputes all relate to the rejection of the Tridentine reforms concerning episcopal jurisdiction and the cathedral chapters. In Toledo, the bishops appealed jointly

[358] Sínodo de Granada, *Constituciones synodales del Arcobispado De Granada: hechas por el señor don Pedro Guerrero Arçobispo de la sancta Yglesia de Granada, en el sancto Synodo que celebro a quatorze dias del mes de octubre del año MDLXXII* (Granada: Casa De Hugo De Mena, 1573).

to the king, whose authority was also recognized by the chapter. Moreover, in Toledo the *cabildo* continued to protest against the decrees even after the council had ended. During the preparations for Holy Week, around 1 April 1566, the chapter in Toledo met to discuss whether they should refuse to acknowledge the council's decrees.[359] It seems that news about the chapters had reached the pope from not only Toledo but also Compostela, as evidenced in a letter from Cardinal Alessandrino dated 15 December 1567, in which the papal nuncio in Spain, Giovanni Batista Castagna, later Pope Urban VII, is told that the pope was aware of the situation and would be dealing with this problem shortly.[360] Eventually, Pope Pius V issued a brief dated 27 December 1567, which accepted the case of the *cabildos* for peace but ultimately upheld the decrees of the provincial council.[361]

In contrast, the archbishop in Granada was solely responsible in the eyes of the cathedral chapter for all grievances arising from the implementation of Trent by the council. This is reflected in the way they appealed only to him with the briefest exception very early in the council when they wrote to the king. In most cases, they use the king's *patronato* as a shield against the implementation of the Tridentine decrees. This was the case even after the council's closure. In fact, there did not seem to be any real contact between the chapter in Granada and the monarch at any stage during the process of legal action that followed the council. Years later the archbishop of Granada was still grappling with the decrees of a council, which in the event were never officially endorsed by the king.

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[359] Fernández Collado, *El Concilio Provincial*, 103.

[360] "Rome: 1567, October-December," in Calendar of State Papers Relating To English Affairs in the Vatican Archives, Volume 1, 1558-1571, p. 256-267, Doc. 504.

[361] Fernández Collado, *El Concilio Provincial*, 103.

Chapter 5: The New Christians of Granada

By the time of the 1565 provincial council in Granada, there were some key differences between that kingdom and the others ruled by Philip II. The largest and most striking difference was the large New Christian population. According to the royal census conducted in 1561, just a few years before the provincial council, there were approximately 15,000 Moriscos residing in the city in addition to the roughly 30,000 Christians.[362] There are no reliable statistics to account for the Morisco population in the kingdom of Granada but John Elliott gives the total of 275,000 living in the peninsula based solely on the numbers of those who were officially known to have left the Spanish kingdoms in the last expulsion of 1609. L.P. Harvey estimates that the total population in the last half of the sixteenth century would be between 300,000 and 330,000.[363] However, by themselves, these numbers no not reveal why the Moriscos were a topic of interest for the provincial council in Granada, where the council leaders focused specifically on the issues facing these New Christians. While the rest of Spain also still contained some Morisco inhabitants, they had become far more assimilated; their conversion and education was thus not raised at other provincial synods to the same extent as in Granada. This was in part due to the late conquest of the city and the strategic allowances given by the monarchs of Spain to the resident population of Granada. These details will be fleshed out later in this chapter to elaborate on the local circumstances that the provincial council of Granada was dealing with. In addition, Pedro Guerrero had a unique strategy for dealing with the New Christians that is evident from the letter to the king sent on 10 December by the prelates at the council, the details of which will also be

[362] Coleman, *Creating A Christian Granada*, 15.
[363] L.P. Harvey, *Muslims in Spain, 1500 to 1614* (Chicago: University of Chicago Press, 2005), 12-13.

examined later. The provincial council could follow historical precedent because there had already been some attempts to speed conversion by Charles V, Philip's father, as well as by other religious leaders within the city. While the provincial council was attempting to deal with their Morisco problem, this issue remained firmly under the control of the king. This meant that though the prelates at the council wanted to deal with it, they had to work closely with the king and under his guidance. However, it soon caused conflict between the provincial council and the king, in a series of events that unfolded from initial cooperation between council and king to eventual distrust by the king. I shall examine how the prelates wanted to provide for the conversion and education of Moriscos in Granada, and how a series of letters from Covarrubias about a large volume of decrees being drafted crushed the spirit of cooperation. First, we must consider why the kingdom of Granada was so different from the other Spanish kingdoms. The answers to that question will take us back to the Catholic monarchs and Granada in the early 1490s.

As part of their conquest, Ferdinand and Isabella signed the Capitulaciones with Boabdil, the last Nasrid ruler of the Sultanate of Granada ending in 1492. This series of pacts included in this agreement were certain concessions for the newly conquered kingdom that did not extend to any other kingdoms of Spain. Under their new Catholic monarchs, the Muslim population in the kingdom retained the right to move around the kingdom as they pleased.[364] In addition, in all things judicial, fiscal, and administrative, Islamic law was preserved in Granada.[365] Any property titles granted by the former government would thus remain valid. Lastly, the imposition of the new Christian

[364] *Colección de Documentos Inéditos Para La Historia de España,* vol. 8, (Madrid: Academia de la Historia, 1845), 426.
[365] Ibid., 428 & 433.

leadership and dominion in the kingdom were to be minimized, and the direct purchase of land in the city of Granada by Christians (excluding bureaucrats and soldiers) was banned.[366] The strategy of the new Christian leadership was to entice the Muslim elites of the kingdom to convert to Catholicism when possible. That would leave the majority of the remaining Muslim population without leadership and more willing to convert.[367] However these privileges, and even the strategy of the monarchs, changed even within a few years.

In 1498, just six years after the conquest and the initial Capitulations, a new law was issued for Muslims living in the city of Granada, which restricted their residences to the hillsides suburbs of Albaicín and Antequerela.[368] This was done to separate the Muslims and Christians physically within the city and was negotiated not only by Christian leaders but also by local Muslim leaders.[369] The Muslim communities would segregate themselves, and so limit their contact and interaction, with Christians. For the Muslim communities this step was also an attempt to protect themselves from the influx of Christian immigrants to the kingdom.[370] If implemented, this agreement would have been a key developmental difference from other Spanish kingdoms. However, it failed to divide the Muslim and Christian groups completely because, rather than creating divisions, these conceptual boundaries were constantly changing and penetrable. The communities, although separated legally, thus still mixed together, although at a much slower pace than elsewhere in Spain. The separation of the existing communities was

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366 Brian A. Catlos, *Muslims of Medieval Latin Christendom, Ca. 1050-1615*. Cambridge: Cambridge University Press, 2015), 16.
367 Ibid., 215.
368 Ibid., 216.
369 Coleman, *Creating A Christian Granada,* 19.
370 Ibid., 56.

thus not final, though the natural process of assimilation was significantly slowed. This fact, in combination with the relatively late conquest of the kingdom, meant that the process of co-habitation between the Muslim community and the Christian as occurred elsewhere in Spain was hindered, although not totally halted. It soon became obvious to the monarchs and the archbishop of the city that all the inhabitants of the city should be Catholic and thus, the monarchs of Spain began to press conversion to Catholicism during the reign of the Catholic monarchs and many years later, complete exile in 1609 under Philip III.

Changes were quick in coming. On 12 February 1502, an edict was issued that all Muslims in the Crown of Castile should convert to Christianity under threat of expulsion.[371] By 1526 following a visit by Charles V's to Granada and subsequent Royal Congregation of that same year, many regulations were made concerning the moorish population of Granada banning certain types of clothes and activities associated with the Islamic religion. In the words of Brian Catlos, 'the last significant Muslim community in the peninsula…would formally cease to exist…'[372] This was in reality only the formal end of a separate Muslim population. The 'conversion' was by no means immediate, and although some Muslims did chose exile rather than conversion, others remained in most of the kingdoms under the new signifier of Morisco. For example, in Castile, the Muslim population in 1502 numbered perhaps 25,000.[373] However, in Granada the Morisco population was much larger than in any of the other kingdoms and much less assimilated. In 1498, the archbishop of Granada, Talavera had begun banning activities and dress that

[371] AGS, Registro General de Sello, Febrero 1502, Fol 1.
[372] Catlos, *Muslims of Medieval Latin Christendom*, 207.
[373] Ibid., 219.

had any ties to the Muslim community. Christian residents of Granada for example were not allowed to enter Muslim-operated bathhouses, or use butchers who practiced the Islamic faith.[374] He wrote to the Catholic Monarchs about these reforms in 1500 in order to get them enacted formally.[375] The archbishop's intention was to use separation from their culture as one pathway to conversion. Despite these bans, Talavera was a Muslim sympathizer and proponent of *convivencia*. The next year, from 18 December 1499, there was a revolt in Granada, usually known as the First Revolt of the Alpujarras, by Muslims against the actions of the archbishop of Toledo Francisco Jiménez de Cisneros, who had come to Granada with Queen Isabella's permission to aid in the conversion of the conquered kingdom by any means necessary, which reportedly included torture.[376] This revolt ended in part due to the work of archbishop Talavera, who promised clemency for those participants who converted to Catholicism, though it is unclear what the alternative would have been.[377] The inclusion of baptism as necessary for a full pardon was based in part on advice to the monarchs from Cisneros, whose actions had caused the revolt.[378] Further to this, the freedom of mobility granted to Muslims under the Capitulations of 1491 was rescinded when in July 1501, the Catholic Monarchs banned Muslims of any kind from entering Granada.[379] This ban applied to Muslims residing in Castile, though by this date, all Muslims in Castile in theory should have converted; the policy might have been targeted at the new Morisco population there.[380]

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[374] Coleman, *Creating A Christian Granada*, 63.
[375] AGS, Diversos de Castilla, leg. 8, Fol 114.
[376] Coleman, *Creating A Christian Granada*, 6.
[377] Catlos, *Muslims of Medieval Latin Christendom*, 217.
[378] Coleman, *Creating A Christian Granada*, 6.
[379] Catlos, *Muslims of Medieval Latin Christendom*, 218.
[380] Coleman, *Creating A Christian Granada*, 39-40.

Charles V, Philip's father, succeeded to the Spanish throne in 1516. While the Catholic Monarchs had legislated against Muslims, Charles focused on Moriscos, or New Christians. This was most obvious in Granada, where the local religious culture continued to be, as David Coleman has described it, 'a work in progress' throughout the reigns of Charles and Philip. By the time the last edict of conversion was issued in 1526 by Charles V banning the daily activities and dress associated with Moorish culture, Moriscos, including those in Granada, occupied a sort of 'middle ground' between Christianity and Islam.[381] If this edict had been enacted, it would have been a huge step in regulating the lives of the Morisco population beyond just their attendance at church and correction of lingering ties to the Islamic population. Most church documents subsequently referred to this section of the population as New Christians.

In Granada, the conversion policies that had proven to be successful elsewhere remained difficult to implement. One reason for this was the continuing physical separation between the two communities. In areas where Old and New Christians did live in proximity, Moriscos were usually the tenants or vassals of Old Christians, in what were often predatory and prejudicial arrangements. In addition, a tax burden, specifically paid by Morisco subjects in the kingdom of Granada, continued to remind second and even third generations of their separateness.[382] Most rich Muslims who stayed, converted and continued to retain their social prestige and properties.[383] The physical separation between Old and New Christians was further reinforced when people moved within the kingdom of Granada, and even when new towns were established in the early sixteenth

[381] Catlos, *Muslims of Medieval Latin Christendom*, 282.
[382] Ibid., 285.
[383] Ibid., 284-285.

century. Old Christian immigrants tended to settle in nearby villages, as they had mainly settled in the Alhambra complex in Granada after the conquest.[384] Similarly, Moriscos often established new suburbs rather than settling and mixing with existing Christian areas.[385] In addition to a physical separation, therefore, a separation mentality developed.

The most obvious aspect of this non-physical separation was the survival of Arabic in Granada. While most other kingdoms in Spain did still retain some Moriscos even after forced conversion, the language usage was altered. While a knowledge of Arabic survived in Granada, it would be misleading to claim that the Morisco population in the kingdoms of Castile and Aragón spoke only Arabic, because by the mid-sixteenth century most Moriscos could speak Castilian to some degree, though a minority spoke with thick accents and some spoke very little Castilian. [386] In fact this was reflected in the final decrees of the provincial council because the prelates advised that translators of Arabic should be appointed for the ecclesiastical courts to have on hand should anyone be brought before them that fell into those last two groups. The longstanding coexistence of Muslims and Christians had given rise to a distinct writing style called *Aljamía*, a system of Castilian words written in Arabic script, and the use of the *Aljamía* writing system provided an outward sign of group identity and community.[387] However, the use of *Aljamía* contributed toward the idea of otherness with which many Old Christians viewed the Moriscos. In addition, a royal provision in 1513 outlawed the traditional women's

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[384] Coleman, *Creating A Christian Granada*, 16.
[385] Catlos, *Muslims of Medieval Latin Christendom*, 285.
[386] Coleman, *Creating A Christian Granada*, 66.
[387] Consuelo López-Morillas, "Language and Identity in Late Spanish Islam," *Hispanic Review* 63, no. 2 (1995): 200.

garment known as the *almalafa*.[388] This piece of clothing was a long draping outer garment that covered the head and could be worn to cover the face. While it was traditionally associated with the Moorish communities, rendering Morisco women visibly different from the majority of Old Christian families, some Old Christian immigrants had also apparently adopted it.[389] Charles V reissued the ban in 1523 and imposed a punishment of whipping for any delinquents.[390]

Many Old Christian families remained suspicious of their Morisco neighbors, not just when they lived in the residentially mixed areas of Granada, but also as Moriscos became increasingly integrated in the Church, and especially in the church hierarchy. [391] Some religious orders, such as the Franciscans and Jesuits, took a special interest in instructing Moriscos in Catholic doctrine. Both orders sent friars to preach and teach daily in the Albaicín, where the Morisco population was congregated. Despite these efforts, there was still a lack of institutionalized religious instruction until 7 September 1554, when the Jesuit Pedro Navarro founded a house in Granada; in 1559 the Jesuits opened La Casa de la Doctrina, headed by local Morisco Jesuit Juan de Albotodo, which focused on the education of Morisco youth from the Albaicín.[392] While initially this institution taught the basics of Christian doctrine and faith, it also grew to include lessons in Castilian reading and writing. The archbishop of the city also took an interest: in 1530, Gaspar de Ávalos de la Cueva, nephew of Talavera and archbishop from 1529 until 1542, proposed that New Christian parishes should set time during Mass to explain basic

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388 Coleman, *Creating A Christian Granada*, 63.
389 Ibid.
390 Ibid.
391 Catlos, *Muslims of Medieval Latin Christendom*, 282.
392 Francisco de Borja Medina, "La Compañia de Jesus y *la minoría morisca* (1545-1614)," *Archivum Historicum Societatis Iesu* 57, no. 113 (1988): 16 & 61-63.

Christian doctrine.[393] In addition, a priest or sacristans of each parish were ordered to have meetings with appropriate age and gender groups of the Morisco population for doctrinal instruction.[394] However, these attempts to instruct the New Christians were over-shadowed by Ávalos' attempts to address more secular concerns. During 1535, Ávalos introduced bans on Moorish dances and on traditional clothing associated with Muslim traditions.[395] This repression caused riots in 1535. The archbishop was viewed unfavorably not only by the Moriscos and but also by the local government of the city, and Ávalos was reprimanded for attempting to interfere with secular issues over which he had no jurisdiction.[396] His decree seems to have never been implemented. The problems he identified would be brought up again at the provincial council some thirty-five years later. However, the attitudes of local clergy more generally were certainly not favorable to the Moriscos; they received a rebuke from Pedro Guerrero in the year the provincial council was convened for calling the Moriscos, 'Moorish dogs'.[397]

Soon after issuing the last edict of conversion in Spain for the kingdom of Aragón, Charles V called a conclave of the theologians of the royal chapel in June 1526.[398] This meeting discussed the issue of the New Christian population, and proposed to the king measures to encourage true conversion, and extinguish any lasting connection to Islam.[399] Fernando Venegas, Miguel de Aragón, and Diego López Benexara presented the grievances of the Moriscos in Granada at sessions presided over by the archbishop of

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393 Coleman, *Creating A Christian Granada*, 128.
394 ACG, Libro III de asuntos varios, folio 86.
395 Coleman, *Creating A Christian Granada*, 125.
396 Ibid.
397 Ibid., 67.
398 Ibid., 7.
399 Ibid.

Seville and Inquisitor-General, Alfonso Manrique de Lara y Solís. The future archbishop of Granada, Gaspar de Ávalos was also present, serving as the bishop of Guadix.[400] The proposals included banning the use of Arabic, folk customs and costumes, and in particular a ban on women wearing a veil.[401] In addition, the Moriscos were told to take Christian names, and Charles called for inter-cultural marriage, though Old Christians seemed less than keen to marry Moriscos at any substantial rate, especially when 'purity of blood became an issue and used against Moriscos.[402] Charles agreed with the proposals and passed them into law on 7 December 1526. However, some Morisco communities were able to persuade him not to enforce the law with a large sum of money.[403] Charles suspended the enforcement of the law for forty years, effectively meaning that the Morisco communities continued as they had in Granada until the reign of Philip II, and the provincial council faced these issues anew in 1565.

The only exception to this suspension was the establishment of Granada's Inquisition tribunal in 1526.[404] However, the tribunal initially seemed more pre-occupied with crypto-Judaism. Of the total of eighty-nine penitents at its first *auto-de-fe* in 1529, only three were Moriscos.[405] The Morisco population continued however to deal with the suspicions of Old Christians and the predatory policies of officials until the provincial council. In 1561, for instance, the Moriscos of Granada lodged a formal complaint with the royal court because local officials, including, the *Corregidor* Hernando Carrillo de

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400 Harvey, *Muslims in Spain*, 105.

401 ACG, Reales Cédulas lib. II duplicado, folio 70.

402 Catlos, *Muslims of Medieval Latin Christendom*, 290.

403 The exact amount is contested. Brian Catlos suggests a total of 8,000 ducats while David Coleman puts the figure at 90,000 ducats plus an offer for an annual levy of 21,000 ducats from the Moriscos of the city and the kingdom of Granada.

404 For more information see: Flora García Ivars, *La represión en el Tribunal Inquisitorial de Granada, 1550-1819* (Madrid: Akal, 1991).

405 Coleman, *Creating A Christian Granada*, 25.

Mendoza, were harassing them.[406] The Morisco population in Granada was still very distinct from the Old Christians.[407] Though in name and in practice they claimed to be Christians, many still spoke Arabic and dressed in clothing associated with Islamic tradition, including the veil; Old Christians -including the church hierarchy in Granada- continued to view their sincerity and even their conversion with suspicion. Helen Rawlings sums up the situation succinctly: 'the failure of the Granadine clergy to accommodate the Morisco and his reluctance to abandon his native culture increased tensions between the local Church and its parishioners'.[408] It was in this atmosphere that the provincial council convened in Granada, and quickly took up the question of the New Christians on its own initiative.

According to Coleman, at provincial council of 1565, Guerrero aimed to eliminate the 'vestiges of Islam' in Granada.[409] This had two distinct aims. The first was a focus on ensuring the true conversion and education of the Moriscos of the kingdom as New Christians and the second was to eliminate the abuses committed against them by secular and ecclesiastical officials.[410] This second aim, however, would seem to have been beyond the council's scope of authority. While the council was attempting to handle the New Christian situation, many issues of authority would also be raised. This was due in no small part because the issue of the sincereity of conversion of the Moriscos of Granada was tainted by their activities beyond the Church. The council recognized that secular issues such as dress, language, and custom were integral to achieving true

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[406] Catlos, *Muslims of Medieval Latin Christendom*, 295.
[407] María Soledad Carrasco Urgoiti, *El Problema Morisco en Aragón al comienzo del Reinado de Felipe II* (Chapel Hill: University of North Carolina, 1969), 39.
[408] Rawlings, *Church, Religion, and Society*, 19.
[409] Coleman, *Creating A Christian Granada*, 181.
[410] Herreros González and Santapar Pastor, *Pedro Guerrero: vida y* obra, 233.

conversion among the New Christians, just as Ávalos had observed. However, in order to achieve this reform and avoid repercussions from the secular government if they overstepped their authority, the council needed the approval of the king, whose *patronato* gave him control of both the State and Church. By the end of 1565 and moving into the early months of 1566, the synod's attempts to deal with the New Christians would be undone by problems of authority between the council and the monarch as its decrees could not take affect without royal approval.

However, it seems that initially at least the council and the king were both keen to tackle the question of how to ensure the sincerity and education of the New Christians of Granada. Pedro Guerrero referred to the Moriscos in a letter to the king dated 3 July, in which he reported that he was working with the bishops of Almería and Guadix to compile a working list of topics for discussion at the council. After returning to Granada, he had undertaken a general visitation in preparation for setting matters for discussion, which the provincial council would use as the basis of its decrees.[411] Guerrero thought that there was actually very little to discuss concerning most of the Tridentine decrees, as the king's rights limited their implementation. Guerrero asked for Philip's support in his efforts to address the conversion and teaching of New Christians.[412] He already recognized that the king would have to be heavily involved in the synod's proceedings, especially if the prelates wanted to tackle any subject that came under the king's direct authority.

The New Christians of Granada were mentioned again on 23 August in a letter from Guerrero to the king. After discussing the opening of the council and the issue of

[411] In this initial letter, when the date for the opening of the council had not been set, the archbishop sought to delay until at least beginning of September.
[412] AGS ESTADO, Leg 148, Folio 136.

low attendance, the archbishop identified several questions that he believed must be addressed by the council as soon as possible, including several decrees from Trent, the teaching of New Christians, and some other matters of governance, (not specified). The teaching of the New Christians was the most important, he claimed.[413] He told the king that he would discuss the matter with the prelates and send the resulting advice to the king to examine.[414] He also wrote that when the prelates were in agreement on any question, the king would be asked for his advice, and if he agreed, the decision would be, implemented. At this point then, the suggestion was that the council would send potential decrees to the king while the prelates were still in session. It is significant that although this letter predates the opening of the council the archbishop thought already to bring the topic to the king's attention, recognizing that he would have to work within the king's *patronato* and approval. He was also very likely aware of the local precedents in Granada when laws to promote the conversion and separation of the Moorish population had been enacted. Guerrero would certainly need the king's support in order to avoid the issues that Ávalos had faced. The question however would be how involved the king should be.

The king responded to Guerrero's initial questions, and in particular, the New Christians, on 24 October. After dealing with other matters, including the prelates' earlier letter about clerical marriage, Philip observed that there was a need to provide for the New Christians and that the Church had an obligation to fulfill this need.[415] He agreed too that the council should discuss this topic. He would then review their findings and do

[413] AGS, Estado, Leg 148, Folio 120.
[414] Ibid.
[415] AGS, EC, Leg 148, Folio 159.

what appeared necessary, giving his own advice on how to proceed.[416] The king's advice could not realistically be ignored and in the kingdom of Granada this was especially poignant because the king's *patronato* gave him power over the Church in the kingdom at every level including the right to nominate which in reality equated to an outright appointment for all positions from the archbishop to the parish priest if he wished. While the council could thus debate and make suggestions based on their first-hand knowledge and experience, any proposed implementation must go through the king, and his word would be final. It seems from his own wording that the archbishop did not foresee that the council's decrees would create any problems for the king. Considering how much the prelates wrote to the king on this subject, it is surprising that the king only responded with a paragraph saying that he agreed it was important and that he would look over anything the bishops put together, though he was clearly willing to allow the prelates' discussion to be free and unrestricted. The flaw in this arrangement is obvious as there was no suggestion that the council could not continue to discuss issues even after receiving the king's input. This would later become a point of contention between the king and the archbishop.

Philip discussed seminaries in the same letter. Guerrero saw this as one of the most important elements in his plan for teaching Catholic doctrine to the New Christians; and Philip acknowledged that it was more important for Granada than elsewhere.[417] However, he asked for more information: how the seminaries would be erected, what form would they should take, and how they would be distributed throughout the province of Granada? He mentions funding the schools and the training of personnel. He pledged

[416] Ibid.
[417] Ibid.

his help and favor in this endeavor, despite the lack of solid plans. What these questions reveal is that the king favored this idea, and wanted to implement new seminaries throughout the kingdom of Granada initially. These preliminary questions show that the king was already beginning to accept that some new seminaries might be necessary in the kingdom. In mentioning that the topic was especially important for Granada, the king was alluding to the high concentration of New Christians in Granada, because there were already a number of institutions in the Granadine diocese which provided clerical training, such as the Real Colegio Eclesiástico de San Cecilio founded by Talavera and the Colegio de Santa Catalina, both in Granada.[418] In fact, even prelates in Philip's other kingdoms would have been surprised when seminaries were proposed in the three Granadine dioceses (Granada, Almería, and Guadix) because historically there had been several throughout the kingdom, including those mentioned above. However, it seems what Philip and Guerrero were working towards was not simply more institutions for the education of clergy but a special preparation for the clergy to teach the New Christians of Granada and so include more of those New Christians.

While initial letters on the subject, illustrate that Guerrero and the king both recognized the need to address the topic of New Christians, there is not much evidence from its first session that the council shared that concern. In November, during the second session, interest in the topic of New Christians increased; however, at this point, the earlier cooperation between the synod and the king broke down, probably because, while the king had approved the discussion of topics beyond the scope of the Tridentine

[418] Marín Ocete, *El Concilio Provincial*, 64.

decrees, the councils were obligated to implement those decrees first before moving on to other topics, as had been dictated in Philip's initial instructions.

In a letter to secretary Velasco of 1 November, Covarrubias acknowledged the king's letters of 22 and 29 October and explained that he had waited to reply because the prelates had been addressing the letter to the pope concerning the issue of clerical marriage, which had been raised by the Holy Roman Empire (mentioned in an earlier chapter).[419] At that date, the prelates were still formulating their responses to other topics, including the Moriscos of Granada.[420] He assured Velasco that the prelates were working diligently and that everything was progressing smoothly. In the body of his letter, he dealt with the provisional decrees being written by the council. Guerrero had been compiling the findings of the council, which included discussions and the provisional list of decrees and which dealt with the good governance of the Church, into a large volume, which does not seem to have survived beyond the final version that was sent to the king.[421] The first memorials from the king had been included, but Guerrero had now finished drafting decrees on one subject and moved to a new topic, although he does not mention what this new issue is. Covarrubias advised the king to look over this volume before the prelates were able to sign it as they were in a hurry to return to their dioceses.[422] However, Covarrubias left the king to decide whether he would like to see the volume or preferred him to continue to send memorials on key proposals.

This is the first mention of Guerrero's volume in the correspondence. While Covarrubias did not seem to be perturbed by the archbishop's compilation, he does see

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[419] See Chapter 2, p. 32.
[420] AGS, EC, Leg 148, Folio 130.
[421] Ibid.
[422] Ibid.

that this volume could serve as an excellent way for the king to review what the council was deciding. While it seems as if the volume was simply a compilation of the decrees the council wanted to publish, it would indicate to the king which aspects had already been agreed upon. Covarrubias suggests that the prelates might complete their work, or at least leave the council, before the king was able to view their findings.[423] The minister however also indicates that the council (or at the very least, Guerrero) had included other matters in the decrees, though the only detail he provides is that they deal with the New Christians. Covarrubias claimed that he was trying to gather together what was included in the volume or at least in a summary.[424] He also reported that the large public congregations of the council had ended and that the archbishop, the two attending bishops, and a select few additional prelates chosen by the archbishop for their theological knowledge were now attending smaller discussions from which Covarrubias had been excluded. His only source of information was therefore now Guerrero. The minister acknowledged that there had by then been no resolution on any matters, so that every topic was still open to discussion within the parameters set by the king.[425] However, it is implied at least that Guerrero was writing the final version of the council's decrees, though is not stated outright; but the idea that the prelates could end the session and return to their dioceses certainly implied that the king needed to see the decrees as soon as possible. The archbishop had up to this point forwarded material on any matter to Covarrubias, and specifically those that might touch on the king's rights including

[423] AGS, Estado, Leg 148, Folio 129. He also dispatched a letter to the king on the following day, 2 November 1565, which repeated the information about Guerrero's volume.
[424] Ibid.
[425] Ibid.

seminaries and New Christians.[426] However, Covarrubias did not see a way to send the entirety of Guerrero's volume without causing delay, (it is unclear whether Covarrubias was intending to copy the volume or send Guerrero's original). Initially, Covarrubias seems to suggest that he send copies of those potential sections related to the king's authority, but this seems to suggest that the minister at least contemplated sending the whole collection.

What is presented here is an interesting situation, in which Covarrubias is simply a mediator. The unofficial minister also reveals that the archbishop was gathering the decrees into a book, which might very well be published on its own. In addition, Covarrubias implies that the only way to ensure that the king's rights were protected was to review the entire volume at some point, however, when coupled with the idea that he may not have time to send the entire volume, the king's preoccupation with protecting his *patronato* was piqued. While we would expect Covarrubias to report this, the way he described the book may well have raised Philip's suspicions that he might not be able to see the decrees in their entirety before they were published. That was not an acceptable solution for the king, since he and his councils claimed the right to approve all final decrees. In his response to Covarrubias on 14 November, Philip praised Covarrubias for keeping him abreast of the council's proceedings and for following his memorials, and insisted that he must see the decrees before they were published: the volume should be sent to him as quickly as possible so that he may respond and advise on every one.[427] He also told Covarrubias that he wanted to see anything relating to seminaries and new

[426] Ibid.
[427] AGS, Estado, Leg 148, Folio 154.

converts from Islam. It is clear that he feared that the prelates in Granada would publish the decrees without his approval.

Just a day before Philip wrote that letter, Covarrubias sent him a further letter to inform him that he had now collected the most important of the constitutions in the books compiled by the bishops and that he would be sending him this smaller selection.[428] He reassured the king that nothing had been agreed, which might have been an attempt to ease Philip's concern, and that he had ensured that the constitutions all complied with his memorials. He also revealed that the council wanted to publish its constitutions before Philip's consent had been given.[429] At the very least, he says, they want to publish portions of the book, as compiled by the archbishop of Granada.[430] This is the first time that Covarrubias mentions that the council might not be proceeding according to the royal wishes, and that there are prelates at the council, who opposed the king's right to control their decision. It is unclear whether Covarrubias was simply stating his own opinion or if this was a ploy to garner authority for himself to intervene in the council.

The archbishop and the prelates of Granada further inflamed these tensions, inadvertently or on purpose, in their subsequent letters to the king. They insisted that they were committed to ensuring that the council attended to the good governance of the Church, but also express concerns about their extended absence from their home churches- a remark that seemed to confirm Covarrubias's earlier observation. They were well aware, they say, of the special situation in Granada, and were taking their time to

[428] AGS, Estado, Leg 148, Folio 126.
[429] Ibid.
[430] Ibid.

ensure that each decree is given the discussion and detail it needs.[431] They have also been keeping Covarrubias informed of their deliberations, including those concerning New Christians. They make no mention however of the archbishop's large volume; their comments may well have exacerbated the king's apprehensions.

Guerrero wrote again to the king on 21 November 1565, acknowledging his letters of 14/15 November and a separate letter addressed to the congregation as a whole of which one survives, though that is only a note saying that he will be writing to the council in due time and that he is happy with the council's work.[432] Guerrero says that Covarrubias had only spoken with and corresponded with him, so he will respond for himself: 'porque el licenciado hablo solamente conmigo, como Vuestra Merced le mando, respondí solo, aunque entiendo son del mismo parecer los obispos en lo que dice, y es así'.[433] Guerrero may have suspected that Covarrubias had already informed Philip that there would be no more public congregations, and that he was responsible for informing the minister of the discussions of the smaller group. However, it is also clear that there was now some tension between the archbishop and Covarrubias.

The prelates and the *cabildo* were working through the constitutions drawn up by earlier archbishops of Granada and revising them for inclusion in the eventual decrees of the 1565 council for consistency and where such decrees still provided some measure of guidance for the Church.[434] The reissue of these decrees and their inclusion, if added to the list of new decrees, would certainly have created a very large volume. Some of the

[431] Ibid.
[432] AGS, Estado, Leg 148, Folio 156.
[433] AGS, Estado, Leg 148, Folio 125.
[434] Ibid.

older decrees remained in Guerrero's opinion, necessary for the good of the city.[435] The archbishop claimed however that 'El licenciado Covarrubias las a leído y visto todas'. He also stated that any topics that required the king's direct approval had been treated carefully; however, very few Tridentine decrees were applicable to the kingdom of Granada because of the king's rights.[436] He included in this group the decrees concerning, 'cosas ordinarias en todos yglesias metropolitanos y catedrales, de la doctrina Cristiana y como sea de ensenar. Del oficio de prelados, vicarios, curas, beneficiados y sacristanes, del oficio divino como sea de hazer, de la corrección de los clérigos, habito, honestidad y desta qualidad leyes comunes para el gobierno desta iglesia'.[437] The king had agreed that the council should focus on the New Christians as a priority, and the prelates had followed his advice on any issue about which he had written to them, and Covarrubias had advised them.[438] The archbishop insisted however, that it would not be possible or right for the king to intervene on topics that were common practice in the Church and belonged to the office of the prelate.[439]

> 'Es oficio propio de los prelados fundado y el poder para ello en el evangelio, no veo porque no se les a defiar mas que a otras personas algunas, mayormente donde ellos no estén para dar razón del ordenado, y motivos que tuvieron como quien a visto lo que conviene y delo que ay necesidad mas que nadie pues sino sedes cuidar mucho, por lo ya dicho, se a decreer que el espíritu sancto les asistirá mas por ser su propio officio para todo, que a otras personas'.

Guerrero was in effect arguing that the prelates at the council were more equipped to deal with such matters because they had first-hand experience. They had witnessed the

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435 Ibid.
436 Ibid.
437 Ibid.
438 Ibid.
439 Ibid.

Morisco problem in Granada and the issues of correcting clerical abuses first hand, and therefore knew (better than the king) what needed to be done. No one according to Guerrero would understand the problem better than those who had seen it and understood the problem on a very real level. The visitations of the prelates around their own dioceses would form the basis of their decrees and it was this experience, which they felt was the most important. In reality, the king, although he was well-versed in his own rights and how he wanted to reform the Church within Spain as a whole, was unequipped to understand the realities of guiding a laity at the local level, composed of New Christians who needed to be taught the fundamentals of Catholic doctrine and beliefs. In Guerrero's eyes, therefore, the prelates at the council could offer suggestions on ensuring the true conversion of these people because they lived among them, preached to them, and knew them. Although the king had the right to direct the Church in Granada, those living amongst the people should be allowed to form their own constitutions. Guerrero includes that at Trent, some prelates had objected to the Pope's insistence on seeing the decrees before their publication, because it infringed on the council's freedom, referring here to himself. That said, the prelates only wished to serve the king.[440] Guerrero also made it clear that his conscience was at one with the prelates. He emphasized that they had been absent a long time from their sees, which now required visitations, as indeed did Guerrero's diocese, and especially the more distant parishes, despite his age and 'lack of strength' which caused him to fear he would die before making a complete visitation of

[440] Ibid.

his archdiocese.[441] Guerrero nonetheless asked Philip to implement and approve the council's decrees, especially those on New Christians.

As the king grew increasingly uneasy at the possibility that he would not be able to view the decrees before their publication, the bishops in Granada sent him their proposals for the dealing with the New Christians of Granada. This document sent on 10 December, shows how much thought the prelates had devoted to the question. It set down a series of nine proposals. Acknowledging that the issue of New Christians in Granada was the 'first and most important' in the kingdom of Granada, the prelates recognized their conversion and pastoral care as a 'duty of his majesty and themselves'.[442] This was an explicit privilege granted to the Spanish monarchs in the *patronato*. No reference is made in the document to the papacy though the *patronato* had been granted by Rome.[443] The proposals sought to curb Moorish traditions that were seen as undermining the authenticity of conversions to Christianity, and that had already been outlawed by earlier (unenforced) decrees.

The first proposal is a call to end the dressing of converts in Moorish clothes. The prelates cite the laws and decrees issued by Philip's predecessors as precedents. Moorish clothing had first been outlawed in the name of Queen Juana of Castile, Philip's paternal grandmother, most likely by her father King Ferdinand of Aragon who was her regent for the crown of Castile at the time. On 20 June 1511 a decree stating that 'ninguno de los nuevamente convertidos del dicho reino, hombres mujeres, grandes y pequeños, no puedan hacer, ni hacerse ropa de vestir a la manera de los moros', and imposing a fine of

[441] Despite his lament, Guerrero would live until 1576.
[442] AGS, EC, Leg 148, Folio 114.
[443] For more information on the *patronato* see Introduction, 8.

two thousand *maravedís*.[444] A further declaration from Juana on 29 July 1513 banned Moriscas and Old Christians from wearing the tradition *almalafa*, the traditional garment mentioned earlier, or any type of face coverings.[445] A similar order had been issued in 1526 by Charles V, which extended Juana's decree and added some further prohibited items. The suggestion of the prelates was that:

> 'sobre esto se podría mandar que los que de nuevo se casasen se visitiesen como cristianos viejos y que los demás que anduviesen en habito Morisco ellos o sus mujeres o criados por el tiempo que les durasen las ropas ya echas por principales o caballeros que sean no fuesen regidores ni alguaziles ni gozasen de privilegio de armas ni de hidalguía y fuesen llamados por padrón en las iglesias a misa y doctrinas para convidallos por este camino a que dejen el habito antes que se les gasten las ropas'.[446]

The prelates' target was anyone who was recognized as Christians, but who wore Moorish clothing. New Christians had retained some Moorish clothing trends, and these styles were still being worn at the time of the provincial council despite the earlier royal proclamations.

The prelates secondly proposed to end the use of the Arabic language (*algarabia*), because for many, the use of Arabic in any form was synonymous with the practice of Islam.[447] The prelates looked to the suspended decree from Charles V and his royal chapel in 1526 as a precedent. The prelates argued that the Moriscos were required by that decree to learn Spanish and teach that language to their children from the age of five. The prelates wanted to implement the edict even though there were at least two years before the agreed upon suspension discussed earlier in the chapter was to end. The men who learned the languages and proved their knowledge would oversee the education of

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[444] Archivo del Ayuntamiento de Granada, Leg 2003, Indiferentes.
[445] Archivo del Ayuntamiento de Málaga, Libro 6, De Provisiones, Folio 308.
[446] AGS, EC, Leg 148, Folio 114.
[447] Lopez-Morillas, "Language and Identity in Late Spanish Islam," 197.

their wives and children and so gradually reduce the converts' reliance on Arabic. Language was being used as a tool to enforce Christian identity.

The prelates' third proposal was that 'gazi de berberia' –in other words, anyone who had fought for Berberia, a generic term for the whole of Northern Africa, whether free or captive- should be expelled from Granada. Charles V's declaration of 1526 provided the prelates with the necessary precedent. They referred also to other examples from 1532 and 1537, by which proximity to the Alpujarras could result in imprisonment; their intention was to limit the contact of Moriscos with practicing Muslims, and to prevent the teaching of Islamic and North African rituals and ceremonies in Granada.

Fourthly, the prelates proposed that Moriscos should not hold black or white slaves, nor employ children of Old Christian families no serve them. They provided no further information on why they thought this necessary, but presumably the intention was to prevent the Moriscos from teaching their own beliefs or practices to children or slaves.

The prelates' fifth proposal was that 'baños artificiales' should not be used.[448] Charles V had issued two decrees on this matter, one in 1526 and another in 1532. This decree outlawed the use of bathhouses by any person whether newly converted or not because ritualistic bathing was seen as a custom of Muslims, more so than Christians. The prelates did recognize that some Old Christians used the baths before mass and festivals and more generally to keep themselves clean. However, for simplicity they proposed that no one should use the baths, as ceremonial bathing was a vestige of Islamic practice. This was especially important for the Moriscos as it tied them to the active practice of Islam.

[448] AGS, EC, Leg 148, Folio 114.

The prelates then called for a ban on all Morisco ceremonies and rituals, which followed an earlier ruling by Charles V, which stated certain rites could be performed, in the presence of Old Christians and with open doors, such as weddings and the prelates wanted to resume this practice. However, the doors of Morisco homes were also supposed to be open, 'los viernes en la tarde a vísperas y los Domingos y fiestas'.[449] Moorish names and instruments should also be banned; and they were not to sing anything contrary to the Christian faith. The prelates also required Catholic clergy to visit Morisco families of Granada on Fridays, Sundays, and festivals. This again cited a proclamation by Charles V, whose implementation had been delegated to the Archbishop of Granada, don Pedro de Alva.[450]

Their seventh proposal briefly summarizes two decrees from the Congregation of Toledo (another gathering of church officials called together to decide on various topics, just as the one held by the Royal Chapel for Charles V) held on 4 February and 4 March 1539, according to which anyone wearing traditional Moorish clothing should be exiled, even if they were reconciled with the Church.[451] More than anything else, the prelates explained, Moriscos feared 'la pena del destierro'; and although the Inquisition possessed the power to exile the guilty in the past, the council now asked the king to impose the 'pena de galera' or forced labor rowing in the ships of the Crown, instead as the fear of exile was harming the efforts to convert Moriscos. It must be noted here that the council was asking the king to extend the jurisdiction of the provincial council because the Inquisition of Spain was separate from Rome and under the sole jurisdiction of the king.

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[449] Ibid.
[450] ACG, Reales Cédulas, lib. II duplicado, Fol. 9IV.
[451] AGS, Diversos de Castilla, leg. 8, Fol 85.

The council was asking the king to change the punishments imposed by this institution based on their recommendation. In addition, they believed that the unrest caused by exiles posed a bigger danger to the Church and to the kingdom than the crimes they had committed.[452]

Their eighth proposal was that the Moriscos should be restricted from residing near the coast or within five leagues from the borders of Granada. Old Christians should be preferred for these locations when Morisco families move away, as their continued presence could provide a haven for Turks and Moors from outside Spain. This will benefit not only the spiritual needs of the kingdom but also the secular realm, by separating the Moriscos from practicing Muslims, and by providing a Christian front near the coast made up of selected Catholic *caballeros*. Morisco families should also be surrounded by Old Christian neighbors when they have moved; so Old Christian families should not impede the buying and selling of homes by New Christians. In addition, homes confiscated from Morisco families should be sold only to Old Christians. Any Moriscos who go to Berberia should not be allowed to return.

The prelates finally want Moriscas to wear no face coverings when entering the church or receiving the Eucharist. The term *almalafa* is not used, but women are required to have 'las caras descubiertas'. They should also be taught when to stand and when to kneel during the sacrament, and should be punished if they do not learn but the prelates do not specify who was to teach them.

The intention in all these proposals was that Moriscos should forget their ancestral rituals and ceremonies, or at the very least, that their descendants should be fully

[452] AGS, EC, Leg 148, Folio 114. The king's personal intervention was necessary because the Holy Office was subject to his direct authority.

Christian. The prelates stressed that their proposals were important for both the Church in Granada and for the secular kingdom, which every day, they claimed, was in greater danger. They also asked the king to provide for circumstances when members of the clergy were captured, robbed, or killed by Moors in Spain, because nothing evoked their hatred more than the Church and its ministers. The prelates offered no specific examples in the letter but they did note that the *Concejo* has had to ransom captured ministers in the past, which is historically accurate according to some studies of those captured by North African corsairs.[453]

What is striking is that these proposals follow distinct historical trends for the kingdom of Granada. While the prelates cited previous royal decisions, attempts to enact similar reforms had been made by Ávalos, much to the dismay of secular officials, who had rebuked the Church in the 1530s for attempting to infringe on the secular sphere of influence. The prelates' proposals also focused on non-religious matters such as the clothing and bathing habits of the Moriscos, which were in theory beyond their control. By presenting them to the king, they made it clear that they were seeking his assistance as patron of the Church in Granada, where the Crown had been granted the *patronato* over the Church in return for rebuilding churches in the re-conquered areas and converting the followers of Islam. In addition, the inclusion of regulations on the secular life of the laity, specifically New Christians, illustrates that in the minds of the prelates the everyday lives of New Christians affected their faith just as much as what they did within the walls of the church. Thus he had a responsibility to care for his converted subjects: a blending of roles that was unique to Granada, and enabled the prelates to use the king's authority to

[453] Miguel Ángel de Bunes Ibarra, "Las sensaciones del cautivo: psicologia y reacciones de los Españoles ante el cautiverio en el Siglo de Oro," *Hispania Sacra* 51, no. 104 (1999): 565-569.

target not only their religious conversion but also their secular ties to the Islamic faith. The prelates were attempting a dual approach to reform of the Church in the kingdom of Granada and in order for it to succeed they needed the king's support. They needed the king to approve their decrees concerning the secular life of the New Christians, which were otherwise beyond the power of the council to enforce. Early in the council, this sort of partnership seems to have been accepted by both the provincial council who realized the need for royal support on this matter and by the king. The question of authority still loomed- not because the king was likely to disagree with the proposals but because they raised the question as to how the council should proceed with their discussions and the final approval of the decrees.

Writing to Covarrubias on 28 December, Philip sent a brief letter demanding to see all of the decrees from the council in their entirety, as they dealt with secular issues and the king's rights.[454] He stated plainly that the council did not have the authority to publish them on its own.[455] He also reminded Guerrero to follow the instructions in the first memorial he had sent before the council had opened.[456] He was adamant that the council should address matters decided at Trent such as the educational requirements for clerical appointments, and doctrinal homogeneity, even though both the king and the archbishop knew that the implementation of these decrees brought the scope of the king's *patronato* into question. The king now reinforced that point to Guerrero, especially given that the archbishop seemed to be resisting royal intervention, and that Covarrubias had suggested that some at the council were opposed to Philip's wishes. He wanted the

[454] AGS, Estado, Leg 148, Folio 144.
[455] Ibid.
[456] Ibid.

council to proceed carefully on New Christians, and address more basic issues related to the reform of the church hierarchy and Trent's doctrinal decisions.[457] He also asked to be kept informed about discussions on seminaries, though he offered no further specific guidance.[458]

This series of letters illustrates that relations with the king and the provincial council in Granada broke down concerning an important local issue. While the initial correspondence between the king and archbishop seemed to suggest a common view on the problems that needed to be addressed, the interference of Covarrubias and the king's desire to protect his own rights meant that the council was forced to respond. While it does seem as though the council was working under the guidance of Covarrubias its efforts were met with suspicion by the crown. Whether Covarrubias meant to cause a disintegration of relations, or was vying for more power for himself, is difficult to assess. He does point out that he had been excluded from the private discussions chaired by the archbishop. His status as a royal representative was never confirmed, and Guerrero kept him at a distance, and eventually becoming his only source of information as public sessions, which ended and were replaced with the smaller closed sessions. Covarrubias does imply that he could protect the king's rights more effectively if he had access to the prelates' private meetings, but that was not how events unfolded. Whatever his motives, his meddling with the relationships between council and the monarch helped to cause a rupture between the parties involved. However, it should be recognized that relations seem to have broken down in part because of the council's policy on the Moriscos in Granada. While the council could not address matters relating to the king's *patronato*,

[457] Ibid.
[458] Ibid.

they had been given permission early on to deal with the New Christians. In addition, the absence of a recognized royal representative at the one council where Philip's *patronato* was much more complete than anywhere else in Spain creates an interesting situation in Granada. Covarrubias was limited in his role to actually protect the king's rights because much of his information was secondhand from Guerrero and the other prelates. This situation, coupled with the provincial council's focus on the New Christians, was bound to be tense and fraught with difficulties in the best of situations. What makes the situation even more difficult was the problem was unique to Granada because New Christians, while found throughout Spain, were more concentrated in the kingdom of Granada. That was not a concern at the council in Toledo; and in no other provincial council did relations sour in the same way as in Granada. Over the course of just a few months, the council there went from being on good terms with the monarch to being forced to choose whether the king should interfere so drastically with the council proceedings. While early letters show that Guerrero never once fought the king on having a minister present in the council, he clearly made a stand in November when he told the king that it was not right that the monarch should dictate the contents of the provincial synod's decrees. Moreover, this behavior echoes Guerrero's approach during the Council of Trent, to which he referred in his letter to Philip in November when he compared the king's meddling in the provincial council to that of the pope at Trent. Given Guerrero's character and history, it is not surprising that when confronted with an issue he felt was important – in this case the New Christians- he resisted royal authority. The New Christians had been a consistent problem for the Church in Granada; the council provided the archbishop with an opportunity to address it. The council did draft many regulations concerning the New

Christians but their efforts were in vain because the decrees of the provincial council would never be royally recognized. The attempts of Guerrero and the synod in Granada would ultimately be a failure because no reform was enacted.

Chapter 6: Closing the Councils

As the year 1565 came to a close, the two provincial councils reached what might be described as the beginning of the end. While both had faced difficulties, the leaders of the synods had handled the occasions very differently. In Toledo, the bishop of Córdoba faced resistance from the cathedral chapter and had fallen back on royal authority to reinforce his position. The king supported the bishop's right to preside, based on the premise that the diocese of Córdoba was more important as the oldest suffragan in terms of age and this fact outweighed the qualifications of other bishops seeking to preside. The king continued to support his choice despite resistance from others, including Cardinal Francisco Mendoza Bobadilla, the bishop of Burgos; and Rojas y Sandoval responded to the cardinal on 10 May that he was simply acting as the king commanded. In the king's mind, a handpicked bishop leading a provincial council guaranteed that he would have more control over proceedings. Rojas y Sandoval could at the same time advance his own career if he was successful at the council; his promotion to the diocese of Seville in 1571 suggests that Philip approved of his work. In Granada, the situation was very different. The archbishop of Granada seemed to work with the king initially, but when faced with problems within the council, he took it upon himself to address these issues with the king by taking responsibility for the council's proceedings. The biggest threat at the end of 1565 was the deteriorating relationship between the monarch and the council.

These issues, while not simultaneous, illustrate the trends at each council and how they affected the relationship with the king. In the letters of 28 December to Covarrubias, examined in the previous chapter, it is apparent that the king was already beginning to look for a way to end the councils, especially in Granada, where the synod had attempted to exert its own will over the decrees. While the council wanted to determine their

content, even on topics that infringed on royal authority, the major instigator was Covarrubias, the king's minister, who consistently mentions the vast collection of decrees the council was collecting and not sending to the king. In Philip's letter to Guerrero on 28 December, his tone was very different; in what seemed a thinly worded rebuke, the king acknowledged the archbishop's letter of 21 November but then reminded him that he had already given Covarrubias directions on how to proceed. He added that that there should be conformity among the provincial councils, and that they should proceed in peace. It was clear that the king felt strongly about the disagreements with the council over questions of authority and the continued claims of Guerrero that the council should send him its decrees only after they had been approved, with the exception of anything regarding the king's rights. Philip observed that many of the decrees did touch on his jurisdiction, and that the archbishop must take into consideration the special circumstances related to the *patronato*. This was a direct challenge to the proposed decrees on the New Christians, which was technically beyond the reach of the council, and their implications for the secular government in Granada. The king demanded that these limitations should be respected, while insisting that he only wished for the successful implementation of Trent and the good progress of the councils. He also expressed unease that the prelates had begun to return to their dioceses, suggesting that concerns about their absence at the council were outweighed by the council's superior goals. The entire letter scolded Guerrero; and these disagreements over the goals of the council continued in the new year.

It seems however that no issues from the council in Toledo had caused contention with the king. In fact, after the initial uncertainty over who would preside at the council

and the issues with the cathedral chapter, the king seems not to have been concerned about the council's progress at all. In fact, a letter from the king dated 10 December illustrates just how different the situation at the two councils was.[459] The document is seemingly intended for the council in Toledo. Around the same time that the council at Granada was disputing who had final authority over its decrees and their publication, the council in Toledo sent the king the final results of their discussions - a comprehensive list of topics on which the council had in some form already discussed or was either seeking his input. The king's letter is a point-by-point account of his views on the topics already treated or still on the agenda. The topics are in no particular order with no real direction – possibly because Philip was following the order set down by the prelates. In discussing this document, we too will follow the order of discussion in the letter while drawing comparisons and links to other sources.

The first matter was episcopal residency. Philip was of course aware that this question had been discussed at Trent; but the Council had left a good deal of room for interpretation, and further definition was needed. Philip wanted the council at Toledo to narrow the causes for a legitimate absence.[460] Philip wrote to Spanish bishops at Trent that the topic of residency was unimportant. Even before the disintegration of relations with Guerrero, Philip had deemed residence a topic that the council in Granada did not need to address, probably because Guerrero had led a Spanish delegation at Trent, which brought negotiations at Trent over episcopal residency to a stand still as briefly described in Chapter Three.[461] The king was perhaps weary of allowing him to open these debates

[459] AGS, Estado, Leg 146, Folio 5.
[460] Ibid.
[461] Tejada y Ramiro, *Colección de cánones,* 615. See Chapter 3, p.11

again, even in a more contained environment in Spain. However, he was more willing to let the council in Toledo discuss it, in the presence of several prelates who had served him directly or were closely associated with the court in Madrid, including the king's confessor. However, the king had no detailed suggestions to make. He acknowledged the importance of residence when bishops were not visiting their dioceses; but this was a delicate situation in Toledo, where so many prelates at the council had held positions within the royal government that required them to be absent permanently from their dioceses. Their suggestions would no doubt reflect their own situations, which may have been why he trusted them not to put the issue of residence above that of service to the crown.

The king raised further matters concerning residence in this letter,. The decrees touch on several small issues but quickly changed as the king moved on to discuss other more pressing concerns, including the issue of prelates who travelled to Rome at the expense of their church and the detriment to the laity when they were away from their diocese and thus unable to fulfill their episcopal duties. Bishops had been required to visit Rome since the thirteenth century, but Philip provides no reason for his opposition beyond the cost to their diocese and their extended absence. While there are no exact reasons for an extended absence to Rome, this could be due to a number of reasons including service to Rome as a cardinal. Undoubtedly, he wanted to limit episcopal contacts with Rome, which might enable the pope to gain more influence over Spanish bishops or fuller knowledge of what was occurring in Spain (though he was happy enough for prelates to absent themselves from their diocese to serve him). He praised the provincial council's decree on appellations (the ecclesiastical titles and how bishops

should be addressed), specifically in regard to the metropolitan sees, though he provided no further comment. He did suggest though that deans and provosts (dignidades) and prebendaries who drew income from the revenue of the cathedral chapter should be exempted from the requirements of residence.[462] These two distinct groups were both member of cathedral chapters between whom the main difference was the source of their income.

He also expressed concern about night gatherings in churches and hermitages. These gatherings, he wrote, were 'notorio en estos tiempos han mucho detraído, y murado desto los hereges'.[463] He does not offer any detailed information on what exactly made the gatherings unacceptable, but he insisted that the abuses associated with them and the incorrect veneration of saints that occurred there should be stopped. Information on what was occurring at these night gatherings has been difficult to uncover; the references to incorrect practices suggests popular cults that were not in line with Tridentine doctrine. The prelates are tasked with discussing the matter further and allowed to formulate their own decrees, as the local clergy would be likely to have a fuller understanding of the problems. The topic of these night services and gatherings would be an issue in both Granada and Toledo, which is reflected in the decrees from both councils. This is the closest the decrees get to discussing local conditions in Toledo and the same issue appears in the decrees from the council at Granada as well. The fact that this topic is one of the few references to laity in the archdiocese of Toledo shows just how superficial the Toledo decrees are compared to those of Granada in that most include

[462] AGS, Estado, Leg 146, Folio 5.
[463] Ibid.

no details on how to enact reform but rather simply restate the Tridentine decrees. The exact text of these decrees will be examined in the next two chapters.

Philip also wanted the Tridentine rules on bishops' table, food, and wellbeing to be applied to all clergy.[464] The early letter from Juan de Ávila mentioned clergy living to excess and revealed that it was an ongoing issue within the Church. Ávila mentioned in his letter in 1565 that there had been many abuses by the higher clergy in regard to living to excess and the Council of Trent had attempted to correct this by limiting certain aspects of religious life including restrictions on clothing and celebrations. The council at Toledo had already implemented more than was mandated by the Tridentine requirements.[465] The prelates at Toledo might have struggled with this matter, though because in at least some cases the prelates at the council were enjoying a higher standard of living as a result of their family connections and their affiliation to the crown. The king wanted the number of banquets limited to three or four per year. While it is not stated explicitly, it can be assumed this was in relation to the number of banquets arranged by the bishops. While this seems like an odd topic to discuss, those prelates with wealthy families might well have banquets for various occasions including church celebrations. The king wanted to curb this behavior at least partially in part because it was seen as living to excess as outlined by Ávila and the Tridentine decrees. The king wanted to curb this behavior at least partially as outlined the Tridentine decrees. This piece of advice from the king to the bishops meant that the topic was still under discussion and if included would affect only the wealthier dioceses and bishops, namely those attending the council of Toledo as an example. The king did take note that this

[464] Council of Trent, Session 25, "Decree on Reformation," Chapter 1.
[465] See Chapter 1, p. 27.

particular topic had been addressed in earlier councils but had been hard to enforce. He wanted all the provincial councils to enact a similar decree, and if the synod at Toledo drafted a definitive text on the subject, he would send it to the other councils for them to enact as well.

Philip acknowledged that questions about the distribution of the revenues of the Church to provide for prelates had been fully detailed by the Council of Trent, though he left room for his own interpretation of the decrees as modified by his rights of patronage in some areas, such as the kingdom of Granada. Chapter thirteen of the decree on reformation in Session twenty-four outlines the ways by which poorer dioceses and parishes could provide for their bishops and clergy found to be lacking could contact the Holy See or their bishop if they lacked adequate funding. Philip allowed the council at Toledo to formulate their own decisions on this matter, though he reminded the prelates that the Castilian kingdom of Toledo's established customs and legally approved precedents should usually be followed - a telling example of his placing the traditional customs of the Church ahead of the decrees of Trent: 'Y seria bien referir las palabras mismas del decreto del concilio del Trento en el principio deste decreto…'[466] He added that a special declaration would also be needed for the patrimonial benefices of Burgos and Palencia on this matter because there is 'diversa forma de ascenso, y proviso en esto, de los beneficios curados…[467] This refers to their unique situation where the king was granted a small portion of their income in return for his role in endowing the benefice. The king could bestow or sell a patrimonial benefice, as he desired, again illustrating his

[466] AGS, Estado, Leg 146, Folio 5.
[467] Ibid.

awareness of how his rights of patronage varied from location to location in his kingdoms.

Philip dealt with a variety of other concerns in this letter that had little to do with episcopal residence. He recognized for example the importance of appointing graduates to positions in the Church, such as canonries, and gave the council freedom to discuss this topic and draft a decree to address it. He supported the imposition of educational requirements for the clergy – his decision on which Spanish prelates should attend Trent had been based partially on their education and training. He did however, add a further point, that only graduates from Spanish universities should be appointed: '…como se ha advertida, convendría que se declara se que fue se en una de las universidades destos Reynos y no de fuera dello' – perhaps a way to limit outside influences in the Spanish Church, although his reasoning is not stated explicitly. [468] It is not clear whether he would allow foreign graduates of Spanish universities to be appointed, though in November 1559, he had begun to restrict the right of Spaniards to study in universities elsewhere, and during the 1560s, he recalled Spanish scholars from foreign institutions in an effort to maintain homogeneity amongst his clerics and prevent heretical ideas being introduced.[469] He saw education as a tool for religious homogeneity and valued education as playing an essential role in protecting the Church in Spain from heresy.

In contrast to Philip's acceptance of Trent's educational requirements was his refusal to allow any discussion of the use of parish funds and boundaries. He mentioned that the Papacy had made some overtures to the king on this subject, but warned that the Tridentine decrees and the wishes of the pope on this subject were prejudicial to royal

[468] Ibid.

[469] Henry Kamen, *Philip of Spain* (New Haven: Yale University Press, 1997), 105. & Kamen, The *Phoenix and the Flame*, 386.

jurisdiction, writing: 'Seria en mucho prejuicio del derecho y jurisdicción real. Y esta material es muy grave, y que toca mucho al estado del Reyno, y en que no se podría dexar de interponer al consejo, haziendo a terminación sobre las dichas particularidades…'[470] As a result, the Tridentine decrees could not be enforced and should not be discussed at Toledo, as the authority to implement them was limited to the king alone.

The letter then moved back to the obligation of residency: with the exception of those in royal service.[471] Clerics in the service of bishops were also expected to remain at their posts to provide for the daily running of their diocese and serve the laity. However, if a bishop was called to the service of the king for an extended period (in Madrid, for example, or travelling with the king), his retinue could also follow him. While this is a rather odd inclusion, the king seemed to be following the organization of whatever memorial had been sent to him by the council and could account for why this particular topic was not mentioned directly following the issue of residence when it was raised earlier,. An excuse for absence for those attached to the service of a prelate in Madrid or travelling with the king to foreign countries would have touched on the topic of residence. He then discussed clerics imprisoned by the secular government. Philip believed the spending of 'pleytos' or lawsuits should be limited and declared.[472] This is most likely referring to high profile prisoners and cases that lasted for long periods of time in order to cut back on wasteful spending. Although it should be noted that his possessions were confiscated by the Inquisition when he was imprisoned. Philip also

[470] AGS, Estado, Leg 146, Folio 5.
[471] Ibid.
[472] Ibid.

declared that in general clerics should not be imprisoned for debts as had been decided by Rome, although he does not specify which debts he was referring to.[473] It also extended this protection to all clerics who might fall into debt but once again the king leaves out what specific debts a member of the clergy might incur. The next topic prohibited prelates from selling their services as notaries and scribes to prevent them from abusing their position to earn external funds. [474] The important word in this section is selling. The clerics and prelates could still act as scribes and notaries but they could not earn money for such services. This was very important because this group would have been some of the more highly trained academically and were most likely some of the more trusted scribes and notaries as men of the Church. Clerics who inherited money were allowed to retain it and spend it on 'pious uses', as had been the universal custom in the kingdoms of Spain.[475] The key concern here was that senior clerics should focus on their ecclesiastical duties rather than earning additional income. The king went on to limit how that money should be spent, referring to the previously mentioned decree on banquets and the lifestyle of prelates and clerics. This implied that pious uses could entail a multitude of uses including mundane tasks like buying food.

Philip also includes a long section on the provisioning of benefices, which he notes will be addressed by an edict as it touches on the obligations of the crown and required precise wording. He explains that the system of appointment to parish churches, as set down in the Tridentine decrees would be detrimental to the Church in Spain.[476] The king also had major concerns about resignations. The decree from session twenty-four,

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[473] Ibid.
[474] Ibid.
[475] Ibid.
[476] Council of Trent, Session 24, "Decree on Reformation," Chapter 18.

decrees on reformation, chapter eighteen, allows for the appointment of parish priests, and the appointment of examiners. Philip was adamant that the language of any decree on this matter issued by the provincial council needed to be very precise in order to not subvert the provincial council's work.

His letter finished with a section on the local Church in Toledo and the surrounding dioceses, beginning with the need to build more churches to provide for the local population, which had been expanding since the start of the century in the city as evidenced by a seven percent increase in parish churches between 1561 and 1569 alone with a total of 51,181 people in Toledo excluding clergy and religious houses according to a 1569 census.[477] The erection of new churches was 'muy santo y justo', and requested that plans for their location and provisioning be sent to him.[478] By this he meant that the council in Toledo could potentially plan for the erection of new churches where they were needed. Once again, as in Granada, the king seems genuinely interested in the council's preliminary discussions on seminaries. While the council would not be able to actually establish the seminaries, their discussion of funding, location, and roles provided the necessary groundwork, which Philip could use to establish more seminaries not only in the kingdom of Toledo but beyond. In comparing the discussion of the provincial councils, the king would have multiple plans and accounts on what the foundation of such institutions required to establish and run efficiently. Both the council at Granada and Toledo were allowed to discuss new seminaries despite the differences in the *patronato* in the two locations and illustrates that Philip was very interested in an educated clergy. As in Granada, the foundation of a seminary would however require Philip's royal

[477] R.L. Kagan, 'Contando vecinos: el censo Toledano de 1569', Studia Histórica: Historia Moderna 12 (1994): 119.
[478] AGS, Estado, Leg 146, Folio 5.

approval, though from that point moving forward the king's ability to influence the establishment would wane in comparison to Granada. Either way, Philip once again asserted his right to direct the Church in Spain according to his *patronato* in both kingdoms. While Philip does not include why such expansions were needed or why he thought they were good, after receiving the reports from the council on the poor state of the Church as a whole in the city of Toledo, the creation of more parish churches was perhaps desirable. Individual bishops might know about the needs of their own dioceses, informed perhaps by earlier visitations, and contacts with local clergy. However, on the opposite side of the spectrum, they may have little to offer in terms of the needs of the whole province.

He also discusses the selection of a new Reader of Sacred Scripture in Toledo.[479] While the king did not appoint the reader directly, he wanted this very localized problem in Toledo resolved. The vacancy had come about because just after the opening of the council, and –unlike the city of Granada- the king did not hold the right of appointment in Toledo. The appointment would normally have been the responsibility of the cathedral chapter and the archbishop, now in prison. His acceptance of this indicates that he agreed with this element in the decrees and did not foresee any pushback on its application. The successful appointee should therefore meet the educational requirements set by the Council of Trent.

Following this memorial of 10 December, and there seems to have been an intermission in the councils' proceedings, perhaps because the prelates and others attending them had returned to their dioceses during the Christmas period. On 29

[479] Ibid.

December 1565, Philip issued a letter ordering the decisions of all the provincial councils to be submitted to the Royal Council for approval.[480] This was undoubtedly provoked by the situation in Granada, and the letter reiterated that the king remained in control of the councils.[481] Although the synod at Granada had resisted the king's claim to approve its final decrees, while the council at Toledo was more than willing to accept his direct intervention, this letter was his final word on the his right not only to publish the decrees but also to make changes, corrections, and suggestions. Writing to Guerrero on the same day, the king assured the archbishop that he had received his previous letters, and informed him that he had advised Covarrubias on how to proceed to ensure the good of the Church and the service of God. He also insisted that the council should continue working to deal with any difficulties that might arise. This seems to have been a more general point to continue working to prevent the prelates in Granada from leaving. The king repeated his insistence that council had an obligation to ensure that Guerrero should forward its decrees for review by the king and his council.[482] In particular, the king wanted all decrees concerning New Christians and newly converted people to be sent to him directly and his viewing of these documents was not an impediment and would not cause scandal because they were all working towards the same goal.[483] This decree in particular reveals the two major points of contention between the king and the provincial council at Granada. New Christians fell directly under the authority of the king by right of his *patronato* and on that point, there could be no doubt. The king as patron of the Church in the kingdom of Granada had the right to view the provincial councils decrees,

[480] Kamen, The *Phoenix and the Flame*, 60.
[481] See Chapter 5.
[482] AGS, EC, Leg 148, Folio 159.
[483] Ibid.

before they were published and his authority was needed to publish them altogether. While this explicit demand is not hostile, the king is clearly putting his foot down on the subject. Guerrero could no longer fight the king's wishes. Communication through Covarrubias was however still necessary and proper for the council's decrees to be implemented. This inclusion was the closest Covarrubias would come to being the fully recognized royal representative at Granada. With these orders from the king, therefore the king openly opposed the proposal that the prelates should return home. The king stated that their dioceses in which they resided were relatively close, which would make an easy return journey should an emergency occur. Moreover, their dioceses should be able to manage in their absence for such a short time, especially given that their participation in the provincial council was of universal benefit to the Church in Spain and by extension their respective dioceses. The input the bishops could offer for the reform of the local Church and the implementation of the Tridentine decrees therefore mandated that they continue the council.

On 31 December, the king again ordered the Archbishop in a remarkably short letter to put together a group to 'tractar y resolverlo que se deve proveer en el remedio delos nuevos convertidos desse reyo'. Again he insisted that anything decided on this matter should be relayed to him through Covarrubias. In its entirety, it reads:

> 'Porlo que ultiman^{te}. os escrivimos aureis visto como aviamos mandado juntar personas para tractar y resolverlo que se deve proveer en el remedio delos nuevos convertidos desse reyo. Y porque para hazerlo con el fundamento quese require, ha parescido que se es menester que lo vean las provisiones y scripturas contenidas en la memoria que yra juntamente conesta, de que vos hacéis mención en la carta que nos escristes alos diez de octubre. Os encargargamos mucho que luego las hagáis copier, y quallquier otras que os paresciere que harán al caso y material de que se trata, y las entreguéis al licen^{do} Covarrubias para que el nos las envié con el correo que lleva esta, y si demás de aquellas y lo que

> nos tenéis scripto, os occurriere algo de Nuevo de que advertíos sobre siendo. Sera bien que lo hagáis porque visto todo, se tome en el la resolución que conviene y se ponga en ejecución'.[484]

The next few letters are relatively mundane compared to those from December, and mainly consists of updates concerning the papacy. While Philip had been coordinating (and wrestling with) with his councils, in Rome Pius IV had died on 9 December. The king felt the need to send a letter to all councils about the conclave. The archive contains two copies of one letter, dated 1 January 1565, addressed to royal representatives at two Castilian provincial councils, one of whom was Francisco de Toledo.[485] The letters were identical, and the notary could therefore simply insert the relevant names in the same text.[486] Philip requested prayers for the conclave, which had begun on 20 December. The letter reads in part: 'Embíen luego orden a sus yglesias para que en todos se haga lo mismo, y ay, en cada una dellas continua oración pidiéndole y suplicándole tenga por bien de embiar su gracia y Sancto Spíritu a los cardenales que están juntos en el conclave para que elijan un papa…' [487] As the king had asked the councils not to write to the papacy about the councils, he may have assumed that the prelates there would be unaware of the conclave, especially given that the papal nuncio would have informed him as soon as the news reached Madrid. Another letter, dated the same day, to Francisco de Toledo informed him about the conclave and asked him to inform the prelates at the local council. The letter is very similar to that examined above and labeled dispatch for Granada. Both ask for prayer for the conclave and the representative is required to inform

[484] AGS, Estado, Leg 145, Folio 133.
[485] A version of this letter was sent to all the councils. On the back of the document addressed to the representatives in Toledo and Santiago-Salamanca is a note saying 'Despacho para Granada' which indicates that a version was also sent to Granada as well.
[486] AGS, Estado, Leg 145, Folio 92.
[487] Ibid.

the council of recent events in Rome. Philip also wrote to the Governor of Toledo informing him that the conclave had convened to elect a new pope. This episode of the king informing the prelates at the councils about the death of the pope and asking the prelates and the councils to pray for the conclave also illustrates that the king was acting as an intermediary between the councils and the papacy, as much as possible. In addition, on 13 January, the procurators representing the Cardinal of Burgos requested that they be allowed to return to Burgos in order to accompany the cardinal to the coronation of the new pope, re-enforcing how the cardinal had clear ties to Rome which validated the king's decision to have another prelate preside and to have procurators attend in place of the Cardinal of Burgos. [488]

As 1566 began, the councils in Toledo and Granada seemed to be drawing to a close. Both met in January for their second sessions; the letters between the king and the council in Granada decreased to only three that month, and only the one reporting the conclave seems to have survived for the council in Toledo.[489] However, by this stage, the council at Granada seems to have finally come to terms with the king's demands concerning the decrees. On 25 January, Philip wrote two letters to Granada. The first addressed to the council as a whole, announcing the election of the new pope in Rome; Philip was sure that he would work for the good of the Church. One can only assume, that Philip also hoped that the new pope would be favorable to Spanish interests in matters such as clerical marriage about which the provincial councils had written to

[488] AGS, PTR, Leg 22, Doc 43.1. For the procurators nominated after the early conflict over who should preside at the council, see Chapter 3, p. 29.
[489] AGS, Estado, Leg 145, Folio 92 & Leg 148, Folios 143 & 145. A similar letter about the conclave was sent to Granada as well.

Rome about during their early sessions.[490] This question had since then disappeared from the council's correspondence.

On the same day, however the king also wrote to Covarrubias acknowledging receipt of four folders of constitutions from the council. Thus far, Philip wrote, everything he had read in them was very good. Clearly, the council and Guerrero had abandoned their earlier resistance to the king's viewing the constitutions, expressed in the letters the council and Guerrero had sent in December. In the end, then, the king's will triumphed.

Both councils held further meetings during January, though very little correspondence from the councils or the king has survived. The paper trail during the early sessions allows historians to follow several issues. In Toledo, the council faced stiff opposition: first, the cathedral chapter resisted calling a council as there was no archbishop to preside over the gathering; then the king nominated the bishop of Córdoba, an appointment that drew further criticism. The cathedral chapter proposed as a counter candidate the bishop of Burgos, a cardinal who was also more experienced and older. Rojas y Sandoval fell back on royal support for his position, and the king smoothed the way for the council by nominating the president and telling the bishop of Burgos not to attend the council in person.

In Granada, by contrast, there was no opposition to the calling of the council. The cathedral chapter and the prelates who planned to attend seemed to have faith in the leadership of Pedro Guerrero, not least as he had attended the council of Trent. When questions on the authority of prelates over their cathedral chapters arose, Guerrero

handled them without seeking assistance or support from the king. In many ways, Guerrero seemed to be driven and strong-willed when implementing what he thought was right for the Church in Granada. However, this led to issues with the king when the volume of constitutions came up: Guerrero thought the work of the council would stand alone without the supervision and the correction of the king.

By January 1566, royal authority had curbed even the council in Granada, and Philip had asserted his power over all the provincial councils by demanding that all decrees be presented to the Royal Council. The council at Granada had sent four folders of potential constitutions on the king in accordance with his orders; the prelates in Toledo also seem to have sent their proposed decrees to the king. All the councils now began looking towards the end of their work, as they focused simply on the practical application of the Tridentine decrees.

The two gatherings seemed therefore to be becoming more similar to each other as they drew to their end. They both seemed to be focused on completing their duties, and returning to their dioceses. However, the councils' final meetings would be shaped by their relationship with the crown, and by whether or not they had had smooth and uncomplicated royal support (as in Toledo), or engaged in conflict over the decrees and local issues (as in Granada). Regular reports from the royal representatives, and letters from the king have survived. The key difference is the change in the quantity of correspondence from Granada and Toledo.

Both synods continued their sessions into January quietly working on their decrees, as no letters beyond those mentioned seem to survive. While the council at Toledo held a second formal session, in Granada only a smaller group was working on

the draft list of potential decrees. Twenty-five congregations had been held there from the opening of the council in September to the end of October, the last of which met on 23 October.[491] After that the smaller group including the archbishop, the two suffragan bishops, and a few unnamed additional *diputados* discussed and revised the decrees.[492] Everyone else seems to have returned to their regular duties elsewhere. The core of this small group was made up of the same prelates who had resisted Philip's attempts to view the constitutions in November and December. Guerrero wrote about this small group: 'no pecarán los prelados ni peligran de no mirar con todo recato el juicio y voluntad de vuestra magestad ni se puede temer esto…I suplico a V.M. se confía esto dellos pues otras cosas mayores o tan graves están a su cargo y se les confía.'[493] Though Philip was not inclined to allow this small group to have total control over the final formation of the decrees, it does not appear as if any further substantial exchanges occurred between them and the king.

The situation was very different at Toledo. We know that the council had formulated at least some decrees, sent to the king in December; these were discussed earlier in this chapter.[494] While the council at Granada had two major congregations and many small sessions, in September and October, the council at Toledo had three sessions in total, in September, January, and March. It began its second session on 13 January beginning with Mass before working on the drafts of new decrees to be sent to the king for approval, and editing those that had already been returned.[495] This session culminated

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[491] Marín Ocete, *El Concilio Provincial*, 73.
[492] Ibid., 74-75.
[493] Ibid. 79.
[494] See p. 3.
[495] Fernández Collado, *El Concilio Provincial*, 65.

after several days with a lecture and the formal approval of the decrees from that session of the council. It is not clear exactly when this session finished, this royal approval sparked the conflict over jurisdiction with the cathedral chapter that was discussed in a previous chapter.[496] The correspondence therefore increased in February. The prelates wanted to return to their dioceses, and they sent the king a list of decrees for his approval and/or correction. [497] In contrast to the large volumes of potential decrees produced by Granada's two months of debates and discussions, the surviving memorial on the latest decrees from the council in Toledo seemed to be quite short, even in comparison to the one sent in December: only three pages long and consisting of just short points.[498] It lists the matters that needed Philip's direct attention, clarification (including spending restrictions) on which the prelates had not reached a consensus.[499] For example, the prelates had been unable to agree on procedures for the visitation of churches beyond the metropolitan churches and even confraternities. On the topic of visitation of clerics throughout the diocese, they asked the king to make provisions for this situation, as they could not reach a consensus.[500] They also argued that abuses by confraternities, such as wasteful spending and profane behavior needed correction, a duty the council believed fell to the bishops with the king's approval.[501] Once again because of the length and list format, the document provides little further detail.

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[496] See Chapter 4.

[497] Fernández Collado, *El Concilio Provincial*, 71-72.

[498] There is no indication whether the council sent this document directly, or whether it was a summary produced by his secretaries.

[499] AGS, PTR, Leg 22, Doc 36. The document is not dated, but the archive reports it as from the year 1566.

[500] Ibid.

[501] Ibid.

Another concern was vacant sees, as the cathedral chapters needed guidance when a diocese was without a bishop to lead them.[502] This question seems to have been prompted by the local situation in Toledo, as the chapter had usurped episcopal dignities and 'destruyen los edificios' in the archbishop's absence, by which they may have meant the reputation of the Church in the eyes of the laity.[503] They also accused the cathedral chapter of Toledo of wasteful spending and corruption, which had continued even as the provincial council was holding its sessions.[504] The council believed the king should address these topics and the local chapter in Toledo was at the forefront of the prelates' mind. While the king did have the right to appoint bishops, it is difficult to say whether the council's wider concerns were in fact part of the royal *patronato*. The king could rely on an ecclesiastical governor to oversee the daily tasks associated with running the Church during a vacancy. It is difficult to tell whether this document was written before or after the conflict between the chapter and the prelates discussed in Chapter Four, but since the chapter was reacting to the decrees about episcopal authority, the summary does include the proposals that sparked the conflict in February 1566.

The council at Toledo, whose archbishop was held by the Inquisition, was therefore willing to raise questions with the king, and accept his wording of their decrees. In Granada, the prelates thought that they knew what was best for the local Church, and had already formulated plans for what to do, despite the fact that their powers were limited in most respects by the *patronato*. It is ironic that the council with more local freedom went out of its way to include the king in its decision-making, while the council

[502] Ibid.
[503] Ibid.
[504] Ibid. This problem also extended into when new prelates were appointed to any vacant see and were just arriving to their new diocese to take control.

in the area with the most extensive royal control was willing to resist the monarch when determining its own decrees.

In March, the small group in Granada continued to work quietly without (it seems) prompting any further correspondence of note with the king. After the first problems with the chapter in February, the prelates at Toledo were left waiting for Philip's replies to their letters and concerns for almost a month. On 9 March, Rojas y Sandoval wrote a lengthy letter to the king. It started with these words:

> 'Al principio que aquí nos juntamos los perlados de este provincia entendimos la falta que en este metrópoli había acerca de la gobernación de cosas espirituales. Y después siempre se ha entendido que es mayor que la que entendimos al principio porque demás de lo que nos han dicho hemos visto notables faltas.'[505]

While they had originally been aware of the perilous state of the Church in Toledo, the situation was in reality even worse than they had anticipated because of the misadministration of the ecclesiastical governor, Gómez Tello Girón.[506] The bishop assures Philip that the council had been attempting to remedy the problems despite the opposition of the cathedral chapter: the council was usually in agreement when the chapter's procurators were not present.[507] Francisco de Toledo had kept the king abreast of these problems, most notably the conflict in February, as had Rojas y Sandoval himself, the bishop of Palencia, and the king's minister. The prelates at the council had nonetheless fulfilled their duties and ensured that the council conformed to the decrees from the sacred canons and the Council of Trent.[508] Rojas y Sandoval and the bishop of Palencia had also written to the king, as had the king's minister on this matter. The

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[505] AGS, PTR, Leg 22, Doc 38.1
[506] For More on Tello Girón, See Chapter 4, p. 2.
[507] AGS, PTR, Leg 22, Doc 38.1
[508] Ibid.

prelates at the council were aware, however, that they needed to return to their own dioceses; and their absence would only be further extended until these issues could be resolved. However, 'porque ellos dudan el poder que tienen para el remedio deste negocio…' only the king had the power to remedy them. [509] The bishop relates that several witnesses have approached him and the other prelates to discuss the state of the local Church, and the issues arising from the absence of the archbishop. Rojas y Sandoval did not wish to send the names of his informants to the king for fear of reprisals from the governor, who was responsible for most of the issues with the Church in Toledo according to the bishop of Córdoba. According to the prelate, the ecclesiastical governor was responsible for many of the problems, due not so much to any infirmity but to his laziness.[510] This is quite a startling statement as the bishop was withholding information from the king and at the same time further fueling Philip's awareness of the poor spiritual and temporal governance of the archdiocese of Toledo. Moreover, the cathedral chapter was openly hostile to the council's proceedings to the point that everyone else was in agreement when the procurators from the Church were not present.

The bishop of Córdoba had set out a convincing argument; the king alone could resolve the problem, which was beyond the authority of the provincial council. Here, more than anywhere else, was the key difference between the two councils studied in this thesis. The synod in Toledo addressed the Tridentine decrees and their implementation; local issues and problems were too large to handle in the limited time available and some matters were beyond its jurisdiction. In Granada, the synod could address the implementation of the Tridentine decrees quickly because of the king's extensive rights;

[509] Ibid.
[510] Ibid.

the prelates focused instead on local issues. The importance of this will become evident when we discuss the councils' decrees at length in later chapters. For two councils who had originally set out to be exactly the same in form and function, they ended with a very different set of decrees. In addition, at the beginning of the councils both presiding bishops had been focused on resolving issues at the local level, and the resulting conflicts further emphasized how the rights of the king guided the council's discussions for better or worse.

While the council at Toledo awaited the king's response, a brief arrived in Madrid from the new Pope, Pius V dated 12 March, and addressed to the archbishops and councils expressing his surprise at the councils' willingness to contradict Trent and the authority of the Holy See.[511] However, his nuncio in Spain, Cardinal Gianbattista Castagna did not forward it on to them though it is not clear why. [512] It is possible that Philip stepped in to block it, or that the nuncio at the royal court realized the councils were coming to an end. Since December, the king had wanted to end the council in Granada, and conflict with the cathedral chapters would have renewed his interest in ending all the councils quickly. A brief from the papacy insisting on Rome's authority would have reinforced Philip's fears concerning papal interference -though the council in Toledo did hold one last session on 25 March.

That session opened as the others had with Mass and the acceptance of decrees from the previous session. However, the next day, two letters were sent to the king. The first was from Rojas y Sandoval, who reported that the council had closed thanks to the Christian zeal of the king. The bishop praised Francisco de Toledo, who, he said, had

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[511] Fernández Terricabras, *Felipe II y el clero secular,* 136.
[512] Ibid.

throughout the council acted with intelligence, and praised the king too for recognizing the minister's Christian virtues and prudence, with which he had guided the council and the bishop writing: 'Lo que en el concilio ha pasado, así por lo decretado como por los avisos particulares de don Francisco…'[513] He praised the other prelates at the council and their work to implement the Tridentine decrees, and expressed his hope that the council had been of service to the Church and the king, assuring him that as the presiding bishop, he had followed Philip's guidance. The letter ends however with a reminder about the witnesses that he and the bishop of Palencia had met, who had informed them of the abuses within the Church in the city. Again, though he refused to name their informants, because 'creo y tengo por cierto que el governador tiene avisos de sus negocios…'. [514] He added however that 'el concilio no ha conocido deste negocio por que tenia duda delo que en el podía hazer y por ser tan largo y depender todo su remedio de Vuestra Merced'.[515] On the same day, the prelates at the council and the abbot of Alcalá la Real signed another letter thanking the king for his assistance and guidance and for entrusting the council to them. In reality, of course, the king had handpicked the members of this council and had trusted them to discuss topics that might be off-limits to other councils. After the session held on March 25, the prelates left Toledo and the council was officially closed. The decrees were sent to the king for his approval and publication; and in a letter of 1 April, just a few days later, the governor of Toledo wrote to the Dean of the cathedral informing him that the chapter was expected to implement the provincial

[513] AGS, PTR, Leg 22, Doc 38.2
[514] Ibid.
[515] Ibid.

council's decrees. This final act of the council only prompted the chapter to appeal to the pope.

Meanwhile, the small gathering in Granada had continued to work on their decrees. On 4 April, the archbishop of Granada, on behalf of all three prelates who had been present at the council, informed the monarch that the other two bishops, of Almería and Guadix, had returned to their dioceses for Holy Week and Easter. These were the only two bishops who had attended the council in Granada, and they had remained as part of the small group that had continued to work in the decrees after the larger sessions had ended. Now that they had left, the council's work had ended, at least for the time being. Guerrero urged the king to approve the council's constitutions so they might be published, as there was a great need for them.[516] The decrees 'se an hecho con estudio y acuerdo de muchos días', and he believed 'ay poco que advertir en ellas…'[517] He still held out hope that the decrees would not need to be revised by the king and that the king would allow them to be published. The letter ended with an insistence that there was still much work to be done in Granada and requested that Philip visit the province, as his presence was needed for the augmentation of the Christian religion.

Guerrero seemed at this date to expect that the council's work would continue after Easter and the other two bishops had returned to Granada. Two letters written on the same day in Madrid cut this hope short. In the first, addressed to the three prelates, Philip wrote that the council has done a good job, not least in its dealings with the problem of the newly converted; and he did not doubt the prelates' zeal or experience. He did however insist that he should review the constitutions before any resolutions were agreed,

[516] AGS, Estado, Leg 148, Folio 62.
[517] Ibid.

as the decrees touched on matters of royal jurisdiction. The king therefore ordered the bishops to return to their dioceses. If he needed to recall them, he would.

In the second letter, he informed Covarrubias of his decisions. He had received several folders from the council, and had been made aware that the prelates intended to return to their dioceses. What was to follow would be a 'prorogando o suspendiendo' of the council, in part to give him time to review the council's decisions.

At the end of April 1566, therefore the council at Toledo had officially closed, with the pomp and ceremony that had accompanied its opening session. In Granada, the prelates returned to their dioceses for Easter and the archbishop of Granada was informed that the council had been suspended pending the king's review of all the decrees. However, the king never recalled the council in Granada for a final session; nor was it formally closed. The two councils' very different relationships to the crown meant that only one was allowed to finish its work and only one set of decrees met with royal approval. The other was indefinitely suspended; its decrees never received royal approval, and were never officially published.

Chapter 7: The Decrees of the Council at Toledo

The decrees of the provincial councils of Toledo and Granada varied significantly in both volume and content. The council in Toledo produced a much shorter set of decrees than that in Granada; and while some topics are found in the decrees of both councils (as will become more evident in the next chapter), here the themes and topics in the decrees from Toledo will be examined. This chapter will seek to be comprehensive, without attempting to detail every single decree.[518] In addition the decrees are discussed session by session to illustrate what those in attendance were seeking to do in each gathering as they were drafted during the council, and by topic to make connections to the events and correspondence examined in earlier chapters. What should become clear is that, despite the uniform approach taken by the king when calling these councils, the decrees illustrate that sessions reflect the events happening in each council locally.

The Toledo decrees begin with the lengthy address of the bishop of Córdoba, as the council's president. This preamble to the decrees illustrates what he thought the decrees were supposed to do, and it provides a good framework for examining how the goals shifted from the beginning of the council to its end. Rojas y Sandoval called on the prelates to uphold the faith by fighting together against heresy (a comment repeated several times), and to promulgate the decrees from Trent. While this is a generalized comment on the intention of Trent itself to counter the spread of heresy in the Church, it may have been especially poignant in Toledo, whose archbishop had been imprisoned by the Inquisition and was the sole reason that an outside bishop was told to preside over the council, in this case the bishop of Córdoba. Though he did not mention Carranza directly,

[518] The full text of the decrees from the provincial council in Toledo can be found in Ángel Fernández Collado, *El Concilio Provincial Toledano de 1565*, Publicaciones del Instituto Español de Historia Eclesiástica, Monografías, 37 (Rome: Iglesia Nacional Española, 1996) 156-195.

it can be assumed that the president was addressing the situation in Toledo as well as the more widespread fear of heresy in and beyond Spain. The prelates at Toledo were tasked with this great responsibility by the king, whom he praised as powerful and Christian, and the bishop stated that the king would receive a copy of this preamble along with the decrees from the council if not before. Local issues in the province should be addressed only after the implementations of the Tridentine decrees had been discussed: 'después de haber tratado del dogma en esmerada y solícita discussion, se decretó lo que juzgamos de mayor utilidad y conveniencia a nuestra provincial según las leyes canónicas'.[519] However, as already discussed, towards the end of the council the presiding bishop had written to the king to ask that those at the council might be excused from these duties as they were too great to be corrected by the council within the limited time allowed for it. This divergence from the council's initial plan may indicate how little Rojas y Sandoval knew about conditions in the province before the council opened. He reminded those gathered that 'ocupamos el lugar de los apóstoles. Imitemos, pues, su vida y actos, sigamos siempre sus pasos'.[520] As the successors to the Apostles, they should dedicate themselves to returning their province to the sacred customs of 'la primitiva iglesia y al estado feliz'.[521] From the start, therefore, Rojas y Sandoval expressed high hopes for the council.

However, the first session of the council had produced very little in the form of decrees in comparison to the later two sessions, whose lengthy lists are then divided into smaller subsections. The first session in fact has only two sub-sections. The first offers a

[519] Fernández Collado, *El Concilio Provincial,* 159.
[520] Ibid., 161.
[521] Ibid.

justification for the council: 'Restablézcanse los concilios provinciales donde hubieren cesado con el fin de arreglar en ellos las costumbres, evitar los excesos, ajustas las controversias, y tratar de cuanto permitan los sagrados cánones'. The bishops attended the council as well as other persons whom by tradition usually invited to participate. However, the council is not under the authority of the Archbishop of Toledo, instead the prelates will follow the direction of a bishop selected from a neighboring diocese, who Philip had selected based on his status as the oldest suffragan bishop as indicated in his earliest letters to those who were to attend the council. The prelates and others present have gathered in Toledo on the authority of the ancient councils and the sacred council of Trent mandated by the Holy See and His Holiness Pope Pius IV and with the consent and invitation of Philip II, for the 'utilidad publica de esta provincial y para la reforma del clero y del pueblo Cristiano, par alas malas costumbres, y para extirpar lo que ha dañado…'[522] A full list of those in attendance is added. This first section is obviously just a formality that has been present in many of the initial documents presented in earlier chapters and included justification for the council and that many bishops were attending.

The only doctrinal statement in this session appears under the title 'Símbolo de Fe'. It begins with the confirmation that the Catholic faith believes in the Holy Trinity, Father, Son and Holy Spirit, baptism for forgiveness of sins, and belief in 'la resurrección de los muertos y la vida del mundo futuro', as well as the seven sacraments and the sacred scripture. [523] A summary statement of this kind was normal for councils as most councils included a summary statement of belief at the beginning of their decrees and this was true of Trent where for example the text of the Nicene Creed was included in a

[522] Ibid., 162.
[523] Ibid., 163.

decree of Session III on 4 February 1546. The council in Toledo accepted the definitions of Trent concerning original sin and justification, transubstantiation during mass, the existence of Purgatory, and other key tenets of Catholic doctrine, including the veneration of the saints, the use of images, and indulgences. They also affirmed that the Roman Church is the mother of all churches and that the pope is the successor of Saint Peter. Heresy as designated by past church councils including the council of Trent, was rejected. These key points of the Catholic faith gave legitimacy to the provincial council as the successor of Trent and other ancient councils by confirming their belief in the tenets of the Catholic faith. The statement ends with the recognition that the council's greatest task was to increase the presence of the Holy Spirit in the disciples of the Church, the bishops, abbots, priests, and all faithful Christians. They hoped to proceed in peace, and not to involve themselves with vain disputes.[524] Meetings of the council would be held in the archbishop's palace so that they can propose topics for the good of the public with freedom. It is unclear why this location was preferable but the larger location and isolation from the laity would have allowed the prelates to discuss church business more openly without the need to work around the daily rituals in the cathedral of the city. The six bishops present and the abbot of Alcalá la Real all signed these first decrees. While this all seems like very important information, the council quickly seemed to throw these statements together, one after another with most only receiving only a sentence or two.

This early session was not intended to produce many decrees as it firmly secured the Catholic doctrine, confirmed at Trent, at the heart of the synod's activities. More

[524] Ibid.

importantly, these topics though addressed briefly, fully accepted the tenets of the Catholic faith adopted at Trent. These were non-negotiable points, which the council seemed to accept immediately upon their very first session. With these points out of the way and universally agreed upon, the council could then move on to other issues which would require discussion and debate, as well as the king's advice and input: the abuses that Trent had attempted to rectify that now needed to be implemented on a local level.

The second session opened on 13 January and produced a total of thirty-one decrees, all concerning reform of 'las costumbres' in line with Trent, papal decisions, and statutes from earlier provincial councils.[525] No one, from the prelate to the laity would be exempt from fulfilling their obligations to the Church. It is unclear from the surviving sources how long these sessions had lasted, though the decrees read and approved on 13 January would have been drafted and agreed before that date. It is in this section that the matters discussed in chapter four appear, and it is clear that the directions of the king had been followed.

These decrees can be divided into three groups. The first dealt with the bishops, specifically rules governing their role and behavior. In addition to the king's advice and recommendations on the decrees, the initial letter from Ávila, which is undated but was written between May and July of 1565, also seems to have influenced some of the decision. Bishops are required to reside within their diocese, for the good of their province and in line with the Tridentine decrees.[526] Exemptions from this rule could be granted only for service to the Church or the State, and must be approved by the bishop's

[525] Ibid., 165.
[526] Council of Trent, Session 6, "Decree on Reformation," Chapter 1.

superiors.[527] This decree leaves two very important questions open to interpretation. First, it does not dictate what type of service the bishop might perform for this exemption, and it does not specify whom his superior might be. It can be argued that the types of service that might be eligible for an exemption could include: serving on a royal council, in the king's personal service, or as a member of the Inquisition, as such duties had been undertaken by the bishops attending the council at Toledo.[528] Secondly, it does not identify which superior needed to grant the exemption, thought it might be assumed to be either the archbishop but perhaps be extended to mean the king or – for bishops serving in other ecclesiastical roles- the pope; though the decree does not state this explicitly. In this case, the council showed that they were willing to concede that residence was necessary but also gave them a way to circumvent the rule, seeing as their superiors should be the pope, but more realistically the king. In this way, the bishops in Toledo technically addressed the topic of residency but also heeded the king's advice to make allowances for when their service was needed elsewhere by the crown. This was one of the first points where the prelates at the council tread a careful line between implementing Trent and respecting royal authority. In addition, this technically gave them a loophole to use should they be called away for royal service after the provincial council. Episcopal absence could also be excused without official exemption during pastoral visitations. The council preferred bishops to make diocesan visitations in person when possible, to correct errors in dogma and the corruption of customs, as required by the Council of Trent in Session Twenty-Four, Decree on Reformation, Chapter Three, which states:

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[527] Fernández Collado, *El Concilio Provincial,* 166.

[528] The bishops of Almería and Cuenca had accompanied Philip to England as confessors. The bishop of Palencia had served on the Council of the Inquisition prior to provincial council.

> 'Patriarchs, primates, metropolitans, and bishops shall not fail to visit their respective dioceses, either personally, or, if they be lawfully hindered, by their Vicar-general, or visitor; if they shall not be able on account of its extent, to make the visitation of the whole annually, they shall visit at least the greater part thereof, so that the whole shall be completed in two years, either by themselves, or by their visitors. Metropolitans, however, even after having made a complete visitation of their own proper diocese, shall not visit the cathedral churches, or the dioceses of the bishops of their province, except for a cause taken cognizance and approved of in the provincial Council.'

Any neglect of this duty by the bishops would be met with divine punishment as described in Ezekiel, chapter thirty-four.[529] In this chapter of Ezekiel, God condemns the shepherds of Israel as shepherds who only look after themselves and thus neglect their duties. For the bishops in Toledo, this was clearly a apt allegory for a prelate's neglect of their church.

Another decree limited the expenditure on bishops' homes and clothing. Prelates should not wear brocaded clothing or gold fabric outside church ceremonies: instead, they should serve as witnesses to modesty and decorum for the laity. Nor should they spend excessively on food and decorations for their homes. The council called for frugality, in accordance with the Tridentine decrees and also with the advice of Ávila in his letter to Rojas y Sandoval.[530] According to Trent, bishops should be content with modest furniture, and a frugal table and diet. In their daily life too, they should be models of frugality, modesty, and humility for the laity.[531] Their servants must be cared for and allowed time for confession specifically, although how often is not stated; certain holidays must be observed, including Christmas, Easter, Pentecost, and the Assumption

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[529] Fernández Collado, *El Concilio Provincial*, 167. This chapter likens the people of Israel to a flock of sheep left to the wilderness because of shepherds who have not done their job, which they quote briefly in the decree.

[530] See Chapter 1, p. 35.

[531] Council of Trent, Session 25, "Decree on Reformation," Chapter 1.

of the Virgin Mary.[532] These decrees on the personal lives of the bishop are matched by others that detail how they are to behave in their official capacity, and specifically in reference to the visitation of their dioceses. During visitations, they must compile lists of the all the parochial churches' officials and add them to a summary of the visitation for each area, signed by the bishop once completed. This would include a record of any abuses found in the course of the visitation and the corrections implemented as well as any observations from the bishop on the state of the Church in the area. It is unclear who would actually write this document. The seventh decree states that during the visitation, the bishops should not receive any gifts from the local church other than food and drink. This last point was designed to prevent smaller or poorer churches from being put to large costs by a visitation and to prevent wealthier parishes from lavishing gifts on the visiting bishop, thus preventing bribery. In addition, the bishop must hold a diocesan synod in between these annual visitations. The eighth decree, although short dictates that the bishop should visit the cathedral to ensure that it was properly maintained and that each had a volume of the church statutes that was up to date. Other decrees regarding appointments specify that the bishop should ensure that qualified men were appointed to parish churches and there were enough to provide for the churches in each diocese.[533] In regard to naming clerics for beneficed positions of the church, they should be priests, and should not have taken orders within the year before being appointed. These regulations reflect Trent's concern that unqualified men should not obtain positions of responsibility in the Church.[534] In addition, if the bishop discovers abuses, the Toledo decrees allow

[532] Fernández Collado, *El Concilio Provincial,* 168.
[533] Ibid. 169.
[534] See for example: Council of Trent, Session 4, "Decree on Reformation," Chapter 4.

him to name a prosecutor. In these decrees, the council was trying to ensure that the visits from a bishop ensured that each diocese had what they needed to be in line with Trent by having a volume of statues read before the members of the cathedral chapters and to keep for their own use and records. According to Trent, both during and in between visitations, the bishop was obligated to correct abuses by any means necessary, even expulsion; the council at Toledo was attempting to implement this and empowering bishops to deal with them.[535]

The Toledo decrees regarding the role and duties of the bishops in their own dioceses are extensive, and include directions to make monthly visits to their local prisons. The thirteenth decree limits the bishop's involvement in secular judicial process and arbitration. The bishops forbid selling of the service as notaries in secular courts by clerics. Decree fifteen dictates that this should be done freely and could not be used for personal gain. In addition this particular section includes the statement that should a see be vacant or the bishop otherwise occupied, a joint visitation by two men, one appointed by the bishop and the other by the ecclesiastical courts, should be undertaken to see that the diocese was running effectively. Decree seventeen states: 'Esto se hace con objecto de que pueda constar por esta visita el verdadero estado, y las actuaciones de la administración publica, jurisdicción, oficios y de cualquier cargo de ellos; y el que hubiese desempeñado mal su cometido pueda ser privado de él y castigado, y últimamente, que proceda a las dos cosas su juez y el Obispo' meaning that the any person found to be mismanaging their position could be punished and this would have

[535] Council of Trent, Sess. 13, "Decree on Reformation," Chapter 1; Session 14, "Decree on Reformation," Chapter 4; & Session 24, "Decree on Reformation," Chapter 3.

special significance in Toledo where the metropolitan was being governed by an ecclesiastical governor.[536]

Two features of these decrees stand out. The council had accepted the king's advice concerning the importance of episcopal service to the crown, and thus the need to allow for the bishops' absence from their dioceses, while simultaneously seeking to ensure that residency was obligatory, as required by Trent. Another influence can however be seen in the decrees requiring frugality. Juan de Ávila had advocated reform of the bishops by the establishment of limitations on bishops' spending and rules regulating their lifestyle. It is difficult to know whether the bishops in Toledo did in practice subsequently implement the reforms concerning their own lifestyle, though it is notable that they attempted to address the abuses mention by Ávila. However, the last of this set of decrees, number eighteen, requires that the goods of any cleric who dies without a will revert to the bishop, and be employed only for pious uses.[537] The decree does not make clear whether it applies to all priests or anyone in orders, even minor orders. Unless the pious uses were donations to hospitals orphanages or similar organizations, the Church gained financially from the clergy who died without proper wills. This particular decree is interesting because it does not seem to be derived from Trent and seems unique to the council in Toledo because in canon law the property and estate of clerics usually passed in the normal way to their closest surviving relative. What caused the bishops to promulgate this decree is unknown.

These decrees concerning bishops and their roles accounts for just over half the total number issued from the second session. They enable implementation of the

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[536] Fernández Collado, *El Concilio Provincial*, 172.
[537] Ibid.

Tridentine decrees in the province, and direct bishops to use their visitations to ensure that other rulings from Trent are put into practice. The council included the king's recommendations on residency, which allowed for bishops to gain exemptions for royal service, while Trent mandated residence for prelates and all lower church offices, parish priests, canons, benefice holders, and others. This alteration illustrates one of the more pressing topics for Philip about the Tridentine decrees, and the prelates at Toledo were willing to subvert the decrees of Trent to fix the problem of episcopal service to the king in a capacity that required an extended absence from the diocese. There is a clear connection with the letter from Juan de Ávila as well. Ávila specifically spoke on the behavior of bishops as the representatives of the Church to the laity, advocating for limitations for bishops in terms of lifestyle because they should live as Christ did, humbly and without the finery that could be found in the homes of some bishops more generally, though he would have been more familiar with those bishops in the provinces of Toledo and than even Granada. Both Ávila and the Tridentine decrees called for more humble living by prelates as examples to the laity. Despite the obvious contradictions in the lives of the prelates in Spain including those at the council at Toledo, and the lifestyle advocated by Ávila, there was an attempt to implement his recommendations for bishops both at home and while on visitations.

In between the two largest groups of the second session decrees from Toledo are three that deal specifically with local customs and the interaction of Church and laity. While the Tridentine decrees had focused on rebuffing Protestant teaching and addressing the reform of the Church from within, the synod at Toledo sought also to correct abuses in the local churches, in line with the bishop of Córdoba's direction in his opening

address. The first is decree nineteen which states that if a burial needs to be reopened or dug, the cost should be the responsibility of the cathedral and the church where the burial is located.[538] It is unclear how often this occurred in the province or for what reason, but it does not to have a Tridentine equivalent. This decree sought to ensure that no members of the church profited from the services to its community, as did the decree about the employment of church officials as notaries in secular courts.

The twentieth decree concerns *velas nocturnas*.[539] These traditional meetings were for the pious veneration of saints and their cults; but despite their original purpose, the decree states 'Pero la malicia de los hombres y la audacia de los delincuentes han llegado a tal extreme, que ninguno que conozca las costumbres del siglo actual dejará de reprobar las velas nocturnas'.[540] Gatherings at the graves of martyrs and saints were therefore no longer permitted on pain of excommunication. Clergy who facilitated them would risk excommunication and a personal reprimand from the bishop.[541]

The twenty-first decree dealt with 'fiestas y regocijos profanos', such as the feast of the Holy Innocents, a religious holiday that was believed to encourage 'torpe abuso', lewd or inappropriate behavior within the Church. [542] The clergy should instead promote the contemplation of spiritual things, and the bishop would punish anyone celebrating this feast in an inappropriate manner. Cathedrals and colleges should also prohibit 'el torpe abuso de la elección fingida y pueril de obispillos' that sometimes occur during

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538 Ibid.
539 William A. Christian, *Local Religion in Sixteenth-century Spain* (Princeton: Princeton University Press, 1989), 101-2, 163-4, & 255-6.
540 Fernández Collado, *El Concilio Provincial*, 173.
541 Ibid.
542 Ibid.

solemn celebrations.[543] This decree references the election of boy bishops, a medieval tradition prohibited by the Council of Basel in 1431, but still surviving in some places, when a boy was selected and styled as a prelate and would travel around the town blessing the people; sometimes he would even take control of the cathedral and perform certain rituals, often with the blessing of adults and the actual bishop. The decree requires the bishop to punish this offense, stating that spectacular displays, games, and dances had no place in religious processions, and especially not within the Church. Christians should not participate in such events. Instead of seeking to correct such abuses through education, as was the case in Granada, the council at Toledo required these celebrations and profane gatherings to be separated, at least physically, from church-sanctioned events, spaces, and personnel.

The final grouping of decrees from the second session focused on the lower clergy, their behavior, and qualifications. The first two address clerical behavior with women. According to the twenty-second decree, clergy must separate themselves physically from women of any age and condition ('…no lleven de la mano, ni en ancas en la misma caballería en que ellos van…').[544] There is no exact equivalent among the Tridentine decrees, though Trent's rulings on concubines are the closest.[545] The bishop should make no exception to this ruling for any reason. In the next decree, the council threatened excommunication and monetary punishment for any clergy indulging in extravagance. These two short decrees may seem like afterthoughts when compared to the other topics discussed during the second session; but clerical discipline was an

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[543] Ibid.

[544] Fernández Collado, *El Concilio Provincial*, 174.

[545] Council of Trent, Session 24, "Decree on the Reformation of Marriage," Chapter 8 & Session 25, "Decree on Reformation," Chapter 14.

important theme at Trent and in many Catholic reform programs, especially in Spain, though many of the Tridentine decrees make only a general comment on the need for reform without providing any further detail. While most of the decrees in this session take at least a few paragraphs to cover their topics, these two only receive a few sentences, though these were serious issues.

The prelates at Toledo also detailed the requirements for the selection of clerics for positions in parish churches to ensure that they were worthy (decree twenty-four). The examiners must be selected by the bishop and should not be the same for every examination. They must in addition be members of the cathedral chapter and educated in theology or canon law. Representatives from local orders and colleges should also be included in the examination, as should those from areas nearby, who might be affected by the appointment: 'En concreto, sea una tercera parte de examinadores de individuos del cabildo de la catedral, otro tercera de regulares, si cómodamente pueden hallarse, y la otra de clérigos, que no sean ni capitulares ni regulares'.[546] The bishop would nominate all the examiners, and they should interrogate all candidates for elevation to parish churches according to the decrees set forth by Trent, and select only the best qualified based on doctrine and education.[547]

These decrees reveal a new dedication to improving the quality of the lower clergy in the Church beyond the metropolitan cities, and were essential if the Tridentine reforms were to be implemented. The selection of properly qualified candidates for parish posts would lead to improved teaching and service to the laity, especially in parishes beyond the immediate supervision of the bishop outside the cathedral city. The inclusion

[546] Fernández Collado, *El Concilio Provincial*, 175.
[547] Council of Trent, Session 24, "Decree on Reformation," Chapter 18.

of several different types of examiners, who were also expected to have the same exemplary educational requirements, also reflects the council's effort to be rigorous in the selection process, implement the improved educational requirements put in place by Trent and promote doctrinal homogeneity. [548] Any man put up for a position in even a parish church would be more likely to hold the same beliefs, and all others could be prevented from taking positions in parish churches.

The council also mandated the residence of parish clergy after their election as had been required of bishops; the absence of parish leaders was damaging for the Church in general and for the souls of their congregations.[549] If there was need of absence, a license should be obtained, although it is not stated explicitly who would issue it.[550] Decree twenty-five also allows that this personal residence requirement may be waived, though acceptable reasons for absence are not listed or specified. [551] The decree seems to be the result of a compromise, as it is simultaneously saying that residence is essential and that it is avoidable. The decree also mandated punishments for absences, but allowed those punishments to be set aside if reasons for the absence were acceptable. The prelates at the council seem to have been unsure how to deal with this matter, though punishment for non-residence could be quite severe: the priest could lose the benefice of his parish, and censure by the governing bodies of the Church, as well as incurring divine displeasure.[552] This decree is strict in the punishment while still allowing for exemptions is a graduation of their policy on absent bishops revealing the delicate balancing act the

[548] Council of Trent, Session 23, "Decree on Reformation," Chapter 7.
[549] Fernández Collado, *El Concilio Provincial*, 176.
[550] Ibid.
[551] Ibid.
[552] Ibid.

prelates were playing between implementing Trent and bending to the will of their king. The clear line of command in the diocese meant that parish priest could presumably appeal to his bishop for absence; it was unlikely he would be invited to serve the king, but he might be called on to serve a bishop. The prelates were thus carefully balancing between implementing Trent and allowing space for interpretation and circumvention if necessary. The council added a further short decree: that priests should reside within the parish in a location suitable for the administration of the sacraments and service in the Church.[553]

Bishops are ordered in decree twenty-seven to look into erecting new churches where the distance between them made it impossible to provide for feast days or to administer the sacraments.[554] This was in line with the ruling of the Council of Trent and the twelfth-century constitution of Alexander III, *Ad Audientiam* which advocated for new churches 'on account of the distance, or the difficulties of the locality, the parishioners cannot, without great inconvenience, repair to receive the sacraments, and to hear the divine offices'.[555] The erection of new churches was, the prelates at Toledo affirmed, the only way to implement the wider changes demanded by Trent and bishops should discuss how to fund both the new churches and the appointment of new parish priests. [556] Though this decree might fit more neatly in the section on the duty of bishops, it relates directly to the role of parish clergy and illustrates that there were challenges to their positions which had been corrected at least in part by Trent.

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[553] Ibid.
[554] Fernández Collado, *El Concilio Provincial*, 176-177.
[555] Council of Trent, Session 21, "Decree on Reformation," Chapter 4.
[556] Fernández Collado, *El Concilio Provincial*, 177.

The next decrees focused on the canons of cathedral churches. The recent death of one canon, the Reader in Sacred Scripture, in Toledo had perhaps highlighted the importance of the first new appointment to the Toledo chapter under the new Tridentine rules.[557] The prelates at the council had written to Philip, and his response favored using the Tridentine educational requirements immediately for that position. The Tridentine decree had acknowledged the importance of this position because the reader was interpreting the scripture for the laity. The provincial council urged the canons, and the clergy of the city to continue to assist in selecting a lector and decreed that the prebendary who would take up the role should have received the degree of doctor, master, or *licenciado* in a field related to it.[558] Candidates should be questioned on their customs, life and personal qualities, as required by Trent.[559] The decree ends by acknowledging that the city of Toledo and its cathedral have the honor of enacting this decree first 'Y lo mismo se practicará en las otras iglesias de la provincial en que aún no se ha hecho tal provisión'.[560]

The provincial council also aimed to implement the educational decrees from the Council of Trent for other positions in cathedral chapters.[561] With decree twenty-nine the council wrote: 'El sacrosanto concilio de Trento exhorta, para el mejor gobierno de las Iglesias, a que en las provincias en que cómodamente pueda hacerse, se confieran todas las dignidades y, al menos, la mitad de las canonjías en las catedrales y colegiatas más

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[557] See Chapter 6, p. 13.
[558] Fernández Collado, *El Concilio Provincial*, 177. The Tridentine decrees required specifically a degree in theology for all cathedral chapter positions including the Reader of the Sacred Scripture.
[559] Ibid.
[560] Ibid. 178.
[561] Council of Trent, Session 22, "Decree on Reformation," Chapter 2 & Session 24, "Decree on Reformation," Chapter 12.

insignes, a maestro, doctores o licenciados en sagrada teología o derecho canónico'.[562] All further positions in cathedral chapters throughout the province should therefore be conferred only on priests who had already received degrees in those fields.[563] With this simple statement, the provincial council was at once accepting the educational requirements from Trent for all cathedral chapters of the province. The prelates recognized that this requirement would take time to implement; any priest wanting to advance in the church heirarchy or secure a post at a cathedral, would need to receive at least one of the degrees mentioned, but those currently in positions could be granted an absence to get those necessary degrees if they did not have them at the time of the provincial council.

The council further extended the duty to reside by ordering that the prebendaries should also abide by the Tridentine decrees that mandates that 'it shall not be lawful, by virtue of any manner of statute or custom whatsoever, for those who possess, in the said cathedral or collegiate churches, any dignities, canonries, prebends, or portions, to be absent from those churches, above three months in each year'.[564] If they do not take up residence, they will face a fine or other economic penalty. The bishops were required to report on the observance of this decree, and give personal testimony on cases of enforcement and resistance.[565] However, this testimony, which may have been given at the provincial council in person, does not seem to be included in the final version of the decrees. The final decree from the second session requires that profiting from simony, by retaining the benefice of an ecclesiastical position that has been renounced, should also

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[562] Fernández Collado, *El Concilio Provincial*, 178.
[563] Ibid.
[564] Ibid. & Council of Trent, Session 24, "Decree on Reformation," Chapter 12.
[565] Fernández Collado, *El Concilio Provincial*, 179.

be punished. It does not detail the exact punishment to be imposed, referring instead to the punishments listed in earlier canons and papal decisions, as does the decree from Trent.[566] Whether the simony was 'tácito o expreso', the bishop or archbishop was obligated to act against the offender.[567]

The decrees from the second session were intended to reform the behavior of the clergy, from the bishop to the parish priests. They sought to set a standard for behavior and qualifications by implementing the requirements set out by the Tridentine decrees. However, the decrees also provide a glimpse into the local situation in the province of Toledo in their reference to *velas nocturnas* and boy bishops. While it does no good to debate the sincerity of the bishops at the council, the inclusion illustrates that they were at least willing to put the new guidelines and rules into their own decrees. The guidance of Juan de Ávila and Philip II can also be found in the decrees' final formulation on educational requirements and clerical life-styles. Preoccupied by the role of the clergy as beacons of the Church, the prelates at Toledo were seeking to endorse the new standards set by the Council of Trent and to implement its new decrees.

The third session of the provincial council began and ended on 25 March 1566, and its decrees attempt to deal with a number of important but not closely related matters; they include guidance on the duties attached to certain positions, as well as simple questions of organization. Other decrees prescribe the correct behaviors of clergy and punishment for incorrect behavior.

The first decree requires the creation of episcopal archives to collect and inventory the documents related to each diocese. The archive is to be located in a

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[566] Council of Trent, Session 24, "Decree on Reformation," Chapter 14.
[567] Fernández Collado, *El Concilio Provincial*, 179.

monastery within the diocese where possible, and secured with two locks. The two keys were to be held by either the sitting bishop, or a member of the cathedral chapter, when the see was vacant and a ranking official from the monastery hosting the archive.[568] The dean of the cathedral church might hold the key to the archive or a prebendary with a doctorate, or another chapter member. [569] This two-key authentication system ensured that the records were kept secured. The bishop was required to visit the archive at least once every two years to familiarize himself with the documents held there. Interestingly, there is no account for how long the bishop was expected to stay to complete this process as the task of examining an archive of documents still is quite time consuming. Since the creation of diocesan archives is not mentioned in the Tridentine decrees, it is likely to reflect an initiative by the prelates at Toledo, intended to assist bishops to understand his diocese and 'se pudieran defender las cosas y derechos de las Iglesias…'[570] This decree fits with the council of Trent's attempts to form a more educated clergy by having a bishop who understood their diocese and any documents pertaining to its rights and privileges. An episcopal archive was key to understanding the history of a diocese and enabled the bishops and their staff to have a full record of all decisions made. By collecting copies of letters and documents, the bishop could go look through sources from diocese. This would be especially important when new bishops were appointed to sees and had to acquaint themselves with their new diocese because the decree states they had to visit at least every two years but the bishop could in theory visit whenever they desired.

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[568] Ibid., 180.
[569] Ibid., 181.
[570] Ibid., 180.

The next grouping of decrees relate specifically to the duties of church officials, expanding on the regulations on behavior from the second session. In this third grouping, the council in Toledo was further codifying what a member of the Church should and should not do. Just as the council sought to enact reform in the behavior of clergy, they also wanted to formalize what was occurring within the Church. They deal with the cathedral chapters and the parish churches rather than the bishops, and their main intention was to set an official standard throughout the Toledo province.

The second decree therefore mandated that the tonsure was to be given to priests when they were conferred with an ecclesiastical benefice or when they were studying with the intention of receiving orders, as dictated by Trent (and recommended by Juan de Ávila before the council had opened). The tonsure was generally a requirement for entry into minor orders. The decree does include an allowance for this in accordance with the Tridentine decrees which gave the tonsure to minor orders.[571] The final line of the decree provides some insight into the why the conferring and wearing of the tonsure needed to be formalized: 'Y de tal modo deben arreglar el numero de estos ministerios, que no puedan decirse que alguno he sido nombrado para escapar del juicio seglar'.[572] Some clerics used the tonsure as a way to escape the jurisdiction of the secular courts in favor of ecclesiastical ones, as was also referenced at Trent which includes those who 'fraudulently withdraw themselves from Secular jurisdiction'.[573] The inclusion of this decree provides another glimpse into how the Tridentine decrees were modified to match local problems. The prelates at Toledo clearly believed that the tonsure should only be

[571] Council of Trent, Session 23, "Decree on Reformation," Chapter 27 & Session 23, "Decree on Reformation," Chapters 4, 6, 17 & 18.
[572] Fernández Collado, *El Concilio Provincial*, 181.
[573] Council of Trent, Session 23, "Decree on Reformation," Chapter 4.

given to men who intended to continue on to major orders and serve the Church, and that it was necessary to turn away anyone planning to use the tonsure to gain immunity from justice.

The council also sought to improve preaching. Parish priests were advised to preach on subjects that were easy for their flocks to understand, and to focus on teaching the catechism and the doctrines agreed upon at Trent. They should omit 'historias fabulosas' unless they related to saints or martyrs.[574] This third decree attempted to implement another Tridentine decree, which (among other matters), called on members of the church hierarchy to preach to their flocks plainly on the vices they should avoid and the virtues they should strive to gain access to heaven.[575] The overarching emphasis was that the topics of sermons should reflect the needs of those who were listening, and not confuse the laity or introduce any of the 'profanas novedades de voces, y las opiniones de las ciencias de falso nombres, la que prometiendo algunos, como escribe San Pablo, se separaron de la fe'.[576] The following decree states that the cathedral canon 'llamada magistral' should preach to the officials of the Church, and other canons and prebendaries should hear him.[577] The forth decree orders that children should be taught the papally-approved catechism (although which one is not indicated), and Catholic doctrine in parish churches on feast days, and that parents were to teach their children at home by providing a good example. Parents should also repeat the lessons of the parish priests to their children.[578]

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574 Fernández Collado, *El Concilio Provincial*, 182.
575 Council of Trent, Session 5, "Decree on Reformation," Chapter 2.
576 Fernández Collado, *El Concilio Provincial*, 182.
577 Ibid.
578 Ibid.

In addition to ensuring that the laity was receiving lessons on Catholic doctrine through sermons or catechism classes, the Toledo decrees also stated that canons, prebendaries, and other ecclesiastical officials of cathedrals, colleges, and other churches 'estarán obligados a comulgar de mano del que dice la Misa mayor…' within eight days after the major feast days, including Christmas, Pentecost, and Easter.[579] Those failing to observe this ruling would be severely punished (*gravemente castigado*) by the local bishop. The prelates at the council in these decrees were seeking to formalize the act of Communion, and ensure that all members of the Church understood its significance and received the sacraments at the very least on major church events.

Decree seven addressed the behavior of cathedral choirs, banning frivolous conversation or anything that might disturb the sacred celebrations.[580] Members of the choir should seek to elevate the name of the Lord with music that mixes the voices of the old and the young, and they should think only about God while they sing.[581] The Tridentine decrees say little about music, but does forbid mixing anything 'lascivious or impure' in music in Mass. Music historians have noted that the longer and detailed regulations were eventually scrapped at Trent in favor of this more general requirement.[582] The generalized Tridentine ruling against irreverent behavior that included: 'unlawful hunting, hawking, dancing, taverns, and gaines', and 'the proper way of singing or chanting therein, the specific regulations for assembling in choir and for remaining there, as also such things as may be necessary in regard of all those who minister in the Church, and any other things of the like kind…' was enough for the

[579] Ibid., 183.
[580] Ibid.
[581] Ibid., 184.
[582] Craig Monson, "The Council of Trent Revisited," *Journal of the American Musicological Society* 55, no. 1 (2002): 10.

council in Toledo.[583] The next decree regulates how funding should be divided to cover the expenses of the Church and to provide for its physical infrastructure for those who serve it as prebendaries or canons.[584] In addition to explaining how the choirs should be dressed, the decrees also state that 'a no ha que ocurra una urgente necesidad'; they should remain in the church for the entire service.[585] The last decree states that the music in service must be clear and sung with a spirit of devotion.[586] There should be no imitation of profane songs, such as those that celebrate unchaste love or war: the council was attempting to formalize what was appropriate in the celebration of the Mass and in formal church functions.

The final grouping of decrees lay out specific requirements for the diocesan clergy. For example, the twelfth decree required cathedral chapters to hold regular meetings, which should not interfere with the execution of the divine offices.[587] Another details who should attend these meetings, and excluded any person who did not have a voice in the chapter's decision-making. Decree fourteen prohibits members of the cathedral chapter from holding other clerical positions that would require them to be absent from the cathedral.[588] Lay people were in addition excluded from entering the 'coro', though royal counselors and members of the Spanish Military Orders of Santiago, Calatrava and Alcántara were allowed if they attended the divine office.[589] While initially these orders had been founded to defend the borders of Spain and fight against non-

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583 Council of Trent, Session 24, "Decree on Reformation," Chapter 12.
584 Fernández Collado, *El Concilio Provincial*, 184.
585 Ibid., 186.
586 Ibid.,187.
587 Ibid.
588 Ibid., 188.
589 Ibid.

Christians, by the 1560s, their members were no longer obliged to engage in active warfare; during the reigns of the Catholic Monarchs and Charles V, titles in the Orders were often bestowed on nobles as a reward for service to the crown.[590] Despite this, they were still granted fundamental rights when visiting churches due to their title and its history with the Church.

Decree eighteen prohibits priests from taking on positions deemed incompatible with their clerical duties, such as serving in secular courts, which would involve participation in secular business. [591] Decree nineteen sets down severe punishment for clergy found to have concubines or illegitimate children in line with earlier rulings of the Holy See, and the Council of Trent.[592] However, the prelates at Trent had taken this matter further, condemning any layman, married or unmarried who had concubines, under threat of excommunication and severe punishment by the bishop; clergy with concubines were to be deprived of their benefice in full, excommunicated, and imprisoned. If they were not beneficed, they could be suspended from their clerical duties and blocked from obtaining benefices in the future.[593] This was in addition to any further punishment imposed by their superiors, a bishop for parish clergy or the Pope for bishops. By outlawing this practice, the prelates at the council in Toledo were not only outlawing a practice that they saw as wrong, they were also making a clear statement that priests must be celibate and present an example to the laity. Before Trent, a priest might have a concubine and illegitimate children, but would not been considered so

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590 Elena Postigo Castellanos, "Las tres ilustres ordenes y religiosas cavallerias. Instituidas por los Reyes de Castilla y León: Santiago, Calatrava y Alcántara", *Studia Histórica: Historia Moderna* 24 (2002): 69.

591 Fernández Collado, *El Concilio Provincial*, 190.

592 Council of Trent, Session 24, "The Reformation of Marriage," Chapter 8.

593 Council of Trent, Session, 25, "Decree on Reformation," Chapter 14.

abnormal.[594] As evidenced by other decrees from this session, the prelates at Toledo considered the pubic perception of the Church as important as actual practice.

The provincial council added a separate decree on unspecified abuses within cathedral chapter, threatening suspension of benefices, fines, and even exile. [595] Colleagues of any accused members of the chapter could not involve themselves in such prosecutions by any means, including supporting them with ecclesiastical funds. The twentieth decree states that this practice set a bad example of ecclesiastical discipline, and required cathedral chapters to implement the sentences listed, and excommunication could result.[596] This decree had special resonance in Toledo, where the chapter had resisted the calling of the council and its claim to jurisdiction over its members. One of the effects of the decrees was that the cathedral chapter of Toledo should not assist any person suspected of crimes, whether secular or religious and that steep punishments could be used to enforce the decrees and correct abuses within the cathedral chapter. The prelates' thinking here was clearly influenced by the king's directions on episcopal jurisdiction.[597] In this decree, the bishops were singlehandedly given power to enact reform on members of the cathedral chapters to whatever extent fitted the crimes.

The last few decrees also focus on the parish clergy, who are required to remain in their parishes unless licensed by their bishops. During their visitations, bishops are to ensure that the catechism (once again unspecified) is being taught to children, and especially girls. There is no corresponding decree from Trent concerning the education of women or girls so this is another local initiative on the part of the prelates. Decree

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[594] Arturo Iglesias Ortega, "La perpetuación de la sangre: la descendencia ilegítima del alto clero compostelano en el siglo XVI," *Manuscrits: Revista d'Historia Moderna* 29 (2011): 140.
[595] Fernández Collado, *El Concilio Provincial,* 191.
[596] Ibid.
[597] See Chapter 4, p. 7.

twenty-two justifies the education of girls as necessary so that they might be good mothers of families when they are older. If necessary, however, the bishops could call on the secular authorities to help educate the children and enforce this decree presumably by setting up publicly-funded catechism schools, a decision that, as we shall see might have been more appropriate in Granada than Toledo. Priests who wished to study theology and canon law, however, could be licensed to be absent from their parishes if such training was considered to benefit their church, such as obtaining the educational requirements advocated by Trent, with written permission from the Pope, the metropolitan bishop, or oldest suffragan bishop.[598] However, in cases where the absence was prolonged or frequent as in the case of study at a university, the license for absence had to be reissued every year with a statement from the Rector and a professor of the university as evidence that they were progressing in their studies. Those who wished to advance their progress or take roles which required a higher degree could thus justify their absence. However, the prelates at Toledo also believed that despite allowances for absence, there was a duty in parishes to give the Eucharist at least once a year at Easter. Decree twenty-four states explicitly that, 'todos los cristianos obligados, según constitución del concilio general, a recibir la sagrada Eucaristía, al menos una vez al año en Pascua de Resurrección…'[599] Receiving the sacrament on other days did not fulfill this requirement and thus everyone must receive communion on Easter. Once again this is an almost exact inclusion from the Tridentine decrees.[600]

[598] Council of Trent, Session 23, "Decree on Reformation," Chapter 1.
[599] Fernández Collado, *El Concilio Provincial*, 192.
[600] Council of Trent, Session 13, "On the Most Holy Sacrament of the Eucharist".

In another addition almost directly from Trent, the council agreed to implement the Tridentine decree on the enclosure of nuns, arguing that this was the most secure way to protect their virginity, health, and souls (decree twenty-five). According to Trent, no nun should leave her convent under any circumstances except with the license of a bishop in some lawful cause.[601] According to the decree from Toledo, these cases included physical illness which threatened death, and then only after a thorough examination; and a license from a superior, such as a bishop, was still needed. No one was permitted to enter into convents where cloistered nuns resided, and no professed nun was permitted to leave.[602] The prelates in Toledo thus included their own modifications with the decrees of Trent and the decrees were still difficult to enforce in Spain.[603]

The following decree forbids anyone in orders or possessing a benefice from attending bullfights.[604] This decree is entirely unique to Spain. While Trent had mandated that profane and secular aspects of music and feast days were to be separated from church proceedings, the inclusion of bullfighting has no precedent in the Tridentine decrees, although Pius V would ban it on 1 November 1567.[605] While clerics were forbidden from attending bullfights, they were also required to curb any public association of these events with church festivals and holidays. Bullfights were furthermore prohibited during celebrations such as Corpus Christi, feast days of the Virgin, and other saint's days.[606]

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[601] Council of Trent, Session 25, "On Regulars and Nuns," Chapter 5.

[602] Fernández Collado, *El Concilio Provincial*, 192.

[603] Ángela Atienza López, "Las grietas de la clausura tridentina. Polémicas y limitaciones de las políticas de encerramiento de las monjas... Todavía con Felipe IV," *Hispania: Revista Española de Historia* 74/248 (2014).

[604] Fernández Collado, *El Concilio Provincial*, 193.

[605] Pius V, *Bulla s.d.n. Pij Pape V Super Prohibitione Agitationis Taurorum & Ferarum, & Annullatione Votorum & Iuramentorum, Super Eisdem pro Tempore Interpositorum*, Bandi e bolle pontificie del XVI secolo, Biblioteca nazionale central, (Rome: Antonio Blado, 1567).

[606] Fernández Collado, *El Concilio Provincial*, 193.

This mimics earlier decrees that banned secular events that in the public eye were associated with ecclesiastical celebrations.

The prelates at Toledo also required that the bishop of every diocese facilitate the establishment of a seminary where possible.[607] Possible exceptions are not listed but some dioceses already had a seminary, and others may not have the wealth to support one on their own, which was accounted for in the Tridentine decrees.[608] According to decree twenty-seven, bishops should also oversee the 'características y condición' of the seminaries, and determine how to fund them. Otherwise, the decree left decisions in the hands of the local bishop.[609] The creation of seminaries was a major concern at Trent; more planning would certainly have been necessary. These last few decrees from the council thus offer further insight into the ways that the Tridentine decrees were modified, changed, or even departed from by the council in Toledo. Local issues are of course implicated throughout the decrees, but in most cases, further action was devolved to the bishops. This suggests that the bishops, when writing to Philip about the poor state of the Church in Toledo, felt that they were unable to address these local issues in the short time the provincial council was meeting. This was not because of the Tridentine decrees but because Toledo as a diocese was in a poor state as a whole.

The final decree from the council states that several witnesses (unnamed, perhaps to protect them from retribution) have come forward to the prelates to describe the failings in the local Church. According to the letters from the bishops to the king, these testimonies dealt with mismanagement of the Church by the Cathedral chapter in the

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[607] Ibid., 194.
[608] Council of Trent, Session 23, "Decree on Reformation," Chapter 18.
[609] Fernández Collado, *El Concilio Provincial*, 194.

absence of the archbishop, and specifically the poor behavior of the ecclesiastical governor. The decree lauds their Christian piety, affirms that the information they had provided justifies further investigation, and suggests they be rewarded for their service.[610] Even at while closing the council, the bishop had written on this matter to the king and excluding names because the information from these witnesses may bring retribution from the ecclesiastical governor, as mentioned in the last chapter.

What has been presented here is only a brief summary of the decrees, in order to make connections with earlier chapters and events; but some broader themes have emerged. The influence of Philip's instructions is obvious throughout the decrees, as has that of Juan de Ávila, whose advice on curbing the excessive behavior of bishops and clergy was reflected in the early sessions. It is also worth noting that the Toledo decrees were much shorter than those drawn up by the council in Granada. On topics over which they had more control than their colleagues in Granada, such as the rules for education and appointments, the prelates in Toledo usually delegated the implementation of reforms to the diocesan bishops to address after the council. However, this did nothing to address the situation in the archdiocese of Toledo, which according to the bishops and the royal minister was in a truly terrible state. In addition, even though the bishops were now required to implement the council's reforms in their own dioceses, they could still absent themselves in order to attend to royal duties, as Philip had insisted, in breach of the Tridentine expectations set out at Sessions six and twenty-three.[611] With most of the council being directly tied to the king whether as his confessor or serving in his royal councils, many of the bishops would not have to directly implement Trent and the

[610] Ibid.

[611] Council of Trent, Session 6, "Decree on Reformation," Chapter 1 & Session 23, "Decree on Reformation," Chapter 1.

provincial decrees, as they simply were not present. Instead the most senior official in the diocese would be responsible for overseeing and implementing policy which would extend past the lifetime of any member of the Church during the provincial council.[612]

The implicit inclusion of the king in so many of the decrees is evident. Just as the king had repeatedly written to the council, the reflection of his opinions is obvious throughout. Despite the unprecedented allowance to discuss topics such as seminaries and the funding of benefices, the decrees seem unexpectedly imprecise on matters of detail. The king's influence is most obviously apparent in respect to the insistence on allowances for absent prelates in order to serve the crown in roles outside their diocese, which was clearly in breach of Tridentine expectations set out in Sessions Six and Twenty-Three.[613] Given that most of the prelates who attended the council had close relations to the king, many of them would not have been directly involved in implementing the Tridentine and their own decrees.

Although the prelates at Toledo had initially promised to address the problems of the local Church, in the end they observed the king's instructions and advice.[614] In line with his wishes, therefore, the council in Toledo engaged in a delicate balancing act, seeking to implement reform and formalize procedure while respecting the king's authority and prerogative in matters that touched on his rights. The story was very different in Granada.

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[612] Council of Trent, Session 24, "Decree on Reformation," Chapters 3, 12,16, &18.
[613] Council of Trent, Session 6, "Decree on Reformation," Chapter 1 & Session 23, "Decree on Reformation," Chapter 1.
[614] See discussion on page 2.

Chapter 8: The Decrees of the Council at Granada

After the suspension of the council in Granada on 4 April 1566, the archbishop sent the draft decrees to the king for approval. The volume that Guerrero was composing, and which Covarrubias had described in his letters to the king, was much larger than Philip may have anticipated. Even in modern printed format, the decrees occupy almost three times the amount of space as the decrees from Toledo. While the latter were grouped under three headings to match the three sessions at which the council had discussed them, Granada's decrees are instead divided into five volumes, following original arrangement of the manuscript. Given the size of this text, I shall here highlight only the key points of the decrees, identifying in particular those that were similar in Granada or Trent or both, and those that were unique to the council in Granada. The critically edited volume of the Granada decrees is divided into five volumes, and these volumes will be the basis of the organization taken in this chapter. [615]

What is most striking is just how thorough the council in Granada was. Throughout the congregations held in Granada, Guerrero and his fellow prelates had constructed in advance a list of the matters they planned for the council to address and had already drafted texts for many of the decrees. Guerrero and the prelates, who continued to refine the decrees after the sessions ceased, determined the final form of the decrees. The significantly longer set of decrees prepared at Granada can be attributed not only to Guerrero's drive – he had had his own list of goals for the council before it opened which he had sent a list to Philip for approval - but also to the work of the smaller meetings, which were reported by Covarrubias in his letters to the king. These meetings

[615] Full text of the decrees from the provincial council in Granada can be found in Ignacio Pérez de Heredia y Valle, *El Concilio Provincial de Granada en 1565 : edición crítica del malogrado concilio del Arzobispo Guerrero*, Publicaciones del Instituto Español de Historia Eclesiástica. Subsidia. 26 (Rome: Iglesia Nacional Española, 1990), 131-470.

discussed the detail of each decree following the discussion in the larger sessions during the final months of the council. This accounts for the extensive and detailed content of some of the decrees. Under Guerrero's leadership, therefore, the council took the opportunity to formalize ecclesiastical practice in the kingdom of Granada in order to make a permanent impact on its religious life. The focus on the established distinctions between Old and New Christians also remained uppermost in Guerrero's mind throughout the council.

The first book begins, as did the decrees from Toledo, with a statement of Catholic doctrine, with similar references to the Holy Trinity and the seven sacraments. However, the decrees from Granada refer also to the seven deadly sins, the three enemies of the spirit, and other key components of the faith such as the Lord's Prayer that were not mentioned by the council in Toledo. While this was standard procedure at all councils, the greater detail was included at Granada because the council was summarizing what should be taught to all Christians in the kingdom. Whereas the decrees from Toledo set out a simple plan for the instruction of the laity in these topics, however the council in Granada included a through plan for educating the Old Christians, children, and New Christians. Sacristans were ordered to teach in the parish churches every Sunday from the published text of the decrees until Easter Sunday 1567; Old Christians should be accompanied by their household staff, if they had any, to learn Catholic doctrine. Considering that the decrees were submitted to the king in April, had they received royal approval, the Church in the province of Granada would have had several months to establish a doctrinal foundation to build upon; the teaching requirement does not appear to have been repeated in the following year. Boys from the age of five to

twelve and girls from five to eight should in addition be instructed by the sacristan 'todos los días de entre semana' on the principles of Catholic doctrine by repetition until they know 'toda la doctrina o a lo menos las quarto oraciones, y los diez mandamientos y cinco de la iglesia, y los quatorce (sic) artículos de la fe, y la confesión general…'.[616] The New Christians of Granada were addressed in a separate section of the decree: they were required to present themselves to their priest three times a year to repeat the listed prayers. Should they forget parts of them, they should be placed in the classes with the children to re-learn what they had forgotten.[617] The decree further directed that men and women above the ages of fourteen and twelve respectively should become familiar with Catholic doctrine within six months of its publication.[618] This was one of the simplest Granada decrees, but it provides a revealing example of how the prelates intended to implement their new programme.

The decrees also include directions for future diocesan synods: which matters should be covered, the form they should take, and who should attend, with added threats of penalties for non-attendance and directions about what should occur if the council had to be suspended. As had been decreed at Toledo, any cleric wishing to leave the archbishopric or the province during these gatherings must secure permission directly from his bishop or another superior. [619]

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[616] Pérez de Heredia y Valle, *El Concilio Provincial*, 133. The council does not identify any catechism specifically for this purpose.
[617] Ibid.
[618] Ibid., 135.
[619] Ibid., 141.

Both councils set down the requirements for orders and the tonsure. Guerrero had received the same letter sent to Toledo from Juan de Ávila.[620] However, the decrees from the council in Granada go into more detail than those from Toledo. While both councils agreed that the tonsure should be given only to boys who had proved their knowledge of Latin, 'romance' (meaning Spanish), and Christian doctrine, the council at Granada also stipulated that boys receiving their first tonsure should be between the ages of seven and eight and should have no 'defecto' which would impede their progress to orders.[621] Unfortunately, these 'defects' where not specified, and could be something like illegitimate birth. The Granada decrees also list the Tridentine educational requirements (that were scattered through the decrees from Toledo), which set down minimum ages for positions throughout the Church and key skills required for each one. For example, those wishing to be deacons performing specific actions during the Mass were required to have good grammar, to be able to sing, and to be over the age of twenty-two. Each of these requirements was linked explicitly with the Tridentine decree to which it corresponded. The list is however extensive, and goes well beyond the points included in by the council in Toledo, and includes information about how those who wish to progress up the church hierarchy should be examined. Any candidate found after examination to lack sufficient education was to be prevented from ordination.

The following section of the council's decrees is however unique to Granada: all benefices in the province are said to belong to the king by right of his *patronato*, and that he therefore appoints to those positions, to the 'dignidades, canongías, y raciones desta nuestra sancta iglesia metropolitana y de las demás catedrales de esta provincial y la

620 Ávila, *Obras Completas*, 6: 324-329.
621 Pérez de Heredia y Valle, *El Concilio Provincial*, 142.

capellanes mayor y capellanías de la capilla Real desta cuidad y el Abadía', and to a list of other positions throughout the kingdom of Granada.[622] The decrees enumerate the qualities that candidates for these roles should have and target in particular beneficed positions within the cathedral chapter such as dean or archpriest. Instead of the short note that requires no more than a degree in theology or canon law, as at Toledo, the Granada decrees details the minimum age and education requirements for each again referencing the Tridentine expectations in each case; members of cathedral chapters must be 'at least to the twenty-fifth year of his age, and, having been exercised for some time in the clerical order, is recommended by the learning necessary for the discharge of his office, and by integrity of morals'.[623]

The decrees include a short section on the sacraments of confirmation and extreme unction, outlining when they should be administered and by whom. They also require that records of those who have received the sacraments, including baptism and confirmation, should be kept as prescribed by Trent. The ruling on extreme unction for example echoes the regulations in Trent's decree on that sacrament, which sets down the regulations on the circumstances when priests should administer it.[624]

The next section dictated the behavior of the clergy. As in the decrees from Toledo, the clergy were forbidden to attend the baptism of their own children.[625] The council also included illegitimate nieces and nephews in this ruling, often a ruse to

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[622] Ibid., 151.

[623] Council of Trent, Session 24, "Decrees on Reformation," Chapter 12. Other Tridentine decrees from referenced in this section come from the Session 22, "Decrees on Reformation" and Session 25, "Decrees on Reformation," and are almost verbatim inclusions of the regulations set down by Trent.

[624] Council of Trent, Session 14, "On the Sacrament of Extreme Unction." This list was to be viewed by the bishop during his visitations, again as was decreed by the council in Toledo. Special mention is made of the New Christians of Granada in relation to extreme unction, insisting that they should receive this sacrament as well.

[625] Pérez de Heredia y Valle, *El Concilio Provincial*, 159.

disguise illegitimate children. Foreign clergy, or those from countries outside the king's other possessions, should not be allowed to celebrate the sacraments or perform any office in any ecclesiastical ceremony or building without the express permission of the local bishop.[626] Their presence in a diocese also had to be approved by a bishop, and time restrictions were placed on their stay. Their presence was also to be recorded so that higher church officials could track their movements if needed. This perceived problem was also addressed in Toledo: Philip was wary of allowing clergy from outside Spain into his kingdoms, and he had recalled Spanish scholars from universities outside his Iberian territories. He certainly preferred clergy educated in Spanish universities as foreign influences could lead to heresy and Protestantism. While this was a common theme in both provincial councils, it is actually reflecting the larger situation in Spain in general.

The Granada decrees on bishops are also very similar to those from Toledo. They set down rules governing their duties to his church and his province, including making a visitation once every three years (as required in Toledo). The requirement for episcopal residence is also similar, and allows for some bishops not to reside in their sees, though the Granada decrees allow only Rome and the metropolitan to grant licenses for absence in the case of 'urgente necesidad o euidente utilidad de la iglesia o republica o por obediencia o Cristiana caridad…', and it makes no reference to the State or the king and thus (in contrast to Toledo) limits the power to the clerical hierarchy only. [627] Moreover, this license to be absent can be granted only for two to three months, and the metropolitan should report to the pope should there be any absences of greater length. As might be expected of Guerrero, it also states that no bishop should take up a role that

[626] Ibid. 161.
[627] Ibid., 163.

necessitates his extended absence or impedes his residence.[628] This was clearly aimed at prelates who held positions of power in the king's household or in his councils, although the bishop of Almería had served as a confessor to the king on his journey to England to marry Mary Tudor. The decrees also include regulations for a bishop's household to curb excessive spending and wealth, echoing Ávila's letter sent to Guerrero before the council opened.[629]

The next few sections on the requirements for the office of bishop are very similar to the decrees of the council in Toledo and are taken directly from Trent. The Granada decrees state a preference for a personal visitation the diocese once a year, but at least once every two years, as well as monthly visitations to prisons. At times the decrees in Granada are more thorough than those from Trent. For example, they provide more detail about educational and residence requirements than the relatively superficial descriptions provided at Trent, and almost offer a manual delineating how the bishops should behave. While other positions are included it is always in relation to how a prelate should interact with them. For example, when appointing clergy, the bishops were required to appoint men of letters and to ensure that they reside in their parishes.[630] Similarly, the regulations about the bishop's lifestyle prohibit the use of silver when serving meals and moderate the cost of servant's clothing.

The decrees then address other offices in the church hierarchy. Archpriests for example should have reached adulthood, and be humble and honest. Priests appointed to this position should have sufficient experience before accepting it, having at least a year's

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[628] Ibid., 164,

[629] See Chapter 1, p. 29.

[630] Pérez de Heredia y Valle, *El Concilio Provincial*, 169.

experience, and be an effective administrator.[631] Appointments to other positions such as ecclesiastical judges and provisors had to meet similar rules. Holders of lower offices are also required to reside, to have reached the necessary age, and ordered to live honestly and humbly. On each occasion that the council sought to codify a Tridentine decree, it is referenced in the Granada text.

One of the most interesting elements in this volume are the references to New Christians. For example, one decree states that 'fiscales y alguaziles' - meaning prosecutors and officers of an ecclesiastical court - should not use force of violence if they find it necessary to detain a New Christian.[632] Later it is stated that only Old Christians are suitable to serve as notaries of 'nuestra audiencia' meaning the ecclesiastical courts, whose responsibility it was to take testimony during trials and keep records of court proceedings.[633] These two entries suggest two things: first that force was on occasion used against New Christians which might otherwise not be used against Old Christians, and second, that there was still a clear division between the two groups, though whether that was due to a difference in education or just prejudice remains unclear. Another striking decree about the ecclesiastical courts was the decree mandating that an interpreter of the Arabic language be appointed and stipulates that appointment of a person from an Old Christian background is preferred, a New Christian with good reputation could hold the position.[634] This allowance for defendants in ecclesiastical courts who did not speak Spanish, illustrates that the archbishop and other prelates at the council were familiar with the realities of living in the kingdom of Granada. The

[631] Ibid., 172.
[632] Ibid., 192.
[633] Ibid., 193.
[634] Ibid., 206.

remainder of the first book, continues with the themes of positions and responsibilities for several more pages. In this way, the end of the first volume of decrees thus reads like a manual for ecclesiastical offices. The duties of positions that may have received only one decree at Toledo could be given several pages of instruction at Granada.

Book two lists matters that should not be left to secular courts. The council prohibited clerics from denouncing other clergy to the secular authorities, or involving themselves in cases against fellow church officials in secular courts. On topics where the Tridentine decrees were relevant, such as the use of clerical status to escape secular justice, the council cited Trent's rulings.[635] The provincial council was keen to delineate the role of their ecclesiastical courts as much as possible because the situation in Granada was very complicated, as the king's rights blurred the usual distinction between these two spheres.

A number of decrees focus on church festivals.[636] The dates listed include the standard feasts such as Christmas as well as several individual saints days for the various apostles. The list even includes church holidays, which varied from year to year such as and Easter, and Passover. While the days in questions would not have been unique to Granada, the reason that these particular days were specified was because the laity would have also had a variety of local figures, which they celebrated as saints that were not recognized by the universal Church. As part of the reform program and the inclusion of this list, the prelates were correcting the incorrect or local beliefs of the laity. Just as in Toledo, the council at Granada outlawed common lay practices and devotions they

[635] Council of Trent, Session 23, "Decrees on Reformation, "Chapter Four that forbids granting the tonsure to anyone not continuing into a career in the Church and were using it only to withdraw from secular jurisdiction.
[636] Pérez de Heredia y Valle, *El Concilio Provincial*, 228.

thought profaned the religious nature of the events, such as drinking, night sermons, processions and also *velas* or night vigils.[637] In both cities, the nightly observances of local customs had been profaned to the point that both councils sought to stop them. This was of a similar vein as the local saints mentions earlier. The proper veneration of saints and their invocation was obviously a key part of reforming the beliefs of the laity. While many of the decrees would focus on correcting abuses in the clergy and the Church as a whole, these decrees about local practice, although limited reveal a small part of actual worship practices of the people the prelates were seeking to teach and serve. While the Toledo decrees touched only briefly on festivals, the council at Granada was much more thorough - probably not because the situation was worse in Granada but merely because Guerrero's approach was more conscientious.

The next decrees deal with the ecclesiastical *audiencias* in the kingdom of Granada. They set out who should be present, and rules for their procedures. For example, they outlaw carrying arms in the courts, and enable the nomination of representatives for the poor.[638] This topic occupies a majority of the second book.

The prelate's view of the importance of the ecclesiastical courts, and their roles in the correction of abuse, is reflected in the length of these decrees, which serve as a code of conduct. The depth in which they were discussed illustrates just how important the prelates in Granada considered the role of ecclesiastical courts in the correction of abuses. There are rulings about testimony procedures, civil cases involving the clergy, the consideration of evidence, time limits for petitions to be submitted, and the punishment of members of the ecclesiastical hierarchy. The courts were responsible for policing the

[637] Ibid., 229.
[638] Ibid., 230-231.

actions of the clergy and implementing punishments where necessary. This detail is not surprising, given Guerrero's focus on correcting abuses within the Church. The ecclesiastical courts were the main tool for punishing crimes among the clergy. In these decrees, they set precedent for how to take testimony from witnesses, judges to consider the evidence in private, and even including a time limit of nine days for petitions to be submitted.

The third volume of decrees focuses on the role and behavior of benefice holders, such as priests in parish churches, rectors, and vicars. The first decrees focus exclusively on the parish priest, who was obliged to present himself to his bishop or procurator during episcopal visitations to discuss the problems in his church, and what was being done to remedy them.[639] The parish clergy were the first to encounter local problems, and served a key role protecting the Catholic faith. They were required to present themselves only once during each visitation, though they had the opportunity to approach the bishop more often if the problems continued.[640] The decrees also required a bishop or an appropriate substitute to examine priests, who wished to take up a parish benefice.[641] This assessment should cover matters such as doctrine and the administration of the sacraments; they should know how to celebrate the sacraments with precision and ceremony. They should be at least thirty years old, exemplify good customs, and provide an example of Christian behavior; if they did not, the bishop should take action against them, although no specific response is recommended.[642] At the local level, the parish clergy were embedded in their communities and at times therefore they had to navigate

[639] Ibid., 254.
[640] Ibid.
[641] Ibid., 255.
[642] Ibid.

the mingling of religion and local custom. As studies have shown, cases of clerical misbehavior was often directly linked to this conflict between the local lay version of Christianity and the one being requested by this decree. [643]

The most important role of the parish priest according to the prelates at the council was the administration of the sacraments.[644] Here, the Granadine decrees follow a similar approach to that of the council in Toledo; however, parish priests set out plans to ensure that the laity of Granada received adequate instruction and that the sacraments were administered correctly. In book one of the decrees, the council had detailed when confirmation and extreme unction should be given, and required a record of baptism and confirmation to be maintained, as was decreed at Trent. However, the prelates in Granada went into further detail. Should a priest not have the appropriate vestments for administering the sacraments of baptism, confirmation, and extreme unction, for instance, he should be fined one *real* a day. [645] Other financial penalties applied for clergy who delegated their duties to others without the express written permission of the bishop or relevant superior; offenders would be fined four *ducados* while the substitute who performed the sacrament was fined two *ducados*.

This section also includes many rules for the clergy who worked with New Christians. Parish priests had a responsibility to provide them with adequate teaching and instruction. Priests and other benefice holders were instructed not give sacraments to New Christians who lacked an understanding of doctrine, the Mass, and confession.[646] The parish clergy were also responsible for ensuring that New Christians attended Mass

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643 Amanda Lynn Scott, "The Wayward Priest of Atondo: Violence, Vocation, and Religious Reform in a Navarrese Parish" (master's thesis, The college of William and Mary, 2010), 7.
644 Pérez de Heredia y Valle, *El Concilio Provincial*, 255.
645 Ibid.
646 Ibid., 256.

and remained until the end; they should note if anyone left early and discuss it with them. Any New Christian who repeatedly left early should be punished, though without a public denunciation or excommunication.[647] Unsurprisingly, the parish priests were thus responsible for guiding New Christians more than anyone else and references to this section of the populace are laced throughout the decrees on the behavior and role of the clergy. On the other hand, the council expected parish priests to protect New Christians from: 'los cristianos viejos o mudéjares ouiere algunos rebeldes y de mal ejemplo en no venir a missa'.[648] Other problematic groups are mentioned in the decrees, such as dishonest women and people who dealt in illegal trades, and these decrees are more detailed than those from Toledo. However, in Granada the topic which received the most space for parish clergy was once again that of New Christians. There is also a lengthy description of when public sermons should be given and which topics should be addressed. Parish priests were required to preach in public throughout Lent and on other holidays, including the feast days of St. Peter and St. Paul, on the principles of the faith and on the sacraments, in line with the Tridentine decrees.[649] The decrees here specifically reference New Christians as needing special treatment.

A large number of decrees in this section dedicated to the role of the parish priest refer to the New Christians. Priests must also visit New Christians two or three times when they are close to death in order to confess them and New Christians must be watched by an Old Christian in their last moments to ensure that no Moorish customs are observed before or after they die, such as ritualistic bathing of the body, shrouding in

[647] Ibid., 257.
[648] Ibid., 259.
[649] Council of Trent, Session 5, Chapter 2 & Session 24 "Decree on Reformation," Chapter 7.

white cloth, and Islamic prayers, though it is uncertain to what extent New Christians retained these customs. [650] In addition, they should not speak Arabic, dress in Moorish fashion, or fail to attend Mass for which they should be fined of up to four *reales*. There were also rules for the interactions between Old Christians and anything with connotations of Islam. There were strict regulations against any Old Christian of twenty years old or younger living with a New Christian, even as a servant role. They were also forbidden from 'comprar moro cautivo para si ni rescatarle, si no se torne cristiano, ni le tenga consigo aunque este cristiano, sino le ponga aun soldada con cristiano viejo…'[651] In theory these regulations would prevent Moriscos, especially those who had only recently converted, from having a bad influence on the young. Having priests control the secular lives of the New Christians seemed to blur the lines between secular and religious jurisdictions, and created potential conflict with the king. Not only did these decrees tread on the royal rights by discussing the conversion of the Moorish population of Granada for which the king was responsible under the *patronato*, they also seemed to extend ecclesiastical authority over aspects of New Christians' lives beyond matters of church attendance and education. It should be no surprise that Philip rejected the council's attempts to manage the secular life of they laity.

Further decrees about the role of parish priest required them to maintain a list of those receiving the sacraments, just as in Toledo. However, this list would be crucial for ensuring that New Christians were receiving the sacraments and doing what was necessary to remain good Christians. While this was a standard requirement in visitations in both Toledo and Granada, keeping a list of those receiving the sacraments would have

[650] Pérez de Heredia y Valle, *El Concilio Provincial,* 262.
[651] Ibid., 263. *Moro cautivos* were in fact a type of slave.

been a vital tool for the parish priests attempting to teach New Christians on doctrine and participating, which is why it was mentioned again for the clergy at the local level as part of their duty. In addition, the council also repeated the order that foreign clergy were forbidden from preaching without a license. Foreign clergy in this context referred to those men from outside the Spanish monarch's territories. Guerrero did not reject the assistance of all outsiders, however, and in April 1565 requested Francisco de Borgia, who became General of the Society of Jesus the following July, to send more Jesuits to minister to New Christians of Granada, just months before the council opened. [652] Once again, this was to prevent heresy or unauthorized doctrine from being spread in the province although Guerrero may have been willing to compromise depending on where the person came from or what organization they represented.

The next three sections of the decrees outline the role of three types of benefice holders: vicars, sacristans, and 'mayordomo de fabricó'. There is a clear similarity between these decrees and those from Toledo. They outline the duties and requirements of each position, but the decrees from Granada are as usual more thorough and detailed than those from Toledo, and more than the Tridentine decrees as well. They state for example that benefice holders must wear clean clothing, and that any clothing or cloth that touches the altar should be regularly cleaned: '…los lauen ellos por sus propias manos y hechen el agua con que los lauaren en la pila del baptismo'.[653] The first decree on sacristans lists the four main duties of the office (cleaning the church, covering the

[652] Juan de Borja Y Enríquez, Cecilio Gómez Rodeles, and Enrique García Hernán, eds. *Sanctus Franciscus Borgia : quartus Gandiae dux et Societatis Jesu praepositus generalis tertius*, vol. 3 Monumenta Historica Societatis Iesu 156 (Madrid: A. Avrial, 1894), Doc 284.
[653] Pérez de Heredia y Valle, *El Concilio Provincial*, 273.

altars, opening the church, and looking after New Christians).[654] Non-Christians and new converts are mentioned too, as the sacristan was responsible for preventing the maltreatment of New Christians and keeping them from interacting with bad influences and non-Christians.[655] The *mayordomo* was responsible for ecclesiastical finances, rents, and expenditures of the diocese, and the decrees set down how candidates for the post were to be selected. At the end of the year, they were to give a full report on how much income the church had received and how it was distributed. This once again is in line with Trent, which included a short decree, which ordered this yearly report to a Bishop or Ordinary and as always, the Tridentine decree is referenced in the text.[656] The following decrees place various requirements on the *mayordomo* in addition to his annual statement to the bishops.

Further decrees detail how priests should be dressed and how they should behave. In Toledo, the provincial council mandated that the tonsure was only for those who planned to continue at least to minor orders to prevent men from falsely claiming clerical privilege, but Granada went further in implementing Juan de Ávila's rules on humble living. Clerics are required to wear only simple clothing with no adornments and in colors appropriate to their station 'que no ofenda a los ojos…'[657] Here the two provincial councils seemed to be in agreement, possibly reflecting Ávila's advice; but the council in Granada was more thorough. Both agreed that clerics should not sing profane songs or partake in practices that would discredit the Church; the council at Granada also

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654 Ibid., 274.
655 Ibid., 277.
656 Council of Trent, Session 22, "Decree on Reformation," Chapter 9.
657 Pérez de Heredia y Valle, *El Concilio Provincial*, 288.

specifically prohibited them from gambling, playing with balls, or visiting taverns to eat or drink. [658]

One of the most striking decrees however is a long statement on the residence requirements for benefice holders meaning any person with a benefice from parish priests to more senior figures in the ecclesiastical hierarchy, given that the council in Granada was not supposed to discuss the topic. This tract is generally similar to the decrees from Toledo, but there is one noticeable difference: the council in Granada does not make allowances for service to the king. Instead, it requires all members of the church hierarchy to remain in their diocese or parish for nine months in each year: 'Ítem mandamos que las dignidades, canónigos, y racioneros deste nuestra iglesia metropolitana y las demás catedrales y colegiales deste Arçobispado y provincial sean obligados a residir en ellas nueue meses cada un año continuos….'[659] This nine month residence would have been standard for all church officials and did not vary. This was probably a concession by Guerrero to allow for time away for education for lower members of the church hierarchy such as cathedral chapter members. His support for episcopal residence had been very public in the last session at Trent, and this decree may have been an attempt to improve residence in his own province without sparking conflict with the king. However, the failure to allow explicitly for any absence on royal service is very noticeable in comparison to the decrees in Toledo.

The next portion of the decrees deals with church finances. Several other positions are discussed, including a 'contador, un tesorero de Iglesias, un veador general de las obras de ellas, mayordomo e un escrivano de contaduría e oficial de ella' in the

[658] Ibid., 291. There are also the usual decrees about not residing with women, which Toledo also included.
[659] Ibid., 296.

province.[660] The majority of these appointments will be responsible for creating and maintaining records of church spending, debts, and the distribution of church funds. They must all be good Christians, although they do not explicitly state that Old Christians should be appointed, as had been the case for notaries in ecclesiastical courts.[661] On the 'renta' or income of the church, the decrees provide a full schedule, dictating the types of incomes that should be received, when, and what it could be spent on.[662] The council clearly hoped to formalize and improve how the church functioned.

Decrees on funerary duties and wills and testaments follow. New Christians must have a priest and an Old Christian present when preparing their wills, and that contrary to older customs, all Christians, whether New or Old, must be buried in the traditions of the Catholic Church. While the reasoning is not given explicitly, this rule was intended to prevent any non-Christian customs from being observed during burials and to reduce the perceived differences between the two communities. The council also required everyone in the province to pay the *diezmo*, despite the earlier customs of the kingdom. This ruling probably relates to two factors: first, the king technically received the *diezmos*, and second, New Christians had traditionally paid more than Old Christians, as evident in the list of earlier practices included in the decree.[663] If a father and son are Old Christians, both married and living in the same house, they pay tithes to the Church only once. If the father and son in question are New Christians, however, they both pay but the son pays only a third as much as his father. [664]

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[660] Ibid., 301.
[661] Ibid., 311. See p. 8.
[662] Ibid., 334-336.
[663] Ibid., 349.
[664] Ibid., 357.

Following these decrees, there are sections that refer to the religious orders and the behavior in the cathedral space known as the choir, but the rulings from Granada again surpass its sister council both in length and detail. This is to be expected because the decrees were to be consulted for many years to come as a reference and guide and on this, the provincial council in Granada wanted to provide the most through and detail account for its future clerics. There is no mention of the New Christians in the decrees on religious orders. Whether this was because New Christians were not being allowed into orders, as was the case with *conversos* in Castile, or if this was not a critical issue given that the Jesuits at least did accept some Moriscos, is difficult to assess.[665] The decrees however outline similar roles for positions within a choir and the duties of monastic life; both ban profane practices including singing and dancing, and continue the policy of creating a division between the secular world and the Church.

The inclusion of references to baptism gives further cause to discuss New Christians. While they were allowed only given eight days to baptize their children after birth, Old Christians were allowed until the thirteenth day to bring their child for baptism without punishment including a fine of four *ducados*.[666] Moreover, if an adult *infiel* should want to convert and be baptized, the express permission of the bishop was needed.[667] He or she would then be instructed in the Catholic faith; a beneficed priest or a sacristan should be present to ensure that the sacrament was administered correctly. New

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[665] See Guillermo Nieva Ocampo, "Frailes revoltosos: corrección y disciplinamiento social de los dominicos de Castilla en la primera mitad del siglo XVI," *Hispania: Revista Española de Historia* 71, no. 237 (2011) & Robert A. Maryks, *The Jesuit Order as a synagogue of Jews: Jesuits of Jewish ancestry and purity-of-blood laws in the early Society of Jesus* (Boston: Brill, 2010).

[666] Pérez de Heredia y Valle, *El Concilio Provincial*, 389.

[667] Ibid., 391.

Christians could not give their children Moorish names at their baptism.[668] Here however the decree referenced the 1526 decree from Charles V discussed in chapter 5.[669] The council also prohibited the circumcision of New Christian boys, referencing the same royal decree of 1526, and several of its own decrees relate to the first days of life after the birth of a child.[670] The decrees state explicitly that any Moorish practices were not allowed surrounding the birth of a child, and endorsed the previous ban on anything deemed Islamic rituals.

The decrees also detailed what actions should accompany receiving the Eucharist. The priest should give the sacrament only if the communicant had made a full confession, and that the materials of the sacrament were the consecrated body and blood of Christ. Once again the decrees are clearly identifying Christian doctrine, which should be understood by anyone receiving the sacrament. New Christians must be given the Eucharist in the same manner as Old Christians. Further decrees list the Church's feast days and how they should be celebrated, banning any activities, revelry, or drunkenness that might profane them. One of the topics addressed in the decrees is the use of relics and imagery by the Church. Priests and bishops must carefully supervise the use of relics and sacred images; and bishops must verify claims of miracles and there should be no improper use of relics or images according to the Tridentine decrees.[671]

The last three sections of this volume tread a fine line between the Church's authority and that of the state. The first was the erection of church buildings where 'los

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668 Ibid., 392.
669 See Chapter 5 p. 9.
670 Pérez de Heredia y Valle, *El Concilio Provincial*, 393.
671 Ibid., 398-399 & Council of Trent, Session 25, "On the Invocation, Veneration, and Relics, of Saints, and on Sacred Images."

fieles se juntan a oír la palabra de Dios nuestra señor…'[672] The council here adhered closely to Philip's instructions to lay out a basic plan to ensure that current structures were maintained and that new churches were carefully built and cared for. On this occasion, the council at Granada observed Philip's guidance. The other two sections focus on clerical immunity and the role of *maestros* in trades that dealt with the Church. The first extends the earlier discussion on the tonsure to ensure that clerical immunity was not used improperly, declaring that secular and ecclesiastical officials should work together in cases involving the clergy.[673] In general, the council referenced the Tridentine decrees on clerical immunity, and urged secular rulers to allow the Church to punish its own.[674] However, the council did allow for that immunity to be removed in cases involving the most serious crimes, such as murder.[675] However, in general the council references the Tridentine decrees that maintained clerical immunity and urged secular rulers to allow the Church immunity and the right to punish their own. This question attracted less attention at Granada than at Toledo though it is difficult to determine the reason. The final section of this volume refers to the laws and constitutions of the Church and the council. Printers are forbidden from printing bibles and other church texts without a license, referencing Session four from Trent, which mandates this.[676] Schoolmasters must teach classes on Christian doctrine, new regulation issued by the council and not drawn from the Tridentine decrees. These last few decrees complete the council's programme for education and religious control in the province.

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[672] Pérez de Heredia y Valle, *El Concilio Provincial*, 406.
[673] See p. 3.
[674] Council of Trent, Session 25, "Decree on Reformation," Chapter 20.
[675] Pérez de Heredia y Valle, *El Concilio Provincial*, 417.
[676] Council of Trent, Session 4, "Decree Concerning the Edition and the Use of, the Sacred Books."

The fourth volume of documents – the shortest - consists of only two sections, both dealing with marriage. The decrees identify marriage as the seventh sacrament: it is 'sustentar el linaje humano con la generación corporal…'[677] While it is necessary for 'la Republica', it is not necessary for every person.[678] It should be celebrated in the presence of a priest and attended by two to three witnesses. Anyone failing to observe this rule, as declared at Trent would face excommunication and financial penalties.[679] The decrees also include regulations for the celebrations that frequently accompanied the sacrament: profane festivities that cause a commotion throughout the night with dancing and games were prohibited because of the sacred nature of the sacrament.[680] Further limitations were placed on New Christians who should omit the use of the veil in the ceremony if both parties were not dressed in the Castilian (rather than the Moorish) fashion; nor could they be married unless they had been examined on aspects of Catholic doctrine.[681] This would have happened in marriages between an Old and a New Christians as well, in order to ensure the New Christian did not tempt their Old Christian spouse to convert to Islam. Such marriages were less frequent in Granada than in Castile, and even there, Old Christians tended to favor New Christians from more noble backgrounds. [682]

In every marriage, both potential spouses need to consent, and neither should be forced to marry. No financial promises should be made in connection with a marriage proposal, and the spouses should not have sexual relations before the marriage

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677 Pérez de Heredia y Valle, *El Concilio Provincial*, 424.
678 Ibid.
679 Ibid., 425. & Council of Trent, Session 24, "Decree on the Reformation of Marriage."
680 Pérez de Heredia y Valle, *El Concilio Provincial*,. 427.
681 Ibid., 428.
682 Max Deardorff, "The Ties that Bind," *Journal of Family History* 42, no. 3 (July 2017): 255 &256.

ceremony.[683] These decrees recall the councils' earlier letters about clandestine marriages, though they could of course occur between couples who consented as well.[684] The concern was that the man might take her dowry or money from the family and leave a woman before marrying her. The Tridentine decrees required couples were to publish their intent to marry on three consecutive Sundays, to receive a blessing from a priest in front of at least two witnesses, and to register their marriage in writing at the parish church.[685] The couple nonetheless were considered sacramentally married even if no priest or witnesses had been present, but those that were contracted in public would be legally binding as well.[686]

The council also decreed that New Christians should follow the precedent of Old Christian families and not observe any Moorish traditions in marriage ceremonies, although none are listed in the decree. According to the Tridentine decree, 'the bridegroom and bride not to live together in the same house until they have received the sacerdotal benediction, which is to be given in the church', which meant that before the couple could live together, they needed to present themselves to a priest, which in Granada would be modified with a few more requirements for New Christians.[687] The priest should ensure that they are familiar at the very least with the four prayers and the Ten Commandments before the ceremony. In addition, if a New Christian wished to leave his wife for an their extended absence, he required a letter from an ecclesiastical judge certifying just cause, and the wife must be allowed to protest. This last requirement

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683 Pérez de Heredia y Valle, *El Concilio Provincial*, 428.

684 See Chapter 1, p. 35 & Chapter 2, p. 7.

685 Council of Trent, Session 24, "Decree on the Reformation of Marriage," Chapter 1.

686 J. Sperling, "Marriage at the Time of the Council of Trent (1560-70): Clandestine Marriages, Kinship Prohibitions, and Dowry Exchange in European Comparison," *Journal of Early Modern History* 8, no. 1 (2004): 79.

687 Council of Trent, Session 24, "Decree on the Reformation of Marriage," Chapter 1.

was extended to Old Christians as well, though New Christians could be penalized further with imprisonment and higher monetary fines depending on whom they approached. The New Christians of Granada had to prove their Christianity even to get married. The rules put in place in these decrees fall into three categories: first a priest should celebrate the marriage; second, no Moorish customs or beliefs should taint the sacrament; and third, both parties must acknowledge and attend the sacrament willingly.

The second set of decrees in this volume focus on the impediments to marriage as prescribed in Trent, such as relationship of blood, membership of religious orders, and ordination to the priesthood.[688] Dispensations could be arranged to circumvent the rules on incest, as monarchs did regularly. The regulations forbidding marriage by clergy are unsurprising seeing as these seem to be universal in the Catholic Church despite the actions of reformed clergy beyond Spain's borders. Any member of the clergy found to be married or seeking marriage was subject to a fine of three thousand *maravedis*.[689] This decree reflects the provincial council's local concerns, about which they had written to the pope early in its proceedings.[690] The council had also persuaded the king to write to the pope in the matter. The decrees also include a restriction on any *extranjero* wishing to marry within the province, setting some regulations to be followed before any license could be granted.[691] No explanation of who qualified as a 'foreigner' in this decree is offered. In order to marry within Granada, the regulations stipulated that a ten-year history of the petitioner should be gathered to ensure that he or she was actually free to

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[688] Pérez de Heredia y Valle, *El Concilio Provincial*, 432 & Council of Trent, Session 24, "Decree on Reformation, Chapters 2-5.
[689] Pérez de Heredia y Valle, *El Concilio Provincial*, 432.
[690] See Chapter 2, p. 33
[691] Pérez de Heredia y Valle, *El Concilio Provincial*, 432.

marry and details of their personal history.[692] The decree is not clear on how the investigation is to be conducted. Anybody who presented impediments for a legitimate marriage, knowing they were false out of ill will towards the potential spouses must pay 'un marco de plata y si fueren pobres hagan penitencia publica'.[693] That being said these impediments listed in the decrees only echo those decreed at Trent and as such, many include references for their corresponding Tridentine decrees.[694]

The main decrees on marriage therefore focus above all on clandestine marriages and the prohibition on clerical marriage. Clandestine marriages had been discussed at Trent, so it was to be expected that provincial councils would include it when implementing the Tridentine decisions at the local level. Philip II had also actively lobbied for decrees that mandated parental consent for marriages.[695] The decrees from Trent and the provincial councils at Toledo and Granada all represented a compromise, which did not ban clandestine marriages, but required parental support.[696] The question of clerical marriage has also arisen in the first months of the provincial councils and the prelates in Granada were especially keen to voice their concern. In the Granada decrees however, the inclusion of added regulations for New Christians illustrates another element in the debate, reinforcing the importance of Catholic orthodoxy seeking to prevent further cultural exchange between Islam and Christianity in the province.

The final volume of decrees focuses on episcopal visitations, though most deal with the behaviors that needed correction as well as the process of the visitation itself.

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692 Ibid., 432-433,

693 Ibid., 433.

694 Council of Trent, Session 24, "Decree on the Reformation of Marriage."

695 Sperling, "Marriage at the Time of the Council of Trent," 73.

696 C. Christensen-Nugues, "Parental Authority and Freedom of Choice: The Debate on Clandestinity and Parental Consent at the Council of Trent (1545-63)," *Sixteenth Century Journal* 45, no. 1 (2014): 52.

The first decree states that visitations were sanctioned by scripture and the sacred canons, and were necessary to understand what was occurring in the diocese and to correct and punish any faults identified so that the province was uniform in its belief and its adherence to the Catholic faith. Archbishops and bishops were therefore to visit their dioceses at least once every year in person, or, if they were legitimately impeded, to appoint an appropriate substitute, although the decrees did not include who this might be. Guerrero probably believed a list of acceptable substitutes was unnecessary because the bishops at the council in Granada would normally perform their visitations in person, and they would in any case oversee the selection of an appropriate replacement. These decrees align with those from Toledo, but provide more detail. They instruct prelates to inspect the churches, ensuring they are clean and suitably adorned.[697] They list the questions the bishop needed to ask (and then record the answers) with regard to financial matters such as church incomes; he should visit all other religious institutions, such as hospitals confraternities, hermitages, and monastic or religious houses within his diocese.

During a visitation, a bishop was required to collect information on the religious life of the clergy and to assist them should they have questions concerning their duties. The records of those who had received the sacraments, as decreed by Trent and by the provincial council, should be reviewed.[698] He should also examine all clerics including officials, throughout the diocese to ensure that they had not committed any crimes such as fraud, usury, or blasphemy while in office.[699] The bishop's most important task was to investigate whether the local churches were acting on the Tridentine and provincial

[697] Pérez de Heredia y Valle, *El Concilio Provincial*, 435.
[698] Ibid., 440.
[699] Ibid., 441.

council decrees. New Christians should be questioned to ensure they were not being unfairly punished and that their parish priests and sacristans were teaching them the elements of Catholic doctrine.[700] The council in Toledo did not include any similar ruling. Granada also required a review of all:

> 'los juezes y officiales de los passados, que son los provisores juezes de apellaciones, vistadores, vicarios, fiscales, algaziles, notarias de la audiencia eclesiástica, receptors, procuradores, nuncios, lenguas, alcaydes de cárcel, contadores escríuanos de rentas, solicitadores, tesoreros de iglesia, veedores de obras mayordomos o officiales por nos puesto…' [701]

This was to occur during the visitation and in secret, to ensure that they are all fulfilling the duties. Cathedral chapters were to be subjected to the same investigations. The chapters in Castile and Granada had initially resisted this proposal, and it would cause conflict in the years after the council in Granada as in Toledo; the chapter in Granada sued the archbishop, and the Toledo chapter appealed to the papacy.[702] Again the Granada decree was more thorough, listing positions to be examined and handing jurisdiction to the visiting bishop. Any criminal accusations against the clergy made as a result of the visitation should be approached with decency and secrecy, in part to protect the Church's image to the laity. [703]

The next few decrees focus on specific abuses. The first was the practice of making false statements or slander. Should false statements be made against a cleric in court, the accuser should receive the same punishment as the accused would have

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[700] Ibid., 442.
[701] Ibid., 446.
[702] See Chapter 4, p. 6.
[703] Pérez de Heredia y Valle, *El Concilio Provincial*, 447.

received had he been convicted.[704] When the parties concerned are both members of the clergy, the accuser may forfeit some of his income as well as paying the fines and penalties of the accused as determined by the judge in the case. The decrees also require that no priest, and by extension bishops as well, should accept payment of any sort for administering the sacraments or appointing to church offices nor take payment before or after burials. The sale of church ornaments and items used in the sacraments to lay people should be punished by excommunication.[705] Further decrees condemn usury and blasphemy by both ecclesiastic and secular persons, though blasphemy was subject to the jurisdiction of the Inquisition. Neither of the decrees includes defined crimes. The usual penalties imposed by the State for usury, but the council added a fine of ten *ducados* to be given to pious works; and a public penance was added to the corporal punishment imposed by the State for blasphemy. The decrees also dealt with *adiuinanças* forbidden under the law of the Church and by royal decree, and punishable by death. A list of practices is provided, which although condemned were still prevalent in order to gain knowledge about or predict the future. The decree outlawed:

> 'Qualquier maneras de adiuinanças, como es de agüeros, aues, stornudos, palabras que llaman prouerbios, suertes, hechizos, y los que catan en agua, cristal, espada, spejo, o en cosa luzia, y hazen hechizos de metal y otra cosa cualquiera, usan de adeuinança de cabeça de hombre muerto, o de vestía o de palma de niño o de doncella, o encantamiento, o de cercos, o de ligamentos de casados…'[706]

The practice of witchcraft was generally treated with some skepticism by the authorities in Spain, though the Inquisition did execute some two dozen witches between 1498 until 1610 in the northernmost parts of Spain, though not in areas with substantial

[704] Ibid., 448.
[705] Ibid., 450.
[706] Ibid., 452.

numbers of converts from Judaism or Islam.[707] The provincial council in Granada seemed in any case more interested in the use of illicit potions and minor spells, which are alluded to in the Granada decrees. The decree does not refer to witchcraft explicitly, but the use of bones and other body parts for divination, or 'proverbios' which would tell the future, were banned. However, there is still a bit of mystery in this decree because there is no explicit explanation what was happening with the body parts or the illicit potions that are referenced in the decree. The outlawing of these types of magic also fell into a gray area where the jurisdictions of ecclesiastical and secular courts were both involved.[708]

This focus is another difference from the preoccupations of the council in Toledo. The decrees from the council in Granada are very relevant to the city and the wider province and the numerous references to local practice and New Christians illustrate how the prelates wanted to implement the Tridentine decrees in their own area. In many cases, the decrees added to the Tridentine decrees or built upon existing royal edicts to tailor the decrees and make them more effective. Local traditions and customs that they believed needed to change were prohibited. Divination practices that were not mentioned in the Tridentine decrees were outlawed, while in Toledo, the decrees revealed no details about common practice, such as the *velas* and bullfights. The Granada decrees also order doctors to treat only those ailments that they have the ability to cure; and they should not pretend calling on supernatural forces as advocated in some medical books.[709] Any doctor found attempting these practices should be excommunicated. The decree does not

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[707] William Monter, "Witchcraft in Iberia," in *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America* edited by Brian P. Levack, (Oxford: Oxford University Press, 2013), 268-269.

[708] Monter, "Witchcraft in Iberia," 268.

[709] Pérez de Heredia y Valle, *El Concilio Provincial*, 453.

state exactly what the 'vain practices' were, but we might guess they might be attempting to exploit supernatural power in some way. Once again therefore, the local preoccupations of the council are made apparent. Whereas the council in Toledo shied away from homegrown issues, therefore, the council in Granada attacked them actively.

The decrees then outline actions to be taken against clerics who profane the name of God or speak openly against the Church, offenses that required punishments by public penance and fines of four *ducados* a penalty that increased with every reoccurrence.[710] Rules were also set down for conflicts between members of the clergy.[711] They were expected to remain above physical or verbal violence for which punishments might include a period in jail, a more severe punishment from an ecclesiastical superior, or excommunication. [712] Crimes that cause a public scandal should be punished by suspension from office and the loss of benefices for up to ten years as well as public penance.[713] The decrees also address bigamy and fined any men attempting to marry for a second time while already legitimately married for the sum of three thousand *maravedis* to be paid for pious uses. There is one mention of New Christians in this section, insisting that no additional financial demands should be made of them, nor should they be required to provide oil, bread, and other goods in exchange for religious services or teaching. In addition, no member of the church hierarchy could insult New Christians by, for example calling them 'moros perros'; insults of this kind had created problems before the council, and condemned by Guerrero in 1565, before the opening of the council.[714]

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[710] Ibid.
[711] Ibid., 454
[712] Ibid., 454-455.
[713] Ibid., 456.
[714] Ibid., 454.

The last sacrament to be discussed in the decrees is penance, defined as 'medicine for the soul'. The sins of every person should be confessed at least once a year to their priest (presumably in their parish), or to another designated priest with license from the parish. [715] The decrees include rules for how to conduct confession and give absolution, and explain some rules regarding the confession of women. When conducting confession, the priest should ask for the penitent's name and the sins that he or she has committed. Penitents should also be asked about their knowledge of Christian doctrine and prayers as confession provided priests with an opportunity to assess how much their congregations understood of the teaching the council was trying to convey. In reference to women, priest should not spend much time conducting cofession with women, and should certainly not visit the women who confess to them.

The final decrees deal with excommunication and other punishments. A list of the excommunicated should be kept in the local cathedral, but the sentence of excommunication should not be used lightly. The council preferred financial penalties, imprisonment, or public penance for the laity and the loss of benefices for the clergy. When excommunication was pursued, the council actually deferred to the rules for excommunication from Trent, which they include in the decree and mandates that excommunication be used in moderation.[716] New Christians in particular should be given penalties other than excommunication, though it was left at the discretion of the ecclesiastical judges to decide which crimes might usually illicit such a serious punishment.[717]

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[715] Ibid., 457.

[716] Council of Trent, Session 25, "Decree on Reformation," Chapter 3.

[717] Excommunication was left to the Pope and the Bishops only.

When Covarrubias had written to the king to explain that Guerrero was compiling a book of decrees, he had little sense of how large a volume the archbishop was preparing.[718] It was only during the conflict over the final approval of the decrees that its size became apparent. While some decrees simply reproduced earlier rulings, the final text reads like a detailed manual for the future Church in Granada. Rather than address topics at a relatively superficial level, as the council in Toledo had in its decrees, the synod in Granada was painstakingly detailed in its rulings and the text is reinforced with references to the relevant Tridentine decrees. The council at Granada carefully drew its decisions together from Trent, royal edicts, and earlier archepiscopal legislation - and unlike its counterpart in Toledo - focused actively on local issues. The discussion of problems such as the New Christians illustrate that the prelates understood at least some of the needs of the province, and was willing to grapple with them.

[718] See Chapter 5, p. 15.

Conclusion

After the two provincial councils in Toledo and Granada drew to a close, their decrees remained the most important evidence of their work. However, in Granada, the council's massive codex of rules and regulations was never formally recognized. While both councils had worked diligently to implement the Tridentine decrees, decrees were markedly different. Their formal conclusions were also very different. In Toledo, the council was closed with all due ceremony, and its decrees received official recognition from the monarch. In Granada, however, the king demanded that all the draft volumes be sent to him, and the council was suspended and never officially closed. Its decrees remained unpublished, on a shelf in the king's possession. The history of these two councils was in many ways dictated by their relationship with the king and his rights.

While the decrees of the Council of Trent were supposed to be accepted and implemented across the universal Church, the two kingdoms of Toledo and Granada, subject to a single monarch, responded in very different ways to the text of the Tridentine decrees. While both councils necessarily relied heavily on Trent's decisions, both altered their own decrees to account for the rights of the king, and in Granada additionally to make allowances for the New Christians. While the Toledo decrees do make explicit references to Trent as the basis for certain decrees, in Granada the council included more detailed references from the Tridentine decrees when drafting their volumes. In this conclusion, I shall discuss some of the topics that both councils debated with reference to the Tridentine models, including education of the clergy, marriage reform, superstitious beliefs, and the questions of residence. In addition, I will tease out the relationship of the Tridentine decrees and the advice of Juan de Ávila, proposed before the councils opened. On these questions of common interest, the councils at Toledo and Granada attempted to

implement Trent and appease the monarch's concerns about his own rights. In Toledo, the bishops were allowed more freedom by the king because of the prelates' personal connections with him and because of the limitations on his rights in the kingdoms of Castile. However, in Granada, where royal control of the Church was more extensive, the king was more controlling. This was especially the case for matters that touched on both secular and ecclesiastical governance or blurred the lines between these two spheres; most notably the conversion and education of New Christians. The relationship between the king and the provincial councils thus determined how the council implemented Trent's requirements and how each one concluded. With that in mind, I will also look at how the four principal members of the provincial councils -Antonio de Covarrubias, Francisco de Toledo, Pedro Guerrero and Cristóbal de Rojas y Sandoval – fared later in their careers.

Both councils had to focus on the education of the clergy. Both viewed the education of the clergy as an essential tool that the laity received the best religious guidance and that the teaching of Catholic doctrine throughout the Church was consistent and orthodox. In a general sense, therefore, both councils were committed to implementing the Tridentine decree on reformation from Session Twenty-three, and especially chapter eighteen, which called for seminaries to be established in all cathedral and metropolitan churches in order to educate boys from the age of twelve who might enter on a clerical career. The Tridentine decree presents a number of requirements for those accepted into these seminaries, including legitimate birth and the ability to read and write. They were to be instructed in Christian theology and the administration of the sacraments. While the council at Toledo did agree on a few decrees, calling for new

seminaries to be established even though there was already an existing establishment in Toledo, about which Philip corresponded in February 1566 with Cristóbal Fernández Valtodano, the bishop of Palencia, while he was at the council. [719] The council at Granada did not make any ruling that seminaries were to be established. The absence of explicit decrees on seminaries in Granada's final volumes might not seem so surprising considering that Guerrero had made note on his initial instructions from the king, that the founding of seminaries did not apply in Granada: first because the king's control of the Church there meant that he would need to approve all new establishments anyway, and second, because Granada already hosted several institutions where clergy could be trained, the Colegio de Santa Catalina and the Colegio Eclesiástico de San Cecilio, both of which Guerrero supported as archbishop. Juan de Ávila had encouraged Guerrero to support the Colegio de Santa Catalina as soon as he had been appointed archbishop. However, Ávila's priority in his memorials was the education of the lay population, and that priority is reflected in the Granada council's focus on the education of the laity and the New Christians. [720]

Even in the cities where the provincial councils were being held, therefore seminaries had already been established. The instructions from the king revealed that, although he thought them necessary and good, he wanted more information on how to proceed in the future and that this would require him to confer with the papacy independently. [721] The bishops presiding over the provincial councils had been educated

[719] AGS, Estado, Leg 146, Dated 16 February 1566.
[720] Coleman, "Moral Formation and Social Control," 20.
[721] AGS EC, Leg148, Folio164.

in Spanish institutions at the University of Salamanca and University of Alcalá de Henares that provided a similar education.[722]

However, both provincial councils endorsed the importance of education at the university level in their decrees. The Tridentine decrees are littered with educational requirements for members of the clerical hierarchy. Some are very basic requirements: chapter seven of the decree on reformation from Session Twenty-three states that candidates for ordination should be examined by a bishop to ensure they have a knowledge of divine law, the constitutions of the Church, and other learning fit for their future position. Some positions needed specific skills: the Reader of Sacred Scripture who was expected to be a master of grammar, according to chapter one of Trent's decree on reformation from Session four.

While these are examples of how a simple educational competency was mandated by the council, other decrees dictated that appointments to senior posts in the ecclesiastical hierarchy required a higher level of preparation. The Tridentine decrees include several references to degree requirements for example, those seeking positions in the cathedral churches needed a masters, doctorate or be a licentiate in theology or canon law.[723] Another decree mandates when a see is vacant, a member of the local cathedral chapter with a doctorate or be a licentiate in canon law or theology should direct the administration of the diocese.[724] Both Guerrero and Rojas y Sandoval held doctorates in theology before their appointments to cathedral chapter positions.[725] The decrees from

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[722] See Chapter 3, p. 4 & 14.
[723] Council of Trent, Session 22, "Decree on Reformation," Chapter 2
[724] Council of Trent, Session 24, "Decree on Reformation," Chapter 16.
[725] Herreros González and Santapar Pastor, *Pedro Guerrero: vida y* obra, 160 & Miguel C. Vivancos Gómez, "Cristóbal de Rojas y Sandoval." *Diccionario Biográfico Español* (Real Academia de la Historia, 2018).

both provincial councils included educational requirements for a variety of positions within the church hierarchy. While those from Toledo resemble the Tridentine decrees, those from Granada are more detailed, with each position receiving a separate regulation. For example, deans, archdeacons, schoolmasters, chantry priests, and the Abbot of Santa Fe all required a masters or a licentiate in theology or a doctorate or licentiate in canon law. The *tesorero* (the canon who cared for the relics of the cathedral or important adornments) or a prior needed only a degree in theology or canon law, while a canon needed at least two years training in those fields. In the case of Toledo, the educational requirement for the cathedral chapters had been put into practice even before the council closed.[726]

However, while both provincial councils agreed that the educational requirements were important, they disagreed about the execution of the Tridentine decrees requiring residence. Both councils included decrees calling for residence by bishops, cathedral chapter members, and parish priests. However, in Toledo, the bishops had close ties to the Crown, and included in their decrees exemptions so that prelates could absent themselves when granted permission by a relevant superior. In Granada, the provincial council had been instructed by Philip not to discuss the topic of residence at all, but they did not heed his instructions. Their decrees did not allow for periods of extended absence, opting instead for a requirement of a minimum of nine months' continuous residence. The Tridentine decrees had called for residence at all levels of the church hierarchy. The Tridentine decrees require residence from prelates, ordinaries, and members of religious orders, while further decrees extend the residence requirement to parish priests, and

[726] See Chapter 6, p. 10.

included cathedral chapters in the residency requirement.[727] So while the Toledo decrees simply call for residency according to Trent, the council headed by Pedro Guerrero, a leading proponent of residency during the Council of Trent, chose to address the matter in more detail.

One lasting impact of Juan de Ávila's advice on both councils may be seen in the decrees limiting the standard of living of bishops and other members of the clergy. When Ávila wrote to the council in Toledo, he sent his letter to Guerrero.[728] His advice closely mirrors the Tridentine decrees that imposed the same bans on excessive lifestyle, food, and entertaining.[729] The decrees from both provincial councils similarly limit the way in which clerics could run their households and spend their money, whether on extravagant food, clothing, or servants. However, while the purpose of the Tridentine decrees was to control the clergy and reform the Church from within, the Spanish councils were able at the same time to address more local problems as well.

One of these was the question of clandestine marriages, which had been raised at the Council of Trent and the resulting decrees were supported by a large number of Spanish bishops probably including Guerrero, and Philip himself. [730] The Tridentine decrees required the couples to publish their intention to marry for three consecutive Sundays in advance, to receive a priest's blessing on the marriage in the presence of at least two witnesses, and to register it in the official records of the Church where it took place. These requirements are all found in the provincial councils' decrees. The

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[727] Council of Trent, Session six, "Decree on reformation," Chapters 1-3; Session 13, "Decree on Reformation," Chapter 1; Session 23, "Decree on Reformation," Chapter 1; & Session 24, "Decree on Reformation," Chapter 12.

[728] See Chapter 1, p. 29

[729] Council of Trent, Session 25, "Decree on Reformation," Chapter 1.

[730] Sperling, "Marriage at the Time of the Council of Trent," 73 & Council of Trent, Session 24, "Decrees on the Reformation of Marriage."

justification offered for these reforms was to protect women from men who in reality had no intention of actually marrying them. With these new laws in place however, clandestine marriages were usually still valid though the new decrees did give the Church and parents more control over the couples who stated their wish to marry and so ensure that the family fortunes were not placed in jeopardy. In Granada, however, the regulations were amended to reflect the situation of New Christians, who had to be examined on Catholic doctrine and beliefs to prove their true conversion to allay the fear that sincere New Christians would not tempt their intended spouses away from Christianity.[731] Generally, they would have applied predominantly to marriages between two New Christians, as marriages between Old and New Christians were less common in Granada than in other parts of Spain, such as Castile.[732] Despite official efforts since the times of Charles V to encourage intermarriage between Old and New Christians, such marriages were still uncommon in Granada in the 1560s.

Both councils also issued decrees against the superstitious beliefs and practices of the laity, though the decrees Toledo is frustratingly generic, and Granada's offers only a little more detail, mentioning divination and foretelling the future through proverbs and other rituals. The relevant Tridentine decrees are likewise vague. The Tridentine decrees prohibit turning 'the words and sentences of sacred Scripture … to all sorts of profane uses, to wit, to things scurrilous, fabulous, vain, to flatteries, detractions, superstitions, impious and diabolical incantations, sorceries, and defamatory libels' and prohibits priests from celebrating 'at other than due hours' and requires them to employ only

[731] Deardorff, "The Ties that Bind," 255.
[732] Ibid. 256.

employ the prayers, ceremonies, and rites approved by the Church.[733] Bishops were to banish all superstition, 'which is a false imitation of true piety'. This would have been the ban on the *velas nocturnas*, which both councils prohibited. Wanton behavior in the veneration of Saints in any form, including drinking and undue reveling was also similarly prohibited.[734]

In the kingdom of Castile, these cases of superstition and incorrect practices could range from the tradition of electing boy bishops at the Feast of the Innocents to activities associated at the time with witchcraft. In Granada, the notion of superstition could easily be extended further to encompass traditions and customs from Islam, such as circumcision, burial customs, and bathhouses, which were thought incompatible with the converts' new faith. The most common type of witchcraft cited in contemporary Spanish records involved elicit love potions and minor spells, but these were of minor significance in Granada.[735] Moreover, while the initial target of these rules seem to be the laity, clergy at the parish level were just as likely to partake in them. For example, an interesting study of the sixteenth-century priest Don Pedro de Atondo, from a parish near Pamplona, offers a glimpse into the life of a parish priest who indulged in the superstitious ritual of his community. During his life, there is evidence that he provided oils and ointments to the sick as cures and attended to pregnant women, both activities cited as conjurations, for which he accepted payment.[736] Court documents show that he sued the city of Pamplona after he cleared a grape vineyard of worms by celebrating 'three sets of nine masses for the nine choirs of angels' over three months and, most

[733] Council of Trent, Session 4, "Decree Concerning the Edition, and the Use of Sacred Books," & Session 9, "Decree Concerning things to be Observed, and to be Avoided, in the Celebration of Mass."
[734] Session Twenty-five, On the Invocation, Veneration, and Relics, of Saints, and on Sacred Images
[735] Monter, "Witchcraft in Iberia," 273
[736] Scott, "The Wayward Priest of Atondo," 1.

importantly, asking permission from the Virgin Mother.[737] He was charged in the ecclesiastical courts in the first instance but he subsequently sued the city in a case which reveals that the ambivalent relationship of the Spanish Church and State was not isolated to Castile and Granada.

The councils differed too in their approach to excommunication. Many of the Tridentine decrees refer to this punishment, but before Trent, the threat of excommunication had lost much of its power because of its overuse for trivial offenses. However, the Council brought it back into more regular use as the punishment was required by several decrees.[738] Excommunication prevented a person from receiving sacraments, but also isolated them from their community.[739] Trent decreed that any person excommunicated could be suspected of heresy if they did not repent within a year, as that was viewed as indicating a voluntary renunciation of the sacraments and therefore contempt for Catholic doctrine.[740] In addition, excommunication could lead to eternal condemnation and the identities of those excommunicated could be posted publically.

The provincial council in Toledo made use of these new guidelines emphatically because many of their decrees include the punishment of excommunication. However, it was generally used as a last resort when other measures, such as formal reprimands and financial penalties had not been effective. There was by contrast a marked reluctance to use excommunication in the Granada decrees, in part because the prelates at the council there feared it would isolate New Christians from the Christian community and so propel them back to Islamic beliefs and practices. The Granada decrees therefore call for

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[737] Ibid., 2.

[738] See for example, Council of Trent, Session 25, "Decree on Reformation," Chapter 3.

[739] María Tausiet,"Excluded Souls: The Wayward and Excommunicated in Counter-Reformation Spain" *History* 88, no. 291 (July 1, 2003): 438.

[740] Ibid.. 439.

excommunication only in the gravest offenses and as a last resort. Here again, local circumstances guided the council on how it should implement the Tridentine decrees.

The decrees of the two provincial councils had different fates as well. The cathedral chapters in Toledo and Granada both resisted their implementation, but adopted different routes to resolve the problem. In Granada, the constitutions were never published officially, but the chapter nonetheless hired a leading lawyer in the city, *licenciado* Luis de Berno, and took Guerrero to court over the decrees, a process that would continue into the last years of Guerrero's life.[741] The outcome of this case is unclear, though we do know that it was brought to a conclusion a little before Guerrero's death.

In Toledo, the decrees were officially adopted, but the cathedral chapter was still deeply unhappy with them. The chapter met on 1 April 1566, to decide whether to accept them or refuse to acknowledge them.[742] Another conflict with the cathedral chapter of Toledo ensued, just after the council ended and Philip wrote to Rome. Pius V issued a brief on 27 December 1567 accepting the council's decrees from the provincial council.[743] The chapter had written to Rome of their own accord as well. Once again the cathedral chapters illustrate the difference between the two councils. When it came to the relationship between Church and State, when problems arose, one council wrote to the pope and the other to the king

[741] Marín Ocete, *El Concilio Provincial de Granada,* 80.
[742] Fernández Collado, *El Concilio Provincial,* 103.
[743] Fernández Collado, *Concilios Toledanos,* 72.

Both provinces held a further synod as directed in the Tridentine decrees: from 1582 into 1583 in Toledo and in Granada in 1573.[744] The decrees from the 1573 synod in Granada are very close to those from 1565/6 but the second set were published by Guerrero, who once again presided.[745] A more detailed study would be needed to see how different the two sets of decrees are, but an initial review suggests that some elements from the earlier decrees were implemented in 1573, despite the suspension of the 1566 council and the apparent abandonment of its decrees.The 1573 decrees include rules and regulations for the New Christians of Granada although most refer to their activities associated with the Church and the regulations concerning education for both Old and New Christians can be found throughout the decrees. It seems as though Guerrero saw these topics as some of the most important to implement and so re-issued them in the later council.

The future of the councils' most prominent leaders was also affected by their roles in 1565-6. Both the royal ministers received new positions within the royal government. Covarrubias served on the Council of Castile from 1573, when his brother was President. Following his career in the state, he retired to Toledo where he was ordained; in 1580, he took possession of positions as a schoolmaster and canon in the cathedral chapter of Astorga.[746] The future of Francisco de Toledo is well known as he was appointed

[744] Council of Trent, Session 24, "Decree on Reformation," Chapter 2.

[745] Sínodo de Granada, *Constituciones Synodales.*

[746] He was painted by el Greco towards the end of his life, which is now in the Museo del Greco in Toledo. Ángel Fernández Collado, "Antonio de Covarrubias y Leyva" *Diccionario Biográfico Español* (Real Academia de la Historia, 2018).

Viceroy of Peru in 1569. He was recalled to Spain in 1581, and imprisoned; he died shortly thereafter in 1582.[747]

Of the leading bishops at the two provincial councils, one had a more successful later career than the other. Rojas y Sandoval was transferred to the Archdiocese of Seville in 1571, where he served until his death in 1580 and worked diligently to reform the Church in his diocese.[748] Interestingly, Guerrero was also put forward for the post but was not chosen.[749] Guerrero remained in Granada for the rest of his life, serving for a total of twenty-nine years as archbishop. It might be argued that his handling of the provincial council did him a disservice in the king's eyes. However, just as likely, he was too valuable in his role as archbishop of Granada.

These men specifically guided the councils and their relationship with the king dictated how the council would function. From the earliest stages of the planning for provincial councils, both prelates seemed to be willing to work under the watchful gaze of their king. Guerrero's early letters reveal a candidness in the topics he wished to discuss, as well as an acute understanding of the *patronato* in Granada. In addition, the correspondence between the king and the archbishop seemed to be of a similar mindset in relation to the direction of the provincial council in that city. However, that relationship was short lived when the practical aspects of drafting and approving the decrees began. When combined with the consistent reports from the royal representatives about a large volume, the spirit of cooperation failed and the council suffered as their diligence and planning went onto a shelf to be forgotten by everyone except Guerrero who a few years

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[747] Manfredi Merluzzi, *Gobernando los Andes : Francisco de Toledo virrey del Perú (1569-1581),* Colección Estudios Andinos, 15 (Lima: Pontificia Universidad Católica del Perú, 2014).
[748] Vivancos Gómez, "Cristóbal de Rojas y Sandoval."
[749] Marín Lopez, *El cabildo de la cathedral*, 154 & Herreros González and Santapar Pastor, *Pedro Guerrero: vida y* obra, 160.

later would attempt to implement some reforms as part of another provincial council. On the other end of the spectrum is Rojas y Sandoval. Prior to the council, the bishop was not expecting to lead the provincial council at Toledo. Upon receiving the king's instruction, he proved to be a worthy president as he consistently deferred to Philip's judgment, when confronted with a problem. In addition, as the hand selected president of the council, he was surrounded by several bishops who worked toward a similar goal of implementing the Tridentine decrees while protecting the king's *patronato*.

Both councils left behind a legacy in their decrees, whether they were implemented or not. The changes made at the provincial councils to the models established by the Tridentine decrees reveal how the law of the Church was reshaped in Spain by the local scope of the king's *patronato* and by his relationship with the presidents of the council. The differences in the councils' final decrees demonstrate that local circumstances and the relationship with the monarch could alter the universal to make it more effective. In the case of Granada, the *Patronato* limited the implementation of Trent, which led the archbishop to take the principles of the Tridentine decrees of correct belief and behavior and implement them in other ways. In this regard, the provincial council in Granada focused on the New Christians of Granada, which Guerrero thought was of utmost importance. In Toledo, the council could simply implement the Tridentine decrees as guided by the king to allow for their continued service to the crown.

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