In recent decades, the indissolubility of marriage has become a topic of great interest within the Catholic Church. Much of the discussion is over whether the Council of Trent, in its Nov. 11, 1563 “Doctrine and Canons on the Sacrament of Marriage,” defined marital indissolubility as a truth revealed by God (de fide) or whether it merely condemned those who deny the Church’s authority over marriage. The standard view in the early 1950s was that the indissolubility of marriage was defined as de fide by the Council of Trent. This, for example, was the view of the Spanish Jesuits in their Sacrae Theologiae Summa of 1950–1951 (see Vol. IV, Tract. V, no. 97). In 1953, however, the Belgian Jesuit Piet Fransen (1913–1983) began to publish findings from his 1947 doctoral thesis on Trent’s treatment of marital indissolubility. Fransen questioned whether Trent really defined the indissolubility as a de fide dogma, and his articles began to influence Catholic theologians of the 1950s through the 1970s. In more recent years, Fransen’s view has been revived in articles by Kenneth Himes and James Coriden (2004) and Giancarlo Pani, SJ (2014).

The Indissolubility of Marriage & The Council of Trent by Dr. E. Christian Brugger is a detailed study of Trent’s treatment of marital indissolubility that challenges the position of Fransen and his followers. In formulating his scholarly analysis and response, Brugger makes use of the thirteen volumes on the Council of Trent, the Concilium Tridentium, which include the diaries of Council participants, the Acta of the Council, as well as various epistles and treatises. These volumes only began to be published in 1900, but, even before their appearance, scholars such as Giovanni Perrone, SJ (1794–1876), understood Trent’s teaching on the indissolubility of marriage as a dogmatic definition. Fransen, though, claimed that Trent was mostly concerned with refuting the views of Protestants such as Luther and Calvin rather than that of the Greek Orthodox who believed that there were cases when the Church could permit divorce and remarriage. According to Fransen, Trent’s affirmation of indissolubility referred only to “an authoritative legal determination of the church” and not a truth divinely revealed (cf. Brugger, 74–75).

Brugger’s study consists of five chapters and two appendices. In chapter 1, he provides a summary of the views of Luther and Calvin on marriage, divorce, and remarriage. He shows that Luther justified marital dissolution by means of an analogy with death. Adultery, abandonment, and
prolonged absence can bring about the death of the marriage, which means the spouses are free to marry again. Calvin added “irksome cohabitation” as another reason for divorce, and he maintained remarriage after divorce is not adultery unless the divorce was for unlawful and frivolous reasons (cf. Brugger, p. 28, footnote 25).

In chapter 2, Brugger examines the custom or *ritus* of the Greeks concerning divorce and remarriage. He shows that the legal codes of the Roman-Byzantine emperor Justinian (r. 527–565) provided multiple reasons for allowing divorce and remarriage, and these reasons made their way into Byzantine canon law. By the middle of the fifteenth century, Greek canon law allowed divorce and remarriage for at least eighteen “just causes” (cf. Brugger, 45). Pope Eugene IV (r. 1431–1447) believed that the Greek practice was wrong, but the desire for reunion with the Greeks at the Council of Florence (1431–1445) showed that “the Church of Rome was willing to tolerate a practice it believed to be contrary to the teaching of divine revelation in order to realize what unity was possible with the Greeks in the hopes that through it a more perfect communion with the Greeks might later be realized” (Brugger, 37).

In chapter 3, Brugger provides a detailed examination of the preliminary discussions on the indissolubility of marriage that took place during the 1547 Bologna sessions when, for various reasons, the Council had moved temporarily from Trent to Bologna. The three sessions at Bologna (held in April, June, and September of 1547) reveal a serious consideration of Scripture and whether the exceptive clauses of Matthew 5:32 and 19:9—which state an exception on account of *fornicationem* (understood as adultery)—allow for remarriage after divorce because of adultery. Brugger shows that, in spite of a few contrary opinions, “the vast majority of Council fathers grounding their arguments in the writings of the Church Fathers, scripture, church councils, history, and even the prescriptions of the natural law, indicate that they believed that indissolubility is a dogmatic truth, revealed by God, and in this sense *de fide*” (Brugger, 88).

In chapter 4, Brugger considers the four significant discussions that took place in 1563 during session 23 of Trent. These four discussions led to the final formulation of twelve canons on the sacrament of marriage promulgated on November 11, 1563, in session 24 of the Council. In many ways, chapter 4 provides the key to Brugger’s analysis and argument against Fransen’s position. He shows that some of the claims of Fransen are without foundation in light of the discussions that took place in 1563. Brugger takes note of the decision to have an indirect affirmation of the indissolubility of marriage in canon 7 because of the intervention of the legates from the Venetian delegation. These legates reported that Greek
Christians living under Venetian rule in islands such as Crete, Cyprus, and Corfu had agreed to be subject to the Roman pontiff, but they were permitted to follow their prior custom that allowed for divorce and remarriage because of adultery. The decision to have the anathema in canon 7 worded in an indirect way (“If anyone says that the Church is in error for having taught and still teaching . . .”) rather than a direct way (“If anyone denies that . . .”) was, as Brugger explains, influenced by the concerns of the Venetian delegation. Brugger, however, shows that—even though the indirect formulation was accepted—“a large majority of bishops defended the proposition that marriage is not and cannot be dissolved in cases of adultery, and that consequently a separation of bed can be permitted, but remarriage is neither permissible nor possible while one’s first spouse still lives” (Brugger, 107). Brugger also shows that the doctrinal preface to the canons on marriage at Trent makes it absolutely clear that the fathers of Trent understood the indissolubility of marriage to be grounded in Sacred Scripture as a truth revealed by God. The final vote shows that, out of 200 recorded votes, 194 of the fathers approved of the doctrinal preface and canon 7, which anathematizes those who claim that the Church errs when she teaches that the marital bond cannot be dissolved because of adultery and that remarriage after adultery is itself adultery. Brugger believes that a careful reading of the 1563 deliberations at Trent demonstrates that the indissolubility of marriage was defined as de fide. This means that Fransen’s claim that canon 7 does not affect the Greek practice is “plainly false” (Brugger, 124).

In chapter 5, Brugger summarizes what Trent teaches about the indissolubility of marriage, and he shows that the doctrinal preface along with canons 5 and 7 clearly define marital indissolubility as a truth revealed by God. The indirect formulation of the anathema in canon 7 was made with the Greeks in mind, but in no way does it show “that the Catholic church admits that the divorce and remarriage are possible and marriage is dissoluble” (Brugger, 141). The truth of marital indissolubility was defined at Trent and the practice of the Greeks was judged to be erroneous. The indirect formulation of canon 7 only shows that the Catholic Church “could tolerate for a time what she believes to be erroneous” in the hope that the “partial communion and the toleration that helped facilitate it might one day give way to full communion” (Brugger, 143).

In addition to his five chapters, Brugger also supplies two appendices. Appendix A provides texts of the authorities cited at Trent on marital indissolubility. Appendix B provides a list of recorded statements and votes by Council participants. These appendices are fascinating and useful, but...
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they might only be of interest to scholars who wish to study the details of the Council more carefully.

Professor Brugger deserves much credit for his careful and scholarly analysis of the discussions leading up to the Nov. 11, 1563, Doctrine and Canons on the Sacrament of Marriage. The Indissolubility of Marriage & The Council of Trent shows what an important service scholars like Brugger can provide to the Church. If scholars like Fransen can lead many theologians and bishops to question Trent’s absolute affirmation of marital indissolubility, scholars like Brugger are needed to set the record straight. Prof. Brugger deserves much praise and thanks for his scholarly and valuable book.

There is very little to criticize in this book, but I will mention a few matters in need of clarification or future research. On page 9, there is an unfortunate omission of a “not” in presenting canon 7 of Trent’s doctrine on marriage. The clause should read that “the bond of marriage cannot be dissolved on account of adultery” (propter adulterium . . . matrimoni vinculum non posse dissolvi). On page 130 and in the bibliography, Brugger identifies Peter Hünemann as the translator of the 2012 English edition of Denzinger-Hünemann. This is inaccurate. Father Hünemann collaborated with Matthias Bausenhart in producing the German translation of the more recent editions of Denzinger. Dr. Anne Englund Nash and I collaborated in editing the English translation of the 2012 Ignatius Press edition. The list of translations and translators can be found on pages 1394–1399 of this edition.

Prof. Brugger might consider doing further research on how the exceptive clauses of Matthew 5:32 and 19:9 should be understood in light of contemporary scholarship. He is correct to note (in footnote 54, p. 15) that “excepta fornicationis causa” was understood by the fathers of Trent to mean “except in cases of adultery.” Trent’s canon 7 on marriage, however, speaks of propter adulterium (because of adultery) and not fornicationis causa (Denz.-H 1807). Translating the exceptive clause as “fornication” instead of adultery might help to reinforce the Church’s belief that the exceptive clauses in Matthew 5:32 and 19:9 refer not to cases of adultery but to unions that are invalid because they are unions of fornication and not marriage.

Apart from these minor points, Brugger’s book is truly remarkable and worthy of praise. May God bless him for putting his scholarly gifts in service of the divine and Catholic truth of the indissolubility of marriage.

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