

Archive for Reformation History

An International Journal concerned with the history of the Reformation and its significance in world affairs. Published under the auspices of the Verein für Reformationsgeschichte and the American Society for Reformation Research

Board of Editors

Cornelis Augustijn, Amsterdam – Jean Delumeau, Paris – Miriam Usher Chrisman, Northampton/Mass. – Geoffrey R. Elton, Cambridge – Michael Erbe, Berlin – Heinold Fast, Emden – Leif Grane, København – Hans R. Guggisberg, Basel – Erich Hassinger, Freiburg/Br. – Hans J. Hillerbrand, Dallas/Texas – Robert M. Kingdon, Madison/Wisconsin – Bernd Moeller, Göttingen – Heiko A. Oberman, Tübingen – Steven E. Ozment, Cambridge/Mass. – Francis Rapp, Strasbourg – Heinz Scheible, Heidelberg – Paul S. Seaver, Palo Alto/Calif. – Giorgio Spini, Firenze – Lewis W. Spitz, Stanford/Calif. – James M. Stayer, Kingston/Ont. – David C. Steinmetz, Durham/N.C. – Gerald Strauss, Bloomington/Ind. – Robert C. Walton, Münster (Westf.)

Managing Editors

Miriam Usher Chrisman – Hans R. Guggisberg

Vol. 75 · 1984

Gütersloher Verlagshaus Gerd Mohn

Archiv für Reformationsgeschichte

Internationale Zeitschrift zur Erforschung der Reformation und ihrer Weltwirkungen. Im Auftrag des Vereins für Reformationsgeschichte und der American Society for Reformation Research

Herausgegeben von

Cornelis Augustijn, Amsterdam – Jean Delumeau, Paris – Miriam Usher Chrisman, Northampton/Mass. – Geoffrey R. Elton, Cambridge – Michael Erbe, Berlin – Heinold Fast, Emden – Leif Grane, København – Hans R. Guggisberg, Basel – Erich Hassinger, Freiburg/Br. – Hans J. Hillerbrand, Dallas/Texas – Robert M. Kingdon, Madison/Wisconsin – Bernd Moeller, Göttingen – Heiko A. Oberman, Tübingen – Steven E. Ozment, Cambridge/Mass. – Francis Rapp, Strasbourg – Heinz Scheible, Heidelberg – Paul S. Seaver, Palo Alto/Calif. – Giorgio Spini, Firenze – Lewis W. Spitz, Stanford/Calif. – James M. Stayer, Kingston/Ont. – David C. Steinmetz, Durham/N.C. – Gerald Strauss, Bloomington/Ind. – Robert C. Walton, Münster (Westf.)

Redaktion

Miriam Usher Chrisman – Hans R. Guggisberg

BR
300
A73
P



Jahrgang 75 · 1984

Gütersloher Verlagshaus Gerd Mohn

Fear and Confession on the Eve of the Reformation*

By Lawrence G. Duggan

Over the centuries scholars have labored hard to explain the explosion of Evangelical ideas in all Europe after 1520 and the astonishingly rapid disintegration of the fabric of the Roman Church. One of the abiding themes in the thicket of explanations is that the religious atmosphere of late medieval Europe was heavy with anxiety, a longing deeply felt for the divine or at least for religious security which the medieval Church could not satisfy, and which Evangelical ideas of one sort or another did—or so it was thought. Although most historians agree on the existence of this *Angst*, they do not concur on the nature of these fears or, more importantly, their causes. Every possible germane factor from that broad swath of time, “the late Middle Ages”, is adduced in explanation, especially wars, economic depression, social turbulence, and above all the Black Death. These are “exogenous” factors, as our brothers and sisters in the social sciences might stamp them, factors in the secular sphere with decided consequences for ecclesiastical and religious life. Among the “endogenous” factors often mentioned are the instability and uncertainty precipitated by nearly forty years of schism, disenchantment arising from a variety of worsening “abuses” in the Church or at least what were widely perceived to be worsening abuses, and an intolerable and unassuageable burden of guilt which the late medieval penitential system imposed on men’s consciences which, in desperation, they eventually revolted against and rejected.

Having elsewhere considered the alleged unresponsiveness of the late medieval Church, I wish here to reflect specifically on the last charge concerning the spiritually and psychologically unsettling effects of the late medieval penitential

* The author wishes to express his deep appreciation to Professors John Bernstein, Robert Bireley, S. J., Thomas Brady, Richard Helmholz, Tai Liu, and Robert Stacey for their sensible and helpful comments, and to the Alexander von Humboldt Stiftung and the University of Delaware for fellowships which helped make possible this study.

The following abbreviations will be used in the notes:
CG: J.F.Schannat and J.Hartzheim, eds.: *Concilia Germaniae*, 10 vols. (Cologne, 1759–63; repr., Aalen, 1970–).
COD: J. Alberigo et al., eds.: *Conciliorum oecumenicorum decreta*, 3rd ed. (Bologna, 1973).
Mansi: G.D. Mansi et al., eds.: *Sacrorum conciliorum nova et amplissima collectio*, 54 vols. (Florence, etc., 1759–1927; repr., Graz, 1960–61).
Wilkins: David Wilkins, ed.: *Concilia Magnae Britanniae et Hiberniae*, 4 vols. (London, 1737; repr., Brussels, 1964).

system and, in a more general way, on the nature and very existence of late medieval *Angst*.¹ Although the idea that late medieval penance nurtured too much guilt and too little consolation is hardly a new one and in fact comes from the Reformers themselves, it has recently been argued with especial vigor in several works by Steven Ozment.² Thomas Tentler has examined the matter more precisely and arrived at more cautious conclusions, but in doing so he too has directed our attention to the whole issue.³ Although several historians have voiced some doubts or reservations about the thesis, no one has yet systematically examined it. Yet it contains such seductive explanatory power that even one of those critics can relapse into speaking of the "oppressive anxieties" generated by the late medieval Church⁴. But was this so? Did confession on the eve of the Reformation inspire intolerable fear?

For some time I accepted the idea, thereby confirming yet again in retrospect the acute observation that "whether or not history repeats itself, historians repeat each other."⁵ But slowly I came to question and then reject the thesis for various reasons. The first originated in my reflections on my own experience as a Roman Catholic raised in the middle decades of this century and thoroughly educated in Catholic schools and in pre-Vatican II Catholicism. Now it is safe to say that my generation was far more successfully "indoctrinated" than I suspect most late medieval clerics were (to say nothing of laypeople), most of whom would have been amazed at the highly organized schools and catechetical instruction of the twentieth-century Catholic Church and of the other

1. Lawrence G. Duggan: "The Unresponsiveness of the Late Medieval Church: A Reconsideration," *Sixteenth Century Journal*, IX, 1 (April 1978), 3-26.

2. Steven E. Ozment: *The Reformation in the Cities. The Appeal of Protestantism to Sixteenth-Century Germany and Switzerland* (Yale, 1975), pp. 12, 28, 118-19, 176-77; and *The Age of Reform 1250-1550. An Intellectual and Religious History of Late Medieval and Reformation Europe* (Yale, 1980), pp. 209, 216-19.

3. Thomas N. Tentler: *Sin and Confession on the Eve of the Reformation* (Princeton, 1977). For an early critique of some of Tentler's ideas presented before the publication of this book, see Leonard E. Boyle, "The Summa for Confessors as a Genre, and its Religious Intent," in reply to Tentler's "The Summa for Confessors as an Instrument of Social Control," in Charles Trinkaus and Heiko Oberman, eds.: *The Pursuit of Holiness in Late Medieval and Renaissance Religion*, Studies in Medieval and Reformation Thought, 10 (Leiden, 1974), pp. 103-30.

4. Francis Oakley: *The Western Church in the Later Middle Ages* (Cornell, 1979), p. 315. Compare this with the remarks on p. 318, n. 9, and in *The Catholic Historical Review*, LXVIII (1982), 303.

5. David H. Fischer: *Historians' Fallacies. Toward a Logic of Historical Thought* (New York, 1970), p. 25. Both Max Beerbohm and Herbert Asquith have been given credit for this insight.

Christian sects. Such a modern Catholic finds implausible the whole notion of the oppressiveness of the late medieval penitential system which in its essentials, after all, continued unaltered down to the 1960s, save for the suppression of pecuniary indulgences, the gradual increase in the frequency of confession, and the modern obsession with lust as the only deadly sin. It is worth remembering, too, that what seems to have scandalized so many Protestants earlier in this century was their conviction, not that confession wreaked havoc on the psyche, but that it was shockingly easy for Catholics to cleanse themselves of their sins in the confessional on Saturday so that they could, with sanguine conscience, receive the Body and Blood of Christ on the next day. If the late medieval penitential system worked very different wonders, I find myself as a Church historian at a complete loss to explain how.

It is of course extremely dangerous for the historian to extrapolate from his own experience and attitudes in his reconstruction of the past. Indeed, our habitual problem is how to escape ourselves so as to be able to examine the past without the blinders of the present. My intuition, then, that the thesis did not "feel right" is, as such, worth nothing as an objection and, worse, could decidedly hinder understanding unless it were corroborated in more positive and direct ways. In fact, it is so corroborated, for the whole argument rests on slight evidence, stands on shaky assumptions, flies in the face of much of the conventional wisdom about the nature of the late medieval Church, and finally is cast into serious doubt by close consideration of a whole body of relevant evidence which has hitherto been ignored.

Strictly speaking, little direct evidence exists to support the assertion that late medieval penitential practice induced widespread anxiety. The windows into men's souls which historians so ardently desire are few indeed and usually opaque at that. The case rests largely on completely unwarranted generalization from the well-known troubles of Luther and a few of his associates and contemporaries. As Thomas Brady has succinctly put it, it is "little more than a universalization of Luther's account of his own conversion."⁶ Whatever proof is cited from the period after 1520 at the very latest is inadmissible, for the "Reformation crisis" had clearly begun by then and would inevitably have stirred up in many a sensitive conscience doubts which did not necessarily exist before 1518.⁷ Witnesses like Hans Sachs, William Roper, and Jean Calvin, therefore,

6. Thomas A. Brady, Jr.: *Ruling Class, Regime and Reformation at Strasbourg 1520-1555*, Studies in Medieval and Reformation Thought, 22 (Leiden, 1978), p. 9.

7. An apposite parallel exists in the transformation of the "climate of opinion" from the 1960s to the 1970s, when once very radical attitudes toward "the Establishment" grad-

provide testimony most dubious on the character of late medieval penance. Albrecht Dürer did suffer from well-documented tribulations as early as 1497 and bore witness to the relief he found in Luther's teachings.⁸ Such cases, however, are far too few in number to provide straw, much less bricks, for what turns out to be a house of cards.

Indirect evidence of several sorts is also adduced in support of the thesis—religious tremulations manifest in the work of many artists, heightened millennial expectations, a ground ripe for renewal on which the seeds scattered by Savonarola fell fruitfully if briefly, a markedly sharper edge to anti-clericalism and anti-Romanism, and so on. Aside from the difficulty of establishing causal links between these phenomena and the practice of penance, it is also rash to assume that these signs were novel or at least more serious than they had been in the earlier Middle Ages. Indeed, what has puzzled many Reformation historians like Bernd Moeller is the contrary sign that in the early sixteenth century the Roman Church seemed so secure after having apparently parried so many challenges to its authority.⁹ And as for the “anxiety” revealed within the framework of the Church in the form of Mass and altar foundations, what is clear to any medievalist is how conventionally medieval these benefactions were. Henry VII of England left money for 10,000 Masses to be celebrated for his soul, but Einhard tells us that Charlemagne disposed of fully two thirds of his wealth for similarly pious ends.¹⁰ On this argument, who suffered from greater *Angst*? Indeed, what is striking in the late Middle Ages is how many such intercessory legacies were short-term rather than perpetual in character and correspondingly endowed with limited funds. By comparison with Charlemagne, Henry VII was in this, as in every other respect, a tightwad.

The evidence, then, is thin or patient of many, even contradictory, interpretations. The belief that penance imposed impossible burdens in the late Middle Ages rests, furthermore, on a number of assumptions which also appear shaky when examined in light of the structure and functioning of the pre-Reforma-

ually became everyday truisms espoused by all except the most fervently conservative people.

8. *The Writings of Albrecht Dürer*, trans. and ed. W. M. Conway (New York, 1958), pp. 147–48.

9. Bernd Moeller: “Frömmigkeit in Deutschland um 1500,” *ARG*, LVI (1965), 3–31; Eng. trans.: “Religious Life in Germany on the Eve of the Reformation,” in Gerald Strauss, ed.: *Pre-Reformation Germany* (London, 1972), pp. 13–42.

10. Oakley, *Western Church*, p. 118; *Einhardi vita Karoli Magni*, c. 33, in *MGH, Scriptores in usum scholarum*, 6th ed. by G. H. Pertz and G. Waitz (Hannover, 1911, repr., 1965), pp. 38–40 (Eng. trans., *Two Lives of Charlemagne*, trans. Lewis Thorpe [Penguin, 1969], pp. 87–90).

tion Church. Finally, the thesis also conflicts with a large number of widely accepted old saws about the character of the late medieval Church. In brief, it does not mesh well with most of the conventional wisdom about the pre-Reformation Church—it is a kind of historical oxymoron. After surveying some of the assumptions and tensions in interpretation, I shall then turn to the actual practice of penance.

Let us consider the clergy, the putative doers of the deed. The argument, which rests largely on confessional manuals and similar handbooks, supposes that the pastoral clergy were fairly well-educated in matters theological, that they understood and were fully indoctrinated in these manuals, that they carried out in practice what they had learnt in school, and that they had the means at their disposal to plant exaggerated scrupulosity in large portions of their flocks. None of these suppositions is borne out by the facts. Outside the regular orders, educated clergy—such as they were—did not tend to study theology and certainly did not gravitate toward pastoral work. As is well known, at the parish level the problems were rather ignorance, pluralism and non-residence, and hard times. What is less well-known is that until well into the fifteenth century not all that much was demanded of the parish clergy in the way of learning and knowledge. By comparison with sixteenth-century expectations, Albertus Magnus, Thomas Aquinas, William of Pagula, and John de Burgh (the authors of the two most popular manuals for parish priests in late medieval England) had astonishingly low requirements.¹¹ This was not the stuff of which was made a tyrannical clerisy thundering fire-and-brimstone and brandishing confession as an instrument of social control.

Even if the parish clergy had had such lofty aspirations, it is doubtful whether they could have implemented them. A few ante-Reformation precedents notwithstanding, catechisms were first used in the sixteenth century to inculcate right religion in the faithful, and Gerald Strauss has recently given us considerable reason to question the success of the Reformers in using catechisms and other educational tools in planting the truth among the obstinate laity.¹² Sermons, especially long sermons, enjoyed a much older pedigree as a way of

11. Friedrich Wilhelm Oediger: *Über die Bildung der Geistlichen im späten Mittelalter*, Studien und Texte zur Geistesgeschichte des Mittelalters, 2 (Leiden—Cologne, 1953), pp. 54–57; Leonard E. Boyle: "Aspects of Clerical Education in Fourteenth-Century England," in *The Fourteenth Century. Acta IV*, Center for Medieval and Early Renaissance Studies of SUNY Binghamton (1977), pp. 19–20, repr.: *Pastoral Care, Clerical Education and Canon Law, 1200–1400*, Collected Studies, 135 (Leiden, 1981).

12. Gerald Strauss: *Luther's House of Learning. Indoctrination of the Young in the German Reformation* (Johns Hopkins, 1978).

teaching doctrine and morals; but I wonder whether the Reformation emphasis on preaching mirrors not only the Reformers' concern with the Word of God alone, not only the humanists' preference for rhetoric, not only the disdain of an educated elite for "mere ritual," but also the intense frustration which the late medieval clergy had experienced in trying to reform the masses. After a quarter-century of labor among the Genevans, Jean Calvin on his deathbed in 1564 pronounced them a "perverse and unhappy nation."¹³ As for his pre-Reformation clerical predecessors, can we in the same breath attribute to them invincible ignorance on the one hand and, on the other, marvelous rhetorical gifts enabling them to excite overly delicate consciences in multitudes of hearers? It is too improbable.

Obviously the clergy did affect belief and behavior in medieval Europe, but this whole subject has really yet to be studied thoroughly, carefully, and dispassionately. What can be said at this point on the basis of a modest acquaintance with a wide range of contemporary sources is that, if thousands of late medieval people did suffer from overburdened consciences, they had a most curious way of acting as though they did not. Whether one reads contemporary accounts like those of Alberti, Aeneas Sylvius Piccolomini, Cellini, Jörg von Ehingen, the Paston family, or the fivescore diaries of Renaissance Florence, or more modern treatments like that of Huizinga, one must arrive at this conclusion. We have yet to make much sense of the many seeming anomalies of "Renaissance behavior," largely because we are still the victims of the myth that these people were "modern."

Let us turn directly to the practice of penance itself, especially as it is revealed in a corpus of evidence which has, oddly, been ignored for the most part in these discussions—the legislation promulgated by diocesan synods and provincial councils of the Church. To be sure, laws pose substantial obstacles to their interpretation as sources of historical knowledge, but no greater than those offered by legal or theological treatises; and on balance these statutes provide a more faithful mirror of past reality than books do. Scholars may well wish to believe that learned men exert considerable influence on the course of human history; but that is more often wishful thinking grounded in occupational hazard rather than demonstrable fact based on historical evidence.

The thesis concerning the oppressiveness of the late medieval penitential system rests on several more specific assumptions: (1) that most people confessed frequently enough to be effectively under the thumb of the clergy; (2) that the norm was private confession, in which the sensitive penitent confronted the

13. Quoted in E. William Monter: *Calvin's Geneva* (New York, 1967), p. 120.

priest directly or, as one says nowadays, one-on-one; (3) that confessors were habitually inquisitorial, legalistic, and perhaps harsh; and (4) that people had little or no choice about their confessors. Each of the premises will be evaluated in turn.

(1) Did most Christians confess frequently? The Fourth Lateran Council in 1215 had required that "Every faithful [Christian] of both sexes, after he has arrived at the age of discretion, should alone faithfully confess all his sins at least once a year to his own [parish] priest ..." ¹⁴ On the face of it, this was hardly a stiff obligation, not one likely to provide a sure footing for a clerical reign of terror.

How did it work out in practice? The evidence is not clear. Interestingly, Ozment himself cites the findings of Toussaert for Flanders and Veit for Germany that confession was not all that popular. ¹⁵ Whether other local studies will confirm these conclusions remains to be seen. Carlo Ginzburg's extrapolations from the gruff remark of the Italian heretic Domenico Scandella that "one might as well go to confess to a tree as to priests and monks" have been justly criticized as unwarranted and excessively enthusiastic. ¹⁶ Ozment himself recognizes the problem of generalization when he speaks of "the hazardous enterprise of typifying late medieval religious life." ¹⁷

Nevertheless, a close inspection of ecclesiastical legislation suggests that refusal to confess one's sins was not a major problem or, to phrase it differently, that most people did obey the law of the Church in some form or other. Councils and synods groaned loudly and frequently about other matters related to confession (to be discussed below), and they complained even more about clandestine marriages, simony, lack of clerical discipline, the sad state of monasteries, and troubles with the laity on various points, above all ecclesiastical jurisdiction and the payment of dues; but there are precious few indications that significant numbers of people did not confess. The parish clergy were routinely enjoined to preach to their subjects (*subditi*) about their Christian duties, in-

14. COD, p. 245, c. 21: "Omnis utriusque sexus fidelis, postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter, saltem semel in anno proprio sacerdoti, et iniunctam sibi poenitentiam studeat pro viribus adimplere ..."

15. Ozment, *Reformation in the Cities*, pp. 15-22.

16. Carlo Ginzburg: *The Cheese and the Worms. The Cosmos of a Sixteenth-Century Miller*, trans. John and Anne Tedeschi (Johns Hopkins, 1980), p. 10. The criticisms have been voiced by Paola Zambelli: "Uno, due, tre, mille Menocchio?" *Archivio storico italiano*, CXXXVII (1979), 51-90, and H. C. Erik Midelfort in a review in *The Catholic Historical Review*, LXVIII (1982), 513-14.

17. Ozment, *Reformation in the Cities*, p. 15.

cluding the obligation to attend Mass on Sundays and holydays, to confess annually, and to receive the Eucharist at Eastertime; but these customary injunctions do not permit the inference that most, or even many, people did not do these things.¹⁸ Actual outcries about lay disobedience on these matters are seldom and not always easy to interpret. No firm, relevant inference can be drawn, for instance, from the complaint of the provincial council of Benevento in 1378 that many parishioners do not hear Mass in their own parish churches on Sunday or else go to other churches.¹⁹ More direct, but still annoyingly imprecise, is the lament voiced in 1365 that in many dioceses of the province of Arles many nominal Christians neither confess nor commune.²⁰ The council of Paris in 1419 noted that there are "many" (*plures*) who, "completely neglectful of their salvation, do not even confess their sins once a year."²¹ The synods of Eichstätt in 1453 and of Constance in 1463 and 1483 recorded that in many parts of these dioceses the people are "raro interesse" in attending Mass and hearing sermons, but nothing explicit is said about confession except that the parish priest must "in confessionibus severe corrigat" such rebels.²² More explicit for our purposes is the candid admission by the clergy convened at Passau in 1470 of their perplexity about what to do about those who refused to confess or to receive the Eucharist, although on the same occasion the bishop did resolve to act decisively to shrive those who feared to confess reserved sins which fell under his jurisdiction.²³ But the statutes do not clarify how common these problems were. In a similar vein, the council of Florence in 1517 denounced recalcitrants who neither confessed nor communicated, and it branded as *infames* those who persisted even after being given due warning. Again, no sign is given of how serious the matter was.²⁴

Such laments are, however, rather rare. The impression – and it is admittedly only that – which I have formed from reading these documents that people did generally confess is indirectly confirmed by the popularity of indulgences in the

18. E.g., CG, V, 12 (Würzburg, 1407, c. 28), 528 (Tournai, 1481, c. 4), 665 (Ermland, 1497, c. 16); Mansi, XXXII, 545 (Avignon, 1509, c. 24).

19. Mansi, XXVI, 653, c. 68.

20. *Ibid.*, XXVI, 451, c. 15: "Item, cum in multis diocesibus multi sunt nomine christiani, non curantes confiteri peccata, nec recipere Corpus dominicum ..."

21. *Ibid.*, XXVIII, 1110, c. 33.

22. CG, V, 434, 462–63, 558. Synods also occasionally noted the existence of neodonatist attitudes about the sacramental powers of priests in mortal sin. See *ibid.*, V, 172 (Salzburg, 1420), 235–36 (Strasbourg, 1435), 367 (Eichstätt, 1447), 438–39 (Mainz, 1455), 472 (Eichstätt, 1465), 568 (Eichstätt, 1484).

23. *Ibid.*, V, 487, 489.

24. Mansi, XXXV, 246, c. 6.

later Middle Ages. Whatever abuses developed in the decades before the Reformation in the acquisition of indulgences for someone already dead (which raised the vexing question whether the living person seeking the indulgence for another had to confess his own sins), many late medieval sources leave the distinct feeling that it was generally understood that the gaining of an indulgence required contrition and confession of the penitent. Typical is the anonymous account of the plenary indulgence granted by Pope Eugenius IV on the occasion of Christ's foreskin being brought to Paris in 1445: "... everyone who should receive one of these letters which they would give him would be absolved from all sin and guilt at the hour of death, as long as he was truly shriven and penitent."²⁵ So, too, the indulgence conceded in the following year, but only for one day, for the rebuilding of the Church of Notre-Dame at Pontoise, which had suffered extensive damage during the campaigns of the Hundred Years War: "It was full absolution, as it is at Rome, but the Roman one takes longer. Penitents must be shriven and truly contrite."²⁶ Corroborating evidence of another kind comes from Munich some years later, where the proclamation of a plenary indulgence for the years 1480-83 to erect the new Church of Our Lady necessitated the hiring of an extra 270 priests to shrive the pious (who were reported to number 123, 700).²⁷ Why spend money for the services of so many priests if people were not confessing their sins?

Nevertheless, even if it be safe to say that most people did confess at least once a year, there is virtually no evidence that they confessed often enough to permit us to infer that a tangible degree of clerical control existed. It would be a grave mistake to think that there obtained in the late Middle Ages anything like the common practice of weekly confession that had come to characterize Roman Catholicism in the mid-twentieth century (at least in the United States). Even the regular clergy were not expected to confess that often. When the synod of Würzburg stipulated in 1446 that monks should confess and communicate once a month, it was merely repeating the decree of the general Council of Vienne of 1311-12.²⁸ This obligation did not rest on the diocesan clergy, who appear ordinarily to have been bound to confess no more frequently than

25. *A Parisian Journal 1405-1449*, trans. J. Shirley (Oxford, 1968), pp. 356-57.

26. *Ibid.*, pp. 363-64.

27. Nikolaus Paulus: *Indulgences as a Social Factor in the Middle Ages*, trans. J. E. Ross (New York, 1922), pp. 39-40; see pp. 27-33 for a parallel example from Berne. For a detailed consideration of some of the background of the controversy surrounding indulgences for the dead, see Paulus' "Raimund Peraudi als Ablasskommissar," *Historisches Jahrbuch*, XXI (1900), 647-56.

28. CG, V, 332; the decree of Vienne is in *COD*, p. 371, c. 14.

laypeople, once a year.²⁹ It may be probable that most clerics confessed more often, but in the absence of conclusive proof it is also reasonable to believe that most laypeople, save possibly the most scrupulous, confessed far less often than the clergy did. Under these circumstances it is dubious whether confession could function effectively as an agent of social control or as an incubator of overheated consciences.

(2) Whether the practice of confession could produce such effects depended partly on the form which it took, public and general or private and individual. John Bossy believes that public or semi-public confession remained the rule down to the Counter-Reformation when the confessional associated with San Carlo Borromeo came into common usage.³⁰ If Bossy is right, the thesis is further weakened because of the relative anonymity a penitent enjoyed in public confession. Is Bossy correct? The evidence from ecclesiastical legislation does not support him. The synod of Breslau of 1446 speaks of three kinds of penitential rites, public, solemn, and private; but it says nothing about their prevalence.³¹ Otherwise the evidence points in the opposite direction either clearly or by implication. In fact, Cardinal Lorenzo Campeggio's constitution for the removal of the abuses of the German clergy, issued at Regensburg in 1524, recommended a return to the practice of the ancient Church of public penance for public crimes. The implication was that the public aspects of the rite had fallen into desuetude.³²

As Lea and Tentler make clear, private confession became increasingly common from the early medieval Western Church onward, even if private penance lagged somewhat behind in its evolution.³³ The Fourth Lateran Council in 1215 assumed secret confession to be norm and established it as such when it decreed that every Christian shall alone (*solus*) confess his sins annually. Not all laws passed in ecumenical councils came to life at the local level, but the late medieval evidence overwhelmingly proves the practice of private confession. The underlying supposition of the manuals for confessors is that the priest will examine penitents individually. Ecclesiastical legislation bears this out. Even the

29. I.g., CG, IV, 31 (Würzburg, 1298); Mansi, XXV, 80 (Bessin, 1300); CG, V, 514 (Freising, 1480), 628-29 (Bamberg, 1491).

30. John Bossy: "The Social History of Confession in the Age of the Reformation," *Transactions of the Royal Historical Society*, 5th ser., XXV (1975), 21-38.

31. CG, V, 294.

32. Mansi, XXXII, 1266. As early as 1281 the convocation of Canterbury had also called for the revival of public penance (*ibid.*, XXIV, 409).

33. Henry Charles Lea: *A History of Auricular Confession and Indulgences in the Latin Church* (1896; repr., New York, 1968), I, 37-38, and II, 73-101; Tentler, *Sin and Confession*, ch. 1.

other canons of the synod of Breslau referred to above speak constantly of the *sacerdos* and the *peccator* (not *peccatores*), and it also ordered priests to shrive people in the order of their appearance and not to prefer the rich to the poor.³⁴ The synods of Niemeck (in Brandenburg) in 1284 and of Strasbourg in 1435 forbade anyone to seek absolution by deputy or script (*per nuntium vel scriptum*) and required the physical presence of the penitent before the priest.³⁵ One could multiply such examples at great length, all of which point in one direction: private confession.

(3) But did the priest grill people in such a way as to implant intolerable guilt? And did this happen on such a scale as to produce a *mentalité collective* of fear? Here the problem of arriving at balanced judgments is particularly acute, not only because reconstructing "collective mentalities" places the highest demands on the most skilled historian, but also because a Protestant historian *ipso facto* cannot easily understand auricular confession from the inside and is not likely to find it congenial in any way. For him, what happens in the confessional savors somehow or other of clerical tyranny from the outset—such at least is the way one Catholic historian perceives the *mentalité* of historians who are heirs of four-hundred years of Protestantism.

Harsh and terrifying confessors there doubtless were, and they found some support in ecclesiastical legislation. The most common requirement working to their advantage was that rectors submit to their bishops little lists of names, occasionally of those who had confessed,³⁶ but more commonly of those who had not.³⁷ Councils meeting in Prague in 1346 and 1355 invited the faithful to denounce non-parishioners attending services so that they might be expelled.³⁸ The province of Toledo took the additional step in 1302 of forbidding a priest to administer the Eucharist to anyone who had not confessed to him.³⁹

But far more representative of the attitude of the Church was the opposite decree of the synod of Cologne in 1280 which required rectors to give the Eucharist at Eastertide to parishioners presenting themselves even if they had not

34. CG, V, 290–91.

35. Mansi, XXIV, 526; CG, V, 237–38. On this practice, which persisted into modern times despite growing opposition from the thirteenth century, see Lea, *Confession*, I, 362–67.

36. E.g., in the province of Benevento in 1331 and 1378 and in the diocese of Béziers in 1351 (Mansi, XXV, 971–72, and XXVI, 250, 653).

37. Between 1280 and 1503 in the dioceses or provinces of Basle, Cologne, Liège, Salamanca, Toledo, and Trier (CG, IV, 146–7, 306, and VI, 10; Mansi, XXIV, 353, 893, and XXV, 271, 1071, 1145–6).

38. Mansi, XXVI 88, 394.

39. *Ibid.*, XXV, 102.

confessed.⁴⁰ Concern for Christians in danger of death weighed so heavily that some councils explicitly reminded laymen that they could hear the confessions of those *in articulo mortis* (as they still may),⁴¹ and priests were empowered to shrive any dying person, sometimes even excommunicates or those guilty of reserved sins.⁴² On at least one occasion priests were accused of excessive lenience on such occasions.⁴³ As for ordinary circumstances, ecclesiastical legislation, like the confessors' manuals, everywhere counselled prudence, discretion, and common sense. The decree of Fourth Lateran had done so,⁴⁴ and so did synods and councils for the next three-hundred years. All concur in forbidding the priest to charge fees and to break the seal of the confessional, but also in exhorting him to moderation and even leniency in practice. Such is the tenor of the statutes from Exeter in 1287, Trier and Cologne in 1310, Magdeburg in 1403, Breslau and Würzburg in 1446, Eichstätt in 1447, Magdeburg in 1489, Bamberg in 1491, Ermland in 1497, Basle in 1503, Regensburg in 1512, and Cologne in 1536.⁴⁵ In the confessional a priest was enjoined to be a judge, to be sure, but a prudent, cautious, and humane one;⁴⁶ and the emphasis was underscored by reminders that he must also be like unto a physician pouring oil and balm on wounds.⁴⁷ One might counter by arguing that, just as the prohibition on charging fees was necessary to curb a priestly vice, so too the exhortation to moderation was needed to dampen sacerdotal zeal; and one might add that both kinds of laws were equally effective. The difficulty with this line of argument is that, whereas the sources attest in plenitude how mercenary many parish clergy were (which often drove people elsewhere), the sources are not near-

40. *Ibid.*, XXIV, 353.

41. E.g., *ibid.*, XXIV, 526, 979.

42. CG, III, 713, and IV, 146, 152-53, 267-68, 391; Mansi, XXIV, 153, 526, 929, and XXV, 37, 279.

43. CG, IV, 252-53 (Münster, 1317).

44. *COD*, p. 245, c. 21: "Sacerdos autem sit discretus et cautus, ut more periti medici superfundat vinum et oleum vulneribus sauciati, diligenter inquirens et peccatoris circumstantias et peccati, per quas prudenter intelligat, quale illi consilium debeat exhibere et cuiusmodi remedium adhibere, diversis experimentis utendo ad sanandum aegrotum. Caveat autem omnino, ne verbo vel signo vel alio quovis modo prodat aliquatenus peccatorem, sed si prudentiori consilio indigerit, illud absque ulla expressione personae caute requirat, quoniam qui peccatum in poenitentiali iudicio sibi detectum praesumpserit revelare, non solum a sacerdotali officio deponendum decernimus, verum etiam ad agendam perpetuam poenitentiam in arctum monasterium detruendum."

45. Mansi, XXIV, 790; XXV, 281-82; XXXII, 491-93, 1261; CG, IV, 155; V, 297-301, 349-50, 369, 629-30, 665, 667, 719-21; VI, 9-10, 108.

46. E.g., CG, III, 572-3, 649, and IV, 154, 219.

47. E.g., *ibid.*, IV, 401 (Prague, 1355); Mansi, XXIV, 790 (Exeter, 1287).

ly as obliging about how efficiently severe the priests were as confessors. If anything, the evidence sustains the Reformers' own charges that the system was lax, inefficient, and all too human in its orientation.

Furthermore, if the system was so oppressive, how are we to explain why so much of Europe remained Catholic and retained unaltered the rite of penance? To be sure, what in the long run primarily determined the course of religious change in early modern Europe was a consistent policy of the state of suppressing Catholicism or some form of Protestantism. Still, many people adhered to the old religion or later returned to it, even though the Council of Trent changed nothing of substance in the sacrament.⁴⁸ Is it possible that for most people penance did console more than terrify, or at least that they could somehow escape its latent fearfulness?

(4) Just as in modern Catholicism people knew who the "tough" priests were and could avoid them in favor of more lenient ones, so too could men and women in the late Middle Ages. Fourth Lateran had ordered every Christian to confess to his own parish priest unless he obtained permission, ordinarily to be given only for good cause, to confess to someone else.⁴⁹ But parish discipline, however much the underlying ideal here, remained only a dream until the modern era.⁵⁰ This aspect of late medieval ecclesiastical organization and religious life had, like virtually every other, become highly fragmented and complex. Controversy reigned, confusion prospered, and, I deeply suspect, the harsh priests largely fell through the cracks.

Although for the most part people were probably confessing, they were often not going to their parish priests, who may or may not have been severe in the first place. Occasionally synods directed their blasts against laypeople who, for whatever reasons, decided to ignore parish boundaries.⁵¹ Usually, however, churchmen indicted the parish clergy for accepting or even enticing parishioners from elsewhere. Again and again pastors were enjoined to dispense the sacraments only to their own parishioners, excepting, of course, travellers, pilgrims and others with reasonable excuses. The problem was attacked as a serious one by the clergy meeting at Copenhagen in 1425, Würzburg in 1446, Constance in

48. The canons and decrees concerning penance from the fourteenth session of the Council of Trent are printed in *COD*, pp.703-18.

49. *Ibid.*, p. 245, c. 21: "Si quis autem alieno sacerdote voluerit iusta de causa sua confiteri peccata, licentiam prius postulet et obtineat a proprio sacerdote, cum aliter ille ipsum non possit solvere vel ligare."

50. A point correctly stressed by John Bossy: "The Counter-Reformation and the People of Catholic Europe," *Past and Present*, no. 47 (May 1970), 51-70, esp. 53-62.

51. Mansi, XXIV, 442 (Avignon, 1282); *CG*, V, 481-82 (Passau, 1470).

1463 and 1483, Nevers in 1468, Bamberg in 1491, and Ermland in 1497.⁵² These particular instances do not prove that this problem was widespread, but the masters of the University of Oxford implied as much in the proposals for the reform of the universal Church they had drawn up for the Council of Constance in 1414.⁵³

Furthermore, the parish clergy were not empowered to forgive all sins. Despite the impression given by many confessors' handbooks which discuss the whole range of sins, the absolution of most serious sins was reserved to bishops or to the pope, who ordinarily delegated the faculty to penitentiaries.⁵⁴ We have already encountered at least one instance of fear on the part of sinners of confessing grievous sins to an episcopal authority.⁵⁵ Nevertheless, even though the system appeared to be tighter here than at the local level, it was in fact looser, for penitents could obviously choose among the penitentiaries and others licensed to forgive reserved sins. There seems to have been a good deal of pressure from below to distend the system. The synod of Breslau in 1473 recorded that some diocesan clerics sought to obtain licenses by having influential lay patrons intercede with the bishop.⁵⁶ Many unlicensed clergy did not bother with such tedious procedures and simply absolved reserved sins of their own accord. Secular clergy were condemned for doing so at Freising in 1440 and 1480, Würzburg in 1446, and York in 1466⁵⁷; the mendicants were at Exeter in 1380, Freising in 1440 and 1480, Mainz in 1451, Salzburg in 1456, and Constance in

52. CG, V, 332, 462, 557, 612, 665; Mansi, XXVIII, 1088-89, and XXXII, 341. This was the complaint formulated at Würzburg in 1446 (CG, V 332): "Sane gravis et clamorosa querela nostris auribus inculatur, quod nonnulli suis juribus et finibus non contenti Parochianos alienos presumunt recipere temere ad Divina, contra Canonicas Sanctiones, et cum dictorum Parochianorum Judices non existant, nec ligandi, nec solvendi in eos acceperint potestatem, se tamen faciendo in foro spirituali periculose absolvunt, et ligant pro suo libito voluntatis, sicque ipsos, qui proprios spernunt Presbyteros ..."

53. Wilkins, III, 364, c. 34: "Quoniam in vilibus et horrendis peccatis parochiani pluri mi nobiles et ignobiles utriusque sexus nimio pudore ligati, curato proprio confiteri renunt, eis datur absolutio talis, qualis a fratre inscio et ignaro; expedit praelatis ecclesiae remedium opponere in praemissio."

54. On the subject of reserved sins, see Lea, *Confession*, I, 312-46. For some detailed lists of reserved sins, see CG, IV, 147-48 (Cologne, 1310), 222 (Mainz, 1310); Mansi, XXV, 271-73 (Trier, 1310), 507-8 (Milan, 1311), and XXXII, 491-93 (Magdeburg, 1489); CG, VI, 109-112 (Regensburg, 1512), 155-56 (Tournai, 1520).

55. See p. 160 above (Passau, 1470).

56. CG, V, 500.

57. *Ibid.*, V, 278-79, 350-51, 513; Wilkins, III, 604. See also CG, V, 475-76, where the synod of Eichstätt excoriated diocesan priests granting dispensations to receive the Eucharist to people whom they could not absolve of reserved sins.

1463⁵⁸; and even deacons and *humiliati* were accused at Poitiers in 1280 and Milan in 1285, respectively, of presuming to forgive sins in general.⁵⁹

In short, persons who had committed mortal sins could in practice pick and choose among many of the clergy, not merely the authorized penitentiaries. Cardinal Campeggio's constitutions of 1524 for Germany, recognizing in effect the disorders and abuses which had arisen from what can only be called a mess, therefore authorized every confessor to forgive for all truly contrite sinners (except homicides, heretics, and excommunicates) all secret sins formerly reserved to episcopal jurisdiction.⁶⁰ The provincial council of Cologne in 1536 in essence adopted this provision.⁶¹ Emperor Charles V pressed in 1548 for abolition of the whole system of reservation, but the Council of Trent in 1551 retained it, including the right of every bishop to specify what sins were reserved in his diocese.⁶²

Any residual vigor in the penitential system was sapped by the intense competition between the diocesan and the regular clergy, above all the mendicants. The law was that a regular required a license from the local ordinary to shrive (as well as dispense the other sacraments) in a diocese, but the synodal decrees of the late Middle Ages evidence at every turn that regulars presumed without authority to compete not only with the ordinary parish priest, but even with bishops and the pope in the business of forgiving sins. Signs of cooperation and even amity appear now and again, but they are exceedingly rare.⁶³

The conflict in this specific realm is understandable and requires a short explanatory digression. The opposition of the established secular and regular clergy at the Fourth Lateran Council notwithstanding, the friars came into existence in the thirteenth century;⁶⁴ and they came not as monastic contemplatives living in withdrawal from the world, but as mendicant activists working in it. As a result they were inevitably set on a collision course with the parish clergy. By 1231 German bishops, soon to be joined by their confrères in the rest of Europe, were protesting to the pope that the friars were abridging the rights of the diocesan clergy, especially with respect to preaching, shriving, and sepulture. In-

58. Wilkins, III, 147; CG, V, 278-79, 411-12, 469-70, 513, 940.

59. Mansi, XXIV, 383, 880.

60. *Ibid.*, XXXII, 1086.

61. *Ibid.*, XXXII, 1266.

62. Lea, *Confession*, I, 318; COD, p.708, c.7.

63. At Prague in 1346 the bishops of the province were forbidden to refuse licenses to qualified mendicants who had been properly presented by their superiors (Mansi, XXVI, 102), and at Exeter in 1287 and Rouen in 1335 the seculars were positively exhorted to be friendly to the mendicants (*ibid.*, XXIV, 792, and XXV, 1046).

64. COD, p.242, c.13, "De novis religionibus prohibitis."

consistent papal policy during the next century only compounded confusion. Whereas the popes in 1257 and 1265 insisted that friars could neither preach nor shrive without episcopal license, Pope Martin IV in *Ad fructus uberes* in 1281 ceded full permission to the friars to do both. At the same time, Martin also renewed Fourth Lateran's requirement that every Christian confess his sins annually to his own priest, but he did not repeat the Council's words "omnia peccata," nor did he distinguish between ordinary and reserved sins. This former chancellor of Louis IX could not have sown more fruitful seeds of discord. Boniface VIII, whatever else he may have been, was a great lawgiver, yet he too did not satisfactorily resolve the impasse. In 1298 he announced that all persons must confess at least once a year to their own parish priests even if they habitually confessed to a friar. In the bull *Super cathedram* in 1300 he adjudicated the points of dispute between the mendicants and the seculars. Concerning confession, the pope ordained that a friar needed to be presented by his superior to the local bishop for formal permission to shrive. But on this occasion Boniface remained silent about the provisions of Fourth Lateran. Benedict XI, a former Dominican, in 1304 annulled *Super cathedram*, but Clement V and the Council of Vienne in 1311 annulled the annulment and restored *Super cathedram*.⁶⁵ The following year the secular priest John of Pouilly rekindled the acrimony by arguing that, in accordance with Fourth Lateran, everyone must confess to "his own priest" even if he already has done so to a friar. Pope John XXII in 1321 condemned this proposition, but this evidently did not end the matter, for in 1447-48 Nicholas V was moved to renew John XXII's proscription of the views of John of Pouilly. If men in the Middle Ages knew Augustine's dictum "Roma dixit, causa finita est," they paid it little heed.⁶⁶

The necessity of obtaining episcopal license to shrive was insisted on at length at councils and synods held at Copenhagen in 1425, Tortosa in 1429, Cologne in 1452, Kamin in 1454, Nevers in 1468, Freising in 1480, and Salzburg in 1490⁶⁷; and the clergy at Passau in 1470 added that the pastor's permission was also requisite.⁶⁸ All this seems to have been in vain. Unlicensed mendicants forgave not only reserved sins, but also ordinary ones falling under parochial jurisdiction. Cries of outrage were explicitly raised, for example, at Exeter in 1380, Magdeburg in 1370 and 1403, Mainz in 1451 and 1455, Salzburg and

65. *Ibid.*, pp. 365-69, [10].

66. John Moorman: *A History of the Franciscan Order from its Origins to the Year 1517* (Oxford, 1968), pp. 94, 181-84, 202-03, 340-41, 534.

67. Mansi, XXVIII, 1089-90, 1153-55, and XXXII, 302-03; CG, V, 415-16, 515, 577, 932.

68. *Ibid.*, V, 481-82.

Soissons in 1456, Constance in 1463, and Freising in 1480.⁶⁹ Sometimes this led to a revocation of all licenses, as at Salzburg in 1274, Liège in 1287, Exeter in 1380, and Schwerin in 1492,⁷⁰ and in at least one instance, Kamin in 1500, the bishop flatly forbade all mendicants to hear confession.⁷¹ The savage acrimony which erupted periodically in Strasbourg between 1416 and 1518 reached particularly unedifying heights.⁷²

In consequence of this disorder the average Christian could fairly well elect his confessor. In fact, some clergy believed that even aside from the problems created by unlicensed confessors, too many authorized clergy were already hearing confessions, a situation which demonstrably gave the advantage to the layman being wooed by competing priests. From opposite ends of papal Europe came the same complaint in the year 1456. At the provincial council of Salzburg the clergy focussed on monks in particular for luring the laity to their confessionals, even in places which enjoyed a sufficiency of secular clergy, and even when the latter were more competent to shrive than the monks.⁷³ At Soissons the regulars were condemned even more vehemently for their excesses.⁷⁴

Similar indictments of lay freedom of choice, although not specifically directed at the mendicants, came from the University of Oxford in 1414⁷⁵ and from the council of Florence in 1517.⁷⁶ Whether or not the clergy were to enjoy such

69. Ibid., V, 411-12, 440, 720, 942; Mansi, XXVI, 586-87, and XXXII, 180.

70. Mansi, XXIV, 138, 891; Wilkins, III, 147; CG, V, 640. For other instances, see CG, IV, 266 (Mainz, 1318), 342-43 (Utrecht, 1343), 496-97 (Cologne, 1370), and VI, 157 (Tournai, 1520).

71. CG, V, 675.

72. Charles Schmidt: *Histoire du chapitre de Saint-Thomas de Strasbourg pendant le moyen âge* (Strasbourg, 1860), pp. 153-64, and documents nos. 101, 110, 112, 115, 126, and 127.

73. CG, V, 942: "Item predicti Monachi, gaudentes privilegio audiendi confessionem populum inducunt, ut apud eos Confessores suos eligant; etsi in loco habeantur sufficientes, et bene docti Presbyteri saeculares, ad quos pertinent, imo peritiores, quam sint ipsi Monachi. Et etsi ibi non est multitudo populi, ita quod Plebanus cum suis optime sufficienti plebi suae. Praesumitur enim, ut verum est, quod Monachi in audiendis confessionibus plebem ad se alliciant, & ipsis Missas, & alia apud eos peragenda in poenam injungunt; absolventes etiam quoscunque casuales publicos & occultos, qui ex hoc in suis sceleribus eo temerarius persistunt in maximam damnationem animarum plebis."

74. Mansi, XXXII, 180: "Item quia ex inordinata multitudine religiosorum, qui ad confessiones audiendas deputantur, plurimum utriusque sexus nimia libertate utentes, pro libito suo, quibus volunt confitendi, & absolutionem obtinendi (praesertim in casibus reservatis) audaciores sunt, ad graviora peccata perpetranda ..."

75. See n. 53 above.

76. Mansi, XXXV, 244, "De poenitentibus, & remissionibus, & quaestoribus," c. 1.

freedom,⁷⁷ laymen were not supposed to. But the system did not work. In fact, it is not too strong to call it chaotic.

Now what is particularly fascinating in this respect is that so much of the evidence of this disorder, especially with respect to the mendicants, comes from Germany, precisely that area of Europe on which rests so much of the case for the fear induced by the late medieval (German?) penitential system. Admittedly, the German evidence does not originate in all dioceses or parts of dioceses of the Empire. At the provincial council of Salzburg of 1456, for instance, denunciations of mendicant outrages were lodged by the clergy of Lavant, Regensburg, Lower Styria, and Lower Carinthia, but not at all from Upper Styria.⁷⁸ Nonetheless, the simple mass of material from the Empire as a whole is striking.

This may of course reflect an imbalance in the surviving decrees and printed documents which can thus easily skew the historian's perceptions. Italy and France do not seem as strongly represented in the relevant volumes of Mansi as are the German-speaking lands, and neither country has anything comparable to Schannat-Hartzheim for this period. England, however, does in the form of Wilkins' collection, so it may provide something of a check. It is true that articles 32 and 34 of the proposals formulated by the University of Oxford in 1414 for the reform of the whole Church speak of the "gravis et continua" altercation between the mendicants and the seculars over pastoral rights⁷⁹ and of many impudent laypeople who refuse to confess to their parish priest.⁸⁰ It is true that Pope Martin V wrote in 1421 to the archbishop of Canterbury about the usurpation of the authority of minor penitentiaries.⁸¹ And it is true that the convocation of York forbade parish priests in 1466 to forgive reserved sins and in 1518 to shrive those who are not of their parish.⁸² But one does not obtain the impression (and I stress that word again) from reading Wilkins that the dis-

77. The bishop of Strasbourg in 1435 conceded to all diocesan clergy and members of collegiate churches the right to choose their own confessors and to forgive each other all but reserved sins (CG, V, 236), whereas the synods of Freising and Bamberg in 1480 and 1491, respectively, required clergy to confess to their superiors (ibid., V, 514, 628-29) and the provincial council of Florence formally denied the clergy any freedom of choice in 1517 (Mansi, XXXV, 245, c. 4). On confessors of members of religious orders, see Robert E. McCormick: *Confessors of Religions* (Catholic University of America diss., Washington, D. C., 1926).

78. CG, V, 939-43.

79. Wilkins, III, 364, c. 32.

80. Ibid., III, 364, c. 34, quoted in n. 53 above.

81. Ibid., III, 403.

82. Ibid., III, 604, 672.

order and the quarrels found in so much of the Empire existed on a comparable scale in England. The only concrete reference in the entire third volume of Wilkins to mendicant incursions into the penitential system occurs in the diocese of Exeter in 1380, where the bishop decided to restrict the number of licensed penitentiaries to ten Franciscans and ten Dominicans for each of the four archdeaconries in the diocese.⁸³ There are otherwise no allusions to such difficulties for the period c. 1350–c. 1530 for either England or Ireland. The many articles of the convocations of Cashel in 1453 and 1512, for example, contain not a word on the subject.⁸⁴ The mendicants caused problems in other areas,⁸⁵ but evidently not here, or at least not sufficiently great ones to stir up passions worthy of record.⁸⁶

It was apparently otherwise in Germany, and there was a reason for this. It has already been mentioned that it was the German bishops who initially protested to Pope Gregory IX in 1231 about mendicant violations of diocesan rights. By the end of the century the attitude of the German bishops had changed. In the turmoil created by Martin IV's *Ad fructus uberes* of 1281, the bishops of France moved to protect the interests of their clergy, but those of Germany did not.⁸⁷ The bishops of Bamberg, Strasbourg, Passau, and Augsburg all granted the friars the right to preach and to shrive as they wished.⁸⁸ Later bishops tried to enforce the licensing system, but the legatine council of Cologne over which Nicholas of Cusa presided in 1452 still upheld the right of the mendicants to shrive provided they had secured episcopal permission.⁸⁹ Significantly, the system was tending toward greater looseness on the very eve of the Reformation. In 1512 the synod of Regensburg issued a proclamation to be read in German to all the people by their rectors, obliging all Christians in the diocese to receive the Eucharist from their own priests, but also allowing them

83. *Ibid.*, III, 147.

84. Mansi, XXXV, 99–103; Wilkins, III, 652–53.

85. See, for instance, F. R. H. Du Boulay: "The Quarrel Between the Carmelite Friars and the Secular Clergy of London, 1464–1468," *Journal of Ecclesiastical History*, VI (1955), 156–74.

86. I have not been able to consult the London M.A. thesis of Jean L. Copeland: *The Relations Between the Secular Clergy and the Mendicant Friars in England During the Century After the Issue of the Bull 'Super Cathedram'* (of which there is a notice in the *Bulletin of the Institute of Historical Research*, XVI [1938–39], 34–35).

87. On the reaction of the French bishops, see Palémon Glorieux: "Prelats français contre religieux mendicants. Autour de la bulle 'Ad fructus uberes' (1281–1290)," *Revue d'histoire de l'église de France*, XI (1925), 309–31, 471–95.

88. Moorman, *Franciscan Order*, pp. 181–84.

89. CG, V, 415–16.

to confess to any licensed friar without having to obtain their own pastor's consent.⁹⁰ The Fifth Lateran Council in 1516 confirmed the rights of friars everywhere to shrive and passed over in complete silence the role of the parish priest.⁹¹

Thus, even if severity had been the aim of the late medieval penitential system, it did not work that way, and perhaps especially so in Germany. The net result of a system shot through with such jurisdictional conflicts and grave flaws in its capacity to police its own executors was competition for souls and an even more marked inability to control the laity.

The popularity of indulgences in the century or so before the Reformation raises related questions in a different way. Granted, that popularity possibly illustrates substantial fears of divers kinds, and Albrecht of Mainz's *Instructio summaria* of 1515 exhorted his indulgence preachers to "concentrate their utmost diligence, infiltrating [the four indulgences] one by one into the ears of the faithful in the most effective way ..."⁹² Yet what strikes one is not the severity of the "system" as it operated, but rather its laxity, a laxity which was no doubt exacerbated once the ordinary simple soul was faced with the possibility of gaining an indulgence not only for himself, but also for those presumably suffering in Purgatory. This impression of laxity and hence lack of "social control" is borne out by Luther's ninety-five theses themselves. In number fourteen Luther proposes that "defective spiritual health or love in a dying man" should "bring with it a great fear," but the tenor of most of the other theses as well as of his letter of the same day to Archbishop Albrecht is that there existed too little rather than too much scrupulosity in practice.⁹³

90. Ibid., VI, 113-14: "... volumus, quod omnes & singuli Pastores Ecclesiarum Parochialium ad praecavendas discordias & dissensiones sequentia verba vulgari sermone populo publicent, ut sequitur: Auch sollent yr wissen zu vermeiden der yrrung, so zwischen der Selsorger, und die Pfarrkirchen regieren und vorwesen, auch der Brüder und Orden entsteen mochten, und sunderlich der vor verkundten Satzung halb [the proclamation in German of the decree *Omnis utriusque sexus* of the Fourth Lateran Council], dass nicht allein Pfarrer und Selsorger, der Peicht halben verstanden sollen werden; sunder auch, wan dye Bruder der vier Orden, ynmassen, wie yn geistlichen Rechten gesetzt ist, einem Bischoff, yre verordente Peichtveter fürsenden, und presentiren; alsdan mag ein yedlichs Christenlichs Mensch denselben verordenten und zugelassen Peichtveterinn wohl peichten, on Erlawbnus seins Pfarrers, thuet auch der verkundten Satzung der Christlichen Kirchen genug. Doch sol ein yeglichs Christenlichs Mensch das Heilig Hochwirdig Sacrament des Altars von seinem aygen Selsorger und Pfarrer empfahe."

91. COD, p.647.

92. E. G. Rupp and Benjamin Drewery, eds.: *Martin Luther* (New York, 1970), p. 15.

93. Printed in *ibid.*, pp. 17-25.

In summary, the assertion that the late medieval penitential system weighed so heavily on the conscience of the normal layman that it drove him into the arms of the Reformers has an odd ring in the ear of a modern Catholic and even more so in the ear of a late medieval Church historian who cannot believe that a Church unable to reform itself from within, unable to enforce celibacy among the clergy, unable to prevent clandestine marriages among the laity or to teach them little more than the Pater Noster, the Ten Commandments, and the Seven Deadly Sins (if all of these) – that this Church nevertheless had the authority and the capacity to nurture millions of overly scrupulous souls. The argument is fundamentally irreconcilable with much of the evidence and most of the conventional wisdom about the character of the late medieval Church in Western Europe.

It is reported that a teacher of logic in twelfth-century Paris used dialectic to prove the existence of God to his students and then proceeded smugly with the same instrument to destroy his proof. Lest I leave a similarly negative impression (although admittedly I have proved nothing), let me conclude with a few positive remarks, if not a solution. Obviously the observations made above have not simplified our task, but then our task is not to simplify the past, but rather to understand it on its own terms and to attempt to explain it. This will require extending our purview horizontally and vertically, or chronologically and topically. Our comprehension of late medieval piety, belief, and religious practice and its relation to the Reformation will be placed in its proper perspective only when it is rooted in a deep knowledge of medieval history and only when we liberate these studies from the confines of institutional history and of theology or, to be more precise, only when we cease to assume that theological opinion and changes in theological opinion accurately reflect, and have enormous impact on, what goes on outside the universities of late medieval Europe. More and more studies keep making it ever clearer how much early medieval religion was "primitive" (in the anthropologists' sense of the term, of course) and how much of this "primitive" character survived despite the rationalizing efforts of the university men and of the educated clergy. At the same time, however, even official religion in the "Renaissance and Reformation" period was very much intertwined with magic, astrology, the occult, and all sorts of other things now normally excluded from the realm of religion as "superstitious" and, as a result, all too often excluded by historians, especially of theology, from their approach to religion in the fifteenth and sixteenth centuries. We only render an injustice to the past if we impose our narrow modern outlook on it. In recent decades the study of the "Scientific Revolution" of the sixteenth and seventeenth centuries has been progressively emancipated from this Whiggish prejudice and

placed in its proper historical context. Oddly enough, this has yet to happen for the study of the Reformation, but it must.⁹⁴

This placement of Reformation studies in a larger cultural context would also enable us to examine the so-called *Angst* of the late Middle Ages in new ways and compel us to stop assuming that it was either peculiar to the late Middle Ages or theological or even religious in its causation. Let me illustrate this by citing two alternate views of the matter. William Bouwsma, a Renaissance historian, does not deny anxiety as a *Leitmotiv* of late medieval and Renaissance culture, but he discerns it causes not in the confessional but in the gradual breakdown of medieval culture with its ability to define and invest experience with meaning. He prefers, in other words, a cultural rather than a religious explanation.⁹⁵ By contrast, Lynn White, a medievalist much given to the grand sweep, has suggested that the whole era of European history from the late eleventh century down to the seventeenth was dominated by *Angst*, at first individual and then collective, which was caused primarily by the inability of "traditional" agrarian Europe to accept change and which came to an end only when Europeans were finally able to do so well after the Reformation. This viewpoint in particular diminishes the stature of late medieval *Angst* and of the impact of intellectuals and their ideas on society, but it is nevertheless worth considering, however disturbing to the conventional wisdom of Reformation historians.⁹⁶

Finally, Reformation scholars must stop paying little more than lipservice to the earlier threats faced by the medieval Church to its authority and thus have

94. For an excellent critique of Reformation studies at the moment, including the problem of insularity, see Brady, *Ruling Class*, pp. 1-41.

95. William J. Bouwsma: "Anxiety and the Formation of Early Modern Culture," in Barbara C. Malament, ed.: *After the Reformation. Essays in Honor of J. H. Hexter* (Philadelphia, 1980), pp. 215-46. On the thesis discussed in this article, Bouwsma has the following to say: "The peculiar guilt of this period is sometimes attributed to the confessional, but this seems at best a half-truth; the confessional was much an expression as a cause of anxiety. Men submitted to its scrutiny because they were in desperate fear of appearing before God with a single sin left unrecognized and unabsolved. Even confessors sometimes shrank from so dreadful a responsibility, itself a source of unbearable anxiety. And men often stayed away from confession because it gave no relief" (p. 221). For yet another approach to fear in early modern Europe, see Jean Delumeau: *La peur en Occident (XIV^e-XVIII^e siècles). Une cité assiégée* (Paris, 1978).

96. Lynn White, jr.: "Death and the Devil," in Robert S. Kinsman, ed.: *The Darker Vision of the Renaissance. Beyond the Fields of Reason*, UCLA Center for Medieval and Renaissance Studies, Contributions, 6 (U. of California Pr., 1974), pp. 25-46. See also George Rosen: "Emotion and Sensibility in Ages of Anxiety: A Comparative Historical Review," *American Journal of Psychiatry*, CXXIV (1967), 771-84.

to accept diminished status for their own brand of Reformation. To be sure, they talk about the Waldensians, the Cathars, the Lollards, the Hussites, and all the other dissidents of the Middle Ages; but for all practical purposes most Reformation historians still write and think about the Reformations of the sixteenth century as if they were a novel phenomenon requiring profound explanations. In the end, however, it may well be that, just as Erwin Panofsky once suggested that what above all distinguished *the* Renaissance from earlier Renaissances was its permanence,⁹⁷ so too perhaps what set off the sixteenth-century Reformation from earlier ones was simply its permanence. That in a real sense would make it easier to explain.

Prof. Lawrence G. Duggan
Department of History
University of Delaware
Newark, Delaware 19716

ZUSAMMENFASSUNG

Erregte das spätmittelalterliche Bußsystem in den Gläubigen dermaßen Angst und Furcht, daß sie die reformatorische Botschaft als eine Tröstung empfanden und begrüßten? Der Verfasser hält diese gängige Vorstellung für unwahrscheinlich, weil sich seine persönlichen Erfahrungen als Katholik nicht damit decken. Er widerspricht weitgehend der geläufigen Auffassung über den Charakter der spätmittelalterlichen Kirche, die auf unsicheren Annahmen beruht und von einem bisher übersehenen, bedeutsamen Bestand einschlägiger Quellen nicht gestützt wird: den rechtsetzenden Texten der Provinzialkonzilien und Diözesansynoden der spätmittelalterlichen Kirche.

97. Erwin Panofsky: *Renaissance and Renaissances in Western Art* (Icon ed., 1972), p. 106: "to put it briefly, the two medieval renaissances were limited and transitory; the Renaissance was total and permanent."