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imperfect essay is that I have made an honest attempt to hold the balance evenly, and to state the theory of the English Church without throwing prejudice or partisanship into either scale in order to give it preponderance over the other.



Some Chapters in the History of the Early English Church.

BY THE REV. ALFRED PLUMMER, D.D.

VIII.—THE PENITENTIAL SYSTEM AND PENITENTIALS.

THERE has been a good deal of difference of opinion as to whether the penitential system which was introduced by the Roman and Scottish missions did much good. It certainly did a good deal of harm, and if we confine our attention to the Penitential Books, or Penitentials, as they are commonly called, we may say that the harm far exceeded the good, whether we regard their effect on the clergy who used them, or the laity who were treated in accordance with the regulations laid down in them.

The penitential system as a whole was an attempt to lay upon the rough, selfish world something of the monastic discipline which had come to be regarded as the ideal life; and of course some modifications had to be made in the discipline when it was applied to lay persons living in the world. In two respects at least it did good. It taught and enforced the wholesome doctrine that sin was a pollution to the sinner, and that wrongdoing was an injury, not only to the persons wronged, but also to the wrongdoer himself. No doubt this had been taught, not only in the first ages of the Christian Church, but before the birth of Christianity, and by both Jews and Gentiles. But the penitential system drove this idea home, and emphasized the fact that personal purity and rectitude were things to be desired for a man's own well-being, as well as for the safety of

those among whom he lived ; and thus the moral sense of society was made more alert, and was raised to a higher level. The system also did a great service to society in changing the point of view from which offences were to be judged. Every great injury to the person had its customary penalty, according to a rate which eventually became embodied in laws ; and this penalty was called the *wer*, which, being of the nature of a pecuniary fine, was commonly spoken of as the *wergild*. But, whereas the *wergild* of the State was on a scale which rated offences according to the rank of the person wronged, the penitential system of the Church rated offences according to the rank of the wrongdoer. The one made an offence committed *against* a person of high rank worse than an offence committed against a person of low rank. The other treated an offence committed *by* a person of high rank as worse than one committed by a person of low rank. The difference from a moral point of view was great, and wholly to the advantage of society. The principle that *noblesse oblige*—that the nobleman is under stronger obligation to behave well than the serf, and the priest than the layman—was wholesome doctrine ; and it was no less wholesome doctrine that to kill a serf was just as much murder as to kill an ætheling or a king.

One can hardly avoid, in this connexion, talking of Anglo-Saxon *laws* ; but it must be remembered that we know very little about such things, and it is unwise to make more than tentative statements on the subject. It is convenient to talk of Ini's laws or Alfred's laws, and such language easily leads one to think of a code drawn up under the one king or the other ; but we probably make a considerable mistake if we assume that any such code ever existed. The "dooms" that have come down to us are isolated regulations—attempts to put down in black and white some of the more important customs which had become established, and which often require a knowledge of customs that were not written down in order to make the written "dooms" intelligible. That is just the knowledge which, with our present materials, it seems to be impossible to

obtain. Nevertheless, enough is known to enable us to compare the civil customs or laws of the State with the penitential system of the Church, and to see that the moral influence of the latter was in some respects superior to the moral influence of the former.

Wergild and compurgation seem always to have gone together; the higher the *wergild*, the greater the value of that person's oath in court. Every man's life had its value, and every man's word had its value, when he swore to alleged facts in a trial. The oath of the twelfhynd man was worth twice that of the sixhynd man, and six times that of the twyhynd man. The *wergild* of the twyhynd, or simple free man, was 200 shillings, and this seems to have been the unit of calculation. The estimates for the higher ranks, whether in the State or in the Church, were multiples of that—viz., twice, or four times, or six times 200 shillings. The slave had no *wergild*, and his word went for nothing in a court of justice; he could no more give legal testimony than an ox or an ass. He was simply his master's chattel. Injuries done to him were treated as done to his master, just as injuries done to the master's cattle were treated; and the master was responsible for all injuries done by his slave, just as he was responsible for what his cattle did.

Yet even in this civil legislation or traditional custom we can trace the influence of the Church. Church property was regarded as God's property, and theft of it was punished more severely than theft from a king. The word of a bishop, like the word of a king, was indisputable, even without an oath. A priest could clear himself from an accusation by denying the truth of it before the altar and saying, "Veritatem dico in Christo, non mentior" (Rom. ix. 1). A layman had to swear, and bring others to swear, that he was innocent. It is stated that a slave who was made by his master to work on Sunday could claim his freedom. Such a law is obviously of ecclesiastical origin, and it must have secured to the slave one day of rest in the week. No master would risk losing his slave for the sake of a few hours' work. But it is probable that these

customs were not the same in all kingdoms or at all periods. Nevertheless, we may assume that similar principles prevailed in almost all cases ; and the difference between estimating the gravity of a crime by the rank of the person who commits it, rather than by the rank of the person who suffers from it, is very great indeed, and this change of view may be attributed to the penitential system, which made the penance of a priest heavier than that of a deacon, and the penance of a deacon or subdeacon heavier than that of a layman. Nevertheless, at its best such a system had obvious perils, which might easily be realized. It seemed to imply, by its carefully-graduated penalties for particular sins, that by the performance of the penance the sin was *ipso facto* cancelled as if it had never been committed, just as a debt is cancelled by the payment of what has been owed ; and it might easily be understood to insinuate that the sin might be committed if you were prepared to perform the penance which was prescribed for it. Modifications were gradually introduced into the system, partly of necessity, and partly through the ingenious casuistry of penitents or of indulgent confessors, which turned these possibilities into disastrous facts.

When a flagrant sinner had delayed repentance until he was on his deathbed, it was futile to tell him that he must undergo penitential fasts for many years. He was allowed to commute these for works of mercy by donations to churches and monasteries, helping the poor, freeing his own slaves and redeeming those of other masters, building bridges, and the like. This kind of indulgence was required often, and at last was reduced to a system, with a fixed price for every period of fasting that was commuted, the price being graduated according to the rank or wealth of the penitent. Then it was pleaded that, if this commutation was allowed to all those who were supposed to be dying, some of whom eventually recovered, it ought to be allowed to all sick persons, who were, by the fact of their sickness, precluded from undergoing a long period of fasting. And then it was argued that all whose constitutions or daily employments

rendered a prolonged diet of bread and water perilous to health might claim the same right of commutation. When this concession had been made, it was obvious that the Church was favouring the rich, while being as stern as ever to the poor. The rich man might commit some scandalous crime, and quickly be reconciled to the Church by payment of the sum which was equivalent to the years of penitential discipline which his sin had incurred; while the poor man, in similar circumstances, would have to undergo the penance or be excommunicated. This rendered it necessary that some kind of commutation, other than a money payment, should be invented. If, therefore, the penitent was too poor to pay a silver penny for every day of fasting that his sin had incurred, he might recite fifty psalms instead of paying; and if he was too illiterate to recite fifty psalms, he might say the Lord's Prayer fifty times. But, supposing he was so ignorant as to be unable to say the Lord's Prayer, or had to work so hard for his living that he could not find time for reciting so many psalms or prayers daily, what was he to do? Then he might get someone else to do it for him, of course remunerating his substitute so far as he was able. Supposing that he found a good-natured substitute who did not require to be remunerated, he got off scot-free. In this way it was possible for a man to commit a grievous sin, and yet enjoy the full privileges of communion, without having done anything to prove, either to himself or to others, that he was penitent. He could tell himself and others that he had done all that the Church required.

Such cases were not only possible, they actually occurred, and evidently they were not rare. We have seen that the Council of Clovesho found it necessary to proclaim that no one must think that psalm-singing will free people from the obligation to practise other good works, or that sins can be cancelled by the fasts and prayers of other persons. It also told the clergy to remind their flocks that alms and prayers, although certainly useful, are designed to be only auxiliaries of fasting, and not substitutes for it. The bishops, however,

seem hardly to have been in earnest about the matter. The indulgences and commutations and substitutions which they condemned were, little by little, sanctioned, first by silence, and then by formal permission.

When this system of counting the austerities and devotions of other people as penance for one's own sins had become recognized and accurately graduated according to a known rule, it developed to an extent which is hardly credible, and which in any sphere other than that of the solemn work of reclaiming sinners and freeing them from their sins would seem to be grotesque and absurd. In order to be safe from the suspicion of exaggerating for controversial purposes, it will be well to take the description of the process from a Roman Catholic writer of great learning and fairness. The case is that of a wealthy thegn who had committed a crime for which the established penance would be a rigorous fast for a year. "At his summons, his friends and dependents assembled at his castle; they also [*i.e.*, as well as the thegn himself] assumed the garb of penitence; their food was confined to bread, herbs, and water; and these austerities were continued till the aggregate amount of their fasts equalled the number specified by the canons. Thus, with the assistance of one hundred and twenty associates, an opulent sinner might, in the space of three days, discharge the penance of a whole year" (Lingard, "The History and Antiquities of the Anglo-Saxon Church," i., p. 339). It was stipulated that the sinner must do a fraction of the penance himself; and he was admonished that the experiment of getting other people to do the greater part for him was a doubtful one, and that he must sanctify the experiment by true contrition. But such admonitions were not likely to have much effect, when the practice of vicarious penance had been not only allowed but regulated in detail. Lingard states that he has found no instance of it later than the reign of Edgar; but, of course, that does not prove that the custom came to an end then. In history generally, and especially in ages in which historians are not found and chroniclers are few, it is things which are of frequent occurrence

that are not recorded. One may conjecture that an arrangement which was so much in accordance with the wishes of the powerful and wealthy would not easily die out of itself or be put down by ecclesiastical authority. It would be interesting to know whether ecclesiastics themselves ever made use of it.

It is in the Penitentials or Penitential Books that the system is seen at its worst. Such things had many names; *libri pœnitentiales*, *pœnitentialia*, *leges pœnitentiæ* or *pœnitentium*, *pœnitentiales codices*, *peccantium judicia*, and so forth. Apparently they were seldom put forth with the authority of any Council, but generally with that of some individual teacher or bishop, who had a reputation for piety and for skill in dealing with penitents. Councils, as a rule, seem to have condemned the use of them, or, at any rate, of certain provisions in them, as we have seen was the case with the Council of Clovesho. The best known examples are the Anglo-Saxon Penitentials of the period which we are discussing, but such books were common enough on the Continent. It is erroneous to suppose that they were introduced into Britain from Rome, whether by Archbishop Theodore or any of his predecessors. It is quite clear from Adamnan's "Life of Columba" (i. 22, ii. 39; see Fowler's edition, p. 35) and other sources of information that penitential canons existed in the Keltic Church. We have extracts from the "Book of David," Bishop of Minevia (St. David's) in the sixth century, which was of this character; and there is a "Book on the Computation of Penances," which is attributed to Cummian, who sided with Rome against his Keltic brethren on the Paschal question in the seventh century. It has been thought that Theodore's Penitential is largely based on Cummian's, but chronology is against this.¹ The later Penitential of Archbishop Egbert of York, however, does owe some of its items to Cummian. To what extent the Penitential which bears the

¹ Dean Hook thinks that Theodore must have been acquainted with the Penitential of John the Faster (*d.* A.D. 596), the opponent of Pope Gregory the Great ("Lives of the Archbishops," i., p. 168). In the form in which it has come down to us, this Penitential has the horrible features alluded to below.

name of Theodore is really his is a question not easily determined. But that he did issue such a document, not for general information, but for the guidance of parish priests, is certain : and whatever harm it may have done by lowering the tone of spiritual life in an unwise attempt to raise it, we ought to remember with gratitude that it had a good deal to do with establishing the parochial system in England. The Penitential assumes all through that every English Christian has a church to worship in and a priest to minister to him both publicly and privately (Haddan's "Remains," edited by Forbes, p. 323 *et seq.*).

There is a Penitential which bears the honoured name of Bede, and some scholars of repute accept it as his. But the latest editor of Bede gives good reasons for doubting whether he ever compiled anything of the kind. Bede does not mention it in the list of his writings at the end of his "Ecclesiastical History," nor does he allude to it elsewhere. Egbert, who was Bede's pupil, in compiling his Penitential, states that he borrows from Gregory and Theodore, but says nothing about obligations to Bede. Moreover, Bede, who tells us so much about Theodore, never mentions that Theodore had issued a Penitential, which he surely would have done if he had used it ; and the Penitential attributed to Bede is only a compilation from Theodore's and other works of the kind. "On the whole, the arguments are against Bede's authorship, and we should be thankful to believe that Bede had nothing to do with such a matter. The penitential literature is, in truth, a deplorable feature of the medieval Church. Evil deeds, the imagination of which may perhaps have dimly floated through our minds in our darkest moments, are here tabulated and reduced to a system. It is hard to see how anyone could busy himself with such literature and not be the worse for it" (C. Plummer, "Bædæ Opera Historica," i., p. clvii *et seq.*).

The reader will find similar condemnations of these books in the "Dictionary of Christian Biography," iii., p. 367 ; iv., p. 932 ; "Dictionary of Christian Antiquity," ii., p. 1608. They seem to have been much used in the Gallic Church, for a good many Frankish Penitentials are still extant ; and there they were con-

demned by synodical authority early in the ninth century, by Councils at Châlons (A.D. 813), at Mainz (A.D. 829), and at Paris (A.D. 847); which also appears to show that they were so widely diffused and so generally employed as to be a serious and notorious evil. They are to be entirely rejected and discarded, and bishops are charged to destroy them wherever they come across them. Apparently these Frankish Penitentials were nameless, *quorum certi errores, incerti auctores*, and therefore it would be more easy to drive them out of use. But in England the names of Theodore and Egbert, which were rightly assigned to books of this kind, and the name of Bede, however wrongly assigned, would make it more difficult to get the Penitentials discarded, and as a matter of fact they continued to be copied for a long time.

It is only right to remember, when we read of the appalling minuteness with which sins of the flesh are tabulated and estimated as to degrees of enormity, and therefore as to corresponding degrees of penance, that the whole system originated in misguided zeal in dealing with the vices of *heathen*, to whom such things were either a matter of course or a joke. But we cannot argue that, if the Penitentials had not been in the first instance framed for converts from paganism, such sins would hardly have been mentioned. The damning fact is that they continue to be mentioned, and discussed with increasing minuteness, when the Penitentials are to be used in dealing with persons who have had Christian progenitors for generations, and in particular with the inmates of monasteries. As Haddan long ago pointed out, in dealing with Montalembert's too favourable estimate of "The Monks of the West," if a whole series of minute laws is repeated again and again, through many centuries and in all countries, respecting "certain acts of wickedness as committed by a special class of men, we fear it is plain proof that such wickedness not only existed, but was common in that class.¹ In truth, the framers of canons and

¹ For the extraordinary severity of the penalties inflicted by monastic discipline on quite ordinary and even trivial faults, see I. Gregory Smith, "Christian Monasticism," chap. vii.

penitentials must have been destitute of common sense, as well as common decency, if anything save stern necessity drove them to fill their pages with that which forms the staple of their contents." Anyone who cares to verify the truth of this has the material provided for him in vol. iii. of Haddan and Stubbs' "Councils and Ecclesiastical Documents relating to Great Britain and Ireland." The later developments of the system in the matter of Indulgences are sketched in Lindsay's "History of the Reformation," vol. i., pp. 213-227.



The Date of the Crucifixion.

BY LIEUTENANT-COLONEL MACKINLAY.

IN the April number of *THE CHURCHMAN* the Rev. D. R. Fotheringham, M.A., F.R.A.S., asserts (p. 266) in his striking and interesting article, "Fresh Light on the Date of the Crucifixion," that "astronomy not only narrows the uncertainty of the year, but also definitely decides once and for ever the still more engrossing question as to the exact day of the Crucifixion," which, he says, was on Friday, April 3, A.D. 33. He also states (p. 271) A.D. 29 is "a date that is no longer astronomically tenable" for that event.

He argues thus—the Crucifixion took place on a Friday and on the Passover day (14th of the lunar month Nisan), but in A.D. 29 that day fell on *Saturday*, March 19, because (according to his deductions) Nisan 1 was on March 5, when the new moon was first visible.

If Nisan 1 had fallen on the day previous (March 4), Nisan 14 would also, of course, have been a day earlier—viz., Friday, March 18, in which case the calendar would have agreed with the supposition that A.D. 29 was the year of the Crucifixion.

The question then turns on the point whether March 4 could have been Nisan 1 in A.D. 29.