

## THE CONFESSIONAL IN HISTORY.

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FEW ecclesiastical developments have exercised a greater influence on the evolution of Christianity than what is known as the Confessional; but any discussion of the part which it has played in history must of necessity commence with some examination, however cursory, of the New Testament ideas and Apostolic practice from which it took its beginning. Not that we shall find any reference to anything so obviously unprimitive as the more fully developed form of the Confessional, but we should expect to find at least the genesis of so vast a system within the limits of the Apostolic writings. Yet the moment we turn to them we find, as so often, a marked absence of specific instructions capable of indefinite expansion and adaptation, and in place of them only general principles which leave considerable scope for varied interpretation and application. When looking for apostolic precedent it is always immensely important to realise that the age of the Apostles was essentially a creative period in which the Christian society was in a state of mobility and freedom ready for the emergence of great ideas and unhampered by the rigidity and conservatism of later times. Surely Dr. Streeter is correct when he suggests "that the actual course of events was of a more haphazard, and at the same time a more dynamic, character than students of the subject have hitherto suspected."<sup>1</sup> Our Lord appears deliberately to have rejected any idea either of initiating legislation or formulating decrees that would be binding for all time upon the consciences of His followers. We shall look in vain therefore for any definite injunctions as to Confession on our Lord's part and very little on the part of the Apostles.

There are, however, one or two passages in the New Testament which may seem to supply an adequate basis for later practices. The most obvious one is that in St. John's Gospel, where our Lord states that "Whose-soever sins ye remit, they are remitted unto them; and whose-soever sins ye retain, they are retained." But this was a charge to the Church giving it a power which it can wield irrespective of confession. The words are included in the English Ordination Service for Priests, but it is important to realise that they do not appear in any Ordinal until the thirteenth century, and they are still absent from the Greek Ordinal. Of the words themselves it may be sufficient to quote the verdict of the latest Anglican scholar to deal with them. "There can, I think," writes Dr. Headlam, "be no doubt that the reference is here to the

<sup>1</sup> *The Primitive Church*, p. 72. His reference was, of course, primarily to the Christian Ministry; cf. Dr. Headlam's remarks in *The Doctrine of the Church and Reunion*, p. 137.

disciples as a body representative of the Christian Church, and that it is to the Christian Church that is given the authority of binding and loosing." And later on he states that he regards it as a legitimate deduction from our Lord's other statements to the disciples that "while to the Apostles our Lord gave a commission of ministry, to the community He gave authority." <sup>1</sup>

To examine the rest of the New Testament to see how the Apostolic Church attempted in practice to apply these words would take too long. The primitive Society as we see it at work in the Acts and Epistles was far too absorbed on the whole with the great and essential task of preaching the gospel of repentance to be concerned to any great extent with disciplinary questions. But there is one event which exhibits the Church as using the power in a proper constitutional fashion, and that is at the first Church Council in Jerusalem. Here we can see the Church making a decision by using the authority committed to her by her Lord. In the Acts the disciples seem far more anxious for a confession of faith than even for a confession of sin, and formal absolution seems little used. <sup>2</sup>

Whatever may be the precise significance of our Lord's words on binding and loosing, it is quite obvious that some kind of disciplinary action towards sinners was contemplated from his words, "if he will not hear you, tell it unto the Church, and if he will not hear the Church let him be unto you a heathen and a publican." <sup>3</sup> This seems to foreshadow some form of excommunication, similar to that which St. Paul appears to have contemplated in his well-known words to the Corinthians, <sup>4</sup> though a strict interpretation of his words indicate a form of social ostracism rather than any formal ecclesiastical action. But here again the Christian Society was only beginning to develop and everything was so inchoate and indeterminate that rules and regulations appear to be entirely absent. Yet the need of them was bound to arise as soon as the Church expanded, embracing all kinds and types of people within the fellowship of the Society. The expansion of the Church in every direction, the adherence of people who only very imperfectly reflected the Christian standard of conduct, the failure of many to apprehend the moral implications of the Catholic faith, all combined in the first centuries of Christian history to produce problems demanding effective disciplinary action. One of the earliest forms of such action was the very obvious one of exclusion from the Eucharist; but that did not long suffice, and very soon other forms of penitential discipline were evolved and applied. Circumstances hastened the process, for persecution, which intermittently accompanied the growth of the Church down to the days of the Emperor Julian (A.D. 363), forced the question of discipline, at least in one particular form, to the front. One of the immediate consequences of persecution was the commencement of a movement for the readmission of those who in times of danger had given way and

<sup>1</sup> *The Doctrine of the Church and Reunion*, pp. 36, 39.

<sup>2</sup> Cf. Acts x. 47, 48; xvi. 33.

<sup>3</sup> St. Matt. xviii. 17, 18.

<sup>4</sup> 1 Cor. v. 5, 11.

denied the Faith. When the danger was over there was an insistent demand for reinstatement, which gave rise to much controversy, especially in North Africa under Cyprian. The rigid terms for readmission which he laid down proved too hard, and he was compelled to modify them. But it brought the whole question of penitence to the front. A Council in 251 decided that the *sacrificati* must submit to a long process of penitence before being allowed to return to the Church. But since in exceptional cases Cyprian permitted the Reconciliation of the lapsed to be performed by a deacon it shows that no idea of any sacramental power of the keys could have been contemplated.<sup>1</sup> The act of reconciliation was a matter of discipline and not the prototype of the modern confessional. This controversy, however, gave a powerful impetus to the whole idea of penitential discipline. Normally in the early stages public penance was alone contemplated and consisted generally of prayer, fasting and suspension from Communion. This was usually referred to as *penitentia secundum morem ecclesiae*. It followed almost inevitably that different ecclesiastical provinces would soon evolve their own regulations, which in turn would soon be crystallized into particular codes. In them the penalties would vary as well as the methods of enforcement. Stages of reconciliation appeared, latterly of a very elaborate character. Time and circumstances tended constantly to increase this elaboration with the result that all kinds of penitential penalties were devised, sometimes extending over a period of as much as seven years, and even in the last stage, that known as *fletus*, for life in the case of a denial of our Lord. The severity of these public penances is obvious, but some mitigation was permitted at the discretion of the bishop. Even so, the lot of the penitent was by no means enviable. The penitent could not engage in litigation, was forbidden to live with husband or wife, and was never to be allowed the use of arms. But other forces were coming into being which in time changed the whole character of penitence.

Hitherto, as we have seen, penitence was largely a public matter, but in course of time the excessive severity of the penitential discipline made men less and less willing to submit to the process. The inherent difficulty of such strictness had become apparent in quite early times;<sup>2</sup> and the tendency now arose for public penance to be limited to public crimes. Meanwhile, the teaching of the necessity of secrecy in the Confessional also strengthened the tendency, for the two were obviously very largely incompatible. Another factor which told against the practice was the increasing confusion between spiritual and secular penalties, many of which were plainly punishments inflicted as a deterrent to others rather

<sup>1</sup> Benson, *Cyprian*, p. 97. Dr. Lea, *Auricular Confession, &c.*, p. 10, notes this, but he did not apparently observe that it was only in "desperate cases." Those who wish to see an example of Rome's method of proving the supposed primitive origin of auricular confession should read Archbishop Benson's words on pp. 98-9.

<sup>2</sup> Benson, *Cyprian*, p. 158.

than as a process designed to save the sinner's soul. Consequently, in the earlier forms of Reconciliation, the stress was laid on the outward and formal reconciliation with the Church rather than of the soul with God. In the earliest stages prayer to God and real penitence for sin were regarded as sufficient. But in addition the efficacy of intercessory prayer was admitted from the commencement, and from this apparently innocent practice arose nearly all the claims of later sacerdotal practice. In time other things were allowed as possessing a certain efficacy, such as alms-giving, and later quite a number of different ways of obtaining pardon were permitted. But probably the part played by the Eucharist in the remission of sins is the most significant development in the light of subsequent events. There were two aspects from which the value of the Eucharist in this connection could be viewed. In the first place, communion itself was regarded as sufficient to remit sin. The other, and ultimately the more significant, was supposed to reside in the mere act of celebrating.

The transition from public penance to private confession was a gradual process and one which was not completed until after the twelfth century. It would not be impossible to allow that public penance may have had a salutary effect in the early centuries, often referred to as the Dark Ages, when some strong moral authority was always a crying need. Dr. Lea,<sup>1</sup> whose elaborate researches have done so much to elucidate this subject, quotes as a good example of public penance that of our king Edgar, who is stated by some early writers to have postponed his coronation for seven years until May 11, 973, as a mark of penitence for an indecent assault upon a nun; but the evidence is insufficient to convince modern historians, who refuse to accept the explanation as sufficient.<sup>2</sup> But few would dispute the nature of Henry II's penance for the murder of Becket, though it is a matter for consideration how far such an abject humiliation on the part of a king did not lessen his authority, and merely augment the prestige of the Papacy at the expense of the kingdom. Public penance must have played a great part at one time in the religious life of the Middle Ages and on occasions must have contributed an element of real interest to the community. We can imagine the interest aroused when the mandate of the bishop of Worcester against certain offenders was duly carried out in 1283 by which the culprits were ordered to go "in shirt and trousers," as we should say, and be publicly beaten by the Deans of Worcester, Gloucester, Bristol, Pershore, and Warwick through the markets of each of those places.<sup>3</sup> Such punishment, however, revealed the confusion then prevalent between crimes which to-day would be punished by the State and moral offences strictly so called. These men had beaten a clerk, hence the offence was technically an

<sup>1</sup> *Auricular Confession and Indulgences*, vol. II, pp. 82, 83.

<sup>2</sup> Stubbs, *Const. Hist.*, i, 191, and Hodgkin, *Pol. Hist. of Eng.*, vol. I, p. 356, appear to know nothing of the tradition, though neither can wholly account for the delay. Oman, *Eng. before the Nor. Conq.*, rejects it.

<sup>3</sup> *Reg.*, Giffard, p. cxxxix (Worcs. Hist. Soc.).

ecclesiastical one, yet it quite obviously belonged to the *forum externum*, as it was called, rather than the *forum internum*, which was more concerned with conscience. The spread of public penance, however, led to a demand for some unification of the rules of procedure and the penalties that ought to be given, and this in turn led to the rise of a distinct form of codification known as Penitentials. Three of the more famous of these bear English names, i.e. Theodore, Bede and Egbert. Of these, the first was by far the most famous and was used and copied all over Europe. They attempted to standardise penances for a great variety of sins and offences, and they reveal a good deal of agreement as to the fitting penance for various sins, e.g. the Penitentials of Theodore and Bede ascribe an identical penance for perjurers.<sup>1</sup> But they are not very pleasant reading, and we have evidence that all through the Middle Ages the penances were often subsequently modified, hence Dr. Lea's caustic comment that the punishment for incontinent priests, if uniformly carried out, involving suspension from ministration for seven years, would have rendered half the parishes of Europe destitute of a priest.<sup>2</sup> It is difficult therefore not to believe that penances only too often must have been modified or altogether ignored. In any case, customs arose which to all intents and purposes had the same effect. One of these was the convenient practice of allowing a money payment to take the place of the prescribed act of penance, which led in time to the appearance of the pardoner and seller of indulgences. Another similar tendency can be seen in the development of the idea of vicarious penance or satisfaction which quickly led to the performance of penances by deputy, and since the most convenient deputies were naturally the clergy, it became usual to pass on the duty to them, though the laity were also admissible as substitutes as well. From the practice arose also the system of regular tariffs in place of certain forms of penance, such as pilgrimage to certain shrines.<sup>3</sup>

Such then was the penitential background, if it may be so described, of the medieval Confessional which had been developing alongside of and in conjunction with public penances and their proper performance. The public penance, though it lingered long into the Middle Ages, began quite early to fall into disrepute and, as we have already seen, to be modified by various influences. Leo I was the first to authorise officially the substitution of private Confession to a priest for public Confession on the grounds that possible scandal was thereby avoided.<sup>4</sup> In course of time, the

<sup>1</sup> Haddan and Stubbs, *Councils, &c.*, III, pp. 182, 423. Cf. the following passage *ad verbum*: *Si laicus alterum occiderit*, &c. on pp. 180, 330. The identity of language seems to show, if not a common origin for these Penitentials, at least a good deal of general agreement on many points already in existence. *Vide* the valuable Introductions.

<sup>2</sup> *Op. cit.*, II, 176.

<sup>3</sup> For an example of Absolution from performing a vow of Pilgrimage, and for further information on Medieval Pilgrimages, see my *The Bishop's Register*, p. 163, and Additional Note G.

<sup>4</sup> Cf. Gore, *Leo the Great*, p. 145.

Sacrament of penance, involving of course Absolution, became surrounded by almost innumerable conditions and regulations. Amongst these the necessity of a proper attitude of mind on the part of the penitent, and an adequate knowledge of the mental and moral habit and tendencies of the penitent on the part of the Confessor, were of the first importance. Hence arose the three recognised conditions requisite for the reception of absolution—contrition, confession and satisfaction. But then great discussions, too long to summarise, arose out of the degrees of contrition or attrition necessary to obtain remission of sins. Between these two attitudes of mind contrition was generally regarded as more successfully eradicating all desire for evil whatsoever.

Meanwhile it is important to notice that a change was taking place in the development of the theory of sacramental efficacy as represented by the power of the keys and the idea of the merits of Christ which clothed the medieval priesthood with enormous powers of discretion. Such powers placed immense responsibility upon the shoulders of every priest, and the question naturally arises, How many in that rude age were really capable of estimating with any degree of adequacy or completeness the almost infinite degrees of guilt attaching to every particular sin confessed? Such a task requiring great wisdom, a sure knowledge of human nature, a wide grasp of the penitential system, judgement, sympathy and skill could obviously not be discharged at all adequately by the average parish priest of the Middle Ages. Hence it is not surprising that very often the penitent possessed, or thought he possessed, a far better idea of what penance should be imposed upon him and acted accordingly. Very often the priest had to be satisfied with a few Pater Nosters and Aves. Not that this prevented the spread of regular confession at least once a year at the beginning of Lent. We get quite early evidence of the practice even in the records of English legislation. In the Laws of King Edmund<sup>1</sup> promulgated *c.* 942 it is stated that no homicide shall approach the king until he has carried out the penance enjoined by his confessor. A little later, Ethelred, in a code which, according to Libermann, must be dated after 1008, states much more emphatically that "Every Christian man . . . shall frequently go to Confession, and freely confess his sins, and readily make amends as is prescribed for him."<sup>2</sup> This injunction was repeated verbatim in the following code. It has, however, been pointed out that these latter codes of Ethelred's reign "thoroughly ecclesiastical in tone . . . full of tiresome repetitions and injunctions . . . bear witness to the strong influence exercised by Archbishop Wulstan of York, to whose sermons whole passages afford close parallels."<sup>3</sup> In spite of this they provide good evidence of the official view of the importance of frequent Confession. How far every layman obeyed these injunctions is a much more difficult matter to determine. It was also a long time before there

<sup>1</sup> I Edmund 3, *The Laws of the Kings of England*, ed. A. J. Robertson, p. 7.

<sup>2</sup> V Ethelred 22, *op. cit.*, p. 85.

<sup>3</sup> VI Ethelred, cap. 27, *op. cit.*, pp. 49, 99.

was complete uniformity of teaching and belief amongst the theologians of the Middle Ages. Even such a reputable teacher as Abelard could maintain that Confession was not necessary to salvation.

A complete change now comes over the situation in A.D. 1215, the year of the great Lateran Council. It was then that Innocent III laid down that every Christian must confess all his sins at least once a year to his parish priest and carry out faithfully any penance that may be enjoined, under penalty of being regarded as infected with heresy.<sup>1</sup> The confessor now comes to the front as a man clothed with vast power over the consciences of men, and the Church through the power of excommunication assumes an influence unparalleled in history. The full consequences of this decree have been very clearly stated by Dr. A. L. Smith,<sup>2</sup> who points out that "sins tended to be brought on a level. . . . Till they have made their submission to the priest the parricide and borrower of books from a library are alike relegated to outer darkness. The first half of Christian duty becomes obedience to the hierarchy, and men are apt to relax when half their duty is done." It also served to stress the importance of the outer act of penance at the expense of the inner contrition of soul. Further, it emphasised the supremacy of the ecclesiastical over the secular, of priest over layman, with all the tremendous implications of such a doctrine.

In the Middle Ages undoubtedly a great part was played by the Friars in fostering the growth of the Confessional. They made a special study of its methods, and were therefore in certain respects experts. They were greatly in demand as Confessors and many bishops employed them as special Penitentiaries in their dioceses. This privilege of hearing confessions was greatly coveted, and in the University of Oxford in the thirteenth century the privilege was largely reserved for the Franciscans assisted by the influence of Archbishop Pecham.<sup>3</sup> In general the Mendicant Orders were far more popular as Confessors than the parish priests. As Dr. Little says: "The Mendicants were far more in sympathy with the poor than were the endowed monks, and possessed far more than the parish priests the confidence of the people."<sup>4</sup> The reason for this popularity is not far to seek. Very often the Friar was only a "bird of passage," and it was better to confess to a friar whom one might never see again and who would not be always present to see if a prescribed penance were carried out than to the resident parish priest. The bishops encouraged them, as we can see, for example, from the Synodal Statutes<sup>5</sup> of John de Pontissara, bishop of Win-

<sup>1</sup> Modern historians are agreed as to the vital importance of the Council. See the account in Binn's *Innocent III*, p. 164 f. Cf. Powicke, *Stephen Langton*, pp. vii, 130 f.

<sup>2</sup> *Church and State in the Middle Ages*, p. 52 f.

<sup>3</sup> Little, *Grey Friars in Oxford*, pp. 74-5, and cf. his remark in *Medieval England*, p. 394.

<sup>4</sup> *Op. cit.*, p. 78.

<sup>5</sup> *Reg.*, I, p. 207 foll.: The rights of the parish priest were generally guarded. Cf. *proprii sacerdotis prius in forma quam supradiximus licencia requisita, et ecclesie parochiali oblacionibus consuetis et debitis persolutis.*

chester in the thirteenth century. This was probably due to their efficiency compared with many contemporary parish priests. Their influence, however, tended in time to be increasingly demoralising. They frequently heard confessions on easy terms, acting on the principle that it is better to give a light penance which is likely to be fulfilled than a heavy one which would probably be ignored. They were also the cause of friction with the priests in whose parishes they intruded by diverting fees normally payable to the resident rectors or vicars. But in extenuation of the practice of the Friars, it must be admitted that many of them, by virtue of their training, were more fitted to hear confessions than many of the regular clergy, some of whom were not unknown to use the Confessional for very unclerical assignments. On the other hand, there is not wanting evidence that many of the Friars abused their privileges sometimes by claiming to "possess special authority to give a general absolution beyond anything in the power of the ordinary 'curate,'" or at other times to "fail to warn the people . . . to confess to their own parish priest at least once in the year."<sup>1</sup> Little need be said here of the Pardoners who in the terse language of the Oxford Petition of 1414 "purchase their vile traffic in farm with Simon, sell Indulgences with Gehazi, and squander their gains in disgraceful fashion with the Prodigal Son."<sup>2</sup> Their demoralising influence was recognised by Pope Martin V, who denounced them as providers of vice, and many others pour upon them their righteous indignation. They served, however, to bring the whole system of penance and indulgences into disrepute. When the ignorant and unlearned could listen to them saying, as Chancellor Gascoigne heard one in 1453, that "if anyone of you shall give me a penny . . . he is freed from all penance enjoined on him by his 'curate' or by any other priest," it is easy to see how such claims, however false, would tend to undermine respect for the whole system of Penances.<sup>3</sup>

As the Middle Ages advanced the entire system of Confession tended in many places to fall into disrepute and to produce just those very evils which it was supposed to guard the faithful against. Naturally evidence of the working of an institution of this kind, surrounded as it was with much secrecy, is not easy to discover. But some illuminating side-lights have come down to us. The friar Salimbene, in his account of the Council of Ravenna held in 1261, quotes an Archbishop as defending the friars at the expense of the parish priest by a lurid description of the use which many of them make of the Confessional in seducing women. One need not do more in this connection than to quote Dr. Coulton, who writes: "All thirteenth-century writers who take their readers into their confidence speak practically with the same voice about the abuse of

<sup>1</sup> Owst, *Preaching in Medieval England*, p. 76.

<sup>2</sup> Quoted by Dr. Owst, *op. cit.*, p. 105.

<sup>3</sup> *Audivi nuper, anno Xii 1453, quod unus prædicator verbi . . . dixit 'Sciatis omnes hic præsentés, quod si aliquis vestrum det michi vel aliqui de domo mea unum denarium solutus est ab omni pœnitencia injuncta in a suo curato vel ab alio sacerdote.'* *Loci e libro Veritatum*. Ed. Thorold Rogers, p. 125.

the Sacrament of Penitence. They show us the Confessional treated as a farce on the one hand, or used for blackmail and seduction on the other. . . ." <sup>1</sup> And it must be remembered that whatever may be the modern practice, the secrecy of the Confessional was not by any means always kept in the Middle Ages. <sup>2</sup> Furthermore, there was no private Confessional in the modern sense of the term. Confession was made by a penitent kneeling before a priest in the open church out of hearing but not out of sight of any who may at the time be present in church.

The bishops, it must be admitted, made real efforts to guide and control the Confessional, at least in England. As an example we may note the regulations of Bishop Poore of Salisbury, who issued his well-known Constitutions *c.* 1223. In them he ordered that, following the decrees of the ancient canons, a priest in assigning penance should diligently take note of the status (*qualitatum*) of the penitent, the extent of his crime and the time, place, &c., and the devotion of the mind of the penitent and the signs of contrition." The confessions of women are to be heard in the open. The laity are warned to confess at the beginning of Lent and as quickly as possible after any lapse, lest one sin by its very weight should draw the penitent into another. Parishioners are to confess three times a year. <sup>3</sup> In addition to such official instructions for the hearing of confessions, there were also handbooks for the clergy, of which the most famous, that by John Myrc, <sup>4</sup> deals at great length in the vernacular with all the requirements of priest and penitent for the due performance of the sacrament of penance.

The priest was normally empowered to deal with most cases, but there were certain more serious ones reserved for the bishop, and in exceptional cases, for the Pope. Bishop Quivil, of Exeter, in 1287 enumerates twenty offences requiring Papal absolution, such as assault on clerks, simony and arson. These strictly involved a journey to Rome, but in practice the cases were often remitted to the bishop to be dealt with. Bishop Poore enumerates only three as requiring papal absolution. These differences seem to indicate a good deal of confusion on the subject. Most serious cases were as a rule reserved for the bishop. Myrc gives a list of about fourteen classes of penitents requiring episcopal absolution, including murderers, heretics, usurers, perjurers, those guilty of incest and those under the greater excommunication. <sup>5</sup> On the other hand, the York Provinciale <sup>6</sup> specifies thirty-seven cases reserved to the bishop or his penitentiary. These, however, were extracted from the regulations of Archbishop Neville of York, who wrote much later than Quivil and may indicate increasing distrust on the part of the

<sup>1</sup> *From St. Francis to Dante*, pp. 294-5.

<sup>2</sup> Cf. the evidence of Caesarius of Heisterbach, quoted by Coulton, *Five Centuries of Religion*, II, 328, and see Owst, *op. cit.*, p. 62.

<sup>3</sup> *Salisbury Charters and Documents*, Rolls Series, p. 141.

<sup>4</sup> *Instructions for Parish Priests*. Early English Text Soc.

<sup>5</sup> Myrc, *op. cit.*, p. 51.

<sup>6</sup> *The York Provinciale*, ed. R. M. Woolley, Book V, Titulus iv, 5. Neville was Archbishop of York, 1464-76.

bishops of the competence of the ordinary parochial clergy. It must however be admitted that such regulations were badly needed from time to time. For there were frequently reports made to the bishops of unauthorised persons granting absolution on easy terms even when not in priest's orders. Bishop Charlton, of Hereford, in 1368 found it necessary to appoint certain priests as his penitentiaries to assist incumbents in this important work on account of the unwarrantable actions of irresponsible confessors who appeared to be wandering about his diocese.<sup>1</sup> Bishop de Cobham of Worcester found it necessary to do the same thing in 1319 for his diocese, appointing in this case the prior, sub-prior and one of the monks of Worcester.<sup>2</sup> In special cases the bishops permitted people to choose their own confessor.<sup>3</sup>

The system of Confession had thus become universal, but in course of time it had become surrounded with a veritable maze of regulations, exceptions, extenuating circumstances and graduated penances. But another and more sinister power had come to play a large and almost decisive part in this important matter. Much of the healthful discipline of confession lay in the proper execution of the penalties attached to a particular offence. This discipline was soon very largely nullified by the increasing use of money as an alternative means of satisfaction. A penitent would obviously confess to a particular priest with greater alacrity if he knew that in return for absolution he could commute his penance by a money payment. Even when bishops ordered, as a result of the confession of heinous crimes, that certain severe penalties must be carried out as a penance, they often found that, as Professor Hamilton Thompson points out,<sup>4</sup> they were not in command of an all-sufficient machinery with which to execute their purposes. There can be no question that in the decadence of the thirteenth and fourteenth centuries immorality was often condoned for money and that it was often simply a matter of what sins a man could afford to commit. The system was undoubtedly profitable to the Church, though the best of the bishops protested against it. As a modern writer has said: "The Late Medieval Church desired not the death of a sinner but rather that he should pay and live. The result was fatal to its spiritual and moral force." Men could not regard with fear or reverence an institution which in practice (though perhaps not in theory) asserted that sin could easily be atoned for by a money payment.<sup>5</sup> It is hardly surprising that Wyclif had some very trenchant things to say about a system which was capable of such perversion. Naturally, he appealed to Scripture and primitive

<sup>1</sup> *Reg. Charlton*, p. 50 f. For a translation of the Licence see my *The Bishop's Register*, p. 134 f.

<sup>2</sup> Pearce, *Thomas de Cobham*, p. 165. Cf. pp. 154-5. *Reg.*, p. 21. In this diocese two for each Archdeaconry appears to have been normal. Cf. *Reg. Giffard*, p. cxxiii, and *Reg. Reynolds*, p. xiii, "two in each archdeaconry and well spread for convenience."

<sup>3</sup> Cf. my *The Bishop's Register*, p. 133.

<sup>4</sup> *Lincoln Visitations*, vol. II, p. lx.

<sup>5</sup> Arrowsmith, *The Prelude to the Reformation*, pp. 105-6.

practice against the degenerate institution which he observed. Private confessors were merely a subterfuge by which rich men obtained easy absolution. Reserved cases was a "new trick of the Roman curia." It was not the absolution of the priest that counted but God's forgiveness and the really contrite heart of the penitent.<sup>1</sup>

Such was the condition of affairs down to the Reformation, which saw such great changes in religion in all directions. Compared with some of the greater doctrines and matters in dispute, Confession tended to fall into the background as a major issue and was regarded more often as one of the lesser evils incidental to a false view of the ministry and of a system fundamentally corrupt. Auricular confession was bound to disappear, and apart from its inclusion in the famous "Six Articles" of Henry VIII, it only survived in the English Church in a completely reformed and modified fashion. Yet the reformers could hardly have done otherwise in the light of the moral consequences of the system. For in spite of the ubiquity of the Confessional throughout the Middle Ages, there seemed no very great improvement in the moral standard of the times. Guibert, the chatty abbot of Nogent, in his *Autobiography*, deplors the increasing flippancy of women and the spread of licentiousness amongst both sexes. Writing about 1100, he says: "There was of old time, I call God to witness, greater modesty in married men, who would have blushed to be seen in the company of such women, than there is now in married women." "To what end all this, Lord God, but that no one blushes for his own levity and licentiousness, because he knows that all are tarred with the same brush."<sup>2</sup> And Dr. Owst from the most intimate literature of the Middle Ages<sup>3</sup> that has come down to us, refers to "that unending cry of the medieval preacher—'The days are evil!'"<sup>4</sup> At long last a mass of contemporary evidence has been made available, which proves that medieval society was permeated by ideas and practices that indicate a low moral tone and that the priest to whom confessions were habitually made were far from being the moral guides that they should have been. Not, of course, that all the clergy were bad, far from it, as Chaucer's "poor parson" clearly shows, but the denunciations of medieval preachers of clerical sins and vices indicate that they were hardly fit repositories for such great directive powers. It is therefore quite comprehensible that the system often made not for the purifying and uplifting of society, but rather the reverse.

Something, however brief, must be said about some of the theories which governed the use of the Confessional both before and after the Reformation. Two developments at least must be mentioned—Probabilism and Tutorism. In the intricate and difficult task confronting every Confessor in making his decisions, dubious cases

<sup>1</sup> Workman, *John Wyclif*, vol. II, p. 42.

<sup>2</sup> *The Autobiography of Guibert*, trans. Bland, p. 42.

<sup>3</sup> Cf. his *Preaching in Medieval Eng.*, p. 130.

<sup>4</sup> *Op. cit.*, p. 65. Cf. the quotations from fourteenth-century MSS. on pp. 274-5 in his *Literature and Pulpit in Medieval England*.

were bound to arise which could not be solved even with the help of the many existing guides. This led to the enunciation of the principle that in doubtful cases the safer course must be pursued. This was known as Tutorism—*in dubiis via est eligenda tutior*,—and received papal authorisation and passed ultimately into canon law. But even so, such a principle was by no means easy to apply, hence in the maze of dialectical discussion which ensued, it became customary to choose the more probable of two opposing opinions, with the further refinements indicated by the more probable and the less probable. But even this in practice did not prove wholly satisfactory, and in consequence Liguori developed the idea of equi-probabilism, by which the less severe opinion may be applied, provided that the authorities are as good as or nearly as good as those supporting the opposite opinion. Such theories indicate to some extent the vast number of refinements of distinctions with which the ingenious speculations of the Schoolmen have involved the whole subject of the Confessional. But it is easy to see that once a Confessor was embarked on the task of adjusting to a nicety the various grades of moral offences which were bound to come before him in his capacity as a moral guide, such help became almost a necessity even if increasing complexity was the price that had to be paid for such guidance. For a perpetual dilemma must always face the Confessor. If he exercises too great severity in ascribing penance, he will only end in discouraging and disheartening the penitent. If, on the other hand, he prescribes too mild a penance it may convey the impression that the offence is of little account, and may be repeated with impunity. One of the dangers of Probabilism and kindred theories was that it tended to make sin a breach of rules and regulations drawn up by the Confessor rather than a breach of divine law. A penitent who endeavoured to find for himself the degree of his sin against God was denounced as being guilty of scrupulosity and regarded as the terror of the Confessional. The tendency all along was towards mildness of punishment with the inevitable results. Even so recently as 1859 a Council could warn Confessors against ease of absolution, which produced facility for sinning, and again in 1863 another Council denounces accommodating confessors as producers of untold harm.<sup>1</sup> Thus the difficulties and dangers of the Confessional have never been eliminated, though valiant efforts have been made from time to time to make it a satisfactory means of moral guidance. This was notably the case after the Council of Trent, when the Confessional attained a new significance with the rise of the Jesuits, who aspired to be the religious dictators of Europe. This was especially so in France under Louis XIV when the Jesuit opposed the Huguenots, with their right of private judgment, with the claim to control and direct the whole of a man's life. But that meant in the Society of that time, ill-disposed to reform itself or even to make any attempt to do so, that such concessions had to be made which nullified very largely the supposed beneficent effect of the Confessional. It was principally

<sup>1</sup> Lea, *Auricular Confession and Indulgences*, Vol. II, ch. xxi.

the moral laxity of this Jesuit system that provoked the protest of Cornelius Jansen, bishop of Ypres, the founder of the Jansenist movement which, on account of its outspoken attacks on certain aspects of Roman Catholicism was formally condemned by the Pope and the Sorbonne. It was at this time that Pascal appeared upon the scene, and in his *Provincial Letters* poured scorn on the practice of the Jesuits and denounced their hypocritical and immoral methods. He examined their doctrine of probabilism and mental reserve, and showed that almost every crime in some fashion or other could be justified by Jesuitical casuistry. His letters did much to open the eyes of men to the moral obliquity of the Jesuits, which combined with their nefarious political activities caused nearly every country in Europe to expel them. They were formally suppressed by the Pope in 1773. Later, as we have already noted, their doctrine of probabilism was revised by Alfonso Liguori in the eighteenth century, but as a modern writer well says, "even this solution, aimed as it was at gaining worldly society for the Church, was an unsatisfactory moral compromise and would have been far from satisfying the upright and fearless conscience of Pascal."<sup>1</sup> This "equi-probabilism" of Liguori is still the prevailing system to-day, and the two categories remain of mortal and venial sins. The former must always be confessed by the faithful, but concerning the latter some discretion is permitted in practice.

To estimate the precise effect of an institution so widespread as the Confessional may not be easy, but it is not difficult to see that one of the most serious consequences of the Confessional in modern society is the power that it places in the hands of the priest, by which he can call his penitent to account, and, on the specious grounds that what helps the Church cannot be evil, can dictate courses of action not justifiable on ordinary moral grounds. A judge who, according to accepted moral standards, is supposed to administer faithfully the law of the land as he understands it, can be brought to account by his Confessor and made to act not according to the highest legal principles, but according to the higher law of the welfare of the Church. The consequences of this are too obvious to need statement. By making eternal salvation depend upon forgiveness and forgiveness depend upon priestly absolution, every penitent's salvation lies in the hands of his Confessor. And since if, acting on the doctrine of intention, he does not in saying the words of absolution intend to absolve entirely, the penitent remains for ever in danger of eternal damnation.

One consequence of this priestly control through the Confessional in a democratic state is patent. Politics become entirely subordinated to ecclesiastical policy, which is notoriously directed from Rome. Wherever the modern Roman system of the Confessional attains to considerable dimensions, then every state has to run the constant risk of its policy being directed not by independent and high-minded politicians, but by men who are the creatures of a system controlled by foreigners who in turn are swayed by influences

<sup>1</sup> Freer, *The Early Franciscans and Jesuits*, p. 135.

often quite alien to national interest. Malta, with its profoundly unsatisfactory history, remains a standing witness to the truth of this.

History seems clearly to demonstrate that on the one hand certain individuals may find spontaneous and occasional confession to a priest a help to the Christian life and a source of real moral guidance; on the other hand, habitual and enforced confession conducted on stereotyped lines as part of a vast piece of machinery for regulating the spiritual life, is not necessarily an assistance to virtue, deprives the penitent of the healthful discipline of independent action and tends to concentrate undue power in the hands of a class of men by no means always fitted to wield it.

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The C.M.S. Story of the year has been issued under the title *Fresh Springs* (1s. net). It is, as usual, well produced, and it is written in an attractive style, giving a clear view of the various activities of the Society in its many spheres. The accompanying maps help to give a clearer conception of the areas covered. The account is not only a record of work done, but it gives an insight into the present conditions of missionary work, the methods employed and the future plans and prospects. The story ought to be a means of increasing interest in the work and should be an inspiration to further efforts.

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*The Outlines of Teaching Sermons for a Third Year* (Geo. Allen & Unwin, Ltd., London, 1s. net) is a continuation of two previous volumes of Outlines edited by the Rev. C. E. Hudson, Canon of St. Albans. The subjects in this third year are: The Nature of Man, The Redeemer, The Church, and The Life of Prayer. Preachers will find many useful suggestions even though they may not accept some of the teaching given. As, for example, the inclusion of Penance, Unction, Matrimony, and Holy Orders, as Sacraments of the Church. The list of books recommended are compiled mainly from the works of advanced Churchmen.

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*God's Eternal Purpose. Psalm 118 and other Studies*, by V. F. Thomas (Thynne & Co., 2s. net). In addition to the title study there are several carefully thought-out expositions of Biblical themes including the Gospel according to Paul, God's Fourfold Revelation for the Age, and Spiritual Sonship, and Priesthood.

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