THE MAKING OF MORAL THEOLOGY

A Study of the Roman Catholic Tradition

JOHN MAHONEY

The Martin D’Arcy Memorial Lectures 1981–2

CLARENDON PRESS · OXFORD
THE INFLUENCE OF AURICULAR CONFESSION

To begin a historical study of the making of moral theology with an examination of the influence of auricular confession may appear to some an intriguing, and to others an unattractive prospect; but however one regards it there is no doubt that the single most influential factor in the development of the practice and of the discipline of moral theology is to be found in the growth and spread of ‘confession’ in the Church. In his examination of the development of confession in the Western Church one authority comments, ‘one of the most remarkable transformations in the history of Church discipline is the gradual admission, leading ultimately to the requirement, of the frequent penance which had long been earnestly rejected’.¹ The purpose of this opening chapter, then, is to trace how the Church’s development and practice of the confessing of sins has been of profound importance in the making, and the interests, of moral theology, and to offer some reflections on that formative influence.

An added advantage of such a beginning to our study is that, in the process, something of a historical framework of the subject will emerge, within which it will be possible to situate the material of subsequent chapters and topics. And for the purpose of this chapter, and indeed for the development of moral theology itself, it is convenient to identify in that development four stages: the patristic period; the age of the rise and spread of the penitential movement and literature, embracing the sixth to the ninth centuries; the Fourth Council of the Lateran, held in Rome in 1215 under the powerful reforming Pope Innocent III, which saw Scholasticism approaching its most self-confident period and the enactment of the Church’s law of annual private confession; and the Council of Trent, convened to stem the Reformation flood in the sixteenth century, which consolidated and reaffirmed the

Church’s teaching on confession, as on many other subjects, and whose influence, although waning, is still a most powerful feature in Church thinking and behaving. It should be noted that the concern of this study is not with the specifically sacramental nature of the rite of penance, but with the element of personal acknowledgement of sins, and with how that powerfully influenced the making of moral theology.

The Patristic Period

From the beginning, the Christian community was conscious of sayings of Jesus referring to the forgiveness of sins within the Church, whether in the explicit statement to the Apostles, ‘whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained’ (John 20: 22–3), or in his conferring on Peter ‘the keys of the kingdom of heaven’, and in his promising to Peter (Matt. 16: 19) and to the Twelve (Matt. 18: 18) that whatever they bind on earth shall be bound in heaven; and whatever they loose on earth shall be loosed in heaven. As Palmer comments, ‘Christian tradition will interpret the power of binding as the power to excommunicate the sinner, the first step in the discipline of Penance, and the power of loosing as the power of reconciling the sinner to the community, the final step’.  

The recognition of this discipline of Penance, however, and its scope, proved extremely contentious in the Church of the early centuries. It was one thing for Church communities or authorities to expel a sinner from their midst, partly to prevent contamination and partly to shock him into repentance, following the precedent of Paul’s directive to the Church in Corinth (cf. 1 Cor. 5). It was quite another whether he should then be left to God’s mercy or be received back into the communion of the Church if he repented. On what Poschmann describes as the ‘most important problem of the relationship of ecclesiastical to divine forgiveness’ opinions were to be sharply and acrimoniously divided in the growing Church, particularly with the development of currents of fervent perfectionism and the emerging phenomenon of those who apostatized from the Church in times of State persecution and then had a change of heart.

Controversy centred largely on the puritanical figure of Tertullian (died c.220), the influential African convert who wedded Christian thought with the Latin language and introduced a strong legal bias to that thought. Eventually, however, the Church’s practice settled round the teaching of its first great Council, convened at Nicaea in 325 by the Emperor Constantine to affirm the divinity of Christ against Arianism. Among its various disciplinary decrees the Council affirmed a ‘humane’ policy of readmitting to Communion after appropriate periods of penance excommunicates and any who had fallen away during persecution, or in any other way given up their religion.\(^4\) Granted, however, that readmission to the community was in principle possible, there remained the further question whether such a ‘humane’ attitude should cover all sins. To Tertullian a century previously, when he had moved into strict Montanism, the news that adultery and fornication as well as idolatry and homicide would be forgiven was evidence not just of a ‘most humane’ but also of an ‘extremely soft’ attitude.\(^5\)

This triad of sins comprising idolatry, adultery, and homicide obviously created particular difficulties for many opposed to any relaxation of the Church’s penitential discipline; and the thinking behind it appears to rely on an exegetical development which translated into these three sins the findings of the ‘Council’ of Jerusalem which enjoined all Christians to ‘abstain from what has been sacrificed to idols and from blood and from what is strangled and from unchastity’ (Acts 15: 29). Since, moreover, the decisions of this Council were arrived at by the Apostles in conjunction with the Holy Spirit (Acts 15: 28), it appeared to some that idolatry, adultery, and homicide must constitute sinning ‘against the Holy Spirit’, which, according to Jesus, was the sin which would never be forgiven (Matt. 12: 31–2).\(^6\) It is not altogether surprising, then, that even thus early a form of moral casuistry is to be glimpsed in considerations of what is to count as, or equivalent to, the prohibitions of Acts. Sacrificing to idols quickly came to include apostasy and heresy;

\(^4\) COD, pp. 7, 11.

\(^5\) Mollissima et humanissima disciplina’, Tertullian, De pudicitia, c. 5 (PL 2, 989).

\(^6\) Thus Tertullian as Montanist in De pudicitia, c. 12 (PL 2, 1002). Augustine was aware of the triad and also of the view that each element constituted a sin against the Holy Spirit, but he knew of no proof (Sermon 352: PL 39, 1558; Epistle 71, 7, 4; PL 38, 448). And in any case, his own understanding (which prevailed) of the only unforgivable sin was that of hardness of heart which refused forgiveness to the end. Epistle 187, 3, 7: PL. 33, 818.
strangulation and blood applied to any form of homicide; and unchastity obviously covered all serious sexual transgressions. Bishop Cyprian of Carthage (d. 259), for instance, was to judge that a consecrated virgin who had sinned should do ‘full penance’ as an adulteress, not of her husband but of Christ. And he it was, in the latter half of the third century who was most concerned to adapt the penances decreed in various regional councils to ‘the cases, wills, and needs of individuals’.

Two features of this developing penitential discipline which were to have major influence in the centuries to follow were, first, that all authorities were agreed that public exclusion from, and reconciliation with, the Church could be availed of only once in one’s lifetime. Even that had been a hard battle to win against the Montanists and Novatianists. And secondly, the penitential practices to be undertaken for various major transgressions before full readmission years later could be extremely demanding, not to mention humiliating, even when all due allowances had been made. Various ‘canonical’ penances for the several major sins were laid down in the canons of local church councils, decretals, and letters of bishops, including Basil and Gregory of Nyssa in Asia Minor, whose influence extended into the Western Church. And even after the completion of his penance and readmission to the Eucharist, the Christian was still a marked man, disqualified for life from various activities ranging from military service to marital relations. Consequently, if he did not fulfil his penance completely or transgressed any of the later obligations, he was canonically at fault and sins were multiplied. And in its very rigour and complexity the whole elaborate and hard-won penitential system became self-defeating for ordinary Christians. Caesarius, bishop of Arles in the sixth century, was to protest in a sermon on behalf of a typical parishioner, ‘I’m in the army. And I’m married. How can I do penance?’ The final result seems to have been that great numbers of ordinary Christians must have lived in what could only be called a permanent state of ecclesiastical delinquency. Until they were dying. For, as Poschmann concludes, the one permissible ‘ecclesiastical penance gradually ceases to have any part in the ordinary course of life, and becomes merely a means of preparing for

7 Epist 4, 4: PL 4, 370.  
8 Poschman, op. cit., p. 55.  
9 Cf. ibid., pp. 82–3.  
10 Ibid., pp. 105–6.  
11 Ibid., pp. 107–8.
The Influence of Auricular Confession

Moreover, as McNeill points out, with the collapse of the Western Roman Empire 'the conquests of the Visigoths and Franks fundamentally transformed the West .... The new barbarized society could not be subjected to the old discipline which had already proved too severe for the Roman Christians'. And he concludes, 'An effective reform of ecclesiastical penance was only possible if there was a retreat from the rigid principle which forbade its repetition'.

The Celtic Penitential Movement

The major breakthrough was to come from the Western edge of Europe, where under monastic influence the practice of repeated private confession and forgiveness of sins, including not only monks but also local Christian lay people, began to develop. It appears that the monastic tradition of the spiritual direction of individual monks by an older monk or a superior lent itself to the more formal expression of a private penitent-confessor relationship, which was eagerly grasped at and became an important element in the pastoral work of monasteries and of itinerant monks and others.

But the problem of penance still remained, or indeed increased, with the introduction of repeated confession of sins. And as a guide to the growing numbers of individual confessors there developed the fascinating and repelling literature which we know as the Penitential Books, which may have originated in Welsh synods held under the influence of St David in the sixth century, before proliferating in Ireland and spreading thence with the Celtic missionary movement to the Frankish lands, England, Italy, and Spain, stimulating other native products as they went. His edition of the Irish Penitentials, mostly written in Latin but some in Old Irish, illustrates Bieler's judgement that 'the private character of the “Celtic” penance and the absence of diocesan organization and episcopal jurisdiction in [Wales and Ireland] explain why the penitentials were not decreed by synods but were the work of

---

12 Ibid., p. 107.
individuals, often of abbots of great monasteries. These authors fixed penances in accordance with Sacred Scripture, canonical and monastic tradition, and their own spiritual judgment.17

Terse and strikingly elliptical in style as they were, the Penitentials' primary function was to provide priests with a tariff of penances to be enjoined for various sins. But as the genre developed, various Penitentials also included instruction on how confession of sins was to be made, providing meticulous lists of questions which the confessor should put to the penitent man, woman, or child; classifications of deadly sins, and family trees of sins, according to the authoritative lists of Cassian and Pope Gregory the Great; and frequently advice on how to deal with penitents according to their social or ecclesiastical status and the circumstances of their case.

The origin and purpose of the penitential literature is well described in the opening of the Penitential of St Columbanus, which dates from about 600 and is described by McNeill as essentially a Celtic book which includes adaptations to a Frankish environment: 'True penance is not to commit things deserving of penance but to lament such things as have been committed. But since this is undone through the frailty of many, not to say everyone, the measures of penance need to be known. A scheme of these has been handed down by the holy fathers, so that in accordance with the greatness of the offences the length of the penances should be ordained'.18

The European influence of such a work may be gauged from the career and reputation of its author (not to be confused with Columba of Iona), who founded abbeys in France, Switzerland, and Italy in his reforming zeal, and is considered by Farmer 'the greatest of Ireland's many apostles to the Continent of Europe,' and by Poschman as 'that ardent, eccentric and strongwilled pioneer of the missionary activity' of the Irish and Anglo-Saxon monks who 'made a decisive contribution to the establishment of medieval civilization'.19

A later Penitential, possibly dating from the eighth century, and

falsely ascribed to Bede, informs priests that among their books
they should possess a Penitential ‘so that thou mayest, first of all
examine the distinction of all cases, without which judgment
cannot stand . . . . For not all are to be weighed in one and the same
balance, although they be associated in one fault, but there shall be
discrimination for each of those, that is: . . . [etc]’.20

The spirit of the Penitentials is very often described by their
compilers as healing, or medicinal, and it exemplifies the principle
of curing vices by the application of their contrary virtues, a
principle which is seen to go back through the monastic Cassian to
pre-Christian thought.21 And the crisp observation is made that a
priest who tells tales outside of confession is more of a detractor
than a doctor.22 But it has to be acknowledged that although there
is much positive material to be found in the Penitentials taken as a
whole, the overall impression gained from them is coloured more
by vice than by virtue. They constitute at best an unsuccessful
attempt to apply with some degree of humanity an appallingly rigid
systematized approach to sin, and no one ever appears to have
asked the serious theological question to what end (other than
social order) all this suffering was really being imposed. Instead,
there was a concern to catalogue major sins, including homicide,
adultery, and magic, sometimes apparently haphazardly, but
increasingly with the addition of the various subdivisions of the
eight ‘principal vices’ of Cassian: gluttony (not surprising when
sustained fasting was so popular a practice and penance), fornication,
avarice, anger, dejection and sloth (typically monastic preoccupa-
tions), and boasting and pride. In all this classification the
authority of many of the Fathers is drawn upon, as also that of
earlier Penitentials; canons of various synods and councils; the
New Testament (with a predilection for the Pauline ‘works of the
flesh’ of Galatians chapter five and First Corinthians chapter six);
the Old Testament, especially and ominously the Books of Leviticus
and Exodus, although, curiously, not the Decalogue as such; and,
as Columban modestly adds, ‘the personal understanding of the
author’.23

20 McNeill and Gamer, Handbooks, p. 223.
21 Ibid., p. 44.
22 Ibid., p. 110.
23 Bieler, op. cit., p. 99.
In assessing liability to penance in individual cases the confessor was enjoined, as we have seen, to take various factors into account, and it is interesting to deduce from the varieties of penance imposed according to circumstances a developing tradition concerning moral responsibility. There is care to distinguish between ignorance, inadvertence, carelessness, and contempt. But there is also a crude magical realism to be noted in the approach to the Eucharistic species, whether in dealing with accidents, or in penalizing any negligence, or even stammering, in pronouncing the words of consecration despite the warning given by their being clearly marked 'danger' in the Missal. There is guilt, though lesser, attached to sinful intention which is not put into effect for lack of opportunity. To induce another to sin incurs the same penalty as the sin itself, and in pursuing enquiries about any sinful behaviour the confessor should be careful to ask 'how it came about'. Spontaneous thoughts and desires are distinguished from those deliberately fostered. And in putting them into action, premeditated murder, for instance, merits exile for ten years, and should be distinguished from impulsive killing which results in exile for only six years. A habit of sin in a particular area may be considered more culpable than a single act, rather than diminishing responsibility; although the greater penance for the former may arise simply from the number of individual acts involved, or indeed from a feeling that a greater penance will be an incentive to break the habit.

External factors have also to be taken into account. A bishop's guilt is greater than a priest's, and a priest's than a layman's. The fifth-century document known as the First Synod of St Patrick, which was really a circular letter to the clergy of Ireland approved by Patrick, expected a more becoming style of dress not only from

---

26 Bieler, pp. 63 and 133, n. 10.
29 Ibid., p. 198.
30 Bieler, p. 75.
31 McNeill and Gamer, p. 91.
32 Ibid., p. 92, Bieler, pp. 76, 83, 129.
33 McNeill and Gamer, p. 88.
The Influence of Auricular Confession

priests but also from their wives. Cases of those who were sick, those who had to work, and those unable to make restitution for injustices committed, were considered individually. And one salty piece of advice to confessors is to take particular care over the confessions of sailors, since not only do many have wives in several ports, but some of them even think it is permissible!

On marriage, it is interesting to note that the seventh-century Penitential of Theodore, Archbishop of Canterbury, which is addressed to 'all Catholics of the English', repeats much of the standard material on marital abstinence for penitential or ritual reasons, and the decree that a woman having an abortion after the fortieth day from conception should do penance as for the more serious act of murder, but takes a considerably more lenient view than others on questions of remarriage. This Theodore considers permissible in cases of proven impotence, in the case of a married slave being given his or her freedom, and in a number of cases of prolonged separation, even to the extent of including the partner who eventually returns. Why Theodore should differ so from other Penitentials is not clear, but the reason may lie in his personal background, since before being appointed to Canterbury by Pope Vitalian, becoming 'the effective organizer of the Church in England', he had been a Greek monk, originally from Tarsus, and the Eastern Church’s view on divorce and remarriage was not so absolute as that of the West.

14 Bieler, pp. 1–2, 54. ('Quicumque clericus ab hostiario usque ad sacerdotem sine tunica visus fuerit atque turpitudinem ventris et nuditatem non tegat, et si non more Romano capilli eius tonsi sint, et uxor eius si non velato capite ambulaverit, pariter a laicis contemptur et ab ecclesia separentur'.)


17 McNeill and Gamer, p. 197.


20 For a variety of views on divorce and remarriage during the penitential period, cf. McNeill and Gamer, pp. 95, 273; Bieler, pp. 89, 91, 117, 179 (and n. 6), 195 (and n. 7), 197. Bede, in his Ecclesiastical History (bk. 4, chap. 1), refers to a fear of Theodore's sponsor for the archbishopric of Canterbury that he might 'according to
Detailed consideration of the actual forms of penance imposed by the penitential literature is not strictly relevant to the topic of this chapter, which is more concerned with the moral thinking and climate underlying the whole penitential movement, but two features in particular were to have a profound effect not only on the life but also on the fate of Christian Europe. The usual forms of self-mortification enjoined were fasts of varying intensity and duration, deprivation of sleep, multiple genuflections and recitations of psalms, long periods of standing or of silence, different degrees of discomfort at night, beatings and, of course, sexual abstinence. Columbanus decreed that for a particular transgression the penitent should ‘abstain for three years from the more tasty foods and from his wife’, although he had also insisted that marital abstinence should always accompany whatever other penances were undertaken. Occasionally more philanthropic penances were imposed, such as clerics giving of their superfluity to the poor, almsgiving in general, and the release of slaves. Those who might, for reasons such as sickness, be unable to perform the more demanding penances were permitted to have recourse to redemption; that is, to ’redeem’ the penance by philanthropy, buying back prisoners of war, releasing slaves, and, in later centuries, building churches and

the custom of the Greeks, introduce anything contrary to the true faith into the church where he presided’. He also records (chap. 5) that the Synod of Hertford, held in 673, and presided over by Theodore, included in its decrees ‘that no man quit his true wife, unless, as the gospel teaches, on account of fornication. And if any man shall put away his own wife, lawfully joined to him in matrimony, that he take no other.’ Evidence of differences between Roman and Greek usages is common in Theodore’s Penitential, as also of differences between the (Roman) English and the (Celtic) Scots. Cf. chap. IX, ‘Qui ordinati sunt Scotorum vel Britonum episcopi qui in Pascha vel tonsura catholicae non sunt adunati Ecclesiae, iterum a catholico episcope manus impositione confirmentur. Licentiam quoque non habemus eis poscentibus chrisma vel eucharistiam dare, nisi ante confessi fuerint velle nobiscum in unitate Ecclesiae’ (PL 99, 932). An early editor of the Penitential of Theodosius, the French scholar, Jacques Petit, draws attention to its reference to ‘some unusual practices of certain churches, or others which the Fathers wished in their outstanding indulgence to be tolerated on account of the weakness of very many people’. On the disparity of attitudes to divorce and remarriage ‘on account of fornication, prolonged absence, captivity, or other matter’, Petit recalls the comment of Origen that some Church rulers appeared to have permitted such behaviour in order to avoid worse (PL 99, 904).

41 ‘iii annis paeniteat abstinens se a cybis suculentioribus et a propria uxorle’, Bieler, p. 102.
42 Ibid., p. 103, ‘for penance ought not to be halved’.
43 Cf. McNeill and Gamer, p. 106; Bieler, p. 81.
The Influence of Auricular Confession

monasteries or endowing colleges. And alongside this there developed also the practice of penance by proxy, when the penitent might pay or even support others, eventually including priests, to share his penance or assume it in its entirety. It was this ominous connection, for the best of intentions, between money payments and the remission of punishment which was to contribute eventually to the trafficking in indulgences, and to lead many penitents and pilgrims to Rome—and many protesters to Wittenberg.

The other significant development was the pilgrimage. An interesting form of penance which would repay further study is that of exile, to which reference is occasionally made. It is frequently qualified as 'unarmed' or 'without arms', and this presumably precluded the penitent's taking up easy employment abroad as a mercenary soldier, a somewhat inappropriate career if the original sin was homicide, as seems often to have been the case. One tradition has it, in fact, that the arrival on Iona from Ireland in 563 of the future St Columba was due to his having been exiled as a result of instigating a war between his own family and King Diarmid of Ireland in which three thousand of the king's men were slain. It would be interesting to know how many others of the

44 Cf. Poschmann, pp. 76–80, 128.
46 The Irish Penitentials refer to 'dura penitentia in peregrinatione extranea', sometimes equivalent to being 'in aexilio', or 'peregrinatione perenni', or being a 'peregrinus'. Cf. Bieler, pp. 68, 98, 118–20, 182. Crimes incurring such wandering abroad include incest, wilful murder, theft or injury, and breaking into the place of keeping the Gospel book (ibid., pp. 68, 118–20, 182). The Penitential of Columban decreed 'Si quis clericus homicidium fecerit et proximum suum occiderit, X annis exul paeniteat' (p. 98), and 'Quicumque fecerit homicidium, ... iii annis inermis exsul in pane et aqua paeniteat' (p. 102). The Penitential of Finnian refers to a penitent going 'unarmed except for a staff' (p. 86).
47 Cf. Butler's Lives of the Saints, ed. H. Thurston (London, 1937), vol. vi, p. 115. Adomnan's Life of Columba (ed. A. O. and M. O. Anderson (Edinburgh, 1961)) refers to Columba's leaving Ireland at the age of 42 'on pilgrimage for Christ' ('de Scotia ad Britanniam pro Christo peregrinari volens exavigavit') and to his spending the remainder of his life in continuous fasts and vigils (p. 186). Later in the work Columba refers to having completed thirty years 'meae in Britannia perigrinationis' and to his frequent prayer that he now be allowed to die (p. 514). No reason is given by Adomnan for Columba's leaving Ireland, but in the course of describing a vision of angels experienced by Saint Brendan, he explains that the occasion was Columba's attendance at an assembly as a consequence of his having been excommunicated by 'a certain synod for certain insignificant and quite excusable causes' (p. 468). As a result of Brendan's vision and eulogy of Columba, the others present did not dare to proceed further with excommunicating the saint, but on the contrary venerated and honoured him (p. 470). The editors of Adomnan's
waves of Irish monks who re-Christianized Europe in their wanderings were victims of that early ecclesiastical penal system which condemned delinquents to a period, or even a lifetime, of ‘foreignness’, or *peregrinatio*, as it was also termed in the *Penitentials*. Thus was born also the Christian pilgrimage, wandering abroad to good purpose, as a form of *absolvitur ambulando* and a means of expiating one’s sins through the intercession of the Blessed Virgin and the saints whose shrines dotted Europe. Not that it was all penance and piety by any means, as the Canterbury pilgrims of Chaucer abundantly testify.

Life consider other sources for the view that Columba’s missionary activities stemmed from punishment for past behaviour, but seem indisposed to accept this explanation (pp. 72–4). In the light of the penitential tradition of exile, however, and the fact of Columba’s excommunication, which even Adomnan’s veneration cannot gloss over, it appears not unlikely that his ‘pilgrimage’ was at least partly instigated by either the canonical requirement or the personal desire for penance for his past.

Cf. Bieler, p. 228, ‘Si quis autem ex meditazione odii et post vota perfectionis [i.e., vows of religion] alium occiderit, cum peregrenatione perenni mundo moriatur.’ Adomnan’s *Life of Columba*, written almost a century after the saint’s death, records several instances of the abbot receiving, or hearing the confession of, men who had come to Iona ‘ad delenda in peregrinatione peccamina’. Columba’s practice seems to have been to sentence such ‘pilgrim penitents’ to several years’ monastic labour on the neighbouring Hebridean island of Tyree where he also had a monastery. That this island was something of a monastic penal settlement for *peregrini* appears also from the description of its abbot bringing with him there from Ireland a royal and bloodthirsty prince ‘ut in suo apud se monasterio per aliquot peregrinaretur annos’. Cf Anderson, 36a–b, 87a–b, 32a–b.

A Scot cannot refrain from noting among all the edifying and wondrous tales which Adomnan has to record of Columba his encounter with what appears to have been (or become?) the Loch Ness Monster. On his travels over the ‘spine’ of Britain Columba once had occasion to cross the River Ness (*fluum nesam*), where a ‘water beast’ (*aquatilis bestia*) had attacked and killed one of the local Picts while swimming. Undeterred, the blessed man bade one of his companions swim across and sail back a boat for the party from the other bank, which the obedient monk immediately began to do. ‘But the monster (*hieita*) was lurking in the depth of the river, its appetite for prey whetted rather than satisfied. Feeling the water above it disturbed by the swimmer, it suddenly erupted and rushed with a mighty roaring and open jaws upon the swimmer, who was by then in mid-stream’. The watching ‘barbarians’ and monks were terrified, but Columba traced a sign of the cross in the air and invoked the name of God, commanding the ferocious beast ‘No further! Do not touch him! Get back immediately!’. ‘On hearing these words of the saint, the beast fled in fright as if dragged away with ropes, even though it had got only a short pole’s distance from the man’, a turn in events which led all who had observed the proceedings to magnify the God of the Christians. (Latin text in Anderson, 74b–75b.)

And more ominously, the practice also helped to spawn the horrors of the Christian crusades, now no 'unarmed exile' but a consecrated using of the sword to wipe out one's sins and the enemies of the Church at one blow, as may be seen in the declaration of the Council of Clermont, called by Pope Urban II in 1095, that crusading to Jerusalem 'would count for all penance'.

Many of the developments, for good and ill, of the Celtic penitential movement are to be seen in miniature in the concluding passage of the Penitential of Columban:

Confessions are to be made with some diligence, especially with regard to disturbances of the mind, before going to Mass in case it should happen that one approaches the altar unworthily or not with a clean heart. It is better to wait until the heart is healthy and distanced from scandal and envy than to draw close boldly to the judgement of the tribunal. For the altar is the tribunal of Christ, and his body there with the blood judges those who approach unworthily. And so, just as we must beware of capital and carnal sins before communicating, so also we must abstain and be cleansed from the interior vices and sicknesses of an ailing soul before the union of true peace and the bond of eternal salvation.

In this passage the echoes of the penitential Psalm 51 and the allusions to Pauline discipline on the Corinthian eucharist (1 Cor. 11:27-8) are clear. So also is the traditional theme of healing, characteristic of much of the penitential literature. The thoroughness and comprehensiveness with which confession is to be made can also be noted, as also the close link between confession and reception of Communion and the implied frequency of confession. What predominates, however, is the forensic imagery and the dread of Christ's judgement. In a sin-haunted medieval Europe, as described in the work of Tentler and Tuchman, the judgement theme was to become all-pervasive, not least in art, and most notably in the last judgement scenes given such colourful prominence in the 'judgement', or 'doom', windows and wall-paintings of so many cathedrals and village churches, climaxing in the condemnatory Christ of Michelangelo in the heart of Rome, the Sistine

51 Latin text in Bieler, p. 106.
The Influence of Auricular Confession

Chapel. And the court-of-law imagery was to be developed further and systematized theologically to become enshrined in due course in the 'sacred tribunal' teaching of the Council of Trent on confession.

There is much to be said for the view that the Catholic Church has never quite shaken off, or recovered from, the penitential movement of the sixth to the sixteenth centuries. In its earliest stages it was an attempt to draw Christians out of folk religion, magic, and pagan customs, and in that lies much of the interest of the penitential books for the social historian. From the theological point of view, it may be said that of all early Christian literature they make the greatest attempt to draw close to the real life of God's often nominal people in their weakness. And if they are selective in their subject-matter, negative in their approach, and shocking in their more lurid passages, they were the best that many an uneducated priest had to hand in his desire to exercise his healing ministry of God’s forgiveness. Perhaps McNeill puts it best when he writes of such books that they were ‘products, no less than correctors, of a primitive society’.

The reaction of hierarchies to this spread of repeated private confession and to the inconsistent and unauthorized literature which accompanied it to stimulate and guide it, no less than to the flood of enthusiastic Irish missionaries purveying it, was one of extreme disapproval. Not a few local synods denounced the handbooks for their errors, contradictions, and lack of proper authority; and there were calls to burn them and to reaffirm or reinstate the old system of public penance. Charlemagne in 813 called synods of his entire empire in various cities to bring about

52 W. A. Pantin, describing The English Church in the Fourteenth Century ((Cambridge, 1955), p. 239), observes that 'from the point of view of religious instruction, the most impressive feature in most churches would be the great painting of the Last Judgement over the chancel arch'. Barbara W. Tuchman, in A Distant Mirror (New York, 1978), writes (p. 34): 'No one doubted in the Middle Ages that the vast majority would be eternally damned. Salvandorum paucitas, damnandorum multitudo (few saved, many damned) was the stern principle maintained from Augustine to Aquinas.' Thomas N. Tontler, in Sin and Confession on the Eve of the Reformation (Princeton, 1977), p. 160, records 'the extraordinary opinion of Duns Scotus' that it is not unbelievable 'that there are many in the Church who live for a year without mortal sins', a view which Tontler considers 'is directly opposed to Gregory the Great's encouragement to find sins everywhere'. It was clearly unbelievable to Pope Innocent III; cf. infra, p. 17.

reforms in the Church, including some control over the penitential books.\textsuperscript{54} And, as Jungman informs us, when the elimination of the penitentials proved impossible, the Church perforce adapted its thinking to the new movement and to its pastoral success, and the Carolingian reform synods had new, more uniform, and duly approved books composed.\textsuperscript{55}

For, from the first, and despite the disapproval of higher ecclesiastics, the parochial clergy no less than the monks welcomed the penitential literature and the growing practice of repeated and private \textit{Confession}, as the whole penitential rite came revealingly to be called from the eighth century.\textsuperscript{56} On the whole, the level and standard of education of the clergy was low and they needed all the help they could get from these practical and indispensable ready reckoners, although it may be doubted how much they were capable of also exercising the discretion in application which the authors were often at pains to stress. The existing canonical collections were very bulky, and, with the dissemination of properly authorized summaries, often mingling ancient penitential canons with excerpts from the Celtic-inspired penitentials, priests were increasingly required to possess such a summary in order to standardize the penances to be imposed.\textsuperscript{57}

For by now, from the eighth century, regular confession was becoming a general rule. The Dialogue of Egbert, archbishop of York in the middle of that century, tells us:

For, since the times of Pope Vitalian and Theodore, Archbishop of Canterbury, this custom, thank God, has grown up in the Church of the English and has been coming to recognition as lawful, that not only the clerics in the monasteries but also laymen with their wives and families should during these twelve days come to their confessors and with tears and almsgiving cleanse themselves from the fellowship of carnal concup-

\textsuperscript{54} Poschmann, pp. 134–5; Jedin and Dolan, \textit{Handbook}, vol. iii, p. 98. Among the decrees of the Council of Chalon-sur-Saône (813), it was enacted that 'the measure of penance to those who confess their sins ought to be imposed, as was said above, either by the institution of the ancient canons, or by the authority of the Holy Scriptures, or by ecclesiastical custom, the booklets which they call ‘penitentials’ being repudiated and utterly cast out, of which the errors are obvious, the authors undetermined (\textit{certi errores, incerti auctores}).' McNeill and Gamer, \textit{Handbooks}, pp. 401–2.

\textsuperscript{55} In Jedin and Dolan, op. cit., p. 310, n. 2.

\textsuperscript{56} Cf. Poschmann, p. 138.

\textsuperscript{57} Jedin and Dolan, op. cit., p. 310.
The Influence of Auricular Confession

iscence [cf. 1 John 2: 16] that they may be the purer when they partake of
the Lord’s communion on the Lord’s nativity.\(^{58}\)

Elsewhere in Europe of around the same time, regular confessions were now becoming obligatory, sometimes as often as three times a year, although not always without resistance.\(^{59}\) And so it continued for the next four centuries, during which the early Scholastic theologians developed, clarified, and systematized not only the Church’s law in general, but also its doctrine of the seven Sacraments, and what exactly in theological terms was going on in the encounter between priest and penitent—a speculative debate which was to continue for centuries. We have a glimpse of some current practice in the writings of one of the most exciting and excitable figures of the scholastic age, the logician-theologian Peter Abelard. We shall later be considering in more detail his major contribution to subjectivity in morals, but it is of interest to note here his acerbic comments on the administration of Confession. He was ‘no reformer of the penitential system as such’;\(^{60}\) and was, on the contrary, highly indignant that it was not being properly administered. He complains of priests who do not know the canonical rules or how to assign ‘satisfactions’, with the result that they often promise penitents a vain security and deceive them, a good case of the blind leading the blind, and both falling into a ditch!\(^{61}\) ‘So when priests who do not know these canonical rules have been unwise, with the result that they impose less satisfaction than they should, penitents thereby incur a great disadvantage since, having wrongly trusted in them, they are later punished with

\(^{58}\) McNeill and Gamer, *Handbooks*, p. 243, where the view of Watkins is cited (n. 3), that this is probably ‘the earliest example of habitual confession generally practised in a Christian community’. The abandonment of public penance in England in the seventh century is acknowledged in the closing passage of the Penitential of Theodore, where, after contrasting the Roman practice of reconciling those who had completed penance with the Greek practice, he adds, ‘Reconciliatio in hac provincia non est, quia et publica poenitentia non est’ (Pl. 99, 936).

\(^{59}\) Poschmann, pp. 138–40.


\(^{61}\) Ibid., p. 105. For a contemporary’s acerbic comment on Abelard, cf. ibid., p. 104, n. 2. The reference to Matt. 15: 14 on the blind leading the blind and their common fate becomes commonplace in treatments of the requirements of confessors, and will recur in the Fourth Lateran Council as well as in the observations of Aquinas. Its connection with penance is apparently first made by Augustine, *De Poenitentia*, 16. 25; Pl. 40, 1122.
heavier penalties for that for which they could have made satisfaction here by means of lighter penalties.\textsuperscript{62}

\textit{The Fourth Lateran Council}

It was against this historical, theological and pastoral background that in 1215 the reforming Pope Innocent III, described by Ullmann as ‘one of the greatest popes in the Middle Ages’,\textsuperscript{63} convoked a General Council of the Church. Innocent had been trained as a theologian and a canonist at the Universities of Bologna and Paris. His essay \textit{de miseria humane conditionis} proved one of the most gloomy and popular works of the Middle Ages,\textsuperscript{64} and he it was ‘who brought into clearest possible relief the exclusively legal function of the pope as successor of St Peter’.\textsuperscript{65} Three months after annulling the \textit{Magna Charta} which the Barons of England had forced from King John, Innocent presided over a Council of more than twelve-hundred prelates, which affirmed that there was no salvation outside the Church; condemned various heretics; approved the term ‘transubstantiation’; founded what was to become the Inquisition; forbade the founding of any further religious orders; appealed for a Crusade against Islam; and, more to our purpose, imposed on the whole Church the obligation of what is popularly known today as ‘Easter duties’, which still figures with a few modifications in the Church’s legislation.\textsuperscript{66}

On reaching the age of discernment, everyone of the faithful, of either sex, is faithfully at least once a year to confess all his sins in private to his own priest, and is to take care to fulfil according to his abilities the penance enjoined on him, reverently receiving the sacrament of the Eucharist at least at Easter \ldots Otherwise he is to be barred from entering the church in his lifetime and to be deprived of Christian burial at his death. This saving statute is to be frequently made public in churches, so that nobody may don the veil of excuse through the blindness of ignorance.\textsuperscript{67} \ldots The priest

\textsuperscript{62} Luscombe, p. 109. Cf. p. 111 for Abelard’s castigation of bishops who are prodigal in relaxing penances in recompense for alms.


\textsuperscript{65} Ullmann, loc. cit.

\textsuperscript{66} Cf. the \textit{Code of Canon Law} (1917), can. 906; revised edn. (1983), cann. 988-9.

\textsuperscript{67} Latin text in DS 812.
is to be discerning and careful, so that like a skilful doctor he can apply wine and oil [cf. Luke 10:34] to the wounds of the injured person, diligently asking for the circumstances of the sinner and of the sin, through which he can prudently understand what advice he ought to give, and what sort of remedy to apply, trying various things to heal the sick person. 68

The Council went on to impose absolute secrecy on the part of the priest, on pain of himself doing perpetual penance in a strict monastery; but it added that, should he need more prudent advice, he might carefully seek it without revealing the identity of the penitent. 69

In future, the Council also decreed, annual provincial councils were to be held to ensure observance of its decrees. 70 Bishops were also to ensure a supply of suitable priests to administer the sacraments according to the various rites and languages in use, 71 as also of assistants to help the bishops in preaching and hearing confessions. 72 Every cathedral should have a Master of Theology whose duty would be to instruct the clergy in Scripture and especially in what concerns the care of souls. 73 In fact, the Council concluded, quoting Pope Gregory the Great, ‘the ruling of souls is the art of arts’, and bishops are strictly obliged to educate future priests, since it is better to have a few good ones than a lot of bad ones. ‘If a blind man leads a blind man, both will slip into a ditch’. 74

According to Jedin, the Fourth Council of the Lateran was followed throughout Europe by ‘vigorous synodal activity’ everywhere, 75 but Iserloh informs us that this could not make much headway against the many pastoral shortcomings, at the root of which lay the inadequate education of the parochial clergy, especially ‘the poorly paid vicars, by whom the frequently absentee holders of pastoral benefices had their functions performed’. 76 And Raymond of Peñafort, who later became Master General of the Dominican Order and whose Summa of Cases, written in the years following the Council, was to have widespread influence, distinguishe between the knowledge to discern sins and the power to absolve, but concluded sadly that ‘many simple priests have the power who have not the knowledge’. 77 Another late thirteenth-

The Influence of Auricular Confession

19th century writer found it necessary to identify a basic minimum requirement that ‘as judge in matters of conscience he must be able to distinguish between what is sin and what is not, and between sin and sin’.78

It has been suggested that the Fourth Lateran decree on annual confession was aimed primarily at enabling parish priests, at a time when the Albigensian heresy was spreading alarmingly, to know among their parishioners who were really Catholics;79 but it is also acknowledged that the decree had important repercussions on the theology, and even more on the practice, of confession. For the requirements of the Council were exacting, the confessor having to be able to help the mostly uninstructed penitent to confess ‘all his sins’ and to enquire about their and his particular circumstances. It was from this disciplinary decree for the whole Church that there developed the next great body of confessional literature, the Summas for confessors, or confessors’ compendiums. These works were ‘learned theological treatises, very different indeed from the simple and untheological penitentials. They were a natural sequence of the legislation of 1215’.80

They were also the inevitable product of a period in the Church obsessed by a desire to classify, digest, summarize and reconcile all possible data on any given subject. The most influential work of classification was in Church Law, in the epoch-making Decrees of Gratian (1140), which claimed to be a ‘concord of discordant canons’ deriving from the whole history and literature of the Church, and also from Roman and Germanic law and the laws of other European nations.81 There were summas of medicine as well as of law, summas of grammar, logic, rhetoric, and literary style, summas of theology and of the various branches of theology, of sacraments in general and in particular, and especially of marriage

79 A. Michel, in DTC, vol. xii, col. 950. Cf. Aquinas, infra, n. 84.
80 McNeill, History, p. 145. On the Summas for confessors, and also the more popular manuals of Confession, cf. Tentler, pp. 31–46. The originator of the Summa confessorum was the Dominican canon lawyer, Raymond of Penafort, writing in the immediate aftermath of the Fourth Lateran Council (ibid., p. 31). Broomfield, however, suggests that the first such Summa to appear was that of Thomas of Chobham, which began to circulate about 1216. Cf. L. Braeckmans, Confession et Communion au moyen âge et au concile de Trente (Gembloux, 1971), p. 66, n. 2.
81 The whole vast work of compilation, in the 1833 edition of Richter, comprises vol. 187 of Migne's PL.
The Influence of Auricular Confession

and of penance. And there were produced, in abundance, summas for confessors, summas of moral cases, summas of moral theology, examples of a literary growth with its roots in the penitential literature, coming to flower in the twelfth to the fifteenth centuries throughout Europe, including England, surviving the gales from Germany in the sixteenth century to take on new growth after the Council of Trent, weathering the icy frost from Jansenist France in the seventeenth century, and still flowering sturdily in the middle of the twentieth century. And all concentrated on the hearing and the making of auricular Confession.

Observance of the legislation of 1215 quickly became itself possible matter for sin and confession, as doubts were raised and entertained about almost every word of the decree, especially, for instance, whether ‘sins’ meant only mortal sins or also included all those daily lapses which had been recognized as far back as Augustine as both inevitable and innumerable. And so was born

84 Teaching some forty years after the Council, Thomas Aquinas found it necessary to discuss the obligatory nature of its decree of annual confession if one was not conscious of having sinned seriously. He conceded that this was not required by divine ordinance (ex iure divino), but was a matter of being bound by a precept of positive law. Even in such cases, there were advantages in the realization that one was a sinner, in approaching the Eucharist with greater reverence, and in helping priests to know their subjects, ‘lest a wolf lie hid in the flock’. It was considered by some theologians, however, that the Church’s legislation obliged only those who had committed mortal sins. ‘All’ could not possibly refer to venial sins ‘quia nullus omnia confiteri potest’. If this were so, the Church’s precept would be fulfilled by presenting one’s self to the priest and showing one was without awareness of mortal sin (‘et se ostendat absque conscientia mortalis esse’). This would count as confession. (Summa Theol., Suppl. q. 6, art. 3 et ad 3). Aquinas’s justification for confessing all one’s sins, which he qualifies as ‘those he remembers’, is not juridical but medicinal. A doctor does not treat just one ailment, but the whole state of the patient and its complications. Medicine for one ailment could aggravate others, and so medicine for one sin could be an incentive for another by going to the opposite extreme (ibid., q. 9, art. 2). And the priest should draw upon the canons of penance as a doctor using the science and art of medicine, applying them ‘according to a divine prompting’, since strong medicine could weaken a patient (ibid., q. 18, art. 3). The penitent should be careful, for his part, not to confess ‘aliud quam sua conscientia habeat, sive in bonum sive in malum’. ‘The mouth should accuse only what the conscience possesses.’ If he is in doubt about whether his sin was mortal or venial, he is bound to confess it as doubtful and await the judgement of the priest. ‘Qui aliquid committit vel omittit in quo dubitabit esse peccatum mortale, peccat mortaliter, discrimini se committens’ (ibid., q. 6, art. 4 et ad 3).
the notorious line of self-questioning and the inevitable literature on whether various types of behaviour or individual actions constituted a mortal sin to be confessed, or were 'only' venial sins. To this was added the striving on the part of the confessor to 'enquire diligently' into all the circumstances of the penitent and his sins, on the clear presumption that the penitent himself was incapable or even untrustworthy.

Precision and development in the Church's teaching on the act and scope of confessing one's sins are to be found a century later in the conditions placed by Pope Clement VI on his coming to the aid of the Armenians against the Sultan, which included accepting the belief that 'it is necessary for salvation to confess all mortal sins perfectly and distinctly to one's own priest or with his permission' to another. In 1415 the Council of Constance, which had been summoned to arbitrate on the merits of three rival claimants to the papacy, also took the opportunity to condemn various views attributed by Oxford scholars to John Wyclif, including the view that 'vocal confession to a priest was introduced by Innocent, and is not as necessary as he lays down. If one has offended a brother only in thought, word, or deed, it is sufficient to repent only in thought, word, or deed.' Later in the same century the Council of Florence, in the course of its abortive attempts to win over the Greeks, summarized the Latin Church's doctrine on the Sacraments, including that of Penance. The 'quasi-material' of this Sacrament are the three acts of the penitent: contrition; oral confession; and satisfaction according to the judgement of the priest. 'The oral confession involves the sinner confessing completely to his priest all the sins he remembers.'

To help the confessor cope with all this he now had at his disposal no lack of literature, but, as Pantin concludes, 'unfortunately, books in themselves were not enough; what was needed was a systematic training and formation of the clergy, ... and that solution was not to be reached until the Council of Trent in the sixteenth century.' In the meantime, however, an often inadequate and frequently almost illiterate clergy was charged with administering to the laity a procedure which was acknowledged by all to be embarrassing and onerous on them. If, in addition, the confessor

The Influence of Auricular Confession

was zealous, or incompetent, or zealous and incompetent, it is really not surprising if at least such bungling with souls could be described as a torturing of conscience. Accordingly, Martin Luther was to level at the Church’s practice ‘a double charge of perverse laxity in penance and oppressive rigidity in the hearing of confessions.’

The Council of Trent

But the Catholic Church would have none of that, or indeed of any of the other complaints of Luther and his supporters. After much political and ecclesiastical manœuvring throughout Europe, including England, a General Council of the Church was convened at Trent, in the Alps above Lake Garda, with the aim of defining Catholic dogma and reforming the Church. Given the strong Protestant criticisms against current practice and doctrine on Confession, Trent felt it necessary to give thorough treatment to the subject, in ‘teaching to be observed by all for ever’.

Prescinding from the historical and dogmatic aspects of that teaching, we may note for our purposes the definitive doctrine of Trent on the confessing of one’s sins, as a further indication of the way in which moral theology was to develop in subsequent centuries. Expounding on the divine institution of the Sacrament, the Fathers of Trent wrote, ‘Christ our Lord wished the baptized who have subsequently

89 McNeill, History, pp. 165–6. On the adequacy and competence of confessors in the years following the Fourth Lateran decree, Aquinas has some uncharacteristically trenchant comments. In a rare polemical work, directed against the secular priests at Paris University who were attacking the mendicant orders in general, and Aquinas in particular on his papal appointment as Master of Theology there, Aquinas vigorously defended the academic and apostolic work of the friars, and their marked superiority over the secular clergy in these fields. The Lateran Council’s decree that every metropolitan church have a theological teacher was not observed because of the lack of educated men among the secular priests, whereas the religious orders provided even more teachers than the minimum required. A similar situation obtained with regard to popular preachers. And in the hearing of confessions the need was no less, on account of the ignorance of many priests, which is highly dangerous in the hearing of confessions. In his de Poenitenita, Augustine had advised seeking out a knowledgeable priest as confessor, lest both fall into a ditch which a fool refused to avoid. Cf. Aquinas, Contra impugnantes Dei cultum et religionem, cap. 4–5, in Opuscula Theologica, vol. ii (Marietti, 1954). For the background to the work, cf. ibid., Intro., pp. 1–2. On the role of embarrassment, or shame, in the medieval making of confession, cf. Tentler, pp. 128–30. On Luther’s view, cf. infra, p. 126, n. 33.

90 DS 1667.
committed some wrong to stand as guilty men before this tribunal, so that they could be released through the sentence of priests, not once but as often as they penitently took refuge in it from the sins they had committed.\textsuperscript{91} What is at stake is a matter of ‘what is demanded by divine justice’.\textsuperscript{92}

The confession element of the Sacrament of Penance was instituted by the Lord as a complete confession of sins, and he left priests as his vicars, as presidents and judges, . . . to pronounce sentence of forgiveness or retention on all mortal crimes. Priests could not exercise this judgement without knowing the case, nor observe equity in imposing punishments, if sins were declared only generically and not rather in species and individually.\textsuperscript{93} . . . It follows from this that penitents should list in confession all the mortal sins of which they are conscious after diligent reflection . . . . All mortal sins, even of thought, make men ‘sons of wrath’ (Eph. 2: 3) and enemies of God, and it is necessary to seek forgiveness of God for all with open and ashamed confession. So, when the faithful are careful to confess all the sins which come to mind there is no doubt that they are laying them all before the divine mercy to be forgiven. Those who act otherwise and knowingly hold some sins back are putting forward nothing to be forgiven by the divine goodness through the priest. ‘For if a sick man is embarrassed to uncover his wounds to a doctor, medicine does not cure what it does not know about.’\textsuperscript{94}

It further follows that in confession those circumstances are also to be explained which change the species of the sin, since without them the sins themselves are not completely exposed or known to the judges, and a correct estimation of the seriousness of the crimes is impossible, as is the appropriate penalty to be imposed on penitents for them.\textsuperscript{95} . . . And it is impious to call confession which is commanded to be made in this way impossible or a torturer of consciences. It is certain that the Church requires of penitents only that each examine himself rather diligently and explore all the nooks and shadows of his conscience, and then confess those sins by which he remembers he has mortally offended his Lord and God. Other sins which do not occur to him as he considers diligently are understood as included universally in the same confession.\textsuperscript{96}

The Council reaffirmed the teaching of the Fourth Lateran Council on the obligation of confessing at least once annually, and thoroughly approved the practice of confessing during Lent.\textsuperscript{97} It considered the absolution conferred by the priest as the dispensing

\textsuperscript{91} DS 1671. \textsuperscript{92} DS 1672. \textsuperscript{93} DS 1679.
\textsuperscript{94} DS 1680. \textsuperscript{95} DS 1681. \textsuperscript{96} DS 1682.
\textsuperscript{97} DS 1683.
of another’s kindness, describing it as ‘like an act of judgement by which sentence is pronounced by him as by a judge’.  

As well as being a conserving and defining Council, Trent was also much concerned with reform within the Church, and it passed many ‘Decrees on reformation’. One such, of relevance to this study, was based on the work of the English Cardinal Pole, and concerned the foundation of a diocesan seminary system, decreeing that cathedrals and other major churches institute colleges for young men of the locality who aspired to the priesthood, in such a way that ‘this college be a perpetual seedbed (seminarium) of God’s ministers’. A detailed programme of studies was laid down, in which the seminarians should learn liberal arts, ‘Scripture, the ecclesiastical books, homilies of the Saints, and the forms of administering the Sacraments, especially what appears useful for hearing Confessions, as well as of rites and ceremonies’.  

One immediate result of the Council was the production in 1566, three years later, of what is popularly known as the Catechism of the Council of Trent. It is more correctly to be considered a Roman Catechism for parish priests as decreed by the Council, and although as such it does not share the status or authority of Trent, it is nevertheless instructive as explaining and applying the conciliar teaching for the benefit of the parish clergy to whom it is addressed. Dealing with confession, the Catechism observes how diligent priests must be in explaining the sacrament, and refers to God as the good pastor binding the wounds of his sheep and healing them with the medicine of penance. Later the priest is portrayed as a presiding judge, to whom the case must be known. It recalls the teaching of the Fourth Lateran, repeated by Trent, on ‘the years of discernment’ when the Church’s ruling on Confession comes into effect, and it interprets this as the ability to discriminate between good and evil exercised at the age when one must deliberate concerning one’s eternal salvation. It enjoins that one should make one’s confession whenever there is a danger or death, or one

---

98 ‘Ad instar actus iudicialis, quo ab ipso velut a iudice sententia pronuntiatur’, DS 1685.
99 COD, p. 727.
100 Catechismus Concilii Tridentini, pars. ii, cap. v, q. 1. On this highly influential popularizing work, cf. G. Bellinger, Der Catechismus Romanus und die Reformation (Paderborn, 1970).
101 Ibid., qq. 17, 22.
102 Ibid., q. 44.
is about to do something which a sinner should not do, such as administering or receiving a Sacrament, or whenever one is afraid of forgetting one's guilt.\textsuperscript{103}

On the details of the confession itself, the Catechism continues, "Since many things are to be observed in confession, some concerning the nature of the Sacrament and others not so necessary, we shall deal with them in detail. Nor is there any lack of booklets and commentaries from which it is easy to obtain an explanation of them all.\textsuperscript{104}" 'In confession the utmost care and diligence is to be used, as in all extremely serious matters, and every attention is to be given to healing the wounds of the soul and uprooting sin . . . . One must explain . . . the circumstances which surround each sin and which either increase or lessen its badness. For some circumstances are so serious that they constitute a mortal sin in themselves, and must therefore be confessed.' Instances are given of killing a cleric or a layman, and of how different genera of sins can come about through particular circumstances, such that what may be simple fornication in one case can be adultery, or incest, or sacrilege, in others, 'to use the names given by the doctors in sacred matters in many books'. 'Factors of place and time are sufficiently known from the books of many to be only mentioned here.' And 'whatever does not greatly increase the badness can be omitted without sin.'\textsuperscript{105}

These 'books of many' which multiplied after Trent, also now included the works of members of the newly-founded Jesuit order, who added their reflections and solutions of moral cases to those of the Dominicans and the Franciscans who had been active in this field since the thirteenth century. In the actual hearing of confessions also, members of these religious Orders had been, and continued to be, most assiduous, often to the chagrin of the parochial clergy and even of bishops, and occasionally giving rise, or fuel, to disputes within the ranks of the ministers of the Gospel of reconciliation.\textsuperscript{106} The founder of the Jesuits, the Basque practical mystic, Ignatius of Loyola, recommended his followers to have a high regard in their ministry for the hearing of confessions and the administration of Holy Communion, and he required all priests of the Society of Jesus to have at least sufficient learning and

\textsuperscript{103} Ibid., qq. 45, 53.  
\textsuperscript{104} Ibid., q. 46.  
\textsuperscript{105} Ibid., q. 47.  
\textsuperscript{106} Cf. supra, n. 89.
experience of cases of conscience to make them good confessors, seeing in the popular practice of confession not only one of the greatest pastoral aids to the salvation and perfection of souls but also, one may conjecture, one of the most serious pastoral weaknesses of the Church of his day. The modern Redemptorist scholar, Louis Vereecke, describes how Jesuits were trained for the hearing of confessions, especially from case-studies and from manuals, or handbooks, composed by Jesuit moral theologians, which would become the standard textbooks on moral theology used in the Roman College, entrusted to the Jesuits shortly after Trent to become today’s Pontifical Gregorian University.

In this and other ways the works, and the influence, of the Jesuit moralists and confessors spread throughout the Church alongside the other great Orders, which included, from the early eighteenth century, the Congregation of the Most Holy Redeemer, or Redemptorists, founded by the most prestigious of all moral theologians, Alfonso of Liguori. His literary output comprised over one hundred books, many of which were no doubt the fruits of his many years of lecturing to his own Redemptorist students before he became a bishop. It is calculated that there exist more than 17,000 editions and translations of his various works. The principal apostolate of the Order which he founded was to give popular missions, in which the hearing of confessions played a major part, and much of his effort went to the preparation of confessors who would be skilled moral theologians and would also have a mastery of casuistry, ‘in view of the many modern positive laws, bulls, and decrees that have to be borne in mind’.

In the nineteenth and early twentieth centuries, moral theology continued to focus on the preparation of confessors, and on the

111 Quoted McNeill, History, p. 292.
The Influence of Auricular Confession

discussion of multitudinous moral cases of conscience in the light of the teaching of the Council of Trent on the nature and practice of confession. It concentrated largely on handing on what had been handed down, mostly in Latin textbooks, or occasionally in various European languages, but using a special brand of ecclesiastical vernacular which frequently causes them to read like so many dialects of the Latin. In 1935 one of the most influential of English-speaking moral theologians, the Jesuit Henry Davis, stressed the conservatism and continuity of his subject when he wrote in the Preface to his four-volume *Moral and Pastoral Theology*, ‘If... references to some of the older authors appear to be infrequent, that will not, it is hoped, be taken to mean that those authors have not been consulted, or that even now they may be disregarded. They have laid the foundations of this science securely and beyond all cavil.’\textsuperscript{112} He also acknowledged a special debt to his sources, the great moralists and manualists of the last century and a half, Vermeersch, Prümmer, Merkelbach, Génicot, Salsmans, Lehmkul, and Noldin; and he explained, ‘A writer on Moral Theology today must be indebted beyond measure to the labour of past writers, for the matter is one that has been treated with the greatest acumen and scholarship during well nigh three centuries, and there is no room for originality.’\textsuperscript{113}

The Preoccupation with Sin

It is clear from this historical review that the growth and massive proliferation of auricular confession in the Church has played an enormous and crucial part in the making of moral theology, and that consideration of the influence of confession makes an appropriate and unavoidable introduction to our study. There is considerably more to be said, of course, on the development of moral theology, as will become evident in the chapters to follow. But the place of confession in that development has historically influenced the subject in three ways which call for comment and reflection: a preoccupation with sin; a concentration on the individual; and an obsession with law.

As a preliminary to considering these features in turn, however,

\textsuperscript{113} ibid., p. vii.
one point may be made quite simply, and that is that over the centuries the work of confessors and moral theologians has brought God's grace and consolation to countless Christian souls. Bossy writes of John Henry Newman's confessional work in the Oratory of industrial Birmingham in terms which could equally be applied in principle to Philip Neri in the Chiesa Nuova in Rome, and to countless others before and since; 'the chapel where he sat for hours in a bug-ridden confessional seems above all to have represented a source of help, warmth and meaning for factory girls who had lost contact with any other'. Help, warmth, and meaning; the description could scarcely be bettered as a pastoral and theological ideal for the confessor and the moralist. And what the Church's confessional doctrine, and moral theology, have taken to heart above all, it may be suggested, is man in his moral vulnerability; by which is meant not just man in his weakness, but more in his awareness of weakness, his helplessness and aporia. It is possible, for instance, with a sympathetic eye, to see even the blunt tariff gradations of the Penitentials and the elaborate casuistical developments which we shall consider later as not just a concern for theoretical and impersonal 'cases', but as a realistic acknowledgement of types of all too human predicaments, and an awareness of the fact that law, even God's, does not automatically answer every human query, but that for many much of life is a series of worried 'but what if's?'

Yet, by the same token, it was the Church's growing tradition of moral theology which was itself heavily responsible for increasing men's weakness and moral apprehension with the strong sense of sin and guilt which it so thoroughly strove to inculcate or reinforce, and the humiliations and punishments with which it drove its message home. The pessimistic anthropology from which it started, and which served inevitably to confirm and reinforce itself, particularly when the subject was pursued in growing isolation from the rest of theology and developed as a spiritual arm of the Church's legal system, drove moral theology increasingly to concern itself almost exclusively with the darker and insubordinate side of human existence. The miasma of sin which emanates from the penitential literature and from the vast majority of manuals of moral theology is not only distasteful, but profoundly disquieting.

It can be argued, of course, that the whole body of literature is professional, intended to help the general practitioner of the Sacrament to diagnose the spiritual ailments of his sick patients, and not intended for morbid reading by the general public. One should not expect more, this defence would claim, from the Summas or the manuals of moral theology in terms of spiritual good health than one does in terms of physical flourishing from textbooks of medical pathology. The analogy, however, although valid in some respects, is also inadequate and misleading in concentrating on, and in the process isolating and exaggerating, one aspect of the moral life, and so militating against any integrated and holistic view of man and his moral vocation. As a consequence of this commitment to spiritual pathology, the discipline of moral theology was to relinquish almost all consideration of the good in man to other branches of theology, notably to what became known as spiritual theology. But inevitably this study of Christian perfection was pursued in a rarified and elitist atmosphere more suited to those few who aspired to the life of the counsels, particularly in the religious orders, than to those laity in the world who would, it was considered, find it sufficiently challenging and formidable to attain even to salvation by observance of the Ten Commandments. Even when the works of moral theology did adopt the scheme, not of sins against the commandments of God and of the Church (as also in the popular catechisms), but of the moral and theological virtues, as in some of the desert and, later, Thomist tradition, it is to be noted that these were still too often seen as remedies for sinful vices, or as alternative moral yardsticks against which to measure the infinite variety of moral delinquency.\[115\]

The same preoccupation with sin is to be found in the detailed study of moral psychology, and of the varying degrees of moral responsibility which we have noted, in however rudimentary form, in the penitential literature.\[116\] This was to lead in time to the great scholastic and post-Reformation treatises on the nature of sin, on ‘hindrances to voluntariness’, on the role of ignorance and the passions in the moral judgement, and on the two major subjective conditions, along with objectively grave ‘matter’, for mortal sin: ‘full knowledge’ and ‘full consent’. And all this not just as fit subject for academic speculation, but in deadly earnest. For on the

\[115\] Cf. *STh* 2a 2ae.
\[116\] *Supra*, p. 8.
moralist’s and the confessor’s conclusions and teaching would depend not only the degree of ‘satisfaction’, or penitential suffering to be undergone in this life, but also, as Abelard trechantly pointed out, one’s fate in the next.\textsuperscript{117} It was psychology pursued in a gloomy gestalt, and conducted under the sword of Damocles.

What is more, although moral theology made some progress in analysing responsibility for action, it had great difficulty in realizing the need to help the individual to come to terms with his moral responsibility for himself. The penitentials punish even mistakes or accidents, although not quite so severely as deliberate actions.\textsuperscript{118} The Fourth Lateran Council enjoins the confessor to enquire diligently about all the circumstances of a sin before deciding on the appropriate penance. The Roman Catechism after Trent stresses the confessor’s duty of exhaustive explanation of the circumstances of various sins, and it is difficult to avoid the conclusion that this was aimed at least as much at retrospective disclosure to the penitent of the full iniquity of his past behaviour as at moral guidance for the future.\textsuperscript{119} No doubt, much of this reflects a lack of moral information or awareness in many an uneducated or unreflective penitent; but it also reflects a mentality in which objective morality appears to preponderate over subjective guilt, and which all too easily serves to instil, or increase, a pervasive sense of self-mistrust on the penitent’s part.

This detail into which the moralist and the confessor were to lead the penitent is interestingly highlighted in the regular recurrence of the term ‘diligence’ applied throughout the tradition to the examination of conscience, whether by the penitent or by his confessor, which is indicative also in a small way of the Church’s predilection for repeating time-hallowed terms and formulae which we shall have occasion to examine later in a much more important context.\textsuperscript{120} What we first find in the influential Penitential of Columban in the seventh century as an impersonal observation that confessions should be made ‘with some diligence’ is interestingly paralleled in Adomnan’s life of Columba of Iona, in an episode in which the saint advises a companion to interrogate a particular woman ‘rather diligently’ about a very serious sin which she is concealing.\textsuperscript{121} The need to enquire ‘diligently’ about the circum-

\textsuperscript{117} Supra, n. 62. \textsuperscript{118} Supra, p. 8. \textsuperscript{119} Supra, n. 105. \textsuperscript{120} Cf. infra, p. 153. \textsuperscript{121} Anderson, op. cit., p. 240.
stances of sins is stressed by the Fourth Lateran Council, but it is later put squarely on the penitent’s shoulders by Trent as a duty of ‘diligent reflection’, which is also coaxingly described, against opponents, as the need to examine oneself ‘rather diligently’. In its turn, the Roman Catechism was to urge ‘the utmost care and diligence’; and it is therefore not surprising to find the Church’s 1917 Code of Canon Law perpetuating the penitent’s obligation of ‘diligent self-examination’, which the revised Code of 1983 was content to repeat with regard to the species and number, not now of ‘mortal’, but of ‘serious’ sins.122

It is this detailed enquiry into what Trent called ‘the nooks and shadows’ of conscience which raises one of the major defects which connection with auricular confession brought about in moral theology—its preoccupation not just with sin, but with sins. The requirement of completeness, or ‘integrity’ in the relating of one’s ‘mortal’, or serious, sins, which called for identifying each and every one according to circumstances, species and number, and which underlies present Church resistance to extending the practice of general absolution,123 led, as we have seen, to a mentality disposed to discount sins which were not mortal, but ‘only venial’, even if it was concerned with the valid enough question of degree of seriousness, and therefore of moral responsibility.124 But perhaps more significantly, it led also to an approach to the moral life as discontinuous; ‘freezing’ the film in a jerky succession of individual ‘stills’ to be analysed, and ignoring the plot. Continuity was discounted, or at most only a ‘circumstance’, and the ‘story’ of the individual’s moral vocation and exploration either unsuspected or disregarded. At times one can observe hints of the opposite, as in the rules elaborated for dealing with scrupulous penitents or with those expressing doubt or uncertainty about the subjective sinfulness of some past piece of behaviour. In such cases it is regarded as helpful to consider other areas of their behaviour and the overall direction of their moral life, as a context within which to estimate the morality of the individual act under examination. But the

122 Supra, nn. 51, 68, 94, 96, 105; ‘post diligentem sui discussionem’, Code of Canon Law, 1917, can. 901; 1983, can. 988.
124 Cf. supra, n. 84.
prevailing preoccupation is one of pin-pointing sins; and we shall have cause in a later chapter to consider how reaction to this dissection of the moral continuum into disjointed instances has led to a development of a principle of moral totality, where responsibility is considered to arise at least as much from appreciating the sweep and pattern of the whole picture as it is from the individual brush strokes or the coloured dots which go to make it up.

It is considerations such as these which prompt the further reflection that, for all its preoccupation with sin and its busy cataloguing and subdividing of sins, from the family trees of Cassian and Gregory onwards, moral theology has not always appeared to take sin itself seriously enough. It has invested numerous actions with an inherent capacity for moral self-commitment which they could not bear, and has become fascinated by concepts often in a complete divorce from reality. It has, indeed, almost domesticated and trivialized sin, like the scientist or the zoologist handling deadly specimens with careless familiarity. And in its attaching the element of sin so readily in the past to positive Church laws on frequently trivial matters as a sanction to their observance, it has only helped to devalue the currency, and done little to engender and foster a healthy respect for real sin. Such reflections lie behind recent expressions of dissatisfaction with the traditional distinction between mortal and venial sin, as too blunt an instrument for moral analysis and to be explained historically by the Fourth Lateran decree on annual confession;\(^{125}\) and also behind the powerful development in recent years of the theology of the fundamental moral option, which we shall consider later, and which, it is interesting to note, Maritain considered was latent in Aquinas’ explanation of the difference between mortal and venial sin.\(^{126}\)

**Concentration on the Individual**

The confessional context which has had such influence in the making of moral theology provides grounds not only for a charge of the latter’s preoccupation with sin, but also for the common charge that traditional moral theology has been much too


The Influence of Auricular Confession

individualistic in its choice of subjects and in its treatment of them, and for the even more common charge that it has devoted more than a little of its attention to sexual morality. The emphasis on sexual sins goes as far back as the preoccupation in patristic times with the *porneia*, or sexual behaviour, listed in Acts 15, and it was luridly present in the penitential literature.\(^{127}\) It undoubtedly also underlies the Trinitarian stress on manifesting even sins of thought,\(^{128}\) and it was intensified by the seventeenth-century statement of the Holy Office which classified every transgression in matters of sexuality as objectively serious matter constituting mortal sin; a view echoed in the Declaration of 1975 by the Holy Office’s successor, the Congregation for the Doctrine of Faith, in its statement that ‘according to Christian tradition and the Church’s teaching, and as right reason recognises, the moral order of sexuality embraces such important values of human life that every direct violation of that order is objectively serious’.\(^{129}\) It is evident, in fact, that the Church has always been profoundly ambivalent towards human sexuality; and in our next chapter we shall have occasion to consider some of the historical basis for this attitude.

It should also be stressed, however, in considering its concentration on the individual, that even as far back as the period of the penitential literature moral theology has laid great emphasis on the subject of justice in human relations, and on the need for restitution for harm done to one’s neighbour or to society. The sixteenth-century and later work of Spanish moralists particularly, on warfare, human and property rights, and international law, especially as European conquest and colonialism were developing, is of abiding importance.\(^{130}\) And the impressive tradition of Catholic social teaching developing the series of papal encyclicals inaugurated by Leo XIII’s reaction to the miseries perpetrated by the *laissez-faire* spirit of the Industrial Revolution is too easily

---

\(^{127}\) *Supra*, p. 3-4, and n. 39. Many modern exeges are inclining to the view that *porneia* in Acts 15, as in Matt. 5 and 19, and 1 Cor. 5, refers to invalid Jewish marriages.

\(^{128}\) *Supra*, n. 94.


forgotten when charges of excessive individualism are levelled against the moral teaching of the Church. It is, nevertheless, interesting to note that this social teaching has, until fairly recently, been aimed to quite a large extent at the defence of the individual in society, as in the arguments traditionally marshalled to justify and defend the institution of private property, which only recent teaching has begun seriously to qualify with the corresponding social responsibilities which are entailed. It appears also to be the case that the development and practice of moral theology, as distinct from the Church’s official and humanitarian teaching, have concentrated more on the individual’s response to the divine command not to steal, and more often in the context of his eternal fate than in the context of the social well-being of others.

This stress on the individual, with a view to his confession, is one reason why the Church’s moral tradition has found it difficult to handle the idea of collective responsibility on a large scale. There is no lack of material in the manuals on the morality of petty conspiracies to rob, or to do harm. And one of the most highly developed topics in the tradition is that of ‘co-operation’, or sharing in the wrongdoing of another. The presumption in all these cases, however, is that the total number of participants is small, and that a large measure of the total responsibility can be assigned to at most a few individuals. It is an approach to ‘social justice’ in which the influence of confession has led to a concentration on individuals and a reluctance to ‘exonerate’ them by recognizing a more social meaning to sin and an element of sinfulness in institutions, or, indeed, in social circumstances. And, as moral theology has adopted a wider agenda far beyond, for instance, individual sexual or medical issues, or tax evasion, to address itself to nuclear warfare, environmental and population problems, world poverty, and economic policies at national and international levels, the Church’s individualistic moral tradition has experienced considerable difficulty in adapting its thinking to such issues of macroethics, as well as to the moral implications of increased democratic participation in public policies and decisions, and to the new social phenomenon of what might be termed responsibility spread thin—except perhaps when it considered the morality of voting for Communist or pro-abortion candidates in local or national elections.
The Influence of Auricular Confession

The Obsession with Law

A final reflection on the influence of auricular confession on the making of moral theology concerns the whole legal model of the Sacrament as it developed through the centuries, based as this was on the Church's understanding of the Petrine and apostolic commissions to bind and loose; the Pauline practice of passing judgement; and the general biblical teaching on divine justice, anger, and retribution. The language of the lawcourt is an integral part of the imagery of both Old and New Testaments in describing God's dealings with men; and forensic imagery is widely used of God's judgements. But it must be asked whether the analogy is the most apt to describe what is primarily the Sacrament of God's reconciling forgiveness, rather than a legal apparatus of vindicative justice. We have seen this latter image at work in the early Church's preoccupation with exclusion and readmittance of community sinners, and as a powerful motif, along with the medical image, in the penitential literature. But it reached its most thoroughgoing literal application in the treatment of Trent, and particularly in the conciliar definition that the act of the confessor is a judicial one, on which Monden comments, 'Like many other points of faith, the idea of the actus judicialis has been oversystematized by a too conceptualist theology'. The consequence has been that the mentality stimulating such over-systematization, and then in turn feeding on it, has impelled moral theology to view sin as above all a transgression of law, and has inculcated concepts of divine justice and retribution, and of God himself, which have bitten deep into the spiritual lives of millions. Moreover, the casting of moral theology for centuries as the handmaid of canon law has only reinforced the predominantly legal approach to morality which has dominated the making of moral theology through its close connection with a primarily penal theology of the Sacrament of penance.

Such has been the theology, pursued in an excessively literal and univocal manner. It has frequently been accompanied by a confessional practice which is mercifully quite different; one exemplifying more, or in some measure, the equally traditional, but

131 Supra, p. 4, 13.
theoretically neglected, view of a medical or healing ministry which was systematically overshadowed by the defensive and juridical mentality at Trent, and which shows a more spontaneously human theology. It is as a reaction to this excessively legal tradition that one can best appreciate the relief and eagerness with which many Catholics have embraced various forms of non-directive and client-centred counselling; and as at least an antidote to the forensic extravagances of the past, this is no doubt a healthy and overdue development of the theology of reconciliation. The theologian would have to add, however, that this therapeutic approach also is in its turn only an analogy, or model, of God’s relationship with man in his vulnerability. And if the Sacrament of reconciliation is not to be located forever in the Old Bailey, no more is it now to be found exclusively in Harley Street.

In April 1950, Pope Pius XII, who found it congenial to give various professions patron saints, solemnly declared Saint Alphonsus Liguori to be Patron of Confessors and of Moral Theologians. The occasion was the two-hundredth anniversary of the first edition of Alphonsus’ first major work. In commemorating his career and writings, for which Pope Pius IX had made him in 1871 a Doctor of the Church, Pius XII recalled the testimonies of several other Popes to the quality of his teaching; and he observed that Liguori’s moral and pastoral teaching was still thoroughly approved in the whole Catholic world, being frequently and earnestly commended as a safe norm for ministers of the Sacrament of Penance. Perhaps nothing expresses more succinctly than this heavenly patronage and this papal tribute the central influence of confession in the long making of moral theology.

Potential test questions on

*The Patristic Period*

1. What are the major biblical texts which establish an authority to forgive sins?

2. What was the first major controversy in the early Church regarding the forgiveness of sins?

3. What were identified by some in the early Church as the “unforgivable sins” and what was the basis for this identification?

4. What were the two features of the penitential discipline developing in the early Church that were to have a major influence in the centuries to follow?

5. In what way did the penitential system which developed in the early Church become “self-defeating?”

*The Celtic Penitential Movement*

6. What was the movement regarding penance which developed in the Celtic monasteries beginning around the sixth century?

7. What was the purpose all of the Penitential Books?

8. What were some of the major characteristics of the Penitential Books?

9. What are some of the distinctions which are introduced in the penitential writings in the assessment of the sinfulness of various activities?

10. What were some of the usual forms of penance that were imposed by the penitential books?

11. What is the connection between the philanthropic penances and the later development of trafficking in indulgences?

12. What was the connection with between the pilgrimage as a form of penance and the later development of the Crusades?
13. What is the reaction of the church hierarchy during the six to the eighth centuries regarding the growing practice of repeated private confession?

14. What change, on behalf of the church hierarchies, occurs between the eighth and 12th centuries regarding private confession?

*The Fourth Lateran Council (1215)*

15. What was the “Easter Duty” imposed by the Fourth Lateran Council on the entire church?

16. How did the decree of the fourth Lateran Council lead to the necessity of distinguishing precisely between mortal sins and venial sins?

17. What was the charge raised by Martin Luther against the church's practice of confession?

*The Council of Trent*

18. How does the Council of Trent describe what it is that needs to be confessed when going to Confession?

19. What steps were taken by the Council of Trent to try to improve the quality of the education of priests hearing confessions?

20. What are the images used to describe the priests hearing confession in the Catechism of the Council of Trent?

21. What type of detail does the Catechism of the Council of Trent indicate is necessary in the confessing of sins?

*The Preoccupation with Sin*

22. What does Mahoney identify as the main negative effects of the preoccupation with sin which arose from the practice of confession and the materials produced to help those hearing confession?

23. In what was does Mahoney suggest that all of the attention to details of circumstance, and moral psychology, ironically led to not taking sin seriously enough?
Concentration on the Individual

24. What does Mahoney identify as indications of the Catholic moral tradition’s focus on the individual?

25. What does Mahoney see as a weakness in Catholic Moral Theology resulting from the stress on the individual?

The Obsession with Law

26. What does Mahoney identify as the major negative consequences of moral theology’s excessively legal tradition?