

THE *SUMMAE CONFESSORUM* ON THE INTEGRITY OF CONFESSION AS PROLEGOMENA FOR LUTHER AND TRENT

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WITH THE EXCEPTION of satisfaction, no Reformation issue concerning the sacrament of penance was so hotly debated as integrity of confession, the requirement that one must make a complete confession. In part, the heated discussion was related to the role integrity played in Catholic penitential life. Speaking of the Catholic practice just prior to the Reformation, T. N. Tentler contends that "to exaggerate the importance of completeness seems hardly possible."¹

The Fourth Lateran Council (1215) gives the classical formulation: the faithful "must confess all their sins . . . to their own priest at least once a year."² The Protestant historian of penance, H. C. Lea, calls this "the most important legislative act in the history of the Church,"³ partly because a legislated confession is not free. The Council of Florence (1438–45) modified the Lateran decree; integrity is defined as "all the sins one remembers."⁴

Luther objects that even this is an impossible task, like "counting the sands," endlessly numbering and weighing sins, detailing their circumstances, thus leading to torments of conscience, ending in despair.⁵ Though Luther himself retains the catalogue of sins as an aid to the examination of conscience,⁶ as does Melancthon,⁷ both cite Psalm 19:13: "Who knows how often one sins?"⁸ No command exists for

¹ *Sin and Confession on the Eve of the Reformation* (Princeton, N.J.: Princeton Univ., 1977) 109.

² Denziger-Schönmetzer, *Enchiridion Symbolorum*, 36th ed. (Freiburg: Herder, 1971) no. 812; hereafter cited as DS.

³ *The History of Auricular Confession and Indulgences in the Latin Church*, 2 vols. (Philadelphia: Lea Brothers, 1896) 1.230.

⁴ DS 1323.

⁵ *Martin Luthers Werke* (Weimar: Böhlau, 1883-) 8.168.24–25; 8.278; 1.576.2–3; hereafter cited as *Werke*.

⁶ *Homily on the Ten Commandments*, in *Werke* 1.398–521.

⁷ *Loci praecipui theologici* (1559), De confessione, in *Melancthon's Werke in Auswahl*, ed. R. Stupperich (Gütersloh: Bertelsmann, 1953) 2/2.561–74; hereafter cited as Stupperich.

⁸ Luther, *Werke* 8.159.16–31; also his *Confessio Augustana*, in *Die Bekenntnisschriften der evangelisch-lutherischen Kirchen*, 5th ed. (Göttingen: Vandenhoeck und

such an exhaustive examination. Nor does a command exist that penitents must confess secret sins.⁹

Without ambiguity the Augsburg Confession says "an enumeration of all sins is not necessary";¹⁰ the reason is "that consciences not be burdened."¹¹ However much and often auricular confession is recommended in the Lutheran confessional writings, such advice is accompanied with cautions: "Although we approve of confession and maintain that some examination is useful . . . Still it must be controlled, lest consciences be ensnared."¹² In fact, the confessional writings state these reservations more forcefully and more frequently than the positive recommendations of confession, the practice of which Luther and Melancthon held in very high esteem.¹³ The confession of the circumstances which change the species of mortal sins, Luther contends, is not necessary.¹⁴ Luther calls the Catholic practice (including integrity) "a torture of hell," and three times Calvin calls it "butchery" or methods of the "slaughter house."¹⁵ Even if one disagrees with Fourth Lateran, what merits this passionate language? Is this in any way related to Luther's throwing on a bonfire a copy of Angelus de Clavasio (or Chivasso) (1411–95), *Summa de casibus conscientiae* (called the *Angelica*) and several collections of canon law, together with the papal bull *Exsurge Domine*, on December 10, 1520? Why all the passion?

To understand the passionate rejection of the integrity of confession, I will briefly situate the *summae confessorum* in the tradition of the general patristic penitential practice and the Irish and Frankish penitentials to demonstrate the rigorist tradition which the *summae confessorum* mediated to the Reformation. Then I will look at the evidence on integrity in the *summae confessorum* as a way of understanding both Luther's reaction and Trent's legislation.

Trent responded to Luther in particular and the reformers in general by issuing decrees on a wide spectrum of disputed areas regarding the

Ruprecht, 1963) 66; Melancthon, *Unterricht der Visitatorn und Pfarhern ym Kurfurstenthum zu Sachssen*, in Stupperich 1.245.

⁹ *Apology* 104 (*Bekennnisschriften* 273).

¹⁰ *Confessio* 11 (*ibid.* 66).

¹¹ *Ibid.* 25.7 (*ibid.* 98).

¹² *Apology* 12.110 (*ibid.* 274).

¹³ E. Kindler, "Beichte und Absolution nach den lutherischen Bekennnisschriften," *Theologische Literaturzeitung* 77 (1952) 347.

¹⁴ *Werke* 6.161–62; 6.547–48.

¹⁵ Luther, *Large Catechism*, "A Brief Exhortation to Confession" 3 (*Bekennnisschriften* 726); Calvin, *Institutes of the Christian Religion* 3.4.17 (*Corpus Reformatorum* [hereafter cited as CR], ed. William Baum et al., 59 vols. [New York: Johnson Reprints, 1964] 2 (30) 469; *On the Necessity of Reforming the Church* (CR 6 [34] 495); *Antidote to the Acts of the Synod of Trent*, Session 6 (CR 7 [35] 467).

sacrament of penance: the existence of the sacrament,¹⁶ contrition, confession, and satisfaction as the three acts of penance,¹⁷ the necessity of the sacrament for salvation and the necessity of a priest minister,¹⁸ integrity,¹⁹ the judicial character of priestly power,²⁰ reservation of sins,²¹ and further clarifications on satisfaction.²² To give focus, only integrity, and in a minor way the judicial nature of absolution, are studied here. Though satisfaction is a considerable obstacle for Luther, it is mentioned only in passing in this article because, for Luther, the major issue in integrity is not satisfaction but tyranny.

THE PATRISTIC PERIOD: ORIGINS OF THE RIGORIST SUCCESSION

The authors of the earliest ages agree that Christians who fall into serious sin can be reconciled with the Church and God. Clement of Rome (fl. ca. 96) places the open confession of sin within the praise of God (*exomologesis*),²³ an element largely lost in the tradition but recovered by Luther.²⁴ Already Pastor Hermas in the second century introduces a novelty. After baptismal forgiveness there is in the West only one penance for serious sins.²⁵ Ambrose says, "As one baptism, so one penance."²⁶ It is not lack of compassion which dictates this strictness, but the deep conviction of gospel seriousness which baptism demands, and the need to keep communion with God in harmony with the eucharistic communion.

What the parameters of mercy and discipline are, is a source of considerable contention. In his Catholic period Tertullian introduces juridic categories into theology, with law the arbiter of spiritual obedience,²⁷ a development which will lend itself to the subjugation of the spiritual life to a sovereignty, sometimes to a tyranny, of law. As a Montanist, Tertullian, a major figure in the early penitential controversies, accuses the Church of being "soft" on sin (*mollissima et hu-*

¹⁶ DS 1701-3.

¹⁸ DS 1706.

²⁰ DS 1709-10.

²² DS 1712-15.

¹⁷ DS 1704-5.

¹⁹ DS 1707-8.

²¹ DS 1711.

²³ *Letter to the Corinthians* 60.1-4, in *Sources chrétiennes* (hereafter: SC) 167, ed. Annie Jaubert (Paris: Cerf, 1971) 196-98; see also 26.2; 48.2; 51.3; 52.1-2; 56.1-2; 60.1-4; 61.3 (SC 167.144, 178, 182, 184, 188, 196, 198, 200); J. Dallen, *The Reconciling Community: The Rite of Penance* (New York: Pueblo, 1986) 20.

²⁴ *On the Psalms*, Psalm 110 (111) (*Werke* 4.238-39).

²⁵ *The Shepherd*, Mandate 4.3.1 (SC 53bis.159).

²⁶ *On Penance* 2.10 (SC 179.192).

²⁷ *Apology* 1-2, in *Corpus Christianorum* (hereafter: CChr) 1/1 (Turnhout: Brepols, 1954) 85-91. H. von Campenhausen, *The Fathers of the Latin Church* (London: A. & C. Black, 1964) 29.

manissima disciplina),²⁸ when it admits repentant adulterers and fornicators to communion.²⁹ In the early Church there are three “unforgivable” sins which the Church did not submit to the power of the keys: apostasy, murder, and adultery.

Already in the fourth and fifth centuries local synods and individual bishops issue canons facilitating the impersonal application of laws to abstract lists of serious sins.³⁰ But even earlier Cyprian raises his voice in protest against an excessive emphasis on judging sins only in terms of the objectively stated norms, e.g. insisting that pastors consider individual cases, not categories.³¹ Also they should attend to the special pressures under which the sinner acted. Penances imposed should be “arbitrary,” i.e. according to the judgment of the ecclesiastic, not according to abstract lists of penalties.

The archaic, structured violence (particularly unrepeatability) of early penance, designed for heroic spiritual athletes, finally cracks and collapses. The puritan hardliners lose, but the “lenient” winners bequeath to posterity a daunting severity, indeed, initiate a rigorist succession.

IRISH AND FRANKISH PENITENTIALS: MONASTIC TURN TO THE SUBJECT

Though the public canonical penance is found occasionally during the Middle Ages, it begins to give way in the sixth century to the practice of repeated private confession introduced by the monks of Wales, Ireland, and the Frankish lands (though it is doubtful that Ireland, a monks’ church rather than a bishops’ church, ever had canonical public penance).³² In its monastic origins it is designed by monks for monks, drawing on monastic authorities, most especially John Cassian.³³ The tradition of private confidential spiritual direction gave birth to the nonsacramental penance, in which the monk/

²⁸ *On Modesty* 5, in J. Migne, ed., *Patrologia latina* (hereafter: PL) 2.989. J. Mahoney, *The Making of Moral Theology* (Oxford: Clarendon, 1987) 3.

²⁹ *On Chastity* 1.6–9 (CChr 2.1281–82).

³⁰ Dallen, *The Reconciling Community* 58.

³¹ *Letter* 55.6; 57/1; 64.1, in *Corpus scriptorum ecclesiasticorum latinorum* (hereafter: CSEL) (Vienna, 1866–) 3/2.627–28, 650–51, 717.

³² C. Vogel, *Le pécheur et la pénitence au moyen âge* (Paris: Cerf, 1969) 7; H. Vorgrimler, *Buße und Krankensalbung (Handbuch der Dogmengeschichte 4/3)* (Freiburg: Herder, 1978) 94.

³³ Many of the penitentials depend on Cassian’s arrangement of the vices in both his *Institutes* 5–12 (SC 109.186–501) and the *Conferences* 5 (SC 42.188–217). *Bigotian Penitential* 40 (*The Irish Penitentials*, ed. L. Bieler: [Dublin: Dublin Institute for Advanced Studies, 1963] 206); hereafter cited as Bieler. *The Old-Irish Penitential* 3.10 (Bieler 266). See also *Medieval Handbooks of Penance*, ed. J. T. McNeill and H. M. Gamer (New York: Columbia Univ., 1983) 19; henceforth cited as McNeill and Gamer.

penitent (and eventually the lay/penitent) confesses his sins and the monk/confessor guides the penitent on the spiritual quest.³⁴ Writing of the Frankish practice, B. Poschmann contends that no proof exists either that the confessor gives absolution, or that the act is sacramental.³⁵ Later, while remaining private it takes on a sacramental character. In places like England the Church abandons public penance in the seventh century, and private confession becomes obligatory in the eighth. Various monastics, on their own authority, come to the aid of their fellow monks by compiling manuals (penitentials) listing in detail the sins and suggesting penances (tariffs). The penitential manuals, "blunt, vigorous in doctrine, and unsubtle in articulation," develop the tariff system.³⁶

The *Old-Irish Penitential* (not later than the eighth century) cautions that those who knowingly conceal sins (a want of integrity) must do double penance.³⁷ Both Rogino's *On the Ecclesiastical Discipline of the Christian Religion* (ca. 906)³⁸ and Burchard of Worm's *The Corrector and Physician* (ca. 1008–12)³⁹ legislate against a similar want of integrity. The penitentials contain long lists of questions by which "all (things) can be diligently investigated,"⁴⁰ but Rogino suggests that this be done "softly and gently."⁴¹

In *The Penitential of Columban*, a cleric guilty of homicide fasts for ten years in exile, and, if he does not make restitution, he shall never be readmitted to his native land, this satisfaction being the tariff.⁴² But the usual tariff for a mortal sin is seven years of penance. Anyone who begets a child outside of marriage fasts for seven years on bread and water, all the while pilgrimaging in exile. For perjury, one does penance for seven years.⁴³ Other penances are fasting on bread and water, night watches, abstention from marital relations, almsgiving, and refraining from bearing arms.

The Bishops Resist, then Capitulate

When the penitentials first appear, hierarchies and persons of learning heap scorn upon them. The Third Council of Toledo in 589 rejects

³⁴ *Customs of Tallaght* (ca. 831–840) 23, 79 (McNeill and Gamer 422, 424).

³⁵ B. Poschmann, *Die abendländische Kirchenbuße im Ausgang des christlichen Altertums* (Munich: Pustet, 1928) 231.

³⁶ J. T. Noonan, Jr., *Contraception* (Cambridge: Harvard Univ., 1965) 167.

³⁷ 3.20 (Bieler 268).

³⁸ 1.300 (PL 132.247–48).

³⁹ PL 140.951.

⁴⁰ Postquam haec omnia diligenter investigata fuerint . . . (Rogino, *The Ecclesiastical Discipline*, Introduction [PL 132.190]).

⁴¹ Ibid. 1.300 (PL 132.247–48).

⁴² McNeill and Gamer 252.

⁴³ Ibid.

"as scandalous innovation" the principle the penitentials espouse, namely that "the priest may reconcile one as often as one sins," and the council "orders that penance be given according to the ancient canons," namely only one penance.⁴⁴ The penitent who returns to former vices "is to be condemned according to the severity of the ancient canons."⁴⁵ The Synod of Chalon-sur-Saône in 813 expresses outrage at the confusion the conflicting penitentials are spreading, characterizing the books as "certain in errors and uncertain of authorship," referring to theological errors contained and the anonymity of the authors. In regard to the latter, many compilers of penitentials fictitiously ascribe their work to persons of fame.

The confessors which the anonymous authors attempt to help may be incapable of the discretion the penitentials counsel. However, because the penitentials fill a need of the uneducated lower clergy and the monks, who find them practical, indeed indispensable, episcopal condemnations are ignored.⁴⁶ Finally, bishops resign themselves to their use and attempt to improve them.

The penances the penitentials or the local synods recommend can be both punitive and coercive. About 1114 the Synod of Gran, Hungary, decrees: "Let the bishops build two houses (as jails) in each city for the coercing (*coercendos*) of penitents."⁴⁷ The 11th Council of Toledo in 675 condemns the practice of putting sinners to death, and decrees that the tariff not exceed imprisonment and exile. The bishops are reminded that correction is a matter "more of benevolence than severity, more of exhortation than creating difficulties, more of charity than power."⁴⁸ The compilers of penitentials include exhortations to discretion and mercy.

Long catalogues of sins, with genus and species, sometimes supported by further subdivisions, appear. The Irish *Penitential of Cummean* structures the lists according to the eight principal vices of Cassian: gluttony (13 canons), fornication (33), avarice (16), anger (12), dejection (1), accidie (2), vainglory (2), pride (14), all with distinct variations. The *Penitential of Burchard of Worms* (965–1025), which closes the era of this genre and is the penitential most used after 1000 for determining tariffs, lists fifty-five sins, with subspecies and recommends appropriate penances.⁴⁹ The penitential manuals reach their

⁴⁴ *Sacrorum Concilium Nova et Amplissima Collectio*, ed. J. J. Mansi, 31 vols. (Florence, 1759–1798) 9.995; hereafter cited as Mansi.

⁴⁵ *Ibid.*

⁴⁶ Mahoney, *Making of Moral Theology* 15.

⁴⁷ *Episcopi in unaquaque civitate duas domos ad coercendos paenitentes faciant* (Mansi 21.119, 110).

⁴⁸ Mansi 11.141. The council here refers to Pope Leo's *Letter* 84 (PL 54.921).

⁴⁹ 19.5 (PL 140.951–76).

apogee between the second half of the sixth century and the Carolingian reform of 913–950 and terminate about the beginning of the eleventh century.⁵⁰

By not keeping the sacred distinct from the secular, by blurring the boundaries between the internal and external forum, penance assumes the flavor of criminal law.⁵¹ The penitentials lack any authority, contradict each other, and promote a mechanistic system of forgiveness. They present the Christian life too one-sidedly under the rubric of law, thus promoting a diminished, in fact distorted view of the sinners' relationship to a loving God. They push the weak into despair by penances only the heroic can perform. Their penchant for lists of sins creates an atmosphere of oppression around reconciliation.

Positively, the penitentials took the baptismal commitment with gospel seriousness, made private confession part of a larger process of discernment and spiritual direction, fought against episcopal intransigence for the principle that priests should grant access to penance as often as a believer sinned, made forgiveness accessible to all, and quite rightly leveled more severe penalties on monks, priests, and bishops than on the laity. Reading the penitentials one is torn between two judgments. On the one hand the Catholic J. Mahoney, while admitting that the penitentials are not entirely without redeeming qualities (but unable to name many) finds the penitentials "an appallingly rigid systematized approach to sin."⁵² On the other hand, the Protestant H. C. Lea, whom T. N. Tentler considers "anticlerical,"⁵³ itemizes their many faults, but grants that "taken as a whole their influence cannot but have been salutary."⁵⁴ In particular Lea names inculcating charity, succoring the poor, aiding the stranger, teaching a barbarous people that evil thought and desires are sinful as well as acts.⁵⁵ In either case the penitentials, crude instruments crafted by a crude age, belong to the rigorist succession, receiving it from the earliest centuries, and mediating it to the following period when the *Summae confessorum* flourish.

SUMMAE CONFESSORUM: CAN WE DEMAND HEROISM?

The penitentials came into existence when the practices of the earliest centuries collapsed under the weight of their rigidity; pastorally

⁵⁰ C. Vogel and A. J. Frantzen, *Les "Libri paenitentiales,"* Typologie des Sources du Moyen Age Occidental 27 (Turnhout: Brepols, 1978) 18.

⁵¹ T. Oakley, "Cooperation of Mediaeval Penance and Secular Law," *Speculum* 7 (1932) 515–24; Lea, *History of Confession* 2.112.

⁵² Mahoney, *Making of Moral Theology* 7.

⁵³ Tentler, *Sin and Confession* xii.

⁵⁴ Lea, *History of Confession* 2.106.

⁵⁵ *Ibid.*

they were not usable. The age of the penitentials likewise ends for the same reason. Alan of Lille (d. 1203) says that "the penitent is to be spared (the ancient tariffs)," because people of that earlier age were "more robust and capable of onerous penances," while today "people are constitutionally weak."⁵⁶ Thomas of Chobham, Vice Dean of Salisbury (1214 and 1230), who wrote one of the best organized *summae*, declares: "the rigor of the ancient canons (penitentials) cannot be observed."⁵⁷ The reason is that "there is no one in our time who can carry out such penances."⁵⁸ The canonist, Robert of Flamborough of the Abbey of St. Victor in Paris, writing between 1210 and 1215, reverses the ancient penitential canons received "from the holy fathers," and also proposes them as penances; however he knows "that scarcely anyone wants to accept them or presumes to impose them (on others)," and in the end he concedes, "I choose to be merciful rather than rigid."⁵⁹ Another scholar from St. Victor's, Peter of Poitiers (ca. 1130–1215), criticizes Robert and those who use his *summa* for following "the ancient decrees (simply) because they are old."⁶⁰

Like the earlier penitentials the *summae* are manuals for confessors, giving an astonishing number of ways of sinning, classifying them, and providing a list of questions the confessor might pose to the penitent. Where the penitentials objectively and abstractly focus on the sin and the appropriate tariff, the *summae* center on the person of the sinner, and on the personal relationship between confessor and penitent.⁶¹ They are academic, pragmatic, concise books for the confessor, not the penitent. The early penitentials come out of a monastic context, the *summists* are, with some exceptions, either Franciscans or Dominicans, persons closer to the laity.⁶² The *summae* are handy compendiums of all the information a confessor need know, especially canon law.

They first appear toward the end of the twelfth century before the Fourth Lateran Council (1215), which is so decisive in their evolution

⁵⁶ *Liber poenitentialis* 2.13 (Alain de Lille, *Liber poenitentialis*, 2 vols. ed. J. Longère [Louvain: Nauwelaerts, 1965] 2.55); hereafter cited as Longère.

⁵⁷ *Summa confessorum*, art. 7, dist. 1 (Thomae de Chobham, *Summa confessorum*, ed. F. Broomfield [Louvain: Nauwelaerts, 1968] xxv, 325); hereafter cited as Broomfield.

⁵⁸ *Ibid.*

⁵⁹ *Liber poenitentialis* 5.234–35 (*Liber poenitentialis*, ed. J. J. F. Firth [Toronto: Pontifical Institute, 1971] 203–4); see also appendix c, no. 20, page 308; hereafter cited as Firth.

⁶⁰ The Latin text is found in F. Firth, "The 'Poenitential' of Robert of Flamborough," *Traditio* 16 (1960) 552.

⁶¹ P. Michaud-Quantin, "A propos des premières *Summae confessorum*," *Recherches de théologie ancienne et médiévale* 26 (1959) 265. I am indebted to Michaud-Quantin for the leads on the early *summae*.

⁶² Tentler, *Sin and Confession* 122.

that it can be called a symbol of their emergence.⁶³ Though the obligation to confess antedates 1215, the council gives a new impetus to the *summae* when it decrees yearly confession of all sins.

However one judges Lea's view that this decision of 1215 constitutes "a spiritual dominance without parallel,"⁶⁴ Fourth Lateran establishes the spiritual authority of the parish priest as never before. As a great pastoral council, Fourth Lateran is well aware such a prescription can only be effective if there is a literate priesthood. It denounces the practice of underpaying parochial priests, thus contributing to illiteracy. In those regions where bishops do not give sufficient remuneration "almost no priest can be found who is even moderately learned."⁶⁵ Within the next fifty years a vast profusion of *summae confessorum*, explanations of the Ten Commandments, treatises on vices and virtues (with vices coming first), collections of sermons, in a word, an astonishing variety of pastoralia appear in Latin and the vernacular, all prompted by Fourth Lateran.⁶⁶

Change of Heart Takes Precedence over Satisfaction

The twelfth century was not the first to discover that penance requires a change of heart. That is present in the postbiblical Christian witness at least by the time of Pastor Hermas in the second century.⁶⁷ But the *summae* are consciously turning away from the austere externality of satisfaction as found in the penitentials to interior contrition. Especially influential in this respect is Abelard, who emphasizes interior dispositions, thus helping to banish the stolid passivity of the penitentials.⁶⁸

Evidence of the twelfth-century humanism is immediately evident in Alan, trained in the liberal arts before turning to theology, a poet who sang the praises of nature, a professor of theology at Paris, and later a Cistercian. For Alan, the confessor is like a medical doctor, approaching the sick with soothing words (*primo verbis mulcet ae-*

⁶³ T. T. Tentler, "Response and Retractatio," *The Pursuit of Holiness in Late Medieval and Renaissance Religion*, ed. C. Trinkaus, and H. A. Oberman (Leiden: Brill, 1974) 134.

⁶⁴ *History of Confession* 1.228

⁶⁵ *Constitution 32* (Decrees of the Ecumenical Councils, 2 vols. ed. N. Tanner [Washington: Georgetown Univ., 1990] 1.250); hereafter cited as Tanner.

⁶⁶ L. E. Boyle, "The Fourth Lateran Council and Manuals of Popular Theology," in *The Popular Literature of Medieval England*, ed. T. J. Heffernan (Knoxville: Univ. of Tennessee, 1985) 31.

⁶⁷ *The Shepherd*, Mandate 4.2.2 (SC 53bis.156, 158).

⁶⁸ P. Anciaux, *La théologie du sacrement de pénitence au XII siècle* (Louvain: Nauwelaerts, 1949) 157, 163; P. A. Teetaert, "La doctrine pénitentielle de saint Raymond de Penyafort, O.P.," *Analecta Sacra Tarraconensia* 4 (1928) 128.

grum), conforming himself to the sick (*se conformat infirmo*), coaxing with words (*verbis blanditur*), promising health so that sinners may more readily disclose the depth and sharpness of their pain.⁶⁹

Peter of Poitiers tries to smooth the way by the example of a priest who tells his penitent, "You make your sins mine when you tell them to me."⁷⁰ Let the confessor be gentle, says Peter, so that "in giving consolation the sinner might not despair."⁷¹ Thomas Chobham sees the confessor in the mercy business, as indicated in the title of his manual, *Cum miserationes*, completed around 1216. Not by an abrupt command "Tell me your sins" does the confessor begin. Rather he commences with encouraging words: "Perhaps I am a worse sinner than you. I am a man like you, so do not be a respecter of my face."⁷² The confessor knows how to move the penitent both with firmness and with gentleness: "A farmhand not only has a stick to prod his cows, but also he whistles and sings a song to soothe them."⁷³

Gently, Gently

Jean Gerson (1363–1429), chancellor of the University of Paris, an authority on theological and mystical questions and a poet, is a great pastoral leader, whose writings the young Luther valued. Gerson wrote some thirty tracts on confession which were copied and recopied throughout Europe and cited as authoritative.⁷⁴ Tentler considers him "the greatest voice in the cure of souls."⁷⁵ Gerson reacts against the legalism and formalism in the Church. In his *De arte audiendi confessiones* he admonishes that no one should be treated harshly, no matter what the penitent confesses.⁷⁶ "Above all let the confessor avoid from the beginning being austere, sad, or rigid."⁷⁷ The emphasis on gentleness and the confessor as a bringer of comfort is striking in all Gerson's thirty tracts on confession.⁷⁸ That emphasis recalls the advice of Peter

⁶⁹ *Liber poenitentialis* 1.2 (Longère 2.25). See also 4.10 (Longère 2.168).

⁷⁰ "Peccata tua facis mea, quando mihi dicis" (*Summa de Confessione*, "Homilia Magistri Jacobi" [CChr 51.1]).

⁷¹ *Ibid.* (CChr 51.2).

⁷² *Summa confessorum*, art 7, dist. 1, q. 3a (Broomfield 326).

⁷³ *Ibid.* art 6, dist. 2, q. 1 (Broomfield 265).

⁷⁴ P. Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge* (Louvain: Nauwelaerts, 1962) 80.

⁷⁵ Tentler, *Sin and Confession* 46.

⁷⁶ Consideratio 1–10 (Jean Gerson, *Oeuvres complètes*, ed. P. Glorieux, 10 vols. [Paris: Desclée et Cie, 1960 f.] 8.10–12); hereafter cited as Glorieux. D. C. Brown, *Pastor and Laity in the Theology of Jean Gerson* (Cambridge: Cambridge Univ., 1987) 66.

⁷⁷ *De arte audiendi confessiones*, Consideratio 9 (Glorieux 8.12).

⁷⁸ Brown, *Pastor and Laity* 66.

of Poitiers, cited earlier, that the confessor "should be gentle and consoling so the sinner does not despair."⁷⁹

These are the very qualities the Fourth Lateran wanted the confessor to have: he should be "discerning and prudent," so that like a skilled doctor "he may pour wine and oil over the wounds of the injured one,"⁸⁰—a theme which Trent repeats.⁸¹ Indeed the medicinal theme is a major one in the literature.⁸² Luther, Fourth Lateran, the *summae confessorum*, and Trent are all concerned with healing, comfort, and consolation.

Interrogation: The Confessor Takes the Initiative

Against this background one looks at the teaching of the *summae confessorum* on the integrity of confession and interrogations as a tool of that integrity. The universal assumption is that a good confession must be integral, i.e. that all mortal sins must be confessed. To this end Fourth Lateran decrees that the priest "carefully inquire about the circumstances of both the sinner and the sin, so that he may prudently discern what sort of advice he ought to give and what remedy to apply, using various means to heal the sick person."⁸³ Fourth Lateran also decrees that the circumstances should be confessed,⁸⁴ the later tradition specifying that what is meant is circumstances which change the species of the sins or diminish culpability. Though there were reasons excusing from completeness, integrity was one of the goals for the confessor, and a good confessor is known for his ability to lure the penitent to tell all.⁸⁵

A man of Gerson's sophistication, a theologian of range and depth, a powerful preacher, a mystic, a man concerned with "the art" of pastoral care, anguishes over incomplete confessions, which he thinks are frequent.⁸⁶ Incomplete confessions are sacrilegious. Gerson frequently returns to the necessity of integrity, without which the absolution is

⁷⁹ See nn. 70–71 above.

⁸⁰ DS 813.

⁸¹ DS 1680.

⁸² Alan of Lille opens his *summa confessorum* with the medical theme (*Liber poenitentialis*, Prologue 1.2.4 [Longère 2.15–17]); Peter of Poitiers, "Quod suo modo debet se conformare medicus spiritualis materiali" (*Summa de Confessione* 46 [CChr 51.57–60]); Jean Gerson, *De arte audiendi confessiones* (Consideratio 6.21 [Glorieux 8.11.16]); Lea, *History of Confession* 2:229 f. John Eck also uses medicinal themes from Jerome, Ps. Cyril, and Bernard. *Enchiridion locorum communium adversus Lutherum et alios hostes ecclesiae* (1525–1543) 8 (Corpus Catholicorum 34.122–23).

⁸³ DS 813.

⁸⁴ *Ibid.*

⁸⁵ Tentler, *Sin and Confession* 109.

⁸⁶ *De arte audiendi confessiones*, Consideratio 8, 10, 12, 13, 23 (Glorieux 8.12, 13, 17).

invalid,⁸⁷ a position he inherits from, among others, Alan of Lille,⁸⁸ Peter of Poitiers,⁸⁹ and Thomas of Chobham.⁹⁰ But Gerson's preoccupation with integrity pushes him to take a position at variance with the traditional teaching, namely that the confessor should do all he can to lead the penitent to make a general confession so that past incomplete confessions will be sanated. The rationale he gives is that "one mortal sin cannot be wiped out without the others; otherwise it would follow that grace can be present with mortal sin."⁹¹ Then there is Alan of Lille's variation on the concern for integrity: God does not forgive in halves, so confession and contrition which is not complete is not valid.⁹²

Raymond of Peñafort (1185–1275), a professor of canon law and Master General of the Dominicans, wrote not the ideal manual, but one which exercised considerable influence, being one of the few books explicitly mentioned in the *Ratio studiorum* drawn up by Albert the Great, Thomas Aquinas, and three others in 1259.⁹³ His *summa*, largely inspired by Gratian's *Decretum*—therefore with large canonical concerns—is nonetheless full of pastoral concern and attempts to avoid arid scholastic formulations. Raymond promotes integrity on the principle that what is confessed is absolved (*in paenitentia confessus pro absoluto habetur*).⁹⁴ Ostensibly, what is not declared is not forgiven, excepting inculpable lapses of memory.

The Doctor Probes with a List of Questions

To achieve integrity both the penitent and the confessor use a formal framework. To examine one's conscience the penitent uses such instruments as the model employed in classical rhetoric: who, what, where,

⁸⁷ Ibid. 10 (Glorieux 8.17); *Le doctrinal aux simples gens* (Glorieux 10.314–15).

⁸⁸ "Ne ita confiteatur unum quod aliud abscondatur, quia hujus modi poenitentia sophistica est et non vera" (*Liber poenitentialis* 4.28 [Longère 2.180–81]).

⁸⁹ "Sit integra et perfecta scilicet nec diuisa, nec decurtata, sed omnia uni" (*Summa de confessione* 40 [CChr 51.48]).

⁹⁰ "Preterea dicendum est penitenti quod ipse confiteatur omnia peccata sua simul et omnia suo sacerdoti . . ." (*Summa confessorum*, art. 6, dist.2 [Broomfield 264–65]).

⁹¹ *Quaestiones* 4 (Glorieux 9.70). On the qualified trust in acts of sacramental confession, see Mark S. Burrows, *Jean Gerson and De Consolatione Theologiae* (Tübingen: Mohr [Siebeck], 1991) 68–72.

⁹² *Liber poenitentialis* 4.28 (Longère 2.181).

⁹³ L. E. Boyle, "The *summa confessorum* of John of Freiburg and the Popularization of the Moral Teaching of St. Thomas and of Some of His Contemporaries," in his *Pastoral Care, Clerical Education and Canon Law 1200–1400* (London: Variorum Reprints, 1981) 252.

⁹⁴ *Summa de poenitentia et matrimonio*, lib. 3, De poenitentis et remissionibus 30 (photographic reprint by Farnborough: Gregg, 1967) 465; hereafter cited as Gregg.

by whose help, how often, how, when?⁹⁵ Also the seven capital sins or the Ten Commandments are traditional tools. Luther and Trent likewise both want penitents to be "diligent" (*fleysz, diligenti*) in examining their consciences.⁹⁶

The confessor had a much more extensive list of possible questions. The practice of the confessor questioning the penitent has its roots in the penitentials and is not a novelty of the *summae*. The principle as formulated by Alan of Lille is that a doctor concerned with a sick person "asks about the cause and origin of the illness."⁹⁷ The questions are meant to identify the malady, to diagnose, and to heal. Only relevant questions should be asked, including such as uncovering psychological factors arising from choleric or melancholic temperaments.⁹⁸ The *summae* of St. Antoninus of Florence (1389–1459), which Michaud-Quantin considers the best manual from the Middle Ages, has a list of questions which is remarkable for the psychological insight probing the actual condition of the penitent.⁹⁹ Robert of Flamborough wants the confessor to go beyond asking about sins, and question the penitent also about good and virtuous things done.¹⁰⁰ Realizing that few confess spiritual sins, like envy, anger, avarice, pride, and sloth, Thomas of Chobham wants the confessor to sensitize consciences to these areas by interrogating penitents.¹⁰¹ Questioning is one of the ways of insuring that restitution is made in case false measures have been used, as Peter of Poitiers points out.¹⁰² The issue is justice.

The primary responsibility for an integral confession is on the penitents who are bound to use due diligence in recalling their sins, a careful but not anxious examination. However, the initiative in the confessional is largely with the confessor because he has the requisite knowledge. After the penitents tell their sins, the priest begins to question them "distinctly and methodically," according to Raymond of

⁹⁵ D. W. Robertson, Jr., "A Note on the Classical Origen of 'Circumstances' in the Medieval Confessional," *Studies in Philology* 43 (1946) 6–14.

⁹⁶ *Werke* 7.369.16; see also 15.495.27 ff; 30/3.566.29. Trent's formulation is ". . . omnia et singula peccata mortalia, quorum memoria cum debita et diligenti praemeditatione habeatur . . ." (DS 1707).

⁹⁷ *Liber poenitentialis* 1.2 (Longère 2.25).

⁹⁸ *Ibid.* 1.17 (Longère 2.31).

⁹⁹ *Sommes de casuistique et manuels de confession au moyen âge* 74.

¹⁰⁰ *Liber poenitentialis* 4.8 (Firth 200).

¹⁰¹ *Summa confessorum*, art. 7, dist. 1, q. 3 (Broomfield 327).

¹⁰² *Summa de confessione* 26 (CChr 51.29). See also Angelus de Clavisio (Chivasso), *Summa confessorum* (Nuremberg: Anthony Koberger, 1492) cxlix; hereafter cited as *Angelica*.

Peñafof. ¹⁰³ But asking questions is only one side of what Robert of Flamborough calls "a dialogue," his *summa* being structured in dialogic form. ¹⁰⁴

"Coadjutors of Christ," is how Robert sees the relationship between confessor and penitent: "both of us are diligent and attentive (regarding) the salvation of our souls. You are stripped and open (*tu nude et aperte*) in declaring what you remember, I solicitous, and, as it were, bold and persistent (*ego sollicitus et quasi proterve et improbe*) in searching the open wounds, and, if there are hidden sores, laying them bare." ¹⁰⁵ The dialogue can extend to the determination of the penance. Priests intransigent in the matter of imposing penances are not unknown, but Robert counsels progressive bargaining. ¹⁰⁶ The penitent, therefore, is not purely passive in this process. This dialogue form had earlier been used also by Burchard of Worms (ca. 965–1025) in his *Decretum*, the number of existing manuscripts testifying to its exceptional influence. ¹⁰⁷

No unanimity exists among the manualists as to how extensive the questioning should be; some give daunting, not to say impossible, lists, going into great detail, while others propose more modest lists and keep to more general questions. Robert of Flamborough uses the seven capital sins, as outlined by Gregory the Great, as the confessor's instrument for interrogation, ¹⁰⁸ but others used the Ten Commandments, the twelve articles of faith, the seven temporal and seven spiritual works of mercy. More modest are two of the best manualists, Gerson and Antoninus, who give only brief broad principles. ¹⁰⁹ Both Thomas Aquinas (ca. 1225–74) and Antoninus want the questions to be limited by the actual condition of the penitent, Antoninus adding that too many questions are useless and harmful (*inutile . . . et damnosum*). ¹¹⁰

Angelica or Diabolica?

Among the most intimidating lists is that found in the *Angelica*, which Luther prefers to call the *Diabolica*, ¹¹¹ the *summa* Luther cast

¹⁰³ *Summa de poenitentia et matrimonio*, "De poenitentiis et remissionibus" 30 (Gregg 465).

¹⁰⁴ *Liber poenitentialis*, Prologue; 1.2; 3.3; 3.4; 4.1; 4.8 (Firth 55, 58–62, 126–140, 169–175, 179–202).

¹⁰⁵ *Ibid.* 1.1 (Firth 57).

¹⁰⁶ *Ibid.* 5.16 (Firth 277).

¹⁰⁷ PL 140.950–78; Vogel, *Les "Libri poenitentiales"* 89.

¹⁰⁸ *Liber poenitentialis* 4 (Firth 179–202).

¹⁰⁹ Gerson, *De arte audiendi confessiones* (Glorieux 8.10–17); Antoninus, *Summa confessionum seu Interrogatorium pro simplicibus* 5 (Salzburg University Library, codex M I 146); hereafter cited as Salzburg.

¹¹⁰ Aquinas, *Commentary on the Fourth Book of the Sentences* dist. 19, q. 2, a. 3, *expositio textus*; Antoninus, *Summa confessionum* 5 (Salzburg).

¹¹¹ *De captivitate babylonica* (*Werke* 4.553.31).

into the fire. There are 975 possible questions a confessor can pose, not counting subquestions and references to other subject areas in the *summa* where other questions can be found.¹¹² This interrogation the *Angelica* twice places in relation to integrity.¹¹³ Also for the *Angelica* the primary responsibility for diligence (*diligentiam*) in confession is the penitent's.

The diligence both of the penitent in examining the conscience and the confessor in questioning is directed to an integral confession. For a confessor to omit interrogating out of negligence is a mortal sin.¹¹⁴ But his questions should be confined to those things which are "reasonably pertinent" (*rationabiliter pertinentia*) to salvation.¹¹⁵ Further, the confessor should not be "excessively scrupulous" (*non debet . . . esse nimis scrupulosus*) in asking all possible questions about all the possible sins.¹¹⁶ *Angelica* says that the confessor should not ask "all things about everything" (*non omnes de omnibus*).¹¹⁷

Clearly the formidable list is meant only to give suggestions about particular areas. To march down the list with the penitent is patently ludicrous, as Angelus de Clavasio indicates. In particular, questions about unusual sins, or what Angelus calls "enormities," should be put from a certain distance, by circumlocution.¹¹⁸ The *summae* consistently repeat the prohibition about prying into carnal sins. Angelus warns that confessors sin mortally if they descend to particular circumstances of carnal sins, using the confessional to elicit *delectabilia*.¹¹⁹ The astonishing directness of the questions in a treatise on confessing masturbation attributed to Gerson, language quite untypical of him, is a notable departure from the tradition of the *summae* about reticence in sexual matters.¹²⁰

Forensic Precision

The use of long lists is related to the judicial character of absolution implied in the words of the Risen Savior, "Receive the Holy Spirit. If you forgive the sins of any, they are forgiven; if you retain the sins of any, they are retained" (John 20:23; See Matt 16:19). This seems to demand knowledge of the sins and a judgment. If sins are withheld, Alan of Lille says, then the judge cannot bring right judgment.¹²¹

¹¹² *Angelica*, "Interrogationes" cxlviii-clvi.

¹¹³ *Ibid.* cxlix.

¹¹⁵ *Ibid.*

¹¹⁷ *Ibid.* cxlix.

¹¹⁹ *Ibid.*

¹¹⁴ *Ibid.* cxlviii.

¹¹⁶ *Ibid.*

¹¹⁸ *Ibid.* cxlviii.

¹²⁰ *De confessione mollitie*; Opera; Secunda pars opera, opuscula ad mores accomodata (Argetoraci: J. Knobloch, 1514) xxxiii. Glorieux doubts the correctness of the attribution (1.49).

¹²¹ *Liber poenitentialis* Prol. 3 (Longère 2.156).

From the earliest years of the penitential discipline in the patristic age confessors made no clear distinction between the judicial forum and the sacramental institution.¹²² Even a man as liberally educated as Alan says of those who persist in sin that "the ecclesiastical judge should not ignore" this fact, "but ought to give a strict judgment (*districtum iudicium*) according to the sacred canons and the regulations of the fathers, so that others may fear . . ."¹²³ By no means is Alan the most legal of summists. Yet he wants to determine the precise juridic status of the penitent.¹²⁴

Alan and the early scholastics take over from the patristic age the judicial elements in penance. Though they consider the juridic character of the discipline self-evident, it is not central and is not a matter of controversy.¹²⁵ The classical formulation is given in the medieval commentaries on the Fourth Book of the Sentences, distinctions 18 and 19. The great development of the theology of absolution in the 13th century led to an accentuation of the juridical character of penance, which accompanied the exclusive insistence on the indicative form of absolution, "Ego te absolvo."¹²⁶ While Thomas Aquinas sees the whole penitential process more as spiritual healing than as a judicial act of a judge, he also retained the judicial character of the priestly act,¹²⁷ though it is not a significant concern in the *Summa*.¹²⁸ In Richard of Middleton (*Mediavilla*) (ca. 1249) and Duns Scotus (ca. 1265–1308) the forensic takes on excessive importance.¹²⁹

The authors transfer the judicial role of a secular judge to the confessor, and they oversystematize the theology without sufficient reference to the analogy of faith. The whole judicial procedure is present: the legal brief of facts, cross examination of the accused, inquiry into accountability and inner dispositions, setting limits to future behavior. A juridical verdict is at issue. The lists of sins of the *summae confessorum* and the quest for integrity are in service of this legal discipline. In pursuit of forensic precision one loses sight of the sign value of the

¹²² Dallen, *The Reconciling Community* 60.

¹²³ *Liber poenitentialis* Prol. 2 (Longère 2.16).

¹²⁴ Michaud-Quantin, "A propos des premières *Summae confessorum*" 278–79.

¹²⁵ Vorgrimler, *Buße und Krankensalbung* 124.

¹²⁶ *Ibid.* 124.

¹²⁷ *Commentary on the Fourth Book of the Sentences*, dist. 19, q. 1, a. 1, ad 2 q.

¹²⁸ In 3, q. 84, a. 3 Aquinas repeats Matt 16:19 five times and John 20:23 once without adverting to the judicial character of absolution. Nor does J. Göttler give it much attention in his detailed study, *Der heilige Thomas von Aquin und die vortridentinischen Thomisten über die Wirkungen des Bußsakramentes* (Freiburg: Herder, 1904).

¹²⁹ V. Heynck, "Der richterliche Charakter des Bußsakraments nach Johannes Duns Scotus," *Franziskanische Studien* 47 (1965) 339–414; Vorgrimler, *Buße und Krankensalbung* 125.

deeper encounter between a repentant sinner and a loving Father within the mediation of the Church, a mediation with limits.¹³⁰

Concealing Mortal Sins Invalidates Absolution

Two not-always-compatible pastoral concerns are that the penitent should not deliberately conceal serious sins, and that the confessor should not extort concealed sins. From the days of the early Irish penitentials there is a presumption that penitents conceal some sins, thus endangering integrity.¹³¹ This presumption persists in the *summae*, a matter of considerable pastoral distress because it renders the absolution null. Alan of Lille and Raymond of Peñafort both take it for granted that the penitent might conceal.¹³²

Alan provides instructions on how the priest should act in this case when the confession is "fallacious and not true" (*sophistica . . . et non vera*).¹³³ The principle is clear in Thomas of Chobham: "If any sin is concealed, there is no confession, no absolution."¹³⁴ If the confessor is austere, dour, or rigid, warns Gerson, "he will quickly close the mouth of the terrified sinner,"¹³⁵ thereby encouraging the penitent to conceal sins, and consequently endangering integrity. Rather, in an affable manner the confessor should show how sinful it is to lie to God, how hypocritical to deceive oneself in concealing a sin.

In the case of a penitent who is "seized by the desire to lie and to conceal, as often happens," Gerson suggests the confessor should forcefully and sharply (*vehementer et acriter*) expose the guilt and immediately compel (*compellantur statim*) the penitent to seek pardon; much better to depart without confessing than to conceal serious sins.¹³⁶ If, however, the penitent wants to be fully purged (*expurgari penitus*) from all sins, this can best be done by responding to the interrogation with the whole truth (*veritatem plenam*).¹³⁷

If penitents have lied twice or more they should be dismissed, because in a future confession they may be more open, in which case the confessor can impute the former lies more to inadvertence than to malice. Because children and youths "scarcely ever or never confess integrally," confessors should urge them to make a general confes-

¹³⁰ L. Monden, *Sin, Liberty and Law* (New York: Sheed & Ward, 1965) 45–46.

¹³¹ *Customs of Tallaght* 23 (McNeill and Gamer 423); Burchard of Worms, *Corrector et Medicus* 5 (PL 140.951).

¹³² Alan, *Liber poenitentialis* 4.8 (Longère 2.167); Raymond, *Summa de poenitentia et matrimonio* lib. 3, De poenitentiis et remissionibus 32 (Gregg 466).

¹³³ *Liber poenitentialis* 2.2, 4.28 (Longère 2.46, 180–81).

¹³⁴ *Summa confessorum*, art. 6, dist. 2 (Broomfield 265).

¹³⁵ *De arte audiendi confessiones* 9 (Glorieux 8.12).

¹³⁶ *Ibid.* 10 (Glorieux 8.12).

¹³⁷ *Ibid.*

sion.¹³⁸ Angelus suggests that at the beginning of the interrogations the confessor can ask if the penitent knowingly concealed something in the previous confession.¹³⁹ Integrity is all important.

Voluntary, not Extorted

Nonetheless there is a very early recognition that confessions should be voluntary and not extorted (*voluntaria . . . non extorta*), as Peter of Poitiers warns by the beginning of the 13th century.¹⁴⁰ About the same time Thomas of Chobham cautions confessors not to terrorize (*exterrere*) penitents lest they push them into obstinacy or despair.¹⁴¹ The tradition of thorough questioning dominates, however, and there are abuses. Abuses in the administration of penance are a consequence of "the ocean of abuses" among the clergy,¹⁴² of which there is evidence well in advance of the Reformation.

In the 16th century there is a reaction.¹⁴³ Sylvester Prierias Mazzolini (1460–1523), a man scarcely ever in doubt, who attacks Angelus on the right and Luther on the left (indeed is credited with being the first theologian to denounce Luther publicly), who modestly entitles his manual *Summa summarum*, discourages far-ranging questioning lest the confessor "molest" the penitent unnecessarily.¹⁴⁴ Questioning should be omitted unless there is good reason to suspect negligence or willful concealment. The *Confutatio* (1530), the Catholic response to the Augsburg Confession, still holds that an integral confession is "necessary for salvation," and is "the nerve center of Christian discipline," but it is less compulsive about seeking out sins and more willing to commit to the Lord unremembered sins.¹⁴⁵

Spiritual Direction and Juridicism

Before drawing some conclusions, two factors which belong to the context of integrity need to be considered, if only superficially, namely the relation of confession to spiritual direction and the juridical character of the *summae*.

Any judgment on integrity in the *summae* must recall the role which spiritual direction played in confession since the days of the Irish and

¹³⁸ Ibid.

¹³⁹ *Angelica* cxlix.

¹⁴⁰ *Summa de confessione* 40 (CChr 51.47–48).

¹⁴¹ *Summa confessorum*, art. 6, dist. 1, q. 1a (Broomfield 241).

¹⁴² H. Jedin, *Papal Legate at the Council of Trent, Cardinal Seripando* (St. Louis: Herder, 1947) 414.

¹⁴³ Lea, *History of Confession* 1.373.

¹⁴⁴ *Summa summarum*, Confessor 3.17 (*Summa sylvestrina*, 2 vols. [Venice: At the Sign of the Shining Salamander, 1593] 1.142); hereafter cited as *Sylvestrina*.

¹⁴⁵ xxv De confessione, xi De confessione (Corpus Catholicorum 33.175, 103–4).

Frankish penitentials. The goal of confession is more than the absolution of sins, as can be seen by the inclusion of sections on the gifts of the Spirit, and on the theological and cardinal virtues in Thomas of Chobham's *summa*.¹⁴⁶ The task of the confessor is to lure the penitent to God. If merely forgiveness of sins is the goal, any priest could hear the yearly confession. But if it is a question of walking in the gospel, then only the pastor who knows his sheep can fulfill the function, as Fourth Lateran decrees.¹⁴⁷ No quick unburdening of sins with a hasty absolution is envisioned, as can be seen from the duration of a confession. Cyril Vogel estimates it took about 20 to 30 minutes for each penitent in the medieval penitential order, which included psalms and prayers read by the priest, unfortunately in Latin, and followed by Mass.¹⁴⁸ Gerson says that "often a good half a day is not sufficient to confess a person well."¹⁴⁹ Luther is possibly reacting to these longer sessions when he says that "confession should be brief, sincere, and from the heart."¹⁵⁰

These more protracted medieval sessions demonstrate that the concern for integrity is not just a legalistic compulsion, but an attempt of a shepherd acting as a spiritual director to know his sheep and guide them into the fullness of the gospel.

But juridicism appears in other guises. If the *summae confessorum* have a mother, it is canon law, or, more precisely, the science of canon law, of which Gratian is the father. His *Concordia discordantium canonum*, or *Decretum*, is a comprehensive ordering of a confused mass of previous collections. Using the dialectic tools of early scholasticism, the new science of ecclesiastical jurisprudence makes possible a new clarity and precision. The flight from confusion and disorder is a common concern. Gratian addresses the canonical confusion in the *Decretum*; Abelard attends to the theological disarray in *Sic et Non*; and the early *summae confessorum* look to "the inextricable confusion and contradiction of penalties" in the older monastically inspired penitential books.¹⁵¹ All three try to bring order out of chaos.

The new legal awareness, with its insistence on conformity to fixed statutes, and their interpretation according to canonical principles, is placed at the service of the confessor in the *summae*. Indeed one of the avowed purposes of the *summae* is to put the confessor in touch with

¹⁴⁶ Art. 3, dist. 1, qq. 12–13 (Broomfield 40–44).

¹⁴⁷ DS 812.

¹⁴⁸ C. Vogel and R. Elze, *Le pontifical romano-germanique du dixième siècle*, *Studi e Testi* 127 (Vatican City: Biblioteca Apostolica Vaticana, 1963–1972) 14–21.

¹⁴⁹ *Poenitemini, contre l'orgueil* (Glorieux 9.921).

¹⁵⁰ *Holy Thursday Homily* (WA 27.97.9).

¹⁵¹ Lea, *History of Confession* 2.103–4.

the law of the Church, seen most clearly in Robert of Flamborough, Raymond of Peñafort, Paul of Hungary (13th century), and John of Fribourg (ca. 1290), but even in the noncanonists such as Alan of Lille and Thomas of Chobham. Very likely this heavy canonical past made it impossible for the *Angelica* to escape Luther's wrath and his bonfire, though in the Prologue Angelus explicitly sets aside the opinions "of the canonists and lawyers," turning away from an exaggerated objective morality to "the truth of theology and conscience."¹⁵² Angelus is rejecting the juridicism Luther despises.

Though Sylvester Prierias Mazzolini cites 113 canon lawyers, 48 theologians and 18 summists as his sources,¹⁵³ he shares with Angelus the emphasis on the pastoral care of consciences, not the vindication of an objective morality divorced from the struggle to live the gospel, themes present already in Alan of Lille.¹⁵⁴ However the casuistry of the *summae* brought down the scorn of the reformers.

CONCLUSIONS

Integrity is part of the rigorist succession carrying heavy juridical cargo. The severity and canonical character of this hallowed tradition colors the duty of the penitents to examine their conscience diligently and of the confessor to interrogate them (under pain of mortal sin, as, e.g., in the *Angelica*). Both the responsibility of the penitent and the confessor are expressions of gospel seriousness, a major concern of Lutherans and Roman Catholics. Both accused the other of laxist attitudes, the Catholics attacking the Lutherans for their seeming opposition to integrity, the Lutherans denouncing Catholics on the sufficiency of attrition (in contrast to contrition) within the sacrament.

When judging the rigorist succession in penitential practice, Lutherans ignored the elements in the *summae* which stressed the penitent's sorrow of heart, their cautions about the confessor's need for gentleness, and their warnings about excessive zeal in interrogating penitents. Yet in the hands of an ignorant or clumsy priest, the questioning by the confessor could easily lead to the criminalization of the confessional box. In this case the confessional is changed from an occasion for Christians to throw the whole burden of their sins at the feet of the

¹⁵² *Angelica*, Prologus.

¹⁵³ *Summa Summarum*, Tabula doctorum sacrae theologiae, et utriusque iuris hac in Summa allegatorum, nomina continens (*Sylvestrina* 2 [unnumbered pages at the beginning]); Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge* 103.

¹⁵⁴ *Liber poenitentialis* 4.10 (Longère 168).

Savior into a criminal court where the confession of sin is extorted by aggressive cross examination.¹⁵⁵

No one can doubt that there were abuses. Medieval clergy were often ignorant and ill-equipped to function as sensitive confessors. To address the problem of an uneducated clergy, Trent decreed the erection of seminaries.¹⁵⁶

The difficulty of finding common ground on integrity is complicated by Luther's lack of a consistent teaching, partly because he was reacting to abuses. Also a meeting of minds is made difficult by Luther's concern for *sin*, while Catholics are preoccupied with *sins*. The deep mystery of sin, its unfathomable power, is part of Luther's consciousness.¹⁵⁷ The Catholic preoccupation with integrity he judges an oppression of consciences, indeed a tyranny. Nonetheless, the *summae*, Luther, and Trent all want penitents to be "diligent" in examining their consciences. Fourth Lateran says that penitents must confess "all of their sins," which the Council of Florence corrects to read "all the sins one remembers," and which Trent further rectifies by specifying "all mortal sins which are remembered after due and careful deliberation."¹⁵⁸ The difference between Florence and Trent is considerable and is undoubtedly due to the reformers' protests. An ignorant clergy mechanically using *Angelica's* formidable list of sins would account for the passion of Luther's reaction to integrity.

When Trent decreed that the confessional is not "a forum of wrath or punishment,"¹⁵⁹ it was echoing a theme already found in the *summae confessorum*. Pope John Paul II's reminder that "the nature of the judicial procedure is comparable with human tribunals only in an analogous sense," is an expression of a commonplace in Catholic theology.¹⁶⁰ The minister as judge has place only in the analogy of faith.

Though the general scholastic teaching was that all serious sins had to be confessed, neither Bonaventure nor Thomas Aquinas consider the denial of such an obligation heretical.¹⁶¹ As regards the aggressive interrogation by confessors, developments since the 16th century have largely vindicated Luther's objections to such interrogation as a means of attaining integrity. Neither Trent nor magisterial teaching since

¹⁵⁵ Lea, *History of Confession* 1.368.

¹⁵⁶ Session 23, Canon 18 (Tanner 2.750–53).

¹⁵⁷ *Werke* 6.161 f.; 6.547 f.

¹⁵⁸ DS 1707.

¹⁵⁹ DS 1692.

¹⁶⁰ *Reconciliatio et poenitentia* 31.2 (*Acta Apostolicae Sedis* 77 [1985] 258).

¹⁶¹ Bonaventure, *Commentary on the Fourth Book of the Sentences*, dist. 17, pars 2, dub. 1; Thomas Aquinas, *Commentary on the Fourth Book of the Sentences*, dist. 17, q. 3, expositio textus; Vorgrimler, *Buße und Krankensalbung* 125.

Trent impose interrogation on the confessor as a grave duty. But the essential teaching on integrity remains. Contemporary official Roman Catholic documents continue to ask penitents to confess "each and every grave sin which they remember upon examination of their conscience."¹⁶² Though Catholic pastoral practice would counsel a confessor to interrogate gently if it is evident that a penitent is concealing a serious sin, integrity is essentially the penitent's problem, not the confessor's.

The long, painful history of the discipline of penance attempts to keep in tension accountability, gospel seriousness, Christ's judgment, and the promised forgiveness, while developing toward an evangelical posture, toward Christian liberty. Luther might not have agreed fully with present Catholic practice, but he would have been pleased with the developments since his day.

¹⁶² "Rite of Penance" 2.7, in *The Rites of the Catholic Church* (New York: Pueblo, 1983) 367. *Sacramentum poenitentiae* of the Office of the Doctrine of Faith adds that penitents should confess "specifying moral circumstances" of mortal sins (*Acta Apostolicae Sedis* 64 [1972] 510).