

Least of the laity: the minimum requirements for a medieval Christian

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Abstract

This article investigates the minimum level of religious observance expected of lay Christians by church authorities, and the degree to which legislation and procedures attempted to enforce these standards.¹ Once baptized, a person entered the community of the faithful; and the medieval church was as much accountable for the health and salvation of the ignorant, the ambivalent, the disobedient or distracted as they were of the devout. From the twelfth century, theologians, clerical authorities and the laity turned with concerted enthusiasm to the question of lay observance, advancing high ideals for lay commitment and expanding opportunities for lay participation. Yet while acting to elucidate and advance these qualities, the church was nevertheless mindful of the number of Christians who might fail to reach even basic standards. The resulting balance of the ideal and the possible, and the degree to which it reached and was enforced upon the less-enthusiastic laity is explored here through expectations for knowledge, observance of sacraments, and participation in regular duties such as church attendance, tithe-paying and fasting. The result was a complex ideal of lay observance that was balanced by a tolerance of laxity and even failure, and a system which increasingly exhorted specific expectations but was hesitant to define contumacy or disobedience in many but the most obdurate or scandalous cases.

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¹ The questions behind this essay were first raised in a lecture by Norman Tanner to the Pontifical Institute of Mediaeval Studies in Toronto in 1991. An early consideration, 'How compulsory was Christianity in the middle ages?', appeared translated into Japanese by Keiji Notani, in *Journal of Cross-Cultural Studies*, 11 (Kobe University, Japan, 1999), 53–101. Subsequent rewriting, revision and updating was undertaken by Sethina Watson.

In recent decades forms of medieval piety and devotion have received particular and productive study, drawing our attention to the multifarious and often enthusiastic ways in which members of the laity expressed devotion.² These studies have highlighted forms of charity, pilgrimage, ritual and celebration, relationships with religious houses or holy figures, the extension of parish life and guilds. The other side of the coin, that is the expected minimum level of commitment and the procedures that might be brought to bear on less-enthusiastic Christians, has not received such close study. That this minimum level could, at times, be quite low has been highlighted by the debate as to how far the middle ages was genuinely an ‘age of faith’, or a pagan culture superficially Christianised.³ The questions of faith, paganism, or scepticism (that is, belief or opinion) are different from that of how much profession of and commitment to Christianity was expected of its adherents. Enforcement of Christianity has most often received attention through studies of heretics and non-Christians; examples of interrogation, execution, and forced conversion testify to a notion and (albeit inconsistent) enactment of compulsion. Our concern is not with those who broke from the church, however, nor with the adherents of other religions, but with the large majority of people who lived within the bounds of western Christian orthodoxy.

This broad subject will be contained here by investigating the obligations of Christianity on two levels: the ideals of minimum performance developed by Christian thinkers and church authorities, and articulated through theology, councils and legislation; and the degree to which these ideals became standards of minimum performance, felt by and enforced upon medieval men and women. These were not necessarily oppositional forces: the definitions of lay obligation and the reach of these ideals might be prompted by lay demands, extended through lay participation, or defined during processes of clerical education. There were consequently many venues — such as visitation, ecclesiastical courts, and pastoral manuals — where Catholic ideal, daily exigency, and an acknowledgement of the possible or necessary might meet. Evidence from across Europe has been considered, with a bias towards the rich records of England. Regional variations in interpretation and enforcement, however, have necessarily taken a backseat to a consideration of the development and reach of more universal ideals.

² The literature is extensive. At different extremes between the common and the distinctive, see Eamon Duffy, *The stripping of the altars: traditional religion in England, c.1400-c.1580* (2nd edition, London, 2005) and Caroline Walker Bynum, *Holy feast and holy fast: the religious significance of food to medieval women* (London, 1987). R.N. Swanson, *Religion and devotion in Europe, c.1215-c.1515* (Cambridge, 1995) esp. 236, 238–47, provides a rich account with particular insight on ‘demand-led’ devotional practices; and for a more institutional view, Emma Mason, ‘The role of the English parishioner, 1100–1500’, *Journal of Ecclesiastical History [JEH]*, 27 (1976), 17–29. The field of late medieval parochial devotion has witnessed particularly active debate, both historiographically and methodologically. For its most recent incarnation, and a wide-ranging bibliography, see Clive Burgess, ‘Pre-reformation churchwardens’ accounts and parish government: lessons from London and Bristol’, *English Historical Review [EHR]*, 117 (2002), 306–32; and responses by Beat Kümin, Ronald Hutton, and Burgess’ rejoinder in *EHR*, 119 (2004), 87–99 and 100–16; and 120 (2005), 66–79. Also, Katherine L. French, *The people of the parish: community life in a late medieval English diocese* (Philadelphia, 2001).

³ John H. Van Engen, ‘The Christian middle ages as an historiographical problem’, *American Historical Review*, 99 (1986), 519–62, reprinted in his *Religion in the history of the medieval west* (Aldershot, 2004), I, provides a survey and bibliography to this question. For aspects of magic and paganism, see Bernard Hamilton, *Religion in the medieval west* (2nd edition, London, 2003), 150–6; Richard Kieckhefer, *Magic in the middle ages* (2nd edition, Cambridge, 2000); Valerie I. J. Flint, *The rise of magic in early medieval Europe* (Oxford, 1991); *De heidense middeleeuwen*, ed. Ludovicus Milis (Turnhout, 1992). For a recent discussion of the tensions and accommodation between paganism and Christianity, Judith Jesch, ‘Scandinavians and ‘cultural paganism’ in late Anglo-Saxon England’, in: *The Christian tradition in Anglo-Saxon England: approaches to current scholarship and teaching*, ed. P. Cavill (Cambridge, 2004), 55–68. Most recently, John Arnold, *Belief and unbelief in medieval Europe* (London, 2005).

The period considered here, 1100–1500, was a time of substantial innovation, in terms of the burgeoning theology and legislation which sought to define Christian knowledge and practice, the elaboration of systems of supervision, report and discipline which enforced them, and their wider reception and advancement among the more devout. From 1100, fostered by the reformed papacy, the schools, general councils, and the reach of law, text, and synod, the vision of a united Christendom and basic Christian practice became clearer and more potent. Understanding the minimum degree of active commitment expected of the laity provides insight into both the form and the reach of this vision, and the nature of Christian belief and practice.

Compulsion, obligation and medieval Christianity

Scriptural and exegetical support to compel observance rested upon two theological foundations: the inherent truth of Christianity and the entrance into that truth through baptism. The truth of Christianity was considered almost self-evident and rarely needed justification. It could find explicit statement, as by the French Dominican William Peraldus who wrote that one who thinks that there is no God is not merely foolish but insane.⁴ Yet it was more often implicit. This was particularly true of legislation on heresy, which often characterised heretics as refusing to acknowledge this truth. Lateran IV in 1215 ‘condemn[ed] all heretics, whatever names they may go under. They have different faces indeed but their tails are tied together inasmuch as they are alike in their pride’.⁵ There were debates as to what degree this truth permitted Christians to compel non-believers into belief, but there was general agreement that compulsion could be brought to bear on one who had been voluntarily baptised then rejected Christianity. The same Lateran council denied voluntary converts practice of their former rites ‘so that those who freely offered themselves to the Christian religion may be kept to its observance by a salutary and necessary coercion; since it is a lesser evil not to know the Lord’s way than to go back on it after having known it’.⁶ The compulsion to observe Christianity fell most clearly upon those who had voluntarily submitted to Christianity.

The act of baptism, crucial for salvation, marked membership in the Christian community and assumption of its attendant obligations.⁷ Rejection of Christianity by one who had received

⁴ Error iste non solum est insipientia, sed insania. William Peraldus, ‘De fide’, in his *Summae virtutum ac vitiorum* (Antwerp, 1588), 30r.

⁵ *Decrees of the ecumenical councils*, ed. Norman P. Tanner, 2 vols (London, 1990) [herein *DEC*], 233. See also M.V. Dougherty, ‘Aquinas on the self-evidence of the articles of faith’, *Heythrop Journal*, 46 (2005), 167–80.

⁶ *DEC*, 267.

⁷ Augustine of Hippo considered baptism necessary for salvation, others considered it highly desirable and probably necessary in all but a few cases. Thomas Aquinas held a relatively liberal view, arguing for the sufficiency of martyrdom and in some circumstances of an explicit desire for baptism; he nevertheless thought the rite of baptism generally necessary for salvation and urged the baptism of infants without delay. *Enchiridion symbolorum: definitionum et declarationum de rebus fidei et morum*, ed. Heinrich Denzinger and Adolf Schönmetzer (36th edition, Freiburg, 1976), nos 184, 219, 223, 231, 741, 794, 802, 904 and 1349; J. Bellamy, ‘Baptême dans l’église latine depuis le viii^e siècle avant et après le Concile de Trente’, *Dictionnaire de théologie catholique*, 15 vols (Paris, 1903–50) [herein *DTC*], vol. 2:1, 250–96 (274–8); Peter R.L. Brown, *Augustine of Hippo: a biography* (London, 1967), 344 and 385; Thomas Aquinas, *Summa theologiae* (3.68,1–3 and 9, and 3.65,4), from the Blackfriars edition, 61 vols (London, 1963–81); Bernard of Clairvaux, *On baptism and the duties of bishops*, ed. Martha G. Newman and Emmerich Stieglman (Kalamazoo, 2004). For wider commentary, *Baptism, the New Testament and the church: historical and contemporary studies in honour of R.E.O. White*, ed. Stanley E. Porter and Anthony R. Cross (Sheffield, 1999); John D.C. Fisher, *Christian initiation: baptism in the medieval west* (London, 1965), 112–3; Francis A. Sullivan, *Salvation outside the church? Tracing the history of the catholic response* (London, 1992), 28–69.

the light of faith through baptism was a grave fault and underlay the justification both for compelling people to remain Christians and punishing those who deviated. Aquinas admitted that someone might be unable to believe in Christ, but reserved his ire for ‘unbelievers who at one time accepted and professed the faith, such as heretics and apostates of all sorts, [and who] are to be submitted to physical compulsion so that they should hold to what they once received and fulfil what they promised’.⁸ Baptism created an oath, the ensurance of which could justify compulsion: Gratian cites Augustine that ‘the sacrament of baptism ... makes an infant faithful’, while Duns Scotus noted that baptism obliges its recipients to believe.⁹ Pope Innocent III (1198–1215) argued that it was on account of the ‘character’ conferred by baptism that the baptised might be compelled to remain Christians, while Pope Innocent IV (1243–54) stated plainly that the baptised become subject to ecclesiastical jurisdiction and therefore liable to compulsion.¹⁰ The nature of this submission was understood to be more extensive still by the fifteenth century. Thus, Gabriel Biel compared the obligations of baptism to those of the religious habit, arguing that the baptismal character was a sign that obliged observance of the divine law, just as the habit obliged members of a religious order to observe its Rule.¹¹ Challenges to these assumptions came primarily from heretics and usually rejected aspects of the practice of the sacrament of baptism rather than denying the worth of baptism itself; the strength of belief in both the obligations and benefits of baptism produced forceful opposition to these dissenting opinions.¹²

The baptised could be compelled to Christianity not merely for the sake of their own soul, but for the health and defence of the Christian community. The church as a society of the baptised brought a communal dimension to the responsibilities of baptism. There were a variety of opinions as to the nature of this society, but most accepted the concept in principle, and its protection justified some individual compulsion in religious matters.¹³ Peter Damian advanced a colourful image of cardinals as ‘spiritual senators of the universal church’, whose function, like the senators of ancient Rome, was to ensure obedience of the imperial laws of Christ

⁸ Aquinas, *Summa* 2-2.10.1 and 8; 2-1.19.5.

⁹ Gratian, *Decretum* (D 4 de cons. C.76), in: *Corpus iuris canonici*, ed. Emil Friedberg, 2 vols (Leipzig, 1879–81), vol. 1, col. 1387; Augustine of Hippo’s letter (98) to Bishop Boniface in: *Corpus scriptorum ecclesiasticorum latinorum* (Prague, 1895), vol. 34, 531–2; John Duns Scotus, *Quaestiones in iv libros sententiarum* (3.25.1), in his *Opera omnia*, 26 vols (Paris, 1891–95; repr. Farnborough, 1969).

¹⁰ Gregory IX, *Decretales* (X 3.42.3), in: *Corpus iuris canonici*, vol. 2, col. 646; Innocent IV, *Apparatus in v libros decretalium* (ad X 3.42.3–4), ed. L.P. Rosello and M.B. de Ubaldis (Venice, 1578), 187v.

¹¹ Gabriel Biel, *Collectorium circa iv libros sententiarum* (4.6.2.1, not. 2), in: ed. Wilfrid Werbeck and Udo Hofmann, 4 vols (Tübingen, 1973–84), vol. 4:1, 247–8. For context see John H. Van Engen, ‘Faith as a concept of order in medieval Christendom’, in: *Belief in history: innovative approaches to European and American religion*, ed. Thomas Kselman (London, 1991), 25–9; repr. in Engen’s *Religion in the history of the medieval west*, VI.

¹² Among others, Peter de Bruys in the early twelfth century, Cathars, some Waldensians, and some Lollards. *Christian baptism: a fresh attempt to understand the rite in terms of scripture, history and theology*, ed. A. Gilmore (London, 1959), 223–37; Bellamy ‘Baptême’, 281–2; Malcolm Lambert, *Medieval heresy: popular movements from the Gregorian reform to the reformation* (London, 1992), 24, 55, 57, 75 and 281; Anne Hudson, *The premature reformation: Wycliffite texts and Lollard history* (Oxford, 1988), 291–2.

¹³ Especially: T.M. Parker, ‘The medieval origins of the idea of the church as a “societas perfecta”’, *Miscellanea historiae ecclesiasticae 1: congres de Stockholm, Août 1960* (Louvain, 1961), 23–31; Walter Ullmann, *The growth of papal government in the middle ages* (3rd edition, London, 1971), 276–89; Colin Morris, *The papal monarchy: the western church from 1050 to 1250* (Oxford, 1989), 14–33; A. Black, ‘The individual and society’, in: *The Cambridge history of medieval political thought, c.350 - c.1450*, ed. J.H. Burns (Cambridge, 1988), 588–606 (595–6).

and, like the consuls, to rescue captives ‘from the power of the devil’.¹⁴ Aquinas, who in general accorded considerable freedom to the individual, was forceful in protecting the Christian community from a baptised, but subsequent and unrepentant, heretic: ‘the church ... takes care of the salvation of others by separating him from the church by excommunication, and furthermore delivers him to the secular court to be removed from the world by death’.¹⁵ Defence of the honour of Christ, the head of Christian society, was an additional motive for compulsion. Later included in Gratian’s *Decretum*, a canon of the council of Toledo in 633 argued that Jews, once baptised, whether by choice or by force, were to be compelled to keep the faith ‘lest the Lord’s name be blasphemed and the faith which they have received be rendered vile and contemptible’.¹⁶ Later councils, as noted above, stressed only the obligations created by voluntary baptism. The principle of voluntary choice was one widely upheld by the church in entering the Christian community, marriage and monastic life; but once that choice had been willingly made, the church took seriously the obligation of the individual and the community to uphold that commitment.¹⁷

There was thus a theological and legal framework to enforce an adherence to Christianity, but what did this mean for those Christians who were neither converts nor heretics? How was a minimum level of observance defined and recognised by the church? In a sense the answer is simple: Christians were bound to the obligations of baptism, which included a communal obligation to belong to a Christian society. What this meant in detail, however, varied by time and place during our period. It was elucidated by theologians and canonists during the twelfth and thirteenth centuries, then increasingly communicated and impressed upon the laity via synodal exhortation and consistory courts from the mid-thirteenth century.¹⁸ It will be investigated here by considering the obligations of knowledge and of practice, a distinction that would admittedly have appeared much less sharp in the middle ages than it does today.

Obligatory knowledge

Carolingian legislation required that the laity have knowledge of, or at least be able to recite, the Creed and the Lord’s Prayer.¹⁹ These may be seen as the most basic responsibilities of baptism and may have grown out of the rite itself; their recitation had once formed an integral part of baptism, and the versions of the Creed had grown out of formulae of belief connected with

¹⁴ Peter Damian, ‘Contra philargyriam et munerum cupiditatem’ (c. 7), *Patrologia Latina*, vol. 145, 540.

¹⁵ Aquinas, *Summa* 2-2.11.3.

¹⁶ *Sacrorum conciliorum nova et amplissima collectio*, ed. J.D. Mansi et al., 53 vols (Florence et al., 1759-1927), vol. 10, 633; *Decretum* D. 45 c.5, and *Decretales* X 3.42.3. For crusade as ‘this business of Jesus Christ’, see *DEC*, vol. 1, 268 and 654.

¹⁷ For a wide-ranging treatment, see R.H. Helmholz, *The spirit of classical canon law* (London, 1996), 224-7 and 229-56.

¹⁸ For a study of the canonists’ work and its juridical effects, R.H. Helmholz, *The Oxford history of the laws of England*, vol 1 (Oxford, 2004), 68-106.

¹⁹ The same basic requirements were outlined in the ‘canons of Edgar’ and the laws of Cnut of early eleventh-century England, which stated that ‘he who will not learn it is not truly Christian’. *Councils and synods, with other documents relating to the English church, vol. 1 (A.D. 871-1204)*, ed. D. Whitelock et al. (Oxford, 1981) and vol. 2 (*A.D. 1205-1313*), ed. F.M. Powicke and C.R. Cheney (Oxford, 1964) [herein CS], vol 1, 322 and 483; Joseph Lynch, *Godparents and kinship in early medieval Europe* (Princeton, 1986), 311-32.

the baptismal rites of the early church.²⁰ What the laity should know and why, and how this related to belief, came under wide scrutiny in the twelfth and thirteenth centuries. Theologians agreed that the laity could not be expected to have full knowledge of the faith, as might be desired of the clergy; such was too cruel even to suggest, stated Bonaventure, since it implied that few would be saved.²¹ The tolerant attitude of most writers was founded upon a distinction between explicit and implicit knowledge.²² Earlier writers such as Peter Lombard had spoken with approval of those who ‘believe what they do not know’ (*credunt quae ignorant*), who could not elaborate the articles of the Creed yet believed all that these contained.²³ Innocent IV gave this distinction authority and clarity, arguing that the measure of faith to which the laity were bound (*fidei mensura ad quam quilibet tenetur*) was to believe explicitly that God exists and rewards the good, and implicitly (that is, as the church believes) the articles of the faith.²⁴ Thereafter the distinction came to be applied in a variety of ways: Duns Scotus, for example, argued that those endowed with reason must know the more easily intelligible articles (*quae sunt grossa ad capiendum*); Bonaventure discerned a hierarchy of truths, some requiring more explicit belief and knowledge than others.²⁵ Such ideas that well-intentioned belief might be accompanied by limited or even erroneous knowledge were put into practice when authorities sought to identify heretics. Inquisitions into heresy often preferred to trace networks of relationships rather than ideas themselves.²⁶

The distinction between explicit and implicit knowledge could mean that Christians were bound to a surprisingly minimal understanding of their religion. Innocent IV argued that intelligent laypeople might seek to learn more, but there was no sin if they did not since it was sufficient for them to devote themselves to good works.²⁷ Similarly, Aquinas stated that intellectual study was not necessary for salvation, that the implicit faith of simple people was held in trust and guaranteed by the explicit faith of their betters (*maiores*, that is, the clergy), and ultimately by the faith of the church, which would never fail.²⁸ In a motif popular with later writers, Peter Lombard used a rather condescending image of asses pasturing alongside

²⁰ *The study of liturgy*, ed. Cheslyn Jones et al. (2nd edition., London, 1992), 133–4 and 145–6; J.N.D. Kelly, *Early Christian creeds*, (3rd edition, London, 1972), 33–40, 49–52.

²¹ A fuller and more explicit knowledge was required of clergy. St Bonaventure, *Commentarium in IV libros sententiarum* (3.25.1.3) in his *Opera omnia*, 10 vols (Quaracchi, 1882–1902), vol. 3, 543–4; Innocent IV, *Apparatus* ‘Firmiter credimus’, Ir–Iv; Thomas Aquinas, *Scriptum super libros sententiarum* (3.25.2.1), 4 vols (Paris, 1933); John Andreas, *Decretalium librum novella commentaria* (ad X 1.1.1) (Venice, 1581), 7r.

²² This discussion largely follows that in Van Engen, ‘Faith as a concept of order’, 36–47. See also J.-C. Schmitt, *Religione, folklore e società nell’occidente medievale* (Bari, 1988), 74–7.

²³ Peter Lombard, *Sententiae* (3.25.2), 2 vols (Grottaferrata, 1971–81), vol. 2, 155.

²⁴ Hebrews 11.6, that ‘whoever would draw near to God must believe that he exists and that he rewards those who seek him’, was frequently cited in this context. Innocent IV, *Apparatus* ‘Firmiter credimus’, Ir; Alberto Melloni, *Innocenzo IV: la concezione e l’esperienza della Cristianità come regimen unius personae* (Genoa, 1990), 101.

²⁵ Duns Scotus, *Quaestiones* 3.25.1; Bonaventure, *Sententiarum* 3.25.1.3.

²⁶ *Lollards of Coventry 1486–1522*, ed. and trans. Shannon McSheffrey and Norman Tanner (Camden 5th ser., 23, 2004), 11–4; *Heresy trials in the diocese of Norwich, 1428–31*, ed. N.P. Tanner (Camden 4th series, 20, London, 1977), 26–7; *Kent Heresy Proceedings 1511–12*, ed. N.P. Tanner (Kent Records, 26 Maidstone, 1997), xiii and xviii. Those expressing suspicious beliefs could nonetheless come to the attention of the authorities, Walter L. Wakefield, ‘Some unorthodox popular ideas of the thirteenth century’, *Medievalia et Humanistica*, new ser. 4 (1973), 25–35.

²⁷ Innocent IV, *Apparatus* ‘Firmiter Credimus’, Iv.

²⁸ sed studere non est de necessitate salutis. Aquinas, *Sententiarum* 3.25.2.1, and *Summa* 2–2.2.6.

ploughing oxen (Job 1.14) to illustrate how simple Christians without clear knowledge of the articles of the faith might be saved through the faith and doctrine of their betters in the church.²⁹ Even literate laypeople, who ought to know the articles of the faith more explicitly than simple people, did not sin mortally if they failed, wrote the fifteenth-century canonist William Lyndwood, since the acquisition of such knowledge was not their profession.³⁰ Such wide tolerance of ignorance incurred sharp criticism from sixteenth-century reformers: Calvin above all others argued that faith rests on knowledge – of God and of Christ – and not on reverence for the church.³¹

The large amount of legislation requiring a minimum knowledge by the clergy highlights the paucity of legislation outlining similar requirements for the laity. The decrees of the fourteen ecumenical and general councils of the (western) church between 500 and 1520 (Constantinople II in 553 to Lateran V in 1512–17) include no regulations of this kind, neither does the *Corpus iuris canonici*, the other great source of medieval ecclesiastical law.³² Indeed, many authorities seem to have been positively disinclined to prescriptions in the matter. The opinions of Innocent IV had been expressed in a commentary and not as papal decree. This pope, who took a high view of the duties of Christians in many areas of life, argued that the laity were under no obligation to investigate the cognitive aspects of their faith. Aquinas held that uneducated people (*simplices*) should be examined in detail about their religion only if suspected of heresy, and even then they were not to be charged with heresy unless they persisted in clinging to error, and canon lawyers concurred.³³ What sanctions existed were expressed locally through legislation exhorting parish priests to instruct their parishioners. Spanish clerics were directed by the Council of Valladolid (1322) to convey basic aspects of faith to the laity, while fifteenth-century visitations of Salisbury confirmed that clergy were instructing their parishioners on the articles of faith, the ten commandments, seven deadly sins, four cardinal virtues, and seven beatitudes.³⁴ Like most ideals for lay education, these measures created obligations that the clergy know the basics of the faith and teach them; they avoided directing the laity either to listen or to attain a certain level of knowledge.³⁵

In the wake of Lateran IV some standards were set directly for the laity. Robert Grosseteste, bishop of Lincoln (1235–53), directed that the laity should know the ten commandments, the seven deadly sins, and possess a ‘rudimentary understanding’ of the seven sacraments; Peter Quinel, bishop of Exeter (1280–91), required that laypeople have knowledge of the seven sacraments and their effects, in addition to knowing the Lord’s Prayer, the articles of the Creed, and Hail Mary.³⁶ Such requirements were unusual, however, and backed by limited systems

²⁹ Lombard, *Sententiae* 3.2.5; Peter of Poitiers, *Sententiarum libri quinque* (3.21) in *Patrologia Latina*, vol. 211, 1093; Alexander of Hales, *Summa theologica* (3.2.2.1), ed. Bernardini Klumper, 4 vols (Quaracchi, 1924–48), vol. 4, 1120.

³⁰ quod eorum professio ad hoc non est. William Lyndwood, *Provinciale* (Oxford, 1679), 1.

³¹ Jean Calvin, *Institutio christianae religionis* (3.2.2–3) (Geneva, 1559).

³² DEC, 107–655; *Corpus iuris canonici*.

³³ Aquinas, *Summa* 2–2.2.6; Henry of Segusio (= Hostiensis), *Lectura in quinque libros decretalium* (proem), 6 vols (Venice, 1581), vol. 1, 5r; John Andreas, *Novella Commentaria ad X 1.1.1*. For Innocent IV’s ecclesiology see Melloni, *Innocenzo IV*, *passim*.

³⁴ Swanson, *Religion and devotion*, 60–1; Andrew D. Brown, *Popular piety in late medieval England: the diocese of Salisbury, 1250–1550* (Oxford, 1995), 79.

³⁵ CS, vol. 2, 172, 268, 304, 345, 403, 423, 516, 721, 900–5, 1017, 1062–9.

³⁶ CS, vol. 2, 31, 265 and 1076; also, vol. 1, 1070–1; Joseph Goering and D.S. Taylor, ‘The *summulae* of Bishops Walter de Cantilupe (1240) and Peter Quinel (1287)’, *Speculum*, 67 (1992), 576–94 (584).

of oversight. Baptism itself could serve as a moment to foster knowledge, and godparents were exhorted to learn and teach the Lord's Prayer, Hail Mary, and the Creed.³⁷ Confession offered the most regular opportunity to investigate and confessional manuals increasingly urged confessors to discover whether their penitents knew the Lord's Prayer and the Creed. But while some urged the confessor to withhold absolution if this knowledge was not forthcoming, others regarded inquiry into the penitent's knowledge as optional. The widely-used thirteenth-century treatise *Confessionale* suggested that after the confessor inquired about the seven deadly sins 'he may if he wishes' go on to inquire about the articles of the Creed, but even then it was belief in, rather than understanding of, the articles that was to be uncovered.³⁸ By the fifteenth century, John Mirk's *Instructions for parish priests* required the priest to teach his parishioners the articles of faith and the seven sacraments, and to use an elaborate exposition of the ten commandments, the seven deadly sins and the seven venial sins to elicit a full confession.³⁹ Grosseteste seems to have been one of the few diocesans to legislate that his parish clergy *must* inquire in the confessional about the religious knowledge of their parishioners; yet even he did not attempt to impose sanctions upon those whose knowledge was deficient.⁴⁰ Synodal legislation was most concerned that the laity be taught the words which would perform baptism — not a requirement for their own souls, but for others'.⁴¹

In fact, lay knowledge could be quite limited. King Louis IX of France urged his courtiers that 'the Christian religion as defined in the Creed was something in which we ought to believe implicitly, even though our belief in it might be founded on hearsay'. Like the clerical authorities above, the pious king was exhorting rather than legislating, and relying on his court's implicit belief of even so fundamental an aspect of faith as the Creed. Such unshakeable belief, Louis continued, would guard against the devil who 'tries all he can to make [the dying] die with some doubt in their minds on certain points of our religion'.⁴² Many historians have identified, at least in pockets of the laity, not merely a lack of effort in religious education but scepticism and unbelief. Alexander Murray has suggested that both lack of knowledge and unbelief were present in thirteenth-century northern Italian cities.⁴³ Unbelief and bizarre beliefs, in some cases coinciding with considerable knowledge, have also been brought to light by Emmanuel Le Roy Ladurie for late thirteenth and early fourteenth-century Montailhou, John Edwards for the late fifteenth-century diocese of Soria and Osma in northern Spain, and Carlo Ginzburg

³⁷ Duffy, *Stripping of the altars*, 53; Lynch, *Godparents*, 318.

³⁸ *Confessionale* (2.9), attributed to Bonaventure, in his *Opera omnia*, ed. A.-C. Peltier, 15 vols (Paris, 1864–71), vol. 8, 363–4; Thomas N. Tentler, *Sin and confession on the eve of the reformation* (Princeton, 1977), 84.

³⁹ John Mirk's *instructions for parish priests*, ed. Gillis Kristensson (Lund, 1974), 92–103 and 108–63. As expectations became more elaborate in the later middle ages, so did anxieties over the role of the clergy, R.N. Swanson, 'Pastoralia in practice: the clergy and ministry in pre-reformation England', in: *The pastor bonus: papers read at the British-Dutch colloquium at Utrecht, 18–21 September 2002*, ed. Theo Clemens and Wim Janse (Leiden, 2004), 104–27.

⁴⁰ The priest should ask if they knew the Creed, Lord's Prayer, Hail Mary, and how to make the sign of the cross. *CS*, vol. 2, 172 and 269.

⁴¹ *CS*, vol. 2, 115, 136, 214, 298 and 897.

⁴² Jean de Joinville, 'The life of Saint Louis', in Joinville and Villehardouin, *Chronicles of the crusades*, trans. Margaret R.B. Shaw (Harmondsworth, 1963), 172–3.

⁴³ Alexander Murray, 'Piety and impiety in thirteenth-century Italy', in: *Popular belief and practice*, ed. G.J. Cuming and Derek Baker (Studies in Church History, Cambridge, 1984), 83–106.

for the miller called Menocchio living in the following century.⁴⁴ Susan Reynolds, in a perceptive study, suggested quite widespread scepticism.⁴⁵ These cases may well have been exceptional, yet they suggest that the low end of religious knowledge could be quite low, and that often the ecclesiastical authorities preferred not to pry into the situation too closely. This seems to have stemmed not only from the practical considerations of administering such a large body as western Christendom but also from protecting the laity both from easy charges of heresy and from impossibly high prerequisites for salvation.

Such pockets of ignorance or eccentric opinion did not mean that people remained pagan and unconverted, for the cognitive aspect of faith was not, as Innocent IV had remarked, as important as practice. In fact, practice itself was a form of learning and it was in this sense that Bonaventure could speak of the faithful learning through ‘the usage and custom of the church ... and by means of its solemnities and priestly activities’.⁴⁶ To what degree participation and practice were expected and compelled becomes a more essential question; it will be explored here through observance of the sacraments and other areas subject to ecclesiastical discipline.

The sacraments

Of the seven sacraments authoritatively recognised by the thirteenth century, baptism was primary.⁴⁷ Under interdict in the reign of King John, when the rites of the English church were pared down to a bare minimum, churches closed, and mass forbidden, baptism and mass for the dying remained the only rites offered by the church.⁴⁸ Historians have generally assumed that baptism was

⁴⁴ Emmanuel Le Roy Ladurie, *Montaillou: cathars and catholics in a French village, 1294-1324* (London, 1978), esp. 306-26; J. Edwards, ‘Religious faith and doubt in late medieval Spain: Soria circa 1450-1500’, *Past and Present* [P&P], 120 (1988), 3-25 (13-8), and also ‘Debate’ by C.J. Somerville and ‘Reply’ by J. Edwards in P&P, 128 (1990), 152-61; Carlo Ginzburg, *The cheese and the worms: the cosmos of a sixteenth-century miller* (London, 1980), 10, 34-5, 52-65, 70-2, 75-7, 86-9.

⁴⁵ Susan Reynolds, ‘Social mentalities and the case of medieval scepticism’, *Transactions of the Royal Historical Society* [TRHS], 6th series, 1 (1991), 21-41. And see Hamilton, *Religion in the medieval west*, 118-20; Arnold, *Belief and unbelief*, 216-30.

⁴⁶ Bonaventure, *Sententiarum* 3.25.1.3.

⁴⁷ Marriage and extreme unction had been authoritatively added to baptism, confirmation, penance or confession, the eucharist, and (not considered here) holy orders. For general discussion: Bernard Leeming, *Principles of sacramental theology* (London, 1956), 568-9; A. Michel, ‘Sacraments’ in *DTC*, 14:1, 485-644 (548-53). With the exception of marriage and holy orders, the practice of the sacraments has not received such close scholarly attention as their theology. Jacques Toussaert’s work on Flanders remains, despite its limitations, the most thorough attempt to investigate the practice of all the sacraments in a given community. J. Toussaert, *Le sentiment religieux en Flandre à la fin du moyen âge* (Paris, 1960), 89-244, and reviews by J. Andriessen, in *Ons Geestelijk Erf*, 37 (1963), 423-31; S. Axters, in *La Vie Spirituelle*, Supplément, 16 (1963), 576; M. Dierickx, in *Streven*, 17 (1963-4), 48-56, and in *Handelingen*, 19 (1965), 319-38. The ways in which the church reached out to the laity (especially from the fourteenth century) through preaching, liturgy, architecture, image and drama have been considered by Miri Rubin, *Corpus Christi: the Eucharist in late medieval culture* (Cambridge, 1991), 213-87; Hamilton, *Religion in the medieval west*, 79-85 and, especially, Ann Eljenholm Nichols, *Seeable signs: The iconography of the seven sacraments, 1350-1544* (Woodbridge, 1994), 129-84. See also, *Study of liturgy*, ed. Jones et al., 144-52, 264-85 and 369-79; Cyrille Vogel, *Medieval liturgy: an introduction to the sources* (2nd edition, Washington DC, 1986); L. Miliš, ‘De devotie en de praktijk in de laat-middeleeuwse Nederlanden’, in: *Hoofsheid en devotie in de middeleeuwse maatschappij* ed. J.D. Janssens (Brussels, 1982), 133-45.

⁴⁸ Marion Gibbs and Jane Lang, *Bishops and reform, 1215-1272* (Oxford, 1934, rpr. 1962), 94.

widely observed in the middle ages, but without the baptismal registers that survive for later centuries this is difficult to prove with any conclusiveness.⁴⁹ There is, nevertheless, considerable indirect evidence to favour the assumption, notably a sense that parents understood and desired the rite for their infant's salvation.⁵⁰ In the early middle ages, there had been fierce legislation compelling baptism. The notorious laws of Charlemagne threatened with death anyone actively avoiding baptism, and required all children to be baptised within a year of birth. Anglo-Saxon penitentials and law-codes imposed penances and fines upon parents who failed to have their children baptised.⁵¹ Such concern, and its implications that the rite was not universally observed, was mainly confined to this earlier, missionary period. By the twelfth century there is little evidence to suggest people needed to be compelled to be baptised, and observance was taken almost for granted. When failure to baptise appears as an infrequent charge at the visitations of some parishes, it usually concerns carelessness or a dispute about who was responsible for the baptism of a particular child, rather than any resistance to the rite. In the records of late medieval visitations of parishes in Lincoln and Hereford dioceses, the only complaints of failure were made by the laity against the clergy: that the baptistery was not kept locked or properly cared for and that the rector failed to baptise infants, in one case obliging parishioners to go elsewhere for the rite.⁵² Ecclesiastical texts were less concerned to exhort or explain the need for baptism than they were to ensure that the laity understood that anyone could baptise an infant at risk of death and should thus know the words that would effect the rite.⁵³ Baptism, potentially the most compulsory of the sacraments, seems to have enjoyed widespread support and observance; any obligation does not appear to have been unduly onerous.

In contrast to baptism, which was one of the most clearly defined of the sacraments, confirmation was the most enigmatic.⁵⁴ With no clear precedent in the New Testament, it was not generally separated from baptism until the eighth century, and even then remained a subject of debate as to whether it was a sacrament, its uncertain connection with a stage of life and

⁴⁹ See, among others: Southern, *Western society and the church*, 18; Morris, *Papal monarchy*, 287 and 493–4; Francis Rapp, *L'église et la vie religieuse en Occident à la fin du moyen âge* (Nouvelle Clio, Paris, 1971), 143. Registers indicate a high level of baptism for the sixteenth century, E.A. Wrigley and Roger S. Schofield, *The population history of England, 1541–1871* (London, 1981), 2, 4, 15 and 89–102. For a more detailed treatment of theologians and canon law on this topic, see Helmholz, *Spirit of classical canon law*, 200–28.

⁵⁰ For example, Toussaert, *Le sentiment religieux*, 89–90; Le Roy Ladurie, *Montaillou*, 310–11; Sarah Foot, “‘By water in the spirit’: the administration of baptism in early Anglo-Saxon England” in: *Pastoral care before the parish*, ed. John Blair, and Richard Sharpe (Leicester, 1992), 171–92 (190–2); Peter J. Cramer, *Baptism and change in the early middle ages, c.200–c.1150* (Cambridge, 1993), 130–78.

⁵¹ *Capitularia regum francorum*, ed. Alfred Boretius, 2 vols (Monumenta Germaniae Historica, Hannover, 1883), vol. 1, 69; Foot, ‘By Water in the Spirit’, 188 and 192.

⁵² *Visitations in the diocese of Lincoln, 1517–1531*, ed. A.H. Thompson, 3 vols (Lincoln Record Society, 33, 35 and 37, 1940–7), vol. 1, 18, 24, and vol. 3, 273, 275; ‘Visitation returns of the diocese of Hereford in 1397’, ed. A.T. Bannister, *EHR*, 44 (1929), 279–89, 444–53 (281–82, 284, 287, 452) and 45 (1930), 92–101, 444–63 (93, 98, 448).

⁵³ Even a Muslim midwife could baptise a child, Hamilton, *Religion in the medieval west*, 88. William of Pagula directs that immersion in water and “‘Ich cristen the in the name of the fader and the sone and the holi gost”, or similar words in the vernacular using the local dialect’ will baptise a child. He cautions against baptising the child twice ‘as some foolish women do’, in his ‘Oculus sacerdotis’, in: *Pastors and the care of souls in medieval England*, ed. John R. Shinnors and William J. Dohar (Notre Dame, 1998), 138–51 (142).

⁵⁴ For confirmation: *Study of liturgy*, ed. Jones et al., 84–5 and 111–6; Burkhard Neunheuser, *Baptism and confirmation* (London, 1964), 42–52, 181–98, 232–52; Lynch, *Godparents*, 210–3; Fisher, *Christian initiation*, 71–7, 80–2 and 94–5; E.M. Finnegan, ‘The origins of confirmation in the western church’, (Trier Theological Faculty thesis, Trier, 1970); G. Bareille, ‘Confirmation d’après les pères Grecs et Latins’, P. Bernard, ‘Confirmation du VIIe au XIIe siècle’, and ‘Confirmation chez les scholastiques’ in: *DTC*, vol. 3, 1026–77; Cramer, *Baptism and change*, 179–84.

thus its proper age of reception. It seems likely that the majority never received the rite. Certainly, most theologians did not regard it as necessary for salvation, nor thus compulsory: Aquinas wrote that confirmation contributes to the perfection of salvation but is not indispensable, provided it is not refused out of contempt; Bonaventure drew a similar distinction, although he emphasised its importance more strongly.⁵⁵ While some episcopal statutes stressed its role in helping Christians to fight sin, most varied even in its basic framework, recommending confirmation for a variety of ages, from the year after baptism (Paris, Canterbury), to age seven (Salisbury) or even adulthood (Angers).⁵⁶ William of Pagula exhorted that ‘a priest... should warn his parishioners and effectively persuade them to take care to have their children confirmed by a bishop within five years of birth *if they have the opportunity to see the bishop*.’⁵⁷ Since the sacrament was normally administered by the bishop or his suffragan, it was logistically difficult, particularly in the large dioceses north of the Alps. There are few records that it regularly took place. Bishop Grosseteste made it his practice to confirm all the children in his diocese, deanery by deanery; but this, he admitted, was an innovation unknown to his predecessors.⁵⁸ In the thirteenth century there was a growing amount of legislation insisting on the importance of confirmation, but it was local or directed at specific groups. Acknowledging the sacrament was in great neglect, the 1281 Canterbury synod sought to promote its reception and ordered that the unconfirmed not be given the Eucharist unless they were in danger of dying or had been reasonably prevented (*rationabiliter impeditus*) from receiving confirmation.⁵⁹ While thus encouraged, confirmation may still not have been common and was certainly not expected; a roughly contemporary synod of Cologne ruled that confirmation was a prerequisite for becoming a cleric.⁶⁰

The sacrament of absolution was bound up in the tripartite process of penance, which consisted of confession, absolution, and satisfaction. Its first step was made compulsory for the laity by canon 21 of Lateran IV, which mandated annual confession to their own parish priest by all Christians over the age of discretion.⁶¹ Absolution could then be effected by the priest, and acts or prayers offered by the penitent as satisfaction. Penance has been much-studied and remains an area of rich controversy, especially regarding the opportunities and expectation for lay penance before 1215. Murray’s suggestion that the decree merely ‘gave universal authoritative stamp to a duty ... people were well aware of’ has been modified by Sarah Hamilton, who argues that in conciliar law, at least, penance was perceived as a punishment, not a duty.⁶² Hamilton argues that penance was more widespread than has been appreciated, even among the lower ranks of society; Carl Watkins suggests that the twelfth-century laity, inadequately served by the clerical community, reached out to hermits, saints, and monks to find forgiveness and salvation; while David Crouch outlines a fashion for penance among the court circles of Henry

⁵⁵ Aquinas, *Summa* 3.72.1; Bonaventura, *Sententiarum* 4.7.3.2.

⁵⁶ Joseph Avril, *Le gouvernement des évêques et la vie religieuse dans le diocèse d’Angers (1148-1240)*, 2 vols (Lille, 1984), vol. 2, 691 and 700; CS, vol. 2, 32 and 71.

⁵⁷ William of Pagula, ‘Oculus sacerdotis’, 143.

⁵⁸ R.W. Southern, *Robert Grosseteste: the growth of an English mind in medieval Europe* (Oxford, 1986), 258.

⁵⁹ CS, vol. 2, 897.

⁶⁰ *Sacrorum conciliorum nova*, ed. Mansi, vol. 24, 349.

⁶¹ DEC, 245.

⁶² Alexander Murray, ‘Confession before 1215’, *TRHS*, 6th ser., 3 (1993), 51–81 (65). Sarah Hamilton, *The practice of penance 900-1050* (Royal Historical Society, Woodbridge, 2001), 25–50 and esp. 55–6.

I, albeit largely on deathbeds and after (often considerably) wayward lives.⁶³ Both the performance of penance and a wider desire among laity to obviate their own sins may have been more common in the pre-1215 church than has been appreciated. The picture emerging, however, suggests that this practice was less a product of obligation than demand, driven by a concern among the laity to foster their own salvation in the wake of a more vibrant and far-reaching Christian message in the eleventh and twelfth centuries. Duty or regularity, let alone compulsion, do not appear to be notable features before the Lateran IV canon.

The diminution of public penance in favour of private confession to a priest is another change during this period, albeit one that can be overstated.⁶⁴ With the encouragement of twelfth-century theologians, the latter became the norm; yet although there was a considerable amount of legislation to this effect, it was local in character, generally exhortatory in nature, and its impact remains open to question.⁶⁵ Gratian reviewed the ongoing question of obligation, considering whether it was necessary to confess to a priest, or if contrition and satisfaction could attain forgiveness without confession. He cited 89 authorities and deduced that it was undecided, with both sides well supported.⁶⁶ Alan of Lille, for one, complained that ‘hardly anyone, clerk or lay, nowadays makes his annual confession’.⁶⁷ After Lateran IV, however, the importance of confession seemed unequivocal. When the Dominican friar Richard Helmsley argued that the canon applied only to hermaphrodites on the grounds that it was addressed to persons of both sexes (*Omnis utriusque sexus*, its opening words), he was roundly condemned.⁶⁸ There nevertheless remained a school of theologians, led by Duns Scotus, who thought that annual confession was necessary only if grave or ‘mortal’ sins had been committed. Although mortal sins could be interpreted relatively widely, there was concern that even these were not always taken seriously: the Synod of Angers (c.1217), for example, complained that ‘confessors give little or no penance for serious sins such as fornication’.⁶⁹ From 1215, however, authorities recognised a lay obligation to confess annually, and discussion was thereafter generally confined to matters of detail: age of discretion, whether a friar could be

⁶³ Hamilton, *Practice of penance*, 182–206; C.S. Watkins, ‘Sin, penance and purgatory in the Anglo-Norman realm: the evidence of visions and ghost stories’, *P&P*, 175 (2002), 3–33; David Crouch, ‘The troubled deathbeds of Henry I’s servants: death, confession, and secular conduct in the twelfth century’, *Albion*, 34 (2002), 24–36. Noting earlier manuals for confessors, Leonard Boyle concurs that the canon was ‘summing up a pastoral situation that had existed in many dioceses for years before the Fourth Lateran Council’. L.E. Boyle, ‘The summa for confessors as a genre, and its religious intent’, in: *The pursuit of holiness in late medieval and renaissance religion*, ed. Charles Trinkaus and Heiko A. Oberman (Leiden, 1974), 126–30 (128).

⁶⁴ Scholars argue increasingly for a level of private confession before 1215 and the continuity of public penance post-1215, even challenging such distinction between the two, Hamilton, *Practice of penance*, 8–9; Mary C. Mansfield, *The humiliation of sinners: public penance in thirteenth-century France* (London, 1995).

⁶⁵ Bernhard Poschmann, (rev. by F. Courtney), *Penance and the anointing of the sick* (London, 1964), 104–9 and 138–45; R. Rusconi, *L’ordine dei peccati: la confessione tra medioevo ed età moderna* (Bologna, 2002); Oscar D. Watkins, *A history of penance*, 2 vols (London, 1920), vol. 2, 750–71; Herbert Vorgrimler, *Buße und krankensalbung* (Handbuch der Dogmengeschichte, Freiburg, 1978), 70–131; John Mahoney, *The making of moral theology: a study of the roman catholic tradition* (Oxford, 1987), 2–17; E. Vacandard, ‘Confession du Ier au XIIIe siècle’, *DTC*, vol. 3, 838–94 (880–4); Murray, ‘Confession’, 63, 65 and 79.

⁶⁶ *Decretum* D. 3 de pen. 1.

⁶⁷ Cited in Murray, ‘Confession’, 64.

⁶⁸ W.A. Pantin, *The English church in the fourteenth century* (Cambridge, 1955), 164–5.

⁶⁹ P.J. Payer, ‘Confession and the study of sex in the middle ages’ in: *Handbook of medieval sexuality*, ed. V.L. Bulough and J.A. Brundage (London, 1996), 3–31 (13).

substituted for a parish priest, or whether the precept was of divine or merely ecclesiastical law.⁷⁰ How far this obligation was actually fulfilled has been the subject of considerable debate. Exhortation and legislation promoting the Lateran canon, especially those of local councils, often admitted implicitly or explicitly a degree of non-compliance, and later visitation records provide instances of alleged failure, although fewer than might be expected. Various heretical groups rejected the sacrament outright, and their attitude no doubt influenced some who remained within the bounds of orthodoxy. Nevertheless, recent local studies, some sceptical regarding other religious practices, have concluded that the large majority of people fulfilled the obligation.⁷¹

Attendance, however, did not necessarily mean an exhaustive confession. The event took place annually in the parish church, perhaps with others awaiting their own encounter with the priest, and in public, as the *Confessionale* suggests, ‘in an open place where there will be no grounds for suspicion and where [the priest] can be seen by all but not heard’.⁷² The 1215 requirement that the laity confess created a mirror obligation: to teach parish priests how to elicit a confession and how to instruct the laity to recognise sin. This second obligation was the greater concern of church authorities, who produced manuals to instruct parish priests in the seven deadly sins and the art of confession. The manuals underscored a need for caution on the part of confessors: it was better to leave sins uncovered than to probe too hard and too imaginatively and to thus educate the penitent in sin rather than salvation. Lest the confession foster intimacy, priests were enjoined to be especially wary with women and enquire with caution only into common or well-known sins; confessors were also to take care that penitents confess only their own sins and not implicate others by revealing names or identifying characteristics of their partners in fornication and adultery.⁷³ The degree of confession was thus more at the discretion of the penitent than the confessor, and discussion might often remain at a formal level if the penitent so wished.⁷⁴ That such was often the case became a source of mounting concern during the thirteenth and fourteenth centuries, when contrition on the part of the penitent was increasingly seen as necessary for true confession and absolution. A

⁷⁰ Henry C. Lea, *A history of auricular confession and indulgences in the Latin church*, 3 vols (Philadelphia, 1896), vol. 1, 23740, 30710, and vol. 2, 23743, 260, 271–9; P.-M. Gy, ‘Le précepte de la confession annuelle et la nécessité de la confession’, *Revue des Sciences Philosophiques et Théologiques*, 63 (1979), 529–47; Tentler, *Sin and confession*, 64, 69–70 and 134–61; P. Bernard, ‘Confession (du concile de Latran au concile de Trente)’, *DTC*, vol 3:1, 894–926 (902–16).

⁷¹ Lea, *Auricular confession*, vol. 1, 231–4; Tentler, *Sin and confession*, 70–82; Toussaert, *Le sentiment religieux*, 113–5; Le Roy Ladurie, *Montaillou*, 311–2; Norman P. Tanner, *The church in late medieval Norwich, 1370–1532* (Toronto, 1984), 10; ‘Visitation returns’, vol. 44, 452, and vol. 45, 445 and 447–48; *Visitations*, vol. 1, 100, 122, 132 and 134, vol. 2, 32, and vol. 3, 277; Hudson, *The premature Reformation*, 152 and 294–9.

⁷² *Confessionale* 1.1. The Statutes of Paris (1196x1208) c.27–8 similarly direct parish priests to conduct confession in a place in the church that can be seen by all. Jean Longère, ‘La pénitence d’après quelques statuts synodaux français du xiii^e siècle’ in: *Horizons marins, itinéraires spirituels* (v^e–xviii^e siècles), ed. H. Dubois et al., 2 vols (Histoire Ancienne et Médiévale, Sorbonne, 1987), vol. 1, 183–99 (184). Confessional boxes were uncommon before the second half of the sixteenth century, Tentler, *Sin and confession*, 82–3; Lea, *Auricular confession*, vol. 1, 394–5.

⁷³ T.N. Tentler, ‘The summa for confessors as an instrument of social control’ in: *Pursuit of holiness*, ed. Trinkaus and Oberman, 103–26 (115). *CS*, vol. 2, 1070–1.

⁷⁴ Confessors’ manuals often recognised the limited control that confessors might have, both over the confession itself and the completion of the penance they prescribed. J. Hughes, ‘The administration of confession in the diocese of York in the fourteenth century’ in: *Studies in clergy and ministry in medieval England*, ed. David M. Smith (Borthwick Studies in History, York, 1991), 87–163 (114). Later manuals, from the fifteenth century, could advocate elaborate systems for prompting a full and detailed confession, *John Mirk’s Instructions for parish priests*, 108–63.

Dominican friar living in northern Italy in the thirteenth century, Remigio de' Girolami, lamented that confessions were frequently superficial as 'many people confess with their mouths but not in their hearts'; his fellow friar, Giordano of Pisa, added that 'many men and women come to confession without giving any thought to it beforehand'.⁷⁵ Later manuals instructed confessors to promote a fear of dying unconfessed before soliciting confession, suggesting that even those who attended confession had to be encouraged in the importance and extent of the act.⁷⁶

The quality of confession, however, was only at issue once people actually confessed. There is some evidence that the authorities tried to enforce confession: the Lateran IV canon, for example, threatened defaulters with excommunication. How far this legislation was enforced is difficult to answer, and undoubtedly varied. The findings for late medieval Flanders are instructive if tentative. An anonymous monk of the region, possibly of the Abbey of Dunes, wrote that excommunication was incurred if Easter duties, which included annual confession, were neglected for several successive years. His statement was backed by diocesan statutes of the region, which prescribed that names of those who had failed to fulfil their Easter duties were to be sent by the parish priest to the dean and from him to the bishop. If they had persisted in their recalcitrance for 10 years, their names were to be cited before the provincial council. This cumbersome procedure left many loopholes, not least that its enforcement required the co-operation of the very parish clergy among whom Toussaert detected hostility to the Lateran canon.⁷⁷ In northern Italy, Friar Remigio de' Girolami complained that many people did not confess at all for 10 or 20 years at a stretch, apparently without effective action being taken.⁷⁸ Nevertheless, the importance of the Lateran IV canon cannot be dismissed as it did establish an obligation that generated friction throughout the remaining middle ages. Yet this potentially most frequent and intrusive sacrament was probably less dramatic than has often been allowed; the annual rite could be fulfilled in a fairly perfunctory manner, and studies suggest that refusal had to be persistent or coupled with more serious forms of dissidence to warrant penalty.⁷⁹

The sacrament of the mass had two attendant obligations for the laity: annual reception of the Eucharist at Easter, and regular attendance at church. Before 1215, frequent reception was a matter of recommendation rather than of obligation. The same Lateran canon that mandated annual confession also required annual reception of the Eucharist, again under penalty of excommunication; however, it did permit individuals not to receive communion if 'they think, for a good reason and on the advice of their own priest, that they should abstain from receiving it for a time'.⁸⁰ In visitation records from late medieval England, accusations of failure to comply were relatively infrequent. When they were recorded, such as during the 1397 visitation of Hereford diocese, they were typically coupled with other charges, suggesting that enforcement

⁷⁵ Murray, 'Piety and impiety', 84.

⁷⁶ A general outline as to how to solicit confession has been drawn from authors of penitential manuals who include William of Pagula, Richard Rolle, Archbishop John Thoresby, John Lacy, and John Burgo, see Hughes, 'Administration of confession', 111–2.

⁷⁷ Toussaert, *Le sentiment religieux*, 109–10, 121 and 435–6.

⁷⁸ Murray, 'Piety and impiety', 94. See also Lea, *Auricular confession*, vol. 1, 233–4.

⁷⁹ For a particularly useful survey of the issues in the late medieval period, see L.G. Duggan, 'Fear and confession on the eve of the Reformation', *Archiv für Reformationsgeschichte*, 75 (1984), 153–75.

⁸⁰ DEC, 245; Gregory Dix, *The shape of the liturgy* (2nd edition, Westminster, 1945), 597–8; E. Dublanchy, 'Communion fréquente,' in: DTC, vol. 3, 515–52 (521–8); Tanner, *Church in late medieval Norwich*, 10. For the development of eucharistic theology, Rubin, *Corpus Christi*, 14–35.

was primarily an issue only when other obligations were already being ignored.⁸¹ The contingent and more onerous duty was attendance at mass on Sundays and feast-days. This obligation emerged gradually from the fourth century onwards, the number of feast-days requiring attendance at mass varying by region and over time. The duty was sometimes specified more precisely in local legislation from c.1300: that the entire mass had to be heard and that it must be at the parish church, rather than in chapels of mendicant orders, hospitals, or private chapels.⁸² How far this legislation was observed is unknown and probably varied dramatically by region, but available evidence suggests that non-attendance was common and fairly widespread. From calculations of money offerings at mass, among other factors, Toussaert has concluded that the obligation was far from universally observed in late maritime Flanders. Contemporaries were even more pessimistic: Humbert of Romans, the prior-general of the Dominicans, accused substantial sections of thirteenth-century society of hardly attending church at all; and the fifteenth-century Nicholas of Clamanges, admittedly an inveterate pessimist, reckoned that on feast days ‘few go to church and even fewer listen to the mass’.⁸³ These accusations should not be taken too literally, nor should complaints of ambivalence among the populace undermine as superstition the faith of medieval Christians. What these insights do suggest was a broad spectrum of responses to the medieval church, from the extravagant, intense and devout on one end, to the distracted, apathetic dismissive or hostile on the other.

By the later middle ages, a certain amount of non-attendance was a concern to parish communities, who made a number of accusations during visitations. At the 1492 visitation of the parishes in Norwich, charges were brought against 31 laypeople, of whom nine were accused of not attending their parish church on Sundays and feast-days. In charges that imply that the accused were not alone in their failure to attend, three others were accused of keeping open taverns during services, and another woman ‘observes an evil custom with various people from neighbouring households, who sit with her and drink during the time of service’.⁸⁴ In early fifteenth-century Salisbury, those accused of non-attendance were said to go to fairs and markets; some had not attended in two or five years.⁸⁵ A. H. Thompson concluded that early sixteenth-century visitations of Lincoln diocese suggest ‘plenty of habitual absentees and persons who took no accord of divine service’.⁸⁶ The practicalities suggest that a level of non-attendance was tolerated and that so many offenders could not have been prosecuted. Those charged at visitations were probably persistent rather than occasional offenders, as records

⁸¹ *Visitations*, vol. 1, 100, 113, 132 and 134-5; ‘Visitation returns’, vol. 44, 287, 451-2, and vol. 45, 96, 99, 446, 452, 458.

⁸² See, Barbara Harvey, ‘Work and *festa ferianda* in medieval England’, *JEH* 23 (1972), 289-308 (295); E. Dublanchy, ‘Dimanche’, and A. Villien, ‘Fêtes’, in: *DTC*, vol. 4, 1308-48 (1334-8), and vol. 5:2, 2183-91 (2183-7); R. Naz, ‘Dimanche’, in: *Dictionnaire de Droit Canonique*, ed. R. Naz, 7 vols (Paris, 1935-65) [herein *DDC*], vol. 4, 1227-31 (1228). The first injunction aimed to address late medieval enthusiasm for attending as many elevations of the Host (the moment immediately after transubstantiation was believed to occur) as possible. For this and the concern over other disrespectful behaviours, Rubin, *Corpus Christi*, 150-55. On the proliferation of chapels Gervase Rosser, ‘Parochial conformity and popular religion in late medieval England’, *TRHS*, 6th ser., 1 (1991), 173-89 (174-6).

⁸³ *rari ecclesiam adeunt; rarissimi missam audiunt*. Nicholas of Clamanges, *De novis celebritatibus non instituendis*, in his *Opera omnia* (Leyden, 1613), 143; Toussaert, *Le sentiment religieux*, 159; Murray, ‘Piety and impiety’, 92-3.

⁸⁴ Tanner, *Church in late medieval Norwich*, 9 and 167-71.

⁸⁵ *The register of John Chandler, Dean of Salisbury 1404-17*, ed. T.C.B. Timmins, Wilts. Rec. Soc. 39 (1984), xxii, 14 and 113.

⁸⁶ *Visitations*, vol 1, xlvi, and vol. 3, 286; ‘Visitation returns’, vol. 44, 281, 287, 448, 452, and vol. 45, 92, 95, 445-47, 450-8, and 460.

from Norwich city and Lincoln diocese suggest. Failure to attend church was an accusation levelled at suspected heretics, but always in concert with other behaviours, such as proclaiming that Sunday was not a holy day and denying the power of the sacraments or the priest.⁸⁷ Moralists admitted, albeit grudgingly, that there existed many legitimate or semi-legitimate reasons to excuse attendance: Humbert of Romans, for example, acknowledged that domestic servants were often prevented by their masters or mistresses from attending church.⁸⁸ That church offered a social as well as a religious inducement limited the burden of ecclesiastical enforcement, but elicited what were the more common complaints of late medieval commentators: that people often went to church to socialise or be entertained rather than to solemnly worship. One parish priest lamented, 'þei come not to matins thries in a yere...þei iangle, þei iape, þei kysse wymmen, and here no word of þe seruice, but scorne þe preeste, saiynge þat he slepeþ in his masse, and tarieþ hem from her brekefast.'⁸⁹ Fights, quarrels, conversation, or meetings could often disrupt the service which itself could be less than solemn: in 1186x90, for example, the bishop of Worcester tried to ban clerics from singing bawdy songs during mass.⁹⁰ Irregular attendance, for whatever purpose, was probably sufficient to ward off accusation and potential coercion, and despite decrees such as those of the Council of Lavaur (1368) that the priest should threaten with excommunication those who miss two consecutive Sundays without good reason, there were still people who did not attend church 'for years at a time and...others [who] behaved in a way that suggests that they did so chiefly in order to meet and gossip and hear the news'.⁹¹

Marriage, the fifth sacrament, has been the focus of significant study.⁹² Among theologians there was considerable debate, and a certain ambivalence, about the balance of natural and ecclesiastical law, with regard to both the sacrament and the relationship itself. Before the twelfth century, even basic questions like how a marriage was created and whether it was a sacrament remained unresolved, and local customs still largely predominated.⁹³ During the late twelfth century it was determined that marriage was created by the present verbalised consent of the partners ('I marry you') or by a future promise ('I will marry you') subsequently made present consent through sexual intercourse; the prolonged controversy as to whether marriage was even

⁸⁷ *Heresy trials in Norwich*, 16 and 64.

⁸⁸ Murray, 'Piety and impiety', 92–5; Helmholz, *Laws of England*, 384–6.

⁸⁹ P. Hodgson, 'Ignorancia sacerdotum: a fifteenth-century discourse on the Lambeth constitutions,' *Review of English Studies*, 24 (1948), 1–11 (11). Also, R.N. Swanson, *Church and society in late medieval England* (Oxford, 1989), 252; Brown, *Popular piety*, 7.

⁹⁰ William of Pagula, 'Oculus sacerdotis', 150; C.R. Cheney, *From Becket to Langton: English church government, 1170–1213* (Manchester, 1956), 143–4.

⁹¹ P. De Lignerolles, 'Aspects de la pastorale paroissiale d'après les dispositions du concile de Lavaur de 1368', *La paroisse en Languedoc (xiii^e–xiv^e s.)* (Cahiers de Fanjeaux, Fanjeaux, 1990), 327–41 (333); Reynolds, 'Medieval scepticism', 37, following Paul Adam, *La vie paroissiale en France au xiv^e siècle* (Paris, 1964), 246–76.

⁹² General studies include: C.N.L. Brooke, *The medieval idea of marriage* (Oxford, 1989); G. Duby, *The knight, the lady and the priest: the making of modern marriage in medieval France* (London, 1984); David D'Avray, *Medieval marriage; symbolism and society* (Oxford, 2005). For marriage and ecclesiastical law: M.M. Sheehan, 'Marriage theory and practice in the conciliar legislation and diocesan statutes of medieval England', *Medieval Studies*, 40 (1978), 408–60, repr. in: *Marriage, family and law in medieval Europe: collected studies*, ed. J.K. Farge (Cardiff, 1995), 118–76; R.M. Helmholz, *Marriage litigation in medieval England* (Cambridge, 1974); J.A. Brundage, *Law, sex and Christian society in medieval Europe* (Chicago, 1987), 176–546; Frederik Pedersen, *Marriage disputes in medieval England* (London, 2000); Helmholz, *Laws of England*, 521–40.

⁹³ Helmholz, *Laws of England*, 7 and 46–7. For a level of influence, see C.M. Bouchard, 'Consanguinity and noble marriages in the tenth and eleventh centuries,' *Speculum*, 56:2 (1981), 268–87 (284).

a sacrament was settled in the affirmative shortly thereafter, by the early thirteenth century. Marriage was thus the only sacrament enacted by the parties themselves and whose routine performance did not require a priest or bishop;⁹⁴ even after Lateran IV decreed that a priest should be present, the sacrament itself was still formed solely by the consent of the two parties. Aiming to reduce arguments over invalid or disputed marriages, late medieval authorities increasingly proclaimed that marriage should be public, ‘in the presence of the church’, and numerous warnings were issued against priests who officiated at clandestine weddings.⁹⁵ Nevertheless, clandestine marriages continued to be valid until the council of Trent in the sixteenth century, and would even be upheld over subsequent church marriages.⁹⁶ Parties testified that marriages frequently occurred where the moment might seize them: in a variety of places including, ‘under an ash tree, in a bed, in a garden in a small storehouse, in a field...in a blacksmith’s shop, near a hedge, in a kitchen, by an oak tree, at a tavern, ... [near] the King’s highway’ and ‘in a certain field near a ruined tower’.⁹⁷

Church authorities recognised that legislation on marriage was often difficult to observe and that a careful balance must be maintained between the ideal and the possible. Canon 50 of Lateran IV cut the prohibited degrees of consanguinity from seven to four, stating:

since the prohibitions against contracting marriage in the second and third degree of affinity, and against uniting the offspring of a second marriage with the kindred of the first husband, often lead to difficulty and sometimes endanger souls, we therefore, *in order that when the prohibition ceases the effect may also cease* ... decree that henceforth contracting parties connected in these ways may freely be joined together. Moreover the prohibition against marriage shall not in future go beyond the fourth degree of consanguinity and of affinity, *since the prohibition cannot now generally be observed to further degrees without grave harm*.⁹⁸

The council expressly acknowledged that social necessity made the stricter provision difficult to observe; it also recognised that a regulation that could not be obeyed was itself a source of harm, and that it was thus incumbent upon the church to remove that regulation. And in making the rules more possible to obey the council articulated a stronger obligation to obey. In so doing, it aimed to find a workable balance that might exhort better behaviour without endangering souls by setting people up to fail. Lateran IV was not the first time this had been done: the degrees of consanguinity had already been lowered for remote populations for whom such stringent rules were unworkable.⁹⁹

Perhaps unsurprisingly, the tension between Christian ideals and day-to-day workability is most apparent among the laity themselves, who displayed a wide variety of responses to the

⁹⁴ Baptism and hearing confession could be performed by the laity if death was feared and no priest was available; the lay confessor could not, however, grant absolution.

⁹⁵ William of Pagula, ‘Oculus sacerdotis’, 144; ‘Visitation returns’, vol. 45, 447.

⁹⁶ M.M. Sheehan, ‘Family and marriage, western Europe’, in: *Dictionary of the Middle Ages*, ed. J.R. Strayer, 13 vols (New York, 1982–9) [herein *DMA*], vol. 4, 608–12 (608–10); G. Le Bras, ‘La doctrine du mariage chez les théologiens et les canonistes depuis l’an mille’, in: *DTC*, vol. 9:2, 2123–2317 (2182–2201); *DEC*, 258, and 755–6; Brundage, *Law, sex and Christian society*, 501–2 note 59. R.C. Palmer, ‘Contexts of marriage in medieval England: evidence from the King’s Court circa 1300’, *Speculum* 59:1 (1984), 42–67 (42 and 52); Helmholz, *Marriage litigation*, 64–5.

⁹⁷ Helmholz, *Marriage litigation*, 29 and 49.

⁹⁸ *DEC*, 257–8 (italics ours).

⁹⁹ *Decretales ineditae saeculi XII*. Walther Holtzman, Stanley Chodorow, and Charles Duggan (Monumenta Iuris Canonici, Vatican, 1982), 149.

catholic ideal. On one extreme, it has been noted, many domestic arrangements among the poor were informal.¹⁰⁰ The laity did not always agree with the church's definitions of sexual morality: confessors' manuals repeatedly enjoined priests to remind penitents that fornication was indeed a sin; as late as the fifteenth century, visitations revealed that both fornication and adultery might be both common and assertively defended.¹⁰¹ Andrew Finch's study of fourteenth-century Normandy found that fornication and adultery were only reported in extreme cases, such as a pregnancy of an unmarried woman, and that 'sexual activity can be best viewed as an accepted part of courtship'.¹⁰² This has also been found for English church courts, where authorities tended to proceed against fornication only when it was public, scandalous and long-running.¹⁰³ Other communities, especially from c.1400, were keen to use visitations and church courts to enforce a sexual morality more in accordance with that of church teaching.¹⁰⁴ Late medieval court records suggest that the laity also recognised church law as proposing an ideal and providing a guide within the realities of life. While many tried to follow the church's directives, and indeed often demonstrated a complex understanding of its requirements, they were also willing to defy them when they proved too inconvenient.¹⁰⁵ Some couples went to neighbouring parishes to marry when consanguinity or another known prohibition would prevent them marrying at their own church.¹⁰⁶ Despite repeated proclamations from 1215 that marriage be formed 'in the presence of the church', many marriages continued to be formed with no intention of being solemnised.¹⁰⁷ Numerous such marriages appear in court records not because the church was enforcing solemnisation but because the parties had brought a contested marriage to be decided by the ecclesiastical court. Such cases demonstrate that in the later middle ages a respect for ecclesiastical authority over matrimony and for the solemnity of marriage could go hand in hand with a sense of the limits of its practicability.

Marriage law itself was less a matter of clerical enforcement and lay submission, than lay appeal to clerical authority. As Richard Helmholz has concluded, the reach of the courts was limited:

surviving records show that [church laws on marriage] often went unenforced. We see examples of long-standing noncompliance by the laity. We see the courts themselves making compromises and adjustments in individual cases ... The evidence of widespread

¹⁰⁰ Sheehan, 'Family and marriage', 610.

¹⁰¹ See, J.A. Brundage, 'Sex and canon law,' in: *Handbook of medieval sexuality*, ed. Bullough and Brundage 33-50 (42); Payer, 'Confession and the study of sex', 13-4. William of Pagula similarly complained that 'a priest should not tell everyone the ways that people can sin against nature, since — as bishops' penitentiaries know well enough — these days there are many people who believe that in many cases a sin against nature is not really a sin, which is a deplorable state of affairs.' *Oculus sacerdotis*, 145. For visitations, *Reg. J. Chandler*, xxiii.

¹⁰² A.J. Finch, 'The disciplining of the laity in late medieval Normandy,' *French History*, 10:2 (1996), 163-81 (170-1), and 'Sexual relations and marriage in later medieval Normandy,' *JEH*, 47:2 (1996), 236-56 (255).

¹⁰³ R.H. Helmholz, 'Abjuration *sub pena nubendi* in the church courts of medieval England', *The Jurist*, 32 (1972), 80-90 (81), repr. in his *Canon law and the law of England* (London, 1987), 145-55 (146).

¹⁰⁴ Richard M. Wunderli, *London church courts and society on the eve of the reformation* (Cambridge, MA, 1981), 35-40 and 83-92; Martin Ingram, 'Regulating sex in pre-reformation London', in: *Authority and consent in Tudor England: essays presented to C.S.L. Davies*, ed. G.W. Bernard and S.J. Gunn (Aldershot, 2002), 79-95.

¹⁰⁵ Brundage, *Law, sex and Christian society*, 494-516; Helmholz, *Marriage litigation*, 187-9; Brooke, *Medieval idea of marriage*, 126-43. For lay knowledge of the law, Pedersen, *Marriage disputes*, 59-84.

¹⁰⁶ M.M. Sheehan, 'The formation and stability of marriage in fourteenth-century England: evidence of an Ely register', in: *Marriage, family and law*, ed. J.K. Farge, 38-86 (51-2).

¹⁰⁷ Helmholz, *Marriage litigation*, 30.

and continued disrespect for the standards of canon law is too great, I think, to allow us to conclude that the church courts were ‘effective guardians’ of the holy estate of marriage.¹⁰⁸

The majority of prosecutions in ecclesiastical courts were individuals eager to confirm or deny their alleged marriage.¹⁰⁹ Court records reveal not only that the laity had a firm grasp of ecclesiastical rules on marriage, but also that they recognised ecclesiastical courts as the legitimate and definitive ruling body on such issues. The courts functioned far more frequently in this latter capacity than as prosecutorial bodies, and *ex officio* cases were a minority; those that arose from visitation were extreme cases, usually long-term, creating public scandal, or involving multiple partners, incest, or pregnancy.¹¹⁰ Although appealing to witnesses or neighbours, cases relied heavily upon the testimony of the parties involved, who themselves typically drove both prosecution and resolution.¹¹¹ Clarification was generally the goal of ecclesiastical cases, but where correction was desired, penalties were usually fines for fornication, or efforts to solemnise marriage or long-term living arrangements. If the partners proved unwilling, they were abjured to separate *sub poena nubendi*, that is, under contract that future sexual relations would themselves constitute marriage.¹¹² Even in the Ely Register, which suggests a concerted attempt to probe and solemnise marriage, ‘there is no example where the couple was penalised for failing to arrange their marriage in accord with canon law’.¹¹³ These examples suggest that both ecclesiastics and laity sought to steer a judicial course through the difficult question of marriage, and while the church tried to call attention to moral discipline it primarily defined a role as arbiter of individual claims or communal complaints against long-term or scandalous abuses.

The final sacrament pertaining to the laity was extreme unction, or anointing of the sick. This emerged as a distinct sacrament only in the ninth century and, although highly recommended by local synods and writers, was never regarded as obligatory or as necessary for salvation. Indeed some local synodal decrees expressly stated that it was to be administered at the request of the sick person. A lack of understanding or regard for this sacrament is suggested by statutes that repeatedly exhort priests to impress on parishioners that they must pay reverence when the host is carried through the street, and to explain its importance and purpose which, the statutes admit, is often misunderstood.¹¹⁴ Practice appears to have varied. Le Roy Ladurie thought the rite was almost unknown in upper Ariège in the early fourteenth century, and there is evidence of resistance to it in other areas; on the other hand, Toussaert found no such evidence of hostility in late medieval Flanders.¹¹⁵ From the mid-thirteenth century, in concert with a drive to

¹⁰⁸ Helmholz, *Marriage litigation*, 189.

¹⁰⁹ Helmholz, *Marriage litigation*, 117; Palmer, ‘Contexts of marriage,’ 44–6.

¹¹⁰ Finch, ‘Disciplining of the laity,’ 242, 248–9; B.L. Woodcock, *Medieval ecclesiastical courts in the diocese of Canterbury* (Oxford, 1952), 68–9.

¹¹¹ Helmholz, *Marriage litigation*, 119, 70–2; Helmholz, *Laws of England*, 337 and 538–40.

¹¹² Helmholz, ‘Abjuration *sub poena nubendi*’, 80–90; F. Pederson, ‘Demography in the archives: social and geographic factors in fourteenth-century York cause paper marriage litigation’, *Continuity and Change*, 10 (1995), 405–36; Finch, ‘Disciplining of the laity’, 173–5.

¹¹³ Sheehan, ‘Formation and stability of marriage’, 62.

¹¹⁴ For example, Avril, *Le gouvernement des évêques*, 696–7. For the rise of the viaticum in the later middle ages, see Rubin, *Corpus Christi*, 77–82.

¹¹⁵ Poschmann, *Penance and the anointing of the sick*, 242–9; Le Roy Ladurie, *Montaillou*, 313; Toussaert, *Le sentiment religieux*, 209–10.

encourage the laity to act with reverence and respect towards a procession of the host, English sources impressed upon priests to attend, even in the middle of the night, when called to a sick person.¹¹⁶ While the church tried to foster the call for extreme unction, its systems of enforcement were directed more at the clergy, to ensure that when the sacrament was requested it would be forthcoming.

Other obligations

Canon 54 of Lateran IV stated that tithes took precedence over all other financial impositions, ‘since the Lord has reserved tithes unto himself as a sign of his universal lordship’. Tithes, or payment normally to one’s parish church of a tenth of income or produce, may have been the most intrusive and onerous non-sacramental obligation imposed by the church upon the laity; a study of late medieval London concludes that for the majority of men and women tithes amounted to ‘a formidable expense’.¹¹⁷ Mentioned frequently in the Old Testament, tithes had been a less formal obligation in the early church, but by the fifth century were established practice in certain areas.¹¹⁸ The obligation was backed by severe penalties, primarily spiritual, but from the eighth century onwards also civil. Many tithes had fallen into lay hands by the eleventh and twelfth centuries, when ecclesiastical authorities, as part of widespread clerical reform, attempted to wrest them back to the church. The 1215 council was the first general council to proclaim the obligation of tithe payment, explicitly relating the full receipt of tithes to the quality and learning of the priest who could then be supported.¹¹⁹ Tithes had not appeared in the legislation of general councils before the first Lateran (1123) ruled that bishops must approve the grant of tithes to a priest; the second and third Lateran (1139 and 1179) required the laity to return all tithes to the church.¹²⁰ Their success varied dramatically by region: in England tithes were largely secured for the church, but the laity of many other regions (notably Italy) remained closely involved as both possessors of tithes and collection agents for the church.¹²¹ The influence of local custom ensured that variation was never eliminated, and there remained a discrepancy between ideal and practice. In the words of one historian, ‘there was never a golden age of obedient tithing’.¹²² Moreover, tithe-paying was not a duty enforced only on Christians: more closely associated with landholding than with parish membership, they were paid based upon the location of the income rather than the parish of the tithe-payer and were levied also on Jews.¹²³

In fact, it is surprising that tithes did not meet more resistance. Of 140 parishes included in a Salisbury visitation, only seven produced cases of non-payment of tithes.¹²⁴ When disputes

¹¹⁶ CS, vol. 2, 268, 346, 404, 425, 488–9, 640.

¹¹⁷ J. Thomson, ‘Tithe disputes in later medieval London’, *EHR*, 78 (1963), 1–17.

¹¹⁸ C.E. Boyd, *Tithes and parishes in medieval Italy* (Cornell, 1952), 27.

¹¹⁹ *DEC*, 250 (c.32) and 260 (c.54).

¹²⁰ *DEC*, 194 (c.18), 199 (c.10) and 219 (c.14); Helmholz, *Laws of England*, 41.

¹²¹ Boyd, *Tithes and parishes*, 90, 131–2, and 174.

¹²² Helmholz, *Laws of England*, 434.

¹²³ This distinction was recited in Gratian: Boyd, *Tithes and parishes*, 140 and 179; C.H. Berman, ‘Cistercian development and the order’s acquisition of churches and tithes in southwestern France’, *Revue Bénédictine*, 91 (1981), 193–203 (200); *Decretales ineditae saeculi XII*, 36–7; J.A. Brundage, ‘Tithes’ in: *DMA*, vol. 12, 62–65 (64); P. Górecki, *Parishes, tithes and society: in earlier medieval Poland, ca. 1100–1250* (Philadelphia, 1983), 99.

¹²⁴ Brown, *Popular piety*, 80–1, finds that although avoidance of tithes was more common in towns, it was ‘not general or persistent’.

are noted, they concern the rights to receive revenues rather than their actual payment.¹²⁵ Giles Constable has concluded that most known cases of refusal to pay were the result of particular circumstances rather than objections to tithes in principle and that ‘resistance to tithes seems in fact to have been comparatively rare, at least before the thirteenth century’.¹²⁶ By the thirteenth century, there were more complaints of parishioners unwilling to pay tithes, typically from ignorance or disagreement as to what should be tithed, but in some cases from outright refusal.¹²⁷ A letter of Innocent III in to the bishop of Vercelli, later included in the *Decretals*, outlined the many problems of collecting tithes: that some paid only on net income; others paid the clerics or churches of their choice or gave it straight to the poor; some did not pay at all because they objected to the immoral conduct of the clergy, or claimed they had been exempted by the emperor, or that ‘novel’ tithes belonged to them along with their ‘ancient’ tithes.¹²⁸ Canonists debated how tithes should be calculated, and how far necessary expenses could be deducted before payment was calculated. In Italy the towns of Parma, Bologna, and Reggio openly revolted against their tithes, while other towns passed legislation that limited the powers of tithe-owners. Again, however, these do not seem to have been revolts about the concept of tithes, although there were attempts to limit both tithes paid to laymen and the application of new tithes, and they were usually directed against the local lay magnates who collected the tithe or against the wealth of the cathedral chapters. Where there were clashes over payment, the laity were frequently arguing for a return to a stricter, less-temporal use of the tithe. The citizens of Bologna preferred to pay their tithes directly to the poor, while those of Reggio agreed that no one ‘was to be compelled to pay tithe in the future except as his conscience dictated...[but that] they were still binding upon believers as part of the divine law’.¹²⁹ These moral objections to the use of the tithe may have hidden fundamental hostility to the concept of tithes. A degree of flexibility is indicated, however, by testamentary bequests to parish churches ‘for unpaid tithes’, which became common in English wills in the late middle ages. In late fifteenth-century Norwich, prosecutions for non-payment of tithes remained rare, yet such testamentary bequests were common, although usually nominal. This may suggest that citizens enjoyed a measure of freedom in calculating their payments. William Pantin commented that ‘it must have required the tact of a saint to make the system run smoothly’.¹³⁰ It is apparent, rather, that compromise was required of all parties.¹³¹

The obligation to abstain from work on Sundays and feast-days also developed from biblical precedent. The early church had been cautious about transferring observance of the Old Testament Sabbath to the Christian Sunday, but the prescription was recognised gradually, finding its way into Justinian’s *Code* (3.2), Gregory IX’s *Decretals* (X 2.9.1), and other legislation. By the thirteenth century, the obligation was far-reaching, encompassing all Sundays and almost the

¹²⁵ Górecki, *Parishes, tithes and society*, 75–95; Boyd, *Tithes and parishes*, 135–46; Berman, ‘Cistercian development,’ 199.

¹²⁶ G. Constable, ‘Resistance to tithes in the middle ages’, *JEH*, 13 (1962), 174–85; also, Brundage, ‘Tithes,’ 64.

¹²⁷ William of Pagula, ‘Oculus sacerdotis’, 147–8; CS, vol. 2, 628, 794–7, 818, 1052–6.

¹²⁸ The following discussion draws substantially from Boyd, *Tithes and parishes*, 169–70 and 180.

¹²⁹ Boyd, *Tithes and parishes*, 183, 184, and 190–1.

¹³⁰ Tanner, *Church in late medieval Norwich*, 5–7; Pantin, *English church*, 204. See also S. Brigden, ‘Tithe controversy in reformation London’, *JEH*, 32 (1981), 285–301 (288, 290 and 294) and G. Lepointe, ‘Dime’, in: *DDC*, vol. 4, 1231–44 (1231–40).

¹³¹ Helmholz, *Laws of England*, 439–44.

same number of feast-days.¹³² The legislation prohibited ‘servile’ work, a category that was difficult to define. It had originally meant activities that made the doer a slave (*servus*) to sin and by extension became work that was prone to involve sin, principally work for earthly gain, or that was proper to slaves or servants, namely manual work. Barbara Harvey has observed that ‘to most landlords and still more, one would suppose, to their villeins, [servile work] had but one meaning: it denoted everything done by a villein in virtue of his villeinage’.¹³³ In a ruling subsequently incorporated into the *Decretals* (X 2.9.3), Alexander III (1159–81) exempted necessary labour – to protect crops or catch fish during a limited season – and the canonical interpretation of ‘need’ became relatively broad during the thirteenth century.¹³⁴ A profusion of fairs and markets on Sundays and feast-days in early thirteenth-century England suggests that public utility and commerce might be exempted, but the church increasingly acted against commercial activity from the mid-thirteenth century.¹³⁵ Legislation not only exempted purchase of necessary food and drink, however, but was relatively indulgent towards recreation and amusements on Sundays and feast-days.

Failure to abstain from work on prescribed days appears as a charge at various parochial visitations in the late fourteenth and fifteenth centuries. It occurs in the late medieval diocese of Lincoln, and more prominently in that of Hereford; Brian Woodcock found that ‘pursuit of occupations on the Sabbath was a frequent cause of prosecutions’ in the diocese of Canterbury.¹³⁶ The extent should not be exaggerated: there were eleven charges in the diocese for Sunday trading in 1474, comprising less than 7% of the total charges; most of those accused were butchers who were given penance, the one exception was released on a promise to amend his ways. Toussaert thought that frivolity and licentiousness, not work, were the problem in late medieval Flanders, and the obligation appears to have been a serious problem only when there were particularly inquisitive authorities.¹³⁷ Indeed, feast days seem to have been generally welcomed by villeins and labourers who pushed for additional days and even celebration on the vigils of feasts; landlords and synodal legislation seem to have worked instead to limit the number of days applicable.¹³⁸ Such holidays were welcome at least in part, and a certain laxity about definition probably meant that it was commonly only the most openly and repeatedly dissident who were prosecuted.

Lack of biblical precedent made the obligations of fasting and abstinence problematic. There were no regulations concerning the two practices, and Christ had expressly rejected Old

¹³² CS, vol. 2, 318, 323–5, 514–5 and 653–6. Cheney, ‘Rules for observance of feast days’, *Bulletin of the Institute of Historical Research*, 34 (1961), 117–47.

¹³³ Harvey, ‘Work and *festa ferianda*’, 295. Also, G. Fransen, ‘La notion d’oeuvre servile dans le droit canonique’, in: *Le travail au moyen âge: une approche interdisciplinaire*, ed. Jacqueline Hamesse and Colette Muraille-Samaran (Louvain-la-Neuve, 1990), 177–84; Herron, ‘Observance’, 799–802.

¹³⁴ Helmholz, *Laws of England*, 384–6.

¹³⁵ CS, vol. 2, 320–1, 410, 461, and 1220–1. J.L. Cate, ‘The church and market reform in England during the reign of Henry III’, in: *Medieval and historiographical essays in honour of James Westfall Thompson*, ed. J.L. Cate and E.N. Anderson (Chicago, 1938), 27–65 (46–7); K.L. Parker, *The English Sabbath: a study of doctrine and discipline from the reformation to the Civil War* (Cambridge, 1988), 9–23.

¹³⁶ *Visitations*, vol. 1, xlvii–xlviii, and vol. 3, 279 and 286; ‘Visitation returns’, vol. 44, 281, 445–6, 448, and vol. 45, 92, 446, 448, 452, 454, 459–60, 462; Woodcock, *Ecclesiastical courts*, 79–80.

¹³⁷ Toussaert, *Le sentiment religieux*, 357–9; Hudson, *Premature reformation*, 147–9; *Heresy trials in Norwich*, 15–6.

¹³⁸ Harvey ‘*Festa ferianda*’, 293, 296–7, and 301; CS, vol. 2, 514–5; G. Philippart, ‘Temps sacré, temps chômé: jours chômés en occident de Caton l’Ancien à Louis le Pieux’, in: *Le travail au moyen âge*, ed. Hamesse and Muraille-Samaran, 23–34; Naz, ‘Dimanche’, 1227–30; E.C. Rodgers, *Discussion of holidays in the later middle ages* (New York, 1940).

Testament prescriptions and declared all foods clean (Mark 7: 14–19). Nevertheless, fasting and, to a lesser extent, abstinence assumed such a major role in the asceticism of the early church that, on the whole, the course of the middle ages witnessed an overall relaxation in these matters. Even so, legislation appears formidable. There were considerable regional variations, but the basic minimum was fasting on the weekdays of Lent, the 12 Ember days, and the vigils of major feasts, and abstaining from meat on these fast-days and on all Fridays except those falling on major feast-days. In theory, infringement might incur excommunication. There were, however, a wide range of official exemptions and, increasingly throughout this period, a general relaxation in interpretation and practice. Fasting had originally meant only one meal a day, but this meal was brought forward from the evening to the afternoon and a light evening meal, or ‘collation’, was permitted. Many were exempted from even this legislation: the old and the infirm, those not yet adults, and cases of necessity. The last category might be interpreted quite widely to include travellers and possibly even those who performed manual work.¹³⁹

The reception of this legislation remains a matter of debate. Toussaert considered that the obligation, at least in late medieval Flanders, was genuinely popular. He thought it fitted the popular mentality, particularly the idea of fasting as the wages of sin, and was appreciated both as healthy in balancing large-scale eating at other times and as enabling the conservation of meat and other foods in short supply.¹⁴⁰ Toussaert’s assessment may be overly optimistic, and certainly does not address with confidence the countryside. Yet the legislation may not have been as disruptive as might initially appear. Records of parochial visitations in England suggest accusations in the matter were rare: no cases were mentioned at the extensive visitation of Hereford diocese in 1397, and only one case at the later visitations of Lincoln diocese, apparently due to the curate forgetting to remind his parishioners about an Ember day.¹⁴¹ Fast-breaking could be a social identifier of heretics and occurs in heresy charges from the late fifteenth century; it is notable, however, that these were part of a series of accusations regarding suspect behaviours, which included assertive attacks on fasting in the form of shared, ritual meals where meat was consumed, and active denials that fasting was an obligation.¹⁴² A certain Robertson of Thanet was charged with fast-breaking, defined as ‘too much bread and butter’, suggesting the more common problem might have been defined as excess rather than simply breaking the rules.¹⁴³ Flexibility within the legislation and some measure of sympathy for its aims probably rendered the obligations tolerable for most people, and the indications are that church authorities troubled to prosecute only blatant or persistent offenders or those who were also suspect on other grounds.

Enforcement and Obligation

The medieval church took care to establish and propagate minimum expectations of Christian knowledge and behaviour. Legislation articulating the more binding of these goals,

¹³⁹ *Decretales* X 3.46.1–3; Hamilton, *Religion in the medieval west*, 93–5; H.-J. Sieben, ‘Jeûne’ in: *Dictionnaire de Spiritualité*, eds. Marcel Viller et al, 17 vols (Paris, 1937–95), vol. 13, 1165–79; E. Vacandard, ‘Carême (jeûne du)’, in: *DTC*, vol. 2:2, 1724–50 (1746–7).

¹⁴⁰ Toussaert, *Le sentiment religieux*, 428–34.

¹⁴¹ ‘Visitation returns,’ *passim*; *Visitations*, vol. 1, 103.

¹⁴² *Heresy trials in Norwich*, 15, 76, 104–5, 165.

¹⁴³ Woodcock, *Ecclesiastical courts*, 81.

however, must be viewed within the context of recognised points of canonical jurisprudence: that laws of the church were to be interpreted restrictively (that is, not imposing more obligations than necessary), and that locality might dictate its reception or comprehension, in terms of customs, facilities, limits or interpretations of orthodoxy and practice.¹⁴⁴ The arms of the church — its laws, courts, and writers — were keen both to engage with and respond to lay understanding or scepticism and to address the more practical demands of lay behaviour and community.¹⁴⁵ There was also a fair measure of flexibility within the legislation, a tendency for ecclesiastical authorities not to rock the boat more than necessary and to keep prosecutions within the bounds of the possible. These principles not only limit the implications of some of the more fierce-sounding legislation, but also the words of preachers and moralists, exaggerated for rhetorical and exhortatory effect. These points are illustrated by the use of the ecclesiastical systems for supervision and penalty: visitation, the courts, and excommunication.

Lists of questions for late medieval parochial visitations suggest conceptually invasive oversight by diocesan representatives: extending from the lifestyle of local clergy, to performance of sacraments, status of church fabric and possessions, and moral behaviour of the parishioners.¹⁴⁶ Surviving records, however, suggest the practice of visitation was less intrusive of lay behaviour than these might suggest. Thirteenth-century visitation returns were largely confined to the functioning of the parish church itself, that is, to the priest, building, and furnishings. Visitations of the following century became more concerned with religious observance and morals, but surviving accounts suggest that the focus remained on the business of the church, its upkeep and possessions, and the priest.¹⁴⁷ Most parishes made no recorded accusations of lay moral transgression; those that do focus on one or two particular topics (such as fornication or adultery) suggesting that these not uncommon problems were more the object of local lay preoccupation than the subject of systematic ecclesiastical investigation.¹⁴⁸ Adultery was perhaps the moral transgression upon which both clerical and local opinion were most in agreement, but Finch found a relatively small total of 132 reports of adultery in the extensive visitations in Normandy between 1314 and 1346; Christopher Harper-Bill's analysis of the 1499 visitation of Norwich diocese found 61 accusations of adultery, 32 of fornication, and few regarding religious observances.¹⁴⁹ T. C. B. Timmins found that, in John Chandler's fifteenth-century

¹⁴⁴ Boniface VIII, *Liber sextus decretalium* (VI 1.6.22 and VI 5.12 'De regulis iuris', 22) in: *Corpus iuris canonici*, vol. 2, 961 and 1122; *Decretum* D. 4 c.3 and 6; G. King, 'The acceptance of law by the community: a study of the writings of canonists and theologians, 1500-1750', *The Jurist*, 37 (1977), 233-8; B. Tierney, "'Only Truth has authority': the problem of "reception" in the decretists and in Johannes de Turrecremata', in: *Law, church, and society: essays in honor of Stephen Kuttner*, ed. K. Pennington and R. Somerville (n.p., 1977), 69-96; Helmholz, *Laws of England*, 62-5 and 143-6.

¹⁴⁵ For the working out of orthodoxy in the face of lay scepticism or heretical challenge, David Aers, *Sanctifying signs: making Christian tradition in late medieval England* (Notre Dame, IN, 2004). The development of law and policy in the courts in response to lay practice, evincing wide local variation and discretion in its use, is articulated in Helmholz, 'Abdication *sub pena nubendi*', 80-1.

¹⁴⁶ See the mid-thirteenth century visitation questions printed in *Annales de Burton*, ed. H.R. Luard (Rolls Series, London, 1864), 296-8 and 307-10.

¹⁴⁷ Brown, *Popular piety*, 78; French, *People of the parish*, 33-6.

¹⁴⁸ See, for example, 'Visitation records,' *passim*. Although cautious regarding available sources, Robert Brentano has commented of visitation in Rieti that it 'seems primarily a matter of ceremonial reception and procuration'. R. Brentano, *A new world in a small place: church and religion in the diocese of Rieti, 1188-1378* (London, 1994), 106.

¹⁴⁹ In Suffolk and Sudbury archdeacons most of the latter were cited for non-attendance at church (25) or chattering in church (8), only two for non-payment of tithe; there were no charges regarding religious observance in the archdeacons of Norwich and Norfolk. *The register of John Morton, Archbishop of Canterbury*, ed. Christopher Harper-Bill, 3 vols (Woodbridge, 2000), vol. 3, 5; also, Finch, 'Disciplining of the laity,' 169.

visitations of Salisbury, the dean ‘evidently expected to be informed only about open and notorious sin which was the cause of scandal’.¹⁵⁰ The extent to which these reports resulted in prosecution or disciplinary action seems to have been limited. Few of the Salisbury charges reached court, perhaps because many of those charged did not answer their summons; Woodcock’s study of Canterbury ecclesiastical courts concludes that few *ex officio* cases resulted from visitations, and that those that did were haphazard and perhaps of personal motive.¹⁵¹ In moral cases, courts were used more as judges and arbiters of personal disputes than official prosecution. The detailed records of lower ecclesiastical courts in England suggest that many cases were *ad instantiam* (that is, brought by an individual against another) and that the overwhelming number of cases concerned sexual morality, debt, and testamentary bequests.¹⁵² These were issues of considerable concern less to church authorities than to the laity themselves who, as the defrauded party, turned to the courts to resolve their disputes or, from the fifteenth century, enforce communal sexual morality against prostitution, pimping and other public nuisance.¹⁵³

Punishment of those found guilty took the form of fines, penance or, most severely, excommunication; but the goal of the court was less to punish than to resolve controversy or put an end to the offending behaviour. If a case of fornication had been so notorious that it brought a couple to the court’s attention, the court’s primary concern was to put a stop to the wrongdoing, usually by eliciting an agreement from the couple either to separate or to marry. If a couple proved obdurate or incorrigible, they might also be fined.¹⁵⁴ An act of penance might be assigned, often public in form, but even these were increasingly commuted to monetary payments.¹⁵⁵ Excommunication was the most severe sanction available to the church and could be incurred for a range of offences – a late medieval monk of Flanders listed 38 excommunicable offences which required papal absolution and a further 54 requiring episcopal absolution.¹⁵⁶ Canonists underscored the seriousness of excommunication and warned that it must not be used lightly, stressing its medicinal use, to heal a correctable problem rather than punish wrongdoing.¹⁵⁷ In theory, excommunication was incurred for failure of almost all the obligations discussed above; in practice it was used sparingly by courts for disciplinary cases. Although 122 people were excommunicated in the diocese of Canterbury in 1486 for not paying debts, only 22 were excommunicated for other, mainly religious offences; and of 154 *ex officio* cases (that is, charges brought by officials of the church as part of their disciplinary

¹⁵⁰ In *Reg. J. Chandler*, xvii.

¹⁵¹ In *Reg. J. Chandler*, xxviii; Woodcock, *Ecclesiastical courts*, 69.

¹⁵² *Lower ecclesiastical jurisdiction in late medieval England: the courts of the dean and chapter of Lincoln, 1336-1349, and the deanery of Wisbech, 1458-1485*, ed. L.R. Poos (Oxford, 2001), xlii, xlix-li; Margaret Harvey, ‘Church discipline in late medieval Durham city: the prior as archdeacon’, in: *North-East England in the later middle ages*, ed. C.D. Liddy and R.H. Britnell (Woodbridge, 2005), 119-26 (119-21). Wunderli, *London church courts*, 32-40.

¹⁵³ See note 106 above.

¹⁵⁴ Finch, ‘Disciplining of the laity,’ 173-5 and above, note 105.

¹⁵⁵ David Postles, ‘Penance and the market place: a reformation dialogue with the medieval church (c.1250-c.1600), *JEH* 54 (2003), 441-68 (465); Wunderli, *London church courts*, 52.

¹⁵⁶ Gabriel Le Bras, *Institutions ecclésiastiques de la Chrétienté médiévale*, ed. A. Fliche and V. Martin (Histoire de l’Église, 12, Paris, 1959-64), 246-8; F.D. Logan, ‘Excommunication’, in: *DMA*, vol. 4, 536-38; Toussaert, *Le sentiment religieux*, 435-6.

¹⁵⁷ R.H. Helmholz, ‘Excommunication as a legal sanction: the attitudes of the medieval canonists’, in his *Canon law and the law of England*, 101-17 (103-8 and 114-6), and more recently his *Spirit of classical canon law*, 366-93.

responsibilities), only three people were excommunicated.¹⁵⁸ In early fifteenth-century Salisbury excommunication was ‘not rashly used and was often ineffective’. Excessive use for political or financial reasons might limit its effectiveness, and general councils warned against abusive use of this sanction.¹⁵⁹ Whole populations were excommunicated during political struggles, usually to little effect, such as the Venetians in 1202, and the Bolognese in 1231, and the Flemings, Scots and Florentines in the fourteenth century.¹⁶⁰ Its overuse in the later middle ages severely threatened its power: parishioners from Toulon diocese in France could go so far as to tell their prelates, ‘We don’t care about your excommunication or set any store by it’.¹⁶¹ At an individual level, excommunication could be a routine accompaniment to commercial and other transactions, or even for failure to return a book, according to an edict of Bishop Sutton of Lincoln.¹⁶² Murray has drawn our attention to a marginal note on a debtor in arrears that ‘he has been excommunicated; ... if he were a priest ... it might make some difference’.¹⁶³ Canonists themselves mitigated its impact, stressing that an unjust excommunication was effective in the world but not before God, warning that one should not submit to an excommunication if it was contrary to health of one’s conscience or the church in general, and upholding the basic rights of an excommunicate to interact with family, servants and serfs and to draw up valid contracts.¹⁶⁴

Nevertheless, the sanction carried weight. It entailed exclusion from the ministries of the church and from the Christian community, and might incur a range of civil penalties that were regionally enacted when civil authorities were notified by a process known as signification. Signification was a distinct step, taken if the person failed to respond to excommunication for at least 40 days, but there might have been years of obduracy before signification was carried out.¹⁶⁵ The effectiveness and cooperation of civil authorities might vary dramatically by region. F. D. Logan has counted 16,869 writs *De excommunicato capiendo* issued in England between 1250 and 1534, and concludes that the ‘simple fact that the signification procedure continued to be used testifies to its effectiveness’.¹⁶⁶ Toussaert draws attention to the remarkably high number of persons who appear as excommunicates or subject to other serious canonical sanctions (the distinction is often unclear) in a register of the deanery of Oudenberg in Flanders: a total of 1,667 citations from 44 parishes in the four years between 1450 and 1454; an impressive figure even allowing that most individuals were cited more than once.

¹⁵⁸ Woodcock, *Ecclesiastical courts*, 100.

¹⁵⁹ *Reg. J. Chandler*, xxviii–xxix. Lateran IV and later councils required that authorities ‘carefully avoid proceeding to excommunicate anyone without manifest and reasonable cause’: *DEC*, 255, 291–2, 330 and 487.

¹⁶⁰ Toussaert, *Le sentiment religieux*, 444–5; R.M. Hill, ‘Belief and practice as illustrated by John XXII’s excommunication of Robert Bruce’, in: *Popular belief and practice*, ed. Cuming and Baker, 136–8; R.C. Trexler, ‘Florence, by the grace of the Lord Pope...’, *Studies in medieval and renaissance history*, 9, ed. H.L. Adelson (Lincoln, Nebraska, 1972), 160–1; Also, Walter Ullmann, *The origins of the great schism* (London, 1948), 63, 90 and 96–7; Alexander Murray, *Excommunication and conscience in the middle ages* (London, 1991), 29; Boyd, *Tithes and parishes*, 182–83.

¹⁶¹ Helmholz, *Spirit of classical canon law*, 390–1; E. Vodola, *Excommunication in the middle ages* (Berkeley, 1986), 140.

¹⁶² Trexler, ‘Florence, by the grace of the Lord Pope...’, 136; *The rolls and register of Bishop Oliver Sutton, 1280–1299*, ed. R.M. Hill 8 vols (Lincoln Record Society, Lincoln, 1948–86), vol. 3, 200–201.

¹⁶³ Murray, *Excommunication and conscience*, 213, citing Raymond de Roover, *The rise and decline of the Medici bank, 1397–1494* (New York, 1966), 213.

¹⁶⁴ Helmholz, ‘Excommunication’, 109–10, and his *Spirit of classical canon law*, 378–82.

¹⁶⁵ Vodola, *Excommunication*, 46–58 and 70–111; Murray, *Excommunication and conscience*, 8–24. Eight, 10 and even 20 years might elapse before an excommunicate was signified: Logan, *Excommunication*, 76–7.

¹⁶⁶ Logan, *Excommunication*, 61–8 and 112.

The existence of the register, indicating that offenders had to be reported by parish priests to the dean, shows that steps were taken to follow up and enforce the penalties. There were limits, however, to what ecclesiastical authorities could do, and at times even the deanery of Oudenberg seems to have preferred to turn a blind eye to offenders.¹⁶⁷ In the diocese of Barcelona, priests were permitted to absolve parishioners who had been excommunicated for clandestine marriages and fine them instead; one rector was permitted to absolve excommunicates after they complained it was inconvenient to go to the dean for absolution.¹⁶⁸ These cases suggest that the system did work to chasten wrongdoers, but that it required a good measure of tolerance and flexibility.

Conclusion

The medieval catholic church was a wide umbrella. In addition to the pious and the (sometimes vexing) innovations of the devout, it had to shelter the run-of-the-mill, and the lax, the superstitious and the ignorant. While the former might make more noise, the latter were never forgotten. Once baptised, a person was entrusted to, and indeed a part of, the church. Baptism was itself an undertaking, both by the Christian, who retained responsibility for his or her own salvation, and by the church and its ministers, who now had an accountability to promote and foster that path. As a consequence, authorities recognised a greater right (and duty) to compel observance from those who had entered the church through baptism, but they did so cautiously. Every obligation enjoined upon a Christian might help define and promote a path to salvation, but it also created an opportunity for that Christian to fail, and thus might endanger their salvation. Each obligation therefore created an additional responsibility for authorities, to reach the laity and foster its successful performance. The medieval church thus retained a knowing balance between the ideal and the possible. And while the period considered here witnessed heightening aspirations for the role and possibilities of lay religion, this was coupled with sensitivity to its limits. Theologians and pastoral authorities showed themselves concerned not simply to articulate the practicalities and ideals of lay Christianity, but to guard the salvation of those barely clinging to its lowest rung. The result was a complex, often subtle theology and legislation of pastoral care, which balanced notions of ideal, exhortation, education, oversight, punishment and *laissez-faire* protection. It was a system that expected much of its lay Christians, but tolerated little, and which recognised a considerable variety in the circumstances, perceptions, and behaviour of individuals.

The church took care to define, communicate, and encourage a minimum Christian lifestyle. This was especially true of the century between 1150 and 1250, when theologians, lawyers, bishops, and friars — often prompted by demands from the laity themselves — turned with renewed vigour and determination to establish an intellectual and pastoral framework for Christian lay practice. The forgoing examination of the expectations of lay observance highlights the central role of Lateran IV in this process. This seminal council codified the late twelfth-century developments in pastoral theology and lay observance, prompted the development of an apparatus of education and injunction, and created a foundation for lay expectation and exhortation. By the thirteenth century, the church had outlined expectations for minimum Christian

¹⁶⁷ Toussaert, *Le sentiment religieux*, 111-2 and 438-42; also, Murray, *Excommunication and conscience*, 25-43.

¹⁶⁸ Richard F. Gyug, *The diocese of Barcelona during the Black Death* (Subsidia Mediaevalia, Toronto, 1994), 200-1, 244-5, 321, and 327.

knowledge and basic moral and religious behaviours, and was encouraging systems to promote these ideals via legislation, visitation, courts, priestly education, forms of oversight and penalty. From the fourteenth century, this system could reach and correct individuals committing relatively minor, local transgressions, like the husband and wife beehive-makers who insisted on working on feast days, or a man who missed church to rob a shipwreck.¹⁶⁹ Yet the system was fundamentally limited in the degree to which it both embraced compulsion and acted on it. It was unwilling to establish all but the lowest levels of knowledge lest this exclude large numbers from salvation; it was cautious to retain a narrow interpretation of legislation, in prosecution of faults, and in penalties for all but the most obdurate; and it was limited by the very nature of its organisation, the often low level of local control or priestly education, and the broad geographical coverage. Aware that overreach would publicly reinforce its limits, authorities were thus selective in what they chose to pursue, responding to scandal, attack, and local consternation. They recognised a wide gulf between what was expected and what was enforced, preferring, in general, exhortatory goals to disciplinary minima. This patience paid off: during the later middle ages, the expectations of lay communities seem to grown more in concert with those of clerical authorities, and the laity keener to report lax behaviour or scandal. Indeed the foregoing discussion underscores the degree to which the enforcement systems of the church were used as often by the laity as against them.

Grosseteste wrote that ‘heresy is an opinion chosen by human faculties, contrary to sacred scripture, openly held, and pertinaciously defended’.¹⁷⁰ While it happened too often for the comfort of ecclesiastical officials, breaking with the church was nevertheless an extreme and stubborn leap.¹⁷¹ Scepticism, disbelief and outright disrespect could all be contained within the Christian community, and for those who did not openly break with it, the medieval church offered considerable freedom in the conduct of their lives.¹⁷² The choice and responsibility to work towards their own salvation, of course, rested with each Christian. The church condemned dualism, with its rejection of ordinary human life, and however much writers and preachers appeared gloomy and all too aware of the dangers of sin, the church still held to the fundamental goodness of God’s creation and maintained a basic openness to the created order. As Aquinas said, ‘the plan of nature comes from God’;¹⁷³ and it is often difficult to differentiate between the obligations of the church, of Christianity, and of society. The church did not thus seek to impose a few narrow or perfect life-styles, but endeavoured to act as a leaven within earthly life as it actually existed. The obligations of Christianity were at least thought to harmonise

¹⁶⁹ Woodcock, *Ecclesiastical courts*, 80.

¹⁷⁰ Cited in *Heresy and authority in medieval Europe: documents in translation*, ed. Edward Peters (London, 1980), 167.

¹⁷¹ The church often engaged frankly and constructively with the multiplicity of these problems. The Archbishop of Tyre, for example, wrote to the Pope about the rules of marriage for spouses of the many apostates in his province, *Decretales ineditae saeculi XII*, 166.

¹⁷² These incidents have been highlighted in a number of studies, for example, Reynolds, ‘Medieval scepticism’, *passim*. Many of these examples come from ecclesiastical, often court, sources where they are treated as frustrations, misbehaviours, or forms of blindness, rather than heresies or threats. See for example, the case of John Sprat Senior of Willesborough who ‘would rather confess to a tree than a priest’, Thomas Whyte of Ringwold who declared ‘it would profit him as much to be buried in a marsh as in a churchyard’, or James Mocock of Wittersham who made ‘rude and irreverent criticism of a sermon’. Woodcock, *Ecclesiastical courts*, 70 note 3, and 80. Others came to the attention of heresy inquisitors but were found to have no heretical connections, Wakefield, ‘Some unorthodox popular ideas’, 25–35.

¹⁷³ *ordo naturae est ab ipso Deo*, Aquinas, *Summa* 2-2.154, 12.

with those of the natural order, and any obligation for lay observance was understood within this underlying context of choice.

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