

## ***Plesaunt was his absolucioun?* Friars and Light Penances in English History and Literature**

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Friars in late-medieval English literature are often figures of hypocrisy. One theme, most familiar from Chaucer, is the friar who hears confessions of the laity and assigns light penances for serious sins with the expectation that the penitent will donate generously to the friar or his order in return. This image is common enough that it has been taken to represent historical reality. This article interrogates that assumption by tracing the origins of the accusation, in the English context, in both historical and literary sources. The question of what is meant by 'light penances' is differentiated into several distinct definitions, each of which is traced diachronically. Repeatedly we find that the evidence is remarkably thin, and that even where there are reasons to suspect the friars of behaving in this way by one of the possible definitions, there is strong evidence that secular (parish) clergy were doing so as well. The article argues that the fully-developed version of the accusation only emerged in the 1350s with Richard FitzRalph, Archbishop of Armagh, an opponent of the friars and a member of a small circle of severe moral critics among the senior clergy. FitzRalph drew together multiple strands of existing anti-fraternal critiques and an agenda shaped by his Irish context, launching a propaganda campaign that influenced English bishops and writers. After FitzRalph's campaign, these accusations reflect confirmation bias rather than accuracy on the part of observers and cannot be trusted by historians.

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## Introduction

For he hadde power of confessioun  
 As seyde him self moore than a curat  
 For of his ordre he was licenciad  
 Ful sweetly herde he confessioun  
 And plesaunt was his absolucioun  
 He was an esy man to yeve penance,  
 Ther as he wiste to have a good pitaunce.<sup>1</sup>

So wrote Geoffrey Chaucer in describing his notorious pilgrim Friar Huberd. Gower's *Vox Clamantis* and Langland's *Piers Plowman* had already made very similar charges.<sup>2</sup> Two anonymous Wycliffite poems of the period claimed that even if a man murdered his family, the rapacious friars would shrive him for a sixpence or for less than the cost of a pair of shoes.<sup>3</sup>

Historians have echoed this criticism, with varying degrees of caution.<sup>4</sup> In 1908, George Gordon Coulton—an influential historian but also a Protestant polemicist—quoted *Piers Plowman* on friars giving false absolutions and stated 'the formal records of the Church itself bear out all the gravest charges in contemporary literature.'<sup>5</sup> In 1923, Joseph Kennard wrote that Chaucer's image of friars as deceitful 'represent[s]

<sup>1</sup> G Chaucer, *The Canterbury Tales*, General Prologue, lines 218–224, from the Ellesmere Chaucer: San Marino, California, Huntington Library MS. EL 26 C 9, f. 3r.

<sup>2</sup> G C Macaulay (ed.) 1902 *The Complete Works of John Gower, Vol. IV: The Latin Works*. Oxford: Clarendon Press, 185–200; *Piers Plowman* (B-text), especially Passus XX, lines 230–386; E Robertson and S Shepherd (eds.) 2006 *William Langland: Piers Plowman*. New York: W. W. Norton & Co, 354–363.

<sup>3</sup> T Wright (ed.) 1859 *Political Poems and Songs Relating to English History*, vol. I, London: Longman et al. pp. 266, 270.

<sup>4</sup> On the need for more cautious handling of antimendicant traditions, see especially G Geltner 2009 William of St. Amour's *De periculis novissimorum temporum*: A False Start to Medieval Antifraternalism? In: Cusato, M and Geltner, G (eds.) *Defenders and Critics of Franciscan Life: Essays in Honor of John V. Fleming*. Leiden: Brill. pp. 127–143, at 105–118. F R H Du Boulay 1991 *The England of Piers Plowman: William Langland and his Vision of the Fourteenth Century*. Cambridge: D. S. Brewer, concludes (135–136) that Langland was deeply unfair, having placed the friars in an impossible situation where they were set up to fail by his standards no matter what they did. E Hutton 1926 *The Franciscans in England 1224–1538*. Boston: Houghton Mifflin Co., wrote that 'we must not take his [Langland's] verdict on the friars as wholly just; it was much too passionate for that, and Langland was too narrow a mind to be wholly fair' (189), 'we must not be tempted to take Chaucer [on the friars] too seriously' (196), and 'Wyclif, then, as a witness against the friars, is far less formidable than we are wont to believe' (203). However, as Hutton was strongly pro-mendicant, dedicating his work to the 7<sup>th</sup> centenary of the death of Francis and (astonishingly) 'for the repose of the soul of Henry VIII' (iii), we should view him not as more balanced than Coulton, but as just as imbalanced in the opposite direction.

<sup>5</sup> G G Coulton 1963 *Chaucer and His England*. London: Methuen (reprint), 259–262. Coulton's influence was long-lived: while this book was first published in 1908, I quote here from the reprint my father purchased as a university textbook in 1966. It was reprinted by Taylor and Francis as recently as 2013, marketed as 'remain[ing] an excellent resource': <https://www.taylorfrancis.com/books/mono/10.4324/9781315828442/chaucer-england-coulton> [accessed 3 June 2024].

the typical friar as found in real life'.<sup>6</sup> Bishop Moorman, in his *Church Life in England in the Thirteenth Century* (1945), wrote that 'as time went on, the hearing of confessions became more and more profitable, and the right to do so was jealously claimed by the mendicants.'<sup>7</sup> According to Hinnebusch, in *The Early English Friars Preachers* (1951),

The secular clergy formed a number of other complaints concerning the administration of the Sacrament of Penance by the friars. They claimed ... that the friars granted absolution too easily, gave penances that were too light, and so made confession an avenue instead of a barrier to sin.<sup>8</sup>

Bowden's *Commentary on the General Prologue* (1948/1967) took Chaucer's portrait of Friar Hubert as representative of the majority of friars in confession and in all other respects:

Hubert ... may have been an actual man known to the poet and his friends; he is also the perfect epitome of friars as a class. ... [T]here were undoubtedly many friars who did strive to uphold the ideals of their founders, and thus compensated in part for the sinful majority. ... Friars, then, were suffered to walk the earth, and there were literally thousands of them in fourteenth-century England, thousands whose guile and covetousness prompted them to meddle everywhere and in every matter.<sup>9</sup>

In *The Friars* (1994), C. H. Lawrence wrote that 'the allegation that the friars let off penitents too lightly was a commonplace of anti-Mendicant polemics, which reflected, as much as anything else, the inability of the less educated parish clergy to adapt to the new theology of penance.'<sup>10</sup> Robert Swanson noted in his *Religion and Devotion in Europe* (1995) that 'what most people disliked was not the confession itself, but the penance and its public nature. The seculars objected that the mendicants gave penances which were too light, but rarely complained that people did not confess.'<sup>11</sup> Hagen wrote (1996) that

<sup>6</sup> J S Kennard 1923 *The Friar in Fiction, Sincerity in Art and Other Essays*. New York: Brentano's, 6, as quoted in G Geltner 2004 *Faux Semblants: Antifraternalism Reconsidered* in Jean de Meun and Chaucer. *Studies in Philology*, 101(4): 357–380, at 358.

<sup>7</sup> J R H Moorman, 1945 *Church Life in England in the Thirteenth Century*. Cambridge: Cambridge University Press, 391. Moorman had a low opinion of the quality of the parish clergy and a high view of the early friars, so he approved of the latter moving in to supply what he saw as the secular clergy's deficiencies.

<sup>8</sup> W A Hinnebusch 1951 *The Early English Friars Preachers*. Rome: S. Sabinae, 323.

<sup>9</sup> M Bowden, 1967 *A Commentary on the General Prologue to the Canterbury Tales*, 2nd ed. New York: Macmillan, at 119, 123. She also accepts antifraternal criticisms by Langland, Gower, and the Wycliffites entirely at face value.

<sup>10</sup> C H Lawrence 2013 *The Friars: The Impact of the Early Mendicant Movement on Western Society*, 2<sup>nd</sup> ed. London: I. B. Taurus & Co., 161. This passage, at least, is unchanged from the original 1994 edition.

<sup>11</sup> R N Swanson 1995 *Religion and Devotion in Europe*, c. 1215–c. 1515. Cambridge: Cambridge University Press, 196.

Chaucer closely models his portraits of Friar Huberd and Friar John on the conventions established by the antifraternality literary tradition. Thus, it can sometimes be difficult to tell what reflects historical reality and what is literary convention. ... [J]ust because something is literary convention does not necessarily imply that it has no historical basis in fact. ... Chaucer's attack on the friars is so biting effective that it has been taken to reflect the real decline of the mendicant orders in the fourteenth century.<sup>12</sup>

This historiographical tradition could easily lead one to conclude that, like the fictional Friar Huberd, many real English friars probably did give easy absolutions, especially in hope of a good pittance, and that this was a cause of friction between English parish priests and mendicant friars. If so, it would conveniently explain why some laypeople were keen to confess to friars, why friars were so adamant about having the right to hear those confessions, and why some secular clergy attempted to stop them. But if this claim proves doubtful, then it will call us to reconsider the ways in which friars, seculars, and laity interacted in England during the first century and a half of mendicant history.

I will argue here that the accusation that English friars gave lighter penances than secular clergy did, particularly in order to garner donations, is not supported by the evidence. The writers cited above have either been writing polemic themselves (as Coulton was); or have failed to distinguish adequately among administrative, polemical, satirical, and literary sources; or have read the administrative sources only in light of the other categories, rather than the other way around. Literature, satire, and polemic could reflect the friars' reputation, but it could also shape that reputation. Medieval writers may well have created cycles of confirmation bias to suit their own agendas, or at least may have naively accepted polemical narratives as factual: we would do well not to follow them blindly. Bishops' registers and pastoral manuals are more reliable indicators of administrative reality. These should be used to put the polemic itself to the test of accuracy, and not the reverse.

Further, while the claim 'Friars gave light penances to attract donations' seems simple, it is in fact ambiguous, concealing the complexity of the medieval sacrament of penance. We must distinguish these questions:

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<sup>12</sup> K T Hagen 1996 A Frere Ther Was, A Wantowne and a Meryee. In: Lambdin, L C and Lambdin, R T (eds.) *Chaucer's Pilgrims: An Historical Guide to the Pilgrims in The Canterbury Tales*. London: Greenwood Press. pp. 85–91. The mention of Friar John here reminds us that Hubert is not the only hypocritical friar in the *Canterbury Tales*, but perhaps because Huberd is the Host's (and therefore considered Chaucer's) own description, while John shows up in the Summoner's Tale (which is clearly the Summoner's angry riposte to the insult he received in the Friar's Tale), Huberd is more likely to be taken at face value. On Friar John and Chaucer's sources, see Geltner, 2004.

1. Did the theology of penance espoused by the friars justify lighter sentences in general than the theology followed by parish clergy?
2. Were the friars too gentle in assigning penances to the wealthy and powerful as a means or courting the donor class?
3. Were friars too lax in requiring penitents, as a condition of their absolution, to pay monetary restitution to people they had harmed or cheated?
4. Were friars claiming the right to absolve penitents of all sins, including those serious sins normally reserved to the bishop's jurisdiction?

In what follows, I will consider each of these questions in turn, with particular attention to whether there is evidence of substantive differences in the administration of penance by friars and parish clergy. The answer in each case is negative. If this is so, then, one may ask, how can we account for the widespread presence of this image of the lax but rapacious friar in later 14th-century England? By following the administrative sources forward in time, and the polemical, satirical, and literary sources backwards, I will argue for a particular moment when the image began to become influential among the English higher clergy.

### **A theology of lighter penances in general**

The first question offers us the simplest interpretation, the one implied in Lawrence's quote above: that friars were more willing than seculars to reduce a penitent's penance. Theologians had long distinguished guilt, *culpa*, from punishment, *poena*. Forgiveness of *culpa*, which came with priestly absolution, meant that the sin would no longer result in damnation. But the forgiven sinner was still expected to serve his *poena*, his sentence of penitential satisfaction, either as penance in this life or as punishment in Purgatory. For many sins, canon law prescribed specific and often severe penances. From at least the Carolingian era, theologians and canonists debated how much these canonical penances should be mitigated by circumstances, particularly the sinner's contrition.<sup>13</sup> These discussions intensified in the 12<sup>th</sup> and 13<sup>th</sup> centuries.<sup>14</sup> If we could line up the statements of the seculars on one side and of the friars on the other, and if we found that the seculars routinely insisted on keeping to harsher penances while the friars consistently emphasized that contrition should mitigate them, we would have our smoking gun.

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<sup>13</sup> R Meens 2014 *Penance in Medieval Europe 600–1200*. Cambridge: Cambridge University Press, 199–204; K Wagner 2008 *Cum aliquis venerit ad sacerdotem: Penitential Experience in the Central Middle Ages*. In: Firey, A (ed.) *A New History of Penance*. Leiden: Brill. pp. 201–218; P Payer 1984 *The Humanism of the Penitentials and the Continuity of the Penitential Tradition*. *Mediaeval Studies*, 46: 340–354.

<sup>14</sup> J Goering 2008 *The Scholastic Turn (1100–1500): Penitential Theology and Law in the Schools*. In: Firey, A (ed.) *A New History of Penance*. Leiden: Brill. pp. 219–317.

We do not have to look far to find 13<sup>th</sup>-century friars arguing that contrition, sorrow, and shame by themselves constitute the greatest part of penance, so that the priest is to weigh contrition against the sin and reduce the penance accordingly. The *Summa* of Alexander of Hales, Regent Master in Theology to the Paris Franciscans in the 1230s and 40s, argued that

Confession is useful ... for the knowledge of sin, since the priest will make him know the quantity of his sin.... It is also useful for the purgation of sin, since blushing is the greatest part of penance.... It is useful for the assessment of penance, for the penitent's penance is to be assessed according to the quantity of sin and the judgement of the priest. It is also useful for the infusion of grace, because sometimes someone who has not become contrite will become contrite during the confession; and if he already has the grace of contrition, confession is useful for increasing that grace. Further, it is useful for the relaxation of penance in part, by virtue of the Keys.<sup>15</sup>

Further,

Relaxations [of penance] are effective... For God remits sin by the deletion of guilt, and he commutes eternal punishment into temporal punishment. Truly, the priest relaxes from temporal [punishment]; and this is understood from John 20: 'Whose sins you remit [etc.]'.<sup>16</sup>

Charity, expressed in true contrition, merits not only the remission of guilt, but also the remission of temporal punishment.<sup>17</sup> Bonaventure and Alexander both argued that relaxations of penance not only reduced the penance paid in this life, but also, through the power of the keys, relaxed what the penitent owed to God in the hereafter.<sup>18</sup> The mid-century Oxford Dominican Richard Fishacre concurred: 'blushing in confession, since it is painful, makes satisfaction'.<sup>19</sup> The anonymous English Dominican author

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<sup>15</sup> This part of the *Summa* was compiled by Alexander's students after his death. Collegium S. Bonaventurae (eds.) 1957 *Magistri Alexandri de Hales Glossa in Quatuor Libros Sententiarum Petri Lombardi, Vol. IV: In Librum Quartum*. Quaracchi: Ex Typographia Collegii Bonaventurae, Dist. XVIII, c. 9 (282) (translation my own). See also T J Jarosz 1969 Sacramental Penance in Alexander of Hales' Glossa. *Franciscan Studies*, 29: 302-346; D H Jeffrey 1975 *The Early English Lyric and Franciscan Spirituality*. Lincoln, Nebraska: University of Nebraska Press, 53-66.

<sup>16</sup> Collegium S. Bonaventurae, 1957, Dist. XX, c. 14 §P (359) (translation my own).

<sup>17</sup> Jarosz, 1969, 319; Jeffrey, 1975, 56.

<sup>18</sup> Collegium S. Bonaventurae, 1957, Dist. XX, c. 11 (356); R P Bernardini (ed.) 1889 *Doctoris Seraphici S. Bonaventurae Opera Omnia, Vol. 4: Commentaria in quatuor libros Sententiarum Petri Lombardi*. Quaracchi: Collegii S. Bonaventurae, Lib. IV Dist. XX, P. II Art. i q. ii (533).

<sup>19</sup> R J Long 1990 The Moral and Spiritual Theology of Richard Fishacre. *Archivum Fratrum Praedicatorum*, 60: 5-141, at 139-140.

of *Speculum iuniorum*, who relied heavily on Fishacre, paraphrased this tag at least twice.<sup>20</sup>

The anonymous English Franciscan who wrote the preacher's manual *Fasciculus Morum* (c. 1300) went so far as to argue,

If ... your confession is bitter, it has such power that, even if you had sinned more than any person alive and the devil were to write down all your sins against you in his book of condemnation, they would all be deleted and your name would be written with the just.<sup>21</sup>

He also quoted an *exemplum* from the *Vitae patrum* in which a penitent monk asked his abbot for three years' penance; the abbot insisted on only three days in light of his thorough contrition.<sup>22</sup>

One can also find secular clergy arguing for strict adherence to canonical penance, or at least as strict as the penitent can possibly stand. For example, the *Summa de penitentia* of Master Serlo, presumably an English secular priest, was written some time after 1234.<sup>23</sup> Serlo wrote that the priest should assign penance

According to the conditions of persons – rich or poor, young or old, et cetera – according to what an examination by the discreet priest will dictate, since penances should be judged (*arbitrarie*), according to Jerome: that is, they should be assessed according to a rigorous weighing of the [penitential] canons. And if the rigor of the canons is to be tempered in any way, this can be attributed to several causes: that [the penitent's] nature is more infirm, [his] fervor of love is more full, grace is less, or more frequent instances [of sin].<sup>24</sup>

Serlo thus provided two possible mitigating factors (weakness and devotion) but also two factors (less grace, repetition of sin) that could intensify the penance.<sup>25</sup> Nor was

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<sup>20</sup> 'erubescencia in confessione est maior pars satisfactionis' and 'tamen pudor in confessione, sit magna pars satisfaccionis': Oxford, Bodleian Library, MS. Bodley 655, ff. 94r, 98r.

<sup>21</sup> S Wenzel 1989 *Fasciculus Morum: A Fourteenth-Century Preacher's Handbook*. University Park, Pennsylvania: Penn State University Press, 478–481.

<sup>22</sup> *Ibid.*, 643. Another *exemplum* with a similar moral appears on 494–495.

<sup>23</sup> J Goering (ed.) 1976 *The Summa de penitentia* of Master Serlo. *Mediaeval Studies*, 38: 1–53; J Goering, 1978 *The Summa of Master Serlo and Thirteenth-Century Penitential Literature*. *Mediaeval Studies*, 40: 290–311.

<sup>24</sup> Goering, 1976, 12 (translation my own).

<sup>25</sup> Canonical penitentials had long recommended harsher penances when a sin had been repeated: e.g., J T McNeill and H M Gamer (eds. and trans.) 1938 *Medieval Handbooks of Penance: A Translation of the Principal Libri Poenitentiales*. New York: Columbia University Press, 113.



Serlo the only secular who argued that priests should start with canonical penances. Robert Grosseteste (d. 1253) recommended that every priest should have a manual of canonical penances, though the discreet priest was allowed to moderate their rigor according to his *arbitrium*.<sup>26</sup>

If we were to stop here, the thesis would appear to have been proved. Yet counterexamples of strict friars abound, including in authoritative sources such as the *Summa de casibus poenitentiae* of the Dominican canonist Raymund of Peñaforte. Raymund argued that purely arbitrary penances—those made up on the spot by the priest, rather than by referring to the penitential canons—were taking the lazy way out: referring to the penitential canons and restricting one's *arbitrium* to modifying them was more challenging for the priest but safer for the penitent.<sup>27</sup> The *Summa* of Alexander of Hales drew similar boundaries. Relaxations had requirements: the priest must have the authority and discretion to grant them and must consider the infirmity and charity of the penitent before giving permission. Otherwise, the relaxation was unjust, since each sin should have its proper penalty.<sup>28</sup>

Seculars who argued for more flexibility are also abundant. In a short manual for his diocesan clergy, Alexander Stavensby, bishop of Coventry and Lichfield, simply wrote, 'Since penances are given according to judgment (*arbitrarie sunt*), we shall not define for you any certain penances that you ought to enjoy.'<sup>29</sup> A longer tract on confession issued by bishops Cantilupe of Worcester and Quinel of Exeter for the use of their parish priests explained at some length what things a priest should consider in assigning penances; canonical penances were not even mentioned.<sup>30</sup> Unlike Grosseteste, these bishops did not recommend that parish priests should have canonical penitential manuals. Grosseteste was apparently engaging in wishful thinking: book-lists from parish visitation records show that canonical penitentials were vanishingly rare in any case, so parish clergy were hardly in a position to use them.<sup>31</sup> Goering described Master

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<sup>26</sup> S Wenzel (ed.) 1970 Robert Grosseteste's Treatise on Confession, "Deus est". *Franciscan Studies*, 30: 218–293, at 292–293; J Goering (ed.) 1984 *Robert Grosseteste: Templum Dei*. Toronto: Pontifical Institute of Mediaeval Studies, 50, 64.

<sup>27</sup> X Ochoa and A Diez (eds.) 1976 *Raimundus de Pennaforte Summa de Paenitentia*. Rome: Instituto Iuridico Claretiano, cols. 842–843.

<sup>28</sup> Collegium S. Bonaventurae, 1957, Dist. XX, c. 14 §C (357), §P (359).

<sup>29</sup> F M Powicke and C R Cheney, 1964 *Councils and Synods: With other Documents relating to the English Church, II: AD 1205–1313*. Oxford: Oxford University Press, 224 (translation my own); P Payer 2009 *Sex and the New Medieval Literature of Confession, 1150–1300*. Toronto: Pontifical Institute of Mediaeval Studies, 36–44.

<sup>30</sup> Powicke and Cheney, 1964, II, 1074–1075.

<sup>31</sup> The Dean of Salisbury, inspecting thirteen prebendal churches in 1220–1222 and inventorying their goods, did not identify a single such text: W H Rich Jones (ed.) 1883 *Vetus registrum Sarisberiense alias dictum registrum S. Osmundi Episcopi: The Register of S. Osmund, vol. I*. London: Longman et al., 275–314. Representatives of the Dean and Chapter of St. Paul's London likewise noted none while visiting 15 prebendal churches in 1249–1252: W Sparrow-Simpson



Serlo's *Summa* as anachronistic and out of step with developments in penitential theology, even in contrast to the views of other seculars.<sup>32</sup>

In the 1320s, William of Pagula, an English secular priest, canon lawyer, and diocesan penitentiary, wrote a series of substantial pastoral texts for parish clergy. The most influential was his *Oculus sacerdotis*, a thorough manual on the care of souls. Pagula followed the scholastic tradition of psychological penance, relying heavily on Thomas of Chobham and the Dominican John of Freiburg. Pagula paid little attention to the Bolognese juridical school of penitential thought. The same can be said of a series of other 14th-century pastoral manuals that used the *Oculus sacerdotis* as their source or inspiration.<sup>33</sup> In his *Oculus*, Pagula recommended that the confessor should assign canonical penance for mortal sins, but he acknowledged that many penitents would be unable to bear it. The priest should therefore mitigate the penance to what the penitent could undertake, considering all of the circumstances, and trust the mercy of God that the remainder could be served in Purgatory. Pagula also envisioned the extreme case in which a sinner confessed to a sin but was unwilling to undertake any penance whatsoever, in which case he was not truly penitent and could not be absolved. He advised the priest on how to talk him into taking on at least a modicum of penance to show himself willing. Unlike Serlo, Pagula assuaged the priest's conscience by reminding him of the example of Jesus, who never imposed a heavy penance, as when he only said to the woman caught in adultery, 'Go and sin no more' (John 8:11). Finally, he quoted Chrysostom via Gratian's *Decretum*: 'Where the head of the household is

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(ed.) 1895 Visitations of Churches in the Patronage of St. Paul's Cathedral, 1249–1252. In: *The Camden Miscellany IX*. London: Camden Society, iii–xix, 1–38. A later visitation of 22 churches found a single 'dictionarium penitentiarum': W Sparrow-Simpson, (ed.) 1895 *Visitations of Churches Belonging to St Paul's Cathedral in 1297 and in 1458*. London: Camden Society, 18. The Archdeacons of Ely, who recorded the books of 160 parishes in the diocese throughout the 14th century, found one 'Penitentiare'; one whole and one partial copy of William of Pagula's *Oculus sacerdotis*; and two copies of Raymund of Peñaforte's *Summa*. One of the parishes with Raymund's *Summa* also had an unidentified 'Tractatus super confessionis'. C L Feltoe and E H Minns (ed.) 1917 *Vetus Liber Archidiaconi Eliensis*. Cambridge: Cambridge Antiquarian Society, 39, 43, 73, 83, 85.

<sup>32</sup> Goering, 1978.

<sup>33</sup> L E Boyle, 1955 The *Oculus sacerdotis* and Some Other Works of William of Pagula. *Transactions of the Royal Historical Society*, 5th ser. 5: 82–110, at 86; M J Haren 1991 Social Ideas in the Pastoral Literature of Fourteenth-Century England. In: Harper-Bill, C (ed.) *Religious Belief and Ecclesiastical Careers in Fourteenth-Century England*. Woodbridge: Boydell Press. pp. 43–57, at 47–48; F Broomfield (ed.) 1968 *Thomae de Chobham Summa Confessorum*. Louvain: Éditions Nauwelaerts, 324–325. Chobham indicated that a priest should have a handbook of penitential canons and said that it was his purpose to provide that in his *Summa*, yet his emphasis in that book is much more on the priest's discretion: *ibid.*, pp. XXI–XXII, 88, 324–325. John de Burgh's *Pupilla oculi* (c. 1384), which summarized Pagula's *Oculus sacerdotis* but also directly consulted Pagula's mendicant sources, also argued in favor of the priest's power to lighten penances. Like both Chobham and Pagula, de Burgh was a secular priest-scholar who served as a diocesan penitentiary. H A Kelly 2008 Penitential Theology and Law at the Turn of the Fifteenth Century. In: Firey, A (ed.) *A New History of Penance*. Leiden: Brill. pp. 239–318.

generous, the steward should not be stingy. If God is merciful, why should the priest want to appear harsh?<sup>34</sup> A century later, the secular author of the *Speculum Sacerdotale* warned his readers that if ‘the correccion be to scharppe and cruel, haply the synner wol be a-dredde to come eny more in his hondis’.<sup>35</sup>

While some friars considered shame or blushing to be a key part of penance, implying that penance can be lightened for the truly contrite, they did not invent this notion. Similar tags about contrition, shame, sorrow, or blushing being a major part—even *maxima pars*—of penance show up in the 12<sup>th</sup>-century Pseudo-Augustine;<sup>36</sup> Gratian’s *Decretum*;<sup>37</sup> Peter Lombard’s *Sentences*;<sup>38</sup> Gerald of Wales;<sup>39</sup> William de Montibus;<sup>40</sup> Thomas of Chobham;<sup>41</sup> Matthew Paris;<sup>42</sup> bishop Quinel of Exeter;<sup>43</sup> the rectors of London parishes;<sup>44</sup> and even

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<sup>34</sup> William of Pagula, *Oculus sacerdotis*, part II (*Pars oculi*), from University of Pennsylvania, Rare Book and Manuscript Library, MS. Codex 721, ff. 38v–39r: <http://openn.library.upenn.edu/Data/0002/html/mscodex721.html> [accessed 30 May 2024] (translation my own). On canonical penances, see also *ibid.*, ff. 44r *et seqq.* For some earlier examples of the confessor and penitent negotiating a penance, see J Arnold 2005 *Belief and Unbelief in Medieval Europe*. London: Bloomsbury Academic Press, 171, 176.

<sup>35</sup> E H Weatherly (ed.) 1936 *Speculum Sacerdotale*, Edited from British Museum MS. Additional 36791. London: Early English Text Society, 87.

<sup>36</sup> The Pseudo-Augustinian *De vera et falsa penitentia* is quoted on this point in both Gratian and Lombard in the passages cited in the next few notes. See also, in general, Payer, 2009, 12–44; S Hamilton 2004 Penance in the Age of Gregorian Reform. In: Cooper, K and Gregory, J (eds.) *Retribution, Repentance, and Reconciliation. Papers read at the 2002 Summer Meeting and the 2003 Winter Meeting of the Ecclesiastical History Society*. Woodbridge: Boydell Press, 47–73; L K Little 1978 *Religious Poverty and the Profit Economy in Medieval Europe*. Ithaca, New York: Cornell University Press, 188–190; S M Carroll-Clark 1999 *The Practical Summa Ad Instructionem Iuniorum of Simom of Hinton*, OP. Unpubl. Ph.D. dissertation, University of Toronto, 140.

<sup>37</sup> A Larson, 2014 *Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century*. Washington, DC: Catholic University of America Press, 35–99, esp. 45–47; A Larson 2016 *Gratian’s Tractatus de Penitentia*. Washington, DC: Catholic University of America Press, 80–85.

<sup>38</sup> G Silano (trans.) 2010 *Peter Lombard, The Sentences Book 4: On the Doctrine of Signs*. Toronto: Pontifical Institute of Mediaeval Studies, 94–105.

<sup>39</sup> J S Brewer (ed.) 1862 *Giraldi Cambrensis Opera vol. II: Gemma Ecclesiastica*. London: Longman et al., 51; cf. gloss on Matthew 3:6 in Baltimore, Maryland, Walters Museum MS. W. 15 f. 12r.

<sup>40</sup> J Goering, 1992 *William de Montibus (c. 1140–1213): The Schools and the Literature of Pastoral Care*. Toronto: Pontifical Institute of Mediaeval Studies, 173. The rubric may be the copyist’s rather than William’s, but the manuscript is not later than mid-13<sup>th</sup> century, and the secular clergy were William’s intended readership.

<sup>41</sup> Broomfield, 1968, 8–9, 264.

<sup>42</sup> H R Luard (ed.) 1872 *Matthæi Parisiensis, Monachi Sancti Albani, Chronica Majora*, vol. III. London: Longman et al., 401, and H R Luard (ed.) 1877 *Matthæi Parisiensis, Monachi Sancti Albani, Chronica Majora*, vol. IV. London: Longman et al., 515.

<sup>43</sup> Powicke and Cheney, 1964, II, 992.

<sup>44</sup> *Ibid.* I, 1257. Here, in 1309, the secular clergy urged that laypeople ought to confess to their own parish priests rather than to friars because they would be more ashamed to confess to priests whom they knew personally, and that shame contributed to their penance. This echoed the language of the 1304 bull *Inter Cunctas*, which said that laypeople had to confess to their parish priest at least once per year, and while they did not have to repeat their catalogue of sins confessed to a religious when they did so, it was a good idea because shame in doing so was the greatest part of penance. *Corpus Iuris Canonici: Extravagantes Communes 1507*. Paris: Thielman Kerver, Liber V, fol. I recto–lii recto, at fol. li verso. Consulted at <https://play.google.com/books/reader?id=1rxRAAAcAAJ&pg=GBS.PP102&hl=en> [accessed 30 May 2024].

Richard FitzRalph<sup>45</sup> and the Wycliffite who wrote the tract *De Pontificum Romanorum Schismate*.<sup>46</sup> None of these are friars, and most of them are seculars. In short, there does not appear to have been a theological distinction between the views of secular clergy and those of the friars to justify the claim that friars assigned lighter penances than secular clergy would have given.

### Easy penances for a good pittance

The cloud over the friars includes the accusation that they extorted money from their penitents in lieu of heavier penances.<sup>47</sup> If true, this principally would have concerned the confessions of the wealthy and powerful, who often sought out friars as confessors and who had the money to give.<sup>48</sup> While these formed a small minority of the population, their wealth and power presented particular pastoral problems. First, power and wealth may leave one insensitive to the sufferings of the weak and poor and thus prone to certain sins. Second, the sins of the powerful have the potential to do far more damage than the sins of the powerless, so there is a social need for the powerful to be warned and rebuked. And third, insofar as they relied on the wealthy for their material support, the friars may have been reluctant to bite the hand that feeds them. This is an important charge sometimes laid against mendicant confessors. We find it obliquely in William of St-Amour;<sup>49</sup> we find it at greatest length in *Piers Plowman*;<sup>50</sup> we find it most famously in Chaucer's Prologue.

Friars and their allies were aware of this temptation. Dominican legislation explicitly forbade confessors from encouraging penitents to give to them or their order, lest they gain a reputation for cupidity.<sup>51</sup> Thomas 'of Eccleston', the Franciscan chronicler of

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<sup>45</sup> O Gratius and E Brown (eds.) 1690 Richard FitzRalph, 1357 Defensorium Curatorum, contra mendicantes. In: *Fasciculus Rerum Expetendarum*, vol. II. London: Richard Chiswell. pp. 466–486, at 471.

<sup>46</sup> T Arnold (ed.) 1871 *Select English Works of John Wycliffe*, vol. III. Oxford: Clarendon Press, 242–266, at 255.

<sup>47</sup> W A Pantin 1955 *The English Church in the Fourteenth Century*. Cambridge: Cambridge University Press, 159–160.

<sup>48</sup> This is the explicit complaint made at the Convocation of Canterbury in November 1355: the text is printed in Pantin, 1955, 267–268. Matthew Paris had complained of this a century before, though his position as an unfriendly observer must be kept in mind: Luard, 1877, 279–280. On friars as confessors to kings and nobility, see R Finn, 2023 *The Dominicans in the British Isles and Beyond: A New History of the English Province of the Friars Preachers*. Cambridge: Cambridge University Press, 40–47; M J P Robson 2023 *Thomas of Eccleston's De Adventu Fratrum Minorum in Angliam, 1224–C. 1257/8: Commentary and Analysis*. Woodbridge: Boydell Press, 234–235.

<sup>49</sup> Geltner, G (ed. and trans.) 2008 *William of St-Amour: De Periculis Novissimorum Temporum*. Leuven: Peeters, 120–125 and more clearly 132–133, discusses false prophets (by implication the friars, though this is never explicit) who flatter their noble benefactors (which could mean minimizing their sins, though this too is not explicit), and thus deceive men into giving them their temporal goods.

<sup>50</sup> *Piers Plowman* (B-text), especially Passus XX, lines 230–386: Robertson and Shepherd, 2006, 354–363; S Wood 2012 *Conscience and the Composition of Piers Plowman*. Oxford: Oxford University Press, 86–106, esp. 91.

<sup>51</sup> B M Reichert (ed.) 1898 *Acta capitulorum generalium Ordinis Praedicatorum, Vol. I: Ab anno 1220 usque ad annum 1303*. Rome: S.C. de Propaganda Fide, 109. This admonition appears once, in the Chapter of 1261, and was not taken up as a more formal constitution of the Order. This may suggest that the General Chapter did not consider this to be a common problem.

his order in England, told of Brother Solomon, one of the earliest recruits, who was warned by God in a vision that he was too forbearing towards the rich when assigning penances.<sup>52</sup> A dying Robert Grosseteste—at least according to the testimony of Matthew Paris, an unfriendly observer—reminded the friars that their orders were founded in voluntary poverty precisely to free them to rebuke the sins of the powerful, and warned that they were not doing so as sharply as they ought.<sup>53</sup>

Yet here too we find counterexamples. The Franciscan preacher's manual *Fasciculus Morum* openly asked, 'For who are greater sinners than the powerful?'<sup>54</sup> They 'are thieves, for however much they rob the poor, they always have an answer ready that is false but appears true.'<sup>55</sup> In the early 14th century, the English Franciscan Nicholas Bozoun compiled his *exempla* collection, *Les Contes Moralisés*.<sup>56</sup> The collection is in Anglo-Norman French, which would have made it convenient for friars in frequent contact with upper-class households. One of the surviving manuscripts includes other French-language texts on subjects such as falconry and hunting, implying that its owner and copyist, Friar William Herebert, expected to be hobnobbing with the aristocracy.<sup>57</sup> Yet many of the *Contes Moralisés* are pointed denunciations of the moral failings of the wealthy and powerful. Any noble family that had Friar Nicholas (the compiler) or Friar William (the copyist) over to dinner may have gotten more than they bargained for.<sup>58</sup>

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<sup>52</sup> A G Little (ed.) 1909 *Tractatus Fr. Thomae Vulgo Dicti de Eccleston de Adventu Fratrum Minorum in Angliam*. Paris: Fischbacher, 18. Eccleston's agenda was didactic as much as it was historical; this passage is better read as a warning to his fellow friars than as a record of an event. Peter Murray Jones has described this episode as an 'edifying message designed for the listeners at collation': P Murray Jones 2021 Early Franciscans in England: Sickness, Healing and Salvation. *Early Science and Medicine*, 26: 439–458, at 447.

<sup>53</sup> F Madden (ed.) 1869 *Matthaei Parisiensis, Monachi Sancti Albani, Historia Anglorum*, vol. III. London: Longman et al., 145; Luard, 1880, 400–401.

<sup>54</sup> Wenzel, 1989, 196.

<sup>55</sup> *Ibid.*, 343.

<sup>56</sup> L Toulmin Smith and P Meyer (eds.) 1889 *Les Contes Moralisés de Nicole Bozon, Frère Mineur*. Paris: Librairie de Firmin Dido et C<sup>ie</sup>. The collection is probably earlier than its editors believed: W H Campbell 2012 Franciscan Preaching in Thirteenth-Century England: Sources, Problems, Possibilities. Unpubl. Licentiate thesis, Pontifical Institute of Medieval Studies, 32–34.

<sup>57</sup> London, British Library, Add. MS. 46, 919. See its extensive description in British Library 1979 *Catalogue of Additions to the Manuscripts, 1946–1950: Descriptions*. London: British Library, 197–206; B Schofield 1951 The Manuscript of a Fourteenth Century Oxford Franciscan. *British Museum Quarterly*, 16.2: 36–37; and A B Emden (ed.) 1957 *Biographical Register of the University of Oxford to A.D. 1500*. Oxford: Oxford University Press, 911–912. The other surviving copy of the text is London, Gray's Inn MS. 15.

<sup>58</sup> For more sources from outside England – some of which also circulated within England – see J Hanska 1997 'And the Rich Man Also Died; and He Was Buried in Hell': *The Social Ethos in Mendicant Sermons*. Helsinki: Finnish Literature Society.

If friars had a motive to use the confessional to cultivate donors, seculars did as well.<sup>59</sup> English bishops repeatedly accused their own parish clergy of using the confessional to extort money.<sup>60</sup> So did the Franciscan author of *Fasciculus Morum*.<sup>61</sup> Secular ecclesiastical courts that dealt with public penances routinely ‘commuted’ corporal penances, such as flogging, into cash payments.<sup>62</sup> Here, too, we can find no clear evidence of a distinction between mendicants and seculars.

Giving a human face to the question may help us analyze the incentives at play. In July 1347, Sir Hugh de Hastings made his will. He left £4 to the Franciscans of London to say mass for his soul; £5 plus 20 quarters of wheat and 10 quarters of barley to the Franciscans at Doncaster for them to say mass for his soul; and £1 to Friar Thomas Canyngs, presumably a Franciscan of one of those houses. He also left 10 marks to each of his two secular chaplains for them to say mass for his soul in the parish church of Elsing, Norfolk, where he requested burial. After other legacies, the residue of his estate went to his widow, Margery.<sup>63</sup>

In her widowhood, Lady Margery continued the family association with the Franciscans of Doncaster. In 1348, the Archbishop of York licensed her to have Friar Hugh de Warmesby, a Doncaster Franciscan, as confessor to herself and her household; the license was renewed in 1350.<sup>64</sup> Her husband’s bequest to Friar Thomas Canyngs suggests a special relationship – he may have been their household confessor before; Friar Hugh de Warmesby, her new confessor, may have reasonably expected that he or his house would receive some further legacy. And even if not, her husband had just left the Doncaster Franciscans, Friar Hugh’s own house, 240 bushels of grain, enough to keep them in bread and beer for months, not to mention the £5 in cash.<sup>65</sup> So when it came time for Friar Hugh to assign penances to the de Hastynge household, how harsh was he likely to be? There was at least a conflict of interest. If a friar-confessor was never tempted to go a little easy on a noble household, he would have to be a saint indeed.

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<sup>59</sup> T N Tentler 1974 *The Summa for Confessors as an Instrument of Social Control*. In: Trinkhaus, C and Oberman, H A (eds.), *The Pursuit of Holiness in Late Medieval and Renaissance Religion*. Leiden: Brill. pp. 103–122, at 113; Broomfield, 1968, 325, 329.

<sup>60</sup> Powicke, Cheney, 1964, 1414, s.v. ‘Confession, money demanded at’, and *ibid.*, 768–769.

<sup>61</sup> Wenzel, 1989, 317.

<sup>62</sup> L R Poos (ed.) 2001 *Lower Ecclesiastical Jurisdiction in Late-Medieval England: The Courts of the Dean and Chapter of Lincoln, 1336–1349, and the Deanery of Wisbech, 1458–1484*. Oxford: Oxford University Press, xlvii–xlviii.

<sup>63</sup> York, Borthwick Institute, York Archiepiscopal Registers, Register 10, ff. 318v–319r, <https://archbishopsregisters.york.ac.uk/entry/7m01bz83w> [accessed 29 May 2024].

<sup>64</sup> York, Borthwick Institute, York Archiepiscopal Registers, Register 10, f. 278v, <https://archbishopsregisters.york.ac.uk/entry/d791sw42t>, and f. 279v, <https://archbishopsregisters.york.ac.uk/entry/6m3123413> [accessed 29 May 2024].

<sup>65</sup> On the conversion of quarters to bushels (8 bushels = 1 quarter), see A Luders et al. (eds.) 1810 *The Statutes of the Realm: Printed by Command of His Majesty King George the Third*, vol. I. London: HMSO, 204.

Let us remember, though, that the goal here is not to exonerate the friars of an alleged pattern of behavior: it is to ask whether they behaved differently from secular clergy. It is true that the friars depended upon gifts from the wealthy, and true that the nobility sought them out as confessors. But friars were not the only option. Around the same time Friar Hugh was hearing Lady Margery's confessions, the Archbishop of York permitted another knightly family to have as their confessor Brother John de Anston, a Premonstratensian Canon from Croxton Abbey,<sup>66</sup> while a third knightly family was allowed to choose a suitable chaplain to serve as their confessor for two years.<sup>67</sup> Croxton Abbey was at this time £2,000 in debt and so had a massive incentive to cultivate noble benefactors.<sup>68</sup> And any secular chaplain who heard the confessions of a noble family could hope that his patrons would eventually present him to one of their benefices or at least, like Sir Hugh, nominate them as chantry priests.<sup>69</sup> In her widowhood, Lady Margery de Hastings presented a chaplain, Thomas de Solihull, to the rectory of Kirk Smeaton.<sup>70</sup> Perhaps this was the same chaplain Thomas whom her husband had mentioned in his will, who if not a relative may have been their household chaplain or confessor before they developed their affinity with the Doncaster Franciscans.<sup>71</sup>

This was a structural problem of the medieval church. Almost any confessor to a noble household, whether a friar, a secular, or even a monastic, was reliant upon patrons whose excesses he was also expected to rebuke. If the nobility preferred friars as confessors, they were simply putting more friars into that situation. It does not follow that a friar, once in that position, was more likely than a secular priest to be unduly lenient to his patrons.

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<sup>66</sup> De Anston was also at this time serving as vicar of the parish of Melling, Lancashire. York, Borthwick Institute, York Archiepiscopal Registers, Register 10, f. 71r, <https://archbishopsregisters.york.ac.uk/entry/rn301494n> [accessed 29 May 2024]; the license was renewed the following year: *ibid.* f. 73r, <https://archbishopsregisters.york.ac.uk/entry/bk128f637> [accessed 29 May 2024]. On Premonstratensians of Croxton as vicars of Melling, see W Farrer and J. Brownbill (eds.) 1914 *A History of Lancashire*, vol. 8. London: Archibald Constable, 186–191, via *British History Online*, <http://www.british-history.ac.uk/vch/lancs/vol8/pp186-191> [accessed 29 May 2024].

<sup>67</sup> York, Borthwick Institute, York Archiepiscopal Registers, Register 10, f. 73r, <https://archbishopsregisters.york.ac.uk/entry/ks65hg99m> [accessed 29 May 2024].

<sup>68</sup> 'House of Premonstratensian canons: The abbey of Croxton Kerrial,' in W G Hoskins and R A McKinley (eds.) 1954 *A History of the County of Leicestershire*, vol. 2. London: Archibald Constable, 28–31, via *British History Online*, <http://www.british-history.ac.uk/vch/leics/vol2/pp28-31> [accessed 29 May 2024].

<sup>69</sup> Langland opposed bequests both to friars and to secular chantry priests on the grounds that a pious bequest would be better spent on paupers: A M Scott 2004 *Piers Plowman and the Poor*. Dublin: Four Courts Press, 120–135.

<sup>70</sup> York, Borthwick Institute, York Archiepiscopal Registers, Register 10, f. 28v, <https://archbishopsregisters.york.ac.uk/entry/q237j5059> [accessed 29 May 2024]. On the nobility's use of advowsons to make provision for their 'clerical affinity', see E Gemmill 2013 *The Nobility and Ecclesiastical Patronage in Thirteenth-Century England*. Woodbridge: Boydell Press, 90–97.

<sup>71</sup> York, Borthwick Institute, York Archiepiscopal Registers, Register 10, f. 278v, <https://archbishopsregisters.york.ac.uk/entry/d791sw42t>, and f. 279v, <https://archbishopsregisters.york.ac.uk/entry/6m3123413> [accessed 29 May 2024].



## Laxity about restitution

The *Memoriale Presbiterorum* was a penitential manual written by an English secular cleric and canon lawyer named William Doune between 1337 and 1344.<sup>72</sup> Doune was a reactionary and a rigorist: Haren describes him as ‘puritanical’ and ‘a fierce critic’,<sup>73</sup> and his work as

marked by a strong legalism in its approach to confessional technique and ... a punctilious, remorseless concern for abstract justice, as is particularly evident in its burning preoccupation with restitution. Part of its criticism of the friars as confessors is their alleged readiness to sacrifice the requirements of justice to the penitent’s peace of mind. At issue is the divergence between a legalistic and a psychological approach to confessional practice.<sup>74</sup>

Though his work apparently did not circulate, Doune himself was personally influential: he was an official of John Grandisson, Bishop of Exeter, who was in turn the mentor of Richard FitzRalph, who would become Archbishop of Armagh.<sup>75</sup> He also served as the bishop’s official in Lincoln and Worcester dioceses and archdeacon of Leicester in Lincoln diocese, making him ‘arguably the most important figure at sub-episcopal level in the contemporary English church’.<sup>76</sup>

Doune claimed that the friars did not go far enough in ordering that penitents should give restitution to the people against whom they had sinned, which is another kind of light penance.<sup>77</sup> Many bishops and writers of pastoral manuals instructed parish clergy to insist on such restitution.<sup>78</sup> Around 1219, Bishop Poore of Salisbury, in his diocesan statutes, insisted that ‘sin is not remitted unless that which has been stolen is restored’.<sup>79</sup> A century later, William of Pagula’s *Oculus Sacerdotis* and *Summa*

<sup>72</sup> For authorship and date, see M J Haren 1991 Social Ideas in the Pastoral Literature of Fourteenth-Century England. In: Harper-Bill, C (ed.) *Religious Belief and Ecclesiastical Careers in Fourteenth-Century England*. Woodbridge: Boydell Press. pp. 6–38. See also Pantin, 1955, 205–211.

<sup>73</sup> Haren, 2000, 1.

<sup>74</sup> *Ibid.*, 5.

<sup>75</sup> Grandisson and FitzRalph knew one another by 1328, when Grandisson became bishop; by 1331 FitzRalph was one of his clerks and cathedral canons. When FitzRalph was consecrated Archbishop of Armagh in 1347, Grandisson commissioned him to travel through Exeter diocese, consecrating churches and confirming children, apparently as a sort of apprenticeship, before he left for Ireland. K Walsh 1981 *A Fourteenth-Century Scholar and Primate: Richard FitzRalph in Oxford, Avignon and Armagh*. Oxford: Clarendon Press, 64–70, 256–257.

<sup>76</sup> M J Haren 2023 Bishop Grandisson of Exeter, Richard FitzRalph’s Patron. In: Dunne M W and Nolan S (eds.) *A Companion to Richard FitzRalph*. Leiden: Brill. pp. 295–322, at 308.

<sup>77</sup> Haren, 2000, 185–189.

<sup>78</sup> Powicke and Cheney, 1964, 74, 144, 166, 189, 218, 222–223, 370, 431, 442, 454–455, 489, 638, 994, 1085.

<sup>79</sup> *Ibid.*, 74 (translation my own).



*Summarum* (1320s) and the anonymous *Regimen Animarum* (1343), which was also written for secular clergy, gave extensive instructions on what sins required restitution and how to use the confessional to ensure it was given.<sup>80</sup>

Were the friars any different, as Doune alleged? Their own instructional texts show the same level concern as bishops' statutes for parish clergy. The anonymous Dominican author of *Speculum iuniorum* ordered sinful profits to be returned as restitution, not given as alms.<sup>81</sup> His confrères, Raymund of Peñaforte and William Peraldus, likewise insisted on full restitution, the latter noting that the obligation followed the sinner to the grave: burial in consecrated ground required the heirs to fulfill any incomplete restitution.<sup>82</sup> The *Summa* of Alexander of Hales OFM required restitution for true penance in specific cases, referring the reader to the *Decretals* for further instructions.<sup>83</sup> Bonaventure wrote in his *Collationes de Decem Praeceptis* that a desire to make restitution, followed through if possible, was a necessary part of penance.<sup>84</sup> The Franciscan author of *Fasciculus Morum*, a collection of preaching materials, asked his lay listeners: 'Who would absolve you without your making restitution? Indeed, no one alive, if you have the means.'<sup>85</sup> I am not aware of any sources that indicate that English parish clergy were more rigorous, or the friars any less, in ordering restitution, prior to Doune's *Memoriale Presbiterorum*. It may be significant that FitzRalph's own first recorded use of the statement 'non est contritio nisi pretereat restitutio' is from a sermon in Lichfield Cathedral on Pentecost 1345, when Doune's recently-completed work might have begun to influence him. It would only be some years later that FitzRalph would explicitly accuse friars of failures in this area.<sup>86</sup>

The rectors of London made a wide-ranging complaint about the friars to the Canterbury provincial council in 1309, seeking a definitive statement from the bishops restricting the friars' pastoral activities of preaching, confession, and burial. The rectors accused the friars of hearing confessions of those whose payments of tithes

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<sup>80</sup> The *Regimen Animarum* here, as in many places, copied Pagula's works *verbatim*. I S Bruce 1973 A Study of the Mediaeval Handbook for the Parish Priest, with particular reference to the *Regimen Animarum* found in MS Hatton 11 in the Bodleian Library at Oxford. Unpubl. M.A. dissertation, Dalhousie University, 197–207, 254–255.

<sup>81</sup> Bodleian Library, MS. Bodley 655, ff. 100r, 108v (the model presumably being Zacchaeus: *Holy Bible*, Luke 19:8).

<sup>82</sup> A Reeves 2021 Pastoral Care: Dominican Friars as Confessors and Catechists in 13th-Century England. In: Giraud E J and Linde J C (eds.) *A Companion to the English Dominican Province: From Its Beginnings to the Reformation*. Leiden: Brill. pp. 215–244, at 233–234.

<sup>83</sup> Collegium S. Bonaventurae, 1957, Dist. XVI c. 13 (259–261).

<sup>84</sup> A Lauer et al. (eds.) 1891 *Doctoris Seraphici S. Bonaventurae Opera Omnia*, Vol. 5: *Opuscula Varia*. Quaracchi: Collegii S. Bonaventurae, at 532.

<sup>85</sup> Wenzel, 1989, 189.

<sup>86</sup> Walsh, 1981, 364–365; W Scase 1989 '*Piers Plowman*' and the New Anticlericalism. Cambridge: Cambridge University Press; G Geltner 2012 *The Making of Medieval Antifraternalism*. Oxford: Oxford University Press, 23–32.

and oblations to their parishes are overdue and allowing the penitents to present the money owed to the friars instead of their parishes.<sup>87</sup> This provides the only pre-Doune hint I have found accusing English friars of failing to order restitution. If the friars thus appropriated actual tithes they were certainly in the wrong; but this was not a common complaint, suggesting that it was not a common problem. And there is evidence that friars insisted that laypeople pay their tithes to their own parish priest, regardless of that priest's personal qualities.<sup>88</sup> For the other oblations the London rectors mentioned, such as those that went to support lights in the parish church, perhaps what the rectors viewed as a customary right, the laity and friars viewed as a supererogatory pious gift which the giver could present wherever he saw fit.<sup>89</sup> This would be a disagreement about the status of customary ecclesiastical dues, not about penance itself.

### Sins reserved to the bishop's jurisdiction

William Doune also complained that friars granted absolution in cases that should be reserved to the bishop or his penitentiary.<sup>90</sup> This could refer to two distinct phenomena. The weaker version of the complaint would have friars absolving certain sins beyond their authority, but without claiming a superior power of absolution as a general matter. In the stronger version, a friar would be claiming either that the bishop had specifically delegated to him the authority to absolve in cases that normally would have been reserved to the bishop's jurisdiction, or that friars as a whole had powers of absolution higher than those parish clergy had. (The language of texts can make it difficult to distinguish between these two forms of the stronger version, so they will be treated together.<sup>91</sup>) Here the evidence is more extensive and complex.

### *Granting absolution without making a general claim to special authority*

The 1281 papal bull *Ad fructus uberes* allowed the friars to hear parishioners' confessions without permission from their parish priest or even their bishop. The Franciscan General Chapter of 1282 felt the need to clarify that *Ad fructus uberes* did not thereby confer permission to absolve in cases reserved to the bishop: this would still require an individual

<sup>87</sup> Powicke, Cheney, 1964, 1261.

<sup>88</sup> Wenzel, 1989, 80–85. In a sermon on confession from the late 13th century, another English Franciscan inveighed similarly against withholders of tithes; the manuscript's user added in a marginal note that they would be denied Christian burial. Cambridge, St John's Coll., MS 255/S19, 87–88.

<sup>89</sup> R N Swanson, 1989 *Church and Society in Late Medieval England*. Oxford: Blackwells, 215–216.

<sup>90</sup> Haren, 2000, 185–189.

<sup>91</sup> The friar in *Piers Plowman* (B-text, Passus XX, lines 324–329) goes to the bishop and secures a 'brief', though it is not explicit whether this is only a *Super cathedram* license allowing him to hear confessions or a penitentiary commission to absolve in reserved cases: Robertson and Shepherd, 2006, 360–361.

friar to be commissioned as a bishop's penitentiary.<sup>92</sup> However, the Franciscan Archbishop of Canterbury at this time, John Pecham, was aware that some of his fellow friars might exceed these powers. Already in 1279, he had reminded the Franciscan Provincial Chapter that their friars were not to absolve unlicensed pluralists, parish clergy who held multiple benefices without permission. In 1285 he forbade the Dominicans and Franciscans from absolving those who had infringed Magna Carta's guarantees of the liberty of the church, since this pertained only to bishops and other ordinaries.<sup>93</sup> In 1297, Pecham's successor Archbishop Winchelsey wrote to the heads of the English provinces of all four orders, complaining on behalf of his fellow bishops that friars were said (*dicuntur*) to be exceeding their authority by granting absolution in cases reserved to bishops.<sup>94</sup> Thomas Jorz, the Dominican provincial prior, promised Winchelsey that his order would be more vigilant; but picking up on the archbishop's use of *dicuntur*, he also suggested that the bishops should not believe everything they heard.<sup>95</sup> In 1318, Bishop John Dalderby of Lincoln found himself receiving similar claims from his own diocesan clergy: first, that some friars were hearing confessions even though he had not licensed them;<sup>96</sup> and second, that some were granting absolution in reserved cases, which he had never authorized them to do.<sup>97</sup> The anonymous secular clerk who wrote the *Cilium oculi*, a supplement to Pagula's *Oculus sacerdotis* which Boyle dated to the 1330s, also complained that the friars absolved penitents from reserved sins without proper authority from the bishop.<sup>98</sup>

One possible explanation is that a friar might grant absolution in a reserved case by mistake. According to Thomas of Walsingham, monk-chronicler of St Albans, Franciscan and Dominican friars came to St Albans around 1330 and requested a license

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<sup>92</sup> B Gratien de Paris 1928 *Histoire de la fondation & de l'évolution de l'Ordre des frères mineurs au XIIIe siècle*. Paris: Société et librairie S. François d'Assise, 342.

<sup>93</sup> C T Martin (ed.) 1882 *Registrum Epistolarum Fratris Johannis Pecham, Archiepiscopi Cantuariensis*. London: Longman et al., in 3 vols., vol. I, 68 and C T Martin (ed.) 1886 *Registrum Epistolarum Fratris Johannis Pecham, Archiepiscopi Cantuariensis*. London: Longman et al., in 3 vols., vol. III, 909–910; Hill F 2022 *Excommunication in Thirteenth-Century England: Communities, Politics, and Publicity*. Oxford: Oxford University Press 77. Violation of these terms of Magna Carta, from 1253 on, incurred automatic excommunication: *ibid.*, x.

<sup>94</sup> Powicke, Cheney 1964, 1176–1177; R Graham (ed.) 1952 *Registrum Roberti Winchelsey, Cantuariensis archiepiscopi, A.D. 1294–1313*. London: Boydell & Brewer, vol. I, 187–189.

<sup>95</sup> The letter is given in full in Hinnebusch, 1951, 509–511.

<sup>96</sup> By this time, the 1300 bull *Super cathedram* had been incorporated into canon law, and friars were once again required to be individually licensed by a bishop or ordinary to hear confessions in his diocese at all: G Alberigo et al. (eds.) and N Tanner et al. (trans.) 1990 *Decrees of the Ecumenical Councils Vol. I: Nicaea I to Lateran V*. Washington, DC: Georgetown University Press, 365–369. The records of these licenses, including lists of names, were dutifully recorded in Dalderby's episcopal register: A G Little, 1943 *Franciscan Papers, Lists, and Documents*. Manchester: Manchester University Press, 230–240.

<sup>97</sup> J L Copeland 1938 *The relations between the secular clergy and the mendicant friars in England during the century after the issue of the bull Super Cathedram (1300)*. Unpubl. M.A. thesis, Royal Holloway College, 69–70.

<sup>98</sup> P Szittyá 1986 *The Antifraternal Tradition in Medieval Literature*. Princeton: Princeton University Press, 119. The *Cilium* is an anonymous appendix to William of Pagula's *Oculus sacerdotis*: Boyle, 1955: 84.

to hear confessions in the abbey's peculiar jurisdiction.<sup>99</sup> The abbot quizzed them on reserved cases and, finding them ignorant, shamed them for their temerity in asking.<sup>100</sup> The story may or may not have a kernel of historical truth to it: Walsingham wrote this section of the chronicle some sixty years after the alleged event and in general kept up the old St Albans chroniclers' tradition of making unflattering comments about friars.<sup>101</sup>

But such allegations could reflect, rather than intentional transgressions or ignorant mistakes, legitimate disagreements about what sins were reserved. Canon law contained more than a few inconsistencies; canonical penitentials sometimes quoted contradictory authorities.<sup>102</sup> 14th-century bishops themselves were inconsistent as to 'how many, and which, sins [they] reserved for [their] own absolution.'<sup>103</sup> In the story above from Walsingham's chronicle, the friars were asked about sins reserved 'to the abbot or the bishop'. This suggests the abbot held an intermediate jurisdiction with the power to absolve in some but not all cases, and expecting the friars to know already which cases were which, rather than telling them, may have been setting them up for failure. The boundaries between common and reserved sins were grey enough that even educated, diligent confessors could legitimately disagree about which sins were reserved in a given jurisdiction. Bishop Grandisson wrote that he had delegated authority to certain religious to absolve in 'cases reserved to us by custom or by law or by other means', a telling indication of how ambiguous the boundaries were.<sup>104</sup> In such a situation, accusations of confessors exceeding their authority would be inevitable, and may have owed more to the ignorance of the accuser than that of the accused.

This is borne out by William of Pagula:

I have learned this by experience in the office of penitentiary: that often I have known and discovered that many parish priests err in how they should hear confessions and apply absolution and also impose penances. For in fact they absolve their parishioners of sins that they cannot legally absolve, weakening ecclesiastical discipline; and many times they send their parishioners to the bishops' penitentiaries in cases where those priests were well able to absolve them. And thus, because of the

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<sup>99</sup> Such a license was required after 1300 by the papal bull *Super cathedram*.

<sup>100</sup> H T Riley (ed.) 1868 *Gesta Abbatum Monasterii Sancti Albani, a Thoma Walsingham, Regnante Ricardo Secundo, Ejusdem Ecclesiae Praeentore, Compilata, Vol. II: A.D. 1290-1349*. London: Longman et al., 214-215.

<sup>101</sup> Thomas spoke approvingly of his abbot's financial support for FitzRalph's campaign against the friars: *ibid.*, 405-406. See also J Taylor 2004 Walsingham, Thomas (c. 1340-c. 1422). In: *Oxford Dictionary of National Biography* (online ed.). Oxford: Oxford University Press.

<sup>102</sup> McNeill and Gamer, 1938, *passim*.

<sup>103</sup> Copeland, 1938, 88.

<sup>104</sup> F C Hingeston-Randolph (ed.) 1894-1899 *The Register of John de Grandisson, Bishop of Exeter (AD 1327-1369)*. 3 vols. London and Exeter: G. Bell and Sons, vol. II, 1144.

negligence of parishioners and the ignorance of priests, some parishioners carry on for a year or more without being absolved of sins of which their own priests were well able to absolve them. And furthermore, they assign great penance for lesser sins and trifling penance for great sins. This is because of an ignorance of canon law, but that cannot excuse them, since no priest should be ignorant of the penitential canons.<sup>105</sup>

He therefore provided an exhaustive list of reserved sins, including the violations of Magna Carta that had concerned Pecham, with a thoroughness that no prior text for lower clergy had attempted.<sup>106</sup> Thus we see not only that parish clergy themselves were absolving in cases that were beyond their jurisdiction, but also that they often believed incorrectly that certain sins were reserved to the bishop's jurisdiction when in fact they were not.<sup>107</sup> If a friar absolved a sin that was rightly within his purview, and a parish priest mistakenly believed the sin in question was reserved, he might well complain to his superiors, prompting them to respond as if the friar were in error. While friars may have exceeded their authority at times, parish clergy were apparently no better and may even have made good-faith false accusations as well.

### ***Claiming a general authority to grant absolution in reserved cases***

Pagula, who served as a diocesan penitentiary, was a secular, but not all penitentiaries were. According to Archbishop Pecham, bishops often appointed friars as penitentiaries to settle reserved cases because they trusted their erudition; and the evidence bears this out.<sup>108</sup> Perhaps another motive for appointing friars was that the bishop thus enlisted

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<sup>105</sup> '[P]rout experientia didici in officio penitentiarii constitutus. Nam multotiens scivi et inveni quam plures sacerdotes parochiales errasse in modo confessionis audiendo et in absolutione impendenda ac etiam in penitentiis iniungendis. Et absolvendo parochianos suos de facto quos absolvere non possunt de iure, enervantes ecclesiasticam disciplinam. Et in multis casibus mittentes eos penitentiariis episcoporum in quibus ipsi sacerdotes absolvere bene possent. Et sic quoque propter neglegentiam parochianorum et ignoranciam presbiterorum remanebant quidam parochianorum per annum et ultra non absoluti de peccatis de quibus ipsi iidem sacerdotes absolvere bene potuerunt. Et quoque pro minoribus peccatis magnam penitentiam et pro magnis peccatis modicam penitentiam iniungentes. Et hoc propter iuris ignorantiam que non poterit eos excusare cum nulli sacerdotem liceat penitenciales canones ignorare.' William of Pagula, *Oculus sacerdotis*, part II (*Pars oculi*), from University of Pennsylvania, Rare Book and Manuscript Library, MS. Codex 721, f. 34v: <http://openn.library.upenn.edu/Data/0002/html/mscodex721.html> [accessed 30 May 2024] (translation my own).

<sup>106</sup> Boyle, 1955, 86–88.

<sup>107</sup> Seculars were found to be granting unauthorized absolutions in reserved cases in Worcester Diocese in 1303–1304: R M Haines, 1965 *The Administration of the Diocese of Worcester in the First Half of the Fourteenth Century*. London: Society for Promoting Christian Knowledge, 180; a rector was found in 1312 to have been accepting monetary penalties for serious sins: R A Wilson (ed.) 1928 *The Register of Walter Reynolds, Bishop of Worcester, 1308–1313*. London: Dugdale Society 46–50.

<sup>108</sup> Martin, 1886, 957. For some examples, see R M T Hill (ed.) 1965 *The Rolls and Register of Bishop Oliver Sutton, 1280–1299*. Lincoln: Lincoln Record Society, vol. v, 21 and R M T Hill (ed.) 1969 *The Rolls and Register of Bishop Oliver Sutton, 1280–1299*. Lincoln: Lincoln Record Society, vol. vi, 3, 119. Bishops' registers from across the 14th century contain a

men into the business of diocesan government without having to provide their financial support, an ever-present challenge to administration.<sup>109</sup> Whatever the bishops' motives for making such appointments, however, some confessors reportedly claimed to have this authority when they did not. The anonymous *Cilium oculi* begins with a detailed discussion of who may confess to whom, noting briefly that friars who heard confessions under papal privilege (referring here to the bull *Super Cathedram*) had no power of absolution in cases reserved to the bishop, 'as they presume to themselves'; he clarifies that 'this is true of all extraordinary confessors', including in cases where the bishop has licensed someone to choose their own confessor, unless the bishop expressly gave that confessor such power.<sup>110</sup> In theory, the question of who was a licensed penitentiary ought to have been unambiguous. But the evidence of false claims is not so cut and dried.

In the London rectors' 1309 complaint, one of their many grievances was that the friars were 'tacitly presenting themselves to have the power of generally absolving from all sins, when truly permission is not given to them to absolve except from those sins from which a parochial chaplain is able to absolve.'<sup>111</sup> But if the friars were saying this to parishioners *tacite* (secretly, privately, or by implication), how would the parish clergy know it? It seems that they could only have heard it from their parishioners. While some friars may have been saying this, we must also consider the possibilities—perhaps the more likely ones—that laypeople were not being entirely honest with their priests to avoid unpleasant penances, or that there was a miscommunication or misunderstanding. Evidence for the latter must be carefully sifted.

Doune, writing his *Memoriale Presbiterorum* in the late 1330s or early 1340s, lamented that sinners confessed to friars rather than their parish priests because the friars would absolve them even in cases that were reserved to the bishop.<sup>112</sup> Doune, let us remember, was an official to Bishop Grandisson of Exeter, Richard FitzRalph's mentor. Grandisson complained in 1335 that certain clergy, both seculars and religious, were misrepresenting themselves as diocesan penitentiaries; in 1342, he singled out

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great many commissions to friars to act as penitentiaries: Williams, 1960, 22–95, at 45–53; Copeland, 1938, 81–88 and Appendix; R M Haines 2011 *The Register of John de Stratford, Bishop of Winchester, 1323–1333*. Woking: Surrey Record Society, vol. II, 744–745.

<sup>109</sup> See in general M Burger 2012 *Bishops, Clerks, and Diocesan Governance in Thirteenth-Century England*. Cambridge: Cambridge University Press.

<sup>110</sup> 'quod sibi presumpserunt ... Et hoc est verum de omnibus confessoribus extraordinariis': Oxford, Balliol College, MS. 86, ff. 231r–246r, at 231v col. 2 (translation my own), <https://www.flickr.com/photos/baliolarchivist/albums/72157629568914574/> [accessed 4 June 2024].

<sup>111</sup> '...tacite pretendentes se potestatem habere ab omnibus peccatis generaliter absolvendi, cum veraciter non sit eis indultum absolvendi nisi a talibus peccatis a quibus potest Capellanus parochialis absolvere.' Powicke and Cheney, 1964, 1257 (translation my own).

<sup>112</sup> Haren, 2000, 185–186.



religious doing so; in 1351, he ordered the dispersal of a ‘conventicle’ of clerics falsely claiming to be Austin Friars, who heard confessions without permission;<sup>113</sup> in 1354 and several times thereafter, he complained specifically about mendicants presenting themselves as penitentiaries and absolving in reserved cases.<sup>114</sup>

The 1354 accusation, a letter to his archdeacons and their officials, is important but frustratingly ambiguous evidence. Grandisson wrote that he had repeatedly heard complaints that several people, dressed as mendicant religious, publicly preached and presented themselves as his penitentiaries able to grant absolution in reserved cases, while he had no recollection of having granted them any such power.<sup>115</sup> Therefore, all parish priests were to warn their parishioners against trusting a mendicant confessor who claimed to be a penitentiary unless he could show the bishop’s letter patent bearing not only his seal but also the impression of his signet ring on the back.<sup>116</sup> There is another frustrating ambiguity in the 1354 complaint: what is meant by *obtentu questus peccuniarum a subditis nobis et nostro regimini commissis colligendi*? Its plain meaning would be ‘having obtained the quest for money from those subordinate to us, and being commissioned to collect by our authority.’<sup>117</sup> One who had the *questus* was a *questor*, which could mean several different things. The *questor* could be a friar deputized by his convent to beg for alms for his own house or order, or he could be someone licensed by the bishop to collect donations in behalf of some other religious foundation, such as a hospital.<sup>118</sup> It is not clear which is meant here.

Nonetheless, nowhere does Grandisson explicitly indicate that these mendicants were granting absolution in order to get donations, as Chaucer’s Friar Huberd did.

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<sup>113</sup> Hingeston-Randolph, 1897 (vol. II), 1108–1109.

<sup>114</sup> Williams, 1960, 56–57; Hingeston-Randolph, 1897 (vol. II), 1128–1129.

<sup>115</sup> ‘No recollection’ is an interesting phrase in light of the fact that Grandisson’s register does not record a single penitentiary license to anyone, whether secular or religious. Either this was a separate section of his register of which no trace survives, or his administration simply failed to record them. Hingeston-Randolph, 1899 (vol. III), lvii.

<sup>116</sup> Hingeston-Randolph, 1897 (vol. II), 1128–1129. Twice in these passages, Grandisson expressed doubt about whether these persons were the friars they claimed to be. Clopper has argued that they may have been apostate religious who defied the strictures of their own orders’ hierarchies in this and other matters: L M Clopper 2003 ‘Franciscans, Lollards, and Reform’. In: Somerset F, Havens, J C, and Pitard, D G (eds.) *Lollards and their Influence in Late Medieval England*. Woodbridge: Boydell Press. pp. 177–196, at 178–183.

<sup>117</sup> Translation my own.

<sup>118</sup> This is a difficult word all around. *The Oxford English Dictionary* (online ed.) s.v. ‘quaestor (n.)’, definition 1 [accessed 3 June 2024]; D Gray (ed.) 2003 *The Oxford Companion to Chaucer*. Oxford: Oxford University Press, 362; R E Latham (ed.) 1965 *Revised Medieval Latin Word-List from British and Irish Sources*. Oxford: The British Academy 388. The Franciscan *Fasciculus Morum* denounces ‘falsis quaestionariis’ who show fake relics, an image much like that of Chaucer’s Pardoner (Wenzel, 1989, 476). For Gerald of Wales, the *quaestor palatii episcopi* was the episcopal officer most liable to abuse his office and extort money, ‘pro modica culpa maximam poenam infligens’; but he was also identified as the ‘senescallus’ and distinguished from the bishop’s ‘confessor, cui episcopus vices suas in spiritualibus, in audiendis scilicet confessionibus et curandis animabus, committit’ (Brewer, 1862, 321–322).



Rather, the reverse appears to be indicated: that friars who had been licensed by the bishop to circulate in the diocese in the course of their questorial duties (whatever those were) were also allegedly acting as diocesan penitentiaries. Grandisson's use of multi-factor authentication for the documents would suggest that these were friars to whom penitentiary commissions had previously been granted, and who still had their documents with his seal on them, but who were still using them after they had expired or had been revoked. Only a new seal with the addition of the signet would validate the document. The problem Grandisson faced was endemic: complaints of penitentiaries, questors, and other clergy operating with expired, revoked, or forged documents were widespread; it is noteworthy that such accusations against friars appear to have been very rare.<sup>119</sup>

Nine months later, in 1355, Grandisson wrote: 'Now, on account of noteworthy excesses, and moved by other causes, we revoke all our letters of commission to religious to hear the confessions of our subjects in cases... reserved to us', issuing new documentation that listed the names of all authorised penitentiaries. All were seculars, except for one Franciscan and one Dominican because they knew the Cornish language. Mendicant penitentiaries and false questors were both mentioned in the document but not together.<sup>120</sup> Given Grandisson's wording in the 1354 and 1355 documents, however, it would be easy for an incautious reader to infer a connection among friars, money, and confession that Grandisson himself may not have intended. And if we are looking for categorial differences between friars and seculars, we must note that Grandisson spent the 1330s and 1340s struggling to crack down on his own archdeacons and other secular clergy in his diocesan administration for commuting penitential sentences into cash payments that lined their own purses. If his register is unclear as to whether friars were acting in this way, these passages are unambiguous.<sup>121</sup> This campaign also coincides with the dating of a provincial statute of archbishop John de Stratford (1341/2) expressly forbidding such commutations by diocesan officials; he may have issued it at

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<sup>119</sup> The revocation of penitentiary commissions was not uncommon: Haines, 1965, 177–178. The licensing of *questors* to preach and sell pardons—and the concern that some showed false or expired commissions or got up to other chicanery—was a concern of English bishops throughout the 13th century as well, and here Grandisson is merely echoing that concern and language: Powicke and Cheney, 1964, 1433, s.v. 'Pardoners (*questores*)'. None of these 13th-century bishops associates false *questors* with friars; Grosseteste mentions them together only to contrast them (*ibid.* 480). Grandisson warned against being deceived 'per falsas questorum cedulas [=schedulas]', but did not indicate that these were presented by friars (Hingeston-Randolph, 1897 [vol. II], 1145). Bishop Dalderby of Lincoln had to deal with forgers as well (1315): Lincolnshire Archives, Episcopal Register III, f. 319v. The problem persisted in the 15th century: E F Jacob (ed.) 1943 *The Register of Henry Chichele, Archbishop of Canterbury 1414–1443*, vol. I. Oxford: Clarendon Press., 83–87. Even the image of forged documents had rhetorical heft: in the late 13th century, an English Franciscan, taking a dig at parish clergy, said that their exterior tonsure but interior ignorance was like a papal seal on a forged document: Cambridge, St John's Coll., MS 255/S19, 88.

<sup>120</sup> Hingeston-Randolph, 1897 (vol. II), 1144–1146 (translation my own).

<sup>121</sup> Haren, 2000, 35–69.

Grandisson's request, but it may also testify to widespread abuses within the secular penitential system beyond Exeter diocese.<sup>122</sup>

In Hereford Diocese, which was smaller and less populous than Exeter, Bishop Trillek licensed twenty-seven friars to hear confessions in the years to 1355, most of them apparently as a stopgap against inadequate numbers of parish clergy after the Black Death.<sup>123</sup> On 26 September 1355, however, he sent a mandate to all parish clergy, saying that while he had previously given certain religious the authority to hear confessions in cases reserved to the bishop, he was revoking all such commissions granted hitherto; henceforth *religiosi* should not be permitted to hear confessions in a parish unless they could first show the bishop's letters.<sup>124</sup> The mandate does not give a reason and seems startling in light of the fact that Trillek had licensed four Austin friars to hear confessions earlier in the month and would resume licensing friars the following March.<sup>125</sup> If we lack a full explanation for the revocation, we can at least disentangle it from the licenses, which were merely licenses to hear parishioners' confessions, not commissions to settle cases reserved to the bishop. While parish clergy were henceforth to inspect the letters, there is no indication that the existing simple licenses themselves were revoked, as they might have been if Trillek suspected that friars with simple licenses to hear confessions were treating them as fuller penitentiary commissions. In fact, the revocation is the only surviving evidence that Trillek had issued any such penitential commissions to *religiosi*. This alone may be sufficient to explain the revocation: perhaps due to the burden of business during and after the plague, Trillek's registrar had neglected to record the commissions and so Trillek could not be sure who might be granting absolutions in his name.

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<sup>122</sup> The text was included in William Lyndwood's *Provinciale* (1420s–1430s), suggesting that it remained a problem in the next century: W Lyndwood 1679 *Provinciale seu constitutiones Angliæ continens constitutiones provinciales quatuordecim archiepiscoporum Cantuariensium, viz. à Stephano Langtono ad Henricum Chichleium*. Oxford: Richard Davis, 323–326. The most likely date for the text would be 1342, as that was when Stratford issued statutes focused on ecclesiastical discipline: R M Haines, 1986 *Archbishop John Stratford: Political Revolutionary and Champion of the Liberties of the English Church*. Toronto: Pontifical Institute of Mediaeval Studies, 397–399. Michael Haren attributes the creation of the 1342 statutes to Grandisson's influence: M J Haren 1998a Confession, Social Ethics and Social Discipline in the *Memoriale Presbiterorum*. In: Biller, P and Minnis, A J (eds.), *Handling Sin: Confession in the Middle Ages*. Woodbridge: Boydell Press. pp. 109–122, at 117–118. The summons to such a council included an invitation to send a list of concerns to the archbishop in advance, as we see in 1341: Hingeston-Randolph, 1897 [vol. II], 968–970. Grandisson was not averse to sending such lists of *gravamina*; his list for a 1329 council survives (Hingeston-Randolph, 1894 [vol. I], I 446–452) though we have none for 1341/1342.

<sup>123</sup> W Dohar 1995 *The Black Death and Pastoral Leadership: The Diocese of Hereford in the Fourteenth Century*. Philadelphia: University of Pennsylvania Press, 76–77.

<sup>124</sup> J H Parry (ed.) 1912 *Registrum Johannis de Trillek, episcopi herefordensis, A.D. MCCCXLIV–MCCCLXI*. London: Canterbury and York Society, 232.

<sup>125</sup> *Ibid.*, 19–21, continued in J H Parry (ed.) 1914 *Registrum Ludowici de Charlton, episcopi herefordensis, A.D. MCCCLXI–MCCCLXX*. London: Canterbury and York Society, 61–62.

There is, however, another possibility. Grandisson's revocation dates to February of 1355, Trillek's from September of that year. In those eight months, Trillek may have learned of Grandisson's revocation and, alarmed by its concerns even if not echoing its accusations, proceeded to follow his colleague's example out of an excess of caution. Trillek is not known to have had strong connections with Grandisson, and their itineraries that year do not show them crossing paths before the Convocation and Parliament that were summoned to meet in London in November.<sup>126</sup> However, a bill of complaint against the friars, expressing concerns very similar to Grandisson's and possibly written by him or a member of his circle, was presented to Convocation in 1355.<sup>127</sup> It is likely that correspondence passed among the bishops prior to such meetings, and a draft of the bill of complaint may have been pre-circulated to organize support. The fact that Trillek's revocation, when he had shown no prior concerns about friars hearing confessions, occurred so soon after Grandisson's revocation and just before clergy gathered for Convocation and Parliament, strongly suggests that Trillek was prompted by some outside influence rather than by chronic mendicant misbehavior in Hereford.

### From historical sources to literary tropes

For the first explicit accusation of English friars giving *esy penance* (however defined) in hopes of a *good pitaunce*, we have to return to William Doune. Doune seems to have been at the Papal Curia on diocesan business in 1343–1344, the tail end of the period when he may have been writing the *Memoriale Presbiterorum*, raising the interesting possibility that his claim owed more to the Continental anti-mendicant discourse he might have encountered there than to anything he had witnessed first-hand in England.<sup>128</sup> Doune, considering whether it is appropriate for a penitent to make a monetary gift to his confessor, wrote:

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<sup>126</sup> Both bishops were included in the royal writ of 20 September 1355 summoning a parliament to meet on 12 November: G Bray (ed.) 2005 *Records of Convocation III: Canterbury 1313–1377*. Woodbridge: Boydell Press, 263. Trillek was in London by 30 October: Parry, 1912, 235. However, Grandisson was at his episcopal manor of Chudleigh, Devon, through the summer and at least as late as 25 September, so they cannot have met in the last few months before Trillek's revocation: Hingeston-Randolph, 1897 (vol. II), 1157–1175.

<sup>127</sup> The text is in Pantin, 1955, 267–268. Its authorship is unknown, and it is tempting to speculate that it was the work of Grandisson or one of his circle.

<sup>128</sup> Ethan Yee has recently argued that Franciscans in particular were assigning light penances to encourage laypeople to confess more readily and using indulgences more extensively, but his focus is on the Italian context: E Yee 2019 *The Burden of Forgiveness: Franciscans' Impact on Penitential Practices in the Thirteenth Century*. Unpubl. Ph.D. dissertation, Columbia University. Despite the international nature of the church in general and the mendicant orders in particular, and the international circulation of both sacred and secular literature, there was also significant geographical variation, and Italian friars may have been acting differently than their brethren in England: R Brentano 1968 *Two Churches: England and Italy in the Thirteenth Century*. Princeton: Princeton University Press; W H Campbell 2018 *The Landscape of Pastoral Care in Thirteenth-Century England*. Cambridge: Cambridge University Press. Doune may well have picked up on complaints at Avignon that reflected Continental but not English realities.

He is obliged to relieve the indigence of his confessor if the latter is a poor man and in great need and if the penitent is someone of substance, and even if the penitent is poor he has the same obligation in so far as he can conveniently do so. But many confessors of our time and especially those of the orders of mendicants consider well that obligation and hold it as affects them, who from such a practice acquire to themselves many unlawful goods, enjoining light penances in cases where a fixed penance is laid down by the canon, and especially in cases in which it is not permitted them by law to loose or bind.<sup>129</sup>

Here Doune faulted some seculars as well. In succeeding decades, other bishops and churchmen made this fully-developed accusation about the friars more explicitly. Yet it is noteworthy that these only came after the Canterbury Provincial Convocation of 1356, at which FitzRalph had been invited to speak on the question of mendicant privileges, so it is reasonable to assume that they had been significantly influenced by his invective.<sup>130</sup> John of Reading, a Benedictine chronicler at Westminster Abbey, recorded under the plague year of 1349 that ‘it is believed, therefore, that the Mammon of iniquity wounded many regulars, and lethally so the orders of mendicants’, as such confessions and very rich bequests flowed towards them that they would scarcely bother to accept alms: this made a mockery of their claims of evangelical poverty. John of Reading appears to have written his chronicle only in the mid-1360s, after FitzRalph’s influence had had time to sink in. Whether John had encountered FitzRalph in person is unknown, but he wrote approvingly of FitzRalph, his attack on the friars at Avignon in 1357, and his anti-mendicant writings.<sup>131</sup> Crucially, John had his own motives for resentment of the friars: he was bitter that Isabella of France, the Queen Mother, had been *seducta* by the Franciscans into being buried at their convent in November of that year rather than at his own house—Westminster Abbey—where he believed she clearly belonged.<sup>132</sup>

The encyclopedist James le Palmer, who also criticized the friars in his *Omne Bonum*, is closely associated with this setting as well. He was described in January 1357 as a ‘clerk of London’ and by 1359 was king’s clerk in the Exchequer, where he spent the rest of his career. Though a secular, he had connections at Westminster Abbey: not only did he purchase ink for the Exchequer from the Sacrist, he made arrangements in 1370 for his

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<sup>129</sup> Haren, 2000, 187 (his own translation from Doune).

<sup>130</sup> M J Haren 1991 Social Ideas in the Pastoral Literature of Fourteenth-Century England. In: Harper-Bill, C (ed.) *Religious Belief and Ecclesiastical Careers in Fourteenth-Century England*. Woodbridge: Boydell Press. pp. 349–367, at 362.

<sup>131</sup> J Tait (ed.) 1914 *Chronica Johannis de Reading et anonymi Cantuariensis, 1346–1367*. Manchester: Manchester University Press, 11–12, 108–109, 130–131, 147.

<sup>132</sup> *Ibid.*, 128–129. John also commented that the Franciscans burned for heresy at Avignon in 1353 had gotten no more than they deserved: *ibid.*, 119.

own burial there, which followed in 1375, and for a priest there to say mass for his soul.<sup>133</sup> Like John of Reading, whom he might have known, James wrote in the 1360s and cited FitzRalph with approval in his antifraternal tirades, including in his complaints about confessional practice; though while John's chronicle only has a few comments about the friars at all, James's *Omne Bonum*'s entirely unflattering article on 'Fratres', consisting largely of quotes from previous anti-mendicant writers, runs to eighteen large-format pages.<sup>134</sup> There is no sign that James directly knew William Doune, though as both were rigidly-minded bureaucrats—Sandler characterized James as 'sanctimonious, petulant, and sometimes bitter' and 'a bit "holier than thou"... a government functionary who took being a cleric more seriously than some of his associates'—one senses that they were cut from the same cloth.<sup>135</sup> So when we hear John of Reading and James le Palmer making these accusations against the friars, we cannot consider them as independent witnesses of a historical phenomenon. We are overhearing an echo chamber.

We can trace the effects of these echoes, with a high degree of probability, well beyond the capital. Szittyá noted that 'for most of the century between the 1250s and the 1350s, the monastic and mendicant orders maintained an uneasy peace... [T]his calm came to an end around the time FitzRalph began preaching against the friars in London', noted first in the 1357 eruption of conflict between the Benedictines of Norwich Cathedral and the Franciscans there.<sup>136</sup> It is not clear what triggered this dispute, only that it took the form of the monks and friars preaching against one another in public; but the timing of this and other monastic-mendicant conflicts and polemical writings in the decade from 1357 is highly suggestive of their being a direct result of FitzRalph's campaign.<sup>137</sup> A similarly sudden turn can be seen in the episcopal registers outside Exeter diocese. For example, it is only from 1358, after FitzRalph's London preaching campaign, that the register of Bishop Gynwell of Lincoln shows a curtailment of penitentiary commissions to friars, even though William Doune had been Gynwell's diocesan official since 1352 and an archdeacon in the diocese from 1354.<sup>138</sup> And while Grandisson had been FitzRalph's patron and mentor—astonishingly, a manuscript annotation survives

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<sup>133</sup> L F Sandler 1996 *Omne Bonum: A Fourteenth-Century Encyclopedia of Universal Knowledge: British Library MSS Royal 6 E VI - 6 E VII*. 2 vols. London: Harvey Miller Press, 20-23.

<sup>134</sup> *Ibid.* 110-114; Szittyá, 1986, 67-81. The *Omne Bonum* has not been edited. Though the British Library has digitized the manuscripts, as of this writing this part of its website is still down following the cyberattack of October 2023, so I have not been able to consult the text directly.

<sup>135</sup> Sandler, 1996, 119, 111.

<sup>136</sup> Szittyá, 1986, 101.

<sup>137</sup> W A Pantin, 1937 *Documents Illustrating the Activities of the General and Provincial Chapters of the English Black Monks, 1215-1540*, vol. III. London: Camden Society, 28-29; Szittyá, 1986, 106-110.

<sup>138</sup> M J Haren 1993 Bishop Gynwell of Lincoln, Two Avignonese Statutes and Archbishop FitzRalph of Armagh's Suit at the Roman Curia against the Friars. *Archivum Historiae Pontificiae*, 31: 275-292.

in Grandisson's hand in which he reminds himself to bring a passage of Augustine's *De civitate Dei* to FitzRalph's attention, as it would be useful in his arguments against the friars—influence could flow in the other direction as well, for in 1359 Grandisson issued an 'apocalyptic' episcopal mandate against false penitentiaries and confessors using language that seems to echo one of FitzRalph's sermons from two years before.<sup>139</sup>

Thus if we trace backwards the lines of influence of later 14th-century English antifraternalism, not just in general but on the matter of penances specifically, they all appear to converge on Richard FitzRalph. Even before FitzRalph became a critic of the friars, like Doune he was a 'rigorously severe moral theologian... rather than the compassionate pastor'.<sup>140</sup> He also faced the problems of an Irish diocese riven with ethnic strife, leading to a much higher level of communal violence than English bishops faced, and he alleged that the friars were to blame for absolving offenders while he, as archbishop, struggled to impose order.<sup>141</sup> When he first took up the case against the friars in Avignon in 1350, and then staged a preaching campaign in London in 1356–1357, he took the frustrations of his ungovernably violent diocese, viewed through the lens of the 'remorseless concern for abstract justice' he shared with Doune, possibly considered his mentor Grandisson's frustration with questionable penitentiaries, spiced it up with William of St-Amour's century-old polemics for rhetorical effect, and put into public circulation the images of rapacious friar-confessors that would later be used by Langland, Wycliffites, and Chaucer.<sup>142</sup>

But were the friars guilty as charged? Williams, who assembled the evidence from administrative sources almost seventy years ago, concluded that

it is impossible to say whether such charges are substantiated or not. Several bishops thought they were and revoked the penitential commissions they had given to mendicants. Others who gave few or no commissions to the friars may have been motivated by a similar belief. On the principle that where there is much smoke there must be a little fire, we ought perhaps to conclude that the mendicants were sometimes guilty of overstepping their powers.<sup>143</sup>

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<sup>139</sup> Haren, 2023, 313–314.

<sup>140</sup> Walsh, 1981, 287, 364.

<sup>141</sup> Ibid., 318–348.

<sup>142</sup> FitzRalph first leveled the claim that friars sold absolution in an Ash Wednesday sermon from an unknown year, most likely 1350 or after: Walsh, 1981, 364–365. For the literary debts and personal associations of the various anti-mendicant authors, see in particular Scase, 1989; Geltner, 2009; Szittyá, 1986; Haren, 2000; Du Boulay, 1991. Haren emphasizes that the influence of Grandisson's circle, not just ethnic strife in Armagh, bears a significant part in explaining FitzRalph's anti-mendicant turn: Haren, 1998b, 332–333.

<sup>143</sup> Williams, 1960, 61.



Yet Williams could find only four specific instances from the whole of the 14th century in which named friars were known to have acted in ways that justified such complaints, and two of these should be dismissed as anomalies.<sup>144</sup> I can add just one to Williams's remaining two: around 1302, an Exeter Dominican named Hamelyn 'was accused of openly disregarding an interdict which had been laid on the parish of Tawstock [Devon]', and encouraging the local secular clergy to disregard it as well.<sup>145</sup> With a mere three accusations in the whole period against specific friars for overstepping their bounds, the bulk of our evidence is the bishops' administrative actions against mendicant confessors. But so far as we can tell, these were reactions to vague reports; and as we have seen, those reports could well originate as smoke without fire.

If friars granted absolution in reserved cases, both William of Pagula and William Doune indicate that secular clergy did so as well. Such seculars could be corrected by their rural deans, archdeacons, or the bishop's official or penitentiary: both Pagula and Doune said they had dealt with a great many such cases. Such low-level correspondence tends not to survive. By contrast, we have evidence of the accusations against the friars because they were not under a bishop's ordinary jurisdiction. If friars reportedly exceeded their authority, bishops had to appeal to their orders' English provincial prior or minister (as Archbishop Winchelsey did to Thomas Jorz), or to the English bishops who had been appointed their Conservators in England, or to the Prior-General or Minister-General of the order, or failing that to the Pope. Such high-level correspondence is more likely to survive, and we should expect this to skew our sample of surviving documents towards complaints about friars. And yet, tellingly, these are very rare before 1357.

## Conclusion

Where, then, does this leave us? First, there is no reason to think that English seculars and friars formed different schools of thought on the question of how far to reduce a sinner's penance because of contrition, or whether he should start with the canonical penances or just make something up as seemed appropriate. Second, there is no reliable evidence for English friars giving lighter penances to the wealthy and powerful than their secular counterparts would have. Third, there is no evidence prior to Doune in the 1340s to suggest that English seculars and friars categorically placed different levels of emphasis on restitution, and claims that they did so appear downstream of Doune's influence. Fourth, there were allegations that friars were granting absolution in reserved cases, but it is very difficult to find any specific evidence behind it; and in any case seculars

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<sup>144</sup> Ibid., 54–55. One was apparently the result of a misunderstanding on the bishop's part and another related to the bishop and friar taking different sides on the Papal Schism.

<sup>145</sup> A G Little and R C Easterling 1927 *The Franciscans and Dominicans of Exeter*. Exeter: History of Exeter Research Group, 40.



were clearly doing so as well. And fifth, the first explicit accusation of English friars giving light penances in hope of a good pittance comes from a remorseless, reactionary rigorist with a vision of a society ordered by perfect, abstract justice: William Doune, who complained not just about the friars but about everybody. Doune's views on the friars resonated with the concerns of Grandisson and FitzRalph, who then amplified them with the force of episcopal authority and apocalyptic rhetoric.<sup>146</sup> The administrative records of other English bishops only begin to reflect Doune's concerns about friars and penances in any significant manner *after* they have been heard from brother bishops. While the unflattering portrayals of friar-confessors in Langland and Chaucer could have flowed down to them by any number of tributaries, it has been suggested that both could have drunk directly from the wellspring: both could have heard FitzRalph preaching in London, and as Doune was a diocesan official in Worcester and an active preacher, Langland may have heard him there.<sup>147</sup> Yet even if neither Langland nor Chaucer had ever heard of Doune, it seems that both are ultimately indebted to him for their images of the friars.

If we look only at the polemics of the mendicant-secular debate over confession, we will find ecclesiology and even eschatology. These are rhetorical flourishes to be expected of theologians and canonists whose real concerns often lay elsewhere. Matthew Paris criticized the friars' hearing of lay confessions, but this was only part of his broader criticism of the friars for which his motives owed much to his position as a Benedictine of St. Albans. As a monk who did not hear lay confessions, he appears to have been more concerned about what he saw as a degenerate monasticism that had suddenly become more highly regarded than his own venerable and stable order. William of St-Amour, also writing in the mid-13<sup>th</sup> century, created the trope of Penetrans-Domos, the hypocritical holy man (a friar by implication) who flattered the rich for financial gain, on whom Langland would later base his friar of that name. William's real game, however, was to apply existing stereotypes of heretics to the friars, as part of a campaign that turned to apocalyptic rhetoric only after his preferred canon-law case against the friars had been forestalled by the papal bull *Quasi lignum vitae*; and what motivated him was a dispute over professorial chairs at the University of Paris.<sup>148</sup>

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<sup>146</sup> FitzRalph had preached a series of public sermons in London from the June of 1356 to March 1357, including three at Paul's Cross. That this was a highly effective public-relations campaign is suggested by his mendicant opponents, who complained that he had 'criticised, rebuked and belittled the orders... before a thronging and exceedingly numerous multitude': Haren, 1998b, 340-342.

<sup>147</sup> Haren, 2023, 315-18, and B Riley 2023 Wyclif, the Lollards, and the Middle English Tradition: Incorporations and Rejections of FitzRalph's Views. In: Dunne, M W and Nolan, S (eds.) *A Companion to Richard FitzRalph*. Leiden: Brill. pp. 352-382.

<sup>148</sup> S Steckel 2015 Narratives of Resistance: Arguments against the Mendicants in the Works of Matthew Paris and William of Saint-Amour. In: Burton, J, Schofield, P and Weiler, B (eds.), *Thirteenth-Century England XV: Authority and Resistance in the Age of Magna Carta*. Woodbridge: Boydell Press. pp. 157-177; D Douie 1954 *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century*. London: Blackfriars.

Rhetoric is shaped by strategy. Whether in law or in public opinion, one attacks one's opponent with whatever one can.

Canonically, confession was the friars' Achilles's Heel, so it naturally became a principal locus of dispute. Canon 21 of the Fourth Lateran Council (1215), *Omnis utriusque sexus fidelis*, had reserved the right of confession to the penitent's *proprius sacerdos*, which typically meant one's parish priest.<sup>149</sup> The mendicant orders were in their infancy at that time, so the canon did not take them into account. But their numbers and pastoral mission expanded rapidly, and soon the canon was being glossed in ways that opened loopholes for the friars.<sup>150</sup> In 1246, Matthew Paris accused the Dominicans of sowing doubt among laypeople as to whether their parish priests were ignorant, the blind leading the blind.<sup>151</sup> This was not a general insult but rather a specific canonical gambit: Gratian's *Decretum* allowed parishioners to resort to a confessor other than their *proprius sacerdos* in exactly this situation.<sup>152</sup> Paris was often critical of the friars and his descriptions of them should not be taken at face value, but here we can corroborate his claim.<sup>153</sup> A sermon to the laity encouraging Lenten confession, found in an English Franciscan preacher's handbook of the late 13<sup>th</sup> century, laments the ignorance and unworthiness of many secular priests and quotes the familiar passage about the blind leading the blind; the implication to confess to a friar instead is never quite spelled out, though it would be hard for the listener not to draw the inference.<sup>154</sup>

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<sup>149</sup> The conflation of 'own priest' and 'parish priest' was already secure in Gratian's day, yet Gratian considered possible exceptions, such as when an abbot who had jurisdiction over a parish sent one of his monks to provide pastoral care: Larson, 2014, 213–250. For some examples of non-mendicant religious exercising pastoral authority over the laity, see Campbell, 2018, 81–88, 257–62.

<sup>150</sup> Copeland, 1938, 1–28 and *passim*.

<sup>151</sup> Luard, 1877, 514.

<sup>152</sup> Larson, 2016, 82–85.

<sup>153</sup> For a nuanced reading of Matthew Paris' views of the mendicants, see Steckel, 2015. As she writes: 'Matthew liked to contrast good and bad examples, characterized people by associating them with others, and sometime put explicit comments into the mouths of historical *personae*' (161). It is constructive to consider in this light the passages where Matthew described the mixed motives for confessing to friars rather than one's parish priests: Luard, 1872, 333; Luard, 1877, 514–516; and Luard 1880, 529. In none of these passages did he approve of the friars' behavior or pastoral activity, nor of all the reasons the laity gave (or which he believed they would have given: he was likely projecting his assumptions) for avoiding their parish priest. An ignorant priest (Luard, 1877, 515), or one who was himself guilty of the same sins (Luard, 1872, 333), were both considered by Gratian to be unable to dispense penance properly (Larson, 2016, 260–267); simply being ashamed to confess to one's own priest (Luard, 1872, 333) did not justify choosing another, and Matthew thought that the ability to confess again without shame led to recidivism (Luard, 1880, 515), though Gratian allowed that confessing to the wrong person out of shame was preferable to not confessing at all (*ibid.*, Larson, 2016, 260–261, and see Arnold, 2005, 177 for versions of this motive); having a priest of whom one was afraid, or who was a drunkard (Luard, 1872, 333; Luard, 1880, 529), seem to have been considered acceptable reasons to Matthew. It is noteworthy that the relative weight of penances does not figure.

<sup>154</sup> Cambridge, St John's Coll., MS 255/S19, 85–93.

The seculars pushed back. In the 1280s, Archbishop Peckham complained that

certain persons, at the instigation of the Enemy of the human race, are sowing a certain pernicious teaching, daring to assert that our beloved Friars Minor seduce souls in hearing confessions, [and that] they have no power to bind or loose without the license of the parish priests.<sup>155</sup>

Who were these ‘certain persons’? ‘Rectors, vicars, and those having cure’ of souls.<sup>156</sup> And we need not assume with Peckham that any demonic influence was required, since in the 1280s there was a contentious debate, among popes, theologians, and canonists at Paris and elsewhere, about the friars’ confessional privileges.<sup>157</sup> No doubt many a parish priest could not confidently follow the debate and decided to err on the side of caution, while some others knew better and merely exploited the uncertainty.

In 1309, the rectors of London complained at length that the friars were diverting parishioners and their offerings by appropriating the rights of preaching, confession, and burial (and it is burial, since it brought bequests and payment for prayers for the deceased, that was given the most space).<sup>158</sup> As a result, money on which the parish clergy had relied for their livelihood was being channelled into the enormous new churches the friars were completing in London in those very years.<sup>159</sup> The London rectors’ concern was unabashedly monetary; their ecclesiology was fundamentally practical and, if not cynically self-serving, then at least self-preserving.

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<sup>155</sup> Martin, 1886, 956 (translation my own). On Peckham’s partisanship towards the friars, see J Smith 1949 *The Attitude of John Peckham toward Monastic Houses*. Washington, DC, 131; A G Little 1917 *Studies in English Franciscan History*. Manchester: Manchester University Press, 113n; Copeland, 1938, 24–7.

<sup>156</sup> Martin, 1886, 953 (translation my own).

<sup>157</sup> Copeland, 1938, 133–47; J L Copeland 1937/38 *Medieval Notes: The Authorship of British Museum Royal MS. 7, E.X, fos. 63–71*. *Bulletin of the Institute of Historical Research* 15: 70–72. A gathering of Paris masters concurred in November 1282 that a person who was contrite, confessed, and properly absolved of his sins (for example, by a friar) could not be required to re-confess them to another priest: H Denifle (ed.) 1889 *Chartularium Universitatis Parisiensis... Tomus I: ab anno MCC usque ad annum MCCLXXXVI*. Paris, 595–596. In 1285, Peckham entered an *inspeximus* of this in his register, with a note that indicated his agreement and applied it specifically to those who say that someone who has confessed to a friar needs to re-confess to his *proprius sacerdos*; but Peckham’s note also acknowledged that it might be a good idea sometimes to re-confess for reasons of spiritual health to another spiritual physician who might have the wisdom to apply additional remedies against sin (Martin, 1886, 878). See also Henry of Ghent’s seventh *Quodlibet*, questions 21, 23 and 24 (dated Christmas 1282, just after the Paris Masters convened, and responding to their conclusions): q. 23 repeats specifically the question about having to confess again, and q. 24 asks the question about the friars. Josse Bade (ed.) 1518 *Quodlibeta Magistri Henrici Goethals a Gandauo doctoris Solemnis*. Paris, ff. 272r–287v <https://babel.hathitrust.org/cgi/pt?id=ucm.5317953871&view=1up&seq=575> [accessed 30 May 2024].

<sup>158</sup> Powicke and Cheney, 1964, 1255–1263. On the financial significance of burials and bequests, see W A Hinnebusch 1945/46 *The Domestic Economy of the Early English Dominicans*. *Catholic Historical Review*, 30(3): 247–270, at 269, and C Cotton 1924 *The Grey Friars of Canterbury*. Manchester: Manchester University Press, 44–51.

<sup>159</sup> N Holder et al. 2017 *The Friaries of Medieval London from Foundation to Dissolution*. Woodbridge: Boydell Press.

These English opponents of the friars were diverse in their motives, but they have one thing in common: despite contesting the friars' rights to hear confessions, they made no accusation that the friars gave light penances in hope of gain.<sup>160</sup> Surely they would not have left that rhetorical arrow in their quiver if it could plausibly be fired. As cautious as we should be about arguments from silence, its absence is reminiscent of Sherlock Holmes' clue of the dog that did not bark in the night-time.

Grandisson and his protégés Doune and FitzRalph were ultimately just as practical in their concerns.<sup>161</sup> All three sought to impose effective social discipline as a function of the bishop's responsibility for the well-being of his diocese and its parishioners. When secular clergy erred in the matter of absolution, the diocesan administration could correct them. But if friars committed similar errors, the diocesan hierarchy could not bring them to heel in the same way, and sometimes it struggled even to know what was going on—hence Grandisson's admitted doubt, in two separate instances, about whether the alleged perpetrators were even real friars at all. The itineracy of the friars contrasted here with the relatively settled existence of the parish clergy in ways that cannot have made the bishops' jobs any easier, and the fact that Grandisson's troubles accelerated after the disruptions of the Black Death should not be overlooked either.<sup>162</sup> The frustration of Grandisson's circle was not that the friars' behavior was worse than that of their secular counterparts but that mendicant pastoral care formed an effective exit point from the diocesan disciplinary structure, undermining the unified hierarchical control these seculars sought to impose.<sup>163</sup> So Doune grumbled in writing, Grandisson revoked licenses and commissions, and finally FitzRalph lashed out on the national and international stage.

Once this specific portrayal of the friars was in public circulation in England, it had enough similarities to various other critiques of the mendicants that churchmen

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<sup>160</sup> In the 1320s, William of Pagula's *Summa summarum* brought William of St-Amour's 'fifty signs of the Antichrist' to an English audience, despite the fact that elsewhere Pagula's treatment of the friars was 'fairly evenhanded and somberly legal'; it is not certain whether Pagula understood these to apply to the friars, though some of his later readers did. Szittyá, 1986, 78–80, 119.

<sup>161</sup> On FitzRalph's approach in the *Defensio curatorum* as 'practical ecclesiology', see Szittyá, 1986, 79.

<sup>162</sup> The practical exigencies of the plague had led some bishops to make extraordinary allowances, such as permitting monks to serve as parish clergy, and it may have been difficult to return all matters to the *status quo ante* in following years. On the effect of the Black Death on diocesan administration, see R Horrox (ed. and trans.) 1994 *The Black Death*. Manchester: Manchester University Press, 271–274; Dohar, 1995; J Aberth 1995 *The Black Death in the diocese of Ely: The evidence of the bishop's register*. *Journal of Medieval History*, 21(3): 275–287.

<sup>163</sup> Haren, 2023, 312. The authorship of the *Cilium oculi* (1330s) has never been determined, but the author's seemingly excessive concern with hierarchical structures of confessors, and his reluctance to acknowledge that bishops might appoint friars as penitentiaries (he implies that they should be cathedral priests or rectors within each deanery), shows a similar concern, leading one to wonder if he too was connected with Grandisson's circle. Oxford, Balliol College, MS. 86, ff. 231rv.

suddenly began to believe it and act accordingly, a phenomenon that today we would describe as confirmation bias. As propaganda, as a literary trope, or even as gossip, a charge of hypocrisy, once made, is just too appealing to leave on the table. After the charge emerged in the 1350s from the lips of FitzRalph, whose diocese was not even in England, and was then echoed and reinforced by men of influence, we can no longer put any credence in its historicity when made by English writers, regardless of whether their goals were literary, polemical, reformist, or even merely administrative. As Friar Thomas Jorz pointed out to Archbishop Winchelsey, we would do well not to believe every rumor we hear.

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## Competing interests

The author has no competing interests to declare.

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