

- 129 It should be noted that Inswork is a barton on a neck of land near Millbrook in Cornwall. Millbrook has had a tradition of boat-building down the centuries.
- 130 The spelling with a "V" reflects the older Devonian way of sounding "F". It can be heard sometimes today.
- 131 *Rex. Exon.* Brantyngham, 362.
- 132 *Rex. Exon.* Brantyngham, 450.
- 133 *CPR Ric II* 1381–1385, 295.
- 134 *CFR* 1377–1383, 141–152, especially 146.
- 135 *CFR* 1377–1383, 335–340, especially 338.
- 136 *CCR Ric II* 1381–1385, 587–8.
- 137 *Reg. Exon.*, Brantyngham, 816.
- 138 *Reg. Exon.*, Brantyngham, 102.
- 139 *Reg. Exon.*, Stafford, I, 307 and II 45.
- 140 *Reg. Exon.*, Stafford II, 103.
- 141 *Reg. Exon.*, Stafford, II, 175.
- 142 *Reg. Exon.*, De Lacy, 160.
- 143 *RTDA* 9 (1877), 110.

Pastoral Training in the Time of Fishacre

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The original mission of the Dominican Order was preaching the word. It was a direct result of the constitution *Inter Cetera* of the Fourth Lateran Council in 1215 under Pope Innocent III, according to which bishops who were over-worked or who were not up to the demands of preaching should establish groups of preachers in their dioceses as their helpers and coworkers in the pastoral care.

Dominic Guzman, who was at the Council with his diocesan bishop, Fulk of Toulouse, was convinced that in the band of preachers he had set up in Toulouse, he had a means of making sure that this constitution would not remain a dead letter. A little more than a year later, in January 1217, he obtained from the new pope, Honorius III, a mandate that gave general approval to the work of preaching already begun at Toulouse.

This papal confirmation of Dominic's Toulouse preachers, as preachers in general, was followed over the next three years, 1218 to 1220, by many 'Letters to Prelates' urging them to make use of the preachers and to encourage them in the office of preaching to which they have been deputed. Now in these letters of recommendation and in the mandate *Gratiarum Omnium* (the real foundation charter of the

Dominican Order), there is no mention whatsoever of the sacrament of penance, the counselling of souls or the hearing of confessions. This is somewhat strange given that the Constitution *Inter Cetera* of the Lateran Council had explicitly joined the function of hearing confessions to that of preaching. The diocesan preachers, the Constitution states, should not only aid the bishops by their preaching but also by hearing confessions and imposing penances. Possibly Honorius III was waiting until the fledgling preachers had proven themselves generally as they had proven themselves locally in Toulouse before entrusting to them the second function envisaged by the Lateran Constitution. Dominic, himself, indeed, may have been well aware that the mission confided to the Order by Honorius III in *Gratiarum Omnium* eventually would entail more than the straight office of preaching, for he took some trouble at once to ensure that his preachers became learned men in the spirit of the Lateran Council, which in the celebrated Constitution *Omnis Utriusque Sexus* had laid down that a confessor should be discreet and judicious and a man of a prudent understanding.

At all events Honorius III must have been satisfied by 1221 that in Dominic's Order of Preachers he had not only the free-lance preachers of the Lateran Constitution *Inter Cetera* but also preachers who would hear confessions and enjoin penances in the spirit of that Constitution. In an encyclical letter to all archbishops, bishops and prelates on the fourth of February 1221, Honorius repeated the commendation of the preachers which he had been issuing regularly since 1217, but added now in words which clearly echoed the Constitutions *Omnis Utriusque Sexus* and *Inter cetera* of the Lateran Council that, where possible, bishops and prelates were to allow the preachers to hear confession and counsel souls. After this encyclical of February 1221, Dominic and his fellow preachers now had a double papal mission—preaching and counselling, and so were declared publicly to answer completely the ideal of the preacher as established by the Constitution *De Predicatione* of the Lateran Council of 1215, which said that preaching which was not followed by a conversion of heart and by a new way of life was, in effect, useless.

One of the first results of this new mission was the creation of the first and perhaps the most characteristic literary venture of the Dominican Order—writing popular, pastoral manuals.

For the most part these manuals and aids to the pastoral care of souls were aimed at the pastoral education of the so-called *Fratres communes* of the Order, that is, at the general body of the brethren, whose chief occupation was preaching and counselling souls. These *Fratres communes* are the *juniores*, the *simplices*, to whom preface after preface is dedicated by the picked brethren who had had the

possibility of higher education at a *Studium Generale* or a *Studium Provinciale* and who now attempted in manuals to communicate their learning for the benefit of those brethren, the majority of the Order, engaged directly in the *cura animarum* (care of souls). This was not a chance occurrence. From the earliest days of the Order the greatest care was taken to see that all of the brethren, the *communes* with the *docibiles*, *lectores* and *doctores* had a formal training, and that that training had a pastoral bearing. As the prologue to the very first Constitutions puts it, 'all our study should be principally towards this: to attempt to be as useful as possible to the souls of our neighbours'.

The emphasis was wholly on a theological training. A grounding in Latin and Grammar was taken for granted. Instruction in these subjects was by way of exception. As a rule all young Dominicans began their studies in their local priory under the local lector and most never obtained any education other than that provided in these priories and by these lectors. Opportunities for higher studies were small. Only the brightest students found their way to a *Studium Generale*, the only one of which until 1248 was Paris, to which three were allowed to go from each province.

This is not to say that the *Fratres communes*, nine-tenths perhaps of the whole Dominican Order in the thirteenth century, were thereby neglected or only received a spotty education from the lectors in the priories. Far from it, study was as much a part of their lives as it was of those of their more gifted brethren. Even after they had become priests and had taken a place as preachers, confessors, missionaries, or administrators, only a dispensation could excuse them at any point from attendance at the lector's classes in their priories just as in their student days.

The principal mission of the Order at the beginning may have been preaching, but slowly and inexorably the second mission, that of confessing or counselling souls, began to dominate the former. Although there were some useful manuals around, there is no evidence that manuals of preaching ever achieved the status in the order of manuals of practical moral theology.

At the heart of the first Dominican century there was inevitably the *Summa de Casibus* of Raymond de Peñafort about 1225. Almost as soon as it was published it became the semi-official textbook of the Order in all that touched penance and morals. In the second and third Dominican centuries, however, it was replaced by the *Summa Confessorum* of John of Freiburg, which in 1298 had brought Raymond up to date after some sixty years. The great merit of the *Summa Confessorum* of John of Freiburg is that it incorporated, as a result of this research, most of the moral teaching of Aquinas in the *Secunda Secundae* of the *Summa* and it is even a greater merit of the



Map to show places in Devon and Cornwall associated with the Fishacre Family

KEY

- M** = Castle, head of honour
- ? = Site of place not clear
- place = holding associated with the Fishacre family
- place = *places of importance for the Fishacre family*
- + = a member of the Fishacre family was rector
- * = a member of the Fishacre family was a royal residence
- = Shire boundary

Summa of John of Freiburg that in this way the moral teaching of Thomas was introduced into the priory schools and placed at the disposal of the *Fratres communes*.

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Apart from the *Summa confessorum* of John the Lector of Freiburg-im-Breisgau and his other writings, only one other example, so far as I know, survives from the 13th century to illustrate the method of teaching followed by a conventual lector in his lectures to and teaching of the *Fratres communes*. This is a miscellany, dating a little after 1260 and of English Dominican origin, which is now in the British Library as Add. MS. 30508.

It is a small, pocket-size volume which was purchased for the Library in 1877 and contains a homogeneous collection of pastoral tracts and notes spread over 276 folios: an abbreviation of the *Summa juniorum* (1250 x 1260) of the English Dominican Simon of Hinton; an unacknowledged synopsis of all four books of Raymond of Peñafort's *Summa de casibus*; a long series of 'problems' or *casus*.

Even without the presence of Raymond and Hinton's *Summa iuniorum*, the whole volume suggests a Dominican setting, and an English one at that. There are references in the texts and notes to 'fratres' and to preachers, to London, to priests who 'come to these parts' from Ireland. At the very end there is a note of the Dominican General Chapter at Oxford in 1280: 'Hec sunt suffragia capituli generalis celebrati Oxon.'

The combination of Hinton's *Summa* (1–104) with snippets from the *Summa* of Raymond (199–246) and a set of *casus* (246–79), suggests strongly that the volume, dating probably 1260 x 1280, was compiled by or for a lector in one or other of the English Dominican houses—possibly indeed at Pontefract in the North of England.

The writing, however, appears to be that of a professional scrivener. It is competent and secure, though not entirely free of small mistakes, mistakes, indeed, which are corrected in a clear, notular script by the hand (or so it seems to me) that compiled the brief subject-index (with folio and column references) at fol. 275v and presumably is that of the lector-owner.

The only parts of the volume which concern us here are those that carry the extracts from Raymond's *Summa* (199–246) and the series of *casus* (246–79). The synopsis of Raymond, however, is little more than a number of *casus* plucked straight from the *Summa de casibus*. It was, no doubt, a very handy collection by which to illustrate the various topics discussed by Raymond or to test a student's understanding of them. All the same, the series of problems here is entirely dependent on Raymond, and is not at all as interesting as the

second series which immediately follows it in the volume. There is more variety now, and there is a local flavour which is absent from the borrowings from Raymond.

The range, too, of the problems is wider, and by my count some 216 questions cover most of the practical aspects of the pastoral care with which an ordinary Dominican or *Frater communis* would be expected to be familiar: abstinence, adultery, almsgiving; betrothal, bigamy, burial; concubinage, confession (and the seal of confession), consanguinity and affinity; degradation, domicile; the eucharist, excommunication; fear, falsification of letters, fortune telling; homicide; irregularity; loans; manumission, matrimony; cases of necessity; oaths, occult sins, orders; penance, perjury; religious life, restitution; shipwreck, simony, spiritual daughters, sponsors, stole fees; theft, tithes; usury; violence, vows. Most of the subjects in this long catalogue are presented in the *casus* or 'problem' form which the summists and moralists of the 12th and 13th centuries had adopted from Gratian's *Decretum*.

But although the 216 problems (some of which include follow-up questions) have all the appearance of the *Quaestiones* of the Decretists and Decretalists, they are much more like the type of problem which a teacher would use in class to test his students, or at an exam. There is the smack of the examination for confession faculties about some of them, for example: 'Someone stole two cows. One he killed at once, the other of the same value he kept and made a huge profit on. After five years he confesses. What counsel is to be given to him with respect to restitution? What anyway is the law here?' (fol. 248 ra).

More often than not only the question is given, or simply the bones of a question, without any suggestion of what the answer is or could be. In all likelihood, then, what we have here is a set of problems which a conscientious English lector had compiled or had himself dreamed up over a number of years of teaching practical theology from Raymond's *Summa de casibus*. The careful layout, the marginal corrections and the intelligent index (with folio references, too), testify that the volume as a whole was highly regarded and that the collection of problems was far from casual. The lector could fall back on this bank of *casus* when the *Fratres communes* were short of a topic for the periodic disputations. He could draw on them, too, for the regular *Collationes de moralibus* and revision sessions, during which, as Humbert de Romanis says, the lector was expected to quiz the brethren 'de lectionibus, vel quaestionibus auditis a fratribus, ut videatur de profectu eorum'.

Here and there the questions plumb a student's general knowledge (e.g. 'Can confirmation or orders or any such sacrament come before baptism, given that baptism is the gateway to the sacraments?'), but

others are of the tricky variety which only an alert student would answer without some hesitation, thus, 'One person steals something sacred from a non-sacred place, while another steals a non-sacred thing from a sacred place: which is the greater sinner?'

In some of the questions one can almost see the lector putting the main question, waiting for some answer, and then pouncing on any fuzziness in the reply: 'A married man contracts marriage with a single woman. Later, hearing of the death of his legitimate wife, he marries another woman. What is the law? If he remains with her, what is the law? Can he really stay with her?'

Since the volume is Dominican, some problems bear on the religious life or on the activities of Dominicans. One involves a Dominican's power to absolve from reserved censures. A second touches on a point which may not have been wholly academic, and indeed occasions a *NOTA* in the margin. A religious is so dangerously ill that he cannot recover unless meat is placed on his diet. A skilled doctor examines him and states emphatically to the man's superior that there is no hope of recovery without meat—but fails to move the superior, as a result of which the religious duly dies. Does the superior thereby incur irregularity?

A third problem is in the best tradition of the academic conundrum. A Dominican is going along a road and chances on an unbaptized child on the point of death. There is a deep well nearby but there is not enough water in it to allow some to be drawn for baptism. What should this Dominican do? Should he throw the child into the well? Or should he allow the child to die unbaptized and thus to be damned forever?

It is not unlikely, of course, that many of the questions in this collection were stock ones which passed from province to province within the Dominican Order in much the same as the *Quaestiones* of the Decretists and Decretalists were repeated from area to area all over Europe, or as 'international jokes' are today. There is, for example, a problem about Greek priests which was hardly indigenous to England. All the same, some of the problems in this English Dominican volume do have a nicely local flavour to them.

There is the trader who has domicile and a family in a certain town but spends a full and quite profitable year in London—to which church, that at home or that in London, should he pay his tithes? Then there are some priests from Ireland who engage in dubious dealings in England. Is one of these a simoniac if he approaches a bishop in England and slips him ten shillings for permission to exercise his priestly ministry in the bishop's diocese? Is another, on the other hand, a simoniac if he gives in to a bishop in England who will not allow him to function in his diocese as a priest unless he pays him a certain

sum of money?

Then there are some married people who get into difficulties in Paris. One, a man, goes over to Paris and while he is on his way his wife dies without his being aware of it. In Paris he becomes engaged to a spinster and has sexual relations with her. Later, when he has heard of his wife's death, he becomes engaged with the same consequences to a second spinster. Which of the two is he bound to marry?

Again, two married persons, a man and a woman, land themselves into a similar predicament. They leave their spouses, go to Paris and there contract a clandestine marriage and commit adultery, each being ignorant of the fact that the other is married. Shortly after this, the abandoned wife and the abandoned husband die. As soon as the two in Paris hear the news they solemnize their marriage. *Quid igitur agendum?*

'What then is to be done'? To Dominicans and others all the above will have a familiar ring. The approach of this English Dominican of the second half of the 13th century is not so very different from that of the *Collationes morales* and *Casus conscientiae* which until recently were such a regular feature of the teaching of practical theology in most studentates, scholasticates and seminaries.

As witnessed by John the lector of Freiburg-im-Breisgau and by this anonymous lector from the English Dominican province, the tradition of this sort of practical theology in the Dominican order is a very old one, and it reaches back in fact to the *Summa de casibus* of Raymond of Peñafort and the three other manuals of confessional practice which were written for Dominicans between 1221 and 1225 and were the first literary productions of the Order.

This tradition was a remarkably successful part of the Dominican educational system from the very beginning, a system that was designed, through its provisions for students, lectors and *Fratres communes*, to produce both the well-informed Preachers-at-large commissioned by Honorius III in 1217 and the 'discreet, judicious and prudent priests' to whom the same pope entrusted the twin function of the hearing of confessions and counselling of souls universally in 1221.