

Morals and penance: punishing vice in East Anglia on the eve of the sixteenth century

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Abstract

A look at the punishment of immorality and vice in East Anglia at the close of the fifteenth century, with examples taken from the visitation of 1499 of the vacant see of Norwich, recorded in the Episcopal Register of Cardinal John Morton, Archbishop of Canterbury. The paper contrasts the self-righteous attitude towards morality of many of today's Christians with the surprisingly humane attitude to its punishment on the eve of the sixteenth century.

Introduction

The idea for this paper came about from reading discussions¹ about morality, vice and its punishment in the modern church, particularly with reference to the recent consecration of Gene Robinson as Bishop of New Hampshire in the Episcopal Church of the United States of America. I was astounded by the holier-than-thou, self-righteous attitude of many of the Protestants, Evangelicals and Eastern Orthodox during the discussions. While lambasting Robinson for being a 'sodomite' and bemoaning the general increase in immorality in church and society and other liberal evils, many of them claimed to be 'saved', 'Spirit-filled', 'incapable of sin' and other vanities.

I was spurred on to look at how the English Church of 500 years ago dealt with immorality and vice. Though I had only the vaguest idea of the sort of penances and punishments meted out in those days, I somehow knew in my heart of hearts that people were far less judgemental and self-righteous. It was a half-baked idea but turned out to be correct. Leniency and understanding, pastoral economy and liberality, underlay the decisions and punishments handed out by men we today might think of as tyrannical ogres. I was surprised and decided to write this short paper to show a few typical cases of vice and immorality in East Anglia on the eve of the sixteenth century and the penances required for them.

¹These public discussions were on the Usenet newsgroups *alt.religion.christianity.east-orthodox* and *uk.religion.christianity*. See the Usenet archives of these two groups for November 2003 for the full story.

Visitations and visitors

Every bishop was—and still is—required to maintain a register for the duration of his episcopate, recording his official engagements, decisions etc. Many registers contain little more than a sparse list of such things. However, the episcopal register of John Morton, Cardinal Archbishop of Canterbury, is a godsend as he was assiduous in its keeping, recording far more than was required. The complete register has been translated into English and published recently by the Canterbury and York Society.²

According to tradition, administration of a vacant diocese fell to its provincial metropolitan until the vacancy was filled. On the death of James Goldwell, Bishop of Norwich, on 15 February 1499, there was a five-month vacancy before the appointment of his successor, the short-lived Bishop Jane. Cardinal Morton took control of the diocese's administration and almost immediately ordered a visitation to determine the state of the diocese and recorded the outcome of this visitation in his episcopal register.

Of course, Morton did not make the visitation in person. On 26 February he commissioned Roger Church to act as his Official in the diocese. Church convened the Norwich Consistory Court on 8 March. The visitor was supposed to be Roger Framingham, monk of Norwich, but within a week he had claimed that pressing business prevented him from making the visitation and delegated his powers to Church and John Vaughan.

Church was an experienced visitor, having previously conducted visitations in the dioceses of Bath and Wells, Coventry and Lichfield, Rochester and Worcester in the space of three years. He was assisted by William Potkyn, notary public, who had assisted him on many of his previous visitations. Following this successful visitation, Potkyn was rewarded for his loyalty and service by being made registrar to the consistory court of Norwich in perpetuity with the right to exercise by deputy³.

Church visited Norfolk between 8 March and 1 July, while Vaughan visited Suffolk between 8 April and 27 June. Both men then returned to Norwich and held a number of sessions of the Consistory Court in and around the city between 2 July and 27 July. I haven't reproduced the itinerary, but the amount of travel is considerable with rarely more than a day or two in any one place, and the schedule of visitations must have been punishing to those involved.

In general, at a visitation, the clergy, churchwardens and monastics were required to present themselves to the visitor, along with licences or letters of appointment. A number of clergy failed to present themselves, several of them holding more than one living as was common in those days. They were disciplined, usually by being required to move to their parish within a week if they did not have authorisation to be elsewhere, or having their licence revoked.

²*The Register of John Morton, Archbishop of Canterbury 1486-1500*, ed. Christopher Harper-Bill, three volumes, Canterbury and York Society, 2000, hereafter referred to as *Register*. I am absolutely indebted to the Society for these magnificent volumes and for making it possible for me to contrast the humanity of half a millennium ago with the self-righteousness of today.

³Potkyn did indeed appoint a deputy, Edmund George. Unfortunately for Potkyn, George abused his position, was deposed and began a lengthy action against Potkyn, costing him both financially and in credibility.

Vices and punishments

Very often, visitations were also an opportunity for charges to be brought against lay people⁴ of the parish, usually by the churchwardens. There is a very full record of these denunciations for Vaughan's visitation of Suffolk, but the only ones recorded in Norfolk were those serious enough to be heard before the Norwich Consistory Court, at which both Church and Vaughan sat as judges.

More than half of all denunciations were for sexual immoralities of one kind or another, often adultery or fornication, both of which charges have been levelled against Robinson recently. Of the remainder, failure to attend church, chattering or gossiping while in church, sowing discord among neighbours, or a husband or wife unlawfully holding on to their deceased spouse's estate, account for the majority, along with a couple of bizarre cases of men allowing their horses to 'foul the churchyard'⁵.

Perhaps surprisingly, given that the Reformation was literally just around the corner, there was not a single case of doctrinal deviation or error. And, given East Anglia's reputation for—how shall I put it—limited genetic variation, also quite a small number of cases of incest and marrying within prohibited degrees.

Totting up the cases from this part of Morton's episcopal register, in Suffolk there were one hundred and fifty six denunciations to the visitor, of which eighty nine were of a sexual nature; in Norfolk, forty four cases were considered serious enough to be heard by the Consistory Court, of which all but one were sexual⁶.

The usual punishment for a lay person was to appear at High Mass, on one or more Sundays, dressed in a shirt but otherwise bare-headed, bare-legged and bare-footed, and to head the procession, carrying a candle. This candle usually had a value, greater or lesser depending on the means of the penitent and the severity of the charge, and would be offered either to the priest or to the principal image⁷. In addition, especially in cases involving a young and unmarried woman's honour, the man may have had to make some financial restitution to her. Punishments for errant clergymen often included temporary suspension from office, suspension or termination of licence, refusal to permit the saying of Mass⁸, and very often a stiff fine⁹.

One thing stands out in Church and Vaughan's judgements and that is their humanity and perception in dealing with offenders. In only five of the two hundred cases reported in the episcopal register was any form of corporal punishment prescribed¹⁰. In several cases involving fornication, the judges set de-

⁴Occasionally, charges other than failing to live in the benefice were brought against clergy. In the Suffolk visitation there were two cases of priests having sexual relationships.

⁵At Fornham St Genevieve in Suffolk, the churchwardens, John Barbour and Edmund Wryght, complained to Vaughan that Robert Gerrard had allowed his horse to foul the churchyard. Gerrard admitted the charge and his penance was to offer a candle to the principal image of the church, in penitential fashion, the following Sunday.

⁶The only non-sexual case was for failure to receive the Holy Communion three times in the year.

⁷Usually it would be placed on a pricket, or candle-stand, in front of the most important statue or image in the church.

⁸This was particularly effective against offending clergy without benefice, such as chantry priests, as it meant a period with no income in which to consider the consequences of their actions.

⁹The proceeds of fines were usually split between the offending clergyman's church and the cathedral.

¹⁰When Vaughan visited the parish of St Martin's at Barnham, Suffolk, the churchwardens, Edmund Madam and Henry Borne, complained that John Wagge was absent from the church

liberately high fines in an effort to persuade the man to do the decent thing and marry the girl. In other cases of adultery or fornication resulting in a pregnancy, the man was often ordered to maintain the woman until her purification and the child until it reached adulthood. A clergyman who had insulted Vaughan and questioned the validity of his visitation after he had excommunicated him was forced to preach from the pulpit on two successive Sundays on the scandalous error of his accusations. But, in the main, heading the Sunday procession at High Mass in just a shirt and carrying a candle was the most common punishment.

So, very often, the purpose of the penance was not vengeful but corrective. It was not Church or Vaughan's intention to punish the offender but to persuade—and in some cases to coerce—the penitent into repentance, and restitution for what they had done when it adversely affected others. How I wish the humanity, fairness and philanthropy of Church and Vaughan would be applied today.

Selected cases from the episcopal register

East Dereham

John Pynnes, a single man, was accused of fornication with his servant, Agnes Rodwell, who was pregnant by him. He was summoned and, on 10 July, appeared before Church and Vaughan at the Norwich Consistory Court. There he admitted the charge and was ordered to pay Agnes four pence a week for her maintenance until the birth, eight pence a week from the birth until her purification, and within three days of the purification to pay her forty shillings. He was also ordered to maintain the child from its birth as though it were legitimate.

The following Sunday he must go to Norwich cathedral and walk before the procession, in penitential fashion, with a candle to offer the celebrant after the offertory. He must explain to the celebrant the reason for his penance, pay five shillings towards repair of the fabric of the cathedral and to appear to the Court again on the Monday to certify he had done this, which he did. He was also ordered to pay five shillings towards the repair of his parish church at East Dereham.

Agnes was also summoned to the Court on the same day and ordered to walk before the procession at High Mass the following Sunday at East Dereham parish church, in penitential fashion, and with her hair untied. She must carry a candle worth one pence, hand it to the celebrant after the offertory, and return to the Court on Monday to certify she had done this, which she did¹¹.

Lowestoft

The churchwardens, John Jetour, John Sparhewe and John Couper, accused William Wylton, a single man, of fornication with Margaret Stares, a widow. Wylton had had the banns called three times in church, as usual, before the beginning of Lent, but was now refusing to solemnise the marriage. He was summoned to Southwold on 19 June and, admitting carnal intercourse, claimed that he had been forced against his will into contracting the marriage through

on Sundays without reasonable cause. Wagge admitted the charge and Vaughan ordered that he should be beaten around the churchyard, in the penitential fashion, and fined twenty pence for any future offences. The register notes: 'Penance performed'.

¹¹Entries 263 and 265, summarised from pp153, 154 of *Register*.

fear of Nicholas Huson and William Wymond. The court was not convinced of this excuse and ordered that he and Margaret must marry, and prove themselves married, by the feast of St Peter *ad Vincula* on 1 August¹².

Kelsale

William Bachelor, John Felerer, John Reynald and Ralph Ede, churchwardens, complained to Vaughan that John Bakeler, a single man, had fornicated with Christine Carter, a single woman. He was summoned to appear at Saxmundham on 31 May where he admitted the charge. He was ordered to go in penitential fashion at the head of the procession in Kelsale parish church on the next Sunday, with a candle worth one pence. The following Sunday Bakeler must do the same at Aldeburgh and, on the third Sunday, around the marketplace at Saxmundham, and certify he had done this.

Bakeler subsequently appeared to say he had completed the first week's penance but had now decided to marry Christine, so the judge remitted the remainder of his penance¹³.

Wattisham

Robert Reyner, a single man, was accused by churchwardens Robert Emlyn and John Wynacres of fornication with his maid, Catherine Fennyng. He admitted the charge at Woolpit on 26 June, but when the judge asked him if he wanted to marry Catherine, Reyner replied that he did not.

The judge ordered that, on the feast of Ss Peter and Paul, 29 June, barefoot and dressed only in his shirt, he should go from the font to the steps of the high altar of Wattisham parish church during High Mass with a candle worth one pence, and do the same again the following Sunday in Bildeston parish church.

Shortly afterwards, in front of witnesses, Reyner agreed that he would pay Catherine forty shillings within the year for her dowry as he still did not wish to marry her. The judge then modified the punishment so he only had to do one penance in his parish church¹⁴.

¹²Entry 377, summarised from p176 of *Register*.

¹³Entry 446, summarised from p187 of *Register*.

¹⁴Entry 814, summarised from p237 of *Register*.