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## Teaching on Repentance and Confession in the Bohemian Reformation

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A variety of views on penance and confession within the Bohemian Reformation became evident through my modest attempt to survey the Bohemian and Moravian libraries' medieval manuscripts that contained treatises destined *pro foro conscientiae*, commonly called *Summae confessorum* or *Summae de casibus conscientiae* but also simply as *Confessionale*, *Poenitentiale* or *Tractatus de poenitentia*.<sup>1</sup> This exploration stimulated me to turn, once again, to the complex issue of Bohemian theories in comparison with Rome's dominant views and to touch upon the divergences in the interpretation of the sacrament of penance.<sup>2</sup>

Undoubtedly, the sacraments are among the central doctrines of the Christian faith. The literature of the Bohemian Reformation deals with them in a variety of ways, some times in elaborate discourses, at other times in brief references. On the most basic level we find that all the factions in the Reformation, including the Taborites (except for the brief chiliastic wave of 1419-1421), recognized the seven sacraments in the conventional sequence of baptism, confirmation, the Lord's Supper, penance, extreme unction, ordination and marriage.<sup>3</sup> Beyond that, however, fierce disputes arose concerning the concept of the Lord's Supper, which became a point of contention not only between Rome and the Bohemian Reformation but also among the various currents within the latter. The doctrinal disputes about the Eucharist overshadowed the lesser differences in the interpretation of the other sacraments. However, there are indications of fairly frequent disagreements about penance and confession between mainstream Utraquists (or the Prague Party) and the Taborites. These divergences will be detailed in the following work.

### Hus and Jakoubek

As a starting point of this study, we will turn to the treatment of repentance and confession by Jan Hus. These issues have already been explored in considerable detail,<sup>4</sup> so that we can focus on the broader aspects of his teaching, place them in the pattern of subsequent development, and compare them with the teaching of the Roman Church. Hus paid special attention to penance in his *Super IV Sententiarum* in which he dealt with the subject, as a part of a general discussion of

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<sup>1</sup> Jiří Kejř, *Summae confessorum a jiná díla pro foro interno v rukopisech českých a moravských knihoven* (Praha, 2003).

<sup>2</sup> For occasional pregnant notes on the Bohemian views of penance, see Amedeo Molnár, *Pohyb teologického myšlení* (Prague, 1982).

<sup>3</sup> Declaration of allegiance to the seven sacraments appeared often, particularly in the Synod protocols and in manifestoes. Concerning variation in the sequencing of the sacraments in the early 1430s, see Amedeo Molnár, *Úvod k edici Petra Chelčického Zprávy o svátostech* [Acta reformationem Bohemicam illustratia, II] (Prague, 1980) 8-9.

<sup>4</sup> Václav Novotný and Vlastimil Kybal, *M. Jan Hus, Život a učení* 2 vv. in 5 parts (Prague, 1919-1931); v. 2: Vlastimil Kybal, *Učení*, 3 parts (Prague, 1923-1931) 3:268-283.

the sacraments. The topic was covered in Distinctions 14-18 and further elaborated in Distinctions 19-22.<sup>5</sup> Aside from statements by the church fathers, he relied largely on the treatise *De poenitentia* in Gratian's *Decretum*. Basically, Hus insisted upon the necessity of penance and stipulated its three basic parts: *conpunctio cordis*, *confessio oris*, and *satisfactio operis*. Thus he agreed entirely with the conventional concept of penance, which consisted of contrition, confession, and satisfaction.<sup>6</sup> In the taxonomy of Hus's explication of the *Sententiae*, the term *confessio* had the meaning of *confessio accusationis* in relation to penance. The term "*confessio accusationis*" had a double meaning of: (1) *iudicialis*, which signified admission of guilt in judicial proceedings *in foro contentioso*, and (2) *sacramentalis*, which signified the declaration of sins to an authorized priest, possessing the power of binding and loosening, in the expectation of grace and justification. In this way, the latter differed from a confession, which was made to God alone, or a confession in the judicial court. In this connection, Hus reiterated that "*contritio, confessio et satisfactio sunt partes integrales*" of sacramental penance.<sup>7</sup> In addition, satisfaction had three principal modes of alms, fast and prayer that subsumed all the others.<sup>8</sup>

While priests were not to receive any gift or payment for hearing confessions,<sup>9</sup> they routinely did and such a corrupt practice, in fact, caused many sinners to avoid confession altogether.<sup>10</sup> Hus himself repeatedly censured the existence of fees for the administration of the sacraments, among which he included rewards for hearing confessions, considering the payments simoniacal.<sup>11</sup> On the whole, as we shall see, all the various strands within the Bohemian Reformation agreed on firmly and indignantly rejecting such fees.

As for the imposition of satisfaction, the priest was obliged to consider carefully the circumstances [*circumstantiae*] under which a sin was committed. This was a considerable advance from the earlier period, roughly until the twelfth century, when the imposition of penance and satisfaction had been governed by strict schedules of penalties stipulated in the ancient penitentials. The confessor was to apply such rigid stipulations mechanically.<sup>12</sup> Contrary to the older procedure, the

<sup>5</sup> Jan Hus, *Super IV Sententiarum* [Sbírka pramenů českého hnutí náboženského, 4-6] ed. Václav Flajšhans (Prague, 1904) 588-614.

<sup>6</sup> Hus repeated this definition several times, for instance, in his Czech, "Výklad na páteř," in Jan Hus, *Výklady*, MIHO I ed. Jiří Daňhelka (Prague, 1975) 377, as well as other places, which will be cited.

<sup>7</sup> Hus, *Super IV Sententiarum* 598-600.

<sup>8</sup> *Ibid.* 594.

<sup>9</sup> *Ibid.* 604.

<sup>10</sup> Peter Browe, "Die Pflichtbeichte im Mittelalter," *Zeitschrift für katholische Theologie* 57 (1933) 351 ff. indicates that confession was often neglected even after the Constitution *Omnis utriusque sexus* of the Fourth Lateran Council, which decreed a compulsory annual confession to one's own pastor. The author cites numerous examples of this omission.

<sup>11</sup> See, for instance, Jan Hus, "Knížky o svatokupectví," in his *Drobné spisy české*, MIHO 4, ed. Jiří Daňhelka (Prague, 1985) 234, 236; and *idem*, *Česká nedělní postila* MIHO 2, ed. Jiří Daňhelka (Prague, 1992) 201-204.

<sup>12</sup> The voluminous literature on the penitentials need not detain us here. The most comprehensive analysis is offered by H. M. Schmitz, *Die Bussbücher und die Bussdisziplin der Kirche nach handschriftlichen Quellen dargestellt*, 2 vv. (Mainz and Düsseldorf, 1883-1898); [For a helpful overview of the development of the penitential system see: Cyrille Vogel, "Sin and Penance: A Survey of the Historical Evolution of the Penitential Discipline in the Latin Church," particularly "The System of Tariff-Penance," in: *Pastoral Treatment of Sin* (New York, 1968) 176-282 and Thomas N. Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton, 1977). Ed.]

confessor was henceforth required to consider specific cases, judge them individually and impose commensurate penance, which was not allowed to exceed the bounds of endurance or to burden the penitent unduly. The confessor was to act as a judge, weighing the degree of guilt and its atonement. This point of view conditioned the subsequent literature of ecclesiastical law dealing with the modalities of confession and penance. It was also enshrined in the Constitution *Omnis utriusque sexus* of the Fourth Lateran Council, which set the pace for the subsequent confessional practice.<sup>13</sup>

It was evident in this innovative approach that the confessor, in his role of a judge, indeed also of a counsellor, carefully considered the circumstances of a sin. In doing so, he likewise met the requirements of *Omnis utriusque sexus*, which directed attention to *peccatoris circumstantias et peccati*. Penitential treatises often dealt with the circumstance bearing on an accurate assessment of guilt,<sup>14</sup> but it did not seem that Hus used such manuals as his direct source, although he repeatedly discussed or touched upon the issue of “circumstances”.

He called attention to the circumstances that the sinner was to mention.<sup>15</sup> He distinguished three types of circumstances and gave examples. First, circumstances whereby neither the gravity nor the nature of the sin is altered, for instance, whether a theft was committed by either the right or the left hand. Second, only the gravity but not the nature is altered, as in the instance of a grand theft. Third, both the gravity and the nature were escalated, as in the theft of a sacred object, which metamorphosed into a sacrilege. The mention of the first type of circumstance was unnecessary, the second type optional, but the third type the penitent was bound to confess and repent. Hus also referred more briefly to *circumstantiae*, whether as *circumstantiae criminis*,<sup>16</sup> *circumstantiae delictorum*<sup>17</sup> or – in Czech – as “*okolky hřiecha*”.<sup>18</sup>

In his work on the *Sententiae*, Hus proceeded, after the treatment of penance, to an explication of the related power of the keys (Mt 18:15-18),<sup>19</sup> which was also decisive for the idea of the forgiveness of sins deduced from the *potestas*

<sup>13</sup> The term *in penitenciali iudicio* is used, in fact, by the Constitution *Omnis utriusque sexus*, in *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum*, Const. 21, ed. A. García y García, *Monumenta iuris canonici*, Series A, *Corpus glossatorum*, v. 2 (Vatican, 1981) 67-68, assumed from the decretals of Gregory IX, Book V, titulus “De poenitentibus et remissionibus,” X 5.38.12, see Friedberg II:887-888.

<sup>14</sup> D. W. Robertson, “A Note on the Classical Origin of ‘Circumstances’ in the Medieval Confessional,” *Studies in Philology* 43 (1946) 6-14, and particularly the minute analysis in J. Grundel, “Die Lehre von den Umständen der menschlichen Handlung im Mittelalter,” *Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters* 29/5 (Münster, 1963). [See also: Thomas N. Tentler, *Sin and Confession* 31ff.

<sup>15</sup> Hus, *Super IV Sententiarum* 600.

<sup>16</sup> Jan Hus, “Contra octo doctores,” in *idem, Polemica*, MIHO 22, ed. Jaroslav Eršil (Prague, 1966) 443.

<sup>17</sup> Jan Hus, *Sermones de sanctis*, [Sbírka pramenů českého hnutí náboženského, 7-8] ed. Václav Flajšhans (Prague, 1907) 15, where he stressed contrition in his explication of penance.

<sup>18</sup> Jan Hus, “Dcerka,” in *idem, Drobné spisy české*, MIHO 4, ed. Jiří Daňhelka (Prague, 1985) 174, which contains an extensive discourse on sin and penance.

<sup>19</sup> Hus, *Super IV Sententiarum* 605 ff.

*ligandi et solvendi*. In this regard, Hus remained in agreement with the teaching of the Church of Rome.<sup>20</sup>

In assessing the issue of orthodoxy, it is necessary to take into account the parameters of the explication of the *Sententiae*, the interpretation of which was closely bound up with the established text and scarcely permitted any marked deviation from Lombard's opinions. At most, some minor ripples of a distinctive view could surface. In addition, the restrained ambiance of the Theological Faculty, where the *Sententiae* were presented, would not have allowed explicit questioning of established Church doctrines. Hence, it is understandable that Hus's expressed views by and large coincided with the Church teaching and that he lacked the opportunity – and in all probability also the desire – to voice any disagreements.

However, as Štěpán of Pálež pointed out, Hus expressed opinions elsewhere that were at odds with the current orthodoxy.<sup>21</sup> Particularly in his treatise, *De ecclesia*, which Pálež directed against Hus's treatise of the same name,<sup>22</sup> he criticized Hus's view that contrition alone was sufficient for salvation. According to Pálež, Hus had thereby downgraded confession in the eyes of the faithful.<sup>23</sup> Another error, ascribed by Pálež to Hus, was the opinion that the priest did not forgive the penitent's sins but only announced their remission, because only God could grant forgiveness.<sup>24</sup> One may add to these strictures, Hus's assertion that a sinner could attain salvation without a confession.<sup>25</sup> However, such a situation only applied under the most exceptional circumstances. In general, Hus neither rejected confession nor denied its effectiveness.<sup>26</sup> According to him, penance was an indispensable remedy that removed guilt and restored grace; it broke the shackles of damnation and reunited the penitent with the church. Penance was fulfilled through contrition, confession and atonement.<sup>27</sup> Although real forgiveness came, without any

<sup>20</sup> "Ergo catholice credi debet, quod quilibet sacerdos rite ordinatus habet potestatem sufficientem quolibet sacramenta conferendi et per consequens vere contritum loco et tempore pro usu auctoritatis a peccato quolibet absolvendi." *Ibid.* 607. At this point, Hus did not worry whether or not the priest was in the state of grace, although this was a matter of major concern elsewhere, both to him and the Bohemian Reformation as a whole.

<sup>21</sup> For a survey of Hus's deviant views on the sacrament of penance, according to Pálež, see Jan Sedlák, *M. Jan Hus* (Prague, 1915) 289.

<sup>22</sup> For a partial edition, see Sedlák, *M. Jan Hus*, supplement 17, 202\*-304\*. Against later misattributions of the work to Stanislav of Znojmo, Sedlák argued for the authorship of Pálež in his "Pálčův spis proti Husovu traktátu *De ecclesia*," in *idem, Miscellanea husitica* (Prague, 1996) 142-178. Against more recent doubts about the authorship, this view is newly supported by Jiří Kejř, *Protihusovský traktát 'De ecclesia' a jeho autor* [forthcoming].

<sup>23</sup> Here it is necessary to rely on quotes cited by Sedlák, *Miscellanea husitica* 160, because the relevant section is missing from the extant edition of Pálež's treatise.

<sup>24</sup> Here, Pálež also alluded to Hus's treatise, *De sex erroribus*, written on the walls of the Bethlehem Chapel, in which the section on the remission of sins supported this view by quotes from Church Fathers; see Bohuslav Ryba, ed., *Betlémské texty* (Prague, 1951).

<sup>25</sup> From Hus's treatise, *De tribus dubiis*, reproduced by Kybal, *Učení 3:265 n. 3*. This also agrees with "contritio...in necessitates articulo sufficeret homini ad salvandum," in Jan Hus, *De ecclesia*, ed. S. Harrison Thomson (Prague, 1958) 78.

<sup>26</sup> This is clearly evident from the brief declaration in Jan Hus, "De cruciata," in *idem, Polemica*, MIHO 22, ed. Jaroslav Eršil 132. Hus recognized the priest's power to absolve – after contrition and confession – from guilt and punishment. Contrition, however, was decisive: "Licet autem sufficiat aput Cristum ubique presentem contritio, tamen sacramentum penitencie est valde necessarium," *ibid.* 133.

<sup>27</sup> Hus, *De ecclesia*, ed. Thomson.

ambiguity, only from God, the church's participation was not thereby rendered superfluous; the priest's cooperation was indispensable, but the entire procedure had to be in harmony with the will of God which was infallible.<sup>28</sup>

One more instance of Hus's view of confession may be found in his Bethlehem sermons of 1411. The sermon of 15 January 1411<sup>29</sup> postulated the degrees of authority in granting forgiveness to a sinner. God did so *auctoritative*; further Jesus Christ held *subauctoritativam potestatem*; and at last the priest granted forgiveness as *instrumentum*. Hus concluded that in order to receive absolution one turned to God, to Christ, and "ad sacerdotem ydoneum tamquam Christi instrumentum, ut ille auctoritate Dei per meritum passionis Christi nostrorum nobis peccatorum nunciet remissionem."<sup>30</sup> Of course, Hus did not attribute to the priest an independent authority to remit sins; the latter acted only as a mediator of God's absolution.

The nature of Hus's views was also revealed during his interrogation concerning Wyclif's Articles,<sup>31</sup> which occurred at Constance shortly after his imprisonment. In Article 7, "Quod si homo fuerit debite contritus, omnis confessio exterior est sibi superflua et inutilis,"<sup>32</sup> Wyclif expressed a view of penance and confession that the theological radicals of the Bohemian Reformation normally entertained. In his response Hus, however, unambiguously denied the validity of this Article: "Nescio, ubi stat. Non teneo nec tenui, oppositum legi in Ewangelio: Descendit Iesus de monte."<sup>33</sup> Indeed, he made a truthful statement as he had never denied the value of confession and considered the admission of sins a necessary component of penance.<sup>34</sup>

Evidently, Hus occasionally deviated in minor ways in his opinions on penance from the doctrine and practice of the Roman Church, but in principle he did not deny the need for penance and confession.<sup>35</sup> This became particularly clear from his own humble confession in the prison in Constance. Yearning to confess, he requested the services of his principal opponent, Štěpán of Pálec, or, if that were

<sup>28</sup> *De ecclesia*, chapter 10, dealt with the power of the keys and included Hus's teaching on penance, which sparked a polemic with Štěpán of Pálec. Hus was already distancing himself from his earlier explications in the *Sententiae*. On Hus's view of absolution, see Paul De Vooght, *Hussiana* [Bibliothèque de la Revue d'histoire ecclésiastique, 35] (Louvain, 1960) 34-38, and a pregnant digest recently published in Krzysztof Moskal, "Husův traktát *De ecclesia*," in: *Jan Hus na přelomu tisíciletí* [HT Supplementum 1] (2001) 120.

<sup>29</sup> Jan Hus, *Sermones in Bethlehem, 1410-1411*, ed. Václav Flajšhans, VKČSN, třída pro filosofii, historii a filologii (1939) no. 1, 226.

<sup>30</sup> *Ibid.* 227.

<sup>31</sup> See a recent critical edition in Amedeo Molnár, "Les réponses de Jean Huss aux quarante-cinq articles," RTAM 31 (1964) 85-99.

<sup>32</sup> *Ibid.* 91.

<sup>33</sup> *Ibid.* 95. Paul De Vooght, *L'hérésie de Jean Huss* [Bibliothèque de la Revue d'histoire ecclésiastique, 34] (Louvain, 1960) 330, discussing Hus's responses, also affirmed that Hus had not shared Wyclif's trivialization of confession.

<sup>34</sup> Jakoubek of Stříbro testified about Hus's own role as confessor, applying to him the words of Janov concerning Milíč: "Nam continuus erat, nunc confessiones audiendo, nunc peccatores convertendo, nunc tribulatos consolando..." cited by Paul De Vooght, *Jacobellus de Stříbro (+1429), premier théologien du hussitisme* [Bibliothèque de la Revue d'histoire ecclésiastique, 54] (Louvain, 1975) 77 n. 399.

<sup>35</sup> In his Czech treatise "O manželství," in his *Drobné spisy české*, MIHO 4, 308, Hus stated explicitly: "...porúciem múdрым zpovědníkom."

impossible, another suitable priest. In the end, the task was assigned to an anonymous doctor of theology who acquitted himself with kindness and granted an absolution. This denouement indicated Hus's high respect for the sacrament of penance, including confession, and his acceptance of the customary form mandated by the Roman Church.<sup>36</sup>

At the time of Hus's final trial, Jakoubek of Stříbro was formulating his views on penance and confession. The task of reconstructing his tenets is facilitated by a thorough monographic treatment of Jakoubek's life and work by Paul De Vooght,<sup>37</sup> which obviates the need of delving into specific details. Jakoubek referred to penance and confession several times in his sermons, particularly in *Betlémská kázání* [The Bethlehem Sermons] of 1416,<sup>38</sup> in which he noted, among others, that three aspects were necessary for penance; namely the grace of God, without which sins could not be remitted; a divine messenger sent from God, who admonishes the sinner, by the Word of God, to abstain from sin and to perform good works; and finally, the sinner's turning with all his heart toward God the Lord. Confession was not mentioned explicitly but the priest was assigned a role nevertheless: "And therefore when God the Lord visits with his grace and then admonishes through a preacher or a good counsellor, the penitent should turn to Him with all his own heart."<sup>39</sup>

Another of Jakoubek's homilies actually focused on confession<sup>40</sup> and severely censured its misuse when the ritual was performed without true contrition. Thus, Jakoubek castigated the frequent instances of insincere penance, however, without meaning to reject confession per se, as he made clear in his writings.<sup>41</sup> Although Jakoubek dealt repeatedly with penance, the gist of his views on confession can be found in two brief treatises: *Tractatus de confessione*<sup>42</sup> and *Sermo de confessione*.<sup>43</sup> A detailed analysis showed the former to be merely a compilation of citations from Wyclif's work *De blasphemia* and from two Augustinian addresses about penance. Jakoubek supplied only a single original sentence and so the treatise can hardly be regarded as his own work.<sup>44</sup>

The treatise *Sermo de Confessione* is much more significant and helpful in understanding Jakoubek's views; it has come to us both as an independent work and as part of the homiliary *per circulum anni* of 1414.<sup>45</sup> In the sequencing of the

<sup>36</sup> Hus's letter from prison of 22 June 1415 in Jan Hus, *Korespondence a dokumenty*, ed Václav Novotný (Prague, 1920) 298 (n. 143).

<sup>37</sup> De Vooght, *Jacobellus de Stříbro* 200-211.

<sup>38</sup> Jakoubek of Stříbro, *Betlémská kázání*, ed. K. Sitta (Prague, 1951), see references to relevant instances in De Vooght, *Jacobellus de Stříbro* 200-201.

<sup>39</sup> Jakoubek, *Betlémská kázání* 107.

<sup>40</sup> Concerning the explications of the Epistles to the Corinthians and the Epistle to the Galatians, with examples, see R. Holinka, "Nová betlémská postila M. Jakoubka ze Stříbra," *VČA* 60 (1951) 1-27. See *ibid.* 20 n. 10, for relevant references cited by De Vooght, *Jacobellus de Stříbro* 206 n. 230

<sup>41</sup> See Jakoubek of Stříbro, *Betlémská kázání* 73, for the statement that churches should serve the faithful for masses, sermons and confessions.

<sup>42</sup> František M. Bartoš, *Literární činnost M. Jakoubka ze Stříbra* (Prague, 1925) 24 (n. 3); Spunar 1:232 (n. 618).

<sup>43</sup> Bartoš, *ibid.* 44 (n. 53); Spunar, 1:237 (n. 641).

<sup>44</sup> De Vooght, *Jacobellus de Stříbro* 202-206 n. 37.

<sup>45</sup> De Vooght, *ibid.* 206-211, made use of Prague Metropolitan Chapter Library MS D 53, ff. 183-188; my own source is the homiliary Prague National Museum Library MS XIV E 4, ff. 141a – 143a. Spunar

homiliary, this sermon was located roughly in mid-May. Jakoubek began with distinguishing the types of confession: “Sciendum, quod triplex est confessio. Quedam est vera Domino solo facta in corde, 2-a est communis, qua quis ordinate et circumspicte suam culpam confitetur et talis in multis scriptis habet fundamentum, et 3-a est secreta, quam quis ad aurem sibillat sacerdoti, et illa est meriti.” Jakoubek, therefore, did not reject a confession to the priest. He required, however, that it be accompanied by a true internal contrition and by a surrender of oneself in faith to God. Yet, he did not consider valid the dictum of the Fourth Lateran Council and its Twenty-First Constitution, *Omnis utriusque sexus*, requiring at least one annual confession to one’s own pastor.<sup>46</sup> Still he maintained the view that an auricular confession, albeit only in conjunction with an inner contrition, had its rightful place in the sacrament. A penitent was to turn to a priest, if possible, otherwise he should have confessed to God.<sup>47</sup>

Jakoubek recommended confession to a worthy priest and warned against deceitful ones. He rejected both the opinion that a penitent should not confess or that the lack of a confession led to damnation. In conclusion, he sternly censured any priest who would distract the penitent from the Law of God, and he admitted – nay recommended – filing charges against the offender.<sup>48</sup>

Jakoubek returned to the subject of penance and confession in yet another work, an explication of the Apocalypse,<sup>49</sup> where, without devoting a separate chapter to the topic, he made several references to it.<sup>50</sup> There he condemned receiving the sacrament of the altar without confession and penance,<sup>51</sup> and insisted on a sincere confession to God as well as to a neighbour and a priest, as had happened since antiquity.<sup>52</sup> On the other hand, Jakoubek considered as harmful confessions “only from habit without contrition.”<sup>53</sup> He sternly castigated those sinners who would not do penance, attend sermons, or confess. According to him, such misguided individuals were still in Babylon.<sup>54</sup> Jakoubek also denounced abolition of confession by the Taborites, who felt that communion was sufficient for

1: n. 618, lists yet another manuscript Prague National Library MS V B 3, ff. 103a-106b, which entirely deviates from Jakoubek’s treatise; it agrees entirely with the church teaching, including instructions on the nature of confession which should be *humilis, verecunda, pura, premeditata*, etc., with explanatory paragraphs. The error was evidently caused by a similarity of the incipit: *Nota, quod triplex est confessio*. This treatise is registered in M. B. Bloomfield and others, *Incipits of Latin Works on the Virtues and Vices, 1100-1500 AD* (Cambridge MA, 1979) n. 3376, as the only one extant; Jakoubek’s authentic treatise is not listed at all.

<sup>46</sup> See De Vooght, *Jacobellus de Stříbro* 204-210.

<sup>47</sup> “...quicumque potest habere confessorem tempore et loco bonum et iustum et scientem solvere et ligare, ut illi confiteatur. Si vero ad certum tempus talem non habere potest ex tunc, sustineat interim et confiteatur Deo.” Prague National Museum Library MS XIV E 4, f. 142b.

<sup>48</sup> “Si ergo sacerdos est seductor qui confitentem vult seducere a via legis Dei, illum secundum leges confitens potest revelare. Similiter si quis magnum dampnum vellet facere toti communitati, illum licet revelare.” *Ibid.* f. 143a.

<sup>49</sup> Janoubek of Stříbro, *Výklad na Zjevení sv. Jana, I-II*, ed. František Šimek (Prague, 1932-1933).

<sup>50</sup> For a summary review see De Vooght, *Jacobellus de Stříbro* 272-273.

<sup>51</sup> Jakoubek, *Výklad na Zjevení* 2:617, and already 1:662; “...bez zpovědi běžie ke stolu Páně.”

<sup>52</sup> *Ibid.* 1:278.

<sup>53</sup> “... z samého obyčeje bez pokory;” *loc. cit.* This view coincided with his earlier assertion in Holinka, “Nová betlémská postila M. Jakoubka ze Stříbra,” 20 n. 10: “Multos inter nos reperiet [i.e., Paul], qui nunquam penituerunt, sed in confessione auriculari suam totam salutem ponunt.”

<sup>54</sup> “... ani pokánie činí, ani na kázání chodí. Ti ť sau ještě v Babyloně.” Jakoubek, *Výklad na Zjevení* 1:607.

justification. For him, this stance contradicted the early saints, who confessed their sins privately.<sup>55</sup>

Therefore, it is evident that Jakoubek did not reject<sup>56</sup> but assigned an important place to confession in his teaching about penance, although he did not consider it indispensable to salvation because the only true confession was made to God.<sup>57</sup> In his lifetime, Jakoubek was mistakenly accused of rejecting confession and thereby inciting the complete discarding of auricular confession by certain radical groups in Taboritism.<sup>58</sup> His defense against such insinuation was included in one of his last treatises, *Apologia contra Taboritas*.<sup>59</sup> This apologia was in agreement with what Jakoubek had actually taught, particularly in his *Sermo de confessione*. His views, therefore, did not coincide in this instance with the teaching of Wyclif, who otherwise was his frequent model.<sup>60</sup> Jakoubek respected confession but cautioned sinners not to rely on its efficacy without a sincere contrition, which was an essential ingredient in penance.

### Waldensian and Other Sectarians

So far this study, albeit in brief, dealt with the principal tenets on penance of the two outstanding theological savants of the Bohemian Reformation. The picture was distinctly different within another faction of the Bohemian Reformation, namely Taboritism. It is impossible to analyze in detail the impulses toward heterodoxy in the Taborite view of penance and confession. However, two principal sources can be identified that led to the divergence from the current ecclesiastical practice and its doctrinal underpinning. One factor was a very negative image of confession in Wyclif's writings, and even more important was the influence of plebeian heretics, particularly the Waldensians. The initial Taboritism, however, was even more radical than these two influential sources.

Wyclif touched on penance in several instances, but the main treatment of the topic can be found in his *Triologus*<sup>61</sup> and *De eucharistia et poenitentia*.<sup>62</sup> The latter, a rather brief treatise, in particular, found a full acceptance in Biskupec's *Confessio Taboritarum*, which will be discussed later. Wyclif's views also inspired the English

<sup>55</sup> "...mnozí kněží potupili sau všechny zpovědi, ale aby želejíce toliko a bez vady byli, dosti majíce na svatém těle Páně. To jest proti svatým prvotním, kteří saukromé otvierali své hříechy." *Ibid.* 527.

<sup>56</sup> František M. Bartoš, "Jakoubek ze Stříbra," in *idem, Světci a kacíři* (Prague, 1949) 95, did so, but on the basis of *Tractatus de confessione*, which – as has been shown – did not contain Jakoubek's teaching. Another conclusion would be derived from Jakoubek's *Sermo de confessione*.

<sup>57</sup> Howard Kaminsky, *A History of the Hussite Revolution* (Berkeley and Los Angeles, 1967) 164 n. 76, got it right in one of his few references to Jakoubek's sermon. The conclusions of De Vooght's *Jacobellus de Stříbro* can be accepted as fully reliable.

<sup>58</sup> The numerous writings about Jakoubek's relation to Taboritism were reviewed in Milan Ransdorf, "Vztah Prahy a Tábora v bádání o Jakoubkovi ze Stříbra," *FHB* 9 (1985) 33-88.

<sup>59</sup> He explained: "Item predicavi contra deordinaciones currentes, que currunt in confessionibus, non intendendo per hec, quod utiles confessiones cessarent. Et tamen ex hoc ceperunt nonnulli, quod nulli confiterentur nec se aperirent, et sacerdotes clamaverunt et adhuc dicunt, quod deberent cessare omnes confessiones, quod ego nunquam intendebar." Ed. Jan Sedlák, *Studie a texty* 2:164.

<sup>60</sup> De Vooght, *Jacobellus de Stříbro* 207, 210.

<sup>61</sup> John Wyclif, *Triologus*, ed. G. Lechler (Oxford, 1869), especially 330-333, containing chapters XXIII, "De sacramento poenitentiae et eius partibus," and XXIV, "De signis verae contritionis."

<sup>62</sup> John Wyclif, *De eucharistia et poenitentia*, ed. Johann Loserth (London, 1892), 329-343.

Lollards,<sup>63</sup> who in that respect offered a parallel, albeit more moderate one, to the subsequent early Taboritism. Following Wyclif, the Lollards believed that only God knew whether the penitent was truly contrite and only he could absolve from sins. God, however, did not require an oral confession. A confession to a faithful layman was more beneficial than one to a priest. A confession to a suitable priest might also have validity, but at the given time worthy priests were unavailable and an auricular confession was not appropriate.

Impulses from folkish heresies are more difficult to identify, as a single and systematic viewpoint could not be expected. The Protean intermingling of various heretical teachings, which might have mutated in space and time, counsels caution in determining immediate models. Yet it is still possible to track down certain ideas inspired by the Waldensians,<sup>64</sup> who did not reject confession. According to them, the forgiveness of sins could, indeed, come through contrition, confession and the standard good works, but the recourse was to be directly to God not to the saints.<sup>65</sup> According to the Waldensians, confession could be heard by itinerant preachers or by fellow members of the sect. They rejected the institutionalized confession as defined by the Lateran Constitution. In particular, a priest was not needed for confession,<sup>66</sup> and their practice had a certain deficiency. The latter was characterized by an Austrian apostate from Waldensianism, who objected that the Waldensian clergy only heard a confession and for the rest the penitent was sent to the papal church. Such a confession had little validity if it were not connected with contrition and satisfaction.<sup>67</sup>

The Waldensian confession did not contradict the church doctrine and practice. Initially, the procedure of penance and its concept did not differ from the

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<sup>63</sup> Anne Hudson, *The Premature Reformation* (Oxford, 1988) 294-301, chapter on "Oral Confession and Absolution."

<sup>64</sup> The contradictory literature concerning the Waldensians in Bohemia and Moravia cannot be reviewed here fully. Despite many earlier doubts, the Waldensians' penetration into Bohemia can be now considered as confirmed. Their influence on the Taborite teaching appears particularly deep and co-determinant. See J. Gonnet and Amedeo Molnár, *Les vaudois au Moyen age* (Turin, 1974), above all, the chapter, "L'internationale valdo-hussite," 211 ff.; Amedeo Molnár, *Valdenští: evropský rozměr jejich vzdoru* (Prague, 1973); and numerous other studies and articles of Molnár, noted in the bibliography in Noemi Rejchrtová, ed., *Směřování: Sborník k šedesátinám Amedea Molnára* (Prague, 1983), 28-30. Alexander Patschovsky gathered valuable evidence in two editions of documents, which will be discussed later. František Šmahel, *Dějiny Tábora*, 2 vv. (České Budějovice, 1988) 1:214, has cautioned against exaggerating the Waldensian influence. Romolo Cegna, "La tradition pénitentielle des Vaudois et des Hussites et Nicolas de Dresde," CV 25 (1982) 137-170, gave an authoritative presentation of his subject, to which he returned in *idem*, "L'Église vaudoise et église taborite: La proposition d'un nouveau sacramentalisme dans le respect de l'ancienne foi," in Jaroslav Pánek, Miloslav Polívka, and Noemi Rejchrtová, eds., *Husitství, reformace, renesance: Sborník k 60. narozeninám Františka Šmahela*, 3 vv. (Prague, 1994) 2:611-623. Finally, Romolo Cegna, *Medioevo cristiano e penitenza valdese* (Turin, 1994) placed the subject into a broader framework of theology and its history. For the purposes of future reference, this monograph can be regarded as a reliable source for the teaching of the Waldensians, as well as that of Nicholas of Dresden.

<sup>65</sup> Cegna, "La tradition pénitentielle des Vaudois," 143-144.

<sup>66</sup> Molnár, *Valdenští* 168-170.

<sup>67</sup> *Ibid.* 170; and, in more detail, Gonnet and Molnár, *Les vaudois au Moyen age* 431 n. 302, which gives the citation: "Auditis solum confessiones, pro reliquis mittitis ad ecclesiam papalem ... confessio modicum valet, nisi committitur contritio et satisfactio..."

Roman ones.<sup>68</sup> This was indicated by accepting the component parts of penance: contrition, confession to a priest, satisfaction, and absolution.<sup>69</sup> There was a clash with the Roman usage in that confession could be made to any clergyman or even a layman, who lacked an appointment according to the *missio canonica*, or even a sacramental ordination. The itinerant preachers of the Waldensians heard confessions in private households and claimed the authority – even if laymen – to grant absolution.

Interrogations of sectarians, as shown by extant records, often covered the matter of confession.<sup>70</sup> Almost a century before the Bohemian Reformation, deviations in the practice of confession and in the imposition of penance were found in inquisitorial examinations of the sectarians in Bohemia. Relations to future Taboritism were thus distinctly adumbrated.

Already the document of suspension of Prague bishop, Jan of Dražice, which characterized him as a friend of heretics, charged the prelate with denying any difference between a priest and a layman in the hearing of confession or in granting an absolution.<sup>71</sup> Cases of lay confessors were frequently prosecuted, as attested to by numerous reports, prior to the emergence of Taboritism. A survey of Bohemian heresies (of uncertain date) listed in the first place cases of laymen, who heard confessions and claimed to have an authorization from God himself. The inquisitorial record claimed that, in addition to hearing confessions, laymen often preached, and absolved each other during heretical gatherings.<sup>72</sup> Other protocols repeatedly referred to cases of lay confessors, who practiced in the homes of their heterodox adherents.<sup>73</sup> In this connection the heretics even developed a defence strategy against intrusive inquisitors. If asked about itinerants, who entered houses to hear confession or to preach, the interrogated was advised to claim that such visitors were travelling salesmen. In some instances, this gimmick enabled sectarians to deceive the inquisitor, and to escape imprisonment or the pyre.<sup>74</sup> The inquisitor's manual specifically included the question whether the suspect had confessed to, or received an absolution from, a Waldensian preacher.<sup>75</sup>

Other violations of the sacrament were ascertained as well. As early as the first half of the fourteenth century a certain Arnoldus Polonus abstained for twelve years from confession and communion. Despite promises in response to his parson's repeated admonitions, he failed to mend his ways.<sup>76</sup> Leo, a burgher of

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<sup>68</sup> This was evident from response of an interrogated Waldensian in 1320: "... quod sacramentum dixit esse quando peccator contritus cordis de illo, quod fecit contra preceptum Dei, confitetur ore sacerdoti vel episcopo; qui peccator si compleat et facit iuxta preceptum vel consilium dicti episcopi vel sacerdotis consequitur remissionem peccati sui." Cegna, "L'Église vaudoise et église taborite," 615 n. 64.

<sup>69</sup> "... le sacrement de la pénitence ... dans sa structuration fondamentale a été assimilé de l'usage de l'Église romaine ... L'ensemble de l'acte penitential suit l'usage romain." *Ibid.* 616.

<sup>70</sup> It is impossible to conduct a comprehensive survey. Only illustrative examples will be cited.

<sup>71</sup> Alexander Patschovsky, "Die Anfänge einer ständigen Inquisition in Böhmen," *Beiträge zur Geschichte und Quellenkunde des Mittelalters* (Berlin, 1975) 3:84.

<sup>72</sup> *Ibid.* 90.

<sup>73</sup> Alexander Patschovsky, *Quellen zur böhmischen Inquisition im 14. Jahrhundert* [MGH: *Quellen zur Geistesgeschichte des Mittelalters*, 11] (Weimar, 1979) 204-205, 211.

<sup>74</sup> *Ibid.* 199.

<sup>75</sup> Patschovsky, "Die Anfänge einer ständigen Inquisition," 166.

<sup>76</sup> Patschovsky, *Quellen zur böhmischen Inquisition* 228.

Čáslav, declared in 1336 that the human soul was a mere whiff of air and so penance was meaningless.<sup>77</sup>

Similar transgressions figured in the interrogations and heresy catalogues from the end of the fourteenth century. A list of Waldensian errors from 1391 contained an article stating that the Waldensian parsons heard confessions “*non missi ab ecclesia nec ordinati*,” and neglected general confessions.<sup>78</sup> Again we come across the interrogator’s question whether the suspect had confessed to the heretics, and how often.<sup>79</sup> In addition, a list of Waldensian articles, originating in Cheb in 1428, continued to stipulate that a layman could “*ligare et solvere et penitentiam iniungere*,” and that the Waldensian, “*doctores et confessores dicunt se Apostolorum successores*,” taught the New Testament in the vernacular and heard confessions.<sup>80</sup> The sectarian teaching on confession may be illustrated also from a source outside Bohemia. William of Hilderniss, a Carmelite from Brussels, had to repent in Cambrai in 1411 his earlier assertion that priests did not forgive sins in confession, but only Christ, because a sinner could not remit sins.<sup>81</sup>

Several articles, printed from the Prague National Library MS XI D 8, agreed with the sources, just cited. The first reference described the procedure by which the preachers acquired their jurisdiction: the elders’ laying of hands imparted the Holy Spirit and conferred the authority to hear confessions. The second and more important reference contained the two fundamental objections against the lay confessors, encountered earlier, namely their lack of ordination, and of an ecclesiastical mission (*missio canonica*).<sup>82</sup> Special attention should be paid to a Czech supplement about confessing to women – a matter which contradicted the edicts of the Roman Church. It is possible that such confessions occurred under exceptional circumstances.<sup>83</sup>

### Early Taboritism and the Utraquists

The above offers a limited selection of reports about the Waldensian theory and practice concerning confession, but it is perhaps sufficient to illuminate further connections with the emerging Taborite radicalism. The ministrations of traveling preachers provided a model also for the itinerant preachers of southern Bohemia who performed their role even more energetically.<sup>84</sup> The few extant documents

<sup>77</sup> Patschovsky, “Die Anfänge einer ständigen Inquisition,” 131.

<sup>78</sup> E. Werner, “Nachrichten über spätmittelalterliche Ketzler aus tschechoslovakischen Archiven und Bibliotheken,” *Beilage zur Wissenschaftlichen Zeitschrift der Karl-Marx-Universität Leipzig* [Gesellschafts- und Sprachwissenschaftliche Reihe, 12, 1] (1963) 267, 270.

<sup>79</sup> *Ibid.* 272.

<sup>80</sup> *Ibid.* 275-276.

<sup>81</sup> *Ibid.* 278.

<sup>82</sup> “...audiunt confessiones nec missi ab ecclesia nec ordinati; dicunt, quod laicus simplex cunctam habet auctoritatem absolvendi, sicut malus presbyter...” as an insertion in the Chronicle of Vavřinec of Březová in the section “Articuli hereticorum Waldensium et decardorum[!],” Höfler 1:505; the first reference is placed in section “Articuli de Picardis,” 1:503.

<sup>83</sup> Confessions to women in *Confessio Taboritarum* are discussed later in this article.

<sup>84</sup> See Synodal Edict of 1374, n. 6, art. 8, in Jaroslav Polc, ed., “Councils and Synods of Prague and Their Statutes of 1362-1395,” *Apollinaris* 52 (1979) 519-520, cited the biblical injunction in Rom 10:15 to postulate that only those could preach, who had obtained a license from a bishop or his vicars. The violators should be punished, as well as those parsons, who permitted such unauthorized preaching in their churches. Although unlicensed confessing was not explicitly mentioned, its ban

illuminating Taboritism's embryonic state have been often analyzed, yet it is appropriate for our purpose to re-examine them for references to penance and confession. It is, of course, true and generally known that the information on the Taborites' early beliefs and practices was derived from their opponents. Nevertheless, used *cum grano salis*, it can yield facts, which fit credibly with the preceding and subsequent development of Tabor's theology. Suffice it to note the linkage between the radicals of the Bohemian Reformation and the antecedent heterodox sects, whether the Waldensians or others.<sup>85</sup>

One of the important sources of information for the spread of heterodox views was the remonstrance of the canons of Olomouc concerning the state of their diocese in the autumn of 1416. It was related to a conflict over selecting the new bishop. The canons elected Jan Železný, a zealous opponent of the Bohemian Reformation, but the dignity went to Aleš of Březí, a favourite of King Wenceslaus IV. Aggrieved by this outcome, the canons took the opportunity to inform the Council of Constance about the diffusion of heretical errors.<sup>86</sup> Among others, the complaint included the charge that certain priests did not hear confessions and taught the faithful that confessing was unnecessary.<sup>87</sup> Although, on the whole, the remonstrance concerned beliefs relevant to the Waldensians,<sup>88</sup> nevertheless the rejection of confession was a new element pointing rather to Wyclif's teaching. On the other hand, an anonymous report about violations of the standard rituals at the castle of Kozí near Ústí spoke of the Waldensian-like practice of confessions in private residences.<sup>89</sup> The earlier erroneous dating of the report to 1416 has been recently set back to between 29 March and 6 July 1415.<sup>90</sup>

A composition in verse, "*Slyšte všichni, staří i vy, děti*" [Hear ye all, you elders and also you, children] from 1417 also mentioned confession.<sup>91</sup> It was a stern condemnation of the radicals' activities and teaching, including the rejection of confession.<sup>92</sup> At the same time, it censured frivolous performances of confession, granting light penances, and even absolution for the most hardened criminals.<sup>93</sup>

The sectarians' attacks against the existing church and its rites, which included the rules on confession, aroused the resistance of the professors of the University of Prague, the advocates of Utraquism. Although champions of church reforms, as well as of lay communion in both kinds, these theologians rejected the

was implied by the intervention against unauthorized preachers. The prohibition of unlicensed preaching was repeated by the Synod of 1384, *ibid.* 153-164.

<sup>85</sup> See the map in Patschovsky, *Quellen zur böhmischen Inquisition* 329.

<sup>86</sup> The remonstrance is available in two editions: B. Bretholz, *Die Übergabe Mährens an Herzog Albrecht von Österreich im Jahre 1423* [AÖG 80 (1894)] 312, n. IIIa; and Johann Loserth, *Gleichzeitige Berichte und Aktenstücke zur Ausbreitung des Wiclifismus in Böhmen und Mähren* [Beiträge zur Geschichte der hussitischen Bewegung V] AÖG 82 (1895) 386. See also Kaminsky, *A History of the Hussite Revolution*, 162 ff., n. 57, for an English translation and an explication of the crucial passages.

<sup>87</sup> "... neque aliquos confessiones faciunt predicantes populo communi laicali, quod non tenetur confiteri."

<sup>88</sup> Kaminsky, *A History of the Hussite Revolution* 175, 179.

<sup>89</sup> "... et ipsi praedicantes confessiones in domibus civitatis audiverunt..." *Documenta* 637.

<sup>90</sup> Eduard Maur, "Příspěvek historického demografa k objasnění počátku lidového kacířství na Táborsku," HT 4 (1981) 101-105.

<sup>91</sup> F. Švejkovský, ed., *Veršované skladby doby husitské* (Prague, 1963) 102-115.

<sup>92</sup> *Ibid.* 110, verse 302: "Také ti novověrci sú řekli: Netřeba se zpovedati, jedno u vieře milovati."

<sup>93</sup> *Ibid.* 111, verses 316-323.

radical practices that had cropped up particularly in southern Bohemia. Two declarations of the University from the early 1417<sup>94</sup> unambiguously condemned the rejection of the purgatory or prayers for the dead, as well as attacks on images, and free-lancing in liturgical rituals. The statements signalled a disapproval of any major deviations from the established ecclesiastical norms. Křišťan of Prachatic expressed the same tendency in his missive to Václav Koranda, a radical preacher in Plzeň.<sup>95</sup> The divergence between the folkish movements and the Prague professors, which had opened up at this early date, foreshadowed the future dissensions between the University of Prague and Tábor.<sup>96</sup> By sheer chance, these statements did not refer to penance or confession, but the issue was not ignored. The so-called St. Wenceslaus Synod, dated to 1418,<sup>97</sup> which argued against the radical stance of initial Taboritism, defended (in Article 11) auricular confession, as well as satisfaction according to the penitent's ability. Hence confession in its standard form was recognized as an integral part of penance.

At this point, however, the scepticism about confession was not yet a common phenomenon among the lower social strata. In any case, the reports about the repeated mass gatherings on the Mt. Tábor near Bechyně in 1419 spoke of the specialized functions of three contingents of priests.<sup>98</sup> The first set, the learned and articulate priests, engaged in non-stop preaching (particularly assailing clerical corruption), the second group of priests continuously heard confessions [*aliis pro tunc continue ad auricularem confessionem considentibus*], and the third contingent distributed bread and wine. Even though hearing confessions under the open skies was an innovation betraying a possible Waldensian influence, the ritual itself was still maintained, although its time was running out. We lack similar reports of mountain pilgrimages to confirm that the gathering near Bechyně was typical.<sup>99</sup> Yet, it alone bore some evidential weight for a positive view of confession.

The radical clergy, however, was to reject this laissez-faire view for a full-fledged denunciation of auricular confession. A Taborite article to that effect was among those censured by the Prague theologians. Vavřinec of Březová in his chronicle likewise claimed that the Taborite register of beliefs of 1420 contained an attack on auricular confession. No one, not even hardened criminals, was to be subjected to the traditional ritual, since confessing silently to God was deemed sufficient.<sup>100</sup> This was subsequently modified by a supplement that the confession to

<sup>94</sup> *Documenta* 654-656, for the declaration of 26 January 1417; František Palacký and E. Birk, eds., *Monumenta conciliorum generalium saeculi XV* (Vienna, 1857) 385-386, for the declaration of 7 February 1417.

<sup>95</sup> *Documenta* 677-681.

<sup>96</sup> I have dealt with the tension between the two parties in Jiří Kejř, *Mistři pražské univerzity a kněží táborští* (Prague, 1981) chapter 1.

<sup>97</sup> *Documenta* 677-681.

<sup>98</sup> Vavřinec of Březová, *Kronika*, FRB 5:401 – in an evident exaggeration – claimed 42,000 participants on 22 July, the feast day of Mary Magdalene.

<sup>99</sup> Josef Macek, *Tábor v husitském revolučním hnutí* (Prague, 1952) 1:238 ff., described the mountain pilgrimages in great detail. Although abundantly documented, his interpretations reflected the official Marxist Leninist line of the time of publication.

<sup>100</sup> FRB V, 404: “Item confessiones auriculares non sunt curandae aut observandae, nec ad eas peccatores, eciam criminals, obligantur, sed soli deo sufficit mentetenus confiteri.” This statement corresponded to the Czech version of the chiliastic articles in AČ 3:221: “Item zpovědi ku kněžím posvátným nejsou lidé hříšní povinni zachovávat, neb dosti jest, když se hříšný pánu Bohu samému na své mysli zpovídá.”

God sufficed for a venial sin, while a mortal sin was to be confessed publicly in front of the church brethren and sisters.<sup>101</sup> The famous disputation in the house of Zmrzlík on 10 December 1420 led to the inclusion of two tenets on confession among the Taborite propositions that were deemed heretical by the gathering.<sup>102</sup> The first of the tenets rejected auricular confession. The second trivialized penance, such as fast, prayer, alms, and weeping, and held that the purpose of amendment sufficed.<sup>103</sup>

Although the various registers of Taborite doctrines were produced by their opponents,<sup>104</sup> it appears that the rejection of auricular confession was attributed to Tábör correctly. Many later sources, even those stemming from moderate Taborite circles, confirmed this stance. The matter of confession would remain controversial between the Taborites and the conservative Utraquists, guided by the theologians of Prague University.

The conservative Utraquists had another opportunity to articulate their doctrines soon after the vociferous encounter in the house of Zmrzlík. The St. Procopius Synod met in the Collegium Carolinum of Charles University and its resolutions were proclaimed on 7 July 1421.<sup>105</sup> The Synod,<sup>106</sup> among others, declared that auricular confession was to be neither proscribed, nor discouraged.<sup>107</sup> The confession, however, was not a duty, as seen by the Lateran Constitution *Omnis utriusque sexus*; it was relegated to the individual penitent, who was not to be constrained in his decision. These modifications remained far short of the Taborite total elimination of the traditional ritual. The sacrament of penance figured implicitly also in the admonition that communion was to accompany the reception of all the other sacraments.<sup>108</sup> This decision likewise reflected the leitmotiv of the Bohemian Reformation that the Eucharist occupied a special place of honour. It was more equal than the other six sacraments, which were also endorsed.

Convoked at the behest of the Diet of Čáslav, the St. Procopius Synod convened during the period of heightened tensions, due to the seizure of power in Prague by the party of Jan Želivský. On the whole, however, the gentry and the

<sup>101</sup> FRB 5:410: "Item confessionem auricularem fiendam presbitero vituperabant dicentes de venialibus peccatis sufficere soli deo confiteri, de mortalibus vero publicam coram fratribus et sororibus debere fieri confessionem."

<sup>102</sup> The list is cited by Petr of Mladoňovice. FRB 5:461 articles 61-62.

<sup>103</sup> "Item quod penitentibus et confitentibus non sunt umquam ieiunia corporalia et castitacio corporis et alia opera satisfactoria ut oraciones, elemosine et lacrimae iniungenda, sed tantummodo: vade, et amplius nolli peccare." FRB 5:461.

<sup>104</sup> Grouping of individual propositions into systematic collection was the usual procedure in theological disputations, assessment of heretical teachings, and editing of synodal decisions. The propositions were often extracted from various, tendentiously selected reports, at times recorded ex post facto. See Amedeo Molnár, "O táborském písemnictví," HT 2 (1979) 26-27.

<sup>105</sup> For editions see Ioannes Cochlaeus, *Historiae Hussitarum libri duodecim* (Mainz, 1549); as an inserted document in the chronicle of Vavřinec of Březová, FRB 5:500-505; UB I, 128-134. Blanka Zilynská, *Husitské synody v Čechách* (Prague, 1985) 16-17, has noted other editions.

<sup>106</sup> On the Synod see Kaminsky, *A History of the Hussite Revolution* 452-454; *Husitská revoluce* 3: 92-93; Kejř, *Mistři pražské university* 58-59.

<sup>107</sup> FRB V, 504: "Idem quod nemo homines vere penitentes humili corde peccata sua confiteri presbiteris affectantes quavis temeritate ab eadem presumat repellere aut predictam confessionem velud illicitam aut vim clavium, quibus peccata vera penitentibus a domino Iesu Christo ministerialiter remittimus, satisfaccionis quoque remedia salubria quovismodo audeat prohibere."

<sup>108</sup> *Ibid.* 502

university scholars prevailed, despite minor concessions, with their conservative views, and the Synod's resolutions became the basis of subsequent Utraquist orthodoxy – a bench mark to which the subsequent Synods would refer. Historians' assessment of the concessions produced in a diversity of opinions, although the Taborites were unmistakably left out in the cold.<sup>109</sup> Želivský himself spoke in his sermons about the need for penance with reference to Scriptural injunctions, but he did not specifically deal with confession.<sup>110</sup>

Although not the focus of major attention, the issue of penance remained a permanent staple of the perennial disputation (without much change in argumentation) between the Prague theologians and the Taborites. The opinions concerning confession can often be gleaned only from scattered references, or from non-systematic homiletical allusions.<sup>111</sup>

The Taborite priests usually formulated their theological tenets at their own Synods,<sup>112</sup> often in response to the Prague theologians' critical queries, or in reaction to the resolutions of the Prague Synods. Not all such encounters concerned differences on penance, which – as noted – did not rank among the most burning issues. Our examination will stress those sources, in which the topic figured significantly. The circumstances of the Synods' convocations and the contents of their proceedings are not always clear. This is true of Taborite priests' gatherings in Písek in 1422 and in Tábor in 1424.<sup>113</sup>

The views of the two parties were further developed during the great polemic of their respective theologians, which took place at the Prague Castle on 16 October 1424, the day on which the Praguers concluded an agreement with Žižka on the Field of Špitál [*Špitálské pole*] on 14 September 1424, shortly before Žižka's death. The University of Prague presented the Taborites with twenty-four theological

<sup>109</sup> *Husitská revoluce* 3:92-93; felt that Želivský might have been satisfied with the results; František Bartoš, *Husitská revoluce 2 vv.* (Prague, 1965-1966) 1:144, viewed the Synod as Jakoubek's victory; De Vooght, *Jacobellus*, 239, also saw the results as "le triomphe de Jacobellus."

<sup>110</sup> Jan Želivský, *Dochovaná kázání*, ed. Amedeo Molnár (Prague, 1953) 125, 128, 225.

<sup>111</sup> Here are illustrative examples: As ascertained by Cegna (see n. 64 above), Nicholas of Dresden devoted to penance a part of his treatise *Puncta*, and his commentary on *Pater noster*. In his sermon, *Querite primum regnum Dei*, ed. Jana Nechutová (Brno, 1967) 86, Nicholas resorted to the *Decretum* of Gratian C. 26, q. 7, c. 12 "Alligant" (Friedberg I, col. 1049) to criticize priests, who preached about justice, but did not observe it, and imposed excessive penances. As a lawyer, Nicholas was certainly familiar with the Constitution *Omnis utriusque sexus*, but in *ibid.* 80, he brought it up in connection with the Eucharist, not with the duty to confess. We can cite, among other diffuse sources, the following verse: "Thabor non claustra, non confessores, non moniales," see Ferdinand Seibt, "Ke struktuře husitského hnutí," in *Jan Hus na přelomu tisíciletí*, HT Supplementum 1 (2001) 248, n. 6. František M. Bartoš, "Postila pražského husity z doby revoluce," *VČA* 60 (1951), 126, cites from a radical homiliary, apparently from the circle of Želivský, which deprecates confession: "Magdalene lacrimacio valuit mille confessiones auriculares." When Žižka called an assembly of followers to Havlíčkův Brod in Mach 1423, he emphasized that they would meet in a place: "where we have sinned in order to do penance." H. Toman and František M. Bartoš, *Žižkův duch, povaha a listy* (Prague, 1924) 73-75 (n. 8-9).

<sup>112</sup> For a list of Utraquist Synods see Zilynská, *Husitské synody v Čechách*, containing information concerning convocation and proceedings, as well as available manuscripts, editions, and literature. A corresponding characterization of Taborite Synods in their response to the anti-Taborite polemics and synodal resolutions can be found in Amedeo Molnár's preface to the translation of Biskupec's *Vyznání a obrana táborů*, ed. F. M. Dobiáš and Amedeo Molnár (Prague, 1972) 43-50; as well as in the preface to the edition of *Confessio taboritarum* 32 ff.

<sup>113</sup> Höfler 2:482.

propositions or articles, to which the latter promised to respond in a few weeks. Their response, summing up the principles of their theology, was prepared at a Synod in Klatovy as early as 11 November 1424.<sup>114</sup> It is likely that the discussions involved moments of high tension, inasmuch as the standpoints of the two parties remained irreconcilable, and Jan of Přeboram's trenchant critique tended to exacerbate the disputes.<sup>115</sup>

Penance and confession figured among the disputed issues. The Prague party in Article 5 insisted that the remedy for all moral lapses was auricular confession to an authorized priest, and the satisfaction by means of appropriate good works.<sup>116</sup> The Roman form was clearly preserved, although the Article did not insist on confession to one's own parish pastor or on its obligatory character (both in disregard of the Lateran Constitution). The formulation was, of course, unacceptable to the Taborites. While recognizing the need for penance, the latter wished to follow the example of the primitive church in the confession of sins. If needed, the advice of wise elders should be sought. Fast, alms, and prayer were legitimate as means of healing. The Taborites did not just ignore, but explicitly and firmly rejected the prescription of Innocent III, adhered to by the Roman Curia, that an auricular confession be made to one's parish priest, and that he impose penance according to his own judgment. According to the Taborites, the latter practice served more to glorify the priest than to save souls.<sup>117</sup>

The next phase of the disputations is recorded mainly in Přeboram's writings. His trenchant critique is the only source of our knowledge of the Taborite Synod of 1429, and of its proceedings.<sup>118</sup> The polemicist did not devote a separate article to penance, but he mentioned violation of the order of proper confession in Article 3, dealing with sacraments in general.<sup>119</sup> About the same time Přeboram produced a lengthy comprehensive indictment of the Taborite nonconformity in his treatise, *Život kněží tábořských* [The Lives of the Taborite Clergy]. As for penance, he charged the Taborite priests with neglecting the proper form of confession. As a result, many of their faithful, despite failing to confess and persistence in grave sins, gained admission to communion. The Taborite clergy refused to hear confessions on the grounds that the power of remitting sins was not theirs, and sinners were to confess to God alone. According to Přeboram, even if they heard confessions, these divines would neither grant absolution, nor impose penance in the form of good works.<sup>120</sup>

Přeboram's criticism induced the Taborite priests to gather in another assembly in Tábor only a few weeks later. Their objective was to define more fully the liturgical rules for their religious community, and to portray Přeboram as a fomenter of schism.

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<sup>114</sup> Höfler 2:711-724. I rely on Kaminsky, *A History of the Hussite Revolution* 500-516, who reconstructed the negotiations on the basis of available sources. The schedule reflected Žižka's wish to unite the country in a broad coalition with all possible speed. The Prague peace was to be followed within a month by the priestly convocation. The Taborites fulfilled at the Klatovy Synod their promise to give answers *in spacio aliquot septimanarum*, and the negotiations between the two parties resumed as early as 23 November, first at the Prague Castle, then at the Charles College.

<sup>115</sup> Biskupec bitterly complained about Přeboram's demeanor; Höfler 2:590.

<sup>116</sup> Höfler 2:713-714; on Kaminsky, *A History of the Hussite Revolution* 502.

<sup>117</sup> Höfler 2:714.

<sup>118</sup> *Výbor z literatury české*, ed. Karel J. Erben, 2 vv. (Prague, 1845-1868), 2:columns 409-430.

<sup>119</sup> *Ibid.* column 414.

<sup>120</sup> Josef Macek, ed., *Ktož jsou boží bojovníci* (Prague, 1951) 280.

<sup>121</sup> Přeboram retorted by a comprehensive restatement of the Utraquist profession of faith, *Professio fidei*.<sup>122</sup> The profession endorsed all of the seven sacraments, largely in their Roman form, and with respect to penance accepted all the three conventional constituent parts: an auricular confession (to an authorized priest), contrition and satisfaction. The document labelled as heretics those faithful, who rejected auricular confession, as well as those priests, who would not impose satisfaction or grant absolution to the penitents.<sup>123</sup>

It was a reprise of the old dichotomy. The Prague party and its theologians on the whole adhered to the traditional ecclesiastical concept of the sacrament of penance, the party of Tábor clearly deviated from this model by replacing auricular confession by confession to God alone and without an imposition of satisfaction. By this time this approach had become rooted in Tábor and subsequently it continued to cause tensions, disputes, and recriminations between the theologians of the two parties. It should be noted, however, that even the Prague theologians avoid citing the Constitution of the Fourth Lateran Council. Yet, their concept of penance did not explicitly contradict this edict. The Taborites, of course, rejected Innocent III's ukase outright.

The early 1430s witnessed a major propaganda blitz, designed to explain the character of the Bohemian Reformation through manifestoes dispatched to foreign lands. The issues of penance also cropped up in these missives, mainly within the context of criticizing the Roman clergy's malpractices in hearing confessions. An article to that effect figured in the manifesto of a Taborite captain from the spring of 1430, a document written in German for the sake of accessibility outside Bohemia.<sup>124</sup> The manifesto sought to shed favourable light on the Bohemian Reformation, particularly on its Taborite component, by assaulting the higher echelons of Roman clergy. Its sixteen articles, exposing the corrupt behaviour of Roman priests and prelates, castigated, within Article 14, their confessional practices.

The Taborite propagandists accused the Roman clergy of accepting gifts for confessing usurers, robbers, thieves, and merchants [sic!], and granting absolution for any public sins in exchange for bribes.<sup>125</sup> It was significant that the Taborite attack focused not on the substance or form of confession, but on the acceptance of gifts and bribes for absolution. This was the most common complaint concerning confessional malpractice. Contemporary manifestoes, emanating from Prague, lacked references to confession, but the issue was once more raised in a major missive sent from Tábor in November 1431. The document, written in German, but

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<sup>121</sup> *Urkundliche Beiträge zur Geschichte der Hussitenkriegen*, 2 vv., ed. František Palacký (Prague, 1972) 2:87-89.

<sup>122</sup> Josef Pekař, *Žižka a jeho doba*, 4 vv. (Prague, 1933<sup>2</sup>) 1:143, analyzed Přeboram's treatise, but he ignored the discussion of sacraments.

<sup>123</sup> Cochlaeus, *Historiae Hussitarum* 509.

<sup>124</sup> For a Czech translation see Amedeo Molnár, *Husitské manifesty* (Prague 1980) 156-170. The document bore the signature of five Taborite priests as captains, including Prokop the Bald and Václav Koranda, the Elder.

<sup>125</sup> *Ibid.* 168.

known from a Latin translation,<sup>126</sup> repeated in Article 15 still more emphatically the Taborite captains' strictures, and added that confessors received gifts from fornicating women and men and, in turn, remained silent and did not hinder the sinners in their evil doing.<sup>127</sup> The impact of the manifesto was enhanced by addressing it to the inhabitants of specific locations, such as Nuremberg and other cities of the Empire.

### **Rokycana, Biskupec, and Chelčický**

The disagreements between Prague and Tábor continued to hamper the formulation of a common religious program. In February 1431, the diet of Kutná Hora decided, among other matters of national and international portent, that the theologians of both parties should convene for a major discussion and attempt to reconcile their differences. This gathering took place in the Carolinum on 30 April 1431.<sup>128</sup> The scarcity of extant sources prevents the establishment of the specifics of the disputes, but the latter led to the writing of important treatises, which revealed the tenets of both parties and evidently represented the ex post facto versions of the polemical discourses in the Carolinum.<sup>129</sup>

The general differences between Tábor and Prague, as to the interpretation of the sacraments and liturgical practices, had been displayed in many earlier synodal articles and polemical statements, but now these distinctions received their fundamental theological substantiation that fortified their irreconcilable opposition. On the Prague side, Jan Rokycana, as a representative of mainline Utraquism, assumed the task of elucidating all the fundamentals from the viewpoint of his party in two treatises, *De quinque prioribus sacramentis* and *De septem culpis Taboritarum*.<sup>130</sup> The author of the dignified response of the Taborites was Mikuláš Biskupec of Pelhřimov, the principal theological luminary of Tábor, in his magnum opus, *Confessio Taboritarum*. Our discussion will not cover all the noteworthy aspects of this complex debate; it will be limited to the disagreements concerning the sacrament of penance.

In his treatise about the sacraments,<sup>131</sup> Rokycana devoted an extensive discussion to penance in chapters 16 and 17.<sup>132</sup> Opening with biblical citations, he emphasized the initial congruence of the sermons of John the Baptist (Mt 4:17) and Jesus Christ (Mt 4:17) and drew the conclusion: "Nec dubium est, quin ipsa penitentia bene in Domini lege et sufficienter est fundata." Penance consisted of

<sup>126</sup> František Palacký and E. Birk, eds., *Monumenta conciliorum generalium saeculi XV*. Vienna, 1857, 153-170. The manifesto was inserted in the documentary, *Tractatus de reductione Bohemorum*, by Jan Stojkovič of Dubrovnik.

<sup>127</sup> *Ibid.* 164.

<sup>128</sup> See Zilynská, *Husitské synody v Čechách*, for the fundamental data and bibliography.

<sup>129</sup> For more detail see the introductory study in Dobiáš and Molnár, *Vyznání a obrana táborů* 13-17.

<sup>130</sup> František M. Bartoš, *Literární činnost M. Jana Rokycany, M. Jana Příbrama a M. Petra Payna* (Prague, 1928) 22-23, n. 2-3. The treatise on the sacraments undoubtedly dated to 1431, as argued by Bartoš in *ibid.*, and as evident from the circumstantial setting.

<sup>131</sup> Cochlaeus, *Historiae Hussitarum* 445-500. Rokycana omitted the topics of ordination to priesthood and of marriage.

<sup>132</sup> *Ibid.* 486-490. Rokycana's teaching about penance, with reference also to his other writings, is analyzed by F. Šimek, *Učení M. Jana Rokycany* (Prague, 1938) 250-260. I follow his conclusions. Zdeněk Nejedlý, *Prameny k synodám strany pražské a tábořské* (Prague, 1900) 14 and 26, dated Rokycana's treatise to 1441 in connection with the Synod of Kutná Hora. This misdating, however, has been already corrected.

three parts: *conpunctio cordis, confessio oris, satisfactio operis*, which corresponded to the teaching of the Roman Church. Confession was grounded in the Scripture; it was derived from the power of binding and loosening. Rokycana argued on the basis of the Scripture and the teaching of the Church Fathers against the Taborites' rejection of auricular confession.<sup>133</sup> However, not overestimating the value of confession per se, he stressed the importance of contrition and the sinner's internal disposition, and condemned the merely formal owning up to one's transgressions. According to Rokycana, penance required satisfaction for sins, in the form of good works, which had to be performed for the greater glory of God. Moreover, the penitent was to manifest an honest purpose of amendment.

Although Rokycana may have modified the stress on the specific aspects of penance, in principle his view did not differ from the Roman concept. His support of auricular confession, of course, clashed with the views of the Taborites. He continued the challenge in the treatise, about the seven Taborite trespasses, in which he contested Biskupec's assertion – erroneous as it turned out – that confession was an invention of Pope Innocent III.<sup>134</sup> In fact, it was much older than Innocent's Constitution, which merely transformed the rite into an imposed annual obligation.

Biskupec's voluminous, *Confessio Taboritarum*, originated in response to Rokycana's critique, but the version known to us embodies later modifications. Hence we will postpone its consideration into the period of its final redaction, and explore first the interim course of continued contestation between the Prague theologians and the Taborite priests.

The invitation to negotiate at the Council of Basel required a preliminary consideration of weighty political and ideological matters in order to prepare a common position on major theological issues. Undoubtedly, thanks to Rokycana, a Synod met at the New Town city hall at the very beginning of 1432. The site was particularly suitable for seeking an agreement with the New Town and the Orphans. The Synod resolutions were proclaimed in thirteen articles on 6 January.<sup>135</sup> It so happened that the Prague and the Orphan leagues held their congresses at the same time,<sup>136</sup> and so both parties had an opportunity to iron out their mutual relations. Not surprisingly, the Taborites boycotted the Synod, and could not be expected to accept its resolutions. Importantly for our theme, the agreements between the Praguers and the Orphans also touched on the nature of penance. The sacrament was presented by and large according to the Roman ritual, requiring confession to a qualified priest, and the imposition of appropriate satisfaction for

<sup>133</sup> Cochlaeus, *Historiae Hussitarum* 489: "...plurimi decipiuntur circa illam confessionem auricularem imputantes, si per illum sacerdotum absolutionem nullam, posse consequi peccatorum remissionem sine contritione et rubore illam exsequentes."

<sup>134</sup> This unpublished treatise is summarized in Dobiáš and Molnár, *Vyznání a obrana táborů* 22-28; on confession see 24.

<sup>135</sup> Their Latin version is available in Biskupec's *Confessio Taboritarum*, ed. Amedeo Molnár and R. Cegna (Rome, 1980) 341-345; for Czech version see AČ 3:268-270; for another, less precise, Latin version see Jan Stojkovič, *Tractatus de reductione Bohemorum* 182-184; for a German version see Eberhart Windecke, *Denkwürdigkeiten zur Geschichte des Zeitalters Kaiser Sigmunds*, ed. W. Altmann (Berlin, 1893) 335-339. Zilynská, *Husitské synody v Čechách* 69-73, explained in detail certain discrepancies among the articles, as well as described the circumstances of the Synods' proceedings, and the reaction to its resolutions.

<sup>136</sup> For report on these parallel gatherings see *Chronicon Treboniense* in Höfler 1:62.

sins.<sup>137</sup> Yet, the agreed formulation still deviated from the Roman model. It prescribed a voluntary rather than an obligatory confession, and it condoned the recourse to *ydoneo sacerdoti* rather than specifically to the penitent's pastor.

Naturally, such minor deviations could not satisfy the Taborites. Their own position was reaffirmed in a retort prepared by Biskupec. The penitent was to address his contrition to God, or could confess to any of the faithful. Good works (almsgiving, fasting, and prayer) were admissible as authorized by the Scripture, but not auricular confession according to the formula and the directive of Pope Innocent III and the Roman Church. According to the opinion of a confessor, the simplified form could dispense with an absolution, which was more conducive to simony than to the salvation of souls.<sup>138</sup> Rokycana, in turn, hastened to reply with a stern defense of the Synod's articles<sup>139</sup> not hesitating to characterize the Taborites as "quidam sophistici loquentes, qui tamen sunt odibiles Deo."<sup>140</sup>

Theological issues were next discussed by the clergy of the several parties at the St. James Day Synod on 25 June 1434,<sup>141</sup> shortly after the Battle of Lipany. The assessment of the Synod's outcome is somewhat complicated by the existence of two written versions of its proceedings, one containing nineteen, the other twenty-six articles.<sup>142</sup> The Synodal resolutions were to address the most flagrant differences, but the result satisfied neither the Taborite priests, who voiced a number of reservations,<sup>143</sup> nor of the moderates allied with Jan Příbram.<sup>144</sup> Although the articles touched on virtually all the principal issues of dogma and liturgy, any independent mention of penance was lacking. The topic of repentance was treated only implicitly in the general pronouncements that covered the seven sacraments, and prohibited payments or gifts in exchange for their administration. In the long run, the resolutions of the St. James Day Synod fixed the doctrinal stand of mainstream Utraquism during Rokycana's leadership.

In the documents cited thus far, the Taborites tended to respond ad hoc to the individual charges of the Prague theologians, advanced by Příbram or, less provocatively, by Rokycana. At last, after the major polemics with Rokycana in 1431, Biskupec responded with a more systematic exposition of Taborite tenets.<sup>145</sup> His structured summary and defence of Taborite theology was undoubtedly consistent

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<sup>137</sup> *Confessio taboritarum* 342, article 4: "Item tenemus, quod pro remedio animarum lapsarum et labencium ac penitere volencium confessiones auriculares ydoneo sacerdoti sunt exercende et remedia salutifera, scilicet ieunia, elemosine, et oraciones et cetera bona satisfaccionis pro modo culpe sunt eis iniugenda."

<sup>138</sup> *Ibid.* 347-348.

<sup>139</sup> Bartoš, *Literární činnost M. Jana Rokycany, M. Jana Příbrama a M. Petra Payna* 24 n.5.

<sup>140</sup> Amedeo Molnár, "Předmluva," in *Acta reformationem Bohemicam illustrantia* II, ed. M. Opočenský (Prague, 1980) 5-7, and n. 15, discusses in detail Rokycana's treatise and includes citations.

<sup>141</sup> The principal editions are: *Urkundliche Beiträge zur Geschichte der Hussitenkriege* 2:425-429; *Monumenta conciliorum generalium saeculi* 1:741-745, as an insertion in Thomas Ebendorfer's *Diarium*; Zilynská, *Husitské synody v Čechách* 109-123, containing version II with 26 articles; and *Confessio Taboritarum* 352-356.

<sup>142</sup> See Zilynská, *Husitské synody v Čechách* 74-76 for details, and 21-22 for an overview of sources and their editions.

<sup>143</sup> *Confessio Taboritarum* 356-370.

<sup>144</sup> For their responses to the Synod's articles see *Monumenta conciliorum generalium saeculi* 1:742-745.

<sup>145</sup> See above.

with the later fuller exposition in his treatise, *Confessio Taboritarum*, which he completed after the Battle of Lipany in 1435.<sup>146</sup> At the same time, Biskupec wrote the first and most extensive part of his so-called *Chronicon Taboritarum*,<sup>147</sup> which has preserved numerous documents on the disputes concerning dogma and liturgy. Both treatises had references to penance and confession. Although Biskupec was the indisputable author of the two works, the latter did not reflect merely his personal opinions, but represented the official stand of the entire Taborite community.

Penance had a place among the Taborite sacraments, but its interpretation continued to differ from that of the Roman Church and of the Utraquists. Biskupec included penance mainly in his overall discussion of the sacraments<sup>148</sup> and, noting its Scriptural origin, sought to distinguish its constituent parts. He relied almost exclusively on Wyclif's *Triologus*,<sup>149</sup> from which he adopted the view that the substance of penance was the inner disposition of the sinner, the state of his mind, while the other parts of the sacrament, such as contrition, oral confession, and satisfaction, were mere accidentals. Confession was of three kinds: (1) in silence within the mind directed toward God; (2) aloud addressed to God or a fellow believer; (3) secret to a priest. The last kind was viewed with scepticism, as allegedly the priests were mostly interested in their own profit.

Biskupec devoted the next chapter to auricular confession,<sup>150</sup> once more citing extensively from Wyclif's *Triologus*. Although alleging that Innocent III ordained auricular confession in the Constitution, *Omnis utriusque sexus*,<sup>151</sup> the Taborite theologian did not deny the usefulness of confessing sins, but not in deference to the papal edict. In fact, such a confession was not a precondition of salvation, inasmuch as divine forgiveness was available without the rite. After all, the pope was an enemy of the Taborites, as were the confessors who derived their authority from him. In conclusion, Biskupec offered his own proper teaching. Penance was necessary to wrest the believer from the snares of sin, and as a curative medicine for the soul. Contrition was to be expressed silently to God or aloud to God or to another believer according to the example of the primitive church. Auricular confession, according to Innocent III's Constitution, was not indispensable for salvation nor was the satisfaction that a confessor would impose according to his own will. It was evident that Biskupec reiterated the Taborite views expressed earlier at the Klatovy Synod in 1424 or through the objections to the articles postulated by the Prague theologians.<sup>152</sup> Only the argumentation was now more detailed.

The other part of the Taborite profession of faith was an open and closely reasoned rebuttal to Rokycana's charges especially those put forth in his treatise, *De septam culpis taboritarum*. This part also contained a passage about penance and

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<sup>146</sup> Both *Confessio Taboritarum*, ed. Amedeo Molnár and R. Cegna (Rome, 1980), and the Czech translation *Vyznání a obrana táborů*, ed. F. M. Dobiáš and Amedeo Molnár (Prague, 1972) contain substantial introductions. On Biskupec's teaching see also Cegna, *Medioevo cristiano e penitenza valdense* 70 ff.

<sup>147</sup> Höfler 2:475-820.

<sup>148</sup> The text coincides in both treatises; *Confessio Taboritarum* 79-80, and *Chronicon* 607.

<sup>149</sup> See n. 61 above.

<sup>150</sup> *Confessio Taboritarum* 80-82, and *Chronicon* 607-609.

<sup>151</sup> As noted earlier, auricular confession antedated Innocent, and the constitution of the Fourth Lateran Council merely imposed the duty of annual confession to the penitent's own pastor.

<sup>152</sup> See Höfler 2:713-714 and earlier discussion in this article.

auricular confession,<sup>153</sup> still more extensive and detailed in its argumentation than that in the profession's first segment, which had dealt with the sacraments. Biskupec's most reliable source was once again Wyclif. It was from the latter's short treatise, *De eucharistia et poenitentia*,<sup>154</sup> that Biskupec lifted substantial passages. A confession to one's own pastor was in no way necessary for salvation; after all, many were saved without this ritual. A confession might be made not only to a priest, but above all to God and also to trustworthy lay men and women.<sup>155</sup> Once again, the imposition of an obligatory confession by Innocent III's Constitution was rejected. Furthermore, according to Biskupec, confession was not a symptom of the power of the keys, inasmuch as the primitive church was in possession of this power without imposing auricular confession. Contemporary priests misused the power of the keys by arbitrary rulings during confessions. A confession to the priest was acceptable only, if performed voluntarily and for the benefit of the penitent and the church.

Hence, according to Biskupec, penance was necessary for salvation, but only in the form of inner contrition, which did not require confession as ordained by the Roman Church.<sup>156</sup> Although he did not go so far as to reject confession entirely, his Taborite formulation remained unacceptable not only to the Roman Church, but also (as will be reemphasized later) to the mainline Utraquism of Rokycana and Příbram. In addition, Biskupec's defensiveness highlighted Taboritism's isolation within the context of the Bohemian Reformation. Yet, Biskupec could not be regarded as an ignoramus or an eccentric; his argumentation revealed the skill of a highly erudite and professional theologian. His ultimate authority in the matter of faith was the sayings of Jesus Christ.<sup>157</sup>

About the same time as Biskupec, Petr Chelčický was setting forth his theological views in writing. His *Zprávy o svátostech* [An Instruction on the Sacraments]<sup>158</sup> offered a detailed discussion of the seven sacraments in which each received a separate treatment. The treatise obviously reflected the disputes at the

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<sup>153</sup> *Confessio taboritarum* 318-325

<sup>154</sup> See n. 62 above.

<sup>155</sup> *Confessio Taboritarum* 320: "Non solum presbiteris est illa confessio facienda, sed discretis tam viris quam feminis et omnimode Deo nostro." It is evident that women served as confessors, as also the earlier cited Czech gloss testified "i ženám se zpovídají."

<sup>156</sup> One may call attention to the Gratian's *Decretum*, which already in the first distinction (reflecting contemporary disputed problems) posited the question whether remission of sins required just contrition, or confession and absolution as well; S. Kuttner, "Zur Frage der theologischen Vorlagen Gratians," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 23 (1934) especially, 256 ff. with further references. Except for Hus's explication of the *Sentences*, several works of Nicholas of Dresden (see Cegna in n. 64 above), and the later mentioned Václav of Drachov, the Hussite works have paid scant attention to Wyclif's *Tractatus de poenitentia*, although much in that treatise was relevant to their concerns. Suffice it to note that the treatise already addressed the question whether a free choice of confessor would not violate the prohibition on judging an outside parishioner; *De pen.* d. p. D.6, c. 2, Friedberg, I, col. 1244. See a detailed analysis in E. H. Fischer, "Bussgewalt, Pfarrzwang und Beichterwahl nach dem Dekret Gratians," *Studia Gratiana* 4 (1956), 193 ff. Such uncertainties were clearly resolved by Innocent's Constitution. We may also cite the previously mentioned opinion of Hus (see n. 25 above) that *in necessitates articulo* contrition would suffice for salvation.

<sup>157</sup> See the characterization by Amadeo Molnár, "L'évolution de la théologie hussite," *Revue d'Histoire et de la Philosophie Religieuse* 2 (1963) 152-153.

<sup>158</sup> Amadeo Molnár's introduction to *Acta reformationem Bohemicam illustrantia II*, ed. M. Opočenský (Prague, 1980), 3-94.

clergy's convocation of 30 April 1432, at which Rokycana had presented his charges and was then answered by Biskupec's bipartite *Confessio Taboritarum*.<sup>159</sup> Although the latter treatise was not yet entirely completed at the time of Chelčický's writing, Chelčický was familiar with its contents, and he had access to other Taborite treatises. Likewise, he read Rokycana's works and several of Jakoubek's.<sup>160</sup> He did not go into extremes, but his *Zprávy o svátostech* by and large agreed with the Taborite principles, as defined by Biskupec.

According to Chelčický, repentance<sup>161</sup> of sins was a precondition for obtaining divine grace. The fundamental sign of penance was contrition, the counterpart of which was satisfaction. Chelčický did not reject confession, but he did oppose the obligatory one, that was decreed by Pope Innocent III. One of the reasons for rejecting this type of confession was the possibility that the penitent's own pastor, who was to serve as confessor, might be a heretic, who himself would tempt the penitent to sin. This, however, did not mean that a sinner should not confess to a trustworthy priest.<sup>162</sup> The bottom line was that ultimately only God himself forgave sins, as Chelčický reaffirmed at the conclusion of the chapter.<sup>163</sup>

It is unclear how wide an audience Chelčický's interpretation of the sacraments might have reached. On the whole, however, his style of presentation was much more dispassionate than the apologia of Biskupec that was written with a notably polemical zeal.

### Silencing the Taborites

As the Bohemian Reformation faced the challenge of the Council of Basel and Emperor Sigismund, the Taborites came under increasing fire from mainline Utraquism, directed by Rokycana and particularly by Příbram. As early as the beginning of March 1437 a Synod approved all the rituals of the Roman Church with only the addition of lay chalice, which was authorized by the Compactata. Although penance was not specifically mentioned, it was covered implicitly by the blanket endorsement of the Roman rites.<sup>164</sup> This endorsement implied an adherence to auricular confession that would be made to a canonically deputized priest. The question of penance would remain an apple of discord between the retreating Taborites and the advancing Utraquists.

Within a month another Synod convened on a particular festive occasion when the coronation insignia were displayed, in the presence of Emperor Sigismund and other dignitaries, in the Corpus Christi Chapel of the New Town. The ecclesiastical organization was restored in Bohemia with the appointment of

<sup>159</sup> See the earlier discussion in this article.

<sup>160</sup> Molnár's introduction to *Acta reformationem Bohemicam illustrantia* 2:13.

<sup>161</sup> *Zprávy o svátostech: Třetí svátost* 41-49.

<sup>162</sup> "Protož nemuož-li kto věrného kněze míeti, všemi falešnými pohrzeje, obrať se k Bohu a jemu na každý den zpoviedaj se pravým srdcem." *Ibid.* 47.

<sup>163</sup> "A ktož by upadl v hříech smrtedlný a kněze takového měl, ješto by jemu mohl prospěti pravým naučením, tomu se má zpoviedati, pakli takového nemohl by míeti, tehdy bezpečně k samému Bohu muož se zpoviedati věře, že jemu odpustí hříechy ty, jichž on sám želeje, vyznává se jemu." *Ibid.* 49.

<sup>164</sup> AČ 3:453-455; *Urkundliche Beiträge zur Geschichte der Hussitenkriege* 2:479-480. The crucial formula of acceptance was as follows: "sacramenta ecclesiae rite et canonice administrarentur secundum ritum universalis ecclesiae, excepto usu communionis utrisque speciei."

a network of deans, drawn from canonically ordained clergy.<sup>165</sup> The instruction, which the deans received, contained, as an insert, the resolutions of the March Synod. While confession was not explicitly mentioned in the instruction, its orthodox form (including confession to the penitent's own parish priest)<sup>166</sup> was imposed implicitly under the general injunction of observing the traditional sacramental norms. The legitimate canonical status of the clergy was emphasized at every turn.<sup>167</sup>

Pressure on Tábtor continued during several of the following years, and the sect clearly remained on the defensive. Yet, the religious community retained political and military power that could not be neglected. The next major milestone in the struggle for theological survival was the Synod of Kutná Hora held on 4 October 1441.<sup>168</sup> The Taborites were summoned to participate by the writ of Lord Hynek Ptáček, the leading statesman of the kingdom.<sup>169</sup> Anticipating a hostile treatment, the Taborite radicals declined to attend on the pretext that the Synod was convened by secular lords, and hence illegitimately.<sup>170</sup>

The Synod itself,<sup>171</sup> in its theological and liturgical formulations, could be seen as a culmination and completion of the process launched at the Synods of 1421 and 1434.<sup>172</sup> Its resolutions recognized the seven sacraments and endorsed the performance of the traditional rites. Penance was recognized, in agreement with the Roman Church, as consisting of three parts: contrition (“que est basis et fundamentum paenitentiae, sine qua non dimittitur peccatum”), confession to a priest, and satisfaction, such as fasting, almsgiving, prayer and other pious works. In addition, the Synod condemned two malpractices: a mere auricular confession without contrition or satisfaction at one extreme; and the rejection of confession with a slight or no satisfaction at the other extreme.<sup>173</sup> Interestingly, the list of the types of possible satisfaction did not include explicitly the pilgrimage, which normally was highlighted by standard penitentials.

Moreover, the article on the Eucharist also touched upon penance. The clergy was admonished to inform the faithful that penance was a precondition for the reception of the sacrament of the altar. Penance was once more defined by the three parts: contrition, confession to a priest, and performance of the imposed satisfaction.<sup>174</sup> The article threw light both on the traditional manner of confession, and on the administration of the Eucharist.

<sup>165</sup> The course of these festivities was described in “Registrum Iohannis de Turonis,” *Monumenta conciliorum generalium* 1:860-861.

<sup>166</sup> “...nullus rector ecclesiae parochialis alienos subditos vel parochianos alterius ecclesiae suscipiat et sacramenta ministret...,” *Urkundliche Beiträge zur Geschichte der Hussitenkriege* 2:476-478.

<sup>167</sup> Rudolf Urbánek, *Věk poděbradský* in *České dějiny* III/3 (1930) 806.

<sup>168</sup> Concerning the convocation and the course of this Synod see Nejedlý, *Prameny k synodám strany pražské a tábořské* 14 ff. and, in more detail, Urbánek, *Věk poděbradský* in *České dějiny* III/3, 768-775.

<sup>169</sup> For a digest of the summons see *Chronicon Taboriense* in Höfler 2:731. An account of these events introduced the addenda to the chronicle.

<sup>170</sup> For the Taborite priests' response see *ibid.* 732.

<sup>171</sup> For its resolutions see Nejedlý, *Prameny k synodám strany pražské a tábořské* 32-41.

<sup>172</sup> On the mutual relationship of the Synods' decisions see *ibid.* introduction, and Urbánek, *Věk poděbradský* in *České dějiny* III/3, 768-775.

<sup>173</sup> Nejedlý, *Prameny* 36, article 13.

<sup>174</sup> *Ibid.* 34, article 9.

The next few years continued to witness heavy polemics, and summonses of the Taborite party to new Synods, which the latter tried to avoid. At the same time, the Utraquists, united under Rokycana and Přebor, increased their pressure, and mounted renewed attacks on the Taborite clergy and on the entire community of Tábor. The offensive culminated at a Diet in Prague in January 1444 that pronounced a verdict amounting to an unabashed condemnation of Tábor's religious beliefs and practices.<sup>175</sup> The edict contained a paragraph, devoted to an unequivocal definition of the sacrament of penance. Once again the principle of three parts was set forth, "namely a contrite heart, confession, and satisfaction for sins." The priests were to remind the faithful "when and whenever necessary to confess to the priests, and the priests themselves were to confess their sins too." The penitent would be "cleansed from his sins through contrition, but he [was] still obliged to appear before a priest in order to confess."<sup>176</sup> Although the confession was defined according to the rite of the Roman Church, there was not even a hint of Innocent III's Constitution.

In the momentous polemics of this troubled period the issue of penance once more surfaced in the renewed Taborite protest against Utraquist views. The Taborite grievance concerned a letter of Prokop of Plzeň to an addressee in Moravia which, in line with the Synod of Kutná Hora, urged that the reception of communion be preceded by contrition and confession to a priest. The Taborites objected to the missive on the grounds that it tended to exclude from the sacrament of the altars infants and small children, who were unable to feel contrition or to make a confession.<sup>177</sup> As a sermon of his revealed, Prokop, in fact, adhered to the traditional sacramental confession.<sup>178</sup> Yet, there was another matter in which he deviated from the common principles of the Bohemian Reformation, namely that the administration of sacraments was not to be paid for in money or in kind. The collection of his minor writings, the so-called *Collectura*,<sup>179</sup> probably from the period after 1440, included a *quaestio*, *Utrum debeat sacerdos aliquid recipere a confitente*. Prokop objected to the assertions that a priest, who accepted gifts from the faithful, was guilty of simony. According to Prokop, the priest was not paid for dispensing divine grace. Instead he received donations as an expression of the faithful's devotion (*ex devocione et in signum devocionis*) and as a contribution to his sustenance (*ad sustentandum*). Even such an explanation seems to have breached the Bohemian Reformation's prohibition against accepting gifts for the performance of sacramental rites. Other evidence indicated that Prokop not only approved such donations in principle,<sup>180</sup> but he was himself ready to benefit from them.<sup>181</sup>

<sup>175</sup> *Ibid.* 107-116. On the Diet proceedings see Urbánek, *Věk poděbradský* in *České dějiny* III/3, 868 ff.

<sup>176</sup> Nejedlý, *Prameny* 115, article 9.

<sup>177</sup> Höfler 2:813.

<sup>178</sup> J. Prokeš, *M. Prokop z Plzně* (Prague, 1927) 155, as well as the following on 237n. 627: "Ostendite vos sacerdotibus (Luc. 17, 14), ubi est notandum, quod leprosi, qui sunt peccatores mortalibus peccatis involuti, tenentur se ostendere sacerdotibus...Et hic est contra illos, qui tenent, quod non debeat fieri confessio sacramenti." The homiliary dates approximately to 1437-1438; see also Spunar 2:179 no. 354.

<sup>179</sup> Jaroslav Kadlec, "Collectura M. Prokopa z Plzně," *Listy filologické* 83 (1957) 237-245; more recently, Spunar 2:177-179 no. 353.

<sup>180</sup> This is evident from the treatise, *De temporalibus*, with a superscript, *Quod sacerdotes pro spirituali ministerio possunt temporalia iuste recipere* Třeboň MS A16, f. 368a – 371b, which follows immediately the *quaestio* mentioned above.

<sup>181</sup> The Taborite charges against him contained such an accusation; Höfler 2:814.

Thus, mainline Utraquism, with Rokycana and Příbram once more in agreement, gravitated ever more closely towards a conformity with the Roman Church in confessional practice. The culmination of the trend was apparently signalled by a yet unexamined piece of writing. The manuscripts of Václav of Dráčov, Jakoubek's successor as preacher in the Bethlehem Chapel, include a single extant copy of a detailed treatise, *De confessione*,<sup>182</sup> with the incipit, *Si confiteamur peccata nostra, fidelis et iustus est Deus, ut remittat nobis peccata nostra, 1. Iohannis III [recte Ioh. 1:9], Fidelis promissam gratiam humilibus conferendo et iustus peccata penitentibus remittendo.*<sup>183</sup> The manuscript contains among others Rokycana's treatise, *Tractatus de existencia corporis Cristi in sacramento altaris*,<sup>184</sup> and other works, which date the copy to 1447. Hence the origin of the treatise must be placed before this time. The exact date of composition cannot be determined, but it must have been after the complex polemics between Prague and Tábor in the early 1440s. Václav's teaching on penance and confession was not mentioned in the connection with either the Synod of Kutná Hora or with the censure of Tábor. Likewise the Taborites' register of the Praguers' lapses, although including those of Václav of Dráčov,<sup>185</sup> did not cover his views on penance, which would have undoubtedly provoked a sharp invective from Tábor, had they been known by then. Thus the treatise must have been composed after the polemical heydays of the early 1440s and before the copy's date, that is between the years 1444 and 1447.

The treatise announced at the start that seven points were relevant to the matter of confession: "Primum, qui sunt hii, qui confiteri debent seu qui obligati sunt ad confessionem faciendam. Secundo, cui debet fieri confessio. Tercio, quid debent homines confiteri. Quarto, quomodo. Quinto, quare hoc facere debent. Sexto, quando seu quo tempore confiteri debent. Septimo, quociens debent hoc facere." Next, each point received a paragraph of explanation with an appropriate justification. At the beginning the explanation under point one represented a marked departure from the traditional teaching of the Bohemian Reformation, including that of mainline Utraquism: "Ad primum, qui obligati sunt ad confessionem faciendam. Dicitur, quod omnes homines, qui ad annos discrecionis pervenerint, Extra de penitentiis et remissionibus Decretalium Omnis. Omnis utriusque sexus fidelis..." whereupon the virtually complete text of Innocent III's Constitution followed.

As noted previously, the Constitution *Omnis utriusque sexus* was anathema to the Taborites, and even mainline Utraquists, who otherwise closely followed the Roman practice, had never publicly endorsed the pesky document. Now Dráčov placed the Constitution prominently at the beginning of his discussion, and signified the obligation to confess to the penitent's own pastor (*proprio sacerdoti*), and not – as the Bohemian Reformation generally had condoned – to any random priest (*idoneo sacerdoti*). As another peculiarity, while mainline Utraquism tended to argue

<sup>182</sup> MS of the Dietrichstein Library of Mikulov, now deposited in Brno University Library MS Mk 69 [formerly II-121], f. 97a-114b. For a biography see František M. Bartoš, "M. Václav z Dráčova," JSH 8 (1936) 83 n. 28; he passes over the work with a superficial remark: "The little treatise about confession (in Mikul. II.121) is hardly of any significance." The treatise is listed in Spunar 2:91 no. 127.

<sup>183</sup> The treatise is listed in Bloomfield *et al.*, *Incipits of Latin Works* under no. 5523.

<sup>184</sup> Published in Nejedlý, *Prameny* 116-153.

<sup>185</sup> Höfler 1:811-812.

the issues of penance on the basis of the Scripture and the patristic literature, Václav, in further developing his argument, relied heavily on the canon law, including the treatise *De poenitentia* in Gratian's *Decretum*.

Dráčov posited the customary three constituent parts of penance: contrition, confession, and satisfaction or – expressed metaphorically – “Comparatur penitencia arbori, cuius radix est contritio, folia confessio, fructus satisfaccionis pena.”<sup>186</sup> He also listed the various types of satisfaction that were graded according to the gravity of the committed sin.<sup>187</sup> In this approach, Dráčov was likewise out of step with standard Utraquist theology that ordinarily did not produce this kind of specific stipulations.

In summary, it can be stated that Dráčov's treatise followed an immaculately pure Roman format: (1) by eliminating the free choice of confessor; (2) by deviating from the conventional Utraquist mode of argumentation, especially by his heavy reliance on the canon law; and (3) by offering a tariff of punishments for the diverse degrees of transgression. This conclusion gives rise to other questions, namely what incentive or ideational impulses had led him to embrace a slavishly Romanist interpretation, or whether Dráčov could be viewed as the actual author. Answers probably should be sought via a detailed examination of the work in its entirety, and through a scrupulous identification of all its sources and citations. I hope to undertake such a task in the future.

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Our investigation can come to an end at this point, as the silencing of Tábör concluded the vexatious debates about the sacrament of penance that had marked the Bohemian Reformation. The views of the emerging Unity of Brethren belonged to another historical era. The review of the various approaches revealed not only a considerable divergence, particularly between the Praguers and the Taborites, but also a certain monotony of the various permutations and the unwillingness of each side to take seriously the arguments of the other. There was a general agreement on recognizing the seven sacraments, but with variant interpretation of their character. The most pronounced disagreements marked the attitude toward the Eucharist, concerning which – despite the common insistence on communion *sub utraque* – a persistent discord revolved around the concepts of transubstantiation and remanence. Serious disagreements also characterized the attitude toward confession, with Tábör usually cool to the idea of confessing to a priest, and approving confession to laymen, even including women.

Both sides agreed to regard as simony any fees for the administration of sacraments, especially payments for confession. Only Prokop of Plzeň appeared to deviate from this standard by approving such donations. Another common tenet was the caveat against confessions performed by penitents without true contrition or true satisfaction.

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<sup>186</sup> In the manuscript f. 99b. A similar metaphor can be found, as far as accessible references are concerned, in the incipit of Vatican MS Palat. Lat. 300, f. 26: *Penitencia est arbor cuius radix est contritio*, cited Bloomfield and others, *Incipits of Latin Works* no. 3844. I was not able to compare the two works.

<sup>187</sup> In manuscript, f. 104a.

An attempt to enlarge the repertoire of sources by citing additional treatises, synodal decisions, or articles from the professions of faith would not produce a markedly different result and certainly not one more harmonious. The variety of views on penance and confession, in fact, may be regarded as symptomatic of the diversity of opinion characteristic of the Bohemian Reformation in general.

[Translated from the Czech by Zdeněk V. David]