

Thomas Brian Deutscher. *Punishment and Penance: Two Phases in the History of the Bishop's Tribunal of Novara.* Toronto: University of Toronto Press, 2012. 233 pp. \$60.00, cloth, ISBN 978-1-4426-4442-7.



Reviewed by Jennifer M. DeSilva

Published on H-Italy (May, 2014)

Commissioned by Matt Vester (West Virginia University)

This book is a welcome addition to the scholarship investigating the experience of Catholic life in the early modern period. Drawing on the records of the episcopal tribunal in the northern Italian diocese of Novara, Thomas Deutscher has presented a comparison of two phases of its activity that reveals a lot about both lay and clerical life in the parishes, the mechanics of episcopal tribunals, and the changing concerns of ecclesiastical hierarchies from the sixteenth to the eighteenth century. By comparing the records of cases prosecuted from the period of 1563-1615 with records from the period of 1745-99, Deutscher illustrates how the systemic challenges encountered by energetic bishops in the post-Tridentine period—primarily a lack of economic resources and manpower—eventually encouraged a moderation of zeal and ultimately revealed deeper difficulties in the lifestyle of lower-level clergy that seemed to evade solutions.

However, as Deutscher notes, the tribunal records “do not provide a statistical basis for measuring the incidence of clerical misbehavior or lay

sin in the diocese” (p. 10). Instead, this volume focuses on distilling an understanding of the role of the tribunal and its actors—the bishop, the vicar general, and the clergy called before it—and putting the crimes that the tribunal highlighted in context. Chiefly, Deutscher compares the Novarese records with data analyzed from Siena and Naples, and to a lesser extent from Rome and Venice. Further valuable work could be done by analyzing Novara against a diocese of comparable size and situation, in order to more deeply contextualize the bishop’s experience and the type of cases that appear.

Chapters 1 and 2 present a foundational view of the diocese of Novara and its bishops. In the period immediately following the Council of Trent, the bishops were heavily influenced by the conciliar decrees and the provincial synods convened by the archbishop of Milan, Carlo Borromeo. The episcopal tribunal sat atop an administrative structure that stretched from parish priests through a team of rural vicars (*vicarii foranei*) to the vicar general, who chaired the tribunal in the

bishop's stead. While Deutscher asserts the enthusiasm for establishing a model of Catholic teaching and upright moral behavior, he also notes that "the roles of pastor, confessor, and judge no doubt shaded into one another, the judge acting as confessor and the confessor as judge" (p. 22).

This is particularly evident in chapters 3 and 4, which examine the first period of tribunal records from 1563 to 1615. Within this cache of over 550 cases there was a significant division between clerical and lay defendants, 350 versus 200 cases, respectively. There were also repeat prosecutions, for among the 550 cases there were only 275 individuals accused. Deutscher notes that approximately one-fifth of Novarese priests were prosecuted during this period, whereas the fraction of the laity prosecuted is less than 1 percent of the total Novarese population. Most commonly the cases from this period deal with either sexual crimes (adultery, concubinage, incest, or bigamy) or assault. While Deutscher notes that there was a "rush to prosecute" in the early years of Carlo Bascapè's episcopate, looking at the period of 1563-1615 he notes that overall the tribunal preferred the accused to confess and be reconciled to better behavior. When the tribunal handed down a sentence it was often "remarkably light and ineffective, with many involving small fines and injunctions to avoid sin" (p. 80). In light of this evidence, Deutscher concludes that the low number of priests encouraged the tribunal to keep clergy in their benefices rather than dispossess and expel them from Novara.

Chapter 5 turns to the later period of cases that survive from the years 1745-99. There are records pertaining to over 450 investigations of criminal behavior, not all of which resulted in prosecution. In contrast to the earlier period, only 36 investigations involved lay people. In addition, the ratio of accused priests to the total priestly population had fallen to 90 out of 800 priests. There were fewer repeat prosecutions and, seemingly, a greater interest in suppressing public

scandal. Notably, as in the earlier period, sexual crimes dominated one-third of the investigations. One of the major differences between the two periods appears in the resolution of cases. Although Deutscher highlighted the early preference for reconciliation and fines, he notes that in the later period the tribunal more frequently recommended the confessed criminal to undertake spiritual exercises at a religious house as a method of remediation. Although by 1745 the number of priests was substantially higher in Novara, there was a large population of chaplains and clergy employed to say Mass without the responsibility of cure of souls. This group tended to remain physically within their family's orbit and, according to Deutscher, socially identified with lay culture rather than with the supposed professional culture and elevated behavior of the eighteenth-century priesthood. Based on comparing the two caches of tribunal records Deutscher suggests that by the eighteenth century the episcopal tribunal had abandoned interest in prosecuting laymen and had adopted a new tactic of remedial intervention rather than exclusively using prosecution when correcting clergy. Rather than cite lethargy or declining resources as the motivation for this change, the volume's conclusion suggests a disinterest in using intimidation tactics and a growing desire to protect the clergy from disrepute at the same time that the new kingdom of Piedmont-Sardinia was entrenching its secular judicial authority and the Enlightenment launched new attacks on the Catholic Church.

Archiving over this investigation is the issue of "confessionalization." This catchall term denoting the cooperation between ecclesiastical and secular authorities that supposedly produced a well-behaved Christian society in the period following the Council of Trent has stirred eager discussion among early modern historians since the 1970s. From the start Deutscher presents his study as an opportunity to "test the limits of the theory of confessionalization when applied to northern Italy" (p. 6). His conclusion is that there seemed to be lit-

the evidence of the episcopal tribunal at Novara contributing to a strategy of confessionalization, even though Bishop Carlo Bascapè's own *Commentarii canonici* (1615) seem to fit such a model.

The clear value of this monograph, however, is that it puts into striking relief the fact that there is still a great deal that remains unknown about diocesan administration. While Deutscher stresses the importance of the vicar general in running the episcopal tribunal, the reader does not learn much about the men who filled that post and their individual struggles as seen in the archival records. Moreover, the same is true of the rural vicars, who were the first line of defense in upholding the standards of clerical behavior and encouraging confession and improvement in faltering clergy. These men performed annual visitations of the parishes in their districts, organized monthly congregations at which priests examined cases of conscience, and kept the vicar general apprised of events and concerns in the countryside. On the whole Novarese bishops were conscientious and pursued ideals as best they could. However, to understand the space between the records, that silent slice of living that exists between the numbers of students matriculating at seminaries and the numbers of clergy called to the tribunal, it is necessary to follow the men on the ground.

Hopefully, this will be the next phase in episcopal studies, both for accomplished historians like Deutscher and newer researchers. An increasing awareness of the strategies of bishops and the reasons for their successes and failures must be complemented by a clearer understanding of how their values and authority were made real in the parishes. Further investigation would also allow a realistic evaluation of whether clergy in the early modern period did experience and acknowledge their awareness of professionalization. It is not enough to assert that education, episcopal decrees, and the organization of study groups made that happen, while simultaneously

lamenting the fact that clergy remained embedded in the lay community. Priests have always stood in both the lay and clerical worlds. Now historians must follow Deutscher's lead and show through the documents how they lived and how early modern society described, fostered, and evaluated their lives.

If there is additional discussion of this review, you may access it through the network, at
<https://networks.h-net.org/h-italy>

Citation: Jennifer M. DeSilva. Review of Deutscher, Thomas Brian. *Punishment and Penance: Two Phases in the History of the Bishop's Tribunal of Novara*. H-Italy, H-Net Reviews. May, 2014.

URL: <https://www.h-net.org/reviews/showrev.php?id=41673>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.