

Amorous Adventures and Questionable Meals

Concepts of impurity and pollution in early medieval penitentials

Master thesis

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Introduction

It is ordained that confessions be made carefully, especially of mental disturbances, before going to Mass, lest perhaps any should approach the altar unworthily, that is, if he does not have a clean heart. For it is better to wait until the heart is healed, and becomes a stranger to offence and envy, than rashly to approach the judgement of the throne. For Christ's throne is the altar, and His Body there with His Blood judges those who approach unworthily. Therefore, just as we must beware of moral and fleshly sins before we may communicate so we must refrain and cleanse ourselves from interior vices and the sicknesses of the ailing soul before the covenant of true peace and the bond of eternal salvation.¹

This citation from the Penitential of Columbanus gives an intriguing look into the early medieval world of religion, penance and purity. Columbanus, an influential Irish cleric living in the second half of the sixth and the early seventh centuries, wrote these words as part of the tradition of confession and penance. Penitential handbooks were, among other things, used as some kind of guides by confessors when hearing confession and are therefore important witnesses for both religious attitudes and ideas, and lay mentalities concerning sin and salvation.² These penitential handbooks, also known as penitentials, deal with various types of missteps by identifying them in separate canons³, which describe a specific sinful deed and then give an appropriate sentence, usually consisting of a period of fasting. In some cases the canons contain a more detailed sentence, describing, for instance, on which specific days one was supposed to fast and what one was allowed to eat or drink. The canons were often arranged into groups of different types of sin and/or different groups of sinners, which, as for instance in the penitential of Columbanus, were

¹ 'Confessiones autem dati diligentius praecipitur maxime de commotionibus animi antequam ad missam eatur, ne forte quis accedat indignus ad altare, id est, si cor mundum non habuerit; melius est enim expectare donec cor sanum fuerit et alienum a scandalo ac invidia fuerit quam accedere audaciter ad iudicium tribunalis. Tribunal enim Christi altare, et corpus suum inibi cum sanguine iudicat indignos accedentes. Sicut ergo a peccatis capitalibus et carnalibus cauendum est antequam communicandum sit, ita etiam ab interioribus vitiis et morbis languentis animae abstinendum est ac abstergendum ante uerae pacis coniunctionem et aeternae salutis compaginem.' *Paenitentiale S. Columbani*, B.30, ed. & transl. L. Bieler, *The Irish Penitentials* (Dublin, 1963) pp. 106-107.

² R.M.J. Meens, 'The Frequency and Nature of early Medieval Penance', in: P. Biller & A.J. Minnis (eds.), *Handling Sin: Confession in the Middle Ages* (York, 1998) pp. 35-61, p. 40-41, 45; R.M.J. Meens, 'The Historiography of Early Medieval Penance', in A. Firey (ed.), *A New History of Penance* (Leiden, 2008) pp. 73-95, p. 74.

³ The term 'canons' used in the context of penitential handbooks should not be confused with canons related to collections of canon law, which are in various ways linked to penitentials. I have chosen to use the term canons and not, for instance, 'regulations', because a term like that has certain connotations (i.e. it makes one think about rules) which do not do justice to what these canons really are, namely certain ecclesiastical norms. When the term 'canon(s)' is used, one should keep in mind that in this thesis this word is exclusively used in reference to a certain canon listed in one or more penitential handbooks.

either monks or clerics and laymen.⁴ Later penitential handbooks often prescribe different periods of penance dependent on the status or rank of the sinner.

As the introductory citation of Columbanus underlines, confession and the act of penance were, at least by the Church⁵ and its clergy, considered to be of vital importance. The emphasis Columbanus places on the purity of one's heart and soul and the importance of this purity in connection with going to Mass and receiving Communion, shows the strong and rather practical relation between cleanliness and salvation. The aim of this thesis is to investigate this relationship and the interaction between sin and pollution, sinfulness and impurity. What was seen as sinful by the medieval Church, and why was this considered to be sinful. And can we find out whether this opinion was shared by laymen?⁶ Was a distinction being made between polluting sins and non-polluting types of sin? And what was such a distinction based on? Moreover, how does all of this relate to the difference between impurity as a (bodily) state and impurity resulting from certain behaviour and actions – i.e. different types of pollution and impurity?

Attitudes towards and certain behaviour concerning purity and impurity and things that were considered to be clean or unclean seem to have had a significant role in medieval everyday life. At least, that is what the Church hoped it would have. But did laymen share these ideas about what kind of behaviour and what sorts of deeds were defiling and what was not? An important distinction, underlined by Karen Wagner, that should be kept in mind is that between the *goal* of penance and the *role* of penance. The goal the Church and its clerics who administered penance had in mind – both sacramental and didactic – differed from the role penance might have actually had in the lives of those who had to fulfil the prescribed penance.⁷ This role must have been influenced by secular cultural activities that existed side by side with it, as some regulations in the

⁴ Columbanus starts his penitential with regulations concerning offenses of monks (section A) and focuses in the second section (B) on missteps of clerics and laymen.

⁵ The use of the term 'the Church' requires some nuancing, since the term in itself indicates that during the period covered in this thesis, there existed one uniform and universal Christian institution which dominated the Western world. One should note, however, that this is at best only partly true. Christianity and 'the Church' during the early Middle Ages were above all a local endeavour and 'the Church' was made of smaller local churches and congregations, between which numerous differences existed. However, church councils, canon law, liturgy and many types of Christian works – i.e. saints lives, histories of sees and monasteries, penitential handbooks, etc. – gave the Church a more universal character. In addition, the overall ecclesiastical hierarchy and certain influential members of this who came from various regions and sees, made that the Church could be seen as some kind of coordinating institution. The term 'the Church' will be used to avoid needless sidesteps, but one should keep in mind that 'the Church' as such was much more diverse and locally oriented than the term itself indicates. See R. McKitterick, 'The Church', in: T. Reuter (ed.), *The New Cambridge Medieval History. Vol. III, c. 900-c. 1024* (Cambridge, 1999, 2006) pp. 130-162.

⁶ What seems to have been regarded sinful by medieval ecclesiastical authorities, based on what the penitentials seem to tell us. For a history of the idea of sin and sinfulness from Paul to Augustine see: P. Fredriksen, *Sin: The Early History of an Idea* (Princeton, 2012).

⁷ K. Wagner, 'Cum aliquis venerit ad sacerdotem: Penitential experience in the central Middle Ages', in A. Firey (ed.), *A New History of Penance* (Leiden, 2008) pp. 201-218, p. 201.

penitentials clearly demonstrate.⁸ For laymen penance was a physical and emotional experience, and one that was ranged among many other rituals and activities.⁹ As Gurevich points out, the penitentials give insight into a world in which ‘beliefs inherited from long-past centuries and Christianity were present simultaneously and in constant interaction and conflict’.¹⁰ Thus, we cannot speak of a Christian and a non-Christian culture that existed side by side and contradicted each other. Gurevich proposes the term ‘popular Christianity’, which represents both the pre-Christian cultural beliefs and the Christian ones, along with their accompanying rituals. The Church and the clerics seem to have protested against these two aspects of medieval lay consciousness, but in the minds of laymen, these two belief systems did not seem to have clashed, but to have existed synchronically.¹¹ The penitentials show that the Church sometimes had a hard time abolishing rituals that probably survived from pre-Christian culture.

It might not even be possible for us to really discern from the sources whether laymen had the same ideas about purity and impurity as the Church. But penitential handbooks do form an important group of sources for the investigation of Christian medieval thought and mentalities concerning purity and impurity. They give us insight into both desired behaviour and, to some extent, the way people in reality seem to have acted concerning these matters. The canons in these handbooks deal with various sins, of which one may assume that they were (still) relevant and topical, since the author or compiler of the penitential chose to include them.¹² Some canons furthermore provide us with more detailed information about certain behaviour or, for instance, superstitious or sexual acts.¹³ Moreover, the penitentials give us some insight into the defiling character of sin itself.

Sin and pollution

The quoted passage from Columbanus’ penitential attests that pollution was mainly a matter which concerned the heart and the soul. As we can see, however, Columbanus mentions both

⁸ One may think, for instance, about regulations dealing with acts of magic and/or superstition, which apparently were still performed next to Christian rituals, despite the dominance of the Church and her disapproval of such behaviour. Belief in the effect of magic is, among many other regulations, shown by reg. I.XV.4 in Theodore’s penitential.

⁹ Wagner, ‘*Cum aliquis venerit ad sacerdotem*’, p. 202; See also A. Gurevich, *Medieval Popular Culture: Problems of Belief and Perception* (Cambridge, 1988, 1990), chapter 3: ‘Popular culture in the mirror of the penitentials’, pp. 78-103.

¹⁰ Gurevich, *Medieval Popular Culture*, p. 80.

¹¹ *Ibidem*, p. 80; For these surviving beliefs with regard to food, see P.J.E.M. van Dam & J.M. van Winter, ‘Theorie en Praktijk van Eetregimes in de Middeleeuwen’, *Tijdschrift Voor Sociale Geschiedenis* 29:4 (2003) pp. 385-412, p. 400.

¹² Although some penitential handbooks seem to be based literally on older sources, which makes it difficult to determine whether the canons were actually relevant and usable. In the remainder of this thesis, I will use the term ‘authors’. One should keep in mind, however, that penitential handbooks were mainly compiled from older sources, hence the term ‘compilers’ used here.

¹³ See for instance Burchard of Worm’s *Decretum* 19.V.194, ed. J.P. Migne, *Patrologia Latina* 140, cols. 0951B-1057, cols. 0976B-C.

moral and fleshly sins, which apparently both resulted into defilement of one's soul. Different types of sin could lead to a stained soul, which in turn resulted in exclusion from Communion and sometimes even from church itself. Doing penance, by way of fasting and abstinence and/or giving alms, when executed properly and completely, was believed to have a purifying effect. A stained body and soul could be cleansed through penance, which made one worthy again to attend Mass and to receive the Eucharist. David Brakke aptly explains the importance of purity in the context of receiving Communion by focussing on the different types of bodies concerned: 'The holiness of the first body, the body of Christ on the altar during the Eucharist, prompted concern about a second body, that of the individual Christian [...]. This second body could be pure or impure and thus eligible or ineligible for contact with the holy Eucharistic elements.'¹⁴ Brakke also distinguishes a third body, which he describes as 'the social body of the church'. This third body was concerned with questions about the boundaries that were or needed to be established within the Church and between the Church and the (outside) world, and about how tightly these boundaries were to be maintained.¹⁵ This entailed giving consideration to the question to what extent clerics should live in separation from the world, but also to what extent the Church should concern itself with worldly matters. One of these matters was regulating the lives of the Christians in a congregation, among other things through confession and the prescription of penances. To what degree sentences of penance were actually administered by priests and bishops and how thorough these sentences were executed by sinners is an issue in itself, however. This thesis will not specifically investigate how often laypeople came to confess, or how literal canons were used by confessors. What we do know, however, is that confession seems to have been connected with the three times in the liturgical year that most people at least received Communion. The three main Christian feasts – Easter, Pentecost and Christmas – probably functioned as the minimum moments in the year when people felt obliged to confess their sins and do penance, since they would not be worthy of receiving the Host if they refrained from doing this.¹⁶ The sentences in the canons sometimes specifically mention one, two or three periods of a forty-days-fast (*quadragesimas*) in a year. We may assume that these fasting periods were directly related to the three main Christian feasts.¹⁷

¹⁴ D. Brakke, 'The problematization of nocturnal emissions in early Christian Syria, Egypt and Gaul', *Journal of Early Christian Studies* 3:4 (1995) pp. 419-60, p. 421.

¹⁵ Brakke, 'Problematization', p. 421.

¹⁶ Meens, 'Frequency and Nature', p. 38; J.H. Arnold, *Belief and Unbelief in medieval Europe* (London, 2005) p. 113.

¹⁷ Meens, 'Frequency and Nature', p. 50.

Purity and holiness

Central to all of this are the concepts of purity and impurity. In order to investigate the relation between sin and purity and to distinguish between different types of impurity, the concept of impurity itself needs clarification. Why were some acts or things considered to be unclean? The context of the penitentials underlines the direct connection between impurity and sin and to be able to explain why some sins seem to have had a strong link with impurity and others did not, a line of approach is needed.

The concepts of purity and impurity are part of a broad discussion, which obviously exceeds both the boundaries of the Middle Ages and the Christian religious context. Mary Douglas's work *Purity and Danger* has been a major influence on the debate concerning the cultural and ritual meaning of purity and cleanliness and their opposites.¹⁸ In a discussion of the concepts of pollution and purity as it comes to the fore in medieval penitential handbooks, it is important to try to formulate a definition of these concepts and to explain how they might have functioned in medieval society. Although Douglas's anthropological work was first published in 1966, until this day there has not been published a worthy substitution.¹⁹ Her ideas about and explanations of the ways people handle – and always seem to have handled – impure and polluting things and react to defiling behaviour, turn out to be very valuable points of departure when investigating impurity in early medieval penitentials. The question why some things and deeds were considered impure is of central importance for this research and in order to be able to get a clear understanding of medieval mentalities and attitudes towards sin, an explanation must be found for the fact that some things or people seem to have been thought of as impure and some actions and behaviour as causing impurity.

Douglas, through research among the Lele and investigation into sources like the Bible, especially the biblical books of Leviticus and Deuteronomy – which deal with purity laws –, came to the conclusion that concepts of pollution and impurity were closely connected to ambiguity and disorder. She strongly links ideas about purity with the concept of holiness, for which she, among

¹⁸ Mary Douglas, *Purity and Danger. An Analysis of concepts of pollution and taboo* (London, 1966).

¹⁹ Through the years a lot of responses, refutations and additions have been published, but Douglas's main ideas are still the point of departure for many researches. In 1996 a special issue of the Dutch anthropological journal *Focaal* has been published, focussing on Mary Douglas's works. Although a bit dated themselves, the articles in this issue attest to the fact that Douglas's theories have been and still are very influential, although anthropological research during the forty years after the publication of *Purity and Danger* has proven that her ideas were not all-embracing and needed further elaboration. Douglas herself has extensively helped with this through many publications that have followed her work *Purity and Danger*. See R. Reis, 'Inleiding', in: R. Reis (ed.), *De schoonheid van Mary Douglas*. [themanr. Focaal 28 (1996)] pp. 7-16. In 1995 a colloquium was held at Lancaster University at the initiative of, among others, Mary Douglas, which was devoted to Leviticus. As the preface of the collection of essays resulting from this conference underlines, 'no scholarly work on Leviticus can fail to take account of her writings (...)'. This colloquium, that 'in many important respects [...] was held in her honour', also proves the ongoing influence of Douglas's works. See J.F.A. Sawyer (ed.), *Reading Leviticus. A Conversation with Mary Douglas* (Sheffield, 1996).

other things, points at the Mosaic laws presented to the Israelites in Leviticus.²⁰ The God of Israel here asks of His people to be holy: ‘I am the Lord your God, and you must dedicate yourselves to me and be holy, just as I am holy.’²¹ Moses recorded these words in the chapters that list laws and regulations about clean and unclean animals, behaviour, etc. Israel was supposed to keep itself holy and therefore pure, by avoiding contact with unclean things and animals and by behaving properly. Douglas explains this concept of holiness and its direct connection with purity by pointing at the literal meaning of the word holy, which is ‘set apart’. Furthermore, she points at the importance of wholeness:

‘Granted that its root means separateness, the next idea that emerges is of the Holy as wholeness and completeness. Much of Leviticus is taken up with stating the *physical perfection* that is required of things presented in the temple and of persons approaching it. The animals offered in sacrifice must be without blemish, women must be purified after childbirth, lepers should be separated and ritually cleansed before being allowed to approach it once they are cured. *All bodily discharges are defiling and disqualify from approach to the temple.*’²² [Highlighting is mine]

This interpretation therefore leads to the reading of the concept holiness as something that is whole and complete. Interestingly, the literal meaning of the adjective ‘pure’ and the noun ‘purity’ is ‘not mixed or adulterated with any other substance or material’, ‘free of any contamination’ and ‘wholesome and untainted by immorality’.²³ The literal meaning of purity therefore strongly overlaps with Douglas’s interpretation of the concept of holiness and the link she creates between holiness and purity. Douglas furthermore underlines the logical contrariness that has to exist between holiness and abomination.²⁴ Mayke de Jong has aptly connected Douglas’s explanation with impurity and uncleanness: ‘...holiness and impurity are opposite poles. Holiness is wholeness, perfection, and unmixed apartness; impurity means disintegration, disorder, and a scandalous mingling of qualities which should remain separate.’²⁵ Everything ambiguous, incomplete or even out of the ordinary, might be considered impure. Thus holiness and purity can be seen as the opposites of impurity and, therefore, ‘unholiness’. This notion of purity as intrinsically connected to wholeness and completeness strongly relates to the concept of a cosmological order, in which boundaries exist between different categories. Such categories

²⁰ Douglas, *Purity and Danger*, pp. 41-57. See also: B.J. Schwartz, et al. (eds.), *Perspectives on Purity and Purification in the Bible* (New York/London, 2008).

²¹ Leviticus 11:44, Contemporary English Version, 1999; Douglas, *Purity and Danger*, p. 49.

²² Douglas, *Purity and Danger*, p. 51.

²³ For these definitions I consulted the Oxford Online Dictionaries, http://oxforddictionaries.com/definition/english/pure?q=pureness#pure_17, on 28/03/2013.

²⁴ Douglas, *Purity and Danger*, p. 49.

²⁵ M. de Jong, ‘*Imitatio Morum*. The cloister and clerical purity in the Carolingian world’, in: M. Frassetto (ed.), *Medieval Purity and Piety. Essays on Medieval Clerical Celibacy and Religious Reform* (New York, 1998) pp. 49-80, p. 50.

exist between differing types of living creatures (human – animals), but also, for instance, within specific categories (man – woman, within the category of humans). If through actions or behaviour such a boundary is being transgressed, this resulted in disorder, and thus incompleteness. Such disorder caused impurity or uncleanness. Ambiguities and anomalies thus can endanger the cosmological order, since these appear when no clear boundary seems to exist between categories or when such a boundary has been breached. As will become clear, and as Douglas and various of her colleagues have investigated, the danger of impurity and pollution that result from disorder and incompleteness, sometimes seems to have been used – and is still used – because of the power it embodies. Thus, animals or bodily fluids that are considered to be inherently impure, were chosen for certain rituals *because* they created and represented disorder. According to Douglas, people created a secure context in which disorder was brought about and used as a source of power and creativity.²⁶

When we place this explanation of the concept purity into the context of medieval religious thought about sin and salvation of the soul, it seems that an unclean status of body and soul made a person unholy and thus unworthy of receiving Communion. We can thus compare the importance given in the Old Testament to the fact that everything and everyone that approached the temple had to be pure and without a blemish – i.e. holy –, to the medieval Christian prohibition of sinners and other unclean people to communicate and receive the Eucharist.²⁷ Sinful behaviour and actions, but also thought and fantasies, could lead to a stained soul. In addition certain sins seem to have led to a polluted body as well.

Categories of sin – physical impurity

The canons as presented in various penitentials can be divided on the basis of certain types of sin; a categorisation which is applied fairly similarly by some penitentials. Most of these categories can, however, also be distinguished based on their relation with purity and impurity: sexual sin, impure food, murder and violence, bodily impurity, desires and sinful thoughts, violation of consecrated object, places and days, and paganism, heresy and magic. These types of sin can most often be labelled impure and polluting not only because the penitentials themselves sometimes directly ascribe this characteristic to them, but mainly because they can be seen as violations of holiness, wholeness, perfection and unmixed apartness, sought after by medieval bishops, monks and secular clerics and, although maybe to a lesser extent, their congregations. One should note

²⁶ Douglas, *Purity and Danger*, p. 168-170; R. Reis, 'Douglas en het heilige Onreine. Over de geneeskraft van sjamanen en clowns', in: R. Reis (ed.), *De schoonheid van Mary Douglas*. [themanr. Focaal 28 (1996)] pp. 29-38, p. 31.

²⁷ Kottje has looked into the influence of the Old Testament on medieval ecclesiastical law and liturgy, and, among other sources, investigated its effect on (Insular) penitentials. handbooks. R. Kottje, *Studien zum Einfluss des Alten Testaments auf Recht und Liturgie des Frühen Mittelalters, 6.-8. Jahrhundert* (Bonn, 1964, 1970).

that person and objects that were considered to be impure, by definition seem to have been thought of as polluting. I will thus not make a distinction between these two terms, unless pollution clearly figures separately in a situation.

What makes the discussion concerning purity in medieval penitential handbooks complicated, however, is the fact that some types of sin clearly seem connected with impurity and unclean things, whereas other sins do not seem to have such an obvious link to uncleanness. Various penitential handbooks contain a section consisting of canons that deal with clean and unclean food. The impurity of some types of food, animals or liquids that are mentioned can even nowadays be understood.²⁸ Likewise, the impure character ascribed to some sexual acts is understandable from the point of view of a medieval bishop or other clerics – although this did not always stop them from exploring these things themselves.²⁹ It becomes a more complicated issue, however, when we look at sins like theft or plunder. Sins of this kind are also discussed in detail by the authors of the penitentials, but they do not necessarily seem to have a connection with purity and impurity. For some reason, sins like theft are not directly defiling in the way sexual offences or the consumption of certain types of food are. But why does it seem, or *feel* logical that, for instance, sexuality should be part of the discussion concerning impurity, whereas theft in most cases will be excluded?³⁰

At least part of the solution seems to be lying in the aspect of physical impurity. When one considers the types of sin which are automatically and maybe even subconsciously connected to purity and therefore impurity, it becomes clear that all these types of sin have in some way to do with *physical* impurity. Although the need for doing penance very much concerned the state and therefore salvation of the soul or heart, some sins were seen as defiling for the body as well. What is clear is that sins which were linked with impurity, were seen as polluting the soul as well as the body. As seen above, this double defiling character of certain sins can already be read in Columbanus' penitential, when he mentions both *peccatis capitalibus et carnalibus* – 'moral and fleshly sins'.³¹ Although Columbanus does not describe the necessity of bodily purification, his words show that sins of the flesh at least polluted the soul. The penitential regulations show us,

²⁸ See R.M.J. Meens, 'A Penitential Diet', in: M. Rubin (ed.), *Medieval Christianity in Practice* (Princeton, 2009) pp. 144-150.

²⁹ Hence the regulations dealing with sexual sins in which clerics of different ranks are mentioned and sentenced.

³⁰ Interestingly, when looking for secondary literature about purity in general, the main subjects that are discussed in literature about (im)purity are sexuality, celibacy, bodily impurity and food. This shows that subjects like theft seem for some reason less strongly connected to the concept of purity than some other subjects.

³¹ *Peccatis capitalibus*, however, are not just moral sins, but the cardinal sins. These can best be understood as motives for sinful actions. Among them are, for instance, pride (*superbia*), envy or hatred (*invidia*) and greed (*avaritia*). See *Paenitentiale mixtum Ps.-Bedae-Egberti XXVI*, ed. H. Schmitz, *Die Bussbücher und das kanonische Bussverfahren II* (Düsseldorf, 1898) pp. 675-701, pp. 693-4.

furthermore, that certain sins could lead to physical impurity as well. And just as a stained soul, physical impurity required purification through a period of penance.

Strongly connected to physical impurity were bodily fluids and other substances, which were by definition considered to be impure: blood, semen, excrement, urine and flakes of skin.³² These substances, together with meat from unclean animals and other unclean food or liquids, were polluting through contact and influenced the status of both body and soul, although bodily defilement was the most direct result.

It is important to note, however, that this type of physical impurity should not be confused with bodily impurity, meaning the impure state of the – often female – body in certain periods or after certain deeds. Such bodily impurity is clearly illustrated by regulations that forbid women who are in their menstrual period or who have recently given birth to communicate or, in the case of some penitentials, even to enter church. Physical impurity as a more general concept, on the other hand, can be clarified by looking at canons that concern transgressions that are not direct sins of the flesh, but that do result in bodily impurity. Some canons of the penitential of Theodore of Canterbury deal with pollution ‘through the violence of [one’s] imagination’.³³ Imaginations and desires are considered sinful in these and many other canons, but what makes these sins really defiling is the fact that they often resulted in a seminal emission.³⁴ The polluting effect of this act is twofold. Firstly, the incitement of and contact with semen makes the person in question immediately physically impure. Secondly, sexual sins were seen as polluting, since the only permitted and proper sexual act, according to the Church, was intercourse between husband and wife for the purpose of getting children³⁵ - although even this act, according to Gregory the Great, was almost always accompanied by sinful thoughts, desires and lust.³⁶ Any other sexual act could therefore be seen as a violation of the proper and purely Christian approach to sexuality. Considering the importance of completeness and order, as Douglas explained, with regard to purity, these sinful sexual acts therefore are impure. They deviate from the one proper sexual act that was allowed and therefore contradict order, which was inextricably bound up with purity and holiness. This example brings us to another important observation. Although Douglas’s theory deals with cosmological categories, which have a universal character, these categories must be

³² Meens, ‘Penitential Diet’, p. 149.

³³ *Iudicia Theodori* I.VIII.3, p. 300; I.VIII.7, p. 301, in: *Paenitentiale Theodori, Discipulus Umbrensius* (U), ed. P.W. Finsterwalder, *Die Canones Theodori Cantuariensis* (Weimar, 1929) pp. 285-334. Transl. McNeil & Gamer, pp. 191-192. A more detailed description of this source is given below, pp. 13-14.

³⁴ See chapter 2, pp. 50-53.

³⁵ See chapter 1. P.J. Payer, ‘Early medieval regulations concerning marital sexual relations’, *Journal of Medieval History* 6:4 (1980) pp. 353-376, p. 371.

³⁶ Gregory the Great, *Libellus Responsum*, in: Bede, *Historia Ecclesiastica Gentis Anglorum*, transl. A.M. Sellar, *Bede’s Ecclesiastical History of England* (Whitefish, 2004) p. 64; see note 97; R.M.J. Meens, ‘Ritual purity and the influence of Gregory the Great in the early Middle Ages’, *Studies in Church History* 32 (1996) pp. 31-43, p. 34-35.

intrinsically intertwined with the dominant worldview of a certain period or society. Some of these categories seem to have been dominant in more than one period or society, as is for instance, the boundary between the categories of male and female. However, if the cosmological boundaries would be unchangeable, worldviews would be the same always and everywhere, which is obviously not the case. Investigation into the concept of purity in medieval penitentials might thus help us to gain insight in the worldview that lies behind this concept, through the cosmological categories that seem to have dominated.

This line of approach seems applicable to most of the types of sin that will be discussed in this thesis. Their relation with physical impurity and the way they violate the order and wholeness which was sought after by the Church, closely link them to the concept of impurity. For this reason and given the limit of space, I have chosen to focus on specific types of sin, listed above, and to leave some other sins more or less out of account. The types of sin selected will be divided into three main subjects: Body, Desires and Acts. A central issue of the first chapter (Body) will be the importance and consequences of the idea that some people, animals and inanimate things were ascribed an (intrinsically) impure state. To deal with this, focus will be on the female body, the male body and the animal body. Bodily impurity – the impure state of one's body in certain period or after certain deeds – seem to have been a regular feature in the lives of women, but it also influenced the lives of males. Moreover, animals could be thought of as being impure and could thus not just be eaten, hence the dietary restrictions that can be found among the canons. The canons that concern food, however, can be divided into those that deal with the impurity of food and animals as a state that could affect people, and those that deal with actions of people dealing with food. The latter subject will be discussed in the third chapter of this thesis, since the connection of these canons with food revolves around certain human actions described in them, which makes them more related to Acts than to the Body.

The chapter about Desires treats sins of the mind: thoughts, desires, imaginations or, more specifically, fantasies. Although these things are not always dealt with directly or extensively in the canons, they play a significant role in the discussion of impurity. The effect these workings of the mind could have is what links them to impurity and sin. Thus, arousing fantasies could result in a seminal emission, which caused impurity of the body. Furthermore, the significance of unconscious and conscious (intentional) acts and behaviour and their relation with sin will receive attention here. Finally, the distinction between impurity as a state and impurity caused by certain (conscious or unconscious) actions will turn out to be dominant in the context of desires, thoughts and imagination.

Lastly, the section about Acts will examine sexual sins, the 'violation' of sacred objects, and violence and murder. Moreover, acts related to food are dealt with here since certain acts

concerning food, and not food itself, caused impurity. As will become clear, such acts were dealt with mainly in the context of violating sacred things. Obviously the focus of this last chapter is on impurity as a result of certain actions, as opposed to the first chapter, in which impurity as a (bodily) state figures more prominently.

Through the discussion of canons related to the body, desires and acts, the distinction between pollution of the soul and defilement of the body will be investigated, based on the theory of Douglas. Are we able to explain impurity in its different forms and contexts with the aid of Douglas's ideas? And if not, why can these specific types of impurity not be elucidated through her theory? Thus the main focus will be on the canons in some penitentials which inform us about various transgressions that seem to have a link with impurity.³⁷ These sins and especially their connection with impurity will be approached and explained – where possible – with the theory of Douglas.³⁸

The sources - Penitential handbooks

The roots of the earliest penitential handbooks can be found in some Insular texts probably dating from the sixth century, which dealt with the transgressions of Christian people, mainly from clerical communities – i.e. monks –, but also secular clerics.³⁹ The typical pastoral character of the penitential handbooks was not present in these early documents, however, whereas the penitential that can be considered to be one of the oldest of its kind, the *Paenitentiale Ambrosianum*,⁴⁰ from its very beginning emphasizes the importance of penance 'through pastoral care' (*pastorali sollicitudine*).⁴¹ Furthermore, the metaphor of the confessor as a physician of the soul was introduced in this source. The significance of this metaphor in later penitential handbooks is proven by the fact that it was still used more than four centuries later by Burchard of Worms in the title of his most influential penitential work (*Corrector sive Medicus*).⁴² The penitential handbooks began focussing more on both (secular) clerics and the laity, whereas other early texts concerning penance focused mainly on monks. The regulations in these handbooks from the start

³⁷ Often several of the penitentials used deal with a specific situation or sin. I will often specify which penitentials contain canons discussing the specific topic. However, due to space limits and in order to avoid repetition, I will sometimes refer to the penitentials more generally. In these cases – as well as when I specifically mention penitentials – the penitentials and the canons it concerns will be referred to in a note.

³⁸ One should keep in mind that the explanations given are mainly formed by investigation into this subject. The canons themselves sometimes do specifically ascribe a polluting or impure character to an object or an action, but generally only give glimpses of certain ideas about impurity. Thus conclusions presented in this thesis are based on a modern interpretation of the sources.

³⁹ R.M.J. Meens, *A History of Penance, 600-1200* (forthcoming) pp. 50-51.

⁴⁰ A detailed work about the context of this work, its sources, etc., see L. Körntgen, *Studien zu den Quellen der frühmittelalterlichen Bußbücher* (Sigmaringen, 1993) pp. 7-86.

⁴¹ Meens, *History of Penance*, p. 53.

⁴² *Ibidem*, p. 53.

made a clear distinction between sinful acts committed by laymen and by clerics and this differentiation resulted in different sentences.

For this thesis, a selection of six penitentials has been made that represents both the Insular and the Continental traditions of penitential handbooks during the early Middle Ages. The works chosen for this purpose have all in a way and to various (but always notable) degrees marked the development of the tradition of penitentials. The penitentials selected for this research cover a period from approximately the early seventh to the early eleventh century. Intentionally, they are all from Northwest-European or Irish decent. This choice has been made in order to limit the scope of the research and to make it possible to focus on possible developments of the penitentials within a specific area. The canons of these penitentials will be dealt with quite systematically, based on the topic or types of transgressions or impurity treated. However, attention will be paid to relative or even total absence of canons concerning a specific matter if this is the case. A reflection will be given in the conclusion, where I will give an overview of differences and developments between and among the penitential handbooks used for this thesis. One should keep in mind however, that differences between penitentials do not necessarily reflect changed opinions about a subject. Not many penitentials were composed out of original canons that directly reflect the opinion of the author. Most penitentials contain canons borrowed from older penitential handbooks, and thus might have been picked pretty randomly. The continuous use of these canons in later penitentials, however, indicates that the sentences prescribed enjoined at least some support from its users.

Chronologically the first penitential that will be used as a source is the one ascribed to Columbanus (d. 615), an Irish monk who travelled to the Continent in 590 in a *peregrinatio pro Christo*⁴³, where he founded monasteries in Annegray, Luxeuil, Fontaines and eventually in Bobbio in 613. The continuity of these monasteries and the body of his texts that still survives today attest to the influence of Columbanus' life and works.⁴⁴ Besides his monastic rule known as the *Regula Coenobialis*, which stresses the importance of confession and penance among monks in particular, Columbanus wrote a penitential handbook which deals with sins of monks, as well as with sinful acts of clerics and laymen. Although it was strongly influenced by the Insular

⁴³ A *peregrinatio* cannot be precisely compared to either a mission or a pilgrimage. It is the leaving of hearth and home for another country, based on the passage in the Old Testament in which God commands Abraham to leave his homeland. What seems to be of central importance to such travelling is its ascetic character; a *peregrinus* deliberately left the place where he felt safe and at home, in order to detach himself from 'false' earthly security: T.M. Charles-Edwards, 'The social background to Irish *peregrinatio*', in: J.M. Wooding (ed.), *The Otherworld Voyage in Early Irish Literature: An Anthology of Criticism* (Dublin, 2000) pp. 94-108; G. Clark, 'Pilgrims and foreigners: Augustine on travelling home', in: L. Ellis & F.L. Kidner (eds.), *Travel, Communication and Geography in Late Antiquity: Sacred and Profane* (Aldershot, 2004) pp. 149-158.

⁴⁴ Meens, *History of Penance*, pp. 61-62. The *Vita S. Columbani* gives valuable information about the life and career of Columbanus: B. Krusch (ed.), *Ionae Vitae Sanctorum Columbani*. MGH SS. rer, Germ. 37 (1905) pp. 148-224.

penitential tradition, for instance through its dependence on the penitential of Finnian, Columbanus' penitential probably originates from Francia.⁴⁵ The penitential survives in only two manuscripts,⁴⁶ but its influence in Francia is indicated by extensive borrowings in later texts.⁴⁷ The link Columbanus' penitential formed between the Insular and the Frankish traditions of penance makes this an important source. Columbanus, through his works and lifestyle, introduced the Irish practice of tariffed confession to the European mainland.⁴⁸ Moreover, this penitential handbook can be seen as the final stage in the transition from, as Charles-Edwards names them, 'particular' penitentials, which made a distinction between specific groups within the Church, to 'comprehensive' penitentials, which contained regulations for all Christians and only prescribed variant penalties based on the position or clerical rank of the sinner.⁴⁹

Another very influential penitential was that attributed to Theodore of Canterbury (602-690), a Greek monk born in Tarsus. After he had come to stay in Rome he was sent to England in 668 by pope Vitalian, to be archbishop of Canterbury.⁵⁰ Five traditions containing the penitential work of Theodore, which seems to have been partly influenced by the Irish penitential of Cummean, can be distinguished. Of these the compilation made by a *Discipulus Umbrensius* – the U version – was the most influential one, attested to by the many quotations of his regulations and canons in later works and the twenty-five manuscripts in which this work survives.⁵¹ The *Iudicia Theodori* was not written by Theodore himself, but was compiled from his teachings and judgements.⁵² Theodore's eastern origin makes this penitential handbook especially interesting, since it clearly shows that there existed significant differences between the way people dealt with sin and penance in the East and in England. However, as Meens argues, this does not mean that these differences were insuperable. The *Iudicia Theodori* several times mentions the differing ways in which sins were handled or penance was performed in the East, Rome and England, but it nowhere suggests that these differences were irreconcilable.⁵³ The *Iudicia Theodori* consists of

⁴⁵ Bieler, *The Irish Penitentials*, p. 5; R.M.J Meens, *Het tripartite boeteboek. Overlevering en betekenis van vroegmiddeleeuwse biechtvoorschriften* (Hilversum, 1994); Meens, *History of Penance*, p. 65; T.M. Charles-Edwards, 'The Penitential of Columbanus', in: M. Lapidge (ed.), *Columbanus: Studies on the Latin Writings* (Woodbridge, 1997) pp. 217-239, p. 220.

⁴⁶ Mss. Turin, Biblioteca Nazionale, G. VII. 16 (saec. IX/2, Bobbio) and Turin, Biblioteca Nazionale, G. V. 38 (saec. IX-X or X in., Bobbio); Bieler, *The Irish Penitentials*, pp. 5, 15.

⁴⁷ Charles-Edwards, 'The Penitential of Columbanus', p. 217.

⁴⁸ D. Bullough, 'The career of Columbanus', in: M Lapidge (ed.), *Columbanus: Studies on the Latin Writings* (Woodbridge, 1997) pp. 1-28, p. 12.

⁴⁹ Charles-Edwards, 'The Penitential of Columbanus', p. 218; Meens, *History of Penance*, p. 69.

⁵⁰ Meens, *History of Penance*, p. 104.

⁵¹ T.M. Charles-Edwards, 'The Penitential of Theodore and the *Iudicia Theodori*', in: M. Lapidge (ed.), *Archbishop Theodore: Commemorative Studies in his Life and Influence* (Cambridge, 1995) pp. 141-174, pp. 143-144; Meens, *History of Penance*, pp. 106-107, 110. For a short but detailed overview of the main information about Theodore's penitential and its author, see R. Kottje, 'Paenitentiale Theodori', *Handwörterbuch zur deutschen Rechtsgeschichte* III (Berlin, 1983) pp. 1413-6.

⁵² See the preface to the penitential of Theodore, p. 545; Meens, *Het tripartite boeteboek*, p. 31.

⁵³ Meens, *History of Penance*, pp. 107-108.

two books preceded by a preface and rounded off with an epilogue. Compared with the first book, the second book has a more instructive character, but both contain canons give valuable insights because of their direct or indirect relationship with purity and impurity.

In the second quarter of the eighth century scribes of the monastery of Corbie were making an updated edition of an ancient collection of canon law, which used to be called the collection of Angers, but which is nowadays known as the *Collectio Vetus Gallica*.⁵⁴ The influential penitential known as the *Excarpsus Cummeani* was probably developed in the years after this updating process.⁵⁵ Based on an older text, the *Excarpsus* can be labelled an appendix to this collection of canon law.⁵⁶ Confusion among past historians, who ascribed this work to the Irish abbot Cummean, resulted in its current name.⁵⁷ There are good reasons to believe that this penitential handbook can be associated with the famous missionary Boniface, who had penance high on his reform agenda and who corresponded with the abbot of Corbie during the period the *Collectio Vetus Gallica* was updated. The aspects concerning penance Boniface focused on in his letters, correspond strongly with the main themes in the *Excarpsus Cummeani*.⁵⁸ This penitential handbook must have had a major influence, since it has survived in twenty-eight manuscripts, of which more than twenty can be dated to the eighth and ninth centuries.⁵⁹ It is partly based on earlier penitential works, namely the penitentials of Theodore, Cummean and one of the ‘simple Frankish penitentials’.⁶⁰ As will become clear, especially the influence of the *Iudicia Theodori* is clearly visible in the *Excarpsus*, since whole groups of canons are literally copied from the former. Canons from the *Excarpsus* itself were also extensively borrowed by later penitential works.⁶¹

Shortly after the composition of the *Excarpsus* – i.e. the second half of the eighth century – two other main penitential works were composed: the penitential of the Venerable Bede, which

⁵⁴ Meens, *Het tripartite boeteboek*, p. 46; Meens, *History of Penance*, p. 122.

⁵⁵ *Paenitentiale Excarpsus Cummeani*, ed. H.J. Schmitz, *Die Bussbücher und das kanonische Bussverfahren II* (Düsseldorf, 1898) pp. 589-644.

⁵⁶ F.B. Asbach, *Das Poenitentiale Remense und der sogen. Excarpsus Cummeani: Überlieferung, Quellen und Entwicklung zweier kontinentaler Bußbücher aus der 1. Hälfte des 8. Jahrhunderts* (Regensburg, 1975) pp. 59-64; Meens, *Het tripartite boeteboek*, p. 46; L. Körntgen, ‘Kanonisches recht und Busspraxis. Zu Kontext und Funktion des Paenitentiale Excarpsus Cummeani’, in: W. P. Müller and M. E. Sommar (eds.), *Medieval Church Law and the Origins of the Western Legal Tradition. A Tribute to Kenneth Pennington* (Washington, 2006) pp. 17-32, pp. 19-22.

⁵⁷ Schmitz, *Die Bussbücher und das kanonische Bussverfahren*, pp. 589-590; Meens, *History of Penance*, p. 122.

⁵⁸ R.M.J. Meens, ‘Het Christendom van Bonifatius’, *Millennium* 19:1 (2005) pp. 45-60; Meens, *History of Penance*, pp. 121-123.

⁵⁹ Meens, *Het tripartite boeteboek*, p. 44-45.

⁶⁰ Meens, *History of Penance*, p. 123; Körntgen, ‘Kanonisches recht und Busspraxis’, pp. 20, 26-27. For an outline of the development of (different types of) penitentials, see Meens, *Het tripartite boeteboek*, pp. 25-72.

⁶¹ i.e. *P. Vindobonense B*, *P. Capitula Iudiciorum*, *P. Parisiense compositum* and the Spanish penitentials. See Meens, *Het tripartite boeteboek*, p. 46 and pp. 25-72.

probably originated from the Rhineland, and the English penitential work of Egbert of York.⁶² From these two works a compilation developed from the beginning of the ninth century onwards, of which the final version is known as the *Paenitentiale mixtum pseudo-Bedae-Egberti*.⁶³ Leaving the manuscripts containing intermediate forms of this combined penitential – like the one known as the *Paenitentiale additivum Pseudo-Bedae-Egberti* – aside, there still exist ten manuscripts containing the *mixtum*. Haggenmüller, who performed extensive research into the reception of these (combined) works, dates the oldest surviving manuscript containing the *mixtum* to the third quarter of the ninth century, and he proposes a Low German or more specifically a Lower Rhine area as place of origin of this manuscript.⁶⁴ He furthermore argues that the origin of the work itself can be dated to the seventh or eighth decade of the ninth century.⁶⁵ The works attributed to Bede and Egbert knew a relative long reception, which ended roughly in the thirteenth century, and are related to important later penitential works that were connected with the Carolingian reforms.⁶⁶

The *Excarsus Cummeani* and the *P. mixtum Ps.-Bedae-Egberti* stood at the beginning of a period in which increasingly more attention was being paid to the authority and uniformity of penitential handbooks. Authors of penitential works were confronted with the fact that their main sources – Columbanus, Theodore and Cummean – at certain (crucial) points differed from each other.⁶⁷ Associated to what is known as the Carolingian Renaissance or Carolingian Reforms, five councils were held in 813 by order of Charlemagne and one held in Paris in 829, during which severe criticism against penitential handbooks was expressed. The lack of uniformity among and authority of some penitentials were central points discussed by those present.⁶⁸ The main problem turned out to be that the penitentials were believed to oppose the canons (*contra canonicam auctoritatem*). It was because of this supposed opposition that Ebo, archbishop of Rheims, present at the council in Paris of 829, requested the bishop of Cambrai, Halitgar, to compile a penitential

⁶² Meens, *History of Penance*, pp. 127. See J.-P. Bouhot, 'Les pénitentiels attribués à Bède le Vénérable et à Egbert d'York', *Revue d'histoire des textes* 16 (1986) pp. 141-169.

⁶³ *Paenitentiale mixtum Ps.-Bedae-Egberti*, pp. 675-701; Payer, 'Early medieval regulations concerning marital sexual relations', p. 356; Meens, *Het tripartite boeteboek*, pp. 57-58. For an extensive investigation into the origin and reception of these works, see R. Haggenmüller, *Die Überlieferung der Beda und Egbert zugeschrieben Bußbücher* (Frankfurt, 1991).

⁶⁴ Düsseldorf, Universitätsbibliothek, Hs. B. 113. Haggenmüller, *Überlieferung*, p. 294.

⁶⁵ Haggenmüller, *Überlieferung*, p. 293, 297; R. Haggenmüller, 'Zur Rezeption der Beda und Egbert zugeschriebenen Bußbücher', in: H. Mordek (ed.), *Aus Archiven und Bibliotheken: Festschrift für Raymund Kottje zum 65. Geburtstag* (Frankfurt am Main, 1992) pp. 149-159; Meens, *Het tripartite boeteboek*, pp. 58-59, p. 59.

⁶⁶ Meens, *Het tripartite boeteboek*, pp. 59-60. For further details concerning the reception of the penitentials of Bede and Egbert: Haggenmüller, 'Rezeption'.

⁶⁷ One of the 'solutions' taken on to deal with these variations resulted in, among other similar works, the *Paenitentiale Capitula Iudiciorum*, in which every sin was mentioned in three versions, based on different traditions: Meens, *History of Penance*, pp. 126-127.

⁶⁸ R. Kottje, *Die Bussbücher Halitgars von Cambrai und des Hrabanus Maurus: ihre Überlieferung und ihre Quellen* (Berlin, 1980) p. 3; Meens, *Tripartite boeteboek*, p. 61.

handbook that would deal with this problem.⁶⁹ Halitgar composed six books concerning penance, of which the sixth was shaped as a traditional penitential handbook, obviously meant for practical use by confessors, as Halitgar's preface attests.⁷⁰ This sixth book is often referred to as the 'Roman Penitential' (*Pseudo-Romanum*), due to the reference in its preface to a Roman source.⁷¹ Opinions have differed about whether Halitgar actually did use a Roman source, or whether he simply referred to one in order to give authority to his penitential, which he desperately needed considering the context in which he wrote this work.⁷² Presently, however, students of the penitentials and the *Pseudo-Romanum* generally agree that Halitgar must have been the composer of this sixth book himself, given the fact that there does not seem to have existed a tradition of penitentials in Rome until after Halitgar's lifetime. Moreover, the canons in the *Pseudo-Romanum* are based on older Insular and Frankish penitential handbooks.⁷³ Halitgar functioned as bishop of Cambrai from 817 till 831, when he died. Since he must have written his penitential during his time as bishop, and since his work reflects the demands articulated by the councils concerning the reform of the penitential handbooks, Halitgar's so-called Roman Penitential can probably best be dated to the end of the 820s.⁷⁴ The significance of the work becomes apparent when looking at the reception of this text; it survives in sixty-nine manuscripts, mainly from the ninth and tenth centuries.⁷⁵ Halitgar's penitential has a unique character, since it can be seen as a product of the Carolingian reforms concerning penance and penitentials, but at the same time its sixth book shows many similarities with older, more traditional penitential handbooks. Its more traditional character is furthermore proven by the fact that in several cases it was combined in one manuscript with older penitentials, for instance with the *P. mixtum Ps.-Bedae-Egberti*.⁷⁶

Other ninth-century penitential works that can to a greater or lesser degree be seen as products of the Carolingian reforms were the penitential handbook of Hrabanus Maurus, the *Quadripartitus*, the penitential of pseudo-Gregory III, the *Pseudo-Theodore* and the *Paenitentiale*

⁶⁹ Kottje, *Die Bussbücher Halitgars von Cambrai und des Hrabanus Maurus*, p. 8, 173; Meens, *History of Penance*, p. 147.

⁷⁰ Halitgar, *Pseudo-Romanum*, ed. F.W.H. Wasserschleben, *Die Bußordnungen der abendländischen Kirche* (Graz, 1958), pp. 360-376, pp. 360-1. Transl. J.T. McNeill & H.M. Gamer, *Medieval Handbooks of Penance. A Translation of the Principal Libri Poenitentiales* (New York, 1938, 1990) pp. 295-314, p. 297. Kottje underlines, however, that it is not clear whether Halitgar started this project after and as a result of the council in Paris, or whether he had already started such a project before this council took place: Kottje, *Die Bussbücher Halitgars von Cambrai und des Hrabanus Maurus*, pp. 4-5.

⁷¹ 'Addidimus etiam huic operi excerptiois nostre peanitentialem romanum alterum quod de scrinio romane ecclesie adsumpsimus, attamen, a quo sit editus, ignoramus.' Schmitz, p. 290.

⁷² See Kottje, *Die Bussbücher Halitgars von Cambrai und des Hrabanus Maurus*, pp. 185-190.

⁷³ I.e. the *Iudicia canonica* and the *Paenitentiale Cummeani*, among other penitentials: Körntgen, *Studien zu den Quellen der frühmittelalterlichen Bußbücher*, pp. 87-90; Meens, 'The Historiography of Early Medieval Penance', p. 77.

⁷⁴ Meens, *Het tripartite boeteboek*, p. 62.

⁷⁵ Meens, *History of Penance*, p. 149.

⁷⁶ Meens, *Het tripartite boeteboek*, pp. 59-60; Meens, *History of Penance*, p. 149.

Vallicellianum I.⁷⁷ The fact that several of these penitential works kept using some of the older and more traditional penitential handbooks as their sources, indicated that the proper and authoritative sources – i.e. the works of the Fathers and collections of canon law – did not suffice to create handbooks that covered all the subjects that confessors were confronted with.⁷⁸ The tendency to keep using older penitentials as important sources for new penitential works lasted, as can be observed in the work of Regino of Prüm, which he finished at the beginning of the tenth century. Regino, former abbot of the monastery of Prüm, wrote his *Libri duo de synodalibus causis et disciplinis ecclesiasticis* ('Two books on synodal investigations and ecclesiastical instruction') for use by bishops travelling through their dioceses to visit the local congregations.⁷⁹ The very purpose of the work makes it less useful for this particular research, but because of its importance in the history and development of penitential handbooks it cannot be ignored. The degree to which Regino based his work on older penitential handbooks and the fact that he even mentions some of them as works that should be in the possession of a priest, shows that he did not doubt their authority, as opposed to the penitential works composed during the Carolingian reforms.⁸⁰

Burchard of Worms (d. 1025) based his *Decretum*, probably compiled in the 1020s, on the extensive work of Regino and various other eight- and ninth-century penitentials, of which he only mentions the *Pseudo-Romanum*, the penitential of Theodore and that of Bede.⁸¹ Although the *Decretum* is attributed to Burchard, more than one person have contributed to this work, and Burchard is often seen as the overseer of the project.⁸² The significant influence Burchard's twenty books must have had is shown by the 27 manuscripts of his complete work, of which 55 are eleventh-century copies, together with 24 fragments that survive.⁸³ The *Decretum* has the character of a canon law collection with penance as one of its major focuses. Given the size of this work and in order to stay within the limits of this thesis, we will focus, however, on caput five of

⁷⁷ Meens, *History of Penance*, pp. 149-154.

⁷⁸ Ibidem, p. 155.

⁷⁹ Ibidem, pp. 159-161. See Regino Prumiensis, *De synodalibus causis et disciplinis ecclesiasticis*, ed. F.W.H. Wasserschleben (Graz, 1964); W. Hartmann, *Das Sendhandbuch des Regino von Prüm* (Darmstadt, 2004).

⁸⁰ Meens, *History of Penance*, pp. 160-162.

⁸¹ According to Hamilton Burchard only mentions these three penitentials, because those were considered authoritative by Regino of Prüm: S. Hamilton, *The Practice of Penance 900-1050* (Woodbridge, 2001) p. 28; L. Körntgen, 'Canon Law and the Practice of Penance: Burchard of Worms's Penitential', *Early Medieval Europe* 14:1 (2006) pp. 103-117, p. 116. For much detailed information about the *Decretum* and, among other things, the specific sources for each canon: G. Austin, *Shaping Church Law Around the Year 1000. The Decretum of Burchard of Worms* (Farnham/Burlington, 2009); H. Hoffmann & R. Pokorny (eds.), *Das Dekret des Bischofs Burchard von Worms. Textstufen - Frühe Verbreitung - Vorlagen*. MGH Hilfsmittel 12 (Munich, 1991). Furthermore, the *Decretum* seems to contain original material, not found in older penitentials: Hamilton, *The Practice of Penance*, pp. 40-42; Körntgen, 'Canon Law and the Practice of Penance', p. 110.

⁸² Austin, *Shaping Church Law*, pp. 16-17.

⁸³ Meens, *History of Penance*, p. 167. A list of all the manuscript witnesses of the *Decretum* can be found in L. Kéry, *Canonical Collections of the Early Middle Ages (ca. 400-1140): A Bibliographical Guide to the Manuscripts and Literature* (Washington, 1999) pp. 133-144.

book nineteen of the collection, which is an extensive penitential handbook in the form of a questionnaire, known as the *Corrector sive Medicus*.⁸⁴ This penitential seems to have been made for active use by confessor priests, as the introduction to this nineteenth book attests: ‘This book is called “the Corrector” and “the Physician,” since it contains ample corrections for bodies and medicines for souls and teaches every priest, even the uneducated, how he shall be able to bring help to each person, ordained or unordained; poor or rich; boy, youth, or mature man; decrepit, healthy, or infirm; of every age; and of both sexes.’⁸⁵ Here Burchard underlines the pastoral character of the penitentials.⁸⁶ The focus on healing and purification of body and soul, and the essential role of the confessor in this process, together with the amount of detail Burchard often applies, makes the *Corrector sive Medicus* an indispensable source in the investigation into purity and impurity in medieval penitential handbooks.

With Burchard’s early eleventh-century source, we have a list of six influential penitentials that will form the main body of sources for this research. Together they cover the period from roughly 550 to 1050, which allows us to detect developments and changes in the attitudes and mentalities towards sin and purity that come to the fore in the penitential handbooks. They represent different stages in the tradition of penance and the penitentials and are therefore exceedingly appropriate for this thesis. Limits of time and space make it impossible to include more penitential works, hence this present selection of what seem to have been some of the most influential penitential handbooks of the Middle Ages.

⁸⁴ Meens, *History of Penance*, pp. 168-169; See for a complete edition of the *Decretum* J.P. Migne, *Patrologia Latina* 140, cols. 0943-1013.

⁸⁵ ‘Liber hic Corrector vocatur et Medicus, quia correctiones corporum et animarum medicinas plene continet, et docet unumquemque sacerdotem, etiam simplicem, quomodo unicuique succurrere valeat, ordinato vel sine ordine, pauperi, diviti, puero, juveni, seni, decrepito, sano, infirmo, in omni aetate et in utroque sexu.’ Migne, PL 140, col. 0949A; Translation: McNeill & Gamer, p. 323. Hamilton suggests, however, that penitentials like that of Burchard were not so much used for the practice of (private) penance itself, but ‘as reference aids for the administration of penance by the bishop and his cathedral clergy’: Hamilton, *Practice of Penance*, p. 44; Austin, *Shaping Church Law*, p. 30. For a different view, which corresponds to the position of this thesis see R.M.J. Meens, ‘Penitentials and the Practice of Penance in the Tenth and Eleventh Centuries’, *EME* 14:1 (2006) pp. 7-21.

⁸⁶ See above, pp. 11-12.

1. Body

The first main group of penitential canons that deal with purity and impurity are here categorized as the ones concerning the body. This must be seen in a fairly broad perspective, since this section will cover canons concerned with bodily impurity, as well as food regulations. The canons will be discussed within a main division based on bodies: the female body, the male body, bodily fluids and secretions, and animal bodies. Canons that deal with sins related to bodily impurity and the female body concern menstrual periods, birth giving, bodily fluids, and the like.⁸⁷ Bodily impurity of males often directly involved pollution through female bodily impurity and often resulted from contact with women who were in an impure state. Sexual activities were especially restricted during times of bodily impurity. Moreover, sexual acts were prohibited on appointed days, since their polluting character conflicted with the purpose of purification of these days. Related to both topics are bodily fluids, which will be dealt with in combination with other bodily discharges. The impurity of such fluids influenced specific actions and could cause bodily impurity, but other activities involving such fluids had a polluting result as well. Finally, canons dealing with impurity in connection with food are, for instance, treating the eating of blood and the consumption of meat from unclean animals. The concern of this chapter, therefore, does not solely concern the human body. As some canons show, animal bodies could be(come) impure, as well as cause impurity. However, because of the distinction between impurity as a state of the body and impurity ensuing from actions, some of the canons and subjects discussed in this chapter also deserve attention in the third chapter, which deals with actions and behaviour. The difference between the two sorts of impurity – i.e. impurity as a (bodily) state, and impurity resulting from specific actions – highlights important nuances between different sins and will give us more insight into the topic of purity and impurity in some penitential handbooks. The categories with which this chapter is concerned lend themselves perfectly to clarify and exemplify the differentiation between on the one hand impure states and on the other hand certain acts that were caused impurity. The same canons that underline the difference between these two types of impurity, however, will show that they can be closely interconnected as well.

As discussed in the introduction, the explanations Mary Douglas gives concerning the impurity of persons, objects, substances and actions focus strongly on the importance of certain cosmological boundaries.⁸⁸ Furthermore, and especially significant for the present chapter, there

⁸⁷ Peter Browe wrote an influential work about sexuality in the Middle Ages and focussed to a large extent on the relationship between sexuality and impurity ('Unreinheit') and pollution ('Befleckung'). It quite briefly discusses various topics that will be discussed in this chapter and the third chapter. Browe's work can be considered to have been an inspiration for later research into the topic of sexuality and (im)purity. Peter Browe, *Beiträge zur Sexualethik des Mittelalters* (Breslau, 1932).

⁸⁸ Douglas, *Purity and danger*, pp. 49-57.

are certain substances and bodily fluids which seem to have been generally considered to be impure and polluting. The impurity of fluids and substances seems important in explaining bodily impurity and the uncleanliness of certain types of food. The supposed unclean character of certain fluids and substances can be explained in line with Douglas's theory of boundaries. If one had come into contact with a bodily fluids, this means that this fluids had left the body. Thus the boundary between inside the body (and being part of the body) and outside the body (and not being part of the body) has been transgressed. This causes such a substance to have become ambiguous, since it does not belong to either of the categories anymore, and thus represents disorder, since it cannot be wholly categorised. Such a substance thus became polluting, and contact with it could result in physical uncleanliness.⁸⁹ As will become clear, Douglas's theory seems to be applicable to many of the canons concerned with sin and impurity and can be employed in different ways. At the same time, these canons show the different aspects and variants of the concept of impurity.

Bodily impurity – the female body

A crucial question that is strongly related to the notion of impurity as a state, is whether such an impure state was considered to be sinful in itself. Are impure states in themselves condemned by the authors of penitential handbooks? Considering this question will give the opportunity to get to grips with the notion of impurity as a state of the body. What seem to have been the consequences of this type of impurity? Did an impure state in itself have consequences? To answer these questions, attitudes toward a woman's menstrual period and toward women who recently gave birth give us useful insights.⁹⁰

Various penitentials show that women during their menstrual period were considered to be impure. Menstruation meant the flowing of blood, a substance that was considered, like other bodily fluids, severely polluting.⁹¹ Based on Leviticus 17:11, blood was thought of and handled as the container of life itself.⁹² Joanne Pierce points out that blood was seen as the equivalent of life, which gave its efflux a symbolical power to either deliver or contaminate. In the case of menstrual blood, as well as uterine blood, the uncontrolled outflow of this bodily fluid gave it a polluting character.⁹³ Moreover, to use Douglas's line of approach, blood flowing from the body meant the

⁸⁹ Douglas, *Purity and Danger*, p. 53.

⁹⁰ For a short overview, based on Burchard's *Decretum* and Cummean's penitential, of sexual taboo's, certain days and periods of abstinence and specifically periods related to impure (bodily) states, which will also be discussed in this chapter, see: L. Milis, 'Reinheid, Sex en Zonde', in: L. Milis (ed.), *De Heidense Middeleeuwen* (Turnhout, 1991) pp. 143-166, pp. 155-156.

⁹¹ P. Browe, *Beiträge zur Sexualethik des Mittelalters*, pp. 1-4.

⁹² Leviticus 17:11, Contemporary English Version, 1999; Meens, 'A Penitential Diet', p. 149.

⁹³ J.M. Pierce, "Green Women" and Blood Pollution: Some Medieval Rituals for the Churching of Women After Childbirth', *Studia Liturgica* 29:2 (1999) pp. 191-215, p. 206; See also Milis, 'Reinheid, Sex en Zonde', pp. 159-160, in which he underlines the association of blood with life and death, which leads to its impure character.

transgression of the boundary between being part of the body and not being part of the body. Blood is a bodily fluid, which in times of menstruation or through childbirth flowed out of the body, which made it ambiguous. Given the importance of blood as the equivalent of life, such an ambiguous state seems to have given it a strong symbolical and polluting power. In spite of the unclean and defiling nature of blood, however, women in their menstrual period do not seem to have been condemned for being sinful.⁹⁴ Before discussing this, however, we will focus on a clear clarification about this subject given by Pope Gregory the Great. His relatively moderate view on the subject is demonstrated by his answers to questions sent to him by Augustine of Canterbury in the late sixth century, concerning, among other things, the impurity of menstruating women and women who just had given birth, and whether or not they were allowed to enter a church and receive Communion.⁹⁵ Although this source does not have the character of a penitential, its strong connection with certain of our penitentials is proven by the fact that this work has often been handed down together with some of our penitentials.⁹⁶ Furthermore, its focus on some of the main subjects of this thesis makes it an appropriate complementary source.

In his answer, Gregory refers to the Old Testament passage in which Eve was cursed with suffering during delivery, because she ate fruit from the forbidden tree and convinced Adam to join her.⁹⁷ Gregory states that one should not make a crime out of this very punishment and subsequently derives his judgment about the impurity and especially the sinfulness of women during their menstrual period, from that curse: ‘The courses are no sin in women, because they happen naturally; yet, because our nature itself is so depraved, that it appears to be defiled even without the concurrence of the will, a defect arises from sin, and thereby human nature may itself know what it is become by judgement.’⁹⁸ Thus, Gregory does not consider menstruating women

⁹⁴ J.E. Salisbury argues that from a medical point of view, medieval physicians and scientists believed that menstruation had a purifying function, cleansing women’s bodies from residual impurities. Menstrual blood, therefore, was unclean and even toxic, ‘since it was made up of unrefined impurities’, but menstruation was considered beneficial for women. From this point of view, menstrual blood was polluting and thus endangered the physical health of men, but also animals and inanimate things. See J.E. Salisbury, ‘Gendered Sexuality’, in: V.L. Bullough & J.A. Brundage (eds.), *Handbook of Medieval Sexuality* (New York, 1996) pp. 81-102, p. 89.

⁹⁵ These answers are among the letters comprising the *Libellus Responsionum*, which is incorporated in Bede’s *Historia Ecclesiastica Gentis Anglorum*. Investigation into the manuscript tradition of the latter indicates that Bede used a manuscript witness of the *Libellus* containing errors that already existed in older manuscripts, which were produced closer in time to Gregory’s actual letters. Thus, it is argued that the letters Bede used cannot have been forgeries, which makes the *Ecclesiastical History of England* a relatively reliable source for the use of the *Libellus: Ecclesiastical History of England* transl. A.M. Sellar (2004) pp. 56-66; Meens, ‘Ritual Purity and the Influence of Gregory the Great’, p. 32-33; P. Meyvaert, ‘Bede’s Text of the *Libellus Responsionum* of Gregory the Great to Augustine of Canterbury’, in: P. Meyvaert (ed.), *Benedict, Gregory, Bede and others* (London, 1977), pp. X15-X33.

⁹⁶ I.e. with the *Iudicia Theodori* and the *Excarsus Cummeani*. See Asbach, *Das Poenitentiale Remense und der sog. Excarsus Cummeani*, pp. 47-50; R.M.J. Meens, ‘Questioning Ritual Purity. The Influence of Gregory the Great’s Answers to Augustine’s Queries about Childbirth, Menstruation and Sexuality’, in: R. Gameson (ed.), *St. Augustine and the Conversion of England* (Sutton, 1999) pp. 174-186, p. 178.

⁹⁷ Genesis 3:16.

⁹⁸ *Bede’s Ecclesiastical History of England*, pp. 61, 63.

to be sinful, but only to be impure, caused by the sinfulness of human nature, which came into being through the first sin of Adam and Eve.⁹⁹ Thus Gregory does not condemn menstruating women for sinful *because* of the impure state they are in, and he explains to Augustine that they are allowed to enter a church and even to receive the host. However, should a woman, because of her impure bodily state and for reasons of veneration, choose not to take Communion, she was to be praised.¹⁰⁰ Clearly, in Gregory's opinion, women who were having their period were not considered to be sinful merely because they were menstruating. According to Gregory, even the impure state of women during this period was not enough to keep them from setting foot on the sacred ground of a church and receiving the Eucharist. Gregory's view on this subject strongly relates to his explanation of the Old Testament passages in which regulations regarding these and similar subjects are given. Gregory propagates the notable distinction between body and soul, or the inward and the outward. He underlined, based on passages from the New Testament, that the Old Testament regulations should be interpreted spiritually.¹⁰¹ Thus, Gregory placed the focus on the things that come out of the heart: 'And afterwards he [Jesus] added, expounding the same, "Out of the heart proceed evil thoughts."¹⁰² Where it is abundantly shown, that that is declared by Almighty God to be polluted in deed, which springs from the root of a polluted thought.'¹⁰³ Gregory's metaphorical and spiritual interpretation of the Old Testament Laws makes his approach to impurity less severe than some contemporary or later sources. As in the specific case of menstruation and the impure state of women that is caused by their natural cycle, he underlines that a clean heart and soul overshadow a state of impurity that was caused in Eden.¹⁰⁴

Thus, Gregory's view was considerably moderate. When we take a closer look at our penitentials, however, it is clear that the authors of these handbooks did not fully share Gregory's opinion. The penitential handbook of Columbanus is the only one in which nothing is mentioned whatsoever about bodily impurity as understood here. This might be explained by the fact that Columbanus wrote his handbook with special focus on monks, attested to by his other major work, the *Regula Coenobialis*, although he did write sentences concerning transgressions of clerics and laymen too. Columbanus does mention sins that have a connection with bodily impurity, like sexual offences and bloodshed, but he does not discuss bodily impurity related to

⁹⁹ A. Demyttenaere, 'The Cleric, Women and the Stain', in: W. Affeldt (ed.), *Frauen im Spätantike und Frühmittelalter. Lebensbedingungen-Lebensnormen-Lebensformen* (Sigmaringen, 1990) pp. 141-165, pp. 159-160; C.T. Wood, 'The Doctors' Dilemma: Sin, Salvation, and the Menstrual Cycle in Medieval Thought', *Speculum: A Journal of Medieval Studies* 56:4 (1981) pp. 701-727, p. 713; Pierce, "'Green Women" and Blood Pollution', p. 194.

¹⁰⁰ *Bede's Ecclesiastical History of England*, p. 62.

¹⁰¹ *Ibidem*, p. 63; Meens, 'Questioning Ritual Purity', p. 175; See also Meens, 'Ritual Purity and the Influence of Gregory the Great', pp. 31-43.

¹⁰² Mark 7:21.

¹⁰³ *Bede's Ecclesiastical History of England*, p. 63.

¹⁰⁴ *Ibidem*, p. 63.

menstruation or giving birth. Furthermore, Halitgar's *Pseudo-Romanum* contains only one canon which can be related to the topic of bodily impurity. The absence of other canons concerned with menstruation and the like is curious, however, since just as most other penitentials, Halitgar does deal with a wide range of transgressions and addresses both clerics and laymen. The canon he does include, however, indicates that this topic was still under discussion when he wrote his penitential. Of the other penitentials, the *Iudicia Theodori*, the *Excarpus Cummeani* and Burchard's *Decretum* specifically mention menstruating women.¹⁰⁵ These three handbooks also deal with women who just gave birth and their admittance to church, a topic addressed in the *mixtum* as well.¹⁰⁶ The significant presence of blood during delivery makes women unclean and these handbooks are unanimous in their verdict concerning this impure state and its consequences for the new mother: she is not allowed to enter church after giving birth. Although the periods during which the woman may not set foot in church as prescribed by the penitentials sometimes differ, there seems to have existed agreement about the fact that a mother, after childbirth, needed to go through a period of purgation. It was only after this period of cleansing that she was allowed to enter church and communicate again.¹⁰⁷ Thus, most penitentials, contrary to Gregory, ascribe significant weight and consequence to the impure bodily state of menstruating women and women who recently gave birth. Their uncleanliness, caused by the (uncontrolled) flow of and contact with blood, made them unworthy to enter church, which was consecrated territory, and to receive the sacred body of Christ.¹⁰⁸ Impurity and the sacred could not be combined, and therefore menstruating women and women who recently had given birth were not allowed to come into contact with consecrated things or sacred space.¹⁰⁹ If a woman in such an impure bodily state would enter a church and approach the altar, then the boundary between the cosmological categories of the holy – which was intrinsically and perfectly pure – and the impure would be transgressed and the two categories would be mixed.¹¹⁰ The purification process was needed to cleanse the new mother and make her worthy again to approach the holy.

¹⁰⁵ *Iudicia Theodori* I.XIV.17, p. 308; *Paenitentiale Excarpus Cummeani* III.14, p. 614; Burchard, *Decretum* 19.V.53, ed. J.P. Migne, *Patrologia Latina* 140, col. 0959D.

¹⁰⁶ *Iudicia Theodori* I.XIV.18, p. 309; *Excarpus Cummeani* III.15, p. 614; *P. mixtum Ps.-Bedae-Egberti* V.1-2, pp. 687-8; Burchard, *Decretum* 19.V.53, col. 0959D.

¹⁰⁷ At least in de high and late Middle Ages, this time of purification was concluded with the ritual event known as 'churching', during which the woman in question was officially admitted and led into church by the priest himself. However, there is practically no evidence for the practising of this specific ritual in the early medieval period. But the celebration of feast of the purification of the Virgin Mary (2nd of February), on which the ritual of churching was based, might be safely linked to the early medieval purgation of new mothers. Browe, *Beiträge zur Sexualethik des Mittelalters*, pp. 19-20, 23-26; Milis, 'Reinheit, Sex en Zonde', p. 163; B.R. Lee, 'The Purification of Women after Childbirth: A Window onto Medieval Perceptions of Women', *Florilegium* 14 (1995/1996) pp. 43-55, p. 43; Pierce, "'Green Women' and Blood Pollution'; R.M. Karras, *Sexuality in Medieval Europe. Doing unto others* (New York/Abingdon, 2005) p. 76.

¹⁰⁸ Browe, *Beiträge zur Sexualethik des Mittelalters*, pp. 30-32.

¹⁰⁹ H. Maccoby, *Ritual and Morality. The Ritual System and its Place in Judaism* (Cambridge, 1999) p. 47.

¹¹⁰ For a more extensive discussion of the opposition between the holy and the impure, see pp. 80-85.

As mentioned above, the directions concerning the length of this purgation period given by the penitentials differs. Based on the distinction made in Leviticus, some sources impose differing periods of purification for the birth of a boy and a girl.¹¹¹ The *mixtum* of Bede and Egbert state that a woman is not allowed to enter church for thirty days after giving birth to a boy and for forty days after being delivered of a daughter.¹¹² Burchard, however, proposes different periods, that is thirty-three and fifty-six days respectively.¹¹³ The other handbooks only mention the consequences for women that *do* enter church during their time of purgation, which informs us of the fact that the authors of these penitentials were also convinced of the necessity of a time of purification during which a woman was not supposed to enter church. Here we can clearly observe the transgressing of the boundary between an impure state, which in itself was not considered sinful, and actions related to this impure state that *were* condemned as sinful. In this case, the unclean state of the woman in question makes her entering church and approaching the sacred a sinful act. Most penitentials prescribe a period of penance of forty days for this transgression. Only Burchard dissents from this sentence by prescribing ten days of penance in caput five, whereas in another caput he prescribes a penance for the number of days the person in question was to absent herself from church.¹¹⁴ Theodore and the *Excarpusus* in addition also mention menstruating women who enter church in a state of impurity and both give a sentence of three weeks of penance. In this situation the same boundary has been crossed: the impure state of a menstruating woman causes her entering a church to be defiling and even to a certain extent a violation for its pure and holy state.¹¹⁵ Thus, it is not the unclean bodily state itself that is sinful or makes a woman a sinner, but her actions, which are directly related to her bodily impurity.

One should keep in mind, however, the difference between the period of penance and that of purgation. Both are connected to a kind of impurity, but the aspect of sin makes them significantly different. The period of purification after giving birth was needed to cleanse the female *body* from the pollution caused by uterine blood and to make it worthy and clean again to approach the sacred altar and receive the Eucharist without endangering these with pollution. The penance prescribed to women who went into a church in a state of impurity, however, was necessary to cleanse their *souls* from sin, which had become stained through their sinful deed. They needed to purify their unclean souls in order to reconcile themselves with God. What purgation and penance have in common, however, is that both processes cleansed the person in question and made her pure again. In both cases this renewed pure state of body and soul respectively, allowed a person to participate fully in religious and ritual activities of the congregation again.

¹¹¹ Leviticus 12:1-5.

¹¹² *P. mixtum Ps.-Bedaegberti* V.1, p. 687.

¹¹³ Burchard, *Decretum* 19, cap. 141, col. 1010C.

¹¹⁴ Burchard, *Decretum* 19.V.53, col. 0959D, 19.141, col. 1010C.

¹¹⁵ Although the sacred does not seem to be actually violated. See below, pp. 80-81.

Bodily impurity – the male body

Sexual abstinence

Based on the canons of the penitential handbooks, a lot more can be said about impurity related to and caused by menstruation, pregnancy and delivery. These natural events concerning the female body did not, however, only have consequences for the life of the woman. Because of the unclean state of the female body as a result of these bodily processes, husbands also had to deal with the effects. The physical impurity of one's wife seems to have had a defiling influence.¹¹⁶ Most penitentials specifically show that during her menstrual period and the period of purification after giving birth, a husband was not allowed to have sexual intercourse with his wife. Sentences prescribed for this transgression vary from ten to forty days.¹¹⁷ Sexual activities during the last months of pregnancy seem to have been condemned as well. The *mixtum* and Burchard's *Decretum* recite in detail during which periods husband and wife were not supposed to have sexual relations. Both record that after the first definite sign of conception (*manifestatam conceptionem*), or according to Burchard, at least forty days or less before the expected time of delivery, a couple should not have sex. The *mixtum* further specifies this by stating that a husband should abstain from his wife for three months after *conceptione manifestata*, with which might have been meant more or less the same period as prescribed specifically for the woman: abstain for three months before delivery.¹¹⁸ Opinions seem to have varied about whether a pregnant woman already was in an impure state, however. Although Halitgar did not compose any canon concerning bodily impurity in the context referred to here, he did include one canon about pregnant women, pretty randomly placed between canons dealing with completely different subjects. This canon states that 'if any pregnant woman wishes to fast, she has the right to do so.'¹¹⁹ Apparently, there existed discussion about whether or not pregnant women were allowed to perform certain ritual things, like fasting or going to church and communicate. The *Iudicia Theodori* contains a canon which states that a pregnant woman could receive Communion.¹²⁰ The compilers of the *Iudicia* evidently also felt the need to mention Theodore's opinion about this subject. Again there seems to have existed doubt about the state of (im)purity of a pregnant woman. We must conclude that doubt and variant opinions existed through time about whether or not a pregnant woman had an unclean bodily state. Furthermore, whether this impure state

¹¹⁶ Demyttenaere, 'The Cleric, Women and the Stain', p. 147.

¹¹⁷ *Iudicia Theodori* I.XIV.19, p. 309 & II.XII.3, p. 326; *Excarpsus Cummeani* III.13 & III.16, p. 614; *P. mixtum Ps.-Bedaegberti* VI, p. 688; Burchard, *Decretum* 19.V.53, col. 0959D.

¹¹⁸ *P. mixtum Ps.-Bedaegberti* V.1-2, pp. 687-8.

¹¹⁹ Halitgar of Cambrai, *Pseudo-Romanum* XI.22, ed. F.W.H. Wasserschleben, *Die Bußordnungen der abendländischen Kirche* (Graz, 1851, 1958), pp. 360-376, p. 375; translation: McNeill & Gamer, canon 96, p. 313.

¹²⁰ *Iudicia Theodori* II.XII.4, p. 326.

prevented her from receiving Communion and from other ritual activities related to the church seems to have varied through time and by location.

Abstinence was required during pregnancy, but it extended until after the birth of the child, since the new mother then had to go through a period of purification. Sexual intercourse during this time of purgation is condemned by some penitentials. Theodore and Burchard prescribe a penance of twenty days to a man who has sex with his wife before she has been purified after childbirth.¹²¹ Interestingly, Theodore thus does not make a distinction between different degrees of impurity. He judges that a man who has sex with his wife during *any* period of impurity, whether during menstruation, the last months of pregnancy or time of purgation, should do penance for twenty days. Burchard, however, seems to have had a different opinion about this, since he gives a more severe sentence for sexual intercourse during a wife's period of purification than for the same transgression during her menstrual period – twenty and ten days respectively.¹²² These different sentences seem to indicate that Burchard judged a woman to be in a more severe state of impurity after giving birth than during her menstrual period. Moreover, he prescribes a penance of ten days on bread and water for sexual intercourse with one's wife after she conceived, which apparently meant the period before the first real signs of conception.¹²³ Sexual relations with one's wife after the first real signs of conception, which was thought to be approximately three months before delivery, was penalized by Burchard with the same sentence as sexual intercourse after giving birth and before purification, i.e. twenty days.¹²⁴ This seems to indicate that everything relatively close in time and directly related to actual birth giving was thought of as having a more severely defiling effect. As mentioned earlier, giving birth and the uncleanness and danger of uterine blood might be the cause for these different degrees of impurity. One should keep in mind the strong relation between blood and life, which gave blood its polluting and dangerous character. Child labour went hand in hand with an uncontrollable shedding of blood, which furthermore was directly linked to new life and at the same time endangered the lives of both mother and child.¹²⁵ The very connection that was made between blood and life literally manifested itself during the birth of a child, which might also explain why menstrual blood in some cases might have been thought of as less impure and therefore less defiling than uterine blood. The impurity of blood resulted in a bodily impure state of the woman. In turn sexual intercourse with one's wife during such a period defiled the husband, probably because he came

¹²¹ *Iudicia Theodori* I.XIV.19, p. 309.

¹²² Burchard, *Decretum* 19.V.53, col. 0959D.

¹²³ Burchard, *Decretum* 19.V.55, col. 0959D.

¹²⁴ Burchard, *Decretum*, 19.V.54, col. 0959D; Elsackers, however, argues that *conceptum* might refer to ensoulment, or *conceptum spiritum*. See M. Elsackers, 'The Early Medieval Latin and Vernacular Vocabulary of Abortion and Embryology', in: M. Goyens, P. de Leemans & A. Smets (eds.), *Science Translated: Latin and Vernacular Translations of Scientific Treatises in Medieval Europe* (Leuven, 2008) pp. 377-413, p. 395-6.

¹²⁵ Pierce, 'Green Women' and Blood Pollution', p. 206.

into direct contact with her blood, through which he became physically impure. His conscious choice to have sexual intercourse with his wife during a prohibited time stained his soul, furthermore, which made penance necessary in order to cleanse both body and soul.

The fact that Burchard and other authors of penitentials prescribe different sentences for a transgression does not necessarily mean that they ascribe different values of impurity to various sins of substances. Canons from older penitentials were simply literally copied without the compiler adapting details or sentences because he did not agree. Thus, one has to be careful to draw conclusion too easily based on the differences between sentences given in certain penitential handbooks. Furthermore, the variations among sentences within one penitential could be the result of the same ‘arbitrarily’ picking of canons from more than one older penitential. Thus, for instance, the different sentences prescribed in the *Decretum* for sexual intercourse during the woman’s menstrual period and after giving birth respectively, might just as well only be the result of the fact that Burchard based his canons on two different sources. Especially in the case of the *Decretum*, however, one might assume that Burchard actively edited the canons he extracted from other sources, since his canons show that he sometimes adapted or extended canons and even added original ones.¹²⁶

Blood, as an impure bodily fluid, seems to have played a significant role in the disapproval of sexual relations during periods of menstruation, pregnancy and after birth giving. However, given the opinion of ecclesiastical authorities about the proper role of sexual intercourse, i.e. for the purpose of having children, it seems logical that sexual intercourse was not permitted at least during menstruation and pregnancy. It could not lead to conception during these periods, thus every sexual activity in these times resulted from lust, since it did not serve any proper purpose – at least not according to the Church.¹²⁷ Besides the defiling role of blood, the transgression of the boundary between proper and illicit sexual activities can also be seen as sinful. Although this is not a cosmological boundary, it was a boundary set by the Church, and sexual activities taking place ‘outside’ the category of proper sexual intercourse was sinful and stained the soul. This explanation is not given as such in our penitentials, however. Various other early medieval sources, however, emphasize the conviction that sexual intercourse taking place within these periods of bodily impurity or during appointed days of fasting, most probably would result in seriously deformed, leprous or epileptic children, or even children possessed by the devil.¹²⁸ Whether this was believed to happen due to natural or spiritual causes is not explained. However, passages from other early medieval sources seem to indicate that the birth of deformed or

¹²⁶ Austin, *Shaping Church Law*, pp. 199-221; see note 81.

¹²⁷ Payer, ‘Early medieval regulations concerning marital sexual relations’, pp. 368-9.

¹²⁸ Demyttenaere, ‘The Cleric, Women and the Stain’, pp. 151, 155; Payer, ‘Early medieval regulations concerning marital sexual relations’, p. 363. For a discussion about days of fasting and their appearance in the canons, see below pp. 30-33.

possessed children was the result of sinful behaviour. The conscious act of having sexual relations during a period of impurity or on days of fasting and purification seems to have led to a judgment from above, by way of a deformed or sick child. However, a thorough period of pious atonement and penance could change such a situation for the better, since even saints could be born if parents were able to reconcile themselves with God.¹²⁹ The severe consequences sinful actions like this were believed to have had, underline the gravity of such a transgression. It furthermore emphasizes the power sin was believed to have, since it not only resulted in exclusion from Communion, but could even lead to manifestations of God's judgment. In such situations, penance was necessary not only to cleanse body and soul in order to be worthy to receive the Eucharist, but also to avert punishment from a higher power.

It has become clear that the impure bodily state of a woman, caused by menstruation or child labour, was believed to have a polluting character. Because of the dominant presence of blood during these periods, a husband could not have sexual intercourse with his wife without becoming defiled himself. It seems logical that a man could become polluted through direct contact with his wife's blood during sexual intercourse, but the question remains whether general contact with one's wife itself was also enough to defile the husband. The penitentials only deal with sexual contact during such periods of impurity, however, which seems to indicate that other types of contact (which do not normally involve contact with blood) were 'safe'. What is clear, moreover, is that some natural cycles and processes were believed to cause women to become bodily impure, which was not considered to be sinful in itself. However, since sexual intercourse with one's wife during such periods had a polluting effect through contact with blood, this act *was* regarded sinful. Thus we must keep in mind the important distinction between impurity as a bodily state and impurity caused by actions. The polluting character of an impure bodily state here affects others, however, whereas in the case of women entering church or communicating during times of impurity they pose a threat towards the sacred as she crosses the cosmological boundary between the holy and the impure. In the latter situation a woman sins through her own actions, which cause pollution. When a husband has sexual intercourse with his wife during a period of impurity, *his* decision to have sex with his wife makes him both impure and sinful. The penitential handbooks only give prescriptions about the time women should abstain. Canons which address men, however, also prescribe sentences, in case they did not observe the given times of abstinence. The canons concerning this transgression thus point at the defiling character of an impure bodily state, which takes effect through certain actions either of the woman in question or of people that come into contact with her, or more specifically, her blood.

¹²⁹ M. de Jong, 'Pollution, penance and sanctity. Ekkehard's *Life of Iso of St Gall*', in: J. Hill & M. Swan (eds.), *The Community, the Family and the Saints: Patterns of Power in Early Medieval Europe* (Turnhout, 1998) pp. 145-158, pp. 147-9, 156-8.

Abstinence and fasting

The polluting consequences of the transgression of certain cosmological boundaries can also be observed in situations in which people had had sexual relations on days appointed for fasting and abstinence.¹³⁰ These days were established by the Church for the purpose of purification and the cleansing of body and soul. Thus, only a limited amount of food was allowed, and activities such as sexual intercourse, which carried with it the stain of sin through lustful feelings and desires, was prohibited. People who did have sexual relations on such days caused the boundary between the pure and the impure to be blurred. The fact that the purification process for which these periods of fasting were meant was nullified or even violated by sexual activities, makes these acts sinful. The defiling character of sexual activities themselves seems even to be extended when they took place on days on which these specific activities were not allowed for the sake of purification.

The canon in the *Excarpsus* mentioning that during a period of pregnancy – as well as during a period of menstruation – married couples should abstain from sexual intercourse, also mentions other periods of abstinence.¹³¹ The *Excarpsus* lists these days and periods in the form of a prescription, whereas other penitentials mention these days and periods of abstinence when dealing with a transgression. Interestingly, Burchard uses the words ‘coinquatus es cum uxore tua’ (have you defiled yourself with your wife),¹³² which focuses the attention on the polluting character of sexual activities during certain periods. The days and periods recorded in these canons were fixed within the liturgical calendar.¹³³ The *Excarpsus*, the *mixtum* and the *Decretum* specifically mention these periods, which generally come down to the following ones: during Lent (*Quadragesima*) and the other two forty-days fasts, which are related to Pentecost and Christmas; during liturgical and public feasts; on Saturdays and Sundays (days and nights); and at least three days before communicating.¹³⁴ Burchard also lists the feasts of the apostles as days of fasting, whereas the *mixtum* adds every Wednesday and Friday to the list. The Wednesday and the Friday were regarded as recurring day of fasting, which possibly resulted from their importance as the days on which Jesus respectively had been arrested and crucified.¹³⁵ It was not unusual to fast

¹³⁰ R.M.J. Meens, ‘Het heilige bezoedeld’, in: P. Bange & A.G. Weiler (eds.), *Willibrord, zijn wereld en zijn werk* (Nijmegen, 1990) pp. 237-255, p. 248-9. See also: J.-L. Flandrin, *Un Temps pour Embrasser. Aux origines de la morale sexuelle occidentale (VIe-XIe siècle)* (Paris, 1983).

¹³¹ Karras, *Sexuality in Medieval Europe*, p. 75.

¹³² Burchard, *Decretum* 19.V.57, col. 0960A.

¹³³ Browe, *Beiträge zur Sexualethik des Mittelalters*, pp. 40-42.

¹³⁴ *Excarpsus Cummeani* III.18, p. 614; *P. mixtum Ps.-Bedae-Egberti* V.2, pp. 687-8; Burchard, *Decretum* 19.V.57, col. 0960A.

¹³⁵ A.-G. Martimort (ed.), *Handbuch der Liturgiewissenschaft II* (Freiburg, 1963, 1965) pp. 227-8; Payer, ‘Early medieval regulations concerning marital sexual relations’, p. 367; Van Dam & Van Winter, ‘Theorie en Praktijk van Eetregimes in de Middeleeuwen’, p. 394.

from Wednesday through Saturday, a day that was devoted to Saint Mary at least from the tenth century onward.¹³⁶

During periods of fasting, one was not supposed to eat meat and during certain periods of fasting only one meal a day was allowed.¹³⁷ Moreover, some penitential handbooks demonstrate that sexual activities during these periods were also disapproved of. Three recite the official and proper days of fasting in the context of abstinence from sexual activities. The *Excarpsus* only mentions the periods during which people that were married (*qui in matrimonio est*) should abstain.¹³⁸ This handbook does not, however, describe the consequences for couples that did not honour these periods of abstinence. The *mixtum* and the Burchard's *Decretum* specifically list sentences for people – but especially men – that had sexual intercourse during these periods of fasting and abstinence. The *mixtum* penalizes men that had sexual intercourse with their wives during the forty days before Easter, with a sentence of one year of fasting or the paying of twenty-six *solidos* to the church or to the poor, whereas Burchard sentences this transgression with forty days of penance or almsgiving of twenty-six *solidos*.¹³⁹ Furthermore, both penitentials make a distinction between the situation in which a husband has sexual relations with his wife during Lent because he was unwilling to abstain from her (*noluerit abstinere ab illa*), and the situation in which a man has intercourse with his wife during Lent because of drunkenness. Thus the same transgression but caused by a drunken and (partly) unconscious state of the husband, is sentenced in the *mixtum* with a penance of forty days, and by Burchard with twenty days on bread and water, which are clearly lighter penances. The *mixtum* also mentions that this sin should be judged the same way if it was done because of some other reason – i.e. other than drunkenness – and only when it cannot be considered a habit of the person in question. Apparently the aspect of the desire and wilfulness to act in a sinful manner makes a significant difference. This will become clear in the next chapter, which deals with desires and thoughts and their relation with impurity. In the context of this chapter, it is important to focus on the motives for the prescription of abstinence during periods of fasting.

Burchard cites specific transgressions in this context – having sexual intercourse during forbidden times – all in the same canon, which begins with the verb *coinquinatus*. This term is a derivative of the verb *conquinare*, which literally means ‘to wholly pollute or defile’. This, in combination with the very fact that having sexual intercourse during periods of fasting was sentenced by the penitential handbooks, clearly indicates that this action was believed to have had

¹³⁶ Martimort, *Handbuch der Liturgiewissenschaft*, p. 229; Van Dam & Van Winter, ‘Theorie en Praktijk’, p. 394; J.M. van Winter, ‘Fasting and Abstinence in Christianity’, in: J.M. van Winter (ed.), *Spices and Comfits: Collected Papers on Medieval Food* (Blackawton, 2007) pp. 267-270, p. 268-269.

¹³⁷ Van Dam & Van Winter, ‘Theorie en Praktijk’, p. 395.

¹³⁸ *Excarpsus Cummeani* III.18, p. 614.

¹³⁹ *P. mixtum Ps.-Bedae-Egberti* V.2, pp. 687-8; Burchard, *Decretum* 19.V.57, col. 0960A.

a defiling effect. In this case, however, it was not a state of impurity that made the sexual act sinful and polluting. Here, the focus lies with the act, which in other contexts would not in itself have been sinful or defiling. But since it was done during a period which was meant to be a time of purification, the act of sexual intercourse became sinful and, what is more, polluting. The *mixtum* among other things lists the three days before communicating, during which one should always fast and abstain from one's wife. Moreover, the penitentials seem especially occupied with the period of Lent. It is generally assumed that at least after this period of fasting people went to church to receive Communion.¹⁴⁰ This specific period exemplifies and explains the importance of abstinence as a way of purification of *both* body and soul. Through fasting one acknowledged and renounced one's sinfulness before God.¹⁴¹ In order to be worthy to communicate, one had to be pure, without a stained soul. Bodily impurity seems to be inextricably bound to the purity of the soul. Therefore, sexual activity, which already carried the burden of being considered the product of lust and earthly desires, could have a defiling effect. Especially during periods of fasting, in which the cleansing of body and soul occupied centre stage, sexual activities were sinful and caused both bodily impurity and a stained soul.¹⁴² To use Payer's words, any proximity between sex and the Eucharist had to be removed.¹⁴³ Moreover, the penitential handbooks show that people were judged because of their attitude of disobedience, which resulted in ignoring the regulations related to sexual abstinence during fasts. One's decision to have sexual intercourse in a period during which this was prohibited, made this act sinful. The sexual act itself that thus took place in a time that was meant for purification of body and soul, was inappropriate and sinful. Again, a boundary set by the Church was transgressed, namely that between days on which sexual activities between spouses was allowed and those on which this was prohibited. Days of fasting were meant for purification, thus unclean activities like sexual acts were not supposed to take place. There seems to have been established a strict boundary between these two types of days, which was blurred by sexual activities.

The defiling character of sexual activities themselves is underlined by a canon of the *Iudicia Theodori*, which states that a man who slept with his wife had to wash himself before he went into a church.¹⁴⁴ The *Iudicia* agrees here with the statement of Gregory the Great, who argued that sexual intercourse could not take place without 'the pleasure of the flesh'. And since 'the pleasure of the flesh cannot be without a fault', a man was not allowed to enter a holy place without having

¹⁴⁰ Meens, 'The Frequency and Nature of Early Medieval Penance', p. 38.

¹⁴¹ C.W. Bynum, *Holy Feast and Holy Fast: The Religious Significance of Food to Medieval Women* (Berkeley/Los Angeles, 1987) p. 31.

¹⁴² Payer, 'Early medieval regulations concerning marital sexual relations', pp. 370-371.

¹⁴³ *Ibidem*, p. 367.

¹⁴⁴ *Iudicia Theodori* II.XII.30, p. 330; E. Archibald, *Incest and the Medieval Imagination* (Oxford/New York, 2001) p. 27; Browe, *Beiträge zur Sexualethik des Mittelalters*, pp. 38-39

cleansed himself.¹⁴⁵ As in the case of menstruating women, however, Gregory states that men who, after having had sex with their wives, wanted to enter a church and/or receive Holy Communion because they were convinced that they had acted without feelings of desire or lust, should not be judged.¹⁴⁶ This indicates that sexual intercourse was defiling because of its strong connection with the vice of desires and lusts of the flesh. Furthermore, intercourse involved direct contact with bodily fluids that were considered to be impure: semen and sometimes also blood. The defiling character of these substances also caused sexual intercourse to be a polluting act, which made cleansing necessary. In normal situations the washing and cleansing of the body – in the case of the husband – was considered to be sufficient, but when the act of sexual intercourse had taken place during a period of fasting, penance had to be done in order to cleanse one's soul as well, since it must have been a conscious decision to have sexual intercourse during a period of abstinence.

Bodily fluids and secretions

As mentioned, certain substances, and especially bodily fluids, seem to cause impurity in various ways. In many situations, contact with these fluids had a polluting effect, since these fluids themselves were considered to be impure, caused by their ambiguous status resulting from the fact that they were *bodily* fluids flowing and being used *outside* the body. There are some canons, however, that deal with sins in which bodily fluids figure more directly. Practically all these transgressions described in them concern the eating or drinking of these substances. These acts can be linked with impurity because of the unclean status and the polluting character of the substances consumed. The two most important and therefore most 'dangerous' bodily fluids were blood and semen, related to both sexuality, and life and death.¹⁴⁷ Contact with these substances had a defiling effect, even though in some situations – like sexual intercourse and menstruation – this was inevitable. The penitential handbooks give us a glimpse of some other activities which were less unavoidable and resulted from conscious decisions, especially performed by women. Except for the penitential of Columbanus, all our penitentials contain a canon dealing with women who have tasted their husband's blood or semen.¹⁴⁸ The *Excarsus*, the *mixtum* and the *Decretum* give a more detailed description of this deed and specify that this was done as a remedy (*pro remedium*) or as a (diabolical) act to incite the love of one's husband (*tua diabolica facta plus in*

¹⁴⁵ *Bede's Ecclesiastical History of England*, pp. 63-64; Meens, 'Ritual Purity and the Influence of Gregory the Great', pp. 34-35.

¹⁴⁶ *Bede's Ecclesiastical History of England*, p. 64.

¹⁴⁷ See Leviticus 15; Meens, 'A Penitential Diet', p. 149.

¹⁴⁸ *Iudicia Theodori* I.XIV.16, p. 308; *Excarsus Cummeani* I.35, p. 608; *P. mixtum Ps.-Bedaegberti* 30, p. 682; Halitgar, *Pseudo-Romanum* VI.11, p. 369; Burchard, *Decretum* 19.V.167, cols. 0973A-B.

amorem tuum exardesceret).¹⁴⁹ The *Iudicia* and the *Excarpsus* are relatively mild with their penalties of forty days. Halitgar sentenced this act with twelve weeks of fasting. The *mixtum* and Burchard are less benevolent, however, prescribing sentences of three to seven years. The words Burchard used to describe this act, however, indicate that he linked this type of behaviour with acts of magic and/or superstition. What is important to note, is the significance of blood and semen and the negative, contaminating ‘power’ these substances were believed to have.¹⁵⁰ Several canons in our penitentials deal with the *eating* or *drinking* of blood or semen, without specifying of whom or for what reason, and prescribe a penance of three years for this.¹⁵¹ Given the period of penance prescribed, the eating or drinking of blood seems to have had a more detrimental effect than the *tasting* of one’s husband’s blood. The difference seems to be incited by the amount of blood or semen ingested. Women who mixed their own menstrual blood into food or a drink and gave it to their husband to stir up his appreciation and love for them, and women who incorporated their husband’s blood or semen into (their own) food to increase love, were both equally severely sentenced: three to five years of penance.¹⁵² Although in some situation the husband might have become polluted through the eating or drinking of impure bodily fluids, the fact that he did this unconsciously makes him innocent. He had become physically impure, but since this had happened unintentional and even unknowingly, he seems not to have been judged for having sinned. The woman in question, however, willingly and consciously polluted her husband or herself by mixing unclean bodily substances into food or drinks. The canons seem to assume that the woman knew that what she did caused pollution and thus condemn this behaviour. It is the impurity of the substances used that makes the act of the woman sinful. Furthermore, the symbolical power ascribed to bodily discharges like blood and semen, seems to have made them interesting and suitable substances for use in magical and ritual acts and rites. The dangerousness of these fluids, underlined by the church because they caused pollution, at the same time seems to have given them magical power in the eyes of laywomen.¹⁵³

Thus, the conscious decision of women to taste, eat or drink blood or semen, or to give this to their husband, made their act sinful. The relevance of the distinction between unconsciously and thus unintentionally doing something, and acting intentionally, also comes to the fore when we look at some canons dealing with the swallowing of one’s own blood. The *Iudicia*, the *Excarpsus* and the *mixtum* deal with this action, which is, however, not regarded as sinful. Their authors

¹⁴⁹ Burchard, *Decretum* 19.V.167, cols. 0973A-B.

¹⁵⁰ R.M.J. Meens, ‘Magic and the Early Medieval World View’, in: J. Hill & M. Swan (eds.), *The Community, the Family and the Saint: Patterns in Power in Early Medieval Europe* (Turnhout, 1998) pp. 285-295, p. 294.

¹⁵¹ *Iudicia Theodori* I.VII.3, p. 298; *Excarpsus Cummeani* I.16-17, p. 606; *P. mixtum Ps.-Bedae-Egberti* 26, p. 682.

¹⁵² *Excarpsus* I.36, p. 608; Burchard, *Decretum* 19.V.177, col. 0974C.

¹⁵³ R.M.J. Meens, ‘Pollution in the early Middle Ages: the case of food regulations in penitentials’, *Early Medieval Europe* 4:1 (1995) pp. 3-19, p. 6-7; Demyttenaere, ‘The Cleric, Women and the Stain’, p. 153.

must have thought it necessary to specifically note that it must not be seen as an offense when people unwittingly swallowed their own blood (from their gums) with saliva.¹⁵⁴ At first glance one would think that the blood they swallow was considered to be impure, but since the person in question was unconscious about the fact that he or she was ingesting blood, it is not considered to be a sinful act. However, that unintentionally swallowing one's own blood with saliva was not considered to be an offense might also be explained by the fact that such blood had not left the body and thus had not become ambiguous. The blood, in this case, might not have been thought of as being (very) impure, since it had stayed within the boundaries of the body, to which it belonged. However, the blood had flowed, although within the body, which might explain that as in the case of people who choose to eat or drink blood or semen, however, swallowing blood from one's own gums became sinful as soon as people consciously did it. The *mixtum* clearly makes this distinction by stating that unwittingly swallowing one's own blood with saliva and unconsciously eating of one's own blood – which is explicitly called polluting (*polluitur*) – are not harmful. But if one knew (*si autem scit*) and thus consciously did (one of) these things, this person should do penance according to the degree of pollution.¹⁵⁵ As seen before in the discussion of the difference between *tasting* and *eating* blood, the amount of blood ingested seems to ascertain the variant periods of penance. In this case, penance according to the degree of pollution might thus be dependent on the amount of blood taken in. We can assume that this differed substantially, depending on whether someone ate or drank blood or swallowed some blood from one's gums. The blood was always considered to be impure and thus polluting, but the amount of blood swallowed apparently made the difference between a short period of penance and three years of atonement. Furthermore, intention seems to have had a dominant influence on the way the ingestion of blood was sentenced, since it defined the difference between sin and accident.

The impure character of bodily secretions other than blood might also be explained by Douglas's theory of ambiguity in relation to a cosmological classification. These substances belonged to the body and were even produced by the body, but since they were secreted from it at some point, they also did *not* belong to the body. Since they did not belong exclusively and completely to the body and also existed outside it, these bodily secretions were considered to be ambiguous and impure. Burchard explicitly condemns the eating of skin scurf, the drinking of human urine or eating of any excrement for health reasons. He also lists with these the drinking of a solution of larva, probably derived from one's own body.¹⁵⁶ Again we see the power some people seem to have ascribed to impure and unclean objects and substances. People apparently

¹⁵⁴ *Iudicia Theodori* I.VII.11, p. 300; *Excarsus Cummeani* I.32, p. 607; *P. mixtum Ps.-Bedaegberti* XXXVI, p. 696.

¹⁵⁵ *P. mixtum Ps.-Bedaegberti* XXXVI, p. 696.

¹⁵⁶ Burchard, *Decretum* 19.V.128, col. 0968D.

sometimes ingested bodily secretions because they believed that these substances had a beneficial power, which would positively affect their health. Burchard sentences this with a penance of twenty days on bread and water.

Excrement of animals seems to have had the same defiling character. Food or liquid in which birds' dung had been found had become unclean and had to be purified with holy water. After this cleansing process, the food could be eaten.¹⁵⁷ Other unclean food is exclusively mentioned by the canons in the context of consumption. The main type of food discussed is meat, and more specifically, the animals used for their meat. The canons sentence the consumption of unclean food with various periods of penance or give instructions about what to do with polluted food or liquids. Virtually all of the food and liquids dealt with in the canons can be categorised as having an impure state. In some cases this state of impurity was the result of contact with other unclean animals or substances, and sometimes such a state was permanent. However, the penitential handbooks also discuss animals that have become impure as a result of human actions. An animal with which a man had had sexual intercourse – a subject that will also be discussed in the third chapter – had become unclean.¹⁵⁸ All three penitentials that discuss this, agree that the contaminated animal must be killed and fed to the dogs. Theodore and the *Excarpsus*, however, judge that the hide and any offspring of the animal could still be used and they add that if there existed any uncertainty about the state of the animal, it should be kept alive. We see some caution in the canon of Theodore with regard to the killing of animals or the wasting of food.

Food – the animal body

The last section of this chapter is concerned with food – mainly meat – and liquids. As mentioned above, not all canons that deal with these subjects will be discussed here, since some of them are more related to actions and behaviour and will therefore be dealt with in the third chapter of this thesis. The canons that will get attention here are those that relate to impurity and pollution because of an unclean state. They do concern actions – i.e. eating and drinking – but the impurity related to these acts is caused by states of impurity. These impure states can also to a large extent be explained with Douglas's theories. Thus, the polluting character of blood again comes to the fore. Blood seems to be a dominant source for the impure state of some animals. However, some animals seem to have been intrinsically impure for a different reason, namely the transgression of the boundaries between cosmological categories. The blurring of such boundaries caused some

¹⁵⁷ *Iudicia Theodori* I.VII.10, p. 299; *Excarpsus Cummeani* I.18, p. 606; *P. mixtum Ps.-Bedae-Egberti* XXXV.1, pp. 695-6..

¹⁵⁸ *Iudicia Theodori* II.XI.9, p. 326; *Excarpsus Cummeani* I.28, p. 607; Halitgar, *Pseudo-Romanum* XI.31, p. 376; See Meens, 'Pollution in the early Middle Ages', pp. 10-11.

animals to become ambiguous, since they did not belong exclusively to only one of the categories. Their ambiguity in turn created disorder and gave these animals an unclean status.

The Old Testament laws deal extensively with food and, more specifically, with meat.¹⁵⁹ A one-on-one comparison between the Mosaic food laws and dietary canons in our penitentials is not possible and would probably not be fruitful, since the Christian context of dietary rules was strongly influenced by authoritative judgements from the New Testament.¹⁶⁰ In Matthew 15:11 Jesus himself rejects the Old Testament laws by stating that ‘The food that you put into your mouth doesn't make you unclean and unfit to worship God. The bad words that come out of your mouth are what make you unclean.’¹⁶¹ These words were quoted by Gregory the Great in his discussion of the importance of the inward, the soul, but it also significantly affected the ways early Christians interpreted the Jewish rules concerning animals and food.¹⁶² Many other similar passages from the New Testament replaced the Old Testament regulations and, as Rob Meens explains, caused early Christians exegetes to read and interpret Mosaic law in a symbolic and spiritual way.¹⁶³ The penitentials show, however, that the Christian Church did not totally abandon these Old Testament rules and that their interpretation was not exclusively spiritual. The canons in the penitential handbooks that are concerned with eating and drinking certain types of food do still seem to have a certain connection with Mosaic law. Although the penitentials do not reject exactly the same types of food as the books of Leviticus and Deuteronomy, one can argue that the underlying thoughts and motives are at least partly the same. Especially when considered from the line of approach of Douglas, the differences between Old Testament food regulations and the restrictions found in the canons can be fairly clearly explained. The rejection of certain types of food can be clarified by the unclean state prescribed to them. Notions of what is unclean depend on the cosmological categories that dominate in a certain time. Every time period and society shares some of those categories, but they are never exactly the same. This elucidates why early medieval penitentials do not contain the exact same food regulations as are listed in the Old Testament; they are based on (partly) different worldviews. However, since some categories seem to prevail through time, certain ideas about what was impure and what was not, can be found both in Mosaic Law and in the penitentials.

¹⁵⁹ See Leviticus 11 and Deuteronomy 11.

¹⁶⁰ Van Dam & Van Winter, ‘Theorie en Praktijk’, p. 398; Meens, ‘Pollution in the early Middle Ages’, p. 5.

¹⁶¹ Matthew 15:11, Contemporary English Version (1999).

¹⁶² *Bede's Ecclesiastical History of England*, p. 63.

¹⁶³ Meens, ‘A Penitential Diet’, p. 146; some other New Testament passages concerning food and the rejection of the Old Testament laws are Mark 7:15, 1 Tim. 4:4-5.

Polluting food - meat

Animals form a dominant subject in canons concerned with food. Animals themselves could have an inherent state of uncleanness, but they could also become unclean through, for instance, the way they died. Non-animal types of food and liquids could, furthermore, become polluted by contact with unclean animals.

But why were some animals considered to be intrinsically unclean and therefore polluting? Douglas, departing from the idea that the concepts of holiness and purity were closely connected to the characteristics wholeness and completeness, explains the uncleanness of certain animals by pointing at their ambiguity. To use Douglas's own words: '(...) in general the underlying principle of cleanness in animals is that they shall conform fully to their class. Those species are unclean which are imperfect members of their class, or whose class itself confounds the general scheme of the world.'¹⁶⁴ Thus, Douglas argues that animals that did not wholly and perfectly belong to one of the three segments of the world – the earth, the waters and the firmament, as introduced in Genesis¹⁶⁵ – were considered to be ambiguous. The criterion she introduces to judge whether an animal truly belonged to the segments it was living in, was whether it was 'equipped for the right kind of locomotion in its element (...)'.¹⁶⁶ An example of a group of animals that is unclean according to this criterion are insects that have wings, but that (also) crawl on the earth.¹⁶⁷ These insects do not specifically and completely belong to one of the elements, since they both move on the ground and fly in the air. Thus they are ambiguous and were not to be eaten.

Douglas's line of reasoning can to a large extent be used to explain food prescriptions in the penitential handbooks. Her central idea about the wholeness of pure things and animals, belonging to one specific category or cosmological segment, does explain a lot of the canons regarding unclean food and animals. Other theories have been introduced, however, to explain why some various types of food are dismissed as being unclean or at least ambiguous. Anthropologist Marvin Harris presents a different and largely opposing point of view. He criticizes Douglas for being focused too much on cultural explanations, which are 'essentially untestable'. Harris proposes a more practical and materialistic approach, in which more attention is being paid to nourishment and selections based on the nutritious value of resources. He also mentions the 'problem of ambiguity and ambivalence', but in his view these result from the conflict between the utility and non-utility of an item and the arguments 'both for and against eating it'. He argues that on the one hand its productivity and on the other side its nutritious value result in the

¹⁶⁴ Douglas, *Purity and Danger*, pp. 54-55.

¹⁶⁵ Genesis 1:6-10.

¹⁶⁶ Douglas, *Purity and Danger*, p. 55.

¹⁶⁷ Leviticus 11:20-23.

ambiguous status of some animals.¹⁶⁸ The religious character and background of the canons investigated here, however, make Harris' rather practical approach hardly useable, however. We are dealing with something which I have thus far described as a *feeling* of aversion for things that are thought of as being impure. Douglas's cultural approach turns out to be much more in line with this, since this 'gut feeling' has been an important starting point of her investigation.¹⁶⁹

The human/animal boundary

A group of animals that is considered to be inherently unclean is formed by 'domestic animals' and other animals that live close to or in the house.¹⁷⁰ Dogs and cats, but also mice, are intrinsically impure and therefore could pollute clean food and liquid. Several of our penitentials mention the situation in which a mouse was found in liquid. Most canons judge that the liquid could still be used, although some say that it first had to be purified by sprinkling it with holy water.¹⁷¹ Halitgar, however, deviates from this prescription by stating that water or wine in which a mouse had fallen was not to be used for drinking anymore. However, he specifies that if it was oil or honey in which a mouse had fallen, these liquids should also not be used for consumption, but they were to be used in a lamp and in medicine respectively.¹⁷² The rationale behind this might have been that oil and honey were too precious to simply get rid of because they were contaminated. At the same time, polluted and thus impure objects and substances, as mentioned before, seem to have been thought of as having some kind of symbolical, beneficial power.¹⁷³ Therefore, the use of honey that was polluted by contact with a mouse might have been used in medicine because of this positive characteristic that was possibly ascribed to it.

Concerning food or liquid that had come into contact with a mouse, however, a significant difference seems to have existed between contact with a living or a dead mouse. The *mixtum* gives the most extensive account of a situation in which people drank liquid in which a mouse or a weasel had died. It explicitly forbids such liquid to be consumed and states that it should be completely thrown away.¹⁷⁴ The fact that a dead animal caused a more severe degree of pollution

¹⁶⁸ M. Harris, 'Foodways: Historical Overview and Theoretical Prolegomenon', in: M. Harris & E.B. Ross (eds.), *Food and Evolution. Toward a Theory of Human Food Habits* (Philadelphia, 1987) pp. 57-90. See also: M. Harris, *Good to Eat: Riddles of Food and Culture* (New York, 1985).

¹⁶⁹ Douglas, *Purity and Danger*, Introduction.

¹⁷⁰ Although the term 'domestic animals' must not be confused with the modern meaning of these words. One may assume that certain animals were kept in and around the house for practical reasons, and not as a companion in life to take loving care of, as is the case nowadays with cats, dogs and rodents.

¹⁷¹ *Iudicia Theodori* I.VII.8, p. 299; *Excarpsus Cummeani* I.19, p. 606; *P. mixtum Ps.-Bedae-Egberti* XXXV.1, pp. 695-6. *Excarpsus Cummeani* I.30 (p. 607) also separately mentions the drinking of liquid in which a weasel was found, but it is not clear whether or not this concerned a living or a dead weasel. The sentence for drinking this polluted liquid given here is three *superpositiones* if one knew it was polluted and one *superpositio* if the person in question finds out later.

¹⁷² Halitgar, *Pseudo-Romanum* XI.27, p. 375.

¹⁷³ Meens, 'Pollution in the early Middle Ages', p. 12.

¹⁷⁴ *P. mixtum Ps.-Bedae-Egberti* XXXV.1, pp. 695-6.

might be explained by the relation between death and blood, and possibly the relation between death and decomposition.¹⁷⁵ Furthermore, this penitential handbook distinguishes between three types of situations: consciously drinking liquid in which a mouse or weasel died (seven days of penance), unconsciously drinking such polluted liquid and finding out afterwards (singing of one Psalter), and giving such unclean liquid to someone else (if a layman: seven days of penance, but if a monk: singing of 200 psalms).¹⁷⁶ Especially the second situation clearly underlines the polluting character of liquid that had come into direct contact with a dead mouse or weasel, since even someone who was not aware of the polluted state of the liquid should do penance to cleanse himself from contamination. The *Iudicia* and the *Excarpsus* only give prescriptions about what to do with liquid polluted by a dead mouse: it should be poured out and the vessel should be cleansed.¹⁷⁷ Thus the vessel containing the liquid had become unclean too, since it had directly touched the polluted liquid. In order to avoid the impurity from spreading even further through the vessel, it was necessary to purify it. The *Iudicia Theodori* adds in another canon, however, that liquid containing much food should not be poured out if a dead mouse was found in it, but cleansed by sprinkling it with holy water.¹⁷⁸ The liquid and the food it should only be consumed in case of need, which indicates that in normal situations its consumption had to be avoided.

To the same category as mice belong ‘domestic animals’ like cats and dogs. Meens explains that animals from this category transgressed the fundamental boundary that existed between human and animal.¹⁷⁹ Although they had a different role in everyday life than do domestic animals nowadays, these animals lived relatively intimately with humans and crossed a certain cosmologically determined boundary, which made them ambiguous. They belonged to the animal world, but lived with or close to humans. This threatened their animal identity and in the same way they formed a threat to the human identity.¹⁸⁰ Their living environment caused these animals to have an intrinsically impure state. Food from animals that had become polluted, such as meat from animals that had become defiled by sexual intercourse with a human, was therefore ordered to be given to the dogs, probably because these were already impure and could not become more polluted.¹⁸¹ It is surprising, therefore, that both the *Iudicia* and the *Excarpsus* state that it must not be considered an offense if a dog, cat, mouse or ‘an unclean animal that has eaten blood’ touches

¹⁷⁵ Milis, ‘Reinheid, sex en zonde’, pp. 158-9.

¹⁷⁶ *P. mixtum Ps.-Bedae-Egberti* XXII.2, p. 693.

¹⁷⁷ *Iudicia Theodori* I.VII.8, p. 299; *Excarpsus Cummeani* I.19, p. 606.

¹⁷⁸ *Iudicia Theodori* I.VII.9, p. 299.

¹⁷⁹ Meens, ‘Pollution in the early Middle Ages’, p. 13; R.M.J. Meens, ‘Eating Animals in the early Middle Ages. Classifying the Animal World and Building Group Identities’, in: A.N.H. Creager & W.C. Jordan (eds.), *The Animal/Human Boundary: Historical Perspectives* (New York/Woodbridge, 2002) pp. 3-28, p. 16; Van Dam & Van Winter, ‘Theorie en Praktijk’, p. 399.

¹⁸⁰ Meens, ‘Eating Animals in the early Middle Ages’, pp. 16-18; Van Dam & Van Winter, ‘Theorie en Praktijk’, p. 399.

¹⁸¹ Halitgar, *Pseudo-Romanum* XI.31, p. 376 .

food.¹⁸² The *mixtum* mentions something similar when prescribing a sentence to people that ate or drank something which had been touched by a cat or a dog. Here again, the canon makes a distinction between those who did this intentionally (singing of 100 psalms or fast for two days) and those who did this unconscious of the fact that what they ate or drank was contaminated (50 psalms or fast for one day).¹⁸³ Thus even an unconscious act that caused pollution had to be counterbalanced by some sort of penance, resulting in the cleansing of the body.

As in the first section of this chapter, blood also plays an important part in the context of food and dietary regulations. The impurity and danger of blood has been mentioned before. Its significance as source of the uncleanliness of animals and (therefore) food is clearly demonstrated by the many canons in that directly or indirectly deal with this. Through these canons it becomes clear that the cause of death of animals had a decisive influence on the state of the meat of an animal. Of our penitentials, only Columbanus does not specifically mention various situations in which different sorts of animals are found and/or have been eaten already. Animals that were torn by wolves or other predators and found dead were not to be eaten.¹⁸⁴ Beasts of prey could be considered impure because of their frequent contact with the blood of animals they killed.¹⁸⁵ Their uncleanliness was polluting and thus were the animals they killed considered to be contaminated and impure as well. The penitentials sentence the eating of the meat of such polluted animals – i.e. animals killed by predators, but also by dogs¹⁸⁶ – with ten to forty days of penance.¹⁸⁷ Some penitentials again make a distinction between different motives that caused people to eat such unclean meat. The *Iudicia* and the *Excarpsus* state that it must not be seen as an offense when someone ate polluted meat out of necessity, namely because of hunger.¹⁸⁸ The *mixtum* prescribes a penance ‘much lighter than forty days’ for this and adds a third option, namely the situation in which someone ate unclean meat unknowingly, for which is also given a sentence of forty days of penance.¹⁸⁹ It is interesting to see that, according to some penitentials, necessity because of hunger exceeds the danger of contaminated and polluting meat. Thus, pollution caused by contaminated animals seems to have been a matter of the soul as well as the body. Thus, necessity to eat such meat because of the danger of starvation removed the sinfulness of this action and averted the stain of sin and impurity. In every situation other than the one motivated by real hunger, the eating

¹⁸² *Iudicia Theodori* I.VII.7, p. 299; *Excarpsus Cummeani* I.15, p. 606.

¹⁸³ *P. mixtum Ps.-Bedae-Egberti* XXII.2, p. 693.

¹⁸⁴ *Iudicia Theodori* II.XI.1, p. 325; *Excarpsus Cummeani* I.20, p. 606; *P. mixtum Ps.-Bedae-Egberti* 27, p. 682; Halitgar, *Pseudo-Romanum* XI.24, p. 375; Burchard, *Decretum* 19.V.129, col. 0968D.

¹⁸⁵ Meens, ‘A Penitential Diet’, p. 148.

¹⁸⁶ *Iudicia Theodori* II.XI.1, p. 325; *Excarpsus Cummeani* I.20, p. 606; Burchard, *Decretum* 19.V.129, col. 0968D.

¹⁸⁷ *Iudicia Theodori* I.VII.6, pp. 299; *Excarpsus Cummeani* I.14, p. 606; *P. mixtum Ps.-Bedae-Egberti* 27, p. 682, XXII.1, p. 693; Halitgar, *Pseudo-Romanum* XI.25, p. 375; Burchard, *Decretum* 19.V.129, col. 0968D.

¹⁸⁸ *Iudicia Theodori* I.VII.6, pp. 299; *Excarpsus Cummeani* I.14, p. 606.

¹⁸⁹ *P. mixtum Ps.-Bedae-Egberti* XXII.1-2, p. 693.

of polluted meat was considered defiling. Such meat was unclean and should therefore be avoided if possible.

The significance of the polluting character of animal blood is further underlined by other canons. Birds and other animals that had died through suffocation – i.e. because they were strangled in nets – were not to be eaten.¹⁹⁰ This probably had to do with the fact that these animals had not bled, like animals that were wounded and killed during hunting.¹⁹¹ They still carried all their blood, which made them impure.¹⁹² Theodore and the *Excarpsus* here specifically refer to a passage in Acts: ‘You should not eat any meat that still has the blood in it or any meat of any animal that has been strangled.’¹⁹³ A specific example is given by Halitgar, who judged that if a hen was found dead in a well, and thus had drowned, the well should be emptied and the water should not be drunken. If someone did consume this water, he or she should fast for one week.¹⁹⁴ The hen drowned and thus can be classified as suffocated; it did not lose any blood and thus was considered impure and polluting. The water in which it had lain was contaminated through direct contact with the dead animal and therefore could no longer be used.

The same might apply to fish that were found dead and were not killed by a fisherman, as Halitgar and Burchard discuss.¹⁹⁵ However, a variant or maybe further explanation and one in line with Douglas’s theory, might be that the eating of fish of which the cause of death was unknown, could be compared with the eating of carrion. According to the prevailing cosmological order, humans do not belong to the category of scavengers, as for instance dogs and predators do. A boundary had been crossed between humans and scavengers when a person had eaten something that was only to be eaten by species belonging to another category. The ‘food’ in such a case would thus be unclean, since consumption of it by humans would be mixing these categories. Restrictions concerning the consumption of dead fish and the importance of the way fish had died, possibly led to confusion, since the authors of the *Iudicia* and the *Excarpsus* found it necessary to state that people were allowed to eat fish (*pisces licet comedere*).¹⁹⁶ Whether fish in itself was proper food was not under discussion. The canons clarify that what mattered was the way the fish had died.

Possibly for the same reason – i.e. the transgression of the boundary between humans and scavengers – meat of other animals that had been found dead and of animals of which the cause of

¹⁹⁰ *Iudicia Theodori* II.XI.2, p. 325; *Excarpsus Cummeani* I.21, p. 606; Halitgar, *Pseudo-Romanum* XI.24, p. 375; Burchard, *Decretum* 19.V.131, col. 0969A; Meens, ‘Pollution in the early Middle Ages’, p. 13.

¹⁹¹ This might also explain why some penitentials condemn clerics who had been hunting, since the animals caught were supposed to bleed, which meant that these clerics had come into contact with blood, and thus were polluted: *P. mixtum Ps.-Bedae-Egberti* XXXVII, p. 696; Halitgar, *Pseudo-Romanum* VII.8, p. 369.

¹⁹² Meens, ‘A Penitential Diet’, p. 148.

¹⁹³ Acts 15:29, Contemporary English Version (1999).

¹⁹⁴ Halitgar, *Pseudo-Romanum* XI.26, p. 375.

¹⁹⁵ Halitgar, *Pseudo-Romanum* XI.28, p. 376; Burchard, *Decretum* 19.V.132, col. 0969A.

¹⁹⁶ *Iudicia Theodori* II.XI.3, p. 325; *Excarpsus Cummeani* I.22, p. 607.

death was unknown was not to be eaten.¹⁹⁷ An additional explanation for this might be the possibility that the way the animal had died had made it impure. Since it was very likely that the animal had either been killed by another animal or for some reason had suffocated, the threat of pollution was too high. Halitgar makes an extra comment by noting that an animal that was badly injured but still alive when it was found, and thereupon was killed by a man, could be eaten. Through the fact that the animal was eventually killed by a human and therefore was caused to bleed this animal remained clean.

Animals that were normally considered to be clean and safe to be eaten could pollute themselves by getting into contact with blood or death. Thus, pigs or hens that ate carrion or ate from a corpse should not be eaten until the animal had lost its fat and until a year had elapsed.¹⁹⁸ Halitgar, however, states that the animal in such a case should be killed and given to the dogs, which were inherently impure and thus could not become more unclean than they already were.¹⁹⁹ Those animals that only tasted (*gustant*) human blood, however, could safely be eaten, according to Theodore.²⁰⁰ His prescriptions concerning animals that ate from carrion or a corpse indicate that once the animal had lost the fat it had produced by eating from a dead animal or person, it had become clean and edible again.²⁰¹ This seems to reflect the idea that impurity entered the body of the animal through the meat it had ingested, but that it also dissolved through time.

A different way in which certain animals could become polluted by contact with death is exemplified by Theodore and in the *Excarpsus*. If a man was killed by an attack of bees, the bees ought to be killed immediately. Their honey, however, may still be eaten.²⁰² Meens proposes that this might be because the bees had to be killed before they reached their hive, in order to protect the honey from being contaminated.²⁰³ The bees, by killing a person, became unclean through contact with death and had become polluting themselves. We might suspect, therefore, that this is the reason these canons use the word *festinanter* ('immediately', 'promptly'); to underline that the honey had to be kept clean by avoiding the polluted bees to reach it.

Sacred and offered substances

Other canons in this context deal with contact between the impure and the sacred, which according to the penitentials should be avoided at all times. Eating food that had been sacrificed

¹⁹⁷ *Iudicia Theodori* II.XI.1, p. 325; *Excarpsus Cummeani* I.20, p. 606; Burchard, *Decretum* 19.V.129, col. 0968D.

¹⁹⁷ *Iudicia Theodori* II.XI.1, p. 325; *Excarpsus Cummeani* I.20, p. 606; *P. mixtum Ps.-Bedae-Egberti* XXII.2, p. 693; Halitgar, *Pseudo-Romanum* IX, p. 371.

¹⁹⁸ *Iudicia Theodori* II.XI.7, p. 325; *Excarpsus Cummeani* I.26, p. 607.

¹⁹⁹ Halitgar, *Pseudo-Romanum* XI.29, p. 376.

²⁰⁰ *Iudicia Theodori* II.XI.7, p. 325; *Excarpsus Cummeani* I.26, p. 607.

²⁰¹ Meens, 'Pollution in the early Middle Ages', p. 10.

²⁰² *Iudicia Theodori* II.XI.6, p. 325; *Excarpsus Cummeani* I.25, p. 607.

²⁰³ Meens, 'Pollution in the early Middle Ages', p. 10.

and, more specifically, eating things that had been offered to idols was condemned.²⁰⁴ Burchard gives us a more detailed insight into this practice by listing offerings made at the tombs of the dead, at springs, at trees, at stones or at cross roads and adds to this that someone who gave his or her consent to this act was similarly sentenced with a penance of thirty days on bread and water. Halitgar makes the distinction between doing this without necessity and unknowingly, and also separately refers to infants who tasted of things sacrificed to idols.²⁰⁵ We cannot be sure whether food offered to idols was considered to be unclean. Touching it was sinful, however, because it was used in a truly sinful and defiling act, namely worship of other spirits or deities other than the one God that should be worshiped and served. Such food was directly related to sinful actions and therefore conscious contact with it caused at least sinfulness. The penances prescribed for this act vary from three to twelve weeks, although the *Iudicia* and the *Excarpsus* state that the period of penance depended on the person in question and should thus be decided by the confessor priest. This probably alludes to the difference between someone who took food offered to idols because of hunger and someone who did this intentionally but without necessity. Columbanus describes the sinful act of intentionally ‘communicating at the table of demons’ (*mensae daemoniorum communicaverit*) after being warned by a priest that this was sacrilege (*sacrilegium*). He furthermore makes a distinction between motives: doing this out of greed (three times 40 days of penance) or in worship of demons or in honour of idols (penance for three years)²⁰⁶ Sinning by way of worshipping idols or demons seems to have more severe consequences for one’s soul than when one was motivated by greediness. The former thus required a longer penance in order to cleanse one’s soul from the stain such a transgression had resulted in.

To the same category belong the canons dealing with people who drank consecrated oil (*chrisma*).²⁰⁷ It is the action of a layman who touches something sacred and even drinks it, which makes this a sinful situation. The sacredness of the oil does not seem to make the person in question unclean, and the sacredness of the oil itself does not seem to be threatened by the impure. The oil was not to be touched by a layman, let alone be ingested. There existed a fear of the mixing of the sacred and the profane or impure, which had to be avoided at all times.²⁰⁸ But the very holiness of consecrated oil, in a partly similar way as impure substances, evoked a certain attraction. The blessing and goodness associated with the holy attracted people, but its holiness and power at the same time could lead to a feeling of fear and a renunciation. This combination gave sacred substances and objects a certain power, which led to something for which

²⁰⁴ *Iudicia Theodori* I.XV.5, p. 311; *Excarpsus Cummeani* VII.17, p. 627; Halitgar, *Pseudo-Romanum* VI.11, p. 369; XI.11-12, p. 374; Burchard, *Decretum* 19.V.94, col. 0964C.

²⁰⁵ Halitgar, *Pseudo-Romanum* VI.11, p. 369; XI.11-12, p. 374.

²⁰⁶ *Paenitentiale S. Columbani* B.24, pp. 104-105; R.M.J. Meens, ‘Dronenschap in de Middeleeuwen’, *Tijdschrift voor Geschiedenis* 109:3 (1996) pp. 424-442, p. 428.

²⁰⁷ *P. mixtum Ps.-Bedae-Egberti* 30, p. 682; Burchard, *Decretum* 19.V.168, col. 0973B.

²⁰⁸ Demyttenaere, ‘The Cleric, Women and the Stain’, p. 154.

Demyttenaere proposed the term ‘awe’, which, he explains, means neither complete admiration nor total fear.²⁰⁹ In a certain way the power ascribed to sacred things, can be compared to the power impure objects and substances sometimes were believed to have. For both, ‘improper’ use of these objects or substances were believed to have powerful, almost magical effects. Douglas’s emphasis on the role of categories and especially the boundaries between them clearly explains this situation. The holy and the impure could be considered to be opposites, belonging to two strictly separated categories. In situations in which the holy – i.e. the perfectly pure – came into contact with possible unclean persons or objects, the boundary between the two categories was transgressed, which caused an ambiguous situation that had to be avoided.²¹⁰

The same line of reasoning might be used to explain a relatively different and innocent type of uncleanliness related to food that is recited by the *mixtum*. This penitential states that half cooked food should not be eaten.²¹¹ The penitential handbook proposes a penance of three days or the singing of one Psalter for people who ate half cooked food unconsciously, whereas someone who did this intentionally had to do penance for seven days. Van Winter’s statement that ‘the consumption of uncooked food was not considered healthy’, might explain this canon and indicates that it was listed for very practical reasons.²¹² A different explanation can be given, however, if we assume that the canon is specifically discussing meat. In the case of meat, half cooked meat could still contain some of the blood of the animal, which was considered intrinsically impure. Eating this had to be avoided, which might explain why people were warned not to eat such half cooked food, i.e. meat.

The canons concerning bodily impurity and food have given us more insight into the multifaceted and sometimes complicated relationship and interaction between impurity as a (bodily) state and uncleanliness resulting from certain actions. Within the categories discussed in this chapter an impure state seem to have had significant consequences; whether of a human, an animals, an object or a specific substance and whether inherently or alternately present. An impure bodily state in most cases was not considered to be sinful in itself, but it could cause certain actions to be sinful. Furthermore, the unclean state of certain substances, like bodily fluids and animals could make actions concerning them sinful and polluting. In this context, intention seems to have had a major influence on the severity of a sinful deed, and often reduced or increased the sentence prescribed. Mary Douglas’s ideas about the transgressing of boundaries between cosmological categories could thus far be applied in various ways. In relation to impure (bodily) states and food

²⁰⁹ Demyttenaere, ‘The Cleric, Women and the Stain’, p. 153.

²¹⁰ See also below, pp. 80-85.

²¹¹ *P. mixtum Ps.-Bedae-Egberti* XXII.2, p. 693.

²¹² J.M. van Winter, ‘Food in the Middle Ages, in: J.M. van Winter (ed.), *Spices and Comfits: Collected Papers on Medieval Food* (Blackawton, 2007) pp. 17-32, p. 24.

restrictions, however, it is specifically the ambiguous state of certain substances and bodily fluids and excrements that plays a dominant role in explaining impurity and pollution.

The next chapter will zoom in on the canons that deal with impurity in relation to desires and thoughts. As will become clear, the difference that was observed in this present chapter between actions done unconsciously and actions done knowingly and intentionally, also seems to have had an importance place within the discussion of the canons concerned with desires. Furthermore, again pollution caused by certain ambiguous and impure (bodily) fluids will turn out to be dominant.

2. Desires

Although desire does not figure very dominantly among the canons of the penitentials used for this research, in the canons that do deal with desire, purity and impurity play a fairly important, though sometimes indirect role. Desires, thoughts and sexual imaginations or fantasies²¹³ apparently could have a defiling effect. Intention and wilfulness play an important role in the discussion of desires, as we will see. Physical impurity often seems to have gone hand in hand with pollution through desires. This chapter will discuss not only actions related and following from desires, thoughts and fantasies, but also these desires in themselves. Moreover, desires could lead to types of actions that are discussed in the previous chapter, or that will be dealt with in more detail in the next.

I will first discuss thoughts and imaginations, while in the second section I will treat desires as specifically mentioned in the canons. The canons dealing with thoughts and imaginations do often focus very much on these aspects of the mind themselves, or on the intentional or unintentional (polluting) consequences these could have. Actions and the choice to act are more often dealt with in the context of and in direct relation to desires, and will therefore receive separate attention. The distinction between impurity as a (bodily) state and impurity caused by action will come up during this discussion, but the difference between sinfulness and pollution will also receive emphasis. Although less extensive a subject than the ones treated in the former or the following chapters, desires and thoughts should not be excluded from the list of subjects that seem to be related to impurity and purity. These things have a clear relation with impurity, but cannot be categorised as actions. Thus, separate attention will be paid to this specific type of sin and its connection with impurity.

As in the case of canons dealing with matters concerning the body and bodily states, in the search for explanations for the impurity related to desires and thoughts, some impure substances and especially bodily fluids will figure dominantly. Douglas's theory about the crossing of cosmological boundaries, which seems crucial in explaining variants of impurity in a large group of canons, will turn out to be less useful in the context of desires. However, the very uncleanliness that seems to have been ascribed to certain bodily fluids, as has been explained above, culminated from the transgression of the boundary between that of things which belong to the body and things that do not. Thus this part of her theory will be present more indirectly.

²¹³ The terms 'imagination(s)' and 'fantasies' will both be used to indicate the same, that is, sexually arousing imaginations and scenarios fantasized about. These are interconnected to thoughts, however, which is the reason why I often refer to both thoughts and imaginations. Furthermore, these could be part of or originate from desires, which are in themselves, however, more general and at the same time more directly connected with the will and actions.

Thoughts and fantasies

In the canons dealing with pollution through desires, thoughts and imaginations, men dominate the stage. The main reason for this is that in these canons, desires and thoughts are frequently related to the emission of semen. The canons often literally mention such emission (*semen fuderit*), but the *mixtum* uses the words *qui pollutus est* and variants of this, which literally means ‘he who has polluted (himself)’. This word is almost exclusively used in canons dealing with thoughts and imaginations, whereas desires are mentioned in other contexts. There can be observed a division among our penitentials between those handbooks that concentrate on sexual thoughts and imaginations, and those that discuss desires more generally. Columbanus and Halitgar both list some canons which only generally deal with desiring a (married) woman, but do not treat anything related to arousing fantasies or thoughts and/or (nocturnal) emissions. Especially in the case of Columbanus, this is interesting, since he wrote his penitential in the context of the monasteries and congregations that had been founded on his initiative. His canons do not solely concern clerics and/or monks, though, and this more general character of his penitential handbook might explain the fact that he does not explicitly treat transgressions related to sexual imaginations and thoughts. Halitgar’s *Pseudo-Romanum* also has a quite universal character. Although he does discuss a wide range of topics, Halitgar does not often go into much detail concerning one specific type of transgression. This seems to be a general trend in his penitential, which might explain why it sometimes stays quiet about certain more detailed matters. The *Decretum*, despite Burchard’s usual use of detail, only contains two canons which concern sexual desires and pollution caused by them, and he does not further discuss seminal emission specifically. The latter might be explained by the fact that ejaculations often seem to have been treated by penitentials in relation to clerics and monks. Burchard’s *Corrector sive Medicus* was meant for use by priests taking confession of both clerics and laymen. This broad context might be the reason for Burchard’s lack of focus on seminal emissions specifically.

The defiling character of certain fantasies is evident from the very selection of words used to discuss this type of sin. There are several canons that specifically deal with pollution through ‘the power’ of (*per violentiam*) one’s imagination.²¹⁴ The penalties prescribed for this transgression differ from penitential to penitential, but also depend on the status of the person in question. Thus, the *Iudicia* and the *mixtum* both contain a canon dealing specifically with a priest who polluted himself through imaginations, but also include canons which deal with this transgression without specifying which (group of) persons are addressed. Sentences for the latter vary from three to

²¹⁴ *Iudicia Theodori* I.VIII.3, p. 300; I.VIII.7, p. 301; *Excarpsus Cummeani* III.41, p. 617; *P. mixtum Ps.-Bedaegberti* XI.2, p. 689. The words *per violentiam* are only used in canon I.VIII.7 of the *Iudicia*.

twenty days of penance or the singing of twenty-two psalms.²¹⁵ The *Iudicia* and the *mixtum* sentence a priest who polluted himself with one week of penance.²¹⁶ The fact that Theodore's canons prescribe a longer period of penance to everyone other than priests, who he mentions separately, is striking. An explanation for this might be that this sentence addressed everyone except priests, thus also monks, deacons and bishops.

among this group – i.e. everyone except priests – were very probably also counted monks, deacons and bishops. Their higher (clerical) status made their transgression more severe, which is sometimes clearly demonstrated by canons that prescribe specific sentences to men of various clerical or religious ranks – i.e. laymen, clerics, priests, monks and bishops. The canons discussed here do not explicitly say anything about intention and willingness with regard to these 'bad' thoughts and imaginations, but one may assume that they deal with pollution caused by the intentional evocation of sexually arousing images, since most of our penitentials separately deal with situations in which a person defiled himself without having had the intention to do so. Having certain thoughts and/or fantasies does not appear to have been condemned in itself. It seem to have been praiseworthy and even necessary, however, to fight these thoughts, since they could lead to sinful actions or they could result in sinful bodily reactions.²¹⁷ The *Excarsus* prescribes a sentence of one, two or as many days as needed, to those people that were being plagued with sexual thoughts and who were trying to expel them.²¹⁸ Furthermore, some canons describe the situation in which men polluted themselves while they were fighting defiling thoughts. In this situation, a seminal emission had probably taken place while one was trying to fight thoughts that could lead to an ejaculation, and for this a period of penance was prescribed.²¹⁹ We may conclude from these descriptions that sexually arousing imaginations and thoughts were

²¹⁵ *Iudicia Theodori* I.VIII.7, p. 301; *Excarsus Cummeani* III.41, p. 617; *P. mixtum Ps.-Bedae-Egberti* XI.2, p. 689.

²¹⁶ *Iudicia Theodori* I.VIII.3, p. 300; *P. mixtum Ps.-Bedae-Egberti* XI.2, p. 689.

²¹⁷ The idea of fighting against any weakness of the mind or soul that could – intentionally or not – lead to sexual impurity through seminal emission was already extensively discussed by Cassian and by Egyptian monastic predecessors. Reaching a high degree of chastity was thought of as only being possible through total peace of and conformity between body and soul. Cassian distinguished between three possible causes of seminal emissions, which we see partly returning in the letters of Gregory the Great to Augustine, and also in some of our penitentials: gluttony (overeating), negligence of the mind during the day, and attack of the devil to prevent the person in question from receiving communion the next day. Johannes Cassianus, *Conlatio XXII.3 & 6*, ed. M. Petschenig, *Corpus Scriptorum Ecclesiasticorum Latinorum* 13.II (Vienna, 2004) pp. 616-9, 621-6; Johannes Cassianus, *De institutis coenobiorum*, ed. M. Petschenig, *Corpus scriptorum ecclesiasticorum Latinorum* 17 (Vienna, 2004) pp. 1-231; Brakke, 'Problematization', pp. 446-449; C. Leyser, 'Masculinity in Flux: Nocturnal Emission and the Limits of Celibacy in the Early Middle Ages', in: D.M. Hadley (ed.), *Masculinity in Medieval Europe* (New York, 1999) pp. 103-120, pp. 110-115; M. Foucault, 'The battle for chastity', in: P. Ariès & A. Béjin (eds.), *Western Sexuality: Practice and Precept in Past and Present Times* (Oxford, 1985) pp. 14-25. Peter Brown has written an extensive work about the development of ideas about and practices of sexual chastity, continence and celibacy in the first to the fifth centuries and focuses on the ideas expressed by various Christian writers – from Paul to Augustine – during this period: P. Brown, *The Body and Society: men, women and sexual renunciation in early Christianity* (New York, 1988).

²¹⁸ *Excarsus Cummeani* II.10, p. 609.

²¹⁹ *Excarsus Cummeani* II.9, p. 609; *P. mixtum Ps.-Bedae-Egberti* IV.1, p. 687; XI.1, p. 689.

not sinful and polluting in themselves, but that it *was* considered to be sinful when someone neglected to fight these imaginations. The *Iudicia* and the *Excarpsus* say that it must not be seen as an offense if someone had evil thoughts (*malarum cogitationum*)²²⁰ but did not carry these out in action, nor had the intention to do so.²²¹ These canons do not specify, however, what kind of evil imaginations are meant and it is very well possible that the thoughts referred to here are not specifically or exclusively sexual. Whatever the nature of such evil imaginations, however, it seems that these canons judged that it were the actions that could flow from such thinking that people had to watch out for. What counted was the conscious act of either fighting and expelling such thoughts or imaginations, or of acting upon them. Thus, in the context of sexual sin that could be the result of such thinking, the *Iudicia* prescribed a sentence to anyone who was playing with libidinous imagination (*includetur fornicaria cogitatione*).²²² Theodore judged that the person in question should do penance until the imagination was overcome. Here we see a situation in which someone willingly gave way to certain ‘evil’ imaginations. The fact that this person did not piously choose to fight against and expel such thoughts made him a sinner. This act does not seem to have made a person impure, however. ‘Wicked’ imaginations seem to have had the power to pollute, but only through actions flowing from them, not because they had a defiling character themselves. The intention to sin – i.e. to have an ejaculation – through imaginations was condemned as well, which might be explained in the same way by the fact that it was a conscious decision to try to evoke a seminal emission through arousing thoughts and imaginations. The *mixtum* sentences someone who wanted to sin through imaginations but did not become polluted, with the singing of twenty-four psalms.²²³ It seems to be the desire and intention to do something that is sinful and polluting that are judged in this case.

Pollution of body and soul - Seminal emissions

What becomes clear when looking at some of the canons about imaginations and thoughts is that the emission of semen is the truly polluting aspect. Based on some medieval penitential handbooks, Pierre Payer argues that the conviction seems to have existed that an occurrence of seminal emission was ‘of itself *spiritually* polluting – that is, it places the man in a state of ritualistic impurity which must be cleansed by some sort of spiritual activity’.²²⁴ Although pollution through imaginations leading to an ejaculation probably had a defiling effect on the soul of the person in question, I think that *physical* impurity does have something to do with this type of defilement as well. It seems to have been considered a sin when someone intentionally

²²⁰ *Excarpsus Cummeani* XI.4, p. 631.

²²¹ *Iudicia Theodori* I.VII.4, p. 298.

²²² *Iudicia Theodori* I.II.21, p. 292.

²²³ *P. mixtum Ps.-Bedae-Egberti* XI.2, p. 689.

²²⁴ P.J. Payer, *Sex and the penitentials: the development of a sexual code, 550-1150* (Toronto, 1984) pp. 49-50.

conjured up sexual imaginations and in some cases even consciously evoked a seminal emission through such thoughts. Since these were conscious acts of which one should have known – at least according to the Church – that they were sinful, they polluted the soul. Sinful acts made a person (temporarily) spiritually impure and thus unworthy to communicate. As Payer points out and the penitentials demonstrate, such transgressions demanded ‘spiritual redress’ through various possible forms of atonement – i.e. fasting, psalm-singing and/or alms giving.²²⁵ A seminal emission however, whether intentionally and wanted or unconsciously and unwanted, inevitably involved contact with semen, which with blood was considered to be one of the most dangerous and polluting bodily fluids.²²⁶ This contact with semen must also have influenced the physical state of the person in question. To use Douglas’s definition, after a seminal emission, the semen could be considered to be anomalous, as a ‘matter out of place’.²²⁷ The semen had transgressed the margins of the body, to which it belonged, and had therefore crossed the cosmological boundary between what belonged to the body and what did not.²²⁸ Thus semen seems to have been regarded as ambiguous and polluting, causing contact with it through an emission to result in physical impurity. In this way, one action and the desire and intention that led to it, caused twofold pollution. The sinful act of intentionally evoking fantasies that led to a seminal emission polluted the soul, whereas one was physically defiled by contact with semen through the ejaculation. Joyce Salisbury, however, approaches this problem from a different point of view. She argues that (early-)Christian authorities considered a seminal emission to be ‘unmanly’ and passive. This passiveness contravened the dominant role and active (sexual) position men were thought to have, as opposed to the passive role of women.²²⁹

That seminal emission in itself caused an impure physical state is attested to by a canon in the *mixtum*; a canon which discusses a whole range of possible situations concerning defilement through the emission of semen.²³⁰ It specifically mentions the situation in which a cleric has had an emission without having stimulated this by touching himself. The canon does not specify whether the person in question also did not want the emission to take place, so we cannot be sure whether the author was talking about an intentional or unintentional occurrence. The penance of seven days prescribed by this canon does indicate, however, that the emission in itself caused sin

²²⁵ Payer, *Sex and the penitentials*, p. 52.

²²⁶ Meens, ‘A Penitential Diet’

²²⁷ Douglas, *Purity and Danger*, p. 40.

²²⁸ Brakke, ‘Problematization’, p. 421. Leyser, ‘Masculinity in Flux’, pp. 106-109. Brakke argues that at least in the context of early Christians, living in a non-Christian/pagan Roman world, and of early monks isolating themselves from a sinful world, another boundary was transgressed through the occurrence of an (nocturnal) emission: that between the inside world (their own restricted world, which was and had to remain spiritually pure) and the outside world (which was sinful and had a polluting character). Brakke, ‘Problematization’, pp. 424-442; Brown, *The Body and Society*, chapter 11: ‘The Desert Fathers: Anthony to John Climacus’, pp. 213-240.

²²⁹ Salisbury, ‘Gendered Sexuality’, pp. 84-86.

²³⁰ *P. mixtum Ps.-Bedaegberti* XI.2, p. 689.

and/or impurity that needed to be atoned for. Whether or not one was allowed to receive communion during this time of penance is not elucidated by the canons dealing with this subjects. A source that does give an explanation of what (not) to do when a seminal emission occurred, is again formed by the answers of Gregory the Great to Augustine of Canterbury, which were already partly discussed in other contexts above.²³¹ Gregory underlines that impurity of the body caused by seminal emission must be seen as the same type of impurity resulting from menstruation. Since it is a sin that occurs naturally in this sinful world, if a man has a seminal emission during his sleep without stimulating or desiring this, he is not to blame: ‘And when it happens either through superfluity or infirmity of nature, such an illusion is not to be feared at all, because it is to be lamented, that the mind of the person, who knew nothing of it, suffers the same, rather than that he occasioned it.’²³² According to Gregory even men who had a seminal emission through overeating – which apparently was thought to sometimes stimulate an emission – was allowed to receive and, if necessary, even to offer the ‘sacred Mystery’, provided that the person in question did not have sexually arousing imaginations during his sleep.²³³

However, as some of our penitentials point out as well, fantasies were in most cases seen as sinful, since they often ensued from thoughts one had had when one was awake and, as Gregory points out, recurred during one’s sleep because the person in question consented to have these thoughts and delighted in them.²³⁴ Although we cannot say with certainty whether some penitential handbooks used Gregory’s writings, we do see a similar distinction being made in some of the canons concerning seminal emission during one’s sleep.²³⁵ The *mixtum* again gives the most extensive account about (nocturnal) emission and prescribes differing sentences dependent on the intention and wilfulness of the sinner. Desiring to pollute oneself in one’s sleep without having a seminal emission and having a nocturnal emission without having had any

²³¹ See above, pp. 22-23.

²³² *Bede’s Ecclesiastical History of England*, translated: A.M. Sellar (2004) p. 65. See also Wood, ‘The Doctor’s Dilemma’, pp. 714-715; Gregory the Great evidently based his teachings about (nocturnal) emission on those of Cassian: Leyser, ‘Masculinity in flux’, p. 116.

²³³ *Bede’s Ecclesiastical History of England*, p. 65.

²³⁴ *Ibidem*, p. 66; Browe, *Beiträge zur Sexualethik des Mittelalters*, pp. 81-82.

²³⁵ There seems to have existed a trend in Christian discussions toward ideas about such a distinction between motives and/or causes of seminal emission and especially the role of intention and will (or desire) in this. As Brakke shows, writings of ecclesiastical authorities in the third and fourth century already deal with seminal emission (especially wet dreams). Thus, in the letters of Antony the Great (d. 356), the ‘acknowledged’ founder of eremitical monasticism distinguished between body and soul and the interplay between them. With regard to seminal emission, he made a distinction between three ‘motions’ in the body, which would also partly be made by Cassian and Gregory the Great: a passionless or ‘natural motion’, a motion resulting from too much food and drink, and a motion caused by demons. All three were directly connected with the soul, however, and needed the soul’s consent. Thus, even natural motion, which was believed to occur without desire or passion – i.e. lust – could only occur with consent of the soul and therefore also required purification of both body and soul. Some of these ideas can also be clearly found in some of the canons of our penitentials. Antony the Great, *epistle 1*, transl. D.J. Chitty, *The Letters of St. Antony the Great* (Oxford, 1975) pp. 1-5; Brakke, ‘Problematization’, p. 436.

sexual imaginations or thoughts, are both sentenced with the singing of fifteen psalms.²³⁶ Thus again the occurrence of the emission itself seems to have made it necessary for a man to atone in some way. At the same time the fact that the desire for an emission was penalized as well, underlines the impurity of a seminal emission. Longing for an seminal emission was sinful, since one desired something polluting to take place. The sentence is fairly light, since in this case the emission took place without the person in question wanting this or the pollution did not take place but one did desire it to happen. When someone polluted himself out of desire (*voluntate*) during his sleep he had to rise and sing with all his strength seven penitential psalms, which are specified in detail in the canon, and sing thirty psalms in the (early) morning.²³⁷ The reference to the *psalmos penitentiales* underlines the sinfulness of what happened and the need for the sinner to repent and cleanse himself through penance.

Significance of location

Besides the importance of the distinction between intentionally having an emission and unwillingly becoming polluted through this, the location where an emission had taken place also was of some significance. More specifically, the canons dealing with this explicitly mention seminal emission while asleep in a church. Both the *Iudicia* and the *mixtum* contain canons dealing with this, of which the *mixtum* treats various situations, focusing on the intention.²³⁸ The *Iudicia* prescribes a penance of three days for polluting oneself while sleeping in church. It does not clarify, however, whether this concerned intentional or unintentional emission. Canon XI.1 of the *mixtum*, on the other hand, describes the same transgression, for which it gives a sentence of seven or three days of penance²³⁹, but also lists other situations, which complicate this first canon. Canon XI.2, among many other things, mentions the emission of semen in church while sleeping and without wanting this and sentences this with the singing of one Psalter or a penance of three days. This indicates that the three days of penance listed by canon XI.1 concerns unintentional emission. It is tempting to think that the seven days mentioned in this same canon would then apply to *intentional* emission in a church during one's sleep. This is furthermore supported by the sentence given by canon XI.2 for intentional pollution in a church through evil thoughts or fantasies. The severity of such a sin was greater and thus required a longer period of penance. The *mixtum* assigns periods of penance varying from fourteen days when the person in question was a cleric, to fifty days for a bishop. The fact that this probably concerned an ejaculation when one

²³⁶ *P. mixtum Ps.-Bedae-Egberti* XI.2, p. 689.

²³⁷ *P. mixtum Ps.-Bedae-Egberti* XI.2, p. 689.

²³⁸ *Iudicia Theodori* I.VIII.8, p. 301; *P. mixtum Ps.-Bedae-Egberti* XI.1-2, p. 689.

²³⁹ *P. mixtum Ps.-Bedae-Egberti* XI.1, p. 689.

was awake makes it a more serious transgression, since it must have happened more consciously than if it had occurred while one was sleeping.

The fact that seminal emission taking place while one was sleeping in a church is sentenced more severely than when this happened somewhere else might be explained by the fact that in such a situation the sacred – which is intrinsically and wholly pure – came into contact with something sinful and impure. This has been already encountered in different contexts. Polluting oneself in a church might be considered to be a form of sacrilege, since it is a sacred place that was being contaminated by a sinful act. Such an act did not endanger the sacredness of the church, but its sinfulness and impurity did violate the boundary between the holy and the impure. The sacred and the impure were being mixed, and the boundary between these two categories was being transgressed. Thus, the penance prescribed for the cleansing of such a sin was more severe than for the same transgression in a different context and place.

As Gregory the Great in his response to Augustine points out, seminal emission was a serious transgression when it proceeded from thoughts that occurred during the day and were held on to, resulting in an emission at night. Gregory makes a distinction between different ways in which such thoughts could be handled by the person in question: ‘...the thought was no more than a suggestion, or proceeded to delight, or, what is worse, consented to sin.’²⁴⁰ The latter two might be seen as a conscious acceptance of such thoughts and the choice to act according to them. Some canons in our penitentials deal with inappropriate and foul language or a look or gaze (*per turpiloquium vel aspectu*) which caused someone to pollute himself.²⁴¹ Especially in the case of someone who aroused himself with foul language, one may assume that this was done with consent and thus intentionally. The *mixtum* gives a sentence of three or seven days for seminal emission caused by foul language that was spoken because out of negligence – although this seems hard to imagine – and thirty days of penance for polluting oneself through looking at a pretty woman.²⁴² The *Excarpsus* does not make a distinction between those two things and gives a sentence of twenty or forty days of penance for polluting oneself through foul language or sights, if the person in question did not have the intention to bring about a seminal emission.²⁴³ The *mixtum* separately deals with a bishop who in this way polluted himself, but who did not have the wish or intention to fornicate.²⁴⁴ A bishop according to the *mixtum* had to do penance for twenty days if he acted thus, which is a relatively light sentence that might be explained again by the absence of wilful intention. This person did not want to pollute himself – assuming that

²⁴⁰ *Bede's ecclesiastical History of England*, p. 66.

²⁴¹ *Excarpsus Cummeani* II.9, p. 609; *P. mixtum Ps.-Bedaegberti* IV.1-2, p. 687; XI.1, p. 689.

²⁴² *P. mixtum Ps.-Bedaegberti* IV.1, p. 687.

²⁴³ *Excarpsus Cummeani* II.9, p. 609.

²⁴⁴ *P. mixtum Ps.-Bedaegberti* IV.2, p. 687.

fornication (*fornicare*) should be understood as sinning through sexual acts²⁴⁵ – and thus this pollution happened unintentionally, although the use of certain language and/or the choice to look at certain things or people did make this emission sinful.

Sexual purity and celibacy

Especially the canons that deal with seminal and nocturnal emission concerning clerics and monks seem to have a crucial connection with an important section of medieval religious life: sexual purity and celibacy.²⁴⁶ As Mayke de Jong underlines, the early medieval western ideal of chastity of the priestly order was founded on the conviction that holiness and impurity were each other's opposite; they were incompatible.²⁴⁷ Since this clerical caste had the important task of serving at the altar, which went hand in hand with contact with the sacred, it was necessary for priests to remain ritually pure.²⁴⁸ Sexuality was considered to be one of the most seductive and polluting aspects of everyday life, and therefore ritual purity of the priestly caste had to be sought after and protected by sexual abstinence and purity.²⁴⁹ This seems to have been resulting from a general disinclination to the merging of the sacred and the impure.²⁵⁰ Moreover, priests – and other clerics – stood between the sacred and the laypeople of the congregation, who thus partly depended on the purity of the clerics for the salvation of their souls, since their priest was the one who performed important religious rituals and who offered the Eucharist. Dependence of the Christian people on the purity of monks can be seen in the same light, since the intercession of monks through prayer to God and the saints positively influenced the grant of divine mercy to the people.²⁵¹ The context in which sexual purity, and celibacy as part of this, had to be observed differed significantly for priest and monks respectively. Whereas many secular priests lived directly among their congregations and were often used to a life resembling that of the members of the congregation, monks lived excluded from the outside world.²⁵² Consequently, the types of sexual temptations that lurked were probably partly different for both groups. One can imagine

²⁴⁵ Fornication is discussed more elaborately below, p. 65-67.

²⁴⁶ For a short outline of the development of celibacy in the Western Church see M. McGlynn & R.J. Moll, 'Chaste Marriage in the Middle Ages', in: V.L. Bullough & J.A. Brundage (eds.), *Handbook of Medieval Sexuality* (New York, 1996) pp. 103-122, pp. 105-106.

²⁴⁷ De Jong, 'Imitatio Morum', p. 50; Demyttenaere, 'The Cleric, Women and the Stain', pp. 155-156. But also earlier, i.e. from the first so-called desert monks or ascetics (third and fourth century) onwards, who isolated themselves from the world, the idea of sexual purity was a dominant and important subject. John Cassian (fifth century) wrote important works about sexual purity in the context of monasticism in Gaul, being heavily influenced by the teachings from Egyptian desert monks. See above, notes 217 and 235; Brakke, 'Problematization', pp. 433-446; Brown, *The Body and Society*, p. 420-423; Leyser, 'Masculinity in Flux', pp. 108-110.

²⁴⁸ M. de Jong, 'Imitatio Morum', p. 50.

²⁴⁹ H. Leyser, 'Clerical purity and the re-ordered world', in: M. Rubin & W. Simons (eds.), *The Cambridge History of Christianity 4: Christianity in Western Europe c. 1100-c. 1500* (Cambridge, 2009) pp. 11-21, p. 12.

²⁵⁰ Demyttenaere, 'The Cleric, Women and the Stain', p. 155.

²⁵¹ De Jong, 'Imitatio Morum', p. 53; Demyttenaere, 'The Cleric, Women and the Stain', pp. 157-158.

²⁵² De Jong, 'Imitatio Morum', p. 53.

that secular clerics often had direct and intense contact with laywomen and had to resist the temptation of having sexual relations with or thoughts about these women, whereas self-gratification might have often been regarded a seductive activity among monks. Even though Christian monks and their abbots were convinced that chastity was a very significant, and maybe even the most important ingredient for a fruitful religious life, nature obviously made this one of the most difficult aspects to observe.²⁵³ Hence the canons in various penitential handbooks that deal with sexual sins like seminal emission, which can easily be placed within the context of clerical celibacy and monastic life. In the context of monastic life, this chastity can be seen as part of a process of seclusion and detachment from the world and earthly things strived for by monks, as Ludo Milis points out. He underlines two phases in this process of seclusion (or *abstinentia*), the first being the suppression of physical needs and the reduction of the minimal standard of living.²⁵⁴ The next goal was the subjection of earthly thoughts and feelings. Sexuality played a clear part in both of these phases, since sexual abstinence was an important objective in the first phase, whereas being mentally occupied with sexual fantasies and desires obstructed religious men from freeing themselves from all earthly things.²⁵⁵

Even rumour could have a polluting influence on the chaste and pure state and reputation of a cleric. People's faith in the chastity of their priest was important to protect his reputation and with that the functioning of his church and the cult. Gossip and rumour, whether founded on true facts or not, could contaminate the status and life of the cleric(s) in question.²⁵⁶ As we will see below, some canons explicitly discuss the situation in which a (sexual) sin of a cleric had become known among the people. The severity of the sentence prescribed seems to be influenced by the fact that the cleric's transgression had become common knowledge. Although canons concerned with libidinous imaginations and thoughts and the things these could result in, do not exclusively address clerics and monks, one may assume that these aspects formed a dominant subject of struggle in the lives of these religious men. Some clerics and monks did not always overcome this struggle, as will become clear in the third chapter. Actions related to worldly desires will be discussed in what follows.

²⁵³ P.G. Jestice, 'Why Celibacy? Odo of Cunya and the development of a New Sexual Morality', in: M. Frassetto (ed.), *Medieval Purity and Piety: Essays on Medieval Clerical Celibacy and Religious Reform* (New York/London, 1998) pp. 81-115, p. 84; J. Brundage, 'Sin, Crime and the Pleasures of the Flesh: the medieval Church judges sexual offences', in: J.L. Nelson & P. Linehan (eds.), *The Medieval World* (London, 2001) pp. 294-307, p. 298.

²⁵⁴ Milis, 'Reinheid, Sex en Zonde', p. 151.

²⁵⁵ Ibidem, pp. 152, 154.

²⁵⁶ De Jong, 'Imitatio Morum', p. 55.

Desires

Desires are often referred to in our penitential handbooks in relation to certain acts. In some cases these desires actually led to a certain action, and in other cases such desires could lead to other (unwanted) incidents. A subject that is treated repeatedly in various penitentials is that of men who desired a certain woman and wanted to have sexual relations with her but were rejected by this particular woman.²⁵⁷ In these situations the man in question had a specific desire and chose to act according to this desire, namely to approach the woman he was attracted to and try to persuade her to have sex with him. The sentence given by the *Iudicia* – penance for forty or twenty days – deviates significantly from the other canons dealing with this event. Columbanus and Halitgar who, as mentioned above, only list some canons dealing with desires and none concerned with sexual fantasies of thoughts, judge this transgression with a penance of half a year on bread and water and abstaining from wine and meat for a whole year. Columbanus adds to this the refraining from communion for a whole year, whereas Halitgar specifies that his canon specifically concerned clerics who had committed this sin. The *Excarpusus* only lists a penance of a year, and emphasizes that this should especially be observed during the three forty-days-fasts.

Apparently the fact that the man in question decided to meet his desires and consciously chose a sinful path was enough to require penance. His desires, however, did not seem to have made the man bodily impure, since he did not actually have sex with a woman.²⁵⁸ However, his soul had been tainted by the willingness to act out his desires and by his intention to have sexual relations with a woman. It probably was his soul, therefore, that needed to be cleansed through a period of penance. One might place this in direct opposition to the notion that men should fight against certain thoughts and desires, in order to prevent pollution of the soul and the body through, for instance, a seminal emission. Fighting against sinful sexual thoughts and fantasies was praiseworthy, so the wilfulness and intention to act according to sexual desires was sinful. Especially in the case of clerics and monks, who had chosen to live a chaste life, this struggle with sexual desires must have been a central feature in their journey toward chastity and ritual purity. As Karras puts it: ‘To be chaste was to identify oneself as someone devoted enough to spiritual matters that one could transcend the flesh’.²⁵⁹ Desires, although ascending from the mind, could

²⁵⁷ *Paenitentiale S. Columbani* B.11, pp. 100-101; *Iudicia Theodori* I.II.10, p. 290; *Excarpusus Cummeani* II.8, p. 609; Halitgar, *Pseudo-Romanum* II.6, p. 365.

²⁵⁸ Based on sixth-century Gallic sources, Giselle de Nie argues that the concept of pollution in this period was above all concerned with ‘the mental and physical preoccupation with the desires of the transitory flesh’. The polluting character of certain organic fluids, according to De Nie, was far less central to the concept of *contagium*. This would mean that the desires in themselves had a polluting effect, for which purification was needed. Some canons in our penitentials seem to make a distinction between on the one hand giving way to and even acting out certain thoughts and desires, and on the other hand the fighting against them. G. de Nie, ‘*Contagium* and Images of Self in late sixth-century Gaul’, in: M.J.H.M. Poorthuis & J. Schwartz (eds.), *Purity and Holiness: The Heritage of Leviticus* (Leiden/Boston/etc., 2000) pp. 247-261, pp. 251, 260.

²⁵⁹ Karras, *Sexuality in Medieval Europe*, p. 53.

be seen as temptations belonging to the body, since according to dualist Christian thought the body was intrinsically bad, in opposition to the goodness of the spirit.²⁶⁰

Some penitentials make a distinction between the desire to have sexual intercourse with a woman, and the desire to fornicate with someone else's woman – i.e. a *married* woman. One would expect that the canons would give a more severe sentence to the latter, which is, however, only the case in the *Excarpsus*. This penitential prescribes penalties dependent on the status of the sinner. Thus a layman is judged with a sentence of forty days of penance, whereas clerics or monks, deacons, and priests are penalized with one, two and three years respectively.²⁶¹ The penitentials of Columbanus and Halitgar both prescribe a period of penance of forty days to a man who tried to seduce a married woman.²⁶² These are surprising prescriptions, given the fact that the person in question had the intention of having sexual intercourse with a married woman and thus of committing adultery. As Columbanus explicitly states (*si quis laicus adulterare volverit*) and what seems to be the case is that these canons were directed toward laymen in particular, which explains the relatively light penance prescribed to them. Other canons concerning related subjects sometimes specifically address clerics. The fairly light sentence might thus be explained by the focus of the canons on laymen, which is also supported by the clearly more severe prescriptions given by the *Excarpsus* to clerics of various statuses, and monks. Again the sinfulness of such a situation lies with the readiness to commit a sinful act (*ille paratus fuit ad fornicandum*).²⁶³

The *Iudicia* and the *mixtum* respectively describe the desiring of a woman in one's mind, for which one had to seek pardon from God, and the case in which a cleric intentionally thinks of and fantasises about another man's wife.²⁶⁴ A sentence of seven days of penance is given for the latter, as well as for a man who loved (*diliget*) a woman in his heart and decided to speak to her about his love but was rejected.²⁶⁵ We may assume that loving a woman in one's heart mainly entailed having (conscious) sexual imaginations about her, which explains why this act is mentioned in some penitential handbooks.

Realizing desires

Certain desires could lead to actual sinful acts, as some penitential handbooks show. The penitentials of Theodore and Burchard, and the *mixtum* all three contain canons which deal with the kissing of a woman out of (defiling) desire.²⁶⁶ The *Iudicia* and the *mixtum* explicitly mention a

²⁶⁰ Karras, *Sexuality in Medieval Europe*, p. 28.

²⁶¹ *Excarpsus Cummeani* III.3, p. 613.

²⁶² *Paenitentiale S. Columbani* B.23, pp. 104-105; Halitgar, *Pseudo-Romanum* II.10, p. 365.

²⁶³ *Paenitentiale S. Columbani* B.23 pp. 104-105.

²⁶⁴ *Iudicia Theodori* I.II.22, p. 292; *P. mixtum Ps.-Bedaegberti* XI.2, p. 689.

²⁶⁵ *Iudicia Theodori* I.II.22, p. 292.

²⁶⁶ *Iudicia Theodori* I.VIII.2, p. 300; *P. mixtum Ps.-Bedaegberti* IV.2, p. 687; Burchard, *Decretum* 19.V.125, col. 0968B.

priest who does this and assign a sentence of forty and twenty days of penance respectively. The penance prescribed for this transgression made by a priest is understandable, since a man in his position was expected to abstain from intimate contact with women and live a chaste life. When taking a closer look at the canons in Burchard's *Decretum*, however, one sees that he does not mention one specific group of men to whom this sentence applied. He seems to focus on men in general who had kissed any woman out of desire. He adds to this the fact that the person in question polluted himself because of kissing a woman, for which he gives a sentence of only three days on bread and water. Burchard does not make a distinction between the statuses of the men in question, but focuses on the place where this transgression took place. He prescribes a penance of twenty days on bread and water to someone who polluted himself as a result of kissing a woman in church.²⁶⁷ Burchard uses the words *te polluisti* ('polluted yourself') and we cannot be sure what kind of pollution was meant with this. The way he describes the situation makes it difficult to determine whether he ascribed the pollution to the act of kissing a woman itself, or whether as a result of the kissing the man in question polluted himself through a seminal emission. Burchard chooses the words *et sic te polluisti*, of which the word *sic* ('thus', 'in this way') causes confusion. Given the polluting character ascribed to seminal emissions, however, a logical explanation derived from a literal translation of this canon, makes one believe that Burchard referred to a seminal emission as a result of kissing. Considering the relatively light sentence given for this, however, one may assume that this canon was mainly addressing layman. Important to note is, that if kissing and a seminal emission took place in a church the sentence prescribed was harsher, since this sacred place was not to be disrespected by contact with semen, resulting from earthly lust and desires.

Directly related to both desires and clerical chastity as discussed above, are clerics and monks who vowed themselves to God and the Church but chose to take on a secular habit again or who married a woman. Both the *Excarpsus* and Halitgar prescribe a penance of six to ten years²⁶⁸ for this serious transgression, of which three had to be observed on bread and water.²⁶⁹ If a woman committed a similar transgression after having vowed herself to God, she was sentenced with an equal penalty.²⁷⁰ Especially in the case of someone taking a wife (or husband), one may assume that it was desire for earthly things that made someone dishonour and neglect one's vow. Columbanus, the *Excarpsus* and Halitgar give even more insight in such situations through canons which deal with clerics or men with an even superior status who, after taking the vow, again had

²⁶⁷ Burchard, *Decretum* 19.V.125, col. 0968B.

²⁶⁸ The *Excarpsus* gives a sentence of ten years, whereas most manuscripts containing the *Pseudo-Romanum* prescribe a period of six years of penance, except for the Codex Sangall. 679, which has ten years. See 'The So-called Roman Penitential', transl. McNeill & Gamer, p. 303.

²⁶⁹ *Excarpsus Cummeani* III.4, p. 613; Halitgar, *Pseudo-Romanum* II.7, p. 365.

²⁷⁰ *Excarpsus Cummeani* III.5, p. 613; Halitgar, *Pseudo-Romanum* II.7, p. 365.

relations with the women they married before they promised allegiance to God.²⁷¹ The canons further specify that the man in question knew that he had committed adultery (*sciat sibi adulterium commisisse*), which might sound odd, since it was his own wife with whom he had sexual relations. After this man had vowed himself to God and the Church, however, he had given his life to the Church. Going back to his wife was thus called adultery, since he was in a way cheating on the Person to whom he had sworn fidelity. The severity of adultery and such direct unfaithfulness to God and the Church seems to have made a penance of six or ten years necessary. The canons furthermore stress that the person in question was not allowed to ever be joined with his wife again. If he refused to observe these restrictions and the period of penance, he was to be separated from the community of Christians.²⁷² Apparently, his vow to God remained effective and, according to the Church, overruled one's choice to go back to one's previous, secular life. Refusal thus could not be tolerated and exclusion from Christian community and social life (*separavit eos a communione et convivio catholicorum*) seemed necessary to eliminate this option. The sinfulness of such a choice to return to a secular life or to fall back into earthly behaviour might also be explained by the fact that the person in question obtained an (temporarily) ambiguous status. He had vowed himself to God and the Church and thus had chosen to live a chaste life. With his actions, however, he had transgressed the strict boundary between such a chaste, spiritual life and the earthly, sinful life. A strict order had been broken, which could only be amended by this person going back to the religious life he had said yes to. Living on the boundary between two categories or living in both categories at the same time does not seem to have been an option. Repentance was needed and the order had to be restored.

Secular clerics obviously also were tempted by certain desires, which sometimes seem to have tempted them to make decisions that were condemned by the Church. Certain canons in our penitentials penalize priests and deacons who had taken²⁷³ a foreign or strange woman (*uxorem extraneam*) with deposition.²⁷⁴ The canons specify that this transgression had been noted by the

²⁷¹ *Paenitentiale S. Columbani* B.8, pp. 100-101; *Excarpsus Cummeani* III.2, p. 612; Halitgar, *Pseudo-Romanum* II.3, p. 365.

²⁷² *Excarpsus Cummeani* III.4, p. 613.

²⁷³ The Latin term used here is *duxerit* (*ducere*), which literally means 'to lead', but which in most cases – at least in penitentials – is used in the context of a man who had taken a certain woman by having sexual relations with her.

²⁷⁴ *Iudicia Theodori* I.IX.4, p. 302; *Excarpsus Cummeani* III.6, p. 613. It is not clear what exactly was meant with an *uxorem extraneam*. The translation of *extraneam* with 'foreign' does not necessarily mean 'from another country', but indicates that she was a 'stranger', and it might also be translated with 'not belonging to one's family or household'. Meens gives two suggestions, firstly that the woman in question might have been a woman other than the former/first wife of the priest or deacon; secondly, that the woman is not related to the family of the man. Reynolds proposed a further option, namely that such women should be seen in the context of 'syneisactism', with which he means 'the living together of a male ascetic and a *virgo subintroducta*', also known as *mulieres extraneae*, in order to test the perseverance and devoutness of this male ascetic. One other option, discussed by Brundage in the context of ecclesiastical law, might be clerical concubinage, i.e. priests and other clerics keeping 'female companions in their households'. R. Reynolds, '*Virgines introductae* in Celtic

people of the congregation. Thus the ritual chastity these clerics were supposed to protect were stained by such a relationship and the only logical way to deal with this was the replacement of this cleric. The opinion of the people of the congregation and the reputation of clerics, especially of priests, was of vital importance.²⁷⁵ The *Iudicia* and the *Excarsus* contain canons that deal with priests and deacons that committed adultery, acts that had become known among the people.²⁷⁶ The reputation of such a man was clearly ruined, since he had literally defiled both his body and soul through sexual relations with a (probably married) woman.²⁷⁷ The canons therefore prescribe that this person should be cast out of the Church and had to do penance among the laymen for the rest of his life.

Thus certain natural and worldly desires could have far-reaching consequences for both clerics and monks. The next chapter will discuss various other situations and transgressions which very probably flowed from certain desires. The focus of the canons discussed in the third chapter, however, lies with actions. These actions might often be the result of imaginations, thoughts and/or desires, but it seem to be the actions themselves that people had to atone for. To conclude, therefore, I want to underline once again the distinction that seems to have been made by the authors of the canons between sinfulness caused directly by consciously consenting with certain (defiling) thoughts, fantasies and desires and impurity caused by the actions that resulted from this acceptance and delight in such thoughts and desires. The intentional conjuring up of certain thoughts and imaginations does seem to have been considered sinful and thus caused the soul to be stained. Bodily impurity, however, was only caused by the results and effects of consciously evoked imaginations, like a seminal emission. Such thoughts and fantasies, but above all certain desires, could furthermore lead to sinful and polluting actions, like kissing a woman or committing adultery. In these cases both the soul and the body seem to have been thought of as defiled, since wilfully following up certain desires was a sinful choice, whereas sexual activities literally defiled one's body.

Christianity', *Harvard Theological Review* 61:4 (1968) pp. 547-566; Meens, *Het tripartite boeteboek*, p. 371, note c; McGlynn & Moll, 'Chaste Marriage in the Middle Ages', p. 105; Brundage, 'Sin, Crime and the Pleasures of the Flesh', p. 299.

²⁷⁵ See above, p. 56.

²⁷⁶ *Iudicia Theodori* I.IX.5, p. 302; *Excarsus Cummeani* III.7, p. 613.

²⁷⁷ Since the canon uses the word adultery (*adulterium perpetraverit*), which is generally defined as 'the violation of another man's bed', one might assume that the woman in question is a married woman, hence the use of the word *adulterium* and not, for instance, *fornicationem*. Another possibility, however, is that the author chose this word to point out the fact that the cleric in question was unfaithful to God and the Church. See below, pp. 65-66. J. Murray, 'Gendered Souls in Sexed Bodies: The Male Construction of Female Sexuality in Some Medieval Confessors' Manuals', in: P. Biller & A.J. Minnis (eds.), *Handling Sin: Confession in the Middle Ages* (York, 1998) pp. 79-93, p. 86.

3. Acts

Thus far sins concerning impurity related to the body and bodily states, and sentences prescribed for transgressions of the mind, which could lead to sinful behaviour, have been discussed. This third chapter will deal with sinful acts that are in any way connected to the concepts of purity and impurity. Since purity and impurity are the central points of this thesis, obviously not all types of actions that are described in our penitential handbooks will be dealt with here. Topics that will be discussed are sexual acts, the ‘violation’ of sacred objects, actions concerning food and liquids, deeds related to violence and/or killing – i.e. with the shedding of blood – and, related to these, some magical or superstitious acts. As opposed to the first two chapters, in which the impure and defiling character of substances and bodily fluids prevailed, in this chapter Douglas’s explanation of boundaries and cosmological categories will dominate the stage. Ambiguity and anomaly will turn out to be central features in explaining the polluting character of certain actions, especially those related to sexuality. However, when dealing with violence and killing, the shedding of blood will be a central feature. The impurity of blood as a fluid flowing from the body will turn out to be an important aspect in explaining the fact that killing (and violence) seem to be regarded not only polluting for the soul through its sinfulness, but also causing physical impurity.

The relation between food and impurity has been discussed in the first chapter, in which the unclean state and/or polluting character of certain kinds of food and liquids were considered. The present chapter, however, will involve actions concerning the *consumption* of food and the impurity that could go with or results from this. The canons that will be discussed often have a connection with sacred or pagan matters. Thus, many canons judge drunkenness that led to someone throwing up the host. The excessive consumption of alcoholic liquor could result in drunkenness, which could cause someone to vomit right after having received the Eucharist.²⁷⁸ Here, an act related to food or liquid resulted in the inappropriate treatment of something sacred. Although it would probably be erroneous in most cases to use the term sacrilege, the impurity and related danger that occur in the situations described in such canons often result from contact with or actions closely related to the sacred. At stake here is the mingling of the categories of the sacred and the impure and the crossing of the boundary between them.

In the case of the sexual activities that will be discussed, the focus will be on different cosmological boundaries, namely that between the sexes, humans and animals, and family. Since canons dealing with sexuality and sexual acts take up the largest part of most of the penitential handbooks, space limitations do not allow for every type of sexual act to be discussed. What will become apparent from the canons that will be discussed, however, is the strong relation between sexuality – in virtually all its forms and variants – and impurity. Moreover, the wide variety of

²⁷⁸ See below, p. 81.

sexual acts included in our penitentials demonstrate that sexual transgressions and the struggle with them, seem to have had a significant role in the lives of both medieval Christian laymen and clerics. Besides different sorts of sexual actions in themselves, also various ‘partners-in-crime’ and differing positions are discussed in the penitentials. The sentences prescribed for these transgressions often also depended on the rank of the person in question.

Acts of murder or violence seem often to be linked to impurity through contact with blood. As is the case with many other subjects, however, not all canons dealing with violence seem to have a clear connection with impurity or uncleanness, since contact with (another man’s) blood did not always occur. Killing, however, even in cases where there was not any shedding of blood, through the presence of and/or contact with death, has a direct connection with the impure. Moreover, related specifically to homicide are some canons dealing with actions that were labelled magical or superstitious. In the situations described in these canons, a direct link between magic or superstition and uncleanness is hard to find, but the use of magic in order to commit homicide or, for instance, abortion, connects them to the impure. Since magic in itself cannot be directly associated with purity or impurity, although most penitential handbooks clearly condemn it as being sinful, only a limited number of canons concerning magic and superstition will be discussed.²⁷⁹

Incorporated into the discussion of these topics some canons dealing with transgressions related to heresy will be treated. Heresies in themselves obviously were forbidden territory for every pious and orthodox Christian, but certain actions concerning heretics seem to have resulted in impurity or at least were considered to be sinful. As already discussed in other contexts, someone’s intention, wilfulness or ignorance often influenced the severity of the sentence prescribed for certain of these actions. Thus, knowing or not knowing whether some actions had involved contact with heretics, seem to have influenced the severity of the transgression. Actions connected to heretics or heresies, because of their overlap with other subjects and their seemingly attendant but vague link with impurity, will thus be discussed in combination with associated canons.

²⁷⁹ The number of canons dealing with this subject is significant, however, and especially Burchard of Worms in much detail recounts acts of magic and superstition, which seem to have been mainly the territory and expertise of women. See R.M.J. Meens, ‘“Zondige Vrouwen”: Uit het boeteboek van Burchard van Worms (1008-1012)’, in: M. Cornelis (ed.), *Vrome Vrouwen: Betekenissen van Geloof voor Vrouwen in de Geschiedenis* (Hilversum, 1996) pp. 27-44; M. Rampton, ‘Burchard of Worms and female magical ritual’, in: J. Rollo-Koster (ed.), *Medieval and Early Modern Ritual. Formalized Behavior in Europe, China and Japan* (Leiden, 2002) pp. 7-34.

Sexual acts – fornication

One of the best-represented subjects in the penitential handbooks is sexuality, a topic that is discussed in its many forms and variations.²⁸⁰ Former chapters already discussed and examined canons dealing with sexual activity during periods of bodily impurity or abstinence, and sexual thoughts, fantasies and desires. The largest group of canons related to sexuality, however, consists of canons dealing with sexual acts. Dominant among those canons are those treating the many variants of the act of fornication. Factors influencing the sentences given are the position or rank of the offender and the specific type of fornication committed, which very much depended on the person(s) with whom this act was carried out. The term ‘fornication’ brings some problems with it, however, since the term seems to be used to refer to differing sexual acts in various contexts. Most canons in our penitentials use conjugations of the Latin term *fornicor* (‘to fornicate’ – ‘commit fornication/whoredom’) or of various verbs indicating sexual intercourse (*cognoscere*, in this context meaning ‘to know’ (sexually) – *nupserit*, which literally means ‘to marry’, but which in many canons is used to indicate sexual intercourse). What the use of these terms in all canons indicate, however, is that what is meant are sexual relations or activities that were illicit and/or extramarital, and that are at least incompatible with the conviction of ecclesiastical authorities that sexuality was meant to take place within the safety of marriage and in a restricted form. As Flandrin underlines, however, marriage often was a rather practical matter, and in most cases must be seen as a contract drawn up at the will of parents and family between two individuals, who ‘thrown together in such circumstances [had] to manage to spend their lives together’ and had ‘to learn the rules of the marriage game’. This might explain why extramarital sexual relations are extensively dealt with in most penitentials.²⁸¹ Many canons seem to refer to the act of committing adultery, which in some cases is, however, literally mentioned (*si quis adulterium fecerit/commiserit*). As Payer underlines, however, one should note that ‘for the writers of the penitentials *adulterium* seems not to have been a univocal term but to have had a wider extension than the word *adultery* has today’.²⁸² As will become clear, the canons dealing with sexual activities give many variant descriptions of sins that are called adulterous. For instance, situations in which clerics, after having vowed to God and the Church, return to their wives or marry, are also labelled and condemned as acts of adultery, since these men broke their oath of fidelity to

²⁸⁰ It is important to keep in mind that the use of term like ‘sex’ and ‘sexuality’ in the context of the medieval period is complicated, since people during the period under discussion did not use the term as such or at least not with our modern connotations. The fact that the penitentials use many variant terms referring to sexual activities already indicates that to medieval sexuality as such cannot be ascribed a univocal meaning. Since it is virtually impossible not to use the terms ‘sex’ or ‘sexuality’ in a discussion of ‘sexual’ activities as described in the penitentials, I will use these terms. However, prudence is in order. See Payer, *Sex and the penitentials*, p. 14.

²⁸¹ J.-L. Flandrin, ‘Sex in married life in the early Middle Ages: the Church’s teaching and behavioural reality’, in: P. Ariès & A. Béjin (eds.), *Western Sexuality: Practice and Precept in Past and Present Times* (Oxford, 1985) pp. 114-129, pp. 125-6.

²⁸² Payer, *Sex and the penitentials*, p. 20.

God.²⁸³ Thus, adultery in the view of the authors of the penitentials not only concerned sexual activities between two people of which at least one was married, but also situations of which one of the sexual partners had vowed him- or herself to God and the Church.

Short references to fornication without information about the sexual partner are present in all of our penitential handbooks except for the *Decretum*, which is not surprising given the passion Burchard seems to have had for elaborate and detailed descriptions of sinful behaviour and acts.²⁸⁴ The canons focus mainly on clerics and monks of various ranks, which seems logical because of their duty of staying chaste and sexually unstained. Fornication in the sense of sexual intercourse with a (unmarried) woman was sinful and polluted the body, the soul and, when committed by a cleric, very possibly also the reputation of this ‘man of God’.²⁸⁵ A canon in Columbanus’ penitential describes the situation in which a man had committed fornication with various women, but without impregnating any of them (*non filium generaverit*) and without these acts having become known among the people (*in notitiam hominum non venerit*).²⁸⁶ The canon specifically penalizes ecclesiastics and does not even prescribe a judgement for a layman. That Columbanus did not think lightly about this type of transgression is evidenced by the periods of penance prescribed: three years for a cleric to twelve years for a bishop. When we compare this judgement with those given in some of our other penitentials, one gets the impression that Columbanus ascribed considerable importance to whether or not such a sexual transgression of a cleric of any rank had become known among the people or not.²⁸⁷ All of our other penitentials – except for Burchard’s *Decretum* – judge that at least bishops, but often also priests and deacons, should be degraded or even deposed after having committed fornication.²⁸⁸ The *mixtum* of Bede and Egbert uses the sentence *in fornicatione ... captus est* in a canon dealing with the case in which a bishop, priest or deacon had committed fornication. The use of the words *captus est* (‘is seized / taken hold of’) seems to indicate that the person in question was caught sinning or at least that his sin had become known. The severity of the penalty prescribed for this – i.e. deposition – might be explained by the fact that the sinner could not possibly keep his rank and keep performing his (ritual) duties with a polluted reputation in addition to being physically defiled and having a stained soul. Of the canons that sentence bishops, priests and deacons with degradation or

²⁸³ *Paenitentiale S. Columbani* B.8, pp. 100-101; Halitgar, *Pseudo-Romanum* II.3, p. 365; Payer, *Sex and the penitentials*, p. 20.

²⁸⁴ *Paenitentiale S. Columbani* A.3, pp. 96-97; B.2, pp. 98-99; B.4, pp. 100-101; *Iudicia Theodori* I.II.18, p. 292; I.IX.1, p. 302; I.IX.8, p. 302; *Excarpsus Cummeani* II.1, p. 608; II.22-25, pp. 610-611; III.23, p. 615; III.29, p. 616; *P. mixtum Ps.-Bedaegberti* I.1-2, p. 685; I.4-5, p. 686; XII.2, p. 689; XXXIX.3, p. 697; Halitgar, *Pseudo-Romanum* VIII.2-3, p. 370; XI.10, p. 374.

²⁸⁵ M. de Jong, ‘*Imitatio Morum*’, p. 50.

²⁸⁶ *Paenitentiale S. Columbani* B.4, pp. 100-101.

²⁸⁷ See above, p. 56.

²⁸⁸ *Iudicia Theodori* I.IX.1, p. 302; I.IX.8, p. 302; *Excarpsus Cummeani* II.1, p. 608; II.22, p. 610; *P. mixtum Ps.-Bedaegberti* I.5, p. 686; Halitgar, *Pseudo-Romanum* VIII.2, p. 370.

deposition, the ones listed in the *Iudicia*, the *Excarpsus* and the *mixtum* specifically add to this sentence that the person in question was still allowed to receive communion, since ‘with loss of ranks, penance dies, the soul lives’²⁸⁹. Apparently degradation and deposition were penances severe enough to cleanse the souls and bodies of the sinners, since these men were allowed to receive the Eucharist once they had been degraded or deposed.

The canons also make a distinction based on the frequency of sinning. People (both laymen and ecclesiastics) who had committed fornication once, were sentenced with a period of penance of one to seven years.²⁹⁰ The *Iudicia* and the *mixtum* deal separately with those people who had committed fornication more than once and/or were in the habit of doing this.²⁹¹ The canons treating this sin prescribe periods of penance which vary greatly, with the *Iudicia* prescribing three, seven or ten years, to which the *mixtum* adds the option of forty days of penance. Halitgar’s penitential and the *mixtum* both specify that if someone had committed fornication so often that he could not recount with how many women he had lain, he had to do penance for fifty weeks.²⁹²

Adultery

As mentioned above, adultery figures dominantly among the canons that deal with sexual activities. Besides the canons covering subjects with regard to ‘unnatural intercourse’ (see below), most of the remaining canons concerned with sexuality can be labelled as dealing with cases of adultery. The most basic notion of adultery is dealt with in canons discussing men who had sexual intercourse and sometimes even impregnated the wife of another man.

The severity of the sentences prescribed for this ‘violation of his neighbour’s bed’ (*ac torum proximi sui violaverit*)²⁹³ in many cases was influenced by whether or not the act of adultery had caused the woman to conceive. Canons which explicitly note that the woman was not impregnated and canons that do not mention anything about a possible pregnancy prescribe sentences of three or more years for a layman, whereas the most severe penance set for a bishop is twelve years, of which five on bread and water.²⁹⁴ Burchard’s *Decretum* is an exception, since he does not mention anything about pregnancy as a result of adultery, but makes a distinction between married and unmarried men committing adultery. An adulterous married man, in Burchard’s opinion, had committed two crimes: he had been unfaithful to his own wife and he had committed fornication

²⁸⁹ *De gradu perduto penitentia mortua est, anima vivit; Iudicia Theodori* I.IX.1, p. 302, transl. McNeill & Gamer, p. 192.

²⁹⁰ *Paenitentiale S. Columbani* A.3, pp. 96-97; *Excarpsus Cummeani* II.1, p. 608; II.23-25, pp. 610-611; III.29, p. 616; *P. mixtum Ps.-Bedaegberti* I.1-2, p. 685; I.4, p. 686; Halitgar, *Pseudo-Romanum* VIII.3, p. 370.

²⁹¹ *Iudicia Theodori* I.II.18, p. 292; *P. mixtum Ps.-Bedaegberti* I.2, p. 685; XII.2, p. 689.

²⁹² Halitgar, *Pseudo-Romanum* XI.10, p. 374; *P. mixtum Ps.-Bedaegberti* XXXIX.3, p. 697.

²⁹³ Halitgar, *Pseudo-Romanum* II.9, p. 365.

²⁹⁴ *Iudicia Theodori* I.II.1, p. 290; I.XIV.9, p. 308; I.XIV.15, p. 308; *Excarpsus Cummeani* III.1, p. 612; III.22, p. 615; *P. mixtum Ps.-Bedaegberti* 4, p. 681; Halitgar, *Pseudo-Romanum* II.2, p. 364.

with another man's wife. This double transgression caused Burchard to prescribe a penance of two periods of forty days on bread and water (which was called, as Burchard notes, a *carina*) for fourteen succeeding years, whereas an unmarried man was sentenced with a penance of only one *carina* during seven years.²⁹⁵ Columbanus and Halitgar also condemn a married man who had impregnated another man's wife. He had to do penance for three years, during which he had to abstain from his own wife and from succulent food (*cybis succulentioribus*), and in addition he had to pay the price of chastity (*praetium pudicitiae*) to the husband of the violated wife.²⁹⁶ This compensation did not reflect the physical damaging of the woman's chastity as would be the case when a man had defiled a virgin.²⁹⁷ What was probably referred to was the damaging of her chaste reputation, i.e. the reputation of being sexually pure through only having had sexual relations with one's own husband. More importantly, because of the damaging of the woman's chastity the reputation and honor of her husband had been harmed and had to be compensated.²⁹⁸

These canons do, however, only discuss one side of the story. Some of our penitentials also contain canons that penalize adulterous women and situations in which men had sexual relations with their adulterous wives. A married woman who had become pregnant through adulterous relations is described as the passive person in canons that deal with men that had committed adultery. In case the woman in question came to confess her sins, and she would admit that she willingly and intentionally had had sexual intercourse with a man who was not her husband, according to the *Iudicia* and the *Excarsus*, she had to be sentenced with a penance of three years or more.²⁹⁹ Her willingness to commit adultery and the feelings of lust and desire that caused this, made her sinful and thus polluted her soul, whereas the sexual activity defiled her physically through direct contact with semen. Because of this, she seems to be thought of as having become impure and her husband was not allowed to have sexual relations with her if he still wanted this, until she had completed the period of penance prescribed to her and thus was cleansed.³⁰⁰ If they, despite these regulations, did have sex, then the husband had to do penance two days a week for two years.³⁰¹ The husband was allowed to put away his adulterous wife, however, in order to take another woman in marriage.³⁰² What should be noted is that most of the canons dealing with adultery in this context deal with and discuss women from the perspective of men. Jacqueline

²⁹⁵ Burchard, *Decretum* 19.V.41-42, col. 0957D.

²⁹⁶ *Paenitentiale S. Columbani* B.14, pp. 102-103. Halitgar, *Pseudo-Romanum* II.9, p. 365.

²⁹⁷ See below, p. 70.

²⁹⁸ Karras, *Sexuality in Medieval Europe*, p. 87.

²⁹⁹ *Iudicia Theodori* I.XIV.14-15, p. 308; *Excarsus Cummeani* III.33, p. 616. A canon in the *Decretum* deals with the situation in which a woman had been encouraged by her own husband to have sexual relations with another man (against her will). In this case, adultery did not take place with the full consent of the woman and it is her husband who is sentenced with one *carina* for seven years: Burchard, *Decretum* 19.V.50, col. 0959A.

³⁰⁰ *Iudicia Theodori* II.XII.5, p. 326.

³⁰¹ *Iudicia Theodori* I.XIV.4, p. 307.

³⁰² *Iudicia Theodori* II.XII.5, p. 326.

Murray emphasizes the ‘masculine monastic environment of the early Middle Ages’, in which private confession and the penitential handbooks had evolved. Although some canons explicitly focus on female sinners, in general ‘the male is taken as paradigmatic’.³⁰³ Moreover, some canons also give evidence for male dominance in marriage and society as a whole.³⁰⁴ The *Iudicia* deals with the case of a woman wishing to leave her husband. The canon judges that even if her husband is a fornicator, she is not allowed to leave him, unless he wanted to enter a monastery.³⁰⁵ Thus, a man had the right to abandon his wife and take another woman in marriage if his (first) wife committed adultery, and as another canon in the *Iudicia* also underlines: ‘any woman who commits adultery is in the power of her husband if he wishes to be reconciled with an adulterous woman’. A man could *choose* to stay with his adulterous wife, and had the right to punish her himself, whereas this punishment did not ‘concern the clergy’.³⁰⁶ A woman was not allowed to leave her adulterous husband, however, which emphasises the clear division of roles and positions between man and woman. This division of roles seems to have been propagated by the Church, but one might wonder whether it must not be seen more like an adaptation of the ecclesiastical authorities and doctrines to social and cultural relations that had developed ‘outside’ the Church.

Transgressing boundaries – questionable sexual partners

Committing fornication in itself was a sinful and defiling act. As became clear in the preceding chapters, sexual intercourse was a sinful act in itself, since it was believed to be pretty much impossible to have intercourse without having feelings of lust and desire. Furthermore, the physical contact with semen and sometimes also blood – when sexual intercourse took place during a woman’s menstrual period – caused both people involved to become physically impure. The act of fornication, furthermore, was sinful since it concerned sexual activities which did not take place within wedlock, which was, according to the Church, the only proper context within which sexual intercourse was to occur.³⁰⁷ At stake here seems to be another boundary, although this might not be considered some kind of cosmological boundary, but rather a boundary set by the Church between the sacred bond of marriage and everything outside that. Fornication in itself – and in all its manifestations – might be considered to be a transgression of this boundary. Within an order developed and regulated by ecclesiastical authorities, all sexual activities taking place outside marriage caused a disruption. Through atonement and purification of both body and soul,

³⁰³ Murray, ‘Gendered Souls in Sexed Bodies’, p. 81.

³⁰⁴ Which was set down in ‘legal enactments as well as by church teaching’: Karras, *Sexuality in Medieval Europe*, p. 64.

³⁰⁵ *Iudicia Theodori* II.XII.6, p. 327.

³⁰⁶ *Iudicia Theodori* II.XII.12, p. 327.

³⁰⁷ Karras, *Sexuality in Medieval Europe*, p. 59.

this disorder had to be amended. Ideally, activities were to take place inside the category to which they belonged, and according to the Church, sexuality exclusively belonged to wedlock.

Forbidden women

The type of person with which fornication was committed – i.e. someone's possible ecclesiastical rank and/or physical state – significantly influenced the severity of the transgression. Thus, our penitentials discuss cases of fornication that concerned widows or virgins, which were laywomen 'free from wedlock' (*cum mulieribus a coniugio liberis*).³⁰⁸ Canons discussing this sinful act seem to deal with unmarried men and sometimes even specifically focus on an 'unstained youth' or virgin. The penances prescribed to men having had sexual relations with a widow are less severe than the ones set for having committed such an act with a virgin. Both groups of women were supposed to stay sexually pure and untouched, since sexuality was only supposed to take place within wedlock. Their value in this context was dependent on their sexual status.³⁰⁹ Especially the defilement and 'damaging' of a virgin was a very serious case, since her chastity was literally violated through the sexual act. Thus, it is not surprising that Columbanus and the *Excarpsus* prescribe that a man who had committed fornication with a virgin was to pay the parents of the girl the price of her disgrace (*humiliationis eius praetio*), in addition to performing a penance of two years of fasting.³¹⁰ Various canons present the possibility for the man to marry the girl, provided that he was unmarried and/or a virgin himself and that the relatives of the girl consented. But even if the young couple decided to unite themselves in marriage, before they were allowed to do so, they still had to do penance for one or even five years. Their act of fornication had caused them to become physically polluted, whereas their choice to have sexual intercourse outside marriage made them sinful. They had to perform penance in order to cleanse themselves. It was only after this period of atonement that they were allowed to marry.³¹¹

A different situation occurred when a man had not committed fornication with 'just' a virgin, but when he had defiled a virgin girl or woman who had vowed herself to God. Some canons specifically refer to nuns, who were supposed to be and remain sexually pure and chaste. However, one should note that if a woman had entered a monastery later in life and possibly even

³⁰⁸ *Paenitentiale S. Columbani* B.16, pp. 102-103.

³⁰⁹ Murray, 'Gendered Souls in Sexed Bodies', p. 84.

³¹⁰ *Paenitentiale S. Columbani* B.16, pp. 102-103; *Excarpsus Cummeani* III.27, p. 616. Other canons dealing with the act of committing fornication with a virgin only prescribe a sentence varying from three times forty days of penance on the appointed days of fasting to three years: *Iudicia Theodori* I.II.1, p. 290; I.XIV.10, p. 308; *P. mixtum Ps.-Bedae-Egberti* I.1, p. 685; Burchard, *Decretum* 19.V.47, col. 0958C. The 'price' that had to be paid to the parents was based on the conviction that much of the value of girl as 'property' of her father depended on her virginity: Arnold, *Belief and Unbelief in medieval Europe*, p. 159; Karras, *Sexuality in Medieval Europe*, p. 66.

³¹¹ *Paenitentiale S. Columbani* B.16, pp. 102-103; *Excarpsus Cummeani* III.27, p. 616; Halitgar, *Pseudo-Romanum* II.12, p. 366; Burchard, *Decretum* 19.V.47, col. 0958C.

after she had been married, she could not always be called a virgin anymore. One may assume, however, that her vow to God and probable retreat from an ‘earthly’ life had recovered her state of chastity. She was now ‘married’ to God, one might say.³¹² Committing fornication with or as a ‘bride of Christ’ (*sponsa Christi*), to use the words of Burchard of Worms, thus could be regarded as committing adultery.³¹³ Both parties involved in such an act are addressed in the *mixtum*, whereas the *Iudicia*, the *Pseudo-Romanum* and the *Decretum* only judge men who had acted thus. The sentences prescribed to a (lay)man having had sexual relations with a nun or a vowed virgin vary from three times forty days to seven years.³¹⁴ Understandably, if a priest or a monk committed this transgression, the sentence was heavier, that is, seven years, whereas a bishop was sentenced with twelve years.³¹⁵ It was a serious matter when two persons who were expected and in some cases had even vowed to live a chaste life, had sexual relations, and it was not handled lightly. A virgin or nun, however, if she had carnally known a layman, was judged in the *mixtum* with a penance of only two or three years.³¹⁶ This obviously less severe penance might be explained by the passive role ascribed to women concerning sexuality. Although women were considered to be active, seductive threats for Christian men and especially for clerics and monks, since they were thought to embody sexuality women are often approached in the canons as playing a passive part in the sinful activities of men.³¹⁷ The man had succumbed to passion and desire, aroused by seductive women, which led to sinful sexual acts, of which the woman in most cases seems to have been considered to be just the object.³¹⁸

The penitential handbooks do, however, contain canons that are specifically addressing women. The majority of these canons deal with sinful acts of women in which men do not play any role, or only a passive one. As we have seen earlier, some canons condemn the practice of women who made some kind of love potions with their husband’s semen or with their own menstrual blood.³¹⁹ Men in such situations only figured passively and were the (ignorant) subject of women’s activities. In the context of sexual acts – but also concerning other subjects –, women

³¹² M.B. Callan, ‘Of Vanishing Fetuses and Maidens made-again: Abortion, Restored Virginity, and Similar Scenarios in Medieval Irish Hagiography and Penitentials’, *Journal of the History of Sexuality* 21:2 (2012) pp. 282-296, pp. 293-4; J.H. Lynch, *Godparents and Kinship in Early Medieval Europe* (Princeton, 1986) p. 276. Lynch, however, argues that sexual relations with a nun are described in Gallic sources from at least the seventh-century as being incestuous, instead of referring to fornication or adultery. The penitentials used for this thesis prove differently, or at least show another option.

³¹³ Burchard, *Decretum* 19.V.46, col. 0958C.

³¹⁴ *Iudicia Theodori* I.XIV.11, p. 308; *P. mixtum Ps.-Bedae-Egberti* I.2, p. 685; Halitgar, *Pseudo-Romanum* II.4, p. 365; Burchard, *Decretum* 19.V.46, col. 0958C.

³¹⁵ *Excarsus Cummeani* III.1, p. 612; *P. mixtum Ps.-Bedae-Egberti* I.2-4, pp. 685-6.

³¹⁶ *P. mixtum Ps.-Bedae-Egberti* I.2-3, pp. 285-6.

³¹⁷ Salisbury, ‘Gendered Sexuality’, p. 86.

³¹⁸ This passive and submissive role of women seems to have been integrated in medieval thinking about sexuality and gender. It can be observed in the canons of the penitentials handbooks, but seems to have been part of secular and ‘scientific’ thinking as well, based on ideas about male and female body and nature: Salisbury, ‘Gendered Sexuality’, pp. 81-102; Karras, *Sexuality in Medieval Europe*, pp. 77-8.

³¹⁹ See above pp. 34-35.

are most dominantly represented in the *Decretum* of Burchard, who describes female sexual activities in detail. Most of these canons in which women play the leading part concern various forms of self-gratification, acted out solely or with other women. Penitentials like the *Iudicia*, the *Excarpsus* and the *mixtum* all mention female sexual activities, but use general terms and descriptions, confining themselves to women practicing vice alone or with other women, sometimes with some kind of device. All three give sentences of three years or less for these actions.³²⁰ What is again noticeable is that Columbanus did not seem very occupied with transgressions directly concerning women. As mentioned before, we probably should ascribe this to the fact that he wrote his penitential handbook for the use in more monastic contexts, which caused laywomen and their endeavours to be largely irrelevant. By contrast, Burchard's canons are exceptional for their detail. He explicitly mentions that some women created and used some kind of device (*machinamentum*) similar to a man's genital member with which they fornicated solely or with other women.³²¹ As in the case of men evoking a seminal emission, this type of sexual activity was not allowed and thus considered sinful, simply because it deviated from the one sexual act that was permitted by the Church, i.e. sexual intercourse between husband and wife on the appropriate days and for the purpose of having children. Furthermore, as in the case of acts of sodomy and incest, sexual activities between women caused a cosmological boundary to be blurred: that between men and women. By using some kind of device some women imitated intercourse between a man and a woman, but because this was done with someone of the same sex and thus belonging to the same cosmological category, an ambiguous situation was created. However, it is difficult to determine whether women, after such a transgression, were thought of as being bodily impure, since they would not have come into contact with a polluting bodily fluid like semen. Burchard prescribes a penance of one year on the appointed days of fasting to women who committed such a sexual act on their own, whereas women who shared this experience were sentenced with five years. This significantly heavier penance might be ascribed to the fact that the latter sinful act has strong homosexual connotations.

Incest

A last group of 'sexual partners' that deserve proper attention are relatives. Incestuous sexual activities are represented quite well among the canons covering sexual activities. By the eighth century, through much discussion and not particularly unanimous, ecclesiastical authorities had regulated that marriages between blood related persons could only take place between people outside the seventh generation of relatedness, which, according to Archibald, 'was sometimes

³²⁰ *Iudicia Theodori* I.II.12-14, p. 291; *Excarpsus Cummeani* III.34-35, p. 616; *P. mixtum Ps.-Bedae-Egberti* I.1, p. 685; IX(.1), p. 688.

³²¹ Burchard, *Decretum* 19.V.155-156, cols. 0971D-0972A; Karras, *Sexuality in Medieval Europe*, pp. 110-1.

summarized as a ban on intercourse or marriage with any relative, since memory and family lore were unlikely to extend beyond seven degrees'. These regulations seem to have been a powerful tool in the hands of ecclesiastical authorities to control (marital) relations among people of their congregations. At the same time, however, such regulations sometimes seem to have been used by secular authorities and aristocrats to dissolve their own marriages or that of subordinates.³²²

The penitentials condemn incestuous acts with the most severe penances of all sexual acts. Committing fornication with one's mother is sentenced with fifteen years in all canons dealing with this,³²³ whereas this same act committed with a daughter, sister or a brother is judged with ten to fifteen years.³²⁴ This type of sin can also be clearly linked with impurity by using the theory of Mary Douglas. The connection between incest and impurity and unholiness strongly depends on the idea that, for the sake of wholeness and completeness, 'holiness [and thus purity] requires that individuals shall conform to the class to which they belong'.³²⁵ The categories of creation have to be protected and certain classes of things should be kept separated in order to prevent confusion and thus disorder.³²⁶ Incestuous activities meant sexual relations between people from the same category or class – i.e. the same family. Furthermore, categories within one family could be transgressed when a child was born out of incestuous sexual relations. If a man impregnated his own daughter and she bore a child, he would be the father of both mother and child, which would cause a complete blurring of set categories. It is not surprising, then, that incestuous relations with direct blood relatives were most severely sentenced by the canons. The *mixtum* and Halitgar's *Pseudo-Romanum* both contain a canon that deals with sexual relations between relatives in general.³²⁷ The *Decretum* of Burchard discusses different incestuous relations in more detail, however, listing various 'partners' in separate canons, very probably based on Leviticus 18:6-18. This Old Testament passage states that having sexual relations with a relative is unclean and forbidden. Besides direct blood relatives like one's mother or sister, other relatives and even women related through marriage – with whom there was no blood relationship – are enumerated.

³²² Archibald, *Incest and the Medieval Imagination*, pp. 28, 41-44, 49. See idem chapter 1, 'Medieval Incest Law – Theory and Practice', pp. 9-52, for an outline of the development of medieval Christian incest law; M. de Jong, 'An Unsolved Riddle: Early Medieval Incest Legislation', in: I.N. Wood (ed.), *Franks and Alamanni in the Merovingian period: an ethnographic perspective* (Woodbridge, 1999) pp. 107-140, pp. 107-113. See also M. de Jong, 'To the limits of kinship: anti-incest legislation in the early medieval West (500-900)', in: J. Bremmer (ed.), *From Sappho to De Sade: moments in the history of sexuality* (London/New York, 1989) pp. 36-59; K. Ubl, *Inzestverbot und Gesetzgebung: die Konstruktion eines Verbrechens (300-1100)*. Millennium Studies 20 (Berlin/New York, 2008).

³²³ The *Iudicia Theodori* gives another possible sentence of seven years for fornication with one's mother and twelve for fornication with one's sister.

³²⁴ *Iudicia Theodori* I.II.16-17, 19, pp. 291-2; *Excarsus Cummeani* II.3, p. 608; III.8-9, p. 613; *P. mixtum Ps.-Bedae-Egberti* II.2, p. 686; Burchard, *Decretum* 19.V.113, col. 0966D; 19.V.118, cols. 0967C-D.

³²⁵ Mary Douglas, *Purity and Danger*, p. 53.

³²⁶ Ibidem, p. 53; De Jong, 'An Unsolved Riddle', pp. 116-7.

³²⁷ *P. mixtum Ps.-Bedae-Egberti* II.3, pp. 686-7; Halitgar, *Pseudo-Romanum* XI.9, p. 373. There existed a long tradition based on the view that consummation (sexual intercourse between the new husband and wife) was essential for the marriage to be indissoluble: McGlynn & Moll, 'Chaste Marriage in the Middle Ages', p. 108.

Given the similarities of the detailed list of various family members given in Leviticus 18 one might assume that Burchard based his canons on this biblical passage. Thus, he discusses situations in which a man had committed fornication with his stepdaughter, stepmother, the wife of his brother or the sister of his wife.³²⁸ These canons do not propose penances like most canons, however, in the form of a set period of fasting and atonement. Burchard only gives his judgement with regard to any marital (and thus sexual) relations in the future. For instance, a man who has committed fornication with his stepdaughter, shall, according to Burchard, not have the mother of the girl (his wife), nor her daughter, nor any woman in marriage. The deceived wife, provided she was completely ignorant about the sexual relations between her husband and her daughter, is allowed to marry someone else. Very possibly the man in question did also get penalized with a period of fasting, but the canons themselves do not specifically mention this.

Burchard does prescribe penances of the usual kind in the canons that deal with men having committed fornication with an (maternal or paternal) aunt or with the wife of an (paternal or maternal) uncle, who are also mentioned in Leviticus.³²⁹ A man having sinned in this way was to do penance for ten years on the appointed days, of which one year on bread and water. On top of this he was to repent for the rest of his life and was not allowed to ever marry, unless a bishop out of pity eventually permitted him to take a wife. This harsh penance indicates the seriousness of such matters. The person in question had defiled himself and a relative by having sexual relations with her, on top of which, in some cases, he had also violated the bed, and therefore reputation and honor, of a male relative (i.e. his uncle). The fact that such a severe sentence was prescribed even to a man who had sinned with a woman related through marriage and not through blood, shows that a distinction between different degrees of relatives – i.e. blood related or not – was not being made. Clearly there was a difference between committing fornication with one's mother, who was blood-related in the first degree, and with the wife of an uncle, as the differing sentences also underline. But besides that, a blood related aunt was similarly treated as an aunt related through marriage.

Two last canons that will be discussed in this section are those dealing with men having sinned with a godmother (*mater spiritualis* or *commatre*) or a goddaughter (*filia spiritualis* or *filiola*).³³⁰ Relations between godparent and godchild were usually not based on consanguinity, but there had been created a ritual and spiritual bond between a child and an adult when the former was baptized.³³¹ Godparents acted as some kind of spiritual co-parents, responsible for a

³²⁸ Burchard, *Decretum* 19.V.105, col. 0965D; 19.V.109-111, cols. 0966B-C; Leviticus 18:8, 17-18.

³²⁹ Burchard, *Decretum* 19.V.119, col. 0967D; Leviticus 18:13-14.

³³⁰ Burchard, *Decretum* 19.V.114-5, cols. 0966D-0967A.

³³¹ Lynch argues that in sixth and seventh-century Gaul the tradition prevailed that each child had only one godparent, that is a godmother for a girl and a godfather for a boy. This might explain why, of the penitentials used for this thesis, only Burchard's *Decretum* contains canons concerning sexual relations between godparents

part of the spiritual upbringing of the child.³³² During the baptismal ceremony, a sacred bond had been created which was ‘sanctioned by the church as well as by community opinion’, and which created a spiritual kin group, consisting of the child, its natural parents, its godparent and the cleric who had performed the baptism.³³³ This spiritual bond caused sexual relations taking place between a godparent and a godchild to be especially defiling for the soul, leading to a sentence prescribing separation and a penance of one *carina* (forty days on bread and water) during seven succeeding years. The bodies of the two sinners had become defiled through the sexual act(s), whereas their souls had become polluted through the stain of sin, which might have been especially severe in the case of a godparent, since he had squandered and neglected his responsibility of protecting and nourishing the spiritual welfare of his goddaughter and had betrayed the trust of the kin group.³³⁴

Transgressing boundaries – ‘unnatural intercourse’

Sexual positions

According to the Church, the only legitimate and ‘proper’ sexual activity was sexual intercourse between a husband and his wife, outside certain days and periods, and for the sake of having children.³³⁵ What can be added to this are ‘regulations’ about the proper position of both man and woman during sexual intercourse. Given the dominant ideas that existed about the inferior and passive position of the woman, both physically and mentally or spiritually, the only ‘right’ way of having intercourse was the man on top of the woman.³³⁶ The proper act of sexual intercourse was further restricted by the fact that only vaginal penetration by the penis was recognized.³³⁷ These regulations about what was the proper and permitted way of having sexual intercourse clearly explain the presence of a group of canons in our penitentials. There are various canons

and godchildren, since having a godparent of the opposite sex seems to have been a later tradition. This might also explain the silence in sixth- and seventh-century canonical law about the prohibitions on marriage and/or sexual relations between godparents and children. Lynch, *Godparents and Kinship*, pp. 170, 172, 222-3, and for a more general overview of ecclesiastical regulations concerning marital and sexual relations between godparents and children see chapter 8: ‘Spiritual Kinsmen and Sexual Taboos’, pp. 219-257. Marriage with one’s godmother or with the mother of one’s godchild was forbidden in 721 by a Roman council overseen by Pope Gregory II: De Jong, ‘An Unsolved Riddle’, p. 107.

³³² Based on pre-ninth century sources this ideal of responsibility for the spiritual education of a godchild did not seem to be actively observed during pre-Carolingian times and except for some occasional sermons dealing with this, ecclesiastical instructions about this also seem scarce in this period. Lynch, *Godparents and Kinship*, pp. 170, 177, 189-191, 335; G. Scheibelreiter, ‘Church Structure and Organisation’, in: P. Fouracre (ed.), *The New Cambridge Medieval History I, c.500- c.700* (Cambridge, 2008) pp. 675-709, p. 702.

³³³ Lynch, *Godparents and Kinship*, pp. 177, 181.

³³⁴ *Ibidem*, p. 229.

³³⁵ Karras, *Sexuality in Medieval Europe*, p. 66.

³³⁶ Flandrin, ‘Sex in married life in the early Middle Ages’, pp. 118, 120; Karras, *Sexuality in Medieval Europe*, p. 83; Milis, ‘Reinheit, Sex en Zonde’, p. 156; Salisbury, ‘Gendered Sexuality’, p. 85.

³³⁷ Murray, ‘Gendered Souls in Sexed Bodies’, p. 92.

condemning sexual intercourse with one's wife *retro* and *in tergo(a)*.³³⁸ Some discussions have taken place among students of these canons, about the first Latin term, since it does not indicate specifically what kind of sexual intercourse is meant. However, having sexual intercourse *retro* ('behind' – 'on the back side') might best be translated and interpreted as 'normal' sexual intercourse – i.e. vaginal penetration by the penis – but from behind the woman.³³⁹ Intercourse *in tergo(a)* (literally 'in(to) the back') can be taken to mean anal intercourse; a meaning which is also confirmed by Burchard's description of this act in the context of homosexual relations. However, as Payer also points out, there seems to have existed confusion about the explicit meaning of these two terms even among the medieval clerical authors of the penitentials, since sexual intercourse *retro* has been condemnably compared to the way dogs procreate (*canino more*), although both intercourse *in tergo* and *retro* would fit this comparison.³⁴⁰

The sinfulness of these ways of having sexual intercourse might thus be explained by their deviation from the proper way of intercourse. Moreover, sexual activities *in tergo* can be seen as a contraceptive, since conception through this type of intercourse is clearly impossible. Although the canons do not literally state that such intercourse was seen as such, the contraceptive effect does oppose the appointed purpose of sexuality, namely begetting children.³⁴¹ To use the words of Ruth Mazo Karras: 'The Christian consensus eventually held that individual sex acts had to be open to the possibility of conception in order not to be sinful'.³⁴² Again, the sinfulness of these acts stained the soul of the sinners, whereas the sexual act in itself polluted their bodies. In the case of anal sexual acts, one might go even further by referring to the penetration of bodily parts that were directly and intrinsically linked to human excrement, which was considered to be impure by definition. The penances prescribed for the latter are, therefore, significantly heavier than those concerning sexual intercourse from behind. Anal sexual acts are judged with penances varying from three years to fifteen years. Sexual intercourse from behind is mainly sentenced with a penance of forty days.³⁴³ There is one exception to this however, which might be ascribed to the confusion about the exact meaning of *retro* and *in tergo* that seems to have existed among some authors of the penitentials. The *mixtum* contains a canon which prescribes a relatively harsh

³³⁸ *Iudicia Theodori* I.XIV.21-22, p. 309; *Excarpsus Cummeani* III.11-12, pp. 613-4; *P. mixtum Ps.-Bedae-Egberti* 5, p. 681; VIII.1, 3, p. 688; Burchard, *Decretum* 19.V.52, cols. 0959C-D.

³³⁹ Payer, 'Early medieval regulations concerning marital sexual relations', p. 357.

³⁴⁰ Burchard, *Decretum* 19.V.52, cols. 0959C-D; Payer, 'Early medieval regulations', pp. 357-358; Payer, *Sex and the penitentials: the development of a sexual code, 550-1150*. Burchard, *Decretum* 19.V.52 compares sexual intercourse *retro* with sex between dogs, whereas *Iudicia Theodori* I.XIV.22 (p. 309) prescribes that a sentence shall be given for anal sex (*in tergo*) similar to the sentence given for sinning with animals; Payer, 'Early medieval regulations concerning marital sexual relations', p. 357.

³⁴¹ Payer, 'Early medieval regulations', p. 359.

³⁴² Thus the sinfulness of acts of sodomy, sexual activities with animals and masturbation can also be explained by this: Karras, *Sexuality in Medieval Europe*, p. 72.

³⁴³ Burchard sentences this with ten days on bread and water.

penalty to sexual intercourse between husband and wife *retro*, namely seven years.³⁴⁴ Since this canon compares this act to intercourse between animals (*quomodo de animalibus*), it is possible that the author confused the actual meaning of the term *retro* with that of *in tergo*. However, the canon explains that the ‘manner of animals’ means that the person in question has the habit of sinning this way. This might be another explanation for the severity of the penance. The fact that the man sinned frequently through intercourse with his wife from behind (*retro*), made the author of the canon compare it to sexual activities of animals, which was unnatural for humans and thus was penalized relatively heavy.

Sodomy

Directly related to sexual intercourse *in tergo* are the canons treating homosexual activities, among which sodomy figures dominantly. The canons seldom specifically explain what was meant by their use of the terms sodomy or sodomites (*sodomitis – sicut sodomitae*), but given the fact that homosexual activities other than anal intercourse between males are described separately, we may assume that anal intercourse was meant with fornication ‘in sodomite fashion’.³⁴⁵ This interpretation is furthermore endorsed by the detailed description of sodomite activity included by Burchard, who creates a clear image of male anal intercourse in one of his canons.³⁴⁶ One should note that sodomy must not be confused with homosexuality, a term that does not exist in the penitential handbooks and was not used as such during the Middle Ages.³⁴⁷ Sodomy seems to have been used almost exclusively to refer to male anal intercourse, whereas other sexual activities between boys and/or men, which one nowadays would label homosexual, are condemned but not ascribed to a specific category (like sodomy).³⁴⁸ Of all sexual activities between males discussed in our penitentials, sexual intercourse ‘sodomite fashion’ was sentenced with the most severe penances, varying from one or two years for a boy to fifteen years for adult males.³⁴⁹ The majority of the canons sentence the act of sodomy with a penance of seven years or

³⁴⁴ *P. mixtum Ps.-Bedae-Egberti* VIII.3, p. 688.

³⁴⁵ Payer, *Sex and the Penitentials*, p. 41.

³⁴⁶ Burchard, *Decretum* 19.V.120, cols. 0967D-0968A.

³⁴⁷ Payer, *Sex and the Penitentials*, p. 41.

³⁴⁸ Thus, the term ‘homosexual(ity)’ in this thesis is used to refer to sexual activities between boys and/or male adults, but one should keep in mind that this is not a term derived from the canons. The term is used to avoid confusion, but we cannot project the specific meaning and connotations of this term onto the past. The canons condemn specific sexual *activities* between males, and I do not want to indicate that homosexuality or homosexual feelings were condemned or even seen as such. See Payer, *Sex and the Penitentials*, pp. 40-41; W. Johansson & W.A. Percy, ‘Homosexuality’, in: V.L. Bullough & J.A. Brundage (eds.), *Handbook of Medieval Sexuality* (New York, 1996) pp. 155-189, p. 156; Karras, *Sexuality in Medieval Europe*, p. 134-5. For a specific focus on the attitude towards sexual offences by young boys, which due to limits of space cannot be dealt with extensively here, see: A.J. Frantzen, ‘Where the boys are: children and sex in the Anglo-Saxon penitentials’, in: J.J. Cohen & B. Wheeler (eds.), *Becoming Male in the Middle Ages* (New York, 1997) pp. 43-66.

³⁴⁹ John Boswell argued that the sometimes relatively harsh penalties prescribed by some penitentials for sexual activities among men do not represent the general attitude of the Church towards ‘homosexual’ activities.

more, however, and in some canons the penances depend on the rank of the person in question.³⁵⁰ Due to fairly similar sentences prescribed to men fornicating with other men, I assume that here anal intercourse is meant as well. The fact that most penitential handbooks contain more than one canon that condemn sodomy and that some in addition listed canons dealing with fornication between males, seems to indicate that even among the authors and compilers of the penitentials there existed uncertainty about the exact meaning of sodomy, however.³⁵¹

There can be ascribed a polluting effect to sodomy, which arises from the fact that the boundaries between certain cosmological categories are violated. Thus sodomy can be compared to incest in the way that such sexual activities created disorder and incompleteness, which are incompatible with everything that is pure and holy. It was an act against nature (*contra naturam*), as Burchard called it, since it could be seen as resembling the way certain animals mate. Thus, not only the natural category of sexuality between a man and a woman was exceeded, but also the boundary between acts belonging to humans and those (strictly) associated with animals.

Although most of the canons dealing with homosexual activities do not specifically mention whether the judgement concerned laymen and/or clerics or monks, we may assume that in the context of celibacy and especially within monasteries, homosexual activities occurred.³⁵² Sodomy, whether taking place within the context of religious institutions like monasteries, or among laymen/-boys, was not the only type of homosexual transgressions listed in our penitentials, however. Other sexual acts between boys and men vary from kissing to boys or men committing fornication between the thighs (*in femoribus*) and evoking mutual seminal emissions by touching each other.³⁵³ Most homosexual activities, including sodomy, probably led to direct contact with semen through a seminal emission. This caused bodily impurity, as has been discussed earlier, in addition to the pollution of the soul, which was stained through the intentional acting out of sinful and defiling sexual acts.

According to Boswell, the Church, at least until the high Middle Ages, did not show specific concern for and did not generally condemn homosexuality, but penalized sexual sins more generally and even 'gender blind'. His influential work *Christianity, Social Tolerance, and Homosexuality*, in which these ideas are worked out, is much praised but also aroused much criticism. Among his critics was Johansson (see note 72), who argues for a much more negative attitude of the medieval Church towards 'homosexuality' and who underlines the 'homophobia' that existed, so he claims, during this period. J. Boswell, *Christianity, Social Tolerance, and Homosexuality* (Chicago/London, 1980) pp. 180-3.

³⁵⁰ *Paenitentiale S. Columbani* A.3, pp. 96-97; B.3, pp. 100-101; B.15, pp. 102-103; *Iudicia Theodori* I.II.2, 4-8, p. 290; *Excarpsus Cummeani* II.2, p. 608; *P. mixtum Ps.-Bedae-Egberti* 6, p. 681; VIII.2, p. 688; X.1-2, p. 688; Halitgar, *Pseudo-Romanum* II.8, p. 365; Burchard, *Decretum* 19.V.120, cols. 0967D-0968A; 198.V.126, cols. 0968B-C.

³⁵¹ Karras, *Sexuality in Medieval Europe*, pp. 134-5.

³⁵² See above pp. 55-56; *Excarpsus Cummeani* II.2 (p. 608) and *P. mixtum Ps.-Bedae-Egberti* X.2 (p. 688) do explicitly mention various ecclesiastical ranks, which influenced the period of penance prescribed; Payer, *Sex and the Penitentials*, p. 44.

³⁵³ *Iudicia Theodori* I.II.8, p. 290; I.II.11, p. 291; *Excarpsus Cummeani* II.5, p. 609; II.13-16, pp. 609-610; *P. mixtum Ps.-Bedae-Egberti* III(.1), p. 687; VIII.2, 4, p. 688; Halitgar, *Pseudo-Romanum* IX.10, p. 371; Burchard, *Decretum* 19.V.121-2, col. 0968A; Flandrin, 'Sex in married life in the early Middle Ages', p. 121; Karras, *Sexuality in Medieval Europe*, p. 134.

Bestiality

In addition to incestuous acts and sodomy, sexual activities with animals make up a third group of canons which can be directly linked to impurity using the theory of Douglas. Acts of this kind are, however, seldom described in much detail. Most of our penitential handbooks refer generally to the sin of having committed fornication with animals (*fornicaverit cum animalibus*) or of having sinned with animals (*cum animalibus peccat*). Some canons mention fornication with more specific types of animals, that is, four-footed animals (*quadrupes*), mules or beasts of burden (*jumentum*), sheep or cattle (*pecus*).³⁵⁴ The specific types of animals do not seem to have influenced the severity of the sentences, however. The penitentials are far from unanimous in their judgments. Distinctions are being made between married and unmarried men, and between laymen and clerics and monks of differing ranks, although some canons generally address anyone who commits fornication with animals. Sentences vary significantly, ranging from half a year for an unmarried man (Columbanus) to seven years on the appointed days of fasting for a married man (Burchard). Sentences for clerics and monks vary from three years for someone with a (clerical) position (*gradum*) or someone who had taken a (monastic) vow (*votum*), to ten years for a bishop. Most of the penitentials also include canons dealing more generally with the act of fornication with animals, without giving any further specification about the person addressed or the type of animal involved. Strikingly, these often list significantly harsher penances than when more details are known, i.e. seven, ten or fifteen years. Overall, one gets the impression that the authors of the penitentials particularly condemned situations in which this specific sin recurred, for instance because it had become a habit. What is interesting, moreover, is that Columbanus stands out for prescribing relatively light penalties for acts of bestiality. Whereas the most severe sentence he ascribes is three years, all other penitentials contain at least one canon which penalizes fornication with an animal with a minimum of seven years. Columbanus, therefore, seems to have regarded bestiality to be a less severe transgression than later penitentials judged it to be. Thus we can observe a change in attitude toward this specific type of sin.

Fornication with animals, or bestiality, was sinful and polluting. As is the case with sodomy and incest, a clear cosmological boundary had been transgressed through such an act. A man who had sexual intercourse with an animal, violated the boundary between the world of men and that of animals. Because a sexual act took place between two creatures of different and separate categories, this act was ambiguous, since it could not be placed completely and fully within any of

³⁵⁴ *Paenitentiale S. Columbani* B.10, pp. 100-101; B.17, pp. 102-103; *Iudicia Theodori* I.II.2-3, p. 290; *Excursus Cummeani* III.10, p. 613; III.28, p. 616; *P. mixtum Ps.-Bedae-Egberti* 6, p. 681; XII.1-4, p. 689; Halitgar, *Pseudo-Romanum* II.5, p. 365; II.13, p. 366; XI.31, p. 376; Burchard, *Decretum* 19.V.126-7, cols. 0968B-D; 19.V.159, col. 0972B.

the two categories.³⁵⁵ This ambiguity caused sexual intercourse between a man and an animal to be considered polluting; it caused a blurring of the boundaries between two separate species, i.e. between two cosmological categories. It was a sin, because it was a sexual activity resulting from feelings of desire and lust. Furthermore, the physical pollution caused by it made the person in question unworthy to approach the altar and receive the Eucharist, which was a truly sacred object.³⁵⁶ The periods of penance prescribed for bestiality were seen as necessary to atone for one's sin and to cleanse one's body and soul from the pollution resulting from the sinful act.³⁵⁷ Obviously, we may assume that men intentionally committed such a sexual act. Their conscious choice to do such a sinful thing probably strongly influenced the severity of the sentences prescribed to this deed.

Although limits of time and space do not allow us to further discuss canons which deal with sexual transgressions, what has become clear is that in general sexual activities could be directly linked to impurity and pollution. Sexual activities other than the allowed intercourse between husband and wife were by definition sinful, since they sprouted from lust and desire, which were to be avoided because they kept the soul from God.³⁵⁸ Moreover, certain natural and cosmological boundaries between categories were transgressed through most sexual actions, causing disorder and incompleteness. Furthermore, bodily impurity was usually caused by contact with semen and in some cases blood, but at all times it was at least a stained soul which made it necessary to do penance.

The holy/impure boundary - Violating the sacred

Canons dealing with the consumption of (certain kinds of) food or liquid, often discuss such acts in the context of their connection with something sacred. Eating or drinking in itself was generally innocent, but when it was done in certain (sacred) places or if it resulted in actions which concerned the holy, they could be labelled as sinful. Sacrilege in these cases might not be the right term to use, since this indicates that the sacred itself was desecrated and defiled. In most cases, however, the sacred remained holy (and therefore powerful), but the actions done (close) to it were sinful and thus had consequences for the person in question, not so much for the sacred object it concerned. I will use the term 'violation' to indicate that an action concerned a sacred object or place in the sense that something inappropriate and/or disrespectful was done to it.

A clear example of such an act is the situation in which someone had become drunk before or after receiving the Eucharist and, because of this drunkenness, threw up the host. The situation is

³⁵⁵ Meens, 'Pollution in the early Middle Ages', p. 6.

³⁵⁶ J. Daniélou, *Bible et Liturgie. La théologie biblique des Sacrements et des fêtes d'après les Pères de l'Église* (Paris, 1958) pp. 178-181.

³⁵⁷ Brundage, 'Sin, crime, and the pleasures of the flesh', p. 296.

³⁵⁸ Flandrin, 'Sex in married life in the early Middle Ages', pp. 114-5.

discusses in most of our penitentials, which indicates that it was a subject that kept occurring and thus stayed relevant through the centuries.³⁵⁹ The handbooks describe several possible situations in which throwing up the host could occur, often listing differing causes for this act, of which drunkenness was one. Vomiting of the host through drunkenness or overeating, sometimes specifically connected by the canons to greediness (*avaritia*), is generally sentenced with a penance of forty days or three periods of forty days.³⁶⁰ One should note that vomiting through drunkenness and overeating as act in itself is also condemned by some penitentials, but understandably with a lighter penance than if it concerned throwing up the host.³⁶¹ The *Iudicia*, the *Excarpsus* and the *mixtum* mention vomiting through weakness or sickness (*pro infirmitate*), which is described as being no offense. However, when someone threw up the host because of sickness, he or she had to perform a penance of seven days.³⁶² The fact that throwing up through sickness was not considered to be sinful – probably because it happened unwanted and unintentional – but that this same act required atonement when it caused disrespectful handling of the host, clearly underlines the significant role of the host in this situation. Although throwing up the host in this case was not done intentionally, the host was treated inappropriately, for which the person in question had to repent. It was the body of Christ, which was casted out of someone's body after it had been consumed and was thrown on a probably dirty and defiling surface. Even the fact that this happened unintentionally did not make up for such disrespectful treatment of the host. The person in question had stained his or her soul with sin and a penance of at least seven days was needed for it to be cleansed and become pure again.

What happened to the host in general or after it had been thrown up also occupies several of the canons in our penitentials. If someone had thrown up the host into the fire, the offence was less severe – sentenced with the singing of one hundred psalms or a penance of twenty days³⁶³ – since the fire would properly consume the host and it would not come into contact with any

³⁵⁹ Meens points at the social importance drinking during the early Middle Ages seems to have had, both among non-Christian and Christian people (laymen and clerics) and even within the context of the monastery. However, it seems to be the sinful actions to which drunkenness could lead – violence or sexual transgressions – which made this a topic that was represented in most penitentials. Meens, 'Dronkenschap in de Middeleeuwen', pp. 424-442.

³⁶⁰ *Paenitentiale S. Columbani* A.6, pp. 96-97; B.12, pp. 101-103; *P. mixtum Ps.-Bedae-Egberti* XX(.1), p. 692; Halitgar, *Pseudo-Romanum* X.4, p. 372; Burchard, *Decretum* 19.V.86, col. 0963B; Meens, 'Dronkenschap in de Middeleeuwen', p. 439.

³⁶¹ Penances for vomiting through drunkenness or overeating vary from one week to three times forty days. Clerics of all ranks having the custom of drunkenness were to be deposed if they persisted in sinning this way, which, as Meens argues, might very probably be linked to the fact that drunkenness could lead to actions which harmed the purity and chastity of the cleric: *Paenitentiale S. Columbani* B.22, pp. 104-105; *Iudicia Theodori* I.I.2-9, p. 289; *Excarpsus Cummeani* I.1-5, pp. 604-5; *P. mixtum Ps.-Bedae-Egberti* 24, p. 682; XIX.1-2, pp. 691-2; Halitgar, *Pseudo-Romanum* VIII.1, p. 370; Burchard, *Decretum* 19.V.83-5, cols. 0963A-B; Meens, 'Dronkenschap in de Middeleeuwen', p. 441.

³⁶² *Excarpsus Cummeani* I.4, p. 605; I.12, pp. 605-6; *P. mixtum Ps.-Bedae-Egberti* XIX.1, pp. 691-2; XX(.1), p. 692.

³⁶³ *Excarpsus Cummeani* I.12, pp. 605-6; *P. mixtum Ps.-Bedae-Egberti* XXI.1, p. 692; Halitgar, *Pseudo-Romanum* X.4, p. 372.

(other) impure objects or persons. Moreover, the *mixtum* contains a canon that specifically mentions the situation in which the host had been defiled by dirt; in such a case the host had to be burned by fire.³⁶⁴ Hence the lighter penance prescribed to someone who had thrown up the host into the fire. If however, someone had vomited the host onto the ground and afterwards dogs had licked it up, this person had to do penance for one hundred days or one year.³⁶⁵ The sacred host had come into contact with and was devoured by animals that were intrinsically unclean.³⁶⁶ The person who had caused the host to end up on the unclean floor through vomiting – no matter what the cause had been – and thereupon had not prevented dogs from licking up the vomit which contained the host, had to do penance for this transgression, which resulted from negligence. The direct contact between the sacred host and the unclean animals violated the host. Its holiness remained intact, but contact with creatures as polluting as dogs, had to be avoided.³⁶⁷ The boundary between the holy and the impure had to be respected, but was violated by the contact between the body of Christ and the unclean dogs. An ambiguous situation had presented itself the moment the host touched anything unclean, since two opposing categories had mixed. Specific actions needed to be performed in order to restore the proper order. Canons dealing with these things shed light on another important aspect, which is the fact that there seems to have existed a third category related to the holy and the impure: the neutral. As Meens points out, something which is holy can only have such a status when it can be directly opposed to something which is intrinsically different, in this case the impure.³⁶⁸ There seems to have existed a third and middle group, however, of the neutral. Christians who attended Mass and received the Eucharist, were neither holy nor impure. The body and blood of Christ were intrinsically sacred, but normal persons, because of their sinful nature, were not. But the people receiving the Eucharist were not unclean either, since in an impure state they would not be allowed to go to Communion. Thus, in a normal situation, members of the congregation who communicated during Mass were representing neutrality, which can be seen as a clean state between the holy and the unclean or profane. In case the host would fall on the ground, to use the same example, it would not come into contact with the clean and neutral, as would be the case during communion and which would have no negative consequences, but it touched the impure (dirt, dust). Looking at this with a focus on categories and the transgression of boundaries between them, the neutral seems to be a category which would be compatible with the holy because of its cleanness, or put differently, the holy seems to tolerate the neutral. However, for people with such a ‘neutral status’, it would be

³⁶⁴ *P. mixtum Ps.-Bedae-Egberti* XXI.2, p. 692.

³⁶⁵ *Excarsus Cummeani* I.12, pp. 605-6; XIII.22-23, pp. 639-40; *P. mixtum Ps.-Bedae-Egberti* XXI.1, p. 692. If it was not known to the person in question that his or her vomit had been eaten by dogs, the *mixtum* judges ten days.

³⁶⁶ See above, pp. 40-41.

³⁶⁷ Meens, ‘Het heilige bezoedeld’, pp. 245-7.

³⁶⁸ *Ibidem*, p. 238.

much easier to cross the boundary between the neutral and the impure, than to rise to a saintly state of holiness. Penitents were going through a period of atonement and purification, in order to neutralize the polluted state they had acquired through sinning.³⁶⁹ After completing the prescribed period of penance, their body and soul had been recovered to a clean state, which allowed them to receive the Eucharist again.

Contact between something as sacred as the host and an unclean person or thing could also occur more directly – i.e. not indirectly through vomit which (possibly) contained the host. Various canons deal with persons – clerics and monks in particular, since these men were responsible for the Eucharist – who had violated the host or the wine by dropping it or neglecting it. Columbanus judged losing the sacrifice with a penance of one year.³⁷⁰ The *Excarsus*, the *mixtum* and the *Pseudo-Romanum* describe such acts in more detail and/or give instructions about how people had to act when the host had fallen or wine had been spilled from the chalice.³⁷¹ What becomes clear from these instructions is that at all times it had to be avoided that the host or some of the wine would be left on an unclean place or was devoured by (unclean) animals. Thus, a host that had fallen onto the ground was to be burned together with everything found around it, and the ashes were to be concealed under the altar. In this way every remainder of the host and everything that had possibly come into direct contact with it, was safely hidden somewhere it could not be touched by anything else unclean. Something similar had to be done in case some wine had dripped from the chalice onto the altar or the ground: every drop of wine had to be licked up by the person who had spilled it and the altar cloths had to be washed. The water used for washing these cloths was to be collected and drunk by the priest, since this water very probably contained some of the spilled wine – i.e. the blood of Christ – and could thus not simply be discarded. The Eucharist was not to be neglected. If it was, or one of the elements – the host or the wine – was spilled or dropped by accident, it had to be burned or consumed by the cleric responsible for this.

In most canons, penances prescribed to clerics who had sinned by inappropriately handling the Eucharist were influenced by whether or not this had been done by accident or through negligence. If such a thing happened because of a negligent attitude of a cleric, the sentences prescribed were more severe, running up to one year or three times forty days of penance. Canons that do not specify whether the transgression had occurred because of negligence judge disrespectful treatment of the Eucharist with penances varying from one day to half a year for dropping the host on the ground (and finding at least some of it back).³⁷² Sentences of seven days to three times forty days are generally given for other sinful acts concerning the Eucharist, among

³⁶⁹ Demyttenaere, 'The Cleric, Women and the Stain', p. 147.

³⁷⁰ *Paenitentiale S. Columbani* A.6, pp. 96-97; B.12, pp. 100-103.

³⁷¹ *Excarsus Cummeani* XIII.17-19, pp. 638-9; *P. mixtum Ps.-Bedae-Egberti* XXI.2-3, pp. 692-3; XXIV(.1), p. 693; Halitgar, *Pseudo-Romanum* IX.2-3, p. 371; X.1, p. 371; X.3, p. 371; X.8, p. 372; 76.

³⁷² *Excarsus Cummeani* XIII.17, pp. 638-9; Halitgar, *Pseudo-Romanum* X.3, p. 371; X.8, p. 372.

which are negligence resulting in the decaying of the host, and different kinds of animals – worms and birds – devouring the host. In all these cases, the sacred Eucharist came into contact with the unclean, which caused a disturbance of the proper order. The sacred was to be kept separated from the unholy and impure.³⁷³

Disrespecting and ‘violating’ the Eucharist also took place in more indirect ways, as some canons indicate. Receiving communion after a meal was condemned. As mentioned above, a period of fasting was prescribed before people were to communicate.³⁷⁴ Thus, if someone had taken a meal right before he or she went to church to receive the Eucharist, this period of fasting, necessary to cleanse body and soul and become pure in order to be worthy to receive the body and blood of Christ, was nullified. Christians were supposed to know this, and a penalty of seven days is prescribed for accepting the Eucharist in this condition.³⁷⁵ Burchard condemns people who, after having had ‘lunch’ (*prandium*), being well-fed and even drunk, went to Mass and received the sign of peace given by the priest. He does not mention whether these people also received Communion, but apparently attending Mass after having given way lavishly to earthly desires and needs required atonement and was considered disrespectful towards the sacred rituals of the Church.

Another way in which the Eucharist could be violated was through relations with heresy. Receiving communion from a heretic or offering the Eucharist to a heretic is judged by some of our penitentials. The *Iudicia* and the *Excarpsus* contain similar canons concerning these subjects, of which one condemns this act with a sentence of one year if it had taken place because the person in question (whether he had offered the Eucharist or received it) was unaware of the fact that the Church disapproved of this. If this person knew of the regulations of the Church about heretics but had ignored these, penances of five, seven or even ten years were proposed.³⁷⁶ Heretics were considered to be intrinsically sinful and unworthy of receiving the Eucharist. Again, the sacredness of the Eucharist was not to be mixed with uncleanness, in this case personified in someone who adhered to heretical beliefs and ideas and therefore had a stained soul. Contact with such people was to be avoided at all times, as is indicated by canons dealing with Catholics who had communicated with heretics or pagans, or who had accepted their food.³⁷⁷ Such people were

³⁷³ De Jong, ‘Pollution, penance and sanctity’, p. 158.

³⁷⁴ See above, p. 4.

³⁷⁵ *Excarpsus Cummeani* XIV.16-17, p. 642; *P. mixtum Ps.-Bedae-Egberti* XXI.2, p. 692.

³⁷⁶ *Iudicia Theodori* I.V.7, p. 296; *Excarpsus Cummeani* XI.25, p. 634.

³⁷⁷ *Paenitentiale S. Columbani* B.25, pp. 104-107; *Excarpsus Cummeani* XI.18, p. 633; Burchard, *Decretum* 19.V.191, col. 0976A. Burchard specifically mentions ‘food/meals of Jews or other pagans’ (*cibo Judaeorum, vel aliorum paganorum*) and a specific heretic group given by Columbanus are the followers of Bonosus, bishop of Naïssus, whom he probably encountered during his stay in Burgundy. The *Iudicia* mentions the Arians, who did ‘not rightly belief in the Trinity’ as heretics (*Iudicia* I.V.6, p. 296) and also speaks about heretic Jewish customs – i.e. the calculation of Easter (*Iudicia* I.V.3, p. 295). Bieler, *The Irish Penitentials*, pp. 104-105 & 245, note 7; T.M. Charles-Edwards, ‘The Penitential of Columbanus’, p. 219.

believed to be in a permanent state of sinfulness, which resulted from the sin of deviating from the true Christian doctrine. Whether they were considered to be physically unclean is not clear, however. It seems to be their sinful choices and actions that are central in this matter. Communicating or sharing meals with these people meant crossing a boundary between orthodox Christianity and sinful heresy. Heretics probably were not considered to be physically unclean and polluting, but they were excommunicated from the Catholic congregation and thus were to be ignored and avoided. Someone who had communicated with such people was involved with sinners and, as Columbanus explicitly states, was excluded from Communion.³⁷⁸ He prescribes a penance of forty days of separation from the other Christians ‘among the catechumen’ and two periods of forty days among the penitents, ‘the lowest rank of Christians’ (*in extremo Christianorum ordine*), to people who had ignorantly communicated with followers of Bosonus. If someone had been warned by a priest but had ignored this, he had to do penance for one whole year, in addition to three periods of forty days and refraining from wine and meat for another two years. This person could be restored to communion by imposition of hands by a bishop. Contact with heretics and pagans disrupted the correct order, in which a clear distinction existed between proper, orthodox Christians and those believers who adhered to unorthodox teachings. Again, atonement and penance were necessary to restore the disturbed order.

Contaminating substances - Murder, violence and blood³⁷⁹

Shedding blood - violence

As in the case of canons dealing with sexual activities, the number of canons that treat situations in which murder or violence took place is significantly high. Therefore, only a selection of these canons will be dealt with here. This selection is based on the relation between the sin described in the canons and the concept of impurity and uncleanness. The spilling of blood will turn out to be an important factor in explaining the connection between murder/violence and impurity. Furthermore, the motives behind the murder or the acts of violence seem to have had a significant influence on the sentences prescribed. Violence is described in more general terms as the shedding of blood (*sanguinem fuderit*) in a brawl or quarrel, during which people got wounded and even maimed. Most canons deal with killing, however, and many different situations are discussed, varying from murdering someone in a public war to committing homicide out of anger, and from accidentally overlaying and killing one’s child to women aborting the child they had conceived through fornication.

³⁷⁸ *Paenitentiale S. Columbani* B.25, pp. 104-107.

³⁷⁹ A collection of essays concerning the possible meaning and role of violence in the early medieval West is edited by Guy Halsall: G. Halsall (ed.), *Violence and Society in the early Medieval West* (Woodbridge, 1998). See also B.P. McGuire (ed.), *War and Peace in the Middle Ages* (Copenhagen, 1987).

Most canons dealing with violence prescribe specific sentences to various groups of people. Thus, Columbanus judged that if a layman had struck his neighbour in a quarrel and shed blood through this act, he had to do penance for forty days, whereas a cleric of any rank was sentenced with a penance of one year for the same misstep.³⁸⁰ Columbanus's penitential, the *Excarpsus*, the *mixtum* and the *Pseudo-Romanum* treat laymen who had committed violent acts and wounded or maimed someone and state that the offender had to pay compensation to his victim and even work for him for as long as this person was not able to, after which the sinner had to complete a period of penance.³⁸¹ The shedding of blood in these canons might be the most significant aspect, which directly links the violent acts described in them with impurity. Blood was intrinsically unclean and considered to be the equivalent of life itself. Therefore the shedding of blood in contexts of violence was dangerous, given the close relation with death. Furthermore, the spilling of blood meant contact with this bodily fluid, which polluted the attacker and caused a state of bodily impurity. Moreover, the act in itself seems to have been considered sinful, since Christians were not supposed to use violence against each other without legitimate reason. Especially in the case of a cleric or monk, the pollution resulting from such an act had significant consequences, and endangered his reputation. The sinfulness of such an act seems to have been partly counterbalanced by the commission to compensate for the damage inflicted on the victim, whereas both body and soul were completely cleansed through a period of fasting.

Shedding blood - killing

The authors of our penitentials condemned killing in all its variants and contexts. Killing in general, without further details about the victim, the motives or the context of the act, was condemned with penances varying from three years for a layman to twelve years for a bishop, but penances of seven or ten years prevail.³⁸² Motives, intention and possible malice aforethought (*odii meditatione*)³⁸³ described in other canons influence and sometimes moderate the sentences prescribed. For instance, the *Excarpsus* penalized premeditated murder with seven years of refraining from meat and wine, whereas someone who accidentally and unintentionally had killed someone was sentenced with a penance of five years, of which three on bread and water.³⁸⁴ Killing in itself was sinful and polluting. One of the canons in the *Pseudo-Romanum*, however,

³⁸⁰ *Paenitentiale S. Columbani* B.9, pp. 100-101.

³⁸¹ *Paenitentiale S. Columbani* B.21, pp. 104-105; *Excarpsus Cummeani* VI.22-23, p. 624; *P. mixtum Ps.-Bedae-Egberti* XIII.1, p. 690; Halitgar, *Pseudo-Romanum* VII.7, p. 369.

³⁸² *Paenitentiale S. Columbani* A.3, pp. 96-97; B.1, pp. 98-99; B.13, pp. 102-103; *Iudicia Theodori* I.IV.3-4, p. 294; *Excarpsus Cummeani* VI.16-17, p. 624; Halitgar, *Pseudo-Romanum* I.1-2, p. 364.

³⁸³ The term 'malice aforethought' has strong modern connotations, however, while the term in the context of situations described by some canons differs from this. 'Premeditated murder' might be a more neutral translation, and thus will also be used to refer to the intentional slaying of someone.

³⁸⁴ *Excarpsus Cummeani* VI.5, p. 623 and VI.13, p. 623 respectively.

deals with someone who had slain another out of defence of oneself, one's parents or one's household and judges that this should not be seen as an offense, although the person in question was allowed to fast if he felt like it.³⁸⁵ The fact that this person was allowed to fast seem to indicate that even killing out of self-defence was not blameless. The canon in a way seems to say that the person in question will not be hold responsible for the death of the 'attacker', but since the killer did come into contact with blood, there was a reason for him to fast and cleanse himself. By contrast, homicide committed in revenge for a relative is condemned by most penitentials with penances up to ten years.³⁸⁶ Contact with death – through the corpse – and blood, which were polluting, made the murderer physically unclean and in addition his moral transgression stained his soul.³⁸⁷ If the offender for whatever reason had had the intention to harm someone else from the beginning, however, this added up to the actual act of homicide, making the penances prescribed extra severe. On the other hand, if murder took place out of pure necessity – i.e. out of self-defence – the motive and context apparently strongly reduced the sinfulness of the person in question, and seems to have only left him with a certain degree of physical impurity through contact with blood, for which he could fast in order to cleanse himself.

Although in most cases moral repair – i.e. cleansing of the soul from the stain resulting from sinful behaviour – seems to have been one of the main goals of doing penance, in some situations this does not seem to be under discussion. Except for Columbanus' penitential, all of our penitential handbooks list canons which deal with cases of homicide that were executed by command of a superior. Ranged among these types of murder are homicides taking place in a public war by order of one's commander, and murders committed by command of one's master or superior.³⁸⁸ Penances prescribed by the canons are relatively light, which indicates that they reflect a different situation than other cases of homicide. Demyttenaere argues that penances prescribed to soldiers and executioners probably should not be seen as moral judgements, but solely as periods of purification of their bodies, which had become literally polluted by the stain of blood and death.³⁸⁹ The condemnation of the moral transgression should be addressed to the master, commander or superior of the person who executed the murder. Burchard clearly makes such a distinction and in some canons deals separately with both the slayer and his master.³⁹⁰ One of the canons in his *Decretum* deals with someone who had killed a fellow-serf by order of his

³⁸⁵ Halitgar, *Pseudo-Romanum* XI.2, p. 373.

³⁸⁶ *Iudicia Theodori* I.IV.1-2, p. 294; *Excarpsus Cummeani* VI.27, p. 625; *P. mixtum Ps.-Bedae-Egberti* XIII.1, p. 690; Burchard, *Decretum* 19.V.7, col. 0952B.

³⁸⁷ Demyttenaere, 'The Cleric, Women and the Stain', p. 150.

³⁸⁸ *Iudicia Theodori* I.IV.6, p. 294; *Excarpsus Cummeani* VI.7, p. 623; *P. mixtum Ps.-Bedae-Egberti* 1, p. 681; XIII.1, p. 690; Halitgar, *Pseudo-Romanum* XI.2, p. 373; Burchard, *Decretum* 19.V.9-11, cols. 0952C-D.

³⁸⁹ Demyttenaere, 'The Cleric, Women and the Stain', p. 150.

³⁹⁰ Burchard, *Decretum* 19.V.10-11, col. 0952D.

master.³⁹¹ Burchard prescribes a period of penance of three periods of forty days on the appointed fasting-days to the serf who committed the murder, and a penance of one *carina* (period of forty days) for seven succeeding years to the master by whose order the murder had taken place. What seems to be the case is that the master had to do penance to cleanse his soul from a severe stain, which was caused by his desire and the actual command that were responsible for the death of a man.³⁹² The serf who executed this order seems to have been treated in the canons as someone who just did his job and served his master, which would indicate that he only needed to cleanse himself from the physical pollution his action had caused, but that his soul was unstained. This physical impurity only temporarily obstructed the person in question from entering a church and receiving communion.³⁹³

A topic covered by canons from all of our penitentials is infanticide, and in particular abortion.³⁹⁴ The canons concerning abortion in various phases of pregnancy reflect the idea that abortion was often executed through magic acts and (herbal) potions.³⁹⁵ With the exception of one canon of Columbanus, which sentences clerics of various ranks for having produced abortion, all canons dealing with this topic focus on and address women specifically. Abortion and the killing of fetuses within certain periods after conception are mainly discussed pretty generally, without clarifications about the way such things were acted out. Burchard, however, not surprisingly, describes such practices in more detail and mentions the use of specific herbs and other wicked things (*maleficiis*) to kill, cast out or expel the foetus.³⁹⁶ As John Riddle points out, medieval women seem to have had a fair knowledge about contraception and birth control. Women seem to have understood and known the contraceptive effects of different plants and knew how to use them.³⁹⁷ Medieval people were convinced that a foetus at a certain moment after conception received a soul and thus came to life and was to be considered a human with body and soul.³⁹⁸

³⁹¹ Burchard, *Decretum* 19.V.11, col. 0952D.

³⁹² The same type of transgression through responsibility for someone's death can also be found in canons judging people who consented to a murder, regardless of whether or not the murder eventually had taken place. The penance ascribed for this is seven years, or one *carina* for seven years: *Excarpsus Cummeani* VI.14, p. 624; Halitgar, *Pseudo-Romanum* I.3, p. 364; Burchard, *Decretum* 19.V.12, cols. 0952D-0953A.

³⁹³ Usually during a period of forty days, Burchard's prescription being an exception. *Iudicia Theodori* I.IV.6 (p. 294) explicitly states that the person in question was not allowed to enter a church during this period (*abstineat se ab ecclesia*).

³⁹⁴ See H. Lutterbach, 'Der zivilisationsgeschichtliche Beitrag der frühmittelalterlichen Bussbücher zum christlichen Kinderschutz', *Historisches Jahrbuch* 123 (2003) pp. 3-25.

³⁹⁵ V.I.J. Flint, *The Rise of Magic in Early Medieval Europe* (Oxford, 1991) pp. 231-239.

³⁹⁶ Burchard, *Decretum* 19.V.160, cols. 0972B-C. The use of herbs for potions produced and used to kill someone (thus, murder in general, not specifically for abortion) is also described by some canons.

³⁹⁷ J.M. Riddle, 'Oral Contraceptives and Early-Term Abortifacients during Classical Antiquity and the Middle Ages', *Past and Present: A Journal of Historical Studies* 132 (1991) pp. 3-32; J.M. Riddle, 'Contraception and Early Abortion in the Middle Ages', in: V.L. Bullough, & J.A. Brundage (eds.), *Handbook of Medieval Sexuality* (New York, 1996) pp. 261-277, p. 261; Karras, *Sexuality in Medieval Europe*, p. 73.

³⁹⁸ Riddle, 'Contraception and Early Abortion in the Middle Ages', p. 266.

Dependent on this moment, termination of the pregnancy³⁹⁹ was labelled and judged as murder or not.⁴⁰⁰ This distinction between two phases during pregnancy is apparent in some of the penitentials, which contain canons dealing with abortion taking place before the foetus received life – within forty days after conception – and after this ‘ensoulment’.⁴⁰¹ The *Iudicia* explicitly mentions that women who killed their child in the womb more than forty days after conceiving were to do penance as murderesses (*ut homicida peniteat*).⁴⁰² Thus the penance prescribed for committing abortion within forty days was only one year, whereas the canons condemn abortion of a ‘living foetus’ with three years of penance. Killing one’s child during pregnancy was sinful and even equalled murder, as the canons underline. But murdering one’s child after its birth still was considered to be a far graver sin, since the canons prescribe penances of seven to twelve years for such a transgression. The deliberately ending of a (potential) life was sinful in all cases, however, and women had to do penance in order to reconcile themselves with God and to cleanse their souls. Moreover, physical contact with death and very probably with blood must have had a polluting role in such cases, especially after the moment the foetus was believed to have received a soul and thus was considered to be a living human being. Therefore, acts of abortion might be seen in the same light as general killing or murder. The contact with blood was, however, more implicit, which makes it harder to decide whether a woman who had committed such an act was actually thought of as being physically polluted. Since death plays a central role here, one may assume that this was the case.

The aim of this chapter was to investigate different types of actions that seem to have had a direct or indirect link to purity and impurity. Specific actions mentioned in the penitential handbooks are not by definition related to impurity and some are mainly or exclusively listed because of the consequences of such a sin for the soul. The actions discussed here, however, often did have a clear connection with purity and impurity. In an attempt to explain this connection, Douglas’s theory about the transgression of cosmological boundaries proved helpful. Many acts can be ascribed a polluting character, since they caused disorder and the mingling of categories which were to be kept separated. Thus, inappropriate handling of sacred things, like the Eucharist, resulted in the blending of the holy and unholy, the pure and the impure. Although the person

³⁹⁹ Riddle underlines that we should keep in mind that the medieval notion of ‘pregnancy’ was different from our modern one, obviously partly based on the understanding of the working of the body during natural processes like that of pregnancy: Riddle, ‘Contraception and Early Abortion in the Middle Ages’, p. 268.

⁴⁰⁰ For a discussion of the various antique and medieval ideas about when and how this ‘vivification’ took place see Elsackers, ‘Vocabulary of Abortion and Embryology’, pp. 377-413. This article also relates to the periods that were distinguished during pregnancy. See above, p. 26.

⁴⁰¹ *Iudicia Theodori* I.XIV.24, p. 309; I.XIV.27, p. 310; *Excarsus Cummeani* VI.11, p. 623; *P. mixtum Ps.-Bedae-Egberti* 31, p. 682; XIV.1, p. 690; Burchard, *Decretum* 19.V.163, col 0972D. Elsackers, ‘Vocabulary of Abortion and Embryology’, p. 386; Riddle, ‘Contraception and Early Abortion in the Middle Ages’, p. 268.

⁴⁰² *Iudicia Theodori* I.XIV.27, p. 310.

responsible for this does not seem to have been considered physically polluted through such an act, the act itself relates to impurity since it violated something sacred and intrinsically pure. Furthermore, sexuality in virtually all forms seems to have been considered to be defiling for body and soul, because of contact with polluting bodily fluids, but especially because they often exceeded a cosmological boundary between set categories, like human/animal, male/female. The shedding of blood through violence or killing also seems to have caused physical impurity, in addition to a soul stained with sin. In this case especially the polluting influence of blood seems to have been dominant, whereas intention strongly seems to have affected the severity of the sin; in some cases people were penalized with a minimal sentence since killing had taken place out of necessity or in order of a superior.

Conclusion

Some things, people or situations tend to trigger a feeling of discomfort and even aversion. Although such feelings seem to be stirred today through different things, peoples and situations than during the early Middle Ages, the idea behind such feelings of discomfort or rejection can be explained by the same theory. Ambiguity is at the basis of this theory. Some things just *feel* wrong, which in many cases seems to be caused by the fact that such things can be labelled to be ambiguous. As Mary Douglas argued, ambiguity results from the blurring and/or transgression of boundaries between cosmological categories that seem to be a fixed feature of life. Every time period or society seems to have its own prevailing cosmological categories, which are interconnected with the dominant worldview. Thus, the things that cause a feeling of aversion differ through time. There seem to be some lasting categories, however, and therefore some things that seems to have triggered a feeling of discomfort during the early Middle Ages, may still have the same effect today.

Although some of such mixing up of categories nowadays feels a lot less uncomfortable and disturbing, there are and always will be certain situation in which this ambiguity causes a feeling of aversion.

Seen in the context of early medieval penitential handbooks, feelings of aversion and disapproval often seem to have went hand in hand with the condemnation of specific sinful behaviour or actions. Furthermore, such disapproval seems often to have been connected to ideas about impurity and pollution. Although some canons literally label something as impure or certain actions as polluting, the overall impression is that ideas about impurity are dealt with implicitly and sometimes maybe even unconsciously, which underlines the fact that it seems to have been a certain gut feeling that underlay the idea of impurity. The people writing and using early medieval penitentials did not think about purity and impurity in the context of cosmological boundaries that were transgressed or blurred, although, as we have seen above, this seems to be a suitable explanation for the feeling of discomfort and rejection caused by certain situations. The penitentials do not explicitly explain why some things or acts were thought of as impure, but impurity in many cases was connected with sin. Because of this connection, impurity thus resulted at least in defilement of the soul. Related to this is the fact that certain rules and boundaries set by the ecclesiastical authorities were crossed, although this is not explicitly outlined in the penitentials themselves. Such rules and boundaries, based on ideas and interpretations of what God demands of his believers, cannot be compared to Douglas's cosmological boundaries, but transgressing them did cause pollution of the soul. In addition to this, physical impurity could sometimes result from specific sinful behaviour or acts. It is this physical impurity and pollution that has been investigated here through the help of Douglas's theory.

Ambiguity is something that does not seem to be dominantly present and people do not always seem to be conscious of something being ambiguous. The canons in the penitentials used for this thesis treat various types of sin that do not seem to deal only with defilement of one's soul, which someone needed to purify through a period of penance. The conviction seems to have existed that certain transgressions led to pollution of the body as well. However, a second and rather different role of impurity and pollution comes to the fore in the canons, namely sin caused by an impure bodily state. Such an impure bodily state in almost all cases seems to have been caused by contact with certain substances and bodily fluids that were considered to be intrinsically unclean and polluting. Contact with them resulted in the spreading of this impurity and caused an unclean (bodily) state. Because of this unclean state, specific actions could become sinful. The uncleanliness of bodily fluids can also be explained with the concept of ambiguity, which in turn resulted from the transgression of cosmological boundaries. Certain fluids, like blood and semen, are produced by and belong to the body. If they flow out of the body or are exuded from the body, they cross the boundary between being part of the body and not being part of the body. Thus they retrieve an ambiguous and even dangerous state, which caused them to be considered impure and polluting.

Thus, based on the idea of ambiguity, there seem to be two central aspects of Mary Douglas's theory: the crossing of cosmological boundaries, and resulting from this, the impure and especially the polluting character of bodily fluids. These can be applied to ideas about impurity as they are, often indirectly, given by the canons of the penitentials. Furthermore, there seem to be two types of impurity and pollution related to this. The first are acts that become sinful because of an impure (bodily) state of one of the persons – or animals – involved. The second works in the opposite way: physical pollution resulting from certain sinful acts or incidents – i.e. for instance seminal emissions. Through a discussion of the canons it has become clear that most transgressions concerned with the first type of impurity – physical defilement and a stained soul through sinful actions – can often be related to the blurring of cosmological boundaries. The second type of impurity can more often be explained by contact with unclean substances and bodily fluids. One should note, however, that such a clear-cut distinction between these two groups cannot be made, since the concept of impurity in itself cannot be solely or completely explained by dividing it in two groups.

In the first chapter of this thesis, which concerned the body and focused on unclean bodily states of both humans and animals, the impurity of bodily fluids occupied centre stage. People, but women in particular, during some periods were considered to be unclean. This often resulted from contact with blood: during menstruation and after giving birth. The impure state these

women were in, caused certain actions to be sinful that would normally be without negative consequences. Thus, going into church or receiving the Eucharist would be sinful if done by a woman who was unclean, since this would result in the blurring of the boundary between the holy – which, as we have seen, was intrinsically and completely pure – and the impure. The impure bodily state of a woman during such a period also influenced others, since, for instance, sexual intercourse during a woman's menstrual period caused her husband to become polluted as well, through contact with menstrual blood. The first chapter furthermore looked into the supposed uncleanness of certain types of food, and especially of certain types of meat. Here again, contact with blood seems to explain why specific types of animals were considered to be impure and thus polluting. Animals that had been found dead and that had been touched by other animals were considered to be impure, whereas animals that had been found dead through suffocation also were unclean, since they had not lost their polluting blood through bleeding. Besides contact with impure bodily fluids, however, in some other cases the mingling of cosmological categories can be used to explain why certain animals were considered polluting. Dogs and other domestic animals, but also mice, transgressed the cosmological boundary between the human and animal worlds, since they lived with or close to humans. Furthermore, the distinction between humans and scavengers had been crossed when people had eaten fish that had been found dead and had not been killed by human hands.

The second chapter concerned desires, sexual thoughts and fantasies. Although these matters of the mind could not in themselves be physically polluting because of contact with impure substances, they seem to have had a strong connection with impurity through things that could result from them. Thus, sexual fantasies and thoughts often are condemned because they could lead to a seminal emission. Although such imaginations and thoughts seem sometimes to have been condemned by some penitentials because of their sinfulness, the seminal emissions they could result in seem to have been considered polluting. Therefore, penance had to be performed in order to cleanse both body and soul. The pollution caused by an ejaculation was probably caused by contact with semen, which, like blood, became ambiguous and thus impure and polluting as soon as it left the body. Sexual desires and the urge to act upon these desires could result in pollution through certain (conscious) acts. The intention and willingness to act according to one's sexual desires seems to have been a central feature in canons dealing with this. Someone could consciously choose to (try to) commit a sinful act, for instance, to have sexual relations with a married woman. One's soul was stained by sin through this choice and, if the person in question succeeded, his body was defiled by sexual activities. In such a case it was not a cosmological boundary that had been transgressed, but one set by the Church: a boundary between the proper and permitted act of sexual intercourse between husband and wife, for the sake of getting

children, and illicit and/or extramarital sexual activities. The crossing of this boundary set by the Church made illicit sexual acts sinful, but it was contact with semen that seems to have caused one to become physically polluted.

The third and last chapter to a large degree revolved around this same type of transgression and related pollution: sexual activities. I distinguished between various ways in which certain sexual activities, which were condemned in the canons for being sinful, seem to have crossed specific cosmological boundaries. The transgression of these boundaries resulted in ambiguous situations which were both sinful and physically defiling. Thus, incestuous relations meant the blurring of the boundary between relatives and non-relatives, but also of the boundaries within families – i.e. a man could become the father of both his daughter and his granddaughter. Homosexual activities or sodomy led to the fading of the boundary between male and female, whereas sexual activities with beasts led to the blending of the distinct categories of human and animal. In addition, sexual activities that were labelled ‘unnatural’ in some penitentials and acts that were referred to as adulterous, all transgressed the boundary set by the Church between proper sexual intercourse and illicit (often contraceptive) sexual activities.

In this chapter another boundary that seems to have been important received further attention: that between the cosmological categories of the sacred and the impure. The holy distinguishes and defines itself by being the exact opposite of the impure. Sacred objects, like the host and wine of the Eucharist, were considered to be intrinsically and perfectly pure. The boundary between the holy and the impure thus was not to be violated, lest the sacredness of these objects was disrespected. Contact between the holy and someone who had an impure bodily state, for instance a menstruating woman, but also improper handling of sacred objects, was to be avoided at all times. The boundary between the holy and the impure was not to be violated or blurred. There also seems to have existed a neutral middle way, however, to which the majority of the people seem to have belonged. Generally, every Christian had a kind of neutral and clean status, which allowed him or her to attend Mass and receive the Eucharist. Penitents, who were going through a period of atonement and purification of their soul and often also their body, were not permitted to communicate, since they were unworthy and impure until they had completed the prescribed period of penance, after which they retrieved a neutral status again.

A last group of canons discussed in this chapter were those concerned with the shedding of blood through violence and/or killing. Both are extensively dealt with in our penitentials. What became clear is that contact with blood caused physical impurity, whereas intention strongly influenced the severity of sentences prescribed. In the case of killing, it seems to have been the intention to kill someone that was sinful and led to a stained soul. The act of shedding blood and killing someone polluted the body of the murderer, but it was the sinfulness of the desire to kill

someone that made killing a severe transgression, for which substantial sentences were prescribed. If someone had killed another man in war and/or by order of one's commander or superior, it was the person who had given the command that seems to have been held responsible. The person in question who had killed out of obedience was only penalized with a fairly light sentence, which indicates that he needed physical purification after contact with blood. The person responsible for the killing, however, was sentenced much harsher, since his soul was stained by sin.

In the context of killing, canons which deal with abortion and infanticide have also been discussed. This group of canons shows the problematic and sometimes difficult distinction between sins that seem to have been only polluting for the soul, and sins that seem to be thought of as also defiling the body. As some canons themselves directly state, abortion – at least after a certain amount of time after conception – was considered to be murder. However, was abortion also thought of as polluting for the body, like 'regular' killing in other contexts? Since abortion very probably involved contact with blood and death, one would think that it must have been considered to be polluting. The canons do not indicate this in any way however, and only seem to condemn such a practice because it was not allowed to end another person's life. The basic principles of ambiguity, cosmological boundaries and polluting substances do not seem to be directly applicable to explain this specific type of sin. Since Douglas's theory does seem to explain most other canons that seem to concern various types of impurity, however, do we then have to conclude that abortion thus did not cause physical impurity? I do not think so. But it does underline that even with the aid of Douglas's theory, which seems very enlightening in many cases, purity and impurity, specifically in relation to sin, are concepts that are not easily defined or distinguished. Douglas's ideas can, however, clarify a lot of the canons that give the feeling that they have something to do with purity and impurity, although they do not always explicitly mention this connection themselves. This feeling often seems to be triggered by ambiguity, which in itself turns out to be a useful starting point from which to approach the problem of impurity and sin.

Apart from some differences in character of the penitential handbooks, which might be explained by looking at the context in which they were compiled, the overall outline given by the penitentials used, does not present drastic changes that seem to have taken place through time. One should keep in mind that the canons in the penitentials are mainly derived from older handbooks. Thus sentences prescribed in the penitentials do not necessarily reflect the personal opinion of the author. As mentioned before, where penitentials prescribe variant sentences for the same transgression this can simply be the result of the use of different sources. When using a

selection of penitential handbooks quite systematically, as has been done for this thesis, a certain pattern appears which seems to show that some (groups of) canons were clearly derived from one or more of the other handbooks. The *Iudicia* and the *Excarpsus* often contain the exact same canons, although the *Excarpsus* also includes canons which do not appear in the *Iudicia*, but that have a connection with the *mixtum* and the *Pseudo-Romanum*. Besides such obvious differences and similarities based on the reception of the penitentials and the sources that were used by their authors, there are, however, also some overall variations detectable.

A change can be observed in the way Burchard tends to describe penances. In contrast to the other penitentials used, the *Decretum* often prescribes sentences in the form of a certain amount of *carinae*, which is a period of fasting of forty days on bread and water. We can compare this to the term *Quadragesima*, which is used in several other penitential handbooks to refer to Lent or one of the other forty-days-fasts. Burchard often prescribes a penance of one, two or three *carinae* which had to be performed during a certain number of years, whereas our older penitentials are often less specific and prescribe a number of years or of forty-days-fasts. Just as the *Decretum*, however, older penitential handbooks do sometimes specify that one should fast for a certain amount of time only on the appointed days of fast. Furthermore, the sentences prescribed by Burchard sometimes strongly differ from the ones assigned by older penitentials for the same transgression. In the case of Burchard, who does seem to have actively edited and changed some of the canons he (had) copied from older sources, differences in the severity of sentences might be assigned to his own opinion about things. Moreover, the canons of his questionnaire to some extent reflect his focus and opinion, since he clearly gave more attention and added more detail to certain types of transgressions than did most other authors of penitentials. For example, Burchard gives by the most extensive list of possible incestuous relations and furthermore pays a lot of attention to superstitious and magical acts of laywomen. Much detail, although in a different way, can also be observed in the *mixtum*, which contains fairly extensive canons that focus especially on the different clerical ranks and the various intentions the sinner could have, which both seem to have influenced the severity of the sentences prescribed.

The context in which a penitential was compiled sometimes seems to explain the absence of specific types of sin in certain penitentials. The mainly monastic context in which and for which Columbanus wrote his penitential handbook might explain why he often does not go into much detail – or any detail at all – of transgressions which specifically and/or exclusively concerned women. Thus, his penitential does not refer to (temporary) bodily impurity at all, since such states of impurity, as discussed in the first chapter, usually were related to the natural female cycle – i.e. of menstruation, but also pregnancy and birth giving. The monastic context might also explain the opinion Columbanus seems to have had about bestiality, which he sentences fairly lightly

compared to the other handbooks. Furthermore, sexual fantasies and thoughts are not dealt with by either Columbanus or Halitgar, which in both cases might be due to the fact that they wrote fairly general penitentials, in which they discussed a wide range of topics, but often did not go into much detail. Absence of canons specifically treating sexual fantasies and thoughts is also detectable in Burchard's *Decretum*, which is surprising given the usual amount of detail Burchard tended to use to describe certain transgressions. Although Burchard's penitential addressed both laypeople and clerics, the general character of his questionnaire might explain why he does not deal with (nocturnal) emissions and sexual fantasies which could lead to this, since this was a type of transgression that must be placed quite specifically in the context of monks and clerics.

In conclusion, it is important to emphasize that the canons discussed in this thesis mainly reflect ecclesiastical ideas and attitudes. The canons paint a picture of the ideal situations, which represent what was believed to be the only correct Christian way of living. The penitentials sentence sinful acts and behaviour, but whether people who came to confess actually did perform the prescribed penalties is a different issue. The canons, however, at the same time indirectly reflect lay culture and mentalities. The authors of the penitentials seem to have had the tendency to pick those canons from older sources which matched current affairs and issues that they were frequently confronted with. This implies that the canons listed in our penitentials to some extent reflect what was happening in local congregations. Whether or not the people of these congregations actively took notice of those things that were not allowed or even condemned by the Church is difficult to determine. The cosmological categories which determined what was considered to be ambiguous and unclean, however, seem to have prevailed outside the Church as well. They were part of the dominant worldview, which may have been influenced by the Church, but which was generally prevalent. What was sinful with regard to impurity *was* an exclusively ecclesiastical matter, however. The fact that people were not permitted to receive the Eucharist in a state of sinfulness and impurity makes one think that they at least once a year – i.e. during Lent – must have reflected on their lives and deeds, in order to be reconciled with God again.

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