



Erin V. Abraham

Anticipating Sin in Medieval Society

Childhood, Sexuality, and Violence
in the Early Penitentials

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Knowledge Communities

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Amsterdam University Press

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Introduction

Around the turn of the eighth century, a scribe who elusively refers to himself only as a student of the Umbrians undertook a daunting task on behalf of Theodore of Tarsus, Archbishop of Canterbury (d. 690): to compile for ‘all Catholics of the English, especially the physicians of souls’, the Archbishop’s decisions regarding ‘diverse questions on the remedy of penance’.¹ To meet this task, he explains, he consulted the ‘confused digest’ of judgments made by Theodore on the various issues brought by what he describes as crowds of faithful men and women who sought the ‘remarkable knowledge’ of the Archbishop.² To supplement these sources, he also consulted the answers Eoda, a ‘presbyter blessed of memory’, received from the archbishop on questions related to penitential discipline, and supplemented them with ‘the things which that man is rumored to have searched out from a little book of the Irish’, a book Theodore reportedly considered a reliable source.³ His efforts produced the *Paenitentiale Umbrense*, more commonly referred to as the *Penitential of Theodore*, one of the nine early penitentials that form the basis of this study.

Produced between the mid-sixth and late eighth centuries, the early penitentials were designed to meet the needs, real or perceived, of diverse communities in Wales, Ireland, England, and Francia. The earliest penitential proper is the *Penitential of Finnian*, a relatively brief handbook dating from the mid-sixth century that incorporated material from earlier prescriptive texts. This manual in turn influenced the composition of the *Penitential of Columbanus*, much of which was likely written by the saint whilst he

1 *Paenitentiale Umbrense* (hereafter *Umbrense*), Prologue, ed. Finsterwalder, *Die Canones Theodori*, p. 287: ‘In Christi nomine incipit prefatio libelli quem pater Theodorus diversis interrogantibus ad remedium temperavit penitentiae. Discipulus Umbrensium universis Anglorum catholicis propriae animarum medicis sanabilem supplex in domino Christo salutem.’ Unless otherwise noted, all translations from Latin, Old Irish, and Anglo-Saxon are my own.

2 *Umbrense*, Prologue, p. 288: ‘Multi quoque non solum viri sed etiam feminae de his ab eo inextinguibili fervore accensi sitim hanc ad sedandam ardenti cum desiderio frequentari huius nostri nimirum saeculi singularis scientiae hominem festinabant. Unde et illa diversa confusaque digestio regularum illarum [constitutis] causis libri secundi conscripta inventa est apud diversos.’

3 *Umbrense*, Prologue, pp. 287-88: ‘Horum igitur maximam partem fertur fame ueriloquo beatae memoriae Eoda praesbiter, cognomento Christianus a venerabili antestite Theodoro sciscitans accipisse. In istorum quoque adminiculum est quod manibus vilitatis nostrae divina gratia similiter praevitit quae iste vir ex Scottorum libello sciscitasse quod famatum est. De quo talem senex fertur d[e]disse sententiam ecclesiasticus homo libelli ipsius fuisse conscriptor.’

was in Burgundy in the late sixth and early seventh century. Around the same time, likely in Ireland or Britain, an anonymous scribe created the Ambrosian penitential, which uses a scheme of principal vices to classify sins and penances. A closely related text, the seventh-century *Penitential of Cummean* also employs the scheme of eight principal vices as an organizing principle, but expands on earlier manuals in a number of areas, including the discipline of young penitents. This manual in turn influenced the anonymous Burgundian penitential. Further expansion appears in the *Penitential of Theodore*, which provided material for the *Penitential of Egbert*, a relatively brief, and rather disorganized, manual likely dating from the eighth century. Written near the same time, the anonymous Bigotian penitential incorporates material from many of its precursors, especially the *Penitential of Cummean* and the *Penitential of Theodore*. Similar influences are apparent in the anonymous Old Irish penitential, a vernacular manual also composed in the eighth century. These handbooks are far from uniform, but as the *Penitential of Theodore* illustrates, they drew on similar, sometimes identical authorities, as well as each other.

These manuals are populated, variously, with men and women, as well as children of assorted ages, from all walks of life. From bishops and abbots to priests, deacons, monks, and oblates, from kings to free laymen and warriors to slaves, whether husbands or fathers, brothers, or sons – in the flesh or in the spirit – the males referenced in these manuals are liable to become either victims or the perpetrators of theft, deception, violence, and lust. Similarly, whether consecrated virgins, maidens, widows, or wives, sisters, daughters, mothers or concubines, females in these handbooks appear equally likely to deceive, kill, and fornicate, or to experience the consequences of theft, lies, violence and sexual infidelity. Children, although less visible than their adult counterparts, nonetheless appear as both innocent and culpable, vulnerable and fallible, and, depending on their age, equally likely to deceive, steal, cause physical harm, and engage in sexual peccadilloes, or else to be the victims of such transgressions.

The handbooks share an intent, namely to promote a subjective discipline that determined appropriate penances for sins in relation to the circumstances and consequences of a specific transgression, and a specific penitent. To facilitate this process, the authors proposed appropriate penances for various sins, ranging from minor deceptions and theft to premeditated mortal violence, as well as an array of sexual transgressions, all of which considered a range of individual circumstances of sin and sinner. Among these considerations, some of the most important were the penitent's age, sex, and status.

Because they focus on recommendations in possible situations, the penitentials do not record penances that were prescribed; the sinners and victims who appear in them do not necessarily represent the lived experiences of early medieval men, women, or children. They do, however, illustrate the ways age, sex, and status informed both the likely setting of an individual's likely sins and the terms of his or her discipline, as well as the limits of ecclesiastical authority. As such, the early penitentials provide important glimpses into contemporary ideas about innocence, vulnerability, culpability, and liability in relation to youth, gender, and status that not only deny the arbitrary dichotomy between the social and the spiritual, but essentially depict them as inseparable.

Rather than punitive dictates, the penances set out in these manuals were intended as recommendations, to be adapted for use in a reparative and didactic discipline in which the goal was to cure the spiritual and social wounds of the act of sinning, and not to simply punish sinners. Such a process included consideration of a penitent's age, sex, health, and education, as well as his or her social, economic, and marital status. As the *Penitential of Egbert* explains, since 'not all will be weighed on one and the same scale, even if bound by one sin', those responsible for determining penances should use 'discretion for each and every one'.⁴ Specifically, the manual reminds confessors to distinguish the wealthy from the poor, the free from the servile, the learned from the ignorant, and the infirm from the healthy; to consider whether the penitent is an *infans*, a child, an *adolecens*, a youth, an adult, or 'close to death', and whether he or she is married or in orders; and to discriminate between layman, cleric, monk, bishop, priest, deacon, subdeacon, lector, and pilgrim, and between a virgin, a secular female, or a female religious.⁵ In addition, it stresses consideration of the 'quality of the sin', according to whether it was mild or severe, premeditated or impulsive, motivated by will or by necessity, and the time and place of the transgression, including whether it was public or concealed.⁶ Whilst not

4 *Paenitentiale Ecgberhti* (hereafter *Ecgberhti*), Prologue, ed. Schmitz, *Die Bussbücher*, p. 574: 'Non omnibus ergo in una eademque libra pensandum est, licet in uno constringantur vitio, sed discretio sit in unoquoque eorum.'

5 *Ecgberhti*, prologue, pp. 574-5, 'Inter divitem et pauperem, liber, servus, infans, puer, iuvenis, adoliscens, [aetas] senex, [o]bitis, gnarus, laicus, clericus, monachus, episcopus, presbiter, diaconus, subdiaconus, lector, in gradu vel sine, in coniugio vel sine, peregrinus, virgo, femina canonica vel sanctaemonialis, debiles, infirmi, sani.'

6 *Ecgberhti*, Prologue, p. 574: 'De qualitate peccatorum vel hominum, continens vel incontiens, voluntate vel in casu, in publico vel in abscondito, quale conpu[nc]tione emendat, necessitate vel voluntate, loca ac tempora discernant.'

all of the penitentials include such extensive reminders, they all do reflect a similar understanding of penitential discipline. Underlying such views was a shared, dual interest in the spiritual and temporal wellbeing of the individual and the community.

These shared intentions and influences make the penitentials textual crossroads of distinct yet interrelated knowledge communities. Their authors integrated ideas and ideals from diverse authorities, defying boundaries of genre to draw upon monastic principles, theological debates, pastoral practices, and legal precepts. They did not do so to create compendiums of opinions, or rigid lists of sins and punishments. Rather they sought to provide practical guidance for the anticipated needs of particular places, each with its own knowledge community involving customary practices and beliefs. In anticipating different conditions around potential sins and advocating a subjective process that considered the individual circumstances of sin and sinner, these manuals reveal much about the way their authors – and others – understood the ways social and spiritual concerns intersected for the individual as well as his or her community in relation to transient realities such as age, gender, sex, and status.

It is important to keep in mind that whilst these little books share a number of attributes, each is an individual product, representing the choices of a particular moment, made at a particular time and place for a particular audience. Each has its own ‘social logic’ inseparable from the contexts and need – real or perceived – of the communities for which their shared goals were formulated and communicated.⁷ That these goals included the facilitation of subsequent, unscripted communicative acts within diverse environments underscores the deliberate quality of these choices. The individuals and issues that appear in these texts, as well as those that are excluded, illustrate who and what the authors anticipated as being relevant in such contexts. The terms and conventions that they use to promote certain ideals and condemn specific acts likewise represent deliberate choices, expected to be understood by the intended reader and applicable for later communications. Further, the ways that these texts negotiate with other ideas and institutions reflect anticipated arenas of conflict and cooperation in such diverse environments. Thus, although their prescriptive and anticipatory qualities limit the value of these sources for reconstructing experiences, the penitentials are valuable for what they divulge about the ideas that informed how those experiences were measured, both in terms of shared ideologies and the contingencies of a particular community.

7 Spiegel, ‘History’, pp. 83-85.

As texts intended for the facilitation of further interpersonal dialogue between an interpreter and an audience, these manuals fit nicely into what Brian Stock designates ‘textual communities’. Such communities, according to Stock, are defined by a common understanding of a given text, interpreted and disseminated by one or more literate member of the group.⁸ At the same time, however, the authors of the penitentials neither worked in a vacuum nor created these manuals *ex nihilo*. They drew upon a wide variety of sources and employed concepts familiar to their readers to meet the needs, real or perceived, of specific communities. In doing so, they created compendiums of ideas and practices drawn from diverse sources and intended for the social and spiritual benefit of particular communities linked to others by a common faith. They thus also represent textual crossroads of distinct yet interrelated knowledge communities that transcend boundaries not only of genre, but also geography and, in some cases, language.

The nine penitentials chosen for this study were produced prior to the ninth century, when such ‘little books of penance’ came under the scrutiny of Frankish reformers who questioned their canonical legitimacy and ultimately condemned their use. In 829 the synod of Paris, for example, lamented the many careless and ignorant priests who persisted in using those ‘certain small books written contrary to canonical authority, which they call penitentials’.⁹ In an effort to eradicate these practices, the synod directed bishops to ‘diligently seek out these erroneous booklets’ and ‘consign them to the flames’.¹⁰ This mandate was less than successful in eliminating all traces of the penitentials, but these reforms did mark a shift towards greater uniformity in the pastoral treatment of sin and reconciliation. Distinct from the confessor’s manuals that emerged following these reforms, the early penitentials reveal a more eclectic and subjective process, characterized by ambiguity and flexibility to meet the needs, real or perceived, of diverse communities. The 829 mandate does not identify any manuals by name but their suspicions reveal something often ignored in studies of these little books: for the reformers who sought to impose uniformity of belief and practice throughout the Carolingian empire, the early penitentials presented a danger to souls because of their continued use.

8 Stock, ‘History’, p. 12.

9 Synod of Paris (829), c. 32, ed. Werminghoff, p. 633: ‘Quoniam multi sacerdotum partim incuria, partim ignorantia modum paenitentiae [...] imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant.’

10 Synod of Paris, c. 32, p. 633: ‘[O]mnibus nobis salubriter in comune visum est, ut unusquisque episcoporum in sua parrochia eosdem erroneos codicellos diligenter perquirat et inventos igni tradat.’

Studies of these sources frequently ignore the connotations implicit in this testimony as well as the complexity of the subjective discipline they advocate, and begin with the presumption that, as prescriptive texts, these manuals were removed from the social worlds they purport to have been produced for and reveal only what a select group of individuals wanted others to do and believe. This interpretation depends in large part on reading the penitentials' prescriptions as rigid and impossibly severe punitive dictates. It also involves related debates about the nature of confession and penance in the early Middle Ages, debates which often frame the penitentials as anomalies that inaugurated a new system of private and repeatable confessional penance that deviated sharply from an earlier and harsher form of public ecclesiastical discipline.¹¹ Franz Kerff, for example, posited that the penitentials were intended for use in episcopal synods and helped facilitate a system of abuse in the medieval Church.¹² Similarly, Alexander Murray argued that the severe penalties listed in these manuals effectively promoted a system of remuneration in exchange for the forgiveness of sins, not actual pastoral work outside of communal religious settings, and argued against any relationship between these manuals and regular lay confession prior to the thirteenth century.¹³

Not confining their interests to purely spiritual matters, the early penitentials address issues that seem to fall within the category of crimes rather than sins. Likewise, penances infrequently include supposedly secular provisions, such as monetary restitution. These 'secular' influences also emerge in the lists of commutations, which allowed for the substitution of one penalty for another. Such worldly concerns, frequently exaggerated and misconstrued, support arguments that the penitentials were instruments of episcopal rapacity rather than pastoral care. Consequently, they appear as the archetypes of later corruption culminating in the abuse of indulgences and, ultimately, the Protestant Reformation.¹⁴ Leaving aside the problems of teleology, these arguments create an artificial antithesis: the penitentials are *either* pastoral texts designed for use by a priests acting as confessors in private settings with the goal of achieving the penitents' absolution, *or* they are juridical texts employed in public settings by bishops who punished crimes and filled their coffers by imposing fines. Paradoxically, even as it

11 Meens, 'Historiography', pp. 73-95. See also Brundage, *Law, Sex, and Christian Society*, pp. 168-9; Payer, *Sex and the Penitentials*; Payer, 'Confession', pp. 3-32; de Jong, 'Public Penance', pp. 863-902; Price, 'Informal Penance', pp. 29-32; and Ulhalde, 'Juridical Administration', pp. 97-120.

12 Kerff, 'Mittelalterliche Quellen', pp. 275-86; Kerff, *Libri paenitentiales*, pp. 23-57.

13 Murray, 'Confession', pp. 51-81.

14 Murray, 'Confession'.

minimizes or denies the ninth-century prelates' concerns regarding the continued use of these manuals, this debate accepts *a priori* their accusations that the manuals lacked authority. In other words, it interprets the reformers' emphasis on adherence to canonical and scriptural authority as evidence that the penitentials must have diverged from 'canonical penance', public rituals of confession, exclusion, penance, and readmission usually available only once in a lifetime.¹⁵ Combined with the assumption that penance is synonymous with confession, these characteristics in turn support the view that the manuals represent the introduction of a private and repeatable process of confession and penance that, although perhaps complementary to the older system(s), was nonetheless innovative and altogether different.¹⁶

Efforts to locate the precedents for what is assumed to be a novel approach to sin and reconciliation frequently emphasize its echoes of ascetic practice, especially the elements of disclosure, prayer, fasting, sexual abstinence, and less frequently bodily mortification. Developed by early Christian ascetics in the deserts of the East, these practices reached Latin-speaking audiences in the West largely through Rufinus of Aquileia's translations of Greek texts and the writings of John Cassian, who adapted the eremitism of the East for his monasteries at Marseille. According to the traditional narrative, these ideas spread to the British Isles, where they fostered the peculiar 'Celtic' structure and practices of the early churches of Britain, Wales, Scotland, and Ireland.¹⁷ Distinct from the Roman tradition, they were monastic in structure, motivated by impossible ascetic idealism, and unorthodox in the way that they calculated Easter, tonsured their hair, and handled ecclesiastical discipline. Within this model, they also share a basic chronology, in which an initial conformity to the Roman system of episcopal dioceses supposedly gave way over the course of the sixth century to a 'golden age' of monasticism that in turn underwent secularization and a corresponding revival of ascetic ideals in the late eighth or early ninth century.

Whilst the notion of a distinctly monastic Celtic Church has been effectively challenged, this narrative continues to dominate the historiography of the early penitentials. The dates of their composition, between the sixth and late eighth centuries, place them conveniently within the chronology of this 'golden age' of monasticism. At the same time, many of these manuals are

15 Meens, 'Historiography', pp. 85-90.

16 Frantzen, *Literature of Penance*, pp. 5-7.

17 Hughes, 'Celtic Church', pp. 1-20; Wendy Davies, 'Myth', pp. 12-21; Smythe, 'Golden Age', pp. 21-9; Corning, *Celtic and Roman Traditions*.

attributed, directly or indirectly, to individuals with prominent roles in that narrative. As a result, the early penitentials retain an aura of peculiarity, seemingly exaggerated because of their apparent candour about the various manifestations of human fallibility, that often leaves them peripheral to conventional medieval social history.¹⁸

In part because of this surface bluntness, and in part due to an assumed rigidity in their prescriptions, these little books of penance have long been perceived as anomalies and only infrequently recognized as having value for early medieval social history. This study aims to change these tendencies by resituating penitentials within the broader discourses with which they were engaged, focusing on the language their authors employed in describing sins and sinners, and clarifying their value for early medieval history beyond questions of sin and its punishment.

As a foundation for this, Chapter One introduces the nine early penitentials used in this study in a loose chronological order and discusses some of their most important features. Whilst many questions about these manuals remain, and are likely to remain, unanswered, they preserve important information about their provenance and intent that clarifies their value for the study of early medieval history. Accordingly, this chapter examines the possible authorship and chronology of these nine manuals, with overviews of the individual focus of each penitential for clues to their intended audiences. It also examines shared features, including their organizing principles and methodologies, from the principle of contraries to the ways commutations fit within the broader process of subjective, remedial discipline. These discussions are intended to complicate views of these manuals by challenging such arbitrary distinctions as those assumed to exist between public and private, and between sin and crime, that confuse the intersection of social and spiritual concerns in each manual.

Such concerns are immediately apparent in the ways these penitentials address potentialities involving the youngest members of early medieval societies. The majority of these texts include some discussion of infants, especially in relation to their deaths, and reveal much about underlying notions of innocence and the vulnerabilities of this stage of life. Chapter Two examines the ways the penitentials assess culpability in relation to the age of very young children, not necessarily the culpability of the children themselves, but of those responsible for their social, physical, and spiritual welfare. These assessments reveal a perception of innocence relative to speech, or more accurately its absence, that accords with broader discourses

18 Meens, 'Historiography', pp. 73-95.

about this issue, echoing the sentiments of other early medieval writers from Isidore of Seville to Gregory the Great. Like them, the penitentials also reveal an underlying uncertainty and anxiety about the implications of Augustine's notion of original sin for infants who died without baptism.

Following the trajectory of the life cycle, Chapter Three examines the ways the penitentials treat the potential sins of older children, up to the age of twenty or, in some cases, twenty-five. The ambiguity in such classifications is a key feature of the penitentials, and is integral to the subjectivity of the process they seek to facilitate. Again echoing Isidore and Gregory, these terms reflect the variability of developmental stages in relation to puberty, which marked new potentialities for sinful sexual behaviour. These manuals also acknowledge and sometimes challenge other ideas about the ways such stages signalled other social and legal shifts for individuals. Reflecting the intersection of social and spiritual, puberty in particular emerges not just as a sign that individuals were capable of new types of sinful behaviour, but also as a threshold for the conferral or denial of sexual legitimacy, according to other, age-related issues, such as marriage or religious vows. Such wide concerns situate the penitentials not only within broader theoretical discourses about sin and its discipline but also in direct, sometimes tense, communication with more local, pragmatic discussions about autonomy and social roles.

The sexual legitimacy of potential penitents was a primary concern of these manuals not simply because their authors were preoccupied with others' sex lives, but because sexuality was directly tied to a broad range of potential transgressions, with both social and spiritual repercussions for the individual and his or her broader community. In general, these concerns fall into two categories: those related to matrimony, the subject of Chapter Four, and those related to sexual deviance, the focus of Chapter Five. Collectively, the penitentials represent one element of a wider, enduring effort to impose the matrimonial standards articulated in various Church councils and by Leo the Great. As discussed in Chapter Four, this meant a narrow definition of sexual legitimacy, ideally intended for procreation within a monogamous and usually indissoluble conjugal union, publicly observed and sanctioned by the Church, between two individuals of the opposite sex and of equal lay status. The penitentials make clear that their authors expected this to conflict with existing patterns that involved various forms of polygyny and temporary unions. At the same time, however, although the majority of these handbooks seek to promote occasionally extreme marital continence, few of them include any recommendations for penitential discipline for those who fail to adhere to such expectations, with the exception of conspicuous transgressions by the clergy.

In promoting a particular heterosexual ideal, the early penitentials by default defined all other sexual behaviours as deviant. Chapter Five examines the ways these manuals incorporated ideas familiar in other sources to censure such transgressions according to the nature of the particular sin and, more importantly in many cases, the status of the penitent. While they are often quite candid about the nature of a given sexual sin, distinguishing between partners and sites of sexual stimulation or penetration, they are equally reticent about other transgressions, such as what they refer to as the 'sin of Sodom', and the potential individuals who they anticipate might be involved in them. For a more accurate assessment of such censures, Chapter Five considers the broader discourses about similar issues, arguing that references to Sodom represent more complex and shared concerns with pollution of the individual and the community that again, reinforces the inseparable nature of the social and spiritual.

Chapter Six extends this approach to the penitentials' discussions of various forms of social violence, from *maleficia* and physical assault to premeditated homicide and suicide. It is in these censures, perhaps more so than the others, that the manuals fully clarify the intersections of the social and spiritual. In their treatments of these various potentialities, the manuals apply some legitimacy to certain forms of violence, such as warfare, and by extension classify other acts as inherently malignant. They also present social violence as a gendered issue, with male penitents appearing more likely to engage in physical conflict, whereas female penitents appear more frequently, for example, in censures of *maleficia*. Underlining the dual social and spiritual nature of sin, such anticipations reflect the lived realities of penitents likely to influence the circumstances of their sins. So too do the manuals' recommendations for treating sins of violence. The danger of any illegitimate violence, as it emerges in these handbooks, transcends the immediate injury it causes and presents the real threat of continued social and spiritual harm of revenge and hatred, another form of pollution. The manuals' recommendations for dealing with these transgressions combine penance with additional solutions ranging from monetary payments to service to exile, clearly aiming to repair the social and spiritual harm of violence on individual and communal levels.

By anticipating these sins, the authors of the penitentials reveal much about the ways they understood the needs, real or perceived, of their communities. While there are no records of how, or even if, these ideas were put into practice, there is no reason to doubt the sincerity of their common intention, namely to promote a didactic, subjective discipline in support of the Church's ideals, often in conflict with existing institutions,

for members of their communities. In doing so, they not only anticipated what might go wrong in those communities, but also articulated, sometimes explicitly, the circumstances likely to influence potential transgressions. Sin emerges as a spiritual issue with a real social component, occurring in the world, influenced by the mundane circumstances and qualities of age, sex, and status, with implications for the individual sinner, his or her family, and the broader community. This study accepts that the penitentials were intended to inform and that the hypothetical reflects the possible. The manuals themselves provide no basis for the suspicion that they were created to deceive. They certainly do not gloss over their descriptions of the various permutations of human fallibility. Yet this candour, surprising at times, is matched in places by silences and discrepancies. Female penitents appear far less frequently than do male, and some male penitents are almost entirely absent. A similar discrepancy applies to young people, who most often appear as victims but elsewhere emerge as little sinners. Although they present challenges, these silences and discrepancies are nevertheless meaningful. If the subjects addressed in each manual represent deliberate choices, it follows that who or what is missing or marginal is likewise an intentional omission. Such omissions should not be interpreted as a lack of spiritual value, but rather as revealing above all the extent to which penitential discipline superseded or was eclipsed by other claims of authority. Interpreting such reticence requires consideration of these little books as voices among others, engaged in wider discourses about human fallibility, its consequences, and its correction. To more fully evaluate the value of the penitentials thus requires listening to how they speak to each other, as it were, as well as to the voices that speak in their narratives, other prescriptive and pastoral texts, theological debates, and compendiums.