

The Practice and Literature of Penance

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Christianity is a religion that from its beginnings demanded specific forms of behavior from its adherents, and this made it necessary to think about what to do with those believers who broke the moral code.

The forms of behavior that the religion demanded from its followers changed over time. Early Christians, for example, worried about adhering to Jewish dietary rules, but this issue did not become a dominant concern in Christianity. Nevertheless, it did come to the surface occasionally in the Middle Ages. For example, in the eighth century, the Anglo-Saxon missionary Boniface worried whether Christians could eat hare or horsemeat; Pope Nicolas I (r. 858–867) had to reassure the Bulgarians that they could continue to eat whatever animals they wanted if they joined the church of Rome; and the inhabitants of Iceland decided to convert to Christianity only if they could continue to eat horsemeat.¹

The formulation of moral norms had to be accompanied by regulations for dealing with those believers who failed to adhere to such a code of conduct, and who were regarded, therefore, as erring or sinning. In essence, there were two ways of dealing with sinners: They could be excluded from the Christian community, and thus from the path of salvation; or they could be reconciled with that community: with the church in the official sense. Exclusion from the Christian community may be regarded as a punishment – a terrible one, if one thinks of its supernatural consequences. It was effected by a sentence pronounced by a high authority, be it a council or an individual bishop.² Reconciliation with the community, on the contrary, was achieved through what was seen as a voluntary act of penance, although this could be less voluntary in practice than it was in theory. Through confessing the wrongs committed and making up for these by specific acts of

¹ For a brief discussion of dietary rules, see Rob Meens, “Eating Animals in the Early Middle Ages: Classifying the Animal World and Building Group Identities,” in A. Craeger and W. C. Jordan (eds.), *The Animal-Human Boundary: Historical Perspectives* (Rochester, NY: University of Rochester Press, 2002), 3–28. For abbreviated titles, see the section on Sources, below.

² For a recent volume dedicated to the practice of excommunication, see Geneviève Bührer-Thierry and Stéphane Gioanni (eds.), *Exclure de la communauté chrétienne. Sens et pratiques sociales de l’anathème et de l’excommunication (IV–XII siècle)* (Turnhout: Brepols, 2015).

mortification, the sinner re-established relations with God as well as with the Christian community. Penance, the process through which a sinner was reconciled with God and the church, could take many different forms. It could be formal, in the sense that the sinner was ceremonially acquitted of guilt through an ecclesiastical ritual, or it could be informal, consisting of various forms of mortification without mediation by the official church.³

Formal ways of proceeding are found in canons pronounced by early Christian councils. According to these canons, sinners would be reconciled with the community after long periods of penance, in which the errant are only gradually readmitted as full members of the Christian community. At the council of Ancyra (314), for example, the bishops decided that a Christian who had sinned in a sexual way with an animal should live fifteen years as a supplicant. After that period, the penitent was allowed to pray in church, but without partaking of communion. After another five years, the supplicant gained admission to “simple communion” – apparently indicating attendance at the eucharist without reception – and eventually he or she would be admitted to full communion.⁴ Such rules imply some kind of formal ecclesiastical control over the process by which a Christian made up for sins, and it usually fell to the bishop to oversee the process. But it is hard to know how regularly these rules were applied and whether this was done in a uniform way. Augustine informs us that “penitents abounded” in Hippo around the year 400 and were clearly visible to the community.⁵ Decisions of the Council of Ancyra and other councils, which assigned a particular form or period of penance for specific sins, entered medieval canonical collections and so became regarded as authoritative statements. But how these early rulings were interpreted and applied, for example, in ninth-century Francia, is another question, and one that is not easy to answer.

Conciliar decisions assigning periods of penance regarded certain sins, such as apostasy, adultery, and murder, as serious deviations from Christian norms, requiring a formal procedure. For example, Caesarius of Arles in the sixth century distinguished between capital sins (*peccata capitalia*) and venial sins (*peccata minuta*, or *peccata quotidiana*). Among the former he reckoned murder, adultery, honoring pagan gods, false testimony, theft, pride, envy, avarice, anger, heavy drinking, fornication, and abortion. One could atone for such sins through a formal procedure supervised by the bishop. Venial sins such as immoderate eating

³ R. Price, “Informal Penance in Early Medieval Christendom,” in K. Cooper and J. Gregory (eds.), *Retribution, Repentance, and Reconciliation*, Studies in Church History 40 (Woodbridge, UK: Boydell Press, 2004): 29–39.

⁴ Council of Ancyra, c. 16, in C. H. Turner (ed.), *Ecclesiae occidentalis monumenta iuris antiquissima canonum et conciliorum graecorum interpretationes Latinae*, vol. 2.1 (Oxford: Clarendon Press, 1907), 92–99.

⁵ Augustine, *Tractatus habitus tertia feria (Sermo 232)*, 8, ed. Suzanne Poque, *Augustin d’Hippone, Sermons pour la Pâque*. Introduction, texte critique, traduction et notes, SC 116, 274–78. For general background, see Kevin Uhalde, *Expectations of Justice in the Age of Augustine* (Philadelphia: University of Pennsylvania Press, 2007), 105–34.

or drinking, harsh treatment of beggars, nonobservance of fasting periods, idle talk in church, or evil thoughts, on the contrary, could be absolved through various forms of virtuous behavior, such as fasting, distributing alms, or forgiving one's enemies.⁶ In such cases, although spiritual direction by a priest or monk might be helpful, it was not essential. But this expectation would change. In the period from the seventh to the ninth century, ever more sins would require a formal ecclesiastical ritual to make up for the trespass.

MONASTIC PENANCE AND PENITENTIAL BOOKS

In monasteries, it was essential for monks to seek spiritual advice from more experienced members of the community to combat sin and temptation. Benedict of Nursia (d. c. 540), for example, demanded that his monks confess their sins not only to God but also to the abbot. In order to receive proper spiritual direction, the monks needed to reveal their inner thoughts, as well as their actions.⁷ Other early monastic authors, such as John Cassian (d. 433), showed similar concerns. We are not very well informed about some early Western forms of monasticism, especially those in the British Isles, but monasticism was a central ecclesiastical institution in Ireland by the seventh century at the latest, when monasteries such as Kildare, Armagh, and Iona became influential ecclesiastical centers. In these communities, penance was an important part of monastic discipline, as demonstrated by the Rule of Columbanus (d. 615), the Irishman who in the late sixth and early seventh centuries founded influential monastic communities in Gaul and northern Italy. Although his *Regula Coenobialis* was included in the compilation of monastic rules that Benedict of Aniane made in the ninth century and was regarded as a rule of monastic discipline,⁸ Benedict refers to it there as a "penitential book," demonstrating the importance of the penitential aspect of the rule. The rule begins by discussing the need to confess one's sins every day before a meal or going to bed, "because confession and penance liberate from death." Columbanus went on to say that even small sins should be confessed, since from overlooking small matters a decline can set in.⁹ The actual form of penance assigned was usually physical, consisting of corporal punishments.

This monastic practice of confessing sins became available to lay people as well, perhaps at first only to those closely attached to a monastery as patrons or tenants. The central position of monasteries in the Insular churches probably played a role in this opening up of monastic forms of confession and penance to sectors of the laity.

⁶ Caesarius, *Sermo* 60 and 179, ed. G. Morin, *Sancti Caesarii Arelatensis Sermones*, CCL 103–104, 1:275–76 and 2:725–26.

⁷ RB 4, 57–58 and 44–48, ed. A. De Vogüé and J. Neufville, *La Règle de Saint Benoît*, SC 181–82, vol. 181, pp. 460 and 484.

⁸ See Chapter 9 by Albrecht Diem in this volume.

⁹ Columbanus, *Regula Coenobialis*, 1, ed. G. S. M. Walker, *Sancti Columbanus Opera*, *Scriptores Latini Hiberniae* 2, 2nd edition (Dublin: Dublin Institute for Advanced Studies, 1970), 144–46.

Another factor contributing to this process was probably the intermediary role that religious persons could play in conflicts. When sins such as homicide or adultery had serious social repercussions, monks or clerics acted as intermediaries in the ensuing conflicts, so that confession and penance were part of a process of reconciling the conflicting parties. This is evident from the books written at the time to instruct confessors how to deal with sinners: books generally referred to as penitential books, or simply penitentials. The earliest specimens of this genre were composed in the Insular world. They contain fairly detailed descriptions of sinful behavior and give advice on the proper form of penance that a confessor should assign to reconcile the sinner with God and the Christian community. Apart from the anonymous *Paenitentiale Ambrosianum*, these early Insular texts were attributed to local ecclesiastical authorities of the period, such as Finnian, Cummean, and Columbanus.

The fact that many Insular works include material forms of compensation for injuries corroborates the claim that confession and penance could be part of a mediating process between opposing parties. For example, Finnian's penitential, a sixth-century text, requires that a cleric who has committed murder should live in exile for ten years and then, on his return to his homeland, should come to an agreement with the friends of the victim and serve the victim's parents, if they are still alive, as if he were their child (*Paenitentiale Vinniani*, 23, Bieler, 80–82). Such a process seems hard to imagine without some form of mediation by the confessor. This approach was not peculiar to Finnian. Columbanus adopted the clause from Finnian with little alteration but elaborated the aspect of material compensation. He required, for example, that an adulterer should pay the cheated husband a "price of chastity," probably a form of the financial compensation that is also found in secular legislation of the period (*P. Columbani B 14*, Bieler, 102). Such evidence strongly suggests that confessing one's sins and fulfilling a particular form of penance were not purely ecclesiastical matters but rather could be part of a wider social process of reconciliation between two parties.¹⁰

We know these early Insular penitential books only from a handful of manuscripts written on the European mainland. These are found in manuscripts written in the monastic foundations of Bobbio, Salzburg, and Saint-Gall. The texts must have been brought over to the Continent, probably by Irish ascetical wanderers (*peregrini*) such as Columbanus or Virgil of Salzburg. Such texts were also known in Anglo-Saxon England in the seventh century, as a result of the close connections with Irish forms of monasticism. Later Anglo-Saxon missionaries such as Willibrord and Boniface were familiar with these works and used them during their long period of activity in the kingdoms of the Franks and beyond. Theodore, archbishop of Canterbury (d. 690), who was of Byzantine Greek descent, contributed to the

¹⁰ See Rob Meens, *Penance in Medieval Europe, 600–1200* (Cambridge: Cambridge University Press, 2014), 45–69.

penitential literature in Anglo-Saxon England during the second half of the seventh century. We know of five traditions of texts referred to as *Iudicia Theodori*, or the *Canons of Theodore*, which reflect his teachings on penance and law. They not only deal with matters pertaining to sins and their remedies but also provide rules for ordination, the authority of an abbot, and the age at which a son or daughter could choose to enter a monastery without parental consent. These texts illustrate the ambiguous character of penitential rulings as a form of regulation, or perhaps better their fluid nature, for they sometimes included authoritative statements and are similar in this respect to canonical texts. As a consequence, several manuscripts have penitential texts attached to canonical collections, and compilers of such collections included material from penitential books. The fluid nature of the *Iudicia Theodori* is suggested by their inclusion in Roy Flechner's chapter on canonical collections in this volume (Chapter 7). The compiler of a version of the *Iudicia Theodori* known as the *Discipulus Umbrensiū*¹¹ tried to separate penitential from regulatory material by dividing the collection into two books. All Theodorian versions contain a core that reflects Theodore's teachings, but the five extant versions were most probably compiled by some of his pupils, or by others who were somehow related to him. That Irish penitential books were circulating in Anglo-Saxon England at the time is demonstrated by Theodore's mentioning a *libellus Scottorum* ("little book of the Scots"), probably referring to Cummean's work.

Following the Irish penitentials, Theodore saw in penitential procedure room for material compensation to an offended party. He ruled, for example, that if a murderer paid compensation, which Theodore calls the estimated price (*pecuniam aestimationis*), to the victim's family, the penance would be halved (*Paenitentiale Theodori* U I, 4, 1, Finsterwalder, 294). This implies, however, that he foresaw that some would not pay compensation: that it was possible to confess one's sins and do penance without coming to an agreement with the offended party. For Theodore, moreover, confession even among the laity was no longer confined to sins of a public nature, as it had been in the Irish penitentials. This is apparent in his discussions of minor sins that did not harm other people and, therefore, must have had very limited or no social impact. Theodore provided penances for persons who had indulged in eating to the point of vomiting, and he even discussed whether consuming blood because of bleeding gums was a sin that required penance. Theodore was also the first to discuss sexual behavior of spouses, censuring practices such as having sex during menstruation, on Sundays, or in improper positions (*Paenitentiale Theodori* U I, 14, 18–23, Finsterwalder, 309). This suggests that in Theodore's time, laypersons were expected to confess their sins not only when these caused scandal or social disruption, but also when they wanted to cleanse themselves of the burden of guilt, even if there was no major social pressure to do so.

¹¹ "Disciple of the Umbrenses," a people of northeastern England.

Like the early Insular penitentials, Theodore's work is known today mainly from manuscripts written on the Continent. As the surviving manuscripts indicate, however, the *Iudicia Theodori* were disseminated much more widely than the early Insular penitential texts. More than forty manuscripts of *Iudicia Theodori* are still extant.

Penance remained important in Columbanus's monastic foundations in Gaul and Lombardy, as demonstrated by the *Life of Columbanus*, which Jonas of Bobbio put to parchment between 639 and 642. We also know a number of early Frankish penitential books that drew their inspiration from Columbanus's work, enriching it with conciliar decisions not only from the late-antique councils of Ancyra and Nicaea but also from the more recent Merovingian council of Auxerre. This group of eight texts, known as the "simple Frankish penitentials," not only indicates the influence of Columbanus on penitential practice in Merovingian Francia but also testifies to the ease with which Irish penitential material could be combined with more traditional canonical provisions. The close relationship between penitential material and canonical regulation is again clearly visible in the second quarter of the eighth century. At that time, the monks of the northern French monastery of Corbie reworked and updated the systematic canonical collection that we know as the *Collectio Vetus Gallica* (*Old Gallic Collection*), first put together around the year 600. In updating it, the compilers included material not only from the Irish *Collectio Hibernensis* but also from the *Iudicia Theodori*.

DEALING WITH VARIETY

An important comprehensive penitential book based on the Frankish penitentials inspired by Columbanus, on the *Iudicia Theodori*, and on the Irish penitential of Cummean, probably originated from the same workshop as the *Collectio Vetus Gallica*. This penitential book, known as an "excerpt" of Cummean (*Excarpsus Cummeani*), incorporated a good deal of material from these three traditions, but only after a careful process of selection.

The work's treatment of perjury is a case in point. The simple Frankish penitentials had required a penance of seven years for this crime, three of them on a diet of bread and water, and they stipulated that the culprit should never swear an oath thereafter. If he had perjured himself under pressure or without knowing that he swore a false oath, he should do penance for three years, one of them on bread and water.¹² But Cummean considered perjury to be less serious and demanded only a four-year penance. The versions of *Iudicia Theodori* are inconsistent. In the *Discipulus Umbrensi* version, a whole chapter containing five *sententiae* (judgments or prescriptions on particular topics) is devoted to this subject. It starts with

¹² See *Paenitentiale Burgundense*, 5–6 and the parallels in the other texts of this group, in Kottje, *Paenientialia minora*, 9–16.

assigning an eleven-year penance to anyone who broke an oath sworn in a church. If, however, someone did so under pressure (*necessitate coactus*), three fasting periods of forty days each would suffice. Theodore adds, citing his Greek experience, that if someone has pledged an oath merely “in the hands of a man” (i.e., rather than with something sacred), “this is nothing.” But if someone swears in the hands of a bishop, a priest, or a deacon, or on the altar or on a consecrated cross, he should do penance for a year. The short section ends with the imposition of a three-year penance for perjurers (*Paenitentiale Theodori* U I, VI, 1–5, Finsterwalder, 297–98). A confessor having access to these three traditions would have found diverse penances assigned to perjury.

The *Excarpsus* apparently tried to clear up the confusion. It starts with a ruling that differentiates among penances according to the status of the sinner. For a layperson, a three-year penance would suffice, while a cleric should remain in penance for five years, a subdeacon for six, a deacon for seven, a priest for ten, and a bishop for twelve. The *Excarpsus* leaves out Theodore’s reference to Greek custom, whereby an oath in the hands of a man is regarded as nothing, but it adds that an oath on an unconsecrated cross deserves one year of penance. It also looks at the motivation of the sinner. If moved to perjury by greed, the perjurer should give away all his belongings and enter a monastery. If moved by mortal danger, he should do penance for three years, but if out of need, only for three fasting periods. Anyone who has caused someone to swear a false oath should do penance for seven years. One who committed perjury unknowingly and found out about it afterward should fast for three years, while someone already doubtful at the time of his oath should fast for twice as long (*Excarpsus Cummeani*, V, 1–8, ed. Schmitz II, 621). Thus, while leaving some ambiguities and possibilities for interpretation in the hands of the confessor, the compiler of the *Excarpsus* tried to refine the treatment of perjury and to make it more systematic. This is typical of the way he dealt with his sources.

The *Excarpsus* was an early effort to harmonize the different traditions of penitential books circulating in Francia. The number of surviving copies and its employment in other texts indicates that this effort was successful. Part of its wide dissemination may be attributed to the fact that it was combined with the other product of the monastery of Corbie, the *Collectio Vetus Gallica*. Other texts followed suit, many of them using the same set of basic sources as the *Excarpsus Cummeani*, namely, the simple Frankish penitentials, the *Iudicia Theodori*, and the penitential of Cummean. The *Paenitentiale Sangallense tripartitum* (*Penitential of Saint-Gall in Three Parts*), probably composed at the end of the eighth century, distinguishes among three series of penances on the basis of these sources, but it rearranged these according to the order of the simple Frankish penitentials, facilitating a comparison between the different traditions. The *Paenitentiale Capitula Iudiciorum*, written a little later on the basis of the *Sangallense tripartitum*, made comparison still less complicated by presenting the three traditions separately for each sin. The chapter on perjury, for example, first discusses the sentences on the

topic from the simple Frankish penitentials, then those of Theodore, and finally Cummean's rulings.

These texts convey a desire to be comprehensive and to distinguish among the circumstances of people's sins and among their motivations. They also convey a certain unease about the varying scales of penance assigned for similar (or seemingly similar) cases. This attempt at differentiation was all the more urgent since there were other traditions circulating in the Frankish kingdoms as well, in addition to the three just mentioned. An important tradition was associated with the English authorities Bede and Egbert. Whereas the penitential handbook attributed to Bede was probably written in the Frankish lands, the text attributed to Egbert was possibly composed in England. Its textual transmission, however, is almost entirely Continental, and it was on the Continent that these two texts were combined in different stages, eventually coming together as a single integrated work.

The unease regarding the diverging ways of dealing with penitents that we observe in these texts was clearly expressed at the Carolingian reform councils convened by the emperor Charlemagne in 813.¹³ In the field of penance, these councils did not succeed in formulating a unified and clear program of reform. On the contrary, the five councils convening in that year at the behest of the aging Charlemagne (d. 814) all expressed different views or expressed their views differently. The council of Mainz did not discuss the problem, whereas the council of Arles was anxious to emphasize that whoever had committed a public crime should be judged in public and should perform penance in public. At the councils gathering in Reims, Chalon-sur-Saône, and Tours, the bishops addressed the varying ways in which priests judged sinners. The council at Reims admonished priests and bishops to examine how they judged penitents and how they decided the length of penance, but the council did not go into this further. At Tours, the bishops clearly spoke out against priests assigning penances in varying degrees and without proper discernment of each case. Here, the bishops decided to meet at the royal palace to decide which of the ancient penitential books should be followed, but there is no evidence that a decision was ever reached. At Chalon-sur-Saône, the bishops were very outspoken about penitential books. They complained most of all about the books' anonymity and consequent lack of authority, and they decided that these should be abolished because "their errors were as certain as their authors were uncertain."¹⁴

From the late eighth century onward, the importance of penance in a religious, social, and political context seems to have increased substantially. This is not only reflected in the number of texts and manuscripts dealing with penance that were produced in this period, but also in the fact that these texts addressed more and more minor sins, which suggests that penance had become a routine for many of the laity. Confessing one's sins and doing penance for them was regularly linked to receiving

¹³ For these councils, see Chapter 4 by Gregory I. Halfond in this volume.

¹⁴ Council of Arles, c. 26; Tours, c. 22; Reims, c. 16; Chalon-sur-Saône, c. 38, in *MGH Conc.* 2.1, 253, 289, 255, 281.

holy communion, which Christians were obliged to do on the three important festivals of Christmas, Easter, and Pentecost.

A PENITENTIAL STATE

The importance of penance in the Carolingian period is further illustrated in the influential canonical collection called the *Collectio Dacheriana*, with its stress on the topic of penance (also discussed by Roy Flechner in Chapter 7 of this volume). As we have seen, Charlemagne put penance on the agenda for the five reform councils that he convened in 813, demonstrating thereby that the topic concerned him. Under his son and successor, Louis the Pious (d. 840), penance became a matter of political strife as well as a focus of political discourse. Thus, a recent historian has characterized Louis's reign as a "penitential state."¹⁵ In 822, the emperor Louis the Pious did penance in a very public way at the royal palace in Attigny, an event that was recorded in the *Royal Frankish Annals* and thereby reached a wide audience. Through this public ritual, Louis reconciled himself with members of his family and their supporters, who had fallen out of royal favor in the early years of his reign. By opting for a public penitential rite, Louis put himself in the tradition of the great Roman emperor Theodosius, enhancing his prestige by his association with this most Christian ruler. Later, Louis was confronted by a serious rebellion by his sons. As a result, he was forced to do penance again in the year 833, but this time he did not gain prestige through the humiliating ritual. On the contrary, the emperor underwent the ritual this time only reluctantly, and he was forced to abdicate. A year later, the tables were turned. After regaining his throne, Louis forced one of his most outspoken opponents – Ebo, the archbishop of Reims, who had presided over Louis's penance of 833 – to resign after confessing his sins in public. Such high-profile cases, in which penitential rituals and the ensuing interpretation of their intent were an essential component of political strife in the highest circles, made penance a central topic in political and ecclesiastical discourse in Carolingian Francia.

Under Louis the Pious, churchmen who were closely involved in these political issues were also instrumental in the composition of new handbooks for penance. Ebo of Reims prompted bishop Halitgar of Cambrai to compile a book of this sort from the sayings of the Church Fathers and the sentences of the canons. This work was meant to remedy a situation in which the judgments of the penitents were confused, diverse, and contradictory, as Ebo noted.¹⁶ Hrabanus Maurus, who resigned as abbot of Fulda because of his entanglement in the revolt against Louis the Pious and its consequences, wrote two penitential books in the form of elaborate

¹⁵ Mayke de Jong, *The Penitential State: Authority and Atonement in the Age of Louis the Pious, 814–840* (Cambridge: Cambridge University Press, 2009). See also Courtney Booker, *Past Convictions: The Penance of Louis the Pious and the Decline of the Carolingians* (Philadelphia: University of Pennsylvania Press, 2009).

¹⁶ Letter of Ebo to Hrabanus, MGH Epist. 5, 617.

letters to two bishops. The first was addressed to Otgar, the bishop of Mainz, and it is therefore known as the *Paenitentiale ad Otgarium*. Much more influential was the later *Paenitentiale ad Heribaldum*, addressed to Heribald, bishop of Auxerre. To make these handbooks more authoritative, Hrabanus and Halitgar both preferred to avoid traditional penitential books and to refer instead to established sources of authority, such as conciliar legislation and the works of the Church Fathers. Other authors followed suit. Quite a few new books were meant to meet these new expectations, but ideas of what exactly constituted authoritative sources were far from uniform. Texts such as the pseudo-Theodorian and the pseudo-Gregorian penitentials continued to use traditional material, although they subscribed to the reform program in their prologues and stressed that they relied on established and trustworthy canonical sources. Manuscript evidence, moreover, demonstrates that earlier works continued to be copied and used, and that works attributed to Bede and Theodore gradually became accepted as reliably authoritative.

SPREADING THE MESSAGE

As far as the sources allow us to judge, this new upsurge of interest in things penitential occurred in Carolingian realms during the Carolingian period. From there, however, Carolingian penitential books were introduced into adjacent regions. In England, for example, Carolingian penitential books and manuscripts containing literature of this kind were available from the time of King Aelfred the Great (d. 899). Wulfstan, a towering figure who was bishop of London and Worcester and archbishop of York in the years 996 to 1023, employed Carolingian penitential books along with canonical material, secular law tracts, prayers, and homilies in his so-called commonplace books. In the tenth and eleventh centuries, vernacular penitential books were written in England, based mainly on Continental models but sometimes adapted to English circumstances.¹⁷ Carolingian texts were the basis for new penitential books also in Spain and Italy. In Spain, three books of this kind were written in the period between the late ninth century and the middle of the eleventh century, all of them using either the eighth-century Frankish *Excarpsus Cummeani* or the so-called *Paenitentiale Remense*, a text closely related to it. One of these, the Cordoba penitential, is peculiarly interesting in that it includes rules that seem to have been originally devised to accommodate a community of Christians living in a Muslim environment. These texts were composed and copied in important monastic communities such as those of St. Martin in Albelda and of San Millán de la Cogolla, and they are closely related to royal policy.¹⁸

¹⁷ S. Jurasinski, *The Old English Penitentials and Anglo-Saxon Law* (Cambridge: Cambridge University Press, 2015).

¹⁸ Francis Bezler, *Les Pénitentiels Espagnols. Contribution à l'étude de la civilisation de l'Espagne chrétienne du haut Moyen Âge*, *Spanische Forschungen der Görresgesellschaft* 2, Reihe, Bd. 30 (Münster: Aschendorff, 1994).

Penitentials were known in northern Italy from the time when Columbanus settled in Bobbio, in the early seventh century, but they were copied in the central and southern parts only from the tenth century onward. Quite a few texts written in the latter regions from the late tenth to the early twelfth century were based on the Frankish *Paenitentiale Capitula Iudiciorum*, but they were also related to two influential Italian canonical collections: the *Collection in Five Books* and the *Collection in Nine Books*. Penitential books shared with these canonical collections not only the same sources but also the same techniques of using them. As in Spain, monasteries played a role in the production and distribution of these texts. In Italy, the monasteries of Montecassino and Farfa, in particular, were involved in their production.¹⁹

CANONICAL REGULATION AND PENITENTIAL RULINGS

As the Italian texts just discussed demonstrate, there was a close connection between canonical rules and penitential sentences. Thus, penitential judgments entered canonical collections, while material from canonical collections entered penitential handbooks. This should not come as a surprise, for both texts formulated rules for Christian behavior and defined ways to enforce these rules. How these texts were used in practice is very hard to determine, but the fact that we frequently find canonical collections and penitential books together in the same manuscript suggests that they were sometimes employed in a similar environment. Priests were expected to know the canonical rules, although it remains unclear what exactly was regarded as standard knowledge in this field. Local priests were expected to possess a penitential book, and we have evidence that they did; whether they also owned a copy of a canonical collection is less evident, though not implausible. Bishops judging in ecclesiastical courts could consult penitential books in cases where their collection of canons did not suffice. While in some periods or regions the fluid boundary between canons and penitential decisions was unproblematic, in others, as evidenced by the Carolingian reform councils discussed above, the relationship between canonical material and penitential handbooks could be rather strained.

When Regino, abbot of Prüm, had to resign from office in the year 899, he took refuge in the monastery of St. Martin in Trier, where he was appointed abbot by bishop Radbod. As abbot in Trier, Regino composed between 906 and 913 a practical handbook for episcopal visitations.²⁰ In this work in two books, dedicated to Archbishop Hatto of Mainz, Regino assembled a rich collection of material to provide the archbishop with the necessary legal and disciplinary background when travelling around his diocese, taking care of ecclesiastical discipline

¹⁹ See Adriaan Gaastra, *Between Liturgy and Canon Law: A Study of Books of Confession and Penance in Eleventh- and Twelfth-Century Italy* (doctoral dissertation, University of Utrecht, 2007) and his edition of some of these texts in *Paenitentia Italiae Saeculi XI–XII*, CCL 156C.

²⁰ See Chapter 7 by Roy Flechner and Chapter 22 by Greta Austin in this volume.

in the local communities that he visited. Regino claimed that he took his material from the councils of the fathers and papal decisions, yet in practice he used a much wider range of sources, including royal capitularies and penitential handbooks. In the first book, dealing mainly with clerical discipline, Regino included an elaborate discussion of penance and confession. It appears from this discussion that Regino expected parishioners to confess their sins every year before Lent to their parish priest (*ad proprium sacerdotem*). Regino includes here not only liturgical instruction on how to receive and absolve a penitent but also a long list of questions for interrogating the sinner about his behavior, which amounts to a small penitential book. In the beginning of the second book of his collection, Regino describes the procedure of episcopal visitations in considerable detail. He includes a list of questions that the bishop should put to trusted members of the locality he is visiting. This list, too, is inspired by penitential literature. In the remainder of the book, when dealing with the ways to remedy sinful behavior, Regino regularly cites the penitentials of Theodore of Canterbury, the penitential attributed to Bede, and Halitgar's work. He evidently regarded these works as proper sources of ecclesiastical authority and used them to enhance the authority of the bishop when touring his diocese.

Regino's list of questions was a source of inspiration for Burchard, bishop of Worms from 1000 to 1025.²¹ Burchard compiled a hugely influential canonical collection in twenty books, known as the *Decretum*, and he devoted the nineteenth book to penance. Burchard regarded this book not merely as a useful addition to his collection but rather as its culmination. His immense knowledge of the canonical tradition was put "in the service of pastoral care."²² Burchard included in the nineteenth book a long catalogue of questions that could be put to a confessing Christian, and by so doing he demonstrated his intimate knowledge of human behavior. That his efforts in the field of penance were appreciated becomes clear from the fact that the nineteenth book was often transmitted on its own. In some manuscripts, Burchard's material is rearranged so as to put more stress on its penitential character. The earliest manuscripts produced in Worms under Burchard's supervision demonstrate that he was assisted by a considerable team of scribes. His work was widely distributed, especially in the regions that made up the Ottonian empire, but it also inspired Ivo of Chartres in France. Burchard's work remained popular in Italy, and Gratian used it in turn when composing his own *Decretum*.

²¹ See Greta Austin's Chapter 23 in this volume.

²² Greta Austin, "Jurisprudence in the Service of Pastoral Care: The Decretum of Burchard of Worms," *Speculum* 79 (2004): 929–59. Greta Austin, *Shaping Church Law Around the Year 1000: The Decretum of Burchard of Worms* (Farnham, UK: Ashgate, 2009). Ludger Körntgen, "Canon law and the Practice of Penance: Burchard of Worms's Penitential," *EME* 14 (2006): 103–17.

CONCLUSIONS

This brief overview of the development of penitential books reveals their close relationship with canonical collections. As with the latter, it is not always clear how the penitential books were used.²³ The early Insular books of this genre suggest a monastic background, and it was monastic founders such as Columbanus who brought such compositions to the European mainland. These early books deal with lay sinners, too, but mainly with regard to serious sins such as murder, adultery, or theft – sins that caused a major social scandal and thus could lead to serious conflicts. The forms of penance devised in these cases often included some material compensation for the offended party, which suggests that penance formed part of a process of reconciliation between two parties, in which a person invested with religious authority – a priest, bishop, abbot, or even an abbess – played a mediating role. We can imagine that in such circumstances, social pressure was utilized to bring the sinner to confession. Since men were normally held accountable for the social consequences of their behavior and of that of their female relatives, penitentials in general address male perpetrators.

In later texts, forms of material compensation become less prominent. This change is clearly visible in the eighth- and ninth-century texts written in Francia. We also see that these later works gradually begin to deal with sins of a socially less visible nature. This suggests that confession of sins was becoming a way for Christians to cleanse their souls, even in cases where there was no social pressure to do so. References to women penitents as a distinct group are more frequent in these later penitential books. Confession of sins is sometimes linked as a prerequisite to receiving the eucharist, a liturgical ritual in which the laity participated only at the major Christian festivals of Easter, Pentecost, and Christmas. Like the penitential season of Lent itself, confession and penance were preparation for such holy occasions. In the Carolingian realms, this seems already to have been a generally accepted phenomenon, though we should probably reckon with considerable geographical diversity. Carolingian episcopal statutes expected priests to own a penitential book, and church inventories from Bavaria and the Reims area show that such precepts did not remain a dead letter. Regino of Prüm expected Christians to confess their sins at the start of the Lenten season to their own parish priest – a rule that would gain wider application with the famous decree *Omnis utriusque* (canon 21) of the Fourth Lateran Council in 1215.

The evidence suggests, therefore, that starting from quite modest beginnings in monasteries, the practice of regular yearly confession as part of a general Christian round of duties was developed within the Carolingian realms from the late eighth or early ninth century onward. Because there is no hard evidence regarding the frequency of confession, there is room for doubt regarding the general acceptance of this practice among the laity, but the fact that many manuscripts contain

²³ See Roy Flechner's chapter in this volume.

penitential books suggests regular and frequent confession.²⁴ The close connections with canonical rules have persuaded some historians to see confession and penance as a practice still in the hands of bishops during this early period. It is only in the eleventh century, with the chronicle of Ekkehard IV of Saint-Gall, that we have a description of a local priest hearing confession and assigning penance. Nevertheless, the evidence of parish libraries in the Carolingian period, the pastoral or liturgical content of some manuscripts containing penitential books, and descriptions of priestly duties, all indicate that confession was part of a fairly widespread practice of pastoral care.²⁵ The diffusion of Carolingian penitential handbooks may be interpreted as a sign of the dispersion of this Carolingian ideal and its practice later to Anglo-Saxon England, to Spain, and to Italy.

Yet we also see that bishops worried about the variety of prescriptions in the handbooks that they encountered, and some of them tried to remedy this situation by compiling new texts for the priests in their diocese. Moreover, we encounter penitential books also in manuscripts that contain canonical collections, sometimes even accompanied by secular law texts. In such cases, we must assume that such codices were meant for episcopal use, and it seems that the borders between canons proper and penitential rulings were not always meticulously drawn. It is possible that canonical rulings were used in a confessional setting, while penitential prescriptions could serve in dealing with cases that came to the episcopal court. In the *Collectio Dacheriana* and in the Italian Collections in Five and in Nine Books, as well as in the works of Regino of Prüm and Burchard of Worms discussed above, penitential and canonical works are so closely intertwined that they actually form a real symbiosis. Such evidence suggests that in practice, judgment in ecclesiastical courts and the hearing of confessions by priests and bishops were closely related.

In the past, scholars have distinguished categorically between canon law and penance during the early Middle Ages. Canon law, according to this view, was associated especially with ecclesiastical courts and with forms of public penance (the external forum), whereas penitential books were linked to private penance (the internal forum). But such a clear distinction is not warranted by the sources. Already in Late Antiquity, many different forms of doing penance existed, some more and some less public. When penitential books were first being composed in Wales and Ireland, they were not regarded as a novelty to be distinguished from the practice of

²⁴ Alexander Murray expresses doubts regarding the frequency of confession among the laity in "Confession Before 1215," *Transactions of the Royal Historical Society*, 6th series, 3 (1993): 51–81; and more recently in Alexander Murray, *Conscience and Authority in the Medieval Church* (Oxford: Oxford University Press, 2015). See the responses to Murray's minimalistic stance by Rob Meens, "The Frequency and Nature of Early Medieval Penance," in P. Biller and A. J. Minnis (eds.), *Handling Sin: Confession in the Middle Ages*, York Studies in Medieval Theology 2 (Woodbridge, UK: York Medieval Press, 1998): 35–61; and David S. Bachrach, "Confession in the Regnum Francorum (742–900): The Sources Revisited," *JEH* 54 (2003): 3–22.

²⁵ For Ekkehard see Mayke de Jong, "Pollution, Penance and Sanctity: Ekkehard's *Life of Iso of St Gall*," in Joyce M. Hill and Mary Swan (eds.), *The Community, the Family, and the Saint: Patterns of Power in Early Medieval Europe*, International Medieval Research 4 (Turnhout: Brepols, 1998): 145–58.

public penance, and the same can be said about their introduction in Francia. Only the Carolingians started to worry about the different procedures, and it was they who introduced the distinction between public and secret penance, but there is no way of linking one or the other practice to a specific penitential text. In 813, the Council of Chalon-sur-Saône decreed that whoever sinned in public should do penance in public, and the councils convening in that year in Arles and Reims decided in a similar way.²⁶ An earlier penitential, the *Remense*, had already formulated a similar rule: Whoever sinned in public should do penance in public, and whoever sinned in secret should do penance secretly.²⁷ But it would have been difficult to apply such general regulation consistently in practice, particularly since several rulings entailed a form of compensation for the offended party. If the offended had to be compensated, the whole process of confession and atonement must have been more or less public, for only in this way could opposing parties be reconciled. The case of the royal public penance undertaken by Louis the Pious in 822 demonstrates on a grand scale how penance could be employed as a means of reconciliation, but his penance of 833 warns us that it could also be used as a highly politicized instrument of division.

In general, the relationship between penitential books and canonical collections before 1100 seems intricate and complex. The same can be said about the practice of confession and penance on the one hand, and ecclesiastical regulation and jurisdiction on the other. Distinctions are not always easy to draw, and scholars working in this era should be careful not to employ concepts that developed later too readily. Moreover, one should not assume that theoretical or normative distinctions were straightforwardly applicable in practice. The sources do not allow us to get a clear picture of what priests, bishops, and monks actually did as regards the ministry of penance during the first millennium, but they do suggest that they had considerable flexibility when dealing with the sins of their fellow Christians.

SOURCES AND ABBREVIATIONS

The modern scholarly study of penitential books started in the nineteenth century, when Friedrich Wilhelm Hermann Wasserschleben published the majority of such texts in *Die Bussordnungen der abendländischen Kirche* (Halle, 1851). His work was supplemented by Hermann Joseph Schmitz with two important books: *Die Bussbücher und die Bussdisciplin der Kirche. Nach handschriftlichen Quellen dargestellt* (Mainz, 1883); and *Die Bussbücher und das kanonische Bussverfahren* (Düsseldorf, 1898) [abbreviation: Schmitz II]. Both are reprinted in Graz, 1958. The versions of the penitential of

²⁶ Council of Chalon, c. 25, in MGH Conc. 2.1, 278; Arles, c. 26, *ibid.*, 278; and Reims, c. 31, *ibid.*, 256.

²⁷ *Paenitentiale Remense* IV, 50–51, ed. Franz-Bernd Asbach, “Das Poenitentiale Remense und der sogen. Excarpus Cummeani: Überlieferung, Quellen und Entwicklung zweier kontinentaler Bußbücher aus der 1. Hälfte des 8. Jahrhunderts,” unpublished inaugural dissertation, University of Regensburg (1975), Anhang, 30.

Theodore of Canterbury were edited by Paul Willem Finsterwalder, *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*, Untersuchungen zu den Bußbüchern des 7., 8. und 9. Jahrhunderts, 1 (Weimar: Böhlau, 1929) [Finsterwalder]. The Insular penitentials, with the exception of the *Paenitentiale Ambrosianum*, are now best consulted in Ludwig Bieler (ed.), *The Irish Penitentials*, with an appendix by D. A. Binchy, *Scriptores Latini Hiberniae* 5 (Dublin: Dublin Institute of Advanced Studies, 1963) [Bieler]. The tripartite penitentials are edited in Rob Meens, *Het tripartite boeteboek. Overlevering en betekenis van vroegmiddeleeuwse biechtvoorschriften (met editie en vertaling van vier tripartita)*, *Middeleeuwse Studies en Bronnen* 41 (Hilversum: Verloren, 1994). Since the 1990s, the Continental penitentials are edited in *Corpus Christianorum Series Latina* 156. To date, the following editions have appeared there: R. Kottje (ed.), *Paenitentia minora Franciae et Italiae saeculi VIII–IX*, CCL 156 (1994) [Kottje, *Paenitentia minora*]; F. Bezler (ed.), *Paenitentia Hispaniae*, CCL 156A (1998); C. van Rhijn (ed.), *Paenitentiale Pseudo-Theodori*, CCL 156B (2009); and A. Gaastra (ed.), *Paenitentia Italiae Saeculi XI–XII*, CCL 156 C (2016). Only Bieler's edition contains a translation in English. Meens provides a translation in Dutch. A selection of these sources is translated in J. T. McNeill and H. Gamer, *Medieval Handbooks of Penance: A Translation of the Principal Libri Poenitentiales and Selections from Related Documents* (New York: Columbia University Press, 1938; repr. 1990).

FURTHER READING

For a general introduction to early medieval penance and penitential books, see Rob Meens, *Penance in Medieval Europe, 600–1200* (Cambridge: Cambridge University Press, 2014), a study to which I refer readers for more detail. See further Allen J. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Brunswick, NJ: Rutgers University Press, 1983); Sarah Hamilton, *The Practice of Penance, 900–1050* (Woodbridge, UK: Boydell and Brewer, 2001) (with an emphasis on the liturgy of penance); and the relevant sections in Abigail Firey (ed.), *A New History of Penance* (Leiden: Brill, 2008). For a broader context, consult Peter Brown, *The Ransom of the Soul: Afterlife and Wealth in Early Western Christianity* (Cambridge, MA: Harvard University Press, 2015); Abigail Firey, *A Contrite Heart: Prosecution and Redemption in the Carolingian Empire* (Leiden: Brill, 2009); Mayke de Jong, *The Penitential State: Authority and Atonement in the Age of Louis the Pious, 814–840* (Cambridge: Cambridge University Press, 2009); and Stefan Jurasinski, *The Old English Penitentials and Anglo-Saxon Law* (Cambridge: Cambridge University Press, 2015). For a very different view, see Alexander Murray, *Conscience and Authority in the Medieval Church* (Oxford: Oxford University Press, 2015).