"VAE MUNDO A SCANDALIS":

THE SIN OF SCANDAL IN MEDIEVAL ENGLAND

by

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A Thesis submitted in conformity with the requirements
for the Degree of Doctor of Philosophy
Graduate Department of History
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"Vae mundo a scandalis": The Sin of Scandal in Medieval England*

A thesis submitted for the degree of Doctor of Philosophy, 1998
by Lindsay Bryan,
Graduate Department of History, University of Toronto.

The word "scandal" has always carried multiple meanings, including
"shocking behaviour" and "disgrace". In medieval theology, scandal was defined as
the act of committing a sin in front of another, causing that person to sin because of
the bad example provided. This definition (which, articulated by Thomas Aquinas,
remains part of Roman Catholic theology) was a refinement of the Old Testament
definition of scandal as a snare or a stumbling block. New Testament references to
scandal emphasized the responsibility of Christians for each others' spiritual welfare.

Patristic and early medieval writers did not ignore scandal, but it was with the
Paris master Peter the Chanter (d. 1197), his circle, and their successors, that the
theology of scandal underwent detailed, nuanced treatment. Peter was the first to
pronounce that the triple truth of life, justice, and doctrine might not be abandoned
on account of avoiding scandal; those who came after him expanded on this doctrine.
By the end of the fourteenth century, though, as reputation and good name became
increasingly important, discussions of scandal began to emphasize other aspects of its
meaning, such as "shame", "disgrace", and "gossip".

The multiple meanings of scandal are evident in bishops' registers — the
records of bishops' working lives — and in literary sources. Both kinds of sources
are dealt with here. Bishops knew the theological meaning and often spoke of
transgressions as "a scandal to many and a pernicious example", but they tended to
find most scandalous those sins which might damage the reputation and prestige of
the church and its institutions. Because of their unique position as bridges between
the ecclesiastical establishment and the lay community, bishops were the locus for
the meeting of all meanings of scandal from the theological definition to those
generated in the lay world.

Literary sources reinforce and reflect this range of meanings, also illustrating
the shift in emphasis towards reputation.
Acknowledgements

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"VAE MUNDO A SCANDALIS":
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INTRODUCTION: "SCANDLE IS HEAUED SUNNE"

Thus the author of the early thirteenth-century Ancrene Wisse describes
scandal — anything done or said so as to incite others to sin — as a capital fault.
His contemporary Thomas of Chobham concludes his Summa Confessorum with a
section on the sin of scandal — a great sin, he says, which few confess. As an
eexample of the gravity of scandal, he uses a hypothetical fornicating priest, who sins
twice: once in the act and again in scandalizing his parishioners, who might be
tempted to follow his example.

This study will examine the question of scandal as a sin — its meaning and
interpretation as well as its function. It will look at theological concepts of scandal,
references in penitential manuals and other sources, and it will draw upon evidence
from several English bishops' registers to see the way in which scandal, real or
threatened, was used by clerical and other authorities to exercise control over both
lay and religious communities. The theological sources used here are not all
English, but all had important influence in England.

I hope to show that the theology of scandal attained its highest development
in the thirteenth century, and that by the end of the fourteenth century it had shifted
tits focus from its early concern with the responsibility of each individual Christian
for the spiritual welfare of others to a concentration upon personal reputation, although the former value was not lost. References to scandal in the down-to-earth records of working bishops and their officials often appear formulaic, but nonetheless they reflect the values both of the theologians and, I argue, the lay communities.

Rather than focussing on a narrow range of sources, the intention of this study is to cast the net as widely as possible, since it is an examination not only of a theological concept, but of what that concept meant in real life, as far as this is possible to determine. To do so, I have sought out discussions of scandal, both explicit and implicit, in a range of sources, and then sought to analyze and contextualize what I found, drawing also on ideas related to scandal. To deal in detail with associated subjects, such as defamation and infamy, is, however, beyond the scope of this study.

This thesis grew out of an interest in the interaction between priests and parishioners in the sacrament of penance. My curiosity was piqued when I discovered the section on scandal appended after the seven deadly sins in Thomas of Chobham's *Summa*. It increased as I learned that many thirteenth-century writers treated scandal as a grievous sin, and as I began noticing the word sprinkled liberally through bishops' registers. When I searched the library, I could find nothing beyond a small body of work on scandal in the Bible. While this was interesting, and helped me understand how early theologians understood scandal, it told me nothing about the medieval period.
Many questions presented themselves: what were the implications of this theology of scandal for the lives of ordinary people? How did bishops use the theoretical concept in their practical pastoral work? Why did the language about scandal become formulaic in their registers, and what did this mean? What were the values which prevailed? Were there changes over time? Did scandal figure in any mechanism of social control? And was it possible to examine any or all of these things in terms of gender analysis?
CHAPTER ONE: THE THEOLOGY OF SCANDAL

to the

END OF THE TWELFTH CENTURY

1. SIN

Let us begin by looking generally at sin itself, so as to fit scandal into its context. First, a simple definition: "sin is a culpable act of disobedience to God's law."¹ The Book of Genesis, a compendium of stories drawn from different periods of ancient history,² places a sin at the beginning of human history, and the conflict of good and evil, sanctity and sin, is what the Bible is all about. Original Sin confirms the view of humankind as being in a state of sin, capable of salvation only by the redemption of Christ. The idea of sin, says Bloomfield, "was a late one in human history."³ "Late" is relative, of course: the Old Testament, with its ancient stories, has a clear sense of sin. But the Hebrews were not the only influence upon early Christianity. They themselves were affected by eastern cultures, especially that


² John Romer, Testament: The Bible and History (New York, 1988, p. 55. Romer says that the writings which formed the books of Moses went through "processes of adaption and preservation which took place at the time of the Babylonian Exile and during the Persian period of the return to Jerusalem." (pp. 111-112)

³ Morton W. Bloomfield, The Seven Deadly Sins (Michigan, 1952, repr. 1967), p. 8. Except as noted, most of the history of the seven deadly sins below is drawn from Bloomfield, passim.

⁴ If Abraham lived, for example, it was sometime in the millennium before 1207 B.C.E. John Romer, Testament, p. 26.
of the Persians, and the influence of Hellenistic theology (a blend of Oriental and Greek elements) is very great. The various influences contributed to the foundation for a refined theory of sin as a kind of defilement of the soul.

Of the sins, some were considered deadly by Jewish rabbis, but they were not standardized until adopted into Christian theology. Tertullian, the first actually to use the term “deadly sins” (mortalia delicta),5 “gave authority to the use of the number seven”,6 but the first orthodox Christian to list sins is Evagrius of Pontus (d. ca. 400), who wrote for monks. His list is eight sins long: acedia, vana gloria, superbia, avaritia, tristitia, gula, ira, luxuria.7 Cassian (d. ca. 435) also gives eight sins: gula, luxuria, avaritia, ira, tristitia, acedia, vana gloria, superbia. Gregory the Great (d. 604), gives seven sins, with superbia as the root of the others, ira, invidia, avaritia, acedia, gula, luxuria, and it is Gregory’s list that prevailed.8 It was not until the seventh and eighth centuries, though, that the list of sins was used in penitential practice, first by the Irish,9 and the number and order of the sins took longer to become standardized.

5 Tertullian, De pudicitia, 19, p. 262, Charles Munier, ed., Paris, 1993. Anciaux defines mortal sins as those that involve “final separation from God,” adding that “[m]ortal sin...is a refusal to take the proper and requisite direction to the final end.” Sacrament of Penance, pp. 33 and 34.

6 Bloomfield, Seven Deadly Sins, p. 51.

7 Siegfried Wenzel claims that these are evil thoughts rather than sins. The Sin of Sloth: Acedia in Medieval Thought and Literature (Chapel Hill, 1967), p. 15.

8 Bloomfield, Seven Deadly Sins, pp. 69-75. Bloomfield gives this formulation the shorthand designation of “siisagl”, and notes that the thirteenth-century order, “saligia” (superbia, avaritia, luxuria, ira, gula, invidia, accidia) did not take hold until promoted by the Jesuits in the Counter-Reformation, p. 86.

9 Bloomfield, Seven Deadly Sins, p. 59, p. 57.
By the thirteenth century, the sins had become familiar to all the faithful, by means of parish priests and other clerics, who, with the aid of pastoral manuals, preached sermons and heard confessions. In confession, the priest was instructed to question his flock in great detail about their sins. Although the sins are the same ones Gregory names, their source in human beings is different: by this time, as Siegfried Wenzel notes, "the idea that vices are corruptions of the soul [gave] way to the more restricted notion that they are misdirections of our will."\(^{10}\) This has enormous importance for pastoral practice, since it implies greater potential for control and correction on the part of the individual sinner.

The preachers...used the cardinal sins very often in their messages to the people; and it would be hard to exaggerate their influence in popularizing the concept. In fact, they and the confessors impressed the cardinal sins so deeply on the popular mind that the Sins came to occupy a much more important place in the lay conception of religion than their position in theology warranted. They became a vivid concept, much more vivid than the virtues...\(^{11}\)

Sins were not discussed, however, only in terms of the seven mortal ones; they were categorized, classified, organized under headings such as sins against the Ten Commandments, sins of the five senses, sins against one's neighbour, sins against the holy spirit, sins against the natural law, sins associated with particular

\(^{10}\) Siegfried Wenzel, "The Seven Deadly Sins: Some Problems of Research", *Speculum* 43 (1968), p. 6.

\(^{11}\) Bloomfield, *Seven Deadly Sins*, p. 93.
estates or professions. Offenses were ranked according to their gravity; for example, amongst sexual sins, bestiality is worse than masturbation, the rape of a married woman worse than that of a virgin (since the former is adultery with violence), but not as wicked as the rape of a nun (which is sacrilege with violence).

Sins were also classed as spiritual (pride, envy, greed, anger, sloth) or carnal (gluttony and lust). Common in the period after 1150 were lists of sins with all their "offspring"; it is in these lists of offspring that we sometimes encounter scandal, although there seems to be no standard parent — sometimes it is pride, sometimes anger, sometimes envy. As well, several writers, as we shall see, give scandal a special place as a kind of eighth deadly sin.

Clearly medieval people did not define scandal quite as twentieth-century people do. Where we might think of scandal as malicious gossip, medieval definitions adhered more closely to the Greek root of the word, skandalon, which means "a trap, or a snare for an enemy". The medieval Latin scandalum means "cause of offence or stumbling", a meaning which has far greater social and spiritual implications than the modern one bears. When we say we are scandalized we often mean nothing more than that we are shocked; when medieval clerics used the word they understood that people scandalized by shocking behaviour were


literally imperilled by it. While scandal might mean only a shock to sensibility, the original meaning of the word still lay at the heart of its medieval definition, although by the end of the Middle Ages connotations of defamation had also become attached to it.  

Slander has a similar meaning in medieval usage, which makes sense when we remember that its usual spelling is some sort of variation on “scandre”; this lends credence to the OED’s contention that “slander” comes from an Old French corruption of “scandal”. So to scandalize and to slander both mean to cause a person to fall. In English translation, both words are often rendered as “offense”, a word which has also lost its semantic weight in modern usage. In Latin, offensio also means tripping or stumbling, and holds the same connotations of harm and injury as scandalum, so when the Vulgate gives a form of this word for the Greek skandalon it is not diminishing its semantic strength.

2. THE THEOLOGY OF SCANDAL

A. Scripture

Scandal occurs a number of times in the Bible, although translation into English sometimes obscures its presence. I shall do no more than cite some

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16 OED, s.v. “slander".
examples here, beginning with the Old Testament, in order to demonstrate how the word was used. I give the Latin first; because it is often lost in the English, it is in the Latin we must look to find "scandalum."

Isaiah has: "Et erit vobis in sanctificationem; in lapidem autem offensionis, et in petram scandali, duabus domibus Israel" ["And he (the Lord) shall be a sanctification to you. But for a stone of stumbling, and for a rock of offence to the two houses of Israel"] (Is. 8:14). Malachi reprimands negligent priests: "Vos autem recessistis de via, et scandalizatistis plurimos in lege" ["But you have departed out of the way, and have caused many to stumble at the law"] (Mal. 2: 8). And the psalmist says: "Pax multa diligentibus legem tuam, et non est illis scandalum" ["Much peace have they that love thy law, and to them there is no stumbling-block"] (Ps. 118: 165); and, speaking of his enemies: "Absconderunt superbi laqueum mihi, et funes extenderunt in laqueum, iuxta iter scandalum posuerunt mihi" ["The proud have hidden a net for me. And they have stretched out cords for a snare: they have laid for me a stumbling-block by the way side"] (Ps. 139: 6). In its use in these examples, scandal is nothing more than an obstacle: there is not yet any more specific definition.

In The Scandal of the Gospels: Jesus, Story, and Offense, David McCracken lists fifty-three references in the New Testament to skandalon and proskomma (defined as "stumbling, offense, the opportunity to take offense, obstacle,

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17 Unless otherwise noted, Latin quotations are from the Biblia Sacra iuxta Vulgatam Clementinam (Madrid, 1985); English ones from the Douai version (Rockford, Illinois, 1971).
hindrance”, which allies it closely with *skandalon*. Some of the better-known passages include Christ’s words to Peter: “Vade post me, Satana, scandalum es mihi”, translated in the Douai Bible as “Go behind me Satan: thou art a scandal unto me” (Matt. 16:23); and his dictum on adultery:

You have heard that it was said to them of old: Thou shalt not commit adultery. But I say to you, that whosoever shall look on a woman to lust after her, hath already committed adultery with her in his heart. And if thy right eye scandalize thee, pluck it out and cast it from thee. For it is expedient for thee that one of thy members should perish, rather than that thy whole body go into hell. [And if thy right hand offend thee, cut it off and cast it from thee... ]\(^{19}\) (Matt. 5: 27-30)

Elsewhere in Matthew we find the famous passage:

But he that shall scandalize one of these little ones that believe in me, it were better for him that a millstone should be hanged about his neck, and that he should be drowned in the depth of the sea. Woe to the world because of scandals. For it must needs be that scandals come: but nevertheless woe to that man

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\(^{19}\) The Douai Bible omits the last verse, “Si dextra manus...”, which I have here supplied from the King James Version.
by whom the scandal cometh. (Matt. 18: 6-9)

In Matthew we also find the story of the scandalized Pharisees:

Et convocatis ad se turbis, dixit eis: Audite, et intelligite: Non quod intrat in os, coquinat hominem: sed quod procedit ex ore, hoc coquinat hominem. Tunc accedentes discipuli eius, dixerunt ei: Scis quia pharisaei audito verbo hoc, scandalizati sunt? At ille respondens ait: Omnis plantatio quam non plantavi Pater meus caelestis, eradicabitur. Sinite illos; caeci sunt, et duces caecorum; caecus autem si caeco ducatum praestet, ambo in foveam cadunt.

And having called together the multitudes unto him, he said to them: Hear ye and understand. Not that which goeth into the mouth defileth a man: but what cometh out of the mouth, this defileth a man. Then came his disciples, and said to him: Dost thou know that the Pharisees, when they heard this word, were scandalized? But he answering said: Every plant which my heavenly Father hath not planted shall be rooted up. Let them alone: they are blind and leaders of the blind. And if the blind lead the blind, both fall into the pit. (Matt. 15:10-14)

The Gospel of Luke gives us the story of the Pharisees who were offended when Christ healed on the Sabbath:


And it came to pass, when Jesus went into the house of one of the chief of the Pharisees, on the sabbath day, to eat bread, that they watched him. And behold, there was a certain man before him that had the dropsy. And Jesus answering, spoke to the lawyers and Pharisees, saying: Is it lawful to heal on the sabbath day? But they held their peace. But he taking him, healed him and sent him away. And answering them, he said:
Which of you shall have an ass or an ox fall into a pit and will not immediately draw him out, on the sabbath day? And they could not answer him to these things. (Luke 14:1-6)

In his letter to the Romans, Paul says: "ne ponaris offendiculum fratri, vel scandalum," "Bonum est non manducare carnem, et non bibere vinum, neque in quo frater tuus offenditur, aut scandalizatur, aut infirmatur" ["that you put not a stumbling-block or a scandal in your brother's way," and "It is good not to eat flesh and not to drink wine, nor any thing whereby thy brother or is offended, or scandalized, or made weak."] (Rom. 14:13, 20 [Douai v. 21]).20 Elsewhere the Apostle says, "Quapropter si esca scandalizat fratrem meum, non manducabo carnem in aeternum, ne fratrem meum scandalizem" ["Wherefore if meat scandalize my brother, I will never eat flesh, lest I should scandalize my brother"] (1Cor. 8:13); and "Sine offensione estote Iudaeis, et gentibus, et Ecclesiae Dei" ["Be without offence to the Jews, and to the Gentiles, and to the church of God."], (1Cor. 10:32).

In that same epistle to the Corinthians, the Apostle writes about accepting payment for preaching the Gospel:

Ita et dominus ordinavit his qui evangelium annunciant de evangelio vivere. Ego autem nullo horum usus sum... Bonum est enim mihi magis mori quam ut gloriam meam evacuet.... Que ergo merces mea? Ut evangelium predicans sine sumpto ponam evangelium ut non abutar potestate mea in evangelio.

The Lord ordained that they who preach the gospel, should live by the gospel. But I have used none of these things...for it is good for me to die, rather than that any man should make my glory void.... What is my reward then? That preaching the

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gospel, I may deliver the gospel without charge, that I abuse not my power in the gospel. (1Cor. 9: 14-18)

This passage does not mention scandal, but the twelfth-century gloss on it does (see below, p. 23).

Every reference, particularly in the New Testament, reinforces the Christian obligation not only not to sin, but not to cause others to fail either, setting up a mutual responsibility for spiritual health among the community of Christians. In this sense, scandal is the opposite of charity.21

B. Patristic writers

Early Christian theologians used the concept of scandal in their work. Sometimes they quoted the scriptural passages, but there are many other appearances of the word as well. Tertullian (2nd century C.E.) cites Isaiah in his Adversus Iudaeos, making reference to “the stone of offense and the rock of scandal.”22 And

21 The Encyclopedic Dictionary of Religion (1979) defines scandal thus: “the sin, contrary, to charity, of occasioning another person’s spiritual harm or ruin.” The New Catholic Encyclopedia adds: “It is not necessary that sin be committed in consequence of [scandal]; it is enough that the evil act or word provide incitement to wrongdoing, and it is precisely in this that the sin of scandal consists.”

22 Tertullian, Adversus Iudaeos, XIV, Hermann Tränkle, ed. (Wiesbaden, 1964), pp. 38-9: Discite nunc ex abundantia erroris vestri ducatum, duos dicimus Christi habitus a prophetis demonstratos, totidem adventus eius praenotatos: unum in humiliitate, utique primum, cum tamquam ovis ad victimam deduci habebat et tamquam agmus ante tondentem sine voce sic non aperiens os, ne aspectu quidem honestus. Adnuntiavimus enim, inquit, de illo: sicut puerulus, sicut radix in terra sitenti, et non erat ei species neque gloria, et vidimus eum et non habebat speciem neque decorum, sed species eius inhonorata, deficiens citra filios hominum, homo in plaga positus et sciens ferre infirmitatem, scilicet ut positis a patre in lapidem offensionis et minoratus ab eo modicum citra angelos, verumse propriontes et non hominem, ignominiam hominis et abiectionem populi. quae [sic] ignobilitatis argumenta primo adventui competunt sicut sublimitatis secundo, cum fiet iam non lapis offensionis nec petra scandali, sed lapis summus angularis post reprobationem adsumptus et sublimatus in consummationem et petra sane illa apud Danielemon de monte praecisa quae imaginem saecularium regnorum comminuet et conteret..."
in his *Adversus Marcionem*, written to oppose a contemporary heretic, he calls the heterodox theology "scandalum Marcionis", translated as "Marcion's offence,"\(^23\) clearly adhering to the sense of "stumbling block" or "trap". In *De virginibus velandis*, he says: "Scandal, unless I am mistaken, is an example of evil, not good, things, instructing towards transgression."\(^24\)

When the early Fathers use the word, it is often by way of Scriptural quotation or explication. Augustine's vast corpus includes much biblical exegesis. His work on John, for example, incorporates a discussion of Christ's act of healing on the Sabbath, which scandalized the Jews.

Thus the Lord, restraining the shamelessness and error of the Jews, and showing that they did not have a correct understanding of God, said to them who were scandalized because he worked a healing of men on the Sabbath, 'My Father works even until now, and I work.' Do not, therefore, think that my Father has so rested on the Sabbath that he does not work thereafter; but as he himself now works, I also work.\(^25\)

Augustine preached on Matthew 18, placing in comforting opposition to the

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\(^24\) "Scandalum, nisi fallor, non bona rei, sed malae exemplum est, aedificans ad delictum." Tertullian, *De virginibus velandis*, cap. 3.3, Corpus Christianorum Series Latina, v. 2, p. 1211.

Gospel text, "Woe to the world from scandals" the Psalm text, "Much peace have they that love thy law: and to them there is no scandal". He says that there is a difference between pressure and the oppression which scandal can cause, and cites Job's wife (compared with Eve) as an example of scandal, because she tempted her husband.26 Later in the same sermon he warns his audience that any wife might be a scandal, or any friend who tries to persuade a person into wrongdoing.27

Augustine mentions scandal many times,28 often in this way, but also often in other ways, such as in the context of fasting. When, for example, is it appropriate to fast, and when is fasting (or eating) scandalous? His Letter 36 is much concerned with this question:

The case of fasting on Saturday is an easier question, because the Roman Church fasts on that day and so do some others, both near and far. But it is a great scandal to fast on Sunday, especially since the spread of the detestable heresy of the Manicheans, so openly opposed to the Catholic faith and the Divine Scriptures, for they have selected that day for their adherents to fast, as if it were the proper day. The consequence of this is that fasting on Sunday is considered utterly revolting, except, of course, in the case of one who was prolonging his fast beyond the week, so as to approximate a forty-day fast, as far as he might be able, taking no food at all,


28 The Cetedoc Library of Christian Latin Texts lists almost five hundred references to scandal in the works of Augustine, although many of these are simply biblical quotations.
at all, as we have known some to do... 29

Discussions of this kind are very much time-bound. Augustine was concerned with keeping a relatively unformed religion free from the many heresies of his time, and a great deal of his work is in response to those unorthodox beliefs and practices. (We are reminded of this in his oft-repeated dictum that "it is better to die of hunger than to eat foods sacrificed to idols"). 30 We find less of this concern later, until the practices of medieval heretics such as the Cathars begin to worry the orthodox church.

Before moving away from Augustine, we should note that it is he who gives us a much-quoted definition of sin as "a word or a deed or a desire against the law of God." 31


30 The context is a discussion of inordinate libido: "Quod enim est cibus ad salutem hominis, hoc est concubitus ad salutem generis, et utrumque non est sine delectatione carnali, quae tamen modificata et temperantia refrenante in usum naturalem redacta libido esse non potest; quod est autem in sustentanda vita inlicitus cibus, hoc est in quae re prole fornicarius vel adulterinus concubitus; et quod est in luxuria ventris et gutturis inlicitus cibus, hoc est in libidine nullam prolem quaerente inlicitus concubitus; et quod est in consigibus venialis ille concubitus. Sicut ergo satius est emori fame quam idolothyris vesici, ita satius est defungi sine liberior quam ex inicito coitu stripem querere." Augustine, De bono coniugali, c. 18, Corpus Scriptorum Ecclesiasticorum Latinorum v. 41, pp. 210-11. We find this passed on later by Gratian in his Decretum, C. 32, q. 4, c. 8.

31 "Pecatum est dictum vel factum vel concupitum contra legem Dei." Augustine, Contra Faustum 22, 27, in J. Zycha, ed., Corpus Scriptorum Ecclesiasticorum Latinorum v. 25, I, 621, 12-13. I include this because this definition of sin resonates in later definitions of scandal. See, for example, below, p. 23.
Like Augustine, Jerome wrote a commentary on the Gospel of Matthew. Dealing with Matthew 15:13, he writes that "Σκάνδαλον we call briefly scandalum; we might say 'offense' or 'ruin', or 'striking the foot'." On Matthew 18: 6-9 (see above, pp. 10-11), he says that the passage might refer to anyone who scandalizes anyone else, but because of what follows in the gospel, it might also refer to the apostles who argued over who was greater in heaven. He adds that immersion in the sea with a millstone round the neck was the custom of that province, and concludes: "It is much better to receive a short punishment for fault than to remain in eternal tortures." On verse 7, "Woe to the world from scandal. It is necessary that scandals come, but woe to the man by whom scandal comes," Jerome says that this is not that the coming of scandals is necessary, for then those who caused them would be without guilt, but since it is necessary for scandals to be caused in this world, everyone suffers scandals by his own vice. He goes on, in dealing with the following verses, to say that "all fondness is mutilated, every friendship cut off lest

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32 "...scandalum breviter dicamus quid significet Σκάνδαλον et scandalum, nos offendiculum, vel ruinam et impactionem pedis possimus dicere." Jerome, Commentar. in Evang. Math., lib. II, cap. XV, on Math. 15:13, PL 26.107. The Greek is a late form of σκάνδαλον (I am grateful to Fiona McMullan for pointing this out).

33 "Quanquam haec generalis possit esse sententia adversus omnes qui aliquem scandalizant, tamen juxta consequentiam sermonis etiam contra apostolos dictum intelligi potest, qui, interrogando quis major esset in regno caelorum, videbantur inter se de dignitate contendere, et si in hoc vitio permansissent, poterat eos quos ad finem vocabant, per suum scandalum perdere, dum apostolos viderent inter se de honore pugnare. Quod autem dixit: Expedit ei ut suspendatur mola asinaria in collo ejus, secundum ritum provinciae loquitur, quo majorum criminius ista apud veteres Judaeos poena fuerit, ut in profundum ligato saxo demergerentur. Expedit autem ei, quia multo melius est pro culpa brevem recipere poenam, quam seternis servari cruciatibus." Jerome, Comment. in Evang. Math., lib. 3, cap. 8, PL 26.133.

any of the faithful be exposed to scandal, by reason of their familiarity." On Matthew 23: 13, Jerome says that "Every teacher who scandalizes his disciples with his evil deeds closes the kingdom of heaven before them."

Jerome mentions scandal in several of his letters, not least in those addressed to women. Writing to Marcella, a virtuous widow, he reminds her that a widow's duty is to remain a widow, and that a simple life is not offensive. "Those women rather should offend [i.e. scandalize] a Christian's eyes," he writes, "who paint their cheeks with rouge and are covered with powder and so disfigured by excessive whiteness that they look like idols,..."

Writing to the monk Rusticus about the dangers of thinking of women (dangers which he well understood, having suffered from visions of dancing girls), he says, citing Matt. 5:27-30:

See your mother often, but do not be forced to see other women when you visit her. Their faces may dwell in your heart.... As long as you stay in your native city, regard your cell as Paradise, gather in it the varied fruits of the Scriptures, make them your delight and rejoice in their embrace. If your eye or your foot or your hand offend you, cast them off.

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37 "Illae Christianos oculos potius scandalizent, quae purpurisso et quibusdam fucis ora oculos que depingunt, quarum facies gypsumae et nimio candore deformes idola mentiuntur,..." Select Letters of St. Jerome, F.A. Wright, trans. (Cambridge, Mass., 1980), pp. 162 and 163. While this passage may be construed as addressing behaviour that is merely shocking, that is, scandalizing in the modern sense, I think that Jerome means that over-made-up women are likely to cause sin in others.
Spare nothing, provided that you spare your soul.\textsuperscript{38}

Augustine's and Jerome's contemporary, John Cassian (ca. 365-435), known to us mainly because of his connection with monastic life, says in his \textit{Collationes} that "the truth of the Scriptures may not be altered on account of scandalizing the weak."\textsuperscript{39} This notion of the sacrosanctity of truth will become important in thirteenth-century discussions of scandal.

Gregory the Great (d.604) demonstrates a clear understanding of the Christian responsibility not to scandalize others:

very commonly, when we do some things wrong, whereas our brethren see it, we are setting them a bad example, and our foot being as it were turned out of the way, we leave distorted footsteps to those that follow, while by our own deeds we lead the way for other men's consciences to stumble.\textsuperscript{40}

We should avoid, as much as possible, scandalizing our neighbours, but it is better to

\textsuperscript{38} "Matrem ita vide, ne per illam alias videre cogaris, quaram vultus cordi tuo haereant.... Quamdiu in patria tua es, habeto cellulum pro paradiso, varia scripturarum poma decerpe, his utere deliciis, harum fruere complexu. Si scandalizat te oculus, pes, manus tua, proice ea. Nulli parcas, ut soli parcas animae." Wright, trans., \textit{Select Letters of St. Jerome}, Letter CXXV, 406/408 (Latin), 407/409 (English).


allow scandal than to relinquish truth.\textsuperscript{41}

Gregory is one of the first to focus on the special obligation of priests to avoid scandalizing their flock:

Hence also it is written through the prophet, ‘A snare for the downfall of my people are evil priests’ (Hos. v.1; ix.8). Hence again the Lord through the prophet says of the priests, ‘They are made to be for a stumbling-block of iniquity to the house of Israel.’ For certainly no one does more harm in the Church than one who has the name and rank of sanctity, while he acts perversely. For him, when he transgresses, no one presumes to take to task; and the offence spreads forcibly for example, when out of reverence to his rank the sinner is honoured. But all who are unworthy would fly from the burden of so great guilt, if with the attentive ear of the heart they weighed the sentence of the Truth, ‘Whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged around his neck, and he were drowned in the depth of the sea’ (Matth. 18.6). By the millstone is expressed the round and labour of worldly life, and by the depth of the sea is denoted final damnation.\textsuperscript{42}

A priest ought not to preach profound things to weak people, lest they accidentally


fall thereby into sin.

Bede (d. 753) also comments on the passage "Vae mundo a scandalis", saying

"Hence it is enjoined on him [Moses] by the Divine voice that, if any one should dig a cistern, and not cover it, and an ox or ass should fall into it, he should pay the price (Exod. xxii. 33, 34), because when one who has arrived at the deep streams of knowledge covers them not up before the brutish hearts of his hearers, he is adjudged as liable to penalty, if through his words a soul, whether clean of unclean, be caught on a stumbling-stone." "Hinc per eum divina voce praecipitur, ut is qui cisternam foderit, si operire neglegat, corruente in ea boue vel asino, pretium reddat, quia ad alta scientiae fluuenta perueniens, cum haec apud bruta audientium corda non contegit, poenae reus addicitur, si per uerba eius in scandalum, siue munda seu mens immunda capiatur." Gregory, *Pastoral Rule*, Barnby, trans., p. 71; *Règle Pastorale*, v. 2 (Paris, 1992), Part 3, c. 39, pp.528/530.

"Impossibile est ergo in hoc mundo erroribus aerumnisque plenissimo scandalis saepissime non venire, sed vae illi qui quod impossibile est non venire suo vitio facit ut per se veniat. Ubi quamvis generali sententia vel aliquis falsus frater vel ipse Judas qui priditioni animum praeparabat intellegi quest tamen iuxta consequentiam sermonis hic locus ad superiora respicit ubi dominus de elmosina danda locutus a Pharisaes iridetur. Qui enim recta loquentem viruperat scandalum profecto, id est offendiculum, et ruinam auditoribus praebet infirmis, maxime si et ipse cum Pharisaes legis videatur habere scientiam." *Bedae Venerabilis Opera, Pars II, In Lucam Evangelium Exposito*, D. Hurst, ed. Corpus Christianorum Series Latina 120, p. 307.

that the Fathers used the concept in straightforward ways. They abhorred shocking
behaviour as scandalous, and as dangerous to the sinner and to the community.
Much of their discussions of scandal is focused on biblical exegesis — principally of
those passages where scandal is characterized as a stumbling-block. When we turn
to the later period which is our focus here, we find increasingly sophisticated
interpretation. The examples which follow have been chosen as having been
especially influential on English thought and practice.

C. The Middle Ages to the end of the twelfth century

In tracing the development of a theological idea, it is exceedingly difficult to
separate the various genres in which it is to be found. Thus the rest of this chapter
and Chapter Two will follow the three inextricably intertwined threads of theological
writing, pastoral literature, and canon law, beginning in the early twelfth century.
Theological writing continued the tradition of biblical exegesis, but went on to
address complicated questions in sophisticated ways.46

An early example of a work that was widely disseminated and which became
standard in all the schools by the mid-twelfth century was the Glossa ordinaria on
the Bible. Glossing the passage in Matthew 5 ("If your right eye offend you," etc.),
the gloss says that the "right eye" is that of contemplation.47 On Matthew 18, it

46 For a table of twelfth- and thirteenth-century writers and their works in which scandal
appears, see Appendix B.

47 "Dextera manus est actio oculus contemplatio", Glossa ordinaria on Matthew 5. Biblia
Latina cum Glossa ordinaria, Facsimile Reprint of the Editio Princeps, Adolph Rusch, Strassburg,
gives the definition: "One scandalizes who gives the occasion of ruin by word or deed less right."48 "Note that as much as you can without sin, you ought to avoid scandalizing your neighbour," and "the truth ought not to be abandoned on account of scandal."49 On Christ's words that it would be better for a scandalizer to be suspended in the sea with a millstone round his neck, the Glossa says, echoing Jerome, that this means that "it is much better to accept a brief penance for sin than to suffer eternal punishments. For God does not judge one thing twice."50

The interlinear gloss on the passage in 1 Corinthians 9, dealing with the acceptance of expenses for preaching: "It is better for me to die, rather than that my glory be taken away", says that that is what would happen if the preacher accepted payment "with scandal."51 Some thirteenth-century writers took up this topic.

Theological ideas about scandal were reflected in canon law, the corpus of papal edicts, conciliar canons, and diocesan statutes. The most widely influential

1480/1 (Brepols, 1992). Its editors, Karlfried Froehlich and Margaret T. Gibson, say that this no doubt "represents the standard text which scholars from the late twelfth century to the late fifteenth would have recognized as such." (p. v.) On the authorship of the Glossa, see Beryl Smalley, The Study of the Bible in the Middle Ages (Notre Dame, 1964, orig. pub. Oxford, 1952), pp. 60-1.

48 "Scandalizat qui dicto vel facto minus recto occasionem dat ruinem." Glossa ordinaria on Matthew 18.


50 "Multo melius est pro culpa brevem suscipere penam, quam eternis servari cruciatibus. Non enim iudicabit deus bis in id ipsum." Glossa ordinaria on Matthew 18.

51 "quod esset si acciperet cum scandalio." Glossa ordinaria on 1Cor: 9.
work is Gratian’s *Decretum*, c.1140, a “definitive compilation of earlier canon law”.52 Here are found nearly four dozen mentions of scandal,53 although many of these are scriptural quotations, or simply passing references. Some canons, however, deal directly with the dangers of scandal.

In the *Decretum* we find Gratian (citing Rabanus) showing, like many other clerical authorities, much concern about the morals of priests. He has this to say: those in sacred orders “discovered or publicly taken in perjury, theft, and fornication and other such sins,” should be punished according to the canons, “because it is a scandal to the people of God for such persons to be placed over them.”54 When public ill-fame is not present, an accused person should be allowed to purge himself, to remove scandal.55 A priest who is merely believed by the people to have committed evil deeds which cannot be proven is to be suspended from office until he

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has made satisfaction, lest the faithful be scandalized by him.\textsuperscript{56} A fornicating cleric is not to appear in public “lest the crowd of the faithful suffer scandal in him”, and a priest is not to perform public penance.\textsuperscript{57}

Bodily flaws could be as problematic as moral failings. Clerics’ physical imperfections — diseases like leprosy or impetigo, or conditions like obesity — might introduce scandal into the celebration of the divine office.\textsuperscript{58}

Not only priests, but bishops too, in the carrying out of their work, need to avoid scandalizing the people: “if ever in carrying out his ministry, anything is to be received [as a gift or payment] from his subjects or brothers, this most especially should be done carefully, lest anyone be scandalized or burdened.”\textsuperscript{59} All people are also to be obedient to their bishops and to take their Christian duties seriously: “He is doubtless scandalized in God, who does not teach rightly, and who scandalizes his

\textsuperscript{56} “Ex Concilio Ylerdensi: Presbyter si a plebe sibi commissa mala opinione infamatus fuerit, et episcopus legitimis testibus adprobare non potuerit, suspendatur usque ad dignam satisfactionem, ne populus fidelium in eo scandalum patiatur.” Friedberg, ed., Gratian, \textit{Decretum}, C. 2.5.13, p. 459. This appears also in the \textit{Decretum} of Burchard of Worms, Liber Secundus, cap. 184: “Si quis presbyter a plebe sibi commissa mala opinione infamatus fuerit, et episcopus legitimis testibus approbaret non potuerit, suspendatur ab officio presbyter usque ad dignam satisfactionem, ne populus fidelium in eo scandalum patiatur.” PL 140, col. 656.

\textsuperscript{57} “[I]n publicum non procedat: ne grex fidelis in eo scandalum patiatur; nec enim debet sacerdos publice poenitere, sicut laicus.” Friedberg, ed., Gratian, \textit{Decretum} D. 82.5, p. 292. The chapter heading says that this comes from “Concilio Gangrensi”, but Friedberg’s note says this in an error, which he corrects, naming Theodore, archbishop of Ireland.

\textsuperscript{58} “[Q]ui habuerit maculam, non offerat panem Deo suo, nec accedat ad ministerium eius. Ubi et repente subiungitur: Si cecus fuerit, si claudus, si vel parvo, vel grandi, vel torto naso, si fracto pede, si mancus, si gibbus, si lippus, si albuginem habens in oculo, si ingem scabium, si impetiginem in corpore, vel ponderosus.” Friedberg, ed., Gratian, \textit{Decretum} D 49 c. 1, pp. 175-7.

bishop or priest."\(^{60}\)

In speaking of penance, Gratian says a penitent should confess devoutly to a priest, because it does him good not only in receiving health, but also as an example to others; such as if his sin is not only burdensome in its evil, but also a scandal to others, it seems...to be useful to the church that he neither reject nor refuse to do penance before many, or before the whole congregation...\(^{61}\)

That confession is by no means to be divulged by the priest, on pain of deposition.\(^{62}\)

Later developments in canon law will be dealt with in the following chapter.

The famous abbot of Citeaux, Bernard of Clairvaux, was occasionally concerned about scandal. In a letter to Abbot Suger of St. Denis, he complains about a man who was (scandalously) at the same time seneschal of the royal palace (of Louis the Fat), Archdeacon of Notre Dame, and Dean of Orleans. The dictum "Woe to him through whom scandals come", Bernard says, does not apply to himself,

\(^{60}\) From an epistle of Pope Anacletus: "Ille procul dubio scandalizatur in Deum, qui recte non docet, et qui eius scandalizat episcopum vel sacerdotem." Friedberg, ed., Gratian, *Decretum*, D. 93, C. 10, p. 322.

\(^{61}\) "...quod non solum ipsi prosit ad recipiendum salutem sed etiam caeteris ad exemplum, ut si peccatum eius non solum in gravi eius malo, set etiam in tanto scandalo aliorum est, atque hoc expedire utilitate ecclesiae videtur antisiti, in noticia multorum, vel coram totius plebis multitudine agere poenitenciam non recuset, nec resistat." Friedberg, ed., Gratian, *Decretum*, DP 1.85, p. 1183. Gratian is citing Augustine, Sermon 351. As an example of how Gratian's opinion was used by others, see Peter Lombard, below, pp. 31-2.

because it is necessary for him to denounce this person.

When scandal comes through vices being denounced, it comes through those who do what is blameworthy and not through those who blame it. And I do not set myself up as being more circumspect or more discreet than he who said: 'It is better that there should be a scandal than that truth should be compromised'.

Bernard concerned himself with an election to the archbishopric of York, about which he wrote many letters to other clerics, not least the pope. In one addressed to the entire curia, he denounced the election, saying that there would be "a great scandal...in the Church of God." This "grave scandal, not merely a scandal to babes, but to great and holy men" should enrage the curia, he writes, clearly using scandal in its "stumbling-block" sense. In this same sense Bernard writes to the monk Adam, whose bad behaviour is causing scandal. The abbot says: "It is clear that, except in the interests of truth, and there is no question of that in your case, it is never lawful for anyone to give scandal or to command what would give scandal," even with the permission of the pope.

63 "Nec me, ut aestimo, tangit omnino quod sequitur: Vae autem homini illi per quem scandalum venit. Cum enim carpuntur vitia, et inde scandalum oritur; ipse sibi scandalum causa est, qui fecit quod argui debeat, non ille qui arguit. Denique nec cautior sum in verbo, nec circumspexit in sensu, illo qui ait: 'Melius est ut scandalum oritur, quam veritas relinquitur.'" Migne, ed., Opera Omnia (Paris, 1862), Epistola 78.196-7. My translation comes from Bruno Scott James, trans., The Letters of St. Bernard of Clairvaux (Chicago, 1953), p. 116, where this letter appears as no. 80.


65 "Constat, ubi veritas necessaria in causa non est, nec licite scandalum a quotibet posse committi, nec iuste praecipi, nec innoxie consentiri." Bernard, Epistola 7, PL 182.98; James, trans., Letters of St. Bernard, Letter 8, p. 31. Adam had apparently distressed Bernard by leaving his monastery, following his abbot, an evil man. The abbot had died, and Bernard had advised Adam that his evil counsel no longer needed to be obeyed. Adam's going forth in disobedience to Bernard had caused scandal.
Likewise, in a letter to a nun, Bernard urges her not to leave her convent: "If you are a sinner, do not pile one sin on the top of another but do penance where you are, for if you leave your convent you will incur great danger...give scandal to your sisters, and set the tongues of many wagging against you."66 The abbot does not say here that scandal causes gossip, but he does associate the two.

In his Liber de praeccepto et dispensatione, Bernard says that not all scandals are equal. One kind is called the "scandal of the little ones" and another is "Pharisaic scandal." The former arises out of ignorance on the part of those who do not know the truth, the latter out of malice on the part of those who hate it.67

Throughout this period we can see the concept of scandal becoming increasingly complex, as theologians sought to address a wider range of concerns: as the reforming impulse extended throughout the church, the sin of scandal itself took on broader implications for both clergy and laity. Bernard's enemy, the controversial and brilliant Peter Abelard (1079-1142), was an original thinker who interested himself in such broad and complex ideas.

Peter Abelard wrote about the nature of sin and the jurisdiction of the church.


Harold Berman says that in his *Ethics* he laid the foundation for later canonists, in saying that the three conditions necessary for a sin to constitute an ecclesiastical crime were gravity, manifestation in an external act, and vexatiousness to the church. "It must be a 'scandal' to the ecclesiastical polity. The law should not punish even morally evil acts unless they are also harmful to the society whose law is being applied."\(^{68}\)

By Abelard's time, the sin of scandal had become attached often, but not exclusively, to sexual sins. Although in the following example he is speaking of the desecration of a building, it is a sexual sin he chooses as his example. "[L]et us suppose," Abelard says,

that someone has corrupted a certain woman by having sexual intercourse in a church. When this has been brought to people's ears, they are disturbed not so much by the violation of a woman and a true temple of God as by the infraction of the physical temple, although it is more serious to take advantage of a woman than of a building and to inflict damage on a man rather than on a place. Yet we punish the burning of houses with a greater penalty than in the case of fornication, although before God the latter is considered far graver than the former.\(^{69}\)

It is clear that a sin performed in public so as to have the potential of corrupting others is more serious in the eyes of the law than the same sin committed privately:

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Whatever can redound to the common ruin or public detriment should be punished with greater correction, and what causes greater wrong deserves among us a heavier penalty, and the greater the scandal with men the greater the punishment which it incurs among men, even though a lighter fault has preceded it.\(^7\)

This is about not only the individual’s sin, but more importantly the public welfare.

"Therefore," Abelard continues, "we often punish the smallest sins with the largest penalties, not so much considering with the fairness of justice what fault went before, as thinking with the wisdom of foresight how much trouble can arise if they are punished lightly."\(^7\)

About 1150, Peter Lombard (d. 1160) produced his *Book of Sentences*, which was to be influential beyond measure, remaining for centuries a theology text in the schools.\(^2\) The Lombard is not silent on the subject of scandal. In Book One, Distinction 17, he discusses the Epistle of John, in which the apostle says: "He that loveth his brother abideth in the light, and there is none occasion of stumbling in

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\(^7\) "Omne namque quod in communem perniciem vel in publicum redundare potest incommodum castigatione maiori est puniendum, et quod contrahit maiorem offensam, graviorem inter nos probetur penam et maius hominum scandalum maius inter homines incurrir supplicium, etsi levior precessit culpa." Luscombe, *Abelard’s Ethics*, pp. 42/43.

\(^7\) "Sepe igitur minima peccata maioribus penis vindicamus, non tam aequitate iusticiae adtendentem quae culpa precesserit quam discretione providentiae cogitantes quanta hinc contingere possit incommoditas, si leviter piantur." Luscombe, *Abelard’s Ethics*, pp. 44/45.

\(^2\) Peter Lombard taught theology at Notre Dame. Marcia Colish says that "he...became the enduring classic, the standard introduction to systematic theology in the medieval university curriculum, starting with Paris in 1215." *Peter Lombard* (New York, 1994), p. 11. Perhaps the *Sentences* were so successful as a teaching tool because they "constitute the Lombardian *summa* that emerged out of the course in systematic theology which Peter taught for well-nigh two decades." (p. 25)
him."\(^{73}\) "It is clear," he says, "that he places the perfection of justice in the love of one's brother. For he in whom there is no scandal is especially perfect."\(^{74}\)

In Book 4, Dist. 38, he speaks specifically of the breaking of vows.

Differentiating between private and solemn vows (the latter being made in the sight of the church), he says that the violation of a private vow is a mortal sin, but the violation of a solemn vow is a sin and a scandal.\(^{75}\) In Book 4, Dist. 17, on the efficacy of confession for remitting sin, he says that confession is not only for the salvation of the sinner, but also for an example to others. If his sin is not only serious in itself, but is also a great scandal to others, and it seems to the prelate to be useful for the church, he should not refuse to do penance publicly.\(^{76}\)

Many writers, not surprisingly when most of their readership was likely to be in orders, dealt at some length with the seal of confession, by which the priest was bound not to disclose what had been revealed to him. While the works of Peter Abelard and Peter Lombard are not strictly pastoral literature, their remarks on

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73 "Qui diligit fratrem in lumine manet, et scandalum in eo non est" 1John 2: 10.

74 "Manifestum est quod iustitiae perfectionem in fratris dilectione posuerit; nam in quo scandalum non est, utique perfectus est." Peter Lombard, Sententiae in Quatuor Libri Distinctae, Lib. I, Dist. XVII, cap. 1, p. 143.

75 Peter Lombard, Sententiae, "Item priuatum uotum si uioletur, peccatum est mortale; solemnne uero violare peccatum est et scandalum." Lib. IV, Dist. 38, cap. 2, p. 478.

76 "[I]d tamen agat quod non solum sibi prosit ad salutem, sed etiam ceteris ad exemplo. Ut si peccatum eius non modo in graui eius malo, sed etiam in tanto scandalo aliorum est, atque hoc expediri utilitati Ecclesiae uidetur antistiti, in notitiam multorum uel totius plebis agere poenitentiam non recuset" Lombard, Sententiae, Lib. 4, Dist. 17, cap. 3, pp. 348-9. Lombard is here quoting Gratian; see above p. 26, n. 61.
confessors are relevant to clerics. Abelard warns confessors not to divulge what they hear: "Sometimes...by revealing sins either in anger or in levity, they [confessors] gravely scandalize the Church and place those who have confessed in great dangers."77 Peter Lombard says a priest must never reveal anyone's confession, "pro aliquo scandalo."78

Peter Comestor (d. c. 1180) wrote, among other things, sermons, commentaries on the Gospels, and the Sententiae de sacramentis.79 He does not say as much as Peter Abelard or Peter Lombard, but his thought on public sin is the same: "It is more serious [to sin] in public than in private or secret."80

Confessors' guides had been produced to aid priests in hearing private confessions from the sixth century on. Those compiled before the twelfth century are known as penitentials, and contain lists of sins with their proper penances, while those written from the late twelfth century forward are called summae poenitentiae, a genus which admits of many subspecies, of which the most important form,

77 "Non numquam etiam peccata vel ex ira vel ex levitate revelando graviter aecclesiam scandalizant, et eos qui confessi sunt in pericula magna constituunt." Luscombe, Abelaed's Ethics, pp. 104/105.

78 Peter Lombard, Sententiae, Book IV, dist. 21, De poenis sacerdotis qui peccatum publicat confitentis, col. 897. See quotation from Gratian, above, p. 26 n. 62.

79 See the Dictionary of the Middle Ages, v. 9, s.v. "Peter Comestor".

80 Petrus Comestor, De paenitentia, in Sententiae de sacramentis, Raymond M. Martin. Appendix in Henri Weisweiler, Maître Simon et Son Groupe De Sacramentis (Louvain, 1937), p. 65. Peter makes no direct reference to scandal in this important work.
according to Boyle, is the *summa confessorum*. These later manuals were concerned less with detailing specific penances for particular sins than with ensuring that the members of the Christian community, both cleric and lay, were fully instructed in the faith, although there is between them and their predecessors a "continuity of theory".

Many confessors' manuals date from even before the Fourth Lateran Council in 1215, when the crucial canon *Omnis utriusque sexus* was published; many were also inspired by that constitution. According to Boyle, the genre of pastoral manuals — "pastoralia" — is divisible into two periods, before and after c. 1260. The first works were mostly about "educating priests to be the 'prudent and discreet' confessors specified by the constitution"; the most important of these are the *summae confessorum*, especially that of Raymond of Peñafort. In the second period, writers are "more directly concerned with the penitent as such and with the education of the penitent." The great flowering of pastoral literature continued through the

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83 See Appendix A for the full text of this important canon.

84 Boyle, "The Fourth Lateran Council", p. 34. See also his "Summae confessorum", *Les Genres Littéraires dans les Sources Théologiques et Philosophiques Médiévales* (Louvain, 1982), passim.

85 Boyle, "The Fourth Lateran Council", p. 34. See also Pierre Michaud-Quantin, "A propos des premières Summae confessorum", *Recherches de Théologie Ancienne et Médiévale* 26 (1959), 264-306, and his *Sommes de casuistique et manuels de confession au moyen âge (XII-XVI siècles* (Louvain,
fourteenth century.

In early pastoral literature, an example of concern with the seal of confession is found in the *Penitential* of Bartholomew of Exeter (c. 1160): "Let the priest above all take care lest he repeat to anyone the sins of one who confesses to him, not to a neighbour nor to a foreigner, nor, *quod absit*, for any scandal. For if he should do this, let him be deposed, and let him go on pilgrimage as one disgraced all the days of his life."\(^{86}\)

Bartholomew also discusses the priest guilty of fornication: "If a priest has been defamed in the opinion of the people to have committed evil deeds, and his legitimate bishop could not prove it by witnesses, let the priest be suspended until [he has made] worthy satisfaction, lest the faithful people suffer scandal in him."\(^{87}\) Such a priest is to clear himself with seven of his colleagues, after which he may return to duty.

Bartholomew’s work influenced many writers, not least William de Montibus,


chancellor of Lincoln Cathedral from at least 1187 until his death in 1213. In the 1170s he was teaching in Paris at his own school. He was a contemporary of Peter the Chanter, although not his student. Among William's works is a treatise written in the 1180s or early 1190s for "a friend who had requested a compendium of penitential doctrine suitable for cloistered monks." In a section dealing with penances for sexual sins, William says that a monk who twice or more often has committed adultery must perform the same penance as one who has done it only once (saying the Psalter, receiving disciplines, genuflections, and so on, for a year), with this addition: "that he abstain from meat and vegetables every Friday, but that he might taste a little bit of it for the sake of avoiding scandal." 

Alan of Lille produced his influential Liber Poenitentialis in 1198, which Michaud-Quantin says belongs in the tradition of Bartholomew's work, but is the first of the penitential manuals for parish priests. Priest, says Alan, are like children, because they easily meet with the scandal of criminal sins. In a section on

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88 Joseph Goering, William de Montibus (c.1140-1213). The Schools and the Literature of Pastoral Care (Toronto, 1992), pp. 9-12.

89 Goering, William de Montibus, p. 211.

90 That is, so that his fellows do not suspect him of doing penance. "Qui autem bis aut sepius adulterium commiserit, predictam penitentiam cum hac additone faciat, ut qualibet sexta feria abstineat a companagio, ita tamen ut aliquid inde gustet pro scandalo vitando." Goering, William de Montibus, p. 218.

91 Pierre Michaud-Quantin, Sommes de casuistiques, p. 16.

92 "...sacerdotes nostri sunt pueri, quia...ad scandalum criminalium peccatorum Deum offendunt", Alan de Lille, Liber Poenitentialis, Jean Longère, ed. (Louvain, 1965), vol. 2, Lib. 1, cap. 1, p. 23.
satisfaction and contrition, he advises the priest that in imposing penance for adultery or other sins, he should advise the sinner that a great penance is owed for grave sin, but that it may be remitted on account of human weakness. lest the sinner be scandalized by the magnitude of the penance.\textsuperscript{93}

Alan reiterates the commonplace that clerics are not to undergo public penance, both "on account of the dignity of the clerical estate, and because the sins of clerics are especially to be concealed, not on their own account, but lest they be spread to laypeople as an example and a scandal".\textsuperscript{94} He also includes from the \textit{Decretum} the warning that priests who break the seal of confession are to be deposed.\textsuperscript{95}

These writers, working before 1200, all (with the possible exception of Abelard) used scandal primarily in its traditional meaning of stumbling-block. It was not until the early decades of the thirteenth century that scandal received more nuanced treatment in pastoral manuals. This is the subject of the next chapter.

\textsuperscript{93} "[S]i satisfactionem vult injungere, pro peccato luxuriae, quamvis ei magnum infligat satisfactionem, ne scandalizetur peccator, debet ei significare quod major debetur satisfactio tali culpae, sed remittendum est de poena considerata humanae fragilitatis impotentia. Unde consuunter significare debet maximum sit peccatum luxuriae et quantum maxime vitandum: quod corpus enervat, inficit, et contaminat, hominem infamat, bursam evacuat, proximum offendit, Deum amittit, cibus est diaboli, odium angeli, animas commaculat et aeternaliter damnat. Sic, pro aliis peccatis poenitentias injungendo, significare debet, quae poenae quibus debeantur peccatis, ne peccator scandalizetur pro quantitate satisfactionis." Alan of Lille, Lib. 2, cap. 6, pp. 48-9.

\textsuperscript{94} "[N]ota quod illa solemnis poenitentia quae carena dicitur et laicos infligitur, clericis infligenda non est propter clericatus vel status dignitatem, vel quia postea non possent promoveri ad ordines et quia maxime peccata clericorum velanda sunt, ne promulgata laicos sint in exemplum et scandalum, ne propter eos nomen Domini blasphemetur inter gentes." Alan of Lille, Lib. 3, cap. 8, p. 131.

\textsuperscript{95} See above, p. 26.
1. INTRODUCTION

It was during the thirteenth century that the theology of scandal attained its highest development. Much ink was expended on the subject, with the discussion growing ever more detailed and sophisticated, until Thomas Aquinas distilled the essentials in his Summa theologiae. For the thirteenth century at least, the story lends itself to a thematic treatment. Chronology will not be neglected — particular ideas will be traced over time — but it is those ideas themselves which will shape the discussion. The situation is different in the fourteenth century: there are fewer writers and little innovation, consequently we can return to a chronological treatment there. We begin, however, just before the close of the twelfth century, with Peter the Chanter.

2. PETER THE CHANTER

Although he died in 1197, Peter the Chanter, the influential Parisian master, is included here because he and the circle of scholars directly influenced by him mark important new developments in the history of scandal. The theology of scandal and the practical application of that theology seems to have been largely developed by
scholars who studied in Paris at the end of the twelfth century and the beginning of
the thirteenth, most particularly by followers of Peter the Chanter. The Chanter
numbered among his students Stephen Langton, who became Archbishop of
Canterbury, the papal legate Robert Courson, and Thomas of Chobham, sub-dean of
Salisbury. Both Robert and Thomas wrote important Summae, and Stephen Langton
was a far from insignificant primate, many of whose sermons and other writings have
survived.

Peter's Summa de sacramentis is the first I can find to include an entire
chapter on scandal (Cap. 45, De scandalo), in which he makes reference both to the
New Testament (Matthew 18, Romans 14) and to Augustine; he also deals with the
subject in a section about justice to one's neighbour. In the following discussion I
have generally followed Peter's own organization.

He begins with a definition of scandal which he says is customary: "It is
usual to say that scandal is when, provoked by your improper word or deed [lit.,
word or deed less right], your neighbour falls into ruin." He goes on to say that
"Augustine calls the Greek scandalum [skandalon] 'offense', or 'ruin', or 'blow to
the foot' in Latin, and therefore he scandalizes his brother who furnishes him with
the occasion of ruin from his word or deed."¹ One who does this sins mortally.

¹ "Solet dici quod scandalum est quando dicto vel facto tuo minus recto, proximus in ruinam
per indignationem incidit. Augustinus dicit scandalum grece 'offendiculum', vel 'ruina', vel
'impactio pedis' latine. Ille ergo fratrem suum scandalizat qui ex dicto vel facto occasionem ruine
prebet." Peter the Chanter, Summa de sacramentis, Jean-Albert Dugauquier, ed., Analecta Medievalia
Namurcensia, vol. 16 (Louvain, 1967), Pars 3, Cap. 45, De Scandalo, §318, p. 372... Peter's editor
says that this comes more likely from Jerome, Commentarius in Evangelium Mattheiunm lib. 2, cap. 15,
in Matth. 15:12, PL 26.111: "Et quia crebro tertitur in Ecclesiasticis Scripturis, scandalum breviter
dicamus quid significet. Skandalon et scandalum, nos offendiculum, vel ruinam et impactionem pedis
Particular care must be taken not to scandalize the weak, who are more easily harmed.²

Scandal, Peter goes on to say, is sometimes interpreted narrowly, sometimes broadly, narrowly being

when from word or deed or omission of something which you should have done, your neighbour takes offense or doubt in faith; for example, if you eat sacrifices [to idols], this pertains to you yourself, but your neighbour might be scandalized by it. But it is a manifest injury and more than scandal if I harm my neighbour by impoverishing him or by abandoning a poor one. In deed, by insulting with words, harming his family goods, wounding his body; by omission, if I do not aid him in a legal case, if I do not lend him money, etc. And thus scandal is described by Jerome on Mark: Scandal is an offense to a neighbour or a faltering in faith from your word which pertains to you.³

Scandal is interpreted broadly, the Chanter says,

when for whatever reason improperly offered by you your neighbour is offended, whether from injury done to him or from your word or deed pertaining to you. But this might be doubted from this word: "They placed a stumbling-block (scandalum) for me beside the road." The road is the precept of God. Whence the gloss there says: Observe the precept lest

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² "Ille autem qui scandalizat fratem suum peccat mortaliter", and "Multa possunt dici et fieri coram sapientibus que non coram infirmis, quia citius scandalizantur". Peter the Chanter, Summa de sacramentis, Pars 3, Cap. 45, 2a, AMN 16, p. 372.

³ "Nota quod scandalum, quandoque stricte accipitur, quandoque large. Stricte quando ex dicto vel facto vel omissio quod ad te ipsum pertinet, incurrit proximus offensam vel dubitationem in fide. Ut si comedas ydoilotium, hoc pertinet ad te ipsum, ex hoc tamen potest scandalizari proximus. Si autem ledam proximum faciendo miserum vel deserendo miserum; faciendo, contumelia verborum, dampno rei familiaris, lesione corporis; omissendo, si non succurro ei in causa, si non presto ei mutuum, etc., manifesta injuria est, et plus quam scandalum. Et secundum hoc describitur scandalum a Hieronimo super Marchum: Scandalum est offensa proximi vel in fide titubatio ex dicto factove tuo quod ad te pertinet." Peter the Chanter, Summa de sacramentis, Pars. 3, Cap. 45, 2a, AMN 16, pp. 378-9.
you cause scandal on the road. But there are some
precepts from which there is no deviating even a little
without mortal sin. There are others from which it
might be only a venial sin. For example, by this
precept: you will not fornicate, by no libidinous act,
however small, might this be done without mortal sin
unless one is exempted by honest marriage. But by this
precept: foods are to be consumed as medicines, and
likewise in clothing, one might exceed the precept
without mortal sin. Therefore in these things in which
some excess is tolerable, scandal is beside the road....

Also, note that if a prelate commits some excess in
clothing ...not doing it from pride but so that greater obedience
might be shown to him by his subjects, it is meritorious to him,
and he does not sin.4

Failure to support the poor is a double (and mortal) sin, wrong both in
denying alms and in scandalizing.5

Peter also says that we scandalize doubly in both commission and omission;
in commission when we do something before someone by which that person might

4 "...quando pro quacunque causa a te indebita lata offenditur proximus, sive ex iniuria ei
lata, sive ex dicto vel facto tuo ad te pertinente. Sed dubitari potest de illo verbo: luxta iter scandalum
posuerunt michi. Iter enim est preceptum Dei. Unde glosa ibi dicit: Observa preceptum ne
scandalizeris in via. Sed quedam precepta sunt a quibus nulla est declinatio etiam modica sine mortali
peccato. Alia sunt a quibus potest esse excessus cum veniali. Verbi gratia. Ab hoc precepto: Non
fornicaberis, nullo actu libidinis quam modico potest declinari sine mortali peccato nisi excipiatur
honestate coniugi. Sed ab hoc precepto: Sumenda sunt alimenta tamquam medicamenta, et similiter
in vestimentis, potest fieri excessus aliquis sine mortali peccato. In his ergo in quibus aliquis excessus
tolerabilis est, est scandalum iuxta iter.

Sed si oculus tuus scandalizat te, etc.,...si talis excessus scandalizat me quandoque quia per
obreptionem, vel per scientiam, nimiis exceso, preceptum est quod omem excessum proiciam a me, et
ita pecco mortaliter si quam modicum excedo, dummodo presumam me scandalizandum ex illo
excessu....

Preterea, nota si prelatus facit aliquem excessum in vestibus...et ut maior exhibeatur ei
obedientia a subditis et non facit hoc pro superbia, meritorum est ei et non peccat." Peter the
Chanter, Summa de sacramentis, Pars. 3, Cap. 45, 2a, AMN 16, pp. 379-80.

5 "Cum aliquis a me petit petrocinium in causa uel elemosinam uel mutuum, et ego sine
multo graviusin possam hoc facere et non facio, scandalizio eum. Ipse enim iuste indignatur
quodammodo. Teneor enim succurrere indigenti. Sic ego quodammodo denego ei quod suum est, et
ita dupliciter pecco mortaliter, et quia nego et quia scandalizo. Ergo si pauper petit a me elemosinam
cum possim, pecco mortaliter si non do, quia presumo probabiliter quod scandalizabitur si nego."
Peter the Chanter, Summa de sacramentis, Pars 3, Cap. 45, 2a, AMN 16, p. 374.
be scandalized, and in omission when we neglect to do something we should, such as
give alms to the poor or fail to receive the eucharist at Easter. "Therefore," he says,
"to avoid scandal we should abstain from all lawful things which might be omitted,
saving the truths of life, doctrine, and justice." That is to say that the preservation
of those truths is a higher good which overrides the injunction against causing
scandal.

The doctrine of this "triple truth" of life (the Christian way of living to attain
eternal life), doctrine (Christian teaching), and justice (Christian law and order, and
rectitude), which becomes very important in subsequent treatments of scandal, seems
to originate with Peter the Chanter. References to veritas (in the context of scandal)
before him (including that in the Glossa ordinaria) are usually quotations from
Gregory ("We should avoid, as much as possible, scandalizing our neighbours, but it
is better to allow scandal than to relinquish truth"), and denote a single "truth".

Peter's editor notes that the "triple truth" is also found in Alexander of Hales's
Summa Fratris Alexandri, where Jerome is credited, although this is not found in
Jerome. We might add that almost all the writers after Peter use the "triple truth"

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6 "Ergo notandum quod dupliciter scandalizamus proximum in faciendo et in omittendo.
(1) In faciendo dupliciter vel quia manifeste iniurior illi, uel licet non noceam illi directe, tamen facio
aliquid unde ipse scandalizetur, ut si comedam carnes in die sabbati coram infirmis. (2) Similiter in
omittendo dupliciter, ut si non prestitero ei patrocinium cum debeam et possim, uel si omissam aliquid
agere penes me unde ipse scandalizetur, ut si nolim accedere ad eucharistant in die Pasche, uel si
nolim gustare carnes quando licitum est et alii gustant." And "Debemus ergo pro scandalo uitando
abstinere ab omnibus licitis que possunt omitti salua veritate uite uel doctrine uel iustitie." Peter the
Chanter, Summa de sacramentis, Pars 3, Cap. 45, 2a, AMN 16, p. 375 and p. 376.

7 "[I]n quantum sine peccato possumus, vitare proximorum scandalum debemus. Si autem de
veritate scandalum sumitur, utilius permittitur nasci scandalum quam veritas relinquatur." Gregory,
Peter gives examples of the three truths. As an example of how the truth of life affects the moral analysis of scandal, Peter mentions some women who decide to remain single, to live alone, or to fast:

Therefore they are thought to be Cathars and they scandalize many unless they marry or go into a monastery, because they appear to condemn marriage.... With the truth of life safe, they may marry, since matrimony is good. Yet perhaps it is not on account of scandal that they are obliged to marry, because it is safer for them to persevere in virginity, and they more easily attain [eternal] life. But if any are scandalized by my fast, even though it is a good thing, yet I might and I ought to leave it for a time because the truth of life is in no danger.  

Neither marriage nor fasting, while good, are required to attain eternal life, and so may be given up if they cause scandal.

The truth of justice, he says, means not only following the law, but also accusing others in an appropriate fashion,

such as when a monk in the cloister accuses his brother of some minimal excess. Perhaps he scandalizes him if he causes him to be beaten for such a small sin, and perhaps justice does not require that he should be so seriously punished for it, and so the truth of justice is not in peril. Thus it seems that for avoiding scandal to his brother he ought to refrain from accusing him. But if he does not accuse him, the brother might be more prone to like excesses, and then greater, and so the truth of justice and life as well of the brother are in danger, not

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8 "Alique proponunt in corde suo quod nunquam nubent, abstinent a consortio virorum, ieunant, etc. Reputantur ideo cathare et scandalizant multos nisi nubant vel intrent monasterium, quia videntur dampnare nuptias.... Salva veritate vite possunt nubere, quia matrimonium bonum est. Non tamen propter scandalum tenentur forte nubere, quia tutius est eis permanere in virginitate et facilius consequentur vitam. Sed si scandalizantur aliqui propter ieunium meum, licet bonum sit, tamen possum et debo solvere illud ad tempus quia in nullo veritas vite est in periculo." Peter the Chanter, *Summa de sacramentis*, Pars 3 Cap. 45, 2a, AMN 16, p. 376.
as far as this deed, but for future occasion.\textsuperscript{9}

Clearly great discretion is to be used to determine when the danger to the truth of justice warrants scandalizing another.

In another example illustrating how one should consider the truth of justice in relation to scandal, Peter says that a prelate should not dress poorly so as to avoid scandalizing his subjects because of his fine horses and garments, because they might lose respect for him and the truth of justice might thus be endangered by their subsequent disobedience and evil-doing.\textsuperscript{10}

The truth of doctrine is imperilled, he says, "if I should see my bishop propound an obscure heresy and he forbids me publicly to preach, I ought not to cease, even if some are scandalized because I seem to disobey my bishop."\textsuperscript{11}

In expanding Gregory's dictum that the truth ought not to be abandoned on

\textsuperscript{9} "ut cum monachus in claustro accusat fratrem suum pro minimo excessu. Forte scandalizat eum si facit eum bene verberari pro tam modico peccato, et iustitia forte non exigit quod pro eo tam graviter puniatur, et ita veritas iustitie non est periculo. Unde videtur quod pro scandalo fratris debeat omittere ut accuset eum. Sed si istud dimitteretur, multum proclivior esset ad similes excessus et postea ad maiores, et ita veritas iustitie et vite etiam fratris est in periculo, non quantum ad istud factum set quantum ad occasionem futurorum." Peter the Chanter, \textit{Summa de sacramentis}, Pars 3 Cap. 45, 2a, AMN 16, p. 376.

\textsuperscript{10} "Similiter si ego sum prelatus aliquorum, licet scandalizentur quidam quia vident me habere nobiles equos et ornamenta pretiosa de patronio Crucifixi, et quia vident habere me peritos iuris ad cohercendum eos, non tamen debeo omittere propter scandalum eorum quia veritas iustitie esset in periculo. Si enim essem in vili habitu et tamquam dejectus et contemptibilem me haberem, et non haberem aliquos qui punirent delinquentes, statim subditi fient inobedientes et mala agerent, et ita non possem exercere iustitiam, sic etiam veritas vite subditorum esset in periculo, quia ipsi haberent materiam peccandi." Peter the Chanter, \textit{Summa de sacramentis}, Pars 3 Cap. 45, 2a, AMN 16, p. 377.

\textsuperscript{11} "Ubi veritas doctrine est in periculo, ut si videam episcopum meum dogmatizare occultam heresim, et ipse inhibeat michi publice ne predicem, non debeo dimittere, etsi scandalizarentur quidam quia non vdeo obedire episcopo meo." Peter the Chanter, \textit{Summa de sacramentis}, Pars 3, Cap. 45, 2a, AMN 16, p. 377.
account of scandal, Peter provided the foundation for future discussions of the position of scandal \textit{vis-à-vis} truth. The threefold truth of life, justice, and doctrine were sacrosanct; not even the threat or the fact of causing scandal might allow them to be relinquished.

For Peter, the degree of sin in a potentially scandalous act is not necessarily determined by the outcome. If someone happens not to be scandalized by a deed which might reasonably be assumed to have the potential to scandalize, the sin is no less.\footnote{“Sed item videtur quod eventus rei non distinguat maleficium. Cum enim opus committo unde presumam probabiliter quod frater meus possit scandalizari vel offendi, siue non scandalizetur, siue non contristetur ille, ego non minus pecco, quod quidem credimus esse uerum.” Peter the Chanter, \textit{Summa de sacramentis}, Pars 3, Cap. 45, 2a, AMN 16, p. 374.} But for the Chanter, the public notoriety of a sin had a bearing on the severity of its punishment.\footnote{See N.M. Haring, “Peter Cantor's View on Ecclesiastical Excommunication and Its practical Consequences”, \textit{Mediaeval Studies} 11 (1949), pp. 100-1.}

Peter also writes more generally about the duty not to cause others' sin.

“\textit{[T]f,}” he says, “by abusive word, or by sign or any gesture, you hurt and scandalize your neighbour, you are bound to restore the loss and to console and reconcile the scandalized person.”\footnote{“Si autem a verbo contumelioso vel signo vel gestu aliquo, lesisti et scandalizasti proximum, teneris ad restitutionem amissorum et scandalizati consolationem et reconciliationem.” Peter the Chanter, \textit{Summa de sacramentis}, AMN v. 7, Pars. 2, cap. 2, art 3, §122, p. 248.}

When he discusses satisfaction for scandal, Peter says that if many are scandalized, many should be satisfied.\footnote{“Queritur si quis scandalizaverit exemplo pravo multitudinem aliquam, utrum teneretur satisfacere multitudini. Quod videtur. Si enim posuissem offendiculum pedi alicuius et ipse lapsus fregisset tybiam, nonne tenerer satisfacere ei? Multo fortius si ledam animam teneor satisfacere.”}
As we have seen, the Chanter treats scandal separately in a section of his *Summa de sacramentis*. In his *Verbum abbreviatum*, a work with a more pastoral orientation, scandal is not accorded the same kind of treatment, references to it being scattered through various sections.

For example, in urging monks to give up individuality and live communally like sheep in a flock, he says that unity should be preached in the congregation, for greater sin is committed in singularity than in a private place, especially that which scandalizes the weak.\(^{16}\) Elsewhere, in a chapter on keeping good company and avoiding bad, he cites the scriptural verse: "If your eye scandalizes you, cast it from you."\(^{17}\)

Like Gratian before him, the Chanter was concerned with scandal and the priestly office. In answering the question of whether or not sinful priests might continue to preach, he says that those who were not prelates and whose sin remained secret might carry on, while prelates might not, even though their sin was not notorious, although they were the more condemned if it were.\(^{18}\) The Chanter also cautions preachers against questionable preaching, of which "some [is] vain and

Peter the Chanter, *Summa de sacramentis*, Pars. 3, Cap. 45, 2a, AMN 16, p. 378.

\(^{16}\) "Qui statim acquiescens abbat, exuit singularitatem omnem, vixitque sicut ovicula communiter in grege. Summopere ergo cavenda est singularitas in congregatione. Ibi enim peccatur magis, quam in privato loco, maxime illa quae scandalum parit infirmis." Peter the Chanter, *Verbum abbreviatum*, c. 68, PL 205, col. 205.

\(^{17}\) "Omnem igitur malorum societatem, omne impedimentum, quo minus in via Dei procedas, fugias... "si oculus tuus scandalizat te, projice eum a te". Peter the Chanter, *Verbum abbreviatum*, c. 70, PL 205, col. 209.

proud and seeking glory, some meddlesome and foolish, some cunning and heretical, some insolent and full of scandal." But these examples add little to the detailed treatment of the sin of scandal in the *Summa de sacramentis*.

Clearly Peter has come a distance from the biblical exegesis of the first Christian writers on scandal. By giving concrete examples of what constitutes scandalous behaviour he is moving the discussion into the arena of the practical application of Christian theory; here how the Christian might conduct herself or himself to avoid harming a neighbour by scandal. In his work we can see clearly a growth of complexity in the analysis of the sin.

We can also see the introduction of new themes in the discussion of scandal. If we view that discussion as a piece of cloth, then we can say that Peter has begun to weave it, reusing some of the threads he has inherited from the past, introducing some new ones. Some of his own threads will be short, dropped from the fabric by later writers, but some of them will continue through the hands of many others, some of whom will add their own new threads. The whole cloth will be bound off by Raymond of Peñafort, and especially by Thomas Aquinas.

3. **THE THIRTEENTH CENTURY**

One of England's most famous primates, Stephen Langton (Archbishop of Canterbury at the time of the Fourth Lateran Council of 1215, during the reign of

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19 Peter the Chanter, *Verbum abbreviatum*, c. 7, PL 205, col. 38.
John), was a prolific pupil of the Chanter.\textsuperscript{20} In his Questiones (Cambridge MS St. John's College 57), c. 1206, he devotes an entire question to the subject of scandal.

Another of Peter's students, and a writer of a manual for priests, was Robert Courson, about whose early life little else is known than that he was English by birth.\textsuperscript{21} Vincent Kennedy says that Robert's Summa is a work "of equal, if not of greater value" than the Chanter's Summa de sacramentis, for the study of penitential theory and practice.\textsuperscript{22} It was composed between 1204 and 1208\textsuperscript{23} in Paris, where Robert taught from 1204 to 1210, after which he became a papal legate to France, presiding over several important councils.\textsuperscript{24} Robert seems to be the second of the Chanter's pupils to follow his master in devoting an entire section of his Summa to

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\textsuperscript{20} George Lacombe asserts that Langton was rather a pupil of Peter Comestor. George Lacombe and Beryl Smalley, "Studies on the Commentaries of Cardinal Stephen Langton", Archives d'Histoire doctrinale et littéraire du Moyen Age 5 (1930), p. 8. But John F. Veal maintains that this is unlikely, and argues for the influence of the Chanter. Johannes F. Veal, The Sacramental Theology of Stephen Langton and the Influence upon Him of Peter the Chanter (Rome, 1955), pp. 15-16 and 53-58. See also F.M. Powicke, Stephen Langton (Oxford, 1928), p. 30: "It is probable that his master — the teacher to whom he owed most — was Peter the Chanter". Finally, in his exhaustive study of the circle of Peter the Chanter, John Baldwin says that Langton was within the Chanter's "inner group", although his "position cannot be determined as clearly" as that of Robert Courson. "It is possible but not certain that Stephen was a student of the Chanter before he became a theological master at Paris, and later Archbishop of Canterbury. His theological interests ranged wider than Peter's,...but in Bible study and certain doctrines he followed the Chanter closely." Baldwin, Masters, Princes, and Merchants I, p. 18.

\textsuperscript{21} Baldwin, Masters, Princes, and Merchants I, p. 19.

\textsuperscript{22} V.L. Kennedy, "Robert Courson on Penance", Mediaeval Studies 7 (1945), p. 291.

\textsuperscript{23} J.M.M.H. Thijssen, "Master Amalric and the Amalricians: Inquisitorial Procedure and the Suppression of Heresy at the University of Paris", Speculum 71 (1996), p.50, although Baldwin says that Courson had probably stopped working on it by 1212 or 1213, "when he was created Cardinal and commissioned papal legate for France." Baldwin, Masters, Princes, and Merchants II, p. 14, n. 67.

\textsuperscript{24} Kennedy, "Robert Courson on Penance", p. 292.
the sin of scandal, although he expands considerably on Peter’s work, providing what is perhaps the longest disquisition on the subject of any early thirteenth-century writers covered here. On his method, Kennedy has this to say:

Courson’s method of expounding a problem is that of his time. He states the question (questio), then presents the objections (obieictio); sometimes there is only one objection, sometimes a whole series, the final one of the series is generally an obieictio sed contra; finally he states his solution (solutio) in which he gives his own position and answers the objections. The system is at the middle point of its development; that is midway between the sic et non of Abelard and the perfect form of the scholastic method as found in the works of St. Thomas.

Thomas of Chobham was sub-dean of Salisbury, who wrote an important Summa confessorum in 1215. He also was a member of the Chanter’s circle in Paris. William of Auxerre died in 1231, and wrote an important Summa sometime between 1215 and 1229, of which the six chapters of Tractatus 52 deal with the subject, and the tractatus which follows, On Fraternal Correction, also mentions scandal. In about 1235 a new gloss on the Bible was produced by Hugh of St.-Cher, which includes long passages on scandal in the scriptures. The important canonist Raymond of Peñafort (d. 1275) deals at some length with scandal in his Summa de paenitentia (c. 1235), devoting an entire section (Book 3, Title 30) to the subject.

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25 Baldwin says that when Robert’s Summa is compared with the Summa de sacramentis of Peter the Chanter, “it will be seen that most of the questions posed by Robert were first suggested by Peter.... In the last analysis, the Summa of Robert of Courson was a final product of the school of Peter the Chanter.” Masters, Princes, and Merchants I, pp. 24-5.

26 Kennedy, “Robert Courson on Penance”, p. 293.

27 The editor of this work, Jean Ribailier, is unable to narrow this down further. See William of Auxerre (Guillelmus Altissiodorensis), Summa Aurea, Jean Ribailier, ed. (Paris, 1987), p. 16.
Alexander of Hales was responsible for an important *Summa* (the *Summa Fratris Alexandri*, or *Summa theologica*); the section dealing with scandal had appeared by 1245. In his *Summa theologiae*, Thomas Aquinas (d. 1274) includes a section on scandal which became the theology of the sin which endured in the Catholic Church until the present day.

There are some other writers included whose work did not include a great deal on the subject of scandal: Robert of Flamborough was penitentiary of Saint Victor in Paris in about 1205; he completed his *Liber poenitentialis* by 1213. Robert's contemporary in Paris, Peter of Poitiers, canon of St. Victor, gives some attention to scandal in his manual for confessors, *Compilatio praesens*, although less than Thomas of Chobham. Drawing mostly on Robert of Flamborough's *Summa*, but also influenced by Alan of Lille, was Pierre de Roissy (chancellor of Chartres by 1208, no longer chancellor in 1213). Influential on Richard of Wetheringsett and Robert Grosseteste, and borrowing from Peter of Poitiers and Robert of Flamborough, among others, is John of Kent's *Summa de penitentia* (1212x1220). John probably studied at Paris, and "[h]e draws extensively on the teachings of Peter

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28 The *Summa* which bears Alexander's name is largely a work of collaboration, begun by 1238, with John of La Rochelle, a Franciscan who died in 1245. John was a master of arts in Paris, then master in theology under William of Auxerre. See the articles on John by Ignace Brady in *Dictionnaire de spiritualité* (Paris, 1974), v. 8, cols. 599-602, and the *New Catholic Encyclopedia* (Washington, 1967), v. 7, p. 1057.

the Chanter”, although he owes most to the canonists. Another English scholar who probably studied in Paris was Robert Grosseteste, bishop of Lincoln 1235-1253. Raymond of Peñafort’s views on scandal are to be found in many places. One is in the Rotulus pugillaris of Augustine of Dacia (d. 1283), where Raymond is cited almost verbatim.31

These are the writers who built upon the work of Peter the Chanter in their own discussions of scandal. With the Chanter’s foundation, we can now trace the development of the major themes in the writers who followed him.

4. THEMES

A. The Definition of Scandal

We have seen that Peter the Chanter gives the definition of scandal which is found in the Glossa ordinaria: a word or deed less right which provides the occasion for ruin to one’s neighbour. This definition is used by all who follow, except Stephen Langton (at least in the MS I have studied), who may perhaps have thought it an unnecessary preamble.

Robert Courson begins his Summa with the slightly expanded definition of scandal as word, deed, or sign by which someone else is drawn to consent to mortal


31 Augustine of Dacia, Rotulus pugillaris, ed. P.A. Walz, Angelicum 6 (1929). The section on scandal is on p. 557.
Thomas of Chobham gives a complete definition, including the etymological one:

It is called scandal according to the etymology from the Greek scandalon, which is an obstacle on the way which trips the foot causing it to fall, and thus causes the man to be ruined. Whence scandal is called an offense or a blow to the foot towards ruin. And thus scandal is described by analogy to the spiritual ruin of a man. Scandal is any word or deed less right providing another the occasion of spiritual ruin, such as if some monk fornicates, with others seeing, they take up the example of fornicating or holding religion in contempt, and thus the sinners are spiritually ruined.

William of Auxerre's definition is very like Thomas's, down to the example of fornication (although not, in this case, that of a religious):

[T]o scandalize is to provide the occasion for ruin by word or deed less right, such as when someone fornicates in front of another, he provides him with the occasion of fornicating, and by this it is clear that scandal is word or deed less right, providing the occasion of ruin. And it is called scandal from the Greek, obstacle in Latin, for just as an obstacle placed on the road harms the walking foot, so scandal is an obstacle placed on the road of morals, by which the spiritual foot is harmed.

32 "Scandalum est dictum vel factum vel signum cuius occasione traditur quis in consensum mortalis peccati", Robert Couson, Summa, Paris BN MS 3258, f. 124r.


34 "[S]candalizare est dicto vel facto minus recto prestare occasionem ruine, sicut cum aliquis fornicatur coram alio, prestat ei occasionem fornicandi, et per hoc patet quod scandalum est dictum vel factum minus rectum, prestans occasionem ruine. Et dicitur scandalum grece, obex latine, sicut enim
Raymond of Peñafort's section on scandal begins with a definition like Robert Courson's and includes a brief version of the etymology: "Scandal is the word, deed, or sign, by which occasion someone is drawn to consent to mortal sin. It is called scandal from 'skandalon' in Greek, which is 'offense' in Latin."35

In his Gloss on Matthew 18, Hugh of St.-Cher defines scandal as "word or deed less right, by which someone scandalizes another giving him the occasion of ruin",36 although he is here describing only active scandal, a distinction we will discuss below.

Some writers who did not produce entire tracts or chapters on scandal do not offer a definition. An exception is Robert Grosseteste, bishop of Lincoln 1235-1253, who introduced new themes: the enunciation of scandal as a sin against charity, and the connection of scandal and slander.

Between 1220 and 1246 (probably between 1220 and 1230, according to its editors), Grosseteste wrote the *Templum Dei*, a pastoral treatise unusual in its incorporation of charts and diagrams.37 It survives in "ninety-odd extant manuscript copies", some written in French and German hands, and "parts of the text were

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35 "Scandalum est dictum, vel factum, vel signum, cuius occasione, trahitur quis in consensum mortalis peccati. Dicitur autem scandalum a 'scandalon' graece, quod est 'offensio' latine." Raymond of Peñafort, *Summa de paenitentia*, Xaverio Ochoa and Aloisio Diez, eds. (Rome, 1976), Bk. 3, Tit. 30, 1, col. 700.

36 "Activum est dictum, vel factum minus rectum, quo aliquid aliqui scandalizat dans ei occasionem ruinae." Hugh of St.-Cher, (Venice, 1732), p. 61r.

borrowed explicitly by at least five thirteenth-century authors of pastoral handbooks; many others incorporated sections into their own work, while the late fourteenth-century Middle English *The Clensyng of Mannes Soule* used it as a source.\(^{38}\)

The first part of the *Templum Dei* consists of a description of the Temple of God, both physical and spiritual; the foundation, for example, is faith, the walls, hope, and the roof, love. The second part deals with building and conserving the temple, particularly through confession, with a guide to examining penitents concerning the virtues and vices. Grosseteste mentions scandal once in this treatise, in the first major area for interrogation: the theological virtues, of which the first is love. The sins against love are many, he says, describing them under headings of the seven deadly sins and their divisions. Under *ira*, (against which the remedy is patience), the list reads:

- **Rage:** this is anger in the spirit for revenge
- **Blasphemy:** this is anger in the mouth for corruption
- **Madness:** this is anger in deed for harming
- **Mischief:** this is when someone easily strikes or provokes another
- **Scandal:** this is injury or destruction of the [good] name of another
- **Homicide:** this is extinction of human life
- **Savageness:** this is excessive harshness to animals\(^{39}\)

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\(^{39}\) "Furor: hec est *ira* in animo causa uindicandi.
Blasfemia: hec est *ira* in ore causa peruertendi.
Insania: hec est *ira* in opere causa nocendi.
Pestiferacio: hec est cum quis de facili alium percuit uel prouocat.
Scandalum: hec est lesio fame alterius uel extinctio.
Homicidium: hec est extinctio uite humane,
Feroxitas: hec est nimia seueritas in brutis."
Although scandal obviously is a sin against charity, since it harms the neighbour one is commanded to love, this is the first specific enunciation of that fact that I can find until Thomas Aquinas does so in his *Summa theologiae*. (Many writers have noted that to scandalize another is to imperil that person’s soul, which one is obliged to love more than one’s own life, but no one until now has actually named this as a sin against charity.)

In the "Perambulavit Iudas" which is attributed to Grosseteste (probably written between 1200 and 1230), he classes scandal among the sins born of pride, along with vainglory, boasting, irreverence, hypocrisy, disobedience, insolence, impudence, presumption, disputatiousness, impatience, indignation, insult, arrogance, talkativeness, blasphemy, curiosity, and adulation. "You have thought it a small thing to generate scandal," he says.40

He returns to Anger, giving it lengthier treatment in his later treatise, *Deus est*, where it is defined as "the wickedness of desiring another's evil for reason of revenge or of punishment."41 Anger towards a neighbour is divided into hatred (*odium*), insult (*contumelia*), and mischief (*pestiferationem*), the last of which includes attack (*laesionem*) and destruction (*extinctionem*). Destruction itself "is

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divided into the destruction of a (good) name, which is called scandal, and
destruction of life, which is called homicide. Likewise scandal is done by
defamation or downfall. Downfall in sin is caused by suggestion, coercion, consent,
example."42

There are two things worth noting in this passage. First, Grosseteste gives
equal weight to the destruction of a reputation and a life. And then he gives us a
double definition of scandal, not only as the cause of another's spiritual ruin, which
we have come to expect, but also as the cause of another's social ruin, in the
destruction of someone's good name — that is, in slander.43 This is the first of this
kind of connection that I can find. Interestingly, scandal and slander do not appear
in the long list of sins of the tongue (such as curses, lies, blasphemy, false
accusations, and so on) that figure as sins against temperance.44

42 "Item extinctio dividitur in extinctionem famae, quae scandalum dicitur, est extinctionem
vitae, quae homicidium dicitur. Item scandalum fit aut diffamazione aut ruina. Ruina in peccatum fit

43 As we shall see, many early writers deal with the subject of infamia, and often mention
scandal in this context. But in these early writers (for example, Robert Courson), rather than equating
to slander, the scandal is caused to others by the ruin of someone's reputation. See below for a fuller
discussion of infamia. Later writers tend to discuss slander and infamy instead of scandal.

44 See Wenzel, "Robert Grosseteste's Treatise", p. 291. See also Grosseteste's "Perambulavit
Iudas", probably 1200x1230, for sins of the tongue: "Peccavi eciam nihilominus per linguam in
abbusione multiloqui per verba vana, scurrollia, turpia, temeraria; per verba amara in detraccione, in
nimia et indiscreta incrapacione fratum et sociorum; per verba contencionis in deceptione; per verba
superba in propria commendacione; per verba composita ad deceptionem proximi; per verba indiscreta
quibus nocui auditoribus quando prodesse debui; per verba inordinata quando vel ubi vel cui loqui non
debui, sive largius quam debui; per verba mendacia, aliquando ignoranter aliquando scienter,
quandoque in ipsa prolacione percepi mendacium, et tamen nolui me retrahere propter pudorem.
Provocavi alios multociens per verba ad risum, ad iram, ad invidiam, ad inacundiam, ad discordiam,
cum eis narrarem quid quise dixerit de alio in absencia sua." Goering and Mantello, "The
Alexander of Hales’s definition is the concise Glossa one.45

In his monumental Summa theologiae, Thomas Aquinas notes that Jerome, in his Commentarius in Evangelium Matthei, says that one who scandalizes is one who “by deed or word shall occasion another’s fall,”46 and says that an obstacle placed in another’s spiritual path is a true definition of scandal.47 Going further, Aquinas says that scandal does not require a sinful act, merely the appearance of one:

Though [to sit at meat in the idol’s temple] is not sinful in itself when done with no evil intention, still, because it looks like an act of venerating the idol, it might occasion another’s fall.... Scandal then is described as something less right so as to embrace both real sins and whatever has the appearance of sin.48

B. The Triple Truth

One of the most important contributions made by Peter the Chanter to the

45 Alexander wrote about scandal, in substantially the same way, in two other places: Quaestiones Disputatae ‘Antequam Esset Frater’ ([Florence, 1960]), and his Glossa in Quatuor Libros Sententiarum Petri Lombardi, 4 vols. (Florence, 1951-7).

46 “Quando legimus, Quicumque scandalizaverit, hoc intelligimus, Qui dicto vel facto occasionem ruinae dederit.” quoted in Thomas Aquinas, Summa theologiae, v. 35, 2a2ae. 34-46, trans. Thomas R. Heath, O.P. (London, 1972), 2a2ae, Qu. 43, Article 1, pp. 110 (Latin) and 111 (English).

47 “Contingit enim quod quoque aliquis obex ponitur alicui in via corporali, cui impingens disponitur ad ruinam: et talis obex dictur scandalum. Et simili res in processu vias spiritualis contingit aliquem disponi ad ruinam spiritualis per dictum vel factum alterius: inquantum scilicet aliquis sua admonitione vel inductione aut exemplo alterum trahit ad peccandum. Et hoc proprie dicitur scandalum. Nihil autem secundum propriam rationem disponit ad spiritualis ruinam nisi quod habet aliquem defectum rectitudinis: quia id quod est perfecte rectum magis munit hominem contra casum quam ad ruinam inducat. Et ideo convenienter dicitur quod dictum vel factum minus rectum praebens occasionem ruinae sit scandalum.” Aquinas, Summa, 2a2ae, Qu. 43, art. 1, pp. 110/111.

48 Aquinas, Summa, 2a2ae, Qu. 43, art. 1, pp. 111/113.
development of the theology of scandal is that of the triple truth. As noted above, this seems to be original with him, and all the important writers on scandal who come after him use it.

In his *Questiones*, Stephen Langton wastes no words in getting down to his subject (he is the only one of our major writers to omit a definition), launching straight in to a discussion of the triple truth. The truth of life is such, he says, that if your friends are scandalized by your penance of fasting, thinking because of this that you must have committed a serious sin, you should not give up the fast.\(^{49}\) Or even if your friends accuse you of sodomy when you are unwilling to emulate their fornication, you still should not omit the truth of life.\(^{50}\)

The truth of doctrine, Langton says, should not be omitted simply because someone might be scandalized by the preaching of the faith of Christ. To the dictum that it is better to die of hunger than to eat foods sacrificed to idols, he adds that it is

\(^{49}\) Note that John of Kent in his *Summa* (1212x1220) says that if a penitent fails to perform his whole penance, “either on account of inability/poverty, or because of the dangerousness of place and time, or on account of avoiding scandalizing society, or other things reasonable or not, let him beseech God to allow him to complete his penance either in this world or the next.” (“[S]i totum hoc non fecerit uel propter impotentiam uel propter loci uel temporis importunitatem, uel propter societatis scandalum deutandum uel alia de causa, si non, alias elemosinis redimat, uel restituat, et saltem illud quod fecerit inungat ad penitentiam iniciandum et oret Deum ipse penitens ut suam penitentiam concedat et perficere uel in hoc seculo uel in futuro.”) John of Kent, *Summa*, MS Grenoble, Bibl. Municipale, MS 455, f. 130.

\(^{50}\) “Triplex est veritas: veritas vite, veritas doctrine, et veritas iustitie. Nullum istorum debet omittere pro scandalo fratris. Si iniunctura tibi fiunt ut ieiunes in pane et aqua diebus veneris et socii tui dicant quod aliquid enorme comisisti et scandalizantur in hoc, veritatem vite non debes omittere propter scandalum, ut si socii fornicantur cum aliqua et quia non vis consentire eis imponunt tibi vicium sodomiticum; non ideo debes veritatem vite omittere.” Stephen Langton, *Questiones*, De scandal. Cambridge MS St. John's College 57, f. 221r.
likewise better to die of cold than to refuse clothing or a Bible to a pauper.51

The truth of justice is covered in a discussion of the propriety of lawsuits in the church,52 which will be dealt with below.

Concerning in which cases scandal is to be avoided, Robert Courson says that Jerome has provided the doctrine here, which says that everything which might scandalize a neighbour is to be avoided, excepting the triple truth of life, doctrine, and justice. "If the truth is in peril, a good is not to be omitted on account of scandal, because it is better that scandal arise than that the truth of life, doctrine, or justice be abandoned."53

Like Stephen Langton, he uses sexual sin to discuss the truth of life, although he omits the accusation of sodomy: "Suppose your friend who keeps a 'hearth-mate' is scandalized" because you will not emulate him. "It is better to die with scandal

51 "Item siquis scandalizetur quia predico fidem Christi non est omnemenda veritas doctrine pro scandalo." And: "Sit quod pauper petat pallium meum vel bibliotecam et sciam quod scandalizabitur si non dedero, numquid pecco mortaliter si non dedero vel teneor ne dare?.... Dicimus secundum auctoritates premissas quod si sciam pauperum scandalizari nisi dem ei tunicam vel librum vel aliquid temporale in mundo, pocius tenerer et deberem dare dona quam scandalizaretur. Si enim prelatus corpus suum tenetur ponere pro anima illius, multoforcius et ego tunicam." Langton, Questiones, f. 221r.

52 Langton, Questiones, f. 221r. See below, p. 83 and, generally, pp. 82-88.

53 "Omne bonum quod potest fieri vel non fieri salva triplus veritate, scilicet vite, doctrine, et iusticie ommittendum est priusquam scandalizetur proximum. Sed si veritas est in periculo non est ommittendum bonum pro scandalo quia melius est ut scandalum oriatur quam veritas vite vel doctrine vel iusticie reliquatur." Robert Courson, Summa, Paris BN MS 3258, f. 124v. See above, pp. 41-2, for a brief discussion of the "triple truth". Here Robert is paraphrasing Gregory the Great, see above, pp. 19-20, n. 41: "[N]obis considerandum est quia, in quantum sine peccato possimus, vitare proximorum scandalum debemus. Si autem de veritate scandalum sumitur, utilius permititur nasci scandalum quam veritas reliquatur."
than to relinquish the truth of life." 54 Likewise, even if a preacher knows that his preaching the truth of doctrine will offend his audience, he cannot desist because of scandal. 55 Nor should a judge refrain from passing a just sentence because he might scandalize many by doing so. Where the truth of doctrine or justice is endangered, there the truth of life is also in peril, he concludes. Even if that judge's life is in danger, he must not abandon the truth of justice. 56

Treating the dictum that it is better to die of hunger than to eat foods sacrificed to idols, Robert postulates:

The life of your body is in danger. Your neighbour's soul, which you are obliged to love, is in danger. You are dying of hunger and you have nothing but idolatrous food; your brother, believing you to offer worship thereby, will die in his soul if you eat; if you do not eat, you will die in your body. What should you do? If you fail to eat you will kill yourself, and it is not lawful for anyone to kill himself by act or omission.

Your neighbour's soul should be dearer to you than your own corporeal life.

Suppose you, a prelate in this circumstance, are obliged to lay down your soul for your flock rather than allow them to die; therefore you are bound first to die of hunger than to

54 "Puta socius tuus tenens focariam scandalizatur quia tu similiter non tenens cum eo ganeam; in hoc non est ei consentiendum quia veritas vite tue est in periculo et ideo melius est tibi ut ipse moriatur cum scandalo quam veritas vite tue relinquatur." Robert Courson, Summa, Paris BN MS 3258, f. 124v.

55 "Item tu in prelacione et in cathedra doctoris constitutus legis et predicis, et tu scis quod si ita legas vel predicis sicut veritas doctrine exigit auditores offenduntur. Ibi melius est tibi ut scandalum oriatur quam veritas doctrine tue relinquatur." Robert Courson, Summa, Paris BN MS 3258, f. 124v.

56 "Item. Tu constitutus iudex in causa, plurie scandalizas sententiando iustie. Ibi melius est tibi ut scandalum oriatur quam veritas iusticie relinquatur"; "Ubicunque est periculum doctrine est periculum vite. Similiter ubicunque est periculum iusticie est periculum vite"; and "Dicinus quod nullatenus debes accipere personam in iudicio et relinquere veritatem iusticie pro periculo mortis." Robert Courson, Summa, Paris BN MS 3258, f. 124v and 125r.
kill them by scandal.... But not so the "simple" [priest]. It seems to me that both a simple [priest] and a prelate ought to show those who would be scandalized that he gives no veneration to an idol, and that he eats forced by being at the point of death. If he eats then he does not sin.... It is of the truth of life that no one ought to kill himself, and this truth is in peril; therefore rather let scandal arise than this truth be abandoned.  

Peter of Poitiers, canon of St. Victor, reiterates the dictum that the triple truth (in his case, though, it is of \textit{faith}, life, and doctrine) must never be abandoned on account of scandal, noting that just as Christ did not worry about scandalizing the Pharisees, so we should not always worry about scandal, unless a good reason for scandal exists, because sometimes scandal only afflicts, sometimes it leads to ruin.  

Thomas of Chobham treats the triple truth briefly. Where the triple truth of life, doctrine, and justice is imperilled, he says, scandal is not to be avoided:  

\begin{quote}
If someone is scandalized because I teach the truth, I will not cease because of [scandal]. Likewise if someone is scandalized
\end{quote}

\begin{flushleft}
\footnotesize\textsuperscript{57} "Sacius est fame mori quam ydolotito vesi. Vita tua corporalis est in periculo. Anima proximi quam teneris diligere est in periculo. Tu moreris fame non potes habere nisi ydolotitum; frater tuus credens te impendere latriam. Si comedis, \textless{125v}\textgreater{} mortur in anima; tu in corpore tantum si non comedis. Quid facies? Si ommititis comedere te ipsum interficis et nemini licet se ipsum interficere agendo vel omitendo"; "Esto quod in tali articulo sis prelatus, tu teneris animam tuam ponere pro ovibus priusquam moriantur; ergo teneris prius mori fame quam illas occidere scandalo.... Sed non sic simplex. Michi videtur quod et simplex et prelatus debet preostendere scandalizandis quod nullam venerationem ydolo impendet et coactus articulo mortis comedit, et tunc si comederet non peccat... De veritate vite est quod nullus debet se occidere, et hec veritas in periculo est, ergo pocius oriatur scandalum quam hec veritas reliquirat." Robert Courson, \textit{Summa}, Paris BN MS 3258, f. 125r-125v.

\footnotesize\textsuperscript{58} "Propter scandalum numquam debet relinqui tripexus fidei, vitae et doctrinae. item non curavit Christus de scandalo pharisaeorum, sic non semper de scandalo est curandum, nisi iusta causa scandalus subit, quia quandoque scandalum contristat tantum, quandoque trahit ad ruinam." Peter of Poitiers, \textit{Compilatio praesens}, XLIV, p. 55.
\end{flushleft}
because I judge fairly, I will not judge unfairly on account of this. Likewise if someone is scandalized because I live well, such as because I do not wish to go with him to a brothel or because I do not want to get drunk with him, I will not abandon my good life on account of this.

William of Auxerre discusses the triple truth, but only briefly, in his chapter on What is to be done to avoid scandal (Quid faciendem est propter scandalum vitandum). He begins with the question of whether or not one is obliged to give one's Bible to another if that person will be scandalized by one's refusal. In some cases one is obliged to give the book, in others not, William says, depending on whether the request is reasonable, according to the public good, and for the restraint of the temerity of the petitioner. One argument has it that giving the Bible preserves the truth of life. He is at pains to make it clear that circumstances alter cases, and that always the greater good is to be served.

59 "Verbi gratia: si aliquis scandalizatur quia doceo veritatem, non propter hoc dimittam. Similiter si scandalizatur aliquis quia indicco equitatem, non propter hoc indicabo inique. Similiter si aliquis scandalizatur quia bene vivo, ut quia nolo ire cum eo ad prostibulum vel quia nolo inebriari cum eo, non propter hoc dimittam bonam vitam meam." Thomas of Chobham, Summa, Art. 7, Dist. 13, Qu. 3a, Non omne scandalum est vitandum, p. 568.

60 "[C]oncedimus quod in aliquo casu teneor dare bibliam pro scandalo vitando, in aliquo non, si enim petat irrationaliter sive sine causa rationabili, non teneor ei dare duplici de causa. Primum est bonum publicum, ad publicum enim bonum pertinet ut dominia rerum non transerantur sine ratione. Secunda causa est, ut reprimatur temeritas petentium." William of Auxerre, Summa Aurea, Lib. 3, tract. 52, Cap. 5, p. 1029.

Hugh of St-Cher’s Gloss merely says that “[t]he truth is triple, namely of life, justice, and doctrine, whence the verse: ‘Scandals yield to life, justice, doctrine.’”\(^\text{62}\)

Raymond of Peñafort has: “Flee not scandal for life, doctrine, and justice,” explaining it thus:

“For life”, because for no scandal ought one to sin mortally. “Doctrina”, because a teacher or preacher ought not to teach or preach falsely [by fear of] scandal; he can and should be silent if all are so obstinate that they are made worse by being taught. “Justice” because a judge ought not to bear false sentence or a witness false testimony for [fear of] any scandal.\(^\text{63}\)

Discussing what should be avoided on account of scandal, Alexander of Hales cites what he calls the “rule of Jerome”: “All which might be done or not done, save for the triple truth, is to be omitted on account of scandal; but if the truth is in danger, a good is not to be omitted for the sake of scandal, namely the truth of justice, life, or doctrine.”\(^\text{64}\) The example which follows recalls that used by Stephen

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\(^\text{62}\) “Triplex est veritas, scilicet vitae, iustitiae, doctrinae, quae nuncquam dimittenda est pro vitando scandalum. Unde Versus: Vitae, iustitiae, doctrinae, scandalum cedunt.” Hugh of St.-Chefs, p. 61r.


\(^\text{64}\) “Regula autem Hieronymi talis est: Omne, quod potest fieri vel non fieri, salva triplici veritate, ommittendum est propter scandalum; sed, si veritas sit in periculo, non est ommittendum bonum propter scandalum, scilicet ut ommittatur veritas iustitiae, vitae, vel doctrinae.” Alexander of Hales, *Summa Fratris Alexandri*, Inq. 3, Tract. 8, Sect. 2, Qu. 1, Cap. 6, p. 821. As we have seen Jerome is not the source of this, but Gregory, although the “triple truth” is not his.
Langton (but not, I think, by anyone in between): “if my parents are scandalized
unless I, after having taken religious vows, return to the world, I ought not to return,
because the truth of life is in danger.” Likewise, a preacher ought not to give up
preaching the faith of Christ, or the Decalogue, even if he scandalizes his audience,
and a judge ought not to fail to hand down a just sentence if one of the parties is
scandalized.65

In his Quaestiones disputatae, Alexander elaborates on the triple truth:

Truth is perfect uprightness, which consists of the truth of life,
doctrine, and justice. In these three is perfect uprightness —
uprightness of life with respect to a person himself. But that
which pertains to a neighbour is double: for this is either in act
or in word. If in act, it is the truth of justice, if in word, the
truth of doctrine. Scandal is indeed the diminution of
uprightness.66

One's own moral uprightness takes precedence over a neighbour's, and

where the truth of life is endangered, there you should not
worry about scandal. Likewise the truth of justice is in a judge
who carries out a sentence; similarly the truth of doctrine.
Whence Bernard: ‘When scandal comes through vices being
denounced, it comes through those who do what is

65 “Verbi gratia, si scandalizantur parentes nisi ego, postquam vovi religionem, redeam ad
saeculum, non debo redire, quia veritas vitae est in periculo; similiter, si scandalizantur auditores,
quia praedico fidem Christi vel Decalogum, non debo dimittere, quia veritas doctrinae est in periculo;
similiter, si reus scandalizatur, si proferam rectam sententiam, non debo dimittere, quia veritas
iustitiae est in periculo.” Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract.8, Sect. 2, Qu.
1, Cap. 6, p. 821.

66 “Veritas est completa rectitudo, quae consistit in veritate vitae, doctrinae et iustitiae. In his
tribus est rectitudo et completa. Rectitudo vitae quoad se ipsum. Illa autem quae est ad proximum est
duplex haec enim est vel in actu, vel in verbo. Si in actu, sic veritas iustitiae, si in verbo, sic veritas
doctrinae. Scandalum vero est diminutio rectitutinis.” Alexander of Hales, Quaestiones disputatae
‘antequam esset frater’, Q. 27, membrum 5, p. 495. Immediately before this response, Alexander has
quoted Bernard of Clairvaux in saying that where the truth is not in question, scandal may not be
committed. See above, Ch. 1, p. 27 and n. 63. Alexander’s illustrious pupil, Bonaventure, cites this
same letter in Cap. 39 (De scandalo) of his Phaenora, lib. 3. A.C. Peltier, ed., Opera Omnia Sancti
blameworthy and not through those who blame it.\textsuperscript{67}

Thomas Aquinas mentions the triple truth in his discussion of whether spiritual goods should be forgone because of scandal. He says:

One does not inflict punishment for its own sake, but for its medicinal value in checking sin; its quality of justice depends on how well it does that. If it is clear that from inflicting punishment more and worse sins will come, then it is no longer part of justice. It is in this sense that Augustine is speaking, namely when an imminent danger of schism results from excommunicating some people, then to pronounce excommunication would not be a function of the truth of justice.

Two points must be remembered about holy doctrine, the truth taught and the actual teaching of it. The first is necessary for salvation, so that he whose duty is to teach should not teach anything against the truth, though he should present the truth with due regard for time and persons. On no account ought he to suppress the truth and teach error no matter what scandal may follow....

[\textit{Frater}nal correction is to help a brother mend his ways, and to the degree it accomplishes that it is a spiritual good. But that could never be accomplished if he takes scandal at the correction. If we omit to correct him because of the scandal he will take, we are not giving up a spiritual good.

The truth of life, justice and doctrine embraces not only whatever is necessary for salvation, but also whatever would help us to achieve that more perfectly.\textsuperscript{68}

\textsuperscript{67}"\textit{Tua enim rectitudo praeponenda est rectitudini proximi. Ubi enim veritas vitae periclitatur, ibi scandanum non debase curare. Item veritas iustitiae est in iudice qui fert sententiam; similiter veritas doctrinae. Unde Bernardus: \textquote{Cum carpuntur vitia et inde scandalum oritur, ipse sibi est scandal causa, qui fecit quod argui debeat, non ille qui arguit.} Alexander of Hales, \textit{Quaestiones disputatae \textquote{Antequam esset frater}}, Q. 27, membrum 5, p. 496. For the reference to Bernard, see above, Ch. 1, p. 27, n. 63, Bonaventure also uses this quotation from Bernard, \textit{Pharetra}, lib. 3, cap. 39, p. 163."

\textsuperscript{68}"\textit{Dicendum quod poenarum infliction non est propter se expetenda, sed poenae infliguntur ut medicineae quadam ad cohibendum peccata. Et ideo intantum habent rationem iustitiae inquantum per eas peccata cohibentur. Si autem per inflictionem poenarum manifestum sit plura et majora peccata sequi, tunc poenarum infliction non continebitur sub justitia. Et in hoc casu loquitur.}
C. Active and Passive Scandal

Peter the Chanter did not divide scandal into active and passive forms. One might argue that he prepared the way for this division by discussing scandal by commission and omission, but he did not develop the idea further. It was one of his circle, Thomas of Chobham, who first made this distinction. We have Thomas's example of the priest who sins twice in fornication because of the scandal of his act. Someone moved to follow his example is scandalized, but this person's sin is passive scandal, since it results from the sin of another.69

Langton and Courson do not distinguish between active and passive in their sections De scandalo, but William of Auxerre does. "Active scandal," he writes, "is that by which someone scandalizes another providing him the occasion of spiritual ruin by either word or deed less right. Passive scandal is that by which someone is

Augustinus, quando sic licet ex excommunicatione aliquorum imminet periculum schismatis: tunc enim excommunicationem ferre non pertinere ad veritatem justitiae.

...[Citam doctrinam duo sunt consideranda: scilicet veritas quae docetur, et ipse actus docendi. Quorum primum est de necessitate salutis: ut scilicet contrarium veritati non doceat, sed veritatem secundum congruentiam temporis et personarum proponat ille cui incumbit docendi officium. Et ideo propter nullum scandalum quod sequi videatur debet homo, praeternissa veritate, falsitatem docere....

...[C]orrectio fraterna...ordinatur ad emendationem fratris. Et ideo intantum computanda est inter spiritualia bona inquantum hoc consequi potest. Quod non contingit si ex correctione frater scandalizetur. Et ideo si propter scandalum correctio dimitatur, non dimititur spiritualis bonum...

...[I]n veritate vitae, doctrinae et justitiae non solum comprehenditur id quod est de necessitate salutis, sed etiam id per quod perfectius pervenitur ad salutem." Thomas Aquinas Summa theologiae, 2a2ae 43, 7, pp. 130/131.

69 "Verumtamen sciemund quod aliud est scandalum activum, aliud passivum. Ille enim facit scandalum qui instigat alium ad peccandum vel dat ei exemplum peccandi. Ille autem patitur scandalum et scandalizatur qui per alium commovetur ad peccandum. Sed videtur quod nullum scandalum passivum sit peccatum, quia nulla passio est peccatum. Ad quod dicendum quod in rei veritate, licet dicatur scandalum passivum, non est tamen passio sed est actio orta ex alia actione; ut cum aliquis fornicator quando videt aliquem fornicari et ipse similiter fornicatur, fornicatio eius dicitur scandalum passivum quia habuit originem ex alia fornicatione." Thomas of Chobham, Summa confessorum, Broomfield, ed., Article 7, Dist. 13, De scandal. Qu. 1a, Quid sit scandalum, p. 566.
hurt falling into sin by another's example."

Raymond of Peñafort is another who does not include active and passive varieties of scandal. Hugh of St.-Cher and Alexander of Hales do. Hugh defines active scandal as "word or deed less right, by which someone scandalizes another giving him the occasion of ruin." Passive sin is double: in one way by which someone falls into sin because of another's action; in another it designates the wound itself which is suffered; "for example," Hugh says: "When I eat meat, someone else might grumble and judge, or speak ill, and thus his charity might be lost or discarded. This grumbling, or judging, or evil-speaking, or anger is scandal; or the loss of, or harm to, charity is scandal, each passive."

Alexander says that when Christ tells Peter he is a scandal to him (Matt. 16:23) Peter is an obstacle, and "likewise when a priest is called a scandal to the whole parish because he publicly keeps a mistress." His fifth chapter discusses

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71 "Activum est dicitur, vel factum minus rectum, quo aliquis alium scandalizat dans ei occasionem ruinae. Passivum dicitur dupliciter. Uno modo actualiter, quo ruit in peccatum exemplo alterius, et dicitur passivum, non quia passio, sed quia ab actione illatum. Alio modo dicitur scandalum passivum ipsa laesio irruentis: v.g. cum comedo carnes, alius murmurat, et iudicat, vel male dicit, et sic amittitur, vel remittitur, charitas eius, ipsa murmuration, vel iudicium, vel maledictio, vel irritatio sunt scandalum, vel amissio, vel laesio charitatis est scandalum, utrumque passivum, sed et aliter, quia primum dicitur passivum, quia passio est illata, vel ipsa comestio, qua tu offenderis, dicitur scandalum activum, quo ego te scandalizo. Nota ergo, quod cum scandalo activo omnino nihil faciendum est, pro scandalo vero passivo aliquando bonum dimittendum est, aliquando non." Hugh of St.-Cher, *Opera omnia*, p. 61r.

whether active scandal or passive scandal is the worse sin. Alexander concludes that active scandal is indeed more serious, although in some situations passive scandal might be worse.  

Thomas Aquinas, as might be expected, gives the most highly developed treatment of active and passive scandal. Scandal may be divided into these two varieties, depending on the intention of the sinner or the nature of the sin. It is worth quoting this whole passage:

A man's word or deed may be the cause of another's sin in two ways, directly or indirectly. Directly when he intends his evil words or deeds to lead the other into sin, or even if he does not intend it, when the act itself of its very nature is conducive to sin. An example would be when he publicly commits a sin or does something that appears to be a sin. In such cases he would properly be giving the occasion of another's fall. We call this active scandal.

A man's word or deed may be the cause of another's sin indirectly when, without his intention and with nothing in what he does to warrant it, the other through some evil disposition of his own is led into sin, for instance, into envy of the first man's blessings. In that case he who does the right thing does not, as far as he is concerned, afford the occasion of sin, but it is the other who takes the occasion... Now this is passive scandal without active scandal, since the man who for his own part acts rightly, does not give the occasion of the fall the other suffers.

73 "Respondeo ad hoc quod, omnibus aliis circumstantiis paribus, gravius est scandalum activum quam passivum, possunt tamen in casu esse excedentia et excessa." Alexander of Hales, *Summa Fratris Alexandri*, I, q. 3, Tract. 8, Sect. 2, Qu. 1, Cap. 5, p. 821.

74 "Ad quartum dicendum quod dictum vel factum alterius potest esse alteri causa peccandi dupliciter: uno modo, per se; alio modo, per accidents. Per se quidem, quando aliquis suo malo verbo vel facto intendit alium ad peccandum inducere: vel, etiam si ipse hoc non intendat, ipsum factum est tale, quod de sui ratione habet ut sit inductivum ad peccandum, puta quod aliquis publice facit peccatum vel quod habet similitudinem peccati. Et tunc ille qui hujusmodi actum facit proprie dat occasionem ruinae: unde vocatur scandalum activum.
And:

We have already shown that scandal is twofold, passive in the one scandalized and active in the one who scandalizes, who gives the occasion of another's fall. Now passive scandal is always a sin in the one scandalized since he is not really scandalized unless he falls into spiritual ruin, which is a sin. There can be passive scandal without sin in the one whose action has occasioned the scandal, for example when from a good deed someone else takes scandal. Again, we can say that active scandal is always a sin in the one who gives the scandal, since either what he does is a sin in itself, or it looks like one, and in that case it should be avoided out of love which cares for our neighbour's spiritual welfare; if he does not leave it undone he acts against love. Active scandal may exist, however, without sin on the part of the one scandalized.\footnote{75}{\textit{Per accidens autem aliquod verbum vel factum unius est alteri causa peccandi, quando etiam praeter intentionem operantes, et praeter conditionem operis, aliquis male dispositus ex hujusmodi opere inducit ad peccandum: puta cum aliquis invidet bonis aliorum. Et tunc ille qui facit hujusmodi actum rectum non dat occasionem, quantum in se est, sed alius sumit occasionem... et ideo hoc est scandalum passivum sine activo: quia ille qui recte agit, quantum est de se, non dat occasionem ruinae quam alter patitur.} Aquinas, \textit{Summa}, 2a2ae, Qu. 43, art. 1, pp. 112/113.}

Beyond this, active scandal may itself be subdivided into direct and indirect: direct scandal occurring when a person intentionally does or says something to cause another's fall, and indirect scandal happening when someone "says or does something excessive, without intending to give an occasion of sin to another, but merely to

\footnote{75}{\textit{Dicendum quod, sicut jam supra dictum est, duplex est scandalum: scilicet passivum, in eo qui scandalizatur; et activum, in eo qui scandalizat, dans occasionem ruinae. Scandalum igitur passivum semper est peccatum in eo qui scandalizatur: non enim scandalizatur nisi inquantum aliqualliter ruit spirituali ruina, quae est peccatum. Potest tamen esse scandalum passivum sine peccato ejus ex cuius facto aliquis scandalizatur: sicut cum aliquis scandalizatur de his quae alius bene facit. Similiter etiam scandalum activum semper est peccatum in eo qui scandalizat. Quia vel ipsum opus quod facit est peccatum: vel etiam, si habeat speciem peccati, dimittendum est semper propter proximi caritatem, ex qua unusquisque conatur salute proximi providere; et sic non dimittit contra caritatem agit. Potest tamen esse scandalum activum sine peccato alterius qui scandalizatur, sicut supra dictum est."} Aquinas, \textit{Summa}, 2a2ae, Qu. 43, art. 2, pp. 114/115.
satisfy his own will."76 Direct scandal is a special kind of sin because a particular kind of harm to one's neighbour is intended, which is "in direct conflict with fraternal correction,"77 and, we might add, with charity.

D. The Nature of the Sin

Most of our writers discuss the nature of the sin itself, asking such questions as: is scandal a kind of sin in itself? is it one sin or two? and is it mortal or venial sin? Pierre de Roissy (chancellor of Chartres) sees two sins in one. "When a man sins," he says, "he does wrong against God and neighbor: against God because he acts contrary to divine precept, against neighbor through bad example."78 This bad example is the sin of scandal.

Is the priest's sin of fornication one sin or two sins, asks Thomas of Chobham. There is actually only one sin, fornication, but the fornication itself is the scandal — a kind of two-in-one. It is not like the sin of someone who, in the act of deflowering a virgin, murders her. Clearly fornication and homicide are two separate

76 "...cum aliquis suo facto vel verbo inordinato non intendit alteri dare occasionem ruinæ, sed solum suæ satisfacere voluntati." Aquinas, Summa, 2a2ae, Qu. 43, art. 3, pp. 118/119.

77 "Et opponitur directe correctioni fraternæ, in qua attenditur specialis nocuenti remotio." Aquinas, Summa, 2a2ae, Qu. 43, art. 3, pp. 118/119.

sins.  

For Thomas of Chobham, the fact of its being committed in front of others is essential to the definition of scandal. It is serious and difficult to assign a worthy penance for the sin of scandal," he says, since it hardly happens that anyone sins in any sin who does not scandalize others through that sin. And often the Lord is more offended by the publication of the sin than by the work of sin itself, as it is read in Jeremiah: They publish their sins like Sodom; they publish them and do not hide them. [Is. 3:9]. For whoever sins in secret kills only his own soul, and perhaps offends no one but God. But he who sins in public kills his own soul and through scandal the souls of others, and maybe offends the whole church. Whence it is proper for him to satisfy much more who sins publicly and much greater is the penance to be assigned than if he had sinned in private. Whence the Wise One says: if not chaste, then careful.  

79 "Sed iterum queritur de scandalo activo utrum sunt ibi duo peccata vel unum; et utrum sit ibi penitentia inungenda pro duobus peccatis vel pro uno. Verbi gratia: sacerdos fornicatur multis scientiis; fornicatio eius unum est peccatum; modo queritur utrum aliud sit ibi peccatum quod dicitur scandalum, vel si eadem fornicatio et fornicatio sit et scandalum, et ita unum peccatum est duo peccata. Quod bene concedimus, quia non est ibi nisi una actio tantum, scilicet fornicatio, et ipsa est scandalum. Sed sunt ibi due deformitates que faciunt duo peccata: una deformitas est illius actionis ex eo quod est fornicatio, et alia deformitas eius est ex eo quod alium incitat ad peccandum.... Sicut si aliquis male tractat virginem deflorando eam et ita interficit eam, committit duo peccata, scilicet fornicationem et homicidium", Thomas of Chobham, Summa, Art. 7, Dist. 13, Qu. 1a, p. 567. 

80 "Hec circumstantia 'coram aliis' est substantialis illi peccato quod dicitur scandalum." Thomas of Chobham, Summa, Art. 7, Dist. 13, Qu. 1a, p. 567. Likewise the fact of public sin is essential to the definition of prostitution: "Si enim aliqua in occulto se venderet, non ob hoc nomen meretrix haberet." Art. 7, Dist. 2, Qu. 6a, c. i, p. 347. 

81 "Pro peccato autem scandalis grave est et difficile condignam inungere penitentiam, quia sic contingit quod aliquis peccet aliquo peccato quin scandalizet alios per illud peccatum. Et sepe magis offenditur dominus per publicationem peccati quam per ipsum peccati opus, ut in Jeremia legitur: publicaverunt peccata sua sicut Sodoma; publicaverunt et non abscenderant. [Is. 3:9] Qui enim peccat in occulto non occidit nisi suam animam propriam, et forte non offendit nisi solum deum. Qui autem peccat in publico occidit animam suam et per scandalum animas aliorum, et forte totam offendit ecclesiam. Unde multo magis eum oporteret satisfacere qui peccat publice et multo maior est penitentia inungenda quam si peccasset in private. Unde dicit Sapiens: si non caste, tamen caute." Broomfield, ed. Thomas of Chobham, Summa, Article 7, Dist. 13, Qu. 4a., De penitentia pro scandalo, pp. 570-1. On the reference to the Wise One, a footnote says "Non inveni."
"And always greater penance should be assigned according to the increase of scandal."^82

Some scandal is only venial sin, Thomas says, such as "jocose lies". "If I instigate anyone to laughter or to idle words, I scandalize him venially, because such scandal is not mortal sin."^83

By this period, just before and just after the Fourth Lateran Council of 1215, scandal was already making its way into other handbooks for confessors. In the third book of his Summa, the confessional, John of Kent makes mention (albeit briefly) of scandal in a section on sins, under vainglory. The penitent has been asked whether he or she has done anything to satisfy a desire for others' praise. If good deeds are done for the glory of God, it is good, but if done so that the honour accrues to oneself, this is hypocrisy, and defrauds God of the praise which is his due.

Priet: Did you make yourself appear good on the outside for any reason by means of some good outward sign, when you were evil and unclean?
Penitent: Are these things not to be hidden on account of scandal and bad example?
Priet: They certainly are, and this is laudable. But it is another thing to feign goodness and holiness falsely.

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^82 "Et semper secundum augmentum scandalorum debet maior penitenita ei injuni." Broomfield, ed. Thomas of Chobham, Summa, Article 7, Dist. 13, De scandalum. Qu. 4a., De penitentia pro scandalum, p. 571. It is interesting that, given the importance Thomas gives to scandal in this work, in his work on preaching, Summa de arte praedicandi, he mentions it hardly at all. See, for example, Summa de arte praedicandi, Franco Morenzoni, ed., Corpus Christianorum Continuatio Mediaevalis 82 (Turnholt, 1988), cap. vi,4.3, De fortitudine, p. 243.

^83 "Verumtamen aliquod scandalum est veniale peccatum, sicut icosum mendacium. Si enim instigo aliquem ad ridendum vel ad verbum otiosum ego scandalizo eum venialiter, quia tale scandalum non est mortale peccatum." Thomas of Chobham, Summa, Art. 7, Dist. 13, Qu. 2a, Quod scandalum valde est timendum, p. 568.
Penitent: Several times I have demonstrated a holiness which I did not have in my heart.
Priest: Such ones are called hypocrites and heretics. See henceforth that you hold yourself in your heart more just and more holy than you show by sign or deed.
Penitent: I cannot hide all good works.
Priest: If good is done openly for an example to others, let the healthy good intention remain secret, and properly in the mind, that it is not you but God by whom this work is rather honoured, and if you thence hear yourself to be praised, at once referring these praises to God, take care to offer to him, saying in your heart: may you be blessed and praised, God, through whom this is done.  

Clearly John understands the danger of overtly evil deeds, and makes the usual connection between their bad example and scandal, although he uses this exchange to make a point about the hypocrisy of feigned virtue.

William of Auxerre also addresses the question of whether scandal is a kind of sin in itself. Using the common example of fornication, he argues, first, that scandal is a separate sin: "he who fornicates before another, sins in the sin of lust and the sin of scandal; therefore he sins in two kinds of sin; therefore scandal is a certain kind of sin; therefore he commits two sins; therefore scandal is one kind of sin in itself." But, on the contrary, "there is no sin in him who fornicates before

another, except action; but there is one action there, therefore there is one sin.\textsuperscript{85}

And if one person fornicates before another, while another performs the act in private, the sin is the same, just as if someone fornicates in a sacred place and a non-sacred place: circumstances do not alter the nature of the sin. And in such a case, "there scandal is not any other sin than fornication."\textsuperscript{86}

In his solution, William picks up Thomas's example of the man who, in deflowering a virgin, murders her. "Just as," he says

he who kills a virgin in deflowering her, if his conscience might tell him or probably ought to tell him that he might kill in deflowering, he commits two sins, so he, who knowingly fornicates before others, when his conscience says, or probably ought to say that he will harm his neighbour, commits two sins, and one is the action: two sins in respect to the stains and the deformities; formally, therefore, there are two sins.\textsuperscript{87}

He responds similarly to the argument that circumstances do not alter the nature of a sin by citing the verse "Who, what, where, with whose help. why, how, when," and

\textsuperscript{85} "Ille, qui fornicatur coram aliis, peccat peccato luxurie et peccato scandalis; ergo duplici specie pecci pece; ergo scandalum est aliqua species pecci; ergo commitit duo peccata; ergo scandalum est una species pecci per se. Contra: Nichil est ubi peccatum in illo, qui fornicatur coram aliis, nisi actio; sed unica est ubi actio; ergo unicum est ubi peccatum." William of Auxerre, \textit{Summa Aurea}, Lib. 3, Tract. 52, Cap. 2, p. 1017.

\textsuperscript{86} "Item, sit ita quod aliquis fornicatur coram aliis, aliquis non; isti duo non differunt nisi in hoc quod unus fornicatur coram aliis, alius vero non; sed quod dictur coram aliis, circumstantia est, et circumstancia non mutat genus pecci, si enim aliquis fornicatur in loco non sancto et postea in loco sancto, non mutatur genus pecci; ergo ille qui fornicatur coram aliis, non peccat duplici genere pecci. Preterea, scandalum non est ubi aliud peccatum quam fornicatio." William of Auxerre, \textit{Summa Aurea}, lib. 3, Tract. 52, Cap. 2, PP. 1016-17. Note the similarity between William's argument and that of Thomas of Chobham, above, p. 50, n. 59.

\textsuperscript{87} "Ad hoc nobis videtur dicendum quod, sicut ille, qui deflorando virginem interficit eam, si dictat ei conscientia aut probabiliter debeat dictare quod deflorando interficiet, duo commitit peccata, sic ille, qui coram aliis fornicatur scienter, cum dictet conscientia aut probabiliter dictare debeat quod nocebit proximo suo, duo commitit peccata et unica est actio: duo peccata quantum ad maculas et deformitates; formaliter ergo duo sunt peccata". William of Auxerre, \textit{Summa Aurea}, Lib. 3, Tract. 52, cap. 2, p. 1017.
noting that to the argument that such circumstances introduce the material of sinning, because to harm a neighbour and to sin against a neighbour, is a certain matter of sinning. The sin of one who fornicates in private, on the other hand, is not two because the harm to the neighbour is accidental.

On whether scandal is mortal sin, William begins by distinguishing active and passive scandal (we have seen that he is the first after Thomas of Chobham to do so).

Active scandal is that by which someone scandalizes another providing him the occasion of spiritual ruin by either word or deed less right. Passive scandal is that by which someone is hurt falling into sin by another's example. Of active scandal it seems that all such scandal is mortal sin, since the Lord says in the Gospel: woe to the world from scandals, that is eternal punishment threatens the lovers of the world on account of scandal; but eternal damnation only threatens on account of mortal sin; therefore all scandal is mortal sin.

"But," William continues,

some scandal is venial, because if someone fornicates in front of another, he provokes him to fornication; so he who lies in front of another in jest provokes him to lying in jest; but the

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89 "[I]le, qui committit fornicationem latenter, non committit duo peccata, quia substantiale est cuilibet peccato mortali nocere subiecto proprio; sed accidental est nocere proximo; propter hoc non est simile." William of Auxerre, *Summa aurea*, Lib. 3, Tract. 52, cap. 2, p. 1017.

90 "Est scandalum activum, quo aliquid scandalizat alium prestans ei occasionem ruine spirituales vel facto vel dicio minus recto. Scandalum passivum est, quo aliquid sedetur unius in peccatum exemplo alterius. De scandalum activo videtur quod omne tale scandalum sit mortale peccatum, quia dicit Dominus in Evangelio: *Ve mundo ab scandalis*, id est, pena eterna immittet amatoribus mundi propter scandalum; sed damnatione eterna non immittet nisi propter mortale peccatum; ergo omne scandalum est peccatum mortale." William of Auxerre, *Summa Aurea*, Liber 3, Tractatus 52, Caput 1, p. 1014.
first scandal is mortal, since it incites to mortal [sin]; therefore the second is venial, because it incites to venial, for to lie in jest is venial [sin].

His own solution, which he argues skilfully, is that obviously some scandal is mortal, some venial, sin.

Raymond of Peñafort also discusses when scandal is sin and when not. In the first case, scandal is to be avoided because of the deed which is evil in itself or because of its circumstances. In the second case, when the deed itself is good, yet still gives occasion for sin, it should not be abandoned for the sake of scandal. Raymond’s authority is Pope Innocent III: “It is permitted that those works which cannot be omitted without mortal sin, are not to be stopped to avoid scandal, nor should those things which cannot be committed without mortal sin be committed to avoid scandal.”

Raymond discusses whether all scandal is mortal sin, saying that many

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91 “Sed probatur quod aliquod est veniale, quia si aliquis fomicatur coram alio, provocat ipsum ad fomicandum, ita qui mentitur coram alio iocose, provocat ipsum ad menciendum iocose; sed scandalum primum est mortale, quia incitat ad mortale; ergo secundum veniale, quia incitat ad veniale, mentiri enim iocose veniale est.” William of Auxerre, Summa Aurea, Lib. 3, Tract. 52, Cap. 1, p. 1014. This use of fornication as the example is the common one. Also note the reference to “jocose lies”, seen in the same context in Thomas of Chobham, see above, p. 71.


93 “In primo casu, fugiendum est omnino scandalum, tum propter factum quod in se malum est, tum propter circumstantiam facti, quae est mala, quia dat aliis occasionem peccandi. In secundo vero casu, scilicet, quando est bonum in se quod fit, aliis tamen est occasio peccandi, si tale bonum est, quo omissa, non esset salus omittenti, non debet dimittere illud propter aliquod scandalum, alter videtur quod sit omissendum. Unde Innocentus: ‘Licet opera illa quae sine peccato mortali dimitti non possunt, non sint pro vitando scandalum dimitenda, nec ea debeant pro vitando scandalum committi, quae sine peccato morali committi non possunt’, Raymond of Peñafort, Summa de paenitentia, Tit. 30, 2, col. 702. The reference to Innocent is EXTRA, de novi operis nuntiatione, Cum ex iniuncto, versu Licet [X.5.32.2].
authorites seem to say that it is, including the Gospel of Matthew, which
demonstrates through the injunction of the death penalty (immersion in the sea with a
millstone round the neck) that the sin is mortal. On the other hand, he says, "it
seems that the person sinning is himself called scandal," citing Christ's words to
Peter, "Scandalum mihi es", and adding that a priest with a concubine is a scandal to
his whole parish.

To this you may say that neither is all mortal sin scandal, nor
all scandal mortal sin, or even sin. Not all mortal sin is
scandal, I said, since no sin considered purely in itself, is
scandal, but accidentally, that is, when the sin happens to be
manifest, and therefore an occasion for sinning is given to
someone else.

Under the heading, Whether scandal is a sin in itself, Alexander of Hales
argues that

it seems that it is not on its own a kind of sin, first, because
when I say 'to sin before another', this saying: 'before another'
tells the circumstance of the act, and scandal has no meaning
except to sin before another so that he might fall into sin.
Therefore it remains that it is not a sin according to itself, but
from its circumstances.....

Contra. It is to sin against oneself, against God, against a

94 Raymond, Summa de paenitentia, Tit. 30, 2, col. 701.

95 "E contra videtur quod ipse peccans dicitur scandalum. Unde Dominus ait
Petro: 'Scandalum mihi es'. Similiter sacerdos dicitur esse scandalum totius parochiae, cum tenet
publice concubinam." Raymond, Summa de paenitentia, Tit. 30, 2, col. 701. Note the similarity with
Alexander of Hales, above, p. 66, n. 72.

96 "Ad hoc dicas quod nec omne peccatum mortale est scandalum, nec omne scandalum
peccatum mortale, vel etiam peccatum. Non omne peccatum mortale est scandalum, ideo dixi, quia
nullum peccatum, in se pure consideratum, est scandalum, sed per accidentis, id est, ex eo quod
peccatum manifestum est; et ideo datur aliis occasio peccandi..." Raymond, Summa de paenitentia, Tit.
30, 2, col. 701.
neighbour; but scandal, inasmuch as it is scandal, is a
sin towards a neighbour; but, when I say 'a word or
deed less right', I mean a sin against one's own self, but
when I say, 'providing to another the occasion of ruin',
I mean a sin against a neighbour, and so there will be
two sins in scandal....

Solutio. To this it might be answered that a sin is called a
different kind from another in many ways, whether by reason
of different acts; thus pride and avarice are said to be different
sins; or by reason of different circumstances, of which each
creates a different genus [of sin], as when sin is said to be
from ignorance and from weakness; or by reason of the
differences of who is harmed, such as one kind is said to be a
sin against God, another sin against oneself, another sin against
a neighbour. So when it is said of scandal that it is a sin
different from others, this is understood not by reason of
different acts, but by reason of different ends. According
to this which is 'deed or word less right' in itself, it ends in the
sinner; but according to the occasion it can provide the ruin of
another, thus it terminates at the neighbour whom it harms.
And so in one way it is called a different kind of sin, in
another way it is not called different, but aggravated by
circumstance. 97

He goes on to say that "the lawful scandalizer might not intend to scandalize, yet he

97 "Et videtur quod non sit per se genus peccati, 1. quia, cum dico 'peccare coram alio', hoc
quod dico 'coram alio' dicit circumstantiam actus, et scandalum non importat nisi peccare coram alio,
it ipse ruat in peccatum. Relinquitur ergo quod non sit peccatum secundum se, sed ex
circumstantia....
Contra. Est peccare in se, in Deum, in proximum; sed scandalum, in quantum scandalum, est
peccatum in proximum; sed cum dico 'dictum vel factum minus rectum', dico peccatum in se ipso;
cum autem dico 'praebens aliis occasionem ruinæ', dico peccatum in proximum, et ita duo peccata
erunt in scandalô....

Solutio. Ad quod respondetur quod peccatum diversum genere ab alio pluribus modis: vel
ratione diversorum actuum, et sic superbia et avaritia dicunter esse diversa peccata; vel ratione
diversæ circumstantiæ, quæram utraque trahit in genus diversum, sicut cum dicitur peccatum ex
ignorantia et ex infirmitate; vel ratione diversorum quibus fit iniuria, sicut alium genere dicitur
peccatum in Deum et peccatum in se ipsum vel in proximum. Cum ergo dicitur de scandalo quod est
peccatum separatum ab alius, hoc intelligitur non ratione actus diversi, sed ratione diversi termini.
Secundum enim quod est 'dictum vel factum minus rectum' in se, terminatur in se ipso; secundum
autem quod occasioem præbet ruinæ alteri, sic terminatur ad proximum quem laedit. Et ita uno
modo dicitur differens peccatum genere, alio vero modo indifferentes, sed aggravatum per
circumstantiam." Alexander of Hales, Summa Fraris Alexandri, Inq. 3, Tract. 8, Sect. 2, Qu. 1, Cap.
2, pp. 816-17.
intends that word or deed, by which the occasion of ruin is provided, and thus the scandal is from the intention.\textsuperscript{98}

Alexander moves on to discuss the question of whether all scandal is mortal sin, or if any is venial. Like many of his predecessors he cites the argument which says that because the scriptural punishment for scandal is death, it must therefore be a mortal sin. This is supported by a reference to Psalm 139:6 ("They placed a stumbling-block for me beside the way") and the Gloss on this verse, "Non in via, sed in invio." "Invium," says Alexander, "is called a mortal sin, therefore scandal is a mortal sin."\textsuperscript{99} And again, according to Jerome, "A teacher who teaches with his words and scandalizes with his works, closes the kingdom of heaven'. But the kingdom of heaven is only closed through mortal sin, therefore scandal, at least in a prelate, will be mortal sin."\textsuperscript{100}

But "a word or deed less right sometimes might be mortal, sometimes venial.... For example, someone tells a 'jocose lie', and by his example provokes another to do the same, is not such a 'less right' deed venial, and thus this scandal

\begin{itemize}
\item \textsuperscript{98} "Et licet scandalizans non intendent scandalizare, intendit tamen illud dictum vel factum, ex quo praebetur occasio ruinae, et ita scandalum est ex intentione." Alexander of Hales, \textit{Summa Fratris Alexandri}, Inq. 3, Tract. 8, Sect. 2, Qu. 1, Cap. 2, p. 817.

\item \textsuperscript{99} "Item, in Psalmo: luxta iter scandalum posuerunt mihi, Glossa: 'Non in via, sed in invio'. Sed invium dicitur esse mortale peccatum, ergo scandalum est mortale peccatum." Alexander of Hales, \textit{Summa Fratris Alexandri}, Inq.3, Tract. 8, Sect. 2, Qu. 1, Cap. 3, p. 818. The reference is to Psalm 139:6, although Psalm 106:40 has: "Effusa est contentio super principes: et errare fecit eos in invio et non in via." "Invium" means "impassable place"; it looks as if Alexander is confusing it with "invidium".

\item \textsuperscript{100} "Item Hieronymus: 'Doctor, qui verbo docet et opere scandalizat, regnum caelorum claudit'. Sed non clauditur regnum caelorum nisi per mortale peccatum; ergo scandalum, ad minus in prelato, erit mortale peccatum." Alexander of Hales, \textit{Summa Fratris Alexandri}, Inq. 3, Tract. 8, Sect. 2, Qu. 1, Cap. 3, p. 818.
\end{itemize}
will be venial?" Alexander here quotes Bernard of Clairvaux in saying that not all scandal is equal: some arises from malice, which is a mortal sin, and some from ignorance, which is venial.  

Of the eight articles which Thomas Aquinas devotes to scandal, there are three which, after an introductory article which defines scandal, ask whether it is a sin, a special sin, and a mortal sin. The first says that all sin is an act of the will, not of necessity, and that the Gospel says that "It must needs be that scandals come", therefore, scandal can be no sin. But, Thomas counters, "We should understand the words, 'It must needs be that scandals come', not as an absolute, but a conditional necessity.... So it is necessary that scandals come as long as men do not change their ways." And "[n]o one stumbles spiritually without in some way being held up on his way to God; and that would be a venial sin at least."  

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101 "Item, 'dictum vel factum minus rectum' aliquando potest esse mortale, aliquando veniale; ergo et scandalum, quod est ipsum 'dictum vel factum'. Verbi gratia, aliquid dicit mendacium iocosum et exemplo suo alium provocat ad simile, nonne tale dictum minus rectum veniale est, et ita et ipsum scandalum veniale erit?" Alexander of Hales, *Summa Fratris Alexandri*, Inq. 3, Tract. 8, Sect. 2, Qu. 1, Cap. 3, p. 818. Note that three of our writers mention "jocose lies": Thomas of Chobham, William of Auxerre, and Alexander.  

102 "Item Bernardus: 'Non omnium scandalal aequa lance pensanda sunt. aliter enim accipienda sunt scandalal parvulorum, aliter pharisaeorum: illorum scandalal ex ignorantia procedit, istorum ex malitia'. videtur ergo quod quoddam scandalum passivum sit veniale, quoddam mortale: parvulorum veniale, aliorum vero mortale." Alexander of Hales, *Summa Fratris Alexandri*, Inq. 3, Tract. 8, Sect. 2, Q. 1, c. 3. p. 818. For the reference to Bernard, see above, Ch. 1, p. 28, n. 67.  

103 "Videtur quod scandalum non sit peccatum. Peccata enim non eveniunt ex necessitate: quia omne peccatum est voluntarium.... Sed dicitur, 'Necesse est ut veniant scandalal.' Ergo scandalum non est peccatum"; "ad primum ergo dicendum quod hoc quod dicitur: 'Necesse est ut veniant scandalal', non est intelligendum de necessitate absoluta: sed de necessitate conditionali... [N]ecessae est evenire scandalal si homines conversationem malam non mutent"; and: "[N]ullus impingit spiritualiter nisi retardetur aliquammodo a processu in via Dei: quod fit saetem per peccatum veniale." Thomas Aquinas, *Summa theologiae*, 2a 2ae, 43, 2, pp. 114/115-116/117.
It appears that scandal is not a special sin, because, while "scandal is the less right in word or action," so is all sin. Unlike other sins, scandal cannot be found alone, separated from other sins. And the fact of a sin's being committed openly (the "specific quality of scandal") "does not constitute a specific kind of sin." On the other hand," Thomas says, "a distinctive sin stands against a distinctive virtue. Now scandal stands against the distinctive virtue of charity: 'If your attitude to food is upsetting your brother, then you are hardly being guided by charity.' Accordingly scandal is a special sin."

His own position depends on the twofold definition of scandal as active (direct and indirect) and passive. The kind of active scandal in which someone "says or does something excessive, without intending to give an occasion of sin to another, but merely to satisfy his own will" is "not a distinctive sin, since indirect causality does not constitute a specific character." Active scandal becomes a special kind of sin when someone by his excessive words or actions intends to draw another into sin.... As theft and murder are distinctive sins because each purposes to do a special sort of injury to our neighbour, so scandal is distinctive because a special sort of injury to our neighbour is intended. It stands in direct conflict with fraternal correction, which is concerned with taking away

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E. Eating Idolatrous Foods: "It is better to die of hunger than to eat foods sacrificed to idols".

Most of our writers use the quotation from Augustine (by way of the Glossa ordinaria). (It is striking, in fact, how large food and eating figure in discussions of scandal.) Some employ it in connection with other subjects (for example, the triple truth), but some give it a section on its own. We saw that Robert Courson mentions the eating of idolatrous foods in the context of the triple truth discussion. He also raises the subject when he deals with the Pauline quotation, "All things are lawful for me, but not all are expedient." Included under "all things" are the eating of foods sacrificed to idols, the suing for the return of property, and the receiving of expenses from subjects (the latter two topics will be dealt with below). Robert argues that it is only right to eat idolatrous foods if no others are available. He also asks, with regard to food, whether a monk should eat meat on the sabbath with the rest of the monastery, to the scandal of the whole city, or offend his abbot by not eating, thus

106 "Scandalum autem activum potest accipi dupliciter: per se scilicet, et per accidens. Per accidens quidem, quando est praeter intentionem agentis: ut puta cum aliquid suo facit vel verbo inordinato non intendit alteri dare occasionem ruinae, sed solum suae satisfacere voluntati. Et sic etiam scandalum activum non est peccatum speciale: quia quod est per accidens non constituit speciem. Per se autem est activum scandalum quando aliquis suo inordinato dicto vel facto sortitur rationem specialis peccati.... Unde sicut furtum est speciale peccatum, aut homicidium, propter speciale nocentum proximi quod intenditur: ita etiam scandalum est speciale peccatum, propter hoc quod intenditur speciale proximi nocentum. Et opponitur directe correctioni fraternae, in qua attenditur specialis nocentum remoto." Thomas Aquinas, Summa theologiae, 2a 2ae, 43, 3, pp. 118/119.
causing the whole monastery to accuse him of heresy:

In many churches it is the custom for clerics and monks to eat meat on the sabbath. You are a learned person with great authority among them. The whole city is scandalized in this because it sees such a convent of monks and clerics eat meat on such a day, when the common layfolk might on no account do so. If you eat with the others, more serious will be the scandal from you, because you have such a reputation among them, because scandal will be increased by your eating. If you do not eat you offend your abbot and your bishop, and the whole convent of clerics and monks who will cry out that you are a cather or a heretic.107

Thomas of Chobham credits Paul with the saying "It is better to die of hunger, etc." and says simply that even foods sacrificed to idols are clean in their own nature. It is the scandal caused to the brother which is to be avoided.108

William of Auxerre discusses the question of eating idolatrous meat and demonstrates how one should avoid giving scandal:

107 "Consuetudo est in multis ecclesiis ut clerci et monachi in sabbato comedant carnes. Tu litteratus et magne auctoritatis es inter eos. Tota civitas scandalizatur in hoc quod videt tantum conventum monachorum et clerici comedere in tali die carnes, cum laicum vulgus nulla ratione comedet carnes in tali die. Si tu comedis cum aliiis gravius erit scandalum ex te, quia tu tante opinionis es inter eos, quod ex tua comestione augebitur scandalum. Si non comedis offendis abbatem tuum et episcopum tuum et totum conventum clerici et monachorum qui clamabant te esse catherum aut papalardum." Robert of Courson, Summa, Paris BN MS 3258, f. 127r. Kennedy cites a similar passage: "Poterit contingere ex ieiunio tuo maximum scandalum ut si in aliqua magna curia sis vel inter tales qui statim dicent te catherum vel ypocritam vel papalardum si inter eos ieiunes, et ideo crede evangelio ubi dicitur: Ve illi per quem scandalum oritur, expedit enim ut mola asinaria suspendatur in collum eius et demergatur in profundum maris; unde apostolus: Si esca mea scandalizat fratrem meum non manducabo in eternum." Kennedy, "Robert Courson on Penance", p. 327.

Suppose that a person has only food sacrificed to idols to eat; if he eats, his neighbour will be scandalized; if he does not eat, he will die of hunger and thus kill himself; but it is worse to kill oneself than to scandalize one's neighbour. Therefore [the dictum] 'it is holier to die of hunger than to eat with scandal food sacrificed to idols' is false.

This eating is to be done, as much as possible, so as not to scandalize, for example, by protesting publicly that he is eating only to escape certain death.109

According to Alexander of Hales, the "indifferent" things to be omitted or not omitted on account of scandal include lawsuits, the receiving of a procuration by a prelate, and the eating of foods sacrificed to idols. He discusses the eating of idolatrous foods only briefly. The passage, "all things are lawful for me, but not all are expedient" refers to this kind of eating, when it causes scandal to the weak. "It seems," says Alexander,

that this [i.e. the Gregorian dictum that it is better to starve than to eat idolatrous foods] is false. For if someone who has nothing to eat allows himself to starve to death, he dies by his own hand; I say 'therefore because he has nothing to eat except idolatrous food, if he eats he scandalizes his neighbour; if he does not eat, he will die of hunger, and thus kill himself; but it is worse to kill himself than to scandalize his neighbour. Therefore this is false.

Solution. The answer to this is that sin cannot be compared with sin, but punishment [i.e. of death] with sin.

109 "[P]onatur ergo quod iste non habeat quid comedat nisi ydolotitum; si comedat, scandalizabit proximum; si non comedat, morietur fame et sic intericit se; sed peius est interficer se, quam scandalizare proximum; ergo hec est falsa: 'sanctius est fame mori, quam ydolotito vesci cum scandalo'." and: "[I]lle, qui non habet quid comedat nisi ydolotitum, debet comedere; debet tamen facere, quantum in se est, ut non scandalizet; unde debet protestari in publico quod, nisi comedat, morietur fame, et tunc non scandalizat." William of Auxerre, Summa Aurea, Lib. 3, Tract. 52, Cap. 4, q. 1, p. 1024. William introduces this subject in a similar way to Robert with "Scendum autem est quod, cum hec auctoritas Apostoli: 'Omnia mihi licent, sed non omnia expedient', exposita sit de repetitione rerum cum scandalo fratris, exponitur etiam de comestione ydolotiti in ydolio..."
Whence the sense is: the death of the body is less evil than to scandalize the neighbour. Therefore if someone has nothing to eat except foods sacrificed to idols, he should eat; but he ought to do it, as much as he can, so that he not scandalize his neighbour. Whence it should be publicly stated that he will starve unless he eats, and then there should be no occasion for the ruin of another.\footnote{110}

F. Lawsuits:

When writers quote the Apostle ("All things are lawful for me, but not all are expedient" [1Cor. 6:12]), they do so by way of introducing a variety of subjects besides the eating of foods sacrificed to idols. Much attention is given to the subject of the propriety of suing for the return of one's property. The topic is also found in sections having to do with the "indifferent" matters which are to be omitted or not to be omitted on account of scandal.\footnote{111}

\footnote{110} "Deinde quaeritur de comestione idolothyt. \textquoteleft Illa enim auctoritas: Omnia mihi licent, sed non omnia expedient	extquoteright, de illa comestione intelligitur; unde "non expediebat cum scandalo infirmorum comedere. Et dicit Gregorius: Satus est fame mori quam de idolothyo vesci", et intelligitur cum scandalo. Sed videtur hoc esse falsum. Si enim aliquid, non habens quod manducet, permitteret se mori fame, iniceret sibi manum; posito ergo quod non habeat quid comedat nisi idolothym, si comedit, scandalizat proximum; si non comedit, morietur fame, et sic se interficiet; sed peius est interficere se quam scandalizare proximum' Ergo primum est falsum. Solutio: Respondetur ad hoc quod non comparatur ibi peccatum peccato, sed poena peccato. Unde sensus est: mors corporalis minus malum est quam scandalizare proximum. Si ergo aliquid non habeat quid comedat nisi idolothym, debet comedere; debet tamen facere ut, quantum in se est, non scandalizet proximum. Unde debet in publico protestari quod, nisi comedat, morietur fame, et tunc non debet esse occasio ruinae alteri." Alexander of Hales, \textit{Summa Fratris Alexandri}, Inq. 3, Tract. 8, Sect. 2, Q. 1, p. 828.

\footnote{111} The question is covered in the \textit{Decretum}, C. 14, q. 1. Gratian says that a monk ought not to own anything in the first place, but if he has to sue for the return of common goods, he should do it through a proxy. "Quia ergo generaliter perfectis prohibetur in iudicio contendere, patet, quod istis non licet stare coram iudice.... Sicut ergo isti non sua possident, ita nec sua repetunt, sed res ecclesiae, quarum procurationem gerunt. Similiter videlicet, ut non sibi stent coram iudice, sed aliis."
Stephen Langton deals briefly with lawsuits in his section on the truth of justice (although this comes right after "All things, etc."). He concludes that a monk ought not to sue for the return of property, although another might, without scandal.\textsuperscript{112}

Concerning lawsuits, Robert Courson says that when a suit causes scandal it should not be undertaken. He uses as an example an ecclesiastic who sees the temporal goods of his church being squandered and destroyed. "Suing will scandalize many and involve him in secular business: what should he do? If he loses the church's goods for the sake of avoiding scandal, the poor might be endangered. Is not the truth of his life endangered?"\textsuperscript{113} Robert concludes that a layman may sue, "if he does no one any injury; and is not obliged to omit the truth of his justice for the sake of scandal." A prelate should not involve himself in secular business, but should rather use a representative.\textsuperscript{114}

\textsuperscript{112} "Item, apostolus: "Omnia michi licent sed non expediunt. Et agit ibi de rerum repetitione et ydolotitii comestione. Numquid ergo licet sua repetere cum scandalo fratris? Et si hoc, contra: Potest vitari scandalum fratris sine peccato. Ergo debet vitari. Si distinguatur sic ut fit communiter perfecto non licet repetere cum scandalo imperfecto licet. Sic contra. Imperfectus peccaret dando elemosinam, quando non teneretur dare aut cum scandalo fratris et tamen dare est de genere bonorum ergo multoforcius peccaret \textless 221va\textgreater imperfectus sua repetendo cum ipsum repeterere sit de genere indifferentium.... Item. Sicut non licet perfecto cum scandalo repeter, ita nec imperfecto ratione iam dicta in opponendo." Stephen Langton, \textit{Questiones}, De scandalo. Cambridge MS St. John's College 57, fos. 221r-221v.

\textsuperscript{113} "Ecce prelatus vel Abbas videt bona ecclesie sue distrahi et omnia temporalia dilapidari nisi repetat illa sub iudice. Et scit quod si litiget scandalizabit multos et ipse implicitus erit securalibus negotiis a quibus non poterit facile explicari. Quid faciet? An omissit bona pauperum pericitari pro vitando scandalo. An repetit sua sub iudice et miscibet se laqueis iudicum. Nonne veritas vite eius pericitatur?" Robert Courson, \textit{Summa} Paris BN MS 3258, f. 127v.

\textsuperscript{114} "Si imperfectus sum, ut agam causam meam et ius meum aquiram in quo nemini facio iniuriam, nec teneor pro scandalo omittere veritatem justicie mee. Et prelatus...non immiscebit se
Thomas of Chobham discusses suing for the return of one's stolen goods.

"There are four reasons," he says,

for which it is lawful to sue, with scandal to another, for one's property, or to deny one's goods with scandal to the petitioner. The first is the restraint of evil-doers; the second the peace of ecclesiastical unity; the third is the consolation of the weak.... The fourth...is the uncertainty of the scandal.

In the first case,

If bad men believe that holy men will not sue for the return of their stolen things, they will plunder their goods the whole day, and therefore it is good to curb their evil by suing for the stolen things, and thus to aid their souls lest they sin by retaining [what they have stolen].

In the second, "unless the thieves are constrained to restore them, the peace of the Church will be squandered, and it is better that the thieves be scandalized than that the peace of the Church be destroyed." In the third, "there are some weak and poor people, who, unless they can deny their goods to frivolous petitioners, cannot sustain themselves and their families." In the fourth case, if there is legitimate doubt about the scandal, "a just man will not sin." 115

secularibus negotiis, sed debet habere sindicum vel provisorem ad procuranda negotia eius..." Robert Courson, Summa, Paris BN MS 3258, f. 128v.

115 "Sunt enim alia quatuor rationes per quas licet repetere ablata cum scandalo alterius vel negare propria cum scandalo petentis. Prima ratio est refrenatio malorum; secunda, pax unitatis ecclesiastice; tertia est consolatio infirmorum. Ista enim preponenda sunt scandalo. Si enim crederent mali homines quod sancti viri ablata sua non repetenter, tota die bona eorum diriperent, et ideo bonum est refrenare malitiam eorum per repetitionem ablatorum, et ita animabus eorum consulere ne peccent retinendo. Similiter, nisi cogerentur raptore ad restitutionem, dissiparetur pax ecclesie, et melius est quod scandalizentur raptore quam pax ecclesie destruatnr. Item, quidam infirmi sunt et pauperes, qui nisi possent negare bona sua ribaldis petentibus non possint sustinere se et familiariam suam.... Quarta etiam causa solet assignari, scilicet incertitudo scandali. Potest enim bonus vir presumere quod non debeat scandalizari ille qui iniuste retinet si ab eo repetatur, nec ille qui iniuste petit si ei denegetur. Et in tali dubio non peccabit vir iustus." Thomas of Chobham, Summa, Art. 7, Dist. 13, Qu. 2a, pp. 569-70.
In William of Auxerre's *Summa*, the subject of what ought not to be done for the sake of avoiding scandal is divided into two questions, the first of which treats in some detail the subject of suits: is it right to sue for the return of one's goods if scandal will follow? William gives the example of Thomas of Canterbury (Thomas à Becket), who "sued for the things of the Church, knowing that the king and princes of England would be scandalized...therefore justice or suit for our things is not to be given up on account of scandal." If scandal will be caused, William says, a prelate is obliged not to undertake such a suit, if spiritual liberty will incur little or no harm. But if the spiritual liberty of the Church will be harmed if he does not sue, he must do so, even at the risk of scandal.

William gives four reasons for which it is lawful to sue for one's goods, even with scandal to a neighbour: "restraint of the evil, the public good, consolation of the weak, and ignorance." These follow Thomas of Chobham, with the exception of the "public good"; Thomas has "the peace of ecclesiastical unity". William says

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116 "Beatus Thomas Cantuarensis repetit Ecclesie res et tamen sciebat quod rex et principes Anglie scandalizabantur...ergo iusticia sive repetitio rerum nostrarum non est dimittenda propter scandalum." William of Auxerre, *Summa Aurea*, Lib. 3, Tract. 52, Cap. 4, p. 1022. Stephen Langton had addressed this question before William, see above, p. 85.

117 "Si enim in nullo leditur libertas spiritualis vel minimum leditur, et ex illa parte sit generale scandalum, tenetur prelatus non repetere et peccat mortaliter, si repetit, si certus sit de generali scandallo, ubi enim vacua est iusticia, dimittenda est repetitio rerum suarum propter generale scandalum... si vero sit generale scandalum ex una parte et lesio tanta Ecclesie, quod nescitur utrum magis vitandum sit, tunc iudicio boni viri standum est an sit repetendum, annon, unctio enim docet nos de omnibus talibus melius quam ars, qua 'virtus omni arte certior et melior'. Si vero magna sit lesio spiritualis libertatis Ecclesie, repugnare debet prelatus usque ad mortem, nec debet dimittere propter scandalum, sicut nec beatus Thomas omisit." William of Auxerre, *Summa aurea*, Lib. 3, Tract. 52, Cap. 4, q. 1, p. 1023.

118 "Cum ergo quatuor cause...quibus licet repetere sua etiam cum scandallo proximi, videlicet refrenatio malorum, bonum publicum, consolatio infirmorum et ignorantia." William of Auxerre, *Summa aurea*, Lib. 3, Tract. 52, Cap. 4, q. 1, p. 1022.
nothing about the first three reasons, but on the fourth he says that many think that “if someone knows that his neighbour will be scandalized if he sues, he is obliged not to sue; but it is impossible to know his neighbour’s scandal, because he cannot see his heart, and exterior signs are wont to deceive.”

Where Thomas of Chobham and William of Auxerre give four reasons to support suits, Hugh of St.-Cher gives six. The first is to restrain the evil,

for if the good do not seek their property, but abandon it on account of scandal, the evil can always use the watchword of scandal as an excuse, and thus the good can lose all their goods and the evil will always become worse.

The second reason is to preserve the peace and unity of the Church, which might be destroyed by theft and robbery unless it could sue for the restoration of its goods.

The third is the consolation of the infirm to whom temporal things are given, “not only for their sustenance, but also for consolation,” and without restoration of their goods, they might despair.

The fourth reason is for the “zeal of justice”, and the

119 “Quod concedunt multi, dicentes quod, si sciat iste quod proximus scandalizabitur, si repetat sua, tenetur non repetere; sed impossible est ipsum scire scandalum proximi, quia non potest videre cor, signa enim exteriora fallere solent.” William of Auxerre, Summa aurea, Lib. 3, Tract. 52, Cap. 4, q. 1, p. 1022.

120 “Sunt enim sex causae, quibus licet repetere sua etiam cum scandalo passivo. Prima est refrenatio malorum. Si enim boni non repeteterent sua, sed dimitterent propter scandalum, mali semper praetenderent signa scandalii, et ita boni amitterent omnia bona sua, et mali semper fierent deteriores”, Hugh of St.-Cher, Gloss on Matthew, p. 61r.

121 “Secunda causa est conservatio unitatis et pacis Ecclesiae, quia nisi liceret repetere sua, furtum et rapina dissiparent pacem Ecclesiae et unitatem.” Hugh of St.-Cher, p. 61r.

122 “Tertia causa est consolatio infirmorum, quibus data sunt temporalia, non solum ad sustentationem, sed etiam ad consolationem, quibus nisi liceret repetere sua, prae nimia tristitia desperarent.” Hugh of St.-Cher, p. 61r.
fifth probable ignorance ("for it is not known whether he by whom the suit is undertaken will be scandalized, and it is to be presumed that he will not"). Finally the sixth reason is the removal of sloth. "For all would be free for idleness, and become slothful."

These six reasons permit suits even if the suits cause passive scandal, but active scandal may never be allowed.

Where Thomas of Chobham and William of Auxerre have four legitimizing reasons for suing, and the gloss of Hugh of St.-Cher has six, Alexander of Hales has seven: the restraint of evil-doers; the consolation of the weak ("for many monks might despair if it were not lawful for them to seek their own, for temporal things are given to the weak for consolation, not just for sustenance"); ignorance ("because it is unknown whether the person sued will be scandalized, indeed one ought to presume that he will not be"); the zeal of justice (such as in "the blessed Thomas of Canterbury, who sued for the things of the Church knowing that the king and princes would be scandalized"); the unity of the Church (which could be destroyed if it could not sue); the peace of the temporal Church; and to avoid sin ("for if I fear that danger will continue from penury, I may sue for my own, with passive scandal").

123 "Quarta causa est zelus justitiae. Justum enim est ut quilibet sua habeat, et hoc zelo potest quis repetere sua, sed non ex cupiditate vel odio. Quinta causa est ignorantia probabilitis. Nescitur enim utrum ille, a quo fit repetitio scandalizetur, et praesumendum, quod non." Hugh of St.-Cher, p. 61r.

124 "Sexta causa est sublatio acidiae. Omnes enim vacarent otio, et fieren acidiosi." Hugh of St.-Cher, p. 61r.

125 "Cum scandalo autem activo nunquam licet repetere." Hugh of St.-Cher, p. 61r.
But to sue with active scandal is sin.¹²⁶

G. The Acceptance of Payments

The dilemma of whether or not it is right to accept a stipend for preaching and other spiritual services is discussed by several of our writers, notably Stephen Langton, Robert Courson, Thomas of Chobham, William of Auxerre, and Alexander of Hales. Like the subjects of eating idolatrous foods and undertaking lawsuits, that of accepting money is included in the discussion of those things which might indeed be lawful, but not necessarily fitting. The basis of the discussion is 1 Corinthians 9, and the Glossa ordinaria on that chapter (see above, p. 23).

Stephen Langton introduces the topic, drawing on the Gloss on Paul's epistle which suggests that Paul would abuse his power if he accepted payment for preaching, which he ought not to do, since this would necessarily cause scandal.¹²⁷

¹²⁶ "Et hoc propter septem causas. Prima est refrenatio malorum, secundum quam consultatur ipsis malis, quia efficiuntur peiores occasione sumpta, sicut ostendebeatur. Secunda est consolatio infirmorum; desparerent enim si non liceret eis repetere sua: infirmis enim data sunt temporaliæ ad consolationem, non tantum ad sustentationem;...etiam multi de religiosis caderent in acidiam, si auferrentur eis temporaliæ, quae non liceret repetere. Tertia est, quia nescitur utrum ille a quo repetit, scandalizetur, irrimo præsumere debet quod non scandalizetur. Quarta est zelus iustitiae, sicut in B. Thoma Cantuariensi, qui repetebat res ecclesiæ et sciebat tamen regem et principes scandalizari.... Quinta est unitas Ecclesiæ temporalis.... Septima est causa vitandi peccatum: si enim timentem periculum remanere ex penuria, possum repetere quæ mea sunt, licet cum scandalum passivo; cum scandalum autem activo, ut dicendo vel faciendo minus rectum ad hoc quod repetat sus, non expedit et est peccatum." Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, Qu. 1, art. 3, p. 825.

¹²⁷ "[I]bidem dicitur melius est michi mori quam ut quis gloriam meam evacuet, et dicit glossa quod fieret: Si acciperem et irem, alioquin abuterer potestate mea, scilicet si acciperem. Ergo secundum hoc tenebatur non accipere, quia non poterat accipere sine scandalo, et si hoc, in quo ergo supererogavit omnia michi licent, et hoc erit verum in generi ut comedere et temporalia habere non tamen in specie ut loquitur in hoc casu. Item in tali casu erat quod si accipisset a quibusdam
Robert Courson continues the discussion. What should a preacher do if he has no other means to live? "Dogs and pigs and heretics are mixed in with the good people to whom he preaches. The most serious scandal will arise and he himself will become an example of greed if he accepts anything from these subjects."

He decides that according to the Apostle,

> it is better for the preacher to die of hunger than to accept expenses from unworthy subjects, who might be scandalized to death by this. For it is better to die in the body than to kill another in the mind. However, where dogs and pigs and false ones hear the preaching, and there are some good ones there, he might, in extreme necessity, accept sustenance from the good ones, lest he die, if he can show fitting reasons in advance to those who are about to be scandalized, so that they will not be.¹²⁸

Thomas of Chobham notes "that there are many things lawful in their own nature but not always expedient, which makes them unlawful in that case." The Apostle means seeking the return of property, asking for expenses from subjects, and

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¹²⁸ "Ecce aliquid predicator non habet unde vivat. Canes et porci et heretici cum bonis admixture sunt quibus predicat gravissimum orietur scandalum et ipse cupiditatis fiet exemplum si aliquid sumat a subditis." And "[D]icitus quod apostolus dicit, quod magis expediens est predictori mori famae quam gloriam suam evacuare per accipientem sumptuum ab indignis subditis, ubi per hoc scandalizantur ad mortem. Satius est enim mori in corpore quam aliquos interficiere in mente, tamen ubi canes vel porci vel pseudo audient predicationem, et aliqui sunt ibi boni, a bonis in extrema necessitate accipere potest victum ne moriatur. Si potest preostendere rationes debitas scandalizandis ne scandalizentur." Robert Courson, *Summa*, Paris BN MS 3258, fols. 127v and 128v. The "dogs" and "pigs" probably refer to Matthew 7: 6: "Nolite sanctum dare canibus: neque margaritas vestras spargatis ante porcos..."
eating idolatrous foods. Thomas does not elaborate on the topic of expenses.\textsuperscript{129}

William of Auxerre says that regarding

accepting expenses from subjects, it is as if the Apostle says: It is lawful for me to receive expenses from them to whom I preach, but it is not fitting. Accordingly he says: It is better for me to die, than that my glory be emptied away. He calls glory “supererogation”, for he receives extra [from God] in that he did not accept expenses from his subjects.

But it is proven that it was not supererogation, because the Corinthians were greedy, and if he had taken expenses from them, he would have scandalized them, and he was obliged not to scandalize. Therefore he was obliged not to accept, therefore he did not supererogate in not accepting....

Therefore this is the sense: my glory, that is my reward, which I deserve from such supererogation, is better than the death of the body is evil; whence it is better to incur bodily death than to lose that reward.\textsuperscript{130}

He seems to be saying here that not even in dire need should a preacher accept money from his subjects if they would be scandalized by this.

\textsuperscript{129} “Multa enim licent que sunt licita in sua natura sed non expeditum quandoque, quia in casu fiunt illicita. Et intelligit hoc Apostolus in triclii casu, quia licitum est cuilibet repeteret.... Alius casu est in quo intelligit Apostolus, scilicet quod licitum est petere sumptus a subditis, sed non expedit si propter hoc scandalizantur. Tertius casus est quod secundum Apostolum licitum est comedere idolothyta, sed non expedit propter scandalum infirmorum.” Thomas of Chobham, \textit{Summa confessorum}, Dist. 3, Q. 3, p. 569.

\textsuperscript{130} “Exponitur etiam de sumptione sumptuum a subditis, quasi dicat Apostolus: licet michi accipere sumptus ab eis quibus predico, sed non expedit. Secundum hoc dicit: Bonum est michi magis mori, quam ut gloriem meam quis evacuet, et vocat gloriæ supererogationem, supererogabat enim in hoc, quod non accipiebat sumptus a subditis.

Sed probatur quod not erat supererogatio, quia Corinthii avari erant et, si acciperet sumptus ab eis, scandalizaret eos et tenebatur non scandalizare; ergo tenebatur non accipere; ergo non supererogabat non accipiendo...

.... Est ergo sensus: gloria mea, id est premium, quod moneor ex huissmodi supererogatione, melius est, quam mors corporalis sit mala; unde melius est incurrem mortem corporalem, quam amittere illud premium.” William of Auxerre, \textit{Summa aurea}, Lib. 3, Tract. 52, Cap. 4, q. 1, p. 1025.
Alexander of Hales also asks if it is lawful to receive expenses from subjects, and whether this can be done with passive scandal. Alexander's focus here, different from his predecessors', is the acceptance of procurations by prelates. The argument runs like this:

It seems so. For expenses are owed by reason of sowing spiritual seeds; therefore it is not a 'deed less right', therefore if they are scandalized, it is not through him; and so it is permitted to him and expedient for him to accept such payments lest they retain that which belongs to another.

But on the other hand, it seems that, by what the Apostle says in 1Cor. 9:15: It is better for me to die than that someone should take away my glory. Yet he says his glory would have been taken away if he had taken pay for preaching, which means that it was not expedient to accept payment from the Corinthians on account of scandal to them. Moreover, the Apostle also says: We are not using this power but we bear all things, lest we give offence to the Gospel of Christ. Therefore by this offence is given to the Gospel of Christ; therefore they were not to take the expenses of procurement for the sake of avoiding passive scandal of those subjects. Moreover, from those words it seems that not only was it passive scandal, but even active; for it is said: Lest we give offense...131

Alexander says that "it is lawful in sowing spiritual seeds to accept payment from those to whom they are disseminated." Although the Apostle did not accept payment because he wanted to avoid scandal, it is not a sin these days to accept modest

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131 "Et videtur quod sic. Sumptus enim debentur ratione seminationis in spiritualibus; ergo non est 'factum minus rectum'; si ergo scandalizabatur, hoc non fuit per ipsum; licet ergo fuit et expediens accipere sumptus ne ipsi detinerent quod alienum esset. Sed contrarium videtur, per hoc quod dicit Apostolus, 1 Cor. 9, 15: Bonum mihi est magis mori quam ut gloriam meam quis evacuet. Evacuationem autem gloriae dicit, si acciperet sumptus pro praedicatione, per quod dat intelligere quod non expediebat accipere sumptus a Corinthiis propter scandalum eorum. Praeterea, dicit Apostolus ibidem: Non sumus hac potestate usi, sed omnia sustinimus, ne offendiculum demus Evangelio Christi. Ergo per hoc daretur offendiculum Evangelio Christi; non ergo accipiendi erant sumptus procurationum pro scandalis passivo ipsorum subditorum vitando. Praeterea, ex illo verbo videtur quod non tantum esset scandalum passivum, sed etiam activum; dicitur enim: Ne offendiculum demus." Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, Q. 1, c. 6, p. 826.
payment. Furthermore, "the Apostle would not have sinned in accepting payment, but he would not have been acting as perfectly....and if he had received expenses, the "pseudo-prophets' might have then had an excuse to do the same."133

Thomas Aquinas explains that

Paul was avoiding the scandal arising from the ignorance of the Gentiles who were not used to this custom. So it was necessary to refrain for the time being, and first to instruct them that such payment was a duty. For a similar reason the Church refrains from demanding tithes in territories where it is not customary to pay them.134

H. Scandalous Conversion

Stephen Langton introduces the theme of the scandalous conversion when he says: "If my father is scandalized by my conversion to religion, it seems that if I can be saved in the world, I ought not to enter religion because of the scandal to my

132 "[L]icitum est seminanti spiritualia, accipere sumptus ab iis quibus seminabat.... Noluit tamen Apostolus propter scandalum Corinthiorum vitandum, qui avari erant, et ut haberet libertatem arguendi, accipere sumptus; unde pro illo tempore non expediebat accipere. Sed non propter hoc peccabant alii accipiendo... Qui vero in prae senti inmoderate sumunt procurationes peccant: non enim immoderatiae eis debentur." Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, Q. 1, p. 827.

133 "[N]ec etiam Apostolus peccasset accipiendo, sed non tantam perfectionem egisset", and "Ad illud vero quod dicitur ad Cor.: Ne offendiculum demus, respondetur quod hoc fuit propter pseudo, qui colorem haberet excusationis in accipiendo sumptus, si Apostolus acciperet, et ita daretur impedimentum Evangelio". Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, q. 1, p. 827.

134 "[D]icendum quod scandalum quod vitabat Apostolus ex ignorantia procedebat gentilium, qui hoc non consueverant. Et ideo ad tempus abstinentem erat, ut prius instruerentur hoc esse debitum. Et ex simili causa Ecclesia abstinet de decimis exigendis in terris in quibus non est consuetum decimas solvere." Thomas Aquinas, Summa Theologiae, 2a 2ae, 43, 8, pp. 136/7.
father." Later writers take this further.

For example, William of Auxerre, the next person to raise this subject, does so in the context of initiating a broader discussion of whether the evangelical counsels or works of mercy or justice ought to be abandoned for the sake of scandal. Not surprisingly, the triple truth is invoked in this discussion. In typically thorough fashion, he asks: Are the counsels to be abandoned because of scandal? Apparently not,

because a precept [of the law] is not to be abandoned on account of scandal; but a counsel is a greater good than a precept, therefore it is not to be abandoned for the sake of scandal. Likewise, I ought to love my spiritual advantage more than any advantage to a neighbour, whether bodily or spiritual, but heeding a counsel [i.e. of perfection] is indeed to my spiritual advantage; therefore I ought not to abandon the counsel for the sake of scandal to a neighbour.

But on the other hand, the authority says: We ought to avoid scandal however much we can without sin, but we can avoid this scandal without sin, because we are not bound by a counsel; therefore the counsel is to be abandoned on account of scandal.

Perhaps it might be said to this that that authority is to be understood, saving the triple truth; but if the counsel is forsaken, the threefold truth is not saved, because one forsakes the ascent from one virtue to another [higher one] which pertains to the truth of life, and so the counsel is not to be abandoned because of scandal; but by this reason, the works of mercy are not to be forsaken on account of scandal, because they are of the truth of life, nor the works of other virtues, and thus no work of virtue should be abandoned for the sake of scandal, which is contrary to the above.  

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135 "Si pater meus scandalizetur de hoc quod conversam ad religionem, videtur quod si possum me salvare in seculo, quod non debeam transire cum scandalo patris." Stephen Langton, Questiones, Cambridge MS St. John's College 57, f. 221v.

136 "Queritur postea utrum consilium sit dimittendum propter scandalum.
Videtur quod non, quia preceptum non est dimittendum propter scandalum; sed consilium est
Is a person obliged not to enter the cloister if he has aged and dependent parents?

Apparentiy, because the precept says:

Honour your father and mother, etc., therefore you are obliged to honour now. And it is understood that honouring is in the providing of necessities; therefore you are obliged to give the necessary means to your father and mother; but you cannot if you enter the cloister, so you are obliged in this case not to enter the cloister.

On the other hand, since he who wishes to enter the cloister is led by the spirit of God, he is not under the Law; he is absolved from that precept, Honour your father, etc.; therefore he is not held to abandon entering the cloister for the sake of that precept.

... But it is proven that he sins, because sometimes the angel of Satan changes into an angel of light, as the Apostle says... thus often the devil urges a person and moves him to enter the cloister, so that he might afterwards cause him to leave it and thus sin more; but he does not know whether a benign spirit moves him to enter the cloister or a malign one; but if he enters out of a malign spirit, he sins mortally, just as one sins when he enters from desperation; so since he doubts if a malign spirit moves him, he commits himself to judgement if he enters; therefore he sins mortally in that case in entering the cloister.

Solution. To the first we say that the counsel is not to be forsaken on account of passive scandal, for he who enters a cloister, insofar as it lies in him, does not scandalize; so we say that that authority is to be understood, saving the triple truth; but if counsel is abandoned, that triple truth would not be

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\text{maius bonum quam preceptum; ergo non est dimittendum propter scandalum.}
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Item, magis debeo diligere utilitatem meam spiritualis, quam aliquam utilitatem proximi sive corporalem sive spiritualis; sed in faciendo consilio est utilitas mea spiritualis; ergo non debeo dimittere consilium propter scandalum proximi.

Sed contra. Dicit auctoritas: Debumus vitare scandalum, quatumcumque possimus sine peccato; sed hoc possimus vitare scandalum sine peccato, quia non tenemur ad consilium; ergo dimittendum est consilium propter scandalum.

Forte dicetur ad hoc quod illa auctoritas intelligenda est, salva triplex veritate; sed si dimittatur consilium, non est salva triplex veritas, quia dimittitur ascensus de virtute in virtutem, quod est de veritate vitiæ, et propter hoc non est dimittendum consilium propter scandalum; sed eadem ratione opera misericordie non sunt dimittenda propter scandalum, quia sunt de veritate vitiæ, nec opera alterius virtutis, et sic nullum opus virtutis dimittendum est propter scandalum, quod est contra predicta.” William of Auxerre, Summa aurea, Lib. 3, Tract. 52, Cap. 4, p. 1026.
saved, because the truth of life is the ascent from virtue to virtue; and it is not like the works of mercy, since the works of mercy might be done privately, and thus without scandal, whence if he forsakes [the works of mercy] on account of scandal, nothing is lost in their abandonment, because if it is delayed it is not taken away; but if he abandons the counsel something will be lost to him; whence it is not to be abandoned.

... To the second objection we say that if someone is led by the spirit of God to enter the cloister, he should not forsake it on account of his father, but he should take him with him into religion if he can; but if he cannot, let him commend him to God,... and let him go into religion. ¹³⁷

But how might a person know if his vocation is genuine? William says:

There are three things by which he might know himself to be led by the spirit of God. The first is the happiness [\textit{iocunditas}] of mind, for one wishes to enter the cloister because he sees the cloistered poor in spirit and happy in mind,...and these

¹³⁷ "Item... ponatur quod pater et mater tua sint senes, et non habeant alium provisorem nisi te. Queritur utrum in hoc casu tenears non intrare claustrum.

Videtur quod sic, quia preceptum est tibi: Honora patrem et patrem tuam, etc., et hoc non teneris facere semper, sed pro loco et tempore; sed modo est tempus et locus; ergo teneris honorare modo, et intelligitur de honoratione, que est in necessariarum exhibitione; ergo teneris dare necessaria modo patri et matre; sed non potes, si intres claustrum, ergo teneris non intrare claustrum in hoc casu.

Contra...[C]um iste, qui vult intrare claustrum, spiritu Dei ducetur, non est sub Lege; absolutus est ergo ab hoc precepto: Honora patrem etc.; ergo non tenetur dimittere claustrum intrare propter illud preceptum implendum.

... Sed probatur quod pecet, quia aliando angelus Sathane transfigurat in angelum lucis, ut dicit Apostolus... instigat ergo sepe aliquem dyabolus et movet, ut intret claustrum, ut postea faciat eum exire et sic magis peccare; sed iste nescit utrum spiritus benignus moveat ipsum ad intrandum claustrum an spiritus malignus; sed si intrat ex spiritu maligno, peccat mortaliter, sicut peccat aliquis, cum intrat ex desperatione; cum ergo dubitet an spiritus malignus moveat ipsum, committit se discrimini, si intrat; ergo peccat mortaliter in illo casu intrando claustrum.

Solutio. Ad primum dicimus quod consilium non est dimittendum propter scandalum passivum, ille enim, qui intrat claustrum, quantum in se est, non scandalizat; dicimus ergo quod auctoritas illa intelligenda est, salva triplex veritate; sed si dimitteretur consilium, non esset salva triplex illa veritas, quia de veritate vite est ascensus de virtute in virtutem; et non est simile de operibus misericordie, quoniam opera misericordie possunt fieri private, et ita sine scandallo, unde si dimittit propter scandalum, nichil debeperit dimittendi, quia si differt, non auferetur; sed si dimitteret consilium, aliquid ei deperiret; unde non est dimittendum...

Ad secundum objectum dicimus quod, si aliquis spiritu Dei ducitur ad intrandum claustrum, non debebet dimittere propter patrem; sed debet eum ducere secum ad religionem, si potest; si vero non potest, commendet eum Domino...et transeat ad religionem..."  William of Auxerre, \textit{Summa aurea}, Lib. 3, Tract. 52, Cap. 4, pp. 1026-7.
things please him greatly. The second sign that he is led by the spirit of God is if he wishes to enter the cloister to avoid sin; there are many who easily experience the lubricity of the flesh and easily love the world to excess, and of such Gregory says, "He who is weak, let him enter the cloister', for it is necessary for him to be bound like a spiritual madman. The third is, when he wishes to enter religion solely with a view to cleansing his life. For if he doubts whether he is led by an evil or a good spirit, as many do who place themselves in such dilemmas, he is obliged not to enter then. But he is not simply bound not to enter; he ought to abandon that doubt or despair if he has it, and then he might lawfully enter for one of the above reasons.  

On works of mercy, the argument says that since we are obliged to forsake works of mercy for the sake of scandal, we ought also to abandon works of justice as works of mercy are better than those of justice. William says, however, that although we are indeed supposed to forsake works of mercy rather than cause scandal, we ought rather merely to delay them, "because we are not obliged to be always doing works of mercy, nor to do them in public; indeed, they are better done

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138 "Sunt enim tria, per que potest cognoscere se duci a spiritu Dei. Primum est iocunditas mentis, aliquis enim vult intrare claustrum, quia videt claustrales pauperes spiritu et hyllaritatem mentis habentes, et similia, et maximum habet gaudium in huiusmodi. Secundum signum est, quod a spiritu Dei ducitur, si vult intrare claustrum, ut viter peccatum; multi enim sunt, qui de facili patiuntur lubricum carnis et de facili diligent mundum in excessu, et de talibus dicit Gregorius: 'Qui infirmus est, intret claustrum', oportet enim ligari tanquam freneticum spiritualem'. Tercium est, quando intuitu solo emundationis vite vult intrare religionem. Si vero dubitet an malo vel benigno ducatur spiritu, sicut multi faciunt, qui ponunt se in huiusmodi questionibus, tenetur non intrare tunc. Non tamen simpliciter tenetur non intrare, debet enim dimittere ilam dubitationem, si habet, vel desperationem, et tunc licite potest intrare aliqua de predictis causis." William of Auxerre, Summa aurea, Lib. 3, Tract. 52, Cap. 4, pp. 1027-8. I have included almost this entire passage because it is all of a piece, and it is a good example of William's method.

139 "[T]enemur dimittere opera misericordie propter scandalum; sed meliora sunt opera misericordie, quam iusticie; ergo tenemur dimittere opera iusticie propter scandalum." William of Auxerre, Summa aurea, Lib. 3, Tract. 52, cap. 4, q.1, p. 1019. The discussion is in the context of the propriety of lawsuits.
in secret." (The exception is a prelate, who "ought to perform his works of mercy in public", to be an example to others.)

Also, works of mercy serve the public good, "even if done in secret; but works of justice are done in the open, so they are not alike." 

Like William of Auxerre, Alexander uses the example of someone entering a monastery to discuss consilium, the counsel of perfection. If that person's parents are dependent upon him, he might, in entering the monastery, cause their death, thus transgressing the precept "honour thy father and mother". Entering the monastery would thus be a mortal sin, so the advice to do so should be abandoned on account of scandal. But that advice has to do with the truth of life, so should not be given up. Some resolve this dilemma by distinguishing on the basis of motive.

Someone who has difficulty abstaining from sin in the world ought not to give up

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140 "[D]icimus quod tenemur dimittere opera misericordie propter scandalum; sed illud dimittere non est dimittere simpliciter, sed diffe, quia non tenemur opera misericordie facere semper, nec tenemur ea facere in publico, imino melius fiunt in occulto... nec tamen a prelatis debent opera misericordie fieri in publico, eis enim dictum est: Sic lucent opera vestra coram hominibus". William of Auxerre, Summa aurea, Lib. 3, Tract. 52, cap. 4, q. 1, p. 1021.

141 "[D]icimus quod bonum publicum servatur per opera misericordie, etiam si in occulto [sic] fiant; sed opera iusticie fiunt in aperto; unde non est simile." William of Auxerre, Summa aurea, Lib. 3, Tract. 52, cap. 4, q. 1, p. 1021.


143 "[P]otest contingere quod pater et mater non habant alium provisorem; si ergo intrat, prae sumitum de morte ipsorum; praeceptum autem est de honorando patrem et matrem, quod intelligitur de corporali exhibitione; si ergo intrat, transgressit illum praeceptum, cum ad hoc tempore necessitatis obligetur; ergo peccat mortaliter intrando; dimittenda ergo est impletio consilii propter scandalum." Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, Qu. 1, art. 2, p. 822.

entering a monastery, because the truth of life would be in danger. But if the person wishes to enter the monastery solely for the sake of acquiring merit, this does not have to do with the truth of life, and he should not do it.\textsuperscript{145}

But against this, Alexander argues,

There are two parts of general justice which contain the truth of life, namely to turn away from evil and to do good; the perfection of the truth of life is in doing good; therefore if something pertains to doing good, it is more of the truth of life than that which is only about turning away from evil; but to pass to the fruits of a better life pertains to doing better; so it is of the truth of life, therefore it is not to be abandoned on account of scandal.\textsuperscript{146}

And there is another distinction: is the person bound by the counsel of perfection or not? And if so, has a time been appointed (i.e., for his entry into religion)? If it has, he must provide for his parents beforehand. If there is no impediment, he should enter the cloister as quickly as possible, or he will endanger the truth of life.\textsuperscript{147}

\textsuperscript{145} "Ad hoc responderunt quidam distinguientes quod ille qui vult intrare claustrum, aut vult occasione peccati vitandi, quia non potest de facili abstinere a peccatis dum est in saeculo, et tunc non debet dimittere propter scandalum, quia veritas vitae est in periculo; aut intentione meriti acquirendi, et tunc debet dimittere... Dicere enim volunt quod intentio, qua aliquid vult intrare claustrum causa meriti acquirendi, non est de veritate vitae." Alexander of Hales, \textit{Summa Frairis Alexandri}, Inq. 3, Tract. 8, Sect. 2, q. 1, art. 2, p. 823.

\textsuperscript{146} "Contra. Duee sunt partes iustitiae generalis, quae veritatem vitae continent, scilicet declinare a malo et facere bonum; perfectio autem veritatis vitae est in faciendo bonum; ergo, si alicuiid pertinet ad faciendum bonum, magis est de veritate vitae quam illud quod est solum ad malum declinandum; sed transire ad frugem melioris vitae pertinet ad faciendum melius; ergo est de veritate vitae; ergo non est dimittendum propter scandalum." Alexander of Hales, \textit{Summa Frairis Alexandri}, Inq. 3, Tract. 8, Sect. 2, q. 1, art. 2, p. 823.

\textsuperscript{147} "[A]ut enim iam obligatus est ad consilium aut non. Si est obligatus, iam de consilio factum est praeceptum. Item, si obligatus est, aut cum praefinitione temporis aut sine. Si cum praefinitione temporis, intra illud tempus provideat patri et matri secundum quod potest; ultra enim illud tempus non est licitum differre sua auctoritate sive dispositione nec dimittere debet propter scandalum alterius: veritas enim vitae esset in periculo.... Si vero nulla exstat conditio
Whether the scandal is active or passive is another consideration. "He who enters religion does not scandalize in his act, but another might be scandalized."  

Alexander here expands on the work of William of Auxerre, and also seems to be borrowing from Robert of Courson's discussion on the giving of prebends (see below): on the subject of works of mercy he uses as an example two people in extreme necessity, "and I cannot help one without scandalizing the other, if I give to the other and not to him". Works of mercy, he concludes, like William, should not be abandoned simply for the sake of avoiding scandal, but should be delayed or done in secret. Regarding the example given, he says that both should be helped, if possible, or, if there is not enough for both, what there is should be placed in the middle and the first to reach it may take it.

Aquinas says that, following "Jerome's" precept that we should avoid scandal as much as possible without harming the triple truth, one might say that

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[impedimentiva]...tenetur intrare vel ad minus accelerare quantum potest...aliter veritas vitae esset in periculo." Alexander of Hales, Summa Alexander Fratris, Inq. 3, Tract. 8, Sect. 2, q. 1, art. 2, p. 823.

148 "Et respiendi est quod aliter est de scandalo activo et de scandalo passivo: qui enim ingreditur religionem, ipso actu non scandalizat, alius tamen potest scandalizare. Sed refert utrum ex malitia vel ex infirmitate. Si est ex malitia propria, non est ita de scandalo curandum quantum ad se...Si vero ex infirmitate, si bono modo fieri potest, salva triplici veritate, vetetur illud scandalum." Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, q. 1, art. 2, p. 823.

149 "[S]i duo in extrema necessitate, et non possum subvenire nisi alteri, uterque vero scandalizabitur, si dem alteri et non sibi." Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, Qu. 1, art. 1, p. 822.

150 "[S]i ambo sunt in extrema necessitate, si res est divisibilis, utrique est subveniendum; si vero non sufficient ad relevandum necessitatem utriusque, in medio ponatur, ei qui prius venerit accipiat per se vel per interpositam personam." Alexander of Hales, Summa Fratris Alexandri, Inq. 3, Tract. 8, Sect. 2, Qu. 1, art. 1, p. 822.
often we could give up following the counsels or stop giving alms without prejudice to these truths, else whoever omitted them would always be guilty of sin. Yet they are the greatest among spiritual works. Hence we should omit spiritual works to avoid scandal.\(^{151}\)

But later in the section he says that

The truth of life, justice and doctrine embraces not only whatever is necessary for salvation, but also whatever would help us to achieve that more perfectly.... Accordingly we should not simply give up living by the counsels or doing works of mercy because of scandal, but....sometimes we should hide or postpone them lest the little ones be scandalized.\(^{152}\)

Active scandal is always wrong, he says, so we are only talking about passive scandal. And some spiritual goods are necessary for salvation, and can only be given up with mortal sin. "[O]ne should not sin mortally to prevent another man from sinning, since according to the order of charity he ought to love his own salvation more than another's. We ought not then to let go the things necessary for salvation in order to avoid scandal."\(^{153}\)

Of the spiritual goods not necessary for salvation, if they scandalize someone


\(^{152}\) Thomas Aquinas, *Summa theologiae*, 2a 2ae, 43, 7, pp. 130/1.

through that person's malice, they should not be given up. But if the scandal arises from weakness or ignorance,

we ought to conceal or even to defer spiritual works, if this can be done without incurring immediate danger, until after we have explained the matter...thereby stopping public scandal. Yet if after our explanation the scandal goes on, well, that would seem due to malice, in which case the spiritual works are not to be given up.154

I. Refusal of alms, gifts; the giving of prebends

Many of our writers address the question of giving to others — alms and clothing to paupers, Bibles and money to friends, prebends to clerics. Peter the Chanter says that refusing alms is a double sin, being both uncharitable and scandalous, and Stephen Langton says that it is better to die of cold than to deny clothing to a pauper.

Robert Courson has this:

Your friend comes to you to borrow money. If you say “I have it but I will not oblige,” he will be scandalized and you know this. If you say, “I do not have it,” denying the truth, he will not be scandalized. What should you say? In the first case, the neighbour’s life is threatened. In the second only a benign lie threatens, that is, that you lie for his own

154 “In his autem spiritualibus bonis quae non sunt de necessitate salutis videtur distinguendum. Quia scandalum quod ex eis oritur quandoque ex malitia procedit... Quod esse contemnendum Dominus docet. Quandoque vero scandalum procedit ex infirmitate vel ignorantia: et hujusmodi est scandalum pusillorum. Propter quod sunt spiritualia opera vel occultanda, vel etiam interdum differenda, ubi periculum non imminet, quousque, reddit a ratione, hujusmodi scandalum cesset. Si autem post redditam rationem hujusmodi scandalum duret, jam videtur ex malitia esse: et sic propter ipsum non sunt hujusmodi spiritualia opera dimittenda.” Thomas Aquina, Summa Theologia, 2a 2ae, 43, 7, pp. 128/9-130/1.
good lest he be scandalized. Just as of him who is sought by a murderer you rightly say he is not here to save his body, by equal reason and to save his soul you rightly say "I do not have any". And this is a lie, therefore you lie rightly. On the other hand, this is not saying a falsehood here, therefore he does not lie. But no one lies out of the truth, but from speaking falsely when he intends to deceive.\textsuperscript{155}

Robert cites another dilemma, that of how to determine the proper recipient of a prebend. He says in cases where there are two candidates for a prebend, and where whichever one is denied it will be scandalized, that the one deciding should be guided by the character and circumstances of each candidate. If one is more suitable than the other, the ensuing scandal on the part of the unsuccessful man is of no consequence. Likewise if both are in dire straits and one is a rascal and the other a worthy man, then conscience dictates that the prebend be given to the worthier one, the scandal to the other notwithstanding. If the need is great, but not dire, then charity is to govern the judge’s decision, since charity may not be given up on account of scandal.\textsuperscript{156}

\textsuperscript{155} "Socius tuus venit ad te ut mutuet nummos. Si dicas habeo sed non commodabo scandalizabitur et hoc scis. Si dicas non habeo negando verum non scandalizabitur. Quid dices? In primo casu imminet mors proximi. In secundo non nisi mendacium benignitatis scilicet quod mentiris pro bono illius ne scandalizetur. Sicut de illo qui queritur occidendus meritorie dices non est hic pro corpore illius salvando pari ratione et pro anima istius salvanda meritorie dicis non habeo. Et hoc est mendacium ergo meritorie quis mentitur. Contra. Non est falsitas hic dicentis ergo non mentitur. Sed nullus est mendax ex veritate. Sed ex falsitate dicentis quando scilicet intendit decipere." Robert Courson, \textit{Summa,} Paris BN MS 3258, f 125v.

\textsuperscript{156} "Jurat aliquid se daturum prebendam aut isti aut illi. Et scit quod si det prebendam iste ille alius scandalizabitur. et everso? Quid ergo faciet in hoc articulo? Constat enim quod ex iuramento tenetur illum dare aut isti aut illi. Sed non potest dare alterius quin alter scandalizetur, ergo astrictus est ut scandalizet alterum. Solutio. In talibus iuramentis vel votis vel promissis de futuro, semper est intelligentiendum pendulum preconditionis. Sub tali forma ego iuro quod dabo isti vel illi prebendam si videro eum ydoneum et hoc expedire ecclesiae. Tamen si ex iuramento vel voto astrictus es dare alteri iustum teneris et si des uni et alter scandalizetur, nichil ad te....

Item. Sunt hic duo...quos credam esse constitutos in extrema necessitate. et multi ex una
William of Auxerre's fifth chapter deals with how to avoid scandal, and begins (as noted above, p. 61) with the question of whether or not one is obliged to give one's Bible to another if one's refusal will scandalize the petitioner. The discussion recalls that of Stephen Langton above. William says that, depending on whether the request is reasonable, according to the public good, and for the restraining of the temerity of the petitioner, one might or might not be obliged to comply with the request. Attention should be paid to circumstances, which alter cases, in order to serve the greater good.

Thomas Aquinas also writes about giving things to others; in his case the context is the discussion of temporal goods, which is also where he deals with lawsuits. Should we give up our goods to avoid scandal, he asks.


If the scandal comes from the weakness or ignorance of others...then, yes, we must either forgo these temporal goods altogether or stay the scandal in some other way, usually by explanation. So Augustine says, You should give without doing harm to yourself or to the other, in so far as man can make that judgment. If you refuse what he asks, you still have to show him why this is just; and you will be giving him something even better if you correct him when he makes unjust demands.

But sometimes the scandal comes from malice, and this is pharisaic scandal. We should not let go our temporal goods for the sake of appeasing those who stir up such scandals.¹⁵⁸

J. The right hand signifying the contemplative life

In discussing the passage “If your right hand scandalizes you,” etc., Langton notes that the right hand represents the contemplative life. (This echoes the writer of the Glossa ordinaria, who said that the right eye is the eye of contemplation [see above, Ch. 1, p. 22].) Langton asks whether the passage means that a monk should discard the contemplative life, and concludes that it is not so much the profession as the contemplative works that may be discarded if they scandalize.¹⁵⁹ Hugh of St.-Cher’s Gloss says that according to John Chrysostom, the right hand signifies the will

¹⁵⁸ “Si enim scandalum ex hoc oriatur propter ignorantiam vel infirmitatem aliorum...tunc vel totaliter dimittenda sunt temporalia, vel aliter scandalum sedandum, scilicet per aliquam admonitionem. Unde Augustinus dicit: Dandum est quod nec tibi nec alteri noceat, quantum ab homine credi potest. Et cum negaveris quod petit, indicanda est ei justitia: et melius ei aliquid dabis, cum petentem injuste correxeris. Aliquando vero scandalum nascitur ex malitia, quod est scandalum Pharisaorum. Et propter eos qui sic scandalas concint non sunt temporalia dimittenda.” Thomas Aquinas, Summa Theologiae, 2a 2ae, 43, 8, pp. 134/5-136/7. The quotation from Augustine comes from De Serm. Dom. I, 20, PL 34, 1264.

of the soul, the left the will of the body.\textsuperscript{160} It is perhaps the rebellious will of the soul that can scandalize.

K. The Fasting Wife

Touching domestic matters, Langton says that a wife ought not to fulfill a fast enjoined by the priest if her husband would be scandalized. She is "absolved [from the fast] by her husband, and in this he is greater than the priest." Thomas of Chobham has the same advice, but gives as the reason the fact that not only has a husband the power to overrule any vow or penance a wife might make, but a wife is also obliged to keep her body in a state fit and pleasing to render the conjugal debt.\textsuperscript{161} These instances are noteworthy as they are rare examples of special attention being paid to the possibility that a wife might scandalize a husband. They also indicate not only that there was a hierarchy of power in marriage, but also that celibate clerics could be aware of the importance of domestic harmony.

Like others, Peter of Poitiers cautions against assigning to parishioners

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\textsuperscript{160} "Dextera manus, voluntas animae, sinistra, voluntas corporis." Hugh of St.-Ces,\textit{ Opera omnia}, p. 106r.

\textsuperscript{161} "Maritus scandalizabitur si uxor sua secundum quod sibi inimicet est ieiunet. Numquid ergo abstinendum est in hoc casu? Non, quia absolvit a marito et in hoc maius est quam sacerdos, et ita solvitur hoc quod dicitur quod parendum est maiori, ut si consul aliquid precipiat et imperator contrarium, parendum est imperatori." Langton,\textit{ Questiones}, f. 221v. Thomas of Chobham says on this: "[N]otandum quod mulier que est in potestate viri non potest facere aliquod votum de abstinentia, nec potest sacerdos injunge ei in penitentia aliquod speciale ieiunium, quia potest vir votum immutare si uxor eius vovit aliquod speciale ieiunium, vel si sacerdos inunxerit ei ieiunium preter communia ieiunia anni, quia mulier tenetur conservare corpus sumnum in tale statu ut sit habile et placabile ad reddendum viro debitum carnale." Thomas of Chobham,\textit{ Summa Confessorum}, Art. 4, De Confessario, Qu. 7a, De matrimonio, cap. 11, De voto, p. 157.
penance which cannot be performed without scandal. Married penitents who fear scandal if they fast or wear penitential dress should be encouraged to abstain as much as they can without calling attention to their penance.\textsuperscript{162}

L. Scandalous Priests

Stephen Langton says that even a notorious clerical fornicator "should continue to preach because the onus to preach outweighs that of scandal."\textsuperscript{163}

Robert Courson gives a specific example of a priest who finds himself in a state of mortal sin on Easter Sunday and is unwilling to repent. Is it proper for him to celebrate the mass or not? He sins if he does, but if he does not, he will scandalize the whole parish.

\[\text{If he celebrates unworthily he takes up the chalice of the lord and he does this as if he kills Christ. Therefore, he thence incurs sin and he sins even more than Judas because, insofar as he can, he knowingly kills Christ. But if he does not celebrate}\]

\textsuperscript{162} Illis personis quibus iniungenda esset asperitas ciborum et vestium, sed non audent ut coniugatae, praecipue potest iniungi quod, etiam coram illis quorum scandalum timent, abstineant, quantum poterunt sine nota; sine illis autem vel saepe, vel semper, ut, si bibant sine illis, ut fit post mensam, bibant aquam. Sic et de cibis et de aliis." Peter of Poitiers, \textit{Compilatio praesens}, XLIV, p. 55.

\textsuperscript{163} Baldwin, \textit{Masters, Princes, and Merchants} I, pp. 107-8, referring to Verbum Abbreviatum, PL 205:39CD. Baldwin cites Stephen Langton, \textit{Questiones}, MS Paris BN 14556, fol. 239va, in his II, pp. 75-6, n. 138: "Item dictum est quod predicator notorius non debet predicare propter scandalum. Sed contra, constat quod triplex veritas non est propter scandalum omittenda: vite, justicie, et doctrine. Pone ergo quod iste sit notorius fornicator et teneatur predicare. Cum ergo teneatur non debet omittere propter scandalum quia hoc est de veritate vite ut faciat illud quod peccatum notorium cum predicat.\textsuperscript{e} As we have seen, this is in contrast to Gratian, who says that such a priest should be deposed.
he likewise kills himself by scandalizing, and others likewise by offending, therefore he sins more in not celebrating than in celebrating.

Solution. We say that it is less evil not to celebrate than to celebrate, on account of the enormity of the sin and therefore the lesser evil is rather to be chosen.\textsuperscript{164}

Robert does not specify the nature of this priest's sin, although he has elsewhere discussed the scandalous fornicating priest.

Robert of Flamborough was penitentiary of Saint Victor in Paris in about 1205; he completed his \textit{Liber poenitentialis} by 1213. He shares the concern of others about scandal and the behaviour of clerics, saying that the priest who divulges confessions "to anyone near or far, or...for [the sake of causing] scandal" is to be permanently deposed and to do penance by pilgrimage.\textsuperscript{165} A fornicating priest can avoid deposition by performing a three-month penance, during which time he must not appear in public (nor should a priest do public penance), lest "the flock of the faithful be scandalized and clerics insulted."\textsuperscript{166} If such a priest is believed by the

\textsuperscript{164} "Constans est quod si celebret indigne sumit calicem domini et idem facit acsi Christum interficeret. Ergo incurrat peccatum Jude et etiam plus quam ludas peccat quia scinter quantum in se est. Christum interficit et ludas Christum non interficit. Sed creditis esse purum hominem. Si autem non celebret se interficit scandalizando et alicos offendoendo similiter occidit, ergo plus peccat non celebrando quam celebrando. Solutio. Dicimus quod minus malum est non celebrare quam celebrare, propter inanitasem sceleris et ideo minus malum pocius est committendum." Robert Courson, \textit{Summa} Paris BN MS 3258, fos. 125v-126r.

\textsuperscript{165} "Sacerdos ante omnia caveat ne eorum qui ei confitentur peccata alicui recitet, non propinquis, non extranesi, nec quod absit pro aliquo scandallo; nam si hoc fecerit, deponatur et omnibus diebus vitae suae ignominiosus peregrinando poeniteat." Robert of Flamborough, \textit{Liber Poenitentialis}, Francis J. Firth, ed. (Toronto, 1971), p. 273. This frequently quoted dictum comes from Gratian, see above, p. 26, n. 62. See also J.J. Francis Firth, "The 'Poenitentiale' of Robert of Flamborough", \textit{Traditio} 16 (1960), 541-556.

\textsuperscript{166} "Presbyter, si fornicationem fecerit, quamquam secundum \textit{Canones apostolorum} debeat deponi, tamen juxta auctoritatem sancti Silvestri papae, si non in vitio perduraverit, sed sua sponte
people to have sinned, and if he cannot prove his virtue by the testimony of
witnesses, he should be suspended from office until he has made worthy satisfaction,
lest he cause scandal to the faithful.¹⁶⁷

Robert says that a priest can scandalize his parishioners in other ways.
Disease or infirmity, whether from a cut or a lesion, impedes promotion because it
introduces scandal into the celebration of the divine office, either by loss of reason or
by irregular ordering of the body. He speaks of illnesses such as leprosy, impetigo,
scabies, and epilepsy.¹⁶⁸

In speaking of unworthy priests, Robert of Flamborough’s contemporary, Peter

confessus adiciit ut resurseret, viginti annis poeniteat in hunc modum. Tribus quidem mensibus a
ceteris remotus pane et aqua a vespera in vesperam utatur. Diebus autem dominiciis et praecipuis
modico vino et pisciculis atque leguminibus recreetur sine carne et sagime, ovis et caseo. Sacco
indutus humi adhaerat, die ac nocte jugiter misericordiam imploret. Finitis tribus mensibus continuis
exeat; non tamen in publicum prodeat ne grex fidelis in eo scandalum patiatur; nec enim debet
This is a quotation from Gratian, see above, p. 25, n. 57. On priests being forbidden to do public
penance, Robert also says: “Clericus non poenitent sollemniter, ne scandalizentur laici et insolent
clericis.” p. 205 (the editor includes a reference here to Huguccio, ad D.50 dictum p.c.64). On public
penance more generally, he cites (see pp. 158-9) Gratian D.50 cc. 55-68.

¹⁶⁷ “Si quia presbyter a plebe sibi commissa mala opinione infamatus fuerit, et ipsi legitimis
testibus apporbare non potuerit, suspendatur presbyter usque ad satisfactionem dignam ne populus
fidelium in eo scandalum patiatur.” Robert of Flamborough, Liber poenitentialis, Lib. 5, cap. iii. De
fornicatione, p. 240.

¹⁶⁸ “Casum hic voco eventum aliquem in corpore humano ex quo quis promoveri impeditur,
ute est aliquis morbus vel corporis vitium ex incisione vel laesione proveniens. Dico ergo generaliter
quod omnis morbus vel tale vitium promotionem impedit quod in celebratione scandalum introducit,
vel ex mentis alienatione, vel ex inordinata corporis dispositione. Morbus, ut lepra, impetigo enormie
in facie, id est sicca scabies, epilepsy apoplexia.” Robert of Flamborough, Liber poenitentialis, Lib.
3, cap. 3. De casu, p. 166. Compare Gratian: “[Q]ui habuerit maculum, non offerat panem Deo suo,
nec accedat ad ministerium eius. Ubi et repente subiungitur: Si cecus fuerit, si claudus, si vel parvo,
vel grandi, vel torto naso, si fracto pede, si mancus, si gibbus, si lippus, si albuginem habens in oculo,
si iugem scabiem, si impetiginem in corpore, vel ponderosus.” Decretum D 49 c. 1, Friedberg I, pp.
175-7.
of Poitiers, includes the scandalously lecherous along with the simoniac, the excommunicated, the usurer, the gambler, the one who lightly or in anger reveals confessions, and the violent, as well as those who neglect their pastoral duties of instructing their subjects in the faith. Subjects of such priests may lawfully request permission to seek another to whom to confess, especially if the priest discloses confessions scandalously.

Raymond of Peñafort has much to say in his section on ambiguities about scandalous priests, including one faced with the problem addressed by Robert Courson, of having to celebrate the mass while in a state of sin.

If he proceeds, he sins mortally in consecrating and eating it.... If he does not consecrate, but pretends to consecrate, he seems to sin more gravely, because he does not fear to delude God, and the people.... Yet if he abandons it all, he generates great scandal. And thus he seems to be perplexed.

Solution: I believe the safer and the better way is that he should repent and consume. Also let him grieve because he thus repents late, and let him propose to confess as soon as he has the opportunity, and thus let him prepare and eat...

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169 "[I]nsufficiens est vita si sit simoniacus, si excommunicatus, vel alias irregularis, vel si cum scandalo est luxuriosus, vel ebriosus, vel fenerator, vel aleator, vel huissmodi, vel qui levitate vel ira est detector confessionum, vel percussor,... Quid enim si nesciat instruere subditos in articulis fidei?" Peter of Poitiers, *Compilatio praesens*, 33,1,32, p. 37.

170 "Aliquotiens licite potest subditus licentiam petere a suo ordinatio confessore adeundi alium, ita quod circa illum suam transferat potestam.... si detector confessionum, maxime cum scandalo." Peter of Poitiers, *Compilatio praesens*, LV, pp. 79-80.

171 "Pone sacerdotum indutum ad Missam et pervenit iam ad Canonem, ad illa verba 'Hoc est Corpus meum'; tunc occurrit conscientiae suae aliquod mortale; quid faciet? Si procedat, peccat mortaliter conficiendo et sumendo.... Si non conficit, sed fingat se conficiere, gravius videtur peccare, quia Deo non vertetur illudere, et populo quam decipit... Si autem ex toto dimitat, magnum scandalum generat. Et ita videtur perplexus.

Solutio: Credo praecipuam et tutiorem viam ut paeniteat et conteratur. Doleat etiam quia ita tarde paenitet, et proponat confitiri quam cito poterit habere opportunitatem, et sic conficiat et sumat."
Just as most of his predecessors have done, Raymond shows a concern for the sexual
behaviour of clerics:

Likewise consider that a priest keeps a concubine in his house; the parishioners see him dressed for mass; what should they do? If they hear his Mass, they go against conscience which dictates that they should do the opposite... If they do not hear it, likewise doubt may remain in the conscience, because no one, however polluted, can pollute the divine sacraments.... Therefore it is taught that communion by the priest may be received whatever the pollution, until such time as he is reproved by the judgement of the bishops. And so they are perplexed.
Solution: Let me pursue this article more broadly: because many doubts surround it.¹⁷²

He goes on to say that "clerics ought not to live with women, for cohabitation often leads to adultery." Permissible female cohabitants include mothers, sisters, aunts, and so on, although familiarity is discouraged.

[A] cleric, especially a bishop, ought not to have immoderate familiarity with her, namely in kissing her before men, or placing his head in her lap/bosom, or similar, lest he is thought from this common and contemptible. And, if warned, but perhaps he does not wish to desist, let him be deposed.¹⁷³

Raymond of Peñafort, *Summa de Paenitentia*, Lib. 3, Tit. 30, 6, cols. 705-6.

¹⁷² "Item pone quod sacerdos tenet concubinam in domo; parochiani vident ipsum indutum; quid facient? Si audient eius Missam, faciunt contra conscientiam quae dictat eis contrarium... Si non audiant, similiter remanet scrupulus in conscientia, quia non potest aliquid, quantumcumque pollutus sit, sacramenta divina polluere quae purgatoria cunctarum contagionum existunt. Idcirco praecipitur quod percipiatur communio a sacerdote quantumcumque polluto, usquequo episcoporum iudicio reprobetur. Et ita videntur perplexi.

M. Fraternal correction

All Christians are deemed to have an obligation to correct the spiritual faults of others. Earlier writers do not seem to make a connection between scandal and fraternal correction, but William of Auxerre treats the subject. He acknowledges the possibility of scandalizing the brother, but discusses various ways to correct discreetly. For example, quoting Christ in Matthew's gospel, he says that a person should correct his brother in private. If he will hear, you will gain him. In this discussion, William distinguishes between the correction of secret sins and that of manifest ones.

In his gloss on the passage, "If your hand or foot scandalize you, etc.", Hugh of St.-Cher notes that a person should correct a friend who perhaps does not understand that we may not scandalize the weak. He says that the passage "See lest you despise one of these little ones" refers to avoiding scandal in correcting a

\[\text{3, Tit., 30, 8, cols. 706-7.}\]


\[175\] "Corriphe amicum tuum, ne forte non intellexerit, et dicat non feci, aut si fecerit; ne iterum addat facere." Hugh of St.-Cher, p. 61v. This quotes Ecclesiasticus 19:13. The matter of fraternal correction takes up a whole page here.
brother. Hugh also makes the distinction between open and private sins: "If open, then they are to be corrected openly...if secret, how can any one or two witnesses reprove him, when they cannot know about it?" Hugh says this applies to a sin which is both hidden and manifest, that is, known to some people.

In his *Quaestiones disputatae* 'Antequam Esset Frater', Alexander of Hales's twenty-eighth question is on fraternal correction. Under the heading "If evil ones might correct others, or rather if they should", Alexander has:

It is asked: this person is obliged by his office to correct and has the opportunity to correct, but his manifest sin prevents him. Therefore if he corrects, he scandalizes. So is correction to be done by such a one or not? Likewise his office inclines toward correction, and it is clear that the fact that he is a sinner does not absolve him from that duty. But if he corrects, he scandalizes. So it is asked whether sin might free one from obligation, or whether the precept is be understood to be conditional.

Some matters of correction apply to an office, others do not, Alexander decides. In the case where correction is called for by the exigencies of office, the person should, if he can, remove (i.e. by confession and penance) the impropriety of his own sin.

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176 "Hic agit de scandalo vitando, post amovendo iam facto, idest, de fratre corripiendo." Hugh of St.-Cher, f. 61v.

177 "Si de manifesto, ergo maniste corripiendus est... Si de occulto, quomodo adhibebit unum, vel duos testes, cum ipse solus sciat, et quomodo testificabuntur illi, qui nesciunt? Solutio. Hoc intelligitur de occulto, et manifesto peccato, id est, aliquibus noto..." Hugh of St.-Cher, f. 62r.

Even if he cannot do this, he must still correct. In this he does not himself scandalize, even though another might receive passive scandal, "because he does not give the occasion of ruin in so doing, because the deed or word is not less right, because it proceeds from his office." In the case of a person whose office is not one which obliges him to correct, he should first remove his impropriety and then correct fittingly.179

In his section on scandal, Thomas Aquinas mentions fraternal correction, but in passing. "As theft or murder are distinctive sins because each purposes to do a special sort of injury to our neighbour," he writes in addressing whether or not scandal is a special sin, "so scandal is distinctive because a special sort of injury to our neighbour is intended. It stands in direct conflict with fraternal correction, which is concerned with taking away a special kind of harm."180

Aquinas distills the doctrine on scandal and correction in characteristic purity. Dealing with the question "Should we forgo spiritual goods because of scandal," he

179 "Respondeo: Aliter est de correptione annexa officio, aliter de non annexa. In primo tenetur ex officio corripere; si tamen possit, prius inidoneitatem ex parte sui debet removere; si non possit, nihilominus debet corripere. Et tunc non scandalizat, licet alter scandalizetur, quia ex facto tali non dat occasionem ruinae; quia illud factum vel dictum non est minus rectum secundum quod procedit ex officio. Potest tamen scandalizare ex aliqua dispositione quae est in illo qui exercet actum, ubi videlicet non tenetur ex officio, sed ex caritate. Illi autem qui non ex officio tenentur, debent removere inidoneitatem, et tunc possunt corripere congrue. Requiritur enim opportunitas ex parte corripientium et corripendorum in tali casu." Alexander of Hales, Quaestiones disputatae, Q. 28, pp. 512-13.

180 "Unde sicut furtum est speciale peccatum, aut homicide, propter speciale nocentum proximi quod intenditur; ita etiam scandalum est speciale peccatum, propter hoc quod intenditur speciale proximi nocentum. Et opponitur directe correctioni fraternae, in qua attenditur specialis nocentum remotione." Thomas Aquinas, Summa theologiae, 2a2ae, 43, art. 3, pp. 118/19.
posits that "fraternal correction is an act of charity and so a kind of spiritual good. but even that at times is omitted out of charity, to avoid giving scandal to others."\textsuperscript{181}

To this he responds:

\begin{quote}
[F]raternal correction is to help a brother mend his ways, and to the degree it accomplishes that it is a spiritual good. But that could never be accomplished if he takes scandal at the correction. If we omit to correct him because of the scandal he will take, we are not giving up a spiritual good.\textsuperscript{182}
\end{quote}

N. Infamia

Although Robert Grosseteste (see above, p. 55) is the only one, at least in the thirteenth century, to discuss slander as scandal, many of our writers cover the subject of infamy, cursing, and detractions. Slander is intimately connected with infamy, since both have to do with reputation. Frank Rodimer puts the distinction between \emph{infamia} and \emph{scandalum} well:

\begin{quote}
A scandalous action presents the occasion of sin to one's fellow man; an infamous action causes one to lose his own good reputation among his fellow men. When the law accordingly mentions the danger of scandal or of infamy as the two urgent considerations which warrant the non-observance of a penalty, or the dispensation from a penalty or an irregularity, it is the common good with which it is concerned when it mentions
\end{quote}

\begin{flushright}

\textsuperscript{182} "[C]orrectio fraterna...ordinatur ad emendationem fratris. Et ideo intandum computanda est inter spiritualia bona inquantum hoc consequi potest. Quod non contingit si ex correctione frater scandalizetur. Et ideo si propter scandalum correctio dimitatur, non dimititur spirituale bonum." Thomas Aquinas, \textit{Summa theologiae}, 2a2ae, 43, art. 7, pp. 130f1.
\end{flushright}
scandal, and one's *personal good* when it makes mention of infamy.

Infamy, then, has to do with one's *own* good, but depends by definition upon one's community. Francesco Migliorino discusses the social ramifications of infamy:

Infamy, or ill fame, makes the transgression public and visible to all; it requires a social sanction which does not exclude the sanction prescribed by authority, but which has its own efficaciousness and contents. If there has been a grave offense and scandal to the community, the system of social control requires public reproof of the infamous, their isolation and emargination; concurrently, legal power prepares a series of juridical exclusions and disabilities and marks such *turpes personae* with exterior marks and signs which are recognizable by all.

The law touching on infamy is beyond the scope of this study, but we might note that the public and social nature of these offenses demands public and social, as well as legal, resolution.

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183 Frank J. Rodimer, *The Canonical Effects of Infamy of Fact* (Washington, 1954), pp. 54-5. Rodimer cites Matthaeus Conte a Coronata, *Institutiones iuris canonici*, 2nd. ed., v. 4, pp. 187-8: "Ratio vitandi scandali directe bono publico, ratio vitandae infamiae directe bono privato prospicit." Rodimer defines the two types of *infamia*: "*Infamia iuris* is a penalty, a vindicative penalty, inflicted by law on those who are guilty of certain grave crimes specified in the law. *Infamia facti* is, in a certain sense, a 'penalty,' one of the natural order, whereby one loses his good name because he is guilty of some crime or because he leads a sinful life" (p. ix). On the history of the law of infamy, see Vincent Tatarczuk, *Infamy of Law* (Washington, 1954), pp. 1-33.

184 "L'infamia, o sia la *mala fama*, rende pubblica, visibile a tutti la trasgressione, esige una sanzione sociale che non esclude quella prescritta dall'autorità, ma che ha efficacia e contenuti propri. Se vi è stata offesa grave e scandalo per la comunità, il sistema di controllo sociale comporta per l'infame la pubblica riprovazione, l'isolamento, l'emarginazione, mentre il potere legale appronta una serie di esclusioni e di incapacità giuridiche ed etichetta tali *turpes personae* con marchi e segni esterni riconoscibili alla vista di tutti." Francesco Migliorino, *Fama e Infamia. Problemi della società medievale nel pensiero giuridico nei secoli XII e XIII* (Catania, 1985), p. 12. For ideas of fame, reputation, status, and so on, see Chapter 2, Il Concetto di Fama (pp. 45-83), especially the first section, Il significato di fama (pp. 45-49). I am grateful to Professor Giulio Silano for the translation.

185 I direct the reader to the most useful study by Edward Peters, "Wounded Names: The Medieval Doctrine of Infamy", in Edward B. King and Susan J. Ridyard, eds., *Law in Medieval Life and Thought* (Sewanee, 1990), pp. 43-89.
Part of Robert of Flamborough's work consists of sample dialogues between priest and penitent. When asking the penitent if she or he has been guilty of vainglory, the priest includes scandal in a long list of vices (such as hypocrisy, disobedience, insolence, irreverence, arrogance) pertaining to vainglory, and defines it as "when a man disparages others to cause scandal." This is not quite equating slander and scandal, but it is connecting them in a kind of cause-and-effect relationship.

Robert Courson mentions scandal in his discussion of infamy when he says that an infamous cleric "should be suspended from his office until he has made worthy satisfaction, lest the people suffer scandal in him." This is typical of the way the two concepts are linked in the early thirteenth century.

We can see in these writers that the treatment of the theology of scandal had increased in complexity by the time of Thomas Aquinas. More than that, we can

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186 ò...scandalum (quando homo contemnit alios scandalizare)", Robert of Flamborough, Liber poenitentialis, Lib. 4, cap. ii, De vana gloria, pp. 179080. The editor refers to the anonymous treatise De fructibus carnis et spiritus c.4 (PL 176.999-1000) and to Alan de Lille, De virtutibus c. 1 (Psych et morale VI 69-70).

187 Robert cites the "ultimo libro Decretalium, titulo De purgatione canonica, capitulio i," where it says: "quod sitquis presbiter vite sue negligens pravis exemplis de se mala suspiciari permiserit, et populus, ab episcopo iuramento sue Christianitatis astrictus, infamiam eius patefecerit, et certi accusatores criminiis eius fecerunt. Admoneatur primo seorsum ab episcopo deinde sub duobus vel tribus testibus. Si non emendaverit, episcopus eum puplica inculpatione admonet. Si vero neque sic correxerit, ab officio suspendatur usque ad condignam satisfactionem ne populus in eo scandalum patiatur." Robert Courson, Summa, Paris BN MS 3258, f. 163v. See Friedberg, ed. v. 2, p. 870, X.5.34.2..

also see some lines of descent. Peter the Chanter began the process for the thirteenth century; it is difficult to know who among his circle influenced whom. It is clear, however, that Stephen Langton, Robert Courson, and Thomas of Chobham all augmented Peter’s work, each adding his own mark. Thomas seems to have influenced the thinking of William of Auxerre, whom we know was the major influence in the *Summa Fratris Alexandri*, which itself had a bearing on the work of Aquinas.\(^{188}\)

As we saw in Chapter One, the theologians of the late twelfth century inherited a concept of scandal that was already well defined, and entrenched in canon law. What Peter the Chanter and his heirs did was to flesh out that concept and give it new relevance to the pastoral theology of their own day. The Chanter introduced many threads to the discussion of scandal; many were retained and elaborated by his successors, although some were allowed to drop, at least from the kind of work discussed so far in this chapter. We will discover, however, that sometimes those themes, neglected by many writers, appear in conciliar canons and diocesan statutes.

4. THIRTEENTH-CENTURY DEVELOPMENTS IN CANON LAW

The major development here is the compilation of Decretals undertaken for Gregory IX by Raymond of Peñafort in 1234. Here is found a reiteration of Bede (quoting Gregory the Great): “It is more useful to permit scandal to arise than to

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\(^{188}\) For a chart showing the common themes, see Appendix C.
abandon truth." The gloss on the Decretals, written c. 1240, notes that it is Bede who expounds on the Gospel and goes on to expound on Bede: a person ought not to sin mortally for the sake of avoiding scandal. Truth is defined here as “the [norms of] the common law, against which no dispensation is allowed”, according to the Gloss. 190

Most interesting is the section of the gloss which follows, which deals with the triple truth. The truth of life may never be omitted on account of scandal, but the truths of doctrine and justice may indeed be abandoned for that reason. 191

A century after Gratian, the great jurist Hostiensis discusses scandal as a reason for which a cleric ought to renounce his position. After noting the origin of the term, he defines scandal in the (by then) traditional way as any word, deed, or sign by which someone is led to consent to mortal sin, and he says that the triple

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190 “…non enim propter scandalum debet homo peccare mortaliter. Nota quod veritas, scilicet ius commune quod indispensabile est, pro nullo scandalo est relaxandum.” The Gloss is found in the 1561 edition of the *Decretals*.

truth of life, doctrine, and justice ought not to be abandoned on account of scandal.  

Conciliar Canons and Diocesan Statutes:

Ecclesiastical councils issued canons — sometimes original, sometimes reiterations of older regulations — which influenced how bishops and priests dealt with their subjects. Many of the English councils and synods held after 1215, in addition to producing original canons, transmitted particular canons of the Fourth Lateran Council of that year. The council of the Province of Canterbury held at Oxford in 1222 under Archbishop Stephen Langton (the former pupil of Peter the Chanter), produced several canons dealing with scandal, some reminding us of the Chanter's own writing about the behaviour of clerics (see above, pp. 40-46). One sets a kind of minimum wage for vicars (5 marks), saying that just as excess in temporal things often gets in the way of performing one's duty, with no little scandal to the people, so does the opposite poverty, which forces a priest to beg. Another

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193 "Quoniam autem multotiens sicut temporalium rerum luxus quosdam in non modicum scandalum populi ab officio sibi comisso segregat et abducit, sic et earundem rerum inopia in vituperium ordinis nostri quosdam compellit infelicitet mendicare, providendum nobis est ut in utroque casu, habita moderationis temperie, ecclesiarem regimini consultatur. Statuimus igitur ut vicario perpetuo quinque marcarum ad minus redditus assignetur, qui scilicet pro v. marcis dari possit ad firmam ad minus, nisi in illis forte partibus Wallie sit in quibus propter tenuitatem ecclesiarum minori stipendo vicarii sint contenti. Prodeatque diocesanus episcopus, pensata persona, an ad ea simul
commands priests to refrain from gluttony and drunkenness, and from keeping concubines in their houses, or even having public access to them, which causes scandal to the people. If a concubine refuses to leave the priest, she is to be expelled from the church, excommunicated, and denied admission to the sacraments. She might even have the secular arm invoked against her. The offending priest could lose his benefice.  

Canon 40 provides that abbots should change their chaplains regularly, to prevent scandal from arising, and Canon 46 refers to the cohabitation of Christians and Jews as being a source of scandal.

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*Canon 40.*

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[A crapula quoque et ebrietate, et aliis que honestatem eorum deformant, omnes omnino clerici abistineant vigilanter. Ad que omnia studiosius observanda, secundum formam generalis concili a suis superioribus districtius compellantur; addentes ne clerici beneficiati vel in sacris ordinibus constituti in hospitii suis tenere presumant puplice concubinas, nec etiam alibi cum scandalolo puplice habeant accessum ad easdem. Et si forte concubine eorum, commmonitio puplice proposita, ab eis non recesserint, ab ecclesia dei quam infamare presumunt expellantur, nec admissantur ad ecclesiastica sacramenta. Et si nec sic duxerint abstinenceum, excommunicationis murcore percellantur, et tunc demum contra eas invocetur brachium seculare. Ipsos autem cleros per subtractionem beneficii et officii canonica amonitione premissa volumus cohercere.*  


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[40] Ut autem secundum canonicas sanctiones abbatibus a quibus minores vivendi normam habent assumere super honesta conversatione testium copiosisitas suffragetur, decrevimus ut ipsi capellanos singulis annis mutent vel aliquem illorum. Qui autem umum tantum habet, illum similiter mutet, nisi causa necessaria suffuerit, quatinus si de vita eorum, quod absit, contra eos scandalum oriatur, tanto plus habent innocentie sue testes quanto eorum vita pluribus innoscit*; and *[46]...quoniam ex cohabitatione iudeorum cum christianis non modicum solut in ecclesia dei plerunque scandalum suboriri...* Powicke and Cheney, *Councils and Synods* II, I, pp. 119 and 120. See also pp. 560–1, for the following synodal statute of Bishop Giles of Bridport for the diocese of Salisbury in 1257: *"Licet in conciliis Lateranensi et Oxoniensi prohibimur sit expresse ne iudei mancipia habeant christiana, plerique tamen iudei nostre diocesis, ut dicitur, huiusmodi prohibitione..."*
canons are barred from leasing churches, manors, or any other ecclesiastical properties, since this could also cause scandal. The council of Oxford also produced the important canon 5, which established the law on defamation.

Later councils reiterated prohibitions against clerical concubinage.

Archbishop Pecham's provincial council at Reading in 1279 issued a canon which makes reference to a ruling by the legate Ottobono. Urging archdeacons and rural deans to enforce the rules, he says that "[s]ince the vice of incontinence defiles and lamentably dishonours the clergy, to the scandal of many, we order the statute promulgated by the lord Ottobono against concubines to be rigorously observed."

contempta, nutrices, obstetrices, et alia mancipia christiana damnabiliter presumunt in suis obsequis retinere. Nec huiusmodi transgressionem contenti in graviorem prorumpunt audaciam, ut non solum cum christianis solutis sed in nostrae fidei scandalum et in sue legis contemptum cum mulieribus commisceant coniugatis. Unde presentis synodi approbatione statuimus ut mulieres, tam solute quam coniugate, super huiusmodi crimen confesse vel convicte nominatim excommunicationis sententia percellantur, et donec ad arbitrium nostrum vel officialium nostrorum satisfecerint artius evitentur. Iudeis vero super hoc convictis vel confessis, donec competenter hoc emendaverint, omnis christiana communio per censuram ecclesiasticam denegetur. Quod vero circa distinctionem habitus cautum est, propter pericula que ex habitus confusione contingunt, omni diligentia statuimus observandum."

196 "[57] Item, nec monachus nec canonicus regularis ecclesiam, manerium, vel quodlibet preedium ecclesie sue ad firmam audeat retinere. Distriecte etiam inhibemus ne alciun monacho vel canonico regulari qui non sit obedientialis custodia manerii committatur, ita quod ex longa ipsius mora vel conversatione scandalum oriatur. Quod si presumptum fuerit per superiorem emendetur." Powicke and Cheney, Councils and Synods II, I, p. 124.


198 "Quia incontinentie vitium clerum maculat et lamentabiliiter dehonestat in scandalum plurimorum, statutum domini Octoboni contra concubinarios editum precipimus in suo rigore inviolabiliter observari. Et ne criminiis contagio caliginem obducente mentibus vitiosis, se per ignorantiam vel oblivionem valeant excussare, precipimus archidiaconis universis in virtute obedientie et sub pena suspensionis ab officio et beneficio, quam in ipsos ferimus si sponte circa hoc fuerint negligentes, quatenus constitutionem predictam faciant in quatuor anni principalibus capitulis ruralibus per se vel eorum officiales vel saltem per decanos rurales seu gerentes vices eorum distincte et aperte coram toto capitulo exclusis laiciis recitari; quam recitationem pro monitione haberi volumus,
So often do such rulings occur at both provincial and diocesan levels that they look more like measures against clerical marriage than attempts to deal with priests and prostitutes.

Of diocesan statutes, Professor Cheney says that nothing more clearly illustrates the influence of the papacy on the local Churches in the thirteenth century than does the new statute-making activity of the bishops; nothing more clearly shows how that influence enhanced the authority of the bishops in their dioceses.199

Clearly the regulations made by bishops are a transition point in the transmission of theological developments and papal rulings down to parish priests.200

Diocesan statutes concern themselves with practical matters, often dealing with the behaviour of clerics. Here we can begin to see concern about scandal in tangible situations. In the earliest surviving statutes, those of Archbishop of Canterbury Stephen Langton which were promulgated just before the Fourth Lateran Council (and before the Council of Oxford, referred to above), we again find priests

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ut liberos contra omnes huiusmodi procedi valeat vitiosos, ne causari possint, cum ad executionem privationis in eos late sententialiter in predicto statuto processum fuerit, se monitos non fuisse. Si quis autem dicti statuti recitationem malitiose impediverit, excommunicationi subiaceat ipso facto. Si quis vero recitare neglexerit, seu decanus seu gerens vicem eius omni sexta feria in pane et aqua ieiunare per obedientiam, nisi infirmitas impedit, teneatur donec in sequenti capitulo ipsum fecerit recitari." Powicke and Cheney, Councils and Synods II , Part I, p. 837.

199 Cheney, English Synodalit, p. 34.

forbidden to keep concubines, a practice from which scandal arises. Failure to comply resulted for the priests in deprivation of their benefice, and for the concubines in denial of the sacraments.

A statute of Bishop Roger Niger for the archdeaconry of London deals with one of the results of sexual misbehaviour, and here the emphasis is on the female partner: "If a woman is impregnated in any parish, and, from hatred of her chaplain, or led by fear, or in order to avoid condemnation or scandal, she flees to another parish, let her not be admitted to purification without the consent of the chaplain whose parish she has fled." If necessary, she may obtain license from the archdeacon.

One of the statutes restricting access of men to nunneries is that of Bishop Robert Bingham of Salisbury, c. 1238 x 1244. "Through frequent access of men to monasteries of nuns," the bishop says, "scandal is aroused, religion disgraced, and great [sins] sometimes committed." Only certain approved persons such as doctors

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201 "Nec in domibus propriis vel alienis publice concubinas, unde scandalum oriatur, tenere presumant, set eas a se prorsus expellant et longius faciant amoveri, nisi velint simul officio et beneficiis suis contra hoc agendo privari." Powicke and Cheney, eds. *Councils and Synods II*, I, p. 25.

202 "Moneantur quoque concubine ut recedant ab ipsis; que nisi commonite recedant ab eisdem, post trinam commotionem, quoniam infamant ecclesiam ab ecclesia expellantur; nec admittantur ad ecclesiastica sacramento set ab actibus legitimis repellantur ut infames." Powicke and Cheney, *Councils and Synods II*, I, p. 25.

or confessors may be admitted.\textsuperscript{204} We will return to this theme in Chapter Three.

From a synod in Worcester in 1240, the statutes of which were to be disseminated to all parish priests,\textsuperscript{205} we have a statute on pride, particularly with regard to clerical dress.\textsuperscript{206} Bishop Walter Cantilupe says that clerics should not dress in red or green garments, and that they should be decently tonsured. Modesty of appearance is particularly important in front of prelates and clerical assemblies. "Let unbeneicled clerics whose tonsures are inadequate be admitted neither to higher orders nor to a benefice, until they have exhibited a suitable tonsure, for such a time that they shall be seen to have made amends for the scandal."\textsuperscript{207} A later statute

\textsuperscript{204} "Quoniam per frequentes virorum accessus ad monialium monasteria suscitantur scandala, deformatur religio, et enormia nonnullam committuntur, stauendo prohibemus ne clerici vel laici familiares vel extranei chorum, claustrum, refectorium, aut infirmitorium monialium ingreditur; prelatis, patronis, visitatoribus, confessorebus earum, medicis corporum non suspectis, et mulieribus duntaxat exceptis. Quodsi clerici fuerint qui contra fecerint, ab officio, si vero laici, ab ingressu ecclesie, suspendantur, et si forte incorrigibles fuerint, excommunicentur." Powicke and Cheney, \textit{Councils and Synods II}, I, p. 385.


\textsuperscript{207} "Clerici vero non beneficiati qui reprehensibles fuerint in tonsura nec ad superiores ordines nec ad beneficium admittantur, quosque per tantum tempus tonsurus gesserint competentem quod videantur preteriti temporis scandalum remdesisse." Powicke and Cheney, \textit{Councils and Synods II}, Part I, p. 307. Concern about modesty and appropriateness of dress and tonsure is a recurring theme, echoed, for example, in a canon from the legatine council of Ottobono in London in 1263, "De habitu clericorum": "Cum sancti evangeli veritas hominem nuptalem vestem non habentem iubeat foras miti, quamquam de virtutum omatu dictum esse illud sacra expositio doceat, quia tamen per exteriorum habitum sepe interior designatur, oportet hunc exteriori tam in arce ostendere ut ei qui debet intus esse verisimiliter coapetetur, ne ex habitu forstani indecenti is qui gestat in seipso vilis appareat aut corda videntium pro facilitate iudicii scandalizet, provide tam ab antiquis quam modernis patribus tradita est moderatio quam clerici, qui iuxta nominis impositionem in sortem domini sunt vocati, in habitu exteriori sequantur, qui in se lumbos precingere et lucernas ardentem gerere manibus edocentur..." \textit{Councils and Synods II}, I, 752ff. These all echo the Fourth Lateran canon 16 "De indumentis clericorum", which sets out standards for dress and tonsure. See Appendix A for the full text of this canon.
from Chichester warns clerics not to dress like knights, since this causes serious scandal to the laity.\textsuperscript{208}

John Pecham's Lambeth Constitutions of 1281 (which instituted a comprehensive programme for instruction in the faith) provide for solemn penance for notorious sins such as incest, which scandalize the whole community. Incest here, of course, includes the spiritual incest of sexual relations between priests and female parishioners.\textsuperscript{209}

Both theology and canon law bear an intimate relationship to penitential literature. As theology was reflected and implemented in canon law, so both were reflected and transmitted for practical use in manuals for confessors. Treatises on confession sometimes circulated with synodal statutes,\textsuperscript{210} suggesting that there was as much crossover in authorship as there was in readership. Pastoral manuals show us the extent to which the parish priest was the instrument of reform and education, and C.A. Martin suggests that "the history of the contents of the manual of instruction is,

\textsuperscript{208} "Quoniam de habitu clericorum qui non clericalis videtur sed potius militaris grave scandalum laicos generatur", Synodal statute 57 of Bishop Richard de Wich for the diocese of Chichester, 1245 x 1252. Powicke and Cheney, \textit{Councils and Synods II}, I, p. 463.

\textsuperscript{209} c. 7: "preterea cum iuxta sacros canonones peccata braviora, ut incestus et similia, que vulgarissima suo scandalototam commovent civitatem, sint solemnis penitentia castiganda, quorumdam tamen negligentia id agente, huiusmodi penitentia videtur quasi in oblivionem tradita, et crevisse per consequens sudacia huiusmodi horrenda facinora et flagitia perpetrandi; quocirca precipimus ut huiusmodi penitentia solemnis de cetero imponatur secundum canonicas sanctiones." Powicke and Cheney, \textit{Councils and Synods II}, I, pp. 899-900.

\textsuperscript{210} See Goering and Taylor, "The Summulae of Cantilupe and Quinel, pp. 576-594."
to some extent, to be inferred from the canons of Provincial councils." Provincial and diocesan councils transmitted to the lower ranks of the clergy the current thinking on any given issue. In the statutes above we can see a particular concern for scandalous behaviour among the clergy, but in pastoral literature (as we have seen in thirteenth-century writers like Thomas of Chobham and Robert Courson, and will continue to see in fourteenth-century writers) this concern extends to cover lay behaviour.

5. THE FOURTEENTH CENTURY

During this century writing on the theme of scandal became pared down to its essentials, and a new focus on slander began to emerge. There are fewer writers to discuss here, and we have established the main themes, so we can return to a chronological arrangement.

John of Freiburg (d. 1314) was a German Dominican who may have been a pupil of Thomas Aquinas. He drew heavily upon the work of Raymond of Peñafort, but his own Summa confessorum is, according to Michaud-Quantin, better, clearer, and easier to use.  

John's work in turn was highly influential, among Franciscans as well as Dominicans: "The readiness with which the Dominicans abbreviated,

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212 Michaud-Quantin, Sommes de casuïstiques, p. 46. Although John's work appeared at the end of the thirteenth century, I have arbitrarily included him here because he seems to belong more comfortably with the fourteenth-century redactors of thirteenth-century writing.
translated or simply used the *Summa confessionum* leaves little doubt that John had taken over the field from [Raymond]. His work was also used "quietly" by William of Pagula in his *Oculus sacerdotis*, but the greatest use of it was probably made by John Bromyard.

Although he follows Raymond's chapter-headings, John of Freiburg's *Summa* devotes a section to scandal which makes liberal use of Thomas Aquinas, most of the section being taken virtually word for word from the *Summa theologiae*. John is quite unusual in that he attributes his quotations. He begins with the etymology both Raymond and Thomas give, which is Jerome's, saying that what is *skandalon* in Greek we call "offense" or "ruin" and "a blow to the foot". Quoting Thomas verbatim, he says that just as a physical obstacle impinges on the body, so a spiritual obstacle causes spiritual ruin.

Again John follows Aquinas in his distinction between passive scandal in the one scandalized, and active scandal in the one scandalizing, giving the occasion of ruin. This section too is virtually verbatim from Aquinas, as is the following one,

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214 Boyle, "The *Summa confessionum* of John of Freiburg", pp. 262 and 265.

215 "Contingit enim quandoque quod aliquis obex ponitur alicui in via corporali, cui impingens disponitur ad ruinam: et talis obex dicitur scandalum. Et similiter in processu viae spiritualis contingit aliquem disponi ad ruinam spiritualen per dictum vel factum alterius: inquantum scilicet aliquis sua admonitione vel inductione aut exemplo alterum trahit ad peccandum. Et hoc proprie dicitur scandalum", and so on. John of Freiburg, *Summa*, Tit. 30, q. fo. 290. Thomas Aquinas, *Summa theologiae*, 2a2ae.43, 1, p. 110, see above, p. 56, n. 47, and p. 79, n. 103. We may note the similarity of this passage with the definitions of Thomas of Chobham and William of Auxerre, above.
**Questio 3**, on whether scandal is a special sin. The fourth question, whether scandal is mortal sin, refers to Thomas's Article 4, but does not quote directly from it, John being content to paraphrase here.

John's fifth question corresponds to Aquinas's seventh article, on whether we should forego spiritual goods because of scandal, and here again he borrows directly from the *Summa theologiae*, concluding with Thomas, that "we should not simply give up living by the counsels or doing works of mercy because of scandal, but...sometimes we should hide or postpone them lest the little ones be scandalized." John also refers to the *Glossa* in this section, as well as to Raymond, whose verse he quotes, saying that it is better to allow scandal than to abandon the triple truth of life, doctrine, and justice. John returns to Aquinas for his sixth question, whether temporal goods should be given up to avoid scandal.

Here Aquinas ends, and John returns to Raymond for his discussion of the conflict between conscience and scandal. "Suppose that some religious person, or other good one, has a pure and calm conscience with God, yet many suspect him of

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216 John, *Summa*, tit. 30, q. 1 and q. 2. See above, pp. 67-8, nn. 74 and 75; and p. 80, nn. 104 and 105.

217 John, *Summa*, tit. 30, q. 3; see Aquinas, *Summa* 2a2ae, 43, 4, pp. 120/121.

218 "[C]onsilia non sunt simpliciter prætermittenda, nec etiam misericordiae opera, propter scandalum: sed sunt interdum occultanda vel differenda propter scandalum pusillorum..." John, *Summa*, tit. 30, q. 5; Aquinas, *Summa*, 2a2ae. 43, 7, pp. 130/131.


evil and are thus scandalized, what should he do?" It seems that conscience is enough, but although it is necessary to our life, our good name is necessary for others, so the person should satisfy them as to his actions. If, however, they do not wish to be satisfied and will not change their ways, the good person should grieve for their sin, and let good conscience suffice.\footnote{Pone quod aliquis religiosus, vel alius iustus, habet puram et justam conscientiam apud Deum: multi tamen suspicantur malum de ipso et sic scandalizantur, quid fiet? Videtur quod sufficiat ei conscientia. ii Corinthians i: Gloria nostra hec est testimonium conscientie nostre. Item Job xvi: Ecce in celo testis meus. Item Augustinus ad Secundinum xi.q.iii: Sentit de Augustino quidquid libet: sola me in oculis dei conscientia non accuset. Raymond §iii. pone et addit ad hoc tamen dicas quod quantum in se est debet uti satisfacere intentionem suam eis ostendendo et causam removendo etiam speciem mali. Nobis enim necessaria est vita nostra alius fana nostra... Si autem notunt recipere satisfactionem sed parati sunt reprehendere et non imitari [Raymond: mutari] tunc debent dolere quia illi peccant et sufficiat eis conscientia bona." John, Summa, tit. 30, q. 7; Raymond, Summa, Lib. 3, Tit. 30, col. 703.}

In John's Summa we have a useful example of how a skillful writer could bring together the two foremost authorites on scandal, and transform their work, too ponderous for practical use, into a form much more available for use in the care of souls.

William of Pagula wrote a popular manual, the Oculus sacerdotis (c. 1320),\footnote{Leonard E. Boyle, "The Oculus sacerdotis and Some Other Works of William of Pagula", Transactions of the Royal Historical Society V (1955), pp. 82-3. Boyle notes that the work survives in 50 MSS.} which was "the first manual in England to represent the new trend started by John of Friburg [sic], of combining moral theology with canon law to produce an eminently practical pastoral guide for the cura animarum."\footnote{John Philip Daly, ed., An Edition of the Judica Me Deus of Richard Rolle (Salzburg, 1984), p. xxii.} The Oculus is an example of the continuity of the genre: the first part, the Pars Oculi, Boyle calls "a modest Summa
de Poenitentia", including, after twelve chapters on how to examine penitents, a model confession which was later versified by John Mirk in his Instructions for Parish Priests. This section is followed by twelve more chapters on penances for particular sins, derived from "some ten chapters of the Summa de Casibus of Thomas de Chobham, a priest of the Salisbury Diocese a century earlier." William also drew heavily on legal sources, including provincial statutes. The whole thing was improved upon by John de Burgh, in his Pupilla oculi of 1384.

The English mystic Richard Rolle (1300?-1349) produced a manual of pastoral theology which was "substantially a copy of certain portions" of the Oculus sacerdotis. Curiously, none of the material from the Oculus concerns scandal; nor does Rolle introduce the subject, either as scandal or slander. There is a reference to the obligation of the priest not to provide an evil example to his flock, which appears in both the Dextra Pars and the Judica Me Deus: "And so Augustine says: Everyone who lives evilly in the sight of those before whom he is in view, kills them insofar as it is in his power." In the section dealing with confession of the sin of anger,

224 Boyle, Oculus sacerdotis. See pp. 89-90.

225 Boyle, Oculus sacerdotis, pp. 85-6.

226 Daly, ed. An Edition of the Judica Me Deus, p. iv. Daly says that Rolle uses portions of the first section of the Oculus, the Pars Oculi, and from the second section, the Dextera pars (see pp. viii-ix); he gives the corresponding pieces of the Oculus on the same page as the Judica Me Deus.

227 "Et ideo dicit Augustinus: Omnis qui male vivit in conspectu eorum quibus propositus est, in quantum in ipso est, eos occidit", Rolle, Judica Me Deus; "Ideo dicit Augustinus: Omnis qui male vivit in conspectu eorum quibus propositus est quantum in ipso est occidit eos", Pagula, Oculus sacerdotis, Daly, ed., An Edition of the Judica Me Deus, pp. 20-1. The English translation is Daly's, from p. 94.
the priest is instructed to ask the penitent "[i]f he has injured any one's reputation by
detraction, or listened to it willingly."228

Written in 1384 by John de Burgh, chancellor of Cambridge, the *Pupilla oculi*
has a section on scandal, included with material on perjury and lying, suggesting an
association with sins of the tongue. De Burgh introduces the subject of scandal into
his discussion of lying by saying that because courteous or playful lying is
sometimes mortal sin because of scandal, it is to be avoided.229 Quoting Aquinas, to
whom he often refers by name, he says that scandal is word or deed less right which
provides the occasion of ruin to another, or which leads another to consent to mortal
sin.230 "Just as a barrier placed in the way has a bodily effect by causing a physical
fall, so anger by word or deed not right places an object in another's way spiritually
by which he falls to spiritual ruin."231

De Burgh differentiates between active and passive scandal, and between
mortal and venial sin, saying that one who does not cease doing something which

228 "Si detraxerit vel detrahentes libenter audierit", *Judica Me Deus*; "Si detraxerit vel
English translation p. 103.

229 John de Burgh, *Pupilla oculi*, c. 88 (No folio numbers are provided in the edition I have
consulted). This is an echo of the thirteenth-century teaching on scandal and "jocose lies", see above.

230 "scandalum est dictum vel factum minus rectum praebens. alteri occasionem ruine.
Vel...dictum vel factum vel alius signum cuius occasionem trahit quis in consensum peccati mortali." De Burgh, *Pupilla oculi*, c. 88.

231 "Sicut enim obex positus in via corporali est impingenti in ipsum occasio lapsus
corporalis; ita per dictum vel factum non rectum alicuius obiectum alteri in via spirituali disponit ille
scandalizes his neighbour, whose salvation he is obliged to protect, "acts against charity, and he sins." If the intention is to lead someone into mortal sin, the scandalizer's sin is also mortal. If his own sin is venial but causes mortal sin in one scandalized, then the sin of scandal is mortal, but if the intention is only to cause venial sin through the example of venial sin, the scandal is only venial sin.232

Some scandal arises from malice, other from weakness or ignorance, but whatever the source, some things which are necessary for salvation ought not to be omitted because of scandal.233

On fraternal correction, he says that if the brother will be scandalized, it is better not to correct him.234

Not all pastoral literature of this period followed this model; some writers did not accord scandal a special place as a particular kind of sin. Some, silently using a definition of scandal which appears to be more like our own than like "Jerome's", absorb it into discussions of envy, detraction, or infamia.

One such is the early fourteenth-century treatise on the seven deadly sins edited by Siegfried Wenzel, the Fasciculus Morum.235  Here scandal is mentioned

232 "Et hic qui non dimittit: contra charitatem agit et peccat.... si quedem intendit inducere ad peccandum mortaliter est mortale. Et similiter si intendit inducere aliquem ad peccandum mortaliter per actum peccati venialis est mortale. Si vero intenderit inducere primum ad peccandum venialiter per actum venialis peccati est veniale." De Burgh, Pupilla oculi, c. 88.

233 "Nota quod scandalum proximi passivi aliquando oritur ex malicia. Aliquando ex infirmitate quando ex ignorantia.... Opera quidem necessaria ad salutem non sunt omittenda ad vitandum scandalum proximi ex quibuscumque radice procedat." De Burgh, Pupilla oculi, c. 88.

234 "[C]orrectio fratena omittenda est. si ex correctione fratris scandalizetur quia precipue ad emendationem fratris correctio fraterna ordinatur." De Burgh, Pupilla oculi, c. 88.
only as a possible result of backbiting, which is itself a manifestation of envy:

About backbiting we must know that we can call "backbiter" a person who takes pleasure in someone else's sin and constantly turns good into evil. Such a person surely acts very wickedly, because as much as it is in his power he kills three souls with one breath: first the one of whom he speaks ill, because he ruins his reputation and defames him and thereby, as it were, kills him spiritually; second, the one who hears him, because he causes him to think ill of his neighbor and wrongly to be scandalized.... And third, a backbiter who says wrong things about his neighbor in absentia surely damn his own soul.  

And where some earlier writers (Thomas of Chobham, William of Auxerre, and Alexander of Hales) include "jocose lies" as a kind of scandal, the writer of this handbook discusses them with other kinds of lies, also under the heading of the sin of envy. There are three kinds of lies: lying to do harm, always a mortal sin, for enjoyment, or for a good reason. "The second kind of lying is for fun, as when one lies in order to provoke his audience to laughter. Sometimes this is a mortal sin,

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236 "Circa autem detractioem est sciendum quod ille detractor dici potest qui alieno crimine delectatur aut continue bonum in malum convertens. Et certe talis impie facit eo quod quantum in ipso est unto flatu tres animas interficit: Primo illum de quo detravit, quia ipsum scandalizat et diffamat, et sic quasi spiritualliter occidit; secundo auditem illum, quia facit eum male sentire de proximo et injuste scandalizare... Et tercio certum est quod animam propriam falsa de proximo absente detrahendo detractor damnum." Siegfried Wenzel, ed., Fasciculus Morum, a Fourteenth-Century Preacher's Handbook, (University Park, 1989), pp. 160 (Latin) and 161 (English translation by Wenzel).
sometimes venial."\textsuperscript{237}

John Bromyard's *Summa praedicanium*, 1348, also has no section on scandal *per se*, but does deal with it in a chapter on good fame and the danger of bad fame. "Just as flowers and trees," he says, "adorn the garden with their beauty and odour, so does fame [i.e. a good name] adorn a good life."\textsuperscript{238} And "Just as a building which has a good foundation can be built tall, so a tree having good and healthy roots grows higher, fearing less the buffeting of the winds. Thus the fame of virtue fears less the buffeting of tribulation."\textsuperscript{239}

A good name is necessary not only for its own sake, but also for other reasons. Actions must appear to be above suspicion: just as the bark is necessary for a tree, so a good name is necessary for spiritual health.\textsuperscript{240} A good name is necessary


\textsuperscript{240} "Et non solum est utilis, sed est etiam necessaria bona fama tam propter seipsum quam propter alios. Primum patet, quia sicut cortex est necessaria pomo, vel arbori Arbor enim decorticata amplius non crescit, sed marcessit, sicut patet. C.13.10. ita est fama necessaria arbori nostra, aliter enim arbor hæc spiritualiter perditur, si possibile sit famam emendare, propter quam consevandam ab [275r] omni specie mala abstinendum est: Errant ergo qui nimi loquuntur cum mulieribus, vel aliis personis minus seciris, vel de quibus suspicio oriri possit sinistra. Et quando reprehenduntur: Respondent, non est vis, nec curandum, quid homines loquuntur, quia non est peccatum inter nos, sufficit nobis bona conscientia, et vita. Isti tantum dicunt ac si dicerent, arbori sufficere lignum sine cortice. Advertant tales..." Bromyard, *Summa praedicanium*, cap. 11, 274v-275r.
for the edification and salvation of one's neighbour, he says, citing Chrysostom on Matthew. "The one who lives well benefits himself; the one who has a good reputation teaches many. So what good is it if you save yourself by living right and scandalize many by having a bad name?" According to Augustine, both a clear conscience for oneself and a good name for one's neighbour are necessary.

Because of the danger of acquiring a bad reputation, always unlawful things and sometimes lawful things, are to be avoided, "lest a deed which seems lawful to me causes prejudice or scandal to another." The authority for this is Paul's advice not to eat or drink even when lawful, if doing so will scandalize another.

John Mirk echoes this concern with fame and ill fame in his Instructions for Parish Priests, in a section on how to ask confessants about envy:

Hast þou for hate or for envye
I-holpen or conseulet for to lye
Any mon for to defame,
Or for to destruye hys gode name?
hast þou bachyted þy neghbore
For to make hym fare þe worre?

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241 "Ita necessaria est bona fama propter proximum, ut ipsum edificet, et salutem eius procuret: unde Chrysostom super Matthew. Qui bene vivit, se solum saltat, qui bonam habet opinionem, multos edificat. Quid autem prodest, si bonam vitam agendo te salvas, et malam famam habendo plurimos scandalizes?" Bromyard, Summa praedicantium, cap.11, 275r. Bromyard goes on to say that such are reprehended in the Decretum, 11, q.3.

242 "Teste ergo Augustino in lib. de communi sermone clericorum, duo tibi necessaria sunt, conscientia propter te, et fama propter proximum." Bromyard, Summa praedicantium, cap. 11, 275r. This is also found in Raymond, Summa, Lib. 2, Tit. 30, col. 703.

243 "Propter talia ergo pericula vitanda, semper ab illicitis, et aliando ab licitis abstinendum est, ne etiam opus, quod mihi licitem est, in alterius fiat praejudicum, et scandalum." Bromyard, Summa praedicantium, cap. 11, 275v.

We can see that by the middle of the fourteenth century, it is clear that infamy causes scandal, and that one has a Christian obligation to one's neighbours to maintain a good reputation in order to avoid scandalizing them. How these ideas about scandal found their way from works of theology and pastoral care into the actual disciplinary practices of bishops is the subject of the next two chapters.
CHAPTER THREE: SCANDAL AND THE BISHOPS I

SCANDAL IN RELIGIOUS HOUSES

i. INTRODUCTION

In Chapter Two we looked briefly at some statutes issued by bishops. These "episcopal constitutions form the programme which the bishops intended to follow with the object of introducing discipline and reform into their dioceses."¹ There are other means of access to bishops' views: their visitation records and their court records, which show us, as Gibbs and Lang point out, how successful they were in carrying out this programme. Often they reveal their attitudes in their correspondence as well.

Bishops' subjects included the inmates of various kinds of religious houses, all levels of clerics below their own, and lay men and women of their dioceses, and in their dealings with these subjects they sometimes reveal their attitudes towards scandal. Naturally enough, there is much individual variation: some bishops considered few things scandalous, while others saw scandal everywhere.

One of the main functions of medieval bishops was the disciplining of their charges, clerical and lay, religious and secular. It is in this area of discipline that we catch occasional glimpses not only of the Church's, and individual bishops', attitude towards penitents and their sins, but also sometimes of the actual punishment meted

¹ Marion Gibbs and Jane Lang, Bishops and Reform 1215-1272 (London, 1934), p. 131.
out to them for their transgressions. Bishops' registers were used to record all matters of routine episcopal administration: ecclesiastical appointments, benefices, institutions, correspondence, court business, and routine parish visitations, as well as the visitations of religious houses dealt with here, during which matters of discipline concerning the inmates were brought before the bishop.²

This section looks at a selection of bishops' registers from the dioceses of Bath and Wells (1265-6, 1329-1363 and 1401-7), Ely (1299-1310 and 1337-1347), Exeter (1258-1280), Hereford (1275-1282 and 1389-1404), Lincoln (during various episcopates in the period 1209-1449), London (1304-1338 and 1361-1375), Rochester (1319-1352), Salisbury (1297-1330), Winchester (1282-1323 and 1366-1404), and Worcester (1317-1327); and the archdioceses of Canterbury (1207-1228 [Stephen Langton's Acta], 1279-1327, 1366-1368, and 1414-1447) and York (1215-1255, 1266-1340, and 1398-1405).³ These were chosen to cover a wide geographic range as well as a long period of time. Most are also in printed editions, and thus easily accessible.

2. BISHOPS AND RELIGIOUS HOUSES

Let us turn to some instances of scandal in visitation records. We should

² We must remember that episcopal visitations were not the only disciplinary contact that nuns and monks had with clergymen. Convents were served by confessors who regularly heard the confessions of the inmates. For nuns, these priests were sometimes, as we shall see, problematic.

³ These are listed in a table in Appendix D.
note that the earliest records surviving (with one or two early and sketchy exceptions) are those from the second half of the thirteenth century, so these bishops and their officials were working when the theology of scandal had been well developed.

Medieval English bishops were, of course, human beings as well as important ecclesiastical officials, and their registers reflect differences attributable to the individuality of the men whose activities they record. Some, for example, paid more attention to the details of their responsibilities than did others; their registers are full of administrative minutiae. Others were particularly quarrelsome or litigious, or involved in politics, and their registers contain extensive argumentative correspondence. Most were exceedingly busy. Despite the assistance of a staff of lesser clerics, the bishop's personal attention was required in many matters, and the business of visitations could, depending on the size of the diocese and the number of houses to be visited, take up many days in a month; each stop on a round of visitations might take several days.

In preparation for a visitation of a religious house, a notice was sent to the monastery. A full record of a visitation (many records are not complete) includes a

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4 For example, the editor of Rotuli Roberti Grosseteste, F.N. Davis, says that from the beginning of his episcopate "to the end of his life, nearly twenty years later, he was seldom or never free from a struggle either with his chapter or with the king or with the pope." Rotuli Roberti Grosseteste, Episcopi Lincolniensis 1235-1253 (London, 1913), p. ii.

5 On visitations of monastic houses generally, see C.R. Cheney, Episcopal Visitation of Monasteries in the Thirteenth Century (Manchester, 1931).

6 C.R. Cheney, Episcopal Visitations, pp. 3 and 55.
rubric and introduction, depositions (detecta, which became the basis for the comperta, which was "a finding [resting] upon his own judgment"), paragraphs listing the misdeeds of the nuns or monks, publication before the convent, charges against individuals, injunctions, and the record of inquiry into the superior's title. Given the quantity of work each visitation entailed, it is not surprising that some remote or small houses were visited infrequently, or that records might be less than complete. Occasionally, houses resisted visitation, which resistance in itself might be scandalous.  

Some religious houses were obviously more troublesome than others. Many

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8 We might note that a bishop's visit might not always go peacefully. The *Register of William Melton, Archbishop of York 1317-1340*, vol. 1 contains an order to the prior of Newburgh announcing "the excommunication of all those who had tried by violent means to oppose the archbishop's attempts to carry out a visitation there..." Rosalind M.T. Hill, ed., Canterbury and York Society, vol. 70 (Torquay, 1977), p. 144 (f. 490').

9 Such was the case when Archbishop Wickwane tried to visit Durham in 1280. Ordering the excommunication of those responsible, the bishop says: "...sed hii omnes, quid per se, quid per suos, nos vituperiose repellunt, seu non admittunt, nedum hostia chori vel ecclesie, sed eciam publici cimiterii valvas nobis et nostris, non sine minis et contumeliis variis, contemptibiliter precludentes, et sic nos a visitactionis officio per injuriam excludentes, ac jus, statum, et possessionem universalis metropolitice potestatis, adjuncta sibi potencia laicorum, maliciose turbantes, in grave animarum suarum periculum, ecclesie Eboracensis prejudicium manifestum, et scandalum plurimorum." In a mandate a year later calling for the excommunication of those who had supported the bishop of Durham against him, Wickwane says that they have acted "to the detriment of their souls and scandal to many, as public fame notoriously shows all this." ("...in animarum suarum detrimentum et scandalum plurimorum, sicut fama publica hec omnia notorie manifestat." William Brown, ed., *The Register of William Wickwane, Lord Archbishop of York 1279-1285*, Surtees Society v. 114 (Durham, 1907), pp. 170 and 177, fos. 142 and 143d. The dispute between the archbishop and Durham was long and litigious. Another example of scandalous resistance to visitation is found in the Canterbury sede vacante register for 1292-4, printed in C. Eveleigh Woodruff, "Some Early Visitation Rolls Preserved at Canterbury", *Archaeologia Cantiana* 32 (1917), pp. 171-2.
visitation records report no infractions of rules at all.\textsuperscript{10} But there were many houses where bishops found examples of irreligious behaviour which caused scandal. Why were so many men and women who had vowed to live chastely and soberly with their brothers or sisters engaged in so many flagrant violations of their religious vows?

There can be no doubt that many medieval nuns and monks considered themselves to have a genuine religious calling. Records abound with saintly, pious men and women. On the other hand, the convent was far more than a place dedicated to prayer and the service of God. It was a repository for the excess sons and daughters of the nobility, the ones families could not afford to sustain as knights, or provide with adequate dowries for good matches. It was a refuge for tired warriors, or, more often, retired widows, even for wives taking a break from the world while their husbands were away at war.

The social status of the occupants of religious houses meant that the convents were populated largely by people used to exercising a measure of control, and unused to the routine practice of obedience. Conceivably, men who became monks and canons might have had difficulty in exchanging a way of life rich in food, drink, and amusements, for an abstemious one. And women who became nuns might have been unwilling or unable to forgo the pleasures and responsibilities of family membership which led to so many infractions of enclosure. It seems possible, too,

\textsuperscript{10} Gibbs and Lang say that “In England, as contrasted with the Continent, very scandalous houses were extremely rare.” \textit{Bishops and Reform}, p. 153.
that social status was even more relevant for nuns than for male religious. A study in monastic architecture by Roberta Gilchrist, has concluded that most nunneries are closer in characteristics to gentry houses than to monasteries for men. These findings may suggest that for medieval religious women, gender identity was more closely influenced by the social estate from which the founders and inmates of nunneries were drawn than by the monastic order and community. ¹¹

The convent was also full of temptation. Far from being shut away from the world, it was often very much a part of it. ¹² Convents were often landowners, with ties to the community which necessitated contact with tenants. They were also subject to the influx of worldly outsiders staying as guests or visiting the residents. This contact with the world often worried bishops, especially as it related to scandal. Worrisome for most bishops was the conduct of the monks and nuns themselves. Penelope Johnson notes that nuns in convents in northern France tended to regard their enclosures "as permeable membranes", ¹³ which allowed them to pass in and out, and members of the outside world to pass in and out, with what might be


¹² Roberta Gilchrist notes that "the situations of some nunneries indicate that they were intended by their founders to interact closely with the local community. Nunneries were established adjacent to existing villages or planned in conjunction with them..." Contemplation and Action: The Other Monasticism (London, 1995), p. 155.

¹³ Penelope D. Johnson, "The Cloistering of Medieval Nuns: Release or Repression, Reality or Fantasy?", in Dorothy O. Helly and Susan M. Revery, eds. Gendered Domains: Rethinking Public and Private in Women's History (Ithaca, 1992), 27-39, p. 39. Johnson says that whatever the order, there was always a dichotomy between the theory of enclosure and actual practice: nuns often had to go outside the cloister, for various legitimate reasons (p. 29).
seen as alarming ease. English bishops found this to be the case in many monasteries and nunneries on their own rounds; or at least they were worried enough about strict enclosure to see any infraction as dangerous, particularly (but not exclusively; see, for example, the statutes for Ely of Bishop Ralph of Walpole in 1300) in women’s houses. Concern for the strict enclosure of women grew through the thirteenth century, culminating in the bull *Periculos* of Pope Boniface VIII in 1298, which complained that nuns frequently went outside their monasteries and passed time with lay persons, as well as allowing suspect persons inside (causing scandal to many), and provided that they should stay perpetually enclosed in their cloisters and not go out without special permission. That the papal edict met with mixed success may be seen in the continued concern of bishops about this matter, right to the end of the period covered by the registers under discussion here.

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15 “Periculoso et detestabili quarundum monialium statui que honestatis laxatis abenis et monachali modesta sexusque verecundia impudenter abjectis extra sua monasteria nonnunquam per habitacula secularium personarum discurrunt et frequenter infra eadem monasteria personas suspectas admittunt in illius cui saem integritatem voluntate spontanea devoverunt grave offendam religionis opprobrium et scandalum plurimorum...” See Appendix E for full text and translation. As noted, this is the culmination of a long-standing concern. Burchard of Worms cites the Council of Moguntino for this instruction: “Nullus vassus abbatissae, nec minister aliquis, nec clericis, nec laicus claustra ancillarum Dei ingrediatur, nisi forte quando necessitas operandi incumbit.” PL 140.807.

All these bishops were concerned about the problems of enclosure, but by the early fifteenth century, injunctions about outsiders coming into and inmates going out of the convent loom very large indeed in the records of episcopal visitations. Many such injunctions are found, for example, in the detailed records of the visitations of Bishops Flemyng and Grey of Lincoln (1420-1430/1 and 1430/1-1435/6 respectively), which show great concern to keep both monks and nuns enclosed and the outside world out. These particular records are highly repetitive,17 but from the sheer quantity of similar injunctions we can see at least the extent of the bishops' concern. House after house was enjoined to remove all seculars from the premises.

In theory, houses were supposed to offer hospitality to pilgrims and other travellers, both secular and clerical, as well as sometimes to the poor. In practice, monks and nuns seem rather to have been taken advantage of, and the precincts of some houses sound as if they were almost extensions of the village or town community, with tradesmen and women coming and going, lodgers carousing, assignations being made and kept.18 Bishop Robert of Orford of Ely, for example, in

17 Their editor says that the formulas were recycled as needed, but that their “formality...is a formality of composition only; they had their definite meaning and application for the several houses to which they were addressed.” Thompson, Visitations of Alnwick 1, p. 1.

18 David Williams, in his article on seculars in Cistercian houses, says, for example, that the “duty of hospitality could...be a heavy burden, costing Vale Royal (1336)...nearly one-quarter of its gross annual income.” “Layfolk within Cistercian Precincts”, Monastic Studies 2 (1991), 87-117, p. 95. The great abbey of Beaulieu, Williams tells us, entertained nobles, ecclesiastics and others of distinction. Other ‘decent’ travellers of lesser rank who arrived by the third hour of the day remained perhaps only to eat; those coming after lunch stayed the night. In addition, the guest house gave shelter each night to thirteen poor people selected by the porter. There might also be the parents or close relatives of members of the community; their free stay was limited to two nights, and they could come once or twice each year. (p. 94)
a visitation injunction to the cathedral priory in 1307, forbade secular persons from entering the infirmary or the dormitory, "in scandal to the order and persons".\textsuperscript{19} In the following century, Bishop Grey enjoined the monks of Bardney "to keep secular people out of the cloister, so that the meditation of the monks might not be disturbed."\textsuperscript{20} The bishop's injunctions for Newnham repeat the prohibition of lay persons of either sex, and says that the monks may not "have wrestlings or embraces with such persons."\textsuperscript{21} Grey's successor, Bishop Alnwick, visiting Markby Priory in 1438, says that lay folk "have overmuch and suspect recourse to the inner precincts, and even to the cloister buildings of the priory, to the sore scandal of the house."\textsuperscript{22}

Small nunneries could hardly have accommodated armies of guests like this.

\textsuperscript{19} "Contingit quoque aliquociens quod per frequentem accessum secularium ad infirmitorium, per monachos et eorum servientes vagos et indociles inductorum, qui aliqua secreta ordinis vel que ordinis honestati non congruunt audire, unde postmodum in vulgo famosi prodierunt sermones in scandalum ordinis et personarum, que nec in culpa nec in causa fuerunt, huiusmodi siquidem levitati pro scandalo removendo remedium adhibere volentes, inhibemus ne per monachum quemlibet vel eius servientem, quisquam secularis ad infirmitorium inducatur, vel in eo moretur, quacumque specialis, nisi sit gravis et honesta persona per quam non presumatur scandalum posse oriri vel secretum externum publicari, sub pena gravioris culpe monacho inducenti per priorem indicende. Ne autem mulieres in dormitorio inducantur similibet inhibemus." Evans, ed., \textit{Ely Chapter Ordinances}, p. 33.

\textsuperscript{20} A. Hamilton Thompson, ed., \textit{Visitations of Religious Houses in the Diocese of Lincoln, 1420 to 1436}, Canterbury and York Society, vols. 13-15 (London, 1915), p. 2; hereafter "\textit{Visitations}". Here and elsewhere the Latin is "seculares", which might perhaps be better translated as "lay people", although it includes clerics who are not under a Rule.

\textsuperscript{21} "...et quod nullus vestrum aliquem secularem marem vel feminam in dormitorium aut alia loca claustralia ex industria introduct, aut cum huiusmodi personis colluctaciones habeat vel amplexus", Thompson, \textit{Visitations}, p. 88, Reg. Gray, f. 199.

Some bishops were concerned about lay parishioners attending mass in convent chapels. In 1374 Bishop Wykeham of Winchester wrote to the subprior and convent of Reygate forbidding this practice, saying that it endangered everybody's soul, caused "prejudice, injury and burden to the church," and was also "a pernicious example and scandal to many." He followed this letter with one to the parishioners themselves, admonishing them to attend mass in their own parish church:

Borne by public fame, it has come to our hearing that several parishioners of the parish church of Reygate, of our diocese, on Sundays and other festivals, when they are obliged to attend their parish church to hear masses and other divine offices more devoutly...deserting their own parish church, go to the convent church of the priory of Reygate to hear such divine services...and they presume to congregate there against canonical sanctions, and there, with the morning mass or other special mass scarcely heard by them, they do not fear to turn to taverns, drinking booths, gatherings, and many other profane and shameful things, oh, woe! sliding into many errors, while on account of their absence from their own parish church on the above days they do not learn discipline, they do not know where they go, omitting the things they ought to do and committing forbidden things in serious danger to their souls, creating a pernicious example and scandal.

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24 *Fama publica referente ad nostrum pervenit auditum, quod nonnulli parochiani ecclesie parochialis de Reygate, nostre dioecesis, diebus dominicis et alis festivis, quibus ad eorum ecclesiam parochialem accedere astringuntur, missas et alia divina officia devocios audituri, ecclesiam conventualem prioratus de Reygate et loca aliena ipsorum, ecclesiam propriam parochialem supradictam nequiter deserentes, pro huiusmodi divinis obsequiis audiendo, devociionem amplectentes
Nunneries seem to have been particularly susceptible to the incursions of the outside world, if the number and forcefulness of the bishops' injunctions concerning layfolk is anything to go by. Bishop Sutton's register, from late thirteenth-century Lincoln, contains a letter to the prioress of Markyate, ordering her to prevent any men and women from coming onto the convent grounds and "behaving in an unseemly way". In the archdiocese of York, in 1281, Archbishop Wickwane prohibited the nuns of Nun Appleton from extending hospitality, so that "no sin or scandal might arise." By 1300, Archbishop Thomas of Corbridge could remind the nuns of the same house of the recent rule by Boniface VIII that no disreputable

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25 Hill, *Rolls and Register of Bishop Sutton* 3, p. lxii. These are Hill's words, with a footnote to f. 164, but the entry in question is actually a letter to an archdeacon, "explaining that the apparitor...has acted with unwarrantable lack of evidence in citing all secular persons dwelling in Markyate Priory to appear...on a charge of incontinence." The archdeacon or his official was to discharge those against whom there was no evidence, and to try to protect the priory from scandal: "Auribus nostris insonuit non est diu quod [blank], apparitor decanus de Dunstaple' quasi omnes personas seculares utriusque sexus in prioratu de Markeyate moram trahentes ad loci capitulum pro incontinencia quasi ex studio stimulata, precipue cum super hoc fama nequaquam laboret, citare presumpsit, per quod persone ipse infamate existunt, et domus eadem scandalum ut dicitur iam incurrit." v. 6, p. 16, f. 164.

persons were to be allowed into their cloister. In Rochester, Bishop Hamo's register records an instruction in French in 1340 to the abbess and nuns of Malling to cease admitting lay women (except their own servants) into their cloister, and to expel those now staying there. Neither regular nor secular men were to be permitted to stay.

In many of the registers it is clearly the case that lay persons were actually resident in the convent. Over a century after Sutton, Bishop Grey ruled that the nuns of Burnham must get rid of the lay lodgers in their convent. In 1442, Bishop Alnwick's register records complaints at the Cistercian nunnery of Catesby about laypersons sleeping in the nuns' dorter, and layfolk gossiping about the convent in the neighbourhood; this suggests that there was a twofold concern operating: laypeople were to be feared not only because of their immoral influence, but also for the scandal to which they subjected the convent.

27 "Cum sanctissimus in Christo pater et dominus noster, dominus Bonifacius papa viii, ob certas causas inter alia provide statuerit et onestas quod universe moniales et singule...debeant permanere clausura.... quodque nulli inhoneste persone, de qua habetur seu poterit suspicio ullo modo, nec egiam honeste, nisi racionabilis et manifesta causa existat, ac de illius ad quem pertinet speciali licencia, ingressus vel accessus pateat ad easdem..." William Brown, ed. The Register of Thomas of Corbridge, Lord Archbishop of York, 1300-1304, Part 1, Surtees Society, vol. 138, pp. 38-9, f. 26d.


29 Bishop Alnwick heard evidence at Catesby in 1442 that "secreta domus deteguntur in patria per huiusmodi seculares adventantes." Thompson, Visitations of Alnwick I, p. 47, f. 94. Eileen Power says that the usual rule was "that no secular was to enter after sunset or curfew" (Medieval Nunneries,
Bishops' registers show a concern to keep the world out of the cloisters of monks and nuns alike, but in both cases there seems to be a particular emphasis on the exclusion of worldly women. In 1280, writing to the bishop-elect of Lincoln about the monks of Luffield, archbishop of Canterbury John Pecham says that he has heard that contrary to his ban, some of the monks walk with women in the cloister and neighbourhood of the monastery, and enjoins the bishop to warn these women to stay away, under pain of excommunication. A similar warning was issued by Bishop Baldock to the brethren of the hospital without Bishopsgate in London diocese, in 1303. In 1309 Bishop Woodlock of Winchester enjoined the priory of St. Denys not to allow suspect women in the dormitory, adding that the monks

p. 402); clearly this rule was not kept, as we find Bishop Alnwick enjoining the nuns of Heynings in 1440, to lock their doors at night so that seculars have no access, "vndere payne of fastynge in brede and wat[er] the next Fryday folowyng after the trespace as to the kepere, and absteynyng fro fysche next Wednesday as [to] yow, pryoresse, if ye be recheless in ouerseyng of sperryng of this dores." Thompson, *Visitationes of Alnwick I*, p. 134, f. 23.


31 "Item, quia invenimus quod per Aliciam la Faleyse et Matildem uxorem Thome Bat et per suspectos accessus ad domos suas tam mulierum secularium quam canonicerum approbria scandala et damna sunt ipsi monasterio vestro exorta et illata, ipsas Aliciam et Matildem ab ambitu et claustro domus vestre vel monasterii vestri penitus amovemus, omnem moram infra dictum ambitum et accessum ad eum spectum eisdem interdicens omnino ipsis mulieribus, ne decetero infra dictum ambitum inhabitare vel morari aut ibidem suspecte accedere. Et vobis omnibus et singulis ne ipsas vel earum alteram infra dictum ambitum inhabitare vel commorari aut ipsas receptari permittat[is] sub pena excommunicationis majoris, quam in personas contraveniencium ex nunc proferimus in hiis scriptis, districtius inhibemus. R.C. Fowler, ed., *Registrum Radulphi Baldock, Gilberti Segrave, Ricardi Newport, et Stephani Gravesend*, Canterbury and York Society v. 7 (London, 1911), p. 34, f. 6. Hospitals were treated as monastic houses.
should not talk to women either, "lest scandal to the people arise from this."32

Visiting the Benedictine abbey of Muchelney in 1335, Bishop Ralph of Shrewsbury of Bath and Wells was shocked to find layfolk, including women and girls freely and impudently entering the monastery.33 Bishop Flemyng's injunctions for Huntingdon say that even the women who wash clothes must wait at the gate for the laundry to be brought to them.34 Sometimes the women are named, as in Bishop Grey's injunctions to Bardney, where the monks are to have no women in the cloister or any other inner part of the monastery, "especially Jane Martyn or her daughter";35 or those for Canons Ashby:

Further we forbid you the prior, to hold company or conversation with Jane the wife of John Beg, Jane Berdyng and Katherine Pieris of Ashby...enjoining upon you under pain of


33 "Item extitit in nostra visitatione detectum quod viri seculares sine deletu ac mulieres et puella septa claustri et refectorii vestri monasterii sepius et inpudenter subnimateat". Thomas Scott Holmes, ed. The Register of Ralph of Shrewsbury, Bishop of Bath and Wells, 1329-1363, Somerset Record Society vols. 9 and 10 (1896), p. 195, f. 106. Much of this printed edition is really a calendar of the register, in English, with a few documents transcribed in Latin.

34 "Item quid lotrices vestium non habeant accessum ad loca claustralia pro parmis lavandris recipiendis et reportandis; sed cum venerint lotrices ille, expectent ad portas exteriores prioratus et deferantur eis panni lauandii, et reportentur lauati per alicuam personam secularem et nullatum per canonicos." Thompson, Visitations, p. 74 (Reg. Flemyng, f. 232d).

35 "...quod nullatimus mulieres, et presertim Johanna Martyn aut filia sua, claustrum aut aliqua loca interiora, utpote refectorium, dormitorium vel infirmarium aut eius aulam quoissimodo ingrediantur, nisi sint monachorum matres vel sorores, et tamen non ipse nisi in honesta comitiva ad earum filios et fratres visendos, absque suspicione mali comitancium et non frequenter." Thompson, Visitations, p. 2. We are not told why the Martyns are singled out in this way.
pain of deprivation that you have no communication with them henceforth or bring them or other women in to any recreation in private places within the priory, unless such other women be of so fair fame that suspicion cannot arise concerning them; but not even these, save in public places and in presence of several of your brethren and other persons of good report.  

Other exceptions are made for noble female pilgrims, who should not be turned away. In Archbishop John le Romeyn's register, the canons of Bridlington are told in 1287 to exclude both nuns and secular women, with the exception of noble women, who may not be reasonably refused. Perhaps refusing accommodation to noble women could have been construed as scandalous.

In the case of monks, the issue is often the avoidance of sexual contact; this contact is only implicit in the above quotations, but there are many cases of monks and canons accused of sexual involvement with laywomen, sometimes servants or the wives of monastery servants. An Austin canon of Dorchester, for example, appeared

36 "Preterea interdicensus tibi priori consorcia communicaciones Johanne uxoris Johannis Beg, Johanne Berdyng et Katerine Pieris de Assheby...inungentes tibi sub pena privacionis ut decetero cum eis non communices nec eas vel alias ad aliquis solaciam in locis prevatis infra prioratum introducas, nisi huiusmodi alie mulieres sint in honeste fame quod de illis non possit oriri suspicio; sed nec illas nisi in locis publicis et in presencia pluriarum confratrum tuorum et aliarum honestarum personarum." Thompson, Visitations, p. 31 (Reg. Gray f. 198).

37 "Ceterum quod nulle mulieres ingrediantur clastrum...quacumque occasione, nisi sint nobiles peregrine...." Thompson, Visitations, p. 104-5, Reg. Gray, f. 196. The special position of noble women is discussed below.

38 Register of John le Romeyn, p. 200, f. 61: "Moniales, aut mulieres alie seculares, infra septa monasterii vestri ad hospitandum non recipiantur de cetero; majoribus dominabus, tamen, exceptis, quas sine gravi incommodo non poteritis recusare." Likewise, although women were forbidden to enter Cistercian monasteries, " Innocent IV (1250) allowed noble women to enter, though they were still forbidden to eat meat, or spend the night, in an abbey." Williams, "Layfolk within Cistercian Precincts", p. 111. As is evident from the number of injunctions pertaining to the presence of lay people within religious houses, the enforcement of this rule was often unsuccessful.
before Bishop Alnwick in 1441 reputed to have had carnal knowledge of a woman in the bell-tower.\textsuperscript{39} At the same visitation, the abbot was accused of adultery with five women, another canon of begetting a child, and buying off with a pension the husband of his mistress.\textsuperscript{40} The following year, at another priory of Austin canons, Newnham, the bishop heard complaints about a woman actually living in the house, "whom the canons call their sister, to whom and to her maid-servants and tirewomen the canons often have recourse, and take their ease with them to the scandal of the house; and hereby they are hindered from divine service."\textsuperscript{41} And four years later at the Benedictine monastery of Peterborough, he was told that loose women had easy access to the monastery.\textsuperscript{42}

Sexual contact with worldly women was not, apparently, the same danger for nuns, but clearly secular women were considered problematic nonetheless. In the register of Archbishop John le Romeyn, there is an entry for October of 1291

\textsuperscript{39} "Frater Thomas Henrethe dicit quod fama fuit quod frater Johannes Shrewesbury canonicus cognovit carnaliter quandam mulierem in campanili ecclesie, cuius nomen ignorat." Thompson, \textit{Visitations of Alnwick 1}, p. 69, f. 111.

\textsuperscript{40} "Idem abbas adulteratur cum Johanna Baroun, cum qua erat captus suspecte in camera seneschalli; uxore Johannis Forde; uxore Johannis Roche; uxore Johannis Prest; uxore Thome piscatoris"; "Walterus Dorchester tenuit quandam mulierem nomine Johannah Barbour et eam impregnavit in tantum quod maritus eiusdem voluit eum interficere, et sic tandem concordia ductus habuit ab eo pensionem ut nichil amplius contra eum aget." Thompson, \textit{Visitations of Alnwick 1}, pp. 70-3, f. 111-112 sched. 2. In fairness, we only know of these accusations, not of the truth or otherwise of the allegations.

\textsuperscript{41} "Est quedam mulier manens in prioratu quam canonici vocant sororem suam; ad quam et eius ancillas et pediescas canonici frequentes accessus et cum quibus habent solacia sua in scandalum domus, et per hoc retrahuntur a divinis." Thompson, \textit{Visitations of Alnwick 2}, 235, f. 116d.

\textsuperscript{42} "Item dicit quod idem frater Johannes...induxit in domum suam modo suspecto mulieres suspectas, per quod monasterium pessime diffamabatur." Thompson, \textit{Visitations of Alnwick 2}, p. 291, f. 124d.
recording a licence granted to Lady Margaret de Percy allowing her to stay at Nun Appleton, and Bishop Ralph of Bath and Wells granted licences to three women and their maids to stay at Cannington as paying guests in 1336, and to a fourth in 1354, but many houses were told not to allow secular women and children to sleep in their dorters, and in 1434 Bishop Grey told the nuns of Godstow to exclude a particular married woman and her household, and all other secular women,

43 Register of John le Romeyn, p. 114, f. 40: "Priorisse et conventui de Appelton. Permittimus quod domina Margar't de Percy in domo vestra perhendinare valeat usque ad annum duntaxat, dum tamen familia sua interim alia non fuerit quam honesta." In 1302/3, Archbishop of York Thomas of Corbridge implies that a license is a usual requirement for the admission of secular lodgers when he forbids the prioress of Swine to admit residents without such permission from him. Brown, ed., Register of Thomas of Corbridge, p. 180, f. 105d.

44 For example: "[D]omina apud Banewell concessit Isabelle Fichet perendinacionem cum una domicella usque ad festum Pasche in prioratu de Canyngton." Holmes, Register of Ralph of Shrewsbury, pp. 277, 278, and 744-5; fos. 149, 150, and 431. The editor dilates: "To allow ladies of high degree, when their husbands had gone off on some royal embassy, to spend a few months of quiet in the pleasant shelter of the nunnery — what a lowering of the authority of the prioress, what hopes and fears and recrudescence of worldly vanities among the nuns, what gossiping and scandal." p. xlv.

45 Archbishop le Romeyn's successor, Archbishop Henry of Newark, for example, decreed in 1298 that no secular women be allowed to sleep among the sisters of Swine ("Inter soretes autem mulieres jacere nolimus secularis"). The Secretary of the Surtees Society, ed. The Registers of John le Romeyn, Lord Archbishop of York 1286-1296, Part II, and of Henry of Newark, Lord Archbishop of York 1296-1299, Surtees Society, vol. 128 (Durham, 1917), p. 223, f. 8d.

46 Testimony of the prioress at Nuncotun Priory in 1440 ("Item dicit quod seculares persone iacent in dormitorio prope moniales"), evoked this response from Bishop Alnwick: "...we enioyne and charge yow, prioresse, in virtue of your obedience and undere peyne of grevous conteemple that ye suffer no seculers ministre in the reaytare ne lyg in the dormitory, women ne childerne; ne that ye take ne suffer to be taken any seculare persone to soiourne among yowe wyte specyal leve asked and had of us or our succesours..." Thompson, Visitations of Alnwick 2, pp. 248-252, fos. 71d-72, for example. Other houses are reprimanded for accommodating children or teaching them: for example, St. Michael without Stamford in 1440 and 1442 (ibid., p. 349, f. 83, and p. 352, f. 39d). Clearly the prioress had failed to correct the infractions regarding the lodging or teaching of children which the bishop discovered in the first visit; at the second visit little girls were still being lodged in the dorter. The prioress pleaded infirmity and was suspended.
on the grounds that they were a bad influence.47

We may note here the reference to the women's maids and "household": clearly their servants accompanied lodgers, straining the resources of the convent (although these were paying guests, we do not know about the availability of adequate food, or to what extent their payments covered costs), perhaps disturbing the devotions of the nuns, and increasing the potential for scandal at the same time. Possibly lodgers like these could be difficult to evict; when Bishop Alnwick visited the Benedictine priory of Langley, the nuns complained to him about a boarder, Lady Audley, who brought her twelve dogs to chapel with her. Perhaps Lady Audley was a guest of the prioress, or perhaps her noble status gave her immunity from eviction; in any event the bishop instructs only that she is to remove her dogs from the church and choir.48 It seems likely that throughout the period high social status allowed greater freedom of access to convents of both men and women than that permitted to lower-class persons.49 Certainly it looks as if noble lodgers sometimes misbehaved

47 "Item quod uxor Felmersham cum tota familia sua, et alie mulieres proveciores, cum sint monialibus inquiete et res mali exempli occasione apparatus earum et eis adventanctium, sint a monasterio penitus amote infra unum annum proxime futurum." Thompson, Visitations, p. 67 (Reg. Gray, f. 167).

48 "Fiat monicio directa commissario ad monendum dominam de Audeley de amovendo canes ab ecclesia et choro." Thompson, Visitations of Alnwick 1, p. 176, f. 108.

49 Nuns themselves were often of this class: Early medieval nunneries "were...aristocratic and socially exclusive communities. If girls of humbler origins were admitted at all, it was only in the capacity of servants." C.H. Lawrence, Medieval Monasticism (Harlow, 1989), pp. 216-17. This exclusivity changed over time, with the presence of "burgher daughters" becoming "much more common by the thirteenth century... By the end of the central Middle Ages, entry into all but the most exclusive nunneries was possible for women of upper and sometimes middling status. For a peasant woman, however, the cloistered life was not even a possibility unless her family could enrich itself..." Penelope D. Johnson, Equal in Monastic Profession (Chicago, 1991), p. 17.
with impunity and caused great disruption in religious life, but, unlike the unnamed, and perhaps lower-class, seculars who were often instructed to be removed from nuns' dormers, they do not seem to have been evicted.\footnote{An exception might be the "lady of Waleys", who had had a house built within the nunneries of St. Clement's, York, which Archbishop Greenfield ordered removed or turned to the nuns' use in 1310. ("Ad hoc volumus et mandamus quatinus domum illam quam dicta domina de Waleys infra septa vestri monasterii fieri fecerat, a dicto loco certis de causis citra festum Pentecostes proximo sequens penitus amovatur, et in alios usus vestri monasterii necessarios convertatur." William Brown and A. Hamilton Thompson, eds. The Register of William Greenfield, Lord Archbishop of York 1306-1315, 5 vols., Surtees Society vols. 145, 149, 151, 152, 153 [Durham, 1931-1940], v. 2, p. 81.)} These noble lodgers may well have had ties of blood and patronage with the convents, making it all the easier for them to take advantage of their position.

Much rarer than injunctions about keeping lay women out of religious houses are instructions which specifically mention lay men. One appears in Bishop Alnwick's register, in which a canon of Markby Priory has to promise to stop having secular boys stay with him.\footnote{The testimony of one of the brethren says that "Johannes Kyrlcyby habet secum duos pueros sexum [sic] sustentatos ex cibarüs domus, et dicit ulterius quod domus multum aggravatur per multitudinem talium puerorum." Thompson, Visitations of Alnwick 2, p. 221, f. 84d. In his follow-up written injunctions to the prior, the bishop instructs that no secular males should be allowed to sleep in the monks' dormer ("...quodque nullós masculos seculars ad cubandum vobiscum in dormitorio decetero admittatis"). There is no discussion of any kind of sexual impropriety here. (p. 226)} In the injunctions for Newnham priory in 1442, the prior there too is enjoined to keep secular men, including servants, out.\footnote{"...injungimus vobis priori sub pena excommunicacionis infrascripte ut decetero nullós seculars quantumcunque honestos neque eciam domus servientes aut artifices in refectorio, quod locus est in quo observancie regulares debent observari, commedere permittatis aut cenare, ne quies canoniconum discumbencium turbetur nec collaciones ante completorium impediantur..." Thompson, Visitations of Alnwick 2, p. 237, f. 117.}

Religious as well as lay men were to be kept out of nuns' chambers, according to Archbishop Pecham, whose injunctions for Barking in 1279 include one
saying that, under pain of excommunication, no man, secular or religious, may enter a nun's room unless she is ill, in which case a doctor, confessor, and next of kin may have access to her.\textsuperscript{53} In a similar instruction for the nuns of Romsey Abbey the archbishop adds that nuns may not speak to men beyond the requirements of confession without two companions to ensure that the conversation is not of a corrupt nature; and any nun breaking silence in the cloister with a man should have food taken away from her next meal.\textsuperscript{54} Secular men apparently lodged even in nunneries: in 1442, Elizabeth Wylugby, a nun of St. Michael the Archangel Cistercian Priory, had a child by Richard Gray, who lodged in the house with his wife.\textsuperscript{55}

\textsuperscript{53} "[N]os statuendo adjicimus, ne aliquis homo saecularis vel religiousus cameras ipsas introeat, et hoc sub poena excommunicationis, quam ex nunc ferimus in contrarium facientes, nisi forte, quod absit, tantum esset infirmitorium infirmis aliis oneratum, vel tam miserabilis esset allicuius infirmitas, quod necesse esset eam in aliqua camera collocari. In quo casu confessorem et medicum, patrem etiam vel fratrem dumtaxat ad eam permittimus habere accessum, ita tamen ut omni suspicione exclusa, omniique alio diverticulo denegato, et celeriter redeat sic ingressus." Martin, \textit{Registrum Johannis Peckham}, p. 84, f. 226.

\textsuperscript{54} "Et ut omnis suspicio sustollatur imposterum, ordinamus ut quaecunque monialis cum quocunque homine locutura praeter casum confessionis, secum habeat duas socias colloquium audituras ut vel aedificentur verbis utilibus si tractentur, vel verba mala impediant ne corrupiant mala eloquia bonos mores." "Si quae vero monialis in claustro cum quocunque homine silentium fregerit, in primo sequenti prandio praecipimus ut ei pitancia subtrahatur." Martin, \textit{Registrum Johannis Peckham}, pp. 664 and 663. See also p. 707, f. 233.

\textsuperscript{55} This is one of the rare cases where we find out more about what happened to one of the protagonists. Gray appeared before Bishop Alnwick in the parish church of Wellingborough, where he was charged with and confessed to sacrilege and spiritual incest. His punishment was four floggings around the church of blessed Mary at Stamford for four Sundays, carrying a one-pound candle before the church procession, "being clothed in his doublet and linen garments only", on the last Sunday offering the candle on the altar. On four Fridays he was to perform the same penance in and around the market-place of Stamford, also offering the candle on the last day. After the third Friday, however, he appeared before the bishop to ask for modification of his penance so that he might instead pay twenty shillings to the nuns, and another twenty shillings "to the fabric of the church of Lincoln". The bishop told him to complete his penance as instructed, after which the sentence of excommunication was to be lifted. Richard, not satisfied, appealed to Canterbury, but Bishop Alnwick
It is possible that the poverty of many nunneries made them reluctant to discourage paying guests. Many bishops commiserated with abbesses about the meagre resources, sometimes augmenting those resources by giving the houses livings from newly available lands. Bishops might also act to limit the permissible number of inhabitants in any given house. Bishop Martival of Salisbury, for example, wrote to the abbess of Shaftesbury in 1328, restricting the population of her house to 120, saying that the poverty caused by allowing more nuns than the house could properly support was "a serious prejudice and scandal to your monastery."

obtained Canterbury's permission to proceed against Richard. Accordingly, he summoned him to appear and show why he should not be excommunicated. A proxy appeared before the bishop, a new date was set for Richard to appear, and the final entry is a letter from the bishop to Richard, excommunicating him for having failed to show cause why this should not be done. Thompson, Visitations of Alnwick 2, pp. 352-5, fos. 39d and 129-129d. Thompson notes that "the end of it, if it came to an end at all, is uncertain." Thompson, Visitations of Alnwick 1, p. lx. And we do not know what happened to Elizabeth.

56 As early as 1215, archbishop of Canterbury Stephen Langton was concerned enough to grant the nuns of St. Sepulchre, Canterbury, rent from fifty houses on account of their poverty. Kathleen Major, ed., Acta Stephani Langton Cantuariensis Archiepiscopi 1207-1228, Canterbury and York Society v. 50 (Oxford, 1950), pp. 39-40. The poverty of nuns is also often noted in visitation records. See, for example, Thompson, Visitations of Alnwick I, p. 218, f. 31, in which the Benedictine nuns of Littlemore complain of poverty and the ruinous state of their buildings, and Janet E. Burton, The Yorkshire Nunneries in the Twelfth and Thirteenth Centuries, Borthwick Papers 56 (York, 1979), pp. 11, 24, 25. Many nunneries were also very small: see numbers in David Knowles and R. Neville Hadcock, Medieval Religious Houses. England and Wales (London, 1953). Sometimes a bishop appointed stewards to help the nuns with financial matters; this was much less often done for monks. Bishop Giffard of York (1266-1279) did this for the nuns of Grendale and Basdale in 1267/8. William Brown, ed. The Register of Walter Giffard, Lord Archbishop of York 1266-1279, Surtees Society, vol. 109 (1904), pp. 54, f. 242 and 108-9, f. 482. See also The Register of John le Romeyn, Lord Archbishop of York 1286-1296, Part One, ed. by the Secretary of the Surtees Society, vol. 123 (Durham, 1913), p. xiii and Brown, ed., The Register of William Wickwane, p. 269, f. 68d. For cases where administrators were appointed to help men's houses, see Goodman, ed., Registrum Henrici Woodlock, pp. 523, 598, fos. 152, 175.

57 "Monasterium vestrum tam in capite quam in membris auctoritate nostra ordinaria repetitis vicibus nupperrime visitantes invenimus manifeste montales in tam onerosa et excessiva multitudo contra sanctorum patrum inhibiciones, et canonicas sancciones admissas et viventes ibidem quod bona ipsius monasterii pro sustentacione vestra congrua et aliis vocis et monasterii vestro incumbentibus oneribus supportandis non sufficiebant nec adhuc sufficient sicut legitime nobis constat, immo quod
Nunneries were especially vulnerable to unwanted intrusions from the outside, and some houses were placed in particular danger by their geographical position. As early as 1284, Archbishop Pecham forbade the nuns of Godstow to talk to priests or scholars from Oxford: "...nous defendons...ke nule nonein ne parle a escoler de Oxeneford..." Bishop Grey was concerned in 1434 that Oxford scholars boasted that they could "have all manner of recreation with" the nuns of Godstow. He ordered that nuns might not receive secular visitors in their chambers, and that "the recourse of scholars of Oxford to the monastery be altogether checked and

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deterius est quamplures in dicto monasterio in moniales admissae eciam et velate nichil pro earum sustentaactione de bonis ejusdem monasterii receperunt nec unde victitarent habebant nisi quatenus de suis parentibus et amicis secularibus petebant suffragia mendicata in vestrum dictique monasterii grave prejudicium et scandalum ex hoc interius et exterius suscitarum ac de quo plus dolemus periculum multiplex animarum, super quibus a nobis petivistis instanter et sepius juris remedium oportumum. Affectantes igitur prout officium pastorale nos urget paterna sollicitudine pro viribus hiis mederi, et eciam attendentes quo sanctorum patrum constitucionibus episcopis est specialiter injunctum quod providere curent quot moniales in omnibus necessariis possint competenter de bonis monasteriorum suarum diocesium sustentari nec permittant aliquam ultra numerum illum admissi vel recipi quousque redacte fuerint ad numerum sic provisum." Elrington, ed., Registri of Roger Martival, v. 2, p. 576, f. 231.

58 Martin, Registrum Johannis Peckham, p. 851, f. 239. Note that the archbishop writes to this abbess in French (at the time the language of the nobility), indicating that the practice of addressing nuns in a vernacular began quite early (other entries are in Latin). By Bishop Alnwick's time, it was routine for the nuns to be addressed in English, while male religious were still addressed in Latin. This is often used to demonstrate the decline of Latin literacy among nuns, which, if Pecham may be used in the same way, began long before the fifteenth century. Sally Thompson writes that:

Knowledge and understanding of Latin seems to have presented considerable difficulties. It has been pointed out that in the thirteenth century there are some references to ignorance of Latin, while in the fourteenth century nearly all episcopal injunctions to nunneries are in French. By the fifteenth century the Alnwick visitation records provide evidence of the incomplete comprehension of Latin in some houses, with even the prioress not able to understand episcopal mandates. There is no comparable evidence for such ignorance in the men's houses visited by the bishop.

restrained.” Despite this, the abbess of the house complained to Bishop Alnwick in 1442 that she was unable to prevent students from Oxford from having access to the monastery and the cloister. It appears that students might have been a nuisance elsewhere: the record of Bishop Alnwick’s visitation of Studley Priory in 1445 contains this entry:

It is prayed that the vicar of Bicester, who is reckoned to be of ripe judgment and age and sufficient knowledge, may be appointed as confessor to the convent [which was then without one], and in no wise an Oxford scholar, since it is not healthy [sanum] that scholars from Oxford should have a reason for coming to the priory.

Occasionally entry to houses was forced and violence was done to nuns:

Bishop Flamync’s register records a mandate of excommunication for a group of men involved in an attack at Rothwell in 1421/2. The men broke into the house, abducted and raped a laywoman. When more men broke in a second time, they also attacked nuns, again carrying off the same woman, “in grave scandal to the whole of holy mother church, serious danger to their souls, and dreadful example to many others.”

59 “Nam scolares Oxonienses dicunt quod possunt habere omnimoda solacia cum monialibus, prout desiderare volunt”; and “Item quod accessus scolarium Oxoniensium ad monasterium omnino cohibeat et refrenetur.” Thompson, Visitations, pp. 67, 68 (Reg. Gray, foliation not given).

60 “Domina Alicia Lumley, priorissa, dicit quod non potest cohibere scolares Oxonienses quam ipsa invita habent communem accessum ad monasterium et loca claustralia.” Thompson, Visitations of Alnwick 1, p. 114.

61 “Petitur quod vicarius de Burcestria, qui reputatur mature discretionis et etatis ac competentis scientiae, assignetur conventui in confessorem et nullatus scolaris Oxoniensis, cum non sit sanum ut scolares Oxonienses habeant causam accedendi ad prioratum.” Thompson, Visitations of Alnwick 2, p. 362, f. 26d.

62 “…nunnuli Sathene satellites iniquitatis, ymo sancte matris ecclesie degeneres et eterne damnacionis filii, spiritu ducti ymo seduei diabolico…claustras et loca claustralia fenestrasque et
Before leaving the subject of outsiders in monastic houses, we should note that not all the proscribed visitors were lay. As we shall see below, nuns had to be wary of the clerics entering their premises; religious men, too, were warned about having nuns in their houses. In 1309, for example, Archbishop Greenfield of York admonished the canons of Worksop not to allow nuns from Wallingwells to stay overnight, since "scandal to your monastery is known most manifestly to abound" because of this.63

The "permeable membrane" of enclosure operated in both directions, and there was great concern about religious men and women going outside the house with insufficient reason. The decrees issued after Archbishop John le Romeyn's visitation of Drax in 1295 provided that any canon who went out without leave was

hostia firmata eiusdem prioratus irruptentes [sic] et infringentes, quandam generose et honeste fame mulierem nomine Johannam, sub regimine et gubernacione prioris...et extra dictum prioratum ad quandam domum procul ab omnium hominum conversacione constitutam per vim et violenciam abduxerunt, et ibidem eorum unus...ipsam invitem oppressit nequiter et violavit." Breaking in a second time, the man, with his henchmen, attacked several nuns, "in terram prostrarunt et pedibus suis super eas ambulando inhumaniter calcarunt, vestesque habitum suorum ultra capita sua violenter abstraxerunt, dictamque mulierem quasi raptorem capta preda secum de dicto prioratu extrahentes abduxerunt, in tocius sancte matris ecclesie grave scandalum suarumque grave periculum animarum et aliorum plurimorum perhorrendum exemplum..." Thompson, *Visitations*, pp. 107-8, Reg. Flemyng. n. 1 points out that the attack on the nuns was sacrilege, and therefore a more grievous sin than the rape of the laywoman.

63 "Nuper a quibusdam fidedignis accepimus, non mediocriter admirantes, quod vos moniales de Wallandewill ad conviandum [sic] in domo vestra sepius invitas, et, quod deterius, inhonestius ac periculosius esse noscitur, frequenter eas permissitis infra septa vestri monasterii pernoctare quod in vestri prioris ac suprioris infamiam et monasterii vestri scandalum noscitur manifestissime redundare." Brown and Thompson, eds., *Register of William Greenfield*, v. 4, p. 57, i f. 253.
to be punished, and no canon was to go out and have anything to do with women. In 1422/3, Bishop Flemyng ruled that any monk of Bourne who went out without permission was to be punished as follows:

let him repent and fast each Wednesday and Friday on bread, ale and vegetables, for the first time for one month, on bread for the second time for two months, and on bread and water for the third time for a quarter of a year; and whosoever shall be habitually a transgressor of this our injunction, let him abide in the cloister in silence and take and keep the lowest place in the quire and frater, until he cure himself becomingly and religiously of his disorderly manners.

And in 1432, the Augustinian canons of Caldwell were admonished by Bishop Grey

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64 "Tractatus, autem, aut affatus haberi cum mulieribus et cum suspectis, maxime de quibus apud vos suscitata invenimus scandala, totaliter prohibemus,... Premissa nostra injuncta, in virtute obedientie, sollicitie observari precimus, eorumque transgressores cotidiana diligencia per presidentes in capitulo corripi et puniri". Register of John le Romeyn, pp. 154-5, f. 47d.

65 “[M]andamus quatinus dictum apostatam sic excommunicatum denunciari puplice faciatis". The archbishop heard at Shirwood that “nonnulli vestrum, inobediencie spiritum induentes...viae clausuram penitus derelicta, sine [priori] vel presidentis licencia et contra inhibitionem suam quandoque, nedom claustrum, set eciam septa monasterii egredi non verentur, in animalarum suarum periculum et scandalum plurimorum. Quocirca vobis omnibus et singulis de conventu in virtute obedientie et sub pena excommunicationis firmiter injungimus et mandamus quatinus eiderm priori, dum prioratus fungitur officio, ut pastori vestro spirituali pareatis et intendatis obedienter, humiliter et devote.... Quod si aliqui vestrum sine licencia exire seu vagari presumpserint, illos sub pena predicta inter vos nullatenus admittatis sine licencia nostra speciali." Brown, Register of Thomas of Corbridge, pp. 111, f. 65, and 249-50, f. 147.

66 “Et si quis nostre inunctionis huysmodi transgressor seu violator extiterit, pro prima vice pane, cervisia et leguminibus per unum mensem, pro secunda vice pane per duos menses, et pro tercia vice pane et aqua per quarterium anni, singulis quartis et sextis feris peniteat et ieiunet; et si ex consuetudine nostre inunctionis huysmodi quis transgressor extiterit, claustrum teneat in silencio et in choro et refectorio novissimum locum habeat et teneat, donec de suis inordinatis moribus honeste et religioso se emendet." Thompson, Visitations, p. 9. “Quire and frater" is Thompson’s translation of “choro et refectorio": choir and refectory.
against "riding abroad too often". Bishop Flemyng's injunctions for Kyme in 1422 show the limitations of monks' physical freedom:

Also we will and ordain and strictly enjoin under the penalties written beneath that no-one of the canons of the said priory go out of the cloister precinct to the outer precinct, and also that no-one go outside the outer gates of the priory aforesaid to the woods or to take a walk elsewhere for the sake of refreshment; unless he have licence of the prior...and be in company with one canon appointed to the same, that he may bear witness to his behaviour.

The "penalties written beneath" are fasting on Wednesday and Friday on bread, beer, and vegetables for a month for the first offence, fasting on bread and beer for two months for a second offence, and fasting on bread and water for a third.

Monks sometimes got up to no good while they were wandering about away from their houses. In 1313, Archbishop Greenfield's register records a penance given to a monk of Bolton Priory who had left the cloister, dressed in secular dress, and, in league with others, had been poaching, "to the scandal of many".

Sometimes monks had political reasons for leaving their house. In June of

67 "Item iniungimus et mandamus tibi, prior, in virtute obedience et sub pena contemptus, ut a nimis frequenti equitacione ad exteriora te penitus abstineas..." Thompson, Visitations, p. 27 (Reg. Gray, f. 200d).

68 "Item volumus et ordinamus ac sub penis subscriptis fimiter iniungimus et mandamus ut nullus canonicerorum dicti prioratus exeat loca clausura ad loca exteriora, nec eciam portas exteros prioratus predicti ad silvas vel ad speciandum alibi pro recreacione habenda; et hoc nisi de licencia prioris...et cum uno socio canonico qui testis conversacionis sue existat..." Thompson, Visitations, p. 80 (Reg. Flemyng f. 234d).

69 "Quia frater Willelmus de Appelton...contra debitem [sic] obediencie veniens nuper cum quibusdam suis complicitibus temerarie habitum secularem assumens de domo vestra noctanter exivit et ad parcum domini Willelmi le Vavasour cum eisdem suis complicitibus causa mali perpetrandi se contulit in sue salutis dispensandum, religionis obprobrium et grave scandalum plurimorum, in sentenciam canonis ex temeraria mutacione habitus damnableiter incidendo." Brown and Thompson, eds., The Register of William Greenfield, v. 2, p. 140.
1298, Archbishop Winchelsey ordered his official in Ely to report the names of those monks who had left their monastery because of a dispute over an episcopal election. Their wandering about was "a disgrace to religion and a scandal to many." (These were probably the same monks who had earlier scandalized the monastery by participating in a conspiracy over the same election.) In July Winchelsey ordered his official to threaten the monks with excommunication if they did not go back to their house within three days, saying again that they were causing scandal to their order. This house continued to trouble the archbishop. Four years later his register records another warning to the prior not to permit his monks to go

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70 "Intelleximus nuper quod quamplures monachi ecclesie Elyensis occasione electionis in discordia celebrate non optenta prioris sui licencia sed con tempta pocius obediencie disciplina ninis frequenter se absentant, et per diversas patrias ipsius monasterii sumptibus non tam periculose quam in honeste nequiter devagantur in religionis opprobrium et scandalum plurimorum. Quocirca vobis mandamus firmiter injungendo quatibus de personis et nominibus rebellium monachorum sic discurrenecium cum omni diligentia secures inquirentes nobis eorundem nomina quancieius poteritis celeriter rescribatis." Graham, ed., Registrum Roberti Winchelsey, p. 259, f. 244v.

71 The archbishop had written to the prior and monks two months before: ".... Et vester zelus utinam bonus in melius exemplum transeat aliorum. Ad hec quia quidam de vestro capitulo spiritu diabolico excitati ab unitatis tramite recedentes cismata et conjurationes non absque magno scandalo inter vos ut recepiimus suscitarunt, tenore presencium monemus primo secundo et tertio peremptorie a tempore noticie harum litterarum cujus tempus non paciatur plenius deliberandi consilium omnes et singulos hujusmodi conspirationem cismata aut conjurationes facientes procurantes vel consensientes, eisdem clam vel palam quod hujusmodi depulsi erroribus juxta sane conscientie rectitudinem ad canonicam eleccionem procedant." Graham, ed., Registrum Roberti Winchelsey, p. 255, f. 243v.

72 "Ne monachi Elyensis sub colore eleccionum factarum nuper ut dicitur in discordia in ecclesia Elyensi de diversis personis, aut alis quiesitis coloribus insolenter ut jam fieri dicitur in eorum periculum et sue religionis scandalum evagentur, ac per hoc obedienciam suo priori seu locum ejus tenenti consuetam et debita impudenter effugiant, nobis ad id remedium oportunum adhibere studentibus prout nostro incumbit officio videtur expendiis et honestum, ut electi memorati et electores eorum in prosecucione suarum eleccionum hujusmodi temporibus aptis multiitudinem monachorum nullatenus secum ducant, sed procuratores dumtaxat et testes ad id necessarios cum testium eorundum presencia in negociis ipsis." Graham, ed., Registrum Roberti Winchelsey, pp. 263-4, f. 246.
Some monks who left the monastery did so in apostasy — abandonment of religious life. Wandering about and abandoning not only the religious house but also the religious habit was scandalous, as Archbishop Greenfield noted in a mandate to his official to publish the excommunication of one such monk in 1308.74

There are many letters from bishops to the priors or abbots of men’s houses, ordering them to take apostates back, like lost sheep that have been found, and to treat them kindly. Pecham, for example, orders the abbot of Bardney in 1280, under pain of excommunication, to admit certain monks, “in fraternal charity”.75 In an undated entry in Archbishop John le Romeyn’s register, an apostate conversus of Newburgh is to be readmitted and sent to work on the land. His penance is one of fasting, and he is to receive three “disciplines” weekly. If he rebels against this punishment, he is to be stripped of his habit and expelled from the house with no

73 “Ne continuatis erroribus ex levibus discursibus monachorum vestrorum in hac vacacione sicut in proxima precedente scandalum vehementius generetur, discretionem vestram monemus et hortamur in domino quatinus monachalis modestie honestatem caucus preservantes fratibus vestris inhibeatis districtius ne in hac vacacione leviter exeat vel discurrat, set nisi subit causa necessaria vel evidenter utilis vestre ecclesie exequia licenciam omnino denegetis eisdem.” Graham, ed., Registrum Roberti Winchelsey, p. 432, f. 285v.


75 “Et licet per certificatorias literas vestras per eundem procuratorem, nobis missas, affectione multiplici promitteretis vos praefatos monachos in caritatem fraternal admittere”. Martin, Registrum Johannis Peckham, p. 103, f. 167b.
hope of returning. The prior of Caldwell is instructed by Bishop Grey to receive an apostate monk who has changed his mind. The repentant monk has been absolved by the bishop from his sentence of excommunication, and the prior is to enjoin upon him "according to the canonical statutes a healthful penance in keeping with the measure of his fault, and [to] treat him with brotherly love". Likewise, the abbot of Bourne is urged by Bishop Alnwick in 1440 to readmit an apostate canon and treat him "in fatherly wise and with brotherly love,...that you may have joy, he of his return to the fold of the Lord, you of your prodigal son that was lost and is found."

Just as the concern about women coming into the monastery was mainly for the avoidance of sexual contact, so the anxiety about monks and canons going out often had the same basis, not without some justification. There are a great many (too many to cite them all) references to the incontinence of religious men of all orders and ranks. An early one is found in Archbishop John le Romeyn's register, which records in 1286 a notice of the purgation of the prior of Thurgarton, who had

76 "Item, ordinando decennimus quod frater Rogerus de Soureby, domus vestre conversus, qui sub religioso habitu in seculo duiusius vagus exitit inhoneste, penitens admittatur ad domum...qui quarta et sexta feria, pane, cervisia, et leguminibus tantummodo sit contentus Tres, eiam, disciplinas in ebdomada recipiat.... Quod si forsan rebellis fuerit in premissis, seu minus bene se habuerit in posterum, subtracto ei habitu expellatur a domo absque spe perpetua revertendi." Register of John le Romeyn, pp. 161-2, f. 50d.

77 "...et eidem iuxta canonica statuta pro modo culpe penitenciam nostra auctoritate injungeret salutarem, ac ipsum fraterna caritate preractaret..." Thompson, Visitations, p. 29 (Reg. Gray, f. 182).

cleared himself of such a charge.79

Archbishop of Canterbury Robert Winchelsey's register records the 1298 case of Robert of Swaffham, a monk guilty of incontinence. His crimes were so enormous and notorious as to bring disgrace upon his fellow religious. "Because," the archbishop writes, "the evidence of such great excesses introduces no little scandal against religion and the brothers," Robert is to be imprisoned, and not to be released without the archbishop's permission.80

A later superior, the abbot of Eynsham, was summoned to appear before Bishop Grey in 1433/4, charged with "adulteries, fornications, incests and rapes". The enquiry took place later that year in front of the bishop's official Robert Thornton, but we do not know the outcome of this case.81 When Bishop Alnwick

79 "Noverint universi quod...in visitacione nostra, quam in cenobio de Thurgerton...fratrem Gilbertum, prioris loci eiusdem, super incontinencia de Margaria, uxore Reginaldi Canun de Loundham, invenerimus non leviter diffamatum, eidem purgacionem canonnicam super incontinencia huiusmodi indiximus coram nobis, qui, cum suis compurgatoribus coram nobis se exhibens suo die, de eadem incontinencia publice et solenniter se purgavit." Register of John le Romeyn, p. 245, f. 69d. Because he purged himself, that is, he appeared with the designated number of witnesses to testify to his innocence, we cannot know if he was really guilty or not. So it is with many cases.

80 "Litteras vestras recepimus quibus nos consulere curavistis qualiter agendum sit in correccione fratris Roberti de Swaffham commonachi vestri super incontinentencia crimine tam enormiter et notorie in religionis vestre opprobrium deprehensi... Verum quia tam enormi excessus evidencia contra religionem et confratres non modicum scandalum introducit, volumus et mandamus firmiter injungendo quod idem frater Robertus a confratrum suorum communique totaliter sequestratus per vos carcerali custodie districcius mancipetur, a qua sine nostra speciali gracia ipsum nolimus liberari; aliis penis condignis tanto proportionatis delicto per vos secundum regulares observancias nichilimonis feriendus, ita quod vindicta ex equo excessui respondente idem et ceteri a tantiis offensis et dissolucione deinceps cohieantur formidine debite ulcionis. Hanc eciam nostram epistolam vestris confratribus in capitulo vestro ex injuncto publice recitantes." Graham, ed., Registrum Roberti Winchelsey, p. 275, f. 249v.

81 Thompson, Visitations, pp. 59-63 (Reg. Gray, fos. 153, 158, 168). Clearly Eynsham worried the bishop; several documents (letters, citations, injunctions) are devoted to the scandalous behaviour of its abbot and others. (This was a notorious house. Bishop Philip Repingdon also reported trouble with Eynsham in 1417. See Margaret Archer, ed., The Register of Bishop Philip
visited Bardney in 1437, he heard charges of adultery and incest against the monk John Hole. Simple fornication was also incest in this case in its spiritual aspect, as "an offence against the monk's sacred calling." His fellow, John Bracy, was also charged with adultery with a married woman. Both were to clear themselves with other monks. The following year, Bishop Alnwick visited Markby, where he saw Brother Thomas Dryby, accused of having relations with Margaret Porter, a woman of the village. Apparently the relationship was a long-standing one, since Margaret was the mother of his two children. Unable to deny guilt, Thomas promised to give Margaret up, and was given a penance of fasting every Friday and Wednesday until St. Martin's Day, "upon bread, beer and one kind of vegetables, and that before next Michaelmas he shall say twelve times in cloister six psalters of David in equal

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*Repingdon 1405-1419*, 3 vols. [57, 58, Hereford, 1963; 74, 1982], v. 1, p. xxxviii [referring to an entry for June, 1417, found v. 3, pp. 247-8, f. 193*].) In words that he uses whenever a similar occasion demands (as in his letter to the prioress of Godstow, see below), Bishop Grey says:

It has very lately come to our ears, which we relate with sorrow, that the said abbot and convent, having blackened the bridle of obedience and the reins of chastity, returning as dogs untamed to the lust and vomit of their former life and plunging back into the mischievous state of disobedience and contempt...

("*Ad aures nostras, quod dolenter referimus, nuperim pervenit quod dicti abbas et conventus, freno obedientie et pudicicie habenis laxatis, ad prioris vite sue luxum et vomitum ut canes indomiti revertentes ac in inobediencie et contemptus pemiciem resilientes...*")

and so on, p. 61 (Reg. Gray f. 158).

82 "Object [John Hole] eciam sibi crimen adulterii et incestus cum Johanna Raven de Bardeney coniugata; que...negat.... Item object fratri Johanni Bracy crimen adulterii cum Elena Cok, nuper de Bardeney, nunc de Tumby, coniugata." Thompson, *Visitation of Alnwick I*, p. 11, f. 32. Sexual relations with one with whom the monk had a spiritual affinity (such as a goddaughter, or a woman whose confession he had heard) would amount to incest.

Bardney seems to have had a particularly reprobate trouble-maker, Thomas Bartone, who was charged with various offences at visitations in 1437/8; imprisoned by the abbot and later released and pardoned, but enjoined to stay in the cloister in 1439 (pp. 25-28, f. 17; failing to present his accounts and general dissolute living in 1444 (p. 33, f. 24).
Bishop Alnwick’s diocese (Lincoln) was much troubled by misbehaving monks. In a case at Peterborough in 1446, the abbot was defamed with three married women living nearby, whose husbands he had bought off with positions, leases, and so on. (He was accused of many other transgressions as well, such as spending monastery money on women. So lax was his administration of the monastery that the bishop ruled that a committee of four monks and the abbot be instituted to govern the convent.) Alnwick ordered the abbot to remove the women, on pain of excommunication, and to have nothing further to do with them, and allowed him to make purgation with the prior and seven of his brothers. This case is most unusual in the registers because it tells us what happened to two of the women. Margaret Clerk denied having committed adultery and incest with the abbot. The bishop told her husband that, in the interests of preserving the abbot’s reputation and of avoiding scandal, the couple must move away from the vicinity. Alice Parker also denied the charge, and her husband posted a bond of £40, with the condition that he, too, would remove his wife from the neighbourhood.

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83 “[H]abet in penitenciam quod omni vi et iiiij feria de hinc usque proximum festum Sancti Martini in yeme ieiunet in pane, cervisia et uno genere leguminum, et quod, citra proximum festum Michaelis dicat in claustro ad duodecim vices sex psalteris Davitica equaliter.” Thompson, *Visitations of Alnwick* 2, pp. 220-224, f. 84.

84 Testimony from various men includes: “Item dicit quod abbas notatur super gravi crimine adulterii cum Margareta uxore Willelmi Clerk commorantis ad portam exteriorem monasterii et cum Alicia uxore Willelmi Parker de Iveybur.” The abbot’s incontinence, according to another brother, is the cause of gossip: “propter quod dicit monasterium fore graviter apud omnes diffamatum.” The bishop ruled that “ipse mulieres procul a monasterio eliminarentur,” and that the abbot “ab omni communicacione, [et] confabulacione...cum dictis mulieribus penitus et omnino se abstineat.” William and Margaret are to move away: “Willwilmus et Margareta a loco habitacionis sue, qui locus est
Not all the sexual sins of monks had to do with women, although there are few explicit references to same-sex activity. There are a few admonitions to monks to remove the secular boys and men from their premises, such as that at Markby cited above (p. 157), which could be implicit condemnations of such activity (or simply an awareness of the potential of both the sexual sin and the scandal it could occasion), but in these registers I have found only one clear case of sodomy. This occurs in Bishop Alnwick's register for 1440, which records the visitation of the collegiate church of Blessed Mary of Leicester. The dean,

says upon examination that master John Dey, canon of the place, is defamed of the vice of sodomy with Thomas Craven, chorister in the same, who has confessed, and with one of the surname of White, a canon of Repton, and with Henry Cravene, and with John Burley, a chorister, to some of whom he gave long boots that they should conceal such offences; and he is a common haunter of the public taverns, even to drunkenness and vomiting.

85 In the bishops' registers, there are many decisions made by the editors about what to translate, what to condense, what to quote at length. Thompson's editions of the Lincoln registers 1420 - 1449 are complete, in Latin with English translation on facing pages, with the frustrating exception of this case, parts of which the editor, in deference, one supposes, to the sensibilities of 1919 (the year of publication), excises, saying: "The only omission which, after taking competent advice, [the editor] has thought it advisable to make is that of a portion of an examination of witnesses made at the Newark college, Leicester...relating to the particularly heinous crime of which John Dey, one of the canons, stood accused." Thompson, Visitations of Alnwick 1, p. v.

86 "Dominus Willelmus Walesby, decanus...examinatus dicit quod magister Johannes Dey, canonicus loci, notatur super vicio sodomitico cum Thoma Craven, chorista ibidem, qui confessus est, et cum quodam cognominato White, canonicus de Repyngdone, et cum Henrico Cravene, et cum Johanne Burley, chorista, quorum aliquibus dedit longas caligas ut celarent huiusmodi peccata; et est communis sectator tabernarum publicarum usque ad ebrietatem et vomitum." Thompson, Visitations of
The choristers appeared and testified to Dey’s sexual crimes, and he did not deny the charges. He was deprived of his canonry and prebend. Curiously, it was not the sodomy but other transgressions with which John Dey was charged that were considered scandalous: the fact that he was “a haunter of the public taverns in the town of Leicester” caused “grievous scandal [to] the...college and his brethren thereof.” He was also accused of allowing his dwelling to fall into disrepair because of his indulgence in gluttony.

Occasionally, monks were charged with other scandal-causing sins such as theft, as in the case of certain monks of St. Augustine’s, Canterbury, who had appropriated tithes due to the master and brothers of the hospital at Maidstone, in 1308, causing “danger to their souls, prejudice to the master and brothers, and scandal to many.” Sometimes the offences are not mentioned specifically; in

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Alnwick I, p. 188, f. 100.

87 This is the testimony omitted by Thompson, found in Lincolnshire County Archives MS Vj/1, on f. 103.

88 “...ab ipsis canonicatu et prebenda ac eorum possessione ob immanitatem et in detestacionem criminis huiusmodi privandum et finaliter amovendum fore pronunciamus, decernimus et declaramus...” Thompson, Visitations of Alnwick I, p. 197, f. 102d.

89 “Item dicat quod magister Johannes Dey, canonicus, etc., est tabernarum publicarum in villa Leycestrie frequentator in grave dicti collegi scandalum et suorum confratrum.” Thompson, ed., Visitations of Alnwick I, p. 198, f. 103 sched. (on small leaves inserted in the MS between fos. 102 and 103). Also: “Magister Johannes Dey non reparat debite mansum suum canonicalem, quia irreparabilem quasi minatur ruinam; nam omnia sua consumit, ingluvies continue indulgendo.” p. 189, f. 100r.

90 “...item de quodam loco qui vocatur Untelming infra dictam parochiam constitutis et ad prefatam ecclesiam spectantibus duobus autumnis proximo nunc preteritis spoliarunt, endemicque spoliationem hucusque continuare damnabiliter presumperunt in animarum suarum periculum, dictorumque magistri et fratrum prejudicium ac scandalum plurimum, prout hec tam apud nos quam apud alios quasi per totam nostram diocesim Cantuariensem ita notoria existunt quod nulla poterunt
many cases we are told simply that a certain person has transgressed against the rule. Such transgressions could cause scandal. To minimize the scandal in one such case in 1306, Archbishop Greenfield of York instructed that Henry of Belton be sent away from his own house of Selby, to another of the order.91

Just as the bull *Periculosus* (1298) of Boniface VIII ruled that no secular persons should have access to the inside of nunneries, so it sought to ensure that nuns stayed inside their walls. (Even before the bull, Archbishop Pecham worried about the nuns of Romsey Abbey going into the town and eating and drinking in private houses; he laid down conditions under which nuns might go out.)92

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91 "Sane monasterium de Selby, ordinis beati Benedicti, nobis subjectum, nuper, prout ad nostrum spectat officium, visitantes, invenimus fratrem Henricum de Belton', ejusdem monachum, in illo loco non solum non fecisse dignum fructum, verum eciam, quod dolentes referimus, gravia et enormia et observancie reguli prorsus contraria commississe, super quibus eciam in clero et populo scandalum vehemens est exortum. Quapropter nos eundem fratrem Henricum de Belton' ad cellam vestram de Romeburgh' ejusdem ordinis decrevimus destinandum, inter commonachos vestros ibidem ad tempus pro nostro moderatorum arbitrio sumptibus domus de Selby, quos annuam ad iij marcas taxamus, si eas recipere volueritis et debeatis, moraturum, et facturum penitenciam infrascriptam quosque emendacione condigna et sua conversacione fructuosa poscente de statu suo aliud duxerimus ordinandum." Brown and Thompson, eds. *The Register of William Greenfield*, v. 2, p. 15.

92 A nun eating and drinking in Romsey is to be suspended from entering the church; likewise those who provide her the food and drink. ("...praecipimus vobis ne eundo vel redeundo domum aliquam in villa de Romeseia ingredi praesumatis, nec comedere nec bibere in eisdem.") A nun might only go out for a good reason such as the imminent death of her parents; the destination might not be far distant; nuns should not lodge in houses of male religious, since this breeds scandal; a trustworthy companion must accompany the nun; she should return quickly, and if she is found to have sinned, it should be a long time until she is permitted to go out again. ("Primo, ut ex sola causa necessaria et inevitabilis emitantur, ut est praecipue imminens mortem parentum... Secundo, ut ad locum non multum distantem sed propinquum et ab omni suspicione remotum penitus destinentur. Caventes omnino ne cum monachis vel canonicis seu in religiosorum domibus aliis hospitentur, pro eo quod saecularium malicia famam frequenter talium facilius dehonestat. Tertio, ut nulla exeat nisi cum..."
bishops promulgated *Periculo so* widely,\(^3\) demonstrating much more concern about the enclosure of nuns than that of male religious, but it appears to have had little effect, since injunctions concerning wandering nuns appear in great numbers in the registers for the next century and a half. Bishop Simon of Ghent of Salisbury (1297-1315), for example, wrote to the Abbess of Wilton, instructing that nuns should not go visiting outside the convent or receive visitors inside it, and saying that this is according to the directions of the papal bull. And to the Abbess of Shaftesbury he wrote in 1309 that in no way was she to permit nuns to go out.\(^4\) The bull is also the subject of a letter from Archbishop Thomas of Corbridge to an archdeacon at

\(^3\) In a footnote to a memorandum from a meeting of bishops at Canterbury, where "[consensum etiam excitit...quod ad clausuram monialium procederet, prout dictus dominus archiepiscopus asseruit se fecisse, precipue quia dictum fuit quod quidam erant in veniendo de curia Romana ad explorandum qualiter statutum de clausura predicta et alia per nunc pапam edita fuerint observata", Powicke and Cheney note that Archbishop of Canterbury Robert Winchelsey "supplied the nuns of Sheppey with a copy of the bull 'Periculo so' and an order for its observance, probably before Nov. 1299 (Reg. R. Winchelsey, v. 2, pp. 846-8). The bishop of Salisbury published it for nunneries in his diocese, 28 Nov. 1299 (Reg. S. de Gandavo, v. 1, pp. 10-13, 109-10); cf. Reg. G. Giffard, v. 2, pp. 515, 517. The bishop of Lincoln ordered his archdeacon to distribute copies of the bull and enforce it, 17 June 1300, and recited it at his visitation of nunneries (Reg. mem. J. Dalderby, fos. 9-10, etc.). For attempts at enforcement in the northern province see Reg. T. Corbridge, v. 1, pp. 38-39 (18 Nov. 1300), 79-80, 209." (Some of these are discussed below.) Powicke and Cheney, *Councils and Synods II*, II, p. 1205, and n. 3.

York, written in January of 1302/3, saying that nuns of the diocese frequently go out alone without permission, which is against the rules, endangers their souls, causes scandal, and is in contempt of the pope. The archdeacon is to enforce the bull.95

Three decades later the Bishop of Bath and Wells, Ralph of Shrewsbury, was distressed by the same behaviour in some of the Augustinian nuns of Whitehall. He writes to the rectors of Lymington and St. John, Ilchester, saying that

[i]t has come to our ears that certain sisters of the same house walk through the streets and places of the vill of Iuelcestre and elsewhere, the modesty of their sex being altogether cast off, and they do not fear to enter the houses of secular men and suspected persons. We therefore command that you enjoin penance on those whom you shall find guilty.96

Ralph's contemporary Hamo of Hythe, Bishop of Rochester, warns the nuns at Malling in 1340 that they must not "aler ou issir hors de vostre abbye countre les estatutz de seyntz peres ou countre nos enjunctions."97

95 "Verum quia ad nostram noticiam iam pervenit quod de dicto mandato nullus est hactenus subsecutus effectus, immo, ut dicitur, nonnulle moniales frequenciis solito contra formam eis prescriptam extra sua monasteria evagantur, et seculares personas de quibus habetur suspicio, alias [sic] eciam sine nostra speciali licencia, in domibus suis receperunt, in dicti statuti et nostri, immo verius ipsius domini pape contemptum, animarum suarum periculum et scandalum plurimorum...eas ad observanciam eiusdem canonice compellatis". Brown, Register of Thomas of Corbridge, pp. 79-80, f. 45. There are a great many examples of this kind. Bishop Woodlock, for instance, in 1309 tells the nuns of St. Mary's, Winchester, that they may not go out, "constituzione bone memorie domini Bonifacii pape octavi de egressu monialium quantum possibile est inviolabiliter observata." Goodman, ed., Registrum Henrici Woodlock, p. 516, f. 150v. Archbishop Greenfield warns the nuns of Hampole in 1308 of the scandal caused by nuns wandering about with secular persons outside the monastery ("[Q]uia didicimus quod aliquo vestri monasterii moniales septa domus eujusdem exunctus extra suum monasterium cum secularibus in ordinis scandalum evagantur pro libito voluntatis, priorisse licencia non obtenta...") Brown and Thomspson, eds., Register of William Greenfield, v. 3, p. 139, f. 200d.

96 The editor does not provide the Latin for this entry, which is from 1335. Holmes, Register of Ralph of Shrewsbury, p. 241, f. 127.

97 Johnson, ed., Registrum Hamonis, p. 736, f. 212.
In the next century, Bishop Alnwick, visiting the Cistercian priory of Nuncoton in 1440, heard complaints that nuns were going out into the country to visit friends, and staying away too long. In the injunctions for St. Michael without Stamford, visited in the same year, the bishop tells the prioress that she must correct abuses, and not allow nuns to visit friends for more than three days.\(^98\) Apart from social reasons, nuns might legitimately leave the convent in case of illness.\(^99\)

Some nuns abandoned the religious life altogether and became apostate. As with monks and canons, their superiors were urged to take them back if they were repentant and wished to return. Archbishop John le Romeyn’s register for 1286 contains a mandate to the prioress of Sinningthwaite to receive such a nun mercifully, and to assign her a salutary private penance.\(^100\) This Archbishop’s successor, Henry of Newark, instructs the prioress of Keldholme to welcome back an apostate nun, Christiana of Stillington, who had left the house twice “at the

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\(^{98}\) The nun Margaret Mortymere testified that “quando ipsamet visitavit patrem suum, stetit cum eo per unam septimanam de licencia priorisse...” The prioress’s instructions: “Item iniuixit priorisse quod non licenciet aliquam monialem visitare amicos suos ultra tres dies in sanitate, et quod infra sex dies reducat eas ad domum si infirmentur.” Thompson, *Visitations of Alnwick 2*, p. 349, f. 83d.

\(^{99}\) Thomas of Corbridge permits this in a letter to the prioress of Swine in 1302/3: “Cum dominus papa in sua nuper de statu monialium edita constitucione permittat quod ille sua monasteria licite valeant egredi, que tanto et tali morbo laborant quod infra ea non possunt cum aliiis absum gravi periculo seu scandalo commorari; placet nobis quod domina Josiana de Anelacby, nuper priorissa domus predicte, in casu predicto ut accepinus constituia, ad tempus juxta tenorem et effectum constitucionis predicte licite exire valeat ad recuperandum graciam sanitatis; adjuncta sibi aliqua commoniali sua pro socia de qua sinistra suspicio non habetur.” Brown, *Register of Thomas of Corbridge*, p. 181, f. 105d.

\(^{100}\) “[N]unjungimus et mandamus quatinus prefatam Agnetem, commonialem vestram, ad vos contrite et humiliter redeuntem, ad sinum misericordie admittatis”. *Register of John le Romeyn*, p. 49, f. 26.
instigation of the devil”, and to give her a penance according to the discipline of their order.¹⁰¹ (Under the Benedictine Rule, the nun would be given the last place in the convent, for the first, second, and even third readmissions, after which return would not be permitted.)¹⁰²

Henry's successor, Thomas of Corbridge, writing to the prioress of Arthington, says that Elena of Castleford had come to him, confessed her sins and been absolved, and is to be readmitted to the convent.¹⁰³ Archbishop Thomas’s register also records in several documents from 1303/4 the case of Constance of Pontefract, a nun of Arthington, who, “decepta blandiciis”, had left her house (in scandal to her order) and wandered about the world. Thomas says that for her sins she must do penance according to the rule of the order (there is no other way to save her soul), on pain of excommunication, and enjoins her prioress, also on pain of excommunication, to receive her, rejoicing over the lost sheep that is found, and without anger, indignation, or rancour. This nun was actually excommunicated, but

¹⁰¹ "Cristiana de Styvelington mulier intelleximus referente quod licet in...velo religionis assumpto vitam regularem professa fuisset, ac post tempus professionis huissmodi, instigante diabolo.....monasterium bina vice.... Inuncta sibi pro modo culpe penitencia salutari secundum vestri ordinis disciplinam; vos monentes et ehortantes quatinus eandem inter vos recipere satagatis modis omnibus...” This entry is incomplete. Registers of John le Romeyn, v. 2, and of Henry of Newark, pp. 326-7, f. 61.


¹⁰³ “Venientem ad nos Elenam de Castelford, commonialem vestram, latricem presencium, quam audivimus de peccatis suis super quibus nobis humiliter est confessa, ad vos remittimus absolutam; mandantes quatinus caritate sincera ad statum quem ante recessum suum a vobis inter vos tenere solebat admittatis, et amicabiler in omnibus...tractetis eandem”. Brown, Register of Thomas of Corbridge, p. 57, f. 35d.
still Thomas urges her sisters to admit her, indicating that she will be forgiven. It is both a scandal to the order and a danger to the souls of nuns for any of them to roam about in the world, he tells the prioress and convent of Swine in 1302/3, in a letter telling them to readmit Alice Darel. The prioress writes seeking his advice, since she thinks that to admit Alice will do more harm than good; we do not have his reply. Later that year, he tells the prioress and convent of Hesseholt not to allow back the nun Beatrice, until she has received the grace of readmission.

Bishop Sutton's register contains the case in 1291 of a Godstow nun, Agnes of Sheen, who was abducted from a cart in which she was riding. This turned out to be an elopement rather than a kidnapping, and the bishop orders Agnes, as well as

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104 In a letter to the dean of Pontefract, the archbishop says that Constance "exvit in ordinis scandalum et anime sue interitum, in seculo periculosus evagando", and assigns him to enjoin penance upon her. In a second letter, to her prioress and convent, he asks them to receive her: "[P]rimitur injungimus et mandamus quatinus prefatam Custanciam, cum ad vos domum suam venerit petitura, juxta regularem observanciam in caritatis visceribus admittentes, et de invencione ovis perdite precordialiter gratulantes..." Brown, Register of Thomas Corbridge, pp. 101-3, 105-6, 108, fos. 58d, 61d, 63. The latter two entries set out Constance's excommunication, urge her to return home, and again order Arthington to receive her. Cluniac houses such as Arthington followed the Benedictine Rule.

105 To the prioress and convent: "Si Alicia Darel ad vos humiliter et contrite redierit, injungendam sibi secundum disciplinam ordinis, que in regula vestra traditur penitenciam subitura, ipsum in forma huiusmodi admittatis. Quod si dictam penitenciam subire noluerit, quia tamen ne pereat nec in ordinis scandalum in vestrarum ipsiusque animarum periculum in seculo diuicius evagetur..." The prioress replies: "Ad sinum igitur vestre paternitatis confugimus genibus flexis unanimiter implorantes humiliter et devote quatinus super forma recepcionis sue et penitencie sibi injungendae... [P]ro amore Crucifixi pro pace reformanda unanimiter vos rogamus ut si hoc fieri posset via aliquam, ipsum alibi dignemini collocare." Brown, Register of Thomas Corbridge, pp. 181-2, fos. 105d and 107.

106 Brown, Register of Thomas Corbridge, p. 95, f. 55d. This woman is said to have been taken ill at her father's house, but the archbishop warns that she is not to go gadding about and that until "graciam obtinuerit revertendi, in domum predictam admitti inhibuit."
other runaway nuns, and anyone aiding their escape, to be excommunicated.\footnote{107 \"[N]ostris est auribus inculcatum quod Agnes de Schene ac Johanna de Carru...moniales professe monasterii de Godestowe, nunc diabolica suggestione illecte et sic decepte, actu et habitu religionis abjectis, exeuntes per fugam claustrum et domum vite...vitam agunt non sine gravi periculo animarum suarum et vehementi scandalo populi enormiter in mundo mundialiter dissipatum...totius vicine populum huys rei nepheriae testem fecit.... [V]obis districte precipiendo mandamus quatinus prefas Agnetem et Johannam...cum de ipsius nomine vobis quoquammodo constringerit moniales fugitivas esse, apostatas, et usque ad reditionum suum et satisfactionem congruum majori excommunicatione a jure innoitas et omni confusione dignas una cum omnibus aliis consilium, auxilium vel favorem sibi pretantibus in crimine sic damnato...\" Hill, The Rolls and Register of Bishop Sutton 3, pp. lxiii and 132-3, f. 32v. As is often the case, Bishop Sutton makes reference to the scandal caused by such behaviour. Eileen Power contends that all such abductions are in reality elopements. Medieval English Nunneries, p. 440.}

The intention was always, though, to redeem the lost soul and to contain scandal. Thus we have in Bishop Grey's time, the prioress of Markyate being told that an apostate nun will be absolved from excommunication if she returns. A "salutary and condign penance in proportion to her fault" is to be assigned, and she is to be welcomed "with the kindly affection of perfect love."\footnote{108 \"[S]i ad dictum prioratum suum animo contrito redire et reverti voluerit, a sentencia excommunicationis quam pretextu apostasie huiusmodi incurrebat, et a criminibus sacrilegii et incestus spiritualis absolvendum, et eidem pro modo culpa penitentiam salutarem et condignam inuungendum, ac dictis priorisse et monialibus...inter se favorabiliter admissant et recipiant." Thompson, Visitations, p. 83 (Reg. Gray, f. 149).} Bishop Alnwick urges a more active role for the prioress of St. Michael without Stamford, telling her to seek out her apostate sister Anneys Butylere and bring her home, "and so moderly trete hire aftere your rule that she seke no cause eftis to go in apostasie, ne other take non ensample be hire to trespace in lyke wyse."\footnote{109 Thompson, Visitations of Alnwick 2, p. 350, f. 83. This may be the "Agnes" referred to earlier in this visitation record, whom the priorress says "has gone away in apostasy, cleaving to a harp-player; and she says that they dwell together...in Newcastle-upon-Tyne." (p. 348).}

But under the Rule there could be a limit to tolerance of scandalous
behaviour. In 1298 Archbishop Winchelsey sent a mandate to the bishop of Lincoln instructing him to do away with the custom, at the Benedictine nunnery of Stainfield, of permitting an apostate nun to return as many as four times, even when "she has sinned with obvious scandal in the world." This is "a detestable corruption", an "abuse of the rule".110

Nuns faced a particular danger that did not trouble men in religion: priests. The reason for this is obvious: whereas monks and canons could draw priests from their own ranks, nuns were dependent upon male clerics from outside their walls to administer the sacraments and hear their confessions. This could expose them to exploitation.111 As well there were a number of double houses and "quasi-double"

110 "Ex quorundam insinuacione recepimus quibus esset fides merito adhibenda quod in prioratu monialium de Steynefeld ordinis sancti Benedicti vestre dioecesis quidem prava consuetudo excrevit, quod licet aliquia monialis ejusdem loci spreta religione et abjeto habitu de monasterio ad seculum quacumque levitate ducta exerit et cum scandalo manifesto in seculo peccaverit, ipsam redire volentem post insolencias perpetras ad eandem domum teneantur cetera moniales usque ad quartam vicem admittere absque difficulitate quamque. Et licet tam detestabilem corruptelam, si haecenus ad vestram fuisset deducta noticiam, ex vigilanti sollicitudine quam semper in cura vestra intelleiximus vos gessisse visibiliter presumamus velle vos ex affectu radicitus extirpasse, quia tamen super hoc infamia invalescit, fratermitatis vestre discretionem hortamus in domino quatinus hujusmodi absum reguli professioni minime congruentem correctionis recte tramite cessare de cetero faciatis et funditus enervetis." Graham, ed., Registrum Roberti Winchelsey, p. 234, f. 238. Logan notes that under the Benedictine Rule an apostate may be readmitted three times. Runaway Religious, p. 137.

111 See Penelope D. Johnson, Equal in Monastic Profession, Chapter 5. Johnson also points out that this added an expense that the men's houses did not incur, since the priests had to be paid for their services (p. 183). Bishops were well aware of the danger to nuns that confessors posed; Archbishop Greenfield, for example, warned the nuns of Sinningthwaite in 1315 that mendicant friars were not to enter the private parts of the house but were to remain outside and hear confessions in the church. ("[I]nhibimus priorissi et subpriorissi et ceteris officialis domus ne permittant decetero aliquos fratres de ordine mendicancium intrare ad secreta loca domus set extra claustrum et interiorem claustum dominarum in aula hospitum vel alia domo ad hoc est euris deputata recipiantur. In ecclesia autem audiant confessiones dominarum." Brown and Thompson, eds., The Register of William Greenfield, v. 2, p. 205.)
houses in which men and women lived separately but side by side.\footnote{112} Case after case appears in the bishops' registers of nuns' sexual involvement with chaplains, confessors, and other clerics. Sometimes the men and women concerned were mutually responsible for the breaking of the vow of chastity; sometimes it is possible that clerics in positions of power used their influence to coerce, or at least seduce, nuns in their charge. Bishops were aware of this hazard: Archbishop Pecham ordered that anyone, cleric or lay, who corrupted sacred virgins or nuns should be excommunicated.\footnote{113}

We know about the sexual relationship of John Garland of Dunstable, "clericus", and Cecily of Drayton, a nun of Markyate, who appear in Bishop Sutton's register in 1294. John is here absolved from the sentence of excommunication, on condition that he visit Rome on the next Feast of the Circumcision (January 1). We do not know what happened to Cecily.\footnote{114} So it is in the case of the prioress of the Cistercian abbey of Catesby, visited by Bishop Alnwick in 1442. She was accused

\footnote{112}{According to Knowles and Hadcock, "[it] was by no means uncommon for a master and lay-brothers, besides the usual chaplains, to be attached to nunneries from the twelfth century." \textit{Medieval Religious Houses}, p. 176.}

\footnote{113}{"necdum sanctimonialium et sacrarum virginitum corruptores, sed etiam eos qui pudicitiam earundem ausi fuerint conatu nefario attemptare... omnes illos scilicet, tam clericos quam laicos, qui in nostra provincia in futurum se tanti enormitati sceleris immiscebunt, ...majoris excommunicationis sententia innodamus." Martin, \textit{Registrum Johannis Peckham}, pp. 265-6.}

\footnote{114}{"Noverit universitas vestra quod Johannes dictus Gerlond' de Dunstapl' clericus se Ceciliam de Drayton' monialem de Markyate nostre dioecesis incestuosis amplexibus carnaliter cognovisse confessus, injuncta sibi penitencia salutari et inter cetera quod beatorum Petri et Pauli apostolorum limina visitet, utque ad curiam Romanam ad festum circumcisionis domini proxime futurum arripiat indilate, a nexu criminis huiusmodi et sentencia excommunicationis in monialium corruptores in provinciali concilio promulgata, auctoritate nostra absolutus existit." Hill, \textit{Register of Sutton 4}, p. 40.}
of immorality with a priest, William Taylor, who was ordered to purge himself with five chaplains. The prioress was told to clear herself with four of her sisters, but failing to produce them, she was found guilty. The register does not tell us what penance she was assigned.115 Luckily, we do know the penance given to a nun of the Benedictine abbey of Godstow accused of being "multum suspecte" with a priest: she was sentenced to be disciplined "according to the rule", and to be confined for a year to the frater and cloister. In this case, it is the priest whose penance, if any, we are not given.116

A nun of Keldholme in 1319 was much more than "multum suspecte". Archbishop Melton ordered the prioress to compel Mary of Holm to perform the penance she had been assigned for incontinence with a chaplain, saying that the nun, failing to do her penance, stirred up quarrels and dissensions in the convent, "in danger to her soul and a pernicious example to others and manifest scandal to the order." The archbishop adds that he cannot in conscience leave her misdeeds

115 "Soror Agnes Allesley dicit...de scandalo priorisse et domini Willelmi Taylour...et dicit quod nimia familiaritas inter eos erat causa scandali, quia de mane exivit ad officinas sola excepto illo capellano; et quando dictum erat priorisse de huissimodis scandalo, ille capellanus post recessum suum venit trina vice infra mensem ad domum." William Taylour "comparuit personaliter coram domino in ecclesia...et...negat crimine.... Unde ad peticionem sui ipsius dominus assignavit sibi diem Sabbati proximum post festum Margarete ad purgandum se cum quinque capellanis honestis... And the prioress fails to clear herself: "Haber crustinum diem ad purgandum se cum quatuor sororibus suis de negatis et ad recipiendum penitenciam pro confessatis. Quo termino nullas produxit compurgatrices: ideo pronunciata est defecisse in purgacione, et nullo proposito pronunciata est pro convicta, et abjuravit dictum virum et omnum familiaritatem cum codem inantea." Thompson, Visitations of Alnwick I, pp. 48, 47, 49-50, f. 94-95.

uncorrected, and "because of the increasing rebellion and insolence of the said lady, her penance should increase," orders a strict bread-and-water fast. If she remains obdurate, he promises to castigate her so severely that "her penance might terrify the others."\footnote{117}

Another incontinent chaplain is found in Simon of Ghent's register, for 1302-3. Martin of Bridecomb, a chaplain of a chantry at the convent of Wilton, was accused of incest with one of the nuns, Matilda of Wynton, sentenced to major excommunication, and suspended from his position.\footnote{118} At Cannington in 1351,

\footnote{117}{"Quia veraciter intelliximus quod domina Maria de Holm commonialis vestra nuper cum dominus Willelmo Lyly capellano super vicio incontinencie convicta injunctam sibi super huiusmodi crimine secundum regulares vestri ordinis disciplinas penitentiam hactenus non subjens sed declinans, in anime sue periculum et aliarum perniciosum exemplum ac vestri ordinis scandalum manifestum jurgia et discensiones suscitat in conventu,...nos artante consciencia relinquire non possimus incorrecta; vobis in virtute sancte obediencie injungimus firmiter et mandamus quatinus prefatam dominam Mariam ad subeundum et peragendum plenarie residuum penitentie sibi alias pro excessu predicto injuncte per disciplinam ac cohercione vestri ordinis omnimodam et rigorem artius compellatis. Et quia crebrescente rebellionone et insolencia dicte domine crescere debet et[iam] pena, nos ad ipsius inobedienciam refrenandam ex nostro officio assurgentes, volumus et etiam ordinamus quod dicta domina Maria preter penitenciam de qua supra fit mentio tribus sextis feriis proximis post receptionem presentium proper ipsius rebellionenem et inobedienciam in pane et aqua jejunet, se ab aliis cibariis et potibus eisdem feriis penitus abstinento, et si dicta domina Maria penitenciam seu aliquam partem eiusdem recusaverit adimplere seu inobiedienter vel alias inhoneste se habuerit, id nobis absque more dispendio distincte et aperte per vestras litteras rescribatis et nos eam juxta ipsius demerita taliter curabimus castigare quod pena eiusdem cedet alii in terrorem." David Robinson, ed., \textit{The Register of William Melton, Archbishop of York 1317-1340}, vol. 2, Canterbury and York Society vol. 71 (Torquay, 1978), p. 52.}

\footnote{118}{"Nuper Martinus de Bridecumb' capellano, habens in capella beate Marie Magdalene Wyntonie cantarium, super nephario incontinencie vicio cum Matillide de Wyntoniaa moniali monasterii de Wyton' commisso, ex officio nostro multis commoto clamoribus ad mandatum nostrum vocatus, personaliter coram nobis comparuit"; instructions to the abbess of Wilton to make an announcement: "Et ne vos, que nec vagari nec cetibus immisceri virorum debitis, veluti ignorantes fortassisi predicta cum vectre salutis quod abit discrimine communicare contingat eidem, vobis premissa tenore prescenium nunciamus ut, super dicta cantaria exequentes quod credideritis esse verum, eundem Martinum sic excommunicatum curetis et curent singuli ad quorum noticiam pervenerit hec scriptura ut convenit evitare"; and a mandate to the abbess to take proper action: "....proviso ut tu, filia abbatisa, quicquid ipsius Martini nomine a tempore quo in capella ministrare destituat antedicta de ipso monasterio per quamcunque subjectam tibi personam receptum fuerit quoquo modo repetere pro viribus non omittas per te in utilitatem dicti monasterii convertendum." Flower and Dawes, \textit{Registrum}
Bishop Ralph discovered two nuns, Matilda Pulham and Alice Northlode, to have
discourse with suspected persons and [they] frequently admitted
them and on dark nights the said nuns held long and suspected
conversation with Richard Sompnour and Hugh Willynge,
chaplains, in the nave of the church of the said monastery, and
as is suspected by many they consequently fell into worse sins.
And the said sisters not content with these evils, the above
Matilda at least, was accustomed, through arrogance, threats,
and indecent touches, to provoke many there to incontinence.119

These nuns' penance was to take the lowest place in the chapel and at meals. At
Catesby, a later chaplain, William Smythe, had a relationship with a nun, Isabel
Benet, which resulted in the birth of a child, according to complaints heard there by
Bishop Alnwick in 1442. Isabel confessed, but said that her affair had not been with
William, although she swore to avoid him in the future.120

Clearly the nuns were in the most peril from clerics who had legitimate
reason to be allowed access to nunneries, such as chaplains and confessors.
Clergymen who visited nuns without such reason were viewed with suspicion. The
prioress of Studley, for example, was admonished twice in 1294 by Bishop Sutton
"not to allow an undesirable clerk to hang about the nunnery" because he caused

119 "...et ut suspicatur a multis ac consequenter incederunt in pejoribus. Dicteque sorores hiis
malis non contente, prefata Matildis saltim, per insolencias, minas et tactus indecentes multos ibidem
servitores solebat ad incontinenciam provocare". Holmes, Register of Ralph of Shrewsbury, p. 683, f.
398.

120 "Soror Margareta Wavere...dicit quod Isabella Benet notatur cum domino Willelmo
Smythe, dudum capellano ibidem, et concepit de eo et peperit, et quod non correxit eam quia non
audebat"; "Isabella Benet fatetur crimen non tamen cum domino Willelmo Smythe. Abjuravit tamen
ipsum et omnem familiaritatem inantea..." Thompson, Visitations of Alnwick I, pp. 47, 50, fos. 94-95.
scandal and damaged their reputation. Bishops were aware of the danger of contact between male and female religious; in 1311, Archbishop Greenfield admonished the monks of Selby not to visit the nuns of St. Clement's, since "from too much conversation of monks with holy nuns, which is prohibited under grave penalty by the sacred canons, serious scandal is generated". Bishop Flesmyng's injunctions for Caldwell Priory in 1421/2 say:

Also we straitly enjoin and command that no canon of the said priory, under what colour of excuse soever, have access to the monastery of the nuns of Elstow; nor shall the same nuns for any reason whatever be allowed to enter the said priory, save for a manifest cause, from which reproach or suspicion of evil could in no way arise; nor even shall the same canons and nuns meet in any wise one with another in any separate or private places; nor shall they talk together anywhere one with another, save in the presence and hearing of more than one trustworthy person, who shall bear faithful witness of what they say and do.

To the prioress and convent: "Quia nequaquam obsequium Johannis clerici ad scandalum domus et magnam denigrationem fame vestre vobis iam cessisse non ambigitur ut videris, nec potest huiusmodi infamia oblivioni tradi dum idem moram continuat in domo vestra, vobis sicut alias suasimis presentibus suademus quatinus ut in domo vestra personaliter moram trahat vel frequentat eandem nullatenus permittatis, ne forte posterior error priore peior existat." Hill, The Rolls and Register of Bishop Sutton 3, p. lxi and 4, pp. 159-69, f. 92. The bishop followed this with a letter the following year, this time in French (v. 5, p. 107, f. 129r.).

"Propter alia quae nuper in monasterio monialium sancti Clementis juxta Eboracum visitantes comperimus que religionis non convenient honestati, vobis in virtute obediencie et sub pena districcionis canonice firmiter inhibemus et per vos singulis commonachis vestris districcibus auctoritate nostra inhiberi volumus et mandamus ne in predicto monasterio monialium sancti Clementis vos aut diciturum vestri monastertii monachorum aliquis hospitari aut pernoctare presumatis decetero vel presumat, cum ex nimia conversacione monachorum cum sanctis monialibus, que sacris canonibus sub penis gravibus est prohibitum, grave scandalum generetur..." Brown and Thompson, eds., The Register of William Greenfield, v. 2, p. 105.

"Item districciius iniungimus et mandamus ne canonici aliquis dicti prioratus, quocumque quesito colore, habeat accessum ad monasterium monialium de Elnestowe; nec ipse moniales quacumque de causa dictum prioratum ingredi permittantur, nisi ex evidentissima causa unde obloquia vel suspicio mali nullatinus possent oriri; nec eciam ipsi canonici et moniales in aliquibus locis
Plainly this was intended to prevent behaviour such as that twenty years later of the troublesome nun Isabel Benet of Catesby Cistercian priory who passed “the night with the Austin friars at Northampton and did dance and play the lute [or cittern?] with them...until midnight, and on the night following she passed the night with the friars preachers at Northampton, luting and dancing in like manner.”

Nuns were also accused of sexual sins with men who were not necessarily clerics. The bishop of Bath and Wells found in 1351 that a nun at Cannington had become pregnant, and ordered that she be incarcerated for a year, with enforced fasting. Such a punishment was possibly meted out to Ellen Cotone, of Heynings, who was rumoured to have had an illegitimate child. Anxious that she not be wrongly condemned, Bishop Grey ordered that an enquiry take place, with correction

\[\text{separatis aut privatis adinvicem quoquo modo conveniant, nec alicubi adinvicem confabulentur, nisi in presencia et audiencia plurium fidedignorum personarum, que de hiis que dicunt et faciunt fidele perhibeant testimonium.} \]\text{Thompson, Visitationes, p. 25 (Reg. Fiemyng, f. 232).}

\[\text{124 “Item dicta domina Isabella die Lune ultimo preterito pernoctavit apud fratres Augustinianos Northamptonie et ibidem cum ipsis saltavit et citheravit usque medium noctem, et nocte sequenti pernoctavit cum fratribus predictoribus Northamptonie consimiliter citherisando et saltando...” Thompson, Visitations of Alnwick I, p. 50, f. 93. This is the same Isabel Benet who was accused of having had a child by the convent’s chaplain. See above, p. 184.}

\[\text{125 “Exstitit insuper in dicta visitacione detectum quod stupendum est relacione et horrendum auditu multisque evidenciis per viam notoriétatatis facti et confessionis partis compertum quod quedam monialis prefati monasterii, Johanna Trimelet, freno pudioicie nimium soluta damnato concubitui assueta inventa est, habens in utere, licet non de spiritu sancto, postmodum edidit suum partum in grave obprobrium et confusionem sue religionis et scandalum plurimorum ita nefarious et scandalosum crimine nolentes sub dissimulacione pertransire. Ordinamus et in virtute sancte obediencie injungemus quod dicta Johanna per annum continuum in una domo honesta infra secundam clausuram monasterii vestri maneat interclusa, secunda, tercia, et sexta feria...pane et aqua...” Holmes, Register of Ralph of Shrewsbury, pp. 683-4, f. 398.} \]
and punishment to follow if Ellen was found to be guilty.  

At Markyate in 1433, the bishop's commissary charged the prioress, Denise Lovelyche,

that you...having loosed the reins of chastity and shamelessly cast away the modesty of a nun and the shamefastedness of your sex, clave in the flesh to one Richard, late seneschal of the said priory, with incestuous, adulterous and sacrilegious embraces...

and further, that "public talk and rumour during the said time were and are busy touching the premises all and sundry in the town of Markyate and other places neighbouring and distant, in the diocese of Lincoln and elsewhere." Unable to

126 "Fama publica referente et clamosa insinuacione, ad nostrum pervenit audirem quod quedam soror Elena Cotone, monialis prioratus de Henynges...famam pudoris necligens, honestate religionis abiecta et eius tramite penitus derelicto, castimoniam deseruit, incestum commisit, ex huiusmodique incestiosis amplexibus concepit et peperit in sue anime grave periculum, religionis scandalum et aliorum perniciosum exemplum. Nolentes tamen absentem dampilare, sed super premissis volentes effici cerciores, ut quod secundum Deum religioni et animarum salutis congruit exequamur, ad inquirendum de et super premissis omnibus et singulis tam per examinationem personnes ipsius sororis Elena quam eciem per personas alias fidedignas seculares et religiosas coram vobis presentes et uratam...et si premissa veritate contineri inveneritis, priorisse dicti prioratus ut dictam Elennam secundum regulares ordinis sui observancias, ne ipsius impunitas sed pena ce teris maneat in exemplum, corrigat et debite punit nostr auctoritate districcius iniungendo". Thompson, *Visitations*, p. 69-70 (Reg. Gray, f. 117d).

127 "...tibi domine Dionisie, priorisse prioratus sancte Trinitatis de Bosco, ordinis sancti Benedicti, iuxta Markyate, Lincolniensis diocesis, obicio in primis quod tu, pudicicie laxatis habenis et monachali modestia sexusque vergundia impudenter abjectis. Ricardo, nuper senescalco dicti prioratus, incestuosis, adulterinis et sacrilegis amplexibus in cedem prioratu et alibi carnaliter adhesisti." Thompson, *Visitations*, p. 84 (Reg. Gray f. 149).

128 "Item quod tu cum dicto Ricardo senescalco in huiusmodi criminibus incestus, adulterii et sacrilegii per quinque annos et ultra impudice usque ad tempus mortis dicti Ricardi continuasti in gravem offensam Dei, cui tuam integritatem devovisti, religionis obprobrium ac tam commonialium tuarum quam aliorum quamplurimum exemplum perniciosum.

Item quod super premissis omnibus et singulis in villa de Markyate aliisque locis convicinis et remotis in diocesi Lincolniensi et aliibi per dictum tempus laborant et laborant publica vox et fama." Thompson, *Visitations*, p. 84 (Reg. Gray f. 149). Note that an important element here is the public nature of the sin, and the "pernicious example" (i.e. scandal) to others.
clear herself, Denise resigned her position. Clearly scandalous nuns were a problem in Lincoln. In 1434/5, the bishop's register records a commission of inquiry into the behaviour of the nuns at Sewardshley, who were reported by worthy people to be

beneath the monastic habit and regular discipline, following the enticements of the flesh and abandoning the path of religion, and casting aside the restraint of all modesty and chastity...giving their minds to debauchery, committing in damnable wise, in public, and, as it were, in the sight of all the people, acts of adultery, incest, sacrilege and fornication, to the death of their own souls, the shame of religion and the mischievous example of others.

We are not given the findings of this commission.

Nuns might not be vagrant or incontinent, but they could still be disobedient and otherwise problematic. In 1308, for example, Archbishop Greenfield wrote to the prioress of Nun Appleton to instruct her to send the nun Maud of Bossall to Basedale, another Benedictine house. Maud had been disobedient, incorrigible, and rebellious to her prioress for many years, "disturbing the peace and unity of concord, to the cost of her salvation, pernicious example to the other nuns, and serious scandal

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129 Denise Lovelyche was prioress in 1442, when Bishop Alnwick visited, so her resignation must have been temporary, if it was ever effected at all, or she could have resigned and be re-elected at the next vacancy. Thompson, Visitations of Alnwick 2, p. 228, f. 6.

130 "Ad nostrum frequenter per multitum fidedignorum relacionem, quod non sine cordis angustia referimus, pervenit auditum quod priorissae et moniales prioratus de Sywardesly, nostre diocesis, que abrenunciato seculo et omnibus suis pompis se virtutum Domino, vero fidelis anime sponso, sub habitu monastico et regularibus disciplinis famulaturas devoverunt, carnis illecebras sectantes et religionis tramite derelicto, ac omnis pudicicie et castimonie freno abiecto, stupro intendunt, adulteria, incestus, sacrilege et fornicaciones publice et quasi in conspectu tocius populi dampnabiliter committendo, in suarum interitum animarum, religionis opprobrium ac aliorum perniciosum exemplum." Thompson, Visitations, p. 112 (Reg. Gray f. 173d).
to many," so for the sake of peace she was to be sent away.131

Sex was a problem in houses of both men and women, but so was
mismanagement, neglect or abrogation of duty by both male and female superiors.
In 1306, for example, Archbishop Winchelsely ordered Bishop Woodlock of
Winchester to appoint a prior to Southwark to replace a negligent one. He was to do
this promptly, so that the scandal caused by the former prior's dereliction of duty
might be quickly eradicated.132 Bishop Grey heard in 1434 at Canons Ashby about
a prior who was negligent and slothful. The offender was told to reform or be
deprived.133

131 "[C]omperimus quod domina Matill' de Bossale, commonialis vestra, contra religionis
honestatem et regularem ordinis disciplinam, ab annis plurimis suis presidentibus, priorissis videlicet et
suppriorissis, inobediens extitit, incorrigibilis et rebellis, impediens in conventu frequencius et
perturbans pacis et concordiae unitatem, in sue salutis dispendimento, aliarm commonialium suarum
perniciosum exemplum et grave scandalum plurimorum; ob quas causas, ad majorem conventus vestri
tranquillitatem et pacem, ac status sui emendacionem, ipsam ad aliam domum vestri ordinis duximus
destinandum, vestris ibidem sumptibus moraturam donec aliud de ipsius statu duxerimus ordinandum."
Brown and Thompson, eds. The Register of William Greenfield, v. 2, p. 46. The archbishop sent an
identical letter to the prioress of Swine in 1314, to tell her to sent an incorrigible nun, Joan of Sutton,
to Nun Appleton to undergo penance there (v. 3, p. 236, f. 153). It was not uncommon for such
disturbers of peace and concord to be sent away to perform their penance. Many registers include
such entries; Greenfield's has another, for example, almost identically worded, sending Joan de Percy
from Basedale to Sinningthwaite (v. 3, pp. 23-4). When the penance had been completed, the erring
nun or monk was allowed to return.

132 "... Ad hec quia dictus prioratus de Mertone pastoris solacio est et iam diu fuerat penitus
destitutus, cui iuxta potestatem vobis traditam per quandam submissionem vobis factam ante hec
tempora poteratis de priore ydoneo providesse et vacacionis tempore multas observancias regulares
dererisse bonaque temporalia sub negligent i custodia ex defectu gubernacionis invenimus hactenus extitisse,
vestram fraternitatem rogamus et monemus in Domino Ihesu Christo quatimis dicit prioratus
iuxta potestatem vobis ut premititur attributam cum omni celeritate provideatis caucius de pastore ut
scandalum de vacacione diutina suscitatum cicius auferatur." Goodman, ed., Registrum Henrici
Woodlock, p. 100, f. 32v.

133 "Facti notorietas clamorosa indies accrescens ad nostrum, quod dolenter referimus, deducit
auditum quod quidam frater Willelmus Coleworth, gerens se pro priore prioratus de Assheby
canonicorum...in religione tepescens, in cura negligens, in ordine torpescens, tramite derelicto mundum
et eius illecebros amplexitut, et gregem dominicum cure et custodie suis commissum, et quem ab
A bad superior or other office-holder could damage the reputation of the house: Bishop Alnwick, during a 1442 visitation of the same house, heard complaints about the prior, one canon saying that he threatened them with retribution if they testified against him to the bishop. This canon also complained that "the penances enjoined upon the canons are made public to the secular folk in the town, insomuch that the same secular folk make a mock of the same penitents." At Thornton, the bishop was told that the sacrist lent vestments to "persons who play harmful plays abroad among lay folk, whereby they are impaired ["deteriorantur"] and scandal is bred to the monastery." Priors could be accused of scandalous offences involving money. For example, in 1307, Bishop Woodlock admonished the prior and brethren of St. Denys for selling corrodies to "many persons", to the "danger of their souls and manifest...

134 "Item comminabatur canonicis quod, si conquererentur de eo in hac visitacione, luerent amarius quam cirra nativitatem eorum luebat, et eos qui sibi favent et ipse faveret. Iniunctum est prior in virtute obedientie et sub pena excommunicacionis quod non improveret verbo aut facto alciui de fratribus suis occasione detectorum in huiusmodi visitacione. Item dicit quod penitencie iniuncte canonicis divulgantur secularibus in villa, in tantum quod ipsi seulares derident ipsos penitentes." Thompson, Visitations, pp. 44-5 (Reg. Gray, f. 169).

135 "Item quod sacrista accommodat vestamenta meliora monasterii ludentibus ludos noxios in partibus inter laicos, per quod deteriorantur et scandalum generatur monasterio." Thompson, Visitations of Alnwick 2, p. 372, f. 73.
scandal. In 1385, Bishop Wykeham admonished another prior for selling corrodies, "in serious prejudice and manifest scandal to the church."

Even allowing buildings to fall into disrepair might be scandalous: the register of Henry of Eastry, Prior of Christ Church, Canterbury, which recorded such business during the vacancy between Archbishops Pecham and Winchelsea, has an order for the sequestration of a church (in 1294) because of the neglect of its fabric, which is "a danger to souls, a pernicious example to others, and a scandal to many," according to the prior. In 1372, the prior and convent of Merton and vicar of Kingston-upon-Thames were cited by Bishop Wykeham for dilapidations of the chancels of East Moulsey, Sheen, and Thames Ditton, which the bishop says "impedes divine office and generates scandal to the people."

136 "Quia intelleiximus quod vos quodam cupiditatis ardore inflati precio interveniente plus personis secularibus quam ecclesie vestre consulentes quamplures liberaciones et diversas corrodia multis personis vendidistis, ex quorum solucione vestra ecclesia dinoscitur quamplurimum esse gravata in animarum vestrarum periculum et scandalum manifestum; nos statutis sanctorum patrum inherentes [n. constit. of Ottobono], vobis in virtute sancte obediencie et sub pena canonica districcius inhibemus, ne liberationes huiusmodi vel corrodia, nobis inconsultis, personis aliquibus vendere decetero presumatis, quosquis ad vos personaliter declinantes facultatibus vestre ecclesie consideratis ad honorem et comodum vestrum aliud duxerimus statuendum." Goodman, ed., Registrum Henrici Woodlock, p. 172, f. 56.


138 "...animatorum periculum aliorum picensiosum exemplum ac scandalum plurimorum." Once again, the role of "public fame" is noteworthy: "Intelleiximus nuper fama publica sepius referente quod ecclesie de sancto Melano de Remeny cum capella de Peresmor...ruinose sunt." Cambridge University Library MS Ee.5.31, f. 61v.

139 "... Fama publica nunciante ad nostrum pervenit auditum, quod in cancellis capellarum de Moleseye, Shene, et Temese Dittone, nostre diocesis, ab ecclesie de Kyngestone super Tamesiam, eiusdem diocesis, dependencium, imminent defectus notorie et enormes, reparacione et refectione necessaria indigentes, per quos divinum officium impeditur, et scandalum in populo generatur, quorum refectione et reparacione ad priorem et conventum prioratus de Mertone, dictam ecclesiam cum capellis in
Failure to discipline erring monks was a serious fault which could cause scandal, as Bishop Wykeham wrote to the prior of Christchurch Twynam in 1386, saying that this failure caused “danger to the prior’s soul, was a pernicious example and a scandal to many.” Abbesses and prioresses might also incur such reprimands; Bishop Wykeham’s words to the prior echo his earlier letter to the abbess of St. Mary’s in 1384.141

3. CONCLUSION

Medieval bishops clearly were concerned about scandal in religious houses of both men and women. The most scandalous sins for monks and nuns were those pertaining to infractions of their rules, particularly sexual transgressions, apostasy, and disobedience. Bishops also found breaches of enclosure scandalous for both sexes, although they showed much more concern about the enclosure of nuns. Neglect of duties and mismanagement were scandalous in convents of either sex.

There are no surprises here. The sins of women and men living in enclosed

140 “Vos quoque, domine prior, ad quem sub nobis immediate pertinet correccio et punicio premisserorun, conniventiubus oculis ipsa pertransitis, dimisistis, jam diu est, ut didicimus, incorrecta, de quo vestram prudenciam non laudamus, in anime vestre grave periculum, perniciosum exemplum et scandalum plurimorum.” Kirby, ed., Wykeham’s Register, p. 380, f. 222a.

141 “Vos quoque, ad quam sub nobis immediate pertinet correccio premisserorum [i.e. the misdeeds of the nuns], conniventiubus oculis ipsa pertransitis jam diu est incorrecta, de quo vestram prudenciam non laudamus, in anime vestre grave periculum, perniciosum exemplum et scandalum plurimorum.” Kirby, ed., Wykeham’s Register, p. 361, f. 212a.
communities, even if those sins were known only to their colleagues, had the potential of causing those colleagues to sin. If the sins were public and notorious in the surrounding community, as apostasy, mismanagement, breaches of enclosure, and many sexual transgressions might easily have been, the potential existed for harm to a great many more souls. Nuns and monks ought to provide shining examples of devotion, fidelity, and chastity, both to the world within the cloister and to that outside it, which ought to hold them in high regard. When they failed, their sins could easily be scandalous.
1. BISHOPS AND CLERICS OUTSIDE RELIGIOUS HOUSES

Scandal in religious houses was mostly caused by sexual misbehaviour, infractions of enclosure, and neglect of duty. In the world outside monasteries, there was even more potential for scandal, and the bishops' registers reflect this. When we look at how bishops dealt with lesser clerics, we see a wide range of behaviours considered by the bishops to be scandalous. We might note that the church was cautious in proceeding against clerics; a canon of the Fourth Lateran Council points out that prelates (meaning all priests) "cannot please everyone.... Thus they frequently incur the hatred of many people". It goes on:

But when someone is so notorious for his offences that an outcry goes up which can no longer be ignored without scandal or be tolerated without danger, then without the slightest hesitation let action be taken to inquire into and punish his offences, not out of hate but rather out of charity.¹

Consequently, "fama publica" is ubiquitous in these records.²


² "The doctrine — and practice — before Bartolus [1314-1357] was this: proceedings on the basis of an inquisition could be instituted only in the case of notorious crimes. Cynus may be taken
Just as those in holy orders inside religious houses could cause scandal through sexual misdeeds, so too could clerics outside the cloister.\(^3\) One such was Nicholas of Hadham, deprived of his benefice in 1313 by Ralph Baldock, bishop of London, for having committed "incest and adultery" with four of his female parishioners, "at the expense of [his] soul and most exceeding scandal to the church, and pernicious example to others." Nicholas continued to cause scandal to the church, danger to his soul and bad example to others, by persisting in his sin, "returning like a dog to its vomit."\(^4\) This case might have seemed particularly shocking to Bishop Baldock: he mentions the scandal caused by Nicholas twice, and

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\(^3\) Clerics accused of some sexual offenses, such as rape, could be indicted in the court of King's Bench, rather than in ecclesiastical courts. For a discussion of how such indictments might be insufficient, undertaken perhaps to eliminate the scandalous behaviour of the priest, see R.L. Storey, "Malicious Indictments of Clergy in the Fifteenth Century", in M.J. Franklin and Christopher Harper-Bill, eds., Medieval Ecclesiastical Studies in Honour of Dorothy M. Owen (Woodbridge, 1995), pp. 221-240. For more about jurisdictions, see below.

\(^4\) "[O]bicimus quod fama publica referente ad aures nostras pervenit quod tu Nicholae antedicte proprie salutis immemor crimen incestus cum Matilda ancilla sive domicella Alicie Martel de Ardleye tua parrochiana ac filia spirituali sub tua confessione existente cum ea carnaliter fornicaendo nequiter commissisti, ipsius nephariis amplexibus ad tua voluntatis libitum temere inherendo, in tua anime dispendiun et ecclesie vehementissimum scandalum et aliorum pemiciosum exemplum. Item, obicumus tibi ut supra quod fama publica referente et a diu perduurante ad nos pervenit quod tu Nicholae antedicte proprie salutis immemor crimen incestus cum Alicie Martel et Alicie filia Thome le Hounte de Ardeleye, tuis parrochianis, filiabus spiritualibus sub tua confessione existentibus postquam super dicto crimine alias ex nostre visitacionis officio impetitus extiteras tanquam canis rediens ad vomitum nequiter commissisti, sic cum ipsis in crimine memorato damnumlibiliter recidivando ac eorum nephariis et carnalius amplexibus adhuc temere inherendo, in tua anime periculum et ecclesie vehementissimum scandalum et aliorum pemiciosum exemplum." The bishop continues at some length in this vein, adding the name of Isabella, wife of William of Sarter of Colchester to the list of Nicholas's lovers. R.C. Fowler, ed., Registrum Radulpfi Baldock, pp. 160-2, fos. 33-33d. The reference to the dog returning to its vomit is found in 2Peter 2:22, although an intermediary source is Jerome's Letter to the widow Furia: "canis revertens ad vomitum suum," Letter 54, Wright, trans., Select Letters of St. Jerome, p. 232.
repeats that public rumour has brought the case to his attention.

The register of Bishop Woodlock of Winchester records the case in 1308 of the rector of Arreton, on the Isle of Wight, who, according to “public rumour” and the “clamour of worthy people”, had kept a mistress “in fornication or incest” for some time, who had borne him children. This was said to be so notorious in this and neighbouring parishes, “that it might not be quickly denied, in no small peril and scandal to the souls” of the cleric and his parishioners, and “pernicious example to many”.

Another such licentious priest was John Foun, also in the diocese of Winchester, who was accused in 1372 of many faults, not least of which was that for no little time he had kept, and still keeps in the diocese, in the embraces of fornication, a certain Joanna, with many there aware of her, and he has not feared to commit, publicly and notoriously, many other damnable excesses in that diocese, which has caused scandal and yielded a pernicious example to the other faithful in Christ.

In this same diocese, during the same episcopate, lived William Alve, vicar of

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5 “Nos...commissarii venerabilis patris domini Henrici...obicimus tibi magistro Wilhelmo de Turribus, qui te geris pro rectore ecclesie de Arretone in Insula Vecta Wintoniensis diocesis, quod tu, fama publica referente et clamosa fidedignorum informacione testante, incestum seu fornicacionem cum Alicia filia Willeimi de Horryngford parochiana tua commissisti; que quidam Alicia peperit tibi prolem: quod adeo manifestum publicum et notorium esse dicitur in parochia ecclesie de Athretone predicte et aliis parochiis vicinis quod nulla potest tergiversacione celari, in anime tue et parochiane tue grave periculum et scandalum non modicum ac perniciosum plurimorum exemplum. Super quo intendimus ex officio dicti patris ordinario contra te ad correccionem debitam procedere, ac ad salutem anime tue ordinare et statuere quod dictaverint canonice sanciones et sanctorum patrum statuta exigunt et requirunt...” Goodman, ed., Registrum Henrici Woodlock, p. 291, f. 89.

6 “...quandam Johannam in fornicariis amplexibus per non modica tempora in nostris diocesis tenuit atque tenet ecciam in presenti; eam ibidem pluris cognoscedo, et alios quamplures excessus damnabiles in eadem diocesi publice et notorie committere non expavit, qui grave peperit scandalum et alios Christi fidelibus exemplum tribuit perniciosum.” Kirby, ed., Wykeham’s Register, pp. 165-6, f. 97b.
the parish church of Itchenstoke, who admitted keeping Emma Ward, "woman parishioner" and his "spiritual daughter", "openly and publicly" in incestuous and whorish embraces, and procreating children with her, whom he acknowledged "openly and publicly" as his own. William admitted having resisted correction, "in grave danger to his own soul and those of his parishioners, in pernicious example and scandal to many." Cases like these in Winchester seem clearly situations of clerical concubinage, where the priests in question were reluctant to abandon their "wives" and families.

We rarely learn the penances for both parties in these cases, but a case in Archbishop Wickwane's register for 1280 gives us penances for both the priest and the woman. The priest, for "such a notorious crime", is to "hear the divine office daily outside the church walls, and [to] say his canonical hours there sincerely and devoutly, publicly and duly penitent," until Ascension Day. He is to fast for this period. Nowhere may he celebrate, and the penance is to be announced publicly every Sunday and feast day. The woman may not enter the church until Pentecost, and "every Sunday, in the full procession, clad only in her shift, she is to be beaten

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7 "...confiteor et recognoscio palam et publice, quod ego quandam Emmam Warde, mulierem parochiale, et filiam meam spiritualam, in amplexibus incestuosis sive fornicariis per nonnulla tempora tenui palam et publice, ipsam infra dioecesim Wyntoniensem predictam pluries carnalet cognoscedo, et proles de eadem procreando, quas pro meis tenui et recognovi palam et publice..." and, "Quodque vos, reverende pater, et officium vestrum contra me ad premissorum criminum et excessum reformacionem et ad anime mee debitam correccionem pluries institutum per appellationes meas frivolas et inanes et alia subterfugia correccionem vestram huiusmodi fugiendo pluries vexavi et fatigavi indebite nequiter et injuste in anime mee et parochianorum meorum predictorum grave periculum et perniciosum exemplum et scandalum plurimorum." Kirby, ed., Wykeham's Register, pp. 222-3, f. 121a.
around the church by the parish priest.” She is also to fast for this period.8

Sexual sins were not the only vices of a vicar mentioned in archbishop of

York William Greenfield’s register for 1312. Nicholas of Erghes, the archbishop

says, is to be corrected by the chapter of York, for

impudently indulging in eating and drinking night and day in

taverns and other disreputable places, fornication and

incontinence, plays, insolent dances, fights, and quarrels, in

contempt of divine service, leading an extremely dissolve life,

from which a pernicious example to the parishioners of the said

church is left, dangers to body and soul are truly feared to

threaten, and grave scandal is generated in the said parish and

the surrounding area. Indeed, his evils are discussed publicly

and are said to be so open and notorious that they may not be

denied.9

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8 “Injunximus G., presbitero, propter fornicacionem quam commisit cum L., parochiana sua,

penitenciam que subsequitur salutare; videlicet, quod pro hujusmodi crimen notorio deinceps usque

ad Ascensionem Domini singulis diebus extra muros ecclesie divina audiet suas horas canonicas

ibidem dicat corderet et devote, notorio et debite penitendu; et quod nec ibi nec alibi celebret quoquo
casu, et cibo quadragesimali interim tantummodo gaudeat et vescatur. Unde tibi mandamus quatinus,
in festo Ascensionis Dominee, quoniam hujusmodi penitenciam peregerit tuis patentibus litteris nobis

nuncies et rescribas. Vale. Premissam, autem, penitenciam coram plebe singulis diebus Dominicis et

festivis publice recites et exponas, preces populi cum instancia petiturus.” And: “Injunximus L., fille

W. Burre, pro fornicacione commissa cum Godfrido de S., presbitero, et recognita coram nobis in

judicio, quod usque Pentecosten non ingrediator ecclesiis, et quod singulis diebus Dominicis in plena

processione, in sola sua camisia, per presbiterum parochialem circa ecclesiis fustigetur; nec non et


93, fos. 118d-119.

9 “Ad aures nostras ex fidedignorum frequenti clamore pervenit quod Nicholaus de Erghes,

qui se gerit pro vicario ecclesie de Schirburn’, in tabernis et aliiis locis in honestis nocte dieque

commessacionibus et ebrietatisub, fornicacionibus et incontinenciis, ludus teatralibus, coreis

insoletibus, pugnis et rixis, spreis divisini obsequiis, impudenter indulget, vitam ducens nihilum

dissolutam, ex quibus perniciosum exemplum parochianis dicte ecclesiis relinquitur, corporum et

animalum pericula iminere verismiiliter formidantur et grave scandalum in dicta parochia et locis

cirumjacentibus generatur. Mala siquidem que de eo publice predicantur et que dicuntur esse adeo

manifesta et notoria quod nulla possunt tergiversacione celari.” Brown and Thompson, eds. The

Register of William Greenfield, 1: 68-9. Nicholas must have reformed; an entry in the register for

three months later records his institution and induction to the vicarage of the church of Ledesham, and

four years later he was inducted to the vicarage of Pontefract. 2: 126, 5: 249.

It is important to distinguish between scandal and notoriety, although the two are very often

linked, as they are here. A scandalous sin — one by definition committed in front of another — is

not necessarily notorious. Notoriety, not scandal, is required for prosecution.
Even worse was the conduct of Richard, vicar of Bingham, who was alleged in 1283 to have frequented taverns where, as elsewhere, he divulged the secrets of his parishioners, breaking the seal of confession; he was drunk every day, neglected divine offices, was ignorant and useless, was over-familiar with women, “touching them in secret places”, and he was an adulterer. All these “and many other great sins caused danger to his own salvation, scandal to many, and a pernicious example to those whose souls he was appointed to govern.”

As monks could cause scandal by wandering about, so could secular clerks, such as those mentioned by Archbishop Wickwane in 1284, in a mandate to the dean of Christianity in York ordering wandering clerics to attend school. The young men in question have been behaving so badly that “they are vulgarly called not clerics but vagabonds, to the opprobrium of our ministry and manifest scandal to the order.”

10 “Cum Ricardus, vicarius ecclesie de Byngam, super articulis infrascriptis coram nobis ex nostro vocaretur officio responsurus, videlicet, super eo quod idem vicarius tabernas publice exercet; in tabernis et alibi secreta parochianorum, in confessione sibi revelata, detegit et denudat; inebriatus quasi cotidie, in ecclesia et extra parochianos suos rixis probis et contumeliis afficit, divina officia negliget, et contemptit; quasi omnino illitteratus et ad regimen animarum inhabilis, inscius, et inutilis existit; erga mulieres in turpiloquio, ac eciam in palpando ipsas in locis secretioribus, et alias male conversando cum eis, et familiaritatem suspectam contrahendo cum eisdem, impudenter se habet; et cum Alicia, uxor Willelmi filii Mabille, filia sua spirituali, adulterium iam a multis retro temporibus dampnabiliter commisit, et adhuc committit; hec et alia plura enormia, in sue salutis periculum, scandalum plurimorum, et exemplum perniciosum eorum quorum deputatur regimen animalum.” Register of John le Romeyn, p. 256, f. 71.

11 “Licet nonnulli clerici in civitate nostra degentes contrario modo se habeant, ut vulgus clamat, attestatur dum non in scolis nec in ecclesia sollicitudinem suam exhibent, quin poctus vicos cotidiannis discursibus visitant, ludibrii et lascivii vituperiose se offerunt, contensiones et deteriora nonnunquam perpetrandosuscitant, ex quibus non clerici, sed vagabundi, vulgariter nuncupantur, in ministerii nostri obprobrium et ordinis scandalis manifestum. Quocirca devociioni tue firmiter injungimus quatinus super hujusmodi vagorum nominibus inquisitionem facias diligentem, eosque moneas quod, si in civitate sub protectione ecclesiae deinceps morari voluerint, scolas excerceant, a predictis illecebris totaliter abstinendo; aliqui ipsos in nullo casu adverse fortune protegi volumus auctoritate ecclesiastiche libertatis; quod si rebellium protervitas exegerit, seculari denuncies potestati.” Brown, ed., Register of William Wickwane, p. 308, f. 85.
The sin of murder was one which bishops reserved to themselves, not delegating to other confessors the power to absolve it, and one to which priests were not immune. Archbishop Winchelsey’s register records his mandate to the bishop of Exeter, instructing him to receive the purgation of a cleric, Ralph Lercedeakne, falsely and scandalously accused of homicide.

Bishop Wykeham’s register records a dispute in 1375 between two claimants of a rectory, causing danger to souls and manifest scandal to the church. A benefice, the bishop says, can only have one minister, and full information has come to his hearing that two rectors are acrimoniously laying claim to the parish church of

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12 That is to say that one who confessed the sin of homicide to a parish priest was sent to the bishop, who was qualified to hear confession of such a serious sin. This is quite apart from the jurisdiction which the crown had over the crime. For more on “reserved” sins, see below, p. 234.

13 “Querelam Radulphi dicti Lercedeakne capellani rectoris ecclesie sancti Maunani in Cornubia vestre dioecesis gravem recepimus continentem quod cum idem Radulphus de morte Augustini de Bathon’ et Guydonis de Pultemor’ coram justiciariis domini regis per emulos suos et inimicos indicatus fuisse ac diffamatus et per ipsos justiciarios conscriptus, ipso Radulpho privilegium clericale allegante vestroque carceri prout moris est liberato, demum idem Radulphus super infamia occasione dictorum homicidiorum contra eum exorta per compurgatores illius honestatis et opinionis se optulit congrui loco et tempore coram vobis in forma juris purgaturum et suam innocenciam detecturum quos non est verisimile odio seu opentu pecunie velle dejerare [to swear an oath], vos tamen ipsum super hoc propter frivolam et indebitam oppositionem cujusdam Ricard’ de Merton’ vestri familiaris et domestici audire et eumdem justicie complementum exhibere ut dicitur recusastis distulistis seu omisistis minus juste, pro vestra excusacione pretendentis quod ad ipsum purgandum alios non admitteretis compurgatores nisi presbiteros de civitate Exoniensi, qui occasione homicidiorum que falsa dicitur per eum in dicta civitate perpetrata sui noscuntur esse inimici in dicti Radulphi prejudicium dampnum non modicum et gravamen ac scandalum plurimum; propter quod procurator ejusdem Radulphi ad nos accedens domino suo super hoc salubre remedium et justicie complementum exhiberi humiliter postulavit. Nolentes igitur eadem in sua deesse justicia sicuti nec debemus qui omnibus ecclesie Cantuariensis subditis in justicia reddenda sumus debitores, fraternitati vestre firmiter injungendo mandamus quatinus purgacioni sibi in forma juris indicta per vicinas et honestas ac bone fame personas qui suam vitam cognoverunt modernis temporibus ac retroactis, eciam si de civitate non fuerunt Exoniensi cum ipsi predicte diffamacionis dicantur auctores, citra festum sancti Jacobi apostoli prosequens eam admittere non tardetis; aliquin ipsum Radulphum ad nos ubicumque tunc et cetera quinto die juridico post dictum festum sancti Jacobi transmittatis, facturum et receptorum prout qualitas et natura negotii huissumodi exigit et requirit, denunciantes insuper omnibus quorum interest quod dictis die et loco intersint, si sibi videbitur expedire, proposituri et ostensuri quare purgacionem suam in forma juris admittere minime debeamus...” Graham, ed., Registrum Roberti Winchelsey, pp. 777-8, f.149v.
Droxford. Neither is a "peaceful possessor", and both neglect the church and consume its goods, so that the church has in effect no minister, and is defrauded of divine services, "in serious danger to their souls and manifest scandal to the said church."\(^{14}\)

Non-residence of clergy was a common problem which might cause scandal. Bishop Wykeham in 1376 ordered the rector of Farley Chamberlain to take up residence on pain of excommunication, because there was no reasonable cause for his absence. The rector was dissipating the goods of the church and allowing the house and the church itself to fall down, "to the grave danger of his own soul and those of the parishioners of the said church, [giving] a pernicious example, and scandal to many."\(^{15}\) A later case in the same register, also concerning a neglectful rector, uses the same language about example and scandal.\(^{16}\)

\(^{14}\) "Et si una ecclesie unius debeat esse rectoris, et unum beneficium non duos ministros, set unum, debeat obtinere, ad nostrum tamen pervenit auditum et sufficienter sumus ac plenius informati, quod duo rectores ecclesie parochialis de Drokenesforde, dicte nostre diocesis, se pretendunt, qui plurimum contendunt et dissi dent pro eadem, quorum nullus est possessor pacificus aut quieta, et qui fructus et proventus dicte ecclesie dilapidant et consumunt, et pro suo distrahunt libito voluntatis, propter quod dicta ecclesie suis ministris omnibus destituta, divinis officiis et obsequiis penitus defraudatur, in ipsorum animarum grave periculum, dicteque ecclesie scandalum insuper manifestum." Kirby, ed., Wykeham's Register, p. 236, f 127a.

\(^{15}\) "Fama publica referente ad nostrum pervenit auditum, quod Johannes Caumbray, r. ecclesie parochialis de Farleigh, dicte nostre diocesis, ab ipsa ecclesia sua absque causa racionabili quacunque se absentavit et absentat eciam in presenti, ipsum ecclesiam inofficiatam nequiter deserendo, quodque bona ecclesie sue predicte in usus illicitos convertit, dilapidat, dissipat, et consumit, domosque et edificia rectorie ecclesie predicte, que humana industria sumptuose construxit, ad terram funditus corruere permittit, in animae sue et animarum parochianorum ecclesie predicte grave periculum, perniciosum exemplum, et scandalum plurimorum." Kirby, ed., Wykeham's Register, pp. 253-4, f. 141b.

In 1379 Bishop Wykeham issued a mandate to the official of the archdeacon of Winchester to admonish non-residents, saying that "dissensions and scandal" arose from their neglect of their duties.\(^{17}\)

Clerics could also be accused of theft. In the case above of the Canterbury monks it is the appropriation of the tithes that causes scandal.\(^ {18}\) In the following case, however, it is the priest's bad attitude towards his punishment that is scandalous, not his original crime: a rector was accused of robbing the abbess and nuns of Barking of tithes owed to them. Despite having been excommunicated for two years, writes Archbishop Winchelsey, the man is unrepentant, "despising the keys of the church, in danger to his soul and scandal to many," and is therefore to be cited to appear personally before the Primate.\(^ {19}\)

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\(^{17}\) "[A]d nostram noticiam noviter est deductum, quod nonnulli ecclesiarum huiusmodi curam animarum per se habencium rectores et vicarii nostre diocesis et archidiaconatus predictorum, quorum videlicet rectorum et vicariorum nomina in cedula presentibus annexa plenius continentur, a suis huiusmodi ecclesii et beneficiis singillatim in ipsa cedula designatis, per nonnulla tempora se absentarunt per diversas mundi partes miserabiliter evagando, et adhuc absque causa legitima quacunque se absentare illicite non verentur, nulla super hoc a nobis licencia, aut alia legitima seu sufficienti dispensacione obtenta, curam animarum parochianorum suorum et gregis eis commissi, ad quorum refectionem saltem spirituali temet, damnnabiliter deserunt et negligentier omitunt, unde dissensiones et scandalum orientur, divinus cultus minuitur, hospitalitas non servatur, cessat populi devocio, domus et edification locorum huiusmodi corruunt et vastantur, et dominus ille, qui clavem gerit, extra mansionem vagatur, esurientes anime propter defectum dispensatori ministeriorum Dei multiocens perueunt, et in errores varios perlabuntur; fitque ut, absente pastore, gregem dominicum violenter invadit et lacerat lupus rapax, in aimarum subditorum nostrorum grave periculum, dispendium ecclesiarum non modicum, perriciosum exemplum et scandalum pluridomorum." Kirb, ed., *Wykeham's Register*, pp. 308-9, f. 181a.

\(^{18}\) See above, p. 172, n. 90.

\(^{19}\) "Nicholas de Dryffelde qui se gerit pro rectore ecclesie de Foxtherde ejusdem diocesis propter ipsius manifestam offensam ad instanciam seu promociionem dictarum... abbatisse et conventus contractam ex eo quod dictus Nicholas super quibusdam decimus...[ed.: a line probably omitted by the scribe] pro ipsis...abbatissa et conventu in visitacione nostra metropolitica, quam dudum in civitate et diocesi Londonensi predicta duximus exercendam prolati, temere veniens easdem dominas ipsis decimus auctoritate propria spoliavit, et eas ipsis dominabus restituere vel alias satisfacere de eisdem non curavit, canonice monitus atque jussus auctoritate nostra majoris excommunicationis vinculo fuerat.
A similar bad attitude was shown by John of Gorges, the rector of Newchurch, Winchester diocese in 1311, who had refused to appear when summoned before the barons of the exchequer, and had violated the order of sequestration.\textsuperscript{20} Disobedience was also demonstrated by clerics who defaulted on tithes for the Holy Land, and continued in their obstinacy despite a forty-day excommunication.

"Wishing to counteract the danger to souls and the scandal," Bishop Woodlock orders them cited to appear.\textsuperscript{21}

We do not know the crime of which William Blund was accused, but the

\begin{quote}
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\textsuperscript{20} "Licet per multa et varia brevia domini regis nobis frequenciis demandata quod dominum Johanne de Gorges personam ecclesie de Newchurchre certis et variis diebus faceremus coram baronibus de scaccario comparere ac de bonis eiusdem certam summam peccunie certis diebus et locis levare curaremus, idem tamen Johannes, sicut per tua certificationaria multiplicata recepimus, nec diebus sibi per nos prefixis quibus coram baronibus predictis sub pena excommunicacionis maioris, quam in personam ipsius si monicionibus nostris non paruerit in scriptis fecimus promulgari, comparere curavit, sentenciam ipsam ipso facto dampnabiliiter incurrere, sequestrum eciam per te in bonis ipsius eiusdem ecclesie, nostra auctoritate interpositum violare minime ut dicitur formidavit, in anime sue periculum et nostri damnum non modicum et gravamen et scandalum plurimorum..." Goodman, ed., \textit{Registrum Henrici Woodlock}, p. 542, F. 138.

\textsuperscript{21} To the archdeacon the bishop writes that these persons "suspensionis excommunicacionis et interdicti sententias, quas per quadragina dies et amplius animo sustinuere indurato, in contemptum clavium vilipendentes, in suis ecclesiis sic interdictis divina celebrantur, immo verius prophanarunt, et quedam earum in suis officiis sicut prius publice ministrarunt, notam irregularitatis dampnabiliiter incurrere; nos igitur animarum periculis et scandalis occurrere cupientes ne censura valescat ecclesiastica, noletes tante temeritatis excessum ulterius relinquere incorrectum, vobis mandamus sub pena canonica in virtute obediencie firmiter iniungentes, quatinus cititse seu citare faciatis peremptorie omnes et singulos...[blank space]" Goodman, ed., \textit{Registrum Henrici Woodlock}, pp. 616-17, f. 181v.
register of Walter Bronescombe, bishop of Exeter, has an entry for 1260 in which the cleric has undergone trial by battle; it is the trial which is scandalous, the determination of guilt by this means having been forbidden by the Fourth Lateran Council:

The lord bishop solemnly excommunicated all those persons who gave judgment that William called Blund, clerk, should undertake trial by battle and go through with the undertaking contrary to canonical prohibitions, and all those who lent their advice, help, favour or agreement to this; also all those who were present at the same judgment and trial to the disparagement and scandal of the Church's privilege. After this was done, a great multitude of knights, free men and villeins acknowledged their guilt and, after taking an oath to obey the commands of the Church, obtained the benefit of absolution. Wherefore, reserving for fuller deliberation the penance for those who enforced, formulated and observed the said judgment and who acquiesced to it, he enjoined as penance on the others, who were present for the sake of the spectacle, that they should reverently walk in procession in humility of spirit, ungirdled, without shoes and with their heads uncovered, from the conventual church of St Petroc, Bodmin, as far as the church of the Franciscans, there to receive solemn and penitential discipline. And it was so done.22

Registers include cases of behaviour inappropriate for clerics, and therefore

22 "[D]ominus episcopus solemniter excommunicavit omnes illos qui Willelmum dictum Blundum, clericum, decreverunt duellum suscipere et inire susceptum contra canonicà sanctiones, et omnes illos qui ad hoc consilium, auxilium, favorem seu consensus prebuerunt; item omnes illos qui eadem decreto et duello interfuerunt, in vituperium et scandalum ecclesiastice libertatis; quo facto, magna multitudo millium liberorum villanorum reatum suum agnoscentis, prestito iuramento de parendo mandatis ecclesie, absolventionis beneficium obtinuit; propter quod reservata maioris deliberationis penitentia eorum qui decretum ipsum forciaverunt dictaverunt et tuebantur et ei ex affectu consenserunt, ceteros qui gratia spectabuli adverterent pro penitentia iniunxit ut, distincti et discalcati ac capitis discopertis, a conventuali ecclesia S. Petroci. Bodminie usque ad ecclesiam Fratrum Minorum in humilitate spiritus reverenter et processionaliter inciderent, disciplinam penitentialen et solemnem ibidem recipientes. Et ita factum est." O.F. Robinson, ed., The Register of Walter Bronescombe, Bishop of Exeter 1258-1280 I, Canterbury and York Society v. 82 (Woodbridge, 1995), v. 1, pp. 90/1. The translation is Robinson's. An entry in this register for 1262 has further information about the case: the duel had been between Blund and "Bartholomew, cobbler", and had been decreed by three knights, who here repent, p. 151. See Appendix A for the text of Lateran IV Canon 18.
scandalous. Bishop of Winchester (1282-1304) John de Pontissara's register, for example, records the case of a rector who had been acting as an advocate and judge in a secular court, in cases prohibited to men of the cloth — behaviour causing scandal and a bad example. A similar case is found in Archbishop Winchelsey's register for 1309, where "living like a layman" causes scandal.

Sometimes clerics could cause scandal not because of their sexual or other misbehaviour, but through the exercise of their office. In Chapters One and Two we saw canonists and other clerical writers express concern that priests beware of

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23 "Fama publica referente et insinuacione clamosa insinuante ad aures nostras nuper pervenit quod Gilbertus de Chal thone rector ecclesie de Sandersted de nostre [sic] Dioecesi in foro seculari advocacionis officium non solum in causis a jure prohibitis, verum etiam in causis sanguinis puplice et indeferenter exercere et in ipsis judicare judicantibus..." Cecil Deedes, ed., Registrum Johannis de Pontissara Episcopi Wytonensis 1282-1304. v. 2 (London, 1924), pp. 586-7, f. 153a. Canon 12 of the Third Lateran Council (1179) says: "Clerics in the subdiaconate and above and also those in minor orders, if they are supported by ecclesiastical revenues, should not presume to become advocates in legal matters before a secular judge, unless they happen to be defending their own case or that of their church, or acting on behalf of the helpless who cannot conduct their own cases." "Clerici in subdiaconatu et supra et in minoribus quoque ordinibus, si stipendiis ecclesiasticis sustentatur, coram judice se clerici et propositi ad negotios fieri non praesumant, nisi propriae vel ecclesiae suae causa fuerint prosectori aut pro miserabilibus forte personis, quae proprias causas administrare non possunt." Canon 42 of the Fourth Lateran Council forbids "every cleric...to extend his jurisdiction, under prejudice of ecclesiastical freedom, to the prejudice of secular justice." ("[U]nivers clerici interimus, ne quis praetextu ecclesiasticæ libertatis suam de caetero iurisdictionem extendat in praejudicium iustitiae secularis." Norman Tanner, ed., Decrees of the Ecumenical Councils, v. 1 (London, 1990), pp. 218 and 253. Between the two councils, we have a statute from Canterbury 1213x1214: "Nullus quoque eorum seclarem administrationem exerceret ex qua eum oporteat laice persone actus sui reddere rationem. Nec advocati sint sacerdotes vel clerici in foro seculari nisi vel causas proprias vel causas miserabilium prosequantur personarum." Powicke and Cheney, Councils and Synods II, 1, pp. 26-7.

24 "Sane insinuant nobis Johanne de Yfelde ad nos nuper pervenit quod quidam frater Henricus de Apuldrefe felde canonicus monasterii predicti professus ex[tra] clastra sua de placitis securibus circa negocia contra religiosis debitum quasi seculariter vivens decentans nimirum temerarie quamplures divagatur in cleri et religionis scandalum maniforem. Quocirca vobis mandamus quattinun, si est ita, cum non debeat nec liceat clerici, et precipue in sacra religione professis, securibus se negociis immunisce, ipsum fratrem Henricum a premisis insolentii sine more diffugio compescere studeatis." Graham, ed., Registrum Roberti Winchelsey, pp. 1105-6.
causing scandal; these concerns generally were about bad or unsuitable behaviour or unworthiness. Sometimes, though, scandal could arise from the inappropriate exercise of priestly functions. In August of 1297, for example, Archbishop Winchelsey wrote to the Provincial Prior of the Friars Preacher to complain that the friars were unlawfully usurping the pope’s role as interpreter of his own laws, and absolving people according to their own interpretation of the law, undermining ecclesiastical discipline (the latter was probably the archbishop’s real worry). This, says the primate, threatens danger to souls and scandal to the clergy and the people.25 Archbishop Simon Langham wrote in 1367 that mendicant friars were causing “serious scandals and dangers to many souls” to arise by their unlicensed hearing of priests’ confessions, enjoining of penances, and absolving of penitents (priests came

25 “[F]ratres vestri ordinis ac eciam simillium ordinum quibus de hoc similiter scribimus ex communi condicio statuta papalia, quorum in dubii non ad alium quam ad statuentem interpretacio pertinet, in ambiguis interpretari presumunt et tam a summo pontifice ex suorum statutorum effectu majori excommunicaione ligatos, quorum sibi ipsi dumtaxat absolucionum reservat, quam eciam episcoporum ac ceterorum prelatorum sentenciis jure ordinario inmodatos, a quibus non nisi per prelatos eodem vel superiores eorum ordinarium jurisdiccionem aut principaliter vel accessorie super hoc delegatam habentes, possunt de permissione juris absolvi, necnon sentencia simili pro offensa sepius manifesta ligatos, et offensis eisdem ut conventit minime satisfacto, frequentius a sentenciis ipsis contra juris permissionem absolvunt, et in delictis majoribus quorum ad majores prelatos dispensacio ac relaxacio reservatur a jure, de facto dispensant et absolvunt illicite taliter delinquentes; necnon ad alia prejudicativa prelatis quo ad regimen animarum quod eos a jure committitit, suisque periculosae subjectis, in foro penitentiali ultra quam decret licet aut expedit dicti fratres suam dicuntur extendere potestatem, per quod et prelati vultus suorum pecorum ab eis per devium et contemptum aversos agnoscessi nequeunt, ipsorumque prelatorum subditis tam periculosae vagantes quo ad congruum disciplinam ecclesie remanent incorrecti, unde quantum exinde papalis auctoritas contra obedientie debitum et episcoporum ac ceterorum prelatorum jus ordinarium eis ab eclesiæ constitutione quiesitum, quantumque ius commune quo ad offensas ut convenit non correctas contra disciplinam ecclesiasticam offenduntur, quantum eciam animarum periculum et scandalum in clero et populo iminat et oriri poterit de premissis prudenter advertite, et servatis vestre potencie finibus, ne fratres vestri similis in futurum committant vigilanti studio precavete, scientes quod qui terminos suos frequenter excederint a non suis terminis sepsix excedentur.” Graham, ed., Registrum Roberti Winchelsey, p. 188, fos. 221v-222. A good study of anti-fraternal sentiment is Penn R. Szilvia, The Antifraternal Tradition in Medieval Literature (Princeton, 1986).
under the jurisdiction of the archbishop).26

Sometimes priests could be negligent in carrying out their sacerdotal duties. In 1397, for example, a parish visitation in the diocese of Hereford found that a certain vicar Philip had gone to a dying woman with an empty pyx, “without the body of Christ, in great scandal, causing the people to adore the sacrament which was not there.”27

A few years later Archbishop Simon Sudbury issued an order to regulate the fees charged for masses for the dead, saying that with excessive salaries, priests go wild, and “several of them, after the gluttony of the stomach and the various attractions of the flesh, froth with desire, and at last are plunged completely into the abyss of evils, in detestable scandal to ecclesiastical men, and pernicious example to the laity.”28

26 “Multorum ad nos gravis querela deduxit quod quidam Minorum et Predicatorum et aliorum ordinum mendicantium fratres in suis predicacionibus coram clero et populo infra civitatem diocesim et jurisdicaciones nostras et exemptas nobis immediate subjectas temerarie palm dicunt eis de jure commune licere in quibuslibet parochialibus ecclesiis nobis ordinario jure subjectis, nostra ac rectorum et sacerdotum parochialium quorumcumque ecclesiarum confessiones audire, penitencias injungere, pro commissis et absolvere sic confessos eisdem, eciam in casibus nobis a jure specialiter reservatis, ex quibus scandalum gravia et animarum multarum pericula oriuntur.” Wood, ed., Registrum Simonis Langham, p. 148, f. 51d.

27 “Parochiani dicunt quod...dominus Philippus, nuper Vicarius, venit, cum lumine et campana, superpellicio vestitus, ut est moris, ad visitandum quandam Aliciam Clerke, in mortis articulo constitutam, cum pixide vacuo, sine corpore Christi, ad magnum scandalum, faciendo populum adorare sacramentum, ubi non erat.” A.T. Bannister, “Visitations Returns of the Diocese of Hereford in 1397”, English Historical Review 44 (1929), Part 2, p. 449. This same Philip failed to stand in his pulpit (i.e. preach) on Sundays and feast days, and refused the rite of purification to a female parishioner (pp. 449-50).

28 “Sacerdotes...sic cupiditi et delicati, salarii excessivis huiusmodi sarcinati, enormiter indomi delirant et deficient, ac eorum nonnulli, post ventris ingluviem et varias carnis illecebras, spumant in libidinem, et tandem in malorum voraginem funditus demerguntur, in virorum ecclesiasticorum detestabile scandalum, et exemplum perniciosum laicorum.” Recorded in Bishop Wykeham’s Register for 1379. Kirby, ed., Wykeham’s Register, p. 306, f. 180b. This also appears in Sudbury’s register for 1362, when he was bishop of London. The bishop calls for enforcement of a
In 1382, Bishop Wykeham issued a mandate to forbid several priests to preach the doctrines of Wyclif, which, according to Wykeham, were a "grave danger to the souls of our subjects and a pernicious example to others." Is the omission of the word "scandal" here deliberate, or is the wording by now so formulaic that we are to take "scandal" for granted? I think the latter is probably true.

Before leaving the question of bishops' dealings with other clerics we might mention a further case; this time the bishop in question, Robert Grosseteste, bishop of Lincoln 1235-1253, is writing to his superior, Edmund, archbishop of Canterbury. The context is a dispute over the location of the bishop's consecration, which Grosseteste says should take place in Canterbury, so as not to cause scandal.

In these cases there is manifest concern about the effects of public notoriety on individuals and their communities. This is not to say that bishops were more concerned about appearances than about the spiritual health of their charges; the two are connected in the definition of scandal. For them, then, the prevention of scandal

1350 provincial constitution which fixed the salaries of unbenefted clergy. Sudbury was archbishop of Canterbury from 1375 until 1381, when "he was beheaded by the rebels on Tower Hill." R.C. Fowler, ed., Registria Simonis de Sudbiria Diocesis Londoniensis 1362-1375, Canterbury and York Society v. 34 (Oxford, 1927), p. v. and pp. 190-7.


30 The letter is too long to quote at length here, but see Letter 12 in H. Luard, ed., Roberti Grosseteste Epistolae (London, 1861, Kraus Reprint 1965), pp. 54-6. About this letter and the dispute, Gibbs and Lang say: "No compromise or dissembling was permissible. It was only on a point per se indifferent, involving only loss of worldly goods or temporal inconvenience, that the question of scandal need be considered." And, "This, a moral point often discussed in the schools and in ecclesiastical disputes, was applied by Grosseteste to the dispute between St. Edmund and his chapter on the place of Grosseteste's consecration: as St. Edmund, by pressing his claim, would gain no fundamental point and only cause his weaker brethren to stumble, it would be better to give way; 'vae sit homini illi per quem scandalum venit.'" Gibbs and Lang, Bishops and Reform, p. 37 and n. 4.
was intimately connected with salvation. This is true not only of their dealings with religious houses and persons, but also of their relations with lay men and women.

2. BISHOPS AND LAYPERSONS

Let us turn to bishops' dealings with laypersons. We find these mainly in two contexts: laypersons are occasionally mentioned in the records of visitations of religious houses; but they are mostly found in the church court records. England's two provinces of Canterbury and York had, respectively, fourteen and two dioceses. At the provincial level, there were two kinds of court:

The court of Arches in London, the provincial court for the province of Canterbury, heard only appellate cases (both appeals from judgments of inferior courts and from non-judicial decisions made or feared). The consistory of York, on the other hand, heard both appellate cases from the province and first-instance cases from the diocese. At the diocesan level, every bishop had a 'consistory court', presided over by an official. The subject-matter jurisdiction, in fact, if not in law, of these courts varied considerably from diocese to diocese. In Hereford, Lincoln and York, the consistory court heard virtually no criminal (ex officio) cases, at least as a matter of first instance. In other dioceses...the consistory court did a considerable amount of ordinary ex officio business.

The bishop's deputy, the Official, had a dual role in the consistory court: first, "to

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correct and bring to repentance those who offended against the moral law", and second, "to restore to amity those who were in dispute." The first came to be "called correction, *ex officio* or 'office' jurisdiction", while the second became "known as 'instance' jurisdiction as it was provoked by the parties themselves, *ad instanciam partium.*" Morris has concluded that in the diocese of Lincoln at least, the consistory court after about 1350 heard only instance cases, and that by then it was presided over by the bishop's Official, or by the Official's deputy.

This left the bishop free to sit in the Court of Audience, which "probably heard in practice more correction [*ex officio*] than instance causes." Appeals could be made from both courts to the Court of Arches. As well, each archdeaconry had two courts. Records of all these courts are rarely complete. Often they are inserted with the other documents that make up the bishop's register.

Many people participated in the activities of courts, both civil and ecclesiastical. L.R. Poos points out that medieval villagers had multiple roles, including "kin and neighbours, co-parishioners, officers and co-suitors at local courts". "Officers" here could well include those men responsible for reporting

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33 For a further discussion of the kinds of cases likely to be brought before the bishop, see the section on marital disputes, below.


wrongdoers to the authorities. Certainly those whose behaviour was scandalous and notorious in a way that violated community standards could easily come to the attention of the officials of the bishop's court. Indeed, in terms of criminal procedure, notoriety was a prerequisite for prosecution, and Wunderli connects notoriety with *ex officio* cases in church courts as well:

Prosecutions from the office (*ex officio*) of the bishop originally had grown out of the uniquely canon law procedure of 'inquisition.' In an inquisition a court proceeded against a suspect (one with bad fame, *mala fama*) with no accuser other than the public voice (*publica vox*) or public rumor. The charge was a public charge rather than a private one. In other words, no one was certain that a suspect had committed a crime, but most members of a community, especially important persons, believed that the suspect was guilty of wrongdoing. This rumor was called a *diffamatio* — the same word that was used for 'defamation' — and the defendant a *diffamatus*. An inquisition was a useful tool of the courts to get at the root of evil rumors, either to confirm the public voice or to clear a suspect and return him to good fame (*bona fama*). A defendant, therefore, was charged 'from the office' of the bishop or judge; the 'office' prosecuted the 'public' charge. The judge could hold an inquisition and call witnesses from the community or he could order the defendant to purge himself with compurgators.

By calling attention to notorious transgressions, the people of villages and towns contributed to the church's control of behaviour.

When laywomen are mentioned in records of monastic visitations they are usually the source of trouble. Their contact with supposedly cloistered men and

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women represented, and was, a breach of enclosure. Beyond this, for monks in particular, laywomen symbolized the potential for sin and its attendant scandal that existed in the outside world. We noted above the many cases of sexual offenses committed by monks with women who lived near their monasteries. Usually we find only the punishment meted out to the men, but in the case of the abbey of Peterborough, visited by Bishop Alnwick in 1446, we learn that two of the three women with whom the abbot had been accused of committing adultery and incest, despite denying these charges when brought before the bishop for sentencing at Liddington, were to be removed from the vicinity by their husbands. We cannot know how much of a hardship this kind of banishment was.

Simon of Ghent's register gives us in his own words a promise by a priest, John Bonenfant, no longer to commit the vice of incontinence with Agnes Londonisshemayde, or any other woman, on pain of deprivation of his benefice. Stephen, rector of Charmouth, likewise promises to stay away from Cecily, wife of William Rennabote of Lyme, and William, vicar of Edington, vows to have no more to do with five women parishioners. In these cases no mention is made of any punishment for these female parishioners; nor do we know the actual penance performed by the priests.

40 See above, pp. 153-4.
41 See above, p. 170.
42 "[V]olens, igitur...huiusmodi peccatum et ipsius occasiones deinceps vitare, presencium tenore promitto quod prefatam mulierem seu quamvis aliam suspectam in meis vel alienis domibus seu alicubi de cetero non admitam nec rem cum ea vel quavis alia habebo carnalem vel alio modo illicito communicabo eadem aut alteri cuicumque." Stephen's promise is "ut supra". Flower and Dawes, eds. Registrum Simonis de Gandavo, pp. 548-9, f.186d.
Some registers do include cases of adultery where both parties are laypeople. In 1275, Archbishop of York Walter Giffard, for example, ordered that the constable, who had committed adultery with Katherine, wife of John Dentorp (both men were knights), should abjure her and suspicious places, and also to go on pilgrimage to the Holy Land, or to pay for someone else to go in his stead.

Bishop Sutton's diocese was also troubled by adulterers, at least one of high rank. His register for 1290 includes a commission to try charges of fornication brought against Richard de Beauso with Eve of Beverley; John de Beauso and others accused of being the lovers of Lady Langley (who had been under sentence of excommunication for adultery for two years, and against whom the secular arm was to be used if she did not repent and seek absolution); Maud of London and her

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44 "...seque succursui Terrae Sanctae in c libris steriliorum, si cum eadem recidivet, ad nostrum arbitrium per suas litteras publicando; nosque contritionem suam corditer ponderantes, et rigorem pro viribus mitigantes, eadem signaculum crucis ibidem tradidimus, ita ut in propria persona adeat Terram Sanctam, vel sui sumptibus ibi mittat pro isto commisso ydoneum bellatorem." Brown, ed. *Register of Walter Giffard*, p. 282, f. 129d. In most of the cases that follow the focus is on the adultery, not on the dispute between the spouses. This will be dealt with below. The editor of the register of Giffard's successor, William Wickwane, says, "Giffard had been a man of stately presence, and a lover of company and good cheer, and yet chaste as well, though rendered somewhat weak and fretful by excessive corpulence." William Brown, ed., *The Register of William Wickwane, Lord Archbishop of York 1279-1285*, Surtees Society v. 114 (Durham, 1907), p. viii.

45 "The secular coercion of an obdurate excommunicate was directed primarily towards his correction and return to the church. His contumacy had given rise to the penalty of excommunication, and his continued contumacy to the use of the secular arm. The bishop invoked the aid of the king for the same reason he had already used excommunication: to cure the person of his contumacy." When the detainee was absolved from excommunication he was reconciled with the church and released from custody. F. Donald Logan, *Excommunication and the Secular Arm in Medieval England* (Toronto, 1968), p. 137.
lovers; John le Camur and the woman who pretended to be his wife in Lincoln.46

The next year he wrote to the dean of Horncastle and Hill, with instructions that the dean should not force an adulterous wife to live with her husband if neither of them wished this.47

Also in 1290, Archbishop John le Romeyn records the purgation of Christiana, who had been accused of trying to poison her husband, Nicholas de Menil, and of committing adultery with two men. The couple must have been prominent people, because two years later the archbishop wrote to the king, explaining that Christiana had been obliged to leave her husband because of the latter's cruelty, and was otherwise leading a moral life.48

46 "In omnibus causis et negotiis motis seu movendis ex officio nostro contra Ricardum de Beauso et Evam de Beverlaco super crimine incontinencie et contra Johannem de Beauso et quoscumque alios notatos super crimine incontinencie cum domina de Langele. Item contra Matildem dictam de London...et quosdam alios notatos de incontinencia cum eadem"; to the official of the bishop of London, to announce Lady Langley's excommunication, and to threaten the secular arm: "[R]equirimus et rogamus quatenus dictam dominam Emmam nunc sub dictictu vestro London sicut dictur commorantem in ecclesis civitatis London quibus expedire videritis diebus dominici est festivis...sic auctoritate nostra suspensum et excommunicatam esse denunciari publice faciatis, eadem si inventatur diligenter monentes seu facientes moneri, quod ad premium ecclesie citra festum Pasche proxime futurum consultius revertatur, seque a dictis sentenciis in forma juris absolvi procuret, aliquoq constare faciatis eadem quod ex tunc per invocationem auxillii braccii secularis contra eam tanquam clavium ecclesie contemptricem efficaciter procedemus." Hill, ed. Register of Bishop Sutton 3, pp. 51, 189-90, fos. 11, 12, 47.

47 "Quia Ricardus de Wlrikby [sic] Aliciam uxorem suam de crimine adulterii et maculatione thorii eiusdem Ricardi judiciliter convictam reconciliare non debet invitus nisi idem de consimili turpitudine legitime convincatur, et ob hoc dicta Alicia ad cohabitandum marito suo nolenti cogi non debet de jure, vobis mandamus quatinus eandem ratione habitacionis separate a viro suo predicto nisi aliquod canonicum obsistat nullatenus molestis nec molestari indebite permittatis." Hill, ed. Register of Bishop Sutton, p. 108, f. 26v. In other kinds of matrimonial cases, unwilling spouses might indeed be made to live together. See below, pp. 238-9.

48 "Purgacio domine Christiane, uxoribus dominii Nicholai de Menil' de crimine sibi imposito. Noverint universi quod, cum domina Christiana, uxor Nicholai de Menil', militis, super infrascriptis esset articulis diffamata, videlicet, quod dicebatur ipsam in mortem diert mariti sui machinatam fuisse, ad intoxicandum eundem, venenosum poculum preparasse, ac cum magistri W. de Grenenefud et Waltero de Hamerton' adulterium commississe, ipsa, coram nobis, Johanne, permissione, etc. in capitulo
Nine years later Archbishop Romeyn issued a mandate compelling Cecily, lady of Staunton, to do the penance assigned by his commissary for her scandalous adultery with William of Bredon, which was that she must circle the church at Staunton in the procession on six feast days and as many times through the markets of Nottingham and Bingham, being beaten as she went, walking like a penitent, with a chaplain in his alb following. In another adultery case, this one involving one

nosto Ebor., die Jovis in crastino Beati Nicholai, anno gracie MCC nonagesimo, et pontificatus nostri quinto, personaliter constituta cum nona manu dominarum, sicut ei per nos indictum fuerat, super predictis articulis canonice se purgavit, unde ipsam, ut ab illis immunem, pronunciavimus in Dei nomine bone fama testemonioc presenciae, quas sigilli nostri munimine fecimus roborari." " Domino regi. Celsitudinis vestre litteras super receptum continentem us super eo quod uxor domini Nicholai de Menille ab eo invito dicitur recessisse, se elongans ab eo vitamque ducens peccatricem ac eciam inhonestam, et recusans adhere eadem, in ipsius Nicholai dispendium maximum et gravamen, curaremum remedium competens adhibere. Vestra itaque attendat dominacio quod, examinato processu habito in foro ecclesiastico inter predictum N. et uxorem ejusdem, invenimus quod dictus N. uxorem suam motu austerio a domo sua expulit contra legis debitem conjugaliam, eamque postea contra decretum ecclesie negletix alere; cui tanquam bone et conversacionis honeste judicio ecclesie certa decreta fuerant alimenta, pro eo presertim quod sua culpa non divertit a viro, set viri pocius sevisca eam innoxiam sic affixit. Propter cujusmodi seviciam ad viri redire dominium mulieris fragilis non est ausa sine caucione ydones a viro prestanda, quod eam marihali affectu, sicut convenit, pertractabit; quam vir ipse contra statuta canonica se nolle prestare aliquatenus in judicio et extra pluries et publice est testatus. Unde, si sic deprecas mulieris compactatur ecclesie, cui eciam capitatur patria communiter in quae deget, vestra, si placet, excellencia non miretur." Register of John le Romeyn I, p. 170-1, f. 52d, 176, f. 54.

49 "Quia Cecilia, domina de Stanton', nuper in visitacione nostri super adulterii crimine cum Willelmo de Bredon' notorie diffamata judicialiterque convicta, in quo tam predecessoris nostri quam nostris temporibus pariter putuerunt, in utriusque animarum periculum et scandalum plurimum, penitenciam, quam dominus Rogerus de Mar, noster tunc commissarius, injuexit eidem, videlicet, ut senas circa ecclesiam de Stanton' in plena processione sex diebus festivis et totidem per mercata de Nottingham et Byngham festigaciones, more penitentium incedens, recipere, capellano in albis consi quente eandem, aut partem ejusdem penitenti subire noluit hatchen, ut accepius, licet pluries requisita, quinimum spiritu superbie et elacionis induta, disciplinam ecclesiasticam animo irreverenti contemptui damnumabill et contemptnit. Nos, volentes, sicut ex officio pastorali astringimur, errantem oviculam a devio ad viam salutis modis quisbus possimus salubriter revocare, ne saugius ipsum in districto examine de nostis manibus periculosius requiratur, vobis mandamus, firmiter injungentes quatinus apud Stanton' personaliter accedentes, predictam Ceciliam sub competenti testimonio moneatis et efficaciter inducatis quod, ad bonum obediencie rediens, injustam sibi penitenciam, ut premittitur, humiliter peragat et devote; et, ut ipsam proximis diebus festivis et fori post moniciornem factam hujusmodi incipiat, majoris excommunica tionis sentencia compellatam eandem, quam sentenciam, si necesse fuerit, cum communicabiliis aggravatis, ut, sic rubore perfusa, ad gremium sancte matris ecclesie redeat vel invita.", Register of John le Romeyn 2, p. 245, f. 16.

The public humiliation aspect of this penance survived the Reformation, although the
man and two women, all three are suspended from entry into the church. One woman appears, confesses, and is given a penance of being beaten around the church on two feast days; when the man and the other woman appear, however, after confessing they are absolved from the excommunication and promise good behaviour under penalty of fines, with no further penance. In yet another trial for scandal-causing adultery, the male adulterer is likewise let off with a promise of good behaviour under penalty of a fine of £20, but the female partner is to be beaten on three days around her parish church.\footnote{In the first case, Alice, daughter of Peter of Catcliffe, is given this penance: "quod circa ecclesiam de Treton duobus diebus solennibus fustigetur", while Richard Bernak, "qui peccatum suum cum predictis et loca suspecta in forma ecclesie abjuravit, promittens et litteratorie cavens quod, si contigerit ipsum vere vel presumptive cum predictis vel eorum altera iterato convinci, nobis xxli persolvet." The second case, that of Sampson of Strelley and Elizabeth of Clipston, says that the two appeared personally before Archbishop Newark, to answer charges that Sampson "ipse predictam Elizabetham per plures annos tenuit, committendo adulterium cum eadem, in anime sue periculum et ecclesie scandalum manifestum," which he confessed. Sampson and his legitimate wife appeared together, and, "post multas altercaciones habitas inter ipsos", he promised to treat her with marital affection. \textit{Register of Henry of Newark}, pp. 271-3, f. 30.}

whipping did not. An example from 1734 is instructive, not only as evidence of the survival of this kind of ritual, but also to show the longevity of the formulaic wording. The guilty woman, Margaret Sherratt, was to go to a different parish church on each of three successive Sundays, and during all the time of divine Service shall stand upon a low Stool placed before the Reading Desk in the Face of the Congregation then assembled, being cloathed in a white Sheet in her Stocken feet, with her hair about her Ears, and having a Wand in her hand, and immediately after the End of the second Lesson the said Margaret Sherratt shall (with an audible voice) make her humble Confession as follows:

Whereas I Margaret Sherratt Not having the Fear of God before mine Eyes, but being led by the Instigation of the Devil and my own carnal Concupiscence have committed the grievous Sin of Fornication with Thomas Booth To the dishonour of Almighty God, the breach of his most sacred Laws, The Scandal and evil example of others, and the danger of my own Soul without unfeigned Repentance, I do humbly acknowledge...

cited in Anne Tarver, \textit{Church Court Records} (Chichester, 1995), p. 42. Tarver notes that the custom of public penance also taking place in the market place still existed in some places well into the eighteenth century (p. 45).
reconciled, and the sentence commuted to a fine, five days’ flogging to take place if he should treat her badly.\textsuperscript{51}

Archbishop Greenfield’s register records the case of the lady Lucy Tweng, wife of a knight, who had committed adultery with another knight. To remove as much as possible the danger and scandal to his subjects, the archbishop says, she should repair to Watton Priory to undergo her penance.\textsuperscript{52}

Scandal is explicitly mentioned in only some of these adultery cases, and the adultery is not always its source. I think it likely, however, that the concept of

\textsuperscript{51} In this case, “confessione facta per eundem Johannem de adulterio ab eodem commisso, eandem Agatham ad domum suam adduxit invitanet ipsum eadem nocte secum jacentem volentem et consensientem carnaliter cognovit, prout juramento ab eis prestito de veritate dicenda judicialiter sunt confessi; nos, pro huiusmodi violenta abductione, prestito ab eodem juramento de standing seu parendo ordinacioni nostre, eadem pro satisfaczione violencie huiusmodi injustus quod solverit nobis xxli, vel quod per x dies circa forum Nointinghamie festigaretur...et exaccionem distilimus quousque viderimus qualiter uxorem suam veluerit pertractare. Ceterum, nobis et aliis amicis intervenientibus, dicta mulier virum suum reconciliavit, qui promisit sub pena xli nos solvendarum vel festigacionis per quine dies circa forum predictum, quod ipsum deceterno in omnibus maritali affecionec debite et honorifice pertractabiet et contra ipsum graviter non delinquet.” Register of Henry of Newark, p. 279, f. 34.

\textsuperscript{52} “Inter ceteras occupaciones quibus astringimus ex officii debito pastoralis, illam precipuam cerim quis qua animarum, quaram disponente Domino curam gerimus, saluti providencia consulimius sollicita et a nostris subditis pericula quantum possimus et scandala removemus. Sane nuper domine Lucie de Twenge, uxori nobilis viri, domini Willelmi le Latimer, pro adulterio pariter et incestu cum domino Nichlaol de Menyl milite commissis, canonice duximus injugendum quod locum aliquem tutem et honestum, in quo cum religiosis dominabus moram faciatur ad penitenciam Deo placidam peragendam, quam sibi pro loco et tempore intendimus salubriter ordinare, ut ab aliquorum insidiis, quorum seviciam ut dicitur non immerito pertimescit, securius sit mutum. In mora igitur temporis in hac parte periculum intuentes, ac volentes eidem remedio celeri obviare, vobis injungimus et mandamus quatinus prefatam dominam Luciam omni dilacione postposita personaliter moneatis, si inveniri poterit, aliquin pupplice in ecclesiis locorum ubi moram facere dicitur, et sub pena canonice districcionis efficaciter inducatut ut ingressum in domum monialium de Watton, quam inter ceteras nostre diocesis securam reputamus proculdubio et honestam, citra festum beati Martini proximo sequens sibi cum effectu procuret, ibidemque existens ipsi domui nullatenus onerosa, sua continua plangens commissa, sub habitu laicali divine contemplacionis obsequio devocius famuletur, donec de ipsius statu aliiud per nos fuerit ordinatum. Et quid factum fuerit in premissis nos quam cicius poteritis distincte, et aperte per vestrar reddatis litteras cerniores, harum seriem continentem.” Brown and Thompson, eds., The Register of William Greenfield, v. 3, pp. 49-50, f. 176d.
scandal as public sin with the potential to cause sin in others underlay bishops' treatment of these cases (in which the persons involved were likely of relatively high status), especially with regard to the very public penances which were often assigned.

Of course, sexual misdemeanours were not the only source of scandal. Archbishop Winchelsey in 1299 wrote instructing his commissary to deal with persons who had occupied a rectory and made away with some of its goods. This occupation constituted "no small...attack on ecclesiastical liberty and scandal to many," and the perpetrators were to be threatened with major excommunication.53 In 1279, Winchelsey's predecessor, Archbishop Pecham, ordered the excommunication of those who had stolen animals from a church. In this case, the miscreants, who included a cleric among them, were sheriff's officers. The archbishop says that their crime was of "serious prejudice to the rector and his church, great harm and a scandal to many."54

53 "Ex insinuacione Thome de Chartham rectoris ecclesie de Ralcovere ac ex fidedignorum frequenti relatu famaque didicimus referente quod nunnuli iniquitatis filii in multitudine copiosa mansum et domos ad rectoriam ecclesie parochialis de Ralcovere ac capellarem suarum nostre diocesis spectantes, portas et hostia confringentes de die in conspectu populi ausu sacrilego se nuper tementitate propria notorie intruserunt, bona predicti rectoris ibidem inventa sine permissu eorum qui ipsorum custodie per dictum rectorem fuerant deputati dissipando et illicite contractando, easdemque domos adhuc sic damnabiliter detinent occupatas in ejusdem rectoris non modicum prejudicium emunitatis [sic] et libertatis ecclesiasticæ lesionem ac scandalum plurimorum, quos non ambigitur majoris excommunicacionis sentenciam ipso facto tam detestabili procul dubio incurrisse.... tibi commitimus et mandamus quatinus legittima monicione premissa quod omnes malefactores predicti ab hujusmodi locis et dominibus ecclesiasticis sine mora totaliter recedentes et a presumpcionibus tam nepharis desistentes pro commissisdeo et ecclesie congruam satisfaccionem empandant, majoris excommunicacionis sentencia auctoritate nostra in genere si non paruerint pulsatis campanis candelis accensis percellas eodem." Graham, ed., Registrum Roberti Winchelsey, pp. 351-2, f. 269v.

54 "Quoniam ex relatione fidedignorum recepimus confidenter quod Symon de Tonderie, clericus, et Warinus de Poleyce, laicus, pretendentes se bedellos vicecomitis Hertford cum quibusdam allis suis complicibus ad ecclesiam de Northmimmes, diocesis supradicte, spiritu nepharie rebellionis
Even rabbit-thieves could cause scandal, as we see in Bishop Wykeham's register for 1374. In a letter to several clerics the bishop says that report has reached his ears that "several sons of perdition, whose names are unknown," have captured, taken away, handled...and eaten, illegally and unjustly, in grave danger to their souls and scandal to many others," "conies and other wild animals" from "woods, pastures, warrens, parks, chases" belonging to the bishop's manors, including Farnham and Crondall, "against our will and [without] our permission or that of our bailiffs."

Major excommunication of the miscreants is to be enforced.\textsuperscript{55}

Repeated failure to obey a command to pay fines could be a scandal-causing ground for excommunication, as we see in Archbishop Pecham's register. A number of men had been fined, and had scandalously refused to pay, which resulted in their

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contra sacrosanctam matrem ecclesiam et libertates ipsius dampnabiliter concepto, de loco sacro et ipsius ecclesie feodo animalia ipsius ecclesie ad instantiam et procuracionem magistri Iohannis de Bissemende, rectoris ecclesie de Bochampton, eiusdem diocesis, temere invadentes, abduxerunt ac ea diu et detinuerunt et adhuc detinent, seu detineri faciant pulam et publice, injuriose occupata, in ecclesiastice libertatis illusionem, rectoris et ipsius ecclesie grave prejudicium, enormem lesionem et scandalum plurimum, dum idem rector pro suis et ecclesie sue negotiis in Curia stisset. Antedicta que adeo publica et notoria esse dicuntur ibidem quod continuas sunt et inficiationi locus non existit."


\textsuperscript{55} "[F]lamma tamen in variis locis dicte nostre diocesis a fidedignis exorta ad nostrum noviter perveniit auditum, quod nonnulli perdidicis filii, quorum nomina ignorantur, preter et persone sue, proprie salutis obliqui, nemora, pascua, warensas, parcos, chacies, et alia loca manerorum de Farnham et Crundale, et aliorum quamplurium manerorum nostrorum dicte nostre diocesis, ad nos et mensam nostram episcopalem notoriam pertinens, tam diurno quam nocturno tempore, cum suis manchins, rethibus, laqueis, canibus, archibus, et sagittis, ac misteriis aliiis pro capiendis cuiniculis et aliiis feris bestiis fabricatis, clandestine ingrediencis, cuiniculos nostros et alias feras bestias nostras in multitudine copiosa, contra voluntatem nostram aut permissionem tam nostram quam ballivorum nostrorum, ministrorum, et custodum locorum predictorum, ceperint, abstraxerunt, contractaverint, abstulerint, et consumpsierunt, illicita et injuste, in animarum suarum grave periculum et aliorum scandalum plurimum, maioris excommunicacionis summam contra malefactores huiusmodi, sicut prefertur, promulgatam ipso facto dampnabiliter incurrendo." Kirby, ed. \textit{Wykeham's Register}, p. 213, f. 111a.
excommunication. That excommunication was to be publicly announced.56

Assaults on clerics had the potential for scandal. Archbishop of Canterbury Walter Reynolds wrote to his suffragans in 1314 about such a case, noting that the canonical punishment ("beneficially set up for the remedy of souls"), for "those who lay violent hands upon clerics" was major excommunication. Recounting a particular attack on a priest, he says that this was "in serious scandal to the church, a dangerous example to others, and scandal to many."57 In 1374 Bishop Wykeham declared that those men had incurred excommunication who had laid violent hands upon John Veel, a priest carrying out the duties of an apparitor (a summoner), and wounded him seriously, causing a great loss of blood, and left him for dead. This deed was "a pernicious example and scandal to many."58

56 "Cum Johannes de Norton, Rogerus Freeman, Henricus de Bradelee, Henricus Calle, Robertus de la Hale, Ricardus Gari de Norton et ceteri parochiani dicte parochie excommunicati fuerunt auctoritate et mandato predecessoris nostri pro eo quod decem marcas in quibus condemnavi fuerant ex certa causa per magistrum Nicholaulam de Martham, tunc commissarium predecessoris nostri predicti, solvendas eidem predecessori nostro, loco et terminis a dicto commissario statutis, non solverint, et dictam excommunicationis sententiam animo sustinuenter indurato et adhuc sustinere non formidant, in suarum animarum praebidicium et gravamen et scandalum plurimorum, ad emendationem venire contemptentes, quasi claves sancte matris ecclesie vilipendendo et cum crescente contumacia crescere debet et pena, et quia nil obedientie prodesse videretur hominibus, si contemptus contumatis non obesset, vobis precipiendo, districte mandamus in virtute obedientie quatinus predictos Iohannem et ceteros parochianos...denuntietis, seu denunciari faciatis, publice excommunicatos..." Douie, ed., Registrum Johannis Pecham, v. 2, p. 102, f. 166v.

57 "...ad medelam animarum a canonical salubriter sit statutum quod inicientes manus in clericos temere violentas maioris excommunicationis sententia hac ipso involvuntur"; the assailant had stabbed the priest with "cutellum longum per medium corporis", "in grave ecclesie scandalum, perniciosum aliorum exemptum, et scandalum plurimorum." Lambeth Palace Library, The Register of Walter Reynolds, f. 36v.

58 "Querelam dilecti filii Johannis Veel, presbyteri nostre dioecesis, gravem receptimurus, continentem quod nuper die lune xxvita mensis Septembris ultimo preterit, dum iter suum per villam de Chidungfolde, dicte nostre dioecesis, super execucione cuiusdam mandati nostri arriperet, nonnulli Satane satelles, quorum nomina ignorantur penitus et persone, spiritu ducti diabolicis, in ipsum impetuose iruentes manus in eundem in caso a jure non proviso injecerunt temere violentas, ipsumque usque ad sanguinis effusionem enormem graviter vulnerando et aliter enormiter pertractando.
Sometimes scholars were responsible for violence against clerics: in 1380 Bishop Wykeham issued a commission to the master of Trinity Hall, Cambridge, to hear "a charge against certain scholars of Mildenhall of abducting one of the friars-preachers at Thetford." The "scholars" had violently torn him away from his companion and kidnapped him, and keep him hidden, "in grave danger to their souls, and scandal to the order, and no little prejudice and loss to the whole order".  

Bishops' registers record many licenses for private chapels; these are usually the property of the wealthy. We rarely find more than the license recorded, but in 1377 Bishop Wykeham had occasion to warn the parishioners of the village of Tichfield who had opened a chapel without his license. Holding services there and deserting the parish church (and the services conducted there by their parish priest) caused "serious prejudice and danger to their souls, and scandal to many."

59 "Querelam nuper religiosorum virorum prioris et conventus ordinis supradicti Thetford, dicte Norwycensis diocesis, gravam recepimus, continentem, quod nonnulli viri, scolares de villa de Mildenhale, dicte Norwycensis diocesis, quorum nomina ignorantur, quemdam fratrem Willemum de Pykkeworth, de ordine memorato, violenter a suo socio rapuerunt, et eum a debita obediencia sui ordinis abduxerunt, ipsumque sic raptum et abductum detinuerunt et occultarunt, detinent et occultant, temere et injuste, in suarum grave periculum animarum, totiusque religionis predicte scandalum, prejudiciumque non modicum et jacturam", Kirby, ed., Wykeham's Register, pp. 219-220 (f. 115a).

60 "Fama publica et facti notorietas, patratique sceleris evidencia, ad nostrum deduxerunt auditum, quod parochiani ecclesie parochialis de Tichfeldo, nostre diocesis, inhabitantes hamelettam sive villatum de Holke...quorum nomina ignorantur penitus et persone, quandam capellam in hameletta seu villata predicta, et infra fines et limites parochie dicte ecclesie, in casu a jure non proviso, et absque nostra licencia seu auctoritate alia legitima quacunque, erexerunt, edificarunt, seu per alios erigi et edificari procurarunt, preter et fecerunt, illis quorum notorie intererat in hac parte non legitime vocatis nec ad hoc consensum prebentibus vel assensum; ipsique parochiani diebus dominicis alisque solemnibus et festivis, in quibus missae, predicaciones, salutarisque monita, injunciones, et precepta per rectorem seu vicarium dicte ecclesie ex debito eorum officio in ecclesia eadem celebrabantur et fiebant, celebrantur et fiunt, sicuti celebrari fierique deberent, ab eadem ecclesia, dum premissa sic
similar admonition was issued to the parishioners of Odiham and Heckfield who in 1386 were scandalously attending mass at Rotherwick chapel.61

Failure to contribute to the maintenance of the church could be considered scandalous, or a bad example, as Archbishop Simon Langham of Canterbury indicates in a 1367 mandate. The recalcitrant parishioners, he says, were acting “in manifest danger to their souls and also pernicious example to many.”62

Other scandalous transgressions by laypeople included inappropriate behaviour in churches and cemeteries. In 1384, Bishop Wykeham of Winchester issued a threat of excommunication to those guilty of such behaviour in the cemetery of his cathedral: It has come to his ears, says the bishop, that

certain clerics and layfolk, whose names are unknown, [are] entering the cemetery of our cathedral church, which is dedicated to divine service, to play ball, throw stones, which caused the breakage of church windows and other damage, to perform dissolute dances, sometimes to sing songs, to create spectacles of mockery, to dance and play other shameful games

61 “Sane fama publica referente ad nostrum pervenit auditum, quod nonnulli ecclesiarii nostre diocesis parochiani, qui diebus dominicis et festivis divinis officiis et precipe alta misse in eorum ecclesiis parochialibus a institucione canonica interesse tenetur, ad capella de Rutherwyke predictam...contemptis eorum proprisi presbyteris,...confluunt impudenter, et audita inibi missa privata de mane, ad jentacula et potaciones, comessaciones, et ebrietates ac alia lascivia et inhonesto extunc se conferunt indecenter, in animarum suarum grave periculum, perniciosum exemplum et scandalum plurimum.... [Flirmite injungendo mandamus...moneatis et moneri publice et genere faciatis omnes et singulos parochianos huissmodi, quod ipsi ad ipsorum parochiales ecclesias prefatas...reverenter accedant”. Kirby, ed., Wykeham’s Register, pp. 388-9, f. 225b.

together, and to perpetrate many other excesses...to the
offense of divine majesty, the grave danger of their
souls, and manifest prejudice of our church, and scandal
to many. 63

Earlier, in the diocese of London, Bishop Baldock had found it necessary to
prohibit wrestling and other scandalous blood-shedding activities (he notes that even
homicide has occurred) in churches and churchyards. The bishop says that he has
heard through public notoriety that the common people carry on wrestling, lascivious
deeds and assemblies, from which “disagreements, contests, violent spilling of blood,
murder and diverse pollutions are ascertained to have occurred, in scandal to the
church, impediment to divine learning, serious danger to souls, and manifest violation
of ecclesiastical immunity.” The bishop strictly forbids “anyone to arrange, in
churches or cemeteries of our jurisdiction, wrestlings, lecherous affairs, fights or
discords, or shameful gatherings against...the honour of the church...under pain of
major excommunication.” 64

63 “Sane ad aures nostras multorum informacione pervenit, quod quidam clerici et laici,
quorum nomina ignorantur et persone, nostre ecclesie cathedralis cimiterium divinis obsequiis
dedicatum ingredientes in eodem ad pilas ludere, jactationes lapidum facere, per quas fractiones
fenestrarum ipsius nostre ecclesie sepe fluint, et alia dampna inferuntur eidem, coreas facere dissolutas,
et interdum canere cantilenas, ludibriorum spectacula facere, saltaciones et alios ludos inhonestos
frequentare, ac multis alia insolencias perpetrare...in divine magestatis offensam, animarum suarum
graue periculum, predicteque nostre ecclesie prejudicium manifestum et scandalum plurimum.”
Kirby, ed., Wykeham’s Register, p. 410, f. 233a. The editor notes that throwing stones was forbidden
by 12 Ric. II, s. 6.

64 “Decet ut cujus in pace factus est locus ejus cultus sit debita veneracione pacificus ut
convenientes ibidem dominum thesum Christum qui salvum facit populum suum a peccatis eorum per
exhibitionem reverenzia locis in iphus nomine dedicatis devocius adoren et in eisdem locis omnes
actus ad convicia et tumultus ac polluciones inductivi penitus conquiescant. Sane tam ex frequenti
clamore quam ex facti notoriate frequenter accepimus quod in quibusdam ecclesias et cimiteriis
nostre civitatis et diocesis, tum in ipsum ecclesiarium festivitatibus, tum in mortuorum ibidem
delatorum exsequis et alii temporibus quibus devociion pariter et oracionibus omnino vacare
convenirent, flunt plerumque communes lascivie, lucte et alie voluptuose conventicule ex quibus
hactenus discidia, contenciones, sanguinis effusiones violente, homicidia ac polluciones diverse
Armed knights congregated at the church in times of trouble, but such gatherings could give rise to scandal. In 1269, Bishop Walter de la Wyle of Salisbury wrote to the dean and chapter of the cathedral, admonishing them not to let some knights assemble in the cathedral close because of their scandalous behaviour there. These knights were apparently committing

[thefts and other shameful crimes there, and under the veil of knightly privilege disparaging the honour due to nobility, not entirely without the connivance of some of us....[This behaviour] sometimes impedes the divine office but most often scorns and troubles the ministers of the church, in danger to their souls and scandal to many in their audacity in the frequent sacrilegious infringement of ecclesiastical liberties.]

Another kind of inappropriate behaviour was going to market on Sundays and feast-days. To Bishop Wykeham (in January 1388-9) this was particularly evil because, when

the multitude of the people congregate in markets or squares, where diabolical power grows, and on account of the absence

pervenisse comperuntur in ecclesie scandalum, divini cultus impedimentum, animarum grave periculum et immunitatis ecclesiastice violacionem manifestam et scandalum plurimorum. Quocirca vobis committerimus et mandamus quatinus in singulis congregacionibus vestris et ecclesiis vobis subditis monestis omnes et singulos districtus inhibentes nequis in ecclesiis vel cimiteriis nostre jurisdiccionis luctas, lascivia, contenciones aut discordia vel conventicales inhonestas contra instituta canonum vel decus ecclesie ordinet, vel edicat aut ineat vel aliquibus ea perpetrantibus assistat vel opem prestet, consilium vel favorem puplice vel quocumque quesito colore, in divini cultus impedimentum vel ecclesiastici diminucionem honoris, sub pena majoris excommunicacionis...." R.C. Fowler, ed., Registrum Radulphi Baldock, pp. 145-6, f. 30.

65 "Clamore valido famaque communi nostris et multorum auribus intonnate factisque nephandis et reprehensione dignissimis sepe subsecutis intelligimus quod ingrunentibus aliquociens temporibus inquietis comitiva nobilibum ad claustrum vestrum Sar' sepe cum armis declinancia rapinas ibidem ceteraque flagicia committens et sub velamine prerogative militaris honestatem nobilitati debitam deprimens, non omnino sine quorumdam de nobis connivencia qui maliciis hujusmodi quibus occurrisses debuissest et possent hactenus occurringe non curarunt, officium divinum nonnumquam impeditit set ecclesie ministros sepissime fastidivit et molestavit in anime sue periculum et scandalum plurimorum ecclesiasticas libertates ausu sacrilego pluries infringendo." Elrington, ed., Registers of Roger Martival, v. 2, pt. 2, p. 561, f. 223.
of the faithful in the sacrosanct churches, reverence for
God and the saints ceases, by no means are the sacred
mysteries... held in due veneration, and the devotion of
prayer is too much diminished and grows tepid, in
irreverence to God and Holy Church, grave danger to
souls and divine precepts, rather in contempt of the
Christian religion, and manifest scandal.\textsuperscript{66}

Clearly the problem was a sticky one; eleven years later (in December of 1400), the
bishop wrote again that Sunday (and feast day) shopping was a "danger to souls", a
"pernicious example", and "in manifest contempt of the church."\textsuperscript{67}

Returns from parish visitations in the register of Bishop Trefnant of Hereford
in 1397 show that even believing in ghosts could be scandalous: "The parishioners
say that a certain Nicholas Cutler of Ruwardyne, whose father is dead, publicly said
that the spirit of his father walked by night in the said parish, and he kept watch one

\textsuperscript{66} "Quo fit, ut dum diebus supradictis ad mercata seu fora huiusmodi, in quibus potencia
crescit diabolica, confundat populi multitudo, in sacrosanctis ecclesiis, propter absenciam fidelium,
cessat Dei et sanctorum reverencia, sacra ministeria nequaquam, ut condeceat, in debita veneracione
habentem et oranarium [sic] devocio nimium subrahitur et tepescit, in Dei et sancte ecclesie
irreverenciam, animarum grave periculum, et preceptorum divinorum, ymo religionis Christiane,

\textsuperscript{67} "Sacris canonibus et sanctorum patrum constitucionibus noscitur esse cautum, quod cuncti
Christi fideles dies dominicos ac festa principalia Domini nostri Ihesu Christi, gloriosissimeque matris
sae Virginis intemurate, apostolorumque et sanctorum mortis, quorum vigilie juxta ordinacionem et
observacionem ecclesie Anglicane jejunantur, venerari, et ab operibus servilibus et officiciis mechanicis
abstinere, missasque et alia divina officia in ipsorum parochialibus ecclesiis audire et Deo jugiter
famulari tenentur, preter et artantur.

Insinuacione tamen clamosa intelleluximus displicerent, quod nonnulli nostri subditi civitatis
nostre Wynnon. dies dominicos ac festa huiusmodi observare, prout legalis sanxit auctoritas, et divinis
officiis intendere minime curarunt, neque curant eiiam in presenti; set suis artificiis, negociacionibus,
mercimoniis, et mercandizies diebus predictis continue intendunt, ac eorum opellas sive shopas prefatis
diebus, prout aliis non feriatis, cunctis venientibus prebent et tenet apertas, ipsorum artificiis,
egociacionibus, et mercandizies, ut premitititur, publice insistendo, in animarum suarum grave
periculum, aliorumque artificium et mercatorum dicte civitatis perniciosum exemplum, ac alme matris
night on his father's grave, in great scandal to the catholic faith."

Bishops had to do with more intimate matters than the propriety of breaking the sabbath and believing in apparitions. The register of Roger Martival, Bishop of Salisbury 1315-1330, records the case of Alexander of Hoo and his wife Margery who appeared before the bishop in his court of audience in November of 1316. Margery "and others" charged that Alexander had beaten her inhumanely and deprived her of food and drink, as well as disposing of both their common goods and her own dowry to a third person, John Schobenhanger, which deeds were public and notorious. Alexander denied the charges and added that his wife had deprived him of his conjugal rights, but Margery insisted that he had beaten her severely enough to break a bone. The bishop ordered the parties to attempt a reconciliation, which failed. We do not learn how the case was concluded, but while it was under consideration, Margery was allotted two shillings a week alimony from their common goods, a sum which indicates that Alexander was a man of some substance.

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68 "Parochiani dicunt quod quidam Nicholaius Cuthlere de Ruwardyne, defuncto patre suo, publice dixit quod spiritus eiusdem patris sui transit de nocte in parochia predicta, et fecit vigilias super tumulum dicti patris sui una nocte, in magnum scandalum fidei catholice." Bannister, "Visitations Returns of Hereford", Part 2, p. 446. It is not clear whether it is Nicholas's belief that his father's ghost walked, or his keeping watch by night at his father's grave, which caused scandal.

69 "...comparuerunt personaliter...Alexander Margeria et Johannes, cui Alexandro ex officio objeccimus quod eadem Margeriam suam uxorem verberando inhumaniter sibi ministrii victui necessaria prout debebat et potuit de bonis eorum communibus seu dote eiusmod mulieris que indebite inceperat dissipare illicite denegando et alias male tractando affecione maritali ut debeat non pertractavit, super quibus intendebasmus procedere et statuere quod justicia suaderet ac anime ipsius salutii expediens videretur. Ad quae idem Alexander respondit quod eadem Margeria ipsum jure maritali spoliaverat unde petebat ad jus huius se restitu, offerens se paratum sibi necessaria in hac parte ministrii secundum status exiginax utriusque negavitque verberacionem hujus et de si qua servicia dubitabat optulit se paratum prestare in hac parte idoneam caucionem de non inferendo sibi malum, super quibus peciit fieri justicie complementum. Ad que dicta Margeria respondit quod idem
As noted, records of bishops' courts are rarely found complete, or even together. Often proceedings are inserted into the bishop's register, along with other business. This is the case with a neglectful husband who appears in Archdiocese of Canterbury John Pecham's *Registrum Epistolarum*. The archbishop writes in August

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Alexander pluries eam sic prosequitur odio capitali et adeo severus existit quod ejusdem sevicia provideri non potest ipsumque de eo qui eam inhumaniter verberavit ipsiusque ossa fregit, eam volens interficere prout nisis fuit, et publice prostrabatur quod de eo merito diffidere sibique propter hoc merito trepidanti non posset sucessionis securitas provideri, quare pecit eam amoveri ab eo et alicui probe et honeste mulieri seu loco religioso tuto et honesto aut ipsius mulieris consanguineis custodienda committi sibique alimenta de bonis eorum communibus atque dote, que idem Alexander manifeste inceperat dissipare eam in prefatum Johannis de Schoenhangr' illicite alienando, quo omnia et singula adeo dixit publica esse et notoria quod nulla poterant tergiversacione celari. Unde pecit in hac parte sibi fieri justicie complementum. Ad quod prefatus Alexander litem contestando respondit quod eam sic inhumaniter non pertractabat ut ipsa proposuit in hac parte sed quod fregit aliquociens sibi pannos, fatebaturque alienacionem honorum predictorum in prefatum Johannis factam fuisse propter quod tamen idem Johannis fuit ut pretendebat obligatus ad prestandum sibi eidem Margeriam certum sufficientis annuum pro necessariis eorundem. Ad quod prefatus Johannes respondit ea vera esse, asserens se partum observare quatinus eum contingit convencionem supradictam. Cui objecimus eam ex officio quod idem Johannes fuit illicite persuasor quod idem Alexander prefatum Margeriam non ut debuit pertractavit nec sibi ut debutit necessaria ministravit, ad quod respondit negando supradicta. Partibus vero supradictis juratis et idem que pridem dicentibus, nos volentes pacem et concordiam fieri inter partes predictas injunximus eisdem ad ipsarum parciun predictonem quod super hiis prout fuerit possibile tractarent de pace, et interim singulis septimanea dicta mulier habeat duos solidos de bonis predictis pro necessariis mulieris ejusdem, quibus dicta partes consenserunt. Unde hiis omnibus sic auditis, optantes pacem et quietem parciun predictarum nosque eciam super hiis plenius deliberare volentes, injunximus eisdem quod ut predictur tractarent de pace, sub nova citacione dimittentes eisdem ut si pac quod absit non fuerit reformata, cum fuerint legitime excitati, comparent coram nobis super hiis prout justum fuerit processuri et juri per omnia perituri."

Dorothy Owen, ed., *The Register of Roger Martival*, Vol. 4, pp. 5, 7, 10-15, fos. 278*- 280, 286. This entry is dated November 4, 1316; further proceedings took place on December 23 and during January and May of 1317.

Another such case in Martival’s register (which does not, however, include a claim by the wife that the husband’s behaviour is public and notorious), is that of Sir Alan Plokenet and his wife Sybil who claimed that her husband had cast her off and was failing to support her. The bishop issued an order that she was to be paid 50s. weekly (Sir Alan’s wealth was reckoned at £1000 per annum). The case was moved to the Court of Arches, the Archbishop of Canterbury’s appeal court. (*The Register of Roger Martival*, Vol. 4, pp. 52-57; 74-76; 89-91.) In support of my suggestion that Alexander of Hoo was a man of means, see Christopher Dyer, *Standards of Living in the Later Middle Ages* (Cambridge, 1989): “Around the year 1300...six earls received annual incomes in excess of £3,000,” (p. 29); and, at the other end of the scale, “In the late thirteenth century...the maximum earnings of a building craftsman could have been in the region of £4 to £5, and of a labourer in the range of £1 10s. to £2” (p. 226). In about 1300, wheat cost 6s. a quarter, which made about 250 loaves, and an ox cost 10s. (p. 101).
of 1282 to the bishop of Rochester that his "beloved daughter Alice, wife of Hamo Crevequer [or Crèvecoeur?], of your diocese," had appeared before him, and had tearfully complained to him that the above Hamo her husband, treating her badly had withdrawn both food and the conjugal debt from her incorrigibly, when for not a few years committing adultery with Juliana, wife of Elias of Prato in Frendesbyre, in the said diocese, in scandal to the church and pernicious example to others. And though the same woman Alice asserts that she came many times to you as ordinary of the place, seeking that these things be corrected by you and that a sound remedy be applied by you, yet you close your eyes, as is said, so far ignoring, not caring at all to make correction, which was not proper for pastoral solicitude.

Pecham says that because of the bishop's dereliction it is proper for him to assume jurisdiction himself, but he gives him a chance to carry out his duty. It is most unfortunate that no contemporary registers survive from Rochester which might have told us what the bishop did about Hamo Crevequer.

We know a little more about the resolution of some cases involving scandalously abusive husbands in the records of Pecham's successor, Robert Winchelsey. In October of 1297, Archbishop Winchelsey sent a mandate to the dean of Shoreham to cite Walter de la Mare to appear before the Archbishop on charges of having deserted his lawful wife Katherine, the mother of his many children, and

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70 "Accedens ad nos dilecta filia Alicia, uxor Hamonis Crevequer, vestrae dioecesis, nobis lacrimabiliter est conquista, quod praedictus Hamo maritus suas ipsam male pertractans alimenta et debitum conjugale sibi subtrahit tanquam incorrigibilibis, cum Juliana uxor Elyae de Prato in Frendesbyre, dictae dioecesis, per non modicos annos adulterium committendo, in ecclesiae scandalum et aliorum perniciosum exemplum. Et quamquam eadem Alicia mulier vos loci ordinarium quantociens, ut asserit, adiverit, petens a vobis praemissa corrigi et super his per vos salubre remedium adhiberi, vos tamen sub quadam conniventia, ut dicitur, hactenus transeuntes, correctionem inde facere minime curavisit, quod pastoralem non decuit sollicitudinem. Et licet ad nos in vestri defectum sit ad prasens devoluta jurisdicció in hac parte, volentes tamen vobis ex benignitate quantum possumus deferre, fraternitati vestrae mandamus quatenus talem adhibere curretis in praemissis correctionis curam debitam et festinam, ne nos circumstrepente querela manus oporteat apponere correctrices." Martin, ed. *Registrum Epistolærum Fratris Johannis Peckham*, Letter 299, pp. 387-8.
depriving her of her dowry and possessions, as well as the conjugal debt; all to the cost of his salvation and scandal to many. "These things," says Winchelsey, "threaten great danger to souls," so Walter must appear personally before the Primate. In the year before, Richard Peyfrer had appeared before Winchelsey accused of diverse excesses and sins, including treating his wife Johanna inhumanely and committing adultery and incest with other women. Johanna had appeared personally and petitioned for a hearing. The archbishop had ordered Richard to make regular money payments to his wife (£10 a year), and also to return her dresses and ornaments to her.⁷² Even though the couple was separated, Richard still had

⁷¹ “Conquesta est nobis Katerina de Londonia mulier quod licet Walterus de la mare de Eynesford’ matrimonium cum eadem Katerina dudum legitime contractississet, simulque tanquam vir et uxor mutuo cohabitassent et multas inter se soboles procerassent, prefatus tamen Walterus dictam Katerinam uxorem suam propria terneritate absque judicio ecclesie jam quadriennio elapso a se abiciens possessione obsequi debiti conjugalis ipsum nequiter spoliavit, et de dote sua aliisque eorum bonis communibus et vite necessaria recusat inhumaniter ministrear in sue salutis dispendium et scandalum plurimorum. Cum igitur ex his magnum iminentes periculum animarum tibi mandamus firmiter injungendo quatinus peremptorie cites vel citari facias dictum W. quod compareat coram nobis quarto die juridico post festum commemoracionis animarum ubicumque tunc et cetera, prefate Katerine super premiissis ac nobis super sibi obiciendis ex officio nostro responsurus et de veritate dicenda personaliter juraturus ac quibusdam interrogatorios sibi ex officio faciendis responsurus facturus ulterioris et receptrur quod juri fuerit consonum et racioni.” Graham, ed., Registrum Roberti Winchelsey, pp. 194–5, f. 224r.

⁷² “Memorandum quod cum Ricardus Peyfrer de Boklande Cantuarensis diocesis ex citacione legitime sibi facta paruisset in aula prioris ecclesie Christi Cant’ in villa de Chertham die Jovis in quindena sancti Michaelis anno domini m’cc’nongesimo quinto coram nobis R., permissione divina Cantuarensi archiepiscopo tocius Anglie primate in negocio in quo contra eundem Ricardum super diversis excessibus et criminibus tam Johannam uxorem suam super eo quod inhumaniter ipsum tractasse asseritur quam eciam alias mulierum cas quibus adulterium et incestum dicitis commississe tantentibus, idem Ricardus per nos ab inicio requisitor, an penitencia[m] sibi pro quadam contumacia prius injuncta[m] fecisset respondit quod non. Unde sibi precepitimus in virtute sacramenti de parendo seu stando mandatis ecclesie pro dicta contumacia prestiti ab eodem ut dictam penitenciam faciat cum super fuerit requisitus. Et cum dicta mulier uxor sua coram nobis in judicio dictis die et loco personaliter consituta petivisset instanciis ut sibi cum patre suo vel in alio loco tuto et idoneo propter viri sui supradiicti seviciae constitutis, seu eciam ut juste exeget collocande ubi para extiterat virum suum eundem ad viriles amplesus admittiere ut debert, sumptus ipsius mulierii necessarii ad suam sustentacionem congruum de bonis mariti sui et suis communibus decernentur, nos peticionem eadem secundum juris exigenciam annuentes decrevimus x libras de bonis hujusmodi annullatim per manus
access to Johanna for the purpose of exacting the conjugal debt.\textsuperscript{73}

While on visitation, the archbishop had also heard that a man identified only by his initials had beaten his wife Alice immoderately, wounding her several times, and treated her dangerously, not ceasing for a single day, against the law of marriage. The dean of Westbere is instructed to cite the man to appear before the archbishop to answer for these things and also for perjury and contempt; the dean is also to prevent him on pain of excommunication from continuing to abuse his wife.\textsuperscript{74}

\textsuperscript{73} This was not unusual. Citing Raymond of Peñafort (\textit{Summa de poenitentia} 4.2.11, p. 517), Dyan Elliott says that "if the adulterous husband exacts the debt, the wife is still bound to render until the case has been tried before an ecclesiastical court." \textit{Spiritual Marriage. Sexual Abstinence in Medieval Wedlock} (Princeton, 1993), pp. 148-9. On the conjugal debt more generally, see Pierre J. Payer, \textit{The Bridling of Desire: Views of Sex in the Later Middle Ages} (Toronto, 1993), pp. 89-97.

\textsuperscript{74} "...Inter cetera nobis in progressu visitacionis nostre denunciata recepimus quod A.de N. Aliciam uxorem suam legitimam enemittere verberare et aliowicenr vulnerare ac eciam continuta furoris audacia male et periculose tractare contra legem conjugii quasi diebus singulis non desistit, licet super hoc tam coram officiial archidiaconi Cantuarentis quam eciam presidente consistorii nostre Cantuarentis eccliaeae diversus vicibus evocatus et per eosdem judces canonice monitus atque jussus ut a furore desistens suam uxorem predictam maritali affectione tractaret, de ipsam sic debite et mansuete tractando se juramento super hoc prestito astrinxisset, immo his nutquam obstantibus idem A. spiritu rebellions assumpto in profundum malorum deveniens multo amplius circa uxorem suam premisam conceptum prius fuorem in dies exagitat et augmentat se prorsus incorrigibili super hoc et pertinaciter obstinatum ostendens; ut iginur compescatur tante presumpcionis audacia et ampliora pericula devinentur, tibi committimus et mandamus quatinus sine mora veritatem de premisss
In 1301 Archbishop Winchelsey wrote to the bishop of Hereford, on behalf of Christina, who had come before him to plead for justice. Her husband, John le Secular, had been living in open adultery with another woman, to, the archbishop says, the danger of both their souls and scandal to many. He urges the bishop of Hereford to compel John to return to his wife and, along with his mistress, to do penance for their sin; otherwise John is to appear personally before the archbishop himself to answer for his offence.  

In a similar case from Bishop Woodlock's Winchester register for 1310, Elianor de Vautort sought the bishop's aid against her husband John, who had been

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75 "Querelam Cristina, que se dicit uxorom Johannis le Seculer, gravem receptim continentem quod idem Johannes post matrimonium legitime contractum cum eadem et dictam cohabitacionem ipsa abjecta propria temeritate et absque judicio ecclesie quamdam Florenciam uxorom Ricardi Bacum de Plofeld' tenet publice in domo sua et adulterinis amplexibus adheret eadem, de qua in hujusmodi crimen prole femur dictur suscitasse in animarum utriusque periculum et scandalum plurimorum. Et licet prefata Cristina pro remedio congruo super hiis habendo ad vos sepius accessisset, per ministros tamen vestros quibus remisisset eandem propter potenciam dicti mariti sui, cui ministri predicti sicit asserit nimirum faveat, nullam hactenus consequit justiciam in premisis, propter quod lacrimabiliter supplicavit a nobis sibi salubre medium adhiberi. Ne igitur tantis excessibus notorie et dicitur permanentibus propter debite correccionis defectum videamini consentire, ipsiusque delicti impunitas alii presumptores perniceose transeat in exemplum, fraternitati vestre mandamus quatuis cognita de plano veritate premissorum que notoria fore predicantur, faciatis infra mensem a tempore receptionis prescencium dicte conquerentis celarem justiciam exibieris, prefatumque maritum suum dimissa predicta adultera sibi adherere et maritali afectione secundum legem conjugii ipsam pertractare compelli et canonice cohcereri et salutarem eadem imponi penitencias pro commissis; aliquo citari faciatis prefatos Johannem et Florenciam peremptorium quod compareant coram nobis certo die extune per vos assignando eisdem ubicumque tunc et cetera, facturi et recepti in premission omnibus quod dictaverit ordo juris. Et quid in his factum fuerit nos dictis die et loco certificetis per vestras patentes litteras harum seriem continentes." Graham, ed., *Registrum Roberti Winchelsey*, pp. 734–5, f. 141v.
scandalously living with his mistress, Dionisia, "in danger to their souls and a pernicious example". The case dragged on from November of 1310, when the complaint was first entered, to December of that year, when John was cited for adultery and desertion and Dionisia for adultery, February of 1311, when John was again cited for adultery and Dionisia for contumacy, March of 1311, when Elianor charged that others had defamed her, saying that John had left her because she had poisoned him (she purged herself of that charge, and the defamers were excommunicated), to a final entry in August of 1313 which records a sentence of excommunication from provincial court against John of Vautort, certified by the Dean of the Arches.76

These cases are interesting because they show bishops, including the Primate of All England, concerning themselves with the plight of abused and abandoned

76 This is the first complaint: "Conquesta est nobis Elianora uxor Iohannis de Vautort de Schene quod licet idem Iohannis matrimonium legitime contraxisset et in facie ecclesie huiusmodi matrimonium novem annis elapsis et amplius celebratum fuisse, idem tamen Iohannes ab uxorre sua predicta temere divertens et absque mandato ecclesie cuidam Dionisie filie prepositi sui de Schene diu est adsexit et adhuc adheret in anime sue periculum et perniciosum plurimorum exemplum. Nolentes sic et dehues tam grave delictum convincentibus oculis pertransire inultum, tibi mandamus in virtute etc., quatus cites seu citari facias dictos Iohannem et Dionisiam quod comparent coram nobis..." Goodman, ed., Registrum Henrici Woodlock, pp. 495-6, fos. 144v-145. The second entry is pp. 504-5, f. 147, the third p. 548, f. 159v. The entry for defamation is as follows: "Ex lacrimabili conquistione Elianore uxoris Iohannis Vautort de Schene recepimus quod quidam iniquitatis filii sue salutis immemores Deum pre oculis non habentes, quorum nomina penitus ignorantur, ipsam Elianoram apud bonos et graves, apud quos prius diffamata non extiterat, falsa et malicose diffamarunt, eidem falso imponendo quod quedam venenosa pro intoxicacione mariti sui predicti preparaverat; racione cuius diffamacionis maritus suus predictus consorciio suo penitus amovit; et purgacione sibi in forma iuris super hoc indicta, per suum iudicem competentem se legitime purgavit; propter quod non ambiguitur huiusmodi diffamatores, si premissa veritati nitantur, in sentenciam majoris excommunicacionis a sanctis petribus contra tales promulgatum damnabiliter incidisse; quoce tibi etc. mandamus quatus omnes et singulos huiusmodi diffamatores in dictam excommunicacionis sentenciam incidas et sic excommunicatos esse in singulis ecclesiis decanatus tui in genere nuncies et facias pupplice solemniter per alios nunciari..." p. 554, fos. 161-161v. And the final entry appears on pp. 613-14, f. 180v. It was quite usual for a defamed person to purge herself of the crime of which she was defamed. See R.H. Helmholz, "Canonical Defamation in Medieval England", American Journal of Legal History 15 (1971), p. 263.
wives. How did these cases come to Pecham's and Winchelsey's attention? Alice Crevequer had clearly appealed to the Primate when the bishop of Rochester had failed her. But how had she come to appear before that bishop in the first place?

The bishop (or a deputy), and we remember that Pecham and Winchelsey were not only archbishops of the province of Canterbury, but also bishops of their dioceses, did preside over matrimonial cases; most typically these dealt with the legality of particular unions, although we are told that bishops did hear cases of marital violence. But if it is true that cases of wife abuse and maintenance were included in the category of matrimonial cases reserved to bishops, then what are we to make of the case, in a rural-decanal court in the diocese of Worcester in 1300, of Thomas Louchard, who "treated his wife badly with a stick", and appeared and confessed, and was assigned the penance of being beaten in the public square (forum); or that of wife-beater Walter of Fornham, in the archdeaconry of Sudbury, who promised to reform and had his sentence remitted by the archdeacon's official?  

77 In his study of Canterbury courts, Brian Woodcock says: "Brawling, attacks on clerics, ill treatment of wives and children were perennial offences before the notice of the courts"; "Lanfranc had reserved matrimonial cases for the cognizance of the archbishop. Jurisdiction in such cases was later delegated to exempt rectors and to the commissary general. It is doubtful whether the archdeacons ever exercised jurisdiction in matrimonial cases other than those arising during certain vacancies of the see." And: "The acta of matrimonial cases form the great bulk of the Consistory Court material which survives for the vacancy of 1292-4." Medieval Ecclesiastical Courts in the Diocese of Canterbury (London, 1952), pp. 81-83.

78 Churchill, Canterbury Administration, p. 44.

79 "Thomas Louchard male tractat uxorem suam et h[oc] per virgam. Vir comparet et fatetur et fustigatur in forma commune semel per forum. Recessit." This case is found in the rural deaconry of Thedwestrey in the archdiocese of Sudbury, Norwich diocese in the late thirteenth century: "Walterus de Fornham...male tractat uxorem suam ipsam verberando." Antonia Grandsen, "Some Late Thirteenth-Century Records of an Ecclesiastical Court in the Archdeaconry of Sudbury", Bulletin
Clearly many such cases were heard in lower courts. It is unlikely that ordinary wife assault was a crime which was often sent to the bishop; for the bishop himself, rather than his official or commissary,\textsuperscript{80} to hear such a case there must have been complicating factors. I argue that in some times and places, the determining factor was the degree of scandal caused by particular behaviours.\textsuperscript{81}

Normally assaults against women (or anyone else except clerics) were not among those cases reserved to the bishop, although it is exceedingly difficult to propose strict rules for this. Lists of reserved cases usually included sins such as homicide, adultery, assault of clerics or parents,\textsuperscript{82} sodomy, arson, simony, deflowering of virgins. \textsuperscript{83} Thomas of Chobham provides us with some clues about


\textsuperscript{80} Churchill says in a discussion of appeals to the archbishop of Canterbury’s Court of Audience, that these cases were generally heard by a commissary. “The cases delegated to those commissaries comprised all those subjects which could be dealt with in an ecclesiastical court, such as defamation, violence, marriage and divorce...” \textit{Canterbury Administration}, pp. 482-3.

\textsuperscript{81} This view is supported by L. R. Poos, in his article “The Heavy-Handed Marriage Counsellor: Regulating Marriage in Some Later-Medieval English Local Ecclesiastical-Court Jurisdictions”, \textit{American Journal of Legal History} 49 (1995), p. 306.

\textsuperscript{82} I have found one case, in Archbishop Winchelsey’s register, of a complaint made to the archbishop by a woman who claimed that her son had assaulted her. The offender is to appear personally before the Primate. “Querelam detestabilem domine Amicie de Greyelle recepimus continentem quod T. de Greylle filius ipsius naturalis horrenda inhumanitate in ipsam, quam verbis contumeliosis aggregi minime formidavit, manus injecit nimirum violentas, eam ad humum per percussions et verbam prostrando, super quo seceit per nos salubre remedium adhiberi. Tibi igitur committimus et mandamus quatinus dictum T. modis quibus poterit cites seu citari facias peremptorie quod compareat personaliter coram nobis in crastino decollacionis beati Johannis Baptiste ubicunque et cetera, correccionem canonicanam super premissis, si est ita, canonice recepturus, et de veritate dicenda, si opus fuerit juratum, ulterius et cetera terminum autem predictum peremptorie in hoc tempore mensium, eo quod urget salutis anime necessitas ac pietas suadet, sicut premittitur, duximus moderandum.” Graham, ed., \textit{Registrum Roberti Winchelsy}, p. 1106, f. 26.


Si fact incestum, defloret, aut homicida,
what, for one writer and his followers at least, determined what cases found their way to the bishop's court.

Thomas's list of reserved cases includes adultery, incest, false witness, broken faith (fides lesa), poisoning, witchcraft (sortilegium), rapine, arson, and sometimes homicide if it is manifest and notorious. When the sin of avarice is made publicly known through usury or simony, those guilty are also to be sent to the bishop. For Thomas, a crucial ingredient here is public notoriety: quoting the canon, he says: Let he who sins publicly do penance publicly. 84

In addition to the serious sins listed above, the practice was also for simple priests to send incorrigible sinners to the bishop or the bishop's penitentiary whatever their sin. So it is possible that a habitual wife-beater could be sent to the bishop in this way. The case of Alexander of Hoo and his wife Margery could have been one such case.

As we have seen, cases in ecclesiastical courts were normally divided into "instance" cases, brought by one party suing another (loosely analogous to modern civil cases), and ex officio cases (more like modern criminal cases), where offenders were cited by churchwardens or other prominent persons 85 to appear before the

84 Broomfield notes that "This principle was established by the Carolingian reaction in its favour, Anciaux [P. Anciaux, La théologie du sacrement de pénitence au XIIe siècle (Louvain, 1949)] p. 44, 45. Cf. c. 1 Comp. I, v. 33 (c. 1, X, v.38)". Thomas of Chobham, Summa, p. 13, n. 2.

85 It is often not clear with whom presentments to ecclesiastical courts originated. See Wunderli, London Church Courts, 31-33; and Poos, "Sex, Lies, and the Church Courts", p. 587. Note
bishop or his officials. Because of the fragmentary nature of many registers, we sometimes do not know the origin of cases; cases where women claimed non-support were probably instance cases (which involved some expense for the complainant), but the same might not be true for abuse cases, which caused a scandal to the community. Cases which came to the bishop's attention while he was making a visitation, like that of the wife-beater to be cited by the Dean of Westbere (above, p. 230), were cited to his court as ex officio cases. Alexander of Hoo, for example, might have been cited to the bishop's court by an inferior cleric, he might have been charged by Margery in an instance case, or he could have been cited ex officio on account of the public fame of his ill-treatment and neglect of his wife. The register tells us only that his wife and others cited him for cruelty. Perhaps those "others" were friends or relations, enlisted to help Margery in her cause against her husband. Some of the other cases cited above do seem to be instance cases, where wronged wives sought redress in the courts of bishops who were traditionally seen as defenders of the weak and powerless.

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86 L.R. Poos points out that "many ostensibly ex officio actions" resulted from "complaints to officials by victims or other interested parties". Poos, p. 587. This case is called a "case of correction", so is most probably an ex officio case.

87 Owen, ed., Register of Roger Martival, p. 5. The Latin is not given for this entry.
Archbishop Winchelsey says that the man who beats his wife acts against the law of marriage, and he must treat her with proper marital affection. The failure of Walter de la Mare to support his wife was a scandal and a danger to souls. Clearly the expectations were that marriage partners ought to be fond of one another and that deserted wives were entitled to maintenance. Contravention of these expectations was, since medieval intimate relationships were much more public than modern ones are, a scandalous. We should note that in these few cases, where amounts are given for alimony the figures suggest that it is not poor villagers whose marriages are being held up for inspection in the bishops' courts. Are abandonment, adultery, and failure to support a wife more scandalous when committed by the gentry and the aristocracy, who, by virtue of their position, ought to provide a good example for lesser mortals, or is it simply that those are the classes with easiest access to episcopal courts? Possibly the courts of archdeacons and other officials sent the cases of prominent people directly to the bishop's court. In any case, the women in the cases I have cited seem to have been from a class somewhat above that of peasant women, who might have had considerably more difficulty in soliciting support to pursue their complaints against their husbands. As well, they might have had little to gain financially by doing so, which is clearly not the case with the women we have looked at.

Mutual affection had been part of medieval notions of marriage for centuries.

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88 I realize that the relatively public or private nature of medieval life is a vexed question. In response to those who would argue that family life was more private than is commonly believed, I would say that even if life were lived behind truly closed doors, the importance given to reputation and appearance forces many aspects of life out into the public arena.
by Winchelsey's day, and indeed by the late twelfth century authorities considered it "essential to the matrimonial union". Pope Alexander III had actually ruled that in ordering estranged spouses to be reunited, the bishop (or other representative of the church) "was 'to compel' the delinquent husband 'to return to his wife and to treat her with marital affection'". For some, including Huguccio, marital affection between unmarried partners made the difference between fornication and de facto marriage. Another example of compliance with this ruling is found in Bishop Woodlock's register for 1310, where the bishop writes to the prior of Merton asking him to try to reunite an estranged couple, whose separation was a scandal. A later case, from 1455 in Durham, shows that judges continued to take seriously their

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89 For a useful discussion of maritalis affectio see Michael M. Sheehan, "Maritalis affectio Revisited", in Marriage, Family, and Law in Medieval Europe, James K. Farge, ed. (Toronto, 1996), pp. 262-277.


93 "Cum ad nostrum pastorale officium secundum canonicas sancciones pertineat nostros subditos discordes et maxime illos qui coniugali vinculo copulantur ad pacis concordiam revocare, ac Iohannes de Mikelham et Iohanna uxor sua cum qua matrimonium in facie ecclesie notorie contraxit et tanquam vir et uxur simul quondiu cohabinarunt diabolico instinctu et absque mandato ecclesie se abinvicem separarunt, et in locis separatis non absque animarum suarum periculo et scandalo plurinorum morantur ut refulter; vobis committimus et mandamus quatinus dicto i. et l., cum secundum canones una caro esse sensentur [sic], ad unitatem reduceantes faciatis simul tanquam vir et uxur comnorari, ipsos si necesse fuerit ad id auctoritate nostra per censuras ecclesiasticas compencyentes. Et si ad id per vos induci non poterint, nobis per quam partem extiterit, cum sanguis eorum a nobis exigatur, ut remedium oportenunm apponere valeamus rescribatis." Goodman, ed., Registrum Henrici Woodlock, p. 496, f. 145.
responsibility to reconcile unloving partners. Isabella, wife of Thomas Kirkham, had petitioned for a canonical separation, “because of the cruelty of her husband”, who denied the charge. “Because of the work of the judge, the woman on her knees humbly sought mercy from her husband, who pardoned her, kissed her, and swore on the Bible that he would not cause her to fear death or mutilation.” 94

In the case of Alexander and Margery of Hoo, an important part of Margery’s case was her claim that her husband’s brutality was “public and notorious”, so there could be no denying of it. 95 Assault and other forms of cruelty are signals, manifest to the whole community, of the failure of marital affection. Brundage tells us that “[b]y about 1300, saevitia [cruelty] had emerged as a common cause for canonical separation.” 96 The cruelty had to be significant to warrant a separation: real physical harm had to be demonstrated. 97 What we have in these cases are examples of the


95 “…que omnia et singula adeo dixit publica esse et notoria quod nulla poterant tergiversacione celari.” Owen, ed., Registers of Roger Martival, p. 11.

96 Brundage, p. 455. Brundage refers to Richard Helmholtz, Marriage Litigation in Medieval England, 100-1. The whole of this section on divorce a mensa et thoro, especially for cruelty, in Helmholtz (pp. 100-6) is relevant. I can find no reference to “by 1300”; the cases cited by Helmholtz are late fourteenth and early fifteenth century. Helmholtz says that “almost all the separation cases were brought for cruelty, rather than for adultery or heresy”, and that the courts “sought to change the attitudes of the parties, to end the discord which lay behind the acts of cruelty.” pp. 100-1.

97 Helmholtz cites the following case: “Margaret Neffeld of York, in a contested action of 1395-6, produced witnesses to show that her husband had once attacked her with a knife, forcing her to flee into the street ‘wailing and in tears’. Another time he had set upon her with a dagger, wounding her in the arm and breaking one of her bones ‘vulgariter nuncupatum le Spelboun’. Margaret’s husband disputed the petition. Whatever he had done, he claimed, was reasonable, honest, for a licit cause, and solely for the purpose of ‘reducing her from errors’. The court held that no
formation of this custom. The spouses in Martival's and Winchelsey's registers were separated, although one couple was still expected to sleep together. In one case, we are told of a failed attempt at reconciliation. Clearly these relationships had disintegrated, and the prelates recognized this. The public notoriety, indeed scandal, of these cases demanded quick resolution in the form of injunctions about proper treatment and provisions for alimony.

The batterers in Winchelsey's register are ordered to appear before the Primate himself, and are told to desist and to treat their wives properly with true marital affection. There is no suggestion that inhumane treatment constitutes proper disciplining of a wife by a husband, or that the women themselves are in any way to blame; the husbands are held completely culpable. It is possible, indeed probable, that such cases came to the primate's attention (or that of lesser bishops) because of the scandal they generated in the community. If this is so, can we know anything about acceptable levels of violence beyond which community standards were transgressed?

Ruth Mazo Karras says that the church, in prosecuting whores, was concerned to preserve moral order, while the community was more worried about social than moral disruption. ⁹⁸ This separate but parallel interest could operate where marriage

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⁹⁸ Karras, Common Women, pp. 26, 30.
was concerned. Failure to comply with the accepted norms of marital affection and responsibility had implications which were both theological and social, so both church and community had an interest in controlling scandalous behaviours in marriage. Because members of the lay community often had an influence on the cases which were brought to the attention of ecclesiastical courts, clerical control of that lay community might well be counter-balanced by the influence of prominent laypeople.99

Emphasizing the scandal of infractions of conjugal law was indeed a tool of clerical control. But in the case of these particular wife-batterers, it was a tool that some women could occasionally use to their advantage. And in aiding those women to bring their cases to the bishops' courts, other members of the community as well could use that tool to encourage conformity to standards of marital behaviour which obtained as much in the lay community as in the church.

Spousal abuse and provisions for support were not the primary concern of bishops in matrimonial matters. Most often, bishops had to deal with questions of the legitimacy of unions. Occasionally those problems might cause scandal, as in the case in Bishop Wykeham's register for February, 1384-5, which deals with consanguinity. Henry Holt and Elizabeth Heyghes had married according to the legal form, with vows in the present tense followed by intercourse, but

99 Poos says, "One must...envision some process of information-gathering by community members, as well as by local clergy, and the courts' basis for citation may often have been the end-product of a network of informing, offended community opinion, gossip and rumor at village level." "The Heavy-Handed Marriage Counsellor", p. 307.
it had later come to their attention that they were related within the fourth degree of affinity. Since, however, as this petition submits, they could not legitimately remain in such a marriage thus contracted, apostolic dispensation for this not having been obtained, and if a divorce were made between them serious injuries and scandals could arise, a supplication is humbly made to us on behalf of Henry and Elizabeth, that we might conveniently deign to provide them with the grace of dispensation in this matter.  

We should note that it is the possible divorce which might be scandalous here, not the consanguinity.

In an earlier consanguinity case, in Bishop Woodlock's register, there are several things which might be considered scandalous. A certain William, after having affairs with sisters Elizota and Godilda, to whom he was related in the fourth degree, and both of whom had borne him children, married Elizota clandestinely.

According to the bishop, the secret marriage was a scandal, as well as the consanguinity, the illicit relationships, and the illegitimate children.  

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100 "...matrimonium per verba legitime de presenti invicem contraxerunt; carnali inter eos copula subsecuta; quodque postmodum ad eorum pervenit noticiam, quod ipsi quarto affinitatis gradu invicem conjuncti. Cum autem, sicut eadem peticio subjungebat, ipsi in huiusmodi matrimonio sic contracto legitime remanere nequeant, dispensacione super hoc apostolica non obtenta, et si divorcium fieret inter eos, gravia exinde damna et scandala possent exoriri, pro parte ipsorum Henrici et Elizabeth fuit nobis humiliter supplicatum, ut providere eis super hoc de oportune dispensacionis gracia dignaremur."  

101 "Ex frequenti clamore fidedignorum recepimus quod Willelmus de Hatingleye Elizota[m] et Godilida[m] sorores dictum Willelmum in quarto gradu consanguinitatis attingentes carnaliter cognovit proles ex utraque procreando, et demum cum dictus Willelmus et Elizota convocati suissent coram magistro Petro de Gronuile tunc officiali nostro, dictus Willelmus porrect regiam prohibicionem cuibus occasione dominus officialis, licet non teneretur, in dicto negocio supersedit omnino, et sic pendente coram ipso dicte correctionis negotio W. et E., ignorantibus rectore de Aldeford cuibus parochiani existunt et suis ministris, de facto, cum de iure non possent, matrimonium clandestinum contraxerunt in animarum suarum periculum et scandalum plurimum. Quocirca vobis committimus et mandamus quatinus vocatis coram vobis dictis W. et E. in dicte correctionis negotio secundum Deum et iusticiam ad finalem expedicionem eiusdem legitime procedatis."  

Goodman, ed.,
According to Michael Sheehan, the church opposed clandestine marriage by requiring the publication of banns, which served two broad purposes: it required the friends and neighbours of the couple to examine the past and report any impediment that prevented marriage; it protected the marriage in the future by increasing its publicity. Thus the reading of the banns not only tended to prevent the duplicity to which the couple might be tempted; it also helped them to avoid the dangers of ignorance and the self-deception to which they were prone before marriage and after it.¹⁰²

This raises the question of clerical control: the church might have discouraged clandestine marriages by emphasizing their scandal.

In the bishops' registers there is some evidence about defamation, a transgression which might be expected to be scandalous. In 1295, Bishop John de Pontissara directed the archdeacons of Winchester and Surrey to publish the excommunication of "certain accomplices of Satan, unmindful of their own salvation, led by a diabolical spirit", who had defamed him and other worthy persons, to "the danger of their own souls and the scandal of the entire clergy". The bishop invokes the anti-defamation statute of the Council of Oxford, 1222.¹⁰³ His words were

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¹⁰³ "Rumor horribilis ex invidie radice nuper exortus non absque cordis amaritudine nostris auribus insonuit, quod quidam Sathane satellites proprie salutis immemores spiritu diabolico ducti, immo potius seducti, horribile crimen nobis et alis regnicolis fide dignis ex invidie fomite nequiter imponentes statutum, famam et opinionem nostram apud bonos et graves, apud quos prius diffamati non eramus, nequiter denigrarunt, non verentes anathematis sentenciam contra diffamatores hujusmodi in Oxoniensi Concilio solemniter promulgatum et illustris Regis Anglie ac procerum suorum accedentes consensus per sacrosanctam sedem apostolicam legitime confirmatas [sic], in animarum
echoed in 1307 by Ralph Baldock, bishop of London, in a monition against defamers of clerics.\footnote{\textsuperscript{104} For example: “Ex grave consecratione Walteri Moton de Guldeford nostris est auribus intimatum, quod quidam iniquitatis filii quorum nomina ignorantur prefatum Walterum apud bonos et graves, apud quos prius non fuerat diffamatus, publice nequitier et maliciose diffamatur, imponendo sibi crimine furti et receptacionis duarum vaccarum furtive surreptarum; propter quod eiusmodem opinio leditur et enormiter maculatur, unde non est dubium, si sit, ipsos [in] maioris excommunicationis sentenciam in concilio Oxoniensis latam damnabiliter incidisse...” Goodman, ed., Registrum Henrici Woodlock, pp. 323-4, f. 98v.} The register of Baldock’s Winchester contemporary, Henry Woodlock, has entries which are worded very similarly, also making reference to the Oxford constitution.\footnote{\textsuperscript{105} “Ne dum ex clamore valido nostros perpulsante aures, verum eciam fida plurium relacione nuper accepiimus quod quidam sathane satellites quorum nomina ignorantur, spiritu iniquissimo ducti, in detraccionem fame vircie de Magna Bricie Dei et ipsius templi ministri nequiter machinantes, unam Liciscam triduanam mortuam graviter putrescentem una cum cedula diffamatoria de persona ipsius vicarii anglice dictata parti posteriori Licisce apposita seu ligata in ejusdem contumeliam sue porte in feodo ecclesie existentis palam ad denudandum transeuntibus hujsus elusionem et infamiam temere confixerunt, in non modicum ipsius vituperium ac scandalum et aliorum perniciosum exemplum. Quocirca vobis mandamus quatinus omnes taliter delinquentes, consentum seu opem vel auctoritatem ipsis prestantes in ecclesia predicta de Bricie et sex alis circumque vicinis per tres dies dominicos seu festivos pupplice et sollemnpiiter moneatis in genere seu moneri faciatis ut de premisso excusse citra octo dies post tempus monicionis facte competentur satisfacient ut incumbit sub pena majoris excommunicationis quam in vestris monstris non parentes pro sua offensa proferimus in hiis scriptis contra hujusmodi rebelles ex tunc publice et sollemnpiiter per vos publicande de die in diem quousque aliud habueritis.” R.C. Fowler, ed., Registrum Radulphi Baldock, p. 53, f. 90d.} These bishops imply that it is the act of defaming which is scandalous, and not the substance of the defamation.

The registers rarely make a connection between defamation and scandal. One such unusual entry is in Bishop Woodlock’s register for 1315, which orders excommunication for all those responsible for spreading the rumour that the late
abbess of Romsey had been poisoned by "the religious women and others". The
rumour had aroused an "abhorrent scandal", the bishop says, using the word much
as we would, it appears.

Defamation was an offence which fell within the purview of ecclesiastical
courts. According to Richard Helmholz, "defamation actions...never represented the
major item of business. But they were a regular and important part of canonical
litigation throughout the later medieval period." For example, defamation cases in
Lincoln for 1430-1, the sole year for which the roll of proceedings survives, gives
fourteen cases out of ninety, or 15½%. The most important aspect of the
resolution of defamation cases was the restoration of the defamed person's

106 "Audito horribile audivimus et relatu quod quidam iniquitatis filii quorum nomina
ignorantur spreta sacrosancte ecclesie reverencia spirituque ductu [sic] sacrilego in monasterio de
Romsey nostro dioecesis et alis locis vicinis scandalum abhorrendum iam de novo suscitatur, falsum et
maliciose diffamantes dominas tam religiosas quam personas alias eiusdem monasterii quod ipse in
necem bone memorie domine Alicie de Wyntershulle ultime abbatisse monasterii memorati iam
defuncte multipliciter machinantes letaliter intoxicant eandem; pretestu cuius dictum monasterium
quam plurimum leditur et opinio dictarum dominarum et aliarum personarum eiusdem monasterii
denigratur et gravibus vexantur laboribus et expensis, propter quod non est dubium, si sit ita,
huiusmodi detractores et diffamatores in sentenciam maioris excommunicacionis in consilio Oxoniensi
latam damnabiliter incidisse. Nos igitur maliciis ac eciam diffamatoris occurrere cupientes vobis
committimus et mandamus, quatinus publice et in genere diffamatores huiusmodi sic esse
excommunicatos in monasterio predicto et in singulis ecclesis vestri archidiaconatus lingua vulgari
omnibus intelligibili intra missarum sollemnia...demoncietis et faciatis per alios denunciari; ab
huiusmodi denunciaione non cessantes quousque aliquid nobis habueritis in mandatis." Goodman,

107 R.H. Helmholz, "Canonical Defamation", p. 256. Helmholz notes that all "actions had...to
be based on the precise wording of the [Oxford] constitution." p. 257. This is the constitution:
"Excommunicamus omnes illos qui gratia odii, luceri, vel favoris, vel alia quacunque de causa maliciose
crimen imponunt aliiui, cum infamantes non sit apud bonos et graves, ut sic saltem ei purgatio
indicatur vel alio modo gravetur." Powicke and Cheney, *Councils and Synods II*, I, p. 107. For a
perspective on a later period, see Laura Gowing, "Language, power and the law: women's slander
litigation in early modern London", in Jenny Kermode and Garthine Walker, eds., *Women, Crime and

reputation.\textsuperscript{109}

It is the question of reputation which returns us to the subject of scandal. We noted in Chapter Two an increasing concern with a "good name". We have also seen, in this chapter, how essential "public fame" was to the initiation of cases in ecclesiastical courts.\textsuperscript{110}

3. CONCLUSION

It is clear that throughout the thirteenth and fourteenth and into the fifteenth centuries, bishops or their secretaries (and secretaries wrote necessarily in the idiom of the day) used the language of scandal (\textit{periculum animarum et scandalum plurimorum}, for example) in formulaic ways. Yet they made choices about what they considered scandalous; there was, as I said at the beginning of Chapter Three, wide variation amongst bishops in this. But perhaps, having now surveyed some references to scandal in about forty bishops' registers, we can reach some general conclusions about the kinds of things which bishops saw as having the potential to

\textsuperscript{109} The judge (the bishop or another delegated official) could do this. Helmholtz cites these words from the Canterbury Act Book Y.1.3, f. 15v for 1415: "Dominus commissarius declaravit se bene purgatum, male diffamatum et restituit eum bone fame quantum in se fuit." Helmholtz, "Canonical Defamation", p. 266. See also his \textit{Select Cases on Defamation to 1600} (London, 1985).

\textsuperscript{110} But on the vagueness of the term "public fame", see Wunderli: "The public voice — whether rumor or fame — is a fiction and was as unhelpful for the courts as it is for the historian in locating the real source of criminal charges. Rumor and fame originate with and are carried by specific people, not a public voice. In practice, loose words by any single person could form the basis of a courtroom charge by public voice. It was important, therefore, for people to clear their names of malicious gossip which might indict them by \textit{fama} of a crime; their remedy was to charge defamation against those who publicly repeated imputations of wrongdoing. Thus, defamation suits proliferated." \textit{London Church Courts}, p. 64.
cause sin by bad example.

While they shared some potentially scandalous behaviours and situations with those inside religious houses, the secular clergy also had a wider range of activities which could cause scandal. Like their cloistered colleagues, they often caused scandal by sexual misbehaviour, but they also often found themselves embroiled in disputes over offices, neglect of duties, over-zealousness, inappropriate behaviours, and even heresy. They also sometimes committed serious crimes. Because of the position of the priest as a figure of authority, the representative of the Church, perhaps the most literate person in the village, a cleric had to be extra circumspect in his behaviour, since he could scandalize his entire flock if he sinned in such a way as to cause them also to fall into error.

But layfolk also could be guilty of the sin of scandal. If they were, like clergymen, people of some standing and authority, or if they flouted societal rules especially blatantly, their cases sometimes found their way into the records of bishops. Particularly noteworthy here are infractions of theological, ecclesiastical, and social rules and customs governing marriage, although laypersons could also cause scandal by inappropriate or violent behaviours. We have little in the way of records from lower courts, which might have dealt with scandal-causing offences by more ordinary folk, although we might wonder whether the same transgressions for which prominent people were cited to bishops’ courts might have been considered less scandalous when committed by people of lesser standing.
We will leave more detailed conclusions for the final chapter, and turn now to a brief glance at scandal in some literary sources.
CHAPTER FIVE: SCANDAL IN LITERATURE

1. INTRODUCTION

This chapter will look briefly at examples of medieval literature to see how the concept of scandal was used. It does not pretend to be an exhaustive survey, merely a sampling of some well-known works with more or less wide circulation in England. I have tried to include literature from as many genres1 as possible, and make no claims to literary scholarship. The object is simply to look at occurrences of the word (in its various forms) and at its contexts, to see if its use in literary sources resembles scandal in theological sources or bishops' registers. This should add another dimension to our discussion.

The reader will notice that there is little material from the earlier period; the bulk of the surviving literature, especially that in the vernacular, does indeed date from the fourteenth century on.

2. LITERATURE FOR RELIGIOUS

Literature for religious men and women can be divided into that for recluses and that for members of regular orders, although these divisions are far from rigid.

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1 Genres are slippery. For example, the English translations of the Somme le Roi might have been designed for use by poorly-educated priests, but they could also have been read by literate layfolk. And works which seem to be meant for entertainment often have a didactic purpose.
The first category includes works for anchoresses, such as the famous *Ancrene Wisse*, and its only slightly less famous predecessor, Aelred of Rievaulx's *De institutione inclusarum*, while the second includes didactic writing for monks and nuns, as well as monastic rules. Concern for scandal is found in much literature for cloistered and anchoritic religious.

The literature can also be divided by language: prose works of spiritual guidance were written in both Latin and the vernacular, although P.S. Jolliffe asserts that "nothing relevant in English can be found before the fourteenth century, except *The Ancrene Riwle.*"²

A. Literature for recluses

Aelred was a Cistercian monk of the twelfth century (c.1110-1167). The last twenty years of his life he spent as abbot of the Yorkshire abbey of Rievaulx, where he wrote *De institutione inclusarum* in response to his sister's request for a "forme of lyuyng".³ It survives in Middle English in two manuscripts, translations from the original Latin,⁴ which would increasingly have been incomprehensible to its female readers: MS Bodley 423, dating from the mid-fifteenth century, and MS Vernon,

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⁴ The Latin original is found in Aelredi Rievallenensis, *Opera Omnia*, A. Hoste and C.H. Talbot, eds., Corpus Christianorum Continuatio Mediaevalis v. 1 (Brepols, 1971), pp. 636-82. The existence of the later vernacular translations is useful for our purposes here, since they allow us to see any shifts in meaning over the intervening centuries.
from the late fourteenth century, which omits the first part of the work. The earlier manuscript is found bound with copies of *Ancrene Riwle*, *Piers Plowman*, and works of Richard Rolle. Copies of *De institutione inclusarum* were held in "Augustinian, Carthusian, Benedictine, Franciscan, and Cistercian houses." The first part, "one of the earliest English instructions for recluses", was used by later writers, including the author of the *Ancrene Wisse*. It includes a description of anchoresses' faults, such as "gossiping with monks and old women," and "unseemly or downright immoral behavior".6

The tongue too runs about all day through towns and villages, market-place and square, prying into other people's lives and behavior and into such affairs as are not only idle but often shameful. How seldom nowadays will you find a recluse alone. At her window will be seated some garrulous old gossip pouring idle tales into her ears, feeding her with scandal and gossip; describing in detail the face, appearance and mannerisms of now this priest, now that monk or clerk; describing too the frivolous behavior of a young girl; the free and easy ways of a widow who thinks what she likes is right; the cunning ways of a wife who cuckolded her husband while she gratifies her passions. The recluse all the while is dissolved in laughter, loud peals of laughter, and the poison she drinks with such delight spreads throughout her body. When the hour grows late and they must part both are heavily burdened, the old woman with provisions, the recluse with sensual pleasures.7

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5 Auyo and Barratt, eds. *De Institutione*, Introduction, p. xvii.


7 Aelred, *Treatises*, p. 46, from the Latin: *[S]ed etiam lingua tota die per vicos et civitates, per fora et nundinas, per vitas et mores et opera hominum, non solum inutilia, sed etiam turpia curiose discurrat. Vix aliquam inclusarum huius temporis solam invenies, ante cius fenestram non annus garrula vel rumegerula mulier sedeat, quae eam fabulis occupet, rumoribus ac detractioibus pascat, illius vel illius monachi, vel clerici, vel alius cuiuslibet ordinis viri formam, vultum moresque describat, illecebrosa quaeque interserat, et puellarum lasciviam, viduarum quibus licet quidquid libet*
The scandal here is merely "rumours" or "detractions".

Aware that the behaviour of a recluse might be perceived as failing to comply with Christian precepts, Aelred says: "If you are afraid of scandalizing people because you neither give alms to the poor nor receive guests, you will find that once they learn of your resolve and how complete is your poverty, not one of them will censure you." In other words, a recluse ought not to compromise her vows in order to avoid scandal. This looks like the kind of discussion which was to receive a much more detailed and nuanced treatment in the century following Aelred.

Aelred has a section on silence (followed by a long discussion of the dangers of ill-governed conversation), in which he says that a "recluse, fearing to sin with her tongue, which, according to the Apostle James, no man can tame, must put a curb on her lips."  

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libertatem, coniugum in viris fallendis explendisque voluptatibus asutorum, deingat. Os interea in risus cachinosque dissolutur, et venenum cum suavitate bibitum, per viscera membraque diffunditur. Sic cum discedere ab invicem hora compulerit, inclusa voluptatibus, anus cibiris onerata recedit." Aelred, Opera Omnia, 1, p. 638. The Middle English has: "[T]he tunge is occupied alday, either aboute tindyges, curiously enquiring and sechinge after hem, or elles of her neighbores yuel name, by way of bakbityng, so that unnethes now-a-dayes shawto finde a solitary recluse, that either tofore the wyndowe shal sitte an olde woman fedynge hur with tales, or elles a new tangler and teller of tindyges of that monke, or of that clerke, or of widowes dissolucion, or of maidens wantownes, of the whiche arisith lawchynge, scornynge and unclen thoughtes steppynge or sakynge, so that atte last the recluse is fulfilled with lust and likynge, bakbitynge, sclaundre and hatrede and the tother with mete and drinke." Ayto and Barratt, eds., De institutione inclusarum, 1/26-36, MS Bodley 423, fos. 178-178°.

8 Aelred, Treatises, p. 49. "Si scandalum times, eo quod nec pauperibus erogas, nec suscipis hospites, cum omnes tuam nuditatem propositumque didicerint, non erit qui reprehendat." Opera Omnia, 4, p. 640. Interestingly, the Bodley MS replaces "scandalum" with "shame": "By this peraenture thou dreidest shame, that neither thou maist conforte pore folke in yeuynge of almes ne rescyeue religious gystes: yhe, and I say, dred not this, for what they knowen thy naked purpos, thanne haue thei no cause to reprehe the, neither for pore folke ne for noo religious gystes." Ayto and Barratt, eds., De institutione inclusarum, 3/98-103, MS Bodley 423, f. 179.

9 Aelred, Treatises, p. 50. "Sic inclusa timens casum linguae, quam secundum Apostolum Iacobum, nemo hominum domare potest, ponat custodiam ori suo." Opera Omnia, 5, p. 641A "recluse
He cautions the recluse about the importance of having sober, chaste servants, so that their behaviour will not reflect upon her. Where the Latin has "ne forte eius lascivia tuum sanctum habitaculum polluat, et ita nomen Domini et tuum propositum blasphemetur," the fifteenth-century Bodley version gives "lest thurgh hir wantownes and dissolucyion thyn holy temple be defouled and sclaundred."

Certainly in the vernacular translation of the later period, we see the etymological conflation of scandal and slander. More than that, however, there is an implied connection between scandal and sins of the tongue such as backbiting. In this important work, Aelred does not use scandal to refer to a mortal sin. He is concerned that the recluse not conduct herself scandalously or cause herself to be slandered (in the ME version) because of the behaviour of her servant, but there is not yet, in the 1160s, any real development of the idea of scandal as mortal sin. In England this concept first appears in the Summa confessorum of Thomas of Chobham, and it is in the Ancrene Wisse that it first occurs in literature for women religious.

Ancrene Wisse ("anchorites' guide") has been called "perhaps the greatest and

shuld euere drede hir lest she offended by hir tonge, for as Seint Iame saith, 'It is a membre that no man may tane'. Ayto and Barratt, eds., De institutione inclusarum, 4/127/8, MS Bodley 423, f. 179'. The reference is to James 3:8, "But the tongue can no man tame; it is an unruly evil, full of deadly poison". I include this here because of the later conflation of scandal and slander, and connections made by some writers between scandal/slander and sins of the tongue.

10 Opera Omnia, 4, p. 640, Ayto and Barratt, eds., De institutione inclusarum, 3/115-116, MS Bodley 423, f. 179'. Knowles translates the passage thus: "lest, by her frivolous behavior she desecrate your holy dwelling-place and so bring God's name and your own vocation into contempt." Treatises, p. 49.
most influential of the vernacular prose works in the Middle English period.\textsuperscript{11} It is known to survive in seventeen medieval manuscripts or fragments, nine in English, four in French translation, and four in Latin translation.\textsuperscript{12} Its origins and sources have been the subjects of much lively and interesting research.\textsuperscript{13}

E.J. Dobson suggests that the \textit{Ancrene Wisse} dates from the period 1215-22,\textsuperscript{14} and Shepherd muses that perhaps its author was "a member of the least regimented orders, the Canons of Augustine. He may well have been a secular clerk, a domestic chaplain, or a parish priest. He was certainly no ecclesiastical rigorist save in his demands on conduct."\textsuperscript{15} Most interestingly for our purposes is Shepherd's view that the author of the \textit{Ancrene Wisse} "must be associated with a number of lively and scholarly Englishmen at the end of the twelfth century who catch the tone of, and indeed in many cases contributed to the eminence of, the University of Paris at that time." These "lively and scholarly Englishmen" include Robert Courson, William de Montibus, and Stephen Langton (and, we might add, Thomas of Chobham), all members of the circle of Peter the Chanter. Shepherd goes on: "Apart from the Bible, no writing affords more points of contact with the [\textit{Ancrene Wisse}] in themes,

\begin{itemize}
  \item[13] For an exhaustive and useful bibliography, see Bella Millett's recent work, \textit{Ancrene Wisse, the Katherine Group, and the \textit{Wohunge} Group} (Cambridge, 1996).
\end{itemize}
development of themes, and in common questions than does the *Verbum Abbreviatum* of Peter the Cantor. 

The question of *Ancrene Wisse*’s direct sources, however, should be approached with caution; in medieval religious literature, even striking thematic or verbal parallels do not necessarily indicate a direct connection between one work and another. The same ideas may recur in a number of different works, sometimes linked together. Even verbatim correspondence does not always point to direct borrowing, particularly in the case of short passages, which may be transmitted independently of their source through later commentaries, *florilegia*, or sermons.

Bella Millett has recently proposed that the *Ancrene Wisse* is the product of a Dominican, writing not before 1221, revised around 1236.

Whatever its origins and sources, the work was written for female recluses. It focuses on daily life, on the “personal and the contemporary, rather than the universal and the historical; it is nonteleological and is concrete rather than abstract, and practical rather than theoretical.” For this reason, anything it has to say about scandal might be expected to bridge the gap between clerical attitudes and the real

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16 Shepherd, *Ancrene Wisse, Parts Six and Seven*, pp. xxviii-xxix.

17 Millett, *Ancrene Wisse, the Katherine Group*, p. 30.


19 Comparison with a work for male recluses, or recluses generally (although the address to “genril knyȝtes of Ihesu Crist” would seem to focus on male readers) may be made with the fourteenth-century *Speculum Inclusorum*, edited by L. Olinger in *Lateranum 4* (1938), pp. 1-148; or its fifteenth-century Middle English translation, *The Myrour of Recluses*, edited by Marta Powell Harley (Madison, 1995).

world, although those attitudes are informed by a view of women as particularly corporeal and "vulnerable to sexual sin".  

Sometimes the religious woman is warned against being herself a scandal, a cause of sin, although the word itself may not be used. Anne Clark Bartlett points out that the Ancrene Wisse "reiterates the medieval commonplace that Bathsheba caused King David's sin by revealing her body to him, and suggests that less-celebrated men would be far more vulnerable to the inevitable sexual temptation generated by the presence of all women."  

But a woman need not even uncover her body:

For this reason it was commanded in God's law that a pit should always be covered, and if anyone uncovered a pit and a beast fell in, the one who had uncovered the pit had to pay for it (Exodus 21:33-34). This is a most fearsome saying for a woman who shows herself to the eyes of men. She is symbolized by the one who uncovers the pit; the pit is her fair face and her white neck and her light eyes, and her hand, if she holds it out in his sight. And also her words are a pit, unless they are well-chosen. Everything to do with her, whatever it may be, which might readily awaken sinful love, our Lord calls all of it a pit. This pit he commanded to be covered, lest any beast fall in, and drown in sin. The beast is the animal man who thinks nothing about God, and does not use his senses as one ought to do, but seeks to fall into this pit that I speak of, if he finds it open. But the judgment is very severe on whomever uncovers the pit, for she must pay for the animal that has fallen in. She is guilty of that animal's death before our Lord, and must answer for his soul on Doomsday.... You

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21 Robertson, "Rule of the Body", p. 115. For a useful discussion of medieval views of women as they pertain to this and other works, see her "Medieval Medical Views of Women and Female Spirituality in the Ancrene Wisse and Julian of Norwich's Showings", in Linda Lomperis and Sarah Stambaugh, eds., Feminist Approaches to the Body in Medieval Literature (Philadelphia, 1993), 142-167.

22 Anne Clark Bartlett, Male Authors, Female Readers (Ithaca, 1995), p. 45.
who uncover this pit, you who do anything by which a
man is carnally tempted through you, even if you do not
know it, fear this judgment greatly. 23

Much of Part 2, The Outer Senses, is taken up with silence. Alexandra
Barratt notes that the Ancrene Wisse is much concerned with the sins of the mouth,
which include such activities as lying, flattery, and backbiting, 24 but while later
works associate backbiting with slander/scandal ("sclaundr"), the Ancrene Wisse
makes no such association. 25

I have found two passages which do mention scandal. The first is in this
second section, on the outer senses, in a passage on the fifth sense, feeling, or touch.
Christ, the author says, was tormented in all the senses, particularly this one. By the
nails which fastened him to the cross, anchoresses (excepting the ones for whom the
author writes, since, being so virtuous, they have no need of this instruction) are
urged to

hold [their] hands within [their] windows. Handling or any
other touch between a man and an anchoress is a thing so ugly
and a deed so shameful and so naked a sin, to all the world so
hateful and so great a scandal, that there is no need to speak or
write against it, for it can be seen as foul without any writing. 26

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23 Ancrene Wisse, in Anne Savage and Nicholas Watson, trans., Anchoritic Spirituality (New
MS Corpus Christi College Cambridge 402 (EETS 249, London, 1962), this passage does not occur
there.

24 Alexandra Barratt, “The Five Wits and Their Structural Significance in Part II of Ancrene

78-9.

26 Savage and Watson, Anchoritic Spirituality, p. 91. "Halded over honden inwid ower þurles.
Hondlunge oder ei felun ge betweone mon & ancre is þing swa uncumelicht & ded se scheomelich &
For our purposes, the most important passage in the *Ancrene Wisse* is this one:

You ought not to allow evil words to be said about you. Scandal—that is, a thing said or done in such a way that someone could justifiably turn it to harm, and as a result, sin through wicked thought, through evil words against her or another, and also in act—is a capital sin. But you should allow there to be no more talk of you than there is of the dead.\(^{27}\)

This occurs in the sixth section, on penance. Interestingly, this passage incorporates both the theological version of the sin of scandal and a suggestion (in "you should allow there to be no more talk of you than there is of the dead") of the connotations of slander and gossip.

B. Literature for cloistered religious

*The tree & xii. frutes of the holy goost* consists of two treatises from the fifteenth century which were "written for a nun whom the author actually knew, his one-time spiritual daughter.... They have a personal touch and are sometimes rather

\(^{27}\)Savage and Watson, *Anchoritic Spirituality*, p. 187. They note that this "definition of scandal is an addition in the Corpus revision" (n. 36, p. 397), but this revision is itself early: the manuscript "can't be much later than 1235" (p. 42). "Ye ne ahen nawt to unnen þet uueld word beo of ow. Scandle is heawed sunne. þis is þing swa iseid oðer idon. þe mei rihtliche turnen hit to uuelle. sunegyn þrefter þer þurh. wið mis þoht. wið uueld word. on hire. on oðre. sungin ec wið dede. ah þe ahen unnen. þe na word ne beo of ow. ne mare þen of deade." Tolkien, ed., *Ancrene Wisse*, p. 193, fos. 102b/25-103a/2.
conversational, reminding the reader of the *Ancrene Riwle.*

In the context of the Pauline quotation "Caritas non agit perperam[,] Charite doth no ping frowardly ne wikkidly he seith," the author admonishes the nun

\[\begin{align*}
&\text{\(pe\) be ware as moche as \(pu\) mayst \(hat\) \(pu\) offende none in erthe. and if \(pu\) offende any persone: anone lowly bowgh \(pe\) and axe foryuenes. be no striuer of wordis in congregacioun ne vse \(pi\) tonge to speke nou\(\beta\) folious wordis no wordis of sclawnder ffor as seynt austyn seyth what \(hat\) euer is seyde or don ayenst consciens it edifieth and bildeth to helleward.}
\end{align*}\]

It is impossible, he says, to be a religious man or woman without restraining the tongue, and "charite is better kept in silence, \(pan\) in speche: I pray \(pe\) sister kepe vertuosly silence in cloystour freytour. dortour. and queere. and in alle places.and tymes." Warning the nun against carnal love amongst the sisters, he says "gret sclaundir ariseth \(perof\)." Seemly behaviour is particularly important for cloistered women:

\[\begin{align*}
&\text{Thogh \(pu\) be in religioun.\(pe\) nedith be wel ware of sclaunder. for \(hat\) crepith oute of a religous hous mervelylysly. I sei no \(bis\) forto lette \(be\) of \(pi\) gostly communicacioun as moche as longeth to confessioun no to be religiously mery with \(pi\) sistres.... I wold \(pu\) haddist \(pi\) special communicacioun. with alle \(oper\) \(pu\) mayst speke be way of charite \(bough\) \(pu\) commune not with hem so specialy. as \(pu\) dost with such special loveris. So \(hat\) it be don mesurably after \(pe\) place and tyme with oute offense of yuyll suspecioun.}
\end{align*}\]

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31 Vaissier, ed., *the tree & xii. frutes*, p. 12/4-22.
The nun should live "ordinately", "felawly", and "mekly"; "ordinately" being explained as follows: "whan þou doyst þi bisines in religioun forto kepe þin obseruaunce bothe in godis sight and in presens of þi sistres.So þat þou kepe þi self from synne and þi religioun from sclaundre."³²

In these uses of the noun, "sclaundre" appears to carry meanings of "disgrace" or "shame" — much like the modern meaning of scandal. But when this author uses the verb "sclaundre", the meaning appears to be closer to the traditional theological one. For example, the writer speaks here of "myldenes of hert", to which belongs shamefastness: "as whan þou art asayled.or supposist to be asayled.þan þenke on þi vertuos state of religioun.þat þou hurt not þat.ne cause Ũer to sclaundre þat in þe.þenkyng þat in þin entre of religioun þou offrest þe to al maner of myldenes with loue of vertu."³³

"Dishonest plays" are forbidden to the nun, although "holy disportis for recreacioun bothe of body and of soule:is nedful sum tyme for to be hadde.so þat it be do sobirly.sadly and religiously.and þ þe hererist and seeris: mow raþer be edified þan sclaundrid."³⁴ On the virtue of patience, the author says:

Many we fynde chast.abstinent.pore.full of almes.bisi in prayers.and stedfast in þe fayth.but few in maner.mekly pacient in reprovis.detracciouns.and Ũer defautes.for in such þingis a none.we wille excuse vs or defende vs:lest Ũer be sclaundred þerby.soposing þat we ben gilty:yif we hold oure pees.Ánd yit neuerþeles.we schew oure self more reprovable in þat we

³² Vaissier, ed., the tree & xii. frutes, p. 34/8-10.
³³ Vaissier, ed., the tree & xii. frutes, p. 112/1-5.
avenge oure self.be such vnpaciens.\textsuperscript{35}

Many love God and are in charity "whan þei be in reste and ese: but in aduersite.þei grucche. and be so sorowful and þrowyn doun so low:þat vnnethis may any man conforte hem. and so sclaunder þei god in grucching a yenst his domys."\textsuperscript{36}

A fifteenth-century "rewle" for Franciscan nuns reminds us of Pope Boniface VIII's bull \textit{Periculoso}, enjoining "alle Ministris & Abbessis" to enforce enclosure:

\[
\text{þat none Suster priuyl ne apertli passe nat ound bi none maner wey, But ȝif so be in case þat any of hem been sent & ordeynid for to edifie & ocupie a newe place of þe same reliouyn, or ellis þat it hap þat ani of hem be in so stronge maladie opunli, þat sche may nat dwelle ne abide þer inne wip owte grete sclaunder or perille importabel.}\textsuperscript{37}
\]

This echoes the bull itself, and looks, especially in its linking of "sclaunder" and "perille", like the sin of scandal in the usage of both the theologians and the bishops.

3. LITERATURE FOR LAYPEOPLE

A. The fourteenth century

To meet a growing demand, the body of literature for laypeople increased, especially during the fourteenth and fifteenth centuries. Much of this was religious

\footnotesize{\textsuperscript{35} Vaissier, ed., \textit{the tree & xii. frutes}, pp. 76/16-77/1.
\textsuperscript{36} Viassier, ed., \textit{the tree & xii. frutes}, p. 45/3-6.
in nature, and even works that were not overtly spiritual often had a didactic purpose. Many treatises were intended for both sexes, but let us look first at some material aimed at women alone.

Didactic literature for laypeople is concerned with teaching virtuous living. The obvious religious and moral qualities are to be inculcated, but it seems equally important that righteousness be apparent as well as real. The fourteenth-century poem, *The Good Wife Taught Her Daughter*, is enlightening. Its editor says: "Apart from being the earliest extant instruction in English literature written for lay women and not for nuns or anchorresses, it is one of the first instructions addressed expressly to middle-class women in all Europe."\(^{38}\) A good wife is to be a good Christian: to give alms to the poor, pay her tithes, obey her husband, and so on; but beyond this she is to be seen to be virtuous, exhibiting modesty, silence, chastity. Stanza IV has:

> 3ef eni man bidde þe wriþpe þat wile wedden þe,
> Sueteli him answere; scorn him noȝt, whatso he beo.
> Scheu hit to píne frendes, no forhele hit noȝt.
> Sit noȝt bi him, no stond, þar sunne mai be wroȝt.

*A sclandre þat is rieed is eui to stille.*\(^{39}\)

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\(^{38}\) Tauno F. Mustanoja, ed. *The Good Wife Taught Her Daughter, The Good Wif Wold a Pylgremage, The Thewis of Gud Women* (Helsinki, 1948), p. 81. It is not clear what the editor means by "middle class." On courtesy books, Mary Carruthers says: "In view of [the] discrepancies between medieval theory and medieval practice, one must be careful about accepting the deportment books as authorities on what was actually anticipated in a medieval marriage. These books have much the same quality as modern books on dating etiquette for teenagers, which offer advice we truly know to be honoured more in the breach than in the observance." "The Wife of Bath and the painting of lions", in Ruth Evans and Lesley Johnson, eds., *Feminist Readings in Middle English Literature: The Wife of Bath and All Her Sect* (London, 1994), p. 29.

\(^{39}\) Mustanoja, ed. *The Good Wife Taught Her Daughter*. This is from MS. Emmanuel College, Cambridge, E.4.31 (c. 1350) fol. 49.
And further on:

Swet of speche schalt þou beo, glad, and milde of mod,
Trewe in word and ded, in lif and soule god.
Loke þe fram synne, uilenie, and blame,
Þerafter þere þe þat men sin þe no schame.

_God lif wel winneth,_
_My leue child._

and:

Douter, Y þe prai þou loke þe so wel
Þat alle men mowen sein þou eart so trewe so stel.

_God name is gold wrth,_
_Mi leue child._

Felicity Riddy points out in a recent article that _The Good Wife Taught Her Daughter_ is unusual is two respects: first, most courtesy literature of this type is for boys and men, and second, the earliest occurrence of the poem is “in what is almost certainly a friar’s handbook...compiled around 1350.” The book contains various devotional and liturgical texts in Latin and Anglo-Norman, this poem being one of only two English items. It “is a late product of English trilingual culture, which is primarily a masculine and clerical culture”, and which, Riddy proposes, would have been used in ministering “to an elite urban group who spoke both French and English.”

In this period, many young girls spent their adolescence working as servants in households other than their own, before marrying. Such girls could have been far

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40 Mustanoja, ed., _The Good Wife_, MS. Emmanuel, fol. 49b.

41 Mustanoja, ed., _The Good Wife_, MS. Emmanuel, fols. 50-50b.

from their own mothers who would impart advice much more informally than does this poem. Riddy says that the poem, directed at these girls, perhaps through their mistresses in loco matris, is paternalistic, not maternalistic", and moreover that it "is the product of a meeting of interests between male clerics and city fathers." One of the primary virtues extolled in this poem is respectability: appearances count. Women were often presented in borough courts for slander; this poem warns clearly that women should not cause "sclandre". This does show a concern to maintain social order, but more than this it reflects the ubiquitous concern over women's speech, and in doing so it effects thus to silence them. The "sclandre" here is clearly of the rumour and gossip type.

*The Book of the Knight of La Tour Landry* was written by a French knight in about 1372, for his daughters. We have a translation by Caxton (produced in 1483), although an earlier English translation was made in the reign of Henry VI. The

43 Riddy, "Mother Knows Best", p. 83.

44 Riddy, "Mother Knows Best", pp. 72 and 73. Riddy cites Rodney Hilton in pointing out that "women migrants were a considerable source of disruption." Hilton, "Small Town Society in England before the Black Death", *Past and Present* 105 (1984), 53-78, here on p. 74.

45 Riddy, "Mother Knows Best", p. 78.

46 Riddy, "Mother Knows Best", p. 76.

author was aided in his work by "'deux prestres et deux clers' of his household",\textsuperscript{48} who may actually have written parts of it; we should expect to see clerical influence. Certainly this is true in terms of the work's sources. The Knight uses exempla collections, the Lives of the Fathers (not \textit{Vitae Patrum}, but a thirteenth-century poem drawn from various sources), saints' legends, and sermons, as well as more secular sources such as fabliaux.\textsuperscript{49}

In tale after tale the book warns young girls against immodesty, jealousy, quarrelling, disobedience (Eve's sin), following fashion, misbehaving in church, vanity, lechery, foolish speech, wilfullness, bastard-bearing, incest, pride, envy, divulging a husband's secrets, anger ("no woman ought to chyden or brawle with folk whiche ben braynles").\textsuperscript{50}

A good woman is humble, chaste, pious, merciful, charitable, abstemious, modest, loving, faithful, conciliatory, and so on. With an angry husband, a woman "ought to be meke and humble and curtois in gyuyng ony answere ageynst the yre and wraide of her lord, for the wyse Salamon sayth that by curtosye and by swete langage ought the good wymen to refreyne the yre and wraide of their lord."\textsuperscript{51} She should also exhort her husband to "serue god with grete deuocation",\textsuperscript{52} and bring up

\begin{footnotes}
\footnotetext[48]{Offord, ed., \textit{The Book of the Knight of the Tower}, pp. xxxviii-xxxix.}
\footnotetext[49]{Offord, ed., \textit{The Book of the Knight of the Tower}, p. xlii.}
\footnotetext[50]{Offord, ed., \textit{The Book of the Knight of the Tower}, c. 95, p. 127.}
\footnotetext[51]{Offord, ed., \textit{The Book of the Knight of the Tower}, c. 63, p. 93.}
\footnotetext[52]{Offord, ed., \textit{The Book of the Knight of the Tower}, c. 75, p. 106.}
\end{footnotes}
her children "in the wylle of god".53

A woman should take pains to get and keep a good name.54 A reputation is easily ruined by "enuyous folke that haue eyylle and cursed tongues whiche maken the fals reportes."55

The Knight includes not one, but two versions of the story of a man and woman fornicating in a church who, as punishment by God, become stuck ("ioyned to geder as a dogge is to a bytche") and cannot get unstuck until they have been seen by many others. In the first story, the penance of the man ("sergeaunt of the said chirche") is that he "shold goo al about the Chirche al naked on thre sondayes betyng hym self rehercyin and tellyng his defaute and synne," and the church is to "be newe halowed". The second story involves a monk, who is so shamed that he leaves his house and goes to another. We are not told the fates of the female partners.56

I include these stories because of the role that shame plays in their resolution. Just as publicity is necessary for shame, so it is for scandal. Where normally public fornication is scandalous, here its publicity is part of a punishment intended to shame.

53 Offord, ed., The Book of the Knight of the Tower, c. 84 and c. 85, pp. 114-15.

54 Offord, ed., The Book of the Knight of the Tower, c. 114, pp. 151-2.

55 Offord, ed., The Book of the Knight of the Tower, c. 130, p. 172.

56 Offord, ed., The Book of the Knight of the Tower, c. 35 and c. 36, pp. 59-60. G.S. Taylor's 1930 edition, revised from the EETS edition of 1906 collated with Harl. MS 1764 and Caxton's edition, has: "And they that did the deed were joined to penance, to go naked before the procession three Sundays, beating themselves and recording their sin before the people." The Book of the Knight of La Tour-Landry (London, 1930), p. 72.
Handlyng Synne, Robert Mannyng of Brunne’s fourteenth-century English rendering of the Manuel des Péchés, is a guide to aid penitents of both sexes in preparation for confession. It follows much the same pattern as similar guides to aid priests in hearing those confessions, with sections on the commandments, the seven deadly sins, the sacraments, and confession.⁵⁷

Discussing backbiting, Mannyng gives it the same destructive power as has scandal:

\[
\begin{align*}
\text{pe bakbyter hym self ferst sles:} \\
\text{He slekþ hym þat trowþþ his lesynge} \\
\text{Whan he furþ berþþ his bakbytyngge;} \\
\text{And hym algate þat hyt ys on leyde,} \\
\text{He ys slayn; god helpe þe upbreyde.} \\
\text{As moche þan he ys to blame} \\
\text{Pat þeueþ a man a vyle ekename;} \\
\text{3yf his ryght name be wyþdrewa,} \\
\text{Gostlych þou hast hym slawe.}^{58}
\end{align*}
\]

For all layfolk we have Dan Michael’s Ayenbite of Inwyt (1340) and The Book of Vices and Virtues, (although the editor of the latter suggests that this work was intended as a preaching guide for clerics, aiding them to fulfill the instruction to preach the doctrines of the faith), from about 1375.⁵⁹ Both works are derived from

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⁵⁹ W. Nelson Francis, ed., The Book of Vices and Virtues, EETS 217 (London, 1942), pp. ix-x. The proposed date is given on pp. lxviii. The instructions in this book are for “men and wommen”; the routine inclusion of women is noteworthy.
the *Somme le Roi*, "a French work of the thirteenth century...by the Dominican Lorens d'Orléans", which itself comes from William Peraldus's *Summa de vitis et virtutibus* (1236 x 1248), and they cover the Ten Commandments, the Seven Deadly Sins, the virtues, and the Lord's Prayer, giving ample opportunity for discussion of scandal. This does not occur beyond brief mentions of "scllandre" in the *Ayenbite*, which come in the section on the second commandment, where the author deals with swearing. If this is done with "scllandre" to God or the saints it is a mortal sin; if without, a venial one. The author of the *Book of Vices and Virtues* uses the word "scorn" instead, suggesting a new connotation. In either case, the real sin appears to be blasphemy.

Where our earlier theological writers and drafters of canon law often discuss the sexual misdeeds of clerics in terms of scandal, these works say only (in sections on chastity) that a sinful priest is a bad example.

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61 "Ac þe ilke þet zureþ zoþ be his wytinde and alneway uor naȝt. oþer uor some skele kueade naȝt kueadliche ake liȝtliche and wypoute sclundre: zureþ liȝtliche. Paȝtes þe wone is kueaduol and may wel wende to zenne dyadliche bote yef him ne loci. Ac þe ilke þet zureþ hidousliche be got oper by his halþen und him to-breþþ and zayþ him scundres þet ne byþ naȝt to zigge: þe ilke zeneȝþþ dyadliche." Dan Michael, *Ayenbite of Inwyt* (London, 1866, repr. 1965), p. 6. "But he þ' swereþ sop bi his witynge for nouȝt or for þing þ' nouȝt is worþ, not maliciousliche, but liȝtliche and wip-oute scorn, synþep venyalliche. But it is perel to vse þat to moche, for þurgh to moche wone it may turne in-to dedly synne. Who-so swereþ þi God to orribeliche, or þi his halewen, ð& despisþþ & scorneþ þem and seþ þing þat is not to seys, synþep dedly". *The Book of Vices and Virtues*, p. 2.

In the fourteenth-century metrical Psalter, the passage from Psalm 118 ("Pax
dulta diligentibus legem tuam, Et non est illis scandalum") is translated as "Mikel
pais to þi lagh luuand, And to þam es na schame in land."\(^{63}\) Scandalum is translated
the same way in Psalm 139 ("Absconderunt superbi laqueum mihi, Et funes
extenderunt in laqueum, iuxta iter scandalum posuerunt mihi"): "Proude, snares to me
hide þa, And strenges in snare set þai to me, Biside þe wai schame set þai to me."\(^{64}\)
There is a fundamental shift from the traditional theological meaning of the sin of
scandal. There is a difference between the original "stumbling block" and shame: the
former causes a fall, the latter embarrassment and chagrin.

A late fourteenth-century form of confession begins with the seven deadly
sins. Scandal is not mentioned where by now it might be expected, amongst sins of
envy or anger, but is included instead in lechery, where the old theological meaning
is possible:

...I crie God Merci þat I haue sunged in Lecherie: In lechours þouȝtes, disyryng wimmen, in chirche, in chepyng, ofte whon I
seo feire wimmen beholden hem disyringe for to haue
dalyaunce wip hem, in cluppyng, in cussyng, in vnclene
touching; ofte-tyme stured to þe foule synne, and in þouȝtes
and ymaginacions of lecherie, and þenke ofte-tyme of þe
membre of mon and wommon, and what lykynge hit is to haue
dalyaunce wip hem: and ofte-tyme concentyng to þat foule
synne, þat neore hit more for sclaunder of þe world þen for

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\(^{63}\) MS Vespasian D VII, printed in C. Horstmann, ed., *Yorkshire Writers*, v. 2 (London,
1896), p 257. Note that this is the same substitution made in the fifteenth-century ME version of the
twelfth-century *De institutione inclusarum* of Aelred of Rievaulx (see above).

\(^{64}\) Horstmann, ed., *Yorkshire Writers*, v. 2, p. 266.
for drede of god...I crie God Merci...

Another late fourteenth-century piece, *Visitatio infirmorum*, made up of extracts from Augustine and Anselm (according to Horstmann), says that God punishes sin in various ways: "summe been visited with scharp prisonynge, summe with sclaundre and bacbytyng; summe with ontrowthe of fals men". "Sclaundre" here appears to mean simply "slander", in a fully modern sense.

Langland's well known *Piers Plowman* is another work that links scandal to lechery, an association we have often seen in theological works. Lady Meed tells a corrupt confessor that lechery is a fleshly frailty, and of the sins the soonest forgiven, provided no scandal is caused. Although there could be connotations of consternation and gossip here, the meaning could equally be the sin of the bad example.

The most famous fourteenth-century author is unarguably Geoffrey Chaucer. In his work we find uses of scandal that span all possible meanings. In *The

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67 "It is a frelete of flesche, 3e fynde it in bokes,
   And a course of kynde, whereof we komen alle;
   Who may scape þe sclaundre, þe scape is sone amended;
**Canterbury Tales**, scandal is found where we might expect it, in The Parson’s Tale, a prose penitential tract. Since the sources are theological,⁶⁸ it is no surprise that scandal is mentioned, although the actual wording looks more like what we find in bishops’ registers. Since the Fall, the Parson says, “for youre synne ye been woxen thral, and foul, and membres of the feend, hate of aungels, sclaundre of hooly chirche, and foode of the false serpent, perpetueel materse of the fir of helle”.⁶⁹ This “sclaundre” looks like it could mean the sin of scandal along with “disgrace” or “shame”.

The wife in The Shipman’s Tale uses “sclaundre” to mean slander, when, talking of a debt she cannot pay, she says it is better not to be born than to be the object of slander or villainy.⁷⁰ The same meaning is found in The Canon’s Yeoman’s Tale (“Thou sclaundrest me heere in this compaignye”; “Ne demeth nat that I sclaundre youre hous”; and “To sclaundre yow is no thyng myn entente”).⁷¹

In The Legend of Hypsipyle and Medea (**The Legend of Good Women**), “sclaundre” carries a meaning of shame or disgrace:

> And in his wit a-nyght compassed he  
> How Jason myghte best distroyed be

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⁷⁰ “Yet were me levere that I were unborn  
> Than me were doon a sclaundre or vileynye”, Benson, ed., **Riverside Chaucer**, The Shipman’s Tale, ll. 182-3, p. 205.

⁷¹ Benson, ed., **Riverside Chaucer**, The Canon’s Yeoman’s Tale, l. 695, p. 271; l. 993, p. 276; l. 998, p. 276.
Withoute sclaunder of his compassement.\textsuperscript{72}

And finally, in \textit{The House of Fame}, "Sklaundre", linked to defamation and the shame that causes, is one of the two trumpets of Aeolus:

\begin{verbatim}
And also bid him how that he
Brynge his other clarioun,
That highte Sklaundre in every toun,
With which he wont is to diffame
Hem that me liste, and do hem shame.\textsuperscript{73}
\end{verbatim}

B. The fifteenth century

Another work derived from the \textit{Somme le Roi} is the fifteenth-century \textit{A Myrour to Lewde Men and Wymmen}, "the prose counterpart of the \textit{Speculum Vitae}, a Northern English poem of the third quarter of the fourteenth century." More manuscripts of the \textit{Speculum Vitae} survive, suggesting that the earlier version was more popular than the \textit{Myrour}, which "exists in four MSS of the fifteenth century."\textsuperscript{74}

The \textit{Myrour}'s title lends weight to my contention that these works could have been used by cleric and lay alike.

The text is, like others of its kind, designed to teach the rudiments of the faith to unlearned folk. It begins with a discussion of the Lord's Prayer, then moves to the vices and virtues. In opposition to pride is placed humility, to envy, friendship, to


\textsuperscript{74} Nelson, \textit{A Myrour to Lewde Men and Wymmen}, pp. 9-10 and n. 5.
anger, "evenhead" (*equitas*), to sloth, prowess, to avarice, mercy, to lechery, chastity, and to gluttony and to wicked tongue, soberness.

In the *Myrour*, scandal is "sclaundre", and appears to mean only slander. The first mention of the sin is in a section on the ten commandments:

*Pe fifte comaundernent and pe secounde anentis man is Non occides, þat is `Slee no man`, by whiche comaundernent beþ forboden iij manere of slaughtres of man bodiliche, þat is to say wiþ hand, wiþ tunge and wiþ herte. Slaughter wiþ hand is wiþ smyting or other bodiliche myght. Slaughter wiþ tonge is in two maneres: þat one manere is biddynge of hotynge, as when a mihti man biddeþ his men to slee a man; anoþer manere is by wrayeng or counseil þeuyng to slee a man. Slaughter with herte also is in two maneres: one is whan a man desireth þat anoþer were slayn and wolde slee hym. 3if he dorste for þe lawe or for oþer thing: in þat wil he is a mansleer; anoþer is whan a man myght rightfulliche saue a manis lyf & wil noght. Also þis comaundernent defendeth vs all gostliche manslaghter, as þus: whan a man hateþ anoþer dedliche, or bakbiteþ him or sclaundreþ him forto byneme him his gode los or his lifelode wherby he schulde be susteyued, he is þen gostliche a mansleer."*75

It is interesting to note that just as in thirteenth-century theological writing scandal had the potential to destroy souls by giving the occasion of sin, so here slander has the same potential to destroy. Here the death is corporeal rather than spiritual, but the sin itself is "gostliche".

In a section on confession, the *Myrour* lists the sins of the mouth:

*ydel speche, ofte swerynge, forswerynge, sclaundringe of God & his halowes, nempnyng Goddes name vnreuerentliche, stryuynge aȝenst rightwisnes; telle erroures, seie prayers & houres vndevoutliche & vnreuerentliche; bakbityng, lesynge, losengrie, reprovynge, stryf, myssaieng, cursynge, sclaundryne,*

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Here "slander" seems to encompass both blasphemy and slander. The writer continues, with the sins of work:

dronkenes, glotony, manslaughter, lechery, sacrilege, besite, ravynge, symony, oker [usury]; brekyng of holy dayes, takynge of be sacrament of housell vnworthiliche, vnreuerence doo to Goddes body in bat sacrament; busynes aboute ydel reuenerences, failynge in Goddes seruice, 3euynge to oþre yuel ensample in dede, worchinge of werk þat is aþenst þe lawe in slander to Holy Chirche; harm or hurte a man in his body, in his goodes

76 Nelson, Myrour, p. 126/4-30.
or in his fame; tresoun, falshed, gilery, wicchecraft, traytery... 77

Here it is less clear whether "sclaundre" is slander, blasphemy, or scandal, although "giving to other evil example in deed" is our old definition of scandal, which passes here without the word. It looks as if, at least by the time of this fifteenth-century version of Peralsus's Summa, the word in English retains its old meaning still, even as it is well on its way to losing that former meaning, and coming to be associated with the sins of the tongue.

The blasphemy meaning is found in a passage on the vices of avarice, of which the fifth (after covetousness, extortion, usury, "multiplying of idle words, oaths, and lies") is "sclaundre or blaspheme of God and his halowes, as whan some foles leisith at this game þei chideþ & curseth God and his halowes & despiseþ hem, and seith many sclaundres wordes of hem." 78 To leave us in no doubt, the author, in a further section on the sins of the tongue, says:

Þe tenþe branche of yuel tonge is sclaundre of God or of his halowes or of oughte þat to hem longeþ. Þat is, as seib seint Austyn, whan a man byleueþ mys of God and siþ of god þat men schulde noght seie ne beleue. And þat among clerkes is cleped blasphemye, and on Englisshe sclaundre. Sclaundre of God is specialliche whan wrong is seid on God or on his halowes or when men spekeþ aʒenst þe sacramentis of Holy Chirche, as doth mysbileuynge men as charmers and wicches and oþre such. 79

77 Nelson, Myrour, p. 126/31-38. The list goes on at length.

78 Nelson, Myroure, p. 141/31-3.

Roughly contemporary with the *Myrou* is the *Lay Folks’ Catechism* of Archbishop (of York) Thoresby. This is the Latin Catechism accompanied by an English verse translation, designed for easy memorization. In this work, although backbiting is found as usual amongst the sins of envy, "sklaundir" is given under the third deadly sin of wrath:

And of this syn comes stiuyng, and flityng,
With mony fals and mony foule wordes;
Sklaundir, for to fordo a mannes gode fame...

Here it appears to mean "slander", but in the section on the commandments, the Catechism has for the fifth:

Also þou schalt not sle þyn owne sowle be
consent to dedly synne, ne oþer menys be opyn
sklaundyr, and mayntenynge in synne.

This looks like it could be the sin of scandal, the bad example, here.

A fifteenth-century diatribe against backbiting endorses the verse of Robert Mannyng on that subject:

For one is he þat spekeþ ille
And but o worde he saiþ & ȝit
Þat onely worde at onys may kille
As many sowles as heriþ it.

Conscience, kynde and curtesye

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Be fledde away fro such a man.
Desclaundre, lesyng, ribaldye—
Pes be þe lessouns þat he kan.83

In an early fifteenth-century translation of the *Speculum Sancti Edmundi*, in a section on the seven deadly sins, we have: “The third dedly syn es Wrethe, þat es ane vnresonabyl temperoure of herte; and of it comes stryfes and contекes, schamefull and dyuerse wordes and denyouse, and wikked sclandirs.”84 Here again the “slander” meaning is probable.

The comprehensive treatise *Jacob’s Well* gives two versions of the word: “sclaunder” and “slander”. The latter is our “slander”, and appears in a section on excommunicatıon, which, the author says, is to be imposed upon “alle þo þat arn acursyd þat for malyce, or wynnyng, or fauour, or for ony òfer cause, dyffamyn or slaunderyn ony persone, & apeyryn his name among gode men & worshıpfull, þere he was noþt defamyd be-forn, & for þat slaundre he is put to his purgacyoun.”85

Transgressions that once were scandalous, such as robbing or damaging a church, or polluting a church “in schedyng of mannys blood opynly, or in doing openly þe synne of lecchery, or ony òfer foul & horrıble synne”,86 while clearly condemned,


86 Brandeis, ed., *Jacob’s Well*, p. 17/14-16. This whole first part (cap. 3-5) of this treatise, which is arranged as sermons, lists all the excommunicable sins at length; none is described as
do not appear to cause danger to the souls of others.

"Sclaundere" appears in a discussion of tithing: "[F]or dread of schame & sclaundere, he muste tythen as pe opere man doth", where it clearly means "disgrace", but may also mean the sin of the bad example. Other mentions occur in the long section on the seven deadly sins.

A phrase in a discussion of pride recalls the thirteenth-century writers dealing with whether works of mercy should be abandoned on account of scandal, except that here, Jacob's Well has: "þou art a folle þat, for schame of þe world, lettyst to don a godde dede þat may plese god, for ony speche. for he is a fool þat lettyth, for schame, to do wel, for he plesyth noȝt god, but þe world." In a chapter on the sin of anger, the author discusses manslaughter, which has bodily and spiritual aspects. Spiritual manslaughter is "whanne þou þeuyst opere wykkeð exaumple, & in þin opyn synnes & euyll werkys"—the sin of scandal, but unnamed. Giving an evil example (as do those who earn a living in disreputable ways) is repeated as a sin of cupidity. Someone who does cause another's sin is responsible for that person's reform, and a slanderer is obliged to restore the defamed person's good name, "for

scandalous (see pp. 13-36, and also c. 9, pp. 55-64).

87 Brandeis, ed., Jacob's Well, p. 44/24-5.
89 Brandeis, ed., Jacob's Well, p. 93/33-4.
The sin of gluttony “drawyth þe to tauerne, to dyse pleying, to leccherie, to rybawdie, to slaundre, to reste & ese, and to opere synnes.” The ten sins of an evil tongue are idle speech, “veyn avauntyng, losengerie,” backbiting, lying, swearing, “stryvyng, grucchyng, frowardnes, slaundre.” This “slaundre” is “slaundryng of god & of his seyntys, or to speke aȝens þe sacramentys of holy chersh”: blasphemy.

The early fifteenth-century prose treatise *Dives and Pauper*, “an exposition of the practical meaning of the ten Biblical commandments”, has, in a section on the fifth commandment:

> Also euery man & woman, & namely men of holy chirche, þat drawyn folc to synne be mysyntysynge or be wyckyd example or be fals lore þei ben gylyt of manslaute gostly, & þeþfor Sent Gregory seith in his omelye þat men of holy chirche ben gylyt of as many dethis as þey drawyn soulys to dedly synne be hyr wyckyd example & her wyckyd lyuynge. And þeþfor God byddith in þe gospel þat þer schulde no man slaundryn þe lewyd symple folc, for hoso do, seith he, it wer betere to [hym] þat he wer cast in þe se with a mylle ston aboutyn his necke...whiche word, as seith þe glose, is seyd specialyche for men of holy chirche. And þeþfor Sent Powil seith to alle cristene peple, namely to men of holy chirche: Ne ponatis offendiculum fratibus vel scandalum, þat is to seyn, as seith þe glose: Doth non þing þat mey ben cause of fallynge & perchynge to þour broþir ne cause of sorwe & of heuyness...And þeþfor þe lawe

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byddith þat whan buschopys & her offyceris gon aboutyn for to visityn þat þey schulden don non tyrannye in takynge of her costis but visityn with charite & lownesse, withoutyn pompe of gret aray & of gret mene, besy for to amendyn defautis & to prechyn Godys word & to wynyn manys soule, nout to robbyn folc of her good but takyn her costis in esy maner so þat þey slaudryn nout her brethren ne her sogetis ne ben noȝt greuous to hem.... Alle men, & namely men of holy chirche, must besylyche flen slaudre þat þey þeȝyn no man ne woman occasion of slaudre ne of synne but oftyntym lyuyn þe hardere & abstynym hem fro many þingys leful to flen slaudre, for, as seith Sent Ierom, super Mycheam, alle þat ðeȝyn occasion of slaudre ben gylyte of all þo þat perchyn be þat slaudre.95

This is the theologians' sin of scandal. The word used here is "slaundre", but its meaning as scandal is perfectly clear; it is supported by authorities familiar to the thirteenth-century theological writers. It is interesting to note that it is clergymen who are singled out here, perhaps providing us an example of late-medieval anti-clericalism, perhaps merely pointing to the position of influence held by priests.

We should not close this brief survey without considering the well-known fifteenth-century Book of Margery Kempe. Margery admits to having had conflicts with the ecclesiastical establishment over her flamboyant religious practices, such as her "plenyuows teerys and many boystows sobbyngys for hir synnes & for hir

95 Barnum, ed., Dives and Pauper, v. 1, part 2, EETS v. 280 (Oxford, 1980), p. 19, ll. 1-28. The author gives the passage from Jerome as being from his Commentariorum in Michaeam Prophetam, l, i, but I cannot find it there or elsewhere in this tract. Perhaps it refers to the passage from Jerome's Commentar. in Evang. Matth. cited in Chapter One, pp. 17-18, and n. 35.
This excessive weeping not only caused her husband to pretend he did not know her, but also led her to be suspected of insincerity. She also insisted on speaking about what she had learned of God in her visions; this led to accusations of Lollard heresy, although her beliefs were entirely orthodox.

Such scenes would certainly lend themselves to denunciations for the sin of scandal: Margery's behaviour could easily be construed as having the potential to lead others into sin. Unfortunately, the Book is (presumably, having been dictated) in her own words, and she does not tell us that this was the case. There are many instances in her Book of the word "slawndyr", but this is "slander" in its completely modern meaning; for example: "[P]er was so mech obloque & slawndyr of his creatur bat per wold fewe men beleue his creatur"; "[p]an was sche slawndered & repreuyd of mech pepul for sche kept so streyt a leyng"; "[p]ei arn slawnderows wordys & erreowes"; "what slawndir & euyl wordys men seyd of hir".

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96 Sanford Brown Meech, ed., Hope Emily Allen, notes, The Book of Margery Kempe (Oxford, 1940), c. 3, l. 16, p. 13. There is an enormous body of scholarly work on Margery Kempe; one of the most useful works is Clarissa W. Atkinson, Mystic and Pilgrim (Ithaca, 1983).

97 In Canterbury, amongst the monks, "sche was grety despysed & repreuyd for cawse sche wept so fast bothyn of pe monkys & prestys & of seculer men ner al a day bope a-for-noon & afyrnoon, also in so mech bat hyr husband went a-way fro hir as he had not a knowyn hir & left hir a-loon a-mong hem". And, elsewhere, "[h]ir wepyng was so plentuyowys and so contwynyng bat mech pepul wend bat sche myght wepyn & leuyn whan sche wold, and þerfor many men seyd sche was a fals ypcyrte & wept for þe world for socowr & for wordly [sic] good." The Book of Margery Kempe, c. 13, ll. 19-24, p. 27, and c. 3, ll. 22-26, p. 13..

98 On the same occasion, amongst the monks at Canterbury, she refused to be silenced by them. After thanking them for scorning her as she deserved, she left, the monks following and crying, "Pou xalt be brent, fals lollare." The Book of Margery Kempe, c. 13, l. 29, p. 28.

99 The Book of Margery Kempe, c. 1, ll. 15-16, p. 6; c. 3, ll. 29-30, p. 12; c. 54, l. 24, p. 132; c. 41, ll. 8-10, p. 95.
4. CONCLUSION

This has necessarily been a brief foray into the large body of medieval literature, but it should be enough to give a sense of how scandal appears. And what are we to make of the various meanings borne in literature, especially vernacular literature, by this word or group of words? Clearly some, perhaps most, of these writers had theological sources available to them. Some, like the author of Dives and Pauper, use the old idea of scandal as a sin leading to sin in others. But for most, "sclaundre" carries primary connotations of rumour, gossip, and slander, and has lost its mortal potential, except insofar as backbiting can be lethal. Perhaps it is impossible to confine this concept in a box; it insists on leaking out. It appears that we are looking at an idea in flux, with a multitude of meanings available at any given moment.

I have ignored here possible complications such as variations among dialects or genres, because my aim has been simply to document uses of the word (sometimes the idea of) scandal, and the contexts in which it appears. Given the range of meanings the word carries through the whole period — from the theological one to slander in its modern sense, encompassing shocking behaviour, backbiting, blasphemy, gossip and rumour — can we draw any general conclusions about scandal in medieval literature?

For one thing, the theological sin of scandal is rare in literary sources, especially the later vernacular ones. Too, the overwhelming concern is with decorum, silence (especially for women), not causing slander and gossip. Lastly, as
we saw in theological sources, the trend through the fourteenth century was to emphasize reputation: the Christian duty to keep a good name is as important as the Christian duty to one's neighbour, although the ideas are combined in the admonitions to refrain from harming one's neighbour by injuring his or her reputation.

Beyond this, we can say that a range of meanings of scandal is found in medieval literature. We do find the theological meaning, but we also have meanings which include slander, rumour, gossip, shocking behaviour, disgrace and blasphemy. By the fifteenth century, these latter meanings came to predominate over the older meaning of scandal as a stumbling block. But even so, and even where the word "scandal" does not occur, ideas about causing sin by bad example, and responsibility for others' spiritual welfare still obtained.
CHAPTER SIX: PATTERNS

1. INTRODUCTION

I began this study of medieval scandal with the following questions: What were the implications of this theology of scandal for the lives of ordinary people? How did bishops use the theoretical concept in their practical pastoral work? Why did the language about scandal become formulaic in their registers, and what did this mean? What were the values that prevailed? Were there changes over time? Did scandal figure in any mechanism of social control? And was it possible to examine any or all of these things in terms of gender analysis? It is now time to consider those questions again and to see what conclusions can be drawn.

When discussing the development of the theology of the sin of scandal, I described the process as being like the weaving of cloth. The same metaphor may be useful here, as a way to look at the many strands of medieval society as they pertained to scandal. For our purposes, the strongest thread that shapes the cloth and determines its appearance is the theology itself. But many others contribute to the whole fabric, among them bishops and their practice, the politics of gender and of community life, mechanisms of social control.
2. THE IMPLICATIONS OF THE THEOLOGY OF SCANDAL

The sin called scandal by thirteenth-century theologians following Peter the Chanter was that of causing another's sin by bad example. So just as the Christian is to obey the precepts of Christianity for her or his own soul's sake, so that Christian has an obligation to do so as well for the sake of the salvation of others. There is mutual responsibility not to lead others into sin; as the Christian is to care for the physical needs of a neighbour, by clothing the naked, feeding the hungry, and so on, so he or she is to take heed for a neighbour's spiritual needs by not providing an evil model. Thus bonds of community exist on different levels.¹

But these responsibilities are those defined by clerics, which raises the possibility of the control and manipulation of behaviours by the church. What was the interaction amongst church, community, and individual? Such questions are complex, and they underlie much of what follows.

3. HOW BISHOPS USED THE THEOLOGICAL CONCEPT

Scandal began its life in Christianity as a simple concept: a stumbling-block

¹ Michael Haren postulates the formulation of "a social gospel of the interdependence and mutual responsibility of the orders of the world...a gospel of which...a good deal must have passed in the most intimate of pastoral contacts, that between confessor and penitent." "Social Ideas in the Pastoral Literature of Fourteenth-Century England", in Christopher Harper-Bill, ed., Religious Belief and Ecclesiastical Careers in Late Medieval England (Woodbridge, 1991), p. 56.
for others. From the last decades of the twelfth century to the end of the thirteenth, the theology of scandal underwent detailed, nuanced study, entrenching its meaning as the sin of causing another's fall by one's own bad example — by definition something shocking. By the end of the Middle Ages it had not lost that meaning, but it had taken on new and powerful connotations of slander, as reputation — good name — became increasingly important. During the period of the most complex theological development, the thirteenth century, most writers kept separate the theological idea of scandal as the sin of causing, by bad example, another's sin, and the idea of scandal/slander as a transgression causing damage to reputation. In the following century, this latter idea gained greater emphasis. Is this evidence of secularization? Is it a question of reputation being more important than Christian virtue? Were writers and bishops using that notion, even manipulating it, for the sake of social control, because it worked better than appeals to virtue?

By the time that most of the bishops' registers studied here were produced, the main thirteenth-century writers' works had been widely disseminated. Our bishops would have known many of the works of pastoral care written by the theological writers, many of whom were in the same line of work, and they knew the theology of scandal. It is obvious from their registers that the word and its ideas were in common parlance; did scandal, however, mean the same thing to practising bishops as it did to the writers of theology?

In some measure, I think it did. Even though bishops' registers do not make mention of the elaborate discussions of scandal found in thirteenth-century theology,
those discussions underlie the registers' formulaic "scandalum plurimorum". But there is also plenty of evidence that bishops were thinking about more than the sin of the bad example when they complained about scandalous behaviour. And here it is time to look again at what exactly it was that bishops found scandalous.

When we examined bishops' dealings with the inmates of religious houses, we found a number of behaviours which concerned bishops because of their potential to cause sin. The range of these behaviours was necessarily limited by the nature of monastic life, and they did not surprise. With both men and women, although there was more worry over nuns, scandalous infractions of enclosure troubled bishops. Lay persons of the opposite sex coming into the cloister could cause scandal to the house, its order, and the church in general. Less often the scandal is described as being "to the people".

A concern sometimes expressed was that allowing lay persons into a monastery or nunnery would lead to the secrets of the house being spread abroad; this would cause scandal to the order. Apart from this danger of the divulging of secrets, the main scandal-causing interaction between lay people and those in religious houses was sexual.

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2 For example, see pp. 146-7, 150, 151, 155, 161.

3 Such a case involved lay women in monasteries. See pp. 151-2. Scandal to the people was also caused by men abducting nuns (see p. 178).

4 See p. 150. The secrets of the cloister could also be broadcast by religious people themselves. A prior was admonished for making public the penances of the canons of his house (see p. 190).
Even persons in religion could cause scandal by visiting other houses: we saw that this was so for nuns going into men's houses,\(^5\) it was also true of monks and of confessors and other clerics in nunneries.\(^6\) Sexual impropriety need not occur; it was enough that it could. Such potential caused scandal and damage to the reputation of the inmates and of the house.\(^7\) And scandal certainly was caused when there was real evidence of licentiousness, such as pregnancy,\(^8\) although sometimes the excesses could be notorious and cause scandal without this very obvious result. In one case an abbot's incontinence was the cause of gossip, and it is not clear whether it was his adultery which was scandalous, or the resulting rumour. In any case, the woman involved was to be removed, to avoid further scandal.\(^9\)

Occasionally the sexual sin received less attention than other aspects of the case. We saw in one case that it was not the breaking of the vow of chastity which was scandalous, but the refusal of the guilty person to do the penance imposed for the sin which caused scandal to the order.\(^10\) In another, a rather sensational sodomy case, the enquiry found scandalous only the fact that the perpetrator of a crime which was clearly considered abhorrent was also a frequenter of taverns.\(^11\)

\(^5\) See pp. 162 and 186.

\(^6\) See pp. 181-6.

\(^7\) See, for example, pp. 184-5 and 187.

\(^8\) See p. 186.

\(^9\) See p. 170.

\(^10\) See p. 182.

\(^11\) See p. 172.
Scandal to religion (that is, monastic religion) was also caused by religious of both sexes wandering about in the world, especially if they abandoned their habits and dressed in secular clothes.\textsuperscript{12}

The poverty of a nunnery could cause scandal to the house when the nuns had to beg from friends and relatives.\textsuperscript{13} Causing discord in any religious house could cause scandal.\textsuperscript{14} Scandal could be caused to the other inmates by such things as conspiring to fix an election in a monastery.\textsuperscript{15} The theft of tithes, lending of vestments to actors, selling of corrodies, dereliction of duty, allowing buildings to fall into disrepair (scandalous because among other things it impeded divine services), and failing to discipline were all sources of scandal.\textsuperscript{16}

Outside the cloister, as we saw, there was more scope for scandal. Clerics who had affairs with married parishioners, or who kept "wives" themselves, were a pernicious example to their flock, and a scandal to the church.\textsuperscript{17} A wide range of offenses was considered scandalous: drinking and incontinence were a scandal to parishioners, wandering about caused opprobrium of the ministry, and disputes over

\textsuperscript{12} See pp. 163, 165, 166, 174, 176-8.

\textsuperscript{13} See p. 159, n. 57.

\textsuperscript{14} See pp. 188-9.

\textsuperscript{15} See p. 165.

\textsuperscript{16} See pp. 172, 189, 190, 191.

\textsuperscript{17} See pp. 196, 197.
livings were scandalous to the church.18 Also causing scandal were non-residence, neglect of duty, and divulging confessions.19 "Scandal to ecclesiastical men" could be caused by the profligate behaviour of clerics who had been overpaid for conducting services.20 Friars caused scandal to the church and the people by undermining ecclesiastical discipline.21 And clerics who acted like laymen caused scandal to the church.22

In a case of theft by a cleric, it was the man's attitude which was scandalous, rather than the theft, and in a murder case, it was the accusation of the cleric which caused scandal.23 In one case where we do not know the crime involved, it was the trial itself which was scandalous to the church, since guilt was determined by battle, which method had been banned.24

Lay people caused scandal too. They occupied rectories, they stole goods and animals belonging to churches, they poached rabbits from bishops' lands.25 Scandal was caused to many by some people's failure to pay fines or contribute to church

18 See pp. 198, 199, 200.
19 See pp. 198-9, 201-2, 207.
20 See p. 207.
21 See p. 206.
22 See p. 205.
24 See pp. 203-4.
25 See pp. 218-19.
maintenance, and by violence against clerics.26 The attack on and kidnapping of a 
friar was a scandal to religion.27 Attending unlicensed chapels and deserting their 
proper parish church and priest caused scandal to many, as did unseemly behaviour 
in churchyards and shopping on Sundays and feast days.28 And believing in ghosts 
was a scandal to the faith.29

Rumour-mongering could cause scandal: in a case where a cleric was 
defamed by a lay person, the act of defamation, not its substance, was what caused 
the scandal to the whole clergy. When a rumour spread that an abbess had been 
murdered by her nuns, it caused scandal, although it is not clear whether this came 
about because of the content of the rumour or the fact that there was any rumour at 
all.30

The institution of matrimony afforded great potential for scandal. Open 
adultery, we learn, caused scandal to the church.31 To prevent scandal to his 
subjects, Archbishop Greenfield sent Lady Lucy Tweng to a convent to perform her 
penance for adultery.32 Lucy Tweng was an adulterer, but it was not her sin which 
Greenfield found scandalous; rather her performing a penance in front of others. The

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26 See pp. 219, 220, 221-2.
27 See p. 221.
28 See pp. 221-5.
29 See p. 225.
30 See pp. 244-5.
32 See above, p. 217.
scandal that would be caused to others by a lady of high estate being flogged or otherwise humiliated he considered to be more dangerous than exemplary.

Other kinds of marital troubles were also scandalous. Married persons who lived separately caused scandal to many. In one case of consanguinity, an application for dispensation was made so as to avoid the scandal which could result from a divorce. In another, a man's relationship with two sisters to whom he was slightly related, and by whom he had had children, and the fact that he had married one of them secretly were all scandalous.

Does any kind of pattern emerge from these cases? Although a sin need be committed before only one other person to be scandalous, these bishops speak of scandal "to many", "to the church", "to religion", "to the order", "to the faith". There is no question that bishops were concerned about the bad example provided to others by scandalous sinners, but I think it equally certain that bishops were at least as concerned with the reputation of the church and its institutions. These two interests are by no means mutually exclusive.

We have noticed that the language of scandal early on became formulaic in the bishops' registers (for example, the phrase "scandalum plurimorum et animarum periculum"). The linking of "scandal to many" with "danger to souls" indicates complete identification with the sin. And there is no reason to suspect that such

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33 See p. 238.

34 See pp. 241-2.
formulaic phrases necessarily lose their strength or meaning simply because they become familiar and commonplace. They are still used in very specific situations and, I think, mean what they appear to mean. Certainly when Bishop Alnwick complained about the access of layfolk to the cloister of Markby Priory caused the house "sore scandal", he might very well mean that the inmates were exposed to the bad example of the layfolk. Such was also probably Bishop Woodlock's meaning when he forbade the monks of St. Denys to talk to women "lest scandal to the people arise from this." Likewise Archbishop Winchelsey seems to have been talking about the bad example of apostate monks when he said their wandering about was "a disgrace to religion and a scandal to many." The concern about bad example is seen in Alnwick's letter to the prioress of St. Michael without Stamford, advising her to receive an apostate nun kindly, and in so motherly a way that the nun would afterwards have no reason to run away, and no other would want to follow her example. Bishop Wykeham could point to a rector who dissipated the goods of his church as giving "a pernicious example and scandal to many." Other misdeeds (sexual improprieties, other unseemly behaviours, crimes and disobedience) of clerics could easily be seen as providing a bad example to their flock, to whom they ought to stand as a model of Christian virtue and probity.

35 See above, p. 147.
36 See above, p. 151-2.
37 See above, p. 165.
38 see above, p. 179.
39 See above, p. 201.
But at the same time, there is often another element present in these entries in bishops' registers. Bishops often say that a scandalous offense has come to their ears through public fame (a requirement, as we saw, for prosecution of a case), introducing the connotations of gossip and rumour to the discussion.40 And there is also the sense of scandal as shocking behaviour, although what shocks the bishops is sometimes unexpected, as we saw, for example, in some cases of sexual sins. When Bishop Sutton says that a clerk hanging about the priory of Studley "caused scandal and damaged their reputation",41 the linking of "scandal" and "reputation" clearly points to this shocking behaviour/gossip/rumour meaning of scandal.

This multiplicity of meanings seems to be present for the whole period under study here, suggesting that bishops were working with the definition of scandal acquired in their theological training, alongside meanings generated in the lay world. We saw that the definitions of scandal having to do with gossip, rumour, backbiting, and slander gradually gained precedence over the old theological definition of the sin of the bad example.42 In the bishops' usage, I think we have the locus for the meeting of all definitions.

Bishops were, after all, perfectly placed to absorb both ecclesiastical and lay influences. While still very much part of the clerical culture, they had, in their

40 For example, see above, p. 223.

41 See above, p. 184-5.

42 These definitions had multiple origins; for example, many fourteenth-century theologians wrote about envy and backbiting, including slander in such discussions, but there was much literature that was not purely theological that did so too. There were also working definitions, generated in intangible ways by the actual practice of people in communities. For more about the operation of gossip, see below.
parish visitations and episcopal court business, a great deal of contact with the secular world. And this contact was not limited to members of their own class (if a rare bishop was not born into the aristocracy, his rank conferred a kind of nobility upon him); although access to bishops' courts was probably easier for the well-off or titled, in theory anyone could appeal to the bishop. Bishops also had other ties to the lay community: they had all been laymen themselves, and they remained members of families.

This unique position raises the inevitable question of whether and how bishops exerted control over their communities. When they claimed that certain behaviours were scandalous and therefore intolerable, whose values were they promulgating?

4. WHAT VALUES PREVAILED?

In theological terms, the sin of scandal remains on the books as Thomas Aquinas enunciated it in the middle of the thirteenth century. We even have the example from 1734 to show that the idea lived on in Protestant practice long after the Reformation.43 But, as we have seen, after the thirteenth century, although the concept of the sinfulness of providing a bad example was never lost, the emphasis in practice shifted away from this definition towards meanings having to do with a good name and reputation. It became important to maintain one's own good name,

43 See above, p. 215, n. 49.
and not to harm another's. Does this imply a move away from pure Christian charity — concern for another's soul — toward a more self-interested, secular preoccupation with external appearances? Or was that preoccupation not self-interested at all, but rather focused on the community?  

In practical terms, the question is the same as the one raised above: whose values were bishops imposing? Did the Christian duty of a prelate to guide his subjects toward salvation prevail over an administrator's desire to maintain order and harmony, and an ecclesiastic's need to preserve the integrity and reputation of the church; and were these in any case inherently contradictory?

5. GENDER

As Shannon McSheffrey says, "gender has been both a theoretical and a practical factor in the organization of religious life throughout the history of Christianity." We might therefore expect to find some aspect of this factor reflected in the literature of scandal and in the practice of bishops regarding scandal.

The obvious difficulty in examining medieval scandal in terms of gender is the relative absence of one sex from the theory. In the theological writings on scandal, the female is almost totally absent; the male is normative. In a rare example

44 Eamon Duffy writes that "[t]he sins which especially damaged community — wrath, envy, backbiting — were to be particularly eschewed, and those at odds were to be reconciled." Stripping the Altars: Traditional Religion in England c. 1400-c. 1580 (New Haven, 1992), p. 94.

of attention to women in the scandal literature, Stephen Langton says that a wife ought not to fulfil a fast enjoined by the priest if her husband would be scandalized. Thomas of Chobham agrees. Apart from these instances, which reinforce the direct power of husband over wife, the appearance of women in this literature is rare; women are mentioned, but only as incidental to men's sin, in the many examples which discuss scandalous fornication ("If a man fornicates with a woman in front of others, is his sin double...") or concubinage. This is not surprising, given that the manuals are most concerned with the behaviour of priests, but it does make it difficult to compare theory with practice when we have so little theory to go on.

The misogyny of medieval clerical culture has been well documented, but just as we acknowledge that the interaction between the ecclesiastical and lay worlds is more complex than it at first appears, so we should make no assumption of a monolithic anti-feminist position on the part of the church. Pastoral manuals, as we

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48 Such assumptions are in any case unwise: "The very notion of 'patriarchy' has threatened to become a universalizing concept that overrides or reduces distinct articulations of gender asymmetry in different cultural contexts. As feminism has sought to become integrally related to struggles against racial and colonialisit oppression, it has become increasingly important to resist the colonizing epistemological strategy that would subordinate different configurations of domination under the rubric of a transcultural notion of patriarchy. The articulation of the law of patriarchy as a repressive and regulatory structure also requires reconsideration from this critical perspective. The feminist recourse to an imaginary past needs to be cautious not to promote a politically problematic reification of women's experience in the course of debunking the self-reifying claims of masculinist power." Judith Butler, Gender Trouble: Feminism and the Subversion of Identity (New York, 1990), p. 35. On the Middle Ages in particular, Jacqueline Murray notes that "[r]ecent scholarship suggests that medieval ideas about gender were in fact far more varied and complex than a reading of the standard
have noted, were one of the vehicles "by which the doctrines developed by canonists and theologians were disseminated to the lowest ranks of Christian society." They "bring us near to the average person by telling us the advice her pastor received and was expected to transmit to his parishioners." But in many cases, such as that of Thomas of Chobham, their authors did not perpetuate the misogynistic understanding of gender found in their authorities, whether ancient or contemporary, philosophical, theological, or canonical. Freed from the conventions of scholastic discourse and influenced by their personal knowledge of society and the interaction of women and men, they reflect a more complex and sophisticated understanding of gender than that articulated by the discourse of misogyny.49

So although the relative absence of women in the theological writings can be construed as a kind of passive sexism of omission, we should be cautious about assuming that this meant the promotion of misogyny in practice.

Nor, despite characterizations that broadly attributed the same failings, such as perilous seductiveness, to all females, can we assume a homogeneous identity for women (just as we cannot for men); as we have seen, for example, nuns and other religious women were different, and seen to be different, from laywomen, just as

misogynistic texts would suggest." "Thinking about Gender", p. 3. A late-medieval example of such variety and complexity is found in the work of Jean Gerson on women, discussed in D. Catherine Brown, *Pastor and Laity in the Theology of Jean Gerson* (Cambridge, 1987), Chapter 7, especially pp. 214-226.

noblewomen were different from peasant women. Class, occupation, age, and status were factors alongside gender in determining how women were viewed. This is not to say that many women wielded real power; Judith Bennett says that because women were excluded from public office, authority was denied them, although "[w]omen were never thoroughly isolated from the public life of medieval villages because their daily activities brought them into regular contact with neighbors, officers, laborers, traders, and the like." In this way women could perhaps participate in the complex dynamic between the relatively powerful and the relatively powerless, contributing to the formation of the ethos of the lay community. This adds yet another dimension to any discussion of social control.

Women are not absent from the practice of the sin of scandal; we have looked at nuns and laywomen accused of scandalous deeds. But we are still almost always looking at them through the eyes of men, and mostly clerics at that. In this study at least, the voice of women is seldom available to be heard over those of the theologians and the bishops. The closest we can come to hearing that voice is in the

50 “Other variables, such as socioeconomic status, family position, age, geography, and occupation, acted together with femaleness and maleness to create a range of gender identities.” McSheffrey, Gender and Heresy, p. 2. On the question of homogeneous identity, see Denise Riley, "Am I That Name?" Feminism and the Category of 'Women' in History (Minneapolis, 1988), especially Chapter 1, "Does Sex Have a History?" Judith Bennett, in her study of Brigstock, notes that "household status often was more significant than gender", and that "the disabilities of femaleness were more situational than inherent." Women in the Medieval English Countryside (Oxford, 1987), pp. 9 and 178. The classic work on the category of gender is Joan W. Scott, "Gender: A Useful Category of Historical Analysis", American Historical Review 91 (1986), pp. 1053-1075.

marital disputes brought before bishops by maltreated wives; it is there that we can get a glimpse of how the idea of scandal could operate in gender relations, in the interaction among a woman and two men (her husband and the bishop or his official). Margery of Hoo, for example, might have used the notoriety and the scandal of her husband's offenses to garner sympathy from male relatives and friends who could act for her in bringing her case before the bishop.\textsuperscript{52}

Those bishops sometimes did not treat the sexes equally, although this was not always the case. In Chapter Three we saw that the same transgressions were considered scandalous in both men's and women's houses, but that far greater attention was paid to women's breaches of enclosure than to those of men. Contact with secular women was also seen as particularly dangerous for both sexes, although the danger for monks was primarily sexual. Otherwise, however, bishops found fault with the same kinds of misbehaviour in women and men.

The clerics outside the cloister who had to adhere to high standards of behaviour or risk causing scandal were, by definition, all men.

In the lay world, while bishops found sexual impropriety scandalous in both sexes, and often punished men and women equally harshly,\textsuperscript{53} women were not guilty of scandal in many other areas. When prelates complained about vandals and thieves, the miscreants were male ("sons of perdition", says one bishop).\textsuperscript{54} When

\textsuperscript{52} See above, p. 236.

\textsuperscript{53} Penances varied. For examples, see above, pp. 213-17.

\textsuperscript{54} See above, p. 219.
blood was shed in cemeteries, it was shed by bellicose men. Rarely were women accused of causing scandal by violent crime. Women might be involved in committing the sin of scandal by being among the parishioners worshipping at unlicensed chapels, the participants in illicit goings-on in cemeteries, or the shoppers on Sundays or feast days, but these were less socially disruptive misdemeanours than some which caused men to be accused of scandal. Such women were likely of common estate; they are unnamed in the records.

In broad terms, then, while the theological literature about scandal is misogynistic mostly in its virtual omission of women from its consideration, the bishops' practice tended, in its concern with the enclosure of religious women to keep them from wandering at large in the world, and its focus on the sexual behaviour of laywomen, to reinforce the stereotypical idea that the greatest danger — the most scandalous — for medieval men from medieval women was their ungoverned sexuality. But of course notions of gender relations did not always operate to women's disadvantage, and the Pauline view of egalitarian marriage (the mutuality of the obligation to render the conjugal debt, for example), and the doctrine of *maritalis affectio*, could undercut the stereotype of women's subjectivity, so that bishops (and their officials), with scandal as the motor behind them, could rule in women's favour

55 see above, p. 214, for an accusation of poisoning, although this is alongside an adultery charge.

56 See above, pp. 221.

57 See above, pp. 222-4.

58 See above, pp. 224-5.
in marital disputes before them. Gender relations were, as ever, more complex in real life than in prescriptive literature.

In literary sources, gender stereotypes are reinforced. The anchoresses' guides and the advice for nuns considered in Chapter Five all emphasize the scandal-causing potential of women's speech and women's sexuality. Literature for religious and lay women alike demonstrates a concern that women not arouse gossip by immodest behaviour.

Guides to confession for layfolk of both sexes often appear to assume a male reader (although this is not always the case; occasionally a writer clearly addresses both "men and wommen"). Sample sinners in works such as Handlyng Synne are all male ("Pe bakbyter hym self ferst sles"). Even the fifteenth-century Myrour to Lewde Men and Wymmen discusses sin in terms of wrong perpetrated against one man by another. Dives and Pauper does include women in its admonition that everyone who causes another's sin by bad example is guilty of spiritual manslaughter; women may also be the victims of scandal (everyone must avoid giving the occasion of scandal to man or woman).

The omission of direct reference to "wommen" probably does not mean a

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59 See above, p. 267, n. 59, and p. 272.
60 See pp. 272-4.
61 See pp. 279-80.
deliberate exclusion; it is more likely to be an example of that "passive sexism of omission" which prevailed in almost all writing until very recently. And other than the special scandal-causing sins of women discussed in works for anchoresses and nuns, scandalous sins do not appear to be divisible by sex.

6. SHAME, GUILT, AND SCANDAL

By definition, scandal is a public sin. Implicit in this whole project have been questions about what constitutes "public" and "private" — a messy subject to open, especially as it concerns the Middle Ages. Perhaps we can simplify it by keeping close to our subject. For a sin to be scandalous, it must be committed before at least one other person; this is what constitutes "public" for theological purposes.

Mary Mansfield notes that in the ninth century Regino of Prüm wrote that "public penance was to be applied to... public and notorious [crime]...which disturbed the whole Church."\(^{62}\) She adds that

\[ \text{[t]he tag ["publicum et vulgatum...quod universam Ecclesiam commoverit"] seems to have come from fourth-century canons of a council of Carthage; Gratian cited the tag in its original form, which henceforward became standard in theology and canon law: "talis paenitentia non imponatur, nisi pro crimen} \]

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publico, vel vulgarissimo, quod totam commoverit urbem.\textsuperscript{63}

But, as Mansfield points out, so-called private penance had a real “public dimension”.\textsuperscript{64} We know from many confessors' manuals that confessions, especially those of women, were to be heard in the open church, but audible only to the priest. If others might not be able to hear the content of the confession, they at least knew the identity of the confessant.

Tentler holds that in the age of the \textit{Summae confessorum},

Public sanctions and penalties are minimized. Excommunication, citation before ecclesiastical courts, public acts of expiation, and, in general, public shame continue as forces for social control. But in the Sacrament of Penance they become subsidiary to, and at the same time are incorporated into, a culture of guilt.\textsuperscript{65}

Confession worked because it operated on a mechanism of inculcating and then absolving guilt. But if what was confessed was a public sin (that is, a scandal), then the required public penance was all about shame. Often flogged in the churchyard or marketplace, the sinner was shamed before her or his community.

Much has been written about shame and guilt, and there is not space here to examine this literature very closely. Shame is generally considered the more primitive emotion, guilt the more sophisticated. Bernard Williams has a useful

\textsuperscript{63} Mansfield, \textit{Humiliation of Sinners}, p. 27, n. 25. The citation of Gratian is from \textit{Decretum}, ed. E. Friedberg, Corpus Iuris Canonici, I (Leipzig, 1871), C.26 q.6 c.14, col. 1041.

\textsuperscript{64} Mansfield, \textit{Humiliation of Sinners}, p. 78. See also pp. 79-80.

One thing that a marked contrast between shame and guilt may express is the idea that it is important to distinguish between 'moral' and 'nonmoral' qualities. Shame itself is neutral on that distinction: we...can be as mortified or disgraced by a failure in prowess or cunning as by a failure of generosity or loyalty. Guilt, on the other hand, is closely related to the conceptions of morality... 

Gerhart Piers says that "[g]uilt anxiety accompanies transgression; shame, failure"; and Ruth Benedict notes that shame is dependent upon publicity, or the possibility of it, while guilt is not, and that guilt may be relieved by confession, but shame may not. With regard to the power of these emotions to control behaviour, Piers says that "[s]ocial conformity achieved through guilt will be essentially one of submission", while that "achieved through shame will be essentially one of identification." 

As we have seen, the degree of infamy or notoriety of a crime or sin had a direct bearing on its gravity, and the more public the transgression, the more scandalous and the more serious. We have seen that rumour of wrongdoing was

66 Bernard Williams, Shame and Necessity (Berkeley, 1993), pp. 91-2. This book is about the ancient Greeks, but has useful things to say generally about shame and guilt.

67 Gerhart Piers and Milton B. Singer, Shame and Guilt: a Psychoanalytic and a Cultural Study (New York, 1971), p. 24. Literature on shame and guilt is divided between the psychological and the anthropological. The former book devotes a section to each approach, while the following one is purely anthropological: Ruth Benedict, The Chrysanthemum and the Sword. Patterns of Japanese Culture (Boston, 1946), p. 223. Benedict's words are like Margaret Mead's: "shame requires an audience who know about the misdeed, whereas guilt operates in the psyche without an audience", quoted by Milton B. Singer in Piers and Singer, Shame and Guilt, p. 65. Singer is at pains throughout to make it clear that the distinctions between "shame cultures" and "guilt cultures" are complex, since the far more numerous "shame cultures" can be shown to experience guilt as well, and vice versa: "[T]he sense of guilt and the sense of shame are found in most cultures" (p. 99).

68 Piers and Singer, Shame and Guilt, p. 53.
alone sufficient to bring a putative offender before a bishop. It is difficult to measure the ratio of shame to guilt, but I would argue that as direct concern over causing others to sin by scandalizing them gave way to concern over reputation and slander, the aspect of public shame was every bit as important as ever. The threat of loss of a good reputation, in a culture which set so much stock in appearance, must have been a powerful control over behaviour.

Other mechanisms than the institutional church worked to exercise control over medieval communities. Speaking of public opinion, Sylvia Thrupp says:

One of the most important of all the means of social control, it is at the same time one of the most difficult to analyze. Its sources and its effects were best developed and revealed in scenes and corners where the historian is least able to penetrate. The gossip of the tavern and the parish gild meeting, for example, gave voice to neighbourhood opinion. This may often have run along channels of class prejudice. The more conventional prejudices of the upper classes are stamped upon the literature of the age. But who knows the views of the poorer and less literate groups?

In this area of gossip and public opinion we can see another possible intersection between value systems, and an opportunity for the relatively powerless to influence their society.

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70 On the subject of gossip, see Max Gluckman, "Gossip and Scandal", *Current Anthropology* 4 (1963), pp. 307-16. Gluckman notes that "Gossip and even scandal unite a group within a larger society" (p. 313). "Scandal" in this context does not mean the sin, but rather shocking behaviour. This is supported by F.G. Bailey: "To have a reputation allows one to be a member of a community, even if the reputation is bad." "Gifts and Poison", in Bailey, ed., *Gifts and Poison. The Politics of Reputation* (Oxford, 1971), p. 7. For the early modern period, Martin Ingram says that gossip could be empowering: "...women in early modern England did enjoy some degree of quasi-public power; as brokers of gossip, makers and breakers of reputation, sharers in the process whereby both men and
The same kinds of people dominated town gilds as dominated other institutions: "They frequently numbered the mayor and his council, as well as a town's most prosperous merchants among their members. Indeed, in many towns, such gilds became an integral part of local government." These are the same kind of men who filled the offices of churchwardens and jurors.

Gilds often exerted stringent control over their members. McRee cites this example, from the Gild of the Blessed Virgin Mary in Kingston-on-Hull:

Moreover, if any brother or sister be publicly and truly charged with articles of public fame or felony, such as robbery, homicide, arson, assault, plunder, rape, breaking prison, counterfeiting, forsaying the realm, conspiracy, treason, receiving thieves, outlawry, sorcery, heresy, or any other felony touching life or limb (which God forbid), then he or she should, without any delay, be put out of this gild. Also, if any man or woman of the gild shall ever be found to be a malefactor, lover of law-suits, libeller, bully, night-walker, destroyer of goods, liar, harlot, excommunicate, or guilty of any other crime injurious to the good name of the gild and its brethren, he or she shall, unless sooner punished by law, be put out of the gild.

Expulsion was the rule for anyone "who brought scandal to the fraternity"; the primary meaning here is probably "disgrace", although the sin of bad example may be present too, since gild members had some standing in their communities.

\footnotesize

women could be reported to the ecclesiastical and secular courts for sexual misbehaviour and other offences."


Gossip and rumour in marketplace and tavern on an informal level, the statutes of gilds and other institutions on a more formal level: all worked to maintain acceptable standards of behaviour.
CONCLUSION

SCANDAL: AT THE INTERSECTION
of the
SPIRITUAL AND THE TEMPORAL

But always the primary agency of social control was the church. It reached into every facet of human life, most particularly through the sacrament of penance. In confession, the parish priest, using handbooks written for his use by learned clerics, could make clear to his parishioners exactly which behaviours were to be encouraged, and which were sinful. Thus the ecclesiastical establishment could ensure that its ideas, both theological and sociological, were promulgated amongst the faithful (always assuming, perhaps unwisely?, that everyone participated in confession). But parish priests were also members of their communities, and probably shared the values of those lay communities, as well as those of their Christian superiors.

The impossibility of demonstrating a monolithic ecclesiastical influence is also evident in the operation of bishops’ courts. Indeed, the bishops’ registers do, in varying degrees, express outrage at scandalous behaviour. But is that outrage due to the potential for harm to others’ souls, or is it due to the threat to social order caused by disruptive behaviour? I think both. It is entirely possible that bishops saw scandal as endangering both souls and order, and acted accordingly.
But we know that countless scandalous cases came before bishops' courts at the instigation not of clerics, but of members of the lay community. Were layfolk motivated by concern for souls? We cannot know, since the bishops' registers record few of their words. Where registers express shock at "scandalum plurimorum et periculum animarum", those are the words either of the bishop or his secretary, not of the churchwardens or other lay officials. It seems reasonable to assume that theological concerns would be more important to clerics, and community order to layfolk, although it would be unwise to say so unequivocally. More importantly, it seems clear that the two bodies, the church and the community (which were in any case not always easily distinguishable), worked cooperatively to encourage conformity to standards of behaviour which, on the one hand, benefitted spiritual health, and on the other, ensured social harmony.

Clearly, then, scandal had a role to play in the complex and subtle theatre of social control. Throughout the period studied here, the word, in Latin and the vernacular, carried multiple meanings. But while the trend in the fourteenth century and later was to stress gossip, rumour, reputation, disgrace, rather than the sin, we must not forget that the sin of scandal as causing another's fall by providing a bad example survived, and though bishops and others might appear to be more worried about appearances than anything else, their true concern was with the preservation of the church and the salvation of their flock.
APPENDIX A

Canon 16 of the Fourth Lateran Council, 1215
De indumentis clericorum

Clerici officia vel commercia saecularia non exerceant, maxime in honesta, mimis, ioculatoribus et histriónibus non intendant et tabernas prorsus evinent, nisi forte causa necessitatis in itinere constituti; ad alesas vel taxillos non ludant, nec huiusmodi ludis intersint. Coronam et tonsuram habeant congruendam et se in officiis et aliis bonis exerceant studiis diligentiores. Clausa deferant desuper indumenta, nimia brevitate vel longitudine non notanda; pannis rubeis aut viridibus necnon manicis aut sotularibus consuticiae seu rostratis, frenis, sellis, pectoralibus et calcaribus deauratis, aut aliam superfluitatem gerentibus, non utantur. Cappas manicatas ad divinum officium intra ecclesiam non gerant, sed nec alibi, qui sunt in sacerdotio vel personatibus constituti, nisi iusti causa timoris exegerit habitum transformari. Fibulas omnino non ferant neque corrigias auri vel argenti ornatum habentes, sed nec anulos, nisi quibus competit ex officio dignitatis. Pontifices autem in publico et in ecclesia superindumentis lineis omnes utantur, nisi monachi fuerint, quos oportet deferre habitum monachalem; pallis diffibulatis non utantur in publico, sed vel post collum vel ante pectus hinc inde connexis.

On the dress of clerics

Clerics should not practice callings or business of a secular nature, especially those that are dishonourable. They should not watch mimes, entertainers, and actors. Let them avoid taverns altogether, unless by chance they are obliged by necessity on a journey. They should not play at games of chance or of dice, nor be present at such games. They should have a suitable crown and tonsure, and let them diligently apply themselves to the divine services and other good pursuits. Their outer garments should be closed and neither too short nor too long. Let them not indulge in red or green cloths, long sleeves or shoes with embroidery or pointed toes, or in bridles, saddles, breast-plates and spurs that are gilded or have other superfluous ornamentation. Let them not wear cloaks with sleeves at divine services in a church, nor even elsewhere, if they are priests or parsons, unless a justifiable fear requires a change of dress. They are not to wear buckles or belts ornamented with gold or silver, or even rings except for those whose dignity it befits to have them. All bishops should wear outer garments of linen in public and in church, unless they have been monks, in which case they should wear the monastic habit; and let them not wear their cloaks loose in public but rather fastened together behind the neck or across the chest.
Canon 18 of the Fourth Lateran Council, 1215

De iudicio sanguinis et duellis clericis interdicto

Sententiam sanguinis nullus clericus dictet aut proferat, sed nec sanguinis vindictam exerceat aut ubi exercetur intersit. Si quis autem huiusmodi occasione statuti ecclesiis vel personis ecclesiasticis aliquod praesumpserit inferre dispendium, per censuram ecclesiasticam compescatur, nec quisquam clericus literas scribat aut dictet pro vindicta sanguinis destinandas, unde in curiis principum haec solicitudo non clericis sed laicis committatur. Nullus quoque clericus rotariis aut balistariis aut huiusmodi viris sanguinum praeponatur, nec illam chirurgiae artem subdiaconus, diaconus vel sacerdos exerceant, quae ad ustionem vel incisionem inducit, nec quisquam purificationi aquae ferventis vel frigidae seu ferri candentis ritum cuiuslibet benedictionis aut consecrationis impendat, salis nihilominus prohibitionibus de monomachiis sive duellis antea promulgatis.

*On sentences involving either the shedding of blood or a duel being forbidden to clerics*

No cleric may decree or pronounce a sentence involving the shedding of blood, or carry out a punishment involving the same, or be present when such punishment is carried out. If anyone, however, under cover of this statute, dares to inflict injury on churches or ecclesiastical persons, let him be restrained by ecclesiastical censure. A cleric may not write or dictate letters which require punishments involving the shedding of blood; in the courts of princes this responsibility should be entrusted to laymen and not to clerics. Moreover no cleric may be put in command of mercenaries or crossbowmen or suchlike men of blood; nor may a subdeacon, deacon or priest practise the art of surgery, which involves cauterizing and making incisions; nor may anyone confer a rite of blessing or consecration on a purgation by ordeal of boiling or cold water or of the red-hot iron, saving nevertheless the previously promulgated prohibitions regarding single combats and duels.
Canon 21 of the Fourth Lateran Council, 1215

*De confessione facienda et non revelanda a sacerdote et saltem in pascha communicando*

Omnis utriusque sexus fidelis, postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter, saltem semel in anno proprio sacerdoti, et inunctam sibi poenitentiam studeat pro viribus adimplere, suspiciens reverenter ad minus in pascha eucharistiae sacramentum, nisi forte de consilio proprii sacerdotis ob aliquam rationabilem causam ad tempus ab eius perceptione duxerit abstinendum; alioquin et vivens ab ingressu ecclesiae arceatur et moriens christianae careat sepultura. Unde hoc salutare statutum frequenter in ecclesiis publicetur, ne quisquam ignorantiae caecitatis velamem excusationis assumat. Si quis autem alieno sacerdoti voluerit iusta de causa sua confiteri peccata, licentiam prius postulet et obtineat a proprio sacerdote, cum aliter ille ipsum non possit solvere vel ligare. Sacerdos autem sit discretus et cautus, ut diligenter inquirat et peccatoris circumstantias et peccati, per quas prudenter intelligat, quale illi consilium debeat exhibere et cuiusmodi remedium adhibere, diversis experimentis utendo ad sanandum aegrotum. Caveat autem omnino, ne verbo vel signo vel alio quovis modo prodat aliquatunus peccatorem, sed si prudenteri consilio indiguerit, illud absque ulla expressione personae caute requirat, quoniam qui peccatum in poenitentiali iudicio sibi detectum praesumpsit revelare, non solum a sacerdotali officio deponendum decernimus, verum etiam ad agendum perpetuam poenitentiam in arctum monasterium deterudendum.

*On confession being made, and not revealed by the priest, and on communicating at least at Easter*

All the faithful of either sex, after they have reached the age of discernment, should individually confess all their sins in a faithful manner to their own priest at least once a year, and let them take care to do what they can to perform the penance imposed upon them. Let them reverently receive the sacrament of the eucharist at least at Easter unless they think, for a good reason and on the advice of their own priest, that they should abstain from receiving it for a time. Otherwise they shall be barred from entering a church during their lifetime and they shall be denied a christian burial at death. Let this salutary decree be frequently published in churches, so that nobody may find the pretence of an excuse in the blindness of ignorance. If any persons wish, for good reasons, to confess their sins to another priest let them first ask and obtain the permission of their own priest; for otherwise the other priest will not have the power to obsole or to bind them. The priest shall be discerning and prudent, so that like a skilled doctor he may pour wine and oil over the wounds of the injured one. Let him carefully inquire about the circumstances of both the sinner and the sin, so that he may prudently discern what
sort of advice he ought to give and what remedy to apply, using various means to heal the sick person. Let him take the utmost care, however, not to betray the sinner at all by word or sign or in any other way. If the priest needs wise advice, let him seek it cautiously without any mention of the person concerned. For if anyone presumes to reveal a sin disclosed to him in confession, we decree that he is not only to be deposed from his priestly office but also to be confined to a strict monastery to do perpetual penance.

APPENDIX B

Important twelfth- and thirteenth-century writers on scandal:

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<td>Bernard of Clairvaux</td>
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<td>Liber de praecepto et dispensatione</td>
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<td>Sententiae in quatuor libri distinctae</td>
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<td>Bartholomew of Exeter</td>
<td>pub. c.1160</td>
<td>Penitentiale</td>
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<td>Peter Comestor</td>
<td>d.c. 1180</td>
<td>De poenitentia</td>
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<td>William de Montibus</td>
<td>pub.1180s-90s</td>
<td>De penitentia religiosorum</td>
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<td>Alan of Lille</td>
<td>pub. 1198</td>
<td>Liber Poenitentialis</td>
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<td>Peter the Chanter</td>
<td>d. 1197</td>
<td>Summa de sacramentis</td>
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<td>Stephen Langton</td>
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APPENDIX C

Recurring themes in the development of the theology of scandal

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Recurring themes in the development of the theology of scandal.
APPENDIX D

TABLE OF BISHOPS' REGISTERS

<table>
<thead>
<tr>
<th>Diocese</th>
<th>Bishop</th>
<th>Dates</th>
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<tbody>
<tr>
<td>Canterbury</td>
<td>Stephen Langton</td>
<td>1207-1228</td>
</tr>
<tr>
<td></td>
<td>John Pecham</td>
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<td>Robert Winchelsey</td>
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<td></td>
<td>Walter Reynolds</td>
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<td>Henry Chichele</td>
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<td>York</td>
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<td>Walter Giffard</td>
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<td>William Wickwane</td>
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<td>John le Romeyn</td>
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<td>Thomas Corbridge</td>
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<td>William Greenfield</td>
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<td>William Melton</td>
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<td>Richard Scrope</td>
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<td>Bath and Wells</td>
<td>Walter Giffard</td>
<td>1265-1266</td>
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<td>Ralph of Shrewsbury</td>
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<td>Exeter</td>
<td>Walter Bronescombe</td>
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*The registers of Henry of Estry, prior of Christ Church, Canterbury were consulted for the *sede vacante* periods.
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<td>1317-1327</td>
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<td>Richard de Asiento</td>
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<td>1316-1319</td>
<td>John de Sandale</td>
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<td>1305-1316</td>
<td>Henry Woodcock</td>
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<td>Roger Mortel</td>
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<td>Simon of Cirene</td>
<td>Salisbury</td>
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<td>1319-1332</td>
<td>Hamo of Hethe</td>
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<td>1420-1431</td>
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<td>Phillip Respindon</td>
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<td>1280-1299</td>
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<td>Robert Crossesele</td>
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<td>Hugo de Willese</td>
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<td>John Termerini</td>
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<td>Thomas Cantilpupe</td>
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</table>
APPENDIX E

The bull Periculoso of Boniface VIII, 1298:

Periculoso et detestabili quarundum monialium statui, (quae honestatis laxatis
habenis et monachali modestia sexusque verecundia impudenter abiectis extra
sua monasteria nonnunquam per habitaculam secularium personarum discurrunt, et
frequentant infra eadem monasteria personas suspectas admitunt, in illius, cui
suam integritatem voluntate spontanea devoverunt, gravamen, offensam, in
religionis opprobrium et scandalum plurimorum), providere salubriter cupientes,
praesenti constitutione perpetuo irrefragabiliter valitura sancimus, universas et
singulas moniales, praeentes atque futuras, cuiuscunque religionis sint vel
ordinis, in quibuslibet mundi partibus existentes, sub perpetua in suis monasteriis
debere de cetero permanere clausura ita, quod nulli earum, religionem tacite vel
expresse professae, sit vel esse valeat quacumque ratione vel causa, (nisi forte
tanto et tali morbo evidentem earum aliquam laborare constaret, quod non posset
cum aliiis absque gravi periculo seu scandalo in simul commorari,) monasteria
ipsa deinceps egrediendi facultas; nulli aliquatenuis inhonestae personae nec
etiam honestae, (nisi rationabilis et manifesta causa existat, ac de illius, ad quem
pertinuerit speciali licentia,) ingressus vel accessus pateat ad easdem, ut sic a
publicis et mundanis conspectibus separatae omnino servire Deo valeant liberius,
et, laciviendi opportunitate sublata eadem corda sua et corpora, in omni
sanctimonia diligentius custodire. §1. Sane, ut hoc salutare statutum commodi
valeat observari, distinctius inhibemus, ne in monasterii ordinum non
Mendicantium aliquae recipiantur de cetero in soreste, nisi quot poterunt de
ipsorum monasteriorum bonis sive proventibus absque penuria sustentari, si
secus actum fuerit, irritum decerentes. §2. Verum quando abbatissae vel
priorissae cuiusvis monasterii pro feudo, quod monasterium ipsum tenet ab aliquo
principe seu domino temporali, sibi deebit homagium vel fidelitatis
sacramentum praestare, (nisi quod per procuratorem illud praestet, possit efficere
apud eum,) de monasterio cum honesta et decenti societate exire poterit eo casu
licenter, homagio facto, quam primum commodo poterit, seu fidelitatis praestito
sacramentum ad ipsum monasterium et vestigio reversura, sic, quod in fraudem
residentiae sive morae clausuralis nihil fiat omnino. §3. Porro, ne moniales
causam seu occasionem habeant evagandi, principes saeculares ac alios dominos
temporales rogarnus, requirimus et obsecuram per viscera misericordiae Iesu
Christi, eisdem in remissiunem peccaminium nihilominus susdentes, quod
abbatissas ipsas et priorissas ac moniales quascunque, monasteriorum suorum
curam, administrationem negotiave gerentes, quibuscunque nominibus
censeantur, per procuratores in suis criminalibus (Friedberg has "tribunalius")
seu curiis litigare permittant, ne pro constituendis procuratoribus, qui atornati in
aliquibus partibus nuncupantur, seu aliii huiusmodi easdem oporteat evagari. Si
qui vero contra praesumpserint, exhortationi huiusmodi rationabili atque sanctae obtemperare nolentes, cum (F. has "quum") sit iuri contrarium, quod mulieres, praesertim religiosae, per se ipsas litigare cogantur, et a via deviet honestatis et periculum animarum inducat, ad hoc per suos ordinarios ecclesiasticos censura ecclesiastica compellantur. Episcopis autem et aliis praelatis superioribus et inferioribus quibuscunque iniungimus, quod et ipsi causas seu negotia, quae parefate moniales habebunt agere coram ipsis aut in curiis eorumdem sive sint homagia fidelitatis sacramenta, lites vel quicquid aliud, ipsa per procuratores earum fieri faciant et tractari. § 4. Et quoniam parum esset condere iura, nisi essent qui ea exsecutioni debitae demandarent: patriarchis primatibus, archiepiscopis et episcopis universis districte in virtute sanctae obedientiae sub obtestatione divini iudicii et interminatone maledictionis aeternae praecipiendo mandamus, quatenus eorum quilibet in civitate ac diocesi propria in monasteriis monialium sibi ordinario iure subjectis sua, in is vero, quae ad Romanam immediate spectant ecclesiam, sedis apostolicae auctoritate, abbates vero et alii, tam exempti quam non exempti praelati ecclesiaram, monasteriorum et ordinum quorumcunque, in monasteriis huiusmodi sibi subjectis de clausura convenienti, ubi non est, ipsorum monasteriorum expensis et fidelium eelemosynis, quas ad hoc procurent, diligentius factienda, et de ipsis monialibus includendis quam primum commodo poterunt providere procurent, si divinae ac nostrae indignationis voluerint acrimoniam evitare, contradictores atque rebelles per censuram ecclesiasticam appellacione postposita compescendo, invocato ad hoc, si opus fuerit, auxilio brachii saecularis. Per hoc autem in monasteriis exemptis ordinarii locorum quoad alia nullam sibi credant iurisdictionem vel potestatem aliquatenus attributam.

Translation:

Wishing to provide for the dangerous and abominable situation of certain nuns, who, casting off the reins of respectability and impudently abandoning nunnish modesty and the natural bashfulness of their sex, sometimes rove about outside of their monasteries to the homes of secular persons and frequently admit suspect persons into these same monasteries, to the injury of those who by free choice vowed their chastity, to the disgrace and dishonor of the religious life, and the temptation of many, we do firmly decree by this present constitution, which shall forever remain in force, that nuns collectively and individually, both at present and in the future, of whatsoever community or order, in whatever part of the world they may be, ought henceforth to remain perpetually cloistered in their monasteries, so that none of them, tacitly or expressly professed, shall or may for whatever reason or cause, (unless by chance any be found to be manifestly suffering from a disease of such a type and kind that it is not possible to remain with the others without grave danger or scandal) have permission hereafter to leave the same monasteries; and that no persons, in any way disreputable, or even respectable shall be allowed to enter or leave the same (unless a reasonable and obvious cause exists, for which the appropriate authority may grant a special license) so that [the nuns] may be able to serve God wholly separated from the public and worldly gaze, and occasions for lasciviousness having been removed, may most diligently safeguard their hearts and bodies in complete chastity.

1. Indeed, so that this salutary statute be more readily observed, we most strictly decree that no sisters shall from this time forward be received in monasteries other than those of mendicant orders unless those same monasteries are able to sustain such [members] with goods or revenues and without penury; contrary actions shall be considered void.

2. When, indeed, the abbess or prioress of any monastery shall need to present herself to do homage or swear fealty for a fief that the same monastery holds from any prince or temporal lord (unless she can do so through a procurator representing her in his presence) she may leave the monastery in this instance licitly, with respectable and decent company; having done homage or sworn the oath of fealty, let her return to the monastery as soon as conveniently possible, so that nothing whatever be done that impairs residence or enclosure.

3. Lest nuns have any cause or occasion to wander abroad, indeed, we ask, we beg, and we beseech secular princes and other temporal lords, through the merciful bowels of Christ Jesus, exhorting them that for the remission of sins they allow the same abbesses and prioresses or nuns who carry out the administration of business for their monasteries, by whatever titles they may be designated, to litigate in their tribunals and courts through procurators, who in some places are called attorneys, or others of this kind, lest for lack of
procurators the nuns themselves be required to wander abroad. Should any presume otherwise and refuse to comply with such a reasonable and holy command, since it is contrary to law to require women, especially religious women, to litigate for themselves, and departs from the honorable path, and may lead to the peril of souls, let them be compelled to do this by their bishops through ecclesiastical censures. We enjoin bishops and other prelates, higher or lower, moreover, that when the aforesaid nuns have to come before them or into their courts for lawsuits or business or to do homage or swear fealty, or for disputes or anything else, that they be permitted to conduct their actions and transact their business through their procurators.

4. And, since it is pointless indeed to make laws unless someone be designated to enforce them, we strictly command patriarchs, primates, archbishops, and all bishops in virtue of holy obedience, that they take very diligent care that the nuns of any monasteries subject to them by law as ordinaries within their city or diocese and even, moreover, those that are directly subject solely to the authority of the Roman Church and Apostolic See, as well as to abbots and other prelates, exempt as well as non-exempt, in which enclosure is not observed shall be enclosed as soon as they can properly provide for this; they shall meet the expenses incurred therein from the alms of the faithful that they shall procure for this purpose if they wish to escape our wrath and divine indignation; those who refuse and resist ought to be constrained through ecclesiastical censure, with no right of appeal, invoking for this, if necessary, the aid of the secular arm. Ordinaries should be aware, however, that they do not acquire in virtue of this [letter] any jurisdiction or power in any other matter over monasteries that are otherwise exempt [from the ordinary’s control].

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