HEALING NOT PUNISHMENT

Historical and pastoral implications
of the Penitentials
as observed in ecclesiastical networking
between the sixth and the eighth centuries.

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For my priest-friends

John Angus Galbraith and Karl-Wilhelm Koerschgens.

May they rest in peace.

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Abbreviations

ACO	Acta Conciliorum Oecumenicorum, hrsg. von E. Schwartz, series secunda, Berlin, 1984 ff.
AKathKR	(AfkKR) Archiv für kath. Kirchenrecht, Mainz 1857 ff.
ANCL	Ante-Nicene Christian Library, d. by A. Roberts and J. Donaldson, translated by S. Thelwall, Edingburgh 1869.
ANF	Ante-Nicene Fathers, ed. by Philip Schaff, 1885.
ASE	Anglo-Saxon England, Cambridge 1972 ff.
Aug	Augustinianium, Rom 1961 ff.
BEASE	The Blackwell Encyclopaedia of Anglo-Saxon England, ed. by Michael Lapidge, Oxford 2001.
Bijdr	Bijdragen, Tijdschrift voor philosophie en theologie, Nimwegen 1953 ff.
BKV	Bibliothek der Kirchenväter, hrsg. von F. X. Reitmayer, fortges. von V. Thalhofer, 80 Bände, Kempten 1869 - 1888.
BKV^2	Bibliothek der Kirchenväter, hrsg. von O. Bardenhewer u. a., 83 Bände, 1911 – 1938.
BMCL	Bulletin of Medieval Canon Law, Berkeley 1971 ff.
CCEL	Christian Classics Ethereal Library, ed. Harry Platinga, Calvin College, Michigan.
CCL	Corpus Christianorum seu nova Patrum collection series Latina, Turnhout – Paris 1953 ff.
CIH	The Course of Irish History, ed. by T. W. Moody and F. X. Martin, Dublin ^{3}1994.
CivCatt	La Civilità Cattolica, Rom 1850 ff (1871 – 87 Florenz).
CPL	Clavis Patrum Latinorum, translated by S. Thelwall, Turnhout, 1995.
CSEL	Corpus scriptorum ecclesiasticorum latinorum, Wien, 1866 ff.
DA	Deutsches Archiv für die Erforschung des Mittelalters, Köln – Graz, 1950 ff.
DIP	Dizionario degli Instituti di Perfezione, diretto da G. Pelliccia e da G. Rocca, Roma 1962 ff.
DthC	Dictionaire de Théologie Catholique, ed. A. Vacant and E. Magenot, continué É. Amann, Paris 1903 - 1950.
FC	Fontes Christiani, hrsg. von Norbert Brox et al., Freiburg im Breisgau 1994.
GCh	Die Geschichte des Christentums (deutsche Ausgabe von Histoire du Christianisme), hrsg. von J.-M. Mayeur et al., Freiburg 1991 ff.
HAW	Handbuch der Altertumswissenschaft, begr. von I v. Müller, erw. von W. Otto, fortges. von H. Bengtson, München 1855 ff.
HDG (1951)	Handbuch der Dogmengeschichte, ed. Michael Schmaus et al., Band IV, 3, Buße und Letzte Ölung, Freiburg 1951.
	Handbuch der Dogmengeschichte, ed. Michael Schmaus et al., Band IV, 3, Buße und Krankensalbung, Freiburg, Basel, Wien, 1978.

HDG (1978)	Handbuch der Dogmengeschichte, ed. Michael Schmaus et al., Band IV, 3, Buße und Krankensalbung, Freiburg, Basel, Wien, 1978.
HKG	Handbuch der Kirchengeschichte, hrsg. von H. Jedin, 7 Bände, Freiburg 1962 – 1979.
HRG	Handwörterbuch zur deutschen Rechtsgeschichte, Berlin 1964.
LKDog	Lexikon der katholischen Dogmatik, hrsg. von Wolfgang Beinert, Freiburg, Basel, Wien 1987.
LMA	Lexikon des Mittelalters (LMA), München – Zürich 1980 ff. Freiburg 1967, 655 – 679
$LThK^2$	Lexikon für Theologie und Kirche, hrsg. von J. Höfer und K. Rahner, 2. Auflage, 10 Bände, Freiburg 1957 - 1967.
$LThK^3$	Lexikon für Theologie und Kirche, hrsg. von Walter Kasper u. a., 3. Auflage, Band 1 ff, Freiburg 1993 ff.
MANSI	Sacrorum Conciliorum nova et amplissima collection, tomus secundus, ed. Johannes Dominicus Mansi, Florentiae 1759 - 1827. Neudruck und Fortsetzung, hrsg. von L. Petit und J. B. Martin, Paris 1899 – 1927.
MedIreland	Medieval Ireland, an Encyclopedia, ed. by Seán Duffy, USA 2005.
MGH.AA	Monumenta Germaniae Historica, Auctores antiqissimi, Berlin 1877 – 1919.
MGH.Ep	Monumenta Germaniae Historica, Epistolarum Tomus III, Berlin 1957.
MySal	Mysterium Salutis, Grundriss heilsgeschichtlicher Dogmatik, hrsg. von J. Feiner und M. Löhrer, 5 Bände, Einsiedeln 1965 – 1976.
NPNF	Nicene and Post-Nicene Fathers of the Christian Church,translated and edited by Ph. Schaff and H. Wace, Edinburgh
NHThG	Neues Handbuch theologischer Grundbegriffe, hrsg. von Peter Eicher, 5 Bände, München 1991.
OstKSt	Ostkirchliche Studien, Würzburg 1951 ff.
PG	Patrologia Graeca, hrsg. von J. P. Migne, 167 Bände, Paris 1857 – 1866.
PL	Patrologia Latina, hrsg. von J. P. Migne, 217 Bände, Paris, 1841 – 1864.
SC	Sources Chrétiennes, hrsg. von H. de Lubac und J. Daniélou, Paris 1941 ff.
SM	Sacramentum mundi, Theologisches Lexikon für die Praxis, hrsg. von K. Rahner und A. Darlap, Freiburg, 1967 – 1969.
SMGB	Studien und Mitteilungen zur Geschichte des Benediktinerordens und seiner Zweige, München 1911 ff.

Spec	Speculum. A journal of medieval studies, Cambridge, Mass. 1926 ff.
SSAM	Settimane di studio del Centro Italiano di Studi sull'Alto Medioveo, Spoleto 1953 ff.
StPatr	Studia Patristica, Berlin 1957 ff.
ZKG	Zeitschrift für Kirchengeschichte, (Gotha) Stuttgart 1876 ff.
ZSRG.K	Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung, Weimar 1911 ff.

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0.2. Abstract

Keywords: Ambrosianum, Basil, Cassian, Columbanus, confessor, Cummean, Finnian, Insular Church, Oriental Church, paenitentia canonica, paenitentia privata, remedial character of penance, penitent, penitential literature, sixth – eighth centuries, sin as an ailment of the soul, soul-friend, confessor as a spiritual physician.

Although the advent of the Kingdom of God in Jesus contains as an intrinsic quality the opportunity for repentance (μετάνοια) as often as required, the Church of the first five-hundred years shows serious difficulties with the opportunity of conversion after a relapse in sinning after baptism. The Church allowed only one chance of repentance. Requirement for the reconciliation were a public confession and the acceptance of severe penances, especially after committing the mortal sin of apostasy, fornication or murder. As severe as this *paenitentia canonica* appears, its entire conception especially in the eastern part of the Church, the Oriental Church, is a remedial one: sin represents an ailment of the soul, the one, who received the confession, is called upon to meet the confessing person as a spiritual physician or soul-friend. Penance does not mean punishment, but healing like a salutary remedy. Nevertheless the lack of privacy led to the unwanted practice of postponing repentance and even baptism on the deathbed. An alternative procedure of repentance arose from the sixth century onwards in the Irish Church as well as the Continental Church under the influence of Irish missionaries and the South-West-British and later the English Church (Insular Church). In treatises about repentance, called penitentials, ecclesiastical authorities of the sixth to the eight centuries wrote down regulations, how to deal with the different capital sins and minor trespasses committed by monks, clerics and laypeople. Church-representatives like Finnian, Columbanus, the anonymous author of the Ambrosianum, Cummean and Theodore developed a new conception of repentance that protected privacy and guaranteed a discrete, an affordable as well as a predictable penance, the *paenitentia privata*. They not only connected to the therapeutic aspect of repentance in the Oriental Church by adopting basic ideas of Basil of Caesarea and John Cassian, they also established an astonishing network in using their mutual interrelations. Here the earlier penitentials served as source for the later ones. But it is remarkable that the authors in no way appeared as simple copyists, but also as creative revisers, who took regard of the pastoral necessities of the entrusted flock. They appeared as engaged in the goal to improve their ecclesiastical as well as their civil life-circumstances to make it possible that the penitents of the different ecclesiastical estates could perform their conversion and become reconciled in a dignified way. The aim of the authors was to enable the confessors to do the healing dialogue qualitatively in a high standard; quantity was not their goal. The penitents should feel themselves healed, not punished.

0.3. Introduction

Catalogues and handouts may often be regarded as superficial as they are normally designed for mass use and distribution. They tend to cause a hasty perusal on the part of those who require a quick response. A cursory glance at the writings dealing with sin and repentance from the sixth century onwards in the Insular Church (Ireland, Continental Church under the influence of Irish missionaries and South-West-Britain as well as later England) and known as the "penitentials" could serve to confirm this impression. They can be seen as catalogues of fines and seem to represent a list of capital sins as well as minute trespasses, which correspond to a classified enumeration of related penitential works.[1] The attention to detail in describing manifestations of committed sins could enhance this critical view.[2] To prove that this light-minded rating by no means meets the actual value of the penitentials needs a detailed scrutiny. An exact examination will reveal their importance for the pastoral development of an appropriate and careful dealing with sin and repentance within the Church. The penitentials also represent ecclesiastical documents, which - dealing with partially rough human behaviour and attitudes – provide revealing glimpses into the life of the developing Insular Church and its relations with an often unruly and violent civil society at a time when secular documentation is scant.[3] This applies particularly to the basic penitence-writings of the sixth to the early eighth centuries. At a time when word-of-mouth, face to face talks or letters were the sole means of communication additionally a surprisingly well working network can be detected in the writings of this genre.

The selection of these penitence-writings in the submitted study is neither casual nor unplanned. It will become apparent that the selected penitentials are basic ones. Mutual influences are evident, they partly built on each other, complete the content and form a pattern for later writings from the eighth century onwards. It will also become clear that the consistent emphasis on the therapeutic character of

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[1] Herbert Vorgrimmler calls the penitentials "documents of damming jurification and externalism and a depressing treatment of penitents", HDG IV, 3, (1978) 97, translation by the author. He conveys the questionable impression that the Penitentials had been consequent regarding the "change" of the severe penances into more lenient commutations: "From the 6th century onwards the area of the Irish and Anglo-Saxon Church… consciously alters the practice of the public penance of excommunication… The serious conditions of penance initially remained, but could soon be "changed" (by payment, amassed prayers, scourging, etc.), which is why detailed penitentials became necessary." *Buße*, NHThG, I, 229; translation by the author. Since the majority of authors (Finnian, Columbanus, Cummean, Theodore) had been well-known in the seventh and eighth century, the criticism (canon 38) of the Synod of Chalon-sur-Saône (813): "*…poenitentiales vocant, quorum sunt certi errores, incerti auctores*…", possibly does not relate to their penitentials, but to those of less educated following imitators. Anyway, the synod's bishops made disparaging remarks about the value of the penitentials with an adjusted reference to Ez 13: 19: "*Mortificabant animas, quae non moriuntur, et vivicabant animas, quae non vivebant*." MANSI, 14, 102.

[2] Cf. Plummer, *Venerabilis Baedae Opera*, CLVI – CLVIII. The frankness of canon eight's description of *S. Luci Victoriae* could even be the reason for a non-literal translation in Bieler's (68, 69) and McNeill's and Gamer's (172) transcription.

[3] Cf. O'Loughlin, *Celtic Theology*, 66.

the penitentials' instructions represents the nucleus of the pastoral intention of their authors. So it can be shown that the writers accomplished this goal in a committed as well as a sophisticated way and led the pressing problem concerning the forgiveness of sins to an acceptable and simultaneously feasible solution.

This study is naturally not without any presuppositions. It builds on the meritorious work of a whole series of collectors, translators and revisers, authors, who dealt with the penitentials:[4] F. W. H. Wasserschleben (1851)[5], A. W. Haddan and W. Stubbs (1869 – 1871)[6], H. J. Schmitz (1883 / 1898)[7], O. Seebass (1897)[8], P. W. Finsterwalder (1929)[9], J. T. McNeill and H. M. Gamer (1938)[10], G. S. M. Walker (1957)[11], L. Bieler (1963)[12] and L. Körntgen (1993)[13]. These books already contain not only the revised text of the related penitentials, but also a more or less critical apparatus, which consider the tradition of the different manuscripts and sometimes also display the textual relations in comparison with other penitentials. But the previous authors dealt primarily with textual analysis, restricting themselves to similarities in text or content. They did not go deeper to focus on the pastoral and remedial aims and effects of the penitentials. So they deliver merely a similarity in wording, but not eventually the conformity in the pastoral idea dealing with sin, conversion and spiritual therapy of the penitent, the intrinsic concept of repentance: healing not punishment. This is seen only in the synopsis of these basic penitence-writings and – as previously mentioned – in a careful and detailed comparative examination of the different penitentials. Thus the portrayal of the historical and pastoral implications of the penitentials as consequence of this networking represents the basis of this study.

This study will undertake this goal in seven chapters.

- Chapter one reveals the dealing of the Church's first five-hundred years with sin, repentance and penance. It reveals the configuration of the *penitentia canonica*: public confession, unique opportunity of repentance, definition of sin as ailment of soul and penance as spiritual remedy. Unwanted developments led to the urgent demand for an alternative conception: privacy, repetition and an affordable as well as predictable penance.

[4] Cf. R. Kottje's commentary on the issues of the penitentials, *Die frühmittelalterlichen kontinentalen Bußbücher*, BMCL 7, 108 – 110.
[5] Wasserschleben, *Die Bußordnungen der abendländischen Kirche*.
[6] Haddan and Stubbs, *Councils and Ecclesiastical Documents related to Great Britain and Ireland*.
[7] Schmitz, *Die Bußbücher und die Bußdisciplin der Kirche* respectively: *Die Bußbücher und das kanonische Bußverfahren*.
[8] Seebass, *Ein bisher noch nicht veröffentlichtes Poenitential*.
[9] Finsterwalder, *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*.
[10] McNeill and Gamer, *Medieval Handbooks of Penance*.
[11] Walker, *Sancti Columbani Opera*.
[12] Bieler, *The Irish Penitentials*.
[13] Körntgen, *Studien zu den Quellen der frühmittelalterlichen Bußbücher*.

- Chapter two traces early insular penitential-regulations: Patrick's *Epistola ad milites Corotici* and four South-West-British decisions: *Sinodus Aquilonalis Britanniae* and the *Praefatio Gildae de poenitentia* regulating the relation between sin and penance exclusively for monks. *Sinodus Luci Victoriae* as well as the *Excerpta quaedam de libro Davidis*, which marks the transition from an inner- into the outer-monastic area, for clerics and laypeople.
- Chapter three points to the *Penitentialis Vinniani*, which represents as the first Irish writing the conception of a Penitential in a strict sense. Connecting to the ancient idea of sin as ailment of soul and penance as spiritual remedy it will underline the characteristics of this new conception, the *penitentia privata*, however only for clerics and laypeople: no sin exists that cannot be forgiven, privacy in confession, repetition of repentance and defined measure of penance.
- Chapter four deals with the writings of the Irish missionary on the continent: Columbanus. Especially his Penitential (for all ecclesiastical estates), his *Regula coenobialis* (for monks) and the small tract *De octo vitiis principalibus* will be analyzed with regard to the interrelations with Finnian's Penitential on the one hand and connections to the Oriental Church, Basil and Cassian, on the other hand.
- Chapter five scrutinizes the anonymous *Paenitentiale Ambrosianum*, its interrelations with the preceding writings about repentance. It will be tried to classify it according to time and place of its origin, especially because of the first introduction of Cassian's Eight-Vices-Scheme as an element of structure.
- Chapter six reveals the interrelations of the Irish *Paenitentiale Cummeani* with the *Paenitentiale Ambrosianum* in particular, of which it adopt Cassian's Eight-Vices-Scheme. It will be shown that Cummean revises a considerable number of regulations about discipline within the Church from this and earlier writings. He too adopts the remedial character of his Penitential and admonishes the confessor to become the penitent's soul-friend.
- Chapter seven deals with the last and most extensive cluster of basic penitence-writings, compiled according to the advice Canterbury's Archbishop Theodore. Especially the well-organized issue of the *Discipulus Umbrensium* represents a summary of previous compilations. Bilingual in Greek and Latin Theodore shows a detailed knowledge of Basil Canonical Letters as well as an independent adoption of Cassian's Eight-Vices-Scheme.

Chapter eight represents a detailed summary of the findings and insights that have been gained.

1. Repentance in the New Testament and the early church

1.1. A theological preamble

> The time is fulfilled, and the kingdom of God is close at hand. Repent and believe the gospel.[1]

With this announcement Jesus is proclaiming a new reality: God provides salvation without any condition: pardon is the first step, the prior premise, and the repentance (μετάνοια) follows this final redemption.[2] Unlike John the Baptist's message, which proclaimed repentance as the only possibility for the people of Israel to escape from God's judgement, the crucial point of Jesus' message is the announcement that God put in effect salvation for all mankind:

> The kingdom of Jesus was the arrival of a great feast… rather than the arrival of divine punishment.[3]

According to the gospel's parable (Mt 22: 1 – 14 par Lk 14: 15 – 24) the participants of that feast were not the selected and invited guests; they had refused the invitation for trivial reasons and neglected the feast's crucial importance. The guests welcomed to the banquet were people on the fringe of society and social outcasts, bad and good alike, on condition that they respect the dignity of the feast. This they could prove by their honest willingness to convert to the values of the kingdom of God (Βασιλεία τοῦ Θεοῦ). The invited guests, as well as the man without a wedding garment, had shown by their behaviour that they did not value the invitation or the host. They failed to prepare themselves appropriately for participation in the banquet, a preparation, which should have been possible for any person. The parable points to the official representatives of the Jewish community (invited guests) as well as to the later congregation of Jesus' followers (the man without the wedding garment).[4] The appropriate attitude for those who want to be ready for the arrival of God's kingdom is according to their ability to accept their own role in the realization of this event of salvation in society and in the world: repentance and belief. This disposition is expressed by the metaphor of the wedding garment. On the other hand the possibility of repentance is one of major benefits of the feast, because Jesus, as the representative of the kingdom of God had obtained the reconciliation of mankind with God (Rom 5: 18, 19). It remains a requirement as well as a constant necessity to realize and accept in faith the reality of redemption, which began in Jesus, caused by his death and resurrection. Sin appears, if people refuse to believe in this reality.[5] So it can be

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[1] Mk 1: 15. Text by the New Jerusalem Bible, London 1990. Exegesis cf. Gnilka, *Das Evangelium nach Markus*, 67. Ernst, *Das Evangelium nach Markus*, 50. Merklein, *Jesu Botschaft*, 36.

[2] Cf. Kessler, *Christologie*, in: Handbuch der Dogmatik, Band 1, 270

[3] O'Loughlin, *The Didache*, 89. Cf. Wolter, *Primitive Christianity*, 171 – 182.

[4] Cf. Schweizer, *Das Evangelium nach Matthäus*, 273.

[5] Cf. Gnilka, *Jesus von Nazaret*, 208, 209.

noted as matter of principle that these people have to face God's judgement, because they reject repentance.

The experience of humankind expressed throughout the biblical texts teaches us that human beings are caught in wrongdoing and sin again and again.[6] These lapses were not removed from the world after the beginning of the kingdom of God and temptation is still continuing to burden people. All believers have to be attentive and prepared to fight a lifelong battle[7] against evil: "Stay awake and pray not to be put to the test. The spirit is willing enough, but human nature is weak".[8] And in 1 Peter, the author warns the growing community of Jesus' followers, that the Evil One is wandering about "like a roaring lion", to throw people down into the ruin of sin.[9] Unless sinners are condemned hopelessly in separation away from God, reconciliation is required for those who regret their faults and want to return to the path of righteousness in the sight of God. There must be a realistic hope for the forgiveness of sins. Already here is met a double ecclesiastical way of dealing with sin: to be steadfast in temptation and avoid trespassing, as well as asking for forgiveness after committing transgressions.

It conforms to the self-understanding of Jesus himself that he claimed to be the representative of God's kingdom (Βασιλεία) in the world.[10] And his disciples and followers continue to proclaim that the beginning of the God's reign is irreplaceably connected to Jesus himself.[11] The growing community of his followers[12] expressed the conviction that Jesus owns the authority of God himself,

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[6] For example: Ps 141. The background of this psalm is the serious endangering of keeping the faith in the third century B. C., when the people of Israel met the pagan Hellenistic world. Cf. Deissler, *Die Psalmen*, 544 – 547.

[7] The attribution "of Rome" probably is not a part of a personal name. It points to a member of the Christian community in Rome, possibly with the common name Clement. FC 15, 16 – 19. Time of writing: 93 – 97, FC 15, 19, 20. The author compares a Christian's life with a "battle-field". Cf. Clemens von Rom: *Epistola ad Corinthos*, FC 15, 7, 1.

[8] Mk 14: 38. The probably historical situation, the contrast of the praying Jesus and the sleeping disciples, marks the risk of the young Christian community: Not turning to God in prayers they may miss salvation. Cf. Gnilka, *Das Evangelium nach Markus*, 264.

[9] 1 Pet 5: 8. The διάβολος (שטן) is the antagonist to the faithful and the seducer, who wants to mislead people. Considering the period when the letter was written around 63 or 64 A. D., the time of the first persecutions of Christians, the author wants to express that the devil is trying to persuade believers to give up their faith. Cf. Schelkle, *Die Petrusbriefe*, 10, 132.

[10] This theological conviction applies also to the historical Jesus. Cf. Merklein, *Jesu Botschaft*, 152 – 154, 169 – 175. Merklein, *Studien zu Jesus und Paulus*, 150 – 152.

[11] Cf. Origines, *Commentarium in Evangelium Matthaei* 14,7: "For he [Jesus] is the king (of the heavens), personally the wisdom and the righteousness and the truth, especially however the kingdom of heavens in person (αὐτοβασιλεία)." Translation made by the author. Cf. Benedikt XVI., *Jesus von Nazareth I*, 79, 191 – 195.

[12] It can be assumed that before the experience of resurrection, in any case after Easter his disciples already saw in Jesus the expected Messiah (משיח, Χριστός). Cf. Grillmeier, *Jesus*, Band 1, 14 – 16. The young church proclaimed Jesus as the Christ. Speaking of him, they consequently used that title, not his personal name. The pagan authors of the extra-biblical sources – unaware of the religious details - picked up this mode of speaking and so proved historically the religious beliefs of the Christians: Sueton, *Vita Claudii* 25, 4, wrote around 120 A.D.: "*Iudaeos impulsore **Chresto** assidue tumultuantis Roma expulit.*" Or Tacitus (between 115 and 117 A. D.), in his *Annales* 15, 44: "*Auctor nominis eius **Christus** Tibero imperitante per procuratorem Pontium Pilatum supplicio adfectus erat; repressaque in praesens exitiablilis superstitio rursum*

who let this eschatological occurrence become real, is the expected Christ! This unique demand includes the power to forgive sins, a divine power, which according to the message of the Old Testament and therefore to the conviction of the scribes and Pharisees is reserved only for God. So the gospel reports consistently that Jesus himself frees us from sins. This appears especially clear in the context of Jesus curing a paralytic related in Mk 2: 1 – 12 (par Mt 9: 1 – 8 and Lk 5: 17 – 26). The majority of exegetes think that this pericope consists of two parts: firstly, a miracle, the cure of a paralytic, is described. And secondly, inserted in the text, the gospel reports the tradition of a controversy between the Scribes and the Pharisees on the one hand and Jesus on the other hand (verses 5b – 10). The historical background of that dispute is Jesus' claim to divine legitimacy to forgive sins, which in the sight of the contemporary authorities of the Jewish faith is an ability reserved for God alone. By the composition of the two traditions, the report of the miracle and that of controversy, the young Church's community legitimates the practice of reconciling sinners, while referring to Jesus and his comprehensive healing of all human existence. The essence of this passage consists in the experience of being freed from illness as well as from sin by Jesus' authority as the representative of the kingdom of God. The developing community recognized in this their Lord's advice and claimed for themselves the ability to forgive sins.[13] This conviction that Jesus conferred the full power of the forgiveness of sins onto his followers is supported by the corresponding promise to Peter in Mt 16: 19 and to the disciples in Mt 18: 18. It became a common conviction that this authority is extended to the future Jesus following communities.[14]

The possibility of reconciliation is, consequently, a necessity in the life of the early Church's community: a pastoral exigency from the start. In this context the key-question arises, whether the conversion towards the new reality of salvation, repentance, is limited to a single act or is repeatable as often as necessary. In other words: how often does Jesus allow a sinner to repent. In fact there is no story in the gospel where Jesus again forgives a specific person he had reconciled before. The biblical text does not deliver any direct advice by Jesus to repeat the forgiveness as often as required to those who have committed sin again. Yet the supposition is obvious that Jesus has permitted reconciliation in case of a repeated trespassing by the same person. According to Mt (6: 12),[15] Jesus taught his

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erumpebat, non modo per Iudaeam, originem eius mali, sed per urbem etiam, quo cuncta undique atrocia aut pudenda confluunt celebranturque." Accentuations made by the author. Cf. Bruce, *Außerbiblische Zeugnisse*, 11 – 13.

[13] Cf. Merklein, *Die Jesusgeschichte*, 71, 72. Gnilka, *Das Evangelium nach Markus*, 100 - 102

[14] Par Jn 20: 23. This conviction represents the majority of the New-Testament-Scholars. Cf. Meuffels, *Kommunikative Sakramententheologie*, 321. Schweizer, *Das Evangelium nach Matthäus*, 223, 224, 242.

[15] Par Lk 11: 4 and Didache 8, 1. There is a controversial discussion among the Scholars, which tradition, Luke or Matthew, is more original. Ernst takes Luke for the older one. Cf. Ernst, Josef, *Das Evangelium nach Lukas*, 363. In the opinion of Luz Matthew has handed down the original text of the prayer, while Luke has delivered earlier the supplications' number in the prayer. Cf. Luz, *Das Evangelium nach Matthäus*, 335.

disciples to ask their heavenly Father to be released from their sins.[16] But he also demanded their willingness to forgive unconditionally their own trespassers. So Jesus promised his disciples that they are pardoned by God on condition that they themselves forgive their transgressors (Mt 6: 14 par Lk 11: 4). So long as one obeys the obligation to forgive one's fellow humans without any limit (Mt 18: 21, 22), the promise of God's pardon actually does not allow any hopelessness for reconciliation. Therefore, it appears likely that Jesus himself did not limit the opportunities to repent. In the parable (Mt 18: 23 – 35)[17] of the servant, whose master released him from an inconceivably high debt, Jesus emphasizes the connection of obtaining pardon and granting forgiveness. That servant eventually became condemned, because as a lender himself he sent his fellow-servant mercilessly to prison, although he owed him only a comparatively small amount. A *conditio sine qua non* exists: only those can really expect reconciliation, who are honestly forgiving characters themselves.[18] Peter's inquiry to Jesus how often he has to forgive his brother (Mt 18: 21)[19] can be a helpful guideline. Jesus' answer instructs Peter, and naturally the disciples, to pardon countless times those who have trespassed against them. So the request for forgiveness in the Lord's Prayer and the advice to forgive countless times could be interpreted as Jesus' conviction that there are no limits of repentance. Jesus was conscious of the reality that men and women become permanently tempted by evil and malign powers and relapse in sin. It is therefore very likely that he ordered his followers to practice forgiveness among the congregation as often as required.

The metaphor of the unclean Spirit (Mt 12: 43 – 45 par Lk 11: 24 – 26)[20], who moves into his former home accompanied by seven more wicked demons, shows exactly Jesus' cautioning against a threatening return into sin. Unless the healing power of God's redemption does not become the constant intention of the human being, the unclean spirit can return. It gets even worse: the person is now possessed by eight demons, the one who previously had his dwelling-place there and another seven.[21] The figure of eight (returning demons) will play a role as a

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[16] As distinct from Matthew and the text of the Didache Luke uses the term "ἁμαρτία" for the trespasses God is asked to forgive and "ὀφείλημα" for the trespasses affected people should pardon. Matthew and the Didache do not use this distinction. They are using the word "ὀφείλημα" too, which normally means "debt" in the profane Greek language. The exegetes, however, think that the Lord's Prayer was first said in the Aramaic language during the service among the congregation. The original Aramaic word (חובא) contains the implication "debt" as well as "sin". Cf. Luz, *Das Evangelium nach Matthäus*, 336, 347, 348.

[17] God's reconcilement with and his pardon of mankind in Jesus Christ is the fundamental message of the New Testament. Paul comprehends the present of reconciliation as well as the mission of the Christ following community: "It is all God's work; he reconciled us to himself through Christ and he gave us the ministry of reconciliation" (2 Cor 5: 18). Cf. Koch, *Die eine Botschaft*, 97.

[18] Cf. Benedikt XVI., *Jesus von Nazareth I*, 192.

[19] Cf. Schweizer, *Das Evangelium nach Matthäus*, 246. Schmid, *Das Evangelium nach Matthäus*, 274.

[20] The text goes back to Q. Matthew addresses generalizing "this generation" meaning the scribes and Pharisees (Mt 12: 38 - 42), who refuse to acknowledge the coming of the kingdom of heaven in Jesus personally. Luke means a single person. Cf. Ernst, *Das Evangelium nach Lukas*, 377. Schweizer, *Das Evangelium nach Matthäus*, 191, 192.

[21] Cf. Schweizer, *Das Evangelium nach Matthäus*, 191.

pattern for the Eight-Thoughts/Vices-Scheme in the fourth century, developed by Evagrios Pontikos (about 345 – 399) and John Cassian (360 – 435).[22] Even if this risk of a relapse actually exists, the repeated moving in of the unclean spirit is by no means automatic and inescapable. The conditional sense in Matthew verse 44b reveals the connection between willingness and sin: if a person keeps his or her heart in readiness, i. e. the person's nucleus, as an inviting place for the malign foe, he or she doubtlessly commits sins.[23] Here we encounter the dual coping with sin again: because Satan is finally deprived of his power and the kingdom of God has started with Jesus himself,[24] the believers have got the real chance of avoiding sin. Without any restriction of the gospel's message that God's kingdom has arrived in Jesus, it is important to recognize, that the kingdom's perfection is still pending.[25] In his gospel Matthew represents those New Testament writers who emphasize by the keywords "redemption" and "reconciliation" that it is God's advanced acting by his Son's death *for* mankind. This enables the faithful to gain salvation. Luke expresses a different theology: Christ's death marks the way *before* as the unique example the disciples and followers can take to obtain salvation.[26] But for both nuances is to apply to the reality that in the meantime the community is subjected to temptation and runs the risk of sinning, before Jesus returns. In this interim Jesus' disciples and all the members of the early Church's communities to come are urged to withstand temptation, but the resistance was not always successful. So a chance for repentance and reconciliation is urgently required. The danger, as it were, is serious that this reoccupation enslaves that person irretrievably to further sinful action.

1.1.1. Résumé

The scriptural evidence, especially the connotation between the request for divine pardon in the Lord's Prayer and Jesus' advice to forgive the transgressors without limit reveals: for Jesus, repentance (μετάνοια) was an on-going process of life, not only a single act of conversion. And if so, penance, as it developed in the church, should have been understood as capable of repletion. The advent of the Βασιλεία τοῦ Θεοῦ contains as an intrinsic quality the opportunity for conversion and renewal of reconciliation after a relapse into wrongdoing as often as necessary. So it should be expected that this regulation represents Jesus' guideline for the nascent community of his followers.

1.2. The Church's practice in the first three centuries

As we learn from the gospel's findings there are distinct indications that Jesus consented to renew reconciliation. It can be ascertained historically that the young assembling community, possibly from the first "Christian" Pentecost onwards,

[22] Cf. Bunge, *Über die acht Gedanken*, 13. *Der Praktikos*, 79.
[23] Cf. Schmid, *Das Evangelium nach Matthäus*, 216.
[24] Cf. Lk 10: 18 and the exegesis by Merklein, *Jesu Botschaft* 60 - 62. Schweizer, *Das Evangelium nach Matthäus*, 95.
[25] Cf. Ernst, *Das Evangelium nach Lukas*, 361.
[26] Cf. Baumgartner, *Aus der Versöhnung leben*, 31.

saw itself to be the ἐκκλησία τοῦ Θεοῦ (1 Cor 15: 9 or Gal 1: 13) in the tradition of the Sinai-Event (Dt 5: 22: כל־קהלכם).[27] Using consequently the word ἐκκλησία and avoiding other terms for a gathering society the young community of Jesus' followers shared the conviction that the Church owes her existence to the divine election: Jesus himself laid the foundation for the Church.[28] Notwithstanding being called by God's free decision to salvation by Jesus' self-sacrifice, they understood that they were called to be holy. But simultaneously they realized that they remained sinners and that the Church represented an assembly of sinners.[29] So following their founder in discipleship, a fundamental opportunity to pass on redemption and forgiveness to sinning members was required. They were called to put into effect the prospect that "the concrete Christian communities can be places of practiced forgiveness and living mercy."[30]

Looking at how the growing communities following Jesus were dealing with penitence, we cannot expect to meet an already drawn up ecclesiastical law, but possibly customs and rules, which were probably observed in varied ways in the different parts of the young Church in the first three centuries.

Above all the forgiveness of sins itself took place according to Jesus' last instructions to the apostles in the young Church's community by proclaiming "repentance for the forgiveness of sins" in his name (Lk 24: 47) and by the administration of baptism (Act 2: 38). In christening the human being becomes a "new creation in Christ" (2 Cor 5: 17) and is called to be "dead to sin but alive for God in Christ Jesus" (Rom 6: 11).[31] Strangely the case of a relapse is not considered. So the baptized individual, who is invited to put on the "New Man" (Eph 4: 24), must make an extraordinary effort not to sin again (Rom 6: 12 – 14). But Paul knows about grave sins in the community (Gal 4: 8 – 21), especially fornication (1 Cor 6). The apostles' conviction was that committing sin is not only an exclusive affair between an individual and God, but also affects the ecclesiastical community, because every baptized person is a member of Christ's Mystical Body (1 Cor 12: 26).[32] So Paul admonishes the congregation to withstand temptation and not to pollute the purity of the Church, remembering the purification and sanctification by the water of baptism. Right from the beginning it was indisputable during the Church's formation that the sacrament of baptism is the ecclesiastical point for the forgiveness of sins. However the pastoral reality in the young Christian communities also required an additional solution for those of their members, who sinned after being baptized. They need, so to say, a reliable rule for "*ab*-solution", that means reconciliation with the church, the flock of the

[27] Cf. Lohfink, *Braucht Gott die Kirche*, 269 – 291, here: 269, 270. Also: Vögtle, *Die Dynamik des Anfangs*, 40.
[28] Cf. Lohfink, *Braucht Gott die Kirche*, 205.
[29] Cf. Benedikt XVI., *Jesus von Nazareth II*, 90, 91. Vögtle, *Die Dynamik des Anfangs*, 77, 78.
[30] Merklein, *Studien zu Jesus und Paulus*, 212 – 214. Translation by the author.
[31] Paul means the environment of the arising Christian communities, when he uses the term „In-Christ-Jesus". Cf. Wilckens, *Der Brief an die Römer*, 19, 51, 52.
[32] Cf. Rahner, *Vom Sinn der häufigen Andachtsbeichte*, in: Schriften zur Theologie, Band III, 223.

baptized.[33] Thus Paul is convinced that pardon for sinners is a genuine ministry of charity to be performed by the Christian community (2 Cor 2: 5 – 11).[34] From the time after the apostles themselves had passed away, the first generation of Church-leaders who had been appointed by the apostles themselves, took over that duty. A difficult journey had started and was still on its way to developing the ministry of repentance as a pastoral answer to the necessity of reconciliation with God within the Church.[35]

Astoundingly the young Church had serious problems with the case of repeated sinning and the chance of a following reconciliation. The basic problem existed in the conviction that not only was a single member called to witness the unique Christ-occurrence, but also the community in its entirety. It was the Church's mission to attract and convince non-believing observers, an action that could only be performed credibly, if the fellowship appeared as upright and pure. So a member who committed sin, especially a capital one like apostasy, murder and fornication, darkened the community's allegorical representation of the risen Christ. Consequently the difficulties had to do with the exceptionally high extolling of the gift the human being is presented with in baptism: God's salvation. Rejecting the grace of baptism and committing a capital, meaning "deadly sin" (1 Jn 5: 16)[36] although repeatedly, could have harsh consequences. First of all, it led to the community's dissociation from the transgressor. However, simultaneously the congregation practised solidarity with the transgressor by interceding prayers and offered the penitent sinner the opportunity of reconciliation, although under rigorous conditions of penance. By shouldering that burden a penitent could prove his or her sincere wish to return into the community of the faithful.[37]

From the start the Church was convinced that she was participating in Jesus' authority to forgive sins. Thus the church developed different proceedings for repentance in her ministry. In the development of this procedure the community's leading figures took on an increasing importance. The "hierarchs", especially the bishops, were assigned more and more the care and the responsibility for the right order and the correct practice of repentance and penance.[38] But a hierarch has to be a ἱερός ἄρχων, meaning an exemplary holy one in the "hierarchy" of holiness within the community, the assembly of the holy people.[39] He has to understand himself as a minister in the sense of a servant and his office as a ministry deserved his guiding role because of his own holiness in following Jesus according Mk 10:

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[33] Cf. Baus, *Von der Urgemeinde zur frühkirchlichen Großkirche*, 361 – 364.
[34] Cf. Brox, *Kirchengeschichte des Altertums*, 125. Vorgrimmler, *Buße / Vergebung*, 227.
[35] Cf. Rahner, *Beichtprobleme*, 228.
[36] In a general understanding apostasy, fornication and murder are mostly numbered among these "mortal-sins". Cf. Brox, *Kirchengeschichte des Altertums*, 125, 126. For the biblical reference, see: 126, note 36.
[37] Cf. Werbick, *Schulderfahrung und Bußsakrament*, 128 – 130.
[38] Koch, *Sakramentenlehre*, 452 – 454.
[39] Cf. Letter of Paul: "God's holy people": Rom 1, 7; 8, 27; 1 Cor 1, 2; Eph 1, 1; Phil 1, 1; Col 1, 2.

43 – 45 (par Mt 20: 26 – 28). The Didache recommends the election of those men for this ministry (c. 15: 1), who possess the human quality of being lenient, not avaricious, sincere and experienced.[40] And an early example for this model of a hierarch is Polycarp of Smyrna (†167 [?]), whose ideal ministry is praised in his letter by the first ecclesiastical writer Ignatius of Antioch.[41]

1.2.1. A cul-de-sac: an early radical conception

The most radical conception strictly denies the possibility of a second reconciliation. The letter to the Hebrews' author (6: 4 – 6) namely holds that after trespassing anew a second repentance is impossible, because in his opinion a relapse means nothing less than crucifying Jesus again. [42] Since he warns the community urgently, the text might be interpreted not as a necessary regulation but as an emphatic exhortation in the sense that Justin of Rome († 165 A. D.) expresses in his "Dialogue with Trypho". He also emphasizes the impossibility for apostatizing members of the community to acquire salvation, but concedes reconciliation for those, who regret honestly before dying. However the context of his statement shows that Justin assesses very sceptically the likelihood of repentance.[43] So the rigid interpretation of Heb 6: 4 – 6 allows only little space for hope of reconciliation.

As Christ's return did not occur in their time feebleness and a kind of laxity in religious life could be experienced among the members of the Church from the beginning of the second century. An eschatological movement, Montanism, preferred to the rigorism of Heb 6: 4. The followers of this radical position still believed in the imminent *parousia*. Therefore they supported a literal

[40] Cf. *Didache* in: Die Apostolischen Väter, 18, 19. This source assumes that the martyrdom of Ignatius took place during the reign of the Roman Emperor Trajan (98 – 117). T. Barnes as a result of his examination of Ignatius' letters suggests their wording in the 140-ies and Ignatius' martyrdom under the emperor Antoninus Pius (138 – 161), cf. *The Date of Ignatius*, 119, 122, 127 - 128, 130. Ignatius had knowledge of the Gnostic Ptolemaeus' (LThK^3, Band 8, 735) writings, originated sometime after 130. Antoninus Pius, died in 161. Because of this time-span (roughly twenty years) Ignatius' time of death remains uncertain. He probably suffered martyrdom anytime between the late 130-ies to the early 160-ies. Thomas O'Loughlin, *The Didache*, shows that particular authority structures of the church were in development and appeared among the communities in the ministry of teachers, apostles and prophets as well as deacons and bishops. See: 112 – 117, 125, 126; text: 170.

[41] Cf. Ignatius' *Letter to Polycarp*, in: Die Apostolischen Väter, 234 – 241, especially c. 1 and 2. The Second Vatican Council renewed this early meaning of "hierarchy", when the bishop's assembly explained this term with the concept of "*ministerium*" (SC 7, 86; CD 16; PO 1) or "*sacerdotium ministeriale*" (LG 10).

[42] The description of the sins is indefinite. In any case apostasy (6: 5), immorality (fornication) and worldly minded life (12: 16) belong to it: that is the betrayal of one's own personal value like Esau in the Old Testament, so to say rejecting the divine benefit in favour of worldly profit. Cf. Michel, *Der Brief an die Hebräer*, 241 – 247.

[43] Cf. Ez 33: 12 – 20. Justin, *Dialog mit dem Juden Tryphon*, 47: 4 - 6. In 47: 6 Justin hands down an extra-biblical *Logion* of Jesus, in which he describes the Last Judgement's situation: "As well as I am going to meet you I also will pass sentence on you." Translation by the author. Dassmann, *Kirchengeschichte I*, 202 – 204.

interpretation of this biblical passage,[44] neglecting the statement in the Pastor by Hermas.[45] A group of believers, who fervently cleave to the belief of an approaching advent of Christ, must keep themselves staunch in hope, holy in the grace of baptism and free from those individuals, who give up the gift of salvation by sinning again.[46] The differing movement's most famous and eloquent representative is (Quintus Septimus Florens) Tertullianus (*around 160 and † after 220 A. D.). He allows to take a look at the difference between the practice of the early Church and the treatment the Montanists preferred.[47] Before Tertullian left the Church he conceded a second chance of repentance after baptism; converted to Montanism (about 207 A. D.) he refuses reconciliation after committing grave sins, especially fornication.[48]

It is obvious that the attempt to establish this rigid practice as the ordinary entire life must result in an ecclesiastical community which becomes a rigorous, as well as a minute, elite. The Roman priest, Novatianus, wanted to form the Church into such an exclusive of accomplished believers. In the time of the persecution by the Roman Emperor Decius (249 – 251) Novatianus remained steadfast, while many Christians facing prison, torture and execution apostatized. They were called the "*lapsi"*. So when fifteen months later the Roman bishopric was vacant, Novatianus himself as an exceptionally well reputed member of the community counted on the chance of becoming the elected bishop of Rome. However the successor of the martyr-pope Fabianus († 250) was Cornelius (251 – 253), an outcome that disappointed Novatianus lastingly and led to a far-reaching disagreement. The crucial matter in dispute between the new bishop and the ambitious cleric existed in the treatment of the *lapsi*. Novatianus strictly rejected any further reconciliation being offered to apostates and mercilessly wanted them permanently excluded. Cornelius on the other hand, aware of the imploring request of many *lapsi* for reconciliation with the Church, supported a more pastoral rule, whereby the Church's authorities, the bishops, could reconcile sinners who regretted their apostasy honestly and showed the serious intention to accept a suitable penance. Totally unwilling to compromise, Novatianus broke away from the Church, had himself elected counter-bishop by his supporters and founded his own schismatic congregation, calling itself the "The Pure ones" (Κάθαροι). However this religious movement had no realistic future and got into a

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[44] Cf. Schöllgen, *Montanismus*, LThK[3] Band 7, 434, 435. Baus, HKG I, 231 – 237. Dassmann, *Kirchengeschichte I*, 126 - 130.

[45] The Pastor of Hermas is a scripture about penitence written in the 1st half of the 2nd century. This writing was well known in the church and allowed a second chance to repent after baptism.

[46] Therefore the Montanist movement regarded church-discipline as more important than the individual opportunity to be reconciled with the community. Cf. Baus, *Von der Urgemeinde zur frühkirchlichen Großkirche*, 367. The future way of the church became a different, a merciful one. Cf. Kasper, *Die Kirche und ihre Ämter*, 396.

[47] Cf. Poschmann, *Paenitentia secunda*, 346 - 348

[48] In *de Pudicitia* (X: 11) Tertullian mentions a supporter of a second chance to repent polemically: "scripture of 'the Shepherd,' which is the only one which favours adulterers." On modesty, CPL 30. Text in Latin: SC, 394. Cf. Brox, *Hirt des Hermas*, 206. Fürst, *Tertullian(us)*, LThK[3] IX, 1344 – 1348. Dassmann, *Kirchengeschichte I*, 206 – 208. Baus, HKG I, 367 - 372.

pastoral cul-de-sac, because it neglected the reality that, at the most, a tiny minority can afford a faultless life. In their arrogance the Κάθαροι did not allow the *lapsi* any opportunity to repent and be absolved from major sins (like apostasy, fornication or murder). So they found themselves in total opposition to the majority of the Church that agreed with repentance on principle. Novatianus's and his followers' permanent conflict with the necessities of life and the meaningful mandate of the church to "bind" and "loose" (Mt 16: 19 and 18: 18), in one word the rejection of a necessary pastoral dealing with the reality of sin among the Christian community led to the disappearance of this rigorous group[49] and to a temporary end of other radical conceptions, which excluded any repentance after baptism. Meanwhile, in North-Africa in first third of the fifth century the remnant of Tertulianists were reunited with the Church.[50]

1.2.2. The ordinary practice of repentance in the early Church

The later church developed a more pastoral alternative to the rigid conception found among the early Christian communities. The letter to the Corinthians written between the end of 96 A. D. and the beginning of 97[51] by a well known member of the Roman community,[52] already mentions the possibility of repentance. The author reminds the faithful of the grace of repentance given to the whole world by the blood of Christ based on the tradition to atone for sins in the history of the Israelites.[53] Simultaneously the author tries to win over the believers "to walk in holiness and justice on their rectilinear path",[54] to live the virtues and perform "a way life in obedience to his (God's) holy words".[55] Therefore, the reality in the Christian communities demanded a dual way in their ministry: the encouragement and exhortation to cleave to a life appropriate to the grace of baptism and a chance of reconciliation for those members who commit grave sins. This meant a difficult balancing act between austerity and softness. The Church of the first three centuries settled this conflict, while – on the one hand - she allowed penance after being christened, but – on the other side – she conceded only a solitary opportunity of reconciliation. In addition the petitioner who asked for reconcilement had to agree to submit him- or herself to severe conditions and austere penances.

1.2.2.1. Didache

The place to confess the trespasses and atone for the sins is the communion of the faithful and especially the assembly for the celebration of the Lord's Supper on

[49] Cf. Piétri und Gottlieb, *Christenverfolgungen*, in: Geschichte des Christentums, Band 2, 162 – 166. Baus, HKG I, 284, 285. Vogt, *Novatian*, LThK^3, Band 7, 938, 939: The Κάθαροι had possibly some effect on the medieval movements of the Bogomiles (East) and the Cathars (West).
[50] Cf. Baus, *Von der Urgemeinde zur frühkirchlichen Großkirche*, 236.
[51] Cf. Introduction to Clemens von Rom, *Brief an die Korinther*, FC 20.
[52] Towards the identity of Clement, cf. Introduction to Clemens von Rom, *Brief an die Korinther*, FC, 16 - 19. *Hirt des Hermas*, übersetzt und erklärt von Norbert Brox, 106 -108.
[53] Cf. Clemens von Rom, *Brief an die Korinther*, 7: 4 – 9: 1.
[54] Clemens von Rom, *Brief an die Korinther*, 13: 3. Translation by the author.
[55] Clemens von Rom, *Brief an die Korinther*, 13: 3. Translation by the author.

the first day of the week. The *Didache* which represents the first code for Christian communities of the first and second generation, originated some decades before 100 A. D,[56] when the followers of Jesus and the coexisting Jewish communities started to walk on different paths.[57] At the beginning the *Didache* challenges a decision between the way of life and the way of death.[58] The members, the "disciples" of the community, had chosen the first way willingly and intentionally.[59] The way of life is characterized by the basic commandments:

> First you shall love God, who created you; second your neighbour as yourself,[60]

followed by an extended list of concrete instructions for training the life of the baptized.[61] The way of death in this writing is described by a catalogue of as many as 22 vices: Among them φόνος (murder), πορνεία (fornication), εἰδωλολατρία (idolatry) as well as μοιχεία (adultery), ἐπιθυμία (lust), ψευδομαρτυρία (false accusations), ὑπερηφανία (arrogance), πλεονεξία (covetousness), ὕψος (pride), ἀλαζονεία (haughtiness) and others.[62] The writing exhorts the "children" to remain steadfast on the way of life.[63] The depiction of that way ends with the request to confess the trespasses before the congregation,[64] because only holy, meaning sinless, members are admitted to the community's celebration of the Christian meal. As that meal is an expression of a comprehensive communion with one another and with all the baptized, joining Jesus Christ and through him the Father.[65] So everybody who is living in dispute has to be reconciled and those who committed sins are ordered to repent first.[66] There is an existing correlation of responsibility between a single member and the collectivity of the community. Thereby the believers' communion is responsible for a fraternal correction to those members who are about to trespass against God's commandments. The confession is not only an individual doing, but also an action taken by the congregation at the beginning of the celebration of the Eucharist.[67] According to the *Didache* however the most severe condition is the exclusion from the Church's celebrations, a kind of temporary excommunication for the duration of

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[56] Thomas O'Loughlin considers its origin before 70 A. D. Cf. *The Missionary Strategy of the Didache*, 77.
[57] Cf. O'Loughlin, *Didache*, 24 – 27. Schöllgen, *Didache*, LThK^3, III, 207, 208. *Didache* in: Die Apostolischen Väter, 1, 2.
[58] Cf. O'Loughlin, *Didache*, 29 – 32.
[59] Cf. O'Loughlin, *Didache*, 79 - 81.
[60] *Didache*, 1: 2, quoted after O'Loughlin, *Didache*, 161.
[61] Cf. *Didache*, 1: 4 – 4: 14. Cf. O'Loughlin, *Didache*, 82 – 84.
[62] Cf. *Didache*, 5: 1, possibly with reference to Mt 15: 19.
[63] The anonymous author of the Barnabasbrief (130 – 132 A. D.), possibly written in Alexandria, closes quite similarly his statement about the "way of light" with the invitation to confess the sins before praying. He also emphasizes the necessity of penance, but he has no details of how to perform it. Cf. Prostmeier, *Barnabasbrief*, LThK^3 II, 18. *Barnabasbrief* in: Die Apostolischen Väter, 24, 71.
[64] Cf. *Didache*, 4: 14.
[65] Cf. O'Loughlin, *Didache*, 98, 99.
[66] Cf. *Didache*, 10: 6.
[67] Cf. *Didache*, 14: 1.

the penance the penitent is charged with, should a sensible and peaceful rebuke not have any effect.[68] Repentance is unequivocally possible; it cannot be dismissed that the *Didache* did not know the problem of a limitation of repentance: repeatability could have been possible.

1.2.2.2. The *Pastor* of Hermas[69]

A key-source for the practice of repentance and penance in the Church of the second century is the penitence-scripture "The *Pastor* of Hermas". This most complex work of the early Christian period consists of three elements: the book of visions, the book of commandments and the book of parables (similitudines).[70] Although an accurate identification of the author and the precise date of its composition is not known, it can be assumed with reason that Hermas, who wrote the work around 140 A. D., is the writer's real name. There is also no serious argument against the Roman capital as the writing-place.[71] He seems to be an ordinary member of the Roman congregation, neither a prophet nor another official.[72] As a released slave (of Jewish origin?) he had no special theological education.[73] This could be the reason why Hermas uses visions as a format for his prophecy. While he raises his message up to a meta-historic level, he gets a special authorization that cannot be verified in an official sense. His lack of an appropriate education suitable for teaching in faith escapes reproach. Despite these circumstances the writing "*Pastor* (Shepherd) of Hermas" became very well known and very highly reputed among the Church in the second century, especially its commandments which were often cited by early Christian authors.[74] Remarkable proof for this statement is the quotation of Mand I: 1 (26: 1)[75] by Ireneus of Lyons († 202) in his treatise *Adversus Haereses*[76] and a special passage of the Muratorian Canon, where the author recommends reading the "Shepherd",[77] as well as the fact that the *Pastor* of Hermas is part of the biblical-manuscript "Codex Sinaiticus" (fourth century).[78]

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[68] Cf. *Didache*, 15: 3.
[69] All citations in the Greek and Latin language from: *Hirt des Hermas* in: Die Apostolischen Väter; translation into English: translation quoted according to Schaff, *The Pastor of Hermas*.
[70] ὅρασις (Visiones [Vis]), ἐντολαί (Mandata [Mand]), παραβολαί (Similitudines [Sim]).
[71] Cf. Brox, *Hirt des Hermas*, 15 – 25. *Hirt des Hermas* in: Die Apostolischen Väter, 325, 326.
[72] In the allegoric description of the church as a tower (Vis II: 4: πρεσβυτέροι; Vis III: 5: ἀπόστολοι, ἐπίσκοποι, διδάσκαλοι, διάκονοι. Sim IX: 12) Hermas transmits a kind of hierarchy among the congregation. Cf. *Hirt des Hermas* in: Die Apostolischen Väter, 351.
[73] Cf. Zeller, *Einleitung zu: Hirt des Hermas*, BKV, 1, 35.
[74] Cf. Brox, *Hirt des Hermas*, 190. The writing's reception is described, 55 – 71.
[75] *Hirt des Hermas* in: Die Apostolischen Väter, 377.
[76] Ireneus of Lyons, *Adv. Haer*. IV, 20: 2, FC 8.
[77] The fragment Muratorian Canon, written at the end of the 2nd century, transmits details of Hermas' person (quoted according: Kirby, *The Muratorian Canon*, translated by Theron): "[44] But Hermas composed The Shepherd quite recently in our times in the city of Rome, while his brother, Pius, the bishop, occupied the [episcopal] seat of the city of Rome. [45] And therefore, it should indeed be read, but it cannot be published for the people in the Church, [46] neither among the Prophets, since their number is complete, [47] nor among the Apostles for it is after their time (?)." This personal data appears unfortunately to be historically unreliable, yet allows us to define

The literary style of the writing is not homogeneous. Elements of apocalypse (Vis), parenesis (Mand) and homily (Sim) are woven in together.

Sins and trespasses, consciousness and confession of sins, repentance and reconciliation run through the *Pastor* of Hermas as a golden thread and a general topic. Three aspects are remarkable:

a. the high appreciation of the grace of baptism and simultaneously a second, solitary chance of repentance.
b. the shepherd (*Pastor*) as a personal and spiritual guide for Hermas.
c. the indication of a catalogue of vices and serious misbehaviour.

1.2.2.2.1. Chance of repentance.

In a dialogue Hermas reports to the *Pastor* (Mand IV: 3) that he has been taught about the impossibility of penance after receiving baptism.[79] The *Pastor*, who is introduced by Hermas as "the shepherd, even the angel of repentance (ἄγγελος τῆς μετανοίας)",[80] and who called himself to be "set over repentance (ἐγω φησίν ἐπὶ τῆς μετανοίας)"[81] confirms with this authority this obvious generally accepted ecclesiastical rule, that is to say the obligation of the faithful not to commit sin after baptism. The model for this people is those believers who have been steadfast in temptation and have conquered the evil one,[82] the martyrs, who have suffered for the faith.[83] Since the *Pastor* is aware of the aforesaid difficult balancing act between strictness and softness, he introduces the following statement with the explanation that he does not want to confuse the catechumen and recently christened believers nor to diminish their obligation not to sin again. But then as a *Pastor*, as it were in a pastoral matter, he feels himself authorized allow the chance of a solitary repentance (μίαν μετάνοιαν):

> The Lord, therefore, being merciful, has had mercy on the work of His hand, and has set repentance for them; and He has entrusted to me power over this repentance. And therefore I say to you that if any one is tempted by the devil and sins, after that great and holy calling in which the Lord has called His people to everlasting life; he has the opportunity to repent

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the time of writing. Cf. Brox, *Hermas* LThK^3, IV, 1448, 1449. Pius I. held the Roman bishopric 140/142 – 154/155. Cf. Seppelt/Schwaiger, *Geschichte der Päpste*, 15, 545.

[78] Cf. Brox, *Hirt des Hermas*, 70, 71.

[79] Mand IV: 3: "And I said, 'I heard, sir, some teachers maintain that there is no other repentance than that which takes place, when we descended into the water and received remission of our former sins.'" Quoted according to Schaff, *The Pastor of Hermas*.

[80] Vis V: 7. *Hirt des Hermas* in: Die Apostolischen Väter, 376, 377. Translation quoted according to Schaff, *The Pastor of Hermas*.

[81] Mand IV: 2. *Hirt des Hermas* in: Die Apostolischen Väter, 385. Translation quoted according to Schaff, *The Pastor of Hermas.*

[82] Cf. Sim VIII: 3: „ἐστεφανωμένοι", the „crowned". Cf. *Hirt des Hermas* in: Die Apostolischen Väter, 470, 471.

[83] Cf. Vis III: 2; Sim IX: 28. See: *Hirt des Hermas* in: Die Apostolischen Väter, 347, 525.

> but once. But if he should sin frequently after this, and then repent, to such a man his repentance will be of no avail; for with difficulty will he live.[84]

Prerequisite for the perception of this second chance is the honest intention to repent with all one's heart,[85] the willingness to confess the transgression and to accept the penance. Hermas' confession is directly addressed to God;[86] it cannot be excluded that we meet here a very early request of an ordinary member, not to be blamed in front of the congregation. The penance includes above all praying,[87] fasting[88] and looking after the poor[89] as long as it is possible. The period for repentance for the holy ones, the baptized, is peculiarly limited. The *Pastor* compares the forming of the church with the building of the tower. The time-space for the Christians to repent lasts as long as the tower, the metaphoric image for the church, is not perfected.[90] The repenting for the pagans lasts until the Judgement Day, so Hermas is taught by the "Old (Wise) Woman" (πρεσβυτέρα), a second metaphoric image of the Church in the book of visions.[91] The *Pastor* also corrects the erroneous idea that repentance is immediately followed by forgiveness. The penance is an austere and a lasting torment to the soul that is to be overcome.[92] Yet the consequence for those who hold out is to be counted among the "stones", which are used to build the tower, to bring to perfection the Church's building as perfectly reconciled members. So their exclusion from the Church's communion, their "*ex*-communication" ends and they are going to experience spiritual healing, that means salvation:

> He who created all things, and endued them with power, will assuredly have compassion, and will heal him.[93]

The penance is therefore in a final effect not a punishment, but a real remedy as a sign of God's compassion. As well as the "stones", which can be changed from inappropriate into suitable ones to finish the building of the tower,[94] all can be cured and reconciled with the Church, if they repent wholeheartedly.[95] This is an expression of the pastoral intention of the writing and an indication that the

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[84] Mand IV: 3. *Hirt des Hermas* in: Die Apostolischen Väter, 387. Translation quoted according to Schaff, *The Pastor of Hermas*.
[85] Vis I: 3. „ἐξ ὅλης καρδίας αὐτῶν", *Hirt des Hermas* in: Die Apostolischen Väter, 336.
[86] Cf. Vis III: 1. *Hirt des Hermas* in: Die Apostolischen Väter, 345.
[87] Cf. Vis I: 1 *Hirt des Hermas* in: Die Apostolischen Väter, 331.
[88] Cf. Sim V: 3. *Hirt des Hermas* in: Die Apostolischen Väter, 443.
[89] Cf. Vis III: 9. *Hirt des Hermas* in: Die Apostolischen Väter, 361.
[90] Cf. Sim IX: 26. *Hirt des Hermas* in: Die Apostolischen Väter, 523.
[91] Vis II: 2. *Hirt des Hermas* in: Die Apostolischen Väter, 341.
[92] Cf. Sim VI: 4; VII. *Hirt des Hermas* in: Die Apostolischen Väter, 457, 461.
[93] Sim VII. *Hirt des Hermas* in: Die Apostolischen Väter, 463. Translation quoted according to Schaff, *The Pastor of Hermas*.
[94] Cf. Sim IX: 14. *Hirt des Hermas* in: Die Apostolischen Väter, 509.
[95] Cf. Sim IX: 33. *Hirt des Hermas* in: Die Apostolischen Väter, 535.

shepherd is a "*pastor*" in the true and biblical sense of the word. And this is confirmed by his promise: "I will be with you".[96]

Another pastoral attitude of the *Pastor* appears at the end of the commandments: He encourages Hermas and all who repent wholeheartedly and challenges them not to be afraid of the evil one. The *Pastor* namely is the *angel*, not the *executor* of repentance:

> But I, the angel of repentance, say to you: Fear not the devil; for I was sent, says he, to be with you who repent with all your heart, and to make you strong in faith.[97]

Finally, even if somebody has committed a sin after his second (and final) chance of repenting, the *Pastor* of Hermas does not maintain that he or she is definitely condemned to be lost eternally. Attaining eternal life is difficult for him or her but not impossible. The last decision has to be left to God.[98] Only those who stubbornly persist in apostasy remain ashamed of God's name and refuse to repent, those who flatly deny God suffer eternal death:

> …repentance involves life to sinners, but non-repentance death.[99]

These obstinate people endanger the Church's integrity. If the church will be eager to appear as a pure nation, the community must part from these people.[100]

In summary, it remains to be noted that the *Pastor* of Hermas attaches importance to a life of holiness after baptism. In this requirement he is severe, but not merciless and rigid. He allows a second chance of repentance, but only a single one.[101] In that way the shepherd is a "*pastor*" who knows about the weak nature of human beings. Therefore he accompanies his client Hermas to strengthen him for a life of holiness as an example to all who follow the *Pastor* in that ministry.

1.2.2.2.2. Spiritual guidance

The relationship between the *Pastor* and Hermas is a personal one. The shepherd is sent exclusively to the ordinary member of the Roman congregation Hermas:

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[96] Sim VII. *Hirt des Hermas* in: Die Apostolischen Väter, 463. Translation quoted according to Schaff, *The Pastor of Hermas*.
[97] Mand XII: 6. *Hirt des Hermas* in: Die Apostolischen Väter, 425. Translation quoted according to Schaff, *The Pastor of Hermas*.
[98] Mand IV: 3: "for with difficulty will he live." *Hirt des Hermas* in: Die Apostolischen Väter, 387. Translation quoted according to Schaff, *The Pastor of Hermas*. Cf. Vorgrimmler, *Der Kampf des Christen mit der Sünde*, 413.
[99] Sim VIII: 6. *Hirt des Hermas* in: Die Apostolischen Väter, 387. Translation quoted according to Schaff, *The Pastor of Hermas*.
[100] Cf. Sim IX: 18. *Hirt des Hermas* in: Die Apostolischen Väter, 515.
[101] Cf. Poschmann, *Paenitentia secunda*, 202 – 205.

> I', said he, 'am that shepherd to whom you have been entrusted'.[102]

The word for "*pastor*" in the original text in Greek is "ποιμήν", referring to the "good shepherd (ποιμήν ὁ καλὸς)" in the gospel of John (10: 11). "Ποιμήν" not only means *shepherd* in the sense of "watchdog", it can also be translated as *guide*, *ruler*, *guardian* and *friend*.[103] *Shepherd* is certainly an adequate translation, but the connotations here lead to a more comprehensive interpretation: spiritual guide and carer. This meaning is supported by the more detailed description of the *Pastor*'s mission:

> For I have been sent, said he, to show you again all the things which you saw before, especially those of them which are useful to you.[104]

So the *Pastor* is not only sent to be Hermas' guardian, but also to act as his housemate ("εἰς τὸν οἰκόν σου κατοικῆσαι") explaining to Hermas every message the *Pastor* had received by the Holy Spirit's revelation in the Church's communion.[105]

But the *Pastor*'s mission consists not merely in the interpretation of Hermas' visions and spiritual experiences, the shepherd is ordered by the angel, who had sent him to Hermas, to remain with him as his spiritual guide.[106] The angel calls Hermas to become a teacher and guide himself for all who repent or turn to repentance. The text forms a framework of mission: at the beginning of the writing (in the visions) the "πρεσβυτέρα" demands Hermas send copies of his revelations to a man named Clement, who has to distribute the messages abroad and to a woman Grapte. She is requested to instruct the widows and orphans.[107] At the end (*similitudes*) the frame becomes completed, when the "*nuntius*" (angel)[108] sends and invites Hermas:

> Continue, therefore, in this ministry, and finish it![109]

So the personal guidance by the *Pastor* is essential for Hermas' carrying on doing good and avoiding evil. To be guided further on is important for him, to be

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[102] Vis V. *Hirt des Hermas* in: Die Apostolischen Väter, 375. Translation quoted according to Schaff, *The Pastor of Hermas*.
[103] Cf. ποιμήν in: Rost, Griechisch-Deutsches Schulwörterbuch.
[104] Vis V. *Hirt des Hermas* in: Die Apostolischen Väter, 375. Translation quoted according to Schaff, *The Pastor of Hermas*.
[105] Cf. Sim IX: 1. *Hirt des Hermas* in: Die Apostolischen Väter, 484.
[106] Cf. Sim X: 3. *Hirt des Hermas* in: Die Apostolischen Väter, 541.
[107] Vis II: 4. *Hirt des Hermas* in: Die Apostolischen Väter, 343. See too: Vis III: 3
[108] The text's tradition in the Greek language ceases in Sim IX: 30. The text is restored and continued by making use of a manuscript in Latin. Cf. *Hirt des Hermas* in: Die Apostolischen Väter, 528.
[109] Sim X: 2. *Hirt des Hermas* in: Die Apostolischen Väter, 537. Translation quoted according to Schaff, *The Pastor of Hermas*. Cf. too: Sim X: 4. *Hirt des Hermas* in: Die Apostolischen Väter, 541.

strengthened in his own ministry of teaching and guiding the people entrusted to him.[110]

To sum up, it can be said that the *Pastor* of Hermas already underlines the importance of spiritual guidance, if a life in faith and righteousness shall succeed and repentance shall become fruitful. Since the *Pastor* appears as an ordinary member of the congregation, we realize that the guide need not be a cleric. This ministry can also be fulfilled by spiritually gifted laypeople. No doubt, the *Pastor* of Hermas himself belonged to this group of talented faithful.

1.2.2.2.3. A catalogue of vices

The *Pastor* brings up a painful subject, when he specifies a list of vices and bad habits, misbehavour that leads into temptations, causes opportunities of trespassing and seduces to sin. In the writing we can find an indication of a catalogue of dangerous circumstances and evil-doing, a similar list already found in the *Didache*.[111] This enumeration encompasses: wealth (πλοῦτος),[112] fornication (πορνεία),[113] irascibility (ὀξυχολία)[114] and a description of its escalation: from anger (θυμός) via rage (ὀργή) to fury (μῆνις);[115] pride (ὑπερηφανία) and haughtiness (ἀλαζονεία);[116] additionally a catalogue of vices (among others: adultery [μοιχεία] and prostitution [πορνεία], drunkenness [μεθύσμα], gluttony [ἔδεσμα πολλή], luxury [τρυφῆς] and abundance [πλούτος], boastfulness [καυχήσις] and vainglory [κενοδοξία], pride [ὑψηλοφροσύνη] and lust [ἐπιθυμία] as well as false accusation [ψευδομαρτυρία], covetousness [πλεονεξία])[117] and calumny [βλασφημία].[118] As benchmark for the following comparison serves Mt 15, 19:

Mt 15, 19	Didache	Pastor
φόνος (murder)	φόνος (murder)	
μοιχεία (adultery)	μοιχεία (adultery)	μοιχεία (adultery)
πορνεία (fornication)	πορνεία (fornication)	πορνεία (fornication)
κλοπή (theft)	κλοπή (theft)	
ψευδομαρτυρία (false accusation)	ψευδομαρτυρία (false accusation)	ψευδομαρτυρία (false accusation)
βλασφημία (calumny)		βλασφημία (calumny)

[110] Already in Vis III: 8 the "πρεσβυτέρα", the "Church", advices Hermas to teach the holy ones, that means the members of the congregation.
[111] Cf. Didache 5: 1.
[112] Vis III: 6; Sim II. *Hirt des Hermas* in: Die Apostolischen Väter, 355,429. Cf. too: Sim II. *Hirt des Hermas* in: Die Apostolischen Väter, 428, 429.
[113] Mand IV: 1. *Hirt des Hermas* in: Die Apostolischen Väter, 380.
[114] Mand V: 1. *Hirt des Hermas* in: Die Apostolischen Väter, 390.
[115] Mand V: 2. *Hirt des Hermas* in: Die Apostolischen Väter, 394.
[116] Mand VI: 2. *Hirt des Hermas* in: Die Apostolischen Väter, 398.
[117] Mand VIII: 2. *Hirt des Hermas* in: Die Apostolischen Väter, 400 - 403. Partial reiteration in: Mand XII: 2. *Hirt des Hermas* in: Die Apostolischen Väter, 400 – 403, Sim VI: 5. 2. *Hirt des Hermas* in: Die Apostolischen Väter, 458, 459. Sim IX: 15. *Hirt des Hermas* in: Die Apostolischen Väter, 510, 511.
[118] Mand VIII: 4. *Hirt des Hermas* in: Die Apostolischen Väter, 402.

Hermas uses the terms dejection, sadness and sorrows (λυπή) sisters of doubt (διψυχία) and irascibility (ὀξυχολία).[119] All these avaricies are cunning methods of the evil one, tempting the faithful to leave their good ways with God and commit sin. The description of the escalation anger represents an especially remarkable random sample and suggests the possibility that the later writers Evagrios Pontikos[120] and John Cassian[121] had found there the suggestion for their Eight-Thoughts/Vices-Scheme.

Cassian	Pastor	Evagrios
gastrimargia (gluttony)	ἔδεσμα πολλή (gluttony) μεθύσμα (drunkenness)	γαστριμαργία (gluttony)
fornicatio (fornication)	πορνεία (fornication) μοιχεία (adultery) ἐπιθυμία (lust)	πορνεία (fornication)
filargyria (greed for wealth)	πλοῦτος (wealth)	φιλαργυρία (greed for wealth)
ira, θυμός (anger), ὀργή (rage), μῆνις (fury)	ὀξυχολία (irascibility) θυμός (anger), ὀργή (rage), μῆνις (fury)	ὀργή (rage)
tristitia (dejection, sadness)	λυπή (dejection, sadness)	λυπή (dejection, sadness)
akedia (languor)		ἀκηδία (languor)
kenodoxia (vainglory)	κενοδοξία (vainglory) καυχήσις (boastfulness)	κενοδοξία (vainglory)
hybris (pride)	ὑπερηφανία (pride) ἀλαζονεία (haughtiness)	ὑπερηφανία (pride)

Striking evidence for this assessment results from the comparison between *Mand* V. 2 and Cassian's *Collationes* V, 11: the *Pastor* describes the escalation of anger: anger (θυμός) can grow via rage (ὀργή) into lasting fury (μῆνις). Cassian himself mentions the same increase of anger in the fifth conference with the abbot Serapion: three steps of escalating anger, quoted using the same Greek terms: θυμός, ὀργή and μῆνις, as used in the Pastor.[122]

The warning of these perils serves to provide a clear insight into circumstances of temptation and the permanent strengthening of the holy ones and to mobilize their capability of resisting sin. Such enumerations, often arranged towards a biblical basis and used in a classified catalogue, became ways and means later on for spiritual guides to instruct believers, as to how they can remain innocent and obedient to the commandments of God.

[119] Mand IX and X: 1. and Sim VIII: 9. *Hirt des Hermas* in: Die Apostolischen Väter, 408, 409, 480, 481.
[120] Cf. PG 40, 1271 and Bunge, *Über die acht Gedanken*, 13.
[121] Cassian traceably knew the Pastor of Hermas, cf. Brox, *Hirt des Hermas*, 69.
[122] Cf. *Collationes* V, 11, CSEL XIII (Petschenig), 133, 134.

1.2.2.2.4 Résumé

The *Pastor* of Hermas is the earliest witness to come to an understanding with repentance and a first informative source of the relationship between self-inflicted *ex*-communication through major (mortal) sin[123] and *re*-communication with the Church by honest repentance. Therefore it is worth to undertake an extensive look at this writing of the first half of second century. We can find all the important traces concerning a further development of repentance in the Church or among the Church-members:

a. A faultless life by the faithful is desirable, but not realistic. So from the beginning of the church onwards an urgent demand for the opportunity of repentance arose.

b. It is the ministry of the Christian congregation to admonish those members, who are in danger of committing sin, as well as to reconcile them after serving penance.

c. A complex balance between a conscientious attempt at a holy life and the opportunity of repentance has to be ventured in the life of the Christian community.

d. To maintain the discipline and the exemplary nature of the Christian congregation the early Church developed the conviction that the opportunity of repentance has to be limited.

e. To afford a holy life and to deal with an honest repentance a spiritual guidance is absolutely necessary. The example for the guide is the Good Shepherd. His role embraces the ministry of being a guide, ruler, guardian and friend.

f. A spiritual guide need not be an official of the community, but should definitely be well experienced in the different methods the evil one uses to tempt men. He is called on to assist people to recognize temptation and overcome it. He guides them in finding remedies against yielding to temptation and encourages the sinner to repent and do penance until he or she becomes reconciled with God and the Church.

[123] See: Schneider, *Zeichen der Nähe Gottes*, 201.

1.2.2.3. Canonical repentance

The pre-Montanistic Tertullian describes in detail in his writing *De paenitentia* (c. 203)[124] the ordinary way of the ecclesiastical repentance. He himself mentions details of repentance only with aversion because of his conviction that people after baptism should avoid sinning again, so as "men in general, after escaping shipwreck, thenceforward declare divorce with ship and sea".[125] But the diabolical foe never rests in his efforts to mislead men by sinful longing (*concupiscentia carnali)*. Human beings remain peccable. Since God has foreseen this peril, he has opened the door for a second and last chance to repent. There is of course some anxiety about being mocked and therefore a question of shame if somebody confesses his / her own trespasses publicly in front of the congregation. Yet nobody should be ashamed to take this second chance, because it is beneficial just as it is salutary to take a remedy again after a repeated illness.[126] By referring to the Scriptures Tertullian encourages trespassers:

> Ho! You sinner, be of good cheer! You see where it is that there is joy at your return.[127]

Tertullian seems to have recourse to an ecclesiastical practice, when he describes the course of repentance of his time. The process "of this second and only (remaining) repentance"[128], called *exomologesis,*[129] starts with the confession of the committed sin not only to God in an internal act, but it has to be carried out in an external action in front of the congregation. This courageous confessing prepares the deeds of penance, which is expressed by a humble behaviour and can last for some time: to walk in sackcloth and ashes, to renounce bathing, to become engrossed in mourning, to eat tasteless food, to intensify prayer by fasting. At the same time the penitent kneels before the priests and asks the community to support the performing of his or her penance. If a sinner prostrates him- or herself before the congregation, he is embracing Christ, who then intercedes with his heavenly Father for his or her reconcilement. The burden of repentance lasting a certain time represents a spiritual remedy that saves the sinner from never-ending damnation and reconciles the penitent with the Church and with God.[130] So the sinner realizes "that *exomologesis* has been instituted by the Lord for the sinner's restoration".[131]

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[124] Cf. Altaner, Stuiber, *Patrologie*, 157.
[125] Tertullian, *On Repentance*, ANCL XI, chapter VII, 4. See also: *De paenitentia*, CSEL 76, 7,14; *Buße*, BKV^2 7, 7.
[126] See: *De paenitentia* 7, 30. Origen agrees upon with Tertullian, see: *Contra Celsum*, book 3, 51. See also: van de Paverd, *Diciplinarian Procedures in the Early Church*, 296, 297.
[127] Tertullian, *On Repentance*, ANCL XI, chapter VIII, 3.
[128] Tertullian, *On Repentance*, ANCL XI, chapter IX, 1.
[129] "ἐξομολόγησις" can be translated as "confession".
[130] See: Tertullian, *On Repentance*, ANCL XI, chapter IX – XII. Dassmann, *Kirchengeschichte I*, 208. Baus, *Von der Urgemeinde zur frühkirchlichen Großkirche*, 367, 368. Brox, *Kirchengeschichte des Altertums*, 126.
[131] Tertullian, *On Repentance*, ANCL XI, chapter XII, 7.

If sinning not only means a trespass of any law, but in a basic sense to leave the personal relationship with God,[132] repentance is a pastoral offer of the Church to restore this relationship between human individual and God. Restoration means a consequent reception into the Church, *re*-communion after *ex*-communion through the ministry of the Christian community. The Church is entrusted with the spiritual remedy of repentance, means of salvation (sacrament) by God. So a kind of healing *trias* exists: human repentance, divine pardon and ecclesiastical reconciliation:[133] "*Pax cum ecclesia = Pax cum Deo*."[134]

In his letters, which (Thascius Caecilius) Cyprianus († 258 A. D.) wrote from his exile to the presbyters and deacons of his home city during the aforesaid Decian persecution, the bishop of Carthage (249 – 258 A. D.) gives us a detailed insight into how the church in the third century performed repentance in a regular way, that is in a *canonical* form. Topic and matter in dispute was the treatment of the *lapsi*, who repented their apostasy and demanded the possibility of becoming reconciled with the Church. Cyprian was in a difficult situation: he himself was not present in Carthage. Many of those who had apostatized and now wanted to be reunited with the Church could show a letter of recommendation given by martyrs, meaning faithful, who steadfastly confessed the faith and escaped execution by fortunate circumstances. These highly respectable people demanded self-confidently from the bishop the power to reconcile the *lapsi*, authorized by their brave example of martyrdom.[135] So some subordinate priests and deacons of the Carthaginian community admitted *lapsi* unauthorized to the Eucharist: the public sign that they were reconciled with the Church. The balancing act for Cyprian consisted in the respect for the martyr's bravery on the one hand and the upkeep of a serious and credible repentance among the congregation on the other. It was Cyprian's conviction, and the aim of his letters, that the instructions for a regular repentance, authorized by the Church, had to be obeyed, despite the extraordinary situation of persecution. The questions not only concern a single diocese or a province, their solution applies to the Church all over the world.[136] Cyprian accentuates emphatically that the bishop governs the church in his city.[137] The final decision about the reconciliation of the *lapsi* and their reception into the church by the liturgical sign of laying hands on were reserved to him alone.[138] Even the letters of the admirably steadfast confessors only mean a

[132] Cf. Greshake, *Gottes Heil*, 251.
[133] Faber, *Einführung in die katholische Sakramentenlehre*, 128.
[134] Schneider, *Zeichen der Nähe Gottes*, 202. See: Faber, *Einführung in die katholische Sakramentenlehre*, 128. Poschmann, *Paenitentia secunda*, 485, 486. Van de Paverd, *Ausschluss und Wiederversöhnung in der byzantinischen Kirche*, 295.
[135] Cf. Dassmann, *Kirchengeschichte I*, 209, 210.
[136] See: Cyprian, Letter 19, 2.
[137] See: Cyprian, Letter 16, 1; 17, 2, 3; 19, 2. So Hippolyt of Rome († about 235) too, canon 19, 3. BKV I/28
[138] See: Cyprian, Letter 15, 1; 16, 2; 17, 2.

recommendation and a request, not an obligatory instruction how to proceed.[139] The procedure of repentance appears as follows:[140]

a. The "*re*-communion", the reconciliation with the Church and the admission to the Eucharist an apostate only achieves according to a "determined order".[141] This procedure starts with the willingness to endure a certain time of penance, a period of praying and good deeds. If this is held true for minor trespasses, it is aimed certainly for a grave sin like apostasy.[142] The repentance should not be performed precipitately and in an undignified manner,[143] but the penitents should be encouraged by the community so that they will have the benefit of the "divine remedy" of forgiveness.[144]

b. The Church's discipline requires the public confession of the "scandalous trespass".[145]

c. The minister of repentance is the bishop. In special cases and under certain circumstances he can entrust a priest (less often a deacon) with the acceptance of the confession and the confirmation of forgiveness. During his absence for example Cyprian allows an immediate repentance and reconciliation by a priest or a deacon, when in peril of one's life.[146] It is especially the time of penance which is ended by the bishop, who laid his hands upon the penitent's head in communion with the priests and deacons as the public sign of reconciliation.[147]

This regulated, as it were "canonized", procedure was the ordinary way of repentance in the third and the next centuries especially in the Western Church.[148] Therefore it is called c*anonical penance*.[149]

1.2.2.3.1. Résumé

But, as expected, the *canonical penance* did not resolve of itself the problems of repentance. Human nature remained tempted and a relapse after the second chance

[139] See: Cyprian, Letter 15, 2.
[140] See: Poschmann, *Paenitentia secunda*, 418 - 424.
[141] Cyprian, Letter 17, 2.
[142] See: Cyprian,Letter 16, 2.
[143] See: Cyprian, Letter 15, 3.
[144] Cyprian, Letter 18, 2.
[145] Cyprian, Letter 15, 1.
[146] Cf. Cyprian, Letter 18, 1; 19, 2.
[147] Cf. Cyprian, Letter 15, 1; 16, 2; 17, 2.
[148] The Synod (council) of Toledo (589 A. D.) still testifies the common practice of only one opportunity to repent. Quotation: Schneider, *Zeichen der Nähe Gottes*, 202. Cf. also: Vorgrimmler, *Buße / Vergebung*, 228. Vorgrimmler, *Sakramententheologie*, 231, 233.
[149] Later Ambrose of Milan (339/40 - 397) in his *De paenitentia* makes an important distinction, which henceforth remains valid: for venial trespasses the repentance can be performed secretly, for major sins the penance has to be suffered in public. Cf. Ambrosius von Mailand, *De paenitentia*, II, 10, BKV I, 13, 313.

occurred, even under the threat of the impossibility of renewing a further repentance. Specifically when the persecutions came to an end around the year 313 AD[150] and further on during the fourth century the number of Christians rose rapidly. The Church became a widespread community.[151] Following from that development the institute of repentance entered a crisis and showed peculiar consequences:

a. Alongside the decline of the catechumenate in the fourth century the repentance in the public form *canonical penance* changed itself into a less meaningful practice.[152] The non-repeatability and the rigorous penitence-impositions were less readily accepted among the faithful.[153] A growing number of Christians refused to accept penitence with harsh consequences: for example degradation in front of the congregation by being benched, wearing penitential-robes (sack-cloth), renunciation of bathing, prohibition to enter into the bond of marriage or sexual abstinence within marriage or even being banned from a public or an ecclesiastical profession, especially from ordination. An increasing number of the faithful did not want to cope with a lasting disparagement among the Christian community[154] and being outlawed socially.[155] The penance could become a lifelong burden for the penitent and he or she could be denied reconciliation before the moment of death. So the procedure of repentance became increasingly postponed to old age or even to the hour of death, which was sometimes recommended by ecclesiastical authorities like those of the Synod of Adge (506 AD).[156] The repentance as a performance in a Christian's lifetime developed itself more and more into an act on the deathbed. And the still vivid conviction that the forgiveness of sins essentially happens in baptism even led catechumens to the decision to stay in the preparing status and receive christening later, paralleling the deathbed situation, when opportunity to sin is unlikely.[157] Aurelius Augustinus (354 – 430) himself experienced

[150] The emperor Constantine or the co-emperors Constantine and Licinus probably did not issue an official document, which allows the public practice of the Christian faith. As an outward sign of this tolerance, the property of Christians, which had been confiscated during the persecution around 300 AD, was already restituted at this time. Thus the term "Edict of Milan" appears as historically incorrect. Cf. Barnes, *Constantine*, 95.

[151] See: Dassmann, *Kirchengeschichte I*, 212, 213.

[152] See: Faber, *Einführung in die katholische Sakramentenlehre*, 128; van de Paverd, *Disciplinarian Procedures in the Early Church*, 306.

[153] See: Beinert, *Heilender Glaube*, 166.

[154] See: Dassmann, *Kirchengeschichte I*, 208, 213. Nocke, *Buße*, 314.

[155] See: Brox, *Kirchengeschichte des Altertums*, 131.

[156] See: Vorgrimmler, *Der Kampf des Christen mit der Sünde*, 412, 413: Young Christians or married people should not be admitted to repentance. Koch, *Das Heil aus den Sakramenten*, 453. Koch, *Bußsakrament*, 50, 51. Dassmann, *Kirchengeschichte I*, 213. Schneider, *Zeichen der Nähe Gottes*, 202. Rahner, *Bußsakrament*, 668. Nikolasch, *Die Feier der Buße*, 34. For the problem to postpone penance to deathbed, see: Meens, *Penance*, 27 - 29.

[157] Jean-Marie Salamito mentioned the example of the Roman Emperor Constantine, in: *Das Entstehen der einen Christenheit*, 782, 783. Ernst Dassmann conveys an epitaph with the proud

the custom that his parents had postponed his baptism (at his own request he became christened in 387) and rated it as invitation to sin:

> Was it indeed for my good that the reins were slackened, as it were, to encourage me in sin? Or were they not slackened? If not, why is it still dinning into our ears on all sides, 'let him alone, let him do as he pleases, for he is not yet baptized'?[158]

Belated baptism and repentance led to the development that a believer's *re*vision to improve a life of faith deteriorated into a fatally sick person's *con*version with a negligible risk of further sinning.[159]

b. Ordained people had not been allowed to repent while retaining their status as clerics. They were compelled to leave the clergy and to give up their ministry. As lay-people they were then allowed to receive communion among the congregation,[160] sometimes together with their former fellow deacons or priests, if they confessed their trespass and the sin they committed was not a grave one. However, if they were convicted of a grave or even a mortal sin, clerics had to be dismissed from the divine service regardless of their rank. Their penitential status is compared to lay-people, who are banned from the participation in the Eucharistic sacrament (*ex*communication in the narrow sense) or sentenced to a restrained sharing in the congregation's ecclesiastical life and especially in their divine rites (ἀκοινία).[161] A determined measure of penance can already be noticed here: the Syrian *Didaskalia* (first half of third century) determined the time of penance - staying outside of the church and fasting - for weeks.[162] The penitents should be admitted to the service but only in order to listen to the Scriptures and the sermon, so that they become admonished and not lost.[163] Roughly a hundred years later the Council of Nicaea (325 A.D.) in canon 11 repeated the system of

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inscription: „Deceased in christening-gown", *Kirchengeschichte I*, 213. Cf. also: Faber, *Einführung in die katholische Sakramentenlehre*, 84, 85.

[158] Augustine, *Confessions*, book 1, chapter 11, 18. Therefore he prefers the infant baptism. Cf. *De baptismo*, 4, 23, 30 and 24,31.

[159] Cf. Koch, *Die eine Botschaft von der Versöhnung*, 101. O'Loughlin, *Celtic Theology*, 50, 51.

[160] Cf. for example: Basil of Caesarea († 379 A. D.), letter 188, can. 3: "A deacon who commits fornication after his appointment to the diaconate is to be deposed. But, after he has been rejected and ranked among the laity, he is not to be excluded from communion." Cf. also: Vorgrimmler, *Der Kampf des Christen mit der Sünde*, 413. Rahner, *Bußsakrament*, 668

[161] Cf. Van de Paverd, *Disciplinarian Procedures in the Early Church*, 300, 307. He points out, that the *penitential akoinia* is a mediating penitential condition between *coercive excommunication* and *reconciliation*, developed during the century between Tertullian († after 220 A. D.) and Origen († 253/4 A. D.) on the one hand and Basil of Caesarea († 379 A. D.) and Gregory of Nyssa († 394 A. D.) on the other hand. The *penitential akoinia* includes the elements of exclusion from the congregation and the legitimate hope of reconciliation with the church: Footnote 9 and 315, 316. Cf. also: Poschmann, *Paenitentia secunda*, 294.

[162] Cf. *Die syrische Didaskalia*, text Kapitel VI, 25. Time of origin, see: Abhandlung IV, 366 – 377. Schöllgen, *Didaskalie*, LThK, III, 210, 211.

[163] Cf. *Die syrische Didaskalia*, text Kapitel X, 54.

different steps of rapprochement to the Church.[164] Varying serious penances also existed for sinners who confessed the trespass of their own accord and those, who were either accused or convicted and admitted their fault involuntarily. In the latter case the penitence was prolonged. The circumstances of committing sin were taken into consideration as well as, for example, whether an apostate had denied faith of his own free will or under torture.[165]

c. To take on the life of an ascetic, an anchorite or a monk could perform an extraordinary kind of repentance and create another opportunity of reconciliation. Taking up a monastic existence at that time fulfilled all the austere impositions of penance that had been demanded from a penitent. He avoided a public exposure, because that ecclesiastical act of reconciliation for a penitent (like a *conversus*), the *benedictio paenitentiae*, had been preferred by those penitents who were afraid of a public ceremony and estimated the privacy.[166]

d. The rule of limitation, at least of complication of penitence does not take into consideration that temptation and lapse, contrition and repentance, penance and reconciliation are accompanying experiences of a Christian's life. Although baptism brings a human being to a new redeemed existence and wipes out all sins, the faithful are not liberated from a lifelong battle against evil doing. It is certain that permanent fighting means meritorious behavior and faithful braveness even though this particular life includes temptation, feebleness and even sinning. An exemplary life has to be led as a Christian within the Church,[167] not outside of the Church in an undecided pre-Christian status. But if a life in an ecclesiastical discipleship constitutes the fundamental Christian vocation, a repeatable opportunity of a bearable repentance and an affordable reconciliation is required as an unalterable condition. The transgressor must not be excluded from the communion ultimately and left to irreversible damnation; on the contrary: he or she is to be compared with a sick person, who needs relief and healing. And it is the Church's ministry to provide the members with the appropriate remedies of penitence, to stand fast with the aim of reconciling the fallen person with God and guide her

[164] The term "canon" as element of systematizing decisions derives from the Greek word "κανών", which means "ruler", "rule". Text of canon 11: Concerning those, who have transgressed without necessity or the confiscation of their property or without danger or anything of this nature, as happened under the tyranny of Licinius, this Holy Synod decrees that, though they do not deserve leniency, nevertheless they should be treated mercifully. Those therefore among the faithful who genuinely repent shall spend three years among the hearers, for seven years they shall be prostrators, and for two years they shall take part with the people in the prayers, though not in the offering. Translation from CCL.
[165] Cf. Basil, quoted at van de Paverd, *Disciplinarian Procedures in the Early Church*, 299 and Gregory, quoted at van de Paverd, *Disciplinarian Procedures in the Early Church*, 301, 302.
[166] Cf. Rahner, *Bußdiziplin*, 813.
[167] Cf. O'Loughlin, *Celtic Theology*, 51.

> or him back into the Church. This understanding arose (especially in the Eastern part of the Church) among those, who were responsible for the Church's integrity and reputation on the one hand and for the return to salvation of the fallen members on the other hand.

The aforesaid statements clearly indicate a change in the Church's discipline at the end of the fourth century, especially in the implication of repentance and the following penance between the eastern and western parts of Christianity.[168] The Western Church theologians were convinced that the trespass had to be compensated by the retribution. And this compensation is primarily the obligation of the trespasser. The more he or she endeavours to restore the relationship between God on the one hand and the Church's community on the other hand, the more the sinner can be sure of being reconciled with God and the Church's community. For this it is significant when Pre-Montanistic Tertullian summarizes:

> The less quarter you give yourself, the more (believe me) will God give you.[169]

The impression cannot be avoided that in this sight the healing effort of repentance and penance comes close to being more a human work than a divine benefit, a personal contribution instead of a remedy. The Oriental Church also required the penitents to fulfill partly severe works of penance. But the theology of repentance in the Eastern Church emphasizes the responsibility of the Christian community to remain at the penitent's side with interceding prayers and focused the main concern on the sinner's spiritual therapy.[170] In a therapeutic sense penance became a remedy and reconciliation meant healing from spiritual sickness. So the relationship between a penitent and those who were responsible for the reconciliation among the Christian community was like a patient and physician. Those pastoral doctors understood themselves as assistants of the one holy physician, Jesus Christ.

1.2.3. Penance as spiritual therapy in the Eastern Church

1.2.3.1. Χριστός-Ἰατρός-motif[171]

In the Old Testament God already reveals himself in Ex 15: 26 as the physician,[172] if the people listen to his words and observe his commandments. Based on the word of the gospel: it is not the healthy who need the doctor, but the sick (Mt 9:

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[168] The differences between east and west, which would grow ever wider, can be linked to the areas of the two dominant languages, Greek and Latin. The ongoing inability of Latin speakers to read Greek with ease probably represented the reason for the early medieval distinction between the "Greek East" and the "Latin West".
[169] Tertullian, *On Repentance*, ANCL XI, chapter IX, 6.
[170] Koch, *Die eine Botschaft von der Versöhnung*, 101, 102.
[171] Cf. in detail: Dörnemann, *Krankheit und Heilung*, 101 – 273. Nikolasch, *Die Feier der Buße*, 37.
[172] "For I am Yahweh your healer (כי אני יהוה רפאך)".

12),[173] Jesus compares himself with a physician. Many of the Church's Fathers took over this metaphor to describe Christ's spiritual healing from sin. Clement of Alexandria (about 150 – 215) formulates:

> Who else can it be but the Saviour Himself? or who more than He has pitied us, who by the rulers of darkness were all but put to death with many wounds, fears, lusts, passions, pains, deceits, pleasures? Of these wounds the only physician is Jesus…[174]

Irenaeus of Lyons, too, compares Jesus with a physician and expects an honest repentance from the transgressors, so that the healing allowance can be successful.[175] Sin hurts human nature and evil causes comprehensive sickness. Jesus is sent by God to those sick people, who are suffering from illness and sin. So his crucial mission is to act like a physician who cures all the wounds of body and soul. Single human beings as well as mankind become healthy in a complete sense, when they are reconciled with God. Origen uses the ἰατρός-metaphor in a consequent Christological sense. No other physician except Christ is able to heal finally the pathology of sin.[176] Χριστός is not only one ἰατρός among other doctors, as the redeemer he is the ἀρχιατρός,[177] the "principal consultant", who can heal those wounds of sin that the other physicians (metaphors for angels and prophets) have failed to cure.[178] Regarding the diagnosis the Fathers refer to the conception of passion and emotion expressed by the Platonic-Stoic Philosophy. Basil mentions anger, envy, abundance, inebriety, depression,[179] of which Gregory of Nazianz (about 329 – 390) enumerates envy (ζῆλος), anger (θυμός), abundance (πλούτος) and greediness (πλεονεξία) as illnesses of the soul (νόσοι),[180] sorrows, that are worse compared with physical sickness.[181] In his Second Oration he expresses his conviction that the "guiding of man", the "physician of souls" by his concern for the souls performs the "art of arts" and is skilled in the "science of sciences". [182] In his therapy a doctor (for the body) uses a wide range of medical treatments from light medicines and diets to operations

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[173] Mt 9: 12: … οὐ χρείαν ἔχουσιν οἱ ἰσχύοντες ἰατροῦ ἀλλ' οἱ κακῶς ἔχοντες… (par Mk 2: 17 par Lk 5: 31)

[174] Clement of Alexandria, *Quis dives salvetur* (Who is the rich man that shall be saved), 29, 2, 3. Cf. also: Basil the Great, encouraging a fallen virgin: "The great Physician of souls, who is the ready liberator, not of you alone, but of all who are enslaved by sin, is ready to heal your sickness. From Him come the words, it was His sweet and saving lips that said, 'They that be whole need not a physician but they that are sick.… I am not come to call the righteous but sinners to repentance' (Mt 9: 12). What excuse have you, what excuse has any one, when He speaks thus? The Lord wishes to cleanse you from the trouble of your sickness and to show you light after darkness." *Epistola* 46, 6

[175] Cf. Irenaeus of Lyon, *Adversus haereses*, III, 5, 2.

[176] Cf. Dörnemann, *Krankheit und Heilung*, 144.

[177] Cf. Fernández, *Christo Médico*, 223 – 228.

[178] Cf. Dörnemann, *Krankheit und Heilung*, 146 – 148, 158, 159.

[179] Cf. Dörnemann, *Krankheit und Heilung*, 208.

[180] Cf. Dörnemann, *Krankheit und Heilung*, 233 - 239.

[181] Cf. Gregor von Nazianz, *Oratio* II, 16 - 18.

[182] Gregory Nazianzen, *Orations* 2, 16.

with knife and cautery.[183] A "spiritual physician",[184] a priest in his "office as a mediator between God and man",[185] is advised to practice carefully an analogous range of "pastoral medicine", care and methods according to the example of the "true Shepherd" Jesus Christ.[186] Bishop Theodore of Mopsuestia (about 350 – 428) underlines in his homilies that the priests are healing experts installed as physicians by God to cure penitents from their sin. By the priests' ministry, which is to be performed with empathic and brotherly love, the trespassers receive healing and forgiveness of their sins. Remarkable is Theodore's instruction to the priests, not "to propagate, what is not allowed to be revealed, but to keep the occurrence to oneself".[187]

This well-balanced and cautious treatment can also be found in the Syrian *Didaskalia*, an early source written in the first half of the third century as a code for a community of gentile Christians, led by bishops and deacons in Syria.[188] The anonymous author who refers to the authority of the apostles proceeds on the assumption that the bishop and the church's community have to live as an example of purity. According to the *Constitutiones apostolicae*, the bishop on the one hand, is responsible for maintaining the holiness of the Christian community and watching over the integrity of the flock of believers.[189] On the other hand, he has to cope with those members, who have committed sin.[190] He is installed to judge sinners severely in lieu of God,[191] without distinction of the person and not to be amenable to corruption.[192] Yet simultaneously the bishop is ordered to meet the faithful with "gentleness, forbearance and patience, without anger",[193] especially those who regret their trespasses, with leniency and to encourage[194] them to hope for forgiveness if they honestly repent.[195] Quoting Mt 9: 12 and using the metaphor of the Ἰατρός,[196] the writer of the *Didaskalia* urges the bishop to practice like a wise and sympathetic physician, following the example of our "Saviour, King and God".[197] The bishop is called to be the "Church's physician",[198] who should not keep back the healing art from those who are ill from trespassing, and cure all who are suffering from the sickness of sins. For the

[183] Cf. Gregory Nazianzen, *Orations* 2, 18.
[184] Gregory Nazianzen, *Orations* 2, 19.
[185] Gregory Nazianzen, *Orations* 2, 91
[186] Cf. Gregory Nazianzen, *Orations* 2, 30 – 34.
[187] Theodore of Mopsuestia, *Homilie*, 16, 39, 44; translation by the author. Cf. Einleitung, 296.
[188] Cf. *Die syrische Didaskalia*, Kommentar 267, 365, 369 – 377.
[189] Cf. *Constitutiones Apostolicae*, II, 7: „…ὅτι οἱ βαπτισθέντες εἰς τὸν θάνατον τοῦ Κυρίου Ἰησοῦ, οὐκέτι ὀφείλουσιν ἁμαρτάνειν οἱ τοιοῦτοι."
[190] Cf. Baus, *Von der Urgemeinde zur frühchristlichen Großkirche*, 380 – 386.
[191] Cf. *Die syrische Didaskalia*, Text Kapitel V, 19, Kommentar 299.
[192] Cf. *Die syrische Didaskalia*, Text Kapitel V, 18, Kommentar 299.
[193] *Die syrische Didaskalia*, Text Kapitel XII, 68, translation by the author.
[194] Cf. *Die syrische Didaskalia*, Text Kapitel VII, 32, Kommentar 300.
[195] Cf. *Die syrische Didaskalia*, Text Kapitel VI, 19, 20, Kommentar 299, 300.
[196] Cf. *Constitutiones Apostolicae*, II, 20, 9: Following the preceding request: "Ὡς ἔμπειρος καὶ συμπαθὴς ἰατρὸς παντάς ἰῶ τοὺς ἐν ἁμαρτία πεπλανημένους…"; cf. also: II, 14, 9; 40.
[197] *Die syrische Didaskalia*, Text Kapitel VII, 39, translation by the author.
[198] *Die syrische Didaskalia*, Text Kapitel VII, 33, translation by the author.

Didaskalia's author no sin exists that cannot be forgiven.[199] To deal with sin and sinners among the community the author draws many comparisons with medical treatments. Like a good physician who does not immediately resort to amputation, but uses meaningfully a graded range of medical treatments, the bishop has to apply cautious steps of penitential methods: "bandages of good words", "compresses of reprimand", "the plaster of admonition" and other appropriate spiritual treatment.[200] Only if a person stubbornly refuses to repent or notoriously slanders, has he or she to be excluded from the Church as a last resort.[201] Apart from this the bishop is advised not to be harsh or merciless if a sinner regrets and repents, but to receive him or her into the Church. This is performed by laying his hands upon the penitent, while the congregation is praying for the transgressor's reconciliation. The *Didaskalia* nowhere mentions one solitary opportunity of repentance.[202] The *Didaskalia* shows a balance between necessary severity and sympathetic leniency. This carefully balanced advice[203] avoids that the sinner leaves the Church being disappointed by an insufficient support within the Church. So the danger arises that the sinner will be caught in a heretic's or pagan's clutches.[204] The author of the *Didaskalia* is convinced: for a penitent sinner the Church's doorway is always and ever open for his or her return.[205]

1.2.3.2. Pastoral and spiritual guidance

Clement of Alexandria is the first one who recommends:

> Wherefore it is by all means necessary for thee, who art pompous, and powerful, and rich, to set over thyself some man of God as a trainer and governor… Let him pass many sleepless nights for thee, interceding for thee with God, influencing the Father with the magic of familiar litanies. For He does not hold out against His children when they beg His pity. And for you he will pray purely, held in high honour as an angel of God …[206]

Clement's advice points to a person already met in the *Pastor* of Hermas: the "ποιμήν", in both sources esteemed as a guardian angel. Without anticipation of a bishop's and priest's competence, who are officially to decide about a sinner's exclusion and a penitent's reconciliation, the service of a spiritual guide is a different one. His competence is not defined by an official ecclesiastical position. His qualifications are represented by his exemplary life of holiness and his

[199] The author marks the contrast to the Κάθαροι, who lived among his community too. Cf. *Die syrische Didaskalia*, Kommentar 305 - 307.
[200] Cf. *Die syrische Didaskalia*, Text Kapitel X, 55, translation by the author.
[201] Cf. *Die syrische Didaskalia*, Text Kapitel X, 56 and X, 57.
[202] Cf. Baus, *Von der Urgemeinde zur frühchristlichen Großkirche*, 385.
[203] Cf. *Die syrische Didaskalia*, Kommentar 301.
[204] Cf. *Die syrische Didaskalia*, Text Kapitel VII, 32 – 34.
[205] Cf. *Die syrische Didaskalia*, Kommentar 306, 307.
[206] Clement of Alexandria, *Quis dives salvetur*, 41, 1 – 6.

spiritual talent.[207] These spiritually gifted persons (πνευματικοί) are requested by the penitents to accompany them on their difficult ways of penance, supporting and comforting them with their gift of spirit. The guide, who feels compassion for the transgressor, intercedes with God for the penitent's spiritual recovery, offers his prayers and fasting for the trespasser's reconciliation. By his spiritual reputation that spiritual companion completes the works of penance for the sinner with the aim of reuniting him or her with the church. He is not placed over the pardon granting person like the ecclesiastical ministers, who finally and officially receive the penitent into the Church after a public penitential process and in a liturgical ceremony. The spiritual guide is at the penitent's side, his or her companion and friend. Therefore he need not be an ordained person, as we have already learnt from the *Pastor* of Hermas. The Church's official by virtue of his office and the guide by his spiritual gift cooperate – each in his own way - for the sinner's reconciliation.[208] The concern for the believer's integrity of holiness, for the "sanity of his or her soul", is comparable with a doctor's care for the health of a patient. The central figure, the example of the "therapist" for all healers is the Good Shepherd ("ποιμήν Χρηστός"),[209] the best Physician and Redeemer sent by God, the Saviour Jesus Christ. The German language knows the pertinent term *"Heiland"*[210], a word that includes the healing and the redeeming aspect in Christ's person. So the aim of repentance and penance in the Oriental Church is a profoundly pastoral one. Cure has a higher priority than compensation. Without neglecting the honest willingness by the penitent to accept penance, the noblest duty of the ecclesiastical officials and charismatics, eventually of all the community, is not to supervise primarily the detailed fulfillment of penance. On contrary: they have to expend every effort to reconcile a sinner by prayers of intercession and guide him or her back into the Church.[211]

1.2.3.3. Résumé

The comparison of the practice of repentance, meaning receiving confession of sins and imposition of penance, with a doctor's therapy for the body is a widely used metaphor for the vocation and duty for the official church ministers as well as for the church's community in general. Especially in the Oriental Church, the exceptional model for the "physicians of soul" is Jesus himself. In the Oriental Church in particular, the Χριστός-Ἰατρός-motif evolves itself into a consistent principle in the third and fourth century and governs as a metaphoric basic attitude

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[207] Cf. Clemens von Alexandrien, *Stromateis*, Buch 6, Kapitel 13, 105.
[208] Cf. Poschmann, , *Paenitentia secunda*, 259, 260.
[209] *Constitutiones Apostolicae*, II, 20, 9
[210] *Heiland* depends from the Old High German verb for healing and saving. It became used from the 9th century on in vernacular. ישע is the reference in the Hebrew language, σωτήρ in Greek. Cf. Saller, *Heiland*, in LThK IV, 1264, 1265.
[211] Cf. biblical instruction in James 5: 16 and 1 John 5: 16. The character of intercession by the community marks the prayer for the reconciliation of a sinner among the Byzantine Church until today. Cf. van de Paverd, *Ausschluss und Wiederversöhnung in der byzantinischen Kirche*, 282 – 290, 295.

the pastoral practice of repentance. Sin is an ailment and needs an appropriate therapy and medicine administered by competent "spiritual doctors". The ministry of these "spiritual physicians" is twofold: to strengthen the entrusted flock in withstanding the temptation of evil and to cure the wounds of wrongdoing and sinning by a relieving treatment of understanding, determined guidance to conversion, sympathy and comfort. This requires a gradual application of this "spiritual medicine". Observing the balance between severity and gentleness the target of this pastoral care is doubtlessly to reunite the transgressor with the community of the Church, an urgent matter for the community as well. The ministry of a spiritual doctor is a special expression of the Good Shepherd's care for the faithful individual as well as for the flock in general.

Another manifestation of the Good Shepherd's care is the ministry of a spiritual gifted person, who accompanies the penitent on his or her way of repentance: a spiritual guide.[212] Although he himself lives an ideal and impeccable life, he makes the penitent's case his own. Becoming his or her soul-friend the guide offers prayers, advises, consoles, encourages and supports the penitent. His service does not mean a replacement of a bishop's or a priest's official ministry. Ecclesiastical authority and spiritual company complement each other. The spiritual guide therefore need not hold an office in the church.

So punishment for a transgression is by no means in the foreground of the pastoral effort. All pastoral activities are targeted to reconcile the fallen person with God and the Church. A separation from the community appears as an *ultima ratio* for those who stubbornly refuse to repent.

1.2.3.4. A monk as father confessor

It is not surprising that the spiritual guides favoured were found and chosen in monastic communities, among abbots and monks, faithful persons who were keen to live an ascetic and holy life.[213] Clement of Alexandria calls them "the elect of the elect."[214] So they were predestinated not only to guide penitents "by a charismatically enlightened consolation",[215] but also to assure them of the forgiveness of their sins and to find an appropriate penance for them. This confessing conversation was performed as a private and discreet dialogue between the penitent and the confessor. With regard to the ecclesiastical consequences the body of source material is transmitted controversially. Some sources report that

[212] The πρεσβύτερα in the Pastor of Hermas advises Hermas and could be seen as a female guide. But this "old (wise) woman" does not represent a natural person, i. e. a member of the community. She is a metaphor for the Church. The role of spiritual guidance much better suits to the woman Grapte, who is ordered to instruct the widows and the orphans. But except these two rather vague indications all comments suppose that the guide is a male.
[213] Cf. for example the rule, which Pachomius (†346) worked out for his monasteries. Ryan, *Irish Monasticism*, 29 – 38. See too the characterisation of a monk: Bonhoeffer, *Ursprung und Wesen*, 139, 140.
[214] Clement of Alexandria, *Who is the rich man that shall be saved*, 36.
[215] Rahner, *Bußdiziplin*, 811, translation by the author.

the confessor (abbot, monk or anchorite) actually holds the ecclesiastical (sacramental) binding and solving power, independent of their ordination to priesthood. In this case, the authorization to absolve from sins was proved in and connected to the exemplary holy life and the spiritual perfectness of the guiding monk. Other sources deliver the conviction that only a priest-monk possesses the authority of (sacramental) absolution. For a long time the varying conceptions remained undecided and were practiced side by side in the Church's East. In his "*Oratio de disciplina monastica*" John of Antioch († after 1112) mentions that at the time of the East-Roman Emperor Leo III. (717 – 741)

> the class of monks were so much deified and adored by all the faithful that the scrutinizing and the confession of sins, but also the penances and the forgiveness of sins were entrusted to the monks; in the way we have in sight at present too.[216]

This source proves that the necessity for a confessor-monk to undergo ordination to the priesthood for a valid confession in the Oriental Church did not generally appear before the twelfth century,[217] very distinct from the practice in the Western Church. More important, however, for the development of repentance and penance is the assertion that the confession changed step by step from the public (church) space into the private and discreet room with a dialogue between the penitent and the confessor. This pastoral alteration clearly corresponded to the people's demand for protection of privacy and so met the desire of the majority of believers.

1.2.3.5. Basil's *Epistolae* CLXXXVIII, CXCIX, CCXVII: an "early oriental-penitential"?

In the last third of the fourth century the Cappadocian bishop Basil of Caesarea († 379) answered the bishop of Ikonion Amphilochios (*340/345, † before 403),[218] saying that he was in communion with the bishops, who also refused the Cathari's heresy, "promulgated a kind of canon"[219] of 80 various articles[220] about different lapses and the penance they carried in his letters 188, 199 and 217, written in 374 and 375 A.D. Therefore these writings are called "Canonical Letters".[221]

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[216] Quoted and translated (by the author) according to: Johannes von Antiochien, *Oratio de disciplina monastica* (c. 7), tzt Dogmatik 9, 2, Nr. 626.
[217] Cf. Rahner, *Bußdiziplin*, 811, 812. Vorgrimmler, *Der Kampf des Christen mit der Sünde*, 413. Vorgrimmler, *Sakramententheologie*, 232. M. Garijo-Guembe, *Buße in den Ostkirchen*, LThK II, 830 – 832. Frank, *Mönchsbeichte*, LThK VII, 391, 392. Koch, *Die eine Botschaft von der Versöhnung*, 101. Faber, *Einführung in die katholische Sakramentenlehre*, 129. Körntgen, *Mönchsbeichte*, LMA, Band 6, 747. Suttner, *Buße im christlichen Osten*, LMA, Band 2, 1128, 1129.
[218] Cf. Brennecke, *Amphilochius*, in: LThK I, 540, 541.
[219] Basil, *Epistola* CLXXXVIII, 1 and 8: aiding and abetting to abortion is murder as well.
[220] From the 84 articles two are commentaries (188, 1 and 217, 84) and two other ones interpretations of biblical statements (188, 15, 16).
[221] Cf. Bardenhewer, *Geschichte der altkirchlichen Literatur*, III, 156.

The penance took place publicly in the community: the penitents had to climb up a ladder of four penance-steps: Standing outside the church they were the *"weeping"*.[222] Then they were allowed to take part in the liturgy of the word as the *"listening* or *hearing"*. As the *"kneeling"* they got a blessing before leaving the church at the beginning of the liturgy of the Eucharist. Finally as the *"standing"* they could stay in the church for all the divine service. Having accomplished humbly all four procedures the petitioner became reunited with the church and was admitted to the Eucharist. The period of this penance depended on the seriousness of the committed sin.[223]

The lapses in the three letters are specified non-systematically and it can be assumed that Basil's answers followed the unsystematic inquiry of Amphilochios. The cardinal affairs move around trespasses against physical integrity and life (murder), faithfulness in belief (apostasy), loyalty in marriage and keeping vows to religious life and obedience to consequences of ordination (fornication and adultery). Basil emphasized that he was expressing his own opinion, certainly with some respect to the tradition "from the elders".[224]

a. The trespasses against life and physical integrity include the offence against an unborn child. The punishment for women, who commit this sin, lasts up to ten years depending "on the character of their repentance".[225] To give birth to a child and neglect the new born can be treated like homicide.[226] Here too the woman's dire straits have to be taken in consideration, for example, if the mother is unable to take care of the child.[227] In addition Basil distinguishes between unintentional killing (manslaughter) und intentional (murder) homicide and explains his opinion with different examples.[228] A person who murdered intentionally had to bear excommunication and a twenty years' penance: four years weeping[229] outside the church building begging the faithful for interceding prayers, being five years with the hearers and leaving after the liturgy of the word, kneeling for another seven years, and finally standing for four years with the faithful all through the service, before he or she is allowed to receive

[222] Cf. Hippolyt of Rome († about 235), BKV, I, 28, canon 15: He already mentions the penance-work of "weeping". The First Nicene Council (325) has three of the four steps, canon 11: "Those therefore among the faithful who genuinely repent shall spend three years among the hearers, for seven years they shall be prostrators, and for two years they shall take part with the people in the prayers, though not in the offering."
[223] Cf. Gessel, *Bußstufen, Bußstationen*, in: LThK II, 856, 857. Brox, *Kirchengeschichte des Altertums*, 130, 131.
[224] Basil, *Epistola* CLXXXVIII, 2, (NPNF), introduction; Basilii opera omnia, Mauri III, 389: "ἠκούσαμεν παρὰ τῶν πεσβυτέρων" respectively: "*a senioribus audieram*".
[225] Basil, *Epistola* CLXXXVIII, 2 (NPNF).
[226] Cf. Basil, *Epistola* CXCIX, 23.
[227] Cf. Basil, *Epistola* CCXVII, 52.
[228] Cf. Basil, *Epistola* CLXXXVIII, 8: "ἐκούσιος (*voluntarius*) respectively ἀκούσιος (*involuntarius*), Mauri III, 396.
[229] The biblical source is psalm 6, 7: "*Laboravi in gemitu meo, lavabo per singulas noctes lectum meum: lacrimis meis stratum meum rigabo*."

the sacrament again.[230] An involuntary or a homicide by accident is expiated by ten years of penance: weeping two, hearing three, kneeling four and standing one year.[231] Basil counsels that men, if they kill in war, should "only abstain from communion for three years".[232] In a case of violent abduction Basil recommends three years exclusion from the service.[233] Regarding Mt 26: 52 and the commandment not to use a sword, laypeople, who prosecute raiders, shall be excommunicated; if the persecutors "are clerics they are degraded from their orders".[234] A thief, who reveals his transgression him- or herself, has to be excluded from the sacraments for one year. If he or she is convicted he or she is sentenced to two years: the first year among the kneeling; and the second one with the standing.[235]

b. For Basil apostasy is such a grave sin that a person, "who has denied Christ and sinned against the mystery of salvation ought to weep all his life long."[236] He or she has to remain as a penitent until the deathbed; at the hour of death he or she can receive the sacrament.[237] If Christians have been forced to deny by torture, they are allowed to be reconciled to the community after exclusion for three, hearers for two and kneelers for three years.[238] Superstitious and pagan practice like soothsaying have the consequences of six years (weeping one, hearing one, kneeling three and standing one year).[239]

c. Around thirty articles deal with the order of relationships. Adultery and fornication are grave sins. An adulterer,[240] whose aberration is judged just as intentional homicide, witchcraft and idolatry,[241] has to face exclusion for fifteen years (four as a weeper, five as listener, four as a kneeler and two years as a stander).[242] A repentant fornicator is not allowed to be admitted

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[230] Cf. Basil, *Epistola* CCXVII, 56: 1st: Ἐν τέσσαρσιν ἔτεσι **προσλαίειν** … ἔξω τῆς θύρας; 2nd: εἰς τοὺς **ἀκροωμένους** … ἐν πέντε ἔτεσι μετ αὐτῶν; 3rd: Ἐν ἑπτὰ ἔτεσι μετὰ τῶν **ὑποπτώσει**; 4th: Ἐν τέσσαρσι συστήσεται μόνον τοῖς **πιστοῖς**. Quoted after Mauri III, 472. See also*: Epistolae* CLXXXVIII, 7, CXCIX, 43.

[231] Cf. Basil, CCXVII, 57. See also: CLXXXVIII, 11.

[232] Basil, CLXXXVIII, 13 (NPNF).

[233] Cf. Basil, CXCIX, 30.

[234] Basil, CXCIX, 55 (NPNF).

[235] Cf. Basil, CCXVII, 61.

[236] Basil, CCXVII, 73 (NPNF).

[237] Cf. also: Basil, CXCIX, 45.

[238] Cf. Basil, CCXVII, 81 (NPNF). And he completes: "Those who have abandoned their faith in God, laying hands on the tables of the demons and swearing heathen oaths, without under going great violence, should be excluded for three years, hearers for two. When they have prayed for three years as kneelers, and have stood other three with the faithful in supplication, then let them be received into the communion of the good thing."

[239] Cf. Basil, CCXVII, 83.

[240] An indication that private confession was not only possible, but even recommended by Basil himself, is contained in CXCIX, 34. Women who commit adultery are not forced to confess this sin publicly, especially to avoid blood feuds.

[241] Cf. Basil, CLXXXVIII, 7.

[242] Cf. Basil, CCXVII, 58. As long as the death of a husband is not certain a wife is guilty of adultery, if she cohabits with another man; cf. CXCIX, 31. Abducting another man's wife and

to the communion before serving a penance of seven years (weeping two, kneeling two, listening two years and standing one).[243] Bi-, tri- and polygamy is assessed by Basil rather as a kind of fornication. But he points out that he has no advice from his predecessors: "on polygamy the Fathers are silent".[244] In any case, Bishop Basil is of the opinion that those relationships are not valid marriages and the partners cannot be called wife and husband. Depending on the number of partners Basil recommends a penance of one to four years.[245] Bigamists are excluded from ecclesiastical ministry.[246] Basil makes different assessments concerning those women who are not free, either they being in the stage of slavery or abducted. If a non-free woman takes up a relationship with a man against her master's will, she commits fornication.[247] A slave girl forced to sexual intercourse by her master does not incur guilt.[248] In Basil's opinion cohabitation after abduction or seduction coincident with violence committed by a man is a special case of fornication. The woman need not burden herself with guilt. The perpetrator of violence on the contrary has to be excluded for at least three years.[249] Incestuous connections are grave sins and have to be atoned by a severe penance.[250]

d. An ordained person bears an exceptional responsibility for the Church's reputation. To avoid attacks against the community by outsiders fornicators among the group of these ecclesiastical officials have to be completely dismissed from their order.[251] If a deacon commits fornication or a deacon respectively a priest pollutes his lips, he is to be laicized, but not excluded from the communion. That treatment is justified by the avoidance of a twofold penitential consequence. Basil argues with the biblical direction in the Old Testament, the Book of Nahum, that God himself does not punish twice for one and the same transgression (Nah 1: 9).[252] Becoming deprived

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afterwards marrying her means adultery, CXCIX, 38, also living with an adulterer, CXCIX, 39, 48.

[243] Cf. Basil, CCXVII, 50. Different: Basil, CXCIX, 22 (NPNF): "The punishment of fornicators is fixed at four years. In the first year they must be expelled from prayer, and weep at the door of the church; in the second they may be received to the sermon; in the third to penance; in the fourth to standing with the people, while they are withheld from the oblation. Finally, they may be admitted to the communion of the good gift." A different case is to be found in CXCIX, 12.

[244] Basil, *Letter* 217, 80 (NPNF): A penitent polygamist has to accept one year of weeping and three years of kneeling before being received.

[245] Cf. Basil, CLXXXVIII, 4; CXCIX, 26, 50.

[246] Cf. Basil, CLXXXVIII, 12.

[247] Cf. Basil, CXCIX, 40

[248] Cf. Basil, CXCIX, 49, CCXVII, 53.

[249] Cf. Basil, CXCIX, 22 (four years), 30 (three years).

[250] For example: Basil, CCXVII, 75 (after a committed incest with the sister): "Thus, when he shall have worthily shown the fruits of repentance, let him be received in the tenth year to the prayer of the faithful without oblation; and after standing with the faithful in prayer for two years, then, and not till then, let him be held worthy of the communion of the good thing." Cf. CCXVII, 67, 68, 76.

[251] Cf. Basil, CLXXXVIII, 6, CCXVII, 51, 70.

[252] Basil used the Septuaginta: "οὖκ ἐκδικήσει δὶς ἐπὶ τὸ αὐτὸ ἐν θλέφει." Nahum 1: 9, in Septuaginta, Vetus Testamentum Graecum, XIII, Duodecim prophetae, 254. The LXX-text

of the office an ordained person remains in the lay-status all his life. Therefore being excommunicated actually represents a twofold penalization.[253] Because the institution of female deacons existed among the communities in Basil's time, he recommended the following treatment for a diaconess, who has committed fornication with a pagan man: reception to communion after seven years provided that she has returned to a life of chastity.[254] A usurer cannot be admitted to any ecclesiastical ministry.[255]

1.2.3.5.1. Résumé

This elaborate inquiry in Basil's *Epistolae* CLXXXVIII, CXCIX and CCXVII appears to be of value, because in this writings actually an early catalogue appears describing a defined connection between major sins (apostasy, murder, fornication) and allocated penances. In addition, in the fourth century an attempt can recognized to establish a legal structure to deal with the appropriate treatment of trespassers within the Church. Since a meaningful system is not at hand, an insecure and inexperienced holder of an ecclesiastical ministry (Amphilochus)[256] is asking a renowned authority (Basil), how he can seriously and justly cope with sin and sinners among the congregation he is responsible for. So, in fact, this and other enquirers get quite thorough advice on the matter in question through the letters, even if the questions and answers lack a higher-level system. Simultaneously, the crucial aim is not lost sight of, namely to reconcile a fallen member with God and the Church: "Let us above all pray that we may do them good, and rescue them from the snare of the evil one".[257] If there is evidence for the influence of the Oriental Church on later developments in the Western Church in the sixth century, especially regarding penitentials, Basil's *Epistolae* can be interpreted as a distinct trace and source.[258]

1.2.3.6. Augustine's *correptio secreta*[259]

Basil already recommends Amphilochus (*Epistola* CXCIX, 34) should not make public adultery committed by women. In cases when they are publicly convicted, they might get in mortal danger. According to the Father's advice the ecclesiastical authority (normally the bishop) should place them among the "standing", meaning those penitents, who were not permitted to take communion, but apart from that could remain with the community during all the service. Basil's recommendation clearly shows an element of discretion and privacy. In his

("[God] will not punish twice for the same [transgression] in hardship") delivers a different sense compared with the Hebrew-Bible ("[God's] adversaries will not rise up a second time.")
[253] Cf. Basil, CLXXXVIII, 3.
[254] Cf. Basil, CXCIX, 44. A diaconess obviously does not rank among ordained people.
[255] Cf. Basil, CLXXXVIII, 14.
[256] Cf. Basilius, *Briefe*, Hausschild II, 100, note 209.
[257] Basil, CCXVII, 84.
[258] Cf. McNeill and Gamer, *Medieval handbooks*, 8.
[259] Cf. Adam, *Die geheime Kirchenbuße* 17 - 27.

Sermo 82 Aurelius Augustinus refers to Mt 18: 15 – 17, the *correptio fraterna* in a similar way. He raises the question of how to deal with a sinner, whose sin is not publicly recognized: is it advisable to rebuke a sinner publicly or should he be treated in secrecy:

> *aut tunc corripiam coram omnibus, quando debeo in secreto corripere*?[260]

Augustine solves the problem by the following principle: those who have sinned publicly have to be rebuked in public. The trespasser, however, who has committed his sin in secrecy, can be rebuked secretly:

> *Ergo ipsa corripienda sunt coram omnibus, quae peccantur coram omnibus. Ipsa corrigenda sunt secretius, quae peccantur secretius*.[261]

For Augustine this rule is so important that he calls a person a *proditor*, who reveals a secret sin, and denies his authority to be a *correptor*.[262] The secret rebuke and the following correction correspond to Augustine's own practice and apply even to capital sins of murder and adultery.[263] His aim is to cure the sinner by convincing him to accept an appropriate penance willingly: *persuadeo poenitentiam …, quia curare volo, non accusare*.[264] As this penance can be fulfilled in secrecy too, the Bishop Augustine's pastoral practice marks another remarkable step in the realization of discretion and privacy.

1.2.3.7. Conclusion

After almost five centuries of ecclesiastical history, a picture of dealings with sin and repentance took shape. The substantial impellents proceed from the Oriental Church with a clear influence on the Western Church. Many of the key-figures who interpreted and decided upcoming questions of repentance held the appointment of a bishop like Cyprian of Carthage, Irenaeus of Lyons, Gregory of Nazianzen, Theodore of Mopsuestia, Basil of Caesarea and Amphilochus as well as Augustine of Hippo. This also emphasizes the important role of the bishopric in the first four centuries:[265] to teach and strengthen the entrusted flock in Christian faith, deal with convictions at variance with the doctrine, encourage the faithful in times of persecution, conciliate in dispute and reconcile adversaries to each other and not least govern repentance:

a. The different penitence procedures concurred in the aim to reconcile sinners with God and the Church, if they honestly regret. But the focal point in the Western Church lay on the compensation the trespasser had to fulfill for reconciliation. In the Eastern Church the crucial point of

[260] Augustine, *Sermo* 82, VI, 9, PL 38, 510.
[261] Augustine, *Sermo* 82, VII, 10, PL 38, 511.
[262] Cf. Augustine, *Sermo* 82, VII, 10, PL 38, 510.
[263] Cf. Augustine, *Sermo* 82, VIII, 11, PL 38, 511.
[264] Augustine, *Sermo* 82, VIII, 11, PL 38, 511.
[265] Cf. Rapp, *Holy Bishops*, 166 – 171. Meens, *Penance*, 18, 19.

repentance and the following penance is to heal the ailing soul from the ailment of sin and to reunite the transgressor with God and the Church. It became more and more clear that the model the Church has to orient towards is not Christ the censor, but Christ the physician (ἀρχιατρός),[266] the Good Shepherd, the Redeemer and the Saviour.[267]

b. In consequence of this development the compassion with the sinner by interceding prayers and the encouraging company of a charismatic spiritual guide, preferably an abbot or a monk, gained in importance. It became the concern of the entire congregation not to separate a sinner to remain a pure community. The aim was not to lose a trespasser to heretic groups and evil, but rather to guide him or her back to the unity with God and the Church.
c. After the persecution of Christians ended in the early fourth century the Christian faith was in great demand for the people. Against that, less accepted was the rule of public confession of sins, because it could correspond with a social outlawing. And even if the confession itself was secret,[268] a trespasser had to bother with the different public steps of penance and the painful prospect of being blamed in front of the congregation. So the faithful appreciated the opportunity of a penitential dialogue with a confessor and an acceptance of penance that protected their privacy, let them receive absolution in certain circumstances and go away reconciled with an individual and bearable penance.
d. Elements of confidentiality belonged more and more to the pastoral practice in the Church, when a monk plays the role as a trusted dialogue partner, a spiritual guide becomes a soul-friend or an ecclesiastical official keeps a secret sin and its consequences confidential.[269]

But the public confession and imposition of penance, as well as the reconciliation with the Church, still remained the ordinary handling of repentance. Because of the increasing discontent among the faithful with that public form, a more sensitive and pastoral way for the forgiveness of sins, became required. So it can be seen that a certain development of repentance was drawn up before and indicated along the following lines: not solitary, but repeatable, not public, but confidential and with regard to penance not dependent on the confessor's discretion, but following common to all and calculable regulations. Indeed, a new practice of repentance appeared in the sixth century at the Western edge of the Christian World: in particular authorities of the Irish Church or areas of its influence (on the continent and in England) developed a way of repentance which

[266] Cf. Fernández, *Christo Médico*, 266 – 271.
[267] Cf. Brox, *Kirchengeschichte des Altertums*, 132. Koch, *Das ungeliebte Sakrament*, 101.
[268] The secret confession, received by a priest or bishop, became common, when the trespasses were not noted publicly. But even if the confession was private, conclusion could be drawn on the sin by the measure of public penance. Cf. Kottje, *Bußbücher*, LMA, II, 1118.
[269] Cf. McNeill, *Medicine for sin*, 24, 25.

protects privacy and guarantees an affordable as well as a predictable penance: the *paenitentia privata*.[270]

[270] Cf. Kottje, *Bußpraxis und Bußritus*, SSAM (1987), 372, 373. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 329, 330. O'Loughlin, *Penitentials,* MedIreland, 371 – 372.

2. Early medieval writings in Ireland and Britain concerning repentance and penance

The following writings about repentance, confession and penance, documents of the sixth to the beginning of the eighth century represent the subject of this study:

1. *Epistola* to the soldiers of Coroticus,
2. Synod of Brefi (*Sinodus Aquilonalis Britaniae*),
3. Preface of Gildas on penance (*Praefatio Gildae de paenitentia*),
4. Synod of the Grove of Victory (*Sinodus Luci Victoriae*),
5. Excerpts from a book of David (*Excerpta quaedam de Libro Davidis*),
6. Penitential of Finnian (*Paenitentialis Vinniani*),
7. Penitential of Columbanus (*Paenitentiale Columbani*),
8. *Paenitentiale Ambrosianum*,
9. Cummean's Penitential (*Paenitentiale Cummeani*) and
10. Archbishop Theodore's directions for penitence and their textualisation.

They will be examined using this series of guiding questions:

1. Which vices are mentioned, especially – following the pattern of the ancient Oriental Church - the capital sins of apostasy (or relapse in paganism, heresy, use of magic or sorcery [*maleficium*]), homicide and fornication?
2. What is the relationship between vices and penances? How the measure of penance is formed; and is there a difference between lay-people and clerics or religious?
3. Who receives the confession and sets the penance? Are the confession and the imposing of penance held publicly or in privacy?
4. Is sin preferably seen as an ailment of soul and has penance preferentially a therapeutic character?
5. Can interdependences with other penance-writings be noticed and are there special regulations considering local problems?

2.1. *Epistola* to the soldiers of Coroticus[1]

A very early British source from Ireland, that mentions the necessity of penance, is the *Epistola*, a short letter of Patrick. In his "address to the soldiers of Coroticus" (*Epistola ad milites Corotici*), a warlord[2] of a murdering and enslaving soldier-band, Patrick[3] urges the warriors to repent from their evil doing. Because

[1] Cf. Introduction and text: O'Loughlin, Saint Patrick, 90 – 105. This letter is probably the second one. A first *epistola*, which was sent to Coroticus' court by a *sanctus prebyterus* of Patrick's own education and received scornfully by the drawees, got lost. See: De Paor, Patrick, 170. Haddan and Stubbs, Councils, VIII, 314 – 319.

[2] Possibly Ceretic of Wales or Ceretic of Scotland, cf. De Paor, Patrick,167, 168.

[3] When Christianity was brought into Ireland and who introduced the Christian faith onto the island is beyond what we can know from historical sources. The historical data is meagre,

they themselves are baptized the bishop reminds the soldiers of the scandal they cause, and that when they violate their fellow-Christians by murdering or abducting to sell them into slavery, they behave just as "the apostate Picts".[4] Because of "their evil deeds" the soldiers become "servants of the demons",[5] "strangers to Christ",[6] "rebels against Christ"[7], in other words apostates themselves, not really believing "that we have received one baptism and have one God and Father".[8] So Coroticus' soldiers actually relapsed in paganism and committed as it were the sin of apostasy.[9] In addition to this principal sin, Patrick enumerates a small catalogue of vices: another capital sin, manslaughter or homicide, (because "a murderer cannot be with Christ")[10] , furthermore hate, (because "he who does not love his brother remains in death.")[11], and avarice, (because "you shall not covet your neighbour's goods")[12]. Although the raiders

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uncertain and speculative. As an extreme example see the peculiar thesis that Coptic or Egyptian monks, accompanying Christian traders and sailing on sea-routes already known by the Phoenicians, established the Christian belief among the Irish. (Cf. Streit, *Sonne und Kreuz*, 61. Hummel, Geschichte und Wesen der iro-schottischen Mönchskirche, 301, 302. Klär, *Das kirchliche Bußinstitut*, 142, 143). The supposed archeological proofs, seven Egyptian monks, engraved on the panel of Ahenny's north-cross and its identification with the "*Septem Monachos Aegyptios, qui iacent in Disert Vlidh*." (Cf. Petrie, *The Ecclesiastical Architecture*, 137, 138) are rejected by serious scholars. (Cf. Harbison, *Irish High Crosses, 15; Guide to National and Historic Monuments of Ireland, 295. Richardson, Scarry, An introduction* to Irish High Crosses, 29). But it is a historical fact that Christianity had been introduced into Ireland before Patrick. The key-source delivers the Gallic writer Prosper Tiro of Aquitaine (* end of the 4th century, † after 455), who mentioned that Palladius in 431 A.D. was sent to the Irish as bishop by pope Coelestin I. (422 – 433): "*Ad Scottos in Christum credentes ordinatus a papa Caelestino Palladius primus episcopus mittitur*." (Epitoma Chronicon 1307, in MGH, auctorum antiquissimorum tomus IX, 473; Haddan and Stubbs, *Councils*, VIII, 290) The text rather conveys the impression that Palladius primarily did not come as a missionary, but more with the mission to gather, guide and pasture the scattered Christian communities (Cf. Sharpe, *Quatuor Sanctissimi Episcopi*, 379, 381, 384, 396). The sources about Patrick and his life do not deliver historically reliable information. Born in the last quarter of the 4th century he died probably after the middle of the 5th century on a 17th of March (Cf. the detailed discussion in: Bury, *Life of St. Patrick*, 16, 206 – 211, Dumville, *Saint Patrick*, 13, 15, 29 – 33; O'Loughlin, *Saint Patrick*, 14 – 19 and Celtic Theology, 25 – 46. Eger, Patricius, in: LThK VII, 1468, 1469. Ewig, HKG II / 2, 97, Howlett, *Patrick*, MedIreland, 368 - 370). The bishop Patrick (*Epistola*: "… *episcopum me esse fateor*," quoted after De Paor, Máire, *Patrick*, 280) had a missionary understanding of his work and called himself a "fisher of men". (See his *Confessio* in: O'Loughlin, *Saint Patrick*, [40] 75, 76 and Berschin, *Ich Patricius*, in: Die Iren und Europa, I, 20). Not mentioned by Prosper Patrick probably started his mission after 431 and formed a church of a continental structure with an episcopal constitution that lasted to the end of the 5th century (Cf. Ryan, *Irish Monasticism*, 104. Hughes, *The church in Irish society*, 306, 309). Differentiating with the key-word "coarbial", Sharpe, *Some problems*, 265, 266, 268 – 270, Davies, *Ecclesiastical Organization*, MedIreland, 143, 144: cooperation of diocesan and monastic structure, Bury, *Life of St. Patrick*, 179 – 184. For the development of the Church in Scotland, cf. Watts, *A record*, 19 – 34.

[4] Patrick, *Address* [15], quoted after O'Loughlin, *Saint Patrick*, 102.

[5] Patrick, *Address* [2], quoted after O'Loughlin, *Saint Patrick*, 94. "… *non dico civibus meis, neque civibus sanctorum Romanum, sed civibus daemoniorum ob mala opera ipsorum*." Latin text quoted after De Paor, *Patrick*, 280 and Haddan and Stubbs, *Councils*, II, 2, 315.

[6] Patrick, Address [5], quoted after O'Loughlin, *Saint Patrick*, 97.

[7] Patrick, Address [19], quoted after O'Loughlin, *Saint Patrick*, 104.

[8] Patrick, Address [16], quoted after O'Loughlin, *Saint Patrick, 103.*

[9] Cf. O'Loughlin, *Saint Patrick*, 90, 91.

[10] Patrick, Address [9], quoted after O'Loughlin, *Saint Patrick*, 98.

[11] Patrick, Address [9], quoted after O'Loughlin, *Saint Patrick*, 98.

[12] Patrick, Address [9], quoted after O'Loughlin, *Saint Patrick*, 98.

are only nominal Christians, Patrick tries to affect the violators by the *Epistola*, especially when he warns them with the thread of eternal condemnation in the afterlife. Patrick is threatening them with the fate of the mean tenants in the parable (Matth 21, 33 – 41 par Luke 20, 9 – 16); as it happens with them the marauders themselves effect their annihilating end. Simultaneously Patrick condemns all kinds of cooperation or accepting advantage with them. From an upright believer he demands they avoid all company with those sinners, "until they make satisfaction to God with painful penance and the shedding of tears".[13] Patrick does not explain of what the penance consists and which penitential-works the soldiers have to perform, except that the penance has to be painful and fulfilled under "shedding of tears". The *effusio lacrimis* is the nucleus of the first of four steps Basil prescribed for penance, the way back into the full communion with the Christian congregation. But it is rather unlikely that Patrick referred to Basil's four-steps-penance. This special way to fulfill the penance's obligation the Caesarean Bishop described in his Canonical-Letter 217, written in 375. When Patrick wrote his Adress to the Soldiers of Coroticus (*Epistola*) sometime after 431, predating his *Confessio*,[14] he did it in an area of mission-work under development of ecclesiastical structures. Therefore it is not very likely that a relatively unstructured Church had available a writing, written down by an ecclesiastical authority roughly a half century earlier and in an area far off. More likely however is the assumption that the knowledge of Basil's Canonical-Letters had arrived on the continent in the first third of the fifth century. Supposing there is an aware connection between Basil's "προσκλαίειν" respectively "*flere*"[15] and Patrick's "*effusis lacrimis*",[16] it can be assumed that Patrick came in contact with this Greek source on the continent. To be understood by Patrick the text in addition had to be accessible in the Latin language. If these prerequisites apply, the mention of shedding tears could represent a hint that Patrick really sojourned in Gaul after his escape from slavery, possibly between 407 and 410.[17] But Patrick himself had given no reliable information of an ecclesiastical training on the continent or even in a monastery, although his *Confessio* as well as the *Epistola* contain his favour for monastic life.[18] Anyway, Patrick understood the *effusio lacrimis*[19] as an outward sign of the militant's contrition, just as in later penitence-writings shedding tears testifies a convert's honesty.[20]

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[13] Patrick, *Address* [7], quoted after O'Loughlin, *Saint Patrick*, 97. "… *donec crudeliter paenitentiam effusis lacrimis satis Deo faciant*." De Paor, *Patrick*, 282.
[14] Cf. De Paor, *Patrick*, 167.
[15] Basil, *Epistola* CCXVII, Opera omnia (Mauri) III, 472.
[16] Patrick, *Epistola*, De Paor, *Patrick*, 282.
[17] This posits J. B. Bury, *Life of St. Patrick*, 37 – 41 and 48 – 54. Especially see the proposed time-table 338.
[18] Cf. Bury, *The Floruit of St. Patrick*, 14 – 17.
[19] Cf. O'Loughlin, *Saint Patrick*, 97, note 29.
[20] Cf. above chapter 1.2.3.5. It appears for example in the *P. Vinniani*'s canon 12 and in Cummean's *prologus*, 5.

2.1.1. Résumé

Following from this it can be concluded that Patrick advocates a public penance;[21] if not, how would the Christian community learn that the soldiers convert and abandon their evil doing? The authority to impose penance is entrusted with the priests.[22] Patrick's letter also can be seen as an attempt to avert further burden from the people and to contribute to the progress of civilization within the society by using his and the Church's authority. The necessity of "satisfaction" refers to the basic line of repentance in the Western Church. So in the early fifth century a kind of penance, which includes discreet protecting of privacy, possibly was on the way, but obviously did not belong to Patrick's knowledge. Yet it was not part of his mission. Whether Patrick was educated on the continent or not, on all accounts he was influenced by the Continental Church and its way to perform the consequences of conversion. Therefore he delivered the traditional way of repentance of his time: the canonical penance.[23]

2.2. British penance-writings in the sixth century[24]

Originated from a British area four documents are seen as the oldest texts dealing with penance in Church of Britain.[25] Two of them represent decisions of synods, which were held in the places Llanddewibrefi (Brefi)[26] and Grove of Victory (*Lucus Victoriae*),[27] another document – attributed to Gildas[28] - known as Preface

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[21] Cf. O'Loughlin, *Celtic Theology*, 52.

[22] Cf. O'Loughlin, *Saint Patrick*, 96. Cf. *Synodus I*, c. 14, Bieler, *The Irish Penitentials*, 56 and *The Irish Penitentials: Their Religious and Social Background*, 332.

[23] The synod (council) of Toledo (589 A. D.) still testifies the common practice of only one opportunity to repent and public penance. Quotation: Schneider, *Zeichen der Nähe Gottes*, 202. Cf. also: Vorgrimmler, *Buße / Vergebung*, 228. Vorgrimmler, *Sakramententheologie*, 231, 233. Vogel, *Le pécheur*, 15, 16. Meens, *Penance*, 29.

[24] An instruction claiming the authority of Patrick and two contemporary bishops contains a list of some vices and its consequences. The canons appear inhomogeneous and do not list penances in particular, except the decisions of c. 14 (enumeration of the three capital sins, idolatry, homicide and fornication and the duration of penance [one year]) and c. 15 (detailed penance for theft). Apart from that the *Synodus Primus S. Patricii* decrees consistently separation from the offenders and their excommunication until they convert. For example: c. 1: non-authorized collection of money for the liberation of captives and embezzlement (c. 32) of the collected amount; c. 10: apostasy and c. 16: superstition; c. 22: accusation before non-ecclesiastical court; c. 22: unlawful reception of a bride-price by the bride's father though the marriage does not happen. Canon 14 mentions the priest as the authority to reconcile the penitent after fulfilled penance: "*postea solvetur a sacerdote*." In the opinion of the scholars in the Canons attribution to St. Patrick might shine through a 5th century's tradition of a mission-church developing itself from paganism. This could explain the comparatively lenient penance of one year for each of the capital sins (c. 14). But in a final result all of the document derives from the (late) 7th century and may represent the contemporary theologian's attempt to bestow mythic authority onto their opinions. See: Bieler, The *Irish Penitentials: Their Religious and Social Background* 331 – 333. Bieler, *The Irish Penitentials*, 56. Haddan and Stubbs, *Councils*, II, II, 328 – 332. McNeill and Gamer, *Medieval Handbooks*, 75, 76 and 79. Poschmann, *Abendländische Kirchenbuße*, 3 – 6.

[25] Cf. Bieler, *The Irish Penitentials*, 3.

[26] Probably the village Llanddewibrefi, Ceredigion, Wales.

[27] Probably the village Caerleon, the former Roman Isca Silurum, part of Newport town, Wales.

[28] Gildas, *about 500, † 570, is considered as the first historiographer of Britain. Cf. Rombach, article *Gildas* in LThK IV, ^{3}1995, 651. The Blackwell Encyclopaedia, *Gildas*, 204. But Hugh

of Gildas on Penance (*Praefatio Gildae de paenitentia*) and – ascribed to David[29] - Excerpts from a book of David (*Excerpta quaedam de libro Davidis*). The texts in Latin survived in two twin tenth or eleventh century manuscripts, Codex Paris, BnF Lat. 3182 and Cambrai 625. The participation of Gildas and David in the synods is not evident and any authorship of these two leading figures of the early British Church is obscure. Nevertheless there are some arguments for its British origin from the beginning to the middle of the sixth century.[30] The notion of an uniform "Celtic Church" in Britain, Ireland and Bretagne cannot be maintained based on the current historical discussion. It is rather to proceed from a kind of coexistence of a diocese governed by a bishop, a monastery led by an abbot and an area connected to a monastery directed by a bishop-abbot,[31] beginning in the sixth century and depending on regional circumstances.[32] The key-word for the early medieval Irish Church is "coarbial". This meant exactly a coexistent ecclesiastical organisation, which was ruled by a lay-element as well as a hierarchical one: local leading families (*erenagh/princeps*), which played the role of a founder, donator and benefactor of an ecclesiastical institution on the one hand and bishops and abbots on the other hand. Thus the pastoral care for believers in particular was realised in different ecclesiastical structures: episcopal (with the authority of jurisdiction over the faithful) and abbatial (with jurisdiction,

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Williams expresses his conviction that Gildas is more a spiritual person, who does not want to write down a matter-of-fact history. His aim is to spiritualize and restore a convincing ecclesiastical life in Britain and overcome the grievance of his contemporary church's circumstances. So his writing appears more like a sermon. Cf. Gildas, *De excidio Brittanniae*, ed. by Hugh Williams, VII. The decision, whether Gildas was a monk or – at least - underwent a monastic education, can be illuminated by his ability in Latin language. The Latinity of his *De Excidio Brittaniae* shows no sign of a native British speaker, who afterwards learnt his Latin in a monastery. On the contrary: he mastered the Latin language perfectly like a man, who spoke Latin as his mother-tongue. So it is not likely that Gildas was a monk or educated in a monastery. Cf. Lapidge, *Gilda's education*, 33 – 40.

[29] The bishop and abbot David (Dewi) of Menivia, † 588/589 or 601 (Annales Cambriae), is considered to be the first bishop and patron-saint of Wales. Cf. Spitzbart, article *David* in LThK IV, ^{3}1995, 42. See also: Wade-Evans, *Life of St. David*, introduction, VII – XVIII. E. G. Bowen in his book *Dewi Sant – Saint David* does mention neither a date of birth nor of his passing away. He calls him "a famous Celtic Saint and the Patron Saint of Wales who lived in the sixth century."(9) Bowen also expresses his conviction: "All early references to the Saint are important in showing that he was, indeed, a very real person before Rhigyfarch wrote…" (13). Bowen considers it possible that David took part in the Synod of Brefi (71, 73), Bieler casts doubts on David's participation, *The Irish Penitentials*, 3.

[30] The synod's of Grove Victory c. 4 determines for guiding barbarians austere penances, from thirteen years, if there follow no consequences of bloodshed or captivity. If killing or abduction of local Christians is caused by the guidance the offender has to fulfill a life-long penance. The decree obviously deals with the barbarians, the Anglo-Saxons, who invaded Britain in 449 / 450. See: The Blackwell Encyclopaedia, *Adventus Saxonum*, 5, 6. The synod therefore must have taken place after that date. The mention of the Roman measure for liquids "*hemina*" and "*sextarium*" in Gildas' *Preface* canon 1 and 2 can point on a period, where Roman influence was still vivid. Therefore a time-space from 500 onwards appears to be probable. Cf. Bieler, *The Irish Penitentials*, 3. Means, *Penance*, 41.

[31] Cf. Bieler, L., *The Irish Penitentials*, 329, 330.

[32] Cf. Richter, *Irland*, 67, 68. Körntgen, *Studien*, 65. Ryan, *Irish monasticism*, 164 – 166. Hughes, *The church in Irish society*, 311, 312. Wasserschleben, *Die irische Kanonensammlung*, XXXVII, 29.

only when the abbot simultaneously held the office of a bishop).[33] The varied rules and prescriptions for penance in the different penitential-writings support this notion and draw a distinct picture of the differentiated ecclesiastical situations. So the decisions of the synods and the other explanations for penance and penitential-works give an insight into the monastic and ecclesiastical life and development of the upcoming British as well as the Irish Church from the sixth century onwards.

2.2.1. The Synod of Brefi (*Sinodus Aquilonalis Britaniae*)[34]

The Welsh place of Llanddewibrefi in the vicinity of the former important Roman Fortress of Llanlio was conviently located in the sixth century due to Roman roads, still existing in that time. Even if they were in a neglected condition, they facilitated an access from all directions and areas of South-West Britain for ecclesiastical gatherings.[35] By seven canons the Synod of Brefi directed penance for the capital sin of fornication, theft, pertinacity in wrong-doing and unjust harsh treatment (the Latin word "*labor*" in the sense of hardship) of brethren. A special system or scheme is not recognizable. Because the decisions apply only to male persons, the addressees of the penitential-works are monks and persons of a clerical duty (deacons and presbyter). Remarkable is the assessment of penance for a bishop and an abbot. Because of the monastic target group the Latin wording "*episcopus et abbas*" (canon 1) suggests the interpretation that these ecclesiastical figures at least in part hold the position as bishop as well as abbot.[36] So the ecclesiastical position of the trespasser here is important and establishes a basic rule: the higher the rank or order the more the person is obliged to be a model of an unstained Christian life. The consequence is: the more important an ecclesiastical position constitutes itself the stronger turns out the penance in case of committing a sin. The penances include exile from the home-monastery, confinement and withdrawal from meals respectively fasting as well as deprivation of the order.

2.2.1.1. The three capital sins

Purity and abstemiousness from sexual activities are vital for an intact inner-monastic life as well as a faultless reputation outside the monastic settlement. So the first two canons deal with violation of chastity, fornication and masturbation. Canon 1 decrees that a person, who confesses unchastity with a female or a male

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[33] Cf. Sharpe, *Problems*, 265, 266, 269, 270. Davies, *Ecclesiastical Organization*, MedIreland, 143, 144. Dooley, *From penance*, 397. Meens, *Penance*, 39.

[34] *Sinodus Aquilonalis*, quoted (Latin and English) after Bieler, *The Irish Penitentials* (66) – (67); (Latin) Wasserschleben, *Die Bußordnungen*, 103; (Latin) Haddan and Stubbs, *Councils*, I, 117. (English) McNeill and Gamer, *Medieval Handbooks*, 170 - 171.

[35] Cf. Bowen, *Dewi Sant*, 59.

[36] Bieler's translation: "bishop or abbot" therefore can be inaccurate, because the wording does not respect this possible double appointment: bishop and abbot, cf. Bieler, *The Irish Penitentials* (66). Wasserschleben, *Die Bußordnungen*, 103.

person, is sentenced in a first step to be exiled into another monastery for three years in confinement. The following penance depends on the discretion of penitent's "doctor" (*privatus doctor*) that means his instructor, educator, spiritual guide and confessor.[37] This also represents the possibility to delegate abbatial authority unto an experienced monk. Alongside the loss of his rank a deacon has to undergo one year, a priest three years and a bishop or an abbot respectively an abbot-bishop four years of penance. Canon 2 gives an interesting insight into a monastery and the recruiting of monks: training for monasticism started early in childhood.[38] So the regulations are different and start with a relatively mild penance of forty days (a *quadragesima*) in solitude for boys from the age of twelve years onwards and three periods of forty-days-seclusion for a young man of twenty. Again the penance for ordained people is more severe: a deacon has to atone for one year in solitariness and half a year in the community, a priest for one year in solitariness and another year with the brethren.

2.2.1.2. Other (major and minor) vices

The next two canons (c. 3 and 4) have theft as their subject, stealing of "consecrated things"[39] and pilfering of food. These regulations show that the brethren have all goods in common. Each member of the community has to accept the solemn promise of personal poverty. So theft and pilferage are serious trespasses against a monastery's discipline. The consequence for abstracting sacred objects is of course tougher than for taking away food. By all means the decisions consider a penance for a single case, but they also take in account the temptation to repeat the trespass. In the first case a monk has to suffer two years, one in confinement, another one among the community. To pilfer food entails a penance of forty days, but in case of a recurrence by an upraising from three forty-days-penances to a year's duration. The fourth relapse carries the penance of being exiled into another monastery; the stealing of consecrated equipment causes the exile under another abbot on the first occasion.

Living in monastery is a case of a succeeding relationship among its members. Honesty, confidence and determination for harmony and peace are basic modes of behaviour in a monastic community: In an enclosure no brother can evade permanently the brethren and everyone is influenced by everybody. All are obliged to create a climate of openness and brotherly sympathy. The canons 5 until 7 deal with the atmosphere within the monastery and possible trespasses against it. The meaning of c. 5's regulations appears intricate and stems from the translation of *dilatus* respectively *dilator*. The manuscript BnF Nat. Lat. 3182,

[37] Cf. McNeill and Gamer, *Medieval Handbooks*, 170, footnote 12.
[38] Cf. Ryan, *Irish Monasticism*, 207.
[39] Such theft is probably the equivalent of "alienation of church goods", meaning, taking items given to or belonging to the church, and then selling them.

page 281, clearly shows the wording *dilatus et dilator*.[40] The basic Latin verb is *differre*, which can be translated twofold as: firstly: to speak ill of a person or secondly: to procrastinate something. The first meaning tends to avoid from the outset a climate of lasting dispute, gossip and denunciation in the community. All, who are involved in this process, are seen as responsible in the same way and therefore have to bear the same penance. In the writing's context however the second translation also can be meaningful: hesitating to perform a necessary and ordered work also can include conversion and penance. Here the one, who abets to delay duty, needs to undergo the same penance as that person, who accepts the instigation and hesitates to fulfill the instructed labour. C. 6 in context with c. 5 mentions the penance for *permanentes in obstinatio* and describes obviously an intolerable situation that the parties persist in wrong-doing. This again points rather to a serious affect on a (monastic) community's climate by smouldering rumour than to a more personal interaction of instigation to hesitation and its acceptance. Although because of the passage's lack of clarity none of the aforesaid interpretations can be excluded too soon. If penance is among activities, which are defined as necessary, later writings indeed, Columbanus' *Regula coenobialis fratrum* as well as the anonymous *Paenitentiale Ambrosianum* contain sanctions for hindering another person in fulfillment of unalterable actions.[41] However this is still to favour the translation and meaning:

> He who is informed on and he who lays the information shall be adjudged as persons of the same status.[42]

Another problem results from different transliteration of the manuscript's text (BnF Nat. Lat. 3182) in the different transcribed collection of this source. It consists in the question, whether the text in canon 6 is to be read *alterius* or *altaris communioni*. Is the first word (*alterius*) the text to be translated together with the other person involved? Or is the second (*altaris*) correct? Wasserschleben delivers the first version (*alterius*).[43] Bieler as well as McNeill and Gamer amend the wording into the second version (*altaris*).[44] In analyzing the difference really does

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[40] Cf. McNeill and Gamer, *Medieval Handbooks*, photocopy, 62. The authors do not exclude an error in copying: Referring to the Poenitentiale Vallicellianum I (74) – the original text possibly runs as follows: *dilatus et delator*. The *delator* himself could be a person, who accuses Christians before a secular court. If this is right, we here meet a civil interference with the inner-monastic discipline, an action that draws penance, because it is unauthorized, unwelcome and therefore to be refused. But the sighting of the original manuscript neither delivers an indication of an error in copying nor the context itself does permit any reference to a non-ecclesiastical process. Cf. McNeill and Gamer, *Medieval Handbooks*, 171, footnote 14. Wasserschleben states that in Britain civil and ecclesiastical jurisdiction was existing side by side, cf. *Die Bußordnungen*, 9.

[41] This instruction is mentioned in Columbanus' *Regula coenobialis* and the *Paenitentiale Ambrosianum* verbatim: *"Si in(m)pederit aliquem a necessarii facti expletione…"* Columbanus, *Regula coenobialis* XV, quoted after Walker, *Sancti Columbani opera*, 166 respectively *Paenitentiale Ambrosianum* VII (28), quoted after Körntgen, *Studien*, 269.

[42] *Sinodus Aquilonalis*, quoted (Latin and English) after Cf. McNeill and Gamer, *Medieval Handbooks*, 171. Cf. too Bieler, *The Irish Penitentials* (67).

[43] Cf. Wasserschleben, *Die Bußordnungen*, 103. Copy of the original: Codex BnF Nat. Lat. 3182, p. 282. So does Haddan and Stubbs, *Councils*, I, 117.

[44] Cf. Bieler, *The Irish Penitentials* (66); McNeill and Gamer, *Medieval Handbooks*, 171.

not appear as too weighty. In any case the monastery's community is confronted with a simmering conflict: a case of two brethren, one, who is accused, and the other one, who is the accuser. This means that two members of the monastic communion remain to be stubborn (*permanentes in obstinatione*) and continue to charge each other. If the monthly appeal of the gathered brethren does not have any effect (c. 5), the state of affairs does not allow a judgement by the authorities and no end is in sight after the period of one year, c. 6 emphasizes that an ordeal is the only and final solution. The phrase *altaris communioni* expresses that the place of the ordeal, the *iudicium Dei*, a trial by fire[45], is in front of the altar, probably before the assembled monks. This interpretation corresponds to the notion of Bieler, McNeill and Gamer. The alternative wording (*alterius communioni*) in combination with the Latin verb *sociare* (in the meaning "united") makes sense too: The two brethren, who are involved in the conflict, have to be subjected together and united to the ordeal's procedure. Because of the manuscript's findings, *alterius* is probably the original version. But in description of the procedure, place, execution and participants of the ordeal, both expressions possibly are right. By the way, how the *iudicium Dei* turns out, it also can become manifest, whether the informer is a calumniator or an honest informer, because the accused person actually has committed the reported trespass.[46] In consideration of the discussion above about the sense of *dilator* respectively *dilatus* this conclusion now confirms the aforesaid translation: informer (*dilator*) in the sense of a querulous person, who does not stop to spread his suspicion among the brethren, making them potential *dilati*. He (*dilator*) is not to be confused with the character mentioned in canon 18 of Gildas' *Praefatio*, who necessarily reveals helpful information to protect integrity and peace in the monastic community, certainly doing his utmost not to harm the accused person. So in consequence it can be understood that canon 7 finally completes and codifies the rule that nobody is allowed to bother a brother unduly by great difficulties (*labor*) and to molest him with permanent accusations. Who confesses this has to bear by himself the same burden. So the cc. 5 – 7 again appear as an exceptional effort, to keep simultaneously discipline, integrity and harmony within the community as well as unstained reputation outside the monastery. A possible decision-aid concerning this particular meaning of *dilator* will be discussed below in comparison with c. 27 of Gildas' Preface.

[45] The translation by Bieler, "under the risk of (eternal) fire" (*The Irish Penitentials*, 67) does not correctly convey the procedure. The text does not mean that the opponents are threatened by the possible fire of hell. It reports the execution of an ordeal, "proof of fire", as McNeill and Gamer (*Medieval handbooks*, 171) concurrently translate.
[46] Cf. McNeill and Gamer, *Medieval Handbooks*, 38.

2.2.2. Preface of Gildas on penance (*Praefatio Gildae de paenitentia*)[47]

2.2.2.1. The three capital[48] sins

This penitential-writing attributed to Gildas[49] and written down for those in the monastic life just touches, in canones 17 and 18 the capital sin of murder as the worst consequence of *furor*. The one who keeps anger (*ira*) in his heart is as one who is dead and, therefore, the penance is increased. If the monk persists in this feeling and repeats his aggression, he has to be excluded from the community, because the anger grows into fury (*furor*) and that leads to homicide. This strictly reminds one of John Cassian, who took the escalation of anger from the *Pastor* of Hermas. This very early ecclesiastical source described the serious danger that can develop from losing one's temper.[50] The *Praefatio Gildae* is using a medical simile: like putrid limbs amputated of the body, so that member has to be cut off from the community. The wording itself reminds us of the drastic advice (Mark 9: 43) to cut off the hand, if it tempts to fall in sin.

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[47] Preface, quoted (Latin and English) after Bieler, *The Irish Penitentials* (60) – (65); (Latin) Wasserschleben, *Die Bußordnungen*, 105 – 108 and Haddan and Stubbs, *Councils*, I, 113 - 115; (English) McNeill and Gamer, *Medieval Handbooks*, 174 – 178.

[48] The term "capital sin" (*peccatum capitale*) appears in the early British penitential-writings in the *Excerpta Davidis*, c. 10, regarding to the decrees of the *antiqui sancti*. The term "mortal sin" is not in use at this time. The first paraphrase for "mortal" is to be found in Finnian's penitential c. 29: "*magna sunt peccata haec et capitalia et occident animam et demergunt eam in profundum inferni.*"

[49] A good argument can be made that Gildas himself actually is the author of the *Praefatio*. Using extensively the Scriptures Gildas compared in his *De excidio Brittanniae* (DEB) the British as God's chosen people with Israel. Sinning, the people, especially their secular and ecclesiastical leaders, had left the path with God. Therefore they needed repentance and conversion from their spiritual illness. To cure this Gildas provided the remedy of penance and underlines - given by God's grace - the repeatable opportunity to convert (DEB 29 and 110): to the fallen princes as well as trespassing clergy he emphasized with the prophet Ezekiel (33: 11) that God does "not take pleasure in the death of the wicked, but in the conversion of the wicked, who changes his ways and saves his life." He recommended in DEB 70 to use the remedy of penance (*medicamen paenitentiae*) for curing the passion of lust (*affectus stupri*); in DEB 49 Gildas asked with Jeremiah (8: 22) for a physician (*medicus*) to heal the wound (of sin) of his chosen people. This notion of sin as an ailment and its cure by a spiritual physician shall apply for the collective of the British (DEB) as well as for the individual human being in Gildas' *Praefatio*. This can be deduced, not verbatim, but interpretive by the parallels in the *Praefatio*, its phrase *caelestis medicina*, which a penitent needs to overcome the loss of his soul (canon 1); and in the *Praefatio*'s instruction to reveal a brother's fault to the abbot not like an accuser, but in the intention of a physician (canon 18: *medens*): "So we could say that the theology of reconciliation that is found in DEB as the level of Gildas's people, the British, is the same as that which is found at the individual level in his penitential." O'Loughlin, *Gildas*, 121, cf. also 119 - 121.

[50] Scattered throughout the writings of the Hermas' Shepherd (about 140 A.D.) a catalogue of vices is to be found. In his chapter *Mand* (ἐντολαί [Mandata]) V. 2 the Pastor describes the escalation of anger: Anger (θυμός) can grow via rage (ὀργή) into lasting fury (μῆνις). Cassian himself mentions the same raising of anger in the 5th conference of his *Collationes* (XI), the conversation with the abbot Serapion: three species of escalating anger, quoted by the original Greek terms and in the same words as the *Pastor* of Hermas: θυμός, ὀργή and μῆνις. That remarkable random sample can be seen as a striking indication and a likely conclusion that John Cassian was influenced by the Shepherd of Hermas.

In detail the *Praefatio Gildae* mentions only one capital sin, so to say different offences against chastity: fornication, sodomy in the sense of homosexual intercourse (canones 1 – 5), sexual activities with an animal and masturbation (c. 11).[51] Like the *Sinodus Aquilonalis* the *Praefatio Gildae* confirms the notion that a person in religious order or in an ecclesiastical duty has the obligation for an exemplary life. If a member of this circle commits a sin, depending on his rank he has to face a more severe penance. Being a religious with vows, and simultaneously ordained deacon or priest, the penance for the capital sin of fornication or sodomy is three years (c. 1). A lower-ranked monk or a deacon or priest without vows has to bear the same time-space of penance, but the fasting is not so severe (c. 2 and 3). The penance in any case – so c. 5 points out – is formed not as rigorous as "the ancient fathers commanded".[52] Here a deacon has to repent for seven and a priest for twelve years for fornication.

2.2.2.2. Other vices

Alongside this grave sin the *Praefatio Gildae* enumerates trespasses like stealing (c. 6), offences against the sacrament and liturgy (canones 7 – 10, 21), action contrary to monastic obedience, life in the convent or damage of monastery's possession (c. 15 - 19, 22, 25, 26 [a hoe]) and brotherly dealing with the perception of a brethren's misbehaviour (27). Related to practice it seems to be an answer to concrete inquiries and does not show a systematic structure. The abbot holds the authority: ruling the monastery's life and day-work he can modify the penance (c. 4), decide about a monk's task (c. 16) and is the person in charge, if disobedience occurs in the community (c. 27). All these occurrences should happen with discretion, if possible (c. 16 and 27). Apart from that the trespasser has to perform his penance publicly; an offender against chastity, who is ordained and has taken the monastic vows, "shall seek pardon every hour and keep a special fast".[53] The penance includes fasting and chastisement (for example: sleeping on a hard bed)[54] as well as temporary exclusion from the brethren's community and the sacrament of Eucharist.[55] The measure of penance is different and depends again on the status of ordination and the monk's order. The time-spaces are determined by years, half a year, periods of forty days and distinct exclusion from meals. In addition penance can consist of vigils and psalm-singing. In any case it lasts as long as the sinner remains in his wrong-doing (c. 14). The abbot has to be informed about offences against bodily integrity. He is

[51] The diction: "*fornicatio naturalis sive sodomita*" refers to a heterosexual intercourse in the first and a homosexual one in the second case. Cf. Bieler, *The Irish Penitentials* (60). "Cum pecode" (62) means: cum pec*u*de, ablative of pecus, pecudis, a single animal, means: beast. Cf. Georges, *Ausführliches Lateinisch-Deutsches Handwörterbuch*, 1534.

[52] *Praefatio Gildae*, Bieler *The Irish Penitentials* 61. Dealing with the question, who are the "ancient fathers", will be attempted below.

[53] *Praefatio Gildae*, Bieler, *The Irish Penitentials*, 61.

[54] *Praefatio Gildae*, Bieler, *The Irish Penitentials*, 61: "*lectum non multo feno instructum habeat*".

[55] *Praefatio Gildae*, Bieler, *The Irish Penitentials*, 61: "*Post annum et dimedium eucharistiam summat, ad pacem veniat, psalmos cum fratribus canat*…"

the authority, who decides, how to handle the case (c. 17 and 18). Here a therapeutic element appears: The informer should not act as an accuser, but as a physician (*medens*), possibly echoing Jesus' advice for brotherly correction in Matth 18: 15 - 18.[56] The penance of forty days fasting should work like a remedy to motivate the aggressor to confess his wrong-doing, possibly discreetly (c. 16) and to cure the offender by giving up the offences and win him back for the communion. So the Latin word *dilator* for informer (c. 27) can be used as a help to interpret finally the translation of *dilator* in c. 5 of the *Sinodus Aquilonalis*. The parallelism of the Latin word's use indeed suggests its translation as "informer" in both text-passages, not however in the sense of a denunciator (*delatus*), but just as a healer (*medens*), who himself is living engaged according to the monastic rule. His information therefore should be realized in a sensitive and salutary way by all participants in a certain case of monastic discipline. And the advice to form a necessary report to the abbot not as a denunciation or an accusation, but as a confraternal correction underlines again the apprehension in that an exaggerated criticism creates a climate of distrust, suspicion and discord in the community itself.

Stealing is a serious betrayal of confidence, a basic necessity for a thriving monastic life. This sin entails a repenting between two years and three periods of forty days (c. 6). To behave properly also is an essential condition for an intact community. So c. 7 – 10, 13 and 19 - 22 regulate a monk's misbehaviour and lack of respect. Remarkable therewith is the rules' focus on the occurrence: if irreverence or impurity happens, the incident is subject of a penance independent of the question, whether the trespass comes up unwillingly, occurs by ignorance or carelessness or is committed intentionally. The measure of penance of course is graded: the most severe penance has to be borne for an intentional fault. If it happens without one's control and intention it remains a disorder in the community's life, but the penance is comparatively lenient. With the differentiation in unintentional and intentional wrong-doing the Preface anticipates a gradation, from ignorance via carelessness to acting against one's better knowledge, which is used as a system for a penance's measure in later penitentials.[57] Vomiting means misbehaviour in every case, regardless of whether it is caused by infirmity (unintentional) and gluttony (intentional). In combination with impiety against the consecrated host it is seen as an earnest transgression. The Preface here also introduces two vices, which appear in later penitentials among John Cassian's Eight-Vices-Scheme: gluttony and its special form: drunkenness: spitting out a host caused by gluttony is the most serious trespass and more severely punished as the effect of infirmity (c. 7). The penance consists

[56] Matthew takes from Luke (17: 3) the primary obligation to forgive, if a brother trespasses against another one, and changes it secondary into a community's rule, i. e. a social obligation to win back the failing brother as well as to keep pure the congregation by brotherly correction. This is exactly the same task that shall be achieved in a monastery's convent. Cf. Schweizer, *Das Evangelium nach Matthäus*, 241 – 244. Schmid, *Das Evangelium nach Matthäus*, 272.

[57] So the *P. Ambrosianum* for example in I. 2, 3, 4, III. 1, cf. Körntgen, *Studien*, 258, 259, 261.

of various periods of long fasting. Dropping the host by carelessness leads to penance (c. 21) as well as dropping the holy species impiously on the ground so that it can be eaten by animals and birds (c. 9). This dealing with impiety respectively irreverence echoes the deep awe in the presence of the Lord, represented in the Eucharist. It possibly corresponds to Paul's exhortation in 1 Corinthians that the one who unworthily handle the sacrament, "is eating and drinking his own condemnation" (1 Cor 11: 29). The monk who is unable to sing psalms due to drunkenness has to miss his supper (c. 10). One who is polluted in sleep and living in a *coenobium* well provided with beer and meat has to watch in a three hours night-vigil; a member of a poorly supplied monastery can repent by singing psalms or doing extra work (c. 22). This distinction obviously aims at the danger that in a house with a big stock of beer and meat the monks are tempted more easily to commit the sin of drunkenness and gluttony. Therefore the monastic discipline has to be kept by more severe penances in cases of abuse. Eating carrion (*morticina*) is presented disgusting misbehavior; if by ignorance the penance is forty days (c. 13). To assert that all these vices actually did occur in monasteries, because they are mentioned, is a problematic statement. It is merely an assumption, but, of course, it cannot be ruled out either. It is possible also that the authors of the penitential-writings wanted to cover every eventuality, because they had an exemplar document that mentioned this possibility.

Minor offences against monastic discipline are also enforced by penance and show the effort to keep up the monastery's integrity: forty days for communication with an excommunicated person (c. 12); not fulfilling an obligation by disregard no supper, in case of obliviousness the food ration is reduced by half (c. 15). Arriving late at the office a dilatory brother has to bear different penances depending on the delay itself (c. 19). Changing important wordings by mistake, which need to be articulated literally because of awe, draw a three days penance of fasting (c. 20).[58] An inconsiderate person after being accused of a fault is to be excluded from supper (c. 25). A damaged tool, here a hoe, either has to be repaired or the break needs to be recompensed by a fasting (c. 26). The alternative to restore the item or repent by fasting shows again the monastic context: to provide a real equivalent needs money. A monk without personal property cannot afford to buy a new tool.

Canones 23 and 24 allow an interesting insight into the political situation respectively the ecclesiastical structure and situation of that time: presbyters (*presbyteri*, probably monks ordained to priesthood) sometimes were assigned simultaneously to an abbot and a bishop.[59] Therefore the regulation of canon 24

[58] Bieler identifies „*verba sacra ubi periculum adnotatur*" as "the prayer of consecration". See: Bieler, *The Irish Penitentials* , note 10 on translation, 241.

[59] The Church in South-West Britain and especially the Irish Church developed from an episcopal organization led by non-monastic bishops to an ecclesiastical structure, where the monasteries and their abbots permanently won influence. But the monastic organization did not dominate totally the diocesan structure at any time. As stated above, the key-word to describe the ecclesiastical

can reveal a conflict due to this double appointment. The special situation of "coarbiality" could slide into a dispute over competences between an abbot and a bishop. This could be the background of this regulation: to avoid a conflict among the monastic community caused by a possible jealousy between an abbot and a bishop the necessary dissociation of the abbatial and episcopal competences had not to prevent (monk)-priests from offering the sacrifice for their bishops. Another conflict appears in canon 23. The local ecclesiastical authorities obviously had to deal with regional-kings (*reges*) of different behaviour: loyal princes ruling according to the moral values of the C

hurch on the one hand and potentates who violate them on the other hand. So the ecclesiastical authorities tried to safeguard the rights of the church by the permission to offer holy services for good princes, the bad ones however were strictly excluded from interceding prayers of the monastic community.[60]

2.2.3. The Synod of the Grove of Victory (*Sinodus Luci Victoriae*)[61]

At first sight already the decrees of the Synod of the Grove of Victory show that the regulations do not relate exclusively to an inner-monastic situation, but also to occurrences among people outside a monastic enclosure. Not following a special scheme the decisions open with penance for theft, followed by regulations for manslaughter, adultery, guidance for barbarians and perjury, in this way trespasses that are typical for a civil society. So the synod describes an extension of a monastery's influence onto people, who are living in an area around and connected to a monastic settlement.[62] Canon 9 consequently does contain the rule that a general reduction of penance is allowed for non-religious people.

2.2.3.1. The three capital sins

The capital sin of apostasy is just touched on in the matter of guiding pagans towards becoming Christians; the two other capital sins, manslaughter[63] and offences against chastity, are mentioned in detail in the decisions of this synod.

The assault of collaboration with barbarian and pagan invaders, obviously heathen Anglo-Saxons can be seen as a relapse in pagan behaviour.[64] As Patrick in the

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situation is "coarbial", a kind of coexistence. Cf. Sharpe, *Some problems*, 265, 266, 268 – 270. Hughes, *The church in Irish society*, 306,309, 311, 316. Meens, *Penance*, 42, 43.

[60] A distinction between good and bad kings contain the chapter 3 and 4 of book XXV of the *Collectio Hibernensis*, Wasserschleben, *Irische Kanonensammlung*, 77, 78.

[61] *Sinodus Luci Victoriae*, quoted (Latin and English) after Bieler, *The Irish Penitentials* (68) – (69); (Latin) Wasserschleben, *Die Bußordnungen*, 104 and Haddan and Stubbs, *Councils*, I, 118; (English) McNeill and Gamer, *Medieval Handbooks*, 171 – 172.

[62] Cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 329, 330.

[63] Like Basil of Caesarea in his Letter 188 (8) the synod (c. 2) distinguishes between intentional killing (murder) and non-intentional killing, here caused by anger (*odium*). This slaying, not planned, is defined as manslaughter. A third form of killing is mayhem, a bodily attack that accidently causes death.

Epistola called sinful any cooperation with the ruthless soldiers of Coroticus, the synod condemns guiding of intruding hostile troops to Christian communities as a grave sin against fundamental demand of faith, i. e. brotherly care among the Christians. Who violates his fellow Christians in that way turns away from God's commandments, is actually half way back into paganism and in danger of committing apostasy. If the actions of a guilty party effect killing, bloodshed or captivity, the offender has to be disarmed lastingly and needs to repent all his life long. Because monks did not carry weapons, here is to find another indication for the extension of the penitence-rules to a civil society. But even if the consequences of this betrayal had been not so drastic, the guide nevertheless has to face painful penance: fourteen years (c. 4).[65]

The article c. 2 refers to an unintentional (*iracundia subita*) killing (manslaughter), not caused by thoughts of hate (*ex odii meditatione*). It can be assumed, that firstly "*frater*" needs to be interpreted in a monastic context, i. e. as a brother in a convent, but in addition also as a (male or female) fellow Christian. The penance is three years. The synod secondly does not mention a penance for premeditated murder in a monastic environment. This supposition becomes thirdly confirmed by the direction of c. 9 that a person before or without taking a monastic vow can expect a reduction of penance. This article again allows the recognition that the synod's decisions can be used for people outside a monastery as well.

C. 6 – 8 deal with offences against chastity: incest with one's mother, sexual activities with animals and abnormal intercourse: a trespass against conjugal faith in a non-monastic context and fornication, incest with the mother (*moechator matris*), sexual activities with animals and unnatural sexual intercourse, called sodomy.

A three years' penance is specified for an adulterer (c. 3). The same penance, extended by a perennial pilgrimage, the synod's decision imposes for incestuous relations with someone's own mother (c. 6). Homosexual practice among male persons (*scelus virile*) has the consequence of a four to two years' penance, analogous to the offences described in detail in c. 8. One who sins by sexual activities with animals (bestiality) has to bear a penance of two and a half year.

2.2.3.2. Other vices

Honesty in meeting each other is seen by the synod as an important and basic behaviour inside and outside a monastery. Therefore perjury is a serious offence and results in a harsh penance: four years penance for an intentional false oath, seven years for unintentionally leading another person into swearing falsely and

[64] The arrival of the Anglo-Saxons is dated around the middle of the 5th century (449). Cf. Keynes, *Adventus Saxonum*, BEASE, 5, 6.
[65] Wasserschleben and Bieler: thirteen years.

one year for a perjury the swearing person is aware of later. Who swears despite suspicion of a perjury, has to repent two years because of his careless consent (c. 5.). Committing theft draws a penance of one year. A thief who repeats stealing has to bear a two years penance (c. 1).

It is striking that the decisions of the Synod of the Grove of Victory only describe the time-space of penance and not the way, how to perform the penitential-work. The *Sinodus Luci Victoriae* and the *Sinodus Aquilonalis* have some trespasses common, grave sins against chastity and the fault of theft. The recital of other sins is different: adultery, manslaughter, guidance of pagan invaders and perjury. Taken in account that the participants of the *Sinodus Luci Victoriae* extend their care onto to people outside of a monastery the difference is not surprising. Because both synods took place in South-West Britain (Wales) and occurred close to each other sometime in first half the sixth century, it can be assumed that the decrees of the earlier synod were known to the later one, especially the way, how penances are to be performed. The *Sinodus Aquilonalis* has a detailed description of penances, ranges from the exclusion from a single meal and fasting until a temporal or permanent exile from the home-monastery and repenting all the lifetime; even a separation from monastic life is possible. If the *Sinodus Luci Victoriae* does not deliver penances in detail, it can be supposed that the synod assumes the knowledge of penances in particular. This however leads to the conclusion that the *Sinodus Luci Victoriae* intended to extend the decrees about penance from an inner-monastic sphere into Christian communities outside the monastic enclosure, meaning from religious to lay-people as well. So it shows the development that the abbot and his brethren in some places had extended their pastoral influence on the spiritual life of people living in the area around the monasteries. From a person under a vow, a *votum perfectionis*, (see: Mt 5: 48) a higher standard of a model Christian life is required as from non-religious people. Therefore the penance for transgressions committed among the laity can be reduced (c. 9).

As aforesaid manslaughter, collaboration with invaders (because of greed for profit), adultery and perjury are typical faults of a civil and not a monastic community. If one penitential-writing restricts itself exclusively on regulations for a monastery and another one extends regulations for penance onto non-religious people, so a high probability exists for the following interdependence: the synod, which was setting up rules only for religious, had been followed in time by the ecclesiastical meeting for a greater group of Christians, for those, who live inside as well as outside a monastery. The *Sinodus Aquilonalis* therefore took place first followed by the *Sinodus Luci Victoriae*.[66]

[66] C. Vogel sets for the *Sinodus Aquilonalis Britanniae* a period around 519, for the *Sinodus Luci Victoriae* around 529. Cf. *Les Libri Paenitentiales*, 61. It is the sequence too in the – admitted historically uncertain - biography of Rhygyfarch (1057 – 1099) “Life of St. David”, cf. Wade-

2.2.4. Excerpts from a book of David (*Excerpta quaedam de Libro Davidis*)[67]

Except the inscription, no historically reliable evidence exists that the regulations about penance originate from David's hand. But the subject and the marking of this penitential-writing refer to Wales as well as David's (died c. 601[?]) time.[68] This writing clearly demands validity for monks, clerics and lay-people and shows a purview for ecclesiastical structures within and outside a monastery. In this way the *Excerpta* stands in the same line with *Sinodus Luci Victoriae*. This allows the conclusion that it was written down in a time, when ecclesiastical officials developed rules for the upkeep of Christian behaviour and discipline not only for a monastic community, but also for the civil part of the contemporary society.

It strikes that the first four canons deal with the vice of drunkenness, just before the capital sins of murder and fornication are mentioned. A person in duty of a priest is called by the Latin word *sacerdos* (c. 1) different from the following articles, where a priest is termed *presbiter* (c. 5, 7, 10, 11, 12). In addition the Latin word *sacerdos* describes the function of that ecclesiastical official and defines him as one "minister in the temple of God".[69] The Greek language (πρεσβύτερος) based word *presbiter* depicts merely a rank of ordination and alongside this status other members of the clergy are mentioned, *episcopus* and *diaconus*. Like the *Praefatio* and the *Sinodus Aquilonalis* in the following canones the grade of ordination is used to measure penance according the traditional rule: the higher the rank the more severe the penance. The measure of penance in the first four articles considers the circumstances of committing the vice of drunkenness and repeats a system, already mentioned in Gilda's *Praefatio* (cc. 20 – 22): if the person got drunk by ignorance the penance is mild, more serious if by negligence and most severe by a deliberate contempt of an exhortation (c. 2). The two ways to name a priest (*sacerdos* respectively *presbiter*) and the different systems to award a penance can lead to the assumption that cc. 1 – 4 descend from different sources. Because *presbiter* corresponds with the earlier penitence-writings (*Praefatio* respectively *Sinodus Aquilonalis*), it can be assumed that the decisions about drunkenness are prefixed later than those regulations about the major sins. Even if the first four canons are derived from another source, c. 1 (*sacerdos*) and c. 12 (*presbiter*) convey no substantial difference in the priestly office, but the same function and authority: the ministry of offering the sacrifice.

Evans, Life of St. David, §§ 49, 50, 55, pages 24 – 27. See especially the notes subjecting § 49, pages 107, 108; §§ 54, 55, pages 111, 112.

[67] *Excerpta Davidis* , quoted (Latin and English) after Bieler, *The Irish Penitentials* (70) – 73; (Latin) Wasserschleben, *Die Bußordnungen*, 101 – 102 and Haddan and Stubbs, *Councils*, I, 118 - 120. (English) McNeill and Gamer, *Medieval Handbooks*, 172 – 174.

[68] Cf. McNeill and Gamer, *Medieval Handbooks*, 172. Bieler, The Irish Penitentials, 3. Vogel, *Les Libri Paenitentiales*, 61. Bowen determines for David's life-time the "sixth century", *Saint David*, 9.

[69] *Excerpta Davidis* c. 1, Bieler, *The Irish Penitentials*, 71: "*Sacerdos in templo Dei ministraturi…*" It is possible to subsume under the title *sacerdos* all ecclesiastics, who are officiating priestly functions: bishops as well as ordained ecclesiastical officials of a higher rank, acting on behalf of the bishop. Cf. Rapp, *Holy Bishops*, 275, 276.

2.2.4.1. Capital sins

As aforesaid the capital sins of homicide and fornication are subject of decision in this penitential-writing, following the decrees for the vice of drunkenness and its varied penances. Murder and trespass against chastity rank on the same level as capital sins and entail the same penance. Ordained people are mentioned explicitly, whereby the rank of the ordained person is considered. The most severe penance for intentional murder (and fornication as well as fraud) a bishop has to bear (thirteen years), followed by a priest (seven years) and a deacon (six years) as well as a novice (four years), who not yet has accepted the vows of perfection (c. 7). The *Exerpta* admit – as it can be found in the *Praefatio* - in c. 10 that the penance for capital sins imposed by *antiqui sancti* is much more rigorous: these saints of old prescribe for a bishop a penance of twenty-four years in comparison with thirteen years in the Welsh penitential-writing, for a priest a twelve- instead of seven-, for a deacon a seven- instead of six-years-penance inflicted by the Welsh decisions. The *Praefatio* and the *Excerpta* fall in with the ancient saints' time-measure for priests (twelve years) and deacons (seven years), so it can be concluded that the authors both scooped out the same source.[70] The source itself is unknown. The terminology *antiqui patres* (c. 5 *Praefatio*) can indicate to the oriental as well as the western Fathers of the third, the fourth and the early fifth century, the term *antiqui sancti* (c. 10 *Excerpta*) generally to some saints of old. The upcoming question, who the *antiqui patres* respectively *antiqui sancti* are, could indeed lead into the attempt to look for patristic advices and try to identify them among the saints of patristic times.[71] But it is very unlikely to be found. In the opinion of the Fathers the most austere consequence for a fallen ordained person is to remove him from his status and to demote him lastingly among the laity, without any hope of being reinstalled. The way Basil dealt with capital sins, committed by ordained people,[72] is exemplary: in his Letter 188, 3 he recommends not to add further penances (in the worst case: excommunication) to the demotion into lay-status, a penance that was at least estimated as austere as excommunication itself.[73] The other Fathers - oriental as well as western - generally follow him in that specific opinion. So it is improbable in this context to come across with certain regulations about the kind and duration of penances for clerics.[74] Therefore the identity of the *antiqui patres* (or *sancti*) remains mysterious as well as the source the *Praefatio* and the *Excerpta* refer to. There is no indication that they can be identified with the ancient Fathers of the Oriental Church. So it is likely that they may be found among the first generation of the holy leaders in Britain and possibly among them the author of a first exemplary

[70] Cf. *Praefatio Gildae* c. 5, Bieler, *The Irish Penitentials*, 60, 61.
[71] The mention of a twenty years penance in Basil's Letter 217, 56, which is indeed longer as the mentioned impositions of the *Praefatio Gildae* and the *Excerpta Davidis*, is useless as evidence. Firstly: The penance does not last 24 years, and secondly: there is no reference to ordained persons.
[72] He does not mention bishops.
[73] Basil refers in his Letter 188, 3 to Nah 1: 9; his opinion is discussed in detail in chapter 1, 37.
[74] Cf. Poschmann, *Die abendländische Kirchenbuße*, 173 – 203, especially 184 – 186.

penitence-writing that is lost. It happened in a time, when a penitential-system became developed in monasteries, while monastic and episcopal structures coexisted or competed with each other. And before the inner-monastic discipline won influence on the outer-monastic way of Christian life.

The following c. 11 seems to reveal an inconsistency compared with c. 7: being guilty of a person's death as well as planning to embitter someone entails a three-years-penance, regardless of whether the perpetrators are ordained persons respectively virgins or lay-people. It is not easy to avoid speculation in explaining this contradiction:

a. Firstly, c. 7 underlines the clear intention and the execution as well, i. e. the homicide (fornication, fraud) done by an ordained person, including a bishop. C. 11 does not mention a bishop. On the other hand article 11 can relate to an unintentional killing (manslaughter) too as well as just the process of a planning of poisoning, which then was not carried out after all.
b. Secondly, the *Exerpta Davidis* can represent a collection of different regulations, a kind of supplement to decisions, which had been spread already in monasteries and now are combined in one penitential-writing for an extended, likewise an outer-monastic use. This supposition is supported by the notice that the *Excerpta Davidis* do not report inner-monastic regulations in a strictly speaking. Add to this c. 7 does not contain any description, how to fulfil the penance. C. 11 however gives a detailed way to perform the penitential-work: for example harsh sleeping-conditions and severe fasting. But c. 11 also lists alternative penances and allows the penitent to choose them, another indication for the assumption that this penitential-writing passes on varying rules, which were differently practised at different places.
c. Thirdly, it is needed to take into account that this penitence-writing is entitled *Excerpta de libro Davidis*. This title proves the submitted writing as an incomplete text, possibly an excerpt from an entire book. It is definitely conceivable that the *Excerpta* represents an extract of this book, which has concentrated itself on repentance and penance. It cannot be excluded too that a possible inconsistence arose by omissions, when the book's complete text underwent a summary. A possible document of a complete book appears as non-existent or is leastwise lost yet. Therefore text-passages that possibly can explain inconsistent statements are not available.

The articles 5 – 8, 11, 15 outline rules how to deal with offences against chastity. Even to kiss a virgin is already a sinful trespass (c. 15). In any case fornication is like murder a capital sin. Any kind of fornication is described in detail in c. 5 (different in c. 11). To those, who commit adultery or unchaste acts, is recommended to renounce life in the world, devote themselves to God and live a

life of renunciation. But the *Excerpta Davidis* keep ready also alternative penances for ordained as well as for lay-people. C. 7 intensifies the penances for a person in a holy office: a bishop as a possible sinner has to repent thirteen years, a priest seven, a deacon six and a monk not ordained four years. Differing from this regulation c. 11 does not count a bishop among penitents; the order starts with a priest and includes virgins as well as people who do not live under any devout order. The duration of penance (three years) as well as the formation of the penitential-works (harsh sleeping-conditions and fasting) are different too, a contradiction that has been met already with concerning penance for killing. For these sins committed by a priest or a deacon, the priest is suspended from offering the sacrifice, the deacon from elevating the chalice or from advancing to a higher order (c. 12).

Ecclesiastical and civil rights seem to be mingled in c. 6. The one who has forbidden intercourse with a virgin or a widow not engaged has to pay the bride-price to the parents of the involved woman making up for the civil affair.[75] Balancing the ecclesiastical aspect of the offence he has to undergo penance for a year. So the Church contributes her part in promoting everyone's ability to perform an honourable social life. If he is unable to pay the compensation (*dos*), the trespasser has to take a more severe penance: three years.

The penance for pollution (c. 8) [76] depends on the circumstances, whether it is caused intentionally or by desire or just involuntarily, and whether pollution happened or not. The rule now had obtained a kind of generality: If pollution is intended and has occurred, the penitential-work (fasting and psalm-singing) is more severe as in the case of an unintentional event.

2.2.4.2. Other vices

Furthermore decisions deal with other trespasses: for an ordained person it is important to appear trustworthy. This may explain, why fraud is seen as serious as killing and fornication and punished by the same penance (c. 7). All who gain by robbery or deception have to repent for half a year. Those who have received a profit by perjury are ordered by c. 16 to refund four times the value of the goods they got by the false oath, just as c. 13 decrees to return interests, because taking it is seen as a dishonourable behaviour.[77]

[75] Cf. Ex 22: 15 – 16. See also *Synodus* I, c. 22 in: Bieler, *The Irish Penitentials*, 56. Mc Neill and Gamer, *Medieval Handbooks*, 75, 76 and 79.
[76] C. 22 of Gildas' *Preface* contains the wording: "*qui voluntate absceno liquore maculatus fuerit dormiendo…*" *Obsc(a)enus* is to be translated by "indecent". This regulation obviously means the same occurrence that is described in c. 8 of the *Excerpta*: "*qui in sompnis cum voluntate pollutus est…*" The authors are obviously convinced that, while sleeping, a nocturnal seminal emission can be caused willingly.
[77] Cf. Basil, *Epistola* CLXXXVIII, 14.

Drunkenness at the Liturgy of the Hours is a trespass against the solemnity of liturgical prayer, afflicts people and therefore is a sin against harmony of the Church's life. So, as expressed above, the duration of penance depends from the situation, whether it is an intentional or a thoughtless or involuntary alcohol-abuse. It stretches from four days in a minor offence (a priest's negligent drinking before divine service, c. 1, 2) up to three years in the following case (c. 4): If one misleads another person to drinking with the aim to confuse or blame this person, this sinner shall be treated like a murder. Because the offender is possessed by hate or lust (*luxuria*), his offence corresponds to *homicidium animarum*.

2.2.5. Résumé: conclusions and interdependences

Surveying major and grave vices, which are mentioned in the four early South-West British penitence-writings, a striking parallel can be drawn with the catalogue of sins in Mt 15: 19: murder, adultery and fornication as well as theft, perjury and slander. [78]

Mt 15: 19	***S. Aquilonalis***	***Praefatio***	***S. Luci***	***Excerpta***
homicidia				c. 7
adulteria			c. 3	
fornicatio (stupra)	cc. 1, 2	cc. 1–5, 11, 22	cc. 6 - 9	cc. 5 – 11
furtum	cc. 3, 4	c. 6	c. 1	c. 14 (praeda et fraus)
falsa testimonia			c. 5 (periurium)	c. 16 (mendacium)
blasphemia (maledicta)	possibly: cc. 5, 6			

But the overview over the four early South-West British penitential-decisions in particular delivers also a mixed picture, because the gospel's enumeration of these serious trespasses does not represent an element to structure the decrees on any account. The vices are appealed differently in the different writings. So it can only be presumed that some authors or a part of the assembled ecclesiastic officials had this biblical statement in mind. By all four decisions fornication respectively sodomy for example is evaluated as a capital sin, especially if this offence against chastity is committed by a priest (or another ordained or religious person). The penance predominantly has to be performed by fasting, a diet of bread and water.[79] This spiritual exercise of a three-years-duration (with an addition for ecclesiastical officials) occurs more often for capital sins, a *quadragesima*, a forty-days-penance for minor trespasses. But the degree of penance also appears differently. While the earlier writings (*Praefatio Gildae, Sinodus Aquilonalis*)

[78] Cf. The *Vulgata*'s text: Biblia Sacra, 1750: *caedes, adulteria, stupra, furta, falsa testimonia, maledicta*; 1914 as well a Novum Testamentum Graece et Latine 1964: *homicidia, adulteria, fornicationes, furta, falsa testimonia, blasphemia*.
[79] Cf. Meens, *Penance*, 41.

impose a penance of three years, the later *Excerpta* intensify it up to seven years. The *Sinodus Luci Victoriae* lays down a penance of four years for all, who have "made the vow of perfection".[80] The *Praefatio Gildae* (c. 5) corresponds to the *Excerpta Davidis* (c. 10) in the knowledge that in the past (*antiqui patres* respectively *antqui sancti*) the penance for an immoral priest was more severe: twelve years. For those, who did not take a vow, the synod decrees a reduction of one year. The selection of vices and transgressions shows similarities (most significant among the offences against chastity) as well as differences (for example guidance of invaders [*Sinodus Luci Victoriae*] or the use of an ordeal [*S. Aquilonalis*]). Different penances can be found even in the very same decision like the decree about the fornication committed by a deacon in the *Excerpta*'s cc. 7 and 11. The following overview shows the most important relations between the aforesaid penitence-writings.

2.2.5.1 Vices and trespassers

Ruling the monastery abbots played a key-role as models of a Christian life. Bishops did the same in leading non-monastic communities. Though a homogenous "Celtic Church" did not exist, the early South-West British regulations for penance gained an important influence onto later penitential-writings in Britain, Ireland and on the continent. They inform by an honest frankness about grievances within inner- and outer-monastic communities. They reflect primarily the common and engaged strain to maintain morale and discipline among monks, clergy and lay-people by using a "disciplinary tool":[81] penance. So many abbots fulfilled the duty of a principal in a monastery and felt themselves responsible for the pastoral care in the area surrounding the monastic settlement: in supervision about the integrity of a life according to the commandments and in awarding of penance. Therefore ecclesiastical officials, abbots, bishops, priests, deacons and so forth were standing under the demand to set an example of their faith and performance of their duties. It is another realistic insight into the ecclesiastical situation of the early sixth century that the penitential-writings are not silent about the treatment of fallen abbots, monks, bishops, priests, deacons: regarding their obligation to live in an exemplary manner, the degree of penance in case of sinning is more rigid in comparison with lay-people; different from the earlier Fathers of Basil's time they had to repent twofold: being degraded from their status of ordination as well as being sentenced to bear a certain penances, according to the rule: the higher the rank the more severe is the penance. Three of the four writings mention fallen priests and deacons (*Praefatio, Sinodus Aquilonalis and Excerpta*), two a bishop (*Sinodus Aquilonalis and Excerpta*) and only one document an abbot (*Sinodus Aquilonalis*). The following exemplary survey compares the penances' (fasting) duration for ecclesiastical officials committing natural or unnatural (sodomy) fornication:

[80] *Sinodus Luci Victoriae*, c. 9, quoted after Bieler, *The Irish Penitentials*, 69.
[81] Meens, *Penance*, 44.

official's rank	S. Aquilonalis	S. Luci Vic.*	Praef. Gildae	Excerpta Dav.
deacon	1 year	4 to 2 years	3 years	6 years
presbiter	3 years		3 years	7 years
monk	4 years		3 years	4 years
abbot	7 years			
bishop	7 years			13 years

*) The *S. Luci Victoriae* does not mention any status and decrees in c. 8 four to two years for sodomy depending on the sexual practice.

So it can be concluded that the principals of the monasteries represented in an extraordinary way the moral authority and the most reliable ecclesiastical figures of that time. They might have been also the leading officials (alongside or in cooperation with bishops) and those, who summoned and conducted the first synods, promulgated and carried through their decrees and inspected their observance.

2.2.5.2. Scheme of vices and penances

The survey and the comparison of the four penitence-writings show neither a homogeneous statement nor a systematic classification of sins, vices and trespasses. The writings deliver a wide range of penitential-works, penances and severe penalties: above all fasting and withdrawal from meals; further additional liturgical solemnizations, extra psalm-singing and night-vigils,[82] extra work, living in solitude, pilgrimage, exile from the convent into another monastery, temporary or permanent excommunication from the sacraments, final exclusion respectively excommunication and deprivation of ordination. In cases of fraud, perjury or usury the *Excerpta*'s cc. 13, 14, 16 order penance and restitution of the dishonourably gained goods.[83] This instruction makes convincingly sure that instructions for penance are extended onto people outside a monastery, clergy and laity: a monk lacking of any personal belongings is incapable to refund property that he had taken possession of by deception. So a trespass against honesty entails consequences too in the outer-monastic, civil society. The duration of the penance depends on the vice's gravity and from the offender, his age and his status, meaning, whether the person is living under a monastic vow or is ordained or belongs to the laity. The latter group enjoys a reduction of penance (*S. Luci Victoriae* c. 9). Especially for capital sins the imposition can last for years.

As the survey shows the only offence that appears against the integrity of faith is the religious indifferent acting to guide pagan invaders to Christian settlements for

[82] Performed often in combination with an arduous prayer position. Cf. McNeill and Gamer, *Medieval Handbooks*, 33.
[83] Refunding does remind of the prescriptions in the Book of the Covenant Ex 21: 1 – 23: 33, especially 21: 37 and 22: 24.

worldly profit. These actions can be interpreted in an expanded sense as a relapse into paganism. But apart from this fault there are no other traces of apostasy, neither penance for partaking in magic practise or pagan ceremonies nor for the supporting of heretic ideas. Especially in the monastic communities the Christian belief and its basic doctrine seemed to be established and consolidated. This finding does not mean that problems with faith and doctrine have disappeared completely. Later writings, for example *Finnian's* Penitential (*maleficium*, c. 18), the *Paenitentiale Ambrosianum* (heresy, c. VII, 4. and 5.) and Columbanus' Penitential (*maleficium*, c. B 6, heathen ceremonies, B 24 and heresy B 25), Theodore's Penitential (UI,V and XV) show that magic, apostasy and heresy are by no means eliminated and still remain a problem.

Another capital sin, the intentional killing is mentioned only in David's *Excerpta,* a penitential-writing of inner- as well as outer-monastic importance. The four writings however relate in detail to the third classical sin, offences against chastity. One third, 19 of 57 articles, is occupied with trespasses of the widest variety concerning sexual offences: from masturbation over natural and unnatural fornication, incest to sexual activities with animals. The penance is by all means severe and such as for fornication respectively sodomy measured by years. The probably later originated *Excerpta* as the decisions of *S. Aquilonalis* show a tendency to a higher severity:[84] in *Sinodus Aquilonalis* for example a fallen bishop is sentenced by a penance of seven years, in the *Excerpta Davidis* by thirteen years, a sinning priest three years in *S. Aquilonalis* compared with seven years in the *Excerpta Davidis* and so forth. A possible explanation can be found in the extension of the influence: a monastery is inhabited by a straightforward community. So the *Sinodus Aquilonalis* had to target a group, which allows a strict social control because of the members' close living-together. These circumstances ease prevention, upkeep of discipline and do not demand a deterrence of penance. In the *Excerpta Davidis* the pastoral care is extended on the civil society outside the monastery, the clergy and the laity. The monitoring of the different social groups appears as much more difficult, the temptations grow wider and mutual attendance is less. This situation urges the demand for an exemplary life of the ecclesiastical officials within and outside the monastery. The prospect of a more severe penance supports the clergy's integrity and could be suitable to prevent a cleric from committing a sin.

Another consequence of the later extension onto the laity is a reduction of the penance's duration for lay-people as it is mentioned in c. 9 of the *Sinodus Luci Victoriae*. Because the description of the relevant offences is sincere and seems to show an unadorned portrait of contemporary Church's situation, a development to more austere penances might become necessary for the upkeep of discipline and morale, especially in the non-monastic Christian communities. So in the South-West British ecclesiastical gatherings the disciplinarian aspect unequivocally is

[84] Cf. McNeill and Gamer, *Medieval Handbooks*, 170.

well to the fore. This aim applies also for grave vices like stealing of sacral items, drinking problems associated with impiety or minor transgressions like pilfering food, careless use of the most holy sacrament, delay at prayers or damaging of tools owned by the monastery.

2.2.5.3. Confession and confessor

Confession is required. But how to confess and who is the confessor is not described in detail in the penitential-writings.[85] At any rate the authority in a monastery that is to be informed and takes notice of a trespass, passes a decision, imposes upon or modifies (*Praefatio Gildae* c. 4) penance, is the abbot. The two penitential-writings which restrict themselves to regulate the inner-monastic life (*Praefatio Gildae* and *Sinodus Aquilonalis*) order that every aberration from the monastic rules and daily tasks has to be reported to the monastery's principal (*Praefatio Gildae* c. 27). Even in minor cases, for example an alteration of an ordered task (*opus*) by a one's own decision, the abbot decides whether the monk is allowed to continue the different work or not. In major cases the abbot even possesses the power to excommunicate (*Praefatio Gildae* c. 12). The confession has to made to the abbot in secrecy: "*...excepto eo [abate] nullo audiente...*"[86] Remarkable is the space of privacy, in which the abbot receives the information about the change as well as he makes his decision – an indication of the tendency to privacy and possibility of discretion among the community (*Praefatio Gildae* c. 16). Even if the necessity comes up to deliver information to the abbot about an endured offence or a violation of the monastery's rule, the informer first should motivate the trespasser to confess it by himself to the abbot alone: "*... sed ante admoneat peccantem ut solus quod male agit confiteatur abati*."[87] It should also be done clearly in therapeutic intention: "*... non tamen accusantis sed medentis affectu...*"[88] The *Sinodus Aquilonalis* contains a reference to the institution of a *doctor*, a wise and experienced man, who obviously was accompanying a penitent during the time of penitence and advising him in fulfilment of penance. This person has got the authority to specify and modify the penance, because the penitent has to repent by the instruction of the *doctor* ("*doctoris iudicio p[a]eniteat*").[89] Here already by the Latin term *doctor* (c. 1, *Sinodus Aquilonalis*) and even clearer in c. 18 of the *Paefatio Gildae* by the concept *medens* a consistent instruction of the writings respectively their authors appear: these and the further ones point to a special relationship between the repenting person and his confessor (*doctor* or *medens*): he by no means primarily plays the role of an accuser or punisher. He is rather a spiritual teacher, a spiritual guide and

[85] Cf. Meens, *Penance*, 45.
[86] *Praefatio Gildae*, c. 16, quoted after Bieler, *The Irish Penitentials*, 62.
[87] *Praefatio Gildae*, c. 27, quoted after Bieler, *The Irish Penitentials*, 64.
[88] *Praefatio Gildae*, c. 18, quoted after Bieler, *The Irish Penitentials*, 62.
[89] *Sinodus Aquilonalis*, c. 1, quoted after Bieler, *The Irish Penitentials*, 66.

physician, a soul-friend in the tradition of the ancient Church,[90] using his pastoral skills and personal compassion to assist the sinner's conversion permanently.[91]

In cases regarding to the monastery's discipline the limit of discretion is gained and the brethren of course obtain knowledge of the repenting brethren's penance. The *Sinodus Aquilonalis* reports occurrences, where the community is involved in: if the penitents were sentenced to live in solitude, confinement or exile and afterwards have to complete the penitential-works before rejoining the community, it becomes a convent's common procedure and the *fratres* accompanied the brethren towards reconciliation. Or if a divine judgement is required, because a case of dispute cannot be settled finally, an ordeal has to be performed in front of the assembled brethren too (*Sinodus Aquilonalis*, c. 5). And finally if a convent's member is excluded, the monastery's community has to deal with this extreme penance (*Praefatio Gildae* c. 17).

All these instructions are mentioned in the two writings, which direct the performance of confession and penance in a monastery. The two other decrees, the *Sinodus Luci Victoriae* and the *Excerpta Davidis*, extended the regulations about confession and penance on the laity indeed define the duration of penitential-works and their execution. They do not however deliver any information how to confess, to protect privacy, to impose penance and to supervise its performance. A serious problem for example will have been the way, how to perform severe penances like fasting on bread and water over years outside of a monastery for priests and lay-people. Are the penitents constrained to leave their civil and family-life to take up monastic life for the penance's duration? C. 5 of the *Excerpta Davidis* indicates in this direction, when fornicators are requested to live as a religious, "*de relinquo mortui mundo Deo vivant*."[92] And if the confession itself happened in privacy, it could not be avoided that the penitence-work appeared in public. Does this circumstance not allow drawing conclusion from the penance's measure onto the committed sin? Here it is to take into account that this period was a time of coexistence of monastic and diocesan structures. So it can be concluded that at least at the time of the two later penitence-writings a system of confession and penance are in a certain development. Before penitential-works could be imposed, the celebration of confession outside of monasteries has to be at hand. Therefore it is probable that responsible authorities, who relate to those in a monastery, ordained and commissioned ecclesiastical officials, i. e. the clergy of a diocese, received confession, imposed and evaluated the penance. This conclusion is confirmed in the fifth century by the statement of Patrick's address to the soldiers of Coroticus:

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[90] Cf. above chapter 1.2.3.1.

[91] Cf. The Martyrology of Oengus the Culdee, 64: "*anmchara*"; ascribed to St. Brigit: "…anyone without a soulfriend is a body without a head…", 65; 182, 183. McNeill and Gamer, *Medieval Handbooks*, 29 and note 12, page 170. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 332. Frantzen, *The Literature*, 9, 10.

[92] *Excerpta Davidis*, c. 5, quoted after Bieler, *The Irish Penitentials*, 70.

the power of binding and loosing, the authority of confession is entrusted to the priests.[93] If a tendency towards more privacy can be noticed for monastic communities, it will have been developed a fortiori for the non-monastic communities. It can also be presumed that these duties were taken over simultaneously by (priest-) monks, where a lack of available clergy existed or the influence and the pastoral work stretched to the area around a monastery.

2.2.5.4 Therapeutic aspects of penance

In all the four penitence-writings penance is not explicitly mentioned as medicine (remedy). In canon 1 of the *Praefatio Gildae* the *medicina caelestis* does not constitute a notice of penance, but marks the part-taking in the communion. The entire meaning of this medicine profoundly consists of receiving the Eucharist, followed by exchanging the sign of peace and psalm-singing in the brethren's communion.[94] Because the penitent's salvation of the soul is in danger, it is not recommended that a converting trespasser must renounce this heavenly remedy as an outward sign of the communion with the brethren or the fellow-Christians. Therefore the penitent at last is to be admitted again to the (sacramental and brotherly) communion after a distinct period (a year and a half) to be strengthened on the way of repentance by this celestial medicine (*Praefatio Gildae* c. 1). The brethren are ordered to assist each other brotherly, so to say like a physician, if an offence has to be made public (*P. Gildae* c. 18). And finally the performance of the penance pays regard to health-conditions or age: the penitential-works are to fulfil only, if the penitent's health allows it (*Praefatio Gildae* c. 1 and *Excerpta Davidis* c. 7). Some advice contain reliefs in fasting and addition of proper food like milk, eggs, cheese, vegetables and so forth, for example on Saturday and Sunday or in the time between Easter and Pentecost (*Praefatio* cc. 1, 2 and *Excerpta* cc. 7, 11). Although in none of the four penitential-writings is the penance explicitly mentioned as a remedy in connection with the cure of sin as an ailment of the soul, the therapeutic notion of reconciliation shines through the text in Gildas' *Praefatio*. The authors of the four South-West British penitence-writings possibly had no detailed knowledge of the therapeutic concept of the ancient Oriental Church: penance as remedy for the sin as ailment of the soul.

2.2.5.5. Special regulations considering local problems

The most striking special regulation is the sin of guiding heathen barbarians to Christian communities for the guide's personal favour and enrichment. Like the collaboration with Coroticus' soldiers condemned by Patrick, the *Sinodus Luci Victoriae* estimates the support and guidance of pagan invaders, here probably

[93] As distinct from this findings in the *Epistula ad Coroticum* (6) as well as in the *Synodus* I (c. 14) it is explicitly entrusted to the priests.
[94] Rob Meens, *Penance*, 41, describes this heavenly medicine as participating in "communal life." The context however reveals that the *medicina caelestis* predominantly means the reception of the Eucharist and subsequently the reception into the community.

Saxons, Angles and Jutes, as a capital sin. The penance is appropriate severe and depends on the consequences of the collaboration: if the local Christians get off with a trifling loss, the guide still has to face a penance of fourteen years. But if bloodshed or slavery follows the treason, the collaborator has to repent all his life. Canon 4 therefore regulates a special problem that came up, when an Anglo-Saxons invasion and migration arrived England (449 A. D.)[95] It nevertheless lasted for more than a half century.

Simmering and permanently disturbing conflicts, for example unending accusations of convent's members to each other, is another special problem that is mentioned in cc. 5 – 7 of the *Sinodus Aquilonalis*. If the monk's conference cannot solve the problem by an intensive consultation, the convent has recourse to an ordeal.

[95] F. M. Stenton appoints the arrival of the Saxons in the South-Eastern part of England between 449 to 456, cf. *Anglo-Saxon England*, 8, 9, 14, 16, 25, 26, 30, 31 and map 731.

3. Penitential of Finnian (*Paenitentialis Vinniani*)[1]

The text of Finnian's Penitential is preserved as a whole in two manuscripts: the one document called Vindobonensis, possibly copied in Salzburg around 800 and now stored in the Vienna ÖNB Lat. 2233; and another ninth-century one in the Stiftsbibliothek of St. Gallen, Codex Sangall. 150 however it is incomplete at the end. The Codex Sangermanensis (tenth century, 134^{v} – 135^{v}), Paris BnF Lat. 12021, contains on two pages an abstract; and this is also found in the Codex Bigotianus (tenth century), Paris BnF Lat. 3182 (176 – 177).[2] This is noticeable, because at least another summary is extant in this collection, the Excerpts from a book of David. The other texts are short too and so it is not out of any question that this manuscript represents a summary at all. In order to produce a book of manageable size, convenient for use in pastoral practice the collector may have intentionally confined himself to excerpts and abstracts.

3.1. The person Finnian (*Vinnianus*)

The identity of the author and the question, namely that Finnian himself collected and wrote down the penitential, is based substantially on two documents: first most convincingly in a letter of St. Columbanus (543 – 615) to Pope Gregory the Great, where the Irish missionary in his *Epistula I*, 7, written in 600 A. D., informed Pope Gregory the Great:

> *Vennianus auctor Gildam de his* [add: vagrant monks] *interrogavit, et elegantissime ille rescripsit*.[3]

The second source is the *Collectio canonum Hibernesis*. Here a near quotation of Finnian's Pentitial c. 25 is to be found:

> *Vinnianus dicit: Clericus, si furtum fecerit, quadruplum reddat, et annum integrum peniteat*.[4]

The first phrase in Columbanus' letter let it appear as high probable that the mentioned "*Vennianus*" is Finnian. He is an *auctor*. Because Columbanus used Finnian's Penitential as the main source for his own penitence-writing,[5] it is possible by all means that *auctor* refers to author of a penitential. Columbanus'

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[1] *Paenitentiale Vinniani*, quoted (Latin and English) after Bieler, *The Irish Penitentials* (74) – 95; (Latin) Wasserschleben, *Die Bußordnungen*, 108 – 119. (English) McNeill and Gamer, *Medieval Handbooks*, 86 – 97.

[2] Cf. Bieler, *The Irish Penitentials*, 12 – 15, 17.

[3] Quoted after Walker, *Sancti Columbani Opera*, 8, 9.

[4] Quoted after Wasserschleben, *Die irische Kanonensammlung*, 101. The Penitential's text reads as follows: „Si qui(s) *clericus furtum fecerit* semel aut bis, id est si furatus est ovem proximi sui aut suem aut aliquod animal, *anno integro peniteat* cum pane et aqua per mensura et *reddat quadruplum* proximo suo." Quoted after Bieler, *The Irish Penitentials*, 82. Cf. also the slightly different wording in Wasserschleben, *Die Bußordnungen*, 113. The text's similarities are printed in italics.

[5] Cf. Bieler, *The Irish Penitentials*, 4. Charles-Edwards, *The Penitential of Columbanus*, 219. Wasserschleben, *Die Bußordnungen*, 55.

letter contains an indication that Finnian had been in contact with the Church in South-West Britain. There is a tradition that Gildas and the abbot of Clonard met each other, at least corresponded with another, but the indications are historically uncertain.[6] The second quotation by the mention of his name and the quasi-quotation of c. 25 also draws attention to Finnian as the Penitential's author.

Bieler, who terms Finnian's Penitential (*Paenitentialis Vinniani*) "the earliest Irish penitential",[7] and assumes as the most probable point in time of this penitence-book's origin sometime in the sixth century. The accurate date's determination depends on the judgement, who is meant with *Vinnianus*, Finnian of Cluain Iraird (Clonard † 549) or Finnian of Mac Bile (Moville † 579). Bieler himself regards a distinguishing between the two Finnians as impossible.[8] Schmitz favours the Moville's bishop and stated that he got a Roman pattern for his Penitential, while he was on pilgrimage in Rome.[9] McNeill and Gamer on the contrary decide for Clonard's abbot.[10] They are convinced that the mention of *Vennianus auctor* in Columbanus' letter to Pope Gregory the Great plead for Finnian of Clonard. Walker confirms this identification and describes Finnian of Clonard's penitence-book as the "chief source" of Columbanus' own Penitential.[11] Kenney favours carefully Finnian's of Clonard authorship too.[12] In analyzing the scholar's majoritarian opinion and the evaluation of arguments a clear priority can be given to the person of Finnian, the abbot of Clonard. At any rate, whether the authorship belongs to Finnian of Clonard or Finnian of Moville, the *Paenitentialis Vinniani* must be originated around the middle of the sixth century.

3.2. The Penitential

3.2.1. The Penitential's intention

The intention of Finnian reveals itself in a thorough analysis of his Penitential's epilogue. By his conviction penance is a remedy. Admitting modestly his limited

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[6] There are alongside Columbanus' letter some – however more legendary and historically uncertain – sources, which are mentioning these connections: Lifricus († 1104 A. D) in the Life of St. Cadoc that Finnian took part in the synod of Brevi, cf. Wade-Evans, *The Life of St. David*, 40. Or the mention of Finnian's company with David and Gildas in Whitley Stokes Lives of Saints from the Book of Lismore, *Life of Findian of Clonard*, 223. Cf. Rombach, *Gildas*, in: LThK IV, 651. Ryan, *Irish Monasticism*, 146, 147. Cf. Hughes, *The church in Irish society*, 311.

[7] Bieler, *The Irish Penitentials*, 3. So does Kathleen Hughes, *The church in Irish society*, 324.

[8] Cf. Bieler, *The Irish Penitentials*, 3, 4. On page 4, in note 3, Bieler refuses the identification with Finnian of Movile as "not convincing" and expresses careful advantages for Finnian of Clonard.

[9] Cf. Schmitz, *Die Bußbücher*, I, 498 – 500.

[10] Cf. McNeill and Gamer, Medieval Handbooks, 86, 87. Wasserschleben already shares this opinion, *Bußordnungen* 10 and Vogel joins this meaning, *Le Pécheur*, 42, 43. O'Loughlin too regards as probable that the penitential was written in Clonard, *Celtic Theology*, 52, and – referring to Dumville, *Gildas and Uinniau*, 214 – by a British cleric, who went on mission into Ireland. James F. Kenney reports the scholar's opinions and terms it "probable, but no more" that Finnian of Clonard is the author of the penitential. *The sources*, 240, 241 respectively 374, 375. For Rob Meens the author of the penitential "remains enigmatic", *Penance*, 52.

[11] Cf. Walker, *Sancti Columbani Opera*, LIII.

[12] Cf. Kenney, *The sources*, 240.

abilities Finnian reveals love for his intimate addressees and his zeal to eradicate all misdeeds[13] as the motivation to compile (*coaptare*) his knowledge about penance and to write down his experiences. The terminology *amantisssimi fratres* and *sui visceres fillii* could lead the reader into thinking that he is an abbot. And likely he is not only a principal of Clonard's monastery, but he is considered as its founder.[14] Peculiarly Finnian does not appeal to monks and addresses his advice for penance explicitly clerics and lay people. Although he was an abbot, his pastoral work may have been extended to the area close to his monastery (and its clients)[15] and beyond that to a greater district, an area like a diocese. So he was acting as a bishop as well, a double appointment that often happened at this time.[16] That he was an abbot-bishop would make clear the zeal for his pastoral care-taking of clerics and lay-people. And it also explains the authorities, who supervise the performance of penance (c. 23): *abbas sive sacerdos*.[17] He also states his intention to deliver cures and suitable remedies ("*de remediis aut de varietate curandorum testimonia*") against the ailment of sin by the assistance of other authorities[18]. Therefore, Finnian expresses his self-conception as a healer, when he – for example - on the one hand calls in c. 12 the combination of fornication and killing the offspring (*generare filium et occidere ipsum*) by a sinning cleric a capital sin (*magnum crimen*). He states on the other hand that even this misdeed can be healed "*per penitentiam et misericordiam Dei*".[19] For this Finnian makes two remarkable innovative and epoch making fundamental statements: firstly, that sins can be absolved in secrecy (c. 10: "*in abscondo absolvi esse peccata*") and secondly, that no sin exists that cannot be forgiven (c. 47: "*… quia nullum [est] crimen quod non potest redimi per penitentiam quamdiu sumus in hoc corpore*.").[20] As he precisely sets out his diagnosis of the offence, so

[13] *Paenitentiale Vinniani*, epilog: "*… ut ab omnibus omnia deleantur hominis faciora*." Quoted after Bieler, *The Irish Penitentials*, 94.

[14] Cf. Ó Cróinín, *Hiberno-Latin literature*, 397. Ryan, *Irish Monasticism*, 102, 117.

[15] The Irish term *manach / manaig[h]* represents broadly defined conceptual meaning. It describes generally the monastic family under the rule of the abbot, in particular often those people, who depend on a monastery as tenants. Cf. eDIL, *manach*, 5, 8, 9. Meens, *Penance*, 48.

[16] Cf. Bieler, *The Irish Penitentials: their religious and social Background*, 330: "The monasteries, however, in Ireland more than elsewhere, functioned also as religious centers of the surrounding districts." See also: Walker, *Sancti Columbani Opera*, XV. Frantzen, *The Literature of Penance*, 33, 34, 73 38. Meens, Penance, 48.

[17] Probably a priest-monk. Cf. Bieler, *The Irish Penitentials*, 82. McNeill and Gamer, *Medieval Handbooks*, 91.

[18] In an addendum at the end of his Penitential Finnan unpretentiously confesses that he owed his knowledge to the Scripture and "the opinion of some very learned men." Bieler, *The Irish Penitentials*, 95. These *doctissimi* possibly belong to the same circle of persons, who are mentioned as "*antiqui patres*" in *Praefatio Gildae*, canon 5 and as "*antiqui sancti*" in *Excerpta Davidis*, canon 10. Cf. McNeill and Gamer, *Medieval Handbooks*, 87.

[19] *Paenitentialis Vinniani*, quoted after Bieler, *The Irish Penitentials*, 76. Cf. c. 18 (*maleficia*: *immane peccatum*), 78; c. 22 (*falsum iuramentum*: *magnum crimen*), 80; c. 47 (*parvulus sine baptismo per negligentiam abscesserit*: *crimen magnum*).

[20] *Paenitentialis Vinniani*, quoted after Wasserschleben, *Die Bußordnungen*, 118. The phrase: „*quamdiu sumus in hoc corpora*" follows the 2nd Letter of St. Peter, 1: 13: "*quamdiu sum in hoc tabernaculo* (*domicilio*)" and means: as long as one lives. Cf. cc. 36, 44, 45. The latest approval of this assessment can be found in the Apostolic Letter of Pope Francis (20th of November 2016), 12: "I wish to restate as firmly as I can that abortion is a grave sin, since it puts an end to an innocent

he equally precisely sets out the therapy: just as he calls a sin a sin, so he describes the possibility of redemption and the removal of guilt. Just as medicine rarely causes an immediate cure of physical illness, so does the healing of the ailment of the soul, the penance, merely begin the process of the sinner's conversion. The condition for reconciliation calls for a fervent strain of the entire being, "*studium diligentius cordis et corporis*." [21] Simultaneously this personal exercise can strengthen the individual to withstand further temptation and to lead to a more determined performance of Christian life.[22] The crucial penitential-work is fasting:[23] restriction to bread and water and the renunciation of substantial or luxury food and wine for a distinct period, but also alms, giving money to the poor, which has been saved by the very act of fasting (*fructum penitentiae*, cc. 35, 36).

Compensation and restitution may also be involved as part of the penance, where rights or possessions have been damaged by the offender as well as self-restraint, where trespass against conjugal rights has occurred. In cc. 28, 29 Finnian refers to an ancient medical treatment and transformed it into a therapy for the grave sins of wrath, envy, backbiting, gloomy or greedy behaviour: "*contraria contrariis curentur*".[24] The application of this principle Finnian probably obtained from John Cassian's nineteenth conference with the abbot John: the experienced Egyptian abbot-father advises to overcome anger by an opposite behaviour: the deliberate and engaged exercise of gentleness.[25] Taking up this counsel Finnian recommends resisting these evil impulses by a more fundamental change for the better in a person's entire attitude: meeting wrath with patience, envy with kindness, contempt with restraint of heart and tongue, dejection with spiritual delight and greed with generosity.[26] Finnian, however, was realistic enough to know that human existence is a tightrope walk between righteousness and failing. Baptism is not a guarantee for a spotless life and repentance a lifelong process.[27] So, with reference to another biblical text,[28] he recommends that the penitent should be on guard not to sin again.

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life. In the same way, however, I can and must state that there is no sin that God's mercy cannot reach and wipe away when it finds a repentant heart seeking to be reconciled with the Father."

[21] *Paenitentialis Vinniani*, c. 10, quoted after Bieler, *The Irish Penitentials*, 76.

[22] Cf. O'Loughlin, *Celtic Theology*, 58.

[23] Cf. Dooley, *From penance*, 405: "In general, to do penance meant to fast."

[24] Cf. article *"Heilprinzip"*, in: Antike Medizin, 394, 395. McNeill and Gamer, *Medieval Handbooks*, 44 – 46. O'Loughlin, *Penitentials*, MedIreland, 372.

[25] Cf. Cassian, *Collationes*, XIX, 14, CSEL XIII (Petschenig), 548. It is remarkable that Columbanus initially in his short writing *De octo vitiis principalibus* (Walker, 210 – 213) brought together the application of that ancient rule with Cassian's Eight-Vices-Scheme. But like Finnian Columban did not use this scheme as a principle of classification. This element of systematization first appeared in the *Ambrosianum* (Körntgen, 258 – 269). Cf. too: McNeill, *Medicine for sin*, 15 – 18. A detailed discussion below.

[26] Cf. Bieler, *The Irish Penitentials*, 82 – 85. O'Loughlin, *Celtic Theology*, 58, footnote 29.

[27] Cf. O'Loughlin, *Celtic Theology*, 59.

[28] Liber Proverbiorum 26, 11: "*Sicut canis, qui revertitur ad vomitium suum, sic imprudens, qui iterat stultiam suam*."

3.2.2. The Penitential's structure

The Penitential shows a certain structure, which however is not strictly carried through in detail. The first part of the writing is addressed to clerics, but not to monks. Finnian defines for a person, who claims to be a cleric or a deacon the appointment to baptize (c. 49). The only article, which expressly mentions monks, determines that normally monks are not allowed to baptize and accept donations (*elimosina* c. 50).[29] So it can be concluded that the Penitential in its transmitted form deals primarily with offences committed outside of a monastery's community among the clergy of a diocese. The penances for this category of people enclose the articles cc. 5 – 31, though not without exceptions.[30] The second part refers to trespasses done by lay-people including some explanatory directions on marital problems (cc. 39 – 42) and includes the articles cc. 34 – 51. The penance for clerics is according to the earlier South-West-British penitence-writings more severe than for lay-people. This regulation is generally expressed and justified by an interesting argument in cc. 6, 7 respectively 8, 9: a cleric's sin outweighs a lay-man's guilt in this world, because a cleric's reward in heaven (*in futuro*) is more blessed than for lay-people. This view on the other hand shows that at Finnian's time the clerical status was estimated more highly than a lay-man's status. Therefore, Finnian requires from a cleric at a higher degree to cultivate an impeccable lifestyle in term of religious and moral behaviour.

In Finnian's Penitential the statements about penance refer to a biblical context,[31] they are – as he states in the epilogue – overflowed by the "graces of Scripture".[32] Sometimes they are just shining through the text as the author's background-conception, sometimes as an appropriate quotation. It can be assumed that, according to Mt 15: 19, Finnian not coincidently mentions evil thinking and the consideration of a crime already at the beginning of his catalogue of trespasses and penances (cc. 1 – 4, 6). The wording in connection with the plan to attack his neighbour, *disponere in corde suo* (c. 6) has a parallel in the biblical text: "*de corde enim exeunt cogitationes malae…*" (Mt 15: 19). Finnian is convinced that the heart and its movements are the place, where sinning starts. The one, who continues to think about a misdeed, has already committed the sin in his heart ("*iam peccavit in corde suo*"),[33] another strict reminiscence to the gospel.[34] This

[29] This regulation however is not absolute, because monks obviously were in the habit of baptizing. So if a member of a monastery's convent was not kept from christening on principle, in this case the monk is entitled to receive donations. These are more comparable with stipends than alms, because they were requested in connection with administering baptism.

[30] For example c. 7 (planning to wound or kill of a neighbour by a layman), c. 20 (being guilty of a child' death by a woman's magic), c. 48 (a child passes away non-baptized caused by a cleric's neglect).

[31] *Paenitentiale Vinniani*, epilog: "*…secundum sententiam scripturarum*", quoted after Wasserschleben, *Die Bußordnungen*, 119.

[32] McNeill and Gamer, *Medieval handbooks*, 97.

[33] *Paenitentiale Vinniani*, c. 3, quoted after Bieler, *The Irish Penitentials*, 74.

[34] Mt 5: 28: „*Ego autem dico vobis, quia omnis viderit mulierem ad concupiscentiam eam, iam moechatus est eam in corde suo*."

consideration gets confirmed by a literal quotation from the first letter of John (3: 15) in c. 8: "*omnis, qui odit fratem suum, homicidia est.*"[35] Finnian distinguishes by all means between a passing by as well as an immediately rejected bad thought and a frequently entertaining of evil reflection: the first experience only needs an expression of regret to become cured (c. 1: *sanus*), the second scenario demands praying and fasting all day and night until the temptation is mastered and the individual is healed (c. 2: *sanus* as well). A person, who plots to carry out the capital sins of homicide or mayhem with bloodshed and fornication, but cannot perform it caused by a lack of opportunity, is seen by Finnian as a murderer or a fornicator, according to the gospel (Mt 5: 28). But the penance indeed is not so severe compared to the case of its commission: half a year fasting with bread and water as well as one year no wine and meat (cc. 3, 6) for a cleric, but only a seven days penance for a layman. Bread and water and perhaps a pinch of salt represent the most severe fasting, a meal enriched by wine and meat the most luxurious food. When a penitent has finished the first stage of strict fasting, but was not yet allowed to have meat and wine, the abstinence could be eased by ingredients like vegetables, fat, eggs, milk and cheese, a special diet, that is already listed in the *Praefatio Gildae*. This food is seen as not as proper and delicious like wine and meat.[36] If on contrary the bodily injury is performed, a cleric has to be degraded from his clerical status and undergo fasting for a year. He is not obliged to pay compensation towards the victim (c. 8). This however is the obligation of a layperson. Alongside a distinct reduced penance of forty days he has to fulfill compensation towards the violated person mediated by an independent arbiter (c. 9). The aim is reconciliation of the trespasser with God and the person, whom the aggressor has struck (c. 5). Recovery, meaning of reconciliation and the renewal of harmony is at all a thread and a running motif through Finnian's Penitential.

3.2.3. The three capital sins

3.2.3.1. Sin against faith

The first of the classic capital sins, apostasy, appears in Finnian's Penitential as a relapse into disbelief, expressed as magic (*maleficium*) and superstitious practice (cc. 18 – 20, possibly 21 too). Finnian mentions female and male offenders (*mulier malificia vel malificus*) as well clerics (*clericus*).[37]

[35] *Paenitentiale Vinniani*, quoted after Bieler, *The Irish Penitentials*, 76. Cf. Wasserschleben, *Die Bußordnungen*, 110.
[36] Cf. *Praefatio Gildae*, c. 1, 2, Bieler, *The Irish Penitentials*, 60, 61.
[37] The translation by Bieler (*The Irish Penitentials*, 79) as well as McNeill and Gamer (*Medieval Handbooks*, 90) appears as inaccurate, because they have overlooked the third subject *malificus* alongside with *clericus* and *mulier malificia*.

Vinnianus c. 18	Columbanus B/6
Si quis clericus vel si qua mulier malificia vel malificus si aliquem maleficio suo deciperat … sex annis peniteat, tribus annis cum pane et aqua per mensura et in residuis III annis abstineat a vino et a carnibus.	Si quis maleficio suo aliquem perdiderit, III annis paeniteat cum pane et aqua per mensuram, et III aliis annis abstineat se a vine et carnibus.

The almost literal wording reveals the relation of source: Columbanus draws from Finnian. As set out later, in Columbanus' ecclesiastical environment heresies, not magic were the problem. Different from Finnian (*quis clericus … vel qua mulier malificia vel maleficus*), Columbanus therefore did not differentiate the offenders' circle (just *quis*). Finnian's explicit ascertainment that even clerics become enmeshed in magic practice (c. 18) may be an indication that not heresies, but magic (*maleficium*) was the urgent problem in the Irish Church of the sixth century. The people outside a monastery at Finnian's time lived in close contact to nature. Their life-circumstances intensively depended on natural conditions like human health and the health of animals, to be spared of epidemics, to have favourable weather for sowing and harvesting, and be spared thunderstorms and other disasters. It is possible that they interpreted these experiences largely in relation to the supernatural, that they had learnt from their heritage to try wielding a favourable effect on these life-circumstances by superstitious practice and that in the pre-Christian times the druids had been the specialist contact persons in these affairs. It is possible that in time of a developing Christian belief the clergy took over this role in society.[38] So it might be possible that ministers were tempted or even forced by the people to perform quasi-superstitious ceremonies that Christian teachers would have viewed as superstitious. This engagement with paganism, or practices such as giving love philtre or venom potion to people, was definitely a serious problem, because Finnian called it a "monstrous sin (*immane peccatum*)".[39] Especially if magic was used for seduction and - the gravest offence – for abortion or infanticide, it entails adequately a six years' penance in the worst case.

Another, albeit minor case of lapse in faith is greed or covetousness (c. 28), because it is called idolism: "… *est avaritia, quia idolatria nuncupatur*." *Avaritia* reminds us of the third vice, specified by John Cassian in *Collationes* V, 2: "… *tertium filargyria, id est avaritia sive amor pecuniae*…" [40] Although Finnian had some knowledge of Cassian's writings, he neither did associate this vice with Cassian's Eight-Vices-Scheme nor used it as an element of classification. So it rightly can be assumed that the use of this scheme as a system for penitentials had

[38] Cf. Frantzen, *The Literature of Penance*, 32. The druids had been the opponents of the Christian missionaries. Cf. Ryan, *Irish Monasticism*, 367, 368. The rejection of the Irish form of tonsure may have its reason in the similarity to a druid's hairstyle. Cf. Foot, *Monastic Life*, 158, 159.
[39] Bieler, The *Irish Penitentials*, 78, 79.
[40] *Paenitentiale Vinniani*, c. 28, quoted after Bieler, *The Irish Penitentials*, 82. Quoted after CSEL (Petschnig) XIII, 121.

been unknown to Finnian and remained reserved to a later development (*Paenitentiale Ambrosianum*). The dealing with penance and the remedy against this trespass had been already discussed above.

3.2.3.2. Sin against integrity of life

The second capital sin, Finnian mentions, is homicide. Quarrelsomeness and violence executed by invective (c. 4) or action (cc. 5 – 9) entails penance from one week to one-and-a-half year. As already detailed above, Finnian emphasized the interrelation between the movement of thoughts and the commitment of a crime: the step from the mental consent to the actual execution is only a minute one. So the motive of hate (c. 8) is a crucial sign of intentional killing and to equalize with murder according to 1Jn 3: 15. The degree of penance depends on the motive: inadvertency, display of feelings (non-intentional) and planning (intentional). This threefold gradation reminds of David's *Excerpta*, c. 2, where the author explains his argumentation for the increase of penance: most lenient: *per ignorantiam*, more serious: *per negligentiam* and most severe: *per contemptum*.[41] These facts of the case and the severe consequences for a cleric are expressed in c. 23: exile for ten years. During this time of penance the perpetrator has to fast (bread, water and a pinch of salt) for three years, abstinence from wine and meat for another four years including the observation of the annual *Quadragesimae*.[42] The reconciliation with the Church as well as returning home has to be supervised by an abbot or a priest. They (probably monastic officials) also are responsible that the penitent after serving the penance fulfills his obligation to give satisfaction to the family and friends of the victim. He especially has to support the parents in all the care-taking a son would have done. If a cleric attacks a fellow creature in fury and kills the person non-intentionally, a reduced penance of six years (fasting, abstinence and exile) is necessary for reconciliation (c. 24). The question, how Finnian decides for a layperson committing murder, manslaughter or mayhem, can only be answered by recourse to cc. 7 and 9: the penance might turn out less severe, but the compensation, especially the equivalent of filial duty will have been the same. The infanticide of an illegal child and its consequences have been discussed already just above. Another homicide and a grave sin is abortion by magic power, i. e. dispensing a potion: c. 20 probably could mean a secret magic practice during a hidden pregnancy. By all these complex regulations Finnian not only promoted the upkeep of morality within the Church, but also the civilisation of the social life in his time and society. [43]

[41] Cf. Bieler, The Irish Penitentials, 70.
[42] *Quadragesima* at this time means a forty-days-period of fasting and is not to be confused with the modern time of Lent.
[43] This idea was expressed already by Bernhard Poschmann, HDG IV, 3 (1951), 68.

3.2.3.3. Sin against chastity

The purity and the reputation of an ordained or person of sacred life (monk, nun or cleric) are of great value and described by the metaphor of a crown. C. 21 describes obviously a case of a fallen nun, who lost her "crown" because of giving birth to a child. She is treated like a cleric and has to bear a severe penance of six years fasting. After performing this imposition obediently she gets the "crown" back and becomes reinstalled in her former status as a vowed virgin.[44] If a cleric commits the capital sin of fornication he loses his "crown" too and falls in moral ruin, irrespective of being a cleric from youth (*clericus ex iuventute*) or ordained after being a married layman and family-father (*gradus laicus ante* [c. 27]). The fixing of penance for committing fornication of a former and later ordained husband with his wife requires the fact that the ecclesiastical structures allow the ordination at least to deaconship for a married man, while the wife lives. As a condition for ordination he himself and his wife have to take the vow of living in continence.[45] The next nine articles (cc. 10 – 17, 27) deal with offences of clerical persons against chastity. The advice to atone by weeping, shedding tears and praying day and night strictly reminds of Basil's first step of repentance: the weeping.[46] Taking up this element of penance Finnian wants the penitent to prove by his behaviour the honesty of his contrition. In this connection Finnian proclaims an important and instructive regulation: a secret sin can remain in secrecy. If the trespass is unknown to the public, i. e. known before God alone, it can be absolved in privacy as well as a distinct penance can be imposed discreetly: "*dicimus enim in absconso absolvi esse peccata per penitentiam*,"[47] provided that the penitent is – as aforesaid - zealous to convert towards the good

[44] Cf. Richter, *Irland im Mittelalter*, 82.

[45] The question, who is the "*clentella*" among the described life's union, can be answered by the wording's identification on the one side and by a comparison of the Latin words *clentella* and *puella aliena* on the other side. It is likely that the term *clentella* is to be emended in *clienta (clientela)*, which means a ward, a client. A client however is of the same status as the person, who is looking after her, by no means of a lower social rank like a maid or a slave. Finnian obviously describes a family, the children, the (ordained) father and of course the mother, meaning the cleric's former wife. She still is in care of the family's head, but not in the sense of a wife (*uxor*), that includes the marital (sexual) cohabitation. For the ordained father now she is like a strange woman (*puella aliena*). If in spite of that he has sexual intercourse with her and begets a child, the cleric commits fornication as well as his former wife. So Finnian probably is familiar with the rule of the ancient church, which demands in case of ordination that the married man gives up marital intercourse: before ordination the husband has to take the vow of continence as well as his wife. The ordination generally was aimed at men in a rather advanced age (*vir probatus*), after the family's formation. Therefore Finnian would have agreed upon Stefan Heid's thesis that a husband, "who becomes ordained, starts so to speak a second career again." Translation from: Heid, *Zölibat in der frühen Kirche*, 297. (Cf. to the whole complex the same book, 289 – 321). All this is expressed in Finnian's statement in case of a relapse in carnal desire (*desiderium carnis*): "*quia post votum suum pecaverunt et postquam consecrati sunt a Deo et tunc votum suum inritum fecerunt*." So if they break the *votum* in common, they have to repent together. *Paenitentiale Vinniani*, c. 27, quoted after Bieler, *The Irish Penitentials*, 82. See the use of *clientela* in B/8 of Columbanus' Penitential.

[46] See above chapter 1.2.3.5.

[47] *Paenitentialis Vinniani*, c. 10, quoted after *Bieler, The Irish Penitentials*, 76

with all his entire person. In this authoritative statement Finnian follows Augustine, who expresses in *Sermo* 82 his way of dealing with a secret sin.[48]

For the valuation of the offence and the measure of penance the intention and the circumstances of the sin's commission are determinant. The mere desire for a woman is already a sin for an ordained person. Here Finnian distinguishes between a single event (c. 16: seven day's fasting) and a continuous lust (c. 17: forty days with bread and water). Even familiar relations with women without any intimacy are not allowed for a cleric: as long as such a relationship lasts he has to abstain from the altar's service and fast for forty days and nights to get the strength for ending this relationship; only then he is allowed to return to the altar's communion (c. 14). The extension of lewd acts, in the end committing fornication (cc. 10, 11, 13, 14) demands more severe penances. The maximal ruin of a clerical person is the combination of fornication and homicide, the case of killing an illegally begotten child (c. 12), which entails a rigid penance of seven years (fasting,[49] constant weeping and praying, abstinence from wine and meat, discharge from the divine office and exile) and a final episcopal or priestly judgement, whether he can be admitted to the divine office again. The seven year's time has a biblical background (Prov 24: 16):[50] if the upright falls seven times and rise again, it can be supposed that after seven years of honest penance the sin does no longer weigh on the fallen cleric (c. 21).[51]

The protection of purity in relations and integrity of matrimony stands in the focus of penance's regulation for lay-people (cc. 35 – 46). The sacramental marital covenant is in any case obligatory and indissoluble. With reference to Mt 19: 5 that wife and husband become "one flesh" a married couple has to stay together, in all circumstances and as long as both of the partners are alive.[52] The same pericope is the background of Paul's advice in the first letter to the Corinthians (7: 10, 11), on which Finnian bases his ban for a wife not to leave her husband or, if she had left him, not to enter a new marital relationship (c. 42). Finnian determines the primary aim of the marital union: the procreation of children.[53] To satisfy lust is not only subordinate, but seen as a sin, if carnal satisfaction is aimed as the matrimony's priority (c. 46). Neither a deceived husband nor a dismissed

[48] Cf. above chapter 1.2.3.6.

[49] The first three years only bread and water is allowed, in the last three years bread and water during the forty-days-penitence-periods (*quadragesima*) before Christmas, Easter and after Pentecost. Cf. *Canones Theodori*, **U**II, XIV, 1, Finsterwalder, *Die Canones*, 332. Bieler, *The Irish Penitentials*, 241, note 5. The order to perform the penance "*in fletu atque lacrimis*" reminds of Basil's first step of penance, the stay among the "weeping".

[50] Liber Proverbiorum 24: 16: "*Septies enim cadet iustus, et resurget*."

[51] The number of seven also is mentioned in the gospel, Lk 17: 4, when Jesus instructs his disciples to forgive a trespasser as many as seven times, if requested. It may well be assumed that Christians read Prov 24: 16 and associated it with the gospel's text.

[52] The formulation is: "*quamdiu fuerit in corpora*", *Paenitentialis Vinniani*, for example c. 44, 45, quoted after Bieler, *The Irish Penitentials*, 90.

[53] Finnian adopts a widely used opinion of the ancient church, cf. for example Clemens von Alexandrien, *Paidagogos* II, 10, 83, 1 (BKV II, 7). Cf. Heid, *Zölibat in der frühen Kirche*, 295, 296.

wife acquires by the endured injustice the right for a new legal marriage (c. 43 - 45). Even the case of barrenness of the wife is not a cause for the husband to leave his spouse (c. 41). Here Finnian provides evidence of loyalty towards Rome. As a member of the Church, which is not immediately under the influence of Rome, he aligns with the Roman conviction that even a female inability to conceive and give birth to a child does not represent a reason to separate a married couple. This is remarkable insofar, because the church in the reach of German and Gaulic influence was practising a different right, with the concession of Rome: if a man had married a barren wife, he was allowed to enter into a new matrimony.[54] In detail the Penitential regulates:

vices	**can.**	**penance**	**duration**
adultery with neighbour's wife	36	fasting (bread and water), no intercourse with his wife, alms-giving	1 year
adultery with a virgin	36	fasting (bread and water) forty-days-fasting (*quadragesimae*) during lent-seasons and abstinence from wine and meat, alms-giving	1st year 2nd year
adultery with a vowed virgin, but no child	38	fasting (bread and water) abstinence from wine and water and no intercourse with his wife	1st year another half a year
adultery with a female slave, no child	39	no intercourse with his wife selling the slave	1 year
adultery with a female slave, begetting children	40	fasting (bread and water) setting free the slave be joined to his wife	1 year
a husband's or wife's fornication with another partner after separation	45	fasting (bread and water) no marital bed	1 year 1 year

Finally Finnian decrees that a couple, whose marriage is overshadowed by the adultery of the husband or the wife, should desist from marital intercourse as long as the adulterer and the adulteress have not fulfilled the set penance (c. 51). This condition and the different regulations of fasting imposed upon a lay-penitent require a lifestyle, which is – at least for the penance's period - quite similar to a monk's life. This also represents an indication that confession and penance derived from a monastic origin and had been developed in monastic communities.[55] It demands a close connection to a monastery, if not a temporary residence in there, to perform the required penance by lay-people properly for a longer time-space.[56]

[54] Finnian refers to the *impotentia generandi*. The *impotentia coeundi*, caused by the woman, is a different case. Cf. Kursawa, *Impotentia coeundi*, 102 – 127. Pope Gregory II. concedes 726 A. D. that Boniface decides in the tradition of the transalpine area, despite this practice was contrary to the "Roman" conviction: "*Nam quod posuisti, quodsi mulier infirmitate correpta non valuerit viri debitum reddere, quid eius faciat iugalis: bonum esset, si sic permaneret, ut abstinentiae vacaret; sed, quia hoc magnorum est, ille, qui se non poterit continere, nubat magis.*" MGH Ep. III, 276.
[55] Cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 330.
[56] Cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 332, 333.

3.2.4. Major vices (perjury and embezzlement) and minor trespasses (carelessness)

The sincerity as a basic Christian virtue is highly estimated by Finnian. So his opinion about perjury is doubtlessly clear: "*magnum est crimen*". But simultaneously for Finnian stands: "*magna est enim misericordia Dei*." [57] The penance for the crime of a false oath is a threefold mixture of penance and advice to change the behaviour: w<ith reference to Sir 23: 11 the perjurer is ordered never to swear again for the rest of his life, is sentenced to a penance of seven years and – as a final compensation – has to set free a bond-servant or give the appropriate price as alms to the poor (c. 22).

Not only the moral integrity of the clerical state is Finnian's concern but also honesty in financial affairs. If a cleric pretends to collect money for charity or to free people in captivity and embezzles the alms for his own purposes, he is to be suspended, has to undergo penance (fasting one year with bread and water) and to refund the illegally collected goods to the poor. But if he persists in his wrongdoing and refuses the compensation, he has to suffer excommunication, exile and even corporal punishment (c. 28, 30, 31). The goal of this harsh treatment is not to compel a penitent's conversion, but to arouse compunction and so to initiate the process of repenting and turning towards good. As evil doing starts with continuous evil thinking, compunction is the only authentic internal motivation for contrition. A penitent solely can return to the path of righteousness, if he or she is led by his or her conscience (c. 31: "*si compunctus fuerit*"). Cc. 32, 33 do not represent directly regulations for penance. They contain advice for raising money to redeem captives or to support the poor, pilgrims and to comfort the sick.

Impiety in Finnian's sense also can be interpreted as careless dealing with God's blessing, which people commit in the irreverent use of consecrated items and the gifts of his creation. The wording of canon 52 allows an interpretation both forgetting to thank and bless God for the creation's goods and neglecting blessed things by using them in a profane way. The trespasser has to atone by a seven-days-penance (c. 52).

Finnian mentions two basic rules: firstly, as long as the penance has been not fulfilled, the penitent is excluded from the altar's benefit, i. e. the communion (c. 53):

> *Non intrandum ad altare(m) donec penitentia impleatur*.[58]

Secondly, canon 34 regulates an exception: a dying person is not to be refused communion. After honest repenting the moribund person becomes reconciled to

[57] *Paenitentialis Vinniani*, c. 22, quoted after Bieler, *The Irish Penitentials*, 81.
[58] Bieler, *The Irish Penitentials*, 92. Wasserschleben, *Bußordnungen*, 119.

an extent, but is ordered to make vows for turning life towards the good. In case one recovers, it is in his or her responsibility to fulfill what he or she had promised. Unless he or she refuses to keep the promise the Church nevertheless has to be merciful and must not cease its effort to save the individual from eternal damnation.

3.2.5. Résumé

a. *Vinnianus*, most probably Finnian of Clonard († 549), compiled the first writing about repentance, which can be called a penitential.[59] He wrote this type of penitence-writing around the middle of the sixth century for his brethren (*amantissime frates*), perhaps the monks of his monastery, and for his entrusted "sons" (*viscerales filii*), likely the fellow Christian outside the enclosure, but within his pastoral care. Obviously as an abbot aware of traditional regulations for vowed people he lays the point of main emphasis in his Penitential on the latter group, clerics as well as lay-people, to assist them in performing a faithful life. According his own statement he bases his advice on the scripture (*sententia scriptuarum*) and the experiences of erudite figures (*opinio doctissimorum*). For Finnian sin represents an illness of soul. So his intention entails to deliver cures and suitable remedies against the ailment of sin: in his opinion, this is the entire sense of penance, to operate as medicine for those, whose soul took ill by sinning.
b. Almost the half of Finnian's advice for penance applies to the circle of clerics (cc. 5 – 31, 48 – 50). These ecclesiastical officials have to play a decisive role in pasturing the flock of faithful. Therefore the clerics are bound by the obligation to perform an exemplary life. So it is not surprising that Finnian provides harsh penances for clerics, who had fallen in sin (for example c. 10). The Clonard's abbot challenges the balance between a severe reprimand and the prospect of forgiveness: on the one side, great sins exist and have to be perceived as such by a severe penance. But on the other side, there is no sin, which cannot be released by God's mercy and the acceptance of an appropriate penance (cc. 12, 18, 47).
c. Finnian decrees that in comparison with clerics that lay-people have to bear a more lenient penance and justifies it with the greater reward an ecclesiastical minister can expect in the afterlife (c. 7). Other circumstances, which wield influence on the penance's measure are represented by the way, a person deals with upcoming evil thoughts: rejecting them immediately, entertaining them frequently and planning to commit a sin. In the two first occurrences Finnian expects the person forcefully to withstand the temptation. An intentional plotting, even if it cannot be carried out, in Finnian's opinion is assessed as the offence accomplished. So conversion by changing the attitude, meaning healing

[59] Cf. O'Loughlin, *Penitentials*, MedIreland, 371.

the entire personality is a more important goal for penance than punishment.

d. Finnian's Penitential deals with the three classical capital sins: apostasy in form of superstition, homicide and fornication.

   - He conveys the insight that the most serious offence against the faith in his ecclesiastical environment and time was the continued existence of magic and its superstitious practice. This may be estimated as an outward sign that the Christian faith nominally was received by a growing number of Irish inhabitants, who actually clung to their heathen tradition. That is not to say that problems with the orthodoxy did not exist, for example the controversy about the Easter-date and the form of tonsure. But in the sight of the Church's shepherding officials like the abbot Finnian the conquest, at least the adaption of the deep-rooted indigenous religion of the ordinary people represented the most urgent task of the spiritual teacher and leader. The solution of doctrinal problems like heresies was reserved for later times and different ecclesiastical areas. The Penitential's instructions simultaneously wanted to improve and upkeep the Church's morality, peace and brotherliness.
   - The protection of a person's physical integrity is another crucial aim of Finnian's Penitential. All Christians are obliged to meet each other with respect and peacefulness. Here the clergy has to be a model. Because of this model-function a cleric has to face a more severe penance than a lay-person, if he fails to live peacefully. Finnian underlines his conviction that not only the executed offence represents a sinful action, but also the entertainment of evil thoughts and plans to attack a fellow-creature. Therefore an intentional offence (murder) is more severe than a trespass committed non-intentionally (manslaughter) or carelessly (mayhem).
   - The regulations concerning trespasses against chastity reveal Finnian's intention to protect the holiness of the vowed life and ordination as well as a marriage's integrity. A marriage-bond is indissoluble; even sterility does not represent any ground to separate a conjugal community. The matrimonial faithfulness is absolute. Finnian's Penitential reflects the Church's engaged battle against the bad habit not to regard as adultery a sexual relationship with a female slave. A vowed as well as an ordained person is obliged to live a chaste life. This is considered even for a married deacon, even if his wife is still alive.

e. By his Penitential Finnian shows his conviction that the Christian community contributes towards the improvement of the ecclesiastical and

social life. He requires that the high repute becomes realized by the Church's members by performing an honest and reverential life. Finnian's use of the Latin word *crimen* (not *peccatum*) underlines his opinion that especially perjury damages lastingly the peace within the Church and society as well. Comparable with the decisions of the *Sinodus Luci Victoriae* (c. 5: a seven years penance in the worst case) and David's *Excerpta* (c. 16: fourfold compensation) the imposed penance refers to the ecclesiastical as well to the social aspect: atoning, renunciation, compensation and charity. Almost a third of the regulations contain initiatives of redress (acceptance of filial duties, restitution of embezzled money, compensatory payment, alms-giving, ban on carrying weapons, release from bonds of servitude, protection of bonds of wedlock).[60] The Irish authority Finnian emphasizes for the first time the boundless magnitude of God's mercy (c. 47): there are no temporal limit and no limitation with regard to the contents for the forgiveness of sins. This represents the explicit breakthrough for an unlimited opportunity to repent and receive forgiveness of sins after serving the imposed penance (c. 53).

[60] Cf. Meens, *Penance*, 50. O'Loughlin, *Penitentials*, MedIreland, 371.

4. Penitential of Columbanus (*Paenitentiale Columbani*)[1]

Columbanus' thinking about sin, confession and penance is written down in his actual Penitential for monks, clergy and lay-people. The Penitential is preserved by two manuscripts from Bobbio, a tenth century one G. V. 38 (fol 125 – 135) and another tenth or eleventh century specimen G. VII. 16 (fol 62^{v} – 71^{v}), both now housed in National Library of Turin. An additional ancient manuscript got lost, but was used in the collection of the Franciscan Friars Patricius Flemming (compiler in 1626) and Thomas Sirinus (publisher in Leuven [Louvain] 1667).[2] The time of origin of the Penitential is likely to have been after the foundation of Luxeuil's monastery, sometimes after 593, but before 600, when the monastic convent grew to some extent under his abbacy. The ever growing community demanded a proper order and a binding regulation. So it is meaningful to assume that a set of regulations, the *Regula monachorum*, the *Regula coenobialis* and the *Paenitentiale* arose roughly at the same time, at the very end of the sixth century.[3] Therefore two more documents are to be taken into account, because they round off and interpret the picture of Columbanus' notion about sin, repentance and penance. This includes his *Regula coenobialis*,[4] because it contains penitential-prescriptions for monks, and a small tract about sins and their "antidotes" systematized in an eightfold scheme of vices.[5]

4.1. The person Columbanus

The first *Vita* of Columbanus was compiled by Ionas of Susa,[6] a Burgundian Frank and member of the community of Bobbio's monastery (since 618), who started his work few years after its founder's passing away. Unusually for a contemporary hagiography the *Vita* can lay claim to some historical basis.[7] So the Ionas' statement that Columbanus entered the Irish monastery of Bangor as an adult and that he lived in Bangor's convent for many years before he arrived in Francia (about 590) could suggest a date of birth around 550.[8] In his first *Epistula*, addressed to Pope Gregory I. and written in 600, he introduces himself as "Bar-

[1] *Paenitentiale Columbani*, quoted (Latin and English) after Bieler, *The Irish Penitentials* (96) – 107 and (Latin and English) Walker, *Sancti Columbani Opera*, 168 - 181 ; (Latin) Wasserschleben, *Die Bußordnungen*, 353 - 360. (English) McNeill and Gamer, *Medieval Handbooks*, 249 - 257.

[2] Seebass, *Ordo Sancti Columbani abbatis*, 77. Walker, *Sancti Columbani Opera*, LII. McNeill and Gamer, *Medieval Handbooks*, 249, 250. Bieler, *The Irish Penitentials*, 5.

[3] Cf. Bullough, *The career of Columbanus*, 11, 12.

[4] The manuscript's lore, see: Walker, *Sancti Columbani Opera*, XLIX, L.

[5] The manuscript's tradition, see: Walker, *Sancti Columbani Opera*, LXII. The authentic authorship of Columbanus appears "very" probable" (Walker); confirming also de Vogüé, *Unter Regel und Abt*, 106.

[6] Cf. Kenney, *The sources*, 203 – 205.

[7] Cf. James F. Kenney: "Consequently his composition is one of the best historical sources of its age and kind." In: *The sources*, 204.

[8] Cf. Bullough, *The Career of Columbanus*, 2, 3. James F. Kenney suggests as Columbanus' birthplace Leinster und his date of birth between 530 and 545. *The sources*, 187. Richter, *Columbanus*, MedIreland, 100 – 101.

Iona" and translated the Hebrew name into the Latin "vilis Columba", which means "minuscule dove".[9] Because of the Irish monk's conviction of being during his life-time on a spiritual journey to God and strangers in the world, they went on pilgrimage abroad.[10] So did Columbanus, when he went via Brittany into the Frankish Gaul with the missionary aim to reconvert the people on the continent, who had fallen back in barbarism and paganism oppressed by heathen invaders and savage and ruthless princes. The years in Luxeuil (very early in the 590s of the sixth century)[11] are marked by Columbanus' effort to contribute his part to the renewal of the ecclesiastical life in France. Trained in an Irish monastery in religious severity and equipped with monastic seriousness as well as a self-confident feeling for independence he neither observed the prevailing power relations nor the existing ecclesiastical structures, if - in his opinion - the circumstances appeared immoral and against the purity of faith and integrity of the Church's life. Columbanus acted with the support of the Frankish princes as long as they did not violate the commandments and the obligation to a Christian life. So untouchable for corruption by worldly advances he blamed the immorality of the Frankish and Burgundian nobility where necessary.[12] The ecclesiastical structure of the Church in France differed considerably from the contemporary ecclesiastical situation in Ireland. Because the Continental Church was divided up into dioceses the bishop enjoyed a powerful position. So the bishops carried through the law that no monastery could be founded without their permission. Columbanus however attached importance to his independence[13] and wanted to get his own, the Irish way to form inner- as well as outer-monastic life and to reform the Frankish Church along the Irish pattern. As an independent character he neglected the local bishop's authority: firstly, he founded monasteries without their permission and, secondly, based their life in his *Regula monachorum*[14] on the ascetic and severe Irish observance. Living as a monk demanded from the brethren a high standard of virtues. They have to live an ideal life being a model of holiness for the faithful of other estates (clerics and laypeople).[15] Because alongside its heroic performance major offences and minor trespasses occurred due to human weakness, the convent needed a system of dealing with sin and penance. This insight was not unknown in the Continental Church. But the ecclesiastical officials still clung to the traditional system of penance, which

[9] *Columbanus*, *Epistula I*, 1, Walker, *Sancti Columbani Opera*, 2.
[10] See: Columbanus, *Instructio VIII*, 2: „*… ut sic vivamus in via ut viatores, ut peregrini, ut hospites mundi…*", quoted after Walker, *Sancti Columbani Opera*, 96. Or: Columbanus testified that he himself came as a pilgrim: „*in has terras peregrinus processerim*", *Columbanus*, *Epistula II*, 6, Walker, *Sancti Columbani Opera*, 16.Cf. also Angenendt, *Die irische Perigrinatio*, in: Die Iren und Europa, I, 52 – 79. Walker, *Sancti Columbani Opera*, XVII, XVIII.
[11] Knut Schäferdiek appoints the year 591 as the point of time, when Columbanus and his brethren entered the Merowingian Empire. Cf. *Columbans Wirken im Frankenreich*, 177.
[12] Cf. Bullough, *The career of Columbanus*, 14 – 17.
[13] Cf. Walker, *Sancti Columbani Opera*, XXXIII.
[14] Cf. Walker, *Sancti Columbani Opera*, XXIV. Columbanus' *Regulae* competed for some time with the upcoming Benedictan rule, which succeeded about 750. See: Walker, *Sancti Columbani Opera*, XXXIII.
[15] Cf. *Columbanus*, *Regula Monachorum*, VIII, *De Discretione*, Walker, *Sancti Columbani Opera*, 135 – 139, Meens, *Penance*, 56, 57.

allowed only one occasion of canonical repentance.[16] The Synod of Adge (506) offered a peculiar way out of the probable relapse into sin: the synod-fathers recommended to the ecclesiastical officials to be restrained to admit young people to the exercise of penance and postpone it, best onto the deathbed.[17] So the way of repentance, which Columbanus transferred from Ireland, was new to the Continental Church: daily and unlimited repeatable confession in privacy and the discreet imposition of a calculable penance.[18] This is laid down in the penitence-files of the *Regula coenobialis* for the monastic sector and then – compiled by Columbanus for all believers, monks, clerics and lay-people - in his Penitential.[19] And thirdly, he held on the Irish Easter-Cycle[20] and this intensified Columbanus' conflict with the local bishops. Added to the controversies of the structural, pastoral and dogmatic problems he applied the Irish standard of monastic virtues to the Frankish bishops' behaviour. And if they failed to be a Christian model in that sense, he did not hesitate to reprimand the faults of bishops and leading figures in the Church of Gaul.[21] So Columbanus met with widespread opposition of the Gaulic bishops, who handled the conflict carefully as long as Columbanus enjoyed the support of the leading nobility. He did not accept the summons to take part in a local council at Chalons-sur-Saône (603/604) and wrote instead of his participation his second *Epistula*, in which he implored all responsible persons, clergy and the monks, as "*amantissimi patres et fratres*": to seek in common ("*sive Galli sive Britanni sive Iberi*") the true and authentic way of the Church[22], especially the right celebration of Easter.[23] But Columbanus could not avoid the arising hostility among the Frankish nobility (because of his uncompromising accusation of their moral misbehaviour) and the Frankish hierarchy (caused by insurmountable theological and pastoral differences). Struggling with both, the secular and ecclesiastical authorities, Columbanus was urged to leave Luxeuil. He failed in his aim to return to Ireland (610)[24] and had to go again – now under compulsion – on pilgrimage that finally led him to his last retreat, a place in Italy,

[16] See for example the decision of the Council of Toledo (c. 11), that still confirmed in 589 the validity of the canonical penitence. Cf. Vogel, *Le pécheur*, 15.
[17] Cf. above chapter 1.2.2.3.1. a. See too: Meens, *Penance*, 23 – 30.
[18] In his 1st letter (6) Columbanus reports that he has heard confessions of bishops, who required his advice, whether they can continue to be in their office despite they had committed simony or adultery (with their wives), when they had been in the order of deacons. See too: Schäferdiek, *Columbans Wirken*, 181. Nikolasch, *Westkirche*, LMA, II, 1130.
[19] Cf. Walker, *Sancti Columbani Opera*, XXIV. Bullough, *The Career of Columbanus*, 11, 12.
[20] The Irish Easter-tradition uses an 84-years Easter-cycle with the spring-equinox on 25th of March and in the limit of the 14th until 20th full moon. The Continental-Church (Roman Church) based the celebration of Easter on a 19-years cycle. The difference can lead to different Easter-dates. The Synod of Whitby decided in 664 in favour of the Roman tradition. Cf. Ó Cróinín, *Osterfestberechnung*, LMA, VI, 1515 – 1517.
[21] *Columbanus*, *Epistula I*, 6, Walker, *Sancti Columbani Opera*, 9.
[22] Cf. *Columbanus*, *Epistula II*, 5, Walker, *Sancti Columbani Opera*, 16. See also the conciliatory summary, *Epistula II*, 9.
[23] *Columbanus*, *Epistula II*, 7, Walker, *Sancti Columbani Opera*, 18.
[24] Cf. *Columbanus*, *Epistula IV*, 8, Walker, *Sancti Columbani Opera*, 34. Bullough, The career of Columbanus, 17, 18.

called Bobbio. Here he died on the 23rd of November most probably in the year 615.[25]

4.2. The Penitential

4.2.1. The Penitential's intention

Columbanus' Penitential was influenced by previous writings (above all Finnian) and had a lasting influence on continental penance books. As an extraordinary point Columbanus left to the continent a new way of reconciliation: "Auricular confession and private penance."[26] The works of penance consist essentially in fasting, i. e. a diet of bread and water as well as abstinence, that means renunciation of meat and wine. If a victim suffers of a property's loss, clerics and lay-people are obliged to carry out restitution or compensation. In this introductory remarks Columbanus states: the very penitence has primarily the task not to admit evil doing for which is to atone, but if the evil has been done, to feel sorry honestly for the guilt.[27] This attitude smacks of compunction, which is for Finnian the requirement for an honest conversion.[28] The first aim (to avoid the sin) can be seen as desirable,[29] but the latter (to regret the sin) unfortunately is the day-by-day reality, caused by human weakness. Like Finnian his Irish abbot-confrere Columbanus estimates confession and penance as a healing practice respectively a remedy (*medicamentum paenitentiae*)[30] for the soul's wounds (*vulnera animarum*), the confessors the guides of souls as spiritual doctors (*medicus spiritalis*).[31] The ministry of repentance is regarding to canon B/1 entrusted to a bishop or a priest (*sacerdos*). So the knowledge of the penances' measure is necessary, because – compared with the physician's special treatment for different physical illnesses – the different ailments of soul, the sins need varying shaped remedies, i. e. penances.[32]

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[25] Bullough, *The career of Columbanus*, 27. Meens, *Penance*, 52, 53.
[26] Walker, *Sancti Columbani Opera*, XXXIII. Cf. Bullough, *The career of Columbanus*, 12.
[27] *Paenitentiale S. Columbani*, A, 1: "*Paenitentia vera est paenitenda non adimttere sed admissa deflere*." Quoted after Walker, *Sancti Columbani Opera*, 168.
[28] Cf. *Paenitentialis Vinniani*, c. 31, Bieler, *The Irish Penitentials*, 85.
[29] In his *Sermo* 60 Caesarius of Arles already demands of Christians (*primus et praecipuus*) not to commit a capital sin (*crimina capitalia*). Yet if one falls, the person has to atone accompanied with good works and avoid sinning again. CCL CIII / 1, 263, 266.
[30] Cf. *Regula coenobialis*, Introduction, Walker, *Sancti Columbani Opera*, 144.
[31] Cf. *Paenitentiale*, introduction part B, Walker, Sancti Columbani opera, 170 – 173. *Regula coenobialis*, Introduction, McNeill and Gamer, two parts, *Medieval Handbooks*, 258. *Instructio* XIII, where Jesus Christ is termed "*medicus salutaris*". Walker, *Sancti Columbani Opera*, 120.
[32] Cf. The introducing articles of the *Paenitentiale S. Columbani*, A, 1 respectively B and *Regula coenobialis*, Walker, *Sancti Columbani Opera*, 168, 172, 144. Caesarius of Arles also uses the comparison with the methods of physicians, *Sermo* 197, CCL CIV I, 2, 795, 796. See the comparable opinion expressed in the ancient Oriental Church by Gregory Nazianzen., *Orations* 2, 18.

4.2.2. The Penitential's structure

It is a common opinion that Columbanus' Pentinential is compiled from different writings and consists of several parts: offences and penance for monastic life, those for clerics and laypeople.[33]

T. M. Charles-Edwards regards Columbanus' Penitential as a "file of documents",[34] "which is evidently composite,"[35] and recognizes the compilation of five sections:[36]

part	**purview**	**regulations**
A I (1 – 8)	monks	capital sins and grave vices
A II (9 – 12)	monks	minor offences, disorderly habits
B I (1 – 12)	clergy	
B II (13 – 25)	laypeople	
B III (26 – 29)	monks	minor sanctions

This tabulated survey points up to a special pastoral situation of Columbanus' monastic settlements: he claimed pastoral responsibility and authority not only for the inner-monastic sector, but also for the circle of influence outside the monastery. According to his Irish tradition, the abbot Columbanus also regarded the people, who settled attached to the monastery, as his clients, clerics as well as laypeople who as dependants or *manaig(h)*[37] belonged to the monastic family. Among others this understanding led to Columbanus' conflicts with the local Gaul bishops.

4.2.3. The three capital sins

4.2.3.1. Sin against faith

The first capital sin of apostasy appears in Comlumbanus' *Paenitentiale* in a threefold issue:

Firstly, paganism appears as not to be totally exterminated on the continent in Columbanus' time. Especially former sites of pagan worship (*fanum*), temples or

[33] Cf. Wasserschleben, two parts, *Die Bußordnungen*, 55, 353 - 360. Walker, *Sancti Columbani Opera*, two parts, 168 - 181 McNeill and Gamer, two parts, *Medieval Handbooks*, 249 - 257. Bieler, two parts, *The Irish Penitentials* (96) – 107. Vogel, four parts (Pénitentiel monastique, Pénitentiel clerical, Pénitentiel laïque, Règlement monastique), *Le Pécheur*, 62 – 73.
[34] Charles-Edwards, *The Penitential of Columbanus*, 225.
[35] Charles-Edwards, *The Penitential of Columbanus*, 217.
[36] Cf. Charles-Edwards, *The Penitential of Columbanus*, 217.
[37] Cf. Charles-Edwards, *Prehistoric and early Ireland*, LXXIV. The monastic family consisted of three classes of membership: coenobitics, learnt monks of the entire community, brethren, lay-monks working in the monastery's agriculture or craft workshops, all living within the walled enclosure. As a third class tenants (*manaig*) of monastic land belong to monastic family dwelling outside the wall with their families. They all were under the care and the rule of the monastery's abbot. See too: Meens, *Penance*, 48, 49.

their ruins, remain to exist as meeting-places to celebrate heathen ceremonies. These cults were often performed by extended eating and drinking and happened despite being clearly declared a sacrilege by the priests. Partaking in that pagan practice draws penances from a forty-days-duration, if done by ignorance, or three forty-days-periods in case of greed against one's better judgement. But if one willingly took part in a bacchanal to worship demons and idols, he has to repent for three years (c. B/24). Here Columbanus takes over a distinction and a climax of personal guilt, which runs like a thread through all penitence-writings since the *Excerpta Davidis*: trespassing caused by ignorance, superficial negligence and intention.

Secondly, the second manifestation of apostasy appears in Columbanus' *Paenitentiale* as a local problem, supporters of the Bosoniac heresy. Bonosus, bishop of Naissus, denied at the end of the fourth century the virginity of Mary after giving birth to Jesus.[38] So in Christology the Bosoniacs advocated a special doctrine of Adoptianism, meaning subordination of Christ's underneath the Father's person. This heretical conviction held until the seventh century especially in Burgundy, where Columbanus met believers of this heresy. Canon B/25 orders a complex treatment for lay-people, who communicate with heretics:

a. If the layperson himself ignorantly associates with heretics he shall be lowered among the catechumens. The task of this disciplinary action obviously is that the erring person undergoes anew instructions about the true faith. The penance is another two forty-day-periods (*quadragesimae*) to repent for the wicked (*insana*) communion.
b. In case the layperson refuses the admonition of a priest and seeks willingly the communion with heretics the sin and therefore the penance is much more severe: after repenting an entire year, an additional three forty-days-periods and two other years of abstinence from wine and meat, for his reconciliation it is necessary that an orthodox (*catholicus episcopus*) bishop receives him back into the Church. This rite of reception into the Church again could lead to the conclusion that this canon does not go back to Columbanus' authorship, because the imposition of a bishop's hands as the sign for the reconciliation is a Roman, not a Celtic ceremony.[39] But it is not to overlook that Columbanus – as aforesaid - in all probability met followers of that heresy. Convinced of the one being of Father, Son and Holy Spirit he was an engaged defender of the entire doctrine of the Holy Trinity.[40] And in

[38] Cf. Fiedrowicz, *Bonosus*, in: LThK II, [3]1994, 588, 589.
[39] Cf. Walker, *Sancti Columbani Opera*, 179, footnote 1.
[40] See: *Columbanus*, *Instructio I*, 4.: "*Quis ergo Deus? Pater, Filius et Spritus Sanctus Deus unus est*." Quoted after Walker, *Sancti Columbani Opera*, 62.

his faithfulness to Rome[41] – all the same in two of his five letters in critical questions of faith Columbanus sought the decision of the pope[42] - it is very likely that in this special case he took up the combat with heretics side by side with the local orthodox bishops. Because the confession to the Bosoniac aberration was a public affair nothing objects Columbanus' agreement to a public Frankish-Roman rite, if a convert publicly was received into the Church after performing penance. So without more ado Columbanus himself could be the author of c. B/25 too.

Thirdly, a third trespass against the true faith is practice of magic art or sorcery (*maleficium*). In canon B/6 Columbanus distinguishes between the consequences of *maleficium* and the category of persons, who commit *maleficium*. A spell of love, which does not harm a person, is a serious offence, but not a capital sin. This is expressed in different penances (fasting and abstinence) for layman, (lower) clerics, deacons and priests. The penance however is rendered more severe, if the *maleficium* causes abortion; the sorcerer is suspected of homicide and it is therefore a capital sin. In the case of a person becomes ruined by magic, the offence is seen as capital guilt as well and a severe six-years-penance is the aftermath.

By comparison with Finnian's Penitential the body of source material appears very clear. Columbanus scoops out Finnian: The differences are marginal and Columbanus summarizes the regulations of Finnian's cc. 18 – 20 in c. B/6, whereby he – like Finnian - refers to the clergy and the laity, not to monks. In Columbanus' Penitential committing the sin of magic art explicitly draws temporary excommunication, because he orders the penitent to be allowed in the seventh year – after serving the penance - to go to communion again. In c. 53 Finnian too requires from the penitent not to receive communion before the penance is fulfilled.

a. Magic practice, no personal harm:

offence	**perpetrator**	**can.**	**Finnian**	**can.**	**Columbanus**
arouse love, no personal harm	woman or layman	19	fasting 1 year on bread and water	B/6	fasting ½ year on bread and water
	cleric	19	fasting 1 year on bread and water	B/6	fasting 1 year on bread and water
	deacon			B/6	fasting 2 years on bread and water
	priest			B/6	fasting 3 years on bread and water

[41] See his confession to be a true follower of Rome, *Epistula V*, 3, Walker, *Sancti Columbani Opera*, 38. The church in Ireland in general was marked by a loyalty to Rome, cf. Richter, *Irland*, 68, 69.
[42] Cf. Wright, *Columbanus's Epistulae*, 29.

b. Magic practice, personal harm, committed by laypeople:

offence	perpetrator	can.	Finnian	can.	Columbanus
magic, personal harm	clergy and laity	18	(*decipere*) 3 years on bread and water, 3 years abstinence from wine and meat	B/6	(*perdere*) 3 years on bread and water, 3 years abstinence from wine and meat
magic, abortion	lay-woman or -man	20	fasting half a year + six *quadragesi-mae* on bread and water + two years of abstinence	B/6	fasting half a year + six *quadragesi-mae* on bread and water

c. Magic practice, abortion, commited by clerics:

offence	perpetrator	can.	Finnian	can.	Columbanus
magic, abortion	cleric (low rank)			B/6	fasting one year on bread and water + six *quadragesi-mae* on bread and water
	deacon			B/6	fasting two years on bread and water + six *quadragesi-mae* on bread and water
	priest			B/6	fasting three years on bread and water + six *quadragesi-mae* on bread and water

4.2.3.2. Sin against integrity of life

The penance for the second capital sin, homicide, is written down in the penitential-prescriptions for monks as well as clerics and laypeople. It is remarkable that with Columbanus the intention of wrongdoing (among other trespasses the capital sins of homicide and fornication) is only mentioned in his Penitential for monks in c. A/2. It is due to the task of monastic life which is programmatically described in the opening sentence of Columbanus' *Regula monachorum*, referring to the teaching of the scriptures (Mt 22: 37.39): to love God with all the heart, all understanding and all personal abilities as well our neighbours as ourselves.[43] So it is vital for the integrity of the monastic community, for the vocation to become a model for all Christians and for the salvation of every single monk to control his own thoughts.[44] This can be afforded

[43] Cf. *Columbanus*, *Regula monachorum*, Walker, *Sancti Columbani Opera*, 122.
[44] Cf. *Columbanus*, *Regula monachorum*, VI, *de castitate*: "*Ed quid prodest si virgo corpora sit, si non sit virgo mente?*" Walker, *Sancti Columbani Opera*, 128.

in best manner by a daily examination of conscience and confession. To obey canon 1 of the *Regula coenobialis*, the quotidian confession[45] – obedient to the statutes of the holy Fathers (*sancti patres*)[46] - is therefore essential for a monk's life on the way to perfection.[47] Already Finnian mentions the salutary effect of penance, which is suitable to eradicate all human misdeeds.[48] Depending on the severity of the planned offence the penance (fasting on bread and water) raises between a forty-days-period (*quadragesima*) and half a year.[49]

Finnian in his Penitential has extended the warning of entertaining evil thoughts onto clerics and laypeople, a target group which is absent in Columbanus' advice.

offence	**perpetrator**	**can.**	**Finnian**	**can.**	**Columbanus**
planning to kill	monk			A/2	fasting 1 year
	cleric	6	fasting half a year + one year of abstinence		
	layman	7	fasting 7 days		

But the regulations for bodily harm and the worst case, mayhem, in Finnian's as well as Columbanus' Penitential show that they both were aware of a serious danger: uncontrolled emotions can easily degenerate into tragic consequences among people of all estates. The most serious penance is imposed on monks followed by more lenient impositions for clerics and lay-people.

offence	**perpetrator**	**can.**	**Finnian**	**can.**	**Columbanus**
bodily harm (bloodshed)	layman	9	fasting 40 days + compensation of a priest's discretion	B/21	compensation by care-taking for the victim + a *quadra-gesima* of fast
mayhem	monk			A/5	fasting three years
	cleric	8	fasting + losing his clerical status for one year, no compensation	B/9	fasting one year
	layman	9	fasting a *quadra-gesima* + compensation	B/9	fasting a *quadra-gesima*

[45] "*Statutum est, frates carissimi, a sanctis patribus, ut demus confessionem ante mensam sive ante lectorum introitum aut quandocumque fuerit facile, quia confessio et paenitentia de morte liberant*." *Columbanus*, *Regula coenobialis*, c. 1, Walker, *Sancti Columbani Opera*, 144.
[46] Cf. *Praefatio Gildae*, c. 5 (*antiqui patres*) and *Excerpta Davidis*, c. 10 (*antiqui sancti*).
[47] Cf. *Columbanus*, *Regula coenobialis*, c. 15: "… *Haec superum volentibus carpere iter tendens ad fastigia summa* …", Walker, *Sancti Columbani Opera*, 168.
[48] Cf. the concluding sentence of *Paenitentialis Vinniani*, see: Bieler, *The Irish Penitentials*, 94, 95.
[49] Cf. Walker, *Sancti Columbani Opera*, 168.

4.2.3.2.1. Unintentional and intentional killing:[50]

The prescription of penance for committing killing (*homicidium*) is laid down in the complex canon A/3 (for monks), B/1 (for clerics) and B/13 (for laypeople). While the duration of penance for monks and clerics amounts to the same, the time to atone for laypeople is clearly shorter. This goes not for mayhem: here is ordered a graduation of penance's length: three years for a monk (c. A/5), one year for a cleric, forty days for a layman (c. B/9).

The similarities between Columbanus and Finnian in dealing with the capital sin of homicide, which is – according to Columbanus - persecuted as crime by the civil authorities as well,[51] are clearly shown and agree even in detail, especially regarding the measure of penance. The most eye-catching difference between the two penitentials is the fact that Columbanus extends the directions onto monks, clerics and laypeople, so to say onto believers of all Church's life-performances, in monasteries, in orders and in lay-status. Before Finnian's Penitential the *Praefatio Gildae* and the *Sinodus Aquilonalis* focus their intention primarily on the monastic area,[52] while the *Sinodus Luci Victoriae* and the *Excerpta Davidis* predominantly contains decisions for ecclesiastical life outside a monastery, thus for the clergy and the laity.[53] Finnian covers in his Penitential the circle of clerics and laypeople too. And so Columbanus' Penitential vouches simultaneously for the pattern to take into account all ecclesiastical mores (religious, ordained and lay people), but still in separated sections: inner-monastic for monks (A) and outer-monastic for clerics and laypeople (B).

offence	**perpetrator**	**can.**	**Finnian**	**can.**	**Columbanus**
unintentional killing	cleric	24	3 years fasting + 3 more years abstinence + exile		
unintentional killing	cleric	24	3 years fasting + 3 more years abstinence + exile		

[50] L. Bieler draws in the case of intentional killing committed by a cleric (c. 23) the attention to the serious problem that the demand of a ten-years-penance in exile and the requirement of compensation to the victim's parents possibly are mutually exclusive. Ten years represent a long period. Therefore it can happen that in the meantime the parents have passed away. So they cannot enjoy the compensation. So Bieler assumes that Columbanus was aware of this problem and ordered just three years of exile in his c. B/13. But this comparison is not acceptable: the parallel decision appears between c. 23 of the *P. Vinniani* and c. B/1 of the *P. Columbani* (ten years for committing murder by a cleric) respectively Finnian's c. 35 and Columbanus' c. B/13 (three years for committing murder by a lay-person). Cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 337, 338.

[51] "*De capitalibus primum criminibus, quae etiam legis animadversione plectantur, saciendum est*." Walker, *Sancti Columbani Opera*, 172. For the relationship between ecclesiastical and civil right see also: Bieler, *The Irish Penitentials: Their Religious and Social Background*, 336, 337.

[52] Cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 330.

[53] I do not agree with T. M. Charles-Edwards that the Synod of the Grove of Victory is addressed to monks only. As aforesaid in my opinion the text – for example decision for the guidance to the barbarians (c. 4) and for adultery (c. 3), which are not monastic problems – unequivocally proves the validity for people of the outer-monastic church too. *The Penitential of Columbanus*, 218 respectively *Sinodus Luci Victoriae*, cf. Bieler, *The Irish Penitentials* (68) – (69).

offence	perpetrator	can.	Finnian	can.	Columbanus
intentional killing	monk			A/3	10 years fasting
	cleric	23	10 years fasting, abstinence + exile afterwards compen-sation and recon-ciliation by an abbot or a priest	B/1	10 years fasting + exile, afterwards compensation and reconciliation by a bishop or priest
	layman	35	3 years fasting, weaponless, no marital intercourse, alms-giving to a priest	B/13	3 years fasting, exile, weaponless, compensation, reconciliation by a priest
infanticide (*infantem opprimere)*	layman or -woman			B/18	1 year fasting, 2 years abstinence, no marital intercourse, reconciliation by a priest

Compared with Finnian's decisions (cc. 23, 24), the regulations in Columbanus' Penitential are more general; for example there is no distinction in Columbanus' Penitential between intentional (murder) and unintentional killing (manslaughter). Responsible for the reconciliation to the altar, meaning reunion with the celebrating community and their means of grace in Columbanus' opinion is the abbot for the monastic precinct[54] and the bishop respectively an authorized priest for the circle of clergy as well as laypeople.

In any case Columbanus' Penitential marks a borderline and an alteration from "particular" (of British origin) to more "comprehensive" (of Irish origin) regulations concerning sin, conversion, penance and reconciliation in the Church, which has been earlier illustrated in the matter of homicide.[55]

4.2.3.3. Sin against chastity

Columbanus lists of fourteen offences against chastity, the third classical capital sin. In particular seven of these trespasses Columbanus find common ground with Finnian. So entertaining impure thoughts with the intention to commit fornication is listed in Finnian's Penitential in cc. 1 to 3, of which especially c. 3 is to compare directly with Columbanus' c. A/2 respectively B/11. All three articles presuppose the strong determination of the offender to commit the sin[56] and order at least a penance of a half year's fasting on bread and water.

[54] This is evident by the first *capitula* of the *Regula monachorum*: "*De oboedientia*" Walker, *Sancti Columbani Opera*, 122 - 125.
[55] Cf. Charles-Edwards, *The Penitential of Columbanus*, 218.
[56] C. 3: "… *cogitaverit et voluerit facere*…", *Paenitentiale Vinniani*, quoted after Bieler, *The Irish Penitentials*, 74, respectively c. A/2: "… *per cogitatione peccaverit ... et paratus ad haec corde complenda fuerit* …", respectively B/11: "*Si quis concupiscit mulierem et non potest facere, id est non suscipit eum mulier*…", quoted after Walker, *Sancti Columbani Opera*, 168. A more severe penance (one and a half year) for monks is ordered in the *Praefatio Gildae*, c. 4. Cf. *Reg.*

Committing the sin of homosexual practice (sodomy) is – in Columbanus' opinion – the most severe offence against chastity. Therefore it entails a rigorous penance of ten years for monks (A/3) and for clerics (B/3) respectively a penance of seven years for a layman (B/15). The sin of sodomy is not mentioned in Finnian's penitential, but in the *Praefatio Gildae* (cc 1 – 3: three years), *Sinodus Aquilonialis* (c. 1: three years in exile and afterwards a different penance, depending from the offender's rank), *Sinodus Luci* (c. 8: between four and two years). The most severe penance is according to *Excerpta Davidis* the life-long sentence to live a monastic life (c. 5). The mention of that capital sin and its severe penance suggests the possibility that Columbanus scoops directly from this penitential-writings, despite the differences in the penance-measure in particular.

The integrity of marriage is highly prized by Columbanus. Adultery is a serious wrong-doing and means a grave breach of trust because of "violating the neighbour's (*proximus*) bed (c. B/14)." An addition to the penance shows that it is actually wrong in a social sense. The adulterer has to compensate the defilement of the wife and is obliged to pay a *praetium pudicitiae*, i. e. a price for the violated chastity. In the small writing "*De homine misero*" Columbanus presents as mankind's destination to enter into the eternal inheritance (*aeterna heriditas*). Because man comes naked into this world and leave as dust Columbanus recommends to sell worldly longings that perish and to buy heavenly goods that last forever. In his fluent Latin he uses the phrase: "*Vitia tua vende, et eme vitam*".[57] Among the eight vices Columbanus mentioned at the end of his writing *fornicatio* which he declares sin. He underlines this declaration in another small writing *De octo vitiis* quoting the Letter to the Hebrews 13: 4 ("… fornicators and adulterers God shall judge") as well as the Letter to the Ephesians 5: 3, expressing that faithful have to abstain even from mention of fornication and impurity.[58] So sinning by forbidden heterosexual intercourse in Columbanus' opinion is wrong, because the vice of fornication respectively adultery violates the integrity of marriage, creates mistrust among the fellow creature and misleads people to imperil their eternal future. Columbanus is convinced that the aim of God's revelation is to convince human beings to follow the path righteousness which erects his divine order in this world and leads into heaven. According to Columbanus' conviction fornication in all its forms cuts off this human vocation, and therefore it is a grave sin. The offence of fornication and its severity are differentiated according to the ecclesiastical estate (monk, cleric, lay-people), to the fact, whether it is a single or repeated lapse, whether the offender begets a child or not, whether it happens with a non-engaged woman or as adultery, and

monachorum: "*Castitatis vero monachi in cogitationibus iudicatur*…", Walker, *Sancti Columbani Opera*, 128.

[57] *Columbanus*, *De homine misero*, in *Sancti Columbani Opera*, 210.

[58] Cf. *Columbanus*, *De Octo vitiis*, in *Sancti Columbani Opera*, 210, 211. *Fornicatio* is mentioned in this small writing twice: firstly, regarding to the Letter to the Hebrew 13: 4 and secondly, referring to the Letter to the Ephesians 5: 3. But the text does not contain any indication that Columbanus considered the Letter to the Hebrews to be a Pauline one.

finally whether it is hidden to the public or publicly known. The ecclesiastical rank also biases the measure of penance. The conformities of the decision are noticeable in general, but different in particular. The following synopsis places special emphasis on the similarities; the main differences are listed in footnotes:

unchastity	perpetrator	Columbanus	Finnian	other writings
fornication, single	monk (and others)[59]	c. A/3: 3 years fasting in a monastery		*P. Gil.*: cc. 1 – 3: 3 years fasting; *S. Aq.*: c. 1: basic penance: 3 years fasting[60]
fornication repeated	monk (and others)	c. A/3: 7 years fasting in a monastery		
fornication not public, no child	cleric	c. B/4: 3 years fasting	c. 11: 3 years fasting and three more years of abstinence.[61]	*S. Aq.*: c. 1: basic penance : 3 years fasting
	(monk) or deacon	c. B/4: 5 years fasting		*S. Aq.*: c. 1: basic penance : 3 years fasting + 1 year
	priest	c. B/4: 7 years fasting		*S. Aq.*: c. 1: basic penance : 3 years fasting + 3 years
	bishop or (abbot)	c. B/4: 12 years fasting		*S. Aq.*: c. 1: basic penance : 3 years fasting + 7 years
fornication begetting a child	cleric (deacon)	c. B/2: 7 years fasting (on pilgrimage)	c. 21: 6 years fasting[62]	
fornication with virgin	layman	c. B/16: 2 years fasting[63]	c. 36: 2 years fasting[64]	*E.Dav.*: c. 6: 1 year fasting[65]
fornication with widow	layman	c. B/16: 1 year fasting		
adultery	layman	c. B/14: 3 years fasting[66]	c. 36: 1 year fasting[67]	*S.Lu.*: c. 3: 3 years fasting
intercourse of a cleric with his former wife	cleric or deacon	c. B/8: 7 years fasting	c. 27: 3 years fasting and 3 years abstinence	

In the latter case, the intercourse of a cleric with his former wife after his ordination and his vow to live abstemiously is an example to the point and a clear

[59] The wording: "… *tribus annis monachus paeniteat* …" can be translated: …by three years the monk shall atone … or: … any has to atone by three years as a monk … In any case three years of fasting on bread and water hardly could be performed in civil society; therefore the penitent had to take up temporarily a monastic life. The repenting by three forty-days-period during Christmas-, Easter- and Pentecost-time respectively three years seems to be an additional penance in case monk commits fornication, breaks his vow and leaves the convent for a short time or even for years.

[60] Added exile in another country and degradation from clerical order.

[61] Added degradation from clerical order.

[62] After penance the cleric is received again in his office in the 7th year.

[63] Obligation to pay the bride-price.

[64] Obligation to give alms to the poor.

[65] Unless the virgin has not taken a vow, the fornicator has the obligation to pay the bride-price. If however the virgin underwent a vow and bears a child, the layman's penance raise to three years, if he begets no child one and a half year. And if the layman is married, he has to restrain from marital intercourse for the whole time of repenting.

[66] The fornicator has to compensate the violation by a "price of chastity" to the husband.

[67] See above chapter 3.2.2.3.: the varied dealing with adultery.

reference of source-relations that can be noticed by striking conformities in the wording. The text shows not only many literally conformities, but it also contains on the whole an identical decision: a cleric, who has been a former and married layman, can live with his family further. His wife is still in his care (*clientela*), but with regarding to marital cohabitation she is for the ordained person a *puella aliena*, that means that every sexual activity with her is fornication.

Columbanus (c. B/8)[68]	**Finnian** (c. 27)[69]
Si quis autem clericus aut *diaconus* aut *alicuius gradus*, qui *laicus* fuit in saeculo *cum filiis and filiabus*, post conversion suam iterum suam cognoverit clientelam et *filium* iterum de ea *genuerit*, *sciat se* adulterium perpetrasse et *non minus* pecasse quam si ab *iuventute sua clericus* fuisset et cum *puella aliena pecasset*, *quia post votum suum* peccavit, postquam se domino consecravit, et *votum suum irritum* fecit.	*Si quis* fuerit *clericus diaconus* vel *alicui(us) gradus* et *laicus* ante fuerit (et) *cum filiis et filiabus* et cum clentella habitet et redeat ad carnis desiderium et *genuerit filium* ex clentella propria sua, ut dicat, *sciat se* ruina maxima cecidisse et exsurgere debere; *non minus* peccatum eius est ut esset *clericus* ex *iuventute sua* et ita est *cum puella aliena pecasset, quia post votum suum* peccaverunt et *postquam* consecrati sunt a Deo et tunc *votum suum inritum* fecerunt.

Another sin against chastity is masturbation and mentioned in the decrees for (junior) monks (A/7), for clerics (B/10) and for laymen (B/17). In the outer-monastic area of application (B/10 and B/17) masturbation (*per se ipsum fornicare*) is addressed in the same breath with sexual activities with animals (*cum iumento fornicare*). This kind of unchastity (masturbation and/or sexual practice with animals) also can be found in the *Praefatio Gildae*, the *Sinodus Aquilonalis*, the *Sinodus Luci* and in four paragraphs, which proceed the *Paenitentiale Vinniani*, only delivered in the manuscript of the Vienna National Library. Finnian's authorship of these four articles[70] however is seen as doubtful. Columbanus provides for a (junior) monk, who commits masturbation, a penance of one year fasting (c. A/7). A cleric, who is not in orders (*non gradus*), has to atone for masturbation or misuse of an animal by two, if he is in an official position (*gradus*) three years fasting (c. B/10). Defiling himself or by sex with an animal a layman has according to c. B/17 to bear a penance of a year (having a wife) and half a year (no wife). The uncertain prescription (c. 1), which is mentioned in connection with Finnian, orders for a boy (*puer*), committing the sin of sexual activity with an animal, a hundred-days-fasting on bread and water.

[68] *Paenitentiale*, c. B/8, quoted after Walker, *Sancti Columbani Opera*, 174. The conformities are typed in italics.
[69] *Paenitentialis Vinniani*, c. 27, quoted after Bieler, *The Irish Penitentials*, 82. The conformities are typed in italics.
[70] The wording corresponds almost verbatim to the *Paenitentiale Cummeani*, X, 5. Cf. Wasserschleben, *Die Bußordnungen*, 108, footnote 1 and Bieler, *The Irish Penitentials*, 242.

4.2.4. Grave vices of perjury and theft

Alongside the three capital (mortal) sins two other grave vices are mentioned in Columbanus' Penitential, perjury and theft. The seriousness of these offences, especially perjury, is expressed in severe measure of penance.

4.2.4.1. Perjury

A monk as well as a member of the clergy, who swears a false oath, has to undergo a penance of seven years (c. A/4a respectively c. B/5). Among the lay-people perjury is distinguished by the perjurer's motivation: willingly caused by greed (*cupiditas*) and involuntary forced by fear (c. B/20). Willingly enrichment by perjured declaration must have been a serious civil problem,[71] for the penance is austere: all the further life serving in monastic renunciation: all property to the poor, leaving the world and serving in a monastery. The claim to take up monastic life for the rest of life is brought against an offender till now only by c. 4 of the *Sinodus Luci Victoriae*. The cause here is different: offer to guide invading barbarians.[72] But the motivation and the circumstances are the same as in c. 20 of Columbanus' Penitential: looking to one's own advantage (*cupiditas*) and intentional acting. Even an extorted false oath draws a seven years excommunication, three years in exile fasting, forbidden to bear arms, two more years of abstinence and other social obligations like release of a slave and alms-giving during another two years, eventually a duration of seven years too. Finnian's Penitential lists indeed perjury in c. 22 among the vices committed by clerics, but the wording: "*si quis iuraverit iuramentum falsum*"[73] on principle does not exclude the assumption that the regulation cannot be applied to other (lay) people. Article 22 banishes the perjurer from any further oath, lays upon him a seven year's penance and obliges him to free a slave or give the corresponding amount to the poor. The similarity between Columbanus and Finnian appears in the duration of penance: seven years. The differences in this section refer to a different development in Columbanus' penitential-writings and the use of Finnian as source.

a. Because Finnian's Penitential contains no decrees for monks, Columbanus mentions in c. A/4a only the penance's duration. Moreover a monk lacks of any possession, so he is unable to set free slaves or pay alms to the poor.
b. In c. B/5 Columbanus takes over Finnian's rule that alongside a penance of seven years a perjurer is forbidden to take an oath again.
c. The penance for lay-people comprises all together seven year, but is varied in different penitential-works. In common with Finnian Columbanus' c.

[71] Finnian marks it as a *magnum crimen*, cf. Bieler, *The Irish Penitentials*, 80.
[72] Cf. also Patrick, Address to the soldiers of Coroticus [7], O'Loughlin, *Saint Patrick*, 96, 97.
[73] *Paenitentialis Vinniani*, c. 22, Bieler, *The Irish Penitentials*, 80.

B/20 regulates a special compensation by releasing a slave or alms-giving to the poor.

The body of source between Finnian and Columbanus is apparent. But it is also not far to seek that Coulmbanus' penitential-writings own clear originalities, especially in regarding the life-circumstances of the different addressees.

4.2.4.2. Theft

The vice of theft in Columbanus' Penitential is described again in three sections and decrees: c. A/4 for monks, c. B/7 for clerics and B/19 for lay-people. Explicitly mentioned is the larceny of a neighbour's livestock. Except a stealing monk clerics and lay-people have to compensate the loss and undergo a penance of fasting on bread and water over a distinct period. C. B/19 suggests that all penitents are excluded from the communion during the penance's duration. This period prolongs itself, if the thief cannot fulfill an appropriate compensation. On condition a layman used to commit theft more often and now restrains from stealing, but is unable to balance the damage there is given a special procedure: alms-giving and preparing a feast for the priest, who accompanies him. After two years his guilt has ended and he is allowed to communicate. In comparison with Finnian's Penitential the following picture of penance for theft emerges:

penitential	**monk**	**cleric**		**lay person**	
		1 or 2 cases	more often	1 or 2 cases	more often
Columbanus penance: fasting	A/4: 1 year	B/7: 1 year	B/7: 3 years	B/19: 3 x 40 days	B/19: 1 year + 3 x 40 days
exclusion from communion					admission: Easter two years after penance
additional conditions		restitution	if restitution is not pos-sible	restitution	if restitution is not pos-sible, alms and feast for the priest
Finnian penance: fasting		c. 25: 1 year	c. 26: 1 year		
abstinence			c. 26: 2 years		
additional conditions		c. 25: restitution fourfold			

Finnian does not distinct between the different ecclesiastical estates (monk, cleric, lay-person). Although he regulates the penance for theft only in the section for clerics and does not mention this vice among the rules for lay-people, it can be assumed that the regulations, especially regarding the restitution and

compensation of the loss, are valid also for the laity.[74] The most consistent penance for a single respectively repeated case of theft – alongside with restitution, where affordable – are one or two years of fasting. This condition can be noticed in the early penitential-writings of the South-West British Church as well: *Praefatio Gildae*, c. 6 (junior monk: two years, senior monk: one year); *Sinodus Aquilonalis*, c. 3 (one year in seclusion, another year with brethren); *Sinodus Luci Victoriae*, c. 1 (one year in a single case, two years in cases of relapse). These similarities suggest a well known tradition in dealing with stealing all over the Church in Britain and Ireland.

4.2.5. Other trespasses

A monk (c. A/6) or a cleric (c. B/12), who loses a consecrated host and deals with the loss carelessly, has to bear a penance of one year. This regulation can be compared with procedure for irreverence in the *Praefatio Gildae* (cc. 7 – 9). The *Regula coenobialis* XV mentions this offence and measure of penance too, i. e. one year. Although the *Praefatio Gildae* has the identical trespass (c. 9), the penance's duration differs from Columbanus' ordinance: three forty-days-periods. The crucial point is the deficient reverence for the sacrament by impiously leaving it behind, for example to an animal's consumption. The *Praefatio Gildae* and Columbanus's Penitential respectively the *Regula coenobialis* have the same tradition of the trespass (loss of the sacrament). But the *Praefatio* is not Columbanus' source for the duration of the penance. Either the source can be found in the *Regula* or the *Paenitentiale* A or B themselves or Columbanus scoops out an earlier text, from an authority, of whom the penitence-writing is lost.[75] In case one vomits the sacrament caused by drunkenness or gluttony, but – so it is to complete for logical reasons – the host is not thoughtlessly left behind, the person has to fast three forty-days-periods on bread and water. In case of infirmity the fasting-period is reduced and lasts seven days. The *Praefatio Gildae* (c. 7) knows the same misbehaviour, self-inflicted (by immoderateness) and through no fault of a person's own (illness). This distinction as well is mentioned by the *Praefatio*, but the penance is altogether different again (seven respectively four special fasts) in comparison with Columbanus' writings.

4.3. Columbanus' *Paenitentiale* and the *Regula coenobialis*[76]

The comparison of Columbanus' Penitential (especially the cc. A/9 – 11 and cc. B/26 – 30) with his rules (*Regula*) for a monastery's proper communal life (*vita coenobialis*) underlines again emphatically the file-character of these writings. The *Regula coenobialis* too is not to understand as a homogeneous text, but as a compilation from different writings and by different authors, mostly Columbanus'

[74] So does T. M. Charles-Edwards in: *The Penitential of Columbanus*, 224.
[75] Cf. T. M. Charles-Edwards in: *The Penitential of Columbanus*, 229.
[76] The first critical edition was published by Otto Seebass in ZKG, XVII (1897), 215 – 234. The quotation here follows Walker, *Sancti Columbani Opera*, 142 – 169.

successors.[77] The *Regula coenobialis* is preserved in six documents, of which the tenth century manuscript (St. Gallen Stiftsbibliothek 915) represents the earliest and the most authentic issue of the shorter version.[78] The longer review, which contains many additions by later authors, is handed down in a ninth century manuscript Munich BSB Clm 28118. By its character the *Regula coenobialis* is a penitential-writing for an inner-monastic use. The original rule, which first goes back to Columbanus' authorship, can be found in the articles one to nine. This and the other six articles, which all are originated in Luxeuil's monastery,[79] deal with the day-by-day life and the upkeep of discipline within a monastery's community.[80]

The paragraphs 9 – 11 have their parallels in parts of the *Regula coenobialis*, namely in the extended regulations of article XV, probably a later version composed by a successor of Columbanus. Even a sincere (*simpliciter*) dispute represents misbehaviour and is to be punished by six blows (*Regula*, XV) and fifty (C. A/9). If the dispute is carried out intentionally and in a quarrel (*ex contentione* respectively *ex intentione*) the *Regula* XV considers a choice: hundred blows or the imposition of silence, c. A/9 just silence. This regulation reveals the fact that the ban on talking was felt as severe as corporal punishment. Despite the striking difference in the punishment's measure it can be assumed that references exist between the regulation of the *Regula* and the Penitential. Both texts mention a corporal punishment and use the Latin word *plaga* for blow.

C. A/10 and the *Regula*'s article VII regulate the offence of slandering. The wording is almost the same as well as the measure of penance (three impostions). A monk, who is the cause of an overbearing contempt of a superior or the monastic rule and does not regret his offence, has to be excluded from the monastery's community. He suffers from the disease of pride (*superbiae morbus*). He can be cured by a penance of forty days, provided that he humiliates himself. C. A/11 and the passage of the *Regula coenobialis* (XV) are actually identical. C. A/12 respectively the consonant parallel-passage in XV of the *Regula coenobialis* takes up the principle of the ancient medicine: "*e contrariis contraria curet*"[81], which is mentioned in Finnian's Penitential (c. 28).

The final orders of the *Paenitentiale Columbani* (cc. B/26 – 30) dovetail into the *Regula coenobialis* too. They do not deal with capital sins or major offences like the majority of the Penitential's paragraphs, but they treat about detailed regulations for a monastery's day-schedule and take actions against minor

[77] Cf. Charles-Edwards in: *The Penitential of Columbanus*, 225, 226, 235 - 237. Walker, *Sancti Columbani Opera*, L, LI.
[78] See for the other manuscript's tradition Walker, *Sancti Columbani Opera*, XLIX.
[79] Cf. Walker, *Sancti Columbani Opera*, L.
[80] Cf. Charles-Edwards in: *The Penitential of Columbanus*, 232. Walker, Sancti Columbani opera, L.
[81] Quoted after Bieler, *The Irish Penitentials*, 82. See too: Basilius von Caesarea, *Mönchsregeln*, 51. Frage, 213.

violations of the convent's communal life. C. 26 provides an insight in the construction of a Columbian (Irish) monastery: the transgression of leaving open the monastic settlement describes it as an enclosure, meaning an ensemble of buildings surrounded by a wall.[82] The consequences of disobediences against the rule are additional duties and fasting (bread and water) and corporal punishment[83], a disciplinary action that – with exception of c. A/9 - does not occur in the penitential and seems to be confined to the monastery's area. The *Regula coenobialis* however considers alongside with fasting and abstinence, prostrating and impositions (for example silence, prohibiting from meals, additional psalm-singing) blows as penalty for faults against the monastic discipline (articles I, II, III, IV, V, VIII, IX and so forth). The orders at the Penitential's end refer to the original nucleus of the *Regula coenobialis*, because the Penitential uses the same Latin verb for blows, *percussio*, as the *Regula coenobialis* homogeneously does in the first nine articles. From article XIII onwards the *Regula coenobialis* has *verberum* or *plaga* as word for blow.[84] The Penitential ends with the obliged instruction for daily confession (c. B/30), a direction the *Regula coenobialis* starts with (article I).

The development of the text, the history and the interdependences are complicated. The Penitential starts with rules especially for monks (cc. A/1 – 12), containing major sins (murder, fornication, theft, perjury) as well as minor trespasses ("*de minutis*")[85] against the monastic discipline. Other, but in the significance comparable, minor disciplinarian offences ("*de minutis*")[86] are added to the Penitential at its end. The fact that all these orders for the day-to-day-life in a monastery are not combined in the paragraphs at the Penitential's beginning refers to different authors and text-tradition. There are indicators to identify original texts of Columbanus and earlier and later passages, for example the use of

[82] C. 26: *Si quis vallum apertum in nocte dimiserit*…, Walker, *Sancti Columbani Opera*, 178.
[83] Executed by "blows on thy hand in the first place with a scourge", *Tallaght*, The Monastery of, § 37, 142.
[84] Cf. Walker, *Sancti Columbani Opera*, L, LI. The articles X – XII do not contain the prescription of any corporal punishment. Another difference between the earlier, probably from Columbanus' pen, and the later issue, composed by his disciples and successors, is the use of leading positions in the monastery: the terms are *pater senioris* (VII), *senior* (article VIII), *pater monasterii*, *praepositus*, *oeconomus maior* and *abbas* (IX and XII). In article VIII, which belongs to the older writing, a threefold order of precedence appears in the following trespass: A monk refuses a decision of a superior (*praepositus*) and expresses that he prefers to follow the judgement of his monastic guide (*senior*) or wants to present directly his case to the monastery's principal (*pater monasterii*). In the younger writings the power to order owns the abbot or the superior (*abbas aut praepositus*), parallel called *abbas vel oeconomus maior*, so that the position of the *pater monasterii* unequivocally means an abbot's authority and *praepositus* a leading figure among the monastic community below the abbot's rank. It is in any case a trespass against the discipline to disrespect the order of a leading person in the community and try to carry the own point by applying to the abbot behind the back his superior (XII: "*Si quis voluerit aliquid et prohibet oeconomus et iubet abbas, quinque dies*.") And above all an obligation of obedience exists towards all *praepositi* and *seniores* expressed in the rule: IX: "*ut seniori iunior oboediat*." Cf. Walker, *Regulae* (*Reg. coenobialis*) *Sancti Columbani Opera*, 152, 153, 156, 157, 160, 161. De Vogüé, *Regulae Columbani*, DIP VII, 1611.
[85] *Regulae* (*Paenitentiale*), Walker, *Sancti Columbani Opera*, 170.
[86] *Regulae* (*Paenitentiale*), Walker, *Sancti Columbani Opera*, 178.

the terms *percussio*, *verberum* or *plaga* for corporal punishment. As aforesaid the Latin word for blow, *percussio*, is a reference to the time of Columbanus as well as his authorship. And if the longer version of the *Regula coenobialis* and especially the regulations of article XV were compiled by successors of Columbanus in Luxeuil, this text is later composed and probably taken from the regulation for monks, the Penitential starts with (A).[87] But beside this consideration the tradition of the text remains complex, as it is according to the nature of the document's file-character.

4.4. Tracts *De homine misero* and *De octo vitiis principalibus*.

These two small tracts O. Seebass published in 1894 and classified them among two other treatises as "*Sermonen*" (sermons).[88] The writings turn to a young man, who obviously is in care of the abbot. He applies for his protegé (*o fili*) and tries to win him for giving up a life of vice and enter into religious life, to cease the vices and to acquire life.[89] Seebass expresses no doubts about the authorship of Columbanus himself. Walker too is convinced to a high degree that its classification among the dubious works is not appropriate. He believes in the authenticity and justifies it with references of the same tenor in other, Columbanus certainly assigned writings.[90] So the impression is created that Columbanus and his disciples and successors met John Cassian's writings later in Gaul, where he had written the *De Institutis coenobiorum* and the *Collationes Patrum* between 419 and 429.[91]

author /source	**vices's calatologue**
Cassian: Collationes V, 2	gastrimargia (gula), fornicatio, filargyria (cupiditas), ira, tristitia, acedia, cenodoxia (vana gloria), hybris (superbia)
Cassian: Institutiones V, 1	gastrimargia (gula), fornicatio, filargyria (avaritia / amor pecuniae), ira, tristitia, acedia (anxietas sive taedium cordis), cenodoxia (vana gloria), superbia
Columbanus: De octo vitiis prin cipalibus	*gula*, *fornicatio*, *cupiditas, ira*, *tristitia*, *accedia*, *vana gloria*, *superbia*
Columbanus: De homine misero	*gula*, *fornicatio*, *cupiditas*, *ira*, *tristitia*, *accedia*, *vana gloria*, *superbia*
Columbanus: Instructio II	*superbia*, invidia, *ira*cundia, blaspehemia, iniquitas, malitia, *tristitia*, *vana gloria*, *cupiditas*, malignitas, amaritudinis
Columbanus: Regula monachorum VIII	*superbia*, invidia, mendatium, corruptela, impietas, mala morum trangressio, *gula*, *fornicatio*, *cupiditas, ira, tristitia*, instabilitas, *vana gloria*, elatio, detractio

[87] Cf. Charles-Edwards in: *The Penitential of Columbanus*, 233.
[88] Cf. Seebass, *Ordo sancti Columbani*, 76. The texts provided by Seebass with the Roman numbers II and IV correspondent indeed to the sermons III and XI of Walker's numeration.
[89] Cf. *De homine misero,* Seebass, *Ordo sancti Columbani*, 79. Walker, *Sancti Columbani Opera*, 208 – 211.
[90] Cf. Walker, *Sancti Columbani Opera*, *Instructio* II, 2, 70, 71, *Regulae* VIII, 12, 136 respectively *Appendix*, 208 – 213. The conformities with Cassian are accentuated by italics.
[91] Cf. Ziegler, Einleitung zu *Collationes Patrum*, 26, 27. The accordance with Cassian is marked by italics.

In addition to the enumeration of the vices Columbanus utters his expectation that the addressees of his sermon (*instructio*) may be possessed by the contrary behaviour: "lowliness, gentleness, kindness, courtesy, sobriety, mercy, justice, joy and love."[92] In *De octo vitiis principalibus* the author inter alia recommends to meet avarice (*cupiditas*) by renunciation of possessions, to overcome anger (*ira*) with tolerance and kindness, to conquer sadness (*tristitia*) by spiritual delight and confidence in blessed future to come and so forth. So he states that all vices are "cured by contraries in this way." [93] This principle, which is borrowed from the ancient medicine, can analogously be found too in the Penitential A/12.[94]

As aforesaid the source for the eightfold scheme of vices is John Cassian's *Collationes* (V. 2)[95] respectively *De institutis* (V. 1)[96] His catalogue is based on Evagrius of Pontus' eight (tempting-) thoughts.[97] In his *Collationes* Cassian refers to a practice of ancient medicine, when the abbot John counsels: "*contrariis semet ipsum obiectionibus semper exerceat*…"[98] This rule, to heal contraries by opposite treatment, is obviously the source for Finnian in his Penitential (cc. 28, 29) as well as for Columbanus in his small tract about the eight principal vices and their cure.

So it can be stated in high probability from the premise that Columbanus learnt about the eightfold scheme of vices during his life-time in Gaul. The source appears as one of the first, if not the first mention of Cassian's vice-catalogue by an author, who comes from and keeps up connections to the Irish Church. Columbanus respectively his disciples recognize Cassian's Eight-Vices-Scheme as a suitable pattern to systematize vices and virtues, but they did not use this scheme to structure his Penitential. This could mean that Columbanus did not

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[92] *Instructio* II, 2, quoted after Walker, *Sancti Columbani Opera*, 70, 71. Cf. *Regulae*, *Sancti Columbani Opera* 136.

[93] *De octo vitiis principalibus*, quoted after Walker, *Sancti Columbani Opera*, *Appendix*, 211, 212. "*Haec igitur omnium origins et causae sunt malorum, quae sic sananda per contraria*", De octo vitiis principalibus, quoted after Seebass, *Ordo sancti Columbani*, 86, 87.

[94] Cf. *Paenitentiale*, Walker, *Sancti Columbani Opera*, 170, 171.

[95] Cf. Cassian, *Collationes*, CSEL, Vol. XIII (Petschenig), 121. Scattered throughout the writings of the Hermas' Shepherd (about 140 A.D.) a catalogue of vices is to be found. In his chapter Mand (ἐντολαί [Mandata]) V. 2 the Pastor describes the escalation of anger: From anger (θυμός) via rage (ὀργή) to fury (μῆνις). Cassian himself mentions in the 5th conference of his *Collationes*, the conversation with the abbot Serapion, three species of anger and quotes the original Greek terms, using the same words as The Pastor of Hermas: θυμός, ὀργή and μῆνις. (V. 11.: "*Irae genera sunt tria. Unum quod exardescit intrinsecus, quod Graece θυμός dicitur. Aliud quod in verbum et opus effectumque prorumpit, quod ὀργή nuncupatur … Tertium quod non ut illa efferuens ad horam digeritur, sed per dies et tempora reservatur, quod μῆνις dicitur*.") That remarkable random sample can be seen as a striking indication and a likely conclusion that the pattern for the vices had been taken by Evagrios of Pontus as well as John Cassian from the Shepherd of Hermas' writings.

[96] Cf. Cassian, *De institutis*, V, 1, CSEL, Vol. XVII (Petschenig), 81. And: *Von den Einrichtungen der Klöster* (BKV), 95, 96.

[97] Cf. Evagrios Pontikos, *Evagrii de octo vitiosis*, PG 40, 1271. *Praktikos*, 6 – 33 (γαστριμαργία, πορνεία, φιλαργυρία, λύπης, ὀργῆς, ἀκηδία, κενοδοξία, ὑπερηφανεία). John Cassian was decisively influenced by Evagrios Pontikos. Gregor Emmenegger states that Cassian lived for some time with Evagrios during the last twenty years of the 4th century. Cf. Emmenegger, *Cassian*, IX, X.

[98] Cassian, *Collationes*, XIX, 14, CSEL Vol. XIII, (Petschenig), 548.

have either this scheme at his disposal or did not realize the vices' system as a pattern of structuring, when he compiled an earlier issue of his Penitential. The model videlicet for this Penitential of Columbanus predominantly was Finnian's penitence-writing. Finnian (c. 29) non-systematically mentions solely five evil manners and their antidotes. This selection presages some knowledge of John Cassian's vice-catalogue. But Columbanus however expressively quotes Cassian's Eight-Vices-Scheme and contrasts it with a kind of Eight-Virtues-Catalogue.[99] Columbanus' complete and aware juxtaposition and clarification support the assumption that he had available a more detailed knowledge about Cassian, another evidence that Columbanus compiled his Penitential subsequent to the *Paenitentialis Vinnani*.

4.5. Résumé

This leads to the following conclusions:

Firstly, Columbanus introduced a new genre of dealing with sin, repentance and their consequences, the penance: confession in privacy, repeatable as often as required, equipped with a calculable penance. The minister of repentance is a bishop or a priest (*sacerdos*). Especially for its measure Columbanus advised the ecclesiastical officials in Gaul by a hand-out: his Penitential.[100]

Secondly, Columbanus like Finnian cautions his entrusted clients against entertaining evil thoughts. In his opinion thinking about forbidden desires means committing sin which entails penance.[101]

Thirdly, different from the Irish abbot Finnian his fellow-countryman Columbanus, re-evangelizing and pasturing the people in the Frankish patchwork-kingdoms, extended the decrees of his Penitential onto all the Church's members: monks, clerics and laypeople. The monks however have a particular role to set with their lives a model for the other faithful. This was a decisive step forward towards a comprehensive pastoral system of repentance, which later the *Paenitentiale Ambrosianum* and the *Paenitentiale Cummeani* formed for the Church's community in middle and Western Europe.[102] Therefore T. M. Charles-Edwards is right to settle Columbanus and his teaching in a kind of "borderland"[103], a period between the late sixth and the middle of the seventh century.

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[99] Cf. Walker, *Sancti Columbani Opera*, 210 – 213. Columbanus for example adopts from Cassian the threefold manifestation of *gula* / *gastrimargia*: consume before meal-time, overeating, delicacy. Cf. *De institutis*, V, 23, CSEL, Vol. XVII (Petschenig), 100.
[100] Cf. Vogel, *Les Libri Paenitentiales*, 35, 36. Dooley, *From pena*nce, 405.
[101] Cf. Meens, *Penance*, 56.
[102] Cf. Charles-Edwards, *The Penitential of Columbanus*, 218.
[103] Cf. Charles-Edwards, *The Penitential of Columbanus*, 226.

Fourthly, Columbanus' *Paenitentiale* shows no trace of the Eight-Vices-Scheme, which later constitutes the entire structure of the *Ambrosianum*'s and *Cummean*'s (or possibly an earlier penitential that is lost[104]) penitential-writing. The tract *De octo vitiis* does not represent a penitential, because it is lacking in any detailed penance. But it is – similar to a penitential - also a register of sins, here following a special pattern, a source, that is to be identified as Cassian's Eight-Vices-Scheme. And it is used as a prescript to instruct a person, how to avoid these vices and cure them. So it is a possible conclusion that the *Paenitentiale* (and the *Regula coenobialis*) has another tradition as the tracts about the eightfold-vices-system. Columbanus' Penitential, which followed closely the example of Finnian's penitence-writing, probably could refer to an earlier Irish pattern[105], which Columbanus had experienced during his education in Bangor and at hand, when in Luxeuil he rewrote and adapted it in the 90s of the sixth century for the use in Gaul. The intention was an unequivocal pastoral one: the upkeep of faith, moral and discipline among monks, clerics and lay-people. The tracts pursue on principle the same aim, certainly not generally for all the Church's members, but individually for a distinct person (*o fili*)[106], addressed at different times and in other circumstances. So Columbanus used another register of vices to instruct his disciples individually, how to avoid sinning. For this he took over a tradition of the Continental Church, he later encountered, even when a basic issue of the penitential was already finished. A crucial question is whether he or the following and later compilers just supplemented the writing or even alter the penitential in its structure by introducing Cassian's Eight-Vices-Scheme.

Columbanus's influence onto the practice of penitence in the Frankish Church was important, his ecclesiastical reputation widespread, despite not uncontroversial. The link of the abbot Columbanus to his homeland must have been close, because he planned to get back to Ireland in 610,[107] a venture which would have been impossible without firm connections and a continuous correspondence with his native country (and perhaps his home-monastery). The part of the Continental Church influenced and renewed by Irish monks and the homeland of the pilgrim missionaries are closely linked too in the following century. So it is probable that the importance of the Irish abbot in Gaul also was known in Ireland. Even if Columbanus' issue of a penitential never reached Ireland, can it really be denied that Columbanus or his disciples (govern the taught and recorded inheritance of their master in some way or other) took part in

[104] Cf. Charles-Edwards, *The Penitential of Columbanus*, 228, 229. This supposition cannot be denied totally, but it appears as more convincing that the *Ambrosianum* itself took the role of this bridge-text.
[105] Cf. Bullough, *The Career of Columbanus*, 8.
[106] Walker considers it possible that the *filius* is the Burgundian king Theudebert, cf. *Sancti Columbani Opera*, LXII. See too: Schäferdiek, *Columbans Wirken*, 199. Columban indeed enjoyed for a certain period sympathy and friendship of the Frankish nobility.
[107] Columbanus' Letter IV was written after his exile from Luxeuil 610 in Nantes, where he and his party waited for ship back to Ireland. Cf. Walker, *Sancti Columbani Opera*, XXXVIII and *Epistula IV*, 8, 34, 35.

delivering the knowledge of Cassian's writings and especially his eightfold scheme of vices into Ireland? Did another penitential exist, which represents a kind of bridge-function between Columbanus' writings and further Irish penitentials? Which role do the *Paenitentiale Ambrosianum* and the *Paenitentiale Cummeani* play and how is a possible relation to each other formed? Are at all discovering relations between the *Ambrosianum* and the *P. Cummeani*, the assumption of an unknown or lost penitential necessary to explain the introduction of Eight-Vices-Scheme into seventh century's Irish penitentials? This important element of structure in any case arrived sometimes after 600 in Ireland and formed a striking difference to the earlier penitential-writings, clearly proved by Cummean's Penitential. Considering the non-mention of the Eight-Vices-Scheme in his Penitential and his plan to return to Ireland, it is likely that Columbanus got the knowledge of Cassian's scheme within the ten years after 600. Only a little later it appears as a systematizing element in the *Paenitentiale Ambrosianum*. So it cannot be excluded that the participation of Columbanus and his disciples entails in connecting the Eight-Vices-Scheme as an element of structure to another penitential, which then influenced a further Irish one. It seems to be possible, and so it is to look out for evidence that makes this notion plausible.[108]

[108] Cf. Charles-Edwards, *The Penitential of Columbanus*, 238, 239.

5. The *Paenitentiale Ambrosianum*

5.1. The tradition of the Ambrosiana's Penitential

5.1.1. Similarities with Finnian's Penitential

The *Paenitentiale Ambrosianum* is an anonymous book and received its name from the manuscript's depository: the Milan's Bibliotheca *Ambrosiana*.[1] The codex, which came into the Milanese library from Bobbio, was written at the end of the ninth century.[2] The text was first studied and published by Otto Seebass in 1896.[3] The author is unknown, but the Penitential gives some information so that some contour of his personality leaves the shadows of anonymity: in the prologue to his Penitential the author is introduced as person of some importance and well known for his experience and knowledge. Probably an abbot of some importance he follows his duty for pastoral care and the devoted inquiry by brethren (*devota fratrum postulatione*) to teach them about the remedies for the spiritual wounds (*spiritalium vulnerum medicamenta*). Similar to the epilogue of Finnian's Penitential[4] (*sententia scriptuarum*) he refers to the authority of divine law (*praeiudicium divinae*). Like Finnian (*opinio quorundam doctissimorum*) he respects the opinion of those, who have at their own disposal greater knowledge about measures against spiritual ailment.[5] Although the *Ambrosianum*'s author mentions that the following work actually goes beyond his ability (*ultra vires*), a common expression of modesty, which he shares with Finnian (*supra possibilitatem meam*), he however claims the authority to make obligatory decisions about penance:

> I decide about the quality or quantity of penance to be assessed…[6]

Above all the *Ambrosianum*'s prologue and the epilogue of Finnian's Penitential fall in unequivocally with the conviction that penance is a medicine against the wounds of sin.[7]

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[1] It is the only manuscript available, cf. Le Bras, *Pénitentitiels*, 1175. Cf. Körntgen, Ludger, *Studien*, 10 – 13.
[2] Cf. Körntgen, *Studien*, 11 – 13.
[3] Cf. Seebass, *Ein nicht veröffentlichtes Poenitential*, 24 – 50.
[4] Cf. Bieler, *The Irish Penitentials*, 92 – 95. Körntgen, Ludger, *Studien*, 83.
[5] "*…non praeiudicans his, qui sagatiore gratia sanitatum et peritia salubriori sancto spiritu illuminante redundant*." Körntgen, *Studien*, 258.
[6] "*…decernens qualitatis vel quantitatis mensurandae poenitentiae…*" Körntgen, *Studien*, 258, translation by the author. Further claims to decide can be found in the serious case of homicide committed by a bishop or an abbot about the duration and circumstances of his exile (II, 6); or in case of a lie (III, 8).
[7] *Ambrosianum*: "*…et ubicumque post baptismum mandato dei voluntas nostra praeponitur, poenitentiae labore velut vini severitate et olei misericordiae lenitate sanitatem vulneri procurare*." Körntgen, *Studien*, 258. Respectively *P. Vinniani*: "*…pauca de penitentiae remediis…temptavi scribere.*" Bieler, *The Irish Penitentials*, 92, 94.

The *Ambrosianum*'s introduction also refers to the Church's almost six-hundred-years-dispute that the forgiveness of sins is primarily owned by baptism. That the discussion did not become silent by this time can be interpreted by all means as an indication of the *Ambrosianum*'s origin in the Gaulic-Frankish area: the third council of Toledo in 589 A. D., where bishops of Spain and Gaul had been assembled, still insisted on the *canonical penance* as the only valid ecclesiastical form to gain forgiveness of sins and refused upcoming different practices.[8] This kind of repentance includes public confession and the impossibility of repetition. Roughly fifty years later the council of Chalon-sur-Saône (644 – 656), the Gaulic-Frankish bishops of Burgundy and Neustria confirm the validity of a novel and different way of repentance: the *tariff-penance*, a new form, now protecting privacy and rendering possible repetition. It appears as more than a coincidence that this time-space represents the activities of Columbanus and his disciples on the continent. They in particular introduced around 600 A. D. exactly the new way of repentance that is held by the decision of the council of Chalon-sur-Saône: the development has gained acceptance that the ailment of sin can be cured by confession (in privacy) and penance, in fact repeatable and without any limits.[9]

Both authors are clear about the challenge of their engagement: the one, who compiled the *Ambrosianum*, asks for "pardon for my necessity's presumption"[10]. Finnian is challenged (*temptavit*), when he writes down his Penitential. But both writers are compelled by pastoral care (*Ambrosianum*: *pastoralis solicitudo*) respectively, love for the brethren (Finnian: *vester amor*) and that is the reason why they themselves accepted this risk. So it appears at least a kind of relationship in spirit among the two authors.

The author of the *Ambrosianum* has a good knowledge of at least two representatives of the old and Oriental Church, Basil of Caesarea and John Cassian.

5.1.2. Similarities and conformities with Basil's *Regula ad monachos*

Especially concerning the rules for monks, the *Ambrosianum*'s author scoops out of Basil's *Regula ad monachos*, but uses these rules rather self-reliantly and adapts it to the current situation the author is experiencing.[11] So the many traces of the *Regula Basilii* appear differently in a similar as well as in an independent way, which will be described by three characteristic examples:

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[8] The members of the third council (synod) of Toledo react against a tiptoeing attempt of some local clerics to introduce a repeatable private penance. Cf. Göller, *Das spanisch-westgotische Bußwesen*, 253 – 255.

[9] *Ambrosianum*: "*… ubicumque post babtismum mandato dei voluntas nostra praeponitur, poenitentiae labore velut vini severitate et olei misericordiae lenitate sanitatem vulneri procurare*." Körntgen, *Studien*, 258. Cf. Vogel, *Le pécheur*, 15, 16. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 332, 333. See too: above chapter 4.1.

[10] *Ambrosianum*: "*Quaeso praesumptione necessariae veniam dare*." Körntgen, *Studien*, 258, translation by the author.

[11] Cf. Körntgen, *Studien*, 47, 48.

a. Many short quotations of Basil's rule draw through the Penitential's text. Often they are phrases, used by the author of the *Ambrosianum* like *ex corde poeniteat* (*Ambrosianum* II, 8) respectively *ex toto corde poeniteat* (*Regula Basilii* 123). This wording often is indeed constant and the article means a basic behaviour. In the present case, both writings tend to one's careless devotion for dangerous passion: *Ambrosianum* II, 8 aims at forbidden vehemence in impure thoughts that pollutes the body. Regarding Paul's letter to the Romans (7: 19) Basil's *Regula* 123 points out that passion tempts human beings to fail in doing the good, despite their desire to act in the right way. So the *Ambrosianum* and the *Regula Basilii* display a general misbehaviour (uncontrolled passion) that causes different lapses.[12] Its forgiveness certainly needs an honest (*ex corde*) remorse.

b. Even more clearly becomes the discovery that the *Ambrosianum*'s author has a good knowledge of the *Regula Basilli*. It appears in a comparison between the *interrogationes* 72 – 74 of the rule and the articles III, 9 and 10 of the Penitential. The subject of these paragraphs is the fault of grieving a brother by another member of the community. In both guidelines the trespasser is admonished to recognize the fault and to reconcile himself with the brother, whom he had made unhappy. But if the distressing monk refuses works of reconciliation, he shall be treated like a "gentile or a tax-collector" (Mt 18: 17, *Regula Basillii* 73) or as a stranger (*alienetur*, *Ambrosianum* III, 10). Should the affected person not accept apology and the offer of compensation the *Regula Basilii* (74) as well as the *Ambrosianum* (III, 10) allocates the guilt to the irreconcilable monk: Basil refers to parable of the unforgiving debtor (Mt 18, 23 – 35). The *Ambrosianum* just indicating the parable expresses its conviction that God releases the culprit from the debt: he will pardon the one, who regrets grieving the brother, even if the affected person is not willing to forgive him.

c. A rather exact quotation that means not only a conformity in a general sense, but also in the configuration of the case itself can be found in the question (*interrogatio*) 43 and 44 of Basil's rule. The subject here is the response to a slander of a brother (43) and a calumny of a superior among the community (44).

Reg. Basilii	***Ambrosianum***
43: *Qui detrahit fratri, aut audit detrahentem…*	VIII,6: *Qui detrahit de fratre vel audit detrahentem…*
44: *Quod si de eo qui praeest quis detraxerit…*	VIII,7: *Si de eo, qui praeest, detraxerit quis…*

[12] Another example is the phrase: "*fateatur culpam neglegentiae suae"*, *Ambrosianum* II, 9 and *Regula Basilii* 97. The basic guilt that is to confess is hesitation. While the *Ambrosianum* means a tepid resistance against impure thoughts, the *Regula Basilii* aims at dawdling of finishing a work in time. See also: "*maneat sine cibo*", *Ambrosianum* I, 7 resp. *Reg. Basilii* 97, 2.

The *Ambrosianum* orders that the slanderer as well as his pleasing listener is to be excluded from the communion of brethren, if the trespassers are obstinate (VIII, 6). To separate the slandering person from the monastic community is the consequence of the *Regula Basilii* too. Using the Latin verb *alienare* in the *Ambrosianum* shows the comprehension of its author that the trespass of slander results in exclusion from the monastery's community, not from the Church in general. In the same way the word *excommunicare* has to be understood, which is used by Basil.[13] Here also the difference appears between Basil's monastic rule and the Penitential's character: the rule indicates the trespass and its consequences: who transgresses, has to be excluded. The Penitential differentiates: if the transgressors admit their fault and try to reconcile themselves honestly (*ex corde compuncto*) with the concerned brother, the *Ambrosianum* provides them forgiveness after confessing the deed and reason, why they have done it (for example: hate or envy), to a priest. Basil's rule (44) as well as the Penitential *Ambrosianum* (VIII, 7), stands up for those members of the community, who have a leading role. Because they are exposed in a specific way to slander, the consequences for those, who talk libelously about their superiors, are guided by a statement of the Old Testament: when Miriam and Aaron had calumniated about Moses, God imposed upon Miriam a leprosy which lasted for seven days (Num 12: 1 – 16) that means simultaneously a seven days exclusion from the Israelite's tribe-communion. Basil applies this verdict of God analogously to the case of slandering about a community's member, who is in a leading duty. The *Ambrosianum* accordingly directs referring to this bible's passage that a penitent ("*si ex corde poeniteat*") slanderer has to be excluded from meals and divine services for seven days.[14] Provided that he cares about obedience in future, after this period he is to be reconciled.

The possibility to be reconciled after slandering a brother and calumniating a superior can be found in Columbanus' *Regula coenobialis* (VII) as well as in his Penitential (A/10). The penance the slanderer has to bear here is partially different from the *Ambrosianum*'s condition and is termed *superpostiones*.[15] These impositions mean additional

[13] That Basil actually means the exclusion from the brethren's communion is supported by his advice in the question 71 for the treatment of a monk, who murmurs: "*alienus sit a fratrum unitate qui murmurat*". This decision has a parallel in the *Ambosianum* (VIII, 4). Cf. too: *Columbanus, Reg. Monachorum* I, *De oboetientia*, Walker, *Sancti Columbani Opera*, 124.

[14] The exclusion from the community for seven days following Num 12: 1 – 16 in the case of slandering represents probably an early tradition of oriental monasticism. See *Pachomius* (about 290 – 346/347), Praecepta atque Iudicia: "*Qui facilis est a detrahendum dicitque quod non est, si in hoc peccato fuerit deprehensus, monebunt eum cum secundo, et si audire contempserit, separabitur extra conventum fratum septem diebus et panem tantum cum aqua acciepiet…" Pachomiana Latina*, ed. A. Boon, 63, 64. Cf. Körntgen, *Studien*, 47, note 211.

[15] Cf. *Paenitentiale Columbani* A/10: "*Qui autem detrahit aut libenter audit detrahentem, tribus superpositionibus paeniteat; si de eo praeest, septimana paeniteat*." Walker, *Sancti Columbani*

> mortifications like intensified fasts, fasting with half a ration of bread and water, imposed taciturnity, increasing night-watches and so forth.[16]

5.1.3. Similarities and conformities with John Cassian's writings

The author of the *Ambrosianum* has a good knowledge and comprehension of John Cassian's writings *De institutis coenobiorum* and *Collationes*.[17] This ability he not only reveals by his taking over Cassian's Eight-Vices-Scheme as the Penitential's element of structure and an extensive quotation (VIII, 28) of his rules about reprimands in daily monastic-life (book IV, 16). Just subtle parallels show the detailed insight in Cassian's writings: there is for example the use of the conceptual pair *trapezeta* and *paracharaximum*[18], the responsibility of the moneyer for the distinction between a sterling and false coin as a verbal picture to describe the superior's responsibility for delivering an authentic doctrine about penance. The word-picture of the victorious soldier (*victor miles*) in *Ambrosianum* II, 10, a faithful, who resists sin enforced by his faith, represents another metaphoric loan from Cassian, who expresses in *De institutis* (book VII, 21) that a believer remains to be a *miles Christi victor* as long as he avoids being possessed by longing (*concupiscentia*). The author also has sensitively understood Cassian's statement that gluttony (*gula*) is the basic vice, which precedes and causes all other vices. With Cassian[19] the author recommends to observe moderation as the suitable prevention against this fundamental vice, and simultaneously against all other trespasses:

> We base on the tool (hoe) of appropriate moderation to exterminate (root out) thoroughly with the Lord's help the roots of numerous vices, which are based on gluttony.[20]

5.2. Structure and contents of the *Ambrosianum*

As aforesaid Cassian's Eight-Vices-Scheme forms the basic structure of the *Paenitentiale Ambrosianum*, however not be patterned strictly and exclusively on the original text and terminology. The first vice the *Ambrosianum*'s author

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Opera, 170, 171. Despite it is not mentioned explicitly the seven-days-fast (*septimana*) as penance for slandering about a superior obviously refers to Num 12: 1 – 16 as well.

[16] Cf. McNeill and Gamer, *Medieval handbooks*, 31, 120, not 29, 423. de Vogüé, *Regula(e) Columbani*, DIP VII, 1611, 1612.

[17] For the influence of John Cassian on the Western Church see: Knowles, Geschichte, 15, 16 and the map 26, 27.

[18] Cf. Cassian, *Collationes*, II, 9. The Greek word τραπεζίτης means banker, moneyer, παραχάραγμα false coin.

[19] Cf. for example: Cassian, *De institutis*, V, 3: "*Itaque primum nobis ineundum certamen est adversus gastrimargiam, quam diximus gulae esse concupiscentiam, et in primis de ieiuniorum modo et escarum qualitate dicturi rursus ad Aegyptiorum traditiones ac statuta recurrimus, quibus sublimiorem continentiae disciplinam et perfectam discretionis inesse rationem nullus ignorat.*" See also: V, 9, 11, 14, 17. Cf. E. Pontikos in Bunge, *Praktikos*, 83, 84, 111, 112.

[20] „*Quocirca multifarum radices vitiorum gulae appetitum legitimae continentiae ligone radicitus ex(s)tirpare domino adiuvante nitamur.*" Körntgen, *Studien*, 258; translation by the author.

mentions is drunkenness (*ebrietas*) as a special form of gluttony (*gastrimargia* respectively *gula*).[21] After that he takes into account the three capital sins and inserts into the treatise about the second vice fornication (*fornicatio*) the treatment of murder (*homicidium*), a sin that does not belong to Cassian's catalogue of vices. The capital sin of apostasy in form of erring opinion and heresy appears in the chapter seven about boasting (*cenodoxia*). The chapter about the eighth vice, pride (*superbia*), contains extended regulations concerning offences against monastic discipline. They are followed in a special paragraph (IX) by a number of regulations, how to deal with impious treatment of the Eucharistic elements. So this independent and ingenious way to adapt Cassian's eightfold scheme of vices can be interpreted by all means as the author's intention to classify collections of rules and to use this system as an element of structure for legal regulations for monks, clergy and lay-people, which have been delivered more or less unsystematically up to this point in time.

5.2.1. The *Ambrosianum* and the *Excerpta quaedam de Libro Davidis*

The first two chapters of the *Ambrosianum*, *de ebriatate* (I) and *de fornicatione* (II) including *de homicidiis*, present in substance, so to say, a textual reproduction of the *Excerpta*'s eight introducing articles, certainly with some important extensions. The canons 1 and 2 of the *Excerpta* correspond with the first two regulations of the *Ambrosianum*'s chapter I (*de ebrietate*), article 1 and 2. In the *Excerpta* as well as in the *Ambrosianum* the subject of the addressed trespass is a priest, who is drunk while ministering the divine service.[22] Like the *Excerpta* the degree of penance follows a threefold gradation and depends on a level of knowledge and perception of guilt: the most lenient penance applies to transgression done through ignorance (*per ignorantiam*), more severe is a trespass caused by negligence (*per negligentiam*) and the harshest penance after committing sin on purpose by a deliberate contempt of the temperance's prescription (*per contemptum*). This basic criterion is a recurring one, when the Penitential deals with the assessment of penance.[23] In comparison with the *Excerpta* in the *Ambrosianum* the transgressions are sentenced by the same degree of penance: fasting fifteen days in case of ignorance, forty days (*quadragesima*), if caused by negligence and three forty-days-fasting (three *quadragesimae*),[24] if committed by contempt. The person receiving the confession of trespasses is a priest, in I, 2 as well as in I, 4 further characterized as *sacerdos catholicus*. This

[21] That drunkenness (*ebrietas*) is a special form of gluttony (*gula*) is expressed in the Penitential's statement that the ignorant drinkers "shall sacrifice gluttony in the time to come for the trespass (*gulam de reliquo mactent hostiam pro delicto*)." Körntgen, *Studien*, 258.

[22] Introduced by the advice to live chaste and sober Caesarius of Arles among other trespasses (theft, perjury, lies, soothsaying) admonishes the baptized "to flee drunkenness so to say like a deadfall of hell." (*Sermo* 130, 5, CCL CIII, I, 537, 538 and *Sermo* 187, 4, CCL CIV, I, 2, 765): "*Ebrietatem ante onmia fugite*."

[23] Cf. *Ambrosianum* I, 1, 2, 3, III, 1.

[24] The *Ambrosianum* considers beside the three *quadragesimae* a certain leeway in sentencing in case of contempt: from one year until a period independently fixed by the priest.

more accurate indication postulates that at the time of the Penitential's formation and within the environment of its origin non-catholic priests are ministering, probably those, whose ordination was invalid, who were led astray or followers of a heresy and schism.[25] The Catholic priest is not only authorized to receive confession, he also is competent to measure the penance. He is commissioned to pray for the penitent and so as the representative of the community he connects to the custom and the duty of the ancient Oriental Church, i. e. accompanying the penitents with the prayers of the faithful.[26] Finally he is empowered to absolve him from his sin, if the sinner shows regret. This process, just as a rite runs like a common thread through all the Penitential and it can be stated that this Penitential like all other penitence-writings was especially written down to provide priests with a reliable guide for assessing penance.[27]

Article 3 of the first vice (*ebrietas*) extends the determinations onto virgins and widows living a consecrated life, article I, 4 onto lay-people. While women under a vow are not allowed to drink alcohol in any measure, lay-people may drink in moderation. But if they become drunk, they shall be sentenced according to the aforesaid gradation (ignorance, negligence and intention). Habitual drinkers are even to be excommunicated, unless they become teetotalers, means: "they shall avoid drunkenness in future like venom".[28] In substance synonymous and in wording nearly conform to the *Excerpta Davidis* (canons 3 and 4) the *Ambrosianum* (I, article 5 and 6) condemns the seduction of abusive drinking. This appears especially clear, when the *Excerpta* (5) as well as the *Ambrosianum* (I, 6) order that the seducer to this abuse motivated by hatred or luxury shall be treated like a "murder of souls" (*homicida animarum*).

In the articles 7 until 10 of I. (*de ebrietate*) the *Ambrosianum* changes from prescriptions preferably for a civil society into rules for a monastic community. They deal with the vice of gluttony (*gula*) in a monastery and refer to Cassian's corresponding decrees about gluttony (*gastrimargia*):[29] eating before the scheduled time (*ante horam*) breaks the rule and violates the common life in the monastery. The taste for dainties affects the equality among the brethren. With the *Praefatio Gildae* (canons 7 and 8) the *Ambrosianum* (I, 9 and 10) has in common the misbehaviour of overeating and overloading the stomach followed by

[25] In *Ambrosianum* VII, 4 a heretic is described as one, who "contradicts stubbornly the clear truth and the doctrine of the catholics (…*contra apertam veritatem et scientiam catholicorum pertinatciter contradixit*)." In his Letter I, 6 Columbanus reports that Gildas considers bishops as *simoniaci* and *pestes*, who have accepted bribery for ordination. Columbanus asks Pope Gregory the Great, how to deal with those (renegade) bishops. Columbanus unequivocally means that these ordinations are invalid, because clearly against the doctrine and discipline ("*contra canones*") of the Catholic Church. This parallel with Columbanus' letter indicates for the *Ambrosianum*'s origin around 600 A. D. too.

[26] Cf. above chapter 1. 2.

[27] Cf. *Ambrosianum* I, 1, 2, 3, 10, II, 4, 8, 12 and so forth.

[28] *Ambrosianum* I, 4: "… *ebrietatem de reliquo ut venenum fugiant*."

[29] Cf. Cassian, *Collationes* V, 11. Columbanus` *Reg. Monachorum* III regulates that the food and drinks in a monastery have to "avoid repletion and … intoxication". Walker, *Sancti Columbani Opera*, 125.

vomiting. The penance consists of fasting: seven *superpositiones* in the *Preafatio*, seven days in the *Ambrosianum* (I, 9), *septimana* in Columbanus' *Paenitentiale* (B/22). If in addition one (*monachus* in the *Praefatio Gildae*) vomits the host (*sacrificium* in both writings), the transgression is more serious and draws a more severe penance. Even if these similarities appear in the *Praefatio Gildae* as well as in the *Ambrosianum* the degree of penance is significantly different: seven fasts ordered by the *Praefatio*, forty days in the *Ambrosianum* as well in Columbanus' *Paenitentiale* (A/6). Whether the *Praefatio Gildae* therefore is used by the *Ambrosianum* as a direct source or the latter seizes merely a general tradition and sentences in its own opinion, cannot be answered with certainty and has to remain open. The detailed knowledge of the contemporary *Excerpta Davidis* respectively the explicit mention of the *Sinodus Luci Victoriae* (in I, 5 and IV, 4) and the mentioned similarities do by no means exclude that the *Ambrosianum*'s author knew the *Praefatio Gildae* too, at least the basic lines of its decrees.

The capital sin of fornication, the second vice in the *Ambrosianum*'s as well as the second vice in Cassian's enumeration (*Collationes* V, 2 respectively *De institutis* V, 1), comprises in the Penitential of equal censure and consequence fornication with a woman, who is vowed to Christ or became engaged to a husband, homosexual intercourse with men, and unchaste practice with animals (II, 1 and 2). This specification and valuation is listed in the same way in the *Excerpta*'s canons 5 and 6. In substance conform and only marginally different in wording the *Excerpta Davidis* and the *Ambrosianum* decree a harsh penance, in final result the parting from the previous life and taking up a hermit's existence:

> They shall deceased from the world live until death in penance towards the Lord.[30]

It appears impossible to fulfill such an imposition in a civil life outside a monastery, so the penitents have to take up as it were a monastic being.[31] It is remarkable and possibly not unimportant for the chronology of the *Ambrosianum* that this Penitential's decree seems to be closer to the *Excerpta Davidis* as Finnian, who decides in a similar case (c. 37, 38: married layman commits fornication with a vowed virgin) by far more indulgent and realistic: limited in time, three years fasting in the most serious case (begotten a child). So the supposition is allowed that the *Ambrosianum* arose around 600, not much later. If this assumption is correct, it underlines a possible bridge-function of this particular Penitential, especially concerning the introduction of Cassian's Eight-Vices-Scheme into further penitentials' structure, especially in that of Cummean.

The *Excerpta Davidis* and the *Ambrosianum* agree in a much more lenient penance after committing fornication with a woman, who is not engaged in a

[30] *Ambrosianum* II, 1: "…*usque ad mortem in poenitentia mundo mortui domino vivant*." Cf. *Excerpta Davidis* (5): "… *de reliquo mortui mundo Deo vivant*."
[31] Cf. Walker, *Sancti Columbani Opera*, XVII.

religious or marital way: one year and compensation (paying the bride-price [*dos*] towards the woman's parents respectively three years, if the trespasser is unable to raise the bride-price).

The *Ambrosianum* (II, 3 and 4) regulates that intention[32] to sin by unchastity, even if it is accompanied by incapacity to perform, as well as carelessness to avoid stimulation are serious transgressions. The penance is alms-giving and fasting (one year or two).

The *Ambrosianum* (II, 5) explicitly takes over the rule of the *Sinodus Luci Victoriae* (c. 9) that the penance for a consecrated person on the one side is more severe and on the other side is to be lessened, if the person does not live under a vow.

The *Ambrosianum*'s article about murder (*de homicidiis* II, 6) is inserted in the treatise about the other capital sin of fornication, probably following the text, which extends the penance-provisions on fornication and fraud too. The regulations are in wording and substance similar to the canon seven of the *Excerpta Davidis*. If an ecclesiastical official commits murder (or fornication or fraud) not only the ecclesiastical rank's order is the same (*episcopus*, *presbiter*, *diaconus* and *monachus sine gradus*), but also in the appropriate extension of penance the *Ambrosianum* and the *Excerpta Davidis* agree exactly: bishop thirteen, presbyter seven, deacon six and an ordinary monk four years of fasting (bread and water), admittedly with a relief (*ferculum*, an additional snack) on Saturday and Sunday.[33] The *Ambrosianum*'s sovereign dealings with the elder source appear in the revising canon seven of the *Excerpta Davidis* and its clarification of this particular relief in fasting: while the sentence's construction in canon seven (*Excerpta*) attached to the trespass of a presbyter could be interpreted in the way that only the presbyter is allowed to get a "titbit"[34] on Saturday and Sunday, the *Ambrosianum*'s flowing of sentence makes clear that the possibility of breaking the fast applies to all ecclesiastical ranks.[35] A second remarkable addition is the different colloquial usage of the word for priest in the Latin language: the fallen and repentant priest is called *presbiter (presbyterus)*, the priest, who receives the confession, measures and imposes the penance, is termed *sacerdos*. This difference suggests the following interpretation: the quotation of the *Excerpta*'s text (c. 7), which contains the term *presbiter* for priest, ends with the prescription that the penitent's state of health is to be considered. The further explanations, using the term *sacerdos*, are obviously added later by the

[32] Cf. Columbanus, *Paenitentiale*, c. A/2, Walker, *Sancti Columbani Opera*, 169.
[33] Cf. Frans van de Paverd, *Quotiescumque*, 40: He has discovered the Greek original of the confessor's guide *Quotiescumque* in Latin. The Greek author of this text grants a disruption of the fast on Saturday and Sunday as well.
[34] So the translation of *ferculum* by Bieler, *The Irish Penitentials*, 71.
[35] *Excerpta Davidis*: "…*presbiter autem VII cum pane et aqua et ferculo in die dominca vel sabati…* The *Ambrosianum* mentions the ecclesiastical officials first to order afterwards: "… *cum pane et aqua et sale et ferculo uno in sabbato et dominico die…*"

Ambrosianum's author, at a point of time, when *sacerdos* became the customary expression for priest. So the wording *presbiter* was taken on non-harmonized by *Ambrosianum* citing canon seven of the *Excerpta*. In his additions then the author of the *Ambrosianum* used *sacerdos*, the term for a priest he himself was familiar with.[36] It is remarkable indeed that in canon one the *Excerpta* uses the Latin term *sacerdos* in a case, where a priest gets in danger of performing his service (*in templo Dei*) drunk. This is the more striking, because the other two penitential-writings (*Praefatio Gildae* and *Sinodus Aquilonalis*), which expressly mention trespasses by priests only term them presbyter (*presbiter*). A possible explanation could be: either the *Excerpta Davidis* were written in a transition time, when the meaning of *presbiter* and *sacerdos* already became tantamount to each other; this by the way would make evident that the *Excerpta Davidis* is the latest of the four six-century Welsh writings. Or in this context *sacerdos* marks not only the ordination's grade, but also a special appointment and duty, here to serve at the altar. This function possibly explains the observation that in the tradition *sacerdos* also subsumes the ecclesiastical estate of a bishop.[37] Anyway, possibly both explanations can be correct. Finally, the authority demanded by the *Ambrosianum*'s author becomes evident, when he comes to decisions of his own competence. Firstly: he decides bindingly that communities, who are exiled together with their principals (bishop or abbot) keep in the place of exile their ability to perform divine services. Secondly: subordinate priests (*sacerdos*), who return after serving half of the penance to their former place of duty are not allowed to celebrate at the altar (*licentia offerendi vel calicem tenendi*). Thirdly: but he demonstrates his independence: differing from the *Excerpta*'s decree (c. 12) that a priest or deacon, who is sentenced by a particular penance, is not allowed to celebrate or to hold the chalice or to be promoted[38] the *Ambrosianum*'s author introduces an exception in case of a priest-shortage: if a priest (*sacerdos*) has sinned, on condition he has fulfilled half of his penance, returns to his former appointment and converts like the apostle Peter[39] and John the Baptist's disciples,[40] he can be entrusted with sacerdotal offices again.[41] It even is allowed to upgrade him with a higher rank, provided that the concrete pastoral situation is

[36] The *Excerpta*'s text (c. 7) ends: ... "*nisi infirmitas inpediat illos*". The appropriate paraphrase in *Ambrosianum* (II, 6) expresses …"*sic tamen, ut infirmitas confortetur*…", to continue … "*sicut sacerdotibus secundum legem domini fuerit visum*." The term *sacerdos* appears just now in the text to be used further on.

[37] Cf. Meens, *Penance*, 19.

[38] *Excerpta Davidis*: After mentioning a fallen presbyter, deacon… in c. 11, the next canon decrees: "*Hinc autem presbitero offerre sacrificium vel diacono tenere calicem non licet aut in sublimiorem gradum ascendere*."

[39] Cf. Luke 22: 32 in connection with 22: 62. This mosaic of gospel phrases seems more convincing than John 1: 35 – 39; 6: 68 (Körntgen, *Studien*, 260) and is connecting to condition of reinstalling a priest in his former duty.

[40] Cf. Luke 5: 33 (par Matth 9: 14): "… John disciples are always fasting and saying prayers…" in connection with 11: 1: "Lord, teach us to pray, as John taught his disciples."

[41] Cf. *Synodus Hibernensis*' decision *de lapsis gradibus*, quoted after Wasserschleben, *Irische Kanonensammlung*, 30, where also a priest's re-installment is mentioned in a case of shortage (*causa paucitatis sacerdotum*).

pestered by a serious lack of superiors and he himself is consent in future to follow faithfully the Lord.[42]

As aforesaid the article *de homicidiis* represents an insertion and interrupts the *Ambrosianum*'s treatise about trespasses against chastity (*de fornicatione*). A possible reason for the mention of murder in this textual connection can be the fact that the pattern for this decree, the *Excerpta Davidis*, deals with this capital sin (canon 7) between two decisions about unchastity as well: canones 5 and 6 fornication with an engaged woman and willingly caused pollution (canon 8). So the further text returns to this particular trespass. The articles II, 7 until 10 deal with obscene talking, lascivious glances and impure thoughts, how to atone them by distinct penances and to prevent falling into sin through these dangerous activities.

The articles II, 11 and 12 of the *Ambrosianum* pick up the decrees of the *Excerpta*'s canons 8 and 9 (similar to canon 22 of *Praefatio Gildae*): becoming defiled in sleep by pollution. Again in wording comparable und conform in substance the degree of penance in both penitence-writings (*Ambrosianum* and *Excerpta*) depend on the distinction, whether the pollution happens unconsciously (more lenient penance) or the defilement is caused deliberately (penance more severe).

The *Ambrosianum*'s regulations about drunkenness, fornication, murder and pollution in sleep are not only a paraphrase of the *Excerpta*'s first eight canons, but far more a systematizing and explaining revision. The author[43] shows a comprehensive experience as a monastery's principal and extended abilities to meet with clerics and lay-people in the pastoral of a civil society. He has got an extensive knowledge of problems concerning the inner- and outer-monastic discipline. Well informed about capital, major and minor trespasses (within and outside the monastery) he is familiar with the tradition, but also from his own scope with a wide range of suitable actions to deal with the forgiveness of sins by confession and penance.

5.2.2. The *Ambrosianum* and Columbanus' writings

Comparing the *Ambrosianum* with the writings, which are identified with those of Columbanus (or within his meaning, of his successors), especially the *Regula coenobialis*, above all it needs to remind the file-character of Columbanus' text. Not all statements stem from the Irish abbot's pen: "the conclusion must therefore be that the canons I to IX in the shorter review are the authentic nucleus of the

[42] *Ambrosianum* (II, 6): "*…dominum caeli ac terrae crucifixum pro se animo ac mente secuturum…*"

[43] His self-portrait as a *collector* (*Ambrosianum*, introduction) could lead into the decision to call the person behind the Penitential a compiler. But because of his sovereign dealing with the matter and its independent interpretation, it appears more appropriate to speak of a processor. Cf. Körntgen, *Studien*, 50.

Regula coenobialis; the later chapters as well as the interpolations of the longer review, have been composed by Columbanus' successors in the general spirit of the original. They show the development of the customary of Luxeuil in the years immediately following its founder's death."[44] But the crucial question in this context primarily is not the authenticity of the Irish abbot's authorship; much more is well to the fore to look out for evidences, which allow some plausibility for limiting the time and discovering the area of the *Ambrosianum*'s origin.[45]

Firstly, concerning his notion of penance as remedy for the ailment of sin, the author of the *Ambrosianum* shows not only strict similarities with Finnian's, but also with Columbanus' writings: in his *Regula coenobialis* Columbanus mentions the necessity to cure different faults by varied medicine of penance.[46] Columbanus compares the treatment of *medici corporum* with the therapy of *spritales medici*. He specifies different corporal sicknesses in detail and explains that the physicians need varied remedies to cure them. In correspondence with this comparison Columbanus lists different and detailed spiritual ailments: the doctors for soul have according to medicine for physical illnesses to apply various remedies to heal the wounds of the souls (*animarum vulnera*) as well.[47] The *Ambrosianum*'s author appears as familiar with this distinction and summarizes Columbanus' detailed explanation:

> Regarding to the system of ailments it is to work out a systematic order of remedies.[48]

Secondly, as it is to be found in Columbanus' *Regula coenobialis* (XV)[49] the *Ambrosianum* emphasizes in VIII, 12 the commitment of the brethren to exhort and correct a member of the community, if he commits a capital, here called a mortal sin (*peccatum ad mortem*). The traditional background of this obligation in *Regula* as well as in the *Ambrosianum* is Basil's advice, based on a couple of biblical passages, to correct the fallen brother (*Interrogatio* 122). It is remarkable that Columbanus and the author of the *Ambrosianum* quote the first Letter of John (5: 16) and in fact in that way that they use the opposite of the sin's quality, which is described in this biblical passage: the author of the first Letter of John speaks

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[44] Walker, *Sancti Columbani Opera*, LI. Cf. Körntgen, *Studien*, 44 – 47 as well as Charles-Edwards, *The Penitential of Columbanus*, 236, 237.

[45] Körntgen conjectures a (far-stretched) time-space of a hundred years, from 550 until 650, and as the place of origin a monastery in Britain or Ireland. Cf. *Studien*, 86.

[46] Cf. Introduction of the *Regulae* (*Reg. coenobialis*), Walker, *Sancti Columbani Opera*, 144, respectively *Regulae* (*Paenitentiale*), 170, 172.

[47] The comparison between the corporal medical treatment for the body and the spiritual healing care for the soul strictly reminds of the similar description by Gregory Nazanzien. in his *oration* 2, for example article 16, 18, 19.

[48] *Ambrosianum*: "*Iuxta ordinem morborum ordo quoque texendus est medicaminum.*" Körntgen, *Studien*, 258.

[49] As aforesaid it needs to take note of the finding that the authorship (or at least the responsibility) for the first nine chapters is taken by Columbanus himself, the chapters X – XV by Columbanus' successors short-term after his death. Cf. Walker, *Sancti Columbani Opera*, L – LII. Charles-Edwards, *The Penitential of Columbanus*, 236, 237.

about a non-mortal sin (*peccatum non ad mortem*). The *Ambrosianum* introduces the duty of brotherly correction with the phrase: "if one knows that a confrere commits a mortal sin and has kept it secret, because he does not want to be hated, he shall be treated as a transgressor of law and gospel and alienated."[50] In consequence the author of the *Ambrosianum* stronger than Columbanus, is zealous to preserve the monastery's discipline at a high standard, which does not allow to conceal weighty violations among a monastic community. In VIII, 13 the *Ambrosianum* shows a correct dealing with the biblical passage above: here the author decrees about the consequences, if a member of the community does not report a minor trespass, a sin that is "not called a mortal one" ("… *peccatum parvum…, quia non ad mortem esse dicitur*"). The good manner of inner-monastic discipline, to admonish a trespasser and try to convince him in private first to entrust himself to the abbot, as prescribed in the *Praefatio Gildae* (c. 27), simultaneously shows the fact that the *Ambrosianum*'s author is certainly familiar with the tradition of earlier penitence-writings.

Thirdly, the following prescriptions in the *Ambrosianum* (VIII, 14 – 28) as well as in the *Regula coenobialis* (XV), similar in wording and substance, deal with different problems of the communal life in a monastery, its daily problems and the measure of penance for transgressions:[51]

Reg. coenobialis	**regulation**	***P. Ambrosianum***
page 164, line 7	an appropriate way of reproach	VIII, 14
page 164, line 9	self-knowledge before admonition of others	VIII, 15
page 164, line 14	meeting women in absence of a trustworthy witness	VIII, 17
page 164, line 16	taking in food before the communal meals	VIII, 18
page 164, line 17	non-solemn way to perform the procession	VIII, 19
page 164, line 18	private work	VIII, 20
page 164, line 18	unwarranted possesions	VIII, 21
page 164, line 20	unauthorized assumption of authority	VIII, 22
page 164, line 23	talking or shouting during silence	VIII, 23, 24
page 164, line 31	inattention at psalm-singing	VIII, 26
page 164, line 32	precocious talking without urgency	VIII, 27

The penance consists of punishment by strokes (*plaga*), an additional indication that trespasses and penance have happened in a monastery. A special attention merits the synopsis of a rule concerning the obedience among the monastic community, which appears in the *Ambrosianum* and in the *Regula coenobialis* as well: in both regulations a transgressor against the convent's rule and discipline has to be excluded from the brethren's communion until he regrets his disobedience and becomes converted.

[50] *Ambrosianum* (VIII, 12): "*Si quis scit fratrem suum peccare peccatum ad mortem et reticuit, ne oderetur, legis et evangelii transgressor alienetur*." *Regulae* (*Reg. coenobialis*), XV, Walker, *Sancti Columbani Opera*, 164: "*Qui scit fratrum suum peccare peccatum ad mortem et non arguit eum, legis evangelii transgressor notetur*…"

[51] Cf. Walker, *Sancti Columbani Opera*, 164, respectively Körntgen, *Studien*, 268.

***Ambrosianum* VIII, 16**	***Regula coenobialis* XV**
Qui manifeste contempnit et *transgreditur regulam* honestae *iussionis vel disciplinae* communis, *expulsus* alienetur, usque inoboedientiae vindictam, ut praedixi, suppliciter recipiat.	*Qui transgreditur regulam iussionis vel disciplinae generalis*, maneat *expulsus* sine cibo ut in crastinum recipiatur.

It is remarkable that in the *Ambrosianum*'s version the author refers explicitly to an order he already had issued in an earlier context: "as I have previously mentioned (*ut praedixi*)", a note that does not occur in die *Reg. coenobialis*' prescription. This phrase, *ut praedixi*, can apply to a preceding prescription in the *Ambrosianum*'s Penitential itself or to another, different writing. In the article VIII, 2 the Penitential describes a case of disobedience of a community's member against God and the brethren's order. So this article could be interpreted as the relevant point of reference for the remark "*ut praedixi*". But the text insinuates far more a single occurrence in the communal life than a transgression of the monastic rule on principle that is meant in article VIII, 16. Therefore it seems to be difficult to compare the prescription of VIII, 2 (inobservance of a single order) with VIII, 16 (fundamental transgression of the rule), especially to identify VIII, 2 as the reference point for the previous mention (*ut praedixi*) in VIII, 16. The text of the *Regula coenobialis* (XV) in any case goes far better with the diction and the content of the *Ambrosianum*'s VIII, 16. So the question arises, whether the advice from the *Regula coenobialis* actually represents the pattern for article VIII, 16 of the *Ambrosianum*. If this conclusion is right, then the striking conformity in substance and the remarkable literal similarity even speak for the plausibility that the compiler of this part of the *Regula coenobialis* is identical with the *Ambrosianum*'s author.

Fourthly, the *Ambrosianum*'s article VIII, 28 represents to a great extent a quotation of monastic rules Liber IV, 16 in John Cassian's *De institutis coenobiorum*. These rules deal with transgressions to a greater or lesser extent: damaging of monastery's property,[52] disturbing the monastic office of prayers, disobedience and laziness, forbidden physical contact among brethren, praying with a community's member, who is excluded from the congregation's office, unauthorized contact with family-members and friends, useless chatter, especially about religious topics, in sum: all ordinary kinds of ill-discipline. All these occurrences, based on Cassian's text and cited almost verbatim, are counted out in the *Regula coenobialis* (XV) as well. Because the text of the *Regula coenobialis* shows traces of some revision and the wording of the *Ambrosianum* follows Cassian's source more in detail, it can be excluded that the *Regula*'s present text does not represent the source for the *Ambrosianum*, possibly an earlier issue of the *Regula coenobialis*.[53] But the far-reaching conformity between the *Ambrosianum*

[52] Cf. breaking a hoe in *Praefatio Gildae*, c. 26, Bieler, *The Irish Penitentials*, 64, 65.
[53] Cf. Seebass, *Ein nicht veröffentlichtes Poenitential*, 43, note 1. Körntgen, *Studien*, 22, note 92. Charles-Edwards draws the attention to the possibility that the present *Reg. coenobialis*' text is

on the one side and *Regula coenobialis* on the other side is as far as evident that even those sentences, which are not quoted from Cassian, appear as similar in both writings, for example:[54]

Reg. coenobialis	***De institutis***	***Ambrosianum***
Si parentum quempiam vel amicorum saecularium videderit vel conlocutus ei *fuerit sine* iussione, *si epistolam cuiuscumque* susceperit, *si* tribuere praesumpserit *sine suo abate*, superpostione. Si inpederit aliquem a necessarii facti expletione, superpositione.	Si parentum quempiam vel amicorum saecularium viderit vel conlocutus eis sine suo fuerit senior, si epistulam cuiuscumque suscipere, si rescribere sine suo abate temptarit.	*Si parentum quempiam vel amicorum saecularium viderit vel collocutus eis fuerit sine suo senior, si epistulam cuiusquam suscipere, si rescribere sine suo abate* temptaverit vel fabulas narrare et audire non necessarias, si impederit aliquem a necessarii facti expletitione.

The rules for the reprimands in the *Regula coenobialis* are partitioned in single transgressions provided at the end with a penance: *superpositio*. As the wording in *De institutis* as well as in the *Ambrosianum* appears more conform, so are the consequences equal too: prostrated in public before the brethren's congregation while praying, the penitent has to wait until the abbot allows him to rise. The slight differences between the *Regula coenobialis* and the *Ambrosianum* do not completely contradict the plausibility for a common authorship, but in any case they indicate a different point of time and place of writing. The similarities in the added and extended regulations suggest this notion.

Fifthly, another striking parallel with Columbanus' *Regula coenobialis* (c. XV)[55] in wording and substance represent the *Ambrosianum*'s regulations (IX, 1 – 14)[56] concerning the careless and non-reverential treatment of the Eucharistic elements (*sacrificium*). The earliest mention of the fault losing the host by carelessness appears in the *Praefatio Gildae* (c. 9).[57] The consequence of this trespass here is a penance of three *quadragesimae* of fasting, while the *Ambrosianum* as well as the *Regula coenobialis* decree a fast of one year.[58] The difference can possibly be explained in the following way: because of the different ecclesiastical environments (South-West Britain in the case of the *Praefatio Gildae* and

taken from later issue of that source ("supplement") and both texts are based on an ealier issue, the original *Regula*. *The Penitential of Columbanus*, 227, note 37 and pages 228 and 229.

[54] Consonant words with Cassian's text in italics. Identical wording of the *Ambrosianum* with the *Reg. coenobialis* underlined.

[55] Cf. Walker, *Sancti Columbani Opera*, 162. Seebass, *Regula coenobialis*, 215.

[56] Cf. Körntgen, *Studien*, 269, 270.

[57] Cf. Charles-Edwards, *The Penitential of Columbanus*, 229. The penance of seven days fasting after wasting holy items or blame God's blessing (*creaturam vel benedictionem Dei perdere*) in Finnian's Penitential (c. 52) does not mean predominantly the careless dealing with the consecrated host, but rather with liturgical equipment. Cf. Bieler, *The Irish Penitentials*, note 23, 244, 245; McNeill and Gamer, *Medieval Handbooks*, note 48, 97.

[58] Canons A/6 and B/12 of Columbanus' Penitential have a one year's penance too.

kingdoms of the Franks as the imperial background of the *Regula coenobialis*) this fault is seen as diversely serious and so sentenced differently. It is certainly possible that the *Praefatio Gildae* on the one side and the *Regula coenobialis* and the *Ambrosianum* on the other side use the same source, which describes the misfortune of losing the Eucharistic elements. But because of the clear difference the *Praefatio Gildae* obviously does not represent the source of the *Regula coenobialis*' as well as the *Ambrosianum*'s degree of penance. The two latter writings refer to another source and agree in the more serious gravity of trespasses against reverence owed the Eucharistic elements. And it supports the thesis that Columbanus' writings arose in the same environment as the *Ambrosianum*'s Penitential.

Sixthly, for this notion the detailed decrees about the dealing with offences against the *sacrificium*'s reverence deliver plausible arguments. A remarkable and striking example presents the article IX, 7 of the *Ambrosianum*[59] as well as chapter XV of the *Regula coenobialis*:[60]

***Ambrosianum* IX, 7**	***Regula coenobialis* XV**
Si de cimba vel de ponte sive *equo ceciderit et non per neclegentiam sed casu aliquo*, X diebus.	*Si de cimba vel de ponte* seu de *equo ceciderit*, *et non per negligentiam sed casu aliquo*, diem unum paeniteat.

The *Ambrosianum* and *Regula coenobialis* have in common the variant spelling of the Latin word *cimba*. The original Latin term is *cymba* (a calque from the Greek word κύμβη) or *cumba*[61] and has to be translated as rowing-boat or barge. The text simultaneously is describing a special landscape and infrastructure: navigable lakes or rivers, bridges to cross the waterways and roads sufficient to ride on by horse. Another possibility of reaching the opposite bank is indicated in IX, 8: to endanger the *sacrificium* because of the water's depth miscalculation ("… *exierit per aquam et non consideravit de periculo sacrificii*…"), means using and missing a ford. The marginal difference in wording and degree of penance (ten

[59] Körntgen, *Studien*, 270.
[60] Walker, *Sancti Columbani Opera*, 162.
[61] Cf. Georges, *Handwörterbuch*, 1864; Lünemann, *Handlexicon*, 350. Cf. too: Seebass, *Regula coenobialis*, 215. The examination of two copies of the original manuscripts results that the tradition of Columbanus' advice is delivered in two sentences of different wording: Cod. Sang. 915 (Stiftsbibliothek St. Gallen): "*Si de cimba vel de ponte seu de equo ceciderit...*" The manuscript BSB Clm 28118 (Staatsbibliothek München) has: "*Si de cymba vel de ponte seu de lingo ceciderit...*" The *Ambrosianum* shows the wording: "*Si de cimba vel de ponte sive equo ceciderit*…" The words' sequence therefore proves that the author of *Ambrosianum* used the *Reg. coenobialis* containing the divergence *cimba*, because he also has *de equo* and not *de ligno.* (Cf. Seebass, *Ein nicht veröffentlichtes Poenitential*, 49). This on the other hand means that the *Ambrosianum*'s text originates quite close to Columbanus' work place and time. The correct Latinity: *cymba* in Clm 28118 possibly represents a later correction of a copyist, who had a better knowledge of the Latin language. But the use of *de ligno* appears as mysterious. If it had not happened simply by a mistake in copying, the possible translation "wooden item" in case could point to a kind of container for the host: perhaps a wooden cross as pyxis. Rather unlikely: *de ligno* as alternative to *de equo* also could term a wooden cart pulled by a horse.

days respectively one day) show an insignificant different reception of the same source and can be justified by different writing-times. This becomes evident, if different forms of advice to deal with the *sacrificium* are compared to each other (Körntgen respectively Walker):

***Ambrosianum* IX**		**topic**	***Reg. coenobialis* XV**	
chapter/article	page/line		chapter	page/line
IX, 1: 1 year	269/401-402	losing the *sacrificium*	XV: 1 year	162/15 – 16
IX, 2: $^1/_2$year	269/403-404	neglecting *sacrificium* that it is ruined by worms	XV: $^1/_2$year	162/16 – 17
IX, 3: 40days	269/405-408	cremating the *sacrificium* after worm attack	XV: 40days	162/18 - 20
IX, 4: 20days	270/409-410	neglecting *sacrificium* that it becomes non eatable	XV: 20days	162/20 – 22
IX, 5: 7days	270/411-413	neglecting *sacrificium* that it agglutinates	XV: 7days	162/22 – 23
IX, 6: 10days	270/414-415	sinking *sacrificium*	XV: 10days	162/23 - 24
IX, 7: 10days	270/416-417	losing *sacrificium* by droping it	XV: 1day	162/25 – 26
IX, 8: 40days	270/418-419	sinking *sacrificium* after miscalculation of water's depth	XV: 40days	162/26 - 28

As the survey points out the degree of penance is almost equal in both writings. Herewith the *Ambrosianum* and the *Regula coenobialis* describe comparable pastoral activities (provide the faithful with the *sacrificium*) in an almost similar landscape and infrastructure. It is known that in the *Regula coenobialis* this environment is to be found on the continent, in the Frankish empires or their borderlands. So again the plausibility cannot be denied that the *Ambrosianum* originated in the same, or at least in a neighbourly environment on the continent itself.

The *Ambrosianum* contains in addition to the *Regula coenobialis*' enumeration six further pieces of advice, in how to deal with other misfortune or carelessness during the divine service, especially with dropping the host and spilling the consecrated wine. Either the author draws on the additional regulations from another source, which has been lost, a supposition, which suggests T. M. Charles-Edwards' considerations about the relations between the *Regula coenobialis* and the *Paenitentiale Cummeani*;[62] or he brings in his own experiences not only how to impose penance, but also to make up for the unworthiness in treatment of the

[62] Cf. Charles-Edwards, *The Penitential of Columbanus*, 229, 230.

host or the consecrated wine (by an appropriate cleaning of the place, where the accident happened).[63] The last regulation of the *Paenitentiale Ambrosianum* (IX, 14) cross-references the inarticulate pronunciation of words in the liturgy to the unfortunate choice of words in the *Praefatio Gildae* (canon 20): both mishaps in the authors' opinion evoke the danger of the liturgical action's invalidity.[64]

5.2.3. The *Ambrosianum*'s structure according to Cassian

As aforesaid, the author of the *Ambrosianum* made use of John Cassian's Eight-Vices-Scheme as an element to structure and systematize his Penitential. While Cassian emphasizes the advice of the Egyptian desert-fathers, how to avoid committing the different vices the *Ambrosianum* focuses on the penance for the disaster of committed sins. Therefore Cassian's eightfold catalogue does not function as a model in substance, but as a pattern of systematization, a kind of matrix as background to fix manner and duration of penance. For example: in his *collatio* V, 11 Cassian enumerates three primary types of gluttony (*gastrimargia*): (firstly) desire for having a meal prior to a fixed hour, (secondly) eating to overloading the stomach and (thirdly) the longing for delicacy.[65] These three overindulging dealings with daily meals are also used as matrix in the *Ambrosianum*'s decrees I, 7 and 8.

The eight spheres of sin in the *Ambrosianum* are: I. *de ebrietate*, regarding drunkenness including the extension to gluttony (*gula*); II. *de fornicatione*, about fornication and other actions of unchastity with the insertion *de homicidiis* (about murder); III. *de avaricia*, about avarice; IV. *de ira*, about anger; V. *de tristitia*, about melancholy; VI. *de acidia*, about dejection[66]; VII. *de cenodoxia*, about boasting; VIII. *de superbia*, about pride.[67]

5.2.3.1. About avarice (*de avaricia*)

Because the canons I and II as well as the appended canon IX, which not belongs to the Eight-Vices-Scheme, have already been described in detail above the following discussion continues with the third vice: avarice. The instructions can

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[63] Cf. Körntgen, *Studien*, 45.

[64] *Ambrosianum*, IX, 14: "*Si autem titubaverit sacerdos super orationem dominicam, quae vocatur periculosa*…" and *Praefatio Gildae* (20): "*Si quis errans commotaverit aliquid de verbis ubi periculum adnotatur*…"

[65] Cf. Cassian, *Collationes* V, 11: "…*gastrimargia genera sunt tria: primum quod ad refectionem perurget manachum ante horam statutam ac legitimam festinare, secundum quod expletione ventris et quarumlibet escarum voracitate laetatur, tertium quod accuratiores ac delicatissimos desiderat cibos*." CSEL XIII (Petschening), 131.

[66] Translation by Walker, *Sancti Columbani Opera*, 211; but the meaning of *acidia* or *acedia* is more comprehensive: anxiety and lethargy of the heart, aversion and discontent.

[67] Caesarius of Arles (* about 470 / † 542) mentions in his *Sermo* 179 a catalogue of *crimina capitalia* (contrary to *minuta peccata*): *sacrilegium, homicidium, adulterium, falsum testimonium, furtum, rapina, superbia, invidia, avaritia, et, si longe tempore teneatur, iracundia, ebrietas*…, CCL CIV, I, 2, 725. This enumeration of capital sins reminds of Cassian's Eight-Vices-Scheme on the one hand and its detailed discussion in the *Ambrosianum* and *P. Cummeani* on the other hand.

be divided up in three groups of transgressions: 1. Commit avarice in a narrow sense, means, greed, miserliness (III, 1, 2). 2. Getting rich by dishonesty (III, 3, 4, 6 - 8). 3. Mercilessness and hardness of heart (III, 5, 9, 10).

a. Again Cassian avails himself of a threefold classification and delivers the matrix for the detailed regulations of penance for greed and miserliness by the *Ambrosianum*: (firstly) not total renunciation of worldly goods, (secondly) re-demanding of worldly goods that have been given away and (thirdly) acquisition of worldly goods, which had never been possessed before.[68] While Cassian focuses on monks, the Penitential's context reveals that the decrees go to a variable extent and in a gradual demand to monks, clerics and laypeople as well: a total renunciation of possessions is demanded of monks, clerics are obliged to lead a modest lifestyle and lay-people are also asked to share with the poor and to abstain from dishonest profit. The penance depends on the insight of the trespasser according to the well-known scheme of three steps: regret, conversion after exhortation or intransigence and refusal of the admonition. The basic fault exists in the person's incapacity to release the tendency of possessing worldly goods and to overcome the want. In III, 1 (and 2), a case of embezzlement of help for the poor or re-demanding of achieved assistance the penitent has to refund the good, which has been acquired; the one, who regrets after admonition, has to undergo restitution as well as almsgiving and fasting; but the stubborn in wrongdoing is to be excluded (*alienare)* from the inner- respectively the outer-monastic community. The confessor-priest (*sacerdos*) receives the confession, measures the penance and is obliged to pray for the repentant person. Parallels of these decrees in the *Ambrosianum* cannot be found in the other penitence-writings, except in Finnian's Penitential (cc. 29 – 31).
b. The declarations about worldly goods' acquisition and getting rich by dishonest doing have many parallels in former and other penitence-writings. The *Ambrosianum* enumerates:[69] *rapina* (robbery) and *latrocinium* (raid) in III, 3:

vice	Preface	Aqui.	Luci	Excerpta	Finnian	Columban
robbery or raid				c. 14		

Furtum (theft) in III, 3:

[68] Cassian, *Collationes* V, 11: "*Filargyria genera sunt tria. primum quod renuntiantes divitiis ac facultatibus suis spoliari non sinit. secundum quod ea , quae a nobis dispersa sunt vel indigentibus distribute, resumere nos maiore cupiditate persuadet. tertium quod ea, quae ne antea quidem possedimus, desiderari adquirive conpellit.*" CSEL XIII (Petschening), 133. Cf. also: Cassian, *De Institutis* VII, especially 7, 12, 14, 24, 26, 30, CSEL (XVII) (Petschening), 128 – 149.
[69] In Basil's *Letters* 188 and 217 some parallels to the vices enumerated in the *Ambrosianum* can be found, for example: 188, 14 (usury); 217, 61 (theft); 217, 64 (perjury), ed. Congregatio Sancti Mauri III.

vice	Preface	Aqui.	Luci	Excerpta	Finnian	Columban
theft	c. 6	cc. 3, 4	c. 1		cc. 25, 26	c. A/4 c. B/7 c. B/19

Fraus (fraud) in III, 3, *circumscriptio* (overreaching), *turpilicrum* (acquisitiveness) and *usura* (usury) in III, 3:

vice	Preface	Aqui.	Luci	Excerpta	Finnian	Columban
fraud, over-reaching, acquisi-tiveness, usury			c. 4	c. 7 c. 13 c. 14	cc. 28, 29	c. A/4 c. B/7 c. B/19

Mendatium or mendacium (lie) in III, 7, 8 and *periurium* (perjury) in III, 3, 4.

vice	Preface	Aqui.	Luci	Excerpta	Finnian	Columban
lies perjury			c. 5	c. 16	c. 22	c. A/8 c. B/5 c. B/20

c. If a person has the ability and the means of supporting people in need as a Christian he or she is obliged to perform works of charity (III, 5). Who fails in standing by the needy, commits a sin and has to confess and to convert by doing his or her utmost to support the poor. Persisting in mercilessness draws excommunication. Willingness to ask for or to grant forgiveness is requested by those, who are perpetrators as well the victims of defamation (III, 9, 10).

Depending on the seriousness of the trespass the penance can vary from fasting (water and bread) until excommunication in extremely grave cases, especially if the trespasser refuses compensation and presents him- or herself as obstinate and unreasonable. The point of main emphasis in the *Ambrosianum* is not primarily the measure of penance, but more the compensation for or the reconciliation with the wronged party. Remarkable is the constant regulation of article III, 3, canon 16 of the *Excerpta Davidis* and Finnian's Penitential c. 25 that the aggrieved party can claim damages fourfold. The compensation by a fourfold restitution *iuxta legem* (*Ambrosianum* III, 3) points to a biblical prescription. This assumption suggests the explaining supplement in the *Paenitentiale Theodori*, which probably refers to exemplarily behaviour of the converted tax-collector Zacchaeus in Lk 19: 8. The Theodorian Penitential states in UI,VII,5: "*si quem fraudaret reddere quadruplum, ut Christus iudicavit*." The extent of the redress however goes outside the general claim of the Bible and represents a sign of exceptional

generousity.[70] The prescription of Lev 5: 20 – 24 demands from the trespasser, who defrauds another person (by perjury, theft or embezzlement), the restitution of the unjustly acquired goods plus a penance of a fifth of the disadvantage. An exception certainly is the theft of cattle and sheep, easily comprehensible for a society with a nomadic history. Here Ex 21: 37 regulates that stolen cattle is to be compensated fifth-fold, a sheep fourfold. Because Finnian mentions the theft of animals, his prescription is close to that of Exodus. The *Excerpta Davidis* by contrast restrict the compensation to damage following a false oath. And the *Ambrosianum* extends it on all in article III, 3 mentioned lapses by dishonest actions. Additionally people, who display a merciless, miserly and adamant behaviour, are requested to compensate their misconduct by thoughtfulness, generosity in almsgiving, helpfulness, praying as well as willingness for reconciliation and forgiveness (III, 5).

5.2.3.2. About anger (*de ira*)

According to John Cassian's conviction that anger arises from a human-being's entire personality, from his heart,[71] the *Ambrosianum*'s author follows that insight in his statements about anger. The passing stylistic device of threefold classification performed in Cassian's Collationes by escalation of anger in three steps[72] is not specified in the *Ambrosianum*'s text. Nevertheless anger in heart (θυμός: IV, 11), fury in action (ὀργή: IV,4) and lasting anger (μῆνις: IV, 1) clearly sound through the text-passages. A person, who persists in anger, cannot remain as a member of the community. To condemn that person filled with hatred according to 1 Jn, 3: 15 as a murder the author of the *Ambrosianum* picks up a recurring tradition including Caesarius of Arles, who prescribes that the angry person is to be excluded from receiving the sacrament of the Eucharist.[73] Finnian also directs a degradation of a furious cleric respectively a forty-days-penance for irate lay-people.[74] Columbanus mentions the comparison of a wrathful person with a murder in his *Instructio* XI.[75] The *Ambrosianum* appears as close to Caesarius' decision: the one, who persists in anger, is to be excluded (IV, 1: *excommunicare* respectively IV, 2: *alienare*) from the community. In case of conversion it is necessary that the one, who feels the anger, is honestly (*ex corde*) determined to forgive the one, who has caused his anger (IV, 1, 11 and 12). The penance consists of fasting as long as the state of anger and hatred persists.

The author of the *Ambrosianum* in IV, 3 until 9 deals again with the vice of killing or verbal injury, which obviously occurs in an outer-monastic sphere. While he had mentioned in II, 6 the perpetrator among the group of ordained people, the

[70] Cf. Ernst, *Das Evangelium nach Lukas*, 515.
[71] Cf. Cassian, *De Institutis* VIII, 1, 13, 19, CSEL XVII (Petschenig), 151, 159, 160, 162, 163.
[72] Cf. Cassian, *Collationes*, V, 11, CSEL XIII, (Petschenig), 133, 134.
[73] Cf. Caesarius, *Sermo* 187, 4, (CCL CIV, I, 2), 765: "*Iam vestrum est iudicare, utrum homicida, antequam paenitentiam agat, praesumere debeat eucharistiam accipere*."
[74] Cf. *P. Vinniani*, c. 8, Bieler, *The Irish Penitenials*, 76.
[75] Cf. Columbanus, *Instructio* XI, 3, Walker, *Sancti Columbani Opera*, 110.

author now distinguishes, how a person of any state commits actual killing as well as offences by action or words. The assaults on bodily integrity and personal reputation are sorted by intentional or unintentional killing on the one side and depending on the gravity of the offence on the other side:[76] the most serious crime, a planned (intentional) killing caused by hatred and committed cunningly (canon IV, 3), regards apparently to a lay-person, because the penance is the interdict to bear weapons. The imposition also includes the order to mortify all worldly desires according to the priest's decision. To associate that particular crime with the laity is supported by similar expressed regulations by Finnian's canon 35 (three years fasting, no weapons, no marital intercourse) and Columbanus' canon B/13 (three years fasting, exile, no weapons);[77] here too the priest plays the key-role in reconciliation.

The actions mentioned in the canons IV, 4, 5 and 6 correspond to the facts of manslaughter (IV, 4) and mayhem (with lethal consequence in IV, 5 and only injury in IV, 6). Canon IV, article 4 contains a not in detail explained indication to the decrees of the *Sinodus Luci Victoriae*. Four references to this South-West-British penitence-writing appear as possible:

a. The regulation in IV, 4 relates to canon 2 of the *S. Luci Victoriae*, which regulates an inner-monastic affair. Here a three year penance is considered, if one kills his brother (*frater suus*) in fury (ὀργή), but not with intention. The "*frater*" apparently is a monk, analogous to the *S. Luci Victoriae*'s as well as Columbanus' text,[78] because the penance in all three writings consists of three years. In Columbanus' Penitential canon A/5 namely marks this manslaughter explicitly a sin committed by a monk and demands a penance of three years as well.
b. In case of intentional bloodshed the *Ambosianum* (*homicidium odii meditatione per insidias*) refers to canon 4 of the *Sinodus Luci Victoriae*: if an intentional guidance to barbarians results in killing of the victims, the perpetrator not only is sentenced to carry arms never again, but also has to repent all his life long. This decree applies mutatis mutandis to canon IV, article 3 of the *Paenitentiale Ambrosianum*. Here too the offender has to give up bearing arms and to take up a life of renunciation until death, an order that makes sense just for laypeople. To abdicate or "decease" from the world by the reception of a monastic life, in this context can be interpreted as a spiritual adaption of the death-penalty, which in the Old Testament is the consequence of murder, an interpretation that prompts the

[76] This distinction in intentional respectively unintentional killing can be found already in Basil's *Letters* 188, 8 and 13 as well as 217, 54, 56, 57, ed. Congregatio Sancti Mauri III.
[77] As mentioned above the penance for a monk or a cleric is considerabely more severe: Finnian (canon 23): cleric, ten years and exile; Columbanus (canon A/3 respectively B/1): ten years, monk respectively cleric (with obligation of compensation to the victim's family) Cf. Bieler, *The Irish Penitenials*, 80 – 83; Walker, *Sancti Columbani Opera*, 168 - 173.
[78] Cf. *Columban, Mönchsregeln*, ed. Ivo Auf der Maur, 6.

phrase *secundum legem*.[79] *Lex* in this sense then means "divine law" (*lex divinum*) based in the scripture, for example in Ex 21: 12 – 14 or Nb 35: 16 – 21. Here the identification of hatred with murder in canon IV, article 2 represents Jesus' extension from the actual in the Old Testament sense onto the ideational killing Mt 5: 20 – 22, using verbal violence (IV, 8, 9).

c. The *Ambrosianum'*s author continues to distinguish in a case of killing that is executed by a lay-man on the one side and by a monk on the other side. If a lay person in fury kills a person (*homo)*, he is obliged to fast three years accompanied by giving alms and offering prayers. Here too the *Ambrosianum* refers to non-monastic people, because a monk lives under the vow of a property-lessness and therefore is unable to give alms.
d. A forth parallelism between the the *Ambrosianum* and the *Sinodus Luci Victoriae* can be found in its canon 9. The reference to the *Sinodus Luci Victoriae* (in canon IV, article 4, *P. Ambrosianum*) in essence shows a further general development: depending on the status (living under a monastic vow or not) a trespasser has to accept a penance's addition (vowed) to respectively a reduction (not vowed) from the penance, in the *Sinodus Luci Victoriae* by one year. This tendency manifests itself for example in the *Paenitentialis Vinniani*, canon 7, where the reduction is reasoned by a lesser reward of lay-people in their eternal future.[80]

The *Ambrosianum* (canon IV, 5) refers to a lay-person, who has committed mayhem with lethal consequence, and authorizes the priest (*ad iudicium sacerdotis*) to judge about the penance. The result of his assistance is a refuge and the performance of penance (one and a half year in fasting and praying). This refuge or asylum is described as *urbs sacerdotalis*. *Urbs* in the Latin language means a town, which is surrounded by a wall.[81] That this place represents a reminiscent of the Old Testament's institution of "cities of refuge" (Num 35: 9 – 15 respectively Jos 20: 7, 8) is supported by the mention of the *civitates refugii* in the Book 28 of the *Collectio canonum Hibernensis* and their localization on a mid-ninth-century-map showing the territories of Israel's twelve tribes.[82] The place, where the lay-person is ordered to take refuge in, must have been a settlement different from other civil localities, because it is marked by the attribute *sacerdotalis*: just a place, enclosed by a wall, especially formed for spiritual and religious life and suitable as a point of retreat. This sacerdotal enclosure could serve a lay-penitent as an asylum to be sheltered from civil prosecution[83] and likewise as an opportunity to withdraw from the civil life,

[79] Cf. *Ambrosianum*: *iuxta legem moriri*, canon II, article 1, Körntgen, *Studien*, 260, see too ibd. 72 - 76. Gildas uses this word-picture in *De excidio Brittanniae* 65 (Williams), 158, 159.
[80] Cf. *P. Vinniani*, c. 7, Bieler, *The Irish Penitenials*, 76. See too: Seebass, *Ein nicht veröffentliches Poenitential*, notes 2 (page 30) and 1 (page 35).
[81] Cf. Georges II, 3313.
[82] Cf. O'Loughlin, *A Mid Ninth-Century Map*, 17, 18, 23; Wasserschleben, *Die Irische Kanonensammlung*, Liber XXVIII, 94 – 98.
[83] That crime is prosecuted by the civil law as well ermerges from the remark made in the introduction of the second part of Columbanus' Penitential: "*De capitalibus primum criminibus,*

necessary to perform a long-term fasting and praying. In one word: this *urbs sacerdotalis* apparently is a monastic settlement.[84] The formulation, "that he really fulfills the imposition, after he had accepted a one-and-a-half-years' penance by fasting and prayers",[85] makes clear that the confessor and the penitent have agreed upon severe consequences. As more often assumed above it seems to be impossible for a lay-person to fulfill these impositions in a common life. The canon IV, 5 therefore provides a convincing indication that the fulfillment of the penance needs a temporary domicile in a monastic community that was actually borne by penitents.[86] This practical explanation retains its justification and plausibility, if it theologically is inserted in the wider horizon of the salvation history. Furthermore: it becomes completed by the following theological reflection of the canon's (IV, 5) text-passage: the ending of expiation and the following reconciliation are indebted to the High Priest's death (*mors magni sacerdotis*) and realized in communion of the altar (*communio altaris*). From the Old Testament's background (Num 35: 25) the passing-away of the High Priest is interpreted by the *Ambrosianum*'s author as Christ's redeeming death made present in the celebration of the Eucharist. In case the penitent is allowed again to take part in the sacrament of the altar, the penance itself officially comes to its end.[87]

The obligation of affection and redress to a person, who is affected by corporal and verbal aggression, are the impositions alongside with fasting for the trespassers expressed in the canons 6 until 9. Intransigence of the offender has an aggravating effect (canon IV, 8) and causes exclusion. The clerical state (canon IV, 7) increases the decree of penance (from two or three *quadragesimae* for lay-people to one and a half year for clerics). In case of a lasting corporal handicap the perpetrator of violence has (alongside with fasting) to compensate the medical fees and the income-loss (canon IV, 6), a current practice, mentioned also in Finnian's (canon 23) and Columbanus' Penitential (canon B/21).

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quae etiam legis animadversione plectantur, sanciendum est", Walker, *Sancti Columbani Opera*, 172. Wasserschleben, *Kanonensammlung*, Liber XXVIII, 94 – 98.

[84] Cf. Hughes, *The Golden Age*, 81.

[85] *Ambrosianum*, IV, 5: "… *annum et dimidium poenitentiae ieunio et orationibus acceptum expleat*…"

[86] Cf. the formulation in Finnian's Penitential: … "*agat penitentiam VII annorum in alia urbe*…" In note 9 *The Irish Pententials*, 243, L. Bieler expresses his view that *urbs* means an "ecclesiastical, in particular a monastic, establishment". See also another statement by Bieler: "Long penances were often performed in monasteries." *The Irish Penitentials: Their Religious and Social Background*, 332, 333. J. Ryan, *Irish monasticism*, 321, delivers the information that penitents were living within monasteries or in special houses attached to these settlements. Cf. also G. S. M. Walker, who delivers his conviction "that the penitent was obliged for the time being to become to all intents a monk." *Sancti Columbani Opera*, XVII. K. Dooley mentions "the existence of penal colonies", *From penance*, 391, 395, 409.

[87] Cf. canon 53 of Finnian's Penitential, Bieler, *The Irish Pententials*, 92, 93. Also: Körntgen, *Studien*, 74.

5.2.3.3. About melancholy (*de tristitia*)

To be affected by melancholy and show it in the day-by-day life is a new appearance in the catalogue of transgressions. The melancholy's introduction as a vice is the consequence of the first adoption of Cassian's Eight-Vices-Scheme in a penitence-writing up to that point in time by the *Ambrosianum*.[88] The canon about melancholy deals obviously with a problem in a monastic community in particular. This is obvious, because the author provides as a desperate device of penance a distinct number of strokes, a punishment that is difficult to execute outside a monastery. According to John Cassian's conviction expressed in his *De institutis* book IX, 4 – 6[89] the *Ambrosianum* expresses the opinion that melancholy arises in the entire personality of a human being, caused by a lack of resistance against depression. Therefore melancholy is counted among the vices taking into account that in the opinion of the *Ambrosianum* vices are illnesses of the soul. So the sorrow-stricken person is obliged to do his or her utmost to fight sadness. If the affected person makes any effort, especially the use of the classical method of curing the contrary by the opposite,[90] the author is confident that he or she will be able to overcome the depressive mood. So canon V relies on the soul's self-regulating forces,[91] which are in the fore-front of the author's thinking more probably than avenging faults by penance. If the self-healing attempts do not bring recovery, meaning a "bright mood or mind (*hilarus vultus*)" and a "happy heart (*laetum cor*)", he recommends for encouragement different remedies of comfort or enforcement: first of all a curing colloquy (*sanus sermo*) with a priest. If such endeavours remain unsuccessful, the priest is ordered to increase penance to fasting and even to strokes (*plaga*). So the priest again, surprisingly not the abbot or a senior monk, plays the key-role in dealing with all the aspects of melancholy: counseling and uplifting the mood, admonishing the affected person, measuring and imposing penance, finally at best the ascertainment of the health's restoration and the order to pray for the healed penitent. If however no recovery appears, exclusion from the community is the last resort. The author explains this harsh handling by using the parable of a rotted timber (*lignum putridum*), a term that occurs similarly in Cassian's *De institutis.*[92] This regulation obviously estimates that a long-term depressive member is a serious danger for the

[88] In the *Reg. monachorum* VIII, *De discretione*, *tristitia* is mentioned as an evil consequence (*malum*) of leaving Christ's way of perfection. Cf. Walker, *Sancti Columbani Opera*, 136. In *Instructio* II, 2 Columbanus asks his addressees to free themselves from vices, among others from *tristitia* too. Cf. Walker, *Sancti Columbani Opera*, 70. But in both text-passages *tristitia* is not enumerated explicitly among a special catalogue of penance.

[89] Cassian, *De institutis* IX, 5: "*Unde manifestissime conprobatur non semper nobis aliorum vitio commotionum stimulos excitari, sed potius nostro*…" CSEL XVII (Petschenig), 168.

[90] Columbanus recommends as antidote "spiritual joy (*laetitia spiritalis*)" and "hope on prospective felicity (*spes futurae beatitudinis*)", Seebass, *De octo vitiis*, 87.

[91] Even the modern psycho-somatic medicine uses in the psychotherapy special training-methods of intensifying a person's entire ability to cope with psychological illnesses and strengthen the soul's self-regulating forces. Cf. Lohmann, *suggestive und übende Verfahren*, 416.

[92] Cassian refers to Proverbs 25: 20: "*Sicut tinea vestimento, et vermis ligno: ita tristitia viri nocet cordi.*" Biblia Sacra II, 585.

community, because melancholy spreads an atmosphere, which can infect brethren and burden the community.

5.2.3.4. About dejection (*de acidia*)

The prescriptions of canon VI primarily direct to the life in a monastic community too, because the impositions for transgressors are those just suitable to be performed in a monastery: spiritual exercises, fasting, vigils, psalm-singing and strokes (*plaga*). And finally it is the part of the brethren to exclude an undiscerning member from the community. Idleness, drowsiness, restlessness and talkativeness have a negative influence on the communal life and discipline in a monastery. According to Cassian's analysis of *acedia* this vice leads to a twofold and diametrically opposed misbehaviour among monks: drowsiness and bustling unsteadiness.[93] Both modes of behaviour appear in the *Ambrosianum* in different manifestations. Priority is the cure of the brother's weakness, even by benefits for the expelled ones[94], and the means of choice is again the classical method: *contrariis contraria curet*. Referring to Finnian (cc. 28, 29),[95] to Columbanus (c. A/12)[96] and based on Basil's question 51 of his longer Rules[97] the *Ambrosianum* orders special spiritual exercises: for the drowsy vigils (VI, 2), for the restless stability (VI, 3) and for the talkative taciturnity (VI, 4).[98]

5.2.3.5. About boasting (*de cenodoxia*)

The core-problem of this vice is one's intention to strive for spiritual perfection: to increase God's glory or to be praised by fellow creatures.[99] If a person seeks worldly approval he (or she) commits the vice of boasting. The *Ambrosianum*'s author does not forbid discussion, but he censures arrogance and poor readiness to listen to a different opinion and consider another notion (VII, 1: "… *non humiliter audiat vel probet sententiam alterius* …"). The vice appears as one's self-over-estimation, lack of humility and passion for glory. In text's connection it becomes evident that the temptation to pride oneself on one's own intellectual sayings or doings (VII, 2: "*bene intellecta vel dicta vel facta*") not only affects monks, but also a person outside a monastery: non-monastic authorities, a bishop and a

[93] Cf. Cassian, *De institutis* X, 2, 10, CSEL XVII (Petschenig), 174, 177 and *Collationes* V, 11, CSEL XIII, (Petschenig), 134.
[94] By the advice further to take care for those, who are excommunicated ("… *tamen non deficient benefacere alienato*…" Körntgen, *Studien*, 265), the *Ambrosianum* refers to Cassian's statement, not to serve the connection, but furthermore to care for them: "… *si forte quidam pravi ad sanam doctrinam converti noluerint, non abscindant ab eis, sed bene facere et fovere eos tam consolationis et correptionis semone, quam beneficiis solitis et humanitate non desinant*." Cassian, *De institutis* X, 15 CSEL XVII (Petschenig), 186.
[95] Cf. Bieler, *The Irish Penitentials*, 82 – 85.
[96] Cf. Walker, *Sancti Columbani Opera*, 170, 171.
[97] Cf. Frank, *Mönchsregeln*, 213, 214.
[98] Cf. *Columbanus*, *R. monachorum*, *de taciturnitate*, Walker, *Sancti Columbani Opera*, 124, 125.
[99] *Ambrosianum*: "… *non… ad domini gloriam, sed ut laudetur et magnificetur a hominibus*." Cassian urges the monk to avoid everything that is done just for human praise. Cf. Cassian, *De institutis* XI, 18, CSEL XVII (Petschenig), 204.

scholar (VII, 4: *episcopus vel doctor*), that is to say are involved in imposing penance and judging a trespasser's state of conversion. Stubborn insistence on one's own ideas is manifested especially in advocating opinions, which do not precisely enough consider the authority of scripture or the tradition of the Catholic Fathers (*auctoritas scriptuarum vel catholicorum patrum traditio*) and differ from the Christian truth (*veritas christianae*) and Catholic doctrine (*veritas et sententia catholicorum*) [100], a behaviour, which is typical for heretics (VII, 3 – 5). When the *Ambrosianum* mentions a heresy (VII, 4: *heresis*), which irregular doctrine comes into question? Is it possible to answer this question by a reference to writings of Columbanus? At first sight just the heresy of the Bosoniacs appears in Columbanus' Penitential in canon B/25. The circle of believers in question here are not creators of the heresy, but misled lay-people. Concerning the cause of heresies Columbanus' fifth letter, addressed to pope Boniface IV. (608 – 615), and his first sermon are instructive. Written 613 A. D. in Italy,[101] the fifth letter contains some indication of varying opinions. As a member of the Church of Irish descent Columbanus accentuates his loyalty to Rome[102] and is simultaneously aware that there are, especially in Italy, many heretics (*multi heretici*).[103] Therefore the Irish abbot demands from Pope Boniface IV. a council (*synodus*) with the aim of condemning all heretics and of cleaning "the chair of Peter from every error."[104] This error in Columbanus' sight was the action of pope Vigilius (537 – 555) in the so called "Three Chapters' Dispute", which rejected the ideas and writings of three Oriental theologians[105] (because of supposed Monophysite tendencies) indeed only after a considerable pressure of the East-Roman emperor Justinan I. (483 – 565) and against the notion of many Western Churches, among them the Church of the Lombardy. The dispute was still virulent in Columbanus' late years and he privately suspects that pope Boniface IV. supports the dubious decision of his predecessor, which Columbanus estimates as a heresy.[106] He takes up position, defends his Lombardian fellow Christians and lays emphasis on their orthodoxy.[107] It is entirely possible that the author of the *Ambrosianum* means this conflict in believe, when he mentions heresy. Another disbelief is brought to Columbanus' attention, while reporting that he has knowledge of believers, who

[100] Cf. *Ambrosianum*, c. VII, 3, 4, Körntgen, *Studien*, 265.
[101] Cf. Wright, Columbanus's epistolae, 29. Walker names Milan as the place of writing, *Sancti Columbani Opera*, XXXVIII.
[102] Cf. Columbanus, *Letter V*, Walker, *Sancti Columbani Opera*, 38.
[103] Cf. Columbanus, *Letter V*, Walker, *Sancti Columbani Opera*, 40.
[104] *Columbanus*, *Epistula* V, 9, Walker, *Sancti Columbani Opera*, 45.
[105] The theologians are bishop Ibas of Edessa, Theodoretos of Kyros and Theodoros of Mopsuestia, who are unjustly suspected to follow the heresy of Nestorianism. Cf. Speigl, *Dreikapitelstreit*, LThK III, ^{3}1995, 368, 369. Walker, *Sancti Columbani Opera*, XXIX, XXX, XXXVIII.
[106] *Columbanus*, *Epistula* V, 10: "*Hereticorum enim receptio, ut audio, vobis reputatur, quod absit credi verum fuisse, esse vel fore*." Walker, *Sancti Columbani Opera*, 46.
[107] *Columbanus*, *Epistula* V, 10: "*Ipsi autem othodoxi et veri catholici, qui neque hereticos neque suspectos aliquos aliquando receperunt neque defenderunt, sed in zelo verae fidei permanserunt*." Walker, *Sancti Columbani Opera*, 48.

reject the two-nature-doctrine of Christ,[108] another heresy, which could be taken up by the *Ambrosianum* as well. And finally in his first sermon Columbanus confesses his faith in the trinity (*Credere in Deum … unum substantia, trinum subsistentia*)[109] against the heresy of the Deity's dividing, parting and gradation of the divine persons. The open and indefinite phrasing in describing the appearance of heresy in the *Ambrosianum* makes sense and definitely can be interpreted as the author's complex knowledge of Columbanus' different experience with and description of the heresies he came across on the continent. It is striking that the *Ambrosianum* nowhere mentions superstition or magic as a form of disbelief. But this needed to be noticed, if the *Ambrosianum* actually was originated in Ireland, because the *P. Vinnianus* clearly shows that magic not heresies had been the prior problem concerning the faith in Ireland around 600. There is much to be said for the consideration that another close connection appears between Columbanus' writings and the *Ambrosianum*. And simultaneously a further plausible argument is found for the *Ambrosianum*'s origin in the ecclesiastical environment of (possibly the "Italian") Columbanus or his disciples.

Conversion from the vice of boasting, especially in the form of heresy, is only possible by a public retraction of the erring opinion. The cause of the heresy has to do his utmost, to guide back the misled believers onto the reliable path of Catholic doctrine and orthodoxy. Penance (VII, 5: fasting and alms-giving) is secondary.

5.2.3.6. About pride (*de superbia*)

Only few aspects are to be added under the heading "pride", because most of the regulations are analyzed above in working out conformities and similarities with Basil's rule (especially VIII, 6 and 7), Cassian's *De institutis* (VIII, 28) and Columbanus' writings (in particular VIII, 14 – 28). In an introductory and programmatic statement the author of the *Ambrosianum* deals with a collective of arrogant and haughty behaviour and performance by the canon VIII, 1. A similar task is fulfilled by the introduction to Columbanus' *Regula monachorum*: this rule in a positive manner recalls in mind the basic commandment of the Christian belief to "love our neighbours as ourselves."[110] The *Ambrosianum*'s canon, for a penitential not surprising, opens the survey with a list of negative behaviour pattern, by which prideful characters trespass against this basic commandment: condescending treatment towards the neighbours (*ceteri*) as well as in particular

[108] *Columbanus*, *Epistula* V, 13: "*Nam si, ut audivi, aliqui in Christo duas substantias non credunt, heretici potius quam Christiani credenda sunt*." Walker, *Sancti Columbani Opera*, 52.
[109] Cf. *Columbanus, Instructio* I, 2, Walker, *Sancti Columbani Opera*, 60.
[110] *Columbanus*, *Reg. monachorum*, Walker, *Sancti Columbani* Opera, 112, 123. This basic commandment already is mentioned outside the scripture in the *Didache* (I, 2) as the "way of life".

pitiable (*miseres*), non-genteel (*ignobiles*), inexperienced (*imperiti*), poor (*pauperes*), rustic (*rustici*) and underclass (*inferiores*) people.[111]

The blasphemer (VIII, 3)[112] has to be excluded from the community of brethren as long as he persists in his wrongdoing. If he repents, he can be cured by sacerdotal remedies (*sacerdotalis medicina*), i. e. satisfaction and fasting. Here the *Ambrosianum*'s author refers to the introduction, where the Penitential is defined as an arrangement of medicaments (*ordo medicaminum*). Inspired by the same idea the vice of envy can be healed through confession, reconciliation of the envier with the envied person (VIII, 5).[113] Undiscerning persistence in blasphemy and envy draws exclusion (VIII, 3: "*abscindatur ab unitate*" respectively VIII, 5: "*alienetur*") from the community.

5.3. Résumé and classification of the *Ambrosianum*

Returning to the finding that Columbanus and his disciples with some degree of probability learnt about Cassian's Eight-Vices-Scheme on the continent after 600 A. D. it can be proved plausible that they discovered it as an element of structure for a penitential. Further it can be stated that this scheme of order at first appeared in the *Paenitentiale Ambrosianum* of the manuscripts available and marked a striking difference to earlier penitential-writings. Around 650 the Irish *Penitentiale Cummeani* also used this systematizing element of eight vices. Is it possible to trace way from the first knowledge of the Eight-Vices-Scheme via its function as an element of structure in the *Ambrosianum* towards the *Penitentiale Cummeani* and the further writings, which order their catalogue of penance according to Cassian's scheme?

First and foremost, the previous research has clearly shown that the *Ambrosianum* reveals an astonishing intercommunication and networking in the pastoral dealing with repentance and reconciliation for a time, where communication was only possible by letters, books and personal meetings. The author of this Penitential is not only familiar with Basil's monastic rule and Cassian's *De institutis* and his *Collationes*. He also has a sound understanding of the South-West-British penitence-writings (*Sinodus Luci Victoriae*, *Praefatio Gildae* and *Excerpta Davidis*) and he shows some knowledge of Finnian's Penitential. Exceptionally conspicuous is his detailed knowledge of contents and wording of Columbanus' writings. Seebass, who identifies the Penitential as "a work of definitely Celtic

[111] Cf. Körntgen, *Studien*, 266.
[112] Blasphemy is counted by Columbanus among a number of bad habits (*mala*) in the *Reg. monachorum*, *de taciturnitate*, Walker, *Sancti Columbani Opera*, 124, 125.
[113] Columbanus recommends in his *Instructio II* "to prune envy and plant good-will", Walker, *Sancti Columbani Opera*, 69. In canon 29 of Finnian's Penitential "kindliness, or the love of God and one's neighbour ", is proposed to overcome envy, Bieler, *The Irish Penitentials*, 84, 85.

material and contents"[114], already perceived for "the 8th book… an almost total conformity with the Old-Irish coenobial rule named after Columbanus the Younger."[115] This finding also proves the fact that the so called "Celtic Church" in no way was isolated from the Continental Church.[116]

The decisive problem however remains in the question, whether it is possible to learn more details about the *Ambrosianum*'s author and later compilers as well as to find out the place of the Penitential's origin. The following considerations try to answer this question:

a. In its introduction the *Ambrosianum* remembers the baptism's central role concerning the forgiveness of sins. But the Penitential also confirms the repeatable and unlimited opportunity of the sins' remission and absolution by confession in privacy and penance, introduced and established by Columbanus around 600 A. D. Columbanus' writings and the *Ambrosianum* agree upon in formation and effect of this ecclesiastical pastoral activity.
b. In Columbanus' *Regula coenobialis* as well as in the *Ambrosianum* penance is defined not primarily as a punitive action, but far more as a remedy to cure the soul's ailment of sin.
c. The first Letter of John brings up in 5: 16 the conception of *peccatum non ad mortem*, means a non-mortal sin. Columbanus and the author of the *Ambrosianum* in common refer to this biblical notion, but both used it in their connotation diametrically opposed, that is to say to define a sin as a mortal sin (*peccatum ad mortem*).
d. The analogous adoption, but principally the literal quotation of special formulations, sentences and whole passages are numerous. Especially the commonalities between the *Ambrosianum*'s canon VIII, 14 – 28, organizing the life in a monastery and taking care for the monastic discipline among the brethren, and the regulations of the *Regula coenobialis*' article XV show that the texts are strikingly codependent. The *Ambrosianum*'s direction that a transgressor of the rule as a whole is to be excluded as long as he persists in that disobedience contains the comment: "as I have previously mentioned (*ut praedixi*)", a remark that is absent in the *Regula coenobialis*' article XV, despite the wording in both writings is almost conform. It is certainly possible that the author of the *Ambrosianum* refer here to the *Regula coenobialis*' utterance. If the *Ambrosianum*'s author in fact had made this statement before in the *Regula coenobialis*, here actually can be assumed an author's identity. In any case a

[114] Seebass, *Ein nicht veröffentlichtes Poenitential*, 48. Translation by the author. So does C. Vogel too, when he marks a penitential found by Seebass as *Mediolanense* and identifies it as a writing of Celtic origin. Cf. Vogel, *Les Libri Paenitentiales*, 78.
[115] Seebass, *Ein nicht veröffentlichtes Poenitential*, 48. Translation by the author.
[116] Cf. Dooley, *From penance*, 395.

dependence emerges of the later writing (*Ambrosianum*) on the earlier one (*Regula coenobialis*).

e. The *Ambrosianum*'s canon VIII, 28 represents to a great extent a quotation of monastic rules in Cassian's *De institutis* Liber IV, 16. The *Regula coenobialis*' chapter XV cites the same rules almost verbatim as well. Very perceptive however is the observation that the author of the *Ambrosianum* and the *Regula coenobiali* not only take over Cassian's wording of *De institutis*, but also that the *Ambrosianum* and the *Regula coenobialis* agree verbatim in an additional regulation, which the Cassian source does not contain.
f. The *Ambrosianum*'s appended canon IX and the article XV of the *Regula coenobialis* deal with the same transgressions against careful and reverential treatment of the *sacrificium*. The parallels in naming the carelessness and irreverence as well as the imposed penance are almost identical. That even goes so far that both writings use the same aberrant spelling of the Latin word for boat or barge: *cimba* instead of the correct letter sequence *cymba* or *cumba*. This indicates a further striking conformity between the *Ambrosianum* (IX, 7) and the *Regula coenobialis* (XV).
g. The *Ambrosianum* and the *Regula coenobialis* describe comparable pastoral activities (provide housebounds with the *sacrificium*) in an equal landscape and infrastructure.
h. The author of the *Ambrosianum* discusses in VII, 3 – 5 in some length the problem of opinions deviating from the doctrine like heresy or unauthorized interpretation of the scriptures. A confessor's ministry is only valid, if he is a *sacerdos catholicus* (I, 4). This direction indicates a situation, where ministers of different denominations were officiating side by side, those united with the Catholic Church and others following a heretic conviction. Concerning apostasy Finnian focused his attention on magic, Columbanus on the other hand turned on heresies and relapse in paganism. So the *Ambrosianum*'s problem-area deals with a much greater affinity to the situation Columbanus had to cope with: another indication for a close connection between Columbanus' writings and the *Ambrosianum*.

These eight aspects and basic principles are understood as ingredients or tesserae to form an overall picture. Admittedly the effigy is not complete, but on the foundation of the considerations above it shows enough clear contours and evidences to advance the following theory:

a. The *Paenitentiale Ambrosianum* is Irish, because compiled of an Irish or an Irish influenced author, who was an ecclesiastical figure, possibly an abbot of some importance. This does not mean that the Penitential was written down in Ireland.

b. At variance from L. Körntgen's and R. Means' opinion that the origin of the *Ambrosianum* is to be found in Britain or Ireland[117] and following A. de Vogüé, who does not even exclude that Columbanus himself plays a role as author at least of a part of the Penitential,[118] the *Paenitentiale Ambrosianum* was composed on the continent[119] in the close environment of Columbanus and his followers. The observation that the *Ambrosianum* has no traces of the other important monastic and ecclesiastical movement: the rule of Benedict of Nursia,[120] does not contradict the Penitential's compilation on the continent by any means. Columbanus' life, work and ministry on the continent show self-reliant sovereignty and independence. His rule for monks and his understanding of life within a monastic settlement competed successfully with the Benedictine rule during the seventh century.[121] So it is hardly surprising that the Benedictine rule did not govern the life in a monastery in Ireland before 1142 with foundation of the Cistercian abbey of Melifont.[122]

c. A comparison of Finnian's, Columbanus' and the *Ambrosianum*'s dealing with John Cassian reveals an advancing adoption and processing of the Eight-Vices-Scheme: Finnian mentions merely a non-systematic selection of vices, Columbanus has Cassian's complete catalogue, but not in his Penitential and the *Ambrosianum* uses the scheme as an element of structure. It appears as meaningful to read this recital like a chronological sequence.

d. Probably formed after Columbanus received knowledge of John Cassian's Eight-Vices-Scheme the *Paenitentiale Ambrosianum* can be traced to a time-space around or after 610 A. D. The place of origin of the ninth-century-copy, the abbey of Bobbio, points out the possibility that the original issue of the *Ambrosianum* was written as the compensation for a penitential, which Columbanus had to leave behind in Luxeuil, when he became exiled from this monastery. In any case the time of origin can be narrowed down from about 610 until 644[123], when the council of Chalon-sur-Saône confirmed the new form of repentance: the *tariff-penance*.

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[117] Cf. Körntgen, *Studien*, 86. Means, *Penance*, 45. Also against Gaastra, *Between Liturgy and Canon Law*, 9.
[118] Cf. de Vogüé, *Règles et pénitentiels*, 111 and note 47.
[119] C. Vogel also set the place of the *Ambrosianum*'s compilation on the continent. Cf. *Les Libri Paenitentiales*, 78.
[120] Cf. Körntgen, *Studien*, 57. The *Ambrosianum* as well as the *Regula Benedicti* (written around 530) draw on Cassian's writings, but independent of each other. Cf. Steidle, *Die Benediktus-Regel*, 19.
[121] Cf. Walker, *Sancti Columbani Opera*, XXXIII: "yet for a time it had seemed as though Ireland and not Italy was to provide a rule for the main family of western monks."
[122] Cf. Ó Cuiv, *Ireland*, CIH, 120. Means, *Penance*, 40.
[123] Körntgen assumes a time-space of hundred years, between 550 und 650, *Studien*, 86.

e. If the *Paenitentiale Ambrosianum* represents the main source of the Irish *Paenitentiale Cummeani*,[124] the *Ambrosianum* qualifies the role of a bridge-function: it transferred the Eight-Vices-Scheme as an element of a penitential's structure sometime after 600 A. D. into Ireland, clearly proved by Cummean's Penitential, which was written around 650 A. D.[125]

The considerations above state that there is no necessity to assume a lost text, whose existence Charles-Edwards supposes to understand the body of source,[126] because the *Ambrosianum* itself can be identified as the debatable source for further penitentials. It not only joins almost completely the wide range of former penitence-regulations, but also introduces a new element to systematize them. Then in the *Ambrosianum* actually the text is found, which closes the gap between the early penitence-writings lacking Cassian's Eight-Vices-Scheme system and those penitentials which are ordered by Cassian's eightfold catalogue of sins. If the *Paenitentiale Ambrosianum* represents this bridge-function, as it is proposed here, a kind of historical circle is met that has moved forward roughly one-hundred years:

- From the earliest documents about penitence in the first half of the sixth century in South-West-Britain[127]
- leading to the Irish *Paenitentialis Vinniani*,[128] written before Finnian's death in 549,
- proceeding to the *Paenitentiale Columbani*, of Irish character, but compiled on the continent in the Frankish Luxeuil at the end of the sixth century,
- meeting with Columbanus Cassian's Eight-Vices'-Scheme (*de octo vitiis*) and introducing it as a systematizing element into the *Paenitentiale Ambrosianum* probably during the first ten years of the seventh century
- and eventually transferring it back by this bridge-building-text into Ireland, where the *Ambrosianum* was acquired as the main source of the *Paenitentiale Cummeani*,[129] written around 650 A. D.

This development formed comprehensibly step by step the layout, the structure and the contents of special writings about the dealing with sin, repentance and penance. And it reached in the *Ambrosianum* a certain finalization, because in this writing a model existed, which was suitable as a

[124] So Kottje too, *Bußpraxis*, 373, 374.
[125] This statement differs substantially from Charles-Edwards' opinion that Cummean introduced Cassian's Eight-Vices-Scheme as an element of structure into the penitentials. Cf. *The Penitential of Theodore*, 152.
[126] Cf. Charles-Edwards, *The Penitential of Columbanus*, 218 – 220, especially note 4, page 218.
[127] See the British-Irish-connections in South-West-Britain, Bowen, *Saint David*, 47. Cf. too: Bieler, *The Irish Penitentials: Their Religious and Social Background*, 329.
[128] Cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 330.
[129] Cf. Körntgen, *Studien*, 17.

pattern for other penitentials to come. Although this assumption seems well founded, this consideration remains a theory, certainly highly plausible, at least as long as no further documents, yet undiscovered, surprisingly appear. Even if this occurs, the evidence suggests that the *Ambrosianum* is the "remainder on sources" L. Bieler was looking out for,[130] and the text, which connects the former penitence-writings with the later Irish *Paenitentiale Cummeani* and other penitentials ahead.

[130] Bieler, *The Irish Penitentials*, 6.

6. Cummean's Penitential (*Paenitentiale Cummeani*)

6.1. The tradition of the *Paenitentiale Cummeani*

The history of the final recognition of the *Paenitentiale Cummeani* appears as a convoluted search for the person of the Penitential's compiler, the time of its origin as well as its original text and the correspondence of the existing manuscripts with each other.[1] The identification parallels the discovery of the manuscripts. When F. W. H. Wasserschleben 1851 wrote his book: Die Bußordnungen der abendländischen Kirche, he published under the headline *Poenitentiale Cummeani*[2] a series of requirements of penance, which he titled: Excarpsus[3] de aliis plures poenitentiales et canones. He meant to identify "Kummean"[4] as a bishop, who migrated in the eighth century from Ireland to Italy to live for twenty years in the monastery of Bobbio.[5] Consequently, even if with some doubts as to whether another penitential written by a Cummean exists or not,[6] he finally decided on the authenticity of his source and regarded the *Excarpsus* as the genuine *Paenitentiale Cummeani*. In the *Excarpsus* Wasserschleben discovered many decisions of the *Paenitentiale Theodori*. The different issues of that Penitential are originated around 700 AD and later. So Wasserschleben assessed for the date of this special penitential's writing correctly as the middle of the eighth century and placed it in the Frankish area.[7] Thirty years later (1882) Schmitz held the opinion that the mention of Cummean's name in the manuscript St. Gallen, Stiftsbibliothek Cod. Sang. 550, prologue[8] does not show any relationship to the *Excarpsus*'s content. Therefore he rejected a connection of that penitence-book with an abbot or a bishop called Cummean and did not see any proof that a Cummean is the author of the penitential at issue.[9] Strangely Schmitz knew the original text: in his published work he used only BAV Pal. Lat. 485 to reconstruct the *Excarpsus Egberti*,[10] but he did not recognize this source as the *Paenitentiale Cummeani*, whose existence he had denied. So Schmitz was mistaken and Wasserschleben's hesitation was proved justified. He, in fact, had not the genuine penitential-book of Cummean. In the

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[1] Cf. Asbach, *Das Poenitentiale Remense und der sogen. Excarpsus Cummeani*, 4 – 7.
[2] Cf. Wasserschleben, *Bußordnungen*, 460 – 493.
[3] Cf. Wasserschleben, *Bußordnungen*, 465. Excarpsus, probably is taken from the Latin verb *excerpere*: to select.
[4] See the different spelling of Cummean's name in: Bieler, *The Irish Penitentials*, 5, note 3.
[5] Cf. Wasserschleben, *Die Bußordnungen*, 65. McNeill and Gamer, *Medieval Handbooks*, 98.
[6] Cf. Wasserschleben, *Die Bußordnungen*, 69.
[7] Cf. Wasserschleben, Die *Bußordnungen*, 63.
[8] The *Excarpsus* as well as the *Capitula Judiciorum* contains in the prolog the introduction: „*Praefatio Cummeani abbatis in Scotia ortus*", Schmitz, *Die Bußbücher*, I, 604. He deals with this problem in his second chapter: Das sogenannte Poenitentiale Cummeani (the so called penitential of Cummean). Alongside with the *Excarpsus* Herm. Jos. Schmitz quotes and commends on two more penitentials: *Penitentiale Remense* and *Capitula Judiciorum*. These penitentials belong to the form of *Tripartita*, that mean penitentials, where rules of Frankish, Cummean's and Theodore's origin are joined together unalloyed. Cf. Kottje, *Bußpraxis und Bußritus*, 378, also *Bußbücher*, LMA, II, 1120.
[9] Cf. Schmitz, *Die Bußbücher*, I, 602 – 608.
[10] Cf. Schmitz, *Die Bußbücher*, II, 660 ff.

Excarpsus he had in hand only a later adaption of the original pattern - actually about 850 and anonymously composed in South-West Franconia, now known as *Pseudo-Cummean*.[11] It was reserved for Joseph Zettinger to discover 1902 the original writing in BAV Pal. Lat. 485, fol. 101^{v} – 107^{v}. The ninth century-copy, in Latin, probably written in the Irish-influenced German monastery of Lorsch, contained Cummean's original Penitential.[12] Another complete Latin copy, written in the tenth century in the North of France, is in Oxford Bodl. 311, fol. 37^{v} – 50^{v}.[13] The notion that Zettinger actually discovered the original *Paenitentiale Cummeani* unites Finsterwalder,[14] Bieler,[15] McNeill and Gamer,[16] Kenney[17] Kottje,[18] Körntgen[19] and O'Loughlin.[20] They all date the origin of the book back into the seventh century (about 650) and also agree upon Bieler's correction regarding the person of Cummean. Thus it is to be summarized that the *Paenitentiale Cummeani* was written at the middle of the seventh century, the *Excarpsus* as a Pseudo-Cummean-writing in the ninth century.[21]

6.2. The person Cummean

Bieler identified as the Penitential's author the Irish bishop-abbot of Clonfert monastery Cummaine Fota or Cummianus Longius († 662),[22] a conclusion that is supported by the introductory rubrics in BAV Pal. Lat. 485 and Oxford Bodl. 311, which Bieler reconstructs as: "*Sancti Basilii expositio ad inquistionem Cumiani Longii*."[23] It is possible that this title and the rubric of the manuscript Oxford Bodl. 311: "Here begins the penitential of Saint Basil with Cumiani Longii"[24], which represents a study of Basil's Letters 188, 199 and 217. This can imply that the so-called "canons of penitence" (seventies of the fourth century, addressed to Amphilochius) were seen as a general pattern for the later penitentials (seventh

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[11] Cf. Kottje, *Überlieferung und Rezeption der irischen Bußbücher*, 519. Zettinger, *Poenitentiale Cummeani*, 503, 504. Le Bras, *Pénitentiels*, 1165 – 1168.
[12] Cf. Zettinger, *Poenitentiale Cummeani*, 540. Bieler, *The Irish Penitentials*, 15 (R). Kottje, *Das älteste Zeugnis*, 587.
[13] Cf. Bieler, *The Irish Penitentials*, 13 (E). Kottje, *Das älteste Zeugnis*, 587.
[14] Cf. Finsterwalder, *Die Canones Theodori Cantuariensis*, 201 – 203.
[15] Cf. Bieler, *The Irish Penitentials*, 5, 6.
[16] Cf. McNeill and Gamer, *Medieval Handbooks*, 98
[17] Cf. Kenney, *The sources*, 241.
[18] Cf. Kottje, *Überlieferung und Rezeption der irischen Bußbücher*, 516, *Das älteste Zeugnis*, 585 - 589.
[19] Cf. Körntgen, *Studien*, 7.
[20] Cf. O'Loughlin, *Celtic Theology*, 60.
[21] Cf. Kenney, *The sources*, 241 and 243.
[22] The Old Irish Penitential (end 7th century) mentions Cummine Fota (*Cumineus Longus*), cf. Bieler, *The Irish Penitentials*, 264, 266, 267. L. Bieler, *The Irish Penitentials*, 6, follows in his identification Zettinger, who however mistakenly supposed that Cumianus was an abbot on the Scottish island Hy (Iona), Jos. Zettinger, *Poenitentiale Cummeani*, 538; possibly a mixing up with Cummianus Alba († 669), who actually was the 7th abbot of Iona. Cyrill Vogel draws the attention to a similar mistaking and identifies "Cumméan le Long" as the author of the penitential. *Le Pécheur*, 43. See also: Bullough, *Cummian(us)*, in: LThK^{3} II, 1358, 1359. Meens, *Penance*, 57.
[23] Bieler, *The Irish Penitentials*, 6 and 251, considers a text shaping connection with Basil unlikely.
[24] Text in the manuscript Oxford Bodl. 311: "*Incipit Sancti Basilii Penitentiale ad Cumiani Longii*." Copy of the original document.

century). The parallel "*moechantes in labiis*" in Cummean's canon II, article 8, repeated in X, 16 by the phrase "*desideria labiis complentes*,"[25] with "*diaconus qui pollutus est in labris*" in Basil's Letter 217, 70 also can be interpreted as evidence for this relation between Basil's catalogue and the later penitentials.

6.3. Similarities and differences with the *Paenitentiale Ambrosianum* and other writings[26]

6.3.1. Exclusive regulations in the *P. Ambrosianum* and *P. Cummeani*

To demonstrate a writings' dependence on an earlier text succeeds best in looking out for those text-passages, which are unique in both documents, not to be found in other sources and expressing the same contents by a similar or comparable wording. The added canon XI: *de questionibus sacrificii* in the *P. Cummeani* can be classified in three sections of instructions:

a. Instructions, which appear as singular by Cummean in canon XI, articles 1 – 18. They contain regulations concerning the reverence that is given to the *sacrificium* (host or chalice [1 – 11]); and the hygienic prescriptions follow the reverence instructions, if food is contaminated by dead animals like mice or weasels (12 – 18),
b. different instructions concerning the reverential handling of the *sacrificium*, which Cummean (XI, 19 – 22) has in common with Columbanus (*Regula coenobialis* canon XV) and the author of the *Ambrosianum* (canon IX, article 9)
c. and additional instructions on the *sacrificium*'s reverence, which contain distinctive *Ambrosianum* material and can exclusively be rediscovered in Cummean's canon XI, article 23 – 29.

The mention of the latter instructions in the *P. Cummeani* and *P. Ambrosianum* can be taken with a high probability as a mutual dependence. Here the question arises, which one represents the source and which one uses the pattern? Or do both penitentials scoop independently on each other out of a third text? The model for both regulations is canon 20 of the *Praefatio Gildae*: "*Si quis errans commotaverit aliquid de verbis ubi periculum adnotatur, triduanum aut IIII superpostiones faciat*."[27] In the context of these questions a comparison of

[25] Cf. Bieler, *The Irish Penitentials*, 128.
[26] The chapter enumeration in the manuscript BAV Pal. Lat. 485 skips chapter four and continues the counting after chapter three with chapter five. Körntgen explains this jumping from III to V with a mistake of the copyist, *Studien*, note 74, page 17. Bieler assumes a relation to the *Old Irish Penitential*, which counts a chapter *de invidia* between *de filargiria* and *de ira*, *The Irish Penitentials*, note 17, page 246. For the sake of clarity the chapters are continuously enumerated, which means that chapter III is followed by chapter IV, and so forth.
[27] Bieler, *The Irish Penitentials*, 62.

Cummean's canon XI, 29[28] and the *Ambrosianum*'s canon IX, 14[29] provides an instructive result:

***Paenitentiale Ambrosianum* IX**	***Paenitentiale Cummeani* XI**
14. *Si* autem *titubaverit sacerdos super orationem dominicam*, *quae* vocatur *periculosa*, *si una vice* LX *plagis*, *si* duabus *C*, *si* tribus, die I in pane et aqua.	29. *Si titubaverit sacerdos super oratione dominica quae* dicitur *periculosa*, *si una vice*, L *plagis* emundatur, *si* secunda, *C*, *si* tertia, superponat.

At the first view already the same tenor (danger of a liturgical ceremony's invalidity by using inadequate words) of the three instructions (Gildas, *Ambrosianum* and Cummean) is striking as well as the difference between the wording of Gildas' regulation on the one hand and the almost identical formulation by the two penitentials on the other hand. Cummean knew Gildas' regulation (c. 20) and quoted it in a different context (*de minutis causis*), in c. X, 9, almost verbatim.[30] It is most likely that the *Ambrosianum*'s author knew Gildas' c. 20 despite not quoting the wording, because the *P. Ambrosianum* contains regulations of the *Praefatio Gildae*. But it is also clear that neither the *Ambrosianum*'s author nor Cummean had copied Gildas in the context of trespasses against *sacrificium*: so the direct relation of source exists between the *P. Ambrosianum* and the *P. Cummeani*. Because Cummean's canon XI contains more comprehensive instructions in comparison with the *Ambrosianum*'s canon IX, the proposition does not convince that the *P. Cummeani* represents the source for the *P. Ambrosianum*.[31] On the contrary: the relation of source can be far more convincingly explained, if Cummean had used the earlier *Ambrosianum* as his pattern: here, namely, Cummean met the case of a liturgical invalidity (by using wrong wording or pronouncing liturgical phrases inarticulate) in a context, which he considered more important compared with the context of rule he already had taken over from the *Praefatio Gildae* c. 20: in Cummean's canon X, article 9 the fault is mentioned merely as ill-discipline, in canon XI, article 29 by contrast as irreverence. Thus it represents a more serious trespass against the *sacrificium*. So this increase of earnestness unequivocally has an independent tradition, which Cummean received from the *Ambrosianum*'s Penitential. This consideration is supported by the observation that Cummean imposes blows as consequence for the incorrect pronunciation. He follows his *Ambrosianum* pattern, despite this corporal version of penance is very unusual in the *P. Cummeani* and mentioned only once more, just before in another context in canon XI, article 15.

For the other additional regulations, which are absent in the *Ambrosianum*, it is right to assume that Cummean added these prescriptions to his Penitential to

[28] Bieler, *The Irish Penitentials*, 132. Conformities in italics.
[29] Körntgen, *Studien*, 270.
[30] Cf. Bieler, *The Irish Penitentials*, 126.
[31] Cf. Körntgen, *Studien*, 17.

complete it due to the necessities of his own ecclesiastical and pastoral experience.

To prove this notion that Cummean followed the *Ambrosianum* not only the similarities are remarkable, but also the regulations, which the *Paenitentiale Cummeani* does not contain: the correlated provisions in the *Ambrosianum*'s canones IX, 7 and 8 and Columbanus' *Regula coenobialis* XV about penance in a case of losing the *sacrificium* by sinking the host are absent in Cummean's text. The conformity in every detail (facts, wording and even the misspelling of the Latin word *cimba* / *cymba*) in the *Regula coenobialis* respectively the *Ambrosianum* has been interpreted above as evidence that both regulations arose in the same environment of Columbanus' influence. So the lack of these rules in Cummean's writing now firstly underlines again the mutual place of origin of the *Regula coenobialis*' respectively the *Ambrosianum*'s canons and its compilation almost in the same period. This makes evident too that the *P. Ambrosianum* represents the earlier writing, the *P. Cummeani* the later one. The *Ambrosianum* is therefore the source used by Cummean to form the structure, the basis and an important part of his Penitential. It marks secondly and above all the different infrastructure of the environment Cummean was performing his pastoral activities in, and varied circumstances, which do not need such specific regulations.

The other text-passages, which are unique in both documents, also demonstrate this link of dependence:

***Paenitentiale Ambrosianum* IX**	***Paenitentiale Cummeani* XI**
9. Sacerdos qui offert sacrificium et si ceciderint sacrificial de manu illius usque ad terram et non invenerit, omne quodcunque in loco, ubi ceciderit, comburet igni et abscondat cinerem eius in terra sub altare, ita ut non concul-cetur, et ipse poeniteat dimidio anni.	23. Si sacrificium ceciderit de minibus offerantis terratenus et non inveniatur, omne quodcumque inventum furerit in loco in quo ceciderit comburetur et cinis eius ut supra abscondatur; sacerdos deinde demedio anno damnetur.
10. Si autem invenerit, locum scopa mundet et comburat igni et abscondit in terra similiter et ipse poeniteat XX diebus.	24. Si vero inventum fuerit sacrificium, locus scope mundetur et stramen ut supra diximus igne comburetur et sacerdos XX diebus peniteat.
	25. Si usque ad altare tantum fuerit lapsum, superponat.
	26. Si vero de calice aliquid per neglegentiam stillaverit in terra, lingua lambetur, tabula radatur, igni sum-matur, ut supra diximus celatur, L diebus penteat.

***Paenitentiale Ambrosianum* IX**	***Paenitentiale Cummeani* XI**
12. Si autem super altare ceciderit stilla, sorbeat illam et tribus diebus poeniteat. Si exierit per linteum ad alium, VII, si ad tertium novem, si ad quartum XII diebus, ita ut imponat calicem sub linteaminibus et infundat aquam desuper per tres vices et bibat.	27. Si super altare stillaverit calix, sorbeat minister stillam et ternis peniteat diebus et linteamina quae tangerit stilla per tres abluat vices calice subter posito et aquam ablutionis sumat.
13. Si vero, quando interluit calicem, effuderit aliquid in terra, si prima vice X diebus, si secunda VII, si tertia, III diebus in pane et aqua sive psalmis et plagis poeniteat.	28. Si quando intra luitur calix stillaverit, prima vice XII a ministro canatur psalmi, si secunda vice, … si tertia III.

Cummean states, in comparison with the *Ambrosianum*, identical facts in slightly different wording, and with marginal differences in penance. So the notion is repeated here that the instructions of the *Ambrosianum*'s canons IX, 9 – 14 are singular and not a patch on other penitence-writings. Its homologous appearance in Cummenan's text is the strict evidence for a close relationship between the two penitentials, of which the *P. Ambrosianum* represents the source.

It attracts attention, furthermore, that the *P. Cummeani* deals with careless or negligent dealing with the *sacrificium*'s proper handling in various links and in different manners:

losing the Host, further details	**canon/ article**	**penance**	**references**	**canon/ article**	**penance**
vomiting	I,8	40 fasts	Ambr	I, 10	40 fasts
vomiting because of infirmity	I,9	7 fasts	Gildas P. Colum	7 A/6 /B12	4 fasts 7 fasts
vomiting in fire and because of pain	I,10 IX, 9	100 psalms 100 psalms			
vomiting in fire because of gluttony,	XI,7	20 fasts			
vomiting from gluttony	XI,7	40 fasts	Gildas P. Colum P. Colum	7 A/6 B/12	7 fasts 40 fasts 120 fasts
animals eat the vomit	I,11 XI,8	100 fasts 100 fasts			
by carelessness or neglect	X10	1 fast			
by carelessness, eaten by animals	XI,1	40 days	Gildas RC Colum Ambr P. Colum	9 XV IX,1 A/6/B/12	3x40 fasts 1 year fasting 1 year fasting 1 year fasting

This mention of losing the Eucharistic elements under different circumstances appears in the *Paenitentiale Cummeani* as a kind of collection of experiences, which have been taken from earlier penitence-writings as well as from Cummean's personal learning. It expresses the unrestricted appreciation of the *sacrificium* in this period of the Church. So the instructions mark Cummean's real

effort to keep reverence for the *sacrificium* in his circle of influence and to teach as an ecclesiastical authority his responsible ministers as completely as possible, how to deal with the various forms of disrespect for the host. The penance bears some resemblances to each other and consists of fasting or psalm-singing. Its degree is however non-consistent in comparison with other penitence-writings: most frequently a *quadragesima* appears, forty days fasting of bread and water, half this period or a manifold of it. In minor cases the penitent has to atone by psalm-singing. Cummean himself is aware that differences exist in comparison with other authors of penitence-writings. This underlines again the collection-character of Cummean's regulations and its petty differing manifestation in various places, a finding that is evident by the synopsis above. In another context (*de superbia*, VIII, 25 – 29)[32] namely he expresses this knowledge of different degrees of penance by various authorities, a fact that he acknowledges without attempting.[33]

It is striking that blows as a consequence after committing a fault are almost completely absent in the *P. Cummeani*. This Penitential on the whole mentions expressively bodily punishment only twice (among 182 articles in 11 canons), as we have already seen in the case of the negligent pronunciation of liturgical words (XI, 29); and here in canon XI, article 15: "*Qui non idonea manu tangit limphaticum alimentum, C, emendetur animalibus plagis*." If the transcribed text[34] from BAV Pal. Lat. 485 is compared with the text of the fragment Hessisches Staatsarchiv Marburg Hr 7 and the manuscript Oxford Bodl. 311, an obvious error in copying appears in the Vatican manuscript's "*animalibus plagis*": the copies Hr 7 and Bodl. 311 show the essentially more meaningful wording: "*manualibus plagis*", probably to translate by "blows on the hands". This is very likely the original text.[35] But this textual correction does not explain the other exceptional mention of blows as consequence of a sinful action in the *Paenitentiale Cummeani*. While canon XI, 29 has a pattern in the *Ambrosianum*'s IX, 14, a model for this correction in that special case is missed in other penitence-writings. Touching liquor with an "unsuitable" hand (*non idonea manus*) appears among a series of regulations for the upkeep of hygiene probably in a monastic settlement (XI, 12 – 18). So the meaning of "unsuitable (*non idonea*)" obviously is "unclean":

[32] Cf. Cummean, *Penitential*, canon VIII, articles 25 – 29, Bieler, *The Irish Penitentials*, 124.
[33] Cf. Cummean: "…*quod ego nec laudo nec vitupero*…" Bieler, *The Irish Penitentials*, 124.
[34] Used by Zettinger, *Poenitentiale Cummeani*, 522, McNeill and Gamer, *Medieval Handbooks*, 115 and Bieler, *The Irish Penitentials*, 130.
[35] So the original fragment Hr 7 of the Hessische Staatsarchiv, page one, line seven, which Kottje regards as the oldest copy of the *P. Cummeani*, written in the second quarter of the 9th century in the German monastery of Fulda. Kottje, *Das älteste Zeugnis*, 585, 586. Strangely he does not mention this remarkable variation (*animalibus*) with the Vatican and the conformity (*manualibus*) with the Oxford manuscript (copy of the original) in his synopsis (page 588). Bieler mentions this in a footnote, *The Irish Penitentials*, 131.

canon/article	trespass	consequence/penance
XI, 12	delivering liquor, contaminated by a dead mouse or weasel	3 fasts
XI, 13	drinking unknowingly liquor, contaminated by a dead animal	1 fast
XI, 14	discovering dead animals in flour or other food	casting out the bodies and particles of food around them, devouring the rest
XI, 15	dirtying liquid food by touching it with unclean hands	100 blows by hand
XI, 16	delivering discoloured liquor	7 fasts
XI, 17	becoming aware of discoloured liquid after having drunk it	15 fasts
XI, 18	devouring food, which has become tainted by an animal	3 fasts

The guilt one has committed indeed is most serious in a case, when the person by negligence or even by intention pollutes liquid food with unclean hands. All other incidents also can be explained by ignorance.[36] So the blows can be understood as an emphatic and extraordinary disciplinary method to keep a high standard of hygiene within the monastery and to avoid illnesses caused by polluted food. By the way, hundred blows are not seen as harsh among the penitentials of the seventh century as they currently appear. In a case of an argumentative affirmation for example Columbanus' *Regula coenobialis* (XV) allows to choose between "hundred strokes or an imposition of silence".[37] Another explanation can be the acceptance of an earlier tradition (as the *Ambrosianum* represents for XI, 29), for which a source has not yet been found.

6.3.2. The Eight-Vices-Scheme, similarities and differences

Cummean adopts from Cassian the eightfold scheme of vices.[38] And Cummean shares with Cassian the crucial aim, underlined already in the *prologus*, that the following "prescripts" are "a health-giving medicine of souls".[39] While the *Ambrosianum*'s author expresses that he accommodates a general request of his brethren (*devota fratrum postulatio*), Cummean addresses himself to a certain person (*mi fidellissime frater*). The authors of the *P. Ambrosianum* and the *P. Cummeani* both underline programmatically in their introduction that they want to teach the remedies for spiritual wounds. The reference to the *priores patres* in Cummean's introduction (c. 1 and 14) can be read certainly in context with the mention of the *antiqui patres* in the *Praefatio Gildae* (c. 5) and the *antiqui sancti*

[36] Here possibly the three motifs of wrongdoing appear as to be found in *P. Ambrosianum*: *per ignoratiam*, *per neglegentiam*, *per contemptum*, for example I, 2, Körntgen, *Studien*, 258.
[37] *Columbanus*, *R. Coenobialis* XV, Walker, *Sancti Columbani Opera*, 165.
[38] Cassian delivers the enumeration system of the Oriental Church, *De institutis* V, 1 and *Collationes* V, 2. In the Western Church Gregory the Great († 604) counts out differently: seven *peccata superbia*. Cf. *S. Gregorii Magni*, *moralia in Iob*, XXXI, 45, 15. Text: Bieler, *The Irish Penitentials*, 110 – 126. McNeill and Gamer, *Medieval Handbooks*, 101 – 111.
[39] Bieler, *The Irish Penitentials*, 108, 109.

in the *Excerpta Davidis* (c. 10): probably influential ecclesiastical authorities in the Church of South-West Britain, Ireland respectively of Irish origin. But Cummean goes prior to this group of authorities and includes also unequivocally the Fathers,[40] who introduced the notion of sin as an ailment as well, which has to be cured by the therapeutic effect of penance. Concluding the introduction Cummean refers to the rule of ancient medicine (*contraria contrariis sanatur*) as the Fathers' (*patres*) advice to apply it as with corporal illness and also with spiritual ailment: "*Statuunt* [*patres*] *itaque ut octo principalia vitia humanae saluti contraria his octo contrariis remediis sanantur*."[41]

Columbanus had already done this, when he mentions in his short tract *De octo vitiis principalibus* not only the vices, but also their therapy by the same analogous application of this medical rule: "… *mala, qui sic sunt sananda per contraria*."[42] This frequently applied rule Columbanus (and Finnian) as well as Cummean received from John Cassian's conference with the abbot John.[43] Regarding this tradition these "*Patres*" are likewise to be found in the Oriental Church among the authorities of the fourth and fifth centuries. This can be proved not only by the use of this general rule, but also by the twelve salutary works (*medicamina*), which Cummean prefixes in his introduction's articles 2 until 13 and calls remission (*remissio*). Cummean's basic source again is John Cassian, who delivers these spiritual remedies in the twentith conference of his *Collationes*.[44] He let the abbot Pinusius express his conviction that alongside with expiation of sins[45] the entire sense of penance, which one endures, is the aim to become strengthened not to commit the sin again, means to avoid sinning in future.[46] The abbot Pinusius recommends that one forgets past wrongdoing, and to look forward to the spiritual gifts and the virtues: "*Obliviscens ea quae posteriora sunt, id est carnalia vitia, ad ea quae ante sunt extendetur, hoc est spiritalia dona atque virtutes*."[47] Answering the question of Germanus as to how to get a salutary attitude of repenting,[48] Cassian lets the abbot Pinusius recommend a list of wholesome actions, where he suggests the grace of baptism and, considering a current experience of his time, martyrdom as a basic solemnization of forgiveness.[49] Because martyrdom in the meantime appears as rather improbable

[40] Cf. Bieler, *The Irish Penitentials*, 6, 18.
[41] *P. Cummeani*, introduction, articles 14, 15, Bieler, *The Irish Penitentials*, 110.
[42] *Columbanus*, *De octo vitiis*, Walker, *Sancti Columbani Opera*, 210. So does Finnian too in his Penitential's canones 28, 29; cf. Bieler, *The Irish Penitentials*, 82 – 84. Cf. too McNeill, *Medicine for sin* 19, 20.
[43] Cf. Cassian, *Collationes*, XIX. 8, CSEL XIII (Petschenig), 548.
[44] Cassian, *Collationes*, XX. 8, CSEL XIII (Petschenig), 561 - 565.
[45] Cassian: "… *multi sunt paenitentiae fructus, per quos ad expiationem criminum pervenitur*." *Collationes*, XX. 8, CSEL XIII (Petschenig), 561.
[46] Cassian, *Collationes*, XX. 5: "… *paenitentiae plena et perfecta definitio est, ut peccata, pro quibus paenitudinem gerimus…, nequaquam ulterius admittamus*." CSEL XIII (Petschenig), 558.
[47] Cassian, *Collationes*, XX, 8, CSEL XIII (Petschenig), 565.
[48] Cf. Cassian, *Collationes*, XX. 6 CSEL XIII (Petschenig), 559.
[49] The basic source probably is Origen (*185, †254). In his *Homélie II*, SC 286, 108 – 111, he enumerates seven works of remission: 1. baptism, 2. martyr's passion, 3. almsgiving, 4. readiness to forgive, 5. conversion of a sinner, 6. charity, 8. shedding tears.

in the fifth, sixth and seventh centuries at any rate in their entire sphere of action, Caesarius and Cummean demote blood-witness to the last place.

Cassian	**biblical reference**	**Caesarius/Cummean**	**biblical reference**
baptismi gratia		1. baptizamur in aqua	Joh 3:5
pretosissimum martyrii donum		12. passio martyrii	Lk 23:43
caritatis affectus	1 Pet 4:8	2. caritatis affectus	Lk 7:47
elemosynarum fructus	Sir 3:30[50]	3. elemosynarum fructus	Sir 3:30
lacrimarum profusio		4. profusio lacrimarum	1Kgs 21:29[51]
criminum confessio	Ps 31:6	5. criminum confessio	Ps 31:6
afflictio cordis et corporis		6. afflictio cordis et corporis	1Cor 5:5
emendatio morum		7. emendatio morum	Joh 5:14
intercessio sanctorum	Jak 5:14,16	8. intercession sanctorum	Jak 5:14,16
misericordiae et fide meritum		9. misericordiae et fide meritum	Mt 5:7
conversio plerumque ac salus eorum	Jak 5:20	10. Conversion et salus aliorum	Jak 5:20
indulgentia nihilominus ac remissio nostra	Mt 6:14 (par Lk 6:37)	11. indulgentia et remissio nostra	Lk 6:37 (par Mt 6:14)

Cassian, as would Caesarius and Cummean later, underlines the effect of those experiences and spiritual exercises: to wipe out sins, in any case the minor and non-mortal ones. A shift of emphasis however occurs by the Caesarius' and Cummean's use of the term *remissio* instead of Cassian's *expiatio*. Remission clarifies more stringently the effect of final forgiveness, expiation, however, involves the aspect of satisfaction, if the solitary experience of forgiveness is necessary. Here possibly are presaged opportunities of compensation for imposed penances, commutations, for example performing works of charity or giving alms to shorten or compensate fasting.[52] But beyond this effort Cassian as well as Caesarius and Cummean focus a profound healing process, which comprehends not only satisfaction for the committed sin, but also protection against a relapse

[50] The pericope: "*Ignem ardentem extiguit aqua et eleemosyna resistit peccatis*," to be found in the Vulgate's Liber Ecclesiastici (= Ben Sira) 3:33, is the model for the biblical quotation by Cassian (*Collationes* XX, 8), Caesarius (*Homilia XIII*) and Cummean (*Prologue* 4). Older editions of the Vulgata (Lipsiae 1750 respectively Ratisbonae 1863) still contain the verses 33 and 34 of chapter 3; modern issues (The New Jerusalem Bible, 1990) cite this passage in chapter 3, verse 30.

[51] Caesarius obviously used an edition of the LXX, which names the books of Samuel as books of Kings, one and two, the books of Kings accordingly three and four. So in the Vulgate the first book of Kings corresponds in the LXX to third book of Kings (Vulgate 1K is 3K in LXX).

[52] For example see the regulations in the *P. Cummeani*, canon VIII, 28; McNeill and Gamer, *Medieval Handbooks*, 111; Bieler, *The Irish Penitentials*, 124.

and even more the deepening of virtues as a principle of life:[53] an advance of Christians in their discipleship, wherever and however they live.

But the pre-conditions of Cassian on the one hand and Cummean on the other hand had been profoundly different. In the early time of the Church (third – fifth century) the focus lay on the beginning of Christian life, the baptism. The early-church-teachers, the Fathers, had been concentrated on the effort to keep alive this new being by resisting temptation and improving a life of holiness until its end. Because reconciliation after falling into (mortal) sin again drew not only rigorous penance, but also was restricted on just one opportunity for the majority of Christians: their discipleship became burdened by a strategy of a hopeless avoidance: faultlessness just could not be achieved and so the cul-de-sac appeared in many people's practice to postpone baptism or conversion onto the deathbed. In this desperate situation the abbot Pinusius provides a way-out and raises hope. He states that many other salutary exercises exist alongside with the baptism of water and martyrdom (baptism of blood)[54] as principal methods to overcome the despair of not achieving salvation: "*Videtis ergo quantos misericordiae aditus patefecerit clementia salutatoris, ut nemo salute cupiens desperatione frangatur, cum videat se tantis ad vitam remediis invitari*."[55] The abbot Pinusius characterized the works of contrition and charity retroactively as works of penance and also anticipatorily as the redeemer's gift to reach joyfully a life of virtue.[56] And, by unthinking in the past committed sins, one can ward off any attacks against the life of grace.[57] Cassian himself experienced it from Egyptian monasteries: he met them as places, where people (anchorites, hermits, monks) worked hard day by day to be strengthened in preserving a spotless life and to fight against a relapse into sin as long as possible, at best until the end of life. The author of the *Ambrosianum* as well as Cummean (from the seventh century onwards) on the other hand represent a new development in the theology of reconciliation and alter the crucial point exclusively from the beginning, the time of baptism, to all of life's path as a permanent way of conversion to reach its end as a reconciled individual. This shift was made possible by the precondition and basis of the *P. Ambrosianum* and the *P. Cummeani* as well as all other penitence-writings: conversion in privacy, which was repeatable without limit. Here the penitentials took care to seek for a comparable, affordable and calculated penance, in Cummean's opinion supported by salutary works. Therefore in the

[53] The abbot Pinusius comprehends his quintessence at the end of his teaching: "… *Nec enim a faetidis criminum sordibus quae abhorret dominus quemquam abstinuisse sufficiet, nisi etiam illam bonam virtutum fragrantiam, qua dominus delectatur, puritate cordis et apostolicae caritatis perfectione possederit*." Cassian, *Collationes*, XX, 12, CSEL XIII (Petschenig), 569.
[54] Cassian, *Collationes*, 20. Unterredung, BKV 1/59, 276, note 1.
[55] Cassian, *Collationes*, XX, 8, CSEL XIII (Petschenig), 563.
[56] Cf. Cassian, *Collationes*, XX, 8, CSEL XIII (Petschenig), 565: "… *obliviscens ea quae posteria sunt, id est carnalia vitia, ad ea quae ante sunt extendetur, hoc est spritalia dona atque virtutes*."
[57] Cf. Cassian, *Collationes*, XX, 9, CSEL XIII (Petschenig), 565, 566: "*Ceterum quod paulo ante dixisti te etiam de industria praeteritorum peccatorum memoriam retractare, hoc fieri penitus non oportet, quin immo violenter obrepserit, protinus extrudatur*."

pursuit of that goal united Cassian (*remedium*) and the *Ambrosianum*'s author (*medicamen*) as well as Cummean (*medicamen*)[58] assign different tasks to the spiritual medicaments: because there was only one chance to repent in his time, Cassian emphasizes the avoidance at all costs of the necessity of repentance after baptism and endeavour towards a life of perfection.[59] The *Ambrosianum*'s author and Cummean with a new system of reconciliation intend to cure the penitent by the *medicamen* of penance accompanying all his (or her) life, whenever necessary and required. If the fallen person has the intention to convert, Cummean recommends promoting the ability of conversion by using the wholesome works of contrition and charity. The attribution of scripture-texts, like Si 3: 30, the parable-like comparison between water that quenches fire and almsgiving that extinguishes sin reveals the event of salvation. The trespasser's intention to convert, proved by good works, meets God's own intervention in favour of the sinner. This co-operation achieves redemption, because "human beings thus existed within the drama of God's love, received by them as mercy."[60]

So the basic source for Cummean's introduction is doubtlessly the enumeration of salubrious works in John Cassian's *Collatio XX*, article 8. But the sequence as well as above, all the scripture's quotation to substantiate the works Cummean received from Caesarius of Arles (470/471 - 542). As it is demonstrated in the table above the biblical explanation in *Collatio XX*, 8 draws in five of twelve positions parallel to Caesarius', respectively Cummean's, citation of scriptural passages.[61] Caesarius and Cummean admittedly used Cassian as the source for the enumeration of the salutary exercises as well as their biblical justification, but certainly not like simple copyists. Therefore Caesarius and Cummean alter the scripture's references, if they appear to them as more appropriate.[62] Here again an example can be detected for a centuries' and ecclesiastical areas' overarching network. The performance of the wholesome works is not new, but the independent adaption by the different authors takes into account the local and time-referenced pastoral circumstances.

The *Ambrosianum* mentions in many canons the role of the priest, his authority, and his ministry in detail: to receive the confession (*fatea[n]tur [confiteatur]*

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[58] Using the same unusual Latin word for remedy (*medicamen)* by the *Ambrosianum* as well as Cummean is another indication for the close relationship of the two penitentials.

[59] Cf. Cassian: "*Et ut haec eadem quae dicta sunt significantius exprimantur, tum demum praeterita nobis vitiorum contagia remissa credenda sunt, cum fuerint de corde nostro praesentium voluptatum desideria pariter passionesque depulsae*." *Collationes*, XX, 5, CSEL XIII (Petschenig), 558, 559.

[60] O'Loughlin, *Celtic Theology*, 65.

[61] Cf. Caesarius of Arles, *Homilia* XIII, Migne P. L. 67, 1075 in connection with McNeill and Gamer, Medieval handbooks, 99, Footnote 5 (correct in: *Homilies XIII* and subjecting Origen: P. G. 11, 418). For Caesarius it is important to note that the outward signs of the state of penitents (hair cut, special vestment) are not sufficient to prove the sincerity of conversion. If they were not accompanied by good works, they do not work as a remedy of penance: *vestimenta vero religiosa sine bonis operibus non solum remedium habere non poterunt*. *Sermo* LVI, CCL 103, I, 250.

[62] Cf. for example: "*caritatis affectus*": Cassian: 1 Pet 4:8 and Caesarius/Cummean: Lk 7:47.

delictum [culpam, peccatum] sacerdoti),[63] to measure[64] and impose the degree of penance (*iudicio [arbitrio] sacerdotis, ad iudicium sacerdotis*),[65] to pray for the penitent (*sacerdos [catholicus] oret [petat, roget] pro illis [eis, unoquoque] ad dominum*)[66] and to absolve the (*ex corde*)[67] repentant (*sacerdos remittetur [dimittetur, reconcilietur, sanetur] ei[s] [illis]*). The absolution obviously took place in a combination of prayer and affirmation of the forgiveness by the priest, a liturgy of reconciliation, because the priest's ministry of praying for the repentant is mentioned in combination with the forgiveness of sins: "… *ut oret pro illo sacerdos et remittetur ei*."[68] Cummean specifies a priest's ministry expressively just in few canons, namely in cases, where a degree of flexibility exists, almost entirely in the context of almsgiving and the duration of fasting.[69] Just in c. III, 17, a case of an unconscious lie, the *Paenitentiale Cummeani* allocates explicitly the reception of the confession to the priest.[70] The threefold classification of the motif, why the trespasser had committed the fault, is not unknown to Cummean, conditions, which the *P. Ambrosianum* describes in detail (*ignorantia*, *neglegentia* and *contemptus arguentium*). But Cummean uses this graduation of culpability explicitly in only one case: A person, who treasures up wealth in opulence: "*Thesaurizanz superflua in crastinum tempus per ignorantiam, tribuat illa pauperibus; si autem per contemptum arguentium, elymosina et ienunio sanetur iudice sacerdote; permanens vero in avaritia alienetur*." [71] This absence of a consistent detailed description of a priest's office and authority in context with confession is neither accidental nor indefinite. It supports on the contrary the conclusion that the sacerdotal ministry already was well known in Cummean's time and therefore did not need any particular mention.[72] And it underlines again that the *Ambrosianum* represents the source for the *Paenitentiale Cummeani*.

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[63] Cf. for example *P. Ambrosianum*, I, 1, 2; II, 3, 9; III, 1; IV, 8; VIII, 1, 5, 6, 8, 12. Just in cases of heresy the bishop or a learned person (doctor) is the addressee of confession, conversion and penance (VII, 4), in cases of disobedience by a monk his senior (VIII, 2, 4, 8, 11). Körntgen, *Studien*, 258 – 269.

[64] Very clearly expressed by the advice in *P. Ambrosianum*, III, 4: "*Tempus autem poenitentiae sicut videat sacerdos pondus peccati metiatur et remittat ei*." Körntgen, *Studien*, 262.

[65] Cf. for example *P. Ambrosianum*, I, 5, 6; II, 3, 8, 9; III, 3; IV, 3, 4, 6, 7; V; VI, 2; VIII, 9, 10. Körntgen, *Studien*, 258 – 269.

[66] Cf. for example *P. Ambrosianum*, I, 2,3, 4, 10; II, 8, 12, III, 1, 2, 3, 4, 5, 6, 7, 8; IV, 8, 10; V; VII, 1, 4; VIII, 4, 5, 6, 7, 8, 14. Körntgen, *Studien*, 258 – 269.

[67] For example *P. Ambrosianum*, II, 8. Körntgen, *Studien*, 262.

[68] *P. Ambrosianum*, III, 7. See too IV, 1: "… *ut orent* (the affected person and the priest) *pro illo, ut remissionem meritorum consequatur*." Cf. I, 1, 3, 10; II, 8, 12; III, 1, 3, 4, 5, 6, 8; IV, 8, 11, VII, 4; VIII, 1, 3 (*sacerdotali medicina*), 4, 5, 6, 7, 8. Körntgen, *Studien*, 258 – 269.

[69] Cf. *P. Cummeani*, III, 3, 12; IV, 2; V, 2; VIII, 2, 3, 20. Bieler, *The Irish Penitentials*, 108 – 135.

[70] *P. Cummeani*, III, 17: "*Mendax vero per ignorantiam et non novit, confitetur ei cui mentitus est et sacerdoti et hora tacendi damnetur vel XV psalmis.* " Bieler, *The Irish Penitentials*, 118.

[71] *P. Cummeani*, III, 3. Bieler, *The Irish Penitentials*, 116. Cf. canon III, 1 of the *P. Ambrosianum*, which in its nucleus almost has the same wording. Further graduations of culpability sound in Cummean's penitential: I, 9 (*infirmitatis causa*), II, 16 (*sine voluntate*), III, 9 (*ignorantem*), III, 17 (*per ignorantiam*).

[72] L. Körntgen means that the decision is impossible, whether the detailed mention of the priest's role in the *Ambrosianum* or its rather rare specification in Cummean's Penitential possesses priority. But the temporal sequence becomes obvious, if Cummean learnt the details from the

6.2.3.1. Gluttony (*de gula*)

The *Paenitentiale Cummeani* has in common with the *Paenitentiale Ambrosianum* more than the half (66 of 116) of its regulations concerning the catalogue of eight vices. Zettinger already undertook the work to refer to the different relations in other writings about repentance and penance.[73] The conformity in predication, the commensurability in degree of penance and the similarity in wording are significant.[74] Noting the detailed regulations in first four articles of the *P. Ambrosianum* (canon I, articles 1 – 4) and comparing it with first canon of the *P. Cummeani* (I, 1), which both deal with the vice of drunkenness (*ebrietas*) respectively getting drunk (*inebriatus*), already a remarkable difference strikes in the comparison of the two penitentials: the basic statement is the same, but the *P. Cummeani*'s regulations consistently are shorter worded and more precisely described. Concerning the vice and appropriate penance, in Cummean's Penitential they are rather mentioned in overall terms: while the *Ambrosianum* in the first canon needs four articles (I, 1 – 4) to describe and systematize the vice of drunkenness committed by priests, women under a vow, and lay-people, the *P. Cummeani* simply mentions the trespass and distinguishes just in two groups: people under a vow and lay-people. Nevertheless the comparable penance is the same: forty days with bread and water for religious, seven days for members of the laity.[75] The other common regulations about drunkenness and gluttony are formulated alike both in the trespasses' performace and the penances's consequence, again compressed in the *P. Cummeani*. Based on this observation it is meaningful to conclude that Cummean wanted to deliver a handy and short handout and instruction for a priest's daily use in his pastoral work, in effect a summary of his pattern, the *P. Ambrosianum*.[76] And Cummean's regulations about *ebrietas* contain cross-references to the *Praefatio Gildae* and the *Excerpta Davidis*, yet more evidence for the exact and widespread knowledge of the earlier penitence-writings by the *Ambrosianum*'s author as well as Cummean and the excellent net-working among the compilers of penitentials.[77]

Ambrosianum and assumes a general knowledge of the sacerdotal ministry. Cf. Körntgen, Studien, 29.

[73] Cf. Zettinger, *Poenitentiale Cummeani*, 504, 505.

[74] Even the distinct difference of the penance in canon II, article 2, where fornicating clerics or monks with a vow have to atone seven years (Zettinger, *Poenitentiale Cummeani*, 508, Bieler, *The Irish Penitentials*, 112, McNeill and Gamer, *Medieval Handbooks*, 102) instead of three years in the *Praefatio Gildae*, canon 1 can be explained by the different body of source. Because the manuscript Bodl. 311 delivers a penance of three years like the *Praefatio Gildae*, it appears as likely that the seven years penance in Palat. Lat. 485 is based on an error in copying. This manuscript also has a different wording in XI, 15, "*manualibus*" instead of "*animalibus*" (Pal. lat. 485). In the context "*manualibus*" too appears as the more probable term.

[75] It must be assumed that Cummean bases the penance on drunkenness that is committed deliberately, expressed in the *Ambrosianum*: *per contemptum arguentium*. This case draws a penance of forty days fasting. Cf. Bieler, *The Irish Penitentials*, 111, 112 respectively Körtngen, *Studien*, 258, 259.

[76] Cf. Körntgen, *Studien*, 34. Means, *Penance*, 58, 59.

[77] *P. Cummeani* I, 2, 3 with *P. Ambrosianum* I, 5, 6 (cf. *Excerpta Davidis* 3, 4); I, 5 – 8 with I, 7 – 10 (cf. *Praefatio Gildae* 7, 8).

6.2.3.2. Fornication (*de fornicatione*)

Even if the body of source appears complicated at second sight, because there are marginal differences in the degree of penance (twelfe or thirteen years), Cummean's familiarity with the earlier documents remains remarkable: in Cummean's canon II, article 1 (*de fornicatione*) a bishop, who commits fornication, has not only to make a twelve years penance as it is prescribed in *Ambrosianum*'s canon II, article 6 and in the *Excerpta Davidis* canon 7, which nevertheless both impose a duration of thirteen years. A length of twelve years for an indecent bishop on the other hand is mentioned in Columbanus' Penitential B/4.[78] Referring to the *Sinodus Aquilonalis*' canon 1 the *P. Cummeani* additionally decrees that a bishop (or an abbot) forfeits his ecclesiastical position and power.[79]

6.2.3.3. Avarice (*de filargiria*)

The other regulations run far-reaching parallels: the third vice, named in the *P. Cummeani* with *de filargiria*, the first-mentioned title in Cassian's *Collationes* respectively *De institutis*,[80] while the *Ambrosianum* uses the second-mentioned, explaining term *de avaritia*. So it can be assumed that Cummean had at hand not only the *Ambrosianum* as his pattern, but also Cassian's document, the *Collationes* or the *De institutis* or even both books. This can be interpreted that Cummean was a remarkable figure living in an important monastic settlement, because he had a large library at his disposal. If Cassian's writings were available in this monastery's book-collection, it also represents an indication for the importance of John Cassian at this time. The articles III, 3 – 6 and 12 – 18 contain in a condensed form the regulations of the *Ambrosianum*'s articles III, 1 – 9. The penances are similar or differ marginally. An exception represents the instructions for theft in the *P. Cummeani* III, 1 and 2, directions,

- which run parallel to the *Sinodus Luci Victoriae* canon 1 respectively III, 7,
- which have their parallels in the *Sinodus Aquilonalis* canon 3 as well as the regulations about perjury,
- which are similar to the *Sinodus Luci Victoriae* canon 5.

[78] Cf. Walker, *Sancti Columbani Opera*, 172.
[79] Cf. *P. Cummeani* II, 1 (Bieler, *The Irish Penitentials*, 112) with *P. Ambrosianum*, II, 6 (Körntgen, *Studien*, 260), *Excerpta Davidis*, 7 (Bieler, *The Irish Penitentials*, 70) and *Sinodus Aquilonalis*, 1 (Bieler, *The Irish Penitentials*, 66).
[80] Cf. Cassian, *Collationes* V, 1: "*tertium filargyria, id est avaritia sive amor pecuniae*", CSEL XIII (Petschenig), 121 respectively *De institutis* V, 1: "*tertium filargyria, quod intellegitur avaritia, vel ut proprius exprimatur, amor pecuniae*" CSEL XVII (Petschenig), 81.

Remarkable is the common decree (Cummean III, 5 and *Ambrosianum* III, 3) that the deceiver has to refund the deceived person fourfold.[81]

6.2.3.4. Anger (*de ira*)

The *Ambrosianum*'s special mention of homicide in canon II, article 6 is absent in the *P. Cummeani*. This Penitential consequently deals with intentional and unintentional killing in canon IV, article 4 until 11 *de ira* strictly parallel with the *P. Ambrosianum*'s canon IV, article 2 – 7: either Cummean as an abbot and in function of a bishop did not see any need for an exceptional mention of homicide, because he dealt with this capital sin in canon IV, 4 – 11; or an evidence here is found that this article 6 in the *Ambrosianum* represents a later insertion, a text that Cummean had not yet at hand in the manuscript he used for his Penitential.[82] The analogous use of homicide as a term for actual murdering by action as well as for ideal killing by hatred and use of verbal violence (mentioned in the *P. Ambrosianum*) repeats itself in canon IV, articles 4, 12, 13 of the *P. Cummeani* by consimilar wording. Here appears another evidence for the dependence of Cummean's Penitential on the *Ambrosianum*.

6.2.3.5. Dejection (*de tristitia*)

In three articles Cummean deals in canon V with the phenomenon of *tristitia*, which he recaps by bitterness (*amaritudo*). Although this definition is tauter than in the *Ambrosianum*'s canon V,[83] the instructions are almost similar: therapy by the contrary, bright mood and mind (*hilarus vultus*) and a joyful heart (*laetum cor*) as well as fasting as spiritual exercise according to the priest's advice. If there is no improvement or in case of recurrence, separation while retaining bread and water is ordered until the affected person is willing to realize the fault (*delictum*). Again the priest's role in the *P. Cummeani* is restrained in comparison with the *Ambrosianum*: the priest neither expressively is asked to encourage the sorrowful person by an uplifting conversation nor is he authorized to decide, when the melancholy has disappeared and a penitent's status comes to its end. Suffering from grievousness is seen by Cummean more a guilt than a sorrow. So it is in responsibility of the concerned person to overcome the sadness by mobilizing the self-regulating forces of the entire personality. This therapy is expected in the *Ambrosianum* too, but because of Cummean's concise formulation it sounds more demanding.

[81] Cf. too canon VIII, article 29. Columbanus, *Penitential*, cc. B/7 and B/19, admittedly only mention the restitution, not its measure. Bieler, *The Irish Penitentials*, 100 and 102.
[82] Cf. Seebass, *Ein noch nicht veröffentlichtes Poenitential*, 48.
[83] The *Ambrosianum*'s author counts out alongside with *amaritido* (bitterness), *rancor* (resentment), *pusillanimitas* (cowardice) and *disperatio* (separation), Cf. Körntgen, *Studien*, 264.

6.2.3.6. Languor (*de accidia*)

Like the *P. Ambrosianum* Cummean mentions *accidia* as the sixth vice. Here also the affection of a monastic community remains to be in the foreground. *Accidia* (*acedia, acidia*) means a kind of languor, lasting dejection, reluctance or languishing, sensitivities, [84] which cause idleness, drowsiness and peripatetic unsteadiness. It is remarkable that the *P. Cummeani* gives preference to the curing elements of the penance according to the rule *contraria contrariis sanatur* and alongside with psalm-praying : the idler shall do extra work, the drowsy remains awake in additional night-watches and the restless calm down by exercises of stability in place and perseverance in work. Penance with a punishing character like the *Ambrosianum*'s canon VI, article 1 (excommunication) or VI, 2 (even blows) are absent in the *P. Cummeani*'s canon VI. It is by the way a striking observation that (with the only exception of canon XI, article 15 and 29) the *P. Cummeani* does not make mention of any bodily punishment. It is obviously not longer a form of penance, even in the monastic education of boys and adolescents.

6.2.3.7. Vainglory (*de iactantia*)

The seventh vice in the *P. Cummeani* carries the headline: *de iactantia*. This title is based on the term *cenodoxia* in Cassian's *Collationes*. It means vanity, vainglory, swaggering. The Latinized Greek word (κενοδοξία) is used as headline in the *P. Ambrosianum*. Cassian explains *cenodoxia* in the *Collationes* with the assistance of the Latin phrase: "*id est iactantia seu vana gloria*."[85] Because Cassian's *De institutis* omits the term *iactantia*,[86] it can be supposed that Cummean used just the *Collationes*, if he actually had at hand a copy of a Cassian writing. Any way the *Ambrosianum*'s author connects this vice, over-estimation of the personal opinion and self-praise, more distinct to heresy, because he associates dialogue disability ("*non humiliter audiat vel probet sententiam alterius*"), ambition ("*ut laudetur et magnificetur ab hominibus*") and heresy with the topic of canon VII article 1 – 4: *cenodoxia*. The consequences are admonition and blows. If the person persists in error, damnation follows; if he converts, he publicly has to renounce his erring conviction. The *P. Cummeani* canon VII (*de iactantia*) however consists of only two articles. VII, 1 regulates for an undiscerning quarrelsome and, eventually, exclusion. According to VII, 2 the unregenerate boaster loses all merit of those good works he did for human praise. Expressing adventurous assertions as well as heresies and its consequences Cummean shifts under the title of the eights vice: *de superbia* (pride), canon VIII, article 1 and 2. Here again Cummean's sovereignty appears: in the already difficult demarcation between *cenodoxia* respectively *iactantia* and *superbia* Cummean decides on pride as the more determined attitude of a heretic and

[84] Cf. Bunge, *Akedia*, 38, 39.
[85] Cassian, *Collationes,* V, 2, CSEL XIII (Petschenig), 121.
[86] Cf. Cassian, *De institutis,* V, 1: "*septimum cenodoxia, quod sonat vana seu ianis gloria*…", CSEL XVII (Petschenig), 81.

therefore the more appropriate generic term for heresy. To decide on the degree of penance in the *P. Cummeani* is subject to the priest (*ad iudicium sacerdotis*). In the *P. Ambrosianum* the authority to measure the penance and to reconcile the penitent is held an ecclesiastical level higher, namely by the involved bishop (or at least a learned man).[87] This exception points to different ecclesiastical situations in which the *Ambrosianum* was compiled, in comparison with Cummean: the perception of the menace of heresies in the ending sixth and during the first half of the seventh century had affected more seriously the Frankish Church.[88] In Cummean's circle of influence in Ireland the problem of erroneous opinions seems indeed to be still a danger for the Church's unity. But he does not mention a heresy expressively, just new concepts (*novitas extra scripturas*) that can lead into heresy (VIII, 1). So the comparison between these regulations in the *P. Ambrosianum* and the *P. Cummeani* represents another indication for the *Ambrosianum*'s origin in the Frankish area, in the environment of Columbanus.

6.2.3.8. Pride (*de superbia*)

The regulations in canon VIII, article 3 – 9 and 14 – 23 of the *P. Cummeani* again run parallel to the *P. Ambrosianum*, also compressed to its essence in comparison with the *Ambrosianum*.

Cummean VIII, 3: disdain of others

penance	**Ambrosianum VIII**	**article**	**penance**
satisfaction to the affected, fasting according to a priest's advice	disdain of others	1	satisfaction to the affected, fasting according to a priest's advice

Cummean VIII, 4 and 5: disobedience and blasphemy

penance	**Ambrosianum VIII**	**article**	**penance**
suspension, fasting, humiliation until reconciliation	disobedience and blasphemy	2, 3	suspension, fasting, humiliation until reconciliation

Cummean VIII, 6: grumbling

penance	**Ambrosianum VIII**	**article**	**penance**
separation, just half allowance of bread and water	grumbling	4	separation, just half allo-wance of bread and water

[87] Cf. *Ambrosianum*, VII, 4: "…*tanto submissus coram cunctis in poenitentia artissima atque iudicium episcopi vel doctoris, cui sana docenti restiterat*…" Körntgen, *Studien*, 265.
[88] Cf. *Columbanus*, *Epistula* II, 7; *Epistula* V, 3, 4, 8, 10; *Instructiones* I, 2, *Paenitentiale* B/24, 25.

Cummean VIII, 7: envy

penance	**Ambrosianum VIII**	**article**	**penance**
satisfaction to the affected, penance	envy	5	satisfaction to the affected, penance, undiscerning: exclusion

Cummean VIII, 8: slander caused by envy and listening to the slanderer

penance	**Ambrosianum VIII**	**article**	**penance**
4 days of fasting in separation	slander caused by hate or envy and listening to the slanderer	6	4 days of fasting in separation

Cummean VIII, 9: calumny of a superior and listening to the calumniator

penance	**Ambrosianum VIII**	**article**	**penance**
7 days of fasting, serving the affected	calumny of a superior and listening to the calumniator	7	7 days of fasting, serving the affected

This overview in tabular form shows clearly the similarities in the matter of fact and the degree of penance between the *P. Ambrosianum* and the *P. Cummeani*. Its following articles 14 until 24 of canon VIII have the same subject as the *P. Ambrosianum*'s articles 8 – 15 and 17 (one fast means one day with bread and water):

subject (matter of fact)	**Cumm.**	**penance**	**Ambr.**	**pennace**
inquisitiveness, intention	VIII, 14	1 or 2 fasts	VIII, 8	1 or 2 fasts
overhearing	VIII, 15	12 psalms	VIII, 8	20 blows or 10 psalms
omission of a brother's conversion	VIII, 16	30 psalms	VIII, 9	30 blows
anticipation of apology	VIII, 17	1 fast	VIII, 10	1 fast or 40 blows or 30 psalms
refusal of condonation	VIII, 18	no meal	VIII, 11	exclusion after regret: no meal or 2 fasts or 120 blows or 60 psalms
concealment of a brother's mortal sin	VIII, 19	fasts as long as one conceals	VIII, 12	fasts as long as one conceals
concealment of a brother's venial sin (*peccatum parvum*)	VIII,20	fasts as long as one conceals	VIII, 13	fasts as long as one conceals
inadequate impertinent accusation	VIII, 21	apology 30 psalms	VIII, 14	apology 30 blows or 15 psalms

subject (matter of fact)	Cumm.	penance	Ambr.	pennace
accusation in public before reprimand in privacy	VIII, 22	apology 3 fasts	VIII, 15	apology 3 fasts
clandestine intimacies with a woman	VIII, 23,24	no meal, after inter-diction: fasting	VIII, 17	exclusion after regret: no meal or 2 fasts or 120 blows

The overview confirms the parallels and similarities of the *Ambrosianum*'s canon VIII, articles 1 – 15 and 17 with canon VIII, articles 3 – 9 and 14 – 24 of the *P. Cummeani*. This is considered as the manifestation of vice and at a high rate for the consequences and penance as well.

a. As mentioned above the *P. Cummeani*'s regulations are more summarized and compact. They renounce completely blows as a form of penance. The consequences are restricted to fasts, additional psalm-singing and exclusion from the common meal. Cummean also predominantly keeps his eye on a monastic environment and the upkeep of discipline in a community of religious,[89] but he carefully widens his horizon to a civil society. This appears above all in the indication of different equivalents for penances (VIII, 25 – 28), which are allowed by other (*alii*) authorities and absent in the *P. Ambrosianum*. Especially canon VIII, article 28 contains alternative regulations for penance: alms-giving, the price for a bondsman or maidservant, giving away the half of possessions or refund the fourfold to an affected person. Because of lack of possession, those compensations are impossible to fulfill for a monk. For them fasting was quite possible, an exercise, which on the other hand appears as quite difficult for people outside a monastery. So the alternatives provide a possibility to replace time-consuming penance.
b. The parallelism of the *P. Ambrosianum* (VIII, 12 – 15, 17) and the *P. Cummeani* (VIII, 19 – 23) with regulations of the *Regula coenobialis* canon XV[90] also makes evident the context of a monastic environment. That the relationship between the *P. Ambrosianum* and the *Regula coenobialis* is closer proves the fact that both provide blows as consequences for a trespass, unlike the *P. Cummeani*, which renounces consistently (with two exceptions: IX, 15 and 29) bodily punishment. Therefore the *Ambrosianum* appears as chronologically closer to the *Regula coenobialis* (around 600 A. D.). This consideration, and strikingly, the many parallels convincingly prompt the statement that the *P. Ambrosianum* represents the source for the *P. Cummeani*.

[89] Cf. Meens, *Penance*, 59.
[90] Cf. Columbanus, *Regula coenobialis* XV, Walker, *Sancti Columbani Opera*, page 164, lines 1 – 11; 14, 15.

6.3. Cummean's use of other penitence-writings

Cummean's diversified knowledge of the relevant penitence-writings appears in many ways. In his Penitential canon VIII two articles deal with a brother, who is informed on (*dilatus*) and another one, who delivers the information (*dilator*). Like the *Sinodus Aquilonalis*'s canones 5 – 7 the *P. Cummeani* regulates in VIII, 11 - 13 that both shall be adjudged as persons of the same status.[91]

S. Aquilonalis	**canon**	**P. Cummeani**	**canon**
Dilatus et dilator consimili persona iudicentur. *Si dilatus negaverit, anno simul uno paenitea(n)t*, in septimana *II diebus pane aquaque et biduano in fine cuiusque mensis, omnibus fratribus subponentibus et Deum eis iudicem contestantibus.*	5	*Dilatus et dilator consimili persona. Si dilatus negaverit, ann (o) I simul peniteant*, in una quaque hebdomada *duobus diebus in pane et aqua*, *et biduo in fine unius cuiusque mensis, omnibus fratribus subponentibus et Deum eis iudicem* fore *contestantibus*.	11

S. Aquilonalis	**canon**	**P. Cummeani**	**canon**
Permanentes autem in obstinatione anno emenso altaris communioni sub iudice flamma sociantur et Dei iudicio relinquantur.	6	*Permanentes autem in obstinatio(ne) anno emenso altaris communion sub iudice flamma sociantur et Dei iudicio relinquantur.*	12

S. Aquilonalis	**canon**	**P. Cummeani**	**canon**
Si quando alter fuerit confesus, quantum laboris alteri intulit tantum sibi multiplicetur.	7	*Si quando alter fuerit confessus, quantum alteri laboris intulerit tantum sibi multiplicetur*.	13

By this almost identical quotation of the earlier *Sinodus Aquilonalis*' canones Cummean appears as a collector with the intention of acquainting the priests with all the range of relevant decisions and deliver a practice-oriented handout for their pastoral work. This manifests itself in all other articles taken from various sources, so as well in the treatise about the second vice (*de fornicatione*). Concerning trespasses against chastity in canon II Cummean utilizes as sources alongside the *Ambrosianum* the *Praefatio Gildae*, the *Sinodus Luci Victoriae* and above all the *Paenitentialis Vinniani*. As mentioned above, canon II, article 8, even reminds of canon 70 of Basil's letter 217, the befouling of lips committed by

[91] *Sinodus Aquilonalis*, quoted after Bieler, *The Irish Penitentials*, 66. *Paenitentiale Cummeani*, quoted after Bieler, *The Irish Penitentials*, 122.

a deacon (or a presbyter): "Διάκονος ἐν χείλεσι μιανθεὶς",[92] a possible identification that additionally shows Cummean's widespread literacy. Mostly conform, only in few cases differing in penance's degree[93]

a. the regulations II, 2 – 6 of the *P. Cummeani* represent almost literal quotations of *Gildas*' canon 1 – 4 and 11 and deal with trespasses against chastity, committed by ordained monks and clerics and non-ordained religious,
b. the decrees of canon II, 7 and 9 are similar to the *S. Luci Victoriae*'s canon 6 and 8, dealing with cases of incest and homosexual practices,
c. the decisions of canon II, 22 – 33 repeat admittedly compressed the regulations of canones 35 – 48 of the *P. Vinniani*, dealing with different affairs of adultery. Canon II, 32 imposes a severe penance (three years) for a man being guilty of the omission of his child's baptism. Canon II, 33 respectively canon X, 19, 20 regulates the sacerdotal or parental negligence in the question of an infant's baptism.[94]

In comparison with the above mentioned writings for the assessment of penance it clearly appears that Cummean's Penitential by no means takes over the Eight-Vices-Scheme from the *Ambrosianum* unreflective. The differences however are due to the different clientele and can be explained by the different pastoral environments. Considering the body of source the hypothesis of an unknown, because lost text-witnesses for Cummean's Penitential, proposed by T. M. Charles-Edwards[95], appears as unnecessary, because for another forty regulations among the eight vices the sources can be identified by South-West-British or Irish penitence-writings or Finnian's Penitential:

Cummean	**canon/article**	**penitence-writing**	**canon**
de gula	I, 4	Praefatio Gildae	10
de gula	I, 11	Praefatio Gildae	9
de gula	I, 12	Sin. Aquilonalis	4
de fornicatione	II, 2 - 6	Praefatio Gildae	1 – 4, 11
de fornicatione	II, 7, 9, 10	Sin. Luci Victoriae	6, 8
de fornicatione	II, 17 - 33	Paen. Vinniani	14 – 17, 35 - 48

[92] Basil, *Epistula* 217, c. 70 (Mauri), 474. The Greek word „μιαίνω"exactly means "to befoul". Because Basil mentions it in context with a sexual offence, this regulation of the ancient Church it can be definitely identified as a reference of Cummean's vice: "*moechantes in labiis*". Cf. too *P. Cummeani*, X, 17. And it can point to the possibility that a translation into Latin of Basil's canonical letters was available at Cummean's time.
[93] The regulations of the *S. Luci's Victoriae* canon 8 have slightly different penances compared with the *Praefatio Gildae* and the *P. Cummeani*, because the offences are described more detailed.
[94] The regulations of Finnian's Penitential, canones 14 – 17, do not appear as a literal repetition in Cummean's canon II, 17 – 19. But they deal with the same subject, the indecent company of a cleric with women.
[95] Cf. Charles-Edwards, *The Penitential of Columbanus*, 228 - 230.

Cummean	canon/article	penitence-writing	canon
(de fornicatione	II, 8	Basilius, epistula 217	70)
de filargiria	III, 7	Sin. Aquilonalis	3
de filargiria	III, 8 - 11	Sin. Luci Victoriae	5
de superbia	VIII, 11 - 13	Sin. Aquilonalis	5 - 7
de superbia	VIII, 25	Can. Hibernensis	II, 6

This overview underlines the findings that Cummean appears far more as a compiler and reviser than a copyist. Even if Charles-Edwards' supposition cannot be denied totally, the remaining almost ten regulations can be explained just as well as Cummean's independent contribution, based on his wide-ranging knowledge and experience as a leading and an influential ecclesiastical figure (abbot and bishop) of his area and time.

6.4. Regulations in the *Paenitentiale Cummeani* beyond the Eight-Vices-Scheme

The *Paenitentiale Cummeani* contains three more canons dealing with minor trespasses (IX: *de minutis causis*), offences committed by adolescent and pre-matured juveniles (X: *de ludis puerilibus*) and irreverence against the consecrated host (XI: *de questionibus sacrificii*). The latter regulations in canon XI already have been discussed and analyzed above at the beginning of the Penitential's treatise.

6.4.1. Canon IX: *De minutis causis*

These minor trespasses are completely different in content from those, which are mentioned in *Paenitentiale Columbani* B/26 – 30, despite the homonymous title *de minutis*.[96] Here again Cummean appears as a well-informed collector and compiler, who draws on the *Praefatio Gildae*, the *Paenitentialis Vinniani* and *Sinodus Luci Victoriae*. The collection character of canon IX becomes apparent in the diversity of topics. The first twelve articles of the *Paenitentiale Cummeani*'s canon IX are an almost literal quotation of the *Praefatio Gildae*, article 9, 12 – 15, 19 – 21 as well as 23 and 24, very similar in measure of penance. They contain

- irreverence against the *sacrificium* (IX, 1 [9] and 10 [21]),[97]
- the unconscious forbidden company with excommunicated persons (IX, 2 [12])
- the unintentional or intentional consumption of carrion (IX, 3 [13] and 16),
- the instruction that duration of penance lasts as long as one persists in sin (IX, 4 [14]),
- non-completion of an order (IX, 5 [15]),
- delay at divine office (IX, 6 – 8 [19]),

[96] Cf. Bieler, *The Irish Penitentials*, 124, respectively Walker, *Sancti Columbani Opera*, 178.
[97] The *Praefatio Gildae*'s canones in square brackets.

- using inadequate words and endangering the validity of a liturgical ceremony (IX, 9 [20])
- and definition, in which circumstances it is allowed to offer the sacrifice on behalf of good kings or bishops (IX, 11, 12 [23, 24]).
- This canon IX finally urges the penance for guidance to barbarians in article 13 (*Sinodus Luci Victoriae* 4),
- in article 14 for the embezzlement of ransom (*P. Vinniani* 30)
- and for the loss of liturgical items (*creatura*) in article 15 (*P. Vinniani* 52).[98]

In analyzing these regulations the following three statements appear remarkable:

a. The twofold mention of (unaware as well as intentional) devouring of carrion in IX, 3 and 16 can be interpreted as an indication that this canon IX was not consistently compiled and contains regulations of different reason and time. This consideration is supported by the observation that in IX, 2 an intentional consumption of a dead animal's meat entails a penance of one year. In canon IX, 16 a penitent has to bear almost the same penance for the unintentional eating of carrion, admittedly under slightly different conditions. With reference to IX, 2 the not otherwise specified penance in IX, 3 is a forty days fasting: this also is mentioned in its source, canon 13 of the *Praefatio Gildae*, where an unintentional eating of carrion draws a penance of a *quadragesima* too.
b. Canon IX, article 2 takes up a regulation of the *Praefatio Gildae*'s canon 12:[99] the interdiction of company with an excommunicated member and a forty-days-penance, if one contravenes this regulation. A subtle, but important difference is remarkable: while Gildas restricts the excommunication on the exclusion from the monastic community by the abbot (*a suo abate excommunicato*), Cummean extends it onto the entire Church (*ab ecclesia excommunicato*). Here another indication can be found that Cummean almost a hundred years later has a monastic as well as a civil population in his range of vision and compiled his Penitential for an inner- as well as an outer-monastic use.
c. The articles 13 and 14 and their parallelisms in the *Sinodus Luci Victoriae*'s canon 4 respectively *Paenitentialis Vinniani*'s canon 30 deal with the same subject: guiding barbarians to Christian communities, whose members were later abducted into slavery (IX, 14). To pay a ransom often was the only possibility to free those victims, a ministry, which obviously was performed by monasteries. Following the pattern for this article (*Paenitentialis Vinniani*, canon 30) clerics[100] had been entrusted with the negotiations to release the captives. Therefore the trespass consists of

[98] For the interpretation of *creatura* see Bieler, *The Irish Penitentials*, note 23, 244.
[99] Cf. Bieler, *The Irish Penitentials*, 62.
[100] Patrick already had sent a priest (*sanctus presbyterus*) to the warlord Coroticus inter alia to liberate captives. Cf. O'Loughlin, *Saint Patrick*, 94 and De Paor, *Patrick*, 280.

embezzling collected money for the liberation of the abductees. Who are these (heathen) barbarians according to Cummean?

A text of an Irish ecclesiastical gathering, the canons of the *Synodus Prima Sancti Patricii*,[101] deals (canon 1 and 32) with the release of abducted persons organized by representatives of the Church (*clerici*). Canon 32 clearly shows that these *captivi* had been owned to serve their possessors as slaves. If a cleric intends to free a captive, he is ordered to do this by paying a ransom; the forcible liberation is described as theft (*furtum*), the liberator even as a robber (*latro*).[102] This concession appears as conclusive only in a society, where a Christian and a pagan system of life and law actually existed in concurrence, but nevertheless side by side with equal legal effects. Canon 21 supports this conclusion by its regulation that a Christian must not bring a legal question before a civil court (*iudicium*); for Christian believers the suitable place for these decisions is in front of an ecclesiastical tribunal.[103] The synod regulates in five of its 34 canons the dealings with pagan people (and their practices) within the Irish society. The decree of canon 13 for example not to accept alms by heathen contemporaries marks the attempt of the Church to keep Christians and pagans at a distance from one another,[104] because the danger of pagan or superstitious practices obviously still existed among Christians. Thus the consequences for Christians, who showed pagan behaviour, were comparatively serious.[105] Another indication for the concurrence between the Christian and the pagan part of the Irish society is the effort of the synod to keep the Church's reputation at a high standard. Eighteen of thirty-four regulations decree excommunication for a trespass against the integrities of duty, morality and discipline.[106] On the other hand the predominant majority of decisions make clear the effort of the synod to strengthen the already existing ecclesiastical organization, for example:

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[101] Cf. Haddan and Stubbs, *Councils*,II, II, 328 – 331, Bieler, *The Irish Penitentials*, 54 – 59, Howlett, *Synodus,* 240 – 250, McNeill and Gamer, *Medieval Handbooks*, 75 – 80.

[102] Cf. canon 7: at this time even a cleric could be an unfree person ("*forte iugo servitutis detentus*") bound to an obviously pagan person. Such a bondservant has no guilt, if he misses the divine office.

[103] Cf. Charles-Edwards, *Early Irish law*, 353, 363. The bishop or entrusted scribes or elders assumes the ministry of judge. Cf. Wasserschleben, *Die Irische Kanonensammlung*, Liber XXI, 1, 62.

[104] See too canon 8: to avoid attending a civil court a defrauded Christian, who had vouched for a pagan, is ordered to pay the heathen's dept rather than obtaining its payment by fighting. An armed fight to enforce his claim even leads to the Christian's exclusion from the church.

[105] Cf. Canon 14: in the Pre-Christian law the *drúid* administered legal actions; so swearing before a pagan minister of worship (*aruspix [sic]*, *drúid*), was an act of apostasy and persecuted by year's penance. Cf. Charles-Edwards, Early Irish law, 350. Canon 16: believing in witchcraft (*lamia* and *striga*), draws exclusion from the church. A comparison of canon 12 with canon 13 (alms-giving) shows that excommunicated Christians and pagans are treated in the same way.

[106] Cf. canons 1, 6 – 8, 10, 11, 16 – 22, 24, 26, 27, 31, 32.

canon	decision
3/27/30/33	no cleric without a clear assignment to a bishop
11	unequivocal competence to receive an excommunicated cleric back into church by the authority who had imposed the separation
14	absolution of a repenting person by a priest (*sacerdos*) after fulfilling the penance
18	ban for an excommunicated person to enter a church before asking for penance
23-27, 30	no service in a church-building before its consecration by a responsible bishop, privilege of the bishop to appoint to a ministry or decide about church's property
33	no reception of foreign (*de Britanis*) clerics in a ministry without an authorizing letter (by their bishop)
9/10/17/34	regulations for persons under a vow, especially the prohibition for monks to leave the monastery without the permission of the abbot

Even if the secular society actually remained to be disorganized and were suffering from legal uncertainty, all the regulations above convincingly prove the existence of an (threefold) organized ecclesiastical structure:

- a regularized order among the clerics (canon 6: *hostarius usque ad sacerdos*),
- religious people and an inner-monastic life (with the leading position of an abbot)
- as well as Christian congregations outside a monastery (under a bishop and his clergy).

Canon 6 instructs the clerics to shave their heads after the Roman rite, an indication that the argument about the tonsure's form had not been finally resolved.[107] All these controversies and developments make it highly improbable that the synod took place about the middle of the fifth century, which must have happened, if this gathering was presided by the bishops Patrick, Auxilius and Isernius, as the introduction suggests.[108] During these bishops' time (around 450) the Church in Ireland was in a state of a missionary Church characterized by many areas, in which no missionary had yet set foot. Not only that there had not been a decent number of leading ecclesiastical figures to form a successfully prospective assembly, the infrastructure and ecclesiastical organization had hardly been sufficient

[107] The Roman form of tonsure and that in the Church in Ireland and Britain were different. In the Roman custom the hair was shorn in a circle on the head, symbolizing Christ's crown of thorns. The insular tonsure allowed a growth of hair just on the head's back, similar to a *drúid*'s hairstyle. From the late seventh century onwards the Roman tonsure succeeded the insular form. Cf. Wasserschleben, *Die Irische Kanonensammlung*, XLIX – LI, Lutterbach, *Tonsur*, LThK ^{3}2001, Band 10, 107, 108, Foot, *Monastic Life*, 158, 159.

[108] Bieler place the synod in 457 A. D., *The Irish Penitentials*, 2, Howlett does not exclude it, *Synodus Prima*, 238.

to organize and perform a proper synod. The condition of the Church, between an already existing organization and its moulding and developing strength, shows a significant similarity with the British Church of the sixth century synods, especially with the *Sinodus Luci Victoriae*, whose decision (canon 4) mentions the fatal guidance to (heathen) barbarians. Considering the prescript concerning the tonsure it can be rightly assumed that the *Synodus Prima Sancti Patricii* took place in a space of time from the middle of the sixth century onwards to its end.[109] From that time Christianity was gaining more and more the edge on Ireland's society:

> By 700 the position had stabilized. It is clear that by this time Ireland was nominally Christian.[110]

Cummean's († 662) ministry as an abbot (and a bishop) therefore fell in a transition period, where the influence of pagan part of the society was coming to its end.

As stated above the barbarians at the time of the *Sinodus Luci Victoriae* (around 550) had been identified with the Anglo-Saxon invaders. But in Cummean's time, a hundred years later, barbarian invasion had not been a problem either in England or in Ireland. The pagan Vikings did not arrive in Britain before 793,[111] 794 and 795 on the Isle of Skye; the island of Ireland experienced the first Viking raid in 798.[112] Cummean mentions the guidance to barbarians explicitly and burdens it with a penance of fourteen years, in the case of manslaughter even with a life-long penance accompanied by the prohibition of carrying weapons. This also meant a total ban from a proper civil life. When Cummean uses the term "barbarians", he probably does not equate them with the invaders, but with the pagan members of the Irish society, who became more and more a minority with minimal influence. So it is surprising that Cummean on the one hand classifies the guidance as a minor case (*minuta causa*). On the other hand Cummean imposes an exceptionally serious measure of penance, which by no means represents the consequence for a minor problem. The inconsistency, caused by the allocation to the *minutae causae* on the one hand and the seriousness caused by the harsh penance on the other, can possibly be explained by the fact that the problem (living in un-free servitude) still lingered in the memory, but at present had no real importance in Cummean's proximity. He possibly wanted to make his handout for penance as complete as possible. Therefore he included in his

[109] Cf. Hughes, *The church in Irish society*, 316, Dumville, *Saint Patrick*, 176 – 178.
[110] Hughes, *The church in Irish society*, 315.
[111] Pillage of Lindisfarne Monastery, cf. Richter, *Irland*, 109.
[112] Cf. Byrne, *The Viking age*, 609 – 617. The Vikings indeed used the custom of ransom after raids in Britain and Ireland during the 9th and 10th century, but that was more than hundred years after Cummean, cf. Byrne, *Ireland*, 852.

Penitential those instructions for any eventuality, future proceedings possibly, although they had momentarily no current significance.

6.4.2. Canon X: *De ludis puerilibus*

The monastic education of the future monks started frequently in their childhood.[113]

can.	**Reg. coenobialis**	**can.**	**P. Cummeani**
VIII	Iuvenculi quibus imponitur terminus ut non se appelent invicem, si transgressi fuerint, *tribus superpositionibus*.	X,1	Pueri soli sermocinantes et transgredientes statuta seniorum *III superpositionibus* emendantur

A short remark in Columbanus' *Regula coenobialis* proves that schools were actually attached to a monastery: canon VIII regulates that adolescents have to be disciplined, if they break ordered silence.[114] This reception of children into the circle of candidates for a monastic life does not necessarily mean a permanent commitment. A decision of a *Sinodus Romana* for example, handed down by an Irish compilation of the late seventh or the beginning of the eighth century,[115] decrees that with the beginning of puberty a male adolescent can choose between marriage and life as a monk.[116] This custom needed a special rule to regulate the life-circumstances of the pupil's circle and to prove their suitability for a monastic life. It also appears as necessary to decree regulations for keeping discipline among these students and taking action against their violation. Alongside with that short advice in the *Regula coenobialis* the regulations of the *P. Cummeani*'s canon X appear only in four articles prefixed to the *P. Vinniani*. It survives, significantly, only in this manuscript: Vienna ÖNB 2233, almost parallel in wording and penance, the contents however are reduced to selected trespasses against chastity.

can.	**P. Vinniani**[117]	**can.**	**P. Cummeani**[118]
1	*Puer qui* sacrificium *communicat pecans cum pecode C* dies peniteat cum pane et aqua.	X,5	*Puer qui* sacrificio *communicat peccans cum pecode*, *centum* diebus.

[113] Cf. Ryan, *Irish monasticism*, 207 – 216. Foot, *Monastic Life*, 227, 228. See also Lapidge, *Schools*, in: BEASE, 407 - 409

[114] Cf. *R. coenobialis*, c. VIII, Walker, *Sancti Columbani Opera*, 154 and P. Cummeani, canon X, 1, Bieler, *The Irish Penitentials*, 126. The diminuitive *iuvenculus* of *iuvencus* shows that these pupils are still very young.

[115] Cf. Wasserschleben, *Die irische Kanonensammlung*, XIII.

[116] *Sinodus Romana*: "*Oportet filios, ut cum ad annos pubertatis venerint, cogantur aut uxores ducere aut continentiam prosectari ecclesiae*." Wasserschleben, *Die irische Kanonensammlung*, 239, Liber 66, cap. 16.

[117] *P. Vinniani*, quoted after Bieler, *The Irish Penitentials*, 74. Conformities in italics.

[118] *P. Cummeani*, quoted after Bieler, *The Irish Penitentials*, 128. Conformities in italics.

can.	P. Vinniani[119]	can.	P. Cummeani[120]
2	*In terga vero fornicantes*, *si pueri* sint, annos II, si viri, III; *si autem consuetudine vertunt*, *VII et modus paenitentiae addatur iudicio sacerdotis.*	X,15	*In terga vero fornicantes, si pueri* sunt, *duobus annis*; *si viri tribus* annis vel IIIIor; *si autem in consuetudienem vertunt*, *VII annis et modus penitantiae addatur iudice sacerdote*.
3	*Desideria suis labiis conplentes III* annos. *Si in consuetudine* fuerint *adsueti, VII annos*.	X,16 cf. II,8	*Desideria labiis complentes*, IIII annis; *si in consuetudinem* fuerant *asueti, VII annos*.
4	*Puer de seculo veniens cum aliqua puella fornicari nitens nec coin-quinatus* est, *XX* dies; *si autem coinquinatus est, C* dies*; si vero, ut moris est*, *com-pleat suam volun-tatem, annum peniteat*.	X,17	*Puer de saeculo veniens* nuper *cum aliqua puella fornicari nitens nec coinquinatus*, *XX* diebus; *si autem coinquinatus, C* diebus; *si vero, ut moris est, suam compleat voluntatem anno peniteat*.

In comparison with the *Paenitentiale Cummeani* many trespasses are absent in the *Paenitentialis Vinniani*:

- against chastity: kisses (X, 2, 3), mutual stimulation (X, 4,), masturbation (X, 6, 13), femoral intercourse (X, 8, 14);
- committing psychological abnormities: eating skin or lice and devouring excrements (X, 18);
- committing theft (X, 10 – 12)
- and violation against bodily integrity (X, 21).

Despite the text having the headline: *de ludibus puerilibus*, and dealing with the sinful plays of boys, the treatise contains peculiarly parallel regulations for persons in their boyhood respectively adolescence as well as in their adulthood, for example:

can.	boy (20 years)[121]	penance	can.	man	penance
X,6	masturbation	XX or XL fasts	X,13	masturbation	C fasts
X,7	repeated masturbation	C fasts		repeated masturbation	one year fasting
	frequent masturbation	separation + one year fasting			
	femoral intercourse	C fasts	X,14	femoral intercourse	one year fasting
			cf. II,9	femoral intercourse	two years fasting

[119] *P. Vinniani*, quoted after Bieler, *The Irish Penitentials*, 74. Conformities in italics.
[120] *P. Cummeani*, quoted after Bieler, *The Irish Penitentials*, 128. Conformities in italics.
[121] Twenty years of age obviously mark the borderline between childhood respectively adolescence on the one side and adulthood on the other. Canon X, article 3 regulates that a person after twenty is to be treated as an adult: "*Post autem annum XX id est adulti* …" Cf. Bieler, *The Irish Penitentials*, 126 and Bodl. 311.

can.	boy (20 years)	penance	can.	man	penance
X,7	repeated femoral intercourse	one year fasting		repeated femoral intercourse	two years fasting

The law is: the older the trespasser, the more serious is the penance, a rule, which is also expressed in the articles 10 to 12 of canon X in cases of theft. Additionally for the measure of penance the question is important, whether the transgression is committed just once or more often, or even if it has become a habit (canon X, 6, 7, 8, 10 and so forth).

Strikingly different from canon's X text and intention are the articles 19 and 20. These articles contain regulations, which run parallel to the *P. Vinniani*'s canones 47 and 48: leaving a child without baptism. In the *P. Cummeani* it remains open, whether the trespasser is a cleric, who has refused to christen the child, as it appears clearly in Finnian's canon 48. Or it is the case like Finnian's canon 47 that the parents omitted to ask a cleric for the infant's baptism and just blessed the child by themselves. Anyway, the trespass is seen as serious and draws a harsh penance. In case the infant survives, the trespasser is excluded from the community for one year or has to fast the same time. But if the child had died without baptism the case would have to be treated as a homicide and would become the subject of a trial at a synod (*senatus*).

Moreover the *P. Vinniani* lacks other differentiating details concerning the penance:

- kisses (X, 10: simply, ardent, embraced and accompanied by pollution),
- if one suffers from an abuse or if one consents (X, 9)
- and the peculiarity that the forgiveness of the abnormity mentioned in canon X, article 18 not only needs a year fasting, but also the imposition of hands by a bishop. This prescription is unusual and singular: The confessor, chosen by the penitent, normally confirmed the forgiveness.[122] So the formal act of the imposition of hands by the bishop underlines the severity of this misbehaviour and involves the ecclesiastical authority in the avoidance of unqualified candidates for a religious life.

The upkeep of discipline and pastoral quality runs like a thread through all those canon's X articles, even those, which do not deal with puerile and juvenile faults.

The short sentence in the *Regula coenobialis*, the few regulations prefixed to the *P. Vinniani* (Vindob. 2233) and the extended rules in the *P. Cummeani* suggest the assumption that the compiler or the copyists (of later manuscripts) of all the three writings have scooped from an earlier source. These proceedings become supported by the summing up of the headline of that canon: *de ludis puerilibus priorum statuta patrum nostrorum*". These *priores patres* are already mentioned

[122] Cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 332.

in the prologue's articles 1 and 14. They can also possibly can be identified with the *antiqui patres* in the *Praefatio Gildae*, canon 5 respectively the *antqui sancti* in the *Excerpta Davidis*, canon 10. So these regulations represent a source that remains lost. They emerge as single rules in Finnian's, Columbanus' and Cummean's text, because it can be regarded as certain that monasteries founded by these three Irish abbots run monastic schools for children and adolescents. That the marks of the transgressions against chastity in the *P. Cummeani*'s canon II, articles 6, 8 and 9 are reiterated unsystematically in canon X, 5, 8, 16 supports the assumption that the compiler of the *P. Cummeani* inserted it from another, until now unknown source.

6.5. Résumé

a. The issues of the texts - despite their conforming in meaning as well as being frequently similar in wording - show clearly that Cummean is by no means a simple copyist. He is a collector, but also a compiler or even a processor, who uses self-reliantly the *P. Ambrosianum* and his extensive knowledge of the British penitence-writings, Finnian's Penitential, Columbanus' *Regula coenobialis* (especially canon XV) and probably other unidentifiable sources to create a thorough compilation of penitence-advice in the "the most comprehensive of the Irish penitentials".[123] So this penitence-writing - alongside with the *Ambrosianum* - appears as another example for cross-linking networking of the existing regulations for penance in the century between about 550 and 650 A. D. and their competent use.
b. Cummean's intention and aim are by no means only legalizing, but also entirely pastoral. His monastic background appears in his effort to stabilize and to develop the integrity of life within the monastic community and a righteous behaviour of those who are involved with confession and penance. The exemplary strength of belief and morality within the monastery shall promote the upkeep of practice of faith and morality outside a monastery among the clergy and the laity. Cummean not only adopted from the *Ambrosianum* John Cassian's Eight-Vices-Scheme a systematizing tool for his Penitential. He also took over in the canon XI, 23 – 29 regulations from the *Ambrosianum* (canon IX, 9 -14) to venerate with proper respect the Eucharistic elements (*sacrificium*), directions, which share the two penitentials exclusively. These content-related and almost literal conformities represent a convincing evidence of the interdependences between the *Ambrosianum* and the *Paenitentiale Cummeani*. The evaluation of the different similarities proves that Cummean had used the *Ambrosianum* as his source.
c. Regarding the appendix of the Penitential, which contains an engaged exhortation, almost in the form of a short sermon to officiating priests,

[123] Bieler, *The Irish Penitentials*, 5.

Cummean assumes that a detailed description of a confessor's duties is not necessary, because the addressees of his Penitential are already informed sufficiently about the confession's procedure. Nevertheless Cummean is convinced that the priests in charge deserve a continuing admonition to perform their pastoral doing in a sensitive way. So the priest is requested to take note of the penitent's personal abilities and the circumstances of his wrongdoing. Moreover he has to take into account the (ecclesiastical) estate, which means whether the trespasser is a person under a vow, a cleric or a member of the laity.[124] Finally, the confessor is ordered to ponder on the individual sin and penance of the trespasser. Cummean expresses his opinion that a priest is acting in an exemplary manner, if he befriends the sinning person[125] and converts the sinner through all his pastoral abilities and spiritual activities ("*admonendo, hortando, docendo, instruendo*").[126] This conclusive and comprising advice at the Penitential's end confirms the implicit presupposition that the different procedures within the course of confession are common knowledge. And this again represents another indication that the later *Paenitentiale Cummeani* followed the earlier *Paenitentiale Ambrosianum*.

d. The *Paenitentiale Cummeani* also represents an impressive example of networking, meaning the use of earlier writings about repentance and penance. Reliable and provable are almost 35 regulations[127] which had been adopted from sources different from the *Ambrosianum*. Only for a little bit more than ten Cummean directions a traceable reference cannot be identified. These orders can be explained meaningfully by the personal experience and knowledge of the learned and pastoral wise church-leader, the abbot-bishop *Cummianus*.
e. Apart from the notion that Cummean probably had been a tall man (*Cummianus Longius*) no details about his person exist. With one exception: one of the first authorities, who reflect to Cummean's Penitential, is the Archbishop Theodore. The *Discipulus Umbrensium* delivered his knowledge that Theodore (*talis senex*) had titled the author of the unequivocally Irish penitential (*libellus Scottorum*) a church dignitary (*homo ecclesiasticus*).[128] This possibly can point out that Cummean held the office of an abbot and simultaneously of a bishop which additionally explains his pastoral care for people living in the inner-

[124] Cf. for example *P. Ambrosianum*, canon I, 1 – 4 respectively *P. Cummeani*, canon I, 1.
[125] To become his *anmchara* (soul-friend), cf. Bieler, *The Irish Penitentials: Their Religious and Social Background*, 332. Hughes, *The church in Irish Society*, 312. Charles-Edwards, *Early Irish law*, 365, 366.
[126] *P. Cummeani*, Bieler, *The Irish Penitentials*, 134. Cf. Frantzen, *The Literature*, 9, 10. This enumeration too is reminiscent of Possidius' description, how Augustine performed his ministry as a mediator: "*praedicans verbum atque instans opportune inopportune, arguens, hortans, increpans in omni longanimitate et doctrina, praecipueque operam dabat instruere eos, qui essent idonei et alios docere*." Vita Augustini, 19, 5, 64.
[127] Among them the *S. Aquilonalis*, *S. Luci Victoriae*, *P. Gildae*, *P. Vinniani*.
[128] Cf. Haddan and Stubbs, *Councils*, III, 176.

as well as outer-monastic territory. Thus his Penitential was very well known and served as pattern for later Irish (*Paenitentiale Bigotianum* and the *Old Irish Penitential*) as well as continental penitentials (*Paenitentialia tripartita*, *Paenitentiale Vallicellianum I*).[129]

[129] Cf. Kottje, *Bußbücher*, LMA, 2, 1120; *Bußpraxis*, 378; Kenny, *The sources* XI, 241- 243; McNeill and Gamer, *Medieval Handbooks*, 148; Vogel, *Les Libri Paenitentiales*, 76 – 78; Hägele, *Das Paenitentiale Vallicellianum* I, 71. Meens, *Penance*, 60, 61. *Le Bras, Pénitentiels*, 1168 ff.

7. Archbishop Theodore's directions for penitence and their textualisation

7.1. The person Theodore

The somewhat laboriously formulated headline points to the fact that, in all likelihood, Archbishop Theodore himself did not write an elaborate penitential.[1] There is much to be said in favour of Bede's (672/673 – 735) declaration (found in his *Historia Ecclesiastica Gentis Anglorum* [HE]) that Theodore died on the 19th of September 690, aged 88.[2] So he was born in 602, again according to Bede, a native of the Oriental Church from Tarsus in Cicilia.[3] Theodore was a member of an Oriental monastic community in Rome (possibly the monastery *Ad Aquas Silvas*[4]). As one result of the Synod of Whitby (Streoneshalh) in 664 the priest Wighaerd, a member of Canterbury's late Archbishop Deusdedit's clergy, was sent to Rome to be ordained archbishop of Canterbury. Unfortunately Wighaerd died of plague after his arrival in Rome.[5] Pope Vitalian (657 – 672), the pontiff of this time, therefore was required to look out for a capable *archiepiscopus Anglorum*.[6] After two unsuccessful attempts (the abbots Hadrianus and Andreas refused the appointment) Theodore, bilingual in Greek and Latin, was recommended to him by that abbot Hadrianus as a respectable candidate for Canterbury's episcopal see. Hadrianus knew him as a learned and orthodox churchman, incorruptible, and dignified. The 66 year old monk Theodore was then ordained on Sunday, the 26th of March 668 by Pope Vitalian and sent in company of Hadrianus to Britain on the 27th of May.[7] Here Theodore arrived

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[1] Cf. Liebermann, *Canones Theodori*, 388, 389. Finsterwalder, *Die Canones Theodori*, 1, 214, Vogel, *Les Libri Paenitentiales*, 68 – 70, Charles-Edwards, *The Penitential of Theodore*, 141.

[2] Beda, *HE* (Spitzbart, 450), V, 8: „… i*d est DCXCmo incarnationis dominicae, Theodorus beatae memoriae achiepiscopus, senex et plenus dierum, id est annorum LXXXVIII defunctus est*." Cf. Finsterwalder, *Die Canones Theodori*, 1; Lapidge, *The career of Archbishop Theodore*, 1. Vollrath, *Theodor*, LThK IX, 1409. Siemens, *The Christology of Theodore*, 4 – 20.

[3] Beda, *HE* (Spitzbart, 318), IV, 1: „… *natus Tarso Ciciliae*…" Cf. the birthplace of the apostle Paul, Act 22: 3.

[4] Cf. Michel, *Die griechischen Klostersiedlungen*, 41. In footnote 92 he mentions a penitential of John IV, Nesteutes, († 595), the Faster, and claims that Theodore himself introduced John's Penitential into the Oriental Church. But this is not correct, because these canons for penitence are only adscribed to John IV and came into existence not before the end of the 8th and until the 10th century. Cf. Beck, *Kirche*, 423, 424. Schminck, *Johannes IV.*, LThK V, 940. See too: Lapidge, *The career of Archbishop Theodore*, 20.

[5] Cf. Beda, *HE* (Spitzbart, 304, 316), III, 29 and IV, 1.

[6] Beda, *HE* (Spitzbart, 316) IV, 1: „… *sacris litteris diligenter inbutus, monasterialibus simul et ecclesisasticis disciplinis institutus, Graece pariter et Latinae linguae peritissimus*."

[7] Cf. Beda, *HE* (Spitzbart, 318) IV, 1. That the pope first hesistated to appoint Theodore archbishop of Canterbury M. Lapidge attributes to Theodore's possible involvement in the 7th century dispute about monotheletism, a differing doctrine, which had been anathemized at Lateran council in Rome 649 A. D. The monothelete doctrine interpreted the decision of Chalcedon's council (451) that Christ's human and divine nature (φύσις) is superimposed by Christ's one and unique will (θέλησις) or effect (ἐνέργεια). Cf. Hainthaler, *Monotheletismus*, LThK, VII, 430, 431. In the participant's list of that council in the Lateran Palace under Pope Martin I. (649 – 655) different Theodori appear, number 3 ("*abba presbiter monasterii*"), number 5 ("*Theodorus abba presbiter similiter*"), number 8 ("*Theodorus presbiter similiter*"), number 11 ("*Theodorus monachus similiter*"), number 15 ("*Theodorus diaconus similiter*") and number 28 ("*Theodorus monachus similiter*"). Cf. *Concilium Lateranense* a. 649 in ACO, 57. M. Lapidge considers it possible that this monk Theodore (number 11 or 28?) is identical with the later Canterbury's

exactly a year later.[8] Despite being by no means the first choice, he became for nearly 22 years a very successful ecclesiastical leader of the English Church. About his influence Bede's stated that he was "the first among the archbishops whom all the English Church obeyed."[9]

7.2. The different issues of Theodore's Penitential and their tradition

Theodore of Tarsus as Canterbury's archbishop became a highly respected authority. He was widely recognized in the later seventh and the following centuries. Theodore did not elaborate a penitential; but different penitence-writings expressively claimed the archbishop's authority. Therefore, we can infer that the regulations for penance decisively and in substance represent Theodore's own decisions. So the chances are that Theodore in his time played a similar role as Basil the Great had done three-hundred years earlier, when Amphilochus consulted the Cappadocian bishop in various questions of ecclesiastical structure, discipline in Church and not least the dealing with sin, repentance and penance. The difference exists in the different ways of textualisation: Basil answers to Amphilochus' inquiry with the "canonical letters" 188, 199 and 217. It is very likely that Theodore decided debatable questions put before him on the occasion of conferences at the episcopal see, visitations, synods and other meetings.[10] Despite the later tradition speaking of a *Paenitentiale Theodori* the majority of the archbishop's statements are not of penitential material. Only a little more than a third of Theodore's answers[11] can be seen as material of a penitential. The archbishop's advice probably became recorded by secretaries. And it is very likely that these records, which unfortunately got lost, became the pattern for the later Penitential. As stated above[12] Amphilochus' queries and Basil's replies did not follow an elaborate system: the sequence of the disciple's incoming inquiry laid down the master Basil's order of answers. It can be assumed that this situation recurs in the conversation between Theodore and his disciples. So here is held the opinion that the more a compilation appears unstructured the closer is the particular issue to original records dictated by Theodore. Nevertheless in non-systematic performances small coherent groups of detailed answers can be expected. Partaking in meetings and travelling were laborious at Theodore's

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archbishop, who supported and defended the official line of the Church, the dyothelete doctrine. Lapidge substantiates his opinion with his observation that in this smouldering conflict later in the 7th century Pope Agatho (678 – 681) expressively refered to Theodore of Canterbury, when he described the conviction of the Western Church at another synod in the Lateran in 680. Cf. Lapidge, *The career of Archbishop Theodore*, 22 - 26. Stenton, *Anglo-Saxon England*, 132.

[8] Cf. Beda, *HE* (Spitzbart, 320) IV, 2.

[9] Cf. Beda, *HE* (Spitzbart, 320) IV, 2: "… *isque primus erat in archiepiscopis, cui omnis Anglorum ecclesia manus dare consentiret*." Cf. too: Wasserschleben, *Bußordnungen*, 13, 14. Stenton, *Anglo-Saxon England*, 131 – 141.

[10] Cf. Finsterwalder, *Die Canones Theodori*, 186, 187. Charles-Edwards, *The Penitential of Theodore*, 148.

[11] The counting is not easy: about 350 paragraphs of nearly 900 refer to confession, penance and reconciliation.

[12] See chapter 1.2.3.5.

time.[13] So it can be taken for granted that a congregation tried to clear area-specific problems as comprehensively as possible, if the opportunity for clarification occurred in occasional meetings.

Because of the manuscripts' and fragments' plurality it is not easy to get an overview of Theodore's penitence-writings core, but a careful and detailed examination of the sources yields four independent mainlines of issues.[14] Their tradition shows a different proximity to Theodore's time and the way in which they were recorded. As stated above the thesis is submitted that all issues trace back to records, by which Theodore's advice for confession and penance were collected during his time as archbishop of Canterbury. Not one of these original source-texts is preserved. All are transmitted by copies in manuscripts from the eighth onwards to the twelfth century, originated mainly in various ecclesiastical regions on the continent.[15] With Finsterwalder the following four versions containing prescriptions for penance can be identified, each as a distinct and independent line of tradition. That means that all four documents do not depend on each other in this way that they used each other as the sources: rather they are based on early common sources, both oral and written.

a. One compilation of the Archbishop Theodore's directions begins with the introducing title: "*Incipiunt iudicia Theodori Greci et episcopi saxonum*".[16] Taking up that headline this issue is called the *Iudicia Theodori.*[17] Its first edition however was published 1669 by Luc d'Achery. Therefore F. W. H. Wasserschleben titled it in his 1851 work as *Capitula Dacheriana*.[18] Reflecting the first publisher the *Iudicia Theodori* is marked with the letter **D** in Finsterwalder's system.[19] It is based on two manuscripts: firstly, Paris BnF Lat. 12021, which originated possibly in the monastery of Corbie, in Picardy in the ninth or tenth century;[20] secondly, Paris BnF Lat. 3182, copied in the monastery of Fécamp, in Normandy, possibly at the end of the ninth or the beginning of the tenth century. 46 of 171 delivered decisions hold the character of a penitential.[21]

[13] Cf. Pelteret, *Roads*, BEASE, 395, 396.
[14] This is the meritful work of Paul Willem Finsterwalder, whose basic examination: *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*, still posseses a high validity. Cf. too: Liebermann, *Zur Herstellung der Canones Theodori*, 387 – 409.
[15] Cf. Finsterwalder, *Die Canones Theodori*, 223 – 225.
[16] Finsterwalder, *Die Canones Theodori*, 239.
[17] Cf. Charles-Edwards, *The Penitential of Theodore*, 142.
[18] Cf. Wasserschleben, *Die Bußordnungen*, 145.
[19] Finsterwalder in his nomenclature joins Liebermann, *Zur Herstellung der Canones Theodori*, 388.
[20] Cf. Finsterwalder, *Die Canones Theodori*, 13.
[21] Text used for comparison: Finsterwalder, *Die Canones Theodori*, 239 – 252.

b. The issue of a distinct Theodorian writing, marked by Finsterwalder with the letter **G**,[22] begins with the introduction: *Canones sancti Gregorii pap[a]e urbis Romae*.[23] A comparison with other versions shows clearly that **G** conveys another independent record of Theodore's advice. So the title surprises. But much is to be said for the assumption that this issue got its headline from the insertion of the first three canons, which traces back to decisions originally made by Pope Gregory.[24] **G** is found in three complete manuscripts: Paris BnF Lat. 2123, from France copied in the first half or the middle of the ninth century,[25] Munich BSB clm 14780, end of the eighth, beginning of the ninth century, written in North-West Franconia[26] and Paris BnF Lat. 3848 B, end of the eighth century.[27] For his critical edition of **G** Finsterwalder has also used four fragments: London BL Add. Ms. 8873[28]; Merseburg Dombibliothek n. 103[29]; Munich BSB clm 6241 (olim Freising 41[30]) and Munich BSB clm 3852[31], all three East Franconia, South Germany.[32] The two Munich manuscripts bear in the headline the statement: "*Excerpta Theodori de canonibus*",[33] an indication that Theodore is the original adjudicator, admittedly using earlier Gregorian judgements.[34] 85 of 193 regulations represent a penitential's material.

c. A further issue of a penitential, independently recording advices of Theodore, is the manuscript London BL Cotton Vesp. D XV.[35] Because of the document's ownership by Robert Cotton the manuscript is also known as "Canones Cottoniani". Finsterwalder marked it with the

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[22] Nomenclature again after Liebermann, *Zur Herstellung der Canones Theodori*, 388. Text also at Wasserschleben, *Bußordnungen*, 160 – 180. Schmitz, *Bußbücher II*, 523 – 543.
[23] Finsterwalder, *Die Canones Theodori*, 253.
[24] Cf. Finsterwalder, *Die Canones Theodori*, 40, 41.
[25] Cf. Finsterwalder, *Die Canones Theodori*, 23, 24.
[26] Cf. Finsterwalder, *Die Canones Theodori*, 29, 30.
[27] Cf. Finsterwalder, *Die Canones Theodori*, 30, 31.
[28] twelfth century, Westfranconia.
[29] ninth century.
[30] ninth – tenth century.
[31] twelfth and fourteenth century; the manuscripts Merseburg n. 103, Munic BSB clm 6241, Munic BSB clm 3852 were written in East Franconia, South Germany.
[32] Cf. Finsterwalder's stem in: *Die Canones Theodori*, 53.
[33] Finsterwalder, *Die Canones Theodori*, 32.
[34] Cf. Finsterwalder, *Die Canones Theodori*, 37, 39, 40, 41. Gregory the Great, whose pontificate lasted from 590 – 604, sent the Prior of St. Andrew's monastery in Rome, Augustine, as a missionary to Britain, where he arrived in 597. In his correspondence with Gregory he became convinced by the pope's advice to establish an ecclesiastical and hierarchical organization. Cf. Stenton, Anglo-Saxon England, 104 – 108. So it is striking that the canons 1 – 53 of **G** contain even in their relation to penance regulations about the ecclesiastical structure and their discipline of Gregorian material.
[35] Text: Finsterwalder, *Die Canones Theodori*, 271 - 284. Wasserschleben listed the manuscript under the headline *Canones Cottoniani*. Because he did not know the text exactly, Wasserschleben underestimated the independence of this record, which conveys Theodore's advice concerning ecclesiastical structures and regulations for penitence. So he took the incorrect line that "a complete reprint of the canones is superfluous" and delievers only headlines, sometimes defectively compared with the canons of the *Discipulus Umbrensium*'s work. Wasserschleben, *Bußordnungen*, 181.

abbreviation **Co**.[36] It begins with the introductory sentence: "*Incipit iudicium de p[a]enitentia Theodori episcopi*". The manuscript was probably written at the turn of the tenth and the eleventh century.[37] 76 of 214 canons contain decrees of a penitential.

d. The most organized and structured issue of Theodore's *statuta* is to be found in the work of an anonymous compiler, who introduces himself in the prefacing headline as "Northumbrian Disciple" (*Discipulus Umbrensium*). On condition that the attribute "Northumbrian (*Umbrensium*)" points at least to the area of his education, this region is situated north of the river Humber, an area, in which a Christian environment in the seventh century was influenced by Irish missionaries.[38] He characterized himself as a *Discipulus*, a term that in connection with his reference on *Pater Theodorus* only can signify his discipleship of Canterbury's archbishop, probably not as a contemporary, but as one of the following generations. The tradition of the *Discipulus*'s work (abbreviation **U**) appears in nineteen manuscripts, which are listed and discussed in Finsterwalder's treatise about the *Canones Theodori Cantuariensis* from the year 1929.[39] They all are copies, because the original writings, used or / and compiled by the *Discipulus* are lost.[40] Finsterwalder expresses his conviction that the *Discipulus* was a missionary of Irish descent.[41] He assumes that the *Discipulus* accompanied the Northumbrian missionary Willibrord (658 – 739), who went to the continent for mission-work in Frisia in the 690s.[42] There, according to Finsterwalder's thesis, the *Discipulus* wrote his text.[43] Finsterwalder submits for his assertion predominantly two arguments: first and foremost, that Bede or other contemporary sources[44] do not mention Theodore's directions for penance; second, that no other manuscripts are found in England, except the document in Cambridge (C) CCC 320.[45]

   In addition, Finsterwalder means to realize a lack of proper knowledge among some compilers about Theodore's correct position: in **D** (*episcopus Saxonum*) and **Co** (*episcopus*) Theodore is not addressed by his correct title: *archepiscopus*. The ignorance of Theodore's actual position for Finsterwalder is another evidence for the textualisation of Theodore's

[36] Cf. Finsterwalder, *Die Canones Theodori*, 62, 63.
[37] Cf. Finsterwalder, *Die Canones Theodori*, 72, 73.
[38] Aidan and companions, monks of Iona, came for mission-work in 634 and settled in Lindisfarne. Cf. Stenton, *Anglo-Saxon England*, 118 – 120.
[39] Cf. Finsterwalder, *Die Canones Theodori*, 77 – 132.
[40] Cf. Finsterwalder, *Die Canones Theodori*, 181.
[41] Cf. Finsterwalder, *Die Canones Theodori*, 171.
[42] Cf. Stenton, *Anglo-Saxon England*, 166 – 168.
[43] Cf. Finsterwalder, *Die Canones Theodori*, 173, 174.
[44] For example: Neither the Synod of Wessex (669/670 A. D.) nor the Council of Hertford (673 A. D.) indeed refer to an authorized penitence-writing related to Theodore. Cf. Haddan and Stubbs, *Councils*, III, 118 – 122.
[45] Cf. Finsterwalder, *Die Canones Theodori*, 167, 168.

directions on the continent.[46] W. Levinson in his review of Finsterwalder's book contradicts this geographical allusion; for him it seems entirely possible that the *Discipulus* compiled these statutes in England itself.[47] As arguments Levinson invokes the address in the prologue, which entitles Theodore as *pater Theodorus* respectively *venerabilis antistis Theodorus*, who was sent by the pope from the Holy See in Rome ("*a beata eius sede*") for the improvement of faithful's happiness in England ("*ad vestrae felicitatis meritum*").[48] Levinson furthermore is convinced that the exact specification of Gregory (the Great) as our own apostle (*noster apostolus*) clearly indicates "an Anglo-Saxon, who writes for Anglo-Saxons."[49] The ignorance of the correct ecclesiastical office and title Levinson explains with the finding that Theodore calls himself at the Council of Hertford (673 A. D.) an "*ab apostolic sede destinatus Doruvernensis Ecclesiae Episcopus*".[50] Bede mentions in his list for the year 668: *Theodorus ordinatur episcopus*.[51] This supports Levinson's contention that the titles *archiepiscopus* respectively *episcopus* mean the same office and are used side by side.[52] The weight of his arguments suggests the assumption that the *Discipulus* as well as the authors before him wrote down their compilation in England.[53] By all means the *Discipulus*'s declaration is important in that he identifies himself as a Northumbrian. So he appears as a member of a Church-region in Britain, where, because of the Irish influence, the acceptance of the Roman observance encountered serious difficulties, especially the Easter-reckoning and the form of the tonsure. The use of *vestra* in the *Discipulus Umbrensium* explanation for Theodore's mission into England (prologue) possibly indicates that Northumbria was not the place of the *Discipulus*' parentage. Because the Northumbrians were not his fellow countrymen by birth, the Discipulus used the phrase: "for the improvement of your happiness"; but because he was educated in Northumbria,[54] this region became his homeland and the reason, why he claims himself as a Northumbrian (*Umbrensium*). The use of *noster* in connection with Gregory however clearly points out to an Englishman: "our apostle Gregory" (epilogue: *Gregorius apostolus noster*); an Irishman would have mentioned Patrick as the apostle of his

[46] Cf. Finsterwalder, *Die Canones Theodori*, 17, 65, 72.
[47] Cf. Levinson, *Zu den Canones Theodori*, 300 – 302. See too: Kottje, *Bußpraxis*, 374. Kottje, *Paenitentiale Theodori*, HRG III, 1413 – 1416.
[48] The interpretation that pope Vitalian sent Theodore to the Engish is justified because of the quotation of the scriptural passage Mt 16:19.
[49] Levinson, *Zu den Canones Theodori*, 301; translation by the author.
[50] Haddan and Stubbs, *Councils*, III, 119.
[51] Cf. Beda, *HE* (Spitzbart), V, 24. The comparison with *HE* IV, 2 clearly shows that Bede knew the correct title *archiepiscopus*.
[52] Levinson, *Zu den Canones Theodori*, 302.
[53] Cf. Hägele, *Das Paenitentiale Vallicellianum* I, 71, 72.
[54] Levinson consider York possible, *Zu den Canones Theodori*, 301.

country.[55] When he in his *praefatio* addresses himself to all real catholic physicians of souls in England (*universis Anglorum catholicis proprie animarum medicis*),[56] he narrows this address to his brethren and not initially to all Catholics in Britain. Simultaneously, he therefore understood his treatise as a handout for his co-confessors. He delivers the information that the results of the synod in Streoneshalh (Whitby, 663/664),[57] the acknowledgement of the Roman observance, had been on its way to win the faithful in the region north of the Humber.[58] This corresponds with Theodore's position and above mentioned general acceptance described by Beda, who finished his *Historia Ecclesiastica* in 731.[59] So the conclusion is likely that the *Discipulus* wrote down his work at a time probably before the middle of the eighth century.[60] Despite the first versions having been originated in England, the documents extant were copied mainly on the continent[61] and show a remarkable spread all over the Church on the continent (particularly in France and Germany) as well as in England. It also represents the immense influence of the Archbishop Theodore in theology, Church-structure and practice of confession and penance well into the tenth century.[62] **U** contains in book one 136 (of 154) and in book two three (of 157) decisions of a penitential nature.

Comparing all four redactions the work of the *Discipulus Umbrensium* appears as the most organized and structured compilation of the Archbishop's Theodore penitence-advice. The structuring of **Co** does not achieve **U**'s quality, however, it shows clearly a topical disposition marked by serially numbered headings from VI until XIV onwards and suitable to be numbered before. So the different appearances of fornication are summarized under the title: XII *De fornicatione*

[55] In the argumentation following Levinson, *Zu den Canones Theodori*, 301, contradicting Finsterwalder, *Die Canones Theodori*, 172 – 174.
[56] The addresees are not, how Finsterwalder expresses, "*universis Anglorum catholici*" (*Die Canones Theodori*, 168, 170), but "*universis Anglorum catholicis propriae animarum medicis*" (Levinson, *Zu den Canones Theodori*, 301).
[57] Cf. Stenton, *Anglo-Saxon England*, 123 – 125.
[58] That the development in direction towards the Roman observance was on its way is shown by regulations of **U** II, IX, 1 - 3, parallel **D** 97, 116, 117, 124 and **G** 173, 187, 189:
There certainly some invalid solemnizations (ordinations or christenings) have remained performed by bishops, who did not acknowledge the Roman Easter-point-of-time and the form of tonsure; these ecclesiastical deficits are ordered to be corrected further by a Catholic bishop (*catholicus episcopus*).
[59] Cf. Beda *HE* (Spitzbart), 2, 3.
[60] Cf. Finsterwalder, *Die Canones Theodori*, 157.
[61] An exception is the manuscript Cambridge Corpus Christi College 320. Its time of textualisation is set differently: for Haddan and Stubbs is the manuscript "far the most ancient of the whole, not being later than the 8th century", *Councils* III, 176; Liebermann regards this determination of time as too early, *Zur Herstellung der Canones Theodori*, 398; according to Finsterwalder's opinion the text was written in Winchester in the 11th or 12th century, *Die Canones Theodori*, 99.
[62] The abbot Regino von Prüm († 915) asks in his instructions for local priests (609): "*Si habeat poenitentialem Romanum vel a Theodoro episcopo aut a venerabili Beda editum, ut secundum quod ibi scriptum est, aut interroget confitentem, aut confesso modum poenitentiae imponat?*" *De synodalibus*, I, 26.

diversa (canons 150 to 163), homicide (including abortion) as well as magic practices under: XI *De homicidiis diversisque malis mulieris* (130 to149) and offences against chastity committed by clerics: no headline, but clearly marked off, and therefore suitable to be numbered, in the canons 24 to 31. **G** (edited by Finsterwalder from the manuscript Paris BnF Lat. 3843 B) contains no headlines, except one before canon 54: *De operibus in die Dominici*. Nevertheless the text allows recognition of clear passages, which in detail represent a clearly themed degree of order.[63] Relevant to regulations of a penitential-character the canons 88 to 101 mark the mention of the capital sin of fornication and the related penance according to the scheme: who has committed a distinct sin and repents, has to atone with an appropriate penance. The same system can be observed for the other capital sin of homicide in the canons 102 to 113, of apostasy in form of magic practices (116, 117) or offences against chastity committed by clerics (118 – 121). Although **D** (Finsterwalder mainly used the manuscript Paris BnF Lat. 3182 for his edition) has two headlines (canon 12 to 23: *De operibus die dominici* and canon 24 onwards: *De peste mortali Greci Romani dicunt*), this compilation shows the most unstructured and rather incidental disposition, an insight that is considered especially to advice for penance.[64] Regulations for those who have committed *fornicatio*, appear for example in the canons 64, 82, 85, 87, 153, 154, *homicidium* in 78, 79, 80, 88, 90, 95, 114, 157, *magica* in 147 and *impudicitia* done by clerics in 65, 93, 127. Following the proposal that the compilation is closer to the original records of Theodore's advice the more it shows its occasional character and a lack of a later reworking, a possible sequence can be offered: the finding of the relatively unstructured organization of **D** in comparison with the other issues corresponds meaningfully with the statement that **D** itself comes out as an earlier copy of one of the earliest records of Theodore's advice, "the terminus ante quem of all the Theodorian penitential literature".[65] A further argument for this temporal placement of **D** is a unique appearance of single decisions already in the Irish *Collectio Canonum Hibernensis*, compiled before 725 AD, which have no parallels in other documents of Theodorian material.[66] The most elaborated and revised edition is indubitably **U**, the work of the *Discipulus Umbrensium*, which "is organized in Roman fashion":[67] in two books, canons with titles (headlines) in numerical order and subsidiary articles. The following comparison of a detailed direction in all four issues for example may

[63] Cf. Finsterwalder, *Die Canones Theodori*, 43.
[64] Cf. Finsterwalder, *Die Canones Theodori*, 209.
[65] Charles-Edwards, *The Penitential of Theodore*, 142.
[66] Cf. Wasserschleben, *Die Irische Kanonensammlung*, Liber I, Cap. 22 c, 12: „*Episcopus non exeat ad aliam parochiam et suam reliquat, nisi multorum episcoporum iudicio et maxime supplicatione perficiat.*" Despite no mention of Theodore's authorship, it is obviously his decision, because it represents a literal quotation of **D** 136: "*Episcopus non exeat ad aliam parochiam et suam relinquat nisi multorum episcoporum iudicio et maxime supplicatione perficiat*." Finsterwalder, *Die Canones Theodori*, 250.This parallel does not appear in the other compilations of Theodore's decisions. Therefore it is a clear indication that the source for the *Hibernensis*'s mention indeed is **D**. See too: Charles-Edwards, *The Penitential of Theodore*, 172 – 174.
[67] Charles-Edwards, *The Penitential of Theodore*, 144.

reveal traces of subsequent compilation and allow in form of a proposition a drawing up of a possible timescale:

D	G	Co	U
42: Mulieres mentruo tempore non intrent aecclesiam neque communicent nec sanctaemoniales nec laicae si presument III ebdomadibus peniteant. Similiter peniteant quae intrant in ecceclesiam ante mundum sangui-nem post partum id est XL diebus.	125: Mulieres menstruo tempore non intrent ecclesiam neque communicent nec sanctaemoniales nec laici. si pre-sumpserint III ebdomadas peniteant.	105: Mulieres menstruo tempore non intrent ecclesiam neque communicent nec sanctimoniales nec laice. si autem presumant III ebdomadas ieiunant.	I,XIV,17: Mulieres autem menstruo tempore non intrent aecclesiam, neque commonicent, nec sanctimoniales nec laicae: si presumant IIIbus ebdomadibus ieiunent.
	126: Similiter peniteant qui intrat eclesiam ante mundum sanguinem post partum id est dies XL. Qui nuberit his temporibus XX (XXX) dies peniteat.	106: Similiter peniteant qui intrat in eclesia ante mundum sanguinem post partum id est diebus.	I, XIV,18: Similiter peniteant, quae intrant aeclesiam ante mundum san-guinem post partum, id est, XLdiebus.
		107: Qui nuberit isdem temporibus XXX dies peniteat.	I,XIV,19: Qui autem nupserit his temporibus XX dies peniteat.

All four regulations express the interdiction of women during menstruation, and for forty days after giving birth, on entering a church-building or receiving the sacrament.[68] **D** restricted to one paragraph to describe the offence and the penance in case of contravention. **G**, **Co** and **U** arranged these regulations in two different paragraphs. **G**, **Co** and **U** additionally refer to the ecclesiastical

[68] Theodore surprisingly returns to the Old Testament's opinion and prescription, expressed in Lev 12, although this question actually seemed to be clarified in the Church of Britain. Pope Gregory the Great had communicated in his response (597) to the missionary-bishop and first archbishop Augustine († 604/609) that the Old-Testament's prescription is to understand figuratively ("*in mysterio acciptur*", Beda *HE* I, 27, Spitzbart, 94). Gregory is convinced that the Old Testament stresses the exterior work (*exterior opera*), while the New Testament rather emphasizes the interior (*interius*, Beda *HE* I, 27, Spitzbart, 98) mindset. Gregory argued: because the Lord did not refuse the woman, who suffered from blood-flow, a woman cannot be rejected from the communion (Beda *HE* I, 27, Spitzbart, 96). Cf. too: Meens, *Ritual Purity*, 33 - 38

prohibition to get married during the above-mentioned times, **Co** and **U** in a further and discrete paragraph. So it does not go without notice that there is an upward tendency in systematizing the material: from one rather low (**D**) upward via two (**G**) finally to three higher differentiated paragraphs (**Co** and **U**). Therefore it is likely that **U** as the most extensive form represents a text written down in the second generation after Theodore's passing away,[69] meaning before the middle of the eighth century.[70] The first sources, on which **G** and **Co** are based, proceed from a time-space a decade later than 725. **D**, compiled before 725, finally turns out as the text closest to the Archbishop Theodore's advice.

7.3. Structure and character of the *Discipulus*'s compilation

The work of the *Discipulus Umbrensium* exists in two sections: book one is the actual Penitential with regulations for confession, penance and reconciliation; book two appears as an ecclesiastical law-code. Concerning the topic of this thesis the following examination will centre upon the first book and focus on the Penitential.

7.3.1. Boundaries between an abbot's and a bishop's competence

Before turning to examine Theodore's penitence-advice delivered in the *Discipulus*' book one, the observation is remarkable that the regulations in book two draws distinctly the line between abbatial and episcopal competences, a development, which partly appears almost literally in other, earlier compilations of the archbishop's decisions. The situation in the sixth and at least the first half of the seventh century is described with the key-word "coarbial":[71] a coexistent pastoral-system of mixed competences (bishops and abbots, who fulfilled their office side by side, abbots, who simultaneously served as bishops, bishops, who also ruled a monastery). Now – at least in the English Church - a new ecclesiastical system had made way for an unequivocal partition between a bishop's and an abbot's sphere of influence: monasteries and dioceses still are correlating to each other, but also clearly are independent of each other, for example:[72]

a. A bishop indeed is the one who blesses an abbot (**U**II,III,5),[73] but he is not his superior. So the bishop is not generally entitled either to compel an abbot to take part in a synod (**U**II,II,3)[74] or to require him to stay in his monastery (**U**II,VI,2).[75]

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[69] Cf. Charles-Edwards, *The Penitential of Theodore*, 141.
[70] Cf. Finsterwalder, Die *Canones Theodori*, 157. Schmitz, *Die Bußbücher* II, 206
[71] See above chapter 2.2.
[72] Cf. Haddan and Stubbs, *Councils*, III, 191 – 193, 195, 196. Way of reference: book, canon, article.
[73] Cf. **D** 4 / **G** 4 / **Co** 5.
[74] Cf. **G** 21 / **Co** 17.
[75] Cf. **G** 13 / **Co** 9.

b. Only the monastic community, the congregation of the brethren, has the right to elect a new abbot (**U**II,VI,3).[76]
c. In the case of an abbot, who has sinned, the bishop is not allowed to confiscate the monastery's property; at most he can ensure that the fallen abbot is transferred into another monastery under another abbot (**U**II,VI,5).[77] The sale of church-land is only permitted on condition that bishop and abbot agree (**U**II,VI,6);[78] the translocation of a monastery into another place also needs the *consensus* of the abbot and the brethren on the one side, as well as the bishop on the other side (**U**II,VI,7).[79]
d. On request an abbot is authorized to release a capable monk from his congregation to be appointed a bishop (**U**II,VI,0).[80]
e. It does not belong to a monastery's authority to exercise the jurisdiction of confession over lay-people; this right is explicitly reserved to the clergy (**U**II,VI,16):[81] according to **U**II,II,15, it is the bishop or a priest of the diocese, who holds this right.[82]

7.3.2 Preface, prologue and epilogue and their relationship

An inaugural address, a *praefatio*, which contains the introduction that Theodore is the authority behind the penitence-prescriptions, the *Discipulus Umbrensium* is its compiler and the addressees are all catholic physicians of the souls of the Anglen (*animarum Anglorum*) appears completely only in two manuscripts: Vienna ÖNB 2195 and Rome BAV Pal. Lat. 485.[83] The document Würzburg UB MP theol. q. 32/1 omits the naming of Theodore as the decrees' instructor, but mentions the *Discipulus* as the writing's compiler. Because the manuscript CCCC 320 at its beginning is incomplete and delivers the immediately following prologue as a fragment, a reasonable argument can be made for the assumption that this manuscript originally had that opening (*praefatio*) too.[84]

The prologue's text is passed on in four manuscripts: Vienna ÖNB 2195, Würzburg UB Mp theol. q. 32 / 1, Rome BAV Pal. Lat. 485, CCCC 320, fragmented. In the form of assertions and thematically the prologue expresses the intentions of its compiler:

a. The compiler's entire motivation is for the happiness (*beatitudo*) of those, whom he loves (*carissim*i), to hand over the penitence as a remedy genuinely towards the generations to come. Penance as remedy

[76] Cf. **D** 71 / **G** 15 / **Co** 10.
[77] Cf. **D** 72 / **Co** 12.
[78] Cf. **D** 73/74 / **G** 20/22 / **Co** 13/14.
[79] Cf. **D** 75 / **Co** 15.
[80] Cf. **Co** 16.
[81] Cf. **Co** 211.
[82] Cf. **D** 67 / **Co** 33.
[83] Cf. Finsterwalder, *Die Canones Theodori*, 90, 113, 139.
[84] Cf. Finsterwalder, *Die Canones Theodori*, 140.

(*medicamen*, *remedium*, *medicamentum*, *medicina*) is the continuous definition in many penitential-writings and reveals an impressive network over about two centuries: the *Praefatio Gildae* orders for a monk, who has to inform the abbot about a brother's offence, to do this "in the spirit … of a physician (*medens*)".[85] In his epilogue Finnian explains the preceding teaching as information about the *remedii penitentiae*. And he does it, because he is "compelled by love" to his "beloved brethren (*amantissimi fratres*)".[86] Columbanus expresses toward his *carissimi fratres* the necessity to cure faults by the diversity of the penance's medicaments (*diversitas paenitentiae medicamentum*).[87] The author of the *Ambrosianum* takes himself up on his duties to compile the medicaments against spiritual wounds ("*medicamenta spiritalium vulnerum*").[88] And, finally, Cummean open his introduction with the statement: "Here begins the prologue on the medicine for the salvation of souls (*incipit prologus de medicinae salutaris animarum*)," to teach his "*fidellissime frater*".[89] In sum, all the compilers conceive a pastoral duty to deliver penance predominantly not as a punishment, but as a remedy to cure the soul's ailment caused by sin. They operate, explicitly, with a medical paradigm. So for the *Discipulus* is on level with the most of the preceeding penitence-writers.

b. The authority behind these regulations is unrestrainedly Theodore. The presbyter Eoda, known as "Eoda Christianus", acted as go-between, because he had delivered a major part of the regulations received by the "venerable archbishop Theodore." This passage in the prologue suggests the assumption that Eoda had been a comtemporary of Theodore, probably a prominent disciple. That man (*iste vir*), who has amended the above mentioned regulations by those of an "Irish booklet (*Scotorum libellus*)," in the context is obviously Eoda.[90] At least the author, probably the text as well had been known to the specific "aged man (*talis senex*)", who can be none other than the aged Theodore himself. In the context of the *Discipulus*'s explanation only the archbishop namely deserves the

[85] *Praefatio Gildae*, c. 18, Bieler, *The Irish Penitentials*, 62, 63.
[86] Cf. *Penitentialis Vinniani*, Bieler, *The Irish Penitentials*, 92 – 95.
[87] Cf. *Regula coenobialis*, introduction and penitential, introduction B, Walker, *Sancti Columbani Opera*, 144, 145, 170 – 173.
[88] Cf. Paenitentiale *Ambrosianum*, introduction, Körntgen, *Studien*, 258.
[89] *Paenitentiale Cummeani*, Bieler, *The Irish Pententials*, 108, 109.
[90] With Charles-Edwards, *The Penitential of Theodore*, 148. Against Liebermann, *Zur Hestellung der Canones*, 401, note 11. The Latin term "*iste*" has an indicating character and the use of "*vir*" and "*senex*" in the context points out to two different persons: "*vir*" means Eoda and "*senex*" Theodore. Which quality had the *libellus* in the coeval opinion in Theodore's environment? The answer to this question depends on the decision between two text-traditions: Haddan and Stubbs, *Councils*, 176, deliver: "*quae iste vir ex Scotorum libello sciscitasse quod diffamatum est*." Finsterwalder, *Die Canones Theodori*, 287, opts for: "*quod famatum est*." Besides the defective Latin, which complicates the translation, the use of the word "*diffamatus*" allots the *libellus* a poor reputation, an opinion that Theodore (I, VII, 5: "*Theodorus laudavit*.") did not share. "*Fama*" however can represent a double meaning, reputation as well as tradition, report. This denotation ("report") McNeill and Gamer, *Medieval Handbooks*, 183, took as a basis for their translation.

attribute to be person of "exceptional wisdom in our age" (*nostri nimirum saeculi singularis scientiae homo*). So Theodore had expressed his opinion that the author of the booklet was a Church-dignitary (*ecclesiasticus homo*) and a man of the (Catholic) Church, means an ecclesiastic representative in conformity with the orthodox faith.[91]

c. The *Discipulus*'s answer to the question, how the sources appeared, when he the started his work on the issues of the Archbishop's Theodore advice, needs a careful translation and interpretation. The key-sentence has the following wording: "… *unde et illa diversa confusaque digestion regularum illarum statutis causis libri secundi conscripta inventa est apud diverso*s…" Possible translations can run:

> firstly, "… hence this contradicting and confusing list of those rules is compiled together with (already) ruled cases of the second book in a way, as they are found among various (authors)."
>
> secondly, "… hence this contradicting and confusing list of those rules, which are found among various (authors), is compiled together with (already) ruled cases of the second book."

Both interpretations assume that in different issues Theodore's advice is listed in a confusing and unsettling manner (*diversa confusaque digestio*). This appears as most manifest in **D**. But **G** and **Co** too are not separated and systematized topically into two books, an edition of penitential-rules and another one of ecclesiastical organisation and law. Interpreting the first translation compilers, yet unnamed, only known to the *Discipulus*' already had put in order Theodore's advice in two books: the *Discipulus* achievement just consists of copying and delivering the already implemented edition in two books. But this notion is very unlikely. There are no traces of a partition into two books, a penitential and a book of church-law, before the *Discipulus*' compilation. On the other hand, however the sentence above may be translated, the existence of an independent book of ecclesiastical law appears as presupposed in the text. The second possibility of translation therefore can be interpreted as the *Discipulus*' aim to sort out the rules about penance in an extra book (his book one) and, according to the structure of the law code (his book two). This assumption is supported by **U**'s tradition: the majority of the handed down manuscripts only contains the *Discipulus*' book two (thirteen of **U**II), only seven manuscripts have book one and two (**U**I and II).[92] The question, whether the *Discipulus* already found an organized book containing statutes about the ecclesiastical structure, organisation and discipline or he himself had composed a book from the earlier more or less

[91] Charles-Edwards, *The Penitential of T*heodore, 148, 149.
[92] Cf. Finsterwalder, *Die Canones Theodori*, 221, 222.

unsorted compilations, can be answered in the following way: the *Discipulus* most likely adopted the material from an independent, already elaborated writing. Finsterwalder[93] and with him Levinson[94] too hold the opinion that the law code, **U**'s book two, did not stem from the *Discipulus*' pen. The most convincing argument against his authorship for both of the books is the obvious contradictions between book one and two, for example:[95]

U I	**U** II
IX, 12: Si quis ordinatus est per ignorantiam antquam baptizetur, debent baptizari qui ab illo gentili baptizati fuerint, et ipse non ordinetur.	II, 13: Si quis presbiter ordinatus deprehendit se non esse baptizatum, baptizetur et ordinetur iterum, et omnes quos prius baptizavit baptizentur.

Both together convey the regulation that a person, who ignorantly was not baptized, but nevertheless became ordained to priesthood, cannot baptize validly, because his ordination is invalid. Therefore the invalidly baptized person has to be christened again, now by a duly ordained priest. Although the putative priest did not know about his invalid ordination because of his ignorance about being a pagan, **U**I, IX, 12 strictly prohibits the ordination of that person, even after his baptism.[96] In the same case **U**II, II, 13 allows the ordination after baptism has been caught up. The difference between **U**I and **U**II is essential: in book one (I,IX,12) it is scrutinized as a guilt, which makes impossible to be ordained afresh. In book two (II,II,13) it is seen merely as procedural error, which can be corrected subsequently. Because the prohibition of an subsequent ordination can be found in **G** 23 in the same wording as in **U**I, IX, 12, a *Discipulus*' oversight in **U**II, II, 13 can be excluded: the difference in such an important decision rather points to a different source that had been adopted as it stands by the *Discipulus* and integrated as a whole himself as book two. So as a quintessence can be concluded that his primary task was to compile a book about penance corresponding to the systematic of a Church's law compilation already available. This finding in no way does exclude that it is the *Discipulus*' work to provide the text with headlines ("*singillatim titulos praeponens*") and arrange it in two books.[97]

[93] Cf. Finsterwalder, *Die Canones Theodori*, 80 – 88, 221.
[94] Cf. Levinson, *Zu den Canones Theodori*, 299.
[95] Another contradiction can be found in **U**I, IV,13 and **U**II,XII,19.
[96] The addition of the Roman divergences obviously represents a later commentary explaining regulations, which are different from Theodore's original directions. This statement can be proved by the earlier and verbatim compilation in **G** 23 (Finsterwalder, *Die Canones Theodori*, 254), which does not contain the later regulations added in **U**I,IX,12.
[97] Cf. Charles-Edwards, *The Penitential of Theodore*, 150.

The proloque closes with a gesture of humility: the *Discipulus* is asking his addressees for indulgence with his limited abilities and for the favour of an interceding prayer, if he had committed a mistake in delivering the rules by ignorance. This manifestation of modesty represents a commonplace and appears in Finnian's epilogue[98] as well as in the *Ambrosianum*'s introduction.[99]

The epilogue appears nowhere together with the prologue: only the manuscript Vienna ÖNB Lat. 2223 (fragmented)[100] and the fragment Rome BAV Pal. Lat. 554 have this afterword, which allow the amending of the epilogue's text.[101] Finsterwalder holds that the writer of this epilogue is not identical with the author of the prologue. In this opinion he contradicts Liebermann,[102] whom he, apart from that, likes to use as source. Finsterwalder reasons the existence of two different compilers with the fact that no manuscript has both, the prologue and the epilogue. For the epilogue's composer he means to recognize a better style in writing and pins the deficient Latin on the copyist's incompetence. In his opinion the compiler knew the prologue's text and had replaced it by the epilogue.[103] In his review Levinson contradicts the exposition of Finsterwalder's work.[104] According to Levinson the assessment "*ut diximus*" in the epilogue's first sentence makes sense only, if it refers to the mention of *pater Theodorus* in the prologue as well as in the epilogue. Further Finsterwalder's own stemma of **U**'s manuscripts, the close relation of the documents Vienna ÖNB Lat. 2223 (in the stemma **W** with the [fragmented] epilogue) and Würzburg UB q. 32/1 (in the stemma **H** with the prologue), both from the eighth century,[105] proves the cohesiveness of prologue and epilogue from a single source and hand.[106] Thomas Charles-Edwards shares Levinson's opinion.[107]

To decide the question, as to who (Finsterwalder or the others) is right, a careful comparison of the prologue and the epilogue is necessary. Firstly, the Latin of the prologue is not better or worse than that of the epilogue.[108] Secondly, both, the

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[98] Cf. *Penitentialis Vinniani*, Bieler, *The Irish Penitentials*, 94, 95.
[99] Cf. Paenitentiale *Ambrosianum*, Körntgen, *Studien*, 258.
[100] This incomplete text in: Wasserschleben, *Bußordnungen*, 219 and Haddan and Stubbs, *Councils*, 203, 204 with translation into English in a footnote.
[101] Cf. Finsterwalder, *Die Canones Theodori*, 146; text: 333, 334; translation into German: 148 – 150. McNeill and Gamer, *Medieval Handbooks*, 213, note 169; translation into English, 213 - 215.
[102] Cf. Liebermann, *Zur Herstellung der Canones*, 390, substantiates his opinion that preface, prologue and epilogue have the same compiler with the use of the term *regula* in both, the prologue and the epilogue. The *ut diximus* in the epilogue references according to him to the prologue and both have clear references to the Celtic Church.
[103] Cf. Finsterwalder, *Die Canones Theodori*, 147, 152.
[104] Cf. Levinson, *Zu den Canones Theodori*, 299 – 302.
[105] Cf. Finsterwalder, *Die Canones Theodori*, 138.
[106] Cf. Levinson, *Zu den Canones Theodori*, 300.
[107] Cf. Charles-Edwards, *The Penitential of Theodore*, 148, note 29.
[108] The text, both the prologue and the epilogue, is not free of deficient Latin. For example: in the prologue's sentence: … *ex Scotorum libello sciscitasse quod famatum est*… the relative pronoun is wrong, because the genus of *libellus* is maskuline; so the sentence has to be: … *ex Scotorum libello sciscitasse qui famatus est*… In the epilogue a quite similar mistake is to be found: …*adnectamus et maxime libello p(a)enitenti(a)e qu(a)e ad prudenti posse facile reor adverti*.

prologue and the epilogue, point to the authority behind the decrees: *Pater Theodorus* respectively *venerabilis antistes Theodorus* in the prologue and *venerabilis Theodorus archiepiscopus Anglorum* respectively *pater noster Theodorus* in the epilogue. The text of the preamble as well as the afterword names Theodore both informal and familiar *pater Theodorus* and formal *antistes* respectively *archiepiscopus*. They therefore describe the emotional felt relationship (*pater*) and the official appointment (*archiepiscopus*). Thirdly, the note *ut diximus* only makes sense, if it refers to an earlier statement of analogous contents. So the repetition, which Finsterwalder critically annotates,[109] is more evidence for the cohesiveness of prologue and epilogue. It is certainly cogitable that the afterword was written down later to frame the Penitential and the ecclesiastical law code, the *Discipulus*'s book one and two.[110] This suggestion is in the fourth place supported by the observation that the prologue and the epilogue mention Theodore's decrees as *regulas*, where the afterword defines it more precisely in *utraeque regulae*, probably in the *Discipulus*'s opinion the Penitential (book one) and the law code (book two).[111] In the fifth place, the *libellus paenitentiae* in the epilogue of course is the *libellus Scottorum* of the prologue, because the *libellus Scottorum* is a *libellus paenitentiae*. Just the omission of the *libellus*' Irish origin in the epilogue requires the knowledge of the prologue, which then makes redundant a specified indentification of the *libellus* in the epilogue. Following these arguments the decision has to be made that the *Discipulus* wrote down the prologue as well as the epilogue as an integral part of his work.

The epilogue's outline shows the following structure:

a. The *regulae* had been written down by the guidance of Theodore, the archbishop of the Angles (*Anglorum*).[112] The "*consiliante*" ("by guidance" of Theodore) of the epilogue's text corresponds to the "*temperavit*" (Theodore "has presented [the remedy of penance] in the proper measure") of the preface and prologue. As aforesaid this names unequivocally the authority behind the advices; Theodore also lays a part like the "*doctissimi*" in Finnian's afterword, which closes his Penitential almost

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Here the relative pronoun has to be maskuline as well (*quem ad = ad quem*), because it is related to libellus too. A relation to *p(a)enitentiae* does not make any sense, because it is the knowledge of the *libellus*, the whole booklet, that faciliates the apprehension of the penance's set of problems. The prologue's and the epilogue's text in addition contains many slips of the pen. Cf. Finsterwalder, *Die Canones Theodori*, 146, 147.

[109] Cf. Finsterwalder, *Die Canones Theodori*, 151, 152.

[110] A concession to Finsterwalder, *Die Canones Theodori*, 152.

[111] Cf. Levinson, *Zu den Canones Theodori*, 299 and McNeill and Gamer, *Medieval Handbooks*, 213, note 171.

[112] McNeill and Gamer, *Medieval Handbooks*, 213, and Haddan and Stubbs, *Councils*, III, 204 translate the Latin word *Angli* by "the English". According to Bede's *HE* this expression means British faithful south and north of the river Humber.

two centuries earlier,[113] or the "*seniores*" in the preamble of Columbanus' Penitential, part B, which introduces into his Penitential provisions a good century before the *Discipulus*' writing.[114] This reminiscent of Finnian's final clause and Columbanus' introduction simultaneously again proves the net-working between the various penitence-writings and their compilers over the different ages.

b. The notion of *regula* and its distinction in a kind of ecclesiastical-law-cohabitation and penitential-provisions (extended by Columbanus in his Penitential for clerics and lay-people) can be found already in Columbanus' *Regula monachorum* and his *Regula coenobialis fratrum*.[115] The *Regula monachorum* primarily contains prescriptions for a flourishing life together in a monastic community, the *opera (monachorum*).[116] The *Regula coenobialis* however names offences of brethren against the congregation's life and their disciplinary consequences, the *medicamenta diversitatis paenitentiae*.[117] A good hundred years prior to the *Discipulus*'s two different books, where *regula* were mentioned in the prologue as well as in the epilogue (*utraquae regulae*) an analogue pattern for this distinction in a law-code and a penitential already existed in Columbanus' two rule-booklets, admittedly in a monastic environment only. Whether the *Discipulus* had notice of this pattern, the text nowhere else does reveal directly, but it is imaginable, because Columbanus' Penitential appears alongside with the *Regula monachorum* and *Regula coenobialis* under the headlining keyword *regulae* as well.

c. The *Discipulus* admits in the prologue[118] as well as in the epilogue[119] his limited abilities and concedes other (catholic, learned) people to possess a deeper knowledge and a wider insight. The latter are asked by the *Discipulus* to indulge his limitation, to use their awareness, but also not to neglect his contribution. In the epilogue he expressively allows these competent and orthodox authors (*auctor catholicus*) to supplement and correct the submitted decisions.[120] The same concession can be recognized in Finnian's final clause, when he confesses that he acted beyond his

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[113] Comparing Haddan and Stubbs, *Councils*, III, 173 respectively 203 and Bieler, *The Irish Penitentials*, 92.

[114] Cf. Bieler, *The Irish Penitentials*, 98: "*iuxta seniorum traditiones*."

[115] A. de Vogüé describes the *R. monachorum* as a "spiritual advice (direttorio spirituale)", the *R. coenobialis* as a "penitential of an Irish type (penitenziale sul tipo irlandese)". Cf. article *Regula(e) Columbani*, DIP, VII, 1607.

[116] Cf. *Regula monachorum*, Walker, *Sancti Columbani Opera*, 122.

[117] Cf. *Regula coenobialis*, Walker, *Sancti Columbani Opera*, 144.

[118] *Prologue*: "*et si quid nimirum, ut vereor, supra modulum meum facio, benivolentia tunc operis tam pernecessarii vobis patrocinantibus veniam apud eam facinoris mei imploret*." Haddan and Stubbs, *Councils*, III, 177.

[119] *Epilogue*: "*Si quis vero sibi competentius melius est ve has untrasque regulas penes se tener videantur, bene suis uti in deum et nostris nec careant optamus*." Haddan and Stubbs, *Councils*, III, 203.

[120] *Epilogue*: "*… pro quo habeat auctor quicumque catholicus licentiam a nobis si quid uspiam invenerit de his quod posit emendare id ratione peragere…*", Finsterwalder, *Die Canones Theodori*, 334.

limited talent ("*supra possibilitatem meam potestatemque temptavi scribere*"): he promises to those people to follow them, as long as they show a more sophisticated understanding ("*Sed si qui divine lectionis scrutator ipse magis inveniat aut si proferet meliora vel scripseret, et nos consentimus et sequeremur*").[121] The author of the *Ambrosianum* too has a similar request and promise in the introduction of his Penitential ("*Ego semper, quae meliora ex catalogo euvangelicae officinae vel apertae veritatis igne conflaverint, supplex recipiam et sequar*").[122]

d. The epilogue lacks an explicit definition of penance as a remedy. This interpretation on the other hand is mentioned in the prologue three times (*remedium paenitentiae, medicamen, medicamentum*). As it is stated above, preface and postface belong together, written down by the same hand. Especially concerning repentance and reconciliation one does not err to interpret and complete the notion of *regula* respectively *iudicia* in the epilogue as *regula* or *iudicia paenitentiae*. Supposing that the *Discipulus* took over the law code unchanged as his second book, the corrections he dealt with in his epilogue refer almost exclusively to the decrees of penance, which appear to him as mutilated (*depravata*) and wrong (*incorreta*) as well as scattered (*passim*) and mixed (*mixtim*).[123] In the prologue too the *Discipulus* wants to describe the medicine (of penance) correctly, which had been delivered incorrectly (*vitiosus*) and confusedly (*confusus*) by the negligence of former copyists.[124] The afterword of Finnian's Penitential reveals the author aimes to live up to the brethren's relief and to inform about the "remedies of penance".[125] As already stated above Columbanus applies the diversity of the physicians' (*medici corporum*) applications to the methods to cure the wounds of souls by the spiritual healers (*spiritales medici*).[126] Also the author of the *Ambrosianum* wants to meet the requirements of the pastoral and the brethren and compose a compilation of the spiritual wounds' medicaments (*spiritalium vulnerum medicamenta*).[127] And finally Cummean in his prologue carries out the task to teach about "the medicine for the salvation of souls".[128] All these authors do this – as aforesaid - with reference to the scriptures respectively the order of God and the tradition.[129] In the epilogue as well

[121] *Penitentialis Vinniani*, Bieler, *The Irish Penitials*, 94.
[122] *Paenitentiale Ambrosianum*, Körntgen, *Studien*, 258.
[123] Cf. Haddan and Stubbs, *Councils*, III, 203, 204.
[124] Cf. Haddan and Stubbs, *Councils*, III, 176.
[125] *Penitentialis Vinniani*, Bieler, *The Irish Penitials*, 94, 95.
[126] Cf. Paenitentiale, Walker, *Sancti Columbani Opera*, 172
[127] Paenitentiale *Ambrosianum*, Körntgen, *Studien*, 258.
[128] *Paenitentiale Cummeani*, Bieler, *The Irish Penitentials*, 108, 109.
[129] Cf. *Poenitentiale Theodori*, praefatio: "*olim Deus per primum eius latorem, de secundo mandavit patribus*", Haddan and Stubbs, *Councils*, III, 176; "*consiliante venerabili Theodoro*", Haddan and Stubbs, *Councils*, III, 203; *Penitentialis Vinniani*: "*secundum sententiam scripturarum vel opinionem quorundam doctissimorum*", Bieler, *The Irish Penitials*, 92; *Paenitentiale S. Columbani*: "*iuxta seniorum traditiones*", Walker, *Sancti Columbani Opera*, 98; *Paenitentiale Ambrosianum*: "*non praeiudicans his, qui sagatiore gratia sanitatum et peritia*

as in the prologue the *Discipulus* delivers the information that he supplements the Theodoran material by different sources, especially by the *libellus Scottorum*.[130]

e. The *Discipulus*' complaint about the disdain and misjudgement of some patristic authorities in the epilogue appears as singular and has no parallels in the other penitence-writings.[131]

As a résumé the insight may be held firm that the prologue as well as the epilogue contains statements, which have clear parallels in all relevant writings about penance from the middle of the sixth until the beginning of the eighth century. A remarkable net-working manifests itself in a broad spectrum of knowledge in all basic implementations of repentance. It is even now safe to assume that the important authors knew each other or had knowledge of their works. In any case they had been of mutual benefit to one another in a variety of ways.

7.3.3. Time-space of the compilation of the *Discipulus*'s work[132]

It has been stated that Eoda was, with a high likelihood, a disciple of Theodore.[133] Was the *Discipulus Umbresium* a contemporary of Eoda too? By the prologue's note "*beatae memoriae Eoda presbiter*" it is obvious that Eoda already had passed away, when the *Discipulus* wrote down his work.[134] But this statement does not exclude that he was provided with important suggestions and information by this priest Eoda during his life-time. The respectful appreciation and reminder, *beata memoria*, even suggests this assumption of some personal contact of the probably elderly Eoda and the younger *Discipulus*. The epilogue to his work contains an illuminating statement: "*Restat igitur super huius ad defensionem patris nostri Thodori delectioni vestitum quantam possumus satisfacere, quorum in aliorum catholicorum dictis plenam non invenientes expositionem* ***eum*** *ideo frequentatstis*."[135] The Discipulus expresses his gratefulness to those, who approached a person, "*eum*", to be taught about special questions concerning faith, for which they could get nowhere else an adequate answer. The context of "*eum*" in the sentence unequivocally supports the conclusion that "*eum*" means the before mentioned *pater noster Theodorus*. So among the *Discipulus*' addressees must have been people, who met Theodore personally and therefore being contemporaries of Eoda. Because the *Discipulus* directly addresses these people, who had encountered Theodore, he reckons that at least some of them were still

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salubriori sancto spiritu illuminante redundant", Körntgen, *Studien*, 258; *Paenitentiale Cummeani*: "*De remediis vulnerum secundum priorum partum diffinitiones dicturi sacri tibi eloqui, mi fidelissime frater, antea medicimina conpendi ratione intimemus*", Bieler, *The Irish Penitentials*, 108.

[130] Cf. Haddan and Stubbs, *Councils*, III, 176 (prologue), 183 (**U** I, VII, 5) and 204 (epilogue).

[131] Cf. Finsterwalder, *Die Canones Theodori*, 334.

[132] Vogel offers a survey, *Les Libri Paenitentiales*, 70.

[133] Cf. O'Loughlin and Conrad-O'Briain, *The 'baptism of tears'*, 81.

[134] Cf. Haddan and Stubbs, *Councils*, III, 173.

[135] *Poenitentiale Theodori*, Haddan and Stubbs, *Councils* III, 203, 204 and Finsterwalder, *Die Canones Theodori*, 333, 334. Emphasis added by the author.

alive. So it appears as very likely that the *Discipulus* had been their and likewise – for a certain time - Eoda's contemporary. If these considerations are accurate, provided that Eoda met Theodore as a young ecclesiastic sometime between 668 and 690, on condition the young *Discipulus* was in touch with Eoda sometime, the knowledge of Eoda's contribution to supplement Theodore's advices must have been brought to the *Discipulus*' attention not much later than the first decade of the eighth century: in a time, when he eventually was in his late thirties or early forties. Eoda was a contemporary witness of the Archbishop's Theodore advice and the *Discipulus* probably took part in this testimony by Eodas' account, before that priest passed away, and later wrote it down. This emphasizes the emergence of the Discipulus' work clearly before 750. And this insight again narrows the interval for the textualisation of Theodore's advice and its compilation to the first decades of the eighth century as well as cross-references the *Discipulus Umbrensium* as a compiler rather in the second than in the third generation after Theodore.[136]

7.3.4. Systematology and sources of the *Discipulus'* compilation

In the prologue the *Discipulus* announces to compile all the directions, which he deems useful, and to provide them for their systematisation with headlines.[137] Looking on the first three canons the impression can arise that he follows Cassian's Eight-Vices-Scheme, which structures preceeding penitentials, the *Ambrosianum* and that of Cummean: I. Of drunkenness (*de crapula et ebrietate*), II. of fornication (*de fornicatione*), III. of fraudulent covetousness (*de avaricia furtiva*). If Cassian's opinion considers that anger represents the main reason for manslaughter,[138] canon IV *de occisione hominum*, can be seen as based on Cassian's *de ira*. But already here it is manifest that the *Discipulus* developed his own and independent system to structure his Penitential (and his law code). His headlines illustrate more an abstract of contents than abstract mindsets like boasting (*cenodoxia*) or pride (*hybris* or *superbia*), in casu: instead of anger (*ira*) he uses the contentual concretisation: killing (*occisio hominum*). So the capital sins and the various maior or minor vices are sorted out under different aspects. The mortal sin of fornication for example appears in **U**I, canon II, if the trespass has been committed by lay-people; offences against chastity done by a married couple are listed in **U**I, XIV, 21 - 23: *de penitentia nubentium specialiter*. Provided that a lapse against chastity is perpetrated by a cleric or a monk, it is systematized under **U**I, canon VIII: *de diverso lapso servorum Dei*. In the case of a cleric's or a candidate's indecent manner entails a degration into lay-estate or

[136] Cf. Liebermann, *Zur Herstellung der Canones*, 401 – 403. Finsterwalder, *Die Canones Theodori*, 172, Charles-Edwards, *The Penitential of Theodore*, 141.

[137] Prologue: "*Quibus communiter omnibus absque invidia prout possum, laboro ex cunctis quae utiliora invenire potui, et singillatim titulos praeponens congessi*." Haddan and Stubbs, *Councils*, III, 177. Headlines according to the manuscript Vienna ÖNB 2195; the manuscripts Vienna ÖNB Lat. 2223 and Würzburg UB q. 32/1 show different titels.

[138] Cf. Cassian, *De institutis* VIII, 20 (Petschenig), 164: "… *et idcirco ne homicidium perpetretur, ira odiumque succiditur, sine quibus homicidii crimen nullo modo valebit admitti*."

ban from ordination, the applicable regulation is found at the heading **U**I, canon IX: *de his qui degraduntur vel ordinari non possunt*. The *Discipulus* tried to establish a combined system: precisely defining the trespass as well as identifying the group of trespasser and their ecclesiastical estate. This attempt appears very clearly in the comparison of **U**I, II, 8 and **U**I, VIII, 10: The vice of a special sexual activity: *in femoribus*, is systematized under the headline *de fornicatione* (trespass) as well as literally under *de diverso lapso servorum Dei* (trespasser).

In the following examination attempts will be made to compare in a kind of cross-profile the Archbishop Theodore's crucial directions with the preceeding regulations regarding confession, penance and reconciliation.

7.3.4.1. Apostasy and other offences against catholic faith

Apostasy in a narrower sense as denying the Christian faith is mentioned in the *Discipulus* catalogue of capital sins only in one article, **U**I,V,14: "*Si quis a fide Dei discesserit sine ulla necessitate*…"[139] The parallel article in identical wording in **G** 45 proves that this regulation probably traces back directly to Theodore's advice. In a detailed, but simultaneously in an independent adaptation of Basil's the Great direction in his Letter 217, 73,[140] Theodore also shows a detailed knowledge of Basil's advice to Amphilochius, when the archbishop of Canterbury uses the restricting as well as elucidative annotation: "*sine ulla necessitate*." This notion, which analogously is to be translated as: "without any compulsion", refers to Basil's concession in Letter 217, 8: a person, who was forced by violence to deny the faith, has to bear a more lenient penance compared with a faithful, who rejects the Christian belief completely and of his own free will.[141] Theodore was not only acquainted with Basil's four steps of (public) penance and reconciliation,[142] the Canterbury's archbishop rather updated the penance degree into his time and ecclesiastical environment. Theodore obviously could not force through a sinner's life long abstinence from the Church's communion (as a weeping) and reconciliation not until the deathbed, as Basil still could impose. But apostasy nevertheless was an exceptionally serious fault in the sight of Theodore in his day and so he directed a harsh penance containing three of four steps: three years outside of the church-building (like the weeping in Basil's sense),[143] seven

[139] A comparable direction represents **U**I,VIII,13 par **G** 46: apostasy of a person, who is not a monk. The headline: *de diverso lapso servorum Dei* and the context suggest that the addressed person is a cleric. The penance is seven years as well.
[140] Basilius: "*Qui negavit Christum, et salutis mysterium violavit, toto vitae suae tempore flere, et poenitentiam agree debet, sic tamen, ut tempore quo e vita excedit, sacramento dignus habeatur ob fidem in Dei clementiam*." *Epistola* 217, 73, (Mauri), 475. See too: NPNF, 8. A good quarter of Basil's decisions appears in Theodore's advice.
[141] Basilus, *Epistola* CCXVII, canon 81, (Mauri), 477. See too: NPNF, 8.
[142] See above chapter 1.2.3.5.
[143] Here it is to take in account that the meaning of the term *baptismum lacrimarum* has changed from the Patristic period into the time of Theodore. In the sense of the Oriental Church in the 4th and 5th century the "baptism of tears" is a spiritual process of washing away the blemish of (major) sin from the faithful's new existence in Christ: "repentance with tears had the effect of a renewal

years inside of the church and finally two years with no reception of the sacrament (like the listening, the kneeling and the standing). Despite moderating the penance's degree Theodore stands in the tradition of the Oriental Church and Basil's influence: the form of penance is performed publicly and constituted predominantly in the exclusion from the Church's community and their means of grace. Nevertheless the regulation of article **U**I, V, 14 also raises a problem and creates some deviation: comparing this article with the regulations of canon **U**I,XIII the public reconciliation, celebrated by a bishop or - in a case of necessity – by an authorized priest, took place according the Roman (in the apse of the church) as well as the Greece rite publicly (**U**I,XIII,1 – 3), presided normally by the bishop,[144] nevertheless except in "*hac provincia*". The reasoning of this exception manifests itself in the ascertainment of facts that in "this province" the rite of reconciliation as well as the penance was performed in privacy, meaning not in public among the congregation (**U**I,XIII,4). Here it was the confessor, normally a priest, who took responsibility for all aspects of the repentance's celebration. The canon **U**I,XIII, which appears to be systematized better in the law-code **U**II,[145] again confirms the statement above that during the *Discipulus*'s life-time the alignment of the Roman observance and that of the Northumbrians (influenced by the Irish) was not finally sorted out. Both public and private penance still existed, alongside each other, in some regions depending on what was the dominant influence in that area. But a development towards a prevailing form was on the way. It is remarkable that in the question of the Easter-date and the tonsure the Roman observance is gaining ground. The Irish influenced performance of confession, penance and reconciliation in privacy, practised in Northumbria, eventually has proven itself as the prevailing form, in details recommended even by the Greek monk Theodore.[146] Here further evidence suggests that the *Discipulus* felt himself as a Northumbrian: *hac provincia* means

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of baptism…"(O'Loughlin and Conrad-O'Briain, *The 'baptism of tears'*, 76). In Theodore's time this understanding was difficult to place before the faithful. They understood the "baptism of tears" in a metaphoric way: another form of baptism, "in which the water was that of tears". (O'Loughlin and Conrad-O'Briain, *The 'baptism of tears'*, 81). So the Discipulus's mention of Gregory Nazianen in **U**II,IV,4 represents an abridged narration of his five different kinds of baptism in his *Oratio* XXXIX, 17 (CCEL VII). Gregory enumerates five kinds of baptism, but only the "baptism in the Spirit" is the perfect one. This event of salvation has two preceeding, not perfect baptisms: Mose's in the sea and John's for repentance. Just as if it is the peak, Gregory determines Jesus' baptism in the Sprit as the perfect one. The following two are the baptism of martyrdom and the baptism of tears, which means the honest repentance. Seen from Jesus' baptism onwards the repentance, the baptism of tears, indeed is the second one, as the *Discipulus* stated in **U**II,IV,4: "*Gregorius Nazazenus dicit secundum baptismum esse lacrimarum*." Haddan and Stubbs, *Councils*, 193. See also: O'Loughlin, *Celtic Theology*, 54, 55. The *lacrimabilitas* is virtually a benchmark of a penitent's strength of contrition in the *Paenitentiale Bigotianum* (Kenney, *The sources*, 241, 242), introduction 1 (Bieler, *The Irish Penitentials*, 198).

[144] In the canonical repentance the public ministry of reconciliation was reserved to the bishop. Only if a bishop was prevented, he could devolve this authority unto a priest or a deacon. Cf. above chapter 1.2.2.3., Dooley, *From penance*, 409, 410.

[145] The regulation of penance, performed in privacy, indeed appear as canon XV in those manuscripts, which only contain the Discipulus' book two. Cf. Haddan and Stubbs, *Councils* 187, note 58.

[146] Cf. **U** I, VII, 5 with no parallels in the other Theodorian material: "… "*Theodorus laudavit*"… Cf. too: Charles-Edwards, *The Penitential of Theodore*, 143.

his province. A cross-link in dealing with apostasy can be found in canon B 24 of Columbanus' Penitential: here the abbot Columbanus orders a penance of three years for those who take part in a meal with pagans, intending to worship pagan gods.[147] Both regulations, **U**I,V,14 and Columbanus' article B 24, impose a penance for a cognisant relapse in paganism. Because the penance is much more lenient compared with Theodore's degree (three instead of twelve years) a *Discipulus*'s direct knowledge of Columbanus' direction appears as debatable. In connection with another offence against faith, the magic practise of drinking blood or sperm (**U**I,VII,3), the *Discipulus* expresses Theodore's approval that a more severe penance can be substituted by a reduced one:

Cummean VIII, 25[148]	**Theodore U** I, VII, 5[149]	**Can. Hibernenses** II, 6[150]
Alii statuunt XII triduana pro anno repensanda, quod ego nec laudo nec vitupero.	Item XII triduana pro anno pensanda, Theodorus laudavit.	Arreum anni XII triduani

Theodore took the concession to convert a year's time of repenting into twelve three-day-exercises from Cummean's Penitential and not from the catalogue of possible commutations (*arrea*) in canon II *De arreis* of the *Canones Hibernenses*.[151] This insight is the result of a comparison of Cummenan's respectively Theodore's wording. The accompanying commentary supports the assessment that Cummean's text "*alii statuunt*", which represents the earliest of the three quotations, is based on an elder source. Cummean's attitude is undecided (*nec laudo nec vitupero*), Theodore clearly agrees (*laudavit*) and the *Canones* mention it simply as a rule. So the following chronological order of the body of source appears as obvious: the statutes of the *alii* (earlier in the seventh century), Cummean's VIII, 25 (mid seventh century), Theodore's **U**I,VII, 5 (end seventh century) and the Canones Hibernenses II, 6 (later, around 800). The mention that Theodore approves the reduction is in line with his own decision. He himself limited Basil's life-long penance for apostasy to a twelve year's duration. So it might be possible that Theodore insinuates a development approaching Irish procedures. In the embedded sentence (**U**I,VII, 5): "*ut in ceteris*" the author generalises Theodore's attitude to that Irish handling of penance: to extend or facilitate the performance of penance considering the severity of the trespass, the social group and a person's condition as well as the circumstances of time as reason for nececessary concessions. Therefore it cannot be denied in principle that Theodore had some knowledge of Columbanus' treatment of the relapse in

[147] Cf. *Paenitentiale Columbani*, B 24, Walker, *Sancti Columbani Opera*, 178.
[148] Canon VIII, article 25, Bieler, *The Irish Penitentials*, 124.
[149] Canon **U** I, VII, 5, Haddan and Stubbs, *Councils*, 183.
[150] Canon II, article 6, Bieler, *The Irish Penitentials*, 164.
[151] Canon II *De arreis*: of communtations [Bieler] respectively of equivalents [McNeill and Gamer]. Here canon II, article 6 is read: "*arreum anni XII triduani (triduanas)*." Bieler, *The Irish Penitentials*, 164. Cf. For the whole writing McNeill and Gamer, *Medieval Handbooks*, 117- 130, especially canon II *De arreis*, 122 - 124. Wasserschleben, *Bußordnungen*, 139, 140. Bieler, *The Irish Penitentials*, 162 – 166. Kenney, *The sources*, 244.

paganism, despite the above mentioned striking difference in the penance's measure.

Based on Theodore's advice **U**I lists further offences against the Catholic faith: the commerce as well as company with heretics. The headline of canon V: *De his qui per Heresim decipiuntur* points to the danger that people knowingly or unknowinly reach the society of heretics. The relevant regulations raise a decisive inquiry: did they meet with current problems in Theodore's sphere of influence and time (the last third of the seventh century), or were they repeated simply to consolidate continuity in questions of orthodoxy after its break-through in England? Did these instructions cast a light on the contemporary situation of the orthodoxy in Anglo-Saxon Britain and the region north of the Humber? Were the Catholic faith and its ecclesisastical performance definitely settled in all areas of England; or was the Church's life affected by the following heresies during the Archbishop's Theodore tenure and even decades after his passing?

> Firstly, the mention of Pope Innocent I. (402 – 417) in **U** I,V,2 points out to the heresy of Pelgianism. In the last year of his pontificate Innocent I. anathematises the ideas of Pelagius and his followers. Theodore obviously orientates himself towards the pontiff's decree that a repentant after returning from the heresy to the Catholic faith is unsuitable to become ordained. And the commentator (*Discipulus*) hastens to asure that Theodore agrees with this Roman rule. Nevertheless the archbishop permits an exception: on condition that in a region a severe shortage of priests (*magna necessitas*) emerges and simultaneously the convert has borne an intensive scrutiny (*longa abstinentia*), an ordination of that person is possible, a regulation, which already is contained in the ealier **G** 28. This permission in case of a shortage is reminiscent of a regulation in the *Paenitentiale Ambrosianum*. In canon II, 6, *de homicidiis*, it is regulated that in lack of a suitable candidate an exiled monk can return to his former office or even be promoted to a higher ecclesiastical estate, if he regrets honestly and accepts eagerly quotidian exercises of penance. Although the cases refer to different capital sins (apostasy [heresy] respectively exile in connection with homicide), a clear priority of pastoral necessities governs the rules in both writings and allow, consequently, qualified exceptions.
>
> Secondly, another heresy, the Arian renunciation of the "one being (ὁμοούσιος)" with the Father by the Son and the Holy Spirit", could represent a reason for serious diffulties within the Church in England. The consubstantiality of the three divine persons in the one being of God represents the most important decision of the councils of Nikaia (325, the Son) and Constantinople (381, the Holy Spirit).[152] Theodore decides

[152] Cf. Baus, HKG, II/1, 27 – 30 and 74 – 77.

(**U**I,V,6) that a cleric, who does not believe in the Holy Trinity, is not able to baptize validly. The baptized person is to be christened again.[153] The comparison of **U** I,V,6 with the earlier **G** 27 shows that in special cases the *Discipulus* used to comment Theodore's decrees. This is the especially the case, if his decisions can lead to the misunderstandings about the archbishop's loyalty to Rome: **U** accentuates the archbishop's conviction, that it is not allowed to alter Roman decisions (**U**I,V,2).

G 27	**U** I,V,6
Si quis baptizatus est ab heretic, qui recte trinitatem non credit, iterum debet baptizari.	Si quis baptizatur ab heretico, qui recte Trinitatem non crederit, iterum baptizetur. Hoc Theodorum dixisse non credimus contra Nicenae concilium et sinodi decreta, sicut de Arrianis conversis Trinitatem non recte credentibus confirmatur.

Because the heresy of the Bosoniacs in the Columbanus' sphere of influence is related to that of the Arians – both follow doctrines of Adoptianism and Subordinationism – a parallel can be found between Columbanus' (B/25) and Theodore's (**U**I,V,4,11,12,13) protection against heresies. Both writings caution believers (clerics as well as lay-people) against the company of heretics and distinguish in an ignorant togetherness and in a deliberate company. The penance in the case of the unlearned is more lenient in Columbanus' (B/25), Cummean's (IX, 2) and Theodore's advices too; but also more severe, if aware of the trespass.

Thirdly, the third heresy, which could had affected the integrity of the English Church, is that of the *Quartodecimani*, believers, who do not follow the Roman Easter-date, officially stated at the synod in Streoneshalh (Whitby, 663 / 664). The followers of those, who celebrate the feast of Easter exactly on the same day as the Jewish feast of Pessah, are condemned as heretics in **U**I,V,3 and **G** 48 as well as in **U**I,V,13 and in **G** 53. This canon reveals that the sentence: "… *et nescit differentiam catholicae fidei*…" in the *Discipulus*' **U**I,V,13 appears as incomplete. **G** 53 has: "… *et differentiam catholicae fidei et XIV* …" The Latin number

[153] A justification of Theodore actually was not necessary, because his decision does not contradict the decrees of Synod of Arles (314). This council was arranged against the Donatists, who stood for a deviant opinion in the treatment on the *lapsi*, a question of discipline, not touching the doctrine of Trinity (cf. Kriegbaum, article: *Donatismus*, LThK, III, ^{3}1995, 332 – 334). The meeting decided that only those baptized people are christened validly, who are baptized by the Trinitarian liturgical formula: in the name of the Father and the Son and the Holy Spirit. The use of that formula certainly cannot be assumed, if a follower of the Arian belief ministered the baptism. Cf. Denzinger, DH, 53, page 29.

> XIV represents the numeral *quattuordecim* and means a clear assignment to this special heresy of Quartodecimans (Easter-date: 14th of Nisan).[154]

A decision and response to the inquiry above depend on the evaluation of **U**'s record of Theodore's instructions. The *Discipulus* dealt in his collection of penance (**U**I) after all in 23 (of 156) regulations with the different manifestations of erroneous belief. This proves that according to the *Discipulus*' conviction the Archbishop Theodore committedly weighted this problem. Especially his concern about pseudo-clerics, for example invalidly ordained priests, who administer sacred rites (**U**I, V,6,7,11,12,13, IX,11,12), prompts the conclusions that Theodore dealt with a current problem. It is very likely that as an experienced and a learnt monk in Rome he had a detailed knowledge of the different heresies. On condition that Theodore actually did not come across with these deviations from the orthodox belief, when he entered in 669 AD his appointment as archbishop of Canterbury, would not really explain his effort to avoid the misuse of administering baptism, where the valid ordination on one hand and the correct use of the Trinitarian formula on the other hand appear as essential. It is also probable that the final decision for the Roman Easter-date, decided at Whitby 664 AD, had been on its way to the people at Theodore's time, away from being a common conviction because of the complicated way to teach and convince the faithful. Thus it appears as meaningful to asses the time of Theodore and the following decades at least as a time-span of transition. Bede's statement that Theodore was "the first among the archbishops whom all the English Church obeyed"[155] can also be interpreted that the archbishop played an import role in clearing and assertion of the true faith.

Canon V also reveals – at least to some extent - another parallel with preceeding penitence-writings. The *Paenitentiale Ambrosianum* mentions plainest differences in the sense of sin, three steps, which draw various penances:[156] (1st step) a person has to bear the most lenient consequence, provided the trespasser acted in ignorance (*per ignorantiam*); (2nd step) the penance is more severe, if the trespasser was guilty of negligence (*per negligentiam*); (3rd step) on condition that the trespasser had sinned deliberately (*per contemptum*), the person has to face the

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[154] Cf. Schmitz, *Die Bußbücher*, I, 639. The Excarpsus actually has in X, 31 the insertion: "… *et Quartadecimanorum*…" As a part of a tripartite penitential the text represents a quotation of Theodore's **U**.
UI,V,13, admittedly with the explaining addition of the Quartodeciman's heresy. The *quartadecimani* stood in a Jewis-Christian tradition and orient themselves by the feast of Pessah (14th of Nisan), while from the end of the 2nd century the majority in the Christian Church hold Easter on the first Sunday after the full moon next after the vernal equinox. Cf. Brox, *Kirchengeschichte des Altertums*, 142. Kany, *Quartodezimaner*, LThK, VIII, ³1999, 762.

[155] Beda, *HE* (Spitzbart, 320) IV, 2.

[156] Comparable approaches are to found among almost all penticene-writings: Gildas 9 (*neglegens*), David 1, 2 (*per neglegentiam, ignorantiam, contemtum*), Finnian 47 (*per neglegentiam*), Columbanus, A/8 (*sciens*), B 24 / 25 (*per ignorantiam, contemptum*), Cummean II, 32 (*neglegentia*), III, 8 (*ignorantem*), IX, 1 (*neglegens*), IX,2 (*ignorans*) XI, 19 (*neglegentiam*) and XI, 26 (*per neglegentiam*).

strictest condition. The *Discipulus*' canon **U**I,V assesses to atone one year for a person, who in ignorance (*nescit*) of Catholic rules has received the communion from a heretic. A person however, who knowingly and deliberately (*scit*) took the communion from a heretic, has to repent ten times more, ten years. **U**I,V,8 and 13 have similar regulations. Canon **U**I,V,7 also unfolds the collection-character of the *Discipulus*'s work: article seven mentions alternative penances of other authorities, seven and - more human (*humanius*) – five years, which the *Discipulus* let pass without comment.

Canon **U**I,V instructs the ecclesiastical authority to exclude all from the Church's community, who are sympathetic to heretic ideas (**U**I,V,5,8,9), take part in ceremonies led by heretic ministers (**U**I,V,4) or transgress into heretic congregations (**U**I,V,10). All celebrations of the sacraments performed by herectic officials, for example ordination (**U**I,V,1), baptism (**U**I,V,6) or commemoration of the dead (**U**IV,12,13), even if a bishop mandates this (**U**I,V,11), are not allowed and invalid. But conversion and reconciliation is possible, certainly after serving a penance. This goes parallel to the advice in the *Ambrosianum* (VII, 4) and Cummean's Penitential (VIII,1,2), taking in account that both leave the degree of penance to an officiating priest. Theodore[157] however decides that in case of a conversion from crossing into a heretic denomination (**U**I,V,10) or even apostasy (**U**I,V,14) the remorseful person has to bear a penance of twelve years, very similar to Basil's prescriptions, for example after returning from a heresy: "*IIII annos extra aecclesiam, et VI inter auditors, et II adhuc extra communionem*."[158]

A further offence against the Christian belief in Theodore's time exists in superstitious practice. Under the headline: *de cultura idolorum*, the worship of idols Theodore covers with penance the veneration of demons (**U**I,XV,1), almost literal in **G** 116 and **Co** 207, 208 (under the title: *de diversis causis*). A parallel can be found in the Penitential of Columbanus, in canon B/24. Theodore distinguishes between a trivial, rather popular performance (*in minimis*) and a weighty, entire venerating practice (*magis*). The marginal form of cult draws a penance of one year; who commits the serious one has to atone for ten years. The parallelism between Columbanus' (B/24) and Theodore's (**U**I, XV, 5) directions first and foremost consists of participation in ritual meals as well as the consumption of superstitiously sacrified food. Both consider the circumstances: Columbanus distinguishes, whether the trespasser did it in ignorance (*quadragesima*, fasting by bread and water) or has commited it deliberately and repeatedly (three *quadragesimae*). If it is performed "*pro cultu daemonum aut*

[157] All the fourteen decrees of canon I,V represent Theodorian material, because they appear almost literal in the earlier compilation **G**: **U** I,V, 1 = **G** 26; I,V,2 = 28; I,V,3 = 48; I,V,4 = 48; I,V,5 = 49; I,V,6 = 27; I,V,7 = 50; I,V,8 = 51; I,V,9 = 51; I,V,10 = 51; I,V,11 = 52; I,V,12 = 53; I,V,13 = 53; I,V,14 = 45.
[158] Haddan and Stubbs, *Councils*, III, 181.

honore simulacrorum"[159] (statuettes of idols), the veneration of demons and idols draws a penance of three years. In connection with this special offence against the Christian faith Theodore emphasizes a general rule that the priest, who officiates confession and penance with all prudence takes in account God's willingness to assist the repenting person.[160] So the priest has to consider for example the penitent's age and education as well as physical condition, when he decides about the penance's degree. Here too both, Columbanus and Theodore, were confronted with the same problem, how ordinary people live their faith in a transition period from paganism towards a steadfast Christian belief according to the Catholic Church's doctrine. Pagan and superstitious practices still had been a contemporary experience of Columbanus and almost a century later of Theodore as well. Time and environment had been different; this explains the differences in coping with the cases of offences against faith and Catholic doctrine. In the end the question has to remain open, whether Theodore knew about of Columbanus' way to deal with the relapse into paganism, heresy or demonism. Knowledge to a certain extent is easily conceivable.

A similar question emerges in the comparison of **U**I,XV,4 with Basil's instructions to Amphilochius on the one side and cc. 18 – 20 of Finnian's penitential on the other side. The canon **U**I,XV,4 (and here are to bring in the directions of I,VII,3 and I,XV,2,3 too) deals with superstitious use of incantation (*incantationes*)[161] and divinations (*divinationes*) or auspices (*auspicia*) and oneiromancy as well as magic potion (I,VII,3)[162] and other practices (I,XV,2,3). Basil's Letter 217, 65 refers unequivocally to a poisoner, because the offender is to be treated like a murderer.[163] This crime has no reference in Theodore's directions and is most likely to compare with a woman's infanticide executed by magic (*maleficium*) in Finnian's canon 20. The imposed penance shows that the two authorities, Basil (twenty years) and Finnian (about two and a half years), estimate the case total different: intentional homicide appears as much more morally reprehensible as infanticide. The difference is caused by the various time and environment. [164] Basil's direction in Letter 217, 83 for people, who have their fortune told, follow pagan customs or open their houses for magicians and sorcerer corresponds best to the list of superstitious practices in the *Discipulus*' canon I,XV,4: auspices and soothsaying (*auguria, auspicia sive somnia vel divinationes*), following pagan customs and inviting in their houses those, who

[159] Walker, *Sancti Columbani Opera*, 178.
[160] Despite the first part of I, XV, 5 represents almost a quotation of **D** 89, the general rule: "*Et hoc omni penitentia semper, et confessione omnino, in quantum Deus adiuvare dignetur, cum omni diligentia conservetur*, represents a commenting addition.
[161] Parallel: **D** 147 and **Co** 145, 146.
[162] Drinking of blood as superstitious practice actually was taken for serious by the people, so that the notice was necessary to inform that swallowing blood from bleeding teeth does not represent a sin: **D** 148, **G** 148, **Co** 186 and **U**I, VII, 11.
[163] Cf. Basil, *Letter 217*, 56: a twenty years exclusion from the church community and a penance of all four steps.
[164] The penance is fasting half a year, two more years without meat and wine and another fasting of six *quadragesimae*.

practise any form of *maleficium*. Though not equally worded, but identical in content the comparison between Basil's Letter 217,83 and Theodore's **U**I,XV,4 verifies that the Greek monk and also now the English archbishop was familiar with the Canonical Letters of his great predecessor in the bishopric.

Another remarkable parallel with Finnian's canon 18 exists in the mention of the trespassers' estate: Theodore distinguishes between clerics and lay-people (*seculares*). A member of the clergy has to be expelled (*abiciantur*) and a lay-person has to atone with five years. Finnian mentions magic practicing clerics and female as well as male lay-persons. He regulates a penance of three years fasting (bread and water) and three other years of abstinence from meat and wine for both. Finally the application of love philtre draws a penance of one year fasting in Columbanus' Penitential (B/19) and three years Theodore's penitence-writings.[165]

Offences against the Sunday observance and an imposed fast do not represent a direct case of heresy, superstition or magic, but is seen as an act of disbelief. The discussion of this fault appears so detailed only in Theodore's advice. For Theodore keeping the Sunday holy actually figures as a crucial obligation of a believer and credentials of his or her faithfulness. So he brings in his knowledge of ecclesiastical practice he himself had experienced in Greece as well as in Rome (**U**II,VIII,1 – 3, 8): firstly, forbidden working on a Sunday and its consequences for example are mentioned almost literally in all four issues of the archbishop's advice: **D** 14, **G** 55, **Co** 73 and **U**I,XI,1. The repeat offender in the Greek influenced ecclesiastical environment can choose between three types of penance: donating a third of the Sunday's wage, being flogged or fasting for seven days. It is likely that the *Discipulus* and compilers prior to him mentioned this regulation for the reason that they wanted to recommend it for the practice in England, south and north of the Humber as well. Secondly, some penitence-prescriptions allow a break from fasting on Sundays.[166] The *Discipulus*[167] delivers Theodore's opinion that the dominical relief from fasting not only means a concession, but an obligating prescription. So a fast on that day represents an offence against the holiness of the Lord's Day. The fault obviously consists in the careless or evil intention to equate the Sunday with a weekday. The penance can last up to a *quadragesima* (**U**I,XI,2). And if this is committed intentionally, it is even considered to be a form of apostasy (**U**I,XI,3): the consequence of which is the exclusion from the Church. Who otherwise does not keep an imposed fast, has to atone forty days, should it be done outside the liturgical times of fasting; if in Lent, one year (**U**I,XI,4 par **G** 60); should it become a habit the trespasser is to be excluded from the church (**U**I,XI,5).

[165] The function of drinking of blood as a remedy and sperm as a love philtre is clearly proved by the parallels in **D** 86 (*quae semen viri sui miscens cibo ut inde plus euis amorem suscipiet*), **G** 191 and **U**I, XIV, 15 respectively **G** 192 (*Mulier qui sanguine viri suo pro remedio gustaverit*) and U I, XIV, 16. In Comlubanus' Penitential (B/19) the consistency of the magic potion is not described in detail. **D** 86 in connection with **D** 85 displays a penance of seven years.
[166] Cf. *Praefatio Gildae*, c. 1, *Excerpta Davidis*, c. 7, *Ambrosianum*, c. II, 6, *P. Cummeani* c. II, 2.
[167] Cf. almost literal **G** 57, 58.

The careless dealings with baptism rank among trespasses against a practice of faith and a proper participation in the Church's life. A priest has to be suspended, if he refuses to baptize a sick person (**U**I,IX,7) or an infirm pagan child (**U**I,XIV,28), on condition that they die unbaptized. If the baptism remains undone due to the negligence of the parents, they have to atone for one year, provided that the infant is younger than three years. If the child had reached the age of three years, on father and mother has to be imposed a penance of three years (**U**I,XIV,29).[168] The conclusing sentence of that article informs expressively that Theodore himself had made this decision: "*Hoc quodam tempore quo contigit ad eum delatum sic iudicavit*."[169] It confirms again the statement that the background of the Penitential's directions is represented by cases, which had been submitted occasionally (*eum delatum*) to the Archbishop Theodore. The degree of penance rightly allows the supposition that Theodore knows Cummean's (*libellus Scottorum*) decision II, 32.[170]

The overviews of the dealing with apostasy (heresy, superstition, magic) over almost four hundred and fifty years[171] unfold some similarities, but also clear differences. The comparison of Basil, Finnian, Columbanus and Theodore shows that the danger of a relapse into paganism, a sequel of magic procedures and disbelief appears as virulent in the Church's day-to-day-life, despite the acceptance of the Christian faith. In this everyday life especially magic might have been a tradition among the ordinary, often illiterate and not sophisticated people. And it is imaginable that clerics are not least involved in such practices, because they had to make concessions to the people's customs. The majority of the population lived very close to nature and was very dependent from its effects or – in the worst case – fallout. They did not understand these appearances and tried to explain by long-standing, often still heathen experience of their heritage. So they had their own methods to meet problems with household and health (I,XV,3), future (I,XV,4) or relations (I,XIV,15). Therefore it belonged to the noblest duties of the *venerablis Theodorus, Archiepiscopus Anglorum* and all, who are called to be ecclesiastical leaders, learning from their predecessors and teaching their followers to be *consiliantes*, meaning counsellers and teachers of the people entrusted to them. This represents by the way an element, which can be met consistently in the penitence-writings. The properly functioning network of this give-and-take is remarkable in a world that had available no communication-tools except personal talks or letters, meetings and messengers. This commitment

[168] Cf. almost literal **G** 161, 162 and **Co** 23.
[169] Haddan and Stubbs, *Councils*, 189.
[170] Whether Theodore had got some knowledge of Finnian's canones 47 and 48 appears as uncertain and rather doubtful. Firstly, for Finnian this negligence represents a *magnum crimen* due to the loss of the infant's soul. But the penance is relatively lenient: one year of fasting and no marital intercourse for the parents. Secondly, the refusal of baptism by the cleric refers to an infant of people of his own parish. So the crucial point is different, because the fault of the truant cleric is the fundamental (and obviously unfounded) rejection of the christening and not the carelessness in case of a serious illness of an infant.
[171] Basil's *Letter* 217 was written in 375 A. D., the *Discipulus*' compilation in the first decades of the 8th century.

also may explain the differences: to get through into the believer's entire personality and to convince them sustainably it was necessary to proceed pastoral wisely and adequately and take into account the different circumstances of environment, time and the abilities of people respectively their limits, as it is suggested in **U**I,XV,5. These basic insights hold true for all further discussions and regulations.

7.3.4.2. Fornication and other offences against chastity

Following the systematical structure of Cassian's Eight-Vices-Scheme (and that of the *Ambrosianum* and Cummean's Penitential) the second canon of the *Discipulus*'s penitential-book deals under the headline *de fornicatione* with the different offences against chastity. Comparable trespasses are listed in different canones: for clerics and persons of a consecrated life (bishops, priests, deacons, monks or holy virgins) under the separate title *de diverso lapso servorum Dei* (canon **U**I,VIII) respectively *de his qui degraduntur vel ordinari non possunt* (canon **U**I, IX); for married couples under *de penitentia nubentium specialiter* (canon **U**I,XIV). So it is suggested that the regulations of **U**I,II refer to offences commited by lay-people.

The *Discipulus* follows Cassian's structure, when he headlines this chapter (**U**I,II) *de fornicatione*. It appears likely that the *Discipulus* took this classification not from a direct knowledge of Cassian's writings, but from Cummean's Penitential itself. The *libellus Scottorum* itself is mentioned twice in the *Discipulus*' compilation (**U**I, prologue and VII,5). And indeed this Irish booklet has Cassian's structure. This assumption is supported by regulations, which appear in **U**I,II quasi-quoted or highly identical in content:

other penitence-writings	**Cummean**	**U** I, II
S. Luci Victorie 8: Qui facit *scelus virile* ut Sodomite, IIII annis.	II, 9: Sic qui faciunt *scelus virile* ut Sodomite, VII annis peniteant.	7: *Virile scelus* semel faciens, IIII annis peniteat.
S. Luci Victorie 8: Qui *vero in femoribus*, III annis.	II, 10: *Si* vero *in femoribus*, II annis (cf. X,14).	8: *Si in femoribus*, annum I vel III *quadragesimae*.
Ambrosianum: II, 3: *Qui* vero *concupiscit* et vult *fornicari et non potest*, fateatur culpam sacerdoti et anno *poeniteat* cum elemosina ad iudicium sacerdotis.	II, 11: *Qui concupiscit* mente tantum *fornicari sed non potuit*, I anno *paeniteat*, maxime in tribus XLmis.	10: *Qui concupiscit fornicari sed non potest* XL dies vel XX *peniteat*.

It attracts attention that the regulations **U**I,II,7,8,10 have no parallels in the other collections of Theodore's directions (**D**, **G** and **Co**), but comparable ones with Cummean. These again show striking similarities with regulations of the *Sinodus*

Luci Victoriae respectively the *Ambrosianum*. The dependence between Cummean and the earlier penitence-writings is already dicussed above.[172] Therefore it can be assumed that the *Discipulus* used not only his wide knowledge of Theodore's advice. Where he could not find necessary and suitable directions for current problems, he made recourse to the *Paenitentiale Cummeani*. This Penitential he had marked as *libellus Scottorum*. He showed that he was familiar with its regulations in question. It is the prologue, which delivers the information that Theodore knew Cummean's Penitential.[173] This knowledge of the archbishop possibly had in the background to some of his decisions. But the *Discipulus* beyond that quoted them at any rate substantially to complete Theodore's directions for the confessor's use. Here the *Discipulus* turns out to be not only a collector, but also a reviser, who adjusts solutions to contemporary problem-areas. This also may explain the various measures of penance. By the comparison of **U**I,II,16 with other penitence-writings and Theodorian isues possibly his original direction can be traced back from the *Discipulus*' complex regulation (first decades of the eighth century) to the decisions of the *Sinodus Luci Victoriae* (around 550): because an appropriate regulation lacks in **D**, which above was identified as the record closest to the archbishop's advice, the direction of **Co** 153 appears as the most original one. Therefore Theodore in his first answer probably reacted only to the trespass (fornication with the mother) and directed the penance (a twelve years' fast). So very likely the original direction simply had the wording: "*Qui cum matre fornicaverit XII annos peniteat*." Already in the *Praefatio Gildae* (canon 1) as well as in *Excerpta Davidis* (canon 7) decrees are desingned for facilitation on Sunday, which had been added later to Theodore's first advice. The text of **U**I,II,16 prompts the conclusion that Theodore himself changed his direction on occasion of later inquiries.[174] Probably caused by the knowledge of Cummean's canon II, 7 the alternative decision finally is based on the *Sinodus' Luci Victoriae* canon 6, which imposed an annual pilgrimage alongside with a three year's fast for incest with the mother.

other writings	**Cummean**	**U** I, II	**G** 90	**Co** 153
S. Luci Victorie 6: Qui *mechator matris* est, III annis *cum peregrinatione perenni*.	II, 7: *Moechator matris* suae annis III *cum peregrinatione perenni peniteat*.	16: Si *cum matre quis fornicaverit*, XV annos *peniteat*, et numquam nisi Dominicis diebus: et hoc tam profanum incertum ab eo similiter alio modo dicitur ut *cum peregrinatione perenni* VII annos *peniteat*.	*Si cum matre fornicat* XII annos *peniteat* et numquam mutet nisi tantum in diebus dominicis."	*Qui cum matre fornicaverit* XII annos *peniteat*."

[172] See above chapter 6. 3.

[173] **U**, prologue: "*de quo talem senex fertur sententiam, ecclesiasticus homo libelli ipsius fuisse conscriptor*." Haddan and Stubbs, *Councils*, III, 176.

[174] **U**I, II, 16: „*Et hoc tam profanum incestum ab eo similiter alio modo dicitur ut cum peregrinatione perenni VII annos peniteat*." Haddan and Stubbs, *Councils*, III, 179 and footnote 52.

The following representatively selected cross-sections of the *Discipulus*' book one, canon two (*de fornicatione*) may spell out the comprehensive tradtion behind Theodore's directions. The comparing discussion has to be started with the insight that only the *Discipulus* has noted in different canons the vices against chastity committed by lay-people on the one side (**U**I,II and **U**I,XIV) and people of consecrated life (monks and clerics) on the other side (**U**I,VIII and IX). All other penitence-writings cope with vices of unchastity under the key-word and generic term "fornication", nevertheless considering the estate of the trespasser.

The canon **U**I,II,1 deals with the vice of fornication, committed by a man and a woman. This direction distinguishes between an illicit intercourse with a virgine and adultery with a married woman. It can be reasonably assumed that the *Discipulus* conveyed overall advice of the archbishop without substantial amendment or accompanying commentary. The vice of impure actions between a male and a female person is described in Theodore's and the former penitence-writings in every possible way: from secret desire wanting, contact or kisses to a consumated intercourse, even as incest with mother or sister. The following survey attempts to show the complex relations between the different penitence-writings. The commital of (natural) fornication is particularily suitable to illustrate exemplarily an advancing specification. The illicit intercourse of a man and a woman and the related penance, represents the content of penitence-writings in four centuries:

a) fourth century:

writing/canon	**estate**	**commited vice**	**penance**
Basil 217, 58	lay-person	adultery	exclusion: 15 years
Basil 217, 59	lay-person	fornication	exclusion: 7 years
Basil 217, 60	virgin or monk	breaking vow of chastity	exclusion: 15 years, living in seclusion
Basil 188, 3	deacon	fornication	degradation to laity
Basil 199, 32	cleric	mortal sin	degradation to laity

b) sixth century:

writing/canon	**estate**	**commited vice**	**penance**
Gildas 1, 2, 3	presbyter/ deacon	fornication	fasting: 3 years
S. Aquilonalis 1	monk	fornication	exile and fasting: 3 years
	deacon	fornication	exile and fasting: 3 years + 1
	presbyter	fornication	exile and fasting: 3 years + 3
	bishop or abbot	fornication	exile and fasting: 3 years + 7
S. L. Victoriae 3	not specified	adultery	fasting: 3 years
David 5	not specified	fornication or adultery	ascetism for life

writing/canon	estate	commited vice	penance
David 7	bishop	fornication	fasting: 3+10 years
	presbyter	fornication	fasting: 3+4 years
	deacon	fornication	fasting: 3+3years
	monk	fornication	fasting: 3+3 years
David 11	not specified	fornication or adultery	fasting: 3 years
Finnian 10, 11	cleric	fornication	onetime / concealed fasting: 1 year and abstince: 2 years habit/public fasting: 3 years abstinence: 3 years degradation
Finnian 35	layman	fornication with bloodshed	fasting: 3 years carry no weapons no marital bed almsgiving
Finnian 36	layman	adultery / fornication with neighbour's wife or virgin daughter	fasting: 1 year no marital bed almsgiving
		fornication with a virgin	fasting: 2 years abstinence almsgiving
Finnian 37	layman	fornication with a vowed virgin, begotten a child	fasting: 3 years carry no weapons abstince: 2 years no marital bed
Finnian 38	layman	fornication with a vowed virgin, no child	fasting: 1 year abstinence: ½ year no marital bed
Finnian 39	layman	fornication with a slave	selling the slave no marital bed
Finnian 40	layman	fornication with a slave begotten children	fasting: 1 year separation from the concubine
Columbanus A 3	monk	fornication, once	fasting: 3 years
		fornication, oftener	fasting: 7 years
Columban us B 4	cleric	fornication, not begotten a son not public	fasting: 3 years
	monk		fasting: 3 years
	monk/deacon		fasting: 3+2 years
	priest		fasting: 3+4 years
	bishop		fasting: 3+9 years
Columbanus B 14	layman	adultery, begotten a son	fasting: 3 years no marital bed compensation

The regulation of the *Sinodus Aquilonalis*' c. 1 suggests that the basic degree of penance for committing fornication consists of a three-years-fasting. The higher degree of penance for the same sin represents an addition according to the sinner's ecclesiastical estate.

c) seventh century:

writing/canon	estate	commited vice	penance
Ambosianum II, 1	not specified	fornication with mulier "*desponsata Christo vel marito*"	ascetism for life

writing/canon	estate	commited vice	penance
Ambrosianum II,6	bishop	fornication	fasting: 3+10 years
	presbiter		fasting: 3+4 years
	deacon		fasting: 3+3 years
	monk		fasting: 3+1 years
Cummean II, 1	bishop	fornication	degradation fasting: 3+9 years
Cummean II, 2	presbyter/deacon, vow	(natural) fornication	fasting: 3+4 years
Cummean II, 3, 4	inferior monk presbyter/deacon, no vow		fasting: 3 years
Cummean II, 22	layman	fornication with bloodshed	fasting: 3 years, carry no weapons no marital bed
Cummean II, 23	layman	fornication with neighbour's virgin daughter or adultery with wife, begotten a son	fasting: 3 years carry no arms abstinence and no marital bed
Cummean II, 25	layman	not begotten a son	fasting: 1 year ½ year abstinence and no marital bed
Cummean II, 26	layman	fornication with a slave	fasting: 1 year selling the slave
Cummean II, 27	layman	begotten a son	setting free slave

d) eighth century:

writing/canon	estate	commited vice	penance
Theodore **U**I,II,1	not specified	fornication with virgin	fasting: 1 year
		aldultery with another's wife	fasting: 4 years
Theodore **U**I,XIV,14	laywoman	adultery	fasting: 7 years
Theodore **U**I,VII,1	not specified	committing multiple vices and crimes, among others: *adulterium cum muliere et pecude*	penance in monastery until death
Theodore **U**I,VIII,6	monk or *sacra virgo*	fornication	fasting: 7 years
Theodore **U**I,IX,1	bishop, presbiter, deacon	fornication	degradation,fast: *iudi-cio epicopi*, no exclusion from comunion

The effort for the reputation's upkeep of the cleric's circle additionally is expressed in the articles **U**I, IX,4 – 6: a relationship with a foreign wife (*uxor extrenea*) and committing adultery with her draws a lifelong penance among the laity (*paeniteat inter laicos quamdiu vixerit*). Having a concubine hampers ordination. The following decisions concerning fornication reveal striking conformities in content and even partial quotation of Cummean's advice in canon II, 23 – 26. These directions themselves are likewise taken from the *Paenitentialis' Vinniani* canones 36 – 38. This indirect dependence on the former Finnian's regulations is likely, because the *Discipulus* formulates them in a similar compressed form as Cummean did in his Penitential. The penance's degree in the *Discipulus*'s on the one and Finnian's Penitential on the other side

appears only in a first sight as different. They are toroughly comparable and almost identical: **U**I,XIV,9 limits the abstinence and fasting to two days a week out of the annual *Quadragesimae*, while Finnian and Cummean demand a continous fast of one year.

UI,XIV,9	layman	Qui maculat uxorem proximi sui III annos absque uxora propria ieiunet, in ebdomada II dies et IIIbus XLmis.
Cummean II,23	laicus	Laicus maculans uxorem vel virginem proximi sui, I anno cum pane et aqua sine uxore propria peniteat.
Finnian 36	laicus	Si quis laicus maculaverit uxorem proximi sui aut virginem, annum integrum peniteat cum pane et aqua et non intret ad uxorem suam propriam…
UI,XIV,10	layman	Si virgo sit, unum annum peniteat sine carne, vinoque et medone.
Cummean II,23	laicus	Laicus maculans … virginem proximi sui…
Finnian 36		laicus maculaverit … aut virginem (proximi sui)…
UI,XIV,11	layman	Si puellam Dei maculaverit, III annos peniteat, sicut supra diximus, licet pariat an non pariat filium ex ea.
Cummean II,24	laicus	Si autem puellam Dei maculaverit et genuerit ex ea filium, trubus annis inermis, in primo cum pane et aqua, in aliis voro sine vino carneque.
Finnian 37	laicus	Si quis laicus puellam Dei maculaverit et coronam suam perdiderit et genuerit filium ex ea, tribus annis peniteat ille laicus, I annum cum pane et aqua per mensura et inermis existat et non intret ad uxorem suam propriam, et duobus annis abstinent se a vino et a carnibus et non intret ad uxorem suam.
UI,XIV,11	layman	licet… non pariat filium ex ea…
Cummean II,25	laicus	Si vero non genuerit sed polluit, I annum et dimidio sine diliciis, sine uxore peniteat.
Finnian 38	laicus	Si autem non genuerit ex ea filium, sed tamen maculaverit, annum integrum et dimedium peniteat, sed annum integrum cum pane et aqua et dimedium abstineat se a vino et a carnibus et non intret ad uxorem suam.
UI,XIV,12	layman	Si ancilla eius sit, liberet eam et VI menses peniteat.
Cummean II,26,27	laicus	26. Qui autem ad suam intrat ancillam, vendat eam et I anno peniteat. 27. Si genuerit ex ea filium, liberet eam.
Finnian 39,40	laicus	39. Si quis intrat ad ancellam suam, venundet eam et annum peniteat. 40. Si genuerit filium ex ea, liberet eam.

The penance in Basil's letters means the exclusion from the community of the divine service and reconciliation according to the four steps.[175] On condition that the trespasser is an ordained man or a person in holy orders, they have to endure the degradation from office and estate. But they remain among the celebrating community, because nobody has to be punished twice. It is remarkable that Basil[176] and Theodore,[177] the monk with Greek roots, exclusively share this rule. This and many other parallels with the Canonical Letters[178] show that Theodore as

[175] See above chapter 1.2.3.5.
[176] See above chapter 1.2.3.5, for example: Basil's *Letter* 188, 3, 199, 32, 217, 51.
[177] The *Discipulus* (**U**I, IX, 1 paralell **G** 167 and **Co** 213) refers to Basil's ban of double punishment, degradation and penance: "*De gradu perdito penitentia mortua est, anima vivit.*" This is to translate analogously: "When the office (estate) got lost, the penance is obsolete, (nevertheless) the soul lives."
[178] For example for **U**I, II: *de fornicatione*: **U**I, II, 1 par *Letter* 217, 58, 59; **U**I, II, 2 par *Letter* 188, 7; **U**I, II, 4 – 7 par *Letter* 217, 62; **U**I, II, 17 par *Letter* 217, 67, 75, 76.

a native Oriental knew these writings. And it attests the immense influence, which the bishop of the Oriental Church wielded almost three hundred years later on the archbishop of an ecclesiastical area in the far West.

Exclusion from the community in form of exile represents a penance in the later (British and Irish) penitence-writings and penitentials too, but only for few serious cases and predominantly in a monastic environment (*Sinodus Aquilonalis* c. 1). The normal manifestation of penance primarily consists of fasting: a daily diet of bread and water as well as abstinence from meat, mead (**U**I,XIV,10) and wine (and other delicatesses). As the tabular overview shows, the most frequent and basic penance for capital (or major) sins (here natural fornication) consists of a three-years-fasting for lay-people. Ordained people or those in holy orders have to face an additional fast. In single cases particular conditions are added: temporarily ban from marital intercourse or from carrying weapons, almsgiving and compensation. An exception represents a life-long penance, performed in an ascetic and monastic life-style and administerd for extremely serious transgressions: for example: *Excerpta Davidis*, canon 5 or *Ambrosianum* canon II, 1: defilement of a virgin or an engaged woman; or **U**I,VII, 1: criminal habit, means committing simultaneously homicide, adultery and fraud over a long period.

The extensive overview table, that bridges a time-space of almost four-and-a-half centuries, shows despite all temporal and local differences astonishing parallels in content for the vice of (natural) fornication committed by a male and female person. And that tabular display also can be drawn up for other topic-areas in the range of fornication or offences against chastity and for all further penitence-directions of the Archbishop Theodore.[179] Firstly, fornication in its various forms and adultery as well as trespasses against chastity represents a capital sin. Secondly, over the course of times the vices appear more and more detailed. The offences against chastity are specified in certain respects:

- Who is involved in fornication, a virgin, a vowed virgin, a neighbour's virgin daughter, a slave, an engaged or a married woman? Does the offence proceeds from a lay-man or from a monk or a cleric, and depends the penance on his office or estate (deacon, priest, bishop respectively abbot)? - For all these different cases the penitence-writings developed a special pastoral concept, expressed in particular degree of penance as remedies for soul (prologues and epilogue). In consideration of the

[179] Particularly noticeable: copius parallelisms exist under the topic *de fornicatione* for unnatural fornication like same-sex-intercourse or sexual practices with animals addressed in **U**I, II, 2 – 8, 12, VIII, 10 (par **D** 153, 154 par **G** 91, 93, 95, 99, 101 par **Co** 152, 157, 161): Comparable decisions are to be found: Basil *Letter* 188, 7 and *Letter* 217, 62, 63; Gildas 1 – 3, 11. *S. Aquilonalis* 1; *S. Luci Victoriae* 7, 8; Columban A 3, B 3, 15, 17; *Ambrosianum* II, 1; Cummean II, 6, 9, 10, X 5, 8, 9.

circumstances (time and ecclesiastical area) the following basic developments are evident:

- Committing the sin with a free person draws a more serious penance as fornicating with a slave. This degree of penance incidentally highlights the improved safety situation and structure of the society in England in Theodore's time: the human existence in an unfree status as bondsman or -woman was at least tolerated even by ecclesiastical authorities. The translation with the term "slave"[180] nevertheless appears as problematic. There is a striking difference between those (Christian) people, who were abducted and treated in captivity as slaves,[181] and these individuals, who around 800 A. D. handed themselves over in the status of serfs (*ancilla* respectively *servus*).[182] Unlike a slave, a person without any rights, the bondmaid or the bondservant posseses certain rights: for example the maid (*ancilla*) to be set free, if she got pregnant by her master; or the servant (*servus*) to keep the money he has earned by labour.[183]
- The penance for a non-recurring slip is clearly milder than continued trespasses by habit.[184]
- The severity of the penance also depends on the trespasser's age.[185]
- An adulterer or defiler of a vowed virgin has to atone longer as fornicator with a person free of bonds.
- If one begets a child, he has to bear a longer fast as the one, whose lapse remains without consequences.
- If the unchaste person is a monk or a cleric, the degree of penance depended on his estate: a bishop or an abbot is fined with degradation into laity and (except Basil and Theodore) with a harsh penance of ten years and more. Fallen priests, deacons and monks are to be degraded as well as having to atone with graded penances. The severity depends on the order of their office, i. e. from the priest downwards.

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[180] Cf. McNeill and Gamer, *Medieval Handbooks*, 196, 211, 212.
[181] The term "*dira captivitas*" clearly indicates the fate as slave, *S. Luci Victoriae*, canon 4, Bieler, The Irish Penitentials, 68. This is supported by the very early source of Patrick's *Epistola*, wherein he accuses Coroticus to sell Christians into the hands of the Irish and the Picts. Cf. O'Loughlin, *Saint Patrick*, 100.
[182] Finnian himself seemed to know this fundamental difference. In canon 30 he ordered a penance for clerics, who embezzle collected money "for the redemption of captives". Bieler, *The Irish Penitentials*, 85. Paying a ransom shows the ecclesiastical effort to release fellow-Christians from captivity, which simultaneously means slavery. Cf. Cummean, IX, 14, Bieler, *The Irish Penitentials*, 127. In canones 39 and 40 Finnian refers to an "*ancilla*". That person obviously is in another status and more appropriate termed as a bondsmaid.
[183] Cf. **U**II, XII, Finsterwalder, Die *Canones Theodori*, 331.
[184] See: *Paenitentialis Vinniani*, canon 11, *Paenitentiale Cummeani*, canon X, 15 and *Poenitentiale Theodori* **U**I, II, 7 or VII, 1.
[185] See: *Paenitentiale Cummeani*, canon X and *Poenitentiale Theodori* **U**I, II, 7, 11.

- Violence in connection with fornication (bloodshed) entails alongside with a serious penance the ban from carrying weapons.

- Is the consummation of the marital intercourse effected in an unnatural way? – The canones **U**I,XIV, 21–23[186] again describe bluntly[187] a way of marital intercourse, which in the opinion of Theodore appears as unnatural. It has no parallels in the former penitentials. Especially the case addressed in **U**I,XIV,22 is judged exceptionally serious. The trespasser has to suffer for this way of intercourse a penance like for the sin of cohabitation with an animal (**U**I,II,2,3): at least ten years. Distinct from this harsh penance the trespasses mentioned in **U**I,XIV,21 and 23 merely draw a penance of a *quadragesima*'s fasting.
- Is it a case of natural fornication or unnatural intercourse like same-sex cohabitation or activities with animals? – Like in cases of natural fornication the imposition of penance for homosexual and zoosexual actions has a long tradition: the 450 years' history of these transgressions and the related penance leads from

  - Basil in Letter 188, 7 and 217, 62 (homosexuality) and 217, 63 (zoosexuality) in the last third of the fourth century, via
  - Gildas' canon's 1 – 2 (homosexuality) and canon 11 (zoosexuality), via
  - *Sinodus Aquilonalis* canon 1 (homosexuality), via
  - *Sinodus Luci Victoriae* canones 7 (zoosexuality) and 8 (homosexuality), via
  - David canones 5 and 6, all from the beginning of the sixth century onwards, via
  - Columbanus' canones A 3, B 3, 15 (homosexuality) and canon 17 (zoosexuality) last decade of the sixth century, via
  - the *Paenitentiale Ambrosianum*'s canon II, 1 at the beginning of the seventh century, via
  - Cummean's canones II, 9 and X, 14, 15 (homosexuality) as well as II, 6 (zoosexuality) at the middle of the seventh century finally to
  - the *Discipulus*' **U**I,II,2,4–8,12 respectively VIII,10 (homosexuality) and II, 2, 3 (zoosexuality) in the first decades of the eighth century.

In this context the *Discipulus Umbrensium* appears as a collector, because he outlines various decisions with different degrees of penance:

[186] **U**I, XIV, 21, 22 par **Co** 155; **U**I, XIV, 23 par **G** 107 par **Co** 156.
[187] **U**I, XIV, 21*: retro nubere*; **U**I, XIV, 22: *in tergo nubere*; **U**I, XIV, 23: *menstruo tempore coire*.

canon	vice and penance	parallel	penance
UI,II,2	*Qui saepe cum masculo aut cum pecude fornicat, X annos ut peniteret (Theodorus) iudicavit*.	**G** 93	X years
		Co 152	X years, others: VII
UI,II,4	*Qui coierit cum masculo post XX annum, XV annos peniteat*	**G** 91 (post XV)	XXX years
UI,II,5	*Si masculus cum masculo fornicaverit, X annos peniteat.*	**G** 91	X years
UI,II,6	*Sodomitae VII annos peniteat; molles sicut adultera* (see: XIV, 14: VII annos).	**D** 153, 154	VII years; molles: I year
		G 101	VII years, wo-nanish man: I (adultress: VII)
		Co 161	VII years, wo-manish man: I
UI,II,6	*Mulier cum muliere fornicando, III annos peniteat.*	**G** 95 **Co** 157	III years
UI,II,3	*Item alliud: Qui cum pecoribus coierit, XV annos peniteat.*	**G** 93	XV years

The tabular overview does not provide an overall and uniform picture. The same state of affairs ("*qui cum masculo respectively pecoribus coierit*") is depicted differently and imposed with a different penance. The verb "*iudicavit*" in **U**I,II,2 clearly indicates the fact that the Archbishop Theodore is the subject of the verb and therefore the one, who issued the directions. The *Discipulus* however is the compiler, who has written down these directions with the longest distance in time to Theodore's original decisions. Therefore his material is rather widespread and includes most clearly Basil's assessment of penance. It is also possible that the *Discipulus* applies to various Theodorian decisions, which the archbishop had made at different occasions. *Fornicare cum m*asculo as well as *coire masculus cum masculo* (*mulier cum muliere*) and *sodomitae* mark the same sinner. As aforesaid, the decisions of Theodore had been recorded at different times. This observation may explain the different descriptions of the vices in question and – above all – the different penance. The same-sex cohabitation of male persons in **U**I,II,2 and 5 entails a ten years penance. On condition that the trespasser is over twenty, **U**I,II,4 decrees a penance of fiveteen years (based on Basil's Letter 217, 62), the same penance, if natural brothers copulate with each other (**U**I,II,19). The penance of thirty years for sodomites over fifteen years in **G** 91 gets so out of line that a misunderstanding in the text's tradition (see: Basil Letter 188, 7) appears as very likely. The incredibly long penance of thirty years contradicts the statement in **U**I, II,7 that boys have to bear a penance of two, in case of recurrence four years for homosexual practices. In addition Theodore even regulates ("*iudicavit*") elsewhere (c. **U**I,II,11)[188] that boys, who practise fornication with each other, have to suffer blows instead of fasting.

[188] Par **G** 99 par **Co** 160.

Another text-passage, **G** 101: "*Sodomitae VII annos et molles I annum peniteant sicut mulier adultera VII annos peniteat*"[189] appears as out of all reason and inconsistent: What is the penance for the "*molles*", one or seven years (like an *adultera*)? The "*molle(i)s*"[190] obviously is the partner in a homosexual relationship, who plays the "female" (womanish) role. Here the *Discipulus* acts not only as collector, but also as a corrector. Obviously with knowledge of mistakable compilations he clarifies the text's correlation, when he formulates: "*Molles (peniteat) sicut adultera*". And in **U**I,XIV,14 he states unequivocally: "*Mulier adultera VII annos peniteat*." So it can be rightly assumed that Theodore at a particular time imposed on both (male) partners in homosexual relationship the same penance. For a comparable relation of female partners in **U**I,II,12 he decrees a penance of three years, which makes a remarkable difference. The text gives no explanation for the difference between three years (women) and at least ten years (men). Sometimes the time's distance simply does not allow an explanation and coerces the observer to acknowledge the text's remarks: obviously at Theodore's time the homosexual activities between female partners are evaluated as not as morally reprehensible in comparison with the cohabitation of male partners.

The honest frankness, which appears in the *Discipulus writings*, has a history in the penitentials and already had been addressed above. This openness represents the engaged strain to maintain morale and ecclesiastical discipline among the faithful of all estates. It is remarkably revealed in the compilations of Theodore's directions about a special case of intentionally caused ejaculations, which is described exclusively in the issues **U**, **G** and **Co** of Theodore's advice; it appear in no other penitentials. The *Discipulus* again is the only one, who defines in **U**I,II,15 the transgression as a "*pessimissimum malum*".[191] The issues **G** 100 and **Co** 153 show consistently a penance of three years and appear to be closer to Theodore's original advice as the regulation of the *Discipulus*. He imposes in **U**I,II,15 a distinct harsher penance of seven years and adds a collection of alternatives, which reach from a life-long, twenty-two and again seven years penance. The intentional and unintentional pollution represents a widerspread topic in the earlier penitence-writings.[192] It is remarkable that the author of one of the first penitence-writings, the *Sinodus Luci Victoriae* in canon 8, and almost two hundred years later the *Discipulus* in **U**I, II, 15 do not show any reserve to describe in detail frankly certain sexual activities: the Discipulus a practice of ejaculation[193] and the *Sinodus Luci Victoriae* various forms of homosexual

[189] Par **Co** 161; the sentence: "*Sodomitae autem VII annos peniteant, mollis vero I annum sicut mulier*" is unintelligible as well.
[190] The Latin word *mollis* means "soft", "accommodating", "effeminate". The latter word: "effeminate man" is used in McNeill's and Gamer's translation, *Medieval Handbooks*, 185, which also points to that role in the relationship.
[191] **U**I, II, 15: "*Qui semen in os miserit*…" Haddan and Stubbs, *Councils* III, 178.
[192] Cf. *Praefatio Gildae*, canon 22; *S. Aquilonalis*, canon 2; *Excerpta Davidis*, canon 8; *P. Columbani*, canon A/7, B/10; *P. Ambrosianum*, II, 4; *P. Cummeani* II, 12, 13.
[193] Comparable frank is the description of marital intercourse's varieties in **U**I, XIV, 21, 22.

intercourse.[194] But also the other penitence-writings between these two exceptional corner-points nominate straightforwardly the various manifestations of different vices. As the background of this honesty appears the insight that nothing darkens the Church's credibility more than the existence of sin within the community: the guilt of its members and especially those, who fulfil a special ministry and leadership. But this precisely represents the strength of these writings, which deal with human faults and their healing (conversion and penance) in the sense of the penitentials. Like a doctor for the body (*corporum medicus*) the spiritual doctor (*spititalis medicus*) needs an accurate diagnosis of the souls's ailment to acquire the most salubrious remedy to cure the wounds of sin.[195] The penitence-writings namely challenge the gap between a high demand for holiness and the reality of sin: on the one hand to strive for perfection, expressed essentially in the introducing sentence of Columbanus' *Regula monachorum*: "*Primo omnium docemur deum diligere ex toto corde et ex tota mente et ex totis viribus et proximum tamquam nosmet ispsos*."[196] And on the other hand the trivial experience that "*magnum crimen*" (Finnian)[197] or "*pessimissimum malum*" (**U**I, II, 5) and numerous other evil doing happens in the Church of all times. There is no final certainty, whether all loathsome trespasses actually happened. But it is likely that the authorities, who compiled a penitential, did not refer to merely invented occurrences.[198] But because the compilers of the penitentials understood themselves as spiritual doctors, pastors and spiritual directors, they do not concede victory to the malignity among congregation. On contrary: they turn themselves towards the upkeep of the Church's holiness, promoted by the faithful's entire discipline and persuasiveness. And their texts as a whole express the conviction that frankness is the only way to cope with sin within the Church and simultaneously to maintain the convincibility of its community. This enormous effort represents an ageless pastoral program.[199]

Alongside with the above described case other relevant trespasses can be found in **U**I,VIII,3 (par **G** 118 par **Co** 25), **U**I,VIII,7 (par **G** 119 par **Co** 27), **U**I,VIII,8 (par **Co** 210). But this frankness was not uncontroversial. So the advice of Theodulf of Orleans (760 - 821) is to be understood that the confessor shall not make known to the penitent all sins, which are described in the penitentials. Theodulf names a peril: a person could be tempted after learning about all the

[194] The translation of Bieler (The Irish Penitentials, 69) as well as McNeill (*Medieval Handbooks*, 172) may indicate their reserve to translate due to the description's frankness the original text literally.
[195] Cf. *Paenitentiale Columbani*, introduction of part B, Walker, *Sancti Columbani Opera*, 170.
[196] *Regula monachorum*, Walker, *Sancti Columbani Opera*, 122.
[197] *Paenitentialis Vinniani*, canon 22, Bieler, *The Irish Penitentials*, 80.
[198] Cf. McNeill, *Medicine for sin*, 21, 22.
[199] Benedict XVI.: "The greatest persecution by foes towards the church does not come from outside, but from sin within the church". KNA, 11 May 2010, on the flight into Portugal; translation by the author.

portrayal of faults in detail to commit unchastity in a way, which he (or she) did not know before.[200]

Other trespasses against chastity are listed by the *Discipulus*: impure thoughts and forbidden desire (UI, II, 21, 22 and VIII, 3), lascivious touching (UI,VIII,1) or ardent kisses, committed ecclesiastical officials (UI,VIII,3) and masturbation (UI, II, 9, 3). These transgressions too have a broad penitential history, for example:

- impure desire: Gildas, canon 4, David, canon 8, 9, Finnian, canon 1 – 3, Columban A/3, *Ambrosianum* II, 3, 9, Cummean II, 11, 13, 14. On condition that sinful imaginations are not intended and the object of evil thoughts is not comitted, the person enjoys pardon (**U**I,VII,4: *indulgentia*).[201] This direction is reminiscent of the *Ambrosianum*'s article II, 10, where a person, who resists temptation, is appreciated as a victorious fighter (*victor miles*);
- lasciviousness (clerics): Finnian, canon 15 – 17,
- masturbation: Gildas, canon 11, *S. Aquilonialis*, canon 2, Columban A/7, B/10, *Ambrosianum* II, 4, Cummean X, 13.

A résumé of the compilations of Theodore's directions about penance yields the effort to deliver a catalogue of vices against chastity as complete and accurate as possible. This endeavour specifically applies to the *Discipulus Umbrensium*, who has not only the longest distance to the archbishop's advice, but also a good knowledge of the penitential-literature. The *Discipulus* can draw upon a history of more and more developed and specified directions to deal with different offences against chastity. Where he has no material of Theodore himself or his earlier compilers, the *Discipulus* uses other penitence-writings to complete his handout for "all catholic physicians of soul among the English (*Anglorum*)".[202] The analysis of his intensive dealing with the vice of fornication clearly reveals that he is keen in doing his utmost to enable the confessors in the application of the salubrious remedies of penance (*remedium penitentiae*). This intention, which is explained exemplarily by the treatise *de fornicatio*, pertains for all the Penitential. So the *Discipulus Umbrensium* prefixes that aim programmatically, when he unfolds the Archbishop Theodore's and him preceeding directions for contrition, conversion and penance.

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[200] Cf. Theodulf, *Capitularia*, PL 105, 219: "*Sed tamen non omnia criminal debet ei innotescere, quai multa vitia recitantur in poenitentiali quae non decet hominem scire. Ideo non debet eum sacerdos de omnibus interrogare; ne forte cum ab illo recesserit, suadente diabolo in aliquod crimen de his quae ante nesciebat cadat.*" Cf. too McNeill and Gamer, *Medieval Handbooks*, 397. Pope Nicholas I. also vents in a letter to the Bulgarians (866) his opinion that the penitentials are not suitable for lay-people, because they are unable to understand them. Cf. Canon 75, PL 119, 1008 and McNeill and Gamer, *Medieval Handbooks*, 407. Gaastra, *Between Liturgy and Canon Law*, 7.

[201] Almost literal in **D** 62, **G** 169, **Co** 163.

[202] **U**I, *praefatio,* Haddan and Stubbs, *Councils*, 173; translation by the author.

7.3.4.3. Offences against life and physical integrity: *de occisone hominum*

Homicide commited for a variety of reasons is listed and again specified according to the vice itself as well as to a group of persons. Unlike the source of the *libellus Scottorum*, which is identified as the *Paenitentiale Cummeani*, the *Discipulus* leaves the Eight-Vices-Scheme according to Cassian: while Cummean deals with homicide under the title *de ira*, the *Discipulus* unfolds the different aspects of this vice in canon **U**I,IV under the headline: *de occisione hominum*. The Cassian key-word *ira* represents the structural hierarchy in the *Ambrosianum* Penitential too, but it also contains the insertion *de homicidiis*, which especially regulates homicide committed by clerics and monks, alongside with the vices of *fornicatio* and *dolum*. This regulation is a good example for the complexity of the penitentials' history:

a) Sixth century:

The earliest source probably represents canon 2 of the *Sinodus Luci Victoriae*. Here already appears a clear distinction: homicide *ex odii meditatione*, meaning murder caused by hate, and *ex iracondia subita*, meaning manslaughter (or mayhem) by fury. The regulation's wording suggests that a planned (intentional) murder draws a harsher penance as an offence commited by a sudden impulse (non-intentional). The latter case delivers an element of penance: three years of fasting for manslaughter. But this synod informs about two more elements of penance. In case of guidance to barbarians with bloodshed, canon 4 decrees that the offender is banned from carrying weapons and has to bear a life-long penance of a quasi-monastic existence. The *Sinodus Luci Victoriae* does not contain any utterance about the offender's estate.

This is to find in the later *Excerpta Davidis*. The directions start with targeting clerics and vowed people and is laid down in canon 7: in a case of *homicidium* a bishop has to atone thirteen, a presbiter seven, a deacon six and a monk four years. The canon simultaneously expresses that this degree of penance also is valid for the (major) sins of fornication and fraud. Canon 11 explains that the penance has to be served by fasting, but also contains different regulations. This canon namely introduces

- an alternative treatment of offenders, for example a uniform penance for all ecclesiastical estates, clerics, vowed and lay-people (*quislibet homo*) or other decrees with different periods of repenting,
- *superpositiones*, conditions that make harder the penance's execution (here: sleeping on a hard bottom layer),
- or relief in the fast's performing (additional food).

In the *Excerpta Davidis* already appears a wide range of treatment for penitents above all sorted by the two aspects: trespasser (ecclesiastical estate)

and trespass itself. This basic distinction more or less runs like a common thread through all further penitence-writings.

This indeed recurs in the *Penitentialis Vinniani*. In a case of *homicidium* the canones 23 and 24 regulate for clerics alongside with fast and abstinence (seven years) exile for ten years. After serving the penance he is obliged to support to victim's parents. A member of the laity has to bear a penance of three years accompanied by the ban of carrying weapons, abstinence from marital intercourse and almsgiving (canon 35). The different treatment of clerics and lay-people by the way can support the conclusion that in Finnian's ecclesiastical environment clerics were not allowed to marry[203] and to carry weapons. Canon 6 reasons the striking difference of penance's measure: the guilt of a lay-person weighs lighter because of his reward in the afterlife is less in comparison with an ordained man. The principal form of penance remains in fasting for a certain time; the length depends from the trespasser's estate.

The *Paenitentiale Columbani* consists of two sections: rules for the monastic zone (A) and area outside a monastery (B). The regulations for *homicidium* are similar to these of Finnian's Penitential: A monk has to atone for with ten years according to canon A/3. A cleric, who has committed murder, also has to bear a fast of ten years, namely in exile. On condition that he consents to compensate to the victim's relative, he can return after the testified performance of penance. If not, he is not allowed to return and he has to continue a life-long existence as fugitive (B/1). And a murder of the laity is ordered to repent by a three-years-fast, in exile and unarmed with the obligation of compensation afterwards (B/13).

b) Seventh century:

The insertion of article 6 into the *Ambrosianum*'s canon II (*de fornicatione*) possibly follows the intention of the author to place major sins committed by an ordained or vowed person as early as possible in the penitential. The first possibility arose indeed in the treatise of fornication. So almost parallel to *Excerpta Davidis*' c. 7, the *Ambrosianum* mentions in c. II, 6 the trias of major sins: *homicidium*, *fornicatio* and *dolus*. The penance for a perpetrating bishop is thirteen years, for a priest seven, for a deacon six and for a monk four years of fasting. The article's context prompts the conclusion that the penance has to be served in exile. Apart from that canon IV (*de ira*) deals with the other cases of homicide: intentional killing, murder (*odii meditatione per insidias*) in article IV, 3 and and non-intentional killing, manslaughter (*per furorem*) in article IV, 4 or mayhem (*casu nolens*) in article 5. Committing murder draws a ban from carrying weapons and a life of self-denial and quasi-monastic

[203] This conclusion is supported by the regulation of canon 27 in Finnian's Penitential. See above chapter 3.2.3.3.

ascetism until death. A person committing manslaughter has to serve a penance of three years', committing mayhem of a one and a half year's fast.

It is canon IV (*de ira*) too, which deals in the *P. Cummeani* with the sin of homicide. Like the *P. Ambrosianum* the canon IV, 5 of Cummean's Penitential it is provided that murder (*odii meditatione*) has to lay down the weapons and atone until his death with a quasi-monastic life. A perpetrator, who has taken a vow (*vota perfectionis*) has to serve his life-long penance in annual pilgrimage (*cum peregrinatione perenni mundo moriatur*). The two different cases, manslaughter (IV, 7: *per furorem*, three years) and mayhem (IV, 8: *casu nolens*, one year) are treated almost in the same way.

From the beginning of the sixth until the middle of the seventh century a complex manifestation of ecclesiastical sanctions for the trespass "*homicidium*" has been developed: homicide appears intentionally as murder (*odii meditatione*) and unintentionally as manslaughter (*per furorem*) or mayhem (*casu nolens*). The main form of repenting (fast) becomes accompanied by ever-increasing impositions (*superpositiones*): hardened life-conditions, abstinence from meat and wine, ban from marital intercourse or carrying weapons, exile (optionally performed as pilgrimage) and compensation to a victim's relatives. And the trespassers themselves are judged according their ecclesiastical estate: monks, clerics and lay-people. A vowed and ordained person has to expect a substantially more severe penance in comparison with a member of the laity. Basil, Theodore's influential authority, discusses at some length the problem of the judgement about *homicidium* in his Letter 188, 8 (and 188, 11 and 13).[204] The distinction in intentional (*voluntarie interficere*) and in non-intentional (*non voluntarie interficere*) concur in Letter 217, 56 respectively 217, 57 with the Basilian penance: exclusion from the community and the sacraments participation, twenty years (*annis viginti sacramentorum non erit particeps*) for intentional and ten years (*per decem annos sacramentorum non erit particeps*) for non-intentional killing.[205]

Theodore highlights and discusses the capital sin of homicide under two aspects: targeting the trespass *de occisione hominum* (**U**I,IV and **U**I,XIV,25 – 27 [abortion or infanticide]) on the one side, aiming the trespasser on the other side (**U**I,VII,1 [multiple offender], IX, 8 [ordained or vowed person] and XIV, 25 – 27 [woman]). Especially in the dealing with the notion of trespass again can be realized that the *Discipulus* is zealous to deliver a catalogue as complete as possible. Comparing the directions the collection-character as well as the *Discipulus*'s effort to specify the vice of *homicidium* appears in his advice. First of all he describes concisely and undecidedly in **U**I,IV,3 different experiences, though he is familiar with, but not the other compilers of Theodore's advice: the

[204] Cf. Basilus, *Epistola* CCXVII, Mauri III, 396, 399.
[205] Cf. Basilus, *Epistola* CCXVII, Mauri III, 472.

measure of penance for homicide consists of ten or seven years. Alongside with this overall finding the *Discipulus* mentions then the commonly known motifs of offence, which he also knows from the penitence-writings prior to Theodore's advice:

- **U**I,IV,4: *laicus alterum occiderit odii meditatione* (par **D** 80 par **G** 112 par **Co** 135), murder: The *P. Ambrosianum* (IV, 3) as well as the *P. Cummeani* (IV, 5) and Theodore's advice contain the identical wording of the trepasses' motif: *odii meditatione*. The *Ambrosianum* and Cummean however order relentlessly and uncompromisingly that the trespasser has to lay down weapons and atone with a quasi-monastic life. But the comparison with the regulation of **U**I,IV,4 conveys an interesting insight in a still divided ecclesiastical community. The ban of carrying weapons actually could be pushed through among the Irish and therefore in the Irish influenced part of the Church in England (Northumbria). But the still vivid warrior-mentallity of the Anglo-Saxons, the society south of the Humber obviously did not allow Theodore to forbid a free man publicly to wear arms. So the archbishop offered an alternative: a seven years' fast and three more years of abstinence instead of walking unarmed.
- **U**I,IV,7: *per iram* (par **D** 80 [*iram subitam*] par **Co** 136), manslaughter. The classification of the Latin term *ira* in **D** 80 as *ira subita* clearly proves that Theodore points to fury (*furor*) instead of the more temperate notion of anger (*ira*).[206] As stated above, here parallels are found to the former penitentials
- **U**I, IV,7: *casu* (par **D** 80 [*eventu*] par **G** 112 par **Co** 136), mayhem. The Latin term *casus* is likewise explained with the parallel of **D** 80: *eventus* means in this context a perfect storm, circumstances, which appear similar to previously described cases of non-intentional killing.[207]

Finally the *Discipulus* adds further new particulars, which appear as suitable for a differentiated judgement and impostion of penance:

- **U**I,IV,1: (*occisio*) *pro ultione propinqui*. This direction, which can be found in **D** 157 and **Co** 130, 131 too, contributes to the progress of the society's civilization. Revenge represents an action of lawlessness and points to anarchic social circumstances. This may explain the relatively severe penance of seven or ten years. Provided that the avenger consented to pay compensation to the victim's relatives, the imposition can be halved (par **Co** 131). If the homicide happens in a brawl (*per rixam*) the offender has to suffer a same ten years' penance (**U**I,IV,7). Both directions (about

[206] Cf. *P. Ambrosianum*, IV, 4, Körntgen, *Studien*, 263 and *P. Cummeani*, IV, 7, Bieler, *The Irish Penitentials*, 120.
[207] Cf. *P. Ambrosianum*, IV, 5, Körntgen, *Studien*, 263 and *P. Cummeani*, IV, 8, Bieler, *The Irish Penitentials*, 120.

revenge and fighting) can be seen as a contribution of the church to establish a public legal system, which posseses the monopoly on legitimate use of force in a civilized society.[208]

- The interpretation of **U**I,IV,2 (*occisio*) *pro vindicta*, causes some difficulties. The parallel text in **G** 111 (*per vindicta*) only provides a penance of three years. The Discipulus however leaves the answer open: three or ten years. A possibly correct explanation depends on the translation of the Latin word *vindicta*: liberation or rescue. On condition that a person violently is liberated from an unjust captivity, this action can be seen as a rescue. This case is comparable to the regulation of **U**I, IV, 6 (par **D** 95 par **G** 113 par **Co** 132), because the actors are held by a crisis (unjust captivity) or superior orders. A homicide actually occurring in this context is excusable and therefore the imposed penance is relatively lenient: a *quadragesima*. But if a person is taken out of a prison by violence, where he or she was sent in due to a fair and proper trial, a killing in connection with that action has to estimated at least as manslaughter (three years) or even as murder (ten years). So on a closer inspection the *Discipulus* not only proves himself as a busy collector, but also as an exact analyst.
- In canon **U**I,IV,6 (par **G** 113 par **Co** 206) is dealt with a case of killing by *maleficium* in form of a magic or venom-potion ([*occisio*] *per poculum vel artem aliquam*). The penance corresponds to that of an intentional killing and consists of a seven years'[209] or a longer period of fast.
- A person of holy orders or a cleric at Theodore's time benefited from special protection. A killer of a monk or a cleric has to lay down his arms unconditionally and to bear a seven years's monastic life or a related penance according to a bishop's judgement. If the victim is an official, a bishop or a priest, the offender has to be handed over to the civil authority (*rex*). This means an extremely severe sentence, because the delinquent very likely has to expect a death penalty or at least mutilation.[210]
- A special case of homicide is abortion and infanticide, which are regulated in the articles **U**I,XIV,24 – 27. It is remarkable that Theodore and his contemporaries share the conviction that a human being does not possess a soul (*anima*) before a forty-days-period after conception. Therefore in their opinion an inspirited human life begins only after forty days. That is all that more surprising, because Basil maintained the contrary: for him abortion is murder, because for him there is no distinction beween an

[208] Cf. Frantzen, *The Literature*, 10.
[209] The manuscript CCCC 320, used by Haddan and Stubbs, delivers a penance of four years. Finsterwalder's reference-text however has seven years. Because **G** 113 and **Co** 206 contain seven years too, it can rightly be assumed that the four years in the Cambridge Library's text represent an error during the transscribition-process.
[210] Cf. Vogel, *Les Libri Paententiales*, 44, 45.

unformed and a formed foetus.[211] Destroying an unborn being before the fourty-day-period is in Theodore's opinion not that reprehensible. Though the *Discipulus* has various penances,[212] but the comparison with the other compilations **D** 114, **G** 105 and **Co** 143 points to an original decision of Theodore: one year. After the fourty-days-period it has to be seen as *homicidium*. The duration of the penance hovers between three years (**D** 114, **U**I,XIV,24) and ten years (**U**I,XIV,24, according to other canones). There exists a correspondence to Finnian's canon 20. Here on a woman, who destroyed her unborn child by magic, the following penance is imposed: half a year of fasting (bread and water) and another two years of abstinence from wine and meat.[213]

Beside that case of arborticide a case of infanticide is described in **U**I,XIV,25, 26: on a mother, who kills (*occiderit*) her child, a penance of fifteen years is imposed; a mother in poverty has to atone with a reduced penance. Here again the *Discipulus* has various sources: one source sanctions the infanticide with a seven-years-penance, another with ten years of repenting. The presumably earliest parallel-text **D** 90 merely states that a woman, who took her child's life, has to bear a penance of seven years, the same penance as for intentional homicide (**D** 80). This possibly can represent the Archbishop's Theodore measure, which he himself prescribed for infanticide, if this offence can be compared with homicide. The argument for this assertion can be revealed by the observation that the *Discipulus* as well the compilers of **G** and **Co** have a much harsher degree of penance: **U** and **G** 102: fifteen years, **Co** 139: twelve years. Even a comparison with earlier penitence-writings does not create more clarification. The only parallel-text is to be found in Columbanus' Penitential canon B/18: if a man or a woman asphyxiates (*opprimere*)[214] their child (*infans*), Columbanus directs a significantly slighter penance (a one year's fast, abstinence for two more years). Possibly Basil can help all that much, because in Letter 217, 52 he delivers some clarifications: firstly, he narrows the situation of infanticide to the event of birth and the negligence of the just born child; secondly, he decides that a homicide only takes place, if the mother neglects the child intentionally (*inhumana cogitatione*); and thirdly, he declares the mother not guilty on condition that the life's circumstances blamelessly prohibit her from the necessary care. Especially the last direction corresponds to the *Discipulus*'s article **U**I,XIV,26 (par **G** 103 par **Co** 140): Provided that the woman lives in poverty, a reduction of penance is indicated. **U** and **G** deliver two different consequences: seven or ten years. **Co**

[211] Cf. Basilus, *Epistola* CLXXXVII, canon 2, Mauri III, 393: "*De formato autem aut informi subtilius non inquirimus*."
[212] According to the *Discipulus* the penance (one year, three *quadragesimae* or one) depends on the gravity of the guilt. He however does not deliver a criterion.
[213] See above chapter 3.2.3.1.
[214] The Latin term "*oppresserit*" possibly represents a hint to a usual killing method. Walker, *Sancti Columbani Opera*, 176.

determines only for ten years. It can be assumed that the knowledge about the seven-years-penance is based on an oral tradition of Theodore's advice. Because the ten-years-penance is appropriated to an unidentifiable "*canon*", this regulation probably was taken over by a certain direction of an ecclesiastically applied guideline. The hint of certain *canones* or directions of others (*alii, in alio loco*) appears in the *Discipulus*'s compilation at various places. Some can be identified as canones of ecclesiastical gatherings.[215] Others are without any detailed designation of a related source.[216]

After the discussion of the trespass itself the various groups of trespassers against physical integrity are to be commented upon. Article **U**I, IV, 4 names the estate of a trespasser: *laicus*. In this context it can be assumed with a high probability that the canon **U**I,IV on the whole deals with the group of lay-people.

Another group of trespassers is determined under the headline: *de his qui degraduntur vel ordinari non possunt*: ordained people and those in holy orders. The simultaneous and tantamount mention of homicide and fornication (**U**I, IX,8) already appears in the *Discipulus*' canon **U**I,VII,1. But the context points to multiple offender, meaning to a trespasser, who commits not either homicide or fornication, but a combination of homicide, adultery and fornication with animals as well as fraud. The fact that Cummean in II, 1 – 6 deals with fornication of ordained people and those in holy orders, but not with homicide or fraud in the same paragraphs shows a closer proximity of the Irish source with the *Discipulus*'s compilation. In his classification the Northumbrian disciple mentions expressively a bishop, a presbiter and a deacon, who have committed fornication (**U**I,IX,1). So it is possible to draw the following conclusions: firstly, homicide took place also among ordained people. Secondly, the estate of the trespassers can be identified. Thirdly, the article **U**I,IX,8 regulates that commiting *homicidium* is of an equal severity as commiting *fornicatio*. Therefore a murderer has to bear the same penance as a fornicator. So the direction of article **U**I,IX,1: *episcopus, presbiter, aut diaconus facientes fornicationem degradari debent* is to apply analogously. This notion is supported by the regulation in **D** 127: that canon determines subsequently to a regulation about a *presbiter*, who culpably failed to baptize a fatally ill child (**D** 126): *Similter aut si occiderit hominem aut fornicationem fecerit deponatur*. The penance for *homicidium* therefore consists predominantly of degradation into the lay-estate and an impostion according to the bishop's decision. But penitents remain to be among the community including the permission to take the communion.

A third group, which expressively is addressed, is represented by women, who are guilty of abortion or infanticide. It is a clear evidence of a pastoral attitude, which unequivocally traces back to Theodore's conviction, that the confessor has to take

[215] Cf. **U**I, II, 18: *Council of Ancyra*, canon 21, Mansi II, 519.
[216] For example **U**I, II, 15, IV, 2, V, 7, 10, VII, 9, X, 1, XII, 1, XIV, 24, 26.

in account dire straights of mothers (for example: poverty), when he assesses the penance. Nevertheless, even if the penance is halved (seven instead of fifteen years) in the case of need, the targeted killing of an unborn or a born child remains to be a capital sin.

Here too a résumé of the Archbishop Theodore's advice concerning offences against bodily integrity, compiled by different authors, show their effort to deliver a most detailed and completed catalogue. The officiating pastors shall be enabled to assess the trespass' dimensions as well as the trespasser's personell situation. For the *Discipulus Umbrensium* and those, whom he wrote for, a history of the trespasses' diagnosis and related therapy for the trespasser were at hand, which lasts from the last third of the fourth to the first third of the eighth century. The *Discipulus* not only collected the advice of Canterbury's Archbishop Theodore, but he also worked it out and completed it. The *Discipulus* namely refers to decisions of other penitence-writings, if he feels a need of suitable clarification, the mention of deviating opinions or additional prescriptions for a tresspass' appearance and an appropriate penance. As it could be realized among other trespasses, here too the *Discipulus* proves a good knowledge of the penitential-literature from Basil to those of South Britain, the Irish influenced continental and the Irish writings themselves.

7.3.4.4. *Arrea*: commutations or equivalents of a repenting-fast:

In Theodore's directions too the question arises, how a lay-person can afford the organisation of the penance's execution. As stated above[217] a long-term penance (fast) could only be served properly in a monastic or in a quasi-monastic (special house for penitents) environment. The direction of canon **U**I,VII,1 possibly delivers a hint that it was still exercised and a perspective in Theodore's time, at least for multiple offenders:[218] "*eat in monasterium et peniteat usque ad mortem*".[219]

But admittedly this case appears as an extremely serious one. Apart from that the performance of penance, which could last years, remained to be difficult, especially for those, who relied on labour for mere subsistence. This problem must have pestered repenting people and a compromise was demanded.[220] So it is not surprising that within the day-to-day-life of the Church ecclesiastical officials[221] were on the look-out for *arrea*, which means: commutations[222] or

[217] See above chapter 5.2.1.
[218] The offenders of "*multi mala fecerit*" can be interpreted as people, who had committed some of the following offences simultaneously: *homicidium*, *adulterium*, *fornicatio cum pecode* and *furtum*.
[219] Haddan and Stubbs, *Councils* III, 182.
[220] Cf. Dooley, *From penance*, 405, 406.
[221] The 8th century Old Irish Table of Commutations contains in its canones 31 – 33 a list of famous ecclesiastical authorities. Cf. McNeill and Gamer, *Medieval Handbooks*, 146, 147. Cyril

equivalents.[223] The term *arreum* is the latinized form of the Irish word *ar-ren* or *arra*, which essentially means: "payment instead of".[224] Already in the *P. Vinniani*, canones 35 and 36, these compensating exercises are insinuated: for limiting a prescribed penance is recommended: almsgiving to the poor, donation towards the priest, especially taken from the money, which had been saved by life in penance (*fructus paenitentiae*), and catering a feast for monks (*servi Dei*).[225] Cummean too mentions among his salubrious works for remission the fruits of alms, and most of all, various commutations in VIII, 25 – 28. At the turn of the seventh to the eighth century the *Canones Hibernenses*, section II: *de arreis*, offer an alternative, which permits the fulfillment of the penance in the everyday-life.[226] These commutations concerning penitence-prescriptions[227] are influenced by ecclesiastical as well as civil authorities and originated in Ireland in the last quarter of the seventh or the beginning of the eighth century.[228] This collection probably represents the first catalogue of commutations or equivalents, i. e. substitution of a certain penance by an exercise, which could be performed more feasible. The crucial advantage of these alterations was primarily the shorter period of penance, which permitted the penitent to pause in his daily work and to take up his normal living after a short break. The shortages were accompanied by special superpositions: meagre food (bread and water), little sleep, poorly clothed as well as discomfort (uncomfortable seat and genuflections), long chants and prayer. As many as nine commutations with different equivalents for a year's penance are mentioned in section two of the *Canones Hibernenses*: as stated above Theodore has in **U**I,VII,5 the same measure of an equivalent as the *Canones Hibernenses*, II, 6: twelve three-day periods. The wording of **U**I,VII,5 however also makes clear that this commutation Theodore obtained from Cummean's Penitential (*libellus Scottorum*), canon VIII, article 25.[229]

The paying of a *pretium hominis*, means the handing over of a bondservant or a bondmaid respectively their equivalents. Domestic animals or fowl, represents another work of penance, suitable as balance of a long-term penance. The *Canones Hibernenses* deliver in I, 9 a kind of tariff list: "*XII atilia vel XIII sicli praetium uniuscuisque ancillae*."[230] *Atilia* mean poultry or fowl, a *Siclus* is a silvercoin, probably to be compared with a *Denarius*. The penance-charge for

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Vogel expresses his conviction that the *arrea* are as old as the penitentials themselves, *Les Libri Paenitentiales*, 53.

[222] Bieler, *The Irish Penitentials*, 163.

[223] McNeill and Gamer, *Medieval Handbooks*, 122.

[224] Cf. Meyer, *An Old-Irish Treatise*, 485, 486, translation into English: 492 – 498. Bieler, *The Irish Penitentials*, 50, 51. McNeill and Gamer, *Medieval Handbooks*, 35 - 38.

[225] Cf. Vogel, *Les Libri Paenitentiales*, 50.

[226] Cf. Vogel, *Les Libri Paenitentiales*, 47, 48.

[227] Delivered in two manuscripts: Paris BnF Lat. 3182 and Codex Sangermanensis, BnF Lat. 12021. Transcriptions: (Latin) Wasserschleben, *Die Bußordnungen*, 139, 140; (Latin and English) Bieler, *The Irish Penitentials*, 162 – 167; (English) McNeill and Gamer, *Medieval Handbooks*, 122 - 124.

[228] Cf. Bieler, *The Irish Penitentials*, 9, note 1; McNeill and Gamer, *Medieval Handbooks*, 117.

[229] Cf. above chapter 6.2.3.8.a.

[230] *Canones Hibernenses*, Wasserschleben, *Die Bußordnungen*, 137.

abortion or infanticide for instance corresponds to twelve bondmaids (*Canones Hibernenses*, I, 10) and equalizes a penance of twelve years fasting by bread and water (*Canones Hibernenses*, I, 11).[231] Cummean (VIII, 28) as well as Theodore (**U**I,VII,5) refer to the possibility of commuting a penance by paying the *pretium hominis*. The benefit of this payment has to be given to the victim or his or her family.[232]

Paying a stipend for a mass said represents another possibility to replace a penance in form of fasting. The medieval period of the seventh and eighth century took up again the currency and its monetary worth from Roman times. So coins minted in gold and silver were circulating.[233] To estimate the currency translation rate is difficult and depends on the country and its economical and political circumstances. A common and modest estimate is tried by the following relation: one pound (gold) was worth twenty *Solidi* (possibly gold, shillings) or 240 *Denarii* (silver, pennies). This complies roughly with C. Vogel's figures. He delivers a list of equivalents: the tariff for a seven-day or a twelve-day-fast is one mass said. The stipend is 30 *Denarii*. For 120 masses a penitent had to pay 100 *Solidi*.[234] To equalize a year's fast a stipend for thirty masses is required.[235]

Admittedly all these commutations favour prosperous people. This appears exceptionally clear in the most problematic form of commuting penances: its vicarious adoption by persons, who lived in a sinless life and were no penitents. Cyrill Vogel deals with this problem in his 1978 published book: Les Libri Paenitentiales.[236] He refers to a penitential from the Bobbio Monastery, which was found and copied by Ludovicus Antonius Muratori, but still does not exist in its original issue.[237] Muratori's mention of Theodorus Cantuariensis and Sanctus Columbanus as authors of a penitential[238] as well as a detailed catalogue of classical vices and related penances[239] at least point to a penitential of the eighth century. But in this treatise it is also stated that the performance of fasting (*in pane et aqua*) appears difficult for a certain circle of people.[240] Consequently the penitential delivers a list of *arrea*: "*et ideo qui sic ista adimplere non potest consilium damus*":[241] firstly, psalm-singing and praying day and night, secondly, only recitation of certain psalms, thirdly, alms-giving (*Denarii*) and limited

[231] Cf. Vogel, *Les Libri Paenitentiales*, 44 – 47.
[232] Cf. Vogel, *Les Libri Paenitentiales*, 44.
[233] Cf. Blackburn, *Coinage*, BEASE, 113 – 116.
[234] An approximate currency translation yields a value's relation of 0,03 – 0,08 *Solidus* for one *Denarius*.
[235] Cf. Vogel, *Les Libri Paenitentiales*, 51, 52.
[236] Cf. Vogel, *Les Libri Paenitentiales*, 49 – 54, especially 52, 53.
[237] Cf. Muratori, *Dissertatio Sexagesimaoctava*, 711 – 744.
[238] Cf. Muratori, *Dissertatio Sexagesimaoctava*, 711, 712
[239] Cf. Muratori, *Dissertatio Sexagesimaoctava*, 724, 725.
[240] Poenitentiae Ritus, Muratori, *Dissertatio Sexagesimaoctava*, 725: "*Si per consilium XII Annis poeniteant, V ex his in pane et aqua. Et qui sic potest adimplere, quomodo in Poenitentiale scriptum est; nam apud aliquos haec causa ardua et difficile esse videtur*."
[241] Poenitentiae Ritus, Muratori, *Dissertatio Sexagesimaoctava*, 725.

fasting. In case the atoning person is unable to fulfil all these various alternatives of penance, the penitent is allowed to choose a blameless priest or monk (*sacerdos iustus vel monachus, qui verus monachus sit, et secundum regulam vivat*). This upright person (the text suggests an ordained person or a monk) is suitable to take over penance-work for the actual penitent, provided he (or she) pays an adequate compensation (*iustum pretium*). That price probably is not reserved to the substitute himself, but to the institution (monastery, parish) he represents. The context of this penitence-direction also reveals the form of repenting and its equivalents: singing masses (*cantatio missae*), for example one mass for twelve days of fasting. Ten masses replace three month of fasting, twenty nine and thirty a year.[242] Cyrill Vogel in his statement abridges the set of facts: the operative word is not primarily *iustus*, but *iustus sacerdos* respectively *monachus*. His reference to the "δίκαιος" in the Letter of James (5: 6)[243] actually is not totally devious. In the context of the text passed on by Muratori however the term *iustus* does not point to a righteous human being *per se*, but to a just priest or monk. Condition is that he is not atoning himself and therefore able to organize or say masses in place of an actual penitent's penance.[244]

The other source Vogel mentions, a decision of the council of Clof(v)esho(e or h), a Southumbrian synod held in 746 or 747, actually aims at the possibility of deputy acting penance (canon 27).[245] Substitutes were paid for taking over the penance-works. The background of this decision obviously is a curious case of a prosperous person, who was recommended to pay such a lot of commutations that he (or she) could have lived justified for three-hundred years. In the text one person is mentioned (singular: *quidam dives*), whose penance is commuted by several people (plural: *alii*), performing countless works of fasting (*innumera ieiunia*). So the interpretation appears that it was possible for each penitent to divide the penance up into several smaller parts and periods, which then were taken over by various substitutes. Against this widely held misuse (*multorum promissa*) the council polemicised by the biblical hint that it is more difficult for rich people to enter the kindom of heaven than for a camel to pass through an eye of a needle (Mk 10: 25 par Mt 19: 24 par Lk 18: 25). The promoters (*stulti prommisores*) of that way of penance are clearly condemned by the council's decree.[246] In his conclusion Cyril Vogel too draws attention to the danger that a

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[242] Cf. *Poenitentiae Ritus*, Muratori, *Dissertatio Sexagesimaoctava*, 725, 726.
[243] Cf. Vogel, *Les Libri Paenitentiales*, 53.
[244] Cf. Muratori, *Dissertatio Sexagesimaoctava*, 725.
[245] Cf. Cubitt, *Clofesho*, BEASE, 107, Stenton, ASE, 150, 237. Text: Haddan and Stubbs, *Councils* III, 360 – 376.
[246] Cf. Haddan and Stubbs, *Councils* III, 373, 374: "*De hoc proxilius ideo disputandum est, quia nuper quidam dives secundum hoc saeculum, petens reconciliationem pro magno quodam facinore suo, citius sibi dari; adfirmans in sui literis idem nefas iuxta multorum promissa, in tantum esse expiatum, ut si deinceps vivere posit tricentorum annorum, pro eo plene ieiunium satisfactionum modis, per aliorum scilicet psalmodiam, et ieiunium, et elemosinas persolutum esset, excepto illius ieiunio, et quamvis ipse utcunque vel parum ieiunaret. Ergo si ita placari per alios potest Divina iustitia*…" See too: McNeill and Gamer, *Medieval Handbooks*, 394. Poschmann, *Die Buße*, HDG IV, 3 (1951), 67, 68.

meaningful internal coherence is lost between the penitent and his or her fulfillment of penance.[247]

Another catalogue of *arrea*, closely connected to section II of the *Canones Hibernenses*, is called an "Old Irish Table of Commutations", which probably was compiled in the second half of the eighth century.[248] The commutations in their majority are of praying (psalm-singing [c. 2], appeals like: *Deus in adiutorium meum intende*… [c. 10],[249] prayers like: *Pater noster*… [c. 14]), combined with tiring corporal exercises (sleep deprivation [c. 21], long lasting uncomfortable postures [c. 17],[250] repeated genuflexions [c. 12], laying on the soil [c. 19], in waters, on nettles or nut-shells [c. 8]). These works of chatisement have tradition: uncomfortable postures as penance are already mentioned in canon 11 of the *Excerpta Davidis*.[251] Other exceptional exercises are "black fast", meaning renunciation of white (more delicious) food like white meat, milk, cheese, eggs [c. 15], blows [c. 22] and "sleeping in a grave with a dead body".[252] The crucial aim of all these exercises is the effort "to rescue a soul out of the hell."[253] This list of commutations also reveals an interesting insight of the human person: although the wording is targeting superficially the rescue of the *soul*, the perspective of these directions is an integral one, meaning the human person as a whole, with *body* and *soul*. Therefore canon 6 of the Table of Commutations describes the goal of the *arrea* as a kind of cure, which combines spiritual exercises and corporal penance-activities: "fervent prayer"[254] and enduring of tiring chatisement, experiences that cost effort and willpower. This is perfectly expressed in a significant parable in canon 1: "For this *arreum* for redeeming the soul that deserves torments in the body has been made according to the number of joints and sinews that are in a man's body."[255] The close relation between section two of the *Canones Hibernenses* and the Old Irish Table of Commutations also appears in the fact that the Table like the *Canones* does not contain any pecuniary aspect of commutation. The following explanation admittedly could be seen as a speculation, but the above mentioned Clofesho's decision might plead for its plausibility: depending on different social circumstances and a more feudal

[247] Cf. Vogel, *Les Libri Paenitentiales*, 53, 54.
[248] Cf. Bieler, *The Irish Penitentials*, 278, text: 278 - 283, McNeill and Gamer, *Medieval Handbooks*, 142, text: 142 – 147.
[249] In Cassian's *Collatio* 10, 10 the abbot-father Isaac already recommends to reiterate this sequence as often as possible (Petschenig, 299), a recommendation, which *Columbanus* remembers in his *Regula coenobialis*, IX (Walker, 158).
[250] For example in form of "cross-vigils", means praying during night-watches in a posture with stretched arms, shaping the cross.
[251] Cf. Bieler, *The Irish Penitentials*, 70, 71.
[252] Canon 8, McNeill and Gamer, *Medieval Handbooks*, 142. Cf. canon 3 of the *Canones Hibernenses*, McNeill and Gamer, *Medieval Handbooks*, 123.
[253] Canon 1, Bieler, *The Irish Penitentials*, 278.
[254] Canon 19, McNeill and Gamer, *Medieval Handbooks*, 145.
[255] Canon 1, McNeill and Gamer, *Medieval Handbooks*, 142. Cf. too Bieler's commenting explanation of canon 6 (*The Irish Penitentials*, 278) and its parallels in canon 1 of the *Praefatio Gildae* (*The Irish Penitentials* 60, 61) and Cummean's canon II, 2 (*The Irish Penitentials*, 114, 115).

marked society in Anglo-Saxon England it is possible that the Irish compilers unlike the English authors intended to avoid favouring wealthy people and neglecting poor ones.

7.3.4.5. Other vices and trespasses

a. Following Cassian's Eight-Vices-Scheme the *Discipulus* put the vice of crapulence or gluttony first in his compilation. He follows the example of the *Ambrosianum* (*de ebrietate*) and the *Paenitentiale Cummeani* (*de gula*), which deliver the Irish adaption of Cassian's first vice: *gastrimargia*.[256] The biblical guideline for an ideal Christian life is Lk 21: 34, the Lord's appeal to stay sober. Article **U**I,I,1 – 3 and 6 refer to an ordained person or a man in holy orders. The regulation of **U**I, I,1 is the most serious one: a bishop or an ordained person, suffering from the habit of drinking, has the choice to give up drinking or being degraded: "*aut desinat* (*vitium ebrietatis*) *aut deponatur*."[257] A careful interpretation of this direction reveals that it does not target a single occurrence of drunkenness, but a case of addiction, a habitual behaviour. So the preceeding parallels of the the *Excerpta Davidis*,[258] *Ambrosianum*[259] and the *P. Cummeani*[260] do not represent the point of comparison, because here degradation into laity is not designated. The reference point rather is to be found in the *Discipulus*' regulations of **U**I,I,2 and 3 (par **G** 121): a monk or a presbiter, who vomits caused by drunkeness (*ebrietas*), has to repent by a thirty (monk) or forty (presbiter) days of fasting. This appears quite similar to the *Excerpta Davidis*, *Ambrosianum* and *P. Cummeani*, which direct a *quadragesima* of fasting too for trespassing ecclesiastic officials. As the three-years-penance represents the most widerspread basic measure for capital and major sins, a forty-days-penance (*quadragesima*) or a multiple of this period appears as a basic degree for minor trespasses.

   Another offence against the adequate behaviour of a Christian, which has tradition in the penitentials, is the undignified treatment of the the host. Especially vomiting the host due to gluttony or drunkenness draws the imposition of penance:

[256] Cf. Cassian, *Collationes* V, 1, CSEL (Petschenig), 121, *Ambrosianum* I, Körntgen, *Studien*, 258, *P. Cummeani* I, Bieler,*The Irish Penitentials*, 110 – 113.
[257] Haddan and Stubbs, *Councils* III, 177. Parallel: G 40, Finsterwalder, *Die Canones Theodori*, 256.
[258] Cf. canon 1: "*Sacerdos in templo Dei ministraturi*", Bieler, *The Irish Penitentials*, 70.
[259] Cf. canon I, 1: "*sacerdotes, qui altari deserviunt*", Körntgen, *Studien*, 258.
[260] Cf. canon I, 1: "*si votum sanctitatis habuerint*", Bieler, *The Irish Penitentials*, 110.

writing	canon	trespasser's estate	penance
Praefatio Gildae	7	monk	7 days
Paenitentiale Columbani (loosing the host)	A/6	monk	1 year
	B/12	cleric	3 x 40 days
Paenitentiale Ambrosianum	I, 10	not specified	40 days
Paenitentiale Cummeani	I, 8	not specified	40 days
Paenitentiale Cummeani (loosing the host)	I, 11	not specified	100 days
Paenitentiale Theodori	UI, I, 9	not specified	7 days

The comparison reveals an inconsistent picture at first sight, from a relatively mild penance (Gildas and Theodore) to a more serious one (Columbanus). But a closer examination of the writing's context yields some commonalities: firstly, intention or negligence increases, illness (*infirmitas*, **U**I, I, 9) decreases the penance's degree. Secondly, the guilt of an ordained or a vowed person outweighs the fault of lay-people (UI, I, 6). Therefore a lay-person can expect a more lenient penance. Thirdly, losing the host (for example to an animal's consumption, **U**I, XII, 8) draws the imposition of a more serious penance too. The canon (**U**I, I) revisits this tradition and continues it.

b. The third vice of Cassian's Eight-Vices-Scheme is titled *filargyria* and decribed as *avaritia* or *amor pecuniae*.[261] The *Discipulus* uses this headline too in canon **U**I,III: *de avaritia furtiva*. With the title: "fraudulent covetousness" he follows again after **U**I,I: *de crapula et ebrietate* and **U**I,II: *de fornicatione* the pattern of John Cassian. Three manifestations of this vice and their consequences appear almost literal in former penitentials: firstly, the obligation of the fourfold restitution to the wronged (*furata sive rapta*) party.[262]

P. Ambrosianum	can.	P. Cummeani	can.	P. Theodori	can.
Qui per rapinam vel fraudem, latrocinium, furtum, periurium … aliena diripuerit … reddens quadruplam iuxta legem	III,3	*Qui aliena diripit quolibet modo, quadruplum reddat…*	III,5	*Pecunia ecclesiis furata sive rapta reddatur quadruplum.*	UI, III,2
				...et si quem fraudaret, reddere quadruplum…	UI, VII,5

Remarkable is the direction **U**I,VII,2 listed under the headline: *de multis et diversis malis et quae non nocent necessaria*: to capture booty is estimated as robbery ("*pecunia… a hoste superato rapta fuerit*…"). Therefore a third of the commandeered goods have to be given to the Church or the poor.

[261] Cf. Cassian, *Collationes* V, 1, CSEL (Petschenig), 121.
[262] Cf. the detailed comparison about deception chapter 5.2.3.1.

The penance itself is a light one: a *quadragesima*, in the case of taking loot followed a royal order.
Secondly, the exhortation that an avaricious person is encouraged to give the abundance to the poor:

Ambrosianum	**can.**	**Cummean**	**can.**	**Theodore**	**can.**
Qui sibi thesaurizat de propriis rebus superflua … tribuat illa pauperibus.	III,1	*Thesaurizans superflua … tribuat illa pauperibus.*	III,3	*et qui thesaurizat superflua… tribuat tertiam partem pauperibus.*	UI, III,4

Thirdly, the theft of consecrated items draws a serious penance:

S. Aquilonalis	**can.**	**Cummean**	**can.**	**Theodore**	**can.**
Monachus consecrata furatus anno, altero cum fratribus peniteat. si autem iteraverit, exilium patietur.	3	*Furatus consecrata ut supra diximus peniteat* (I anno, si iterum, II annis), *sed clauses.*	III,7 cf. III,1	*Furatus consecrata, III annos peniteat sine pinguidine et tunc communicet.*	UI, III,5

c. In the *Ambrosianum* and *Paenitentiale Cummeani* perjury appears as a special form of deception and therefore is arranged among the vice of avarice (canon III). As stated above the *Discipulus* develops his own systematic, a combination between intention (**U**I,I – III) to commit a trespass and the trespass' appearance as well as the special group of its trespassers.[263] Therefore he schedules the perjury in the list under his own heading (**U**I,VI): *de periurio*. Here too the *Discipulus* shows his effort to display as completely as possible a survey of the directions he had received by Theodore[264] and other authorities. These are almost all preceeding authors of penitence-writings: *Sinodus Luci Victoriae* (5), *Excerpta Davidis* (16), Finnian (22), Columbanus (A/4, B/5 and B/20) as well the *Ambrosianum* (III, 4, 5) and Cummean (III, 8 – 12). The *Discipulus* not only considers the trespass and the penance themselves, but also the place, where the affirmation was sworn (**U**I,VI,1: *in ecclesia*), and who received the oath (**U**I,VI,3, 4: *in manu Episcopi vel presbiteri vel diaconi*). Although much more lenient in the degree of penance,[265] the *Discipulus* allows like Basil a milder penance for those, who had to swear under the threat of violence (**U**I,VI,2). This in-depth coverage explains the various degrees of penance that reach – regarding the conditions - from three *quadragesimae* (**U**I,VI,2) to eleven years (**U**I,VI, 1).
d. The articles **U**I,VII,6 – 10 contain primarily sanitary and dietary rules to avoid contamination of stored food (by mice [VII,7-9] or a bird's faeces [VII, 10]) or pollution (affecting body as well as soul) by eating carrion or

[263] Cf. above chapter 5.2.3. (*Ambrosianum*) and 6.3.2. (*P. Cummeani*).
[264] Cf. **D** 152, G 115, 188, **Co** 164 – 167.
[265] Cf. Basil, *Letter* 217, 82: six years of repenting; **U**I,VI,2: three *quadragesimae*.

polluted meat. The directions have parallels in c. 13 of the *Praefatio Gildae* and – first of all – in the *Paenitentiale Cummeani* articles IX, 3 and XI, 12 – 18.[266] Penance is provided only for intentional trespassing, for example eating carrion, flesh, which had been obviously a predator's prey: a *quadragesima* of fasting.[267] **U**I,VII,12 marks a special kind of meat, which is unsuitable for human consummation: meat polluted by "blood or other impurity" ("*sanguine vel quocumque immundo*"). **U**II,IX,9 and **Co** 123 makes precise that indeterminate description (*quocumque immundo*) by the occurrence of sexual intercourse with an animal ("*animalia coitu hominum polluta*"). This flesh is only suitable to feed dogs. The close relation of this unusual prescription between **U**I,VII,12 and **Co** 123 appears as another evidence for the assumption made above that the iussue **Co** directly preceeded **U**, i. e. as the third in the choronologial order **D**, **G**, **Co** and **U**.[268]

e. The articles **U**I,VIII,12 and 14 refer to a monastic environment. With its parallel **G** 46 the direction of **U**I,VIII,12 imposes on a monk, who leaves holy orders a penance of ten years. Here again the pastoral character of the penitential appears and a more human (*humanius*) solution is implied: provided that the person converts and is proved as an honest penitent ("*probatus fuerit in omnia penitentia, in lacrimis et orationibus*…"), the bishop has the authority to facilitate the penance. Based on an advice of Basil (Letter 199, 18), which primarily deals with female young persons, boys can get the permission to abandon the preparation for a monastic life and marry before the age of sixteen (**U**I,VIII,14), so long as he had not taken monastic vows.[269] The importance and exceptional appreciation of ordination conveys the prescription of **U**I,IX,9 that nobody can be ordained before the age of twentyfive.[270]

f. Canon **U**I,XII contains some rules about participation in Church's life, especially concerning the reception of the host (*sacrificium*) and attending confession. Here again it appears that Theodore has two ecclesiastical homelands: the Oriental Church (*Graeci*) and the Roman Church (*Romani*). It is remarkable that the *Discipulus* and the compilers of the archbishop's advice mentions the directions side by side and leaves them standing without any favour. So c. **U**I,XII,1 ascertains that the Greek

[266] Cf. above chapter 6. 4. 1.
[267] Cf. **D** 120, **G** 147, **Co** 128. The prescriptions in **U**II,XI,1 – 9, **D** 140 – 143, 147 as well as **Co** 113, 116, 117, 123, 127, 128 contain more details: for example a hint to aggressive honey-bees: in case they had killed a person, the bee-colony has to be destroyed immediately; but it is allowed to consume the honey, cf. **G** 141 and **Co** 127. A comparable prescription represents the permission in **U**II,VIII,7 to use skin and wool of carrion for producing shoes and clothes, but only for civil, not for liturgical use.
[268] Cf. above chapter 7. 2.
[269] Cf. **U**II,VI,11 and **D** 171, G 171, **Co** 109.
[270] Cf. **D** 162, **G** 36, **Co** 195.

clergy and laity have to receive communion every Sunday. An ecclesiastical regulation ("*sicut canones habent*") lays down the exclusion from the community, if a believer misses the dominical communion three times. In the area of Roman influence it was left to the faithful's option to communicate; missing the communion has no effect (**U**I,XII,2).[271] In connection with c. **U**I, XII, 4 the difference appears as important, because this regulation forbids a penitent to take communion before the person has fulfilled the penance's condition. No reception of the *sacrificium* therefore reveals to the assembled congregation that a person was repenting. Being obviously in a state of sin and not a fully valid member of the community marked a partial loss of privacy. Even the reported concession of Theodor in **D** 26, **G** 123 and **Co** 51 that for the reason of mercy (*pro misericordia*) an admission to the reception of the host could be allowed after a year or six months did not mitigate perceptibly the severity of the prescription. Although the Penitential does not contain any recommendation for the Greek or the Roman practice, it is definitely conceivable that preference had been given to the Roman solution. This provided discretion about the believer's state of guilt or innocence.

The justification for all penitence-writings is the condition that the priest or the bishop is the minister of confession. This is already programmatically expressed by the *Discipulus* in his introducing address: all catholic physicians of the soul in Britain (*universis Anglorum catholicis propriae animarum medicis*). And it is clearly presumed in c. **U**I,XIII: *de reconciliatione*. Therefore the concession of **U**I,XII,7 to confess directly to God appears as confusing. Is a confession in absence of a priest or bishop possible?

The comparison of these texts delivers two interesting insights:

D 58, 150	**G** 38	**Co** 192	**U**I,XII,7
Confessio deo soli si necesse est agi licet.	Confessionem suam deo soli si necesse est licebit agere si vult confiteri peccata sua episcopis aut presbiteris.	Confessionem suam deo solo si necesse est, licebit agere.	Confessio autem Deo soli agatur licebit si necesse est. Et hoc neces-sarium in quibus-dam codicibus non est.

Firstly, only a priest or a bishop can validly receive confession. This statement is confirmed by the decree's wording. A confession directly to God is only possible in an exceptional case: "*si necesse est*". And **G** 38 names the necessity: if a trespasser wants to confess before a bishop or a priest, (and here is to supplement) but neither one is available, he or she is

[271] Cf. almost literal: **D** 25, **G** 59, **Co** 49, 50.

allowed in an emergency-situation to address him- or herself directly to God. Secondly, the *Discipulus* obviously had issues of Theodore's advice on hand, which did not contain this exception (*in quibusdam codicibus non est*). So he obviously had available more or at least other records (exactly these *quidam codices*) than those of common knowledge until today.[272]

g. Bigamous, trigamous or people married more frequently have to bear penance dependent on the number of wedlocks. The *Discipulus* imposes a penance of one year in a case of bigamy (**U**I,XIV,2) and for a trigamist with reference to Basil[273] of three years. An instructive regulation contains **U**I,IX,10. This article needs a thorough examination and interpretation. Firstly it is necessary to analyse the text's wording critically: with the exception of the document Vienna ÖNB 2195 all other manuscripts have the prescription that a person, who marries a widow (*viduam accepit*), has to be excluded from ordination, some with the reasoning that this person after marriage is like a bigamist.[274] The Codex Vindobona (Vienna) 2195 shows in the appropriate place the erasing of three letters: "*Si quis bi**gam**am accepit*…"[275] Secondly, the term *bigama* appears as far more meaningful: in the Oriental Church too the bonds of wedlock end with the death of the partner.[276] Therefore the term *vidua* does not make any sense, because a man, who marries a widow, never will be a bigamist. Thirdly, the decision for an ordination appears as possible only for unmarried men[277] and is estimated as equal as a life-binding decision for a partner in a marriage. So if a man enters into the bond of ordination and simultaneously into the bond of marriage, in this case he is like bigamist (*sicut bigami*): he joins hands with bigamous woman and takes two bonds as well, this of the ordination and that of the wedlock.

7.4. Résumé

Ludwig Bieler characterises the *Paenitentiale Cummeani* as "the most comprehensive of the Irish penitententials."[278] However Archbishop Theodore's directions and their textualisation rightly can be described as the most

[272] This is confirmed by the regulation of **U**I,XII,5, where a penance of a seven days fast is imposed for a trespass against the direction not to eat before the reception of the *sacrificium*: "*Hoc in quibusdam* [codicibus] *non aditus esse in iudicio Episcopis*." Cf. **D** 77, **G** 193, **Co** 47.
[273] Cf. Basilius, *Epistola* 188, 4, 199, 50, 217, 80, Mauri, 394, 431, 477.
[274] Cf. Wasserschleben, *Die Bußordnungen*, 157, 164, Finsterwalder, *Die Canones Theodori*, 249, 256, 302, Haddan and Stubbs, *Councils*, 185 with the hint that in Codex Vindobon. 2195 *viduam* is to be substituted by *bigamam*.
[275] The letters come into question are written down in bold. Cf. too: Haddan and Stubbs, *Councils*, 59 and 193, note 80.
[276] Cf. Nikolaou, *Ehe in der Orthodoxen Kirche*, LThK, III, ^{3}1995, 487 – 489.
[277] The case in the *Paenitentialis Vinniani* c. 27, the ordination to deaconhood of a married man, appears as different. The deacon remains to be in a partnership with his wife, but simultaneously he has to give up marital intercourse. The context makes it obvious that a new marriage after ordination is impossible, in case the wife has passed away.
[278] Bieler, *The Irish Penitentials*, 5.

comprehensive compilation of penitentials in the insular world of the sixth to the eighth centuries. They are far more: in combination of book one and two Theodore's advice represents a veritable, thorough and well structured Church-constitution: This effort and effiency of organisation also explain, why Bede emphatically in his *Historia Ecclesiastica Gentis Anglorum* declares that all the English Church for the first time had accepted a subordinate role to the Archbishop Theodore ("*primus erat in archiepiscopis, cui omnis Anglorum ecclesia manus dare consentiret*").[279] It is no wonder that the Theodorian compilations, primarily that of the *Discipulus Umbrensium*, became alongside with Columbanus' (including the *Ambrosianum*) and Cummean's penitence-writings the pattern for later penitentials,[280] especially the *paenitentialia tripartita*.[281] As mentioned above the abbot Regino of Prüm († 915) still asked in the tenth century, whether an officiating priest among others uses the Penitential of Theodore ("*si habeat poenitentialem… vel a Theodoro episcopo*…").[282]

[279] Beda, *HE* (Spitzbart, 320), IV, 2.
[280] Cf. Asbach, *Das Poenitentiale Remense*, 224. Pierce, *The ‚Frankish' penitentials*, 34 – 37, especially 35: „The later ‚frankish' collections are almost wholly dependent on Irish and Anglo-Saxon sources." Siemens, *The Christology*, 27.
[281] Cf. Kottje, *Bußbücher*, LMA II, 1120. Dooley, *From penance*, 406. Le Bras, *Pénitentiels*, DThC, 1171. Pierce, *The 'Frankish' penitentials*, 36, 37. Frantzen, *The Penitentials*, Spec 58, 3, 593.
[282] Regino, *De synodalibus*, I, 26.

8. Summary and final conclusion

8.1. Tradition of the ancient Church

The advent of the Kingdom of God (Βασιλεία τοῦ Θεοῦ) in Jesus personally contains as an intrinsic quality the opportunity for conversion and reconciliation as often as required, because in the sight of Jesus repentance (μετάνοια) is an on-going process of life. So it is astonishing that a serious problem with the case of repeated sinning and the chance of following reconciliation appeared in the developing community of Jesus-followers, in the growing Church. Because in baptism the human being becomes a "new creation in Christ" (2 Cor 5:17) and the christened person is called to be "dead to sin but alive for God in Christ Jesus" (Rom 6:11) the dynamics of the beginning laid the focus on forming a community living a holy and exemplary life. So this vocation of the community in its entirety as well as of every single faithful member had been in the foreground of the congregational effort. The question how to deal with those members who trespass against faith, moral and discipline after baptism and the necessary chance of reconciliation appeared as secondary. A radical ecclesiastical movement (Montanism), which valued exceedingly baptism, even refused any opportunity of reconciliation after committing a capital, later called 'mortal', sin (apostasy, murder and fornication). So the experience that performance of a faultless life even after the divine gift of baptism demanded too much of the faithful eventually led to the undesirable development that people postponed their baptism to the last moment of life, onto the deathbed. Therefore from the beginning of the Church onwards an urgent demand can be perceived for the opportunity of repentance.

The writing of the *Pastor* of Hermas is an early witness (first half of the second century) clearly showing a complex balance between a conscientious attempt at leading a holy life with the opportunity of repentance: reconciliation with God and the community of faithful. The consequence of this balance, especially the ministry of the Christian congregation to maintain its exemplary nature led to the Church's conviction that the chance of repentance has to be limited to a single opportunity. This alleged solution however proved itself a disappointing choice, because human nature remained tempted and a relapse into sin more frequently than once happened in a human being's life-time. In addition to this problem confession of the fault as well as the imposition of penance occurred publicly in front of the congregation (Tertullian: *exomologesis*). Not only that the transgressor was blamed for his or her transgression the penance especially for capital sins turned out extremely harsh. Basil of Caesarea probably based on canon 11 of the Nicence Council (325) developed a four-step-system of repenting: Not being a full member of the celebrating congregation the penitent after committing the capital sin of murder for example had to endure a twenty-years penance: four years as a *weeping* person outside the church, another five years *listening* to the liturgy of the word, seven years *kneeling* during the divine service and after serving four more years *standing* in the church he or she was reconciled

and allowed to received the communion. The act of repentance, meaning the reception of confession, the imposition of penance as well as the rite of reconciliation, was normally reserved to the bishop (Cyprian of Carthage). This regulated, as it were "canonized", procedure developed itself as the ordinary way of repentance in the third and the next centuries and therefore is defined as *canonical penance* (or *canonical repentance*). The writing of the *Pastor* of Hermas already broached the main and most important elements of penance: praying, fasting and caring for the poor. These basic exercises appear in the penitentials of the later South-West British, Irish or Continental Church under the influence of Irish missionaries (Insular Church). The regulation that the act of *canonical penance* is restricted to a single opportunity and has to be performed publicly however was not persevered with consistently. Modifications and exceptions existed. The author of the Syrian *Didaskalia* (first half of the third century) nowhere mentioned only a solitary opportunity of repentance and expressed his conviction that the door of the church is always open for the return of a penitent. This willingness also is a sign of the later penitence-writings originated in the Insular Church. Ambrose of Milan accentuated the important distinction that the act of repentance for venial trespasses could be performed secretly. But repenting for capital sins in contrast remained in public. Basil of Caesarea too allowed discretion in special cases of danger to life for the penitent (adultery of a woman). Augustine of Hippo practiced privacy in dealing with such trespasses, which remained secret and were of no public interest. But the normal procedure still was in the line of the *canonical penance*. So this procedure did not resolve of itself the problems of repentance. On the contrary: because the moment of dying abbreviated all periods of penance the procedure of repentance also became increasingly postponed to old age or even to the hour of death. So an urgent request of a different way of repentance was coming up, indicated along the following lines: not solitary, but repeatable, not public, but confidential and with regard to penance not dependent on the confessor's discretion, but following common and calculable regulations.

Common and calculable penance requires a system of a well-recognized enumeration of sinful behaviour and sins. Such catalogues of vices actually existed already in the early Church and appeared in the *Didache* (first century) as well as in the *Pastor* of Hermas' writings (second century). A very enlightening random sample is the description of escalation of anger: the Greek terms of θυμός (anger), ὀργή (rage) and μῆνις (fury) mentioned by the *Pastor* draw a clear line to their quotation in John Cassian's *Collationes* and further to its use in the penitentials of insular origin in the sixth to the eighth century. Answering the inquiry of his bishop-friend Amphilochios Basil sent him in his *Canonical Letters* 188, 199 and 217 (written 374, 375) a detailed listing of vices and associated penances. These *Epistolae* can be considered penitence-writings and compared in term of form and content with later insular penitentials. Basil's non-systematical answers to Amphilochius' incoming questions can serve as a good example for a time-crossing comparison. Similar to the mutual relation in questions and

answers of the oriental master (Basil) and disciple (Amphilochius), an anonymous English disciple (issue **D**) recorded three-hundred years later the advice of the Archbishop Theodore of Canterbury, likewise unsystematically following the sequence of inquiry.

Alongside with the interceding prayer of the congregation the vigorous effort of pastoral care appears in the necessity of spiritual guidance. The Greek term "ποιμήν" (*Pastor* of Hermas) not only means *shepherd* in the sense of "watchdog", it can also be translated as *guide*, *ruler*, *guardian* and *friend*. This guide on the one hand is called on to assist people in recognizing temptation and how to overcome it. On the other hand he encourages the sinner to repent and fulfill the penance until he or she becomes reconciled with God and the Church. The spiritual guide is called to make the penitent's burden of his own. In this way he acts like an *anmchara*, a soul-friend, who is mentioned in the later insular penitentials. The most striking metaphor for this spiritually gifted person is expressed in the Χριστός-Ἰατρός-motif (*Didaskalia*, Clement of Alexandria, Origen, Irenaeus of Lyons, Gregory of Nazianzen). According to Jesus' statement that not the healthy but the sick need the doctor (Mt 9:12) the spiritual guide takes over the role of a spiritual physician. In an analogy to a doctor for the body, who uses a wide range of medical treatments, the physician of the soul is instructed to choose methods of empathic and brotherly love: the guide offers prayers, advises, consoles, encourages and supports the penitent. The penance is therefore in a final effect not a punishment, but a real remedy as a sign of God's compassion. In this context the advice of the bishop Theodore of Mopsuestia to priests appears as remarkable: to keep silent about confident affirmations. If a convert had chosen a monk or an abbot to assure him or her of the forgiveness of sins and find an appropriate penance, the confessing conversation appears as a discreet dialogue. This procedure altered step by step from a public space into privacy, a way that obviously met the request of the majority of the believers. The model of a confessor as spiritual physician and the pattern for penance as a remedy became a constant principle and comparison within all further penitentials: healing, not punishment. After roughly five-hundred years of chequered history a certain development of repentance was drawn up before that protected privacy and guaranteed a discrete, an affordable as well as a predictable penance.

8.2. The writings and their origin

The modalities of this alteration turned up in the different writings about repentance in the sixth, the seventh and the eighth century compiled by British and Irish authors, who acted as collectors, compilers and revisers. Some of these ecclesiastical figures are known and identified as authors: unequivocal *Patricius* (fifth century) and Columbanus (seventh century), with some probability *Vinnianus* (of Clonard, sixth century) and *Cummeanus* (seventh century). The name of others is attached to certain issues, but their authorship is questionable: *Gildas* and *David of Menevia* (sixth century). Two more appear as decisions of

local synods of far reaching influence: *Sinodus Aquilonalis* and *Sinodus Luci Victoriae* (sixth century). The author of *Paenitentiale Ambrosianum* (seventh century) remains anonymous. But good arguments can be made that he was an Irish ecclesiastical in the environment of Columbanus on the continent. A cluster of writings eventually represents records of the late seventh and early eighth century taken from the advice of the important authority *Theodorus*, archbishop of Canterbury. But no original writing or written-report of these authorities has survived. The extant documents represent manuscripts mainly copied from the eighth to the twelfth century in the *scriptoria* of continental monasteries. So it is not surprising that not only the named authorities can be counted among the authors, who were responsible for the texts. Disciples and followers later took over, but also revised the rules to adapt them to a changing target group, political and social environment, necessary pastoral request and different ecclesiastical areas. Therefore all these documents possess a file character and allow an insight into the altering ecclesiastical, but also civil circumstances and conditions. Each of the selected writings simultaneously represents in its own way a pattern for further penitence-writings from the eighth century onwards. In the course of time the statements give evidence of an ever-increasing networking[1] and reveal the observation that quite often the later writers used the earlier writings as source.

8.3. Severity of trespasses and scheme of vices

Three general classes of trespasses (*spiritalia vulnera*, vitia: *P. Ambrosianum*, *delicta*: *P. Cummeani*, *cicatrix*: *D. Umbrensium*) according to their severity (*iuxta magnitudinem culparum*: *P. Columbani*) appear in the different penitence-writings: capital (*peccata capitalia*: *Exercerpta Davidis*, *crimina capitalia* respectively *peccata praevalenta*: *P. Columbani*, *mala*, *lapsus*: *D. Umbrensium)* or (later called) mortal sins (*peccatum ad mortem*: *P. Ambrosianum*), grave sins (*scandalum, magnum crimen*: *P. Vinniani*) and minor sins (*peccatum parvum*: *P. Ambrosianum*, *minutae causae*: *P. Cummeani*). Although the multitude of terms to describe the severity of sins shows that the boundaries are often fluid, the networking relations run like a common thread through all the penitentials. It requires some effort to unravel these tangled threads of cross- and interconnections, but exactly this examination reveals the astonishing network. Another example of networking and bridge-function represents the adoption of John Cassian's Eight-Vices-Scheme: Columbanus learnt about the eightfold scheme of vices during his life-time in Gaul. His small tract: *De octo vitiis principalibus*, appears as one of the first, if not the first mention of Cassian's vice-catalogue by an author, who comes from and keeps up connections to the Irish Church. These Irish roots as well as his sojourn on the continent the author of the *P. Ambrosianum* had in common with Columbanus. Within his environment the *Ambrosianum*'s author came across with Cassian's Eight-Vices-Scheme and

[1] They represent on no account „chaotic material" as Herbert Vorgrimmler claims, HDG, IV (1978), 3, 95.

introduced it as a systematising element into his Penitential probably during the first ten years of the seventh century. He eventually transferred it back by this bridge-building-text into Ireland, where the *P. Ambrosianum* was acquired as the main source of the *Paenitentiale Cummeani*, written around 650. According to the testimony of the *Discipulus Umbrensium* this Irish Penitential (*ex libellus Scottorum*) became a pattern for the *P. Theodori*. The *Discipulus* however used it partially and structured only the first three *canones* according to Cassian's Eight-Vices-Scheme. The Northumbrian Disciple developed for his issue of *P. Theodori* an individual that is a combined system: precisely defining the trespass as well as identifying the group of trespasser and their ecclesiastical estate. Despite this individualistic adaptation, the consistent entire relations can be proved by the programmatic introduction of the *P. Ambrosianum*: the author followed John Cassian and described gluttony (*gula*) as a basic reason for all other vices (*radix multifarium vitiorum*). This interpretation consequently appears at the beginning of the *Excerpta Davidis* (*gulae gratia*), canon I of the *P. Ambrosianum de ebrietate*), *Cummeani* (*de gula*) and *Theodori* (UI, 1: *de crapula et ebrietate*).

8.4. "Coarbial", coexistence of monastic and outer-monastic domain

All writings have in common the *trias* of capital (mortal) sins: apostasy, murder and fornication. It is striking that trespasses against chastity (*fornicatio*) in its variety of manifestations appear as a severe problem in the inner- as well as the outer-monastic area. The *Sinodus Aquilonalis*, the *Praefatio Gildae* (and Columbanus' *Regula coenobialis* respectively part A of his Penitential) focuses on the upkeep of discipline and morale among the monastic family (Irish: *manaig[h]*), which consists of three classes of membership: coenobitics, learnt monks of the entire community, brethren, lay-monks working in the monastery's agriculture or craft workshops, all living within the walled enclosure. As a third class tenants of monastic land belong to monastic family dwelling outside the wall with their families. They all were under the care and the rule of the monastery's abbot. So the area of the abbatial influence was not only restricted to monks within the enclosure, but also was extended to clients outside the monastery. This extension across the monastery's walls required a wider range of care by the abbot and his community. It necessitated among others the development of a pastoral of repentance. An exile into another monastery or ecclesiastical area for example was certainly possible for a monk, but much more difficult for clerics and definitely for lay-people outside the monastery. Or blows as a form of penance would have been more accepted in a closed congregation of monks than in a civil society. On the other hand the world outside the monastery provided other methods of penance, which appeared as impossible within a monastic community: pecuniary compensation, restitution of goods, almsgiving, selling or setting free bondservants, ban from marital intercourse or bearing of arms. All these circumstances and consequences marked the transition of regulations for repentance from inside a monastery into an outside civil society. Therefore it represented the actual manifestation of a pastoral of repentance as it appeared in

the *P. Vinniani* and the later penitentials. This situation additionally created an uncertainty about the borderline between the jurisdiction of the monastic settlement and the diocese of this area. The key-word of this problem's solution is "coarbial". This meant exactly a coexistent ecclesiastical organization, which was ruled by a lay-element as well as a hierarchical one: local leading families, often playing the role as benefactors, on the one hand and bishops and abbots on the other. Regarding the pastoral care "coarbiality" in particular meant a kind of negotiated co-existence of abbatial and episcopal authority: depending on local circumstances an abbot could act as a principal of a monastic settlement as well as bishop of a certain ecclesiastical province. Or a bishop as the head of a diocese also could possess the function of an abbot. In addition a "coarbial" relationship between an abbot and a bishop existed in its entire sense in form of cooperation with clearly and unambiguously competences and responsibilities (*Liber secundus* of the *Discipulus Umbrensium*). Traces of this mutual toleration of pastoral care concerning repentance to the circle of diocesan clergy and lay-people as well as possible conflicts between local bishops and abbots already can be found in the *Praefatio Gildae*, a writing which actually referred to a monastic area: a sinning presbyter or a deacon, who did not take vows, has to be treated like a monk before his solemn promise. And a monk-priest should not be prevented from praying for his bishop (*Praefatio Gildae, P. Cummeani*). Consequently the matter of capital (mortal) sins had to be extended to serious trespasses, which primarily occur in a society outside a monastery: apostasy, homicide and adultery as a special form of fornication. The penitence-writings in their entirety are consistent with the regulations that apostasy, fornication and homicide belong to the mortal sins. Here the upkeep of discipline and morale within the monastery corresponded alongside with an inner-church disciplining to a legal civilization of the society as a whole. In the Oriental Church the Emperor Iustinianus I. (482 – 565) crowned an effective legal system within all the regions of the East-Roman-Empire by the *Codex Iustinianus* (529 AD).[2] But in contrast, the English and Irish provinces of the Church lacked a proper civil authority able to maintain law and order after withdrawal of the Roman legions in 410 AD. Addressing this problem in the fifth and following centuries ecclesiastical authorities tried to fill that gap of civil insecurity simultaneously with the organization of a regulated ecclesiastical life. In internal insecure circumstances in the fifth century, for example, Patrick (*Epistola ad milites Corotici*) wanted to use his authority as bishop to protect his entrusted flock in Ireland from *Coroticus*' raid and abduction into slavery. In this context, Patrick condemns all collaboration with those raiders, especially for the sake of profit. A similar effort to avoid an external situation of insecurity during the Anglo-Saxon invasion into England in the sixth century appears in the *Sinodus Luci Victoriae*'s threat of drastic penance for guiding heathen barbarians to Christian settlements. The handling of this treason reveals another instructive random sample of networking: its mention in the Irish *P. Cummeani* (canon IX) is obviously taken from the decision of the British *S. Luci Victoriae*, a hundred years

[2] Cf. Maraval, *Die Religionspolitik*, 423 – 425.

earlier. The evidence of networking appears in an almost similar description of the wrong-doing and the following consequences: no bloodshed, thirteen or fourteen years of penance and a lifelong ban from carrying arms. In the case of bloodshed however a lifelong penance by living like a monk was given. But this cross-reference also shows that the importance and topicality depended on the circumstances of time and place: Cummean's classification under the headline *De minutis causis* namely indicates that almost a hundred years later this incidence did not represent a commonly occurring and pressing problem. In any case it must have been in Cummean's vivid memory that this problem still existed in Ireland in Finnian's time: in his *Paenitentialis* the trespass of embezzling money for ransoms point to the necessity to pay for the liberation of captives, a regulation that is repeated almost literally in *P. Cummeani*. Furthermore the order to compensate the affected of offences against the corporal integrity or to restore stolen property (*P. Vinniani*, *Ambrosianum*, *Cummeani*) reveals the comprehensive understanding of pastoral care: healing of spiritual and corporal wounds of the offender (penance as remedy) and victim as well as relief of social iniquity for the wronged party. The same applies to the prescription to pay for the medical expenses after an injury of a person (*P. Cummeani*). This might be the reason, why in the *Excerpta Davidis* as well as in the *P. Ambrosianum* fraud (*dolus*) is enumerated alongside with the capital sins of homicide (*homicidium*) and fornication (*fornicatio*). The *P. Vinniani* counts perjury (*iurare iuramentum falsum*) among the *magna crimina*, possibly in Finnian's sight a capital sin as well.

8.5. Consequences of disbelief and its practice

The regulations concerning erroneous ways in Christian belief and its practice can serve as a good example for the conformities as well as the diversities depending on local- and time-conditioned problems. Under the key-word apostasy three manifestations of disbelief or related actions can be noticed: raid on Christians by barbarized fellow-believers or guidance of heathen invaders to Christian settlements for profit (*Epitola ad milites Corotici*, *S. Luci Victoriae* and *P. Cummeani*); the practice of magic, superstitious ceremonies and relapse in paganism (*P. Vinniani, Columbani, Theodori*); finally propagation and acceptance of heresies (*P. Columbani in connection with his Epistola V and Instructio I*, *P. Ambrosianum* and *Theodori*).

Superstition and the use of magic actually appear primarily in Irish Church and represents there a serious offence (*P. Vinniani*: *immane peccatum*) against the integrity of the Christian faith. Superstitious practice marks a situation of transition from a pagan to a Christian society. This might explain why alongside with lay-people clerics had been enmeshed in those actions. Being rated as replacement of the druids the ordinary people in particular requested from the ecclesiastical officials assist once in coping with hardships of life and nature as well as personal needs. Even if this offence against the Christian belief was not in

the foreground of the *P. Columbani* and the *P. Theodori* (**U**I,XV), it can be observed that both penitentials contain similar or comparable regulations. This is not surprising because of their close connections to the Irish Church. These forbidden activities include offences effecting personal harm (worst case: abortion), but also actions like application of love-philter, incantations, auspices and oneiromancy. Especially Theodore's Penitential draws a line from the ancient Oriental Church and revisits the tradition from Basil's advice in his Canonical Letter 217.

The crucial point on the continent (without neglecting superstitious misuse) was the meeting with erroneous theological concepts and the preferential necessity to ward them off (*P. Columbani*, *Ambrosianum* and *Theodori*). Although the *Ambrosianum* does not address a special heresy, the context makes clear that the regulations deal with error about fundamental questions of the Christian doctrine. The associated problems are unequivocally of theological matter. The *Ambrosianum* has this concentration on fundamental theological discussion in common with the *P. Columbani and Theodori*. Precisely heresy is the topic, which Columbanus focuses on in his Penitential when he points to Bosoniacs, who supported an aberrant thesis in Christology. Here *Theodorus* followed Columbanus and the *Ambrosianum*'s author. But Theodore went far beyond this: the *P. Theodori*, especially the issue compiled by the *Discipulus Umbrensium*, proves itself as a kind of summary of the preceding penitence-writings. So the Theodorian directions marked a transition time: they dealt with a comprehensive list of disbelief, which probably still affected the insular and continental Church of the sixth to the eighth centuries: heterodoxies in the narrow sense like the Pelagianism, Arianism and the Bosoniacs; the Quartodecimans, followers of the Irish deviation of determining the Easter-date, a trespass against the Church's discipline, which Columbanus defended in his *Epistula* I; in tradition with Basil (*Epistula* CCXVII) leaving the Church not forced by violence; worshipping idols (in common with *Columbanus*) and committing various practices of superstition and magic (in common with *Vinnianus*).

8.6. Bodily assault: example for the relation of intention and execution

Another basic pastoral condition of dealing with capital, grave and minor sins exist in the penitentials' advice to take note of the penitent's personal abilities and the circumstances of their wrongdoing. The pastoral concept of the penitentials is profound: not only the execution, but already the intention to commit and the plan to carry out a trespass appears as enforced by penance. The examples are countless and culminate in the Scripture's quotation that the one, who hates his brother, is like a murderer (*P. Vinniani*, *Ambrosianum*, *Cummeani*). Phrases to describe an intention and a plan like *peccatum voluere* (*P. Gildae*) or *per cogitantionem peccavere* (*P. Vinniani, Columbani*) point to a distinction and a climax of personal guilt and attached penance, which runs like a thread through all penitence-writings (*P. Ambrosianum*, *Columbani*, *Cummeani*, *Theodori*) since the

Excerpta Davidis: trespassing caused by ignorance (*per ignorantiam*), superficial negligence (*per negligentiam*) and intention (*per contemptum*). The *P. Vinniani* uses a comparable differentiation to distinguish between murder, manslaughter and mayhem: *ex odio* (hate) meaning intentional homicide (murder). The unplanned or non-intentional homicide (manslaughter or mayhem), *non ex odio*, arises from the various forms of anger (rage, fury). This is the reason, why the penitentials, which are structured according to John Cassian's Eight-Vices-Scheme (*P. Ambrosianum and Cummeani*), listed homicide under the headline "*ira*". The distinction between the different corporal attacks has tradition: in his *Epistola* 188 Basil distinguished assaults against corporal integrity in *voluntarius* and *involuntarius*. John Cassian adopts in his *Collationes* (fifth conference with the abbot *Serapion*) from the Pastor of Hermas the three steps of escalating of annoyance: anger (θυμός) can grow via rage (ὀργή) into lasting fury (μῆνις). The two related groups of distinguishing feature are in parallel use and repeated in the *P. Ambrosianum*, *Cummeani* and *Theodori*. Other reasons to lessen the burden of penance are infirmity (*Excerpta Davidis*) and younger age (*Sinodus Aquilonalis*, *P. Cummeani*).

8.7. Trespasses against chastity

Under the collective term fornication (*fornicatio*) all penitentials deal with the whole spectrum of sins against chastity. This appears as evident, if the latest of the examined penitentials, Archbishop Theodore's Penitential in the compilation of the *Discipulus Umbrensium*, is due to its collective character considered a summary of all preceding penitence-writings: almost a third of the decrees in this Theodorian issue contain regulations about the degree of penance when a person commits a trespass against chastity. The transgressions reach from minor trespasses like forbidden familiar touches or lascivious embraces to capital sins like immoral sexual activities: illegitimate intercourse, incest, homosexual practices (sodomy) and sexual actions with animals. The description of these indecent acts were of a disarming candour, a detailed frankness, which sometimes led to the curious advice to the confessor not to wise up the penitent about potential sins in all its particulars (Theodulf of Orleans). The comparison of the two penitence-writings of West-England, the *Praefatio Gildae* and the *Sinodus Aquilonalis*, with the later *Sinodus Luci Victoriae* clearly marks the transition from inner-monastic regulations to an ambit outside a monastery: the *Sinodus Luci Victoriae* explicitly addresses a fornicator as an adulterer, a sin, which can be committed only among married couples. The integrity of the bonds of wedlock already had been defended in the *Paenitentialis Vinniani*: neither barrenness nor adultery justifies a partner to abandon the marital bond and enter into a new marriage. Finnian conveys the insight that the circle of clerics was obliged to a chaste form of life: a married man, whose wife is still alive, actually could be ordained deacon. But although his wife remained in his care, being further on his *clientella*, he has to live with her in chastity, like a *puella aliena*. The penitentials also show that the ecclesiastical authorities continued to interdict extramarital

relationships and tried to forbid any form of concubinage. This upkeep of public morale went along with an upgrading of an *ancilla*'s status: from a woman without rights (slave) to a person (bonds-maid), who could demand basic legal entitlements, at best to be released in case of begetting a child from her master (*P. Vinniani*, *Cummeani*).

8.8. Other trespasses

The penance on trespasses against reliability and honesty as well as property offences (raid, theft, fraud, overreaching, usury, lies and perjury) depended on their seriousness and varied from fasting to excommunication. Alongside with the imposition of penance the penitentials' regulations emphasized the unconditional demand of compensation. With reference to the Scripture, it appears as a running thread in the penitentials that the wronged party could claim a generous restitution of robbed cattle or stolen property, often clearly demanded fourfold. Intransigence and refusal of compensation entailed serious consequences and carried the penance of exclusion from the ecclesiastical community. So the penitentials again turned out as guidelines to maintain harmony within the Church, simultaneously pacify civil affairs and help to create an intact society. Keeping these societies in good health the penitentials provided a series of hygiene rules: interdiction to devour carrion, prescription to touch food with clean hands, disposal of spoiled foodstuff or food contaminated by dead mice or weasels.

All the penitentials' directions showed an enormous effort to foster religious life and practice among the faithful. Liturgy and pastoral care had to be performed in a proper and reverential way. In this context the awe of the *sacrificium*, meaning the consecrated host and wine, took up a dominant position and is reflected in numerous and detailed prescriptions (*Praefatio Gildae*, *P. Vinniani*), often added in a separate canon (*Regula Coenobialis*, *P. Ambrosianum*, *Cummeani*, *Theodori* [*Discipulus Umbrensium*]). These prescriptions actually draw a realistic picture of the particular ecclesiastical life and reveal a precise knowledge of ordinary liturgical and pastoral activities as well as their requirements, challenges and problems: proper education of the officiating ministers to pronounce the liturgical texts accurately and intelligibly; sobriety and temperance of ecclesiastical officials to avoid slurring during divine service or even vomiting the consecrated host; good practice in suitable storing and careful transporting of the *sacrificium* and experience of dignified handling in case of losing the consecrated species; clerical conscientiousness and engagement in ministering the flock, taking care of the housebound and ensuring children are baptized.

8. 9. A tool to define more closely time and place of a penitential's origin

As a historical side-effect the detailed examination of the penitentials' rules can provide valuable indications about time and place of origin of writings, whose formation and authors appear as obscure and anonymous.

8.9.1. Chronological classification of the *S. Aquilonalis* and *S. Luci Victoriae*

Manslaughter, collaboration with invaders (because of greed for profit), adultery and perjury as they appear in the decrees of the *Sinodus Luci Victoriae* are typical faults of a civil and not a monastic community. If the *Sinodus Aquilonalis* restricts itself exclusively on regulations for a monastery and the *Sinodus Luci Victoriae* extends regulations for penance onto non-religious people, so a high probability exists for the following interdependence: the synod, which was setting up rules only for monks, had been followed in time by the ecclesiastical meeting for a greater group of Christians, meaning for those, who live inside as well as outside a monastery. So the conclusion can be made that the Synod *Luci Victoriae* assumes the knowledge of penances of the *Sinodus Aquilonalis*. This synod therefore took place first followed by the *Sinodus Luci Victoriae*.

8.9.2. Chronological and geographical classification of the *P. Ambrosianum*

Another good example for the chronological as well as the geographical classification arises from the comparison between the Columbanus' *Regula coenobialis* and the *P. Ambrosianum*. The *Ambrosianum* and *R. coenobialis* mention the care to provide house bound faithful with the *sacrificium*. In context with this pastoral service both writings describe the same landscape and infrastructure: navigable lakes or rivers, bridges to cross the waterways and roads sufficient to ride on by horse. Therefore it could happen that the container (*pyxis*) with the consecrated host accidently fell into the water while rowing in a barge on a lake or river. The *R. coenobialis* and the *P. Ambrosianum* have in common the variant spelling of the Latin word for barge: *cimba*. This sequence of letter however represents a misspelling of the original Latin term *cymba* (a calque from the Greek word κύμβη) or *cumba*. The mutual use of *cimba* however points to a close relation of these two sources in time and place. Considering other striking similarities this study proposes the thesis that the *Paenitentiale Ambrosianum* was composed on the continent in the close environment of Columbanus and his followers sometime around the first decade of the seventh century.

8.9.3. Chronological classification of the different issues of the *P. Theodori*

Another detailed examination, using the degree of systematizing, leads to a temporal classification of the different issues in the *P. Theodori*: the finding of the relatively unstructured organization of **D** (*Iudicia Theodori*) in comparison with the other issues corresponds meaningfully with the statement that **D** itself comes out as an early copy of one of the earliest records echoing the Archbishop Theodore's directions. So it does not go without notice that there an upward tendency in systematizing the material can be found: from a rather low structured **D** upward **G** (*Canones Sancti Gregorii Papae*) with an approach of summing up to the partly headlined **Co** (*Iudicium de paenitentia Theodori*) and finally to the clearly and systematically structured **U** (*Discipulus Umbrensium*) written down in

the second decade after Theodore's passing away, before the middle of the eighth century.

8.10. Character of penance

The *Praefatio Gildae* contains the advice that a brother, who suffers from an offence of another member of the community, is asked to inform the abbot in a conciliating manner, in the spirit of a physician (*medentis affectu*). This however is the only reference to a therapeutic meaning of penance. It appears as likely that this direction represents a kind of delineation to distinguish between necessary information to the monastery's principal and unnecessary disputes of the brethren about marginal problems: if these permanent mutual accusations disturbed the community's harmony, the *Sinodus Aquilonalis* regulated that the accused (*dilatus*) brother had to be treated like the one, who is the accuser (*dilator*). This regulation later was repeated in the *P. Ambrosianum* and *Cummeani*, obviously in the context of monastic life. This example of two benchmarking regulations suggests the assumption that the upkeep of discipline within the community is to the fore of the four South-West English penitence-writings. The punishment of strokes achieves another support for this notion: this special form of penance is quoted mainly in Columbanus' *Regula coenobialis*, infrequently scattered in the *P. Ambrosianum* and *Cummeani* and mentioned always in a monastic context. So the conclusion appears as likely that the authors of the four South-West-English directions of penance had no detailed knowledge of the concept of the ancient Oriental Church: penance as remedy for sin as an ailment of the soul.

But the earliest extant Irish penitential, the *Paenitentialis Vinniani*, changed the perspective on sin and repentance and developed an entire pastoral viewpoint: Finnian did not downplay the personal guilt, not at all, but he provided a way out. By the adoption of the ancient Oriental Church's concept he laid the focus on sin as an ailment of soul, repentance as a process of healing, penance as the related medicine and the priest (*sacerdos*) as a spiritual physician. Being tantamount to the soul-friend (*anmchara*) this conception of reconciliation attached great importance on a personal relationship between confessor and penitent. All further penitentials followed this concept. This comprehensive process of physical, mental and spiritual healing becomes particularly clear in the way the *Ambrosianum*'s author dealt with the fifth vice of dejection (*tristitia*): he expects melancholy persons to activate their self healing forces and allots to the priest the role to support their effort. Finnian indeed reveals the knowledge of an important rule of ancient medicine and shifted it into a suitable remedy for a trespasser's cure: *contraria contrariis curare*. Therefore he recommended meeting vices (wrath, envy, backbiting, gloom, greed) by virtues (patience, kindness, discretion, joy, generosity). While he mentions only an incomplete list of John Cassian's catalogue of vices (and related antidotes), Columbanus obviously had available a more detailed knowledge of Cassian's system of misbehaviour (and its counteragents). In his small tract *De Octo Vitiis Principalibus* he delivered

Cassian's complete Eight-Vices-Scheme. As a result of a detailed examination of the relevant documents this study proposes that the author of the *Ambrosianum*, which is found in the ecclesiastical environment of Columbanus on the continent, took over Cassian's scheme as an element to structure his Penitential. The *P. Ambrosianum* represents the main source of the Irish *P. Cummeani*. So it is likely that the *P. Ambrosianum* took the role of a bridge-function: Cummean and partly the *Discipulus Umbrensium* later used Cassian's Eight-Vices-Scheme to systematize their penitentials. The Irish penitentials in particular underline the outstanding relevance of John Cassian, who imparted in the fourth and fifth century the monastic movement of the Kellia (the desert of Upper Egypt), its spirituality and discipline into the continental and insular Church.

In his epilogue Finnian again underlined that penance represents a remedy for proceedings, which need to be cured. The therapeutic character of the prescriptions henceforward represented a consistent element of all further penitentials. Columbanus seizes the idea of the Χριστός-Ἰατρός-motif. In his *Instructio XIII* he called Jesus Christ as the salutary physician. Columbanus' Penitential regulated, that in the Lord's succession the spiritual physicians were ordered to apply a therapy for the wounds of souls. As the doctors of the body use an appropriate treatment for the varying diseases the physicians of the soul carefully have to choose nuanced penance as remedy for the illnesses of the soul, meaning the sins and trespasses of different severity. This particular prescription to establish a suitable selection of remedies related to a system of illnesses appeared as a crucial element in the introduction of the *P. Ambrosianum*. The author of this Penitential is convinced that all evil behaviour develops itself from the basic vice of gluttony. This sin, which represents Cassian's *gastrimargia* (the victory of the stomach over the spirit[3]), can be cured by the medicine of an adequate penance. In his prologue Cummean too described penance as medicine for a soul's cure. Prior to the prescriptions of his Penitential, wherein he followed Cassian's Eight-Vices-Scheme and the traditional rule to heal contraries by contraries, Cummean supplemented this catalogue by a list of twelve salubrious works. These good actions effect remission and support the penance, which is imposed by the different regulations of the Penitential. This recital again shows the astonishing relations and the Penitential's place in the network of the history of repentance. Cummean's hint to the Fathers reveals its source: the twentieth conference with the abbot Pinusius in Cassian's *Collationes* (425 – 429). But this is not the immediate reference. The different enumeration of *passio martyrii* (number twelve instead of Cassian's number two) points to Caesarius of Arles (470/471 - 542) as Cummean's source: the martyr's passion also is the last on the list in Caesarius' enumeration. The *Discipulus Umbrensium* finally mentioned explicitly in his preface the *remedium paenitentiae* and dedicated his edition of Theodore of Canterbury's advice programmatically to "all the catholic physicians of souls of the English".

[3] Cf. Evagrios Pontikos in: Bunge, *Über die acht Gedanken*, 29.

The Irish authority Finnian also emphasizes for the first time the boundless magnitude of God's mercy: there are no temporal limits, no limitations with regard to the contents for the forgiveness of sins, and strictly in privacy. This represents the explicit breakthrough for an unlimited opportunity to repent and receive forgiveness of sins after serving the imposed penance. The following penitentials affiliate to this notion, except the *P. Theodori*. This exception is mentioned in the issue of the *Discipulus Umbrensium*: in the provinces of the Church under Roman or Greek influence the penitents were reconciled publicly on Holy Thursday by the bishop or an authorized priest. In the province north of the Humber, however, influenced by the Irish Church the reconciliation took place in privacy, reasoned by the fact that a public repentance in this province did not exist. This finding clarifies two important conclusions: firstly, the transition from procedures of public repentance (*paenitentia canonica*: in the church and executed by a bishop) to a secret confession and imposition of penance (*paenitentia privata*: performed by a priest) represented a long lasting process. Its appearance depended on certain ecclesiastical areas and still was on its way around 700 AD. Secondly, the private penance actually was developed in the Church of Ireland or those provinces, which had been under Irish influence. It is remarkable that, on the one hand, the "Roman" Easter-date and the form of tonsure got the edge on the Irish custom, but, on the other hand, the Irish influenced performance of repentance, practiced in privacy, eventually proved itself as the prevailing form for the Church to come. In details it was recommended even by the Greek monk and English archbishop Theodore. In this context the observation is enlightened that the Easter-date and the form of tonsure had been a question of an all-ecclesiastical doctrine and a binding decision of the Church. But the penitentials though their use was widely held until the tenth century never became an official doctrine in the Church. The regulation of the Easter-date and the tonsure was supported by the authority of Church and its hierarchy. Behind the penitentials stood talented and acknowledged authorities representing certain areas of the Church.

From this perspective all the penitence-writings can be seen as a composition work containing a spiritual-forensic pathology of sin and its related spiritual-therapeutic cure. This therapeutic concept of repentance can be read as a pastoral effective way of dealing with overcoming human weakness and encouraging reconciliation after relapse into sin. So the penitentials mean much more than a catalogue of spiritless and legalistic automatism of penance. Even in the case that such a mechanistic use occasionally appeared later the named authors cannot be held responsible for this incompetent handling of the penitentials.[4] The author's aim is clear and consistent: they shaped their penitentials into a crucial assistance in the life-long course of a Christian's life, experiencing the controversies of a human being: success and failure, strength and weakness, holiness and sinfulness. The pastoral intention of the penitentials is obvious, because their regulations

[4] Cf. O'Loughlin, *Celtic Theology*, 65.

consistently tried to take into account the socio-personal circumstances of the penitent. This is exemplarily taken all together in the *P. Cummeani*: the priest is requested to take note of the penitent's personal abilities and the circumstances of his wrongdoing. The confessor is ordered to ponder on the individual sin and penance of the trespasser. Cummean expresses his opinion that a priest is acting in an exemplary manner, if he befriends the sinning person and converts the sinner through all his pastoral abilities and spiritual activities ("*admonendo, hortando, docendo, instruendo*"). So the role of the priests primarily is not to be a judge or an executor of penance, rather the sympathetic and sensible companion, spiritual physician, soul-friend, *anmchara* of the repentant person. The penitentials quoted numerous reasons to mitigate the penance: for example, heavy physical work, low education level, ignorance or inadvertence, infirmity, poverty, young or old age and coercion. This careful mention of all these exceptions and special cases support the notion that the penitentials provide entire pastoral activities and a sophisticated matter of cure, by no means a catalogue of automated punishing.

8.11. The minister of repentance

On repenting matters already Patrick sent an authorized priest (*presbyter*) to persuade the warlord Coroticus to release abducted fellow-Christians. It represents an early example of delegation of authority from a bishop onto a priest. Among the monastic family the abbot held the power to rule, of course also in affairs of repentance (*Praefatio Gildae*). But the decrees of the *Sinodus Aquilonalis* revealed the institution of a monastic instructor (*doctor privatus*), who is commissioned to accompany a monk also in the performance of serving his penance. The *Excerpta Davidis* made the subtle difference between a priest, who ministers in the church (*sacerdos*) and the general ecclesiastical state of a priest (*presbyter*). In the *P. Vinniani* priests, who were ministering the daily ecclesiastical life of the faithful, are termed *sacerdotes*. This is illustrated with the example of those, who administer the fruits of repentance (*fructus penitentiae*), meaning the distribution of alms received from the penitents. Ordained persons, who had committed a sin, in Finnian's Penitential were summed under the term of their estate: clerics (*clerici*). In the *P. Columbani* the penitents are entrusted to a bishop or a priest (*sacerdos*). By the example of dealing with heathen practices from the past Columbanus' Penitential reveals that the priest (*sacerdos*) too was the one, who accompanies, teaches and guides the ordinary people. A particularly extensive portrayal of sacerdotal office appears in the *P. Ambrosianum*: the priest (*sacerdos [catholicus]*) was authorized to receive the confession, to measure and impose the degree of penance, to pray for the penitent and to absolve the repentant. The absolution obviously took place in a liturgy of reconciliation, which was hallmarked by a combination of prayer and affirmation of the forgiveness by the priest. The performance of this reconciling liturgy obviously had been in the competence of the officiating priest: no penitential delivers an official formula of absolution. Cummean specifies a priest's (*sacerdos*) ministry expressively in only few canons of his Penitential. This absence of a consistent

detailed description of a priest's office and authority in context with confession is neither accidental nor indefinite. It supports on the contrary the conclusion that the sacerdotal ministry already was well known in Cummean's time and therefore did not need any particular mention. In the ambit of the English Archbishop Theodore two notions of dealing with repentance encountered each other: the Roman respectively the Oriental way (south of the river Humber) and the Irish one (Northumbria). The competence to minister the reconciliation of a penitent was clearly described by the *Discipulus Umbrensium*. In the sphere of Roman or Greek influence the bishop held the authority; only if in an emergency situation the bishop could not be present, a priest (*presbyterus*) could be authorized to reconcile a penitent. For the Irish circle of influence any information about the minister of reconciliation is missing. But the Irish penitentials consistently show the good practice that it was the priest's (*sacerdos*) office to reconcile the penitent. So the assumption appears as obvious that in the Irish influenced area north of the Humber the reconciliation had been entrusted to the priests (*sacerdotes*). The different colloquial usage of the Latin words for priest in the different penitence-writings possibly can find the following explanation: the fallen and repentant priest is called *presbiter (presbyterus)*, the priest, who receives the confession, measures and imposes the penance, is termed *sacerdos*. The South-West English Church and in its tradition later the *P. Theodori* used preferably the Latin term *presbyterus*, sometimes unsystematically *sacerdos*. But the Irish Church was aware of a certain distinction: *presbyterus* marks the ordination's grade, *sacerdos* a special appointment and commission, here to minister the reconciliation. The notion that in the tradition *sacerdos* also subsumes the ecclesiastical estate of a bishop seems not to be correct. In the *Praefatio Gildae* presaged and the so called *Synodus I S. Patricii* expressively mentioned that no priest should be without a clear appointment to a bishop. So it appears as more likely that the mention of a "*sacerdos*" in connection with an "*episcopus*" characterized a dependency and an employment relationship: the priest (*sacerdos*) held a special commission by his bishop (*episcopus*), for example to minister repentance.

8.12. Degree of penance and ecclesiastical estate

The wide range of regulations, which had been checked against each other (roughly 600 canones), does not make it easy to find consistent degrees of penance running like a thread through the penitentials. They reach from corrective measures for minor transgressions in a monastic community (for example additional psalm-singing, exclusion from meals, night-watches, blows and few days of fasting) to a long or even a lifelong penance for capital (mortal) sins, degradation of clerics into the lay-status or temporary exile. The exclusion from the Church's community was used only as the *ultima ratio* for those trespassers, who stubbornly persevered in sin or error. In this context however a basic statement is of vital importance, which all penitentials took for granted and Finnian explicitly stated: there is no sin, which cannot be pardoned by penance as

long as one lives. Therefore a possible reconciliation remained open until the end of life. Despite the bewildering variety at first view a close and detailed comparison reveals two basic lines of penance: three years of fasting for capital (mortal) and a forty-days-penance (*quadragesima*) or a multiple of this period for minor trespasses. This specifically applies to the pastoral outside a monastery and extension of regulations to lay-people. A member of a monastic community or of the clergy however had to face a more severe penance in comparison with lay-people (explicitly in *Sinodus Luci Victoriae*). This regulation too marks a common thread: a religious and an ordained person have to perform a model for a holy life. For this important labour they can expect a higher reward in the world to come (*Paenitentialis Vinniani*). But if those ecclesiastical officials commit a capital (mortal) sin or another trespass, they darken the reputation of the Church by establishing a bad example. Therefore they have to face rigid penances according to the rule: the higher the hierarchical rank the longer the duration of penance. The overview of the scarlet intercourse of a male and female person and the related penance indeed can serve as an example for the treatment of other capital sins. The basic penance for this sin of fornication (*P. Gildae*, *S. Aquilonalis*, S. *Luci Victoriae*, *E. Davidis*, *P. Vinniani*, *P. Columbani*, *P. Ambrosianum*) actually is three years of fasting by bread and water with some facilitations on Saturday and Sunday. The penance in the *Praefatio Gildae*, *P. Ambrosianum*, *Cummeani* pertains to monks. On condition that this sin was committed by a monk or a member of the clergy, the addition of penance could aggregate for up to ten years (*P. Columbani*, *Ambrosianum*, *Cummeani*: for a bishop). The performance of the penance often could be accompanied by different superpositions: exile, abstinence from meat and wine, harsh sleeping conditions, ban to carry arms, no marital bed, set free a bonds-maid and compensation in case of begetting a child. The connection between the archbishop of Greek descent, Theodore of Canterbury, and his predecessor in the bishopric of Caesarea three-hundred years ago, Basil (*Epistola* CXCIX), appears in a common regulation: a cleric, who is degraded into the lay-status, is according to the somewhat hedged phrasing in Theodore's Penitential ("*De gradu perdito penitentia mortua est anima vivit*.") not subjected to further penance. The other penitentials by contrast impose penance as well as (in special cases) the loss of a cleric's state (*Sinodus Aquilonalis*, *P. Vinniani*, *Ambrosianum*, *Cummeani*).

The reconciliation, expressed in the reception of the communion, was only allowed after the fulfillment of the imposed penance (expressively in the *P. Vinniani*). For a monk it had been certainly burdening, however possible to serve a penance, which lasted years, in his monastery or even in exile. It appeared as more difficult, but not totally impossible for a cleric to atone over a long period under quasi-monastic conditions, because monasteries provided special locations for these penitents. But for a layperson a nearly insolvable problem arose. A particular statement mentioned in Muratori's penitential-rite put this severe problem in a nutshell: for certain people the fulfillment of a penance's requirements is arduous, if not impossible for those, who had been responsible for

a family and relied on labour for mere subsistence. So it is not surprising that within the day-to-day-life of the Church ecclesiastical officials were on the lookout for commutations or equivalents, which allowed a layperson to fulfill the requirements of penance on the one hand and to continue the breadwinning on the other hand. A list of these ecclesiastical authorities can be found in the "Old Irish Table of Commutations".

An alteration of penance already was mentioned in the *Excerpta Davidis*: a three years penance of fasting could be replaced by a certain amount of three-days-periods of fasting. The *P. Vinniani* allowed a penance's limitation by alms for the poor or donations towards ecclesiastical officials (*servi Dei*). Cummean introduced his Penitential with a possible abbreviation by alms and listed various commutations in his Penitential. The *Discipulus Umbrensium* reported that Archbishop Theodore expressed his agreement to alter an imposed penance. A system of commutations or equivalents appears in different writings, called *arrea*, a latinized term from the vernacular Irish language, which means: payment instead of. These *arrea* had been discussed mainly in the Irish *Canones Hibernenses* (around 800), Muratori's *Ritus poenitentiae* (eighth century), the Council of Clofesho (746/747) and the "Old Irish Table of Commutations" (second half of the eighth century). The section II of the *Canones Hibernenses* and the Old Irish Table of Commutations are closely related to each other and renounced any pecuniary aspect of commutation. Long prayers and psalm-singing represented the main part of equivalent exercises. But the recitation often had been toughened by a series of escalating tiring and uncomfortable superpositions: little sleep, genuflections, staying in water overnight, sleeping on nutshells or even lying next to a corpse. The commutations also reveal an interesting insight of the human person. Although the wording is targeting superficially - the rescue of the *soul* - the perspective of these directions is an integral one, meaning the human person as a whole, with *body* and *soul*. Therefore the Table of Commutations describes the goal of the *arrea* as a kind of cure, which combines spiritual exercises and corporal penance-activities. This fervent praying included tiring chatisement, experiences that cost effort and willpower. The section I of the *Canones Hibernenses* additionally opened the opportunity to compensate a long-term penance by a pecuniary contribution or an allowance in kind. It represents a disconcerting insight in the contemporary society, which consists of free and unfree people. This becomes obvious, when alongside with the payment of money and the transfer of domestic animals the handover of bond-servants had been a possible commutation. The *Ritus poenitentiae* (transmitted by Ludovicus Antonius Muratori) reveals another possibility to replace a penance in form of fasting: paying stipends for masses said or even commissioning a monk to serve vicariously the penance. This favour however included the penitent's obligation to benefit the monastery with a reasonable donation. Especially this option marked a dangerous borderline: such payments and hand-over of goods favoured prosperous people. But the insightful random sample of the Council of Clofesho shows an alert awareness of problematic ecclesiastical developments. The Council

found itself constrained to argue against the misuse that a penitent could bail out him- or herself by paying one or more substitutes.

This alertness allowed the effort of the Church's authorities to take up an engaged pastoral responsibility and create for all Christian estates individual solutions to take part in the healing process of repentance. The different options to use the remedy of penance, counseled by spiritual physicians or soul-friends benefited the society, the ecclesiastical and the civil as well. So the Church particularly by the performance of confession in privacy and the imposition of a carefully individualized, but not lax penance bettered the individual person and simultaneously improved justice and righteousness among the community of people living together. It was an essential of all penitence-writings that they aimed at the cure of sinner as an individual and not the mass of human beings in total. The minister of repentance is called to proclaim a releasing message: though the human nature is weak and exposed to temptation there is no reason to despair, because God's mercy is great (*P. Vinniani*). In prefaces, pro- and epilogues the authors of the penitentials underlined their aim to improve the pastoral abilities of the priests for their ministry of reconciliation. The crucial matter of these authorities always was the improvement of the quality of the personal assistance.[5] They were convinced that the repentant sinner could expect that his or her spiritual attendant (physician, soul-friend) undertakes his utmost to reconcile him or her to God and the neighbours, the entire healing process of repentance. As learned and experienced Church superiors they realized their pastoral care and responsibility to comply with the request of the ecclesiastical officials, who were entrusted to them and ministered the faithful, but had not available a detailed knowledge of the ministry of repentance. So the penitentials took on the character of handouts and guidelines to educate and qualify confessors. The priest's (*sacerdos*) competences exemplarily mentioned in the *P. Ambrosianum* however allowed an ample scope that could be filled by the minister of repentance playing his role as the penitent's spiritual guide. Because the penitentials aimed at the effort to convert a certain sinner, they nowhere emphasized the quantity of penitents. They rather favoured the quality of the spiritual and pastoral attendance a penitent could enjoy from an attentive and sensitive confessor.

8.13. Final reflections

Has the form of repentance exercised in the Church of today a chance to survive? Especially in the Christian West or ecclesiastical regions of its influence the sacrament of reconciliation remains in a permanent crisis.[6] The current performance of the sacrament comprehends four different rites. Three forms have sacramental character (first: individual celebration and personal confession, second: communal celebration and personal confession, third: communal

[5] This crucial goal is currently emphasized by Pope Francis in his Apostolic Letter *Misericordia et Misera*, 10 – 12, 20th of November 2016.
[6] Cf. Coffey, *The sacrament of Reconciliation*, 77, 93 – 100, 166. See too: *Versöhnung und Buße*, Internationale Theologische Kommission, 1982.

celebration and general absolution) and one form represents the non-sacramental penitential service.[7] The comparison of the different forms suggests that the emphasis is on communal components, and that the healing dialogue between penitent and confessor is jeopardized to fall behind in the process of repentance.[8]

As stated above, the spirit of the penitentials certainly from the *P. Vinniani* onwards clearly reveals that the entire sense of repentance is not represented by quantity, concluding as many confessions as possible. The emphasis rather is laid on the quality of the process of repentance that includes as a crucial act the healing dialogue between the officiating priest and the repentant person. The minister of repentance, namely, takes the responsibility that the penitent understands a redeeming *trias*:

> first and foremost, being strengthened in faith that no sin exists, which cannot be forgiven by God's boundless mercy,
>
> second, being accompanied in the process of repenting by the service of the Church and
>
> third, declaring oneself willing to fulfill the penance as a remedy to be cured and reconciled with the community of the faithful.

Like a doctor for the body, who calms a patient after a bad diagnosis with the prospect of a salutary therapy, the spiritual physician is called to offer the person, who is suffering from sin as an ailment of soul, the promising therapy of repentance. So the officiating priest should assist the sinner on his or her way back to a righteous life, but also renew his or her faith in God's boundless love. Being convinced of this redeeming reality the person can experience reconciliation with God, neighbours and – not least – with him- or herself, in order to withstand temptation in the future. Therefore the role of the minister of repentance is a crucially important one. It appears that the authors actually wanted to do their utmost in intention and performance to fit their entrusted pastors by their pententials' advice for the demanding service: to turn a comprehensive attention towards people, who ask for repentance. This process means not less than an extension of friendship: listening to the penitent's personal problems, his or her story of life, burden and wounds he or she has endured, offences committed, his or her weakness, but also abilities, obsessions and honest contrition as well as good will. This is admittedly a process that needs time and claims personal resources. But it nevertheless represents an alternative to penitential-services, where the assembled congregation enters only into a ritualized dialogue, answers pre-formulated questions and receive a kind of forgiving blessing. In addition, it appears as problematic to require for this blessing the sacramental character of a general absolution, because it converts a regulation for an emergency-situation in a normal practice of the Church's day-to-

[7] Cf. Coffey, *The sacrament of Reconciliation*, 127 – 168, especially 164 – 168.
[8] Cf. Coffey, *The sacrament of Reconciliation*, 166.

day life. The question remains, whether this supposed relief meets the necessities of our time.

The possibilities of the internet reveal more and more a lack of consideration, an unscrupulous way of dealing with one another and the absence of healthy relations, respect, sensible attention in personal interaction.[9] A willingness to be reconciled can also be absent. Thus a ceremony of a general forgiveness appears as less helpful for a person, who suffers from being neglected, harmed and caught in personal guilt. A person however can find personal encouragement and the experience of attention in the healing conversation of the penitentials, which are based on the promise of God's mercy. Reconciled with him- or herself the penitent can advance respect, reconciliation and peace within the society. The engaged authors of the penitentials taught definitely a pastoral, which centres on the person and prefers a high quality in guiding the faithful on the path of life and to save them from sin, the path of death (*Didache*). Of course they also were keen to win as many as possible to believe in practising the faith. But quantity was not their first option. They referred it to the second place. The attraction of the concept of the penitentials consists in their authors' conviction that winning the entire personality of a human being represents the only lasting way to continue to better mankind in the sight of God. Thus the conversion of mankind begins in the conversion of the individuals. This however is a fundamental Christian idea, and the penitentials actually are not far from this notion. The widespread use of the penitentials until at least 1000 AD proves that their application – though imperfection in some respect - had been not only widely held and successful in the continental and insular world. They also verify for our time that it is worth to take part in revealing God's redemption, and they can be a means to improve individual and collective integrity in this world: the crucial message of Jesus' proclaiming the Kingdom of God.

[9] Cf. for adolescents: Grimm, *Gewalt im Web 2.0*, especially pages 59 – 62, 90 – 91, 210, 218, 229 – 233, 244 – 245, 263 – 264, 346 – 348.

Literature:

1. Biblical editions

Biblia Hebraica,
ed. Rudolf Kittel, Stuttgart 1937.
Biblia Sacra I,
ex Sebastiani Castellionis interpretatione eiusque postrema recognition, Lipsiae (Leipzig), 1750.
Biblia Sacra II,
Vulgatae Editionis, ed. Valentinus Loch, (Romae 1592 & 1593) Ratisbonae (Regensburg), ^{2}1863.
Biblia Sacra III,
Vulgatae Editionis, ed. Michael Hetzenauer, Ratisbonae (Regensburg) et Romae, 1914.
Novum Testamentum Graece,
ed. Kurt Aland und Barbara Aland, Stuttgart, ^{26}1979.
Novum Testamentum Graece et Latine,
ed. Augustinus Merk, Romae, ^{9}1964.
Septuaginta,
Vetus Testamentum Graecum, auctoritate Societas Litterarum Gottinggensis, vol. XIII, Duodecim prophetae, edidit Joseph Ziegler, Göttingen 1943.
The New Jerusalem Bible,
London, 1990

2. Dictionaries:

Georges, Karl Ernst,
Ausführliches Lateinisch-deutsches Handwörterbuch, zwei Bände, Darmstadt, 1988.
Gesenius, Wilhelm,
Hebräisches und aramäisches Handwörterbuch über das Alte Testament, Berlin, Göttingen, Heidelberg 1962.
Quin, E. G.,
electronic Dictionary of the Irish Language (eDIL), 1976.
Rost, Valentin, Christian, Friedrich,
Griechisch-deutsches Schulwörterbuch, Erfurt und Gotha, 1823.
Schellers, Imm. Joh. Gerh.,
Lateinisch-deutsches und deutsch-lateinisches Handlexicon, zwei Bände, Leipzig, ^{4}1820.

3. Sources:

Ambrosius von Mailand,
Über die Buße (de paenitentia), in: Bibliothek der Kirchenväter (BKV), Serie I, Band 13, Kempten 1871.
Ancyra,
Ancyranum Concilium tempore Silvestri Papae celebratum, in: Sacrorum Conciliorum nova et amplissima collection, tomus secundus, ed. Johannes Dominicus Mansi, Florentiae 1759.

Augustinus, Aurelius,
Confessiones and Enchidrion, translated and edited by Albert C. Outler, Christian Classics Ethereal Library (CCEL).
Augustinus,
Die Bekenntnisse des heiligen Augustinus, Buch I – X, ins Deutsche übersetzt und mit einem Kommentar versehen von Georg von Hertling, Freiburg, [30]1941.
Augustinus,
De baptismo – Über die Taufe, eingeleitet, kommentiert und herausgegeben von Hermann-Josef Sieben, in: Augustinus Opera – Werke, Band 28, Paderborn 2006.
Basil (the Great) of Caesarea,
Letter 46, 188, 199, 217, in: Nicene and Post-Nicene Fathers of the Christian Church (NPNF), second series, volume 8, translated by Blomfield Jackson, ed. by Philip Schaff and Henry Wace, 1895.
Basilii Caesareae Capadociae Archiepiscopi,
Epistolae 188, 199, 217 in: Opera omnia, opera et studio Monachorum Ordinis Sancti Benedicti e Congregatione Sancti Mauri, editio Parisina altera, emmendata et aucta, tomus tertius, Parisiis 1839.
Basilius von Caesarea,
Briefe 188, 199, 217 in: Basilius von Caesarea, Briefe, eingeleitet, übersetzt und erläutert von Wolf-Dieter Hauschild, Band 1- 3, Stuttgart 1973 - 1993.
Basilius von Caesarea,
Mönchsregeln, übersetzt und kommentiert von Karl Suso Frank, St. Ottilien, [2]2010.
Baedae Venerabilis,
Historiam Ecclesiasticam Gentis Anglorum, ed. Carolus Plummer, (reprint) Oxford 1961.
Beda der Ehrwürdige,
Kirchengeschichte des englischen Volkes, übersetzt und herausgegeben von Günter Spitzbart, Darmstadt 1997.
Benedikt von Nursia,
Die Benediktusregel, ed. Basilius Steidle, Beuron, [3]1978.
Cäsarius von Arles,
Klosterregeln für Nonnen und Mönche, hrsg. von Ivo Auf der Maur OSB, St. Ottilien 2008.
Caesarius of Arles,
- Homilia XIII, in: Patrologia Latina (PL), hrsg. von J. P. Migne, Paris, 1841 – 1864, Band 67, 1075.

Caesarii Arelatensis,
- Sancti Caesarii Arelatensis Sermo 56, ed. Germanus Morin, in: Corpus Christianorum Series Latina (CCL) CIII / I Turnhout 1953, 247 - 250.
- Sancti Caesarii Arelatensis Sermo 60, ed. Germanus Morin, in: Corpus Christianorum Series Latina (CCL) CIII / I Turnhout 1953, 263 - 266.
- Sancti Caesarii Arelatensis Sermo 130, ed. Germanus Morin, in: Corpus Christianorum Series Latina (CCL) CIII / I Turnhout 1953, 534 - 538.
- Sancti Caesarii Arelatensis Sermo 179, ed. Germanus Morin, in: Corpus Christianorum Series Latina (CCL) CIV / I, 2, Turnhout 1953, 724 – 729.

- Sancti Caesarii Arelatensis Sermo 187, ed. Germanus Morin, in: Corpus Christianorum Series Latina (CCL) CIV / I, 2, Turnhout 1953, 763 - 766.
- Sancti Caesarii Arelatensis Sermo 197, ed. Germanus Morin, in: Corpus Christianorum Series Latina (CCL) CIV / I, 2, Turnhout 1953, 794 - 798.

Chalon-sur-Saône, Synode von,

(813), in: Sacrorum Conciliorum nova et amplissima Collectio (Mansi), ed. J. D. Mansi, vol. 14, Venedig 1769, Reproduktion bearbeitet von F. M. Geidel, Paris 1902.

Clemens von Rom:

Epistola ad Corinthos, Brief an die Korinther, übersetzt und eingeleitet von Gerhard Schneider, in: Fontes Christiani (FC 15), hrsg. von Norbert Brox et al., Freiburg im Breisgau 1994.

Clement of Alexandria,

Who is the rich man that shall be saved, in: Ante-Nicene Fathers (ANF), Volume 2, ed. by Philip Schaff, translated by William Wilson, 1885.

Clemens von Alexandrien,

Teppiche (Stromateis), aus dem Griechischen übersetzt von Otto Stählin, in: Bibliothek der Kirchenväter (BKV), 2. Reihe, Band 17, 19, 20, München 1936-1938.

Clemens von Alexandrien,

Paidagogos, aus dem Griechischen übersetzt von Otto Stählin, in: Bibliothek der Kirchenväter (BKV), 2. Reihe, Band 7, Kempten, München 1934.

Clovesho, Council of,

in: Councils and Ecclesiastical Documents relating to Great Britain and Ireland, ed. by Arthur West Haddan and William Stubbs, volume III, Oxford 1964, 360 – 376.

Columban von Luxeuil,

Mönchsregeln, hrsg. von Ivo Auf der Maur OSB, St. Ottilien 2007.

Columbanus,

Sancti Columbani opera, ed. G. S. M. Walker, in: Scriptores Latini Hiberniae, volume II, Dublin 1957

- Epistula I, 3 – 13
- Regula monachorum, 124 – 169
- Paenitentiale, 168 – 181
- Appendix, 210 - 213

Concilium Arelatense,

De baptismo haereticorum, in: Henrici Denzinger, Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum (DH); quod emendavit, in linguam germanicam transtulit et adiuvante Helmuto Hoping edit Petrus Hünermann, Freiburg, Basel, Wien, ^{44}2014, 56.

Concilium Lateranense a. 649 celebratum,

in Acta Conciliorum Oecumenicorum (ACO), series secunda, volumen primum, Berlin, 1984.

Conciliorum oecumenicorum generaliumque decreta,

1: The Oecumenical Councils from Nicaea I to Nicaea II (325-787). Edited G. Alberigo, A.M. Ritter et al. Corpus Christianorum, series Latina (CCL). Turnhout, 2006

Constitutiones Apostolicae,

Didaskalia, Textum Graecum recognovit, praefatus est, annotationes criticas et indices subject, Guilelmus Ültzen, Suerini (Schwerin) et Rostochii (Rostock) sumptibus Stillerianis, 1853.

Cummeanus,

Das Poenitentiale Cummeani, von Joseph Zettinger, in: Archiv für katholisches Kirchenrecht (AKathKR / AfkKR), 1902, 501 – 540.

Cyprian von Karthago,

in: Des heiligen Kirchenvaters Caecilius Cyprianus Briefe, aus dem Lateinischen übersetzt von J. Baer, Bibliothek der Kirchenväter (BKV), 1. Reihe, Band 60, München, 1928.

Didache,

Griechisch-deutsche Parallelausgabe in: Die Apostolischen Väter, ed. Andreas Lindemann und Henning Paulsen, Tübingen 1992, 1 – 21.

Didaskalia,

Die syrische Didaskalia, in: Die ältesten Quellen des orientalischen Kirchenrechts, zweites Buch, übersetzt und erklärt von Hans Achelis und Johs. Fleming, Leipzig, 1904.

Evagrios Pontikos,

- Evagrii de Octo Vitiosis Cogitationibus ad Anatolium in: Patrologia Graeca (PG), hrsg. von J. P. Migne, Paris, 1863, Band 40, 1271 – 1273.
- Über die acht Gedanken, eingeleitet und kommentiert von Gabriel Bunge, in: Weisungen der Väter, Band 3, Beuron 2007.
- Der Praktikos, eingeleitet und kommentiert von Gabriel Bunge, in: Weisungen der Väter, Band 6, Beuron, ^{2}2008.

Francis (Franciscus), Pope,

Apostolic Letter *Misericordia et misera*, Rome, 20th of November 2016.

Gildas,

De excidio Brittanniae or The Ruin of Britain, ed. by Hugh Williams, Cymmrodorion, 1901 (facsimile reprint 2006).

S. Gregorii Magni,

Opera, Moralia in Iob, cura et studio Marci Adriaen, liber XXXI, Turnholti (Turnhout) 1985

Gregorius II

Papa a varias Bonifatii consultations rescribit, in: Monumenta Germaniae Historica (MGH), epistolarum tomus III, Berolini 1958, 275 – 277.

Gregor von Nazianz,

in: Des heiligen Bischofs Gregor von Nazianz Reden / aus dem Griechischen übers. und mit Einl. und Anmerkungen versehen von Philipp Haeuser. Bibliothek der Kirchenväter (BKV), 1. Reihe, Band 59 Kempten, München, 1928.

Gregor Nazianzen,

Orations, in: Nicene and Ante-Nicene-Fathers of the Christian Church (NPNF), second series, volume 7, ed. Philip Schaff and Henry Wace, 1895.

Hippolytus von Rom,

Canones, in: Tatian's, des Kirchenschriftsellers, Rede an die Griechen, übers. und mit Einl. vers. von Valentin Gröne, Bibliothek der Kirchenväter (BKV), 1. Serie, Band 28, Kempten, 1872.

Der Hirt des Hermas,
in: Die Apostolischen Väter, neu übersetzt und herausgegeben von Andreas Lindemann und Henning Paulsen, Tübingen 1992.
Der Hirt des Hermas,
aus dem Griechischen übersetzt von Franz Zeller, in: Die Apostolischen Väter. (Bibliothek der Kirchenväter [BKV], 1. Reihe, Band 35), München 1918.
Der Hirt des Hermas,
übersetzt und erklärt von Norbert Brox, in: Kommentar zu den Apostolischen Vätern, siebter Band, Göttingen 1991
The Pastor of Hermas,
in: Ante-Nicene Fathers (ANF), Volume 2, ed. by Philip Schaff, translated by F. Crombie, 1885
Irenäus von Lyon,
Adversus Haereses, Gegen die Häresien III, übersetzt und eingeleitet von Norbert Brox, in: Fontes Christiani (FC), Band 8/3, Freiburg im Breisgau 1995
Irenäus von Lyon,
Adversus Haereses, Gegen die Häresien IV, übersetzt und eingeleitet von Norbert Brox, in: Fontes Christiani (FC), Band 8/4, Freiburg im Breisgau 1997
Irish Penitentials,
The Irish Penitentials, ed. by Ludwig Bieler with an appendix by D. A. Binchy, Dublin 1975
Johannes Cassianus,
- Collationes, ed. Michael Petschenig, in: Corpus Scriptorum Ecclesiasticorum Latinorum (CSEL), Vol. XIII, Wien 2004.
- De Institutis Coenobiorum, de Incarnatione contra Nestorium, ed. Michael Petschenig, in: Corpus Scriptorum Ecclesiasticorum Latinorum (CSEL), Vol. XVII, Wien 2004.
- Institutiones: Des ehrwürdigen Johannes Cassianus zwölf Bücher von den Einrichtungen der Klöster übersetzt von Antonius Abt, in: Bibliothek der Kirchenväter (BKV), Kempten 1877.
- Collationes: Des ehrwürdigen Johannes Cassianus vierundzwanzig Unterredungen mit den Vätern übersetzt von Karl Kohlhund, in: Bibliothek der Kirchenväter (BKV), Kempten 1877.
- Gespräche mit Abba Isaak über das Gebet, Collationes patrum 9 – 10, überarbeitet und eingeleitet von Gregor Emmenegger, Freiburg 2009.
- Unterredungen mit den Vätern, Collationes Patrum, Teil 1, Collationes 1 bis 10, übersetzt und erläutert von Gabriele Ziegler, Quellen der Spiritualität, Band 5, Münsterschwarzach 2011.

Johannes von Antiochien,
Oratio de disciplina monastica, c. 7, in: Texte zur Theologie (tzt), Dogmatik 9, 2, hrsg. von Wolfgang Beinert, Gerfried W. Hunold, Karl-Heinz Weger, Graz, Wien, Köln 1991, Nr. 626, Seite 143.
Justinus,
Dialog mit dem Juden Tryphon, übersetzt von Philipp Hauser, hrsg. von Katharina Greschat und Michael Tilly, in: Bibliothek der Kirchenväter (BKV), Wiesbaden 2005
McNeill, John T. and Gamer, Helena M.,
Medieval handbooks of penance, New York 1979

Muratorian Canon,
in: The Muratorian Canon, ed. by Peter Kirby, translated by Theron, Early Christian Writings, 2006.
Nicolai Papae I.,
Responsa Nicolai ad consulta Bulgarorum, anno 866, in: Patrologia Latina (PL), Band 119, 978 – 1016, ed. by J. P. Migne, Paris 1880.
Oengus the Culdee,
The Martyrology of Oengus the Culdee, ed. by W. Stokes, London 1905.
Origéne,
Homélies sur le Lévitique, Tome I (Homélies I – VII), ed. Marcel Borret, s.j., Sources Chrétiennes, SC 186, Paris 1981.
Origenes,
Acht Bücher gegen Celsus, aus dem Griechischen übersetzt von Paul Koetschau, in: Bibliothek der Kirchenväter (BKV), 1. Reihe, Band 52 und 53, München 1926
Origen,
Contra Celsum, translated by Frederick Crombie, in: Ante-Nicene Fathers (ANF), Vol. 4, ed. by Alexander Roberts, James Donaldson, and A. Cleveland Coxe, Buffalo, NY, 1885.)
Origenes, Matthäus-Kommentar,
übersetzt von Erich Klostermann und Ernst Benz, Die griechischen christlichen Schriftsteller (GCS), 40, Leipzig 1935.
Pachomiana Latina,
in: Bibliothèque de la Revue D'Histoire Ecclesiastique 7, ed. A. Boon, Louvain 1932.
Possidius,
Vita Augustini, in: Augustinus, opera, Werke, ed. Wilhelm Geerlings, Paderborn, München, Wien, Zürich, 2005.
Prosper of Aquitane,
Epitoma Chronicon 1307, in: Monumenta Germaniae Historica, Auctores antiqissimi (MGH. AA), tomus IX, Chronica minora, volumen I, Berlin 1961, 473.
Regino von Prüm,
De synodalibus causis et disciplinis ecclesiasticis, I, ed. F. G. A. Wasserschleben, Lipsiae 1840, Nachdruck Graz 1964, 26.
Tacitus, P. Cornelius,
Die Annalen, hrsg. von Georgius Andreas Dolhopfius et Eberhardus Zenznerus, 1664; hrsg. von Wilhelm Harendza, München 1964.
Tallaght, the monastery of,
ed. by E. J. Gwynn and N. J. Purton, in: Proceedings of the Royal Irish Society, Volume XXIX, Section C, Nr. 5, Dublin 1911.
Tertullian,
On repentance, in: Ante-Nicene Christian Library (ANCL), Volume XI, ed. by Roberts, Alexander and Donaldson, James, translated by S. Thelwall, Edingburgh 1869
Tertullian,
De pudicitia, in: Sources Chrétienne, 394, ed. by Charles Munier, , 1993
Tertullian,
On modesty, in: Clavis Patrum Latinorum (CPL) 30, translated by S. Thelwall, Boepols, Turnhout, 1995

Tertulliani,
De paenitentia, in: Corpus Scriptorum Ecclesiaticorum Latinorum (CSEL), Wien 1876 ff, 76 (1957)
Tertullians
ausgewählte Schriften ins Deutsche übersetzt von K. A. Heinrich Keller, 1912 / 1917, in: Bibliothek der Kirchenväter (BKV), 7, 1. Band. Tertullians private und katechetische Schriften, Kempten 1912.
Theodorus Cantuariense,
- Theodorus, A. Capitula Theodori, B. Poenitentiale Theodori, in: Die Bußordnungen der abendländischen Kirche, F. W. H. Wasserschleben, Halle 1851 (Nachdruck: Graz 1958), 145 - 219.
- Das Bussbuch Theodor's von Canterbury, in: Die Bussbücher und die Bussdiciplin der Kirche, Herm. Jos. Schmitz, I, Mainz 1883 (Nachdruck: Graz 1958), 524 – 550.
- Die Canones Theodori Cantuariensis und ihre Überlieferungsformen von Paul Willem Finsterwalder, Weimar 1929, 239 – 334.
- Poenitentiale Theodori, in: Councils and Ecclesiastical Documents relating to Great Britain and Ireland, ed. by Arthur West Haddan and William Stubbs, Vol. III, Oxford, 1964, 173 – 213.
- The Penitential of Theodore, in: Medieval Handbooks of Penance, a translation of the principal *Libri poenitentiales* and selections from related documents, by John T. McNeill and Helena M. Gamer, New York 1979, 179 – 217.

Theodor von Mopsuestia,
Kathechetische Homilien, übersetzt und eingeleitet von Peter Bruns in: Fontes Christiani (FC), Band 17/2, Freiburg, Basel, Wien 1995.
Theodulfi, Aurelianensis Episcopi
Opera omnia, in: Patrologia Latina, PL 105, ed. J. P. Migne, Paris 1851.
Versöhnung und Buße,
Internationale Theologische Kommission, Schlussdokumente 1982, translation into German language from: La Civilità Cattolica (CivCatt) 135 (1984), 45 – 72.
Wasserschleben, F. W. H.,
- Die Bußordnungen der abendländischen Kirche, Halle 1851 (Nachdruck Graz 1958).
- Die irische Kanonensammlung, Leipzig, ^{2}1885.

4. Encyclopedia's articles

Angenendt, Arnold,
Irische Mission, in: Lexikon für Theologie und Kirche (LThK), Band 5, Freiburg, Basel, Rom, Wien ^{3}1996, 590, 591
Antike Medizin,
Heilprinzip, in: ein Lexikon, hrsg. von Karl-Heinz Leven, München 2005, 394, 395.
Blackburn, M. A. S.,
Coinage, The Blackwell Encyclopaedia of Anglo-Saxon England (BEASE), ed. by Michael Lapidge, Oxford 2001, 113 – 116.

Koch, Günter,
Bußsakrament, in: Lexikon der katholischen Dogmatik (LKDog), hrsg. von Wolfgang Beinert, Freiburg, Basel, Wien 1987, 50 – 53.
Körntgen, Ludger,
Mönchsbeichte, in: Lexikon des Mittelalters (LMA), Band 6, hrsg. von Norbert Angermann, München 1993, 747.
Kottje, Raymund,
Bußbücher, in: Lexikon des Mittelalters (LMA), Band 2, hrsg. von Robert Auly, München 1983, 1118 – 1121.
Paenitentiale Theodori, in: Handwörterbuch zur deutschen Rechtsgeschichte (HRG), III. Band, Berlin 1964 f., 1413 – 1416.
Kriegbaum, Bernhard,
Donatismus, Donatisten, in: Lexikon für Theologie und Kirche (LThK), Band 3, Freiburg, Basel, Rom, Wien ^{3}1995, 332 – 334.
O'Loughlin, Thomas,
Penitentials, in: Medieval Ireland (MedIreland), an Encyclopedia, ed. by Seán Duffy, New York and London 2005, 371 - 372.
Lutterbach, Hubertus,
Tonsur, in: Lexikon für Theologie und Kirche (LThK), Band 10, Freiburg, Basel, Rom, Wien ^{3}2001, 107, 108.
M. Garijo-Guembe, Miguel,
VI. (Buße) in den Ostkirchen, in: Lexikon für Theologie und Kirche (LThK) Band 2, Freiburg, Basel, Rom, Wien ^{3}1994, 830 – 832.
Nikolaou, Theodor,
Ehe in den Ostkirchen, Orthodoxe Kirche, Lexikon für Theologie und Kirche (LThK) Band 3, Freiburg, Basel, Rom, Wien ^{3}1995, 487 - 489.
Nikolasch, F.,
Westkirche, in Lexikon des Mittelalters (LMA), Band 2, hrsg. von Robert-Henri Bautier, München, Zürich 1983, 1130.
Ó Cróinín, D.,
Osterfestberechnung, Osterstreit, in Lexikon des Mittelalters (LMA), Band 6, hrsg. von Norbert Angermann, München 1993, 1515 – 1517.
Pelteret, David A. E.,
Roads, in: The Blackwell Encyclopaedia of Anglo-Saxon England (BEASE), ed. by Michael Lapidge, Oxford 2001, 395, 396.
Prostmeier, Ferdinand, Rupert,
Barnabasbrief, Lexikon für Theologie und Kirche (LThK) Band 2, Freiburg, Basel, Rom, Wien ^{3}1994, 18.
Richter, Michael
Columbanus, in: Medieval Ireland (MedIreland), an Encyclopedia, ed. by Seán Duffy, New York and London 2005, 100 - 101.
Rahner, Karl,
- **Bußdiziplin**, Lexikon für Theologie und Kirche (LThK) Band 2, Freiburg, Basel, Rom, Wien, ^{2}1958, 810 - 814.
- **Bußsakrament**, in: Sacramentum mundi (SM), Theologisches Lexikon für die Praxis, Erster Band, Freiburg 1967, 655 – 679.

Rombach, Ursula,
Gildas, in: Lexikon für Theologie und Kirche (LThK) Band 4, Freiburg, Basel, Rom, Wien ^{3}1995, 651.

Le Bras, G.
Pénitentiels, in: Dictionaire de Théologie Catholique (DThC), ed. A. Vacant and E. Magenot, continué É. Amann, XII, Paris 1933, 1160 – 1179.
Brennecke, Hanns Christof,
Amphilochius, in: Lexikon für Theologie und Kirche (LThK) Band 1, Freiburg, Basel, Rom, Wien ^{3}1993, 540, 541.
Brox, Norbert,
Hermas, in: Lexikon für Theologie und Kirche (LThK) Band 4, Freiburg, Basel, Rom, Wien ^{3}1995, 1448, 1449.
Bullough, Donald, A.,
Cummian(us), in: Lexikon für Theologie und Kirche (LThK), Band 2, Freiburg, Basel, Rom, Wien ^{3}1994, 1358, 1359.
Cubitt, C. R. E.
Clofesho, The Blackwell Encyclopaedia of Anglo-Saxon England (BEASE), ed. by Michael Lapidge, Oxford 2001, 107.
Davies, John Reuben
Ecclesiastical Organization, in: Medieval Ireland (MedIreland), an Encyclopedia, ed. by Seán Duffy, New York and London 2005, 143 – 146.
Eger, Christoph,
Patricius, in: Lexikon für Theologie und Kirche (LThK), Band 7, Freiburg, Basel, Rom, Wien ^{3}1998, 1468, 1469.
Frank, Karl Suso,
Mönchsbeichte, in: Lexikon für Theologie und Kirche (LThK) Band 7, Freiburg, Basel, Rom, Wien ^{3}1998, 391, 392.
Fürst, Alfons,
Tertullian(us), in: Lexikon für Theologie und Kirche (LThK), Band 9, Freiburg, Basel, Rom, Wien ^{3}2000, 1344 – 1348.
Gessel, Wilhelm M.,
Bußstufen, **Bußstationen**, in: Lexikon für Theologie und Kirche (LThK), Band 2, Freiburg, Basel, Rom, Wien ^{3}1994, 856, 857.
Greshake, Gisbert,
Pelagianismus, in: Lexikon für Theologie und Kirche (LThK), Band 8, Freiburg, Basel, Rom, Wien ^{3}1999, 8, 9.
Hainthaler, Theresia,
Monotheletismus, Monergetismus, in: Lexikon für Theologie und Kirche (LThK), Band 7, Freiburg, Basel, Rom, Wien ^{3}1998, 430, 431.
Howlett, David Robert,
Patrick, in: Medieval Ireland, an Encyclopedia, ed. by Seán Duffy, New York and London 2005, 368 - 370.
Johanek, Peter,
Cadocus, in: Lexikon für Theologie und Kirche (LThK), Band 2, Freiburg, Basel, Rom, Wien ^{3}1994, 872.
Kany, Roland,
Quartodezimaner, in: Lexikon für Theologie und Kirche (LThK), Band 8, Freiburg, Basel, Rom, Wien ^{3}1999, 762.
Keynes, Simon,
Adventus Saxonum, The Blackwell Encyclopaedia of Anglo-Saxon England (BEASE), ed. by Michael Lapidge, Oxford 2001, 5, 6.

Saller, Margot,
Heiland, Lexikon für Theologie und Kirche (LThK), Band 4, Freiburg, Basel, Rom, Wien, ^{3}1995, 1264, 1265.
Schminck, Andreas,
Johannes IV. Nesteutes, in: Lexikon für Theologie und Kirche (LThK) Band 5, Freiburg, Basel, Rom, Wien ^{3}1996, 940.
Schöllgen, Georg,
Didaskalie, in: Lexikon für Theologie und Kirche (LThK) Band 3, Freiburg, Basel, Rom, Wien ^{3}1995, 210, 211.
Montanismus, in: Lexikon für Theologie und Kirche (LThK) Band 7, Freiburg, Basel, Rom, Wien ^{3}1998, 434 – 436.
Speigl, Jakob,
Dreikapitelstreit, Lexikon für Theologie und Kirche (LThK) Band 3, Freiburg, Basel, Rom, Wien ^{3}1995, 368, 369.
Vogt, Hermann-Josef,
Novatian, in: Lexikon für Theologie und Kirche (LThK) Band 7, Freiburg, Basel, Rom, Wien ^{3}1998, 938 – 939.
de Vogüé, Adalbert,
Regula(e) Columbani, in: Dizionario degli Instituti di Perfezione (DIP), diretto da G. Pelliccia e da G. Rocca, Roma 1962 ff., VII, 1607 – 1615.
Vollrath, Hanna,
Theodor, in: Lexikon für Theologie und Kirche (LThK) Band 9, Freiburg, Basel, Rom, Wien ^{3}2000, 1409, 1410.
Vorgrimmler, Herbert,
- **Der Kampf des Christen mit der Sünde**, in: Mysterium Salutis (MySal), Band V, hrsg. Johannes Feiner und Magnus Löhrer, Zürich, Einsiedeln, Köln 1971, 349 – 458
- **Buße / Vergebung**, in: Neues Handbuch theologischer Grundbegriffe (NHThG), hrsg. von Peter Eicher, Band 1, München 1991, 219 – 233.

5. Secondary literature:

Adam, Karl,
Die geheime Kirchenbuße nach dem heiligen Augustin, in: Münchener Studien zur historischen Theologie, Heft 2, Kempten 1921.
Altaner, Berthold, Stuiber, Alfred,
Patrologie, Leben, Schriften und Lehre der Kirchenväter, Freiburg, Basel, Wien 1966.
Angenendt, Arnold,
Die irische Perigrinatio und ihre Auswirkungen auf dem Kontinent vor dem Jahre 800, in: Die Iren und Europa im frühen Mittelalter, hrsg. von Heinz Löwe, Band 1, Stuttgart 1982, 52 – 79.
Asbach, Franz Bernd,
Das Poenitentiale Remense und der sogen. Excarpsus Cummeani, Regensburg 1975.
Bardenhewer, Otto,
Geschichte der altkirchlichen Literatur, III. Band, Freiburg, ^{2}1923.
Barnes, Timothy D.,
- The Date of Ignatius, in: The Expository Times, 2008, 120, 119 – 130.

- Constantine, Dynasty, Religion and Power in the later Roman Empire, Chichester, 2014.

Baumgartner, Konrad,

Aus der Versöhnung leben. Theologische Reflexionen – Impulse für die Praxis, München, 1990.

Baus, Karl,

- Von der Urgemeinde zur frühchristlichen Großkirche, in: Handbuch der Kirchengeschichte (HKG), hrsg. von Hubert Jedin, Band I, Freiburg, Basel, Wien 1962.
- Von der Gleichberechtigung zur Privilegierung des Christentums durch Kaiser Konstantin, in: Handbuch der Kirchengeschichte (HKG), hrsg. von Hubert Jedin, Band II/1, Freiburg, Basel, Wien 1973, 3 - 93.

Beck, Hans-Georg,

Kirche und Theologische Literatur im Byzantinischen Reich, München 1959, (= Handbuch der Altertumswissenschaft [HAW] 12.2.1.)

Beinert, Wolfgang,

Heilender Glaube, Mainz 1990.

Benedikt XVI.,

- Joseph Ratzinger, Jesus von Nazareth, erster Teil, Freiburg, Basel, Wien 2006.
- Joseph Ratzinger, Jesus von Nazareth, zweiter Teil, Freiburg, Basel, Wien 2010.

Bieler, Ludwig,

The Irish Penitentials: Their Religious and Social Background, in: Studia Patristica (StPatr), 8 (1966), 329 – 339.

Berschin, Walter,

Ich Patricius, Die Autobiographie des Apostels der Iren, in: Die Iren und Europa im frühen Mittelalter, hrsg. von Heinz Löwe, Band 1, Stuttgart 1982, 9 – 25.

Bonhoeffer, Thomas,

Ursprung und Wesen der christlichen Seelsorge, in: Theologische Abhandlungen, begründet von Ernst Wolf, hrsg. von Eberhard Jüngel und Rudolf Smend, Band 95, München 1985.

Bowen, E. G.,

Dewi Sant – Saint David, Cardiff 1983.

Brox, Norbert,

Kirchengeschichte des Altertums, Düsseldorf, ^{3}2008.

Bruce, Frederick, F.,

Außerbiblische Zeugnisse über Jesus und das frühe Christentum, hrsg. von Eberhard Güting, Giessen, Basel, 1991

Bullough, Donald, A.,

- The Missions to the English and the Picts and their Heritage (to c. 800), in: Die Iren und Europa im frühen Mittelalter, hrsg. von Heinz Löwe, Band 1, Stuttgart 1982, 80 – 98
- The career of Columbanus, in: Columbanus, Studies on the Latin writings, ed. by Michael Lapidge, Studies in Celtic History XVII, Woodbridge, 1997, 1 – 28.

Bunge, Gabriel,

Akedia. Die geistliche Lehre des Evagrios Pontikos vom Überdruß, Köln, ^{3}1989.

Ewig, Eugen,
Die Missionsarbeit der lateinischen Kirche, in: Handbuch der Kirchengeschichte (HKG), hrsg. von Hubert Jedin, Band II/2, Freiburg, Basel, Wien 1975
Faber, Eva-Maria,
Einführung in die katholische Sakramentenlehre, Darmstadt, [2]2009
Fernández, Samuel,
Christo Médico, segun Origines. La actividad médica como metáfora de la acción divina, in: Studia Ephemeridis Augustinianum 64, Roma, 1999
Ó Cuiv, Brian,
Ireland in the eleventh and twelfth centuries, in: The Course of Irish History (CIH), ed. by T. W. Moody and F. X. Martin, Dublin [3]1994, 107 - 122.
Ó Fiaich, Thomás,
The beginnings of Christianity, in: The Course of Irish History (CIH), ed. by T. W. Moody and F. X. Martin, Dublin [3]1994, 61 – 75.
Finsterwalder, Paul Willem,
Die Canones Theodori Cantuariensis und ihre Überlieferungsformen, Weimar 1929.
Foot, Sarah,
Monastic Life in Anglo-Saxon England c. 600 – 900, Cambridge 2009.
Frantzen, Allen J.,
- The Literature of Penance in Anglo-Saxon England, New Jersey, 1983.
- The Penitentials Attributed to Bede, Speculum (Spec) 58, 3 (1983), 573 – 597.

Gaastra, Adriaan Harmen,
Between Liturgy and Canon Law, a study of books of confession and penance in eleventh- and twelfth-century Italy, Utrecht, 2007.
Gnilka, Joachim,
- Das Evangelium nach Markus, in Evangelisch-Katholischer Kommentar (EKK), II, 1, Zürich Einsiedeln, Köln [1]1978
- Jesus von Nazaret, in Herders theologischer Kommentar zum Neuen Testament (HThK), Suppl.-Bd. 3, Freiburg, Basel, Wien 1990

Göller, Emil,
Das spanisch-westgotische Bußwesen vom 6. bis 8. Jahrhundert, in: Römische Quartalsschrift für christliche Altertumskunde und für Kirchengeschichte (RQ), Band 37, Freiburg i. Br. 1929, 245 – 313.
Greshake, Gisbert,
Gottes Heil – Glück des Menschen, Theologische Perspektiven, Freiburg, Basel, Wien, 1983
Grillmeier, Alois,
Jesus Christus im Glauben der Kirche, Band 1, Freiburg, Basel, Wien, [2]1979.
Grimm, Petra, Rhein, Stephanie, Clausen-Muradin, Elisabeth,
Gewalt im Web 2.0. Der Umgang Jugendlicher mit gewalthaltigen Inhalten und Cyber-Mobbing sowie die rechtliche Einordnung der Problematik, Schriftenreihe der Niedersächsichen Landesmedienanstalt (NLM), Band 23, Hannover 2008.
Hägele, Günter,
Das Paenitentiale Vallicellianum I, Sigmaringen 1984.

Bury, John Bagnell,
Life of St. Patrick and His Place in History, New York 2008 (originally published in 1905).
Byrne, F. J.,
- The Viking age, in: A new history of Ireland, vol. I, ed. by Dáibhí Ó Cróinín, Oxford 2005, 609 – 629.
- Ireland before the battle of Clontarf, in: A new history of Ireland, vol. I, ed. by Dáibhí Ó Cróinín, Oxford 2005, 852 – 861.

Charles-Edwards, T. M.,
- The Penitential of Theodore and the *Iudicia Theodori*, in: Archbishop Theodore, ed. by M. Lapidge, Cambridge 1995, 141 - 174.
- The Penitential of Columbanus, in: Studies in Celtic History, XVII, Columbanus: Studies on the Latin Writings, ed. by Michael Lapidge, Woodbridge, 1997, 217 - 239.
- Prehistoric and early Ireland, Introduction, in: A new history of Ireland, vol . I, ed. by Daíbhí Ó Cróinín, Oxford 2005, LVI - LXXXII.
- Early Irish law, in: A new history of Ireland, vol . I, ed. by Daíbhí Ó Cróinín, Oxford 2005, 331 – 370.
- The Floruit of St Patrick – common and less common ground, in: David N. Dumville, Saint Patrick, Studies in Celtic History XIII, Woodbridge 1999, 13 – 18.

Coffey, David M.
The Sacrament of Reconciliation, Lex orandi series, Collegeville, Minesota, 2001.
Dassmann, Ernst,
Kirchengeschichte I, Stuttgart, Berlin, Köln 1991.
Deissler, Alfons,
Die Psalmen, Düsseldorf ^{2}1979.
Dooley, Kate,
From penance to confession: the Celtic contribution, in: Bijtragen, tijdschrift voor filosofie en theologie (Bijdr), Deel 43 (1982), 390 – 410.
Dörnemann, Michael,
Krankheit und Heilung in der Theologie der frühen Väter, in: Studien und Texte zu Antike und Christentum, Band 20, hrsg. von Christoph Markschies, Tübingen 2003.
Dumville, David N.,
- Gildas and Uinniau, in: Gildas: New approaches, ed. by Michael Lapidge and David Dumville, Studies in Celtic History V, Woodbridge, 1984, 207 - 214.
- Saint Patrick, A. D. 493 – 1993, Studies in Celtic History XIII, Woodbridge 1999.

Emmenegger, Gregor
Vorwort zu Johannes Cassian, Gespräche mit Abba Isaak über das Gebet, Freiburg (Schweiz) 2009, IX – XIII.
Ernst, Josef,
- Das Evangelium nach Lukas, in: Regensburger Neues Testament (RNT), Regensburg 1977
- Das Evangelium nach Markus, in: Regensburger Neues Testament (RNT), Regensburg 1981

Harbison, Peter,
- Guide to National and Historic Monuments of Ireland, Dublin ^{3}1992.
- Irish High Crosses with the figure sculptures explained, Drogheda, 1994.

Heid, Stefan,
Zölibat in der frühen Kirche, Paderborn 1997.

Hughes, Kathleen,
- The church in Irish society, 400 – 800, in: A new history of Ireland, vol. I, ed. by Daíbhí Ó Cróinín, Oxford 2005, 301 – 330.
- The Golden Age of early Christian Ireland, in: The Course of Irish History (CIH), ed. by T. W. Moody and F. X. Martin, Dublin and Cork 1994, 76 – 90.

Hummel, Gert,
Geschichte und Wesen der iroschottischen Mönchskirche, in: Studien und Mitteilungen zur Geschichte des Benediktinerordens und seiner Zweige (SMGB), hrsg. von der Historischen Sektion der Bayrischen Benediktinerakademie, Band 96, 1985, 299 – 326.

Kasper, Walter,
Die Kirche und ihre Ämter, Schriften zur Ekklesiologie II, in Walter Kasper, Gesammelte Schriften, hrsg. von George Augustin und Klaus Krämer, Band 12, Freiburg, Basel, Wien, 2009.

Kenney, James F.,
The sources for the early history of Ireland: Ecclesiastical, Shannon 1968.

Klär, Karl-Josef,
Das kirchliche Bußinstitut von den Anfängen bis zum Konzil von Trient, in: Europäische Hochschulschriften, Reihe XXIII, Band 413, Frankfurt am Main, 1991.

Knowles, David,
Geschichte des christlichen Mönchtums, München 1969.

Koch, Günter,
Das Heil aus den Sakramenten, Sakramentenlehre, in: Glaubenszugänge, Lehrbuch der katholischen Dogmatik, hrsg. von Wolfgang Beinert, Band 3, Paderborn, München, Wien Zürich, 1995

Koch, Kurt,
Die eine Botschaft von der Versöhnung im vielfältigen Wandel des Bußsakramentes, Rückblick in die Geschichte und Einblick in die Gegenwart, in: Das ungeliebte Sakrament, Grundriß einer neuen Bußpraxis, hrsg. von Joachim Müller, Freiburg, Schweiz 1995

Körntgen, Ludger,
Studien zu den Quellen der frühmittelalterlichen Bußbücher, in: Quellen und Forschungen zum Recht im Mittelalter, Band 7, Sigmaringen 1993

Kottje, Raymund,
- Die frühmittelalterlichen kontinentalen Bussbücher, in: Bulletin of Medieval Canon Law (BMCL), volume 7 (1977), 108 – 111.
- Bußpraxis und Bußritus, in: Settimane di studio del Centro Italiano di Studi sull'Alto Medioveo (SSAM), Spoleto, 1987, 369 – 395
- Die Überlieferung und die Rezeption der irischen Bußbücher auf dem Kontinent, in: Die Iren und Europa im frühen Mittelalter, hrsg. von Heinz Löwe, Band 1, Stuttgart 1982, 511 – 524.

- Das älteste Zeugnis für das Paenitentiale Cummeani, in: Deutsches Archiv für Erforschung des Mittelalters (DA), Köln – Graz, 61 (2005), 585 – 589.

Kursawa, Wilhelm,

Impotentia coeundi als Ehenichtigkeitsgrund, in: Forschungen zur Kirchenrechtswissenschaft (FzK), hrsg. von Hubert Müller und Rudolf Weigand, Band 22, Würzburg 1995.

Lapidge, Michael,

- Gilda's education and the Latin culture of Sub-Roman Britain, in: Gildas: New approaches, ed. by Michael Lapidge and David Dumville, Studies in Celtic History V, Woodbridge, 1984, 27 – 50.
- The career of Archbishop Theodore, in: Archbishop Theodore, ed. by M. Lapidge, Cambridge 1995, 1 – 29.
- Schools, in: The Blackwell Encyclopaedia of Anglo-Saxon England, ed. by Michael Lapidge, Oxford 2001, 407 – 409.

Levinson, Wilhelm,

Zu den Canones Theodori Cantuariensis, in: Aus rheinischer und fränkischer Frühzeit, Düsseldorf 1948, 295 – 303. This article was published first in: Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung XIX (ZSRG.K), 50. Band, Weimar 1930, 699 – 707.

Liebermann, F.,

- Zur Herstellung der Canones Theodori, in: Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung X (ZSRG.K), 41. Band, Weimar 1920, 292 - 301.
- Zu Bußbüchern der Lateinischen Kirche, in: Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung XII (ZSRG.K), 43. Band, Weimar 1922, 387 – 409.

Lohfink, Gerhard,

Braucht Gott die Kirche. Zur Theologie des Volkes Gottes, Freiburg, ^{2}1998.

Lohmann, Reinhard,

Suggestive und übende Verfahren, in: Lehrbuch der Psychosomatischen Medizin, hrsg. von Thure von Uexküll, München-Wien-Baltiomore, ^{2}1981, 408 – 424.

Luz, Ulrich,

Das Evangelium nach Matthäus, in Evangelisch-Katholischer Kommentar zum Neuen Testament EKK I, 1, Zürich, Einsiedeln Köln 1985.

Maraval, Pierre,

Die Religionspolitik unter Justinian I., in: Die Geschichte des Christentums GCh), Band 3: Der lateinische Westen und der byzantinische Osten (431 – 642), Freiburg, Basel, Wien 2001, 421 - 461.

McNeill, John T.

Medicine for sin as prescribed in the Penitentials, in: Church History, ed. by Matthew Spinka, Robert Hastings Nichols, William Warren Sweet, volume 1, New York 1932, 14 – 26.

Meens, Rob,

- Ritual Purity and the Influence of Gregory the Great in the Early Middle Ages, in: Unity and Diversity in the Church, ed. by R. N. Swanson, Studies in Church History, volume 32, Cambridge 1996, 31 – 43.

- Penance in Medieval Europe, 600 – 1200, Cambridge 2014.

Merklein, Helmut,
- Jesu Botschaft von der Gottesherrschaft, in Stuttgarter Bibelstudien, Volume 111, [3]1989.
- Die Jesus-Geschichte - synoptisch gelesen -, Stuttgart 1995.
- Studien zu Jesus und Paulus, in: Wissenschaftliche Untersuchungen zum Neuen Testament, 43, Tübingen 1987.

Meuffels, Otmar,
Kommunikative Sakramententheologie, Freiburg, Basel, Wien 1995.

Meyer, Kuno,
An Old-Irish Treatise *De Arreis*, in: Revue Celtique, XV, Paris 1894, 485 – 498.

Michel, Anton,
Die griechischen Klostersiedlungen zu Rom bis zur Mitte des 11. Jahrhunderts, in: Ostkirchliche Studien (OstKSt), 1. Band, Würzburg 1952, 32 – 45.

Michel, Otto,
Der Brief an die Hebräer, in: Meyers kritisch-exegetischer Kommentar über das Neue Testament, Göttingen, [13]1975.

Muratori, Ludovicus, Antonius,
Antiquitates Italicae Medii Aevi, tomus quintus, Mediolanum 1741, 711 – 744.

Nikolasch, Franz,
Die Feier der Buße, Theologie und Liturgie, Würzburg 1974.

Nocke, Franz-Josef,
Spezielle Sakramentenlehre, IV. Buße, in: Handbuch der Dogmatik, hrsg. von Theodor Schneider, Band 2, Düsseldorf 1992, 306 – 334.

O'Loughlin, Thomas,
- St. Patrick, the Man and his Works, London 1999
- Map and Text: A Mid Ninth-Century Map for the Book of Joshua, in: Imago Mundi Vol. 57, Part 1 (2005), 7 – 22.
- Celtic Theology, London 2005.
- The Didache, a window on the earliest Christian, London 2010.
- The Missionary Strategy of the Didache, in: An International Journal of Holistic Mission Studies, 28 (2011), 77 – 92.
- Gildas and the Scriptures, Observing the World through a Biblical Lens, Turnhout, 2012.

O'Loughlin, Thomas and Conrad-O'Briain, Helen,
The 'baptism of tears' in early Anglo-Saxon sources, in: Anglo-Saxon England (ASE), 22 (1993), 65 – 83.

De Paor, Máire,
Patrick, the Pilgrim Apostle of Ireland, New York 1998.

Paverd, van de, Frans,
- Ausschluss und Wiederversöhnung in der byzantinischen Kirche, in: Ostkirchliche Studien, 1979, 281 - 302
- Diciplinarian Procedures in the Early Church, in: Augustinianum (Aug), Heft 21 (2), 1981, 291 – 316.

Pierce, Rosamond,
The 'Frankish' penitentials, in: The materials, sources and methods of ecclesiastical history, Oxford 1975, 31 – 39.

Pietri, Charles,
Die Schwierigkeiten des neuen Systems (395 – 431). Die führende Häresie des Westens: Pelagius, in: Die Geschichte des Christentums (GCh), Band 2: Das Entstehen der einen Christenheit, Freiburg, Basel, Wien 1996, 524 - 551.
Piétri, Luce und Gottlieb, Gunther,
Christenverfolgungen zwischen Decius und Diokletian – das Toleranzedikt des Galerius, in: Die Geschichte des Christentums GCh), Band 2: Das Entstehen der einen Christenheit, Freiburg, Basel, Wien 1996, 156 – 187.
Petrie, George,
The Ecclesiastical Architecture of Ireland: An Essay on the Origins of Round Towers in Ireland, Dublin 1845.
Poschmann, Bernhard,
- Paenitentia secunda, Die kirchliche Buße im ältesten Christentum bis Cyprian und Origenes, Bonn 1940.
- Die abendländische Kirchenbuße im Ausgang des christlichen Altertums, München, 1928.
- Die abendländische Kirchenbuße im frühen Mittelalter, Breslau 1930.
- Buße und Letzte Ölung, Handbuch der Dogmengeschichte (HDG), Band IV, 3, Freiburg 1951, 65 – 73.

Rahner, Karl,
Beichtprobleme in: Schriften zur Theologie, Band III, Band III, Einsiedeln, Zürich, Köln ^{2}1957, 227 – 245
Rapp, Claudia,
Holy Bishops in Late Antiquity, London 2005.
Richardson, Hilary and Scarry, John,
An introduction to Irish High Crosses, Dublin 1990.
Richter, Michael,
Irland im Mittelalter. Kultur und Geschichte, München 1996.
Ryan, John,
Irish Monasticism, Origins and Early Development, 1934, reprinted edition, Dublin 1992.
Salamito, Jean-Marie,
Christianisierung und Neuordnung des christlichen Lebens, in: Die Geschichte des Christentums (GCh), Band 2: Das Entstehen der einen Christenheit, Freiburg, Basel, Wien 1996, 768 – 815.
Schäferdiek, Knut,
Columbans Wirken im Frankenreich (591 – 612), in: Die Iren und Europa im frühen Mittelalter, hrsg. von Heinz Löwe, Band 1, Stuttgart 1982, 171 – 201.
Schelkle, Karl Hermann,
Die Petrusbriefe. Der Judasbrief, in Herders theologischer Kommentar zum Neuen Testament, Freiburg, Basel, Wien, ^{5}1980
Schmid, Josef,
Das Evangelium nach Matthäus, in Regensburger Neues Testament, Regensburg 1956.
Schmitz, Herm. Jos.,
- Band: Die Bußbücher und die Bußdisciplin der Kirche, Mainz 1883 (Nachdruck Graz 1958);
- Band: Die Bußbücher und das kanonische Bußverfahren, Düsseldorf 1898 (Nachdruck Graz 1958).

Schneider, Peter,
Umkehr zum neuen Leben, Wege der Versöhnung und Buße heute, Freiburg, Basel, Wien, 1991.
Schneider, Theodor,
Zeichen der Nähe Gottes, Grundriss der Sakramententheologie, Mainz, ^{6}1992.
Schweizer, Eduard,
Das Evangelium nach Matthäus, in: Das Neue Testament Deutsch (NTD 2), Göttingen 1976
Seebass, Otto,
- Ordo sancti Columbani de vita et actione monachorum, De homine misero et de VIII vitiis principalibus, in: Zeitschrift für Kirchengeschichte (ZKG), hrsg. von Theodor Brieger und Bernhard Bess, Band 14, (Gotha) Stuttgart 1894, 76 – 92.
- Ein bisher noch nicht veröffentlichtes Pönitential einer Bobbienser Handschrift der Ambrosiana, in: Deutsche Zeitschrift für Kirchenrecht, 3. Folge, Band 6 (1896/97), 24 – 50.
- Regula coenobialis S. Columbani abbatis, in: Zeitschrift für Kirchengeschichte (ZKG), hrsg. von Theodor Brieger und Bernhard Bess, Band 17, Gotha 1897, 215 - 234.

Seppelt, Franz Xaver /Schwaiger, Georg,
Geschichte der Päpste, München, 1964
Sharpe, Richard,
- Quatuor Sanctissimi Episcopi: Irish Saints before St Patrick, in: Sages, Saints and Storytellers, Celtic Studies in Honour of Professor James Carney, ed. by Donnchadh Ó Corráin, Liam Breatnach, Kim McCone, Maynooth 1989.
- Some problems concerning the organization of the church in early medieval Ireland, in: Peritia, vol. 3 (1984), 250 – 270.

Siemens, James,
The Christology of Theodore of Tarsus. The *Laterculus Malalianus* and Person and Work of Christ, in: Studia Traditionis Theologiae 6, ed. Thomas O'Loughlin, Turnhout 2010.
Stenton, F. M.
Anglo-Saxon England (ASE), in: The Oxford History of England II, edited by George Clark, Oxford ^{3}1971.
Streit, Jakob,
Sonne und Kreuz. Irland zwischen Megalithkultur und frühem Christentum, Stuttgart 1977.
Vögtle, Anton,
Die Dynamik des Anfangs, Leben und Fragen der jungen Kirche, Freiburg, Basel, Wien, 1988
Vogel, Cyrille,
- Le pécheur et la penitence au Moyen Âge, Paris, 1969.
- Les "Libri Paenitentiales", Turnhout, 1978.

de Vogüé, Adalbert,
- Unter Regel und Abt – Schriften zu Benedikt und seinen Quellen, Weisungen der Väter 10, Beuron 2010.
- Règles et pénitentiels monastique, Bégrolles-en-Mauge, 1989.

Vorgrimmler, Herbert,
- Sakramententheologie, Düsseldorf 1987

- Die sakramentale Buße im Mittelalter bis zur Frühscholastik, in: Handbuch der Dogmengeschichte (HDG), ed. Michael Schmaus et al., Band IV, 3, Freiburg, Basel, Wien 1978, 93 – 113.

Wasserschleben, F. W. H.,
Die Bußordnungen der abendländischen Kirche, Halle 1851 (Nachdruck Graz 1958).

Watts, John,
A Record of Generous People. A history of the Catholic Church in Argyll and the Isles, Glasgow, 2013.

Werbick, Jürgen,
Schulderfahrung und Bußsakrament, Mainz 1985.

Wolter, Michael,
Primitive Christianity as a Feast, in: Feasts and Festivals, ed. Christopher Tuckett, Leuven, 2009, 171 – 182.

Wright, Neil,
Columbanus's Epistulae, in: Studies in Celtic History, XVII, Columbanus: Studies on the Latin Writings, ed. by Michael Lapidge, Woodbridge, 1997, 29 – 92.

Zettinger, Joseph,
Das Poenitentiale Cummeani, in: Archiv für katholisches Kirchenrecht (AfkKR), 1902, 501 – 540.

Ziegler, Gabriele,
Die Collationes des Johannes Cassian, in: Unterredungen mit den Vätern, Collationes Patrum, Teil 1: Collationes 1 bis 10, übersetzt und erläutert von Gabriele Ziegler, Münsterschwarzach 2011, 25 – 31.