Reconsidering *silens* and *clamans* in Burchard's *Corrector*[1]

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This book is called
the Corrector and the Physician
because it contains
the corrections of bodies
and the medicines of souls...[2]

Introduction

In the medieval world silence and its opposite, cries and other emphatic vocal manifestations, are customarily viewed as ways of expressing one or the other extreme of the virtue/vice dichotomy. However, a closer examination of relevant sources reveals a much more complex panorama, indicating, in my view, that a reconsideration of this generalisation is in order.

In pursuit of a more nuanced depiction of the topic, in what follows I critically analyse the terms *silens* and *clamans* as employed in the *Corrector sive medicus* or *Liber XIX*. In this penitential from the eleventh-century collection *Decretum* compiled by Bishop Burchard of Worms, various sinful situations are mentioned, together with the corresponding penance prescribed for correcting penitents' misconduct, deviant thoughts, and improper feelings. This enables sinners who have strayed to return to God's path when corrected.

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[1] The article is based on a paper presented at the 48th International Congress on Medieval Studies, Kalamazoo, Western Michigan University, on May 9, 2013.

[2] From the edition of the *Decretum*: *Liber hic Corrector vocatur et Medicus, quia correctiones corporum et animarum medicinas plene continet*... Burchard von Worms, *Decretorum Libri XX. Ex consiliis et orthodoxorum patrum decretis, tum etiam diversarum nationum synodis seu loci communes congesti*, ed. G. Fransen and T. Kölzer (Darmstadt: Scientia Verlag Aalen, 1992), 187r. This edition is also the basis for my contribution, with the exception of quotations from the *Vita Burchardi* and the Preface. The latter are taken from Migne's edition: Burchardus Wormaciensis Episcopus, *Decretum*, Patrologia Latina, vol. CXL, ed. J. P. Migne (Paris: Petit-Montrouge, 1880), 507-1084. With regard to the quotations per se, I have used the accepted English translation when available, providing my own or other authors' versions when this is not the case; translators will be indicated throughout.

Certain sins described in *Liber XIX* demonstrate the need to revise established concepts and conceptions related to silence and noise, and virtue and vice. Silence may be present in the context in which a sinful action is committed. As will be shown below, a sin may lie hidden behind silence, thus making the silence itself a sin. By contrast, transgressions described as arising from superstitious beliefs or practices are, in large part, accompanied by loud vocal expressions like cries and chants.

Following a brief introduction on the author of the *Corrector*, I will discuss certain references to the elements under consideration (particularly silence and noise) in recent secondary literature to continue with the analysis of *silens* and *clamans* in Burchard's *Decretum*.

Burchard of Worms and his *Decretum*

The author of the *Decretum*, whose *Vita* was written by a cleric from Worms shortly after the bishop's death,[3] was born into a noble family in Hesse in 965. Educated at St. Florian in Coblenz and, in all likelihood, the Benedictine abbey in Laubach, Flanders, he went on to become one of the most powerful ecclesiastics of his time under the guidance of Archbishop Willigis of Mainz, whom he loyally served according to the biographical information in the *Vita*.

Consecrated in the year 1000 in a position formerly held by his brother Franko,[4] the Bishop of Worms set out to impose order on a number of levels:

[3] The *Vita Burchardi* was written by Ebbo or Ebberhard and has been edited and translated several times: Burchard von Worms, *Decretorum Libri XX*, IXr-XVIIv; Burchardus Wormaciensis Episcopus, *Decretum*, 507-36; Ebbo von Worms, *Vita Burchardi Episcop. Wormatiensis*, ed. G. Waitz, MGH SS, 4. Stuttgart: Anton Hiersemann, 1981 (1841), 829-46. On the 900th anniversary of Burchard's death, a German translation of the *Vita* was published: *Wormatia Sacra. Beiträge zur Geschichte des ehemaligen Bistums Worms. Aus Anlass der Feier der 900. Wiederkehr des Todestages des Bischofs Burchard* (Worms: Festausschuss, 1925), 8-42. An English translation is available online: W. L. North, trans. *The Life of Burchard Bishop of Worms, 1025*. Internet Medieval Source Book, 1998: http://fordham.edu/halsall/source/1025burchard-vita.html (accessed August 1, 2013).

[4] According to the *Vita Burchardi*, after having been revealed when he would die, Franko responded to a request from Emperor Otto III by suggesting that Burchard be his successor: *... episcopo dies et hora obitus sui divinitus praenotata est. Et hoc ipse postquam domum reverse sunt Imperatori pronunciavit. Quare Imperator multum contristatus, quem in locum ipsius habere, vel cui episcopatum ejus committere debuisset, multum lachrymando ab eo exquisivit. Tunc tandem quasi coactus sic respondit: Fratrem unum habeo, si Deo placuisset, hunc mihi successorem rogassem. Super haec autem omnia Deus unum provideat, in quo sibi bene complaceat. Tunc imperator sub testamento Dei juravit antedictum episcopatum fratri illius se daturum. Et ut melius ac facilius recordari potuisset, epistolam deprecatoriam pro hac re ab episcopo accepit, quam in sacculum suum ad testamentum posuit.* Burchard von Worms, *Decretorum Libri XX*, XIr. The Emperor disregarded his promise, appointing Erpho and then Razo, two bishops who died shortly after their consecration. This was interpreted by the bishop's biographer as a sign that Burchard's appointment was God's will: *Mira res, multumque stupenda. Ut unus post electionem et episco-*

not only did he undertake significant architectural activity, he also succeeded in expelling Duke Otto of Carinthia, an adversary blamed for much of the prevailing disorder he was combatting in his bishopric.[5]

In his writings Burchard aspires to consolidate his control over the see. The *Lex familiae Wormatiensis ecclesiae* was written between 1023 and 1025.[6] Devoted to secular law, its thirty-two clauses take into consideration a wide range of controversial situations and offences such as homicide, revenge, theft, aggression, and debt, in addition to conflicts involving marital law and land possession.[7] The purpose of the *Lex* was to regulate conflictive areas of civic life in order to keep the peace by restricting the violence produced by private disputes; it also aimed at forestalling abuses by establishing a legal framework for resolving the problems mentioned above.[8]

Written during the first quarter of Burchard's episcopacy, the *Decretum* actually precedes the *Lex*. It was presumably compiled with the help of Bishop Walter of Speyer and Abbot Olbert of Gembloux.[9] The twenty books

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patus acceptionem quartum decimum diem non vidisset, alter vero quartum diem non vixisset! Hic intelligere necnon et mirabilia Dei possumus videre. Non est enim sapientia neque prudentia, nec ullum consilium contra Dominum. Quod enim hominibus placuit, Deo displicuit. Quod imperator elegit, Deus rejecit, et elegit infirma, ut confunderet fortia. Sciebat enim suum se timentem, se diligentem, se totis viribus colentem... Burchard von Worms, *Decretorum Libri XX*, XIr. See also Andrea Vanina Neyra, "La Vita Burchardi: la construcción de un relato sobre el obispo Burchard y su ciudad", in *Palimpsestos: Escrituras y reescrituras de las Culturas Antigua y Medieval* (Bahia Blanca: Ediuns, 2013), 237-44.

[5] Burchard fomented the construction of a number of religious buildings, the reconstruction of the parts of the city destroyed by the Hungarians, and the renovation of the Marienmünster monastery. The Cathedral of St. Peter was consecrated in 1018 in the presence of Emperor Henry II. Otto of Carinthia was granted the territories of Bruchsal and Lußhardt as compensation for abandoning his burg in the city of Worms. See Andrea Vanina Neyra, "*Ob libertatem civitatis*: el poder episcopal como liberador de una ciudad," *Anales de Historia Antigua, Medieval y Moderna* 44 (2011), in press.

[6] *Das Hofrecht des Bischofs Burchard von Worms*, ed. H. G. Gengler (Erlangen: n.p., 1859); *Lex Familiae Wormatiensis ecclesiae*, ed. Heinrich Boos, Urkundenbuch der Stadt Worms, I. Bd. 627-1300 (Berlin: Weidmannsche Buchhandlung, 1886).

[7] Knut Schulz, "Das Wormser Hofrecht Bischof Burchards," in *Bischof Burchard von Worms*, ed. Wilfried Hartmann (Mainz: Selbstverlag der Gesellschaft für Mittelrheinische Kirchengeschichte, 2000), 251-78.

[8] "Abgesehen von den zuvor erwähnten Neuerungen, die unterschiedlich bewertet, teils zurückgewiesen oder teils erst herbeigeführt wurden, basiert die *Lex familie Wormaciensis ecclesie* auf Gewohnheitsrecht, das *cum consilio cleri et militum et totius familie*, also auch mit Rat der *familia* selbst, gewiesen worden ist." Schulz, "Das Wormser Hofrecht", 257.

[9] *Neue Deutsche Biographie* 3, online, s. v. "Burchard I, Bischof von Worms," by Walter Bulst, http://www.deutsche-biographie.de/sfz69540.html (accessed August 1, 2013). Greta Austin suggests the use of Burchard's name as "an umbrella term", since a number of different hands seem to have contributed to the elaboration of the earliest manuscripts in his collection. Greta Austin, *Shaping Church Law Around the Year 1000* (Farnham: Ashgate, 2009), 16-17.

comprising the *Liber decretorum* became the most important canonical collection of its time; copied extensively, around eighty manuscripts have survived.

The intention common to both written works is to clarify what was deemed the extreme diversity and confusion of the existing legal framework governing the bishopric of Worms. The compiler makes this clear in the prologue, where he states that the discrepancies, carelessness, and lack of authority characterising ecclesiastical law and the penitential system were an obstacle to priests' daily work:

> ... because in our diocese the laws of the canons and the judgments for those doing penance are confused, varied, and disordered, just as if they were completely neglected, and are both greatly in disagreement among themselves and supported by the authority of almost no one, so that because of the discord they scarcely can be disentangled by experts. Whence it frequently happens that for those fleeing to the remedy of penance, both on account of the confusion of the books and also the ignorance of the priests, help in no way is at hand.[10]

To this he adds: "I do not ask that it passes beyond the boundary of our bishopric, but let it remain to be studied by our own."[11]

Nevertheless, Burchard's *Decretum* was widely circulated both geographically and over time:[12] it was the most important collection of canons until the appearance of Gratian's work of the same name.[13]

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[10] *...quia canonum jura et judicia poenitentium in nostra dioecesi sic sunt confusa atque diversa et inculta, ac sic ex toto neglecta, et inter se valde discrepantia, et pene nullius auctoritate suffulta, ut propter dissonantiam vix a sciolis possint discerni. Unde fit plerumque ut confugientibus ad remedium poenitentiae, tam pro librorum confusione quam etiam presbyterorum ignorantia, nullatenus valeat subveniri.* Burchardus Wormaciensis Episcopus, *Decretum*, 499C/D. In this case the reference is from Migne's edition. The translation cited is taken from Robert Somerville and Bruce Brasington, trans., *Prefaces to Canon Law Books in Latin Christianity. Selected Translations, 500-1245* (New Haven and London: Yale University Press, 1998), 99.

[11] *Non rogo ut nostri episcopii limen transeat, sed nostris addiscendum remaneat.* Burchardus Wormaciensis Episcopus, *Decretum*, 502A. Like above, this reference is from Migne's edition. The translation is taken from Somerville and Brasington, *Prefaces to Canon Law Books*, 104. In their book containing translations of canon law prefaces, Robert Somerville and Bruce C. Brasington associate the suggested limits to the circulation of the *Decretum* with the power of bishops and the tendency at the time toward privileging what was regional: "Until the ecclesiastical reform movement of the eleventh century, local or regional orientation continued to predominate in canon law, a sign of the bishops' control of the canons and the weakness of any centralized authority." Somerville and Brasington, *Prefaces to Canon Law Books*, 62.

[12] "His *Decretum* was the most widely received and subsequently used of a series of collections assembled from the tradition to meet local needs." Somerville and Brasington, *Prefaces to Canon Law Books*, 75. "Designed to meet the needs of his own clergy, the *Decretum* soon obtained general circulation, and it was constantly employed by canonists of the subsequent period." John T. McNeill and Helena M. Gamer, trans., *Medieval*

Some brief reflections on studies of silence and clamour in the Middle Ages

My aim here is not to carry out a comprehensive review of the topic of silence and clamour in recent secondary literature as a whole, but rather to single out certain texts that have inspired my efforts to achieve a more nuanced comprehension of the subject based on a detailed analysis of the *Corrector sive medicus*.

In addition to general studies of language, its social functions, and ways of communicating by means of word and gesture,[14] researchers (especially those influenced by disciplines such as Cultural Studies and Anthropology) have begun to pay more attention to sound, voice, noise, and silence. In *Sensing the Past. Seeing, Hearing, Smelling, Tasting and Touching in History*, Mark M. Smith has summarised their contributions to the history of the senses.[15] Although not devoted specifically to medieval studies, his introduction to this field of academic research underscores the fact that the senses are indeed

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Handbooks of Penance. A Translation of the Principal Libri Poenitentiales (New York: Columbia University Press, 1990 [1938]), 321. Contrariwise, James Brundage thinks that the *Decretum* could not have been used so widely because of its size, which would have meant that only a few cultural centres could have copied it. James A. Brundage, *La ley, el sexo y la sociedad cristiana en la Europa medieval* (México: Fondo de Cultura Económica, 2000). Inversely, Sarah Hamilton suggests the circulation of copies of the entire collection. Sarah Hamilton, *The practice of penance 900-1050* (Suffolk: The Royal Historical Society/The Boydell Press, 2001), 33.

[13] Paul Fournier enumerates the reasons for such a success: 1) the *Decretum* is organized methodically; 2) it is not a revolutionary work, but instead that of a "moderate conservative" who is on good terms with both imperial and episcopal powers; 3) there is harmony between traditional texts and current needs. In his own words: "... le *Décret* de Burchard ne contient ni le droit théorique ni le droit de l'antiquité: l'évêque de Worms a tenu, autant que possible, à exponer la législation de son temps. Il met en harmonie les textes anciens, qu'il produit en si grand nombre, avec les faits actuels; et lorsqu'il se tait sur un usage suivi dans l'Église du XIe siècle, c'est qu'il a de bonnes raisons pour cela; ses omissions sont significatives pour le lecteur perspicace. En outre, le *Décret* contenait, comme on l'a vu, un code pénitentiel très abondant, adapté à l'usage quotidien. Ce caractère actuel et pratique était bien fait, à mon avis, pour recommander le *Décret* aux membres du clergé chargés du ministère pastoral." Paul Fournier, *Mélanges de droit canonique* I (Aalen: Scientia, 1983), 434-35.

[14] Peter Burke, *Hablar y callar. Funciones sociales del lenguaje a través de la historia* (Barcelona: Gedisa, 1996); Oswald Ducrot, *El decir y lo dicho* (Buenos Aires: Hachette, 1984); Michael Richter, "Beyond Goody and Grundmann", in *Oral history of the Middle Ages*, ed. Gerhard Jaritz and Michael Richter (Krems: Medium Aevum Quotidianum, 2001), 11-18.

[15] Mark M. Smith, *Sensing the Past. Seeing, Hearing, Smelling, Tasting and Touching in History* (Berkeley/ Los Angeles: University of California Press, 2007).

historical and cultural. Furthermore, it is worth noting that power relations are also made manifest within this sphere.[16]

Two decades ago Lester K. Little explored the topic of clamour in *Benedictine Maledictions: Liturgical Cursing in Romanesque France*, where he analysed it in comparison with maledictory formulas.[17] His interest in clamour – a juridical term employed during Late Antiquity and the Carolingian era for presenting petitions before tribunals – was aroused by the way the term became redefined and reoriented within religious communities around the year 1000 as a tool in their quest for justice.[18] My own reconsideration of the term does not focus on its legal ramifications; instead I analyse its opposition to silence, and the relation of both terms to vice and virtue.

In this regard, the treatment of the interaction of sound, silence, and sin in *I peccati della lingua* by Carla Casagrande and Silvana Vecchio has been significant to researchers on the subject.[19] The book begins with an overview of the history of *peccata oris* (sins related to language), each manifestation of which is then studied in depth. Evidence is drawn from manuals for preachers written during the twelfth century, the period when these sins became an object of investigation and systematisation. Little attention is devoted specifically to silence; however, the authors do introduce the distinction between *peccata oris* – language sins (*vitium linguae*) – and silence sins (*mala taciturnitas*) made by Pierre le Chantre in his handbook for preachers, *Verbum abbreviatum*.[20] They also review the motives and occasions for silence enumerated by the French theologian Raoul Ardent in his *Summa de vitiis et virtutibus* or *Speculum universale*, which are as follows: silence is excellent when someone waits for the appropriate time to speak; it may be benign if the person has nothing meaningful to say; or it can be evil if it hides knowledge from others. Silence is,

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[16] For instance, a well-known superstition implies that *tempestarii* call for storms to ruin crops; as counter-magic, church bells are rung. The pealing of church bells is not considered superstitious because the authority of the Christian church upholds it: the church as institution decides what is acceptable and what is not because it has the power and authority that enable it to proceed this way. Valery I. J. Flint, *The Rise of Magic in Early Medieval Europe* (Princeton, New Jersey: Princeton University Press, 1991), 185-93; Jean-Claude Schmitt, *Historia de la superstición* (Barcelona: Crítica, 1992), 61; Keith Thomas, *Religion and the Decline of Magic* (New York: Oxford University Press, 1997 [1971]), 32.

[17] Lester K. Little, *Benedictine Maledictions: Liturgical Cursing in Romanesque France* (New York: Cornell University Press, 1993).

[18] The legal aspect of clamour in the *Corrector* involves individual proclamations concerning disputes over marital status and rights: the abandonment of the wife or husband, as well as separation. Burchard highlights the role of the church as intermediary institution: the bishop or his legate are the ecclesiastical officials in charge of resolving the conflict; penance is the remedy. Burchard von Worms, *Decretorum Libri XX*, 193r and 196v.

[19] Carla Casagrande and Silvana Vecchio, *Les péchés de la langue* (Paris: Cerf, 1991).

[20] Ibid., 17.

at any rate, superior to words.[21] The above observations shed light on the perspective and thematic object of my particular area of analysis.

Other scholars have turned their attention to silence in monastic environments. Glauco Maria Cantarella reconstructs the daily life, rites, norms regarding behaviour, and atmosphere of silence in monastic life in *I monaci di Cluny*.[22] Oronzo Giordano's *Higiene y Buenas Maneras en la Alta Edad Media* investigates the role of good manners, especially cleanliness and hygiene, in the monastery, together with the place and time for talking, keeping silent, and gesturing as part of a monk's education. Indeed, novices did go through a whole process of acculturation meant to teach them how to behave when addressing others in different circumstances.[23] Scott G. Bruce examines the Cluniac tradetion of sign language in his book *Silence and Sign Language in Medieval Monasticism. The Cluniac Tradition c. 900–1200*.[24] This silent language allowed monks and novices to convey specific information without using their voice, thus, respecting highly-valued religious silence.

The above references to this material, albeit partial and consequently unjust, are intended to serve as a backdrop for understanding Burchard's preoccupation with the subject discussed below.

Silens and *clamans* in the context of Burchard's *Decretum*

Burchard of Worms does not theorise about the vast, complex world of sin and sinners, although an analysis of his work reveals a hierarchy (however ambiguous) of faults, which was the subject of my dissertation on superstitions, *El Corrector sive medicus de Burchard de Worms: una visión acerca de las*

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[21] "Le silence bon est plus sûr que la parole bonne, et doit don't être pratiqué plus intensément et plus fréquemment. La supériorité du silence sur la parole est démontrée par le fait que dans certains cas même les paroles bonnes ne doivent pas être prononcées: devant un auditoire lassé, à un momnet inopportun, en un lieu non propice, en présence d'un locuteur ou d'un auditeur indigne, les bonnes paroles doivent céder la place à la pratique plus rassurante du silence." Ibid., 54.

[22] Glauco Maria Cantarella, *I monaci di Cluny* (Torino: Einaudi, 2005 [1993]).

[23] Oronzo Giordano mentions the role of silence, taking into consideration the *Antiquiores Consuetudines Cluniacienses* among other monastic *consuetudines*: "Al oír la señal de silencio, debe dejar sin terminar la palabra que está pronunciando: *ipsum verbum quod habet in ore non perficit*; si tiene la necesidad de comunicar o de pedir algo indispensable, puede recurrir al lenguaje de los signos: en los monasterios se había formado, en efecto, todo un léxico mímico para cada ocasión y para cada objeto que se queria indicar, pero se debía recurrir a él sólo en caso de absoluta necesidad y con mucha discreción, para que los gestos no distrajeran o turbaran de algún modo a quienes no estaban interesados." Oronzo Giordano, *Higiene y buenas maneras en la Alta Edad Media* (Madrid: Gredos, 2001), 35-36.

[24] Scott G. Bruce, *Silence and Sign Language in Medieval Monasticism. The Cluniac Tradition* c. *900-1200* (Cambridge: Cambridge University Press, 2007).

supersticiones en la Europa medieval.[25] In the present study, the complex role of silence and clamour as characteristics of a sinner's mistaken behaviour, not the appointed penance, is the object of analysis.

The *Liber XIX* or *Corrector* comprises 159 chapters devoted to penance and the obligations of sinners and confessors. After the long questionnaire in chapter five,[26] intended as a sort of guide for priests hearing confession from those members of the faithful who had taken the wrong path and were expected to correct their misconduct, the next two chapters of the *Corrector sive medicus* reproduce, to some degree, the structure of the description of transgressions from Christian norms:[27] Chapter six[28] deals with the eight main vices (Burchard is influenced here by both John Cassian and Gregory the Great through Regino of Prüm),[29] whereas chapter seven mentions the virtues that can help overcome them.[30] In this sense, virtue is the medicine for the illness of vice.

Within this framework clamour is described in chapter six as arising from wrath, accompanied by other *peccata oris*:[31]

> From wrath are derived quarrels, swelling/excitement of the mind, insults,[32] clamour, indignation,[33] presumption,[34] blasphemy,[35] shedding blood, homicide, eagerness for revenge, recollection of injuries.[36]

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[25] The dissertation was defended in May 2011 at the Facultad de Filosofía y Letras of the Universidad de Buenos Aires.

[26] Chapter five is one of the three chapters in the *Corrector* that does not contain any *inscriptio* (attribution to a source). The other two sharing this characteristic are chapters three and seven. Hoffmann and Pokorny, *Das Dekret*, 232-39.

[27] The general structure maintained throughout the *Corrector* is the mention of a sin followed by an appropriate penance. In addition, penitential questions sometimes give reasons for the misbehaviour and/or indicate an authoritative source which shows the way for what is expected of good Christians.

[28] Burchard von Worms, *Decretorum Libri XX*, 201r-v.

[29] Burchard ascribes chapter six to the *Penitential of Theodore*: however, Hartmut Hoffmann and Rudolf Pokorny, who did a comprehensive study of Burchard's sources, were not able to identify its original source. Hartmut Hoffmann and Rudolf Pokorny, *Das Dekret des Bischofs Burchard von Worms. Textstufen – Frühe Verbreitung – Vorlagen* (Munich: Monumenta Germaniae Historica, 1991), 233. On this point Burchard is following Regino. Textual analysis shows that Burchard and Regino follow Gregory the Great regarding the order of vices and the supremacy of *superbia*, while separating the latter from *vanagloria* as John Cassian does. See Andrea Vanina Neyra, "Consideraciones sobre la tipología del pecado en el *Corrector* de Burchard von Worms," *Revista Signum*, 11, no. 1 (2010): 108-30 (http://www.revistasignum.com/signum/index.php/revistasignumn11/article/view/6/5 - accessed August 1, 2013).

[30] Burchard von Worms, *Decretorum Libri XX*, 201v-202r.

[31] Regarding the *peccata oris*, it is relevant to keep in mind Augustine's division of the realities of the world into two categories: things (*res*) and signs (*signa*). Signs are natural or conventional. All these elements should be considered when dealing with silence, words, loud noises, superstitions, and communication between men and demons. San Agustin, *De doctrina christiana* (Madrid: Biblioteca de autores cristianos, 1965).

Neither the word clamour nor any of its morphological derivatives are used by Burchard in his description of the different kinds of sins in *Liber XIX*, with the exception of *clamoribus* when depicting a "pagan" tradition punished by a two-year penance. Given that these beliefs and practices were confessed by Christians to their confessors, it would actually be more accurate to refer to them as superstitions:

> Hast thou observed the traditions of the pagans, which, as if by hereditary right, with the assistance of the devil, fathers have ever left to their sons even to these days, that is, that thou shouldst worship the elements, the moon or the sun or the course of the stars, the new moon or the eclipse of

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[32] *Contumelia*: "Significa, en general, injuria o insulto verbal... no es posible encontrar una sola definición unívoca de c. que abra caminos de análisis. Claro está que constituye, por excelencia, un pecado de la lengua. Por sus caracteristicas acompaña los cambios culturales dados particularmente entre los siglos XI y XIII, ya que el insulto se vincula con las diferentes valoraciones sociales. El contenido de la *c.* es siempre un mal, un pecado, un delito, algo infamante o aun meramente indecoroso... el mal ajeno se convierte en *c.* en la boca de alguien a través de una denuncia o manifestación abierta y directa, a diferencia de la *detractio*, que se profiere sin que la persona objeto de ella lo sepa. Por otra parte, supone al menos un oyente, a diferencia también de la *maledictio* o de la blasfemia. Todos estos tipos de insulto son, en definitiva, *verba vituperationis*. De este modo, la *vituperatio* vincula el insulto con la intención del sujeto injuriante que los autores medievales siempre han adscrito a la ira. Se suele reservar el término *opprobium* para la ofensa recibida, es decir, para la *c.* desde el punto de vista de la persona que es objeto de ella. En general, la norma moral aconsejada es la no reacción. "*Contumelia*," in *Léxico técnico de Filosofía Medieval*, ed. Silvia Magnavacca (Buenos Aires: Miño y Dávila; Universidad de Buenos Aires, Facultad de Filosofía y Letras, 2005), 176-77.

[33] "La indignación proviene de la ira en su dimensión ética... Por eso, asi como se puede dar una *ira mala* y una *ira bona*, la misma ambivalencia presenta el término que nos ocupa. En efecto, se habla escolásticamente de la *i.* en cuanto enojo contra alguien de quien se ha recibido una ofensa que el injuriado cree, equivocadamente, no merecer, es decir que se considera *indignus* de ella." "*Indignatio*," in *ibid.*, 360.

[34] "En los textos medievales, con este vocablo se suele mentar la presunción en cuanto conjetura. Cabe subrayar que es, pues, un término predominantemente psicológico y que sólo tiene que ver con el conocimiento en cuanto que éste forma parte de los procesos del alma. No se trata, entonces, de lo que hoy se denominaría una 'categoría epistemológica'. En la medida en que la *p.* no implica el proceder prolijamente mediante hipótesis, es frecuente que se subraye su futilidad mediante el añadido del adjetivo *vana*. "*Praesumptio*," in *ibid.*, 553.

[35] "La blasfemia es el más grave de los así llamados '*peccata oris*' o pecados de la lengua. Consiste en la acción de injuriar a Dios con palabras o gestos. Los autores del periodo patrístico la han presentado ya como hija de la soberbia, ya como hija de la ira en cuanto pecados capitales. Asi lo hacen Casiano y Gregorio, respectivamente." There are two medieval traditions linked to this sin: on the one hand, the tradition formulated by Augustine, which emphasizes the falseness aspect, and on the other, the tradition which relates blasphemy to an offence against God. "*Blasphemia*," in *ibid.*, 112.

[36] *De ira oriuntur rixae, tumor mentis, contumeliae, clamor, indignatio, praesumptio, blasphemiae, sanguinis effusio, homicidia, ulciscendi cupiditas, injuriarum memoria.* Burchard von Worms, *Decretorum Libri XX*, 201v. My translation cited above.

the moon; that thou shouldst be able by thy shouts or by thy aid to restore her splendor, or these elements (be able) to succour thee, or that thou shouldest have power with them – or hast thou observed the new moon for building a house or making marriages? If thou hast, thou shalt do penance for two years on the appointed fast days; for it is written 'All, whatsoever ye do in word and in work, do all in the name of our Lord Jesus Christ'.[37]

In this instance, as in many other "pagan" or superstitious practices, the Bishop of Worms characterises the devil as *subministrante*, *docente* or *instigante*.[38] Adoration of the elements is practiced by people shouting in the name of supposedly-defeated traditions, and not in the name of Christ.[39] It should be remembered that other mentions of "pagan" practices, such as vigils for the dead, were described as accompanied by chants, laughter, dancing and drinking – all taught by the devil, making the Christians involved forget sympathy and piety.[40] In the above cases, noise and loud vocal manifestations (shouts, singing and laughing) performed by sinful parishioners were inspired by beliefs and practices that ignore Christian teachings and virtues.

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[37] *Si observasti traditiones paganorum, quas, quasi haereditario jure diabolo subministrante, usque in hos dies semper patres filiis reliquerunt, id est ut elementa coleres, id est lunam aut solem, aut stellarum cursum, novam lunam, aut defectum lunae, ut tuis clamoribus aut auxilio splendorem ejus restaurare valeres, aut illa elementa tibi succurrere aut tu illis posses, aut novam lunam observasti pro domo facienda aut conjugiis sociandis? Si fecisti, duos annos per legitimas ferias poeniteas, quia scriptum est: «Omne quodcunque facitis in verbo et in opere, omnia in nomine Domini nostri Jesu Christi facite.»* Burchard von Worms, *Decretorum Libri XX*, 193r-v. Burchard quotes Paul's letter to the Colossians, 3:17: "Y todo lo que hacéis, sea de palabra o de hecho, hacedlo todo en el nombre del Señor Jesús, dando gracias a Dios Padre por medio de él." The translation of Burchard's penitential question above is taken from McNeill and Gamer, *Medieval Handbooks of Penance*, 330.

[38] I have studied the figure and role of the devil in the superstitions described by Burchard in a paper presented at a congress in Buenos Aires in 2010: Andrea Vanina Neyra, "Ilusiones y enseñanzas diabólicas: algunas pistas sobre la interpretación de las supersticiones en el cristianismo altomedieval", in *IV Jornadas de Reflexión Monstruos y Monstruosidades* (Buenos Aires: Facultad de Filosofía y Letras, Universidad de Buenos Aires, 2012), in press.

[39] The penitential ascribed to Bede – one of the penitentials recognised as authoritative by Burchard – also contains a passage on conjurers and fortune-tellers who act with cries and magical arts during lunar eclipses. However, the text continues describing other practices and prescribes a penance of three to five years (a longer period than Burchard's penance). McNeill and Gamer, *Medieval Handbooks of Penance*, 229.

[40] *Observasti excubias funeris, id est, interfuisti vigiliis cadaverum mortuorum ubi Christianorum corpora ritu paganorum custodiebantur, et cantasti ibi diabolica carmina, et fecisti ibi saltationes quas pagani diabolo docente adinvenerunt; et ibi bibisti, et cachinnis ora dissolvisti, et omni pietate et affectu charitatis postposito, quasi de fraterna morte exsultare visus es? Si fecisti, XXX dies in pane et aqua poeniteas.* Burchard von Worms, *Decretorum Libri XX*, 195r.

Before focusing on silence as a sin, it is worth mentioning that it is possible to find examples of silence functioning as just another element contributing to a superstitious scene and atmosphere. For instance, according to Burchard, the silence of the night may be interrupted by women wandering around with Diana[41] or who think they can traverse closed windows to kill baptized men, eat their boiled flesh, and bring them back to life by replacing their hearts with wood or straw;[42] they may even fly over the clouds in order to fight with other women for no reason other than the battle itself.[43]

Alternatively, according to Burchard, silence could express the way that, at the sight of a dead man, some women act seeking a cure by silently fetching a jug of water and pouring the liquid under the coffin:

> Hast thou done or consented to those vanities which foolish women are accustomed to enact, (who) while the corpse of a dead person still lies in

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[41] *Credidisti aut particeps fuisti illius incredulitatis, quod quaedam sceleratae mulieres retro post Satanam conversae, daemonum illusionibus et phantasmatibus seductae, credunt et profitentur se nocturnis horis cum Diana paganorum dea, et cum innumera multitudine mulierum equitare super quasdam bestias, et multa terrarum spatia intempestae noctis silentio pertransire ejusque jussionibus velut dominae obedire et certis noctibus ad ejus servitium evocari? Sed utinam hae solae in perfidia sua perissent, et non multos secum in infirmitatis interitum pertraxissent. Nam innumera multitudo hac falsa opinione decepta, haec vera esse credit, et credendo a recta fide deviat, et in errore paganorum volvitur, cum aliquid divinitatis aut numinis extra unum Deum esse arbitratur. Sed diabolus transformat se in diversarum personarum species atque similitudines, et mentem, quam captivam tenet in somnis deludens, modo laeta, modo tristia, modo incognitas personas ostendens, per devia quaeque deducit, et cum solus spiritus hoc patitur, infidelis mens haec non in animo, sed in corpore evenire opinatur. Quis enim non in somnis et nocturnis visionibus extra seipsum educitur, et multa videt dormiendo quae nunquam viderat vigilando? Quis vero tam stultus et hebes sit qui haec omnia, quaein solo spiritu fiunt, etiam in corpore accidere arbitretur? Cum Ezechiel propheta visiones Domini in spiritu non in corpore, vidit et audivit, sicut ipse dicit: Statim, inquit, fui in spiritu. Et Paulus non audet se dicere raptum in corpore. Omnibus itaque publice annuntiandum est quod qui talia et his similia credit, fidem perdit: et qui fidem rectam in Deo non habet, hic non est ejus, sed illius in quem credit, id est, diaboli. Nam de Domino nostro scriptum est: Omnia per ipsum facta sunt, et sine ipso factum est nihil. Si credidisti has vanitates, duos annos per legitimas ferias poeniteas.* Ibid., 194v-195r.

[42] *Credidisti quod multae mulieres retro Satanam conversae credunt et affirmant verum esse, ut credas inquietae noctis silentio cum te collocaveris in lecto tuo, et marito tuo in sinu tuo jacente, te dum corporea sis januis clausis exire posse, et terrarum spacia cum aliis simili errore deceptis pertransire valere, et homines baptizatos, et Christi sanguine redemptos, sine armis visibilibus et interficere, et decoctis carnibus eorum vos comedere, et in loco cordis eorum stramen aut lignum, aut aliquod hujusmodi ponere, et commestis, iterum vivos facere, et inducias vivendi dare? Si credidisti, quadraginta dies, id est carrinam in pane et aqua cum septem sequentibus annis poeniteas.* Ibid., 199v.

[43] *Credidisti quod quaedam mulieres credere solent, ut tu cum aliis diaboli membris item inquietae noctis silentio clausis januis in aerem usque ad nubes subleveris, et ibi cum aliis pugnes, et ut vulneres alias, et tu vulnera ab eis accipias? Si credidisti, duos annos per legitimas ferias poeniteas.* Ibid., 200r.

> the house, run to the water and silently bring a jar of water, and when the dead body is raised up, pour this water under the bier, and as the body is being carried from the house watch that it be not raised higher than to the knees, and do this as a kind of means of healing? If thou hast done or consented to this, thou shalt do penance for ten days on bread and water.[44]

Although the author does not specify the purpose of this ritual (except for the unspecific mention of "a cure"), it is important to note that, as the French historian Jean-Claude Schmitt observed in his well-known *Historia de la superstición*, attitudes toward death were one of the dividing lines between Christian beliefs and superstition.[45] In all likelihood, the practice recounted in the *Corrector* (like many others related to funerary customs not discussed here)[46] reflects concern about the attention paid by superstitious people to corpses, the world of the dead, and funerary practices. These rites are condemned in this penitential, in contrast to the care lavished on souls valued by the Church.[47]

Burchard explicitly takes into consideration two kinds of "silent sinners" (i. e. someone whose fault was to remain silent when he or she should not have done so). The first indicates a certain consent of evil-doing. He imposes a penance on the person who keeps another's offence a secret:

> Have you kept silent regarding your brother, who was about to die, and have you not helped him, have you not rebuked him so that he became

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[44] *Fecisti illas vanitates aut consensisti quas stultae mulieres facere solent, [quae,] dum cadaver mortui hominis adhuc in domo jacet, currunt ad aquam, et adducunt tacite vas cum aqua, et, cum sublevatur corpus mortui, eamdem aquam fundunt subtus feretrum, et hoc observant, dum extra domum asportatur funus, [ut] non altius quam ad genua elevetur, et hoc faciunt pro quadam sanitate? Si fecisti, aut consensisti, X dies in pane et aqua debes poenitere.* Ibid., 195v. The translation is from McNeill and Gamer, *Medieval Handbooks of Penance*, 334.

[45] Schmitt, *Historia de la superstición*, 63.

[46] I have studied some funerary practices connected with the treatment of children's corpses in the context of violence against children in a paper presented at a congress in Buenos Aires in 2006 and published the following year: Andrea Vanina Neyra, "Violencia sobre niños en la Edad Media: prácticas y creencias supersticiosas", in *Monstruos y monstruosidades. Perspectivas disciplinarias* II (Buenos Aires: Facultad de Filosofía y Letras, Universidad de Buenos Aires, 2007), 688-97.

[47] The role of the ecclesiastical institution in the release of the soul is described by Burchard in chapter 112; there are four methods, all representing some kind of involvement of the Christian church. *CAP. 112 – Quot modis animae defunctorum solvi debeant. (Ex dictis Origenis.) Animae defunctorum quatuor modis solvuntur, aut oblationibus sacerdotum, aut precibus sanctorum, aut charorum eleemosynis, aut jejunio cognatorum.* Burchard von Worms, *Decretorum Libri XX*, 215r. According to Hoffmann and Pokorny, the original source of the chapter is *Collectio Hibernensis XV 1*, Hoffmann and Pokorny, *Das Dekret*, 238.

reasonable and have you not helped the brother who was under pressure? If you haven't, you shall do penance for as long as you kept silence.[48]

The fraternal correction is related to Matthew 18:15, where it is stated that "If thy brother shall offend against thee, go, and rebuke him between thee and him alone. If he shall hear thee, thou shalt gain thy brother". A Christian must exhort a sinner to confess, repent and, in this way, correct his behaviour and soul. But he has also to answer for his own consent if he allows a sin to happen or does not keep it from happening.[49] *Consensus in malo*, in spite of serving as title for only three penitential questions in the *Corrector* (including the one cited above), is mentioned in many other inquiries, particularly those related to superstitions.[50] It is interesting to note that in the question discussed above there is no predetermined length of time set for the penance: it must last as long as the sin did, that is, as long as the penitent remained silent.

This penitential question is treated in the same way in Regino's *Libri duo:* "He who is silent about his brother's sin which is unto death, and hasn't rebuked him, nor has he told the church of God so that he was corrected, he shall do penance for as long as he consented."[51]

There are other noteworthy details regarding the above quote. The passage is not part of Regino's *Ordo ad dandam poenitentiam*; it figures in *Liber Primus*, a book devoted to clerics and not the laity, so the admonition is linked to the clergy's obligations.[52] This is the reason why the third person is used instead of the second: the penitent is not being directly addressed here.

Returning to Burchard's compilation, chapter 118 of the *Corrector* points to the person who is silent about his own sin: "Cap. 118 – On those who keep silence about their sins for a long time (From Beda's Penitential). However, it is

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[48] *Reticuisti peccatum fratris quod erat usque ad mortem, neque corripuisti eum, nec exhortatus es eum, ut resipisceret, nec succurristi fratri sub onere jacenti? Si fecisti, tam diu poeniteas quam diu reticuisti.* Burchard von Worms, *Decretorum Libri XX,* 198r-v. My translation.

[49] The sixteenth book of the *Decretum* appears under the title *De Accusatoribus et Testibus* Burchard von Worms, ibid., 169v-173r. It would be useful to study it in light of some of the topics discussed in this paper, the role of silence, *peccata oris*, and consent, for example.

[50] "*Fecisti... aut consensisti...?* is the formula used by Burchard. Neyra, "Consideraciones sobre la tipología del pecado en el *Corrector* de Burchard von Worms," 123-24.

[51] *Qui reticuerit peccatum fratris quod est ad mortem, nec eum corripuerit, aut Ecclesiae Dei ut emendetur dixerit, quandiu consensit, tandiu poeniteat.* Reginonis abbatis prumiensis, *Libris duo de synodalibus causis et disciplinis ecclesiasticis.* Patrologiae Latinae, vol. CXXXII, ed J. P. Migne (Paris: Petit-Montrouge, 1880), 231A. My translation.

[52] I have studied some aspects of the problematic related to Regino's and Burchard's canonical texts and their addressees in a paper presented at a congress in 2011: Andrea Vanina Neyra, "Penitenciales y colecciones canónicas: fuentes para el estudio de la superstición medieval", in *XIII Jornadas Interescuelas/Departamentos de Historia, Departamento de Historia de la Facultad de Humanidades de la Universidad Nacional de Catamarca*, San Fernando del Valle de Catamarca, August 10-13, 2011.

true that penance should be increased for as long as he is in sin."[53] According to Hoffmann and Pokorny, the attribution to Bede is incorrect; the source of the text is the *Excarpsus Cummeani praef.*[54] In fact, this penitential contains a chapter which could have inspired Burchard to encourage confession and avoid silencing sins:

> He who is silent about his brother's sin which is unto death, shall rebuke him with confidence, and for so long a time as he was silent he shall live on bread and water. If it was a slight sin that he kept silent about, he shall indeed rebuke him, but he shall do penance with psalms or fasting according to the judgment of his priest.[55]

Furthermore, the *Excarpsus Cummeani* prescribes silence as part of the penance for those who lied, caused injury or expressed their anger: "For it is an old proverb: the contraries are healed by the contraries..."[56]

Conclusion

A close reading of Burchard's *Corrector sive medicus* gives some idea of the complexity of the world of silence and clamour which falls between the extremes of virtue and vice. Keeping silent does not necessarily mean one is virtuous, as I have endeavoured to show with the example of the sinner condemned for not encouraging confession, thus resulting in the omission of fraternal correction; another instance is the silent behaviour accompanying a superstitious funerary practice allegedly performed by women. On the other

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[53] Cap. 118. – *De illis qui diu reticent peccata sua. (Ex Poenitentiali Bedae presbyteri.) Sciendum vero est, quanto quis tempore moratur in peccatis, tanto ei augenda est poenitentia.* Burchard von Worms, *Decretorum Libri XX*, 215v. My translation.

[54] Hoffmann and Pokorny, *Das Dekret*, 238.

[55] *Reticens peccatum fratris quod ad mortem, arguet eum cum fiducia, et quanto tempore reticuit, tanto cum pane et aqua vivat; si peccatum parvum reticuit, arguet quidem eum, sed psalmis sive jejunio judicio sacerdotis poeniteat.* (*Excarpsus Cummeani*, 993C). The quotations of the *Excarpsus Cummeani* are from *Liber de mensura poenitentiarum*, Patrologiae Latinae, vol. CXXXVII, ed. J. P, Migne (Paris : Petit-Montrouge, 1863), 979-98. The translation is taken from McNeill and Gamer, *Medieval Handbooks of Penance*, 110.

[56] *Vetus namque proverbium est: contraria contrariis sanentur [sanantur]...* Ibid., 981B. As above, the translation is taken from McNeill and Gamer, *Medieval Handbooks of Penance*, 110. The *Regula Coenobialis* of Columbanus also prescribes silence for *peccata oris:* "... The talkative person is to be sentenced to silence, the disturber to gentleness, the gluttonous to fasting, the sleepy fellow to watchfulness, the proud to imprisonment, the deserter to expulsion. Each shall suffer things corresponding to what he deserves, that the righteous may live righteously. Amen." McNeill and Gamer, *Medieval Handbooks of Penance*, 265. Moreover, Burchard mentions virtues (or cures) against the vices in chapter 7 of his *Liber XIX*, following the idea that contraries are the cure for contraries, as was shown above: "Cap. 7.—*Item de virtutibus quibus eadem vitia superari possint, et de conclusione poenitentiae.*" Burchard von Worms, *Decretorum Libri XX*, 201r.

hand, clamour in the sense used here only appears as an element of "pagan" (actually, superstitious) worship directed at the moon, sun, and stars. Similarly, because they disturb the silence of the night it is possible to infer that the women who fly through the sky fighting and eating the hearts of Christian men or following the goddess Diana perform these rites as *clamantes*.

These passages would seem to indicate the advisability of reconsidering and revising certain established concepts and conceptions regarding silence and vocal noise and expressions as representative of virtue and vice respectively; this despite the fact that, with the exception of liturgically-stipulated Christian chants and prayers, other loud vocal expressions are customarily categorised as transgressions of some sort.

Careful examination of sources such as the *Corrector* makes evident the need to pay close attention to the nuances and particularities of each text in order to avoid generalising and over-simplification. In this sense, it would be beneficial to continue exploring similar lines of research.

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Vorwort

Der vorliegende Band von *Medium Aevum Quotidianum* zeigt recht klar die Bedeutung, welche unterschiedliche Themen der mittelalterlichen Alltagsgeschichte und Geschichte der materiellen Kultur in der internationalen Forschung erhalten haben. Beiträge von SpezialistInnen aus England, Argentinien, Dänemark und Deutschland setzen sich mit Problemen auseinander, die von hagiographischen, theologischen, archäologischen und architekturhistorischen sowie fechttechnischen Grundfragen ausgehen und gut vermitteln, auf welche Art und Weise dieselben auf breitere alltagsrelevante Lebensbereiche Einfluss nehmen bzw. dieselben betreffen. Damit lassen sich auch neuerlich die vielfältigen trans- und interdisziplinären Ansätze und Methoden erkennen, die für eine umfassendere wissenschaftliche Aufarbeitung des mittelalterlichen Alltagslebens zu berücksichtigen sind und welche *Medium Aevum Quotidianum* und seine Publikationsreihe zu fördern versuchen.

Gerhard Jaritz