

Varieties of *Scandalum*

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When dealing with scandals in the Middle Ages, one is confronted with variety and multiplicity. It seems that *scandala* could arise anywhere where any kind of communication took place and went wrong in some way. The spread of scandal's function and meaning during the Middle Ages can be seen in religious and secular space as capital sin, as incitement to sin, public offence, slander and defamation, and so on.¹

When *scandala* are mentioned in different items of source evidence, they may occur in small or large numbers, with various criteria and hierarchies of emphasis from strong and detailed argument to formulaic use, but always dependent on or in the context of different specific levels of public space: the audience affected was the *populus Christianus* or society generally, members of a particular social status or group, the Church, a monastic order and its members, or an individual religious house and its community, a family and its members, neighbours, and so on. Again: There is variety and multiplicity in different respects.

What seems important in such a complexity of possibilities and contexts is finding and using some kind of comparative approach, as broad as possible, towards the varieties of medieval *scandala*. This makes it necessary to analyze many more and different sources and source corpora that either regularly or sporadically use or deal with the phenomenon in their argumentation – always being aware of the fact that *scandalum* may occur everywhere. I will, thus, concentrate on some remarks based on the analysis of two further source corpora and contexts which offer examples, patterns of and discourses about *scandala*, with regard to their theological basis, theory and norm as practice.

The first context is that of an elite group, the Carthusians, an extremely strict order with rules and regulations, for which one might expect from the beginning that many aspects of not following their norms, mainly in theological comprehension, would have caused *scandalum*. The two source corpora that are

¹ See Lindsay Bryan's contribution in this volume and her broader study "Vae Mundo a Scandalis": The Sin of Scandal in Medieval England" (unpublished Ph.D. thesis, University of Toronto, 1998) (henceforth: Bryan, "Vae Mundo a Scandalis"). See also eadem, "Scandle is heaved Sunne," *Florilegium* 14 (1995-96): p. 71-86.

most important for the role of *scandala* in the Carthusian Order are, first, the general normative evidence of rules and regulations meant for the whole Order, in particular the *Consuetudines Guigonis prioris Cartusiae* of 1127, the three parts of the *Statuta Antiqua* of 1259, followed by the three parts of the *Novae Constitutiones* of 1368, and, at last, the *Tertia Compilatio* of 1509.² Second, one must use the Statutes of the yearly General Chapter of the Order which dealt with matters and problems touching whole the Order as well as with matters that concerned individual monastic communities of the Carthusians.³

If one looks for *scandala* in the Carthusian Order, one find a clear development. The *Consuetudines* of Guigo, the first prior of the Grande Chartreuse, from the 1120s, did not yet enumerate or, better to say, identify any *scandala* in their rules, regulations, and argumentation. This had changed by the mid-thirteenth century, clearly as one result of the practice and experiences of monastic life. The *Statuta Antiqua* of 1259 already refer to the necessity *pro vitando scandalo* in some matters and on certain occasions. The statutes concentrate on rather general problems and cases that cause *magnum damnum domus vel scandalum ordinis*:⁴ concerning monastic stability⁵ and necessary journeys of members of the community,⁶ contacts with secular people⁷ and especially with

² *Statuta et privilegia ordinis Cartusiensis* (Basel: Johannes Amorbach, 1510), henceforth *Statuta*; James Hogg (ed.), *The Evolution of the Carthusian Statutes from the Consuetudines Guigonis to the Tertia Compilatio: Documents*, *Analecta Cartusiana* 99, vol. 1-3 (Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1989). See also the index to the *Statuta*: Gratianus Concioni, *Consuetudinum Domni Guigonis Prioris Cartusiae [1127], Statutorum Antiquorum Ordinis Cartusiensis in tribus partibus comprehensorum [1259], Statutorum Novorum Ordinis Cartusiensis in tribus partibus correspondentibus comprehensorum [1368] Tertiaeque Compilationis Statutorum Ordinis Cartusiensis [1509] Index*, *Analecta Cartusiana* 100:42 (Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 2007).

³ See the large number of volumes with editions of the *Chartae* in the *Analecta Cartusiana* 100:1 sq. (Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1983 sq.).

⁴ See note 9.

⁵ *Statuta*: *Statuta Antiqua* 2, IV/6: *Utinam attenderemus omnes et adhuc maxime odibite veris heremitis vagandi per mundum officium, proprium ipsorum euagantium periculum suorum subiectorum iacturam et preiudicium, quibus priores inter cetera que eis debent quietis et stabilitatis et aliorum nostre religionis exercitiorum prebere debent seipsos in exemplum. Ultimo intuentium scandalum a quibus sanctuarii lapides non quilibet sed etiam angulares, aliorum scilicet capita, id est priores, in capite platearum dispersi, opprobrio habentur et contemptui, qui si in intimis in abscondito faciei domini starent, digni multa reuerentia haberentur. ...*

⁶ *Statuta*: *Statuta Antiqua* 3, XXVI/9: *Conuersi in itinere teneant vitam priorum suorum non tantum cum eis comedant in domibus ordinis nostri. Soli teneant vitam congregationum in quarum domibus fuerint pro vitando scandalo saluo tamen ordine nostro.*

women,⁸ the divestiture of priors,⁹ and the punishment of members of the community.¹⁰

This situation again changed considerably comparing it with the role of *scandala* in the *Novae Constitutiones* of the fourteenth century and the *Tertia Compilatio* from the beginning of the sixteenth century. On the one hand, the number of references to *scandala* doubled: from six in the *Statuta Antiqua* to twelve in the *Novae Constitutiones*. But it was not only the quantity that had changed, it was also the quality. The *Novae Constitutiones* and the *Tertia Compilatio*, in general, moved from only dealing with the most important aspects of Carthusian life to a much more detailed regulation, which also touched the scope of defining certain situations as scandalous. There are still such most basic regulations that could be contexts for *scandalum* as, for instance:

- *Propter scandala et infamias* which have occurred in female houses of the order and could still, daily, occur there, it is ordained that no new female houses should be accepted or incorporated into the Carthusian Order.¹¹
- Prohibition for female Carthusians to visit male members of Charter-houses and vice versa.¹²
- New male communities that have been founded with dotations that were too small and lacked the most necessary buildings have led to *multa*

⁷ *Statuta: Statuta Antiqua* 2, IX/22: *Hospitum personas tantum non etiam equitaturas maxime secularium procuramus si tamen absque damno vel scandalo commode possit euitari. Qui autem procurant quanto melius potuerunt inde se emendent.*

⁸ *Statuta: Statuta Antiqua* 2, XXVI/4: *Domus que non possunt cauere ne ponant mulieres in operibus suis saltem propter vitandum scandalum provideant ne conuerse vel redditu eas custodiant, nec eis propriis manibus mercedem reddant, sed aliquis de mercenariis.*

⁹ *Statuta: Statuta Antiqua* 2, XXX/29: *Visitatores ... nullum a prioratu absoluant sine speciali licentia capituli generalis, nisi talem casum inuenirent quod immineret magnum damnum domus vel scandalum ordinis si absolutio huiusmodi differetur usque ad capitulum generale.*

¹⁰ *Statuta: Statuta Antiqua* 2, XXXI/14: *Et quia non reputamus esse scandalum ibi punire culpas ubi commisse sunt statuimus ut omnes expulsi qui reconciliandi sunt siue locus vacet siue non in domibus propriis usque ad capitulum sustententur, nisi capitales habeant inimicos.*

¹¹ *Statuta: Novae Constitutiones* 3, IV/29: *Propter scandala et infamias que quandocumque in domibus monialium euenerunt et quotidie possent euenire, statuto perpetuo et irrefragabili ordinamus ne amodo in ordine nostro domus noue monialium recipiantur aut incorporentur sed tantum cura nobis sufficiat susceptarum.*

¹² *Statuta: Tertia Compilatio* XII/11: *Priorisse vel moniales non visitent monachos aut conuersos nec viros alios apud eas degentes, nec pariter monachi, conuersi, redditu aut donati visitent priorissas aut moniales aliquas ... Quia si ex hoc excessus aliquis vel aliquod scandalum secuta fuerint, sic excedentes aut scandalo causam dantes maiori nihilominus pena punientur.*

scandala et vituperia. Such foundations are prohibited from now onwards.¹³

- Material donations to Charterhouses, out of which *damna et scandala quamplurima nostro ordini prouenerint* ..., should henceforth only be accepted after the General Chapter had agreed to them.¹⁴
- Those who want to join a Charterhouse who are not familiar with the life-style in the Order should not be accepted.¹⁵

But now even the wrong clothing is put into context with the occurrence of *scandala*,¹⁶ food being too exquisite,¹⁷ decorations in the monastery like figurative wall-hangings, cushions or other *picture curiose*.¹⁸ This move into a more detailed discourse also refers particularly to matters of reputation: Danger was seen in connection with *lactinia*, that is, milk products, and serving them at meals in the monasteries. There were days on which the members of the community were not allowed to eat them, but some guests might have been present whom those milk products could not be refused without scandal arising

¹³ *Statuta: Novae Constitutiones* 2, V/3: *Et quia ex leui et indiscreta receptione domorum nouarum minus sufficienter dotatarum et edificiis necessariis carentium multa scandala et vituperia, quod dolentes referimus, nostro ordine nouimus prouenisse ..., statuimus ut nulla domus recipiatur de cetero nisi prius pro sustentatione prioris et duodecim monachorum ac pro aliis oneribus necessariis supportandis sufficientibus redditibus vel possessionibus assignatis*

¹⁴ *Statuta: Novae Constitutiones* 3, III/1: *Cum ex incauta et indiscreta receptione donatorum et prebendariorum damna et scandala quamplurima nostro ordini prouenerint ordinamus quod de cetero nullus recipiatur in donatum vel prebendarium absque licentia capituli generalis vel prioris Cartusie, qui etiam defacili aut sine magna et euidenti necessitate vel vtilitate talem licentiam non concedant.*

¹⁵ *Statuta: Novae Constitutiones* 2, VI/5: *Sacerdotes et ceteri qui de seculo vel altera religione veniunt ad ordinem, si in missarum celebratione et obseruantis regularibus forme ordinis se noluerint conformare, vel si in sustinenda opinione sua fuerint obstinati vel in modo viuendi singulares ad professionem nullatenus admittantur quam per tales personas olim multa in ordine scandala prouenerunt.*

¹⁶ E. g., *Statuta: Novae Constitutiones* 3, III/5: *On the dress of the Donated Brothers: Et quando diebus dominicis et festiuis pro diuino officio audiendo superius ascendent vel pro negotiis ordinis extra terminos a priore vel procuratore dirigentur, vtantur caputio conuersorum propter honestate ordinis et pro scandalis que contingere possent euitandis.*

¹⁷ *Statuta: Tertia Compilatio* V/4: *Hospitibus ... non ministrentur nec preparentur diuersa et exquisita cibaria ex quibus et religiosi et seculares immo et ipsi hospites scandalizantur et domus gravantur ...*

¹⁸ *Statuta: Novae Constitutiones* 2, I/7: *Tapetia uniuersa et cussini picturati vel alias curiosi in usu apud nos non habeantur, sed et picture curiose vbi sine scandalo fieri poterit de nostris ecclesiis et domibus eradantur, et noue de cetero fieri non permittantur ...; Statuta: Tertia Compilatio* III/5: *Picturas et imagines curiosas ... tanque derogantes et contrarias simplicitati, rusticitati et humilitati nostri arrepti propositi reprehendimus, et ne de cetero fiant inhiemus. Iam factas vero si commode et sine scandalo fieri possit, tolli et amoveri volumus.*

among them.¹⁹ Another instance of this type deals with funerals: Members of the community were normally prohibited from attending funerals except those of close relatives; if a representative of the monastery was invited to attend the funeral of an important person, this was to be done explicitly by the prior or a member of the community asked to do so by the prior, with the same argumentation as before: *quibus sine scandalo non possent denegare*..²⁰

Such developments, modifications and changes show the growth of the scope of discourse regarding *scandala*.²¹ In this connection they also offer a better understanding of the different levels of meaning and use that the term *scandalum* could take in strict monastic communities like those of Charterhouses, where one would perhaps expect that the theological aspect of *scandalum*, seen as a grave sin, might have remained predominant. In some context, *scandalum* as it occurred in the regulations of the Carthusian Order may clearly be understood as sin or even as a crime in the worldly sense, when the regulations, for instance, talk about the prison of the monastery where members of the community should do penance: those who had been criminals, had committed arson, killed someone or others who caused serious scandal.²² But *scandalum* also could become the bad reputation of the house or the order in the context of milk products, painted cushions, and funerals of important secular figures.

The scandals in the statutes of the yearly General Chapter of the Carthusian Order are noted mainly in the fifteenth and beginning of the sixteenth century. They concentrate on fewer details but again on fields that clearly represent some of the most important main aspects of Carthusian life and their practice,

¹⁹ *Statuta: Novae Constitutiones* 2, IV/22: *Ovis et lacticiniis vti non possumus feria secunda vel quarta, in qua debet fieri abstinencia propter festum duodecim lectionum occurrens in feria sexta. Hospitibus vero qui non sunt de ordine et quibus non poterunt absque scandalo denegari pro vitando scandalo in dictis feriis permittimus ministrari.*

²⁰ *Statuta: Novae Constitutiones* 1, IV/1: *Nulla persona ordinis intersit sepulturis alienis nisi forsan patris et matris, fratris et sororis quando intra terminos sepelientur. Poterunt tamen priores et de ipsorum licentia clerici, redditu et conuersi prelatorum et potentum et aliarum honestarum personarum quibus sine scandalo non possent denegare etiam extra terminos sepulturis interesse, solum cum ad hoc fuerint inuitati.*

²¹ Further references to (possible) *scandala* and their prevention in the *Statuta: Novae Constitutiones* 2, VII/11: concerning summons; 2, VIII/7: members of Charterhouses who had committed an offence should be punished in their own monastery and not be sent away; 3, IV/24: about contacts of nuns to secular persons; *Tertia Compilatio* I/58: with regard to saying mass in churches outside the Charterhouses; IX/26: about the divestiture of priors by provincial visitators; XIII/5: concerning provinces in which quarrels of seculars are taking place.

²² *Statuta: Novae Constitutiones* 2, IX/1: *Singule domus ordinis carcerem habeant competentem in quo ad agenda penitentiam criminosi et qui minantur ignem vel mortem vel de inferendo aliquo graui scandalo sunt suspecti et ceteri de quibus statutum est recludantur. ...*

that is, stability,²³ keeping monastic life secret from the outside world,²⁴ avoiding internal quarrels,²⁵ obedience and other matters that caused *dedecus et scandalum nedum illius domus sed et totius ordinis et populi circumvicini*, that is, scandal for the religious house, the whole order and the neighbouring people.²⁶

Trying to give a kind of short general summary of the representation of *scandalum* in the Carthusian Order, one may stress that it illustrates the well-known variety but also rather clear patterns and developments during the late Middle Ages. The latter show an increasing number and new types of cases that

²³ 1490: *Et quia, experientia rerum magistra docente, comperimus translationes de loco ad locum personis Ordinis hactenus fugae et apostasiae fomenta praestitisse et in dies discursus personarum, in confusionem Ordinis et plurimorum scandalum generare ...* (John Clark, ed., *The Chartae of the Carthusian General Chapter 1475-1503*, *Analecta Cartusiana* 100:31, Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1999, 59); 1448: *Et seriose monemus [Priorem Domus Moguntiae] quatinus debitam adhibeat diligentiam ad reducendum quemdam fugitium monachum domus suae Hertungum nomine, qui in scandalum Ordinis iam pluribus annis prout Generali Capitulo nostro scribitur stetit cum parentibus suis in domo paterna* (Michael Sargent and James Hogg, eds., *The Chartae of the Carthusian General Chapter. Paris, Bibliothèque Nationale MS Latin 10887*, part II: 1447-56, *Analecta Cartusiana* 100:4, Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1984, p. 44); 1454: *... committimus ... Cristofori Priori domus Sancti Bartholomei [de Trisulto]... auctoritatem nostri Capituli Generalis ... emittendi quascumque personas Ordinis illius domus Sancti Bartholomei incompositas in-exemplares et scandalosas & hoc pro reformatione ipsius domus ...*(*ibidem*, 189).

²⁴ 1469: *Quia multi de Ordine obliti sui status et discipline regularis impudenter nimis et inuerecunde reuelant facta Ordinis extraneis personis ecclesiasticis et secularibus, et de personis Ordinis obloquendo dicunt que sciunt et quandoque etiam ea que non sciunt, diffamando personas Ordinis, ex quibus oriuntur scandala et grauantur displicentie in mentibus audientium, in tantum quod de Ordine et de personis eiusdem male edificantur. ...* (Michael Sargent and James Hogg, eds., *The Chartae of the Carthusian General Chapter. Paris, Bibliothèque Nationale MS Latin 10888*, part II: 1466-74, *Analecta Cartusiana* 100:6, Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1985, 89-90).

²⁵ 1444: *Monentes seriose priorem et conuentum dicte domus de Paulari ut litigiis inceptis finem imponant quoniam litigia vltra intuentium scandala consumunt personas et bona. ...*(Michael Sargent and James Hogg, eds., *The Chartae of the Carthusian General Chapter. Paris, Bibliothèque Nationale MS Latin 10887*, part I: 1438-46, *Analecta Cartusiana* 100:3, Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1984, 148).

²⁶ 1431: *Domui Sellionis praeficimus in Priorem domnum Aegidium a domo diuionis nuper absolutum, cui iniungimus quod contra suos ibidem dissolutos inuigilet et ordinem et statuta teneri faciat, et si quos rebelles et inobedientes inueniat, domno Cartusie quamcitus denunciaret, et domnum Ioannem Boberii a dicto domo iuste et canonice per visitatorem absolutum quia artem alchimiae attentavit et multa alia commisit in dedecus et scandalum nedum illius domus sed et totius ordinis et populi circumvicini ultra poenam dictae absolutionis praecipimus carceri mancipandum ad ordinis voluntatem, ...* (James Hogg, ed., *MS Grande Chartreuse 1. Cart. 15: Cartae Capituli Generalis 1411-1436*, vol. 3: 1428, 1429, 1431, 1432, 1434-1436, *Analecta Cartusiana* 100:9, Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1986, 50-51).

were labelled as scandalous, sometimes presenting much more detailed references to specific aspects of Carthusian life and material culture than before.

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The second context that I will deal with as an example of the representation of *scandalum*, is broader. concerning the people who could have been touched by it: theoretically, at least, every member of the late medieval *populus Christianus*. The fifteenth-century registers of the penitentiary of the papal curia dealt with a large number of problems that arose in the lives of Christians. Clerics and many kinds of laypeople, men and women, applied to the penitentiary to get these problems solved, to receive absolution and dispensation: concerning matrimonial impediments, any sort of crimes, quarrels and fights, obtaining and keeping ecclesiastical offices, and so on.²⁷ At first, one might expect that most of these cases and situations would have caused *scandala* which would have been indicated.

For my analysis I have used the registers from the German-speaking areas of fifteenth-century Europe that have been published until now in six volumes in the *Repertorium Poenitentiariae Germanicum* from the period of Pope Eugene IV to Pope Sixtus IV, meaning from 1431 to 1484.²⁸ From this period, 21,934 supplications from Germanophone areas to the penitentiary office of the papal curia have survived in the registers and been published. Analyzing this source corpus, one discovers that the number of cases that were explicitly connected with, that is, labelled *scandala* is very low. There is a reference to *scandalum* in

²⁷ See, e. g., some overviews by Ludwig Schmugge, Patrick Hersperger, and Béatrice Wigenhauser, *Die Supplikenregister der päpstlichen Pönitentie aus der Zeit Pius' II. (1458-1464)*, Bibliothek des Deutschen Historischen Instituts 84 (Tübingen: Max Niemeyer Verlag, 1996) (henceforth: Schmugge et al., *Supplikenregister*; Kirsi Salonen, *The Penitentiary as a Well of Grace in the Late Middle Ages. The Example of the Province of Uppsala*, *Annales Academiae Scientiarum Fennicae* 313 (Saarijärvi: Academia Scientiarum Fennica, 2001); eadem, "Introduction," in *Auctoritate Papae. The Church Province of Uppsala and the Apostolic Penitentiary 1410-1526*, ed. Sara Risberg (Stockholm: National Archives of Sweden, 2008), 7-144; Torstein Jørgensen and Gastone Saletnich, *Synder og Pavemakt: Botsbrev fra den norske kirkeprovins og Suderøyene til Pavestolen 1438-1531* (Sinners and papal power: Penitentiary supplications from the Norwegian Church province and the Hebrides to the Holy See) (Stavanger: Misjonshøgskolens forlaget, 2004); Gerhard Jaritz, Torstein Jørgensen, and Kirsi Salonen, eds., *The Long Arm of Papal Authority. Late Medieval Christian Peripheries and Their Communication with the Holy See* (Budapest and New York: Central European University Press, 2005).

²⁸ Ludwig Schmugge et al. (ed.), *Repertorium Poenitentiariae Germanicum. Verzeichnis der in den Supplikenregistern der Pönitentie vorkommenden Personen, Kirchen und Orte des Deutschen Reiches* I (1431-1447; Eugene IV), II (1447-1455; Nicholas V), III (1455-1458; Calixtus III), IV (1458-1464; Pius II), V (1464-1471; Paul II), VI (1471-1484; Sixtus IV) (Tübingen: Max Niemeyer Verlag, 1996-2005) (henceforth: *RPG*).

only 217 of these 21,934 cases, the latter representing many situations and contexts that in other source evidence could have been and were explicitly called *scandalum*. This clearly shows that, for the papal chancellery of the penitentiary office and its scribes at least, the term *scandalum* and its use was not a real necessity. Nevertheless, even dealing with this very small number of *scandala* one can still recognize some patterns.

129 of the 217 supplications brought in connection with scandal, that is 60%, originate from the latest period, 1471 to 1484, the fourteen years of Sixtus' IV papacy; the other 40% are distributed over the forty years from 1431 to 1471. This shows a slight increase of the relevance of *scandalum*. The larger variety of contexts for the occurrence of *scandala* in the later period, which one regularly finds in other source evidence, cannot be traced in the supplications to the papal penitentiary.

One particularly comes across two types of cases in the supplications that are connected to *scandalum*, one of them concerning laypeople, the other one clerics: More than 80% of the 217 cases pertain to supplications and decisions with regard to matrimonial impediments and difficulties²⁹ or to problems of bodily defects of clerics.³⁰ The latter could provoke scandal if they prevented the

²⁹ *RPG* I, n. 196 (1438); *RPG* II, n. 888 (1452); *RPG* III, n. 106 (1455), 179 (1456), 192 (1456), 583 (1458), 1662 (1455), 1712 (1455), 1753 (1455), 1767 (1456), 1821 (1456), 1825 (1456), 1916 (1455); *RPG* IV, n. 821 (1464), 1815 (1461); *RPG* V, n. 180 (1466), 806 (1470), 1651 (1469), 2103 (1469); *RPG* VI, n. 256 (1472), 267 (1462), 283 (1473), 285 (1473), 294 (1473), 299 (1473), 315 (1473), 318 (1473), 319 (1473), 481 (1474), 553 (1475), 1103 (1478), 1160 (1478), 1169 (1478), 1170 (1478), 1178 (1478), 1181 (1478), 1186 (1478), 1190 (1478), 1192 (1478), 1193 (1478), 1200-1203 (1478), 1205 (1478), 1207-1210 (1478), 1212-1213 (1478), 1215-1218 (1478), 1222-1226 (1478, 1479), 1228-1229 (1479), 1231 (1479), 1233 (1479), 1235-1237 (1479), 1247-1248 (1479), 1250 (1479), 1252-1253 (1479), 1255-1259 (1479), 1453 (1480), 1456 (1480), 1465 (1480), 1471 (1480), 1491-1492 (1480), 1513 (1480), 1536 (1480), 1657 (1481), 1689 (1481), 1709 (1481), 1848 (1483), 1921 (1483), 1983 (1484), 1991 (1484), 1993 (1484).

³⁰ *RPG* II, n. 38 (1449), 887 (1452), 889 (1452); *RPG* III, n. 50 (1455), 298 (1456), 403 (1457), *RPG* IV, n. 930 (1459), 1019 (1459), 1074 (1459), 1093 (1459), 1095 (1459), 1152 (1460), 1213 (1460), 1254 (1460), 1376 (1461), 1395 (1461), 1479 (1462), 1489 (1462), 1558 (1463), 1575 (1463), 1587 (1463), 3147 (1459), 3204 (14360), 3232 (1461), 3248 (1462), 3309 (1463); *RPG* V, n. 959 (1465), 984 (1465), 1151 (1466), 1252 (1466), 1311 (1466), 1354 (1467), 1444 (1467), 1472 (1467), 1484 (1468), 1579 (1468), 1584 (1468), 1592 (1468), 1641 (1469), 1836 (1470), 1897 (1471), 1926 (1471); *RPG* VI, n. 2048 (1471), 2121 (1472), 2176 (1472), 2195 (1473), 2338 (1474), 2710 (1477), 2787 (1477), 2803 (1477), 2830 (1478), 2830 (1478), 2896 (1478), 3040 (1480), 3052 (1480), 3093 (1480), 3103 (1480), 3145 (1481), 3168 (1481), 3199 (1481), 3204 (1481), 3207 (1481), 3209 (1481), 3215 (1481), 3225 (1481), 3294 (1482), 3299 (1482), 3323 (1482), 3347 (1483), 3373 (1484), 6511 (1474), 6530 (1474), 6544 (1475), 6559 (1475), 6571 (1475), 6589 (1475), 6599 (1475), 6606 (1475), 6610 (1476), 6612 (1476), 6614 (1476), 6617 (1476), 6675 (1479), 6679 (1479). Altogether, there are 170 cases of such bodily disabilities to be found in the analysed material of the penitentiary registers, mainly in the sections

cleric from performing his liturgical duties in an unhindered and correct way (*irregularitates ex defectu*) or if he had inflicted these disabilities on himself (*irregularitates ex delictu*).³¹ They were problems with the eyes and eyesight,³² deformations of hands, fingers and legs,³³ with being crippled,³⁴ and so on. The supplicants received their dispensation, because or if *non est tanta in eo deformitas, que generet populo scandalum*.³⁵ In these cases it was regularly the *scandalum in populo*, that is, public scandal, which should not be generated.

The entries on matrimonial impediments, mainly third or fourth degree consanguinity or affinity of already married couples who did not know about these obstacles when they had been joined, do not represent the *scandalum* in the impediment. *Scandala*, however, would arise if those couples broke off with each other: *propter scandala evitanda cupiunt remanere in matrimonio*.³⁶ Divorce would be the scandal: ... *si divortium fieret inter eos, gravia scandala*

on *De diversis formis* and *De promotis et promovendis*. Not all of them connect the situation with *scandalum*. See Gerhard Jaritz, "Bodily Defect and Ecclesiastical Career" (in Russian), in *Memorial Volume for Aron Ya. Gurevitch* (Moscow, 2009), in the press. For a short analysis of them out of the time of Pope Pius II (1458-1464), see also Schmugge et al., *Supplikenregister*, esp. 143-147.

³¹ See Emil Friedberg, ed., *Corpus Iuris Canonici I: Decretum Magistri Gratiani* (Leipzig, 1879; reprint Graz: Akademische Druck- und Verlagsanstalt, 1955) (henceforth: Friedberg, *Decretum Gratiani*), col. 175 (*pars I, dist. XLIX, c. I*): *Hinc etenim superna uoce ad Moysen dicitur in Leuitico: "Loquere ad Aaron: homo de semine tuo per familias, qui habuerit maculam, non offerat panem Deo suo, nec accedat ad ministerium eius."* Ubi et repente subiuguntur: *"Si cecus fuerit, si claudus, si uel paruo vel grandi vel torto naso, si fracto pede, si mancus, si gibbus, si lippus, si albuginem habens in oculo, si iugem scabiem, si impetiginem in corpore uel ponderus ..."*; idem, ed., *Corpus Iuris Canonici II: Decretalium Collectiones* (Leipzig, 1879; repr. Graz, 1955; digital version by Angus Graham), esp. *liber I, tit. XX: De corpore uitiatas ordinandis uel non* (http://www.hs-augsburg.de/~harsch/Chronologia/Lspost13/GregoriusIX/gre_1t20.html; last access 24/06/2008) and *liber III, tit. VI: De clerico aegrotante vel debilitate* (http://www.hs-augsburg.de/~harsch/Chronologia/Lspost13/GregoriusIX/gre_3t06.html; last access 24/06/2008).

³² E. g., 1449: *Martinus Noldener ... exponit, quod ex quadam infirmitate quondam maculam in oculo sinistro habet, que non sit talis, ut impedimentum prestat in div. nec populo scandalum inducat ...*(RPG II, n.38).

³³ E. g., 1468: *Conradus Deckenbach ..., ... dum quendam lapidem portaret, lapis sibi cecidit et sibi superiorem iuncturam digiti anularis manus sue dextre destruxit taliter, quod per medium dimisit nec generat scandalum in populo vel prestat impedimentum in div. ...* (RPG V, n. 1584); 1482: *Jacobus Lubling ...; ...quidam pro parte adversa sibi insultum fecerunt et pedem sibi amputarunt et mutilarunt; cum autem dicta mutilatio non sui culpa facta fuerit, cupiat in suis ord. ministrare, et cum non tantus fuerit def., quod generare possit scandalum in populo ...*(RPG VI, n. 3299).

³⁴ E. g., 1461: *Joannis Molitoris ... non sua culpa quadam gibbositate patitur, que scandalum non generat, quia aliter sanus sui corporis est ...*(RPG IV, n. 3232).

³⁵ E. g., RPG VI, n. 2338 (1474).

³⁶ E. g., *ibidem*, n. 256 (1472).

*verisimiliter exoriri possent.*³⁷ While in the case of clerical physical disabilities the danger of public scandal was general, it often touched in the case of scandals that arose out of matrimonial impediments, if mentioned, the relatives.³⁸ Sometimes the group affected is not mentioned, but the gravity of the potential scandal: as, for instance, in case of incest and fornication.³⁹

Beside the matrimonial cases and the physical disabilities of clerics, the penitentiary records do not mention much more about *scandalum*. Only a few entries (28) use it in cases where supplicants had asked for absolution after having killed or injured someone legitimately or unintentionally, or after having been suspected of having done this, sometimes in the course of a situation in which they had intervened in a dispute to prevent *scandalum*.⁴⁰ Further variety is represented by just ten cases dealing with different other aspects.⁴¹

This shows clearly that the familiar variety and multiplicity of *scandalum* mentioned above did not appear in the chancellery of the curial penitentiary. Thus, the evidence, construction or omission of *scandala* in connection with any kind of offences was apparently dependent on the producers of the respective texts and their environment. I am not able now to give a coherent answer as to why the records of the papal penitentiary show an image different from other evidence. Further research will have to deal with this question.

³⁷ E. g., *RPG* III, n. 179 (1456).

³⁸ E. g., 1455: *Michael Schinadel laic. Brixin. exponit, quod ipse olim actu fornicario quondam Ursulam de Bolsas pluries cognovit et eam impregnavit; cupiunt autem ad evitanda scandala, que inter eos eorumque consanguineos, amicos et parentes evenire possent invicem matrim. copulari ... (ibidem, n. 1712).*

³⁹ See, e. g., 1458: *Johannes Seemund ... exponit, quod ipse olim sororem carnalem uxoris sue post contractum et consumatum matrimonium incestuose et fornicarie cognovit; verum huiusmodi res secreta est, que si ad apertum veniret, gravia scandala et homicidia verisimiliter exinde consequi possent ... (ibidem, n. 583).*

⁴⁰ E. g., 1465: *Johannes Johannis de Cossowo orator ... exponitur pro parte, quod cum nonnulli laici in eius domo essent, ipsi inter se nonnulla verba iniurosa habuerunt et ne scandalum fieret inter eos idem orator pacem et concordiam inter eos apponere voluit; tandem prefati laici de predicta domo exierunt et unus laicus alium laicum extra dictam domum interfecit; tamen a nonnullis asseritur ipsum reatum homicidii incurrisse et irreg. notam contraxisse et in suis iam susceptis ord. non posse ministrare; ... (RPG V, n. 1972).* See also *RPG* I, n. 90 (1439), n. 628 (1441), n. 637 (1441); *RPG* II, n. 123 (1450), n. 819 (1451), n. 928 (1452); *RPG* IV, n. 1230 (1460), n. 1784 (1461), n. 1805 (1461), n. 1808 (1461), n. 1810 (1461); *RPG* V, n. 1972 (1465), n. 2008 (1466), n. 2055-56 (1467), n. 2083-84 (1468), n. 2108 (1469), n. 2181 (1471); *RPG* VI, n. 2291 (1473), n. 3479 (1472), n. 3485 (1473), n. 3544 (1475), n. 3590 (1476), n. 3621 (1477), n. 3632 (1478), n. 3700 (1480), n. 3759 (1482).

⁴¹ *RPG* II, n. 736 (1450), 924 (1452); *RPG* III, n. 357 (1456); *RPG* IV, n. 976 (1459), 1205 (1460), 1787 (1461); *RPG* V, n. 998 (1465); *RPG* VI, n. 3716 (1480), 3746 (1482), 3816 (1484).

One is regularly confronted with an often formulaic use of *scandala* in the sources.⁴² This is also well represented in the matrimonial impediment cases from the curial penitentiary. The regularly applied argument was: ... *si divortium inter eos fieret, gravia scandala exoriri possent*.⁴³ But it is not only this formulaic sentence but also the way in which it was used. Often, particularly in the late period, the sentence is not recorded as a whole but abbreviated, like: *si divortium fieret etc. scandala*⁴⁴ or, more regularly, not any more using the term *scandalum* or *scandala* explicitly but just saying ... *si divortium fieret* ...,⁴⁵ or, more often, .. *et si divortium* ...⁴⁶ or, in two cases, just recording ...*et si*...⁴⁷ The scandal and its context had completely vanished. One can now ask the question to what extent, with the disappearance of the word, the offence also vanished or at least decreased. A coherent answer may again be difficult.

What I would like to emphasize, however, and what perhaps may also become one of the results of all four papers presented in this volume, is that it is important to continue with further context-bound and comparative analyses of *scandala* in different source evidence, not for the sake of scandal itself but as a particularly worthwhile instance for the necessary application of manifold approaches and interpretations in such a complex field of research.

⁴² See Bryan, "Vae Mundo a Scandalis," 246 and 292-93.

⁴³ E. g., *RPG* VI, n. 267 (1473).

⁴⁴ E. g., *ibidem*, n. 1983 (1484).

⁴⁵ E. g., *ibidem*, n. 553 (1475).

⁴⁶ E. g., *ibidem*, n. 319 (1473).

⁴⁷ *Ibidem*, n. 1456 (1480), n. 1465 (1480).

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Preface

At the 43rd International Congress of Medieval Studies which met in May 2008 at Western Michigan University I organized a session on “The Meaning, Role and Construction of *Scandalum*.” This volume contains the revised papers from among those that were read there, those of Lindsay Bryan, Elena Lemeneva, and myself. We also convinced Victoria Smirnova to contribute to this ‘Sonderband’ of *Medium Aevum Quotidianum*.

The use of the term *scandalum* in medieval written evidence can be found regularly in different contexts following various patterns and representing differing meanings: as capital sin, incitement to sin, slander and defamation, public offence, and so on. Recent studies have not paid much attention to this phenomenon. Only a comprehensive analysis by Lindsay Bryan has contributed to this exciting field of research.¹ For this reason we were particularly happy that Lindsay was also willing to contribute to the session at Kalamazoo and to the present volume.

The four papers here will not provide substantial new findings concerning the occurrence, application and function of *scandala* in medieval society. What they are intended for, however, is to animate scholars to devote themselves more to researching phenomena which, as individual cases, represented exceptional circumstances of life in the Middle Ages; taken as a group, though, they can be seen as having been part of medieval quotidianity.

Gerhard Jaritz

¹ “‘Vae Mundo a Scandalis’: The Sin of Scandal in Medieval England” (unpublished Ph.D. thesis, University of Toronto, 1998).