Crime and Sin in Early Medieval England

Hannah Purtymun,
University of Edinburgh

Abstract: *Early medieval society had complex views of crime and sin. In early medieval English society, concepts of crime and sin overlapped to a certain extant in terms of what "wrongs" were under either religious or secular jurisdiction, or which fell under both. An in-depth analysis of the definition of crime versus sin in early medieval English society has not yet been undertaken, a feat that is attempted in this article in the context of one of the worst crimes and sins: homicide. It is found that a crime can be defined as any act that is performed against the protection of the king, while a sin is any action that falls within the confines of the capital sins or can be considered either an affront to God or detrimental to the soul.*

From the seventh to the eighth century, society in early Anglo-Saxon England was beginning to integrate the Christianity of Ireland and the continent into their religious practices, laws and everyday lives. This integration was especially prevalent in regard to the treatment of crime and sin within society, and especially to the treatment of homicide. Homicide is prevalent in all secular and religious texts from the early medieval period; however, it is especially prevalent in all secular law codes and penitential texts, as well. It has even been argued that "As medieval laws changed to accommodate the social shifts regarding violence and crime...murder became more consistently regulated, recorded and adjudicated."[1] Due to the prevalence of homicide within these texts, it can be argued that homicide was a common crime, as well as sin, in the early Middle Ages. The seventh and eighth centuries were periods of rapid expansion for the Christian Church, especially within the British Isles, which influenced the formation of both religious texts and law codes. Penitential religious texts and secular law codes are the most prominent examples that provide insight into this treatment of crime and sin in early medieval English society. These texts allow for the examination of monetary and spiritual punishment in regard to both the crime and sin of homicide.

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[1] Tracy, *Medieval and Early Modern Murder*, 5.

The secular law codes of early medieval England include the laws of Aethelberht, Hloþhere and Eadric, Wihtred and Ine. These law codes were written between 600 and 695. While the codes themselves include a variety of crimes which provide important insight into what crimes were under secular jurisdiction, they also include their corresponding punishments which provides a more in-depth understanding of what crimes were considered the most severe in the early medieval period. The severity of the crime can be measured by the corresponding punitive fine implemented as a "punishment" for the crime. However, how secular law codes functioned in practice, specifically in terms of jurisdiction, has not yet been studied in depth in terms of homicide, but is something that will be examined in the following work.

Secular laws codes in the early medieval period functioned, just as in the modern world, as, "something that states create and administer so as to maintain a fundamentally non-violent moral order."[2] However, early medieval law codes functioned differently in that the punishment for a crime was almost always monetary and never explicit imprisonment; at least not in the early Anglo-Saxon law codes of the seventh century. This was generally because in the world of early medieval England "...the most serious sin was disloyalty to [the] king or lord;"[3] punitive fines were, thus, paid to the benefit of the king, as well as to the victim, depending on the crime. Secular law codes were also interconnected with ecclesiastical law to a certain extent in that their jurisdiction was sometimes overlapping, as were their functions; a phenomenon that will be explored more in depth.

The other significant type of early medieval text that was influenced by the spread of Christianity and dealt with concepts of sin were penitentials. These texts were, "handbooks for confessors...[which] contained long lists of possible kinds of sin together with the appropriate penance to make up for them."[4] Within these handbooks the lists of sin included many different homicidal variations, along with the spiritual penance or "punishment" for the sin. Penitentials originated in Ireland in the late fifth and early sixth centuries and then spread to England and the European continent during the early seventh century. These handbooks of penance were used in early medieval Ireland and England in a pastoral context, most frequently within monastic communities, but also within lay communities. While penitentials were prescriptive because a corresponding penance was listed for a particular sin, penance was often up to the interpretation and discretion of the confessor. This is also emphasized by

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[2] Lambert, *Law and Order in Anglo-Saxon England*, 2.
[3] Thomson, *A History of Sin*, 123.
[4] Meens, *Penance in Medieval Europe, 600–1200*, 3.

important to the salvation of the sinner, it was also considered to be an important component of the communities' salvation as well. Rob Meens explains this almost symbiotic relationship more in detail:

> Sin was an individual matter because it affected the relation between God and the sinner, but it was also a communal one affecting the relation between God and community and sinner and community, thereby creating a triangular relationship between God, sinner and the Christian community.[37]

Even if secular law had been enforced and the murderer had paid his punitive dues, there was still this triangular relationship to take into account, which is why homicide fell under both ecclesiastical and secular jurisdiction. This theory is, however, contrary to the earlier decision-making process of the victim's family members contributing to the type of prosecution enacted. If the two law codes were not interconnected, justice would not be fully enacted in an early medieval sense. This may also be why the penance for homicide is so prevalent in all penitential varieties from this period. However, it is also possible, as Levi Roach has argued that "Anglo-Saxon law-codes show an increasing concern for the ecclesiastical well-being of the kingdom in this period, bearing witness to a new effort to craft a Christian society."[38] The way penitentials and secular law were implemented in practice is more complex in terms of homicide than the other 'wrongs' which fell under both jurisdictions due to the variation in types of homicide and the social status of the victim and perpetrator.

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[37] Meens, *Penance in Medieval Europe, 600–1200,* 14.

[38] Roach, "Penance, Submission and Deditio," 346.

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ABOUT THE AUTHOR

Hannah Purtymun: Hannah Purtymun graduated in 2018 from Colorado State University with dual bachelor's degrees in Economics and International Studies. In 2019, she completed her master's degree in Medieval History from the University of Edinburgh and is a former president of the Late Antique and Medieval Postgraduate Society. She is currently working as a Grant Coordinator and Data Analyst for Heartland Grant Solutions in Colorado, as well as an Associate Editor for the Global Center for Religious Research. She has also been published in the *Journal of Business Diversity*.