Reading between the lines: Old Germanic and early Christian views on abortion

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Chapter 2

EARLY CHRISTIAN VIEWS ON ABORTION

“The Church in punishing crimes acts now severely, now leniently”

The Christian church opposes intentional abortion. The reason for the church’s pro-life standpoint is that abortion is regarded as the termination of potential life and therefore equivalent to murder. Sometimes the hard line view is advocated, but there is also a more tolerant standpoint that only regards late term abortion as murder. For those who support the latter standpoint early term abortion is not murder, but a less serious crime or sin, because the fetus is not yet formed, so that it cannot yet be considered a human being.

Abortion is discussed in the Bible, early Christian texts, the writings of the Church Fathers, early medieval Church council canons, in sermons and in the early medieval penitentials. The last two sources are important because they were part of practical Christianity, and would therefore have also been familiar to many of the illiterati in the early medieval Germanic West. A summary of past research on the most important Christian texts that were available in the early medieval West is included in this chapter; texts written in Greek and not available in Latin at the early medieval period were excluded. Chapter 3 contains an original, unpublished overview of early medieval penitential articles on abortion.

THE BIBLE - THE OLD TESTAMENT

We find the biblical condemnation of abortion in the Old Testament. Exodus 21: 22-23 punishes the person or persons who cause a woman to miscarry. The setting is a fight a pregnant woman accidentally becomes involved in. Exodus punishes violent abortion, that is, a miscarriage as a result of external violence. From the woman’s standpoint we are dealing with involuntary abortion. There are two versions of Exodus 21: 22-23: the Hebrew text and the third-century BC Greek Septuagint translation.

Exodus 21: 22-23: Hebrew version
And if men strive together, and hurt a woman with child, so that her fruit depart [from her], and yet no mischief (Hebrew: 'āsôn, 'harm, mischief') follow; he shall be surely fined, according as the woman’s husband shall lay upon him; and he shall pay as the judges determine. But if any mischief follow, then thou shalt give life for life [eye for eye] (...).3

Exodus 21: 22-23: Septuagint version
If two men fight and they strike a woman who is pregnant, and her child comes out while not fully formed, he will be forced to pay a fine; (...) But if it is fully formed, he will give life [psychē] for life, eye for eye (...).4

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1 Huser 1942, p. 21: “The Church, in punishing crimes, acts now severely, now leniently, as conditions of time, persons, and places require, and as the salvation of souls therefore demands.”
3 The Latin Vulgate text that was based on the Hebrew version is as follows: si rixati fuerint viri et percusserit quis mulierem praegnamentem et abortivum quidem fecerit sed ipsa vixerit subiacebit damno quantum expetierit maritus mulieris et arbitri iudicarint, sin autem mors eius fuerit subsecuta reddet animam pro anima (CLCLT: Biblia sacra iuxta Uulgatam uersionem (Uetus Testamentum), Exodus (liber ab Hieronymo ex hebraico translatus), cap. : 21, versus : 22-23; Cetedoc last accessed November 22, 2009).
The Hebrew version of Exodus 21: 22-23 demands a fine for causing a miscarriage, and, if the mother dies ‘life for life’, that is, the death penalty; it does not distinguish between the stages of development of the fetus. Note that in the Hebrew text a miscarriage is considered an injury to the pregnant woman; the fine is not for killing a potential human being, but for injuring or killing the woman involved. The Greek Septuagint version of Exodus 21: 22-23 is fundamentally different. Using the Aristotelian distinction ‘formed’ - ‘unformed’ it punishes killing unborn life, and demands compensation for the fetus. If the fetus is not yet formed, abortion is punished with a fine, but, if the fetus was formed, the abortion is considered to be murder and punished accordingly (‘life for life’ - ‘eye for eye’). The Greek translation of the Hebrew text was apparently influenced by classical Greek philosophy and biology, for it considers a formed fetus to be a human being, whereas Roman and Jewish religious law consider the fetus to be part of the mother’s body, pars viscerum matris.5 Both versions of Exodus are concerned with violent abortion or abortion by assault. However, the Jewish scientist and philosopher Philo of Alexandria (30 BC – AD 45) expanded the meaning of the Septuagint version of Exodus to include intentional abortion and infanticide.6 What was originally ‘accidental’ abortion also includes deliberate abortion in Philo’s interpretation. Philo, a Hellenized Jew, was aware of the fact that Aristotle was not speaking of violent abortion, but of intentional abortion, when the latter advocated state-controlled family planning and legalized abortion in his Politica. Early term and late term abortion correspond to the two stages of fetal development described in Aristotle’s Historia Animalium.7 Philo’s reinterpretation of Exodus 21: 22-23 constitutes a major shift, because Exodus now deals with intentional abortion by the mother. The ‘fighting men’ who (accidentally) cause a woman to miscarry revert to the background, and become, as it were, a metaphor for intentional abortion. The responsibility for the abortion shifts from ‘the fighting men’ to the mother, and the pregnant woman who was originally the victim of violent abortion is now the accused. If reinterpreted both versions of Exodus can be read as a condemnation of the murder of an unborn child. The Hebrew version then represents the ‘strict’ view, because it punishes abortion regardless of the stage of development of the fetus, and the Septuagint version, using the Aristotelian distinction ‘formed’ - ‘unformed’ to differentiate between early term and late term abortion, represents a more lenient standpoint, because only late term abortion is punished as murder.

Latin translations of the Septuagint, collectively called Vetus Latina, probably already circulated in the West as early as the second century AD. In the fourth century the Church Father Jerome translated the Hebrew Bible into Latin (the Vulgate), so that both versions of Exodus 21: 22-23 were available in Latin throughout the medieval period.

The biblical condemnation of abortion was very influential. It influenced Church law and early medieval secular law. The various early medieval legal texts - whether secular or ecclesiastical - show us that sometimes the ‘lenient’ or Septuagint view was followed, and sometimes the ‘strict’ view we find in the Vulgate or Hebrew version.

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5 On Jewish religious law on abortion, cf. chapter 1, note 6. On Roman law, cf. chapter 1, appendix 1.


DIDACHE - DOCTRINA APOSTOLORUM

The earliest known Christian condemnation of intentional abortion is in the Didache or ‘Teachings’.\(^8\) The Didache is a mid second-century Greek didactic text that continues the Jewish ‘Two Ways’ tradition.\(^9\) Chapters one to five discuss the ‘Two Ways’, that is, the ‘way of life’ or ‘way of light’ on the one hand, and the ‘way of death’ or ‘way of darkness’ on the other. It contains lists of sins based on the Ten Commandments. This part of the Didache survives in two early medieval Latin fragments of the Doctrina Apostolorum, a document long regarded as an early Latin translation of the Didache.\(^10\) The Didache and Doctrina Apostolorum are closely related, and share a common Greek ancestor usually dated to the late first century.\(^11\) The manuscripts containing the Latin fragments of the Doctrina Apostolorum both belonged to early medieval German monastic libraries. The oldest and smallest fragment (M) is in a late ninth- or early tenth-century manuscript that is still in the library of the Abbey of Melk in Austria (on the river Danube, west of Vienna).\(^12\) It contains only 1.1 - 1.3a and 2.2 - 2.6a. The eleventh-century manuscript F, originally part of the library of the Sankt Marienstift in Freising (Bavaria), is now in the Bayerische Staatsbibliothek in Munich.\(^13\) It contains almost the entire text (1.1 - 1.3a and 2.2 - 6.1, 6.4 - 6.6).

The Didache and Doctrina Apostolorum label any interference with ‘life’ as ‘the way of death’, and use simple language to get their message across. They do not threaten their listeners with punishment or with hell, but merely point out that ‘the way of light’ is the right way to live. The implication is that the ‘way of death’ will lead to eternal darkness, and that those who follow the ‘way of death’ will not gain eternal salvation. The text of the Didache is longer than that of the Doctrina Apostolorum, and at the end the Didache gives a preview of Judgement Day, intimating that some will perish, when the Lord comes ‘upon the clouds of heaven’.\(^14\)

The early medieval Doctrina Apostolorum condemns abortion and infanticide in 2.2 and 5.3. Manuscript M and F are the same except for a few differences in spelling.

**Doctrina apostolorum (M)**

2.2. Non moechaberis; Non homicidiu(m) facies. - non falsum testimoniu(m) dices; Non puerum [ ] uiolaueris. - Non fornicaueris. - Non mag facies. - Non medicamenta mala facies. - Non occides filium in abortum. Nec natu(m) succides. (…).\(^{15}\)

**De doctrina apostolorum (F)**

2.2. Non mechaberis. non homicidium facies. non falsum testimonium dices. non puerum uiolaberes. non magica facies. non medicamenta mala facies. non occides filium in auortum nec natum succides. (...).\(^{16}\)

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8 For the Greek Didache with facing English translation, cf. Lake 1913 [1959] and Cody 1995, pp. 5-14; for a German translation, cf. Funk 1884, pp. 383-393 and Harnack 1886 [1991], p. 7 ff. The paragraph numbers used below are the numbers used by Lake 1913 [1959] and Schlecht 1901. See also: Noonan 1986 [1965], pp. 87, 92 and Gorman 1982, pp. 49-50, 69. Other late antique or early medieval Christian writings written in Greek such as the Epistle of Barnabas and the Apostolic Constitutions were hardly available in the Latin West. The Epistle of Barnabas (late first or early second century) was translated into Latin, but only a small fragment in a St. Petersburg MS that does not contain the injunction against abortion survives (cf. Lake 1913 [1959], p. 338). The Apostolic Constitutions (late fourth century) were not available in Latin in the early medieval West.


12 Melk, Stiftsbibliothek, Codex 597 (olim 914, Q.52), fol. 115v (M).

13 Munich, Bayerische Staatsbibliothek, Codex Monacensis Latinus 6264 (olim Frising.64), fols. 102v-103v (F). The monastery of Freising was known for its large library, the core of which consisted of manuscripts written in Italy, notably northern Italy, cf. Schlecht 1901, pp. 13-14.

14 Cf. paragraph 16 of the Greek Didache in the translation by Cody 1995, pp. 13-14. This part of the Greek text is not in the Latin fragments of the Doctrina Apostolorum.

The catalog of sins in 2.2 includes adultery, murder, fornication, false testimony, child abuse, *magica*, ‘magic’, *medicamenta mala*, ‘bad medicine’ or ‘poisons’, abortion, and infanticide. The lists of sins in 5.1 and 5.3 seem to repeat the list in 2.2: adultery, murder, false testimony, fornication, sinful desires, magic, *medicamenta iniqua*, ‘bad medicine’ or ‘poisons’, theft, vain superstitions (5.1), infanticide and abortion (5.3). Section 5.3 gives examples of people who follow the ‘way of death’: *peremptores filiorum suorum*, ‘murderers of their children’, and *auortuantes*, ‘those who commit abortion’. The condemnations in 2.2 are formulated as commands in the second person singular - as in the *Ten Commandments*: *non occides filium in abortum*, ‘do not kill a child (fetus) in abortion’, and *nec natum succides*, ‘and do not kill a newborn child’. Although the *Doctrina* does not tell us what method was used or what the motive for abortion was, the fact that the lists of sins in 2.2 and 5.1 also mention motives (adultery, fornication) and methods (poison, and perhaps also magic) indicates that people knew how and why abortion and infanticide were committed. Note that the personhood of the fetus and the stages of fetal development are not mentioned.

The existence of these two early Latin fragments indicates that this text was known in at least some parts of the early medieval West, and that abortion was condemned by the early Christians. The *Doctrina Apostolorum* represents the ‘strict’ view on abortion we also find in the Church council canons and sermons discussed below.

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5.1. Mortis autem uia est illi contraria, primum nequam et maledictis plena: moechationes, homicidia. falsa testimonia. fornicationes. desideria mala. magicae. medicamenta iniqua. furt. uane superstitiones. (...).

5.3. (...) *peremptores filiorum suorum. auortuantes*. (...)17

Gebhardt 1886 (p. 275) first identified the text in MS M as part of the *Didache*. He found the text in a volume of sermons by Boniface first published by Bernardus Pezius (Bernard Pez) in the 18th century (pp. 276-277), and he quotes Pezius’s transcription on pp. 277-278. The Pezius’s text contains a number of (transcription) mistakes. The hiatus between *puerum* and *uiolaueris* is in the wrong place, and Pezius reads *mala facies* instead of *mag facies*.

Schlecht 1901 studied both manuscripts, and was the first to print MS M and MS F side by side (pp. 16-17). He reads *malefacies for mag facies* in MS M, and notes that “nur *ma facies ist sicher*” (p. 16, note 2; p. 107, note g). Schlecht prints the Greek and the Latin text on pp. 105-112.

Like Schlecht Wohleb 1913 prints the Greek and the Latin text (pp. 90-103); for 2.2, cf. p. 90, and for 5.1 and 5.3, cf. pp. 98, 100. Wohleb also follows Schlecht reading *malefacies for mag facies* in MS M; he mentions Funk’s manuscript reading *maofacies* on p. 91, note 2 (cf. Funk 1886, p. 654).

Niederwimmer 1979 reexamined MS M. He notes that the hiatus indicated by the square brackets above is “eine Falte im Pergament, die nicht beschrieben wurde” (p. 271). Where MS F has *non magica facies*, Niederwimmer carefully studied manuscript M and deduced that we must read *non mag facies*, or possibly *non magi facies* (p. 271), and not *non mao fasices, mala facies or malefacies*, and he says that both manuscripts should read *non magica facies*.

Gebhardt, Schlecht and Wohleb’s reconstruction of *mala facies or malefacies* suggests that they were thinking of the word *maleficium*, ‘poison-magic’. Niederwimmer has proven that the word *magica - not maleficium* - was used.

16 Schlecht 1901, pp. 16, 107, and Wohleb 1913, p. 90; ‘2.2. Thou shalt not commit adultery; thou shalt not commit murder; thou shalt not bear false witness; thou shalt not sexually abuse a child; thou shalt not fornicate; thou shalt not practise magic; thou shalt not prepare bad medicine; thou shalt not kill a child by abortion, nor destroy a newborn child; (...).’ The large Latin fragment in MS F was discovered and identified by Schlecht, p. 15.

17 Schlecht 1901, pp. 111-112, Wohleb 1913, pp. 98, 100; ‘5.1. But the Way of Death is the opposite of this: First of all, it is wicked and full of slander, adulteries, murders, false testimonies, fornications, sinful desires, magic, harmful medicines, thefts, vain superstitions, (...); 5.3. (...) murderers of their children, those who commit abortion (...).’

18 Perhaps *abortuantes* also refers to those who provide abortificients and/or those who perform abortions.


20 The word *filius*, ‘child’ is used in the meaning ‘unborn child’ in 2.2 (*non occides filium in auortum*), as opposed to *natus*, ‘newborn child’ (*nec natum succides*). However, *filius* means ‘neonate’ or ‘child’ in 5.3 (*peremptores filiorum suorum*). Use of the word *filius* in 2.2 may be an indication that abortion was regarded as murder. The word *filius* is also used in the meaning ‘fetus’ in other texts discussed in this book, see also: chapters 1, 3 and 4.
CHURCH FATHERS

The early Christian Church Fathers seem to have definitely expanded the Old Testament law on abortion to include intentional or deliberate abortion, thus following Philo of Alexandria’s extension of the meaning of Exodus 21: 22-23. In the course of the first few centuries of the Christian era the two views on abortion based on the Hebrew and Septuagint versions of Exodus 21: 22-23 were further developed into a ‘strict’ view and a ‘lenient’ view. The Church Fathers consider the fetus a separate living human being in potential, not pars viscerum mater-isis, ‘part of the mother’s body’. Although unanimous in their condemnation of abortion, the Church Fathers do not all agree on the exact moment when a fetus becomes a person or a living human being, in other words, when abortion must be regarded as murder. Some, like Tertullian and Basil, adhere to the ‘strict’ view, and regard abortion as murder in any circumstances. Others were influenced by the Aristotelian theory of delayed ensoulment, and subscribe to the Septuagint version of Exodus 21: 22-23 (Augustine, Jerome). The latter only consider late term abortion equivalent to murder. Early term abortion is a less serious crime, because theetus is not yet formed, meaning that it has not acquired human characteristics yet. The majority of the Western Church Fathers are lenient. They do not approve of abortion, but as a rule they follow the Septuagint version of Exodus.

The Church Father Tertullianus lived in late second- and early third-century North Africa (150-225 AD). He condemns abortion in no uncertain terms. Tertullianus, Apologeticum 9.8

Nobis uero homicidio semel interdicto etiam conceptum utero, dum adhuc sanguis in hominem delibatur, dissolvere non licet. Homicidi festinatio est prohibere nasci, nec refert, natam quis eripiat animam an nascentem disturbet. Homo est et qui est futurus; etiam fructus omnis iam in semine est.

Tertullian was acquainted with the Septuagint version of Exodus, and distinguishes between a formed and an unformed fetus.

Tertullianus, De Anima 37.2

Ex eoigit fetus in utero homo, a quo forma completa est. Nam et moesi lex aborsus reum talionibus iudicat, cum iam hominis est causa, cum iam illi vitae et mortis status deputatur, cum et fato iam inscribitur, etis adhuc in matre uiendo cum matre plurimum communicat sortem.

21 On Roman law and Jewish religious law and the pars viscerum, cf. chapter 1.
23 Most of the Eastern or Greek Church Fathers subscribe to the ‘strict’ view. In one of his pastoral letters Basil the Great (c. 330-379) states that ‘A woman who deliberately destroys a fetus is answerable for the taking of life. And any hair-splitting distinction as to its being formed or unformed is inadmissible with us. In this case it is not only the being about to be born who is vindicated, but the woman in her attack upon herself; because in most cases women who make such attempts die. The destruction of the embryo is an additional crime, a second murder, at all events if we regard it as done with intent. The punishment, however, of these women should not be for life, but for the term of ten years. And let their treatment depend not on mere lapse of time, but on the character of their repentance’ (Letters 188.2). The translation is based on Noonan 1986, p. 88, note 40, and http://www.ccel.org/ccel/schaaff/npf208.ix.clxxxix.html (last accessed November 22, 2009). For the Greek text, cf. Basiliius Magnus, PG 32: 672. The ten year’s punishment is a reference to the council of Ancyra (314). See also: Huser pp. 22-24.
25 CLCLT: CL 0003, cap.: 37, linea 31-35 (last accessed November 22, 2009). ‘Tertullian, Apology 9.8. For us, however, homicide is forbidden in any case; it is not lawful to even destroy a fetus in the womb, while blood is still being taken away [from the mother] into a [new] human being. To prevent birth is hastening homicide, and it does not matter whether one takes away an anima (living being, soul) already born or disturbs it while it is being born. He, too, is a human being who will become one; just as all fruit [potential life] is already in the seed’ (translation based on Souter 1917, p. 33, Glover 1931 [1960], p. 49, http://www.ccel.org/ccel/schaaff/anf03.iv.iii.ix.html, and Noonan 1986, p. 91.
26 CLCLT: CL.0017, cap.: 37, linea 8-9 (Cedecoc last accessed November 22, 2009); ‘Tertullian, On the Soul 37.2. The embryo therefore then becomes a human being in the womb from the moment that its form is completed. The law of Moses, indeed, punishes with due penalties the man who shall cause abortion, inasmuch as there exists already the rudiment of a human being (causa hominis), which has imputed to it even now the condition of life and death, since it is already liable to the issues of both, although, by living still in the mother, it for the most part shares its own state with the mother’ (http://www.ccel.org/ccel/schaaff/anf03.iv.xi.xxxvii.html; last accessed November 22, 2009). Dölger translates the sentence...
However, he seems to choose the ‘strict’ viewpoint on abortion. Tertullian does not mention actors, motives or methods of deliberate abortion, but a passage on embryotomy in De Anima (25.5) shows us that Tertullian was familiar with the most gruesome method of therapeutic abortion.

Cyprian, who was bishop of Carthage in the third century, shows us that, although now also regarded as a law against deliberate abortion, Exodus 21: 22-23 still also punishes involuntary and violent abortion.

Cyprianus Cathaginensis, Epistulae 52.5

Uterus uxoris calce percussus et abortione properante in parridium partus expressus.

In the letter quoted above Cyprian describes a situation of domestic violence where the husband’s violence causes his wife to miscarry.


Ambrosius Mediolanensis, Exameron 5.18.58

pauperiores abiciunt paruulos et exponunt et reprehensos abnegant. Ipsi quoque diuites, ne per plures suum patrimonium diuidatur, in utero proprios negant fetus et parricidalibus sucis in ipso genitali aluo pignera sui uentris ex- tinguunt, prius que ausertu uita quam traditur.

Like the other Western Fathers the Church Father Jerome (c. 348-420) followed the Septuagint version of Exodus, even though his Bible translation, the Vulgate, was based on the Hebrew Bible, and contains the ‘strict’

with causa hominis as ‘wenn die Sache schon um einen Menschen geht’ (Dölger 1934, p. 34). See also: Waszink 1947, pp. 425-427.

27 Tertullian’s opinion on the ‘soul’ is not easy to understand, cf. De Anima 27 (CLCLT: Cl. 0017, cap.: 27, linea: 1 ff.; http://www.ccel.org/ccel/schaff/anf03.iv.xi.xxv.html (last accessed November 22, 2009), and De Anima 25.2, where he also explains the Stoic view that life begins when the first breath of air is inhaled at birth (CLCLT: Cl. 0017, cap.: 25, linea: 5; http://www.ccel.org/ccel/schaff/anf03.iv.xi.xxv.html (last accessed November 22, 2009).

On Tertullian’s views on the personhood of the fetus, see for instance, Noonan 1986, p. 90: “He argues that the embryo, after conception, has a soul, and that it is a man (homo) when it attains its final form”. Huser 1942 notes discrepancies in Tertullian’s argumentation: “Tertullian called deliberate abortion murder. Since murder is forbidden, said Tertullian, it follows that the destruction of the developing human being in the mother’s womb is illicit; it is simply a festinatio homicidii. No distinction must be made between killing the child before or after birth; both are murder. It seems, however, that Tertullian made this charge of murder only if the fetus had attained a certain stage of development and formation; for only then in the fetus a homo, according to Tertullian (Huser 1942, pp. 13-14).” In note 10 (p. 14) Huser remarks: “Note however that in another place (De Anima, cap 27) he [Tertullian] maintained that the life-giving soul is present at the moment of conception.” Gorman 1982 also notes the ‘apparent contradiction’: “Tertullian had a notion of the soul as material and argues throughout chapters 23-37 that the act of procreation produces both soul and body and that life, therefore, begins at conception (p. 56)”, and “The whole point of chapters 36-37 is that even flesh without specific form can be considered a living being” (p. 57).

28 Cf. Tertullianus, De Anima 25.4-6 on embryotomy; see below, chapter 4.

29 CLCLT: Cl. 0050, epist.: 52, cap.: 2, par.: 5, linea: 65 (Cetedoc last accessed November 22, 2009); Cyprian, Epistle 52, ‘The womb of his wife was kicked by his heel, and in the ensuing miscarriage the fetus was expelled, in an act of parricide’ (translation based on http://www.intrertext.com/IXT/ENG0278/P5K.HTM; last accessed November 22, 2009); Epistle 48.2 in this edition). See also: Dölger 1934, pp. 54-55 and Gorman 1982, p. 60.

30 The same kind of violence is described in a late sixth-century Carolingian capitulary: article III.104.4 in the Third Merovingian Capitulary speaks of a man who kicks a pregnant woman with his heel, cf. Eckhardt 1962, p. 260 and Elsakkers 2003b, p. 247. [Article IV]

31 CLCLT: Cl. 0123, dies: 5, cap.: 18, par.: 58, pag.: 184, linea: 15-18 (Cetedoc last accessed November 22, 2009); ‘Ambrose of Milan, Hexameron 5.18.58. The poor get rid of their small children, and they expose them, and deny those who are discovered. Those who are rich also, lest their wealth (patrimony) be divided among more, kill their own children (fetuses) in the womb, and with potions of parricide, they kill (extinguish) the hostages of their womb in their internal genitals, and life is taken away before it is given’ (translation is based on Gorman 1982, pp. 67-68; cf. Noonan 1986, p. 99). The phrase in utero proprios negant fetus is usually translated as ‘deny their own children in the womb’. However, the <g> and <c> often alternate in early medieval Latin; negant probably means ‘kill’ here (= necant).
Hebrew version of Exodus 21: 22-23. In his Letter to Algasia (406 AD) Jerome describes the gradual process of development of the fetus. He says that we cannot speak of homicide if the ‘elements’ are not yet formed.  

Hieronymus, Epistula 121.4 [ad Algasiam]
sicuti enim semina paulatim formantur in uteris et tam diu non reputat homicidium, donec elementa confusa suas imaginis membra que suscipiant, ita sensus ratione conceptus, nisi in opera proruperit, adhuc uentre retinetur et cito abortio periit.  

In his Letter to Eustochium Jerome mentions sex outside marriage as one of the reasons for committing contraception, abortion, infanticide or abandonment. The methods he mentions are the contraceptive potion (sterilitatem praebibunt) and the poisonous abortifacient drug (aborti uenena meditantur).

Hieronymus, Epistula 22.13 [ad Eustochium]
uideas plerasque uidues ante quam nuptas infelicem conscientiam mentita tantum ueste protegere, quas nisi tumor uteri et infantum prodiderit uagitus, erecta ceruice et ludentibus pedibus incedunt aliae uero sterilitatem praebibunt et necdum sati hominis homicidium faciunt. nonnullae, cum se senserint concepisse de scelere, aborti uenena meditantur et frequenter etiam ipsae commortuatae criminum reae ad inferos perducuntur, homicidae sui, christi adulterae, necdum nati filii parricide.  

Jerome says that abortion involves three crimes: adultery (literally: ‘adultery towards Christ’), parricide (murdering your own child) and (attempted) suicide, because the use of abortifacients is so dangerous that it often also causes the mother’s death.  

The most influential patristic text on abortion is Augustine’s commentary on Exodus 21: 22-23; its influence lasted well into the twentieth century. Augustine (354-430) argues that abortion of an unformed fetus is not murder, because the fetus is not yet ensouled, that is, not yet a human being, and that abortion of an unformed fetus is therefore a less serious offense than abortion of a formed and ensouled fetus.  

Augustinus Hippomensis, Quaestionum in heptateuchum libri septem, Quaestiones Exodi, quaestio 80
quod uero non formatum puerperium noluit ad homicidium pertinere, profecto nec hominem deputauit quod tale in utero geritur. hic de anima quaestio solet agiari, utrum quod formatum non est, ne animatum quidem possit intelligi, et ideo non sit homicidium, quia nec examinatum dici potest, si adhuc animam non habebat. [...] si ergo illud informe puerperium iam quidem fuerat, sed adhuc quodam modo informiter animatum quoniam magna de anima quaestio non est praecipitanda indiscussae ternetitae sentientiae ideo lex noluit ad homicidium pertinere, quia nondum dici potest anima uia in eo corpore quod sensu careat.  


33 CLCLT: Cl. 0620, epist. : 121, vol. : 56, par. : 4, pag. : 16, linea : 22 ([Cetedoc last accessed November 22, 2009]); Jerome, Letter 121.4 to Algasia, ‘De même, en effet, que les semences prennent peu à peu forme dans la matrice et qu’un avortement n’est pas réputé homicide tant que les éléments confus n’ont pas acquis la ressemblance propre des membres, de même l’intelligence, conçue par la raison, si elle ne se manifeste pas par des oeuvres [formed fetus], est retenue dans le ventre, et elle meurt par un avortement rapide’ (Labourt 1961, pp. 22, 24). Noonan 1986, p. 90 translates the first part: ‘... seeds are gradually formed in the uterus, and it (abortion) is not reputed homicide, until the scattered elements receive their appearance and members [are formed]’. We also find this passage in Ivo of Chartres’s Decretum 10.58, cf. chapter 3 and table 3.4b. In Church law this passage is called sicuti semina.

34 CLCLT: Cl. 0620, epist. : 22, vol. : 54, par. : 13, pag. : 160, linea : 6 ([Cetedoc last accessed November 22, 2009]); ‘Jerome, Letter 22.13 to Eustochia, ‘You may see many women who have been left widows before they were ever wed, trying to conceal their consciousness of guilt by means of a lying garb. Unless they are betrayed by a swelling womb or by the crying, others, when they find that they are with child as the result of their sin, practise abortion with drugs, and so frequently bring about their own death as well, taking with them to the lower world the guilt of three crimes: suicide, adultery against Christ, and child murder’ (Wright 1954, pp. 78-79). See also: Noonan 1986, pp. 88, 100. http://www.ccel.org/ccel/schaff/hnpf206.v.XXII.html (last accessed November 22, 2009).


36 CLCLT: Cl. 0270, lib. : 2, Quaes. Exodi, quaestio : 80, linea : 1421-1423, 1439 (last accessed November 22, 2009); ‘Mais que la Loi n’ait pas voulu que l’avortement de l’embryon non formé soit considéré comme homicide, est assurément dû au fait qu’elle estime que l’avortement à ce moment-là n’est pas un homme. Ici est habituellement débattue la problématique de l’âme : ce qui n’est pas formé ne peut certes pas être considéré comme animé, et il n’y a donc pas là d’homicide, parce qu’on ne peut ôter la vie à ce qui n’avait pas d’âme. [...] Si donc cet enfant informe, existe déjà, animé mais d’une certaine façon sans forme - sur cette grande question de l’âme il ne faut pas se hâter de donner un avis téméraire, sans qu’il y ait eu examen approfondi - la Loi n’a pas voulu qu’il s’agisse d’un homicide, parce qu’on ne peut pas encore dire qu’une âme est vivante.
Augustine discusses the fetus, abortion and miscarriage in a number of other texts, and he was familiar with the methods of abortion used in his time. Potions are mentioned in De Nuptiis et Concupiscencia. This text also contains a vague allusion to other methods of abortion that are used if the potions do not work: *aliquo modo*, ‘in some way’. In this text Augustine indicates that both husband and wife can be involved in procuring an abortion.

Augustinus Hipponensis, *De Nuptiis et Concupiscencia* 1.15

aliquam eo usque peruenit haec libidinosa crudelitas uel libido crudelis, ut etiam sterilissit uenena procuret et si nihil ullaerit, conceptus fetus aliquo modo intra uiscera extinguat ac fundat, uolendo suam prolem prius interire quam uiuerue, aut si in utero iam uiuebat, occidit ante quam nasci, prorsus si ambo tales sunt, coniuges non sunt; et si ab initio tales fuerunt, non sibi per coniumium, sed per stuprum potius consuernerunt. si autem non ambo sunt tales, audoe dicere: aut illa est quodam modo mariti meretrix aut ille adulter uxorix. 38

We find a short description of embryotomy in order to save the mother’s life in Augustine’s *Enchiridion*. It is part of a section where Augustine is trying to pinpoint the time when a fetus starts to live in its mother’s womb.

Augustine, *Enchiridion de fide, spe et caritate* 23.86

nam negare uixisse puerperia quae properterea membratim exsecantur et eiciuntur ex uteris praegnantium ne matres quoque, si moriuea ilbi relinquuntur, occidunt, impudentia nimia uideetur. 39

Augustine was popular and highly respected. Many medieval texts were ascribed to him, because his name was a guarantee for ‘quality’. 40 The following Pseudo-Augustinian text on formed and unformed fetuses and the soul is now generally attributed to Ambrosiaster (North Africa, 4th century):

Ambrosiaster, *Quaestiones Ueteris et Noui testamenti* (Quaestiones numero CXXVII)

quod quidem Moyes manifestus tradidit dicens: si quis percusserit mulierem in utero habentem et abortierit, si formatum fuerit, det animam pro anima; si autem informatum fuerit, multetur pecunia, ut probaret non esse animam ante formam. itaque si iam formatum corpori datur, non in conceptu corporis nascitur cum semen derinata. nam si cum semen et anima existit ex anima, multae animae coddie pecunie, cum semen fluxa quodam non proficit natiuitati. Sed si propius respiciamo, uidemus quid sequi debeamus, contemplemus facturam Adae; in Adam enim exemplum datum est, ut ex eo intelligatur, quia iam formatum corpus acceptit animam. nam potuerat animam limo terrae admetisse et sic formare corpus. sed ratione informabatur, quia primum oportebat domum conjungeri et sic habitatorum induci. anima certe, quia spiritus est, in sicco habitare non potest; ideo in sanguine fertur. 41
The texts described here are by no means the only patristic texts on abortion; the list can be expanded at will with texts by Augustine and other Church Fathers, such as, pope Gregory the Great (c. 540-604), about whom Noonan says “he took a solemn and austere view of marital morals, which out-Augustined Augustine”. The Church Fathers condemn intentional abortion, but the majority of the western Church Fathers only consider late term abortion to be murder. The early Church replaced the ‘life for life’ penalty for (deliberate and violent) abortion, that is, murdering an unborn child, in the Septuagint version of Exodus with excommunication - which means that the sinner is pronounced ‘dead’ by the Christian community, condemned to hell after death, and thus doomed to suffer eternal damnation. However, the Christian church also offers the possibility of atonement: a sinner’s sins can be redeemed by doing penance. The Church Fathers disapprove of fertility management, and took the biblical command ‘be fruitful and multiply’ (Genesis 9:7) seriously. Sexual intercourse is allowed for procreation, but sexual pleasure is frowned upon. On the other hand the Church Fathers understand why women practice contraception and resort to abortion when dealing with an unwanted pregnancy. They know that it is done to cover up illicit sexual activity, by poor women who cannot afford another child, or by rich women or families who are afraid to become poor or not willing to share their wealth among too many heirs. The method of abortion mentioned by most Church Fathers is the poisonous potion, and it is clear that abortifacient drugs were known to be potentially lethal (cf. Jerome, Letter 22.13 to Eustochium). Occasionally we find references to other, unspecified means of abortion: aliquo modo, ‘in some way’ (Augustine, De Nuptiis et Concupiscientia 1.15); embryotomy is mentioned as a method of therapeutic abortion by Tertullian and Augustine. Besides setting practical rules concerning fertility management the Church Fathers also debate philosophical issues concerning the status of the (dead or) miscarried fetus. In these texts the Latin word ‘abortion’ usually also refers to ‘miscarriage’. This means that we must beware of accusing the Church Fathers of being too obsessed with abortion, because in many cases they are simply concerned with the fate of a miscarried fetus after resurrection. We must not forget that miscarriages were probably not infrequent in the early medieval period, and that it is not unlikely that miscarriages occurred more often than abortions. The Church Father’s views on abortion were well known, and continually reused and rephrased by (early) medieval authors. We often find recycled versions in the texts of practical Christianity. We will see below that early medieval sermons and penitentials often contain quotes taken from the early Church Fathers. In effect these genre switches broaden the audience these texts were originally intended for, and at the same time they offer instruction to the illiterati on more philosophical issues.

transmitted into an already formed body, it does not come into existence at the conception of the body, [that is, it is not] derived from the seed. The fact is that, if the soul already existed out of the soul together with the seed, every day many souls would perish, if the seed when it flows does not lead to birth. However, if we observe more accurately, we will see what we must deduce. Let us contemplate the creation of Adam; in Adam the example is given, so that through him it can be understood that an already formed body has received the soul. For [God] could have mixed the soul with the scum of the earth, and in that way formed the body. But by reasoning it is made clear that you should first construct a house, and then lead the inhabitant into it. The soul can certainly - because it is a spirit - not live in a dry environment; therefore it is transported in the blood’ (my translation with the help of friends). The text is quoted by Ivo of Chartres in his Decretum 10.57, cf. chapter 3, and later referred to as Moyses in Church law.

42 On Gregory the Great, see, for instance, Noonan 1986, pp. 150-152.
43 On the punishment for abortion, cf. the Church council canons that are discussed below, and chapter 3 on the early medieval penitentials.
44 Note that the word maleficium, ‘poison-magic’, is not used in connection with the abortifacient drugs mentioned by the Church Fathers.
EARLY CHURCH COUNCILS

During the fourth century when Christianity had just been adopted as the official religion of the Roman Empire, and when groups of Germanic foederati were settling within the Roman Empire, and other Germanic tribes were intermittently attacking its northern and eastern frontiers, Christian church councils were already being convened at regular intervals in the western Roman provinces. The canons of many of these early western councils, as well as those of some of the important eastern councils, were known through local, private and other canonical collections that were copied and recopied throughout the medieval period. In the fourth and fifth centuries councils were held both in Roman Spain and in Roman Gaul. In the sixth and seventh centuries, when Germanic kingdoms were being established in the now former Roman Empire, bishops continued to convene Church councils, and some of them were even attended by Germanic rulers. Important Church councils with canons on fertility regulation held between the fourth and sixth centuries are: Elvira (c. 300-306); Ancyra (Ankara) (314); Lerida (524); Braga II (572) and Toledo III (589).

The council of Elvira (c. 300-306) was a provincial council held in southern Roman Spain long before the arrival of the Germanic Visigoths. It contains the earliest conciliar condemnations of intentional abortion and infanticide, using the word filius in the meaning ‘fetus’-‘neo-nate’.

Council of Elvira (c. 300-306)
63. De uxoribus quae filios ex adulterio necant. Si qua per adulterium absente marito suo conceperit, idque post facinus occiderit, placuit nec in finem dandam esse communionem eo quod geminaverit scelus.

Punishment for these sins is excommunication. This entails exclusion from all church rituals and sacraments, until death is near, in other words, life-long banishment from the church community. The reason for abortion or infanticide given in canon 63 is to hide a woman’s adulterous relationship; the Elvirian canon even speaks of a double crime (adultery and murder or parricide). Only the adulterous wife (uxor) is punished; no mention is made of the adulterous man. Although unmarried women are not mentioned, canon 63 was probably interpreted as a general condemnation. A method of abortion is not mentioned.

The early fourth-century eastern council of Ancyra was held in Galatia in Asia Minor (Ankara, Turkey) in 314. Its Greek canons found their way to the West via North Africa or Italy, and were probably translated into Latin in Rome in the sixth century by a Scythian monk and friend of Cassiodorus called Dionysus Exiguus (c. 540). The Ancyrian canon 21 is the most famous and most influential Church council canon on fertility management. It condemns abortion and infanticide, and mitigates the Elvirian penance for voluntary abortion and child mur-

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46 Vives 1963, p. 12; Council of Elvira ‘63. On wives who kill children conceived in adultery. If a woman, during the absence of her husband, conceives [a child] in adultery, and kills it after the crime, it is so ordained that she may not receive communion unless she is at the end of her life, because she has committed a double crime’ (Vives 1963, p. 12). Dölger 1934 includes a German translation (p. 55), and argues that canon 63 is only about infanticide (pp. 55-56). Cf. also: Huser 1942, p. 17-18, Gorman 1982, pp. 64-66, Noonan 1986 [1965], pp. 88, 145 ff.
47 Canon 68 punishes catechumena, ‘catechumens’ (women who are under instruction and not yet baptized) who smother or suffocate their newborn babies: Council of Elvira 68. De catechumena adultera quae filium necat. Catechumena si per adulterium conceperit et praefocaverit, placuit eam in finem bactizari (Vives 1963, p. 13); ‘68. On an adulterous catechumen who kills her child. If a catechumen should conceive by an adulterer, and suffocates [the child], she can be baptized only at the end of her life.’ The translation by Vives reads: ‘68. De la catecúmena adultera, que mata a su hijo. La catecúmena que concebiré adulteramente, y ahogare al feto, tenemos por bien no sea bautizada, ni aun a la hora de la muerte’ (Vives 1963, p. 13). For a German translation, cf. Dölger 1934, p. 55.
48 Canon 68 mentions the method of infanticide, see above.
der to ‘only’ ten years. The ‘ancient laws’ mentioned in canon 21 are a reference to canon 63 of the council of Elvira.

**Council of Ancyra** (314)

21. De mulieribus, quae fornicantur et partus suos necant, sed et de his quae agunt secum ut utero conceptos excutiant, antiqua quidem definitio usque ad exitum vitae eas ab ecclesia remouit; humanius autem nunc definimus, ut eis decem annorum tempus paenitentiae tribuat. 50

As in the Elvirian canon, the motive mentioned is illicit sex; this time the focus is on fornication. The method of abortion is vague: *agunt secum ut utero conceptos excutiant*, ‘do [something] to themselves so that they expel the fetus’, and probably refers to any method of abortion. The heading that is added in some collections of canon law *De his quae diuerso modo partus suos interiunt*, ‘On those who kill their partus in different ways’, also seems to include any method of abortion or infanticide. 51 Again, only the woman is held responsible for killing or aborting her child.

The council of Lerida (Tarragona, Spain) was held in 524 during the interregnum when Visigothic Spain was being ruled by the Ostrogothic king Theoderic the Great (511-526). It is the first council under Gothic rule to enact legislation on abortion and infanticide. Canon 2 condemns abortion and child murder, that is, killing a child before it is born or immediately after birth.

**Council of Lerida** (524)

2. De his qui aborsum faciunt vel natos suos extingunt. Hii vero qui male conceptos ex adulterio factos vel editos necare studuerint, vel in uteri matrum potionibus aliquibus conliserint, in utroque sexu adulteris post septem annorum curricula communio tribuatur, ita tamen ut omni tempore vitae suae flebibus et humilitati insistant, officium eis ministrandi recuperare non liceat; adtamen in choro psallentium a tempore receptae conmunionis intersint. Ipsis veneficis in exitu tantum, si facinora sua omni tempore vitae suae defferent, communio tribuat. 52

The motive is to cover up an illicit sexual relationship that resulted in an unwanted pregnancy (*male conceptos*, ‘conceived in sin’). The penance for these sins was reduced to seven years, and new in the Leridian canon is the fact that both the adulterer and the adulteress - *in utroque sexu adulteris*, ‘adulterers of both sexes’, are held responsible and punished. It is the only early medieval Church council canon that explicitly punishes both the man and the woman involved. The method of abortion is the abortifacient potion: *in uteri matrum potionibus aliquibus conliserint*, ‘they drive out [the fetus] in the uterus of the mother with some kind of potion’. 53 This council canon adds a condemnation of the *venefici*, that is, the ‘poisoners’, who provide the potions. 54 Note that the suppliers are punished more severely than the women who use the poisonous drugs; they are excommunicated until they are at death’s door. This part of the Leridian canon including the harsh punishment it demands may have

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50 Martínez Díez & Rodriguez 1982, vol. 3, p. 101; Council of Ancyra ‘21. On women who fornicate and kill their partus, or who do something to themselves so that they was conceived in the womb. By an ancient law they are excluded from the church (excommunicated) until the end of their lives. We, however, have decided to soften their punishment, and condemned them to do penance during a period of ten years’. This council canon is sometimes referred to as canon 20. For discussions of the text, see, for instance, Huser 1942, pp. 19-21 and Gorman 1982, pp. 65-66. Huser (p. 19) and Gorman (p. 65) give an English translation that restricts fornication to prostitutes, translating ‘prostitute themselves’ for *fornicantur*.


52 Vives 1963, pp. 55-56; Council of Lerida ‘2. De aquellos que procuran el aborto o dan muerte a sus hijos. Aquellos que procuran la muerte de sus hijos concebidos en pecado y nacidos del adulterio, o tratan de darles muerte en el seno materno por medio de algum medicamento abortivo, a tales adultereros de uno y otro sexo, déseles la comunión solamente pasados siete años, a condición de que toda su vida insistan especialmente en la humildad y en las lágrimas de contrición; pero los tales no podrán volver a ayudar al altar, aunque se podrá volver a admitirselos en el coro a partir del día en que fueron nuevamente reintegrados a la comunión. A los envenenadores, solamente se les dará la comunión al fin de la vida y eso si durante todos los días de su vida han llorado los crímenes pasados (Vives 1963, pp. 55-56). For a German translation, cf. Hartmann 2004, p. 282.

53 *Conliserint [colliserint]* is usually translated as ‘they kill’; the literal translation is more gruesome: ‘batter or crush [to death]’.

54 We do not find this clause in the penitentials that quote this council canon, cf. chapter 3.
been inspired by contemporary secular law. Both the Roman law on poisoning (Lex Cornelia de Sicariis et Veneficis - LCSV) that was incorporated into the Breviarium Alarici - BA (506) and the sixth-century Visigothic article on deliberate abortion (LV 6.3.1) punish those who supply abortifacients. The LCSV and BA punish supplying poisonous abortifacients with banishment, and with death if the pregnant woman dies, whereas LV 6.3.1 punishes the supplier with death whether or not the woman lives. The author of the Leridian canon was apparently aware of the potential lethal qualities of abortifacients.

The council of Braga II was convened in 572 during the reign of the Visigothic king Leovigild (568-586).

**Council of Braga II (572)**

77. [De mulieribus fornicariis abortum facientibus.]

Si qua mulier fornicaverit et infantem qui exinde fuerit natus occiderit, et quae studuerit aborsum facere et quod conceptum est necare ut non concipiatur elaborat sive ex adulterio sive ex legitimo coniugio, has tales mulieres in mortem recipere conmunionem priores ca nones decreverunt; nos tamen pro misericordia sive tales mulieres sive conscias sclerum ipsarum decem annis poenitentiam iudicamus.56

Canon 77 punishes abortion and infanticide, and adds contraception to the list of forbidden methods of fertility management. It contains a reference to the council of Elvira (prioress canones), but as in the Ancyrian canon the ecclesiastical lawgiver is compassionate, demanding a ten years’ penance instead of excommunication. However, compared to the Leridian canon, issued fifty years earlier, the council of Braga has turned back the clock by changing the seven years’ penance back to the ten years decreed by the council of Ancyra. The Braga canon not only mentions fornication and adultery as motives, but it explicitly also forbids married women (ex legitimo coniugio) to practice fertility management. Again the woman is considered to be responsible. Methods of fertility regulation are not mentioned.

The third council of Toledo (589) was held under auspices of King Recared I (586-601), and it was during this council that the Visigothic king renounced Arianism. Canon 17 is a passionate outcry against fornication, infanticide and abortion. However, this canon was much less influential than the other council canons discussed above.

**Council of Toledo III (589)**

17. Ut episcopus cum iudicibus necatores filiorum acriori disciplina corripiat. Dum multae querelae ad aures sancti concilii deferrentur, inter cetera tantae crudelitatis est opus nuntiatum quantum ferre consedentium aures sacerdotum non possent, ut in quasdam Spaniae partes filios suos parentes interimant fornicationi avidi, quius si taedium est filios numerosius augere, prius se ipsos debent castigare a fornicatione: nam dum causa propagandae prolis sortiantur coniugia, hui et parricidio et fornicatione tenetur obnoxii, qui foetus necando propios docent se non pro filiis sed pro libidine sociari. Proinde tantum nefas ad cognitionem gloriosissimi domni nostri Recaredi regis perfatum est cuius gloria dignata est iudicibus earundem partium imparare, ut hoc horrendum facinus diligerent cum sacerdote requirant et adhibita severitate prohibeant: ergo et sacerdotes locorum haec sancta synodus dolentius convenit, ut idem scelus cum iudice curiosius quaerant et sine capitali vindicta acriori disciplina prohibeant.57

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55 See above: chapter 1.
56 Vives 1963, p. 104; Council of Braga II ‘77. De las mujeres pecadoras que comenten aborto. Si alguna mujer fornicare y diere muerte al niño que como consecuencia hubiera nacido, y aquella que tratare de cometer aborto y dar muerte a lo que ha sido concebido, y también se esfuerza por evitar la conceptión, sea consecuencia del adulte rio o del matrimonio legítimo, acerca de estas tales mujeres decretaron los cánones antiguos que reciban la comunión a la hora de la muerte. Nosotros, sin embargo, usando de misericordia, creemos que las tales mujeres, o los que han sido cómplices de las mismas, deben hacer diez años de penitencia’ (Vives 1963, p. 104). Cf. Noonan 1986 [1965], p. 149 for an English translation.
57 Vives 1963, p. 130; Council of Toledo III ‘17. Que el obispo en unión de los jueces, castiguen severamente a los que matan a sus hijos. Entrece las muchas quejas que se han presentado al concilio hay una que encierra tanta crueldad, que apenas si la pueden sofrir los oidos de los obispos reunidos, y se trata de que en algunos lugares de España, los padres, ansiosos de fornicar, e ignorando toda piedad, dan muerte a sus propios hijos. Y si les resulta nolesto el aumentar el número de sus hijos, apártense más bien de toda relación carnal, puesto que habiendo sido instituido el matrimonio para la procreación de los hijos, se hacen culpables de parricidio y fornicación, los que demuestran asesinando su propia prole, que no se unen para tener hijos, sino para saciar su liviandad. Por lo tanto, habiendo tenido noticia el gloriosísimo señor nuestro, el rey Recaredo, de tal crimen, se ha dignado su gloria ordenar a los jueces de tales lugares, que investiguen en unión del obispo muy diligentemente acerca de un crimen tan horrendo, y lo prohíban con toda severidad. Por eso, este santo concilio encomienda
Canon 17 states that the death penalty - the ultimate punishment in secular law - may not be imposed. It gives no further information about the penance, but the tone of this canon seems to suggest that the council that decreed this canon was in favor of severe punishment. The motives mentioned are fornication and an unwillingness to increase the number of the family’s children. Like Braga II this council also punishes family limitation within marriage: *quibus si taedium est filios numerosius augere*, ‘if they are adverse to increasing the number of children’; it is not clear whether canon 17 punishes both parents for intentional abortion or not. Toledo III also punishes those who teach others how to induce abortion: *qui foetus necando proprios docent se non pro filiis sed pro libidine sociari*, ‘those who demonstrate [how] to kill their own fetuses, because they do not unite to have children, but for lust’.

The main reasons for fertility regulation mentioned in the late antique and early medieval Church council canons on abortion and infanticide are adultery and fornication. The councils of Braga II and Toledo III also punish limiting family size within marriage - this is usually motivated by (fear of) poverty. Although most Church council canons specifically punish intentional abortion and infanticide of a child conceived out of wedlock, they should probably be interpreted as general condemnation of all motives for restricting family size and all forms of fertility regulation, including contraception. Implicitly, the canons only permit abstinence as a method of family planning. The method of abortion mentioned in the Ancyrarian canon - *agunt secum*, ‘do something to themselves’ - seems to indicate that all methods of abortion are condemned. The only council that mentions a specific method of abortion - the abortifacient potion - is the council of Lerida. Perhaps it was obvious that abortifacient potions were meant if no method was mentioned. The extremely harsh punishment we find in the Elvirian canon is mitigated by all subsequent councils, although they do not all agree on the penance. The penance ranges from seven or ten years to excommunication. Two council canons punish the accessory. The supplier of the poisonous abortifacient potions (the pharmacist, druggist, abortionist, midwife, neighbor or travelling salesman) is excommunicated in the Leridian canon, and the Toledian canon punishes the person who gives advice on how to procure or induce abortion. If we read through the various council canons, we see that the majority of the early medieval council canons on abortion only punishes the woman (*mulier, uxor*) who commits intentional or voluntary abortion, thus holding her accountable for (the fate of) her children, whether born in or out of wedlock. Only the council of Lerida, and possibly also Toledo III, hold both parents responsible. Abortion and other forms of fertility management seem to be women’s business.

The early Church council canons are strict and uncompromising. They demand severe penances for abortion and never distinguish between early term and late term abortion. The council canons were well-known throughout the medieval period through the *Collectiones Canonum*, the Latin collections of conciliar law that circulated widely in medieval western Europe. The Ancyrarian canon was included in all major Latin collections of Church council canons that were available in the medieval period, and we find references to it in many medieval sources. The other canons on abortion were not incorporated in all the conciliar collections. The penitentials dis-
SERMONS

Christian teachings had to be explained to the faithful, so they would become good Christians. Practical Christianity used two important instruments to instruct and admonish her congregation: sermons and penitentials. There are many late antique and early medieval collections of sermons. Some sermons were written by Church Fathers and more often sermons were attributed to them (especially Augustine). The most influential early medieval homilist is Caesarius of Arles. Penitentials were also a popular instrument used to teach the early medieval population what was expected of them as good Christians. The early medieval sermons and penitentials both regularly deal with abortion. Because both of these practical texts were probably inspired by real-life situations, they are important when trying to determine whether early medieval women resorted to abortion as a method of family planning. Some of the early medieval sermons are discussed below; the early medieval penitentials are discussed in chapter 3.

The sermons of Caesarius Arelatensis or Caesarius of Arles (469–543) survive in many manuscripts, and were well-known throughout medieval western Europe. Arles was an important trade center, and when Caesarius was bishop of Arles, many different tribes and peoples lived there (Romans, Visigoths, Ostrogoths, Franks, Greeks, Jews, etc.). Caesarius was probably annoyed with his parishioners’ sexual excesses and their lack of consideration for their ‘unwanted’ children. In his sermons he vehemently condemn contraception, intentional abortion and infanticide. Six of his sermons are devoted to the subject of fertility regulation (1.12, 19.5, 44.2, 51.4, 52.4, and 200.4).

Fertility management was not acceptable to Caesarius; it was forbidden whatever the motive. For Caesarius it is the nature of women to be fertile, unless God decides otherwise. Women should not deny their nature: naturam, quam deus voluit esse fecundam, ‘a nature, which God wanted to be fruitful’ (1.12, 51.4). Caesarius argues that women must give birth to the children quos deus iussisset nasci, ‘whom God has commanded to be born’ (52.4). Sex is permitted, because procreation is necessary: sed uxorem suam excepto desiderio filiorum non agnoscit: quia uxor non propter libidinem, sed propter filiorum procreationem accipitur, ‘but he should never know his wife except from the desire for children, because a man takes a wife for the procreation of children, not for the sake of lust’ (44.3). Caesarius only mentions one motive for limiting family size explicitly, that is, poverty or fear of poverty: timentes ne forte, si plures filios habuerint, divites esse non possent, ‘apparently such women fear that if they have more children, they cannot become rich’ (52.4). At the beginning of the same sermon Caesarius's sermons were translated by Mary Magdeleine Mueller, cf. Mueller 1956-1973. Some of Caesarius’s sermons were long attributed to Augustine. On Caesarius, his life, his letters etc., see also: Morin 1905, Dubarle 1963, Klingshirm 1994a, Klingshirm 1994b, pp. 193-195, Noonan 1986 [1965], pp. 145-147, Flint 1991, passim, Bruck 1953, Markus 1992, De Nie 1995, Nolte 1986, Payer 1980, etc.

59 Many of the younger penitentials contain council canons on abortion, for instance: Halitgar (Ancyra, Braga II), Penitentiale Ps. Gregorii (Braga II), Habranus Maurus (Ancyra, Lerida, Elvira), Regino of Prüm (Ancyra, Lerida, Elvira), Bur- chard of Worms (Ancyra, Lerida, Elvira) and Ivo of Chartres (Ancyra, Lerida, Braga II), cf. chapter 3.
60 The standard edition of Caesarius Arelatensis is the two-volume CCSL edition edited by Morin (1953), quoted as CCSL 103 and CCSL 104. Caesarius’s sermons were translated by Mary Magdeleine Mueller, cf. Mueller 1956-1973. Some of Caesarius’s sermons were long attributed to Augustine.

sarius notes that his parishioners often seem to find two or three children enough. Caesarius does not explicitly mention adultery and fornication as motives for abortion, but it is clear from his sermons that he condemns these sins, especially trying to cover them up by using contraceptives, resorting to abortion or infanticide, or abandonment.

If a woman is unable or unwanted to feed more mouths, the only methods of fertility regulation Caesarius approves of - besides celibacy - are abstinence or restraint and adoption. Abstinence requires a chastity pact with the husband, that is, an agreement with the husband not to engage in marital relations.

Caesarius of Arles, Sermones
1.12. Mulier, quae iam non vult habere filios, religiosum cum viro suo ineat pactum: christianae enim feminae sterilitas sola sit castitas?

52.4. Vis iam non habere filium? Relegiosum cum viro conscribere pactum: de virtute pudicitiae finem partus accipiat. Fidelissimae feminae sterilitas sola sit castitas.

Adoption is the next best solution for unwanted children.

Caesarius of Arles, Sermones
51.4. Ilae enim mulieres, quas deus vult esse fecundas, quantoscumque conceper int, aut ipsae nutriant, aut nutriendos aliis tradat.

19.5. sed, quantoscumque conceperit, aut ipsa nutriat, aut nutriendos aliis tradat.

Caesarius’s suggestion to put an ‘unwanted’ child up for adoption, or have it reared by someone else shows us that he was a practical and caring pastor, and also that he was probably thinking of possible recruits for monasteries in the neighborhood.

The method of abortion mentioned in all Caesarius’s sermons is the abortifacient potion: potio ad avorsum, potio ad aborsum, or potio avorsionis (1.12, 19.5, 44.2, 52.4). Caesarius refers to abortifacient (and contraceptive) potions using short pejorative phrases such as: mortiferae potiones, ‘deadly potions’ (44.2), sacrilegae potiones, ‘sacred potions’ (51.4), sacrilega medicamenta, ‘sacred medicines’ (51.4), pocalum avorsionis, ‘abortion drink’ (52.4), venenatae potiones, ‘poisonous potions’ (52.4) and potiones diabolicae, ‘diabolic potions’ (44.2, 200.4). His description of an abortifacient in sermon 52.4 seems somewhat melodramatic, but on the other hand perhaps Caesarius is implicitly suggesting that these drugs could also cause the death of the woman concerned, and that taking them is in fact also suicidal: et per quondam remedium cum quo-

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62 Caesarius of Arles, Sermones 52.4 Nonne, carissimi, aperte diabolus exerce t deceptiones suas, quando aliquibus mulieribus persuadet, ut postquam duos aut tres filios genuerint, reliquis aut iam natos occidant, aut poculum avorsionis accipiant; Sermon 52.4 ‘Does not the Devil clearly exercise his deceits still further, dearly beloved, when he persuades some women, after they have had two or three children, to kill either any more or those already born, or to take an abortion draught?’ (slightly emended translation).

63 Sermon 1.12 ‘If a woman does not want to bear children, she should enter upon a pious agreement with her husband, for chastity should be the only [method of] infertility for a Christian woman’ (slightly emended translation).

64 Sermon 52.4 ‘You do not want to have a child? Settle a pious agreement with your husband; let him agree to an end of child-bearing in accord with the virtue of chastity. For chastity should be the only [method of] infertility for a very pious woman’ (slightly emended translation). See also: sermon 44.1, Mueller 1956, vol. 1, pp. 220-221.

65 Sermon 51.4 ‘Those women whom God wants to bear children should take care of all that are conceived, or give them to someone else to rear’.

66 Sermon 19.5 ‘However many children she conceives, let her nurse them herself or give them to others to rear’.

67 See, for instance, sermon 52.4 where Caesarius says: Et forsitan illos occidunt, qui aut deum melius servire (…)

68 The ingredients of these potions are not mentioned, but presumably herbs and plants were meant. However, when speaking of drugs to promote fertility in sermon 51.4, Caesarius mentions alius quibus, ‘some kinds of herbs’. In sermon 52.5 he condemns consulting a (h)erbaria. Noonan senses a connection between ‘herbs’ and ‘magic’ in Caesarius’s repeated condemnations of ‘herbs’: ‘Perhaps the most striking aspect of these three sermons is that the hostility to using herbs to cure sterility appears as keen as the hostility to their use to prevent fecundity. Birth is in God’s hands. (…) It is chiefly an opposition to magical means. The herbs were condemned as the stock-in-trade of pagan magicians; their pagan character was objectionable, whatever use they were put to” (Noonan 1986 [1965], p. 147).
Caesarius uses a more or less fixed formula, the so-called *quantoscumque* formula, to indicate that fertility management is equivalent to murder: *quantoscumque parere potuerat, tantorum homicidiorum se ream esse cognoscat*, ‘she will be guilty of as many murders as the number of children she might have borne’. In three of Caesarius’s sermons the *quantoscumque* formula is linked to the phrase *nulla mulier potiones ad avorsum accipiat*, ‘no woman should take potions for abortion’ (1.12, 19.5 and 44.2):

**Caesarius of Arles, Sermones**

1.12. *Nulla mulier aliquas potiones ad aborsum accipiat, quia, quantoscumque aut iam natos aut adhuc conceptos occiderit, cum tantis causas ante tribunal christi se dicturam esse non dubitet.*

19.5. *ut nulla mulier potiones ad avorsum accipiat, nec filios suos aut conceptos aut natos occidat; sed, quantoscumque conceperit, aut ipsa nutriat, aut nutriendos aliis tradat: quia quantoscumque occiderit, pro tantis homicida in die iudicii rea apparet.*

44.2. *Nulla mulier potiones ad avorsum accipiat, nec filios aut conceptos aut iam natos occidat; quia, quaecumque hoc fecerit, ante tribunal christi sciat se causam cum illis quos occiderit esse dicturam.* (…). *Mulier quaecumque hoc fecerit, quantoscumque parere potuerat, tantorum homicidiorum se ream esse cognoscat.*

Caesarius uses repetition to get his message across to his audience, sometimes also repeating the *quantoscumque* formula (1.12, 44.2, 51.4). We find the *quantoscumque* formula in all Caesarius’s sermons on contraception, abortion and infanticide, except sermons 52.4 and 200.4. The formula is often used by later homilists, and we also find it in some of the penitential articles on abortion. For Caesarius contraception, abortion, infanticide and abandonment are equally serious crimes. Not only is any kind of fertility management regarded as murder, but Caesarius tells us that women who commit these crimes are guilty of as many murders as the number of children they might have had, so that women in fact must do penance for multiple murders. The punishment is hell, unless penance is done: *nisi digna paenitentia subvenerit, in gehenna aeterna morte damnabitur*, ‘unless suitable penance saves her life, she will be condemned to eternal death in hell’ (1.12). In sermon 51.4 Caesarius says that women who use potions for fertility regulation and die after using them are guilty of three crimes, suicide, spiritual adultery, and fetal murder - a quotation taken directly from Jerome’s letter to Eustochium.

**Caesarius of Arles, Sermones**

51.4. *Et quia aliquae mulieres, dum per sacrilegas potiones filio s suos in seipsis occidere conantur, etiam ipsae pariter moriuntur, efficiuntur trium criminum reae: homicidae suae, christi adulterae, necdum nati filii parricidae.*

In this sermon Caesarius explicitly warns pregnant women that abortifacient potions are potentially lethal poisons that may also cause their own death, in other words, that taking them was suicidal.

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69 Sermon 1.12 ‘No woman should take potions for purposes of abortion, because she should not doubt that before the tribunal of Christ she will have to plead as many cases as the number of those she killed when already born or still conceived’.

70 Sermon 19.5 ‘that no woman take potions for purposes of abortion, or kill her children after they are conceived or born. However many children she conceives, let her nurse them herself or give them to others for support. As many as she kills, of so many she will be the guilty murderess on the day of judgment’.

71 Sermon 44.2 ‘No woman should take potions for purposes of abortion, nor should she kill her children that have been conceived or are already born. (…) A woman who does this [i.e. take abortifacient potions] ought to realize that she will be guilty of as many murders as the number of children she might have borne’.

72 The *quantoscumque* formula is used in sermons 1.12 (twice), 19.5, 44.2 (twice) and 51.4 (three times).

73 Some of these sermons are quoted below. The *quantoscumque* formula is found in the following penitentials, cf. Burchard of Worms, *Decretum* 19.5.149 (PL 140: 0972B-0972C), *P. Vallcellianum C.6 68* (Gastra 2007, p. 279), and the Spanish penitentials: *P. Silense* 87 (Körntgen & Bezlzer 1998, p. 25) and *P. Vigilanum* 60 (Körntgen & Bezlzer 1998, p. 8). See also: chapter 3.

74 The Elvirian council canon 63 speaks of a double crime: adultery and child murder.

75 Sermon 51.4 ‘If women attempt to kill the children within them by evil potions, and themselves die in the act, they become guilty of three crimes on their own: suicide, spiritual adultery, and murder of the unborn child’.

76 Caesarius also suggests that abortifacients (and other potions for fertility regulation) were lethal poisons in sermon 52.4.
Caesarius himself arranged for the distribution of his sermons among the clergy, and he saw to it that his sermons were available to a wide audience. He gave manuscripts with copies of his sermons as a present to visitors, and sent them to bishops and clergymen, urging them to use his sermons and pass them on to other priests, as a quote from his Vita shows us.  

Vita Caesarii Episcopi Arelatensis 1.55

(...) He prepared these sermons in such a way that if any visitor requested them, he did not refuse to share them. Even if his visitor did not suggest that he ought to take any of them, Caesarius nonetheless offered them to him to read and brought them to him. To clerics located far away in the Frankish lands, Gaul, Italy, Spain, and other provinces, he sent through their bishops sermons they could preach in their own churches (...).  

Caesarius’s sermons were written in Latin that is easy to understand, and the simple rhetorical devices he uses such as repetition and formulas, prove that his congregation was his intended audience. The language of Caesarius’s sermons is so simple that it could easily be translated into the regional vernacular. Caesarius told the bishops of Gaul to use a simple style and language, instead of ‘pontifical language’, so that his message could be understood by all: Non oporteat pontificale eloquio praedicare, quod vix ad paucorum potest intellegentiam pervenire, ‘There is no need of pontifical language, which scarcely reaches the understanding of even a few people’ (1.12).  

For Caesarius it is clear that decisions on regulating and determining a family’s size, that is, contraception, abortion, infanticide and exposure, were made by women, and he holds women (not men!) accountable for murder. Caesarius underscores this by repeatedly using feminine personal and relative pronouns, and using the word mulier as the subject in all six sermons, when speaking of the decision to abort - for instance: mulier quae iam non vult habere filios, ‘a woman who does not want to have children’ (1.12).

Caesarius’s sermons were a source of inspiration to later medieval preachers, and many of his sermons contain long catalogs of sins that remind us of the Doctrina Apostolorum (Didache). Besides abortion, these lists of sins usually also include fornication, adultery, poisoning and magic (maleficia, veneficia, venena, magica) and superstitious practices, that is, the motives and methods associated with abortion. One of the oldest homilists to be inspired by Caesarius is the anonymous author of the Homilia de Sacrilegiis, a sermon that only survives in one early eighth-century manuscript that is now in the abbey of Einsiedeln in Switzerland. The Homilia de Sacrilegiis was long ascribed to Augustine, and contains an extensive catalog of sins and superstitions that includes abortion. In this sermon the ‘supplier’ of the poisonous abortifacients and contraceptives is punished.

Homilia de Sacrilegiis (Einsiedeln, Benediktinerabtei, Codex membr. 281, fol. 101; late seventh or early eighth century) 6.418. Similiter, qui malificus aut uenenarius est, aut qui per maleficia mulieribus facit, ut non concipiant aut conceptos infantes foras egiciant, non christiani, sed pagani sunt.  

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79 On the continued dissemination of Caesarius’s sermons in the Carolingian period, and advice given in ninth-century council canons to preach in a language “the congregation could easily understand whether ‘rustic Latin’ or German”, see: Klingshern 1994b, pp. 280 ff.  

80 Sermon 1.12 is part of a pastoral letter to the bishops of Gaul.  

81 For condemnations of magic in Caesarius’s sermons, see, for instance, sermons 13, 70, 113 and 167.  

82 Caspari 1886, p. 11, pp. 38-39; ‘18. In the same manner, whoever is a maleficus (malificus) or a venenarius, or whoever by means of maleficia arranges for women that they will not become pregnant or that children they are expecting are cast out, they are not Christians, but pagans.’
The *Homilia* forbids supplying or making contraceptives and abortifacients, using the word *maleficium*, ‘poison’ (‘magic’), a word that Caesarius does not use in connection with abortion, but which is used in the meaning abortifacient in early medieval Old Germanic law and the penitentials.\(^{83}\) The punishment for contraception and abortion is not mentioned explicitly, but the phrase *non christiani, sed pagani sunt*, ‘they are not Christians, but they are pagans’, intimates that unless penance is done, the sinner will ultimately go to hell.

Boniface (c. 672 - 754/5) and his contemporary Pirminius or Pirmin († c. 754) were Benedictine missionaries in Carolingian Europe. Both wrote sermons that condemn abortion, and both borrowed heavily from Caesarius.\(^{84}\)

In sermon 15 Boniface reminds those just converted what sins and superstitions they renounced at baptism.

Again we find a long list of sins that includes abortion.

**Bonifacius Moguntinus, Sermones, sermo 15, De abrenuntiacione in baptismate** (eighth century)

1. Audite, fratres, et attentius cogiteti quid in baptismo renuntiasti. Abrenuntiasti enim diabolo, et omnibus operibus ejus et omnibus pompis ejus. Quid sunt ergo opera diaboli? Haece sunt superbia, idolatria, invidia, homicidium, detraction, mendacium, perjurium, odium, fornicatio, adulterium, omnis pollutio, furta, falsum testimonium, rapina, gula, ebrietas, turpiloquia, contentiones, ira, veneficia, incantationes et sortilegos exquirere, strigas et fictos lupos credere, abortum facere, dominis inobediientes esse, phylactera habere (…).\(^{85}\)

Pirmin, who was active in Reichenau, Switzerland and Alsace, borrowed the passage on abortifacient potions in his sermon from Caesarius including the *quantoscumque* formula.

**Pirminius Abbas, Scarapsus de singulis libris canonici** (eighth century)

21. Nulla mulier potionis abortum accipiat, ne filius aut conceptus aut renatus [aut iam natus] occidat, et nullas dia-
bolicas potions mulieres debent accipere, per quas jam non possint concipere. Mulier quae hoc fecerit, quantoscunque [quantoscumque] parere poterit, tantorum homicidiorum se ream cognoscat esse. (…).\(^{86}\)

Pirmin’s condemnation of abortion, infanticide and contraception is also followed by a catalog of sins and superstitions.\(^{87}\)

An anonymous homily in a twelfth-century manuscript that Morin dates to the late eighth or early ninth century contains practically the same condemnation of contraception, abortion and infanticide as in Caesarius and Pir-

\(^{83}\) Cf. chapters 1 and 3; see also: chapter 2, note 81.

\(^{84}\) Cf. chapter 1 and see: chapter 2, note 81.

\(^{85}\) Pirminius’s sermons also influenced other important medieval preachers, such as Burchard of Würzburg (d. 753/754) and Hrabanus Maurus (780-856), cf. Klingshirn 1994b, pp. 178 ff. plus note 73, and Flint 1991, pp. 42-43.

\(^{86}\) PL 89: 0870A-0870B; Boniface, *Sermon 15.1* ‘Listen, my brethren, and consider well what you have solemnly renounced in your baptism. You have renounced the devil and all his works, and all his pomp. But what are the works of the devil? They are pride, idolatry, envy, murder, calumny, lying, perjury, hatred, fornication, adultery, every kind of lewdness, theft, false witness, robbery, glutteness, slander, fight, malice, philters, incantations, lots, belief in witches and were-
wolves, abortion, disobedience to their masters, amulets’ (slightly emended translation, cf. [http://www.ccel.org/ccel/schaff/hec4.i.x.x.html](http://www.ccel.org/ccel/schaff/hec4.i.x.x.html); last accessed Nov 25, 2009) and Onings, 1938, p. 61.

\(^{87}\) PL 89: 1041B; Pirmin, *Sermon 21* ‘Keine Frau nehme einen Trank, um abzutreiben und das Kind zu töten, ob dieses erst empfangen oder schon geboren ist. Die Frauen sollen keinen Teufelstrunk einnehmen, deswegen sie nicht empfangen können. Eine Frau aber, die das tut, soll soviel Morde für schuldig angesehen werden, als sie hätte gebären können’ (Engelmann 1976, pp. 52-53). *Renatus* should probably be read as *aut iam natus* or *aut natus* as in Caesarius’s sermon (19.5).

\(^{88}\) PL 89: 1041B-1041D. Pirmin, *Sermon 22* *Noli adorare idola, non ad petras, neque ad arbores: non ad angulos, neque ad fontes, ad trivios nolle adorare, nec vota reddere. Praecantatores et sortilegos, et karagios, aruspices, divinos, ariolos, magos, maleficos, sternatus, et auguria per auriculas, vel alia ingenia mala et diabolica nolite facere nec credere; Pirmin, Sermon 22* ‘Ihr sollt nicht Götzender anbeten; besonders Felsen und Bäumen, Ecksteinen, Quellen und Kreuzwegen sollt ihr keine Gebete und keine Gelübde darbringen. Besprechern und Losdeutern, Gauklern, Opferschauern, Propheten, Wahr-
sagern, Magiern, Zauberern, gottlosem Wahrsagen beim Niesen, Weissagen durch Vögel oder anderen schlechten und teufli-
schen Einfällen sollt ihr nicht glauben und auch nicht üben’ (Engelmann 1976, pp. 52-53).


\(^{90}\) We also come across this concern for the spiritual welfare of a dead child in the penitentials, where not providing baptism, that is, denying the child a chance for eternal happiness in heaven, is a serious sin (cf. chapter 3).
As in Pirmin’s sermon, the condemnation of abortion in MS Verdun 64 is followed by Caesarius’s *quantoscum-que* formula.

Aelfric (c. 955 - c. 1010), a late tenth-century Old English scholar and abbot of Eynsham, translated the Pseudo-Augustinian sermon *De Auguriis*, ‘On Auguries’ (‘On Superstitions’) - a sermon attributed to both Augustine and Boniface - into the Old English vernacular.91 The condemnation of abortion and infanticide is not in Aelfric’s source, and was probably added by Aelfric.92 Aelfric must have been influenced by Caesarius’s sermons, or one of the sermons quoted above, and perhaps he was also influenced by council canons or penitentials.93

Aelfric, *De Auguriis* (tenth century)

17. (…) *sume hi acwellað heora cild ærðam þe hi acennede beon, oððe æfter acennednysse þæt hi cuðe ne beon ne heora manfulla forliger ameldod ne wurðe ac heora yfel is egeslic and endeleaslic morð. Þær losað þæt cild laðlice hæðen and seo arleasa modor butan heo hit æfre gebete.*94

Aelfric tells us that women resorted to abortion and infanticide in order to cover up *forliger*, ‘adultery, fornication’. By using a string of feminine pronouns he clearly implies that women were the ones responsible for fertility management. Aelfric is especially concerned for the children who die without being baptized, because they will remain pagans, and will therefore not be allowed to enter heaven. Although the Old English scholar Aelfric does not mention a method of abortion in his *De Auguriis*, he, too, is presumably referring to abortifacient potions, because he goes on to forbid aphrodisiac potions in the very next sentence: *sume hi wyrcað heora woger-um drencas, ‘some of them make drinks for their wooers’.*95

The motives for abortion mentioned in the sermons are (fear of) poverty, and the fear that illicit sexual affairs (adultery and fornication) will become known. Early medieval homilists were outraged and enraged that some women resorted to abortion to limit the size of their families. Their choice of epithets like *diabolica or mortifera* for abortifacient potions is illustrative of how upset and angry they are. Caesarius is the only early medieval homilist who explicitly suggests solutions for family limitation, namely, chastity and adoption. Only one method of abortion, the abortifacient potion, is mentioned in the sermons, and two of Caesarius’s sermons intimate that these potions could be potentially lethal. Although herbs are mentioned in connection with fertility enhancing

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90 Morin 1905, p. 518; MS Verdun 64 ‘No woman may dare to kill her children: because whoever kills her child, commits a grievous sin: one because she has killed someone, and another because it was not baptized. No woman may dare to commit abortion, nor to drink a potion so that she cannot conceive children: because as many children that she might have had in this life, for so many murders she will be held accountable before the tribunal of Christ’. Klingshirn notes Caesarius’s popularity: “Carolingian preachers chiefly esteemed Caesarius’s sermons for their definition of the proper Christian life. (…) This sermon makes it clear that Caesarius’s writings were still making an impact on the way preachers thought and spoke long after his death,” Klingshirn 1994b, pp. 282-283.


93 This passage is preceded by a condemnation of superstitious women who go to crossroads and drag their children through the earth in order to dedicate themselves and their children to the devil (lines 148-150), and it is followed by a passage that forbids women to give aphrodisiacs to their lovers (lines 157-161). Note that again abortifacients and aphrodisiacs are mentioned in one breath, as in Roman and Visigothic law (cf. chapter 1) and the Irish penitentials (cf. chapter 3).

94 Cf. Skeat 1881, vol.1, pp. 365-383 (with facing translation), at p. 374, lines 151-156; Aelfric, *On Auguries*, ‘Some of them kill their children before they are born, or after birth, that they may not be discovered, nor their wicked adultery be betrayed; but their wickedness is awful, and everlasting their perdition. Then the child perisheth, a loathsome heathen, and the wicked mother, unless she ever do penance for it’ (Skeat 1881, p. 375). Cf. also: ‘Zusätz’, Förster 1906, pp. 307-308, Meaney 1985 (on Ælfric’s sources), and Meaney 1989, p. 28, p. 39, note 111.

95 Skeat 1881, vol.1, p. 375.
drugs, the sermons discussed here do not explicitly mention (poisonous) herbs in connection with abortion. The Old Germanic laws and the penitentials use the word *maleficia*, ‘poisons - magic’ in the meaning ‘herbal concoctions’ or ‘abortifacients’, but the early medieval preachers seem to avoid the word. The ambiguous word *maleficium* is only used in the *Homilia de Sacrifelgis*; the other sermons simply speak of potions - if a method of abortion is mentioned at all. Nor do the early medieval sermons suggest any connection between abortifacients and magic, although it must be conceded that we often find condemnations of abortion near lists of prohibited superstitious practices.

Abortion is punished as murder in the sermons, and a woman who commits abortion will go to hell unless she does penance. The *Homilia de Sacrifelgis* punishes the supplier: *qui maleficus aut veneficus est*, ‘whoever is a *maleficus* or a *veneficus*’, and *qui per maleficia mulieribus facit*, ‘whoever makes *maleficia* for women’. In many of the early medieval sermons Caesarius’s *quantoscumque* formula is used to stress the fact that the woman involved must be punished for multiple murders. Some sermons also threaten to punish women for (spiritual) adultery, refusing a child baptism, and (attempted) suicide. The relatively young sermons contend that the sin of fetal or child murder is extra serious, because the murdered fetus or child is denied the right to go to heaven, because it was not baptized and therefore a pagan (MS Verdun 64, Aelfric). The epithets used for the potions, and the fact that suicide is mentioned in connection with abortion implies that people knew that the abortifacient drugs were often lethal poisons.

Only women are punished for abortion. What the sermons are in fact telling us is that women were responsible for birth control, and that women were the ones who made the decisions. There is no concrete evidence that women were the ones who knew how to make abortifacient potions. The *Homilia* suggests that the supplier could be either male or female. However, I find it hard to avoid the impression that women helped each other in times of need, especially because men are hardly mentioned in the sermons. The husband is only mentioned in connection with the chastity pact in Caesarius’s sermons (1.12, 44.2, 52.4); other men - such as the adulterer or the fornicator - are not mentioned at all.

Although a great fan of Augustine, Caesarius chose not to adopt Augustine’s distinction between early term and late term abortion with which he was undoubtedly familiar. There is no room for compromise in Caesarius’s sermons and the other early medieval sermons follow suit. Like the Church council canons the sermons represent the ‘strict’ view and forbid abortion without differentiating between early term and late term abortion.

The early Christian texts on abortion discussed in this chapter show us that abortion was condemned in the early medieval West. The *Didache*, Church Fathers council canons, and sermons mention only a few reasons for committing abortion: fornication, adultery, poverty and fear of becoming poor or losing one’s wealth. The method of abortion mentioned is the abortifacient potion. We will see below in chapter 3 that the penitentials have more to say on the subject abortion, they give more information on the potions and suggest that there were also other methods of abortion. The early Christian texts suggest that there were two views on intentional abortion: a ‘strict’ view and a ‘lenient’ view. However, only the Church Fathers mention them, all the other texts are ‘strict’. We will see below that the penitentials reflect both views on abortion.