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Purgatory, Alms-Giving, and the Needs of the Dead

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Abstract. Philosophers have debated whether it makes sense to say that the dead have rights. They certainly may be granted some control over posthumous events, such as the disposal of their property. From the 13th century on, the new doctrine of Purgatory gave people an incentive to provide prayers and good works that would shorten their period of suffering after death. This had important consequences: a flowering of ritual, art and architecture; greatly increased wealth for the Catholic Church; the establishment of endowments to yield a perpetual income; and the rise of testamentary freedom as an alternative to primogeniture. The Protestant Reformation abolished Purgatory, but retained many of its social and economic consequences.

Keywords. Posthumous rights. Purgatory. Endowments. Testamentary freedom. Protestantism.

For the living know that they shall die: but the dead know not any thing, neither have they any more a reward; for the memory of them is forgotten.

Also their love, and their hatred, and their envy, is now perished; neither have they any more a portion for ever in any thing that is done under the sun.

Ecclesiastes 9.5-6

In earlier times, when getting children off to school, we might have said: “I want you to eat your porridge,” or just “Eat your porridge.” But now we are more likely to say: “I need you to eat your porridge.” What was once a straightforward assertion of will has now become an appeal: “I will suffer harm if you fail to do what I ask.” *Ecclesiastes* says that the dead are no longer able to want anything. But if they have needs, rather than wants, then we the living may feel an obligation to satisfy them. So Yotam Benziman, in “Dead People and Living Interests,” has argued that we *can* harm the dead, and should therefore refrain from doing so (Benziman 2017). He gives an example: failing to play, at her memorial service, the music that his late wife had requested when alive. Benziman challenges earlier arguments by Ernest Partridge and Joan Callahan, who say that the dead cannot have interests because only a living person is capable of possessing an interest or a right (Partridge 1981; Callahan 1987).

In a philosophical perspective, the rights, wants or needs of the dead may be considered a question of ethics. But I will argue here for a more pragmatic approach, by considering social practices directed towards “the care of the dead.” (Laqueur 2015; Ariès 1981) These begin with rules honored in all human societies concerning

the treatment of newly dead bodies.ⁱ Funeral rites may originate in sanitary concerns, but they also reflect beliefs that the dead still deserve honor, or fears that they may return to harm the living if they are not properly laid to rest. The *Iliad*, for example, concludes with Priam persuading Achilles to return Hector's body for seemly burial. We may criticise these practices—on the grounds of expense, for example—but in principle almost everyone accepts their legitimacy. The more contentious issues are those that come after the funeral.

The Origins of Purgatory

The “needs” of the dead are wishes that they express when alive, and want to be fulfilled after their death. My concern here will be with obligations arising from the Catholic doctrine of Purgatory, as codified in the Middle Ages. For reasons still under debate, the needs of the dead were given a much higher social priority from the 12th century on, with momentous institutional and economic consequences. During the first millennium of Christianity, Catholics held varying ideas about what happened after death. (Le Goff 1984: 133-35). It was generally agreed that the souls of the dead were judged, that their bodies would be resurrected, and that they were assigned to either eternal reward in Heaven or eternal punishment in Hell. But were judgement and resurrection individual, or collective; and when did they take place? If collective, then the dead lay unconscious until they were awakened to receive new bodies and stand before the great Day of Judgement at the end of the world. If individual, then each person was judged at the moment of death and immediately entered into their reward, or punishment.ⁱⁱ

Uncertainty about post-mortem events did not preclude expressions of care for departed souls. All religion may be viewed as a mediation between the sensible world of the living and the shadowy realm inhabited by the dead. Dead people may not walk among us, but they can be active in some other place (such as Heaven or Hell) or some other form (as spirits or ghosts). As early as the 2nd century CE, the Roman catacombs had inscriptions asking the faithful to pray for those entombed there. The 12th century saw the emergence of more definite beliefs, within Catholicism, about the existence of Purgatory as an intermediate state between Heaven and Hell. Around 1130, Hugh of St Victor was writing of purgatorial fire that prepared sinners to enter Heaven; he was followed by Peter Lombard in his *Sententiae* (Le Goff 1984: 142-44; Finn 2008: 573). A century later, Pope Innocent IV endorsed the idea of Purgatory, and the Second Council of Lyon made it an official dogma in 1274. Around 1310, Dante gave a comprehensive description in his *Purgatorio*, placing it on a mountain in the Southern Hemisphere. Catholic doctrine asserted that the Communion of the Saints unites the living, who hope for salvation, with the dead who are either in Heaven, or destined to go there after a term of punishment in Purgatory.ⁱⁱⁱ The living pray for those in Purgatory, to help reduce their time of suffering, while those in Heaven can also petition God in their favor.

The newly dead would now have three possible fates: to go to Heaven, or to Hell, or to Purgatory. Those who had sinned, but not mortally, would spend time in the fires of Purgatory before being redeemed and taken up to Heaven. The doctrine of Intercession explained how souls in Purgatory could be helped by those still alive:

The suffrages of the faithful on earth can be of great help in relieving these punishments, as, for instance, the Sacrifice of the Mass, prayers, almsgiving, and other religious deeds which, in the manner of the Church, the faithful are accustomed to offer for others of the faithful (Hardon 2001: 8).

The most powerful Intercessor who might bring about release from Purgatory was the Virgin Mary. The cult of the Virgin became more prominent from the 12th century onwards, and it established a symbiotic relationship with the doctrine of Purgatory (Oakes 2008). The Virgin gave you a friend at court, who might soften the judgements of God the Father, either directly or through her influence with her son Jesus.

The pre-eminent scholar of Purgatory, Jacques Le Goff, suggests that the binary opposition between either salvation or damnation, at the moment of death, created intolerable anxieties (Le Goff 1984: 225-27). The faithful welcomed the idea of a middle state. After punishment for a set term, more souls could expect to reach salvation. Meanwhile, the living would be given a new task: to relieve the sufferings of their beloved dead through prayers and good works. "In attacking purgatory," John Casey argues, "Protestantism was assaulting what was most dear to late mediaeval piety. It was a doctrine that put into practice in the most literal way the doctrine of the Communion of Saints. The dead were still among us, because prayers for their souls, which would have direct and continuing effect on their progress in the next world, went on indefinitely" (Casey 2009: 228).

Purgatory in Practice

Purgatory began as a doctrinal innovation within the Catholic Church. Yet R. W. Southern argues that “Nearly all important theological developments are brought about by pressures, social or otherwise, from outside the theological system, and the doctrine of Purgatory is no exception” (Southern 1982:651). If changes in religion are socially determined, as Southern asserts, then the new doctrine prevailed because it presented opportunities for the Church to increase its power, status and wealth. Against this cynical view, I would argue that the initial motives for the doctrine were theological and psychological. The consolidation of medieval culture brought about a more secure and prosperous European society. Paradoxically, this made death more threatening, even as it became more predictable than it had been in earlier centuries. Life became more insistently an exercise in what modern sociologists have called “terror management” (Becker 1973; Solomon 2015). The spill over effects of Purgatory on everyday life were gradual, and followed the law of unintended consequences. But over some four centuries there was a great flowering of religious ritual, architecture and art, supported by the accumulation of enormous wealth in the hands of the Church, especially in land. Another result was the establishment of endowments, which are still a strategic support to modern universities and foundations, especially in the Anglo-Saxon world. These developments were reinforced by “testamentary freedom”: the principle that individuals should have the right to assign their assets after death in any way they saw fit (instead of land passing automatically to the oldest son, under the rule of

primogeniture). Many of these changes can be understood as attempts to keep death at bay through the establishment of perpetuities.

Purgatory led to a re-positioning, and a greatly increased importance, of the doctrine of Intercession. From the beginnings of Christianity, the faithful were encouraged to pray to Saints, or to Christ himself, to relieve the sufferings of others. But Purgatory provided a new and more urgent mission for such prayers: to bring about a quicker release of deceased loved ones from present torment into eternal joy in Heaven. The Church as an institution provided an especially potent form of prayer, in the sacrifice of the Mass, and a consecrated space in which to offer it. Gifts and bequests to the Church provided livings for more priests, “enhanced the quality of parish services and liturgy,” and supported a great increase in church-building (Burgess 1987: 838). Many more of the faithful went on pilgrimages, in part because they might be released from time in Purgatory by reaching their sacred destination.

Money might be spent on masses and almsgiving as part of a wealthy person’s funeral rites. For the longer term bequests could found a chantry, a home for priests who would say masses and prayers for their benefactor (who might also be buried in the chantry chapel). Since no one could say how long the benefactor’s stay in Purgatory might last, a chantry needed an endowment whose income would support its priests in perpetuity. Such income would typically be drawn from agricultural land bequeathed to the Church, or from rents on urban property. Alternatively, a money bequest could be invested by the churchwarden to create a continuing stream of income.

R. W. Southern notes that Purgatory was “part of the complete recasting of the religious discipline of life for everyone in Western Christendom....brought about gradually under the management of a greatly enlarged clerical class” (Southern 1982: 651). More priests enacted their roles in larger and more spectacular physical settings, almost regardless of cost. By one estimate, between 1100 and 1250—concurrently with the emergence of Purgatory as a doctrine—21.5% of GDP in the Paris region was spent on the construction of 1,400 new churches (Denning 2012). “There is a case for saying that *the* defining doctrine of late medieval Catholicism was Purgatory,” writes Eamon Duffy, “Purgatory rather than Hell became the focus of Christian fear.” He notes that “almost all 15th and early 16th century wills provided alms against Purgatory” (Duffy 1992: 8, 341, 338). In exchange for the promise of remission of future sufferings in Purgatory, the Church gained support for chantry priests, but also for the building of cathedrals, churches, alms houses, schools and colleges. “Almost all medieval university colleges were founded with chantry purposes,” Swanson notes, “which in the statutes often had a higher status than the education function”^{iv} (Swanson 2010: 364). In late medieval Bristol, more than twenty alms houses were founded and endowed. (Burgess 1987: 846) The *reductio ad absurdum* of paying for Purgatory appears in the 1518 will of Thomas Fyneham, who left 40 marks a year—about five times the annual income of a parish priest—to be used:

in works of mercy and deeds of charity by the discretion of my executors, that is to say for priests to sing for my soul, in repairing and making highways, in

distribution to poor folk as need requires, to prisoners being in prison, and in ornaments and jewels to be given to churches, and for the maintenance of poor scholar students (Swanson 2010: 368).

Legally, most women would be excluded from founding chantries because their property and other rights were controlled by their husbands. In practice, though, as Barbara Harris has shown, they could play a significant role. (Harris 2009) This began with a simple fact of demography: most husbands were older than their wives, and died before them. If a husband's will called for the founding of a chantry, to say perpetual prayers for his soul, it would often fall to his widow to bring this into effect. She might begin by negotiating with a local rector the construction of a chantry chapel and tomb, ideally as close to the high altar as possible. Arrangements would have to be made for the payment of rents to endow the chantry, and for the appointment of chantry priests. Finally, when the widow herself died, she could be included in the prayers said to release her husband and his family from Purgatory.

Aristocratic women might be able to hold property in their own right, and make wills to dispose of it. One of the most prominent and active of such women was Lady Margaret Beaufort, the mother of Henry VII. She was a wealthy heiress, who succeeded in gaining the legal status of "femme sole," which allowed her to control her own property. She founded and endowed two Cambridge colleges, Christ's and St John's, that had chantry duties as part of their mandate. Her individual interest was declared most clearly in her endowment of a chantry at

Wimborne Minster in Dorset, “founded to the intent that the incumbent thereof should say mass for the soul of the founder and to tech schooleing.” (County History 1908, 110-113). The attachment of a school to the chantry reflected the idea that good works of various kinds could also benefit the souls in purgatory of those who had funded them.

Testamentary Freedom

Bequests directed to redeeming souls from Purgatory disrupted the closed circle of feudal inheritance. Once landed property passed to the Church it could be held in perpetuity, which deprived the Crown of the fees due whenever the son of a landowner inherited from his father. In the late thirteenth century, Edward I of England established the legal doctrine of Mortmain—“the dead hand”—in an attempt to prevent land passing into the hands of the Church.^v In spite of such restrictions, ecclesiastical landholdings continued to increase, reaching about twenty-five percent of all agricultural land in France before the Revolution or fifty percent in Mexico in the mid-nineteenth century (Madoff 2010: 93).

Bequests favoring the spiritual interests of individuals implied a testamentary freedom that conflicted with the unbroken continuity of tenure in feudal land. The promotion of those interests required a perpetual stream of income. Before the late seventeenth century financial institutions could not provide interest-bearing deposits, equities or government bonds; and in any case, Catholic doctrine condemned usury as sinful (LeGoff 1988: 26-39). The only secure store of value and generator of income was agricultural land or rents from urban property. Because

the Church was the most reliable guardian of assets held in trust, control of those assets made the Church a powerful rival to both the Crown and the aristocracy. This was a recipe for confrontation, which arrived with the confiscation of most Church property in countries where the Reformation prevailed. A hundred and fifty years later, the French Revolution had a similar outcome.

Testamentary freedom gave practical effect to the idea that individuals, concerned for their salvation, should have the right to dispose freely of their assets and thereby establish a posthumous interest. C. B. Macpherson has distinguished between the “right of use” in land, typical of aristocratic tenure, and the “right of alienation,” which emerges in a later regime of “possessive individualism” (Macpherson 1962: 215). The Macpherson thesis places the origins of testamentary freedom in the Anglo-Saxon countries in bourgeois individualism. The holders of urban wealth could divide their liquid assets among different ventures; and if someone had a clear right to dispose of their property as they wish during life, then why should that right not continue after death? There is a partial truth in this view, in that it was mainly men of the “middle sort” who began making bequests that were not tied to continuity of landed tenure through primogeniture.^{vi} But such bequests became common from the 13th century onward, long before the emergence of possessive individualism in the sense of a modern capitalist regime; and the predominant aim of the bequests was to endow prayers for the testator, in the hope of shortening his stay in Purgatory.

Testamentary freedom proposes that a living person should still be able to determine the distribution and use of their assets after death. It includes the right to

disinherit some or all of one's adult children (Dainow 1940). This appears to be strong proof that the state will defend the rights of the dead against the claims of the living. Yet how can we speak of someone having a "right" when they no longer exist? One answer might be to say that the rights of the deceased are now held by a proxy—a beneficiary or trustee—*as if* the testator were still alive. The dead have rights and interests—or fail to have them—only to the extent that the state assigns them. That is one of the things that states and legal systems do. In the medieval period, it was not the state directly that protected those rights, but rather the Church as trustee of assets gifted to it. Testamentary freedom creates a strong version of posthumous rights, while primogeniture and the entailment of landed estates take such rights away. Any state-imposed distributional rule—such as equal distribution between siblings in post-Revolutionary France—privileges a social interest over any individual one.

The Reaction Against Purgatory

By the 14th century the increased prosperity of the Church had started to draw a reaction, one that would eventually lead to the complete repudiation of Purgatory under Protestantism. Purgatory and Intercession offended Protestant theologians: partly because they found no authority for them in scripture, partly because such doctrines suggested that God could be persuaded—even after death—to change his mind about how far a sinner should be punished (Calvin 1960: III.v.6.). This conflicted with the idea of predestination, determined once and for all by God's absolute and infallible judgement. Worse, the granting of indulgences implied a God

whose favors could be bought and sold. Chaucer's Pardoner, in the *Canterbury Tales*, is a well-known literary exposé of dubious practices in the sale of indulgences. Dante's *Inferno*, canto 19, denounces the corruption of the Church by the sale of offices and spiritual benefits. An entirely cynical view of prayers for the dead arrived with Luther and Calvin, who argued that setting aside funds for the benefit of the dead was no more than a device to benefit living clerics. Hobbes followed their lead: "Who does not see," he wrote, "to whose profit redound the fees of private masses, and vales of purgatory; with other signs of private interest, enough to mortify the most lively faith" (Hobbes 1960: 79).

Hobbes assumed that any priest saying masses for the dead had no faith in what he was doing. Behind a show of piety, the doctrine of Purgatory was just a convenient meal-ticket. That is scarcely plausible, given that virtually everyone in the medieval world believed in rewards and punishments after death. Those who made bequests did so as an act of faith, a faith that was shared by the priests who prayed for them. A large share of society's economic surplus may have been transferred to the Church in the cause of Purgatory, but believers found great spiritual and aesthetic benefits in the uses to which the surplus had been put:

With belief in and provision for Purgatory prohibited, the financial foundation for auxiliary services, ancillary priests, elaborate music, sumptuous equipment and decoration disappeared; and, perhaps most strikingly, throughout England church building ceased. (Burgess 1987: 858)

This was more than just a pause in the building of churches; the reformers were militant iconoclasts, destroying images, books, statues, stained glass and church decorations on a massive scale (Phillips 1973).

In a recent revival of Hobbesian cynicism, economists of the “public choice” school have argued that Purgatory emerged as an opportunity for the Church to capture new and profitable markets for its spiritual services. “Our central thesis,” Robert Ekelund writes, “is that the Catholic Church faced economic incentives that encouraged its invention of purgatory. The new doctrine provided a means whereby the Church could increase its revenues and simultaneously increase communicant satisfaction” (Ekelund 1992: 3). Purgatory did indeed enable the Church to colonise a new domain—the realm of the afterlife—and to draw from it an ever-increasing stream of wealth. Even so, it was possible to believe fervently in a theological doctrine that promised eternal salvation, and also to see that the doctrine was accompanied by certain mercenary opportunities. Adam Smith’s critique of the comprehensively cynical system of Mandeville is worth remembering: “It is the great fallacy of [Mandeville] to represent every passion as wholly vicious, which is so in any degree and in any direction” (Smith 1976: 312). In fact, motives for the ‘invention’ of Purgatory must have been mixed, and long-term consequences—such as the massive growth of Church assets—unforeseen.

Anglicanism Adapts

It might seem that the English Reformation abolished Purgatory and prayers for the dead with the stroke of a pen, closing the book on a particular episode in the cult of the dead. The Suppression of Religious Houses Acts of 1535 and 1539 shut down all monasteries; the twenty-five percent of English land that they possessed was forfeited to the Crown. Chantry endowments went the same way, by the Chantries Acts of 1545 and 1547.^{vii} Yet the economic and cultural consequences of Purgatory persisted. Anglican theologians had succeeded in discrediting the doctrine, but that left a Purgatory-sized gap in their religious belief and practice, and particularly in their management of death. One result was a consolidation of previously scattered views on body, soul, and resurrection. It was now agreed that death was followed by bodily decay, and by a spiritual sleep lasting until the Day of Judgement. Donne's Holy Sonnet Seven describes this tremendous event:

At the round earth's imagined corners, blow
Your trumpets, angels, and arise, arise
From death, you numberless infinities
Of souls, and to your scattered bodies go, (Donne 1633)

Once the intermediate state of Purgatory had been denied, Anglicanism shrank from the stern Calvinist view that only a minority would be saved and the rest of mankind doomed to eternal punishment. The Anglican Burial Service promised that "whosoever liveth, and believeth in me, shall not die for ever" (Book of Common

Prayer 1559). The seventeenth century confirmed what D. P. Walker has called “the Decline of Hell” (Walker 1964). Earlier, we noted Le Goff’s argument that Purgatory softened the stark choice between Heaven and Hell as alternative posthumous fates. English Protestants came to prefer the idea that Hell need not be as fearsome as earlier theologians had warned. For a “universalist” minority, there could be a more radical solution: that all Christians would be admitted to Heaven after the resurrection (Hart 2019).

In a reductive view, the English Reformation can be seen as a bank robbery on the wealth of the Church. Money previously sent to Rome, to pay for indulgences or fund the Vatican generally, now remained in the British Isles. The English lands and other assets of monasteries and chantries were secularised and re-distributed to supporters of the Tudor regime. But this secularisation was only a partial one, and in some respects, it took centuries to complete. Catholic churches and cathedrals simply changed ownership in favor of the new national Church of England. Land and tithes that provided for the Catholic clergy now supported Anglican ones, on similar terms.

In education, as in other realms, England after the Reformation remained a land of compromises and half-measures.^{viii} Many medieval schools had been founded as charitable bequests to teach poor students, so it is fair to say that they were inspired by Purgatory. Winchester College had a chantry attached, funded by the will of John Fromond, who had managed the College’s endowment. Eton College also began as a charity school though, like Winchester and Westminster School, it became a preserve for the elite after the Reformation. Oxford and Cambridge

colleges ceased being chantries, but they remained seminaries, training new generations of clerics for the national church. Henry VIII promoted an Act of Parliament that permitted him to seize college properties, as he had already done for monasteries. But he refrained from doing so, and even used assets seized from monasteries to found two new colleges in 1546, Trinity at Cambridge and Christ Church at Oxford (Kitching 1977). Today, Trinity is the wealthiest college at Cambridge (endowment £1,532 million), Christ Church the second wealthiest at Oxford (£550 million). In the longer term, endowments first established to support prayers for the dead became strategic assets for funding English higher education and the Anglican establishment (two names, one might say, for the same thing).^{ix} It would take some three hundred years for Oxford and Cambridge to be formally secularised, by the Universities Tests Act of 1871. This Act abolished all remaining requirements for students or fellows to be Anglicans. In the same year, Newnham was founded: the second Oxbridge college for women, but also “for all religions and none,” and without a chapel.^x

Burke suggested that institutions are the habits of society, which means that they are handed down to us by the dead. Anglicanism abolished Intercession, but retained duties of commemoration: the fate of the dead cannot be changed, but they still need to be remembered (Marshall 2010, p. 186). Monuments, anniversaries and days of mourning recognize that the dead are still with us, to be propitiated or harmed. In the U.S., the legal doctrine of originalism proposes that the intentions of the founders of the Constitution should be defined as needs, and take priority over the interests of the living. The cult of the dead can take a multitude of forms:

foundations and colleges; funeral monuments like the Taj Mahal; plaques and statues; even mummification (from the Pharaohs to Lenin). There have been great confiscations of dynastic wealth, as in Soviet Russia, or punitive inheritance taxes, as in post-1945 socialist Britain. Yet all such attacks on the rights of the dead—or on the privileges of their heirs and beneficiaries—seem to fail in the long run (Madoff 2010). In spite of Ecclesiastes, fear of and respect for the dead are constitutive of the human condition.

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Notes

ⁱ Also, perhaps, in Neanderthal ones. (Gargett 1989)

ⁱⁱ Eastern Orthodox doctrine was that individuals received “particular judgement” at the time of death but remained in the underworld until the Last Judgement assigned all souls to either Heaven or Hell.

ⁱⁱⁱ The Church Militant consists of those alive and hoping for salvation; the Church Penitent, those in Purgatory; the Church Triumphant, those already united with Christ in Heaven.

^{iv} King’s, Cambridge (founded 1441), and All Souls, Oxford (1438), “had onerous chantry duties to fulfil.” (Cobban 1990: 113) All Souls was founded to pray for the souls of those who died at Agincourt.

^v Statute of Mortmain, 1279 and 1290. The Church had various ways of circumventing the barrier of Mortmain when land was bequeathed to it.

^{vi} English law recognised a distinction between a will, which disposed of land, and a testament, which disposed of portable property or other liquid assets.

^{vii} In exchange for board and lodging, the aged inhabitants of almshouses were required to pray for the souls of their founder. Almshouses were therefore subject to dissolution by the Chantries Acts. Their assets were forfeited to the Crown, and poor relief became the responsibility of local governments.

^{viii} The disendowment of the Catholic Church came 250 years later in France, but was more radical than the English precedent. The assets of schools and universities were stripped away, and in due course virtually all education became the responsibility of the state. (Palmer 1986)

^{ix} The Church Commissioners, who manage the Church of England endowment, controlled assets of £8.3 billion in 2019. Oxford and Cambridge endowments were £6.1 and 6.9 billion in 2019.

^x Although women could not receive degrees until 1920 at Oxford and 1948 at Cambridge.