The "Literariness" of the Penitentials

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It is a pleasure to thank Michel Lejeune for undertaking to translate this book, which is now out of print in the original edition, and to thank the University of Fribourg for undertaking to publish the translation. I have made no major changes in the text but have silently corrected a few minor errors and misprints.[1] Otherwise the text stands as it was first published, with a few more recent studies cited in footnotes.

My objective in this introduction is not to supply a new bibliography of work on the penitentials--a task which grows more difficult each year--but to indicate directions taken by others in recent years and to offer a proposal for reconceptualizing the place of penitentials and comparable administrative texts in the study of medieval culture. It is even clearer to me now than it was several years ago that penitentials are uniquely important not only to our understanding of medieval piety but to our understanding of the place of written texts in medieval life.

Among the major studies of related material to appear recently are a book and several articles by Pierre Payer, whose investigations of the penitentials and medieval sexual codes are valuable both in their detail and their attention to manuscript evidence.[2] Another important source of information about the penitential tradition and its interaction with other regulatory institutions is James Brundage's study of canon law. Although the penitentials play a small part in his survey, his book supplies a full account of the role of the legal tradition in supervising sexual behavior in the West.[3] The extraordinary complications of the textual traditions of penitentials from both the early and late medieval periods continue to be clarified by scholars in Germany, particularly Franz Kerff and Raymund Kottje.[4]

The links between penitentials and broader intellectual and literary traditions have been the subject of several studies. Richard Newhauser has discussed transformations in the idea of avarice in early penitentials,[5] and concerning the later, post-medieval tradition, Robert Bernasconi has explored confession as both an ethical and a physical experience.[6] Two books about the place of penitentials in mystical thought and in the literature of the later English Middle Ages appeared too late to be included in my discussion of that tradition; Mary F. Braswell takes up the question of confession and characterization, and Linda Georgianna discusses the self and confession in later devotional traditions.[7]

Regrettably, scholarship concerning Anglo-Saxon penitentials has not advanced as rapidly as research into continental manuscript and textual cultures. The appearance of new research tools will, however, do much to aid the study of the penitential vocabulary. The Dictionary of Old English has produced its first two fascicles (C and D); the usefulness of this resource is clear to anyone who consults, for example, the definition supplied for "daedbot," which offers Anglo-Saxon scholars a precise guide to this word's range of meaning and to its semantic contexts.[8] Walter Hofstetter is among those who are who categorizing the vocabulary of

penitential practice into patterns that clarify the provenance of, and may help us to date more precisely, the texts written in Anglo-Saxon England.[9]

What continues to be missing, however, is a theoretical framework for the analysis of cultural traditions that penitential practice engaged. Anglo-Saxonists can benefit from investigations into the history of the book and the history of textual transmission on the continent. Rosamond McKitterick's analysis of book production and the place of writing in Carolingian culture in many ways is an important model. Penitentials belong in McKitterick's discussion of the transmission and reception of the law and the written word, and it is much to be regretted that they find so little place in her study. McKitterick's outline of manuscript evidence and her discussion of book ownership and readership will help us understand the connection between the use of the penitentials and literacy.[10]

More generally, literacy and orality studies are among the most exciting areas now before medievalists. Laws and penitentials can be said to have been on the cusp, so to speak, of oral and textual cultures: both kinds of literature can be seen as written texts at least partially dependent on memory for their circulation, and therefore seen as documents subject to both oral and textual production. The penitentials were among the first texts that represented written authority and tradition to a widening circle of the faithful, both literate and illerate. Recent work by Brian Stock will assist scholars of the penitentials who seek to situate these texts in cultures that can be described as "transitional." Stock comments on the way in which, in the eleventh century, "oral confession within structured penitential theology" constituted an example of how orality "worked within a textal framework." His remarks are a point of departure for Anglo-Saxonists who wish to study the interplay of oral and written textual traditions in the Anglo-Saxon period.[11] The comments that follow take up, first, the implications of the penitentials as oral tradition, and second, the "eventfulness" of the penitentials as written texts that existed in a communication system with both oral and written boundaries.

<u>Orality and the history of the document</u>

Theory concering orality and textuality can be used to extend, enrich, and diversify the assumptions currently governing the study of penitentials and, along with them, related texts, including canonical collections and legal codes. The strongest criticism to be made of current studies of Old English legal traditions--and a criticism of my own work on the penitentials--is that they continue to conceive of Anglo-Saxon literary history as the history of the document: medieval studies have been carried out as studies of texts rather than of cultures, and the Middle Ages have been conceptualized as a world of learned writers and readers whose history can be reconstructed from the documents that record their civilization.[12] This concept of medieval studies as documentary history exists within a narrowly philological and exclusive framework obsessed with narrative poetry; non-narrative texts such as penitentials and laws suffer particularly from the limits of documentary history, since they were not only texts but communication <u>systems</u> based on social relations and carried out within textual frameworks.

The approach to penitentials that I am proposing owes something to the work of Michel Foucault, but not to the kind of social history he undertook in <u>The History of Sexuality</u>. A theory of social control undergirds Foucault's writing about confession, at least in the first of the three volumes of the <u>History</u>, the only one to take up confession and penance in anything like detail (and there is not much detail).[13] But there is a less developed and more stimulating basis for theorizing about the penitentials in Foucault's analysis of confession, and that, I believe, is a

primarily literary concept of confession as narrative. Foucault established the connection between sexual experience and discourse, conversation, what he called "the nearly infinite task of telling--telling oneself and another, as often as possible, everything that might concern the interplay of innumerable pleasures, sensations, and thoughts which, through the body and the soul, had some affinity with sex."[14] Of course such "telling" was, as he notes, the privilege of a very few, at least insofar as it was "telling" that involved "everything" about one's sexual experience. But such telling was not only sexual: there was also telling by the humble about their experience. Telling, as a form of narrative, and indeed a form of fiction, is a subject that concerns what we may call the "literariness" of the penitentials. As we try to decode the kinds of telling that take place in penitential texts, we can begin to differentiate among the kinds of narrative and fiction that helped constitute the oral basis of early medieval piety.

Inquiry into the relation of orality to confession and penance can be grounded on Hans Robert Jauss's discussion of the aesthetics of medieval textual environments. I wish to bring to bear on the penitentials Jauss's definition of literary genres as "primary social phenomena," by which phrase he means "that they depend on functions in the lived world." He continues, "The question of the reality of literary genres in the historical everyday world, or that of their social function, has been ignored in medieval scholarship, and not because of a lack of documents." Although he refers here to what he calls "artistic" rather than "administrative" (or, in his word, "utilitarian") genres, his assertions about the neglect of the "reality" of medieval genres do indeed apply to penitential texts. Little in recent scholarship concering the penitentials could be used to counter Jauss's objection to "the naively objectivist equation of philological interpretation with the experience of the original reader or hearer."[15] It is difficult to find studies of the penitentials that even consider penance as an aural experience, much less attempt to interpret the experience of confession in a textual-receptivist framework. Two concepts now being used to study oral tradition, "fictionality" and "vocality," can help us begin to see how lived experience and textuality interact in the penitentials and give the genre its "reality."

Ursula Schaefer, who has explored the implications of aesthetic experience, orality, and "fictionality" in Old English poetry, has written several articles that expand the critical repertory of oral tradition in promising and important ways.[16] "Fictionality," Schaefer writes, means the "mediaeval poets' necessity of inscribing a potentially living voice into his or her text." The question of "narrative voice" and penitentials should not seem exotic. Franz H. Baüml writes that the "fictionality of the `narrator' and `implied author' is not limited to texts commonly regarded as narrative, but that it characterizes all written texts, including textbooks in mathematics."[17] Baüml's concern, like Shaefer's, is primarily with narrative texts. But we should not hestitate to consider the "I" of the penitential, the priest's "I" as well as the penitent's "I," as fictional constructs created by the written and repeated nature of their communication act. With the penitentials, and much more so with law codes "proclaimed" in the name of an ancient king (or, in the case of the penitentials, an ancient figure such as Theodore, Gregory, or even Bede), we have an absent author who is made present through performance of the text by the priest or by the king's representative; this is different from a narrator, although the author of the law code or penitential did create a narrator with spoken lines, and an audience who heard and responded.

"Fictionality" means "enacted" or "staged" discourse, not "real," unrehearsed conversation. I characterize Anglo-Saxon law codes and handbooks of penance as both narrative and fictionalizing, but I do not mean that they were occasions when the Anglo-Saxons told or

made up stories about themselves. They believed their stories, at some level: they thought, in telling their stories (pace Foucault, not only sexual) to priests, that the stories were true at a fundamental level, reflective of their experience. They thought that their stories were "real," while we hardly do. We can call these personal narratives "fictionalizing" in order to indicate how the text "discloses its own fictionality." The sinner, after all, did indeed live the "fiction" of martrydom through penitential practice: he or she became a martyr in a "figurative" sense. One's sacrifice was genuine, but it was not genuinely martyrdom; one imitated Christ rather than became Him. The accused (criminal) or self-accusing (penitent) both experienced a unique admission of guilt, a unique and personal confession, and took part in a ritual that reduced his or her own experience to that of type in order to subject it to the law of precedent: in confession, the medieval liaty lived a fiction conditioned on their belief in a higher reality. The texts narrated a tradition of authority and precedent, maintaining the continuity of the codes and their influence. The narrative and the fiction make present the spiritual universe in which the texts operate--the universe that gives them their power. Both ecclesiastical and secular legal texts depended on a sense of tradition, or continuous history, public or social and private, and both inserted the individual into that fiction of tradition, of continuous, regulated history, at a moment of particular vulnerability--a moment of infraction, with its attendant emotions of guilt, fear, and renewed consciousness of communal constraint.

"Vocality," a concept developed by Paul Zumthor, can be used to define the concepts necessary to conceptualize confession as an aural experience. The concept of "vocality" is, like that of "fictionality," clearly designed for the analysis of poetic or narrative forms. But, like "fictionality," "vocality" describes a concept at the intersection of the written and the oral. Zumthor defines "vocality" as the "physical aspects of medieval texts, their mode of existence as sensorial objects" ("l'aspect corporel des textes medievaux, leur mode d'existence en tant qu'objets de perception sensorielle").[18] Schaefer adapts Zumthor's term to designate the co-existence of written texts and "the living voice," which "remained the core institution of verbal communication."[19] Schaefer applies the concepts of fictionality and vocality to poetry. What remains for Anglo-Saxonists to analyze is the applicability of these terms to non-narrative texts, including laws and penitentials. Auricular confession was an occasion in which roles were played and identities assumed from a textual framework. Like law codes, handbooks of penance represented a unique and important interaction of oral and textual production: they regulated an oral encounter between priest and penitent, but they did so within a textual framework that both demonstrated and preserved their relation to past and future documents of the same type. Jauss's "literary" texts can include everything from riddles and glosses to elegies and epics, while his "utilitarian" texts can include the liturgy, law codes, handbooks of penance, conciliar documents, and other non-expository, non-narrative texts. These distinctions are not necessarily productive; instead, I suggest that penitentials and laws share both narrative and fictionalizing features with "literary" texts and that these features are crucial to the position of these genres midway between orality and textuality. This is to say that the manuscripts of laws and penitentials textualize an experience that was once oral only; the tradition of "oral" penitential texts is, at an early date, clear in Cassian's Institutes and Conferences, the first narrative accounts of specifically ascetic practice that influenced penitential discipline; they were recorded conversations. Foucault recognized the role of monasticism in helping to transform sex into discourse.[20] But he paid no attention to the place of speech or the forms of speech in the monastery--Egyptian or Irish,

Anglo-Saxon or Frankish. As we reread the manuscripts containing penitentials, we must begin to consider both their sources--the chief question asked about them and sometimes the only question of interest--and their practical value as historical evidence. We must take up the place of speech as these documents represent it. Was there a process through which oral confessions and penitential handbooks merged? Is it possible that the context, first determined by the text (that is, the confessional encounter, determined by the form of the penitential), eventually modified the text, helped to fix or stabilize certain features of the text? It is possible, given this mutually modifying interchange, which could have taken place by the late seventh or early eighth century, that penitentials became "fixed" texts that reflected, in reduced form only, the event in which they originated. Thereafter, the text was relied on to generate, by imitating, the context in which it originated. This is a fascinating possibility.

Penitentials and law codes stand between oral and written production, with production defined as what happened when written texts came to life. Textual production, oral or written, is not just another name for speaking or writing. Written once or many times, spoken for the first or the fiftieth time, texts depend on agents (confessors and sinners) for production. They are reproduced in specific social circumstances and thus they are "context-dependent." The context is created by the text; because the text is written and the context oral, one being fixed and the other ephemeral, they are not redundant. The oral context can be projected from the text and used to supplement the reticence of the early texts about what happens when the text comes to life--when the tradition it is part of it is engaged in concrete circumstances.

Many problems follow from asserting the orality--much less the "fictionality"--of the confessional encounter as a factor to be considered in the history of penance. When Walter Ong argues that "an oral culture has no texts," he stresses that it is self-contained and cut off from context, or "fixed."[21] His stress on the fixed quality of the written text emphasizes the dependence of the oral text on its context. Schaefer exposes the problem of seeking orality in "its contrary," the written text or document; she also notes the confusion between "primary orality"--an oral culture untouched by writing--and orality as descriptive of cultures in which oral and written communication co-existed.[22] Although textual production in oral literature is usually a rubric for discussing oral composition and the recitation of narrative fiction (epic as well as less distinguished or "lower" forms), I wish to focus on production in performance, not composition; and unlike Ong (but like Jauss), I am conscious of and concerned with the effect of genre (in its medieval and modern conceptions). The chief problem with penitentials in literary and cultural history is precisely that they are connected only to written culture, as is modern, scholarly culture. To link them to orality is, apparently, to link them to superstition and to primitivism; to link them to written culture is to link them to our own time and hence to redeem that which in them reminds us of a darker age.

Penitential and legal codes have not always stimulated, as they do today, the scholar's impulse to order and organize according to modern scholarly categories (genre, for example) that which the Anglo-Saxons left us in the chaos of textual experience and manuscript remnants. The purpose and coherence of the texts were dependent on something that no longer exists: a system of communication, a means of systematic interaction and exchange, that both monitored and guided behavior according to social norms. We have the texts, but not the living system of ecclesiastical synods, public ceremonies, and private confessional encounters in which they circulated and that they in turn sustained. A focus on oral and written production, which I take to

mean textual production, offers an opportunity to supplement documentary history with attention to the communication systems within which the texts functioned.

Genre and manuscript textuality

The communications systems to which the penitentials belonged involved two levels: the oral, interpersonal encounter (in confession) and the written act of manuscript transmission. The communicative context to which I refer is, it is true, suggested more that specified or described by the early penitentials. This context is thoroughly textualized in the later materials, however, and they help us to see more clearly the contextual implications of teh earlier and more reticent texts. Private confession was an event that the preiest and the penitent re-enacted--that is, voiced--according to a form controlled by a document that was itself based on previous confessions (and, of course, on other documentary sources, including scritural commentary and homilies).

If the penitentials are eventful as experienced or "lived," texts, as their oral nature suggests, they are also eventful as literary texts. This level of eventfulness or of textual activity concerning the penitentials, the outlines of which are clear in my book, concerns textual transmission. On the first level, penitentials and law codes outline and limit, but do not completely control or supply the specific content, of oral texts. The example of the liturgy is useful here: the liturgy is a written text that produces a fixed oral text when it is read or sung; antiphones and responses are specified and were presumably observed (drama is another analogy). But the penitential text governs a ceremonial encounter with shifting reference to textual guidelines. At the start of the encounter, the penitential provides more than half the oral exchange. The prayers for the priest, and his questions for the penitent, specify the penitent's response. The priest presents catechetical questions at the start of confession: Do you believe in God? Do you believe that all will rise on Doomsday? Do you repent the evil you have said, done, and thought? Do you forgive those who have offended you? These are "real" questions, of course, in an important sense; but at the same itme, one did not say "no" to any of this: the questions were ritualistic rather than real.

This level of utterance and context-dependence, dymamic rather than static, was also the focus of the penitential's instructions to the priest. The most general of these warn him to make certain of the sinner's culpability, health, and social standing. He is told to expect certain responses and to steer them carefully, to watch for signs of weeping (good signs), and to listen to and interpret voice, and to use his own voice with dramatic flair--trembling with fear, and so forth. Here, I think, there was room for improvisation and probably some acting on both parts. After this orally-produced exchange, however, the "script" ceased to exercize full control, since the "script" indicated that personal circumstances, which were unknown but essential, had to be specified. This was the confession, the personal details and circumstances. Thus the oral exchange was, in part, open, although the encounter was firmly closed by a textual end--a joint prayer--and the assigning of a penance which the sinner carried away, a "text" in the form of memorized admonition and penance. The penitent was taught prayers, counselled, admonished, and sent away with these devotional "texts," leading him or her to further oral production in his or her conduct after confession. Confession was an oral performance, but unlike oral performances, it was not ephemeral.

If fictional constructs are to be adapted to the study of Old English prose--a breakthrough that would clearly benefit the study of prose, which does not attract the excited attention always extended to poetry--it will be necessary to reassess the generic boundaries that constrain Old

English literary analysis. The textal boundaries of prose writing in the vernacular were very vague. The continual adaptation of certain phrases and concepts throughout the corpus requires analysis attentive to functional definitions rather than post-Romantic critical categories. For example, in Chapter 6 I survey evidence that Archbishop Wulfstan drafted laws incorporating penance and preached about the interdependence of worldly and religious social harmony; his works are a familiar and prominent focus for the intersection of laws, penitentials, homilies, and pastoral letters in late Anglo-Saxon England.[23] Also amply discussed is Wulfstan's more illustrious and more literary counterpart, Abbot AElfric, whose work weaves together documents including penitentials, homilies, and pastoral letters addressed to Wulfstan, among others. AElfric's pastoral letters are very specific about several genres of penitential texts; three of those letters contain a booklist including the handbooks among the texts that a priest must own.[24] The deployment of legal and penitential texts in various genres is even more richly attested in fragmentary texts that are of undetermined use; for example, a set of instructions for the priest in hearing confession was rewritten to form private prayers. Parts of texts that were adapted for use in several genres are "floating fragments" that can be found in almost all the manuscripts containing handbooks of penance. Penitential texts are often documents about documents--letters about the need to own penitentials, homilies about the need to teach penitential concepts as well as to do penance. Thus the manuscripts containing handbooks and prayers are a rich field in which sources and influences mirror each other, in which massive texts are decomposed into "penitential pieces" which were recomposed and recombined into new texts. Considering this generic diversity from Jauss's perspective, we can begin to grasp the social activity that the texts reflect and prompt. But for decades now evidence of penitential practice has inspired little but investigation into language, vocabulary, and sources. We must consider the place of the speaker in such texts, the relationship of the speaker's individuality to the "vocality" of the text, and other issues of performance normally excluded from discussions of the penitential tradition.

But it is to manuscripts, and to documentary history, that scholars of the penitentials will have to return, although, I hope, with new insight into textual traditions and textual events that can be gleaned from oral studies. One of the limitations imposed on penitential literature is an editorial tradition--a philological tradition--that attempts to recover medieval texts within the confines of modern ideas of text and genre. The manuscripts containing penitentials and prayers have rarely been examined as compilations; instead, individual texts, identified by a modern concept of genre, are pulled out and regrouped into editions of single texts--prayers, handbooks, and so forth--or groups of such texts, in editions very unlike the appearance of the texts in the Anglo-Saxon records. The editions of many Anglo-Saxon texts (indeed, most) stand in a conservative editorial tradition in which manuscripts are mere repositories for language, and history is nothing but a background against which to project language change. The Anglo-Saxon Poetic Records are not, in fact, the records of Anglo-Saxon poetry at all; rather, they are records of editorial decisions that frequently ignore manuscript contexts. The importance of these contexts has been made brilliantly clear by Fred C. Robinson in several recent studies.[25] As scholars become more attentive to the ways in which manuscript contexts condition our knowledge of the function and status of texts, our ideas about the capacity of the penitentials to communicate, and to function within communication systems, will become clearer.

The manuscripts as collections or statements were not, in the beginning of the scholarly tradition, regarded as they are now, and of course, as Robinson shows, not all Anglo-Saxonists so

disregard them. But the preference surely is for the text--the individual poem, the individual homily--to be edited in itself, "for its own sake," rather than for the manuscript as a collection or compilation of texts to be edited as representative of local monastic or communal interests and values. Benjamin Thorpe's edition of AElfric's Catholic Homilies ends with a collection of prayers concerning penance "for laymen who do not know Latin" from Cambridge University Library Gg.3.28.[26] Thorpe included these private prayers--presented as texts for teaching--because the manuscript mixed the genres and because, unlike a modern documentary historian, he was concerned with the manuscript and with a larger picture, not the traditions, much less the language, of specific texts within it.

Earlier Anglo-Saxonists likewise concentrated on the manuscript as a collection and a repository, reading texts in an inclusive context that was not particularized by a sense of genre. They were all more respectful of the manuscripts than Archbishop Matthew Parker and his assistants who, working on Queen Elizabeth's behalf, were the first modern editors of Anglo-Saxon penitential texts. Parker's famous text, A Testimonie of Antiquitie, which appeared in 1566/7 and initiated a revolution in Anglo-Saxon literary history nearly as important that which took place five hundred years before, includes, in addition to AElfric's "Easter Homily," ecclesiastical synods and canons about penitential discipline (taken from one of AElfric's pastoral letters). When Parker noticed defects in manucripts, he blamed them on "papists" who corrupted what he considered the documentary evidence of a genuinely "English" as opposed to "Roman" Catholic Church.[27] The manuscript evidence was valuable only to the extent that it confirmed the existence of an early English ecclesiastical tradition independent of Roman origins and hence Roman corruption. Indeed, it is only in the light of sixteenth-century manipulations of manuscript evidence that nineteenth-century debates about the origins of private penance can be understood (see chapter one).

We have two possibilities in our reconceptualizing of penitentials as literary genres. We can argue that the text was a textual event, in the sense of J.G.A. Pocock, or a literary event, in the sense that traditional criticism thinks of poems as records or reflections of experience.[28] In the latter case we must assume that the penitential was an index to the confessional counter: that is, that it was an actual record of a historical event. The latter assumption is, of course, the more difficult to defend. But the question itself suggests some useful points about oral and written textual production. At the level of text reception--text comprehension and subsequent translation--the "production" of penitentials is anything but automatic or uneventful. Writing the penitentials was a way both to fix and to unfix them--to transmit the texts but to confuse them and undercut their rationale. Anglo-Saxon scribes were not puzzled by these contradictions; this does not necessarily mean that they were ignorant of them. Instead, they likely knew more than the text tells us: they knew the context, and our job, I think, is to try to find it through the texts.

The level of textual reception and documentary history appears to be static or fixed, as that term is sometimes used in orality studies. But the "fixity" of penitentials is rather unusual, since there is considerable instability in the textual tradition. The copying errors within the tradition of a single text--and here I am refering to the traditions of all three vernacular penitentials in Anglo-Saxon--are minimal. The Anglo-Saxon Scrift-boc (tenth century) is fairly typical; in my fifth chapter I compare it with other Old English penitentials to show that they were contemporary documents that sometimes differed in their penitential provisions. The manuscripts of any one text, however, rarely differ in prescribing penance; they do differ in

saying how many months after birth a couple may resume sexual intercourse--one saying six, and the other two seven, but the probable Latin source says three, and the dutiful editor prints three as the "correct" reading, even though no manuscript of the vernacular texts records it.[29] But such inconsistencies within vernacular or Latin traditions are rare; the errors appear when a text is taken from one language into another.

Just as penitentials existed in a place between oral and written texts, and between artistic and utilitarian genres (that is, those that required imaginative participation and those that did not), they existed at the seam between the secular and the sacred. Here again Jauss has important things to say. Jauss notes that the distinction between spiritual and worldly literature is appropriate only to a time after the "fine arts" lost their "ties to cultic and social functions." Jauss takes as one measure of the distance between spiritual and worldly a concept of "literarization." The development of "literary understanding," he argues, "emerges when the text is freed from its social function and begins to reflect on that function and to develop "generic consciousness." There is a correspondence between the development of confession and the development of the handbook that regulated it. The "literarization" of the penitentials becomes obvious in the twelfth century and after, when it is physically apparent in the immense size of the compendia still called "penitentials." The pressure of generic self-consciousness or self-awareness is evident in the growing literature about the literature of penance and in the acceleration of the impulse to compile earlier penitentials and synthesize them in new, inclusive collections.

The development of the confessional, the confession box, in the later Middle Ages is one indicator of self-consciouisness and material consequences--the definition of personal and professional space, for example--in the tradition of penitential practice. The box, designed to keep the priest from seeing the penitent (not vice versa) was unknown in the early period; it developed because relationships between priests and penitents were becoming suspect, as Bernasconi notes. Although few references to this concern with contamination appear in the Anglo-Saxon penitentials, we should suppose that the complications of the communication act that eventually led to this boxing in of the priest were present earlier. This is one of the ways in which, I believe, the explicit problems of the later penitential tradition can help use see more in the scant and closed texts of the Anglo-Saxon period.

As an example, we may consider the massive thirteenth-century Penitential of Robert of Flamborough, in which long conversations between priest and penitent are written out; it is, as its editor says, on its way to becoming not a penitential but a "formal treatise on canon law."[30] One such treatise, the nearly-contemporary Summa of Thomas de Chobham (c. 1215-1216), is a mere 572 pages long.[31] These texts were very far from the social reality I have been describing, an intimate, personal encounter; their "literariness" is clear in their concern with scholastic and theological questions the likes of which appear nowhere in the earlier penitentials.

We may take this "literariness" as an index of distance between the text and the experience it referred to, and as we do so we may wish to reconsider questions about the pratical application of early penitentials. The early text, when compared to later collections, would, by virture of their scant literary features, seem to have been close to their social function. That social function--the experience shared by priest and penitent--supplies for the early penitentials what the later texts acquired through theology and scholasticism: the closer a text is to its cultic or ritual application, the more it is enriched by that situation, and the more the text is context-dependent. Conversely,

the more "literary" text is more self-conscious and less functional, less dependent on context, and less tied to the confessional encounter, while saying more about it.

We should try to see the penitentials poised between several sets of contrasting and conflicting institutions: between oral and written textual production; between the secular and the sacred; and between personal, private history and public, institutional, professional history--between, in this last pair, the Church and the psychoanalyst. The lived experience of the penitentials and law codes is a challenge to scholarship still obsessed with the history of the document and still trapped in a rigid dichotomy between oral and written textual production. There is no need to enshine the penitentials, which for so long have suffered the prejudice of scholars unsympathetic to their doctrinal history, in a neo-romantic recreation of medieval society. Instead, the penitentials challenge scholars who have mastered the impersonal discourse of our century to admit their idea of lived experience into their scholarship and to discuss the lived experience of medieval Christians. In 1806, when John Lingard, a Roman Catholic priest and historian, attacked the Renaissance-Reformation tradition of Anglo-Saxon studies, he did not do so in the spirit of the "new philology" that was about to overtake the study of medieval languages and literatures. Rather, he did it in the person of a priest and student whose knowledge of Roman disciplinary traditions told him--one wants to say instinctively, but of course one means ideologically and historically as well--that the characterization of Roman Catholic theology perpetrated by Matthew Parker, John Foxe, and Renaissance authorities in England was grossly mistaken.

[32] Lingard was certain--and indeed, was able to prove--that Renaissance English scholars had completely misunderstood Anglo-Saxon penitential and homiletic texts. Lingard was far from the academic discourse of later nineteenth-century historians and philologists whose scientific apparatus distanced them from the subject matter they analyzed. In a sense, Lingard is the counterpart at the beginning of the nineteenth century to Charles Plummer, whose late nineteenth-century characterization of the penitentials begins my book. Plummer wrote in the spirit of Reformation polemicists; however it may offend his admirers to read this, it is inescapably true that Plummer, Lingard, and John Foxe had one important thing in common: they did not entertain notions of scientific objectivity that would have bereft their scholarship of personal concern for the subjects they studied. Modern scholars do not have the benefit of the polemical tradition that supplied earlier scholars with voice and conviction. For us, it is difficult to believe--or at least to accept--the intimate connection between the personal and the professional. Private confession and penance are subjects so initimate, however, that one can say with confidence that so long as this connection remains unacknowledged, their secrets will remain unlocked.

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[1] I am indebted to Hans Sauer for qualifications and corrections made in his review, which appeared in Anglia 104 (1986):189-192. Abbreviated references in this introduction depend on the list of abbreviations and on the bibliograhy; works not cited in the bibliography are cited fully here.

[2]See Pierre J. Payer, Sex and the Penitentials (Toronto, 1984), and "The Humanism of the Penitentials and the Continuity of the Penitential Tradition," Mediaeval Studies 46 (1984):340-354.

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[3]James A. Brundage. Law, Sex, and Christian Society in Medieval Europe (Chicago, 1987); on the penitentials, see pp. 152-169.

[4] Franz Kerff, "Das sogennante Paenitentiale Fulberti: Uberlieferung, Verfasserfrage, Edition," Zeitschrift der Savigny-Stiftung fur Rechtsgeschichte, Kanonistische Abteilung 73, vol. 104 (1987):1-40. Raymund Kottje, "Erfassung und Untersuchung der fruhmittelalterlichen kontinentalen Bussbucher," Studi Mediavali 26 (1985):941-950; see also Kottje, "Busspraxis und Bussritus," Settimane di studio del Centro italiano di studi sull'alto medioevo 33 (1987):369-403.

[5] See Richard Newhauser, "Towards modus in habendo: Transformations in the Idea of Avarice," Zeitschrift der Savigny-Stiftung fur Rechtsgeschichte, Kanonistische Abteilung 75, vol. 106 (1989):1-22, and Raymond Kottje, "Eine wenig beachtete Quelle zur Sozialgeschichte: die fruhmittelalterlichen Bussbucher," Vierteljahrschrift fur Sozial- und Wirtschaftgeschichte 73 (1986): 63-72.

[6]Robert Bernasconi, "The Infinite Task of Confession: A Contribution to the History of Ethics," Acta Institutionis Philosophiae et Aestheticae 6 (Tokyo, 1988): 75-92.

[7]Linda Georgianna, The Solitary Self: Individuality in the "Ancrene Wisse" (Cambridge, Mass., 1981). Mary F. Braswell, The Medieval Sinner: Characterization and Confession in the Literature of the English Middle Ages (London, 1983).

[8]Dictionary of Old English, fasc. D (Toronto, 1986); Dictionary of Old English, fasc. C (Toronto, 1988). The Microfiche Concordance to Old English (Toronto, 1980; rev. 1985).

[9] Walter Hofstetter, "Winchester and the Standardization of Old English Vocabulary," ASE 17 (1988): 139-161; see pp. 149-150 concerning vocabulary for "to repent" and "to feel sorrow." A lengthy survey of possibly ninth-century works by Janet Bately is also useful in assessing the vocabulary of Old English prose, but the penitential vocabulary is excluded, perhaps because of the focus on "literary prose." See Bately, "Old English Prose before and during the Reign of Alfred," ASE 17 (1988): 93-138.

[10] Rosamond McKitterick, The Carolingians and the Written Word (Cambridge, 1989). One can begin by correlating lists of manuscripts containing penitentials with her lists of manuscripts containing legal texts; see pp. 46-57 and Table A.

[11] Brian Stock, The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries (Princeton, 1983); see pp. 77-79.

[12] In a forthcoming essay, I use Foucault's concept of the archive to discuss the limits of documentary history in medieval studies; see "Documents and Monuments: Difference and Interdisciplinarity in the Study of Medieval Culture," in Speaking Two Languages: Tradition and Contempory Theory in Old and Middle English Texts, ed. Allen J. Frantzen (Albany, NY, 1991).

[13] There are only brief references to the early penitential tradition in Foucault's The History of Sexuality I: An Introduction (Paris, 1976; English trans. New York, 1978). I refer to vol. 1, pp. 18-21 and 58-73.

[14]Foucault, History, p. 20; see the echo of Foucault's phrase in the essay by Bernasconi, n. 6 above.

[15]Hans Robert Jauss. Towards an Aesthetic of Reception (Minneapolis, 1983), pp. 99-100; for Jauss's distinction between utilitarian and artistic genres, see p. 83.

[16]Ursula Schaefer, "A 'Song of Myself': Propositions on the Vocality of Old English Poetry," Anglistentag 1988 Gottingen, ed. Heinz-Joachim Mullenbrock and Renate Noll-Wiemann (Tubingen, 1989), pp. 196-208. See also "The Fictionalized Dilemma: Old English Poems at the Crossroads of Orality and Literacy," Mundlichkeit und Schriftlichkeit im englischen Mittelalter, ed. Willi Erzgraber and Sabine Volk (Tubingen, 1987), and "The Instance of the Formula: A Poetic Device Revisite," Papers on Language and Mediaeval Studies Presented to Alfred Schopf, ed. Richard Matthews and Joachim Schmole-Rososky (Frankfurt, 1987).

[17] Franz H. Bauml, "Varieties and Consequences of Medieval Literacy and Illiteracy," Speculum 55 (1980): 237-265.

[18] Paul Zumthor, Le lettre et la voix: De la litterature medievale (Paris, 1987), p. 21.

[19]Shaefer, "'A Song'," p. 197.

[20] Foucault, History, p. 20.

[21] Walter J. Ong, S.J., Orality and Literacy: The Technologizing of the Word (London, 1982), p. 33.

[22] Schaefer, "A 'Song'," p. 196 and p. 198).

[23] As Whitelock notes, many Anglo-Saxon laws survive only in manuscripts linked to Wulfstan; see Dorothy Whitelock, EHD, p. 359.

[24]Milton McC. Gatch, Preaching and Theology, pp. 42-43.

[25] See, for example, Fred C. Robinson, "Old English Literature in Its Most Immediate Context," in Old English Literature in Context, ed. John D. Niles (Cambridge, England, 1980), pp. 11-29, and "'Bede's' Envoi to the Old English History: An Experiment in Editing," SP 78 (1981): 1-19.

[26]See Gatch, Preaching, p. 52 and p. 175.

[27]The well-known controversy about Transubstantiation in the Renaissance is discussed by Theodore H. Leinbaugh, "AElfric's Sermo in Sacrificio in Die Pascae: Anglican Polemic in the

Sixteenth and Seventeenth Centuries," in Anglo-Saxon Scholarship: The First Three Centuries, ed. Carl T. Berkhout and Milton McC. Gatch (Boston, 1981), pp. 51-68. I discuss the tradition of Anglo-Saxon studies in Desire for Origins: New Language, Old English, and Teaching the Tradition (New Brunswick, New Jersey, 1990).

[28] J. G. A. Pocock, "Texts as Events: Reflections on the History of Political Thoughts," in The Politics of Discourse: The Literature and History of Seventeenth-Century England (Berkeley, 1987), pp. 21-34.

[29] See the editions cited in chapter 5: Spindler, Bussbuch, p. 184 (section 19b); the source is probably the penitential of Egbert, ch. 7, c. 1 (ed. Haddan and Stubbs, Councils, p. 423); because the Latin gives a penance of three months, Spindler emends the vernacular text to agree with it.

[30]Francis J. J. Firth, ed., Robert of Flamborough, p. 34.

[31] F. Broomfield, ed., Thomae de Chobham Summa Confessorum, Analecta Mediaevalia Namurcensia 25 (Louvain, 1968).

[32] John Lingard, The History and Antiquities of the Anglo-Saxon Church, 2 vols. (Newcastle, 1806). The book was reprinted in 1815 and translated into both French and German (see Stanley B. Greenfield and Fred C. Robinson, Bibliography, p. 42, no. 461.