

example, were people apparently less concerned with expropriation than they were about the possible injustices of distraint, about which they were highly nervous? But to ask for more is to signal just how stimulating and thought provoking this extended essay is.

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Abigail Firey, *A Contrite Heart. Prosecution and Redemption in the Carolingian Empire*, Leiden: Brill, 2009. Pp. 327. \$147.00. (ISBN 978-9-004-17815-1).

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What happens to ideas about, and practices of justice when religion and law meet and become intertwined? How does one convict an offender when “confession” means different things in religious and legal terminology and procedure? Can one convict somebody whose secret confession to God will, in the end, not come out in the open? These and related questions about the interaction between religion and law are at the center of *A Contrite Heart*, which focuses on the Carolingian period, but extends into earlier and later periods as well. Because of Firey’s intention to “listen to . . . those Carolingian discussions and debates” (6) rather than focus on one central question, the cases discussed and the sources employed range widely. In five chapters, Firey takes her readers from the complications that arise from private confession in a public scandal (chapter 1) to the role of penance as both cure and punishment (chapter 2). Chapter 3 discusses the role of popular piety as a bottom-up force that influenced high-level religious discourse. The role of education as a way of disciplining the laity is addressed in chapter 4, with special attention to the role of the capital sins as a tool for prescribing penance. The book closes with a fifth chapter about the reception of, and resistance to, what Firey calls “penitentialism”.

Although this material is important and interesting, there are problems with the ways in which Firey treats it. Most importantly, she presupposes a division in early medieval minds between “ecclesiastical and civil procedure” (40), between secular law and its religious counterpart, and between the Carolingian polity and the church, something no early medieval intellectual would have understood. She views Carolingian history through the eyes of a modern legal historian, who finds “law” and “legal procedure” everywhere, apparently without wondering whether the authors of the primary sources she discusses thought in a similar way. Would the Carolingian episcopate

have considered penitentials as “law books”, for example, or would they have thought that confessors could exercise “judicial liberty” when assigning penance? Would Hincmar of Rheims have considered himself a “jurist”? Such terminology does not fit comfortably in an early medieval context, and it therefore obscures rather than clarifies Firey’s arguments. This is unfortunate, because the subjects she discusses *do* merit attention. Firey is certainly right, for example, when she notes that Carolingian intellectuals struggled with their mixed and often contradictory heritage of late Roman law, handbooks of penance, canonical decrees, the Bible, the church fathers and the barbarian law codes, and it is interesting to see how they tried to distill an authoritative and “correct” way of doing things from all these different sources. Firey’s theory of a concerted Carolingian effort to create all-embracing “Christian imperial law” with well-orchestrated attempts to discipline the laity via penance and an emphasis on the seven deadly sins, however, seems to suppose a lot without satisfactory evidence. Furthermore, her idea of a Frankish Church with so much sense of direction and grip on the (lay) population that it would plan, steer, and mastermind such an operation seems to be too simple. Ideas of correct Christian behavior were in the making during this period, and if there is one clear characteristic of Carolingian intellectual life it was discussion about what exactly correct Christendom entailed, with more and less successful attempts at standardization of texts and practices.

Firey draws on a range of primary sources, such as saints’ lives, handbooks of penance, learned tracts, writings of the church fathers and even a play. Although it is commendable to cast the net wide, her choice of sources is sometimes baffling – why, for example, is Hrotswitha of Gandersheim’s *Thaïs* the only tenth-century perspective on Carolingian penance she discusses (chapter 5) rather than, for example, collections of canon law or perspectives from contemporary chronicles? It is unfortunate that she does not give the reader a little more context for such cases to justify her approach and her interpretation. What the reader misses is an intermediary level in the book, which firmly anchors the author’s terminology and interpretations in the primary material and the wider context in which these sources were composed.

Firey’s book contains ideas that are certainly worth pursuing, and in this sense it is an interesting addition to Carolingian scholarship. It is therefore unfortunate that the author is so focused on her own, rather modern “legalistic” reading of the primary sources that the result of her explorations does not do enough justice to the texts she draws on or the early medieval authors who wrote them.

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