



Kirsi Salonen and Ludwig Schmugge, *A Sip From the "Well of Grace". Medieval Texts from the Apostolic Penitentiary* (Studies in Medieval and Early Modern Canon Law 6), The Catholic University of America Press: Washington, D.C. 2009. 196 pp.

In 1913, the officials of the Apostolic Penitentiary opened up the Penitentiary archive to the German scholar and archivist, Emil Göller, but only for one day. Despite the short amount of time given with the documents, Göller paved the way for succeeding Vatican archivists to study the office of the Penitentiary and its registers. The Vatican finally opened up the archives to scholars in 1983, which made available the registers for the period between 1409 and 1564 – the Seal of Confession continues to protect the registers written after 1564. Kirsi Salonen and Ludwig Schmugge's book, therefore, takes a prominent place in a relatively short, but prolific, historiography of the Apostolic Penitentiary and its archives.

The book is arranged in two parts. Part 1 comprises the bulk of the scholarship, and contains a history of the archive and of the office of the Penitentiary. It includes thorough discussions of the complex and diverse subject matter that fell under the jurisdiction of the office, as well as the process by which a petitioner may request a grace from the Penitentiary. Part 2 contains a sample of twenty documents, found in various archives throughout Christendom, used by the authors to supplement the Penitentiary archives. The authors provide full transcriptions and translations of the documents, as well as black and white images of each document at the back of the book. Even more

impressive is the CD-Rom, included with each book, containing images of the documents that one may enlarge for a clearer view.

Despite its short length (less than 200 hundred pages all-inclusive), the importance and value of this book cannot be stressed enough. It is a superb introduction to the office of the Apostolic Penitentiary for any medievalist or person interested in religious and papal history. The authors have condensed a considerable amount of information into a manageable and readable volume. At the same time, the breadth of scholarship behind the book, and the expertise possessed by the authors, will surely satisfy the specialist of the papal curia and of canon law.

Chapter 1 begins with a history of the Penitentiary archives between 1409 and 1890, touching upon the detrimental impact of the *Sacco di Roma* of 1527, and the Napoleonic invasion of the Papal States and Rome in 1809. A physical description of registers follows, as well as a discussion of the sixteenth-century changes made in the registration system. The authors then provide a brief historiography of the studies on the office of the Penitentiary published since the 18th century.

Chapter 2 is the most comprehensive part of the book. It contains a history of the office of the Penitentiary, and details the rapid growth of the office between the twelfth and fifteenth centuries. The authors rightly point out that the office grew alongside the development of canon law, and remind us of this fact throughout the entire book. They convey succinctly just how large the office was by the last half of the fifteenth century, and estimate that the office handled between 2, 800 and 3, 600 cases each year.

Salonen and Schmugge then turn to the task of defining the issues that fell under the jurisdiction of the office of the Penitentiary. Following the arrangement of the registers, the authors identify the seven most common subjects treated therein: marriage, papal declarations, legitimacy, benefices for illegitimate children, promotion and ordination, confession, and miscellaneous cases (*de diversis formis*). Any Christian who found him or herself in violation of the canon law regulations for any of the mentioned categories was obliged to petition the office of the Penitentiary for one of four types of papal grace. The four types of grace were 1) an absolution for a severe sin beyond the jurisdiction of the local bishop, 2) a dispensation that would allow one to act – with good reason – against the norms of the Church, 3) a license to deviate from

usual Christian practice, 4) a letter of declaration to clear one's name from unjust murder accusations.

The fact that some people petitioned the office for more than one type of grace – an absolution for entering into an illegal marriage, for example, as well as a dispensation to continue in the marriage – demonstrates just how complex the process could become. As the authors exhaustively discuss each of the seven categories in detail, they supply similar examples of the possible combinations of situations in which petitioners might find themselves, or which the office of the Penitentiary might address. Nevertheless, Salonen and Schmugge carefully guide the reader through the material in an understandable manner, all the while providing references to the canons issued at various church councils. These references serve as explanations for decisions made by the Penitentiary, or for why one might petition the office in the first place. Discussion of each category concludes with a quantitative table that reflects the geographical distribution of whence the supplicants came. Salonen and Schmugge offer a brief and limited analysis of the data in each table, and raise many questions concerning why some regions in Western Christendom had a higher instance of petitions for certain issues than other regions.

In Chapter 3, the authors turn to the inner machinations of the office of the Penitentiary. They lead the reader through the entire process; from the initial steps taken by a petitioner to submit his or her request, to the procedures used to signify the approval of a supplication by the Cardinal Penitentiary, or one of his regents. The authors identify the officials responsible for the petition at each stage of the process, and detail the specific responsibilities they each possessed. These officials included the *auditores*, specialists in canon law who were ultimately responsible for ensuring the decision was in accordance with the regulations of the law. Added to this dynamic organization were the minor penitentiaries, officials who received confessions and issued absolutions at all the great basilicas in Rome (St Peter's, St John Lateran, and St Mary Major). The business of granting a papal grace was not only the jurisdiction of the office of the Penitentiary. Other departments of the papal curia, such as the Datary and Chancery, were also involved in the collection of fees and the issuance of dispensations and absolutions. The authors do an excellent job conveying just how large and complex the entire process could be, without overwhelming or discouraging the reader.

Chapter 4 ends the first part of the book, and is devoted to a description of the diplomatics of the documents issued by the office of the Penitentiary. With few exceptions, the letters issued by the office were not registered or copied in the Penitentiary archives, and therefore must be found in local archives throughout Christendom. For example, a rare letter of absolution, issued by a minor penitentiary in 1455, is in the Swedish National Archives. A letter of petition dated 1460 is in the National Library of Finland, while the University Library of Bonn houses a letter of dispensation, issued in 1454 by Cardinal Penitentiary Domenico Capranica himself. Salonen and Schmutge use these original documents, as well as the occasional copy of an original recorded in the registers, as models for the diplomatic construction of the documents issued by the Papal Penitentiary.

The authors divide the documents up into the diplomatic parts that characterize most medieval documents, and discuss the variances in formulas and construction that occur. I was particularly pleased that the authors go a step further and actually apply the science of diplomatics to the documents, rather than simply fitting them into the well established paradigms. They speculate about the grammar in the *expositio* of the letter of supplication, and cautiously suggest that the variance in the mood of the main verb may or may not indicate the physical presence or absence in Rome of the petitioner. The authors do not dwell on the subject for long, nor do they make a definitive argument. The point they raise, nevertheless, is important. To determine whether the supplicants, particularly those from beyond Italy, personally presented their petitions rather than by messenger, would shed important light on the possible economic status of some of the petitioners in particular, and the social and economic history of medieval Europe in general.

The criticisms I have of the first part of the book are minor, and understandable with respect to the length of the book. Firstly, the historiography supplied in chapter one is rather brief, with no synopsis of the arguments or conclusions drawn by previous scholars, nor any indication of how each author differed from, or built upon, the works of his or her predecessors. The authors do provide an extensive bibliography at the back of the book, which serves as a starting point for anyone interested in the historiography.

Secondly, the authors avoid any discussion of the values of the fees charged by the office to consider a petition and issue a grace. To be fair, the authors are upfront about their decision to exclude such a discussion, and

provide references to scholarship conducted on the tax lists preserved in the Penitentiary archives (p. 78–9 n. 21). Later in the work, however, the authors mention that the fees were waived for some petitioners who had a relative in the office, and refer to the fee paid by a petitioner in 1483 as 6 *tournois* (Document 15). Was this a representative amount? Did the amount of the fee fluctuate with the type of grace granted? To charge a fee for a service was different from simony (as the authors were sure to point out), so were all the fees therefore the same? The office dealt with a high volume of cases in the late fifteenth century, and the cost to the supplicant could be an important factor in his or her decision to bring the petition to the Papal curia. A brief discussion, or perhaps a statistical chart or table summarizing conclusions drawn in other studies, would have been a valuable contribution to this work.

Thirdly, on page 65, Salonen and Schmutge discuss the issuance of letters of confession, which allowed the bearer of the letter to choose a man other than the local parish priest as a confessor. The authors suggest that the reason for the high volume of petitions for such letters (over thirteen thousand cases, or 12 percent of all cases handled by the Penitentiary, between 1455 and 1492) can be explained by the rise of the mendicant orders. They are correct to point out that the members of these orders had become a source of competition for the secular clergy within the realm of the cure of souls, and were the natural choice as an alternate confessor. The basis for the evidence for the petitions, however, is the registers from the late fifteenth century. The mendicants orders had already been in existence for over two centuries, therefore their “rise” cannot account for the high volume of petitions for letters of confession, particularly from France, at the end of the fifteenth century. These minor criticisms in no way detract from the value of the work, and are trivial in comparison to the book’s countless attributes.

Part 2, in my mind, is the reader’s reward at the end of a satisfying, yet challenging book. As mentioned at the beginning of this review, Salonen and Schmutge provide full transcriptions and translations of a representative sample of the documents they used. They also provide the readers with images of the documents – either by quick reference to the black and white photographs in the book, by CD-ROM, or, even more conveniently, online at the Catholic University of America Press website.

The transcriptions are excellent. Errors do appear, but very rarely, and do not effect the interpretation or translation of the documents. Document 14,

however, contains enough errors to be noteworthy. In line 4, for example, *invasorem* should read *invasoris*; in line 7 *duxerunt* should read *duxerent*; and in line 25, the word *ut* should appear between *emulis* and *asseritur*.

I would have appreciated two or three paragraphs at the beginning of the section in which the authors detailed their editorial methods. This would have preempted many of the questions that immediately came to mind as I read the transcriptions. Why, for example, do the authors not indicate their emendations to the text? In Document 6, line 19, the authors rightly correct *discretionis mea* to *discretionis vestre*. Likewise, in Document 17, line 8, they rightly change what appears to read *quosquam* (although the “s” appears in an admittedly questionable form) to *quoquam*. In neither instance do the authors denote their corrections.

I was further puzzled by the inconsistent expansion of the abbreviations in the dating clauses for the terms of the Roman calendar: *idus* versus *idibus* (cf. Documents 4 & 11), and *kalendas* versus *kalendis* (cf. Documents 2 & 8). Was their decision to expand the same abbreviation in different ways based on local scribal practices?

The translations are flawless, and rendered in fluent English – a feat in and of itself! I do wonder, however, why the translator maintained the Latinized forms of some names (particularly the names of the petitioners or persons concerned), while others were rendered in their English forms (such as Pope Nicholas and SS. Peter and Paul)? Again, a few remarks on editorial methods and translation practices would undoubtedly have preempted such questions and concerns, and may have clarified the perceived errors in transcription.

I cannot stress enough how pleased I am with this book. It has accomplished everything a good, introductory book should. It provides the reader with the background information essential to the office of the Penitentiary and its archives, and directs the reader to the scholarship on subjects beyond the scope of the book. Part 2, meanwhile, satisfies the diplomatist and anyone interested viewing medieval papal documents. The manageable length and concision of the presented material belies the monumental amount of scholarship that went into the book’s construction. Most importantly, the book has peaked this reader’s further interest in the office of the Penitentiary. Salonen and Schmutz have demonstrated that letters issued by the Penitentiary are waiting to be uncovered in local archives

throughout Christendom. The future discovery of such documents and the possibilities they might represent for the reconstruction of the earlier Penitential archives, is truly exciting. This study should appear on every medievalist's bookshelf.

Nicole Hamonic, PhD
Marco Institute of Medieval and Renaissance Studies
University of Tennessee, Knoxville
nhamonic[at]utk.edu.