Justice in Anglo-Saxon England:
A New Approach to an Old Concept

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> In many ways reading a medieval book cannot be entirely distinguished from understanding medieval people.
>
> -Stephen Medcalf,
> "On reading books from
> a half-alien culture."

Understanding the minds of Anglo-Saxon people who lived over nine hundred years ago is a difficult if not impossible task. Even to attempt such an understanding is pretentious, for it requires the reader to cross numerous barriers: temporal, cultural, social, linguistic, technological, and even conceptual. Reading Anglo-Saxon works requires the reader to do more than simply apply his (or her) knowledge to the text; he must defer some of his or her cultural assumptions in order to avoid the temptation, as T.A. Shippey terms it, of making "the subject fit what he happens to know" (Old English Verse 16).

This temptation of the modern audience to mould any given aesthetic work to its own understanding makes it difficult for twentieth-century individuals to read works from the past without losing integral portions of meaning. This problem multiplies when one must bridge what C.S. Lewis calls the "Great Divide" separating pneumatic from scientific methods of thought (10). Thus, an individual

must comprehend not only the words of Anglo-Saxon texts. He or she must also perceive the way in which pre-modern men and women thought about themselves and their universe, the Anglo-Saxon "act of knowing", or cognition (Gholson 7).

Child psychologist Jean Piaget has provided us with an important tool for understanding the cognition of earlier cultures. Just as the moral reasoning of Anglo-Saxon works is alien to that of its twentieth-century audience, the moral reasoning of children is alien to that of adults. In fact, the moral reasoning of children is **independent of** and often opposed to that of adults. This discovery enabled historian Charles Radding to compare the cognitive processes of medieval European thinkers with those of the children studied by Piaget. As Radding contends, "...while Piaget's materials are remote from those that historians customarily dealt with, the issues he sought to address about the processes of learning and thought are not" (World 4).

Thus, a Piagetian paradigm such as Radding's helps a modern audience to decipher messages from the past. A Piagetian framework is particularly applicable to Old English works, for unlike the sources in Radding's analysis, a large portion of these works stem from the oral tradition. Since they are not subject to the alienation created by "technological inventions of writing, print, and electronic verbalization" (Interfaces 1), author (a word I hestitate to use because of its twentieth-century implications) and

audience are more likely to share similar cognitive processes.

Even so, an inevitable objection to the use of a Piagetian framework is that to compare the cognition of Anglo-Saxon people to that of modern children is to pass moral judgment on the former as inferior to modern adults. This research most emphatically does not reach such a conclusion. The essential point is not that Anglo-Saxon people reasoned on an inferior level; it is merely, as Radding states it, that "..historical peoples reasoned differently than we ourselves do..." (20). A Piagetian framework may help elucidate such differences in reasoning because "consciousness grows through time", both ontogenetically and phylogenetically (Interfaces 42). In fact, the most significant contributors to cognitive growth are literacy and formal education (Hallpike 30), neither of which most Anglo-Saxons experienced. Comparison of the beliefs held by the children in Piaget's studies with the beliefs found in Old English words does not dictate absolute correspondences. Rather, it suggests roughly analogous belief systems, forcing the reader to consider both similarities and differences. Thus it is possible to say that Old English works exhibit evidence of an earlier stage of cognitive development without criticism or condescension.

One of the most fundamental beliefs common to children

and traditional peoples is the concept of immanent justice. A knowledge of a society's concept of justice is essential to the interpretation of any work, for it cues the reader or listener how he is to interpret the material before him. The concept of justice is central to societal morality and mores: it decides who is hero and who is villain, what is good and what is evil, what is Right and what is Wrong. Thus the idea of justice held by a society both permeates and shapes its works.

This research seeks to ferret out the Anglo-Saxon concept of justice by employing a Piagetian model of analysis to a broad and varied sample of Old English works. This sample includes a wide range of "genres", including epics, elegies, homilies, sermons, saints' lives, law codes, and even maxims. Some of the works have identifiable authors; some do not. Some are specifically religious works; some are secular in nature. Moreover, the sample includes works of both prose and verse, works written to entertain and works written to instruct, with dates ranging from the seventh to the eleventh century. Such a varied selection is necessary, for the broader and more representative the sample, the more likely the researcher will be to resist the temptation to make the subject fit her expectations.

I hope to demonstrate that application of a Piagetian framework to Old English studies is a pertinent and

innovative method of historicist criticism, even if it does no more than circumvent some of the culture-bound assumptions that a modern reader brings to Old English works.

Beowulf: The Morality of Monsters and Heroes

Children tend to believe in immanent, retributive justice -- the idea that automatic punishment stems from external forces. Piaget determined the extent of this belief by telling the following story to a group of children. Two children stole apples from an orchard. A policeman caught one child. The other fell into a river while crossing a rotten bridge trying to escape. Upon questioning by Piaget and his assistants, almost ninety percent of the children of ages seven and eight affirmed the existence of immanent justice. These children overwhelmingly believed that events are the direct consequences of moral behavior, and although some of the children said that God had effected the "punishment" of the thief, Piaget attributed this not so much to a personal faith in God as to a "formula ingrained in the child by parents" (MJ 254). Even some adults, according to Piaget, felt that "...people's actions are the object of equitable rewards and punishments [in every-day life]...." Therefore, it is neither chronological age nor "mere experience which destroy belief in immanent justice" (MJ 261) and the idea that natural events have meaning, that the natural order is based on moral as well as physical laws.

As a result, it is hardly surprising that Beowulf, which was probably composed in early eighth-century Anglo-Saxon England, should manifest strong indications of similar beliefs. Beowulf stems from the oral tradition (Irving Intro 7). Oral literature reveals that "primitive" societies emphasize "actual behavior" over "purely private experience" (Hallpike 392), and judgment of the individual comes "from outside, not from within" (Orality 55). Therefore, in order to interpret individuals' actions in oral cultures, one must understand the societal criteria for assessment of individual behavior. Beowulf is judged upon his actual behavior by the poet and his characters, and the concept of justice in Beowulf is especially indicative of an early stage of cognitive development for it is both an immanent and retributive justice which pervades the poem and shapes the portrait of the protagonist.

Just as the thief in Piaget's story failed because he was morally bad, Beowulf succeeds because he is morally good. This statement is valid whether Beowulf is a Christian hero or not, for as Piaget's study reveals, references to God do not preclude Christianity. External objects and events -- physical characteristics, victory in battle, treasure, and fame -- signify to the characters and the Anglo-Saxon audience the inherent worth of the hero. The concept of immanent justice amplifies the heroic nature of Beowulf, and the view of him as a moral hero does not

contradict the works of those scholars who focus extensively on his physical attributes, for these attributes are but reflections of his moral goodness. What a twentieth-century reader deems barbaric, blood-thirsty, and boastful in Beowulf, the characters themselves would view as evidence of morality.

Beowulf's character unfolds in the scenes preceding his battle with Grendel. The Beowulf poet first describes the hero as "god mid Geatum" (Swanton 195) and portrays him in such a manner that the Danes will agree that Beowulf is indeed both morally and practically a good man amidst the Geats. "Mægen", which appears throughout the poem in reference to the hero, refers both to physical strength and to virtue (Robinson 104; Rogers 24), and the use of this term indicates the close correlation in the Anglo-Saxon mind of external attributes with inner goodness. Only once in Beowulf is "mægnes rof" used to describe one of Beowulf's enemies (Grendel), and this usage of "mægen" seems highly incongruous with the double connotation of the word (Rogers 241). Nevertheless, the use of "mægen" with this one notable exception seems to indicate the connection in the Anglo-Saxon mind between physical attributes and inner moral goodness.

The Danish coast guard assesses Beowulf's character largely on the basis of his physical appearance. Before the Geats can so much as introduce themselves, the coast guard

decides that Beowulf is "no retainer made to seem good by his weapons" since his "unequalled form" belies him (Donaldson 5).

Nis þæt seldguma,
wæpnum geweorðad, næfne him his wlite leoge,
ænlic ansyn. (Swanton 249b-251a).

Although the coast guard speaks of judging by "words and works" (Donaldson 6), his own judgment seems to accept Beowulf's physical bearing as indicative that he and his men are friendly. Words and work are both external, and the coast guard's judgment validates C.R. Hallpike's anthropological studies of "primitives" as well as Piaget's studies of children. Discussions about appearance versus reality do not appear in pre-modern, pre-industrialized societies, for the appearance is the reality to the primitive's mind, and even thinking and understanding are related to behavior and bodily movements (Hallpike 391). And as Piaget discovered, children do not do much thinking about thinking. Similarly, external, physical details form the reality of Beowulf for the character of the poem.

Wulfgar confirms the coast guard's assessment of the visiting Geats. On the basis of their weapons and war-gear, Wulfgar decides that the Geats are "wyrðe" of earl's esteem (Swanton 368; Klaeber 14). Even Hrothgar feel that "Hine halig God for arstafum us onsende, to West-Denum..."(Swanton 381b-383a), indicating that God has sent Beowulf to the

Danes to solve their monster problem, a task of which the warrior is eminently worthy. The judgments of Beowulf made by Hrothgar, Wulfgar, and the coast guard exhibit a concept of immanent justice, for they attribute Beowulf's outward characteristics to his worthiness to bear them, accepting his appearance as reality.

Beowulf himself interprets the will of God at work in his own life, for he says in his formal boast preceding the Grendel battle, "The one whom death takes can trust the lord's judgment" (Donaldson 8).

> Dæ r gelyfan sceal
> Dryhtnes dome se þe hine deaðe nimeð.
> (Swanton 440b-441).

The beot demonstrates Beowulf's worth, for the hero recounts past deeds to prove himself morally worthy of victory. He establishes his credentials and sets the terms for the upcoming battle in which he hopes to serve as God's champion against God's enemy Grendel. The beot is like a verbal contract sealing Beowulf into a course of action, a contract which he concludes by saying "Gæð a wyrd swa hio scel!" (Swanton 455). Although the concepts of Wyrd and God seem incompatible, Wyrd (often translated as fate) represents not so much chance as uncertainty and fits well with the concept of immanent justice.

Wyrd and God may well be merely alternate words for the external mechanisms effecting the punishment and reward of

the individual, and the two merge in what Irving terms the "Unknowable that both resists and carries to safety the resolute hero" (Intro 45). Wyrd is not a predestined fate to which the hero resolves himself, for "Wyrd oft nereð unfægne eorl, þonne his ellen deah!" (Klaeber 72b-73). The hero may triumph over Grendel if he is good enough to sway the Unknowable in his favor, and God, who represents those external forces responsible for justice, may aid his victory. In effect, God's will and Wyrd are almost identical ("Overview" 98), and Beowulf can still receive an earthly reward for his goodness since, as King Alfred said, God "rewards each one according to his desert" (Sedgefield 141).

The Grendel fight is a trial by battle, a judicium Dei with each side vying for the judgment of God in his favor (Bloomfield 546; Frank 54). Beowulf's adversary is a supernatural being, a shadow-goer, a very real and fearsome foe to the audience of Beowulf since "magic is endemic in all primitive societies" (Radding 144). Grendel confirms the Old English maxim that "...a monster must live in the fen, alone in his land" (Maxims II 43-44a). The "King of Glory" appointed Beowulf as the "hall-guard [seleweard] against Grendel" (Donaldson 12), and Beowulf forgoes weapons in order that God may "assign glory on whichever hand [ironically] seems good to him" (Donaldson 13).

Ond siþoan witig God
on swa hwæþere hond, halig Drhyten,
mærðo deme, swa him gemet þince,
(Swanton 685b-687).

Grendel is morally reprehensible, a travesty of every virtue found in good men like Beowulf. Grendel bears God's wrath and the mark of Cain, and he lacks "a religious recognition of forces beyond himself" (Irving Intro 49).

Thus he, unlike his adversary Beowulf, does not fully understand the terms of their fight, the factors which predict the outcome. Beowulf had faith in the "grace, help, aid of God" in his fight with Grendel because justice was on his side; he trusted his strength "because he trusted in God" (Donahue 88). Hence, the "good man [Beowulf] stood upright against Grendel," receiving strength from God to wrest Grendel's arm from his body. As a result, "Beowulfe wearo guohred gyfepe" (Swanton 819). "Glory in battle was given to Beowulf" (Donaldson 15), a sign that God has reciprocated the warrior's goodness. His gift of supernatural strength and courage would sound improbable to modern readers, but the audience would have been far more cognizant of miracles in daily life. Glory and victory are sure indicators that Beowulf is living up to his moral potential, and the Geats rejoice and thank God for Beowulf's success.

The fight with Grendel's mother is further proof of immanent justice. Having proved himself "to be a hero through his own actions" (Irving Intro 61) in the fight with Grendel, Beowulf receives even more help from God in the battle with Grendel's mother. Beowulf confronts the mere-wife in her own domain to effect retribution for Æschere's death. The hero loses ground steadily at the battle's onset, but God protects him and upholds his cause: "Witig Drihten...hit on ryht gesced..." (Swanton 1554b, 1555b). God has already decided that he is going to support Right, in this case Beowulf. All that remains is for Beowulf to actually kill the monster with the help of a "victory-blessed blade" (Donaldson 27). God is the "magical donor" of the sword, but Beowulf must be virtuous and courageous enough to use it (Gould 100). Yet the hero acts not only as God's instrument to punish Grendel's mother.

Justice is two-fold: God rewards Beowulf's goodness while punishing the evil deeds of his enemy. The hero and the other characters recognize this mechanism. Beowulf's thanes thank God for his safe return from the mere, and the modest hero is quick to acknowledge God's protection (Donaldson 29). Hrothgar's advice to Beowulf after the fight with Grendel's mother reiterates the fact that "man's victories are God's victories..." (Rogers 249), and he makes it quite clear that Beowulf is not simply a strong man. Hrothhgar thanks God (not Beowulf) for the victory, much as

Wealtheow had thanked God for Beowulf's arrival in the land of the Danes. Even so, Beowulf does not remain empty-handed. As in the battle with Grendel, Beowulf's goodness is again rewarded with victory, glory, and the Danes' gift of treasure.

Surely immanent justice favors Beowulf in his battles with Grendel and Grendel's mother, for he gains not only victory but glory, treasure, and fame. Yet the outcome of the dragon-fight does not fit the pattern of the earlier battles because the hero dies at the end of it, tempting some scholars to view Beowulf's death as a sign that "flaws in his human nature" have brought him defeat (Goldsmith 239), suggesting that the "heroic ideal is ineffectual and futile..." (Huppe 90). It would be easy to contend that Beowulf succumbed to ofermod at last, but the reader receives no concrete evidence that the formerly "good man" degenerated morally in his old age, and he did not steal from the dragon-hoard. Blameless, Beowulf seeks the dragon to protect his people.

The dragon, although a different sort of monster than the previous two, is also a "mansceaða" (Swanton 2514), an evil-doer. The dragon, wyrm, seems related to the serpent in the garden of Eden just as Grendel was of the race of Cain (Lee). Beowulf again leaves the outcome in the hands of fate and is again on the side of Right, for the poet describes him as "gumcystum god" (Swanton 2543).

Nevertheless, Wyrd did not allot Beowulf "glory in battle" (Donaldson 45), and his sword failed. Regardless, Beowulf does not die in defeat. The poet makes it clear that Beowulf is still to be revered, and the hero himself thanks the Lord for the dragon's defeat and the accrual of the hoard (Swanton 2794-2798).

The treasure acts as conclusive proof that Beowulf's death was not due to any moral failings, for as Donaldson wrote, treasure seized from enemies "is a kind of visible proof that all parties are realizing themselves to the full in the spiritual sense..." ("Overview" 99). This fact is supported by the Anglo-Saxon maxim that treasure is dearest, "as gold is for every man" (Shippey Maxims II 10b-11a). Treasure is "mægnes med" (Klaeber 2146), the reward of virtuous might. Furthermore, Beowulf says that he has bought the treasure with his life, indicating that his life is indeed treasure-worthy. Treasure had a symbolic value for the characters of Beowulf which was greater, perhaps, than any monetary worth.

To a modern audience, it seems ironic that Beowulf spent his life on treasure for the good of his people, who will not benefit from it. Kaske is probably correct in claiming that the treasure becomes "unnyt" since the "rare ability to wield it has perished" (450). If the treasure mirrors Beowulf's virtue, than it seems only fitting that it should perish with him. Beowulf is ultimately overcome

by external forces beyond his control, but he did not die in defeat. In fact, Beowulf "wonderdeaþ swealt" (Swanton 3037); he "died a wonderful death" (Donaldson 53) since he defeated the dragon, got treasure, and achieved fame. Beowulf's death was ineluctably better than those suggested by Hrothgar -- to die overcome by sickness and age.

The dragon battle allows Beowulf the chance to die heroically and face death as he faced life, without qualms or cowardice (Kaske 454). The Christian poet pays Beowulf a supreme compliment, predicting that the hero will abide long in the Ruler's protection or keeping (Swanton 308b-309). Posthumous fame was a principal goal of life (Partridge 200); therefore, Beowulf receives the ultimate tribute, a fame which lasts even after the loaned life fails. As Anglo-Saxon maxims advised "Fame is best" (Maxims I,B 10b), but it must be earned (Maxims I,C 2b). Beowulf earned his fame, and he leaves his people "a lived-out example of total devotion, a kind of ethical brightness..." (Irving Intro 88). This "ethical brightness" emphasizes the moral nature of justice in a society which as Donahue says, "is not heathen. But it is not Christian either" (79). Beowulf does not die due to moral degradation; he dies because he must, and he dies in the best way possible for an Anglo-Saxon warrior, attaining both "mærðu" and "gestreon," the highest earthly rewards for virtuous action.

Morality, according to Piaget, is a system of rules, the essence of which lies in the "respect which the individual acquires for these rules" (MJ 1). Heroic imperatives govern Beowulf's action (Huppe 35), and he fulfills the highest ethical requirements defined by his society. Yet his morality is not distinct from his incredible physical strength, his battles with monsters to gain glory and treasure. Rather, these external characteristics verify and reflect Beowulf's heroism, for the concept of immanent justice in Beowulf is no longer compatible with modern cognitive development.

Hence, as T.A. Shippey wrote, "What was implicit for the poet and his Anglo-Saxon audience may need to be explicit for us...(33). Even if one hesitates to call the concept of justice in Beowulf child-like, he or she must concede that it is different than a modern idea of justice, that the cognition inherent in the text is different than his or her own. A Piagetian model provides a useful framework for analysis because it prompts a modern reader to reconsider his assumptions about justice, heroism, and virtue and to question the validity of applying these assumptions to works such as Beowulf from a culture not his own.

Divine Justice in the Sermons of Ælfric and Wulfstan

Not only do secular Old English works such as Beowulf manifest unfamiliar concepts of justice and ordered society; religious works -- sermons, homilies, saints' lives -- reflect similar ideas. The religious writings of Ælfric and Wulfstan are particularly valuable sources to analyze in the search for the cogniton of early medieval England, for the writings of the two men are unique as "vernacular documents in the history of European culture", reflecting not only their own "local traditions" but also the "intellectual developments of the tenth and eleventh centuries" (Gatch TTMR 6-7). As such, they represent a different perspective than the Beowulf poet but a valuable one nonetheless, for although Wulfstan and Ælfric, as scholars and church leaders, represent intellectual developments, their sermons and homiletic materials, especially those of Ælfric, are for the common people and reflect the cognition which they share.

Wulfstan's "The Sermon of 'Wolf' to the English when the Danes Persecuted Them Most, Which Was in the Year 1014 from the Incarnation of Our Lord Jesus Christ", or as it is alternately known, "Sermo Lupi ad Anglos", is a rather remarkable attestation of the presence of a concept of immanent justice in Anglo-Saxon England. It is remarkable both for the consistency of its treatment of justice as well

as for the nature of its authorship. Not only was Wulfstan Bishop of London (996-1002) and Archbishop of York (1002-1023), he was also active as a statesman and is "responsible for much of the legislation of both Æthelred and the Danish King Cnut" (Bethurum 116). Thus, Wulfstan as an individual represents both the secular and religious thought of his age, although the archbishop himself would probably have considered such a division between secular and religious matters absurd.

"Sermo Lupi" did indeed come at a very tumultuous time in English history. Viking raids were a frequent occurrence. King Æthelred went into exile after Christmas 1013, and the Danish King Swegn assumed power. Although Æthelred returned upon Swegn's death the next year, Swegn's son Cnut continued the Danish "persecution" of the English (Bethurum 116). As one writer describes the situation, "national anxiety and demoralization" were "acute" (Cassidy 255). Certainly Wulfstan interprets the raids as persecution, but he is not certain that the persecution is unjustified.

The primary theme of his sermon, in fact, is that the sins of men have caused the present situation. Above all, his sermon reflects a "practical morality" with which he hopes to "regenerate" the English nation (Jurovics 203). His first point is that the world is growing continually worse as a result of the sins of men. He speaks of sins

collectively, as things, objects which accrue upon a nation, and since sins are collective, so too must be the remedy: "Because we have earned the miseries which oppress us by great demerit, we must obtain the cure from God, if it is to improve henceforth by very great merit" (Bethurum 117). Justice and injustice, reward and punishment, form a simple equation: do good and receive reward; do evil and receive punisment.

The whole sermon is adamant about this point. Wulfstan even details a list of sins, including failere to protect one's kinsmen, lust, injury of others through word or deed, back-stabbing, betrayal of one's lord, plotting against property, homosexuality, and selling kinsmen into slavery. But perhaps the most interesting sins deal with failure to follow rules or procedures, which Wulfstan views as disloyalty. The failure of clerics to follow a rule is a sin, as is the failure of laymen to follow the law. Perjury and the breaking of pledges are also offenses against God and man. This emphasis upon rules is particularly interesting since, as Piaget discovered, children tend to interpret rules literally and externally, a phenomenon which he termed moral realism. Rules are heteronomous and are to be obeyed, not questioned (Sugarman 68). Although it is difficult to discern the extent of such a belief in Wulfstan's sermon due to its limited references, the Archbishop would probably agree with Piaget that "morality

consists in a sytem of rules..." (MJ 1). It is just such a system of rules which Wulfstan promulgates and whose importance he defends. In fact, the importance of keeping one's oaths and pledges seems an important and recurring topos in the Old English canon, and it appears again in Wulfstan's Institutes of Polity as well as in the law codes and in heroic poetry, including The Battle of Maldon and Beowulf.

According to Wulfstan, the effect of sins is to bring the wrath of God down upon the English people, making them "entirely without victory and too much cowed". In fact, the sermon itself is "not so much about penance as the nation's desire to avoid it" (Frantzen 162). God not only weakens the English; he strengthens their adversaries: "the pirates so strong with God's consent, that in battle often one will put to flight ten, and sometimes less sometimes more, all because of our sins" (Bethurum 119-120). Just as the battle between Beowulf and Grendel was a judicium Dei on the individual level, the battle of the English and the Danes is a national judicium Dei, and God has evidently decided that the sinful English merit punishment through defeat. The pirate victories are external indicators of God's wrath. As Wulfstan poignantly says "[The Danes] ravage and they burn, plunder and rob, and carry away on board; and indeed, what else is there in all these events but the wrath of God clear and visible towards this nation?" (Bethurum 120).

Wulfstan provides a very simple explanation for events: God provides earthly as well as eternal punishment for earthly sin.

Wulfstan's summation encapsulates his vision of justice. As Raachel Jurovics has pointed out, "...the Sermo exhibits Wulfstan's intense reforming impulse: as law sets forth practical rules of conduct, the sermon sets forth the Christian imperative for moral action..." (206). Although Jurovics overstates the division between practical rules of conduct and moral imperatives, her point is a valid one. The English may patch up what they "previously broke" if they "bow to justice and in some part to leave off injustice." They can accomplish this remedy by ordering "words and works aright" (a curious echo of the coast guard's advice to Beowulf), by carefully keeping "oath and pledge" and by having "loyalty between us without deceit." Then, as if by afterthought, Wulfstan states that not only will these good deeds remedy present problems, they will also help the people "earn...those glories and joys which God has prepared for them that work his will in the world. May God help us. Amen." (Bethurum 122). This eschatological reference seems somewhat disjunctive, since the major portion of the sermon dealt with earthly, not heavenly, rewards for human behavior.

Of course one may criticize the presence of immanent justice in this sermon as being peculiar to the genre. And it is certinly true that Wulfstan's language is not that of

"ordinary conversation" (McIntosh 123). After all, Wulfstan is an archbishop, and he tries to make his congregation better not only by encouraging them not to sin but also by providing them incentive, i.e. earthly victories, not to sin. Immediate improvement of one's condition is undeniably a more convincing incentive than long-term heavenly reward. Still, the frequency and urgency of the exhortations makes the concept of immanent justice in this sermon seem more than mere convention of form.

This concept also appears in Ælfric's sermon "On the Greater Litany" which appears in his Sermones Catholici. The first part of the sermon is homiletic in the sense that it is an exposition of the commandments which Ælfric considers to be the most important (in order): "Love thy Lord with all thine heart, and with all thy mind" and "Love thy neighbor as thyself" (Hurt 56). But the second half is more interesting in revealing Ælfric's conception of what constitutes justice. Since men, unlike animals, have been given reason, they should live according to God's laws. Moreover, parents should correct their children, for they, too, are subject to punishment by God. As proof of this statement, Ælfric tells of a child who "cursed God, without parental reproof, until devils carried him off ..." (Hurt 57). The conclusion of the sermon reveals Ælfric's conception of justice and the workings of God, and it reads as follows:

> Menigfealde beoð þæs Metodan Drihtnes egsan and swingla ofer scyldigum mannum, þwet ða sceortan witu ðises geswincfullan lifes forcyttan ða toweardan, þe næfre ne ateoriað.
> [Manifold are the Lord Creator's terrors and scourges over guilty men, in order that the short punishments of this painful life may prevent those to come, which will never fail.]
>
> (Hurt 57).

Not only does this passage indicate a belief in immanent justice; it actually justifies it as God's attempt to punish men in this life so they will not have to suffer punishment eternally.

As Milton Gatch stated in "Eschatology in the Old Enghish Homilies", "very little original went into sermons," and homilists such as Ælfric and Wulfstan sought to transmit accepted doctrine which the "authorities...had vouchsafed is the Gospel" (Gatch 163). This reliance on higher authority to establish the veracity of doctrine (later seen in the analysis of law codes) and the highly traditional nature of sermons earmarks them as good places to seek the Anglo-Saxon concept of justice. The sermons represent a religious perspective of right and wrong, and they share with Beowulf the concept that God is a daily intercessor shaping justice in human affairs.

Miracles of the True Cross in Elene

Old English hagiographic poems, or saints' lives, confirm the curious view of justice seen in Beowulf, "Sermo Lupi ad Anglos", and "On the Greater Litany" a view which they help us to understand more clearly by providing moral exemplars. Old English hagiographic poems stem from a tradition which is neither purely oral nor purely writtten (Olsen 23). Among these works, those written by Cynewulf stand apart due, to a large degree, to the intrigue generated by his curious runic signature. Not only can scholars definitively name an author; moreover, the author addressess his audience and speaks of his craft in the epilogue to Elene. In our modern search for authorial influence, this fact suggests an exciting angle from which to approach Elene.

Yet such an approach is almost inevitably flawed, for to view Elene as a strictly literary creation is to impose modern categories where they do not apply. Although Cynewulf may have been "a literate poet exposed to the oral tradition" (Ugolink 30), his poems are written to be read (Renoir 161), and he is "a deeply conventional poet" (Verse 173) composing in a largely conventional genre. Thus Cynewulf's saints' lives are highly reflective of the values of his society and firmly rooted in its traditions.

Elene, located in the Vercelli MS, is both the latest and finest of Cynewulf's works, whose dates Earl Anderson estimates as ranging from the late eigth century to the late tenth century (Cynewulf 17). Although titled Elene, the poem contains three protagonists -- Constantine, Elene, and Judas -- and its purpose is to show its audience the rewards, both earthly and heavenly, which come to those who are morally good. Cynewulf reinforces his lesson with examples of miracles, around which the action of the poem revolves.

The poem opens with a depiction of the Emperor Constantine, whom Cynewulf portrays as an ideal king. Though not originally a Christian, Constantine earns God's help in his battles since "...he þæs riht cyning, / guð þearð gumena." (Gradon 13b-14a). [He was true king, war-lord of men.] Constantine, like Beowulf, had riht on his side. As a result, "Hine Gode trymede" (14b). God strengthens Constantine so that he may defeat the Huns, Goths, Franks, and Hugas even though their forces outnumber his.

God accomplishes this aid to Constantine through a series of miracles. An angel appears to Constantine in a vision and tells him to look to heaven, for "þair ðu þraðe findest sigores tacen." (Gradon 84b-85a). [there you will find help, the symbol of victory]. The sigores tacen is the cross, the "tree of glory, gleaming with treasure and decked with gold" (Holt 89-90). The treasure represents the

cross's power, and it is this symbol which allows Constantine to overcome his enemies, the fated folc (Gradon 117a) whom God has not favored in battle. Instead, God gave the victory ["þæt sige forgeaf" (Gradon 144b)] to Constantine, along with glory, honor, fame, treasure, and a "realm beneath the heavens" (Holt 146). In return, Constantine keeps his covenant with God, "for after winning the victory presaged by the 'tacen,' he adopts the religion it signifies..." (Olsen 72). Even more significantly, he sends his mother Elene to search for the true cross.

Cynewulf's account of Constantine's victory emphasizes not only the presence of divine intervention in human affairs to reward the worthy. Cynewulf also emphasizes the importance of miracles as signs of God's favor. Like the children studied by Piaget for whom everything is "in differing degrees, miraculous" (Chance 221), Cynewulf's audience would have been likely to accept the presence of miracles in everyday life. As Piaget himself conceded, "For the ancients...a miracle (in the etymological sense of 'marvel' or 'wonder') was a natural thing, and for the primitive everything is a miracle" (Chance 221).

The presence of a belief in miracles is hardly surprising in a world that lacked scientific explanations for natural events. Historian Charles Radding describes such beliefs as the "expectation that particular events have meaning" (World 47). Moreover, anthropological studies

confirm this feature as intrinsic in traditional, preliterate societies. C.R. Hallpike's studies of the Konso, for example, reveal that they "regard God as the source of morality and justice, and believe that He punishes towns in which there is much quarrelling or other sin, by withholding the rain from them and their fields." (457-458).

Cynewulf presents this same sort of evidence as proof of the saintliness of Constantine, Elene, and (later) Judas. Miracles are not accidental occurrences; they happen only to those who are worthy of them. In fact, Elene is structured in terms of the effects of the cross on the characters and even the poet (Gardner 87). It is precisely the inherently magical nature of the cross which prompts Elene to undertake her quest to Jerusalem.

Yet if she is to find the cross, she herself must be worthy of the miracle. Elene is the exemplar of the good Christian: wise, courageous, devout, and militant in defense of her faith. Her nobility and worthiness to lead her band of warriors are accentuated by the fact that she is "golde gehyrsted" (Gradon 331b). Moreover, Elene is "zealous and earnest of purpose" (Holt 266), and she knows the proper ordering of words and works when dealing with the Jews. Elene calls a council of the wisest Jews to tell her where the true cross is hidden. When they are unable to do so, she preaches to them the sins that the Jewish race has committed "against the law of God" (Holt 370-371) and

extends to them the chance to redeem themselves if they will tell her where to find the cross. Even so, the Jews remain obdurate, and Elene, good Christian that she is, resorts to threats of violence against them until they tell her that Judas knows the answer to the question she asks; thereupon, she tortures Judas with starvation to bring the answer forth.

The finding of the cross represents another miracle effected through the power of God and the cross. Judas raises his voice with "unwonted power" (Holt 725) and invokes the help of God in revealing the cross. Judas asks God to reveal the "þæt goldhord...þæt yldum þæs lange behyded." (Gradon 790a, 791b-792a) [that gold-hoard that of old has long been hidden]. He also asks God to produce a misty smoke to cover the field in order that Judas shall know that Christ is "truly the Saviour of souls" (Holt 799). God complies with Judas' requests. From the field, "steam up aràs" (802b); consequently, Judas declares his complete faith in God as Saviour of the world (Holt 809-810). Thereupon he begins to dig in the earth beneath his feet until he finds the three crosses twenty feet below, at which point his heart is "strengthened by that holy tree" (Holt 841), the <u>beacen halig</u>. But a problem remains. No one knows which of the three crosses is the true cross.

The "strangers and heroes" (Holt 846) carry the crosses back to the town, where Judas tells them they must wait for

a miracle, a sign from God, to reveal the true cross upon which Christ was crucified, for naturally this cross is the only one which has magical power. In preparation for the miracle, the people gather about the crosses and bring before them a dead young man during the "ninth hour" (Holt 874). They raise one cross and then another over the dead man, but nothing happens until the third cross is raised. Then the man rises up, "restored in spirit, both body and soul together" (Holt 889-890) through the power of the cross. This miracle causes great rejoicing among the people, who subsequently decide to follow Christ.

The Devil, however, has a different view about the salvation of the people. He challenges and threatens Judas, but God grants the now heroic and faithful Judas strength. In fact, Cynewulf tell his audience the following:

him þæs Halig Gast
befolen fæste, fyrhat lufu,
þeallende gepitt, þurh Digan snyttro-
(Gradon 935b-937b).

Thus the Holy Ghost "was granted unto him with strength, a love hot as fire, a knowledge welling up through the learning of the warrior" (Holt 936-938). Just as God was the magical donor of the sword to Beowulf during his battle with Grendel's mother, God here gives Judas the power of the Holy Spirit. Judas castigates and rebukes the foe with his recently gained knowledge, and Elene rejoices not only at

the "sight of the tree of victory" but also at "this faith which she so clearly understood as a glorious gift" given to Judas by God (Holt 965-968). Judas' transformation is itself a miracle achieved through God and the power of the cross, and he is therefore worthy of further gifts.

Elene quickly sends word to her son about the finding of the cross, and he bids her to build a church where the cross was found for the well-being of both of them. Elene proceeds to build the temple, and she decks the cross in gold and gems and locks it in a casket of silver as "the Lord of spirits counseled her from the heavens" (Holt 1024-1025). Again the treasure acts as proof of the cross's glory and holiness, and it sanctifies the temple, which is a monument to the miracle of the cross's finding and a symbol of the power of God to effect miracles in the lives of men.

Yet the miracles of the cross are not ended. Judas is baptised and ordained as bishop, and he even receives a new name, Cyriacus. Elene, still not satisfied, bids Cyriacus to tell her where the nails of the cross are hidden. When Cyriacus goes to search for them, God causes a "sign in the form of fire to rise up where the precious nails in the earth were cunningly hid" (Holt 1105-1107). The miracle is shown specifically to Elene, and the nails glitter like gold. The people attribute the miracle to God and view it as a "sign of victory, the true miracle of God" (Holt 1121-1122). This sign convinces them to repent of their

sins. Yet the poet leaves no doubt that the miracle occurred as a result of Elene's goodness. The nails represent a "solace for her sadness" (Holt 1138-1139), and she thanks God that the truth has been revealed. Furthermore, the poet tells us that Christ took care of her thereafter and that it was God who "gave aid that the queen might win her wish in the world." (Holt 1151-1152). God rewards Elene's goodness not only by allowing her to complete her quest and find the cross and the nails; He also enables her to lead the people to salvation by performing miracles to convince them that he is truly Lord.

Constantine, too, is aided by these miracles. Elene sends him the nails of the cross in order that he may set them into the bridle of his horse. With this token to aid him, Constantine, the most noble king on earth, may defeat all of his foes. As a prophet predicts,

> He shall have good speed in war, victory in battle, and peace everywhere, the calm following the strife, who holds the bridle before him upon a white steed when his trusty heroes , far-famed in the fight, bear shield and spear into the press of weapons. (Holt 1183-1187).

Thus Constantine enters battle bearing both the sign of God and God's favor; as a result, he is invincible, and Elene's mission is complete.

Yet the poem is not. The poet speaks of one more miracle to exhort his audience to follow the true King. Like Elene, Cyriacus (Judas), Constantine, and the people of Jerusalem, Cynewulf himself has been granted a gift from God. This gift is knowlege, and the power of knowing the truth allows the poet to weave a "web of words" to convert his audience just as the power of knowing the location of the true cross enabled Elene to convert followers, Judas to defeat the Devil, and Constantine to vanquish foes. Cynewulf accepted this knowledge, this gift from God, by believing in Him. Consequently, God revealed to him the miracle of the Cross and gave him the "power of song" to transmit this truth to others. As in "Sermo Lupi ad Anglos," Cynewulf warns his audience of the time when "all this world shall pass away" (Holt 1278) and urges them to cling fast to the truth so that they may receive eternal life and "enjoy the heritage of the King of glory forever and ever. Amen." (Holt 1320-1321) ["yrfes brucaþ, / þuldorcyninges to þidan feore. aMeN:-" (Gradon 1320-1321).] Like the poet they may receive the miracle of salvation through faith in God, and it is for this aim that Cynewulf relates his tale.

The miracles in Elene not only reward the faithful; they convince non-believers to join them as well. Miracles are symbolic of the power of God and the transformations he can produce in individual lives. God's power even extends

to inanimate objects, for a magical quality inheres in the cross itself, and even the nails of the cross have sufficient power to allow Constantine to defeat his enemies. God's power is such that mere contact with the body of Christ is enough to make the cross a "token of victory."

These beliefs remind one of the medieval faith in the power of relics related in Chaucer's Canterbury Tales. If even saints' bones can bestow power on one who possesses them, how much more power must the cross on which Christ was crucified contain. The Dream of the Rood confirms the Anglo-Saxon fascination with the power of the cross, and a modern reader can easily adduce the immediacy of God's presence and power in the daily life of Anglo-Saxon people. Cynewulf presents the behavior of Elene, Cyriacus, and Constantine as models to be emulated, and as proof of their goodness he relates the miracles which befell them and aided them. Miracles, hardly conclusive proof to a modern reader who (presumably) no longer believes in them, are a sure indicator of God's attentiveness to the affairs of men, attesting to the fact that justice has been served.

Institutionalized Justice:
Anglo-Saxon Law Codes

No study of justice in Anglo-Saxon England would be complete without a discussion of Anglo-Saxon law codes. Like the preceding works discussed in this analysis, law codes must be viewed in their cultural context, as an "interaction of cognition and tradition" (Radding 28). Yet this cultural context is almost impossible to recreate fully, for as Pollock writes, "being written for present use and not for the purpose of enlightening future historians, [law codes] assume knowledge on the reader's part of an indefinite mass of received custom and practice" (26). Even so, Anglo-Saxon law codes comprise the strongest single indicator of the concept of justice which shaped them. Not only do laws define acts which are unjust; they also establish the punishments for unjust acts and the procedures by which guilt or innocence is to be determined, by which justice is to be ensured. Thus they present their own vision of "how human society is and ought to be organized" (Radding 75), and it is this vision which modern readers must perceive in order to interpret Old English works correctly.

For Anglo-Saxons, law did not stem from elected representatives. In fact, the very concept of positive law

would have been a foreign one, for human beings cannot "make" laws. Moreover, once in existence, subsequent kings often felt obligated to uphold the laws of their predecessors and "may even have believed that those laws were sanctioned by God" (Radding Origin 20). Laws emanated from a higher authority, not an earthly one, and thus were considered virtually immutable (Morrall 16). The duty of a law giver, therefore, was one of discovery rather than of creation, and he attempted to interpret "eternal truths to his generation" (Helm 111). This law giver was generally the king. Anglo-Saxon law codes are frequently royal enactments, and early medieval people tended to conceive of law as something which came from the king who, in turn, received the authority to promulgate law from God.

This belief in the divine origin of laws is remarkably similar to the beliefs held by children in Piaget's study of the game of marbles, in which he describes the development of consciousness of rules (an essential component of morality). For very young children, rules are either self-generated or are imitations of another person or of a rule. Later, however, "children regard the rules as sacred and immutable" (Sugarman 63), and upon questioning say that they emanate from adults and that the rules have "always been the way they are now...". Thus rules stem from "an external, virtually divine authority" (Sugarman 63-64). One response to Piaget's questioning of whether the rules

could be changed to aid younger players typifies this thinking. The young respondent said that changing the rules "wouldn't be fair...Because God would make the little boy's shot not reach the marbles and the big boy's shot would reach them". As this statement reveals,any changes in the rules are suspect and contrary to divine justice (Piaget MJ 58).

Compare this belief to the Anglo-Saxon belief in natural rather than positive law. Even the fact that many of the laws codified by Anglo-Saxon kings were customary practices did not change their perceptions of the law as divinely created. Just as in Piaget's study in which children did not perceive the game rules as determined by mutual consent of the players, so "...customs are not always perceived as an expression of community opinion even when, to an outside observer, it is clear that they vary over time as people interpret rules to fit different cases" (Radding 78).

The laws of Alfred the Great and those of Ine, which are attached to Alfred's as an appendix, exemplify this conception of the rules. According to Bede, Ine was King of Wessex from 688 to 725 (Attenborough 34). Ine introduces his law code as follows:

> I, Ine, by the grace of God king of Wessex, ... have been taking counsel for the salvation of our souls and the security of our realm, in order that

> just law and just decrees may be established and ensured throughout our nation...
> (Attenborough 37).

For Ine and and his council, God's aid was essential to the promulgation of just laws, even though a large portion of Ine's laws deal with customary practices, such as the amount of fines one must pay for fighting in the king's house. The main concern of Ine's laws is to ensure the preservation of order, and his laws penalize "fighting and thievery, set the payments of rents and the values of domestic animals, forbid harboring thieves and fugitives, and so forth." (Richards 173-174).

Many of Alfred's laws repeat those of Ine; however, his perspective is slightly different than his predecessor's. Alfred's introduction allows the reader to glimpse "the mental processes" underlying his codes (Hodgkin 300). Alfred includes a translation of the Ten Commandments and an account of the Apostolic history and the establishment of church law (Attenborough 34). The key, therefore, to finding just laws is finding the ones consistent with these sources. Thus Alfred says that he has annulled some of the laws of his predecessors but has not "dared to presume to set down in writing many of my own..."(Attenborough 63). Alfred does not view earlier codifications as completely immutable (possibly because his predecessors were not all Christians). Yet he shares with

Ine the belief in the divine origin of law. His laws are both more specific and more lenient to offenders than Ine's. Alfred lists in great detail what compensations one must pay for harming another person or his property, and his code lists a number of ecclesiastical offenses not found in prior codes (Richards 173). Still, Alfred's aim is a conservative one, and in many instances he merely expands upon the laws of Ine.

The law codes reveal a highly individualistic conception of justice, concerned almost exclusively with "personal legal relations" (Morrall 14). Law is not a creation of the community; it is a creation of the king, whose subjects owe loyalty to him personally, just as he owes loyalty to God. Individual relations also characterize the execution of the laws. In a society without strong, centralized government or police to execute laws, justice was the responsibility of the victim or his relatives (Roberts 49). It was they who sought the perpretator and brought him to justice. The idea of crimes against society was rare if not nonexistent, and even the notion of society, itself a high-level mental construct, would probably have been foreign to most eighth and ninth-century Anglo-Saxons.

Hence the fact that justice was also retributive is hardly surprising. In a society where the victim or his relatives must take responsibility for seeing that justice is done, vengeance is a necessary element. But on an even

more fundamental level, the yearning for reciprocity which "is as close as we come to defining justice" (Marongiu 20) stems from early man's "attribution of intentionality to the natural world". Just as God or Nature or Wyrd effected retribution for man's faults, so this type of "give and take" relationship governed dealings between individuals (Marongiu 19). The law codes of Alfred and Ine reflect their interest in controlling the thirst for vengeance and the blood feud by establing wites and wergilds as alternative forms of compensation. Law 42 of Alfred's code, for example, dictates that "a man who knows his adversary to be residing at home, shall not have recourse to violence before demanding justice of him" (Attenborough 83). Revenge killing is also mentioned in Beowulf. After Æschere's death, Beowulf says that it is better for a man to avenge a death than to mourn much [Selre bið æghwæm,/ þæt he his freond wrece, þonne he fela murne. (Mitchell 1384b-1385)]. Later in the poem, the Beowulf poet mentions the dilemma of a father who cannot take revenge because one son kills his brother. Moreover, the poet tells us of the blood feud between the Danes and the Jutes which ends in grief for Hildeburh who loses both her son and her brother.

Yet vengeance killing is not unique to Anglo-Saxon society. Blood feuds are a phenomenon in many traditional societies. Blood feuds are still prominent in the Middle East (Marongiu 72) and anthropologist Christopher Boehm

chronicles the existence of feuds in Montenengrin society, where revenge killling or "retaliatory homicide" is not only "reasonable and proper"; it is "morally necessary" (Blood 89). This evidence suggests that retributive justice is more properly a function of the cognitive make-up of traditional societies generally than a peculiar feature of Anglo-Saxon history.

Alfred and Ine seek to prevent blood feuds and revenge killings, but they do not attempt to obliterate retributive justice. Rather, they reconcile the need for retribution with the need for order by establishing very specific rules to govern how much an offender must pay his victim or his victim's relatives in wergild. The "exacted wer" replaced the blood feud (Hodgkin 300), and its purpose was to deter the victim or his relatives (if the victim died) from seeking revenge by force. Wergilds were contingent on both the severity of the offense and upon the rank and position of victim and accused. Alfred's Law 11 reflects variations in the wergild:

> If anyone seizes by the breast a young woman belonging to the commons, he shall pay her 5 shillings compensation....If this [outrage] is done to a woman of higher birth, the compensation shall increase according to the wergeld. (Attenborough 71).

Not only did the wergild vary according the the "birth" of the victim. It also varied according to which parts of the body received injury, and the amount paid was relative to the estimated worth of the victim. Although this concept seems foreign to us initially, Charles Radding points outs that "modern tort law now makes it more expensive to run over a prosperous businessman than a waiter in a late-night restauraunt..."; viewed in this light, wergilds appear less strange (91). But wergilds went even farther in determining the method for the exaction of justice.

Wergilds shaped the process by which a person's guilt or innocence was assessed as well as the penalty for the crime, for the amount of compurgators the accused had to bring to "trial" was proportional to their wergilds. The concept of compurgation first appears in Law 14 of Ine: "He who is accused of belonging to a band of marauders shall clear himself with an oath of 120 hides..." (Attenborough 41). In other words, a man accused of this crime had to choose compurgators whose land holdings comprised 120 hides: either "two king's tenants (each presumably holding sixty hides of land) or twelve land-owners (each owner of ten hides)" (Hodgkin 229).

Once a plaintiff accused the defendant, the defendant had thirty days to gather his oath-helper, or compurgators. Failure to appear at the "trial" indicated the guilt of the accused (Helm 114). Compurgators attested that the

accused's denial of the charges was "pure and not false" (Roberts 49), and they acted more as character withnesses than as witnesses to fact. To a modern audience, compurgation seems remarkable in its inefficacy and corruptibility, but its employment as a means of achieving justice testifies to the Anglo-Saxon belief in its usefulness. As historians Charles and David Roberts wrote, "This naive procedure, so open to abuse, worked largely because a defendant known by his fellow villagers to be guilty could hardly find the needed compurgators" (49). In effect, societal perceptions of justice shaped the institutions for attaining it and determined their efficacy in doing so.

Yet compurgation was not the only means of reaching a verdict. Consistent with the belief in immanent justice, the accused could seek the judgment of God in his favor by submitting to the ordeal. Even more than compurgation and wergild, ordeals are repugnant to a modern sense of justice, but to Anglo-Saxon thinkers, they represented an appeal to a higher source, for ordeals rest fundamentally upon the idea that the "elements necessarily conform to a deeper power of truth" (Hexter 7). Even more significantly, ordeals reflect a belief (also held by the children studied by Piaget) that proper performance of rituals can actually influence events in the physical world (Radding 266). Ordeals attempt

to manipulate immanent justice in human affairs, to seek God's immediate judgment in their trials.

Trials by ordeal occurred when compurgation failed, when frequently accused defendants were tried, when Welsmen and Englishmen were involved in a suit, or when the defendant could not get the necessary compurgators (Attenborough 188-189). Appendix II, a legal document appearing in Textus Roffensis and probably dating from the reign of Athelstan (925-40)(Helm 116), reveals the fact that ordeals took diffrent forms. Administered by the church, the ordeal was an inherently religious ritual. In the trial by hot water, the water was heated until boiling, and the accused had to plunge his hand in up to the wrist to reach a stone. In the trial by iron, men from each party gathered in the church, and the iron heated in the fire while they prayed to God "to make clear the whole truth" [þæt he soðest geswytelie] (Attenborough 172). Then the accused had to carry the hot iron nine feet. After either ordeal, the burn was sealed and inspected in three days "to ascertain whether it has become discoloured or remained clean within the sealed wrappings" (Attenborough 173). If the hand was clean and healing, God had given his sign that the defendant was not guilty.

One further form of the ordeal was the ordeal by cold water. After a three day fast, the accused went before a priest who "adjured God to accept only the innocent in the

water..." (Roberts 49). If the accused sank, God had accepted him and he was innocent. Although such a method for discerning guilt and innocence is absurd to a modern audience, "to the Anglo-Saxons...it was justice." (Roberts 50). The children in Piaget's study believed that if a thief crossed a bridge, it would break to punish him; similarly, ordeals call on external forces to signify how justice is to be achieved. Ordeals are the institutionalized testimony to the belief in immanent justice, and more than any other practice, they shock the consciousness of a modern reader.

Whether strictly enforced or not, the law codes attest to mental processes very different than our own. The belief in the divine origin of a body of law that must be discovered and not made, in blood feuds and wergilds to exact vengeance for crimes, in compurgation and ordeals to determine the innocence of the accused--all confirm the fact that Anglo-Saxon justice was immanent, retributive, individualistic, and even supernatural. Comparing such conceptual constructs with those of the children in Piaget's study underlines that similarities do exist, although the fit is not exact. Even so, the comparison is worth our effort if it allows us overcome our initial condemnation of practices so different than (and often opposed to) our own and accept them as a product of a distinctive cognition, a culture whose justice is not our own.

Understanding the "Act of Knowing": Explanations, Expectations, Implications

What does developmental psychology have to do with Old English works? By this point, the answer should be clear. When dealing with works whose cognition is alien, it is useful to have some frame of reference, some basis of comparison. Piagetian theory does not allow us to say, "Aha! The cognition of Beowulf is identical to that of children." Rather, by revealing rough analogies, a Piagetian framework emphasizes that we must accustom ourselves to analyzing works from the past differently than we analyze modern literature; it forces us to take a new look at old works.

Yet this justification is not sufficient, for it does not explain why we do not share the cognition of traditional societies. Piaget posited four factors for ontogenetic cognitive development: 1) biological maturation, 2) experience with things, 3) social interaction, and 4) self-regulation (Sants DPS 373). Certainly the first factor cannot explain pyhlogenetic cognitive growth, but self-regulation, experience with things, and social interaction are possible factors.

Historian Charles Radding has persuasively argued that self-regulation is indeed a factor in the cognitive

development of man. Human beings live in a "dialectical relationship with their traditions" (28): they shape and are alternately shaped by them. Moreover, individuals accept or reject societal norms. Despite my search for the dominant modes of thought in Anglo-Saxon England, cognition is not monolithic, and exceptions to the dominant mode almost always exist. Hence self-regulation and individual variation help describe the process of cognitive growth.

Anthropologist C.R. Hallpike has a different answer, and it centers more upon the remaining factors -- social interaction and experience with things. Hallpike pinpoints formal education and literacy as the most significant contributors to cognitive growth. Formal education not only increases social interaction and the mingling of beliefs; it breaks "cultural continuities" (Warren 306) and lays the groundwork for generation gap. It shapes ways of thinking. But even more significant than formal education in shaping cognition is literacy.

A culture's mode of communication governs "what can be thought and said". As a result, the shift from an oral to a literate culture of necessity "marks a further step in the evolution of consciousness" (Nanny 51). Cognitive evolution occurs when the understanding of abstract priciples are written, tested and refined by others (Warren 317-318). Although such a process also occurs in traditional, oral societies such as that of pre-Conguest England, it is

hindered by the difficulty of transmission and is bound by its inherent (and necessary) conservatism. These, then, are the factors which differentiate the modern act of knowing from its historical predecessor and help explain why the concept of justice manifested by Old English works is different than our own.

Lacking scientific explanations, traditional thinkers looked to pneummatic or supernatural ones. Not men but higher, external forces declare and sometimes execute law. This force, generally God, aids courageous, moral hero-warriors like Beowulf and Constantine, punishes the English nation for their sins, signifies the guilt or innocence of defendants in ordeals, and effects miracles to favor the righteous. By rewarding Good and punishing Evil, God acts to ensure justice in human lives. Consequently, justice is not only immanent but retributive.

God is not the only force that pursues revenge. Men, too, dealing individualistically with one another redress wrongs through retaliation. The retributive nature of justice manifests itself in Beowulf's account of the moral obligation a man has to avenge a friend's or kinsman's death. The law codes of Alfred and Ine also mention the blood feud and try replace it with exacted <u>wergilds</u>, and the saintly Elene is certainly not averse to torturing the "infidel Jews".

These characteristics of Anglo-Saxon justice point to its inherent moral nature. Although we view blood feuds as uncouth, they served to right moral wrongs. Although ordeals seem barbaric, they sought the judgment of God. Although compurgation seems intrinsically inept, it sought the veracity not of the facts but of the accused. Although miracles in daily life are improbable to us, they acted as conclusive proof of the receiver's moral goodness. Although rewards of treasure seem materialistic, they indicated their bearer's worthiness. It is exceedingly difficult for us to accept, much less to understand, the view of justice we find in Old English works, for to us it appears unjust and immoral, primitive and cruel. Yet acceptance and understanding are essential if we are to cross the cognitive barrier between us and them. Piagetian developmental psychology provides modern readers with valuable tools for this task.

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