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Matthew Giancarlo

Excerpt

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Introduction: parliament and literature

*Where, in any account of reality, narrativity is present, we can be sure
that morality or a moralizing impulse is present too.*

– Hayden White, “Narrativity in the Representation of Reality”¹

Literature is our Parliament, too.

– Thomas Carlyle, “The Hero as Man of Letters”²

* * *

Almost from its indefinite inception, “parliament” has been the object not only of historical inquiry but of historiographical rewriting. Parliament has been a vehicle for, and an object of, the desire for origins, from about as far back as the documentary trail will take us. Not long after King John was forced to negotiate the great charters with his barons on the field of Runnymede in 1215, this political and military conference was retroactively re-dubbed a *parlement*, a “colloquy” or “parley.”³ This Franco-Latin term was relatively new to the English side of the Channel and competed with (and ultimately replaced) the then-current Latin terms *colloquium* and *consilium*. The word *parliamentum* was apparently first used in this context in 1236.⁴ At this time and after, until the early fourteenth century, a “parliament” was still an occasion and not an institution, as Maitland famously noted; the meaning of the word *parlement* as simply gathering or colloquy was available well into the later middle ages. The word could be used by Gower or Chaucer in contexts where clearly it means nothing more than

¹ White, “Narrativity in the Representation of Reality,” in *The Content of the Form*, 24.

² Carlyle, “The Hero as Man of Letters. Johnson, Rousseau, Burns,” Lecture V of *On Heroes, Hero-Worship, and the Heroic in History*, 164.

³ See Butt, 87; Trehearne, “The Nature of Parliament in the Reign of Henry III,” 214–5. The reference, in a royal writ by Henry III dated 14 April 1244, refers to the “*parlementum de Runemed*” quod fuit inter J. regem, patrem nostrum, et barones suos Anglie.

⁴ Butt, 79–80. See *MED*, s.v. “parlement(e)”, *OED*, s.v. “parliament.” Both provide very late citations (14th c.) as earliest attestations in English. For analyses see Pieper, “*Das Parlament in der me. Literatur*,” 188–93; Trehearne, “The Nature of Parliament in the Reign of Henry III,” 209–15; Brown, *The Governance of Late Medieval England*, 156–7; Richardson, “The Origins of Parliament,” 137–149.

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that.⁵ Nonetheless the specific meaning of *parlement* as the deliberative and consultative assembly of the king's court grows with the development and growth of parliament's power, and its significance is manifest by the later fourteenth century. The first parliamentary manual, the *Modus Tenendi Parliamentum*, has been dated anywhere from the 1320s to the 1370s. Whenever its origin, this guidebook for the the procedures of holding a parliament – very clearly understood as a regular institution of government, not just an occasional meeting of magnates – indulges the historiographical urge by positing its own account of the origins and justifications of parliaments. It tersely mythologizes parliament's historical beginnings and regularizes its capacities as a judicial and deliberative body.⁶ For the *Modus*, parliament was a familiar and special court of the king usually (but not always) centered at Westminster. It was one that, Russian-doll-like, was itself a court of courts, the king's assembly wherein, as the law-manual *Fleta* describes it in the late thirteenth century, “the king holds his court in his council, in his parliaments” (*habet enim Rex curiam suam in consilio suo in parliamentis suis*).⁷ Parliament did not replace baronial councils or the feudal *magnum concilium*, nor sittings of the King's Bench, nor the operations of the king's judicial and legal ministers, nor the traditions of consultation and consent in political and fiscal matters. Rather it accreted aspects of all of these to itself so that by the 1400s the English parliament had been, for the better part of a century, a uniquely multifaceted and increasingly important part of government, “absolutely distinct from any other assembly.”⁸

The personnel of parliament developed as it adopted new functional roles. Early parliaments were characterized by irregular summonses for the nobility and infrequent attendance by the commons. By the time of

⁵ One of the first literary texts brought to mind when thinking of parliaments, the poem *The Parlement of the Thre Ages*, uses the word with only that meaning. Hence it is not treated here.

⁶ The *Modus* begins by asserting the origins of parliament in the practice of William the Conqueror as passed to Edward son of Ethelred: see *Modus*, 67 and 103. The *Modus* is discussed further in Chapter Two.

⁷ Butt, 83; Musson, *Medieval Law in Context*, 186.

⁸ Brown, *The Governance of Late Medieval England*, 169. The medieval English parliament has been treated extensively in a number of excellent studies in the last fifty years. Major reference works are Butt, Powell and Wallis, and the historical and analytical apparatus of *PROME*. Also central are the essays collected in Davies and Denton, *The English Parliament in the Middle Ages*; Fryde and Miller, *Historical Studies of the English Parliament*; Sayles, *The King's Parliament of England and The Functions of the Medieval Parliament of England*; Edwards, *The Second Century of the English Parliament*; Brown, *The Governance of Late Medieval England*; Musson, *Medieval Law in Context*; Musson and Ormrod, *The Evolution of English Justice*; Harding, *Medieval Law and the Foundations of the State*. These studies and others build on the foundational work of Maitland, Stubbs, Cam, Tout, Clarke, Baldwin, and Chrimes. An early monograph of enduring value is Pollard, *The Evolution of Parliament*. A short and excellent overview of the fourteenth century parliament (especially its documentary history) is given by Richardson and Sayles, “Introduction,” in *Rotuli Parliamentorum Anglie Hactenus Inediti*.

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Edward II, a largely regular noble peerage had developed, and after 1325 no parliament was summoned without representatives from the shires and boroughs. Altogether, the personnel of parliament constituted a relatively small group of a few hundred men. Two representatives were sent from each of the thirty-six shires and from each of one hundred or so boroughs and cities, constituting the Commons. Among the Lords, the number of barons, abbots, priors, and other upper nobility receiving summonses totalled about seventy. The clerical element of early parliaments was variable and contested as the English Church struggled to remove itself from liability for attendance and, thus, from the taxes raised in parliaments. After the 1340s no representatives from the lower regular clergy were required to attend, and clerical summonses were restricted to upper prelates (archbishops, bishops, abbots) who held their positions as baronial dependents of the king. Clerical convocations shadowed parliaments and were frequently held at the same times, often making parallel grants of taxation. An ecclesial presence was linked to parliament both through the attendance of the church's highest officials and through the mutually informing assembly-structures they represented. For example, in 1395 when the Twelve Conclusions of the Lollards were pinned to the doors of both Westminster Hall and St. Paul's Cathedral, it was through the dual presence of these secular and sacred convocations that the Wycliffites sought to advertise their protest. Nominally clerical issues (heresy, clerical endowment, relations with Rome, discipline of the church) sometimes came to dominate the secular assembly. But one striking feature of the development of parliament during the fourteenth century is its steady laicization, as the upper prelates attended by virtue of their status as landholders of the king.

Conversely, as the representatives of the Church largely exited parliament during the fourteenth century, the "commons" as Commons grew in presence, giving the English assembly some of its most distinctive features. The regular summons of town burgesses finds many counterparts in continental practice, but the representation of the shires – the historical, local communities of the vill and the hundred – was relatively unique. That uniqueness has played a crucial part in the mythologization of the English parliament, as the "Commons" came to both represent and misrepresent the *communes*, the commons or community at large (*communitas*, *universitas*, *communitas regni*) of the realm.⁹ Knights of the shires, present sporadically in early parliaments, acted as conduits for information and for requests for

⁹ For the sake of clarity, throughout this study I make a provisional distinction between the institutional Commons (capital C) when referring specifically to parliamentary personnel, and the commons (small c) when referring to the *communitas regni*, the "commons of the realm."

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redress of grievances. As their role at parliament normalized, these knights, who could be noble or non-noble, came to assume an important role in the political and legislative aspects of the assembly, as well as in its imagining by writers and poets. In the Commons, members of the lesser nobility mixed with city burgesses and fellow- but non-noble representatives of regional communities, *les Communes*, forming a mixture of discrete estates in one assemblage that contrasted with both the estate of the barons and upper nobles (*les Grauntz*) and the upper prelates (*les Prelatz*) among the Lords, and with the estate of the king (*le Roi*).

The greatest single power of the Commons was control of taxation. From the mid-1340s onward, it was not just custom but recognized statute that no taxes could be levied by the king, or for the king by the authority of the Lords, without the assent of the Commons in parliament. This was in fact the primary reason for calling parliaments, to induce (or extract) grants of taxation in support of military ventures. In return the king promised justice in the form of reaffirmed charters, re-enforced or modified statutes, the hearing and trying of petitions, and the introduction and acceptance of new laws. As wars played on (alternately or concurrently French, Scottish, Welsh, Spanish, or Flemish campaigns from 1307 onward), the representatives in parliament found themselves in the somewhat paradoxical situation of gaining more power through their increasing fiscal liability for military ventures largely not of their own choosing. As kings needed money, so the power of parliament grew, as did the power of the Commons in parliament. At the same time the individual members of the Commons, both burgess and shire-knights, were often the dependents of the lords of the upper assembly, or directly of the king. And the king and Lords, in turn, could themselves be liable to the wealthier segments of the Commons, thus creating a complicated web of class and estate associations, regional loyalties and prejudices, dependencies and alliances. These networks, while certainly not limited to parliament, were nonetheless an important part of it. As has been recently acknowledged by both social and political historians, it is too simplifying to say that the Commons were entirely dependent or entirely independent of the men nominally above them. Political affiliation and action was, as we might reasonably expect, a complicated matter. Parliamentarians had to negotiate an increasingly complex system of social and political connections.¹⁰

¹⁰ See especially McFarlane, "Parliament and 'Bastard Feudalism'"; Clark, "Magnates and their Affinities in the Parliaments of 1386–1421"; Ormrod, *Political Life in Medieval England*, 54–6; and Edwards, *The Commons in Medieval English Parliaments*, who notes that "'dependency' in later medieval England was an almost infinitely variable phenomenon" (14).

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This social complexity in the composite estates of parliament (an issue dealt with at greater length in Chapter One) is further deepened by the complexity of the bureaucratic and political functioning of the assembly itself. What began as a judicial assembly focused primarily on matters of law and equity – the “capping” of the English judicial system with a highest court of royal appeal – evolved during the late thirteenth and fourteenth centuries into a court of politics and policy. However, it is essential to remember that these functions were never strictly separated.¹¹ What was sought in parliament was political justice *through* the law, by way of the courts, of which parliament was the highest. Its judicial function was a durable and consistently important part of its identity.¹² Up through and beyond the middle ages (and still to the present day in Britain), parliament was the highest court of legal appeal. It had original jurisdiction in matters of treason and impeachment, as well as in issues of specific relevance to the royal household. Petitions for private justice continued to be submitted to parliament all through the medieval period. As the system of royal courts matured and took over much of the necessary lower-level judicial functioning, parliament developed as a court of taxation and legislation. At long but remarkably regular intervals, parliament attempted to impose control over royal policy by the imposition of permanent or advisory councils. The process of impeachment developed in parliament, and the most divisive political struggles from 1327 to 1414 – two royal depositions, executions, banishments, legal and political standoffs, state trials – all occurred either in or around parliament as a combined legal and political tribunal. Social and commercial legislation, what Musson calls “the regulation of everyday life,” also increasingly emanated from parliament.¹³ They attempted to control (usually unsuccessfully) such things as wage and price levels, staples and commercial boundaries, sumptuary laws, ecclesial and town liberties, monopolies and guilds. Even picayune matters such as the disposal of offal and the price of pepper make their way to the parliamentary rolls, recorded alongside the most extreme political crises of the period.¹⁴

¹¹ See Musson, *Medieval Law in Context*, 184–216; Harding, *Medieval Law and the Foundations of the State*, 170–86 (the phrase “capping” of the judicial system by parliament comes from Harding, 147); Musson and Ormrod, *The Evolution of English Justice*, 25–8; and Lyon, *A Constitutional and Legal History of Medieval England*, 408–30.

¹² For analysis, see recently Harding, *Medieval Law*, 181, and Musson, *Medieval Law in Context*, 189. The ideological appeal of justice in parliament remained strong throughout the fourteenth and early fifteenth centuries. See also Tout, “English Parliament and Public Opinion.”

¹³ Musson, *Medieval Law in Context*, 207–9.

¹⁴ *RP* 3.87; 3.662.

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With the development of its representative element, parliament was gradually endowed with the *plena potestas* of its members to speak for, and to, the communities of England. In this regard the Commons came to represent the *communitas* or commons of the realm even as they were, individually, drawn from the relatively restricted classes of the shire gentry and burgesses. During the fourteenth century, parliament assumed both a legal and a political form of representative speaking authority and was recognized to have this voice as more than a baronial gathering. As chief justice William Thorpe remarked around 1365 regarding the publication of a legal statute, “though proclamation has not been made . . . everyone is held to know a statute from the time it was made in parliament, for as soon as parliament has decided anything, the law holds that everyone has knowledge of it, for parliament represents the body of all the realm.”¹⁵ Thorpe’s assessment of parliament’s representative and legislative power is in some ways unique, and it elides a long developmental history. But it is not misleading, either in the overall authority it grants or the bodily metaphor used to justify it. As Anthony Musson describes it, the assembly “embodied for medieval people a triune nature: an occasion or venue for discussion of royal business (and at times popular concerns), a wing of royal government . . . and a collection of particular people and particular groups of people providing through their pool of knowledge and experience an element of national consciousness.”¹⁶

Additionally, it is necessary to recognize the importance of parliaments and parliamentarism not only for England during this period but also for Europe as a whole. Almost all of the specific elements of the English parliament have analogues in other deliberative assemblies of the era. English practice was influenced by both ecclesial and continental (especially French) practice.¹⁷ Equally if not more important than the secular developments of the European assemblies was the Conciliar Movement that began at about the start of the Great Schism (1376), lasting until the end of the Schism following the Council of Constance (1414–18) and, in its waning years, the collapse of conciliar efforts at the Council of Basle in 1439. As ubiquitous as it was, secular parliamentarism developed no body of theory to match

¹⁵ Cited in Chrimes, *English Constitutional Ideas in the Fifteenth Century*, 76, from the legal Yearbook for 39 Edward III.

¹⁶ Musson, *Medieval Law in Context*, 185.

¹⁷ See extensively Marongiu, *Medieval Parliaments*; Lord, “The Parliaments of the Middle Ages and the Early Modern Period.”

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the extent and vigor of church conciliar theory.¹⁸ By the later fourteenth century, this was a Europe-wide intellectual movement that drew on earlier philosophy in developing a conception of church authority based on the tradition of authoritative councils in direct competition to papal supremacy. In the writings of Marsilius of Padua in particular (c. 1275–1343), the Church as the “body of the faithful,” the *universitas fidelium*, finds its most accurate representation in a General Council set in opposition to the papacy. Decrees of a council (representing the *pars valentior* or *major et sanior pars* of the Christian community) would have greater authority than any papal decree, and even the power to depose the Pope.¹⁹ Parallels to contemporary and later fourteenth-century parliaments as putative representatives of the community, the *universitas*, were both natural and inevitable. Occasionally they provoked conscious comparisons between church and secular practice.²⁰ In England, assemblies of provincial convocations also provided an immediate parallel. The principle of delegate representation – a concept so basic to our political tradition that it is surprising to think it ever needed an origin – was in fact borrowed from church practice. In 1215–17, in the same years King John was haggling with his barons, Innocent III convoked the Fourth Lateran Council, the greatest representative gathering ever assembled to date.²¹ Parliaments and convocations looked to each other, and competed for legitimacy, in shared forms and procedures. Later the next century, when Edward III wrote to the Pope and declared that his requests carried the weight not only of his royal person but also of the English nobility and community assembled in parliament, this was not a gesture of royal weakness but of recognizable power.²² The kingdom, like the church, claimed the authority of its *universitas* through deliberative and representative assembly. In both secular and clerical spheres, in all parts of Europe, and for the period both preceding and immediately following the decades that are the focus here, parliamentarism and conciliarism were not isolated practices but important and widely spread cultural developments,

¹⁸ On the intersections of conciliar theory and secular political practice see the relevant chapters of *The Cambridge History of Medieval Political Thought*, c. 350–c.1450; Quillet, “Community, Counsel and Representation”; Black, “The Conciliar Movement.” See also Oakley, *The Conciliarist Tradition*; Tierney, *Religion, Law, and the Growth of Constitutional Thought, 1150–1650*, and “The Idea of Representation in the Medieval Councils of the West”; Black, *Council and Commune*, 194–209, and *Political Thought in Europe*, 162–85.

¹⁹ Quillet, “Community, Counsel and Representation,” 561.

²⁰ Black, *Council and Commune*, 194–8, *Political Thought in Europe*, 166–9.

²¹ Tierney, “The Idea of Representation,” 27–8.

²² Richardson, “The Commons and Medieval Politics,” 36–7.

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as well as sources of theoretical and practical controversy. They permeated political, intellectual, and religious life. As Pronay and Taylor have noted, in this regard England was squarely in the midst of Europe-wide developments.²³

In this context the decades from the 1370s to the early 1400s can be situated as both completely congruent with earlier and later developments, and, as A. L. Brown has summarized, as pivotally important for England in particular:

[T]he significance of the period [from 1377 to 1422] in the long-term history of parliament seems clear. Parliament's development had already gone far by the beginning of the 1370s, and in the following half-century it continued along the same lines. But the pace quickened. Procedure hardened markedly, classic parliamentary rights began to be recognised, the importance of the commons increased significantly, interest in election and elections grew, and again and again parliament was the great national assembly and high court where major issues were aired and decided, sometimes in scenes of high drama.²⁴

Similarly, Ronald Butt has concluded (with an architectural, as opposed to organicist, metaphor) that by the time of Richard's deposition in 1399, "the essential groundwork of medieval parliamentary power had been laid, and on it during the sixteenth and seventeenth centuries would be built the basic structure of the modern Parliament."²⁵ These characterizations of the liminality of the later fourteenth century help to remind us of two things. First, while parliament's institutional identity and practice was solidifying, it had not yet solidified completely into bureaucratic and governmental forms familiar to later ages. All eras are transitional, and we cannot expect that the parliamentarians of the time had any definite sense of their own pivotalness in the growth of the institution. At this time parliament was still a "clearing house and talking shop" with much less formal rigidity than it would later have.²⁶ On the other hand, this was a period when the post-plague *communitas regni* lurched from one crisis to another: the waning of Edward III and court crisis of 1376–7; the minority of Richard II; the Uprising of 1381; the magnate upheavals of 1386–8; the king's conflict with London in 1392; Richard's revenge and "tyranny" of 1397–8; the deposition of 1399; the uprisings of 1401–6; the omnipresent war with France and the specters of heresy and social unrest. Historians do not engage entirely in back-projection when they note that parliamentarians sensed – like their

²³ *Parliamentary Texts of the Later Middle Ages*, 3–5.

²⁴ Brown, "Parliament, c. 1377–1422," 139.

²⁵ Butt, 451.

²⁶ Harriss, "The Formation of Parliament, 1272–1377," 35.

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poet counterparts – new developments taking hold. Crisis forced change, which suggested opportunity. Without descending into Whiggist teleologism or inevitabilism, we can responsibly acknowledge these developments as creative and still plastic ur-formations.

Secondly, it is equally important to stress that what we find is not representative democracy, or democracy in its assumed, post-enlightenment forms and liberalist definitions, but a species of democratic activity that violates most of what we associate with that word. We find only tightly restricted “representation” in the usual sense; no universal suffrage or even gestures towards universal suffrage; no conception of inalienable personal rights or civil liberties, or minority protections; no respect for the discreteness of offices and institutions, checks between spheres of governmental power, or principled separations between Church and state or between economy and society. And if we were to use “democracy” to describe these developments in England and Europe, frequently it would devolve to its original meaning, namely “mob rule,” the community representing itself to itself, accurately or inaccurately, as speaking “with one voice” in the voice of communal will or the outcry of gang violence. As will be discussed in the next two chapters, parliament frequently stood at these junctures as well: between royalty and rabble, narrow interests and wider community, court of justice and lynch mob.

All of these observations militate for a more socially nuanced understanding of the environment of parliament.²⁷ From a specifically literary point of view, the question thus is not, why would artists be influenced by all of this?, but rather, how could they *not* be influenced, given the ubiquity and intensity of these parliamentary matters in both intellectual and political life? With a few exceptions, the connections between parliament and literature in this period have been only lightly touched upon even where one might expect otherwise. The potential problem appears to be one of conceptualizing the points of contact between art and institutions in a usefully illuminating way. There is a flatly historical approach available, and it is helpful to list some of the demonstrable connections between these artists and parliament. Chaucer was a parliamentarian in 1386 as an MP for Kent, and he had regular contact with others who served

²⁷ Compare Maddicott, “Parliament and the Constituencies, 1272–1377,” 78: “We ought to view parliament, then, not only as a political assembly and a court but as an occasion for the complex interplay of private hopes and fears – for the seeking of royal favour, the promotion and suppression of petitions, the maintenance of friends and the thwarting of enemies. These things are revealed to us only fragmentarily . . . yet they are suggestive of many currents of personal conflict and ambition which ran beneath the political surface of parliamentary life.”

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as MPs (Henry Bailiff, the probable model for the host of the *Canterbury Tales*, was MP for Southwark). As Justice of the Peace and Controller of the wool customs he held offices in the sphere of parliamentary concern and control, especially as Controller, since the wool tax was a major source of parliamentary revenue. Chaucer's son Thomas was repeatedly elected as speaker of the Commons during the reigns of Henry IV and Henry V. His paternal-poetical ancestry may have helped to give him the aura of a uniquely representative voice of the community. John Gower's history is murkier, but we know that he had a troublesome legal case brought before parliament in 1366. As Chapter Three explains, his name appears repeatedly in the parliamentary records for that year. In this and other matters, Gower also had business dealings with parliamentarians. At his death in 1408 his will was witnessed by Sir Arnold Savage, one of the speakers of the Commons. Gower's *Cronica Tripertita*, a late Latin addendum to the *Vox Clamantis*, is a biased account of the downfall of Richard II that is structured with reference to parliaments, and it displays a working familiarity with the circulated records of parliament. For Langland, our lack of any reliable extra-poetical biography does not allow these kinds of close connections to be known. But we do know that manuscripts of *Piers Plowman* were in the possession of parliamentary households, one of them (as discussed in Chapter Five) a contemporary of Langland's, and another owned by a late speaker of the Commons, Sir Thomas Charleton (d. 1465).²⁸ The poem makes veiled allusions to parliamentary events, and similarities between elements of the *Visio* and the Good Parliament of 1376 have long been recognized. Perhaps the best evidence of a connection between Langland and parliament comes from his later imitators, the anonymous poets of the "Piers Plowman tradition" who composed *Mum and the Sothsegger*, *The Crowned King*, and *Richard the Redeless*. All of these are in a Langlandian idiom with extensive references to parliament. Helen Barr has suggested that the author or authors may have been parliamentary clerks.²⁹ If so, it gives some indirect evidence as to who was reading Langland as contemporary literature: not just the knights and burgesses of parliament but also the clerks who worked for them.

Indeed, as much recent scholarship has demonstrated, to be a poet in this period was, by and large, to be a clerk and to have clerkly-clerical training. All of these poets moved in the clerical and bureaucratic circles that were a distinctive feature of the London-Westminster environment. Chancery and

²⁸ Noted by Edwards, "The Early Reception of Chaucer and Langland," 4, and McFarlane, *Nobility of Later Medieval England*, 237–8. Charleton's inventory also included a copy of the *Canterbury Tales*.

²⁹ "Introduction," *The Piers Plowman Tradition*, ed. Barr, p. 17.