

THE CAMBRIDGE COMPANION TO MEDIEVAL ENGLISH
LAW AND LITERATURE

Despite an unprecedented level of interest in the interaction between law and literature over the past two decades, readers have had no accessible introduction to this rich engagement in medieval and early Tudor England. *The Cambridge Companion to Medieval English Law and Literature* addresses this need by combining an authoritative guide through the bewildering maze of medieval law with concise examples illustrating how the law infiltrated literary texts during this period. Foundational chapters written by leading specialists in legal history prepare readers to be guided by noted literary scholars through unexpected conversations with the law found in numerous medieval texts, including major works by Chaucer, Langland, Gower and Malory. Part I contains detailed introductions to legal concepts, practices and institutions in medieval England, and Part II covers medieval texts and authors whose verse and prose can be understood as engaging with the law.

Candace Barrington is a Professor in the English Department of Central Connecticut State University. She has written multiple articles for journals and edited volumes and is the co-editor of *Letter of the Law: Legal Practice and Literary Production in Medieval England* (with Emily Steiner, 2002).

Sebastian Sobecki is Professor of Medieval English Literature at Groningen University. He is the author of *The Sea and Medieval English Literature* (2008) and *Unwritten Verities: The Making of England's Vernacular Legal Culture, 1463–1549* (2015).

Cambridge University Press
978-1-107-18078-9 — The Cambridge Companion to Medieval English Law and Literature
Edited by Candace Barrington, Sebastian Sobceki
Frontmatter
[More Information](#)

THE CAMBRIDGE
COMPANION TO
MEDIEVAL ENGLISH LAW
AND LITERATURE

EDITED BY
CANDACE BARRINGTON
Central Connecticut State University
SEBASTIAN SOBECKI
University of Groningen, The Netherlands



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-107-18078-9 — The Cambridge Companion to Medieval English Law and Literature
Edited by Candace Barrington, Sebastian Sobceki
Frontmatter
[More Information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India
79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781107180789
DOI: 10.1017/9781316848296

© Cambridge University Press 2019

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2019

Printed and bound in Great Britain by Clays Ltd, Elcograf S.p.A.

A catalogue record for this publication is available from the British Library.

ISBN 978-1-107-18078-9 Hardback
ISBN 978-1-316-63234-5 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

CONTENTS

<i>List of Illustrations</i>	page vii
<i>List of Contributors</i>	viii
<i>List of Abbreviations</i>	ix
<i>Preface</i>	xi

PART I LEGAL CONTEXTS

1 English Law before the Conquest STEFAN JURASINSKI	3
2 Languages and Law in Late Medieval England: English, French and Latin GWILYM DODD	17
3 Canon and Civil Law PETER D. CLARKE	30
4 Custom and Common Law PAUL RAFFIELD	42
5 Magna Carta and Statutory Law ANTHONY MUSSON	54
6 Treatises, Tracts and Compilations DON C. SKEMER	66

Contents

PART II LITERARY TEXTS

7	Treason NEIL CARTLIDGE	83
8	Complaint Literature WENDY SCASE	95
9	Political Literature and Political Law ANDREW GALLOWAY	108
10	William Langland EMILY STEINER	121
11	Geoffrey Chaucer CANDACE BARRINGTON	135
12	John Gower R. F. YEAGER	148
13	Lollards and Religious Writings FIONA SOMERSET	167
14	Lancastrian Literature SEBASTIAN SOBECKI	178
15	Middle English Romance and Malory's <i>Morte Darthur</i> CORINNE SAUNDERS	188
16	Marriage and the Legal Culture of Witnessing EMMA LIPTON	202
	<i>Index</i>	213

ILLUSTRATIONS

- | | | |
|-----|---|---------|
| 1.1 | The <i>Expositio vocabulorum</i> from The National Archives, London, MS E 164/2, f. 302v. | page 13 |
| 6.1 | Statute Book, c. 1300–10 from Princeton University Library, Scheide M30, fol. 1 r. | 71 |
| 6.2 | Register of Writs, early fifteenth century from Princeton University Library, Princeton MS. 147, fol. 1 r (detail). | 74 |

CONTRIBUTORS

CANDACE BARRINGTON is Professor of English at Central Connecticut State University

NEIL CARLIDGE is Professor of English at Durham University

PETER D. CLARKE is Professor of Ecclesiastical History at the University of Southampton

GWILYM DODD is Associate Professor of History at Nottingham University

ANDREW GALLOWAY is Professor of English at Cornell University

STEFAN JURASINSKI is Associate Professor of English at SUNY Brockport

EMMA LIPTON is Associate Professor of English at the University of Missouri

ANTHONY MUSSON is Head of Research at Royal Palaces

PAUL RAFFIELD is Professor of Law at the University of Warwick

WENDY SCASE is the Geoffrey Shepherd Professor of Medieval English Literature at the University of Birmingham

DON C. SKEMER is Curator of Manuscripts at Princeton University Library

SEBASTIAN SOBECKI is Professor of Medieval English Literature and Culture at the University of Groningen

FIONA SOMERSET is Professor of English at the University of Connecticut

EMILY STEINER is Professor of English at the University of Pennsylvania

CORINNE SAUNDERS is Professor of English at Durham University

R.F. YEAGER is Professor of Medieval and Renaissance Studies at the University of West Florida

ABBREVIATIONS

- AND: S. Gregory, W. Rothwell, D. A. Trotter, and M. Beddow (eds.), *Anglo-Norman Dictionary* (London: Maney Publishing for the Modern Humanities Research Association, 2005) www.anglo-norman.net/.
- DIMEV: L. R. Mooney, D. W. Mosser, with E. Solopova, D. Thorpe and D. H. Radcliffe (eds.), *The DIMEV: An Open-Access, Digital Edition of the Index of Middle English Verse* www.dimev.net.
- MED: H. Kurath, S. M. Kuhn and R. E. Lewis (eds.), *Middle English Dictionary* (Ann Arbor: University of Michigan Press, 1954–) <http://quod.lib.umich.edu/m/med/>.
- TNA: The National Archives, Kew.

PREFACE

The last fifteen years have seen an unprecedented surge of interest in law and literature, particularly in medieval and early modern treatments. Despite this considerable interest, there exists no convenient introduction to this topic. Ever since the publication of Richard Firth Green's seminal study, *A Crisis of Truth: Literature and the Law in Ricardian England* (1999), the law has been recognised as central to the field of medieval English literature, not least because many leading late medieval writers were themselves trained in the law. Virtually all canonical writers of the period such as Geoffrey Chaucer, John Gower, William Langland, Thomas Hoccleve, John Lydgate, John Skelton, Thomas Wyatt and John Rastell engage with the law and legal forms in their texts, yet the arcane nature of much medieval and early modern law restricts access to specialists. Illuminating the connections between law and literature in late medieval England requires the reader to be familiar with the esoteric world of early English legal systems and to recognise the open-ended routes Middle English literary texts make through that legal world.

The challenges of late medieval English scholarship are familiar enough; those with the study of the contemporaneous legal system are less so. For instance, dealing with late medieval English courts means understanding, at least, three systems (ecclesiastical, royal and manorial) and three traditions (canon, civil and common law) whose interconnections remain understudied. It also means reading primary texts in three languages – Latin, Anglo-Norman (eventually known as Law French) and Middle English. And, most frustratingly, it means coming to grips with immense gaps in the documentary record (due to fires in the Inns of Court in the early fifteenth century) by working forward from the early thirteenth century and back from the mid-fifteenth century.

The Cambridge Companion to Medieval English Law and Literature addresses the need for an authoritative guide through the bewildering maze

Preface

of late medieval law as well as the need for concise examples of how the law infiltrated contemporaneous literary texts. The *Companion* combines accessible chapters written by leading specialists in legal history with chapters exploring literary conversations with the law in the works of later medieval authors. Most of the literary chapters will cluster authors and texts by topics and genres; however, three chapters each focus exclusively on a canonical author: Langland, Chaucer and Gower. Our choice of the later medieval period captures not only the richness of literary uses of legal material, but also reflects the teaching curricula of many university programmes.

Our organising principle for this *Companion* addresses the need for detailed introductions to legal concepts, practices and institutions in post-Conquest England geared for literary scholars. Thus, Part I, 'Legal Contexts', provides a series of chapters that bring together recent scholarship on the most pertinent aspects of legal history: 'English Law before the Conquest', 'Languages and Law', 'Canon and Civil Law', 'Custom and Common Law', 'Magna Carta and Statutory Law' and, finally, 'Treatises, Tracts and Compilations'. Each of these chapters covers a broad field and assumes no prior knowledge of English legal history. Although our literary focus is the vibrant Middle English period, the legal background chapters in Part I also draw on much of the post-Conquest period to provide readers with a historical understanding of some of England's legal institutions. Where relevant, these chapters will also refer to pre-Conquest Anglo-Saxon institutions and traditions such as the *Leges Edwardi Confessoris*, royal charters, and continuities in ecclesiastical traditions.

Part II, 'Literary Texts', contains chapters on ten families of texts and authors from across the later medieval period whose verse and prose can be understood as engaging with legal discourse at several points of contact: 'Treason', 'Complaint Literature', 'Political Literature and Political Law', 'William Langland', 'Geoffrey Chaucer', 'John Gower', 'Lollards and Religious Writings', 'Lancastrian Literature', 'Middle English Romance and Malory's *Morte Darthur*' and 'Marriage and the Legal Culture of Witnessing'. These chapters refer to and employ the legal terms and concepts introduced in Part I. In this way, *The Cambridge Companion to Medieval English Law and Literature* forms the basis for students wishing to explore this rich area or for scholars to familiarise themselves with literary uses of the law.

Linda Bree at Cambridge University Press supported our project from its very inception, and we wish to express our sincere gratitude to her. We would also like to thank our contributors for their authoritative and

xii

Preface

finely crafted chapters and for their patience with our interventions during the copy-editing process. Work on this *Companion* has a been a pleasure, and we hope that our book will guide students and researchers through the bewildering maze of early English law and assist them in opening up the rich treasures still locked away in the field of medieval law and literature.

Candace Barrington and Sebastian Sobceki