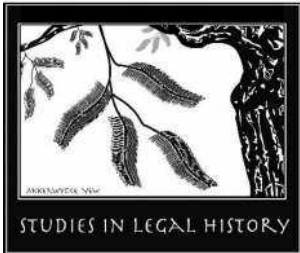


Felony and the Guilty Mind in Medieval England

This book explores the role of *mens rea*, broadly defined, as a factor in jury assessments of guilt and innocence from the early thirteenth through the fourteenth centuries – the first 200 years of the English criminal trial jury. Drawing upon evidence from the plea rolls, but also relying heavily upon non-legal textual sources such as popular literature and guides for confessors, Elizabeth Papp Kamali argues that issues of mind were central to jurors' determinations of whether a particular defendant should be convicted, pardoned, or acquitted outright. Demonstrating that the word “felony” itself connoted a guilty state of mind, she explores the interplay between social conceptions of guilt and innocence and jury behavior. Furthermore, she reveals a medieval understanding of felony that involved, in its paradigmatic form, three essential elements: an act that was reasoned, willed in a way not constrained by necessity, and evil or wicked in its essence.

Elizabeth Papp Kamali is Assistant Professor of Law at Harvard Law School.



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ELIZABETH PAPP KAMALI

Harvard Law School, Massachusetts



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*For Masoud
and in memory of his mother,
Shahrbanou Razizadeh (1941–2019)*

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reminded of their often anonymous, selfless toil in the vineyard of the medieval common law. I like to think that this book is one of AALT's many first fruits.

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A Note on the Text

I have drawn upon earlier publications, namely: “*Felonia felonice facta*: Felony and Intentionality in Medieval England,” *Journal of Criminal Law and Philosophy* 9:3 (2015), 397–421; “The Devil’s Daughter of Hell Fire: Anger’s Role in Medieval English Felony Cases,” *Law and History Review* 35:1 (2017), 155–200; “A Crossroads in Criminal Procedure: The Assumptions Underlying England’s Adoption of Trial by Jury for Crime” (coauthored with Thomas A. Green), in *Law and Society in Later Medieval England and Ireland: Essays in Honour of Paul Brand*, edited by Travis Baker, 51–81 (New York: Routledge, 2018); “Trial by Ordeal by Jury in Medieval England, or Saints and Sinners in Literature and Law,” in *Emotion, Violence, Vengeance and Law in the Middle Ages: Essays in Honour of William Ian Miller*, edited by Kate Gilbert and Stephen D. White (Leiden: Brill, 2018). I have, of course, also drawn upon my doctoral dissertation, “A Felonious State of Mind: Mens Rea in Thirteenth- and Fourteenth-Century England” (PhD diss., University of Michigan, 2015).

Throughout the book, I have most often provided my own translations of Latin and Anglo-Norman French texts and modernizations of Middle English texts. Where I have done so, I have typically provided the original language in a parenthetical or in a footnote. Where the Middle English is fairly decipherable by a modern audience, I have occasionally not provided a modernization; this is most often true for excerpts from *The Riverside Chaucer*. When I have relied on another person’s translation, I have identified the translator in the bibliography and in the first footnote citation.

Abbreviations

AALT	<i>The Anglo-American Legal Tradition</i> , a digital archive assembled by Robert C. Palmer, Elspeth K. Palmer Rosbrook, and Susanne Brand, available at aalt.law.uh.edu/aalt.html
<i>Bracton</i>	George E. Woodbine, ed. <i>Bracton on the Laws and Customs of England</i> , 4 vols. Translated by Samuel E. Thorne. Cambridge: Belknap, 1968
AND	<i>Anglo-Norman Dictionary</i> , online edition
CPR	<i>Calendar of the Patent Rolls</i>
CIM	<i>Calendar of Inquisitions Miscellaneous</i> (Chancery)
DMLBS	<i>Dictionary of Medieval Latin from British Sources</i>
Ekwall	Eilert Ekwall. <i>Concise Dictionary of English Place-Names</i> . Oxford: Clarendon, 1960
Hil.	Hilary Term
HMSO	Her/His Majesty's Stationery Office
Lib. Ass.	Liber Assisarum
Mich.	Michaelmas Term
ODNB	<i>Oxford Dictionary of National Biography</i> . Oxford University Press, 2004
OED	<i>Oxford English Dictionary</i> , 2nd edition
MED	<i>Middle English Dictionary</i>
P&M	Pollock, Frederick and Frederic William Maitland. <i>The History of English Law before the Time of Edward I</i> , 2 vols. Cambridge University Press, 1898
Pasch.	Easter Term
<i>Seipp's Abridgement</i>	David J. Seipp, compiler, <i>An Index and Paraphrase of Printed Year Book Reports, 1268–1535</i> , available at www.bu.edu/law/seipp/
Trin.	Trinity Term
TNA	The National Archives
Y.B.	Year Book

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