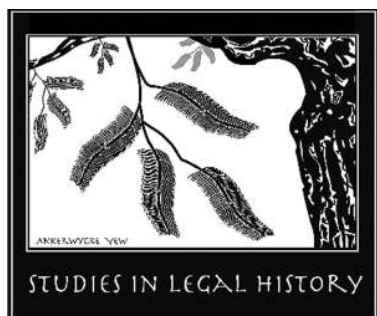


## Pain, Penance, and Protest

In medieval England, a defendant who refused to plead to a criminal indictment was sentenced to pressing with weights as a coercive measure. Using *peine forte et dure* (“strong and hard punishment”) as a lens through which to analyze the law and its relationship with Christianity, Butler asks: Where do we draw the line between punishment and penance? And, how can pain function as a vehicle for redemption within the common law? Adopting a multidisciplinary approach, this book embraces both law and literature. When Christ was on trial before Herod, he refused to plead, his silence signaling denial of the court’s authority. England’s discontented subjects, from hungry peasants to even King Charles I himself, stood mute before the courts in protest. Bringing together penance, pain, and protest, Butler breaks down the mythology surrounding *peine forte et dure* and examines how it functioned within the medieval criminal-justice system.

Sara M. Butler is the King George III Professor in British History at The Ohio State University. She is the author of three books: *The Language of Abuse: Marital Violence in Later Medieval England*, *Divorce in Medieval England: From One to Two Persons in Law*, and *Forensic Medicine and Death Investigation in Medieval England*.



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# Pain, Penance, and Protest

## *Peine Forte et Dure in Medieval England*

SARA M. BUTLER

*The Ohio State University*



CAMBRIDGE  
UNIVERSITY PRESS

Cambridge University Press & Assessment  
 978-1-009-06572-6 — Pain, Penance, and Protest  
 Sara M. Butler  
 Frontmatter  
[More Information](#)



**CAMBRIDGE**  
 UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, 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  
 103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

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Information on this title: [www.cambridge.org/9781009065726](http://www.cambridge.org/9781009065726)

DOI: 10.1017/9781009067065

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First published 2022

First paperback edition 2024

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

*Library of Congress Cataloging-in-Publication data*

NAMES: Butler, Sara M. (Sara Margaret), author.

TITLE: Pain, penance, and protest : peine forte et dure in medieval England / Sara M. Butler, The Ohio State University.

DESCRIPTION: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2022. | Series: Studies in legal history | Includes bibliographical references and index.

IDENTIFIERS: LCCN 2021037180 (print) | LCCN 2021037181 (ebook) | ISBN 9781316512388 (hardback) | ISBN 9781009067065 (ebook other)

SUBJECTS: LCSH: Peine forte et dure – England – History. | Pleas (Criminal procedure) – England – History.

CLASSIFICATION: LCC KD8225.P45 B88 2022 (print) | LCC KD8225.P45 (ebook) | DDC 345.42/077-dc23

LC record available at <https://lcn.loc.gov/2021037180>

LC ebook record available at <https://lcn.loc.gov/2021037181>

ISBN 978-1-316-51238-8 Hardback

ISBN 978-1-009-06572-6 Paperback

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## Acknowledgments

While writing a book may sometimes *feel* like the most solitary task in the world, it never actually is. In the seven years I have spent writing this book, I have accrued many debts. The funding for this project originated in the Gregory F. Curtin, S. J., Distinguished Professorship held at Loyola University New Orleans, as well as the King George III Professorship in British History at The Ohio State University. Many thanks to the staff at The National Archives for their assistance with manuscripts and to the wonderfully hard-working inter-library loan staff members at both Monroe Library (Loyola University New Orleans) and Thompson Library (The Ohio State University). For advice, insight, translation assistance, reading tips, and emotional support, many thanks to: Deanne Baker, Brian Butler, Lin Butler, Siobhain Bly Calkin, Deb Grayson, Huguette LaBine, Kenneth LaBine, Heather Mack, Jennifer Jahner, Leslie Joseph, Leslie Lockett, Geoffrey Parker, Ted Powell, John Sebastian, Karl Shoemaker, and Tina Sessa. Many thanks to Jordan Schoonover for her hard work indexing this book. Both Krista Kesselring and Cynthia Neville read early drafts of the book manuscript and gave invaluable advice; to both of you I express my gratitude for your support, encouraging critiques, keen eyes, and enduring friendship. One of the series' editors, Michael Lobban, spent hours reading multiple versions of this manuscript and offered superlative guidance to clarify and bolster the book's larger argument. The two anonymous reviewers for the press must also be thanked: their insightful reviews proved to be highly useful and I believe have made this a better manuscript. Finally, many thanks to my children: Cade, Genevieve, and Miranda. During the coronavirus



pandemic we have spent much more time together than I suspect any teenager wants to spend with their mother, and we did it without driving each other mad. Finally, many thanks to my husband, Mark LaBine, for his patience, love of family, and weird sense of humor – this book could not have been written without you.

I dedicate this book to my mother, Carol Marie Butler (née Allen), who left a big hole in all of our lives when she passed away September 8, 2014 after a two-year battle with cancer. I was ten years old when my mother started passing along historical fiction for me to read. Little did she realize at the time she was feeding the passions of a budding historian. Her unending love and support gave me the confidence to pursue my dreams, the humor to laugh at my mistakes and not take myself too seriously, as well as the grounding to help me realize the importance of a balanced life and having a family to cherish. Mom, you are sorely missed.

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## Abbreviations

<i>AJLH</i>	<i>American Journal of Legal History</i>
<i>Blackstone</i>	Blackstone, William. <i>Commentaries on the Laws of England</i> , 4 vols. (1723–1780). In “The Avalon Project: Documents in Law, History and Diplomacy.” New Haven. Online.
<i>Bracton</i>	Bracton, Henry of. <i>De Legibus Et Consuetudinibus Angliæ</i> , in <i>Bracton Online</i> . Cambridge, MA. Online.
<i>C&amp;C</i>	<i>Continuity and Change</i>
<i>CCR</i>	<i>Calendar of Close Rolls, 1273–1485</i> . 45 vols. London 1911–63.
<i>CFR</i>	<i>Calendar of Fine Rolls, 1272–1509</i> . 22 vols. London, 1911–62.
<i>CIPM</i>	<i>Calendar of Inquisitions Post Mortem</i> . 26 vols. London, 1898–2009.
<i>CPR</i>	<i>Calendar of Patent Rolls, 1216–1509</i> . 55 vols. London, 1891–1916.
<i>EETS</i>	<i>Early English Text Society</i>
<i>EHR</i>	<i>English Historical Review</i>
<i>JBS</i>	<i>Journal of British Studies</i>
<i>JUST 1</i>	Justices in Eyre, of Assize, of Oyer and Terminer, and of the Peace
<i>JUST 2</i>	Coroners’ Rolls and Files, with Cognate Documents
<i>JUST 3</i>	Justices of Jail Delivery: Jail Delivery Rolls and Files
<i>L&amp;HR</i>	<i>Law and History Review</i>
<i>LHP</i>	Leslie J. Downer, ed., <i>Leges Henrici Primi</i> . Oxford, 1972.

ODNB	<i>Oxford Dictionary of National Biography</i> . Online.
OED	<i>Oxford English Dictionary</i> . Oxford, 2020. Online.
P&M	Frederick Pollock and Frederic Maitland, <i>The History of English Law before the Time of Edward I</i> , 2 vols. Cambridge, 1895.
<i>P&amp;P</i>	<i>Past and Present</i>
PIMS	Pontifical Institute of Mediaeval Studies
RS	Rolls Series, also: <i>Rerum Britannicarum medii aevi scriptores</i> . 253 vols. (1858–1911).
SC	Special Collections, Ancient Correspondence of the Chancery and Exchequer
Seipp	Seipp, David J. “Seipp’s Abridgement.” Boston. Online.
SR	Alexander Luders, et al., eds. <i>Statutes of the Realm</i> . 11 vols. London, 1810–28.
SS	Selden Society
TNA	The National Archives, Kew (Surrey)
TRHS	<i>Transactions of the Royal Historical Society</i>
YB	Year Book
YLS	<i>Yearbook of Langland Studies</i>