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.

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Felony and the Guilty Mind in Medieval England

ELIZABETH PAPP KAMALI

Harvard Law School, Massachusetts
For Masoud

and in memory of his mother,

Shahrbanou Razizadeh (1941–2019)
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Acknowledgments

Felony and the Guilty Mind proceeded from rumination to research to writing and revision over several years, and I have incurred many debts during that time. At the University of Michigan, generous funding from the Rackham Graduate School and History Department supported my initial forays into the digital plea rolls, and I found a supportive community of scholars through the Medieval and Early Modern Studies program and the Premodern Colloquium. Two deans of Harvard Law School, Martha Minow and John Manning, provided institutional support during my first years on the faculty. Students in my Criminal Law and English Legal History classes, as well as my seminar on Mind and Criminal Responsibility, have challenged me to rethink matters and to connect my interests in the medieval common law to the concerns faced in the U.S. criminal justice system today.

Over the years, I have had the pleasure of workshopping portions of this book in a variety of settings, and the ensuing conversations have shaped the final manuscript immeasurably. I thank the participants in the workshop on “Criminal Responsibility and its History” at the University of Minnesota Law School, the symposium “Thoughts on the Future of the Past” at the University of Michigan, the faculty workshop at the University of Kentucky Law School, the Medieval Academy of America Meetings in Knoxville and Atlanta, the International Congress on Medieval Studies in Kalamazoo, the British Legal History Conference in Glasgow, the American Society for Legal History (ASLH) Conferences in Miami and Toronto, the Pre-Conference Workshop on Medieval Legal History at the ASLH Conference in Denver, the Legal History Roundtable at Boston College Law School, the workshop on “Emotion in the Courtroom” at the University of St Andrews, the conference on “Law and Governance in Pre-Modern Britain” at the University of Western Ontario, the Yale Legal History Forum, the Stanford Law and Humanities Workshop, the Medieval Studies Seminar on “Looking for Law in All the Wrong Places” at Harvard University, the Penn Law Legal History Workshop, the William & Mary Law School Faculty Enrichment Workshop,
Acknowledgments

and the faculty workshops at the University of Virginia Law School, Columbia Law School, and Harvard Law School.

During my time at the University of Michigan, my project first took shape under the guidance of my doctoral committee, including co-chairs Thomas Green and Charles Donahue, as well as Diane Owen Hughes, Katherine French, and Catherine Sanok, who kept my project grounded in the society, culture, and literature of medieval England. Although not officially on my committee, Alison Cornish read and commented on key chapters as the faculty leader of the MEMS dissertation writing workshop, and her advice helped shape the project in its early phases.


Speaking of AALT, Robert Palmer’s remarkable website, now well exceeding 9 million frames of historical material from the British National archives, enabled me to pursue my dream research project. Past generations of historians working with the plea rolls might have spent a year or two steeped in the materials at the Public Record Office (later the British National Archives in Kew) to pursue a project like mine. Family circumstances made a lengthy research stay unfeasible for me. During the years of my doctoral coursework, photography by Robert Palmer, Elspeth Palmer Rosbrook, Susanne Brand, and others proceeded at lightning speed, such that I could access the thirteenth- and fourteenth-century coroners’ rolls and trial records from the comfort of my Ann Arbor home and later my Cambridge office. I am profoundly grateful to the AALT team, who have revolutionized the accessibility of medieval English legal archives to scholars worldwide. When I glimpse AALT photographers’ hands holding down the tattered edges of early plea rolls on the AALT website, I am
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.

My editor at the Studies in Legal History Series, Michael Lobban, generously read my entire dissertation and multiple iterations of the book manuscript, bringing a modernist’s perspective and editorial wisdom to bear on medieval legal materials. He has improved the book considerably. I am also grateful to Deborah Gershenowitz, Rachel Blaifeder, Ruth Boyes, Jen Langworthy, Karthik Orukaimani, and the anonymous readers who offered invaluable feedback on the manuscript, advising me both as to the forest and the trees. I was pleased to have the meticulous help of a fellow medieval historian, Emily Price, in compiling the index.

At Harvard Law School, I have found inspiration and mentorship from many colleagues. I acknowledge intellectual debts in particular to the following individuals, who commented on drafts of chapters or related papers: Glenn Cohen, Andrew Crespo, Christine Desan, John Goldberg, Janet Halley, Adriaan Lanni, Anna Lvovsky, Ken Mack, Charles Nesson, Intisar Rabb, Daphna Renan, Henry Smith, Matthew Stephenson, and Crystal Yang. Both while I was on the job market and since my arrival on the faculty, conversations with Bill Alford, Tomiko Brown-Nagin, Dick Fallon, Jack Goldsmith, Vicki Jackson, Michael Klarman, Bruce Mann, Gerald Neuman, Ben Sachs, Joe Singer, Holger Spamann, Carol Steiker, Kristen Stilt, Alan Stone, Susannah Barton Tobin and Lloyd Weinreb have helped me think more critically about how to translate my medieval scholarship to reach a modern legal academic audience. Within the broader university, I have found second homes in Medieval Studies and History, where Sean Gilsdorf, Tamar Herzog, Dan Smail, and Nicholas Watson deserve special mention. Several research assistants have left their mark on the manuscript as well, including Jonathan Baddley, Grace McLaughlin, Cassandra Rasmussen, Theresa Smith, and Urvita Sudula. Two research assistants, Elizabeth Hamilton and Michael Reiterman, also reviewed my Latin translations; any remaining infelicities are entirely my own.

At Harvard Law School, I have been supported by wonderful faculty assistants, namely Matthew Rose, Ashley Nahlen, and Brenda Bee. The Harvard Law Library’s FRIDA staff have been infinitely patient with my requests for obscure library materials, and I thank in particular manager George Taoultsides, as well as Margie Brothers, Anna Martin, Ashley Pierce, Heather Pierce-Lopez, and Louise Ragno. Karen Beck and Mindy Kent, also at the Harvard Law Library, have provided access to manuscript materials and other resources and supported my research since my arrival at HLS.

My dissertation committee co-chairs deserve a second mention, as they are bookends on my time as a student of the medieval English common law, although I will admit that I am beginning to understand that one never graduates from being a student of the common law. I first encountered medieval law as a freshman at Harvard College when I enrolled in one of Charlie Donahue’s legal history classes. I am ever grateful that he encouraged
Acknowledgments

me to tackle archival records, namely manor court rolls, for my undergraduate thesis research, opening up a new world of the possible. From Charlie, I learned to appreciate the art of close readings of legal texts, an art that I now apply to texts of many genres and teach to my own students. I arrived at the University of Michigan just as Tom Green was retiring, or so he thought. As my advisor, mentor, neighbor, and friend, Tom helped me think aloud about my research ideas and read countless iterations of chapters, marking them up with insightful editorial commentary and the occasional humorous aside. After leaving Ann Arbor, I missed our regular conversations and was therefore all the more pleased that we were able to coauthor an essay connecting his 1985 book with my 2015 dissertation during my first year on the HLS faculty. Tom serves as a model of generous mentorship, quiet but persistent questioning, and thoughtful intellectual engagement, a model I now strive to emulate, but may never quite match, with my own students.

To linger in Ann Arbor memories for a moment, I thank my spouse, Masoud, and children, Aidin and Anahita, who first left a beloved home in Lexington, Massachusetts, so that I might pursue my doctoral studies in Michigan, and then left a similarly beloved home in Ann Arbor so that I might join the faculty of Harvard Law School. Their love and lightheartedness sustain me daily. I am also mindful today of my late father, Robert Richard Papp, my mother, Judith Ann Papp, and my six siblings, as well as my late mother-in-law, Shahrbanou Razizadeh, my father-in-law, Karim Kamali, and my siblings by marriage, all of whom have been part of my intellectual and life journey. As they would no doubt agree, Masoud models the verse we read (in English, not the Vulgate Latin, admittedly) on our wedding day two decades ago: “Caritas patiens est, benigna est. Caritas non aemulatur, non agit perperam, non inlator, non est ambitiosa, non qu aerit quae sua sunt, non iritatur, non cogit matum” (1 Corinthians 13:4–5). It is to Masoud that I dedicate this book.
A Note on the Text


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


AND  Anglo-Norman Dictionary, online edition

CPR  Calendar of the Patent Rolls

CIM  Calendar of Inquisitions Miscellaneous (Chancery)

DMLBS  Dictionary of Medieval Latin from British Sources


Hil.  Hilary Term

HMSO  Her/His Majesty’s Stationery Office

Lib. Ass.  Liber Assisarum

Mich.  Michaelmas Term


OED  Oxford English Dictionary, 2nd edition

MED  Middle English Dictionary


Pasch.  Easter Term

Seipp’s Abridgement  David J. Seipp, compiler, An Index and Paraphrase of Printed Year Book Reports, 1268–1535, available at www.bu.edu/law/seipp/

Trin.  Trinity Term

TNA  The National Archives

Y.B.  Year Book

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