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A Lancastrian Mirror for Princes

The Yale Law School
New Statutes of England

Rosemarie McGerr

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New Statutes of England



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A Lancastrian Mirror for Princes



In memoriam

MICHAEL CAMILLE & JEREMY GRIFFITHS

"And every statut koude he pleyn by rote."

GEOFFREY CHAUCER

Prologue to the *Canterbury Tales*

Preface

In the portrait of the “Sergeant of the Lawe” in the Prologue to Chaucer’s *Canterbury Tales*, the narrator includes the information that this pilgrim can cite every statute from memory – an impressive professional credential, to be sure – yet the irony of the passage might make us wonder what this accomplishment really means. We might expect that knowledge of all the statutes would increase a lawyer’s ability to solve a particular legal problem; but we might also wonder how knowledge of all of the statutes might shape a person’s understanding of the relationship of the English monarchy and Parliament, as well as the history of particular laws and the concepts of justice that laws reflect. From the hundreds of medieval English statutes manuscripts that survive, we know that English lawyers often owned copies of the statutes; yet we also know that a growing number of readers in late medieval England who were not lawyers also owned copies of statute books. And we might ask, “Why?” A collection of medieval statutes may not seem like a very exciting kind of book to read; but a medieval manuscript of statutes may tell a very interesting tale. When the text begins with a narrative justifying an English prince’s removal of his father from the throne, we begin to recognize that a statute book might serve many purposes. Some of what engages us when we read such a manuscript, however, comes in the margins of the central text – spaces where visual and verbal texts bring “other” voices into dialogue with the voices of the central text. Painted images, marginal comments, or ownership inscriptions may all come into play with the statutes, creating allusions to contemporary history, literature, or religious thought and revealing the cultural value the manuscript’s earlier readers found within its covers.

I first came across the Yale Law School manuscript of the *New Statutes of England* or *Nova statuta Angliae* when I was searching for manuscripts made

for Henry VI of England, in hopes of finding additional work by the scribes and artists who produced a manuscript of *The Pilgrimage of the Soul* inscribed with Henry VI's name. While the Yale *Nova statuta* did not provide the kinds of leads I hoped to find, I nonetheless became intrigued by several aspects of this statutes manuscript. First among these were the manuscript's historical links with two very interesting women: Margaret of Anjou, Henry VI's consort, and Margaret Elyot, wife of the humanist author Thomas Elyot. While recent scholarship on Margaret of Anjou has allowed us to understand more about her actions and their context, none of the studies of this queen has taken into account what her connection to this copy of the *New Statutes* might reveal about her knowledge of English law or her construction of her role as queen. Especially if, as I hope my study demonstrates, Margaret did not receive the Yale manuscript as a wedding gift, but had it made as a gift for her son, the manuscript has much to tell us about the extent of Margaret's participation in Lancastrian royal image-making. Less scholarship has focused on Lady Margaret Elyot (*née* Margaret Aborough or Margaret à Barrow), who was educated at the home of Sir Thomas More before she married into the Elyot family and came into possession of this manuscript. Knowledge of her link to this copy of the *New Statutes* adds greatly to our understanding of her adult life and the intellectual context in which Thomas Elyot composed his treatises.

Equally intriguing to me were the unique illustrations in the Yale Law School manuscript, which had not yet been fully reproduced, described, or analyzed. Although it is clear that this manuscript's texts and illustrations were produced by scribes and artists who worked on other copies of the *New Statutes*, the illustrations in this copy follow a different iconography from those found in the other surviving manuscripts, and these illustrations require a different form of reading process from what modern scholars might expect. To begin with, while the images of kings are "portraits" of the English kings whose statutes appear in the manuscript, the images borrow from discourses of justice and grace found in other visual and verbal genres to construct a commentary on kingship. The use of coats of arms in the margins of this manuscript also frames a reading of the statutes that is different from the readings suggested by the other surviving copies of the *New Statutes*. The Yale *New Statutes* manuscript thus demonstrates how medieval legal records could be framed in such a way as to inscribe multiple meanings and open the legal text to dialogue with works in other genres.

My project in this study is therefore both to offer a new reading of the Yale Law School *New Statutes of England* and to illustrate the value of reading medieval legal texts in new ways that become possible if we engage them in their manuscript context and their cultural context, including history, literature, and the visual arts. This study is not a critical edition of the texts that appear in the Yale Law School manuscript, but an analysis of the shaping of these texts as they appear in this fifteenth-century book. The present study goes considerably further than my preliminary treatment of the illustrations in the manuscript, in an article in *Textual Cultures*, vol. 1, no. 2 (Autumn 2006), pp. 6–59. Here I offer a full codicological description of the Yale manuscript; I also discuss in greater detail the relationship of the Yale manuscript to other copies of the *New Statutes*, to other legal texts associated with the Lancastrian court, and to other representations of kings that were part of public discourse during the fifteenth century. This study also analyzes the representation of Margaret of Anjou in the Yale manuscript, the relationship of this “portrait” to other representations of her from the 1440s to the 1470s, and the role that this manuscript may have played in her attempts to support her husband’s claim to the throne of England and her son’s right to inherit it. In addition, my analysis here goes considerably further than my article in showing links between the Yale statutes manuscript and other mirrors for princes, or works of advice about kingship, associated with the Lancastrian court. Finally, this study considers the different forms of value that a legal manuscript may have had for its owners after its initial production.

Many individuals and institutions made it possible for me to undertake and complete this project. First, I wish to express my gratitude to Mike Widener, Rare Book Librarian at Yale Law School’s Lillian Goldman Law Library, for his generous assistance over the course of the project. I also want to recognize Guy Holborn, Librarian at Lincoln’s Inn Library, and Jerome Farrell, Archivist at the Leathersellers’ Company, who helped me greatly with images and information over several years. My thanks go also to the staff members of the British Library Manuscript Room, the Harvard Law School Rare Books and Early Manuscripts Collection, the Inner Temple Library, the Library of Congress, and the Houghton Library for their assistance during my visits.

Many libraries and institutions kindly granted me permission to reproduce images of items in their collections: the Bibliothèque nationale de France, the Bodleian Library, the British Library, Columbia University Rare

Book and Manuscript Library, Durham Cathedral Library, Eton College, the Fitzwilliam Museum, the Free Library of Philadelphia, the Harry Ransom Humanities Research Center at the University of Texas at Austin, the Huntington Library, Jesus College (Oxford), King's College (Cambridge), the Leathersellers' Company, the Honourable Society of Lincoln's Inn, the Lillian Goldman Law Library (Yale Law School), the London Metropolitan Archives, the Metropolitan Museum of Art, the National Archives of the United Kingdom, the National Portrait Gallery (London), the Pierpont Morgan Library, the Royal Collection of Her Majesty Queen Elizabeth II, St. John's College (Cambridge), St. John Baptist College (Oxford), and the Skinners' Company.

My sincere thanks also go to the many colleagues who assisted me in aspects of my research or analysis. First among these must be Kathleen Scott and Jeremy Griffiths, who generously shared their own research on manuscripts of the *New Statutes of England*. Without their work, my own would have been much more difficult. Many other colleagues also assisted me with information or responses to drafts of the project, which allowed me to resolve problems both material and intellectual: John Hamilton Baker, Michel-André Bossy, Michael Camille, Dario Del Puppo, Tony Edwards, Matt Giancarlo, Richard Green, Tom Hahn, Jim Marrow, Lister Matheson, Helen Maurer, Alastair Minnis, Derek Pearsall, Fred Robinson, Pamela Robinson, Wendy Scase, Joel Silver, Eric Stanley, Wayne Storey, and Paul Strohm. I join with many who work on medieval manuscripts in mourning the loss of Jeremy Griffiths and Michael Camille; their scholarship in this field continues to challenge us to read medieval books in new ways.

I also greatly appreciate the funding from Indiana University that helped to defray the costs of research and publication of this book. The Henry H. H. Remak Professorship I received in 2008 made the largest financial contribution to my research and also made it possible for me to provide color as well as black-and-white images to illustrate my analysis. I am grateful to Henry Remak's student Larry Lee, who chose to honor Remak's intellectual achievement and dedication to teaching by supporting the work of current faculty at his home institution. Additional funding for my research came from the College of Arts and Sciences, the Department of Comparative Literature, and the West European Studies Program.

Finally, I want to thank Jane Behnken and Sarah Wyatt Swanson of Indiana University Press, who have guided the book smoothly through all aspects

of production, and Shoshanna Green, for her expert work on the copyediting. Special thanks to the Art Department, which has ably met the challenges of preparing the images for the book. I also want to thank Wayne Storey, the editor of *Textual Cultures*, and Indiana University Press for allowing me to include some material here that first appeared in my article about the Yale manuscript in that journal.

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The Margin and the Center

FRAMING A READING OF A LEGAL MANUSCRIPT



Among the rare books in Yale Law School's Lillian Goldman Library is a fifteenth-century manuscript of the *Nova statuta Angliae* or *New Statutes of England*, covering the period from 1327 until 1484.¹ While significant as a record of medieval laws, the manuscript is even more important for the unique decoration and illustration it contains and for what they suggest about the framing and interweaving of discourses within and among texts in the fifteenth century. Although published references to the Yale copy of the *New Statutes of England* go back to the nineteenth century, scholars have only begun to analyze this manuscript and its relationship to other visual and verbal texts in the late Middle Ages.² Thus far, more art historians have published research on the manuscript than legal historians or other scholars, and there has been little consensus on the manuscript's origins or significance. As I hope to show, the manuscript's visual and verbal texts are most productively read from more than one disciplinary perspective. Using an interdisciplinary approach, the following study brings together research in several fields to present a new reading of the Yale Law School *Nova statuta*. This study is the first to offer a full codicological analysis of the manuscript, as well as a detailed discussion of its significance as a cultural artifact.³ My project in the following chapters is to explore how the discourses found in the centers and margins of this manuscript contribute to its constructions of English law and history, kingship and queenship, justice and grace. In more general terms, the goal of this study is to offer a new exploration of what kind of "work" a fifteenth-century legal manuscript might do and what forms of representation

and rhetorical strategies it might share with medieval manuscripts in other genres. Such an analysis is necessary for understanding the true importance of the Yale manuscript, and others like it, now as well as in the past.

Many images of royal power, grace, and justice appear in the Yale *Nova statuta* manuscript – some verbal, some visual, some in the central text, some in the margins. The relationship between the margin and the center has become an important focus of inquiry for scholars in many disciplines, including the study of medieval manuscripts, for the margins and centers of the leaves of medieval manuscripts, in addition to the flyleaves and pastedowns that surround a manuscript's central leaves, can be read as cultural space, as well as textual space. Like other margins, the margins of medieval manuscripts have been theorized as locations of difference or otherness, frames that both define and challenge centers. Michael Camille has argued, "Things written or drawn in the margins add an extra dimension, a supplement, that is able to gloss, parody, modernize and problematize the [central] text's authority while never totally undermining it. The centre is . . . dependent upon the margins for its continued existence" (Camille 1992, 10). The margins of medieval manuscripts may also be theorized as thresholds or locations of mediation between others, inside or outside an individual manuscript book. Images or texts that recur in the margins at different points in a manuscript can serve to highlight links between the texts on those leaves, even when the texts come from different genres or treat different subjects. Margins are often the spaces where we find a mixture of images and texts that come from categories traditionally considered different or even opposed (public vs. private, religious vs. secular, courtly vs. popular). The margins of a manuscript are also where we often find images that cross boundaries in such a way as to create imaginative or even "monstrous" scenes or creatures, as well as texts that do not fit into traditional categories of literature (such as fragments of other texts, informal commentary on the central texts, recipes, mottos, curses, prayers, and civic or family records). Often, these texts have been added by a manuscript's owners, rather than inscribed by the artisans who originally produced it, and these texts have traditionally been considered marginal to a manuscript's central texts; yet these additions highlight the "open" nature of the textual and cultural spaces of medieval manuscripts, which were often constructed in pieces over the course of years or added to by different owners. The margins of medieval manuscripts can thus be read as spaces of ambiguity and dialogue that allow for interrogation of constructions of otherness, hybrid areas resistant to traditional systems of classification. Even in cases where the marginal texts

of a manuscript seem to reflect the nature of the manuscript's central texts, rather than offering what Camille calls the "exquisite incongruity of medieval marginal art" (Camille 1992, 12), the visual and verbal marginal texts of a manuscript have a voice in the economy of the manuscript as a whole, suggesting links to visual and verbal texts inside and outside the manuscript, offering readers additional contexts in which to read the manuscript's central texts.

Scholars have become more concerned about cultural context in describing the relationship of the central and marginal texts, as well as the visual and verbal texts, in medieval manuscripts. For example, Andrew Taylor has used the model of the medieval market to describe the artistic, intellectual, and social interactions occurring in the spaces surrounding the central text in an English manuscript of papal decrees (A. Taylor 2002, 158–59). For his part, Michael Camille has suggested the polyphony of late medieval music as another analogy for the interplay of visual and verbal texts in an English psalter (Camille 1998, 268). Both Taylor's and Camille's readings of medieval manuscripts have been shaped by Mikhail Bakhtin's theory of the interweaving of multiple discourses in the novel, which he traces back to medieval traditions of holiday transgression of official boundaries, such as those that took place during celebrations of Carnival just before Lent.⁴ The arguments presented by Taylor and Camille also reflect the theories of Arnold van Gennep and Victor Turner, who define passages through boundaries as sites of between-ness and redefinition and show how other liminal spaces and times in a culture mirror these spaces.⁵ As a result of working with the Yale *New Statutes* manuscript, I would like to suggest the medieval parliament as an additional model for the interplay of discourses in the margins and centers of late medieval manuscripts. Matthew Giancarlo has recently discussed the important ways in which parliament as a locus of dialogue, as well as legal process, played a significant role in the representation of voice in the literature of late medieval England: his study documents the development of the "sense of parliament as a *notional forum*, a place or site for the representation of conflict and colloquy and a fitting form for the tensions and debates of the day," as well as a discourse for exploring the process of representation, both legal and aesthetic (Giancarlo 2007, 14). The negotiations of textual and cultural authority that we can see in the relationship between margins and centers in late medieval manuscripts have parallels in the negotiations of authority that took place in parliamentary practices and discourses in England during the late Middle Ages. As these models for the complex relationship between margins and centers suggest, studies of medieval manuscripts become most fruitful when

we read their components in terms of dialogue, both within the individual codex and within the culture that produced and consumed these texts.

The multidimensional relationship of the margin and the center provides the framework for my study of the Yale Law School manuscript of the *Nova statuta Angliae*. This manuscript presents the Statutes of the Realm enacted during the reigns of six kings, beginning in 1327 and ending in 1468, with a later addition of statutes from 1482 to 1484. In addition to the *Nova statuta*, the manuscript contains a copy of the *Modus tenendi Parliamentum*, the *Tractatus de senescalsia Angliae*, and an alphabetical index to the statutes. This copy of the *Nova statuta* also includes visual images of six kings during whose reigns the statutes presented in the manuscript were passed, but these images differ from the illustrations found in other manuscripts of this text. In the following chapters, I suggest that work on the original parts of the manuscript began by 1460 and ended in 1471, a period of great crisis in English history as a result of the conflict between the Lancastrian and Yorkist parties over rights to the English throne.⁶ My analysis of this legal manuscript reads it as a document shaped by the debates between these two political factions, both in Parliament and through texts in diverse genres and media, including royal portraits, legal records, philosophical treatises, allegorical narratives, devotional texts, and civic pageants. Antonia Gransden argues, "Because of the insecurity of their dynasties, both Lancastrians and Yorkists used all known means to rally popular support, particularly that of the expanding middle classes. The spread of literacy made written propaganda more effective than ever before" (Gransden 1996, 251). Other scholars who study fifteenth-century English history and literature have noted that concerns about defining true kingship appear directly expressed or indirectly reflected in many different kinds of visual and verbal texts during this time. Anne Clark Bartlett considers fifteenth-century England "notorious" for the large number of texts produced during this time in the genre of "the literature of statecraft," or guides for kings and princes (Bartlett 2005, 53). Along with the ideal models of kingship depicted, however, we find anxieties and tensions stemming from the deposition of Richard II by the first Lancastrian king, Henry IV, in 1399. Scholars have now identified a wide range of texts from the fifteenth century in which the legitimacy of the Lancastrian line of kings remains an issue.⁷ Simon Walker has shown how different depictions of Richard II were put to political use in the seventy years after his deposition and death, and Ralph Griffiths has noted the large number of texts offering divergent views of Henry VI that appeared both during his long reign and after his deposition in 1461 and death in 1471.⁸ Maura Nolan

has analyzed John Lydgate's poems during the time of Henry VI's minority in relationship to the Lancastrian campaign to assert the young king's sovereignty, and Anthony Gross has shown how treatises on legal issues from the middle of the fifteenth century also comment on challenges to Lancastrian rule (Nolan 2005, Gross 1996).⁹ Nevertheless, the Lancastrians and Yorkists were not the first English political parties to debate ideals of kingship and justice through literature and the visual arts. Art historians have shown how earlier English monarchs and their supporters used the visual arts to suggest positive readings of royal power when threats to that power emerged.¹⁰ In the chapters that follow, both the debates about Henry VI's kingship and the medieval traditions of representing kings and queens in the arts will provide interpretive frames for my analysis of the images and narratives of royal power in the Yale Law School manuscript of the *New Statutes of England*.

Lancastrian and Yorkist discourses are just some of the competing discourses at play in the Yale Law School *Nova statuta*. Others involve linguistic, social, generic, iconographic, and gender differences. Both the number of discourses inscribed in this manuscript and their fluid relationships suggest that the manuscript required its readers to possess a complex form of literacy. Not only did they need knowledge of French and Latin to make full use of the manuscript, but they needed the ability to read the different parts of the manuscript in relationship to each other and in relationship to visual and verbal texts outside the manuscript. For example, while the decoration and illustration found in the Yale Law School manuscript might seem entirely marginal to the meaning of the verbal texts, we will see that this manuscript intertwines its visual and verbal texts by using historiated initials. Historiated initials contain pictures, so these large letters, which appear at the beginning of major portions of the statutes text, participate in both the verbal and visual texts of the manuscript. The historiated initials serve as liminal spaces between different genres, as well as forms of representation, for constructions of kingship, grace, and justice. By echoing iconography strongly associated with King David, five of the six historiated initials present the kings of England as successfully fulfilling the primary medieval model of good kingship and suggest that the one king who is depicted differently has departed from that model. In addition, these five visual depictions of kings suggest that true justice derives from the king's relationship with God, rather than the king's relationship with his subjects. By extension, the allusion to King David in five of the royal portraits also brings the statutes text into dialogue with the statements about justice and kingship in the Book of Psalms, attributed to King David.