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Teaching Legal Fiction:
Law and The Canterbury Tales

*Every statute or ordinance creates a fictive world.*
—L. H. Larue

Students knowledgeable of crime scene investigation techniques, gleaned from movies, board games, and television, fill the desks of my Chaucer classes. Acquainted with acoustic reflectometry probes, chronographs, and alternative light sources, they understand the necessity of careful scrutiny, of examining witnesses, processing all the evidence, preserving the chain of command, and maintaining objectivity. Yet these same students balk at the task of close reading a literary text, at searching for hidden meanings and ferreting out unexplored allusions. Despite repeated instruction and varied handouts from me, they remain unaware of what they should look for and write. Thus I use two, not disparate but similar, disciplines—literature and law—to build each other. Each requires a fixed regard for evidence, a multidisciplinary approach, and meticulous observation. Each calls for inductive and deductive reasoning and for an application of such reasoning to the facts. Crime scenes contain multiple voices, some living, some dead, some false, some true. Nothing can be overlooked; nothing can be disturbed (Byrd 1–2; Christianson 34–55). Geoffrey Chaucer’s *Canterbury*


Tales, like the works of Charles Dickens, profits from a crime scene analysis and, because both men spent so much time in the courts and because their most complex characters are crooks, from an examination of contemporary law (Braswell 13–20). Law can help us understand where Chaucer acquired the framework for his most famous work and why his characters, unlike those of other contemporary poets, contain such breadth and depth.

The students in this Chaucer class are seniors and graduate students at an urban university, and they have a wide range of abilities. They are largely English or history majors, and some will go on to attend law school. They come to the course with little knowledge of the Middle Ages but with much knowledge of popular culture. Although this unit provides an interpretation of aspects of Chaucer’s poetry, its main purpose is to teach students to apply skills they have already mastered—without pain, I might add—to difficult academic texts. When studied in the context of literature, Chaucer’s works echo Dante, Jean de Meun, and Ovid, but when seen against a background of medieval law, they reflect the customals, letter books, medieval manor courts, and plea and memoranda rolls. Many of his stories—The Shipman’s Tale, The Franklin’s Tale, The Miller’s Tale, and the framework to The Canterbury Tales, for example—reveal the generic qualities in a variety of laws, bills, complaints, quitclaims, and writs (Braswell 17–20). Chaucer’s plotlines often mirror issues current in medieval courts. His trademark ambiguity echoes the guilty-innocent atmosphere of the courtroom, where facts can be made to seem first one thing and then another, as though one were saying, “Here is a text; in how many ways can it have meaning” (Gopen 334). With literature as with the law, the answer often depends on the nature of the evidence one has and on the talents of the individual best able to argue it.

There is no question that Chaucer knew the law. For centuries he was reputed to have been a lawyer. One 1396 record even refers to him inexplicably as an “attorney” aiding Gregory Ballard in the legal possession of a manor (Chaucer Life-Records 510). The poet was believed to have studied at the Inns of Court, though we have no evidence that he in fact did. Still, as justice of the peace, justice ad Inquirendum, and member of parliament, he would have tried cases and administered law. He would later fictionalize such laws in The Canterbury Tales.

The General Prologue is about law. But because it is about so much more than that (and because this is a literature class) we begin with a rundown of the literary precedents and techniques at Chaucer’s disposal. First we review Boccaccio’s Decameron, commonly believed to be the source
for the framework, and then the *Novelle* of Giovanni Sercambi. Students are initially satisfied with superficial similarities: collections of tales by a variety of narrators (*Decameron*) or stories told while traveling along the road (*Novelle*). Chaucer’s characters, uniquely drawn from various walks of life, are often modeled on estates satire (lampoons of the social classes) or influenced by individuals the poet might have known. The students are struck by the fact that, even though the journey to Canterbury is made for an ostensibly religious reason, almost all the pilgrims are sinners, unrepentant ones at that. Most seem to violate the rules that govern their professions. Although we are told that the Monk is worthy to have been an abbot (line 165) and that the Shipman was a “good fellow” (395), we cannot take that at face value, especially since the Monk also eschews the required manuscript copying and the Shipman forces his victims to walk the plank. Like the accused and the guilty in a court of law, Chaucer’s characters are more ambiguous and complex than they initially seem.

After several weeks of dissecting The General Prologue through literary antecedents, feudal hierarchy, codes of dress, ecclesiastical positions, rules of weights and measures, and battle tactics, I present the class with several singular fourteenth-century texts: *The Court Baron, Leet Jurisdiction in the City of Norwich during the Eighteenth and Nineteenth Centuries*, and the *Fleta*. Students are initially frustrated and puzzled: they have no idea what a “leet” is or a “court baron,” and they know nothing about the concept of manor law. I believe that in order for them to understand what Chaucer is truly about, they must expand their horizons and pursue the poet from the viewpoint of a different field.

Both *The Court Baron* and *Leet Jurisdiction*, as well as passages from the *Fleta*, can be found in the publications of the Selden Society, of which the library at the University of Alabama, Birmingham, is fortunate to have a complete run. These volumes, published in 1890, 1891, and 1955 respectively, are in the public domain, and I digitize parts for my students. They contain the original Latin records (I run off a few pages) with the translation on the facing pages. The section from *The Court Baron* runs twenty or so pages; *Leet Jurisdiction* contains twenty-four documents, beginning in the early thirteenth century, so I pick the later fourteenth-century selections I want to use; and I reproduce the first twenty pages of the *Fleta*. These sections are designed to clarify procedure for legal assemblies. They present a group of offenders gathered before a bailiff, who calls on them to tell their “tales,” which often stem from their professions or trade. The court ends with a judgment and a feast.
 Rather than lecture the class on what they can expect to find in these pages, I charge the students to discover for themselves by exercising critical thinking. I provide them with the following very basic handout, and, because it is easy and quick, I instruct them to do research on Google as necessary to answer the questions:

1. Read the document carefully without reading any critical material. Write a paragraph describing its purpose.
2. Read the definition of a leet court in Wikipedia. Write a paragraph in your own words.
3. Read carefully pages 244 and 246 of the Fleta. Exactly when is the manor court scheduled and why?
4. Look carefully at the beginnings of any of the court documents. The court is conducted by a bailiff or “bailee.” What exactly does a bailiff do?
5. In the Court Baron, certain individuals are called up before the court. Although their particulars differ, in general, they are foregrounded for one reason. What is that reason?
6. Why would the characters be introduced to the court in terms of their professions?
7. In the Middle Ages each of the offenders before the court would tell a brief “tale” of his or her alleged wrongdoing; these people were then referred to as “narrators.” Briefly recount three of the tales they tell. Are these tales related to their professions? Why? Are these tales refuted? By whom and why?
8. Who is writing up the record? Not the bailiff or the tale tellers. Where do you think this person might be located physically? What would have been his charge?
9. This is a course on The Canterbury Tales. Why do you think you were given an assignment about leet courts? (Note: the answer to this is not an easy one.)

Students are required to write out complete answers to all the questions before they come back to class and to be prepared to discuss their papers in groups of three.

I am careful to monitor the students and to give them only the time they actually need so they will not simply converse at loose ends. Some groups will immediately focus on “April” when “all things are opening,” for the manor court’s appointed assemblage (line 246); the “bailiff” (Harry Bailly?) as the judge for the tales and tellers; and the professions—gold-
smiths and fishmongers, but also millers, reeves, and cooks—as the raison d’être for the stories to be told. These students will begin speculating on larger issues. Others will be such literal thinkers that they will be stuck on the dissimilarities; sometimes, even hints from me will not help.

The class then turns to the text of The General Prologue. Chaucer’s story begins in April, when Harry Bailly convenes an assorted group of pilgrims at the Tabard Inn and proposes a contest for the trip to Becket’s shrine. (The real Harry Bailly seems to have been a justice of the peace.) The rules are thus: each pilgrim will narrate two tales of mirth and solace, both going and returning; Bailly himself will determine which is best, and anyone who “be rebel to [his] juggement / Shal paye” for a supper to be held at journey’s end (833–34). To keep a record of the process, Chaucer the pilgrim becomes the scribe, or “narrator” (a legal as well as a literary term), swearing to record every utterance exactly as it is stated and revealing an acute awareness of both the spoken and the written word. These lines spoken by the pilgrim, as the students learn later, are freighted with legal nuance: “charge,” “untrew [untrue],” “feyn [fain],” and “writ” (lines 733, 735, 736, 739). The pilgrims traveling to Canterbury, like the participants in the leet, are introduced by their professions; it is often the laws they have broken in pursuance of their trades that Chaucerforegrounds, and most of these transgressions are the same as those from the manor court. The miller in both the court records and the Tales measures out grain with false weights; both cooks sell “pasteses” that have been warmed up twice: “twies hoot and twies coold” (CkT 4348). Chaucer’s language and that of the court records are often the same. Students are left with two distinct but parallel texts, one literary, one legal, containing similar plots, characters, and themes.

Before launching into an old-fashioned lecture, I direct the class to Mark Allen’s Chaucer Bibliography Online (http://uchaucer.utsa.edu), with which they are not familiar. The materials in this database date back to 1975. Reading the titles gives students a chance to see that law is a legitimate subject and to see how many others have broached it. I explain to them that they must take this step before writing their own papers. The search for “law” under “Expert Keyword” turns up more than three hundred entries; for “legal,” seventy. The materials are briefly annotated, and I have the students take notes on their findings and discuss those findings in class.

At this point, I instruct the students on Chaucer’s probable association with the manor court system. As early as 1941, the historian Margaret
Galway speculated that from 1385 to 1389, when the poet was living in Kent, he was in service to the king and queen and acted as overseer to one of Richard's estates—probably Eltham in Kent or Sheen in Surrey. Chaucer knew this court as justice of the peace: he observed its litigants and read its laws, and he may have witnessed it firsthand. He clearly realized its potential as a literary genre. Underneath the literary characters of *The Canterbury Tales* one finds a judge, a scribe, and squabbling narrators who tell tales to promote their self-interests and debase their peers. The manor court seems to have influenced Chaucer’s narrative structure more than did either the *Decameron* or the *Novelle*.

Can we go further than this? Is there more evidence to gather? another link to connect? I direct the students back to the legal texts and ask them to look carefully at the individuals who appear before the court. Are these people guilty or not? Are they simply misunderstood? Can we ever know? In *The Court Baron* one finds William Long, accused of grinding his grain at the lord’s mill and leaving without paying his toll, clearly a malicious act. William counters, however, that he acted in “forgetfulness and negligence,” not from evil intent. Is he a criminal or simply confused? Thomas the Fishmonger is accused of knowingly selling “stinking fish” that made the people gravely ill (50, 51). But Thomas responds that he bought the fish for new and without corruption and that is how he sold it. Is this an act of premeditated malice or not? Even though the anonymous scribe of the *Court Baron* tells us no more and we never know the fate of William or Thomas, we can assume that the individual who could accumulate the most facts and was most persuasive to the judge had the best chance to win the case.

Although the scribe is not a poet, we can clearly hear the two sides of the charge as related by the court. Ambiguity is buried deep inside the accused; to clarify it, “one must be able to perceive as many of the latent [meanings] in words and phrases as possible. Then by defining away the ambiguities one can limit the possibilities of accidental or intentional misinterpretation by others” (Gopen 341). Thus when examining Chaucer’s characters, students must search for word nuances—“hairs” and “fibers,” as it were—and use every tool at their disposal to demystify the text. Chaucer’s Cook obeys the laws of a trade in which he excels. He is considered a master chef and skilled in the use of England’s best spices. But he is accused of recycling his pastries, and his shop is full of flies. He is employed by the guildsmen to whom appearance is all; but that the sore on his shin is syphilitic implies unwholesome behavior. Is he culpable or
not? One text is presented, positing certain narrative facts; another text follows that distracts readers (Braswell 75). They were swayed by the positive description, but now they have to account for the negative one. How will they decide? Does the Knight practice or not practice the precepts of feudal law? Does the Sergeant of the Law conduct his dealings to the advantage or disadvantage of his clients? Chaucer the poet, writing for a literary audience that included actual lawyers, supplies more evidence for us to ponder, more clues to investigate than any advocate in a medieval court record.

At the end of this unit, the members of the class, like a team of CSI investigators, conduct a walk-through, retracing their steps and determining what they have accomplished. The work has been basic; I have set it up so that the students will not fail, but they have been exposed to new skills and a new perspective, which they will be able to use when dissecting a more daunting text. In a more advanced course the students will track down manuscripts, identify scribal hands, and check for interpolations and corrupt passages. They will search for missing evidence, chase false leads, and acknowledge with reluctance that some cases remain "cold." Such is the province of the medieval knowledge seeker and the world of the medieval sleuth.