

### Learning Outcomes

Students will learn to read primary sources written in abbreviated medieval Latin, the basic research skill for medieval historians.

### Books

There are no assigned books for this course. If you do not already have a Medieval Latin dictionary, Latham's Revised Medieval Latin Word-List from British and Irish Sources will be essential; if you already have a Medieval Latin dictionary, there may be no reason to buy another. Likewise helpful are C.R. Cheney's *A Handbook of Dates for Students of British History* (revised now by Michael Jones) and available in paperback. You may also want to refer to L.C. Hector, *The Handwriting of English Documents*, for a short, overall treatment of palacography if you have absolutely no experience in palacography at all AND your knowledge of Latin is rudimentary. *You should not have to acquire Hector*. A Medieval Latin dictionary and Cheney, however, are simply necessary; you can acquire both through Amazon (I am not ordering them through the bookstore.)

Unless something happens, I will provide you each with an historical mapping software program for England that will allow you to chart your results. I will also provide you with an Excel place name index for England and Wales I have extracted from an 1832 topographical dictionary. It is a bit defective still at this point, but is very helpful in locating placenames (the location of placenames is one of the more difficult parts of Medieval English historical research.)

### Background

Palacography becomes nearly impossible for a beginner if you do not know something about what the text should be saying. We will be working on legal documents that are valuable for legal, economic, religious, political, and social history. None of you have taken my English legal history course, and thus none of you have any background in these documents. I would strongly advise you to remedy that deficiency before class begins. The easiest way to do that is to read my book "The Whilton Dispute." I wrote it as an introductory text, and it is only about 200 pages. It relates a dispute that began between a mother and her daughter, ended up lasting about 120 years, and in the process shows how English people used the law in the late thirteenth and fourteenth centuries. The text contains translated documents of the dispute, so you can familiarize yourself both with the legal system and with the style of the legal documents you will be reading. The library has a copy, and, since I use it in my English legal history course, it should be around in the teaching materials of former students. This recommendation is not just self-promotion. Studying this book over the summer will in fact make your life immeasurably easier next semester.

Most of you (all of you?) will in fact be working on documents from right before or the few decades after the plague of 1348. Thus, AFTER you have read the Whilton Dispute (not before), you may want to read relevant sections of English Law in the Age of the Black Death. There is no reason to do this over the Summer, but you may want simply to get this out of the way. Reading the whole thing would not hurt, but is not necessary for this course. For everyone, the first two

introductions (pp. 1-13) and the first conclusion (pp. 54-6) will be necessary. (For those people who are going to be working on religious material, chapter 4 (Regulating the Church) will be essential, because that chapter lays out the confrontation between Edward III and four of his bishops. We will in fact be working on a document from that dispute in the first class session. For those people working on the changing power of women at the time of the plague, chapter 9 (the Chancellor's Court of Conscience) will be necessary although obscure at the beginning, because the chancellor's court protected the use, and the use allowed husbands to alter the power structure of the family. Do not be concerned if you do not understand the chapter completely. For those who are working with economic kinds of issues, chapter 7 (The Written Contract) will be necessary. Again, do not be concerned if it is not completely clear during the summer. Do not even try this second book before you have gone through The Whilton Dispute, and I am not concerned if you do not work on the second book before next semester. After you do work through the relevant portion or, for some of you, the whole Black Death book, I can meet with you individually or in the relevant groups to explain the material. Class sessions, however, will not be legal history classes or lectures; they will be work on documents.

## The Documents

My database that we will be working on is not yet available, but will be, at least by the end of September. I now have something like 60,000 digitized images of documents; by the end of the summer I will have about 400,000. They will include the four major series of documents (court of common pleas plea rolls, court of king's bench plea rolls, king's remembrancer memoranda rolls, and the lord treasurer's remembrancer memoranda rolls) from 1272 to 1290, from 1346 to 1360, from 1509-10, and from 1548-9, together with chancery equity decrees and orders from 1536 to about 1610. Acquisition of images for this website will continue at this rate for about four years, so that the website is going to be a really major resource for medieval and early modern scholars. The course will familiarize you in the use of this database. After the website launches in September, we will be working primarily from the website; prior to that, we may have to work from CDs I will distribute. You will be able to download whole plea rolls from the site, so that you can work on them with or without immediate access to the net.

## Syllabus

I cannot make out a proper syllabus for the course, because I have never taught palaeography this way before; this communication will serve as a syllabus. My database and the state of technology now allows for individualized instruction, and I intend to take maximum advantage of those possibilities. Most learning will come in your working through the documents with relatively rapid query and response on the net. I am at my computer most of each day, and we will be able to look at the same document so that I can give you relatively rapid feedback on a document; otherwise you would just beat your head against a brick wall for a week until class (that was how I learned palaeography, and it was not a very satisfying experience.) I will be particularly available for a portion of each morning and each evening for queries over the net or by phone. The process of the course will depend on the level of initial competence of the individual student and varying within the class. For the beginner who has only a basic knowledge of Latin, the whole semester might be consumed simply in familiarization with Latin and the deciphering of documents. For those whose knowledge of Latin is more than simply basic or who have already

acquired some experience with palaeography, work can rapidly progress to doing genuine research on new documents.

In this kind of skills course, the students really should have a very major amount of control about what we do on the designated class evening, but that control should only be exercised once the class starts. My overriding concern is that the individual student put the time in each week and make progress, not let things drift until late in the semester or simply get lost. If I can be sure that is happening, then literally anything else is fair game.

We may find it useful to meet all semester as a whole class, but that will be a decision that each of you will make. If some people already have some ability in palaeography, the class session may well be a waste of time for them; they will be able to drop out of the evening session rapidly (if they want) and just pursue the research project and interact with me on line, by phone, and during office hours. I will be reluctant to abandon that class session for any individual student unless I am getting a good level of interaction from her/him over the net.

It could also be that the class will decide that it would be better soon to divide in half, either by interests or by Latin or palaeographical skills already acquired, and meet each for two hours; and one or two individuals might not be included in either group and meet with me outside that time or interact with me only on the net. Some people might choose to come for both sessions. Or we might abandon the evening session entirely after the first couple weeks. We will have to see what the interaction on the net is like and what seems most beneficial to you for you.

Those who are not advanced yet or who have worries about Latin competency may want to document the hours they spend to indicate the amount of work they have put in. This documentation is certainly not required, and for most of the class will be useless. For beginners, however, the very slowness of progress might cause panic about the eventual result; a weekly report of effort expended would help protect against my building a sense that you are doing nothing and against your impending sense of doom.

The end result of the semester, for everyone, will be a research paper. Most of the research paper will be an appendix of documents you have transcribed, translated, and submitted each week. The rest will be a commentary on the documents you have been going over. The evaluation will be based on your improvement in ability to read the documents as shown in the appendix and your commentary, not on the originality of the commentary (unless you start out fairly proficient anyway, in which case it would be unfair to grade you on improvement.)

### First Session

For the first session you should already have worked through charters 2 and 3 at this website: <http://palco.anglo-norman.org/wsussex.html>. Note that the "comments" tab at the bottom of charter 2 retails the common abbreviation marks, the first two tabs provide a Latin transcription and a translation. These documents are not the documents we will be working on for the rest of the semester, but they are similar. Depending on the classroom, we may or may not be able to access these documents during the first session; they seem protected against downloads. My database will not be so protected. As you work through these two charters in advance of class (whether now or the last week before classes start or anytime in between), feel free to e-mail

questions to me at [rpalmer@uh.edu](mailto:rpalmer@uh.edu). If we can pull up these charters in the classroom first session, we will start by handling any difficulties left over so that I can get a feel for what people need in fact, whether I am over- or underestimating what you need by that time. At this point, I am almost certainly underestimating. Interaction will cure me of that, I hope, before class begins. I plan to spend most of the first class working through the document I have sent you in the e-mail to which this "syllabus" is attached.

To emphasize, the WORST thing you can do is not ask questions. The two charters in the website above have document, transcription, translation, and commentary. Those should see you through just fine. But if you cannot understand how a certain portion of the transcription can come from the document, it makes no sense to agonize over it for days. Just ask. Remember, I was a beginner at one point also, and I can still remember being in a situation in which I had to prepare a document without access to assistance until the class met. I do not want you to be in that situation.

Likewise, if you want some additional short documents with transcription and translation, I would be willing to prepare some from my database and ship them out to you. I am not sending them now solely because I do not want you to think that going through them is required for the first session. If you should request them, however, I would be more than willing to provide them. If anyone requests, however, I will send them to the whole group, but the strict proviso that they are not required.

### Research Opportunities

My assumption based on prior interaction with most of you is that you are not looking for research opportunities with these documents, that your interests lie either earlier or later. I have no problem with that at all. You should know nevertheless that there are any number of dissertation possibilities in this material. The database is so large and the documents at this point so underused that the research possibilities are unlimited. The database will also expand so rapidly that there is virtually no possibility that any portion of the database will be completely exploited within your lifetimes.

For the purposes of this course, I want to try to focus you into groups, solely because it seemed to me in the historiography class you seemed to enjoy working in groups. It is also the case that if more than one person is working on a topic and the information is shared, you will feel better writing up the final paper commentary. I must confess that I would not like working in a group myself, so that if anyone prefers working alone I am certainly amenable to that also.

The particular subjects that seem to come close to the relevant interest areas (but not in any way coming close to exhausting the possibilities of the documents) are these:

#### (A) Reallocation of power within the family at the Black Death

Between 1176 and 1348 a widow could be absolutely sure of receiving a portion of her deceased husband's lands and tenements at his death, which she would continue to hold for the duration of her life. This right of the widow to a portion of her husband's lands was called her dower. The only way she could forfeit her dower right was if she was living in unreconciled adultery at the time of the husband's death. Litigation for dower was

one of the most frequent forms of litigation. Prior to 1348, a plea roll might contain about 400 membranes (pages); there would be about 300 cases of dower: a little less than one every membrane. The beginning of the medieval use (like a modern revocable trust) allowed husbands, for the first time, to avoid dower right. Husbands regularly provided for their widows in the uses the husbands established, but they were able to determine whether and how much the widow would get right before death. Instead of an absolute and fixed dower right, the widow's support would rest on the discretion of the husband. The result was not so much poor widows, but much more pressure on wives during the marriage to be docile. By 1370 about two-thirds of the dower litigation had disappeared; by the end of the fifteenth century there would be only about a dozen cases of dower in each plea roll. Wives simply had much less economic security during marriage. Women's property rights generally also fell in this period, but much less slowly: it was particularly the dower right that diminished as a social phenomenon rapidly after the Black Death, even though the law of dower remained exactly the same.

In the Black Death book I indicated that something of this sort was happening, but I had no idea how thorough it was, and no one has taken it up. I have since acquired some statistics, but have not utilized them except in class. The people working on this subject will work both before and after the Black Death and detail the amount of dower litigation before and after the plague in an individual county.

#### (B) Monastic houses after the Black Death

In digitizing the Exchequer documents in the early 1350s, I have noticed in passing that there are a significant number of documents relating to monasteries involving royal charters or grants. I suspect that the Crown was helping monasteries through the economic difficulties at that point, but I do not actually know what was happening. At any rate, the documents are rather lengthy. For those whose interests are monastic, economic, or mortality related, these exchequer documents might prove relatively interesting. I do not know how many there are in fact, but I am sure that there are enough for the course.

#### (C) The Conflict between Edward III and some of his Bishops

In the Black Death book, I outlined the conflict between Edward III and four of his bishops. The conflict was relatively serious. The king forced through the confiscation of the temporalities of two of the bishops. The bishop of Norwich barricaded himself in his cathedral. The bishop of Exeter ended up excommunicating a royal messenger for delivering a royal order to him. The conflict was heating up into a really major confrontation when the Black Death hit, and then the king made a major effort at reconciliation. In researching the book I did not go nearly as far as I could have in exploring that conflict. People interesting in king/church conflicts would find this an interesting topic. The document appended to the e-mail is a little piece of the conflict.

#### (D) Turnover in the Legal Profession

The attorney warrant rolls at the end of the plea rolls allow one to figure out the turnover among attorneys at the Black Death. I am willing to allow students to work on this subject, because the Latin and grammar components are relatively insignificant,

whereas the work with capitals and placenames is very high. I am somewhat reluctant to encourage the work, however, because the substantive payoff is so ambivalent. Clearly, attorneys who disappeared from the rolls might have disappeared because they died. Just as clearly, those attorneys might have disappeared because they got hired to fill the positions (such as a functionary for a jurisdictional liberty or town or city) whose holders had died. The turnover could still be significant for indicating a level of discontinuity. It is the case that I would like to see the results, so you should not be reluctant to insist on doing this topic. Just to make sure that the survey was really complete, the focus should be on a region, such as Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, Hertfordshire and Essex (three sets of twinned counties, all adjoining.)

#### (E) Sheriffs' Accounts

The remembrancers' rolls in the database always have a certain amount of material about the sheriffs' accounts to the exchequer. For someone seriously into royal revenue kinds of concerns, an examination of the problems sheriffs were having right after the Black Death might prove interesting. I have never worked through this kind of material, but would certainly be willing to have someone else do it. Such a project would certainly familiarize the researcher with sources of revenue and accounting procedures.

#### (F) Clerical Litigation

Clerics (rectors, vicars, bishops, archdeacons, monasteries) constituted a significant portion of the litigants in the fourteenth century: somewhere between ten and twenty percent of the cases in the court of common pleas involved some kind of cleric. Although I suspect there would be no focused outcome, one could take a county with a lot of litigation (I would suggest Norfolk or Dorset), and just examine every case in which a cleric appeared to assess what clerics were using the law for (as plaintiffs) and how much they were answerable at common law (as defendants).