

GOWER'S *CONFESSIO* AND THE *NOVA STATUTA* *ANGLIAE*: ROYAL LESSONS IN ENGLISH LAW

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Abstract

This essay examines parallels between the discussion of kingship and law in the *Confessio Amantis* and the account of Edward II's deposition that opens the *Nova statuta Angliae*, a comparison that reveals how each text employs a hybrid discourse that creates multiple frames of reference for the reader. Manuscript copies of both texts appear to have been commissioned for Richard II in the early 1390s, at a time when the king sought to defend against limitations of his power, and the *Confessio* has been depicted as a commentary on the king's fulfillment of his responsibilities. This essay shows how both texts interweave discourses of legal argument, romance narrative, advice to princes, and religious exemplum in ways that strengthen their representation of the king's sacred obligation to uphold the laws of the land, based on the English coronation oath that entered textual circulation in the fourteenth century.

Keywords: John Gower, *Confessio Amantis*, *Nova statuta Angliae*, kingship, law, coronation oath, Edward II, Richard II, Cambridge, St. John's College MS A.7, statutes.

Many scholars agree that Gower's *Confessio Amantis* shares qualities with medieval works in the "mirror for princes" genre. Although the *Confessio* circulated in several forms, probably beginning in the early 1390s, they all embed within Book VII an extensive account of Aristotle's instruction of Alexander the Great on the principles of good kingship.¹ In some versions of the *Confessio*, Book VIII offers an additional commentary on the duties of kings, and an

¹ The circumstances and chronology of Gower's composition and revision of the *Confessio Amantis* remain matters for scholarly debate. See, for example, Nicholson (1984:159-80), Watt (2003:11-17), Pearsall (2004:93-98), Lindeboom (2009:319-48), and Saul (2010:85-97).

additional discussion of kingship forms part of the prologue. Though the different forms of the poem depict its patron as either Richard II or Henry of Lancaster, Earl of Derby, who deposed Richard in 1399 and became Henry IV, the theme of good kingship remains strong in the Ricardian and Lancastrian versions.² More recently, however, scholars have begun to note that the *Confessio* also has affinities with several medieval English legal texts that circulated during the 1380s and 1390s, some of which Richard II either commissioned or received as gifts. In the following discussion, I will explore some hitherto unexamined links between the *Confessio Amantis* and one of these legal texts, the *Nova Statuta Angliae* or *New Statutes of England*, which circulated among professional and non-professional readers in the 1380s and 1390s and which Richard II received in a manuscript now in Cambridge: St. John's College MS A.7.³ Reading the *Confessio* and the *Nova Statuta* in comparison helps us understand both texts better: the comparison illuminates each text's hybrid quality, revealing how each interweaves discourses from legal, religious, and literary genres, as well as "mirror for princes," that create new frames of reference for its readers and present strong arguments for the king's responsibility to uphold England's laws.

Support for reading the *Confessio Amantis* in dialogue with the *Nova Statuta Angliae* comes in part from their circulation in similar reading circles. Beyond the two dedicatees of the *Confessio*, Richard II and Henry of Lancaster, Gower's readers are thought to have included other members of the nobility, land-holding gentry, and also educated men whose careers as lawyers, writers, or members of civil or royal administration gave them an interest in issues of governance.⁴ Beginning in the middle of the fourteenth century, these same types of readers began to own copies of statutes manuscripts.⁵ Most readers who wished or needed to know about English statutory law in the fourteenth century did so through copies of the *Nova Statuta Angliae*, which is a continuous record of the statutes, beginning with Edward III's first Parliament in 1327. Though the *Nova Statuta* text is based on the Rolls of Parliament, it differs from those official records in several important ways that, as we will see, could shape

² The critical literature on kingship as an important theme in the *Confessio* is extensive. For examples, see Peck (1978), Ferster (1996:108-34), McKinley (2007:107-28), Rayner (2008:5-34), and Olsson (2009:141-73).

³ On St. John's College MS A.7, see Binski and Panayotova (2005:134). For additional details about this manuscript and its images, see the St. John's College library website: URL www.joh.cam.ac.uk/library.

⁴ For recent discussions of the readership for the *Confessio Amantis*, see Watt (2003:3-4, 36-37), Epstein (2004:43-60), and Pearsall (2004:95-97).

⁵ On the manuscript transmission and readership of English statutes, see Skemer (1999:113-31).

readers' interpretations of the laws and the kings in whose reigns they were enacted.

The strongest support for reading the *Confessio* and the *Nova Statuta* in dialogue comes from the fact that copies of both texts seem to have been commissioned for Richard II himself. The fact that the image of Richard II in St. John's College MS. A. 7 (fol. 133r) (plate 1) is the only one in this manuscript that shows an official presenting a book to the king strongly suggests that the copy of the *Nova Statuta* in this manuscript was made for Richard II and possibly commissioned by him (Sherborne 1983:22; Robinson 1988:I, 85; Saul 1997:237, 361). While no presentation copy of the *Confessio* for Richard II survives, Gower clearly inscribes this king as his patron in the version of the prologue that refers to the poem as "A bok for king Richardes sake" (l. 24*) and offers an account of the king's personal commission of the poem during a meeting with the poet (ll. 34*-92*).⁶ The Ricardian version of the poem had a wider readership than the king himself, however, and continued to be copied even after Richard's loss of the throne in 1399, as we can see from Glasgow, University of Glasgow Library, MS Hunter 7 (S.1.7) (plate 2), a copy from the fifteenth century.⁷ Gower's depiction of Richard II in this version of the *Confessio* is more sympathetic than in other versions; but several scholars have noted that even this version of the poem offers an implicit critique of the king's performance of his duties, perhaps in response to rising tensions between the king and Parliament in the late 1380s.⁸

Lynn Staley argues that Gower's *Confessio* is one of a group of texts from the early 1390s that offered Richard II advice on good kingship (2005:122-23). In addition to the *Confessio* and Chaucer's "Tale of Melibee," Staley's group of works of advice for Richard II also includes manuscripts that bring together legal records and treatises on royal governance, all of which "urge Richard to assume responsibility through the judicious search for trustworthy counselors" (2005:123). Staley identifies London, British Library MS Cotton Nero D.vi as one of these manuscripts (2005:126) (plate 3). This codex is a large collection of legal and historical texts that include Richard II's coronation order and his

⁶ Citations of the *Confessio* come from the edition in Macaulay (1900-1901[1979]).

⁷ The dedication to King Richard appears in the left column of text on fol. 7r. For more information about this manuscript, see the University of Glasgow Library website. See also the description of this manuscript and its scribe by Linne Mooney, Simon Horobin, and Estelle Stubbs on the *Late Medieval English Scribes* website: URL www.medievalscribes.com

⁸ For example, Ann Astell (1999:81) argues that, through its allusions to Ovid, Gower's prologue casts Richard II in the role of pirate, rather than captain of the ship of state. For his part, Andrew Galloway (2002:67-104) argues that Gower's treatment of pity in the *Confessio* is a commentary on the "Merciless Parliament" of 1388.

appointment of Thomas Mowbray as Earl Marshall, as well as the treatise called the *Modus Tenendi Parliamentum* and statutes enacted under Richard II's rule.⁹ Although Staley does not discuss the significance of these last items, their presence in this collection suggests that the ideals of governance the king should follow include knowledge of statutory law, as well as seeking good counsel.

The other manuscript collection of legal texts made for Richard II around 1390, which Staley does not mention, is Cambridge, St. John's College, MS A.7, which presents several statutes texts in Latin and French from the thirteenth and fourteenth centuries. This manuscript has been dated to about 1390 because the last statute it contains comes from the twelfth regnal year of Richard II, or 1388-1389. The manuscript's core text is a copy of the *Nova Statuta Angliae* (fol. 69r) (plate 4); but the Cambridge manuscript prefaces its copy of the *New Statutes* with several of the *Old Statutes* or *Vetera Statuta Angliae* in Latin and French, each beginning with a portrait of the king in an historiated initial, in the same style as the portraits of Edward III and Richard II in the *Nova Statuta* text. *Vetera Statuta* collections were not a continuous record of statutes enacted under England's kings before Edward III, but a selection of earlier English laws that could vary in number and topic, depending on the patron's choice.¹⁰ The Cambridge manuscript is typical of *Vetera Statuta* collections in beginning with the *Magna Carta*, which provided legal protections against arbitrary use of royal power (fol. 1r). The other *Old Statutes* included in the Cambridge manuscript are the *Articuli super Cartas* of 1300/1, which limited royal seizure of property under Edward I (fol. 10r), and the *Ordinances of 1311*, which limited the spending of the royal household under Edward II (fol. 53r). It is unusual to find these last two laws in copies of the *Old Statutes* without the other statutes more commonly included, and this gives the Cambridge manuscript an unusual focus on the limitations on royal power established by English law. Several scholars have therefore suggested that Richard II may have commissioned the manuscript to give him the information needed to construct arguments against the restrictions put on royal powers by Parliament in the 1380s (Sherborne 1983:22; Bowers 2001:110-11; Galloway 2002:76; Saul 2010:96). Whether Richard commissioned the manuscript himself or received it as a gift, the presence of these statutes indicates that Richard had the opportunity to contemplate the legal ramifications of earlier episodes of crown-magnate conflict as he confronted his own.

⁹ For additional information about London, British Library MS Cotton Nero D.vi, see Sandler (1986:II, 175-76). For additional images of its illustrations, see the British Library website. Bowers (2001:112) argues that Cotton Nero D.vi was made for Richard II in about 1386.

¹⁰ See Skemer's discussion of the content of *Vetera Statuta* manuscripts (1999: 116-18).

While scholars have suggested that the three selections from the *Old Statutes* that preface the copy of the *New Statutes* in the St. John's College manuscript may have links with the *New Statutes* text that follows, none discusses the opening passage of the *New Statutes* or considers how knowledge of this text may have shaped Richard's views or those of his contemporaries, including authors like John Gower, on the relationship of royal power to law. Even without the three earlier statutes as a preface, the opening of the *New Statutes of England* offers a dramatic lesson in the king's responsibility to enforce the laws of the land, pursue justice through wise counsel, and uphold the parliamentary process. The opening of the *New Statutes* text is also a fascinating example of interwoven discourses from different genres in a late medieval legal text.¹¹ The *Nova Statuta* text begins, not with the first statute of Edward III's reign, but with a narrative that constructs the removal of Edward II from the throne as both legal and divinely sanctioned in order to save England from tyranny and restore justice to the realm. The account employs several rhetorical strategies in order to explain why Edward III has become the king whose first statute pardons all those who aided him and his mother Queen Isabelle when they invaded England, defeated the reigning king's army, killed the king's favorites, and imprisoned the king. Although the passage constructs a legal defense of Edward III's actions against Edward II and his favorites, who are presented as the primary villains, this account of the fall of Edward II has affinities with the genres of chronicle, religious exemplum, mirror for princes, and chivalric romance. The narrative in the St. John's College manuscript begins (as it does in all copies of the *Nova Statuta*) with the words "Come Hugh" ("Whereas Hugh"), referring to Hugh Despenser the Elder, and the fact that he was exiled from England with his son Hugh (plate 4).¹² The narrative then goes on to present Edward II as a king who falls from divine grace by allying himself with evil counselors and ignoring the laws of the land, thus abdicating the responsibilities of his coronation oath, while his son, the Edward who has now become king, suffers estrangement from his father and homeland, but follows good counsel, defeats the tyrants, and restores just government, with the help of God. In effect, the opening narrative becomes a miniature mirror for princes that also serves as a lens through which the record of statutes that follows can be read.

In the context of the Cambridge manuscript, the narrative that opens the *New Statutes* offered Richard II an explicit lesson on the English king's

¹¹ For a more extensive discussion of the prologue to the *Nova Statuta Angliae*, see McGerr (2011:76-81).

¹² Quotations and English translations of the *Nova Statuta Angliae* are cited from Raithby (1810-1828:I, 250-51). On the Despensers and their role in Edward II's downfall, see Fryde (1979).

responsibility to uphold the Statutes of the Realm, a lesson that countered Richard's sympathetic view of Edward II, for whose canonization as a martyr Richard began to work in the late 1380s (Saul 1997:312; Astell 1999:106; Bowers 2001:111-12). At the same time that the opening account elides the actual transfer of power from Edward II to Edward III, the passage provides explicit evidence for why Edward II needed to be removed from power. The passage first presents Edward II as a king who acts justly in condemning and exiling Hugh Despenser the Elder and Hugh Despenser the Younger as traitors to the realm, because Edward does so in agreement with his High Steward or Seneschal and with Parliament:

[...] a la suite Thomas adonques Counte de Lancastre et de Leycestre, Seneschal Dengleterre, par commune assent et agard des piers et du poeple du roialme.¹³

Soon, however, Edward II turns his back on the counsel of his loyal Seneschal and Parliament and returns to following evil counsel, allowing the Despensers to return to England without the assent of Parliament. Edward II then allows the Despensers to take the law into their own hands and punish their enemies, killing the Earl of Lancaster and many others, as well as banishing, imprisoning, and disinheriting both the noble and common people of England, without regard for their legal rights.

Through Edward II's heeding of evil counsel and disregard of the laws of the land, according to this account, the Despensers and their allies usurp the power of the king:

[...] et apres tieux mauveistez les ditz Hughe et Hughe, Mestre Robert de Baldok, Esmon jadis Counte Darundell acrocherent a eux roial poer, en tieu manere qe le dit Roi Edward rien ne fist, ne ne voleit faire, forsqe ceo qe les ditz Hughe et Hughe, Robert, Esmon Counte Darundell, luy conseillerent, ne fust ceo ja si grant tort [...].¹⁴

Although Edward II is briefly shown again acting with the assent of Parliament when he allows his son and wife to go to France to pursue a peace treaty, this is the last act of just kingship that the account attributes to him.

¹³ “[...] at the suit of Thomas then Earl of Lancaster and Leicester, and Steward of England, by the common assent and award of the Peers and Commons of the Realm.”

¹⁴ “[...] and after such Mischief, the said Hugh and Hugh, Master Robert Baldocke, and Edmond late Earl of Arundel usurped to them the Royal Power, so that the King nothing did nor would do, but as the said Hugh, and Hugh, Robert, and Edmond Earl of Arundel did counsel him, were it never so great wrong [...].”

Instead, Edward II next gives his assent to the crimes that the traitors now perpetrate against his own son and queen, who are treated as if they were banished from their homeland:

Les ditz Hughe et Hughe, Robert et Esmon Count Darundell, continuauntz lour mauveiste, moverent le corage le dit Roi Edward contre nostre Seigneur le Roi son fiuz qore est, et la dite Roine sa compaignie, et par poair roial qil avaient a eux acrochez, sicome desus est dit, tantz de durte procurerent estre fait par lassent du dit Roi Edward, au dit nostre Seigneur le Roi qore est, et a la Roine sa miere, adonques esteauntz dela la mier, qe eux y demorerent relinquiz du dit Roi Edward et come exilez hors du roialme Dengleterre [...].¹⁵

According to the account, because of this usurpation of royal power and its unjust use against the prince and queen, as well as the people of England, including members of the clergy, it becomes necessary for the future Edward III to seek good counsel and take action to save the kingdom:

Par quoi il covenist nostre dit Seigneur le Roi qore est, et la Roine sa miere, ensi mys a si grant meschefs de eux mesmes en estraunge terre, et attendauntz les destructions, damages, oppressions, et desheritisons qe notoirement furent faitz en dit roialme Dengleterre sur Seinte eglise, prelatz, Countes, Barons, et autres grauntz, et sur le poeple du roialme, per les ditz Hughe et Hughe, Robert, Esmon Counte Darundelle, par poair roial a eux issint acroche, mettre y le bon conseil qil perroient; et velauntz qe eux ne poient remede mettre fors qe par force, taunt fesoient qil vindrent en Engleterre a graunt force des gentz darmes, et par la grace de Dieu ove cele force, et ove leide des grauntz et du poeple du roialme, unt vencuz et destrut les ditz Hughe et Hughe, Robert, Esmon Counte Darundelle [...].¹⁶

¹⁵ "The said Hugh and Hugh, Robert, and Edmond Earl of Arundel continuing their Mischief, encouraged the said King Edward against our Sovereign Lord the King that now is, his Son, and the said Queen his Wife, and by the Royal Power which they had to them encroached, as afore is said, procured so much Grievance, by the assent of the said King Edward, to our Sovereign Lord the King that now is, and the Queen his Mother, then being beyond the Sea, that they remained as forsaken of the said King Edward, and as exiled from this Realm of England [...]."

¹⁶ "Wherefore it was necessary for our Sovereign Lord the King that now is, and the Queen his Mother, being in so great jeopardy of themselves in a strange Country, and seeing the Destruction, Damage, Oppressions, and Dishherisons which were notoriously done in the Realm of England, upon Holy Church, Prelates, Earls, Barons, and other great Men and the Commonalty by the said Hugh and Hugh, Robert, and Edmond Earl of Arundel, by the encroaching of such Royal Power to them, to take as good Counsel therein as they might; and seeing they might not remedy the same unless they came into England with an army of men of war, and by the Grace of God, with such puissance and with the help of great men

The account very effectively weaves together literary, religious, and legal discourses in order to depict the military invasion of England as an act that results from good counsel and has the approval of the nobility and common people of England, as well as divine sanction. It was not Prince Edward who usurped power from Edward II, but the condemned traitors, the Despensers, and their allies. The army that aided the prince was not a foreign invasion, but allies who came to assist the people of England overthrow usurpers who deprived the English of their own property and rights. Edward III and Queen Isabelle only acted to restore peace and justice to England, and the unspoken removal of Edward II from the throne becomes part of what was necessary in order to remedy the usurpation of royal power and fulfill God's will in England. The account includes no mention of Edward II's imprisonment or abdication, but the statute that follows immediately afterward in Edward III's name offers pardon to all those who helped imprison the former king. While Edward II's murder in prison several months later could understandably arouse sympathy for him, the account of his loss of the throne at the opening of the *New Statutes* text focuses on evidence that Edward II betrayed his coronation oath to uphold the laws of England and lost God's favor as a result.

Edward II's coronation oath in 1308 was the same one that Richard II himself took in 1377 and took again in 1388 (Saul 1997:195; Green 1999:233-3). The 1308 oath is the first coronation oath by an English king for which official records survive, and this may be because of the addition of a passage in which the king agrees to support the laws and customs determined by the people of his kingdom ("la Communauté de vostre Roiaume"), presumably in Parliament.¹⁷ The coronation oath was administered by the archbishop of Canterbury as a series of four questions in French:

Petitio. Sire, voutez-vous graunter, et garder, et, par vostre Serment, confirmer au Poepple d'Engleterre les Leys, et les Custumes, a eux grauntees par les auntienes Rois, voz Predecessours droitures et devotz a Dieu; et nomement les Lois, les Custumes, et les Franchises, grauntez au Clergie, e au Poepple, par le Glorious Roi Seint Edward, vostre Predecessour?

Responsio. Jeo les grante et promette.

Sire, garderez vous a Dieu, et Seint Eglise, et au Clerge, et au People Paes, et accord en Dieu entierment, solonc vostre Poer?

Jeo les garderai.

and Commons of the Realm, they have vanquished and destroyed the said Hugh and Hugh, Robert, and Edmond [...]."

¹⁷ On the significance of this addition to Edward II's coronation oath and its written record, see Fryde (1979:16-17, 239 n.10) and Green (1999:233, 236).

Sire, freez vous faire, en touz voz Jugements, ove droit Justice et discretion, en misericorde et verite, as vostre Poer?

Jeo le frai.

Sire, graunte vous a tenir et garder les Loys, et les Custumes droitureles, les quiels la Communauté de vostre Roiaume aura esleu, et les defendrez et afforterez, al honur de Dieu, a vostre Poer?

Jeo le graunte et promette.¹⁸ (Lodge 1972:10-11)

The repeated references in the account that opens the *New Statutes of England* to Edward II's failure to maintain the laws that protect the clergy, nobility, and common people of England from injustice might be read as pointed reminders of the promises he made in his coronation oath. The *New Statutes* account therefore implicitly inscribes within it the evidence for Edward II's betrayal of his coronation oath and the justification for his removal from the throne.

Whether Richard II commissioned the St. John's College manuscript in order to help him defend himself against limitations on his power or received the manuscript as a gift, the series of texts it brings together should have made clear to him that English monarchs who thought of themselves as above the law had not had great success in acting on that assumption. Readers who had access to the *Nova Statuta* text would not necessarily need the earlier statutes found in the St. John's College manuscript to get the same point. The growing circulation of *Nova Statuta* manuscripts during the fourteenth century suggests that greater numbers of readers were familiar with both the statutes and the narrative of Edward II's fall from the throne that opens every copy of the *New*

¹⁸ "[Question] Sire, will you grant and keep and by your oath confirm to the people of England the laws and customs given to them by the previous just and God-fearing kings, your ancestors, and especially the laws, customs, and liberties granted to the clergy and people by the glorious king, the sainted Edward, your predecessor?

[Response] I grant and promise them.

[Q] Sire, will you in all your judgments, so far as in you lies, preserve to God and to Holy Church, and to the people and clergy, entire peace and concord before God?

[R] I will preserve them.

[Q] Sire, will you, so far as in you lies, cause justice to be rendered rightly, impartially, and wisely, in compassion and in truth?

[R] I will do so.

[Q] Sire, do you grant to be held and observed the just laws and customs that the community of your realm shall determine, and will you, so far as in you lies, defend and strengthen them to the honour of God?

[R] I grant and promise them." (Baker 1968:28)

Statutes text.¹⁹ Knowledge of the statutes was not just seen as useful for lawyers: Richard Firth Green (1999:137) recounts that Sir Peter de la Mare, speaker of the House of Commons in 1376, produced a statutes book in Parliament to cite evidence for a violation of the law. Many of the statutes manuscripts that survive from the fourteenth century were probably made for lawyers as practical reference works, but some copies were owned by civic officials, merchants, private landowners, and the clergy, and the most highly decorated copies in the fourteenth century were probably made for members of the nobility.²⁰ As the *Nova Statuta Angliae* grew in length during the fourteenth century, this work could be read as a history book and mirror for princes, as well as a legal reference book (McGerr 2011:16-18).

Trained in law and a wealthy landowner whose acquisitions prove that he paid close attention to royal prerogatives, Gower was certainly familiar with the *New Statutes* text.²¹ If, as some argue, Chaucer's portrait of the Sergeant of the Law is based on Gower, he at least gave the impression that he knew every one of the statutes by heart.²² I would like to suggest that Gower found the account of Edward II's overthrow at the opening of the *New Statutes* of interest as a specific illustration –an exemplum of the sort that Gower employs in the *Confessio*– of the central importance of law to good kingship, a principle also argued in treatises circulating in fourteenth-century England.²³ In addition, I would like to suggest that Gower may have found the account that opens the *New Statutes* interesting as a model of hybrid discourse. The discussion of kingship and law in Book VII of the *Confessio* echoes several of the ideas and discourses found in the opening of the *New Statutes* text, with the result that

¹⁹ The exception would be a manuscript copy of the *Nova Statuta* that presents only the laws passed under Richard II, such as London, British Library MS Cotton Nero D. vi.

²⁰ On the copies of the *Nova Statuta* that survive from the fourteenth century, see Skemer (1999:114-15, 118-22, 129). For examples of manuscripts of the *New Statutes* from the second half of the fourteenth century in addition to Cambridge, St. John's College A.7, see London, British Library, MSS Arundel 331, Egerton 667, Harley 945, Harley 1024, Harley 1261, Harley 1311, Harley 3205, Harley 4855, and Lansdowne 475. Descriptions and images of each manuscript can be found on the British Library website.

²¹ On Gower's life, see Hines, Cohen, and Roffey (2004:23-41).

²² For Chaucer's description of the Sergeant of the Law's knowledge of statutes, see the Prologue to *The Canterbury Tales* (I.327), in Benson (1987:28). Lindeboom (2007:123-46) reviews the analysis of earlier scholars like Fisher and argues that the evidence shows Gower did have legal training and was probably the primary model for the Man of Law in the *Canterbury Tales*.

²³ This includes works on kingship such as Egidius of Rome's *De Regimine Principum* and the *Secreta Secretorum*, as well as the anonymous legal tracts called *Fleta* and *Modus Tenendi Parliamentum* (Musson 2001:184-86; Peck 2004:224; Rayner 2008:7, 9, 107).

Gower's poem offers its own hybridity, interweaving legal, religious, and literary discourses, that parallels the hybridity of the *New Statutes of England*.²⁴

While some scholars continue to consider Book VII of the *Confessio* "an interruption, a puzzle, a digression" (Rayner 2008:7), my reading supports those who suggest that Book VII is central to the structure and themes of the poem.²⁵ In Book VII, the poem moves from an exploration of the seven deadly sins to an exploration of good kingship –and a link between self-government and government of the realm– in Genius's account of Aristotle's advice to the young Alexander the Great. Within this account, the third aspect of good kingship is justice, and Genius puts much of the discussion of justice in terms of the importance of a king upholding the law, because law is central both to the king's fulfillment of his role and to the stability of his kingdom. By presenting the instruction as something offered long ago and far away, and by using examples also distanced from fourteenth-century England by time and place, Book VII of the *Confessio* avoids making direct application of its arguments to the problems faced by Richard II; but readers of the *Confessio* might well have thought of Edward II when they read a passage like lines 3073-74: "What king of lawe takth no kepe,/Be lawe he mai no regne kepe." Since the English king's coronation oath includes promises to maintain and implement just laws, Book VII here builds the same kind of argument that the *Nova Statuta* makes for the deposition of Edward II: a king who does not take care to uphold England's just laws has violated his oath and lost his right to rule.

Gower's poem leads up to this conclusion very carefully and acknowledges the complex relationship of a king to the laws of the land. Early in his discussion of royal justice, Genius explains that, although in some ways the king's power is above the laws of the land, a good king should not act in ways that clearly violate them:

And natheles upon som side
His pouer stant above the lawe
To yive bothe and to withdrawe
The forfet of a mannes lif;
But thinges whiche are excessif
Ayein the lawe, he schal not do
For love ne for hate also. (*CA* VII.2718-24)

²⁴ Ferster (1996:134-36) notes Gower's use of legal discourse in Book VII and presents a list of "idioms" in Book VII that figure prominently in English legal documents from the fourteenth century, including the rolls of Parliament. Peck (2004:224) also notes the prominence of legal terminology throughout the *Confessio*.

²⁵ R. F. Yeager (1990:197) discusses the movement of scholars towards recognizing the centrality of Book VII to the *Confessio* as a whole.

Genius continues by arguing that, although a king's powers are great, a good king will refrain from doing wrong, as much as he can: "The myhtes of a king ben grete,/Bot yit a worthy king schal lete/Of wrong to don, al that he myhte" (CA VII.2725-27). In the lines immediately following, Genius links the king's upholding of earthly law to his relationship with divine law, arguing that it is appropriate for the one who judges the people to justify himself according to God's law first: "For he which schal the people ryhte,/It sit wel to his regalie/That he himself ferst justefie/Towardses god in his degre" (CA VII.2728-31). Genius then underscores the idea that the king must answer to God for his failure to act justly with the warning that, although others may not be in the position to punish kings, God himself punishes kings who do not rule justly: "For his astat is elles fre/Toward alle othre in his persone/Save only to the god al one./Which wol himself a king chastise,/Wher that non other mai suffise" (CA VII.2732-36).

The reader may find here a key to the structure of the *Confessio* as a whole. The poem in effect leads the reader through the process of becoming a good king that Genius describes: the good ruler should first examine himself according to God's law (as in confession), and then the good ruler should turn to governing justly by applying the laws of the land without favoring individuals or groups, so that there will be peace and justice for all, including the king. In order to judge himself and others properly, the king must develop a deep understanding of love and hate, virtue and vice. Book VII repeats these ideas several times, as well as giving exempla to illustrate them. In lines 2737-45, for instance, Genius explains,

So were it good to taken hiede
That ferst a king his oghne dede
Betwen the vertu and the vice
Redresce, and thanne of his justice
So sette in evene the balance
Towardes othre in governance,
That to the povere and to the riche
Hise laws myhten stonde liche,
He schal excepte no persone.

This depiction of the ideal king upholding the legal rights of his people without favoritism echoes the promises in the coronation oath and the repeated references to the suffering shared by all ranks in England under the misrule of Edward II and his favorites in the opening of the *Nova Statuta*. In lines 2827-32, Genius argues that the goal of law is the well-being and peace of all in the kingdom:

To sette a lawe and kepe it noght
Ther is no comun profit soght;

Bot above alle natheles
 The lawe, which is mad for pes,
 Is good for to kepe for the beste,
 For that set alle men in reste.

In lines 2910-16, Genius repeats the idea that the ruler's responsibility is to uphold the law, for God's sake, as well as for the guidance of his realm:

I finde a tale write also,
 Hou that a worthi prince is holde
 The lawes of his lond to holde,
 Ferst for the hihe goddess sake,
 And ek for that him is betake
 The people forto guide and lede,
 Which is the charge of his kinghede.

The reference to the king's "charge" in this last passage might again remind readers of the coronation oath that requires the king "the lawes of his lond to holde."

Genius concludes his account of Aristotle's instruction on royal justice by underscoring the argument that upholding the law is both the king's responsibility under God and the way that the king ensures the stability of his rule. This passage culminates in the lines in the poem that most strongly depict law as the basis of kingship:

And so ferforth it is befalle
 That lawe is come among ous alle:
 God lieve it mote wel ben holde,
 As every king therto is holde;
 For thing which is of kings set,
 With kings oghte it noght be let.
 What king of lawe takth no kepe,
 Be lawe he mai no regne kepe.
 Do lawe away, what is a king? (*CA* VII.3067-75)

The couplet rhyming on "holde" links the appeal to God that law will be upheld in the kingdom with the king's obligation to uphold the law, presumably by virtue of his coronation oath. Genius alludes to the king's oath to uphold the law even more directly in the following lines:

This oghte a king wel understonde,
 As he which is to lawe swore,
 That if the lawe be forbore
 Withouten execucioun,
 It makth a lond torne up so down,
 Which is unto the king a sclandre. (*CA* VII.3078-83)

Genius's references to a king's sworn duty to uphold the law and the dire consequences of a king's failure to do so might well again remind readers of the depiction of Edward II and his loss of the throne in the opening of the *Nova Statuta Angliae*. In the final passage of his account of Aristotle's instruction on the importance of justice to kingship, Genius also uses a discourse of legal argument similar to what we saw in the *Nova Statuta*, but here he ultimately uses this discourse to construct an argument for a king remaining in power:

Forthi unto king Alisandre
 The wise Philosophre bad,
 That he himselve ferst be lad
 Of lawe, and forth thane overall
 So do justice in general,
 That al the wyde lond aboute
 The justice of his lawe doute,
 And thanne schal he stonde in reste. (CA VII.3084-91)

In the case of the king of England, he would best be able to fulfill this ideal of upholding the law if he and his advisors had manuscripts of the Statutes of the Realm to consult. In Richard's case, we know that he had access to at least one statutes manuscript, St. John's College A.7; but we don't know if he received this before or after he received a copy of the *Confessio*.

In the Lancastrian version of the poem, Gower constructs a frame for Book VII's discussion of kingship and law with passages in the prologue and at the end of Book VIII that underscore this link as a central theme for the poem. For example, this version of Book VIII repeats the argument highlighted in Book VII that the good king first justifies himself according to God's law and then is able to govern his kingdom according to the oath or "charge" he swore at his coronation (CA VIII.3064-88). In these passages, moreover, the poem connects the current unrest in England with the king's responsibility to uphold the law, making the parallels between the *Confessio* and the opening the *New Statutes* even more striking. As Richard Firth Green reminds us (1999:234), the English king's coronation oath, which had first been written down at the beginning of the fourteenth century, came into "public focus" again in June 1388, when Richard II performed this part of his coronation rite a second time in order to settle his dispute with the Lords Appellant; but the growing circulation of manuscripts of the *Nova Statuta* during the last quarter of the fourteenth century suggests that many readers of Gower's poem would also have been familiar with its account of Edward II's deposition because of his failure to uphold England's laws as required by his coronation oath.

These additional passages emphasize the *Confessio*'s use of multiple discourses, but the poem's hybrid quality is inscribed in its Ricardian version as well. Though borrowing from several genres of medieval literature, the

Confessio weaves these discourses together in such a way as to suggest a unity of courtly, legal, and religious ideals that the poem offers as a new kind of advice to princes. The hybrid nature of the *Confessio* becomes clearer, however, when we read Gower's poem and the *New Statutes of England* in dialogue. The two works together show the capacity of fourteenth-century English writers to interweave discourses so as to create multiple frames of reference for their readers, offer new perspectives, and transform older genres. Both texts interweave discourses of legal argument, romance narrative, mirror for princes, and religious exemplum in ways that strengthen their representation of the English king's sacred obligation to uphold the laws of the land.

Plates



Plate 1: Cambridge, St. John's College MS A.7, fol. 133r (detail) (reproduced by permission of the Fellows of St. John's College, Cambridge).

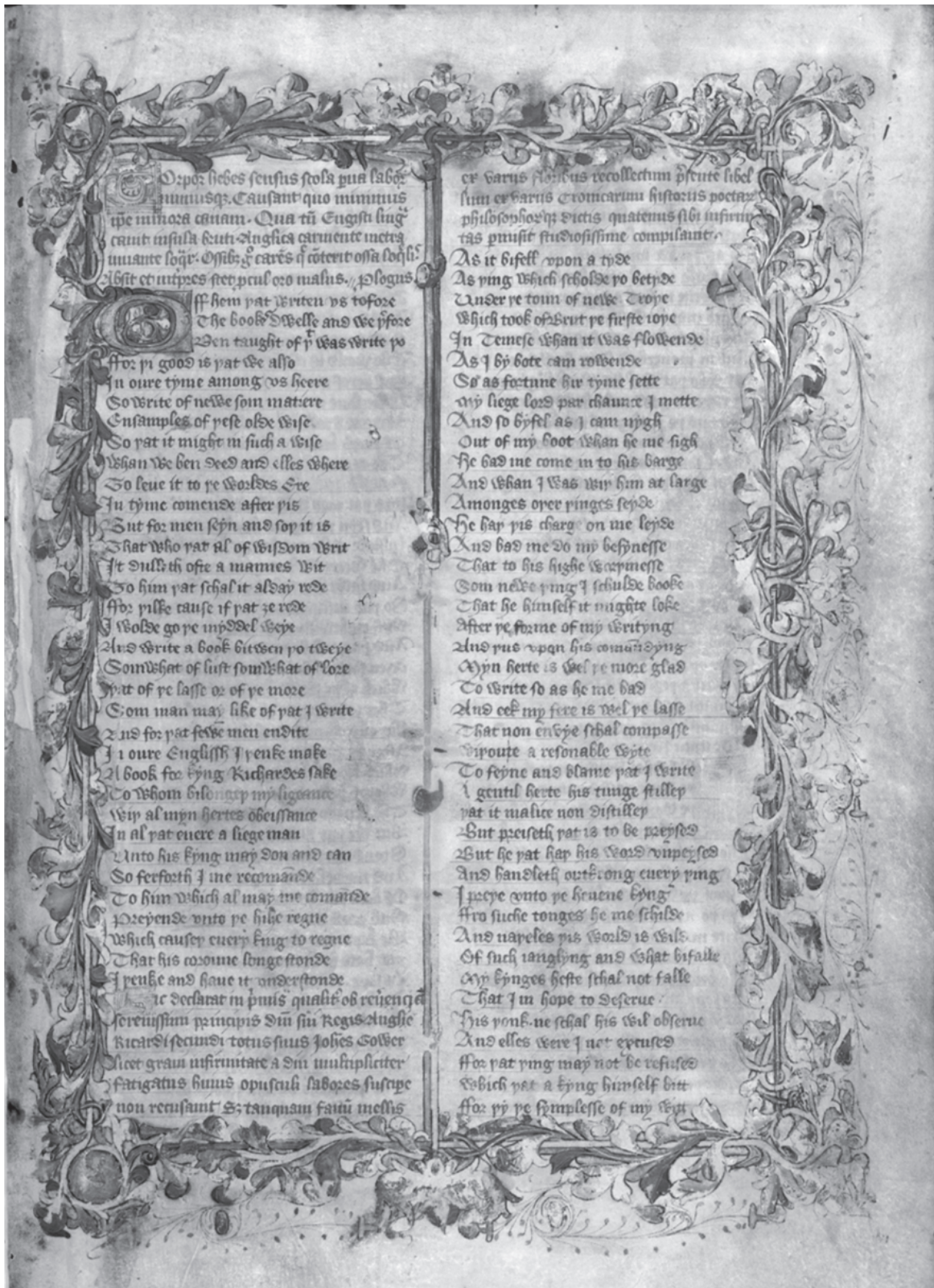


Plate 2: Glasgow, University of Glasgow, MS Hunter61 7 (S.1.7), fol. 1r (reproduced by permission of the University of Glasgow Library, Special Collections Department).



Plate 4: Cambridge, St. John's College MS A.7, fol. 69r (detail) (reproduced by permission of the Fellows of St. John's College, Cambridge).

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