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The Interconnection Between Law and Christianity in Medieval England

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THE INTERCONNECTION BETWEEN LAW AND CHRISTIANITY IN MEDIEVAL

ENGLAND

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As U.S. Supreme Court Justice James Wilson once stated, "human law must rest its authority ultimately upon the authority of that law which is divine. . . . Far from being rivals or enemies, religion and law are twin sisters, friends, and mutual assistants. Indeed, these two sciences run into each other."[1] Just as Wilson insinuates, the intertwinement of law and religion is inevitable. This interconnection has been noted in society's earliest laws, such as the Code of Hammurabi. Medieval England was no exception to the influence of law and religion, and how religion impacted law during this time period has no simple explanation. Most laws have religious tendencies in their scripture and are written by the religiously inclined. Yet another justification is institutionalized relativism — the idea that the influence of socially established regulations vary due to individuals and their environments. Because of the presence of institutionalized relativism, pinpointing how religion affected medieval law continues to be exceedingly difficult. Historians are unable to assume that all laws in medieval England are determined by religious beliefs to the same extent, even though they are influenced in the same manner. Christian influence on medieval English law is characterized by the religious beliefs embedded in laws themselves, the administration of law by the religiously driven, and institutionalized relativism.

In medieval times, 476 CE to the start of the Renaissance Era,[2] people were governed through the feudal system. Feudalism exemplified a system in which Lords and Kings ruled over

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[1] Charles E. Steele, "Quotes from the Founding Fathers: The Importance of a Moral Society," Quotes from the Founding Fathers, January 19, 2009, accessed February 13, 2017, http://www.free2pray.info/5founderquotes.html.

[2] History.com Staff, "Middle Ages," History.com, 2010, accessed November 14, 2016, http://www.history.com/topics/middle-ages.

their people and held control over all political and social issues. This system was a pressure that forced a cultural shift from the previous, complicated rule of the Roman Empire. The Romans were directed by a class system where any citizen could potentially rise to the top, creating an ongoing battle for power amongst Roman citizens.[3] Feudalism, on the other hand, was based mainly on familial relationships, meaning that movement between social classes was rare. This allowed rising empires to take advantage of the now readily available and simple system of governing. The formation of feudalism was based off the idea that "if the universe operated systematically, so too must societies."[4] This implied that feudalism was based primarily on logic and had no emotional influence, classifying church and religion as subservient to the logical nature of the law. But, the feudal system did not always eclipse the desires of the Church. For example, King Henry II was constantly at odds with the English Church. He is considered one of the greatest kings of England because of his perpetual mark on English law and government; yet, he (along with many other kings) was in a never ending conflict with the Church regarding how each of their roles should be exercised within the judicial system without counteracting each other. The contradictory sentences and rights imposed upon felons created a rivalry between Henry II and the archbishop of Canterbury, Thomas Becket. The Church and Becket believed felons should take pilgrimages while the king's court requested hanging - or property confiscation. After Henry II unintentionally requested that someone free him of the priest, four

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[3] Marianne Sparan and Donielle Streuli, "Government and Politics of the Roman Empire," Mrs. Rodriguez's Period 8 Class / Government and Politics of the Roman Empire, May 3, 2009, accessed February 13, 2017.

[4] Elizabeth A.R. Brown, "Feudalism," Encyclopedia Britannica Online, February 5, 2016, , accessed November 14, 2016, https://www.britannica.com/topic/feudalism.

knights murdered Becket. This led to a compromise between the Church and the Royal courts stating, "clerks suspected of crimes were tried first in the royal courts and, if convicted, surrendered their wealth to the king. They were then tried in ecclesiastical court in which punishment was a penance rather than hanging."[5] This established a court branch run by religious officials that had the power to sentence criminals with punishments based on religious ideals. In turn, the new ecclesiastical court rivaled the royal court whose punishments were determined through the concept of equity. This encouraged the rise of religious presence in medieval law. And this resulted in the power of the church rivaling that of the king. Religion held such high-esteem that if the king lost the faith and support of the church, he could potentially end up losing all his followers. But to balance the power of the church, the king controlled and dictated the roles held by the church - essentially prohibiting his own ouster.

The prominence of Christian beliefs and rulings in the medieval era was than enhanced by the deep respect for religious officials throughout society. A prime example is Saint Thomas Aquinas. Aquinas was a revolutionary theologian because he developed a controversial definition for the role of Theologian while also successfully combining religion and Aristotle's concept of reason — something unseen before his time. He believed that a "theologian accepts authority and faith as his starting point and then proceeds to conclusions using reason" and that if people acted knowingly and willingly that they would be happy.[6] [7] James Gordley states that

[5] Mortimer Chambers et al. "England: Thomas Becket" *The Western Experience*, 7th ed. (Boston: McGraw-Hill College, 1999), 297.

[6] Marie-Dominique Chenu, "Saint Thomas Aquinas," Encyclopedia Britannica Online, accessed November 13, 2016, https://www.britannica.com/biography/Saint-Thomas-Aquinas.

Aquinas believed, "Man is a rational animal. The other animals pursue their ends because they feel desire for what they see that is good for them. The lion sees the deer, he chases it and eats it. Man does not just see and feel desire. He knows what things are and why they are good for him. This is intellect, or reason. He can choose things because they are good for him, not simply because he wants it. This is will."[8] At age 17, Aquinas became a part of the new Dominican Order,[9] and "after a short initial opposition, the system of St. Thomas Aquinas was adopted as official"[10] in medieval Europe. Thomism, the term for Aquinas' system,[11] now became established because of the overarching presence of the Dominican order. The order had become one of the most effective ways to expand the reach of Christian doctrine in the medieval era. Aquinas' *Aquinas Ethicus (The Moral Teachings of St. Thomas)* was one of the many doctrines spread by the Dominican order. The transcription contains a moral code combining religion and law for medieval societies to abide by. Thus, the spread of Aquinas' theories gives historians insight into medieval law.

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[7] McInerny, Ralph And O'Callaghan, and John, "Saint Thomas Aquinas," The Stanford Encyclopedia of Philosophy, July 12, 1999, http://plato.stanford.edu/archives/win2016/entries/aquinas/.

[8] James Gordley, "Law and Religion: An Imaginary Conversation with a Medieval Jurist," January, 1987. http://www.jstor.org.proxy.lib.pdx.edu/stable/3480576?seq=1#page_scan_tab_contents.

[9] The New Dominican Order was established by Saint Dominic in 13th century France. The order supported preaching to the Gospel and opposed heresy. Many leading theologians rose from the order's presence.

[10] "Dominican," Encyclopædia Britannica, accessed January 18, 2017, https://www.britannica.com/topic/Dominican-order.

[11] Thomas F. O'Meara, "Thomism," Encyclopedia Britannica Online, , accessed November 13, 2016, https://www.britannica.com/topic/Thomism.

Since the medieval era, Christians have focused on the importance of goodness as evident in several stories, such as *Sir Gawain and the Green Knight*. In this specific tale, Sir Gawain demonstrates the qualities of an almost perfect knight. He follows the Chivalric Code — a code of conduct dictating a knight's behavior. Sir Gawain only falters once by almost giving into temptation. In the medieval era, being awarded knightly status was an honor and solely based on one's cohesion with the Chivalric Code of conduct. The Chivalric Code displays deep Christian roots by detailing which knightly behaviors were morally good. For example, a knight was supposed to "live for freedom, justice and all that is good."[12] Professor Peter Don Tjapkes states that these Christian roots were evident because medieval religious officials "continued the use of the Old Testament as it had been used in the past: as a direct, literal guide to conduct and belief."[13] It is clear that Christian doctrine directly represented the beliefs and morals of medieval society. The laws and moral codes were either based on religious beliefs or heavily affected by them. Kings and Lords then interpreted these codes of conducts to dictate what was morally right or wrong, leading to the use of moral codes for the determination of legal misconduct.

Due to the growing presence of Christianity — shown through its direct influence on literature — the relationship between medieval law and religion extended to the embodiment of Christian values in medieval English laws themselves. In Saint Thomas Aquinas' *Aquinas Ethicus*, written in 1294 CE, his teachings highlight the Christian ideology of good and evil. He

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[12] "Medieval Sourcebook: Andreas Capellanus: The Art of Courtly Love, (btw. 1174-1186)," Internet History Sourcebooks Project, , accessed February 12, 2017, http://sourcebooks.fordham.edu/halsall/source/Capellanus.asp.

[13] Peter Don Tjapkes, "The Old Testament and Medieval English Law: The Decline of Law as Revelation from 995 to 1215," 1993, accessed December 4, 2016, http://search.proquest.com.proxy.lib.pdx.edu/docview/304058349/.

characterizes any type of suspicion as evil and that "therefore suspicion involves a moral flaw in him who harbours it."[14] He then declares that judgement should err to the side of good when judging a person because "the only matter at stake here is the estate of him who forms the judgement — good, if he judges rightly; evil, if he judges falsely: because truth is the good of the intellect, and falsehood the evil thereof; and therefore everyone ought to strive to judge of things as they are."[15] The Christian definition and belief of good and evil is clearly visible in this section of *Aquinas Ethicus*. Aquinas based his teachings on the beliefs present in Christian doctrine while using reason to explain how to implement these beliefs in law. He declares that the truth is good and that people need to strive for the truth when convicting another, which demonstrates a clear resemblance to Christian beliefs.

The overbearing influence of Christianity in medieval English law is also accentuated through the overvaluation of virginity and the Virgin Mary. Corinne Saunders addresses the idea of rape and how, "the first two definitions would indicate a particular concern regarding the seizure and/or rape of virgins, and would reflect the high value placed on the person of the virgin under AEthelberht."[16] She also observed, "the laws clearly indicate the particular value placed on

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[14] Saint Thomas Aquinas, "St. Thomas Aquinas, Aquinas Ethicus: Or, the Moral Teaching of St. Thomas, Vol. 2 (Summa Theologica - Secunda Secundae Pt.2)," Online Library of Liberty, , accessed November 13, 2016.

[15] Saint Thomas Aquinas, "St. Thomas Aquinas, Aquinas Ethicus: Or, the Moral Teaching of St. Thomas, Vol. 2 (Summa Theologica - Secunda Secundae Pt.2)," Online Library of Liberty, , accessed November 13, 2016.

[16] An Anglo-Saxon king who ruled the British lands south of the Humber river. Corinne Saunders, "The medieval law of rape," *King's Law Journal* 11, no. 1 (2000): *General OneFile*, accessed December 5, 2016, http://go.galegroup.com.proxy.lib.pdx.edu/ps/i.do?p=ITOF&sw=w&u=s1185784&v=2.1&it=r&id=GALE%7CA200184765&asid=ba56dfbe5055ec33c1fc196aa11c6b12.

chastity: the compensation is twice that paid to a lay person."[17] Further, rape receives the same punishment as murder. Even though rape is a punishable offense no matter what the circumstances, the rape of a virgin is condemned more than that of a non-virgin. This odd distribution of punishment accentuates the value of virginity derived straight from Christian values. The Virgin Mary, for example, is a direct representation of the Christian appreciation and adoration of a woman's virginity. Mary is held in such high-esteem in the church not only because she is the mother of Jesus Christ, but also because she maintained her virginity. Virginity is held with such high-esteem in the Church that medieval law accentuated its the value by overly punishing those who violated and disrespected virginity. The presence of true Christian beliefs in medieval English law doctrines demonstrated law and punishment was heavily based on the morals of Christianity.

The incorporation of Christianity in medieval law is also clearly noted in the administration of law. Throughout Saint Thomas' teachings, the judgement of good and evil depends on one person: the distributor of justice. The usurper characterizes good and evil, and their job is to apply it to everyone in the community. Aquinas states, "he who pronounces judgment, interprets the utterance of the law."[18] In the English medieval era, this power was awarded to the kings, lords and the ecclesiastical court of the feudal system. These people were

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[17] Corinne Saunders, "The medieval law of rape," *King's Law Journal* 11, no. 1 (2000): *General OneFile*, accessed December 5, 2016, http://go.galegroup.com.proxy.lib.pdx.edu/ps/i.do?p=ITOF&sw=w&u=s1185784&v=2.1&it=r&id=GALE%7CA200184765&asid=ba56dfbe5055ec33c1fc196aa11c6b12.

[18] Saint Thomas Aquinas, "St. Thomas Aquinas, Aquinas Ethicus: Or, the Moral Teaching of St. Thomas, Vol. 2 (Summa Theologica - Secunda Secundae Pt.2)," Online Library of Liberty, , accessed November 13, 2016.

all driven by what they perceived to be God's will because God was seen as the divine power guiding their judgement. Power to administer judgement of the law indicates that Christianity also controlled the standing social hierarchy. One concrete example of a king acting as the distributor of justice is King Alfred. Melissa Sartore states:

> Within the expanding corpus of written law, exile, banishment, and outlawry as tools of legal and social order are common. The laws of King Alfred (849-899) placed the king as lord to all and asserted his right to regulate the system of dispute resolution based in private action.[19]

King Alfred had jurisdiction over all the people he commanded and did not have a clear law to abide by. He was able to impose his will over the people of his society. Viewed as a subordinate of God himself, King Alfred implied to his people that his actions reflected those of God. The feudalistic traits of English medieval society allowed Christianity to dictate through the supreme rulers. Reaffirming this idea, R.H. Hilton addresses how "urban affairs seem to have been dominated by bishops and their cathedral chapters."[20] Christianity influenced almost anything that occurred in the medieval English towns. The king and the court were influenced by God, which meant that all legal, religious, and international affairs were controlled in some way. Correspondingly, the bishops and cathedral chapters were loyal to the church, which meant that all urban and social affairs were now religiously inclined. The church dominated regime then led

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[19] Melissa Sartore, "Outlawry, Governance, and Law in Medieval England," 2010, accessed December 4, 2016, http://search.proquest.com.proxy.lib.pdx.edu/docview/822457126/previewPDF/F754B0D831474 04CPQ/1?accountid=13265.

[20] R. H. Hilton, "Urban Social Structures" in *English and French Towns in Feudal Society: A Comparative Study, 53-87* (Cambridge: Cambridge University Press, 1992), 59.

to extreme social inequality. Hilton states, "The judicial records also, as one would expect, demonstrate the existence of an, again uncountable, professional or semi-professional criminal element of thieves and burglars, an inevitable consequence of poverty, of extreme social inequality and of alienation from established social structures."[21] Since all of the town wealth belonged to priests, kings, and bishops, lower-class citizens were in extreme poverty. This resulted in more and more crime within the middle and lower classes because the less wealthy had to steal in order to survive. These criminals were seen as sinners in the eyes of the elite, resembling Christian Doctrine because their beliefs portray sin as a Devilish trait. Consequently, the elite class earned even more money from the trials and convictions of criminals. Social imbalance characterized English towns during the Medieval Era, which was a result of excessive religious power in law and social affairs.

Although medieval English law is influenced by Christianity's presence in the actual laws themselves and the higher power of religious officials, the extent of religious influence in the distribution of law varies due to the concept of institutionalized relativism. This suggests that because of the cultural differences in towns and countries in the medieval era, the extent of religious influence varied for each area. As James Schall states in his article, "Natural Law in the Medieval Intellectual Context", "the conclusions said to belong to natural law are not universal, but that they are only open to the restricted group who believe."[22] Using Schall's interpretation of

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[21] R. H. Hilton, "Urban Social Structures" in *English and French Towns in Feudal Society: A Comparative Study, 53-87* (Cambridge: Cambridge University Press, 1992), 61.

[22] James V. Schall, "Natural Law in the Medieval Intellectual Context," 1984, , accessed December 4, 2016, http://search.proquest.com.proxy.lib.pdx.edu/docview/1301777014/fulltextPDF/F4F6219479E74 1BAPQ/1?accountid=13265.

institutionalized relativism, one can discern that the extent of religious influence cannot be categorized as the same for all medieval towns. Based on the environment and the people exerting influence in each town, each law is interpreted and/or administered varyingly. For example, one town's jurisdiction could be based on the ideas of a theologian while another town could be based on the mindset of a medieval jurist. James Gordley's article *Law and Religion: An Imaginary Conversation with a Medieval Jurist*, describes the perspective of a medieval jurist based on Thomas Aquinas' ideologies. This specific jurist believed that "except for cases where there is a liability without fault, torts are of four kinds, as Gaius said. A person is liable for theft, for theft with violence, for damage done wrongfully, and for insult."[23] Meanwhile, a theologian believed, "what belongs to a man are his life, body, property, honor, tranquility, and so forth. They have reasons why this is so. To interfere with these things is to wrong a man, and one must pay compensation."[24] The differences between the views of a theologian and medieval jurist demonstrate only one of the many ways law could be administered differently all while being religiously influenced. Theologians emphasize the rights of the individual while jurists focus on the felony itself. This would mean that as a punishment is given, even though both theologian and judicial views value moral righteousness, the penance paid by the felon would vary according to the specific society. This concept of institutionalized relativism is key to the interpretation of religious influence on medieval English law.

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[23] James Gordley, "Law and Religion: An Imaginary Conversation with a Medieval Jurist," January, 1987. http://www.jstor.org.proxy.lib.pdx.edu/stable/3480576?seq=1#page_scan_tab_contents.

[24] Ibid.

The influence of religion and law varies amongst societies in medieval Europe because of institutionalized relativism. Christianity impacted medieval English law through its direct influence on laws and due to the dictation and administration of law by religious officials. This inference ties together all ends of the scholarly field today by combining a variety of different views on the subject. The overall field needs growth in understanding and application over the concept of institutionalized relativism. If there was more research and knowledge present of the Christian influence in various cities and areas in and around England, there would be a much clearer stance on the validity of the term. In order to expand the field of knowledge on religious influence on English medieval law, scholars may begin to ask questions such as: Were Saint Thomas Aquinas' teachings used as the common moral code in all of medieval Europe? Were Aquinas' teachings as influential in the concept of morality as the Old Testament?

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