

The Parliament of Heaven:
Theological Exposition or Legal Argument?

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For its medieval audiences, *The Parliament of Heaven* offered a simple and effective dramatic narrative of the Incarnation and Redemption of Man, doctrinally satisfactory — and also legally sound. At the beginning of the prologue, *Contemplacio* sets out the facts of the case and the dilemma: Man had lain in Hell ‘Fowre thowsand sex vndryd foure 3ere’¹ and deserved to lie there endlessly for his ‘offens and fowle foly’. But if Man was not forgiven, and was kept in Hell forever, God’s great mercy would perish (1-5).

Contemplacio’s advocacy on behalf of Man relies on scriptural authority to plead for pity, reminding God of Isaiah’s prayer that He should come down to earth, otherwise there will be no redemption (9, 14). The words of Jeremiah, the biblical spokesperson for abject misery, express the great sorrow and suffering of Mankind (17–18), and it is suggested that the punishment might be mitigable on the grounds that ‘The devyl hath dysceyved hem be hys iniquité’ (24). Jeremiah’s intense pity, and his plea that Mankind should be freed from his sins because of his heartfelt contrition (25–31), is supported by the Virtues, Archangels and Angels, who present the supplications and prayers of the Patriarchs and Prophets to God and add their own cries for mercy (34–6, 40). The Angels blame their fallen former companion Angel for Man’s disobedience, and because of Lucifer’s ‘obstynacye’ and ‘grett males’ (44, 45), say he must never be forgiven, but Man, who is repentant, should be restored to grace.

God is already minded to forgive Man, accepting that the ‘Tyme is come of reconsyliacyon’ (49–50, 52), but His Four Daughters argue about the legality of His decision. *Veritas* and *Justicia* object to the abandonment of the rules of law; *Misericordia* intercedes for Man; and *Pax* insists that she cannot exist without reconciliation between God and Man. Again, each of the Daughters’ adversative claims, *Pax*’s proposal that God the Son should decide between them, and the eventual solution devised and carried out by Him, are all equally supported by appropriate scriptural quotations.

Church Law and State Law.

While the play relies heavily on the authority of biblical pronouncements to state the problem, the argument, and the manner of its resolution, all three are also consistent with the precepts, procedures and juridical theory of both canon and common law in pre-Reformation England. Because the two systems were then much closer, the rules of English common law often resembled the teachings of the Church. The medieval notion of crime as a species of wrong, which needed punishment or atonement because it was sinful,² corresponded with the forensic idea formulated by Anselm, of sin as a transgression of law to be atoned for by penance intended to be punitive:³

Justitiam hominum nemo nescit esse sub lege, ut secundum ejus quantitatem, mensura retributionis a Deo recompensetur. ⁴

‘Everyone knows that the justice of men is under the law, so that according to its degree, a measure of retribution should be awarded by God.’

Administratively, although the power of the king’s court over the church courts was continually disputed, the blurred line between what distinguished a secular offence from a sin meant that the areas of jurisdiction often overlapped. Matters such as defamation, probate, or contract might be dealt with either in the church courts or the king’s courts, depending on the circumstances.⁵ For example, the common law of contract could be administered by Church courts to enforce a sworn promise, on the grounds that it was a sin to violate a promise.⁶ Conversely, a citizen might be punished for a moral offence or sin under the king’s law, if the offending action also constituted a breach of the peace (a criminal offence), as in a case in York in 1483. Many people complained to the city council that a woman from their parish:

Mariorie Gray alias Cherilippis (meretrix) ... fuit male dispositionis et gubernacionis de corpore sua et una skald inter vicinos suos ...

‘Margaret Gray, alias ‘Cherrylips’ (a prostitute), was of bad disposition and governance of her body, and a scold with her neighbours ...’

The matter was dealt with not by the church courts but by the mayor in his judicial role, who issued the offender with the medieval equivalent of an Exclusion Order/ASBO. He ordered that she remove herself beyond

the boundaries of the city by the next evening, and not to live in the city again under pain of imprisonment.⁷

Penance for sins and punishment for crime often affected the lives of the offenders in an identical way. For grave offences the Church excommunicated sinners and the State outlawed criminals; both resulted in the isolation and exclusion of offenders from their communities. In common law, a felony was treated as a fundamental breach of the contract of homage between king and subject, and the felon's punishment, death or exile, resembled biblical retribution. The guilty man forfeited his property to the Crown, and his crimes were visited on his children by disinheriting them — the equivalent of the punishment accorded to Adam when he was turned out of Eden.⁸ It is hardly surprising then that the terminology associated with sins against the law of God and their prescribed penances, might be indistinguishable from that applied to criminal acts and their punishments.

Legal or Theological Language?

Unfortunately, identifying legal language in medieval texts can be a perilous and uncertain enterprise. When statute laws are repealed or certain activities de-criminalised or sins cease to be punishable by Church law, the words used for them often become obsolete or lose their specialised legal meaning. The language of *The Parliament of Heaven* is a case in point, and this article originated with some linguistic research into *aseyth* (103), an unfamiliar and archaic word, but pivotal to the argument between the Four Daughters of God — and to the eventual agreement between them.⁹ Obsolete by the sixteenth century except in Scottish law, *aseyth*, and its variants *a seth*, *a-sethe*, *asethe*, *asseth*, and *assith* (Scottish), was adopted from the OF *as(s)et* (pronounced *asep* and variously spelled *asethe*, *asseth*, *assetz* etc), originally the same word as *asez*, *assez*, (from late Latin *ad satis*) 'enough'. In medieval English, *aseyth* was a multiple-personality word with a number of associated meanings, depending on the context and date of usage. They might be moral or legal: 'satisfaction', 'reparation', 'amends', 'payment for a debt', 'compensation for an offence against the law'; ecclesiastical: 'penance or atonement through deeds such as prayer, restitution, suffering'; or theological: specifically '(Christ's) atonement (for the sins of Mankind)' (*MED*). *Aseyth* was also doubled with *amends*, another OF adaptation, where *amendes* was specifically 'pecuniary fine' or 'penalties'. In English, *amends* had the same OF legal meanings of 'penalty', 'pecuniary compensation', as well as 'reparation' or 'satisfaction'

like *aseyth*, while the verb *amend* had a slightly different sense of ‘to free from fault’, ‘correct’, ‘improve’.

The etymological stages of *aseyth* and *amends* can be tracked in all manner of medieval literary texts and records. The early fourteenth-century *Prick of Conscience* describes one of the four kinds of help for souls in Purgatory is to make *assethe* ‘through [by the] penance of frendes and fasting’ (3610), a particular ecclesiastical meaning of *aseyth*: ‘penance or atonement through deeds’ (MED). Later, in *Piers Plowman*, the Anselmian thesis that the amount of *aseyth* should be equal to the gravity of the sin appears:

Hoc quoque non dubitabis, ut puto, quia secundum mensuram peccati oportet satisfactionem esse.

‘This also you will not doubt, I think, that the satisfaction/amends ought to be proportionate to the sin.’¹⁰

In *Piers Plowman*, Langland uses *amenden* and *aseth* or *assetz* as if they applied to a debt, although his message is the same as that of *Misericordia* in the play. God will forgive those who cannot make full satisfaction for their wrongs, if they:

... rufully repenten and restitucion make,

In as muche as þei mowen amenden and paien,

And if it suffise noȝt assetz that in C-Text 204 *aseth*
swiche a wille deyeþ,

Mercy, for his mekenesse, wol maken good þe remenaunt.¹¹

An Advent sermon, probably preached at the end of the fourteenth century, on the theme *Spem habeamus*, connects the *aseyth* made for Man’s sins by Christ’s Crucifixion with the need for penance: ‘And þer-as we suffice not to make a-sethe for oure synnes, he dud with is precious blode, to teche vs to make a-sethe with penaunce and confession’. The preacher of a Lenten sermon told his audience: ‘speke þat whils þou makes sethe for þi synnes God for-zeueþ þe [H]is punyshyng’ (Sermon 42), and the same advice was repeated in a later sermon, substituting *satisfaction* for *aseyth*: ‘in þis satisfaccion for oure synnes’.¹²

John Lydgate’s *Christ’s Last Will and Testament*¹³ prefers the word *satysfaccyoun* (the linguistic successor of *aseyth*) to express the same idea as Langland, explaining that *satysfaccyoun* is ‘Asseth that ys mad for synne’, and must be as much in sorrow and repentance as the sinner had pleasure

in his sin (4554–5). Sinners would get grace ‘Only of mercy and pyte’ (4851):

A-noon as they ha repentaunce,
 And Amende hem by penaunce,
 And preye to me in ther dystresse,
 ffor to graunte hem forgyffnesse. 4853–6

In Lydgate’s poem, *satysfaccyoun*, from the Latin verb *satisfacere*, had, and still retains, the Anglo-French legal sense of ‘payment of a debt, obligation or claim’. But even before its use in law, *satisfaction* is recorded as having the ecclesiastical meaning ‘penance’, and theologically then became specifically ‘the atonement made by Christ for sin as the equivalent for the penalty due for the sins of the world’, as in ‘doctrine of satisfaction’.

As *satisfaction* superseded *aseyth* in common usage, *aseyth* came to be associated with, or perhaps subsumed under *assets*. Derived from the Anglo-French law phrase, *aver assetz* ‘to have sufficient’, i.e. to meet certain claims, *assets* became a technical term in English law. Originally, *assets* were ‘Goods enough to discharge that burthen, which is cast upon the Executor or Heir in satisfying the testators or Ancestors Debts and Legacies’¹⁴, as in the 1436 codicil to the will of Robert Colynson, a York mercer. In a secular version of Langland (above), Colynson wanted to repay and make restitution — *amends* and *aseyth* — with his *assets* of money. He bequeathed 13d to 13 poor people in each of 21 parishes, and if any had suffered great loss because of trading with him, they were to have ‘amendis and asseth for thare losse’, adding cautiously ‘and thaie will ask it’. Perhaps Colynson’s business deals had been somewhat dubious because he asked for the forgiveness of the supposed creditors if he had made profit out of them, and if they did *not* ask for *amendis* and *assetth*, he begged them for God’s love to forgive him and pray for him.¹⁵

A dramatic parallel to Colynson’s codicil occurs in the text of the York Skinners’ Play: *The Entry into Jerusalem*. Zacheus tells Jesus:

Half my good I have unspent
 Poor folk to give it till,
 This I will fain,
 Whom I beguiled, to hym I will
 Make asith agayne. 449–53

Zacheus, like Colynson, implies that there has been some deceit or dishonesty in his business dealings, but repenting his sins, he is assured of

everlasting life, and granted peace to his house. Both Zacheus in the play and Robert Colynson in fifteenth-century York beg forgiveness, and to make amends, their *asith/asseth* for financial loss or injury is a sum of money in compensation/satisfaction.

Although in *Piers Plowman* Mercy will make up the remainder for ordinary folk, a quantitative amount of corporeal compensation is required to redeem the whole of mankind in the form of another death, before the *aseyth* is truly sufficient (Passus 18, 344–6). And in *The Parliament of Heaven*, when *Misericordia* supports the forgiveness of Man, *Justicia* rejects her plea, claiming that because of Man's 'abhomyabyll presumpcyon' (98) — his arrogance, pride, and effrontery in wanting to be as wise as God:

He may nevyr make aseyth be resoun:
 whoo myght thanne thens hym borwe? 103–104

But an alternative reading of *Justicia's* objection to Man's forgiveness would be that *presumpcyon* (98) described the now obsolete criminal act of 'seizure and occupation without right', 'usurpation', or 'the illegal assumption of office'. In the record of an eleventh-century event: 'Stigandus ... entrede the seete of Wynchestre by presumpcion', with 'presumpcion' used to translate *invaserat* in the Latin text: ... *Wyntoniensem sedem invaserat* ('he attacked/invaded/seized' the Episcopal see of Winchester).¹⁶ Adam's desire to be as wise (omniscient and powerful) as God would then be comparable with treason in fifteenth-century England, the felony of attempting to usurp the king's sovereignty and power. A man found guilty of this offence forfeited his holding to the Crown,¹⁷ just as Adam's action in disobeying God's command in order to be 'As wyse as is God' (97) lost him his right to live in Eden.

Justicia, representing the Old Law, uses the OE verb *borwe* (104) 'borrow', for its now obsolete legal meanings: 'to give surety for', 'take on pledge', 'go bail for', 'ransom', 'redeem', 'release by paying a ransom'. Speaking judicially, *Justicia* declares that by offending God 'þat is endles' (infinite, eternal), Man's punishment should also be endless and 'nevyr se[se]' (92–3); the nature of Man's sin or transgression of God's law (his *presumpcyon*) was so great that God's justice (*ryghtwysnes*) has no 'limitation' (*no diffynicyon*) (100) on the final sentence or judgement. Man himself could never compensate sufficiently (*make aseyth*) (103) for what he has done, so who besides Man would be able to stand surety for, or ransom (*borwe*) (104) him?

The Daughters' Attributes.

A comparison of the Latin names given to the Four Daughters with the English names used by themselves and each other, suggests a certain contradiction and ambiguity in the qualities or aspects of God represented by each of them. In the debate about whether Man should be forgiven, *Justicia* (L. 'justice', 'uprightness', 'fairness'; Latham: 'sentence', 'punishment'), calls herself, and is addressed as, *Ryghtwysnes*, and says 'God is ryghtful, and ryghtfulness lovyth' (91). The OE words *rihtwisnisse*, *rihtful*, 'upright' 'just' 'virtuous', are perhaps intended to convey the strict letter of the law, but other definitions of *rihtwisnesse* such as 'morally right', are, like 'fairness', not quite the same thing as strict law.

Veritas, (L. 'truth', 'reality', 'integrity'), says she is *Trewth* (57): 'fidelity', 'loyalty', 'constancy', or 'a promise or covenant' (*obs*), qualities related to honesty and reliability. But *Trewth* is also 'that which is true or real', i.e. accurate and factual, and including 'religious belief or doctrine'. 'Truth' is also, incidentally, an attribute of Christ: *Ego sum via, veritas, vita* ('I am the way, the truth, and the life': John 14: 6), so that when He comes to take action, he is by definition her surrogate. *Trewth* reminds God that when Adam sinned, God said 'þat he xulde deye and go to helle' (61-2). If Adam is now restored to bliss, it contradicts the law laid down by God Himself, and He must be true to His word. Only if Adam suffers forever can all the true, honest, and constant values embodied in *Trewth* 'leste withoutyn ende' (65). She supports the belief that the law must be certain. The same fundamental principle operated in medieval common law in the king's courts, when twelve men of the neighbourhood came before the court to enquire into an offence or other matter and were sworn to say the truth of the case. The judge passed sentence on the basis of the jury's unanimous findings, and there was no appeal against the 'true verdict' (the technical term), because: 'The availability of a defence alleging an injustice of the decision would only lead to a multiplication of suits, and eventually to the loss of prestige on the part of the law'.¹⁸ In the context of the debate, it appears that there could also be no appeal, God being the ultimate and infallible judge and jury.

Justicia and *Veritas* are opposed by *Misericordia* and *Pax*. *Misericordia* (L. 'pity', 'sympathy', 'mercy') had the same meaning in medieval law as 'amercement' (Latham): the discretion to inflict a penalty or a fine at the 'mercy' or compassion of the inflictor. The ultimate source of both *mercy* and *amercement* was L. *mercedem* which passed through various senses in English: 'reward', 'fee', 'gift', 'favour', 'grace', 'mercy'. As God's 'dowtere

Mercy' (75), she asks for compassion 'on Man þat is myschevyd' ('afflicted', 'injured', 'ruined'), and who now bitterly regrets his transgression (75–7). Although 'Trewth' has always existed and should do so, Mercy tells God: 'þu seyst endlessly þat mercy þu hast kept for man', so both she and Trewth should remain (83, 84).

Supporting *Misericordia*, *Pax* speaks against dissension, saying that she surpasses all other ideas and beliefs: 'The pes of God ovyrcomyth all wytt' (115), but there will be no peace if 'Betwen God and man evyr xulde be dyvvyson' (119, 120). In English law, *pax regis* 'the king's peace' was more than an abstract juridical concept: it was, and still is, both a legal status and a personal right. In the Anglo–Saxon era, the peace (*grith*)¹⁹ of a churl was his right to compensation for wrongs done to him and his family, and the peace of a lord included the protection of his vassals.²⁰ Later, the serious crimes dealt with by centralised justice in the king's courts were all classed as breaches of the king's peace, and the same reciprocal principle applied; that the crimes were also offences against the peace of each of the king's subjects.

The Judicial Altercation.

Considered apart from its theological content, iconographical typology and its diverse literary sources,²¹ the discussion in *The Parliament of Heaven* can be seen as a philosophical jurisprudential debate about the strict rule of law and the modification of that rule on equitable or moral grounds. Theologically, *Justicia* and *Veritas* exemplify the severity of Mosaic 'Old Law' contrasting with the future 'New Law' of the Gospel of Christ personified by *Misericordia* and *Pax*. Forensically, the opposing pairs illustrate a similar conflict within the medieval juridical system: the strictness of English common law and the challenge of equitable principles. The Old Law, defended by *Justicia* and *Veritas*, meant that once sentenced, Man's 'endles punchement may nevyr se[se]' (93). In medieval English law, the rigid and technical procedure of writs and conformity to strict rules of evidence allowed no appeal against sentence once a judgement was delivered in court.²² Moreover, the common law courts were the courts of the king, who, as instigator or originator of laws, was the supreme authority, so there could be no justification for allowing an appeal against the king's laws to any other person or court. Certainly no redress could be obtained where an appeal lay against some action of the king himself (the equivalent of the appeal by *Contemplacio* to God on behalf of Adam),

so that in the beginning no appeals process could be built into the common law system.²³

But the king was also sworn *fac~ fair~ en toutz ses jugementz owel et droit justice ove discrecion et misericorde* ‘to do in all his judgements equal and right justice with full discretion and mercy’ — a different interpretation of ‘justice’. This Coronation oath of Edward II, repeated in a statute of Henry IV made by advice and consent of the lords spiritual and temporal and at the request of the commons, asked *qe bone justice & ovel droit soit fait a chescuny* ‘that fair justice and equal right be done to everyone’.²⁴ The inaugural promises made by successive monarchs meant that in England, if the common law proved deficient, the king could be petitioned for his interference in a case on the grounds of fairness or equity (or moral justice), and the king had to furnish a remedy to do right justice to his subjects. By the fourteenth century, petitions to the king were becoming so common that they were referred to sessions of the council or parliament, or delegated to individual councillors, especially to the chancellor and the court of Chancery. In 1474, the Chancellor exercised the prerogative power of equity for the first time in his own name and independent of the king, giving more importance and authority to both the chancellor and his court, and where a plaintiff ‘may haue no remedy by the Comyn Lawe’, he could appeal to the Chancellor. In a case of 1456, a petitioner claimed he had been deceived ‘by sotyll promys’ and lost his land — the same grounds of deceit claimed by *Contemplacio* in his appeal to God on behalf of Mankind: ‘The devyl hath dysceyved hem ... ’ (24). In the 1456 petition to the Chancellor, the complainant had enfeoffed land to the defendant for a loan, and having repaid the loan (he said), the defendant ‘caused him by sotelte to be bounde’ for a further sum of money while retaining the land for himself.²⁶

Most medieval chancellors were also bishops or archbishops trained in canon law, and the procedure and pleas of the equitable court of Chancery (and its successor, the Court of Star Chamber),²⁷ naturally resembled those of ecclesiastical courts and the canon law, and were in fact borrowed from the summary procedure of those courts introduced for the suppression of heresy.²⁸ As keeper of the king’s conscience, the Chancellor was expected ‘to execute Justice as good feyth and consciens requyreth: for the love of god and in the work of Charyte’,²⁹ and in his court, the Chancellor decided questions of fact as well as questions of law; he could examine the circumstances and causes of the alleged injustice. His remedies for complaints and the methods of enforcement were also often outside the

common law system, and the workings of the Chancery Court gradually developed into a recognisable process of the 'New Law' of equity.

Not surprisingly, petitioners saw the equitable justice of the court of Chancery as the equivalent of God's mercy and grace; superior to, and more powerful than the strict justice of the common law courts. The petitions were typically couched in the same kind of supplicatory and deferential language as that of *Contemplacio*. They would be addressed to 'the right reuerent and holy fader in God', perhaps by his 'pouer and contynuelle bedeman' who 'besecheth mekely and piteously compleyneth vnto your lordship'. A petitioner would ask for a remedy 'for God and in way of charity', so that in future he might 'lyve in goddes peace and the kynges, as right and good conscience requiren'.³⁰ Transferring the equitable remedies of the king's realm to the cosmic scale of *The Parliament of Heaven*, *Contemplacio's* cries for mercy to God resemble petitions to the Chancellor. The Angels, a heavenly *Curia Regis*, pray in general for forgiveness for Man, and make a celestial appeal for review of sentence on equitable grounds: the 'life' sentence, which had already lasted 4604 years was too harsh (1), he was deceived by the Devil into committing his offence (24) and Adam's contrition was as great as the sea (29–30).

A Legal Loophole.

It now has to be said that the outcome of the debate in *The Parliament of Heaven* was not actually appropriate to the equitable procedure of the Court of Chancery. The Chancellor dealt with complaints about defects in the machinery of the law and in the subject matter, i.e. difficulties arising before a case actually came to court.³¹ Limitations on a review of sentence after trial have been mentioned above (see note 21), but an equitable alternative to deal with this problem did already exist: the writ of *audita querela*. This writ was introduced in 1343: ... *done plus dequite qe de comune ley, qar cie tardeil ny avoit pas tiel suyte* ... ('given rather by equity than by the common law for quite recently there was no such suit').³² It was allowed:

where a defendant, against whom judgment is recovered, and who is therefore in danger of execution, may be relieved upon good matter of discharge, which has happened since the judgment: as if the plaintiff hath given him a general release; or if the defendant hath paid the debt to the plaintiff without entering satisfaction on the record.³³

A similar case as that in *The Parliament of Heaven*. ‘The procedure was limited to reopen certain judgements in the same way as an attain or a writ of deceit’,³⁴ and behind the granting of the writ of *audita querela* to a defendant lay the notion of some dishonesty or deceit in the agreements or wrongs claimed against him, which had distorted and invalidated the judgement of the court. These grounds for allowing a defendant relief also apply to the rules governing the modern English Appeal Court system, and did not mean that the defendant was innocent or would be declared innocent; he could still be guilty, but the findings of the Appeal judge were that the original verdict was, in modern legal parlance, unsafe or unsound.³⁵

The medieval writ suggests why, in *Piers Plowman*, Christ tells Satan that what Adam and Eve did was because of Satan’s deceit, and that against ‘reason’ (the true facts), Satan falsely and feloniously kept them, but it did not alter the fact that Adam and Eve had sinned. Similarly, in *The Parliament of Heaven*, Satan’s deceit accounts for why *Contemplacio* urges God to have compassion on all the creatures in captivity (24). The Virtues concur in blaming Lucifer for moving ‘man to be so contrarious’ (43), and *Misericordia* begs God, ‘on man þat is myschevyd [*wronged*] haue compassyon’ (76). She excludes Satan because he was unrepentant and motivated by hate. By the terms of a common law writ, and in equity, Man’s sentence was unfair.

Judicial Processes of Forgiveness and Reconciliation.

Just as Man had to be forgiven for God and Man to live in peace, so in medieval England, in order for the king to be reconciled with his erring subjects he had to pardon them, and the Patent Rolls record numerous examples of such pardons by the king for various offences committed against the king’s law. The Calendar of Patent Rolls for 1477 begins with 85 pardons of defendants who had failed to appear before the justices to answer what seem to be minor charges against them of debt and trespass. They had been outlawed for the offences but pardoned on giving themselves up to the court and punished for the original offence. By the special grace of the king, pardons were also granted by the amercement (i.e. *miseriordia*) of a fine paid to the king. In 1476, a certain Richard Robert was outlawed for not appearing before the justices to satisfy (‘aseyth’) the king of his ransom for a trespass committed against a Nicholas Knyveton, esquire. Richard was pardoned by the king of his outlawries when Nicholas acknowledged himself satisfied of the damage made good, and

finer were paid to the king.³⁶ Earlier, in the much more serious 1405 Scrope rebellion against Henry IV, the ringleaders were executed, and the king took 'ample vengeance on the citizens of York for siding with their archbishop', by seizing all the liberties, franchises and privileges previously granted to them. 'What followed were trials, executions, pains, penalties, and grievous fines',³⁷ but to restore peace between the rebels and himself, the king was persuaded 'by the advice of his council' to send a general pardon to all his:

lieges, clerks and laymen of the city ... of York ... for all treasons, insurrections, rebellions, contempts, trespasses and felonies committed by them ... and grant to them all their lands, reversiones and franchises ... at present in the king's hands until the king shall be pleased to restore them.³⁸

'Mercy' always came with a price, on earth as it did in *The Parliament of Heaven*.

When *Pax* advises her sisters to 'putt bothe 3our sentens in oure lorde', (123) *sentence* in this instance could mean 'an opinion or way of thinking'; equally it could be the judgement of a tribunal or court in a civil or criminal cause, or the judicial determination of punishment for a convicted criminal. In this last sense *Pax* recommends that they all rely on the Lord's high wisdom — that is God the Son — and 'lete him deme' (124), or give judgement, on whether there should be a pardon for Man. *Veritas* approves: 'I wole prey oure Lorde it may so be' (130), and *Justitia* finally agrees, saying:

I, Ryghtwysenes, am wele contente,
Ffor in hym is very equyté. 131-2

Justitia now admits to that meaning of *rightwiseness* as 'possessing the qualities of fairness or moral justice' — or equity — which compels her to join *Misericordia*, *Pax* and *Veritas* in the appeal for a review of Man's sentence. The true equity embodied by *Filius* the Son of God (OF. *equité* from L. *æquus* 'even, fair') was the jurisprudential definition:

Equitas est iustitia pensatis omnibus circumstantiis particularibus dulcore misericordie temperata, que in omni lege & in omni regula generali legis seruari debet.

'Equytye is a ryghtwysenes that consideryth all the pertyculer circumstaunces of the dede the whiche also is temperyd with the

swetnes of mercye. And suche an equitye must alway be obserued in euery lawe of man, and in euery generall rewle thereof.³⁹

Such equity included whatever actions were lawful to achieve 'rightwiseness': petitions to the king as 'the fountain of justice',⁴⁰ the work of the Chancellor's Court of Equity, the writ of *audita querela*, or some less official and more personal form of arbitration.

In early societies, feuds between families were carried on until either satisfaction was reached, or the destructive outcome of a potential feud between two families was averted by arbitration, and a payment of money intended to be compensatory and retributive was made by way of 'emendation' [*aseyth*].⁴¹ English common law had always allowed for, and encouraged, disputes between citizens to be settled by arbitration, and it continued to be a resource not restricted to one particular group of people, 'rather a universal phenomenon, occurring at all levels of society'.⁴² The mutual agreement to, and acceptance of, an arbitration judgement resulted in harmony, whereas a grievance pursued in open court according to strict legal procedure could lead to lasting bitterness, resentment, and division in a community.

Numerous cases of arbitrated disputes are recorded, for example in The York House Books in the late fifteenth century; the period when the N. Town Plays were thought to have been written down,⁴³ and elements of the procedure are reminiscent of *The Parliament of Heaven* debate. Arbitration required on the one hand that the accused should examine his conscience, and on the other that the offended party should be willing to forgive. The agreement generally required by the arbitrator was an encompassing *qua*-canonical mutual absolution by the parties, covering:

*omnibus et omnimodis transgressionibus, contraversiis, debitis, debatis et demandis ... a principio mundi usque in diem confeccionis presencium ...*⁴⁴

'every and all kinds of trespasses, controversies, disputes, dues and demands ... from the beginning of the world until the day these presents [bonds] were made ...'

Often only the fact that the parties had reached an agreement was recorded; no details were given of how the reconciliation was effected, unless it was a matter of importance pertaining to the good governance of the city. In one fifteenth-century defamation dispute (probably c.1486), the Recorder⁴⁵ of the city was '*impar* electid' to settle the quarrel between two prominent citizens of York. William Todd, a slandered ex-alderman, had

apparently physically attacked his slanderer, Alderman John Harper; offences against church law and common law, and the reported outcome of the case involved the integration of secular and spiritual punishments. The Recorder ordained that the two offenders and John Feriby, also an Alderman, whose part in these proceedings is unclear, should not go in procession and make offerings in their parish church until Monday of the third week in Lent. All three, besides being denied communion with the Church, had to make material or moral restitution. Todd was required to pay Harper £10 'in recompence and amendes for his hurt' as well as pay for his medical treatment. In return, Harper had to publicly retract his slander in the presence of William Todd, 'the maier, aldermen and the common counsell ... And finially that eithre of theime shuld be fully frenedid weith the othre and take handes, which they did'. In addition Harper had to give Todd £9 of his £10 recompense, which paid for a dinner 'for the hole company in confirmacion of the saide aggrement and concorde',⁴⁶ a sensible and celebratory outcome.

Arbitration was probably the most familiar legal process known to the medieval audiences of the play, and was the kind of action chosen by the Daughters to settle their differences. As in *Harper v Todd* in medieval York, *Filius*, requested to arbitrate, reveals the details of His judgement, but unusually He also gives the reasons for it. He declares that Justice and Truth would have been lost if Adam had not died. Mercy and Peace should be saved: but there must be a price or fine (*aseyth*) for redemption. As Christ says in *Piers Plouman*, 'Membre for membre [was amendes by the Olde Lawe], / And lif for lif also ...'⁴⁷ Only another death will save Mercy from perishing and Peace from final exile (142–3), but the one who dies must be without sin, so that 'helle may holde hym be no lawe' (147). When the Daughters cannot find such a being, *Pax* says 'He that gave this counsel, let Him give the comfort alone' (167) — in legal terms, the one who gave the 'advice' or 'assistance' should himself provide the 'aid' or 'support' (now only used in this sense in law) to carry it out. And because Adam's temptation and fall was caused by his desire for wisdom, *Filius*, who is wisdom, 'must ordeyn herefore / And se how of man may be salvacyon' (175–6). As Anselm explained:

*Nam Deus non faciet, quia non debet; et homo non faciet, quia non poterit; ut ergo hoc faciat Deus homo, necesse est eundem ipse esse perfectum Deum, et perfectum hominem, qui hanc satisfactionem, facturus est, quoniam facere non potest quam nec potest facere, nisi verus Deus, nec debet, nisi verus homo.*⁴⁹

‘For God will not do it, because He ought not; and man will not, because he cannot; therefore so that a God/man may do this, it is necessary that the same person shall be perfect God and perfect man, who shall make this satisfaction; since he cannot do it unless he be truly God; nor ought, unless he be truly man.’

As ‘both God and man’ (177) *Filius* is the only being who can make sufficient ‘aseyth’ to ‘borrow’ or ransom Man for his sin against God. As God He cannot die, but as a man without sin He can die to make amends. The problem resolved, *Misericordia* says:

Now is þe loveday mad of us fowre fynialy
now may we leve in pes as we were wonte 185–6

A loveday, a self-help type of arbitration, was a day of reconciliation for contending parties, commonly tenants in a lawsuit before a manorial court, and apparently settled by their mutual agreement.⁵⁰ It was an entrenched juridical proposition dating back to Henry I that agreement prevails over law, and love over judgement (*pactum enim legem vincit et amor iudicium*),⁵¹ and the twelfth-century compiler of Henry’s laws makes a distinction between the after-effects of disputes resolved by law, often resulting in bitterness, resentment and division, and those agreed by love, producing harmony. When a dispute came before a manorial court, the defendant might pray the steward for a loveday, and the request superseded the due process of law. Although lovedays were common events, what actually happened and what was said by the two parties is a mystery. The court took no further interest except to confirm at the next session that the disputants were at one, and because lovedays occurred outside the rule of law, details of the agreements are not found in legal records.

One thing seems certain, the loveday agreement should be sealed by a kiss, the same kiss of peace that is exchanged in the liturgy of the Roman Catholic Church, and that heals the rift between the Four Daughters of God, as directed in the text: *Et hic osculabunt pariter omnes* (‘And here they shall all kiss each other’) and confirmed by *Mercy*’s words:

Misericordia et Veritas obviauerunt sibi,
Iusticia et Pax osculate sunt. 187–8

‘Mercy and Truth are met together,
Justice and Peace have kissed each other.’

Lancaster University

NOTES

Quotations from the text of *The Parliament of Heaven* are taken from *The N-Town Play* edited Stephen Spector *EETS SS 11* (1991).

See *Appendix* for lines in the play which are based on biblical quotations.

Abbreviations used in the text are as follows:

- L: Classical Latin.
Latham: *Revised Medieval Latin Word-List* prepared by R.E. Latham (Oxford, University Press, 1989).
MED: *Middle English Dictionary* edited Hans Kurath, Sherman M. Kuhn and others (Ann Arbor: University of Michigan Press, 1954–2001).
obs: obsolete.
OE: Old English.
OF: Old French.

Unless otherwise noted, the meanings of words are taken from *The Oxford English Dictionary*.

1. Spector says that in the MS, *3ere* has been deleted before the next word, *I*. From the facsimile, however, this does not appear to be the case.
2. J.H. Baker *An Introduction to English Legal History* (London: Butterworth, 2nd edition 1979) 412.
3. Gustaf Aulén *Christus Victor* translated A.G. Hebert (London: SPCK, 1931) v.
4. Anselm *Cur Deus Homo? PL 158* (1853, reprinted Turnhout: Brepols, 1983) I xii 377.
5. Defamation was generally not actionable at common law before the sixteenth century, and until then the remedy was penance. But if the defamation was an accusation of felony, or one where damages might be recovered from the defendant, the ecclesiastical courts would be prohibited from proceeding in the matter. Church courts had unquestioned jurisdiction over marriage and bastardy, succession to personal property, and punishment of mortal sin, such as fornication and adultery. The devising of land was strictly for the common law, and contracts were for the king's courts, but the 'breach of faith' element of a contract (see Helmholtz below) could be corrected by penance in the spiritual courts. Church courts were allowed to deal with the offence of laying violent hands on a clerk, although it was also a breach of the king's peace. (Baker *Introduction to English Legal History* 112–113).

Criminal or civil courts now deal only with secular offences; sins are no longer any concern of the state — unless they have been reclassified as offences in common law, for example bigamy, adultery, incest, and illegitimacy. The

Church's jurisdiction over these offences was gradually transferred to that of the king's courts during the sixteenth and seventeenth centuries. Now, the sole jurisdiction of the church courts is over officials of the Church and over offences against ecclesiastical law. However, currently an ecclesiastical cause brought by the Church Commissioners against the Dean of Ripon is being heard in Leeds County Court, presided over by a Judge, with four lay counsellors, and barristers appearing for both parties to the dispute.

6. R.H. Helmholz 'Assumpsit and *Fidei Laesio*' *The Law Quarterly Review* 91 (London, Stevens, 1975) 406–32 at 430.
7. *The York House Books 1461–1490* edited Lorraine C. Attreed, 2 vols (Stroud: Alan Sutton, 1991) 2 723.
ASBO — Anti-Social Behaviour Order.
8. Baker *Introduction to English Legal History* 412, 413. See Psalms 37: 28: 'the seed of the wicked shall be cut off', and 109: 13: 'Let his posterity be cut off; and in the generation following let their name be blotted out'.
9. In a discussion with Meg Twycross, she queried the meaning of *aseyth*. To my recollection it does not appear in English law texts. In Scottish law, a seventeenth-century definition of *assythment* was 'reparation made of damage or loss', but it was noted that 'consideration is had of the ability and estate of the offender, and the assythment is accordingly modified' — an 'equitable' moderation of punishment: James, Viscount of Stair *The Institutions of the Law of Scotland* (1693, 1st published 1681) edited David M. Walker (Edinburgh and Glasgow: University Presses, 1981) 174.
In a twentieth-century law dictionary, *assith* is defined as 'to indemnify', and *assithment* as 'A Scottish action to obtain damages for murder': *Ballentyne's Law Dictionary* edited William S. Anderson (New York, Lawyers Cooperative Publishing, 3rd edition 1969).
However, 'there were few actions for assithment after the mid-seventeenth century until the late eighteenth century, and a final remarkable action raised in 1970, which sent the Scottish law lords into a flurry of inaccurate historical debate, caused the final removal of this anachronism from the statute books': Jenny Wormald 'Bloodfeud, Kindred and Government in Early Modern Scotland' *Past and Present* 87 (1980) 95. I owe this reference to Dr Sandy Grant.
10. Anselm *Cur Deus Homo?* *PL* 158 I xx 392. For this idea of Anselm in relation to *The Parliament of Heaven*, see Timothy Fry 'The Unity of the *Ludus Coventriae*' *Studies in Philology* 48 (1951) 535, and for the Redemption as 'the predominant and thematic doctrine' of the play, 547–51.
11. William Langland *Piers Plowman: The B Version* edited George Kane and E. Talbot Donaldson (London: Athlone Press, 1975) Passus XVII, 238–42.

12. *Middle English Sermons* edited Woodburn O. Ross EETS OS 209 (1960) Sermon 20, 116, lines 19–22, Sermon 42, 271, lines 11–13 and 283, lines 13–14. The MS (BL Royal 18 B XXIII) is assigned on the basis of language analysis to the Midlands, more specifically to Oxford (xxx–xxxii). Sermon 42 is dated no earlier than 1390 and may be considerably later (xxxvi).
13. *The Pilgrimage of the Life of Man* translated John Lydgate edited F.J. Furnivall EETS ES 77, 83, and 92 (1899, 1901, 1904) reprinted as one volume (New York, Kraus Reprint Company, 1975).
14. *Asset*: John Cowell *The Interpreter of Words and Terms, used either in the Common or Statute Law of this Realm and in Tenures and Jocular Customs* (London, 1701, 1st published by Dr Cowel (sic) 1607, continued by Thos Manley in 1684). (*Assath* was listed as a Welsh ‘Custom of Purgation, by which the party accused did clear or purge himself by the oath of 300 men’).
Amends: John Rastell *An exposition of difficult and obscure wordes and termes of the lawes of this realme* (Amsterdam: Facsimile Reproduction, 1969) first published 1579.
15. *Testamenta Eboracensia: A Selection of Wills from the Registry at York Part 2* edited James Raine *Surtees Society Publications [30]* (1855) 217.
16. Ranulf Higden *Polychronicon* edited Churchill Babington (vols 1–2) and Joseph Rawson Lumby, 9 vols (Rolls Series 41; London: Longman, 1865–1886) 7 (1879) 181.
17. *Potter’s Historical Introduction to English Law* 4th edited A.K.R. Kiralfy (London: Sweet and Maxwell, 1958) 365.
18. Walter Ullman *The Medieval Idea of Law as Represented by Lucas de Penna: a study in fourteenth-century legal scholarship* (London: Methuen, 1960 reprint of 1946 edition) 134.
19. *Grith*: ‘security’, ‘peace’, or ‘guaranteed security’ continued to be used until the late nineteenth century, especially in Scottish texts. In Old English and Early Middle English *grith* was often collocated with *frith*: ‘peace’ in a general sense, differing from peace and security against a specific threat or enemy: ... *þonne nam man gryð 7 fryð wið hy ...* (‘... then the people made truce and peace with them ...’); *The Anglo-Saxon Chronicle: A Collaborative Edition* edited David Dumville & Simon Keynes, 17 vols ongoing (Cambridge: D.S. Brewer, 1983–) 6 (MS D, BL MS Cotton Tiberius B IV) edited G.P. Cubbin (1996) 56.
20. Baker *Introduction to English Legal History* 8.
21. One particular source, *The Charter of the Abbey of the Holy Ghost* (early- to mid-fourteenth century), is worth mentioning at this point because of its peculiarly legal framework and phraseology. For a comparison with *The Parliament of Heaven*, see Hope Traver *The Four Daughters of God* (Bryn Mawr College Monographs, Monograph Series 6; Bryn Mawr: 1907) 126–35. The *Charter* is

essentially a grant of land following the required formula and using the essential clauses for a legal transfer of real property. Very briefly, the *Charter* started with *Sciant presentes & futuri ...* ('Know all men present and to come ...'), the form of address which made the deed into an evidentiary document. The grantor's name was given: 'almiꝛti god in trinity', who gave granted and with his own word confirmed, 'to Adam ... & to Eue his wyf, & to here heyres, a lytel preciouise place þat is clepid Conscience'. The *Habendum et tenendum* clause specified the interests in the land and the terms of tenure; *Hijis testibus* named the witnesses (angel and man, heaven and earth, sun and moon and all the stars etc), and *Data apud ...* gave the date and place of the deed — at Paradise on the first day that man was made: *Early English Writers* edited C. Horstman, 2 vols (London: Swan Sonnenschein, 1895) 1 337–8.

The necessary parts of a deed of land have remained the same up to the present day, since land was held of a lord by service, and evolving during the Middle Ages into the modern legal system of individual ownership of land. The sections of the deed were, and are, introduced by the same 'signpost' clauses as in the *Charter*, except that they are now in English, although the '*habendum* and *tenendum*' clause can still be referred to in those words.

22. In the king's courts, questions could be raised after the trial by motions 'in banc' to the court at Westminster, a procedure that seems to have been limited until the sixteenth century to badly joined issues or formal defects in the trial. Baker *Introduction to English Legal History* 72.
23. Baker *Introduction to English Legal History* 88, 72, 116.
24. Coronation oath: *Statutes of the Realm* I, 168; statute 7 Hen IV, c.1.
25. *Select Cases in Chancery* edited William Paley Baildon *Selden Society* 10 (1896) xx.
26. *Selden Society* 10 137–8.
27. Established by statute in 1487: 3 Hen VII, c.1.
28. F.W. Maitland *Equity* (Cambridge UP, 1909) 5.
29. Petitions addressed to the Chancellor in 1453 and 1456, *Selden Society* 10 (1896) 138.
30. *Selden Society* 10 151–3.
31. Defects in the machinery of the law included the cost to a plaintiff of the judicial process, the delay in bringing a case to court, the technicalities of the writ system, and even the increasing lack of knowledge by juries about the facts or 'truth' of a case. Defects in the subject matter of the law, such as the non-existence or inadequacy of rules of law, meant that instances of fraud, forgery, mistake, or accident could not be considered by the court because the action for deceit was very limited. For a more detailed explanation, see Sir W.S. Holdsworth *A History of English Law* 17 vols (London: Methuen, 1922–1966) 5 278–98.

32. *Per Stonore C.J.*, in *Year Books of the reign of King Edward the Third* edited and translated by Alfred J. Horwood (vol 1) and Luke Owen Pike, 15 vols (Rolls Series 31: 6–20, numbered consecutively with *Year Books of Edward I*, 31: 1–5; London: HMSO, 1883–1911) 14 (1901) 370, see also xl and xli. In later times it was fully recognised that a writ of *audita querela* was of the nature of a suit in equity.
33. William Blackstone *Commentaries on the Law of England* 4 vols (Chicago and London: University of Chicago Press, 1979, a facsimile of the first edition of 1765–1769) 3 404–405.
34. *Potter's Historical Introduction to English Law* 572. A writ of attaint was an early method of controlling juries in civil trials, when twenty-four gentlemen were summoned to convict the original civil trial jury of perjury. The origin of the action of deceit was as a remedy for abuse of legal proceedings, the kind of abuse now defined as 'fraud': a wilful misrepresentation of fact, acted upon to the damage of the person to whom the representation was made.
35. The same grounds for an appeal against sentence are necessary today; that there is new evidence that was not available at the time of the original trial or that there was some irregularity or illegality in the original trial. In a case recently heard in the Appeal Court, a man convicted of murdering four members of one family had his conviction overturned. In this, and in all cases where the original trial was later found to be faulty, the defendant was not declared to be innocent, but that the original verdict was 'unsound'. The judge decided that there had been a conflict of interest because the solicitor acting for the defendant had previously acted for an earlier suspect of the murders. This decision seems to be a modern example of the now obsolete medieval action against lawyers for 'ambidexterity', the offence of taking fees from both sides, or for disclosing counsel to adversaries, or revealing secrets to another. The essence of the action was deceit (Statute of Westminster I 1275, c.29) as in *Somerton v Colles* (1433), when a counsellor who had been retained to purchase a manor, fraudulently and collusively revealed his counsel to a third person and conveyed the manor to him.
36. *Calendar of the Patent Rolls: Edward IV, Edward V, Richard III, 1476-1485* edited R. C. Fowler (London: HMSO, 1901; reprinted Nendeln, Liechtenstein: Kraus, 1971) 25–32, no 6.
37. [Francis Drake] *Eboracum* 2 vols (York, T. Wilson and R. Spence, 1788) 1 114.
38. *Calendar of Patent Rolls Henry IV* compiled R.C. Fowler, 4 vols (London: HMSO, 1903–1909, reprinted Nendeln, Liechtenstein: Kraus, 1971) 3 (1405–1408) 40.
39. In the legal treatise about the relationship of law and conscience, first published in 1531, the dialogue between a doctor of divinity and a student of the common law discussed the thesis that some human laws are grounded directly upon the

- law of God or of reason: *St German's Doctor and Student* edited T.F.T. Plucknett and J.L. Barton *Selden Society* 91 (1974) 1 c.14 (Latin version) 1 c.16 (English version).
40. *Select Cases of Procedure without Writ under Henry III* edited H.G. Richardson and G.O. Sayles *Selden Society* 60 (1941) xxi.
 41. Baker *Introduction to English Legal History* 412.
 42. Anthony Musson *Medieval Law in Context* (Manchester UP, 2001) 91.
 43. *The Mary Play from the N. town Manuscript* edited Peter Meredith (London and New York: Longman, 1987; revised edition, Exeter UP, 1997) 1.
 44. *Attreed York House Books* 2 512, 523, 526, 527, 534, 552, 557, 558–9, 581, 592, 598–600, 606, 612, 613, 616, 646, 677–8 *passim*.
 45. Originally a Recorder was a person with legal knowledge appointed by the mayor and aldermen to 'record' the proceedings of their courts and the customs of the city, his oral statements of those being taken as the highest evidence of fact. Now, a Recorder is a magistrate or judge having criminal or civil jurisdiction in a city or borough.
 46. *Attreed York House Books* 2 512. The dispute seems to have been over precedence, possibly in that very procession: see 481. Feriby was one of Todd's sureties, 476.
 47. *Piers Plowman: The B Version* Passus 18, lines 342–3.
 48. Anselm *Cur Deus Homo?* 2 vii 404–405.
 49. See Michael Clanchy 'Law and Love in the Middle Ages' in *Disputes and Settlements: Law and Human Relations in the West* edited John Bossy (Cambridge and New York: Cambridge UP, 1983) 47–67, and John Webster Spargo 'Chaucer's Love-Days' *Speculum* 15 (1940) 35–56.
 50. *Leges Henrici Primi* edited L.J. Downer (Oxford: Clarendon Press, 1972) c. 49, 5a.

Appendix

All the scriptural quotations in the play were selectively paraphrased, abbreviated, altered for the dramatic emphasis of rhyme, and generally adapted to be more contextually appropriate by the playwright. The line or lines from the play are given first, then the biblical reference, followed by the Vulgate quotation and the Douai Bible translation. Numbers of Psalms and their verses are for the Vulgate and Douai Bible, with the Authorised Version numbers, if different, given in brackets at the end of each extract.

The Holy Bible translated from the Latin Vulgate (Dublin: James Duffy, 1888, reprinted from 1847 edition).

OLGA HORNER

9–10 Wolde God þu woldyst breke þin hefne myghtye
And com down here into erth ...

Isaiah 64: 1 *Utinam dirumperes cælos, et descendere: ...* ('O that thou
wouldst rend the heavens, and wouldst come down ...').

17–18 A, woo to vs wrecchis of wrecchis be,
For God hath haddyd sorwe to sorwe!

Jeremiah 45: 3 *Dixisti Væ misero mihi, quoniam addidit Dominus dolorem
dolori meo* ('... Woe is me, wretch that I am; for the Lord hath added
sorrow to my sorrow').

23–24 A, tary not, gracyous Lord, tyl it be tomorwe!
The devyl hath dysceyved hem be his iniquité.

Psalms 69: 2–3 (AV Psalm 70: 1–2) ... *Domine ad adiuvandum me festina.
Confundantur, et revereantur, qui quærun animam meam: Avertantur
retrosum, et erubescant, qui volunt mihi mala.* ('... O Lord, make
haste to help me. Let them be confounded and ashamed that seek
my soul').

25–27 ... who xal gyff wellys to myn eynes
Þat I may wepe bothe day and nyght
To seoure bretheryn in so long peynes?

Jeremiah 9: 1 *Quis dabit ... oculis meus fontem lacrymarum? et plorabo die et
nocte interfectos filie populi mei* ('Who will give water to my head,
and a fountain of tears to my eyes? and I will weep day and night for
the slain of the daughters of my people').

29 As grett as þe se, Lord, was Adamys contryssyon ryght.

Lamentations 2: 13 ... *magna est enim velut mare contritio tua ...* ('... for
great as the sea is thy destruction (sic) ...')

30–31 Fromoure hed is falle þe crowne.
Man is comeryd in synne ...

Lamentations 5: 16 *Cecidit corona capitis nostra: væ nobis, quia peccavimus*
(‘The crown is fallen from our head: woe to us, because we have
sinned’).

- 49–50 *Propter miseriam inopum Et gemitum pauperum nunc exurgam*
 Ffor þe wretchydnes of þe nedý
 And þe porys lamentacyon
 Now xal I ryse þat am almyghty
- Psalm 11: 6 (AV Psalm 12: 5) ('By reason of the misery of the needy, and the groans of the poor, now will I arise ...').
- 65: Thy trewthe, Lord, xal leste withowtyn ende
- Psalm 116: 2 (AV Psalm 117: 2) ... *et veritas Domine manet in æternum.*
 ('... and the truth of the Lord remaineth for ever').
- 71: Þu hast lovyd trewthe , it is seyð, evyrmo
- Psalm 50: 8 (AV Psalm 51: 6) *Ecce enim veritatem dilexisti* ('For behold, thou hast loved truth ...')
- 73–74: O Fadyr of Mercy and God of Comforte
 Þat counsell us in eche trybulacyon ...
- 2 Corinthians 1: 3–4 *Pater misericordiarum, et Deus totius consolationi,/qui consolatur nos in omni tribulatione nostra: ...* ('... the Father of mercies, and the God of all comfort / who comforteth us in all our tribulation ...').
- 83 And þu seyð endlessly þat mercy þu hast kept for man
- Psalm 88: 29 (AV Psalm 89: 28) *Et æternum servabo illi misericordiam meam: ...* ('I will keep my mercy for him for ever ...').
- 85 Thu seyð, 'Veritas mea et Misericordia mea cum ipso' ...
- Psalm 88: 25 (AV Psalm 89: 24) *Veritas mea et Misericordia mea cum ipso*
 ('And my truth and my mercy shall be with him ...').
- 91 God is ryghtful and ryghtffelnes lovyth.
- Psalm 10: 8 (AV Psalm 11: 7) *Quoniam iustus Dominus et iustitias dilexit ...*
 ('For the Lord is just, and hath loved justice: ...')
- 94 Also he forsoked his makere þat made hym of clay ...
- Deut. 32: 18 *Deum, qui te genuit dereliquisti, et oblitus es Domini creatoris tui*
 ('Thou hast forsaken the God that begot thee, and hast forgotten the Lord that created thee').

OLGA HORNER

100 Þat þe ryghtwysnes of God hath no diffynicyon.

Psalm 110: 3 (AV Psalm 111: 3) ... *et iustitia eius manet in sæculum sæculi*.
(‘... and his justice continueth for ever and ever’).

Psalm 111: 3 (AV Psalm 112: 3) ... *et iustitia eius manet in sæculum sæculi*.
(‘... and his justice remaineth for ever and ever’).

107 Above all hese werkys God is mercyabyl.

Psalm 144: 9 (AV Psalm 145: 9) ... *et miserationes eius super omnia opera eius*. (‘... and his tender mercies are over all his works’).

112 Þe mercy of God is withowtyn ende.

Psalm 102: 17 (AV Psalm 103: 17) *Misericordia autem Domini ab æterno, et usque æternum ...* (‘But the mercy of the Lord is from eternity and unto eternity ...’).

115 The pes of God ovyrcomyth all wytt.

Philippians 4: 7 *Et pax Dei, quæ exuperat omnium sensum ...* (‘And the peace of God, which surpasseth all understanding ...’).

137 I thynke þe thoughtys of pes and nowth of wykydnes.

Jeremiah 29: 11 ... *cogitationes pacis, et non afflictionis ...* (‘For I know the thoughts I think towards you, saith the Lord, thoughts of peace and not of affliction ...’).

162 For servauntys vnprofytable we be echon,

Luke 17: 10 ... *Servi inutilis sumus ...* (‘... We are unprofitable servants ...’).

169 It peyneth me þat man I mad ...

Genesis 6: 7 ... *poenitet enim me fecisse eos* (‘... for it repenteth me that I have made them’).

187–188: *Misericordia et Veritas obviamerunt sibi,
Justicia et Pax osculate sunt.*

Psalm 84: 11 (AV Psalm 85: 10) *Misericordia et Veritas obviamerunt sibi:
iustitia et pax osculatæ sunt* (‘Mercy and truth have met each other
justice and peace have kissed’).