

**THE HISTORY OF ENGLISH PODCAST
TRANSCRIPT**

**EPISODE 111:
LAYING DOWN THE LAW**

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Welcome to the History of English Podcast – a podcast about the history of the English language. This is Episode 111: Laying Down the Law. In this episode, we’re going to continue our look at the events during the reign of Edward I. We’ve already seen that one of Edward’s most notable accomplishments as king was the conquest of Wales. And his desire to extend that authority to the north of Britain led some to call him “The Hammer of the Scots.” But beyond Edward’s attempts to rule all of Britain, he is probably most well-known for his legal reforms – including a series of statutes passed in the first decade and half of his reign. Edward’s reforms were designed to re-establish royal authority over the justice system. And as king, Edward was the supreme judge of England. There was no appeal from his decisions. In that regard, Edward thought his legal authority extended to Scotland as well. He even used that authority to decide a dispute over the kingship of Scotland. Edward’s aggressive policies ultimately led to war with his northern neighbor, and in many respects, that war was rooted in this dispute over legal jurisdiction. This time, we’ll explore those events, and we’ll see how Edward’s legal reforms impacted the English language.

But before we begin, let me remind you that the website for the podcast is historyofenglishpodcast.com. And you can sign up to support the podcast at [Patreon.com/historyofenglish](https://www.patreon.com/historyofenglish). And I haven’t mentioned it in a while, but I’m on twitter at [englishhistpod](https://twitter.com/englishhistpod).

Now this time, I want to look at Edward’s impact on English law. You might remember that the oldest surviving document in the English language is a legal code – the laws of Aethelbert of Kent. And for the entire Anglo-Saxon period, both English and Latin were used in the application of English law. The first event to alter this situation was the conquest of northern and eastern England by the Vikings and the creation of the Danelaw – so-called because Danish or Norse law was applied in those regions. And you might remember that the word *law* itself is a Norse word brought to England by the Vikings. We covered the overall Viking influence on English in the earlier episodes of the podcast, and if you want to revisit the Vikings in greater detail, let me recommend the History of the Vikings Podcast by Noah Tetzner. That podcast got under way earlier this year, and if you love the Vikings, be sure to check it out.

Ultimately, the Vikings were defeated and their descendants integrated into English society, and English remained a language of the law together with Latin. But as we know, all of that changed in 1066 with the Norman Conquest of England. Afterwards, English stopped being used in the legal codes and courts of England. For the most part, Latin remained the dominant language of English law from the time of the Conquest to the current point in our story in the late 1200s.

But the arrival of Edward I brought about a noticeable change, and that change was French. French had been used in some legal documents before Edward, but from the time he assumed the throne, French was routinely used beside Latin as the language of English law and the English courts. This reflects the prestige of French at the time. It was the most cultivated language in Europe, and as a living language, it was replacing Latin in many important areas.

But notice the odd linguistic situation in England when it came to the laws and courts. Latin and French jockeyed for position, but English was almost never used. The English people were governed by laws that most couldn't understand, even if the laws were read out loud at a public gathering. And legal disputes touching on all aspects of life were resolved in courts where nary a word of English was spoken.

Ironically, this was the situation at a time when the traditional French-speaking classes at the top of English society had largely adopted English as their first language. Some of them were still bilingual, but there is little doubt that English was now the common language of virtually all Englishmen. And the evidence suggests that knowledge of French itself was in decline among the nobles.

Now it may seem like a contradiction that French was becoming the primary language of English law at a time when relatively few people in England spoke French as first language. But French wasn't disappearing from England as much as it was just taking on new and more exclusive roles. It was acquiring specialized uses. It was the language of government and the law. It was the language of advanced cooking and the culinary arts. It was the language of the new fashions and art and architecture that were spreading across Europe. And together with Latin, it was the language of the schools and education.

So French dominated these aspects of society at a time when people otherwise spoke English to each other in casual conversation. We even have evidence that the English king himself spoke English by this point. The first language of Edward I was French. As I noted, some of the highest nobles still spoke French from birth, but most of them were also speaking English. And several sources suggest that Edward also spoke English. If so, he may have been the first English king since the Norman Conquest to speak English fluently. Unfortunately, the little bit of evidence for Edward's knowledge of English is mostly circumstantial. The best account we have comes from a contemporary chronicler named Walter of Hemingburgh. Walter wrote a history of England, and he wrote that Edward spoke English to Turkish ambassadors who were visiting his court. Edward's English was translated into Turkish for the benefit of the diplomats. So if that account was accurate, Edward was probably fluent in English as well as French.

It isn't much of a leap to assume that Edward spoke English. He was born and raised in England, and as I noted, almost everyone in England spoke English as a first language by this point. This was really the culmination of a larger trend that we've seen developing as we've progressed through the 1100s and 1200s. We've already had several references to the fact that knights and nobles were speaking English. And we've seen that manuals were being produced to help the children of English nobles learn to speak French – implying that French was no longer being spoken in the household. So it appears that English had penetrated the highest levels of English society by the late 1200s.

At a time when virtually everyone spoke English, it also appears that knowledge of French was in decline. Nobles still spoke it – at least a rough version of it. And they tried to get their children to learn it because it was still such an important language throughout Europe. But the documents

of this period suggest that fewer and fewer people in England could actually speak French fluently.

A poem from this period called the “Romance of Richard the Lionhearted” gives us some insight. In one passage, the poet tells us that the common men of England could not speak French. Among a hundred of them, barely one could speak French. Here’s the passage in the original Middle English: “Lewede men cune Ffrench non, Among an hondryd unnepis on.” (l. 23-24) Literally – “Lewd – or unlearned – men know French none, Among a hundred scarcely one.”

We get an even more detailed account of the linguistic situation from another poet of this period. Around the year 1300, an English poet took a French poem about King Arthur and Merlin, and he reworked it into English under the title “Of Arthour and of Merlin.” In his introduction, he explained why he chose to translate the poem into English. He wrote that school students were trained in French and Latin and could read and speak it freely. And then he observed the following:

Advantages they have there
French and Latin everywhere
But of French and Latin, I will tell no more
Only in English I will tell therefore
Right it is that English is understood
By whomever is born in England
The gentleman uses French,
But every Englishman knows English.
Many a noble I have seen
Who could not speak French at all.

And for those reasons, the poet says that he composed the poem in English so that the people of England could understand it. By the way, here is that same passage in the original Middle English:

Auauntages þai hauen þare
Freynsche and Latin euerywhare.
Of Freynsche no Latin nil y tel more
Ac on Inglisch ichil tel þefore:
Riȝt is, þat Inglishe understond,
þat was born in Inglond;

Freynsche uce þis gentilman,
Ac euerich Inglishe Inglishe can;
Mani noble ich haue ysieȝe,
þat no Freynsche couþe seye.

By the way, the first line contains one of the very first uses of the word *advantage* in the English language.

Now for all the evidence that English was on the rise in England, it still wasn't deemed to be fit for law and justice. As I noted, Latin had been the primary language of law and justice in England since the Norman Conquest. Edward was willing to break from that tradition by using a different language in his legal codes, and that new language was French – not English.

Edward's laws are notable to us because many of them were issued in French, but they're notable to historians and legal scholars because they were part of a series of reforms designed to expand Edward's control over the legal system of England. So let's take a moment and look at Edward the law-giver.

We last looked at the English legal system back in Episode 84 during the reign of Edward's great-grandfather Henry II. Henry had implemented a series of reforms which laid the foundation of what became known as English common law.

You might remember from that episode that England had lots different court systems that were somewhat independent of each other. There were the royal courts which extended across the country. But the Church also maintained a separate system of ecclesiastical courts to handle dispute among monks and clerics. Private manors also had manorial courts to decide disputes arising on the manor. Many towns and cities also had local courts that were largely independent of the royal courts.

When Edward came to power, he quickly realized that these various local courts were exercising a great deal of power over the justice system in England, and he sought to reign them in. He felt that his royal courts should have supremacy when it came to the application of law and justice. So one of his first actions as king was to send representatives around the country to determine if those various local courts actually had the legal authority to hear cases and dispense justice. This series of inquiries was known as the Quo Warranto proceedings. "Quo Warranto" is Latin for 'by what right.' So when Edward's representatives went out to meet with a lord of a manor, the lord was asked 'by what right' he claimed the authority to have his own court.

Ultimately, the lord had to produce a charter or some other evidence to justify his right to maintain the court. Edward used these proceedings to curb the influence of those local courts, and to make the royal courts the primary place for deciding legal disputes.

During this same time period, legal Year Books started to be maintained. The Year Books were a collection of legal decisions and verdicts in the royal courts at Westminster. Since English common law was based on tradition and precedent, those Year Books were an essential tool to keep track of those precedents. And they were used for that purpose even though they were written in French.

In the same year that the legal Year Books first appeared, Edward also tried to make sure that there were enough lawyers to deal with the increasing number of cases being heard by the royal courts. A committee of judges was designated to select several of the most prominent law students from each shire and to train them as lawyers to plead before the king's judges. And this was a major step in the establishment of the legal profession in England.

But the most notable legal development during Edward's reign was a series of detailed laws enacted by Edward and approved by Parliament. At least twenty major statutes were enacted – most of which were enacted in the first half of his reign. These laws were sweeping and touched on many topics. And since this isn't a podcast about the history of law, I won't bore you with all the details. But these new laws touched on things like the regulation of community policing, rules related to the transfer of property, the correction of various legal abuses, and the levying of taxes.

The interesting thing about Edward's new legislation is that it marked a notable change in the role of Parliament. Traditionally, a king issued new laws by proclamation – in the form of a charter or writ or other legal document. He had a group of advisors like the old Anglo-Saxon witan. The early Norman Kings also had advisory councils. And of course, by this point, Edward had an early form of Parliament. But technically, those assemblies merely advised and counseled the king. Now, Edward called Parliaments to meet so that they could formally approve his new laws. So Parliament actually acquired a formal role in the legislative process.

This was part of an attempt by Edward to give his new laws legitimacy. The legal changes were so far-reaching, and affected so many different elements of society, that Edward thought it was a good idea to invite representatives of the shires and the towns just as Simon de Montfort had done a few years earlier. So his Parliaments tended to include commoners as well as noblemen. And once they had approved his proposed laws, it made it difficult for the barons or anyone else to contest the laws as being illegitimate or an abuse of the king's authority. Now you should keep in mind that Edward had extensive control over his Parliaments, so this approval largely amounted to a rubber stamp. But it still gave a Parliament a role in the legislative process, and it was a role that became more formal over time.

Since these laws were a new kind of legislation, they acquired a new name. Each piece of legislation approved by Parliament became known as a *statute*. This was a French word ultimately derived from Latin. And the word made its first appearance in an English document around this time during Edward's reign. As you might suspect, the word *statute* is related to the word *statue*, as well as the word *stand*. Just as a *statue* 'stands' in place without moving, a *statute* 'stands' in place as the law of the land without changing unless it is amended or revoked by a different statute at some later date.

So unlike a traditional charter or proclamation which could be altered anytime the king wished, a statute was a more permanent law which continued in perpetuity unless changed by another statute.

The word *statute* also points to the other reason why these new laws were so important and why they are so important to our story. As I noted, it was a word borrowed from French because French was replacing Latin as the language of the law. So for the first time, many of those new laws were written in French. And French continued to be used in court cases as had been the case for some time.

With English law being enacted and enforced in French, it isn't surprising that English speakers quickly picked up those new legal terms and started using them in English. Around the current

point in our overall story of English in the late 1200s and the early 1300s, we find lots of new legal terms from French like *plaintiff*, *defendant*, *judge*, *attorney*, *notary*, *suspect*, *crime*, *felony*, *indict*, *plea*, *verdict*, *convict*, *jail/goal*, *appeal*, *pardon*, *innocent*, *fine*, *sue*, *contract*, *heir* – H-E-I-R, and *testament* – as in a Last Will and Testament. We also find the first use of the word *condemn* in the English language. Today, *condemn* has a broader sense, but originally it referred to someone being found guilty of a crime. As I noted earlier, we have also have the first uses of the word *statute*. And speaking of *statute*, we also have the first use of the word *code* – as in a legal code.

Edward new statutes also contained words like *arson* and *fraud* which were the first known uses of those words in England, even though those specific statutes were written in French. Of course, both of those words passed into English. So as you can see, lots of French legal terms were pouring into English around this time.

Now let me digress for a moment and mention something notable about those words – specifically the way they are pronounced. If you're familiar with French, you probably know that French speakers tend to put the stress on the final syllable of a word. And that has been true since Old French. So when these words came into English, it is generally accepted that the stress was the final syllable. But note how most of those multi-syllable words are pronounced today: *plaintiff*, *defendant*, *attorney*, *notary*, *felony*, *verdict*, *innocent*, *testament*, *statute*, *arson*. As you can hear, the stress has shifted forward to either the first or middle syllable.

The reason for this shift is due to the fact that English is a Germanic language, and Germanic languages tend to emphasize the first syllable. That was true in Old English, and it was still true in early Middle English. So English speakers tended to Anglicize those French words by shifting the stress forward usually to the first syllable. As a general rule, the longer a French word hangs around in English, the more likely it is that English speakers will shift the emphasis forward.

Consider the words *artist* and *artiste*. They are really the same word which was borrowed from French twice. The first version exists today as *artist*. It has been in English for about 450 years. The second version exists as *artiste* – and it has only been in English about 200 years. As you can hear, the stress has shifted forward in the older version *artist*, but the stress on the final syllable has been retained in the newer version *artiste*.

The same thing is true for *critic* and *critique*. Again these words come from the same French word which was borrowed twice. *Critic* came in first about 400 years ago, and again the stress has shifted forward to the first syllable. *Critique* came in over a century later, and it retains its original stress on the final syllable.

The same thing happened with word pairs like *human* and *humane*, and *urban* and *urbane*.

So when we look at some of the earliest French words borrowed into English, it shouldn't be surprising that the stress has shifted forward over time in most of those words. But a few of the words I listed fall into a special category – where we use them today as both a verb and a noun. And here's the interesting thing. When those words are used as a noun, the stress tends to be on

the first syllable – as we would expect given the passage of time. But when they are used as a verb, they tend to retain their original stress on the final syllable.

Think about that brand new word *convict* (/con-VICT/) which I mentioned in the list of legal terms borrowed around the current point in our story. *Convict* (/con-VICT/) is the verb form, and that's how the word entered English in the 1300s. A prosecutor tries to *convict* someone charged with a crime. And if the prosecutor is successful, that person becomes a *convict* (/CON-vict/) with the stress on the first syllable

The same thing happens with another new word that came in around this time – the verb *suspect* (/sus-PECT/) and the noun *suspect* (/SUS-pect/). The police might *suspect* (/sus-PECT/) that you did something illegal. That would make you a *suspect* (/SUS-pect/).

We find the same thing with the verb *contract* (/con-TRACT/) and the noun *contract* (/CON-tract/). You might *contract* (/con-TRACT/) with another person to perform some service. And then you might sign a written *contract* (/CON-tract/).

These words fall into a special category of words where the point of stress distinguishes the verb from the noun. This distinction really emerged in the Modern English period when the pronunciations still varied quite a bit. English speakers found a convenient way to distinguish the verb and noun forms by putting the stress in a different location for each.

By the way, this rule is not universal. There are lots of words where the verb and noun forms are pronounced the same way like the word *pardon* which I also included in that earlier list of legal terms. It is pronounced the same as both a verb and a noun. The President might *pardon* you with a *pardon*. But for words where a distinction does exist, the verb almost always has the stress at the end and the noun has it at the front.

Now I noted that words like *attorney* and *notary* entered English around the current point in our story. Words like *malice* and *proof* also came in around this time, and those words often have a legal application. But there is something very interesting about those words. They sometimes appear in English as part of terms where the adjective comes after the noun. We have terms like *attorney general* rather than a 'general attorney' – meaning an attorney who represents the general public. We have *notary public* rather than a 'public notary.' We have *malice aforethought* instead of 'thought before malice.' We have *proof positive* rather than 'positive proof.' And we have *court martial* rather than a martial or military court. In all of those terms, the adjective follows the noun rather than coming before the noun as is usually the case in English. The reason for that is because French usually puts the adjective after the noun. And since these phrases were common in the legal French of England, English tended to retain that French word order. We still do that with other terms borrowed from French over the centuries – like *femme fatale*, *poet laureate*, *battle royal*, *treasure trove*, *sergeant major*, *prince regent* and *cause célèbre*.

Another phrase where we do that is *heir apparent* meaning the apparent and intended heir. And that term uses the brand new word *heir* which appeared in English around this time. And the

term *heir apparent* is a very important term as it relates to the reign of Edward I as the king of England. First of all, Edward's heir apparent was his eldest son Alfonso. Remember that Edward's wife was from Spain, so his eldest son was given that Spanish name. But Alfonso died in the year 1284 about a decade into Edward's reign. And that left Edward's next son as the heir apparent to the throne. The next son was a four-month old baby named after his father. He would later to be known as Edward II.

So England got a new heir apparent in 1284. And even though he was a baby, the younger Edward ensured that there was a clear line of succession. But that wasn't the case up in Scotland. The King of the Scots was named Alexander III, and unfortunately, he didn't have a clear heir apparent. His wife had given birth to two sons and a daughter, but all three had died by this point. Before his daughter died, she had married the King of Norway, and she had given birth to a baby girl named Margaret. That baby girl was now Alexander's only living descendant.

Two years later, Alexander died, and without a capable heir, the Scots nobles feared invasion from England. Edward had already conquered Wales, and it was feared that the lack of clear heir would tempt to Edward to invade Scotland as well. It was the same situation that had occurred in England in 1066 when Edward the Confessor died without a clear heir, and we all know how that turned out. So the Scots nobles reached out to Edward, and they made an agreement. The young granddaughter Margaret would be brought over from Norway to become the queen. Scotland would be ruled by a group of nobles until she was an adult. Meanwhile, young Margaret would marry Edward's infant son when the two were old enough. That proposed marriage would effectively unify the thrones of England and Scotland and Norway. The Scots nobles thought this deal would keep Edward from trying to invade Scotland while Margaret was still a child. And Edward thought it was a good deal because it created a scenario whereby his son would be the future king of England and Scotland, but this is where the law became an issue.

The Scots nobles could accept the young boy Edward as a future king, but they couldn't accept being ruled by English law. When this agreement with King Edward was formalized in the year 1290 as the Treaty of Birgham, the Scots nobles insisted that a specific provision be included which required that no Scots legal business was to be done in England. In Modern English, the treaty stated "that the kingdom of Scotland shall remain separate and divided from the kingdom of England . . . and that it shall be free from subjection." So young Edward could be the future king, but Scotland would remain a separate country with its own laws and government.

Unfortunately, none of this ever came to pass because young Margaret became very sick on her trip from Norway, and she died before she ever reached Scotland. And that created an even bigger problem for the Scots nobles. Now there was no heir at all – at least no clear heir.

At least thirteen different Scots came forward at this point to claim the throne. As the various claims were sorted out, it came down to two men who had the strongest claims. They were distant relatives through a female line. Their names were John Balliol and Robert Bruce. Now even if you don't know a lot about the history of Scotland, you've probably heard the name Robert Bruce – or Robert the Bruce. Well, the Robert Bruce I'm introducing here is not that Robert Bruce. This is actually his grandfather. So the Scots nobles had to decide between these

two claimants – Balliol and Bruce. And there wasn't a clear procedure to resolve that dispute. Either choice was likely to lead to a civil war by supporters of the losing side.

Ultimately, the Scots nobles decided to take the dispute to court. But which court? And who was to be the judge? Well, as it turned out, King Edward down in England was more than willing to hear the dispute and be the judge.

As we know from prior episodes, most English kings had claimed to be the overlords of Scotland, but those claims never amounted to very much – at least not for any extended period of time. There was the occasional invasion or border dispute, but for the most part, any given King of Scots might swear an oath of fealty or loyalty to the English king, and the English king would back off, and Scotland was left to rule itself as it always had. Edward's great-grandfather Henry II had soundly defeated the Scots during the great inter-family Plantagenet war late in Henry's reign. But Henry died a short time later, and he was succeeded by Richard the Lionheart who gave Scotland back to the Scots king in return for a substantial payment to fund his massive Crusade. Since then, relations between Scotland and England had been pretty good. But now, Edward was looking to extend his influence into Scotland, and the Scots knew that they were vulnerable if the country devolved into civil war over the selection of a new king. So they were willing to let Edward resolve the competing claims to the Scottish throne in hopes that all sides would accept the decision and peace would be maintained.

Edward agreed to judge the dispute on the condition that the two claimants and all the Scottish nobles recognize him as the feudal overlord of Scotland. Everyone did so, and Edward set up an arbitration court to help him make the decision. English law was applied to determine whether Balliol or Bruce had the better claim based on the traditional rules of inheritance called primogeniture.

Assisted by over a hundred judges, Edward determined that Balliol had the better claim, so Edward recognized Balliol as the new King of the Scots in the year 1292. Theoretically, Balliol became a fellow king, but Edward saw him as nothing more than a vassal. Balliol was even forced to swear his fealty to Edward. But for a very brief period, it looked like the matter of Scotland had been settled.

Now this was the same general time frame in which one of the more infamous events of Edward's reign took place – the expulsion of the Jews from England. This was a period of rising anti-Semitism throughout Europe. Part of it was based on religious differences, but it was also about money. Jewish lenders weren't bound by the Church's restrictions on charging interest. So that allowed them to play a great role in European finance, but it also made them targets. Lots of nobles owed them money, and some had lost money and property to Jewish lenders when they defaulted on loans. The rise of the Italian lenders and financiers meant that the nobles now had another option. So that meant the nobles no longer needed the Jewish lenders. Edward himself dealt almost exclusively with the Italian financiers.

In the year 1290, Edward had gathered the nobles at a Parliament in Westminster to propose new taxes to raise revenue. The barons agreed to the taxes on one condition – that all the Jews be

expelled from England. Edward agreed to the request, and he signed an Edict of Expulsion which required all Jews to leave England. This was probably about 2000 people in total. The edict stated that they would be put to death if they remained. In exchange, Edward was able to levy the largest single tax of the entire Middle Ages.

Now it might be tempting to put most of the blame on the barons since they were ones who apparently demanded the expulsion. But Edward had no problem going along with it. In fact, he had done the exact same thing on his own in Gascony earlier in his reign.

Gascony was the main region still held by the English crown in France. It was what remained of the old Angevin Empire which had once dominated England and half of France. Gascony was located in the south of France in Aquitaine. And as I noted, Edward had expelled the Jews from there several years earlier. So he didn't have to be prompted by his barons to take such action.

Now even though Gascony was still in English hands, the French king Philip IV wanted to have it for himself. There had been an on-going conflict between traders from Gascony and those from other parts of France. The dispute involved violent attacks on each other and several acts of piracy. This conflict lingered for some time. And since the dispute involved sailors from Gascony, the French king Philip demanded that Edward come to the French court to address the matter in person. Remember that Edward was technically a vassal of the French king when it came to his lands in Gascony. But Edward refused to go to France to answer the claims. When Edward didn't show up, Philip declared that Edward had violated his feudal oath, and thereby had forfeited his rights to Gascony. This was essentially the same thing that happened when Edward's grandfather John refused to appear before the French king about a century earlier, and he had lost Normandy in the process. Now Edward was faced with the prospect of losing Gascony under similar circumstances.

The two sides immediately began to prepare for war over the province. Edward started making alliances with France's enemies in Europe. Meanwhile, Philip started to stir up a rebellion in Wales, and he encouraged the nobles up in Scotland to do the same. These distractions kept Edward from launching a major campaign to recover Gascony.

Edward was able to subdue the rebellion in Wales, but his heavy-handedness was causing a lot of frustration up in Scotland. And in keeping with the theme of this episode, much of that frustration had to do with the law and the scope of Edward's legal jurisdiction.

John Balliol was now the King of the Scots, and he was theoretically the ultimate judge of legal disputes in Scotland. If a judicial matter was brought before his court, his decision was supposed to be final. But many Scots who were unhappy with Balliol's decisions were now going over his head and appealing the dispute to Edward's court at Westminster in England. Now if you remember that earlier treaty between Edward and Scotland, the Scots were supposed to keep their own judicial system, but Edward said that the treaty became null and void when the young girl Margaret had died thereby preventing the marriage alliance with his son that was envisioned by that treaty. So Edward continued to act as the supreme justice of both England and Scotland.

Then to make matters worse, the Scots king himself was summoned to appear before Edward's Parliament at Westminster. He was called to answer a claim made by one of his own subjects over the succession rights to certain land in Scotland. At first, the Scots king Balliol refused to appear before Edward's court, but he eventually relented. Now you may notice the irony here. At the same time that Edward was demanding the Scots king to appear before his court, Edward himself was refusing to appear before the French king to answer claims there. It was a battle over legal jurisdiction, and Edward always considered himself the ultimate judge. He was a demanding lord when it came to his vassals, but he didn't hold himself to same standard when his lord in France came calling.

By this point, most of the Scots nobles realized that their king was nothing more than Edward's puppet. Edward had effectively claimed the right to apply his laws and his justice to Scotland when he saw fit, and that included jurisdiction over the Scots king himself. Then Edward made the situation even worse by demanding that the Scots join in his war effort to recover Gascony in southern France. Now Edward had a tough enough time convincing the English nobles to fight in southern France, much less the Scots nobles who felt no loyalty to Edward at all.

At this point, a group of Scots nobles had enough. They stepped in and effectively took control of the government of Scotland. Balliol remained king in name, but he was deprived of much of his power and authority. The nobles then made a formal alliance with France – an alliance which became known as the Auld Alliance and which caused a great deal of frustration in England for the next few centuries.

Edward now started to feel boxed in. Scotland was being run by rebellious nobles who were allied with France. And French ships were already raiding the southern coast of England.

A month later, in November of 1295, Edward called representatives from throughout England to a Parliament at Westminster to address the situation. He wanted to get their support to go to war with France. Edward's officials composed a writ demanding that the nobles, the bishops, and the commoners come to the Parliament. Copies of the writ were sent to every shire. The writ included knights as well as representatives of the towns and cities. There were representatives of every major class except the serfs. It was such a broad-based Parliament with so many different groups of people represented that historians call it the Model Parliament. And that writ is notable because, even though it was written in Latin, it appealed to the one thing all of the people called to the Parliament had in common – the English language. Here is an English translation of the relevant portion of the writ:

“You know sufficiently well, and it is now known through all regions of the world, how the king of France fraudulently and craftily deprives us of our land in Gascony by withholding it from us unjustly. Now, however, not satisfied with said fraud and injustice, he has gathered together for the conquest of our kingdom a great fleet and a multitude of warriors, with which he has made a hostile attack on our kingdom and its inhabitants, and he now proposes to wipe the English language altogether from the face of the earth, if his power should permit such contemplated injustice, which God forbid.”

This is the first time since the Norman Conquest that an English king rallied his people to war by explicitly appealing to the language which they all shared. That appeal probably could not have been made until everyone in the country actually spoke English which appears to have been the case by this point. And if the English language was threatened by the French king, then the implication was that it was threatened by the French language. Of course, there was a great irony to Edward's appeal. The same king who ruled his own people with a French-speaking Parliament and lots of brand-new statutes written in French now warned them that a foreign king was trying to force the French language upon them.

The irony notwithstanding, Edward's Model Parliament met at Westminster and granted him the money he needed to go to war with France and presumably to save the English language in the process.

But here's the thing. Edward didn't use that money to invade France. He used it to invade Scotland. Given the deteriorating situation there, and given the new Scottish alliance with France, he felt the need to deal with Scotland first.

In 1296, Edward sent a huge army into Scotland with the intentions of conquering it just as he had conquered Wales a few years earlier. The Scots were no match for Edward's powerful army. They were soundly defeated, and Edward marched his army throughout Scotland killing all who opposed him. His men took government records and even took a sacred stone called the Stone of Scone or Stone of Destiny. Scottish kings had been crowned on the stone for centuries. Edward's men took the stone and brought it to Westminster Abbey where it was incorporated into a special chair that was used for the coronation of English kings going forward. I should note that the English government did return the stone – 700 years later in 1996. So there's that.

As Edward proceeded through Scotland, he made the Scots nobles swear their allegiance and loyalty to him. Like a good lawyer, he even made them put it in writing. The nobles attached their seals to a document recognizing Edward as their lord. The document became known as the Ragman Roll. Now it appears that the term Ragman Roll was borrowed from the name of a popular game of the period called ragman. The game was played with a parchment roll. Verses were written on the parchment – probably of an adult nature. And strings extended from the verses. When the parchment was rolled up, the strings protruded from the roll. A player would select a string, and the parchment was then unrolled and the selected verse was read to the amusement of all. This type of roll was called a ragman roll. Well apparently, Edward's roll sealed by all those Scots nobles resembled a ragman roll because the strings or ribbons from the various seals stuck out when it was rolled up. So it became known as the Ragman Roll.

Now you're probably saying "So what?." But it appears that the Ragman Roll ultimately gave us the word *rigmarole* – or *rigamarole*. Some scholars trace the origin of that word to the ragman rolls used in the game of ragman, but others trace it back to Edward's roll of loyalty oaths from Scots nobles – also called the Ragman Roll. According to this latter view, Edward's officials held public assemblies where the list of names in the roll was read out loud. The names were often read out so fast that no one could really understand it. It was just a jumble of words. And

that gave us the English word *rigmarole*. It's a great story if true, but its more likely that the term evolved from a broad use of the term Ragman Roll for a variety of long-winded documents with a lot of legalese or other nonsensical statements contained in them.

Whether or not Edward's Ragman Roll is the specific origin of *rigmarole*, there is no doubt that the document served to prove his dominance of Scotland. And with the conquest of Wales and Scotland, Edward now ruled all of Britain, and he was the first king to do so

As we'll soon see, the conquest of Scotland was short-lived, but for now, the region had been subdued. And Edward now turned his attention across the Chanel to France. By this point, the English nobles were getting cold feet and tight wallets. Over a year had passed since the Model Parliament, and the feared French invasion of England had never occurred. And by this point, the rumors of that pending French invasion has passed. Both the barons and the Church refused to give any more money to the war effort.

Despite the lack of support at home, Edward and his forces headed to France anyway, but the invasion quickly fell apart. His allies from Germany backed out, and his allies from Flanders were soundly defeated by the French. Edward soon agreed to a truce with the French king. And to make matters worse, while Edward was in France, he got word that a rebellion had broken out in Scotland. The rebel Scots were being led by a man named William Wallace, and Wallace defeated an English army at a place called Stirling Bridge thereby becoming a folk hero. And if you've seen the movie Braveheart, you probably already knew that. Although William Wallace probably didn't look like Mel Gibson, and he certainly didn't paint his face blue.

So we find ourselves at the end of the 1200s on the verge of a new century. The dispute with France came to an end – at least for now. So the king of France never had the opportunity to wipe the English language from the face of the earth as Edward had warned. And in fact, English continued its comeback, and it was gradually emerging as the language of literature in England, even if French was the language of the law.

In fact, around this time, a new history of England was composed in English. This version was written by a man named Robert who apparently lived in Gloucester, so he is known to modern scholars as Robert of Gloucester. His history included the Norman Conquest and the period afterward, and his manuscript is important to the history of English because he specifically discussed the linguistic situation in England after the Norman Conquest.

In an extended passage, he wrote that the Norman conquerors and their children had only spoken French. And he wrote that knowledge of the French language was still held in high regard in his day. But he also wrote that the low men and commoners held onto their native English language, and that there was no other country in the world where people held onto their native language like the people of England did. I actually read this entire passage back in Episode 69 when I was discussing the Norman Conquest, so I won't read the whole thing again. But I do want to highlight what Robert said about the linguistic situation in England around the time he was writing at the current point in our story. Here is that part in Modern English and then in the original Middle English:

Low men hold to English and to their own speech yet
I think there be not in all the world, countries none,
that hold to their own speech but England alone.
But well men know that to know both - well it is
for the more that a man knows, the more worthy he is.

lowe men holdeþ to engliss. & to hor owe speche ȝute.
ich wene þer ne beþ in al þe world. contreyes none.
þat ne holdeþ to hor owe speche. bote engelond one.
ac wel me wot uor to conne. boþe wel it is.
vor þe more þat a mon can. þe more wurþe he is.

Now Robert's Chronicle is important to our story for another reason. It shows how the English language was developing during this period. For example, we find the first recorded use of the extremely common word *bad* in an sentence. It one of those words that seems like it should be an Old English word because it is so short and common, but the history of the word before this point is unclear. It does appear in earlier documents as part of several surnames – surnames like 'Baddecheese' and 'Badinteheved' – literally 'Bad in the Head.' Yes, those were actual surnames. *Bad* may be derived from the Old English word *bæddel* which was a derogatory term for an effeminate man. Another possibility is the word *bædan* which meant 'to defile.' But again, there is no consensus about the ultimate origin of the word.

Robert's Chronicle also contains lots of new loanwords from French. We find the first use of the word *strange*, as well as word like *dinner*, *duty* and *chase* – all from French. But it's another group of words that is of more interest to us, especially given the theme of this episode. Robert's Chronicle shows that the use of legal French was impacting the English language by introducing lots of new legal terms to the language.

I noted earlier that the word *malice* was used for the first time in an English document during this period. Well it first appeared in Robert's Chronicle.

The text also gives us one of the very first uses of the word *pain* which appeared in a handful of documents from this same period. Now you may be wondering why I am including *pain* in a group of legal terms. Well because it was originally a legal term. It meant the penalty or punishment imposed on someone who was found guilty of a crime. In fact, the words *pain*, *penalty* and *punish* all come from the same Latin root word which was *poena*. That Latin word was borrowed directly into English in the word *subpoena* which literally means 'under penalty' because the first words of a writ that compelled someone to appear in court were "sub peona" meaning 'under penalty' for failure to comply.

The original sense of the word *pain* as punishment still exists in a phrase like "on pain of death." You might assume that the phrase means under the physical pain of death, but it actually means under the penalty or punishment of death. But that helps to explain how the meaning of the word evolved over time. Punishment imposed hardship and sometimes actual physical hardship. So over time, the word pain evolved from legal punishment to physical suffering.

Robert also gave us one of the first uses of the word *trespass*. *Tres-* meant ‘beyond,’ so to *trespass* literally meant to pass beyond. At this point when Robert used it, it simply meant to pass beyond the limits of the law, so it meant a crime or violation of the law. It took a couple of more centuries for the meaning to shift to the modern sense of ‘passing beyond the legal boundaries of a piece of property.’ And that’s how we tend to use it today – at least in common non-legal speech. It means to enter onto someone’s property without permission. By the way, within French itself, the meaning also continued to evolve, and it acquired a sense of passing beyond this mortal world into the afterlife. So it meant to pass away or die. And that’s how *trespas* is used in Modern French today.

Robert’s Chronicle also gives us the first use of the word *verdict* in an English document. The word *verdict* literally meant a ‘truthful statement,’ and it originally meant the sworn testimony of a witness. By the time the word was borrowed into English, it had come to mean the decision of a judge or jury, like Edward’s decision in the dispute over the kingship of Scotland. If we break down the word *verdict*, we can better discern its original meaning as a ‘truthful statement.’ *Ver-* is a Latin root meaning ‘true,’ and it is also found in words like *verify* and *veracity*. The second part *-dict* meant ‘words or a statement.’ We also have it in words like *diction*, *dictation*, *dictionary*, and *predict*. So when you put those two elements together, you get *verdict* – a truthful statement.

By the way that second part *-dict* is also found in the word *indict* which is pronounced a little differently, but still typically spelled D-I-C-T. It meant ‘to accuse someone of a crime.’ And that word also appeared for the first time in English around the year 1300, even though it wasn’t used in Robert’s Chronicle.

Robert’s manuscript also gives us the first use of the word *sue* in the sense of starting a lawsuit. The word came from French and had been recorded in a few other English documents prior to this point in the 1200s, but in those documents it had its original sense which was ‘to follow.’ We still have that original sense of ‘follow’ in words like *pursue* and *ensue*. But if you pursue a legal claim by going to court, then you *sue* the party on the other side of the dispute. And that’s how Robert used the word in his chronicle.

Of course, if you *pursue* someone, you are in *pursuit*. And if you *sue* someone in court, that’s called a *suit*. You might ‘file suit’ to start a ‘lawsuit.’ So *suit* is really just the noun form of *sue* – and *suit* is also used for the first time in English in Robert’s Chronicle.

By the way, when things follow each other, they tend to create a sequence of things that go together. They ‘*follow suit*’ and are *suitable* for a particular purpose. That gave us the other sense of *suit* as a group of things that go together like the four suits in a deck of cards. And when several pieces of clothing go together, that’s called a ‘suit of clothes’ or *suit* for short.

By the way, there is another aspect to the word *suit* when used in reference to clothes. If you are attracted to someone and follow them around looking for a date, you are said to be a *suitor* from the same word. Well, the word *suitor* originally referred a follower of the king or other prominent noble. So it meant a courtier. And since the courtiers or suitors tended to dress in

fancy clothing that was all very similar, that sense of matching formal clothing also contributed to the modern meaning of the word *suit*. Again Robert of Gloucester gives us the first use of *suit* in its legal sense – as in a lawsuit.

Robert also gave us the first use of the word *felon* and one of the first uses of the related word *felony*.

And remember how those litigants in Scotland appealed their verdicts to Edward's court in England because Edward claimed to have jurisdiction over Scottish law as well? Well the word *appeal* was a brand new word in the English language at the time, and its first recorded use was in Robert's Chronicle. The original sense of the word was this specific legal sense of taking a case to a higher court, but notice how broadly we use the word today. You might 'appeal' to someone's sensibilities, or you might find someone 'appealing.' Those are both later developments in the language.

And speaking of an appeal to a higher *court*, Robert also gave us the first use of the word *court* in the sense of a place where legal matters are decided and resolved. Of course the word *court* had been used in English for some time. We first saw it in the Peterborough Chronicle in the mid-1100s. But previously, it had always been used in the sense of a 'king's court' meaning the king's household or king's retinue. But since the king was the ultimate administrator of justice, the word *court* now started to acquire a specific legal sense which we still use today. And Robert's Chronicle gave us that legal sense.

There's one other legal term that is used for one of the first times in English in Robert's Chronicle, and its important to English for two reasons. Not only was it a brand new legal term in the late 1200s, it is also something that we employ every time we speak. Can you guess what it is? It's a *sentence*. Robert used it for the first time in its sense as a legal judgment or verdict. It later came to refer to the punishment imposed by a court once judgment was rendered. But *sentence* also had a grammatical sense in Latin and French, and that meaning also passed into English in the 1200s. The connection between the legal sense and the grammatical sense can be found in the original meaning of the term which was 'an authoritative statement.' When a statement was made in court to pronounce judgement, it gave us the legal sense of *sentence*. And when a statement was made in casual conversation, it gave us the grammatical sense of *sentence*. So that was also a brand new word in English as the 1200s came to an end.

Now before I conclude, let me make one other note. If you think the information I've conveyed in this episode is 'not worth a hill a beans' – to use an old expression – well you should know that that expression can be traced back to Robert's Chronicle. Robert is the first known person to use a version of that phrase. Technically, he said "not worth a bean" because a single bean is something that has little or no value. A "hill of beans" was a later modification that took place in American English.

Robert used the expression in a discussion about King John and the interdict that was imposed on England by the Pope. You might remember that the Pope effectively closed all the churches in England because John would not accept the Pope's choice as Archbishop of Canterbury. Robert

wrote that the king of Germany tried to appeal to John to accept the Pope's choice, but the appeal was 'not worth a bean' because John ignored it. Here's the passage in Modern English:

The king of Germany sent [a message] especially
to King John to forget his hurt,
and receive the archbishop, and let the Holy Church
have her franchise, clear and clean; altogether not worth a bean.

Now here's the original Middle English passage:

þe king of alimayne sende specialliche inou
To king Ion þat he wiþdrowe him of is wou
& vnderuenge þe erchebissop & holichurche al clene
Lete abbe ir franchise & al nas wurþ a bene.

So if you ever hear something described as 'not worth a hill of beans,' now you know that it goes back to at least the late 1200s. Next time, we'll move our official time line forward into the 1300s, and we'll turn our attention north to look at the collapse of Edward's rule in Scotland as the Scots rose in rebellion. We'll also look more closely at the English language in the north of Britain. Not only did the Scots speak a unique dialect of English, the people of northern England also spoke a unique dialect. And we have an important text from this region which sheds some light on this northern dialect around the year 1300. So next time, we'll look at both the political and linguistic developments in northern Britain.

Until then, thanks for listening to the History of English Podcast.