

Famous English Canon Lawyers II
WILLIAM POUL (or PAULL) D.Cn.L. (†1332)
 VICAR OF WINKFIELD, BERKSHIRE

J. H. BAKER
 Professor of English Legal History, Cambridge

The subject of our second essay provides an interesting contrast with Bishop Bateman: equally learned in the law, he chose the humble life of a parish priest rather than the authority of judicial or episcopal office or the bustle of Avignon. Despite the distinction of his writing, none of his larger works have ever been printed in full, and he was widely forgotten in the age of the printing press. His position as a major canonist is largely the consequence of a modern rediscovery by Fr Boyle, O.P., on whose work this essay is based.¹

Sometimes known by his Latin name Willelmus de Pagula, our author himself spelt his surname 'Poul'². Perhaps we should modernise it as Paull,³ since it derives from the place of that name in Yorkshire, which in turn derives from the ferry (L. *pagula*) on the river Humber east of Hull. Dr Paull was an Oxford man, and probably took his doctorate in canon law around 1320. He was ordained priest in Canterbury cathedral on 1 June 1314 as vicar of Winkfield,⁴ and held that benefice (in Windsor Forest) until his death in 1332, serving also as an official 'penitentiary' in Berkshire;⁵ but he is not known for certain to have enjoyed any other preferments⁶. This was, perhaps, an unusual course of life for a scholar,⁷ though it accounts for Paull's interest in and experience of confessional practice and pastoral problems. His literary output seems not to have grown out of a course of university teaching – as did most canonistic writing – but was intended as a series of manuals for parsons and other clerics. Although the blinding effect of the printing press served to remove him from the shelves of later scholars, in his day Paull's reputation was equalled only by John of Acton. Indeed, he and Acton share the distinction of being the only two English canonist writers of the fourteenth century whose works are commonly found in medieval book-lists.⁸

-
1. The articles referred to are all conveniently reprinted (with others) in L. E. Boyle, *Pastoral Care, Clerical Education and Canon Law, 1200-1400* (Variorum Reprints, London, 1981). The reprint retains the pagination of the original articles.
 2. Boyle, 'Summa Summarum' (note 9, below), at pp. 418-419, n.20.
 3. He must not be confused, however, with his near contemporary William de Paul (†1349), bishop of Meath: J. G. Fotheringham, 'William Pagula', in *Dictionary of National Biography*, XV, 66. The confusion occurs in Bale, Leland and other early bibliographical writers: A. F. P(ollard), 'William de Paul', in *Dictionary of National Biography*, XV, 521. See also A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, III (1959), at pp. 1436-1437.
 4. J. R. Wright, *The Church and the English Crown 1305-1334* (Toronto, 1980), p. 199, n.19.
 5. He was at first penitentiary for the deanery of Reading, and later for the archdeaconry of Berkshire.
 6. In the *Summa summarum* he apparently refers to himself in one passage as a canon of St Paul's, London: Boyle, 'Oculus Sacerdotis' (note 15, below), at p. 100, n.4. But no confirmation of this has been found, and he is not listed in Le Neve's *Fasti*.
 7. So says W. A. Pantin, *The English Church in the Fourteenth Century* (1955), pp. 28, 196, 218, referring to Paull.
 8. Boyle, 'Summa Summarum', p. 416.

His books, which will be briefly described in turn, seem all to have been written in the 1320s, soon after his creation as a doctor of law.

THE SUMMA SUMMARUM⁹

The *Summa summarum* was written in the period 1319–22. Fr Boyle says it is ‘a compilation of canon law and theology of five books and almost 350,000 words designed to provide every cleric, from parish priest to prelate, with an authoritative answer to every possible question that might arise out of his state or obligations. It is the only manual of canon law from an English source that can compare with the *Copiosa* of Hostiensis or the *Speculum* and *Reportorium* of Durandus . . .¹⁰. The book was not written specifically for lawyers; but it provided the reader, whether legally trained or not, with a compendium of canon law and pastoral theology which would answer his every question, supporting the answer with the relevant authorities. It did not purport to be an original work, but rather a distillation from the best of the previous *summae*: hence the title. For this reason the work was put out anonymously, though a manuscript at Christ’s College, Cambridge, attributes it to William ‘de Pabula’,¹¹ and Fr Boyle has discovered internal evidence to connect it with Paull’s *Oculus*.¹² The arrangement was based on the famous *Summa* of the Spanish canonist, Raymund de Peñafort (†1275). There are five books, dealing with the following topics: (i) sources of law and authority, including the role of judges; (ii) actions and legal procedure; (iii) the clergy; (iv) marriage; (v) criminal offences. These are divided into 257 chapters,¹³ more than three quarters of them taken over from Raymund. Many of the additional chapters are based on the equally famous *Reportorium* (or *Répertoire*) of ‘Durandus’, the French canonist Guillaume Durand (†1296). Paull goes further than his sources, however, in suggesting answers to questions; he also incorporates English provincial legislation, and even the provisions of Magna Carta; and he works in a good deal of theology. The result is an encyclopaedic work of ready reference, and as such it achieved an originality which its author did not claim. It was much broader in scope than the work of Drogheda, Acton or Lyndwode, and probably of more practical use. Fr Boyle prints the prologue, and the table of contents.¹⁴ It circulated widely, and at least thirteen surviving manuscripts are known.

THE OCULUS SACERDOTIS¹⁵

The ‘Priest’s Eye’ (*Oculus sacerdotis*) is in three parts, each named rather oddly: the *Pars oculi* (written last, and dealing with confessional practice and what we should call penology), the *Dextera pars oculi* (dealing with pastoral questions and the teaching of practical morality) and the *Sinistra pars oculi* (a

9. L. E. Boyle, ‘The “Summa Summarum” and some other English Works of Canon Law’ (1965), *Proceedings of the 2nd International Congress of Medieval Canon Law* (Vatican City, 1965), pp. 415–456.

10. ‘Oculus Sacerdotis’, p. 101.

11. Christ’s College MS. 2, fo. 269, quoted by Boyle, ‘Summa Summarum’, p. 420, n.24.

12. ‘Summa Summarum’, pp. 422, 433.

13. See the table printed in Boyle, ‘Summa Summarum’, pp. 443–451.

14. ‘Summa Summarum’, pp. 440–443.

15. L. E. Boyle, ‘The *Oculus Sacerdotis* and some other Works of William of Pagula’ (1955), *Trans. Royal Hist. Soc.* (5th ser.), V, 81–110. See also Pantin, *English Church*, pp. 195–202.

theological discourse on the seven sacraments). This was obviously intended for the guidance of parish priests, and combined theological and legal information with homely hints – for example, about looking after children. Professor Davis thought the book diffuse, repetitive and disorganised.¹⁶ But Fr Boyle has argued convincingly that Davis’s judgment rested on a misunderstanding of the tripartite division, which required the treatment of similar issues from different points of view. It was perhaps the best of the English manuals for parochial clergy; it evidently had the widest circulation,¹⁷ and was the basis of penitential discipline in England for the next two centuries. It was also the basis of other books. Much of it was built into Richard Rolle’s treatise of the 1320s, *Iudica me*,¹⁸ and the anonymous *Regimen animarum* of 1343;¹⁹ and a revised or rewritten version of the whole was produced in 1384 by John de Burgh, Chancellor of Cambridge University, under the title *Pupilla oculi*. The first section of the *Oculus* is of greatest legal interest, since it answers questions of a legal or quasi-legal character: how to examine penitents, how to categorise offences, and the extent of a priest’s authority to award penance or grant absolution. It is highly practical: for instance, when examining a penitent who had drunk too much, the priest is recommended to inquire into the reason for the drunkenness: whether, for instance, it was because he did not know the power of wine, or because he was in the company of guests, or because of exceeding thirst. There is a detailed account of general and provincial legislation, and also of the excommunication attaching to violations of Magna Carta and the Carta de Foresta. Dr Pantin has rightly drawn attention to the constitutional interest of this last feature: that fourteenth-century folk were supposedly kept informed about Magna Carta and other legislation by their parish priest.²⁰ The *Dextera pars*, though concerned with pastoral matters, was also heavily based on canon law and included a rather alarming list of automatic excommunications.

THE SPECULUM PRAELATORUM

The ‘Prelates’ Mirror’ (*Speculum praelatorum*) was an even larger and perhaps over-ambitious reference work, incorporating portions of the *Oculus* and *Summa summarum*. In addition it provided sermon outlines for every Sunday and other liturgical occasions, and a dictionary of quotations from the Fathers. It seems not to have circulated widely: in fact only one complete manuscript is known.²¹ But parts of it circulated separately in the form of tracts for the guidance of monks (*Speculum religiosorum*)²² and archdeacons.

16. H. W. C. Davis, ‘The Canon Law in England’ (1913), *Zeitschrift der Savigny Stiftung für Rechtsgeschichte* (Kan. abt.), XXXIV, 344, at pp. 349-350.

17. Boyle lists over 50 surviving MSS.

18. Pantin, *English Church*, p. 248.

19. *Ibid.*, p. 203.

20. *English Church*, p. 198.

21. In Merton College, Oxford: Boyle, ‘*Oculus Sacerdotis*’, pp. 97-98, 102; 1965 art. . pp. 432-433, 454. This was not unique because William of Wykeham left a copy to New College: ‘*Summa Summarum*’, p. 434 n.99.

22. There is a MS. of this in Gray’s Inn library (MS. 11). Boyle lists 5 other MSS.

THE SPECULUM REGIS EDWARDI TERCHII²³

The 'Mirror of King Edward III' (*Speculum regis Edwardi tercii*) has been printed, though in a somewhat inaccessible edition.²⁴ It was an expanded version of a letter of protest, called the *Epistola ad Regem Edwardum*, setting out the grievances of the people in the neighbourhood of Windsor Forest against arbitrary abuses of the prerogative of 'purveyance' by the king's commissioners. This prerogative, which caused resentment and discontent throughout the centuries until its repeal by the Long Parliament in the 1640s, enabled ministers to commandeer provisions and labour in the king's name, usually without immediate payment, and often without payment at all. The tract is not merely an eloquent grumble, but makes use of legal arguments and is evidently the work of a canon lawyer. It was formerly attributed to Archbishop Simon Islip (†1366); Sir Edward Coke owned a copy attributed to Islip, and cited it in the *Institutes*.²⁵ In 1901, Professor Tait attributed it to Archbishop Simon Mepham (†1333).²⁶ But the *Epistola* is clearly by Paull, whose cure was near Windsor, and Fr Boyle argues that the *Speculum* is a recension by the same author. Apart from the close connection between the two texts, he has found what appear to be early references to a treatise *ad regem* expressly attributed to Paull.

PAULL'S POSITION IN CANONIST LITERATURE

Dr Pantin said of Paull that he was 'one of the few outstanding canonist writers that later medieval England produced, comparable in his way to John Acton or Lyndwood':

He seems to be the first writer of a manual for English parish clergy to make use of the local English legislation, such as the constitutions of the thirteenth-century papal legates and Archbishops of Canterbury . . . He is remarkable for combining a mastery of canon law with a genuine interest in pastoral theology and a desire to improve the cure of souls; he reminds us that we cannot always put 'theologians' and 'canonists' into separate, watertight compartments, and that we must not dismiss the canonists as a race of soulless administrators.²⁷

It is easy for our age, largely cut off from its Latin heritage, to dismiss the writings of a fourteenth-century parish priest as irrelevant to the general course of human progress. Yet Dr Paull has an irrefutable title to be considered a 'famous English canon lawyer'. And he might also give us cause to reflect on the literature of our own time: is it necessarily a cause for satisfaction that books like his are no longer written?

23. L. E. Boyle, 'William of Pagula and the *Speculum Regis Edwardi III*' (1970), *Mediaeval Studies*, XXXII, 329-336.

24. J. Moisant ed., *De speculo regis Edwardi III* (Paris, 1891), pp. 83-123.

25. 2 Co. Inst. 545. It was still at Holkham Hall in 1932: see W. O. Hassall ed., *A Catalogue of the Library of Sir Edward Coke* (Yale University, 1950), p. 57, no. 700. It is there attributed to Islip.

26. J. Tait, 'On the date and authorship of the "*Speculum Regis Edwardi*"' (1901), 61 E.H.R. 110-115.

27. *English Church*, p. 196.