

Conscience, Equity And The Court Of Chancery In Early Modern England

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"progressive" role (my choice of words), but it was an ambivalent set of institutions itself that tried to avoid confrontations rather than challenge predatory lords. Men bearing hoary titles, like king and count, once closely tied to public welfare, were almost as predatory as their castellan counterparts. But probably it was with the kings and counts and the intellectuals who kept the old ideas alive that the revival of the state has to be associated. Or, at least this is how I understand Bisson's argument. The institutional underpinnings of the revival probably included greater attention to subordinates' fiscal accountability. Only then could one even entertain the idea of "wrongful taking," let alone bribery (corruption). To some extent, the occasional meetings that took place between kings and representatives of the different orders of society were an additional institutional pillar of state-building, although again they could undermine as much as sustain the administrative and policy developments that would produce the medieval state.

There remains a very significant problem. The twelfth century is widely regarded as the great age for the growth of schools, culminating in the founding of the earliest universities. It was a great age of neo-Latinist manneristic poetry, neo-Platonic philosophy, and scholastic logic. It was the age of the great vernacular *chansons de geste*. To the twelfth century we owe the birth of the gothic style and the enormous proliferation of churches—parish churches, cathedrals, and monastic churches—surely the most substantial outlay of fiscal resources for religious culture, as a proportion of gross domestic product, that the West has ever seen. And none of this would have been possible without sustained and significant economic growth. Indeed, only with such growth is the twelfth century's experience of the meteoric rise of towns, markets, and trading infrastructure (roads and bridges, for example) imaginable. Presumably, predatory lordship should have been lethal for these developments. Bisson hints at the problem (580), but cannot—or chooses not to—answer it. He is to be commended, however, for so effectively setting the agenda for future historians who must try.

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Dennis Klinck's study reevaluates the long-assumed dichotomy between the medieval Court of Chancery as an operation of conscience, and the early-modern Court as one of equity. He suggests that conscience as the basis of equity remained an elusive concept, and certainly a difficult operative element, through

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