

---

**Renaissance and Reformation**  
**Renaissance et Réforme**



**Sobecki, Sebastian. Unwritten Verities: The Making of  
England's Vernacular Legal Culture, 1463–1549**

Daniel Kennedy

---

Volume 39, Number 1, Winter 2016

URI: <https://id.erudit.org/iderudit/1087158ar>

DOI: <https://doi.org/10.33137/rr.v39i1.26567>

[See table of contents](#)

---

Publisher(s)

Iter Press

ISSN

0034-429X (print)

2293-7374 (digital)

[Explore this journal](#)

---

Cite this review

Kennedy, D. (2016). Review of [Sobecki, Sebastian. Unwritten Verities: The Making of England's Vernacular Legal Culture, 1463–1549]. *Renaissance and Reformation / Renaissance et Réforme*, 39(1), 203–205.  
<https://doi.org/10.33137/rr.v39i1.26567>

---

© Canadian Society for Renaissance Studies / Société canadienne d'études de la Renaissance; Pacific Northwest Renaissance Society; Toronto Renaissance and Reformation Colloquium; Victoria University Centre for Renaissance and Reformation Studies, 2016

This document is protected by copyright law. Use of the services of Érudit (including reproduction) is subject to its terms and conditions, which can be viewed online.

<https://apropos.erudit.org/en/users/policy-on-use/>

---

**é**rudit

This article is disseminated and preserved by Érudit.

Érudit is a non-profit inter-university consortium of the Université de Montréal, Université Laval, and the Université du Québec à Montréal. Its mission is to promote and disseminate research.

<https://www.erudit.org/en/>

**Sobecki, Sebastian.**

*Unwritten Verities: The Making of England's Vernacular Legal Culture, 1463–1549.*

Notre Dame: University of Notre Dame Press, 2015. Pp. 257. ISBN 978-0-268-04145-8 (paperback) US\$38.

In *Unwritten Verities*, Sebastian Sobecki provides an engaging, interdisciplinary study of English common law's oral tradition. Emerging from this volume is a provocative consideration of the relationship between common law and Anglo-French vernacularity in late mediaeval and early modern England. Importantly, Sobecki's examination of vernacular legal culture challenges late medieval periodization, connecting the writing of John Fortescue and other English legal thinkers to subsequent ideas about consensual and even socially inclusive government. Whether closely reading legal texts or situating literary sources as historical evidence, Sobecki draws strength from his expansive research, organizational attention, and recognition of interrelated critical discourses. Stimulating in its breadth, *Unwritten Verities* demonstrates the productivity of bringing legal, literary, mediaeval, and Renaissance studies into closer conversation.

The scope of *Unwritten Verities* is delineated in a substantial introduction that situates the diverse and, by Sobecki's own admission, loosely connected chapters that follow (14). In these initial pages, Sobecki distinguishes the book's approach from critical narratives of the earlier twentieth century, in particular those that tended to represent the fifteenth and sixteenth centuries as a period of immutability, consolidation, and exceptionalism in English legal culture. He instead proposes the existence of a vernacular legal culture that moved toward social inclusion in the years leading up to the popular revolts of 1549. This culture, Sobecki argues, was constituted to a significant extent by three elements: hermeneutics based on unwritten tradition, a complex linguistic fabric, and a consensual political outlook rooted in Lancastrian conciliarism (12). Devoting particular attention to the writing of Fortescue, Christopher St. German, and John Rastell, Sobecki's book proceeds to develop this fresh portrayal of English common law over six eloquent chapters.

The first chapter begins by identifying an oral tradition in English common law that was defined by the use of pleadings authenticated and underwritten by speech. This unwritten discourse, cultivated by the mooted exercises

that were central pedagogical features of late medieval and early modern Inns of Court, fostered not only analytical but also imaginative skills. These skills, Sobecki suggests, equipped the legally educated to engage critically with authority. In the second chapter, Sobecki shifts his focus and considers how features of spoken English and law French amalgamated to produce a vernacular legal discourse. Collapsing distinctions between linguistic categories, he presents a well-supported argument for the vernacularization of law French by Middle English speakers during his period of study. The chapter concludes by outlining how unimplemented Crown plans to purge English and law French from legal discourse during the 1530s and 1540s left printers relatively free to disseminate this lexically blended vernacular. Sobecki's third chapter moves on to identify a strain of conciliarism in the seminal writing of Fortescue. Suggesting that this approach both emerged from and transcended Lancastrian political tactics, Sobecki persuasively connects Fortescue's calls for consensual legislation to his simultaneous understanding of the legal specialist as a necessary interpreter of unwritten law.

The fourth chapter again shifts focus to consider invocations of unwritten common law by St. German in the face of ecclesiastical and Reformation textual ideologies. Closely reading both the English and Latin versions of St. German's writing, Sobecki identifies a defensive strategy of partial textualization that St. German develops with reference to year books, law reports, and the "inner book" (126) of reason and deploys to preserve unwritten legal traditions. The next chapter moves on to consider the life and work of Rastell, who not only printed St. German's *Doctor and Student* but also prepared the first English legal dictionary, the *Exposition of the Terms of English Law*. Here, Sobecki focuses on inclusivist rhetoric in Rastell's writing that draws on the capacity of spoken, vernacular English to unify and universalize. He then uses this reading to successfully complicate the ideological connections sometimes drawn between the humanism of Rastell and his brother-in-law, Thomas More. In the final chapter, ideas of the common good and self-governance that Sobecki identifies in the writings of Fortescue, Rastell, and St. German are set against more exclusivist contemporaneous ideas of commonwealth. The book then moves forward in time to consider the influence of vernacular legal culture and its ideological underpinnings on the form and content of popular demands issued during the 1549 rebellions. *Unwritten Verities* concludes by positing a

subsequent drying up of England's vernacular legal culture in the face of later sixteenth-century printing regulations.

Sobecki's study ultimately succeeds in nuancing our understanding of the ideological and vernacular foundations of English common law with its provocative reading of legal and literary sources. While the book's shifts in focus are occasionally abrupt, the framework set out in the introduction draws together a conceptually diverse study. Enriched by the impressive range of materials Sobecki brings to bear, *Unwritten Verities* contains insights that will challenge and engage scholars across the disciplines of law, literature, history, and politics.

DANIEL KENNEDY

University of Toronto

**Teskey, Gordon.**

***The Poetry of John Milton.***

Cambridge, MA: Harvard University Press, 2015. Pp. xxvii, 619. ISBN 978-0-674-41664-2 (hardcover) US\$39.95.

This often compelling account of Milton's poetry presents a substantial series of readings of his poems from his adolescence through the late great works. The sense of critical adventure that distinguished Teskey's *Delirious Milton* (Cambridge, MA: Harvard University Press, 2006) informs the present volume too, though it is now an ampler style of wider commentary that prevails, as if some lecture series to a student audience—naïve, not quite prepared for class, but quick on the uptake, such as Harvard undergraduates (340)—now found itself worked into a fuller book. This may account for the mix here of daring new insights and other more time-worn views on Milton's poems and poetic career (and some repetition), the wide learning worn lightly, the freedom of critical assertions made to prompt critical response or even just to give pause. At greater length, Teskey's exalted style is much leavened, his grander claims open out into more extended explanation, and his certainties find accommodation through his wit, with humour and with still more astute perception.

The present volume returns to and offers a more diachronic account of the central insight of Teskey's earlier work: that "Milton is the last major poet in the European literary tradition for whom the act of creation is centred in