

## Chapter 4

# Glanvill to Bracton: The Two Great Early Legal Treatises

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### **Introduction**

This chapter introduces two of the earliest, and finest, treatises of English law, those known as Glanvill and Bracton. Ranulf Glanvill was a justice of England in the reign of Henry II between about 1180 and 1190. The *Treatise on the Laws and Customs of the Realm of England* (commonly called Glanvill), was written in the late 1180s and reflects the body of law introduced by Henry II from the 1160s onwards. It is variously attributed in authorship to Glanvill, Hubert Walter or Geoffrey fitz Peter. The Treatise, or in short Glanvill, was written in Latin and concerned primarily with civil litigation by writ before the King's justices. It treats only briefly with criminal pleas and with procedure in the County Court; and not at all with litigation in the feudal courts or with crimes belonging to the sheriff.

Henricus de Bracton was one of the judges of Henry III between 1246 and 1267. Henry III reigned from 1216 to 1272. The second great scholarly work of English law is *The Laws and Customs of England*, probably written in the late 1250s, and reflective of the law as it had developed under Henry III over the previous 30 years. It is usually, but not always, attributed to Henricus de Bracton.

So we have two works written about 70 years apart which reflect the state of English law under two of its earliest and longest serving Kings. This chapter explores four questions. First, what was the legal and intellectual climate in which such great works came into being and which helps to explain their character as legal literature? Secondly, what are some of the main and enduring features of the works, in terms of structure, content and legal principle? Thirdly, what was their subsequent fate? And, fourthly, how if at all do these works speak to modern lawyers?

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