LAW AND DAMNATION IN *THE LAST JUDGMENT* FROM THE LATE MEDIEVAL CHESTER MYSTERY PLAYS

Summary

In “The Last Judgment”, an English play from the late medieval Chester mystery cycle, souls stand for final judgment in *Salvatus* and *Damnatus* pairs, distinguishing the damned sinners from the penitent and redeemed. However, *Iusticiarius Damnatus* and *Mercator Damnatus*, the Judge and the Merchant, appear alone, their *Salvatus* counterparts missing, and as such suggesting the lack of a possibility of redemption for their sins. This paper investigates the reasons for such disparity in the context of didactic function of medieval English theatre by analyzing the relation between the apparent lack of redemption and unusual legal character of confessed transgressions. The specific abuses of the law and abandonment of legal and moral principles governing the damned souls’ trades, such as corruption, perjury, bias and fraud to which the two confess, lead to the damnation of soul not only because of their sinful aspect, but also due to the grave social consequences, such as undermining the governing legal order, inducing strife, injustice, and extortion of the weak for own particular interests. Therefore, the harsh treatment of *Iusticiarius Damnatus* and *Mercator Damnatus* becomes an important lesson not only in morality, but most significantly in law and social order. The analysis is supported by works of legal historians, such as Richard H. Helmholz and James A. Brundage, as well as medieval treatises, i.e. Gratian’s *Decretum* and St. Thomas Aquinas’ *Summa theologica*.

**Key words:** law, Church, theatre, Middle Ages, England, christianity.

In “The Last Judgment,” a late medieval pageant from *The Chester Plays*, the doomsday trial receives its dramatic representation, in which souls summoned before God for judgment are either redeemed or eternally damned. The souls undergoing trial are almost exclusively representatives of the highest social classes of the medieval society, such as kings, queens, popes and emperors. They all appear in pairs of damned and repentant souls, called *Damnatus* and *Salvatus* respectively, to distinguish unrepentant sinners from the penitent and worthy of salvation. However, in this group, standing alone and facing their verdicts of eternal damnation are *Iusticiarius Damnatus* and *Mercator Damnatus*, the Judge and the Merchant, who for some reason have the possibility of redemption represented by the *Salvatus* twin taken away. This surprising dissimilarity when compared with other souls invites questions as to the reasons for such treatment. Their sins in life made the Judge and the Merchant unworthy

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1 The preliminary findings for this paper were originally presented at the *International Conference on the Arts and Humanities: Bridges Across Cultures*, held by the International Studies Institute in Florence (July 2-5, 2015), in a presentation under the same title. This paper is a revised and edited version of that presentation and presents the final stage of the research expanded by additional findings and sources further supporting the initial argument.
of salvation, but how could they be greater than those of other souls and what did they teach the audience gathered to watch the play?

Medieval drama was “unashamedly informative” and “didactic” in its message and meant to “spiritually and morally” benefit the audience (Walker 2008, p. 79). It served as a type of “books to the unlettered” which translated to the laity the sometimes obscure or unclear biblical or theological teachings into an easily acquirable form (Woolf 1980, pp. 87-89, 91, 100-101). This educational purpose exists in the treatment of the two damned characters, showing that while the remaining souls through their \textit{Salvatus} counterparts teach the audience the importance of repentance, the Judge and the Merchant prove that some sins and certain malicious deeds are beyond it, thus performing a valuable lesson in proper moral and social conduct. However, the question what was so unusual about their sins that outshined those committed by popes and emperors remains, and this paper will try to shed some light on this matter.

In the Play the sins of the souls on trial include a rather typical list of vices and revolve around breaking one or several Commandments and succumbing to various Cardinal Sins. \textit{Papa Salvatus}, for example, admits to being “negligent” in following God’s Commandments (\textit{Chester}, 24, ll. 67-68)\textsuperscript{2}, while \textit{Papa Damnatus} was prideful and corrupt (\textit{Chester}, 24, ll. 181-186). \textit{Imperator Salvatus} and \textit{Rex Salvatus} succumbed to Greed and Pride (\textit{Chester}, 24, ll. 93-96, 117-120), while \textit{Imperator Damnatus} confesses to Gluttony, Greed and murder (\textit{Chester}, 24, ll. 221-228). \textit{Rex Damnatus} did not help the poor and the sick (\textit{Chester}, 24, ll. 249-252) and was lecherous in his life (\textit{Chester}, 24, ll. 257-258), just like lecherous and vain were both \textit{Regina Salvatus} (\textit{Chester}, 24, ll. 149-156) and \textit{Regina Damnatus} (\textit{Chester}, 24, ll. 273-280). However, the judge and the merchant appear to be a different sort of sinners.

\begin{quote}
\textit{Iusticiarius Damnatus} \\
[...] Alas ! whyle that I liued in lond, \\
wronge to worch I would not wond, \\
but false causes tooke in hond, \\
and much[e] woe did als. \\
When I sought Siluer or rich sound, \\
Of Barone, Burges or Bonde, \\
his moot to further I would found, \\
were it neuer so false. (\textit{Chester}, 24, ll. 301-308)
\end{quote}

\begin{quote}
\textit{Mercator Damnatus} \\
[...] Ofte I sett vppon falce Assyze, \\
rayvinge poore with layinge myze, \\
falcly by god and Saynts hyse \\
a Thowsand sythes I swear (\textit{Chester}, 24, ll. 345-348)
\end{quote}

\textsuperscript{2} “The Last Judgment” is the twenty fourth Play in the 1968 Deimling edition of \textit{The Chester Plays}. 
Unlike the previous, these do not appear to be strictly moral transgressions related to the teachings of the Church, but abuses and violations of legal codes and procedures. They create an image of misconduct which truly may be beyond salvation, but to prove this argument both legal and religious contexts of these transgressions should be analyzed.

The medieval approach to law and legality was connected with religion and founded on a principle of “unified law” (Alford 1977, pp. 942-943, 948). Thomas Aquinas wrote in his *Summa theologica* that thanks to God “lawgivers decree just things”, and since God was the creator of the ultimate law, therefore, while the divine laws were the grounds for natural law, so the positive laws were the natural derivative of His observances (Helmholz 2013, pp. 417-418; *Sum. I-II* Q. 93, Art. 3, s.c, co.)3. The implications were that by breaking the law the offender also acted against God, thus becoming not only a felon in the judicial sense, but also a sinner in the eyes of the Christian world (Alford 1977, p. 943)4.

However, while simple felonies and other transgressions made the offender a sinner, he could still be redeemed as it can be seen on the example of the other *Salvatus* characters presented in the play. Therefore, something more had to be done to suffer eternal damnation than merely brake the law, and in the context of the damned judge this is most visible. According to the previously mentioned belief in the divine legitimacy of the earthly law, every sentence coming from a judge was equal to God’s infallible verdicts and, as such, could not have been unjust and unfair (Alford 1977, p. 943; *Sum. I-II*, Q.93, Art.3, s.c.). The repeatedly underlined by the medieval decretists holy aspect of justice was meant to guarantee that law was obeyed and respected, allowing for order and peace to reign the Christian society (Alford 1977, p. 943; Helmholz 2001, pp. 313-315). Consequently, while the legitimacy of the law was hardly ever questioned, those who worked with it and interpreted it, being mere humans delivering God’s divine verdicts, could have been considered wrong or accused of acting in the name of their particular private interests instead of the “love of justice” (Helmholz 2001, p. 311). One of those private interests was a very problematic in medieval Europe connection between judicial practice and various monetary gains, as it is mentioned by *Iusticiarius Damnatus* when admitting to taking “false causes” and seeking “Siluer or rich sound” (*Chester*, 24, ll. 303, 305).

The legal revival of the eleventh and twelfth century, and the developing popularity of legal education, as its subsequent career in any law related occupation, was becoming one of the most income generating professions of the Middle Ages, as it was e.g. stated in a common saying that “Galen gives you wealth, and so does Justinian’s law; / From these you gather grain, from others only straw” (Brundage 2008, p. 80). Moreover, legal education opened doors to many seats of power and influence, and the high ranking Church officials,

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3 The English quotations from *Summa theologica* come from the 1947 edition of the translation by the Fathers of the English Dominican Province (Benziger: Westminster MD: Christian Classics). The reference system used throughout this paper is the traditional form used for *Summa theologica*.

4 This close relation between theology and law prevailed until the seventeenth century (Alford 1977, pp. 948-949).
with popes as well, being more often than not the alumnæ of numerous renowned legal universities, far more eagerly surrounded themselves with fellow canon lawyers than with theologians (Brundage 2008, pp. 80, 132-133, 347).

However, despite monetary gains offered by the other legal professions, judges were supposed to perform their duties “not [from] a desire for earthly reward” (Helmholz 2001, pp. 311, 315). The church courts instigated legal actions based on the principal of *bonum commune* and acting for causes other than common good of the community was not in the judicial power of the judges (Helmholz 2003b, pp. 317-318; *Sum. I-II*, Q.90, Art.2, s.c., co.)\(^5\). Justice was to be given “freely and with all purity” and judges, unlike legal advisors or lawyers, were not supposed to perform their duties distracted by a possible “earthly reward,” especially since bribery was considered by decretalists as a heretical “sale of a holy thing” (Helmholz 2001, pp. 311, 316-317)\(^6\).

Medieval justice was delivered in most cases either by judges appointed by the Church or the Crown, or through their designated representatives. In case of the former, such judges, due to their social status, usually held various positions of power prior to becoming officers of the law, as well as held properties and family estates which provided them with substantial income allowing to perform their function without the need for additional compensation (Helmholz 2001, p. 318). The *officiales*, however, while professional and educated lawyers themselves, usually held no additional office that would support them, and though they were not forbidden to accept occasional payments from parties involved in litigation they did not receive any regular fee for their judicial work, which made them prone to financial influence (Helmholz 2001, p. 318). The result was a widespread practice of giving gifts by litigants and, on occasion, peculiar arrangements where the judges were given a percentage of, e.g. a property in question from whatever the litigant that would come victorious in the *litis contestatio* (Helmholz 2001, pp. 319-321; Brundage 2008, p. 389-390)\(^7\).

Adding to the confusion, the decretists themselves identified corruption among the judges on the basis of motivation, not the fact of having received the money; a gift was not considered bribery if it did not influence the verdict, was not too expensive, or there was no “preumption of evil” (Helmholz 2001, pp. 316-317). In case of a suspected financial influence, the plaintiff had the right to appeal and, if the evidence proved the judge to be corrupt, the judgement could have been reversed, although until such time it stayed in power (Helmholz 2001, pp. 313-314)\(^8\).

\(^5\) “The common good is the end of each individual member of a community, just as the good of the whole is the end of each part. On the other hand the good of one individual is not the end of another individual” (*Sum. II-II*, Q.58, Art.9, ad.3); “He that seeks the good of the many, seeks in consequence his own good” (*Sum. II-II*, Q.47, Art.10, ad.2).

\(^6\) Even if bribery caused the verdict to be just, it was still considered sinful as it was purchased and not given (Helmholz 2001, p. 311).

\(^7\) Additionally, it was considered impolite to not accept a gift when it was offered (Brundage 2008, p. 389).

\(^8\) Medieval decretists more than the incorruptibility of the judges valued the idea of infallibility of the judicial office and argued that every judgment should be obeyed unquestionably while those unjust ought to be corrected by that judge, his superior, or, if they failed, God in this life or the next (Helmholz 2001, pp. 313-314).
In the Play, *Iusticiarius Damnatus* apparently followed in life the undue practices of his trade. He was the source of “much[e] woe” (*Chester*, 24, ll. 303-304) because he performed his duties out of “false causes”, acted against the *bonum commune* and abandoned the prescribed *ordo iuris* which demanded action on the basis of a “probable cause”, and “sought Siluer or rich sound” (*Chester*, 24, ll. 303-306) while performing his duties and through this obscured justice (Helmholz 2003b, pp. 317-318). However, corruption and private interests are not the only malpractices on his part; in line 306, when identifying “Barone, Burges or Bonde” as the source of the money, *Iusticiarius Damnatus* admits to willing violation of a yet another rule of his trade, the impartiality principle.

Judges were meant to be uninfluenced arbiters of justice. As Hostiensis wrote, “a judge should be so impartial that he injures no one” and be mindful that “[n]either hatred nor favor, fear nor money should sway his judgment or cause him to do anything detrimental to a party” (Brundage 2008, p. 383). In England, the obvious feudal dependencies which might have impeded a judge in his duties were solved in the statutes of *magna carta* by introducing the judgment of peers principle, ordering that the judge could be either of equal or higher social status than the defendant or the litigants (Maitland and Pollock 1898:1, pp. 150-152, 392). However, the Judge in the Play accepted false testimonies of the mighty into the legal proceeding and, as a result, allowed them to influence his judgments. As a result, by not being impartial and refusing others their rights, he acted against God’s will for an accused to have a fair trial, established first in the Bible when God summoned Adam and Eve to be judged for eating the forbidden fruit (Helmholz 2003b, pp. 316-317).

The Merchant’s transgressions are also connected in character to those of the Judge, since they aimed at circumventing or abusing the existing legal order. The Merchant admits to having used the law to rob and disown the poor by instigating ‘false assizes’ and, through the intricate manipulation of the law (‘lying mise’), use it for his own gain and at the expense of others (*Chester*, 24, ll. 345-346). The word ‘assize’ had a double meaning; it meant either a juridical procedure or a set of rules and regulations that governed a certain legal procedure (Janin 2004, p. 76). The Merchant apparently refers to the procedure initially introduced in 1166 by King Henry II, known as the Assize of Clarendon, which in terms of procedural development was one of the greatest leaps in the English common law, reorganizing the system of royal justice and introducing a revolutionary method of assessing guilt, which later evolved into a trial by jury (Maitland and Pollock 1898:1, pp. 117-118).

9 *Acceptio nummorum preuaricato uteritatis est* (C.11 q.3 c.66); this paper uses the standard system of citing *Decretum Gratiani*: C. 1 q.1 c.1 (*Decretum*, Causa 1, quaestio 1, canon 1), D.1 c.1 (*Decretum*, Distinctio 1, canon 1). Latin quotations come from Emil Friedberg’s edition of *Corpus iuris canonici* (Graz, 1959), while English quotations come from *The Treatise on Laws (Decretum DD. I-20) with Ordinary Gloss*, translated by Augustine Thompson and James Gordley (Washington D.C., 1993).

10 *No free man shall be taken or imprisoned or disseised or outlawed or exiled or in any wise destroyed, save by the lawful judgment of his peers or the law of the land* (Maitland & Pollock 1898:1, p. 150).

11 Financial influence notwithstanding, as a judge he should be able to either withstand the litigant’s pressure or resign from issuing judgment in those matters (Brundage 2008, p. 385).
Initially, the main purpose of the Assize of Clarendon was to deal with criminal cases, which were initiated by a proven suspicion, supported by common knowledge of the crime or its possibility of being committed, relayed to a local or visiting representative of justice (Janin 2004, pp. 76-77). The jury of presentment was supposed to prove the grounds for the suspicion, and on that basis the verdict was issued (Maitland and Pollock 1898:1, pp. 118-120). The effectiveness of this mode of trial became so great in a short time that in 1176 the Assize of Northampton introduced similar regulations in cases concerning land issues, mostly the unlawful dispossession of land, or its forceful takeover (Janin 2004, p. 79). As a result, thanks to the Assize of Northampton, if the plaintiff was dispossessed of his land in an unlawful way he could initiate a legal case following a similar procedure described in the Assize of Clarendon, and “in the presence of the king’s justices” the plaintiff was “to answer (...) simple question about seisin and disseisin” upon which he was to be “restored to his possession” (Maitland and Pollock 1898:1, p. 125). If the juries proved the plaintiff right, his land was returned and the culprit fined; if not, the plaintiff was fined for unlawful accusation (Janin 2004, p. 79).

The Merchant admits that he abused the above described system by setting up false claims and initiating these procedures unjustly and for his own benefit. To circumvent the law and support his claim for land, the merchant would have to commit two crimes: first, through perjury he would need to swear under oath to having been unrightfully dispossessed of the land he wished to take over, to which he admits while stating that he swore falsely by God and saints (Chester, 24, ll. 347-348); secondly, he would have to present false evidence, either by lying directly to the members of the jury, or turning to practice of “giving colour to the claim” (Helmholz 2003a, p. 137). According to Richard Helmholz, in cases concerning the _novel disseisin_, the plaintiff occasionally added some untrue ‘facts’ to the claim in order to further complicate the legal matter, thus forcing it to be taken away from the juries, who usually had rather limited legal education and knowledge, and delivering it directly to the judge for analysis and final verdict (Helmholz 2003a, pp. 137-138). However, all these would revolve around giving false deposition, i.e. perjury, which was not a simple lie, but a serious offence that ultimately undermined the effectiveness of a legal system, which Gratian, for example, considered to be on par with such crimes as adultery and murder (Underwood 1993, pp. 216-217). Perjury was characterized as a violation of one of the Commandments and lying in court was considered to be lying in the face of God (Helmholz 2013, p. 418).

Still, were these legal transgressions of the Judge and the Merchant graver than those of other souls and deemed them both unworthy of salvation? A significant clue to justify such treatment is provided by St. Thomas Aquinas in _Summa theologica_ where he, following Isidore’s thought, distinguishes three categories of sin: those against one’s reason, which

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12 C.22 q.1 c.17.
13 This refers to exculpation by oath, an old practice in which an unsupported oath of innocence made before God was considered sufficient due to belief in God’s imminent punishment befalling the false oath takers (Pollock 1912, p. 18; Underwood 1993, p. 237). The more rational approach of the high and late Middle Ages turned this practice into compurgation, where the same oath was supported by a group of oath helpers attesting to the trustworthiness of the oath taker (Helmholz 1983, pp. 4-5, 13).
led to following vices and destruction of one’s soul; against God, which lead to, e.g. heresy or blasphemy; and against one’s “neighbour” (Sum. I-II, Q.72, Art.4, s.c., co.). Moreover, these three categories encompass each other, since acts against reason, which is a God-given gift, are also against God, and the sins of the third category include both those against one’s reason and against God’s divine law, for they involve indulging in forbidden vices, i.e. acting against reason, at the expense of others (Sum. I-II, Q.72, Art. 4, co., ad.1-3). The fact that their sins are of the kind against one’s neighbour makes the misconducts of the Merchant and the Judge, individuals of great social influence and responsibility, far more severe than those of other sinners present in the Play.

The judges were the fundamentals of the legal order in medieval Europe and their moral condition was the warrant of a just and effective legal system; justice was the same for everyone, without favours, sympathies, or prejudices, and judges were to ensure, through their authority, impartiality, and unquestionable moral integrity, that law was “... proper, just, possible, in accord with nature (...) useful, clear (...) [and] composed for the common utility of the citizens” (D.4 c.2; Brundage 2008, pp. 382-383). It was hardly a surprise that for St. Thomas Aquinas, a judge was a proxy in issuing divine justice, and to circumvent the law was to offend God (Brundage 2008, p. 384; Sum. II-II, Q.60, Art.2, ad.2). Unfortunately, as Hugo von Trimberg stated, a “righteous judge” was a sight seen even less often than “black swans” or “white ravens” (Brundage 2008, p. 384). The corruption and self-interest was not uncommon in judicial circles: “many men in high office go about with thievish designs against those who are subject to them,” wrote William Doune in the fourteenth century, the archdeacon of Leicester and a principal judge in the court of the bishop of Worcester, concluding in self condemnation that “of this number [he] was, and [is], one” (Helmholz 2001, p. 310; Brundage 2008, p. 390). As a result, while in the literature of the late Middle Ages judges became almost exclusively described as corrupt, the social consequences could have been even graver, as it was, for example, during the famous Peasants’ Revolt of 1381, which turned itself also on judges and numerous representatives of the law (Alford 1977, pp. 942, 948; Musson 2001, pp. 69-70).

As for the merchants, earning money in trade was deemed a suspicious concept, additionally supported in the Gospels by Jesus, who made an example and threw them out from the temple while scourging them with a makeshift whip (Langholm 2003, p. 234). Earning money through selling goods for a price higher than they were purchased was a fertile ground for various sinful and fraudulent practices utilised by crafty entrepreneurs; therefore, the Church writers saw the necessity to ensure it to be, like law, just and fair (Langholm 2003, p. 233). Eventually, trade and traders were bound to the same contracting philosophy as

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14 Of course, from numerous known accusations of corruption towards judges, as Helmholz writes, it is hard to discern the legitimate causes from those made by unsuccessful litigants (Helmholz 2001, p. 312).
15 The ideas differed in their attempt to tackle the delicate boundary between rightful profit and extortion, e.g., Battista Trovamala tried to supplement the need for profit with the need for charity (Langholm 2003, pp. 235). Some, like Richard of Middleton, treated justice in terms of equality, as in “buying and selling at equal and just exchange”, while profit was in the application of the acquired goods (Langholm 2003, p. 236).
in, e.g. marital contracts, defining the act of trade as a consensual agreement of two parties entirely aware of all the facts concerning the object of the trade, and if that contract was to be influenced by one party through extorting ignorance of the other, withholding valid information about the object of the exchange, or the use of economic coercion, then the trade would be no longer fair and sinless, but fraudulent and inspired by avarice (Langholm 2003, pp. 235, 237-240)\textsuperscript{16}. Unfortunately, in the fourteenth and fifteenth centuries business practices turned to be less concerned with spiritual consequences of a likely fraud and more with profit and spotting business opportunities, usually at the expense of others\textsuperscript{17}. Such attitude turned a mercantile drive to gain more profit as an example of avarice in ecclesiastical teachings and as such negatively and critically represented in literature and religious drama\textsuperscript{18}.

Ecclesiastical medieval drama, such as the cycle plays, was an educational experience, where performances visualised biblical events and through staging explained their teachings to the audience. However, their education was not only in the Bible, but in Christian morality as well. Various characters representing vices challenged virtues, which either succumbed to them and showed consequences of falling into sin, or came out victorious proving the superior way of virtue and its spiritual rewards. Some lessons were even more elaborate. In “The Last Judgment”, the inevitable damnation of \textit{Iusticiarius Damnatus} and \textit{Mercator Damnatus} is the outcome they both suffer, but not the consequence of their deeds which caused their fate. Their ill practices can be placed among St. Thomas Aquinas’ sins of the third kind, but the Play exceeding beyond Aquinas’ category as causing ill to another person, adding to it a wider, social scale of consequences\textsuperscript{19}. It is not only a solitary neighbour or neighbours that suffer from the Judge’s and the Merchant’s actions, but their entire society, since their misconducts undermine laws and observances and inflict misery and strife. The corrupt judge not only causes injustice through his corruption and bias, but also destroys the belief in a just legal system which was meant to eradicate evil and protect Christian order. The manipulative and perjuring merchant not only extorts the poor and gullible through his machinations, but also undermines the sureness of the rights of property guaranteed by just and incorruptible courts. As such, they both promoted anarchy, false judgments, injustice, incite fraud and extortion of the weak. They sinned against God through succumbing to Avarice, but also destroyed His law, warranted by his divine existence and defied His established order. For

\textsuperscript{16} “No injury nor fraud is done to him who knows and consents” (Langholm 2003, p. 237). However, willful and consensual trade does not exclude a possibility of “economical coercion”, where one party has no choice than to purchase overpriced goods from the seller either from sudden necessity or due to lack of free market (Langholm 2003, pp. 241-242).

\textsuperscript{17} A rather practical approach to business can be seen in the works of the Italian writers, such as Giovanni da Uzzano, or Matteo Palmieri, who considered the sin of avarice to be attributed to “petty peddlers but not to the grand merchants whose wealth benefits society,” thus distinguishing simple greed from a spirit of entrepreneurship on the basis of scale (Langholm 2003, pp. 266-270).

\textsuperscript{18} For example, in Coxton’s \textit{Play of the Sacrament} Aristorius, a greedy Christian merchant sells the consecrated host to the Jews allowing them for its later desecration (Grantley 2008, pp. 280-281).

\textsuperscript{19} In the medieval Europe the harshest penalties were almost always for crimes that not only influenced an individual but also the community he or she inhabited; for example, arson was a capital offense, as it inflicted not one person but could cause disaster to entire urban community, and it was punished either by death by burning, or, in later years, by execution on the gallows (Maitland and Pollock 1898:2, pp. 490-491).
these deeds and their social consequences, the audience of the Play witness the Judge and the Merchant unredeemably and eternally damned, as an ultimate lesson in law, both divine and positive, reminding the viewers that “[o]rdinances were made so that (...) the capacity of the wicked to harm others can be restrained by fear of punishment” (D.4 c.1).

References


Prawo i potępienie w sztuce The Last Judgment z późnośredniowiecznego cyklu misteriów miasta Chester

Streszczenie

W sztuce pt. The Last Judgment z późnośredniowiecznego cyklu angielskich misteriów z miasta Chester, dusze zmarłych stają przed sądem ostatecznym w parach, jako Salvatus i Damnatus, co pozwala odróżnić skruszonych grzeszników dostępujących zbawienia, od tych zasługujących na wieczne potępienie. Jednakże Iusticiarius Damnatus oraz Mercator Damnatus, czyli sędzia i kupiec, jako jedyni występują bez pary Salvatus, co sugeruje brak możliwości odkupienia ich grzechów i zbawienia duszy. W artykule zbadano powody takiego traktowania tych dwóch postaci w kontekście dydaktycznej funkcji średniowiecznego angielskiego teatru przez analizę związku między brakiem możliwości zbawienia a nietypowym, w przypadku pozostałych występujących w sztuce dusz, prawnym charakterem wyznanych win. W wymienione nadużycia i praktyki niegodne zawodów sędziego i kupca, takie jak korupcja, krzywoprzysięstwo, stronniczość i oszustwo, skutkują potępieniem nie tylko ze względu na ich grzeszny charakter, ale przez wpływ na związane z nimi poważne społeczne konsekwencje, takie jak podważanie obowiązującego prawnego porządku, wprowadzanie niepokojów i braku sprawiedliwości oraz wykorzystywanie biednych i słabych dla własnych celów. W tym kontekście, sposób traktowania sędziego i kupca staje się ważną lekcją nie tylko o charakterze moralnym, ale też prawnym i społecznym. Postawiona teza wspierana jest pracami historyków prawa średniowiecznego, takich jak Richard H. Helmholz i James A. Brundage, oraz średniowiecznymi traktatami, takimi jak Decretum Gracjana oraz Summa Teologiczna św. Tomasa z Akwinu.

Słowa kluczowe: prawo, Kościół, teatr, wieki średnie, Anglia, chrześcijaństwo

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