

Of Kings and Tyrants: Questions of Rule, Governance, and Autonomy
in *Raoul de Cambrai*, *Policraticus*, and *Magna Carta*

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Introduction

There is a story from the Old Norse *fornaldar* [ancient times] sagas that tells of the rise of the sixth century Danish king Hrolf Kraki. The earliest versions are now lost to us, but the story, thought to be one of the possible sources for portions of the Anglo-Saxon *Beowulf*, survives through a large number of seventeenth century copies of fourteenth century manuscripts (Byock, vii, xxii, xxxi-xxxvi). Hrolf Kraki is one of the most famous of the Viking age kings, and for good reason. His saga describes the difficulties of rule in early medieval Scandinavia, the damage done by familial power struggles, and the triumph of good kingship over bad, all while immersing the reader in a world of legendary warriors and magic.

The story begins in the time of Hrolf's grandfather, king Halfdan, and his great uncle, Frodi. Halfdan was mild-mannered and good-natured, whereas Frodi was harsh and greedy. So strong was the jealousy Frodi bore his brother, and so strong was his treacherous nature that he killed Halfdan. He then seized all of Denmark, thus robbing his young nephews Hroar and Helgi of their birthright. The boys escaped and hid from Frodi in the homes of various nobles until they were grown. Like their father and uncle, the young princes had disparate natures; Hroar was mild and easygoing, whereas Helgi, a staunch warrior, was vengeful. Once they were strong enough, the sons of Halfdan gathered their nobles and took back their birthright by burning Frodi in his great hall. Helgi took the Danish throne, and Hroar went over the sea to Northumberland, where he reigned until his death.

King Helgi's warlike nature caught up with him, and he was killed on campaign by the Swedish king, Adils. Helgi's wife Yrsa was forced to remain in

Sweden, but their son Hrolf escaped back to Denmark. In doing so he lost he much of his inheritance (*Hrolf*, 8-24). Hrolf, while king of Denmark, began to gather the champions of rival clans. They were drawn to his reputation as a worthy king. Svipdag, a champion from Adils' court, had heard of Hrolf and decided to leave his former master. Unsure he was making the right decision, he asked his father for advice. The old man answered him, saying:

I have heard King Hrolf is open-handed and generous and so trustworthy and particular about his friends that his equal cannot be found. He withholds neither gold nor treasure from nearly everyone who wants or needs them. He is handsome in looks, powerful in deeds and a worthy opponent. The fairest of men, Hrolf is fierce with the greedy, yet gentle and accommodating with the unpretentious and modest. Towards all those who do not threaten him, he is the most humble of men, responding with equal mildness to both the powerful and the poor. Hrolf is so great that his name will not be forgotten as long as the world remains inhabited. (*Hrolf*, 31)

Hrolf was a good king, whereas Adils was greedy and came about his wealth dishonorably. So, the young warrior joined a new master. Eventually, Svipdag convinced Hrolf to engage Adils in negotiations to take back his inheritance. When Hrolf and his men arrived in Sweden, Adils gave them a poor welcome by ordering his men to, "Cut off the tails of their horses to the rump, and cut the forelocks in such a way that the skin on the forehead peels off. Treat them in all ways with as much ridicule as you can. Just leave them barely alive" (*Hrolf*, 58). As if this weren't humiliation enough, Hrolf and his men narrowly escaped being burnt alive in the great hall. Eventually, Hrolf had suffered enough dishonor and forced Adils into battle. Although Adils was a capable warrior, he was forced to

cede the inheritance and retreat after receiving an epic stroke to his buttocks (*Hrolf*, 33, 53-56).

The story of Hrolf Kraki is separated from my primary texts by considerable time and space, but there are many ties between them. Hrolf's saga perfectly sums up the tensions and rewards of good kingship versus bad kingship that pervaded not just Scandinavia, but medieval Europe as a whole. Its ties to *Beowulf* make this especially prescient in the Anglo-Saxon context, but the rest of Western Europe was no stranger to this type of epic. Although the systems of lordship in sixth century Denmark and Sweden differed from those of twelfth century France and England, the primary concerns of the saga are telling. Hrolf Kraki was a good king, described above as knowing when to behave fiercely and when to behave humbly, whose moderation bore him many rewards, as well as his entry into legend. In the paper that follows, I will show how twelfth century writings contend with many of the same questions, among them, what makes a good king and what happens when a king is bad?

My primary texts, which span roughly one hundred and twenty years, include a work of epic poetry, one of political didacticism, and one of the most influential legal documents in Western history. I will begin with *Raoul de Cambrai*, a *chanson de geste* from the twelfth century cycle of the rebellious barons. I will then discuss John of Salisbury's *Policraticus*, a political and philosophical treatise written in the late 1150s, followed by the first version of *Magna Carta*. Although these texts are not contemporaneous in the strictest sense of the term, like Hrolf's saga, they are all good examples of the attitudes towards rule, kingship, and social responsibility in the twelfth and early thirteenth centuries. I will argue that differing opinions with regard to the power and duties of the king vis à vis his people, as well as the power and duties of the landed nobility in the ever-changing social order is manifested through each of my primary texts. It is

true that differences between the types of texts represented, as well as differences between their intended audiences makes comparing the ways this confusion is expressed a complex task. Yet, I will demonstrate that all three show an interconnectedness of purpose. I also aim to show that through a combined study of these texts, we are able to identify problems of governance and autonomy as they were seen in their own time, and that we are able to track the progression from political thought and desire to action. Although the *Raoul de Cambrai*, the *Policraticus*, and *Magna Carta* are not linked in any empirical way, they are in conversation with one another through the social movements, values, and anxieties that lead to their composition. My contention is that the difficulties of governance put to verse in the *Raoul* are tied to the ideas expressed in the *Policraticus*, and that it is these same difficulties that the provisions of *Magna Carta* sought to alter. It is perhaps not the easiest leap to take considering the seemingly disparate nature of the style of the texts, but I ask the reader to maintain *l'esprit ouvert* as I elucidate my theory in the paper that follows. It may also seem odd to the reader that I should treat one text of French provenance and two of English provenance as though they came from the same place. True, the Angevin empire is not Capetian France, and to this I answer that both of the documents composed in the English context were written under Angevin kings active on the continent, and whose nobles and clerics also had ample access to the courts, curias, and universities of France. As I have shown above, and will continue to show in the chapters that follow, the shared history, similarities in systems of rule, as well as sheer physical proximity of territory all justify my comparison.

I would also like to note that in the cases of the *Policraticus* and *Magna Carta*, scholarship has been limited to that of political scientists, legal scholars, and historians. There has been precious little, if any, study of the literary and

performative qualities of these texts, which seems to me a rather egregious oversight. True, the legal and historical implications are a perfectly natural first point of entry into such works, but their value should not be limited to these assessments. The language, style, dissemination, and reception of such texts are too often ignored in favor of the seemingly harder science of legal history. I believe that a comparative, rhetorical approach to *Policraticus* and *Magna Carta* may give some insight into certain previously unexamined aspects of these texts. I am particularly interested in examining how the lexical sets and rhetorical devices used in each text serve to influence reception and modes of circulation. I will also devote some time to investigating how stylistic and typological differences in the three texts serves to either widen or narrow the scope of potential audiences, and whether there is overlap in the reach of these individually, and as a whole.

As all three texts are concerned with defining the role of the king, whether by laying out the precepts for good rule, by giving examples of bad rule, or by attempting to limit kingly power, it is imperative to first examine kingship as it existed in England and France in the twelfth and very early thirteenth centuries. When reading about the medieval period from a modern perspective, it is important to avoid applying the highly codified systems of kingship that came about in later periods. The twelfth century was a period of transition between the confusion and chaos of earlier centuries and the versions of kingship that appeared in the Renaissance period that are so familiar to us. This was, as Björn Weiler has described it, a period where regionalism was giving way to the rising nationalism of both boundaries and rule. Norman rule had only been established in England in the last half of the eleventh century, and the Capetians, who had been in power on the continent since the late tenth century and only controlled West Francia, were engaged in near-constant border struggles with the

Holy Roman Empire on their eastern borders (92). The loss of the order established by Charlemagne in the late eight and early ninth centuries caused anxiety across his former realms, especially as the counts of Anjou and Flanders waged wars of aggressive and ambitious expansion. This was also a time marked by great inconsistencies in the practices of governance; some rulers were extremely effective, while others lived with the reality that neither their dynasties nor their positions guaranteed their continued control (Bisson, *Crisis*, 23-27, 33-34, 129, 142-143). With the rise of the great European powers there was considerable confusion as to where the king's power originated, and to what degree this should be encouraged or limited by the papacy.

In writing this paper, I have struggled with the role of the divine that so deeply pervades the practices of medieval kingship and the absence of the brand of Divine Right that solidifies in the Renaissance. Whereas in later centuries the ruler was believed to have been handpicked by God and was thus the earthly incarnation of the will of Heaven, the role of the divine in the selection of medieval kings is much less clear. The idea that kingship was in some capacity divinely inspired was neither original to the Renaissance, nor to the medieval period. In fact, the idea of the divinity of kingship was present in Egypt and continued to develop much further in the Roman world, most notably in the deification of the Caesars. Many of the rituals and practices associated with pagan antiquity would reappear in lightly altered forms throughout the centuries following the fall of the Roman Empire, including elements of the Roman triumph in coronation rites and the images of rulers on coinage, a place once reserved for images of the gods. Several animals that were once used during triumphal sacrifices became the heraldic and metaphoric symbols of medieval kings, among them the bull and the boar (Bertelli, 10-11, 66-67, 114, 118).

Scholarship on medieval incarnations of divine right, overwhelmingly conducted by legal scholars with limited interest in the literary and cultural depiction of kingship, seems to have ceased almost entirely by the first half of the twentieth century. There has been some recent scholarship on divinity as part of performative kingship, notably the work of Sergio Bertelli, and I have chosen to focus my energies there. Ernst Kantorowicz also managed to touch on both sides of these schools in his seminal work *The King's Two Bodies*, published in 1956. His work focuses on differentiations between the body politic and the body natural of the king, which has provided a necessary framework both for scholars of medieval kingship and for this paper. I have also consulted Fritz Kern's studies on the divine right of kings; which, while focused on the Germanic world, has proven useful in framing the beginnings of medieval legal practice and in negotiating the divine nature of the ruler from the Franks up through the later medieval period.

Perhaps the most striking intervention of the divine in medieval kingship is the practice of consecrating the new monarch through anointing with holy oil that remains central to coronation rites even to this day. The type of anointing seen in the medieval period harkens back to that of the Old Testament kings through the same rituals used to anoint priests. This is significant as a ritual means of legitimizing the office and person of the king, and as a means to legitimize the position of the church as a counterbalance to the monarchy (Bertelli, 177). The consecration of the king by the clergy (and vice-versa) created mediating points between the people, the clergy, and the king. Perhaps more importantly, consecration by anointing changed the prince into a new man by making him an adoptive son of God, and by conferring on him the gifts of the Holy Ghost. The consecrated monarch was given a quality that the church could not undo, which became legally significant because once the true ruler was

sanctioned by the church he could not be similarly un-sanctioned (Kern, 27-29, 37-38).

It is also important to note that, unlike later incarnations of divine right that asserted the king's individual selection by God, these earlier societies tended to prefer a more dynastic approach. Families were singled out as being particularly worthy and the individual's worth was not necessarily dictated by order of birth within the dynasty. Certain lines, like the Capetian monarchs, were said to be blessed with thaumaturgical abilities; including, but not limited to the healing by touch of illnesses like scrofula (Bertelli, 26 and Kern, 59).¹ In a similar vein, these earlier incarnations of divine right also make great distinctions between the body natural of the king and his body politic. The king himself is a man, made *sacerdos* (priest) through ritual consecration, but representations of his body in art and literature give his body in office a sacral quality. This is perhaps most strikingly demonstrated in works like the tenth century Aachen (or Liuthar) gospels where the king is shown in majesty with a divine hand reaching down as if to bless his crown.² This is not the only manuscript to show a ruler as a Christ figure, rather, similar images can also be found in the ninth century Vivian bible and *Codex aureus* (Kantorowicz, 61-63, 76). It is in much the same vein that the biblical kings of Judea were carved into the façade of the cathedral at Reims. The implication that the monarchs crowned within descended from these early kings, either in body or in spirit, would have been lost on no one.³ These symbolic representations of the king in what Bertelli calls *christomimèsis*, or imitation of the Christ, serve to imply, at the very least, the divinity of the king's office (6,21, 139).

While I do not wish to draw too hard a line under these depictions, I do think

¹ Scrofula is now considered to be akin to tuberculosis of the neck. See: *The Oxford Dictionary of the Middle Ages*.

² Ernst Kantorowicz refers to these as the gospels of Otto II, where other sources claim the emperor depicted is his son, Otto III.

³ Reims was the site of coronations as early as the eleventh century, though construction of the new cathedral was begun circa 1211. See: *The Oxford Encyclopedia of the Middle Ages*.

that scholarship up to this point has somewhat ignored the progression from these christomimèses and implied ancestries to the Renaissance incarnations of Divine Right. It remains clear to me that there is some measure of divine selection or intervention in the rituals of medieval kingship as manifested through cultural output. The twelfth century king was not merely a man, though not yet a god, and the questions surrounding the sources of his power will come to bear heavily on my analysis of the *Raoul de Cambrai*, the *Policraticus*, and *Magna Carta* in the chapters that follow.

Now that I have shown the place of the king in the medieval universe, it is logical that a discussion of his relationship to his vassals should follow. Given that the three texts this paper proposes to examine are centered largely on just this relationship, understanding its mechanics is of the utmost importance. The power structures of the twelfth century were based on a series of interwoven hierarchical lord-vassal relationships that cannot and should not be oversimplified. These relationships were complex, and the subject of much confusion, especially where questions of heredity, inheritance, and fealty were concerned. The three texts I have chosen, as we will see in the following chapters, are testament to these difficulties. Before entering into that discussion, however, I would like to take a moment to discuss the structure of lordship as it existed in Capetian France and in Angevin England with a view to identifying the sociopolitical problems that came to bear on the *Raoul de Cambrai*, the *Policraticus*, and *Magna Carta*.

Lordship across twelfth century Western Europe had an almost identical structure and, while it did not manifest in exactly the same way in each country, the similarities are strong enough and consistent enough for me to speak generally. The medieval world, as I have said above, was one of top-down hierarchies. As Thomas Bisson explains in *The Crisis of the Twelfth Century*,

“Lordship matters because the human realities of power – command, allegiance, accountability, coercion, and violence – were bound up with it. Few can have envied people without lords in these times” (34). Lords were necessary, as was the loose administrative structure within which they existed both for the limited sense of order they created and for the security they were able to provide against external powers. Like a sort of medieval protection racket, violence was an ever-present threat from all sides, but the functionality of the system also required the participation of the subordinate classes (in this case, vassals and the peasantry).

Modern readers sometimes conflate the medieval period with visions of a feudal monolith with precious little social or political sophistication. In analyzing the *Raoul*, the *Policraticus*, and *Magna Carta*, this view would do all three texts a great disservice. John F. Benton, for example, argues that what earlier scholarship called the feudal period spanning the eighth to the thirteenth centuries should be actually be divided into two major ages (using Bloch), and three overlapping periods each with its own system. Benton explains:

In terms of the power of government, either on the level of kingdom or principality, these three periods are commonly seen as representing first a move from strength to weakness or from centralization to localism, decentralization and indeed ‘feudal anarchy’, and then a second shift back to centralizing power, a time of construction of principalities as well as of the strengthening of monarchy...” (276)

This movement towards disorder followed by another towards order and strong monarchies is key to the central themes of all three of my primary texts; where, as we will see, conflicts of power do not benefit the common good. This does not mean, however, that the structure of baronial power ceded all rights to the king. Power seems to have instead been organized in a series of concentric circles with the king at the center, for better or worse.

While Kern asserts that, “The powerful and energetic kings of the Middle ages did, in fact, rule more or less absolutely” they still had to contend with a large number of increasingly powerful barons whose interests challenged the order of these early cults of kingly personality (81). This meant that the king did not have unlimited rights and, conversely, that his subjects were endowed with certain limited rights of resistance. However, this right of resistance did not preempt the systems of fealty present in this period – as long as the king exercised his rule in good faith, his barons were still bound to him by their oaths (Kern, 83, 87). As we will see, all three of my primary texts are explicitly concerned with what constitutes this good faith of rule, as well as what the necessary steps should be when a king has acted in ways that call his good faith into question. Furthermore, despite a movement towards centralization, the structure of lordship during the centuries in question was still overwhelmingly regional with the added implication that kings could not annul preexisting provincial laws. Vassals of the king were also bound to each other by fealty, which wreaked havoc when competing claims brought the oath swearers into conflict. As Bisson explains:

Political realities dictated alliances between the king and one or more of the major vassals, not the harmonious solidarity idealized (and perhaps lamented) by the *Roland* poet... If the king was to establish his right to reliefs, wardships, and aids over great fiefs it would have to be by favorable political circumstances (as in Flanders in 1128) or by dint of intermarriage (Champagne, 1160), but above all by the energetic prosecution of Justice... (*Medieval France*, 249, 254)

In order to address these questions of rule, right, and governance, I have elected to discuss each text separately in chronological order by date of

composition. I will begin by engaging in a close reading of the *Raoul de Cambrai* with a view to teasing out the tensions arising between the king and his barons through questions of heredity. I will examine how we are able to use the interactions between its characters to identify contemporary attitudes towards rule and governance, as well as the desire to move in the direction of new systems of rule. My second chapter will focus on John of Salisbury's *Policraticus*, where I will engage with the author's rhetorical systems of contradiction and binaries, as well as his use of *exempla* as a didactic tool. I will also engage with John's theoretical approaches to good rule, tyrants, and tyrannicide both in the context of his day and through his invocation of antiquity. My third chapter will start with a summation of the circumstances leading to the sealing of *Magna Carta*, and will continue on, again through close reading of the text, to identify how it proposes solutions to the questions of rule and governance identified in the *Raoul* and the *Policraticus*. I will also engage with the charter as a genre as a means to dictate a new model of social responsibility that pulls power from the king, and that creates new ties to memory through documentation. My fourth chapter will divert slightly from the previous three as I seek to discover how modes of circulation, medieval reading practices, and performance impacted contemporary reception of my three primary texts. Through this, I will be able to discuss how writing practices are related to the transmission and preservation of conflict and desire with particular attention paid to their impact on the politics of the day seen from our time. I will conclude this paper by putting my three primary texts into conversation with each other through John of Salisbury's theory of the body politic with a view to tracking the cultural implications of interactions between literature, performance, and law.

It All Goes Wrong: Rule and Inheritance in *Raoul de Cambrai*

In this section I will discuss the provenance, composition, and linguistic values of the *Raoul de Cambrai* for the purpose of better understanding how it can be read as an expression of political desire. In writing this portion of my thesis I owe much to Sarah Kay, whose work on the *Raoul* manuscripts through her critical edition of the text and numerous articles is very complete and provides much of the backbone necessary for my analysis. I will begin by discussing the extant manuscripts of the *Raoul de Cambrai*; first, their actual makeup, then, the conditions within which the scribes may have been working, and finally, what can be said about the poets and scribes that contributed to them. I will then establish the basic content of the text with regard to narrative, before moving into a close reading of several passages from the text in the hopes of identifying the manner by which its political positions are expressed.

The *Raoul de Cambrai* as we know it exists in three manuscripts, of which only one is considered complete. The first and most complete is held by the Bibliothèque nationale de France. This manuscript, which Kay refers to as Ms A, consists of 150 folios (of which fos. 2-5 show considerable damage) and was copied by two scribes over the course of the thirteenth century. Ms A consists of 8543 lines, of which some are rhymed and some of which use assonance. It is also this manuscript that will provide the passages used for analysis in the remaining parts of this chapter. The second manuscript, hereafter referred to as Ms B, consists of approximately 250 rhymed lines copied and commented by the historian and antiquarian Claude Fauchet in 1555. The third, and final manuscript, which Kay calls Ms C, are two fragments held by the Bibliothèque royale de Belgique. Ms C, also dated to the thirteenth century contains approximately 294 rhymed lines. In the introduction to her critical edition of *Raoul de Cambrai*, Kay posits that Ms A

and Ms C are the product of a common ancestor, now lost to us (ix-x, xviii-xxi, xxvi).

Before entering into my close reading, it may prove useful to the reader to be given a summary of the action of the *Raoul*. The poem opens with a customary exhortation to *Oiez chançon* [Listen to a song] (line 1) common to many *chansons de geste*, before being given a premonition of the violence to follow, as is also fairly common to the *chansons* of this nature.

Following years of faithful service to the king, the mighty and warlike Raoul *Taillefer* [Ironsides] has died of old age. His widow, the beautiful Aalais, sister of the king, has given birth to a son, the titular Raoul de Cambrai. For some years and months,⁴ mother and son live happily in the Cambrésis with the child's paternal uncle, Guerri the Red⁵ who is count of Arras. Meanwhile, the young and ambitious Giboin du Mans has been serving the king well and seeks recompense. King Louis, after consulting with his barons, cedes Taillefer's lands in the Cambrésis to Giboin, thus disinheriting his young nephew, Raoul. Louis, again following the enthusiastic advice of his barons, also agrees that his sister Aalais should marry the young knight, despite her wishes to the contrary. These actions provide the impetus for the violent confrontations that will mark the remainder of the narrative, although Louis does seem cognizant of the potential for dispute, and makes Giboin promise to return the lands once the baby Raoul comes of age.

Counting on this fulfillment of this promise, Raoul later presents himself at Louis's court and requests that his father's lands be returned to him. For a variety of possible reasons, and following several fits of temper, Louis refuses to remove the Cambrésis from Giboin's control. Conscious that he must offer his

⁴ The number of years and months are indeterminate due to the damage to fo 2b. Using Ms C, Kay inserts "as many as three?" into her translation.

⁵ Laisse XII of Ms B describes Guerri as *frere d'Aelis*, which could cause some confusion as to who is related to whom. However, *frere* can refer also to a brother by blood, by alliance, or by marriage.

nephew something, he instead offers Raoul the lands of the first baron to die *de ci q'en Vermandois, / d'Aiz la Chapele deci en Cellentois, / de Monloon deci en Ollenois* [from here to the Vermandois, from Aix-la-Chapelle as far as Senlis, from Laon as far as Orléans] (lines 559-561) *entre Loire et le Rin* [from the Loire to the Rhine] (line 590).⁶ Raoul accepts this, and forty hostages as a guarantee, though he won't have long to wait. A year later, the very well landed Hébert of Vermandois dies, and Raoul rides off to claim his lands. Louis, not wishing to run afoul of Hébert's four sons, again refuses to fulfill his promise. Thus begins the first in a series of violent encounters as Raoul masses an army and marches on the city of Origny.

While in Origny, Raoul commits his cardinal sin – his attempts to disinherit Hébert's sons of their lands being justified by the king, he proceeds to order the sack of Origny, resulting in a large number of nuns being burnt alive (one of whom is Marsent, the mother of Raoul's vassal Bernier). This unspeakable act sets a rift between Raoul and the young Bernier, who eventually, following several explosive encounters, kills his former liege in a duel. The story continues on to treat the issues surrounding Raoul's death, and the inheritance of his own nephew, Gautier. Bernier and Gautier engage in a duel to decide whether Raoul was killed legally or not. The result of the duel is inconclusive, and sentiments against Louis begin to shift as his actions are identified as the ultimate cause of his nephew Raoul's death. These negative feelings against the king are only exacerbated when he refuses to allow Ybert, one of the sons of Hébert de Vermandois, to name his illegitimate son, the same Bernier, as his heir.

Gautier has been gravely injured in the duel, and Bernier becomes the focus of the text. The rival clans, brought together by a mutual hatred of the king, agree that Bernier should marry Guerri the Red's daughter Beatrice. Louis, however, has other plans that will cause the central conflict of the final section of

⁶ Translations from the Old French are mine unless otherwise noted and were done using the text edited by Kay.

Raoul de Cambrai, and as the story comes to its ending, an entire generation of men is wiped out with the unsettling insinuation that the violence will only continue on in this style as their heirs come of age.

There have been many suppositions made as to the historicity of *Raoul de Cambrai*, many of which are entirely plausible, and some which are perhaps not. As William Kibler notes in his introduction to the text, “*Tous les critiques sont plus ou moins d'accord pour y voir le reflet d'une lutte quasi permanente au cours des IXe et Xe siècles – voir au XIIe encore! – pour la possession du Vermandois, mais l'identification des personnages épiques avec des figures de l'histoire a fait couler beaucoup d'encre*” [Critics more or less agree on the text's reflection of a near permanent struggle for the possession of the Vermandois over the course of the ninth and tenth – even the twelfth! – centuries, though the identification of the epic characters with historical figures has caused the flow of much ink] (17). The primary difficulty, for those seeking to assign historical personages to the story, is the expanse of time that exists between the supposed geneses of the story itself, and the genesis of the extant manuscript. The manuscript, as we have seen above, roughly corresponds to the later years of Louis VII, and the early years of his son Philip II Augustus, the overlap of which is not insignificant. They do not, however, match up with the events of the narrative, so much as the baronial strife their reigns would provoke. The struggles in superimposing a historical basis for the text, to which Kibler refers above, are further explained by Kay in the introduction to her edition, and by the editors of the seminal 19th century edition, Paul Meyer and Auguste Longnon. Both of these editions (and Kibler's by extension) point to two historical Raouls, whose exploits could have formed the basis for *Raoul de Cambrai*; the one a subject of Louis IV d'Outremer, the other of Odo of Paris (Kay, lviii and Meyer and Longnon, xvj-xvij, xxj, xxxj).

It is interesting to note that while Meyer and Lognon do not mention him at all, Kay and Kibler are both insistent that the text provides commentary on the reign of Philip Augustus. However, where Kay is more keen to push the text towards criticism of Philip Augustus, Kibler is more apt to hint towards a less hard and fast representation:

Le véritable scélérat de notre poème, la cause primordiale de tous les malheurs et l'instigateur de la guerre entre Cambrésiens et Vermandois n'est autre que l'empereur Louis, personnage composite, inspiré par plusieurs rois carolingiens, notamment Louis Ier le Pieux (814-840), Louis II le Bègue (877-879) et Louis IV d'Outremer (936-954), sans parler de Philippe Auguste lui-même.

[The real villain of our poem, the essential cause of all misfortune and the instigator of the war between the Cambrésiens and the Vermandois is none other than the Emperor Louis, a composite character inspired by several Carolingian kings, notably Louis I the Pious, Louis II the Stammerer, and Louis IV Transmarinus, not to mention Philip Augustus himself.] (20)

The composite king mentioned by Kibler provides a perfect compliment to the composite nature of the text of *Raoul de Cambrai* itself, as Kay demonstrates in her critical edition.

The first, and perhaps most obvious aspect of this composite nature are the scribal differences which Kay and others have described. Two scribes, both working on opposite ends of the thirteenth century have been identified and the nature of their collaboration appears to be more a question of accident than what Kay calls “planned cooperation”. Scribe one is responsible for folios 2-102b, whereas Scribe two is responsible for the first folio and for folios 103 through the end of the poem. The different scribes are identifiable by a change in the number of lines per page, as well as signs of haste and the relative messiness of the script in Scribe two’s portions of the manuscript (Kay ix, xi-xii). What may have caused

this change in scribes, and the haste of the second is unknown to us, as is the ownership of the manuscript prior to its being received into the collections of the Bibliothèque nationale in 1683 (Kay, xviii). For the purpose of this chapter, I am especially interested in what Kay and others have identified as changes in poet in key parts of the text.

Based largely on the shift from rhymed lines to assonance lines occurring around line 5374, Kay has divided the *Raoul* into two sections, R1 and R2, and treats these as being the work of two distinct poets (xxvii). The narrative is also customarily broken down into three sections, bearing the names of their main protagonists: Raoul (lines 1-3560), Gautier (lines 3561-5374), and Bernier (line 5375 through the end at line 8453).⁷ The R1 poet is then responsible for the Raoul and Gautier sections, whereas the R2 poet is responsible for the Bernier section. Whereas the shifts from one protagonist to another are fairly straightforward, the R1 and R2 distinctions are not quite so simple. The poets of R1 and R2 both use words belonging to Northern dialects, Picard and Francien, making it difficult to differentiate between them on any linguistic basis with the exception of certain words being used more often in the one than the other (Kay xxvii-xxxi). Kay also posits that the Raoul section may be the work of an even earlier poet that has been recast into rhymed lines by the poet responsible for the Gautier section (xlv). If Kay is correct in her assertion, we may consider *Raoul de Cambrai* to be the work of three poets and two scribes all working over a period of approximately two hundred years. The presence of these two, and possibly three authors, as well as the lack of any other complete manuscripts for comparison might be seen to rather muddy the waters of any serious analysis of the processes by which an author expresses any kind of desire through narrative. For my purposes, the presence of multiple authors and scribes over such a period of time

⁷ These are the divisions that Kay lays out and there seems to be little or no disagreement on the part of other scholars as to their correctness.

may prove more useful than damaging. Through their linguistic choices I will be able to track the changing attitudes to rule, baronial autonomy, and the emergence of legal precedent that are present in the text.

I have begun by selecting passages that highlight the attitudes towards their king, Louis, both of the poets, and of the characters that inhabit the world of the *Raoul*. If the purpose of this chapter is to expose and analyze issues of governance, rule, and just kingship as they present themselves in the *chansons de geste*, it seems logical to begin at the top of the hierarchy of lordship and work our way down. The first passages follow the young Raoul's initial disinheritance and are rather transparent as to the attitudes towards the king's decision. The work of the R1 poet, they consist largely of rhymed lines containing 10 syllables per line.

*Rois Loeys fist le jor grant foliage
qe son neveu toli son eritaige;
et Giboin refist molt grant outraige
qant autrui terre vost avoir par barna[ige] –
puis en fus mors a duel et a hontaig[e]* (lines 135-139)

[King Louis committed great folly the day he took his nephew's birthright away from him, and Giboin committed a great outrage when he desired another's lands as repayment for his deeds – then he died with suffering and shame]

This first passage is taken from one of the damaged folios, and so some of the lines have been reconstituted by Kay using Ms C. Unlike in later passages, here the king is simply *Rois Loeys*. He isn't given any epithet indicating his inherent justice, force, or power. Rather, the opposite is true; the king's actions are characterized as *foliage*, which in turn leads to Giboin's *outraige*. The use of the verb *tolir* indicates a removal, which in turn implies that the land was perhaps already owned through inheritance right. This choice of verb serves to ramp up the reader's emotions in favor of the young Raoul and against the king, who behaves irrationally. Further, although having conceded that Giboin had served

the king well and was perhaps deserving of recompense, the poet insists that he was greedy for wanting the land of another and that his death was deserved in some capacity.

*Nostre empereres exploita mallement
de Cambresis saisi le tenement
Et au Mansel en fi saisissement.* (lines 176.v-vii)

[Our emperor behaved badly when he seized the Cambrésis and gave it over to the one from Le Mans]

These lines from Ms B, which Sarah Kay has edited into her critical edition, characterize the king as having behaved badly [*exploita mallement*] both in delighting in the seizure of [*saisi le tenement*] the Cambrésis and in giving the seized lands over to Giboin of Le Mans [*au Mansel en fi saisissement*]. These uses of a verb indicating seizure are much stronger than the use of *tolir* above, which merely indicates a removal. This is important as it stresses the injustice done by both parties in passing the ownership of lands already owned to a third party. Louis is referred to here not by his name as before, but as *nostre empereres*. In much the same way, the shift from the use of Giboin's given name, to *le Mansel* is significant. Both men are alluded to by epithet, thus depersonalizing the act as if the lands were taken not by human men, but rather by the symbolic holders of these positions. The fragment is too small to support broad conclusions, but it is clear that the poet whose lines were copied down by Fauchet can be said to display a similar attitude, towards this act of disinheritance as the R1 poet of Ms A – similar enough, anyway, for Kay to include it in her critical edition, and for Kibler to keep it in his contemporary French translation.

Returning to Ms A, a clear indication is given of how this seizure of the young Raoul's lands by Giboin du Mans is seen by his kinsman. The lines below consist of a direct address by Raoul's paternal uncle Guerri the Red to Raoul's

maternal uncle King Louis, in which the political implications of baronial autonomy versus the power of the crown are displayed in full force.

*Drois empereres, ne le vos qier celer,
s'en Cambrisis puet mais ester t[rové]
seürs puet ester de la teste colpe[r].
Et vos, fox rois, on vos en doit blasme[r]*(lines 184-187)

[Just emperor, I don't wish to hide this from you. If he is found in the Cambrésis, his (Giboin du Mans') head will surely be cut off. And you, false/bad king, would be to blame.]

Guerri refers to the king as his *drois empereres*, but does not shrink from criticizing his actions, nor from openly threatening Giboin. Furthermore, it is extremely odd to pass from “just emperor” as a polite form of address to “false king” as an admonition in the space of four lines. Is Guerri's willingness to openly engage the king a reflection on his own power, a mark of insanity, or a comment on the weakness of the king? If Louis's kingship is seen as being bestowed upon him by God, as I will later discuss, what can be said of the frequency with which he is criticized, publicly and privately, throughout the text?

Following these criticisms, it is interesting to note the concessions the king makes in an attempt to keep the peace, or at the very least mitigate the potential for violence. In this following passage from Ms A, we are told what guarantees are given to Raoul by Louis as a means to satisfy his desire to inherit lands without angering Giboin by handing over the Cambrésis.

*Li empereres a la fiere puissanse
quarante ostaiges li livra en oiance,
par tel couve[n]t con dirai la samblance :
qe ce quens muert en Vermandois n'en France,
qe de la terre, qui q'il tourt a pesance,
li fera il el païs delivrance,
ja n'i perdra nes le fer d'une lance.
Puis l'en failli par sa demesurance ;
Maint gentil home torna puis a pesance –
tuit il ostaige en furent en balance.* (lines 619-628)

[The emperor of formidable power openly gave him forty hostages as an expression of this covenant: that whichever count should die in the Vermandois or in France, his lands, regardless of who should suffer from it, the land and its people would be delivered to him without even

the loss of the iron of a lance. But later he would renege, because of lack of restraint, and many noble men would suffer, as all of these hostages would be in danger.]

Here again, the RI poet reacts to the king's behavior in terms that leave little ambiguity. Here Louis is neither referred to by his given name, nor as *nostrre*, but as the emperor. I am interested in the impact of the qualification of this power as *fiere* in this portion of the *laisse*, as well as those that follow. If *fiere* can be taken here to mean not only great or impressive, but also savage and cruel, then this is a king whose power takes on an aspect which is necessarily problematic. Louis has offered up forty hostages as a guarantee that he will further cede the lands of the first baron to die *en Vermandois n'en France* in order to appease his nephew. These hostages, being subject to a power that is both immense and cruel [*fiere puissanse*], are led into danger and suffering by the king's lack of moderation [*demesurance*]. As we will see later on, Raoul is also marked by a great deal of *demesure*, or lack of restraint. The king's lack of restraint begets a lack of restraint on his nephew's part, and the cycles of disorder take over the narrative from this point on. For, in this case, *demesure* foreshadows disorder; disorderly behavior, disorderly rule, and ultimately, a disorderly kingdom. There will be no going back as the land grab prompted by Giboin passes through Raoul and begins to impact more and more of Louis's nobles. The king does make some attempts to rein in the mounting tensions between the families implicated by the land disputes. In the following passage from the Gautier section, we are given a glimpse into the workings of Louis's court. He has called his vassals together, and we discover that they number 30,000 men [*trente mil fu le jor aesmee*]. He then, through his seneschal, orders that there be peace at the gathering, threatening anyone who should break it with a speedy beheading.

*Nostrre empereres a sa gent asamblee;
a trente mil fu le jor aesmee [...]
'Oies, signor, franche gent honoree,*

*q(e)le parole vos a li rois mandee:
n'i a celui , c'il fait çains meslee,
qe ains le vesper n'ait la teste colpee!* (lines 4613-4623)

[Our emperor called his nobles together – There were thirty thousand of them that day ... “Listen, my lords, my nobles, to the message the king has sent you: There will be no man who quarrels here that before vespers will not lose his head!]

This passage occurs much later than the ones we have seen before, and my reason for including it is that outside of the occasional mention of the various fiefs controlled by his vassals, this is the first time we are given the numerical scope of the men he endeavors to rule. Louis commands the fealty of an imposing number of men and their families, and as such we can begin to understand the delicate game he is forced to play in order to balance their interests against his own. Further, we are shown here that the king himself does not shrink from imposing his will (in this case, peace) through threats of violence. These threats, however, have less impact on the behavior of the assembled nobles than the king had hoped. In the lines immediately following, Guerri the Red assaults Bernier with a haunch of venison and a scuffle ensues. When the king asks who started the fight, Guerri is identified as the culprit; unashamed and seemingly unafraid of losing his head, Guerri responds:

*Gueris parole qi fu de grant aïr.
'Drois empereres, ne vos en qier mentir,
trestos li mons vos en devroit haïr,
qant le poés esgarder ne veïr.
De vo neveau fiste l'ame departir –
je me me(r)vel comment le pues souffrir
qe ne li fais toz les membres tolir,
ou pendre as forches ou a honte morir.'
Et dist li rois, 'Nel doit on consentir.
S'uns gentils hom mande autre por se[r]vir,
ne le doit pas vergonder ne honnir* (lines 4696-4706)

[Guerri's spoke with great anger: “Just emperor, I do not wish to lie to you. Everyone should hate you because you are able to keep this man in your sight. It amazes me how you can suffer him who from your nephew made the soul depart; that you do not take off his limbs or have him

hanged from the gallows⁸ or make him die in dishonor.” The king replied: “I cannot agree to this. If one noble man should send for another to serve, he should neither dishonor nor shame him...”]

In this passage Guerri the Red’s boldness in his criticisms of the king show a marked increase. Whereas he was very much willing to do so privately before, he does not shrink now from doing so in the sight of Louis’s thirty thousand assembled nobles. Of real interest here is the king’s response to this rather fiery accusation: he must respect the service of his vassal, Bernier, and neither dishonor him, nor shame him. This is most striking when one considers that Louis seems to have no trouble shaming and dishonoring others. He fails to follow through on his threat to have whoever breaks the peace at this gathering decapitated (Guerri gets to keep his head) and agrees to a judicial duel between Bernier and Gautier to settle the matter of the legality of Raoul’s killing. From the gathering at the palace onward, it is increasingly difficult to tell whether the king is an apt ruler playing a delicate game of politics, or whether he is simply grasping at straws to keep his rule intact.

*Nostre empereres le fist comme senez:
en deus batiaus les fist Saine passer.
Gautiers est outre, li gentils et li ber,
il et Berniers, qi tant fait a loer. (lines 4762-4765)*

[Our emperor acted like a wise man: he had them cross the Seine in two boats. The noble and imposing Gautier was on the other side. He and Bernier, who drew such praise.]

This is one of the few passages, again belonging to the R1-Gautier section, which characterizes the king’s actions as wise [*senez*]. Granted, though the wise act in question here is to keep Bernier and Gautier separate prior to their judicial duel, it is a demonstration of the poet’s belief that Louis is capable of at least some reasonable behavior.

⁸ According to *The Oxford Dictionary of Byzantium*, the *fourches*, or forks were pillars that supported a beam from which criminals (in particular, traitors and rebels) were hung. I have selected *gallows* both because it is more common in English usage, but also for its sound.

*Et dist li rois, 'Par le cors saint Richier,
desevrés les, nes la[i]ssiés plus touchier!
[...]
Q'i longement les laissast chaploier,
el qe'[l] qe soit n'eüst nul recovrier;
plaies ont grant, ne fine[n]t de saignie[r].* (lines 4935-4944)

[And the king said: "By the body of Saint Riquier⁹ separate those two, don't let them touch each other anymore!" ... If they (Bernier and Gautier) had been allowed to continue in the same way neither would have recovered; their wounds were great, and did not cease to bleed.]

Here again, Louis demonstrates some coolness of temper in demanding that the injured knights be stopped from killing each other outright. The two men are not engaged in a battle of finesse, but are rather whacking away at each other [*chaploier*] in a bid to see who can endure the punishment longer. If one takes a more cynical view of the king's motivations, this could be seen as a reaction to the incredible violence possible on all sides should the two young men die. All the worse for Louis if they should die during a judicial duel presided over by the very king whose actions are increasingly distasteful to his vassals. Ultimately, it is not that the king has a generalized distaste for violence, but rather that he fears a further loss of order. There are moments in the text, as seen above in his neglect to punish Guerri the Red for hitting Bernier, where the king's actions are used to the advantage of the more rebellious barons. A lack of action is taken for cowardice, and nothing draws together feuding barons quite like the perception that the king is not an effective ruler. As seen in the lines below, Guerri the Red uses this perceived cowardice as a means to unify the barons against Louis.

*Cest coart roi doit on bien essillier
car ceste guere nos fist il commencer,
et mon neveu ocire et detranchier.'* (lines 5244-5246)

[We must banish this cowardly king, for it was him who provoked us to war, and on his account that my nephew was killed and decapitated.]

⁹ St. Richarius founded the Abbey of St. Riquier in Picardy in 625. See: *Oxford Encyclopedia of the Middle Ages*.

Guerri the Red has shown little reticence with regard to speaking his mind in the prior 5000 lines. This call to rally against the king is an outright act of treason. Interestingly, he does not call for the king to be killed, rather *essilier* [exile] which I have taken to mean limit, or remove from power. Further, he does not say that Louis started the war directly, but *nos fist il commencier* [he made us start]. The obligatory nature of this action is significant, as it is at once an admission of some measure of agency on the part of the barons and an assignation of blame to the king. I wonder, given the characterization of the king as *coart* [coward] if this might be a way of suggesting that the barons are being used as pawns in a game played by the king; that they are being kept busy at war for a purpose yet unknown. It is, after all, some of the most powerful families that have been pitted against one another.

In this following passage, there is an attempt to reason with the king that is met with anger and insults. Gautier here tries to appeal to Louis's sense of familial duty, to no avail:

*'Drois empereres,' dist il, 'grant tort aveis.
 Je sui vos nié, faillir ne me deveiz.'
 Et dist li rois, 'Fel gloz, lai moi ester;
 qe par celio qi en crois fu penez,
 chascuns en iert en fin deseritez!'* (lines 5257-5261)

["Just emperor," he said, "you are greatly wrong. I am your nephew, and you shouldn't fail me." And the king said, "Leave me be, vile rascal. By him who suffered on the cross each of you will end up stripped of your inheritance!"]

It is in these few lines leading up to the suggested shift between the R1 and R2 poets that we begin to get a picture of the king to come. No longer simply politicking or playing a delicate game to keep the most powerful nobles in check, he is now beginning to show the tyrannical side that will be the hallmark of the R2 poet's Bernier narrative. While his anger is displaced to his own nephew, Louis is in part reacting to Ybert of Ribemont's desire to cede his lands to his

illegitimate but worthy son, Bernier. He begins to lash out, have fits of temper, and behave in ways that are no longer in the best interest of his kingdom as a whole.

*“Poigniés apres, por Dieu!” dist Loeyz;
et il si font, les ecus au col mis,
devant les autres li Manciaux Giboins
qi tient la tere R[aoul] de Cambrisis
et de la guere commensaille fist. (lines 5737-5741)*

[“For God’s sake, go after him!” said Louis; and they do, their shields raised. In front of all the others is this Manceau Giboin who holds Raoul’s lands in the Cambrésis, on whose account this war was begun.]

In this passage, as Giboin from Le Mans rides out in front of the group, Louis calls for the capture of Bernier. Not only does the narrator describe, as before, this Giboin from Le Mans with a cold reference to his provenance, *Manciax*, but he also shifts the blame for the conflict onto Giboin, whose land-grab started the war [*de la guere comensaille fist*]. Curiously, it is perhaps the poet’s own northern provenance being brought to bear here. Le Mans is south and west of Paris, whereas Arras, Cambrai, Douai, and other named places are all in the north. Does this also belie a great distaste at northern lands being given to someone who is not, “one of us”? Furthermore, in asking his vassals to run Bernier down, Louis seems to have forgotten that following Giboin’s request to be rewarded for his service, it was the king himself who transferred the care of the Cambrésis (here Raoul’s by right) to the *Manciax*. As is often the case with kings, one must be careful to stay on the right side of things, which in the case of Louis is increasingly impossible. As his barons turn against him, he begins to shift his own position more and more aggressively, no doubt in the hopes of retaining his crown. This desire to retain his crown is played out most notably in the remaining Bernier section of Ms A through a continued dispute over inheritance rights and a burgeoning dispute over marriage rights. In *laisse* 262, Bernier avenges Raoul’s death by killing Giboin du Mans, thereby vindicating himself in

the eyes of Guerri the Red. In order to unify the barons and repair the damage done by the warring families Guerri's daughter Béatrice is wed to Bernier. This sends the king into a fit of rage; he was not consulted, and as seen in the following lines, he had other plans for the girl:

*Signor, dist il, entendés anvers mi –
je vos dirai comme Ybers m'a baillit.
Il tint l'onor de moi de Sain Quentin ;
Sans mon congiet l'a donee a son fil.
Doit dont bastars nulle honor maintenir?
[...]
Et ceste dame est fille au sor G[uerri] ;s
Doner la vue[l] a un de mes norris.
Par cele foit que je dois saint Denis,
n'a arcevesque an trestot mon païs
ne nul evesque ne abbet beneit
se il me vuelt desfendre et contredir
que ne lie face tos les membres tolir.” (lines 6263-6276)*

[He said, “My lords, listen to me – I will tell you how Ybert has mistreated me. By my will he holds Saint Quentin, and without my consent he has given it to his son. Should a bastard such as he be allowed to hold lands? ... And this young woman is the daughter of Guerri the Red; I wanted to give her to one of my wards. By the faith I owe Saint Denis, if there is an archbishop, a bishop, or a consecrated abbot in this whole country of mine who dares to contradict or disobey me, I will dismember him.”]

Despite having myriad other conflicts in need of resolution, Louis continues to take issue with Ybert of Ribemont's desire to cede his lands to his illegitimate son, Bernier. While I suspect this is tangentially related to Bernier's involvement in Raoul's death, it is most likely tied to what Louis sees as a transgression against his kingly right, namely the requirement of his consent for any transfers of land or noble marriages. For, not only has Ybert tried to give his lands to the bastard whose hand killed Raoul, but this same bastard has married Guerri the Red's daughter, Béatrice, without the king's consent. This marriage creates a powerful alliance between the rightful owners of the Cambrésis, and those surrounding Ribemont. Rather than allowing this marriage to bring about the cessation of hostilities, Louis ups the stakes: he had planned to give Béatrice to one of his wards [*norris*], Herchambaut. In marrying Bernier to Béatrice, which seems to be

a love match, Guerri and Ybert have essentially spoiled any attempt Louis could make to consolidate power against them, or to keep the two families locked in endless conflict. Further, any heirs whom this union might produce would be powerful nobles in their own right. Louis's response to this is to lash out at the very religious institutions that would sanctify such a union by threatening them with grisly violence [*lie face tos les membres tolir*].

As I have shown, although Louis is rarely depicted in a light that is entirely positive, there is a slight shift in the way his behavior is seen as the narrative progresses from the point of view of the poets, as well as the primary "heroes" (if they can be named as such). While R1 and R2 show a king who struggles to leverage his power against the considerable might of his barons, the R1 poet's Louis seems much more motivated by politics, whereas the R2 poet's Louis is much more susceptible to slights against his person. The bulk of my work in the paper that follows will be to discern to what degree these shifts in the portrayal of powerful men are tied to the shifting attitudes towards lordship and power in the century that saw the production of *Raoul de Cambrai*'s most complete manuscript.

Rules for Rulers: John of Salisbury's *Policraticus*

Very little is known about the early life and family of John of Salisbury. He is believed to have been born between 1115 and 1120, at Old Sarum¹⁰, and it is very likely that he began his education there before moving his studies first to Exeter, and then to Paris to begin his advanced studies in 1136. In Paris, John studied under Peter Abelard and Gilbert of Poitiers (among others) before eventually completing the *trivium*, *quadrivium*, and higher philosophical studies around 1141 (Nederman, *John* 2-8). John's later style was perhaps most marked by Abelard's instruction, "he tells us that he regarded Abelard as the greatest logician of his age, and drank in every word from his lips..." (Wilks, 267). Following several years as a teacher in his own right, John entered the clergy in the service of Abbot Peter of Celle. He was then introduced to Theobald, Archbishop of Canterbury in whose service he remained for the bulk of his career (Nederman, *John* 11-15).

It was during his time as Theobald's secretary that John met Thomas Becket, whose conflict with Henry II would greatly mark John's life and career. While Christopher Brooke asserts that the two were close personal friends, others are less enthusiastic about their relationship (16). Although the two men were colleagues, and John dedicated his two major works to Becket, Cary Nederman rejects the notion that this proximity necessarily meant that the two were friends (15-16). It is also during this period that John was first excluded from Henry's court, following accusations that he had been using his time at the *curia* of Pope Adrian IV to push the interests of Canterbury over those of the king (Nederman, *John* 19-21). After Theobald's death in 1162, and Thomas Becket's

¹⁰ *The Oxford English Dictionary* gives the location of Old Sarum as approximately two miles from Salisbury. It was abandoned in 1220, with the establishment of the new cathedral and surrounding town nearer to the Avon, at Salisbury. As such, John was very nearly from Salisbury, though not quite.

consecration as the new Archbishop of Canterbury, John stayed on as part of the *curia*, though his role was rather changed – according to Nederman:

Because John had cultivated personal relationships with leading ecclesiastical (and also secular) figures throughout Europe, his ‘public relations’ value in diplomatic matters was far greater than any other contribution he might make... It might also be speculated that Becket did not feel comfortable keeping in his immediate circle an individual who had been publicly critical in letters and writings of his own errant ways while chancellor.” (*John* 28-29)

For reasons that remain unclear, John left for France a year into Becket’s tenure, where he began to see the archbishop’s conflict with Henry not as a mere personal dispute, but as a question of the oppression of the Church by the crown. At some point, John returned to Becket’s *curia* and he was present at his martyrdom (as he saw it) in December of 1170 – he almost immediately took up the cause for Becket’s sainthood, distributing an account of the murder. Although the progress of such a dedicated champion for Becket cannot have pleased King Henry, John’s rise to Treasurer of Exeter in 1173 was unimpeded by the monarch. John’s success in this position was rewarded by his consecration as bishop of Chartres in 1176. According to Nederman, there seems to be some contention as to the efficacy of John’s episcopal career as the documents related to it are limited to a small number of charters, a couple of critical letters from his contemporaries, and a laudatory necrology dated shortly after John’s death in October 1180 (*John* 29-33, 35, 37-39).

John of Salisbury is perhaps best known for his two major works of theory, the *Metalogicon* and the *Policraticus*. For this paper, I will be concentrating on the *Policraticus*, but I would be remiss not to mention the importance of both works in furthering the theorization of the liberal arts and politics in their own time and

through the ensuing centuries. John's *Policraticus*, completed in the autumn of 1159 (though Nederman contends that he likely continued to edit it as the years passed) (*John*, 53) is subtitled, "*de nugis curialium et vestigiis philosophorum*" [of the frivolities of courtiers and the footprints of philosophers]. This subtitle gives better description of the content of the work than its title of *Policraticus*, which, however evocative, is the linguistic invention of the author. John chose to write in Latin and his work consists of eight books each containing roughly twenty to thirty chapters. As there are few print versions of the *Policraticus* available in its original Latin, I will be using Clement C. J. Webb's edition. Where possible, I will be using Cary Nederman's translation,¹¹ with the caveat that his version omits most of book one, all of book two, and roughly half of the chapters in the remaining books. For anything not found by the grace of Nederman, I will be providing my own translations.

One of the most beguiling aspects of the *Policraticus* is that it does not fit cleanly into any one genre, at least not in the modern sense of the word. It is at once a work of political science and theory, of theology, of the history of thought, and of moral didacticism. Whilst contributing to the beauty of the text, this defiance of category makes it difficult (though not impossible) to determine its intended audience with certainty. Modern scholars have tended to classify the *Policraticus* as a work of political theory whereas medieval readers might have seen it quite differently. The divisions between different types of knowledge were, as evidenced by the *trivium* and *quadrivium* that led to mastery of the seven liberal arts, much more fluid than they are now. The terms *philosophy* and *science* were able to interact in ways that have been made impossible now, and John's readers would not have been troubled by what might now be seen as a blending of genre.

¹¹ Whereas it is most convenient in Nederman's translation to cite page numbers, I will be using Webb's section numbers as they are far more specific, thus rendering it easier for the reader to locate any cited passages.

It is important to remember that John's *Policraticus* appears only a generation before Vincent de Beauvais' *Speculum maius*, whose inclusion of natural history, the liberal and mechanical arts, political, ecclesiastical, and literary history, was seen "as one that expressed the intellectual tendencies of its time" (Franklin-Brown, 96). Given the ease with which medieval readers accepted the inclusion and application of varied subjects in works like the *Policraticus*, it is logical that John's uses politics and *historiae* as a means of moral and philosophical instruction towards a life well lived. For example, Nederman asserts that John identifies a path to earthly happiness that can be reached by following in the aforementioned "footsteps of the philosophers" through active and reflective means by embracing virtue and wisdom. He further asserts that this path is accessible to all humans, whether they choose to earn access to it or not (*John*, 43). Our audience is then one that would be concerned with earthly happiness as well as heavenly reward, and as such the *Policraticus* was likely not just destined to the consumption of clerics. However, the work is in Latin, which might lead one to believe that it was intended only for nobles, clerics, and students of the cathedral schools. However, as Emma Campbell explains:

Though the nature and depth of instruction could vary, clerical education focused on Latin and the literature and culture of classical antiquity. The association of the cleric with the ability to read Latin was reflected by the fact that the Old French term *clergie* could be used to mean knowledge of Latin, as well as referring to the social order associated with such learning. ... By contrast, a layman was someone who had no such education – which is not to say that the laity were illiterate in the modern sense of the term... being illiterate can describe a state of being unlearned or illiterate in Latin, rather than a total inability to read or write. Laymen of the upper

classes in particular may have had a degree of practical literacy and some may have read quite fluently. (210-211)

My own suspicions are that the *Policraticus* is, among other things, primarily a didactic text. For, it is well known that John displayed a lifelong love of rhetoric as a means to uncovering the truth of a given situation (Brooke, 6-7), so it stands to reason that this was reflected by his work. The backbone of John's argument is based around a system of binaries and oppositions that seek to give examples of what is good, just, virtuous, or wise conduct by giving contrasting examples of bad, frivolous, or tyrannical conduct. Following in the tradition of his education he does this by setting forth a series of historical, semi-historical, and outright fabricated characters and situations through a complex series of *exempla*.¹²

Although John could only have known of Cicero's *De legibus* and *De re publica* through Christian intermediaries, Nederman argues that he is still a devotee of academic dispute in the Ciceronian style (*John*, 53). It is what Von Moos calls "the credibility of tradition" that takes precedence over the authenticity of sources (224). In this vein, John himself argues in his prologue to the *Policraticus* that:

Exempla maiorum, quae sunt incitamenta et fomenta uirtutis, nullum omnino erigerent aut seruarent, nisi pia sollicitudo scriptorium et triumphatrix inertiae diligentia eadem ad posteros transmisset. (Webb, sec 385 a-b)

[The examples of our ancestors, which are incitements and inducements to virtue, never would have encouraged and been heeded by everyone, unless, through devotion, care and diligence, writers triumphed over idleness and transmitted these things to posterity.] (Nederman, 3)

The above passage indicates that he considers himself to be part of this same tradition that, through diligence and learning, transmits knowledge to those who

¹² Von Moos and Nederman have both likened this approach to that of Abelard's *Sic et non*. It should be noted that John's example of Plutarch's letter instructing Trajan in chapter one of book five and ensuing commentary is his own invention, behind which he hides his own originality (Nederman, *John*, 55).

would read his work. In true medieval style he does not take credit for the idea, nor for the idea to set it forth *ad posterus*.

The patterns of deductive reasoning as well as the use of antithesis are key to the structure of the *Policraticus*. While Nederman asserts that the use of these contradictions are a merely sort of didactic exercise in reasoning (*John*, 55-56), I wonder if they might also express an amount of uncertainty on the part of the author with regard to the moral ambiguities of the political realms he inhabited. Further to this, Nederman describes the *Policraticus* as confronting the “practical demands of politics in relation to the requirements of living well in an ethical and religious sense” (*John*, 62). In the remaining portion of this section, I will examine these binaries and contradictions, as well as John’s argumentation, in order to assess these uncertainties as a compliment to the already established scholarly characterization of the *Policraticus* as didactic.

John’s system is non-linear, which, while fairly common to traditional dialectic, causes some confusion in the reader who is forced to move back and forth through the book in order to follow his argument. I do not doubt, given the time and energy expended in the writing of the *Policraticus*, and especially given John’s high level of skill in the fields of grammar and rhetoric (as shown more fully in his *Metalogicon*), that there is a good measure of intent behind its structure. However, when dealing with the types of uncertainty of social structure and opinion treated in the *Policraticus*, I wonder if this scattered approach wherein the author returns and reconsiders, or outright contradicts key elements might signify an inner, as well as an external conflict with regard to these same points. This will be most obvious in the passages dealing with the rights of kings, and the proper disposal of tyrants that will be the focus of this section. It is important to note that John disliked generalizations and as such followed a “doctrine of two ways to the truth” that set up oppositions in order to

force the learner to distinguish between persuasive and dissuasive examples, between the positive and the negative (Wilks, 271 and Von Moos, 219).

It might be the most productive route to first establish through a series of my own *exempla* how John perceives the duties and proper conduct of princes before delving into his treatment of tyrants. The bulk of John's instructions for *princeps*, which Nederman translates as "the prince" are found in the fourth book of the *Policraticus*. While I agree wholeheartedly with Nederman's interpretation here, it is nonetheless important to draw attention to this translation, for, *princeps* could also mean any leader, of noble birth or not.¹³ It is also important to note that John uses "the prince" and not "the king" as these distinctions will prove important once the *Policraticus* is considered alongside *Raoul de Cambrai*.

If we wish to know, generally, how John sees the position and comportment of the prince, we need look no further than the chapter headings of Book Four. Here, we see that "*...princeps, licet sit legis nexibus absolutus, legis tamen seruus est et aequitatis, geritque personam publicam, et innocenter sanguinam fundit*" (Webb, vi) [...the prince, although he is an absolutely binding law unto himself, still is the servant of law and equity, the bearer of the public persona, and sheds blood blamelessly] (Nederman, vi) situates the prince as a public entity whose power is absolute, though limited by *legis* [law] and *aequitatis* [equity]. There is a level of violence implicit in princely power, as bloodshed is not only invoked, but also justified. It is an interesting dichotomy to be able to shed blood with impunity, yet also be a *seruus* [servant or slave] to law and equity. This separation is perhaps better explained in the second chapter of book four, where John states:

Princeps tamen legis nexibus dicitur absolutus, non quia ei iniqua liceant, sed quia is esse debet, qui non timore penae sed amore iustitiae aequitatem colat, rei publicae

¹³ *The Dictionary of Medieval Latin from British Sources* supports this. The term *princeps*, in addition to referring to a prince or sovereign ruler, can also be one who is in charge (as leader or chief), the ruler of a principality, or one who is preeminent in their field.

procuret utilitatem, et in omnibus aliorum commodapriuitate praeferat uoluntati.
(Webb, 515a)

[Still the prince is said to be an absolutely binding law unto himself, not because he is licensed to be iniquitous, but only because he should be someone who does not fear the penalties of law but someone who loves justice, cherishes equity, procures the utility of the republic, and in all matters prefers the advantage of others to his own private will.]
(Nederman, 30)

In this case the prince is not limited in any practical way by *penae iustitiae* [penalties of law], but rather by his love of justice and his respect for the proper functioning of the system. Therefore, though the prince is perhaps not punishable by any earthly law, he is still morally beholden to justice. This moral aspect of the prince is especially interesting when the following passage, taken from chapter one of book four and thereby preceding it by mere paragraphs, is taken into account:

Est ergo, ut eum plerique diffiniunt, princeps potestas publica et in terris quaedam diuinae maiestatis imago. Proculdubio magnum quid diuinae uirtutis declaratur inesse principibus, dum homines nutibus eorum colla submitunt et securi plerumque ferendas praebent ceruices, et impulsu diuino quisque timet quibus ipse timori est.
(Webb, 513d-514a)

[Therefore, according to the general definition, the prince is the public power and a certain image on earth of the divine majesty. Beyond doubt the greatest part of the divine virtue is revealed to belong to the prince, in so far as at his nod men bow their heads and generally offer their necks to the axe in sacrifice, and by divine impulse everyone fears him who is fear itself.] (Nederman, 28)

Here, the violence implicit in the prince's power is shown again. John suggests that a balance of fear and love drives the prince's power in that his subjects prove their love through willingness to self-sacrifice, but are inherently fearful of him. Although a prince who loves justice yet rules by fear seems like a logical fallacy, John explains that this is possible due to the ruler being an image of the divine on earth. If the medieval reader accepts that God can rule both through love and through the imposition of fear, then they must also accept this in the office of the prince. John continues in this direction through the passage below.

Diligens namque lector legis discipulus est, non magister; nec ad sensum suum captiuitam retorquet legum, sed menti eius et integritati sensus suos accomodat... Vitque timere Dominum Deum suum. Recte quidem, eo quod sapientia parit et firmat principatum; atqui initium sapientiae timor Domini. (Webb, 526c-d)

[For in fact a diligent reader is a disciple of the law, not a master; nor does he distort the law as a captive to his own discretion, but he accommodates his discretion to its meaning and integrity... He surely learns to fear the Lord his God. Properly so because wisdom begets and fortifies government; and fearing the Lord stimulates wisdom.] (Nederman, 46-47)

The prince is, therefore, not a law unto himself, but a disciple of the law, or both, if such a thing is possible. The prince should desire the knowledge and wisdom to rule well, but ultimately the power belongs to God. In fact, John had long struggled with the dual authority of the church and the king, as well as their shared spaces of power (Brooke, 17). It stands to reason then, John being a man of the church, that he would place God at the summit of both earthly and heavenly power. Also worth noting is John's insistence on the traits of the ideal prince as a reader (*lector*) endowed with wisdom (*sapientia*). That is, that he should be educated and concerned with the increase of wisdom as a means to rule well. It is the thought that good rule stems from the head and the heart, and not from brute strength, that becomes one of the hallmarks of John's argument. Although much time is spent in explaining his ideal of the moral might, John, whether by habit or indecision, includes ample opportunity for the God-fearing good king to exact violence upon his people if necessary:

Sic et enim fratres diligit, quod errores eorum medicinaliter corrigit; sic in eis carnem agnoscit et sanguinem, ut ea spiritus subiciat ditioni... sic et potestas cum inferiorum uitia mansueta manu curare non sufficit, penarum acrimoniam dolens recte uulneribus infundit, et pia crudelitate seuit in malos, dum bonorum incolumitas procurator. (Webb, 529a-b)

[And thus, for him to love his brothers, he must correct their errors in medical fashion; he must acknowledge the flesh and blood in them so that he may subject them to the words of the Spirit... And thus when mild power does not suffice for the ruler to cure the vices of inferiors, he properly administers intensely painful blows of punishment; pious cruelty rages against the evil, while the good are looked after in safety.] (Nederman, 49-50)

This passage from chapter eight, echoed again in chapter ten, is particularly violent in its language, as well as in its message. It is interesting to consider here the necessary dichotomies between the enacting of love for a brother through punishment of the flesh, as well as that of the infliction of pain (no matter the piety of the prince) by one said to love justice and wisdom over all else. I do not wish here to apply modern morality to a period whose concepts of justice might be said to vary from our own, but instead to draw attention to John's own seeming indecision surrounding the behavior of princes.

Furthermore, I admit to being somewhat baffled by the inclusion of the term *medicaliter*, which Nederman translates here as "in medical fashion".¹⁴ The term is most likely a variant of *medicabiliter* [in a healing manner] or *medicinaliter* [as a medicine, by way of a cure]. John goes on to justify, if not explain his use of this rather anomalous term in the following lines, where it becomes clear that he means not that there should be anything inherently medical or medicinal about the correction itself, but rather that the prince should increase the dosage of the correction to suit the magnitude of the error as, "*medicorum consuetudo est*" (Webb, 529a) [is the habit of physicians] (Nederman, 50). His justice should be curative. The ruler is seen in this case to behave as the healer of the sickness of poor conduct, in order to keep the body politic in good order (Struve, 311). In essence, John argues that the punishment should fit the crime, although he does not seem concerned with modern notions of leniency, arguing instead that the prince is right in imposing punishments that are adequately severe.

Gloriatur Dominus se uirum inuenisse secundum cor suum et, cum eum in regni apicem postmodum sullimasset, succedentium sibi filiorum curriculo regnum ei perpetuum pollicetur. (Webb, 533c)

[The Lord will pride Himself that He has encountered a man after His own heart, and when He has lifted him up rapidly to the apex within the

¹⁴ *Medicaliter* does not appear in the Dictionary of Medieval Latin from British Sources, the Du Cange, or Lewis and Short. The definitions that follow are from the *DMLBS*.

kingdom, He will offer the kingdom to him perpetually through the succession of the line of his sons.] (Nederman, 56)

Chapter eleven is especially concerned with lines of succession, and how God intervenes to select these lines. It is interesting to note that in the ideal prince the Lord will find a heart that follows his own, whether this is the benevolent heart of the New Testament or the wrathful heart of the Old Testament is unclear. As I progress into John's treatment of tyrants in book eight of the *Policraticus*, it will be key to these systems of contradictions to bear the divinity of the prince in mind.

As discussed earlier, the concept of the divine right of kings is not entirely solidified in this period; yet what John describes here is indicative of some kind of belief that the divine intervenes in the selection of kings. Furthermore, if God appoints the ideal prince, then what is to be said of any problematic, or tyrannical issue he might have, given that his line has been preordained for rule from the outset? The answer is never given outright, but there will be some elucidation of John's views in the following passages. Indeed, while it begins with advice on proper attire and the more benign vices, much of book eight is devoted to differentiating princes from tyrants, and the proper response to tyrannical behavior.¹⁵

Est ergo tyrannus, ut eum philosophi depixerunt, qui uiolenta dominatione populum permit, sicut qui legibus regit princeps est... Princeps pugnat pro legibus et populi libertate; tyrannus nil actum putat nisi leges euacuet et populum deuocet in seruitutem. (Webb, 777d)

[As the philosophers have portrayed him, the tyrant is, therefore one who oppresses the people by violent domination, just as the prince is one who rules by the laws... The prince fights for the laws and liberty of the people; the tyrant supposes that nothing is done unless the laws are cancelled and the people are brought into servitude.] (Nederman, 191)

¹⁵ John has many opinions with regard to singing, dancing, and hunting, all of which can be found in the prologue and early chapters of *Policraticus*. Other topics discussed are avarice and excessive frugality.

Once again, a definition through the eyes of the philosophers is given. One could see this as a sort of general approach to the subject in the vein of *exempla* and deference to tradition as seen in the preceding passages. However, it has been suggested by certain scholars that John is attempting to correct what he views as tyrannical behavior on the part of Henry II.¹⁶ This should, therefore, while in line with what other contemporary philosophers have said, be read also as a warning in direct address. The nature of this address might help to explain why much of what John has to say about tyrants has been characterized as, “molten down into curious amalgams and strange emollients” (Van Laarhoven, 322). John may well have felt conflicted with regard to his duty to king, and his duty to God and church, especially when faced by what he saw as tyrannical behavior from both church and state. Certainly, given Henry’s reputation as, “a man of intense, mercurial temperament who could shift in a moment from sunshine to thunder” (Brooke, 17) it would have been prudent for John to speak theoretically rather than risk the ire of his ruler, even if everyone knew implicitly who was being addressed. Furthermore, the insistence on law is again important, as John would have seen law as “*regula recte vivendi*, a rule of *right* living [that] cannot therefore, he argues, be divorced from God. It is a *donum Dei*, a divine gift” (Wilks, 270). To be a tyrant is to flout the authority given by God, as well as his gifts in the form of law and order. Van Laarhoven takes this even further, identifying John’s stance on tyranny not purely as a political problem, but more importantly as an ideological, “résumé of inhuman, unnatural pride, of moral injustice, and of theological iniquity. It [tyranny] is in fact the diabolical counterpart of God’s intentions for man and society. For it is in the end the devil, that enemy from the beginning, who is acting through human behavior... but God will win” (331). This

¹⁶ Michael Wilks stops short of saying this is explicitly about Henry, but the implication is quite clear (282). Cary Nederman also, in conversation, implied that much of *Policraticus*, and these sections on tyrants were addressed to him.

is the crux of the issue: In saying that, "*tirannus nil actum putat nisi leges euacuet*" [the tyrant supposes that nothing is done unless the laws are cancelled], John is saying that the tyrant actively engages himself against God. This act of opposition will support John's later claims that it is just and lawful to kill tyrants. It bears mentioning that Van Laarhoven does not see this as an actual call to tyrannicide, as much as a warning to tyrants of the extent to which God can and will punish them (329).

There remains the small problem of contradictions as John lays out princely behavior in the earlier books of his *Policraticus*. Specifically, that a good prince is allowed a measure of violence against his subjects as a means of correction and that the prince is a law unto himself. There seems to be a certain amount of crossover between what a prince does and what a tyrant does with little allowance made for anything but intent. A prince can be violent and oppressive as long as he defers to God, whereas a tyrant counts himself as ultimately outside of heavenly jurisdiction. John doesn't allow this dichotomy to go entirely unaddressed, in acknowledging the following: "*Itaque et tyranni nomine rex et e conuerso interdum principis nomine tyrannis appellatur...*" (Webb, 779b) [And so the king is sometimes called by the name of tyrant and conversely the tyrant is sometimes called by the name of prince...] (Nederman, 193). That is, tyranny can be a matter of perception, rather than an inherent vice. A good king can become tyrannical, and a bad king occasionally takes on princely features. Furthermore, the tyrant is often a potentially good king whose rule has somehow been perverted by ego, flattery, or neglect for education. As Wilks explains, "Kings become tyrants when they not only listen to flatterers, but believe what they are told: the flatterer tells the prince that he is other than he ought to be and really is. By creating the fiction of the absolute ruler, the prince literally does not know himself" (281). The remedy for this is, of course, a prince who knows his place as

subservient to God and who rules using a blend of faith and reason and a prince who values wisdom above the execution of absolute power (Wilks, 285). It is also important to note that whereas later notions of divine right would eliminate the common will from the equation of a monarch's rule, at the time John was writing there was still very much the belief that the king ruled not only by God's will, but also by the consent of the people (Kern, 12).¹⁷

The confusion does not end there. Perhaps most baffling in the series of ruminations on tyranny are the passages in which John seeks to justify their ostensibly bad behavior:

Ministros Dei tamen tyrannos esse non abnego, qui in utroque primatu, scilicet animarum et corpum, iusto suo iudicio esse uoluit per quos punirentur mali et corrigerentur et exercebantur boni... Ergo et tyranni potestas bona quidem est, tyrannide tamen nichil est peius. Est enim tyrannis a Deo concessae potestatis abusus. In hoc tamen malo multus et magnus est bonorum usus. (Webb, 786a)

[Yet I do not deny that tyrants are ministers of God, who by His just judgment has willed them to be pre-eminent over both soul and body. By means of tyrants, the evil are punished and the good are corrected and trained... Therefore, even the power of tyrants is in a certain sense good, yet nothing is worse than tyranny. For tyranny is an abuse of the power conceded to man by God. Yet this evil is used for many and great goods.] (Nederman, 201-202)

It might seem odd to some that a tyrant could ever be called a minister of God, especially as Van Laarhoven has established that tyrants are the precise opposite of God's intentions for earthly society. However, John is acting here within a long tradition going back to scripture. As St. Paul writes in his epistle to the Romans:

...princes are not a terror to the good work, but to the evil. Wilt thou then not be afraid of the power? Do that which is good: and thou shalt have praise from the same. For he is God's minister to thee, for good. But if thou do that which is evil, fear: for he beareth not the sword in vain. For

¹⁷ I do not of course mean "the people" in the later Marxist incarnations of the term, but rather the upper echelons of society including the nobility, the clergy, and the merchant classes who found themselves in a position to consent to rule.

he is God's minister: an avenger to execute wrath upon him that doth evil.

(13:3-4)

Similarly, St. Augustine describes the career of Julius Caesar as being divinely inspired, even if the emperor had certain tyrannical qualities. It is, as Augustine explains, unimportant that that Caesar did not believe in the Christian God, because God worked through him regardless. He goes on to explain that no existence is contrary to God because sin is an act of will and not an act inherent to one's nature. This is seen even in the angels, who whether good or bad have the same nature – like the good king and the tyrant, it is only their acts that separate them (196-205, 448-449, 471-473). Therefore, it stands to reason that John calls tyrants ministers of God, for, even though their acts are contrary to his will, they are nonetheless occupying a divine position.

Beyond this tradition, John seems to find some good in the fact that tyrants will mete out punishment to evil men, even if there might be some collateral damage. John may also be referring to the “bad priests and greedy prelates” (Van Laarhoven, 323), very literally ministers of God, with whom he often came into contact. Perhaps the most important thing here is that, once again, rulers are given power as a result of divine will, even if they are bad. There is also the possibility that John was acutely aware of the ceremonial ties between king and church that manifested through the similarities in the consecration of monarchs and the consecration of priests. Through the coronation rite of anointing, the king became a sort of *rex sacerdos*, or ruler-priest, holy in office if not in person (Bertelli, 13-14). As previously seen, the office of the monarch, validated by the leaders of the church, takes on its own sacral quality. This validation by the church makes the king a minister of God and, be he good or be he a tyrant, the tie to the divine cannot be unmade. John's assertion that tyrants are the ministers of God is then fully in line with common belief of the era, if still

not somewhat contradictory in its execution that God uses tyrants to do good works.

The most revolutionary thing that John does in his *Policraticus*, though he would have likely hated the term, is the justification and encouragement of tyrannicide in his own era. Many philosophers throughout the ages have condoned the killing of tyrants, often using Caesar as an allegory, but few (if any) would have dared to theorize regicide such an open way, using contemporary examples.

John begins his ruminations on tyrannicide with examples from antiquity, using Nero and Caligula to support his argument before citing a well-known story from the apocryphal book of Judith to underline his assertions that, “*licitum et gloriosum est publicos tyrannos occidere*” (Webb, 793b) [...it is lawful and glorious to kill public tyrants] (Nederman, 206) and, “*Ut autem et ab alia constet historia iustum esse publicos occidi tyrannos et populum ad Dei obsequium liberari*” (Webb, 795a) [It is also accepted by another history that it is just for public tyrants to be killed and the people to be liberated for obedience to God] (Nederman, 207). John was particularly well equipped to give biblical commentary, and as such, the examples he selected for his *Policraticus* should be regarded as very much intentional. There is no accident in his choice to use the story of Judith and Holofernes despite myriad other possible examples of tyrants. Indeed, “all the kings of Israel and most of the kings of Judah were tyrants” (Saltman, 343-345). The story of Judith is of particular interest for two reasons: first, she is a woman whose personal honor is beyond reproach, and second, she gains access to Holofernes (with God’s help) using what John calls *pia simulatione* (Webb, 795b) [a pious deception] (Nederman, 207).

In the earlier chapters of the *Policraticus*, John is not keen on deceit. Therefore, it is interesting to consider the contradictory nature of allowing

deception in the case of tyrants. The moral ambiguities surrounding tyrannicide are palpable, though John explains, “*Non quod tyrannos de medio tollendos esse non credam sed sine religionis honestatisque dispendio*” (Webb, 796c) [Not that I do not believe that tyrants are to be removed from the community, but they are to be removed without loss to religion and honour] (Nederman, 209). In the case of Judith and Holofernes, this statement will provide the justification for her deceitful behavior as well as for the killing of Nebuchadnezzar’s fiercest general. The story of Judith is not a simple story of deception; rather, in her case, deceit is a holy tool bestowed upon a human vessel. John’s views on the matter are nuanced. He does not like falsehoods, but, as we will see, deception in favor of the Lord supersedes mortal deception. As well as being a good biblical example of tyrannicide, the story of Judith is entertaining. John’s decision to use it was perhaps as much driven by his love of anecdote as by anything else.

Holofernes had been sent to lay waste to any kingdom whose people would not submit to Assyrian rule, Israel and Judah among them. The people of Israel, fearing for their lives, prayed for divine intervention to no avail. Then, as Holofernes’ armies were camped outside the city of Bethulia, a widow named Judith decided to take action (*Judith* 2:2-6, 4:7-16, 8-9). John’s description of Judith’s preparations to meet Holofernes mirror very closely the entries in the vulgate bible, in saying:

...abstulit a se cilicium et exuit se uestibus uiduitatis, et lauit corpus suum, et unxit se mirra optima, et discriminauit crinem capitis sui, et imposuit mitram super caput suum, et induit se uestibus iocunditatis suae... Contulitque ei splendorem Dominus, quoniam omnis ista compositio non ex libidine sed ex uirtute pendebat. Et ideo Dominus hanc in illa pulchritudinem ampliauit ut icnocomparabili decore oculis omnium appareret. (Webb, 795c-d)

[...she removed her hair shirt from herself and she stripped off the garments of her widowhood, and she bathed her body, and anointed herself with the best myrrh, and arranged the hair on her head, and placed a headband on her head, and put on her most pleasing garments... And the Lord conferred splendour upon her since all these arrangements were determined not by lust but by virtue. And so the Lord increased her

beauty in order that she might appear incomparably elegant to everyone's eyes.] (Nederman, 208)

Holofernes was so impressed by Judith's beauty that he led her into his bedchamber with evil intent. Not one to be perverted by the wickedness of others, Judith waited for him to drink himself to sleep, at which point she picked up the general's own sword and cut off his head. With the help of her maidservant, Judith carried the head of Holofernes back to Bethulia. The loss of their general, and the public displaying of his head caused the Assyrian armies to abandon their cause and the Israelites were saved (*Judith*, 13, 15).

Returning to John's assertion above, Judith seems a perfect example of the removal of a tyrant without loss to religion or honor. True, she achieves her goal by carrying out a fairly large-scale deception; she takes off her widow's clothing, she styles her hair, she puts on perfume, and she does so with the help of the Lord. Her deception is thus sanctioned by God that she might act in service to her people. Whereas John might have otherwise condemned this type of action, here he whole-heartedly condones it: "*Non est enim dolus qui seruit fidei et militat caritati. Siquidem fidei est quod increpat sacerdotes...*" (Webb, 795b) [For that which maintains the faith and serves charity is not deceitful. And it is indeed through faith that she (Judith) reproved the priests...] (Nederman, 207). If this seems a bit convenient given John's somewhat contradictory nature, he goes on to explain: "*Dei obsequium liberari, ipsi quoque sacerdotes Domini necem eorum reputant pietatem et, si quid doli uidetur habere imaginem, religione misterii dicunt*" (Webb, 795a-b) [Priests of the Lord themselves count their (tyrants) slaying as an act of piety and, if anything appears to contain an element of deceit, they call it a mystery of religion consecrated to the Lord] (Nederman, 207).

While John uses examples from antiquity and scripture to support his claims, he does not frame his argument solely around these *historiae*. His

reasoning regarding the ancient tyrants seems clear enough, though it is in the contemporary examples that the conflicted nature of John's argumentative strategy is most apparent. It is glorious to kill a tyrant, but ultimately John's reasoning makes carrying out the act morally difficult in his own time. For example, he says, "*Hoc tamen cauendum docent historiae, ne quis illius moliatur interitum cui fidei aut sacrementi religionem tenetur astrictus*" (Webb, 796b) [The histories teach us that we are to take care, however, lest anyone cause the death of a tyrant who is bound to him by the obligation of fealty or a sacred oath] (Nederman, 209). Judith was bound by oath neither to Holofernes, nor to Nebuchadnezzar, so by John's reasoning her act was just. His contemporary examples, in contrast, are greatly troubled by this interdiction against tyrannicide implied by oaths of fealty. For, as John implies, an oath (including an oath of fealty) is a promise before God and promises made before God cannot and should not be broken. As such, even an oath made to a tyrant is a binding moral contract between the swearer and God that cannot be undone, no matter how abhorrent the tyrant. This does not mean that tyrants are necessarily suffered to live by the divine. On the contrary, God's own intervention gives those would-be killers of tyrants an escape clause, provided they act using the same sorts of divine tools offered to Judith.

In chapter twenty-one of book eight John gives a series of *exempla* from *nostris temporibus* [our own times] wherein he lists various means by which God punishes tyrants. While Van Laarhoven asserts that these examples serve merely as a warning for tyrants in the sense that, "this is not an invitation to take tyrannicide in hand; it is a very serious warning to take tyranny off one's hands" (328), I would disagree. It is clear that John is advocating that some kind of action be taken against tyrants and not that they should heed his warning and simply correct themselves. What is clear, is that John is not comfortable with this action

being taken by man's will alone, preferring instead to provide examples of martyrs, or persons moved by God to take action by his own will; thus God, as with Judith, acts through man in order to carry out a sacred duty. Scholars like Van Laarhoven and Von Moos paint John's approach to tyrannicide as a didactic exercise, I am not entirely convinced. Surely, a purely theoretical exercise would be more cleanly executed, and would present a clear argument for or against; John's manages neither.

The best example of this is found in John's description of the tyrannicide by martyrdom of Eustace, heir apparent to king Stephen of England¹⁸: "*die antequam se domi suae reciperet, quae nimis uicina erat, tactus est martiris manu et letali percussus morbo die circiter octaua rebus cessit et uita*" (Webb, 807a) [on the day before he was to retire to his home nearby, he was touched by the hand of the martyr and, struck down with a fatal illness, his life and affairs ceased on about the eighth day] (Nederman, 213). Here God has acted through an unnamed martyr, but credit is ultimately given to human hands for transmitting the sickness that killed Eustace.

While these are both perfect examples of what Von Moos calls "the double edged sword" of John's *exempla*, Von Moos explains that they are chosen intentionally, either to support or refute an argument as a means to training the reader in philosophical reflection (225, 227-228). I would argue, instead, that such examples are proof of John's unease in negotiating his own beliefs about regicide. John was trained by some of the best rhetoricians and logicians of his age, Abelard among them, and was thus highly skilled at argumentation. There seems to me to be then, a yet unanswered question: how does one excel at grammar and rhetoric, and yet present such consistently inconsistent and scattered arguments?

¹⁸ John here uses a contemporary example. Eustace IV, Count of Boulogne was, by all accounts, the bad son of a bad king. He died a year before his father in 1153, allowing Henry II to succeed to the throne. See: *The Oxford Dictionary of the Middle Ages*.

As I see it, the *Policraticus* as a whole, and book eight in particular belies a deep discomfort with the political workings of the world John inhabited; a discomfort that manifests through what is essentially an argument the author is having with himself, to no avail.

On Limiting Power: King John and *Magna Carta*

In the years following the completion of John of Salisbury's *Policraticus*, England, and indeed Western Europe as a whole saw a series of mounting tensions between kings and their subjects. It is important to note that as J. C. Holt explains, these were not governments that could be called systematic, and furthermore, "twelfth century England had no constitution. There was no general system of government in which powers were balanced, functions allotted and defined, rights protected, and principles stated or acknowledged... It [Government] operated in a society in which privilege seemed to be part of the natural order of things" (23, 43). Indeed, twelfth century England seemed a perfect staging ground for instituting the types of structures and protections established in what became one of Western history's most important documents. This is, of course, the Great Charter of King John, or, *Magna Carta*, a document that forms the basis of England's Common Law, heavily influenced the American Declaration of Independence and Constitution, and the *Déclaration des Droits de l'Homme* in France (Shaw, 138-140). In the chapter that follows, I will investigate the shift from a lack of systematic government to a tentative attempt to define and limit the power of the king as demonstrated by *Magna Carta*.

The first iteration of the document we have come to know as *Magna Carta* was, according to its own *datum*: *Date per manum nostrum in Prato quod vocatur Rinumedo inter Windelshoram et Stanes / Quintodecimo die Junii, Anno Regni Nostri Septimodecimo* [Given by our hand in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth day of our reign] (Carpenter, 69).¹⁹ It was not called the Great Charter from its

¹⁹ All citations and translations of *Magna Carta* are taken from David Carpenter's edition, except where otherwise indicated. Here, I have expanded the abbreviations *Rinumed'* and *Windelshor'*

inception, but rather the Charter of Runnymede, or the Charter of King John. The title of *Magna Carta* is due to a scribal error during the copying of the 1217 version under John's son Henry III and would not properly stick until the publication of William Blackburn's work in 1759 (Carpenter, 5-8). Although the importance of the document I will discuss over the following pages was not lost on those present at its signing, none at the time could have known the ultimate significance of the Charter. Certainly, its legal importance would not become evident until the fourteenth century, when the English Parliament began turning *Magna Carta's* provisions into statutes (Holt, 10).

The physical appearance of the authenticated engrossments of the Charter of 1215, of which there are four known, is unassuming considering the ultimate importance of their content.²⁰ The text of all four engrossments runs approximately 3550 words of Latin written on a single side of parchment. Two of these manuscripts are held by the British Library as part of the Cotton Collection under their shelf marks Cotton MS Augustus ii.106 and Cotton Charter XIII 31A, though they are more commonly referred to as Cii and Ci, respectively. Ci is the only one of the four to retain its seal; due to extensive fire damage the seal has been reduced to a charred lump of wax, and the Charter as a whole is illegible to the naked eye. The remaining two engrossments are held by the Cathedrals of Salisbury and Lincoln (Carpenter, 3, 11, and 13). David Carpenter describes the four charters, each copied by a different scribe, as follows:

Ci, Cii, and Lincoln are all in hands typical of clerks working in King John's chancery. The clerks were using, however, not the most formal chancery hand, such as that found in some royal charters, but one a step down, a quicker, more 'cursive' hand... The hand in the Salisbury Charter

using the British Library's transcription of Cotton MS Augustus ii.106 (although this manuscript also shows abbreviation in these places).

²⁰ An engrossment is the final copy of a legal document, in this case the official copies issued by John's chancery.

is different from those in the other three Charters. It is far more ‘bookish’ in form, being similar to those found in texts such as bibles and psalters, as opposed to royal documents. (12)²¹

The text of all four charters is continuous, with nothing to indicate new paragraphs or clauses. Blackstone later divided the text into sixty-three numbered chapters, a convention that persists to this day. For this section, I will be relying on David Carpenter’s bilingual edition, which uses the Lincoln Charter “since, of all the engrossments, it is the most finely written” and Blackstone’s numbering for ease of reference (22-23, 32-33).

The structure of the Great Charter is typical of charters of its day. It contains all of the elements one would expect, if not in the expected order. It begins with the *Intitulatio*, or the section which states the issuer of the charter, in this case, “*Johannes dei gratie Rex Anglie, Dominus Hibernie, Dux Normannie et Aquitanie, Comes Andegavie...*” [John by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou...] followed by the *Inscriptio* listing those to whom the charter is issued, and the *Salutatio*, or greeting (Carpenter, 36-37).²² We then progress to the expected *Invocatio*, or invocation of the deity, followed by a curiously brief and vague *Narratio*, or statement of the grievance that prompted the charter. The Charter states, “*pro salute anime nostre et omnium antecessorum et heredum nostrum, ad honorem dei et exaltacionem sancte ecclesie, et emendationem Regni nostri ...*” [for the salvation of our soul, and for the souls of all our ancestors and heirs, for the honour of God and the exaltation of holy church, and the reform of our kingdom...] (Carpenter, 36-37).²³ As I will discuss later, it is

²¹ Carpenter uses “hand” throughout his book where “script” would be more appropriate. After consulting Michelle Brown’s *A Guide to Western Historical Scripts*, I have determined that the more bookish hand he refers to is more likely *Cursiva Anglicana*, an English documentary script.

²² To describe the organization of the Charter, I use terms outlined in Clemens and Graham, 222-239.

²³ For *emendationem*, *The Dictionary of Medieval Latin from British Sources* gives “improvement, removal of fault, correction” as possible translations. It does also give “moral reform” as a possibility, but Carpenter’s use of “reform” seems too strong, and too modern a translation. It is

this “reform of our kingdom” that will be of particular interest. We are then given a list of names, later referred to in the *Subscriptio* as witnesses to the agreement of the Charter, among them ten of *venerabilium patrum nostrorum* [our venerable fathers] or clerics, including Archbishop Stephen Langton, one brother Aymeric, *magistri militie templi* [master of the knights of the Temple], sixteen *nobelium virorum* [noble men], and *alium fidelum nostrorum* [our other faithful men] (Carpenter 36-37, 68-69). The body of the Charter proposes a series of provisions, or *Dispositio*, consisting of what Blackstone identified as sixty-three chapters dealing with issues of money, governance, heredity, and patronage as well as provisions for their enforcement (Carpenter, 36-69). After many lines, we come to the Charter’s Final Protocol. As stated above, the *Subscriptio* refers the reader to the list of witnesses given in the Initial Protocol, no doubt due to the nature of the circumstances surrounding agreement of the Charter; it was not issued by the king’s chancery, but was agreed to in the field following final negotiations.

Finally, we arrive at the *Datum* cited above, which gives the date and location of the signing of the Charter at Runnymede, on the 15th of June 1215 (Carpenter, 69).

So, what of the contents of *Magna Carta*? What does the document say, and why did the barons and clergy deem it necessary to make the king say it? It is important to make clear, as Carpenter does, that, “The Charter was above all about money. Its overwhelming aim was to restrict the king’s ability to take it from his subjects” (24). This indictment of the British monarchy in general is important because there is a tendency to envision the Bad King John of Robin Hood fame as being entirely at fault for the ills the Charter sought to correct, and while he certainly played his part, he is not the sole bearer of blame. Indeed, Holt asserts that, “If the Charter had any single predominant source, it is to be

unlikely that John was agreeing to reform his kingdom in the way that we would speak of modern reform movements, but instead agreeing to correct the practices that led to the uprising of the barons.

found in the manner in which the Angevin kings of England exploited their realm in an attempt to expand and defend the continental empire of which England became a part with the accession of Henry of Anjou in 1154” (24). It is not just John’s policies that are in need of examination, but rather the entire line of Norman kings in England beginning with William I (perhaps better known by his impressive epithet “The Conqueror”).

Magna Carta was hardly the first charter to attempt the correction of kingly injustice. Henry I’s coronation charter of 1100 tried to correct the ills of William I and William II (also called William Rufus), albeit unsuccessfully (Carpenter, 189). J. C. Holt, likening it to an election address, explains that this *Charter of Liberties*, as it would come to be known, was as much an attempt to curry favor among the nobility as an attempt to effect actual change (37). Furthermore, while it helped to define the *custom* (and by extension, customary law), Henry I’s charter was entirely without teeth: “The charter remained a dead letter, even for those who might have profited from it most. Despite the many apparent opportunities, it never became an objective or rallying point of rebellion until, almost a hundred years old, it became involved in the genesis of *Magna Carta*” (Holt, 38).

Henry I, and his predecessors are not uniquely to blame either, for his relatively orderly years as ruler were followed by the anarchic reign of Stephen, the damage of which proved difficult for even the highly capable Henry II who, “as much as John was the object of attack in *Magna Carta*” (Holt, 38, 40). While Henry II introduced the very popular system of *assizes*, he was also much reviled for his forest policies, as well as the *disseisins* common to his reign.²⁴ His involvement in the assassination of Archbishop of Canterbury, Thomas Becket,

²⁴ The *assizes* were any legislation, ordinance, or statute. These would eventually become the jurisdiction of the travelling Courts of Assizes. An act of *disseisin* is equivalent to our modern disinheritance. This could be the loss of hereditary rights or lands. See: *A Dictionary of Law* and (Carpenter, 461, 463).

was also profoundly unpopular as it was seen to threaten the liberty of the church, a complaint that would recur during the reign of his son John (Carpenter, 191-192). Also evident in Henry II's reign are the heavy financial burdens placed on his barons as shown in his pipe rolls, a problem that would only worsen with the investiture of his son Richard I (called Lionhearted) (Holt, 43). Although widely admired for his prowess in battle and his piety, Richard filled gaps in his income and paid for his time on Crusade (and his ensuing ransom) by enforcing amercements.²⁵ The most common examples of these amercements were the fines paid by widows who wished to remain single, or to marry according to their own choice, as well as fines paid by heirs to access their inheritances. Richard was also responsible for further tightening restrictions on forests, while his volatile temper led to disseisins seen as arbitrary and vengeful (Carpenter, 193, 195-196).

It seems that although rumblings of dissatisfaction were present throughout the reigns of these kings, there was little incentive for vassals to intervene. Holt explains that, "All this was accepted because the Crown's tenants-in-chief, those namely who could oppose them most effectively, depended on these same rights for the maintenance and effective exploitation of their own estates. The great men of the land and the king derived their power from the same sources" (29-30). These things began to change in the reign of King John. Perhaps not so much because he was an especially bad or greedy ruler in his own right, but because he inherited a wealth of problems and entitlements that, piled one top of the other, could only come crashing down. This is not to diminish the problems of John's own reign. His seventeen years as king, as we will see in the selected passages that follow, were marked by major failings of the sort *Magna Carta* sought to remedy.

²⁵ Amercements were financial penalties, or more simply, fines paid to a king or lord for a variety of possible reasons (Carpenter, 461).

In primis, are put the interests of the church: “*pro nobis et heredibus nostris in perpetuum, quod Anglicana ecclesia libera sit*” [for us and our heirs in perpetuity, that the English church is to be free] (Carpenter, 38-39). The clergy’s disagreement over this same liberty of the church under Henry II paled in comparison to John’s own “tumultuous and tempestuous quarrel with the church” which included, but was not limited to, his own excommunication in 1209 following Clement III’s Interdict on England in 1208 (Carpenter, 197-198). It is noteworthy that the freedom of the church and its elections appear in first position and that the wording belies some remaining tensions.²⁶ After all, these freedoms are “*concessisse deo*” [granted to God] and not directly to the church or any named representative of the church on earth. As far as *Magna Carta* is concerned, however, this concession is but the tip of the iceberg.

The concessions immediately following (Blackstone’s chapters two through six) are tied to questions of inheritance and heredity. That these issues should take precedence is unsurprising given the vast campaign of disseisins from Henry II through to his sons, Richard and John; as well as the increases in amercements for access to inheritance mentioned above. When *Magna Carta* is read alongside the *Raoul de Cambrai*, these provisions prove the most telling. In fact, the central conflicts of that *chanson de geste* indicate that these problems of heredity and inheritance extended beyond the Angevin holdings of John’s reign. For example, it is telling that an heir who is of age at the time of his predecessor’s death is to “*babeat hereditatem suam per antiquum relevium... qui minus debuerit minus det secundum antiquam consuetudinem foedorum*” [have his inheritance by the ancient relief... who owes less is to give less according to the ancient fees] (Carpenter 38-

²⁶ The main impetus behind Clement III’s Interdict was John’s refusal to accept the election of Stephen Langton as Archbishop of Canterbury. John retaliated by seizing all church revenues (Carpenter, 198-199).

39).²⁷ Those heirs who accede whilst still underage and in wardship are to pay nothing to the king in order to inherit their lands, and perhaps most importantly when considering the strife depicted in the *Raoul*:

Custos terre huiusmodi heredis qui infra etatem fuerit, non capiat de terra heredis nisi rationabiles exitus et rationabiles consuetudines, et rationabilia servitia, et hoc sines destructione et vasto hominum vel rerum... et reddat heredi, cum ad plenem etatem parvenerit, terram suam totam instauratam de carucis et waignagiis secundum quod tempus waignagii exiget...

[The guardian of the land of an heir of this kind who is underage, is not to take from the land of their heir anything other than reasonable issues and reasonable customs and reasonable services, and this without destruction and waste of men or things... And he is to deliver to the heir, when he comes of age, his land fully stocked with ploughs and wainages according to what the time of the wainage will demand.] (Carpenter, 38-41)

The above passage is a good indicator of the anger felt by the barons over the Angevin disseisins. The Charter here resolves some of the anxieties borne out of an unclear system of inheritances. While the Charter allows for land to be taken care of by a *custos* [guardian, caretaker] who can expect a reasonable share of the revenues during this custodianship, he must return these lands to their rightful owner as soon as they are able to take over their duties as landowners. This provision is an important step towards maintaining the estates of underage heirs and keeping them from falling into disuse or disrepair, while also preventing abuse from the custodian. Furthermore, the *custos* is required to return the land in good condition with all the trimmings necessary for its proper maintenance.

This passage places a burden of fairness on the king (who is not allowed to alter the lines of succession to properties), but it also places a burden of good conduct on any baron who might find himself in a position of guardianship. To my mind, this is one of the first indications that *Magna Carta* sought not only to limit the powers of the king, but also to limit undesirable actions by the *liberi homines* [free men] of what the Charter calls *regni nostri* [our (John's) kingdom].

²⁷ The "ancient reliefs" refer here to long-established inheritance taxes. For example, in the above citation, *qui debuerit* would be the heir seeking to claim his lands, and the person owed relief would be the king. See: *A Dictionary of Law*.

This is underlined by further provisions in Blackstone's chapter four, which lays out penalties for sheriffs and other men who abuse wardships sold or appointed by the king (Carpenter, 40-41).

Similar to the system of wards and guardians, provisions are made in the Charter for widows who previously enjoyed virtually no formal protections:

Nulla vidua distringatur ad se maritandum dum voluerit vivere sine marito, ita tamen quod securitatem se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui de quo tenuerit, si de alio tenuerit.

[No widow is to be distrained to marry while she wishes to live without a husband, provided however that she gives security that she will not marry without our assent, if she hold from us, or without the assent of her lord from who she holds, if she hold from another.] (Carpenter, 40-41)²⁸

These provisions are borne out of the well-documented fines paid by widows to John and his predecessors to remain in control of their deceased husband's lands (and to keep their heirs from being put into wardship), as well as to either remain single or marry according to their own desires. In this way, the Charter also addresses concerns that widows might be disparaged, or forced to marry below their station, as a gift to the king's favorites (Holt, 54-55). This concern is echoed explicitly in the *Raoul*, when Louis attempts to force the marriage of his sister Aalais to Giboin as a means to circumvent the young Raoul's inheritance rights. Although there were still instances of the king intervening in remarriages beyond what the Charter allows, "The thirteenth century was distinguished by many famous noble women who, profiting from the terms of the Charter, elected to remain single, and enjoyed long years of widowhood... The king was also less stringent in enforcing his right to consent. As far as can be seen, there was no routine system for taking security from widows" (Carpenter, 451).

These are not the only payments limited or abolished by *Magna Carta*. As Carpenter asserts, "The rebellion of 1215 was a rebellion of the king's debtors,"

²⁸ To distrain is to seize goods by force. Though the term seems to have been more commonly used for debtors, in this case it refers to obligating a widow to marry to order to keep her husband's lands and revenues. See: *A Dictionary of Law*, or (Carpenter, 463).

and several of Blackstone's chapter divisions are concerned with which debts are to be repaid, which are not to be repaid, and to whom repayments should or should not go (217).²⁹ These provisions state that, "*Nec nos nec ballivi nostri saisimus terram aliquam nec redditum pro debito aliquo quam diu catalla debitoris sufficiunt ad debitum reddendum...*" [Neither we nor our bailiffs are to seize any land or any rent for any debt, for as long as the chattels of the debtor suffice to pay the debt...] (Carpenter, 42-43). The Charter then goes on to forbid seizure of horse and carriage, crops, chattels, or wood from unwilling barons, as well as to extend these protections to felons after the period of one year (Carpenter, 48-51).

Students of John of Salisbury might have been most interested in those chapters that seek to limit the potential tyranny of the king with regard to justice and punishment, as well as those that could be said to establish an order similar to the body politic. For example, chapter thirty-eight states that, "*Nullus ballivus ponat decetero aliquem ad legem simplici loquela sua, sine testibus fidelibus ad hoc inductis*" [No bailiff is henceforth to put anyone to law on his sole accusation without trustworthy witnesses brought forward for this] (Carpenter, 52-53). This sentiment is followed up in chapter forty-five, which states, "*Nos non faciemus justiciarios, constabularios, vicecomites, vel ballivos, nisi de talibus qui sciant legem regni et eam bene velint observare*" [We will not make justices, constables, sheriffs or bailiffs, save from those who know the law of the kingdom and wish to observe it well] (Carpenter, 54-55). This is precisely the type of structure that echoed John of Salisbury's ideas of governance wherein the king surrounds himself with good counselors and prudent legal minds in order to ensure the proper running of the republic, with justice at the forefront. Holt explains that these provisions were, in part, due to what he calls, "an intense downward pressure in certain functions of

²⁹ Carpenter here cites Holt's *The Northerners*, page 34.

the legal system” that caused the king’s officials to dip into the pot, as it were (125).

Concerns about widespread corruption and the simple fact that King John realized early on that he could use this corruption to fill his coffers was the cause of much unrest leading up to *Magna Carta*. As Holt explains, “justice was a source of revenue. Like his predecessors, John was ever ready to accept special proffers from vassals in search of their own particular view of justice” (326). These feelings culminate in what is perhaps the most famous chapter of the document, wherein John promises that, “*Nulli vendemus, nulli negabimus, aut differemus, rectum aut justitiam*” [To no one will we sell, to no one will we deny or delay, right or justice] (Carpenter 52-53). Such a provision is unsurprising, given that the king’s justice was generally viewed to be arbitrary, preferential, and ultimately for sale (Carpenter, 219-234). John should not be held entirely responsible for the corruption that *Magna Carta* sought to correct. The nature of lordship in England (and across Western Europe) was such that alongside the king, “The knights and gentry were a real political power...They not only did the local hack-work as jurors and coroners. They were also called to act at times as sheriffs and under-sheriffs, or to serve as judges” (Holt, 293-294). Once again *Magna Carta* was about limiting the king’s power as well as making the abuse of position by nobles more difficult.

This balance of power is complicated when we consider not only what the Charter provides, but also where it is silent.³⁰ There is a curious juxtaposition, for example, between chapters whose language is explicit in its intent versus those where the language is so vague as to seem almost obtuse. The question posed by these absences of specificity in the provisions is who is empowered by them, and conversely who is disempowered. The most striking examples occur in the first,

³⁰ Carol Symes has begun working in this field, and I greatly regret that her work is yet forthcoming and therefore cannot be cited.

thirteenth, and thirty-fifth of Blackstone's chapters. The first concerns the liberties of the church in saying that, "*Anglicana ecclesia libera sit, et habeat jura sua integra, et libertates suas illesas; et volumus observari*" [the English church is to be free, and to have its rights in the whole and its liberties unharmed, and we wish it so to be observed] (Carpenter, 38-39). The second concerns the liberties of the city of London in saying, "*Et civitas Londoniarum habeat omnes antiquas libertates et liberas consuetudines suas, tam per terras, quam per aquas*" [And the city of London is to have all its ancient liberties and free customs, by both land and water] (Carpenter, 42-43). Both of these passages serve to bestow great, unnamed liberties on two centers of power that operated largely outside of the purview of the court and of the barons; the church, through its clerics and ties to the papacy, and London through the financial exercises of the bourgeoisie. How can a charter have teeth if it grants liberties that it can neither restrict, nor properly enforce on its own merit? Both of these rather sweeping guarantees would require the intervention of outside experts in order for the Great Charter to achieve maximum efficiency. This is particularly true in the case of London, as it is not granted any new liberties and free customs, but rather those *antiquas*, or ancient ones. Who is to say which are the ancient liberties and customs if the Charter does not name them?

The same is true of the church and its *jura integra*, or unimpaired rights. John has essentially been negotiated into a corner where he has given both the church and the burghers of London carte blanche. Chapter thirteen goes on to extend these liberties and free customs (albeit not the ancient ones) to "*omnes alie civitates, et burgi, et ville, et portus*" [all other cities and boroughs, and villages and ports] (Carpenter, 44-45). The Charter, the king, and the barons are by this action rendered essentially powerless with regard to any section of English life and power that is not centered in the country. *Magna Carta* thereby restricts the

same nobility it was likely meant to empower. The same is true of the many chapters devoted to another source of financial power: the merchants. While chapters forty-one and forty-two grant merchants both foreign and domestic safe travel in and out of England, even in times of war, there is a curious limitation placed on them in chapter thirty-five, which states:

Una mensura vini sit per totum regnum nostrum, et una mensura cervisie, et una mensura blade, scilicet Quartarium Londoniense et una latitudo pannorum tinctorum et Russetorum et Halbergetorum, scilicet due ulne infra listas. De ponderibus autem sit ut de mensuris

[There is to be one measure of wine through all our kingdom, and one measure of ale, and one of corn, namely the quarter of London, and russets and haubergets, namely two ells within the borders. Moreover, for weights as it is to be for measures.] (Carpenter, 50-53)³¹

Again, aside from the provisions given for lower quality cloths, the only measurement standard given for wine, ale, or corn is the quarter of London, or London standard. The only way then, that the Charter can be properly enforced is by consulting those familiar with the London standard, thereby essentially pulling power away from the Charter and placing it in the hands of outside individuals.

Magna Carta was not, as the 2015 celebrations of its signing would lead us to believe, an immediate and widespread success. This may be due in part to some of the vagueness of the entries as described in the previous paragraph that might have made it difficult to apply the Charter to its maximum potential effect. According to Carpenter, there were problems of dissemination to concerned parties, problems of enforcement on the part of the king and the

³¹ The American reader should note that the term “corn” here does not refer to the North American maize crop, but rather to any variety of cereal. As for the other items, Merriam-Webster describes russet as a rough homespun, whereas hauberget is a woolen cloth.

barons alike, resulting in the eventual cancellation (374-375, 379-390, 402). The Great Charter would see subsequent revivals in 1216, 1217, and 1225 before finally creating any sort of lasting legal leverage.³² All this is typical of an era when England and its neighbors were trying to mitigate the rising power of the barons against the rights of kings. As Holt very handily sums up, “Nowhere is the trend towards the Great Charter better or more subtly illustrated than in the proliferation and ramification of liberties and privileges. The Angevins not only taught their vassals to participate in government. They unwittingly led them to believe that they could get the kind of government they wanted” (49). It is precisely this trend towards participatory government that *Magna Carta* solidified in the imagination. That said, the Great Charter of King John is not the first document to suggest that power should be balanced, or even shared in order for kingdoms to be governed effectively. Indeed, as I will show in the final chapter of this paper, *Magna Carta* follows, to some degree, the body politic model laid out by John of Salisbury in his *Policraticus*.

³² As one can imagine, both Carpenter and Holt devote many pages to these subsequent charters as well as their points of deviation from the original. Rather than giving an exhaustive list, I refer the reader to their chapters on the topic.

Read, Write, Speak: On Modes of Circulation

Before moving on to the topic promised above, I would like to take a moment to discuss the differences in style and circulation of my three primary texts. *Raoul de Cambrai* is a work of epic poetry whose origins remain largely unknown. Conversely, the *Policraticus* has a named author and it is widely accepted that the text was intended for intellectuals. *Magna Carta*, for its part, is in both form and intention a legal charter, which on the surface would have limited its importance to those concerned with such things. However, I am neither convinced that the differences between the three texts necessarily meant wholly different audiences, nor that there wouldn't have been similarities in their dissemination and reception. Furthermore, differences in the practices of scholarship between the legal, historical, and the literary schools may have caused these texts to be segregated when they should be considered as part of the same socio-cultural sphere.

The medieval reader was more sophisticated than nineteenth century (and to a degree, twentieth century) representations of knights and damsels would have us believe. The eleventh, twelfth, and thirteenth centuries were a time of unprecedented intellectual exploration prompted by the rise of university centers in Paris, Oxford, and Bologna. Furthermore, medieval people had an awareness that they were living in a time different from the past that led them to think about their role in history and the “perfectionability of society”. There was a well-documented interest in grammar, rhetoric, and logic (called the *trivium*) that formed the initial stages of university education, but throughout the period we begin to see tensions between the Old Logic and the New as scholars sought to recover the philosophies of Aristotle, Cicero, and Boethius (Abulafia, 149-158). The medieval reader was also very used to the bending of genres as the

boundaries between art, philosophy, and science were less rigid than they are now. As Copeland and Sluiter explain:

...it was not only the object to which grammar applied itself, that is, the literary texts taught and expounded, that served ethics. The very terms of the art itself, the intellectual system that it comprised, was understood as a cultivation and preparation of the mind through language. This is an extension and late elaboration of the program in the earlier cathedral schools of cultivating virtue through learning... (52)

Not only were medieval readers impassioned by the gaining of knowledge, they could appreciate metaphor and loved a good allegory (28-38, 52). It would not be unusual for the medieval reader, or listener for that matter, to glean instruction from a text the modern reader might see as purely fantastic. Indeed, if Benton's assertions that courtly literature was, "as accurate, true-to-life, and down-to-earth as the authors' skill and knowledge could make it," then the boundaries between literature for entertainment and instructive texts are necessarily mutable. Furthermore, the assumption that medieval audiences were unable to discern between elements of fantasy, like the epic stroke, and reality does them a great disservice. They were very much aware of the power of poetry to express what Benton calls a "double truth" (169, 171-173).

The most important tie between these three works is their capacity to be performed, or declaimed, beyond what much modern scholarship has allowed. In the case of all three of my primary texts, I have found Joyce Coleman's use of the term "aurality", which she defines as the reading of books aloud to one or more people particularly useful as it serves to bridge the gap between silent solo-reading and professional performance (xi). I will alternate between these terms as appropriate, but readily allow that the contrasts between them is particularly difficult in the case of the *chansons de geste*.

Modern scholars have often found themselves at a bit of an impasse over whether these texts were written to be read, or recorded because they were performed, and whether there are significant intersections between writing and performance that allow for a greater range in the possibilities of modes of reception. An article by Helen Solterer, wherein she cites Hugh of St Victor, frames the performance of epic as inherently theatrical. Whether, as Hugh describes, they were recited by a single poet, or performed by a troupe of actors, props and costumes in hand, the epic has entered into the modern imaginary as a grand event at the heart of court festivities (181). While I do not wish to argue with Hugh's account wholesale, I suggest that the enjoyment of epics like *Raoul de Cambrai* was by no means limited to these types of presentations, nor that they necessarily constituted their most common means of transmission.

In speaking of the *chansons de geste* as a genre the most commonly employed example is the Oxford version of *La chanson de Roland*. Held up as the quintessential *chanson*, it has become a testing ground for most theories surrounding the composition and performance of the *chansons* as a whole. I mention this because none of the scholars I will discuss engage with the *Raoul* specifically, but their theories are no less applicable to it than they are to the *Roland*. All scholars seem to agree that due to limited word separation in Old French manuscripts prior to the fourteenth century it would have been necessary for readers of the *Raoul* or the *Roland* to sound out the word-units to some degree in order to understand the text (Saenger, 265-271). The bulk of the disagreement between scholars rests on the origins and purpose of the *chanson* manuscripts, and in particular the "Great Divide" between orality and literacy that frames much of Coleman's book. On the one side, Paul Zumthor and Walter Ong argue that the manuscripts we know are essentially transmissions, or vestiges of an oral event. A jongleur might keep and carry a "minstrel manuscript" in order to refresh his

memory, but the text itself was secondary to the performed event. These elements of performance also informed any oral features in the written version of the poem (Ong, 1, 4 and Zumthor, 69). Paul Zumthor even goes so far as to decry the use of the term “literature” as often applied to texts he believes are rooted in performance (68).

On the other side, scholars like Joyce Coleman take issue with a perceived oversimplification of medieval culture that result from “technological determinism”, which draws too hard a barrier between the read and the heard. She further disagrees with Havelock and Ong’s assertions that epics are essentially data storage, little more than a means to preserve and transmit information, calling them, “condescending and reductionistic”. In her opinion, the function of these texts, as well as the obvious complexity of their composition does not rule out performance, nor does it reflect a style that could ever be singularly based on transcription of oral poetry. Coleman is also insistent on the impact of written works on the social practices of reading without negating the movement of manuscripts into private and semi-private spaces (6-7, 13-15, 80-81). As Andrew Taylor explains, much of the scholarly conflict surrounding the *chansons de geste* is a hangover from the nineteenth century: “It has become an article of faith that the poem was recited by minstrels to largely illiterate knights in a series of linked sessions, so that over several days the audience might hear the poem in its entirety” (*Roland*, 36). These sessions, often called *seances épiques* [epic sessions or performances] very well could have happened. It is, however, unlikely that these were the primary means of delivery, or that our extant manuscripts were destined for the minstrels charged with entertaining the knights. Taylor continues by saying, “If we wish to imagine the conditions under which the poem might have been delivered more or less in its entirety, we must think in terms of someone like the chaplain Gerold, however

much this may clash with the clichés of medieval culture we have inherited” (47).³³ Furthermore, it is more likely that the *chansons* were performed in small chunks, and only periodically. The length of many of the poems would be prohibitive both to performer and to listener, as well as to anyone wishing to transcribe these performances (as Ong and Zumthor suggest). Taylor aptly sums this up in saying, “...a jongleur would be singularly ill advised to attempt to deliver *Huon de Bordeaux* verbatim” (61-65).³⁴ If this is true, then the manuscripts that remain to us must have been written for some purpose other than as memory-aides for the jongleurs. I will return to the purpose of writing, as well as to reading practices of the period later on in this chapter, but would first like to discuss performance as it relates to my other two primary texts.

Where there is little doubt that the *Raoul de Cambrai* could have been both read and performed, although perhaps not in its entirety, the question of reception is complex in the cases of the *Policraticus* and *Magna Carta*. The performative qualities of the latter two texts are less obvious. This is particularly true in the case of *Magna Carta*, although, as Carol Symes will argue in her forthcoming work, there are elements of performance in the signing and sealing of a charter. While the provisions of the Great Charter had been debated for some time leading up to Runnymede, there had to be a meeting of the concerned parties to agree the final version. Imagine the theatre of the twenty-eight named witnesses, King John and Archbishop Langton among them, all standing on the marshy terrain with their clerks, men at arms, and servants! The meeting and agreeing of the Great Charter would have been a performance in its own right with protocols to follow and tensions running high. As plans for the

³³ Taylor uses Gerold, chaplain to Hugh of Avranches (a key supporter of William the Conqueror) as an example of the educated cleric tasked with a variety of duties, both for business and for leisure (45).

³⁴ Taylor has made a little joke here: The Oxford *Roland* boasts 4002 lines, but *Les Archives de littérature du Moyen Âge (ARLIMA)* lists the length of the *Huon* at 10,553 lines, making it exceptionally long even within the genre.

dissemination of *Magna Carta* have shown, the theatre did not end at Runnymede. Engrossments of the charter were ordered to be carried through towns and villages for inspection. We also know from John's letters of June 19th that there were meant to be public readings, or proclamations, of *Magna Carta* as it progressed to the cathedrals for safekeeping. Whether by official decree or for practical reasons copies were made in French and, while there is no proof that copies in English were made or proclaimed, there is some suspicion that they may have existed. *Magna Carta* was not just written to be read silently by a privileged few. It was intended to be read out loud in village squares for all those who might have felt its impact. True, while John did everything in his power to keep this from happening, the modern reader should not forget that such documents were created with the expectation that they would not languish in archives, but were items for public consumption (Carpenter, 374, 378-379 and Holt, 355-356).

The public nature of the *Policraticus* is even less obvious than that of the *Raoul* or *Magna Carta*. Its length and subject matter makes it unlikely that it was ever read out in a town square, or performed at court. There are, however, narrative elements to the work that give it a performative value more appropriate for the medieval classrooms with which John of Salisbury was so familiar. Furthermore, the *Policraticus* uses a series of *exempla* that were recognizable, and accessible to audiences with far less learning than John, a fact that indicates a relevance to audiences beyond the social and intellectual elite of his day. Von Moos stresses the importance of how John's use of *exempla* differed from those of his contemporaries by first comparing them to sermons, and then to, "a real storehouse of popular examples, a treasure-trove of all kinds of strange and wonderful anecdotes..." (214). To liken John's *exempla* to sermons and anecdotes hits at the heart of his performativity in that his writing is conversational and heavily based on storytelling. Furthermore, reading was, as Coleman asserts, a

social experience far beyond what she calls the “supposed date of obsolescence” in the late medieval period. She further takes to task those scholars who suppose that group listening was necessarily done by audiences who were either rowdy and boorish, or paralyzed with docility. Rather, Coleman argues that these medieval listeners were, “literate, sophisticated people who participated actively both with their attention and their response” (xiii-xiv). Therefore, it is not too far a stretch to assume that John’s *Policraticus* would have been declaimed and discussed in groups of varying size as soon as manuscripts became available. Coleman even goes on to cite John of Salisbury himself, whose use of the terms *praelectio* and *lectio* (borrowed from Quintilian) in his *Metalogicon* give an indication that he was very much used to the teacher-student interaction that saw the one read out, and the other (or others) listen. A teacher engaging in *praelectio* would read to students who would in turn engage in *lectio*, or reading to themselves. Whether this *lectio* was done silently or out loud is admittedly unknown, but it does suggest the possibility of, “reading aloud within domestic and other settings...” (35).

Perhaps the Great Divide as argued by Ong, Coleman, and others is partly centered (if not directly) on why we write things down in the first place. The aspects of performance seen above are tied in many ways to the act of writing, and to the impact of writing on memory. As Clanchy notes, the Middle Ages saw exponential growth in writing and record keeping for a variety of reasons. The foremost of these was that the written record was seen as more trustworthy than memory alone in matters of business and law. As more medieval people became literate the demand for documents (including manuscripts of the *chansons de geste* and romances) increased (44-52, 328-337). It would be easy to draw this correlation between increased literacy and rising demand for reading material and leave it at

that, but the interplay between reading, writing, memory, and performance is anything but simple.

The opposition between writing and memory was neither new, nor unique to the medieval period. In fact, Plato's *Phaedrus* has much to say about the diminished value of a written speech when compared to one composed and given from memory alone. The irony of *Phaedrus* being preserved through writing notwithstanding, Plato describes writing (or written speeches) to be too one-sided to have any educational value. Students cannot engage a document in debate as they would a teacher and so they can never be truly assured of the document's truthfulness. According to Plato's fictionalized Socrates, written speeches can be amusing, but they can never be taken seriously (277b-278b). This approach to writing as transmission of an oral event, similar to that of certain scholars named above with regard to the *chansons de geste*, ignores any reason for writing beyond that of the memory aide. Even Clanchy's term "written record" assumes function over form, the replacing of memory with documentary evidence. In the case of *Magna Carta* this is an appropriate term as a record of the agreement was necessary in order to hold all involved accountable. So reliant were the barons on this particular written record that King John was able to disrupt its enforcement by suppressing the dissemination of engrossments (Carpenter, 373-379). Although this view of writing as preservation of an event is convenient for *Magna Carta*, it becomes more difficult where the *Raoul* and the *Policraticus* are concerned.

It is undeniable that preservation and proof are two of the most common motivating factors behind writing. However, to focus solely on these is to ignore other key elements of writing, among them the potential to push form forward and the written word's capacity to communicate through indeterminate time and space (Derrida, 3). It should also be noted that attitudes towards the act of writing experienced a marked shift in the medieval period, making it difficult to

make any grand statements on the topic. There seems to have been some resistance to writing in the Platonian style early on as memory was seen to be more truthful – you cannot, as Socrates explains to Phaedrus, read a document as you would read a person to determine whether the words on the page are lies or flattery. By the later years of the period, medieval people seemed quite content with the expansion of study made possible by manuscript culture. In many ways writing helps us to remember and to compile information on a scale that pure memory could never allow. A work like John's *Policraticus*, although the author had a fine memory in his own right, is most advantageous to the student in book form. It compiles centuries of history and philosophy that would have otherwise been incredibly difficult to access.

Conclusion

Following the previous discussions of all three works individually, I would now like to consider them as a set. To this end, I will use John of Salisbury's theory of the body politic as a means to correcting tyranny as a jumping off point, and will pay particular attention to how it might be applied to readings of the *Raoul de Cambrai* and *Magna Carta*.

Though the *Policraticus* is by no means the first work of political theory to compare the structure of a nation to that of a physical body – Cicero refers to the *corpus rei publicae*, or body of the republic, in the first book of *De Officiis* and the metaphor of the ailing republic is used several times in his speeches against Catiline. It is undeniable that John had read Cicero and thought him pretty good for a pagan, so it is unsurprising that he might also have picked up on the metaphor (though Cicero is, admittedly, not the only philosopher to ever find it convenient). However, the analogy of the body with its component parts is worked out in stunning detail in the *Policraticus*. Through this sort of theoretical anatomical drawing, we are given a particularly good picture of the English nation not just as it was, but as John thought it should be. That is, as a body which moved in a symbiotic chain for the good of the whole, each part with its own role to play. From the prince who “*locum obtinere capit, et qui solius mentis regatur arbitrio*” (Webb, 548d) [occupies the place of the head, and is regulated solely by the judgment of his own mind] (Nederman, 69), to the soldiers and sheriffs found in the arms and hands, the administrators of the heart and gut, to the courtiers and counselors of the flanks, and the peasants at the feet who prop the whole thing up (Nederman, 81-85, 91, 104-109, 125-126). There is a top-down model of hierarchy to the body politic as John envisions it, but one based on a mutual

dependence of the parts and the fulfillment of duty at all levels. Each part has a moral obligation to carry out its function correctly for the proper functioning, if not the benefit, of the body as a whole. As Sarah Kay explains:

The hierarchical subordination of parts to the whole relies not on force or power but on moral or spiritual value. Hierarchy is not to be confused with a chain of command such as might be maintained, for example, by force alone; rather, it is the rationale justifying the integration of all the links in such a chain to the overall structure. (*Chansons*, 117)

Although this framework of rule and vassalage by moral obligation is not entirely unique to John of Salisbury, it does seem to represent a shift from the models of right-by-might and sacred kingship to a more socially responsible order of governance.

Within the context of the *Raoul*, though there is no explicit indication of a desire to move towards this sort of social-responsibility version of the body politic as laid out by the *Policraticus*, the simple fact that the systems of power in place are not working is abundantly clear. We are given very little to go on with regard to certain parts of the body; the feet as occupied by the peasantry and the soul which is the domain of the clergy are both largely ignored. We do, however, see a lot of the barons who occupy several parts of the body politic. It is perhaps here that the social function of the world of *Raoul de Cambrai* differs most greatly from that of *Policraticus*; rather than each person, or segment of the social hierarchy occupying a tidy position within the power structure, characters embody several roles. It is perhaps this that makes the power struggles within the narrative so messy, for lack of a better term. Although the article itself is a bit dated I am inclined to agree with John Dickinson that, "The relation of the subjects to one another being conceived as not different from their relations to the prince, there resulted the establishment by the more powerful subjects of

what practically amounted to political power over their lesser neighbors ... every lord of a large household was necessarily regarded by John of Salisbury as in some sort a prince” (322). If the rebel barons are at once lords, or *princeps*, of their own lands but remain vassals to the king, the body politic metaphor is, in the context of *Raoul* necessarily faulty. How can the body politic model work when the flanks and hands of one body constitute the head and heart of another? It is perhaps just this question that forms the central difficulties of *Raoul's* narrative – it can't work. The only possible outcome is the total annihilation of a generation of princely barons with only the promise of more death to follow as each generation comes of age. Far from respecting the moral order of things as proposed by John of Salisbury, the barons are driven by self-interest and complex systems of loyalties which seek to balance their immense power against that of a king who is a political machine in his own right. The central questions of inheritance and lineage are perhaps actually secondary to this fragile balancing of power that takes place throughout the poem's 8000 lines. The disputes are based around inheritance, but it is partly a dummy problem. For, if the structures of hierarchical power were clear, and if all the component parts took their moral obligation and duty seriously, the disputes could not, and would not arise. The body politic simply cannot work if the central power of the king is questioned and if each limb acts without regard for the wellbeing of the whole.

Where the *Raoul* puts all of the problems of medieval governance and autonomy on display without proposing solutions for their ills, *Magna Carta* is an explicit move towards defining and resolving the parts of an established, yet ill-functioning body politic. Much of the Great Charter is concerned with defining the duties of the king, his constables, bailiffs, and sheriffs, as well as enumerating prohibitions on certain undesirable behaviors. Many of its chapters also lay out provisions for those seeking justice in the event that the king's men continue to

misbehave thereby creating a model for social responsibility that mirrors the body politic model in many respects. *Magna Carta* is, as we have seen, not only concerned with the actions of the king but also with those of the barons, thus furthering the relevance of the body politic model as laid out by John of Salisbury's *Policraticus*.

The most relevant part of *Magna Carta* with regard both to the body politic model and the behavior of the barons in the *Raoul* are the duties assigned to a select group of King John's barons in chapter sixty-one. The provisions laid out therein provide a means to guarantee the charter, and by extension, justice in the realm. This is a crucial step from the chaos depicted in the *Raoul* to a division of duties between the supreme head of the body politic and the heads of the smaller composite bodies described above. The implication of social responsibility is solidified by the provision that the barons concerned will select the group tasked with keeping the charter from a pool of other barons:

...facimus et concedimus eis securitatem subscriptam; videlicet quod barones eligent viginti quinque barones de regno quos voluerint, qui debeant pro totis viribus suis observare, tenere, et facere observare, pacem et libertates quas eis concessimus, et hac presenti carta nostra confirmavimus.

[...we make and grant them (the barons) the below written security: namely that the barons shall choose twenty-five barons of the kingdom, whom they wish, who should with all their strength observe, keep and cause to be observed, the peace and liberties which we have granted to them, and have confirmed by this our present charter.] (Carpenter, 62-63)

The above selection takes the provisions of the charter as a whole and makes their enforcement the responsibility not just of the king, but also of the barons. This is important not only because it causes the king to share a limited amount of power, nor because it explicitly empowers the barons, but because it formalizes a system of shared responsibility. Unlike the chapters of *Magna Carta* that place prohibitions on negative behavior, chapter sixty-one ennobles the heart of John of Salisbury's body politic. Using the Roman Senate as an example he says, "*Quid enim nobilius est cetu senum qui emiriti a vulgariis officiis ad consilii et regiminis officium*

transeunt...?" (Webb, 560c) [For what is more noble than a meeting of elders who, having completed their service, are transformed from ordinary office to the office of counsel and rulership...?] (Nederman, 81). The suggestion that, through service and selection, the barons are transformed is an important one, especially when we consider the potential dangers that existed pre-*Magna Carta* for those who tried to pull power from the king.

In addition to the move toward social responsibility inherent in the election of a council of barons, there are other chapters in the Great Charter that mirror the various parts of the body politic present in the *Policraticus*. Of the many chapters dedicated to the administration of justice, one in particular echoes John of Salisbury's assertion that not only should there be one rule applied equally by all judges, but that "*Est itaque primum quod ex necessitate officii utrisque indicitur; ut iustitiae in omnibus pareatur et nichil eorum quae facienda sunt, fiat ad pretium*" (Webb, 568c) [...what is first of all indicated to each by the necessity of their duties is that justice is to be served in all matters and none of the things which they do are to be done for a price] (Nederman, 93). This is the now famous chapter forty, which states "*Nulli vendemus, nulli negabimus, aut differemus, rectum aut justitiam*" [To no one will we sell, to no one will we deny or delay, right or justice] (Carpenter, 52-53). Keeping in mind that the land disputes in the *Raoul* stem largely from the traditions (however poorly executed) of rewarding knights for service and reward on demand, it is interesting to see that what the *Policraticus* suggests, *Magna Carta* carries out.

While applying the body politic model is one way of showing how my three texts interact, it is perhaps less esoteric than the common points of contention with regard to the practices of rule as carried out by good kings versus tyrants present in all three. Whereas *Magna Carta* provided less violent corrections for King John's tyrannical behavior than John of Salisbury would have

perhaps suggested, having devoted an entire book of his *Policraticus* to tyrannicide, it is interesting to consider how *Raoul de Cambrai*'s King Louis bridges the gap between the fantasy of the tyrant and the practicalities of rule. In the cases of both the *Raoul* and *Magna Carta*, it will also be productive to consider whether the quest for increased autonomy among the barons created another brand of tyrants, with Raoul himself as their figurehead.

Perhaps more than Louis, Raoul displays the traits of a real tyrant, both public and private as laid out by John of Salisbury. His primary fault seems to be that he is ruled by his passions and is thus totally unable to control his fits of temper. We see him referred to as *molt desmesurez* [very immoderate] (line 1093) as having *cuer de felon* [the heart of an evil man] (line 2709), among other frequent losses of his *sens* and *raison*. The climax of this loss of reason begins with the orders to sack the city of Origny beginning in *laisse* 61 and culminating in *laisse* 69 where he commands that the city be set alight resulting in the deaths of a large number of nuns, with Bernier's mother among them. Not only does he fail here in his duty to protect lesser people, as a good king would, but instead annihilates them by vicious means. Further to these cruel acts is Raoul's refusal to listen to good counsel. First, he flies in the face of his mother's supplication to leave the religious people and relics of Origny untouched, then refuses to heed her advice to make peace with Hebert's sons. That he should ignore Bernier's constant attempts to sway him is unsurprising given his position, but Raoul refuses even to heed Guerri the Red when even he tries to steer him towards peace. If John of Salisbury is correct and tyrants surround themselves with evil counselors, then a man who consistently refuses to heed good counsel is also tyrannical. He is certainly more tyrannical than King Louis in his acts, although less deceitful. Louis's place among the tyrants is assured by his negligence of law and not by violent acts, although there is an argument to be made that it is

precisely his negligence of the law that incites this violence. Indeed, Louis's numerous refusals to respect the customs of inheritance are within his rights as king, but ultimately acts of tyranny. When the violence spins well out of control, Louis does little to reverse the bloodshed. The king also, though consenting to marriages is one of his rights, reacts poorly to the marriage between Bernier and Guerri the Red's daughter; a match designed to mitigate the aggression between the two families.

The presence of these dual tyrants is particularly interesting when John of Salisbury's views on tyrannicide come into play. While I discussed this at length in my chapter on the *Policraticus*, it bears returning to it, however briefly. It is John's views of oaths of fealty that are most important here. As explained before, fealty is a promise to God, or before God, that greatly outweighs any promise to a mortal lord, and as such most tyrants will necessarily be allowed to live. As all the barons in *Raoul de Cambrai* owe fealty to King Louis, it is logical that he should remain untouched. Raoul, on the other hand, is killed by Bernier who had sworn himself as a vassal. There does seem to be some disagreement between the characters of the piece as to whether Bernier broke his oath and killed Raoul unjustly, or whether he was justified in his murder. Sarah Kay is able to offer some explanation as to why Raoul's death may be justified, in saying: "According to feudal law, once Raoul has struck him, Bernier is freed from his homage and publicly 'justified' in joining his father's [Ybert] army" (*Chansons*, 75). While this explains Bernier's standing vis à vis feudal law it does not exempt him from the religious nature of his oath; Raoul's killing is then legal, though perhaps not moral. However, as established before, given the lack of a properly functioning body politic fueled by rampant self-interest on the part of the barons, the adherence to laws by all involved is perhaps to be expected.

Curiously, it is the refusal to respect and defend laws that proves the major differentiation between prince and tyrant; it is this same concern for law that is the concern of *Magna Carta*. As shown in my chapter on the Great Charter, its origins are much older than the rebellion which set *Magna Carta* in motion, As such, it seems logical to look at earlier expressions of what could be seen to manifest the same political discontent as expressed by the demands of King John's barons. This also suggests that the weight of the conflict was perhaps borne more by dissatisfaction with the structures of lordship – as with the same tyrants that were worrisome to John of Salisbury above – than by any one king during his own reign (Holt, 1-23). With that in mind, contemporary accounts of John's kingship bear some resemblance to that of *Raoul's* Louis. The question of sacred kingship, and whether the office of the king superseded all other traditional rights afforded to his subjects, as well as the manipulation of law to his own benefit reoccurs in the accounts of both kings. As Holt explains:

Indeed, in the decade or so before the final crisis of 1215, the Laws of Edward and Henry were suitably doctored in order to strengthen the case against kings who acted unjustly and without due consent. Hence it is quite invalid to treat *Magna Carta* as a kind of datum from which all subsequent departure was unjustified. *Magna Carta* was simply a stage in an argument and bore all the characteristic features of the argument – the erection of interests into law, the selection and interpretation of convenient precedent, the readiness to assert agreed custom where none existed. It was not only law: it was also propaganda. (Holt, 21)

In this context, it is useful to consider both texts, as Holt suggests, not merely at face value, but as propaganda. They are both parts of an ongoing discussion which sought to define what the rights and responsibilities of lordship were, but

which also sought to redistribute power in favor of the barons, and not with the best interests of a healthy body politic in mind.

A century after scribes recorded the only extant manuscript of the *Raoul*, another set of rebel barons (this time in England) was challenging the authority of the king. It is curious that the Angevin King John, who came from a long line of such rebellious barons, should be the one to finally enshrine the rights of the barons, however short-lived the original Charter was.³⁵ It is therefore unsurprising that many of the transgressions that excited the anger of John's barons are the very same which serve to rile Louis's barons in the *Raoul*. Both the *Raoul* and *Magna Carta* are as much concerned with the correction of bad lordship through the delineation of rights as they are with healthy governmental function through common action for the common good.

Magna Carta and *Raoul de Cambrai* converse with each other so nicely because they represent a similar point of view; that of the barons. I don't wish to speak here too much of intent, as what might seem fairly transparent in *Magna Carta* seems futile with regard to the *chansons de geste* as a whole, and stories like that of *Raoul* in particular. Without an author it is impossible to discuss authorial intent, and even when an author is present, it can be dangerous to make assumptions. The story of *Raoul de Cambrai* is told in such a way as to highlight a particular point of view, and as such, a very specific set of interests which constitute an early inkling of those sentiments discussed in the *Policraticus*, and which are echoed in *Magna Carta*. The most important questions are: What is the angle from which the story is told, and with whom are we meant to sympathize? Once we are able to establish whose interests are best served by the narrative, it will be easier to discern the possible politics of the text, as well as how it interacts with the baronial interests of *Magna Carta*.

³⁵ The first rendition of *Magna Carta* was only valid for three months and was only entered into law in 1225 following several revisions (Holt, 1).

Although much of the spiteful language and criticism of the *Raoul* is directed towards King Louis, and whilst there is little doubt that he is primogenitor of the bulk of the conflict found in the 345 laisses of the poem, he is by no means the only lord behaving badly. In fact, much of the *Raoul* is concerned, not with central characters themselves, but with the competing claims and legitimacies of its ruling few. In much the same vein, *Magna Carta* sets out to protect barons and their progeny not just from the whims of King John, but also from their fellow barons. If, as Dickinson asserts:

The later Middle Ages were troubled by the problem of reconciling the doctrine that, on the one hand, the ruler was the agent or representative of the people, and, on the other hand, that he held his power from God... In other words, the prince is responsible *for* the commonwealth, but not *to* it; he represents it legally, but his responsibility runs to the legal authority to which he owes his appointment, namely to God. (314)

then the study of these three texts as an ensemble is especially prescient. Through them we move from the king as largely unchecked where the barons fight amongst themselves, to a theory that delineates proper rule, to a document that demands it.

Following many pages of analysis, I would like to end with a final question: Why is it important to put these three texts into conversation with one another? They have, after all, been studied individually to a great extent; what is to be gained from further exploration?

As I said earlier in this paper, the genres assigned to *Raoul de Cambrai*, *Policraticus*, and *Magna Carta*, as well as the schools to which they traditionally belong have hindered to some degree the possibility of a truly complete study of each individual text, as well as their relevance when we engage in a combined study. By crossing these traditional academic boundaries, we can achieve a more

complete understanding, not only of the texts themselves, but also of the socio-cultural world to which they belong.

Literary texts are often seen as being unreliable historically, though, as Sarah Kay explains, they can be demonstrative of the feelings that stem from more concrete events. Responding to Matarasso's reading of the *Raoul*, she says:

... the *chanson de geste* reflects less the political uncertainties of pre-Capetian France than the baronial resentment at the successful imposition of royal authority at the end of the twelfth century. The concern which the story reveals with the discrepancy between law and justice, and the translation of this discrepancy into issues of marriage and inheritance which were central and notorious aspects of Phillippe-Auguste's policy... (*Raoul*, lxvi)

Similarly, when taken as purely historical record, the stylistic markers and merits of documents like *Policraticus* and *Magna Carta* are often ignored to the detriment of all.

As such, it is crucial that scholarship across what are now called interdisciplinary boundaries begins to take a more global approach to analyzing the complementary aspects of these types of texts, and of the intersectionality of the impact they had in their own time. Through more comprehensive acceptance of different forms of cultural output – be they treatises or poems – we can hope to have a more complete view of the past.

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