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# "By what hate or by what spite?": Treason in Three Insular Poems, 1264-1399"

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“By what hate or by what spite?": Treason in Three Insular Poems, 1264-1399

Laura Jones Shafer, Ph.D.

University of Connecticut, 2017

This dissertation is an analysis of the manner in which the concept of treason might be directed against England's sovereign. It covers the period of time from the Battle of Lewes in 1264 through the deposition of Richard II in 1399. In this period, political theory was balanced between, on the one hand, the king's sacral, uncontested authority and, on the other, the right and responsibility of the king's great magnates to advise and correct him. While the institution of monarchy was never challenged, the idea that the king's person could be separated from his anointed role developed momentum. Specifically, holding the king himself accountable for the state of the realm was gaining in theoretical and practical strength, as may be observed in the shifting of the barons' focus from forcing Henry III to accept certain restrictions on his prerogatives, to forcing Edward II to abdicate the throne, to finally, the outright deposition of Richard III.

At this same time, a literature of opposition emerged. This "unofficial" literature provides insight into the powerful forces that were seething beneath the "official" royal culture, offering a glimpse of the ideas in play which would eventually lead to a kingdom-wide ratification of a monarch's deposition. In the Latin *Carmen de Bello Lewensi*, the author juxtaposes the faithfulness of Earl Simon de Montfort with Henry III's own lamentable character, and offers a treatise on proper governance. In the Anglo-Norman poem, *Des Grantz Géanz*, the poet suggests that Edward II has failed his kingdom, and cautions that his son, Edward, who had just succeeded him, must look to the good of the kingdom if he is to reign successfully. Finally, in the Middle English *Sir Gawain and the Green Knight*, the author describes a world where nobility of character matters little in the context of a corrupt monarchy.

“By what hate or by what spite?”: Treason in Three Insular Poems, 1264-1399

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B.A. Denison University, 1979

M.A., University of Connecticut, 2007

A Dissertation

Submitted in Partial Fulfillment of the

Requirements for the Degree of

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at the

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2017

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APPROVAL PAGE

Doctor of Philosophy Dissertation

“By what hate or by what spite?”: Treason in Three Insular Poems, 1264-1399

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2017

iii

## Acknowledgements

Years ago, I saw the movie, “Anne of the Thousand Days,” with Genevieve Bujold and Richard Burton. The tragedy of Anne Boleyn got ahold of me and for years, Tudor history held me in its grip. Then I read Barbara Tuchman’s *The Calamitous 14<sup>th</sup> Century* and my focus moved back two hundred years to a time of famine, plague, murder, treason and the first two depositions of anointed kings, a time about which I had never heard. After an absence of 30 years, it was time to go back to school.

My first call was to Thomas Jambeck in the Department of Medieval Studies. This lovely man encouraged me to apply, so apply I did. I was admitted provisionally because, after such a lapse of time, the Department had little faith in my intellectual abilities. I had to get a B+ in Sherri Olson’s history seminar. “Piece o’ cake,” I thought. Oh, it was anything *but* a piece of cake! I sweated through that entire course, finding that in spite of my advanced age, I was painfully shy and miserably intimidated in front of the spry, articulate young minds of my classmates. At one oral presentation, the great white Siberian wilderness descended into my brain and I froze, unable to even remember what I was presenting. Sherri kindly jiggled me back into consciousness, “You were going to talk about the Beguines...?”

Notwithstanding this little seizure, I survived and was admitted into the Medieval Studies Master’s Program. This provided me with an embarrassment of riches: Bob Hasenfratz’s course in Old Norse, Dr. Benson’s “Cities” course, all of Sherri’s history courses, and Jocelyn Wogan-Brown’s visiting professor course in Anglo-Norman literature. It was this latter class that riveted me: the woman herself fascinated me – her energy, her Socratic teaching strategy, her breadth of knowledge, her endless helpfulness as I struggled to articulate my first essay on treason. Her

eyebrows fascinated me! The language fascinated me. The literature fascinated me. I barreled through the rest of the requirements and graduated from the Master's program in one piece.

Then, I took the gigantic step of applying to the Ph.D. program in Medieval Studies, thinking I had just scratched the surface of medieval treason. I was not admitted. Crushed, astonished and in tears, I was beckoned into Dr. Jambeck's office. He proposed a Plan B: apply to the Department of Literatures, Cultures, and Languages. He had talked to Professor Anne Berthelot, their medievalist, and they'd agreed that since I had more of a "comparatist's mind" that department would be an excellent fit. I applied, and got in. (Thank God.)

Many years later, the end is finally in sight. I am humbled by the amount of effort it has taken to get to this point and the long list of those on whom I have depended. It begins with my mother, Mary Jeanne Jones, who has believed in me from the very start and has never flagged in her support. Nearly every morning I'd call her for an update and she never once cut me off. Her support has extended to reading my dissertation in its entirety and editing for spelling, punctuation, grammar, and sense. My mother-in-law, Anne Shafer, delighted in this adventure and was terribly proud of me. She paid for the whole thing, semester after semester, and I truly believe she considered this a most worthwhile investment. My sister-in-law, Joanie, Anne and my mom all came with me to the various conferences at Cambridge and Oxford, prepped me and cheered my successes. My children, Andrew, David and Janie, amazed that anyone would actually *choose* to go to school, nevertheless said all the right things at the right time. I like to think even they were secretly proud.

UConn gave me a wealth of brilliant resources to draw on: Richard Bleiler, our Medieval Studies librarian, labors in humble anonymity only to come up with the perfect bit of information at exactly the right time. Luba Bugbee at the Whetten Graduate School put up with my chronically late registrations, helped me get back into the program when my registration fell into the wake of my son's desperate illness, and did it all with gentle, humorous kindness and dispatch. A lifetime of cookies could never repay these two. My department also granted me a stipend to study at the University of Norway at Bergen for 2 weeks. This course allowed me a period of uninterrupted time to study, write, and interact with others working on other medieval topics.

Sherri Olson was my first professor after 30 years' absence from academia. She was tough, gentle, and encouraging, and till the day I die I'll remember the acronym SOFA (strip farming, open fields, fallow, and assart)! She was my advisor for the Master's program, wrote a letter of recommendation to get me into the Ph.D. program, and has sat on my dissertation committee offering hugs and advice with great generosity. Fiona Somerset and I never overlapped for courses – my great loss – but I had a conversation with her about Richard Firth Green which made an enormous difference in my way of looking at the idea of treason. She, too, has sat on my committee in patient anticipation of its writing.

In Thomas Jambeck I always felt as though there were a hero in my corner, someone who would go to bat for me no matter what. He had a wonderful twinkle, too, and I could have taken his Old English class over and over again just to tease him about the relative contributions to modern English of OE and the French of “that bastard, William.” I think he would be proud but not surprised that I saw this project through to the end.

How I can ever thank my major advisor, Anne Berthelot, is beyond me. A rigorous teacher, I never once received anything other than an A- from her until the very last paper of my very last course when she recognized some measure of improvement with a solid A. It was the best A I've ever received. She has walked me through every aspect of this degree, challenging, editing, encouraging, and coaxing in the tradition of the best of coaches. I simply couldn't have done this without her.

There are others: my dearest friends, Patty and Louan (and of course, Billy and Howie), have patiently listened as I struggled through this process. "R" and Gilda have fed and entertained me and my family countless times, and the gaggle of girls that I have regularly at my house has nourished me in so many other ways. My personal trainer, Drew Cost, has offered hours of encouragement while keeping me in top physical condition. My "foster child," Vivian, actually asked specific and interesting questions about this paper, shared in a love of the Oxford comma, and cheered me on through the last grueling year of this project.

And then there is my husband. At the risk of otherwise embarrassing him, I just have this to say: you are my everything. This dissertaion and all that it represents is dedicated to you.

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## Introduction

“By what hate or by what spite?”<sup>1</sup>: Treason in Three Insular Poems, 1264-1399

Representations of the law are found in numerous English literary works throughout the Middle Ages. Whether depicting courtroom scenarios or “débats” between opposing parties, the drama inherent in the world of legal proceedings was a fertile field for medieval authors. *The Owl and the Nightingale*, for instance, written at some point between the late 12<sup>th</sup> and late 13<sup>th</sup> centuries, takes the form of a strident debate between two birds that bring “evidence” and “witnesses” to support their respective sides. Another 13<sup>th</sup>-century work, Robert Grosseteste’s Anglo-Norman allegory, *le Château d’Amour* is, as John Alford observes, “replete with the terms of contemporary court procedure” as the four graces, Mercy, Truth, Justice and Peace argue over the punishment due to an offending vassal. From that point forward, the 14<sup>th</sup> century is teeming with the works of men such as Chaucer, Usk, Gower, Hoccleve and others who worked in fields having necessary connections to administrative law.<sup>2</sup> Others, less familiar or anonymous, wrote romances, dramas, political songs and religious poetry, as well as “mirrors for princes” and chronicles whose “histories” regularly express a point of view – all of which are seen to employ a whole range of technical and procedural legal devices as their authors considered the world around them.

Where Alford examined the presentation of law in medieval literature, Richard Firth Green has examined specific concepts in Ricardian England. He argues that there are certain “keywords” or “signifiers” at work in the 14<sup>th</sup> century, words which provide a toehold for

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<sup>1</sup> See Bracton On-Line (English) Harvard Law School, <<http://ceoexpress.com/search/dengines.asp?url=http://www.google.com/search?q=bracton%20law&sq=Default%20Engine&kw=bracton%20law>>, Vol.2, p.347. Accessed February 13, 2017.

<sup>2</sup> See John Alford, “Literature and Law in Medieval England,” *PMLA*, Vol. 92, No.5 (Oct, 1977), pp.941-51 at pp.941-2.

medieval critical theory. For Green, *trouthe* is one such word, one which, by the end of the 14<sup>th</sup> century, had collected to itself a highly complex semantic genealogy as its institutional nexus changed.<sup>3</sup> Green argues that over the course of the century, *trouthe* changed from meaning “integrity” or “dependability” to the sense of “conformity to fact,” a fundamental semantic shift occasioned by the legal and documentary needs of an increasingly bureaucratized government,<sup>4</sup> and the source of significant ambivalence in all manner of English transactions.

Green argues also that the word *treason* “had a far wider range of meanings in the fourteenth century than it does now, and changes in its meaning were [likewise] proving a source of personal ambiguity for contemporaries.”<sup>5</sup> In the 13<sup>th</sup> century, in the Anglo-Norman of law and the elite, *traisun* carries heavily feudal connotations. Britton, writing in the late 1250’s, defined treason as a crime of violence against one to whom allegiance is owed (*traisun est en chescun damage qe hom fet a escient [...] a cely qi hom se feta mi*).<sup>6</sup> Rather than this being one-sided, however, the oath of allegiance was expressly mutual. As J.G. Bellamy writes,

the subject owed his ruler fealty rather than obedience. Fealty was reciprocal and was owed only as long as the other kept faith...many a ruler recognized a subject had the right to disobey him...It was even argued that a man wronged by his king had a duty, after offering formal defiance (*diffidatio*), to seek justice through rebellion.<sup>7</sup>

Thus, in the early 14<sup>th</sup>-century verse romance, *Fouke le Fitz Waryn*, treason lay in the duplicity and vengefulness of a king which resulted in Sir Fouke renouncing of his oath of allegiance and becoming an outlaw in the tradition of Robin Hood.

Despite the traditional understanding of treason, by the 14<sup>th</sup> century, treason had become a word whose very definition lacked consensus. Nonetheless, on the basis of such a finding by

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<sup>3</sup> Richard Firth Green, *A Crisis of Truth: Literature and Law in Ricardian England* (Philadelphia: The University of Pennsylvania Press, 1999), p.9.

<sup>4</sup> *Ibid.*, p.xiv.

<sup>5</sup> Green, *Ibid.*, p.207.

<sup>6</sup> Britton, I 40, The Anglo-Norman On-Line Hub, <http://www.anglo-norman.net/D/traisun>. Accessed May 12, 2014.

<sup>7</sup> J.G. Bellamy, *The Law of Treason in England in the Later Middle Ages*, Cambridge Studies in English Legal History (Cambridge: Cambridge University Press, 1970), p.10.

the king's court and sometimes simply on the basis of "notoriety," a nobleman could lose "life or member" and his property could be forfeited to the Crown in perpetuity. With so much riding on an accusation of treason, it is no wonder that it was a central issue as successive generations of monarchs and nobles struggled to define their respective powers: the country's magnates fought for a strict definition of treason while the king preferred to determine the nature of the offense himself. By the middle of the century, the king and parliament had agreed upon the specifics of this crime and treason had become an offense defined by Parliament in the common law. This was not the end of the troubled relationship between the king and his subjects; indeed, the second half of the century was as troubled, at least, as the first.<sup>8</sup>

Given this frequency and urgency with which this concept was addressed, I have chosen to examine how three different writers from three different periods and in three different languages wrestled with the concept of treason. Each text was written during a period of sustained crisis in English governance during which the experience of many "on the ground" diverged from the "official rhetoric" of the king's court. These "unofficial voices," manifest in chronicles, poems, dramas, and political songs, registered the concern of professional and lay writers with this concept. I will argue that behind the often subtle, carefully disguised narrative of two of the poems and behind the polemic of the third, the poets present an oppositional rhetoric. And oppositional it surely is: treason lies at the heart of each poem and forcibly problematizes the traditional understanding of the concept. Instead of asserting the traditional view that the individual is the betrayer of his lord, I will argue that each of the three poets indicts the king himself for the betrayal of his sacred trust.

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<sup>8</sup> Note: The Merciless Parliament of 1388 condemned the following Lords Appellant of treason: Robert de Vere, duke of Ireland; Michael de la Pole, earl of Suffolk; Alexander Neville, archbishop of York; Robert Tressilian, Chief Justice; Robert Belknappe, Chief Justice of the Common Pleas; Simon Burley and John Salisbury, knights of the royal household. See Alan Rogers, "Parliamentary Appeals of Treason in the Reign of Richard II," *The American Journal of Legal History*, Vol.8, No.2 (Apr., 1964), pp.95-124.

Between the years 1264 and 1399, there were three instances when an armed force rode against the English king: in 1264, after numerous attempts at compromise and conciliation, Simon de Montfort and the “constitutionalists” engaged Henry III and the “royalists” at Lewes; in 1326, Queen Isabella, Roger Mortimer and a rag-tag band of mercenaries invaded England and rode against Edward II; and, in 1399, the exiled Henry of Bolingbroke returned to England with an armed force, captured Richard II, and had himself crowned king. In each of these instances, the specific complaints leading up to the crisis were clear: the king had elevated foreigners to advisory positions, he had given land, wealthy wives and wards to his favorites, he had raised taxes again and again for warfare or building projects, justice was irregularly, tyrannically and preferentially distributed, he had failed to heed the advice of his native barons, and so on. In many cases, the actual protests were levelled at the king’s councilors rather than against him personally, a tendency deriving from the notion that the king was God’s appointee and that to attack him was to question God’s omnipotence. As Joel Rosenthal observes, in blaming the “king’s wicked advisers” for the country’s woes, “the barons opposed the king and yet avoided a decisive clash with the theoretical basis of medieval kingship.”<sup>9</sup>

However, in the three instances referred to above, the king was not unassailable and indeed, each time he was not only personally indicted but suffered increasingly dire personal consequences over the period in question: in the case of Henry III, the king’s tyrannical behavior resulted in a series of provisions designed to curtail his actions; when that failed, the barons took up arms against him, and eventually captured the king and his son. In the second instance, Edward II’s disregard for the well-being of his kingdom and the customary rights of his

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<sup>9</sup> Joel T. Rosenthal, “Medieval Baronial Rebellions,” *Political Science Quarterly*, Vol. 82, No.4 (Dec., 1967), pp.595-619 at p.597.

magnates resulted in his forced abdication and then (probable) murder; his queen's subsequent regency likewise crumbled in the face of greed and mismanagement, and it wasn't until their son, Edward III, came to power in 1326 that the country looked forward to order and stability. And in the third instance, Richard II's autocratic behavior had been curtailed in 1387 when a group of powerful magnates known as the Lords Appellant formed a council designed to limit the king's profligacy and preferential treatment of a number of favorites. This was effective for a while but once the king was able to reassert control, he veered quickly into tyranny, and executed or exiled a number of the Lords Appellant. Henry of Bolingbroke's arrival led to Richard's deposition, and possibly, recalling his grandfather's fate, his murder as well.

These three cases suggest that over the course of roughly 130 years, there was a shift in the way the king was held accountable to his kingdom. In large part, this was due to a combination of the king's own missteps and to the pressures of political reality. This idea has been examined at length by Ernst Kantorowicz. He argues that the reconciliation of the idea of sacral kingship with the idea of the person of the king was based on "political theology ... inseparable from the work of legal and literary fiction" and specific to "the congruence of theological or metaphysical ideas and forms within a given historical moment."<sup>10</sup> In other words, the divinity of kingship anchored a model of medieval English society which was reinforced by a powerful ideological and structural framework. Because the nobility participated in this model and benefited from it, as Joel Rosenthal observes, "to question the institution of monarchy was inevitably to raise basic questions about the institution of hereditary nobility."<sup>11</sup>

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<sup>10</sup> Victoria Kahn, "Political Theology and Fiction in the *King's Two Bodies*," *Representations*, Vol. 106, No. 1 (Spring, 2009), pp.77-101, 77 and 81. See Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: Princeton University Press, 1957).

<sup>11</sup> Joel T. Rosenthal, "The King's 'Wicked Advisers' and Medieval Baronial Rebellion," *Political Science Quarterly*, Vol.82, No.4 (Dec., 1977), pp.595-618 at p.601.

For so long as the status quo served both the king and his magnates, there was peace in the realm.

However, as the 13<sup>th</sup> century passed into the 14<sup>th</sup>, the idea of the king as indivisible from his office - and hence infallible - began to falter in the face of the increasing perception that the king was failing to protect his kingdom. Accordingly, the ideological supports underpinning sacral monarchy began to change. This tendency is evident in the increasingly stiff limitations imposed on the royal prerogative: for example, as noted above, the Provisions imposed on Henry III, the Statute of Treason enacted in Edward III's reign, and the powers circumscribing Richard's actions throughout the course of his reign.

All the same, no matter how well-grounded in political theory the opposition's argument might be,<sup>12</sup> defying the king - particularly riding against him *cum armis et vexillis patentibus ad modum guerre* (with arms and banners in the manner of war) - could be a hazardous undertaking. Indeed, consistent with the view of themselves as divinely appointed, medieval English kings attempted to broaden the concept of treason to encompass virtually anything antithetical to their will.<sup>13</sup> The kings' barons, however, carried with them from the feudal past a notion of governance that was essentially cooperative: the magnates were the king's advisors; their responsibility to the realm was to forestall - if not undo - any tyrannical tendency to which the king might be inclined. As D. A. Carpenter observes, "while one cannot nullify the king's acts, one can challenge him with having committed and [*sic*] *iniuria* and charge him to amend it lest

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<sup>12</sup> And, as Joel Rosenthal observes, they were not specifically articulated into a coherent "theory." Ibid.

<sup>13</sup> Indeed, with respect to the definition of treason there were a number of strands of political theory in play at this time. Maitland speaks of *sedition exercitus vel regni* ("a betraying of the army or of the realm") which appears in Glanville, i.2.; *laesae maiestas* (lèse-majesté which included plotting or "compassing" the king's death), and *infidelitatis* (the violation of the oath of fealty), Sir Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*, Vol.II, Second Edition, reissued by S.F.C. Milsom (Cambridge: Cambridge University Press, 1989), p. 503-4. Further distinction could be made between treason committed against the king and that committed against a "mere" lord. This ultimately resolved into grand and petty treason (Maitland, 504).

he fall into the judgement of God.”<sup>14</sup> The king’s superiors are God and the law. “Also his curia,” writes Bracton, “namely the earls and barons, because if [the king] is without a bridle, that is without law, they ought to put the bridle on him.”<sup>15</sup> As the centuries wore on, it was not just the nobility which considered itself vital to the proper functioning of the realm.<sup>16</sup> The City of London, for example, as well as the lesser nobility, churchmen, knights, burgesses and even the peasantry grew to define themselves as members of the polity and claimed for themselves a full measure of civic and political agency.<sup>17</sup>

Within the context, then, of a monarch seeking absolute authority and the rest of the realm (at varying stages) seeking the king’s accountability to the kingdom and insistent on their own participation in the political process, the concept of treason gained traction, recruiting into its conceptual apparatus political theory, military power, and, in a new and dissident manner, the power of the pen for its articulation. Two narratives emerge during the period under consideration: first, the “master” or “official” narrative by which royal government asserted a specific model of kingship. This narrative is discoverable in the laws – and their breaches – in the awarding of favors by the king, in the exiles, executions and disherisons of nobles, in the royalist chronicles emerging from central government, and in various tracts and treatises commenting on the laws of the land. There also existed an “unofficial” or “oppositional” narrative. This one is found in the vernacular or popular literature, in broadsides, complaints, outlaw literature, chronicles not emerging from central government, in some of the same tracts

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<sup>14</sup> D.A. Carpenter, *The Reign of Henry III* (London and Rio Grande, Ohio: Hambledon Press, 1996), p.41.

<sup>15</sup> Bracton, ii, 110, quoted in D.A. Carpenter, *Ibid.* p.41.

<sup>16</sup> On the involvement of these other groups in contemporary political matters, see, for example, D. A. Carpenter, *Ibid.*, esp. pp.309-10.

<sup>17</sup> Clanchy suggests that the “baronial communes” of the 13<sup>th</sup> century “claimed to speak for the nation as a whole with the backing of the local church and clergy” *England and Its Rulers 1066-1307* Blackwell Classic Histories of England (Malden, MA and Oxford, UK: Blackwell Publishing, 2006), p.205.

and treatises, in letters, in poetry, and in romances. Expressed in this literature is a perspective often vastly different from the former; indeed, it is often specifically inimical.

In Chapter One, “*The Song of Lewes: The Case for Treason against the King*,” I will consider the Latin *Carmen di Bello Lewensi* which dates from 1264, just after a successful rout of the king’s forces at Lewes by the “constitutional” forces under Earl Simon de Montfort. The first half of the poem describes the battle and is an unapologetic encomium of the earl, praising him for his faithful dedication to the English people in the face of extreme danger to himself and his family. The second half of the poem is a treatise on good government, and contrasts Henry III’s faithless nature with that of the earl. While never critiquing the institution of monarchy itself nor, indeed, addressing treason by name, the poet does make it explicit that the king has violated his many oaths to protect his kingdom and has neglected - indeed, imperiled - the welfare of his subjects through excessive patronage, profligacy, and continual warfare abroad. These abuses have eventually forced his magnates to assert their customary right and responsibility to “bridle” their errant king with further oaths and a council of native advisors.

In Chapter Two, “*Des Grantz Géanz: ‘Force pest le pré,’*” I will consider the Anglo-Norman poem, *Des Grantz Géanz*, dating to 1333/4, which follows another period of intense political turmoil in which Edward II had been deposed for incompetence, excessive favoritism, and the arbitrary prosecution of justice in the kingdom. His wife, acting subsequently as regent for their minor son, and her lover, Roger Mortimer, had also been arrested and toppled for similar reasons, and the young king, Edward III, was now in the 3<sup>rd</sup> or 4<sup>th</sup> year of his reign. Although Edward had promised to restore justice and order to the kingdom and indeed, had dealt with the aftermath of his parents’ administration with considerable diplomacy, he had lost some of this early impetus and his attention was wandering to conflicts with Scotland and France.

The poet appends (as a prequel) the story of ancient domestic insurrection to the chronicle of Britain known as the *Brut*. This poem offers a “test case” of domestic insurrection as a caution against despotic stewardship. Deploying Aeschylus’s myth of the Danaids, the poet warns that even an anointed king may be brought low should he fail to attend his sovereign duties. By locating a story of domestic treason in the distant past and then appending it as a prequel to the *Brut* chronicles, the poet of *Des Grantz Géanz* offers a “mirror” to the new monarch, cautiously warning that he, too, will fail should he neglect or betray his sovereign duties.

In Chapter Three, “Some words are wind...Some are treason. This is a traitor’s journey, ser,” I will consider the third poem, the anonymous Middle English *Sir Gawain and the Green Knight*, which dates from the late 1390’s, another period of intense political disruption. By this time, Richard II had thrown off the moderating influences of his councilors and the period was marked by arrests, summary trials, the disherisons or executions of great magnates, profligacy at the expense of the kingdom, and overt patronage of a few favorites. The king’s word meant nothing as he pursued his own ends, and, by 1397, the legal definition of treason, having been written into statutory law only 40 years previously, was attenuated and altered beyond the scope of the Act of 1352. Richard’s increasingly despotic rule came to an abrupt halt when Henry of Bolingbroke invaded England, captured Richard, and extracted a “voluntary abdication” from his cousin who was then deposed in Parliament.

This poem couches a political critique within the framework of an Arthurian romance: the hero, Gawain, offers to stand in for his king and accept a challenge to exchange a blow for a blow with a mysterious green knight. He decapitates the stranger with one swipe of the blade and then finds the knight has the supernatural power to reattach his head, and demand that

Gawain find him in a year's time and satisfy the rest of the contract. The poem describes the shifting sands of the political world, the decline of moral authority, and the slipperiness of language in the hands of the powerful and suggests that the deck is loaded against the young hero and that all of his personal qualities - his faithfulness and chivalry - will avail him nothing in a context where those in power will use every advantage against him.

Given the importance the concept of treason plays not only in legal or political works but in literature, and how little it has been studied *per se* in "literary" texts, I have built my dissertation around such a study. I have chosen to examine how the writers of these poems responded to the specific crises through which each of them lived and wrestled with the concept of treason. Far from remaining on the sidelines of the conflict, as J.R. Maddicott observes, under increasingly dire conditions, "the poetry of passive complaint became for an instant the literature of active resistance."<sup>18</sup>

Through a close read of aspects of these three poems - the critique asserting the right of the kingdom's magnates to restrain their errant king by means of oaths and a supervisory council, the "mirror" for a young king who might have forgotten the grim lessons of his parents' regime, and the carefully nuanced condemnation of a context which no longer values nobility of character - I shall argue that each of these poems did just that, targeting an audience and, in varying degrees, articulating the errors of the present monarchy and the specific correctives necessary to safeguard the realm. Such a study suggests the intricate relationship between politics and literature during this period, and shows that literary texts in times of crisis were quite ready to assert the monarch's responsibility for the threats to the realm.

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<sup>18</sup> J. R. Maddicott, "Poems of Social Protest in Early Fourteenth-Century England." *England in the Fourteenth Century: Proceedings of the 1985 Harlaxton Symposium*, W.M. Ormrod, ed. (Woodbridge: Boydell, 1986), 130-44 at p.144.

## Chapter One

### *“The Song of Lewes: The Case for Treason against the King”*

In this chapter, I will examine the 13<sup>th</sup>-century Latin political poem, *Carmen de Bello Lewensi* (“The Song of Lewes” or, as it was also known, “The Song of the Barons”).<sup>19</sup> Written in the immediate aftermath of the Battle of Lewes (1264) in which the constitutionalist forces led by Simon de Montfort, Earl of Leicester, defeated the royalist forces led by Henry III and his son, Edward, this poem is an insider’s view of the events leading up to the battle, and unapologetically on the side of the constitutionalists. Because Latin was at this time almost exclusively the language of government, law and the Church, the author’s use of it targeted a limited readership, one which operated in the same political and cultural space as the royal administration. However, the operative “theory” of the poem located it in direct opposition to the king’s policies, if not the institution of monarchy itself. The examination of this poem therefore offers insight into an “unofficial” political culture functioning in the unfiltered light of its stated agenda.

In my analysis, I will examine the sharp distinction offered between the person and actions of Montfort as against the king and argue that the author was challenging the traditional definition of “treason.” I will argue that instead of the more conventional definition of treason as turning on the idea of the individual betraying his king or country, in fact, the as-yet fluid nature of the concept lends itself well to an alternative perspective: in this case, the poet is arguing that it is the king himself who has failed to protect the Christian faith, the customs of the land, and the laws and oaths to which he has sworn. In short, the king has betrayed his kingdom.

In the upheavals of the 13<sup>th</sup> century, a considerable amount of oppositional political verse was produced in England. Some of this literature was in Anglo-Norman French, some of it was in

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<sup>19</sup> Charles Lethbridge Kingsford, *The Song of Lewes* (Oxford: Clarendon Press, 1890).

Middle English, and some was also in Latin. In addition to the *Carmen de Bello Lewensi*, these include the c.1229 Anglo-Norman “Sirvente Against King Henry,” indicting the king for being *tan flacz e marritz* (so cowardly and so vile”) in the defense of his kingdom, a “sirvente” dating from c.1250 accusing the king once again of failing to defend the realm, the Latin “Song on the Times,” bewailing the vices of Henry’s reign, the Anglo-Norman “Song of the Barons,” c. 1263 in which the constitutional party is praised, and the English “Song against the King of Almaine,” c.1264, lambasting Richard of Cornwall,<sup>20</sup> as well as plentiful chronicle evidence contemporaneous with the political events of this period.<sup>21</sup>

As different as the languages of composition were, one thing they all had in common was that they were *not* published within the king’s circle. Although centering and commenting upon the same historical events, these authors’ accounts differ from the accounts issuing from central government: we find that their under- or over-representations are not mere polemics (though they are often that, too) but reveal ideals and aspirations often diametrically opposed to the king’s. As is evidenced in the political literature of this period,<sup>22</sup> this perspective is not unique: partiality to the king is seen only fleetingly in the chronicle evidence, a paucity which speaks to the discontent then permeating all ranks of society outside of the king’s inner circle.<sup>23</sup> Through the “voices” articulated

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<sup>20</sup> See, for example, *Thomas Wright’s Political Songs of England: From the Reign of John to that of Edward I*, Peter Coss, intro. (Cambridge: Cambridge University Press, 1996) where *Richard* and *trichard* are rhymed.

<sup>21</sup> See, for example, *Matthew Paris’s English History from the year 1235 to 1273*, J.A. Giles, trans. (London: George Bell & Sons, 1989) <https://ia801309.us.archive.org/4/items/matthewparissen01rishgoog/matthewparissen01rishgoog.pdf> Accessed October 21, 2016; Roger of Wendover’s *Flowers of History: The History of England from the Descent of the Saxons to A.D. 1235*, formerly ascribed to Matthew of Paris, in Two Volumes, J.A. Giles, trans. (London: Henry G. Bohn, 1849) <https://ia801409.us.archive.org/12/items/rogerofwendovers02rogeiala/rogerofwendovers02rogeiala.pdf> ; and *The Metrical Chronicle of Robert of Gloucester*, Part II, William Aldis Wright, ed. (London: Eyre and Spottiswoode, 1887) <https://ia801408.us.archive.org/16/items/metricalchronicl02robe/metricalchronicl02robe.pdf> Accessed October 21, 2016.

<sup>22</sup> *Thomas Wright’s Political Songs of England*, Ibid.

<sup>23</sup> For the rare chronicle indicating royalist bias see, for example, Henry William Carless Davis, “Arnold Fitz Thedmar” in *Encyclopedia Britannica*, 10 (11<sup>th</sup> ed.), Hugh Chisholm, ed. (Cambridge: Cambridge University Press, 1911), pp.\_\_\_\_; N. Denholm-Young, “Thomas Wykes and his chronicle,” *EHR*, Vol. 61 (1946), p.173; and the

in these writings, the reader hears a community proclaiming its active existence, its participation within a defined affiliation and its claims to power and authority. This literature of opposition establishes a significant locus of identity, a rallying point for an otherwise disenfranchised group.

In the case of the *Song of Lewes*,<sup>24</sup> the polemic is heavily biased in favor of the baronial forces; it looks for its authority both in the persistent upheaval in the realm and emphatically in the fact that God had granted the earl and his adherents a decisive victory at Lewes. Specifically, however, what we find in this poem is an indictment of the king for routinely violating not just the legal, political and customary provisions circumscribing his prerogatives but more importantly, a number of sacred oaths taken to contain his predatory impulses. With these abuses identifying him personally as the source of the conflict, the barons' actions are invested with moral authority even as they finally engage in open rebellion against their king. The poem therefore emphasizes two themes: (1) that the barons represent the interests of the realm, and (2) that king could be held liable for depredations to the crown and realm, and the chaos into which the country has devolved.

The *Song* is recorded in its original medieval Latin by Charles Lethbridge Kingsford, together with an introduction, a translation and copious notes. There is but one surviving copy which is preserved in London, British Library, Harley MS 978, itself probably written at the Abbey of Reading in the 1330's. This volume may be traced through the 17<sup>th</sup> century to its transcription by Richard James, a friend of Robert Cotton, who numbered the poem as item 32 in the James MSS (now located in the Bodleian Library).<sup>25</sup>

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Merton "Flores" in *Chronicles in the Reign of Edward I and Edward II*, ed. W. Stubbs (RS, 1882-3, 2 vols), vol.2, pp.xii-xiii.

<sup>24</sup> Hereafter referred to as the *Song*. Unless otherwise noted, all translations will be Kingsford's.

<sup>25</sup> Although *carmen* is translated as "song" and is how, following Kingsford, I will refer to it, it might equally be translated as "poem," as it is written in a trochaic rhyme scheme of thirteen stressed and unstressed syllables rhyming in couplets both at the end and in the middle of the seventh syllable. See Kingsford, xxxiii.

Internal evidence suggests that the poem was written by an intimate of the earl who was familiar with legal theory and the political agenda of the “constitutionalists.”<sup>26</sup> The *Song* is remarkable in that it provides a singular view of the barons’ uncensored agenda: a manifesto justifying their opposition to the king’s practices and designed for circulation amongst these men alone. It is this fact which allows for the strong language condemning the king and his adherents and the careful enumeration of royalist wrongs throughout this text.

The obvious site of the dissemination of the political theory evident in this poem was Oxford University, where the foremost theorists of constitutional thought had taught and trained others. Montfort’s connections to Robert Grosseteste and Adam March are well-attested.<sup>27</sup> The author was clearly familiar with the current political debate regarding kingship; he was also familiar with Magna Carta, the Provision of Oxford (1258), the Provisions of Westminster (1259), and the issues still in contention leading up to the battle at Lewes. He was also well-versed in English law, particularly Bracton, making use of the 13<sup>th</sup>-century legal treatise to support the barons’ agenda. Bracton himself had likely studied at Oxford, where the spread of his ideas and practices may well have been transmitted to the author during his days as a student.<sup>28</sup>

The first part of the *Song* is a description of the battle of Lewes and an encomium of Simon de Montfort, 6<sup>th</sup> Earl of Leicester, leader of the barons opposing Henry III. The second part is a treatise on the proper role and responsibilities of a monarch, pointing to the earl as the model of kingly behavior and to the king as deficient or worse in this same capacity. While Montfort is

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<sup>26</sup> See Kingsford, pp.xviii-xxv.

<sup>27</sup> See Kingsford, p.xxv. Grosseteste sent his own statement on tyranny, delivered at a papal court in 1250, to Montfort. This statement established that both secular and ecclesiastical rulers must rule in accordance with natural law, that is, God’s law. See, for example, Janet E. Burton, et al., *Thirteenth Century England. XV, Authority and Resistance in the Age of Magna Carta: Proceedings from the Aberystwyth and Lampeter Conference, 2013* (Martlesham: The Boydell Press, 2015), p.95. See also R. W. Southern, *Robert Grosseteste: The Growth of an English Mind in the Medieval Europe* (Oxford: Clarendon Press, 1986), pp.13, 18, 81-2, 192, 246-7, 254-7, 267-8, 288-9.

<sup>28</sup> Kingsford, xxiv.

represented as the paradigm of a good king (that is, as the advocate for the greater good of the kingdom), the poet neither proposes the earl as a challenger to the throne nor even challenges the notion of monarchy itself; rather, he argues against the political thesis elevating the king to the position of *rex supra legem* - the king above the law - and posits instead the laws, customs and oaths of fidelity sworn by both sides by which the king and his subjects defined and ensured their reciprocal rights and responsibilities under the law.<sup>29</sup> This is a persistent theme in the poem, forming the scaffolding for the argument that since the king has proven incapable of holding either to the truth of his word or to the laws of the land which he had sworn to uphold, he has ceded his authority to rule.

The *Song* opens with the author's declaration *Calamus uelociter scribe sic scribentis / Lingua, laudabiliter te benedicentis,/. Qui das tuis prospera quando uis ad nutum* (ll.1-2, 4) ("His tongue is the pen of the writer who thus readily writes, laudably blessing thee... Who givest prosperity to Thine own, when Thou wilt, at Thy nod") that is, that he writes for the glorification of God who has granted prosperity to his faithful few, the *fideles* (l.8). This avowal puts the reader on notice that the author's words are authorized by a God clearly favorable to Montfort's cause. Indeed, the poet justifies the means by the end; he establishes the moral high ground for the barons' actions in terms of the victory itself: having gathered up the "striplings," "novices," "tender youth," and "powerless lambs" that comprise their troops and in spite of their substantial disadvantage in numbers and experience,<sup>30</sup> the constitutionalists gird themselves with faith and proceed to route the king, forcing Henry to seek refuge in the priory of Saint Pancras.<sup>31</sup> With this decisive triumph, the

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<sup>29</sup> There is ample justification for maintaining the structure of monarchy: just as the king rules over his subjects, so too do his lords rule over their tenants. Toppling the monarchy, therefore, would up-end the very structures from which the magnates' own wealth and authority derive.

<sup>30</sup> Kingsford, p.63-64, note 97.

<sup>31</sup> Kingsford, p.57, note 36.

earl's forces claim God's blessing on their cause and the poet writes, *veritas preualuit, falsique fugerunt* (l.24) ("the truth prevailed, and the false fled" l.32).

Justification for the earl's actions lies in the traditional right of the nobility to resist a tyrannical monarch, a right derived from both Christian and medieval political and legal theory and, as Claire Valente observes, "situated...solidly within contemporary ideas of the justified use of force to defend the supremacy of law and the provision of counsel" (12).<sup>32</sup> The poet writes, for example, *... quicuid placet regi / Fiat; set oppositis rex resistit legi* (ll.883-4) ("let whatever pleases the king be done, but when they are in opposition, the king is resisting the law") and again, *Si princeps errauerit, debet reuocari, / ... quos grauauerit iniuste, negari, / Nisi uelit corrigi; si uult emendari* (ll.731-3) ("...if the prince has erred, he ought to be called back, ...to be denied by those whom he has unjustly burdened, unless he is willing to be corrected..."). John Kilcullen observes that, "[w]riters taught the king that he had a duty to do justice. This was often construed as meaning that the king had a duty to enforce and also to obey the law, and the law was thought of as partly custom, partly royal decree, but also as something based on the consent of the people..."<sup>33</sup> Significantly, Kilcullen argues, "It was suggested that a king might be deposed as a tyrant if he failed to obey the laws and lost the consent of the people."<sup>34</sup>

Not only did this theory specifically support the right and responsibility of the nobility to restrain a tyrannical monarch but it provided that violence was a legitimate recourse when the king proved intractable. Notably, in the mid-1200's, John of Salisbury argued that the tyrant is one who acts for his own good to the detriment of the public good. One interpretation of John's thinking has it

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<sup>32</sup> Claire Valente, *The Theory and Practice of Revolt in Medieval England* (Burlington, VT and Aldershot, UK: Ashgate Publishing Company, 2003).

<sup>33</sup> Kilcullen, John, "Medieval Political Philosophy" in *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), (Spring 2014), URL = <<http://plato.stanford.edu/archives/spr2014/entries/medieval-political/>>. Accessed March 14, 2016.

<sup>34</sup> Ibid.

that since the tyrant derives his power solely from God, like all those who oppose God's will, he will eventually meet a bad end. Alternate constructions of John's writing suggest that he condones tyrannicide and in fact, condemns the man who allows the tyrant to live.<sup>35</sup> Further, as Valente observes, there was considerable support for baronial resistance in the medieval legends, ancestral romances, and outlaw tales surviving from this period.<sup>36</sup>

All the same, raising arms against one's sovereign in the Middle Ages was something which required two important variables: first, an able leader to organize, inspire and lead a group with sufficient political weight and second, a vigorous rationale in law and custom to which the rebels could point.

With respect to the former, the author dedicates the first half of the *Song* to positioning Montfort: he glorifies the earl as the mastermind and courageous leader of this great victory, casting an aura over Montfort which suggests that he signifies more than a simple general to the author. In the first 25 lines of the *Song*, the words most strongly associated with the earl's forces are *fides* (l.267) (faith, faithfulness) and *veritas* (truth, l.24). Because they are true to the Christian faith, as further witnessed by their celebration of the feasts of Saints Victor and Corona, God and his saints have enabled Montfort to bring down the proud and give breath, liberty, and prosperity to the people of England (ll. 8-10).

Extending the notion of faithfulness, the poet includes familiar romance memes in his description of the earl. He observes that *puris prestitit ueritatis scutum* (l.26) ("the shield of truth stood before the pure" l.21) and that *Nunc accinctus gladio tener adolescens / Mane stat in prelio armis assuescens* (ll.103-4) ("now girt with his sword the tender youth stands at dawn in battle accustoming himself to arms"). And again,

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<sup>35</sup> See Medieval Sourcebook: John of Salisbury, *Policraticus*, Book Eight, <<http://legacy.fordham.edu/halsall/source/salisbury-poli4.html>> Accessed March 15, 2016.

<sup>36</sup> Valente, p.13.

*Accingatur gladio super femur miles, / Absit disolucio, absint actus uiles; / Corpus noui militis solet balnari, / Vt a factis uetitis discat emundari.../ Mundentur qui cupiunt uincere pugnando; / Qui culpas subiciunt sunt in triumphando; / Primo uincant uicia, qui uolunt uictores / Esse cum iusticia super peccatores. (ll.167-70, 177-80)*

(“Let the knight be girded with his sword upon his thigh, let there be no loosening, let there be no vile acts; the body of the new-made knight is wont to be bathed, so that he may learn to be cleaned from forbidden deeds...Let them be cleansed who desire to conquer by fighting; they who subdue *their* faults are in the way of triumph; let them first conquer *their* vices, who desire to be with justice conquerors over sinners...”)

Montfort’s purity of heart and his constancy with respect to the principles he espouses are shown to be essential over a lengthy period of time. His fortitude is tested, his willingness to sacrifice life, family, and property suggesting a “martyr,” as the chronicler, Rishanger, would have it “for the justice of the land and for truth.”<sup>37</sup> Exposing himself to danger, death and disherison, the earl is depicted as championing the cause of the English, the defenseless “dogs” (l.11), “trampled...deprived of all liberties” (ll.70-2), by those sworn to protect them. By contrast, the author describes the king and such prominent men as Earl Warenne, William de Valence, Guy de Lusignan, and Hugh Bigod as *periuris* (the perjured, l. 25) and *excommunicatis* (the excommunicates, l. 38), and notes the irony that after having defiled their “mother” (i.e., the Church) at Battle and Robertsbridge, they were forced to seek sanctuary in the Priory of St. Pancras (ll.40-50).

The author will return to build the case against the king and Prince Edward; for now, he must introduce the second variable and the thesis underpinning this poem. As laudable as the person of the earl may be, the author supports Montfort’s actions within the context of both common law and the specific provisions of *Magna Carta* and subsequent concessions.<sup>38</sup> The king having repeatedly

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<sup>37</sup> Maddicott, p.347, fn.2. See also the description of Montfort as *martir* in F. W. Maitland, “A Song on the Death of Simon de Montfort,” *The English Historical Review*, Vol.11, No.42 (Apr., 1986), pp.314-318 at stanza 14. In “The Lament of Simon de Montfort,” the poet compares the earl with Thomas Becket, “the martyr of Canterbury.” See *Thomas Wright’s Political Songs of England*, Ibid., pp.125-6, translation below. See also l.346 where the poet states that the earl is “like unto Christ,” in his sacrifice.

<sup>38</sup> In the 13<sup>th</sup> century there were two documents with the force of law behind them: *Magna Carta Liberatum* (1215, reissued 1216, 1225 and 1297) and the Provisions of Westminster (1259, originally the Provisions of Oxford, 1258;

violated the terms of these agreements, it is Henry himself, argues the poet, who has precipitated the conflict and has left the earl and his adherents with no recourse other than to raise arms against their king.

First among the king's wrongdoings is the issue of treachery. The poet begins by writing, *Apud northamptoniam dolo prosperati / Spreuerunt ecclesiam* (ll.47-8) ("At Northampton having prospered by treachery they despised the Church"). The poet is here referring to a siege of the castle at Northampton (5 April, 1264) where the townsfolk were betrayed by the prior of St. Andrew's, apparently in the pay of the royalist forces. This resulted in the imprisonment of the earl's son, Simon the Younger, and numerous of his men.<sup>39</sup> This reference establishes that the king and his men will not fight honorably, out in the open where the field is level, but will triumph through cunning and subterfuge, bribery, and lies.

The word *dolo* (l.47) is used deliberately to express the contempt of the author for the actions of the royalists; clearly the semantic valence is on the nefarious attempt to further deceive or entrap. James Abbot's study of the word *dolus* in the late Roman Republic and the early Empire reveals it to have had a long semantic history encompassing intentional deception, the legal concept of intent to do wrong or harm, and the association of *dolus* with civil strife; its antonym, *dolus bonus*, was defined as justifiable deceit (as in the deception of an enemy.) The addition of the word *malus*, he writes, raises the emphasis in Roman law to include all manner of deceit and treachery, "an offense to *fides*," a specific aspect of *dolus* which was later supplanted by the word, *perfidia*, "treachery."<sup>40</sup> *Malus* was shortly dropped but as Reinhard Zimmerman notes, its elimination never changed the

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annulled by papal bull in 1261 and later reformulated in the Dictum of Kenilworth in 1266 and signed into law in the Statute of Marlborough, 1267).

<sup>39</sup> Kingsford, fn.47, p.58.

<sup>40</sup> Jim Abbot, "Roman Deceit: Dolus in Latin Literature and Roman Society" academia.edu <[https://www.academia.edu/8183719/Roman\\_Deceit\\_Dolus\\_in\\_Latin\\_Literature\\_and\\_Roman\\_Society\\_-\\_Chapter\\_One\\_Dolus\\_in\\_All\\_Its\\_Guises](https://www.academia.edu/8183719/Roman_Deceit_Dolus_in_Latin_Literature_and_Roman_Society_-_Chapter_One_Dolus_in_All_Its_Guises)> pp.22-49, at p.23. Accessed April 16, 2016.

egregiousness of the action.<sup>41</sup> Combined with the verb *intendere* it becomes “the devising of a plot or stratagem”<sup>42</sup> and “falsity and intention to do harm...as opposed to truthfulness.”<sup>43</sup>

Abbot writes that *dolus* became associated with “the transgression of norms, of taking advantage, of seeking some personal gain at a cost to others.”<sup>44</sup> The further association of *dolus* with the words *fallacia*, *insidiae*, and *fraus* lends the concept subtlety. *Fraus*, for instance, a word in the legal terminology of the Roman Republic, meant “a violation or circumvention of the law.”<sup>45</sup> Accordingly, one aspect of the concept was articulated as “legally actionable fraud or deceit.”<sup>46</sup> Likewise, in literature or in common parlance, *dolus* was understood as “cunning,” a “trick” or “deception,” and embraced a semantic range, writes Abbot, “which overlapped, but inexactly, the range of its legal counterpart.”<sup>47</sup> Whether articulated in the law or in literature, *dolus* “centers on the violation of norms and the crossing of acceptable boundaries. The cost of this transgression is not only to the victim of the deceit but to the norms and boundaries themselves, that is, to society as a whole” (41).<sup>48</sup>

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<sup>41</sup> Reinhard Zimmerman and Simon Whittaker, *Good Faith in European Contract Law (The Common Core of European Private Law)* (Cambridge: Cambridge Univ. Press, 2000), p. 667.

<sup>42</sup> Zimmerman, p.29-30.

<sup>43</sup> Zimmerman, p.34. Abbot includes the following anecdote to illustrate the falsity of *dolus*: Phaedrus tells a story... about Prometheus and Dolus, how the former crafted Truthfulness in his workshop, which the latter, his apprentice, sought to copy during his master’s absence. Dolus’ copy was perfect in almost every way, but the supply of clay ran out before he was able to mold the feet of his *simulacrum*. Upon his return, Prometheus fired the statues and infused them with the breath of life. *Veritas* stepped forth *modesto gressu*, while the *falsa imago* of Truth, called now Mendacium or Falsehood, gave proof of the saying that “it’s not easy for a lie to ‘have feet’ (*pedes habere*), i.e., to continue to be believed, *Ibid.*, p.34.

<sup>44</sup> Zimmerman, p.34.

<sup>45</sup> Jim Abbot, *Ibid.*, p.38.

<sup>46</sup> Jim Abbot

[https://www.academia.edu/8183719/Roman\\_Deceit\\_Dolus\\_in\\_Latin\\_Literature\\_and\\_Roman\\_Society\\_-\\_Chapter\\_One\\_Dolus\\_in\\_All\\_Its\\_Guises](https://www.academia.edu/8183719/Roman_Deceit_Dolus_in_Latin_Literature_and_Roman_Society_-_Chapter_One_Dolus_in_All_Its_Guises), p.13. Accessed April 16, 2016.

<sup>47</sup> Abbot, *Ibid.*, p.13.

<sup>48</sup> Abbot, p.41. Also see p.47, fn.68. “So, when Horace is listing the *peccata* evidenced for the Trojan War by Homer, the list runs as follows: ‘seditione, dolis, scelere atque libidine et ira.’”

Henry Mayr-Harting discusses the use of *dolus malus* in England in the 12<sup>th</sup> century.<sup>49</sup> He argues that the use of this word, while not frequent, “seems to be associated with what reception of Roman Law (*sic*) into England there was” at the time and as such, in connection with the making of the agreements known as *transactiones*.<sup>50</sup> Thus, at the Council of Northampton (1164), Bishop Hilary, charged with drawing up a final concord between the king and his bishops, “spoke of the king’s demand for the bishops to give their assent to the ancient customs of the realm . . .and said that it should suffice for them to assent in *verbo veritatis* (“in the word of truth”) that they would observe the royal dignities in *bona fide, sine dolo malo, et legitime*”<sup>51</sup> (“in good faith, without fraud or deceit, and lawfully”). Following the 1170’s, it appears that the words were in more frequent circulation as the legal experiments of Henry II’s reign gained traction.<sup>52</sup>

For the author of the *Song*, *dolus* is clearly deployed in order to emphasize the essential falsity of the king and his men. In these few lines he is further referred to as *emulus, insidiator.../ Cuius nequam oculus pacis perturbator* (ll.83-4) (“the envious man and plotter, whose evil eye is the disturber of peace”) and, to further underscore their loathsomeness, the author recounts the depredations committed against the local churches, which included destroying the monastery at Battle (l.55) and extorting five hundred marks from the monks at Robertsbridge (ll. 59-61). This association of the royalists as oath-breakers is a repeated motif in the *Song*: the author uses the words *fraus* (ll.216, 349) (fraud, trickery, deception), *fallacia* (ll.349, 439, 549) (deceit, treachery, duplicity), *duplex* (ll.474, 550) (two-faced), *sedicionem* (l.518) (sedition), *seductorem* (l.79) (misleader, *seducer*), *falsi* (l. 24) (false, untrue), *periuris* (l.25) (the perjured), *transgressores legum*

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<sup>49</sup> Henry Mayr-Harting, “Hilary, Bishop of Chichester (1147-1169) and Henry II,” *The English Historical Review* Vol. 78, No. 307 (Apr., 1963), pp. 209-224. Just as a coincidence, Hilary was Bishop of Chichester, which is the bishopric wherein the Battle of Lewes was fought.

<sup>50</sup> Mayr-Harting, p.218

<sup>51</sup> Mayr-Harting, p.218.

<sup>52</sup> Mayr-Harting, p.102.

(l.388) (law-breakers), and *iniurijs* (l. 8) (wrongdoings), all leveled at the king and his adherents, particularly his son, Prince Edward.

Richard Firth Green writes, “There is of course nothing new about political confrontation between a king and his magnates being couched in the language of faithlessness and perjury.”<sup>53</sup> In the poem, however, this dynamic is central. The *Song of Lewes* bristles with indignation at the king’s false dealing. He is one of the *falsique* (l.24) (perjured) having in 1261 obtained a papal bull enabling him to rescind his agreement to the Provisions of Oxford. He is one of the *excommunicatis* (l.38) (excommunicated) for having defiled abbeys and churches during the battle. For this, too, he is charged as one of the *infidelis natis* (l.48) (faithless sons). Over and over again, the poet accuses the king of *duplicitas* (duplicity), *falsitas* (falsity), *fraus* (fraud), *fallacia* (treachery), each accusation underscoring the king’s failings: a perjurer for going back on his many oaths, a “bad” king for listening to his foreign councilors, for forgetting his pledges to protect the English people, and for endless counts of bad faith and despotism.

The poet offers his audience the opportunity to evaluate both sides of the argument. Thus, for example, in order to address the differences between the king’s position and the barons’, the author adopts a rhetoric of persuasion by first leaning on Bracton:

[The king] has no peer in his own kingdom. . .since equal has no power over equal; also, much less has he any superior or more powerful person than himself [in his kingdom], for so he would be inferior to his own subjects, and inferiors cannot be equal to their superiors.”<sup>54</sup>

He continues, “[I]et no one presume to dispute [before him] respecting his acts, much less to contravene his acts.”<sup>55</sup>

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<sup>53</sup> Green, p.235.

<sup>54</sup> Henricus de Bracton, *De Legibus et consuetudinibus Angliae: Libri quinque in varios tractatus distincti. Ad diversorum et vetustissimorum codicum collationem typis vulgate*. Issue 70, Vol. 1 (Indiana University: Longman & Company, 1878), p.39 (Hereafter, Henricus de Bracton).

<sup>55</sup> Henricus de Bracton, p.41.

According to the author, Henry recognizes no authority greater than his own and he notes Henry's insistence that he could not rule were he not to do as he pleased: *Rex cum suis uoluit ita liber esse, / Et sic esse debuit, fuitque necesse, / Aut esse desineret rex priuatus iure / Regis, nisi faceret quiquid uellet;* (ll.489- 492) ("The King with his party wished to be free, and urged that he ought to be so, and was of necessity...or that deprived of a king's right he would cease to be king.") Each time, therefore, that he was cornered by those who would hold him to the terms of any document to which he had sworn - specifically those restricting what he saw as his sovereign rights - he would go back on his word as soon as feasible. Neither the coronation oaths taken to protect the English realm, the terms of *Magna Carta*, the Provisions of Oxford and Westminster, the oaths of allegiance to his men, nor his subordination to law or to the will of God was sufficient to dissuade him from his most cherished prerogatives. The king would pledge his oath and then willfully withdraw it, bound, it would seem, by no fear of the consequences of oath-breaking ordinary men faced.

Foremost among the king's self-proclaimed rights was that of appointing whomever he chose to positions of power and authority. Following a long sentence condemning the king's party for foreswearing their oaths (ll.208-12), we read in the *Song*, *Statum qui deciderat anglicane gentis, / Quem fraus uiolauerat hostis inuidentis...* (ll.215-6) ("the state of the English people, which had fallen, which the treachery of an envious foe had violated..."). This use of *fraus*, variously translated as fraud, trickery or deception, is in this case deliberately intended to mean the betrayal of the realm by those whose duty it was to protect it. Not only had the king and his foreign ministers neglected their fiduciary responsibilities and saddled the country with massive debt and the very real threat of rebellion but they had sworn to amend this, and then repeatedly broken their oaths. This they did

through invidiousness, that dangerous, corrosive state known as one of the Seven Deadly Sins.<sup>56</sup>

This is one of the great crimes of which the poet accuses the king: he has put covetous foreign advisers into positions of tremendous power and privilege and he has done this to the detriment of his faithful native lords and the kingdom as a whole.

Indeed, the author advances the theory that the foreign element in the king's party imperils the very existence of the realm. He writes, *Quia si uictoria iam uictis cessisset, / Anglorum memoria uicta uiluisset* (ll.415-6) ("Because if victory had yielded to those who are now vanquished, the remembrance of the English would have been vanquished and become worthless."). In practical terms, the crux of the problem lay with the allocation of precious resources to aliens, the so-called "wicked advisers."<sup>57</sup> During Henry's reign, the king's and queen's relatives - the so-called *alienigenae* or foreigners) - had assumed such vast properties and positions of power and influence within the kingdom that there arose an issue whose implications went beyond even the incendiary matter of patronage. For the poet, the lament is particularly plaintive: beginning with line 281 we read, *Nam quidam studuerant anglorum delere / Nomen* ("For certain men had aimed to blot out the name of the English"). The foreign element at court threatened the very existence of the English language and people.

While the poet spends considerable time focusing on the crimes of these advisers and indeed, argues for the right of the English to be governed by the English,<sup>58</sup> it becomes clear that he holds the king personally responsible. In the first instance, it is because Henry has willfully and ill-advisedly insisted on his right to choose his ministers. The poem reads, *num queret / Suo sensu proprio quibus*

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<sup>56</sup> *Invidia, ae*, from *invidere*, to look against. Robert Kaster argues that this word's strongest semantic sense is that of an injustice, that is, that the feeling "derives from seeing you gain or use some good – wealth, prestige, authority, or the like) – in a way that affronts some general societal principle: you have behaved...high-handedly, cruelly, self-indulgently, or against the common good, and you damn well ought to be ashamed of yourself." Robert A. Kaster, "Invidia and the End of Georgics 1," *Phoenix* 56, Vol.3/4 (Autumn-Winter, 2002), pp.275-295, at p.283.

<sup>57</sup> See Joel Rosenthal, "The King's 'Wicked Advisors' and Medieval Baronial Rebellions," *Political Science Quarterly* (Dec., 1967), pp.595-618.

<sup>58</sup> See ll.286, et seq.

*fulciatur, / Quibus diminutio sua suppleatur? / Si solus elegerit, facile fallitur, / Vtilis qui fuerit a quo nescietur* (ll.760-4) (“Shall he of his own proper understanding seek by whom he may be supported, by whom his own lack may be supplied? If he alone choose, he will be easily deceived, who has no knowledge who may be useful”). During this period of personal rule, the king was a law unto himself, ungoverned, ungovernable, granting increasing power and privileges to his family and the foreigners in his circle, and utterly myopic with respect to the consequences.

As clear as the future was to the barons, neither the king nor his son, Prince Edward, could or would heed their petitions and the poet switches briefly from outrage to vitriol: midway through the poem, he rhymes Edward (*Edwardus*) with a leopard (*leopardus*), and launches a comparison of the prince with the inconstant beast: *Leo per superbiam, per ferocitatem, / Est per inconstanciam & uarietatem / Pardus, uerbum uarians & promissionem, / Per placentem pallians se locutionem* (ll.431-4) (“a lion by pride and fierceness, he is by inconstancy and changeableness a pard, changing his word and promise, cloaking himself by pleasant speech”).<sup>59</sup> Although the poet seems to have conflated pard and leopard, clearly, by comparing Edward with either one he is condemning the

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<sup>59</sup> The royal arms of England, appearing first in the late 12<sup>th</sup> century with the Plantagenets, consisted of a column of three lions *passant guardant in pale or armed or langued azure* (or, three golden lions with claws and blue tongues, in profile and facing the observer). During this time, the lion in profile was called a leopard while the lion standing on one or both of his back legs (*rampant*), continued to be called a lion. However, the “pard” and its illicit offspring, the leopard, retain quite a different register in the medieval bestiary. When a lioness adulterously mates with a pard, the result is a leopard. See *Isidore of Seville’s Etymologies: the complete English translation of Isidori Hispalensis Episcopi Etymologiarum sive Originum Libri XX*, Volume Two Books XI-XX, Priscilla Throop, trans. (Charlotte, VT: Medieval MS, 2013) Book XII, 2:10. This adultery – the mating of one species with another – thus produces a third species, known as a “bad lion.” See Pliny, *Natural History*, Book 8 <http://penelope.uchicago.edu/holland/pliny8.html> Accessed October 21, 2016. Far from glorifying his ancestors’ heraldic symbol, the author has aligned Edward’s ignoble character with that of the treacherous pard. Bartholomaeus Anglicus underscores the leopard’s duplicitous nature when he describes what happened when the lion chases the leopard into a narrow cave and gets stuck. The leopard knows this will happen and so exits and reenters the cave by the original entrance, setting upon the lion “behindforth with biting and with claws, and so the leopard hath often in that wise the mastery of the lion by craft and not by strength, so the less beast hath oft in that wise the mastery of the strong beast by deceit and guile in the den, and dare not rese on him openly in the field...” Bartholomaeus Anglicus, *De proprietatibus rerum*, book 18. <http://bestiary.ca/beasts/beast547.htm> Accessed October 21, 2016.

prince for his unprincipled deceitfulness, even perhaps suggesting that the element of deceit in the prince may be the defining characteristic of the man.<sup>60</sup>

With reference to the king, the poet continues, *Dolum seu fallaciam, quibus expeditur, / Nominat prudentiam; .../ et a lege / Se putat explicitum, quasi maior rege / Nam rex omnis regitur legibus quas legit* (ll.439-440, 443-5) (“The treachery or falsehood whereby he advanced he calls prudence...he thinks he is released from law, as though he were greater than a King. For every king is ruled by the laws which he makes...”). In at least three recent instances, Henry had been driven into a corner by the barons and had made various promises, oaths and assertions which led to his release and which he then immediately reneged upon.<sup>61</sup> While the argument could be made that this was expedient, or that it was justified under wartime conditions, nonetheless, it lends support to the poet’s contention that the king and his party do not value the truth and cannot therefore be trusted.

In this poem, the emphasis on the king’s lack of truthfulness is closely related to the fear that he considers himself to be above the law. The evidence lies in the incontrovertible fact that the king will not honor the provisions limiting his reach, that he wholeheartedly embraced the theory in Bracton which argued for his superiority in the law. Seeming to have argued that the king is indeed without either peer or superior, Bracton then writes that the king should be:

subject to God and to the law, for the law makes the King. Let the King, then, attribute to the law what the law attributes to him, namely dominion and power, for there is no King where the will and not the law has dominion.<sup>62</sup>

Indeed, he writes, it is by law “through which he has been made king.”<sup>63</sup> To ensure that the king follow the law, reigning with justice and good sense, the king should have advisors, that is, the Great Council, to advise and correct him as necessary. These are the “bridle” to the king’s predatory

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<sup>60</sup> See Michel Pastoureau, “Que lest le roi des animaux?” Actes des congrès de la Société des historiens médiévistes de l’enseignement supérieur public, Volume 15 Numéro 1, 1984 pp. 133-142, at pp.135-6.

<sup>61</sup> Kingsford, pp.89-90.

<sup>62</sup> Henrici de Bracton, 39.

<sup>63</sup> Henrici de Bracton, p.269.

inclinations.<sup>64</sup> The consequences for a king who failed to dispense justice in accordance with the law were grim: “the Lord...(will) send (him) into the furnace of fire, and into outer darkness, where there shall be weeping and gnashing of teeth.”<sup>65</sup>

Following this line of thinking, the institution of British monarchy was predicated on the reciprocal relationship between the king and his magnates.<sup>66</sup> It was not, therefore, in the barons’ interest to challenge the foundations of royal government; rather, it was up to them to protect its customary structures against the king’s depredations. Accordingly, when the king defied these provisions - breaking the oaths he had taken and denying his magnates the rights and perquisites to which they were customarily entitled - the result was an outraged baronage which could find in Bracton’s treatise a theoretical basis for justified rebellion. The “right of resistance,” observes Joel Rosenthal, was sanctified

by stressing that the highest political loyalty was to an ideal, an abstraction: ‘the objective legal order which had been disturbed by the ruler and was to be restored’... This goal placed a public, collective task upon all members of the body politic, and when the king failed to work toward the proper end, everyone else (but particularly the barons) could and must interfere...it was the duty of resistance which the citizen owed to the objective legal order.’<sup>67</sup>

It is the fall-out from this period that led to the events immediately preceding Lewes: the king’s native lords tried to reason with him at length,

*Qui reguntur legibus magis ipsas sciunt,  
Quorum sunt in usibus plus periti fiunt.  
Et quia res agitur sua plus curabit,  
Et quo pax acquiritur sibi procurabunt.*

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<sup>64</sup> See Henrici de Bracton, *Ibid.*

<sup>65</sup> *Ibid.* Maitland argues that there is a “vast gulf” between the idea that the king may be restrained by his baronage, on the one hand, and, on the other, that he is “below the court,” that is, that “the barons are his equals and his masters.” Nonetheless, Maitland is clear that in the passage in Bracton, *nisi sit qui dicat* (f.171 b), whether Bracton was stating his own opinion or the law as he observed it then in effect, the king was bound by the law. Henry de Bracton and Frederic William Maitland, *Bracton’s Note Book: A Collection of Cases Decided in the King’s Courts during the Reign of Henry III* (Cambridge: Cambridge University Press, 2010), 31-2.

<sup>66</sup> See, for example, S.F.C. Milsom, “Introduction,” in Frederick Pollock and Frederic William Maitland, *The History of English Law*, Vol.1 (Cambridge: Cambridge University Press, 1968), p.30.

<sup>67</sup> Joel Rosenthal, *Ibid.*, p. 606.

*Pauca scire poterunt, qui non sunt experti,  
 Parum regno proderunt, nisi qui sunt certi.  
 Ex hijs potest colligi, quod communitatem  
 Tangit quales eligi ad utilitatem  
 Regni recte debeant; qui uelint & sciant  
 Et podesse ualeant, tales regis fiant  
 Et consiliarij & coadiutores;  
 Quibus noti uarij patrie sunt mores;  
 Qui se ledi senciant, si regnum ledatur...*(ll.771-83).

(Those who are ruled by the laws, have more knowledge of them; those in whose use they are, become more experienced. And because it is their own affair which is at stake, they will care more and will procure for themselves the means whereby peace is acquired. They can know little who are not experienced, they will profit the kingdom little except they are steadfast. From this it can be gathered that the kind of men, who ought rightly to be chosen for the service of the kingdom...those who have the will and knowledge and power to be of profit, let such men be made counsellors and coadjutors of the king; men to whom the various customs of their country are known; who may feel that they themselves are injured in the kingdom ... [ll.770-5, 777-83]).

For the author of this poem, the issue at hand was a moral one: both parties had taken an oath, establishing a sacred contract to honor the terms of the various provisions. Faced with a dishonest, law-breaking, and recalcitrant monarch, the barons were forced into action. And the poet is here very clear on the rights and responsibilities that devolve onto the higher nobility in the absence of the king's justice. Without in any way claiming that the barons are "above" their king – that is, that they have more authority than he – the poet asserts that those who reign may not act alone; rather, *Indigent auxilio sibi suffrangante, / Nec non et consilio se rectificante* (ll.653-4) ("they need assistance that supports them, yea and counsel that keeps them right"). By holding the king to the terms to which he had contracted, the earl was doing nothing less than acting in concert with the custom of the land. Rebellion appeared to be the last recourse of the constitutionalists, charged by custom with safeguarding the realm from an incompetent king.

The poet is clear that Montfort has everything to risk and writes, *Symon obediens spernit dampna rerum, / Penis se subiciens ne dimittat uerum...* (ll.217-8) ("Simon, obedient, scorns the loss

of property, subjecting himself to penalties that he might not let go the truth...”). The earl’s actions have placed him in peril. He would know of the consequences of opposing the king; since Anglo-Saxon times, raising arms against one’s sovereign was considered treasonous, carrying with it then as in Montfort’s time the risk of forfeiture of all properties and perquisites, as well as the possibility of perpetual disherison of all heirs. The poet’s juxtaposition of the king’s perjury with the earl’s relentless insistence on the truth suggests that while Henry and his party have committed an egregious crime against the kingdom, the earl, who has taken up the cause of the English people, will oppose his sovereign at the risk of all he holds dear. By contrast with the king, who makes an oath and then carelessly withdraws it, the earl risks all for the sake of his.

*Hinc possunt perpendere faile iurantes,  
Et quod iurant spernere parum dubitantes,  
Quamuis iurent licita, cito recedentes,  
Deoque pollicita sana non reddentes,  
Quanta cura debeant suum iuramentum  
Seruare, cum iudeant iurum nec tormentum  
Necque mortem fugere propter iusiurandum,  
Prestitum non temere... (ll.207-214)*

(Hence can they, who readily swear and hesitate little to reject what they swear, who quickly withdraw though they swear what is lawful, and render not wholly their promises to God, estimate with how great care they ought to preserve their oath, when they see a man flee neither torment nor death, for the sake of his oath, which was offered not rashly...)

The rationale for raising arms against the king wasn’t a question of principal alone. The barons’ desire to bring central government back in line with the country’s constitution was stated repeatedly in the *Song* as an undertaking on behalf of the entire realm. Montfort’s courage in the face of terrible odds and the potential costs to himself personally is clear in the poet’s mind: fighting on behalf of the downtrodden English, the earl is a new Mattathias<sup>68</sup> who neither yields to wrong-

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<sup>68</sup> A Jewish priest from the second century BC who refused to pay tribute to the Greek gods. He escaped to the desert with his sons and was later followed by many Jews, thus initiating the beginning of the war for independence. <http://www.britannica.com/biography/Mattathias> Accessed July 17, 2015.

doing nor to the fury of the king (l.78). Slandered by the king as a seducer and a liar, the fact that the earl did not fail in a time of need proves him true (*ueracem*, l.80):

*Ve periuris miseris, qui non timent deum,  
Spe terreni muneris abnegantes eum,  
Vel timore carceris, siue pene leuis;  
Nouus dux iternis docet ferre queuis  
Que mundus intulerit propter ueritatem,  
Que perfectam poterit dare libertatem.  
...firmiter seruaret,  
Huiusque sentencie legem non mutaret;  
...  
Et, quia iurauerat, fortiter tenendas...*(221-227, 231-2, 238).

(Woe to the wretched perjurers, who fear not God, denying Him for the hope of earthly reward, or fear of prison or of a light penalty; the new guide of the journey teaches us to bear whatever the world may have inflicted for the sake of truth, which is able to give perfect liberty. For the Earl had formerly pledged his oath... that he would firmly preserve, and would not change the law of this decision... because he had sworn, [the canonical constitutions and such catholic ordinances for the peaceful preservation of the realm]... were to be stoutly maintained).

Bringing all these strands of thought together and drawing on the condemnation of tyranny outlined by Bracton, et al., the author launches his summary:

*Legem quoque dicimus regis dignitatem  
Regere, nam credimus esse legem lucem,  
Sine qua concludimus deuiare ducem...  
Si rex hac caruerit lege, deuiabit; /  
Si hanc non tenuerit, turpiter errabit...  
Ista lex sic loquitur: per me regnant reges* (ll.848-50; 861-2; 865)

(“We say also that law rules the dignity of the king; for we believe that law is a light, without which we infer that the guide goes astray... If the king be without this law, he will go astray; if he hold it not, he will err shamefully... That law speaks thus: ‘By me kings reign’”).

Henry has proven that he cannot or will not abide by the laws of the land or any agreement to which he has sworn. Whether or not Montfort and his troops sought justification in the specific political theory of Bracton with which the author is so familiar, there remained the customary onus on the king’s lords to restrain him when he erred. The various attempts to secure his tyrannies

through the law had failed, indeed, a series of escalating confrontations had done little other than incense the king.<sup>69</sup> Arbitration had likewise failed, and accordingly, as Claire Valente argues, “(i)t was royal action that turned limited resistance into revolt”<sup>70</sup> when Henry “put the barons out of his homage and fealty.”<sup>71</sup> The poet records this moment, placing the words of condemnation in the mouth of the prince, *Pax illis precluditur nisi laqueis se / Collis omnes alligent, & ad suspendendum / Semet nobis obligent, uel ad detrahendum* (ll.249-52) (“Peace is forbidden to them, unless they all bind themselves with halters on their necks, and bind themselves over to us for hanging or for drawing over to us for hanging or for drawing”).<sup>72</sup>

Even still, the rebels continued to seek mediation, their response to Henry’s raising of the standard having resulted in indecision and an extreme reluctance to fight against the king. Nonetheless, when the time came, that is, when all offers had been rejected by the king and when the oaths of homage and fealty had been broken, then Montfort resisted no longer. The poet frames the earl’s actions with a familiar refrain: if the king cannot be brought to reason, then it is the barons’ duty to restrain him.

*Siue rex consensiens per seductionem, /  
Talem non percipiens circumuencionem, /  
Approbaret talia regni destructiua; /  
Seu rex ex malicia faceret nociua, /  
Proponendo legibus suam potestatem, /  
Abutendo uiribus propter facultatem; /  
Siue sic uel aliter regnum uastaretur, /  
Aut regnum finaliter destitueretur, /  
Tunc regni magnatibus cura deberetur, /  
Vt cunctis erroribus terra purgaretur* (ll.586-593)

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<sup>69</sup> See Valente, p.72.

<sup>70</sup> Ibid., p.73.

<sup>71</sup> Ibid., p.74.

<sup>72</sup> Kingsford notes that “The writer of the Song makes Edward the chief opponent of peace, and though the words which he puts into his mouth are not confirmed by any other authority, they are not discordant with what we know of the prince’s feelings. See Notes 255-6, p.69.

(“Whether the king consenting through misguidance, or not perceiving such deceit, were to approve such measures destructive to the kingdom; or whether the king out of malice were to do harm, by preferring his own power to the laws, or by abusing his strength on account of his opportunity; or if thus or otherwise the kingdom be wasted, or the kingdom be made utterly destitute, then ought the magnates of the kingdom to take care, then the care of the kingdom should be [given] the magnates, that the land be purged of all errors...”)

As written in Bracton, the king rules by virtue of his adherence to the law; in the event that he proved unwilling or unable to so govern, it was incumbent upon his subjects to remove him.

Specifically, the poet writes, *Si princeps errauerit, debet reuocari, / Ab hijs, quos grauauerit iniuste, negari* (ll.731-2) (if the prince has erred, he ought to be called back, yea to be denied by those whom he has unjustly burdened. The crime of having broken his numerous oaths and betrayed the kingdom required, in the first instance, that Henry’s magnates try to correct his errors. This would have included all the measures taken by Montfort and his confederates: from peaceable protests through increasingly violent resistance. Ultimately, the confrontation at Lewes was regarded as the only remaining solution to the king’s intractability. Far from regarding the barons’ actions as a betrayal of the king and their country, the author has positioned them as the lone hope of salvation. Henry’s own actions, specifically, his disregard for the age-old Christian teachings regarding just governance, the customs of his country, and the laws and oaths to which he had set his seal and to which he had repeatedly sworn, suggest instead that it is the king who has betrayed his country.

## Chapter Two

### “*Des Grantz Géanz: ‘Force pest le pré’*”<sup>73</sup>

The earliest surviving copy of a poem now known as *Des Grantz Géanz* was written in England in 1333/34, seventy years after the Battle of Lewes.<sup>74</sup> A story of Britain’s origins, it was composed in Anglo-Norman French and found as a prelude in 16 of the 17 extant prose *Brut* manuscripts. The poem is edited by Georgine Brereton using this earliest redaction, the octosyllabic text found in London, British Library MS Cotton Cleopatra D. ix, folios 67r-68v.<sup>75</sup>

The poem serves as a foundation story, crediting the discovery and populating of Britain to twenty-nine Greek princesses who conspire to kill their royal husbands on their wedding night. For this treachery, they are condemned to death by their furious father but are spared execution by the intervention of the royal advisors; they are instead cast out to sea in a rudderless boat, dependent upon Providence for their safe arrival on a distant shore. The sisters’ access to the customs and perquisites of regnal lordship enables them to translate certain more-or-less useful skills to this bountiful new land but all the same, theirs is an imperfect *translatio*. Marred by defects of character and gender, their crime follows them over the sea where their reign leads to unnatural couplings and a chaotic, monstrous offspring. The arrival on the island of the Trojan, Brutus, spells the extinction of this original race, introduces the patrimony and laws of ancient Rome to the island, and ushers in a new chapter in Britain’s “history.” Although his story

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<sup>73</sup> Literally, “force eats the meadow,” or more figuratively, “strength sweeps the field,” l.184 in Georgine E. Brereton, ed., *Des Grantz Géanz: An Anglo-Norman Poem*. Medium Ævum Monographs 2 (Oxford: Blackwell, 1937). (Hereafter, *DGG*.) All translations are courtesy of Jocelyn Wogan-Browne, PhD, and are taken from course materials provided to the class, “The French of England,” University of Connecticut, September, 2007.

<sup>74</sup> The poem may date to as early as 1250. See Brereton, p. xxxii.

<sup>75</sup> See also Lisa M. Ruch’s dissertation, “The British foundation legend of Albina and her sisters: Its sources, development, and place in medieval literature,” ProQuest Dissertations Publishing (Philadelphia, PA: Penn State UP, 2006). This dissertation covers virtually all aspects of this poem, including the development and dissemination of the text. See also Carley and Crick, “Constructing Albion’s Past: An Annotated Edition of *De origine gigantum*.” In *Glastonbury Abbey and the Arthurian Tradition*, ed. James P. Carley (Woodbridge: Brewer, 2001), pp.337-45.

also originates in a crime,<sup>76</sup> in *DGG*, Brutus's story ends with his triumph over the giants of Albion; it is picked up in the *Brut* where, it is related, having properly established law and order over the land, he reigns for twenty-two years and is peacefully succeeded by his three sons.<sup>77</sup>

Even a cursory examination of *DGG* will reveal that the poem is dense with legal situations and vocabulary; in fact, each of the major events is framed by this language which erects a linguistic scaffolding around the chaotic events of the narrative. The poet's insistence on such language suggests that law was essential to a properly organized society, its exemplary observance by the king of critical importance to his subjects. In addition to his use of this technical lexicon, the poet also makes use of numerous stylistic *topoi*. For example, he opens the poem with a Latin *incipit*, locates the narrative within the classical past, and deploys an ancient myth of female insubordination. Latin was used exclusively by the educated - usually church-related personnel - and its use in this poem points to the poet's familiarity with a classical curriculum; the references to classical mythology ground his argument in ancient authority. Additionally, he makes extensive use of the language of law and lordship, and seems to argue that England's present stability will depend on the king's acknowledgement of the lessons from the past.<sup>78</sup> Anglo-Norman French was the language of the royal and legal courts; his facility with these technical registers likewise gives his argument depth and authority. The poet's appropriation of the language of central government, the law courts and the classical past serves to authorize a sharp critique of past governance and a warning for future governance.

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<sup>76</sup> In Geoffrey of Monmouth's *Historia Regum Britanniae*, Brutus was great-grandson of Aeneas, himself the son of a Trojan prince and the goddess Venus. His mother died in childbirth and he accidentally killed his father, resulting in his banishment. See Geoffrey of Monmouth, *The History of the Kings of Britain*, trans. Lewis G.M. Thorpe (Harmondsworth, UK: Penguin, 1966), Chapters 1.3-18-2.1.

<sup>77</sup> See Geoffrey of Monmouth, *Ibid.*, p.75.

<sup>78</sup> Gabrielle Spiegel, *The Past as Text: The Theory and Practice of Medieval Historiography* (Baltimore: Johns Hopkins UP, 1977). See Carley and Crick, *Ibid.*, pp.359-73 and esp.364 for their argument that the Albina legend may have arisen in response to matters of sovereignty with respect to Scotland. See also Lesley Johnson, "Return to Albion," *Arthurian Literature* 13 (1995), pp.19-40, at p.25.

While this is not a specifically political poem, the poet does organize the narrative in such a way as to suggest a connection to recent events. Julia Marvin's article on *DGG* and the historical context within which it was written addresses "the use and abuse of lineage and power" particularly with respect to "the political struggle (between) men and women within their own households."<sup>79</sup> Her analysis establishes certain parallels between Queen Isabelle, regent until 1330, and the eldest of the fictive sisters, Albina, suggesting that the narrator of the poem may have been articulating the contemporary experience of a country under the rule of a woman. Marvin writes, "Isabelle's England is ... (an) uncivilized island briefly ruled by a woman thirsty for political power (and perhaps even one with a demon lover)."<sup>80</sup> Contemporary accounts are clear that the queen was in fact in thrall to Earl Mortimer who had pretensions to the throne, and who was able to manipulate her to his own considerable benefit and the detriment of the kingdom.<sup>81</sup>

Isabelle's regency did not last long. In 1330, Edward III, having attained majority and, acutely aware that the kingdom had suffered long enough from despotic and incompetent rule, hanged the earl, put Isabelle under house arrest, and bent his back to the task of restoring order. When the poem was written, therefore, the country had witnessed more than 20 years of turmoil, most of which might be laid at the feet of its leaders. Such was the situation when the poem, *DGG*, was written. I am aware of the perils of drawing too close a parallel between this poem and the events of the first third of the 14<sup>th</sup> century; indeed, I make no claim for a one-to-one correlation. Nonetheless, in the spirit of a mirror for princes, it would appear that the poem has

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<sup>79</sup> Julia Marvin, "Albine and Isabelle: Regicidal Queens and the Historical Imagination of the Anglo-Norman Prose *Brut* Chronicles," *Arthurian Literature* 18 (2001), pp.143-191 at p.145.

<sup>80</sup> Marvin, pp.173-4.

<sup>81</sup> See, for example, the passage in the *Brut* where Edward III orders his mother to return properties belonging to the Crown. Frederick W. D. Brie, "*The Brut*" or *the Chronicles of England* (1906), *EETS* (London: Kegan, Paul, et al., 1906), p.258 beginning line 13.

much to say about this chaotic period in England's history. Accordingly, I will argue that against the backdrop of the current political situation in England, the legal language in this poem appropriates the authority of central government and offers an "unofficial" perspective on contemporary events. As a critique, *DGG* warns of the chaos of domestic insurrection under an unwary king and suggests that a prudent king must protect his kingdom against such threats with laws and justice. The ancient myth of the Danaids is reworked to suggest a kind of extreme limits case, that is, an experiment by the narrator with ideas of lordship, order, rights, and constraints.

Georgine Brereton has identified several sources of inspiration for the poet of *DGG*.<sup>82</sup> Ovid would have been a familiar figure to a poet steeped in classical mythology, as he was widely read, translated, adapted and imitated throughout the Middle Ages. Used principally as a vehicle for instruction in Latin grammar, and thus available to a wide range of students from the beginning of the 12<sup>th</sup> century, in the later medieval centuries, the corpus was the source of considerable allegorical, pedagogical, literal, or moral exegesis.<sup>83</sup> Ovid's *Heroides* is a collection of fifteen epistolary poems written by unhappy women to their husbands or lovers; Hypermnestra's letter to her husband, Lynceus, is number XIV. In it, she relates the story of the Danaids and complains of the ill treatment she has received for failing to obey her father's murderous orders. Several elements of this letter are reflected in the 14<sup>th</sup> century poem, *DGG*. In significant other ways, the medieval poet has altered the customary narrative. I would argue

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<sup>82</sup> As Brereton points out, "the chief Latin versions of this story are: Ovid *Heroides* xiv, Horace *Odes* III xi, Servius *ad Aen.* X 497, and Hyginus *Fabulae* clxviii." *Ibid.*, p.xxxiii.

<sup>83</sup> See *A Handbook to the Reception of Ovid*, John F. Miller and Carole E. Newlands, eds. (Chichester, UK: Wiley Blackwell, 2014).

that these changes have been deployed by the poet at a critical and uncertain historical juncture in order to impose meaning on the current political chaos.<sup>84</sup>

To begin with the 14<sup>th</sup>-century poem, thirty daughters have been married by their father, the king of Greece, to various vassal kings.<sup>85</sup> The princesses are manifestly unhappy with this arrangement. We read,

*Fillez erent au roy de pris  
Qi a nuli ne fut souz mis;  
Ne ne voleient eles ester...* (vv.55-7)

(“They were daughters of a renowned king who was not subject to anyone, nor did they themselves want to be...”)

In Hypermnestra’s letter to her husband, Lynceus, she only briefly claims descent from Inachus, the first king of Argos.<sup>86</sup> The British poet, however, has immediately amplified this royal connection to assert a sovereign bloodline which appears to prefer lordship over the gender of the women. No mate would have been sufficient for these women: by using their superior bloodlines, they assert the matter of “disparagement,” that is, “marrying down” and thus being denigrated in their dignity and reputations. Read as a critique of the excesses of the past 20 years, the English poet would have known that Isabelle of France was the daughter of the king of France, to whom the English king owed homage for the Duchies of Aquitaine and Gascony and the County of Ponthieu. As such, Edward’s lordship was inferior to Isabelle’s father’s (and then brother’s) and so, conceivably, inferior to hers as well.<sup>87</sup>

We read further in *DGG*,

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<sup>84</sup> Julia Marvin’s study of the *Brut* chronicles in connection with this poem reaches the same conclusion, that the compilers crafted bits and pieces from various of the chronicles in order to “teach a particular lesson at the particular time it is needed.” See Marvin, p.182.

<sup>85</sup> I will distinguish all these Greek princesses as follows: I will call the women in *DGG* “the Greek princesses” and the women in the *Danaid* either “the Danaids” or “the Argive women.”

<sup>86</sup> No line numbers are given in the on-line translation so no line numbers will be given. However, I have appended the entirety of the letter to the end of this essay for ease of reference.

<sup>87</sup> Notably, by the end of Edward’s reign, English territories in France were limited to Gascony.

*Nule ne coleit aver mestre,  
Ne ester souz nuli destresce;  
Mes tutdis estre mestre  
De sun seignur e quant q'il out (vv.58-61).*

(“None of them wished to have a master, nor to be constrained by anyone, but always to be mistress of her lord and whatever he possessed.”)

It would seem that the Greek princesses might accept marriage if their spouses were subservient to them; however, it soon becomes clear that they want *no* man:

*Mes tost après se assemblerent,/*  
*E coyment se conselerent,/*  
*E si unt entre eux ordiné/*  
*Qe nule ne soit si assoté/*  
*De souffrir en nule guise/*  
*De estre en autri danger mise,/*  
*Ne de seignur, ne de veisin,/*  
*Ne de frere, ne de cosin,/*  
*Ne nomément de sun baron. (vv. xliii-li).<sup>88</sup>*

(“Soon afterward they assembled and secretly took counsel together and arranged between them that none of them should be so foolish as to suffer in any way to be put within the power of another, neither of a lord or a neighbour, a brother or a cousin, [nor], especially, of her husband.”)

As daughters of a king who was overlord, the women considered themselves answerable to no one. Indeed, they refer to the condition against which they struggle as *assoté*, that is, “foolish,” “deceived,” or “mad.”<sup>89</sup> Interestingly, just as the narrator raises this matter for examination, he drops it again. The reader senses his perplexity: how can these noblewomen possibly object to being safely married to kings in accordance with their father’s will? As he recoils, one is given to know that the princesses are testing the limits of domestic and perhaps feudal boundaries, ones which the narrator himself cannot permit to be breached. Indeed, the actions of the Greek princesses may loosely reflect Isabelle’s ultimate repudiation of the

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<sup>88</sup> All quotations from the poem are taken from G. Brereton, *Ibid.*

<sup>89</sup> “Asoter” to be foolish or stupid *AND*, <http://www.anglo-norman.net/cgi-bin/form-s1> > Accessed June 11, 2016. *Assoté*, then, is the adjectival form. All definitions, unless specifically noted, are taken from the *Anglo-Norman Dictionary* © MHRA 1977-1992: reproduced with permission.

ineffectual Edward. Although there is neither in the poem nor in the historical record any prior allusion to coercion, the assumption that the daughter will marry as her father chooses certainly suggests that marriage was a routinely coercive custom. While consent was given lip service in medieval English marriages, at the highest levels of society and specifically as ordered by the king, this was not to be challenged.<sup>90</sup>

The princesses, however, have made a costly mistake. Having arrogated to themselves their father's authority, they take it upon themselves to act as judge and jury in the matter of their husbands, and conspire to murder them on their wedding night.

*Si lur seignurs a lur voler  
Ne se voleient obeier  
De fere tote lur volunté  
De quant q'il unt en pensé,  
Entre eux issint assurerent  
E par lur feiz affermerent  
Que chescune, tut en un jour,  
Oscireit mesmes sun seignur,  
Privément entre ces braz,  
Quant meux quide aver solaz. (vv. 63-72)*

("If their lords did not wish to obey their will and do all that they desired, regardless of how they felt about it, they agreed and pledged by their troth among themselves in this way that each of them, all in a single day, would herself kill her lord secretly while in her arms when he rather expected to have pleasure.")

This conspiracy shifts the princesses' pride into the realm of treason, threatening not just their husbands but the authority of their father and the customary protocols of "civilized" society. This is a sharp departure from Ovid's poem. In this earlier story, it is Danaus, the royal father of the forty-nine Argive princesses, who has ordered his daughters to murder their husbands - their cousins - on their wedding night. We learn that these men "deserved to die for taking their

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<sup>90</sup> See Jeremy Goldberg, "The Right to Choose," *History Today*, Vol.59, No.2 (Feb., 2008), pp.16-21. See also Sara Butler, "I will never consent to be wedded with you! Coerced Marriage in the Courts of Medieval England," *Canadian Journal of History*, Vol.39, No.2 (Aug., 2004), pp.247-270. See however, clause 6 of Magna Carta regarding disparagement, and clause 8, regarding a widow's rights. <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation> Accessed February 14, 2017.

uncle's kingdom." This is apparently because Danaus and his brother, Aegyptus, shared in the inheritance of a royal kingdom which, if his brother's forty-nine sons married the Danaids, would then become entirely the property of the Aegypti. The authority in Ovid's poem derives from the father, just as it does in the British poem; however, in the first instance, Danaus has ordered the daughters to commit murder while in the second, the women defy their father and determine to commit the crime. The Danaids, it may be argued, *must* obey their father – patriarchal law lay at the base of the Roman society into which Ovid was born; the crime which Danaus ordered his daughters to commit was therefore secondary to their disobedience.

Thus in the case of Hypermnestra, it was her failure to obey her husband which was indicted. We read in her letter that after lifting the sword and failing to plunge it into Lynceus's throat she cries, "What have I to do with swords? Or a girl with warlike weapons?" and then she wakes him, saying, "Rise and go, scion of Belus, sole one of many cousins! / This night will be yours eternally, unless you hurry!" But in releasing her husband, she has disobeyed her father.

The poem continues,

He takes it badly, downcast by one among these dead relations,  
and complains that the acts of blood are unfinished.  
I'm dragged by my hair, from my father's, feet to prison –  
is this the reward I deserve for my virtue?

Hypermnestra claims that it is out of "virtue" and "piety" that she has failed to murder Lynceus. She has lost much in so doing: not only has her husband had to flee but, as she writes, "I weep for those given death, and those who gave it, / For as many cousins as I lost, I lost as many sisters." We may assume her sisters and father have abandoned her; she is now in chains in prison.

The comparison to the youngest sister in *DGG* is instructive. This princess is “good and honorable,” she loves her husband and so confesses the plot to him. This sister falls to her knees before her husband,

*E la dame, qe mult ert gent,  
A piez sun seignur descendi,  
En plorant li cria merci.<sup>91</sup>  
De sun trespaz<sup>92</sup> merci cria  
E de la trayson<sup>93</sup> li counta,  
Coment ses soers, a mult grant tort,<sup>94</sup>  
Lifesoient jurer sa mort,  
La ou de ceo n'avoit talent (vv.100-105).*

(“And the lady, who was very beautiful, fell at her lord’s feet, and, weeping, asked for his forgiveness. She asked for forgiveness for her wrongdoing and told him about the treachery, how her sisters, very wrongfully, made her swear to his death – for which she had no desire.”)

In *DGG*, love and filial duty have trumped sodality. The British poet’s alterations of the original narrative align the new storyline with the events which had troubled England for the last 20 or more years, particularly since the period of Isabelle’s regency. The two striking elements of this time - the fact that an anointed king had been deposed and had died under mysterious circumstances and that this had taken place while his queen was in power - suggest that the poet

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<sup>91</sup> Pollack and Maitland write that “so soon as the offender’s guilt is proved the court declares he is in mercy,” the beginning of a process by which a man was fined an “amercement.” See Pollack, Frederick and Frederic William Maitland, *The History of English Law Before the Time of Edward I* Vol. 2 (Cambridge: Cambridge UP, 1899). “Merci”: to wager an amercement; to incur an amercement (as in) “seit en la merci de dues sous”; or to be subject to amercement. “Amercement” or “amerement” is further defined as “the right to impose and collect compensation.” *AND*, *Ibid*.

<sup>92</sup> “Trespaz” or “trespass”: trespass, misdemeanour, violation of the law... actionable wrong committed against the property or person of another.” *AND*, *Ibid*.

<sup>93</sup> “Trayson” or “traison”: crime of violence against a person to whom allegiance is owed; betrayal, treachery; (law) treason (against the king); grant traisun: high treason: Graunt tresoun est a compasser nostre mort (= the King’s); halte traisun: high treason; petit traisun: disloyalty, where allegiance is owed to someone lower than the king. Bracton writes, “Graunt tresoun est a compasser nostre mort (= the King’s) (BRITT i 40); halte traisun, (law) high treason: chescun que compasser et purpose la mort du Roy [...] soit adjugez com traitour de haute traison (Stats II 98); principalx faisours de les hautes tresons (Rot Parl1 iii 476); petit traisun, (law) disloyalty, where allegiance is owed to someone lower than the king: poet estre treysoun graunt ou petit; dunt acun demaund jugement de mort et acun amission de membre ou jugement de pillori [...] solum la manere del fet (BRITT i 40). (Britton, *Ibid*.) *AND*, *Ibid*.

<sup>94</sup> “Tort”: wrong, tortious; a wrong, incorrect statement; wrong(ful) act; wrongdoing, evil living; tort, illegal act; as in “tort e force”: unlawful act and violence; an illegal act committed by the person himself. *AND*, *Ibid*.

was considering the implication of treason in the governance of the nation. Isabelle's greed during her regency, the power and despotic arrogation of royal power by her upstart mate, Mortimer, the bizarre circumstances of the king's "abdication" and subsequent death, all suggest the tenuous nature of this woman's rule.

There is no suggestion in the historical record that Isabelle was doing her own father's bidding. All the same, she *was* in France when she staged the invasion which brought down her husband, and she *was* probably romantically involved with a man Marvin refers to as a "demon lover."<sup>95</sup> The narrative of *DGG* posits an imaginary extreme which is relevant in the context of Isabelle's regency in a way that it is not at any time earlier. This argues for a later date of composition by a poet who fretted that the young king had already forgotten his promises of restoring order at home and had turned to more exciting international matters.<sup>96</sup> For the poet, however, the hazards of a woman recently in power were not to be forgotten.

In the context of legal developments, the youngest sister in *DGG* invokes the ancient ritual of supplication, though the terms in 14<sup>th</sup>-century England have changed. *Merci*, *trespaz*, *trayson*, and *tort* are technical terms of lordship and governance which carry meanings for both violation of property laws and actions against the king. *Merci* is commonly understood to carry multiple meanings but in this context is clearly intended to mean abject dependence on the judge's clemency.<sup>97</sup> In the case of the princess, her husband clearly has her life in his hands, a position he holds simply by being her lord and now compounded by her malfeasance.<sup>98</sup>

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<sup>95</sup> Marvin, p.145.

<sup>96</sup> That is, closer to the date of composition of the Cotton Cleopatra MS, as opposed to a date as early as 1250. See Brereton, xxxii, for these estimates.

<sup>97</sup> Note that the judge need not be a magistrate; he could be the king, a husband or a lord.

<sup>98</sup> In the context of the poem, the meaning of "merci" appears to carry none of the meaning implicit in the words "amerciement" or "amercement." The sense of material obligation is derived as follows: "Origin: 1125–75; ME *merci* < OF, earlier *mercit* < L *mercéd-* (s. of *mercés*) wages (LL, ML: heavenly reward), deriv. of *merx* goods. Dictionary.com. *Dictionary.com Unabridged* (v 1.1). Random House, Inc. <<http://dictionary.reference.com/browse/mercy>>. Accessed July 28, 2016.

*Des Granz Géanz* stresses that lordship is at the heart of the poem and enters into the domestic realm in a very specific way. A medieval husband did indeed have power of life and death over his wife, just as a king did over his vassals. The force behind this arrangement appears to derive from such passages as Genesis 3:16 which reads, “thy desire shall be to thy husband, and he shall rule over thee”<sup>99</sup> but the specific contract devolves around a “wife’s duty to obey and a husband’s right to ensure that she did.”<sup>100</sup> This is a contract reminiscent of that between vassal and lord, dependent upon reciprocal relations but arrogating the ultimate authority to the lord. With this in mind, an examination of the use of the word, *trayson*, takes on additional meaning in the following lines,

*E quant furent touz assemblé,  
Li roy les ad aresonee  
De la mort e la trayson  
Qe chescune de sun barun,  
Par grant malice, avoit purveu,  
Dunt deshonor lur est acreu.  
Les dames sunt touz espontez  
De ceo q’eles sunt acoupez  
De la trayson dunt sunt rettez  
Dunt ja ne serrunt aquitez. (vv.129-138)*

(“And when they were all assembled, the king had them all interrogated about the death and treason that each through great ill will had ordained for her lord, through which dishonour had come to them. The ladies were aghast at being accused of the treason with which they were indicted and of which they would not be acquitted”).

The proximate reason for the trial was the crime intended to have been committed against the princesses’ husbands. This was *treison*, as found in the parliamentary rolls: *il y ad autre manere de treison, c’est assaver quant un servant tue son mestre, une femme qe tue son baron*

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<sup>99</sup> *Medieval Internet Sourcebook* “Select Passages from the Bible on Marriage (King James Version)” <<http://www.fordham.edu/halsall/sbook1v.html>> July 28, 2016.

<sup>100</sup> Barbara Hanawalt, *The Ties That Bound: Peasant Families in Medieval England* (New York and London: Oxford University Press, 1986), p.213.

(“There are other forms of treason, to wit when a servant kills his master, a woman who kills her lord”).<sup>101</sup> These forms of treason were known as *petit traisun*. Barbara Hanawalt writes,

The husband’s responsibility to correct his wife was legally ensured...Law upheld the husband’s commanding role over his wife, for the punishment meted out to a wife for killing her husband was that of treason rather than felony. She would be burned at the stake for killing her lord and master.<sup>102</sup>

However, in the poem, it is not the just princesses’ actions against their *husbands* but the act of disregarding their father’s commands – the crime of *graunt traisun*– for which the women are condemned. There are few accounts of medieval royal women committing *graunt traisun* before the 14<sup>th</sup> century. Eleanor of Aquitaine was arguably one: for her betrayal of her husband, Henry II, she was locked up for his lifetime. In 1314, Philip IV executed the lovers of his daughters and locked up the princesses. Isabelle herself was likewise placed under house arrest by her son. Medea, Clytemnestra, and of course, Hypermnestra are well-known from early literature.<sup>103</sup>

Not only are the sisters’ intentions treasonable, but the failure to promptly inform the king or his ministers would ensure the failure of any appeal under common law which the traitor might raise. As Bracton writes,

...after the day on which the said plot and treason were supposed to be committed, he said nothing of any such betrayal of the lord king; [or] that since the appellor knew that the said treason had been plotted and did not go at once and without delay to the king to disclose it to him, but kept silent about it for so long a time that peril, if such there were, might in the meanwhile have befallen the king, that he therefore ought not to be heard in his appeal, as the king’s enemy and betrayer and as one consenting to the felony.<sup>104</sup>

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<sup>101</sup> AND, Ibid.

<sup>102</sup> Hanawalt, p. 214.

<sup>103</sup> See Jennifer Jones, *Medea’s Daughters: Forming and Performing the Woman Who Kills* (Columbus, Ohio: Ohio State University Press, 2003).

<sup>104</sup> Bracton On-Line (English) Harvard Law School, <<http://ceoexpress.com/search/dengines.asp?rurl=http://www.google.com/search?q=bracton%20law&sq=Default%20Engine&kw=bracton%20law>>. Accessed July 28, 2016. Hereafter, *Bracton*.

<sup>104</sup> *Bracton*, Ibid., p.336.

Further, this young princess has forced action upon her husband by her confession. Bracton writes that, “if the accuser and appellor, in a case of felony and treason committed against the lord king, though apprised of the crime, did not make the treason known to the king or his ministers without delay, though he could have done so, since he ought to sue immediately before he turns aside to others things.”<sup>105</sup> The implication hereof is that the husband would be likewise liable in a treasonous cause if he did not promptly inform the king of the plot against him. Seen in this light, the narrator demonstrates not only his awareness of the severity with which treason is construed, but devolves onto the princess and her husband a clear knowledge of the consequences of not notifying the king.

This may be contrasted with the crime committed by Hypermnestra. Hers was likewise in disobeying her father – though for entirely different and critical reasons. For this she was thrown into prison and shunned by her family. We know no more of Hypermnestra’s fate from Ovid’s poem though the myth was known in the work by numerous other poets. The Roman poet, Hyginus, for example, writing shortly after Ovid, expands the narrative to include a plot by Aegyptus to kill his brother. He sends his sons to accomplish this and, we read,

When Danaus saw that he could not resist them, he promised them his daughters if they would give up the fight. They took as wives the cousins they had demanded, but the girls, at their father’s command, killed their husbands, all but Hypermnestra, who saved Lynceus. Because of this a shrine was made for Hypermnestra and Lynceus, but the others are said to carry water to fill a leaky jar in the Lower World.<sup>106</sup>

In his compendium of Greek myths, Apollodorus (c.180 BC – 120 B.C.)<sup>107</sup> offers a version of the story, including the detail that Lynceus permitted Hypermnestra to retain her virginity, for which kindness she spared him, though consequently suffering her father’s wrath

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<sup>105</sup> Bracton, *Ibid.*, p.398.

<sup>106</sup> Hyginus, *Fabulae* CLXVII, “Danaus,” Mary Grant, trans. <http://www.theoi.com/Text/HyginusFabulae4.html> Accessed July 28, 2016.

<sup>107</sup> Or perhaps, “pseudo-Apollodorus” writing in the first or second century A.D. See Robin Hard, trans. *Apollodorus: The Library of Greek Mythology*, Oxford World’s Classics (Oxford: Oxford UP, 1997), pp.xi-xii.

and imprisonment while her murderous sisters are given by their father to winners of a footrace.<sup>108</sup> In what may be the first reference to the sisters' punishment, Plato (427-347 B.C.E.), as Edward Cope observes, "draws a picture of the condition of a man who ... passes his life in the constant and unlimited indulgence of all his appetites and passions, like the daughters of Danaus, ever engaged in pouring water into a vessel which he can never fill."<sup>109</sup> Campbell Bonner notes that the first-century B.C., the pseudo-Platonic dialogue *Axiochus* mentions the punishment of the Danaids<sup>110</sup> and Hyginus, too, was familiar with the punishment in Hades.<sup>111</sup> The Danaids' subsequent marriages to athletes, a detail which was known as early as Pindar (c.522-c.443 BCE), provides an interesting twist. As Anne Berthelot observes, in antiquity, it would have been a father's duty to find marriages for his daughters; in this myth, this is no doubt a matter of expediency: safely tucked away, the women are in no way a threat to his sovereignty.<sup>112</sup> All the same, as Bonner observes, "the idea of the guilty sisters escaping punishment and living in peace and happiness for the rest of their days is hardly consistent with the (then) popular conception of the Danaids as types of ferocity."<sup>113</sup> Their punishment in the underworld – a later addition to the myth - serves to underscore the tension between human justice and divine justice. On the one hand, there is the system of justice meted out by Danaus who rewards his obedient, albeit murderous daughters and punishes his disobedient, albeit virtuous daughter, and on the other, there is the system of divine justice which has these women punished for eternity in a manner reminiscent of Tantalus and Sisyphus.

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<sup>108</sup> Hard, p.62.

<sup>109</sup> Edward Meredith Cope, *Plato's "Gorgias": Literally Translated with an Introductory Essay, Containing a Summary of the Argument* (Cambridge: Deighton, Bell, and Co., 1864).

<sup>110</sup> Campbell Bonner, "The Danaid-Myth," *Transactions and Proceedings of the American Philological Society*, Vol.31 (1900), pp.26-36, at pp.27-8.

<sup>111</sup> Bonner, p.34.

<sup>112</sup> Professor Anne Berthelot, editorial comments.

<sup>113</sup> Bonner, pp.33-34.

The English poet has also considered the matter of treason and its punishment. In the next scene, Albina and her sisters are condemned for plotting to assassinate their husbands (lines 129, et seq.):

*... chescune, a sun poer,  
Se veut defender par jurer.<sup>114</sup>  
Mes rien ne vaut le contredire,<sup>115</sup>  
Car li roy out si grant ire  
Qe touz les veut mettre a mort  
Pur lur malice<sup>116</sup> e pur lur tort  
Lur pere, qi out ire grant,  
Tant les ala aresonant<sup>117</sup>  
E tant les ad examine<sup>118</sup>  
Qe rien ne pout ester celé  
De ceo qe purveu avoient  
Quant a lur conseil<sup>119</sup> estoient.  
Par lur pere, qe fu coynte,  
Fust chescune la ateinte<sup>120</sup>  
De cele malice desraee... (vv. 129-153)*

(“... each one, as far as she could, wished to defend herself by swearing. But nothing could gainsay it, for the king was so angry that he wished to put them all to death for their ill will and their wrongdoing. Their father, who was very angry, accused them so much and had them interrogated so much that nothing could be hidden of what they had ordained when they had their counsel. Through their father, who was astute, each one was convicted of deliberate malice...”)

This long passage is replete with implication and demonstrates to great effectiveness the “possible convergences between literature and law in the conceptualisation of truth, proof, evidence, lordship, the question of what structuring cause or notion organizes a trial, what

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<sup>114</sup> “Juré”: a sworn friend, or jury *AND*, *Ibid.*.

<sup>115</sup> “Contredire”: to deny the validity of, refuse to accept; to contradict oneself, belie one’s words by one’s actions. *AND*. *Ibid.*

<sup>116</sup> “Malice”: mischief, wickedness, wrong *AND*, *Ibid.*

<sup>117</sup> “Araisuner”: to address, speak to; to (seek to) persuade, make see reason ; to question, interrogate (especially in legal context); (law) (= arener) to arraign (?). *AND*, *Ibid.*

<sup>118</sup> “Examiner”: to examine or interrogate.

<sup>119</sup> “Conseil”: Legal counsel or legal support. *AND*, *Ibid.*

<sup>120</sup> “Atteindre”: (to accuse; to attain, convict (as, of, for); to defeat by attain; to prove; to establish publicly, determine (guilt, innocence); to extinguish. *AND*, *Ibid.*

sanctions its outcome, what enables dispute resolution.”<sup>121</sup> In the first instance, the reader is struck by the tension between crime and legal remedy. While the right to jury had long been in effect in common law, in the case of treason against the king, there was no such recourse. In this instance, the princesses’ treason has so stirred up the precepts of lordship that the king in all of his seigneurial fury becomes the supreme judge. He is their judge and jury; his is their law.

Bracton writes:

The king has no equal within his realm, [Subjects cannot be the equals of the ruler, because he would thereby lose his rule, since equal can have no authority over equal.] nor *a fortiori* a superior, because he would then be subject to those subjected to him. The king must not be under man but under God and under the law, because law makes the king, [Let him therefore bestow upon the law what the law bestows upon him, namely, rule and power.] for there is no *rex* where will rules rather than *lex*.<sup>122</sup>

In other words, while the king is the supreme lord and may not himself be judged by these laws, he is responsible for the application of law and may be held accountable for the failure to apply them. Thus, the king’s responsibility is to mobilize the forces of law against the convicted, regardless of whether or not they are his daughters. In fact, application of the law becomes a test of wise governance and Bracton cautions:

though one is fit to judge and to be made a judge, let each one take care for himself lest, by judging perversely and against the laws, because of prayer or price, for the advantage of a temporary and insignificant gain, he dare to bring upon himself sorrow and lamentation everlasting.<sup>123</sup>

Thus, the king is not only within his rights but required by law to punish treason.

Bracton tells us that any attempt against the king will result in

...corporal punishment, heavy or light depending upon whether the crimes are major or minor. Some involve the ultimate penalty, with greater pain and torture lest they die at once; sometimes that same penalty without torture. Some entail mutilation of members, some exile, permanent or temporary, [or] permanent or temporary imprisonment.

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<sup>121</sup> [www.fordham.edu/frenchofengland/fcourse3syll.html](http://www.fordham.edu/frenchofengland/fcourse3syll.html). Accessed July 28, 2016.

<sup>122</sup> *Bracton*, *Ibid.*, p. 33.

<sup>123</sup> *Bracton*, *Ibid.*, p.21.

Punishments were devised for the correction of men, so that those whom the fear of God cannot turn from evil may at least be restrained by a temporal penalty.<sup>124</sup>

Note that in the narrative, the case is complicated: the princesses have defied the king and conspired against him and their husbands. While the law is reticent with respect to royal women, treason strikes at the heart of the social order and as such, is a crime which could not be lightly dismissed. Thus, the punishment of the princesses is described by the poet as by *commun assent* (line 165):

*Mes les juges, qi furent sage,  
Pur l'onur de lur parage,  
C'est a saver de lur pere,  
Ausi de lur bone mere,  
Qe si noble gent estoient,  
E pur l'onur de lur barons,  
Qi tindrent riche regions,  
Unt agardé qe a dreit ne a tort  
Ne deviant souffrir vile mort.  
Mes par commun assentement  
Fu ordiné par jugement  
Qe totes seient exilez  
Hors du pais ou furent nez  
A touz jours, sanz repairer (vv. 167-81).*

(“But the judges, who were wise, for the honour of their lineage, that is to say of their father and also of their good mother, who were such noble people that they had all the empire, and for the honour of their husbands, who held powerful regional kingdoms, decreed that, rightly or wrongly, they should not suffer a base form of death. Rather, by common assent, it was ordained as their sentence that they should all be exiled forever, without hope of return [to] the country where they were born.”)

Thus, the poet is ascribing to the notion that the king takes council from his lords, who mediate his rage and impose exile on the princesses. This may be compared to various recensions of the Danaid myth in which the women marry athletes and are not punished until their afterlife. It should be noted that in both of the poems, it is the fathers’ action which bears additional scrutiny. Although it was Danaus who insisted on the murders, he suffers no

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<sup>124</sup> *Bracton*, *Ibid.*, p. 298.

punishment; his daughters' obedience is the object lesson. However, in the British poem, the king's actions are unremarkable until he reacts with fury to hearing of his daughters' actions. For their *malice* and *tort* (l.144), it is he who then assumes the combined role of king and court and levies both judgment and punishment against the princesses. The poet unequivocally resists the force of unrestrained sovereign power and instead stresses the mediating effect of the king's advisors on his judgment.

Situated within its historical context, the poem thus briefly but critically asserts the customary right of the kingdom's magnates to participate in the governance of the realm. These men had suffered for years at the hands of greedy and incompetent rulers: their traditional rights had been threatened, ancient privileges usurped by foreigners and favorites. From the investiture of Piers Gaveston as Duke of Cornwall – a privilege traditionally reserved for members of the royal family – to Mortimer's temerity with respect to royal perquisites, erosions of the royal dignity and a siphoning-off of the authority of aristocratic advisers invested in the welfare of the country were seen as having subjected the kingdom to lawlessness and incessant disorder.

The narrator of the poem is emphatic that treason is at the heart of the poem – from it evolves the entire narrative. And it is indeed the king who has been betrayed. But in the larger picture, the cost of lawlessness is borne by the kingdom itself and therefore the poet is emphatic that the king may not be judge and jury at one time, that a good king will heed the advice of his counselors. In 1333, this suggests that the ancient customs regarding the consensual nature of governance - including punishment of transgressors - were topical. In particular, the idea of delimiting the king's ability to define *haut traisun* was of critical importance in light of recent events: in retaliation for the execution of the king's favorite, Piers Gaveston (*juge par les pers de la terre*), the leader of the disaffected nobles, Thomas of Lancaster - a prince of royal blood -

had just been summarily executed for *proditionibus* (treason).<sup>125</sup> This event was greeted with outrage by contemporary chronicles: the *Brut* records that the king himself was “traiterously ... conceilede..by false conceil”<sup>126</sup> and even Thomas Grey’s *Scalacronica*, typically hostile to the Lancastrians, fails to indict the rebels as traitors when they rode against the king, “banners displayed.”<sup>127</sup>

That the customary force of feudal relations provides structure in the face of chaos may be observed in the poet’s consideration of *seisin* in the next scene since he writes:

*Cele qe fu nomee Albine  
De la terre prist seysine*<sup>128</sup> (vv.-255-6).

(“She who was named Albina took *seisin* of the land.”)

And after canvassing the land, Albina addresses her sisters,

*Mes fortune nous ad grantee  
Ceste terre, ou avowé  
Estre dei, e cheveteine,  
Car jeo fu la premereine  
Q’en la terre prist seysine,  
Al issir de la marine.  
Si nule veut contradire  
Rien qu touché la matire,  
Meintenant le mostre a mei  
Pur quey estre ne le dei.* (vv. 329-38)

(“...but fortune has given us this land, of which I must be appointed head, for I was the first to set foot on the land upon issuing from the ship. If anyone wants to speak against

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<sup>125</sup> See John Maddicott, *Thomas of Lancaster, 1307-1322: a study in the reign of Edward II* (London: Oxford UP, 1970) and Andy King, “False traitors or worthy knights? Treason and rebellion against Edward II in the *Scalacronica* and the Anglo-Norman prose *Brut* chronicles,” *Institute of Historical Research*, Vol.88, No.239 (Feb., 2015), pp.34-47, p.45.

<sup>126</sup> King, p.34.

<sup>127</sup> King, p.46. Note that this offense was not written into the law until 1352, 31 years later.

<sup>128</sup> “Seysine” or “sesine”: from “seizir” to seize, capture; to seize, take possession of; to seise, put in possession of; to take charge of, assume wardship of; to be seized; to hand over (to); (absol.) to seise; p.p. in possession (of); seised (of); having jurisdiction (over); holding as one’s villein or serf; holding in custody; (law) married, having a spouse; having as a ward; sbst.inf. seizure; possession (of things or persons, tangible or intangible); seisin, (possession of land or persons as king, lord, etc.); (law) possession of a person as a ward; (law) act of giving possession; seizure; s. *possession (of things or persons, tangible or intangible)*. AND, Ibid.

anything touching on this matter, let her show me now why I must not the head. They unanimously agreed that she could be their leader.”)

Taking possession by “seysine,” that is, as “feofee,” is the strikingly precise legal term for ownership of land in the absence of a title. Albina claims that because she was there first (*premereine*), she must be the leader. However, in the operation of a specific claim based on primogeniture, had a younger sister been the first to disembark, she could have claimed the land by conquest. The basis for this is established by John le Patourel who describes a distinction between *propres*, which is the inheritance, and *acquêts*, which are conquests. Custom regarding inheritance dictated the distribution thereof while a lord had a “freer hand” with the properties of his conquest.<sup>129</sup>

While Albina could have simply declared her right to the land, she nonetheless asks for her sisters’ recognition. They give it to her unanimously and apparently without force.<sup>130</sup> This may indicate that the women’s acceptance of the traditional feudal contract requiring that the lord rule with the agreement of his vassals. This idea gains particular resonance since in the context of an *acquêt*, the princesses were free to establish whatever form of governance they chose. Considering the constraints under which they previously operated, it might not have been impossible for these women to have devised a new form of governance, for instance having no overlord. When they do not, one feels the presence of the narrator who does not challenge the structure of lordship but rather those women who would continue to defy it.

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<sup>129</sup> John Le Patourel. “The Norman Succession: 996-1135.” *The English Historical Review*. Vol. 86, No.339 (Apr., 1971), pp. 225-250 at p.227. This may be based on the twelfth century legal scholarship of Ranulf de Glanvill who maintained that “a man's inherited land could not be distributed to his younger sons, but that land acquired by the man during his lifetime could be alienated freely (unless the man had no inherited lands, in which case some had to be left for the heir).”

<sup>130</sup> It should also be noted, that they do this without benefit of a lawyer or documentation, which of course harkens back to a time prior to the written codification of law, when custom and memory served to authenticate the action. See Michael Clanchy re the *Quo warranto* proceedings and the Earl of Warenne’s sword, *From Memory to Written Record: England 1066-1307*, 3<sup>rd</sup> Ed. (Malden, Ma and Oxford, UK: Wiley-Blackwell, 2013), p.34.

The notion that feudal contracts govern the relations of a fictitious community of women is expanded to an imaginary extreme. That they employ the language of lordship from the outset does indeed seem to make clear that the women have access to all the concepts of lordship and the laws which form their underpinnings.<sup>131</sup> Indeed, Dorothea Oschinsky argues that as the late 13<sup>th</sup>-century legal system became more complex, the king attempted to make them more accessible.<sup>132</sup> Accordingly, it became “essential for stewards and bailiffs (of manorial estates) to have a good legal education,” so much so that “by the end of the thirteenth century estate stewards on large manorial estates were trained lawyers.”<sup>133</sup> Oschinsky’s study of the treatises on estate management which arose during this time determined that they were “first and foremost legal text-books,” written by “highly trained officers, probably stewards or bailiffs themselves who had obtained their experience on large estates and had put it in writing for their own use and that of their trainees.”<sup>134</sup> Of these manuscripts, she continues, one is specifically concerned with “the duties and qualifications of the estate officials” (the *Seneschaucy*) and another (the *Rules of Robert Grosseteste*)<sup>135</sup> with “(advising) a lord on how to run his estate and order his life.”<sup>136</sup> Thus, the management of the estate would have rested in the hands of men who were familiar with the law codes of England and would have been conversant in the Anglo-Norman French in which the texts were written. The lone exception to this is a treatise written by Robert Grosseteste, Bishop of Lincoln, and dedicated to Margaret, Countess of Lincoln. This was

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<sup>131</sup> See Jane Zatta, “*The Vie Seinte Osith*: Hagiography and Politics in Anglo-Norman England.” *Studies in Philology* 96 (1999): 367-93 for a discussion of lordship articulated through the figure of a female figure.

<sup>132</sup> Dorothea Oschinsky, “Medieval Treatises on Estate Management,” *The Economic History Review*, New Series, Vol. 8, No. 3 (1956), pp.296-309.

<sup>133</sup> Oschinsky, p.300.

<sup>134</sup> *Ibid.*, p.308.

<sup>135</sup> See Michael Burger, “The date and authorship of Robert Grosseteste’s *Rules for Household and Estate Management*,” *Historical Research*, Vol.74, No.183, pp.106-116. Also, *Walter of Henley and Other Treatises of Estate Management and Accounting*, Dorothea Oschinsky, ed. (Oxford: Oxford UP, 1971) and *ibid.*

<sup>136</sup> Oschinsky, *Medieval Treatises*, p.296.

thought to be written during the two years of Margaret's widowhood, instructing her on "how to guard and govern lands and households."<sup>137</sup>

With respect to the text, then, the seigneurial women of Albion are indeed within their legal rights and customary expectations to own and manage manorial lands. Specific knowledge of property law most often lay with the steward in charge of the lands although this did not in any way preclude a woman from knowledge of property law, and repeated exposure to the application of law to smooth functioning of the manor would have made this knowledge more ambient. In fact, Emma Hawkes writes that, "A close study of the ways late medieval northern English gentlewomen approached common law and equity courts suggests that these women were indeed informed and experienced legal agents."<sup>138</sup> Hawkes's study is of fifteenth and sixteenth century women's actions in the English court system and while she notes that "The laws of England (existed) as a network of intertwined jurisdictions... established in England since the time of Henry II,"<sup>139</sup> her study cannot be assumed to relate directly to the legal experience of 14<sup>th</sup>-century women. Nonetheless, common law claims in late medieval England were, as they were in 14<sup>th</sup>-century England, arbitrated by means of increasingly codified law and interpreted by a widening pool of legal specialists. In this regard, the poet registers a certain anxiety: although he seems willing to cede knowledge of law to women, he cannot reconcile this with governance independent of men. And indeed, the poet, having established that the origin of the exile was treason, seems to suggest that the punishment for a crime devolves down through

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<sup>137</sup> As Michael Burger argues, however, the dating cannot be confined to this short period as noblewomen were called up to manage estates under many other circumstances other than when widowed. Additionally, another Countess of Lincoln, Hawise, Margaret's mother, might have been the intended recipient of the treatise and thus pushing back the date might be dated as early as Grosseteste's ordination in 1235. Also, Margaret's second husband died in 1245 and she did not remarry until 1252. Burger thus dates the treatise to c.1235-53. See Burger at p. 107.

<sup>138</sup>Emma Hawkes, "'She will...protect and defend her rights boldly by law and reason...'" Women's Knowledge of Common Law and Equity Courts in Late-Medieval England" in Noel James Menuge, ed. *Medieval Women and the Law* (Woodbridge: The Boydell Press, 2000), pp.145-161 at p.145.

<sup>139</sup> Hawkes, p.146.

the generations. Because Eve enticed Adam to sin, they were thrown out of Paradise and their sin was carried down through all the generations following them. As Bracton wrote, “The punishment may be remitted, the fault will be enduring.”<sup>140</sup>

The locus of the princesses’ crime, it appears, is in their nature as devious creatures, subject to the desires of their bodies. As proposed in the poem, while a woman can at least in theory rule a land and people, hunt and trap and thrive, her body is her Achilles heel: by her very nature, a woman will err in the administration of power, her anarchic, gluttonous<sup>141</sup> and essentially faithless nature setting in motion all kinds of unnatural events. Thus, the unnatural condition of their man-less exile leaves the princesses vulnerable to the incubi<sup>142</sup> and gives rise to further unnatural events, that is, the race of homicidal giants. As these are ultimately destroyed by Brutus, they are “pushed” out of the chronicle texts, textually (killed) ... off as they lose their place as topics of discussion.”<sup>143</sup> This of course was suggested initially by Britton’s tract on marriage, for it was believed that if women were not properly guided, then they would take “enemies” as mates, a situation which was realized in the poem and had found a possible parallel in Isabelle’s chaotic regency.

The voice of the poet is raised as an unofficial voice in the warning and critique of a country which had been - and threatened to continue to be - governed by lawlessness and injustice. With the head of government making choices based on favoritism, self-interest or vengeance, the country had suffered civil strife for more than 25 years. The new king, young Edward III, was hailed as a possible reprieve from all of this chaos; indeed, the poet seems to be articulating an august place for him in the historiography of the kingdom. All the same, there is only cautious

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<sup>140</sup> *Bracton*, *Ibid.*, p.290.

<sup>141</sup> See discussion in Ruch, p.120.

<sup>142</sup> See discussion in Ruch, pp.67-71.

<sup>143</sup> Ruch, p.119.

optimism in the poet's voice: unless he observes the role model of Brutus, Edward, too, could go the way of his parents.

*DGG* may have taken inspiration from the ancient myth of the Danaids in order to examine, from the safety of antiquity, a chaotic and complex historical present. Differences between the original narrative and the story of Albina and her sisters certainly point to matters of topical importance during the 1320's and 30's. It seems clear that the poet is worried about women wielding power. It seems also that the poet is convinced of the essential nature of law in the maintenance of social order: it is flaunted and tested by the princesses, it is applied in the course of their trial and sentencing, it is employed in their founding of Albion, and it is confirmed, once again, in the overthrow of the lawless and chaotic inhabitants by a man who becomes, in revisionist history, "the first king of the realm...conqueror and founder at once."<sup>144</sup> Thus, the legal register delimits the actions and consequences of a domestic rebellion, finding inspiration in ancient mythology to warn the new king of contemporary dangers.

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<sup>144</sup> Marvin, p.175.

Appendix A  
Hypermnestra's Letter to Lynceus

XIV: Hypermestra to Lynceus

*Hypermestra sends this letter to her one cousin of many,  
the rest lie dead because of their brides' crime.  
I'm held prisoner in this house, confined by heavy chains:  
that's my punishment because I was virtuous.  
Because my hand was afraid to plunge a blade into a throat,  
I'm guilty: I would be praised if I'd dared to be wicked.  
Better to be guilty, than to have pleased a parent so:  
I don't regret my hands are free of blood.  
Father might burn me, with the fire I didn't violate,  
and hold in my face the torches, that were present at my rites.  
or cut my throat, with the sword he wrongly gave me,  
so that I might die the death my husband did not –  
he still won't make my dying mouth say: 'I repent!'  
It's not possible to regret being virtuous!  
Wicked Danaus, my father, and my savage sisters should repent:  
that's the customary thing that follows wicked deeds.  
My heart trembles, remembering the blood of that shameful night,  
and a sudden tremor binds together the bones of my right hand.  
The woman, you might think had the power to perform the murder  
of her husband, is afraid to write of deeds of murder not her own!  
But I'll still try. Twilight had just begun on earth,  
it was the last of light, and the first of night.  
We, scions of Inachus, are led beneath Pelasgus's noble roof,  
and there the father-in-law welcomes the armed daughters.  
Everywhere lamps, encircled by gold, are shining:  
and incense is impiously offered to unwilling flames.  
The crowd of men shout: 'Hymen, Hymenae!' He flees their shouts:  
Juno herself abandons her city of Argos.  
See how, fuddled with wine, to the cries of many friends,  
their drenched hair crowned with flowers,  
they're carried to the joyful bedrooms – rooms to be their graves –  
and weigh down the beds, worthy to be their biers.  
So they lay there, heavy with food, and wine, and sleep,  
and there was deep peace throughout carefree Argos.  
I seemed to hear around me the groans of dying men  
and I did indeed hear, and what I feared was true.  
My colour went, and mind, and body, lost their warmth,  
and I lay there, chilled, in my new marriage bed.  
As slender stalks of wheat quiver in a mild west wind,  
as cold breezes stir the poplar leaves,  
I trembled so, and more. You yourself lay there,*

*and were drowsy, as the wine had made you.  
 My cruel father's order drove away my fear:  
 I rose, and grasped the weapon with shaking hand.  
 I won't tell a lie. Three times I lifted the sharp blade,  
 three times my hand lowered the sword it wickedly raised.  
 I confess the truth to you despite myself: I pointed it  
 at your throat: still overcome by cruel terror of my father,  
 I pointed my father's sword at your throat:  
 but fear and piety hindered the cruel act,  
 and my chaste hand fled the work demanded.  
 Tearing my purple robes, tearing at my hair  
 in a whisper I spoke these words:  
 'You father's cruel towards you, Hypermestra: act out  
 his order: let your husband join his brothers!  
 I'm female and a young girl, gentle by age and nature:  
 fierce weapons are no use in tender hands.  
 Why not act while he lies there, imitate your brave sisters:  
 it's possible all the husbands have been killed?  
 If this hand had any power to commit murder,  
 it would be bloodied by the death of its mistress.  
 They deserved to die for taking their uncle's kingdom:  
 but suppose our husbands deserved to die, we who  
 were given to strangers: what have we ourselves done?  
 What crime have I committed that I'm not allowed to be virtuous?  
 What have I to do with swords? Or a girl with warlike weapons?  
 My hands are more suited to the distaff and wool.'*  
*So I whispered. While I lamented, tears chased my words,  
 and fell from my eyes onto your body.  
 While you seek my embrace, and, still asleep, stir your arms,  
 your hand is almost wounded by my weapon.  
 And now I feared my father, his servants, and the light.  
 These words of mine dispelled your sleep:  
 'Rise and go, scion of Belus, sole one of many cousins!  
 This night will be yours eternally, unless you hurry!'  
 You rose in terror, shaking off all the weight of sleep,  
 you saw the sharp sword in my timid hand.  
 You ask why: I say: 'Flee, while the night allows!'  
 While night's darkness itself allows, you flee, I remain.  
 It was dawn, and Danaus counted his sons-in-law lying dead,  
 One's missing from the tally of crime.  
 He takes it badly, downcast by one among these dead relations,  
 and complains that the acts of blood are unfinished.  
 I'm dragged by my hair, from my father's, feet to prison –  
 is this the reward I deserve for my virtue?  
 No doubt Juno's anger lasted from the time when Io was changed  
 from girl to heifer, till a goddess was made of that heifer –*

*but Jove's punishment was enough, that a tender girl bellowed,  
her beauty in no way able to please him.  
The new heifer stood on the banks of her father's stream  
and saw horns not hers, in her father's waves,  
and, lowing, tried to lament with her mouth,  
and was frightened by her form, and by her voice.  
Why are you maddened, unhappy one? Why gaze at yourself  
in the water? Why count the feet formed from your new limbs?  
A rival, feared by that sister of mighty Jupiter,  
you ease your great hunger with leaves and grass:  
you drink from springs, and, stunned, see your shape,  
and fear lest the weapons you bear might kill you.  
You were once rich enough to be fit to be seen even by Jove,  
naked you lie on the naked earth.  
You wander by the sea, and the lands, and their rivers:  
the sea, the streams, the land grant you a way.  
What's the reason for your flight? Oh, Io! Why wander vast straits?  
You can't escape from your own features.  
Daughter of Inachus, where do you hasten to? The same form  
flees and follows: you're guide to a follower, follower to a guide.  
The Nile flowing to the sea through seven gates  
drove out the maddened heifer from the girl's face.  
Why recall these earliest things, sung to me by ancient authors?  
Behold, my own life gives me things to lament.  
My father and my uncle wage war: we're expelled from home  
and from our kingdom: driven to inhabit furthest places.  
That warlike one, alone, is master of solitude and power:  
while we wander a helpless crowd, with a helpless old man.  
Of the horde of cousins the least part remains:  
I weep for those given death, and those who gave it.  
For as many cousins as I lost, I lost as many sisters:  
let both groups of them receive my tears.  
But I, because you live, am kept for punishment's torment:  
what becomes of guilt, when I'm tormented for things men praise?  
Unhappy, I may die with only one cousin left, I once  
a hundredth of a crowded family.  
But you, Lynceus, if you care for your virtuous cousin  
and are worthy of the gift I gave you,  
bring me help or bring me death: and add my body,  
when life is gone, to the secret fires,  
and bury my bones, drenched with your loyal tears,  
and let these brief lines be carved on my tomb:  
'Hypermetra, an exile, bore the unjust price of virtue,  
she who averted death from her cousin.'  
I'd like to write more to you, but my hand's dragged down  
by the weight of chains, and fear itself drains my strength.*

### Chapter Three

“Some words are wind...Some are treason. This is a traitor’s journey, ser.”<sup>145</sup>

*Sir Gawain and the Green Knight* (SGGK) is a late 14<sup>th</sup>-century alliterative poem found in one late 14<sup>th</sup> century manuscript only, Pearl MS British Library Cotton Nero MS A.x (ff.94v-130r), a manuscript also containing 3 other Middle English narrative poems - *Pearl*, *Purity* (or *Cleanness*) and *Patience* probably written by the same poet.<sup>146</sup> The poet wrote in a north-west Midlands dialect and may have been a university-trained clerk, possibly a member of John of Gaunt’s entourage;<sup>147</sup> little else is known about him and he is referred to now simply as the “Gawain-poet” or the “Pearl-poet.” The poem contains all the elements required of the medieval romance: “a glittering and idealized chivalric background, a quest in an unknown country, a trial of courage, an attempted seduction by a beautiful woman, and elements of the mysterious and the marvelous.”<sup>148</sup> As “the finest poem of the age outside Chaucer’s works,”<sup>149</sup> Brian Stone observes that its style and content are reminiscent of an earlier time “when the spirit of the Middle Ages (was) fully alive but has not long to last...a Romance both magical and human...,”<sup>150</sup> a throwback to a simpler time. However, this poem incorporates elements which are not common to a chivalric romance, including the movement of the point of view of the audience from observers at the beginning of the poem to participants in Gawain’s decisions as he wrestles with the Green Knight’s challenge. The audience’s understanding of what transpires is

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<sup>145</sup> George R. R. Martin, “The Mystery Knight” in *A Knight of the Seven Kingdoms*, George R.R. Martin and Gardner Dozois, eds. (New York: Tom Doherty Associates, LLC, 2015), pp.251-394 at p.314.

<sup>146</sup> See Robert J. Blanch and Julian N. Wasserman, *From “Pearl” to “Gawain”: Forme to Fynishment* (Gainesville, Florida, 1995) who argue that the four poems in British Library MS Cotton Nero A.x (*Pearl*, *Purity* – or *Cleanness* – *Patience*, and *Sir Gawain and the Green Knight*) are written by the same poet.

<sup>147</sup> *Sir Gawain and the Green Knight*, Brian Stone, trans. (Baltimore, MD: Penguin Classics, 1964), p.9.

<sup>148</sup> *The Poems of the Pearl Manuscript: “Pearl,” “Cleanness,” “Patience” Sir Gawain and the Green Knight,* Malcolm Andrew and Ronald Waldron, eds. (Exeter: University of Exeter Press, 2007), p.23.

<sup>149</sup> Intro, *Gawain and the Green Knight*, trans. Brian Stone pp.7-8.

<sup>150</sup> Stone, p.8.

as limited as Gawain's, "at every significant juncture," write Andrew and Waldron, so the "readers will be aware of sharing Gawain's perceptions and his attitudes towards the events and scenes described."<sup>151</sup> The poet thus makes the audience complicit in the choices Gawain makes and asks that at the end of the poem, they evaluate his decisions in the light of their own experience.

The question of audience has been addressed by Lynn Staley Johnson who observes that although "the poem is an account of failure," the story of a character who "[reveals] characteristics that are not always either noble or praiseworthy,"<sup>152</sup> it is also about the idea of England. Johnson contends that just as Gawain represents the individual confronting his weaknesses, so, too, the poet addresses "England's awareness of itself as a nation with a special history and hence a special set of ideals."<sup>153</sup> In her view, Camelot is a young world which contains within itself the seeds of its own destruction, signaled by its location on a continuum with the foundation myth of Troy. Luxury, prosperity and soft living, the "inherent spiritual weaknesses of Camelot," are seen as restatements of the weaknesses which brought down its ancient predecessor, Troy, and in the case of Camelot, are not amended by Christian morality. Making the explicit connection to the court of Richard II, Johnson (now writing as Lynn Staley), observes,

[The dating of this poem] makes a real difference: if we date him [the *Gawain*-poet] in the late 1390s, as Michael Bennet does, or even in the 1380s, then we cannot accept a simple reading of the poet's picture of the Round Table. We must consider his picture of courtly naïveté within the context of the fissures in the Ricardian court and of contemporary perceptions about Ricardian courtiers."<sup>154</sup>

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<sup>151</sup> Andrew and Waldron, p.23.

<sup>152</sup> Lynn Staley Johnson, *The Voice of the Gawain Poet* (Madison: University of Wisconsin Press, 1984), p.38.

<sup>153</sup> Johnson, p.38.

<sup>154</sup> Lynn Staley, Review of "*Sir Gawain and the Green Knight* and the Idea of Righteousness" by Gerald Morgan and "Seeing the *Gawain*-Poet: Description and the Act of Perception" by Sarah Stanbury, *Speculum*, Vol.69, No.1 (Jan., 1994), pp.226-228 at p.227. For a discussion of the dating of the poem, see G.W. Cooke, "*Sir Gawain and the Green Knight*: A Restored Dating," *Medium Aevum* 58 (1989), pp.34-48; also arguing for the earlier date of between 1353-61, see G.W. Cooke and D'A.J.D. Boulton, "*Sir Gawain and the Green Knight*: A Poem for Henry of

Staley's study of the languages of power in Ricardian England examines the way the king's failure to encourage a "defining rhetoric" of kingship and the writers who could articulate it left a vacuum in which other languages of power found expression.<sup>155</sup> Specifically, these were the courts of his uncles, John of Gaunt and Thomas of Woodstock, as well as the Duke of Gloucester. John of Gaunt, duke of Lancaster, had a massive fortune which he put to effective use. Not only did he have a large body of retainers but, as Staley notes, he was able to manipulate the "complicated nodes of desire and influence as well as centers of culture expressing or magnifying [his] power."<sup>156</sup> In the give and take of favors, often couched in the language of courtly love, the duke was not only able to build an enormous power base but he was able to patronize those who could articulate and justify its existence.<sup>157</sup> Chaucer, for instance, wrote the *Book of the Duchess* celebrating the life of the duke's wife, Blanche, he appears regularly in Froissart's *Chronicles*, and he was a patron of Oxford University, the theater, Wycliff and numerous musicians. Beyond that, his son, Henry of Derby and his grandson, Henry V, were raised in a tradition of intellectual curiosity and went on to patronize the arts and literature as well.

Staley's examination of the royal court of the duke of Lancaster led her to examine *Sir Gawain and the Green Knight* in a new light. She argues that while three of the poems of the *Gawain* MS "foreground topical matters - [including] national and chivalric identity, [and]

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Grosmont?" *Medium Aevum* 68 [1999], pp. 42-54. See also Michael J. Bennett, "Sir Gawain and the Green Knight and the literary achievement of the north-west Midlands: the historical background," *Journal of Medieval History*, Vol.5 (1979), pp.69-71.

<sup>155</sup> Lynn Staley, *Languages of Power in the Age of Richard II* (University Park, PA: Penn State University, 2005), p.ix.

<sup>156</sup> Staley, p.182. See also Robert Somerville, *History of the Duchy of Lancaster* (London: The Chancellor and Council of the Duchy of Lancaster, 1953), vol.1, chaps. 6 and 7.

<sup>157</sup> See Staley, pp.183-4.

dejection - they do so while interrogating courtly privilege and power.”<sup>158</sup> Specifically, in the period following the Merciless Parliament, the duke’s concern was for his son, Henry of Derby, who had participated in the Appellants’ actions against the king. While Richard appeared to forgive him, and, in fact, raised him to Duke of Hereford, Henry was eventually accused of treason in 1398 and banished from England. When John of Gaunt died the following year, Richard confiscated the duke’s lands, setting in motion the military action by the young heir which would eventually lead to the king’s deposition.

Whether or not Staley succeeds in making the case for John of Gaunt’s patronage of *SGGK*, the political and cultural context within which the poem was written provides its narratorial framework. Traditionally, romances were written in Anglo-Norman French, the language of privilege spoken and read by the circle around the king. However, by the second half of the 14<sup>th</sup> century, Middle English had emerged as the language of literature, and achieved what Ralph Hanna calls an “interregional penetration (and apparent appreciation)”<sup>159</sup> as those who were not “of the court” now had access to chronicles, poetry, epics, satire, and political songs. Nicholas Watson argues that the *Gawain*-poet joined in the 14<sup>th</sup> century phenomenon by which secular writers took advantage of the vernacular to teach formulated religious writings and “Christian truths” to a “small, socially particularized” audience, “a lay audience able to understand (perhaps even in part *constituted* around their ability to understand) an ornate, and regionally specific, vocabulary.”<sup>160</sup> By means of an analysis of the other three poems of the *Gawain*-poet, *Pearl*, *Cleanness* and *Patience*, Watson argues for a shift in the orientation of such teachings; rather than stressing the heroic suffering of virgins, martyrs and saints, the poet

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<sup>158</sup> Staley, p.198.

<sup>159</sup> Ralph Hanna, “Alliterative Poetry” in *The Cambridge History of Medieval English Literature*, David Wallace, ed. (Cambridge: Cambridge University Press, 2005), pp.488-512, at p.509.

<sup>160</sup> Nicholas Watson, “The *Gawain*-Poet as a Vernacular Theologian,” in *A Companion to the “Gawain”-Poet*, Derek Brewer and Jonathan Gibson, eds. (Cambridge: D.S. Brewer, 1997), pp. 293-313, at p.296.

articulates a path toward the divine for the lay person whose concerns are of daily living and who have only latterly come to penance and reconciliation. Watson suggests that

in *Gawain*, the graciousness of the life of courtesy is finally allowed to suggest (in the context of the other poems) the special ties which link the secular aristocracy with heaven, and to complete...this poet's project: the displacement of the traditional categories of Christian heroism (embodied in virgins, martyrs and preachers) to make way for a new set, embodied in a figure closer to the aspirations and capacities of the poet's audience, Gawain himself.<sup>161</sup>

The appeal of this poem was not limited to the aristocracy as the introduction of the vernacular meant that another demographic might be also be targeted. Recent structural changes had provided numbers of individuals with increasing wealth and mobility; for them, such details of court life as are provided in *SGGK* may have been fascinating glimpses of a world to which they might now aspire. It is also possible that, while appealing to many, there were those, too, who experienced courtly literature in another way. Disenchantment with the affairs of the kingdom - the ongoing war with France, taxation to support this conflict, labor issues and chronic shortages, for example - may have resulted in an "assertion of a provincial baronial self-consciousness opposed to central hegemony."<sup>162</sup> Read as a poem designed to appeal to this demographic, *SGGK* can be seen to appropriate the master or "official" narrative to deploy subjects appealing to a broad range of English society in a carefully crafted indictment of courtly politics.

In particular, the emphasis in the poem on the personal element of *trawþe* implicit in traditional social and commercial exchanges and the failure of good faith within a world of legal transactions and slippery language suggests the poet's concern with the weakening of values and shared community ties in the world of the late 14<sup>th</sup> century. In Richard Firth Green's analysis of the semantic shift in the words *trawþe* and treason, he argues for an increasing expression of

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<sup>161</sup> Watson, p.311.

<sup>162</sup> Hanna, p.508.

resistance to the king's law as it reached further and further into areas traditionally governed by "folk law."<sup>163</sup> As Green observes, "The law, by trying to insist that treason should be defined as any challenge to the king's sovereignty, found itself in conflict with some deeply held traditional ideas about the nature of social order."<sup>164</sup> From the customary conception as one "in which the offense was committed against someone who had good reason to trust the traitor, often because they were bound to one another by oath" emerged a definition of treason circulating in Richard's court as an offence "which could only be committed against someone in political authority, particularly the king, his immediate family, or his judicial officers."<sup>165</sup> Richard's increasingly tyrannical rule and his patronage of a tiny group of favorites called into question the age-old sense that loyalty was due to one's lord only to the extent that he respected his reciprocal obligations. And as Green points out, "kings...who gave their followers no cause for gratitude had little reason to expect their blind devotion."<sup>166</sup> Richard did not see it this way, however, believing that the "office of the king (was) the sole legally constituted source of authority in society."<sup>167</sup> In accordance with Richard's notion of a "regal regime" there was no earthly power above him; as sovereign prince, Nigel Saul observes, a veneer of sanctity covered his actions; in fact, in his patents of ennoblement, Richard himself declared that "all honour and privilege in society flowed from the king" alone.<sup>168</sup> Favors granted by the king were, therefore, strictly his to distribute and decisions affecting the realm were his and his alone to make.<sup>169</sup>

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<sup>163</sup> Green, *Ibid.* As Elizabeth Fowler observes, "Green's division of English law into 'folk law' and 'king's law' is unusual in the discourse of current late-medieval English legal history; the usual scrupulous distinctions among common law, canon law, manorial law, regional customary law, statutory law, and the like are deliberately, though silently, thrown over here." See her review in *Speculum*, Vol.78, No.1 (Jan, 2003), pp.179-182, p.180.

<sup>164</sup> Green, p.207.

<sup>165</sup> Green, p.207.

<sup>166</sup> Green, p.209.

<sup>167</sup> Nigel Saul, *Richard II* (New Haven and London: Yale UP, 1997), p.249.

<sup>168</sup> Saul, p.250.

<sup>169</sup> Saul, p.249.

With Richard's tyranny fully asserted by the late 1390's, the great debate over the definition of treason intensified. As Green notes, this may well have been *the* "overriding political concern" of this period;<sup>170</sup> certainly, as observed in the literary evidence, the issue was topical. As Pollock and Maitland wrote of an earlier time, the question of forfeiture was ever on the minds of the king and his barons. Based on the assumption that all lands belonged to the king, the king had a claim to every action of forfeiture, though in differing degrees. In the case of felony other than treason, a vassal's estate reverted first to the king for a year and a day "and waste"<sup>171</sup> and then was escheated to the local lord; in the case of treason, it reverted directly to the king.<sup>172</sup> The matter of defining what, exactly, constituted treason was thus of paramount concern to the king and his magnates. When the king was strong, as during the reign of Edward I, treason was clearly defined as effectively anything the king wanted it to be, provided he was clever enough to outmaneuver his barons. When the king was relatively weak, as was King John in the early 1200's, treason was a more limited construct, as the articles of Magna Carta attest.<sup>173</sup> By 1352, in exchange for desperately needed monies, Edward III signed into law a statute which laid out the specific terms, though with a small caveat at the end - *et si per cas* - providing for other matters which could not at the time be anticipated.<sup>174</sup> This statute established the crimes of *grant tresoun* or the crimes against the king, his family, his officers and the symbols of his authority, the Great and Privy Seals and the English coinage. It was for these crimes alone that

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<sup>170</sup> Green, p.213.

<sup>171</sup> The deliberate spoiling of the lands, domiciles and personal property of the felon by the king.

<sup>172</sup> Pollack, Frederick and Frederic William Maitland. *The History of English Law Before the Time of Edward I* Vol. 2 (Cambridge: Cambridge UP, 1899), p.500.

<sup>173</sup> See <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation> Accessed September 19, 2016.

<sup>174</sup> 25 Edward III. Stat 5 reads, "And because that many other like cases of treason may happen in time to come, which a man cannot think nor declare at this present time, it is accorded that if any other case, supposed treason, which is not above specified, doth happen before any justices, the justices shall tarry without any going to judgement of the treason, will the [cause] be shewed [and declared before the King and his Parliament] whether it ought to be judged treason or [other] felony." *The Statutes: Revised Edition*, Vol.I. Henry III. to James II A.D. 1235-6-1685 (London: George Edward Eyre and William Spottiswoode, Printers, 1870), p.186.

the lands of a convicted felon were to be forfeited to the king, thus putting the minds of the king's magnates to rest.

However, in spite of the fact that treason had been codified by parliamentary act, Richard pushed for a revised version in 1397, "adumbrating the struggles" as Green argues, "as one between those who saw the sanction of forfeiture as a way of swelling royal coffers and keeping the opposition in line and those who saw this as an intolerable threat to baronial independence."<sup>175</sup> Thus presented as a collision of baronial and royalist interests, the issue of treason was of paramount importance to the ruling class at the time of this poem's writing. As Green continues, the view of this from the perspective of laypersons is interesting as well. Treason was not a word which needed much interpolation: a traitor "meant primarily someone who had betrayed a trust," or as written in *The Mirror of Justices*, "treason can only be committed between those allied, and they may be allied by blood, affinity, homage, oath, or by hire."<sup>176</sup> With the penetration of the king's interests into all corners of the kingdom, this ancient concept came under stress.

Dovetailing with Green's analysis, Gregory Laing argues that Arthurian romances, in particular the romances featuring Gawain, reflected a medieval concern with loyalty and the consequences of treason and betrayal.<sup>177</sup> Laing argues that "a strong dependence on the reliability of 'truth' demonstrates that a growing apprehension of the exploitable nature of language dominates the consciousness of this time."<sup>178</sup> He continues, "Because words do not absolutely necessitate behavior, actions based on the trust of language and the credibility of the

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<sup>175</sup> Green, p.213.

<sup>176</sup> Green, p.214.

<sup>177</sup> Gregory L. Laing, "Treason and Betrayal in the Middle English Romances of Sir Gawain," *The Hilltop Review*, Vol.3, No.1 (Fall, 2009), pp.2-13.

<sup>178</sup> Laing, p.3.

speaker are endangered by the mistaken credibility of false statements.”<sup>179</sup> Certainly, this is a critical aspect of both the specific Gawain narrative and the contextual concern with the changing nature of *trouthe*. Laing’s statement that in *SGGK* treasonous behavior is evident in the moments when “the audience believes that the statements are realized and accurate, despite the disingenuousness of the speaker,” suggests that both the audience and Gawain are “betrayed” by the Green Knight/Bertilak’s words. Indeed, part of the superlative effectiveness of this poem is that the audience is drawn in even as Gawain is, and cannot anticipate the denouement. On a subsequent reading, however, the audience knows that the Green Knight’s challenge is “disingenuous,” that is, that it is invested with information to which Gawain is not privileged and the audience is now able to watch how language is deployed to manipulate the protagonist. For example, Gawain could not be expected to anticipate that the Green Knight could survive a beheading. Once the audience understands that he can and has already used his supernatural powers to unanticipated effect, it can appreciate that Gawain’s human qualities – as noble as they may be – will be of little use. Any conclusion as to the *sens* of this poem must take into consideration the real world context of an audience increasingly aware of the impersonal presence of the king’s law.

The analogy between the world of Hautdesert and the court of Richard II is imperfectly drawn and is difficult to sustain in a one-on-one comparison. Where it is tenable is in terms of poetic discretion, taking Arthur’s court and a non-cynical chivalric ethos and asserting this as the world of personal integrity, where one’s oath is sacred and community supports interpersonal arrangements. Hautdesert is then Richard’s court, where chivalry is formulaic only and devoid of the great values exemplified by Gawain himself. Morgan le Fey may then be extrapolated as the master puppeteer – the sovereign figure at the center whose malice directs the narrative.

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<sup>179</sup> Laing, p.3.

Operating within the official discourse of courtly society, the poet is in this way able to subvert the narrative to reflect a corrupt and dangerous social and political context. Appealing to a literate fringe – the gentry and lesser knights of English society – the failings of Camelot and Gawain’s own discrediting are seen as imperfect responses to a context which does not support truth or honor in commercial, interpersonal or political relations. From this perspective a romance such as *SGGK* “could serve,” as Helen Cooper notes, “not only as a mirror for knights but as a mirror for princes...”<sup>180</sup> serving to cautiously articulate the failings of Richard’s kingship.

The opening stanza of the poem situates the narrative of *Sir Gawain and the Green Knight* within the broader foundational narrative of betrayal. Arthur and his court, in the narrative present, lie on an imperial continuum from ancient Troy. However, rather than specifically evoking the grandeur of the epic past, the poet stresses betrayal, writing of “the traitor who the contrivance of treason there fashioned”<sup>181</sup> and whose actions resulted in Aeneas’s flight from Troy. While Aeneas is referred to as *þe athel*<sup>182</sup> (the noble) in this poem, a medieval audience familiar with his story would know that in various versions of the myth, he, too, was complicit in the fall of Troy, and could be more colorfully described in these redactions, in Christopher Braswell’s words, as “murderous, lustful, lying, and deeply treacherous.”<sup>183</sup> At the end of the poem, the poet introduces Brutus, Aeneas’s grandson, another hero known for his

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<sup>180</sup> Helen Cooper, “The Supernatural” *A Companion to the Gawain-Poet*, Derek Brewer and Jonathan Gibson, eds. *Arthurian Studies XXXVIII* (Cambridge, U.K.: D.S. Brewer, 2007), pp.277-291 at p.702.

<sup>181</sup> This is presumably Antenor, a Trojan elder who opened the gates of Troy to the Greeks.

<sup>182</sup> The Middle English text quoted in this paper may be found at <http://www.gutenberg.org/files/14568/14568-h/14568-h.htm>. Accessed October 23, 2016. Unless otherwise noted, all quotes are taken from *Sir Gawain and the Green Knight*, J. R. R. Tolkien, E. V. Gordon, and Norman Davis, eds. (Oxford: Oxford University Press, 1967, 2<sup>nd</sup> ed).

<sup>183</sup> Most likely transmitted through the forgeries attributed to Dares the Phrygian and Dictys the Cretan. See Russell Rutter, “The Treason of Aeneas and the Mythographers of Vergil: The Classical Tradition in *Sir Gawain and the Green Knight*” in *Sir Gawain and the Classical Tradition: Essays on the Ancient Antecedents*, E.L. Ridsden, ed. (Jefferson, North Carolina and London: McFarland, 2006), pp.30-48 at pp.30, 32-33.

treachery, closing the circle of the poem as he opened it: it is not the grandeur of the past that has been carried all these miles and years but rather the legacy of treason which has been transmitted from Aeneas to Brutus to Arthur's court. This idea of the transmission of a corrupt imperium from the ancient world into Arthur's court shifts the focus from the carrier of empire - the individual - to the legacy of the original betrayal. Arthur's court, then, becomes the next place for this dark inheritance to play itself out.<sup>184</sup>

In order to draw the audience into a world which is intended to suggest the real world of late Ricardian England, the poet adds detail upon detail to enrich the visual landscape for his readers. Pearsall and Salter have called this a "kind of illusory realism"<sup>185</sup> where by pulling the audience into the poem through evocative details the poet dislodges the veil between fiction and reality. For example, in describing the Christmas feast at Camelot, the poet writes:

*þen þe first cors come with crakkyng of trumpes,  
 Wyth mony baner ful bryȝt, þat þer-bi hinged,  
 Nwe nakryn noyse with þe noble pipes,  
 Wylde werbles & wyȝt wakned lote,  
 þat mony hert ful hiȝe hef at her towches;  
 Dayntes dryuen þer-wyth of ful dere metes,  
 Foyoun of þe fresche, & on so fele disches,  
 þat pine to fynde þe place þe peple bi-forne  
 For to sette þe syluener, þat sere sewes halden,  
 on clothe;  
 Iche lede as he loued hym-selue  
 þer laght with-outen loþe,  
 Each two had dishes twelve,  
 Ay two had disches twelue,  
 Good þer, & bryȝt wyn boþe. (ll.116-129)*

(Then forth came the first course with fanfare of trumpets,  
 on which many bright banners bravely were hanging;  
 noise of drums then anew and the noble pipes,  
 warbling wild and keen, wakened their music,  
 so that many hearts rose high hearing their playing.

<sup>184</sup> See Randy Schiff, "Unstable Kinship: Trojanness, Treason and Community in *Sir Gawain and the Green Knight*," *College Literature: A Journal of Critical Literary Studies*, Vol.40, No.2 (Spring, 2013), pp.81-102.

<sup>185</sup> Derek Pearsall and Elizabeth Salter, *Landscapes and Seasons of the Medieval World* (Toronto, 1973), p. 177.

Then forth was brought a feast, fare of the noblest,  
multitude of fresh meats on so many dishes  
that free places were few in front of the people  
to set the silver things full of soups on cloth  
so white.  
Each lord of his liking there  
without lack took with delight:  
twelve plates to every pair,  
good beer and wine all bright.) (6.10-23)

The attention to detail is strategic in another way. As Lynn Staley observes, “the poet’s careful attention to lines of sight and to perceptual ordering are designed to figure either the knowledge or the lack of understanding of both protagonists and readers.”<sup>186</sup> Arthur’s court, the giant’s attire, the landscape through which Gawain travels, and the hunts, feasts and temptations of Hautdesert, for example, are highly experiential for both Gawain and the reader. As the complexity of experience develops, the audience is required to edit the details in what Staley describes as an internal “process of focalization.”<sup>187</sup> For the audience and Gawain, this process takes place through a narrowing of options as the ability to establish a sound course of action is subtly circumscribed by the lack of - or distortion of - information to which they have access.

This becomes apparent from the moment the Green Knight enters Arthur’s court. Immediately, the audience is alerted to his alterity: he is green, gigantic, and seated on an enormous horse.<sup>188</sup> He is arrayed in the clothing of a king, clad in emeralds and ermine,<sup>189</sup> and

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<sup>186</sup> Lynn Staley, Review of Stanbury, *Ibid.*, p.227.

<sup>187</sup> Staley, Review of Stanbury, *Ibid.*, p.227.

<sup>188</sup> Claude Luttrell has examined the appearance of a “green man” in the literature of the British Isles and notes the frequent connection between such a figure, the games of chance to which he challenges a young noble, and the obligations under which the youth is placed having lost the game. This often includes finding the green man within a period of a year and a day. He notes further that the green coat of the huntsman is common in German folktales with the devil variously known as *ein grüner Jäger* (a green hunter) and *der Grüne* (the Green One). See “The Folk-Tale Element in *Sir Gawain and the Green Knight*,” *Studies in Philology*, Vol.77, No.2 (Spring, 1980), pp.105-127, at pp.12-116.

<sup>189</sup> From the mid-14<sup>th</sup> century, ermine was worn only by the nobility. The English Sumptuary legislation of 1337 specifically restricted the wearing of fur and the Sumptuary Law of 1363 provided that only ladies whose husbands with a rental of more than 200 marks could wear fur, though not sable or ermine. Other legislation, for example, from 1336, provided that “no knight under the estate of a lord, esquire or gentleman, nor any other person, shall wear any shoes or boots having spikes or points which exceed the length of two inches, under the forfeiture of forty

his horse is likewise arrayed. The poet describes him as *an aghlich mayster, / On þe most on þe molde on mesure hyghe* (ll.136-7) (a perilous horseman, / the mightiest on middle-earth [7.7-8]),<sup>190</sup> that he is *half etayn in erde* (l.140) (half a troll [7.11]) and a *freke* (l.149) (fay man [7.20]) and yet, he is also *þe myriest in his muckel þat my3t ride* (l.142) (the seemliest for his size [7.13]) and *alle his fetures fol3ande, in forme þat he hade* (l.145) (all his features followed his fashion so gay [7.16]). As Helen Cooper notes, the poet introduces a number of elements which “are never quite what they seem, and in which neither (the hero) nor the reader is quite sure what elements belong to the natural world and what to the worlds of magic and the supernatural.”<sup>191</sup> Further uncertainty arises as to his purpose: the signs are there that this great green horseman comes in peace; he is unarmed, as the poet describes him, *scholes vnder schankes, þere þe schalk rides* (l.160) (unshod were his shanks, for shoeless he rode [8.10]), and in one hand he carries a *holyn bobbe* (l.206) (a holly-bundle or a bough of mistletoe [10.4]), thereby evoking such medieval associations as life in the middle of winter, fertility, protection against bad luck and witchcraft, and the healing power of medicine.<sup>192</sup>

That the Green Knight carries the bough of mistletoe into the hall should therefore signal a peaceful purpose. However, in the giant’s other hand is an awe-inspiring ax, described as a *hoge & vn-mete, / A spetos sparþe* (ll.208-9) (ugly and monstrous, / a ruthless weapon 10.6-7)).

In spite of the fact that he is not armored, this ax is a reminder of the Green Knight’s potential to

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pence" <http://www.medieval-life-and-times.info/medieval-clothing/medieval-sumptuary-laws.htm> Accessed September 13, 2016.

<sup>190</sup> Caroline Eckhardt notes that *Castleford’s Chronicle* (which ends 1327) mentions “Midelerde” in the context of Arthur’s imperial ambitions. Referring to “all Europe,” it appears that Arthur has conquered vast territories apart from his British kingdom; his knights would therefore have seen no such man in all of their travels. Given the context of writing, it would make sense that the literature of the court would reference England’s continental connections. See “One Third of the Earth? Europe Seen and Unseen in the Middle English Chronicles of the Fourteenth Century,” *Comparative Literature*, Vol.58, No. 4, The Idea of Empire (Fall, 2008), pp.313-338, p.327.

<sup>191</sup> Helen Cooper, *Ibid.*, p.286.

<sup>192</sup> Vida Carmen Kenk observes, mistletoe is “(r)arely seen in heraldry, one of the few examples being the shield of Walbert: or, three bars gules, over all a branch of mistletoe, vert, fruted argent” in “The Importance of Plants in Heraldry,” *Economic Botany*, Vol.7, No. 3 (Jul.-Sept., 1963), pp. 169-79, p.175.



stepped forward to accept the challenge, the king himself takes the ax from the Green Knight, who then gets off his horse to face him.

Whether or not Arthur strikes him, it is not the king whom the Green Knight seeks to challenge; Arthur's honor is unimpeachable and, in the event, as Friedman argues, "the king is expressly excepted from those allowed to take up the challenge."<sup>193</sup> Instead, Arthur's best knight and nephew, Gawain, offers to stand surrogate for the king. The reader will note that the courtiers agree to this (16.22). The king also agrees and reassures Gawain that *if þou rede3 hym ry3t, redly I trowe, / Þat þou schal byden þe bur þat he schal bede after* (ll.373-4) (if thou learnest him his lesson, I believe very well / that thou wilt bear any blow that he gives back later [17.9-10]). Apparently, the king and his men believe the blow Gawain gives the giant will not be lethal else there would be no return blow. Yet this assumption might have been out of line with the warrior mentality lurking just beneath the courtly affect of Camelot's knights. The poet writes of the land Brutus had founded, *Bolde bredden þer-inne, baret þat lofden, / In mony turned tyme tene þat wro3ten* (ll.11.21-2) (bold men were bred there who in battle rejoices, / and many a time that betid they troubles aroused [2.2-3]). The assertion of violence is always a possibility; Gawain could indeed exert lethal force.

In Stanza 17, once Gawain has offered to accept the challenge on Arthur's behalf, the Green Knight says, "*Refourme we oure for-wardes, er we fyrre passe*" (l.378) ("Let's tell again our agreement, ere we go any further" [l.14]). At this point, even a moderately cautious Gawain might have taken the opportunity to ask for more details, such as where the opponents would

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<sup>193</sup> Albert B. Friedman, "Morgan Le Fay in *Sir Gawain and the Green Knight*," *Speculum*, Vol.35, No.2 (April, 1960), pp.260-274 at p.263, fn.10. See also Kittredge's comparison of an early analogue, *Fled Brkrend*, with *Sir Gawain and the Green Knight*. In the Irish poem, the king is "expressly exempted" by the challenger because of his kingship. See George Lyman Kittredge, "A Study of Gawain and the Green Knight" (Cambridge: Harvard University Press, 1916) [https://archive.org/stream/astudygawainand00unkngoog/astudygawainand00unkngoog\\_djvu.txt](https://archive.org/stream/astudygawainand00unkngoog/astudygawainand00unkngoog_djvu.txt) Accessed September 14, 2016.

meet in a year's time or what would happen if the Green Knight were mortally wounded.

Instead, he responds:

*“In god fayth...Gawan I hatte,  
Pat bede þe þis buffet, quat-so bi-falle3 after,  
& at þis tyme twelmonyth take at þe anoþer,  
Wyth what weppen so<sup>l</sup> þou wylt, & wyth no wy3 elle3,  
on lyue.”* (ll.381-5)

(“In good faith...I Gawain am called  
who bring thee this buffet, let be what may follow;  
and at this time a twelvemonth in thy turn have another  
with whatever weapon thou wilt, and in the world with  
none else  
but me”). (17.17-22)

Gawain's entire understanding of the contract consists in striking the Green Knight once and then within twelve months, receiving the Green Knight's blow in return.<sup>194</sup> This is also the audience's understanding. It is not unreasonable that he would be this cavalier – no one could be expected to survive the strike of this greatest of knights, and therefore the return blow would be obviated. However, the Green Knight immediately qualifies their agreement with terms beyond Gawain's blow. Pleased that Gawain has *redily rehersed, .../ Clanly al þe couenaunt þat I þe kynge asked* (ll.392-3) (promptly repeated and plainly...stated without abatement the bargain I begged [18.3-4]), the Green Knight then says, *þou schal seche me þi-self, where-so þou hopes / I may be funde vpon folde* (ll.395-6) (you must seek me thyself, search where thou thinkest/ I may be found near or far [18.6-7]). Seeming not to notice this modification of the original terms, Gawain sticks by his pledge to the original agreement and responds that he knows neither the

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<sup>194</sup> Kittredge notes that in the Irish analog, “An interval is allowed between the original decapitation and the return-blow. This gives the hero a chance to escape if he's willing to show the white feather. Three adventurers...accept the challenge, but only the third returns to what he supposes will be certain death. Him the challenger spares, striking him with the back of the ax, because of his valor and his fidelity to his pledged word.” See George Lyman Kittredge, *Ibid.*, p.24. Accessed September 21, 2016.

Green Knight's name nor where he lives. Asking him for this information, the Green Knight remains elusive:

*"3if...  
þou me smopely hat3 smyten, smartly I þe teche  
Of my hous, & my home, & myn owen nome,  
þen may þou frayst my fare, & forwarde3 holde,  
if I speak not at all, so much the better for thee.  
& if I spende no speche, þenne spede3 þou þe better,  
For þou may leng in þy londe, & layt no fyrre,  
bot slokes." (ll.406, 407-12)*

*If...  
...when I have taken the knock,  
and thou handily hast hit me, if in haste I announce then,  
my house and my home and mine own title,  
then thou canst call and enquire and keep the agreement;  
and if I waste not a word, thou'lt win better fortune,  
for thou mayst linger in thy land and look no further-  
but stay! (18.19-25) (my italics)*

Effectively, the Green Knight has the upper hand in the negotiations. In addition to adding a new condition to the contract, he says that maybe he will give Gawain the information he needs to find him, but that maybe he will not "waste a word," in which "fortunate" case, Gawain can stay home. The Green Knight has told Gawain that there are two possible outcomes: either the more reasonable assumption, that a further blow will not be required or the less reasonable, that it will be. Gawain no doubt hears only the first alternative, trusting that his swordsmanship will end the challenge then and there. Thus, he accepts this evasiveness, and seals the contract by striking his challenger's chartreuse head from his shoulders. To an audience alert to the increasingly equivocal nature of contractual dealings, the giant's evasiveness should have sounded an alarm. They, however, stand in Gawain's shoes, innocent of the kind of obfuscation or omission of information characterizing the giant's speech. While discerned neither by protagonist nor audience, at least on the first reading, this kind of

equivocation signals a world which speaks to the essentially impersonal nature of privileged information.

Lynn Staley Johnson argues that the Green Knight knows his language does not mean what his audience thinks it does.<sup>195</sup> The idea that there might be privileged or concealed information was a central concern of the late 1300's. It was most obvious in the commercial arena as the trust that at one time inhered in the handshake began to yield to new and often equivocal forms of written contracts requiring interpretation, negotiation, and often mediation by professionals. As Blanch and Wasserman observe, in the early Middle Ages, the medieval contractual tradition showed that in the oral agreement known as the "express contract," certain conditions must be met: it must be voluntary, the terms must be "specifically articulated," it must be discharged within a year, and it binds once one side has discharged his part of the agreement.<sup>196</sup> Surety for the agreement was often in the form of a guarantor or witness who could attest to the terms in the event of a disagreement or who could appear if one side defaulted.<sup>197</sup> As the 14<sup>th</sup> century advanced, however, the "human" aspect of contracts and covenants began to disappear into documentary forms. If the document could not be produced or if the terms in the document did not reflect one of the parties' understanding, the sufficiency of that party's oath had substantially less weight in a court of law than it had in the previous century.<sup>198</sup>

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<sup>195</sup> Lynn Staley Johnson, *The Voice of the Gawain-Poet* (Madison: University of Wisconsin Press, 1984), p.8.

<sup>196</sup> Blanch and Wasserman, p.599.

<sup>197</sup> *Caveat emptor*, a phrase arising out of specifically commercial transactions where the seller has the advantage of knowing more than the buyer, speaks to the fact that the buyer cannot bring a case against the seller for defects unless the seller has fraudulently concealed information about the defect that the buyer cannot reasonably have known. The onus for seeking relevant information thus devolves onto the buyer in a case where both parties have equal access to information about the product. While *caveat emptor* is a phrase not appearing until the 16<sup>th</sup> century, the concept of *dolo malo*, discussed in Chapter 2 above, was.

<sup>198</sup> See the now-classic monograph by Michael Clanchy, *From Memory to Written Record: England 1066-1307* (Chichester, U.K.: Wiley-Blackwell, 2013, 3<sup>rd</sup> ed.).

Just as there were now new forms and technical requirements in commercial contracts, so too was there now room for a new element in the cultural discourse. With respect to *Sir Gawain and the Green Knight*, Green argues that the challenge Gawain accepted was made voluntarily but with “an obvious inequality of knowledge between the parties,” the missing information being something that might have deterred him from accepting the challenge in the first place.<sup>199</sup> The idea that one party could have a different agenda from the other and that integrity was now secondary to the written word speaks to a shift from a simpler time of an oral, oath-based society to the cynical complexity of a documentary culture. The result is, according to Green, that “a truth that [formerly resided] in people [has yielded] to one located in documents.”<sup>200</sup> The poet seems to suggest that Camelot and Arthur represent a world of children and adolescent high spirits. Arthur’s “young blood” (5.5) signals an age of innocence which, though it lies on a continuum with ancient Troy, is as yet undeveloped. This translates into a lack of attention to the nuances of speech, even when the possible consequences are dire.

The giant’s challenge appears to be offered in the spirit of a Christmas game, the kind of thing the “beardless” Arthur delights in. Translated as “pastime” in Tolkien’s version of *SGGK*, the word in the Middle English manuscript is referenced a number of times as *game*, *gomen* and their plural forms. Attested to before the year 1,000, this is a cognate of Old High German *gaman*, meaning “glee,” “joy,” “fun,” “sport,” or “amusement,” and other Germanic languages. After 1300, the meaning had become “game according to rules.”<sup>201</sup> The audience would, then, understand this challenge as a game with rules that were clear and spelled out.

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<sup>199</sup> Green, p.321.

<sup>200</sup> Green, p.xiv.

<sup>201</sup> *The British Dictionary* cited in Dictionary.com <http://www.dictionary.com/browse/game?s=t> Accessed October 3, 2016.

The Green Knight incites the king – the very symbol of chivalry – to take on the challenge, and his greatest knight jumps up to serve as his proxy. When Gawain swears to “apply all my purpose the path to discover;/ and that I swear thee for certain and solemnly promise” (18.15-16), the Green Knight stops him from any further pledge and says, “That is enough in New Year, there is need of no more” (18.7).<sup>202</sup> It is not Gawain’s Christian faith which is challenged: in fact, the Green Knight specifically discourages him from making an oath he cannot keep. All the same, he reminds Gawain of his pledge, of the fact that it has been witnessed, and that Gawain now has a debt which must be discharged (20.5-7). The Green Knight then identifies himself by name only, “The Knight of the Green Chapel I am known to many, / so if to find me thou endeavor, thou’lt fail not to do so” (20.12-13). The poet concludes this stanza by repeating that “no man knew...from what land [the Green Knight] had journeyed” (20.19-21) and as the giant gallops off, the audience is given to know that Gawain’s challenge is now not just the return blow but the journey into the perilous unknown.

With the advent of Gawain’s departure, the courtiers at Camelot lament the loss of such a noble knight. They seem to think that his promise was rash and his valor irresponsible, leaving the court down one great leader “for an arrogant vaunt” (29.12), and wonder at a king who would let such a knight undertake this quest. Recognition of the spiritual aspect of a quest seems to be lacking, and indeed, in contrast to keeping a vigil or fasting the night before, as a knight on a perilous quest might be expected to do, the night before, Gawain celebrated the great feast of All Hallows with Arthur and the court (stanza 24). Traditionally observed in England on November 1, in pagan times this was the day of celebration known as *Samhain* when the veil between the world of the living and the Otherworld was at its thinnest, and the numinous *Aos Sí* and the dead

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<sup>202</sup> Andrew and Waldron, p.223, fn.404.

might briefly return. The feasting and inattention to Christian ritual suggest the bleeding through of the supernatural, a *pentimento* of one world emerging through another.

The sense that worlds are overlapping increases as Gawain sets off. At first, as he travels out from Arthur's court, he sees familiar landmarks all around:

*Alle þe iles of Anglesay on lyft half he halde3,  
& fare3 ouer þe forde3 by þe for-londe3,  
Ouer at þe Holy-Hede, til he hade eft bonk  
In þe wyldrenesse of Wyrle... (ll.698-701)*

(All the isles of Anglesey he held on his left,  
and over the fords he fared by the flats near the sea,  
And then over by the Holy Head to high land again  
In the wilderness of Wirral...) (30.8-11)

This more alien terrain looms ahead:

*Mony klyf he ouer-clambe in contraye3 straunge,  
Fer floten fro his frende3 fremedly he ryde3;  
At vche warþe oþer water þer þe wy3e passed,  
He fonde a foo hym byfore, bot ferly hit were,  
& þat so foule & so felle, þat fe3t hym by-hode;  
So mony meruayl hi mount þer þe mon fynde3,  
Hit were to tore for to telle of þe tenþe dole. (ll.713-19)*

(Many a cliff he climbed o'er in countries unknown,  
far fled from his friends without fellowship he rose.  
At every wading or water on the way that he passed  
he found a foe before him, save a few for a wonder  
and so foul were they and fell that fight he must needs.  
So many a marvel in the mountains he met in those lands  
That 'twould be tedious the tenth part to tell you thereof.) (31.1-7)

The audience, too, leaves behind the familiar signposts of *Norþe Wale3* (l.697) and *Anglesay* (l.698) and accompanies Gawain in the bitter cold, rain and dark night of his journey. Along the way, he encounters *worme3*, *wodwos* and *etayne3* (ll. 720, 721, 723) (worms, wood-

trolls and ogres [31.8, 9, 11]), a sure sign that he is entering the world of romance.<sup>203</sup> The narrator tells us that Gawain is *du3ty & dry3e, & dry3tyn* (l.724) (“stalwart and staunch and steadfast” [31.13]).

Eventually, emerging from the forest, Gawain suddenly sees a comely castle which *schemered & schon þur3 þe schyre oke3* (l.772) (shimmered and shone through the shining oaks [33.10]). From his vantage on the bridge, the castle rises out of a deep well and soars into the sky:

*Chalk whyt chymnees þer ches he in-no3e,  
Vpon bastel roue3, þat blenked ful quyte;  
So mony pynakle payntet wat3 poudred ay quere,  
Among þe castel carnele3, clambred so þik,  
Þat pared out of papure purely hit semed.* (ll.798-802)

...chalk-white chimneys he chanced to espy  
upon the roofs of towers all radiant white;  
so many a painted pinnacle was peppered about,  
among the crenelles of the castle clustered so thickly  
that all pared out of paper it appeared to have been. (34.14-18)<sup>204</sup>

Gawain is impressed with this castle and finds, upon entering, that its host, Sir Bertilak, is a man with a *Felle face as þe fyre* (l.847) (face fell as fire [36.6]), large and solid on *stal-worth schonke3* (l.846) (upon stalwart legs [36.5]) and well-suited, it appears, to lead his men (36.5-8). The descriptions of the castle suggest likewise a domicile superbly run and splendidly appointed with all the luxuries of a royal residence. Gawain is given a cloak with ermine trim and invited to a table set for a feast with a *clene cloþe, þat cler quyt schewed,/ Sanap, & salure, & syluer-in*

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<sup>203</sup> Hannah Priest, “‘The king o fairy with his rout’: Fairy Magic in the Literature of Late Medieval Britain,” *Hortulus* Vol.4, No.1, online <https://hortulus-journal.com/journal/volume-4-number-1-2008/priest/> Accessed October 29, 2016.

<sup>204</sup> Helen Cooper notes that there are 3 possible explanations for the sudden appearance of the castle: “the natural one, that when riding through a forest it is impossible to see more than a few yards ahead; the miraculous one, that the castle appeared as an answer to Gawain’s prayer; or the supernatural one, that it is in some sense an other-worldly castle that can materialise when required.” *Ibid.*, p.290.

*spone*3 (ll.885-6) (a clean cloth clear white...[and a] surnape,<sup>205</sup> salt cellar, and silvern spoons [37.12-13]).<sup>206</sup>

The poet's description of the castle and its inhabitants gives no indication that it is other than what it appears. Indeed, Gawain recognizes it as perhaps "more" than Camelot - bigger, brighter, the lord more mature and the lady more beautiful - but indicates no discomfort or concern. The audience, too, is presented with nothing that would overtly suggest that this is a supernatural place. And for good reason, as Lawrence Warner observes, because "the poem's narrative logic cannot reveal the castle denizens' knowledge that Gawain is preparing to offer his neck to an axe-bearing giant, for that would spoil the plot for those readers who have not already finished the poem."<sup>207</sup>

At dinner, Bertilak proposes a game that for the next three days Gawain will stay at the castle and rest while his host goes hunting. In the evening, each will exchange with the other whatever they have won during the course of the day. Even though it was a Christmas game a year prior that had brought him here, Gawain fails to notice that this is another Christmas game, and that there might be peril in this one as well. He agrees to it, and the next day Bertilak sets off to hunt deer while Gawain remains in bed. As it transpires, his host's lady enters his room and locks the door behind her, seeking to tempt him into love-making. As beautiful as she is, Gawain plays the game of courteous behavior as nobly as possible, deflecting every advance with "speeches pure" (50.22). He says she honors him with her attention, claiming he is not worthy, which triggers this response:

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<sup>205</sup> Napkin.

<sup>206</sup> The shimmer of the castle and the silver and white of the castle and tablecloth have been elsewhere associated with Faerie. In Layamon's *Brut*, for example, the Queen of Avalon is named "Argante" and Amy Varin suggests the association of the silvery otherworldly island in Marie de France's *Yonec* with Argante and Arianrhod, whose name may contain the Welsh word *arian* (meaning "silver") (173-4). See Amy Varin, "Mordred, King Arthur's Son," *Folklore*, Vol.90, No.2 (1979).

<sup>207</sup> Lawrence Warner, "The Lady, the Goddess, and the Text of *Sir Gawain and the Green Knight*," *The Chaucer Review*, Vol.48, No.3 (2014), pp.334-351 at p.339.

*“Pa3 I were burde bry3test, þe burde in mynde hade,  
þe lasse luf in his lode, for lur þat he so3t,  
boute hone;  
þe dunte þat schulde<sup>2</sup> hym deue.”* (ll.1282-6)

(“Though I were lady most lovely,” thought the lady to herself,  
“the less love would he bring here, since he looked for his bane,  
that blow,  
that him so soon should grieve.”) (51.24- 29).<sup>208</sup>

The lady clearly knows what is to transpire, even perhaps, exactly how the blow will “grieve” him. The game she is playing is according to the conventions of *courtoisie* which presupposes a non-sexual outcome. The verbal sparring tests the limits of his continence and chivalry but in the process, reveals this convention as self-limiting. Gawain’s understanding of this game, however, is much more complicated. The poet writes of his dilemma,

*For þat prynce of pris de-presed hym so þikke.  
Nurned hym so ne3e þe þred, þat nede hym bi-houed,  
Oþer lach þer hir luf, oþer lodly re-fuse;  
He cared for his cortaysye, lest craþayn he were,  
He fears lest he should become a traitor to his host.  
& more for his meschef, 3if he schulde make synne,  
& be traytor to þat tolke, þat þat telde a3t.* (ll.1770-5)

(For she, queenly and peerless, pressed him so closely, led him so near the line, that at last he must needs either refuse her with offence or her favours there take. He cared for his courtesy, lest a caitiff he proved, yet more for his sad case, if he sin should commit and to the owner of the house, to his host, be a traitor.) (71.1-6).

In the first instance, Gawain is forced to navigate between the “Scylla of being discourteous by refusing the lady’s love and the Charybdis of committing sin since by accepting

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<sup>208</sup> Tolkien’s translation differs in critical respects from that of Andrew and Waldron. They argue that the lines should read, “Pa3 ho were burde bry3test þe burne in mynde hade, / þe lasse luf in his lode for lur þat he so3t / Boute hone” which they then note as reading, “Though she were the loveliest woman the warrior had ever known...he had brought with him so much the less love because of the penalty he was going to met forthwith.” See Andrew and Waldron, *Ibid.* p. 255.

it and becoming a traitor to his host.”<sup>209</sup> Not only are his actions circumscribed by all manner of taboos against actualizing the game of *courtoisie* and seducing one’s host’s wife but his understanding of the terms of the exchange requires his disclosure of his winnings. Further, the argument could certainly be made that Gawain’s mind is not wholly on this game of words. Observing that his life may well end, Friedman writes, “The preservation of his chastity is clearly only a secondary concern to Gawain, if present in his mind at all.”<sup>210</sup> All the same, he is sorely pressed by this lady’s exceptional skill, and must deploy all of his own in order to defend his virtue from her. He escapes with a kiss, which he then returns to his host at dinner.

This “game” is played twice more with Bertilak’s wife, the second time resulting in another kiss, and then the third time, a more significant concession, a green girdle. Faced with the prospect of receiving a return blow from a giant who held his own decapitated head in his hands and challenged his honor, Gawain succumbs to the lady’s gift. Of this, she says:

*“...who-so knew þe costes þat knit ar þer-inne,  
He wolde hit prayse at more prys, parauenture;  
For he who is girded with this green lace,  
For quat gome so is gorde with þis grene lace,  
While he hit hade hemely halched aboute,  
þer is no habel vnder heuen to-hewe hym þat my3t;  
cannot be wounded or slain.”  
For he my3t not he slayn, for sly3t vpon erþe.” (ll.1849-54)*

“...whoever goes girdled with this green riband  
while he keeps it well clasped closely about him,  
where is none so hardy under heaven that to hew him  
were able;  
for he could not be killed by any cunning of hand.” (74.6-10)

In Friedman’s opinion, Gawain accepts for two reasons: first, in order to forestall the lady’s increasing attentions. That he does not reveal the kisses or the green belt to his host is, as

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<sup>209</sup> Claude Luttrell, *Ibid.*, p.125. Luttrell also notes that “the situation of a young lady coming to the hero’s bed is typically Arthurian and that it was variously treated, with love-making often prevented, sometimes by the hero himself. *Ibid.*, p.116.

<sup>210</sup> Friedman, p.265.

Friedman continues, at least in part in order to “protect the lady’s reputation, which as her knight and a man of honor he had promised to do.”<sup>211</sup> Indeed, Bertilak acknowledges later that although Gawain’s loyalty to his host *lakked a lyttel* (l.2366) (lacked...a little [95.9]) it was not for þat wat3 for no wylyde werke, ne wowyng nauþer (l.2367) (artful wickedness, not for wooing either [95.10]). Second, the poet tells us that he accepts the lady’s gift, *not þis ilk wy3e for wele ... Bot forto sauē hym-self, when suffer hym by-houed* (ll.2037, 2040) (not for worth nor for wealth...but so that himself he might save when suffer he must [81.13, 16]). And this, too, Bertilak accepts as reasonable, saying it is *Bot for 3e lufed your lyf, þe lasse I yow blame* (l.2368) (because you loved your own life: the less do I blame / you [95.11-12]). Fear for his life required skills outside of the conventions with which he was familiar; by accepting an irresistible offer of protection against a supernatural opponent Gawain has learned to maneuver, to hold onto the thinnest of hopes.

And so, at last, Gawain sets out for the Green Chapel. There is a poignancy in Gawain’s departure which echoes and magnifies the moment when he first left Camelot. Then, too, he was headed he knew not where though there was at least the journey between him and his destination. Now, the goal lies just ahead, and notwithstanding the presence of the magic girdle, Gawain and the audience have a keen sense of pending doom.<sup>212</sup> The poet invokes an oppressive atmosphere - bare branches, an “evil” mist - and has the porter accompanying Gawain add to the tension, saying of the Green Knight, he is “the worst wight in the world... and to strike he delights” (84.9, 10). The porter may or may not know what is ahead for Gawain but he certainly does nothing to allay Gawain’s fears. Indeed, he may be complicit in tempting Gawain to flee,

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<sup>211</sup> Friedman, p.266.

<sup>212</sup> See Corinne J. Saunders, “Magic and the Supernatural in Medieval English Romances,” *Studies in Medieval Romance* (Book 13) (Cambridge: D.S. Brewer, 2010), p.138.

promising that if he does so, he will keep his shameful secret. Gawain, however, still true to his word, presses on alone.

Eventually, he reaches a mound of earth, “a worn barrow on a brae by the brink of a water” (87.13), dismounts and walks about it. *With a hole on þe ende, & on ayþer syde, / & al wat3 hol3 in-with, nobot an olde caue* (ll.2180, 2) (a hole at the end and at either side...[it] was all hollow within: nought but an old cavern [87.21, 23]), Gawain wonders whether this could possibly be the Green Chapel. A sudden noise as though *one vpon a gryndelston hade grounden a syþe* (l.2202) (one on a grindstone were grinding a scythe [88.14]), and the Green Knight appears above, interrupted in the process of sharpening his ax.<sup>213</sup> The giant then “hurtles” through a hole and lands beside Gawain, every bit as startling in hue and size as before.

Taking his ax, he orders Gawain to remove his helm and make ready for the blow, and then lifts the gigantic blade. Even as the blade misses him, Gawain flinches, and the giant reproves him for his “cowardice” (91.16). Gawain promises not to flinch a second time but notes wryly that while the giant was indeed brave enough not to quail back in Camelot, *he* was able to pick up his head after it had been severed, something Gawain was certain he himself would not be able to do. The second time he strikes, the giant holds back so as not to touch him and the third time, the giant only just nicks him. The contract satisfied, the challenge is over.

Typically, the conclusion of a poem should wrap up all the loose threads. For Gawain and the audience, however, at least at the first reading, the denouement of *SGGK* does little to

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<sup>213</sup> In the long tradition of “the king in the mountain,” Geoffrey of Monmouth tells us that Arthur is resting on the Isle of Avalon until such time as he will return to rule Britain. See Geoffrey of Monmouth, *Geoffrey of Monmouth, The History of the Kings of Britain*, trans. Lewis G.M. Thorpe (Harmondsworth, UK: Penguin, 1966), xi.2 and Tatlock, J.S.P. “Geoffrey of Monmouth’s *Vita Merlini*,” *Speculum*, Vol.18, No.3 (Jul., 1943), ll.908-40. Parallel legends relate that the king is variously asleep or awake and feasting with a horde of knights beneath a mountain which could only be entered through a hole in the side of the hill. See *Gervase of Tilbury, Otia Imperialia.: Recreation for an Emperor*, Oxford Medieval Texts, S.E. Banks and J. W. Binns, eds. And Trans. (Oxford: Clarendon Press, 2002). Caitlin R. Green notes the difference that in Avalon, Morgan rules while beneath the mountain, Arthur rules. “‘But Arthur’s Grave is Nowhere Seen’: Twelfth-Century and Later Solutions to Arthur’s Current Whereabouts,” *Arthuriana* <http://www.arthuriana.co.uk/n&q/return.htm> Accessed October 7, 2016.

establish closure. First, the giant declares *hit hym lyke3* (1.2335) (he is well-pleased [94.5]) and acknowledges that the contract has been satisfied (94.13). However, he then reveals the machinations behind the simple game and any facile conclusion becomes impossible. The Green Knight explains that the blows – both those that didn’t touch Gawain and the blow that did – were deliberate, and were given in exchange for the “winnings” Gawain had received: the first two missed because Gawain had returned the kisses the giant’s wife had given him, and the third, a small nick on the neck, was for the green belt which Gawain had not disclosed. We are not privy to the moment when Gawain understands that this great green creature before him is Sir Bertilak<sup>214</sup> but the reference to *my clere wyf* (1.2351) (my comely wife [94.23]) is a surprise to both Gawain and the audience, who could not have foretold this.

The more astonishing revelation, however, is that the Green Knight/Bertilak “worked” the wooing by his wife himself (95.4). It seems that Bertilak asked his wife to tempt Gawain as a test of his loyalty. To a man such as Gawain, flailing wildly for some rational explanation, this kind of test could have been at best, mean-spirited and at worst, a calculating trap completely contrary to any rules of hospitality. In the world of magic and the supernatural, however, Bertilak’s game must be seen as just that, a game conjured out of a supernatural mind, not subject to reason or rhyme.

In James Wade’s study of fairies in medieval romances, he argues that fairies are “neither angelic nor demonic” but rather constitutive of “the ambiguous supernatural.”<sup>215</sup> This ambiguity has been fruitfully manipulated by medieval writers, he suggests, expanding the genre of romance to suit whatever narratorial end the writer has in mind. There is thus at the center of

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<sup>214</sup> Possibly. See Helen Cooper, p.289.

<sup>215</sup> James Wade, *Fairies in Medieval Romance*, The New Middle Ages (New York: Palgrave MacMillan, 2011), p.1.

each such romance, a folklore unique unto itself, a world-within-a-world that is uniquely imagined and constructed, and in which fairies do as fairies will.

In *SGGK*, the world-within-a-world motif is suddenly advanced by the Green Knight's admission that in spite of his ability to initiate a game of his own creating and to shapeshift at will, he became a green giant through the magic of a superior *fée*. He says:

*Morgne þe goddes,  
Per-fore hit is hir name;  
Welde3 non so hy3e hawtesse,  
Pat ho ne con make ful tame. (ll.2452-5)*

(Morgan the Goddess  
is ...her name.  
None power and pride possess  
too high for her to tame.) (99.27-30)

It was Morgan who changed "his hue" and it was she who

*...wayned me vpon þis wyse to your wynne halle,  
For to assay þe surquidre, 3if hit soth were,  
Pat rennes of þe grete renoun of þe Rounde Table;  
Ho wayned me þis wonder, your wytte3 to reue,  
For to haf greued Gaynour, & gart hir to dy3e. (ll.2456-60)*

(...made me go in this guise to your goodly court  
to put its pride to the proof, if the report were true  
that runs of the great renown of the Round Table.  
She put this magic upon me to deprive you of your wits,  
in hope Guinevere to hurt, that she in horror might die...) (99.1-5).

As though this information were not enough, the Green Knight then reveals that Morgan is Gawain's aunt, *Arþure3 half suster, / Þe duches do3ter of Tyntagelle, þat dere Vter after / Hade Arþur vpon, þat apel is nowþe* (ll.2464-6) (Arthur's half-sister, / daughter of the Duchess of Tintagel on whom doughty Sir / Uther / after begat Arthur, who in honour is now [99.9-12]) and that the young knight should return to Hautdesert to be with her.

This sudden insertion of one of the most evocative figures in Arthurian legend at absolutely the eleventh hour has been discussed by a number of scholars. Some see this as an

awkward contrivance on the part of the poet, an effort to knit together various strands of legend.<sup>216</sup> Others claim that Morgan “signals that the ethnic malediction of violence, fragmentation, and aristocracy continues to haunt Britain,”<sup>217</sup> and that “The lesson for the audience in Morgan le Fay’s elaborate *gyn* is ... the illusory and transitory nature of this world...” which serves to locate Gawain’s actions within a frivolous court which will eventually be revealed as just one “season” among many in the long view of God’s creation.<sup>218</sup>

Edith Whitehurst Williams argues that Morgan’s “complex and ambiguous” presence in this poem evokes a “chord of recognition” in today’s reader just as it did for the reader of the 14<sup>th</sup> century. Morgan’s role in the poem conforms to a Jungian model; it “contains the essential elements of the trickster archetype with all its contradictions, and that however malevolent her initial intent may have been, it has an ultimately salutary effect on Gawain because it presses him into the discovery of his own humanity.”<sup>219</sup> Helen Cooper argues that the supernatural is a world beyond “rational analysis” and that the application of what is known to what is unknowable is a fruitless enterprise, given that “a precise understanding of the supernatural nature of the sign matters much less than its human import.”<sup>220</sup> Who or what exactly effects the magic, in other words, matters less than what takes place in Gawain’s psyche. The poem is thus a journey toward understanding oneself or as Dr. Cooper concludes, “...the supernatural is not finally

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<sup>216</sup> See Gail Ashton, “The Perverse Dynamics of *Sir Gawain and the Green Knight*,” *Arthuriana* 15.3 (2005): 51–74, at pp.54 and 64; See also Friedman, p.260 and G.L. Kittredge, p.136.

<sup>217</sup> See Randy Schiff, “Unstable Kinship: Trojanness, Treason and Community in *Sir Gawain and the Green Knight*,” *College Literature*, Vol.40, No.2 (2013), pp.81-102 at p.84.

<sup>218</sup> Geraldine Barnes, *Counsel and Strategy in Middle English Romance* (Cambridge, UK: Boydell & Brewer, 1993), p.136-7.

<sup>219</sup> Edith Whitehurst Williams, “Morgan le Fee as Trickster in *Sir Gawain and the Green Knight*,” *Folklore*, Vol.96, No.1 (1985), pp.38-56, at pp.38-39.

<sup>220</sup> Cooper, p.279.

‘other,’ alien or exotic, but rather stands for something within the protagonist...and therefore, given the poet’s insistent moral concern, within the reader too.<sup>221</sup>

I think there is another way of reading this poem, one which takes into account Dr. Cooper’s argument as well as those advanced by Lynn Staley and Richard Firth Green: the context within which the poet wrote was enormously fraught; events were unfolding in the world of politics and law which were both precipitous and unprecedented. Far from serving as an awkward “bridge” between folk elements or even as a story of individual awakening, keeping an eye on what was happening in Ricardian England lends the poem a depth that is not out of place with such a masterpiece of “architectonic construction.”<sup>222</sup> While an audience could conclude that the poem’s *sens* concerned faith, morality or learning from mistakes, much of the literature of this period engages with topical issues, and suggests not just the authors’ but the audiences’ concern with the political, moral and economic crises of Ricardian England.<sup>223</sup> For example, William Langland’s *Piers Plowman*, another alliterative poem describing in dream sequences the narrator’s quest for salvation, is also a sharp critique of religious corruption, and describes the present-day as a world fractured by the pursuit of worldly gain.<sup>224</sup> John Gower’s *Confessio Amantis* is at once a discourse on sin and a tract on good governance and, as David Benson noted in 1996, “Political interpretations of the *Clerk’s Tale*,” for instance, “have just begun to emerge

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<sup>221</sup> Helen Cooper, “The Supernatural,” in the *Companion to the Gawain-Poet*, Ibid., pp.277-291, p.277.

<sup>222</sup> Williams,p.38.

<sup>223</sup> See Thomas J. Elliott, “Middle English Complaints Against the Times: To Contemn the World or to Reform It?” *Annuaire Mediaevalia*, Vol.14 (1973), p.22-34; George Kane, “Some Fourteenth-Century ‘Political’ Poems,” in *Medieval English Religious and Ethical Literature: Essays in Honour of G. H. Russell*, ed. Gregory Kratzmann and James Simpson (Cambridge: D. S. Brewer, 1986), pp. 82–91.

<sup>224</sup> See Kathleen M. Hewell-Smith, ed., *William Langland’s “Piers Plowman”*: *A Book of Essays* (New York: Routledge, 2001), p.242; C.D. Benson, *Public Piers Plowman: Modern Scholarship and Late Medieval English Culture* (Philadelphia: Penn State UP, 2003).

as a significant category.”<sup>225</sup> It does not require much of a stretch to include *Sir Gawain and the Green Knight* as a critique subtly wrapped within a romance.

To locate this contextually, Adam Usk observes, that “this is a strange and fickle land, which has exiled, slain, destroyed, and ruined so many kings, so many rulers, so many great men, and which never ceases to be riven and worn down by dissensions and strife and internecine hatreds.”<sup>226</sup> Usk’s observation follows Richard II’s deposition in 1399, a change of regime which he heartily endorsed, and yet, he appears to lament the state into which the kingdom has fallen. Richard’s reign had been marked by conflict for the majority of the last two decades before his deposition. With the exception of a few years of relative stability in the 1380’s, Richard and his magnates squared off over a number of issues, including the distribution of favors, the proper management of the royal fief, the taxes demanded in order to pursue warfare abroad and the appearance of one set of rules for the king and one set of rules for all others. In an area of dispute arousing the most antipathy was the manipulation of the laws of the realm, including the great Statute of Treason of 1352.

Richard’s violations of the law were based on a model of kingship which asserted an absolute royal prerogative and rejected the notion that the king and his barons were in any way mutually dependent. Treason, therefore, fell within the king’s conception of his sole prerogative to determine who was guilty; the concept had become a hostage to the king’s whim and as such, antithetical to the customary conceptualization of governance as a cooperative enterprise. Within this complicated framework, Richard’s reign stressed the worst values imaginable: there was a return to the idea of courtly love but the traditional values lending such an appeal to this

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<sup>225</sup> *Chaucer’s Religious Tales*, C. David Benson and Elizabeth Robertson, eds., Chaucer Studies (Cambridge: D.S. Brewer, 1996), p.78.

<sup>226</sup> *The Chronicle of Adam Usk*, ed. and trans. Chris Given-Wilson, Oxford Medieval Texts (Oxford, UK: Oxford University Press), p. 65.

model were missing: in Richard's court, betrayals and dissimulations were the order of the day, and Richard himself kept changing the rules, insisting on one code of law for himself and one for all others.

The key, then, to unraveling *SGGK* seems to lie in associating Morgan's "might" with Richard's unscrupulous interpretation of the royal prerogative. Baughan argued many years ago that Morgan was "the prime mover of the plot."<sup>227</sup> His analysis was confounded by Friedman but the statement itself remains tenable. If we take what Bertilak says at face value, Morgan's malevolence has been the catalyst to the entire narrative: she is jealous of Guinevere, seeks to level Arthur's court's reputation for chivalry, and she sends Bertilak to do this through Camelot's best knight, Gawain. What Morgan seeks to do specifically is to prove that chivalry, as J.J. Anderson argues, "is a limited system, which achieves its brilliance only at the cost of a natural life."<sup>228</sup> In other words, that courtly virtues do not translate to a world where the rules of Faerie obtain.

As far as this goes, Morgan is successful: Gawain's nobility is tarnished and his understanding of himself suffers a massive displacement as he recognizes how he has been played. The argument could certainly be advanced that Gawain has violated his *trawþe*, that is, his pledged word with respect to the chivalric code, his faith, and his obligations as a guest. I would suggest, however, that examining *Sir Gawain and the Green Knight* from a contextual perspective offers another way of regarding Gawain's decisions. Rather than regarding his failings as instances of *untrawþe*, that is, as violations of his personal code of ethics, they might be considered as a series of adaptive behaviors, deployed as responses within a context which

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<sup>227</sup> Denver E. Baughan, "The Role of Morgan le Fay in *Sir Gawain and the Green Knight*," *ELH*, Vol. 17 (1950), 241-251.

<sup>228</sup> J.J. Anderson, "The Three Judgments and the Ethos of Chivalry in *Sir Gawain and the Green Knight*," *The Chaucer Review*, Vol.24, No.4 (Spring, 1990), pp.337-355, at p.353.

actually uses the knight's *trawþe* against him. While medieval contract law provides for the disclosure of all defects, it might be argued instead that Gawain is defrauded by terms which do not support fair dealings.

Beyond this, however, the poet has made the argument that the game is rigged. As Helen Cooper observes, the poem's "hero has to confront...a series of adventures that are never quite what they seem, and in which neither he nor the reader is quite sure what elements belong to the natural world and what to the worlds of magic and the supernatural."<sup>229</sup> Of the four poems of Cotton Nero A.x, Cooper continues:

The *Gawain*-poet repeatedly shows the protagonists of his poems getting things wrong, having to be trained to read the world they inhabit; and in that process, the central character also serves as a surrogate for the reader of the poem. Gawain's...making sense of the world charts a parallel process in which the reader learns to 'read' the text properly."<sup>230</sup>

That this noble young knight, peerless in the love-talking and martial skills of Arthur's court, could be "getting things wrong" seems to suggest something amiss with the context rather than the protagonist. When Gawain fails, it is not because of any personal failing – even Bertilak praises him as the most "faultless" of knights (95.6), and gives him credit for acting as he did out of love for his own life (96.11). The audience, too, is taken aback by the ending and is forced to recognize the multiplicity of manipulations that have resulted in this feeling of confusion.

As James Wade argues, fairies are adoxic; they live in an extra-legal and extra-moral world with motives that are inscrutable. Richard's rule appears to have been exercised along these same lines, with arbitrary sentencings and executions, seizures of his magnates' properties and a high-handed disregard for laws, sentiments and ago-old traditions. Still, as Richard Firth Green observes, the country had not yet lost all memory of a time when mutual oaths of loyalty

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<sup>229</sup> Cooper, *Supernatural*, pp.285-6

<sup>230</sup> Cooper, *Supernatural*, pp.278-9.

might be imagined as an effective curb on the arbitrary exercise of political authority.<sup>231</sup> While the king might betray all the values held dear by his subjects, they, nonetheless, retained the consciousness of what was right and noble.

In conclusion, I would argue that the appropriation of the genre of chivalric romance allows the poet to critique the king without obviously doing so. His critique begins with the small ways in which individuals succumb to the quotidian effects of broad institutional changes and then expands to reveal where the real power and responsibility lie. Under the laws of both *Faerie* and Richard's court, the customary rules of decent human intercourse do not obtain and therefore even a peerless knight such as Gawain cannot possibly emerge unscathed. Hautdesert's perversion of the courtly narrative may have been signaled by the giant's alterity and by the unworldly magnificence of Morgan's realm but even Gawain's failure to pick up on these visual cues cannot indict him for his failings. Instead, the instability of language deployed in the Green Knight's challenge makes a mockery of the good faith aspect of a contract. Each time Gawain fails or betrays his values, he has run onto the shoals of what is effectively a foreign culture, one whose "language" he does not speak and which does not respect his code of behavior - indeed, which specifically seeks instead to disparage such virtues as honesty and courage through semantic machinations and the manipulations of power. Examining the poem from this perspective demonstrates that it is not Gawain who has failed; neither is it the code of knightly conduct or the Christian faith by which he lives his life. To accuse this peerless knight of treason misses the emphasis on context to which the poet keeps returning. Rather, it is the shifting sands of an increasingly arbitrary world directed by a supremely indifferent power which must be indicted for *untrawþe*.

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<sup>231</sup> Green, p.219.

## Chapter Four Conclusion

This dissertation has been an examination of the concept of treason in England as it has been expressed in three distinctly different medieval poems. One of these is a treatise, another is a wisdom poem grafted onto a story of origins, and the third is an Arthurian romance. The range in dates is from the Battle of Lewes in 1264 to the deposition of King Richard II in 1399. The poems differ in many respects: rhyming strategies, narratorial perspectives, and rhetorical devices vary entirely and they are written in the language of central government as it changed throughout the period – first Latin, then Anglo-Norman French, and then Middle English. However, as the narratives develop it becomes clear that each of them has a subversive agenda - each turns the concept of treason on its head and offers, instead of the usual indictment of a vassal for having betrayed his king, a view of the king himself as having betrayed his country. These views articulate positions disseminated from outside of the king's circle which, in the course of these 130 years, may be seen as building upon each other. The increasingly organized agenda of the king's opponents is apparent in the political consequences for the king: Henry III's personal rule and patronage of foreign favorites was corralled by an advisory council seeking to hold him to responsible governance; because of Edward II's neglect of the affairs of the realm, he was forced to abdicate in favor of his son (and later preemptively murdered lest there be an attempt to reinstate him); and Richard II, turning to tyranny and making a mockery of the chivalric ethos he purported to embrace, was eventually deposed by an act of Parliament (and likewise murdered).

My examination of treason in these three poems turns on the idea that treason was – and is – a concept in transition. As it relates specifically to the relationship between medieval kings and their subjects, it reveals an ongoing dispute regarding monarchy, one with roots in ancient

theories of power and its organization, which shifted and changed in the context of developing legal and political institutions.

Treason is a word whose semantic history is long and complicated. *Dictionary.com* records that it first appeared in Middle English c.1175-1225 as “tre(i)so(u)n” and is derived from the Anglo-Norman and Old French “traïson,” itself derived from the Latin “trāditiō”... meaning “a handing over [or] betrayal.”<sup>232</sup> In the 11<sup>th</sup>- and 12<sup>th</sup>-century treatises by writers known as Glanvill and Bracton, early British concepts which later coalesced around the concept of treason were seen to derive from Roman and Germanic concepts (often as creatively interpreted by the Angevin kings). For example, in his *Tractatus de legibus et consuetudinibus regni angliae*, Glanvill (c.1112-1190) addresses the killing or betrayal of the king which he calls *sedition regni* and *sedition* (or *seductio*) *exercitus*.<sup>233</sup> In *De legibus et consuetudinibus angliae* (before c.1235), Bracton observed that *laesa maiestas* was the crime “which exceeded in turpitude all other crimes” and included in his conceptualization the idea of plotting, procuring or consenting to *traditio*, *sedition*, *seductio* and *proditio*, whether or not the plot were actualized.<sup>234</sup> Other aspects such as seducing the king’s wife or daughter, falsifying the coin of the realm or the king’s seal, raising arms against the king and giving comfort to the king’s enemies were also included as treasonous.

Even when Edward III and his nobles attempted to codify the various strands of thought into one statute, the interpretation of this new law was often disputed. Nonetheless, there was one aspect which had resided at the core of the concept throughout the course of its

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<sup>232</sup> Dictionary.com <http://www.dictionary.com/browse/treason> Accessed November 10, 2016.

<sup>233</sup> Bellamy, pp.4-5.

<sup>234</sup> Bellamy, p.7.

development,<sup>235</sup> and that was duplicity. That this was considered maximally important from the start becomes apparent in the history of punishment dispensed to convicted traitors. As early as the laws of Alfred of Wessex (circa 890AD), we find this, “If any one plot against the king’s life, of himself, or by harbouring of exiles, or of his men, let him be liable in his life and in all that he has.... He who plots against his lord’s life, let him be liable in his life to him, and in all that he has.”<sup>236</sup>

Centuries later, in Henry III’s reign, exceedingly harsh measures began to appear.<sup>237</sup> In 1238, “a certain learned esquire” was executed for his attempt to execute the king in his bedchamber. Per Matthew Paris, this man’s sentence was to be “dragged asunder, then beheaded, and his body divided into three parts; each part was then dragged through one of the principal cities of England, and ... afterwards hung on a gibbet used for robbers.”<sup>238</sup> He confessed to having been sent by William Marsh (William de Marisco) who compounded his guilt by fleeing the king’s justice; when he was finally apprehended, the outlaw was also gruesomely executed by dragging, hanging, and disembowelment with his intestines being burned and his body then quartered.<sup>239</sup>

While no noble was executed for treason during this period, this changed abruptly under Edward I.<sup>240</sup> In 1283, the Welsh prince, Dafydd ap Gruffydd, became the first aristocrat to suffer

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<sup>235</sup> Yale Law School, The Avalon Project <http://avalon.law.yale.edu/medieval/saxlaw.asp> Accessed November 10, 2016.

<sup>236</sup> William Stubbs, *The Constitutional History of England: In Its Origin and Development*, Volume I (Oxford: Clarendon Press, 1903, 6<sup>th</sup> edition), p.194.

<sup>237</sup> As Bellamy notes, however, there are few sources

<sup>238</sup> Matthew Paris (*English History*), *Ibid.*, pp.38-39.

<sup>239</sup> *Ibid.*, pp.408-9.

<sup>240</sup> There is perhaps some ground for dispute: Simon de Montfort, who was slain in the battle of Evesham in 1265, was hacked to pieces with much of his body scattered far and wide. His head was sent to Lady Mortimer by her husband, Roger, father of the man who was to become the lover of Queen Isabelle, Edward II’s wife, and his hands and feet were sent to other enemies. The “posthumous execution” of Montfort on the battlefield inflicted the traitor’s sentence of hanging, drawing and quartering on the dead body of the duke without benefit of a state trial. It appears that such indeed was the intention of Prince Edward. See O. de Laborderie, J.R. Maddicott and D. A. Carpenter, “The Last Hours of Simon de Montfort: A New Account,” *English Historical Review* Vol.115, No.461 (1

execution by drawing, hanging and quartering.<sup>241</sup> He was followed in 1305 by the Scotsman, William Wallace who faced a similar, gruesome fate. Both of these men had personally affronted Edward I, Dafydd for repeatedly changing loyalties from the Welsh side in the dispute with England, to the English side, and William for refusing to accept England's sovereignty over Scotland. For this, they were both convicted of high treason, the crime of betraying the king of England himself.

A number of noblemen were executed in Edward II's reign – some at the order of the king and some by his furious magnates – but almost none of them was tried or sentenced by anything close to due process. The arbitrariness of justice in this regard ended when in the mid-1300's, a financially-strapped Edward III was forced to negotiate with parliament, exchanging monies for the Statute of 1352 which delineated the specific crimes for which a man could be indicted for treason.<sup>242</sup>

Notwithstanding the foregoing, the definition of treason and the ability to prosecute the crime depended entirely on who had the political upper hand. A king as strong as Edward I was able to translate his personal sensitivities into legal action; by contrast, during his son's reign, the ascendant magnates were able to denounce and execute even those closest to the king. Where the next king was amenable to a stricter definition, Richard II reworked the Statute of 1352 and annulled the Appellants' 1388 version imposed on him in 1397, including within the new

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April, 2000), pp.378-412, pp.408, 411. See also D. C. Cox, *The Battle of Evesham: A New Account* (Evesham: Vale of Evesham Historical Society, 2 rev. ed., 1989); D. A. Carpenter, *The Battles of Lewes and Evesham, 1264/65* (Stratford upon Avon: Mercia Publications, Ltd. 1987); Maddicott, *Ibid.*, pp. 339-45.

<sup>241</sup> As J.G. Bellamy notes, "The extent to which [Edward I] had been governed by precedent in the actual process against the Welsh prince is not entirely clear but in the matter of the penalties which were inflicted the contemporary chronicles saw great novelty." *Ibid.*, p.27.

<sup>242</sup> Notably, the last clause of this statute, known as *et si per cas*, provided for inclusion of any case of manifest treason not anticipated by the legislators.

legislation as treasonous (1) “compassing” or “imagining” the death of the king,<sup>243</sup> (2) deposing or making war on the reigning monarch, (3) repealing acts of attainder, (4) setting up any commission challenging the king’s will, and (5) pursuing the repeal of any of these statutes. This Act also prohibited the heirs of traitors from holding governmental positions, and voided any grant made by traitors after their conviction.<sup>244</sup>

Beyond the affront to a monarch’s feelings, there were sound economic reasons for the parties’ conflict, the question of escheats and forfeiture being central to this dispute. Based on the assumption that all lands belonged to the king whose prerogative it was to transfer the right (but not title) to the land, the king had a claim to every action of forfeiture brought against a tenant. However, as the structure of landholding evolved, the king’s great magnates, known as tenants in *capite* (in-chief), could themselves transfer the use of land to other tenants, creating a hierarchy of tenancy. In English common law, escheats provided that if that a family died without heirs, the land reverted to the mesne lord; for tenants-in-chief, this lord was the king. In the case of felony other than treason, a fee holder’s estate reverted first to the king for a year and a day “and waste”<sup>245</sup> and then was escheated to the local lord; in the case of treason, it reverted directly to the king.<sup>246</sup> By the 12<sup>th</sup> century, the crown provided escheators throughout the countryside whose duty it was to investigate deaths without heirs and felonious proceedings, and as such kings as Henry III, Edward II and Richard II insisted on an expansive interpretation of

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<sup>243</sup> This did not effectively change the earlier statute. See Paul Strohm, *England’s Empty Throne and the Language of Legitimation*, 1399-1422 (University of Notre Dame Press, 1998), p.26.

<sup>244</sup> See 21 Ric.2 c.12 in *The Statutes of the Realm: Printed by command of his majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain, Vol.II, The Chronological index of the statutes of the realm from Magna Carta to the end of the reign of Queen Anne*” (London: Dawsons of Pall Mall, 1810-1828), pp.101-5 online at <https://babel.hathitrust.org/cgi/pt?q1=traitor;id=pst.000017915526;view=image;seq=125;num=103;start=1;sz=10;page=search> Accessed December 12, 2016.

<sup>245</sup> The deliberate spoiling of the lands, domiciles and personal property of the felon by the king.

<sup>246</sup> Pollack, Frederick and Frederic William Maitland. *The History of English Law Before the Time of Edward I* Vol. 2 (Cambridge: Cambridge UP, 1899), p.500.

sovereign rights, alienated magnates began to resist, resulting in the “bridling” of these kings by the same men they had wronged.

Within the context of property disputes, the crime of treason changed in terms of how it was articulated, that is, from local, oral and customary to kingdom-wide, written and statutory. Political exigencies likewise altered treason’s semantic emphasis, as may be noted by the reluctance of the monarch to exact the full measure of the penalty,<sup>247</sup> and by the narrowing of the scope of treason as occurred under the Statute of 1352 and the division of the crime into high and petty treason. I would argue further, however, that the understanding of treason as it was codified was but a “snapshot” of a concept in perpetual dispute. The official view from central court, even including the voices from both houses of Parliament, scarcely captured the nuances of political thinking occurring at the level of poets, essayists and chroniclers, as well as writers of tracts, political songs, broadsides, outlaw literature, and romances, those writers who were able to tap into a groundswell of opinion running counter to that emanating from the king’s circle.

In this dissertation, I have argued that the oppositional voices which emerge from a reading of these poems reveal undercurrents of unrest, of discontent with the uppermost level of government, of a sense that unrestrained monarchy violates something critical and imperils the kingdom’s well-being. In developing this argument, there are two intertwined elements in these poems which have demanded particular attention: the first is the idea of faithfulness (or the lack thereof) as it defines the character of the good king, the hero, the bad king or the traitor. This is manifest in adherence to the personal oath, the willingness to heed the counsel of others, and a consciousness of law as “the tie that binds all things.”<sup>248</sup> Connected to this is the social contract implicit in the idea of monarchy. With ancient roots, competing theoretical interpretations of

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<sup>247</sup> See Bellamy, *Ibid.*, p.21.

<sup>248</sup> John Alford, “Literature and Law in Medieval England,” *PMLA*, Vol. 92, No.5 (Oct., 1977), p.942.

sovereignty, the force of customary law, changing institutional structures affecting the shape and scope of central government, the broader base of politically organized constituents and the not-inconsiderable impact of increasingly execrable monarchs, this contract was perpetually disputed throughout the Middle Ages. Nevertheless, in the span of the 130 years under consideration in this dissertation, the trend was toward holding the king personally accountable for his failures, each of the authors of the three poems offering a “mirror” for the proper behavior of a monarch which articulates an understanding of the role of the sovereign and the consequences of his dereliction of duty.

The first half of the *Carmen di Bello Lewensi* is a description of the battle and an unapologetic encomium of the earl. Montfort is lauded in particular for his faithful dedication to the English people in the face of extreme danger to himself and his family. The poet repeatedly uses Simon de Montfort is described as pure of heart and faithful to the oaths he swore to protect his country, even at the extreme risk to life and limb. These oaths were fundamental to social relations throughout the early and middle medieval period; the loyalty, trustworthiness, integrity and honor of a man lay entirely in his word. Montfort is repeatedly described in the glowing terms of a man who could be depended on, entrusted with the welfare of the kingdom as attested by the poet’s repeated use of the words *fides* and *veritas* with respect to the earl.

The second half of the poem is a treatise on polity, and contrasts Henry III’s rule with the example of good governance set by the earl. Henry is indicted for surrounding himself with his Savoyard relatives, those “alien” (foreign) advisors whose interests are in accumulating power and wealth at the expense of the king’s native subjects and the kingdom itself. Henry is repeatedly condemned as false, duplicitous, treacherous, untrue and perjured, and Prince Edward is derided as a *pard*, an unnatural creature whose nature is to deceive. The king’s word is seen as

useless as he violated the coronation oath and the other oaths he had taken guaranteeing his kingdom's welfare time after time. The king's faith, too, was called into question by the violation of churches during the conflict; his respect for his subjects was disproven by grants to "aliens" whose sole concern was to increase their gain; and his stewardship was so irresponsible that it had left England impoverished and weak.

Inasmuch, however, as the poet lambastes the personnel of royal government, it must be noted that Britain's magnates benefitted from the hierarchical structure of monarchy; the critique is therefore not leveled against the institution itself but against the abuses by the king and his relatives and favorites. Indeed, the constitutionalists sought only to reaffirm their customary rights as provided in Magna Carta and were availing themselves of the right to resist the king's tyranny. Even still, lurking beneath the critique of Henry personally is the seed of an idea which was to bear fruit two generations later: the "two bodies" of the king may be separated, the Crown enduring but the king losing his throne.

While Montfort was not put forward as a proposed replacement for Henry, nonetheless, the constitutionalists had every expectation that the king would rule his kingdom with proper regard for law, ancient privileges and the nurturing of the land and his subjects. The question begged by Henry's disregard for this was whether he deserved to reign. In the case of this particular monarch, time was on his side: the royalists quickly assumed the upper hand, taking advantage of dissension among the earl's forces over these very issues. The reign of Edward I was strong and just enough to quiet the foment, if not entirely to quench it.

However, the second poem, the Anglo-Norman *Des Grantz Géanz*, was written at the beginning of the reign of Edward III following another period of intense political turmoil. As the ideas percolating around the time of Lewes boiled over into action, Edward II was

condemned for inordinate favoritism, greed, and the tyrannical dispensation of justice, and forced to abdicate. This was an unprecedented action against an anointed king, and Queen Isabelle and the rebels had to feel their way through the thicket of political and legal proceedings involved in such a manoeuvre. Ultimately, the entirety of the political community, “[b]ishops, abbots, magnates, earls and commons were all summoned.”<sup>249</sup> This assembly<sup>250</sup> achieved its purpose, coercing the king by threatening to bypass his minor son and electing a non-royal such as Mortimer,<sup>251</sup> and as Edward II stepped down, Edward III duly succeeded him. This recast the deposition as an abdication, smoothing over the sharp edges of this thorny constitutional matter.

Because the young king was a minor, a regency council was appointed with Roger Mortimer as chief councilor. Purportedly Isabelle’s lover, Mortimer was soon guilty of accroaching royal power, exerting his control over the young king, the queen, and parliamentary proceedings, and exercising dubious justice in the execution of the earl of Kent. This rattled Edward so much that by 1330, he overthrew the queen and Mortimer who were charged with many of the same counts as her husband. His ascension was greeted with joy and hope as the young king promised to restore justice and order to the kingdom. Indeed, at his coronation, the Archbishop of Canterbury, Walter Reynolds preached a sermon arguing that *vox populi vox dei* (the voice of the people is the voice of God): in other words, that Edward was king by popular acclamation.

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<sup>249</sup> Higgins, David John, *The Coronation of Edward III*, University of Alberta (ProQuest Dissertations Publishing, 1980. MK48967), p.10.

<sup>250</sup> There is some controversy as to whether it could properly be called a parliament as Edward II was not present. It appears he was asked to attend: the Chronicle of Lanercost records that while two bishops were dispatched to the king to urge his attendance, he declined to venture into the company of “traitors” in London. As Higgins observes, “A gathering whose sole concern was the removal of the king was not a parliament for...parliament was pre-eminently a royal occasion – constituted and called according to the king’s will to aid in the business of government.” See *Ibid.*, p.10. See also Claire Valente, “The Deposition and Abdication of Edward II,” *The English Historical Review*, Vol.113, No.453 (1 September 1998), pp.852-881.

<sup>251</sup> Higgins, p.15.

The young monarch spent the next several years dealing with the aftermath of his parents' administrations but by 1333, he had lost some of this early impetus: even as the kingdom was still smarting from political and economic fallout, and justice in the shires and hundreds had not been reestablished, Edward's attention was wandering to costly conflicts with Scotland and France. It is in the context of such unresolved domestic matters that *Des Grantz Géanz* was written. By locating a story of treason in the distant past and then appending it as a prequel to the *Brut* chronicles, the poet offers a "mirror" to the new monarch, cautiously warning that he, too, will fail should he neglect or betray his sovereign duties.

The mirror offered in this poem focuses on the consequences of rebellious royal women who plot to kill their husbands on their wedding nights. As Henry is critiqued in the *Song of Lewes*, so, too, does the poet of the giants poem condemn the princesses for the sneaky, faithless manner in which they assert their will. As is set out so clearly in the *Song*, it was expected that the king's family would adhere to the ideal of noble behavior; further, however, the princesses in *Des Grantz Géanz* confirm the danger of political decisions being made by women: while they might indeed survive and even thrive in their new land, their progeny would be forever flawed.

In this vein, both poets specifically imagine the offspring of King Henry and the homicidal princesses as unnatural creatures: Prince Edward is cast as a *pard*, and the women's mating with *incubi* has resulted in cannibalistic giants. The poets seem to be clear that the contamination of the descendants is the physical manifestation of dishonorable royal behavior. While Albina and her royal sisters as well as their monstrous offspring are eventually exterminated by the arrival of the Trojan Brutus, the treachery of this founding father casts a pall over future rulers of the kingdom. The "cautionary" message in both poems suggests that there was in every British monarch descended from Brutus the propensity for treachery; by appending

*DGG* to the *Brut*, the poet suggests that king after king will be replaced unless this fatal “gene” is countered by law and justice.

The third poem, the anonymous *Sir Gawain and the Green Knight*, dating from the late 1390’s, was written during another period of intense political disruption and underscores the themes of faith and faithlessness and the implications for social stability. By 1397, Richard II had thrown off the moderating influences of his councilors and the period was marked by arbitrary arrests, summary trials, the disherisons or executions of great magnates, profligacy at the expense of the kingdom, and the overt patronage of a few favorites. The king’s word meant nothing as he pursued his own ends, and the legal definition of treason, having been written into statutory law only 40 years previously, was attenuated and altered beyond the scope of the Act of 1352.

*Sir Gawain and the Green Knight* couches a political critique of this period within the framework of an Arthurian romance: the hero, Gawain, offers to stand in for his king and accept the challenge to exchange a blow for a blow with a mysterious green knight. He decapitates the stranger with one swipe of the blade and then finds the knight has the supernatural power to reattach his head and demand that Gawain find him in a year’s time in order to satisfy the rest of the contract. The poem suggests that the deck is loaded against the young hero and that all of his personal qualities - his faithfulness and chivalry - will avail him nothing in a context where those in power will use every advantage against him.

The poem’s focus on the personal element of *trawþe* implicit in the idea of good faith dealings is set against the supernatural maneuverings of the court at Hautdesert where language, appearances, and motivations are all suspect. As much as Gawain attempts to deal honorably with the challenges posed by his quest, he is defeated at every turn by a lack of sufficient

information to properly inform his actions. The poet seems to suggest that the chivalry which the court of Richard II purports to embrace is but the carapace of an idea with little relevance in the context of faithlessness and guile. The king's own treacherous dealings with his magnates, indeed all who would oppose him, suggest that the king cannot be trusted to properly steward his kingdom.

The character of Gawain may be fruitfully compared with Simon de Montfort's character: both are honorable men as attested by their adherence to their word, even at the extreme risk of life and limb. While neither is overtly proposed as a replacement for the king, they are both, indeed, described as more noble than their sovereign. Central to this depiction is the stability of language: for Gawain, the wrenching end of his quest results from his inability to understand the context from which he has just emerged. Far from failing in character, Gawain's choices have been circumscribed by limited access to critical information; he has acted chivalrously but nonetheless judges himself according to the *adoxia* of Hautdesert, and cannot but come up short. For Montfort, his word is synonymous with his person: betraying his promises to the cause of the constitutionalists and to the kingdom of England does not seem to be an option even as breaking his word is shown to be a consistent pattern for the king.

In *Des Grantz Géanz*, the poet has been exceedingly careful not to offer anything that could be construed as a critique of the king. The narrative is displaced onto England's foundational story, the treachery of the Greek princesses seemingly put to rest by the imposition of the laws and patriarchy of Rome. And yet, Brutus's story is relayed in the *Brut*, a chronicle with an extremely wide readership both in its original Anglo-Norman and in the Middle English continuations. He is known to have caused both of his parents' deaths and thus the translation

of both imperial ideas and the cultural achievements of his classical roots are accompanied across the length of his journey by the taint of treason and parricide.

That treason has formed the focal point of each of these poems attests to the chaotic political scene during this century and a quarter of England's history. The poets are "pushing back," as it were, against an official culture of deception and lawlessness. Each of the poems comes at a particularly fraught time: following years of Henry's abuses, the heavily outnumbered constitutionalists have just defeated and captured their tyrannous king, and now suddenly there is hope; following years of Edward II and Queen Isabelle's irresponsible rule, the young king Edward, who had seemed ready to restore England to its former glory, now seems less interested in remedying his kingdom's woes; and Richard II, by the late 1400's, had revealed himself to be an utterly faithless monarch, sowing fear and mistrust across the kingdom. Responding to this context, the poets have engaged in subverting the official narrative emanating from central court, casting the king as having personally betrayed his kingdom and thus positioning themselves as the voice of the counterculture which, eventually, would have its say in British politics.

The Lewes poet suggests two possible remedies: either the king must conform more closely to the ideal offered by the person of Simon De Montfort, the political aims of the constitutionalists, the laws of the land and the cooperative theory of kingship offered in the legal treatise of Bracton, or he will suffer "correction" by his barons. As the poet writes, "...if the prince has erred, he ought to be called back, *yea* to be denied by those whom he has unjustly burdened."<sup>252</sup>

As Spiegel, Carley and Crick have observed, the poet of *Des Grantz Géanz* argues that England's present stability will depend on the king's acknowledgement of the lessons from the past and a close adherence to the laws of the land. In contrast to the chaos exemplified by the

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<sup>252</sup> Kingsford, *Ibid.*, p.49.

princesses' treason and later generation of a race of murderous giants, Brutus is offered as an example of the stabilizing force of a kingdom ruled with justice and respect for the law.

The final poem, *Sir Gawain and the Green Knight*, subverts the traditional idea of the hero's treason with a critique of the context in which he is forced to choose between impossible options. This context, I have argued, is the direct result of a kingdom ruled by a capricious, cynical tyrant utterly lacking in regard for the values exemplified by the court at Camelot. Little is offered by way of political remedy – the poet presents a disillusioned and heart-broken hero who has not been able to see beyond his personal failings. However, if this poem is read along the lines suggested by Richard Firth Green, then England may yet retain the memory of a time when *trawþe* was the skein of civility and the king's subjects retained the consciousness of just and noble governance.

From a critique comparing the faithfulness of a magnate with the duplicity of the monarch, to a poem attached to the chronology of Britain linking the present reign to a prehistory of treachery, to an Arthurian romance grieving the passage of a noble way of life, the three works covered in this dissertation offer an opportunity to examine the evolution of political thinking around such subjects as good governance and the idea of treason. The poems do not ever specifically accuse the king of treason. However, by appropriating the language of central government and employing rhetorical strategies which subvert the message, they each suggest that the reign of a king whose authority rests on the abuse of his subjects' trust is indeed built on shifting sands.

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