IRRECONCILABLE DIFFERENCES:
LAW, GENDER, AND JUDGMENT
IN MIDDLE ENGLISH DEBATE POETRY

DISSERVATION

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Wendy Alysa Matlock, M.A.

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2003

Dissertation Committee:
Professor Karen A. Winstead, Advisor
Professor Lisa J. Kiser
Professor Ethan Knapp

Approved by

Adviser
English Graduate Program
ABSTRACT

My dissertation investigates the cultural significance of vernacular debate poems from the thirteenth through fifteenth centuries. Debate poems were hugely popular in late medieval England; dozens survive, often in multiple copies, and authors such as Chaucer, Lydgate, and Dunbar contributed to the genre. The disputants in these poems—birds, corpses, worms, and occasionally humans—argue about seemingly frivolous topics to no clear end, for the debates are never resolved. Debate poems are not empty rhetorical games, however, but fascinating literary and historical documents: they address, and often voice strong opinions on, issues of vital interest not only to medieval audiences but also to modern critics.

After an introductory chapter that briefly traces the evolution and criticism of the debate genre, my dissertation focuses on three recurring themes in debate poetry: law, gender and eschatology. Chapter two focuses on the legal ramifications of three debate poems, *The Owl and the Nightingale*, Chaucer’s *Parliament of Fowls*, and *The Assembly of Ladies*, contending that the irresolution of these debate poems mimics the slow pace of the law courts, and that the poems comment on the delays endemic in the English legal
system. Chapter three shows that debates between the body and soul, far from being the straightforward vehicles for conveying moral lessons they are generally assumed to be, are, in fact, explorations of human identity that grapple with fears and uncertainties about the afterlife. My fourth chapter argues that characters engaged in debates purporting to be about the vices and virtues of women generally agree on the nature of women but disagree about how their sexual behavior affects men’s reputations. I contend that these debates represent ideas about masculinity and social control. Ultimately, my dissertation both reassesses the debate genre and shows the diversity of opinions that could circulate around these three issues, enriching our understanding of late medieval culture in England.
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VITA

June 10, 1973 ....................... Born – Killeen, Texas

1995 ......................... B.A. English, Northwestern University, Evanston, Illinois

1995 – 1997 ..................... Teaching Associate, Department of English, University of Wyoming

1997 ......................... M.A. English, University of Wyoming, Laramie, Wyoming

1997 – 2000 ..................... Teaching Associate, Department of English, The Ohio State University

2000 – 2003 ..................... Administrative and Teaching Associate, Center for Medieval and Renaissance Studies, The Ohio State University

FIELDS OF STUDY

Major Field: English
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Royal Justice and Unresolved Disputes</td>
<td>15</td>
</tr>
<tr>
<td>2.1.</td>
<td>The Dilatory Nature of Royal Justice</td>
<td>19</td>
</tr>
<tr>
<td>2.2.</td>
<td>Law versus Violence in <em>The Owl and the Nightingale</em></td>
<td>31</td>
</tr>
<tr>
<td>2.3.</td>
<td><em>The Parliament of Fowls</em> and Deferred Royal Justice</td>
<td>48</td>
</tr>
<tr>
<td>2.4.</td>
<td>“And long to sue it is a wery thing”: Legal Commentary in <em>The Assembly of Ladies</em></td>
<td>63</td>
</tr>
<tr>
<td>3.</td>
<td>“Food for worms”: Judging the Flesh</td>
<td>82</td>
</tr>
<tr>
<td>3.1.</td>
<td>The Body in Theological and Pastoral Literature</td>
<td>90</td>
</tr>
</tbody>
</table>
3.2. The Sinful, Ephemeral Body .................................................100
3.3. “Þe hool man maad of body and of soule” .............................. 112
3.4. The Last Judgment and Eternal Reward/Punishment .............. 135

4. Gender and Secrets ..........................................................165

4.1. “Þi sawe shall ben wide couþ”: Knowing Women in The Thrush and the Nightingale ......................................................... 174
4.2. Telling Tales to the King in Lydgate’s Mummyng at Hertford ........199
4.3. Gossip and Gender in Dunbar’s The Tretis of the Tua Mariit Wemen and the Wedo ........................................................... 215
4.4. Conclusion ..................................................................... 237

Bibliography ........................................................................ 241
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>BL Additional 37049, fol. 32v (Courtesy of the British Library)</td>
</tr>
<tr>
<td>3.2</td>
<td>HM 1157, fol. 145v (Courtesy of the Huntington Library)</td>
</tr>
<tr>
<td>3.3</td>
<td>HM 1134, fol. 142 (Courtesy of the Huntington Library)</td>
</tr>
</tbody>
</table>
CHAPTER 1

INTRODUCTION

Þe Ni?tingale at þisse worde
Mid sworde an mid speres orde,
?if ho mon were, wolde fi?te;
Ac þo ho bet do ne mi?te
Ho ua?t mid hire wise tunge.
‘Wel fi?t þat wel speçþ,’ se?id in þe songe.
Of hire tunge ho nom red;
‘Wel fi?t þat wel speçþ,’ seide Alured.

-The Owl and the Nightingale (late thirteenth century)

In medieval literature . . . conflict represented a state demanding a resolution. It revealed a state of inadequacy that was present because of the misunderstanding or lack of awareness of a character, a state that could be remedied only when the character saw clearly and perceived the truth.

-Edmund Reiss, “Conflict and Its Resolution in Medieval Dialogues” (1969)

The Nightingale’s “wise tunge” is her second choice of weapon in her conflict with the Owl; she would prefer to fight with sword and spear point, but she acknowledges that thse is a bird and not a human to the extent that she resorts to verbal dispute for “ho bet do ne mi?te.” The Nightingale’s thoughts imply that debate is a rather ineffective course of action in the conduct of disputes and, furthermore, ironically associates unbridled violence with people and reasoned speech with animals. The passage continues, however, by quoting the proverb “Wel fi?t þat wel speçþ” twice, attributing the
saying first to a song and second to Alfred (the only authority ever cited in the birds’ debate). The repeated phrase presents a much more positive view of disputation than the Nightingale evinced. The weight of authority, both popular and learned, lies with this latter view, but the conflicting views reflect the widely divergent uses of debate in late-medieval society, from carefully reasoned academic disputation to the seemingly petty squabbling of two birds. On the one hand, debate could be a tool to uncover and reveal the truth, and, on the other, it could perpetuate insignificant quarrels. It is only when the diverse practices of disputation are considered that we can properly begin to estimate the importance of debate in medieval literature.

This project investigates the cultural significance of Middle English debate poetry, an enormously popular poetic genre from the thirteenth through fifteenth centuries. As the name implies, the essential feature of a debate poem is the conflict (usually verbal) between two or more disputants with opposed beliefs, principles, or practices. Unlike the teacher and pupil dialogues such as Boethius’ *De Consolatione Philosphiae*, in debate poems the disputants are typically evenly matched and the poet does little to direct the reader’s response to the disputants and their arguments; even where there is a ruler or arbitrator, judgment is usually postponed. Scholars have seldom agreed on the meaning of poems that contain little more than discourse between the body and the soul of a recent corpse, as in “Als i lay in a winteris nyt,” or among three women on Midsummer’s Eve, as in William Dunbar’s *Tretis of Tua Mariit Wemen and the Wedo,*
or between two birds, as in many of the Middle English poems.\(^1\) Debate poems are not empty rhetorical games, however, but fascinating literary and historical documents: they address, and often voice strong opinions on, issues of vital interest not only to medieval audiences but also to modern critics. In this project, I focus on three topics that recur in a number of the debates—royal law, divine judgment, and gender hierarchies—in order to begin to shed light on the dynamic role of debate in medieval literature and culture.

A study of these subjects will also enrich our understanding of the complexity of medieval culture, for the debates reflect popular interest in rhetoric, law-court procedure, theology, and right rule. Thomas L. Reed’s 1990 broad survey of the debate genre, *Middle English Debate Poetry and the Aesthetics of Irresolution*, argues that unresolved debate poems are more than flippant riddles, that they are purposeful texts designed to “winnow good arguments from bad” (ix), but studies of the subjects the poems address have overlooked the debates as sources of information about medieval culture.\(^2\) My project accepts Reed’s argument and investigates the competing positions inscribed within individual debate poems as well as across the different poems concerned with matters of legal procedure, eschatology, and good governance in order to show the diversity of opinions that could circulate around controversial issues, enriching our understanding of medieval culture.

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\(^1\) See, for example, Katherine Hume’s summary of the conflicting criticism of *The Owl and the Nightingale* in Kathryn Hume, *The Owl and the Nightingale: The Poem and Its Critics* (Toronto: University of Toronto Press, 1975).
Debate poetry was one of the most enduring and popular literary genres in the Middle Ages. Verse debates proliferated in Latin as well as in the vernaculars of western Europe throughout the later Middle Ages. The genre was especially long-lived in Middle English. *The Owl and the Nightingale* and the *Desputisoun bitwen þe Bodi and þe Soule* (also known by its first line “Als I lay in a winteris nyt”) both survive from the thirteenth century. Bird-debates and body/soul debates, as well as many other varieties of debate poetry, including ages-of-man debates, misogynist debates, and courtly debates, flourished in English until the end of the fifteenth century. Dozens of debate poems are extant in whole or in part, and celebrated authors such as Chaucer, Lydgate, and Dunbar contributed to the genre. The genre’s popularity is further attested to by the number of extant manuscripts that contain debate poems. All of the great Middle English poetic miscellanies, such as Harley 2253 and the Auchinleck manuscript, include a few debates. Others, including Digby 86 from the thirteenth century, the Vernon Manuscript from the fourteenth century and British Library MS Additional 37049 from the fifteenth century, prominently feature debate poems.

This is not to say that debates don’t appear in other literary contexts. Debates form episodes in a variety of medieval texts, including hagiography, drama, and extended

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narratives such as *Piers Plowman* and *The Canterbury Tales*, and this study should serve to help modern scholars think anew about these embedded episodes. My project, however, focuses on the free-standing Middle English debate poems, because I tie these debates to particular historical issues that roughly coincide with the Middle English linguistic and historical period. Certainly debates occur in Old English literature, an excellent example being the verse dialogue *Solomon and Saturn II*.\(^6\) It is also important to acknowledge that the debate tradition did not end with the Middle Ages. Protestant doctrine was often discussed in or refuted through the debate form and Andrew Marvell composed a short poetic debate between the body and soul.\(^7\) Furthermore, it would be incorrect to suggest that Latin debates didn’t continue to be popular during the Middle English period; however, these debates would not have been accessible to as wide an audience as the vernacular debates that form the subject of my dissertation. While assessing the importance of debates in medieval literature and beyond is a monumental task that far exceeds the boundaries of a single dissertation, significant ground can be gained in these directions by a study of the Middle English debate tradition.

Edmund Reiss argues that the debate form is concerned with revelation of truth, and it is true that debate poems make use of an authoritative intellectual form. Disputation was the dominant mode of academic investigation and discourse in medieval universities. The first collection of canon law texts, Gratian’s *Concordantia*

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discordantium canonum, organizes previous legal authorities around discrete topics or questions in a kind of debate before analyzing them in order to harmonize them when the seemed to conflict. Peter Abelard, the most celebrated teacher of his day, composed the Sic et Non by setting forth theological questions followed by a series of conflicting texts, asking his students to resolve the problems with dialectic. Students were expected to attend their own master’s daily lectures and his weekly disputations, and, after two years, to engage in disputations themselves.\(^8\) Little and Pelster describe the general practice of disputation in the thirteenth century as

> a discussion of a scientific question between two or more disputants, of whom one undertakes the rôle of defender of a particular opinion, while the other or others raise objections and difficulties against this opinion.

(29)\(^9\)

Nevertheless, as Gordon Leff makes clear, there were several different kinds of public and private disputation at medieval universities. There were private disputes between master and student, as well as public ones between masters, those connected with inception, and the quodlibeta, or free questions, which were held twice a year on any subject.\(^10\) According to Leff, the quodlibeta “tended to reflect the questions of the day with an immediacy not found in the more formal exercises of the schools” (171).

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Furthermore, disputation was a valuable teaching tool in written form. The formal disputations and free questions were often written down, and “the redaction of disputed questions (quaestiones disputatae) became an important contemporary source of study that helped students to develop intellectual rigour, to avoid illogicalities and to be consistently relevant” (Cobban 175).  

Conventionally, the medieval debate genre is said to grow out of the use of dialectic in scholastic practice during the high Middle Ages. In *Das Streitgedicht in der Lateinischen Literatur des Mittelalters*, H. Walther explains the medieval Latin debate-poems between winter and summer, water and wine, knight and clerk, and soul and body derive from the classical eclogue and the methods of monastic schools. In “Patterns in Middle English Dialogues,” W.A. Davenport acknowledges the diversity of influences available to authors of Middle English dialogues, but states that “direct influence sometimes seems to explain less than the vague one of pattern and formula” (129). Davenport argues that Middle English dialogues demonstrate a wide-ranging view of what constitutes debate, but that, despite the diversity of techniques, the purpose in such works is illumination. Despite Davenport’s assertion that it is difficult to assign direct influence to dialogues, critics have continued to explain that the popularity of verse debates in the late Middle Ages derives from the practice of polemics in education. Michel-André Bossy maintains that dialectical reasoning underlay all teaching—whether

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11 Alan Cobban, *English University Life in the Middle Ages* (Columbus: Ohio State University Press, 1999).
in cathedral schools or universities—and provided a background for the dialectical debate poems. James J. Murphy has asserted the direct influence of the trivium of grammar, rhetoric, and dialectic on the rhetorical strategies and legal vocabulary of The Owl and the Nightingale; however Murphy’s earlier suggestion in Rhetoric in the Middle Ages that “outside the classroom the methodology was translated directly into a pattern for writing” may be true for the Latin examples he cites, but the situation in Middle English debates, even The Owl and the Nightingale, is more complicated than he implies (103). While academic disputation was designed to teach and reveal larger truths, many of the Middle English debate poems offer unsatisfactory conclusions or postpone judgment. Thomas L. Reed takes this deferral of judgment as his central problem and uses Bakhtin’s theories of dialogical discourse and the carnival to argue that irresolution characterizes Middle English debate poems. Reed maintains that the vernacular debate poems are recreational works that use and possibly satirize skills that would have been seriously taught and used in medieval universities.

There is a tension between the desire for “harmony and tranquility” that Reiss points to as the object of conflict in medieval dialogues and the irresolution and play Reed describes, which in my view makes the genre such a dynamic one in the late Middle Ages. The fact that the debates were written in the vernacular opens the genre to readers

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16 Ibid; James J. Murphy, Rhetoric in the Middle Ages (Berkeley: University of California Press, 1974).
and listeners without Latin literacy, a feature of education at even the earliest levels. The number and longevity of the Middle English debates suggests that they appealed to a wide audience, including readers with academic training and excluded from that learning by social and economic status, gender, or personal inclination. My project asks, how did these poems appeal to readers with such diverse backgrounds? The popularity of these poems suggests that lay as well as learned readers found the debate form interesting and important. I contend that the genre flourished because, like *quodlibeta*, debate poems could address any subject within a mode that was associated with the pursuit of a clear perception of truth. The poems play with the possibility of resolution, but usually offer only partially satisfactory conclusions. Readers may have responded to the creative use of disputation, the performance of rhetoric by the disputants, the subject matter disputed, the disputants themselves, or some combination of all four, but Middle English debate poems function as significant cultural records of many points of view on controversial issues throughout the later Middle Ages.

While my dissertation benefits from the work of scholars such as Utley, Reiss, Hume, Bossy, and Reed, who have catalogued, defined, and traced the academic origins of disputation, it also departs significantly from former studies of debate poetry on a number of levels. My project does not aim to be a comprehensive treatment of the genre;
instead, I take a thematic approach in order to consider what subjects could be addressed in this mode, how the issues were presented, and whether the attitudes and significance of the issues changed over time. Despite the fact that there are fascinating debates about the ages of man, courtly love, and economic compensation, I have limited my investigations to texts that deal with law, theology, and misogyny, subjects often associated with academic disputation and issues of concern to celibate clerks in order to contemplate what these vernacular poems reveal about these matters to audiences who may or may not have had the opportunity for formal study. In choosing which texts to discuss in detail, I have also considered which were most popular as well as which were most representative of the genre, but my main focus is a historical understanding of the poems and the subjects they address.

My approach to these texts is influenced by the work of genre theorists such as Han Robert Jauss and Frederic Jameson. Both authors argue that literature must be understood historically, in reaction against formalist genre studies that posit essentialist concepts of literary art either to develop strict generic classifications or to assert an individual work’s singular nature. Jauss terms the historical consciousness of a given period as a “horizon of expectations,” which is never openly stated or recorded or even fully objectifiable to a work’s author, its contemporaries, or later recipients. For Jauss,

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genre is a historical concept of a continuity, in which a text evokes certain expectations for a reader, “familiar to him from earlier texts, which as such can then be varied, extended, corrected, but also transformed, crossed out, or simply reproduced,” not a static entity, in which strict rules are repeated in each particular example (88). In Jameson’s Marxist understanding, genres are “literary institutions, or social contracts between a writer and a specific public, whose function is to specify the proper use of a particular cultural artifact” (106).21 Much like Jauss, Jameson evokes genre as a hermeneutic category. Both Jauss and Jameson insist on the need for diachronic study of genre in order to understand how, as Jameson articulates, “forms are reappropriated and refashioned in quite different social and cultural contexts” (141). Jameson, moreover, asserts that the text functions as “a synchronic unity of structurally contradictory or heterogeneous elements, generic patterns and discourses” and that texts must be studied as entities that “project their ‘diachronic constructs’ only the more surely to return to the synchronic historical situation in which such novels can be read as symbolic acts” (141, 145). In my dissertation, I seek to understand the ways the debate poems integrate


specific worldly concerns within the formal structure of disputation, a mode historically associated with the pursuit of concord and harmony from discordant and conflicting authorities in medieval universities.

In chapter two, I trace the institutional procrastination characteristic of medieval English law courts and contend that the irresolution of certain debate poems mimics the slow pace of the courts. I argue that those poems comment on the delays endemic in the English legal system from the thirteenth through fifteenth centuries. While the *Owl and the Nightingale* (c. 1272) shows that a seemingly endless deferral of judgment can avert violence between disputants, Chaucer’s *Parliament of Fowls* (1373-1385) and *The Assembly of Ladies* (late fifteenth century) decry the courts’ reluctance to render verdicts as a waste of time and money, particularly for those excluded from power by class or gender. All three poems link debate with legal procedure but in doing so reflect changing attitudes toward the inherent delays specifically and the institution more generally.

Chapter three investigates eschatology in four debate poems and one prose debate featuring the body. I maintain that the debates depicting the dispute between a dead body and another entity, from the thirteenth-century “Als i lay in a winteris nyt” through the fifteenth-century *Disputacione betwyx the Body and Wormes*, are explorations of human identity that grapple with fears and uncertainties about the afterlife, rather than being the straightforward vehicles for conveying moral lessons they are generally assumed to be. Individual debates consider how both body and soul contribute to a person’s identity and behavior, but the fate of the sinful human varies from work to work. Collectively, the debates engage with the question of the universality of divine forgiveness, for there is
disagreement among the debates—even between Middle English poems translated from
the same Latin source—concerning whether all humanity will attain salvation, a
controversy that recurs throughout the Middle Ages.

In Chapter Four, I argue that debates purporting to be about the vices and virtues
of women are less concerned with women as such than with how domestic strife can
invert established gender hierarchies and patriarchal dominance. *The Thrush and the
Nightingale* (late-thirteenth century), for example, depicts the debate between two birds,
one who performs masculinity and the other who occupies an ambiguous gender role, in
order to call into question the natural order of gender hierarchy. The poem also
interrogates the boundary between public and private affairs as the two disputants
threaten one another with broad social consequences for their opposed treatment of
women. John Lydgate’s *Mumbling at Hertford* (1425-1430) and William Dunbar’s *Tretis
of the Tua Mariit Wemen and the Wedo* (late-fifteenth or early-sixteenth century) both
stage public disputes about private, domestic discord in order to reflect on the importance
of hierarchy and the methods of good governance. These debates, ostensibly about
women, in reality represent anxieties about the patriarchal gender hierarchy and ideas
about social control and political rule.

The texts explored in this dissertation suggest the ways Middle English writers
could use debate to suggest a journey to understanding and revelation even if the
disputants are never fully reconciled. These narratives dramatize conflict, not necessarily
to foster harmony and tranquility as Reiss suggests, but to explore the kinds of issues that
lead to strife and the characters who perpetuate misunderstanding. As I argue, the
disputants (and the narrators) often fail to recognize the sources of their disagreement. In this way, the poems ask readers to consider the source of the conflict as well as the ways irreconcilable differences can be reconciled through debate.
CHAPTER 2

ROYAL JUSTICE AND UNRESOLVED DISPUTES

Literature provides an avenue within which people can reflect on the workings of justice and articulate critiques of the legal system. As literary criticism has shown, a close connection exists between imaginative documents and legal ones: literary texts frequently make use of legal terms and settings, while legal documents themselves contain narrative testimonies and construct narrative.¹ Literary texts thus provide fruitful commentaries on the law and its ability to distinguish the truth and dispense justice. In an overview of legal writing in medieval England, Richard Firth Green notes that recent scholars have investigated literature and law as “parallel forms of discourse,” allowing us to ask “how the lawyer’s comparatively more formal analysis of mental or social processes can help us understand what the imaginative writer sometimes leaves unspoken

or expresses only obliquely” (407). As Bruce Holsinger points out in an essay on *The Owl and the Nightingale*, “This will often work in reverse, and more antagonistically: the so-called imaginative writer may be able to expose logical or cognitive gaps unacknowledged or undertheorized within official legal culture and exploit them through the alternative medium of literary language” (155). Through court scenes and legal terms, literature may dramatize legal excesses and failures or endorse the law’s ability to mete out justice.

Middle English debate poems offer a source of information about the diverse attitudes toward the law and its procrastination in the later Middle Ages. Critics have frequently noted a connection between debate poems and law, but the significance of this association has not been fully explored. Features of the genre such as the reliance on dialogue to relate events, the lack of a single dominant point of view and the poems’ typical irresolution are similarly characteristic of legal cases and of the documents that record them. Despite these similarities, debate poems have not been considered as a source for information about popular understanding of and attitudes toward the law. The poets’ frequent use of legal terminology without any explanation suggests that legal knowledge was pervasive throughout diverse sections of medieval society and was not merely the preserve of learned bureaucrats. Many literary critics have uncovered the

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meaning of the legal language and allusions in specific debate poems to explicate the pertinent legal details for scholars unfamiliar with the workings of medieval law. Only Thomas L. Reed has connected the irresolution of law court procedure with the irresolution in the debate poems, but his theory of “recreational irresolution” ignores the possibility that the poems’ offer commentary on and criticism of the legal institution itself.

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6 See Reed, *Middle English Debate Poetry*. Reed notes that both debate poems and legal practice “avoid making difficult and reductive choices in the face of complex and often equally compelling claims” (84). A poem characterized by recreational irresolution “reproduces in small the experiential complexity of the human condition, yet does so in a way that turns difficulty to relief, inasmuch as complicated judicial dilemmas necessarily lose their pointedness when no decision is called for” (19).
This chapter will explore three debate poems that date from the thirteenth to the fifteenth centuries, *The Owl and the Nightingale*, Chaucer’s *Parliament of Fowls* and *The Assembly of Ladies*, each of which offer markedly different views of the legal system. *The Owl and the Nightingale* (late thirteenth century) celebrates the rule of law and the slow, methodical course of deliberate argument over the hasty, irrational outcomes rendered by such methods as trial by ordeal or combat.\(^7\) *The Parliament of Fowls* (1373-1385) demonstrates the desirability of a postponed verdict for an individual with limited choices, but shows that not all social groups were equally well served when a conflict was allowed to continue unresolved.\(^8\) Finally, the late-fifteenth-century poem *The Assembly of Ladies* depicts the frustration that could arise when an authority promised justice, but then postponed judgment.\(^9\) All three poems reflect on the delays inherent in the legal system, but they do not reach identical conclusions. Debate poems provide a useful vehicle for discussions of legal procedure, but the genre does not necessitate a particular view of the system’s effectiveness. The three poems offer insight into the variety of opinions that existed in the Middle Ages toward legal procedure and authority.

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\(^7\) Although the *Owl and the Nightingale* has traditionally been considered a late-twelfth or early-thirteenth century poem, Neil Cartlidge has persuasively argued that it could, more specifically, have been composed shortly after the death of Henry III in 1272. See Cartlidge, *"The Date of the Owl and the Nightingale."*

1. The Dilatory Nature of Royal Justice

Sir John Fortescue begins *In Praise of the Laws of England* (1468-1471) by proposing that Edward, Prince of Wales, ought to study the law with the same delight he gives his military studies: “‘For the office of a king is to fight the battles of his people and to judge them rightfully,’ as you may very clearly learn in I Kings, chapter viii” (4). In this formulation, the king’s responsibilities to fight and to judge are distinct. To his enemies abroad, he is a soldier; to criminals at home, a judge. As chief justice of the King’s Bench during the reign of Henry VI and as a member of Edward IV’s council, Fortescue was aware that these roles were not as distinct as this quotation might suggest.

In *The Governance of England* (1471), he glosses the verse and emphasizes the similarity of the two tasks: “When it is considerid, how a kynges office stondith in ij thynges, on to defende his reaume ayen þair enemyes outward bi the swerde; an other that he defende his peple ayenst wronge doers inwarde bi justice, as hit apperith bi the said first boke of kynges” (116). In both cases a king engages violence “to defende” his people. A king has to use violence to enforce respect not only for the borders of his kingdom, but also for

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9 *The Assembly of Ladis* exists in three manuscripts and in William Thynne’s 1532 *Chaucer*. The earliest manuscript is BL Additional 34360 (1470-1480). See the introduction in Pearsall, ed., *The Floure and the Leafe and the Assembly of Ladies*.


its internal order. For a king to maintain peace he must be able to enact violence.\textsuperscript{12} Thus, this key fifteenth-century legal theorist links the king’s functions of perpetuating violence and controlling it.

Despite the many differences between the fifteenth and thirteenth centuries, this understanding of the king’s role remained consistent throughout the later Middle Ages. The influential thirteenth-century treatise, \textit{Bracton on the Laws and Customs of England} similarly links a king’s ability to insure justice and his military might. The treatise opens with a meditation on the qualities of a good king:

\begin{quote}
To rule well a king requires two things, arms and laws, that by them both times of war and of peace may rightly be ordered. For each stands in need of the other, that the achievement of arms be conserved [by the laws], the laws themselves preserved by the support of arms. If arms fail against hostile and unsubdued enemies, then will the realm be without defence; if laws fail, justice will be extirpated; nor will there be any man to render just judgment. (19)\textsuperscript{13}
\end{quote}

Bracton later explains that a king, at his coronation, promises to maintain the peace for the Church and all Christian people, prevent rapacity, and do justice impartially and mercifully.\textsuperscript{14} These three tasks are interrelated for Bracton; all rely on a king’s ability to employ violence. A king assures the peace of Church and people by dissuading or

\footnotesize
\begin{flushleft}
\textsuperscript{12}This paradox has been much studied by historians. For example, see Richard W. Kaeuper, \textit{Chivalry and Violence in Medieval Europe} (Oxford: Oxford University Press, 1999).
\textsuperscript{13}Henry de Bracton, \textit{Bracton on the Laws and Customs of England}, trans. Samuel Edmund Thorne, ed. George Woodbine, vol. 2, 4 vols. (Buffalo, N.Y.: W.S. Hein, 1997). The fact that this opening seems to be conventional (\textit{Glanvill} and the \textit{Fleta} begin with a similar sentiment) indicates the acceptance this description of a king’s role had in the later Middle Ages.
\end{flushleft}
defeating foreign antagonists with his military strength. This strength also prevents rapacity and oppression by serving as a deterrent to those who might wish to engage in such activities. Finally, even merciful justice rests on the implicit possibility that the guilty may be sentenced to a violent punishment. As I argue below, debate poems like The Owl and the Nightingale provide the opportunity to explore the connections between violence and order posited by political theorists like Fortescue and Bracton.

A king’s ability to insure peace and justice rests on his ability to enforce his laws and judgments with violence, yet the English legal system was designed to postpone the king’s violence until the last possible moment. The system also sought to avoid violent conflicts between disputing parties. It provided them with a forum in which to air their grievances over an extended period of time in the hope that they might achieve reconciliation without resorting to violence. J.H. Baker explains that in early English law, “The procedure in contentious matters was calculated to avoid decision-making” (5).  

The slow pace of the legal system often convinced disputing parties to resolve their disagreement informally through arbitration and “love-days.” By forcing parties to make their own peace, love-days maintained order without invoking official violence and punishment. If disputants did not agree to formal arbitration—which were binding for they could not be appealed in a court of law—they were forced to negotiate the legal system in which final judgments were continually deferred and, when delivered, subject

14 Ibid. 304. See also Musson, Medieval Law in Context 122.
16 Green discusses the skepticism with which most historians view lovedays, but the benefit of such conflict resolution—the simple, flexible procedure provides an alternative to the elaborate procedure of the law—also contributes to the lack of evidence about the practice because there was no need to write down such extra-legal practices. See Green, A Crisis of Truth.
to review, appeal and counter-lawsuits. Courts encouraged litigants to avoid procedures designed to produce clear winners and losers, such as trials by ordeal or battle, even to the point of calling them off at the last minute. For example, the case of two freemen, William Johnson and William Thomson, on March 5, 1330, was referred to trial by battle, but the presiding judge, Chief Justice Geoffrey Scrope, appealed to the two men to reach a compromise on the journey to the battlefield (“negotiate with one another for a settlement from now until we arrive in the field”) and beyond, instructing the two men’s champions, “Even if one of you is in a position to kill the other he must not do it if the other’s master wishes to speak on his behalf.” Trial by ordeal was condemned at the Lateran Council of 1215 and prohibited throughout Europe. In England, despite such major changes in legal procedure, obtaining a verdict remained a lengthy process.

The reign of King Henry II (1154-1189) saw the beginning of administrative developments that led to the growth of royal justice and the shaping of the common law. Under this system, English litigants faced a lengthy, even interminable, process, for civil law was especially dilatory in the later Middle Ages. Richard Firth Green notes that there was a “structural procrastination built into the legal system.” He explains that

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18 Qtd. in Green, A Crisis of Truth 79.
19 See Bartlett, Trial by Fire and Water.
20 Henry II’s experiments with the judicial system, especially his 1178 order that five judges were to remain in curia regis, are regarded as the beginning of the establishment of a stationary royal court, an essential component in the growth of royal justice. See Baker, An Introduction to English Legal History 15-20. Royal justice continued to evolve in the fourteenth and fifteenth centuries as the scope of the common law grew and the royal courts became more centralized and hierarchical. See Musson and Ormrod, The Evolution of English Justice. How the system developed is the subject of some discussion. For example, Green argues that the common law developed piecemeal during this period, “guided by unquestioned
the possible moves in taking a case to trial “became so numerous” that the procedure “might be spun out almost indefinitely,” so that “it was seemingly impossible in English law to bring a campaign of litigation to a decisive end” (139). Bracton’s treatise On the Laws and Customs of England includes examples of many different circumstances that could delay a trial. For example, key witnesses might be out of the country or bedridden or recalcitrant, failing to appear despite repeated orders. After all the witnesses testified and the lawyers finished their arguments, courts were often reluctant to render judgments. If any division of opinion occurred on the bench, proceedings could be repeatedly adjourned for the doubts to be explored and a consensus achieved. For example, in a 1332 case before the court of common pleas, judges refused to deliver a verdict until they had consulted with parliament in order to obtain the advice of the king’s council.

Even after a verdict was rendered, dissatisfied litigants could submit a new writ, opening a new trial. This system of litigation could produce a long series of legal cases originating from a single dispute. An extreme example of this phenomenon is the Whilton dispute, a series of interlocking lawsuits over the Northamptonshire manor of Whilton. The dispute stemmed from William de Whilton’s attempt to settle this manor on his second son, Nicholas in 1264. After William’s death, the family of William’s eldest son challenged the grant, and the resulting litigation lasted for over a century. Ultimately, it involved numerous men and women descended or linked by marriage to the

assumptions and political contingencies,” not by the radical scheming of farsighted royal administrators in Green, A Crisis of Truth 125.
21 Green, A Crisis of Truth.
23 See Musson, Medieval Law in Context 186.
families of Nicholas and his wife, Joyce la Zouche. The conflict was so complex that a single legal judgment was insufficient to settle the dispute, which grew to include over forty cases. The fact that the disagreement involved numerous points of conflict meant that each one was tried independently of the others. Furthermore, as parties died leaving the matter unresolved, their heirs continued to pursue the litigation. As the claimants became more distanced from the original protagonists, the parties may have been less invested in proving the truth of their ancestors’ claims and so more willing to compromise. The dispute finally ended in the early fifteenth century.

Although the tendency in the Whilton dispute was to use the courts, extralegal violence always offered another means to reach settlement. Settling the disagreement by fighting might have seemed like an attractive option to the many knights involved in the Whilton litigation. Occasionally parties did resort to violent methods to seize some part of the disputed lands. In one of the earliest actions in the dispute, the guardians of Joyce la Zouche’s daughter seized Whilton with minimal force when Joyce’s second husband died, and later a minor family connection was removed from the conflict by force. Such violent outbreaks were limited in the conflict over the Whilton manor.

Modern historians have regarded the frequent delays inherent in the English legal system as essential to the deliberative process. In his discussion of the Whilton dispute, Robert C. Palmer suggests that the “settlement of disputes among the more powerful members of society by compromise, even long delayed, may be beneficial,” and that

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25 Ibid. 122.
lawsuits were frequently undertaken with the expectation of compromise (213). Palmer argues that the absoluteness of the rhetoric used in writs and legal arguments combined with the inevitable one-sidedness of the judgments rendered by the courts pushed litigants to compromise, rather than to resolve their dispute with violence. The Whilton dispute involved men trained as knights and familiar with war, but they generally resorted to law courts instead of violence. Palmer concludes, “The inefficiency and the repeated opportunities for reopening disputes were remarkably appropriate” for late medieval England as a means to settle conflicts without violence (214). If the legal system had rendered quick and definitive first judgments and defeated litigants had had fewer opportunities to return to court with new cases designed to prove their claims, they might have resorted to violence more often. Thus, the inefficiency of the legal system provided a less onerous alternative to the use of grave violence to settle disputes. Palmer’s analysis of the Whilton dispute demonstrates the benefits of the law’s inefficiency, but does not consider whether the people involved in the dispute appreciated these benefits or were merely frustrated by the time and money the delays cost them.

We need only turn to the Paston family’s struggle to prove their right to the Fastolf estate after the death of Sir John Fastolf in 1459—a dispute that occupied two generations and seriously depleted the family fortunes—to understand the expense and effort involved in securing an estate.27 John Paston II himself admitted the difficulties that derived from the legal battle over the will:

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26 See Ibid. 64 and 128-29.
27 For an account of the disputes over the will of Sir John Fastolf, which formed the core of the Paston family’s legal troubles, see Colin Richmond, The Paston Family in the Fifteenth Century: Fastolf’s Will (Cambridge: Cambridge University Press, 1996).
Hit is to be remembred that Ser John Paston aftir the decesse of his fader, succedyng hym in ther foresaid londes in Norffolk, Suffolk, and Norwych, verrely and desirously intendyng to parfourme the seid fundacion in the placez rehersed, was interrupted almost of all the foresaid lyvelode by might and manifold vexacions, nygh to the jopardye of his life, to grete losse of his goodes, and almost to his utterest undoing. . . . Also the seid Ser John Paston considerid beside all this many incovenientes and myschevez falling and growyng in this mater, by manslaughter, layynges of sege a-bowte the maner of Castre as in land of warre, wastyng grete goodes in long plee and otherwise, and by other manyfold trowbles, of nécessité was compelled to take a nother way, or ellez none effect shuld have folowyd of the seid will in this case. (Davis II, 587)\(^\text{28}\)

Families and individuals embroiled in such legal battles could quickly find themselves destitute, without means to raise more money, and, as the Paston example shows, subject to manslaughter and siege. Yet, legal records, which represented litigants’ strongest statements of their cases, left little room for them to indicate that they would welcome compromise, so it is difficult to gauge how much they understood and supported the ways

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the legal system was designed to promote such agreements. Even the Paston letters provide few indications of personal opinions about the established system of dispute resolution.\textsuperscript{29} There are, however, other places to look for evidence.

The fact that parliament came to be seen as a high court in the late thirteenth century suggests that the dilatory pace did not, in fact, satisfy everyone. In the 1270s, Edward I invited his subjects to submit complaints to parliament where he promised to provide remedies.\textsuperscript{30} The procedure was originally conceived as a means of checking on the king’s local officials and agents;\textsuperscript{31} subjects, however, soon came to desire annual parliaments as a remedy for delays in the lower courts.\textsuperscript{32} In this way, in addition to being a wing of the royal government, parliament acted as a high court, distinct from the other common law courts. People who brought their cases to parliament sought a more direct dispensation of royal justice than they received in lower courts. Individuals could present their cases to parliament in the form of petitions or bills (the words are interchangeable) and lower courts could refer difficult cases there. Difficult cases were those in which there was a procedural disagreement or the common law failed to provide a clear means of resolution.\textsuperscript{33}

\textsuperscript{29} As Colin Richmond frequently laments in Richmond, \textit{The Paston Family}, we cannot really know what motivates the Pastons’ actions nor can we even know them. See, for example, his discussion of Margaret Paston (52).
\textsuperscript{32} Brown, "Parliament, C. 1377-1422," 111.
Presenting petitions at parliament for royal judgment became so popular a recourse that the new court began itself to suffer delays, prompting the appointment of new personnel and guidelines. In 1280, Edward I ordered, “Because people coming to the king’s parliament are often delayed and disturbed by the multitude of petitions placed before the king, to the great grievance of them and the court,” petitioners should submit their bills to an established hierarchy of officers.\(^{34}\) Petitions should go first to the chancellor, then to the exchequer or the justices and, finally, only the most important would go to the King and Council. By the 1290s, the volume of business required the crown to appoint special clerks, “receivers,” to administer or receive the petitions. Auditors (special panels of judges) were appointed to hear and determine them. Thus, few petitions actually came before the king, freeing him and his Council to attend to other matters.\(^{35}\)

Historians have long maintained that the private petition was in a state of decline by the mid-fourteenth century as common petitions became more prevalent, but recently Gwilym Dodd has argued that the private petition remained an important feature of parliament.\(^{36}\) Individuals continued to attend parliament seeking legal redress, especially in difficult cases, throughout the fourteenth century. Thus, both private and common petitions were presented to parliament in the late fifteenth century. Common petitions were those singled out by parliamentary clerks as containing matters of concern to a

\(^{34}\) Qtd. in Brown, *The Governance of Late Medieval England* 216.


number of people, even the whole community. These petitions were presented in the name of the Commons directly to the king and council, and, by the mid-fifteenth century, such petitions became the necessary preliminary to the making of a statute. Although the common petition became associated with the making of law rather than the application of it through judicial procedure, the petition continued to be a valuable means for subjects to bring their grievances before the king.

By the fifteenth century, most people of gentry status or above, whether male or female, had some contact with the legal courts. Philippa C. Maddern attributes this to the “overriding importance of property and status to the gentry of fifteenth-century English society,” which led to “the constant competition for livelihood and prestige” being “worked out by subtle means in the lawcourts” (33). Maddern’s work clearly shows the small number of cases in the King’s Bench that ever reached a formal verdict. Given the ubiquitousness of litigation in late-medieval England, most people must have been aware that verdicts were seldom granted, but, as Maddern notes, “this did not discourage litigants” (35). A poem like The Assembly of Ladies shows, however, that this situation could undermine the court’s ability to insure justice in the realm.

37 Both Brown, The Governance of Late Medieval England; Musson, Medieval Law in Context discuss the common petition.
39 Maddern, Violence and Social Order 33.
40 In her study, Maddern indicates that fewer than 10% of King’s Bench cases show a recorded verdict. See Ibid. 34.
41 Ibid. 35.
Legal historians rely on the documents produced by learned bureaucrats—court rolls and legal statutes as well as legal treatises like Bracton’s and Fortescue’s—in order to understand how the law functioned. From these sources we can discern how the law’s procrastination could serve to maintain peace in the realm, and even that there was some concern to remedy the extreme structural delays in parliament. Literary documents contribute to this understanding of medieval law, as literature offers some of the most articulate expressions of concern about the workings of justice. Recent literary criticism has interrogated the connection between literary and legal documents: literary texts frequently make use of legal terms and settings, while legal documents contain narrative testimonies and construct narrative themselves. As Anthony Musson has noted, “Some of the most articulate expressions of concern for the workings of the legal system in the fourteenth century are found in the imaginative literature of the period” (Evolution of English Justice 166). Medieval texts thus provide fruitful commentaries on the law and its ability to distinguish the truth and decide justice. Through court scenes and legal terms, literature could dramatize legal excesses and failures or endorse the law’s ability to mete out justice. Debate poems like The Owl and the Nightingale, The Parliament of Fowls, and The Assembly of Ladies, with their dramatization of disputing parties, use of legal terms, and open-ended conclusions explore the procrastination endemic in the English legal system from a variety of view points.

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42 For two recent collections of essays on the relationship between law and literature, see Freeman and Lewis, eds., Law and Literature; Emily Steiner and Candace Barrington, eds., The Letter of the Law: Legal Practice and Literary Production in Medieval England (Ithaca: Cornell University Press, 2002). For additional discussions of literature and law specifically in medieval England, see Musson, Medieval Law in Context; Green, “Medieval Literature and Law”; Alford and Seniff, Literature and Law in the Middle Ages; Alford, "Literature and Law in Medieval England."
2. **Law versus Violence in *The Owl and the Nightingale***

Many critical readings of *The Owl and the Nightingale* have focused on the fact that the formal debate does not officially end and the that Nightingale’s charge that the Owl is “vnwi?t” is never officially judged. Some critics have assigned antithetical qualities or roles to the two birds and choose the “winner” of the debate themselves. Several recent readings suggest that the irresolution is essential to the poem, that, in fact, although the characters in the poem posit an end of arbitration, the poet intended no such thing. Kathryn Hume suggests that what matters in the poem is debate, not an omitted judgment, and argues that the poem is a “burlesque-satire on human contentiousness” (100). For Hume, the fact that birds conduct the debate makes disputation look foolish so that readers cannot take the difficult issues raised in their debate seriously. Many subsequent critics have found Hume’s emphasis on the debate rather than on judgment liberating, but have dismissed her claim that the poem offers a serio-comic treatment of a specific theme. R. Barton Palmer discusses the poem’s irresolution as a game between author and audience, with the narrator as an intermediary who “renders ‘correct’ interpretation quite impossible, because his view of the action is inconsistent” (311). Tamara A. Goeglein examines the poem as a dramatization of the problem of universals,

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43 For surveys of scholarship on *The Owl and the Nightingale*, see Utley, "Dialogues, Debates, and Catechisms," 716-20. 874-82; Hume, *The Owl and the Nightingale*.
44 Hume provides an especially useful overview of these often mutually exclusive readings in Hume, *The Owl and the Nightingale*. I see Pamela Siska’s argument as a continuation of this effort to assign antithetical roles to the characters, but this time with the antithesis replaced by process. Siska argues that the Owl and the Nightingale are not actually in opposition, but that the two birds, taken together, represent different developmental stages, and that the Owl, like elder Nicholas of Guildford, has “mastered earthly life.” See Pamela Siska, "The Owl *or* the Nightingale? Need Debate Mean Opposition?" *English Language Notes* 39 (2001): 1-5.
which occupied many twelfth-century scholars, especially John of Salisbury. She calls the poem, an “infinite regression away from the object of the bird-debate,” and considers the abortive debate as an example of the rational categories that constitute “human knowledge” and yet “limit our access to” reality (205). The emphasis on the poem’s irresolution is taken even further by Reed, who gives the poem pride of place in his study Middle English Debate Poetry and the Aesthetics of Irresolution. Reed argues that “as the particular issues in dispute fade from view, the work is left in a finely crafted argumentative equilibrium” (246). He regards the “distinctly unhierarchical resolution” as a call to “liberating laughter” at the logical orthodoxy it parodies (259).

To prioritize the debate’s parodic elements ignores the importance of irresolution in the poem. The seriousness with which the avian protagonists conduct their debate can be very funny—as when the Nightingale admits her embarrassment when the Owl ridicules her for singing behind the house, among the weeds, “Þar men goð to here neode” (l. 938)—but underlying this humor the poem celebrates the use of law to avoid physical combat and continue verbal disputes. Neither bird ever uses physical power to forcibly persuade her opponent; instead, they keep the conversation going, enabling differences to proliferate rather than erasing them. The poet chooses never to render a judgment, inviting readers to offer their own once the poem ends, if they so wish, but also allowing them to continue the debate without resolution. The moment of decision making can be postponed indefinitely.

Irresolution is desirable in the poem, as it was in legal practice. If the dispute can be continued peacefully, the possibility for compromise and reconciliation remains open. *The Owl and the Nightingale* offers a dramatic example of the ways legal action can be used to avoid violent conflict. If the parties agree to settle their dispute in a court of law, then they do not have to use force to end their dispute. If the court delays judgment, the parties are given time to reach a compromise. By prioritizing debate over violence, the poem affirms the validity of legal disputation. Law allows the dispute to remain verbal and maintains order. The arguments constituting the debate may remain unresolved (and perhaps unconvincing) but taken together they provide a powerful judgment: that legal mediation is the best way to settle disputes. Critical emphasis on irresolution obscures the extent to which this poem *does* present a resolution. The poem celebrates disputation in law courts as a means to resolve conflicts and legal action as a way to avoid violent action.

*The Owl and the Nightingale* can be seen as a celebration of the law’s ability to avert violent outbreaks in disputes. The poem makes reference to the same legal system that was used early in the Whilton dispute.47 Historians have seen the law acting as a

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47 For an overview of criticism about the legal elements in *The Owl and the Nightingale*, see Witt, “*The Owl and the Nightingale* and English Law Court Procedure.” I believe that the force of Witt’s argument that the debate depicted in the poem does not follow legal models causes him to downplay the role that the legal references do play. Although the poet does not choose to follow the format of a legal debate, the poem, as I argue, does comment on the contemporary legal system. In other words, although the poem is not modeled strictly on *court practice*, it still comments usefully on the *legal system*. For a discussion of the poem as modeled on a thirteenth-century lawsuit, see Atkins, ed., *The Owl and the Nightingale* lii-liv. Huganir, “*The Owl and the Nightingale*,” 154-63; Wilson, *Early Middle English Literature* 160 also assert that the poem is modeled on a lawsuit, although both suggest that the legal procedure belongs to the twelfth century as opposed to Atkins’s thirteenth century. Stanley, ed., *The Owl and the Nightingale* 37-38, argues that the poem is based on the procedure of ecclesiastical court. Witt’s argument successfully demonstrates that the poem is not modeled on legal procedure at all and that it is impossible to determine precisely which courts would have been familiar to the poet. Given that structural procrastination characterized all the
successful alternative to violent resolution in the conflict over the Whilton manor. The *Owl and the Nightingale* dramatizes the impulse towards violence to end a conflict, only to show that legal disputation is the best way to resolve a disagreement. As James J. Murphy notes, the whole poem “depends upon the contestants’ agreement to fight with words and not physical weapons” (227). Yet Murphy’s assertion downplays the threat of physical violence that pervades the poem and is only averted through recourse to legal procedures. The birds do not seem particularly interested in pacifism and regularly allude to or describe the bodily injury they would like to inflict on one another. Their agreement not to engage in physical combat hinges not on a predilection for rhetoric, as Murphy suggests, but on their agreement that the law offers a superior alternative to violence in their desire to settle their dispute. Only when they decide to take their disagreement to a legal court does it become a battle of words, and even then violence continues to threaten.

Violence appears as a possible means to settle the dispute from the Owl’s first speech, in which she responds to the Nightingale’s insults of her singing and habits. The Owl taunts:

\[
\text{Hu þincþe nu bi mine songe?}
\]

\[
\text{Wens þu þat ich ne cunne singe,}
\]

49 Murphy, “Rhetoric and Dialectic in the *Owl and the Nightingale*.”
50 Alexandra Barratt suggests that the poem can be interpreted as “a celebration of the rule of law and of the displacement of non-rational methods of proof by reasoned argument” to support her argument that the poem was written during the reign of Henry II, but she does not develop the interpretation. See Alexandra Barratt, “Flying in the Face of Tradition: A New View of the *Owl and the Nightingale,*” *University of Toronto Quarterly* 56 (1987): 472.
The Owl has waited until the evening to reply to the Nightingale, the time when she habitually hunts, and alludes to her superior strength and her preparedness to fight as a bird of prey. Her first impulse is not to engage the Nightingale in a contest of words, but in a violent conflict in which she would be the obvious winner.

Although the Nightingale instigates the dispute when she calls the Owl “vnwi?t” and orders her to depart, the threat of violence originates with the Owl. The first thing the Nightingale does is to assure herself that she is safely enclosed by a thick hedge. Then, she condemns the Owl for her violent nature, but does not herself resist the allure of violence as a way to defeat her opponent. Limited by her small stature, she nevertheless threatens the Owl with physical violence twice, once from her enemies and once in a narrative. The Nightingale announces that because the Owl is an “unmilde” hunter, she is hated by “al fuelkunne” (ll. 61, 65):

& alle ho þe driuþ honne,

& þe bischricheþ & bigredet

& vvel narewe þe biledet;

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51 All quotations refer to the edition by Stanley, ed., *The Owl and the Nightingale.*
& eke forþe sulue mose
Hire þonkes wolde þe totose. (ll. 66-70)

Even the smallest birds would like to destroy the Owl, including the Nightingale, who remains mindful of the Owl’s greater strength, which could crush her. She, like the titmouse, cannot tear the Owl to pieces, but does not leave the physical threat unanswered. Instead, she narrates a story in which a team of larger birds physically attacks and kills an owlet (ll. 101-126). The tale told by the Nightingale and her companions implicitly threatens to harm not the Owl, but her young, her family, possibly the future members of her family, a tactic used in the Whilton dispute. The violence threatened by both parties is impotent—the Owl’s because the Nightingale refuses to leave the safety of her perch and the Nightingale’s because she is too weak—but the anger that prompts them to make the threats maintains the potential to erupt into real violence.

Legal allusions and threatened violence occur throughout the poem, but the two are inextricably linked in two key passages that bookend the birds’ debate. The first occurs when the Owl responds to the Nightingale’s provoking “tale” (l. 140), in which the Nightingale calls the Owl ugly and unnatural for her nocturnal habits and filthy nest. “Tale” is the English word for the plaintiff’s initial statement (known in Latin as narratio and in French as conte). “Tale”—along with terms like “plait,” speche,” “ri?te dome,”

52 An example of threatening future members of a family in the Whilton dispute is the suit between Lee and Montgomery, discussed in Palmer, The Whilton Dispute 128-35.
“false dom” “allenge,” “bare worde,” “bicloped,” “utest,” and “griþbruche” (ll. 5, 13, 179, 210, 394, 547, 550, 1683, 1734)—is one of the many words with legal connotations that appear in the poem. None of these words, of course, is exclusively legal, but the abundance of such terms does contribute to a legal atmosphere for the debate. The use of a term with legal connotations to describe the Nightingale’s first extended speech makes a connection between the birds’ debate and a legal case. The Owl, however, does not share the impression that this is a legal debate and is so incensed by the attack that she looks “also ho hadde one frogge isuol?e” (l. 146). She challenges the Nightingale to take their argument out into the open and determine a winner with combat:

“Whi neltu flon into þe bare / & sewi ware unker bo / Of briþter howe, of uairur blo?” (ll. 150-153). The Nightinale interprets the Owl’s suggestion as a threat and many critics have argued that it is a declaration of the Owl’s willingness to accept trial by battle.

The Nightingale’s response to the Owl’s threat—“No! þu hauest wel scharpe clawe, / Ne

development of the English legal profession, see Paul Brand, The Making of the Common Law (London: Hambledon Press, 1992) 17 and 57. Both Atkins and Wilson regard it as the formal statement of the charge that the Nightingale wishes to bring against the Owl. See Atkins, ed., The Owl and the Nightingale liii-liv; Wilson, Early Middle English Literature 160. Even Witt, who argues that legal procedure does not direct the development of the poem sees something of court procedure in this speech by the Nightingale Witt, "The Owl and the Nightingale" and English Law Court Procedure," 283.

Neil Cartlidge suggests that the legal terms “are perhaps better seen as an index of the birds’ (and the narrator’s) pretensions about the importance of their dispute, than as evidence that the poem was addressed to an audience learned in the law” (44). See Neil Cartlidge, ed., The Owl and the Nightingale: Text and Translation (Exeter: University of Exeter Press, 2001). The two options Cartlidge outlines need not be mutually exclusive. The birds and the narrator do ascribe great importance to their dispute, and their appeals to the law reinforce those pretensions by permitting the debate to continue, as I argue. An audience “learned in the law” would appreciate the poem’s commentary, but legal understanding was fairly widespread among lay people, as Musson and Maddern have shown. See Musson, Medieval Law in Context; Maddern, Violence and Social Order.

Those critics who seek to understand the poem as modeled on legal procedure recognize this connection and take it much further. See Atkins, ed., The Owl and the Nightingale; Huganir, "The Owl and the Nightingale"; Stanley, ed., The Owl and the Nightingale.

Atkins, ed., The Owl and the Nightingale liii; Huganir, "The Owl and the Nightingale," 156; Wilson, Early Middle English Literature 160.
kep ich no?t þat þu me clawe” (ll. 153-154)—recalls the Owl’s earlier reference to her sharp talons. She recognizes the damage they could cause should the disagreement come to real rather than threatened violence.

Real violence is what the Nightingale fears when the Owl issues her challenge that they take their conflict out into the open for judgment. She disarms the physical threat by proposing legal action:

\[
\begin{align*}
\text{Ac lete we awei þos cheste,} \\
\text{Vor suiche wordes boþ unwerste} \\
& \\
\text{& fo we on mid ri?te dome,} \\
\text{Mid faire worde & mid ysome.} \\
& \\
\text{Þe? we ne bo at one acorde} \\
\text{We mu?e bet mid fayre worde,} \\
\text{Witute cheste & bute fi?te,} \\
\text{Plaidi mid fo?e & mid ri?te;} \\
& \\
\text{& mai hure eiþer wat hi wile} \\
\text{Mid ri?te segge & mid sckile. (ll. 177-186)}
\end{align*}
\]

The narrator has already implied that the debate could be a legal one when he uses legal terminology to describe the Nightingale’s speech, but here the Nightingale makes this connection explicit. She calls their debate to this point “unwerste,” suggesting that “ri?te dome” is necessary for it to be useful and advises that this end can be achieved with reasonable and lawful words more effectively than with brawling or fighting. This speech appeals to a legal system designed to maintain peace and avoid physical force.
The Owl’s desire to end the conflict with a confrontation in the open, which she will win with her superior strength, is thwarted by the Nightingale’s refusal to leave the protection of her strong branch. As the Nightingale says, “Ich habbe on brede & eck on lengþ / Castel god on mine rise” (ll. 174-175). The Owl is thus driven to accept the Nightingale’s proposal that they take their dispute to trial, because otherwise their disagreement is condemned to languish with no chance for resolution, but she wants to assure herself that she has a good chance to win that contest as well. In order for the trial to proceed fairly they need to decide on a fair and lawful judge: they select Nicholas of Guildford, whom both birds believe is prudent and not inclined to be fooled by the other’s argument. The Nightingale calls him “wis an war of worde” and “of some suþe fleu” (ll. 192, 193). The Owl agrees, but the deciding factor seems to be the fact that each bird thinks Nicholas will be on her side. The Nightingale is especially impressed by his ability to recognize good music and so she assumes he will prefer her song:

He wot insi?t in eche songe,
Wo singet wel, wo singet wronge,
& he can schede vrom þe ri?te
Þat wo?e, þat þuster from þe li?te. (ll. 195-198)

The Owl seems to have had some initial misgivings about Nicholas because, as she says, she knows that he loved the Nightingale in his youth, but she expects that now he is mature and render a fair judgment, which, of course, will be in her favor:

He is him ripe & fastrede,

Ne lust him nu to none unread:

Nu him ne lust na more pleie,

He wile gon a ri?te weie. (ll. 211-214)

Neither party is averse to violence, especially in the heat of anger; however the circumstances that render violence an immediate impossibility and the idea that they have selected a wise judge (who each bird believes will be on her side) direct them to legal process and arbitration as a better method of conflict settlement.

Violence remains an unused solution that nearly erupts once more near the end of the debate. The Nightingale’s small size and physical weakness prohibit her from seriously injuring the Owl in a violent conflict, but she continually implies her desire to do so: at one point her demeanor prompts the narrator to observe that “Mid sworde an mid speres orde, / ?if ho mon were, wolde fi?te” (ll. 1068-1069). She taunts the Owl with her unpopularity, assuring her that all the little birds would tear her to pieces if they could (ll. 65-70, 126). In the second key passage that links law and violence, the Nightingale is prepared to make good on these threats. The passage occurs near the end of the debate after both sides have rehearsed their arguments against one another.
Throughout the debate the birds end speeches by inquiring whether the other would admit defeat, and throughout the debate both refuse to give any ground, whatever reservations they may have about their rhetorical ability.\textsuperscript{58} The Nightingale seems to have been out-argued when the Owl turns her own arguments against her (ll. 1511-1634), and in response she threatens violence. The Nightingale refuses to admit defeat and, in fact, claims to have won on a technicality, because the Owl has admitted the charge that she is hated by men. She announces her opinion that the Owl has lost and begins singing so loudly

\begin{quote}
Þat feor & ner me hit iherde.
Þaruore anan to hire cherde
Þrusche & þrostle & wudewale,
An fuheles boþe grete & smale;
Forþan heom þuhte þat heo hadde
Þe Houle ouercome, uorþan heo gradde
An sungen alswa uale wise. (ll. 1657-1664)
\end{quote}

\textsuperscript{58} Critical assessments of the debaters have been widely diverse. On the one hand, for J.W.H. Atkins “it is the Nightingale who in the end seems to get the better of the argument” (lviii). On the other hand, for R.M. Wilson, “The owl seems, on the whole, to get the better of the argument” (164). See Atkins, ed., \textit{The Owl and the Nightingale}; Wilson, \textit{Early Middle English Literature}. Rhetorical analyses have not recommended a winner either. Angela M. Carson has argued that the three ancient rhetorical genres are present in the poem, but her discussion focuses more on the author’s success in recommending Nicholas of Guildford for preferment than on the content of the debate itself. See Carson, "Rhetorical Structure in \textit{the Owl and the Nightingale}.” James J. Murphy, the eminent scholar of medieval rhetoric, has outlined the opposing arguments with useful comments on the rhetorical strategies in "Rhetoric and Dialectic in \textit{the Owl and the Nightingale},” 212-26. Murphy’s analysis shows that while both birds use rhetorical tools, neither debater is perfect. Eric Gerald Stanley’s advice to readers is useful in this context: “The reader who strives to follow the poet’s meaning will remember, as he reads the Nightingale’s case, that it is not enough, and as he reads the Owl’s, that it is not everything.” In Stanley, ed., \textit{The Owl and the Nightingale} 22.
The Owl interprets this gathering of the Nightingale’s friends as a physical threat, and this time she is the one to remind her opponent of their agreement to settle the debate verbally, with recourse to the law. She exclaims:

\[
\text{Hauestu . . . ibanned ferde,}
\]
\[
\text{An wultu, wreche, wið me fi?te?}
\]
\[
\text{Nai, nai! nauestu none mi?te!}
\]
\[
\text{Hwat gredeþ þeo þat hider come?}
\]
\[
\text{Me þunce þu ledest ferde to me. (ll. 1668-1672)}
\]

Unwilling to relinquish her physical superiority, the Owl reminds the Nightingale that her bird friends are stronger and better armed than the Nightingale’s and lists those who will naturally side with her against the Nightingale. Unfortunately for the Owl, her friends are not present whereas the Nightingale’s are assembled and eager to attack. Individually, neither the Nightingale nor any of her friends are enough to overcome the Owl, but all together they are a serious threat, and when they are assembled the Nightingale conveniently forgets the agreement to seek legal arbitration. Now violence offers a means of immediate resolution of the dispute in her favor.

The roles from the beginning of the poem—when the stronger Owl threatened to defeat the weaker Nightingale—are reversed, but the response of the weaker party is the same: she appeals to the law. The Owl boasts that feathers will fly when her friends arrive at nightfall, but since it is still day she reminds the Nightingale and her friends that they had agreed to seek a decision rendered by lawful judgment. The Owl defends
herself in the present by asking the Nightingale if she plans to break their earlier agreement to seek arbitration. She boldly asks:

Þo we come hiderward,
Þat we þarto holde scholde
Þar riht dome us ?iue wolde.
Wultu nu breke foreward?
Ich wene dom þe þingþ to hard;
For þu ne darst domes abide,
Þu wult nu, wrecche, fi?te & chide. (ll. 1690-1696)

The Owl taunts the Nightingale with the idea that she only wishes to fight because she knows she has lost the debate and has no hope that a judge will rule in her favor. In addition to threatening the Nightingale with legal action—that she’ll raise the hue and cry against her59—the Owl continues to make physical threats of her own:

?et ich ow alle wolde rede,
Ar ich utheste uppon ow grede,
Þat ower fihtlac leteþ beo,
An ginneþ raþe awei fleo;
For bi þe cliures þat ich bere,
?ef ?e abideþ mine here,
?e schule an oþer wise singe
An acursi alle fi?ting. (ll. 1697-1704)

59 For more about “utheste” as “hue and cry,” see Stanley, ed., The Owl and the Nightingale 136n, 54n.
The Owl’s belligerence masks her weak position when facing the combined forces of the Nightingale and her friends, but her defense against the physical threat they represent is the same as the Nightingale’s was at the beginning of the poem: recourse to the legal system alleviates the physical threat and allows the conflict to remain verbal.

When the birds first agreed to seek legal arbitration, they did so without outside assistance that Nicholas of Guildford was an authority who could settle their dispute. After the Owl reminds her opponent of their legal agreement, the Wren, according to some traditions the elected king of the birds,\(^{60}\) breaks in and suggests that they proceed to hear judgment immediately and tells them where to find Nicholas of Guildford. She opens her advice by reminding them of the king’s power. She asks:

\[
\text{Hwat! wulle ?e þis pes tobreke,} \\
\text{An do þan [kinge] swuch schame?} \\
\text{¿e! nis he nouþer ded ne lame.} \\
\text{Hunke schal itide harm & schonde} \\
\text{¿ef ?e dop griþbruche on his londe. (ll. 1730-1734)}
\]

Whether or not we accept the editorial insertion of “kinge” in line 1731,\(^{61}\) the Wren threatens the disputing birds with the king’s power. Both “pes” and “griþbruche” are terms relating to the King’s Peace, which the birds will break if they allow their conflict

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\(^{60}\) Atkins, ed., *The Owl and the Nightingale* 145-47n.

\(^{61}\) Atkins, Stanley, and Cartlidge all insert this emendation, because the pronoun in the following line suggests that a noun is missing in line 1731, although it exists in neither extant manuscript. See Ibid. 146-7; Stanley, ed., *The Owl and the Nightingale* 99; Cartlidge, ed., *The Owl and the Nightingale: Text and Translation* 43.
to become physical.\textsuperscript{62} The Wren’s warning is especially appropriate now that many birds are involved and the threatened physical combat between two birds has developed into a potential war between two armies of birds.

The poem concludes, however, when the birds depart for Portisham, without their armies of supporters, to seek Nicholas’s verdict. The narrator denies any knowledge of this judgment and ends the poem: “An hu heo spedde of heore dome / Ne can ich eu na more telle. / Her nis na more of þis spelle” (ll. 1792-1794). The Owl promises to repeat their argument “word after werde” before the arbiter, and grants the Nightingale the right to “stond a?ein & do me crempe” if she thinks that the Owl’s account goes wrong. The only verdict the poem explicitly offers is to repeat the debate we have already heard and, one imagines, to raise new arguments as the Owl sneaks some into her summary and the Nightingale breaks in to correct the Owl’s account.

Nicholas of Guildford occupies a conspicuous place in the poem—his worth is the only point of agreement between the birds—and at one time it was commonly believed that Nicholas of Guildford or his close friend probably wrote the poem as an appeal for his preferment. In face, however, little is known about the author of \textit{The Owl and the Nightingale}. The idea that Nicholas needs a someone to make a plea on his behalf is raised explicitly in the Wren’s lament that Nicholas has been neglected by his superiors and her proposal that he deserves advancement so that everyone, including his superiors, could benefit from his wisdom.\textsuperscript{63} This attribution has been challenged on the grounds that such a clever poet would not have been so tactless as to blatantly criticize his

\textsuperscript{62} Atkins, ed., \textit{The Owl and the Nightingale} 147n; Stanley, ed., \textit{The Owl and the Nightingale} 156-57n; Witt,
superiors and because the language of advancement in the thirteenth century was not English. J.F. Kiteley concludes that without some new evidence the poem will remain anonymous, but abandoning the search for a specific historical author does not mean that we cannot still reach some understanding of what kind of person could have written the poem. The poem’s investment in this legal argument raises interesting implications about the poet. Many critics have observed that the poet may have had legal training, but the emphasis on the superiority of the law suggests that the poet may still have been active in legal pursuits while composing the poem.

The figure of Nicholas of Guildford remains important in this context. Neil Cartlidge has suggested that the birds’ praise is so overdone that it seems more likely to have been a joke at Nicholas’s expense than a serious request for advancement. I believe, however, that arbitration, not an arbitrator is being praised. Although his name does seem to have some significance, ultimately Nicholas’s identity is less important than the role the birds expect him to fill. He is a wise and cautious arbitrator and the birds believe he will be able to resolve the dispute. He represents the system of justice established in the royal courts and through formal arbitration procedures and provides an

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"The Owl and the Nightingale and English Law Court Procedure," 285.

63 Atkins, ed., The Owl and the Nightingale xxxviii-xlvi; Huganir, "The Owl and the Nightingale," 152-82.

64 J.F. Kiteley determines that the author’s identity is probably unrecoverable, see Kiteley, "That Elusive Nicholas of Guildford." It has also been suggested that the poet could have been an anonymous Dominican or an anonymous woman. For the former, see Fletcher, "The Genesis of the Owl and the Nightingale: A New Hypothesis." For the latter, see J. Eadie, "The Authorship of the Owl and the Nightingale: A Reappraisal," English Studies 6 (1986): 471-77; Barratt, "Flying in the Face of Tradition." Eadie argues that a woman wrote The Owl and the Nightingale about the pain of being separated from one’s lover. Barratt maintains that a nun from Shaftesbury Abbey is the likely author.

65 Even Witt, who argues that the legal elements are unessential to the poem admits, “The presence of legal elements does indicate that the poet was acquainted with, even possibly well-versed in, judicial matters” (282).

66 See Cartlidge, "The Date of the Owl and the Nightingale," 231.
alternative to lawless violence. The poem is less a plea for Nicholas’s advancement, than it is a celebration of the system he represents. The poem recognizes the benefits of a system that postpones judgment, suggesting that the poet understood the ways the law worked to maintain peace and was interested in sharing this understanding with his audience, perhaps as a preface to the poet’s recommendation of his own legal services. Whether an arbiter like Nicholas, a clerk, or a lawyer, the poet provides a dramatic illustration of the superiority of law and the ways it can displace violence in the resolution of disputes. The fact that the birds’ dispute remains unresolved reflects the conviction that diversity of opinion need not always (or at least not immediately) be resolved.

Within the confines of the poem, the fact that the dispute can continue indefinitely proves the success of a legal system designed to avoid violence. Although not modeled on any actual set of existing legal procedures, the poem is invested in promoting the legal resolution of disputes. It makes a case for the superiority of litigation over violence as a means of dispute settlement. At the very least, litigation provides a less dangerous path than resorting to the kinds of violence the birds suggest in their threats and narratives. The disagreement could continue forever, but if the disputants adhere to both their agreement and the law, violence will never be necessary. At the most, it will enable them to reach an arbitrated peace, a peace that is more likely to endure because it comes from a compromise rather than force, which would doubtless raise the ire of the defeated bird’s friends and could potentially lead to greater conflict.
3. *The Parliament of Fowls* and Deferred Royal Justice

*The Parliament of Fowls*, like *The Owl and the Nightingale*, depicts a debate among birds. Although the debate does not constitute the main action of the poem, as it does in *The Owl and the Nightingale*, it does provide the culminating action of the poem and has received much critical attention. The debate begins as three male royal eagles propose their suit to a female eagle, but the lower orders of birds are also present, awaiting the resolution of the aristocratic dispute (and actively offering their recommendations of how it might best be resolved), so that they can choose their own mates. In Chaucer’s poem, the royal birds’ disagreement remains unresolved when the poem ends, but unlike *The Owl and the Nightingale*, a temporary judgment is rendered by Nature, who conducts the parliament: the formel eagle is granted a year’s delay before she will again be asked to select one of the three eagles and the lower birds at last are allowed to pick their mates. Both poems reflect on the delays built into the legal system, but *The Parliament of Fowls* does not depict the postponement with the same enthusiastic endorsement that *The Owl and the Nightingale* gives it. The debate among the birds in Chaucer’s poem illustrates the ways the interests of one class can be exactly opposite to those of another when people take their disputes to the legal system.

The poem’s multi-vocality has been a consistent critical theme. Although early critics tended to explain the poem’s “unity,” it has been more common recently to emphasize the ways the poem incorporates conflicting voices.\(^\text{67}\) John P. McCall points

out the indecision and disagreement that characterizes the critical search for unity.\textsuperscript{68} McCall draws attention to the poem’s discordance, arguing that critics seeking a hidden answer or resolution in the poem will fail, because the poem “is an interweaving of conflicting elements” (23). H.M. Leicester, Jr., building upon McCall’s argument, provides a careful analysis of those conflicting elements, describing two different kinds of multiplicity: first, the diversity of conventions and authoritative traditions circulating in Chaucer’s culture, and, second, the various interests and perceptions that constitute his own subjectivity.\textsuperscript{69} For Leicester, the poet seeks to harmonize the disparate elements of his books and his dream: “He seems to wander among them, unable to make up his mind which to adopt, which part to speak, and the poem becomes a kind of late medieval and secular \textit{sic et non} exacerbated” (21). Several critics have responded to Leicester’s analysis of the poet’s subjectivity. David Aers views “Chaucer’s mode” as “utterly subversive of all dogmatizing fixities and finalities, subversive of all attempts to substitute impersonal knowledge and an absolute viewpoint” (14).\textsuperscript{70} Lisa J. Kiser has shown how the narrator’s subjectivity provokes a consideration of the subjective activities of reading and writing and a critique of all claims to authority.\textsuperscript{71} Aers’ and Kiser’s analyses of the poem’s complicated and varied subjectivity have rightly shown how the poem refuses to accept the authorities it encounters on their own terms, yet within the poem, these authorities are given voice at various moments. The poem resists

resolving the multiplicity of voices into one single voice; instead, it gives each one the opportunity to speak at various points, as is common in debate poems, without much interpretive glossing. As Leicester notes, “Instead of seeing a single unfolding vision, we hear many voices” (19).

One matter that concerns many of the voices in The Parliament of Fowls is the subject of right rule and common profit. Many critics have thus read the poem as a commentary on politics. One strand of this discussion stems from a reading of this poem as an occasional piece written at a specific historical moment. Larry Benson is the most recent proponent of the view that the royal courtship between Richard II and Anne of Bohemia provides the occasion for the poem. Benson carefully reads Chaucer’s adaptation of the Somnium Scipionis in which, Benson argues, Chaucer makes the Latin work sound like a “mirror for princes” (129). By relating “commune profit” to royal marriage, Benson sees this political emphasis is entirely appropriate in a poem about the love of a young King Richard.

Even critics who do not accept the occasional argument have found politics to be a central concern in the poem. Bruce Kent Cowgill and Paul A. Olson have read the poem in terms of fourteenth-century political philosophy. For Cowgill, the complex poem offers “a contrast between the ordered state wisely governed according to natural law and the chaos of a state whose leadership is selfish and irresponsible” prioritizing the common over the selfish (315). Olson similarly sees the poem as concerned with the

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72 Benson, "The Occasion of the Parliament of Fowls."
foundations of community despite the weakness of human nature. Rather than emphasizing Africanus as a guide to the wisely governed state as Cowgill did, Olson sees Dame Nature as the central figure in the poem: Nature is “that figure who can reveal the meaning and institutional form necessary to the quest for the common profit” (58). Most recently, Russell A. Peck has argued that Olson ignores the fact that the bird parliament fails to accomplish any of the things a parliament should accomplish, “except for talking itself” (293).74 Peck argues that the parliament’s political failure is matched by mankind’s failure to love common profit over selfish gain. These discussions of political authority in the poem provide valuable analyses of its concern with the civic-mindedness necessary to make communities possible and fruitful, but none mentions the fact that the poem also depicts the importance and the dispensation of royal justice, which is an essential part of ensuring the peace and prosperity of a community as the legal treatises by Fortescue and Bracton make clear.

As I will argue, The Parliament of Fowls can be seen as a commentary on the effectiveness of royal justice. The vocabulary of Chaucer’s poem has been discussed as deriving from actual parliamentary procedure,75 and it is important to consider the variety of work performed by that institution. The essence of parliament was discussion and debate and, by the fourteenth century, two groups of delegates—the Commons, who attended as representatives of their communities, and the Lords, who were summoned by

the king—were visible. Functioning as a branch of government, parliament also had a judicial role, even in the fourteenth century. The multi-vocality of the poem permits a variety of competing judgments on the success of the system to exist within the same frame. *The Parliament of Fowls* depicts conflicting views about the delays inherent in the English legal system within a single frame.

The poem moves from the celebration of God’s order and His ability to judge his people to an examination of the more complicated matter of earthly justice at the cacophonous assembly of birds at Nature’s court. It begins with the narrator’s account of his reading, in which Africanus advises that in order to reach “hevene blysse,” you must “Know thyself first immortal, / And loke ay besyly thow wreche and wysse / To commune profit” (ll. 72, 73-75). He continues with a commendation of God’s justice, “Brekers of the lawe, soth to seyne, / And likerous folk, after that they ben dede, / Shul whirle aboute th’erthe alwey in peyne,” that is in an analogue to Purgatory, until they finally are forgiven by God’s grace and welcomed into “that blysful place” (ll. 78-80, 83). Africanus’ injunctions to be mindful of God’s justice are tied to his reputation as an exemplary leader. But Africanus does not have the last word; the loud and lecherous birds, gathered to choose a mate, end the poem, shouting so loudly that they wake the narrator from his dream. Although Africanus’ advice raises the issues of justice and right rule, the latter part of the poem provides an illustration of how complicated it is to achieve this on earth.

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The dreamer discovers all the birds in the presence of the noble goddess Nature to “take hire dom and yeve hire audyence” (ll. 302-308). Chaucer’s parliament of birds is indebted to Alan of Lille’s *De planctu naturae*, a twelfth-century poem in which Nature complains that mankind has failed to live by her laws. As A.J. Minnis observes, “It is rather ironic that in Chaucer’s poem the birds, who appear as exemplary servants of Nature’s will in the *De planctu naturae*, are such an unruly company” (275-276).

Initially, the birds in Chaucer’s poem appear to narrator to be a huge noisy mob: “So huge a noyse gan they make / That erthe, and eyr, and tre, and every lake / So ful was the unethe was there space / For me to stonde, so ful was al the place” (ll. 312-315). Nature soon calls them to order when she “Bad every foul to take his owne place, / As they were woned alwey fro yer to yeere, / Seynt Valentynes day, to stonden theere” (ll. 320-322). Quickly they are organized into four classes: flesh-eaters, seed-fowl, worm-eaters and water-fowl. The eagles are the highest, noblest and best, and the goose and duck lowest in the hierarchy based on habits of diet designed by Nature.

Paul Strohm has described the dominant hierarchical paradigm in the fourteenth century as consisting of a divinely ordered “vertical” arrangement of estates competing with a “horizontal” view of social relations based on ties of common experience and interest during the later Middle Ages. He argues that Chaucer’s poetry depicts the conflict between the two forms. Furthermore, his associates, who formed his immediate

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78 For a discussion of Scipio’s reputation in the fourteenth century, especially as it relates to *The Parliament of Fowls*, see Cowgill, “The Parlement of Foules and the Body Politic.”

79 The dreamer actually compares Nature to Alan of Lille’s description of her in *De planctu naturae*: “And right as Aleyn, in the Pleynt of Kynde, / Devyseth Nature of aray and face, / In swich aray men myghte hire there fynde” (ll. 316-318). For a discussion of the relationship between Chaucer’s parliament of birds and Alan of Lille’s, see Minnis, *The Shorter Poems* 279-80.
audience, shared his experience of trying to advance at court not through traditional means but with the skills and services they provided.\textsuperscript{80} This audience would have recognized the social divisions replicated in Nature’s avian hierarchy. Paul Olson has suggested that each bird grouping equates with a specific estate in the vertical hierarchy.\textsuperscript{81} The birds of ravine are identified with the knights or lords temporal, the field fowls with the clergy, the water fowl with commoners and the worm fowls are, according to Olson, perhaps merchants, but more likely with “lawyers or curial officials” (62). The social conflict that arises among the different bird estates over the delay resulting from the “cursede pletyng” by the three eagles might have suggested to Chaucer’s immediate audience that not all social groups were equally well served by the dilatory pace of English law during the Middle Ages.

Nature, “the vicaire of the almyghty Lord” (l. 379),\textsuperscript{82} explains the purpose of the gathering: the birds must choose their mates according to her statute and governance. She indicates that there is a need for haste when she begins her speech by saying, “For your ese, in fortheryng of youre nede, / As faste as I may speke, I wol yow spede” (ll. 385). The hierarchy is formalized when she announces that “he that most is worthi shal

\textsuperscript{80} Chaucer, "The Parliament of Fowls."
\textsuperscript{81} Olson, "The Parliament of Foules: Aristotles Politics and the Foundations of Human Society."
\textsuperscript{82} See Ibid. for a useful discussion of how Chaucer modifies the idea that Nature is the vicar of God in Alan of Lille’s De Planctu Naturae and The Romance of the Rose so that here she is the vicar of God in a civic sense, “exactly the sense which makes the king the vicar of God in the language of medieval ruler-praise” (58). I tend to agree with Olson that Nature occupies a privileged place, unlike David Aers, who maintains that Chaucer “does not allow Nature the privileged place she has in Alain” (9). Aers sees the absence of any authority as enabling the conflicting reactions of the birds. I would argue that, in fact, it is the presence of an authority that inspires the bird debate. Without the authority figure who offers justice, the disputes would deteriorate into violence, as I argue below. The fact that not all the birds are equally well served by this authority is what enables the conflicting reactions of the birds. See David Aers, "The Parliament of Fowls: Authority, the Knower and the Known," Chaucer Review 16 (1981): 1-17.
begynne” and turns to the tercel eagle (l. 392), whom she describes as the acknowledged superior and her favorite:

The tersel egle, as that ye knowe wel,

The foul royal, above yow in degre,

The wyse and worthi, secre, trewe as stel,

Which I have formed, as ye may wel se,

In every part as it best liketh me—

It nedeth not his shap yow to devyse—

He shal first chese and spaken in his gyse.  (ll. 393-399)

Only after the tercel eagle has chosen his mate will the other birds be allowed to choose a mate “by ordre” and “after youre kynde” (ll. 400-401). Nature establishes the courtly discourse that characterizes the speeches of the three eagles who compete for the only noble female available for them to choose, the formel eagle held on Nature’s hand. Nature also sets up the conventional rhetoric of courtly love that grants power to the object of desire when she adds a condition before allowing her favorite to speak:

But natheles, in this condicioun

Mot be the choys of everich that is heere,

That she agre to his eleccioun,

Whoso he be that shulde be hire feere.  (ll. 407-410)

The tercel follows Nature’s lead by speaking without delay—he “tariede noght” (l. 415).
The formel, who has remained silent in this boisterous crowd, seems unwilling to join in with Nature’s decree that the birds must be mated and utilizes the option that Nature, it seems unwittingly, has left her. Elaine Tuttle Hansen argues that the formel really has no choice, since Nature’s system will force her to choose, but I maintain that the female bird’s reluctance to choose is encouraged, even validated, by the delay Nature grants her. The formel eagle refuses to consent to any of her suitors, blushing with embarrassment and discomfort so that Nature is forced to reassure her, “Daughter, drede yow nought, I yow assure” (l. 448). The formel seizes the power she has been granted by the rhetoric and prolongs the period in which she can exercise choice and have control over the male eagles who seek to control her. She postpones her choice and disrupts the courtly discourse, offering the second and third, lower, eagles the opportunity to compete for her hand. In essence, the formel has refused all of her suitors, but she does not refuse her suitors outright—as Emelye does in The Knight’s Tale; refusal is not an option available under the rules laid out by Nature. Instead the formel prolongs the moment when she seems to have a choice, even though, ultimately, that choice is limited. In fact, for the formel postponement is as almost as good as refusal. As the Whilton dispute shows, a case could be dragged out for generations, long after marriage would be a threat for the formel.

If we recognize that Chaucer draws an analogy between love and the law then we can see that, just as the courtly suitors delay their mating with elaborate language and behavior, so the English legal parliament delays its final judgments with elaborate

83 Elain Tuttle Hansen, Chaucer and the Fictions of Gender (Berkeley: University of California Press,
protocol and rhetoric. The system being held up for inspection concern not courtship practices but legal procedures as Chaucer skillfully collapses the birds’ courtship and the legal parliament. The delay that Nature grants functions to the advantage of the formel eagle and in relation to her three suitors we can also see how promise of a future decision provides an alternative to violence in the conduct of disputes, as it did in *The Owl and the Nightingale*. The impulse to solve conflicts with violence is epitomized by the statement the royal eagles make after Nature has appointed one spokesperson for each estate. The tercelet falcon is appointed by the flesh-eating birds and his first impulse is that “semeth hit there moste be batayle,” to which the three eagles agree immediately (l. 539). But as was often the case when trial by battle was arranged, it is called off. Contrary to their earlier daylong speeches, the eagles now want to rush into judgment, but the tercelet explains that he has not finished rendering his verdict. He says that the eagles must come to some terms because “Oure is the voys that han the charge in honde, / And to the juges dom ye moten stonde,” and his decision is peace, so he advises the formel eagle to choose the worthiest, noblest eagle of the highest estate for her mate (ll. 545-546). The tercelet, fully cognizant of the complex conventions that govern the love-rituals of the noble class, finds for Nature’s favorite and, thus, seeks to preserve the hierarchy.

For the royal eagles, the delay is positive. Three males can continue to strive to prove themselves worthy, each one with the hope that he will stand out next year, but this attitude is not shared by all the birds. The third eagle recognizes this in his address to the formel eagle. Unlike the first two speeches, his is not concerned with the threat of
violence should he prove unworthy of his beloved. Referring to the other orders of birds who await their turn to choose a mate, he says:

Now, sirs, ye seen the lytel leyser here;
For every foule cryeth out to ben agoo
Forth with his make, or with his lady dere,
And eke Nature hir selfe ne wol nought here,
For taryinge here, noght half that I wolde sey—
And, but I speke, I mote for sorwe dey. (ll. 464-469)

The promises of his service could extend for years, but the eagle realizes that the other birds’ impatience could interrupt the proceedings and decides that it is better to be brief than long-winded.

Although the rest of the birds are unmoved by the eagles’ pleas, the narrator is impressed by their nobility and articulateness. These are three birds with great eloquence and part of his wonder stems from the very thing the third eagle condemns in his speech, the length of their pleas. The narrator marvels that “from the morwe gan this speche last / Tyl dounward went the sonne wonder faste” (ll. 489-490). The narrator may be impressed by the eagles’ verbal virtuosity, but the rest of the birds are not. Their clamor grows so loud that it interrupts the competition between the three eagles. “Have don, and lat us wende!” they shout (l. 492). Their complaint continues:

“Com of!” they criede, “allas, ye wol us shende!
Whan shal youre cursede pletynge have an ende?

84 As Elaine Tuttle Hansen has argued, there is little difference between the three royal birds, in Ibid. 126.
How sholde a juge eyther parti leve
For ye or nay withouten any preve?” (ll. 494-497).

The birds belonging to the lower classes do not understand the elaborate rules of love that
the royal birds observe. Their courtly speeches are referred to as “cursed pletynge” and
they complain that there is no evidence that a judge could use to render a verdict.

Arbitration, which is so lauded by the author of *The Owl and the Nightingale* is
rejected by the lower orders of birds. The goose and the cuckoo both offer their own plan
for how the case can be ended more efficiently. The goose boasts that she could offer a
fair and quick verdict for her own class of birds:

> Al this nys not worth a flye!
> But I can shape herof a remedie,
> And I wol seye my verdit fayre and swythe
> For water-foul, whoso be wroth or blythe! (ll. 501-504)

The cuckoo similarly offers to step in for Nature and officiate:

> “And I for worm-foul,” seyde the fol kokkow,
> “For I wol of myn owene autorite,
> For comune spede, take on the charge now,
> For to delyvere us is gret charite.” (ll. 505-508)

Both birds imply a criticism of Nature’s procedure based on the length of time it takes to

\[\text{References:} \]

See Green, *A Crisis of Truth* 84; Bartlett, *Trial by Fire and Water.*
reach a verdict and offer to act in her stead to assure that all the birds will be able to choose mates without delay. The lower classes of birds fail to see any benefit to the drawn-out, overlong rituals between the eagles and voice their displeasure.

Not all the birds agree with the goose and duck that the system is completely flawed, and the turtle-dove, a field-fowl, associated with the clergy, takes them to task. “Ye may abyde a while yit, parde!” he exclaims. Again, the length of the proceedings seems to be at issue as they are told to be patient before the turtle-dove politely suggests they should be quiet:

If it be youre wille
A wight may speke, hym were as fayr be stylle.

But bet is that a wyghtes tonge reste
Than entermeten hym of such doinge,
Of which he neyther rede can ne synge;
And whoso hit doth ful foule hymself acloyeth,
For office uncommytted ofte anoyeth. (ll. 510-518)

The turtle-dove accuses them of ignorance because they do not understand the complexity of the eagles’ exchange. The goose and the duck, however, demonstrate a partial understanding of the legal system: they recognize that it exists to resolve disputes, but the long and involved legal disputations to them seems mere ostentation that actually prevents any resolution being reached. The birds of the lower orders do not understand the system, and their lack of understanding reflects the contemporary situation as legal
consciousness among people who were not themselves lawyers or judges grew in the
fourteenth century. Anthony Musson argues that “all ordinary people acquired some
legal knowledge, even if rudimentary or unfocused, through their experiences both within
the family and household and as members of the communities in which they lived and
worked” (84).\(^{86}\) The growth of legal knowledge by lay people began to influence the
development of law as they learned how to “adapt it as well as circumvent and subvert it”
(85).

The turtle-dove is right: the water- and worm-fowl do not understand the purpose
of the royal eagles’ extended speeches and decorous conduct—courty behavior that
provides an analogue to legal protocol. The lower orders’ dissatisfaction with the eagle’s
conduct is recognized, even legitimated, by Nature, who moves to remedy the situation
by proposing to adapt the procedure to accommodate their wish for a speedier decision by
the formel. She approves their suggested remedy and appoints one member of each class
to decide which eagle the formel should choose. Olson sees Nature’s formation of a
representative parliament here as more effective than an unlimited monarch, but, as Peck
points out, “The parliament, once formed, works no more effectively than the mob”
(301).\(^{87}\) The difficulty stems from the lower orders’ ignorance of how the system works
and their complete lack of interest in learning more about it. They have their own

\(^{86}\) Musson, *Medieval Law in Context*.
\(^{87}\) Olson, “The *Parliament of Foules*: Aristotles *Politics* and the Foundations of Human Society”; Peck,
“Love, Politics, and Plot in the *Parlement of Foul es*.” Peck continues, “Rather than resolve the questions
rationally the parliament simply promotes war more efficiently than the mob could and enables the
powerful to flaunt their ‘natural’ privileges more aggressively. (Such indeed may have been the perception
of many a thoughtful Englishman in the late 1372’s and 1380’s, in view of the costliness of the French wars
and the nobility’s abuse of their ruling privileges through intricate alliances, whether by treaty of marriage,
and obscure genealogical claims)” (301). This reading concerns the monarch’s role as defender of his
interests at heart and the intrigues of the royal birds serve to keep them from their own business. The goose, elected by the water-fowls for her “facounde gent” (l. 558) decides, “My wit is sharp; I love no taryinge; I seye I rede hym, though he were my brother, / But she wol love hym, lat hym love another!” (ll. 565-567), prompting the sparrowhawk to compliment “the parfit resoun of a goos!” to much laugher from the “gentil foules alle” (ll. 568, 575). The courtship rituals of the upper classes were elaborate—as were legal court procedures—and it could take a long time to satisfy their desires, but marriage negotiations of the highest classes could drag on endlessly, even if the parties involved claim to want a quick decision, as the first eagle does. It is much simpler to do as the goose suggests and find another woman if your first choice refuses your offer, but the turtle-dove affirms the seriousness of courtly love—“though that his lady everemore be straunge, / Yit lat hym serve hire ever, til he be ded” (ll. 584-585). The duck does not appreciate the turtle-dove’s point and believes he is telling a joke. By the time the cuckoo announces his opinion for the worm-eaters, that as long as he “may have my make in pes, / I reche nat how longe that ye stryve. / Let ech of hem be soleyn al here lyve!” (ll. 605-607), the frustration the system could engender is clear.

Each class of bird expresses its opinion of the long procedure the aristocrats must follow to achieve a verdict. The royal birds affirm their own superiority and importance with their complex and elaborate responsibilities: the seed-eaters articulate the ideal of courtly love and conduct, but the water-birds and worm-eaters prioritize common sense. Thus, the hierarchy is reinforced, even naturalized, so that the differing attitudes toward
love serve to emphasize the differences between the classes in a way that reinforce the social distinctions. Yet the critique of the system offered by the birds of the lower orders and the utter failure of the parliament to reach a decision hint at the frustration that could result from lengthy, rule-driven court procedures. Yet as much as the poem condemns the dilatory system, it shows how the established system can defer violence and benefit those who know how to use it by granting them more time to make their case, as for the male eagles, or by leaving the formel eagle’s options open for at least another year. The poem gives voice to these disparate views of the legal system. The unruly birds in Chaucer’s poem illustrate the ways the interests of different classes can conflict when judging the effectiveness of the legal system.

4. “And long to sue it is a wery thing”: Legal Commentary in The Assembly of Ladies

In the Active Policy of a Prince (ca. 1460-1), intended to instruct Edward, Prince of Wales (1453-1471), on the character and duties of a good ruler, George Ashby advises the Prince:

Iff any people put to youre highnesse

Billes of compleint or peticion

Onswere theim in haste with aduisinesse,

internally, as I argue.

Werto they shal trust withoute decepcion,
Aftur the trought & Iuste perfeccion
That folke be nat delaied friuolly,
Otherwyse then the case askith iustly.89 (ll.576-582)

Unlike the enthusiastic support for the system’s irresolution in *The Owl and the Nightingale* or even the cautious endorsement rendered by Chaucer’s *Parliament of Fowls*, Ashby’s advice condemns the system for its reluctance to reach final judgment. Ashby’s advice suggests that the system’s dilatory pace was generally unsatisfactory and he suggests that, rather than delaying judgment so as to avoid having to enforce it with violence, a ruler should answer complaints with “haste,” albeit, “with aduisinesse.”

*The Assembly of Ladies*, an anonymous dream poem probably written during the second half of the fifteenth century, critiques the same judicial system that George Ashby wished to reform through his advice to Prince Edward. *The Assembly of Ladies* features a woman encouraged to submit a bill detailing her grievances at Lady Loyalty’s all-female court, describes her preparation for the occasion, and recounts the hearing held there. The poem is obsessed with the details of the court’s functioning, suggesting that readers’ should attend to the minutiae included to appreciate how a well-run assembly operates. To further the impression that Loyalty’s is an exemplary court, the court officers have allegorical names like Perseveraunce, Largesse and Avisenesse. Despite the apparently idealistic description of the court, however, *The Assembly of Ladies* reflects the contemporary legal system’s failures in a way that invites readers to consider its flaws.

Furthermore, Loyalty’s postponement of her verdict at the end of the poem shows that even a court run by the best officers is unable to assure justice for its petitioners. This disjunction calls into question the royal court’s ability to dispense justice at all.

Critical interest in *The Assembly of Ladies* has centered on the gender of the court and its petitioners. The tendency has been to see the poem as a locus of female voice by focusing on two of the poem’s features: first, the narrator, who describes herself telling the tale to a knight and at the end plans to write it down for later readers; and, second, the petitions she and her eight companions present at the court. More recently, Julia Boffey, however, has argued that the poem has “little to do with the grievances of women” (124). Boffey contends that the court staffed by women differentiates it from real-life courts and makes it more idealistic. For Boffey, the “emphasis of the poem throughout seems to be on the ways in which order, propriety and established procedures can offer shape and meaning to the messiness of life” (124). Boffey’s suggestion that the gender of the fictional court sets it apart from actual courts as a fantasy or idealization is insightful, but she does not connect the proceedings there closely enough with actual court procedure and so ignores the failure that Lady Loyalty’s postponement of judgment represents.

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91 Boffey, "'Forto Compleyne She Had Gret Desire.'"

92 Boffey dismisses the deferral at the end of the poem as a promise of a sequel or as an attempt to initiate audience discussion (118, 121).
Reassessing the narrator can complicate Boffey’s reading of Loyalty’s court as a utopian celebration of the potential for law and order. Far from being, as some critics have argued, a sympathetic representative of women’s points of view,\textsuperscript{93} the female narrator relates a complex and inconsistent view of herself and her actions at Loyalty’s court. She mediates our experience of the text, but resists interpretation through a single lens; she does not function as a unified character. Critics who attempt to view her as a realistic character disregard the many inconsistencies revealed by her attitudes and conduct, and often prioritize one aspect of her erratic behavior to the exclusion of the rest. Thus, she has been described variously as “hesitant and unselfconfident,” but also as “self-satisfied” and “stubborn.”\textsuperscript{94} Alexandra Barratt complains that the poem is “difficult to interpret coherently” (14).\textsuperscript{95} I maintain that this poem, like the narrator, deliberately resists the imposition of a singular interpretation; instead, the contradictions in the narrator’s persona and the court she describes are heightened to emphasize irresolution. When the poem’s irresolution is considered in conjunction with the contemporary legal system’s delays—a problem for real-life petitioners in actual courts—it becomes clear that the fictional court suffers the same imperfection. In this context, the disjunction between the idealized presentation of the court and its failure to dispense justice is jarring, and the poem leaves the discontinuity unresolved. Lady Loyalty’s justice is as burdensome and ineffective as her fifteenth-century counterparts’; the fantasy court is no more successful than real ones.

\textsuperscript{93} See especially Barratt, ”The Flower and the Leaf” and ”The Assembly of Ladies”; McMillan, ”Fayre Sisters Al.”

\textsuperscript{94} See Barratt, ”The Flower and the Leaf” and The Assembly of Ladies,” 14; John Stephens, ”The Questioning of Love in the Assembly of Ladies,” The Review of English Studies XXIV n.s. (1973): 137.
The poem initially idealizes the court and its officers. The first member of Lady Loyalty’s court to approach the narrator is Perseveraunce, Loyalty’s usher, who invites the narrator to attend the assembly. The narrator devotes two stanzas to the description of Perseveraunce’s appearance, beginning with a general description, but quickly becoming more detailed:

A gentil womman metely of stature;
Of grete worship she semed for to be,
Atired wele, nat hye but bi mesure,
Hir contenaunce ful sad and ful demure,
Hir colours blewe, al that she had upon;

Perseveraunce models proper court attire, as she makes clear when she tells the narrator that all the petitioners must come in blue clothes with words representing their petitions embroidered on their sleeves.⁹⁶

This attention to the gown worn by Lady Loyalty’s representative suggests the importance of fashion at court and alludes to the countless expenses involved in the pursuit of justice. Although no specific attire was required for petitioners in actual courts, embroidered mottoes and symbols were fashionable in the later Middle Ages and fashionable attire could help petitioners make a favorable impression at royal courts, furthering their legal cause.\textsuperscript{97} The complexity of legal matters and frequent court delays required petitioners to conduct their business on several fronts. For instance, while embroiled in several legal inquisitions, John Paston placed his two eldest sons at royal courts. Colin Richmond declares that “there is little doubt” this was “part of the strategy to defend the Fastolf estates” (113).\textsuperscript{98} To fit in at court, appropriate attire was required, and John Paston II, whose chivalric conduct may be seen as instrumental in winning what little the Pastons retained from Fastolf’s will, was a notorious clotheshorse.\textsuperscript{99} Fashion was essential to getting ahead at court and getting ahead at court was essential to raising legal matters with men who could be counted on to end delays and see cases justly settled. Because the legal conflicts had to be conducted through various means, they could incur expenses beyond legal fees. When cases dragged on over long periods of time, these costs could become prohibitively high. The poem “London Lickpenny,” formerly attributed to John Lydgate, tells of one litigant’s trip to the law courts at Westminster. The poem includes a stanza on his experience among cloth merchants and haberdashers, and, even more tellingly, each stanza ends with a variation on the line, “For

\textsuperscript{97} Pearsall, ed., \textit{The Floure and the Leafe and the Assembly of Ladies} 157-58.
\textsuperscript{98} Richmond, \textit{The Paston Family}.
\textsuperscript{99} For John II’s role in winning Caister, see Ibid. 32. For an example of his fondness for clothes, even at the nadir of the family’s fortunes, see Davis, \textit{Paston Letters and Papers of the Fifteenth Century} I, 565.
lacke of money, I may not spede.” Within *The Assembly of Ladies*, however, the narrator does not register the possibility that the gown could be a wasted expense; she is too interested in hearing the details of Perseveraunce’s “office” and “degre” (l. 99).

The narrator’s attentions to the distinctions of rank and status of each member of the court she meets result in meticulous description of the structure and hierarchies of Lady Loyalty’s court and further the sense that this is an idealized court. The allegorical figures suit their offices exactly, so that the court structure seems to follow a divinely designed organization. For example, the porter is Contenaunce, the lodgings-warden Aqueyntaunce, the steward Largesse, the chamberlain Remembraunce and the secretary Avisenesse. The narrator even comments on the appropriateness of the names when Contenaunce tells her the name of the secretary: “‘That name,’ quod I, ‘for hir is passyng goode, / For every bille and cedule she must se’” (ll. 344-345). The narrator presents a polite and grateful demeanor to all the officers she meets. She admires their clothing, inquires after their name and position and thanks them as she leaves them. When she finally reaches Lady Loyalty’s inner chamber, she is overawed. Even though unoccupied, the throne merits more than two stanzas of rapt description: it is rich with gold and gems, exotic “as I suppose from this contre til Ynde,” and embroidered with Lady Loyalty’s own motto, “A endurer” (a motto that gains significance at the end of the poem, when the petitioners are forced to endure Loyalty’s delayed justice) (ll. 475-490).

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These details convey the narrator’s respect for Loyalty’s authority and the promise of her court, but also suggest a flawed narrator, too easily impressed with outer show and lavish display.

The narrator’s behavior shows her anxiety to comply with the rules of the court and eagerness to please Lady Loyalty. When she encounters “a gentilwomman of [her] acquaintance” on the journey (l. 233), she immediately directs the other woman to help her change her clothes. After she has dressed, she displays some reservation about whether she has followed the directions well and asks her companion “if it were wele or noo” (l. 254). She receives an affirmative reply, which is reinforced when her guide, Diligence, returns and, seeing the narrator all in blue, tells her that her new clothes suit her well (l. 259). When these two women are joined by the rest of their fellows, they lay wagers as to “whiche of us atired were goodeliest / And whiche of us al preyed shuld be best” (ll. 384-5). The narrator’s participation in such shows of vanity may undermine her authority, but she betrays her eagerness to take part in the assembly by being the first to arrive at the court. We learn from the chief purveyor that she is the first “as ferforth as I knowe” to lodge with Aqueynatunce (l. 273). The fact that, before the rest of her companions have assembled, she busies herself by interviewing the officers and learning how to negotiate the system shows how anxious she is to present her bill and receive Lady Loyalty’s promised remedy. She even goes so far as to ask “Where is ther on, telle me, that I may fynde / To whom I may shewe my matiers playne?” (l. 327-328).
These encounters characterize the narrator as a nervous petitioner eager to conform to the rules of the court who desires to do everything possible to win Lady Loyalty’s help. Her subsequent behavior, however, contradicts that impression. The narrator cannot be convinced to write a motto on her clothing. (We should remember, however, that she does not seem at all unwilling to write down her dream after telling it to the knight.) Twice at Loyalty’s court she refuses to do this and finally appears before Lady Loyalty without the required embroidery. When she first arrives at Pleasaunt Regard the porter, Contenaunce, asks to know her “words,” but the narrator refuses, saying:

Forsoth . . . ye shal wele know and se:

And for my word, I have none, this is trewe;

It is enough that my clothynge be blew

As here before I had commaundement,

And so to do I am right wele content. (ll. 311-315)

The narrator’s behavior marks her as unwilling or unable to comply with the prescribed rules at court. She will not embroider French words, a marker of cultural prestige in fifteenth-century England, on her clothes for anyone. Her behavior may imply a criticism of the fabulous displays of wealth and refinement expected at court, but her willingness to buy the expensive dress suggests her complicity in this extravagance. Her real complaint revolves around the command that all petitioners must wear a motto representing their petitions, something that would cost very little and ease her entry into
the court. When she explains the lack of embroidery on her sleeves, she no longer appears shy and ingratiating but bold and cheeky.

The inconsistency of the narrator’s personality is matched by the incompatibility of her professed goal at the court and her behavior. Although the narrator has benefited from the advice and example of all the members of Lady Loyalty’s idealized court, she still cannot follow the prescribed behaviors and sees no need for them once she has been welcomed to Plesaunt Regard. She makes the journey and wears the dress, but refuses to embroider her sleeves and delays the moment when she can present her petition. When the narrator first encounters Perseverance at Loyalty’s court, their conversation vividly exposes the discrepancy between what the narrator claims to want and her actual behavior. The narrator reiterates her disdain for the embroidery, and then offers explicit criticism of courts that do not meet their petitioners’ demands quickly enough. First, she repeats, “Al myn array is bliew, what nedith more?” (413). While this may be an effective strategy—commit nothing to writing until absolutely necessary—in this situation it merely holds up her appearance before Lady Loyalty and diminishes the possibility that her petition will be answered. Then, she goes on to thank Perseverance for offering to advise the women on how to act in Loyalty’s chamber, saying that it will save them having to waste their time in court:

Ye dide right moche for us, yif ye did so;
The rather spede the sonner may we go.
Grete cost alwey there is in taryeng,
and long to sue it is a wery thyng. (ll. 416-420)
She wants Perseverance to help them conclude their business quickly because it is expensive and wearisome to have to spend too much time at court making petitions. Despite the fact that her own actions cause delay, the narrator claims to want the proceedings finished quickly.

One reason for this discrepancy could be that the narrator is not trained in the law and so worries about her ability to follow court protocol. Although she has had the advice and assistance of every member of Loyalty’s court that she encounters to help her negotiate these rules, just before Perseverance leads her and her companions into Loyalty’s chamber, she raises the possibility that her ignorance will undermine the success of her complaint. The narrator explains her hope that the petitions she and her companions bring will not be disregarded even if they are clumsily expressed: “We have none eloquence, to telle yow pleyne, / Besechyng yow we may be so excused / Oure triewe meanyng that it be nat refused” (ll. 425-427). These women are not lawyers, nor do they have any legal or rhetorical training; she is afraid that they will not present their petitions correctly and their suits will be refused.

Actual litigants might also have worried that their lack of polish would hinder their cases and may have identified with the narrator’s fears, but it would be a mistake to assume that a majority of medieval readers would fall into this category. Anthony Musson has recently argued that a familiarity with how the law functioned pervaded medieval culture.¹⁰¹ Even women in the audience probably had some knowledge of the law. Margaret Paston certainly understood how the law worked and advised her husband

¹⁰¹ Musson, *Medieval Law in Context.*
and sons on many occasions. Barbara Hanawalt has written about London widows’ involvement in legal cases during the Middle Ages. A.R. Myers discusses several petitions brought by women, and Emma Hawkes has argued that many medieval women understood the law and some even acted in the courts. If most readers possessed some understanding of the legal system, most also would find themselves frustrated with the narrator—she demands speed, but her behavior prevents it. What is wrong with her that she undermines her chances for success? Misogynist readers might even view the narrator’s vacillation as evidence that women have no place at court because they are untrained and cause even more delay than is already inherent in the system.

The narrator’s willfulness and dilatoriness do not cease once Lady Loyalty convenes her court. After the eight other plaintiffs have presented their petitions, Lady Loyalty requests that the narrator share hers, but once again the narrator refuses to comply with the rules of the court and betrays a very surprising lack of respect for Lady Loyalty’s authority. When Lady Loyalty asks to hear her complaint, the narrator’s reply seems churlish, “It may so happe peraventure ye shal” (ll. 682). Why has she come to this court if not to share her petition? Why is she delaying the progress of the assembly if

102 Richmond frequently wonders why she did not do more to help her son, given her financial resources and diplomatic capabilities, although Margaret did advise her son to compromise with his opponents. See Richmond, The Paston Family 176-78, 208-09 and 58-59.
she was worried that it might run too long? When Loyalty presses her, we see why some critics have found her to be overly self-confident for she puts her own will above Lady Loyalty’s, commanding Loyalty, “Abide a while, it is nat yit my wil” (ll. 690). Her responses to Lady Loyalty are abrupt and argumentative, and even more shocking because we have become accustomed to her timid questioning of the other members of the court.

For that matter, the narrator, along with the other plaintiffs, does not seem to know what exactly she is complaining about. Despite considerable attention, critics have had a difficult time ascertaining what is at stake in the nine bills presented to Lady Loyalty and, in fact, have offered diametrically opposed readings. Ann McMillan describes them as traditional love complaints: “In them, the women complain of promises made and broken, of poor reward for long service (in love), of inability to meet with the loved one, of loss of hope, of ‘’trouth’ made powerless, of love unreturned’” (39).\(^{106}\) Jane Chance argues that the bills are “motto-like” and describes them as “the hackneyed words of socially adept women,” maintaining that the subject of complaint is the absence of an articulated female subjectivity (258).\(^{107}\) By contrast, Julia Boffey argues that the pleas are “largely non-gender-specific” and, in fact, do not even relate necessarily to grievances connected with amorous relationships (122).\(^{108}\)

\(^{106}\) McMillan, “Fayre Sisters Al.”
\(^{107}\) Chance, “Christine De Pizan as Literary Mother, Women’s Authority and Subjectivity in ‘the Floure and the Leafe’ and ‘the Assembly of Ladies.’”
\(^{108}\) Boffey, ”Forto Compleyne She Had Gret Desire.”
Boffey’s reading is most attuned to the ambiguity of the bills. She concludes, “Their impreciseness may be their very point” (122). Rather than raising readers’ sympathies for the difficult task of untangling and resolving complex social relationships, as she argues, however, the bills’ impreciseness could further frustrate readers already annoyed by the narrator’s delays. There is such a crowd of petitioners that when the narrator first sees them approaching the castle she remarks:

We sawe folkes comyng without the wal,
So grete people that nombre couthe we non.
Ladyes they were and gentil wymmen al
Clothed in bliew everiche, her wordes withal;
But for to knowe theyr wordis or devise
They com so thycke we myght in now wise. (ll. 394-399)

When the nine petitions are presented they are as indistinguishable as their mottoes on the sleeves of this mass of blue dresses.

All of the petitions follow the pattern of stating the complaint and asking for recompense, but the complaint becomes less important than the mere announcement that the petitioner has a grievance. The first bill presented seems to concern a broken promise. The woman, wearing the device “Sanz que jamais,” writes in her bill:

Compleyneng sore and in ful pitous wise
Of promesse made with feithful hert and wil
And so broken ayenst al maner skille,
Without desert alwayes in hir party,
In this matier desirying remedy. (ll. 584-589)

The desire for recompense is highlighted in each, but many of the bills yield absolutely no details about the actual complaint. Such a lack of specificity is characteristic of fifteenth-century legal writs and petitions, but the bills presented in the poem exhibit an exaggerated vagueness. When the narrator is finally convinced to share her petition she says:

To tell yow pleyne,
Without hir help that hath al thyng in cure
I can nat thynk that it may long endure;
And for my trouth, preved it hath bien wele—
To sey the soth, it can be no more—
Of ful long tyme, and suffred every dele
In pacience and kept it al in store;
Of hir goodenesse besechyng hir therfor
That I myght have my thank in suche wise
As my desert deservith of justice. (ll. 698-707)

We understand they demand redress but can say little more than that they are women alone at court, presenting their petitions to Lady Loyalty. Because the petitions occupy a lengthy amount of space and are, as Derek Pearsall has characterized them, “repetitive, imperfectly distinguished, monotonous and imprecise,” the petitioners themselves may become increasingly unsympathetic and appear to be aggravatingly foolish. In fact, one

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woman seems to be completely satisfied with her beloved and asks Lady Loyalty only for continuance (ll. 673-679).\footnote{Pearsall, ed., The Floure and the Leafe and the Assembly of Ladies.} Reasonable readers wonder what on earth she is doing there and impatient ones may regard her attendance as a waste of the court’s valuable time.

The bills’ emphasis on the petitioners’ need for Lady Loyalty’s assistance makes her postponement of judgment at the end even more unexpected. The poem’s resolution reveals that, however inept or uncooperative the narrator may be, the court suffers the flaws of the contemporary legal system. The assembly ends without any of the suits being answered. Lady Loyalty concludes matters without rendering a judgment or offering any relief to the ladies. Instead, she declares a postponement, saying now that they have shared their bills, “And som of hem ful pitous for to here,” she is prepared to call a “court of parlement” in her palace at some future date to provide judgment and remedy (ll. 718, 720). She promises:

\begin{quote}
In al this wherein ye fynde yow greved
There shal ye fynde an open remedy,
In suche wise asye shul be releved
Of al that ye reherce heere triewly. (ll. 722-725)
\end{quote}

Loyalty’s words are very similar to those that brought the petitioners to the assembly in the first place. When Perseveraunce invited the narrator, she advised her:

\begin{quote}
Make youre request as ye can best devise
And [Lady Loyalty] gladly wil yeve yow audience.
Ther is no grief nor no maner offence
\end{quote}
Perseveraunce promises that as long as the petitioners do their best to present their grievances, Lady Loyalty will ease them. The eight ladies and, for most of the poem, the narrator comply, only to be betrayed by Loyalty’s refusal to grant them remedy even though she professes to have been moved by their grief. The assembly is just as flawed as male assemblies, both the many literary assemblies that end without any action, and the actual courts where cases dragged on until the plaintiffs were destitute.

Like the court, the poem resists judgment and the inconsistencies of petitioners’ characters remain unresolved. Unlike the narrator, the eight other women comply with every aspect of the dress code, but several of them demonstrate their distrust of Loyalty’s court when they present their petitions. As the assembly proceeds, the narrator’s reluctance to display her complaint as a motto on her sleeve and to share her petition is matched by several of the other women’s difficulty in putting their own petitions into writing. One remarks that although she has much more to complain of, “she thought it to grete encombraunce/ So moche to write” (ll. 653-4), and another announces that that she was “loth” to put her grievance in writing (l. 664). These women, all of whom emphasize their grief and suffering, come to Lady Loyalty’s court for assistance, but they do not seem confident that she will be able to help them, and, indeed, her postponement of judgment does not. They have spent much time and money travelling to the court and preparing their blue gowns, only to be told they will have to return again to another
assembly. All the work they have done to put their complaints into writing and follow the rules of the court comes to naught. In the end, it is not the petitioners who are wasting Lady Loyalty’s time. It is Lady Loyalty who wastes her subjects’ valuable time and money promising help she cannot or will not deliver.

Despite the bitterness of this critique, there is something playful about the way the poem develops it. The narrator initially appears to be an ideal petitioner—eager to follow the rules and please the ruler—but behaves in a rude, inconsiderate, and self-defeating manner when she reaches the court. This incongruity is matched by the description of the court: what seems to be a perfect court inhabited by allegorical virtues fails to deliver the justice it promised. The poem does not develop a realistic character and court. It refuses to be read in a straightforward and linear fashion, but instead doubles back and offers descriptions that have nothing in common with and, in fact, contradict the first impressions. Readers are forced to act like the knights and ladies at the poem’s beginning who, frustrated with the established route, step over the rails in the maze garden: “And som theyr corage dide theym so assaile / For verray wrath they stept over the rayle” (ll. 40-42). Readers must also step over the unreconciled views of the narrator and the court inscribed in the poem, so that, mindful of the unresolved contrast between the two views of the court, they can appreciate the poem’s critique of royal authority’s ability to provide justice. In the end, the court fails to fulfill the promise it offered at the beginning; even an ideal court overseen by Loyalty herself cannot realize this goal. The poem addresses a potentially broad audience that was interested in, but distrustful of, the

111 For example John Lydgate’s *The Assembly of Gods* begins with a scene in the court of Minos in Hell,
legal system in which many were forced to defend their property, family, wealth and 
repute. The poem critiques a legal system characterized by delays and unreliable 
authority, and appears to support Ashby’s preference that bills be answered with haste 
and without deception, and that cases be decided in a timely fashion, not delayed 
frivolously.

*The Assembly of Ladies* censures the legal system’s failure to produce verdicts 
and help litigants entangled in the complicated system, whereas Chaucer’s *The 
Parliament of Fowls* provides a complex view of failures and successes of the delays 
inherent in the medieval legal system. *The Owl and the Nightingale* praises, even 
promotes, arbitration, which the system’s postponement of verdicts makes possible. 
Fundamentally all three of these poems accept the need for royal justice. They never 
question whether the legal system is essential to keeping peace within the realm, but 
together they evince insecurity about the system’s effectiveness. The debate genre 
provides an excellent opportunity to explore the ways justice is carried out on earth. This 
concern with the workings of human judgment is mirrored by a concern with the 
workings of divine judgment, and the debate genre also serves as a forum for the 
exploration of that theme, as I discuss in the next chapter.

but the court is dismissed, without action, when Apollo issues an invitation to a banquet. See John 
CHAPTER 3

“FOOD FOR WORMS”: JUDGING THE FLESH

We all have bodies, and through the senses they mediate our experience of the world. But bodies change: they age, grow, reproduce, break and decay. Myriad social, political and sexual codes affect our experience of our bodies, and biological, religious and intellectual conceptualizations frame our discussions of them. Recently, medievalists’ interests have converged on the body from a variety of disciplinary and theoretical directions.¹ The body as a locus of sexuality is at the center of works by Peter Brown and Dyan Elliott.² Caroline Walker Bynum examines the role of the body in


Scientific and medical studies illuminate medieval notions about sex differences. Studies of female bodies, male bodies, hermaphroditic bodies, fragmented bodies, uncorrupted bodies, sacred bodies and resurrected bodies proliferate, but remarkably few scholars have focused on the dead body.

This lack of attention is not due to a lack of material. Medieval people were obsessed with death, and that obsession produced treatises on dying and images designed to confront viewers with their own body’s eventual demise. The Office of the Dead

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5 Two excellent studies of the relationship between the living and the dead have appeared: Patrick J. Geary describes the ways the living and the dead formed a single community in the early Middle Ages, in *Living with the Dead in the Middle Ages* (Ithaca: Cornell University Press, 1994) and Nancy Caciola studies the boundary between life and death, including a discussion of the living dead in "Wraiths, Revenants and Ritual in Medieval Culture," *Past and Present* 152 (1996): 3-45. Caciola briefly attends to dead bodies, arguing, "It is important to note that, contrary to the widespread belief that the danse macabre and the three living / three dead motifs depict skeletons, in fact the medieval iconography only rarely involved bony figures. Invariably the figures of the dead were shown as emaciated corpses, midway through the process of decay" (25). Perhaps the most common discussions of dead bodies appear in literature concerning relics. See, for example, Patrick J. Geary, *Furta Sacra: Thefts of Relics in the Central Middle Ages* (Princeton: Princeton University Press, 1978). Scholars who have studied medieval burial practices include Robert Dinn, "Death and Rebirth in Late Medieval Bury St Edmunds," *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600*, ed. Steven Bassett (Leicester: Leicester University Press, 1992) 151-169.

included in Books of Hours made death a regular part of ordinary people’s devotional routine. Overlooked as significant cultural expressions of ideas about the dead body are the Middle English debate poems that feature the body as a disputant. These poems provide a wealth of information concerning the competing late medieval ideas about the fate of the dead body, the cessation of life on earth and the body’s role in an individual’s life. Most of these poems pit a recently deceased body in a dispute against its soul, which is about to depart for Hell or Purgatory, but one features the fresh corpse of a noble lady contending with the worms that devour her flesh. Debates between the body and soul were the most popular kind of debate poems in the Middle Ages: they exist in Latin, as well as in virtually every late medieval European vernacular. Four such poems survive in Middle English, including the Disputacione betwyx the Body and Wormes, the latest of

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the extant body debates and the only one that does not cast the body against the soul. In addition, a prose *Disputacion betwyx þe Saule & the Body* is collected in the BL Additional 37049, the same manuscript that preserves the *Disputacione betwyx the Body and Wormes*. The three body and soul debate poems are “Als I lay in a winteris nyt,” “In a þestri stude I stod,” and the debate preserved in MS Porkington 10, called the *Porkington Debate*. These four poems date from the thirteenth through the fifteenth centuries, and two are extant in multiple manuscripts. The most popular, known both by its first line “Als I lay in a winteris nyt” and by the more general title *Desputisoun bitwen þe Bodi and þe Soule*, appears in seven manuscripts, beginning with Bodleian MS Laud 108 (c. 1300) and continuing into the late fourteenth century when the poem was copied into some of the best known Middle English miscellanies, such as the Vernon, Simeon and Auchinleck manuscripts.

The poems’ medieval popularity has not been matched by interest from modern critics, however, and those scholars who do discuss them tend to downplay the debates themselves, focusing instead on the poems’ endings, which they generally categorize as homiletic. In 1962, Robert W. Ackerman argued that the author of “Als I lay in a winteris ny?t” infused the poem with the “spirit of the popular or parochial Christianity of

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his day” (545). Subsequent critics, however, have emphasized his conclusion that the poem remained in vogue throughout Europe, because “it afforded clerical writers the opportunity of combining moral exhortation with the fascinations of the charnel house and the torments of hell” (543). Takami Matsuda, who studies the development of the doctrine of Purgatory through Middle English literature, considers the debates as “an accumulation of popular themes and motifs of morality” intended to “illuminate the dreadful consequences of unprepared death and awaken a servile fear of death” (142). Matsuda asserts that they are “generally devoid of theological issues” (140). Thomas Reed devotes little attention to the body and soul debates, since, in his view, they qualify as vertical debates, that is, “they involve an exchange between a naive persona and an authority with obvious claims to moral superiority,” with the body in the role of naive persona and either the soul or the worms as the authoritative voice in the poems (3). By classifying the poems as strictly vertical debates, scholars have missed the poems’ essence—that is, the postmortem conflict between the divided body and soul about who was to blame for the sins they committed while united in the living person. Furthermore, I contend that, because they view the debates as vertical, critics have failed to appreciate the poems’ place in late medieval vernacular theology. Medievalists such as Jessica Brantley and Marjorie M. Malvern have related one of these poems, *Disputacione betwyx*

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10 Ackerman, “The Debate of the Body and the Soul and Parochial Christianity.”
11 Takami Matsuda, *Death and Purgatory in Middle English Didactic Poetry* (Cambridge: D.S. Brewer, 1997). Matsuda follows Rosemary Woolf’s discussion of the poems as a development of the Anglo-Saxon homiletic poems in which a soul addresses its body. In Woolf’s view, the main point of the debate between body and soul “was to provide an all-embracing form for the various topoi of death, the *ubi sunt* motif, the faithless executors, the devouring worm, and the loathsomeness of the decaying body.” See Woolf, *The English Religious Lyric in the Middle Ages* 93 and 405-06.
the Body and Wormes, to the iconographical treatment of the dead body affirming the poems' theological importance. 13 Brantley argues that medieval devotional reading of texts like the Disputacione, which is preserved in Additional MS 37049, the subject of her study, “depended upon visualization” (248).

By concentrating on the poems as didactic works designed to “illuminate the dreadful consequences of unprepared death,” these critics overlook other questions raised in the debates. As I argue in this chapter, the poems do make use of many traditional motifs, but they offer competing—and ultimately unresolved—views of the body, providing a sophisticated understanding of the relationship between the body and soul. Often, especially in vernacular pastoral literature of the period, the body’s weakness and lack of reason is emphasized; however, the debate poems depict the body as a participant in a lively argument. Many poems exist in which the soul scolds its deceased body, but the debates give voice to the body and permit it a reply, questioning the connection the soul draws between moral and corporeal corruption. 14 The debate poems develop the

12 For example, Reed suggests that the author of The Disputacion betwyx þe Body and þe Wormes may have been “playing more arbitrarily with the traditions of vertical debate, boldly casting a committee of vermin in Lady Philosophy’s role.” See Reed, Middle English Debate Poetry.


seeming disjunction between the body’s potential for corruption and its importance in an individual’s identity to an extent that even other poems that also feature a speaking body, like those associated with the *danse macabre* tradition and the *Three Living and Three Dead*, do not match.\(^{15}\) Scholarship has generally failed to consider the effects of the body’s engagement in these dialogues. While, as in *The Owl and the Nightingale*, individual arguments may be unconvincing, these debates ask readers to consider the plight of both the soul and the body, as well as that of the person the two once were and will be again after the Last Judgment. On the one hand, they condemn the body for its sinfulness and susceptibility to corruption, developing extended descriptions of the decaying flesh. On the other hand, they highlight corporeality as an essential component of identity. The poems serve as reminders of the body’s frailty in a world in which death is random and unpredictable, but, in the end, the competing views of the body are not resolved. Like images of dead and decayed bodies, they would have affected the ways individuals experienced and thought about their own bodies,\(^{16}\) but the poems leave readers to determine how best to lead good lives and avoid sin.

\(^{15}\) Although they do paint vivid portraits of dead bodies, the poems related to these traditions focus more on death as the great social leveler than on understanding the body’s weaknesses and virtues. For more on the two traditions, see the discussions in Edelgard E. DuBruck, “Death: Poetic Perception and Imagination (Continental Europe),” *Death and Dying in the Middle Ages*, eds. Edelgard E. DuBruck and Barbara I. Gusick (New York: Peter Lang, 1999) 299-303; Male, *Religious Art in France: The Late Middle Ages: A Study of Medieval Iconography and Its Sources* 318-55; Philippe Ariés, *The Hour of Our Death*, trans. Helen Weaver (New York: Alfred A. Knopf, 1981) chapter 3.

\(^{16}\) As Michael Camille writes, “Contemplating such images [of the dead and decayed human body] and urged by preachers and poets to remind themselves of their own mortality at every moment, fourteenth-century men and women were attuned to their bodies in a way that is hard for us to imagine today. Admonished to look at themselves in mirrors which were emblems of the fleeting vanity of fleshly appearance, they saw the grinning skull.” See Camille, “The Image and the Self: Unwriting Late Medieval Bodies,” 87.
Critics have agreed that the poems work in a monitory context, designed to teach fear of death and damnation, but the debates are less conclusive about the lesson to be learned than this scholarly concord suggests. In fact, there is disagreement among the poems regarding the final fate of the dead whose bodies and souls engage in these disputes. Collectively, the debates present larger cultural uncertainties about death. “Als I lay in a winteris nyt” and “In a þestri stude I stod” conclude with elaborate descriptions of the soul being dragged away to Hell and the torments it will suffer there, while the Porkington Debate and the Disputacione betwyx the Body and Wormes allude to a judgment without ever indicating what the verdict will be, much as in the poems dealing with legal courts discussed in the previous chapter. The only debate that posits the salvation of body and soul is the prose Disputacion, a translation of part of Guillaume de Guilleville’s Pèlerinage de l’âme, which concludes with an angel’s sermon that announces body and soul will be saved. This disagreement is surprising, since the three body and soul debates—“Als I lay in a winteris nyt,” “In a þestri stude I stod” and the Porkington Debate—are Middle English versions of the same Latin poem. Whereas the two poems that depict hellhounds dragging the soul away emphasize the need for readers

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17 Matsuda, Reed, and Woolf all make this point. See Matsuda, Death and Purgatory in Middle English Didactic Poetry; Reed, Middle English Debate Poetry; Woolf, The English Religious Lyric in the Middle Ages.

18 The Pèlerinage de l’âme tells of a dreamer’s soul taken on a journey by its attendant angel to see the universe. At one point, the soul sees its own body and engages it in a debate over their respective responsibility for past sins. Although the debate is not between a recently deceased body and its soul, but between the body and soul of a visionary dreamer, the issues debated are similar to those in the more traditional body and soul debates. Furthermore, the excerpt included in BL Additional 37049 contains no frame to establish the state of the body at the time of the debate and readers unfamiliar with the longer poem must rely on the ambiguous title, “A disputacion betwyx þe saule & þe body when it is past outhe of þe body,” at the beginning of the debate.

19 All are translations of the Latin Dialogus inter Corpus et Animam, which itself seems to be a version of the Royal Debate. See the introduction in Heningham, An Early Latin Debate of the Body and Soul. See
to amend their ways immediately, the other two raise the hope of God’s mercy even if a sinner waits until the last possible minute to repent, a subject that was of great concern to late medieval people, as many wills and sermons attest. As a group, the debates featuring the body suggest some of the variety of opinions about the universality of salviation that existed in the late Middle Ages.

1. The Body in Theological and Pastoral Literature

The body in the Middle Ages was equated with flux: the body, living in time, is subject to biological change, eating, growing, digesting and giving birth, and the end of that biological change is bodily decay and fragmentation, so that all these biological functions become associated with putrefaction. Often medieval Christians wished to deny and transcend the decomposition of the body by regulating its biological processes and sublimating desire in order to achieve the resurrection of the body. (By contrast, at times the debate poems and pastoral literature I discuss seems to revel in the body’s corruption even as these works align the body’s eventual decay with moral decay.) The body was feared not for its desires but for its corruptibility; the terror that surrounded the image of the cadaver superceded the pleasure of sensuality. It was understood that in heaven the body achieves stasis and putrefaction is halted. Thus, by renouncing the pleasures of the body, medieval Christians hoped to overcome its corruption. Fear of bodily decay resulted in the denial of the body in this life for the final validation of the body in heaven, demonstrating both great hatred of and love for the flesh.

also discussions in Brent, "The Legend of Soul and Body in Medieval England"; Ackerman, "The Debate
On first consideration, profound internal tensions—even contradictions—seem inherent in Christian attitudes toward the body. Although orthodox theologians were zealous in denigrating the (original) sinfulness of the flesh and valuing the immortal fate of the unique soul, the priestly creation story (Gen. 1:26-27) teaches that embodied man was made in God’s image and the Gospel reveals that God’s own Son was made flesh. The body was simultaneously something to be battled against through asceticism and mortification, and something to be held in high esteem, indeed sanctified, because of Christ’s incarnation and the insistence on bodily resurrection.21 Despite the efforts of groups such as the Gnostics and the Cathars to privilege the immutable and incorruptible soul over the mutable and corruptible body, orthodox Christian authors persistently assert the importance of the flesh. A person without a body or a soul is not a person; the body and the soul are not separate entities, but a unity. As Bynum puts it, “The idea of person, bequeathed by the Middle Ages to the modern world, was not a concept of soul escaping body or soul using body; it was a concept of self in which physicality was integrally bound to sensation, emotion, reasoning, identity—and therefore finally to whatever one means by salvation” (Resurrection 11).22 Augustine speaks of the frustration death engenders in the soul, whose deepest wish is to live at peace with its beloved, the body.

Addressing his sermon audience, he emphasizes this connection:

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20 St. Augustine explicitly makes this connection; see Bynum, The Resurrection of the Body 101-04.
Scio vivere amas, mori non vis; et de hac vita in aliam vitam sic transire velles, ut non mortuus resurgeres, sed vivus in melius mutareris. Hoc velles, hoc habet humanus affectus; hoc ipsa anima nescio quo modo habet in voluntate et cupiditate.  

[I know you want to keep on living. You do not want to die. You want to pass from this life to another in such a way that you will not rise again, as a dead man, but fully alive and transformed. This is what you desire. This is the deepest human feeling: mysteriously, the soul itself wishes and instinctively desires it.]

For Augustine, the body and soul are strongly bound together with love, which bond is interrupted only temporarily, but painfully, by death.

Orthodox belief in bodily resurrection raised many challenges for adherents, given the inescapable fact that bodies rot in the grave. The bodies of martyrs were sometimes burned or divided, with fragments highly prized by the faithful. How then did the whole body rise? Scholastic quodlibets frequently consider this issue and pay significant attention to the qualities of the resurrected bodies. Some quodlibetical questions consider what happens when one body has consumed part of another: “whether the matter of [a man who has been] fed from human flesh resurrects under the soul of [the man who has been] fed or under the soul of the man whose flesh it was.” Characteristics such as the resurrected body’s agility and imperiousness to pain were also probed—

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24 The translation is Peter Brown’s from Brown, The Body and Society 405-06.
“whether impassibility comes to glorified bodies through some form inhering in them or only through divine strength aiding them, impeding the action of any harmful agent” and “whether the agility of the glorified body is only through the lack of weight.” Quodlibets might also consider such arcane topics as whether fingernail and hair clippings would rise with the body and what age the bodies will be when they rise.26 By the early fourteenth century, the connection between the body and soul had become more crucial than the question of identity in disputations about eschatology.27

The complexity of the theology of the body stands in sharp contrast to the simplicity of its presentation for the laity in most vernacular sermons. While preachers recognized that the significance of the body concerned their audiences, they tended to render the discussion in less complex terms. Typically, sermons highlight the sinfulness of the flesh, the fact of bodily decay and the constant need to remember that we will die, rather than offer learned discussions about the soul’s affection for the body, which is what the debates ultimately provide. A particularly vivid passage of the Fasciculus Morum emphasizes the fact that the body will eventually be useless and putrescent:

For as a candle when it is blown out no longer gives light to those present, but rather what used to bring men comfort smells very badly, just so it is

25 Although attitudes toward the fragmentation of the body were not always positive. See Elizabeth A. R. Brown, "Death and the Human Body in the Later Middle Ages: The Legislation of Boniface Viii on the Division of the Corpse," Viator 12 (1981): 221-70.
26 These examples are quoted in Peter Biller, "John of Naples, Quodlibets and Medieval Theological Concern with the Body," Medieval Theology and the Natural Body, ed. Peter Biller and A.J. Minnis, York Studies in Medieval Theology I (York: York Medieval Press, 1997) 3-127. Propositions are also considered in Leff, Paris and Oxford Universities in the Thirteenth and Fourteenth Centuries: An Institutional and Intellectual History 163-74.
with a man when he dies, for his body which gave comfort to many people while he was alive turns into something horrible after death. (99)²⁸

The preacher then quotes a poem to emphasize his point:

Man’s flesh is viler than the skin of sheep.
When sheep are dead, their skin still has some use,
For it is pulled and writ upon, both sides.
But with man’s death both flesh and bones are dead. (99)

The contrast between the utility of animal and the offensiveness of human flesh relies on the recognition of the body’s eventual putrefaction. This anonymous preacher was prescient in a very literal way, as Nancy Caciola points out: his manuscript remains, but his identity and all details of his bodily existence are lost.²⁹

Many of the extant Middle English sermons iterate the need to restrain and discipline the body. For example, John Mirk, the Austin canon regular of Lilleshall Priory in Shropshire who wrote a popular collection of English sermons, makes this need clear when he quotes Paul’s “Castigo corpus meum et in seruitutem redigo” to explain how to avoid sin.³⁰ He provides the English translation and then amplifies the passage for his audience:

“I chast my body and dresse hit ynto seruage of þe soule.” For mannys flesche ys so wyld and lusty to synne, þat hyt wyll no way leue his lust and serue þe soule tyll hit be chastet wyth penance; so þat by scharpenes

²⁹ Caciola, “Wraiths, Revenants and Ritual in Medieval Culture,” 3.
of penance, þe lyking of synne schall be slayne yn þe flessche þat dothe þe synne. (Festial 67)

According to Mirk, the body is drawn to sin unless the soul exerts the appropriate penance, because only the soul is God’s image in man. He explains that when God had made the world and found everything ready and obedient, the holy Trinity said, “Make we man lyk to vs in ymage,” which means that “be yimaginacion and be vertues þat a man hath in hym, mon is lyke to God in soule, but not in body. Perfore alle þe uertues þat a man hath, þei comyn oute of þe soule into þe body” (Festial 289-290).31 This construction holds the body in such great contempt that man resembles God only in spirit, while the impermanent body is reviled for its sinfulness and susceptibility to decay. In this Middle English homily collection, the ephemeral body is the source of man’s sinfulness.

It is striking how often preachers berate the body for its earthly origins and vulnerability to decay. Pastoral literature frequently recalls the body’s inescapable death with reference to worms. The author of Fasciculus Morum quotes St. Bernard, “On what basis are you so proud, O man, son of the earth, father of worms, brother of moles—your strength is weakness, your wealth poverty, your honor shame, and your joy mourning,” which he glosses “O food for worms, lump of dirt, cloud of vanity, why do you exalt

yourself thus?” (95). \(^{32}\) A Myrour to Lewde Men and Wymmen (1349-1384) draws the connection between the body and worms throughout man’s earthly lifetime by equating the body’s creation from dust in the most unflattering terms and concluding with the familiar image of the decaying body:

Right as a worme is but litel and a foul þping and of no prise, and comeþ crepynge naked and bare out of þe erthe where he was bred, ri?t so a man at his bygynnynge is a foule þping, litel and pore and naked . . . , as he cam hyder naked & bare, so schal he goo away. Therfore seith the holy man Bernard thus: ‘Quid est homo nisi sperma fetidum, saccus stercorum, esca vermium?’ What is man, he seith, but a stynkynge slyme, and after that a sake ful of donge, and at the laste mete to wormes. (180)\(^{33}\)

Thus, this preacher describes a man’s lifetime as fraught with worms. Sometimes frogs replace worms, as in Jacob’s Well, which confronts readers with a series of staccato questions and answers, “What art þou in þi flesch? stynche & dunge! what schalt þou be in þi graue? stynkynge frowdys-mete!” (218).\(^{34}\)

According to these sermons, the soul surmounts the body’s shortcomings, for it can overcome the flesh’s inclination to sin through strict regulation, confession and penance. The relationship between body and soul, then, is an antagonistic one, rather like the master and student relationship in hierarchical medieval schools, and like the vertical

\(^{32}\) Wenzel, Fasciculus Morum.


debates critics often compare to the body and soul debate poems.\textsuperscript{35} The devotional guide *The Pricke of Conscience* (c. 1340) describes this state:

\begin{verbatim}
But þe dampned þare ogayne sale stryve,  
Ilkane with other, for þair wicked lyve;  
Ffor ilk ane sale hate other þan,  
And ilk ane sale wery other and ban;  
Ilk ane sale yherne with other to fyght,  
And ilk ane wald sla other if þai might;  
Þe body sale hate þe saule bi skylle,  
Ffor þe saule here thought ay þe ille;  
Þe saule sale ay hate þe body,  
Ffor þe body wroght þe foly. (ll. 8469-8479)\textsuperscript{36}
\end{verbatim}

The body-soul relationship described here pits the rational intellect of the soul against the active capabilities of the body to the extent that each feels homicidal (suicidal?) rage against the other. As I will show, the body and soul debates dramatize the enmity described in *The Pricke of Conscience*, but in doing so complicate the antagonistic relationship described in the sermon literature by emphasizing the inescapable connection and even affection between body and soul.


The best way for a soul to control the desires of the flesh, as explained in various sermons, is through the regular contemplation of death, especially by viewing dead bodies and attending funerals. The *Fasciculus Morum* contains an extended section entitled “De Memoria Mortis” in the part devoted to pride and its adversary, humility. It begins, “It is meditation on death that brings us humility, of which Jerome says; ‘He who thinks of himself as about to die easily despises everything’” (97). This opening is followed by a short poem, offered both in Latin and in English, which reinforces the benefits of reflecting on death: “Þe flesches lust may þou nou?t o-lyue bettur quenche / Bote aftur þy deth which þou be? euermore beþenche” (96). The lesson taken from these lines concerns the brevity of life and the vileness of the mortal body, which can best be overcome if the individual is constantly reminded that he shall die. John Mirk informs his listeners that it is better to attend funerals than weddings, “For new weddet ?euen hom to lykyng and lust of hor body, and þenke all on þe lyfe and noght on þe deth” (63). Much more beneficial for the soul is to go to the house where a corpse is, for “þe syght of corses and wepyng, þat makyth a man to thenke on his deth, þat ys þe chefe helpe to put away synne and þe worldys vanyte” (64). Because death can happen at any time, the best way to be prepared for it is to constantly be reminded of death. G.R. Owst quotes a preacher who complains that the young often put off thinking about death, reasoning that they will have time to repent their youthful sins and live righteously: “Thise ?onge peple weneth that thei shall never die, and specially afore that thei be old! And truely thei ben

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37 Wenzel, *Fasciculus Morum.*
38 Erbe, ed., *Mirk's Festial.*
oft beguiled.” The preacher then quotes the young people’s protest: “I am ?onge ?itt. When that I drawe to age I will amende me” (341). The soul in its condemnation of the body echoes this preacher’s complaint in several of the debate poems.

Although many sermons of the day tend to emphasize the imperative to control the body and its earthly desires, not all vernacular religious writing accepted the division between the body and soul that this need implies. The *Speculum Sacerdotale* presents a more nuanced discussion of the relationship between the body and soul than other sermon collections. For the author of the *Speculum Sacerdotale*, sin is wrought by body and soul: “For we synne by the body whiche is made of the forseid fowre humours and by the sowle þat is wrou?t of the forsaid þre powers” (90). In “How to Learn to Die,” Thomas Hoccleve insists that “bothe herte and soule” must be “redy hens to go” (l. 51). Reginald Pecock’s anti-Lollard *summa theologica*, the *Rule of Crysten Religioun* (1443), explains even more clearly that the body and soul are both responsible for an individual’s conduct. Pecock includes a discussion of how and why an individual will suffer everlasting pain for sin. First, we are told that the pain will not happen when the soul and body are joined in this present life, but after “þe firste departyng of þe soule fro þe body”

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The torment continues when “þe soule and þe body of þe synner” are joined together,

fforwhi þe soule synned in þe body and into synne vsid þe body or at þe
leest bi and wiþ þe soule þe hool man synned as bi and wiþ a prynciple of
his synnyng, so þat wiþoute þilk soule man had not synned. . . . Also þe
soule is not þe cheef neiþer þe hole synner or trespacer, but þe hool man
maad of body and of soule is principal and þe hool trespacer. (142-143)

The body and soul may temporarily be separated immediately after death, but they will be reunited after the Last Judgment. Thus, the soul will not suffer alone for the sins committed by the whole man, just as God grants the souls in heaven bodies, because “mannys soule deserviþ not bi hym silf þis seid eend neiþer he worshiþ bi hym silf þe meenys ordeyned to þe seid meenys bi þe body to which he is joyned and by þe membris þerof” (126). Pecock’s willingness to complicate simple morals, however, was unusual among his peers and contributed to his condemnation for questioning the church and writing popular tracts on ecclesiastical subjects.

2. **The Sinful, Ephemeral Body**

Debate poems featuring the body as a disputant provided a safer forum for authors to address the complex Christian understanding of the body, as well as its relationship to the soul and its fate after death and the Last Judgment. Like the sermons, many of the debate poems begin with an injunction for their readers to contemplate death for the good

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of their own souls. The author of the debate preserved in MS Porkington 10, or the 

*Porkington Debate*, recalls God’s mercy, then counsels his readers, “Consydyr youre lyve stondyth in gret drede; / Beth wel awysid therefor, ¿e have gret ned” (12).\(^{42}\) Perhaps the most famous example appears in the text and image at the beginning of the *Disputacione betwyx the Body and Wormes* in British Library MS Additional 37049.\(^{43}\) The striking illustration of a lady’s double-decker tomb faces the opening page of the *Disputacione* (Figure 3.1).\(^{44}\) It portrays the stark contrast between life and death, by showing the lady as she once was on the top and as food for worms and toads on the bottom. In the poem, the body tells us she was once “a figure whilom fresche & feete, / Right amyabyll & odorus & swete” (ll. 34-35). The illustration emphasizes her beauty, rank and fashionable garments: she wears a golden crown atop a stylish and ornate headdress. Her attire is rich and a brown cloak covers her body, which is clad in a red skirt and cream bodice specked with bits of brown, possibly ermine. Her eyes are open and her hands in

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a position of prayer, radiating a sense of peace amidst her worldly glory. The lower level of the tomb, however, depicts her current state. The body, head tilted toward the viewer, lies surrounded by worms and toads. Her right hand grips her shroud against her belly protecting herself from the feasting vermin, which her left hand seems to be trying to brush them away from their meal at her left leg. Beneath this corpse, readers are told:

Take hede vnto my figure here abowne
And se how sumtyme I was fressche & gay
Now turned to wormes mete & corrupcone
Bot fowle erth & stynkyng slyme & clay
Attend þerfore to þis disputacione written here
And writte it wisely in þi hert fre
Þat þer-at sum wisdom þou may lere
To se wat þou art & here aftyr sal be
When þou leste wenes. Venit mors te superare
When þi grafe grene. Bonum en mortis meditari.45

Several elements of the opening and the illustration are familiar from the sermons, including the injunction to think about death regularly because death vanquishes all humans, the worms, and even the toads.46

45 Conlee, ed., Middle English Debate Poetry 53n. Printed as a footnote in Conlee’s edition of the poem, the epigraph opens the poem in the manuscript.
46 Similar commands appear in other artistic and poetic contexts, especially in depictions of the Danse Macabre and The Three Dead and the Three Living.
Within the poem, the body’s pride in her former beauty and noble blood increases her horror at her decomposition and the animals that devour it, amplifying her sinfulness and decay—also themes familiar from the sermons. In the body and soul debates, the soul opens the discussion, but here the first speech belongs to the body. The body in this poem seems to fulfill the soul’s characterization of the body in the debates between the body and soul. In these poems, the soul chastises the body for being rotten in life and death, as we shall see. In the Disputacione betwyx þe Body and Wormes, the body quickly establishes that she was proud and aristocratic while alive, and now she rots in her grave. The body sounds shocked to discover she is decaying, confirming that she has not meditated on death as even the introduction to this poem advises: “Wormes, wormes, þis body sayd, / Why do ?e þus? What causes òw me þus to ete? / By òw my flesche is horribilly arayed” (ll. 30-33). She goes on to boast, “Of bewte I was a lady precious, / Of gentil blode desendyng, of right lyne / Of Eve” (ll. 37-39). The corpse here is a woman and her complaints are feminine—at one point in the dispute she calls on her “knyghtes” and “worshiþful sqwers” to defend her from the “gret horribil wormes, vgly to se / Here gnawyng my flesche þus with gret cruelte” (ll. 75, 76, 81-82).

Her descriptions of the Worms betray her lack of understanding about the fate of a dead body. She calls the Worms the “most vnkynde neibhors þat euer war wroght!” and takes pains to describe them gnawing and eating her:

Dynner mete & sowper al to lyte,
Now fretyng & etyng ñe hafe me þorow soght,
With ane insaciabyll & gredy appetye;
No rest bot alway þe synk, sowke, & byte;
Day tyme ne houre with ?ow is no abstynence,
Bot ay redy agayne me with vyolence.  (ll. 45-50)

The dead lady repeatedly draws attention to the violence the worms do against her, which, in her view, causes the body’s decay. It is clear that while alive she made no attempt to prepare for death. The verbs she uses in this speech all deal with eating and digestion and, at the end of her speech, she warns that their meal is nearly done, “For ner am I wasted, consumed, & gone” (l. 57). She does not admit that she would decay even without the worms’ work—the worms themselves describe their meal as “orrybyll flesche, rotyng & stynkyng” (l. 66). Similarly, she remains unrepentant, even unaware of, the sins she committed in life, especially of the pride that she also demonstrates throughout her post-mortem speech. In this speech, the body reveals that she has not spent even a small part of her life contemplating death and characterizes herself as proud and unrepentant even after animals have nearly picked her bones clean.

In the poems where the soul appears as the body’s antagonist, the soul opens the debate with a speech developing the connection between the body’s decomposition and its moral corruption. Although there is no passage quite as graphic as the one in the Latin Royal Debate, where Anima orders Caro, “Cur es sic abscondita? / tolle lintheamina” (ll. 943-944) (Why are you thus hidden? Lift your shroud), prompting an extended description of the decomposing body (ll. 951-1098), the Middle English poems frequently dwell on the body’s fate in the grave.47 Without any narrative frame the soul

47 Citations of the Royal Debate come from Heningham, An Early Latin Debate of the Body and Soul.
asks the body, “Art þu þere, Þou wretchyd body, so horribill and fowle stynkyng, wormes mete & noreschyng of corrupcion?” in the prose *Dysputacion betwyx þe saule & þe body* (85). This description of the foul decaying flesh is followed by a list of the sins it committed in life: “Wher is now þi pryde & þi fers hert? What is þi lewd play cummen to?” The soul explicitly links the body’s moral and physical corruption when it says, “Sothly, as me semes, I sawe neuer a more deformed figure. And certes wele is worthy, for I might neuer hafe bene fully avenged on þe,” before explaining how the body “made me sorrow with þi mysgouernaunce” and caused “gret disese & heuynes” (85).

The soul’s first speech in the poem “In a þestri stude” focuses less on the appropriateness of the body’s decay than on the contrast between its appearance in life and its appearance in death. After the narrator’s explanation that he overheard this debate, the “gost” appears “mid dreri mod mid reuþfele chere” in the third line. It immediately asks a rhetorical question of the “oungod” body: “Wo worþe þi fleis, þi foule blod, wi liggest þou nou here?” (ll. 2, 4). Filled with animosity, the soul contrasts the body’s present, passive state on its bier with its former abode in the fine hall, and prideful conduct while alive:

In halle þou were ful kene, þe wile þou were on liue,

False domes to deme, to chaungen two to fiue.

Þat is me onsene, ne worþi neuere mo bliþe

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49 I am quoting from Karl Reichl’s edition of Digby 86, unless otherwise noted. See Reichl, *Religiöse Dichtung Im Englischen Hochmittelalter* 339-65.
Thus, the soul’s first speech juxtaposes the dead body with its recent, living past, much like the double-decker tomb. The body’s reply underscores the tie: “Nes me of no senne þat bindeþ me ful fast / Þe bondes þat ich am inne to erþe hoe wileþ me cast” (ll. 11-12). Their sins and death are bonds that hold the body in the grave.

As the debate in “In a þestri stude” develops, the soul’s speeches tend to recount the body’s sins in life, and the body’s to lament its current state, inviting both condemnation and sympathy from readers. The body acknowledges its misplaced trust in worldly things to draw attention to its current misery: “I vende mi worldes blisse me wolde euere ilast, / Nes me of no senne þat bindeþ me ful fast. / Þe bondes þat ich am inne to erþe hoe wileþ me cast” (ll. 10-12). The soul inquires after the body’s prized possessions to reinforce the emptiness of the grave: “Wer is þi muchele pruide, þi ver and þi gris? / Þine palfreys and þine steden and þi pourprepris / Ne shalt þou nout wiþ þe leden, wrecche þer þou list!” (ll. 14-16). The two are as focused now on the wretchedness that characterizes their death as they were on the luxuries that characterized their life. The pairing stresses the former status of the wealthy and aristocratic knight while simultaneously describing the depth to which he has sunk. This juxtaposition reinforces the idea that even, perhaps even especially, the noble suffer indignities after death.
The two become more entrenched in their antagonism as the soul berates the body for its misdeeds and the body accuses the soul of adding to the pain of its decomposition. Eventually, the soul is moved to lament the fact that the body lived so long, and the body to protest its destruction:

Bodi, þou hauest liued to longe, wo worþe þe, so swikel.
Þe ri?tte to þe wronge þou turdest al to mikel.
Wile þou vere in þis vourlde þine wordes weren false and swikel.
Of pines harde and stronge mi?tt þou ben ful siker. (21-24)
The body replies:

Wend awei nou wrecche, hou longe sal þis strif laste?
Wormes holdeþ here strif and here domes faste;
Imad hoe habbeþ here lotes mi fles for to caste.
Moni fre bodi shal rotein, ne bidi nout nou þe laste! (ll. 25-28)
The soul places the blame for their sins squarely on the body’s shoulders when it says that “þou” turned “þe ri?tte to þe wronge,” implying that the soul knew better, if only the body had listened. Rather than defend itself or point out that the soul made no effort to teach it right from wrong, the body opposes the soul’s wish that its life had been shorter by acknowledging its own destruction, implying its wish to have lived longer. The body seems content to accept the blame and desires only to be left to endure the abasement of the grave alone. Each time it speaks, it tells the soul to go away and twice it admits that it erred, saying, “I wot wel þat I shal rotien for al mi muchele pruide” and “Mi dede me
drou of mi ri?t stude into on depe dale” (ll. 34, 44). Eventually, the body announces that it will speak no more, leaving the soul to depart or continue talking, as it will. The soul’s tirade that the body was the seat of sin goes unchallenged.

In “Als I lay in a winteris ny?t,” the soul reproaches the body that had once been a “modi kny?t” and also mocks it for being inanimate and in a state of decomposition. The soul begins as in “In a þestri stude I stod,” “wiþ reweful chere and dreri mode,” but we are told explicitly that it stood and “biheld þe bodi þat it com fro” before it speaks (ll. 12, 11). The description emphasizes temporality, fixing the encounter in the moment immediately after death, but also drawing attention to the inseparability of body and soul before death. The soul asks the same question, but with an additional line that shows contempt for its body. It says:

Allas and walewo!
Þou fikel flesche, þou fals blod!
Whi liistow stinking so,
Þat whilom was so wilde and wode? (ll. 13-16)

The addition of the portrait of the body as wild and crazy is born out in subsequent stanzas where the soul develops the ubi sunt passages so that in the first part it describes the luxury the body enjoyed in life, which it contrasts in the last two lines with the discomfort and severity of the grave. For example, the stanza that asks “Whare be þine castels and þine tours, / Þine chaumbers and þinge hei?e halle, / Þat paynted were wiþ

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50 All quotations come from the Auchenleck MS in Linow’s edition. See Wilhelm Linow, ed., Pe Desputisoun Bitwen Pe Bodi and Pe Soule (Amsterdam: Rodopi, 1970) 24-64.
prout flours?” ends with the statement, “Wreche, ful derk it is þi bour, / To morn þou schalt þerin falle” (ll. 49-51, 55-56). These stanzas intertwine the body’s misdeeds and its decomposing state.

The soul berates the body for pride and gluttony and dishonest business dealings, and especially for its lack of charity, but it takes special delight in calling attention to the body’s present lonely, cold and harsh plight. It insults the body:

To morewe anon as it is day,
Out of kiþ fram alle þine kin
Alle bare þou schalt wende away,
And leuen al þine warldes winne.
Fram þe palays þat ou in lay
Wiþ wormes is now ytaken þin in;
Þi bour is bilt wel cold in clay,
Þe rof schal take to þi chin. (ll. 81-88)

The soul gloats over its descriptions of the misery and degradations of the grave: the body will be naked and unprotected when it is laid into the cold, claustrophobic ground for the worms to enjoy.

There is an element of revenge in this description of the grave, because the soul blames the body for damning them. The body with its earthly desires ends up in the earth, according to the soul’s argument. This is justice. At the end of its speech, the soul suggests that the body’s current situation answers the prayers of its enemies:

Now beþ þe bedes on þe li?t,
Wreche, þer y se þe lie,
Þat mani a man bad day and ni?t,
And lay on her knes to crie. (ll. 137-140)

Vengeance has a hand in the body’s fall, the soul suggests. It argues that the body sinned, while it is guiltless and condemned unfairly by the body’s actions. The soul concludes its speech by calling itself a “wreched wi?t,” who, “gilteles” will have to endure “hard pains” for the body’s misdeeds and vices (ll. 141-144). The legal implications of the soul’s speech call God’s justice into question by saying that it is wrongly condemned, potentially undermining the soul’s authority, something that the body eventually picks up on when it blames the soul alone for their sins.

The soul in the *Porkington Debate* is even more antagonistic toward the body. It reprimands the body for enjoying worldly luxury as well as for its proud manner and extortive habits, as the souls did in “Als I lay in a winteris ni?t” and “In a þestri stude I stod,” but throughout its speech it demands that the body account for itself. It begins with a familiar series of seemingly rhetorical questions, standing and weeping by the body: “Who cast the doune into this myscheyfe? / Who hath the put into this gret mysyré?” (p. 15). Before these questions, though, it asks, “Why hadyst thou not better thi soule keppyte?” placing the blame for the fact that the soul faces the torment of Hell firmly on the body’s shoulders. It bemoans the fact “that ever thou commyst of Adam and Eve!” In a pattern similar to “Als I lay in a winteris ni?t,” the soul catalogues the wealth and friends the body possessed in life, ending each stanza with a comment on the body’s present discomfort, but the soul in the *Porkington Debate* is even more severe, the
final sentiment more abrupt and personal. Whereas the soul in “Als I lay in a winteris ni?t” ends the description of the body’s former wealthy home with a description of the grave and his account of the body’s gluttony with a nod to the worms that will appreciate the fattened meal, the soul in the *Porkington Debate* ends the list of the body’s estate and subjects by gloating over the fact that death has conquered the body—“Thow foul caryon, thus dethe hath the dysmayde” (p. 15)—and after charging the body with pride it jeers, “Thou hast no membure at ese; / Thi moth, thi eene, thi tonge, and thi brethe, / Thi fete and thi hondys stykke alle of dethe!” (p. 18). The speech ends similarly to that in “Als I lay in a winteris ni?t,” but rather than lament that the body’s actions condemned it, the soul in the *Porkington Debate* recognizes that the body is also bound to be punished: “Now arte thou layd fulle lowe uppone the bere; / Of alle owre sorrow thou arte the cause” (p. 20). While it concedes that the body will also suffer, the soul accepts no part of the blame for their misconduct; the body led them into sin. Furthermore, in gloating over the body’s pain, the soul makes no acknowledgment that its own fate is bound up with the body’s. Not until the body admits, “The grettyst payn amonge my paynnis smerte, / Was when my sole dyde from me reysede” and “When that my sole, that was my next frend, / Was dampnyd for ever in helle to be a fende” (p. 29-30), does the soul begin to contemplate the torments it will endure in hell.

The souls in all three debates between the body and soul would willingly agree with the claim in the *Fasciculus Morum* and in Mirk’s *Festial* that the desires of the body result in sin. In the pastoral literature, as I noted earlier, the fact that the body decays is indicative of its vice and impurity. The soul in these debates adds the further notion that
the body decays in the cold, uncomfortable grave in retribution for its misconduct in life. The soul has a stake in proving that the body is the source of its coming torment and that it was simply an innocent victim dragged along by the uncontrollable desires of the evil, fallen flesh. When the body responds, it demonstrates the shortcomings in the soul’s characterization of their relationship. One of the most striking features of these poems is their insistence on an essential conflict between soul and body. While this is an orthodox theological position, the poems vividly dramatize this separation; however, as becomes clear when the body replies, the poems ultimately undercut the division and convey something of the complexity of the theological tradition. Paradoxically, the poems separate the body and soul in order to show how inseparable they really are.

3. “De hool man maad of body and of soule”

The division implied by showing the body and soul of a single individual as separate entities engaged in a heated debate combined with the soul’s exhortations against the body might seem to endorse a dualism reminiscent of the Festial sermon, which explained that only the soul was made in God’s image. The first speech in the poems, in which the soul inveighs against the corrupted body, certainly paints the body as the primary transgressor and the soul as an innocent victim of the body’s sinfulness. Critics who categorize the body and soul debates as vertical accept the soul’s claim, but, in fact, the situation depicted in the debates is far more complicated. The debates taken
in their entirety undercut the over-simplified view they at first seem to espouse and recover something of the complexity of the theological tradition, as becomes clear when the body replies.

The debate between the body and soul occurs during the period when the two are temporarily separated, and the fact that the body is capable of responding is the result of a miracle, something that is made explicit in the Latin debates, but generally left for Middle English readers to infer. Over the course of the debate, it becomes clear how united body and soul really are, despite the fact that they are represented separately, much like the depiction of body and soul in the visual arts. Frequently illuminations show the body and soul as separate entities in death scenes, as the dying person’s fate is decided by a battle between angels and demons over his soul while the body remains behind, inert and lifeless. Such a scene is depicted in Figure 3.2, from a fifteenth-century Book of Hours, where a dead, naked man lies in an expensive bed with two men witnessing his death. The dead man’s soul leaves his body behind on the bed and flies toward God, pictured above the bed’s canopy. A demon attempts to intercept the soul, but an angel protects him with a sword and shield. The soul appears to be a small, naked person, as was common in medieval depictions of the immaterial soul.51 A similar scene appears in another fifteenth-century Book of Hours, which dramatizes the instant of death by depicting Death, in the form of an armed skeleton with pieces of decomposing flesh still

51 For discussions of the iconography of the soul in the Middle Ages, see Pamela Sheingorn, "And flights of angels sing thee to thy rest": The Soul's Conveyance to the Afterlife in the Middle Ages," Art into Life: Collected Papers from the Kresge Art Museum Medieval Symposia, eds. Carol Garrett Fisher and Kathleen L. Scott Fisher (East Lansing: Michigan State University Press, 1995) 155-82; and Deborah Markow, "The Iconography of the Soul in Medieval Art," Dissertation, New York University, 1983. The Royal Debate is
clinging to its bones, touching the dying man. He dies the instant Death touches him: the soul leaves the body behind on the bed and flies toward an angel, who defends him from two pursuing demons with a cross-topped lance. Neither image suggests that any discord exists between the two parts of this dead man, even though the two parts are individually represented. The miniatures depict a moment of struggle and conflict for the soul immediately after death. The body, by contrast, lies peacefully awaiting the burial that will house it until the Last Judgment when the two will be reunited.

The depiction of the body as inert after the soul’s departure corresponds to the theological teaching of the era, as well as to practical observation, for dead bodies are inanimate. The great scholastic theologians like Hugh of Saint-Victor and Thomas Aquinas held that the soul was the principle of life. The soul became aligned with the medical notion of *spiritus*, the principle of human vitality, which interacted with the body, enabling bodily functions like the heartbeat, vision and maintenance of a proper temperature, and allowing for emotion and penile erection. Thus, in the scholastic model, the soul animates the body and once the soul has departed, corpses cannot come back to life. The docile body on the bed in the miniature is entirely appropriate given this understanding. The debate poems arm the body with animation and speech in its contest with its aggressors, either the soul that berates it or the worms that devour it.

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the only one to give a physical description of the soul, and it corresponds to the iconography: the soul appears “in infantis formulam” (l. 16).

52 This image is reproduced as Plate 37 in Wieck, *Time Sanctified* 145.

53 See the discussions of the *spiritus* in Caciola, “Wraiths, Revenants and Ritual in Medieval Culture,” 7-8; and James J. Bono, "Medical Spirits and the Medieval Language of Life," *Traditio* 40 (1984): 91-129.

54 As Caciola discusses and as we see below, ghost stories in which corpses walked among the living abounded in the Middle Ages, but the common ecclesiastical explanation for this was demonic possession. See Caciola, "Wraiths, Revenants and Ritual in Medieval Culture," 10-15.
The specifics of how the body and soul constituted an individual are of more concern to the Latin debates between body and soul than they are to the Middle English versions. The Latin poems make much of the fact that the body is able to speak and move after the soul has departed. The dispute in the Royal Debate is told in the third person as a dream vision observed by a certain priest. When the narrator introduces Caro’s first speech, he interjects his own wonder that the body moves and speaks:

Dvm hec uoce querula
perorassert anima:

Vidit mirabilia
pontifex per somnia

Vidit enim propere
quasi reuiuiscere
Cadauer exanime.

& caput erigere.

Eminens ab humeris
super bustum marmoris;

A uultuoque pallido

sublato sudario:

Disputans hoc ordine

respondebat anime. (Il. 1453-1466)

(When this soul with a querulous voice brought its speech to a close, the priest saw a miraculous thing in his dream, that is, as if the corpse,
soulless, returned to life quickly and raised its head, raising from the shoulders over the marble tomb. It raised the shroud from its pale face and responded to the soul, disputing each point in turn.)

The narrator relates the body’s actions with great specificity—it raises its head and removes the shroud from its face in order to rebut the soul’s complaint—because it is miraculous. A body without a soul cannot move or speak, and the adjective “exanime” makes clear why, calling attention to the fact that the body and soul are separate. Anima addresses Caro from outside the body and Caro replies despite the fact that its animating principle has departed.

The *Dialogus inter corpus et animam* also describes Caro raising its head “quasi revixisset” in order to respond to Anima, but omits any mention of the fact that Caro’s reply is miraculous. Readers are reminded of the impossibility, however, within the debate when Caro reminds Anima that a body without a soul is incapable of movement or basic bodily functions, despite the fact that it is able to engage in this debate with its departed soul, in order to advance its argument that the soul alone is responsible for the sins they committed in life. Caro counters Anima’s claims that the body caused it to sin by declaring that a body cannot act without the soul’s prompting:

Dic mihi, si noveris, argumento claro,

exeunte spiritu a carne quid sit caro?

movetne se postea cito, sive raro?

Videtne? vel loquitur? non est ergo clarum,

quod spiritus vivificat, caro prodest parum? (ll. 204-207)
(Tell me in a clear argument, if you know, what is the flesh with the spirit exited from it? Does it move itself soon afterwards or does it rarely move? Does it not see? or speak? Therefore it is not clear that when the spirit lives the flesh profits equally?)

Caro’s question here points out the absurdity of a speaking corpse, and effectively opposes Anima’s earlier arguments, momentarily gaining the upper hand in the debate, although this position potentially is undermined by the fact that Caro currently engages in a debate after the soul’s departure. This inconsistency is never addressed in the debate—in Anima’s next speech it wishes for annihilation, like the souls of beasts that perish with their bodies. The conflict occurs in a marvelous moment after death: the body speaks, not because the theology is flawed, but through a miracle.

The Middle English debates do not concern themselves with the fact that the soul should provide the body’s speech and mobility, not even enough to marvel at the body’s mobility, but they do devote themselves to showing how it is the whole man, body and soul, which cause a man to be condemned or saved. The Porkington Debate, which developed the most antagonistic soul, also features the most aggressive body. After listening to every word of the soul’s complaint, the body moves:

Upe the chest from hym he cast away the bord
Wyth gret vyolens, as he were nothing faynt,
And furiusly and wood the false fleche ataynte:
With ferfull langgage he began the sole to accuse,
As ?e schalle here, and hymeselffe to excuse. (p. 20)
There is no sense of wonder here when the body stirs after the soul has departed; rather, fear is the predominant emotion expressed by the narrator and elicited from readers. The body’s movements are violent and furious when it throws off the lid of its coffin to accuse the soul, and the narrator explicitly describes its actions, like its language, as “ferfull.” The body immediately goes on the offensive when it begins to speak, attacking the soul’s arguments—“Art thou my soule, that hast me reyprevyte / With scharpe reysone curiusly made and wro?t?”—and announcing that it will disprove the soul’s arguments to reach the truth, “Wyche of us to is most worthi here, / To bere the blame, anon ?e schall here” (p. 21).

The body immediately concedes its fallibility, but quickly turns the tables, maintaining its own innocence and pointing out the soul’s mistakes. It admits:

This knowe I wel, I have made the erre

In monny a warke and manny a sory dede,

But what is the cause nowe of oure werre

I wylle declare, withouttyne any drede. (p. 21)

The body knows that it committed sins, even to the point of agreeing that it caused the soul to err, but the soul is the source of the current conflict. Not only did the soul attack the body first in this debate, literally causing their “werre,” it also caused it when it did not enforce its will on the body in order to lead it to good deeds, as the body goes on to argue.
Making use of the learned understanding (it cites the “clarkus”) that the soul animates the body, the body turns the fact of its mortality and susceptibility to decay from a liability into a defense. It describes itself in a series of negatives before reminding the soul of its calling, “Without spret, pardy, the body his no?t: / Without spret the body is no?t sussteynnnyde: / To kepe the body thou were made and wro?te” (p. 22). The body amplifies this description of the soul’s job when it calls the soul “lady and mastries” and “soferayn,” showing how the soul’s question at the beginning of its speech—“Why hadyst thou not better thi soule keppyte?”—was indicative of the soul’s failure to fill its God given role. “God of his goodnyse,” the body explains, gave the soul reason, mind and will, so that “thou schulddyst kepe thi body from confusion / And a?eynst all synne to make resistense.” The soul, by abdicating its responsibility, gave the body over to sin. The body then explains that by its nature it is corruptible and therefore in need of strong guidance:

Thy symppul fleche, the wyche is corryptybulle,
Without the spret can noudyre good ne harme.
How my?t hit be, hit is unpossybulle
That the body, the wyche is nothinge warme,
But deyde and cold, schuld put forth his arme,
Or withowt the soule eny membur meve;
Without the soule the body may nothing greve. (p. 23)

The body does not dispute the fact that it is corruptible, but it changes the significance.
Rather than a sign of its malevolence, the fact that a body decays is a sign of its innocence; if it cannot maintain a warm temperature or even move without the animating spirit, then neither can the body injure anything without the soul.

From this point in the debate, body and soul continue to pursue their own defense, but inevitably both are implicated in their misdeeds. The body describes their relationship as one of master and servant, and vacillates between sharing blame and accusing the soul alone. It says:

Thothe the body and the spryt most nede asente,
Whatever he sayth he most say the same,
And as subjecte serve his masteris intente:
Why schuld the servant bere the masteris blame?

For thin offens why reyprevyst thou me? (p. 23)

The body raises questions about social hierarchies when it describes their relationship in terms of master and servant, asking specifically about a servant’s culpability for his master’s sins, but the body does not develop this discussion, since it has acknowledged that both are implicated in any deed in the first line of the stanze. The master/servant relationship is not an exact metaphor for the body and soul, since the body and soul are undeniably connected. This makes sense with both arguments, for just as an immaterial soul cannot act, neither can an inanimate body. By the end of the stanza, however, the body renounces this position, blaming the soul again and calling the sins they committed
together in life, “thin offens.” The body repeats this denunciation in the next stanza adding, furthermore, that the soul could have forced the person they once were to confess their sins and receive absolution: “Oure both defawttus thou my?ttyst have amendyte.”

Surprisingly, the soul allows that it has been derelict in its duties and rather than painting itself simply as the body’s unwitting victim as it did in its first speech, it adds the world and the devil to its list of parties culpable for the downfall of both soul and body. It acknowledges the body’s point that it should have prevented the body from sinning:

I know this welle, I schuld have mad reysustens
A?eyns the flesche, fals and dyssaywabulle,
But thi freelté anon stod at defense;
To thi soule thou were never favereabulle:
My wylle was oft to ?eld me culpapulle,
But thou? the world and the fende alsoo
In no wyse wold never asent thereto. (p. 24)

Although the soul admits it should have controlled the body, it blames the body for resisting whatever attempts it made to check the body’s moral weakness and tendency to sin. The body’s willfulness combined with the demands of the world and the devil made it too difficult for the soul to exercise its power to discipline the body and guide it to good deeds.

The body remains the primary target of its anger, but the soul is much less vituperative than in its earlier speech. Explaining why it did not govern the body as it was created to, the soul blames the body’s unwillingness to be governed, again invoking
metaphors from social hierarchies. If the soul was a bad sovereign, as the body alleges, it was because the body was a bad subject:

Thow hast of me take alle the charge,
Thow soffyrd me never to have the soffyriantté;
After thi lust thou wenttust alway at large,
Thow hast myschevyd bothe the and me. (p. 25)

In this formulation, the ways both body and soul contributed to their sinfulness is evident, but the soul does not leave it at that. It compares the body to a disease and the devil: “A! what pestelens is wors or adversité, / In this world then a famylly or frende? / Withowttyne dout he is wors then a fynde.” The soul expresses its anger by calling the body the worst of pestilence and fiend, but it also acknowledges that the body occupies a close relationship with it, for in the world they were as “a famylly or frende.”

The soul returns to its self-flagellation, with an edge of self-pity, but it also laments the body’s fate, rather than ridicule it for its unpleasant and uncomfortable position in the grave. “I know me gyltte that I have erryd,” it repeats, explaining that even though it had sovereignty, it did not restrain the body (p. 25). Surprisingly, it admits that it has learned that “the worldis joye is faynyde,” which indicates that it was just as misled by the luxury and wealth it accused the body of enjoying while alive. Before moving to condemn the world for being like a thief or a serpent that sneaks into a house and awaits the unsuspecting owner in order to destroy him, the soul laments that the body did not seek God’s mercy:
O wrecced fleche, whi dydyst thou not advarte
The sottel fraud of this world and fyle,
And on thi God wonly set thin herte,
That ever was raydy the to reyconsyle?
But now, alas! he wylle us both exsyle
Oute of joye, for oure gret offence.

There is no juge that wylle with us dyspense. (p. 25-26)

Of course, the body has argued that the reason the flesh did not reconcile itself with God
is because the spirit did not will him to. Neither one sought confession and both will be
judged and found guilty. The body, weeping, concurs with the soul’s assessment,
admitting that it never thought to remember death.

By the end of the debate, body and soul reach some accord and accept that they
depend on one another, although neither forgoes any opportunity to try to shift the
majority of blame onto the other. “We have offendyt ouer lorde God sovereignty,” the
body admits, using the first person plural. “But thin offyns his a gret del more,” it
continues (27). The body refuses to accept blame for what both have done, as does the
soul, illustrating the tie between them. At one point, the body goes so far as to describe
the greatest pain of death:

The grettyst payn amongst my pannis smerte,
Was when my sole dyde from me reysede,
At that departtyng wofful of feere and drede,
When that my sole, that was my next frend,
The body comes to realize that bond between body and soul is one of friendship and co-dependence, such that the greatest pain it experiences is that of being separated from the soul. The body gives no thought to its own damnation here, even though it has just acknowledged:

And I know welle that I schalle aryse
To øyf acont tus at the laste,
Befor the most feyrful Justyse,
How ferful trowly there is no tong can saye. (p. 29)

The body realizes there is no refuge for it from this justice, but it is the soul’s damnation that concerns it most. The bonds between a body and soul, even one engaged in a heated debate are, thus, clearly demonstrated in this poem. The bickering between body and soul is not representative of all bodies and souls, nor even of only damned bodies and souls, because, even though the Middle English poems do not focus in the miraculousness of the body’s response, this debate is only possible through a miracle. Dead bodies do not speak. Readers may not see themselves reflected in the strife, but the poems teach that a person, body and soul, must be completely prepared for death.

Unlike the violent and fearsome body that responds to the soul in the *Porkington Debate*, the body in “Als I lay on a winteris ni?t” appears sick and bereft without the soul. The narrator describes the body before its speech begins:

Þe bodi þer it lay on bere,
A gastlich þing as it was on,
Lift vp his heued opon þe swere;

As it were sike it gan to gron,

And seyd: “Wheþer þou art mi fere.

Mi gost þat is fro me gon?” (ll. 147-153)

The body is a terrifying sight on its bier, but it is not violent, as the body was in the

*Porkington Debate*, nor does it make any abrupt actions. It simply raises its head in order
to address its reply to the soul, and its reply sounds like a “gron” to the narrator. Before
upbraiding the soul for its failures, the body expresses its heartbreak at the soul’s harsh
censure. This is not a strong, violent corpse, dominating its opponent with its
fearsomeness; it is peevish and sickly and its opening question suggests disorientation
and bewilderment, especially when compared to the antagonistic body at the beginning of
its speech in the *Porkington Debate*.

The body in this poem assumes the defensive, dwelling on its own pitiful state,
rather than announcing that it will refute the soul’s arguments. The body begins its
defense by asking the soul again “Wheþer þou be mi gast, / Þat me abreidest of min
vnhap?” (ll. 153-155). The soul’s attack seems unwarranted and unfair to the body since
its heart was already broken “when deþ so diolfuli me drap” (l. 157). Furthermore, the
body insists that it does not deserve to be attacked because everyone dies: “Y nam þe

55 The discrepancy between the horrible sight of the dead body and its pitiful state is highlighted in the
Digby 102 version of the debate in which a Latin rubric introduces the change of speaker: “Audiens tunc
corpus redargucionem spiritus et voce quasi iracundiosa sono quodam lamentacionis horribilis sic respondit
dicens.” (Then hearing the rebuke of the spirit, the body responded in an almost angry voice and with
certain horrible lamentations said thus.) Subsequent Latin rubrics introduce the body’s lines by describing
its “voce querula” (querulous voice).
first, no worp þe last, / Þat hap ydronken of þat nap” (ll. 157-158). To clarify its point, it recounts others who have also met death and already are rotted in the ground:

Wele y wot þat y schal rote;
So dede Alisaunder and Cesar,
Þat no man mi?t of hem finde a mot,
Ne of þe moder þat hem bar.
Wirmes ete her white þrote,
So schal hye mine, wele am y war. (ll. 161-166)

The body repeats twice that it is aware it shall rot; this is a changed attitude from when it was alive, a young man who “euer wende to liui so” (l. 172). Before its death, the body never contemplated dying; now that death has struck, it is obsessed with it. The body dwells on the loss of all it earned in life and the discomfort of its grave for two more stanzas before it directly addresses the soul again.

As in the *Porkington Debate*, the soul has to concede the body’s point when the body admits its bewilderment that the soul should attack it in order to demonstrate how the soul is responsible for their misdeeds. “Soule,” says the body:

?if þou it me wilt atwite,
Þat we schul be bope ysplitt,
?if þou hast schame and gret despite,
Al it is þine owhen gilt. (ll. 185-188)

The body then clarifies the nature of the soul’s guilt:

Þou berst þe blame, and y go quite,
Þou scholdest fram schame ous haue yschilt.

For god þe schope after his schaft,

And ?af þe boþe wit and skille;

In þi lokeing y was laft,

To wissi after þine owhen wille.  (ll. 191-196)

Neither the body nor the soul is willing to admit to possessing “will,” that is, to accept the primary authority for the self: the soul claims to have been led astray by the body and the body complains that it was not the one left in charge. The soul is startled by the learning revealed by the body’s response. “Þe soule seyd: ‘Bodi, be stille! / Who has þe lerned al þis witt? / Þou castest me þis wordes grille” (ll. 209-211). It continues to call the body names, describing it as lying “ybollen as a bit” and “roti pil and piþ,” and refuses to allow that the body is entirely innocent (ll. 212, 219). If the soul was responsible for the body’s teaching, then it should know where the body learned its wit; however, it does not and betrays the fact that it failed in its duties precisely as the body alleged. In the Laud MS, an additional stanza offers the soul’s defense for its failure to teach the body:

Wan i þe wolde teme and teche,

?wat was wel and ?wat was guod,

Of Crist ne kirke was no speche,

Bote renne aboute and breyd wod;

Inou? i mi?te preye and preche,

Ne mi?te i nevere wende þi mod,
That thou? woldest god knouleche,

But don al þat þin herte to stod. (l. 89-96)

The soul protests that it tried to teach the body how to recognize good and to know God, but the body refused to learn. The body blames the soul for being a bad teacher and the soul blames the body for being a bad student. As a result, together they conspired to pursue worldly ambitions rather than do charitable deeds and contemplate God.

At various points in the debate, both disputants utilize the metaphor of horse and rider to describe their relationship. This relationship is one of mutual dependence that requires both parties to work together in order to advance; when either resists, the result is a catastrophe. Of course, each debater paints its opponent as the source of trouble in the relationship. The soul characterizes the body as a runaway horse and himself as the hapless rider:

For in þi lokeing y was laft,

For to do astow me bede;

Þe bridel wiþ þe teþ þou lau?t,

And dedest ay o?ain mi red. (ll. 225-228)

The body portrays itself as the soul’s faithful steed:

56 In the Laud, Vernon and Digby versions of the poem, the soul reflects that “To teche ?were þou? me hitau?t” (l. 225).

57 Mary U. Vogel observes that the soul “has a natural inclination and appetite to perfect a corporeal substance, while the body has an appetite to receive the soul” in her analysis of the horse and rider imagery in the poem. See Mary U. Vogel, Some Aspects of the Horse and Rider Analogy in the Debate between the Body and the Soul (Washington, DC: Catholic University Press of America, 1948) 55. While the debate poem uses the analogy of horse and rider to show the equivalency of body and soul, it can also be used to illustrate the primacy of a soul as in The Weye to Parasys, a late-fourteenth or early-fifteenth century penitential treatise preserved in BL Harley MS 1671, fol. 9r.
Or whare ïede ich vp and doun,
Þat y no bare þe at mi bac,
And was þine hors fram toun to toun,
At eueri stede ymake þe mak? (ll. 273-276)

Both parties portray themselves as the submissive partner in an abusive relationship (the
body even goes on to discuss the bruises the soul has given it), but neither accepts that it
held the reins.

The lack of good governance is the same problem encountered in the Porkington
Debate, but in “Als I lay in a winteris ni?t” the disputants offer more discussion of their
failed relationship, which reinforces the fact that they worked together—“the hool man”
bears responsibility for their sins—and describes the ties that bind body and soul
together. As the soul reminds the body, even though it will decay, it will be resurrected
at the end of time and they will be reunited on judgment day in order to account for their
transgressions (ll. 219-224). Both body and soul will be answerable for their sins at the
Last Judgment, for they were together from birth until death, as the soul explains in an
account of their intimate relationship:

    In a woman were we bred
    And born togiders boþe to,
    And on o barm fosterd and fed,
    Ay til þou couþe speke and go.
    For loue softliche y þe led,
    No durst y neuer do þe wo;

 129
Their relationship is so close that it defies a precise comparison, so the soul throws as many in as possible: they were like twins and foster brothers and lovers, but also like none of these because they are actually only one individual. The soul also takes the opportunity to promote its agenda by explaining that it willingly joined the body’s sinful course because it feared losing the only body it would get. The body finally offers the best characterization of their partnership: “When þe blinde lat þe blinde, / In diche þai falle boþe to” (ll. 367-368).

The least antagonistic relationship between the disputants occurs in the poem “In a þestri stude I stod,” but this is also the poem with the most dismal characters. In this poem, the body is so downtrodden by its death and the unpleasantness of its grave that it refuses to engage in a debate with the soul over whose fault it is that they are damned, and whenever the narrator introduces one of the body’s speeches, he comments on the speaker’s attitude: “Þo spake þe bodi so dimme to þe wrecche gost,” and “Þo spac þe bodi wiþ niþe of herte, mid sunnes þer hit lai srud” (ll. 9, 17). Where the body fixates on its fate in the ground, the soul focuses on the body’s sins while alive. The soul blames the body alone for their sins and suggests that it feared the body when alive:

Uuas I neuere wrecche bote þoreu þin heuele redes.

Of þine sunnes me þinkeþ shome and of þine heuele dedes.

Wile were þou wilde, nou luitel me þe dredeþ.

To Crist shal I clepien he bete nou mi nede. (ll. 37-40)
The soul may as well call on Christ, because the body is too preoccupied with its declining state to help resolve the soul’s anger with the body for their wretchedness. The body replies to the ghost:

\begin{align*}
\text{Wend auuei nou, vrec gost, mid þine longe tale,} \\
\text{Me is vo inou, þei þou ne houpbreide mi bale!} \\
\text{I wot alto soþe, wermes me eten sale;} \\
\text{Mi dede me drou of mi ri?t stude into on depe dale. (ll. 41-44)}
\end{align*}

The subjugated body might awaken sympathy in readers, especially since it admits it had sinned, and the sorrowful body fears that this confession comes too late, given that the worms already seem to be enacting a final judgment on its remains.\footnote{\textit{Wormes holdeþ here strif and here domes fast} (l. 26).} The soul’s insistence on calling on Christ for mercy also implies a kind of desperation. The two are bound together in their fear of eternal damnation. The soul refuses to depart even after the body has spoken its last words and instead gives a short sermon on doomsday, exhibiting its greater knowledge of religious matters.

The soul never appears in the \textit{Disputacione betwyx the Body and Wormes}; in fact, no mention is made of it. Therefore, our understanding of its fate depends on what happens to the body over the course of the poem, suggesting an even closer relationship between the two than the body and soul debates could depict even with all their discussion of the topic. The poem is less concerned with why the lady sinned than with the fact that she did sin. Despite the fact that God sent messengers to remind her to think on death, the lady lived a sinful life and died unprepared and unshriven. The worms
explain that they sent “lyce or neytes in þi hede always, / Wormes in þe handes, flees in þe bedde . . . To warne ?ow of vs, to make ?ow redy,” but she ignored them (ll. 131-132, 134). The worms remind her that priests also warned her about her mortality each Ash Wednesday, when “with asses blisses to hafe rememoraunce, / What þu art & wher to þou sal turne agayne” (ll. 149-150). The lady’s responses betray her failure to apprehend and obey these warnings; she was too busy pursuing her sinful ways to contemplate death, making her ability to comprehend her body’s decay and the coming judgment more difficult. The soul’s absence and responsibility do not figure into her musings on these matters, perhaps contributing to the difficulty she has understanding the worms’ argument, but also implying the unity of body and soul: both are responsible for the lady’s actions.

The manuscript containing the Disputacione does not rely entirely on silence for an understanding of how a body and a soul constitute an individual, as it also contains the prose Dysputacion betwyx þe Saule & þe Body. The body and soul in this debate engage most significantly over how to interpret the metaphor of a candle and its flame. After the soul has berated the body because it is “so horribill and fowle stynkyng, wormes mete & noreschyng of corrupcion,” the body retorts:

Suld þu not so schortly set me at noght for cause þat I am þus fowle deformed þus greuously tormentyd in stynke & filthe amonge wormes & al corrupcion. For þu has bettyr right to blame þiselfe þan to playne opon me. For of al my fowle horribilite þiselfe art þe cause. What reson has þe fyre to pleyne on þe woode, þe whilk when it has taken it brynnes into
To the body’s argument that it is as blameless as the wick, which stinks when the flame has burnt it to ashes (a simile also used by the author of the *Fasciculus Morum*),\(^{59}\) the soul challenges the metaphor, saying, “No cause of skylle has any wyght for to blame þe askes. Bot betwyx þe & me þis maner of lyknes is not comparabyll” (86). Eventually the soul is convinced that the metaphor is apt, but reinterprets it to suit its own ends:

> I was in my nature as clere as is þe pure elyment of fyre withouten any corupcion. And right as þe fyr takes smoke & darknes of þe matyr þe whilk he is conioyned vnto, right so what tyme I recyfed þe & mellyd with þi comeny, swylk fowle derknes & smoke whilk kest oute fro þi fowle, vnclene, & styankyng vapoures. (86)

The discussion becomes increasingly academic—at one point the body asks the soul to explain how Aristotle’s theory of corruption illuminates the metaphor of the candle and flame—and the cumulative effect of the disagreement shows how alike body and soul are: both claim to have been passive participants in the other’s misdoing and are gifted interpreters of metaphors. The two take turns conceding the other’s point, but then offering an interpretation in their own favor. The soul responds to the body’s complaint that it was left behind like the soul’s ashes, first by agreeing, but then offers an explanation for why the body makes this comparison, before reinterpreting it: “I put cas þat al þis was sothe. ?it must me nedes blame þe & sorow & complene þat euer I come

in þi company” (86). The body makes a similar move when it accepts the soul’s explanation of Aristotle’s cause of corruption: “This awnswer suffices for myne intent” (87). Their disagreement could continue interminably as they share similar debating methods and both are keen to win the argument, but the prose debate indicates that body and soul should be united when the soul’s angelic guide explains that the soul and body of the saved should be in accord. Readers of the Disputacion betwyx þe Body and Wormes who wonder why that poem makes no mention of the soul may turn to this prose debate to learn that the body and soul are not separate entities, but a unity. The angel’s speech concludes the translation, as it presents an exemplum to further explain the interdependence of the body and soul. The lesson is useful for the body and soul in this debate. They stop arguing, because the angel tells them that they are among those predestined for salvation, providing much more authoritative and positive closure than the other debates do. The lesson, however, would be less helpful for the bodies and souls in the other poems. They dispute because they worked together too well in life in their pursuit of worldly pleasures. Even the Disputacione betwyx þe Body & Wormes, in omitting any mention of the soul, suggests that body and soul work together for the common good or ill of the individual.

These debates permit the body to respond to the soul’s condemnation of the flesh. By combining two mutually exclusive accounts of why they lived sinful lives and died unprepared, the debates dramatically challenge the soul’s presumed superiority. These debates are not between a superior teacher and an inferior pupil, despite the frequent use of this metaphor, and the two achieve no accord. In the end, body and soul are not
reconciled (except in the prose debate, and in that work, their accord is only reached by the angel’s announcement that they will be saved, not through the persuasiveness of their arguments). Careful readers are able to synthesize these competing views when they recognize that body and soul are not separate rivals but one person. The views that emerge from the debates more nearly resemble those of the learned Latin writings than the simple view of the flesh as corrupt that characterizes much of the pastoral writing on the subject.

4. The Last Judgment and Eternal Reward/Punishment

Judgment is at the center of the debate poems that feature a body, as it was in sermons and iconography concerning death. Will the person be found deserving or wanting? The deathbed scene in Figure 3.2 depicts an allegorical judgment at the moment of death: the angel fighting for the soul is an indication that the soul is saved. Images of the Final Judgment as a colossal court of justice with Christ sitting on the judge’s throne in scenes where all humans are judged after the Resurrection also proliferated. For example, HM 1134, a mid-fifteenth-century book of hours from Flanders, illustrates the opening of the Office of the Dead with a miniature that shows Christ seated on a rainbow with his feet resting on the globe (Figure 3.3). The symbols of his judgment appear next to him: above his right shoulder, the sword of retribution and above the left, the olive branch of concord. The resurrected bodies rise up out of their graves in the earth, two still in their shrouds, but the rest naked. The souls often ridicule
the bodies for their nakedness in the debates, but here the unprotected bodies are shown to be miraculously whole. Most assume a posture of penitence and prayer in the presence of Christ, but, in the bottom right-hand corner, two that have been found wanting sit in the mouth of the Leviathan. The two separate iconographic traditions representing judgment after death reflect the understanding that arose after the doctrine of Purgatory became dominant in late medieval theology. With the rise of Purgatory, the idea that humans were judged twice, once at the moment of death and again at the end of time, also became popular. As Jacques Le Goff explains, “In between—in the eschatological interlude, as it were—every human soul becomes involved in complex judicial proceedings concerning the possible mitigation of penalties, the possible commutation of sentences, subject to the influence of a variety of factors” (5).

The debate poems occur before the first judgment, but are preoccupied with the coming judgment after the Resurrection. Not all of the debates indicate what the verdict will be, however, and those that do come to dramatically different conclusions. The debates suggest a popular interest in the importance of the flesh and an uneasiness with the simplified equation of the body with corruption common in vernacular sermons, concerns that continue to surface in the poems’ conclusions. The poems never assert

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simply that the sinful flesh unprepared for death merits damnation; rather, as a whole, they reveal larger cultural doubts about death and the judgment that will be rendered to errant individuals who die unrepentant.62

The debate poems are set in the period between death and the Resurrection, and the Last Judgment looms as a source of anxiety. The soul explicitly threatens the body with the Last Judgment in “Als I lay in a winteris ni?t.” It asks, “Wenestow, wrecche, to gete griþ, / Þei þou le?e loken in clay?” (ll. 217-218), before reminding the body:

And þei þou roti pil and piþ,
And blowe wiþ þe winde oway,
?ete þou schalt com, lim and lip,
O?ain to me at domesday,
Stond at court, and y þe wiþ,
To kepe þere our hard pay. (ll. 219-224)

After the body has stopped speaking in “In a þestri stude I stod,” the soul launches into a discussion “of tuo miracles and fiue, biforen domesdai shulen be” (l. 58). The body in the Porkington Debate also remarks on the coming judgment: “And I know welle that I schalle aryce / To ?eyf aconttus at the laste, / Befor the most feyrful Justyse” (p. 29). The body’s concern about the Last Judgment raises the question of how late is too late for a person to repent his or her sins, a matter that preoccupies the poems’ conclusions, but about which they cannot collectively agree.

The fear of dying unrepentant and unshriven pervaded late-medieval society. The Book of Margery Kempe begins with an episode that indicates how profoundly this anxiety could affect a person. Kempe explains that she worried she would die in childbirth, so when her labor began she sent for her confessor, “for sche had a thyng in conscyens whiche sche had nevyr schewyd befor that tyme in alle hyr lyfe.” She had been unable to confess this transgression before, although she performs acts of penance. The burden of this unconfessed sin preoccupied her “whan sche was any tym seke or dysesyd” with the fear that she would be damned. Even when she feared for her life in childbirth, and called her confessor, “in ful wyl to be schrevyn of alle hir lyfetym as ner as sche cowed,” she could not make her confession, despite the priest’s urgings. The failure tormented her, as she says, “And anoon, for dreed sche had of dampnacyon on the to syde and hys scharp reprevyng on that other syde, this creatur went owt of hir mende and was wondyrlye vexid and labowryd wyth spyritys half yer eight wekys and odde days.”

Much pastoral literature fosters this anxiety about being unable to make full confession before dying. Mirk tells a story in the Festial about a Norwich man on his deathbed who would not follow his friend’s counsel that he should be shriven. The dying man told his friend and the priests and friars who came to help him that “he wold not schryue hym, ne mercy aske” (91-92). Finally, Christ appears, “bodiwyth blody wondys stondyng before þe seke manys bed,” and offers him mercy saying, “My sonne,

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63 Eamon Duffy discusses the fear of an unprepared death, especially relating to the Ars moriendi that became popular in the fifteenth century, in Duffy, The Stripping of the Altars 313-26.
why wyll þou not schryue þe and put þe ynto my mercy, þat am redy alway to ðeue mercy
to all hom þat wyll mekely aske mercy?” (92). The dying man replies, “For I wot well I
am vnworthy to haue mercy; wherfor þou wolt ðeue me non mercy.” Christ insists that
he will grant mercy if the man asks for it meekly, but the man “vnswaret as he dyd
before,” prompting Christ to cast blood into the man’s face and say, “Þou fendys-chyld,
þys schall be redy token bytwyx me and þe yn þe day of dome, þat I wold haue don þe
mercy, and þou woldyst not.” The man cries that he is damned and dies, leaving his
friend to find the corpse, “þe red blod yn hys face, and þe body blacke as pych.” As Mirk
advises, the lesson of this narratio is that everyone should be careful to confess their sins
in order to receive God’s mercy. Many different authorities have reminded us that death
may come at any moment and it is best to be prepared.

In the Royal Debate, the matter is dealt with authoritatively when the soul quotes
Augustine on the futility of late penance. In this poem the soul frequently laments that
the body never repented for its wickedness. Now that the body is dead, it is too late, the
soul asserts:

    Augustinus asserit
    quia male interit.
    Qui nonquam euigilat
donec mors apropiat;
    Hoc est omni tempore
delecatur scelere
    Neque mali penitet
(Augustine asserts that he is destroyed by evil, who never wakes until death approaches; this one is forever delighted by evil nor does he repent of evil until death kills him.)

There is no hope for a man who has waited until after death to acknowledge the error of his ways.

Two of the Middle English Debates follow the Latin tradition and portray the protagonist as irrevocably damned, when devils drag the soul away to hell to endure torments until the body joins it for even greater torments after the Last Judgment. In “Als I lay on a winteris ni?t,” the body laments its life of sin:

Allas! it seyd, mi lif ylast,
Þat y haue lived for þi sake!
Þat min hert no hadde ybrast,
When y was fro mi moder take,
And seþþen into a pit ycast
Vnto a nadder or to a snake! (ll. 427-432)

The Laud version makes the speech even more like a confession by adding “Þat i have lived for sunne sake!” in line two. The soul responds with a rebuke, “Nay, bodi, nay, now is to lat, / For to pray or for to preche” (ll. 441-442). This is not simply a matter of doctrine for the soul; it is literally too late for the body and soul to be reconciled and repent, for the death wagon is at the gate waiting to take the soul away.
The soul blames the body entirely for not preparing itself for death. After it calls attention to the death wagon, the soul emphasizes the need to repent before death, because not even suffrages will save a person who dies without being shriven. The soul grumbles:

\[
\begin{align*}
\text{Ac haddestow a litel ere,} \\
\text{While ous was togider liif ylent,} \\
\text{when þou feldest þe sike and sere,} \\
\text{Shriuen þe and þe fende yschent,} \\
\text{And haue ylate a reweful tere,} \\
\text{And bisou?t Jhesu of amendement,} \\
\text{Þe þortest neuer haue had fere,} \\
\text{Þat he no wold ous grace haue sent. (ll. 449-456)}
\end{align*}
\]

The soul’s emphasis on Christ’s mercy for sinners highlights the fact that there were many opportunities for them to amend their ways. If they had done even the smallest penance, Christ would have been willing to give them grace, but their situation is so hopeless that all the prayers and masses in the world will not be enough to save them. The soul grieves:

\[
\begin{align*}
\text{Ac þei alle þe men þat beþ a liue,} \\
\text{Were prestes, messe for to sing,} \\
\text{And alle widowes and alle wiue} \\
\text{Her hondes for þe wolde wring,} \\
\text{No mi?t telle þe paines riue,}
\end{align*}
\]
For soþe yseyd, wipouten lesing,
Seþþen we no mi?t ous for schame schriue,
Þat schuld ous now to ioie bring. (ll. 457-464)

Because the body and soul were unwilling to shame themselves with confession while alive, they were not shriven and therefore they have no hope of salvation. The soul’s hopelessness here recalls its ridicule of the body at the beginning of the poem, when it gloated that the body had misplaced its trust in its heirs, for “þi fals air” will gladly inherit its wealth, but “he no wold nou?t ?iue o?ain, / To bring ous into rest and ro,” not even an acre or two of all the land the body “so sinfully” amassed in life (ll. 105-112).

Now, we learn that even if some heir or friend of the knight were willing to donate some of his wealth for his peace, it would do no good. The poem ends when “a þousand fendes and ?ete mo” break in to grab the soul in their sharp claws and carry it off to hell. The poem goes on to describe the punishment inflicted on the soul.

The pointlessness of late contrition and the soul’s removal to hell by devils also ends the *Porkington Debate*. The soul in this debate also attacks the body with the information that neither its heirs not its wife would part with even “o fote of thi lond” to give it a second chance (p. 19). It also lambasts the flesh for worshiping the fraud of the world and not God, even though he would have given them mercy if they had only asked.

O wrecched fleche, whi dydyst thou not advarte
The sottel fraud of this world and gyle,
And on thi God wonly set thin herte,
That ever was raydy the to reyconsyle?
But now, alas! he wylle us both exsyle

Oute of joye, for oure gret offence.

There is no juge that wylle with us dispense. (p. 25-26)

The soul recognizes that they will be condemned, although it still wishes to blame the body for their failures.

The soul’s condemnation of the body’s failure to repent is used against it by the “fendys foule and abombynabule, / Fersly with tonggys blasyng for heyte,” who haul him through the gates of hell (p. 33). Unlike “Als I lay in the winteris ni?t,” where the body wishes God had shown it mercy by killing it before it was born, the soul asks for God’s mercy, even though it has already told the body that they are beyond such hopes. From its dungeon in hell it cries, “A! God, my makere, to the I cry and playne,— / Where is thi mersy, that wase wont to rayne?” God does not reply, but the devils do:

The fendyse anon sayd, Thou cryiste to late

After thi God; nowe that mayst not spede!

The portter of heyvyne hathe cloussyd the ?ate;

Of thi crye thay take none heed:

Hit awaylly? not, thou thou say thi crede

A thowsand sythe nowe alowe in hell,

For dowtles here thou most nedys dwelle. (p. 34-35)

The devils’ speech leaves no doubt that this soul is damned. Together, body and soul waited too long to repent their sins.
The Vernon manuscript, which preserves one version of “Als I lay in the winteris ni?t,” also contains “A Treatise of the Manner and Mede of the Mass,” which probably dates from the late thirteenth century, and offers further censure of confessions after death. It includes a prayer that asks for life in order to complete penance—“Graunt vs lyue, / We may vs schrieue, / Vr pennaunce to folfille” (ll. 242-244)—followed by a prayer for Christ’s forgiveness. Confession is linked to God’s mercy, but this treatise allows that confession can only happen during life. The treatise also gives voice to those heirs the soul mocked the body for trusting in “Als I lay in a winteris ni?t” and the *Porkington Debate*. The treatise explains:

> Wust I my Fader in flesch and felle  
> Weore holliche I-holden in helle,  
> Þer weore non hope of hele.  
> To preye for him I couþe no Red,  
> No more þen for A Dogge were ded,  
> But let hem wiþ him dele. (ll. 269-274)

The section ends with the explanation that since men cannot know God’s works, they should pray for all the faithful, so the avaricious heirs in the poems are just as likely to be damned as their benefactor. No charitable prayer is ever wasted; if the intended beneficiary cannot use it, the benefit is passed on to the next of kin.  

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65 The treatise appears as Appendix IV in Thomas Frederick Simmons, ed., *The Lay Folks Mass Book; or, the Manner of Hearing Mass with Rubrics and Devotions for the People in Four Texts, and Offices in English According to the Use of York*, E.E.T.S., O.S., 71 (London: Oxford University Press, 1879) 128-47.  
66 Eamon Duffy reports: “According to the spiritu who revealed the secrets of Purgatory in the ‘Revelacyone schewed to ane holy woman’ of 1422, prayers offered in ignorance for a soul damned were not wasted, though they could not help the intended beneficiary; instead ‘the helpe and the mede turne to
Not all vernacular homily collections embraced the hopelessness of these examples. The *Speculum Sacerdotale* includes a sermon written for the feast of Saint Peter ad Vincula. The sermon tells the story of a monk, “li?t and recheles in lyuyng and was lecherous,” who suddenly fell dead. When the devils arrive to take his soul away, they rehearse all his crimes, his covetousness, vainglory and deceptions, but the monk had also been obedient to his elders and spiritual fathers. Saint Peter intercedes on the monk’s behalf, because the monk had served the saint in his church, and prays that God will save the monk. The preacher quotes Peter’s prayer to God, “Lorde, who schall dwele with the in þi blesse eny but he that is without fylþe of synne? And þerfore howe may he be saf þat is neþer withoute synne ne hæþ wurðt no ri?twysnes?” Peter’s call for God’s mercy and justice is answered: “God ?af sentence þat the sowle schuld turne a?eyn to the body and do penaunce” (179). The monk, granted this second chance, amends his life.

In the *Festial*, Mirk also relates a narratio concerning a sinner who is granted a second chance, but the good deeds on the side of this sinner’s salvation are especially small. The narrative concerns the rich man, Perys, who never gave any charity. As a result of Perys’ stinginess, a group of beggars bet their leader that he would not be able to “gete no good of hym” (104). This beggar accosted Perys so horribly that “for gret angur” Perys threw a loaf of bread at the beggar to drive him off, at the same time enabling the beggar to win his wager. Eventually, Perys dies and the devils come to drag
his soul to hell, but Mary intervenes to save him, even though “there was þer nòþyng to helpe þys soule, but only þat lofe þat he cast at þe pore man.” The devils protest, saying he gave the loaf against his will, so it should not help him, but Mary’s influence with her Son provides Perys with a second chance. His soul is returned to its body after which he donates all his wealth to charity and becomes a holy man. In both of these stories, a dead man is returned to life so that he might confess his sins and amend his ways when a saint prevents the devils from dragging the unshriven soul to hell, demonstrating the power of the saints and the greatness of God’s mercy. These individuals are given the chance to be shriven after death, but only when they are returned to life, and ordinary readers would know that they could expect such miraculous resurrections for themselves.

A fourteenth-century ghost story preserves a record of the desire for confession to count after death. In the story “De spiritu Roberti filii Roberti de Boltebi de Killeburne comprehenso in cimiterio,” young, dead Robert habitually leaves his tomb at night, frightening the villagers and causing a ruckus among the village dogs. Eventually, the village youths decide to wait at the cemetery in order to catch the ghost if they can. When the young men see the ghost, all but two flee. The only boy to be named, Robert Foxton, catches the ghost and tells his companion, “Vadas cicius ad parochianum ut coniuretur, quia deo concedente” (Go quickly to the parish priest so that it might be conjured) (418). The priest hurries to the cemetary and conjures the ghost “in nomine sancte trinitatis et in vierute Ihesu Christi quatinus responderet ei ad interrogata”

68 Erbe, ed., *Mirk’s Festial*.
69 “Inquietare villanos et deterrece ac canes ville.” This tale along with eleven other ghost stories is preserved on the blank pages of Royal MS.15.A, written down by a monk of Ryland Abbey in Yorkshire.
(in the name of the Holy Trinity and the virtue of Jesus Christ so that the ghost would answer when questioned). The story reaches a climax when the ghost speaks:

Quo coniurato loquebatur in interioribus visceribus et non cum lingua sed quasi in vacuo dolio, et confitebatur delicta sua diuersa. Quibus cognitis presbiter absoluit eum sed oneruit predictos comprehensores ne reuelarent aliqualiter confessionem eius, et de cetero requieuit in pace, deo disponente.

(Which one having been conjured spoke from his inmost viscera and not with his tongue, but as if in an empty jar, and he confessed his various transgressions. Which things having been made known, the priest absolved him, but burdened the aforesaid youths who caught him that they should not reveal in any way his confession and from that time he rested in peace with God granting.)

The story could be read as an attempt to make this confession as regular as possible even though it occurs under such unusual conditions. The penitent seeking absolution is already dead, and his voice comes from his abdominal area, not his mouth. The youths, who hear the confession, even though they are not priests, are sworn to secrecy in order to conceal the details of the ghost’s confession, just as if they were priests, a common event in penitential tracts. The narrative concludes with a short paragraph that offers different explanations for the ghost’s conduct in the village. “Ante assolucionem” (before its absolution), the ghost was wont to stand at the doors and windows of houses.

M.R. James edites them all in M.R. James, “Twelve Medieval Ghost-Stories,” English Historical Review 37
Some said that “fforsitan exspectans si quis vellet egredi et coniurare eum suis necessitatibus succurrendo. Referunt aliqui quod erat adiuuans et consenciens neci cuiusdam viri” (perhaps it was waiting to see if anyone would exit and conjure him for the purpose of succoring his needs. Others say that he was assisting and plotting for the death of a certain man). The first interpretation reveals a desire for confession to be valid even after death, no matter what the preachers said.

The works of late medieval preachers emphasize the importance of confession and penance, even insufficient penance. John Mirk in *The Instructions for Parish Priests* cautions that priests need to be careful when they prescribe penance:

Bettur hyt ys with penaunce lutte,
In-to purgatory a mon to putte,
Þen wyþ penaunce ouer myche,
Sende hym to helle putte. (ll. 1659-1662)\(^7\)

Penance is so important for a person’s salvation that Mirk counsels his readers to do everything they can to insure that their parishioners habitually go to confession.

The emphasis on confession did not, however, insure that everyone died with a clear conscience. Gail McMurray Gibson recounts the evidence of guilty consciences in East Anglian wills. Among them she includes “perhaps the most remarkable record of a guilty conscience” in the 1438 codicil to the will of Richard Edy, alias Fermer. Gibson describes Edy’s will:

\(^{(1922): 413-23.}\)
With ‘sore ransakyng in my conscience,’ [it] lists an incredible array of swindles, cheated inheritances, unpaid bills, and misappropriated goods for which recompense was to be paid after his death from the inheritance due his wife since, ‘margar, my wyf, is nowghte loyynge to me, ne to noon of my kynne, god knowyth the trewthe.’ (27-28)

Edy’s will, along with others Gibson details, reads a little like the souls’ condemnation of the bodies. The bodies, too, earned their wealth through extortion and stealing from poor men and were abandoned by their wives before they were cold in the ground.71 People with guilty consciences, like Edy, would probably have enjoyed the strict censure of “Als I lay on a winteris ni?t” and the Porkington Debate less than the more open-ended conclusions offered in the Digby version of “In a þestri stude I stod” and The Disputacione betwyt the Body and Wormes, which leave readers to decide whether the poems’ protagonists will be condemned to Hell or granted the pain of Purgatory in recompense for their sins.

Two versions of “In a þestri stude I stod” end with the soul telling the body “hy shal into helle for þi trespas,” before it departs for hell, but the version preserved in Digby 86 ends before these events. John W. Conlee describes the poem’s appearance in the manuscript, writing, “The poem is merged crudely with two additional poems, Doomsday and the Latemeste Dai” (11).72 All three poems, which stand individually in

71 For the soul’s exposé of the body’s questionable business practices, see the Porkington Debate p. 17, “In a þestri stude I stod,” l. 31, and “Als I lay in a winteris ni?t,” l. 73. For descriptions of the fickle wife, see the Porkington Debate, p. 18, and “Als I lay in a winteris ni?t,” ll. 113-120.
other manuscripts, include extensive meditations on the Last Judgment, and *Latemest Dai* also includes a soul’s address to its body. “In a þestri stude I stod” combines two separate elements: one, the soul harangues the body for its corruption and sins and the body sorrowfully laments its discomfort in the grave, and, two, the soul gives a homily on the signs of Doomsday. If a reader were to consider the Digby’s “In a þestri stude I stod” as a complete poem, a remote possibility that the poem’s knight might not be damned is raised.

If the first part of the poem delineates all the sins the wealthy man committed when alive, the second part reminds us that he is still assured a true and absolute judgment at the end of time. In its account of the seventh and final day, the soul describes the resurrection of the dead. They “shulen arisen, so þe boc ous tolde, / Hof here putte heuer ilke boþe þong and holde, / And comen into þe halle stronge domes to holde” (ll. 85-87). “Boþe þong and holde” includes the body in this poem and the soul warns it, “Ne halt þe nout to chide ne holde domes stronge” (l. 89). The soul describes the scene of Christ’s court. He asks his mother, “Seinte Mari,” to set the cross at his feet, reminding all participants that “For houre soule fode deþ he þolede witerli” (96). Then he calls, “Comeþ blessede bernes þat in þis worlde weren sprad! / To paradis þe shulen alle, so þe profete hous rade. / Ha comeþ into þis halle, mid blisse hi shulen ben lad” (ll. 97-100). Finally, he sends Satan away: “Awei fle þou foule wit mit þine acursedede genge! / Awei fle þou henne, ne wone þou her no stounde, / Bote heuere ho bouten hende doun in helle grounde!” (ll. 102-104). In the Digby poem, the soul concludes its address saying, “‘Weilavei,’ and þer affter: ‘Alas! / Wo worþe þat ilke stounde, bodi, þat þou
boren was!” (ll. 105-106), but the poem ends before it explicitly tells the body it will go to Hell or the narrator informs us that the soul departed for Hell “wyþ muche reunes” as happens in the Trinity College Cambridge MS 323 and Harley 2253 versions of the poem.\textsuperscript{73}

“In a þestri stude I stod” places greater emphasis on Christ’s mercy and the rewards for the blessed than \textit{Domesday}, the poem immediately following it in Digby 86. The damned are never even mentioned in the final stanzas of the soul’s speech except when Christ orders Satan to depart with his “acursede genge.” His first action is to call on Mary, who traditionally intercedes on behalf of souls, as we saw in the \textit{Festial} narratio.\textsuperscript{74} By contrast, the \textit{Domesday} poem presents a more measured judgment scene. In fact, the scene is more like that depicted in HM 1134, which shows the weapon of retribution on Christ’s left side and that of salvation on his right, while damned souls are carried away to Hell (Figure 3.3). At the end of the world, the poem explains, “Þene comeþ Jhesu Crist his domes to deme” (l. 10).\textsuperscript{75} At the judgment, we are told:

\begin{quote}
Þer beþ þe riþtwise a Godes riþtwis hone
And þe sunfulle so ateliche stondeþ,
Wiþ hoere sunnen iwrighten þat is muchel shonde;
Al hoe shulen þere ise þat euere was on londe. (ll. 29-32).
\end{quote}

Christ addresses the righteous: “Comeþ hider, mine frend, and sunnen forleteþ. / In mine fader house hou is maked sete, / Þer ou shulen engles sueteliche and feire grete” and

\textsuperscript{73} The quotation comes from l. 98 in Harley 2253 and from l. 118 in TCC 323.
\textsuperscript{74} According to Eamon Duffy, “Mary was above all the saint of the deathbed, one who guaranteed even her most wayward and sinful clients the grace of shrift and housel, rescue from the rigours of judgement at that moment of truth.” See Duffy, \textit{The Stripping of the Altars} 318.
afterward the sinful, “God, awariede men, ffends heuele ifere, / Into berninde fuir, of blisse ?e bep skere, / Forði ?e oure sunnen of þis world bere” (ll. 34-36, 38-40). Neither Christ nor the poet mentions Mary. Given the discussion of the righteous, rather than the damned, in the homily at the end of the poem, readers unfamiliar with other versions might well have wondered whether the body and soul that debated were truly damned.

It might seem that the antagonism between body and soul reflects their sinfulness and damnation, but the prose Disputacion betwyx þe Saul & þe Body offers a clear example of the fact that even a saved body and soul can become embroiled in an altercation. At first the Disputacion suggests that the soul and body of saved people should not experience such discord. The angel ends the debate, saying:

Pes & stynt of ?our pleyng, for it is not ?our avaylyng betwyx ?ow twoo to stryfe on swylk maner of wyse be swylk wordes & to be mefed. For ?e are predestinate to saluacion & hereafter sal be ioyned again togeder. Betwene þaim swilk stryfe of wordes suld be mefyd whilk þat ar perpetually dampned & ordand to þe payne of helle. (88)

From this speech and the angel’s exhortation at the end of the work, it seems that disputing bodies and souls are dead bodies and souls. The Disputacion ends when the angel advises:

If ?e lyf aftyr ?our flesche ?e sal dye. Wherfore it is needful to euere creature to consider þis & discretly hald vnder his flesche with helful discyployne, þat it may be obedient to þe wil & þe reson of þe saule, & þe

75 The poem appears in Reichl, Religiöse Dichtung Im Englischen Hochmitteralter 408-14.
The angel establishes a hierarchy in which the body should be obedient to the soul and the soul should be obedient to God. The angel in the *Disputation* provides the clearest account of how body and soul both disobeyed and share responsibility for their fate, something the debate poems suggest but never provide an authoritative explanation for.

The angel’s sermon argues that saved bodies and souls exist in accord, but the sermon follows the extended disagreement between a body and soul that, we are told, are destined for salvation. The implication is that man is by nature sinful and body and soul will not always agree: everlasting joy and accord are possible only in heaven, but God’s mercy is great and will grant salvation even to erring individuals.

The least resolved of these debates with the body is the *Disputacione betwyx the Body and Wormes*. Although Reed sees it as a purely vertical debate, in the end no clear judgment is offered and readers must decide for themselves whether the lady in the poem will be saved or damned. The worms do, in fact, demonstrate a greater understanding of the world and the lady’s place in it; the lady, by contrast, seems utterly naïve and the worms have to explain everything to her. After the body asks the worms why they eat her so voraciously, the worms reply that they will not depart until they have “scowred & pollysched” her bones, “And made als clene as we can þaim emange” (ll. 60, 61). For their labors they will not ask any compensation—not “Gold, syluer, ryches, ne no oþer mede” (l. 63). They explain that they simply do God’s work for He made them to be the only creature that can stand to be near her body, saying, “Þine orrybyll flesche, rotyng &

saule obedient vnto God in kepyng his commandments right, & þan sal þai bothe be gloryfyed togeder in euerlastyng ioy. (89)
stynkynge, / Of al creatures hated to devyse, / Safe onely vs wormes on þe to fede” (ll. 66-68). God designed them to execute this task, making them so that they “may not saour ne smell in no wyse” (l. 65).

Devouring worms have appeared throughout these poems; they were a traditional part of the discourse on death. They appeared in many depictions of Hell, literally, as worms devouring the bodies of the damned after the Last Judgment as in the depiction of the damned at Bourges. Theologians, however, often interpreted their work symbolically. Thomas Aquinas, for example, reasons, “The worm ascribed to the damned must be understood to be not of a corporeal but of a spiritual nature: and this is the remorse of conscience, which is called a worm because it originates from the corruption of sin, and torments the soul, as a corporeal worm born of corruption torments by gnawing” (2985). The worms in the Disputacione betwyx the Body and Wormes do fulfill a symbolic role, acting like priests who do their part to assure that bodies are not damned if they fail to resist temptation and fall into sin. Confession and penance will qualify them for God’s mercy.

The first suggestion that the worms occupy a seat of authority occurs when they explain that they acted within a hierarchy of vermin designed to lead the body to righteous living. They explain that they had sent their messengers to her from the day she was born to warn her to prepare for her death, something she ignored:

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76 For a reproduction and discussion of the West façade at the Cathedral of St.-Etienne in Bourges, see Male, Religious Art in France: The Thirteenth Century: A Study of Medieval Iconography and Its Sources 381-82.
The worms list their accomplices, lice and ticks and fleas, who were sent to remind her to prepare for her death. Describing their role in these terms aligns the worms with priests like the author of the *Fasciculus Morum* and John Mirk, who warn people to contemplate death and renounce worldly pleasures. The comparison is apt. Both worms and priests depend on the body’s corruption for their living, although whether religious men would have appreciated the comparison is questionable.

The Lady in the poem is persuaded by the worms’ argument. “Now knawe I wele our mesyngers þai were, / Þe whilk with me in lyfe keþyd resydence,” she says and announces, “No langer wil I dispute þis matere, / Nor debate, bot suffer ?our violence” (ll. 135-138). Before she really becomes reconciled to the worms, however, she thinks of one further argument: “Bot ?it in the Sawter Dauld says þat alle / Sal be obedient vnto mans calle” (ll. 140-141). The worms refute this, explaining:

- Þat power dures whils man has lyfe;
- In þis wrecid warld here ar þai þe apon;
- Now þi lyfe is gone, with vs may þou not stryfe;
- Þou art bot as erthe & as þinge to noght gone. (ll. 142-145)

The worms inform her that she should have expected this if she had paid attention on Ash
Wednesday when the priest blesses with ashes to remind lords and ladies, such as she once was, that they shall be ashes themselves. Unfortunately, the lady paid no more attention to the priests than she did to the worms’ messengers.

In life, the lady was unwilling to turn away from her worldly pleasures, but in death and after her debate with the worms, she realizes the error of her ways. After listening to the worms eloquent rebuttal of her arguments and complaints, she wails:

Allas, allas, now know I ful well
That in my lyfe was I made lewyd & vnwyse,
With a reynawnde prye so mykil for to mell,
For myne abowndant bewte to so devyre;
To prowde hafe I bene, to wanton, & to nyse,
In warldly pleasaunce gret delyte hafyng,
To be my comper none worthy þinkynge. (ll. 156-162)

The body confesses her sins to the worms and ends the debate with a note of concord and celebration when she asks them to be her friends and neighbors to “kys & dwell to-gedyr euermore / To þat God wil þat I sal agayn vprye / At þe day of dome before þe hye justyse” (ll. 195-197). The debate ends with the body’s glorious vision of her fate after the Last Judgment:

With þe body glorified to be,
And of þat nowmbyr þat I may be one,
To cum to þat blis of heuen in fee,
Þorow þe mene & þe mediacione
Of our blissed Lord, our verry patrone,
Þar in abilite to be for his hye plesaunce.
Amen. Amen. pour charite at þis instaunce. (ll. 198-204)

The body’s jubilant conclusion proves untrustworthy on two counts. First, the naïveté and ignorance she demonstrates in her trenchant depiction of the worms as unruly guests makes her subsequent claims equally suspect. Furthermore, her description of herself as saved through Christ’s mercy disregards the worms’ cautionary final speech. After her confession and the announcement that she will tolerate the worms’ attacks by arming herself “with gode sufferaunce / Oure Lordes will to abyde with al þe circumstaunce” (ll. 168-169), the worms warn:

By þis sufferaunce of vs no thanke gyt ?ee,
For by ?our wil lyfed hafe euer ?e walde;
Rememor ?e sal with will of ?our hert fre
In holy scripture, & ?e wole behalde
Þat þe fayrnes of women talde
Is bot vayne þinge & transitory;
Women dredyng God sal be praysed holy. (ll. 170-176)

This is the first mention that women have bodies that are especially susceptible to sin. The worms appear to be familiar with scripture and their authority is unchallenged in the debate. Perhaps, since women are more corruptible, God will be more merciful toward them, but the worms do not really suggest this. They remind the lady that she lived her life as she wanted, not for God, so she does not fit the category of women who “sal be
prayed holy.” According to the worms, the body acknowledges her sins and decides to amend her ways too late; however, the body does have the last word. After she shouts “Amen. Amen,” the narrator awakes from his dream. Readers must choose whose argument to accept: are the priest-like worms correct that the body damned herself with her late repentance or do the body’s final words carry the greater weight?

The narrator offers no authoritative commentary. After saying that he woke up he explains how a holy man told him to write down his vision to give readers a

þinge delectabyll,

And a monyscyon both to sty & to mefe

Man & woman to be acceptabyll

Vnto our Lard, & al lustes for to lefe

Of warldly þinges, whilk dos þaim grefe,

And þe more rather to call vnto mynde

Oure Saueour & to Hym vs bynde. Amen. (ll. 212-218)

Whether readers sympathize with the body or condemn her, this poem effectively confronts readers with their own mortality, as do the debates between the body and the soul. Each of these poems argues that, even though the body decays in the ground, it is not inherently corrupt. Instead, it is up to the whole individual, both body and soul, to plot a course away from sin and lead good lives. Although the poems provide differing positions on the possibility of penance after death, they call readers to contemplate and prepare for their own death before it happens, echoing the preachers’ demand that Christian men and women should think on death in order to amend their ways.
Sometimes, the narrator even models the behavior expected of readers. The dreamer’s words at the end of the *Disputacione betwyx the Body and Wormes* suggest the lesson he wants readers to take from his vision. He is a messenger like the ticks and fleas alluded to by the worms, sent to remind readers of their inevitable death and decay and to warn them that we should prepare ourselves for good deaths. At the end of the *Porkington Debate*, the narrator says:

> When I hade hard complaynt alle
> Betwyne the body and the soule in fere,
> Frow my eyne the teris begane to fale;
> I pray to God with myne herte in fere,
> He wold witsavfe to grant, while I wer here,
> Of al my synnys to have wery reypentance,
> And ever in my werkys to do unto his pleysance. (p. 35)

He explains that the vision of “the body and the soule were ever in my mynde, / And ever me thoo?t I sawe the feynd byhynd” (p. 35) and so is compelled to give up all his worldly goods to live in the desert “abydyng Goddis wille” in order to save his soul (p. 36). Perhaps the narrator takes the lesson to a greater extreme than most of his readers will be able to, but he advises them to “Lete this a storry be byfor youre eey; / Beth wel awyssyd, for truly ?e schal dye, / But whenne and wer there is no mane cane telle” (p. 37). Despite the differing attitudes toward the corruptible body expressed within the debates and despite the disagreement among the debates regarding the possibility of confession after death, all these debates confront their readers with the image of death, asking them to
contemplate their own end and, on an unspoken level, urging them to be better than the individuals depicted in the poems for, even if they forget the poem immediately afterwards, while they read it, they are obeying the injunction to think about death, something these individuals never did.

The popularity of debates featuring a dead body shows that many people were interested in meditating on death, and the complexity of the poems, both individually and collectively, reveal larger cultural anxieties about the body, death and the Last Judgment. Whereas a majority of the Middle English sermons equate the body with corruption and sin, the debates demonstrate that body and soul are both implicated in a person’s misdeeds. Each individual debate incorporates several different views of the body and its corruptibility within a single frame. The soul’s first speech depicts the dead and decaying body as the horrifying result of sins actively pursued by the living body. The body argues that the soul also contributed to their transgressions, and describes itself as the ignorant servant of a bad master who finds itself alone and attacked by its supposed protector. Except for the prose *Dysputacion*, none of the debates provide an authoritative interpretation of the disagreement, leaving it essentially unresolved. The debate can only be resolved when the unity of body and soul is recognized. The body does decay in the ground, but the soul’s fate is indivisible from the body’s. The two were united in life and will be again after the Last Judgment.

Collectively, the poems present a variety of different views of the importance of confession. Sermon narratives, ghost stories and wills reveal that people were concerned about the fates of those who die with unconfessed sins. Some posit a merciful God who
forgives even those who come late to repentance, waiting until the body has been buried, but others argue that such people are damned. The debates are part of this controversy, as they often conflict about key issues like whether the individual depicted in the poem will be condemned to Hell or destined for Heaven. Debate poems featuring the body provide an immediate opportunity for meditation on a person’s fate after death for we all have bodies. They also consider the extent of God’s mercy in Middle English, a theological inquiry that was fraught with danger in the late-fourteenth and fifteenth centuries, when the poems reached the height of their popularity. Although they might seem to offer simple didactic threats to persuade readers to repent while they still have time, the poems engage with the deceased body and soul in much more complicated ways. The poems’ vivid depiction of the two antagonistic disputants promotes discussion of controversial issues that fascinated and affected medieval audiences.
Figure 3.1: BL Additional 37049, fol. 32v
Courtesy of the British Library
Figure 3.2: HM 1157, fol. 145v
Courtesy of the Huntington Library

163
Figure 3.3: HM 1134, fol. 142
Courtesy of the Huntington Library
CHAPTER 4

GENDER AND SECRETS

Women and the patriarchal gender hierarchy are a frequent theme in Middle English debate poetry. *The Owl and the Nightingale* spends nearly three hundred lines discussing women’s sins and their unhappiness in marriage (ll. 1331-1602). *The Parliament of Fowls* and *The Assembly of Ladies* both use female characters to reflect on the opportunities available to the disenfranchised to seek redress in law courts for wrongs done to them as well as on the law’s ability to maintain peace. Even debates between dead bodies and their attackers make use of rhetorical strategies familiar from the language of courtly love: in *The Porkington Debate*, the body calls its soul “lady and mastries” and “soferayn” to manipulate the soul and prove that it was the soul, not the body, that was derelict in its duties; and the *Disputacione betwyx the Body and Wormes* depicts a female corpse, who calls upon the “knyghtes” and “worschpful sqwyers” to help her, expecting them to respond as her faithful servants and protect her from the devouring worms. Sex difference is also a common interest in medieval scholastic texts. Helen Solterer has argued that women appear as critics of masterly writing in academic texts and Ruth Mazzo Karras that students at medieval universities had infrequent contact
with women, contributing to the misogynistic attitudes that help to form the elite masculine identity created at these institutions.\textsuperscript{1} Poems like \textit{The Thrush and the Nightingale}, Lydgate’s \textit{Mumming at Hertford}, and Dunbar’s \textit{Tretis of the Tua Mariit Wemen and the Wedo} focus the vernacular debate poems’ interest in sex difference by reflecting on masculine anxieties about the patriarchal gender hierarchy in disputations, the main mode for academic discourse in the Middle Ages.

In this chapter, I argue that several debates that appear to take up the issue of the vices and virtues of women do so to consider how men’s domestic relations with women affect their public reputations and authority. I focus my inquiry on poems in which the debaters address questions of female behavior and value in order to interrogate the ways debate poems depict the relations between the sexes and reflect on patriarchal authority: the anonymous late-thirteenth-century poem \textit{The Thrush and the Nightingale}, in which two birds debate about the nature of women; John Lydgate’s \textit{Mumming at Hertford} (1425-1430), in which six marriages where women have assumed governance over their husbands are dramatized; and William Dunbar’s \textit{The Tretis of the Tua Mariit Wemen and the Wedo} (late-fifteenth, early-sixteenth century), in which three women debate the best ways to dominate men. These poems explicitly attend to gender, a hierarchical structure that Joan Wallach Scott maintains is “a primary way of signifying relationships of power” (48).\textsuperscript{2} In a misogynistic, patriarchal system, the gender binary reflects a series of contrasts. As Caroline Walker Bynum explains, “\textit{Male} and \textit{female} were contrasted and


\textsuperscript{2}
asymmetrically valued as intellect/body, active/passive, rational/irrational, reason/emotion, self-control/lust, judgment/mercy, and order/disorder” (257). Gender thus serves as a useful means of articulating power structures. I contend that these three debate poems concern themselves with the subject of women’s worth in order to represent ideas about masculine authority and social control.

The field of medieval studies has seen an explosion of texts on the cultural and political contexts of gender. Anthologies like Women and Power in the Middle Ages, Upon My Husband’s Death: Widows in the Literature and Histories of Medieval Europe, Class and Gender in Early English Literature: Intersections, Becoming Male in the Middle Ages, Medieval Women and the Law, Conflicted Identities and Multiple Masculinities: Men in the Medieval West and Gender and Difference in the Middle Ages, as well as many monographs, explore what it means to be male or female or even how gender was constructed in the Middle Ages from a variety of disciplinary and theoretical perspectives. Joan Scott has argued that it is imperative to study gender if we wish to understand the past:

It is a field that seems fixed yet whose meaning is contested and in flux. If we treat the opposition between male and female as problematic rather than known, as something contextually defined, repeatedly constructed, then we must constantly ask not only what is at stake in proclamations or debates that invoke gender to explain or justify their positions but also how implicit understandings of gender are being invoked and reinscribed.

(49)\(^5\)

Scott’s argument remains relevant to medievalists. Texts about gender differences iterate traditional notions about the typical weaknesses of the female body and the virtues described as “manly” are seemingly ubiquitous in medieval culture—Alcuin Blamires has compiled an anthology of such texts in *Woman Defamed and Woman Defended*.\(^6\) Alastair Minnis has described the tradition as belonging to the category of “structural anti-feminism,” a term that describes the entirety of traditional medieval concepts about gender difference and is opposed to “phobic anti-feminism.” In “structural anti-feminism,” an author followed traditions and participated “in discourses of sexual difference which were to outlive him long into the future” (427).\(^7\) Of course, as Alcuin Blamires points out, “what we read as structural misogyny, most medieval writers

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\(^5\) Joan Scott, *Gender and the Politics of History*.
\(^7\) Minnis, *The Shorter Poems*. 
articulated as the ‘natural’ condition of women” (234). In order to come to terms with the past history of gender roles, it is necessary to do as R. Howard Bloch advocates and “push the antifeminist clichés to their limit in order to unmask their internal incoherences” and see how these texts speak to the meanings of sex difference in the Middle Ages (3). Misogynist literature, such as the debates about women, provides a wealth of information about medieval understanding of gender roles and gender differences.

Much of the discourse about gender in England during the fourteenth and fifteenth centuries derived from patriarchal ideas about natural governance. Elizabeth Fowler explores discussions of sexual and political dominion in commentaries on the Genesis story of the fall, observing that this story “became the origin of God’s dominion over creation, of men’s dominion over women, of human dominion over animals and land, of human dominion over knowledge, and of the dominion conveyed by labor” (125). Thus, men were regarded as the natural rulers of both family and society, and they exercised authority over both women and their male social subordinates, but men often worried about the ways women threatened their dominant position. For example, legislation against and prosecution of scolds in the fourteenth and fifteenth centuries sought to control the power of speech, especially as a tool to influence bailiffs or juries in legal matters. Scolding was an accusation highly charged with gender anxieties; it was considered largely a female vice and women constituted between seventy-five and

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8 Blamires, *The Case for Women in Medieval Culture.*
9 Bloch, *Medieval Misogyny and the Invention of Western Romantic Love.*
ninety-five percent of accused scolds. Not only were women the most commonly accused, but Bardsley argues that men accused of scolding were usually “condemned for their inadequate masculinity as much as for their inappropriate words” (4).11

Furthermore, Margery McIntosh argues that attention to scolding and sexual misbehavior increased throughout the later Middle Ages.12 All three works discussed in this chapter reflect on women’s perceived predilection for excessive speech, revealing concerns about the proper definitions of “masculinity” and “femininity” and the ways the two exist in a continuum, even as they seek to impose a strict gender binary.13

Gossiping women could undermine a man’s good reputation, which was essential in his business dealings as well as in his ability to oversee his subordinates. Shannon McSheffrey addresses the importance late medieval English society placed on a man’s reputation, even in seemingly private matters such as sexual conduct.14 McSheffrey examines the patriarch’s role in promoting proper sexual conduct within his household and community and maintaining those standards in his own sexual relations. McSheffery traces the use of ward moot inquests—twelve or thirteen men appointed by the alderman to form the inquest jury—to shape the behavior of the inhabitants of the local civic districts in late medieval England. “From at least the end of the thirteenth century,” she

13 For a discussion of the problematic nature of gender binarism in the Middle Ages, see Cadden, Meanings of Sex Difference in the Middle Ages.
explains, “These civic bodies had made the sexual activities of the inhabitants of the wards their business, along with such matters as keeping the roads clear and cleaning the ditches” (252). Both men and women were subject to strictures placed on their behavior, and women’s good name “was constructed largely through others’ knowledge about their sexual behavior, which in turn was related to their governance by a properly constituted male authority” (260). Men also retained good reputations by guarding against public sexual misconduct, and were subject to authority like women, but more often relied on self-governance because sexual misbehavior revealed their misgoverned state and could lead to disrepute and loss of authority.

Women are often described as occupying the private realm in medieval society. Even within the domestic realm of the household, women were often confined to private rooms. Kate Mertes observes that the medieval household was mostly male and the few women who did serve in the household “are invariably chamberwomen and companions to the lady of the household and nursery servants, restricted to the private portions of the house (and often married to another servant); or laundresses, who much of the time lived outside the household” (57). Attention to scolding and sexual misbehavior suggests that even though women were often limited to private spaces, their words and actions had

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consequences in the public world, and the three poems discussed in this chapter enact or discuss the ways women’s conversation and behavior might undermine men’s reputations.

Private relations between men and women could affect a man’s public life (and a woman’s, since McSheffrey observes that a woman’s sexual reputation was also monitored by ward moot inquests), but discussions of the patriarchal gender hierarchy also offer medieval audiences the opportunity to reflect on other hierarchies. For instance, the Bible compares marriage to Christ’s relation with the church, a metaphor frequently used throughout the Middle Ages: “Wives, be subject to your husbands as you are to the Lord. For the husband is the head of the wife just as Christ is the head of the church, the body of which he is the Savior. Just as the church is subject to Christ, so also wives ought to be, in everything, to their husbands” (Ephesians 5:22-24). Gendered language even appears in the debates between the body and the soul. In *The Porkington Debate*, the body calls its soul “lady and mastries” and “soferayn” (p. 22), inverting the expected hierarchy—in which the soul as the superior part should be compared to the male, the dominant member of the patriarchal gender hierarchy—in its attempt to manipulate the soul.

The patriarchal gender hierarchy also features in discussions of royal, secular authority. For instance, male sexual behavior is an important theme in mirrors for princes. Thomas Hoccleve, for example, recommends that a ruler be chaste in the *Regement of Princes*:
To chastite purpose I not to haste,
Whiche couenable is, and conuuenient,
Vn-to a kyng for to sauoure and taste.
What prince þat with vnclennesse is brent,
And ther-in settith his luste and talent,
No perfyt dede or werk him folwe may:
Mochil, is hertë chaast, to goddys pay.  (ll. 3627-3633)\(^{16}\)

The three debates I discuss in this chapter also demonstrate the concern that sexual misconduct and inappropriate behavior may undermine even the highest authority. A king’s sexual behavior is theoretically as important as his legal and political behavior, perhaps even more so if his behavior produces illegitimate offspring.

As with the relationship between men and women, the relationship between monarch and subject aspires toward certain ideals of natural governance. The ruler must be a good governor and those who are ruled desire good governance. George Ashby considers the hierarchy from the position of those excluded from power in the *Active Policy of a Prince*:

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Oure nature desirith to haue a man
To reigne here vppon vs with gouernance,
Circumspecte of tymes than & whan
He shall execute thing in assurance,
Quykly & iustly to goddys plesance,
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Not as a wreche, Tiraunt ne oppresour,

Nor in subtle wiles a Coniectour. (ll. 667-673)

Thus, good subjects, like good household members, desire good rulers, but this system
demands that both ends of the axis behave in their prescribed manners and if one member
deviates the entire power structure may be compromised. The fact that this ideal is
impossible to attain is the conflict at the center of the three debates about women I
discuss in this chapter.

In the first part of the chapter I show that The Thrush and the Nightingale
reiterates misogynist and philogynist truisms (which, as R. Howard Bloch suggests, are
another form of misogyny)\(^\text{17}\) not for their own sake, but to highlight the difficulties that
beset patriarchal authority from women and from other men. The second part explores
John Lydgate’s Mumming at Hereford to show how the patriarchal gender hierarchy
provides an opportunity to explore the workings of other hierarchies, especially social
and political ones. Finally, I argue that William Dunbar’s Tretis of the Tua Mariit
Wemen and the Wedo is a literate masculine effort to define and control women and their
secrets.

1. “Þi sawe shall ben wide couþ”: Knowing Women in The Thrush and the Nightingale

The narrator of the late-thirteenth-century poem, The Thrush and the Nightingale,
states that the birds debate the question of women’s worth, but the avian disputants
articulate a similar understanding of women’s condition and the issue that most concerns

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\(^{16}\) Thomas Hoccleve, The Regiment of Princes, TEAMS, ed. Charles R. Blyth (Kalamazoo, MI: Western
them is the ways men’s relationships with women affect their position and prestige.\textsuperscript{18} Alcuin Blamires treats the poem as a concise example of the positive and negative views of women prevalent in the Middle Ages.\textsuperscript{19} In *The Case for Women in Medieval Culture*, Blamires argues that *The Thrush and the Nightingale* can be best understood “when the piece is inserted within the praise/blame tradition” (22). The poem does make use of many arguments and authorities familiar from the misogynist and philogynist literature that Blamires discusses, but it is more than a simple reiteration of these opposing positions. I maintain that *The Thrush and the Nightingale* is concerned with how men can know and control the women over whom they are supposed to exercise authority in the patriarchal society of the Middle Ages. Ultimately, the poem presents a conservative view of the patriarchal gender hierarchy—men should maintain the authority over women—but the cumulative effect of the birds’ debate calls this masculine dominance into question.

Jeni Williams notes that the key issue in *The Thrush and the Nightingale* is “the nature and value of women” (89),\textsuperscript{20} and that observation corresponds to the narrator’s summary of the dispute he overhears. I contend, however, that the two birds never really disagree about women’s nature; rather the heart of their debate concerns the proper treatment of women by men. The narrator summarizes the birds’ dispute, writing:

\begin{quote}

Michigan University for TEAMS, 1999).
\textsuperscript{17} Bloch, *Medieval Misogyny and the Invention of Western Romantic Love* 5.
\textsuperscript{18} Frances Lee Utley dates the poem to the reign of Edward I (1272-1307) in "Dialogues, Debates, and Catechisms," 270-71.
\textsuperscript{19} Blamires, *The Case for Women in Medieval Culture* esp. 14 and 21-22.
\end{quote}
Hic herde a strif bitweies two,
Þat on of wele, þat oþer of wo,
Bitwene two i-fere;
Þat on hereþ wimmen þat hoe beþ hende,
Þat oþer hem wole wiþ mi?te shende. (ll. 7-12)²¹

By describing the debate as an interrogation of the term “wimmen,” the narrator reveals his understanding that “wimmen” is the subject of the dispute. The narrator’s summary places the birds’ debate firmly within Bloch’s definition of misogyny “as a speech act in which woman is the subject of the sentence and the predicate a more general term” (5).²²

As Blamires notes, medieval defenses of women are equally included in this definition of misogyny as generalization, and the Nightingale’s defense of women frequently makes use of categorical assertions like “Hy beth of herte meke and milde” (l. 55).²³ The contest between the birds, and especially the Thrush’s concluding volley, which advances the Virgin Mary as the epitome of feminine virtue, demonstrates that alternative models exists. The poem turns upon the Nightingale’s final speech, in which she replaces sexually active women, who had been models of femininity earlier in the dispute, with an entirely new (and unattainable) model, the Virgin Mary. The Thrush offers his capitulation immediately after the Nightingale mentions Mary, and the birds never observe that the definition has changed. Thus, the poem destabilizes the term “wimmen,” the definition of which forms the ostensible subject of the debate.

²⁰ Jeni Williams, Interpreting Nightingales: Gender, Class and Histories (Sheffield: Sheffield Academic Press, 1997).
²¹ I cite from the edition by John W. Conlee in Conlee, ed., Middle English Debate Poetry.
²² Bloch, Medieval Misogyny and the Invention of Western Romantic Love.
The two birds themselves signal the many difficulties inherent in creating gender hierarchies. The complex nature and gender of the avian disputants indicates that gender categories can be complicated. *The Thrush and the Nightingale* opens with a conventional celebration of spring, the season that heralds the coming of summer and love, flowers and leaves, and birds’ song, but the poem adds an explanation for the birds’ singing: it is “for longing of þe ni?ttegale / Þis foweles murie singeþ” (ll. 5-6).

What do we make of the nightingale and its love-longing? Is the nightingale really a bird or does it symbolize something else, perhaps a human? What does it long for? An avian mate as in *The Parliament of Fowls*? Or does the nightingale represent a courtly man sick with love for a woman? The detail suggests that love will be the focus of the poem and, indeed, the poem does interrogate the costs and benefits of loving women, but the specific source of the Nightingale’s amorous affections is not explained. One possibility is that the Nightingale loves womankind generally, for the bird serves as a champion of all women in the debate with the Thrush. Both the Nightingale and the Owl in *The Owl and the Nightingale*, are described as female birds, responsible for cleaning their nests and raising their young, and both consider themselves women’s champions. As the narrator explains, “Þe ni?tingale is on bi nome / Þat wol shilden hem [women] from

shome, / Of skaþe hoe wole hem skere” (ll. 13-15). Throughout the debate the Nightingale defends womankind from the Thrush’s attack and even threatens the other bird with physical retaliation by the very women the Thrush denigrates.\footnote{The Nightingale threatens, “Come þou heuere in here londe, / Hy shulen don þe in prisoun stronge, / And þer þou shalt abide” (ll. 127-128).}

Furthermore, in *The Thrush and the Nightingale*, the characters of the disputing birds remain indefinite. Unlike *The Owl and the Nightingale*, this poem never offers discussions of the natural habits of birds, nor does the Nightingale in *The Thrush and the Nightingale* voice any ideas that humans might consider to be of special interest to birds.\footnote{For example, the Owl and Nightingale criticize one another’s nesting and eating habits, and the Owl is criticized for the behavior of her young (ll. 625-54).} The narrator in *The Thrush and the Nightingale* uses the feminine pronoun “hoe” to refer to the Nightingale, but just as the bird never identifies herself as particularly avian, neither does she identify herself with the women she defends; rather, she sympathizes with them and champions their cause against the misogynist Thrush. I believe that in *The Thrush and the Nightingale* the feminine pronoun reflects the literary conventions associated with the bird more than it implies that the Nightingale defends herself when she defends women.\footnote{In fact, in her defense of women the Nightingale sometimes depicts herself as their admirer, raising questions about the nature of her attention. For example, she remarks:}

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Herd I neuere bi no leuedi
Bote hendiness and curteysi,
And ioye hy gunnen me bringe.
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\footnote{The Nightingale threatens, “Come þou heuere in here londe, / Hy shulen don þe in prisoun stronge, / And þer þou shalt abide” (ll. 127-128).}
The Nightingale describes herself as enjoying the ladies’ company, but not as one of them, occupying a place outside the heterosexual economy. At times she even seems to perform the male role. When she describes the joy they bring her, the Nightingale uses the language and occupies the role of a courtly lover in the confidences and favor of his beloved, rather than merely adopting rhetorical arguments from courtly tradition, which she frequently does at other times in the debate, as we shall see. While the Nightingale is not strictly a bird, neither is she completely anthropomorphized as a woman or as a man. She does, however, suggest how difficult it can be to strictly define gender, for gender can be sexual, grammatical, and symbolic.

In contrast to the Nightingale’s ambiguous nature and gender, the Thrush (identified as “le Mauuis” in the French title in Digby 86) is consistently characterized as masculine, and his nature is more human than avian. The Thrush considers himself a man and frequently aligns himself with human men. Although the two birds regularly address one another as “fowel,”28 the Thrush represents himself as a sexually experienced man. Early in the debate he ambiguously says:

I ne may wimen herein nohut,

ffor hy beþ swikele and false of þohut

Also ich am ounderstonde. (ll. 37-39)

27 For example, a feminine pronoun denotes the Nightingale in The Owl and the Nightingale, Clanvowe’s The Cuckoo and the Nightingale, The Clerk and the Nightingale, and Lydgate’s A Seying of the Nightingale. The French title introducing the poem in Digby 86 calls her “la russinole.”
28 For instance, the Nightingale calls the Thrush “Fowel” in lines 50, 146, 169, and 178.
By claiming that this is his understanding, the Thrush leaves the sources for his position unclear, but in the next sentence he announces that his own personal experience with women provides authority for his argument:

> Hy beþ feire and bri?t on hewe,
> Here þout is fals and ountrewe;
> Ful ?are ich haue hem fonde. (ll. 40-42).

The final line here unambiguously states that he has personally found women to be false and untrue. Although the Thrush plays down his own experience by citing textual authorities later in the poem, here he clearly admits to being attracted to women’s beauty.

His appeals to texts are designed to strengthen his argument, but also to exonerate him from any wrongdoing. Williams argues that the Thrush’s authority comes from books and claims that his arguments derive solely from his antipathy for feminine desire as a hindrance to chastity, but this reading ignores the Thrush’s claim to have sexual experience (88).²⁹ I suggest that the Thrush’s emphasis on feminine desire in statements like “Hy willeþ for a luitel mede / Don a sunfoul derne dede” (ll. 64-65) masks his own desire. For the Thrush, masculine desire overwhelms even the best men—the Thrush never asks why men such as himself are willing to reward women to do “a sunfoul derne dede.” At the end of this speech, he calls on men, “monie and fele / Þat riche weren of worldes wele,” as witnesses to the disgrace women have caused them (ll. 46-47). The Thrush cites authorities to support his personal experience.³⁰ Even the men with the

²⁹ Williams, *Interpreting Nightingales*.
³⁰ For a discussion of medieval attitudes toward textual authority and personal experience as ways of acquiring knowledge, especially in Chaucer’s works, see the chapter “Experience and Authority: ‘In schole
greatest of worldly goods have found themselves in the same position as the Thrush. In his third speech, the Thrush clarifies the character of his encounters with women:

Ich habbe wif hem in boure i-be,
I haued al mine wille.
Hy willeþ for a luitel mede
Don a sunfoul derne dede,
Here soule for to spille. (ll. 62-66)

The Thrush, ostensibly a bird, describes his success in wooing women in the bedroom with a little treasure. He designates the women’s participation a “sunfoul derne dede” and claims it wastes their souls, but he feels no remorse about his part in the act nor any fear for his own soul. Why should he? The title and the narrator’s description describe him as only a bird after all, a soulless animal unable to resist his basic instincts.

The conflation of the bird with a sexually experienced man raises questions about the nature of masculinity and patriarchal dominance. The Thrush shows little concern for his own reputation; rather, he is proud of his prowess and his experience gives him the knowledge to speak authoritatively about women. The Thrush assumes that masculine sexual misbehavior is not at stake, but loss of authority is. The bird’s assumption might have been shared with the broader culture. As McSheffrey and McIntosh have shown, concern about misbehavior ebbed and flowed throughout the Middle Ages.

Furthermore, the appropriateness of extramarital sexual activity for men could be a matter of some disagreement among people living at the same time: some dismiss
extramarital sex as a blameless, natural tendency in men, whereas others regard it as a venial sin. The Thrush appears to accept the former view, and he employs rhetorical strategies that demonstrate his understanding that his sexual activity is central to his authority. He demonstrates no shame for his conduct, and, as we shall see, the Nightingale never accuses him of sexual misconduct, only of slandering women. For the Thrush, women shoulder the blame for all the failed relationships he mentions, and he urges the Nightingale to avoid any entanglement with them.

The debate itself reveals the birds’ interest in masculine dominance and authority. The Thrush begins the debate by saying of women, “Hit were betere þat hy nere” (l. 24), but his subsequent speeches amplify the dangers they represent to male reputations rather than explore the essence of woman. The Thrush demonstrates no misgivings about revealing his extramarital sexual experience, but the ways men’s relationships with women do affect their public image and economic situation are his constant anxieties. The Thrush admits that his disdain for women stems from personal experience, but he rallies authorities that exonerate his shortcomings, because they assume that this is typical masculine behavior. He offers the excuse that even the most famous men have failed in their interactions with women, citing Alexander the Great as his first example: “Alisaundre þe king meneþ of hem— / In þe world nes non so crafti mon, / Ne non so riche of londe” (ll. 43-46). Stating that even great emperor Alexander complains of women, the Thrush places himself in good company and justifies airing his grievances

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32 See, for example, McSheffery’s discussion of attitudes toward sex outside marriage among late-medieval Londoners in McSheffrey, “Men and Masculinity,” 264.
against them. By trying to excuse his own susceptibility to women’s cheating and charms, the Thrush demonstrates the failure of the patriarchal gender hierarchy: his argument assumes that even the most powerful and crafty men cannot maintain sovereignty over women. The result of this private failure is public disgrace, as the conclusion of this speech argues when the Thrush calls on most successful men as witnesses, for “Muche wes hem þe shonde” (l. 48).

The shame men suffer when they fail to dominate their lovers has consequences for their ability to conduct successful business affairs, as the Thrush’s references to other men who have suffered misfortune as a result of their dealings with women demonstrate. Men’s relationships with women determine their economic and public relationships with other men. Over the course of the debate, the Thrush cites Adam, Gawain, Constantine, and Samson, in addition to Alexander the Great, as men who share his misogynist views and whose experiences with women have caused them to lose authority in the public realm. The Thrush insists on the high social and economic status of his examples and evaluates the creation of women in economic terms as the “worste hord of pris” (l. 142). Williams argues that when the Thrush refers to these authorities, he places an untoward stress on wealth and economics. Williams interprets this emphasis as evidence of the Thrush’s “reductive materiality,” which makes him susceptible to the Nightingale’s arguments (89). This reading, however, downplays the Thrush’s concern about the economic threat women pose. The Thrush may be “confusing goods and rank with gentility,” as Williams argues, but the two are easily conflated, especially given the fact

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33 Williams, Interpreting Nightingales.
that the Thrush observes the world of the noble authorities from the outside (90). By calling on these three authorities with their high status, the Thrush allies himself and his experiences with the greatest of men and he argues that even men with the best reputations can be brought low by their dealings with women.

The Thrush emphasizes the fact that he refers to the most famous and powerful men—Adam was “oure furste man,” Gawain “Þat Jesu Crist ?af mi?t and main / And strengþe for to fi?tte,” Constantine the great Christian Emperor, and Samson was ‘Þe strong”—and he considers them his allies (ll. 71, 89-90, 139). Like him, these men were women’s victims, sometimes with great consequences. In the Thrush’s examples, patriarchal hierarchy within the household proves impossible to maintain from the first man to the Thrush. While the Thrush may intend these examples to serve as a salve for his own failures with women, he also uses them to argue that men should avoid marriage if they wish to retain their authority. The misogynist bird never mentions celibacy as an option; instead, the Thrush suggests that men make the best of their bad situation by never expecting too much from women.

A key threat that women pose to men is an economic one, according to the Thrush. After the Nightingale praises women as the perfect mate to “hele monnes sore” (l. 153), the Thrush advises her: “Ni?tingale, þou art ounwis / On hem to leggen so michel pris— / Þi mede shall ben lene” (157-159). The economic terms the Thrush uses here to describe the relationship between men and women are significant, for a frequent misogynist complaint and the Thrush’s greatest worry concerns the many ways wives

\footnote{Ibid.}
cost men money, thus affecting their reputations. One of the great men the Thrush cites as a victim of women’s falseness is Sir Gawain, whose reputation as a lover of women might make him an unlikely candidate to prove the Thrush’s point. The reference, however, resonates with poems like The Wedding of Sir Gawain and Dame Ragnell, Sir Gawain and the Green Knight, and De coniuge non ducenda, which associate Gawain with antifeminist sentiments. In his debate with the Nightingale, the Thrush takes witness of “Sire Wawain,” who, he says, “So wide so he heuede i-gon, / Trewe ne founde he neuere non / Bi daye ne bi ni?tte” (ll. 91-93). While the Thrush does not enumerate the costs of marriage here, he connects him with antifeminist sentiments. One popular poem that also features Gawain in an antifeminist role is the late-thirteenth-century antimatrimonial poem De coniuge non ducenda. In most manuscript traditions De coniuge non ducenda features a protagonist named Gawain, who is persuaded by three angels not to marry. The poem explicitly advises Gawain to avoid marriage, but it never counsels him to embrace celibacy—sexual relations with women are not forbidden.

The Latin poem explicitly addresses the economic risks a wife represents to a hard working man and his reputation. As A.G. Rigg observes, “It is concerned not with the obstacles that marriage places in the way of celibate sanctity or contemplative philosophy but simply with the inconveniences for the ordinary working man” (1). What Rigg calls “inconveniences” revolve largely around economic and labor issues, and they

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cause more trouble than mere embarrassment. The first speaker in the poem, St. Peter, maintains that a married man receives no credit for prosperity, but is always blamed for poverty:

With labours husbands grow quite thin—
At consummation they begin.
When business prospers, wives maintain
That they take credit for the gain.
If hardship strikes, they’re quick to stress
Their husband’s blame for their distress. (p. 75)

Peter observes that, at best, a married man’s reputation does not improve and, at worst, it suffers. The first two lines of this speech comment on the husband’s constant labor and the three speakers develop the theme, arguing that a married man must support his family, his wife’s lover, and her bastard child. This excessive financial burden causes him to pursue dishonest business, as the end of Peter’s speech makes clear:

A married man needs boundless wealth
To keep wife, kids and self in health.
His business standards aren’t too high;
In trading he’s obliged to lie.

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36 On the protagonist’s name, see Rigg, ed., Gawain on Marriage 4-6.
37 The translation is by A.G. Rigg in Ibid. The Latin reads:
   At vir laboribus se multis atterit,
   Et tunc incipient cum consummauerit.
   Cum res coniugibus succedunt prospere,
   Vxores asserunt se totum facere;
   Si fiunt paupers volunt arguere
   Quod propter hominess sunt ipse misere. (p. 74)
He sweats and toils to earn his pay,
To keep starvation’s wolf at bay.
Tomorrow he’ll begin again. (77)38

Peter argues that a wife’s demands will cause a husband to ruin his reputation as an honest man. Ultimately, a husband, even the most high-born, is no better than a serf, as St. John states in the poem’s concluding speech: “A married man’s a slave for sure,” and “Who takes a wife, himself is caught / And to eternal servitude brought” (87).39  

_De coniuge non ducenda_ argues that a man’s business and economic reputation suffers when he takes a wife for she blames him if they have insufficient wealth and takes credit if they earn an income, which can never be enough to satisfy her, so she continually drives him to make more money until he resorts to unethical business practices, irreparably damaging his good name. Who will do business with a dishonest man?

The Thrush’s appeal to Gawain, which may allude to _De coniuge non ducenda_ or a poem like it, allies the bird with an emblem of chivalry who shares his views of women: even Sir Gawain, famous for loving women, could not find a good one. Furthermore, if the poem does refer to _De coniuge non ducenda_, knowledgeable readers might recall the Latin poem’s warning about the price of a wife and her negative contribution to a

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38 Marito plurima sunt necessaria  
Pro se, pro coniuge, proque familia,  
Et illeigitime tractans negotia  
Mercando cogiture vt fallacia.

Instat laboribus causa pecunie  
Ne fames urget ventres familie;  
Laborat iugiter et sine requie  
Et cras incipiet quod fecit hodie. (76)

39 “Vere coniugium est summa seruitus,” and “Vxorem capiens plus ipse capitur, / Nam semper seruiens seruus efficitur” (86).
husband’s reputation. The economic terms that recur in the Thrush’s arguments reinforce this warning. Despite his attempts to align himself with great knights like Gawain and Alexander, the Thrush remains unconcerned about noble men’s courtly behavior toward women. He himself does not model chivalrous ideals, since he is perfectly willing to dally with a woman for sexual pleasure (as are the textual examples he cites). His argument concerns the threat that women represent to masculine authority: to marry a woman is to court financial ruin, for it makes the man responsible for and to his wife in public and, thus, affects his relationships with other men. Hence, the Thrush argues that it is dangerous for men to play too much value on their relationships with women.

When the Thrush refers to Constantine, he develops his point about women’s greed as a cause for men’s shame and adds a discussion their sexual depravity as another means by which they betray their husbands. The Thrush tells the Nightingale to “Penk on Costantines queen” (l. 115), and he warns the other bird that wives’ material desires will diminish men’s fortune by referring to the queen’s fondness for expensive clothes—“Foul wel hire semede fow and grene” (l. 116). The detail that Contantine’s wife loves expensive clothes reminds the Thrush’s opponent of his earlier claims that even the richest men can be brought to poverty by a wife’s demands, but then the bird mentions the queen’s adultery. The Thrush says, “Hoe fedde a crupel in hire bour / And heled him wiþ couertour: / Loke war wimmen ben trewe!” (ll. 115-120). Constantine’s humiliation is compounded by his wife’s infidelity with a cripple. First, she causes him economic hardship by demanding the most costly apparel. Then, she calls his
masculinity into question by consorting with a man who would not appear to be his physical equal, suggesting that Constantine may not be as virile as he seems if he is so easily replaced by a physically deformed man.

The threat women pose to their husbands’ reputations in this formulation centers around the ways bedroom antics become fodder for public conversation. The Thrush’s knowledge of Constantine’s wife’s escapades with a cripple implies that it was common gossip. As Karma Lochrie notes, gossip can be understood as “a kind of insurrectionary discourse on the part of women as a marginalized medieval community, one that existed alongside—but also in resistance to—a variety of institutionalized, written discourses” (57). Medieval texts persistently explore “the dangers of gossip as a corrosive discourse associated almost exclusively with women” (60). The Thrush, a man disguised as a bird, participates in the verbalization of someone else’s—Constantine and his wife’s—secrets, demonstrating that no secret is safe, and men should anticipate women’s tendency to gossip. Typically, women are associated with gossip in medieval texts, but the Thrush’s participation in the discourse of secrets illustrates the spread of gossip from female into male communities. Lovers should expect that their male companions will learn about their private affairs and be prepared for this knowledge to affect their relationships.

The Thrush’s final textual authority presents the danger he sees in public relationships with women most clearly and vividly. First, he refers explicitly to the Bible: “In holibok hit is i-founde, / Hy bringeþ moni mon to grounde / Þat proude weren
and bolde” (ll. 136-138). This explicit appeal to the most authoritative Christian text accompanies the Thrush’s final appeal to an exemplary man, Samson. The misogynist bird attributes much greater authority to this example than he does to Alexander, whose complaints he cites as a companion to his own, “Here þout is fals and ountrewe; / Ful ðare ich haue hem fonde” (ll. 41-42). After referring the Nightingale to scripture, the Thrush advises his opponent:

Þenk oupon Saumsum þe stronge,

Hou muchel is wif him dude to wronge;

Ich wot þat hoe him solde. (ll. 139-141)

Far worse than Gawain finding women untrue and Constantine experiencing the way a wife makes a man the subject of gossip, according to the Thrush, Samson is sold by his wife. In *De coniuge non ducenda* husbands are compared to slaves, but in the Old Testament story the Thrush cites, Delilah accepts a bribe of silver from the Philistines, who are able to blind, defeat, and shackle her husband, making him a literal slave as a result of her perfidy. Samson loses his strength and his status, becoming a literal slave when he gives in to his wife’s demands.

God may have created woman to be man’s bliss, but, for the Thrush, she is the worst part of his creation. After mentioning his final source, from the most authoritative text, the Thrush encapsulates his argument in three lines:

Hit is þat worste hord of pris

Þat Jesu makede in Parais

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Conlee suggests that there may be a pun on “hord” as hoard and whore.41 Certainly, the Thrush has accused women of having sex for “a luitel mede” before in the debate (l. 64), and calling women “the worst whore for a price” is consistent with his position, but the economic language is no accident. Woman is the “worste hord of pris” in the “tresour” of Paradise, because, for the Thrush, women threaten all men’s security because they can ruin his economic, sexual, and social reputation. Williams rightly notes that in this speech the thrush criticizes his maker, when he claims that Jesus made a bad thing when he made women,42 but this criticism is consistent with his first claim that “Hit were betere þat hy nere” (l. 24). What is most striking is the Thrush’s description of God’s creation in Paradise as a “tresour” and woman as the worst part of that wealth. The examples the Thrush cites throughout the debate argue that women cost men financially and socially. More than just discovering women’s falseness, the examples the Thrush cites show the broader social consequences of a man’s failure to dominate his wife.

The Nightingale never directly challenges the model of femininity that the Thrush posits in his first speech. The most disagreement between the birds on this issue occurs in the birds’ first exchange. After the Thrush asserts that the world would be better without women, the Nightingale responds, “Þis world nere nout ?if wimen nere; / I-maked hoe wes to mones fere” (ll. 34-35). The Nightingale objects to the blame the Thrush places on women and recalls the need for women and sex for the perpetuation of

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41 Conlee, ed., Middle English Debate Poetry 246n.
42 Williams, Interpreting Nightingales 88.
humanity that often is raised in defenses of marriage against celibacy. Interestingly, as I have discussed, the Thrush’s argument never amounts to a celebration of celibacy, and, as we shall see, the Nightingale ends the argument with an appeal to virginity: the misogynist confesses to having loved women and the philogynist celebrates abstaining from them. The Nightingale’s final reference to the Virgin Mary as an exemplar of femininity presents her only challenge to the Thrush’s assumption that women are promiscuous. For example, she says:

> Hy beth of herte meke and milde,
> Hem-self hy cunne from shome shilde
> Wiþinne boures wowe,
> And swettoust þing in armes to wre
> Þe mon þat holdeþ hem in gle.  (ll. 55-59)

The Nightingale seems to offer a redefinition of women—the Thrush says they are fickle and liars, and she says they are meek and mild—but the two birds share essentially the same model of femininity. Early in the debate both birds describe women in bowers, desirable to men. The Nightingale reiterates the understanding that women are desirable to men when she says that woman is “louelich ounder gore” (l. 150) and observes:

> Hit is þe swetteste driwerie,
> And mest hoe counnen of curteisie.
> Nis nóping also hende.
> Þe mest murþ þat mon haueþ here,

43 See, for example, Geoffrey Chaucer, “The Wife of Bath's Prologue,” The Riverside Chaucer, ed. Larry
For the Nightingale, as for the Thrush, women offer the sweetest love-making. The *Middle English Dictionary* ambiguously defines the term “driwerie” as “love, affection between the sexes; also, courtly love.” The *Oxford English Dictionary* more explicitly defines it as “love, especially sexual love” and even as “often, illicit love.”

In this speech, the Nightingale seems to intend both meanings, for women are masters of courtesy, but they also offer the most pleasure a man can have on earth. Women, for the Nightingale, serve as men’s sexual partners and occupy the domestic realm, especially in rooms behind closed doors. In this debate, even the Nightingale, women’s self-appointed protector, admits that they will engage illicit sex.

Where the Thrush and the Nightingale differ most drastically is in their concept of what constitutes ideal male behavior toward these women. The Thrush worries about the threat women pose to men’s reputations, advising men to avoid too much contact with women; the Nightingale is conscious of men’s responsibility to protect women’s reputations. The Nightingale’s first complaint about the Thrush’s view of women concerns his slandering of women. She says:

\[
\text{Hit is shome to blame leuedy,} \\
\text{For hy beth hende of corteisy;}
\]
Ich rede þat þou lete. (ll. 25-27)

While the bird does offer definitions of women as noble and courteous, her key objection is to her opponent’s failure to discuss women respectfully.

The Nightingale continually objects to the Thrush’s failure to speak courteously of women. The bird grows so angry that the narrator observes, “Þe ni?tìngale hoe wes wroþ,” before quoting her speech, “Fowl, me þinkeþ þou art me loþ, / Sweche tales for to showe” (ll. 49-51). Here the Nightingale calls the Thrush “loþ” and refers to her words as “tales,” but as the debate continues, she gets angrier and her diction more accusatory, crying, “Þrestelcok, þou art wod, / Oþer þou const to luitel goed / Þis wimmen for to shende” (ll. 73-75), and “Hit is shome to blame leuedi, / For hem þou shalt gon sori— / Of londe ich wile þe sende!” (ll. 82-84). The Nightingale insists that the Thrush is shameful, refuting his claim that women disgrace men by undermining their authority with the argument that men disgrace themselves when they mistreat women. The Nightingale sees nothing shameful in consorting with women; in fact, associating with women makes men more noble and joyous. Men only risk their reputations when they fail to behave in a courtly manner and spread lies about women, as the Thrush does. The Nightingale even threatens to force her opponent into exile.

The threat of violence increases when the possibility arises that the Thrush’s invective could spread beyond the immediate audience. The Nightingale describes the delightfulfulness of her conversations with women, then says, “Fowl, þou sitest on hasel bou, / Þou lastest hem, þou hauest wou— / Þi word shall wide springe!” (ll. 106-108).

44 Middle English Dictionary “driwerie” and Oxford English Dictionary “druery.”
Because the Nightingale is women’s confidant, the bird implies she will be the conduit whereby women will learn of the Thrush’s perfidy. The Nightingale threatens that when shares her knowledge with her female companions, the Thrush will find that his freedom is in jeopardy:

Come þou heuere in here londe,
Hy shulen don þe in prisoun strong,
And þer þou shalt abide.
Þe lesings þat þou hauest maked,
Þer þou shalt hem forsake,
And shome þe shall bitide. (ll. 127-132)

The Nightingale repeats her claim that the only humiliation the Thrush suffers results from his own behavior and speech. By failing to show women respect and admiration and asserting their wrongdoing, the Thrush becomes a courtly heretic, according to the Nightingale, and women will imprison him until he renounces the lies he has told about them.

Furthermore, the Nightingale not only threatens that her opponent will be punished by the women he slanders; she also claims men as her allies in support of women. When the Nightingale threatens that the Thrush’s vituperation will become widely known, the Thrush disregards her threat, claiming, “Hit springeþ wide, wel ich wot— / Pou tel hit him þat hit not!” The Thrush does not accept the Nightingale’s argument that men destroy their own reputations when they discuss women’s faults. The misogynist bird insists he knows more about the subject than the Nightingale, suggesting
that she “herkne to mi sawe, / Ich wile þe telle of here lawe— / Þou ne kepest nout hem i-knowe” (ll. 112-114). In response to the Thrush’s lesson about women’s falseness, the Nightingale asserts that men are on her side:

Þrestelkok, þou hauest wrong!

Also I sugge one mi song,

And þat men witeþ wide. (ll. 121-123)

The Nightingale supports her case by maintaining that her position is commonly held knowledge among all men, and, if “men” here means “mankind,” by all women; the Thrush argues that, if the Nightingale would only learn the lesson he teaches, the truth—that women dishonor men—would become widely known. What concerns the birds at this point in the debate is the public dispersion of knowledge. They are fighting over whose understanding of men’s proper attitude toward women will be spread among the populace, especially among men.

The poem ends by destabilizing the preceding debate and positing a completely new understanding of “wimmen,” albeit one that cannot be emulated by other women. When the Thrush tries to quantify the number of chaste women, saying that there are not five in a hundred women who remain chaste, the Nightingale insists that “þi mouþ þe haueþ i-shend!” (l. 169); she asks, “Þoru wam wes al þis world i-wend?” (l. 170); and then she cites the Virgin Mary as an example of women’s virtue. In contrast to the Thrush’s enumeration of authorities, Mary is the only example the Nightingale cites, but she sees her single authority as the culmination of the dispute. After she gives Mary’s name, the Nightingale banishes her opponent:

196
ffowel, for þi false sawe

fforbedd I þe þis wode shawe,

Þou fare into þe filde! (ll. 178-180)

The Thrush capitulates completely, conceding that the Nightingale is the superior disputant and adopting the other bird’s description of him as mad. He surrenders, saying:

Ni?ttingale, I wes woed,

Oþer I couþe to luitel goed,

Wiþ þe for to striue.

I suge þat ich am overcome

Þoru hire þat bar þat holi sone. (ll. 181-185)

The Thrush further agrees with the Nightingale’s description of his words as shameful and accepts the imposed punishment of exile, swearing:

Ne shall I neuere suggen shame

Bi maidens ne bi wiue.

Hout of þis londe will I te,

Ne rech I neuere weder I fle;

A-wai ich wille drieue. (ll. 188-192)

As Thomas Reed notes, according to the terms of the preceding debate the Nightingale’s victory seems irrational,45 but the Thrush accepts it and miraculously surrenders when confronted by Mary’s name.

45 Reed, Middle English Debate Poetry 207.
The Thrush’s capitulation might be interpreted in at least two different ways. On the one hand, some might accept the Nightingale’s triumph despite its “irrationality.” Lay male readers, such as the owner and compiler of Digby MS 86, one of the two manuscripts preserving the text of The Thrush and the Nightingale, may have found the Thrush’s self-imposed exile to be a validation of the Nightingale’s position that men are responsible for defending the women in their household. Such a reading reinforces the dominant discourse about gendered hierarchy, teaching male readers to supervise social relationships over those whom they had authority. On the other hand, readers might have found the conclusion egregiously unsatisfying and be provoked to dispute the Nightingale’s victory. Boccaccio, for instance, voices a complaint about this very rhetorical strategy in which women are finally vindicated by the invocation of the Virgin Mary in the Corbaccio (c. 1355). In this dream vision, a misogynist spirit grumbles that women “very often boast far more thoughtlessly, saying that She, in Whose womb was enclosed the sole and general Salvation of the whole universe, a Virgin before giving birth and after the birth a Virgin still, was a woman like them” (32).46 The spirit continues:

For this, women imagine they must be respected, arguing that nothing can be said against them about their baseness which cannot be said against those others who were most saintly beings, as if they want the shield of their defense to remain in the arms of the latter, who resembled them in nothing but one thing. This, however, must not be granted. (32)

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46 Giovanni Boccaccio, The Corbaccio; or, the Labyrinth of Love, trans. and Ed. Anthony K. Cassell, 2nd
Boccaccio writes approximately half a century after *The Thrush and the Nightingale* was composed, but the spirit articulates the kind of response to the Nightingale’s claimed victory that some readers might have expected from the Thrush.

Such possible readings invite audience members to reenact and continue the debate. The birds fight to establish the truth of their understanding of the relationship between men and women. Both birds argue that a man’s relationships with women affect his reputation, but they do not agree on how. For the Thrush, women so devalue men that they should avoid interactions with them. This view is not dissimilar to Hoccleve’s in the *Regement of Princes* when he recommends that kings sample chastity, although neither Hoccleve nor the Thrush endorse virginity. For the Nightingale, women make men’s lives better and more noble. The heart of the debate is the widespread circulation of one bird’s position, as the Nightingale’s threat to make the Thrush’s misogyny known and the Thrush’s claim that his argument is already well known makes clear. The dissatisfying conclusion might inspire the continued circulation of the two arguments among audience members.

2. **Telling Tales to the King in Lydgate’s *Mumming at Hertford***

   In *The Thrush and the Nightingale*, the Nightingale threatens to make the Thrush’s misogynist words known to women and vows that these women will seek retaliation against the Thrush. As I have argued, the Thrush’s reputation is at stake in these matters, and, although he defends himself by saying that his position is already well

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known, his articulated fears about the dangers women pose to men’s public standing, combined with his own admission to having shared women’s company, convey a sense that a man’s sexual relations are private matters that can undermine a man’s authority. In John Lydgate’s *Mumming at Hertford*, domestic disputes are given a public forum as six rustic men offer a bill of supplication to the king. The domestic realm of the peasants is brought even more dramatically into the royal, public realm when six women respond to the men’s anti-matrimonial and anti-feminist complaint. Critics have used the poem’s composition at the behest of the Controller of the Royal Household John Brys to entertain the King at his Christmas feast in Hertford Castle to argue that the poem’s misogyny would have had some appeal to a courtly audience. As A.S.G. Edwards writes, “It is surely necessary to assume that Lydgate knew enough about his audience to know what he was doing, and that the anti-feminism is designed to reflect the attitude of his audience” (436-437). Critics, however, have generally failed to consider the effect of the work’s misogyny. The poem, as I shall argue, assumes the existence and importance of hierarchy, but continually questions the established order. The dispute between the rustic men and women concerns women’s right to rule their husbands, it takes place before the Royal Household, and it asks the king to render a judgment. By airing the rustic couples’ domestic conflicts in a royal, public household, Lydgate’s *Mumming at Hertford* reflects on gender hierarchies, household hierarchies, economic hierarchies, and political hierarchies.

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The *Mumming* is included in MS Trinity College, Cambridge, R.3.20, and begins with a headnote establishing the time of year and place where it was performed:

Nowe foloweþe here þe maner of a bille by wey of supplicacion putte to þe kyng holding his noble feest of Cristmasse in þe Castel of Hertford as in a disguising of þe rude vpplandisshe people compleynyng on hir wyves, with þe boystous aunswere of hir wyves, devised by Lydegate at þe request of þe Countre Roulour Brys slayne at Loviers. (p. 657)\(^48\)

A more exact time of year is suggested within the opening lines of the *Mumming* proper, which refers to “þe vigyle of þis nuwe yeere,” but the coming of exactly which new year is uncertain. Derek Pearsall suggests 1430 and Richard Firth Green 1427; it was probably written sometime between 1425 and 1430.\(^49\)

What we do know from this introduction is that it was performed before King Henry VI when he was between the ages of four and nine, and possibly also before his mother, Queen Catherine, who usually joined her son for festivals.\(^50\)

The heading places the *Mumming* in the royal household, before the King, probably in the hall.

The hall is the most public space within a castle. It is where feasts were held, and where the lord exercised his public power, by stating law, delivering judgment, and presiding over communal meals. Chris Given-Wilson notes that “Every residence of every great lord in the Middle Ages had two focal points, the lord’s chamber, and the

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“hall” and “the hustle and bustle of the hall was never more than a minute or two from the seclusion of the chamber” (29, 32). Thus, a castle contains within its walls both public and private space, and in Lydgate’s *Mumming*, private matters—the rustics’ marriages—invade the public space as the men and women ask their king for judgment.

The hierarchy given the most explicit discussion in the debate is the gender hierarchy. As the headnote indicates, “þe rude vpplandisshe people” arrive to complain about their wives and their wives give “boystous aunswere.” The speaker who narrates for the men summarizes their grievance:

> Of entent comen, [fallen on ther kne],
> Vpon þe mescheef of gret aduersytee,
> Vpon þe trouble and þe cruweltee
> Which þat þey haue endured in þeyre lyves
> By þe felsenne of þeyre fierce wyves. (ll. 8-12)

These men purport to have suffered their wives’ cruelty and the presenter emphasizes this with a generalization about marriage, attributed to the poor rustics: “For þey afferme þer is noon eorþely stryff / May beo compared to wedding of a wyff” (ll. 21-22). The speaker paints a picture of husbands suffering patiently the undeserved torments enacted on them by their wives. The men, according to the speaker’s presentation, are driven by their wives’ fierceness to render a formal complaint to the king. The men are like Ralph Griffiths argues that Queen Catherine attended to her son’s upbringing and was frequently his companion until the end of the 1420s in Ralph A. Griffiths, *The Reign of King Henry VI* (London: Ernest Benn, 1981) 56.

martyrs who endure torture at pagan hands for their faith—in fact, the presenter for the men refers to them as “þeos holy martirs, preued ful pacyent” at one point in the mumming (l. 135)—but the source of their anguish is the fact that they wedded a wife.

Hard work and violence characterize their marriages, for the women dominate the men and spend most of their time pursuing their own pleasures or harassing their husbands. The first man introduced, Robyn the Reeve, establishes the pattern of unmet expectations and violence. “He pleyneþe sore his marriage is not meete” (l. 31), and then the presenter explains how his marriage is not agreeable:

> Whane he komeþe home ful wery frome þe ploughe,
> With hungry stomake deed and pale of cheere,
> In hope to fynde redy his dynier;
> Þanne sitteþe Beautryce bolling at þe nale.  (ll. 34-37)

Robyn fulfills his responsibilities and expects his wife, Beautryce, to do the same, but she pleads colic and a headache as an excuse to spend her days drinking, neglecting her duties. As a result, the speaker indicates, Robyn, “þe cely poure Reeve, / Fynde noone amendes of harome ne damage” (ll. 44-45). After his long day’s work he is forced to make do with “leene growell, and soupeþe colde potage” and “cokkrowortes vnto his souper” (ll. 46, 48). In this formulation, the wife does not match her husband’s dedication to their household. He labors and she pursues her own entertainment. The presenter reveals that the wife of the next man, Colyn Cobeller, also drinks: “What euer he wan, clowting olde shone / Þe wykday, pleynly þis is no tale, / Sheo wolde on Sondayes drynk it at þe nale” (ll. 68-70). Colyn’s experience of his wife wasting his
money is recalled by that of Berthilmewe, the butcher, whose wife freely squanders his wages: “And his waages, with al hir best entent, / She made þer-of noon assignement” (ll. 113-114). The homes of all three men are in disarray, and their hard work for pay they never see provides evidence for their case.

The warning that women cost men economically is the same one that the Thrush offers in *The Thrush and the Nightingale* and that Gawain learns in *De coniuge non ducenda*, a poem Lydgate translated. Rigg observes that Lydgate translates the poem haphazardly, and “picks up only one or two details from the Latin” (103).

A key theme in the details Lydgate includes concerns the cost of a wife to a man’s finances and to his reputation. In Lydgate’s translation, the narrator is advised that “The husbond euer abideth in travaile” and that “The husbond hath grete cause to care, / For wyff, for childe, for stuff and for mayne” (ll. 57, 85-86). The warning that a husband’s lot is one of hard labor echoes the peasants’ complaints in the *Mumming at Hertford*. Furthermore, in “The Pain and Sorrow of Evil Marriage,” Lydgate includes a warning about the effects that a wife’s mismanagement of his earnings can have on a man’s reputation:

And if the husbond happe for to thryve,
She saith it is here prudent purviaunce;
If they go bak ageynward and vnthryve,
She sayth it is his mysgouernaunce;
He berith the wite of all suche ordynaunce:
If they be poure and fall into distresse,

\[52\] Rigg, ed., *Gawain on Marriage.*
She sayth it is his ffoly and his lewdnesse. (ll. 71-77)

The poem warns that a wife will undermine her husband’s reputation, especially his reputation as a hard worker who is good with money.

In the Mumming at Hertford, the men’s susceptibility to their wives is made public, not so much by their wives’ tendency to take the credit or place the blame (although their fondness for ale houses suggests that they do probably engage in such conversations), as by their physical abuse. In fact, the most common complaint offered by the men stems from their wives’ inclination to beat them. From the first man to the last, all demonstrate that they suffer frequent blows from their wives. Of Robyn the Reeve, the presenter says:

And cely Robyn, yif he speke a worde,
Beautryce of him dooþe so lytel rekke,
Þat with hir distaff she hitteþe him in þe nekke,
For a medecyne to chawf with his bloode;
With such a metyerde she haþe shape him an hoode.  (ll. 50-54)

The other men experience the same treatment. As the presenter expresses it, one “haþe hade his part of þe same lawe” (l. 56). Colyn the Cobbler bears the outward marks of this abuse, for his wife hits him so often with her staff and “hir quarter-strooke were so large and rounde / Pat on his rigge þe towche was alwey founde” (ll. 59-60). In the Mumming,

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53 Lydgate, "The Pain and Sorrow of Evil Marriage."
Lydgate is less concerned with the effects a wife has on a man’s reputation than in “The Pain and Sorrow of Evil Marriage,” although that is a persistent theme. More important in the *Mumming at Hertford* is the chaos that results from household misgovernance.

The plight of the men, the heads of their households, who have no control over their households is dramatized and ridiculed. Men experience hardship and no rewards for their hard work, and, most strikingly, they fear their wives. All six men are described enduring regular beatings from the women, who ought to be answerable to them. The women hit with skimmers and distaffs and, “whane þe distaff is brooke, / With þeyre fistes wyves wol be wrooke,” as well as “with sharpe nayles kraccing in þe face” (ll. 83-84, 82). The reversal becomes most unnatural and ridiculous in the case of the butcher Berthilmewe, who “for al his broode knyff, / Yet durst he neuer with his sturdy wyff, / In no mater holde chaumpartye” (ll. 93-95). He fears his wife, who overpowers him regularly, even though “his bely were rounded lyche and ooke” (l. 100). The butcher is better armed and bigger than his wife, but the “proude Pernelle” is “lyche a chaumpyoun” and ignores all Berthilmewe’s requests. Berthilmewe never dares to dispute with his wife, for “And if he did, shoe wolde anoon defye / His pompe, his pryde, and with a sterne thought, / And soddeynly setten him at nought” (ll. 96-98). They are like the soul in “Als I lay on a winteris nyt,” who fails to discipline the unruly body for love and fear and as a result allow the “inferior” part to dominate. The women fear no repercussions from the men. As the speaker says of Thomas Tynker’s wife, Tybot Tapister, “To brawl and broyle she nad no maner fer, / To thakke his pilche, stoundemel nowe and þanne” (ll. 122-123). The women prove stronger and braver than their spouses.
In effect, the men offer a redefinition of the marriage debt. Sex never enters into the description of their marriages; instead, the women repay the men with harsh words and blows. The presenter observes the many ways Cecely Soure-Chere, repays her husband, Colyn:

\[
\begin{align*}
Yif & \ \text{he ought spake whanne he felte peyne,} \\
Ageyne & \ \text{oon worde, always he hade tweyne;} \\
Shew & \ \text{qwytt him euer, þer was no thing to seeche,} \\
Six & \ \text{for oone of worde and strokes eecho. (ll. 63-66)}
\end{align*}
\]

Strident wifely aggression is also described as a seeking repayment of a debt in the butcher’s marriage:

\[
\begin{align*}
\text{Shee wolde pay him, and make no delaye,} \\
\text{Bid him goo pleye him a twenty deuel wey.} \\
\text{She was no cowarde founde at suche a neode,} \\
\text{Hir fist ful offt made his cheekis bleed;} \\
\text{What querell euer þat he agenst hir settte,} \\
\text{She cast hir not to dyen in his dette.} \\
\text{She made no taylle, but qwytt him by and by;} \\
\text{His quarter sowed, she payde him feythfully. (ll. 105-112).}
\end{align*}
\]

The men complain that the women repay their hard work with abuse, and this marriage debt is entirely one-sided. The women are the only ones able to “qwtte” their husbands. These men are subservient to their wives, over-worked, neglected, beaten, and afraid. Their complaint depicts their marriages as an enactment of power reversal: the men
occupy the inferior position and their wives are dominant disciplinarians, making them all objects of ridicule. The men in the Mumming have failed completely in governing their wives and so turn to the king to remedy the situation.

In the Mumming, the wives respond to their husbands’ complaints and, as in The Thrush and the Nightingale in which the philogynist bird tacitly agrees with the misogynist’s description of women’s promiscuity, the women in Lydgate’s work never challenge the men’s characterization of their behavior. They concede that they abuse and mistreat their husbands, arguing that they do it for their husbands’ benefit and call on the Wife of Bath as a witness, saying, “And for oure partye þe worthy Wyff of Bathe / Cane shewe statutes moo þan six or seven, / Howe wyves make hir housbandes wynne heven” (ll. 168-170). In fact, they argue, wives teach men patience better than the devil. They explain their intolerance and excitability, maintaining that patience is an out-of-date virtue for women, with another reference to Chaucer’s Canterbury Tales. The virtue of “parfyte pacyence / Parteneþe not to wyves now-adayes,” they assert, adding:

Þer pacyence was buryed long agoo,

Gresyldes story recordeþe plainly soo.

It longeþe to vs to clappen as a mylle,

No counseyle keepe, but þe trouth oute telle;

We beo not borne by hevenly influence

Of oure nature to keepe vs in silence. (ll. 172-173, 175-180)

With this speech the women not only admit that they are impatient and rough with their husbands, they also add another essentializing misogynist component to their
characterization: they are given to garrulousness and gossip. They disparage their husbands as “þeos dotards with þeyre docked berdes,” as “þeos fooles,” and as “cowards” (ll. 183, 189, 202). They refer to their husbands in rude and dismissive terms, even before the king. They have no respect for their husbands’ reputations.

The women, however, declare no interest in protecting or actively undermining their husbands’ reputations, though their actions place the men in the subordinate role and make them subject to public ridicule when the men open their private affairs to public scrutiny by petitioning the king. More importantly, the men never object to the ways the women’s conduct might negatively affect their public relationships. In fact, they initiate the very public supplication before the king. Class plays an important part in the comedy. The presenter frequently refers to the men’s menial labor, describing their work with plough, shoes, knife, and pans (ll. 34, 68, 93, 115). Pearsall observes that “the presentation of the rustics . . . is the real delight of the piece, and it shows us Lydgate working far more successfully in the ‘low’ style than in the Thebes-prologue” (187). In the Mumming at Hertford, the comedy relies on destroying the vestiges of the men’s reputations. The fact that these men are rustics means that they have little reputation to protect, for they have no male social inferiors to oversee. Furthermore, the misrule in their houses is placed at a great distance from the king’s household where they present their complaint—there are probably no “rude vpplandishe people” at the King’s New Year’s feast. Thus, the rusic men are distanced from the noble men at court, mitigating

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54 Pearsall, *John Lydgate*. 209
the threat of social inversion represented in the mumming. Within the social hierarchy, the king and his household represent the solution to the rustics’ problems with their shrewish and domineering wives.

The women may not find fault with their husbands’ characterization of them as viragos, but they do object to the men’s desire to overthrow their governance, which they see at the heart of the men’s petition to the king. They observe, “Loo, yit þeos fooles, God gyf hem sory chaunce, / Wolde sette hir wyves vnder gouuernaunce, / Make vs to hem for to lowte lowe” (ll. 194-195). They go so far as to assert their mastery and ask the king to uphold it officially, saying:

When hit komepe to need,

We clayme maystrye by prescripceyoun,

Be long tytle of successyoun,

Frome wyff to wyff, which we wol not leese. (ll. 202-205)

In payment for their husbands’ unflattering descriptions of their behavior, they dismiss the men’s complaint as mere grumbling that will effect no change in the way their households are run. “Men may weel gruchche but þey shall not cheese,” they say (l. 206). Finally, they ask the king to make their governance law during his reign:

Custume is vs for nature and vsaunce

To set our housbandes lyf in gret noysaunce.

Humbelly byseching nowe at oon worde

Vnto our Liege and Moost Souerein Lord,

Vs to defende of his regallye,
The women claim to be prepared to fight to maintain their sovereignty over their spouses if their words have no effect: “We six wyves beon ful of oon acorde, / Yif worde and chiding may vs not avaylle, / We wol darrein it in chaumpcloos by bataylle” (ll. 164-166). They are unafraid of the men and willing to defend their rule with violence if need be. Toward the end of their defense, the women repeat the sentiment, “Al þat we clayme, we clayme it but of right. / Yif þey say nay, let preve it out by ffight” (ll. 199-200). The inverted hierarchy in the peasants’ marriage could potentially deteriorate into a challenge to the king’s authority, if the women are not satisfied with his verdict.

The wives regard their dominance over their husbands as their right and assert that the bad old days when women were expected to be patient and docile died with Griselda, maintaining that the status quo suits them, but the one detail of the men’s speech that the women disdain concerns their husbands’ characterization of them as lazy spendthrifts. They describe their labor as essential, but difficult, even dangerous to themselves. The women ask:

Whoo can hem wasshe, who can hem wring also?  
Wryng hem, yee, wryng, so als God vs speed,  
Til þat some tyme we make hir nases bleed,  
And sowe hir clooþes whane þey beoþe to-rent,  
And clowte hir bakes til somme of vs beo shent. (ll. 190-194)
This strand of the argument plays a small but telling part in the women’s speech. They are eager to fight, garrulous, maybe even inclined to drink, but they are not lazy. They work as hard as their husbands, perhaps harder, since their work disciplining men can be injurious even to the women themselves. The source of this violence against men, which also harms women, is the inverted hierarchy with women occupying the dominant role. Lydgate presents domestic misgovernance and the inverted gender hierarchy as potentially dangerous for all involved.

The debate between the men and women gives Lydgate the opportunity to argue that proper authority is needed. This argument is especially appropriate in a performance given before the king and his household. The rustic men seek the king’s justice, complaining that “Conquest of wyves is ronne throughe þis lande” and petitioning the king to restore the proper hierarchy, so that “þeos poure husbandes might lyf in rest, / And þat þeyre wyves in þeyre felle might / Wol medle among mercy with þeyre right” (ll. 143, 148-150). Finally, the men appeal to reason and natural governance in an attempt to persuade the king to find in their favor:

For it came neuer of nature ne raysoun,
Alyonesse toppresse þe lyoun,
Ner a wolfesse, for al hir thyraunye,
Ouer þe wolf to haven þe maystrye.
Þer beon nowe wolfesses moo þane twoo or three,
The description of the natural world, recorded in books, recalls the need for good governance throughout the kingdom—in houses and law courts.

The poem is framed with the potential for right rule and proper hierarchy. The rustics, even though they live in households disordered by inverted hierarchy, trust in the king’s legal and political authority over them, his subjects. They travel to his court certain that the king will be able to resolve the matter. The king reflects upon his duty and the best means to render the proper judgment:

\[
\text{Þis noble Prynce, moost royal of estate,} \\
\text{Having an eyeghe to þis mortal debate,} \\
\text{First aduerting of ful hyeghe prudence,} \\
\text{Wil vnavysed gyve here no sentence,} \\
\text{With-oute counseyllle of haste to procede,} \\
\text{By sodeyne doome; for he takeþe heede} \\
\text{To eyþer partye as iuge indifferent,} \\
\text{Seeing þe paryll of hasty iugement. (ll. 215-222)}
\]

The king proposes to follow the proper channels, conferring with advisors and counselors before offering a final verdict. In fact, he proposes “to gif no sentence þer-pf diffynytyff, / Til þer beo made examynacyoun / Of oþer partye, and inquysicyoun” and to make Raysoun, an “egal iuge enclyning to no side,” his guide in these proceedings (ll. 224-226, 228). Thomas Reed argues that the poem plays “with the possibility of an impossible worldly judgment. The king’s promise of a definitive ruling a year hence provides . . . a
reminder of that final sorting of sheep from goats that will usher in a New Age—an era of peace and unity quietly heralded by the historical birth that the Christmas feast itself commemorates” (381). As I argued in Chapter 2, however, postponed judgment is not always a failure of royal justice. Lydgate suggests that a just king should rely on reason as a guide, hear each case on its own merits without favoring one party over the other, follow the advice of learned counselors, and never give a judgment in haste.

Lydgate’s *Mumming at Hertford* considers the need for a just ruler who recognizes the need for proper hierarchies. The husbands follow the established order, seeking the king’s justice, but it is a comedy, and the poem ends by affirming misrule in the peasants’ marriages. The king admits that he feels compassion for “Þe poure housbandes trybulacyoun,” especially for the beatings they suffer so regularly, but he grants a continuation of the status quo: “Þe Kyng wol al þis nexste yeere / Þat wyves fraunchyse stoned hole and entire, / And þat no man with-stonde it, ne with-drawe” (ll. 234-236). By granting the wives’ continued governance, the king affirms the anti-feminism implicit in the debate’s characterization of women as drunken, violent spend-thrifts, and finally offers anti-matrimonial advice familiar from “The Pain and Sorrow of Evil Marriage”:

Let men be-ware þer-fore or þey beo bounde.
Þe bonde is harde, who-soo þat lookeþe weel;
Some man were leuer fetterd beon in steel,
Raunsoun might help his peyne to aswaage,

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55 Reed, *Middle English Debate Poetry*. 
But whoo is wedded lyueþe euer in seruage.
And I knowe neuer nowher fer ner neer
Man þat was gladde to bynde him prysonier,
Þoughe þat his prysoun, his castell, or his holde
Wer depeynted with asure or with golde. (ll. 246-254)

Richard Firth Green suggests that this conclusion could be expressing disapproval of Queen Catherine of Valois and her “scandalous association” with Owen Tudor, the Clerk of her Wardrobe (16). The conclusion might also be a warning to the royal audience and household. Given that most members of a royal household, especially the king, will be expected to marry at some point, this could be a cautionary warning that proper hierarchies can be difficult to maintain. Like Hoccleve’s recommendation that a prince be chaste in the Regement of Princes, Lydgate’s poem asserts both the difficulty and the need for the maintenance of proper hierarchies for the good governance of the realm. In The Mumming at Hertford, however, the king accommodates the women’s misrule for at least another year. Paradoxically, by granting the women dominance and inverting the domestic hierarchy, the king asserts his own control and maintains order in his kingdom.

3. Gossip and Gender in Dunbar’s The Tretis of the Tua Mariit Wemen and the Wedo

As I have discussed, the debates in The Thrush and the Nightingale and Lydgate’s Mumming at Hertford reveal men’s anxieties about their role as dominant partner in love relationships and their ability to exercise patriarchal control over women. William

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56 Green, “Three Fifteenth-Century Notes.”
Dunbar’s late-fifteenth, early-sixteenth-century poem The Tretis of the Tua Mariit Wemen and the Wedo seems to reverse this power structure by featuring female disputants discussing their ability to control their husbands and lovers; however, the poem’s framing structure undercuts this reversal by describing an eavesdropping man who recounts the stories he has overheard for an inscribed male audience (the poem ends when the narrator asks his “auditoris” which “ye waill to your wif, gif ye suld wed one?” [l. 530]). By inscribing male auditors and sharing the women’s secrets with them, the women are restored to their subordinate role within patriarchal order. In their debate, the three women recount the ways they dominate their husbands and lovers, but the narration that surrounds their dialogue translates their exchange into male knowledge of women’s secrets. The effect of the women’s exchange, which has been described by one male critic as something that “would clearly horrify medieval men and indeed men of any era” (23), is cancelled by men’s awareness of women’s duplicity. Karma Lochrie has explored the ways notions of secrecy operate in medieval literature, arguing that “masculine secrecy functions rhetorically to define and contain the feminine, to frame crucial power relationships and the notions of the medieval subject, and to foster masculine textual community, authority, and intimacy” (138). I argue that Dunbar’s poem depicts the “horrifying” exchange between women, not only as a warning to men

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57 The poem exists in two sixteenth century sources, a Chepman and Myllar print (c. 1508) and the Maitland Folio Manuscript (c. 1570), but Dunbar’s works, with the exception of The Thrissill and the Rois, which was written to celebrate the marriage of James IV and Margaret Tudor on August 8, 1503, are difficult to date. See the discussion in Priscilla Bawcutt, Dunbar the Makar (Oxford: Clarendon Press, 1992) 8-16.
59 Lochrie, Covert Operations.
but also as a means for men to enfold this exchange, to gain an understanding of the women’s secrets and to use that knowledge to recuperate the power women might have appropriated by means such as the three women describe in the poem.

Dunbar makes use of material common in late-medieval literature in ways that dramatically polarize the sexes and question the notion of social control. Scholars have located a wide variety of potential source material for the *Tretis*. Francis Lee Utley observed in 1944 that “Dunbar was influenced equally by the popular *chanson de mal mariée* and by Chaucer’s Marriage Group” (283). More recently, Roy J. Pearcy has suggested that the poem shares many characteristics of a sub-genre of French *fabliaux* that he calls the *jugement*, Michael G. Cornelius has drawn connections between Chaucer’s *The Wife of Bath’s Prologue* and the *Tretis*, and A.C. Spearing has found comparisons with Chaucer’s *The Merchant’s Tale* suggestive. Indeed, the women in the poem do articulate sentiments about married life familiar to readers of *fabliaux* and Chaucer’s two tales, but, as Spearing points out, “Most of the similarities go little beyond what can be accounted for by a long tradition of clerical writing about women, especially widows, who challenge orthodox notions of feminine submissiveness and propriety” (252).

Dunbar’s poem also shares narrative similarities with the *minnerede*, a major genre of late-medieval German love poetry. In an article on gender and eavesdropping in German *Minnereden*, Ann Marie Rasmussen divides the poems into two kinds of

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narrative: in one, which she calls “urban,” male narrators eavesdrop on older women instructing young women on how to exploit their power to arouse men for their own gain, implying an on-going conflict between the sexes; in the other, “gallant” narratives, men overhear, and eventually join, conversations between women that reinforce courtly values shared by both men and women, positing a “reassuring solidarity between gentle-born men and women” (1184). While I do not wish to argue that Dunbar was familiar with the German poems, the comparison is suggestive. *The Tretis* seems to have more in common with the narratives Rasmussen identifies as “urban,” for the poem suggests the incompatibility of men’s and women’s interests, values, and beliefs. Yet, the women are described as noble in the most courtly terms. Unlike Rasmussen’s “gallant” narratives, gender conflict proves more powerful than class cohesion in Dunbar’s poem.

The layering of narrative voices in *The Tretis of the Tua Mariit Wemen and the Wedo* dramatically enacts a male fantasy of female speech by providing two layers of narration: first, the male narrator provides a first-person account of his experiences outside an enclosed garden, eavesdropping on three women on Midsummer Eve; and second, the three women’s conversation is reported in what purports to be their own words, first-person narratives shared through a first-person frame. Aside from the opening, the conclusion, and the descriptions of the women’s laughter, feasting, and drinking whenever the speaker changes, the majority of poem is presented as the women’s direct discourse. As Lochrie has noted, “Trifling with men, normative values, Wemen”*. A.C. Spearing, *The Medieval Poet as Voyeur: Looking and Listening in Medieval Love-Narratives* (Cambridge: Cambridge University Press, 1993).

and gender hierarchy is part of the performance and ceremony of women’s gossip, at least according to masculine fantasies of it” (75). In Dunbar’s poem, the women are described as desirable, but their speeches objectify men and disregard established authorities and institutions. In a manner of speaking, the women engage in a ceremonial exchange of male reputations and secrets. The women prioritize their sexuality and pleasure, disregard masculine authority and, thus, seek to undermine the patriarchal gender hierarchy.

The poem enacts the misogynist fears of men like those represented by the Thrush in *The Thrush and the Nightingale*. These women attract men with their beauty in order to endlessly and pleasurably undermine male authority by appropriating and circulating men’s secrets, but, unlike the women in Lydgate’s *Mumming*, who regard the dominance as their right, the women in Dunbar’s poem plan and work for their mastery. The “tua mariit wemen and the wedo” are described as idealized courtly women, who might be taken to represent the best of womankind. The narrator gives a detailed account of the three women’s appearance:

I saw thre gay ladies sit in ane grein arbeir,
All grathit in to garlandis of fresche gudlie flouris.
So glitterit as the gold wer thair glorius gilt tressis,
Quhill all the gressis did gleme of the glaid hewis.
Kemmit was thair clier hair and curiouslie sched,
Attour thair schulderis doun schyre schyning full bricht,
With curches cassin thair abone of kirsp cleir and thin. (ll.17-23)

They are arrayed in rich fabrics and their faces shine like “flouris in Iune” (l. 27). They seem to be idealized noble women, but, as Spearing notes, the narrator does betray some discomfort with this description, describing the widow, for instance, as “wantoun of laities” (l. 37). Despite the occasional anticipation of what he will learn later from the women’s dialogue, the narrator continues to refer to the women as “the seemly,” “wlonkes” (fair ones), and “amyable” in narrative interjections each time the speaker changes. The women’s physical beauty becomes an excuse for male susceptibility to their machinations. The widow even admits that her beautiful appearance and guileless demeanor mask a shrew: “I wes a shrew ever, / Bot I wes sche ne in my schrowd and schew me innocent” (ll. 251-252). Even though the narrator occasionally allows his knowledge of the women’s shrewish natures to color his description, he still finds them attractive.

The three women’s beauty masks their shrewishness, a lesson about the trap women pose for men, if Dunbar’s three ladies are taken to be representatives of womankind. The women come to identify themselves with all women in their speeches and, thus, regard themselves as representatives of their entire sex. The widow refers to “we wemen” (l. 448) and, although they are described as ladies in the beginning, their stories do not specify any particular rank or status. Their husbands remain nameless and are described as occupied with lechery and lust rather than with any professional activity.

Priscilla Bawcutt calls the women “archetypes” of femininity, noting that, as their speeches continue, they “increasingly speak on behalf of all women, irrespective of age and class” (326).65 These women have the beauty and attire, and presumably the wealth and status, of noble women idealized in romance, but their speeches characterize them as being as oversexed and immoral as a bourgeois wife in a fabliau. The mix of styles has frequently been noted by critics,66 but it is important to note that the discrepancy between the narrator’s description of the women’s beauty and the ugliness of their recounted deeds heightens the misogynist message: all women behave this way, even the most noble and beautiful.

The exchange between the three women is also marked by contrasting styles. At some times the conversation seems to be entertaining sport and at others deadly serious. The widow initiates the discussion as a ceremonial exchange of information about their experiences of marriage. She demands:

‘Bewrie,’ said the wedo, ‘Ye woddit wemen ying,
Quhat mirth ye fand in maryage sen ye war menis wyffis.
Reveill gif ye rewit that rakles conditioun,
Or gif that ever ye luffit leyd upone lyf mair
Nor thame that ye your fayth hes festinit for ever,
Or gif ye think, had ye chois, that ye wald cheis better.

64 Spearing discusses the opening at some length and compares Dunbar’s description of the widow to Chaucer’s description of Criseyde, finding Dunbar to be much more direct. See Spearing, The Medieval Poet as Voyeur 250-52.
65 Bawcutt, Dunbar the Makar.
Think ye it nocht ane blist band that bindis so fast,
That none undo it a deill may bot the deith ane?’ (ll. 41-48)

As Pearcy suggests, there is little in this speech to indicate how formally the women’s conversation will proceed under the widow’s direction. The widow sets out the themes that will occupy all three women. Her speech also suggests that the conversation will be lighthearted, even a game, for she asks about the “mirth” the others have found in marriage. The description of the women’s conversation as merrymaking is reinforced by the narrator’s references to the “gay wiffis” who “maid game” and his reference to their “pastance most mery” (ll. 241, 526). The widow, however, regards the proceedings as a serious endeavor and takes care to conduct them in a formal manner. The first wife to speak echoes the wife’s words, “the blist band that bindis so fast,” playfull changing the “blist band” to “chen?eis,” but answering the widow’s command earnestly by interrogating the rhetoric of marriage and comparing it to reality (ll. 50, 53). The first wife recognizes the gravity of the widow’s questions, and the widow oversees the debate with increasing formality. She directs the second wife, “Now, fair sister, fallis yow but fenying to tell.” It is her turn to tell about her marriage, and the widow makes clear that she has designed an order for the three women to follow when she advises the second wife to give her full evaluation of the institution before promising: “And syne my self ye exem on the samyn wise, / And I sall say furth the south, dissymyland no word” (ll. 156-157). The widow regards the discussion as following a formal pattern, including her own

part in it; she is bound to tell the truth just as the other two women have done. When her turn comes to speak, she says, “Iwis ther is no way other. / Now tydis me for to talk, my taill it is nixt” (ll. 245-246). According to the formal rules the widow has constructed, there is no other way for the conversation to conclude but for the widow to take her turn.

Contributing to the sense that this is a formal, ceremonial procedure is the fact that the women come to regard their discourse as confession. The widow invites the second wife to “confese us the treuth” (l. 153), and the second wife agrees to tell the truth and promises to reveal a catalogue of grievances “fra rute of my hert” (l. 162). The widow also refers to her companions as “sisteris, in schrift” (l. 251). The widow’s assertion that the three women’s conversation is confession exemplifies Lochrie’s argument that gossip is “confession’s stigmatized parody” in medieval culture (7). The widow does not promise her companions absolution, but she does provide them with advice about how to escape the purgatory of their husbands’ dominion. These three women engage in a parody of confession, following a specific pattern and order in relating their experiences and agreeing to full disclosure on the condition that their auditors are obliged to keep their confessions secret. The second wife invokes the idea of the seal of confession as a motivation for her free and truthful speech most explicitly.

First, she agrees to speak only on the condition of her auditor’s silence:

The plesand said, ‘I protest, the treuth gif I schwa,

That of your toungis ye be traist.’ The tothir twa grantit.

With that sprang up hir spreit be a span hechar. (ll. 158-160)

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68 Lochrie, *Covert Operations.*
The narrator describes the raising of the wife’s spirits as a parody of confession, as if she anticipates some kind of absolution in compensation for revealing her truthful secrets. Second, she explains that she will speak and “nought spar, ther is no spy neir” (l. 161). As Lochrie describes it, confession in England in the late Middle Ages was primarily a public act, and there was always the possibility that a neighbor might overhear the confession or at least witness its spectacle. The second wife considers this danger and displays an awareness that she is sharing secrets that will lose their potency if shared outside a select group.

When the women offer their “confessions,” they are realized as antifeminist nightmares, as Spearing asserts, but also, I maintain, as women cognizant of the power of secret knowledge. The “truth” in the women’s speeches concerns the importance of keeping their feelings, their very selves, covert in order to undermine the patriarchal authority. Lochrie claims that gossip and confession are both “open” secrets and that gossip mimics confession by making “strategic use of secrecy” to create a “resistant discourse that mocks and mimics patriarchal discourse” (8); the women in Dunbar’s poem take pleasure in ridiculing their husbands’ shortcomings—physical and economic—as well as in articulating what they find desirable in men, but, above all, they recognize the power of their own secrets and dissembling to undermine male authority.

Unlike confession, gossip is not associated with any institution or moral principles; rather, it deals in exchange, and to the extent that gossip is regarded as a particularly feminine vice in the middle ages, it is an exchange between women.

69 Ibid. 360.
Concerning this exchange, Lochrie writes, “It parodies the commodification of women, their exchange, and the investments of men in them through its senseless repetition and its lack of meaningful outcome. Worse, it stands to render men the objects of exchange” (65). The three women discuss men as objects and literally as commodities to be traded at regular intervals. The first wife exclaims, “God gif matrimony wer made to mell for ane yeir!” before describing how birds choose a mate annually (l. 56). She wishes the same custom were observed by humans:

Cryst gif sic ane consuetude war in this kith haldin.
Than weill war us wemen that evir we war born.
We suld have feiris as fresche to fang quhen us likit
And gif all larbaris thair leveis quhen thai lak curage. (ll. 64-67)

The second wife agrees with her and the two describe the men they would choose in frank terms. The first wants a gallant “ay furthwart and forsy in draucht, / Nother febill nor fant nor fulyeit in labour, / Bot als fresche of his forme as flouris in May” (ll. 85-87). The second desires a “fresch feir to fang in myn armys” and admits that she frequently thinks about all the attractive men she could have had for a husband (l. 209).

Strong, fresh men are the objects of the two wives’ fantasies. The second wife even describes how the thought of a gallant such as she describes causes her physical anguish: after she thinks “apone sic materis” as her fantasy man, “Than ly I walkand for wa and walteris about” (ll. 211-212). Her insomnia stems from desire for her imaginary lover and her grief caused by her forced marriage to an impotent man. The widow admits that she thinks of another man when her husband feels the urge for sex:
Quhen he ane hal year wes hanyt and him behuffit rage,
And I wes laith to be loppin with sic a lob avoir,
Alse lang as he wes on loft I lukit on him never,
Na leit never enter in my thoght that he my thing persit.
Bot ay in mynd ane othir man ymagynit that I haid,
Or ellis had I never mery bene at that myrthles raid.  (ll. 386-391)

The women purport to be avid sexual partners, but only the widow seems to gain pleasure from sex and that is only possible when she has a lover. The two wives and the widow do, however, seem to delight in describing their young, virile lovers, especially in contrast to their old, impotent husbands.

The women also objectify their husbands as they share the secrets of their marital beds. They speak of their husbands’ failings in graphic and extended terms. The first wife describes her husband’s kisses as a grotesque act made additionally odious by his failure to complete the sexual act:

Wuhem kisiss me that carybald, than kyndillis all my sorrow.
As birs of ane brym fair his berd is als strif,
Bot soft and soupill as the silk is his sary lume.
He may weill to the syn assent, bot sakles is his deidis.  (ll. 94-97)

The only pleasure she receives from paying the marriage debt is financial:

Yit leit I never that larbar my leggis ga betwene
To fyle my flesche na fummyll me without a fee gret,
And thought his pen purly me payis in bed,
His purse pays richely in recompense efter. (ll. 133-136)

The first wife’s description of her relationship with her husband implies that even sex within marriage is nothing but prostitution. The second wife takes pleasure in describing her husband’s former wanton ways and current impotence. She complains, “He has bene lychour so lang quhill lost is his nature, / His lume is waxit larbar and lyis into swoune” (ll. 174-175). She ridicules the man for failing to live up to his appearance, reputation, or words:

He lukis as he wald luffit be, thought he be litill of valous.

He dois as dotit dog that damys on all bussis,

And liftis his leg apon loft thought he nought list pische.

He has a luke without lust and lif without curage.

He has a forme without force and fessoun but vertu,

And fair wordis but effect, all fruster of dedis. (ll. 185-190)

The widow, with experience of two husbands, also describes husbands as impotent, but she uses that to make them ever more dependent upon her sexual ability. She detested both men, but hid her contempt. She devotes particular attention to describing one:

Ane wes ane hair hogeart that hostit out flewme.

I hatit him like a hund, thought I it hid preve.

With kissing and with clapping I gert the carill fon,

Weil couth I claw his cruke bak and kemm his kewt noddill,

And with a bukky in my cheik bo on him behind. (ll. 272-276)
The widow describes her husband as an unattractive old man in the most unflattering terms, making him the object of her ridicule in both her speech and the actions she describes. The women display no hesitation in sharing the secrets of their husbands’ impotence and ugliness. They undermine any authority these men might claim, making them ridiculous and frequently comparing them to animals.

In these examples, the gossipers become engaged in erotic pleasure derived from their discussion of desirable men and the exchange of their husbands’ failures akin to that experienced by a voyeur. Freud identifies the tendency to “linger over the intermediate relations to the sexual object which should normally be traversed rapidly on the path towards the final sexual aim” as a primary feature of sexual voyeurism (150). For Freud, “visual impressions remain the most frequent pathway along which libidinal excitation is aroused,” but this pleasure in looking becomes a perversion when it focuses exclusively on the genitals, is connected with “the overriding of disgust,” and when it supplants the sexual aim (156). Lochrie and Spacks both apply Freud’s definition of voyeurism to gossip. Spacks asserts that “gossip, even when it avoids the sexual, bears about it a faint flavor of the erotic” (11). To be sure, sexual activities and their emotions about them provides the focus of the three women’s conversation in Dunbar’s poem. The women, especially the two wives, talk about the men with whom they would like to have

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sex, but never actually have sex. This is especially the case with their husbands, whom they describe as invariably impotent, fixating on their flaccid penises, and enjoying the exchange of their husband’s secrets. The sexual relations the women describe are generally unappealing, but the three women do derive erotic pleasure from sharing their secrets. Their enjoyment, however, seems to derive from an essentially self-regarding pleasure at their own comparative sexual prowess and attractiveness, rather than from the men they describe. The voyeurism in the exchange is complicated by the fact that the women’s gossip exists within a frame of male eavesdropping and exchange. The men with whom the narrator shares his experience may gain erotic pleasure from overhearing the women’s gossip. These men can feel superior to the women’s cuckolded husbands, for they enjoy their knowledge of women’s secrets and the power it gives them over women.

A key component of the danger gossip poses is its potential power to undermine established authorities and institutions. The Widow is fully cognizant of this power and makes it the focus of her speech; this is not merely a chance to discuss their sexual exploits nor to humiliate their husbands, it is a chance to assume men’s authority. When the widow speaks, she does so with the seriousness of a preacher and instructor. She even begins with a preacher’s prayer:

God my spreit now inspir and my speche quykkin,

And send me sentence to say substantious and noble,

Sa that my preching may pers ?our perverst hertis,

And mak yow mekar to men in maneris and conditiounis. (ll. 247-250)
The widow regards herself as an authority who can teach her two listeners the best ways to dominate men; she will teach the women how best to hide their disdain for their husbands and, thus, how to completely reverse the patriarchal gender hierarchy. She promises to show the two wives how she “wes a schrew euer, / Bot I wes schene in my schrowd and schew me innocent” (ll. 251-252). She claims to have dissembled so well that she was “in a sanctis liknes” (l. 254). The widow’s purpose in telling her tales is to teach her listeners how they, too, can deceive their husbands. She advises her fellows, “Wnto my lesson ?e lyth and leir at me wit” (l. 257). She then proceeds to explain how she was able to win her two husbands’ trust and wealth. She says, “twa husbandis haif I had, thai held me baith deir. / Thought I dispytit thaim agane, thai spyt it na thing” (ll. 270-271). By dissembling and letting her husbands think they had the upper hand the widow was able to take a young lover and even convince her first husband that the child she conceived with the lover was his. Her second husband was a wealthy merchant, below her in rank, she says, and against whom she used the rhetoric of courtly love after they are married: “I held ay grene in to his mynd that I of grace tuk him, / And that he couth ken him self I curtasly him lerit” (ll. 317-318). Eventually she wins management of everything from him, claiming that she had “him ourcummyn haill” (l. 325), and only after she has had all her bills and documents sealed to prove that she controls all the property and wealth, does she express her displeasure with her foolish husband. She finally tells him what she always thought of him, and she takes the dominant role in their relationship. The widow assumes control of all business dealings, and she “made that wif carll to werk all womenis wrkis / And laid all manly materis and mensk in this eird” (ll. 325-327).
Thus, the widow explains to her friends that they must be obedient and pleasant until they can assume complete power from a man, whereupon they can completely invert the gender roles.

The widow understands the power of secrecy and the need to protect her own reputation even as she besmirches her husband’s. She loathes and cuckolds her husbands in silence until she has the upper hand. Contrary to medieval preachers’ accounts of women who gossip because they cannot keep secrets, the widow holds her tongue as long as it is expedient for her to do so. She also recognizes the importance of secrecy in others. Recalling the lover she kept while married to her first husband, she says, “I had a lufsummar leid my lust for to sloky, / That couth be secrete and sure and ay saif my honour, / And sew bot at certane tymes and in sicir placis” (283-285). Aside from his sexual ability (which the widow does not specifically commend, but he is at least better than her husband), this man’s chief virtue is his ability to conceal their relationship. The widow’s concern, like the men represented in poems like *The Thrush and the Nightingale*, is for her reputation. Cuckolded men worry about their public reputations, but, according to the widow, so should the women doing the cuckolding. This lesson is reinforced in her description of her second marriage. She will even take a servant for a lover if he is “rycht sovir of his toung” (466). She explains that this “secrete serwand” provides “sic nedis” for her when she makes a sign and describes his appearance in less than flattering terms: “Thoght he be sympill to the sicht he has a tong sicker, / Full mony semelyar sege wer seruice dois mak” (ll. 468-469). The widow is not concerned with hierarchies of class; gender hierarchies are her only interest and for her a good lover is
not the best looking nor the most noble, but the man with the most secure tongue. The
widow ends her lesson by returning to the rhetoric of a religious story, saying, “Ladyis,
leir thir lessonis and be no lassis fundin. / This is the legeand of my life, thought Latyne it
be nane” (ll. 503-504). The lesson the widow wishes to convey via the legend of her life
is that women can have control of men if they do so within the confines dictated by
society, but their power is contingent upon secrecy. They can rule men when they have
the wealth and status that elevates them above their husband, and they achieve this
position through careful planning, work, and secrecy. She teaches that only by carefully
dissembling according to the submissive role of a woman and choosing close-mouthed
lovers can women dominate men.

The women celebrate their ability to dominate men, and they feel certain that they
have successfully grasped control from men, but Dunbar undermines their domination by
inscribing them within a frame in which their gossip becomes capital among men. In
fact, contrary to the second wife’s claim, their discussion is overheard by an
eavesdropping male interloper, who uses the information he overhears to create a
masculine community at the poem’s end. The narrator describes himself from the
beginning of the poem as an eavesdropper. He wanders alone through a beautiful
meadow “apon the Midsummer ewin, mirriest of nichtis,” in search of amusements. He
explains that on his wandering, “I drew in derne to the dyke to dirkin efter mirthis” (l. 9).
His subsequent actions carry out his desire to listen in secret, for

 I hard, vnder ane holyn hevinlie grein hewit,
 Ane hie speiche, at my hand, with hautand wourdis;

232
With that in haist to the hege so hard I inthrang
That I was heildit with hawthorne and with heynd leveis:
Throw pykis of the plet throne I presandlie luikit,
Gif ony persoun wald approche within that plesand garding. (ll. 11-16)

The narrator hides himself away so that he can listen to the “hie speiche” without being discovered, and indeed the women never notice they have an audience. In the end, the three women depart for their homes at the break of dawn, and leaving the narrator furtively depart: “And I all prevely past to a plesand arber, / And with my pen did report ther pastance most mery” (ll. 525-526).

A.C. Spearing calls the narrator “emasculated,” for he never participates in the “vigorouss sexual life” he hears about (265). According to Spearing, since the narrator is never even discovered in his hiding place by the women he observes, he remains “only a fascinated celibate spy.” I contend, however, that the narrator recuperates his masculine potency by sharing the secrets he overhears with his male companions in the framing of the tale. What was gossip for the three women becomes an exchange of information among the narrator and his male companions. As Karma Lochrie observes, male knowledge of women’s secrets creates “an intimate masculine exchange through the pretense of exchanging and discovering women’s secrets, as well as differentiating masculine discourse and knowledge from its feminine ‘other’” (79).

Masculine exchange is literally realized in the poem’s conclusion, when the narrator addresses his presumably male audience:

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73 Spearing, *The Medieval Poet as Voyeur*. 
By relaying the words of the three women to his “honorable” auditors, Dunbar frames his tale as an exchange between men. He shares the secrets he has learned and asks his audience what they would do with this information. In the poem listening is a masculine activity, which gains authority through exchange with other men and which dominates the feminine world embedded in the frame tale and enclosed within an arbor through eavesdropping. According to this view, the male world and the female exist separately, with members of each seeking to dominate the other, making harmonious sexual relations impossible. Within the poem, however, the male world dominates the female, describing the women in both courtly and misogynist terms, restoring them to masculine use, and maintaining patriarchal and textual order.

By placing this misogynist discourse within a frame of male eavesdropping and exchange, Dunbar asserts male dominance, and by asking his male audience at the end of the poem which woman they would choose for a wife, he asserts the need for informed masculine authority. The conflict between the sexes depicted in the poem can only be controlled if the proper sexual hierarchy is maintained, but that in itself can be a dangerous endeavor, as the Widow’s lesson instructs. The relationship between men and women becomes a highly charged site for asserting the importance of gender hierarchy.

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74 Lochrie, *Covert Operations*. 

234
and the dominance of man. The three women trifle with men and the patriarchal gender hierarchy, disregarding male authority, reputation, and institutions, but their threat to the social order is neutralized by the poem’s conversion of feminine secrets to masculine knowledge. The male community inscribed at the poem’s end contains the threat posed by these women’s secrets, but it does not completely remove masculine anxieties about the threats that women pose to men’s reputations and authority. This hierarchy demands constant vigilance, but is necessary for society to continue to function.

In conclusion, I would like to consider Dunbar’s audience for this poem in order to interrogate the political implications of this poem. We do not know exactly when or for whom Dunbar composed The Tretis of the Tua Mariit Wemen and the Wedo, but Bawcutt explains that many of his poems “seem to have been written for a small circle of people who knew each other well: the king and other members of the royal household, some of whom were ‘clerkis’ and also wrote poetry,” a group that also could include women (15).75 The poem does end with a question put to “auditoris,” and, although the listeners may have been fictional, the recitation of poems at royal festivals was common, as was tale-telling as entertainment at the Scottish court, and Dunbar could be addressing an actual audience.76 Judging from the poem’s survival in an early print (c. 1508), however, the poem may also have reached a larger, reading audience. Bawcutt notes that the Chepman and Myllar prints, one of which preserves The Tretis of the Tua Mariit Wemen and the Wedo, were similar to broadsides “and are likely to have been aimed at a similarly wide, fairly popular market” (15).

75 Bawcutt, Dunbar the Makar.
If the poem was presented to Dunbar’s court circle, the concluding question might have inspired audience members to reflect on the character of the three women, continuing the debate about women and perhaps dividing the sexes. A larger audience could also have carried on the debate—as we have seen, debates between misogynists and philogynists proliferate throughout the Middle Ages—but the relationship between the sexes was also a potent metaphor for sovereignty, especially in the court of James IV. For example, the marriage of James IV and the thirteen-year-old Margaret Tudor in 1503 inspired expensive displays and festivals. As Fradenburgh remarks, “The festivities exploited extraordinary marriage as a means of articulating the ambitions of sovereignty and as a means of giving sovereignty its purchase on ambition: on newness, vitality, movement” (97).

Dunbar himself composed *The Thrissill and the Rois*, a dream vision, to celebrate the marriage of his sovereign. The poem considers the problem of the sovereign’s relation to others, in particular to his aristocracy and his consort, relationships that are characterized by hierarchies that require careful attention and control. A sovereign stands as head not only of household, but also of state, and marriage and sovereignty are frequently used to illuminate and interrogate one another.

Given the frequency with which marriage is used as a metaphor for sovereignty and the fact that Dunbar writes a poem devoted to this very subject, *The Tretis of the Tua Mariit Wemen and the Wedo*, a poem less concerned with marriage than with sex and the ways women undermine men’s authority, could raise questions about the king’s relations with his subjects. A king might appreciate the recuperation of masculine authority at the

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76 For discussions of the place of poetry at the Scottish court, see Ibid. 16. and Fradenburg, *City, Marriage.*
end, but also heed the warning about the dangers his subjects pose to his rule as a result of the bond between ruler and ruled. Lower nobles at court as well as readers of the marketed print could consider the conservative message that the hierarchy is necessary for the functioning of society but also apprehend the potential power of secrets to overturn authority. In the end, the poem serves as a meditation on the strengths and weaknesses of worldly power, and it represents an attempt to negotiate between these extremes.

4. Conclusion

All three of the debates consider the role of the unruly woman within a patriarchal system. Natalie Davis argues in the influential study on carnival and gender, “Women on Top,” that the image of the woman who refuses to stay in her place both undermines and reinforces the existing social structure. Davis writes:

The image of the disorderly woman did not always function to keep women in their place. On the contrary, it was a multivalent image that could operate, first, to widen behavioral options for women within and even outside marriage, and second, to sanction riot and political disobedience for both men and women in a society that allowed the lower orders few formal means of protest. Play with an unruly woman is partly a chance for temporary release from the traditional and stable hierarchy;

*Tournament.*

77 Fradenburg, *City, Marriage, Tournament.*

but it is also part of the conflict over efforts to change the basic
distribution of power within society. (131)

These three works do not seem to leave women many opportunities to undermine the
existing social structure. Dunbar’s work in particular shows how those with power,
especially the literate, can adapt even the most serious attempts to undermine patriarchal
power to renew men’s authority. The debates do, however, reflect on the weaknesses and
dangers of men’s control over women. They suggest that women who can undermine
men’s reputations and authority over other men pose a serious threat to good governance.
The ways gender can be adapted to discuss other social and political hierarchies makes it
a powerful rhetorical tool.

How these works may have affected actual living women is difficult to assess.
Certainly Christine de Pizan is driven to write *The Book of the City of Ladies* to refute
works that espouse similar misogynist polemic, but I have not found any specific
responses to the debate poems. Indeed, the opponents to patriarchal power inscribed in
the debates suggest some of the difficulties that confront a position in support of women.
A striking feature of the debates about women is that they all share remarkably similar
views of them. They are promiscuous, garrulous, and deceitful. Even the disputants
purportedly on the side of women—the Nightingale in *The Thrush and the Nightingale*,
the wives in the *Mumming at Hertford*, and the three women in *The Tretis of the Tua
Mariit Wemen and the Wedo*—consent to or embody this description. There is much for
a woman like Christine to lament in their portrayal and discussions of women. The
debates about women display little interest in actual women. What interests the birds,
husbands, and eavesdroppers is their potential to undermine male authority. Lydgate and Dunbar especially depict communities of women united by their goal to assume the dominant position in the sexual hierarchy.

Ultimately, these poems reveal the instability of established hierarchies. True, the ambitious women are ultimately reinscribed within traditional hierarchies of masculine control: the birds in *The Thrush and the Nightingale* discuss proper male behavior toward women, differing over male mores and revealing their shared understanding of the “natural” condition of women; the husbands in *The Mumming at Hertford* take their grievances to the king and his court; and, in *The Tua Mariit Wemen and the Wedo*, the male narrator restores the women to their inferior positions by sharing their secrets with his friends. Although the king permits the domestic disorder to continue for another year in Lydgate’s poem, the women and their dominance remain subject to his authority. These poems reveal that the fragility of traditional heirarchies has the potential to cause conflict and chaos, and even though they reinscribe male control, none of the conclusions suggests that the women have been taught the importance of men’s power and will be willing subjects in the future.

The debates about gender, like those concerning law and eschatology, dramatize important conflicts without offering easy solutions. Indeed, these debate poems reveal a remarkably consistent attitude toward debate and its ability to reveal truth, showing that even when we recognize that, to borrow Reiss’ formulation, “a state of inadequacy was present,” the remedies are not often obvious. The poems expose the difficulties inherent in conflict resolution, but suggest that debate provides the best way to seek truth and to
resolve disputes, even for individuals untrained in academic disputation. The Nightingale in *The Owl and the Nightingale* would prefer to fight with sword and spear, which she equates with men, rather than with words, but the poems show that debate provides the best way to deal with conflicts. The poems dramatize how difficult it can be to end disagreements, but show that verbal debates, even on-going, angry, and acrimonious ones, are more able to restore permanent stability than violence. Contrary to the Nightingale’s association of unbridled violence with humans and reasoned speech with animals, the Middle English debate poems suggest that the ability to dispute with words enables mankind to seek truth, even though they suggest truth remains difficult to grasp and subject to interpretation.
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