REVEL, REIVING, AND OUTLAWRY: REGULATING THE BODY POLITIC IN LATE

MEDIEVAL POPULAR LITERATURE

A Dissertation

Presented to the Faculty of the Graduate School

of Cornell University

In Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

by

Marybeth Ruether-Wu

August 2017

REVEL, REIVING, AND OUTLAWRY: REGULATING THE BODY POLITIC IN LATE
MEDIEVAL POPULAR LITERATURE

Marybeth Ruether-Wu, Ph. D.

Cornell University 2017

My dissertation explores the creation and management of the body politic in the late medieval popular imagination, and does so by examining in particular the exclusions, injuries, and (re)incorporations which constitute the terms of the community's existence. I conceive of the body politic as a Galenic body, which reorients my critical focus to balance and internal function, rather than infection and protection, which currently dominate academic discussions of embodiment. Within a Galenic framework, some forms of violence can be seen as "care of the self," an attempt to bleed off excess and distemper. This begs the question: is it possible to escape the violence of the law, to refuse a place in the body politic within those terms—to be totally exempt from the law? To explore this question, my dissertation looks at the auto-immunitary force of the sovereign ban in a wide range of popular literature, from Chaucer and Langland to outlaw and Border ballads. This autoimmunity is built into the structure of the body politic because the law is constituted by a ban of part of the social body which yet remains within it. Outlawry, in other words, produces a chronic affliction in the service of purging an acute crisis. I argue that expulsion and purgation are fantasies which these texts can only half-indulge because society's waste never truly leaves the system.

BIOGRAPHICAL SKETCH

Marybeth Ruether-Wu received her PhD from Cornell University, where she completed her dissertation, "Revel, Reiving, and Outlawry: Regulating the Body Politic in Late Medieval Popular Literature." She received her BA *magna cum laude* from Bryn Mawr College in 2010. Currently, she works as a part-time lecturer at Ithaca College.

For Danielle

ACKNOWLEDGMENTS

TABLE OF CONTENTS

Introduction

"I think it's just a self-delusional act to think that by destroying the virus...the world will be a safer place. I could say something snarky, and perhaps I will: If smallpox is outlawed, only outlaws will have smallpox."

Dr. Peter Jahrling,
Chief scientist at the National Institute of Allergy and Infectious Disease

"It is an English proverbe: That many men talk of Robin Hood,
that never shot his bow."

Sir Edward Coke,
Institutes of the Laws of England

Armed and Contagious: Biopolitical Theory and the Middle Ages

Armed, rather absurdly, with biological weapons conjured from Cold War nightmares, the outlaw continues to make the law he stands beyond. In 2014, this imaginary outlaw, a quintessential medieval figure, helped forestall a decision by the World Health Organization (WHO) to destroy the last two live stocks of smallpox, the first at the US Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia, and the second at the Russian State Research Center of Virology and Biotechnology (VECTOR) in Koltsovo.[1] Ostensibly, these stocks of the variola virus allow scientists to

---

[1] Toward the end of the vaccination effort, WHO recommended that all laboratory stocks of variola virus be destroyed. From seventy-five known stocks in 1975, only the

develop a better vaccine, though few smallpox vaccinations have been administered

since the 1970s. In 1980, the World Health Assembly declared that smallpox had been

completely eradicated, a first in the history of human health. Despite its foreshortened

career and an aggressive global vaccination campaign, smallpox killed between 300

and 500 million people in the 20th century alone.[2] Although the dangers posed by the

variola laboratory stocks are considerable, those opposed to their destruction have

successfully argued that the virus's potential development as a bioweapon is the

greater threat.[3] As legal scholar David Koplow cautions,

> "Hostile forces—covertly controlled by unrepentant national authorities or by
>
> rogue elements that operate independently of effective centralized
>
> governmental direction—may have stashed variola stocks, despite their

two at the CDC and VECTOR remained by 1983. David A. Koplow, *Smallpox: The Fight to Eradicate a Global Scourge* (Berkeley: University of California Press, 2003), 25.

[2] Colin Ferrelly, *Biologically Modified Justice* (Cambridge, United Kingdom: Cambridge University Press, 2016), 24.

[3] Inadequate safety standards led to the last known smallpox outbreak and death in 1978. A photographer working in an office above the Department of Medical Microbiology laboratory in Birmingham, England, was fatally infected after the virus made its way through the ventilation ducts. Just five years before, another laboratory accident had caused a small outbreak in London. Koplow, *Smallpox*, 25-26. This final warning of the threat variola poses human populations should also serves as a reminder that spaces—whether that be a lab or a body— that we perceive as fully self-contained by borders and rituals, are in fact always constitutionally open.

country's overt acceptance of the Biological Weapons Convention and despite any WHO action."[4]

Today, billions of unvaccinated bodies live caught between two poles: the threat of a plague, and the threat of the outlaw. This apparent impasse has real force in the public imagination despite the fact that outlaws are no longer a legal reality.

Outlaws' persistence as a rhetorical fiction derives from a long medieval legacy, a powerful confluence of common law and national myth that has made the threat of the outlaw constitutive to the body politic. This dissertation will explore the creation and management of embodied communities in the late medieval popular imagination, and it will do so by examining the exclusions, injuries, and (re)incorporations that constitute the terms of the community's existence. Although the outlaw's existence endangers the body politic, the body politic cannot be imagined without him.

This paradoxical structure can best be understood by reference to Giorgio Agamben's work on sovereignty and the state of exception. The sovereign, defined by his or her right over life and death, can suspend the law and create a state of exception, which includes depriving a subject of his or her right to life. According to medieval English law, to kill an outlaw was not homicide; the *Leges Edwardi Confessoris*, for example, warned that "from the day of his outlawry he [the outlaw] bears a wolf's head, which is called *wluesheued* by the English"—meaning that "if he is

---

[4] Koplow, *Smallpox*, 49.

found… his head [shall be sent to him] (*uel capud ipsius*) if he defends himself."[5]

Though his exclusion from the law is what drives the outlaw out of the borough and into the forest, neither the boundaries of the borough nor the forest define his outlawry or his inclusion in a body politic.[6] The law takes on spatial dimensions that, regardless of the outlaw's position relative to the borough, define his place relative to the law. The exception

> "is a kind of exclusion…. But the most proper characteristic of the exception is that what is excluded is not, on account of being excluded, absolutely without relation to the rule. On the contrary, what is excluded in the exception maintains itself in relation to the rule in the form of the rule's suspension. *The rule applies to the exception in no longer applying, in withdrawing from it.*"[7]

Agamben therefore describes the structure of the exception an "inclusive exclusion." An outlaw is, by definition, outside of (excluded from) the law, but only according to that same law, and hence he is simultaneously within its power.[8] The same structure

---

[5] Bruce R. O'Brien, trans., ed., *God's Peace and King's Peace: The Laws of Edward the Confessor* (Philadelphia: University of Pennsylvania Press, 1999), 164-5.

[6] The *Leges Henrici Primi* explicitly nullifies legal actions brought by an outlaw against "a man who is within the law's protection." The phrase L. J. Downer translates straightforwardly as "we assert that his charge is of no effect" actually suggests that the outlaw's legal voice is "polluted by murder" or "fatal," *funestus* (*Et si quis deligiatus legalem hominem accuset, funestam dicimus uocem eius*). L. J. Downer, trans., ed., *Leges Henrici Primi* (Oxford: Clarendon Press, 1996), 154-155.

[7] Agamben, *Homo Sacer,* 18.

[8] Ibid., 21.

constitutes the law itself: "The exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule."[9] Exclusions are constitutive to the rule; there is no meaningful sense in which subjects could be said to live within the law if they could not also be placed outside of it. The outlaw's exclusion gives the body politic cohesive 'boundaries.'

Examining constitutive exclusions opens new approaches to a medieval tradition rich with evocatively embodied communities: Christine de Pizan's walled city of virtuous ladies; Hrothgar's embattled *banhus*, Heorot; Cockaygne, a gastronomical paradise surrounded by shit. My intervention into this complex tradition requires an emphasis on the *internal* regulation of figurative communities and the ways in which exclusions from the body politic are constitutive to it. The controversy surrounding smallpox stocks is just one expression of the fear of foreign invasion and terrorist attacks, which is deeply implicated in modern biomedical ideas of the body. This modern preoccupation with external defense naturally informs medievalists' analyses of bodies and bodies politic, even as it reifies problematic associations between exchange and "infection."[10] When one of NIAID's chief scientists warns reporters

---

[9] Ibid., 18. Emphasis original.
[10] The idea that, for example, the introduction of foreign bodies "infects" the state, or that women "infect" men's spaces, or that Jews "infect" the city and Saracens "infect" the Holy Land often reflects inherently colonizing, patriarchal, anti-Semitic, anti-Islamic

covering the delayed WHO decision that "if smallpox is outlawed, only outlaws will

have smallpox," he is utilizing a trope of self-defense against alterity that operates

pervasively in politics, modern philosophy, and medicine.[11]

These models of purity and penetration are seductive, and they find their way

into scholarship on the medieval period regardless of context. But when framed this

way, any study of embodiment privileges encounters between self and other; and so

every door reveals psycho-sexual anxieties and every wall discloses a fear of

contamination.[12] This sort of focus on defensive structures, walled cities and sieges,

while productive, communicates a very different sense of a community's dimensions

than do borough perambulations, Greenwood hunts and border raids. The former

---

and Orientalist perspectives. Medieval (and modern) texts are often intolerant in these ways, and many medievalists have done important work exposing and critiquing these prejudices. This fact makes it even more important that the metaphors scholars rely upon do not either duplicate a text's prejudices or introduce anachronistic modern anxieties.

[11] Rob Stein, "Keep or Kill Last Lab Stocks of Smallpox? Time to Decide, Says WHO," *NPR.org*. Last modified May 9, 2014. http://www.npr.org/sections/health-shots/2014/05/09/310475511/keep-or-kill-last-lab-stocks-of-smallpox-time-to-decide-says-who.

[12] See, for example: Jody Enders, *The Medieval Theater of Cruelty: Rhetoric, Memory, Violence* (Ithaca, NY: Cornell University Press, 1999); Lynda L. Coon, *Dark Age Bodies: Gender and Monastic Practice In the Early Medieval West* (Philadelphia: University of Pennsylvania Press, 2011); Jill Ross, *Figuring the Feminine: The Rhetoric of Female Embodiment In Medieval Hispanic Literature* (Toronto: University of Toronto Press, 2008); James B. Nelson, *Embodiment: An Approach to Sexuality and Christian Theology* (Minneapolis: Augsburg Pub. House, 1979); Estella A. Ciobanu, *The Spectacle of the Body in Late Medieval England* (Romania: Editura Lumen, 2012); Melissa Raphael, *Thealogy and Embodiment: The Post-Patriarchal Reconstruction of Female Sacrality* (Sheffield: Sheffield Academic Press, 1996).

foregrounds anxieties about purity and penetration, filtered through a focus on material boundaries and holes. This line of thinking has been incredibly productive, especially for scholars concerned with gender and power, for whom the "commonplace metaphoric correspondence between buildings and bodies" correlates "spatial dominance with a kind of sexual dominance."[13] But when we are, for example, confronted with a frequent set piece of outlaw tales—the outlaws' breaking of the city gates, a cut that can drain the rancor of administrative corruption—it should become clear that there were other, often simultaneous, ways that the social body could map onto landscapes.

More problematically, metaphorical contagion imports germ theory into the Middle Ages and fails to comprehend the medieval body. Where germ theory goes, anxieties about protection and invasion follow behind, forcing defense to the forefront of any discussion of embodiment and reorienting the focus away from the interactions between members of a body politic to the perimeters that keep them apart. In *Dark Age Bodies,* for instance, Linda Coon's contagious vices nest like Russian dolls in walls within walls: "Taboos produce new spaces within Carolingian monasteries, creating cloisters within cloisters to safeguard the bounded, corporate body of monks from contamination or to lessen the effects of internal contagion. Monks suffering from

---

[13] Joyce Tally Lionarons, "Bodies, Buildings, and Boundaries: Metaphors of Liminality in Old English and Old Norse Literature," in *Essays in Medieval Studies* 11 (1994), 45.

nocturnal emissions are bid to wash in rooms set apart for that purpose."[14] But here, for

example, the appropriate context for medieval attitudes toward nocturnal emission is

not contagion, but regimen. Galen approaches the problem the same way he does any

other bodily function, by prescribing balance; an individual who ejaculates too often

risks siphoning off too much pneuma, leaving his body cold and dry, but total

abstinence results in a buildup of semen, which could become corrupt.[15] Hildegard von

Bingen cheekily suggests that abstinence is less likely to cause disease in men than

women because nocturnal emissions release excess humors.[16] That is not to say that

nocturnal emissions, for example, were not a source of anxiety for medieval monastic

communities, or that medieval ideas of the body superseded moral concerns; but

rather, that the threat posed was not contagion, but excess. Attempts to curb—but not

to prevent—nocturnal emission are part and parcel with the civil ordinances regarding

youth groups and revels, which I will discuss in Chapter Three; they were attempts to

modulate young men's high spirits (pneuma, semen), so the entire community did not

tip into distemper. Rather than thinking of walls as purely defensive structures, we can

consider when they might, perhaps, *facilitate* care of the self. Walls did not define the

lives of all medieval bodies, and a predominantly structural-defensive approach falls

---

[14] Lynda C. Coon, *Dark Age Bodies* (Philadelphia: University of Pennsylvania Press, 2011), 127.
[15] Elizabeth Abbott, *A History of Celibacy* (New York: Scribner, 2000), 199.
[16] Joan Cadden, *Meanings of Sex Difference In the Middle Ages: Medicine, Science, and Culture* (New York, NY: Cambridge University Press, 1993), 275.

short of explaining the embodied politics of less privileged medieval communities, the Commons who lived outside of castles, monasteries, and walled cities. Without walls, we must find another way to think the body politic.

In this dissertation, I conceive of the body politic as a humoral body. Thinking the body in Galenic terms productively unsettles several key motifs in modern theory. It first shifts the project's overall focus to maintenance of the interior, rather than defense of the exterior. The following sections will trace the defense metaphor through modern philosophy and medicine and demonstrate its limitations. Bodily integrity takes on a different meaning within Galenic medicine, where some forms of violence can be seen as "care of the self," an attempt to bleed off excess and distemper. Thus, rather than construct a body politic based primarily on boundaries, hierarchies, or localized bodily metaphors (like "head of state"), I look at the internal balance of communities maintained by speech acts, rituals, and spatial practices, and the symbolic violence used to "bleed" them. Finally, conceiving of medieval bodies politic as fluid, interconnected, and overlapping provides an important new perspective on the centralizing efforts of the Crown in the late middle ages and early modern period. As Richard Firth Green has shown, fourteenth century literature articulates a growing tension between folklaw and the king's law, as "traditional constraints on social

disorder were…removed from the communal to the judicial arena."[17] Here I consider

the centralizing forces of the Crown by looking at the disordered distempers that result

from attempts to enter communities as collective subjects under the law. Not only does

outlaw literature express the tension between an older, folklaw model of immunity

(exemption) and an emerging common law model (defense, policing), it also represents

ways in which late medieval poets tried to rationalize that paradox. This perspective

suggests that medieval popular literature was regularly far less concerned with the

threat of the "Other" than the dangers posed by distempers within, including those

caused by excessive judicial violence[18] in the name of healing.

By fusing the theories of performativity and biopolitics I can demonstrate that

both individual, biological bodies and the collective body politic are constituted within

language by similar processes. If, as I argue, the law instantiates and regulates the

body politic through constitutive acts of violence, then medievalists are uniquely

positioned to make critical interventions in a modern biopolitical question: What would

---

[17] Richard Firth Green, *A Crisis of Truth*, *A Crisis of Truth: Literature and Law In Ricardian England* (Philadelphia: University of Pennsylvania Press, 1999), 180.
[18] Judicial violence is not limited to corporal and capital punishment, and in fact my argument will focus primarily on psychic injuries. Not all attempts to "bleed" distemper involved actual blood. In this, I am primarily following Louis Althusser and Judith Butler's work on the interpellation of subjects. See: Louis Althusser, "Ideology and Ideological State Apparatuses (Notes toward an Investigation)," in *Lenin and Philosophy and Other Essays* (New York: Monthly Review Press, 2001), 85-126 and Judith Butler, *The Psychic Life of Power: Theories in Subjection* (Stanford: Stanford University Press, 1997).

it mean for a body—including the body politic—to be immune to the violence of the

law? A largely neglected but pivotal intermediary between Greco-Roman *immunitas*

and biomedical immunity, medieval immunities exempted franchises (which were, by

definition, communities with immunities) from specific parts of the king's law. Yet a

community could only achieve perfect immunity—total exemption from the law—in the

medieval imagination. When popular poetry imagines total immunity from the violence

of the law, it imagines outlaws.

The Narrative Body Politic

Internal regimens render up a fluid, porous body politic. Medieval communities

engaged in fluid processes of formation, one that enabled change and opened the

opportunity for paradox and play. These communities were realized in their ideal form

in poetry, but they did not exist purely in the medieval imaginary; communities actively

engaged narrative forms and embodied gestures when they asserted their identity

under the law.[19] Local boundaries, for example, were (re)established periodically by

---

[19] The figural, humoral communities I theorize here differ in significant ways from Benedict Anderson's imagined communities, which exist within a modern national consciousness. Within imagined communities, "members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion." It is a "community in anonymity," both "inherently limited and sovereign," conjured and sustained in large part by print-capitalism. Anderson's imagined community is, in short, the abstract, idealized image of community which is projected onto the state; it is the means by

"perambulations," which required twelve men from the surrounding area to walk the

boundaries of a piece of land before witnesses. When a jury of recognitors was called

up in 1300 to perambulate the boundaries of Sherwood Forest, their testimony echoes

Robin Hood's antics in the Greenwood: "the perambulation of the lord king's forest of

Sherwood begins at the ford of Conyngeswater, along the road which leads as far as

the town of Wellow towards Nottingham."[20] From the beginning, the recognitors walk

a porous space, from a ford across a river boundary to the road that cuts across the

forest and leads, inevitably, to Nottingham. Strikingly, Robin Hood ballads begin in

much the same way, panning out from a starting point under the trees and ambling

down a road: "And walke up to the Saylis," Robin instructs his men at the start of the

Gest, "And so to Watlinge Strete, / And wayte after some unkuth gest, / Up chauce ye

---

which individual members of the community become invested in the overall well-being
and survival of a legal and political structure. The medieval communities I describe are
in many ways the opposite: they emphasize personal relationships and real interactions
between community members, and the community they project may conflict with legal
boundaries or even a national agenda. As we will see in Chapter Four, for example, the
Anglo-Scottish Border communities preserved so strong a narrative projection of its
territory, a fixation on personal vendetta, and a disregard for the agendas of the
English and Scottish governments, that the Borders were not successfully incorporated
into their respective nations until the seventeenth century—at which point they
succumbed in part to an emergent modern nationalism closer to Anderson's model.
See: Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread
of Nationalism.* Rev. ed. (New York: Verso, 2006), 6, 36, 37-46.
[20] "Close Rolls, Edward I: April 1300," in *Calendar of Close Rolls, Edward I: Volume 4,
1296-1302*, ed. H C Maxwell Lyte (London: His Majesty's Stationery Office, 1906), 388-
397. *British History Online*, http://www.british-history.ac.uk/cal-close-
rolls/edw1/vol4/pp388-397.

may them mete" (69-72). A late but famous survival, "Robin Hood and Little John," derives its conflict from Robin and John's respective refusal to deviate from their collision course across a brook: "They happen'd to meet on a long narrow bridge, / And neither of them wou'd give way; / Quoth bold Robin Hood, and sturdily stood, / 'I'll show you right Nottingham play.'"[21]

Back in the official perambulation of Sherwood, the recognitors' walk is interrupted "where the rivulet of Dover Beck crosses the aforesaid road," at which point they leave the road and follow the rivulet to the river Trent. Their path takes them across fields and moors, through a village and around a mill, along the high road and "beneath the old castle of Annesley." These are not the allegorical trees and river of *Pearl*, or the condemned Gomorrahan fields of *Patience*, delimiting the impassable boundaries thrown up by ambition, greed, and sin. They are practiced places, spaces that demonstrate the well-balanced range of local activity established by members' movements. The same year, further south in Warwick, jurors conducted two simultaneous, conflicting perambulations: one by foot along the current lines of the royal forest, and the other by memory, as the boundaries stood before their land was afforested during the reign of King John: "And the jurors, on being asked how they know that the aforesaid lord king John afforested all the manors, towns, and hamlets

---

[21] "Robin Hood and Little John," in *Robin Hood and Other Outlaw Tales*, ed. Stephen Knight, Thomas H. Ohlgren, and Thomas E. Kelly (Kalamazoo, Michigan: Medieval Institute Publications, 1997), 26-29.

aforesaid, say that they know by what their ancestors have related and by the common

talk of the country [*per commune dictum patrie*]. In witness whereof the aforesaid jurors

have put their seals to this perambulation."[22] When space is defined by language, it

gains language's capacity for change, paradox, and play.

The figurative communities I investigate here are fractured and fractious,

Galenic bodies unbalanced and balanced again by revel and reiving, gossip and

presentment, rough justice and judicial violence. A humoral body politic can be

created through ritual, gesture, and spatial practices, but in order for a communal body

to be entered as a subject under the law it must be marked through injurious judicial

processes. In a Galenic body, injury can be salubrious, part of a regimen designed to

"bleed" and hence balance a communal body—in other words, an immune response.

In a system defined by carefully balanced components, law does not, however, have a

monopoly on violence, and attempts to regulate the body politics can result in

autoimmunitary reactions from elsewhere in the system, producing unintended

subjects under and outside the law.

Biopolitics and the Middle Ages

---

[22] England, Curia Regis, *Select Pleas of the Forest: Edited for the Seldon Society by G. J. Turner* (London: B. Quaritch, 1901), 121.

When Foucault introduced "biopower" to the philosophical lexicon, he envisioned it as central to the divide between the premodern and the modern. Since then, theorists have continued to posit a strange discursive entanglement of biology and power—biopolitics—at the heart of modernity: "If we think of Mikhail Bakhtin's 'grotesque body,'" Ed Cohen ruminates in *A Body Worth Defending*,

> "—a body radically open to the world both temporally and spatially, simultaneously eating, shitting, fucking, dancing, laughing, groaning, giving birth, falling ill, and dying—as an icon for a nonmodern or premodern body, then by contrast the modern body proffers a proper body, a proprietary body, a body whose well-bounded property grounds the legal and political rights of what C. B. Macpherson famously named 'possessive individualism.'"[23]

As is so often the case, this apparently leaves medievalists on the wrong side of a critical turn, with little to contribute to the discussion but the phantom philological origins of key terms.

Nevertheless, a familiar figure hovers at the edges of the debate: the outlaw, Giorgio Agamben's *homo sacer* or *wulfesheud.* Though rarely discussed with any specificity, the outlaw appears at every level of biopolitical discourse, from academic

---

[23] Ed Cohen, *A Body Worth Defending: Immunity, Biopolitics, and the Apotheosis of the Modern Body* (Durham: Duke University Press, 2009), 7.

philosophers down to NRA slogans: if guns are outlawed, only outlaws will have guns.[24]

The man who may be killed with impunity—the outlaw—embodies the tangled

meeting place between biological life and state power, and poignantly represents the

limits and excesses of both. In doing so, he plays a pivotal role in our understanding of

the dynamics between sovereign power and the right to life today.

Yet the outlaw does more than exemplify biopower: he performs a double

function, within and without the theory itself. Though the outlaw himself is a

premodern figure, he is also the constituting outside of biopolitical modernity,

Agamben's "inclusive exclusion." Or, to echo Agamben himself: medieval life is

included in the philosophical order solely in the form of its exclusion. "Medieval life,"

because the outlaw is not the only medieval figure haunting modern discourse.

Consistently, the middle ages have served as a zone of indistinction into which the

excesses of biopolitical theory may spill over, a discursive space populated by vague

medievalisms: the outlaw, the sovereign, the ban, the pillory, the torture chamber. And

so we are taken beyond the outlaw alone: the middle ages become the constitutive

exclusion at the center of biopolitics itself.[25]

---

[24] This truism has been applied to a number of social and political causes since the mid-twentieth century. Other uses include: freedom, evolution, ambition, as so on. The most common subversion of the "guns" formulation humorously picks up on the slogan's medievalism: "If catapults are outlawed, only outlaws will have catapults."
[25] Curiously, the language which has accrued around immunity in the past century is riddled with these medievalisms. To give these writers their philological dues,

Without exploring this zone of indistinction, aspects of this theoretical paradigm

cannot meaningfully advance. The contributions medievalists could make to biopolitics

would not simply fill a gap; medievalists have the tools to fundamentally restructure the

field. As they are most commonly deployed, these medievalisms create an aporia at

the heart of every argument that relies upon them. Biopolitical theories, for example,

simultaneously focus on democratic states (both Classical and modern) and pivot on

our understanding of sovereignty. According to Agamben, the modern state's control

over biological life derives from its sovereignty, which is, like outlawry, a state of

exception: the Sovereign is within and above the Law, or as Agamben puts it, "I, the

sovereign, who am outside the law, declare that there is nothing outside the law."[26] Yet

the "sovereign" referenced by Agamben, Schmitt, Esposito and Foucault is a phantom

figure from the medieval monarchy, not modern democracy. He inflects and yet is

absent from the democratic states with which biopolitics is primarily concerned, and so

again, the medieval Sovereign defines biopolitical theory by his exclusion from

---

"immunity" emerges in English in the 12th century, and derives from a pervasive
medieval legal process. But while the sense of "an exception" remains in the modern
biological usage of "immunity," medievalists in particular must be aware that
biomedical immunity represents a major turn away from medieval conceptions of the
body, and that the medieval metaphors that populate biomedical and biopolitical
writing are sloppy pastiches of modern anxieties and medievalisms. Retroactively, they
influence our conceptions of medieval political structures, and inevitably attribute a
nationalist and capitalist agenda to medieval fortification. Although metaphors of
besiegement and invasion continue to inform our thinking, the medieval period
actually problematized such ready associations.
[26]Agamben, *Homo Sacer*, 15.

it. Likewise, philosophers will attribute the elaboration of the "body politic" metaphor to the middle ages, but they do not seriously consider what this means for the development of the metaphor itself or the state it supports. Neither the Galenic medieval body nor the "feudal" medieval state easily fit modern or even classical iterations of the body politic. But the medieval body politic is not simply an early artifact of a complex social theory, and to gesture to John of Salisbury or Thomas Aquinas only as a point of origin is to surrender our understanding of the body politic to a teleological fallacy.

Beyond even the structural aporia introduced by medievalisms, figures like biopolitics' outlaw carry with them unanticipated discourses of their own. The outlaw represents more than exclusion or liminality; he is a trickster, an elusive figure of revel and excess. Transposed to a modern context, the man who may be killed with impunity involves us in a rightly bleak consideration of events like the Holocaust, the Rwandan genocide, and Guantanamo Bay. To be sure, this is also true of the middle ages, and medieval authors were more than capable of reflecting the incredible violence possible within a state of exception. Icelandic sagas in particular can cast a gimlet eye on the bleak realities of total exclusion. But while Grettir's tricks and songs only provoke his enemies and propel him toward a lonely death, the equally puckish British outlaw often thrives in exclusion. This suggests an entirely unpursued but incredibly productive line of inquiry: modern authors have asked how the body politic acts on the outlaw, but not

how the outlaw acts on the body politic. Medieval thought would suggest that the outlaw is uniquely positioned to resist biopower. While Agamben correctly identifies the *homo sacer*'s vulnerability as an object of sanctioned violence, medieval texts also testify to the outlaw's power as a subject in his own right.

Medieval Immunities: The Sovereign Ban and the Banned Sovereign

Medieval immunities were synonymous not, as they are today, with individual bodies or rights, but with space. In legal documents, the same perambulation clauses that narrate the movement of bodies and words through a practiced place weave in guarantees of traditional local liberties, immunities, and customs. This was a feature of English (and, for that matter, Scottish, Welsh, and Anglo-Irish) borough charters from the earliest years of the Common Law. The 1204 charter of liberties for Ilchester, for example, speaks of liberties and customs as if they can be found growing in the village meadows:

> And we will that the aforesaid burgesses of Ilchester and their heirs shall
>
> have for ever in meadows and pastures the liberties and free customs and
>
> easements which they have and were wont to have in the time of King
>
> Henry our father.[27]

---

[27] *Et volumus... quod predicti burgenses Ivelcestr' et heredes eorum habeant in perpetuum in pratis et pascuis libertates et liberas consuetudines et aisiamenta quae*

English sources often refer to "immunities," "liberties," and "franchises"

interchangeably, with a preference for "liberties."[28] They could refer either to

the borough, the burghers, or the legal exemptions members enjoyed within the

borough. In liberties, land and law were synonymous and defined (and re-

defined) by local memory and narrative.

The modern sense of immunity as resistance to disease began appearing in

English at the turn of the seventeenth century, when land immunities were still a major

presence in the national landscape and consciousness. In fact, English liberties

persisted into the 1830s, when a series of reformist legislation reconfigured the

electoral system, placing them within memory of the scientists who studied germ

theory in the mid-nineteenth century. It would therefore seem absurd to suggest that

biomedical "immunity" derives its sense directly from Roman *immunitas*, and yet

philosophers including Roberto Esposito and Giorgio Agamben move directly from

one to the other. Medieval immunities are the unacknowledged intersection between

two independent lines of biopolitical thinking, Esposito's *Immunitas* and Agamben's

Homo Sacer. Both Esposito and Agamben leap between close readings of classical and

---

habent et habere consueverunt tempore Regis Henrici patris nostri. My translation. "Ilchester, 1204," in *British Borough Charters, 1042-1216*, ed. Adolphus Ballard (Cambridge: The University Press, 1913).
[28] Rosenwein, *Negotiating Space*, 185. On the Continent, "liberties" most often referred to exemptions, but English charters tended to collapse immunities (exceptions) and exemptions.

modern laws and culture, but it is unlikely that we would understand "immunity" the

way we do today if "immunity" never evolved beyond the Greco-Roman sense of

"exemption from the obligation of the *munus* [task, obligation, duty], be it personal,

fiscal, or civil."[29]

Tenth-century legal innovations redefined immunities. Barbara Rosenwein

convincingly identifies the founding of Cluny in 910 as a critical turning point; early

medieval immunities derived from Roman law were secular grants, but the Cluniac

monks sought for the first time a papal immunity. The development of papal

immunities changed both the law and the land; from an institution which originally

granted tax exemptions, the Cluniac monks ingeniously "[negotiated] their

transformation of the property around them into sacred space."[30] By applying the

immunity broadly to an entire community *and* their land, they manipulated a tax

exemption into a mechanism for excluding the tax collectors themselves. In England,

immunities performed a double exemption; they exempted a borough from specific

laws and taxes, but they also alienated royal agents from their official function as soon

as they entered it.

The most significant difference between the thinking behind medieval

immunities and biomedical immunity is, perhaps, that medieval immunities were not

---

[29] Esposito, *Immunitas*, 5.

[30] Barbara H. Rosenwein, *Negotiating Space: Power, Restraint, and Privileges of Immunity in Early Medieval Europe* (New York: Cornell University Press, 1999), 163.

written to protect the self from an "Other." They were designed to exclude the sovereign. They were, paradoxically, the body's protection from their own "head," an exception from the sovereign ban. In theory, the sheriff and the justice of the peace could not pursue an outlaw into a franchise (expressed in charters as *nec intromissionem, ne intromittat* or *nulla persona se intromittat*), although the law required bailiffs within the franchise to cooperate with the arrest. Immunities from sovereign law were structurally reliant on sovereign law, however, and by the twelfth century the Crown developed a royal writ that exploited this paradox: the *non omittas*, from a clause in the writ which enjoined royal officials "*non omittas propter aliquam libertatem.*"[31]

On a very limited scale, immunities distanced communities from a central authority; because they (temporarily, at least) sheltered fugitives from royal officers, they were in effect open to disruptive fugitives and closed to the king's proxies. Officials could dissolve this boundary if members of the franchise *resisted* expelling a fugitive; the very development and use of *non omittas* writs suggest that immunities regularly did so. Does this mean that liberties favored incorporation over expulsion, or that they decided that an outlaw's incorporation into the community would be less damaging than allowing royal interference? Rarely if ever—except in outlaw tales. As we will see in Chapters One and Three, outlaw stories frequently conclude with the

---

[31] Rosenwein, *Negotiating Space*, 200.

incorporation of pardoned outlaws into the local administration. In ballads, incorporation is a remedy for corruption, as honest outlaws take the offices previously held by crown-appointed interlopers.

Hence, immunities were not only able "to construct space, define boundaries, prohibit entries," but also to establish the limits of sovereign violence.[32] Medieval immunity is a state of exception. Like Agamben's *homo sacer*, the outlaw is "included in the juridical order solely in the form of its exclusion (that is, of its capacity to be killed)."[33] Is it possible to escape the violence of the law, to refuse a place in the body politic within those terms—to be totally exempt from the law?

Autoimmunity and humoral medicine

Humoral medicine excelled at imagining constitutionally unbalanced, imperfect bodies. But nineteenth and twentieth century immunologists, the driving force in the turn away from humoral medicine, resisted the idea that the body's biological defenses could be turned against the very tissues they protected.[34] Paul Ehrlich, an immunologist who won the Nobel Prize in Physiology or Medicine in 1908, influentially conjured a biological mechanism he called "*horror autotoxicus*"—in theory, the body's "aversion

---

[32] Rosenwein, *Negotiating Space*, 18.
[33] Agamben, *Homo Sacer*, 8.
[34] Anderson and Mackay, *Intolerant Bodies*, 2. Their explanation is poignant: "It seemed too dysfunctional to be plausible."

to immunological self-destruction," but equally evocative of Ehrlich's own horror of

self-toxicity.[35] Because of the way immunity is thought and taught, autoimmunity

remains unthinkable for many laypeople, and even doctors, today.[36] By the second half

of the twentieth century, immunologists were forced to confront what medieval

physicians already knew: the body is perverse, unbalanced, and treacherous. In the

post-industrial world of modern medicine, doctors sought to optimize the body's

potential; they were repulsed by the idea that the body's potential included the

capacity for biological self-destruction. It is a horror custom-fit for the Cartesian

intellectual: a body that can commit spontaneous suicide without the mind's

knowledge or permission.

In simple medical terms, autoimmune diseases occur when the immune system

produces auto-antibodies against self-antigens, initiating an immune reaction against

the body's own tissues.[37] At much lower levels, this is a normal function of the immune

---

[35] Ibid., 67.

[36] A survey conducted by the American Autoimmune Related Disease Association (AARDA) survey found that patients struggle to find a doctor able to recognize autoimmune disease. It takes, on average, "up to 4.6 years and nearly 5 doctors before receiving a proper autoimmune disease diagnosis." Autoimmune disease effects more than twice as many Americans as cancer—and depending on how autoimmune diseases are counted, up to five times as many. (http://www.aarda.org/autoimmune-information/autoimmune-disease-in-women/)

[37] Pathological autoimmunity can target any tissue; hence, the same basic process (the production of auto-antibodies) can result in disorders as diverse as type 1 diabetes mellitus (pancreas), multiple sclerosis (nervous system), Lupus (connective tissues), Hashimoto's and Graves' disease (thyroid), rheumatoid arthritis (joints), autoimmune

system, a mechanism for clearing away damaged or infected cells; every body is, to

some degree, autoimmune.[38] Recent research suggests that the immune system is not,

in fact, designed to "patrol" for foreign invaders, but to recognize self and altered

self.[39] Autoimmunity becomes pathological when the immune system systematically

fails to recognize one or more healthy tissues as 'self.'[40] In medical as well as

philosophical terms, autoimmunity collapses the distinction between self and Other, or

---

hepatitis (liver), Celiac's and Crohn's disease (digestive system), and endometriosis (uterus). Autoimmunity causes more then eighty different diseases.

[38] Anderson and Mackay, *Intolerant Bodies*, 126.

[39] Ibid., 138. Anderson and Mackay provide a more technical explanation, still intriguingly inflected by fears of the foreign even as they argue for a self/nonself model: "Thymic lymphocytes are fashioned to recognize altered self-antigens, so the foreign is presented to them tied to molecules that mark the self. Even though autoimmunity is thus the physiological means of determining the immune system repertoire and ensuring its activation, rarely does it shade into autoimmune disease."

[40] Ibid., 134. Although the etiology of most autoimmune diseases is murky, a few are clearly, as Anderson puts it, a "defect in interpretation" caused when a virus or bacillus is structurally similar to a self-antigen. Biomedical researchers seem to find this "trick" particularly irksome and, often infectious agents take on a carnivalesque character unique to this etiology. The Mayo Clinic's commentary on rheumatic fever's autoimmune characteristics figure it as the result of a Puckish infection: "The exact link between strep infection and rheumatic fever isn't clear, but it appears that the bacterium *'plays tricks'* on the immune system. The strep bacterium contains a protein similar to one found in certain tissues of the body. Therefore, immune system cells that would normally target the bacterium may treat the body's own tissues as if they were infectious agents — particularly tissues of the heart, joints, skin and central nervous system." Emphasis mine. Even the formal term for this mechanism suggests play: molecular *mimicry* (OAD: "the action or art of imitating someone or something, typically in order to entertain or ridicule").

as immunologists frame it, self and "nonself."[41] The explanations offered by state-

sponsored services are equally evocative: "A flaw can make the body unable to tell the

difference between self and nonself. When this happens, the body

makes autoantibodies… that attack normal cells by mistake."[42] The stakes of the

distinction between self and other are high: without them, violence is inevitable. This

body itself is reduced to an object, a product, a thing with a "flaw."[43]

The reigning metaphors that determine a modern understanding of the body

preclude any easy explanation of what autoimmunity is and does. Explanations slide

quickly into a kind of modern personification allegory, in which a body's cells are

synonymous with "self" and retain the Self's Cartesian potential for mind and will. The

---

[41] Ibid., 151. Of course, the philosophical and biomedical understanding of "self" and "non-self" do not always align, and as I will discuss later, some philosophers, especially Jacques Derrida, have based their theoretical models on a very vague understanding of biomedical autoimmunity. Reviewing philosophers' contributions, Anderson and Mackey conclude tolerantly, "Their history may be unreliable, their findings belated, but one has to admire the fervor that infuses their proclamation of the significance of immunity for our discernment of self and other, for the understanding of life and its contrary."

[42] Medline Plus: U.S. National Library of Medicine, "Autoimmune Diseases." Last modified May 11, 2017. https://www.nlm.nih.gov/medlineplus/autoimmunediseases.html.

[43] It is easy to transfer metaphorical significance to autoimmune disease in part because there is so little biomedical knowledge to fill the gaps. The etiology and course of these diseases is still unclear, and beyond a genetic disposition toward autoimmune disease in general, their development is maddeningly random; though they run in families, a mother with rheumatoid arthritis can have a child with multiple sclerosis, and an individual with one autoimmune disease is more likely to develop another in another system entirely.

morality play that unfolds shares few concerns with medieval personification allegory.

Autoimmunity reveals the extent to which late capitalist production and state-sponsored military force have become metaphorically inextricable: the U.S. Office on Women's health explains that autoimmunity results when "special cells called regulatory T cells fail to do their job of keeping the immune system in line. The result is a misguided attack on your own body."[44] The mistaken "attack" shifts insidiously into the workplace, where an unproductive lapse in control—in keeping other workers "in line"—erupts inevitably into excess. The causality in this scene is unclear: what makes the immune system attack the body? The logical jump the reader must make in order to rationalize this explanation is supplied not by biology or chemistry, but by the phantom of workers' uprisings. This formulation envisions a strangely Randian body: if a higher, rational class of cells fails to exert total control over the "immune system," they will explode into senseless, self-destructive mob violence. This paranoid vision of the immune system likewise reinforces rationalizations for violence within the body politic: we already know, through the circular and self-reinforcing logic of immunity, that the state/corporation must monopolize violence—must mark their subjects—in order to control the far greater threat of mob rule and mindless mass destruction.

---

[44] Office on Women's Health, U.S. Department of Health and Human Services, "Autoimmune Diseases Fact Sheet." Last modified July 16, 2012. http://womenshealth.gov/publications/our-publications/fact-sheet/autoimmune-diseases.html.

Autoimmunity represents the collapse of biopower, a failure of disciplines to ensure "the optimization of its [the body's] capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility, its integration into systems of efficient and economic controls."[45] In being unproductive and inefficient, autoimmunity represents a political threat to biopower; it may be weak, but it is not docile. The autoimmune body is a body in revolt.

Embodied narrative: Fluids and Balance

The discourse surrounding the care of the self was appropriated for a politics of control well before germ theory populated the human body with dangerous invaders. Today, the metaphorical trap set by our current understanding of biomedical immunity naturalizes state violence. For anthropologist Emily Martin, when "the body is depicted in contemporary popular publications as the scene of total war between ruthless invaders and determined defenders," it ensures that "violent destruction seem[s] ordinary and part of the necessity of daily life."[46] Donna Haraway exposes the colonial discourses that have fed and been fed by descriptions of biomedical immunity: "Expansionist Western medical discourse in colonizing contexts has been obsessed

---

[45] Foucault, *History of Sexuality Vol. I*, 139.
[46] Emily Martin, "Toward and Anthropology of Immunology: The Body as Nation Sate." *Medical Anthropology Quarterly* 4:4 (Dec., 1990), 411 and 417. http://www.jstor.org/stable/649224

with the notion of contagion and hostile penetration of the healthy body, as well as of terrorism and mutiny from within. This approach to disease involved a stunning reversal: the colonized was perceived as the invader."[47] Some scholars of medieval immunities would also like to equate medieval immunity to an enclosure hostile to interlopers. Barbara Rosenwein attributes this view to "prewar historiography" like Otto Brunner's, where medieval immunities became a cipher for a xenophobic, racialized modern political agenda: "the inviolability of the private enclosure forms part of a larger thesis about the German idea of *Land.*"[48]

As a metaphorical system, immunity's association with military force is misguided and limiting. Historically, however, the two inevitably coincide. Modern warfare developed parallel to the establishment of germ theory in the mid-nineteenth century and the discovery of antibiotics in 1928. The ravages of war and germs came hand-in-hand, and it is perhaps inevitable that the metaphors innovated to explain germ theory and immunity would reflect this. In WWI, for instance, the mobilization of troops across the globe took the 1918 influenza on a rapid world tour; in a single year it killed more people than the battlefields.[49] But when medieval writers engaged in

---

[47] Donna Haraway, "The Biopolitics of Postmodern Bodies: Constitutions of Self in Immune System Discourse," in *Simians, Cyborgs, and Women* (New York: Routledge, 1991), 223.
[48] Rosenwein, *Negotiating Space*, 189.
[49] Carol R. Byerly, "The U.S. Military and the Influenza Pandemic of 1918-1919," *Public Health Reports* 125:3 (2010), 82-91.

their own grisly forms of biological warfare, they conceptualized invasion and infection

in fundamentally more fluid ways. Famously, during their siege of Caffa, a plague-

bearing Mongol army loaded cadavers "on their catapults and lobbed [them] into the

city of Caffa in order that the intolerable stench of those bodies might extinguish

everyone [inside.]"[50] Importantly, the invading (albeit dead) Mongol bodies do not

infect the citizens of Caffa. The corpses corrupt the air, which, as an element, is

unimpeded by militarized walls and soon fills the city. Simply by breathing, the people

of Caffa incorporate the aerosolized Mongols into their own bodies. The defensive

posture of the siege has no metaphorical resonance with the infection; the elements,

even corrupted elements, are pervasive and fluid.

In discussions of the body politic, medieval political theory like John of

Salisbury's *Policraticus* associate legal judgment with medicine and medicine with

violence. It is the sovereign's duty to bleed, even to maim, the body of which he is the

head. Correction is medicine, and as John of Salisbury argues,

> "It is the practice of physicians when they cannot heal a disease with poultices
>
> and mild medicines to apply stronger remedies such as fire or steel…. [T]he
>
> ruling power when it cannot avail by mild measures to heal the vices of its
>
> subjects, rightly resorts, though with grief, to the infliction of sharp punishments,

---

[50] John Alberth, *The Black Death: The Great Mortality of 1348-1350* (Boston: Bedford/St Martin's, 2005), 13.

and with pious cruelty vents its rage against wrong-doers to the end that good

men may be preserved uninjured. But who was ever strong enough to amputate

the members of his own body without grief and pain?"[51]

If the sovereign himself is the source of terminal imbalance, the cure still lies with

salubrious violence. Undeterred by the impossible image of a body—hands, stomach,

feet—which determines to cut off its own head and, more impossible still, survives the

amputation, John slips silently into a parallel metaphor of the body as land similarly

wasted by excess: "the origin of tyranny is iniquity, and springing from a poisonous

root, it is a tree which grows and sprouts into a baleful pestilent growth, and to which

the axe must by all means be laid."[52] Despite the nominal shift to a state-as-land

metaphor, violent medical remedies persist. Boundaries are dangerously flexible, and

without proper pruning, a diseased 'arbor politic' will inevitably exceed them: "For if

iniquity and injustice, banishing charity, had not brought about tyranny…no one would

think of enlarging his boundaries."[53]

Chapter Outline:

---

[51] John of Salisbury, *Policraticus: The Statesman's Book*, ed. Murray F Markland (New York: F. Ungar Pub. Co., 1979), 55-56.
[52]

[53] John of Salisbury, *Policraticus*

My first chapter considers violence as an act of healing and rupture as a productive modification of boundaries by tracing the unusual textual relations produced by Chaucer's Cook's Prologue and Tale. Through the Cook and his oozing mormal, Chaucer explores the "bleeding" of communal distempers and the autoimmunitary dangers of "relieving pressure." The Cook's spoiled food and malicious jests corrupt the pilgrims' constitution, anticipating the Tale's exploration of corruption before the story itself also ruptures after just 58 lines. Fifteenth century manuscripts try to manage the textual rupture with stylistically disparate continuations to his unfinished story of a rebellious apprentice, Perkyn Revelour. These continuations juxtapose Chaucer's incomplete vision of riotous youth groups in fourteenth century London with the Piers Plowman tradition of personification allegory in the one instance, and popular outlaw ballads in another. The latter, *The Tale of Gamelyn*, appears in nearly a third of manuscripts. Though it has been widely regarded as a bizarre "aberration" I argue that it actively engages with the themes the Cook's Tale raise— such as hospitality, community, riot, and jesting—and is able to achieve the closure that eludes Chaucer by gleefully embracing retributive violence. I argue that Gamelyn Boundys, like Perkyn Revelour, uncomfortably straddles the line between intruder and guest; alien to Chaucer's work, yet integrated into it; a parasitic textual survivor preserved nowhere else, which, for many readers, contributed to the overall meaning and scope of the *Tales.*

In Chapter Two, I explore William Langland's frustrated poetic attempts to imagine a perfectly-balanced body politic. In *Piers Plowman*, embodied communities become distempered and corrupted as part of their regular function. Although the personification of Conscience and Reason successfully eject Lady Mede (whose name means payment, reward, or bribery) from the court of Truth, they cannot refute her argument that Mede is an integral mechanism in government: "It bicometh a kynge that kepeth a rewme / To yive mede to men" (B.III.209-210). *Piers Plowman* repeatedly stages the ways in which bodies politic inevitably fail and fall into distemper, and the dangers of regulating these distempers with injurious speech.

Chapter Three looks at outlaw literature and considers the outlaws' use of ritual speech and symbolic violence in early ballads. I show that not only does outlaw literature express the tension between an older model of immunity (exemption) and an emerging model (defense, policing), it also represents ways in which vernacular poets tried to rationalize that paradox. In the second section I consider the performance of these ballads within annual "revels." Robin Hood revels were not a stable body of work; what little of the revel was 'scripted' was a bricolage of ballads and games. The revels thrived as crudely outlined performances that allowed for constant improvisation. I argue that Robin Hood's potential for dissent emerged from the same textual gaps that allow "freeplay" of interpretation. The absence of a single canonical Robin Hood allowed "players" to assemble freely from the tradition's tropes, creating a

flexible tool for action and reaction. The danger of Robin Hood lay not so much in the texts—the ritualized speeches, gestures, and costumes—but in their gaps. These moments of play opened up the possibility of rupture, as they did in the 1561 Robin Hood riots, during which revelers violently acted out popular Robin Hood tropes onto the physical space of the city and the bodies of its administrators and prisoners.

Chapter Four looks at the "border ballads" produced in the Anglo-Scottish Marches, thereby completing the discussion begun with Gamelyn Boundys with the self-identified Borderers. I show that these ballads, too, are invested in simultaneously troubling boundaries and articulating a collective identity. I argue that these should be considered alongside other outlaw literature, and that they can demonstrate a coherent embodied community in a way that Robin Hood ballads cannot. Unlike most outlaw ballads, Border ballads were produced by and for a functional, long-standing outlaw community. These ballads both describe and participate in the Borderers' self-fashioning as an independent communal body and their resistance to centralizing authorities.

Hence, my dissertation's investigation of disorder and autoimmunity begins in late fourteenth century London; as it moves forward in time it looks further to the margins. Though my argument concludes in a region evocatively known as "the Borders," I continue to challenge traditional academic models for the regulation of a body politic, which regard margins as a site of anxiety and critical to discourses of

inside and outside, Self and Other. My argument concludes in the first years of the

seventeenth century, when, as Sir Walter Scott neatly put it, "the succession of James

to the English crown converted the extremity into the centre of his kingdom."[54] This

startling spatial and symbolic shift had drastic consequences for Border literature and

society. In its new position at the center, the Crown(s) determined that the only way to

control the obstructive imbalance was to dismember the community that lived there, a

process the ballads violently dramatize. The "pacification" of the marches marked the

end of both the Borders as an outlaw society and with them, the last vernacular poets

articulating a distinctly late medieval model of community and immunity.

---

[54]

CHAPTER ONE:
MORMALS, REVELS, AND OTHER ABERRATIONS

"The injury that a crime inflicts upon the social body is the disorder that it introduces into it…."

Michel Foucault, *Discipline and Punish*

He is a true fugitive, that flies from reason, by which men are sociable. He blind, who cannot see with the eyes of his understanding. He poor, that stands in need of another, and hath not in himself all things needful for this life. He an aposteme of the world [*abscessus mundi*], who by being discontented with those things that happen unto him in the world, doth as it were apostatise, and separate himself from common nature's rational administration. For the same nature it is that brings this unto thee, whatsoever it be, that first brought thee into the world. He raises sedition in the city, who by irrational actions withdraws his own soul from that one and common soul of all rational creatures.

Marcus Aurelius, *Meditations*

The Riverside Chaucer dedicates just one short note to the *Cook's Prologue* and

Tale, fewer than any other pilgrim:

"Following line 4422, in the inner margin: Hg notes 'Of this Cokes tale maked

Chaucer na moore.' The absence of any conclusion produces a number of

aberrations in the MSS (for example, the attempt to allow space for a conclusion

implied by fascicle boundaries placed after The Cook's Tale in El Ha Hg). This

sense of the need for some conclusion also motivates the bizarre supply of

Gamelyn in the *cd* tradition."[55]

Of this textual note Larry Benson makes no more. The open wound of the unfinished

tale physically erupts into the manuscripts, leaving behind such "aberrations" as blank

space or—far worse—a non-Chaucerian parasite. Regardless of whether this is a fair

characterization of the *Cook's Tale* (and it must be said that fragmentary texts, awkward

manuscript composition, and unexpected bedfellows are, for lesser medieval authors,

simply a matter of course), it is intriguing that *The Canterbury Tales* should be so

marred in the eyes of scholars by the Cook, whose scabrous mormal intrudes so

strikingly on the *Prologue.*

In its own small way, the fifty-eight-line *Cook's Tale* itself disrupts the order and

cohesiveness of *The Canterbury Tales.* Appropriately, its content anticipates its form,

and the *Tale* follows a disobedient, disorderly wastrel called Perkyn Revelour. When

the master to whom he is apprenticed hands him his walking papers, Perkyn relocates

to a dissolute friend's household—and here the story ends. What little Chaucer wrote

does not clearly prefigure where he intended to take *The Cook's Tale,* if, indeed, he

intended to continue it at all. Some scholars suggest that *The Cook's Tale* might be

---

[55] Larry D. Benson, ed., *Riverside Chaucer*, 3rd. ed. (Boston, Mass.: Houghton Mifflin
Co., 1987), 1125. All citations to Chaucer are from *The Riverside Chaucer.*

actually complete—if abrupt and strange.[56] Larry Benson, however, conjectures that

Chaucer may have intended the completed Cook's tale to be the denouement of the

fabliaux series of Fragment I. [57] This supposes that any ending would have been even

ruder than the Miller's and Reeve's tales, "carry[ing] the downward movement of

Fragment I to its furthest extreme."[58] If this is true, then the breathless collapse of the

fabliaux series seems entirely appropriate, perhaps even more true to the fabliaux's

thematic interests than a neat conclusion. Like Perkyn's revels, Chaucer's literary

carousals escalate toward an uncertain and ultimately unrealized end.

The *Cook's Tale* concludes on the obscenely open-ended observation that

Perkyn's new flatmate "hadde a wyf that heeld for contenance / A shoppe, and swyved

for hir sustenance.[59]" Jim Casey reflects that "without new textual evidence, all

speculation is suspect, and commentary on the Cook's Tale must remain, like many of

Chaucer's stories, open."[60] But the final lines are more than "open" to interpretation.

They are an open home, the furthest expression of, as E. G. Stanley puts it, "carefree

---

[56] See, for example: Jim Casey, "Unfinished Business: The Termination of the Cook's Tale," *The Chaucer Review* 41:2 (2006), 185; E. D. Blogett, "Chaucerian Pryvetee and the Opposition to Time," *Speculum* 51 (1976), 491; Emily Jenson, "Male Competition as a Unifying Motif in Fragment A of *The Canterbury Tales*," *Chaucer Review* 24 (1990), 324; E. G. Stanley, "Of This Cokes Tale Maked Chaucer Na Moore," *Poetica* 5 (1976), 59.
[57] Benson, *Riverside Chaucer,* 9.
[58] Benson, *Riverside Chaucer,* 9.
[59] (I.4421-22)
[60] Casey, "Unfinished Business," 192.

herbergage: though the lodger be a thief, no loss if a thief in cahoots puts him up; though the lodger be a swiver, no danger if the landlady is a whore, and no honour to lose if the pimping landlord is her husband."[61] They are a "shoppe," open for business; they are the openness of the wife's body. And for whatever reason, Chaucer left it this way. The Tale is distressingly open to the text that follows it, a mormal to Chaucer's blancmange.

As a result, *The Cook's Tale* is a promiscuous text; the opening it creates in *The Canterbury Tales* has allowed distinctly non-Chaucerian additions into the manuscripts. The accreted continuations of the Cook's unfinished tale bring together several disparate traditions: Chaucerian, Langlandian, and outlaw tales. Some compilers of the *Tales* attempted to complete the *Cook's Tale*, usually with the apprentice's arrest or execution, while others took a different tack entirely and replaced it with the gleefully violent *Tale of Gamelyn*.[62] Continuators in any style favor closure, which they enforce by submitting Perkyn to judgment. *Gamelyn*, on the other hand, escalates the theme of youth carnival to an outright rebellion that reshapes an entire community's governance. In the spirit of Perkyn Revelour, Gamelyn drinks and brawls his way out from under his

---

[61] Stanley, "Of This Cokes Tale Maked Chaucer Na Moore," 59.

[62] For a survey of these manuscripts, see John J. Manly and Edith Rickert, *The Text of the Canterbury Tales: Studied on the Basis of All Known Manuscripts, Vol II* (Chicago: University of Chicago Press, 1940), 165-172. They propose that Harley 7334 (c. 1410) is responsible for preserving *Gamelyn*: the supervisor of this manuscript made a note to the copyist beneath the unfinished *Cook's Tale*, "Icy comencera le fable de Gamelyn."

guardian's control; like the continuations, *Gamelyn* concludes with judgment and execution. But Gamelyn subverts the fate other continuators intended for Perkyn by appointing himself a judge and ordering his guardian, a royal justice, and the jury that convicted him all hanged in his place.

This chapter establishes previously unexplored intersections of the vernacular masterpieces of Chaucer and Langland and the outlaw traditions. I conduct an extended close reading of Chaucer's Cook and the *Cook's Tale*, two 15th century continuations, and *Gamelyn*. Taken together, this constellation of texts negotiates the duel benefits and dangers of disruptive excesses within a social body and of the excessive administration of a cure. In order to understand late medieval and early modern ideas about "pressure," I offer a Galenic model of communal embodiment in lieu of Bakhtin's post-industrial metaphor of the "pressure valve." I argue that this group of texts reveals medieval preoccupations with the internal maintenance of the body politic, especially in the salutary bleeding of social excess and its potentially violent side effects.

Reconceiving Boundaries: Bodies in Space

Before we investigate the medieval body politic, we must understand the medieval body. Medieval humoral medicine traces back to Greek medicine as epitomized by Galen (d. ca. 200 C.E.). In early medieval Europe, access to the works of

Galen and Hippocrates was limited largely to a monastic context (and a limited corpus),

but in the same period physicians in the dar al-Islam preserved, studied, and

elaborated upon a massive corpus of medical and philosophical literature, including

Aristotle.[63] By the twelfth century universities were opening across Europe and teaching

a medical curriculum inherited from the Islamic world. Medieval European authors

associated the study of medicine with the works of Rhazes (ar-Rāzī), Haly Abbas (Alī b.

Al-Abbas Al-Maǧūsī), Avicenna (al-Ḥusain b. Abdallāh Ibn Sīnā) and Averroes (Ibn Rušd)

as much as they did Galen.[64] When John of Gaddesden, an Oxford-educated physician

cited by Chaucer (the Physician has read "Bernard and Gatesden and Gilbertyn"),

described smallpox, for example, he contextualized his discussion of corruption and

excess within a long textual tradition: "According to Haly in his commentary on part 2

of Galen's *Art of Medicine* [the passage beginning] 'Unnatural swellings…', these

diseases come about because in a person in whom there is residual menstrual blood or

corrupt blood which is in a state of ebullition, nature expels all the superfluity of a

bloody fever or a continuous choleric fever to the surface of the body." [65]

---

[63] Peter E. Portman and Emilie Savage-Smith, *Medieval Islamic Medicine* (Washington, D.C.: Georgetown University Press, 2007), 24-35.

[64] Nancy G. Siraisi, *Medieval and Early Renaissance Medicine: An Introduction to Knowledge and Practice* (Chicago: University of Chicago Press, 1990), 4-13.

[65] "Scholastic Therapeutics (2): John of Gaddesden on Smallpox," in *Medieval Medicine: A Reader*, ed. Faith Wallis (Toronto: University of Toronto Press, 2010), 269-271.

Humoral bodies are microcosms of the universe, and they change with its

movements. As the cosmos is constituted from fire, water, earth, and air, the body is

composed of choler, phlegm, black bile, and blood. *Treatise on the Epidemic*, one of

the most popular plague tractates of the fourteenth century, situated the epidemic

within a universal macrocosm; the air was "corrupted and made pestilential" because

"everything below the moon, the elements and the things compounded of the

elements, is ruled by things above, and the highest bodies are believed to give being,

nature, substance, growth, and death to everything below their spheres."[66] Each body

has a unique complexion, or balance of the humors, and hence a unique relationship

with their environment.[67] Although disease is the result of a significant imbalance of the

humors, imbalance is the natural state of the body. Every body is unique, depending

upon complex criteria including but not limited to age, gender, heredity, diet,

astrological signs, and location, and no body is ideally balanced. A patient's

complexion also determines what treatments will or will not be efficacious: "for one

medicyn helpes in wyntur and anodur in somour, and one in the begynnyng of the

---

[66] "The Special Challenges of Plague (3): John of Burgundy's *Treatise on the Epidemic*" in Faith Wallis, *Medieval Medicine: A Reader*, 422.

[67] Toxic materials did not invade or occupy the medieval body, as we now imagine germs and even cancers to; miasmas and poisons corrupted the humors themselves. Imbalanced or balanced humors were both the cause and the remedy for disease. Even modern regimens designed to circumvent the need for inoculation imagine strengthening the immune system's protective abilities and "flushing out" inorganic "toxins" that would otherwise linger obstructively in the body. Medieval regimens sought to protect humoral bodies by compensating for shifts in the environment.

euyll and anodur in the full… one in chyldehode and yn youthe, and odur in full age… one in the male kynde and odur in female kynde."[68] Physicians must also take into account the remedies' complexions, because their composition worked in sympathy with the body, such that "agayns a hote cause nedys colde medicyn," and so on.[69]

Medieval physicians studied academic medicine in universities in order to master the impossibly complex nuances and relations of bodily and environmental complexions, but a wide range of vernacular texts also attest to the cultural diffusion of humoral medicine. By the fifteenth century, the vernacular was arguably "as important a language as Latin in medical book production in England," and readers outside of the university could interact directly with a comprehensive body of medical writing.[70] Outside of textbooks and handbooks, vernacular poetry shows authors interacting with these sources on their own terms. Jangling poems elaborated the four constitutions, half humorous social commentary and half rhyming mnemonic device:

Ynvywys, dyssevabyll, my sckyn is roghe;

Owtrage in exspence, hardy y-noghe;

Suttyll and sklendyr, hote and dry,

Of collour pale, my name ys malencolly.[71]

---

[68] Rawcliffe, *Sources for the History of Medicine in Late Medieval England*, 71.

[69] Rawcliffe, *Sources for the History of Medicine in Late Medieval England*, 71.

[70] Siraisi, *Medieval and Early Renaissance Medicine,* 53.

[71] Rawcliffe, *Sources for the History of Medicine in Late Medieval England*, 17.

On the more literary end of the scale, the account of Creation in John Gower's

Confessio Amantis begins with a long exploration of all four humors and complexions.

Gower builds up from a discussion of the four elements that make up "the kinde and

the complexion"[72] of the world itself to the four humors that characterize individual

bodies. As in other medieval descriptions of the four dispositions, Gower is concerned

with the ways complexions manifest both physically and socially. More unique is his

sustained interest in their contributions to continued acts of creation; so while he

agrees that the Melancholic are "most ungoodlich and the werste," it is not just their

disposition that is troubling, but the fact that "unto loves werk on nyht / Him lacketh

bothe will and myht."[73] His discussion telescopes across the nested microcosms of

Creation, from the heavens to earth to kingdoms to courts to households to individuals

down to their constitutive elements. Each level resonates with the others, such that the

body is a polity just as the state is a body politic. In the courtly "hall" of the body,

space and obligations are allocated according to the principle of balance, resulting in

strange and provocative appointments. "The spleen," for example, "is to Malencolie /

Assigned for herbergerie," and the spleen, in turn "doth him [the King, or heart] to

---

[72] John Gower, *Confessio Amantis: Volume 3*, Russell A. Peck, ed. and Andrew
Galloway, trans. (Kalamazoo, MI: TEAMS, 2004), VII.383.
[73] John Gower, *Confessio Amantis: Volume 3*, VII.404-406.

lawhe and pleie, / Whan al unclennesse is aweie."[74] Curiously, in Gower's vision of a

clean and well-balanced body/court, the house of melancholy leads the revels. As we

will see, Chaucer's preoccupations in this Tale are not only more boisterous—they are

less clean.

Lancing the Boil

Whether Chaucer's descriptions of the Cook's culinary masterpieces are sarcastic

or sincere, one thing is clear: readers do not remember him for his cooking, because

the catalogue concludes with a far more pressing caveat:

But greet harm was it, as it thoughte me,

That on his shyne a mormal hadde he.

For blankmanger, that made he with the beste.[75]

Chaucer provokes maximum disgust not by describing the pustule further but by

eliding the distinction between the Cook's mormal and his food, the products of his

body and of his craft. The release of poisonous humors not only fails to heal the Cook,

it spreads the poison.[76] The boil on the Cook's body can be subsequently consumed

---

[74] John Gower, *Confessio Amantis: Volume 3*, VII.449-450 And VII.473-474. Latin marginalia adds: *Splen domus est Malencolie*.
[75] *The Canterbury Tales* Prologue 385-7.
[76] More scholarly energy has gone into diagnosing the mormal in modern terms than it likely warrants. As elsewhere, I will adhere to a strictly medieval-medical model. Hance,

by further unsuspecting bodies, making it a vivid locus of disgust.[77] His corrupt humors

have the potential to make their way into everyone else's digestions—particularly when

his food and his pustules do not look as dissimilar as one would hope.[78]

"Mormal" is a contraction of the Latin *malum mortuum* by way of Old French

mort male.[79] Unlike the terms modern editors tend to gloss it with— scab, pustule,

ulcer, boil—the mormal, as its name suggests, carried an association with a slow, bad

death.[80] Bartholomew Traheron translated it particularly vividly as the "deed euyl."[81]

---

the question is not what the mormal "really" is, but what medieval readers would have
envisioned. Scholars have scoured medical manuals for clues; Haldeen Braddy reviews
the arguments for the mormal as a dry vs. wet sore. The question of whether the
mormal was "wet" or "dry" has some significance to my reading, but we need not look
outside of the *Prologue* itself for the answer. "Dry" translations, like gangrene,
significantly reduce the impact of the next line. Chaucer's abrupt segue from the
mormal to blancmange derives its grotesque comedic force from their similar
appearance. See: Haldeen Braddy, "The Cook's Mormal and Its Cure," in *Modern
Language Quarterly* Vol. 7:3, 265-267.

[77] Helen Cooper, *Oxford Guide to Chaucer: "The Canterbury Tales,"* 2nd ed. (Oxford:
Oxford University Press, 1996), 48.

[78] More so even than is immediately obvious to a modern reader who may associate
blancmange with a gelatinous pudding. Medieval blancmange recipes were savory:
typically, shredded poultry or fish mixed with a paste of soft rice and almond milk. They
would have borne a closer resemblance to (and better concealed the incorporation of)
a mormal's contents, which John Ardene described as "brovnysch and clayisch."
c1425 *Arderne Fistula* (Sln 6) *Treatises of Fistula by John Arderne,* ed. D.
Power, *EETS* 139 (1910; reprint 1968), 52/31.

[79] OED "mormal (n)."

[80] Likewise, scholars scuffle over whether the mormal is gangrenous or cancerous, but
the palpable relief of those that conclude it is gangrenous seems to be primarily a
product of modern medical fears. Medieval medical texts are predominantly interested
in the distinction inasmuch as it decides the appropriate course of treatment;
gangrenous or cancerous, mormal still prognosticated the eponymous "bad death."

Hence the Cook's mormal is not just disgusting; it is potentially deadly, an external mark that extends down to the bones. In a medical milieu that generally encouraged the production of "laudable pus"—the better to collect and evacuate evil humors—mormals in particular signaled that the imbalance was too intractable to be easily cured. The Middle English translation of Lanfranc's *Chirurgia Magna* explains that the

> "Malum mortuum is a maner scabbe, & comeþ of grete humouris brent, & falliþ to þe place. & sum part þerof leueþ in a mannys flank, & engendriþ glandulas & swelliþ / Þe cure herof is to avoide his bodi of greet humouris, þat ben brent; & lete him blood in basilica, in þe same side; & lete him blood in þe foot, as it is forseid / & þou muste dissolue glandulus... wiþ drijnge medicyns."[82]

Heated, corrupt humors collect in the body until they cause an extrusion, warping its boundaries. The humoral cure is twofold: the corrupt material in the mormal must be dissolved (or, in other texts, dried up) and the limb bled in order to cool the body and eliminate the distemper, which will otherwise continue to corrupt the humors. Though

---

For the gangrene versus cancer debate, see for example: Haldeen Braddy, "The Cook's Mormal and Its Cure," 265-267, and Thomas Carney Forkin, "'Oure Citee': Illegality and Criminality in Fourteenth-Century London," *Essays in Medieval Studies* 24 (2007), 33. For an exploration of the uniquely modern stigmas attached to cancer, see Susan Sontag, *Illness as Metaphor* (New York: Picador, 2001).

[81] Bartholomew Traheron, *The moste Excellent Workes of Chirurgerye made and set forthe by maister John Vigon, heed chirurgien of our tyme in Italie*, (London: Printed by Thomas East, 1586), I.V. f. CLXIIII [sic – printing error for f. 164].

[82] Robert V. Fleischhacker, ed., *Lanfrank's "Science of Cirurgie"Part I* (London: Early English Text Society, 1894), 294.

salves can be applied to the immediate, visible problem, the physician addresses the

underlying distemper with bleeding, a salubrious injury that restores balance to the

body.

This imagery is most strikingly echoed in *Mum and the Sothsegger,* where it is

used to demonstrate the dangers of a weak Parliament and corrupt judiciary.

Sothsegger complains that Mum makes "al the mischief and myssereule that in the

royaulme growth."[83] From there, Sothsegger's subsequent turn to the bodily is made

all the more effective for the reversal of expectations this claim stages. Instead of the

agricultural metaphor that "growth" seems to anticipate, we find knights assembling

for Parliament,

> "forto shewe the sores of the royaulme
>
> And spare no speche though thay spille shuld,
>
> But berste oute alle the boicches and blaynes of the hert
>
> And lete the rancune renne oute arusshe al at oones,
>
> Leste the fals felon festre withynne…."[84]

The growth is an accumulation of waste: corrupt humors, distending the body politic.

The "fals felon" takes the place of bodily "rancune." Words become surgical tools, and

the "boicches" rupture under the painful pressure of the truth. Treatment requires

---

[83] James M. Dean, ed., *Richard the Redeless and Mum and the Sothsegger.* (Kalamazoo, Mich.: Medieval Institute Publications, 2000), 1115-17.
[84] Dean, *Mum and the Sothsegger,* 1120-24.

autobiographical work; the confrontation of the boils is thus central to the maintenance

of England's identity.[85] The knights of Parliament seem to be alternately both physician

and patient, not only tasked with inspecting and healing the body politic, but also

enfeebled by the disease and afraid of the cure:

> For as I herde have, thay helen wel the rather
>
> Whanne th'anger and th'attre is al oute yrenne,
>
> For better were to breste oute there bote might falle
>
> Thenne rise agayne regalie and the royaulme trouble.
>
> The voiding of this vertue doeth venym forto growe
>
> And sores to be salvelees in many sundry places,
>
> Sith souvrayns and the shire-men the sothe have eschewed
>
> Yn place that is proprid to parle for the royaulme
>
> And fable of thoo fautes and founde thaym to amende."[86]

The language here is delicately calibrated to acknowledge the violence of the cure. It is

"*better*" that the boils "were to breste out," because this might bring about a remedy,

though the operation sounds both painful and repugnant. Notably, Sothsegger's

---

[85] Anderson and Mackay, *Intolerant Bodies,* 102. Anderon and Mackay observe that in the treatment of autoimmune disease "[t]here is a pressing need for what Juliet Corbin and Anselm L. Strauss call 'biographical work,' in which body and self can gain new meanings. The work includes incorporation of the illness trajectory into the biography, acceptance of consequences of failed or deferred performance, the reconstitution of identity, and the tracing of new directions in life, even as one grieves for what is lost."
[86] Dean, *Mum and the Sothsegger,* 1125-1133.

complaint is not that Mum *caused* the apostemes, but that he obstructs this painful-but-necessary treatment. Noteably, the disease comes from within; the rancor is made of native "felon[s]" rather than an infection introduction by external agents. The "boicches" seem to occur as a matter of course, hence the need for a regular Parliament. In the meantime, the physical expansion of the ulcers transfers into a "ris[ing] agayne" the crown. In late medieval England, boils did not simply signify moral turpitude, which several Chaucer scholars have already noted.[87] The figurative boil also signified political corruption, social unrest, and unresolved distemper within the body politic.

Under Pressure: Exchange and Autoimmunity

The "pressure valve" model of the medieval and early modern carnival has become an unavoidable starting point for both scholars who consider the Carnival as a mean of subverting class oppression and those who claim it reinforces authoritative norms. In her study of social protest in Italian youth carnivals, Linda Carroll argues that, despite the potential for expressions of dissent, "the Republic exercised tight control over their [youths'] activities," hence the carnivals' "chief functions were that of safety

---

[87] See, for example: Forkin, "Illegality in London," 32-33; Bertolet, "Chaucer's Cook, Commerce, and Civil Order," 231; James Andreas, "Newe Science from Olde Bokes: A Bakhtinian Approach to the 'Summoner's Tale,'" *The Chaucer Review* 25:2 (1990), 142.

valve and practice for adulthood."[88] The same basic idea applies to practices on the

periphery of revel and misrule; for example, Ruth Mazzo Karras claims, "The brothel, to

medieval society, was the locus of this necessary evil, this societal safety valve."[89] Even

those who argue that the Carnival did not relieve any "pressure" at all have felt obliged

to construct alternative arguments against the always-implicit pressure valve. Building

on the work of Yves-Marie Bercé, Thomas Pettitt claims, "Seasonal misrule... is not

inevitably restricted to the function of a safety-valve, permitting the release of pent-up

frustrations and dissatisfactions in a carefully limited period of topsy-turvydom."[90] Max

Thomas warns that games and carnival must be understood "as something more

complex than a 'safety valve' that offered peasants a pseudosubversive holiday."[91]

Natalie Zemon Davis's work on *charivari* is probably the best-known discussion

of premodern youth revels. She set the tone for modern carnival studies in her

persuasive demonstration that, "rather than being a mere 'safety-valve', deflecting

attention from social reality, festive life can on the one hand perpetuate certain values

of the community, even guarantee its survival, and on the other hand, criticize political

---

[88] Linda L. Carroll, "Carnival Rites as Vehicles of Protest in Renaissance Venice," in *The Sixteenth Century Journal* 16:4 (Winter, 1985), 497, Fn. 32. http://www.jstor.org/stable/2541222.

[89] Ruth Mazzo Karras, "The Regulation of Brothels in Later Medieval England," in *Signs* 14:2 (1989), 401. http://www.jstor.org/stable/3174556.

[90] Thomas Pettitt, "'Here Comes I, Jack Straw:' English Folk Drama and Social Revolt," in *Folklore* 95:1 (1984), 3. http://www.jstor.org/stable/1259755.

[91] Max W. Thomas, "Kemps Nine Daies Wonder: Dancing Carnival into Market," in *PMLA* 107:3 (May, 1992), 521. http://www.jstor.org/stable/462758.

order."[92] Davis's intervention reconciled opposing scholarly traditions, one arguing for the essentially conservative nature of the carnival, the other following Bakhtin's most famous thesis, that the carnivalesque is "a primary source of liberation, destruction and renewal in *all* societies."[93] But even in Davis's work, mechanistic readings appear in strikingly anachronistic contexts; in her summary of Keith Thomas's work, she describes carnival "as a pre-political safety-valve for the members of a structured, hierarchical society, and… the expression and reinforcement of 'a pre-industrial sense of time'."[94] Society and time are strangely out of joint; one mechanical, the other pre-industrial.

One significant wrinkle in the pressure valve model of medieval and early modern carnival is that its evocative power lies in a post-industrial image. While nobody, of course, has claimed that premodern people themselves considered revels in the context of steam boilers (which were invented at the beginning of the Industrial Revolution), the use of a modern image as a guiding metaphor projects modern post-industrial concerns onto a fundamentally different social structure. Whether academics believe carnival to be fundamentally conservative or liberating, they stage it in the context of labor rights, and hence upon the effects that carnival "produced" and upon the class conflict it mitigated.

---

[92] "The Reasons of Misrule: Youth Groups and Charivari in Sixteenth-Century France." In *Past & Present* 50 (Feb. 1971), 41. http://www.jstor.org/stable/650243.
[93] Davis, "The Reasons of Misrule," 49.
[94] Keith Thomas quoted in Davis, "The Reasons of Misrule," 49. Thomas himself does not use the term 'safety valve.'

However, pressure and the boil bore their own set of largely biological connotations in this period. In place of Bakhtin's safety valve, Derrida's theory of autoimmunity helps us conceptualize a Galenic model of the communal body and the embodied operation of judicial injury in the fourteenth century, one in which revel and violence are structurally analogous.[95] The biological theory of social pressure and corruption suggests that certain kinds of judicial violence can "lete the rancune renne oute." If this violence—the violence of the truth, the violence of exclusion—can relieve toxic pressures in the social body, what does revel do?

In an interview conducted in New York City by philosopher Giovanna Borradori only a few weeks after September 11th, Jacques Derrida considered the apparent causes and effects of the attack through what he called "autoimmunity" or "a *suicidal* autoimmunity," named after "that strange behavior where a living being, in a quasi-*suicidal* fashion, 'itself' work to destroy its own protection, to immunize itself *against* its 'own' immunity."[96] Derrida shifts autoimmunitary functions from the body to the state—the state "is both self-protecting and self-destroying, at once remedy and poison. The

---

[95] Jacques Derrida, *Philosophy in a Time of Terror*, 94-95. Of course, Derrida's "autoimmunity" is no less a product of the post-Galenic body; Derrida himself conceptualized autoimmunity by beginning with the premise that the body is designed to protect itself against "invasion" by other organisms, and thus also that a body that turns in upon itself is somehow unnatural.

[96] This interview was published together with a parallel dialogue with Jürgen Habermas in: *Philosophy In a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*, ed. Giovanna Borradori (Chicago: University of Chicago Press, 2003), 94. Emphasis original.

Pharmakon is another name… for this autoimmunitary logic."[97] Thus, the protections—

laws or acts of aggression—that the state implements to defend itself will also generate

unanticipated subversions, which may in fact exceed in scope the problem that these

protections were designed to protect against. The law that interpellates its subjects

produces, in this sense, unanticipated subjects—may even exceed its intended reach,

beyond even those who are technically bound by the state's laws. [98] Thus the "'force of

the law' [is] *seen* to be *exposed* to aggression, but the aggression of which it is the

object… comes, *as from the inside*, from forces that are apparently without any force of

their own but that are able to find the means" in America and thus in*corpor*ate the two

suicides.[99]

Galenic embodiment assumes something very like Derridian autoimmunities—if

medicine is the practice of creating balance by removing excess humors or

encouraging their production, any injury can cascade into other systems and any

"cure" can overreach and produce unanticipated injuries.[100] By viewing exclusionary

---

[97] Ibid., 124.

[98] Ibid., 95. In the case of 9/11, Derrida claims the suicidal autoimmunity functioned through a double suicide: the suicide of the hijackers, who implemented American technology in America against America; and the suicide "of those who welcomed, armed, and trained them."

[99] Ibid.

[100] The death of Robin Hood has proved notoriously frustrating and anticlimactic to audiences and scholars alike, but under this rubric is seems nearly inevitable: Robin, an 'autoimmunity' himself produced by occlusive legal practices, keeps his community in a

legal and social practices as autoimmunities, we can see that any attempt to protect

the state carries within itself the conditions for its own subversion. An injury (Latin *in +*

jus, jur-) derives meaning from the Law and always-already takes place within it. To

consider judicial "injury" of the humoral subject is to take as a basic premise that

"injury" is not a stable sign, even when the same mark (corporal punishment, leeching,

amputating) is repeated. The state interpellates the body politic through judicial injury,

and that the state's attempts to protect itself could develop into a suicidal

autoimmunity with the power to return the injury.[101]

 Elsewhere, Derrida aligns autoimmunity with the *pharmakon*, inasmuch as it

cannot be read as a wholly injurious phenomenon. In "How to Name," his meditation

on the work of Michel Deguy, he proposes that

> "The possibility of autoimmunity is not merely negative, destructive,
>
> pathological in all its effects. Autoimmunity can also have indirect positive
>
> effects in cases where it is artificially or pharmacologically induced in order to
>
> limit the phenomena of immunity that lead, for example, to the rejection of a
>
> transplant. In that instance it makes operable what had previously been judged

---

constant state of flux and imbalance and so dies when a scheming leech over-bleeds
him.
[101] Like Galenic bodies, the open-ended course of autoimmune disease do not fit the
narrative drive of an industrial complex or military campaign. There are no victories or
cures, only temporary truces, and endless management and monitoring. This may be
why autoimmunity has appealed to postmodern theorists interested in war in an "time
of terror," which has also defied our desire for clarity and closure.

inoperable. [...] This latter [the *pharmakon*] would be the autoimmunity itself of the one as-one, thus calling in question the immune, the unharmed, the safe and sound, what is *heilig*, *holy*, and so forth."[102]

This raises the possibility of a law or symbolic which has the power to create subjects beyond its theoretical reach, who in turn have the power to subvert that law. At its most basic level, autoimmunity and the humors rely on the *pharmakon* to survive; to heal in medieval terms is fundamentally to bleed or to purge—to encourage bodily effusions of all kinds. But Galenism also perceives the human body as a kind of microcosm, a balancing act that repeats itself in progressively larger orders throughout the cosmos, and which responds to imbalances within those larger orders of celestial bodies.

Injuries were not necessarily inimical to the health of the body politic but could in fact be salubrious, and were just as likely to balance an embodied system as to destabilize it. This includes the very acts of penetration (real and figurative) examined by scholars in the tradition of Mary Douglas or psychoanalysis.[103] I argue here that it is equally valuable to consider the internal effects, both positive and negative, of the act of penetration. Inasmuch as an injury is *always*(-already) a mark of power upon a body, in the medieval imagination it belonged to a quite different matrix of authority, gender

---

[102] Derrida, "How to Name" in *Recumbents*, ed. Michael Deguy, Jacques Derrida, and Wilson Baldridge (Middletown, Conn.: Wesleyan University Press, 2005), 219.
[103] See Footnote 11.

and status, in which the cut that a physician makes heals his patient by virtue of his

literacy and his access to a genealogy of authorities. This took place in a matrix of

authority in which universities trained physicians alongside doctors of law and theology

according to a parallel syllabus. The power of the law and the church operated in the

same Galenic cosmos as medicine, where injuries had the purgative power to restore

balance among the humors and elements. The judicial injury can be read as a kind of

pharmakon, a poison and a gift to the communal body. Events like the Peasants' Revolt

of 1381, or the real and imagined damage inflicted by man outlawed by the Crown for

petty crimes, demonstrate the ways in which judicial injury did not make an inert mark

upon the communal body; instead, judicial injury set in motion a re-balancing of social

elements which could not be determined beforehand. Examining late medieval and

early modern ideas about "pressure" and its relief allows us to examine the

construction and care of a communal body and the autoimmune responses of its

members.

Changes to humoral medicine in the early modern period effected a parallel

change in the way society and the state were imagined. Jonathan Gil Harris

demonstrates that, beginning in the sixteenth century, the metaphor of the body politic

moved away "from political analogies based on Platonic or Galenic notions of

proportion, hierarchy, and humoral balance, to a new emphasis on the body politic's

boundaries as the sites of potential corruption and contamination."[104] It is striking that,

under a shared humoral rubric, seventeenth century versions of the body politic

metaphor also emphasize the healing effects of "poison" and purgation upon the

social body as salubrious violence.[105] Yet the shift in emphasis from Galenic to

Paracelsian theory radically altered the way this violence was imagined and

understood. *Mum and the Sothsegger* envisioned Parliament itself painfully expelling

corruption, expressed as extrusions on the skin of the social body. As Harris shows,

early modern texts like Marlowe's *The Jew of Malta* "conceived of [the Jew's alterity] in

terms of a threatening capacity for anal intrusion," through which "his poisonous

incursion through the orifices of bodies natural and politic was often reconfigured as a

medicinal purgative or enema."[106] The incipient rise of germ theory was therefore met

with an emergent political paranoia for the exterior.

As visible evidence of internal imbalance, ulcers preoccupied both the

communal imagination and reality. Besides texts as different as *The Canterbury Tales*

and *Mum and Sothsegger*, famous medieval physicians from Guy de Chauliac to

Lanfrac of Milan dedicated entire books to the subject of lesions like boils (*bolning*) [107]

---

[104] Jonathan Gil Harris, *Foreign Bodies and the Body Politic: Discourses of Social Pathology in Early Modern England* (Cambridge: Cambridge University Press, 1998), 19.
[105] Harris, *Foreign Bodies*, 14.
[106] Ibid.
[107] MED, "Bolning (ger.)"

and mormals, which they generally identified under the broader rubric of "ulcers."[108]

From pox to buboes, infected wounds to tumors, ulcers were a horrifying yet pervasive

motif of late medieval life.[109] In medical treatises, medieval physicians encourage the

production of "laudable pus" for ailments ranging from battlefield wounds to breast

cancer. Ulcers like mormals differ from surgical incisions or healing wounds in that their

contents are not "laudible" but have instead become corrupt. John of Mirfield

explains,

> "In a manner of speaking, an ulcer is a solution of continuity already putrefied or
>
> inveterate. Similarly, every old would having putrefaction, or poison, or a scab,
>
> or anything other than laudible sanies is no longer a wound, but will be called an
>
> ulcer. The laudible sanies of wounds is white, even-textured, smooth and
>
> without bad odor. For every wound, after it has passed through two or three

---

[108] The Middle English translation of Guy de Chauliac's treatise on ulcers distinguished them as "vlcere virulent & corrosyue & ambulatif, sordide & putride, Cauernous & profounde..Of accidentez ar y-take..vlcere discrasiate, dolorous, apostemous, contused." Björn Wallner, *The Middle English Translation of Guy de Chauliac's Grande Chirurgie, Lunds Universitets Arsskrift* n.f., Avd.1, Bd.56, Nr.5 (1964), quoted in MED "ulcer(e (n.), a."

[109] Susan Sontag, *Illness as Metaphor*, 109 and 126. Compare the evocative dimensions of "finding a lump" today, or the stigma of skin lesions associated with HIV/AIDS. Sontag compares cultural perception of the "disabling, disfiguring, and humiliating" symptoms of AIDS to depictions of rabies, cholera, syphilis, and smallpox, reflecting, "Being deadly is not in itself enough to produce terror. It is not even necessary, as in the puzzling case of leprosy, perhaps the most stigmatized of all diseases, although rarely fatal and extremely difficult to transmit…. The most terrifying illnesses are those perceived as not just lethal but as dehumanizing, literally so."

months of treatment, is no wound, but is named an ulcer, a cancer or a

fistula."[110]

Hence ulcers (including mormals like the Cook's and the "boicches" on Mum and

Sothsegger's body politic) are a sign not just of physical trauma but of an invisible

distemper of the interior.

Guy de Chauliac, perhaps the most famous surgeon of his day, makes a

compelling case for draining 'laudable pus' from boils in 1348, when he caught—and

survived—the Black Death. His anatomized descriptions of the Black Death and of his

varied attempts to treat it are strikingly detailed, in part because his subsequent

immunity allowed him to remain with his patients in Avignon long after his colleagues

had fled the city. Over time, de Chauliac came to realize that, though few survived the

Black Death, those that did always exhibited a secondary phase in which the buboes

burst and evacuated their pus: "for all who got sick died, except for a few toward the

end, who escaped when their buboes ripened."[111] Boils, ripening like fruit, move from

stigmatic to salubrious as if, in evacuating the body, they nourish it.

---

[110] John of Mirfield, *Surgery: A translation of his Breviarum Bartholomei, part IX*, trans. Frank B. Berry (New York: Hafner Publishing Co., 1969), 193.
[111] John Alberth, *The Black Death: The Great Mortality of 1348-1350* (Boston: Bedford/St Martin's, 2005), 23, 64.

Contemporaries imagined the plague as a derangement of the whole body, "down to the very marrow of their bones."[112] Worse, any type of communication translated the disease as well, proliferating the plague, as was its nature, throughout the entire social body. Michael da Piazza describes "the breath of infection spreading equally among [those talking together], until one infection the other so that nearly the entire body succumbed to this woeful disease."[113] Much as communities attempted to protect themselves from infiltration by the infected, attempts to protect individual and social bodies from infection focused most upon the interior. Pamphlets produced by contemporary physicians promise that the best protection was internal integrity, achieved through a regimen centered around the intake *and* expulsion of nutriment. Early in the crisis the medical faculty at Paris released a pamphlet in which they warned that at the greatest risk of infection were

> "bodies that are full and obstructed with evil humors, in which waste matter is not consumed or expelled as is necessary; that live by a bad regimen.... But those who have bodies that are dry and free of impurities, who *govern* [their bodies] well and in accordance with a suitable regimen, are more resistant to the pestilence."[114]

---

[112] Michael da Piazza in Alberth, *The Black Death*, 29.
[113] Ibid., 29-30.
[114] Ibid., 44, emphasis mine.

The Paris faculty's report emphasizes evacuation and purgation, and it recommends regular bleeding as a preventative measure and further bleeding at the first sign of disease, before "gruesome symptoms appear."[115] Most physicians theorized that these "gruesome symptoms," the eponymous buboes, were the result of the body's attempts to expel corrupt humors through its usual "drainage points" at the head, armpits, and groin.[116] Even before the pestilence had run its course writers made the association between the fatal accumulation of corrupt humors in individual victims and the corrupt classes obstructing the health of the body politic: "for this reason," Guy de Chauliac proposes, alarmed but not humbled by his brush with death, "it was the common people, the laborers, and those who lived evil lives who died."[117]

Chaucer and the Boil

The anxiety the Cook produces, then, is not related to infection or contagion in the modern sense. With his characteristically lively interest in individuals of different classes and their interactions with one another, Chaucer does not merely identify the Cook's poisonous cooking with his disgusting body as a dig at the lower orders. Hogge of Ware is no outside infecting agent, but an active and central participant in an entire community's digestion, both as a producer and as a consumer: "Wel koude he knowe a

---

[115] Ibid., 54.
[116] Ibid., 60.
[117] De Chauliac in Aberth, *The Black Death*, 65.

draughte of londoun ale."[118] His mormal is, in a way, a warning for the distemper that

he could cause even without contaminating his customers' food, because common

medical wisdom held that "the cause antecedente of this disease, for the most parte,

consysteth in euyll meates and drynkes, whiche engendre corrupt humours."[119] In

excess, Hogge of Ware's culinary creations, or even just his enthusiastic company in the

tavern, could encourage the same disease to spread throughout his community.

Both Hogge and his hero Perkyn are creatures of excess. Fragment IX finds the

cook not only too drunk to speak coherently or stay on his horse, but foul-breathed

and ill. The miasma of his halitosis compounds the impression that the cook's mere

presence can corrupt those who associate with him; the Manciple opines, "thy breeth

ful soure stynketh: / … / The devel of helle sette his foot therin! / Thy cursed breeth

infecte wole us alle."[120] Ironically, the Cook himself revealed this earlier in his *Tale*,

when the master victualler remembers that "[w]el bet is roten appul out of hoord /

Than that it rotie al the remenaunt."[121] As far as I know, scholars have yet to note the

devious Chaucerian pun here: in Middle English, the mormal was known as a "dede

---

[118] Geoffrey Chaucer, "The Cook's Tale," in *The Riverside Chaucer*, ed. Larry Dean
Benson, 3rd ed. (Boston, Mass.: Houghton Mifflin Co., 1987), I.382.
[119] Traheron, *The moste Excellent Workes of Chirurgerye*, I.V. f.CLXIIII [sic – printing
error for f. 164].
[120] Chaucer, "The Manciple's Tale," IX.32, 38-39.
[121] Chaucer, "The Cook's Tale," I.4406-4407.

appel."[122] The Cook embodies the "bad apple," and like it, his body is rotting from

within. Unintentionally, Hogge substantiates the master victualler's case; and as for the

master's analogy between a bad apple and a riotous servant, Hogge has already given

his employers food poisoning. The correspondence between the "roten appul" and

the "dede appel" closes the circuit of associations that defines the *Cook's Tale*—

community, digestion, disruption, corruption, and waste.

 This cycle is physically embodied within the Cook's clientele. Harry Bailey

observes this circulation of waste even before Hogge tells his story:

 "Now telle on, Roger; look that it be good,

 For many a paste hastow laten blood,

 And many Jakke of Dovere hastow soold

 That been twies hoot and twies coold.

 Of many a pilgrym hastow Christes curs,

 For of thy percely yet they fare the wors,

 That they han eten with thy stubbel goos,

---

[122] For example, in the Middle English translation of Guy de Chauliac's *Cirurgie*: "To þe dede apple or mormal [**Ch.(1)*: mortmale] and to þe blonesse in the face and in oþer places, Galien..prayseth piriacioun wiþ a sponge."… "Þe mormale or dede appel..is generally cured as þe scabbe..when þat it is noght elles but a stynkynge and drye scabbe." Chauliac (2), Paris angl.25, 443/9, 532/22 quoted in MED, "mortmale."

For in thy shoppe is many a flye loos."[123]

The account ends with garbage, but it implicitly begins with garbage, too. In 1379 the

city passed an ordinance regulating piemakers, "Because that the Pastelers of the City

of London have heretofore baked in pasties rabbits, geese, and garbage, not befitting,

and sometimes stinking, in deceit of the people."[124] The evocative dunghill imagery

("garbage… sometimes stinking"!) is echoed in the Harry Bailey's description of

Hogge's shop, where "many a flye [is] loos."[125] The same London statute goes on

forbid pastelers to "bake either whole geese in a pasty, halves of geese, or quarters of

geese, for sale, on the pain aforesaid."[126] The ordinance is painstakingly clear—no

goose in pies, ever, not even a little bit—and even if Chaucer was not familiar with the

exact wording of the statute, or even the exact statute itself, what the 1379 "Ordinance

of the Pastelers" indicates is a widespread mistrust of London piemakers. More

important is the *reason* that goose could not be sold, which Chaucer is clearly aware

---

[123] Chaucer, "The Cook's Prologue," I.4345-4352.
[124] "Memorials: 1379," in *Memorials of London and London Life in the 13th, 14th and 15th Centuries*, ed. H. T. Riley (London: Longmans, Green, 1868), 428-438. *British History Online*. http://www.british-history.ac.uk/no-series/memorials-london-life/pp428-438.
[125] Chaucer, "The Cook's Prologue," I.4352.
[126] Ibid. The "aforesaid" penalties included: "paying, the first time, if found guilty thereof, 6s.8d., to the use of the Chamber, and of going bodily to prison, at the will of the Mayor; the second time, 13s. 4d. to the use of the Chamber, and of going etc.; and the third time, 20s. to the use of the Chamber, and of going etc."

of; the city geese were "stubbel-fed," or in other words, fed with garbage. The

neighborhood produces garbage; the geese consume the garbage; thanks to Hogge,

his neighbors consume the geese; their unhappy digestive systems purge the food as

garbage; and so on. Whether on the road to Canterbury, or in a shop in a London

marketplace, communities consume, digest, and purge the Cook's food and the

corrupt matter it contains, in common with one another. Harry Bailey observes that the

Canterbury pilgrims, who agree on little enough otherwise, collectively resent their

indigestion: "Of many a pilgrim hastow Cristes curs, / For of thy percely yet they fare

the wors, / That they han eten with thy stubble goos…."[127] There is no winning or

wasting in this particular economy; because the components are all so worthless, there

is nothing to win or waste to begin with. Hogge's digestion in particular suffers from a

paradoxical and unsustainable state of excess and absence: too much food and drink,

none of it nourishing.

But while the people are sick, it is the pies that are bled. And though the

language used to describe Hogge's cooking is medical, it does not 'cure' anything.

Hogge has "laten blood" from pasties; in an echo of humoral theory, the pasties

oscillate under his tender mercies between "twies hoot and twies coold."[128] The Cook's

perfidious habit of "bleeding" the juices from old pies so he can continue to sell them

---

[127] Ibid., I.4349-4351.
[128] Ibid., I.4348.

works because it changes the pasties' appearance, though not the underlying problem. Tapping into a late medieval discourse of "bleeding" social disruption, Chaucer's depiction of the Cook, his food, and his hero Perkyn expresses reasonable anxieties about the possible repercussions of ostensibly salubrious injury. What is being bled and why? How much is too much?

Just as bleeding out the old grease in a spoiled pie does not make it any less spoiled, youth revels that release venal frustrations do not make the youth any less spoiled, either. Rather than siphon off or defuse burgeoning complaints, Perkyn's revels only escalate conflict. As Hogge warns the Host, "sooth pley, quaad pley:"[129] "a true jest is a bad jest." One danger of revels is that it may be impossible to locate the point at which they pass from a youthful jape to genuine rebellion. Chaucer offers no resolution to this dilemma; there is no stopper to let the steam let out of a safety-valve. How does the communal body cope? Strikingly, it does not become wholly corrupted—Perkyn's "riote"[130] does not degenerate into outright rebellion. There is no rupture of a status quo for the city of London. Yet neither is there a return to virtuous equilibrium; the master victualler's household may be spared Perkyn's antics, but another neighborhood is not so lucky. Instead, the body politic is always a bit unruly, full of heterogeneous bits that may self-aggregate, as Perkyn does when he joins the

---

[129] Ibid., I.4357.
[130] Chaucer, "The Cook's Tale," I.4414.

thief and his wife. A future flare-up or a more acute build-up of corruption is always

possible. The *Tale's* lack of resolution underscores Chaucer's mockery of London's self-

satisfied social ethos.[131] It is, like the tale, permanently open and unresolved.

Chaucer takes an ambivalent view toward the bleeding of social excesses.

Though the release of bad humors was part of a natural and possibly inevitable

process, made necessary by a lack of care or oversight, such release could spread what

had previously been limited to one "bad apple." Excessive violence could mark the

body in unexpected ways. These injuries may not manifest immediately. But the

academic discourse that authorizes medical professionals ensures that the physician's

violence always reinforces hierarchies of prestige and power, regardless of the

treatment's efficacy. When Guy de Chauliac imparts instructions for draining festering

ulcers, his greatest disgust is reserved for careless surgeons:

> if þe matere be so violent þat it were in poynt to schende þe lyme, þan opene it
>
> & be wel war of the braun þat is in þat place / Manie men þat ben vnkunnyng &
>
> supposen þat place to be fer fro only noble lyme, makiþ þeron a deep kuttyng,
>
> & supposiþ to haue gret worschip þerof; & manie idiotis wolen preise hem wel
>
> þerfore."[132]

---

[131] Barbara Hanawalt, *Growing up in Medieval London: The Experience of Childhood in History* (Oxford: Oxford University Press, 1993), 171, quoted in Bertolet 243.
[132] Fleischhacker, *Lanfrank's "Science of Cirurgie,"* 223.

If an overenthusiastic surgeon cuts into the muscle, Guy de Chauliac explains, the

patient can lose his arm, a far more debilitating problem. The entire body must be

treated as a whole, with care for its precise constitution. Distempers in "ignoble" limbs

must be treated with just as much care and moderation, because an excessively violent

treatment can compromise more vital members of the body. Guy de Chauliac's

account recalls the "gret worschip" sheriffs receive for administering ostentatious

punishments for relatively harmless crimes; inevitably, the criminal or his compatriots

respond with large-scale violence.

Meanwhile, the master victualler allows the problem to grow until the only way

he can save his household is to expel Perkyn. This is, as Craig Bertolet discerns, "an act

that attempts to control the ungovernable elements of society by denying them

membership to the power structures of society. By ejecting Perkyn, the master absolves

himself of any further responsibility in supervising Perkyn's behavior."[133] The master

victualler's home and shop may be spared—but now Perkyn's scope for disruption is

far wider. Is it possible to reconcile the health of an individual body or household with

those of the body politic? It is not clear that the two bodies can, ultimately, be

meaningfully separated. No wall truly isolates inside from outside, neither in a city nor a

body.

---

[133] Bertolet, "Chaucer's Cook, Commerce, and Civic Order," 244.

After all, Perkyn is a product of the city, and still a part of the city at the tale's

end. The fantasy of a pure city is as illusory as the desire for a pure text; they will both

continue to incorporate new elements (even ones, like *Gamelyn,* that are not

necessarily very good for it). Perkyn's revels are only made possible by his deep

connections within his neighborhood, a youth community that runs under the skin of

adult society.[134] John Scattergood asserts that Perkyn is "a character who breaks every

precept, who *resists being incorporated* into the city ethos and uses what opportunities

his lifestyle affords him for personal pleasures of an immoral and sometimes criminal

sort."[135] The "ethos" of the city is not quite so clear, however. As Larry Benson

---

[134] The *Cook's Prologue* gives another intriguing glimpse into the layers of London society with "sooth pley, quaad pley" (4357). It is a remarkable moment in a text dedicated to elevating the vernacular's poetic status—one marginal vernacular enfolded within another. Just as *The Reeve's Tale* grounds the power struggle between a wealthy rural tradesman and the eclectic community at Cambridge university with a parody of regional dialect, the Cook's easy familiarity with a Flemish adage ironically underscores his identity as a Londoner. As his name indicates, Hogge of Ware himself is not Flemish. Rather, Chaucer's approximation of a London patois reflects the Flemings' growing presence in late medieval London, particularly its markets, where Roger vends his pies. As contentious as the Flemings' residence could be, Roger's citation is remarkably neutral—at worst, calculated to annoy Harry. The Cook's casual reference to the Flemings stands in counterpoint to his interest in *herbergage.* Herbergage reframes the Flemings' occupation of London; not as an invasion or an intrusion, but as a voluntary incorporation into London's metaphorical household, potentially no less perilous for being temporary. Their language has already settled into English speech (bringing with it a different habit of mind evidenced by the aphorism).

[135] John Scattergood, "Perkyn Revelour and the *Cook's Tale,*" in *Reading the Past: Essays on Medieval and Renaissance Literature* (Dublin: Four Courts Press, 1996), 190. Emphasis mine.

observes, Chaucer moves in Fragment 1 through communities that are simultaneously more dysfunctional and more relatable: "we have moved from the remoteness of ancient Athens to 'oure citee,' London, and from the idealized realm of romance to the sleaziest side of contemporary reality."[136] Though he has been denied citizenship in the city, Perkyn is implicated in a wider network of misbehavior.[137]

David Wallace also argues that Chaucer's London is not exclusively the city as defined by physical boundaries and wealthy burghers. Wallace finds that

"[t]here is no idea of a city for all the inhabitants of a space called London to pay allegiance to; there are only conflicts of associational, hierarchical, and antiassociational discourses acted out within and across the boundaries of a city wall or the fragments of a text called the Canterbury Tales."[138]

---

[136] Benson, *Riverside Chaucer,* 9.

[137] Bertlolet, "Chaucer's Cook, Commerce, and Civic Order," 244. Bertolet argues that Perkyn is so indifferent "to his education that he fails to realize that his master's refusal to enroll him as a citizen has cut him off from the chance for membership in the community. Since Perkyn failed to fulfill his part of the agreement and refused to be governed by his master, the master has decided not to fulfill his part. It is an act that attempts to control the ungovernable elements of society by denying them membership to the power structures of society." While this is true, it should also be noted that, despite his youth and his failure to secure citizenship, Perkyn controls both his master (up until he is given his walking papers) and his band of revelers. Unofficial structures of power within the city have their own considerable force in what little we have of *The Cook's Tale.*

[138] David Wallace, *Chaucerian Polity: Absolutist Lineages and Associational Forms In England and Italy* (Stanford, Calif.: Stanford University Press, 1997), 179.

The imagined community Wallace implicitly contrasts to Chaucer's London requires cohesion, cooperation, and equity. But it is not clear that it is necessary for members to "pay allegiance" to the same narrative of the city in order for there to be a meaningful sense of community. What if a body politic is, by definition, fractious, fragmented, unbalanced, prone to excess? As we will see, the alliterative interpolater's anxious additions, calculated to portray Perkyn as an aberration, suggests that contemporaries could in fact read Chaucer's text as an accurate anatomy of London society. In Chaucer's text, the disorder Perkyn cultivates already exists all around him; once he has been ejected from his master's house, he immediately finds lodging with a thief and a prostitute. This pair are already well-established in the neighborhood, and the wife operates a shop as a deceptively reputable front for her work in prostitution. The sham storefront exposes the troublesome doubling of London's economy: the same business operates simultaneously within an open and a hidden market, the latter of which is just as firmly established in the neighborhood and presumably much more well-trafficked. If anything, Chaucer seems here to mock the self-satisfied "city ethos" enforced by Perkyn's hand-wringing master: reputable on the surface, but seething with excesses underneath.

"Of this cokes tale maked Chaucer na moore."[139] Intentionally or unintentionally, the Hengwrt Manuscript scribe's dispirited addendum casts Chaucer is an analogous position to the Cook: Chaucer *makes* the poem just as Hogge *makes* his pies. Or perhaps it places Chaucer in relation to Perkyn Revelour, who also does not finish his work. Did Chaucer intend to textually model Perkyn's behavior? Or did he find that he, like the Cook, was making his 'wares' with garbage? These are possibilities that the continuators attempted to control.

Continuations: Controlling Chaucer

Two scribes attempted to conclude the fragmentary *Cook's Tale* itself. The scribe of Rawlinson Poetry 141 confined himself to a simple four-line conclusion, which skips past the judicial process entirely and moves directly from crimes to punishment:

> And thus with horedom and bryberye
>
> Togeder thei used till thei honged hye.
>
> For whoso evel byeth shal make a sory sale;
>
> And thus I make an ende of my tale.[140]

---

[139] Jim Casey, "Unfinished Business: The Termination of the Cook's Tale," *The Chaucer Review* 41:2 (2006), 187.

[140] "The Cook's Tale: Introduction," in *The Canterbury Tales: Fifteenth-Century Continuations and Additions*, ed. John M. Bowers (Kalamazoo: Medieval Institute Publications for TEAMS, 1992), 34.

Composed in passably Chaucerian style, the Rawlinson Poetry 141 continuer's main

takeaway for the *Cook's Tale* is ultimately economic. Even after he is cast out of his

master's house, Perkyn is still part of the city economy (albeit noxiously), buying and

selling debauchery, and accidentally acquiring punishment as part of the trade.

More curious still are the revisions preserved in Bodley 686, which not only

conclude the tale but are interpolated throughout, bringing the tale up from fifty-eight

to ninety-eight lines.[141] This reviser makes little effort to emulate Chaucer's poetics but,

as Bowers observes, cleaves closely to Langlandian style and interests.[142] The

alliterative interpolator elaborates on Perkyn's revels with a pub scene reminiscent of

Piers Plowman's Sloth. After Chaucer wrote that Perkyn "gadered hym a mayny of his

sort / To hoppe and synge and make such disport"[143] (I.4381-82), the interpolater adds:

> With Rech-never and Recheles this lessoun he lerys
>
> With Waste and with Wranglere, his owne pley-ferys,
>
> With Lyght-honde and with Likorouse-mowthe, with Unschamfast
>
> With Drynke-more and with Drawe-abak, her thryst is y-past…"[144]

---

[141] Manly and Rickert, *The Text of the Canterbury Tales*, 169. Manly and Rickert observe of these additions: "No doubt they are intended to be edifying, but the scribe nowhere else indulged his Muse."

[142] Bowers, "The Cook's Tale: Introduction," 34.

[143] Benson, *The Riverside Chaucer*, I.4381-82.

[144] Bowers, "The Cook's Tale," 19-22.

The alliterative interpolator intervenes in the suggestion that Perkyn is able to find

"mayny of his sort" in the city, thereby erasing the presence of an entire subculture.

Although Langland himself, as we will see in Chapter Two, explodes meaning with

polysemous words, his imitator tries to use allegory to fix meaning. In trying to fix

interpretation of the tale and bring in the logic of the marketplace, the interpolator

injects a mercantile moral structure which advises readers to "[t]henke how grace and

governaunce hath broght hem a boune / Many pore mannys sonn, chefe state of the

towne."[145] Amongst allegorical personifications rather than unnamed city youths,

Perkyn's carousing no longer implies a much larger network of misrule. The revised

scene imagines revels attended by one layabout youth and all his sins: allegory quite

literally sanitizes the city.

Gamelyn Boundes: Symbolic Violence to Boundaries

Given the content of the *Cook's Tale*, its curious connection to an outlaw tale is

perhaps less eccentric than scholars like Benson have implied. It is true that from the

very simple perspective of manuscript survival, outlaw literature appears to have led a

separate life in medieval society. While the *Tales* survive in eighty-three manuscripts

and *Piers Plowman*, the subject of Chapter Two, in more than fifty-five, little of the

outlaw tradition has survived in Middle English. Langland's reference to "rymes of

---

[145] Ibid., 95-96.

Robyn Hode" suggests that they were ubiquitous by the late fourteenth century, but no "rymes" survive in copies earlier than the fifteenth. The ballads and plays that survived did so in a haphazard grab bag of unlikely ways, not least among them parasitism. As we will see in Chapter Three, the earliest Robin Hood play is preserved on the verso of some Paston household accounting. But the earliest extant Middle English outlaw tale is not Robin Hood but *Gamelyn*, which found its improbable way into multiple manuscripts of *The Canterbury Tales*.[146]

Scholarly consensus firmly agrees that Chaucer himself did not write *Gamelyn*.[147] Its consistent placement in the *cd* manuscripts suggests that it may have been included in Chaucer's notes at that point, but there is no conclusive evidence that Chaucer himself intended to adapt *Gamelyn* or substitute it for the tale he had already begun.[148] Larry Benson's spare textual note on "The Cook's Fragment" captures the usual academic attitude toward these "aberrations" in the manuscripts."[149] But though scholars today do not often put Chaucer, Langland, and popular ballads in conversation with one another, fifteenth century compilers of *The Canterbury Tales*

---

[146] John Marshall, "'Goon in-to Bernysdale': the trail of the Paston Robin Hood play," *Essays in honour of Peter Meredith*, ed. C. Batt (Leeds: University of Leeds, 1998), 185-217.

[147] See, for example: Manly and Rickert, *The Text of the Canterbury Tales*, 165-172.

[148] Ibid., 172.

[149] Benson, *The Riverside Chaucer*, 1125.

most certainly did. These compilers were anything but idiosyncratic: of eighty-three

surviving manuscripts, twenty-five include *Gamelyn*.[150]

The substitution of the *Cook's Tale* with Gamelyn's suggests the "fruitful

symbiosis" between the "great" and "little" traditions which Douglas Gray discusses in

Simple Forms: "Literary topics, themes, and forms moved; there was much borrowing,

and a constant interaction…. Popular tales, motifs, and ideas pass into learned or

courtly works; learned forms and attitudes make their way into popular culture."[151]

Whatever Chaucer's intentions may or may not have been, *Gamelyn* was nevertheless

part of readers' experience of *The Canterbury Tales* in nearly a third of surviving

manuscripts. Nearly two hundred years after Chaucer's death, *cd* manuscripts were still

in circulation. *Gamelyn* was an influential part of Thomas Lodge's experience of

Chaucer and formed the basis of his *Rosalynde, Euphues Golden Legacie* in 1590. So it

is that, by way of Lodge, ignoble *Gamelyn* connects Geoffrey Chaucer and William

Shakespeare who adapted *Rosalynde* into *As You Like It* c. 1599.[152]

Indeed, the *Cook's Tale* forges an even stronger link between outlaw tales and

high literature than Langland's passing reference to "rymes of Robyn Hode." Langland

despaired that readers preferred Robin Hood to catechism—but at least catechism and

---

[150] Bowers, "The Cook's Tale: Introduction," 33. These include important manuscripts like Harley 7334 and Corpus Christi 198.

[151] Douglas Gray, *Simple Forms: Essays on Medieval English Popular Literature* (Oxford: Oxford UP, 2015), 5.

[152] Manly and Rickert, *Text of the Canterbury Tales,* 171.

ballads were never confused for one another. Modern editors, guided by modern ideas about identity and integrity, are far more disturbed by *Gamelyn*'s spurious interpolation into the Chaucerian canon than medieval and early modern compilers seemed to be. *Gamelyn*, perhaps like Perkyn Revelour himself, uncomfortably straddles the line between intruder and guest—alien to Chaucer's work, yet integrated into it; a parasitic textual survivor preserved nowhere else,[153] which, for many readers, contributed to the overall meaning and scope of the *Tales*.

One of the spurious links between *The Cook's Tale* and *Gamelyn* is especially suggestive; like *Mum and the Sothsegger's* knights of Parliament, the MS Lansdowne (c.1410-1420) link intends to ignore the foulness accruing in *The Cook's Tale*:

"Fye þer one it is so foule I wil nowe tell no forþere

For schame of þe harlotrie þat seweþ after

A velany it were þare of more to spell

Bot of a knyhte and his sonnes My tale I wil forþe tell."[154]

Ironically, or perhaps inevitably, *Gamelyn* proves far more disruptive—escalating, as Perkyn does not, from carousal to rebellion with the murder of the king's representatives. For all their apparent generic differences, *The Cook's Tale* and *Gamelyn* are structurally quite similar in their anxieties. Perkyn's master is an

---

[153] Ibid., 170.
[154] Ibid., 171.

upstanding guildsman if not a very good guardian. He cannot control Perkyn, and at

the first opportunity to dissolve their relationship, he prioritizes peace in his own home.

Although the master victualler does not actively harm the neighborhood, in failing to

discipline Perkyn, and in escaping any future obligation to manage his unruly ward, he

passively facilitates disorder. In London, the master victualler's neglect manifested as

urban revels, the wasteful consumption of drink and sex. In the indeterminate English

countryside, Sir Johann's neglect manifests in the land, making it prime outlaw

territory.

Gamelyn's brother Sir Johan holds his land in trust, and Gamelyn only begins to

rebel against his brother's authority when he realizes that waste that has been made of

his inheritance:

"He thought on his landes that lay unsowe,

And his fare okes that doune were ydrawe;

His parkes were broken and his deer reved;

Of alle his good stedes noon was hym byleved;

His hous were unhilled and ful evyll dight;

Tho thought Gamelyne it went not aright."[155]

---

[155] All citations for *The Tale of Gamelyn* are taken from "The Tale of Gamelyn," in
Robin Hood and Other Outlaw Tales, ed. Stephen Knight and Thomas Ohlgren
(Kalamazoo, Mich: Medieval Institute Publications for TEAMS, 1997), 184-226: 81-88.

For all its narrative absurdities, historians like Richard Kaeuper have demonstrated that *Gamelyn* attests to certain medieval legal processes remarkably well.[156] Sir Johan's thorough mismanagement of Gamelyn's land fulfills nearly every possible criteria for land waste: uncultivated fields, deforestation, afforestation, overhunting, and collapsed buildings. According to royal statute, Sir Johan must forfeit the lands until Gamelyn reaches the age of majority.[157] Intriguingly, the poem suggests that Johan does not waste Gamelyn's lands out of malice, but simply because he, like his father before him—"non husband he was"[158]—is an incompetent landowner and "did no thing welle."[159] Johan's neglect of his young brother is more ominous; he "clothed him and fedde him evell and eke wroth."[160] Knight and Ohlgren gloss "evell" and "wroth" here as "badly and also ill," and at this stage the brothers' wrath is largely passive. But the *wroth* care of Gamelyn and his land prefigures the gradual buildup of heated humors and wrathful hostilities over the course of the poem. Thanks to Johan's negligent management, everything under his care begins the poem already in a distemper.

---

[156] Richard Kaeuper, "An Historian's Reading of *The Tale of Gamelyn*," *Medium Ævum* 52 (1983), 51-62.
[157] Eleanor Johnson, "The Poetics of Waste," 462.
[158] Knight and Ohlgren, "The Tale of Gamelyn," 13.
[159] Ibid., 75.
[160] Ibid., 73.

The situation degrades when Gamelyn angrily confronts his brother. Sir Johan, in a "grete hete,"[161] orders his men to "beteth this boye and reveth hym his witte,"[162] echoing the reiving of the deer in Gamelyn's parks. The fight that ensues would have clearly suggested the connection between *Gamelyn* and the Cook for readers of *cd* manuscripts. When Gamelyn first approaches his brother, Sir Johan assumes he has come to announce dinner; then "wrathed him Gamelyn and swore by Goddys boke, / 'Thow schalt go bake thi self I wil not be this coke!"[163] When Johan's men advance on him, Gamelyn notices "a pestel stode under the wall."[164] In a disturbing parody of cooking, Gamelyn pounds his brother's men "on an hepe"[165] with the pestle. Gamelyn produces culinary waste on a level which—impressively—manages to exceed Hogge of Ware's use of garbage-fed geese.

Eleanor Johnson proposes that certain late medieval poems reveal "waste to be, borrowing Yeager's phrasing, a 'liquid' crime—a crime without boundaries, the commission of which highlights the connectedness among people."[166] While Gamelyn's very name, Boundes, signifies delimitations, the poem repeatedly defies boundaries

---

[161] Ibid., 117.
[162] Ibid., 111.
[163] Ibid., 92-93.
[164] Ibid., 122.
[165] Ibid., 124.
[166] Eleanor Johnson, "The Poetics of Waste: Medieval English Ecocriticism," *PMLA*. 127.3 (2012): 464. Johnson's reading centers on the—admittedly far more cerebral— poems *Piers Plowman* and *Wynnere and Wastour,* but the discourses which these brilliant poems actively engage undergird the narrative logic of *Gamelyn*.

and defers closure.[167] His name is not "bound" to him alone, and moves fluidly through a wide range of significations. Sir Johan keeps Gamelyn "bounde bothe honde and fote"[168] to a post where, "bounden in the halle, / Thoo that commen inne loked on hym alle."[169] But these "bounds" cannot contain him. Later, after Adam Spencer secretly releases Gamelyn, he remains in the hall as if bound in order to test his brother and his guests; Adam instructs him to "biseche hem alle to bringe the oute of bondes; / And if thei willen borowe the that were good game."[170] Within just two lines, we move fluidly from shackles and arrest, to money for bail, and end with another pun entirely on Gamelyn's ("old man's son") forename.[171] The sheriff is summoned because he receives word that Gamelyn has "[b]oundon and wounded men ayeinst the kingges pees."[172] This scene establishes the motif of broken bounds, both physically and thematically—not only does Gamelyn escape, he inverts the judicial process. He has been legally "bound" by the court to stand trial (for the slaying of Sir Johan's porter), but "binds" his brother's cronies instead.[173]

---

[167] Knight and Olgren, "The Tale of Gamelyn," 220 n.3. Knight and Ohlgren note that the family "name should mean *of the boundaries* or *of the borders*, which is not very informative, especially since it is obscure where this story is set."

[168] Ibid., 372.

[169] Ibid., 383-84.

[170] Ibid., 436-437.

[171] Ibid., 220 n.38.

[172] Ibid., 544.

[173] The "boundes" puns continue to the end of the poem: Adam Spencer urges Gamelyn to follow him into the Greenwood: "I rede we to wode gone er we be founde

More striking, however, are the bodily boundaries that Gamelyn violates. The

carnivalesque violence of the poem's climax reinscribes the local power structure

through the symbolic mutilation of key members. Gamelyn's other brother, Sir Ote,

who stood bond for him, is condemned to die for Gamelyn's crimes when Gamelyn

forgets to appear at trial. Luckily, Gamelyn returns at the final moment, promising

Adam that "We will slee the giltif and lat the other go. / I wil into the halle and with the

justice speke; / Of hem that bene giltif I wil ben awreke."[174] Gamelyn exposes the

underlying logic of the court's judgment, which intends to "bleed" a scapegoat not

because it will restore order, but for the sake of returning violence for violence.

Gamelyn beats them at their own game and appoints himself judge by smashing the

assize justice's face in, destroying his ability to speak. To hammer the point home,

Gamelyn throws the justice "over the barre"[175] which defines the court space, outside

of his position within the law, "and his arms brake,"[176] purging the force of arms the

justice represents. Less spectacular, and easily overlooked, is the fate of the jurors.

They are not even present in the courthouse, having presented their testimony at an

---

/ Better is ther louse than in the toune bounde" (601-602). Hence Gamelyn rejects both
the town (bounds) and his family name (Boundes). Gamelyn's brother Sir Ote serves as
his bondsman, and laments (accurately, as it turns out) that "alle the carke schal fal on
my hede; / For whan the justice sitte and thou be not yfounde, / I shal anoon be
take and in thi stede ibounde"(757-59).
[174] Ibid., 818-820.
[175] Ibid., 848.
[176] Ibid.

earlier point. But Gamelyn is not satisfied with merely executing the judge and sheriff; he "enquired who was on his quest"[177] and "as sone as Gamelyn wist where thei were, / He did hem everechon fetter in fere, / And bringgen hem to the barre."[178] He then assembles an alternate jury out "of his men stronge"[179]—other outlaws from the greenwood—and condemns them all to hang.

When Gamelyn and Sir Ote report what they have done to the king, he makes Gamelyn "cheef justice of his free forest"[180] and appoints his outlaw followers to royal offices. Gamelyn successfully regulates a community through bloodshed, and his triumph makes a strange, violent, coda to the *The Cook's Prologue and Tale. Gamelyn* undermines most of the claims Chaucer sets up and gleefully defies his concern with excess. Yet in its very openness Chaucer's text is not immune, despite its literary prestige, to unanticipated violence.

---

177 Ibid., 858.
178 Ibid., 861-63.
179 Ibid., 874.
180 Ibid., 888.

CHAPTER TWO:
ROUNYNG, RUMOR, AND WRATH

"…the medical model of the public weal, is probably more dangerous and far-reaching in its consequences [than the military metaphor], since it not only provides a persuasive justification for authoritarian rule but implicitly suggests the necessity of state-sponsored repression and violence (the equivalent of surgical removal or chemical control of the offending or 'unhealthy' parts of the body politic)."

Susan Sontag
Illness as Metaphor

"For his love of his brethren should not prevent him from correcting their errors with the proper medicine.... Therefore the prince grieves when called upon to inflict the punishment which guilt demands, and yet administers it with reluctant right hand… and in subjecting to pain the members of the body of which he is the head, he obeys the law with sadness and with groans."

John of Salisbury
Policraticus

On the fifth of November, 1505, eighty-year-old Philip Darcy was called upon to refute a rumor circulating through the district. In the grand scheme of things, the disruption this rumor caused was fairly minor: it was "publicly rumoured" that before her death in 1490 his mother Joan "had made charters of release of the hamlet of Skelton."[181] Three reliable witnesses—the vicar of St. Laurence parish church, the chaplain of St. Nicholas church in York, and one William Bullok—dutifully made their

---

[181] "Deeds: A.601 - A.700," in *A Descriptive Catalogue of Ancient Deeds: Volume 1*, ed. H C Maxwell Lyte (London: Her Majesty's Stationery Office, 1890), 71-82. *British History Online*, http://www.british-history.ac.uk/ancient-deeds/vol1/pp71-82.

way to Philip's house in York to record his deposition. Philip was not the current lord

Darcy, but he, unlike Thomas, lord Darcy, had been Lady Joan's confidante and was

with her at her death, and it was Joan whose word was in question.[182] Philip refuted the

supposed charter on two counts. First, he swore that just before she died Lady Joan

anticipated the resurgence of this, evidently persistent, rumor. She avowed to him that

"she had made no such release, and so she required them to testify when need arose."

But beyond conveying her testimony from beyond the grave, as he had promised he

would, Philip provided a personal guarantee, that "he knows well his mother never

made such grant, for she had such confidence in him she was unwilling to do such a

thing without his advice."[183] The elderly Philip Darcy's deposition ends on this stubborn

disclosure; and whether because of this testimony or for reasons that have not

survived, Skelton was not granted its rumored liberties.[184]

 Though it may have been a very minor blip in English history, this dispute

---

[182] "Parishes: Skelton." *A History of the County of York North Riding: Volume 2*. Ed. William Page. London: Victoria County History, 1923. 405-410. *British History Online*. http://www.british-history.ac.uk/vch/yorks/north/vol2/pp405-410. As a further complicating factor, Joan was found to be "of unsound mind" before she reached the age of majority, and her property was held in trust, first by her husband, then by her heirs after his death. Did her tenants try to take advantage of her reputation in order to leverage their release from obligations? Were their claims taken more seriously because Joan was *non compos mentis*? Why would such a charter, issued in theory by a mentally incompetent woman against her own interests, have had force? Hence there is another dimension to this dispute, and its management by Joan's male relatives and neighbors, which can offer potential insights to a future project within disability studies.
[183] "Deeds: A.601 - A.700," *Ancient Deeds*, 71-82.
[184] "Parishes: Skelton." *A History of the County of York North Riding: Vol. 2*, 405-410.

illustrates the thin line between popular rumor and legal testimony in late medieval

England. On the one hand, we have the collective memory and personal narrative of a

small local community. On the other, we have hearsay testimony to female speech, the

first and last officially documented word on the subject. The oral quality of every

statement up to the 1505 deposition made the rumors no more ephemeral than a

written document (possibly they were even more durable, if the supposed lost charter

ever existed). The story of the Skelton charter was entrenched enough to circulate for

some two decades at least. Despite the lack of documentary evidence, the rumors

alone had enough force to compel a formal response. The very public character of the

rumor stands in contrast to Philip Darcy's testimony, which strategically moves the story

from the public sphere to the privileged private space of Joan's confidences. Philip

massages public rumor into private counsel, at which point it is finally recorded as

official testimony. At stake: the liberties that define a community and its place under

the law.

By the sixteenth century, rumor's legal force was already waning; old Philip

Darcy is palpably more irritated than threatened by the inquiry into his family's

holdings, although he remains secure enough in the credibility of his own story.

Increasingly, both local and royal courts penalized the circulation of even very banal

tale-telling, instituting, for example, ordinances against scolding and barratry.[185] The

king's law was ever more concerned with monitoring and punishing treasonous speech.

The spectacular punishment of treasonous rumor began far earlier; in the wake of the

Peasants Revolt, for example, John Constantyn was executed for the "rumour,

commotion, disturbance, and insurrection" he raised against Nicholas Bembre in 1384.

Constantyn's public beheading, in advance of any real civil unrest, was allegedly "for

the preservation of our peace, and for putting an end to the riot and insurrection

purposed."[186] Constantyn poisoned his neighborhood with his speech; the Crown

amputated him from the social body before his influence could spread.

　　Despite the concerns surrounding intemperate speech, it was England's own

common law which first granted such narratives legal force. This comes through most

clearly in the development of medieval English juries. From the twelfth to sixteenth

centuries, juries were "self-informing," meaning that jurors "would be expected to

know or to find out the facts of the event or events in dispute, and ordinarily would

---

[185] Sandy Bardsley, "Men's Voices in Late Medieval England," in *The Hands of the Tongue: Essays on Deviant Speech*, ed. Edwin D. Craun (Kalamazoo: Medieval Institute, 2007), 26-44.

[186] "Memorials: 1384," in *Memorials of London and London Life in the 13th, 14th and 15th Centuries*, ed. H T Riley (London: Longmans, Green, 1868), 482-483. *British History Online*. http://www.british-history.ac.uk/no-series/memorials-london-life/pp482-483.

decide without the help of any documentary or testimonial evidence given in court."[187]

So although modern common law prides itself on a system based on judgment by the

defendant's impartial peers, juries were originally empanelled *for* their outside

knowledge. The great legal scholars Pollock and Maitland gently resist the old chestnut

that "in old times 'the jurors were the witnesses'" (it "does not quite hit the truth"), but

while scholarship has generally followed them in this attitude, legal historians have

been reluctant to discuss the social dimensions of information that is neither witnessed

first-hand by the jurors themselves, nor presented by sworn witnesses in court.[188] David

Seipp, for example, concluded from his study of thousands of yearbook entries that "a

large part of the process of informing juries about matters in dispute in the fourteenth

and fifteenth centuries took place informally, outside of court, and before the date of

the trial."[189] Thus, the social space outside of the court takes on the neutral and

authorized character of "community consensus."[190] James Oldham concedes that

"some cases involved issues that undoubtedly would have been the subject of

community gossip, and although these do not explicitly reflect jurors stating a

---

[187] James Oldham, *The Varied Life of the Self-Informing Jury* (London: Seldon Society, 2005), 4.
[188] Pollock and Maitland, *History of English Law*, quoted in Oldham, *Self-Informing Jury*, 6.
[189] David Seipp, "Jurors, Evidences, and the Tempest of 1499," *The Dearest Birthright of the People of England: The Jury in The History of the Common Law*, 82.
[190] Oldham, *Self-Informing Jury*, 13.

community consensus, the cases have something of that flavour."[191]

In order to centralize recourse to the law, the crown authorized and institutionalized local gossip. As Seipp observes, public talk was a necessary mechanism in the transition from local custom and folklaw to the king's law.[192] Juries straddled the divide—both between custom and crown and between gossip and judgment. On the one hand, juries of recognitors attested to "ancient" local customary procedure and territorial boundaries.[193] On the other, presentment juries facilitated the implementation of royal circuit courts by advising royal justices on local practice and people.[194] Jurors were expected to speak with neighbors, witnesses, and the litigants themselves before the trial or presentment began; Seipp suggests that such juries

---

[191] Ibid., 14. He then goes on to give the example of a young woman who claimed she had been robbed of her cloak, but was said to be "a hireling" who was startled by a passing group of boys during a tryst and ran away without it. While this is doubtlessly more scandalous and entertaining than local land grants, entertainment value is still a fairly arbitrary distinction to make, and it is ultimately impossible to assert that local communities would have had little interest in less salacious disputes.

[192] Seipp, "Jurors, Evidences, and the Tempest of 1499," 75. On a more pragmatic level, juries simply made centralized law possible, given the medieval crown's resources; as David Seipp observes, "without the enforced co-operation of jurors, the tiny number of royal justices—usually 12 or 13 at any one time—could not possibly have resolved the thousands of disputes that came to judgment every year in the expanding jurisdiction of the common law."

[193] Maureen Mulholland, "The Jury in English Manorial Courts," in *The Dearest Birthright of the People of England,* ed. John W. Cairns and Grant McLeod (Oxford: Hart Publishing, 2002), 70. See also: Oldham, *Self-Informing Jury,* 21-22.

[194] Oldham, *Self-Informing Jury,* 16-17.

might be better called "privately-informed or pre-informed or informally-informed."[195]

They collated witness accounts and attested to the accused's *fama* for interloping

itinerant judges.[196] This procedure was not deliberately oppressive or violent; in fact,

"securing a jury from the neighbourhood where the facts would be most readily known

was thought to be an important *protection for* the accused party."[197] Arguably,

England was able to implement a sophisticated, centralized medieval bureaucracy well

beyond those on the continent because of the unique role juries played in the common

law. Through them, the crown harnessed a far more complex, efficient network than it

could construct with its own resources, maintained by the circulation of narrative, rather

than the rounds of a police force.

Although this type of surveillance and maintenance was not necessarily less

violent or oppressive than those of the regimes that followed, the exercise of violence

was part of a unique discourse that needs to be considered on its own terms. In this

chapter I consider the injurious power of speech, staged in the social, judicial and

political arenas, and the ways in which slippage between insult, gossip and advice can

help us understand not only the boundaries that restrictions on speech protect but the

ways in which the circulation of speech reveals the internal dynamics of medieval

---

[195] Seipp, "Jurors, Evidences, and the Tempest of 1499," 84.
[196] Thelma Fenster and Daniel Lord Smail, ed. *Fama: The Politics of Talk and Reputation in Medieval Europe* (Ithaca: Cornell University Press, 2003), 2-3.
[197] Oldham, *Self-Informing Jury,* 16. Emphasis mine.

communities. Late medieval English texts—poetic, legal, religious, and so on—imagine maintaining balance within the internal dynamics of a community by treating the social body according to Galenic theory and practice. As such, commentators like William Langland persistently focused first and foremost on the body politic's vulnerability to distempers *within* and on the violence that Galenic treatments involved. One of my primarily goals is to shift the terms of discussion of the "calamitous" fourteenth century beyond just conflict *with* (the French, the Scottish, the Welsh) and conflict *between* (peasants and nobility, Catholics and Lollards, men and women) to conflict *within* (overlapping, diverse communities). Arguably, these struggles to establish balance within the English polity had a greater and more lasting impact than any of their external conflicts. As I hope to show, any analysis that privileges power structures like rich/poor, landed/serf, male/female will focus on the ability of those in power to interpellate and injure those beneath them, but fail to consider how and why that discourse, and those injuries, could be moderated or how they could effect the interpellator himself. This includes the likelihood that the deployment of any injurious interpellation will rebound, like an autoimmunity, on the original speaker—not as a 'consequence,' or even as 'just desserts,' but as a fundamental aspect of such speech acts whatever their moral content.

Allegory and Performativity: Linguistic Beings and the Judge

William Langland's *Piers Plowman*[198] concerns the multiple dream visions of a

man, also called Will, who falls asleep on Malvern Hills outside of London and has a

vision of a "faire felde ful of folke" (B.19), home to not only the typical allegorical

figures like Conscience and Falsehood, but also figures from throughout the three

estates, from the King down to the titular ploughman himself. Will embarks on a

journey to discover Do-Well, Do-Better, and Do-Best, sometimes seeking guidance

from those figures that would teach him, and sometimes simply watching events

unfold. The dreams take place over the course of his adult life, with the unsettling

effect that it is never quite clear where the author, the narrator, and the personification

of Will begin and end.

In *Excitable Speech*, Judith Butler asks if language could "injure us if we were

not, in some sense, linguistic beings, beings who require language in order to be? Is

our vulnerability to language a consequence of our being constituted within its

---

[198] *Piers Plowman* is a catch-all term for at least 3 considerably different revisions of the same poem, typically referred to by scholars as the A-text (c. 1367), B-text (c. 1377-9), C-text (late 1380s) and sometimes Z-text. *Piers Plowman* is typically attributed to a figure called William Langland, on the strength of a note in a 15th-century manuscript and a number of word plays throughout the poem, but this is probably a pseudonym, and nothing else is known of him outside of a supposedly autobiographical digression in the C-text. As Langland revised *Piers* Plowman and attempted to resolve the intrinsic distempers of a Christian kingdom, he added and subtracted entire characters and conversations, and therefore this chapter will move between all three versions as necessary.

terms?"[199] Butler turns to allegory to provide an image of the discursive fictions that

mediate the human experience. In *Bodies that Matter*, for example, Butler distances

her discussion of gender performativity from theatricality, and the putative

volunteerism it implies, by suggesting that drag allegorizes heterosexual melancholy.[200]

For Butler, aligning performativity with allegory rather than drama seems to suggest

that when identity is performed, it is not worn like mask; it is embodied. Later, in

Excitable Speech, Butler attempts to limit the performative to its discursive sense by

returning to J. L. Austin's *How to Do Things With Words*, challenging her readers to

imagine a transitive "doing."[201] In doing so she asks us conceive of the speech act, not

as a tool, but as words that themselves do the action—in other words, to personify

speech.

Unfortunately, in Butler's work, allegory (in both its implicit and explicit forms)

stands as a largely unqualified term.[202] She treats 'allegory' as self-explanatory—and, as

a medieval genre, it *is*, although not in the way that modern theorists think. *Piers*

---

[199] Judith Butler, *Excitable Speech*, 2.
[200] Judith Butler, *Bodies that Matter*, 178–185.
[201] Judith Butler, *Excitable Speech,* 44.
[202] The contemporary appropriation of 'allegory' as a theoretical figure has not entirely escaped criticism. Medievalist Madeleine Kasten, irked by postmodern theorists' appropriation of allegory, notes that theorists have taken up pre- and medieval definitions of allegory that insist "on the text as a structure of multiple meaning" and from this designate "allegory as a figure figuring forth the figurality of *all* language." Kasten protests that "this view offers no intrinsic criteria for the identification of a text as an allegory…it follows that virtually anything may—and indeed has—come to be perceived as such." Kasten, 16.

Plowman in particular maintains a particularly sharp sense of itself as a textual object;

its structure is endlessly recursive, first representing a place, people, or scene and then

presenting one or more characters' readings of that moment. After observing the

dizzying activity in the Field Full of Folk, the narrator begs the first person who

approaches him to make sense of it all—"Mercy, madame, what is this to mene?"[203]—

and she obliges with a thorough explanation which catalogues the Field's main

features: "The toure up the toft," quod she, "Treuthe is thereinne… ."[204] Hence Will,

after a dense 231-line prologue, acts as a proxy for readers and performs their

confusion, and in doing so generates a figure, Holy Church, whose fundamental

function is to provide interpretation of the figurative for the layman. Holy Church

commands "almost supreme authority to speak in moral, theological, ecclesiological,

and cosmological terms," and is, like the church itself, every Christian's first point of

access to divine truth.[205] Andrew Galloway argues that Holy Church "not only speaks

'holy writ,' she *is* that holy writ, as it extends into sermons permeating and guiding

every aspect of life. She is the poet's effort to capture the sacred page as the living

entity it was in late medieval culture."[206] Hence the text itself produces and performs its

---

[203] *Piers Plowman,* B.I.11.
[204] Ibid., B.I.11.
[205] Andrew Galloway, *The Penn Commentary on* Piers Plowman, *Vol. 1* (Philadelphia: University of Pennsylvania Press, 2006), 148. Galloway argues that her speech to Will takes the form of a verse sermon.
[206] Galloway, *Penn Commentary,*152.

own analysis, and in doing so the poem is retroactively initiated as a self-aware body. More than inert text, Langland's personification allegory is a body capable of self-recognition and self-definition.

Yet personification allegory's self-explanatory impulses are never totalizing; characters' readings are incomplete, subjective, and limited. Holy Church is only the first of many characters who reflexively interpret the dreamer's vision; and for every interlocutor Will interrogates, his search for meaning grows more contested. At their *most* consistent, these character provide complementary (rather than outright contradictory) readings of the people and things Will sees, but even the most stable characters constantly generate new meaning. Holy Church herself, for example, is later defined as "a commune lyf" (B.X.238) by Clergy, as "Lief in loue and leutee in o byleue and law…All kyne christene cleuynge on o will" (C.XVII.125-28) by Liberum Arbitrium, and the "moder" of all the "children of charite" (B.XVI.197-99) by Abraham.[207] She is a life held in common with all other members of Christendom; she is adherence to the law, characterized as a single, embodied "will;" she is kinship, a shared blood characterized by charity, an economy of balance which circulates resources from where they are excessive to where they are absent. It is not coincidental that each characterization of Holy Church, Will's first guide, develops her further as an embodied community and collective subject—of which Will (and Clergy, and Liberum Arbitrium,

---

[207] Galloway, *Penn Commentary*, 149.

and even Abraham) is a part. The text is a body, but that does not mean it is stable; bodies are, in fact, constitutionally unstable, and as the poem shifts from Holy Church to far more contested characters, it is in constant danger of being destabilized entirely.

Animated nouns like Conscience, Reason, and Truth are clearly constituted within the terms of language. If they do not act within their definition—if, for example, Truth lies—then they, and their world, face collapse. Personification-allegory works as a sort of zero-gravity test of performativity; as a world which is explicitly grounded in semantics, it is a site of radically felicitous speech acts. But this radical felicity makes speech more, rather than less, difficult to regulate, and renders the effect of speech acts almost impossible to anticipate entirely. This is true both of stereotypically suspect speakers, particularly women, and of the authoritative figures who attempt to manage them. My discussion starts with Lady Mede, who resists reduction to a single meaning, and moves to Lady Anima, who invites Will to name and transform her. At the same time, I trace the volatile circulation of the 'authoritative' speech of the king, Conscience, Reason, and Will himself. In this way, I look to the precarious boundary between subversive and authoritative speech, legal and obscene words, and male and female talk.

The scholarly work dedicated to defining personification allegory shares Butler's concern with action, or performance, as the primary mechanism for defining subjects. Much of the early work on allegory, such as Morton Bloomfield and Robert Worth

Frank's, indicate that the allegorical weight of personification-allegory is not borne in the personification her/himself, but by their actions. The allegorical meaning is located, according to Bloomfield, "not in what nouns the writer chooses but in what predicates he attaches to his subjects." [208] Alternatively, as Frank laconically declares, personifications "mean what their names say they mean."[209] In many ways, these are simply modern manifestations of pre-medieval commentaries, the same commentaries which may have influenced Langland, which considered allegory the second level of Biblical exegesis, following history. Saint Augustine, for example, says of Saint Paul, "Where [the Apostle] has used the name allegory, he finds it not in the words but in the deeds." He continues, "What shall I say of the Apostle Paul, who signifies that even the history itself of Exodus was an allegory of the Christian people to come."[210]

In order to consider the ways in which speech might have the "power to injure," [211] Butler turns to Nietsche's *On the Geneology of Morals* and deconstructs his famous formula for the instantiation of a guilty subject: "there is no 'being' behind the doing, effecting, becoming: 'the doer' is merely a fiction added to the deed—the deed is everything" (*es gibt kein 'Sein' hinter dem Tun, Wirken, Werden; 'der Täter' ist zum*

---

[208] Bloomfield, 165.

[209] Frank, 243.

[210] Augustine quoted in Henri de Lubac, *Medieval Exegesis: The Four Senses of Scripture*: *Vol. 1*, translated by Mark Sebanc (Grand Rapids, Mich.: Eerdmans, 1998), 86.

[211] Judith Butler, *Excitable Speech: A Politics of the Performative* (Routledge: New York, 1997), 1.

Tun blos hinzugedictet—das Tun ist alles).[212] Butler boils this down in her own terms:

"The question, then, of who is accountable for a given injury precedes and initiates the

subject, and the subject itself is formed through being nominated to inhabit that

grammatical and juridical site."[213] Just as a personification is allegorized by their

predicate, a predicate imagines and initiates its subject.

Within Nietzsche's formula, Butler identifies an individual *Täter* who absorbs the

blame for a continuous action, *das Tun*, a 'doing' that precedes and continues beyond

the 'doer.' She locates a critical evasion at the heart of Nietzsche's formulation: the

passive form of *hinzugedictet* circumvents the need to specify who, precisely, is

applying the grammatical fiction of the individual doer to the continuous deed. The

tensions Butler detects between *Tun* and *Täter,* the continuous action and the

arbitrarily singular and present doer, also speaks provocatively to personification-

allegory, where, despite the presumably eternal and continuous operations of things

like reason, we are asked to consider the present and personified actions of a character

called Sir Reason. What singular third person has enacted the "*hinzudichten*?" Who is

this judge? Butler's concern is that the regulation of hate speech creates a discursive

system which will not only symbolically prosecute individuals for an action that

precedes and exceeds them, but will invisibly install a judge with the power to recycle

---

[212] Friedrich Nietzsche, *On the Genealogy of Morals*, quoted in Butler, *Excitable Speech*, 45.
[213] Butler, *Excitable Speech,* 46.

that same hate speech. Unlike the guilty subject, who is singled out within a citational history, "judging" is a passive grammatical position, historicized and non-individuated. "The judge" has no subjecthood and cannot be located or defended against. But in personification allegory, all grammatical positions are occupied simultaneously by figure who is both citational and individual; conscience continues to exist even when Conscience no longer occupies a subject position. The personified judge can never totally escape the injury he would inflict on the social body in the name of healing it.

So for Lady Mede, unlike Judith Butler, it is easy to identify the judge: she can confront her judges directly, although she cannot stop them from naming her, or prevent the king from placing her under his sovereign ban. Mede herself is the embodiment of reward, payment, or bribery. She is also a young noblewoman caught at the center of struggle for power between the king and his retainers. The bastard daughter of either Favel or Amends, depending on who you ask, Mede moves fluidly between admirers in the court and the commons, and her *fama* is a mobile as she is. Her marriage contract with Fals Fikkel-Tongue, not coincidentally a personification of uninhibited talk, threatens to further destabilize her already polysemous ontology, and magnify the unruly power of her speech. Mede already represents the uneven circulation of social resources, from gold to justice; together, she and Fals could waste the dream kingdom's most critical resource, language, despoiling it of its meaning and value.

In an effort to avert her engagement to Fals and neutralize her disruptive meaning, the King orders Mede to marry his retainer, Conscience, but Conscience surprises the king by lashing out. His resistance is the most intriguing sign of a potentially distempered court; Conscience himself has not been corrupted by Mede, but his heated objections nevertheless block the king's will and provoke a verbal fight. Ironically enough, his tirade opens with an attack on her uncontrolled speech: "Ar I wedde suche a wyf, wo me bityde! / She is frele of hir faith, fykel of here speche."[214] Mede, naturally, objects—"thow hast famed me foule bifor the Kynge here"[215]—and strikes back by demonstrating the hypocrisy of his refusal to bind himself to her openly and legally: "Wel thow wost, Conscience—but yif thow wolt gabbe—/ Thow hast hanged on myne half ellevene times, / And also griped my golde [and] gyve it where the liked."[216] The innuendo posits a prior relationship formed through mutual exchange—one in which, incriminatingly, the balance of resources flowed from her to him.

Unfortunately for Mede, Conscience's injurious speech is a shared resource unto itself, though it is limitless because these names are citational and iterable. Names like 'hore' derive their power from their context and their history, one that pre-exists the individual speaker and, indeed, may have little to do with him:

---

[214] *Piers Plowman,* B.III.121-122.
[215] Ibid., B.III.186.
[216] Ibid., B.III.180-82.

The [injurious] name has, thus, a *historicity,* what might be understood as the

history which has become internal to a name, has come to constitute the

contemporary meaning of a name: the sedimentation of its usages as they have

become part of the very name, a sedimentation, a repetition that congeals, that

gives the name its force.[217]

The injurious word, according to Butler, gains "the force of authority" through

repetition and citation. The Mede episode has garnered a great deal of scholarly

attention for the threat that she poses to a patriarchal political and semantic system.

Scholars are drawn to Mede's charismatic resistance to definition by male authorities,

her apparent singularity. Yet the inverse of Butler's thesis has significant force in a body

politic regulated by regimen. An individual judgment can also utilize a single actor

[*Täter*] to imagine a constant past and future threat of 'doing' [*Tun*]. Hence judgment,

like the King's dismissal of Mede from his court, fictively historicizes an individual

moment of disturbance as part of a continuous history and future.

Though the court must be guarded against Mede's influence, the threat mede

poses is already internal, even before the lady physically arrives at the court itself. The

King and his advisors are able to dismiss Mede by calling upon a "legacy of citation"[218]

of injurious names like "hore," amputating her from the court with weapons that come

---

[217] Butler, *Excitable Speech*, 36.
[218] Butler, *Excitable Speech*, 51.

from within it. According to similar logic, however, the King's newfound disgust for

Mede extends her presence. On the one hand, this becomes a justification for

increased surveillance, increased management, and increased violence to the body

politic as represented by the king's court: "bi the Rode," swears Reason, "I shal no

reuthe have / While Mede hath the maistrye in this moot halle."[219] Yet while Passus V

ends with Mede's disappearance and Conscience and Reason's appointment as the

king's advisors and constant companions—the better to monitor the court—it also

concludes with Conscience's warning that any exclusion requires the commons'

cooperation: "But the comune wil assent, / It is ful hard, bi myn hed, hereto to brynge

it, / [And] alle yowre lige leodes to lede thus evene."[220] Though Lady Mede may have

been cast out, the King's judgment discloses Mede's continuous presence in the court

to his subjects; her potential for corruption is also a potential for subversion.

    In *Excitable Speech,* Butler asks us to consider that

    "To be injured by speech is to suffer a loss of context, that is, not to know where

    you are. Indeed, it may be that what is *unanticipated* about the injurious speech

    act is what constitutes its injury, the sense of putting its addressee out of

    control….Exposed at the moment of such a shattering is precisely the volatility

---

[219] *Piers Plowman,* B.IV.134-135.
[220] Ibid., B.V.182-184.

of one's 'place' within the community of speakers; one can be 'put in one's

place' by such speech, but such a place may be no place."[221]

Mede dramatically allegorizes the loss of context that Butler claims those injured by

speech suffer. This is a space at which medieval allegory excels; any act of naming in

personification allegory decontextualizes words, placing them outside the grammatical

and semantic relations that determines the meaning that a word takes at any given

time. By the same logic, characters in personification allegories are vulnerable to

naming. Already, as Emily Steiner notes, "Naming foregrounds the loss of context

common to both allegorical and legal writing, while reserving to itself the various

modes that we tend to associate with the literal sense: the generic, historical, and

particular."[222] Amputated from the context that gives them meaning, personified

characters dramatize the precarity of existence in "no place." When she first arrives at

Truth's tower, Theology angrily reminds Civil that Mede "is *mulier*, a mayden of gode: /

And myghte kisse the kynge for cosyn an she wolde."[223] Latin legitimizes her as a

proper and socially legible woman. The king has her escorted to a luxurious chamber

of her own within the tower, so that she can consider her options on the matter of her

marriage; the king swears that "if she worche bi witte and my *wille* folwe / I wil forgyve

---

[221] Butler, *Excitable Speech*, 4.
[222] Steiner, 263.
[223] *Piers Plowman*, B.II.132-3.

hir this gilte, so me God help."[224] I will return at the end to the imperative to following

an external 'Will,' but for now it is enough to note that Mede submits to the king's will.

Indeed, when the king asks her if she will forfeit her engagement to False and marry

Conscience instead, Mede exclaims enthusiastically, and unnervingly, "Ye,

lorde…Lorde forbede elles! / But I be holely at yowre heste, lat hange me sone!"[225]

Conscience explodes, and in an argument that occupies the next four hundred and

twenty-five lines, pronounces Mede, among other things, "frele of hir feith, fykel of

here speche"; worse, "wyves and widewes wantounes she techeth" and "lereth hem

leccherye"[226] Mede is "as comune as [the] cartwey to eche a knave that walketh, / To

monkes, to mynstralles, to meseles in hegges."[227] Her corruption spreads like a disease

and culminates with the diseased. And while it is tempting to say that her influence is

infectious, Conscience does not imagine her influence as an invasion, but a road; she

cuts across the community, is both within and without it, a space common to everyone

no matter what their position in society. The boundaries of the household, the

monastery, or the leper's colony are not troubled by a road that lies between them; but

likewise, their protective boundaries mean nothing on the road.

---

[224] Ibid., B.III. 7-8, emphasis mine.
[225] Ibid., B.III. 113-4.
[226] Ibid., B.III.122, B.III.124-5.
[227] Ibid., B.III.132-133.

Despite Mede's formidable verbal sallies, Reason's entrance onto the debate

decides the court, such that "the moste peple in the halle, and manye of the grete,

/…leten Mekenesse a maistre and Mede a mansed schrewe."[228] As the judgment

moves through the court, it gains volume—both of noise and bodies. Love and Lewté,

for instance, bridge the gap from the privileged great to the assembled commons by

loudly predicting that Mede will make a cuckold of any man she marries: they "seide it

so [loude] that [Sothenesse] it herde."[229] Eventually "the moste comune of that courte

called hire an hore,"[230] distilling the roundabout accusations—shrew, worthless,

adulterer—to the invective they imply. Marjorie McIntosh observes that court records

were more likely to relate the incident in detail when a woman was presented for a

specific instance of "malicious or false gossip."[231] This has the strange and provocative

effect of making the court the ultimate destination of a community's most vicious

gossip, as well as in some sense its legitimizer.

Thus, despite the king's earlier promise that he would reward her for following

his will, and her attempts over the course of the debate to support his will, the king

outlaws Mede, and she disappears abruptly from the poem. Do Conscience, Reason,

and the king successfully interpellate Mede, reduce her to a single meaning? If their

---

[228] Ibid., B.IV.159-60.
[229] Ibid., B.IV.162.
[230] Ibid., B.IV. 166.
[231] Marjorie McIntosh, *Controlling Misbehavior in England, 1370 – 1600* (New York: Cambridge University Press, 1998), 61.

injurious words *do something*, it might be to force her into 'no place at all,' which, in

the world of allegory, means that she ceases to exist. Yet Conscience warns that she

will be hard to eradicate from government, and scholars continue to wrangle to this

day about Mede's meaning. Even after she is banned from the court her speech

lingers—among those packed into the king's hall, but also, meta-textually, in the poem

itself, which, like the court gossips, continues to transmit and disseminate her words.

The successful expulsion of Lady Mede ironically demonstrates the ban of a disruptive

subject is a legal fallacy, for their prosecution of Mede depended upon establishing

mede's iterability.

Ultimately, Mede is punished for a complexity of nature and potential for

imbalance that all of Langland's characters share. Because of her gender, both

characters within the poem and scholars without it see Mede's duality as especially

disruptive; or perhaps, because of her gender, any dangerous imbalance becomes

especially excessive. The king, Conscience, and Reason clearly think so—Conscience

himself claims mede is of "two kinds"[232] before he goes on to explain why *Lady* Mede

is only one of them. This is particularly ironic considering that Conscience and Reason

are *themselves* two simultaneous, male manifestations of a female figure, Dame Anima.

The Animated Will: Bodies and Names

---

[232] *Piers Plowman,* B.III.231.

Dame Anima at first appears to be Mede's precise opposite, the very picture of a virtuous lady enclosed in a tower. She is honorably domiciled with Duke Do-Wel in the Castle of *Caro*, a fleshly fortification "made of foure kynnes thinges. / Of erthe and eyre is it made medled togideres, / With wynde and with water wittily enjoyned."[233] The castle's building materials reflect the makeup of a fleshly body, which is, in Gower's words, "After the kinde of th'element... Of dreie, of moiste, of chele, of hete."[234] The castle's structural hybridity is the first indication that Anima must, like Mede, struggle for a clear discursive context; she is simultaneously embodied within a body (*caro*) and a place (Caro). Rather than grounding her, the words that define her generate a productive slippage between the body (*caro*) that *anima* (the soul) inhabits, and the female body (Lady Anima) that occupies the Caro (a castle).

In Passus IX of the B text, Anima's potentially abstruse embodiment is managed by Caro's constable, the prolific Sir Inwit, whose many sons guard Anima "tyl Kynde come or sende to save hir [hymselve]" (IX.24). Inwit monitors Anima's behavior, and, much like the King and Mede, "what Anima is lief or loth, he [let] hir at his *wille*" (IX.59, emphasis mine). As we have already seen, Mede tried, and failed, to maintain her place in the community by following her sovereign's will. Nevertheless, Mede is cast out both as a reaction to her historicity (a past Conscience finds repugnant and a future he finds

---

[233] Ibid., B.IX.2-4.
[234] John Gower, *Confessio Amantis: Volume 3*, Russell A. Peck, ed. and Andrew Galloway, trans. (Kalamazoo, MI: TEAMS, 2004), VII.441, 445.

alarming) and by way of her interpellation as a single subject/actor (hence, not mede in its complex potential to build social bonds, but mede as promiscuous venality alone). Anima enters the poem as a static figure, produced *ex nihilo* to play a limited role in a parody of courtly romance. The consequence of this truncated existence is monstrous: outside of it, her body is featureless and blank.

As a result, when Will encounters Anima outside of her tower, in the empty space between dreams, he does not recognize her. She has transformed into a formless, hideous creature "without tongue or teeth"[235] whom Will initially identifies as a *him.* When Will asks what the creature is called, he embarks on an unexpectedly convoluted reply:

"The whiles I quykke the corps," quod he, "called am I *Anima*;

And whan I wilne and wolde, *Animus* Ich hatte.

And for what I can and knowe, called am I *Mens*;

And whan I make mone to God, *Memoria* is my name.

And whan I deme domes and do as Treuthe techeth,

Thanne is *Ratio* my right name, Resoun [on] Englissh.

And whan I fele that folke telleth, my firste name is *Sensus*,

And that is wytte and wisdome, the welle of alle craftes.

And whan I chalange or chalange noughte, chepe or refuse,

---

[235] *Piers Plowman,* XV. 12-13.

Thanne am I Conscience y-calde, Goddis clerke and his notarie;

And whan I love lelly owre Lorde and alle other,

Thanne is lele love my name, and in Latyn *Amor.*

And whan I flye fro the flesshe and forsake the caroigne,

Thanne am I spirit specheles: *Spiritus* thanne Ich hatte.

Austyn and Isodorus, ayther of hem bothe,

Nempned me thus to name; now thow myghte chese

How thow coveitest to calle me, now thow knowest alle my names."[236]

Anima's highly specific alternate forms express a very different discursive position. If we

saw above that Lady Mede is nominated for an untenable grammatical position by the

fiction of *mede*'s historicity, then Anima's existence depends on the constant,

transformative repetition of subject‑formation. It is unsettlingly unclear when or why

Lady Anima lost her form, her gender (and her teeth), or why, given the complexity and

nuance of her other transformations, *Anima* in particular works double time as a Lady

and a monster. What is clear is the potentially subversive rupture opened up by her

constant nomination to different subjecthoods. Her self is grammatically contingent on

the action she performs—but nothing unmistakably distinguishes Anima-the-lady and

Anima-the-monster. Her susceptibility to an exterior will distorts her physical and

---

[236] *Piers Plowman*, B.XV. 23-39.

psychic boundaries—it is never clear where she ends, and another personification, or even place, begins—but her fluid subjectivity is also creative in unpredictable ways.

Equally unsettling is her ability to occupy subject-positions that are already inhabited by established characters. Anima can even, apparently, be nominated to two positions simultaneously, given that she is also "Conscience y-calde, Goddis clerke and his notarie,"[237] and at the same time, "*Ratio* my right name, Resoun [on] Englissh."[238] In her elegant analysis of the same speech as it is given to Liberum Arbitrium (who replaces Anima in C), Elizabeth Fowler observes that "the process that Langland describes cannot be confined within what we may feel is the natural *territory* of subjectivity, the individual human being." [239] Fowler's choice of words is telling; as Langland explodes Anima's individual selfhood, she seems to expand from a single body to a communal space, a sort of miniature of the fair field of folk. Although the speech belongs to a single embodied personification, "the relation between the 'I,' the collective voice, and the characters themselves as they go about their business is a relation of agency, fluidly extending both inside and outside of the 'individual.'"[240]

---

237 Ibid., B.XV. 32.
238 Ibid., B.XV.28.
239 Elizabeth Fowler, "Civil Death and the Maiden: Agency and the Conditions of Contract in Piers Plowman," in *Speculum* 70:4 (1995), 764. Emphasis mine.
240 Elizabeth Fowler, "Civil Death and the Maiden: Agency and the Conditions of Contract in Piers Plowman," in *Speculum* 70:4 (1995), 764.

Frank, Bloomfield and others argue that allegory functions through the actions, not the characters. Bloomfield takes this to an extreme and dismisses the names of personifications as nearly irrelevant; "the stress in most personification allegory is on the action."[241] But if this were true, then there would be no reason to change Anima's name along with her actions. Clearly, there is *something* in a name. The most important *something*, in Anima's case, is that her predicates are only discursively attached to Anima and her other personas. We never see Anima, for example, as Memoria, "mak[ing] mone to God,"[242] but know that this is what she is called "whan" (XV.26) she does so. True to her word, we see her as Reason, and he does "deme domes and do as Treuthe techeth."[243] She also appears as Conscience, dutifully acting as "Goddis clerke and his notarie"[244] and the Mede episode would have never taken place if he did not "chalange or chalange noughte, chepe or refuse."[245] For the most part, however, these actions are presented as options, not demonstrated fact, and while Reason and Conscience's loyalty to their function might lull us into agreement with Bloomfield, the fact of the matter is that the actions are not *active.* Rather, the subject is *acted upon*; '*when*' Will selects, imposes, inscribes a name, *then* Anima will be enabled to take the actions that substantiate or instantiate his or her name.

---

[241] Bloomfield, 165.
[242] *Piers Plowman,* B.XV.26.
[243] Ibid., B.XV.27.
[244] Ibid., B.XV.32.
[245] Ibid., B.XV.31.

Anima, the soul, is perhaps the closest Langland comes to personifying a medieval idea of "selfhood." Importantly, this sense of self is always networked and contingent. In his discussion of personification allegory, Giorgio Agamben considers the precarious existence of a character who is simultaneously the manifestation of multiple personas (a Lady living in a tower and the soul itself; a monster in a dreamscape and the soul again—or someone else entirely, if Will wills it), and unified as a single subject. It is "this unity-duality of nature and person that founds the specificity of the protagonist's status," a status uniquely revealed by personification allegory.[246] Agamben argues that "allegory, far from truly being a 'personification,' instead expresses precisely the impossibility of the person."[247] Because of Anima's complex subjecthood, she is both excessive and absent. She is omnipresent throughout the dream, as one or more of her many personas. Yet she is also nowhere at all, because it is impossible identify "Anima" with any one figure.

After the vivid landscape and interiors of the Fair Field of Folk, it is as startling for the reader as it is for Will when he finds himself in this empty space with Anima—no place. It is easy to forget that shortly before this episode, at the end of Passus XIV, Will startles awake after an alarming encounter with Haukyn the Active Man. Will, forced back into an unsavory waking life, increasingly loses his senses. He neglects his work

---

[246] Giorgio Agamben, *The End of the Poem: Studies In Poetics*, trans. by Daniel Heller-Roazen (Stanford, Calif.: Stanford University Press, 1999), 20.
[247] Agamben, *The End of the Poem*, 20.

and refuses to acknowledge his social betters, putting him outside the social order. He falls asleep and finds himself in Anima's strange company after "some lakked [his] lyf"[248] others declare him a "lorel"[249] and "folke holden [him] a fole."[250] After he is injuriously named a 'fool,' in other words, he loses his place within the community so completely that he finds himself in no place at all. Interestingly, his tongueless, toothless companion should not be able to speak at all, nor can Will discern who or what the creature is (a strange feature for a personification). The creature, on the other hand, introduces himself by announcing that he knows of what "of what kynde,"[251] or nature, *Will* is. In response, Will asks, not for the apparition's name—that comes seven lines later, when Will, tellingly, asks what he *is called*—but rather "if he were Chrystes creature."[252] The creature declares confidently that he is "of his kyn a partye, / In Chrystes courte i-knowe wel and Crystene in many a place"[253] and moreover that his "voice so is i-knowe / That eche a creature of his courte welcometh me fayre."[254]

Perhaps it is not toothless, formless—and yet well-known and speaking—Anima who plunges Will into 'no place' but Will himself, the Dreamer. If Anima is well-known

---

[248] *Piers Plowman,* B.XV. 4.
[249] Ibid., B.XV. 5.
[250] Ibid., B.XV.10-11.
[251] Ibid., B.XV. 13-14.
[252] Ibid., B.XV.15.
[253] Ibid., B.XV.16-17.
[254] Ibid., B.XV.20-1.

to Christians, how does Will fail to recognize even her gender? Why must *he* chose her

name? Paradoxically, perhaps this is, in fact, a moment in which *the Dreamer* must

claim his name. Anima claims to know his "kynde," but s/he never actually says what

that is—never interpellates him. Is he a fool, or is he the Will itself? In other words,

does he have the power to discern and declare what Anima is, to exercise his will over

her?

If this is so, then perhaps the Dreamer is both, multiple as Anima is; after hearing

Anima out, rather than naming her, he foolishly jests, "Ye ben as a bisshop…/ For

bisshopes y-blessed thei bereth many names."[255] In return, Anima cries, "now I se thi

wille!"[256] Will confirms that he would like to "kunne the cause of alle her names,"[257] and

Anima concludes, "Thanne artow inparfit… and one of Prydes knyghtes."[258] The

Dreamer, or Long Will, or *the* Will, or the fool, is the site of many names, perhaps even

that of the poet himself, William Langland—itself almost certainly a pseudonym. As

Elizabeth Fowler observes, Anima "illustrates the permeability of the soul—or what is

called the 'self' after the sixteenth century—by relations of agency."[259] But whereas

Fowler finds Langland's vision of a radically permeable, relational self "gives the

passage a disturbing and invasive quality," Will's sovereignty over Anima's

---

[255] *Piers Plowman,* B.XV. 40-1.
[256] Ibid., B.XV.44, emphasis mine.
[257] Ibid., B.XV.45.
[258] Ibid., B.XV.50.
[259] Fowler, "Civil Death and the Maiden," 764.

subjecthood is not enforced through invasion or penetration of her self.[260] Will,

certainly, does not find Anima's instructions unsettling or even unusual; he is, in fact,

embarrassingly eager to demonstrate his ability to recognize this dynamic elsewhere (in

bishop's names). Throughout, in fact, an external act of will determines a subject. But

because they are male, authoritative, and (at least semi-) Latinate, few scholars have

questioned their surprisingly precarious existence within a volatile community of

speakers. How is it achieved and maintained? These judges retroactively construct the

subject from her actions; they put the force of her subjecthood in her actions, not her

name. If they interpellate the subject, in other words, it is not through an act of naming,

or even through an injurious word—or just by making her name into an injurious

word—but by *allegorizing* the subject.

"Rounynge togederes:" Advice, Gossip, and *Piers Plowman*

As many scholars have already shown, Langland is keen throughout *Piers*

Plowman to distinguish between authorized and idle speech. Yet "jangling" was not a

clear-cut category even for Langland, and the autobiographical interlude in the C text

expresses a poignant fear that "Y haue ytynt tyme and tyme myspened" (C.V.93). More

troubling, however, is the impossibility of locating that authorization in any single,

definitive authority. The identification of God with Truth is significant because it

---

[260] Fowler, "Civil Death and the Maiden," 764.

emphasizes the possibility of referring to a pure divine law and an objective narrative

reality. In theory, Truth should occupy the position of Nietzsche's judge, but Truth can

quite literally not be found, so Will and the denizens of his dreams must rely on flawed

mediators. There is therefore no way to be sure, even with the purest intentions, that

the narrator's speech is truly authorized, or that the speech of those who would guide

him is. In the C text's apologia, for instance, Will argues for the virtue of his writing by

citing the authorities who shaped him: first, at "scole," where he read "holy writ."[261]

Even the reflexive "as the boek telleth"[262] traces his discourse to, as Butler puts it, a

"prior and more powerful subject."[263] As much as Langland despises *janglours*, the

boundary between authorized and unauthorized speech is mobile and porous. Speech

circulates: speakers are elevated or fall from grace, gossips interpret legal

pronouncements and legal cases are adjudicated by rumor. As we saw above, the

medieval English law extended its administrative reach by channeling the power of

local talk. The content of rumors informed legal decisions, allowing the courts to

exercise wide-ranging authority, and by appropriating injurious speech (e.g., 'hore'),

the courts also exercised that speech's violence. Langland recognizes that the danger

of circulating talk this way is that it can and usually will re-circulate, its violence

amplified by its passage through the law—as it did when Conscience and Reason

---

[261] *Piers Plowman*, C.V.36-37.
[262] *Piers Plowman*, C.V.38.
[263] Butler, *Excitable Speech*, 46.

formally condemned Mede, and their talk quickly spread to the court and the commons, where it multiplied as a starkly obscene public consensus.

The lateral circulation of talk is perhaps best expressed in *rounynge*, a Middle English word meaning "advising" or "gossiping" which includes as a single discourse a variety of talk we tend to see as separate today—private and public, authoritative and informal, contained and diffuse, benevolent and malicious. In this section, I will explore the precise problem that *rounynge* plays in the circulation of speech. Langland explores the uncomfortable parallels and dangers of private counsel and rumor, in that neither respect spatial boundaries – Conscience and Reason *roun* on the road, a vexed space that, as we saw with Mede ("as comune as [the] cartwey to eche a knave that walketh"[264] cuts through multiple bounded and unbounded spaces, both within and without it their walls. *Rounynge* reflected the dangerous potential of spoken words, but it has the mobility of gossip and the authority of counsel. Langland's concern with *rounynge* addresses the volatility of a community constituted by its members' speech.

After some 350 lines of vicious debate, the king, fed up with Conscience and Lady Mede's interminable argument, orders Conscience to fetch Reason to arbitrate. At Reason's residence, set at a distance from the court, Conscience takes Reason aside and "rouned in his ere / And sayde hym as the kynge sayde…."[265] The two head back

---

[264] *Piers Plowman,* B.III.132.
[265] Ibid., C.IV.14.

to the castle alone, "rounynge togederes / Whiche a maistre Mede was amonges pore and riche."[266] Conscience and Reason are alone, or believe they are, for this stealthy exchange of information. But the narrative follows them, inescapably, including the reader in a privileged and ostensibly private conversation: Will hears them. Conscience and Reason are caught in a textual paradox; as fictional subjects constituted purely in language—in narrative—they cannot speak without disclosing their speech to a wider audience. Conscience and Reason are only animated as speaking entities inasmuch as they are active within the poem, which is by its very nature public. There is no such thing as privacy for a subject constituted by narrative.

Rounynge derives from Old English *rún*, meaning a secret or mystery, and by the late Middle Ages described a particular cluster of speech acts related to private communication, largely but not exclusively negative: "to gossip;" "to whisper;" "to speak in confidence;" "to murmur;" "to advise;" etc. Thus, the "roynysche" writing *St Erkenwald* discovers on a pagan tomb under St Paul's Cathedral, "briȝt golde letters, / Bot roynyshe were Þe rezones Þat Þer on row stoden"[267] do not describe a strange script, but instead reflects a late medieval association which linked secrets and speech

---

[266] Ibid., C.IV.25-6.
[267] "St. Erkenwalk," in *The Complete Works of the Pearl Poet* (Berkeley: University of Berkeley Press, 1993), 51-2.

or sign.[268] In particular, *rounish* language was protected and unintelligible—or perhaps

protected by its unintelligibility.

Conscience and Reason *rouning* together is bizarre for several reasons, not the

least of which is the possibility that Langland is activating the sense of *rounging*

meaning "to speak in confidence," "to gossip," and "to murmur" (MED), the latter two

of which were a favorite subject for Langlandian complaint, and which he would soon

target specifically in the Confession of the Sins.[269] Most unusual is the fact that their

"wyse wordes" are completely elided in a poem in which consists almost entirely of

lengthily 'transcribed' speeches: dialogue, questions, instructions, debate, and

confession are all recorded, even when they may be misleading for the Dreamer (or

indeed a reader). Yet this one explicitly productive exchange of "wyse wordes"

between two major, positive, figures is left to the imagination—left secret. Langland

exposes the troubled nature of private counsel by disclosing their *rounynge* to the

Dreamer, demonstrating the impossibility of fully containing or controlling speech. Yet

in not letting us hear their *rounynge*, Langland pointedly refuses to participate. All we

are privy to are its results, in Reason's advice to the King.

---

[268] "Rune" construed as a letter in a Germanic alphabet like Futhark did not (re)enter
the English language until the early modern period, in the late 17th century. OED,
"rune."
[269] Though there has been no concerted work on the use of *rounynge* in *Piers Plowman*,
one can detect traces of discomfort in Pearsall's optimistic but unfeasible gloss of
rounynge as "whispering" (although how he imagines Conscience and Reason were
whispering at full gallop is unclear).

Although Langland never discloses their dialogue, the A, B, and C versions of the poem represent progressively expanded versions of this scene. B and C add on average ten lines to the episode, each more crowded with representations of talk and an added emphasis on *rounynge*; where in A, Conscience and Reason ride back to the king's castle swiftly and in silence, in B and C they take the time to converse, and Langland accordingly substitutes "rounyng togederes" for A's "rapith hym swythe."[270] The three major additions to B and C expand on this theme of public and potentially injurious speech by multiplying the potential listeners. Like *rounynge,* these personifications include a striking mixture of speech acts of all registers. All three feature Cato, "Corteys-of-speche"[271] as Reason's servant, but B and C add "Thomme Trewe-tonge-telle-me-no-tales/Ne-lesynges-to-lauhe-of-for-Y-louede-hit-neuere,"[272] and C girds his horse with "Auyseth-the-byfore."[273] Where A has Conscience and Reason solving the problem of their would-be travel companions, Wisman and Wittyman, by immediately riding away, the later versions include Conscience's warning to "rech not of here tales."[274] Langland concentrates a discussion here about the telling of tales, in an entirely different context than his usual gripes about japer and janglers.

---

[270] *Piers Plowman,* C.IV.25, A.23.
[271] Ibid., C.IV.17.
[272] Ibid., C.IV.18-9.
[273] Ibid., C.IV.21.
[274] Ibid., C.IV.33.

Tales that are merely foolish, wasteful and misleading are not the issue here: the inappropriate relation of *true* tales, or the inappropriate timing of such an act, *is.*

The choice of *rounyng* focuses another strange and important aspect of Conscience and Reason's interaction: the fact that they are speaking to one another at all. Given that the king intends for Reason to justly arbitrate a dispute, it should seem strange to us that he sends one of the parties involved to retrieve him. If their prior relationship did not immediately establish Reason as perhaps not the most impartial of advisors, then the privileged period of time that they spend alone together—before Reason is officially presented with both sides of the case—should give us pause. It seems as if Conscience were not only providing the necessary background for Reason's advice, but as if they were forming a sort of 'kitchen counsel' to the king—fittingly, as we remember that one possible meaning of *rounynge* is to advise or counsel. But the visually evocative description of Conscience *rounynge* "in his ere"[275] highlights the inevitably secretive—and possibly rather underhanded—nature of their interaction, particularly by the point at which they are "rounynge togederes/ Which a maistre Mede was amonges pore and rich."[276] The private exchange, in which Conscience seems to provide information in anticipation of Reason's role as advisor to the king—shuffling

---

[275] Ibid., C.IV.14.
[276] Ibid., C.IV.26-7.

the deck significantly in his own favor— is also uncomfortably reminiscent of the private

exchange, or Mede, which comprises the subject of their debate.[277]

Rounynge was part of a larger late medieval discourse about the "dangerous

potential" of spoken words and "unruly voices."[278] Like the scold and the shrew, a

rounere was a "talebearer, slanderer, [a] gossip."[279] What separated the scold from the

male gossip, typically, was action. It was not only supposed that men could or would

follow through with verbal subordination, but that the two, speaking and acting, were

consummate: men who muttered could be charged with assault or even

rebelliousness.[280] Men's speech could inflict a more-than-psychic injury. Although

unregulated speech was stereotyped as a female failing, the treatment of male gossip

or unwisely shared advice was treated as far more treacherous.[281] In the wrong setting

---

[277] David Seipp has shown that the nature of jury selection was such that parties on both sides of a dispute would have access to the men who decided their case before the trial convened: "Every juror should have private communications and bring personal knowledge to bear on their verdict. Justices would not inquire where or from whom jurors got their information. Justices would not know how the jurors reached their verdict. No one would know but the jurors themselves." Hence the jurors "could be deciding on the basis of information about which the justices were completely unaware." Seipp, "Jurors, Evidences and the Tempest of 1499," 85, 91.
During their deliberation, individual jurors could also call for individual witnesses and speak with them privately.
[278] Bardsley, Venemous Tongues, 42.
[279] MED, rounere.
[280] Sandy Bardsley, "Men's Voices in Late Medieval England," in The Hands of the Tongue: Essays on Deviant Speech, edited by Edwin D. Craun (Kalamazoo: Medieval Institute, 2007), 172.
[281] Sandy Bardsley, "Men's Voices in Late Medieval England," 163-184.

to or from the wrong person, counsel, intelligence and acts of legal judgment could

become gossip—damaging not only to the judged, but to the judge, counselor, or

anyone who listened to him. The spoken word could be misheard or overheard; it

could be repeated later; it could fail to be heard and transmitted at all. Even legal

procedures that by the late fourteenth century were almost wholly documentary were

framed as, and stood for, a speech act: writs, summons, pardons were written by and

for bureaucrats but still presented as the king's speech—speech *acts* judged as much if

not more for their felicity, their ability to produce results or effect a change, as their

content and existence. Counsel, judgments, and secrets did not form the identity of an

inward-looking individual but rather a network of relationships, which were central to

the construction of the subject and social body, an injurious but fundamental

interpellation that defined the space and balance of late fourteenth century

communities in England.[282]

Theoretically at least, men had the capacity to employ a more controlled and

authorized model for sharing secrets. This difference is illustrated in the otherwise

rather unnecessary contrast made between Mary Magdalene's indiscriminate

broadcasting of the Good News, against Peter's carefully catalogued disclosures. "For

---

[282] Thelma Fenster and Daniel Lord Smail propose that medievalists need to consider that "gossip, or simply talk, might had its good side," and issue a challenge to "[reconstruct] the political mechanisms that made the nexus of talk and reputation to elemental a force in medieval society." This project hopes, in a limited way, to answer that challenge. Fenster and Smail, *Fama,* 8.

that woman witeth hit," Conscience bemoans—and he's one to talk!— "may nat wel be

conseyl!"[283] Peter, by comparison, "pursuede aftur" James and John, then Thaddaeus

"and ten mo with Thomas of Ynde."[284] Peter's methods keep the 'conseyl' within a

specific, carefully delineated male coterie, an image reinforced by Langland's choice to

emphasize the fact that revelation of Christ's resurrection during a gathering in an

enclosed and *fortified* space, "in an hous al bishut and here dore ybarred,"[285] a point

Langland repeats twice. Peter's method creates a clear path of transmission for the

information, preserving the knowledge for only those who need it, and protecting it

from the 'wrong' ears and from the warping effects of rumour. Conscience advocates a

transmission of secrets that respects—reinforces even as it generates— boundaries.

But Conscience and Reason's conversation, critically, takes place *outside* the

regulated boundaries of the castle, in open land. Their use of the space between

Reason's hall and the King's castle marks the unofficial status of their conversation, and

the parallel movement of the narrative into a 'hidden transcript,' for, as Scott observes,

"If the social location par excellence of the public transcript is to be found in the public

assemblies of subordinates summoned by elites," such as the very gathering

Conscience and Reason rode toward, "it follows that the social location par excellence

for the hidden transcript lies in the unauthorized and unmonitored secret assemblies of

---

[283] *Piers Plowman*, C.XXI.162.
[284] Ibid., C.XXI.163, 165.
[285] Ibid., C.XXI.167.

subordinates."[286] Because the change in narration is so subtle, it is easy to miss the way

in which this passage addresses the central paradox of *rounynge*. Conscience and

Reason choose to travel alone, and ride hard to escape those who would join and listen

to them. When they *roun*, they believe that their conversation is private and protected.

But the Dreamer, perhaps in the way of dreams, ceases to become an embodied

agent, and he, or the narrative he embodies, follows unseen behind. This window into

Conscience and Reason's confidential interactions exposes their *rounynge*, if not their

specific words. The danger of private counsel—the danger of the secret—is its

precariousness, the way in which an aural utterance, projected into the world, can be

heard and interpreted by anyone.[287] The danger is that a secret can re-emerge,

unexpected, like the *rounish* past in *St Erkenwald*.

　　In *St Erkenwald*, the incomprehensible secret is preserved, unspoken, bypassing

the corrupting influence of a translation—and its radiating effects through the

assembled crowd. Instead, the rounish inscriptions on the judge's coffin find

---

[286] Scott, *Domination and the Arts of Resistance*, 88.

[287] Modern English-speaking culture preserves the association between whispering, rumor or storytelling, and *incomprehensibility* down to today, even if they are no longer etymologically connected. Consider, for example, the modern game "whisper down the lane," also known as "telephone" or "Chinese whispers." While the game is modeled after a cultural image of rumor-mongering, its mode is fundamentally absurd: messages are usually obscure or meaningless even before they are passed down and subjected to cumulative error. The game, in other words, uses messages that are in and of themselves never intended to be heard or understood, in order to produce the desired result (in this case, humor), which is the actual object.

interpretation through the suddenly vernacular and thus comprehensible voice of the judge himself. The elided *rounynge* in *Piers Plowman* meta-textually performs the same act of occlusion in preserving their secrets or counsel from the reader, placing readers in same position as the London crowd in the judge's tomb. But does not perform it within the narrative; by the time Reason reaches the castle, it seems, he has already been influenced regarding the *rounish* matter at hand. The fact that we, as readers, even know this shows the failures of secret advice. Despite their perfunctory efforts to maintain privacy, the Dreamer overhears their *rounynge*.

The passage reflects an overall awareness on the part of its author of the potential repercussions of advice. *Rounynge*, here, giving counsel that might more prudently be kept to oneself, is dangerous because of the corrupting effects upon the spoken word as it passes hands and becomes increasingly incomprehensible or misleading. And unlike women's rumour-mongering, which is depicted as words alone, men's gossip, or advice—the word is the same, after all—is action and possibly rebellion. Langland, as the creator of the figure 'Piers Plowman,' named by participants as a fictitious leader in the Peasant's Revolt, had to be all too aware of this. Plato, in his *Phaedrus*, claimed the paradoxical superiority of the spoken word over the written because it could be defended by its author from corruption—in his own written tract, which in turn putatively mediates a private (outdoor!) conversation between Socrates and his student. Though Langland's insight is similar and similarly troubled, he and the

Erkenwald-poet are alive to the dangers of the text read and spread, or the debate that exceeds its boundaries, as Conscience and Reason do in their vivid ride outside the protective walls of the court—and in the unregulated space in which all texts and utterances, no matter how *rounish*, must exist.

Wrath: Bounded Communities, Gossip and the Law

I would like to turn next to Langland's treatment of Wrath, whose presence has been implicit since the poem's earliest *roungyng*, when Holy Church opened Passus I with a waspish account of Lady Mede's ill fame. Langland's depiction of Wrath is dedicated to counsel and gossip, and it seems a telling choice in a poem where even the most upstanding personifications—Holy Church, Conscience, Study, Piers himself— are prone to fits of temper. (As Lady Mede observed coolly after Conscience's initial outburst to the King: "whi thow wratthest the now wonder me thinketh."[288] Langland's decision to depict Wrath at the center of public talk highlights the dangers to which all injurious speech exposes the community. A punitive outward focus allows the individual's distempers to fester, poisoning the community much more effectively than any one transgression. When the community's energy is focused on prosecuting individual crimes, they squander their resources. Therefore, I now turn to Langland's depiction of the relationship between the law and the subject. While speech acts are

[288] *Piers Plowman,* B.III.183.

radically felicitous in personification-allegory, they reveal the precarious power of the

judge and law in instantiating a subject, since language is unruly and polysemous.

Wrath is an anti-figure of Piers; he is one of the few characters other than Piers

who works in cultivation, but where Piers focuses his energies entirely on food staples,

Wrath's work has him making grafts on decorative trees in the friars' garden, '[t]yl thei

bere leves of low speche, lordes to plese."[289] Foul behavior in a typically Langlandian

way, admittedly, but it is not immediately clear how Wrath's garden of obsequiousness

corresponds to the quality he personifies, certainly not in the way that belching

drunkard Glutton and dull sloven Sloth do. Wrath, like gossip itself, takes an indirect

path—wrath and gossip's origins may be neutral or even positive (the garden, the

truth), but their yield is a deadly sin. For Langland, Wrath's most insidious manifestation

cultivates public talk and poisons the community indirectly.

Though Wrath, unlike Lady Mede and Dame Anima, has a secure place and

clear function within his community, he abuses his position—with a dangerous *dearth*

of judgment. Wrath and his fellows' incessant toadying appeals to the local lords so

much that his fellow friars begin to "here [their] shriftes."[290] In the first place, this

prevents sinners not only from confessing properly (and felicitously) and receiving the

pardon (and penance) they require. Presumably, they prefer that Wrath's friars hear

---

[289] *Piers Plowman*, B.V.140.
[290] Ibid., B.V.141.

their confession precisely because that judgment, and consequently the punishment, is

less severe—shrifts become less confession than confidence, gossip shared between

patrons and friars, transformed both by the abortive process and by the displacement

of the confession into "boure[s]."[291] But when confession becomes gossip, sinner are

deprived of the salutary suffering of penance and the bleeding off of excess tempers.

 Those befouled with corruption must be cleansed of their sins, and their

infelicitous confessions drolly illustrate the fecopoetics of talk. This is the most

important departure from Wrath's behavior in the nunnery, complementing but

complicating its fairly straightforward depiction of a community thrown into distemper

by the unscrupulous circulation of rumor. Here, wrath results from the *incomplete*

transmission of a potentially disruptive story; because Wrath does not hear the monks'

full confessions and hence does not assign genuinely painful penance, the ritual fails to

expel the 'waste' of the monks' transgressions. As the corrupt waste builds up, the

community tips into distemper and wrath.[292]

---

[291] Ibid., B.V.141.

[292] John of Salisbury claims that financial officers do this to the government: they "may be compared with the stomach and intestines, which, if they become congested through excessive avidity, and retain too tenaciously their accumulations, generate innumerable and incurable diseases, so that through their ailment the whole body is threatened with destruction." Resources, like humors, become corrupt if they are not periodically expelled—otherwise, the body politic is liable to succumb to a fatal constipation. John of Salisbury, *Policraticus,* 60-61.

But where is this wrath directed? Because Wrath's confessions propagate rumor

rather than assign penance, they turn judgment and "self"-examination out onto the

individual members of the community. Consumed with enumerating one another's

faults, the monks fail to do the autobiographical work necessary to care of the self.

Once more, the greatest threat to individual and social bodies is disruption of their

internal balance. Before it becomes clear that Wrath has clogged the monastery with

distemper, his nefarious plot seems almost disappointing. It culminates anticlimactically

in friars and priests insulting one another in front of their parishioners (*cum* donors):

"Thise possessioneres preche and deprave freres /And freres fyndeth hem in defaute,

as folke bereth witness/.../[t]hus thei speken of spiritualté that eyther despiseth

other."[293] In other words, friars and priests are too busy enumerating each other's faults

to properly conduct Confession. Wrath highlights the autoimmune potential of relying

upon gossip as the basis of judgment; his confession, after all, is derived from those

things to which "folke bereth witness."[294] Wrath's primary aim here seems to be to

deflect all judgments from internal reflection to external criticism, and to displace the

authoritative judgment of the friars from external management of their flock to internal

aspersions. It is not so much that internal or external forces contaminate one another as

that regimens salubrious in one 'region' are destructive in the other. Like Wrath's crops,

---

[293] *Piers Plowman*, B.V.145-46, 149.
[294] Ibid., B.V.146.

truth, counsel, and criticisms become dangerous when they are grafted onto the wrong context.

The prior of the men's house deters Wrath by taking counsel from the sub-prior and abbot and publicly airing Wrath's sins. The prior's position legitimizes his speech acts, codifying the revelations of the brothers' sins as not only a judgment but as a punishment in and of itself; both the prior and the punished, Wrath, recognize the psychic pain that this exposure causes, but they envision it as a beneficial pain like bleeding and leeching. The prior inflicts a verbal injury in order to restore balance to the communal body.

Wrath elects to make his home in the women's community because he reasons that among monks "there ben many felle frekis my feres to aspye,"[295] and he is not nearly as interested in receiving injury—"baleised on the bare ers and no breche bitwene"[296]—as he is in dealing it. One of the few things Wrath fears are the abbot, prior and sub-prior of the monastery, because they take counsel from one another *against* him and punish him by publicly airing of his sins at Chapter. Wrath complains that if the monks catch him at gossip, he will be "chalanged in the chapitelhous as I a childe were"[297] and beaten. Channeled properly through the potential bureaucratic combination of efficient upper administration and stringent application of the Rule, the

---

[295] Ibid., B.V.170.
[296] Ibid., B.V.175.
[297] Ibid., B.V.174.

same speech acts which, unchecked, transform into wrath can be used against him. The monks very nearly rebuff Wrath with the strict application of their Rule. Without such rigid structure, given half an opportunity to air secrets outside their proper context, Wrath inevitably destabilizes rank and function.

Wrath's transfer from the monastery to the nunnery moves him from the garden to the kitchen, from a system of production to a system of consumption. Wrath's aunt, an abbess, employs him as a cook and servant, details that Wrath frames within his observation that his aunt "were levere swowe or swelte than soeffre any peyne."[298] Her aversion to pain amplifies Wrath's interest in his job, but she does not have the wherewithal to recognize the injuries he is inflicting on her community with words alone. She makes no attempt to regulate his habits, even as he establishes a toxic discourse within her community. What begins as non-authoritative kitchen gossip grows into the governing reality of the abbey. Importantly, Wrath's rule does not warp reality—it mirrors the absent judicial process. His most violently unproductive talk disseminates and amplifies the truth. In the abbey he reveals that noble-born nuns of are illegitimate: "...dame Johanne was a bastard, / And Dame Clarice a knightes

---

[298] *Piers Plowman*, B.V.154. It is tempting to suggest that Wrath's role as cook and rumor-mongerer are connected, not only by sins of the tongue, but by what they produce: after all, "*fama* as talk had to be fed." On feeding *fama*: Thelma Fenster and Daniel Lord Small, *Fama*, 4.

doughter, ac a kokewolde was hire syre"[299] or otherwise ineligible for advancement within the abbey itself ("Priouresse worth she nevere / For she had a childe in chiri-tyme: al owre chapitere it wiste!"[300] Wrath's confidences are *scandalous*, but it is unclear whether or not they are truly *slanderous*, and one wonders if it would be preferable for Langland if, for example, an unchaste nun became prioress under a campaign of silence. Even when optimally "balanced," the nuns' community is intrinsically distempered and corrupt. The difficulty of Wrath's unscrupulous gossip is that his judgments are not always incorrect or even unjust, and they perform a judgment that the appropriate authorities are evidently unwilling to; they are injurious by virtue of the Wrath that results. Without a structure to contain it, the autoimmunity resulting from his authorized counsel spreads uncontrollably, finally creating the desired effect—Wrath.

Whereas the other Sins must swear to avoid repeating their actions—there is no good kind of gluttony, or a way to fight sloth with laziness—Wrath, like judgment and counsel, is the byproduct of a set of actions that in one context give him destructive power and in another act as a prophylactic against his influence. Where few of Langland's (ambivalently) positive personifications succumb to over-eating or sloth, they do sometimes succumb to wrath (along with, occasionally, pride and envy),

---

[299] *Piers Plowman*, B.V.158-8.
[300] Ibid., V.160-1.

including Will himself, prone as he is to enthusiastically angry outbursts and misguided moral outrage. Piers's rages are two of the B-version's dramatic centerpieces: first, when Piers calls Hunger down on unwilling laborers, and again when he tears Truth's pardon. God, the king, Piers, and Langland can make use of Wrath and his damaging speech acts: to destroy the sinful on Judgment Day; to put an end to Mede's corruption; to motivate lollers and wasters; to call the sinful to action. Even channeled through an authorized judge, Wrath is a destructive force.

And while the monks *nearly* keep Wrath away, their wasteful consumption also leads to wasteful words. In the abbey, Wrath stirs up kitchen gossip, but in the monastery his unwanted *counseil* pours out when he is in his cups. His body is a single system; the excessive contents of his stomach find themselves expelled as verbal waste. The more he drinks, the more he leaks:

"Ac otherwile whan wyn cometh, whan I drynke at eve,

I have a fluxe of a foule mouthe wel fyve days after;

Al the wikkednesse that I wote bi any of owre bretheren

I cough it in owre cloistre that al owre covent wote it."[301]

Gossip manifests as both a biliousness in the individual who shares it and as a 'distemper' of the community. The monastery's 'digestion' (the synchronized rituals that coordinated nuns' and monks' food consumption, waste evacuation, their work and the

---

[301] Ibid., B.V.178-81.

speech acts or silences) is thrown into a distemper by his gossip. In a malicious parody of the Abbot and Prior, Wrath airs his companions' dirty laundry in the cloister, as the monastic administrators would announce infractions against the Rule at Chapter. Wrath's performance calls the Abbot's into question. What is the difference between the secrets Wrath shares and those the Abbot airs? Worse still, is adherence to the rule shaping Wrath's gossip—does it become just one more event in the rhythm of monastic life? Under the regimen of the Rule, his gossip takes on a predictable pattern, and is all the more forceful for having been pent up, as if the community's secrets are a distemper that must be evacuated. Wrath's body, and perhaps by extension the collective bodies of both the male and female houses, must "cough up" its counsel in order to remain healthy.

Here, I think, lies the true danger to the community: at both the abbey and the monastery Wrath's indiscretions are made possible by the generous sponsorship of the members of his community, who would have nothing to hide if they did not engage in activities worth hiding. Eleanor Johnson's insight into *Wynnere and Wastoure* applies here as well: "Through the semantic pressure the juridical contest puts on the concept of wasting, the poem shows waste to be, borrowing Yeager's phrasing, a 'liquid' crime—a crime without boundaries, the commission of which highlights the

connectedness among people." [302] If the Abbot's announcements at Chapter are intended to reveal and correct disorder within the community, can Wrath's gossip have a salubrious effect when he reveals far greater sins? Or is it the other way around—are the Abbot's announcements also injurious?

Much of the joy and frustration of reading *Piers Plowman* comes from Langland's willingness to gleefully contradict one authority with the next, dismantling bits and pieces of the opinions offered by lofty authorities like Holy Church and Study in succeeding speeches. I would argue that one of these moments of re-signification occurs in Wrath's speech. Wrath succumbs to his anger and "rehearses" his "counsel." Of course, earlier Conscience escaped from any obligation to marry Mede by launching into an invective vehement enough that the king relents and allows Conscience to seek Reason's arbitration, which he does—after counseling Reason secretly on the way there. Conscience's counsel to Reason then makes its way back to the court as Reason's counsel to the king, which the king, evidently more concerned with the legitimacy of the messenger than the message, immediately follows. When the counsel is refracted out through the actions of the king, meanwhile, they manifest once again as a "just" wrath: he "And mowdilich uppon Mede with myghte the Kynge loked, / And gan wax *wrothe* with lawe, for Mede almoste had shent it."[303] Conscience's

---

[302] Eleanor Johnson, "The Poetics of Waste," 464.
[303] *Piers Plowman,* B.V.173-174.

debate with Mede is notably ambivalent, inasmuch as Mede clearly holds her own,

even before the Confession of the Sins throws Conscience's motivations into doubt. If

Conscience's counsel, too, is an eruption of wrath which becomes codified as the

king's coun*cil* when the king recruits Conscience and Reason as his counselors, then

what do we make of the king's judgment—against Mede and all the cases that follow?

At the end of Passus B.XX/C.XXI, a king—perhaps the same king, or perhaps

not—suddenly appears on the heels of a vicar's exhortation to Piers to "amende" the

king that "fynt folke to fyghte and Cristene blode to spille / Ayeyne the Olde Lawe and

Newe Lawe, as Luke thereof witnesseth: / *Non occides; michi vindictam, etc.* [Thou

shalt not kill; vengeance is mine]."[304] In a moment of strangely disembodied

metonymy, the king speaks not with his body but "bi his croune" to assert his

sovereign right. The distinction between Crown and head becomes more urgent when

the king announces to those gathered that "if me lakketh to lyve by the lawe wil I take

it / There I may hastlokest it have, for I am hed of lawe; / Ye ben but membres."[305] The

law is embodied by the king—and, noteably, by the subjects as well, who are

"membres" of the law—and yet it is also beyond him. The King is in this moment a

mirror figure of the outlaw: the law that the king embodies and the abstract Law that

---

[304] *Piers Plowman* B.XX.442, 445-447.
[305] Ibid., B.XX. 468-470.

would obstruct him are concomitant, but he is no more a part of it than it is a part of him.[306]

Though the king affirms his right to "jugge" and "hele" his subjects, it is Conscience, once again, who becomes the focal point for the poem's interest in the effects of judgment upon the body. In the passages I discussed above, Langland considers different ways in which the individual subject is marked or interpellated within a community. The last several passus, which accelerate the Dreamer and his world toward the last judgment, struggle more and more openly with the subject's ability (or responsibility) to mark or abandon the social body. If the body politic is in a state of distemper, what is a conscientious subject to do?

And, indeed, even the justice system—let alone those they convict—is dysfunctional here. Need objects to *Spiritus Justitiae*'s erratic judgments, which follow sovereign and public opinion "wol he nol he,"[307] and *Spiritus Fortitudinis*'s alternatingly excessive and neglectful use of corporal punishment: "He shal do more than mesure many tyme and ofte, / And bête men over bitter and somme of hem to litel, / And

---

[306] Compare to Agamben, *Homo Sacer*, 84. Agamben points to this type of sovereign assertion as evidence of "the structural analogy between the sovereign exception and sacratio...At the two extreme limits of the order, the sovereign and homo sacer present two symmetrical figures that have the same structure and are correlative: the sovereign is the one with respect to whom all men are potentially homines sacri."
[307] *Piers Plowman,* B.XX.29.

greve men gretter than goode faith it wolde."[308] Critically, the body politic suffers both

from too much corporal punishment *and* from too little; judicial violence must be

"mesure[d]."

The communities Langland depicts become distempered and corrupted as part

of their regular function. *Piers Plowman* repeatedly stages the ways in which bodies

politic inevitably fail and fall into distemper, and the twin dangers of "bleeding" these

distempers or of exempting oneself from even a flawed collective. Ultimately, the

poem fails to achieve closure because Langland cannot resolve this paradox; when

leaves *Unité* to seek Piers Plowman on his own, which, while romantic, both leaves

Unity in a state of apocalyptic collapse and Will unable to complete his quest. And so

the poem simply ends.

Conclusion

Just about halfway through Passus XIX of the B text, Grace dispenses weapons

to each Christian in the kingdom, so that they may fight the Antichrist when he arrives:

"Some [wyes] he yaf wytte with wordes to shewe,

[To wynne with truthe that] the world asketh,

As prechoures and prestes and prentyce of lawe:

Thei lelly to lyve by laboure of tonge,

---

[308] *Piers Plowman,* B.XX.26 – 28.

And bi witte to wissen other as Grace hem wolde teche.

And some he kenned crafte and kunnynge of syghte

[By] sellyng and buggynge her bylyf to wynne…." (B.XIX.229-235)

The passage, which goes on to encompass members of all three estates, bears a provocative resemblance to Anima's catalogue of personas. Together, performing their respective functions, the people "quykke the corps" (B.XV.23) of the communal body of Christendom just as the soul animates the body. Near the end of this new catalogue, Grace imparts an unexpected gift to those who

… ryde and to recoevre that unrightfully was wonne;

He wissed hem wynne it ayeyne thorw wightnesse of hands,

And fecchen it fro fals men with Folvyles laws…" (B.XIX. 245-247)

The Folvilles were an outlaw band led by Richard and Eustace Folville; their greatest exploits included killing a baron of the exchequer, and kidnapping and ransoming Sir Richard Willoughby, a judge who was later appointed chief justice of King's Bench.[309] Earlier in the poem, of course, Langland has a slobbering Sloth confess that he knows "rymes of Robyn Hood and Randolf Erle of Chestre" (B.V.395) by heart. But perhaps it is not so strange that Langland's vision of a well-balanced social body includes a mechanism for outlaw justice, violently administered "thorw wightnesse of hands,"

---

[309] Richard Firth Green, *A Crisis of Truth: Literature and Law in Ricardian England* (Philadelphia: University of Pennsylvania Press, 2002), 170.

even as, just a few lines later, Conscience is crowned king. Langland acknowledges

outlaws as part of the communal body, active participants in its exchanges.

Their active participation is what is key here. It is not just that the "rymes of

Robyn Hood" are empty jangling (a familiar Langlandian complaint). Langland

confronts what many scholars will not: in the late medieval period Robin Hood was

proverbially associated with laziness, and especially with a lack of intellectual, social, or

economic engagement. Langland portrays outlaw violence as a necessary, even

inevitable, part of the maintenance of a figurative community constituted by judicial

violence. The Folvilles are not ideal figures of the law, but neither are any of the other

figures in Langland's allegory. Folvilles' Laws are just one of many elements—priests,

lawyers, merchants and plowmen—keeping a fundamentally messy, flawed body politic

balanced.

CHAPTER THREE:
RIOTS, REVELRY, AND ROBIN HOODS

Before the law sits a gatekeeper. To this gatekeeper comes a man from the country who asks to gain entry into the law. But the gatekeeper says that he cannot grant him entry at the moment. The man thinks about it and then asks if he will be allowed to come in later on. "It is possible," says the gatekeeper, "but not now." At the moment the gate to the law stands open, as always, and the gatekeeper walks to the side, so the man bends over in order to see through the gate into the inside. When the gatekeeper notices that, he laughs and says: "If it tempts you so much, try it in spite of my prohibition. But take note: I am powerful. And I am only the most lowly gatekeeper."

Franz Kafka,
"Before the Law"

They called the porter to a councell,
And wronge hys necke in two,
And kest hym in a depe dongeon,
And toke the keys hym fro.

"Now am I porter," sayd Adam Bell;
"Se, broder, the keys have we here;
The worste porter to mery Carlell,
That ye had this hondreth yere.

"Adam Bell, Clim of the Clough and William Cloudesley"

It is unclear whether "Robin Hood" himself ever existed, or that it would matter if he had. Our literary understanding of the Robin Hood ballads and plays that survive from the fifteenth and sixteenth century—by which time he was already regarded as a figure from the distant past—would hardly change if we found Robin Hood conclusively

referenced in thirteenth century court rolls. Yet considerable academic energy has

gone into identifying Robin Hood as a "real" anti-establishment fugitive, even though

it is uncertain what if anything literary scholars might gain from the endeavor.

Meanwhile, this thesis contradicts much of what we *do* know about the reception of

Robin Hood. In the medieval imagination, Robin Hood acted less as a revolutionary

than as an integral part of local community government. Robin Hood tales circulated in

both England and Scotland as part of a much wider tradition of vernacular outlaw tales;

a number of scholars have done good work exploring Robin's place within a larger

outlaw tradition.[310] This chapter considers the production of historical outlaws by the

state against the perpetuation of a "Robin Hood" in ballads, poems and pageants. I

argue that what made "Robin Hood" powerful and potentially subversive is not his

politics, but that he is a figure that always-already exists in the collective imagination

rather than the work of a single canonical author or text. Robin Hood persists in

connection with spaces like Nottingham and Barnsdale, rituals like the May revels, and

in performances both theatrical and embodied, as in community pageants and livery.

Part of the critical discomfort with accepting the Robin Hood as fiction is

acknowledging that, as a character or sign, he can be manipulated to suit a wide range

of rhetorical needs. We do not need to observe a strict distinction between elite and

---

[310] See, for example, Thomas Ohlgren's "General Introduction" to *Medieval Outlaws: Twelve Tales in Modern English Translation*, rev. ed., (West Lafayette, Indiana: Parlor Press, 2005), xv-xxxv.

common or hero and villain when characterizing Robin. Both surviving records and the

tales themselves demonstrate that the public recognized the violence that outlawry

inflicted both upon those who were placed under its ban and upon rural communities

in the ambit of outlaw predation. However popular "Robin Hood" was at May revels, in

the *Gest of Robyn Hood* villagers flee from him as they would any other outlaw. It is

not difficult to see why, since William Cloudesley, Gamelyn Boundes, William Wallace,

and other fictional outlaws all slaughter dozens of villagers while evading official

pursuit. Their pursuers can only bear so much of the blame for the lives that outlaws

take.

Pleas of the Commons demonstrate an acute awareness of the Crown's role in

fostering outlaw violence: the royal administration created outlaws when they trained

men to fight, sent them off to experience the horrors of war in France, rewarded them

for pillaging French villages, and then returned them to England with no support

system. In doing so the royal administration created ready-made bands of outlaws:

whole units of men, bonded in battle, equipped with no way to support themselves but

the training the war in France provided.[311] Outlawry itself, meanwhile, served as a

---

[311] H. J. Hewitt, *The Organization of War under Edward III, 1338-62* (New York: Barnes & Noble, 1966), 29-31. Hewitt estimates that two to twelve percent of the armies in the fourteenth century were made up of outlaws, more than three quarters of whom were seeking pardons for homicide.

lucrative conscription service.[312] The spoils of outlawry doubly supported the war,

providing the Crown with funds when outlaws paid for pardons, and soldiers when they

could not pay.[313] Breaches of forest law (which predominate as the primary motivator in

outlaw tales) provided a particularly egregious avenue for the blank pardons outlaws

typically purchased. This was largely because Forest Eyres met rarely, every seven

years at most, such that individuals convicted of forest crimes had plenty of time to

procure one.[314]

There is no getting around the fact that the Trailbaston commissions and Forest

Eyres, ostensibly formed to curb maintenance and poaching, *created* outlaws who then

had no means to support themselves except with maintenance and poaching. This did

not escape the notice of contemporaries. The persona behind the "Outlaw's Song of

Trailbaston" bitterly unpacks the irony of his present straits; having been summoned by

the Trailbaston courts for maintenance, he must make a life of crime in order to survive

outside the law. His revenge fantasy encompasses the entire community, from

neighbors up through the justices, all of whom are actively or passively responsible for

upholding the law. The eponymous Outlaw's odd concession, towards the end of the

poem, that he "was never a murderer, or never *meant* to be," is actually quite

---

[312] Richard W. Kaeuper, *War, Justice, and Public Order: England and France In the Later Middle Ages* (Oxford: Clarendon Press, 1988), 174-183.
[313] Hewitt, *Organization of War*, 30.
[314] Barbara A. Hanawalt, *Of Good and Ill Repute: Gender and Social Control In Medieval England* (New York: Oxford University Press, 1998), 145.

strategic.[315] While Parliamentary objections curtailed the use of blank pardons, the king

and Chancery retained the right to issue pardons for self-defense or manslaughter. This

cycle, which forced corrupt elements out of rural communities only to reincorporate

them under the law in the service of state violence, was a major point of contention in

the later middle ages.[316]

Though the common law did not sanction the outlaw predation described in

Greenwood ballads, the Crown demonstrated far less concern with the disorder caused

by outlaws than did the local authorities forced to cope directly with outlaw bands.

Rather than see outlaws only (or merely) as a point of resistance against the State and

its monopoly on violence, I consider how outlaws are a deranged autoimmunity acting

as an extension of State violence.[317] Robin Hood and others like him originate from

within the body politic and mimic—in an extreme and "self"-destructive form—its

shape and functions. In Chapters One and Two, I established the inescapable nature of

imbalance and corruption within the social body as well as the hazards of using judicial

---

[315] Ohlgren, "The Outlaw's Song of Trailbaston," *Medieval Outlaws*, 93.

[316] Lacey, *The Royal Pardon,* 59-69.

[317] For Robin Hood as a figure of popular resistance, see, for example: J. C. Holt, *Robin Hood*. Second ed. (London: Thames and Hudson, 1989); Maurice Keen, *The Outlaws of Medieval Legend* (London: Routledge, 1961); R. B. Dobson and J. Taylor, *The Rymes of Robyn Hode: An Introduction to the English Outlaw* (Pittsburgh: University of Pittsburgh Press, 1976).
David Blamires, *Robin Hood: A Hero for All Times* (Manchester: John Rylands Library, 1998); A. J. Pollard, *Imagining Robin Hood: The Late Medieval Stories in Historical Context* (New York: Routledge, 2004).

violence to moderate distempers. In this chapter I will look at the autoimmunities that take place when the focus is not on "amputation" and "purgation," but on incorporation: first, through pardons, which substituted judicial punishment for obligations to the Crown, and then through the mandatory Robin Hood revels that served as community fundraisers. Even a "moderate" or "merciful" injury can exceed its intentions. The brutal violence of outlaw ballads and pageants exposes the psychic and physical violence of the sovereign right to life and death, which underwrites the promise of the pardon and the threat of the ban.

Juries, Pardons, and Injuries in Late Medieval England

Common law juries are, by design, integral to this system of violence. At their inception, juries existed in a field of proofs that otherwise consisted of an ordeal, a fight to the death, or torture. Jury trials were not substituted for ordeals in 1215 because they were the most humane alternative, but because they were the most *expedient* alternative during the sudden legal crisis that occurred when Pope Innocent III forbid clerical participation in ordeals. If we consider medieval jury trials as a kind of ordeal (or battle, or torture) that the defendant must endure and survive in order to prove his or her innocence, then it is worth asking what kind of pain the jury inflicted on the body (and soul) of the subjects of the law—whether or not they were eventually

155

pardoned.[318] The pardon constituted a punishment and judicial injury of its own, one

that played an important role in the maintenance of the communal body.

Both "jury" and "injury" derive from the Latin *jurare* and *jus-, jur-*.[319] But while

injury could be understood as the negation of justice, of *jus*, in Latin throughout the

Middle Ages, it only emerges in the English vernacular in the fourteenth century.

'Judicial injury' would have first taken on meaning in English c. 1384, when 'injury' first

survives in English (MED).[320] Appropriately enough, Wycliffe and his fellow translators

seemingly inaugurated it into English to capture the sense of a pain that rebounds on

the person who inflicts it, especially through "legal" channels: "He that doth iniurie, or

wrong, shal resseyue that that he dide yuele."[321] In its early uses, injury predominantly

indicated legal and/or psychological and spiritual harm—"injustice," "dishonor," and

"calumny"—and physical harm only when it was inflicted by another with malicious

intent.[322] The desire for judgment and compensation stands at the center of the

English-language concept of harm; so does the possibility of injustice.

---

[318] For example, Sandy Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia: University of Pennsylvania Press, 2006) has looked at the deleterious effects presentment juries had on the *fama* of women presented for scolding.
[319] "Injury" and "Jury," OED.
[320] "Injuri(e," MED.
[321] Col.3.25, *MED* 'injurie'.
[322] "Injurie 1a-d, " MED.

In his article "The Jury and the English Law of Homicide," Thomas A. Green

argues that, when juries interfered in legal judgments, it was typically by stating their

testimony in such a way that defendants who were known to have killed were convicted

of nonfelonious homicide. Those convicted of nonfelonious homicide were thus eligible

for a royal pardon *de cursu*, or as a matter of course, unlike felonious homicide, which

was a capital offence (at least in theory).[323] Green notes the conflicting pardoning

patterns of juries (who pardoned killers *de cursu* by ruling nonfelonious homicide) and

the king (whose Chancery issued pardons *de gratia* to those convicted of felonious

homicide) and claims that this variance influenced the development of homicide law. In

rough terms, then, it could be said that the pardon *de cursu* reflected the judgment of

the community and the Commons, as represented by the jury, while *de gratia* pardons

at least notionally reflected the judgment of the king.[324]

By and large, pardons could be issued in one of three ways. Pardons *de cursu*

were issued by the judge at the time of the trial to the defendant when the judge ruled

that the defendant's crime was nonfelonious (for the most part, manslaughter by self-

defense).[325] By contrast, pardons *de gratia* were issued by the Chancery court,

---

[323] Thomas A. Green, "The Jury and the English Law of Homicide," *Michigan Law Review* 74:3 (1976), 426-452. http://www.jstor.org/stable/1287900
[324] Lacey, *The Royal Pardon,* 20. See also: Green, "The Jury and the English Law of Homicide," 426.
[325] Edward Jenks, "The Prerogative Writs in English Law," *The Yale Law Journal* 32:6 (1923), 523-524.

ostensibly by the king himself; after being found guilty of a crime, defendants had the

opportunity to petition Chancery for a pardon in exchange for a fee and 40 days of

military service. Alternatively, outlaws could petition for a pardon *de gratia* in advance

and never stand for trial in the first place.[326] General pardons operated similarly, but

were often purchased in *advance* of formal charges whenever Chancery offered them,

as a literal get-out-of-jail-free card for those with disposable income and a reasonable

expectation of falling afoul of the law in the future. Though (much to the dismay of the

law-abiding Commons) general pardons were offered sporadically simply to raise

revenue, they were also pragmatic solutions to times of crisis. The general pardon

offered in 1381, for example, did not cover the revolt's infamous leaders but did

resolve the question of how to adequately punish the vast majority of rebels without

losing a crippling number of laborers—already depleted by the plague—to treason

charges and execution.[327]

    For a price, Chancery would issue blank *de gratia* pardons that would cover all

felonies except "treason, murder, and rape," although they were not strictly applied as

such and theoretically it was still the king's prerogative to pardon whenever it was

'warranted.'[328] The crown thus generated revenue and gained free military service with

each pardon it issued, and the regular pardoning of convicted murderers was, not

---

[326] Green, "The Jury and the English Law of Homicide," 426-452.

[327] Lacey, *The Royal Pardon*, 127-159.

[328] Green, "The Jury and the English Law of Homicide," 462.

surprisingly, a serious source of frustration in local communities and appeared

frequently as a complaint in petitions to the Commons in the fourteenth century.[329] In

response to widespread criticism, Parliament attempted to curb the king's power to

pardon in the Statute of 1390, which "imposed [limits] on the king's power to pardon

homicides committed through murder, ambush, assault, or malice aforethought."[330] At

the same time, revoking any aspect of the king's power to show mercy to his subjects

"play[ed] havoc with the underlying theory of the king as a fount of justice," and, as

other scholars have pointed out, last-minute pardons were as much a source of

entertainment as complaint.[331] Last-minute royal intervention at executions were both a

common literary trope and a reality, and the anticipation of waiting for a final-hour

pardon that may or may not arrive contributed significantly to what some scholars have

called the 'carnivalesque' atmosphere of late medieval and early modern public

executions.[332]

---

[329] Kaeuper, *War, Justice, and Public Order*, 174-183.

[330] Green, "The Jury and the English Law of Homicide," 462.

[331] Ibid., 457.

[332] Richard Firth Green, "Violence in the Early Robin Hood Poems," in *A Great Effusion of Blood?: Interpreting Medieval Violence*, ed. Mark Douglas Meyerson, Daniel Thiery, and Oren Falk (Toronto: University of Toronto Press, 2004), 278-280. See also: Thomas W. Lacqueur, "Crowds, Carnival and the State in English Executions, 1604-1868," in *The First Modern Society: Essays in English History in Honour of Lawrence Stone*, ed. A. Beier, David Cannadine, and James M. Rosenheim (Cambridge: Cambridge University Press, 1989), 305-55; and Lacey, *The Royal Pardon,* 38-43.

Whatever the specifics of a pardon's terms, a pardon by its very definition judged its recipient to be guilty. A pardon *de cursu* was issued as a matter of course when the judge ruled that a man killed in self-defense, but was not the same as being found innocent or acquitted: the pardon takes as its logical foundation that the defendant has, in fact, killed someone else; but that given the circumstances, the defendant did not require further punishment. Pardons likewise did not necessarily imply exoneration, nor did they (as they often do today) imply wrongdoing by the state. They did, however, also involve judicial violence. Inasmuch as the state successfully emulated natural law, it should be noted that *divine* pardons were neither free nor painless—humanity's pardon for the original sin, after all, was purchased with Christ's blood.

Pardons and Violence in Outlaw Ballads

In general in later medieval England, outlawry was not, as it had been in the early middle ages, a penalty unto itself, but was declared when a defendant skipped bail and did not appear at trial. In reality and in the outlaw tales, men fled to the forest in order to avoid a trial, because they could be certain they would be found guilty. The striking thing about these tales is that the ballads' outlaws expect to be found guilty because they *are* guilty—of poaching, of larceny, of maintenance, even of murder. They are frank about the violence that they have committed and continue to commit in

order to survive, and in doing so expose the violence of the legal system that would

judge and, eventually, pardon them.

Only the author of "The Outlaw's Song of Trailbaston" takes the trouble to

protest the charges laid against him.[333] But the case he makes for his innocence is itself

graphically violent, evoking a vivid frustration with his options.[334] The outlaw's protests

that he has been framed for *trailbaston*, or 'club-wielding,' are deeply unconvincing in

light of his proposed solutions:

> If those lousy jurors don't get things under control
>
> So I can ride or go as I please back where I belong,
>
> If I get my hands on them their heads are going to roll.
>
> They think their threats scare me, they couldn't be more wrong.
>
>
> Judge Martin, Judge Knoville, they're nice enough guys,
>
> They pray for poor folks and hope they do well—
>
> But those sadists Spigurnel and Belflour I do despise—

---

[333] Richard Firth Green, *A Crisis of Truth*, 171, provides a more charitable reading of the "Trailbaston" outlaw's protestations: "The author, who, since he writes in French, must have been a man of some social standing, represents himself as an old soldier who has been ruined by the legal chicanery of his enemies—men, he says, who would never have dared to attack him in person."

[334] Spierenburg, *The Spectacle of Suffering*, 10, claims that at the turn of the fifteenth century parties in a lawsuit were often known to threaten their judges: "The power of the courts went up and down with the fluctuations in the power of a central authority."

If I had them in my power there'd be no more to tell.

I'll teach them the game of Trailbaston all right—

I'll break their backs and hand them their ass in a sling,

Arms and legs too, it's no more than right—

I'll cut out their tongues and see how they sing.[335]

Since Trailbaston commissions were specifically responsible for investigating

"maintenance," the practice of physically intimidating judges, jurors, and witnesses, the

"Outlaw's Song" is, as Ohlgren observes, "unintended self-indictment."[336] The

"Trailbaston" outlaw's fantasies of vengeance—of a kind of injurious equity—focus on

the enforcers of the king's law, even though he is evidently still willing to recognize the

king. He rails against *every* stage of the judicial process, beginning with "the entire

bunch that got this Trailbaston passed," to gossiping, clamorous neighbors who for

entirely mysterious reasons dislike it when he "run[s] with a bunch and can send arrows

where [he pleases]."[337] Next his ire turns to the presentment jury—"with their lying

mouths they've got me indicted"[338]—the judges, and even to the hypothetical

messenger charged with delivering the pardon itself. After all, he "never meant to be"

---

[335] "Trailbaston," *Medieval Outlaws*, 33-44.
[336] Ohlgren, *Medieval Outlaws*, 163 n.3.
[337] "Trailbaston," *Medieval Outlaws*, 50, 83.
[338] Ibid., 22.

a murderer.[339] He contradicts himself multiple times in an effort to dismiss every stage

of the legal process (his neighbor is a rat but the jury are liars) and yet he maintains his

faith in the king and pardons—a faith that might have in fact been borne out if Carter

Revard is correct in identifying William of Billebury, who was outlawed c. 1304-5 and

pardoned a year later, as the poem's author.[340]

Meanwhile, the "Trailbaston" outlaw tries to gather a gang by promising a

Greenwood where "there's no legal hassle," opining, "What could be dumber than a

common-law battle?"[341] His threats against officers of the law retain the violent

symmetry of trial by battle; the juxtaposition suggests that by outlawing the poet, these

officers have stupidly set themselves up for a 'legitimate' exchange of blows. Despite

his considerable sound and fury and his contention that the common law and its judges

have "shafted [him]," even he comes to the rather pathetically anticlimactic conclusion

that he will just have to sit tight and "wait for a pardon, and hear what people say."[342]

Despite his anger, the Trailbaston outlaw still hopes to be re-integrated into his

community; the suspended possibility of a pardon does check the worst of his violent

fantasies, if not his poaching. The poem does not resolve this, however, and the

outlaw's threats hang ominously in the breach.

---

[339] Ibid., 93.
[340] Ohlgren, *Medieval Outlaws*, 153. If so, it would be particularly ironic, as in 1341 William of Billesbury went on to act as a juror himself.
[341] "Trailbaston," *Medieval Outlaws*, 54, 56
[342] Ibid., 68, 75.

The unconvincing "Trailbaston" outlaw aside, it is nearly impossible to find outlaw tales in which the outlaws maintain their innocence—if anything, they embrace their guilt. Robin Hood is, famously, a "prude outlaw / Whyles he walked on grounde,"[343] unashamed of his status and even willing to return to it, as he does at the end of *A Gest of Robyn Hode* by breaking his bond with the king. For all the self-flagellatory groanings of medieval religious tracts and confessional prayers, or the self-aspersions cast by poets like Chaucer and Langland through their bumbling literary avatars, few *embrace* their guilt as the outlaws do.

One might expect the *Gest*, or at least its outlaw protagonist, to place such pardons in a positive light; the Crown's willingness to issue *de gratia* pardons to murderers and outlaws was, for example, the central complaint of the Statute of 1390. Robin, however, is ambivalent at best toward royal pardons and the legal hypocrisy they, and the revenue they generated, represent. Robin's murder of the Sheriff of Nottingham in the *Gest* is the centerpiece of the poem's dramatic dismantling of royal justice. Sir Richard atte Lee is captured by the Sheriff, convicted of harboring an outlaw, and sentenced to death. While the Sheriff, his men and Sir Richard are processing out of the town's limits to the execution site, Robin Hood and his company of outlaws ambush them and rescue Sir Richard, but not until Robin has punished the

---

[343] *A Gest of Robyn Hode*, in *Robin Hood and Other Outlaw Tales*, ed. Stephen Knight, Thomas H. Ohlgren, and Thomas E. Kelly (Kalamazoo, Michigan: Medieval Institute Publications, 1997), 5-6.

Sheriff for breaking his pledge to never arrest Robin or his men. Unexpectedly, in ways

I do not believe any scholar has noted before, the episode contains clear verbal and

thematic echoes of medieval jury testimonies:

> Robyn bent a full goode bowe,
>
> An arrowe he drowe at wyll;
>
> He hit so the proude sherife
>
> Upon the grounde he lay full still.

> And or he myght up aryse,
>
> On his fete to stonde,
>
> He smote of the sherifs hede
>
> With his bright bronde.[344]

In killing off the Sheriff so abruptly and ignominiously, the *Gest*-author is primarily

thwarting his audience's expectations. Instead of a drawn-out battle á la Malory—

where the conventions of chivalry slowly whittle the duel down from knights on horses

to, several hours later, two unseated knights with 'grimly' wounds still valiantly fighting

on with the last of their weapons—the conflict with the Sheriff ends suddenly and

---

[344] *Gest*, 1385-1392.

brutally.[345] Consistent with the idea that the Greenwood is a space where play is made possible, this abortive fight stands in contrast to an earlier, comic duel between Little John and the Sheriff's cook, who cross swords over the time of dinner—but who, after their battle ranges several miles away from the kitchen, decide they are both hungry after all and go eat together instead. Robin Hood, on the other hand, not only kills an unarmed, unseated man, he never lets the Sheriff get a word in edgewise: the Sheriff cannot even protest Robin Hood's idea of swift justice.

This episode serves as a satire of those in power and the chivalric and religious ideals that undergird the impetus to show mercy, but it also works doubly as a commentary on contemporary social and legal practices. At the most basic level of the *Gest*'s legal critique, we can see that Robin Hood's methods were dishonorable, but the system he lives in puts no legal value on honor: had he hesitated, the Sheriff could have killed him without incurring any legal penalties whatsoever.[346] Royal pardons were issued *de cursu* for defendants who killed an outlaw, especially when they could prove that they had killed in self-defense rather than malice, and that they had acted in their

---

[345] Richard Firth Green, "Violence in the Early Robin Hood Poems," 268-276.

[346] Petrus Cornelis Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression* (Cambridge: Cambridge University Press, 1984), 10, observes that, while technically the right to kill an outlaw with impunity "was abrogated in 1329, but as late as 1397 a group of men who had arrested and beheaded an outlawed felon, were pardoned because they had thought it was lawful."

capacity as an agent of the king.[347] Richard Firth Green brilliantly places these legal developments alongside the late medieval ballads and finds that

> [t]he cynical brutality found in the early Robin Hood ballads, as well as in *Gamelyn* and *Adam Bell,* should be read as symptomatic of a clash between two penal regimes, the older occlusive regime that underlies the very institution of outlawry itself, and the newer spectacular regime represented by the Sheriff of Nottingham and his officials. Reacting with reciprocal brutality to a system designed to brutalize him, Robin treats with particular savagery those, like Guy of Gisborne and the Monk (the bounty hunter and the turncoat), who set out to betray him to that system.[348]

Greenwood ballads trace outlaw violence back to judicial violence; the disruptions outlaws cause are just one half of a reciprocal system, an autoimmunitary reaction against brutal state protections.

If the formula of jury testimonies for self-defense pleas was as widespread and well-known as Thomas Green believes, then the slaying of the Sheriff while he had his back to the ground is significant as more than a brutal satire of chivalric romances. Green finds that rural communities could resist submitting their neighbors to royal justice was by way of the very same judicial appropriation of rumor which proved so

---

[347] Green, "The Jury and the English Law of Homicide," 418, 436.
[348] Green, "Violence in the Early Robin Hood Poems," 276.

violent in *Piers Plowman*. Because circuit justices relied upon jury testimony, juries could shape the collective narrative of a public act. In his study of medieval jury behavior, Thomas Green notes that juries who wished to spare the defendants from a capital conviction would enter a verdict of homicide by self-defense, and that, to support their verdict, they would emphasize (or invent) spatial details not found in the coroner's reports.[349] Judges ruled self-defense rarely, and were much more inclined to do so when the jury claimed that the defendant was trapped in or against a restricting space. By the later Middle Ages, however, jury testimony had become so formulaic that it was difficult for judges to discern between true self-defenders and those who were only claiming it, e.g. after a brawl gone wrong.[350] Green claims that "[n]early every act of self-defense was said to have been undertaken by a cornered defendant: ditches, walls, and hedges had constrained fleeing defendants at every turn."[351] The practice was so widespread that Green contends it stunted the development of a legal doctrine of homicide by self-defense for centuries.[352] The point of a self-defense plea, in other words, was to claim that the defendant had no choice but to kill, and this lack of options was expressed in stylized and stereotyped spatial terms.

---

[349] Green, "The Jury and the English Law of Homicide," 428-431.
[350] Ibid., 428, 443.
[351] Ibid., 429.
[352] Ibid., 435.

In the *Gest*, Robin Hood is pointedly no longer acting out of self-defense. Robin murders the Sheriff while he lies still on the ground, in the consummate gesture of defenselessness. In doing so, Robin inverts the system of royal justice which he is already in the process of thwarting by disrupting Sir Richard's execution. By killing the Sheriff while he is prone on the ground, Robin demonstrates that he is acting deliberately, making the conscious choice not only to kill the Sheriff but also to overturn the king's power. Moreover, his radical position of total control over the Sheriff's life mirrors the experience of the defendant in trial; Sir Richard atte Lee was 'civilly' sentenced to a legal execution in the king's name, and the Sheriff's murder exposes Sir Richard's would-be execution as the demonstration of power and legal violence that it is (or rather would have been).

Robin Hood only responds to king's authority, and only after the king personally injures him, but never to representatives of the king's law, even when they *are* violent— and they usually are. Strikingly, Robin Hood fails to recognize his king (disguised at the time as a monk) until the king punches him in the head with such vigor that Robin, like the Sheriff before him, falls to the ground before his assailant. Certain that only the king could be so forceful, Robin immediately makes obeisance to him ("My lorde the kynge of Englonde, / Now I knowe you well"!)[353] and the king obligingly grants him a full royal pardon. Of course, after a year at court in which the king presumably refrains

---

[353] *Gest*, 1643-4.

from punching Robin, even *his* speech acts lose their force and Robin elects to

disregard a royal command to return from his 'pilgrimage' to Barnsdale. He does,

however, remain in the Greenwood for the remainder of his life out of fear that the king

will kill him should he venture out.

Speech Acts and the Greenwood

Robin Hood's Greenwood is not, even when tenuously attached to a "real"

location like Barnsdale, a "real" place. The multiplicity of potential Barnsdales, and the

fact that contemporaries cared far less about determining where Robin was "really"

from than modern scholars do—indeed, the *Gest* slips unconcernedly and

nonsensically across the region—is a case in point. Robin Hood's sphere of operation is

just as diffuse as the ballads themselves. The Greenwood is in no place: it is a *space*, a

collection of spatial practices repeated and ritualized across any place through which

he (and his men) may move. While the Greenwood is devoid of geographical

coherence, the way the outlaws relate to its space, and to each other within its space, is

consistent. The ballads' repetitions of Greenwood tropes, especially verbal formulas

recurring gestures, are not the marks of poor poetry but of a vividly embodied space.

These tropes facilitate transmission and participation. No matter how far Robin Hood

travels, for example, he can 1) plant his foot [upon a thorn], 2) blow his horn, 3)

instantly materialize the men dispersed throughout the Greenwood, 4) enact a truth

170

trial, placing his quarry within his pseudo-legal sphere of influence, and 5) share a feast

under the trystell tree. The trystell tree is a fixed point, reached not by any one past but

by repeated gestures (to wit, steps 1-5). Distance and physical obstacles only become

an issue when Robin or one of his men leaves the forest.

The central paradox of the forest is that outlaw space is the king's space.

Outlaws use royal means like the Great Road and royal methods—tax collection, trials,

livery, hunts—to prey upon local communities. Robin Hood does not merely respond

to the English judicial system; he creates his own parallel system, a legal ideal in which

performative speech allows the judge perfect access to the truth, and the defendant

complete control over their presentment—for better or for worse. Judgment at trial

took place by means of a presentment jury, which by its very definition controlled the

way that the defendant was seen by the judge. Fourteenth century trial literature

expresses acute anxiety over how these intermediaries (juries, local administrators,

witnesses) will present the defendant, because it is something over which he or she has

no control. Put otherwise, presentment detours through social judgment to arrive at a

legal conclusion.[354]

---

[354] Thomas Lund, *The Creation of the Common Law: The Medieval Year Books Deciphered* (Clark, New Jersey: Talbot Publishing, 2015), argues that the Common Law, unlike any other legal system, is based and preserved on collective/collected speech acts—not the speech of king(s), but rather the speech of judges, juries, and witnesses.

The Greenwood offers the outlaw the radical opportunity to speak for himself and to create a space in which his reputation is entirely self-contained and self-determined. Robin short-circuits the judicial process and jumps directly to self-presentation by framing trials as a truth test. Such truth tests are a common trope across not only Robin Hood tales but most medieval outlaw stories. Robin Hood's truth tests typically consist of asking those he ambushes to tell him how much money they are carrying; if they tell the truth, he rewards them, but if they lie, as they usually do, he takes their money and makes a point of publicly humiliating them. Thus, in the case of liars, Robin Hood creates a strange set of circumstances in which the 'crime' and the trial occur simultaneously—the lie is at once both the transgression and false testimony.

In this way, Robin Hood as judge both hears the word of the person who is on trial and sees the truth of the crime himself, thus serving doubly as a witness to the law. No intermediate body administrates the law in the Greenwood, and all Robin does is verify facts, which are immediately accessible. Moreover, the defendant in the truth trial is, by virtue of his lie, self-judging and self-condemning. The trial is stripped of artifice and convoluting bureaucracy; only the prosecution and the defendant face each other in a pure legal action. Because Robin can easily check their bags, truth is self-evident and, rather than a complex court administration and complicated pardoning process. The Greenwood is a site of "play" in punishment as well. Robin, an ideal figure of

justice who can witness, judge and enforce at once, improvises impulsive, customized

punishments on the spot.

The Greenwood is a kind of radically felicitous legal space, in which truth can

always be witnessed first-hand. Law, embodied totally in Robin Hood rather than the

bureaucracy of the royal court system, is always present at the moment of

transgression, rather than "arriving" after the fact and working from second-hand

information and the inaccessible truth of the past. Thomas Green asserts that judges

were reluctant to create clear categories of homicide because jury behavior made it

nearly impossible for them to obtain a clear sense of who had genuinely killed an

assailant while his back was to a wall, and who was really a brawler surrounded by a

commonplace legal fiction.[355] The ballads' Greenwood, however, exposes the play

possible between "the real" and a "legal fiction." The Greenwood is a space that

belongs equally to the sovereign and the banned man; no matter whose claim has

been activated, king's or outlaw's, it is a state of exception. Agamben notes that

> "[o]ne of the paradoxes of the state of exception lies in the fact that in the state
>
> of exception, it is impossible to distinguish transgression of the law from

---

[355]Green, "The Jury and the English Law of Homicide," 428-436.

execution of the law, such that what violates a rule and what conforms to it coincide without any remainder."[356]

The medieval outlaw and the sovereign are completely immune—exempt from—the law. In a space of complete ban, does violence have any signification? More provocatively, in the state of exception judicial violence and criminal violence become indistinguishable; they are both simply violence. In the Greenwood the pardon, or exemption from punishment, coincides with the enaction of punishment.

In "Robin Hood and the Bishop of Hereford" (Child Ballad nos. 144A and 144B), for example, Robin Hood and his men set a trap for the eponymous bishop. Disguised as shepherds, Robin and six of his men kill and conspicuously begin dressing one of the king's venison just before the Bishop rides past. When the Bishop stops and asks them what they think they are doing, Robin willingly admits that he hunted in the royal forest. The Bishop expresses his surprise that a group of 'only' seven men would act so boldly, and attempts to arrest them; Robin Hood turns the number on its head and protests that the Bishop does not want seven whole lives on his conscience:

"O pardon, O pardon," said bold Robin Hood,

"O pardon, I thee pray!

---

[356] Giorgio Agamben, *Homo Sacer: Sovereign Power and the Bare Life,* trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), 57.

> For it becomes not your lordship's coat
>
> To take so many lives away."[357]

Robin suggests that judicial violence damages those who administer it; at the very least, an arrest would damage both the Bishop of Hereford's reputation and his spiritual well-being. The Bishop does not rise to the bait and grants "[n]o pardon, no pardon" because "no pardon I thee owe," thus refusing to acknowledge his judgment as anything more than a transaction. In response Robin blows his bugle-horn and seventy of his men pop out of the forest:

> "O here is the Bishop of Hereford,
>
> And no pardon we shall have:"
>
> "Cut off his head, master," said Little John,
>
> "And throw him into his grave."
>
>
> "O pardon, O pardon," said the Bishop,
>
> "O pardon, I thee pray!
>
> For if I had known it had been you,
>
> I'd have gone some other way."

---

[357] "The Bishop of Hereford (Child Ballad 144A),"9[1-4], in *The Robin Hood Project*, Robbins Digital Library, http://d.lib.rochester.edu/robin-hood/text/child-ballad-144a-robin-hood-and-the-bishop-of-hereford.

"No pardon, no pardon," said Robin Hood,

 "No pardon I thee owe;

Therefore make haste and come along with me,

 For to merry Barnsdale you shall go."[358]

Although the pardon here would substitute for the threat of execution, the most

extreme judicial injury, the pardon itself is also an act of violence, a demonstration of

force over the subject. The forest facilitates a theatrical sleight of hand; Robin Hood

seems to be outnumbered, but has merely hidden his astonishing retinue just out of

sight behind the trees. His force is unseen but, for the reader, implicit and ready at any

moment to materialize and enforce his word. The same is true of the Bishop; when he

tries to arrest the "shepherds," he does so with the invisible force of the King behind

him. The king's prerogative, and the national machinery of law that operates in his

name, enables the Bishop's actions and enforces his speech acts.[359] But Robin Hood,

unlike the Bishop, needs to have *physical men* hidden. The Bishop can rely on the

---

[358] "The Bishop of Hereford (CB 144A)," 14-16[1-4].

[359] In *A Gest of Robyn Hode*, 1378-1380, Robin Hood himself identifies the Sheriff this
way; when he intercepts the sheriff and his men on their way to execute Sir Richard,
Robin hails the Sheriff rather strangely: "Abyde, and speke with me; / Of some tidinges
of oure kinge / I wolde fayne here of the." Acknowledging the Sheriff and his 'tidinges'
as the extension of the king and his commands (and thus an extension of the king's
voice and power) does not even give Robin pause; he does not wait for an answer
before he summarily executes him (them). If anything, the Sheriff's sudden death
answers Robin's request: in disrupting the royal chain of command, and in denying the
Sheriff the opportunity to beg pardon, he both creates his own 'tidings' of the king's
government and sends the king tidings of his own.

abstract power of the king and the canon law of the Church to enforce his speech acts and make them felicitous. Indeed, to the ordinary shepherd that the Bishop believed him to be, the Bishop's speech act alone has the equivalent force of over seventy armed men. What is only abstract for the Bishop is literalized by Robin Hood and in his Greenwood.

Although he claims he will not grant the Bishop a pardon, Robin Hood's punishment for the Bishop adds up to something awfully like the cost a *de gratia* pardon: Robin Hood takes everything that the Bishop has (forfeiture of goods and chattels); takes three hundred pounds and uses it to pay for food and drink for his own retainers (the fee for obtaining a pardon from chancery, which went toward supporting the king's household just as this money supports Robin's men); and presses him into temporary service with his merry men (the required forty days of military service). Besides aping the king's pardon, Robin also forces the Bishop to join him and his men at a pub in Barnsdale, where he makes him "dance in his boots" to music and perform a sham mass, and delivers a "kick in the ass" before he chases the Bishop away. Rather than retreating to the trystell tree, where Robin's carouses normally take place in the *Gest* and ballads, the performance of the Bishop's pardon is only complete when he has been personally and professionally humiliated in front of the entire community—at the town pub, the center of not only a village's social life but the starting point for much of its gossip. The ballads express a concern that the harm done to the

defendant's reputation identifies subject within a regime of power. The entire ordeal is clearly, if humorously, presented as a moment of thorough judicial violence. But the Bishop is told he ought to be "glad he could so get away," because, after all, Robin interceded in the face of Little John's declaration that they ought to kill him outright.

The outlaws' deliberate use of gossip to destroy their enemy is, once again, not an innovation, but rather a subversion of existing practices by those in power. The liquid circulation of gossip produces a strangely aural panopticon, populated by such unlikely enforcers as old women and children. In "Adam Bell, Clim of the Clough, and William of Cloudesley," for example, the local justice is unusually obsessed with the arrest of the three eponymous outlaws. Where forest patrols fail, common rumor succeeds in tracking down the elusive outlaws. When William of Cloudesley declares his intention to slip into Carlyle to visit his wife and four children, Adam Bell counsels him to stay within the woods, for "if the justice mai you take / Your lyfe were at an end."[360] The poem literalizes this fear; the old woman downstairs reports William's presence (as was required of neighbors by the Statute of Northampton) to the delighted justice: "Thereof the justice was full fayne, / and so was the shirife also."[361] The sheriff and justice so have the power to patrol Carlisle for outlaws, but their power

---

[360] "Adam Bell" in Knight and Ohlgren, *Robin Hood and Other Outlaw Tales*, 31-2.
[361] Ibid., 69-70.

and oversight is made fluid—projected even into the home—by their exploitation of the community's inescapable network of gossip.

Though William is only a dangerous criminal inasmuch as he was presented for poaching, the justice and sheriff are willing to do outrageous judicial injury to carry out his judgment: when he refuses to leave his house and surrender, they blithely set fire to it, and "'brenne we therin William,' he [the sheriff] saide, / Hys wyfe and chyldren thre.'"[362] William's family are judged and condemned by association. It is only when he tries to force his way from the burning house that William, a poacher, becomes a killer; the authorities' attempts at justice make him into something worse and more dangerous than he was, and radically widens the scope of the injury done to the people of Carlyle.

His fellow-outlaws release William of Cloudesley from the gallows in a violent parody of a last-minute royal pardon. There is a troubling repetition of this trope across the outlaw material: when faced with the facts of the case on paper (parchment), the king is quick to judge and eager to arrest William of Cloudesley, and elsewhere Gamelyn, Robin Hood and Sir Richard atte Lee. In their presence, though, the king is just as quick to issue a pardon. In upholding Robin Hood's 'right' to kill the sheriff or Gamelyn's 'right' to hang not only his brother but his judge *and* the sheriff, the king

---

[362] Ibid., 115-6.

"confirms" that the people the outlaws killed were guilty, telescoping the state's judgment back in time and recasting a murder as an authorized execution.

In the *Gest*, when the king meets Robin Hood and is made to understand the circumstances of Sir Richard's conviction, he supports Robin's actions, thereby issuing a *post-facto* royal pardon to Sir Richard and acknowledging the potential for the law to go awry and harm the innocent—and that a royal pardon may not always manifest in time to save the innocent. Robin Hood is not so much pardoned for his role in the violent rescue of Sir Richard as he is retroactively confirmed as the king's man. Robin returns with King Edward to the royal court, putting him in greater proximity to the royal person than the sheriff had ever been. In absconding with Sir Richard, Robin was not so much defying the law as he was acting for the king, issuing the last-minute pardon that Sir Richard evidently did not have access to otherwise, perhaps because of the sheriff's obstructionism—or perhaps because, based on the facts and the law, the sheriff's arrest held water. Robin issues his 'pardon' on the basis of equity; his is a court of prerogative, a court of conscience. The judgment conducted by the sheriff, following royal law to the letter, does not align with the decision the king makes when he has all the defendants before his person (as was the procedure in Chancery, where rather than formulas both sides gave personal testimony). Robin and his men, acting on the basis of conscience, better represent King Edward's ultimate ruling.

In reality, in nearly all cases pardons manifested as a document, not as a speech act. Though the writ claimed to speak in the person of the king, in reality they were little more than generic forms, and general pardons were broadly worded so that they could cover nearly any type of crime. But in the outlaw tales, written communication fails to transmit the truth; when the sheriff writes to the king, for example, to apprise him of Robin Hood and Sir Richard atte Lee's latest outrages, the king is disinclined to do anything but execute them both. True pardon is always and only performed, bodily: aloud, and in the presence of the outlaw. This mutual exchange of speech (re-)incorporates the outlaw as part of the king's body politic. Pardons in outlaw tales do not relieve the criminal of responsibility; they increase it by demanding that the individual's behavior in the presence of the king is a compelling argument for his pardon. The Greenwood is a space in which outlaws can determine how they are judged, without the interference of middle men.

Play Time's Over: Robin Hood Revels and Riots

By the early sixteenth century, Robin Hood was a broadly familiar figure in both England and Scotland, not only abstractly in ballads, tales and proverbs, but also tangibly in annual games, pageants and dances. This second group, which I will refer to collectively as "revels," persisted for more than a century and a half as one of the most popular secular rituals in the British calendar. Robin owed this survival to two

(un)expected corners: in England, the Church, and Scotland, the state. The late medieval life of Robin Hood revels vividly demonstrate the thin line between performance and performativity in the construction and maintenance of medieval communities. Pardon scenes performed the incorporation of the outlaw into the body politic; Robin Hood pageants, on the other hand, performed the incorporation of rural communities—and hence the same quality that made them innocuous community-building games in the fifteenth century made them, briefly, a genuine threat to the centralizing efforts of the crown in the sixteenth. I propose to look at two very different performances from either end of the tradition: the earliest extant Robin Hood script, and one of the last, disastrous attempts to keep the medieval pageant tradition alive. Both were troubled performances in their very different ways, and together they can help us trouble our conception of medieval community and the *performance* of social and legal obligations.

One of the challenges scholars must face when integrating Robin Hood revels into the literary canon is that these plays were not a stable body of work, and were in fact shaped by their resistance to canonicity. Robin Hood was excluded from the canon from the very moment he entered it; Sloth confesses in *Piers Plowman* that he knows

no tales of any value, only "rymes of Robyn Hood."[363] As "Robyn Hod and the Shryff

off Notyngham" demonstrates, what little of the revel was 'scripted' was a bricolage of

ballads and games. The revels thrived outside of the canon, as crudely outlined

performances that allow for constant improvisation and free play. Medieval and early

modern references indicate that contemporaries were far less concerned with Robin

Hood's likelihood to inspire revolutionary fervor than intellectual laziness. The same

motifs out of which medieval performers constructed the revels, such as the "Robin

Hood in Barnsdale stood" tag which David Seipp and Emily Lyle have traced in legal

documents, became shorthand in medieval legal and religious writing for nonsense.[364]

And in the tales themselves, Robin Hood's disruptive power lay in his ability, as an

outlaw, to opt out of his community's social, legal, and monetary economies.

Although the origins of medieval Robin Hood ballads and tales are murky,

medieval survivals owe a great deal to Robin Hood Revels and the plays written for

these May celebrations.[365] Local borough, manorial or Church administrations not only

---

[363] William Langland, *Piers Plowman: The Donaldson* Translation, ed. Elizabeth A. Robertson, Stephen H. A. Shepherd, and E T. Donaldson (New York: W.W. Norton, 2006), B.V.395.

[364] David Seipp, Seipp Database no. 1429.051, *An Index and Paraphrase of Printed Year Book Reports, 1268-1535.* https://www.bu.edu/phpbin/lawyearbooks/display.php?id=17192 and Emily Lyle, "Robin Hood in Barnsdale Stood: A New Window on the 'Gest' and its Precursors," in *Child's Children: Ballad Study and its Legacies*, ed. Joseph Harris and Barbara Hillers, (Trier: Wissenschaftlicher Verlag, 2012), 71-96.

[365] Knight and Ohlgren, *Robin Hood and Other Outlaw Tales*, 269-273.

sponsored these plays—a number of fifteenth and early sixteenth century ordinances

mandated participation, requiring burghers to be "reddy with thair arrayment maid in

grene and yallow, bowis, arrowis, brass, and all uther convenient thingis according

thairto."[366] Failure to contribute to the Robin Hood revels could, seemingly without

irony, result in heavy fines and expulsion from the community.[367] Mandated revels

ensured the performance of social roles, inscribing the some self-contained, self-

containing communities under the law from which outlaws were cast out. In the ballads,

of course, Robin extorts a feast and fee from churchmen and rich men to support his

followers. The council decrees deliberately echo the ballads, so that we find churchmen

and rich men cheerfully demanding community members "pass with Robyne Huyd and

Litile Johnne, all tymes convenent therto, quhen thai be requirit be the saidis Robyne

and Litile Johnne."[368] Proceeds went towards the church.

Indeed, in England the annual revels commonly acted as parish fund-raising

events, and were organized, mandated, and even performed by local parish

authorities. Some lords also arranged for revels on their estates as well, and the earliest

surviving script seems to be connected to the household of the well-known Paston

---

[366] P. Hume Brown, *Scotland Before 1700 from Contemporary Documents* (Edinburgh: David Douglas, 1893), 189.
[367] Ibid., 189.
[368] Ibid.,189.

family.[369] This was by and large the situation in Scotland, where secular authorities ran the revels.[370] In boroughs, community leaders played Robin, and the flow of money was decidedly in the other direction, from villagers *to* the church.[371] Much as we would like to find the topsy-turvy politics of Carnival, "Robin Hoods" typically re-inscribed the existing hierarchy of the burgh or manor by claiming the outlaw and his weapons as their own.

But one critical consideration is that the money went to the church—the physical building at the center of the community and the place where they all gathered weekly—and not to the Church—the abstract and wealthy international entity based in Rome. It supported a structure, not an infrastructure, one as central to their community as Robin's trystell tree. Much as it would seemingly horrify the "real" Robin to find churchmen using his persona to raise money, there is ample evidence that late medieval communities enjoyed the imposition.[372]

---

[369] Knight and Ohlgren, *Robin Hood and Other Outlaw Tales*, 269-273; Lyle, "A New Window on the 'Gest'," 71-96.

[370] Knight and Ohlgren, *Robin Hood and Other Outlaw Tales*, 269-273.

[371] Erika T. Lin, "Popular Festivity and the Early Modern Stage: The Case of *George a Greene*," *Theatre Journal*, 62:2 (May 2009), 285.

[372] David Underdown, "Civil Pageantry and Charivari in a Somerset Town, 1607," *Journal of British Studies* 50.1 (January 2011), 5, relates a late incident in which, after a particularly raucous Robin Hood-themed church ale, the local Puritans objected to this method of fundraising. They were "told that if they did not shut up there would be an even bigger church ale the following year, with a Maid Marion and double the amount of ale."

The fact of the matter is that the English nobility did not strategically distract the

Commons with Robin Hood revels, nor did they conspire to tolerate guild-driven

celebrations. Much as scholars of the last century and a half have wrangled over the

"intended" audience of Robin Hood materials—peasant? yeoman? merchant?

noble?—we can identify the audience of Robin Hood revels (thus, plays and by

extension quite a few ballads) quite well.[373] Revels and "ales" engaged the whole

community, from top to bottom, of a borough and its associated villages. Many were

intended to raise money for the parish, and picked their Robin Hood from among the

churchwardens; scholars like Erika Lin have been able to gauge the overwhelming

participation in these events by comparing a borough's population against the number

of "small liveries," or painted paper badges identifying the wearer as one of Robin

Hood's followers, sold in the hundreds or thousands at Robin Hood revels, typically

well exceeding the host parish's population.[374] Far from subverting authority or

expressing dissent, these badges

> "signified both economic and theatrical support [of the community]: they
>
> marked wearers as donors *and* Robin Hood's followers. This overlap between
>
> the semiotic and economic functions of livery incorporated spectators at parish
>
> celebrations into the social body. That this form of participation was essential to

---

[373] For a summary of the question of audience, see Knight and Olgren, "A Gest of Robyn Hode: Introduction," 81-83.
[374] Lin, "Popular Festivity," 294.

group identity may be seen in Philip Stubbes's complaint that those who refused

to purchase livery badges were 'mocked, & flouted at, not a little' (M3r)."[375]

In nearly all surviving accounts sales for the pins that constituted Robin Hood "livery"

well exceeded the number of burghers, indicating people from surrounding areas were

attracted to "Robin's" fellowship.[376] Peter Stallybrass, evoking a vivid sense of

embodiment, claims that livery is "a form of incorporation, a material mnemonic that

inscribed obligation and indebtedness upon the body."[377] In medieval Robin Hood

revels not only we see communities maintaining their social and physical interior, we

see them re-inscribing their boundaries beyond the delimited space of the town to

include a much larger, much more flexible, network of relations.[378]

The earliest extant pageant script is "Robyn Hode and the Shryff off

Notyngham," c. 1475, a garbled analogue to the ballad "Robin Hood and Guy of

Gisborne" improbably preserved in the Paston family collection.[379] As scripts go, it is

---

[375] Ibid., 295.

[376] Ibid., 294.

[377] Peter Stallybrass quoted in Lin, "Popular Festivity," 292. In "The People of Britain and Ireland 1100-1400: II. Laws and Customs," *TRHS*, 6th ser. v (1995), 1-23, R. R. Davies considers livery in terms of the performance of a regional identity.

[378] Lin, "Popular Festivity," 286, makes a compelling case that "[l]ife-like Robin Hood games integrated individual parish members into a communal whole by encouraging their active participation in staged fights, both as spectators and as combatants. Funds generated from these events were fed back into the parish to support community needs. This same ethic of assimilation can be found in the Robin Hood narratives."

[379] Lyle, "Robin Hood in Barnsdale Stood: A New Window on the 'Gest' and its Precursors," in Harris and Hillers, *Child's Children: Ballad Study and its Legacies*, 71-96.

heavy on the presumed improvisation; Knight and Ohlgren note in their proposed

reconstruction of its action that it "lacks speaker rubrics, scene divisions, and stage

directions."[380] It survives on the recto side of a page of housekeeping accounting kept

by John Sterndalle in 1475-76 (Trinity College's R.2.64), a fact that commentators rarely

fail to mention; after all, its absorption back into the book-keeping machine ensured

the play's survival, nicely demonstrating the unexpectedly symbiotic relationship

between Robin Hood and bureaucracy. It also demonstrates the accountant's ability to

draw dragons—something scholars somehow fail to mention.

The dragon's "artist" was not the only one in the Paston household taking

advantage of the gaps in the Robin Hood performances. A contemporaneous letter by

John Paston the Elder records a Robin Hood who played his part far too well. John

Paston hired one W. Wood to play Robin Hood and St. George, which he did very

successfully—once a year—and, according to Paston, did precious little else the rest of

the time. When, after three years Wood found himself required to do household labor

for the first time, he like Robin, goes "in-to Bernysdale," relieving himself of the

onerous obligation to do real work.[381] Commentators have parsed John Paston's

oblique complaint that his Robin Hood has "goon in-to Bernysdale" variously.

---

[380] Knight and Ohlgren, *Robin Hood and Other Outlaw Tales*, 270.
[381] John Paston II to John Paston III: Canterbury, Good Friday, 16th of April, 1473, in
Paston Letters and Papers of the Fifteenth Century, Part I, ed. Norman Davis (Oxford,
Clarendon Press, 1971). Published online at *Corpus of Middle English Prose and Verse*.
http://quod.lib.umich.edu/cgi/t/text/text-idx?c=cme;idno=Paston.

Suggestions include: that Wood has gone to play Robin Hood elsewhere; that Wood

himself was outlawed; that he has (unironically?) genuinely gone to Barnsdale. Frankly,

it seems unlikely John Paston knew or cared to know what W. Wood planned to do

next, or that if he did that he found it necessary to forward the information to his

brother.[382] The Robin Hood connection to Barnsdale is too powerful for the reference

to be literal. Rather, in alluding to Barnsdale, Paston means neither a real place nor a

euphemism for outlawry, but a formless space where unmoored men escaped the

burdens of responsibility.

Wood was one of three men to leave Paston's service in quick succession.

Delightfully (and deliberately?) missing the point of the Robin Hood plays he liked so

well, Paston saw in this worrying trend an important lesson: he was treating his servants

too *well*.[383] Cast unexpectedly in the role of the hapless tyrant of a master, incapable

(like the sheriff in the *Gest*) of retaining his retainers or even anticipating their sudden

but inevitable betrayal, Paston completes the logical circuit and concludes that only a

master willing to do harm can maintain his household.

---

[382] As for the suggestion that Wood was outlawed, I can find no other medieval reference of "going to Barnsdale" as a figurative expression for "being outlawed." More to the point, considering the insult Paston felt Wood had dealt his to generosity by failing to appear in the upcoming pageant, one imagines that if Wood had done something genuinely scandalous under Paston's nominal watch, he would have found it worth complaining about.

[383] John Paston II to John Paston III: Canterbury, Good Friday, 16th of April, 1473, in *Paston Letters and Papers of the Fifteenth Century*, *Part I*, http://quod.lib.umich.edu/cgi/t/text/text-idx?c=cme;idno=Paston.

Paston's contemporaries associated Robin Hood not with social reform but with facetious complaint. More than one maxim equated interest in Robin Hood tales with physical and intellectual laziness, including, of course, its first reference in English literature from the mouth of *Piers Plowman*'s Sloth. By the reckoning of reformers like William Langland, Robin Hood revels might provide an avenue for an immediate reaction to a social impetus, but did not provide adequate scope for the expression of substantive complaint. Forty-four years before his Robin Hood absconded from his duties, John Paston's own grandfather William Paston played a part in a minor courtroom drama between an unnamed abbot and parson.[384] A sarjeant-at-law, Paston represented the parson's defense. At issue was a 10 shilling rent allegedly owed to the abbey; when the parson insisted that this money was included in a larger rent paid to St. Paul's Cathedral, the abbot's lawyer rejoined snidely, "Robin Hood in Barnsdale stood, denying that you were seised, because your plea is irrelevant...." Impatient either with the plaintiff's flippancy, the defense's nonsense plea, or both, one of the two presenting justices declared, "By my faith, if the judgment were given by me alone, you would have your judgment now," and there the record ends.[385]

---

[384] William Paston in the Court of Common Pleas, 1429. 7 Hen. 6, fol. 37b.
[385] Ibid., fol. 37b.

The plaintiff's dismissive rebuttal, however, continued to have a long, sarcastic

life in English legal rhetoric.[386] In chapter ninety of his *Third Institute*, "Against

Roberdsmen," Sir Edward Coke, a major figure in the development of English

Common Law, comments that "It is an English proverbe; That many men talk of Robin

Hood, that never shot in his bow," before going on to discuss vagabondry.[387] This

particular commonplace does more than reiterate the association between Robin Hood

and slothfulness or hypocritical bluster (in other words, that many men talk of things

they know nothing about). However little we would like to believe it, the proverb

accurately reflects Robin Hood's status as a revolutionary figure. Even where Robin

Hood performances were disruptive, they lacked a focused agenda or organized

object; even to those contemporaries who most objected to Robin Hood material, its

performance did not signal social dissent or political subversion in the way that many

scholars have suggested it did. What Robin Hood did suggest seems to be the exact

opposite of social agitation, but, according to both reformers and conservatives,

equally toxic to the body politic: laziness, vagabondry, and idle talk.

---

[386] Lyle, "Robin Hood in Barnsdale Stood: A New Window on the 'Gest' and its Precursors," in Harris and Hillers, *Child's Children: Ballad Study and its Legacies*, 71-96.
[387] Coke, *Institutes*, 197. Coke warns that jurists must know the stories of Robin Hood in order to practice real law; statutes against robbers and vagabonds are difficult to understand or implement "unless it be known what this Robin Hoode was that hath raised a name to these kinde of men called Roberdsmen, his followers." Coke's "Roberdsmen" are vagabonds, not revolutionaries.

Scholars, including Richard Firth Green, Michael Wheare, and Stephen Knight, approach the consequences of official attempts to abruptly *ban* Robin Hood plays in the mid-sixteenth century in light of late sixteenth century legal and religious changes. [388] Richard Firth Green provides a compelling reading of the riots that supplements Foucault's model of spectacular punishment with an earlier, medieval 'occlusive' form of punishment, which Robin Hood tales not only expressed but which formed a point of resistance to the state's attempts to institute spectacular forms of punishment.[389] Thus the rebellious revels and the punishments they aped performed opposing models of judgment, models which were themselves invested in the role of the audience or spectator in maintaining social order. The improvisational nature of the script enabled the play to be assembled and repeated in new ways. These performances blurred lines between revel and riot, but they also reversed an authoritative discourse on itself. Scholars have theorized that the revel can relieve social pressures, but I have argued that this was also the goal of judicial violence. In the zone of indistinction between revel and riot, players performed "bleeding" the law.

Sir Edward Coke references the 1555 Scottish statute against Robin Hood revels in his *Third Institutes*, conflating its purpose with that of several earlier English attempts

---

[388] Michael Wheare, "From Castle Hill They Came with Violence: The Edinburgh Robin Hood Riots of 1561," in *Images of Robin Hood: Medieval to Modern*, ed. Lois Potter and Joshua Calhoun (Newark: University of Delaware Press, 2008), 111-119.
[389] Green, "Violence in the Early Robin Hood Poems," 276.

to control "robbery, burning of houses, felony, waste and spoile, and principally by and with vagabonds, idle wanderers, night-walkers, and draw-latches."[390] Coke folds Robin into Common Law precedent just as he would any other case, positing him as a real criminal who "lived in the reigne of king R.I. in the borders of England and Scotland,"[391] from whom all "Roberdsmen"/robbers took their inspiration. Coke lists and summarizes several statutes made against Robin Hood's "followers" (the statute of Winchester and subsequent statutes in 5 E. 3, 50 E. 3 and 7 R. 2 confirming it) before the prohibition against revels, though he does not describe it as such:

> It is provided by the statute of 7 R.2.[392] that the statutes made in the time of king Edward, grandfather of the king, of roberdsmen, and drawlatches, be firmly holden and kept, and further provision against vagabonds wandering from place to place. See a law made in the sixth parliament of queen Mary, *anno Dom.* 1555 in Scotland against Robert Hood, Little John, &c.[393]

His phrasing—*against Robin Hood*, not players of Robin Hood—reveals an increasing slippage between Robin Hood players and Roberdsmen, an act of naming that activates the ability of "Robin" to control or disrupt a community—or, just as

---

[390] Coke, *Third Institutes* 197.
[391] Ibid., 197.
[392] 7 R. 2. cap. 5. / Vi[d.] 39 Eliz. ca. 4.
[393] Coke, *Third Institutes*, 197.

damagingly, to opt out of its social, legal, and monetary economies and take his

followers with him.

This is more or less what happened when the craftsmen of Edinburgh brought a

violently real iteration of "Robyn Hode and the Shryff of Notyngham" to life in the

wake of attempts to suppress Robin Hood revels in Scotland. The suppression began

with a 1555 statute issued by the Parliament and then-regent Mary of Guise. The

statute itself offers no justification for the ban; in *The History of the Reformation in*

Scotland, John Knox furiously insists that the ban was put in place to purge the land of

insidious Catholic celebrations,[394] but, given that Mary of Guise herself was Catholic, it

seems equally likely that the Queen and Parliament correctly identified the revels'

potential to devolve into protest and meant to avoid religious dissent.[395]

The statute, confirmed regularly over the next decade, recognizes the role of

community leaders and administrators in the revels and specifically targets "any

provost, bailie, council and community" that might chose a Robin.[396] The statute

distinguishes between, first, those within and without chartered burghs, and assigns

separate penalties for *choosing* a Robin Hood and for *being chosen*. It does not

imagine either group as a common rabble but as community leaders and

---

[394] *The History of Reformation in Scotland by John Knox*, ed. William McGavin (Glasgow: Blackie, Fullarton, 1821).
[395] W.E. Simeone, "The May Games and the Robin Hood Legend," *The Journal of American Folklore* 64:253 (1951), 273.
[396] "Anentis Robert Hude," A1555/6/41.

administrators: "any provost, bailie, council and community." Outside of chartered

burghs, "choosers" were required to pay a £10 fine to the Crown and were placed

under royal wardship indefinitely. Tellingly, this section seems to anticipates noble

malefactor, lairds operating within their own private estates. The "choosers" within a

burgh would lose their freeman status for five years, and the statute allowed for

additional penalties "at the will of... the queen's grace."[397]

Arbitrary by design, the prohibition did not fix itself to a single script any more

than the pageants did, ensuring a flexibility of response (and attack). Those chosen as

Robin Hood were to be "banished out of the realm." The Robin-elect completes the

representation of the revels as a fully articulated community event mirroring the

operation of borough administration; he must "accept such an office." Robin's office

parallels that of the "provost, bailie, [or] council" who created him. The statute

therefore addresses both the players and the community which confirmed and

legitimized their roles, and attempted to head off the act of naming which would

empower the Robin Hood. Under Mary of Guise's new world order, the "office" of

Robin Hood perverts the proper structure of government, usurping the power of the

Crown which, ultimately, commands the burghal administrators or feudal laird. In other

words, it reverses the dynamic. While Robin Hood's control temporarily "exceeds" that

of the town leaders, his appointment comes not from the "top" and the "body politic"

---

[397] "Anentis Robert Hude," A1555/6/41.

(the queen and royal jurisdiction) but from the "bottom" (the burgh community). In this sense, by the middle of the sixteenth century Robin Hood constituted a local, conservative reaction against the increasing royal centralization of community and justice.

The Robin Hood riots in Edinburgh occurred in two distinct phases several months apart. The first, in May 1561, bore Robin's name, but, though the craftsmen responsible did elect a Robin, the "pageant" consisted largely of parading through the city with swords and other weapons, terrorizing passers-by and threatening the bailies who arrived to disarm them.[398] The craft deacons eventually intervened and caused their men to disperse, but only after the city magistrates swore to keep the matter out of the higher courts and allow the guilds to punish their own men. The riots re-erupted in August after Edinburgh magistrates secretly convened an assize court and sentenced at least one of the revelers to hang. Though this riot adhered to Robin Hood only inasmuch as it was the direct result of the first, failed Robin Hood revel, it followed a Robin Hood "script" much more closely, and more dangerously.

The Edinburgh rioters were not the first to blur the line between Robin Hood revel and riot. In 1497, angered by the arrest of two men for assault, Roger Marshall of Westbury led a riotous assembly to Willenhall's market square. When arrested, Marshall

---

[398] Michael Wheare, "From Castle Hill They Came with Violence: The Edinburgh Robin Hood Riots of 1561," in *Images of Robin Hood: Medieval to Modern*, ed. Lois Potter and Joshua Calhoun (Newark: University of Delaware Press, 2008), 111-119.

and his compatriots insisted they had merely been putting on a traditional Robin Hood performance, which *required* them to bear arms in public. Although Marshall was convicted of breaking the peace, there was evidently enough similarity between a Robin Hood pageant and an armed tumult that at least one person felt this would make a convincing defense.

Put together, the two riots demonstrate the tangled meeting point between performance and performativity, mimesis and self-expression. The Edinburgh riots began as an aborted theatrical performance, which, when staged despite attempts to deprive the performers of a stage, crossed over violently into a performance of social and legal roles. The fracas in Staffordshire appeared to be a straightforward case of peace-breaking until the participants claimed they were staging a Robin Hood, thrusting the presiding justice into the too-real role of the corrupt judge in a play that had always-already begun, forced to stage his now precarious authority within a community whose conflicts he had been called upon to adjudicate. In the *performance* of their duties as officers of the law, officials in both cases were thwarted in their attempts to manage a rioting community by being cast unexpectedly into ongoing roles as the villains of the piece. The Edinburgh magistrates attempted to circumvent this problem by holding the initial assize court in secret. By denying the trial an audience they refused (unsuccessfully) to play a role in the unfolding Robin Hood drama by denying the performativity of their roles as magistrates.

In many ways, the riots were very straightforward. The revelers did precisely what they had originally set out to do in the first place, before parliament derailed the proceedings: play the Robin Hood. The rioters' exploits do in fact follow the action of a typical Robin Hood play remarkably well, with only the critical shift of focus from fictional proxies to actual administrators of the law. The danger of Robin Hood lay not so much in the texts— the ritualized speeches, gestures, and costumes—but in their gaps, in the moments of play which opened the possibility of rupture. In Robin Hood, parish and burgh leaders produced a manageable dissenting subject, one incorporated in and through the community like clockwork. The revels constituted the communal subjects: they feasted and fought together, sharing digestion, speech, gesture, and ritual. As a ritualized performance, it brought local communities together as a collective subject. But, as Derrida reminds us, attempts to protect the body politic in advance of injury will inevitably create unanticipated subjects.

In Robin Hood, the churchmen and aldermen had created their own worst enemy. By assigning the role to men with real power in the community, they legitimized Robin's role in the burgh's regulation. Consequently, Robin could function independently, without a parson or laird behind him, such that a craftsman's servant could call the capital city into high revolt. In the Paston play, having beaten the mercenary sent to execute him at several games, Robin dons his clothing and

decapitates him, both rendering the body unrecognizable and symbolically claiming

the sheriff's power through him as the head of the community:

"Now I haue the maystry here off I smyte this sory swyre

This knyghtys clothis wolle I were And in my hode his hede woll bere."[399]

As we saw earlier, the play was only as playful as the games that fell in the ritual gaps in

the script. It was a script that, after several centuries, the burghers knew well. And as

with most medieval military games, it included transferrable skills: sword fighting (on

the street), shooting (at the councilmen), throwing stones (at the prison windows),

wrestling (with magistrate's officers), throwing cabers (right through the prison gates).

The freeplay inherent in the improvisational aspects of the script gave new force to the

meaning of the ritual lines, repeated harmlessly for centuries before: in the script Robin

demands the guards "Opy[n] the yatis [faste] anon An[d la]te theis thevys ynne gon,"

and the rioters duly shouted their lines, broke the gates, and the "malefactouris wer set

at fredome." As one outlaw says in the "Shryff," "þis is no game."[400]

---

[399] Knight and Ohlgren, "Robyn Hod and the Shryff off Notyngham," *Robin Hood and Other Outlaw Tales*, 11,12.
[400] Ibid., 18.

CHAPTER FOUR:
BORDER BALLADS AND THE END OF THE OUTLAW

Wha daur meddle wi' me?
Wha daur meddle wi' me?
My name is Little Jock Elliot,
And wha daur meddle wi' me?

"Little Jock Elliot" reads like an early punk song. The grist of it preserves a feud

between Jock Elliot of Park and James Hepburn, Earl of Bothwell, but the bulk repeats

"My name is Little Jock Elliot, / and wha daur meddle wi me!" a good ten times.[401]

Certainly, we are now a long way away from the meticulous poetry of Chaucer and

Langland. Yet the same qualities that makes ballads "low art" facilitates their oral

transmission: simple rhyme, repetition, an inclusive first-person narrative.[402] The

---

[401] "Wha daur meddle wi' me" is the Scots language equivalent of *nemo me impune lacessit/lacesset.* Together, they were adopted as a national motto in the sixteenth century. *Nemo me impune lacesset* was, for example, stamped on the merk coins minted in 1578 and 1580 by James VI.

[402] Ballads could persist in the public consciousness in less provocative ways as well. For another example of the way in which ballad and landscape could become hopelessly imbricated, see Child, *Popular Ballads Vol. I*, "Lady Isabel and the Elf-Knight," 24: "Stories like that of this ballad will inevitably be attached, and perhaps more or less adapted, to localities where they become known. May Collean, Chambers says, 'finds locality in that wild portion of the coast of Carrick (Ayrshire) which intervenes betwixt Girvan and Ballantrae. Carlton Castle, about two miles to the south of Girvan (a tall old ruin, situated on the brink of a bank which overhangs the sea, and which gives title to Sir John Cathcart, Bart, of Carlton), is affirmed by the country people, who still remember the story with great freshness, to have been the residence of 'the fause Sir John;' while a tall rocky eminence called Gamesloup, overhanging the sea about two miles still further south, and over which the road passes in a style terrible to all travellers, is pointed out as the place where he was in the habit of drowning his wives, and where he was finally drowned himself. The people, who look upon the

ballad's energetic repetition encodes an effective call to action. It offers participants

the opportunity to occupy a unique subject-position, which extends back into past

altercations between the Elliots and their enemies and looks forward to the instigation

of future feuds, all while anachronistically and collectively inhabiting the particular

identity of Little Jock Elliot in the present.

Like most of the outlaw tradition, border ballads celebrate the exploits of the

thieves, poachers and fugitives who lived beyond the king's law in spaces which the

ballads call the "Greenwood." No scholar has yet explored the relationship between

the largely English outlaw ballads and the so-called border ballads which flourished in

the Anglo-Scottish marches.[403] Unlike their more well-studied southern cousins, the

---

ballad as a regular and proper record of an unquestionable fact, farther affirm that May Collean was a daughter of the family of Kennedy of Colzean,' etc." Chambers, *Scottish Ballads*, 232n.

[403] Though border ballads are rarely studied alongside outlaw ballads, other Scottish literature is sometimes characterized as "border" poetry in studies of outlaw tales. Timothy S. Jones briefly considers John Barbour's *Bruce* and Blind Hary's *Wallace* in his chapter "The Literature of Borders" in *Outlawry in Medieval Literature.* The majority of Jones's focus on "border" literature, however, falls on the Anglo-Saxon outlaw Herewald the Wake, where the border in question is primarily the imagined temporal divide between Anglo-Saxon and Anglo-Norman England. Likewise, the *Bruce* and the *Wallace* are sometimes included in the outlaw canon; Thomas Ohlgren, for example, places *Wallace* alongside Robin Hood ballads in his anthology *Medieval Outlaws.* For the purposes of this chapter, "border ballads" refers to the riding or reiving songs and poems composed by and about people living in the Anglo-Scottish Marches—a distinctive geopolitical zone with its own customary, legal, political, and cultural features— and not to any Scottish or English poetry which, at some point in its narrative, features conflict at the contested Anglo-Scottish border. Hence this chapter will not consider the *Wallace* and the *Bruce.*

border ballads were sung by and for the outlaws themselves; they can be connected to real people, places, and raids. Their relationship to people whose existence and actions are corroborated by a wide range of contemporary documents is more than just an academic coup. Border ballads demonstrate the gaps between the legal identification of subjects versus their literary constructions, and even witness the influence of popular ballads on official speech. These ballads offer a remarkable opportunity to compare the tropes invoked by an outlaw ballad like "Kinmont Willie" against the flustered letter his jailor sent the Crown only hours after "Kinmont" William Armstrong's real-life escape from prison.

The Border ballads constitute a rich and largely unexplored body of literature, describing a "Greenwood" which grew in the Anglo-Scottish marches and operated for hundreds of years as a fully articulated, largely self-regulating outlaw society.[404] Antiquarians and scholars have variously called these outlaws' tales riding, reiving, or Border ballads. They present a view into a functional outlaw community in a war-ravaged wasteland, a stark counterpoint to the fecundity of Robin Hood's imagined Greenwood, and a contrast with which the Border ballads are winkingly aware. While Robin Hood trades in the abstract—fictional crimes against fictional enemies in the

---

[404] After her contribution to *The Ballad in Scottish History*, Kaye McAlpine tabulates tropes shared by *Kinmont Willie* and *Adam Bell*. She does not, however, explore these connections herself. See McAlpine, "Proude Armstrongs and Border Rogues: History in 'Kinmont Willie', 'Jock o the Side' and 'Archie o Cawfield' in *The Ballad in Scottish History* (East Linton, East Lothian: Tuckwell Press, 2000), 91.

service of an unnamed king—border ballads relate the actions of contemporary border

reivers in all their unambiguously criminal glory. Having considered the symbolic

violence enacted by outlaws in ballads and romances in Chapter Three above, I turn

now to these late medieval and early modern riding ballads, which provide accounts of

"real" rough justice and in turn inspired further cycles of reprisal.[405]

To some degree, the Robin Hood ballads I discussed above in Chapter Three

anticipate the ways in which outlaw tales could become intertwined with local politics

and blur the lines between real and imagined communities, inasmuch as Robin Hood

ballads and revels depicted an ahistorical figure and were often performed by local

administrators in the service of raising funds for community projects. In the Marches,

---

[405] Keith M. Brown, *Bloodfeud in Scotland 1573-1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh: John Donald Publishers, 1986). Nearly half of the Scottish conflicts Keith Brown identifies as feuds between 1573 and 1625 lasted longer than a year. Of those, 18.6% of all feuds were conducted over the course of one or more decade. Setting aside even the considerable damage of long-lasting feuds, this is a significant number. Brown distinguishes between conflicts identified as feuds in contemporary documents and those which, based on the conduct of those involved and/or the process of prosecuting them, fit the description of a feud. The latter method allows him to identify 151 additional feuds lasting only a year or less, and 43 feuds of 2-5 years. If one focuses only on conflicts identified in contemporary documents as a "feud," however, feuds lasting longer than ten or twenty years make up 29.9% of all cases. Indeed, two-thirds of feuds lasting twenty or more years were named as such in contemporary documents. On the one hand, this seems obvious; a long-lasting feud was more likely to be identified and documented because of its scale. But though Brown puts serious thought into what drove feuding in medieval and early modern Scotland, he does not consider the documents themselves to be contributing factors. How could a feud be carried forward for decades? By acts of naming and story-telling, and even by way of a legal process that required public acts of naming and the stories of witnesses or recognitors.

Royal administrators, Borderer communities, and outlaws were responsible not only for performing but for producing the ballads and the idiosyncratic legal customs that made the events they portray possible. Within this restless frontier society, the Borderers' outlaw ballads played a significant role in representing a unique community; but they also, just as importantly, articulated and re-iterated communal identity, and regulated exchanges of land, property, names, goods, rumor, and, of course, violence.

A theoretical model that emphasizes fear of penetration and contagion, and the maintenance of thresholds, would suggest that the Anglo-Scottish border should have been a site of particular anxiety, an opportunity to clearly delineate Self and Other.[406] If anything, however, it was a threshold that the kings of England consistently refused to acknowledge, as their mythical claim over Britain exceeded its boundaries to encompass the entire island. These kings established garrisons in the north not to keep the Scots *out* of England, but to challenge and shift the border. Even without pretensions to the entire island, the kings of Scotland worried at the border as well, often to their own detriment. On the local level, the Borderers themselves disagreed constantly about where exactly the border lay, and their understanding of this 'division'

---

[406] See, for example: R. R. Davies, "The People of Britain and Ireland 1100-1400: II. Laws and Customs," *TRHS*, 6th ser. v (1995), 1-23; Cynthia J. Neville, *Violence, Custom, and the Law: The Anglo-Scottish Border Lands in the Later Middle Ages* (Edinburgh: Edinburgh University Press, 1998); Bruce Galloway, *The Union of England and Scotland 1603-1608* (Edinburgh: John Donald Publishers, 1986); Anthony Goodman and Anthony Tuck, ed., *War and Border Societies in the Middle Ages* (London: Routledge, 1992).

was actually structured around the roads, fords, and passes that cut across it.[407] The

Borders were ordered by forces other than the enforcement of thresholds.

As the crown centralized the English into a single body politic, it sought to

incorporate its rural and frontier communities. Hence this chapter wraps up in the

Anglo-Scottish Borders in the sixteenth century, when, as Sir Walter Scott neatly put it,

"the succession of James to the English crown converted the extremity into the centre

of his kingdom."[408] This startling spatial and symbolic shift had drastic consequences

for Border literature and society, which had thrived in extremity for centuries before its

unprecedented shift to the heart of a united kingdom. In its new position at the center,

the Crown(s) determined that the only way to control the obstructive imbalance was to

drain parts of the Borders entirely and destroy the existing infrastructure. The unified

Crowns devastated the Borders, in the belief that the injury would heal the rancor

between the two kingdoms. James VI/I's vision of a true union required the Crown to

"utterlie to extinguishe as well the name as substance of the bordouris, I mean the

difference between them and other pairtis of the kingdome."[409] The "pacification" of

the marches marked the material end of the Borders as an outlaw society which,

nevertheless, persisted in their songs.

---

[407] James Reed, "The Borders and the Ballads," *The Border Ballads* (London: The Athlone Press, 1973).
[408] Walter Scott, *Minstrelsy of the Scottish Border* (Edinburgh: Ballantyne, 1810), iii.
[409] *HMC. Salis.MSS* XV, 405, quoted in Bruce Galloway, *The Union of England and Scotland 1603-1608* (Edinburgh: John Donald Publishers, 1986),16.

Waste and Wasters

The Borders were the staging grounds for major military incursions between England and Scotland from Edward I's invasion of Scotland in 1296 up to the Battle of Pinkie Cleugh in 1547. The area "within a rough rectangle with corners at Newcastle, Penrith, Dumfries and Edinburgh" was organized into Scottish and English East, Middle, and West Marches under the administration of Wardens and/or Keepers, whose job it was to arrange truce days, where cross-border complaints could be adjudicated, and thereby to keep minor raids from escalating into full-scale war.[410] Though Pinkie Cleugh was the last pitched battle between the two Crowns, the Borders were not "pacified" until the early seventeenth century. When John Leslie, Bishop of Ross, presented Queen Mary a *Historie of Scotland* to prepare her (to no avail) for the complexities of her new kingdom, he warned that "[t]houch al the prouinces of Scotland, quhilkes ar vpon the bordouris foranent Ingland takes to thame selfes the grettest libertie and licence, quairthrouch thay reioyse that vnpuniste ay thay chaipe [e.g., escape from punishment unharmed]."[411]

---

[410] James Reed, *The Border Ballads* (Stocksfield: Spredden Press, 1991), 10.
[411] John Leslie, *The Historie of Scotland Wrytten*, transl. Father James Dalrymple, ed. Rev. Father E. G. Cody and William Murison (Edinburgh and London: The Society by W. Blackwood and Sons, 1888), 97.

Contemporary descriptions of Borderers suggests that their customs and reputation, as much as their actual legal status at any given point in time, inspired their interest in the Matter of the Greenwood. Tellingly, by the late middle ages and early modern period even legal texts described "outlaws" by their behavior, as though outlawry was a social identity that could be adopted independently from the law. Sir Edward Coke, perhaps Britain's greatest jurist and expert on medieval and early modern law, constructs a broader category of outlaw based on the Robin Hood tradition, one that brings Borderers into the fold of Robin's fellows. In "Against Roberdsmen," the section of the *Institutes* dedicated to medieval outlawry, Sir Edward Coke equates outlaws to "ribaulds," "men of arms," and even simply "archers," and later "roberdsmen, and drawlatches," and called Robin Hood's men "vagabonds, idle wanderers, night-walkers" occupied broadly with "robbery, burning of houses, felony, waste and spoile."[412]

Coke's intriguing association between outlaws and waste suggests an important aspect of outlaws' relationship to the body politic, both symbolically and literally. Outlaws are not just that which has been voided from the body politic (waste); they also produced waste from previously productive spaces and placed it, too, outside the

---

[412] Sir Edward Coke, "Against Roberdsmen," in *The third part of the institutes of the laws of England: concerning high treason, and other pleas of the crown, and criminal causes* (London: Printed for E. and R. Brooke, 1797), 197. http://books.google.com/books?id=_Ik0AAAAIAAJ.

law (wasting).[413] "Wastours" were well-known targets of Langlandian ire because they

existed unnaturally outside of the common body—eating and shitting but never

producing or processing. Coke's concern with "waste and spoile" additionally targets a

legally specific type of land and (mis)practice, wherein the land's caretaker engages in

unsustainable practices, thereby destroying the property's value and/or rendering it

unusable for future landholders.[414] In the long period between the initial Anglo-Norman

excursions into Scotland in the early 13th century and the Union of the Crowns in 1603,

the Border territories were so frequently laid to waste that the remaining inhabitants

became, by default and necessity, "wastours." Leslie explains, not unsympathetically,

that "in tymes of weirs thouch inuasioune of ennimies daylie thay ar brot til extreime

pouertie, in tyme of peace, the ground albeit fertile anuich feiring that schortlie the

weiris oppresse thame, thay alutterlie contemne to tile. Quhairthrouch cumis to passe

be steiling and reif, thay rayer seik thair meit…."[415] With few surviving crops and cattle

from year to year, the Borderers fell to staging raids on their more fortunate neighbors.

In this wasteland, incipient national loyalties mattered far less than success. Before long

---

[413] I would argue that outlaw land passed outside the body politic in both more and
less literal ways. Gamelyn's wasted inheritance, for example, no longer produces
anything of use to the Crown or to the community, so it is, practically speaking, voided
space. The Borders, on the other hand, were not only physically unproductive, they
were at times inaccessible to representatives of the king's law.
[414] Eleanor Johnson, "The Poetics of Waste: Medieval English Ecocriticism," *PMLA*
127.3 (2012): 460-476.
[415] John Leslie, *Historie of Scotland*, 97.

a complex system of alliances and feuds, most stretching over national borders and several generations, dictated life in the Borders.

These raiding parties came to be known in the Borders as reivers. As the reivers could not be made to stand trial in the opposite country's jurisdiction under Common or Scots Law, they were all also outlaws by default if they managed to escape across their respective side of the Anglo-Scottish border with their loot before their victim could launch a "hot trod" after them. Inasmuch as the Borderers neither cultivated their wasted land and food nor produced any other goods, they were wasters in both the legal and Langlandian sense, but the destructive activity necessary to maintain an unproductive living well exceeded Langland's complaints about noble idlers and lazy beggars. Here was the violent reality of Greenwood idleness: to maintain an entire community of "wasters," Borderers needed to form an extralegal community of outlaws *in the waste*. The unintended products of nearly half a millennia of large-scale state violence, the Border reivers were never successfully brought under either state's control.

The specter of state violence always haunts the riding ballads. Reivers, like their southern cousins, were occasionally caught or cornered. Famous for their horsemanship, and an active warrior society well into the early modern period, both the Scottish and English kings were only too happy to issue reivers pardons in exchange for military service. Unfortunately, reiver alliances proved comically impossible to

dissolve and reiver violence, though infamously vicious, impossible to redirect.

Outsider accounts corroborate the Border community's uncontrollably inward-looking

connections. William Patten, an officer in the English army at the Battle of Pinkie

Cleugh in 1547, peevishly described their behavior in his memoirs. His account brings

together the elements of noise, gesture, ritual, and space that I have examined

separately until now. The night before the battle, the Borderers attached to the English

troops disrupted the peace of the camp by reorganizing their battalion according to

clan alliances,

> "(...not unlike, to be plain, a masterless hound howling in a highway, when he
>
> hath lost him he waited on) some 'hoop'-ing, some whistling, and most with
>
> crying, 'A Berwick! a Berwick!' 'A FENWICK! A FENWICK' 'A BULMER! A BULMER!' or so
>
> otherwise as their Captains' name were, [and] never ceased these troublous and
>
> dangerous noises all the night long."[416]

Patten and his fellows were kept awake not only by the ruckus, but by the fear that the

Scottish army would hear and discern their position. Just as troubling was Patten's

suspicion that the Borderers were deliberately advertising their presence to family allies

in unseen Scottish camps. Their disordered din is set against Patten's improbable

insistence on the "quiet and stillness, without noise" of the main English camp. Patten

---

[416] William Patten, *An Expedition into Scotland, 1547*, in *Tudor Tracts, 1532-1588*, ed.
A. F. Pollard, (New York: Cooper Square Publishers, 1964), 134.

models their silence by insisting throughout his narrative that further, more detailed

complaints against the Borderers "are better unspoken than uttered, unless the fault

were sure to be amended."[417]

Just as importantly, the exchange of names served as a performance of Border

identity, which not only privileged their own kind but ordered itself along its own lines.

This performance was grounded by repetitive, disruptive gestures—hooping, whistling,

shouting—and even an improvised uniform of "handkerchers rolled about their arms,

and letters broidered upon their caps." The Borderers claimed that this would allow

them to "know his fellow, and thereby the sooner assemble or in need to aid one

another," although Patten and his companions darkly suspected "they used them for

collusion; and rather because they might be known to the enemy as the enemy are

known to them, for they have their marks too: and so, in conflict, either each to spare

the other." In Patten's eyes, the Borderers' identification with the English was literally

tenuous; their red crosses were so small and haphazardly pinned that "a puff of wind

might have blown them from their breasts."[418]

Patten's anxieties appeared to be well-founded. Morning brought a true

performance as reivers played at fighting other reivers. Thus it was that in the midst of

one of history's last and bloodiest encounters between the Scottish and English,

---

[417] Ibid., 134.
[418] Ibid., 134-5.

they were found, right often, talking with the Scottish prickers within less than

their gad's [spear's] length asunder; and when they perceived they had been

spied, they have begun to run at one another. But so apparently *perlassent* [i.e.,

in a make believe manner], as the lookers on resembled their chasing, like the

running at base in an uplandish town, where the match is made for a quart of

good ale: or like the play in ROBIN COOK'S school; where because the punies

may learn, they strike few strokes, but by assent and appointment.[419]

The power that could be theoretically harnessed through the Borderers was not

equaled by the damage these unwilling allies could inflict from within: "they move

always more peril to our army but in their one night's so doing [shouting], than they

show good service, as some say, in a whole voyage." Even then, Patten did not think to

dispute their presence in the English army, because they were men of such great

prowess that he felt sure they "would become famous, if their soldiers were as toward

as they themselves be forward."[420]

Patten's disenchanting encounter with the Borderers illustrates many of the

elements key to the creation and maintenance of their tenuous communal body. These

features have appeared piecemeal in each of the communal bodies constituted in the

preceding chapters: noise, gesture, ritual, and space. Those autoimmunitary bodies

---

[419] Ibid., 135.
[420] Ibid., 134-5.

were rapidly or effectively controlled: the Peasants Revolt set off, in part, by Piers

Plowman's vision of a self-regulating collective was dispersed; the injurious language of

court gossip is appropriated by the law; the rousing rhymes of Robin Hood are led by

local government. But taken together, these elements sustained a defiant outlaw

frontier for centuries.

Law and the Land

Until King James the VI of Scotland's ascension to the English throne as James I

in 1603, the Borders operated under a unique system of customary law now commonly

called March Law. In the Borders, both March Law and Forest Law were spatially bound

and defined, operating alongside but distinct from Common Law. The March Law

emanated not out of a central location (Westminster) and personage (the King), but a

division (the Border) or even an absence (Debatable Land), both urgent and ill-defined.

Common Law emanated from the King and English custom, itself a history of repeated

gestures and ritual practices, and encompassed the entire kingdom (quite literally the

"king-judgment"). In contrast, both March Law and Forest Law took their name from

distinct, disjoined spaces.

The Marches and the royal forests were simultaneously the most disordered, ungovernable parts of the kingdom and the most policed and regulated.[421] They lay within the arguably greatest number of overlapping jurisdictions: Common Law, Border Law, Forest Law, and Ecclesiastical Law, adjudicated in competing Eyre, Wardenial, Church and Manorial courts—and further complicated by the northern position of several major liberties, including Durham and Bowland. These liberties were exempt from the king's writ, and "jurisdictional squabbles might too easily allow these territories to become havens for truce-breakers."[422] Complicating matters further, medieval and early modern England and Scotland operated (and indeed still do) under different legal systems. Whereas England's Common Law represented centuries of accreted customs and precedents, Scotland's legal system grew out of a unique hybrid of Common Law and continental Civil Law. And as Bruce Galloway noted, "on the Scots side, it is often difficult to distinguish Warden, Steward and Justice Courts, jurisdiction being further complicated by private heritable rights, burgh magistracies

---

[421] My discussion here is limited to the Anglo-Scottish marches and March Law. The legal situation in the medieval Welsh marches was quite different to that in Scotland, and an analysis of the impact of March Law on Anglo-Welsh marcher communities would need to be conducted separately. Happily, the unique frontier communities—including outlaw—along the Welsh border have been ably studied elsewhere. See, for example, R. R. Davies, "Law and National Identity," in *Welsh Society and Nationhood: Historical Essays presented to Glanmor Williams*, ed. R. R. Davies, R. A. Griffiths, I. G. Jones and K. O. Morgan (Cardiff: University of Wales, 1984), 51-69.
[422] Cynthia J. Neville, *Violence, Custom, and the Law: The Anglo-Scottish Border Lands in the Later Middle Ages* (Edinburgh: Edinburgh University Press, 1998), 37.

and commissions of justiciary made to men often with no official standing of

government of the Borders."[423]

Despite the copious claims over the law of the land, the Borders have been

characterized both by contemporaries and historians as paradoxically "lawless."[424] In

fact, such description obscures the complex negotiations of power and force at work

there. The marches were indisputably a violent society and a precarious place to live,

but to say they were rife with "disorder" fails to ask what social systems were

disordered, or how and why—what was out of balance, and to the detriment (and in

favor) of who or what? Anna Groundwater approaches this question by asking what

contemporaries meant by 'disorder,' and finds that "[a]t its most basic level, disorder in

the Borders was described by government typically as 'reiff, thift or ressett of thift,

depradationis opin and avowit, fyre raising upoun deidlie feidis.'"[425] Her reading of

early modern accounts is compelling:

---

[423] Bruce Galloway, *The Union of England and Scotland 1603-1608* (Edinburgh: John Donald Publishers, 1986), 66.

[424] Peter Leeson, "Laws of Lawlessness," *The Journal of Legal Studies*, Vol. 38:2 (June 2009): 481. http://www.jstor.org/stable/10.1086/592003. The general unwillingness to push "lawlessness" out of its place of pride in Anglo-Scottish Border studies can cause quite a tangle in the studies dedicated to March Law, such as Leeson's rather nonsensical claim, "The borderers' lawlessness does not mean that they did not have laws, however."

[425] Preamble to act 'Anent the Highlands and Borders', *RPS*, 1587/7/70, quoted in Groundwater, *Middle Marches*, 21.

"Contemporary diaries ring with disdain for the borderers. Robert Birrel, writing about the 'Tumult of Edinburgh' of December 1596, saw no need to explain further the terror caused by the 'grate rumour and word among the tounesmen, that the Kings Majestie sould send in Will Kinmond the comone thieff, and so many Southland men, as sould spulzie the toune of Edinburghe.' The fear inspired by mention of a borderer was implicit, the image of the violent and lawless borderer generally understood." [426]

"Lawless," however, also occupies the same broad semantic category as "disordered"—what does it mean for a space at the center of so many overlapping jurisdictions, to be simultaneously "lawless?" Moreover, given James VI's open leveraging of Border violence, Borderer violence could well be considered an extension of state violence—not lawless, but driven by the law; not disordered, but *ordered*, by the king himself.

As Cynthia Neville has shown, the institutionalization of Border custom from its first compilation in 1249 was both an expression of regional identity and "a reaction to the uniformity of legal, administrative and financial institutions so cherished by the kings of thirteenth-century England."[427] The English crown continued consolidating their control into an impressively centralized common law throughout the later Middle

---

[426] R. Birrel, *Diary*, in *Fragments of Scottish History*, Edinburgh 1798, 41., ed. J. G. Dalyell, quoted in Groundwater, *Middle Marches*, 10.
[427] Neville, *Violence, Custom, and the Law*, 3.

Ages, but even the establishment of royally-appointed Wardens along the border only highlighted the inward focus of the March. Neville quotes the *Vita Edwardi Secundi* to support her case for "the contempt in which the wardens were held in Northumberland":

> "In past years the king had been in the habit of strengthening the March with wardens throughout the winter, but their oppression was more injurious to the people than the persecution of their enemies. For the Scots used to spare the inhabitants of Northumbria for a time in return for a moderate tribute, but those who were supposed to be set over them for their protection were constantly at leisure to oppress them every day."[428]

Although the Wardens were appointed by the Crown, the Wardenial courts operated according to Border custom rather than the Common Law. Even formalized in writing, customary procedures bore more than a passing resemblance to the "deadly feud" that occurred in their absence.

More unusually, the land and communities that lived in the Borders could be touched by no jurisdiction whatsoever except for local custom, enforced internally by feud. The largest and most disruptive of these was the Debatable Land, an approximately ten by four-mile tract that ranged roughly from Solway Firth to

---

[428] N. Denholm-Young, ed., *Vita Edwardi Secundi: The Life of Edward II* (London: Thomas Nelson and Sons, 1957), 103, quoted in Neville, *Violence, Custom, and the Law*, 54.

Langholm. Belonging neither to Scotland nor England, the territory characterizes the

overall tenor of the law that governed the marches: debatable, up for constant

challenge and revision. James Reed neatly sums up the Debatable Land (often

shortened in ballads to the more metrically forgiving "Batable Land") as a "barren

territory of disputed nationality around the junction of the Rivers Esk and Liddell,

notorious for its shifting population of outlaws."[429] It was this tract that, eventually,

proved impossible to bring under the central control of either the English or Scottish

crowns and was razed in its entirely.[430]

In 1552 a French diplomat was brought in by the Scottish and English crowns to

decide the border through the Debatable Land. With all the aplomb of one who

neither lived there nor needed to, he simply drew a straight line through it, cutting

across the natural lines of the river.[431] Pragmatic as his solution appeared on a map, this

---

[429] *Border Ballads: A Selection* (Manchester: Carcanet, 1991), 29. In *Walking the Border: A Journey Between England and Scotland* (Edinburgh: Birlinn, 2014), Ian Crofton is even less forgiving: "The term Debatable Lands was applied to various regions along the Border, but particularly the area between the Rivers Sark and Esk, bounded on the north by Tarras Moor, on the south by the sea, and encompassing the wastes of Solway Moss. Why anyone should want this wilderness is unclear. It was poor land, the abode of outlaws and brigands, who, according to a contemporary complaint, 'makis quotidiane reiffis [forcible seizures, as in "reivers"] and oppressionis upon the pur'."
[430] Ian Crofton, *Walking the Border*: "1551: 'All English men and Scottish men are, and shall be, free to burn, spoil, slay, murder and destroy all and every such person or persons, their bodies, buildings goods and cattle as do remain or shall inhabit upon any part of the said Debatable Land, without any redress to be made for same.'"
[431] James Logan Mack, *The Border Line: From the Solway Firth to the North Sea, Along the Marches of Scotland and England* (Edinburgh: Oliver and Boyd, 1926), 88.

impractical compromise, known as the Scots Dyke, accomplished little besides creating

an impossible construction project and property disputes down to the present day.

Meanwhile, the affront of its very existence served only to reinforce the Borderers'

native sense of identity, which was organized not around arbitrary and unnatural legal

borders but by *habitus.*

From the thirteenth century up to this point, the Border had been established by

a series of perambulations conducted by a mixed Scottish and English recognitors.[432] In

many ways, these border perambulations formed the foundation of all Border law as a

distinctive system. The Crowns' determination to unilaterally establish a border, and

their decision to outsource the solution to a outsider, was of a piece with their

determination to break Border custom and resistance. On the face of things, the

straightforward Border delineated each country's frontier; in practice, it drew both

sides of the Border further from their fractious neighbors and closer to a centralized

Crown and law.

The Border Ballads

Alternately rousing and tragic, the Border ballads lie at the uniquely medieval

crossroads between folklore and chronicle. While the ballads do bear significant

sentimental embellishments, they also record surprisingly accurate details of (frequently

---

[432] Neville, *Violence, Custom, and the Law*, 5.

dateable) cross-border raids. Many ballads painstakingly record the names, actions and

deaths of both major and minor players on both sides, as well as the names of those

who failed to answer to their kinsmen's need. These attendance rosters acted as both

inspiration and provocation. Ballads urged borderers to return injuries both ancient and

recent. Their transmission acted as a sort of news cycle, keeping Borderers appraised

of recent raids, arrests, and threats.[433] They identify public enemies and threats to the

peace. Kinmont Willie leads with the warning, "O have ye na heard o the fause

Sakelde? / O have ye na heard o the keen Lord Scroop?"[434] As in the "Outlaw's Song

of Trailbaston," these ballads identify specific "fause" judges and administrators as

targets of "legitimate" violence. Unlike the "Outlaw's Song," however, they frame the

---

[433] Compare Anderson, *Imagined Communities*, 9-65. Benjamin Anderson's contention
that print-capitalism generally, and newspapers specifically, produced the modern
sense of imagined community. Under Anderson's model, newspapers arbitrarily
juxtapose information (e.g. world events, local news, train schedules, marriages,
advertisements) to generate a sense of simultaneous time and community. Over time,
this sense of imagined community—an "assemblage of fellow-readers, to whom these
ships, brides, bishops and prices belonged" (62)—supported the twin projects of
nationalism and colonialism. The "news" that Border ballads disseminated—both
through oral transmission *and* printed broadsheets—was diachronic. Border ballads
anchor events not by specific calendar dates but by their place in one of several
continuous systems (primarily stages in a generational feud, but also by generations
within a great family, by Wardenial administration, etc.). As a mechanism of resistance
against colonial rule by either the English or Scottish crowns, Border ballads
emphasized the relationships not just within the ballad themselves but the relationship
between the ballad and its readers or performers, linked by family, place, and tradition
(and not, as Anderson, 36, contests modern print-capitalism does, a "community in
anonymity").
[434] "Kinmont Willie," 1[1-2], in *Scottish Ballads*, ed. Emily B. Lyle (Edinburgh: Canongate
Press, 1994).

act of naming as common rumor or public clamor in both the legal and a social sense—

not the singular missive of the "Outlaw," allegedly left to chance travellers, but the

shared voice and complaint of a community.

Although they share much of the same imagery, language, and themes, border

ballads have only been associated with Robin Hood and other outlaw tales in

passing.[435] Ironically, inasmuch as they are both evidence for medieval conceptions of

outlawry, there is more and earlier evidence for a pre-fifteenth century border ballad

tradition than for the elusive medieval Robin Hood. Andrew Galloway has discussed

the stanzas preserved in medieval chronicles in his analysis of Borderer satire.[436] Border

raids began in the thirteenth century, no more than a century after the earliest

proposed setting of the "original" Robin Hood stories and nearly two centuries before

the first literary reference to Robin Hood in *Piers Plowman*. Though riding ballads are

late in origin, some like *The Battle of Otterburn* seem to derive from an oral tradition as

---

[435] Joseph Taylor looks to the Border but not the Border ballads in "'Me longeth sore to Bernysdale': Centralization, Resistance, and the Bare Life of the Greenwood in *A Gest of Robyn Hode*," *Modern Philology* 110:3 (2013), 313-339. Francis James Child grouped Robin Hood tales, including the *Gest*, together with riding ballads to make Volume III of his *English and Scottish Popular Ballads.*
[436] Andrew Galloway, "The Borderlands of Satire: Linked, Opposed, and Exchanged Political Poetry During the Scottish and English Wars of the Early Fourteenth Century," in *The Anglo-Scottish Border and the Shaping of Identity, 1300-1600*, ed. Mark P. Bruce and Katherine H. Terrel (New York: Palgrave Macmillan, 2012), 15-32.

early as c. 1400.[437] By and large, border ballads are contemporaneous with most extant

Robin Hood material, although *both* the ballads *and* the events they describe are

dateable to the fifteenth or sixteenth centuries.[438] It is more than likely, then, that

whenever they were composed, set or recorded, that riding and outlaw ballads

(inasmuch as they are distinct categories) developed parallel to one another for

centuries before either entered the written record.

Despite the opportunities they provide literary scholars of the Robin Hood

tradition, riding ballads have been largely studied by historians, who principally express

regrets similar to Anthony Goodman's: "[a]s historical evidence about the events of the

Otterburn campaign, the ballads are worthless."[439] Edward Cowan laconically observes

that "[t]here can be little doubt that ballads currently find little favour with Scottish

historians."[440] In his examination of the events of the 'real' battle of Otterburn,

Alexander Grant laments that "that the impression of what was going on in the

Otterburn War which Scottish historians have derived from the ballads and from

---

[437] The ballad as we have it dates from at least the mid-1500s, when it was quoted in *The Complaynte of Scotland.* See: Francis James Child, *The English and Scottish Popular Ballads, Vol III* (Boston and New York: Houghton, 1883), 292-3.

[438] Unlike Robin Hood ballads, which many scholars still feel had a centuries-old life in the middle ages before they were finally recorded in the same period as most extant Border ballads.

[439] "Introduction," in *War and Border Societies in the Middle Ages*, ed. Anthony Goodman and Anthony Tuck (London: Routledge, 1992), 7.

[440] Edward J. Cowan, "Introduction: The Hunting of the Ballad," in *The Ballad in Scottish History* (East Linton, East Lothian: Tuckwell Press, 2000), 1.

Froissart is seriously oversimplified and even distorted."[441] Due both to their long oral

history and to their appropriation of Greenwood motifs, the Border ballads are, indeed,

not reliable historical witnesses to the events, places, or people they purport to

describe. Historian Cynthia Neville contests that the ballads did not reflect the reality of

life in Anglo-Scottish Border communities: "United in song with their Scottish fellows

they may well have been. But in the mundane business of day-to-day living, English

borderers of the late medieval period remained acutely conscious of the proximity of a

'national,' and very dangerous, enemy."[442] This approach fails to appreciate the social

role the ballads played in defining Border relations, regardless of their veracity. Kaye

McAlpine rightly concludes that whether or not a given ballad is an accurate account of

events, "the emotional history has been retained."[443] If the ballads' accounts are too

abbreviated and biased to be much use to a historian interested in reconstructing

specific events, those same features were what gave the ballads cultural force in the

Borders. These ballads encouraged very real violence in preserving and perpetuating

blood feuds, a cycle driven by the recitation of feuds and by acts of naming.[444]

---

[441] Alexander Grant, "The Otterburn War from the Scottish Point of View," in Goodman and Tuck, *War and Border Societies in the Middle Ages*, 31.

[442] Cynthia Neville, "Local Sentiment," 437.

[443] McAlpine, "Proude Armstrongs and Border Rogues," 91.

[444] Other scholars have made similar claims, including Edward J. Cowan's observation that riding ballads "have a propaganda function for they were intended to actually advance and foment the very feuds which they described." See Cowan, "Sex and Violence in the Scottish Ballads," in *The Ballad in Scottish History* (East Linton, East

The Border ballads' function within Border communities would not be diminished by the fact that their cross-border circulation may be more a sign of conflict than collusion. Andrew Galloway's analysis of the overlapping Anglo-Scottish ballad traditions demonstrates that the circulation of songs facilitated the exchange of cross-border taunts, as "the accreting layers of recirculated and recombined textual discourse could reinforce oppositions and stereotypes."[445] The idea of a shared Border culture, even a Border society, is not necessarily inimical to the reality of serious Border conflict. Certainly, Borderers' refusal to set aside their feuds alienated them the rest of England and Scotland. These conflicts derived from and indeed required constant contact and exchange, interactions which are then extended and relived in ballad form. In 1596, for example, Sir Walter Scott, lord of Buccleuch broke his cohort Willie Armstrong out of the Carlisle jail. Willie was a notorious outlaw and reiver, but the English deputy warren had arrested him after a truce day gathering on the English side of the border, against the Border custom. [446] In the ballad account of this distinctly Robin Hood-esque escapade, Buccleuch and his men creep into Carlisle thanks to the collusion of family and friends on the English side. Once he has spirited Willie back

---

Lothian: Tuckwell Press, 2000), 98. See also Keith M. Brown, *Bloodfeud In Scotland, 1573-1625: Violence, Justice, and Politics in an Early Modern Society* (Edinburgh: J. Donald , 1986)
[445] Andrew Galloway, "The Borderlands of Satire," 24.
[446] John Spottiswood, *The History of the Church of Scotland*, 2nd edition (1666), 413 ff., quoted in Child, *Popular Ballads* III, 469.

across the river Eden, Buccleuch invites his English pursuers to continue the feud: "And at Lord Scroope his glove flung he: / 'If ye like na my visit in merry England, / In fair Scotland come visit me!'"[447] Willie's arrest, an intrusion by the English queen's law into Border custom, is an unacceptable disruption which men on both sides of the border organize to redress. It is possible to read Buccleuch's challenge as evidence of unruly lawlessness; but it is also an ingenious way to incorporate an English common law action as, instead, part of a Border feud. The ballad does not imagine the dissolution of law. It reimagines a conflict in terms of Border custom, a law unto itself.

Border ballads played a regular and demonstrable role in both preserving and perpetuating real violence. As Kaye McAlpine observed, ballads "concerning the Border reivers have some of the strongest links with recorded incidents and people, both in terms of the ballad tales themselves and also the singers of the ballads." [448] In his *Historie,* Bishop Leslie correlated the recitation of Border ballads to the customs of Border violence: Borderers "delyt mekle in thair awne musick and Harmonie in singing, quhilke of the actes of thair foirbearis thay haue leired, or quhat thame selfes have inuented of ane ingenious policie to dryue a pray and say thair prayeris. The policie of

---

[447] Lyle, "Kinmont Willie," 44$^{3\text{-}4}$.
[448] Kaye McAlpine, "Proude Armstrongs and Border Rogues: History in 'Kinmont Willie', 'Jock o the Side' and 'Archie o Cawfield' in *The Ballad in Scottish History*, ed. Edward J. Cowan (East Linton, East Lothian: Tuckwell Press, 2000), 73.

dryueng a pray thay think be sa leiuesum and lawful to thame."[449] Leslie's cheeky play

on prey/pray implies that for Borderers, reiving could be a ritual central to their sense

of community and identity. Much like the communal voicing of prayer constitutes a

congregation, the ballads celebrating successful raids and recounting old feuds

encourage participation and bring performers together as a single ritual voice.

The Greenwood

Among the clearest links between Border and outlaw ballads is the Greenwood

motif, which makes frequent appearances in the Anglo-Scottish ballads, including *The*

Battle of Otterburn, The Hunting of the Cheviot, Johnnie O'Braidiesleys, Gil Brenton,

The Broomfield Hill, The Cruel Mother, Lady Isabel and the Elf Knight, Bob Norris, The

Broom Blooms Bonny, Lord Thomas and Lady Margeret, and *Wee Messgrove.*[450] The

Greenwood trope was known in Scotland not long after its first appearances in

English,[451] and Robin Hood plays and revels were popular in Scotland up through the

end of the sixteenth century. The Border ballads' adoption of the Greenwood,

---

[449] Leslie, *Historie of Scotland*, 102.

[450] Beyond the border ballads, Walter Scheps observes the connections between Blind Hary's *Wallace* and the Greenwood; he finds that Blind Hary's familiarity with the Matter of the Greenwood "is indicated by his use of the Greenwood theme, the descriptions of archery, the disguises—especially the potter--, and other narrative and verbal echoes." See the introduction to "From the Acts and Deeds of William Wallace" in Ohlgren, *Medieval Outlaws*, 424.

[451] Walter Scheps, "Wallace and the Greenwood," in Ohlgren, *Medieval Outlaws*, 424-425.

however, rarely imports the features typically associated with it throughout its long literary history: safety, plenty, and freedom, characteristics that in outlaw ballads persist even among the most bitterly resentful English outlaws. The Border ballads instead deploy the Greenwood in unexpected and subversive ways. By bleeding literary outlaw territory of its seductive idealism, they figure a viable, internally-focused community beyond the king's law.

The association of Robin Hood's Greenwood with royal forests grounded it in land that the Crown had protected from waste, and the early connection of Robin Hood with spring and summer festivities linked the Greenwood with a time of renewal and plenty. In the Border ballads, by contrast, the persistent references to Border territories as "the Greenwood" are conspicuously inapt, particularly considering the ballads' limited production and circulation: that is to say, by and for Borderers, whose keen awareness of the waste that had been made of their land was central to their identity. The Borders sat on a particularly unforgiving swash of terrain: mountainous, rarely arable, and not particularly green no matter the time of year. In his *Comprehensive guide to the county of Northumberland* (1888), British historian William Weaver Tomlinson touchingly described the Border region as "a desolate looking tract of treacherous moss-hags and oozy peat flats, traversed by deep dykes and

interspersed with black stagnant pools."[452] By the late middle ages, the domestic

demand for timber placed considerable strain on Scottish forestland, including those in

the Borders; and while the forests were probably not utterly reduced to waste, it

became a pervasive rhetorical trope in political complaint. At the turn of the sixteenth

century, Parliament declared that all the wood in Scotland was "uterlie distroyit."[453]

Yet this challenging terrain could provide its own protection, albeit one very

different from Robin Hood's Greenwood. Robin's Greenwood is rendered inaccessible

by an Otherworldly logic; the outlaws' camp cannot be found until interlopers take the

truth trial and join Robin in a feast. Before the performance of these rituals, the

Greenwood stretches endlessly around an inaccessible center, Robin's trystell tree. The

discursive practices that structure the Borders, on the other hand, are the oral histories

that pass down a detailed knowledge of the land and its dangers. Leslie marveled that

"gif out of thick wodis thay be chaist, to hich mountanis thay præpair; gif out of

mountains thay be dung, to the watir bankes of riueris and dubis thay flie. Agane

gif thay perceiue that frome that place thay mon flie, schortlie thair followers

thay saiflie deceiue throuch certane difficile myres, quhilkes albeit thay be lyke

---

[452] William Weaver Tomlinson, *Tomlinson's Comprehensive Guide to Northumberland: A Reprint of the 11th Ed. of Comprehensive Guide to the County of Northumberland* (New York: A. M. Kelley, 1969), 481.
[453] John M. Gilbert, *Hunting and Hunting Reserves in Medieval Scotland* (Edinburgh: John Donald Publishers, 1979), 238-9.

medowis greine abone, and lyke fast ʒeard appeir vndirneth, ʒit quhen a man

entiris, thay sal gaip wyd, and swallie him vp in a maner to the deipth."[454]

The protection the land provides is not defensive, but offensive. Where the land

appears green and welcoming—"lyke medowis greine abone"—it poses an active

threat to travelers. The most pleasant-looking land is the deadliest, literally swallowing

up the unwary; the Borderers' protection lay in their ability to tell the difference, to

avoid being digested by their own land.

Elsewhere in the Border ballads, the allusions to the Greenwood demonstrate

familiarity with these traditions, though this familiarity only serves to inform the

precision with which the Border ballads invert established tropes. Take the following

declaration, which would not have been out of place in a Robin Hood tale:

"So shall we take our dinner sweet,

Our dinner's sure, our feasting free,

Come and dine 'neath the Greenwood tree!"[455]

Here the Greenwood is a familiar heterotopia, which shelters the diners without

confining them, exists outside of the economics of the 'real world, and fosters

camaraderie and belonging in a festive atmosphere—all deeply disturbing qualities, in

the context of a conversation between two carrion crows as they celebrate the

---

[454] John Leslie, *Historie of Scotland*, 99.
[455] Alice Furlong, "On Woods," *The Irish Monthly*: 42.488 (1914): 76.

discovery of a murdered man's remains. The discordance between the ballad's

gruesome subject and its purported setting elevates the Greenwood to a new and

sinister place, displacing the positive connotations of "plenty" and leaving only the

excess behind. The ballad engages with the undercurrent of knowledge that tends to

run more implicitly in a Robin Hood ballad: the Greenwood is predicated on

deprivation and violence, and it supports itself under the same blood economy that

drove the outlaws to the Greenwood in the first place.

Johnnie o'Braidiesleys is a representative example of how the Border ballads

strip down the familiar encounters between outlaw poachers and royal foresters to their

exchanges of blood. The ballad begins promisingly enough in the Greenwood mode,

with Johnnie rising on a May morning, shouldering "his gude bend bow, / [And] his

arrows, ane by ane"[456]—and, in several versions, donning the "Lincolm green"[457] of

Robin Hood's men. Thus liveried, he decides to "gae to the gude green wood, / The

dun deer to ding doon."[458] The alliteration jauntily imitates the twanging of his bow,

drawing the ballad singer and audience into the Greenwood alongside Johnnie as part

of collective soundscape. Johnnie himself is absorbed naturally into the Greenwood's

soundscape; the noise of his activity and of his dogs does not alert the foresters to his

---

[456] Child Ballad 114F, *English and Scottish Popular Ballads*, F. 4$^{1-2}$.
[457] Child Ballad 114A in *English and Scottish Popular Ballads*, A.4^4; also B.2^4 ("Linkum green"), C.2^1 ("Lincum green"), and G.2^4 ("licht Lincoln green").
[458] Child Ballad 114G, *English and Scottish Popular Ballads*, G. 5$^{3-4}$.

presence. It is the noise of another man that dooms him. A "silly auld man" carries

word of Johnnie's actions to the foresters—who, notably, are not already present within

the forest, but are ensconced in their administrative center in a nearby burgh. They,

like the circuit justices of Chapter Three, may attempt to circumscribe the king's land

with the king's law, but their mandate relies on the force of local rumor.

The foresters, having crept up to Johnnie while he sleeps off his feast, decide to

shoot him before he wakes, and the moment folds the forest, the law, and lawless

violence into an indistinct tangle: as summary execution echoes the act of poaching—

with the foresters as the hunter and Johnnie as the deer—it simultaneously reveals the

way the law strips Johnnie of his humanity, calls the legitimacy of summary execution

into question, and magnifies the original violence of the hunt. Johnnie sleeps, as is

conventional in the ballads, by a stream, but the real life-water of the forest is blood;

his nap is brought on by drinking "sae meikle o the blude,"[459] and later, it is the splash

of Johnnie's own blood in his eyes that wakes him.[460] Johnnie returns the favor by

---

[459] Child Ballad 114D in Childe, *English and Scottish Popular Ballads*, D.9^2.
[460] The repeated emphasis upon Johnnie's "bludey hounds" underlines this theme, but
it also reflects a common legal argument in forest cases. When the foresters find
Johnnie's dogs "[t]heir mouths were dyed wi blude" (F.13^4). Foresters often cited
catching a hunting dog "red-handed" as evidence of poaching, even and especially
when they had no other way to prove who had shot a deer. In 1255, for example,
"walking foresters of Weybridge… met a certain red greyhound worrying a doe. And
they called the said greyhound and took it," and though they never saw the poacher,
the foresters arrested on Gervais of Dene the next day after canvassing the four
neighboring townships "to inquire… whose those greyhounds were." A justice of the

killing all but one forester, who he maims and props up on a horse to bring word of the

episode back out of the forest. This particular ballad borrows strikingly from the Robin

Hood tradition, as Johnnie, in his final moments, emulates the famous outlaw:

> Johnie's set his back against an aik,
>
> His fute against a stane,
>
> And he has slain the Seven Foresters,
>
> He has slain them a' but ane.[461]

The injuries he inflicts on the final forester echo the damage done to his bow, an

extension of his body; his "gude bent bow is broke," like he breaks a gruesome

catalogue of the forester's bones, from his ribs to collar bone, and "laod him twa-fald

ower his steed" to "carry the tidings hame"[462] Johnnie's body remains behind in the

forest, his blood digested by the ground just as he and his dogs earlier drank the

deer's blood.

While the Greenwood in *Johnnie o'Braidiesleys* exposes the destructive force of

gossip which recirculates as the king's law, it also foregrounds a sense of belonging to

the land that the king's foresters cannot expunge with their patrols. Despite Johnnie's

---

eyre agreed that on this evidence "it is proved by the foresters and verderers that he is an evil doer to the venison." (Gervais, having escaped prison by this point, was outlawed.) As a known "evil doer to the venison," the dog's bloody muzzles would be grounds for Johnnie's summary execution. See G. J. Turner, ed., Curia Regis. *Select Pleas of the Forest* (London: B. Quaritch, 1901), 12 and 77-78.
[461] Child Ballad 114F in *English and Scottish Popular Ballads*, F.17[1-4].
[462] Child Ballad 114F in *English and Scottish Popular Ballads*, F.25[1], F.18[3-4] .

death, the Greenwood persists as a space in which people can reconfigure unequal powers. Border ballads stage these violent exchanges not only between outlaws and foresters but also between lords and the women they seeks to claim. For the English outlaw, Greenwood is always a haven; even the resentful outlaw of *Trailbaston* reframes his exile as choice: "So I'll stay in the woods under fresh cool shade / Where there's no treachery nor twisting of laws."[463] For the Borderer, the Greenwood may be a true refuge of last resort, not only to outlaws but also to others who find themselves on the precarious edges of society, including women driven by *geas* or pursuit.[464] *Lord Thomas and Lady Margeret* depicts a man's attempt to assault his lover as a kind of grand hunt:

> He called up his merry men a'
>
> By ane by twa an' by three
>
> Sayin' gae an' hunt this wild woman
>
> Mony a mile frae me.[465]

---

[463] "The Outlaw's Song of Trailbaston," 17-18, in Ohlgren, *Medieval Outlaws*, 160.
[464] Janet, the plucky heroine of "Tam Lin," is the exception that proves the rule. She goes to the Greenwood of her own volition, and when cornered there by the ballad's eponymous faerie lover, asserts her legal claim over the land. Later, in parallel scenes, she lays claim to the responsibility for her pregnancy before her father, to the right to abort the child before Tam Lin, and finally the right to Tam Lin's body to the faerie queen. Her ability to claim the woods as her own is central to her ability to control her own (and Tam Lin's) body.
[465] Lyle, "Lord Thomas and Lady Margeret," 2[1-4].

Margaret's incorporation into the forest ecosystem only accentuates her vulnerability: her red dress suggests a fox as the men "hunted her high, they hunted her low, / They hunted her over the plain."[466] Thomas and his "merry men" pursue her for miles through the "greenwood shaw," until Margaret finds refuge with a stranger who will only shelter her if she marries him. She surrenders her body for the safety of walls. Margaret's flight through the Greenwood brings her paradoxically back to the center of a normative social economy, as she submits to the protections of marriage. When Lord Thomas arrives at the castle disguised as a begger, he vows to kill Margaret's new Lord with his "braid sword" and reclaim her.[467] She offers him a drink of poisoned wine, and to assure him that the drink is safe, she "put it tae her rosie cheeks / Syne tae her dimple'd chin / She put it tae her rubbie lips," but does not ingest and incorporate it, for "ne'er a drap gaed in."[468] As Thomas succumbs to the poison and complains that he feels weary, Margeret points out to him, "An' sae I was o' your hounds Lord Thomas / Whan ye hunted them after me."[469] Thomas's rapacious appetites—for sex, for hunting, for drink—unmake him. Even Margaret's apparently merciful assurances that she will provide him with a proper burial (by telling her husband that Thomas is her sister's son) ensures that he dies in a stranger's stronghold, stripped even of his name.

---

[466] Child Ballad 260A, A.4$^{1-2}$.
[467] Lyle, "Lord Thomas and Lady Margeret," 9^{3}.
[468] Ibid., 13$^{1-4}$.
[469] Ibid., 14$^{3-4}$.

Thomas's misdirected, excessive violence against an innocent woman whom he treats as prey rebounds on his own body. Even so, this Greenwood adventure does not quite balance out. The stain of his violence, both physical and verbal, must remain behind: no matter the Greenwood's positive associations, we cannot quite forget Clerk Tamas ordering his men and hounds to "hunt this vile whore."[470]

Throughout the ballads, relocation to the Greenwood corresponds to an increase in physical violence. Of the roughly 250 variants of *Lady Isabel and the Elf Knight* attested across Europe, nearly all place the action in some body of water: variously, the sea, a river, even a well. The Scottish border variant I will call *Gowans* is unique in several interconnected ways. Other variants tell a denser, longer version of the same tale, packed into alternating rhyming couplets ABAB, while 4A is pared down to a single couplet interwoven with the distinctive repeating response, "Aye as the Gowans grow gay / ... / The first morning in May."[471] This springtime pastoralism echoes the movement, emphasized twice in the ballad's body, from Isabel's bower to the Greenwood.

The basic premise of *Gowans* is much like a romance in the mode of Marie de France: castle walls fail to keep a determined faerie lover from the window of a king's daughter. Unlike the *lais*, however, the elf knight is unable or unwilling to pass through

---

[470] Child Ballad 260, 260B.4[4]
[471] Lyle, "The Gowans Sae Gay," 1[2,4].

Isabel's window and must lure her out, and here the ballad's relationship to courtly romance begins to break down, as his invitation slips immediately into threat: "But will ye go to yon Greenwood side? / If ye canna gang, I will cause ye to ride."[472] Upon arrival at the "Greenwood together,"[473] Isabel discovers her would-be lover is an otherworldly serial killer: the forest is filled with the bodies of the seven king's daughters who came before her. Like Robin Hood, Isabel lures her companion into complacency with promises of ease and comfort, by suggesting he take a nap on her lap before going about the exhausting business of murder. After lulling him to sleep, she binds him with "his ain sword-belt" and "wi his ain dag-dur sae sair as she dang him." [474] Isabel reverses the threat of penetration from her body to the Elf Knight's. While Isabel enacts a violent penetration of her own, her actions, unlike the Elf Knight's, are not destructive; his death balances that of the women he has killed. Her actions are medicinal: she "bleeds" his toxic excesses and restores order to the land, in a distinctly Borderer variation on the tale.

In all five other English-language versions (Child B-F) Isabel employs a ruse— turning her back as she undresses, asking him to lean down to kiss her—to unbalance her assailant and then watches him drown in her place, refusing his final pleas for mercy. While Isabel herself is hardly passive (in several versions, she swims skillfully to

---

[472] Ibid., 5[1,2].
[473] Ibid., 6[2].
[474] Ibid., 12[1,2].

shore while the Elf Knight drowns behind her), her method of execution fits Richard

Firth Green's taxonomy of the occlusive punishment, which "imply a reluctance to

employ direct human agency in order to bring about death, as if the community is

unwilling to go further than to expose a felon to a situation where natural forces will

hasten his or her end."[475] Stranded in the Greenwood, however, *Gowan*'s Isabel binds

and brutalizes the Elf Knight with his own belt and knife, in a striking echo of Robin

Hood and Little John's revenges in "Guy of Gisbourne" and "Robin Hood and the

Monk."[476]

The Scottish ballad's alternating refrain, repeating as a persistent echo through

all thirteen verses, insist—even as the ballad's action descends into desperate

violence—on the conventional beauty and fecundity of the springtime Greenwood

where it takes place: "Aye as the Gowans grow gay / … / The first morning in May."[477]

The sexual violence of the ballad's action is set against the inevitable turning of the

seasons, so that the coming of spring atypically foreshadows the relentless circularity of

bloodshed. Fecundity does not correspond with the ease of Robin Hood's Greenwood;

instead, *Gowans*, like other Scottish Greenwood ballads, picks up on its potential for

---

[475] Richard Firth Green, "Violence in the Early Robin Hood Poems," in *'A Great Effusion of Blood'?: Interpreting Medieval Violence*, ed. Mark D. Meyerson, Daniel Thiery, and Oren Falk (Toronto: University of Toronto Press, 2004), 275.
[476] For a discussion of these ballads, see: Richard Firth Green, "Violence in the Early Robin Hood Poems," 268-286.
[477] Lyle, "The Gowans Sae Gay," 1[2,4].

excess and its temptation as a provocation to possessive violence. Like a woman's

womb, the Greenwood in spring grows and bears fruit, but it is planted perversely with

women's bodies. The circular analogy of womb-nature-woman is short-circuited by the

seven barren wombs fertilizing the Greenwood's trees.

"The Battle of Otterburn" vs. "The Hunting of the Cheviot"

The feasting of the land on the abject bodies of the ballads reveals the

unacknowledged tragedy of outlaw feasts: no matter how much blood and meat the

forest consumes, it ultimately remains unproductive. So it is that, watering the ground

with blood, the Borderers cultivate their waste for a grim harvest. "O Christ! it was

great greeue to see," the narrator of *The Hunting of the Cheviot* cries, "how eche man

chose his spere, / And how the blood out of their brests / did gush like water cleare."[478]

Watering the ground with blood, the Borderers cultivate their waste for a grim harvest.

The Battle of Otterburn took place in August of 1388. The English forces were led by

Henry "Harry Hotspur" Percy, the 2nd Earl of Northumberland; the Scottish, by James

Douglas, 2nd Earl of Douglas and Mar.[479] Like many of the major Border ballads, the

---

[478] Child, "The Hunting of the Cheviot," 162B.30[1-4].

[479] Perhaps significant to his depiction in *The Hunting of the Cheviot* as a pseudo-Outlaw King, Harry Hotspur was something of a career rebel whose primary loyalty was to his own best interests. In 1399 he helped Henry Bolingbroke seize the throne from Richard II; in 1403 he rebelled in turn against Henry IV and was killed in battle by Henry's forces.

events are corroborated in chronicles, significantly by Froissart, Fordun, and Andrew of

Wyntoun. The basic facts are these: in one of several coordinated Scottish incursions

across the border, Douglas and his troops laid waste to swathes of Durham and

Northumberland. Hotspur's English troops caught up with them at Otterburn Castle

late in the evening, and the subsequent battle lasted into the night. Both ballads and

chronicles agree that Douglas was killed, unnoticed, at some point in the darkness;

nevertheless, the Scottish soundly routed the English, and Percy was captured and

ransomed.

Two very different Border ballads commemorate the battle. The earlier entry,

The Battle of Otterburn, cleaves closely with Froissart's account in most details.[480] The

ballad's mode is overwhelmingly romantic; its main action concerns the Douglas's

victorious incursion into English territory and subsequent attempt to return to his

Scottish stronghold with his rival's pennant. The titular battle takes place in the field

where Douglas's men make camp. *The Hunting of the Cheviot*, by contrast, casts Percy

in the role of aggressor and reimagines the same chase as a Grand Hunt that Percy

defiantly holds on Douglas's land, with the Scottish as the English archers' quarry.

The ballads differ as much in their characterization of the "Greenwood" as in

their account of the battle. *The Battle of Otterburn*, which I will look at first, is drolly

---

[480] For a comparison of the two, see *The Illustrated Border Ballads*, ed. John Marsden and Nic Barlow (Austin, Texas: University of Texas Press, 1990), 20-27.

aware of the apparent correspondences between the tumultuous Borders and the

outlaw's Greenwood. It draws attention to the land's deceptive promises of hunting

and freedom only to reject them, posing reiving as a pseudo-cultivation of the land.

Though *The Battle of Otterburn* opens with hunting by declaring that "doughty

Douglas bound him to ride / Into England, to drive a prey,"[481] it immediately shifts its

focus to open land and waste, as Douglas (along with the Gordons, Graemes, and

Lindesays, but absent the Jardines, who "rue it to this day") carves a devastating path

to Newcastle, burning "the dales of Tyne / And part of Bambrough shire,"[482] as well as

several fortifications.

Although *The Battle of Otterburn* shares rural concerns with other Greenwood

escapades, it does so in the sense that the Otterburn is quite plainly a battle*field*.

When Percy challenges Douglas to wait for him at Otterburn, Douglas observes rather

wryly that

> "The Otterbourne's a bonnie burn,
>
> 'T is pleasant there to be,
>
> But there is naught at Otterbourne
>
> To feed my men and me."[483]

---

[481] Lyle, "The Battle of Otterburn," 1[2-4].

[482] Ibid., 3[1,2].

[483] Ibid., 11[1-4].

Douglas's concerns for his men's provisioning stand even though the Otterburn

seemingly fulfills the Greenwood's promises: at Otterburn, "The deer rins wild on hill

and dale, / The birds fly wild from tree to tree; But there is neither bread nor kale / To

fend my men and me."[484] Douglas's objection draws a distinction between good

hunting land—a Greenwood, filled with the birdsong that heralded Robin Hood's

return to the Greenwood in the *Gest*—and land that can provide real sustenance. Wild

deer do not, in fact, meet the needs of the many bodies in his care, his own included,

and Douglas's preference for the most basic agricultural products (bread and

cabbage!) is framed by his own efforts to lay England's pastures to waste.

Since the open fields of Otterburn provide neither the food nor the shelter

promised by the Greenwood, the Scots are forced to pitch camp "upon the bent

[course grass] sae brown."[485] Deer it might have, but this is land that is already, and

perhaps always, wasted. The ballad reimagines this stop not as a requirement of the

long journey, but a requirement according to the terms of Douglas's feud with Percy.

Despite his concerns, Douglas pledges his "troth" to wait for Percy and provide an

opportunity for fair retribution (also thereby denying Percy the pleasure of the hunt).

Notwithstanding the freedom promised by this pseudo-Greenwood, Douglas does not

make good his escape from his pursuers. The reivers are bound to the land through the

---

[484] Ibid., 11[1-4].
[485] Ibid., 15[2].

speech acts and rituals exchanged by their wardens. True to his own word, Percy

arrives at Otterburn in time to trade blows with Douglas; their duel alone causes blood

to run on the brown grass "like raine"[486] in a grim parody of fertility. Mortally wounded,

Douglas begs his nephew Hugh Montgomery to hide his body so that his "merrie

men" do not see it. He directs Montgomery to "hide me by the braken-bush, / That

grows on yonder lilye lee [fair meadow]."[487] The shelter that the field could not provide

Douglas's men it narrowly provides Douglas's corpse. The concealment allows the

battle to continue, soaking both the ground and the combatants in sprays of blood, as

thousands of knights and common soldiers "were slayne in the fylde."[488]

Douglas's humble resting place ironically comes to emphasize the English

captain's complete debasement. Having at last subdued his English rival, Hugh

Montgomery tragi-comically demands Percy submit his surrender to the fern

concealing Douglas: "Thou shalt not yield to lord nor loun, / Nor yet shalt thou yield to

---

[486] Ibid., 21[4].
[487] Ibid., 25[3-4].
[488] Child, "The Battle of Otterburn" A 66[1]. The sowing of fields with the Otterburn dead, unfortunately, has some basis in historical fact. See William Weaver Tomlinson, *Tomlinson's Comprehensive Guide to Northumberland: A Reprint of the 11th Ed. of Comprehensive Guide to the County of Northumberland* (New York: A. M. Kelley, 1969), quoted in Reed, *Border Ballads*, 135. In 1810 and 1877 workers clearing accumulated earth from the walls of the church of St Cuthbert in nearby Elsdon discovered tightly-packed mass graves containing hundreds of "young and middle-aged men" each. The church itself was constructed around 1400, only twelve years after the battle, and thus "the foundations of the north wall were found to be not so deeply laid as other parts of the church, the builders evidently wishing to avoid disturbing the half-decomposed bodies."

me; / But yield thee to the braken-bush, / That grows upon yon lilye lee." Mistaking

Montgomery for a churl and outraged by his bizarre demand, Percy objects:

> "I will not yield to a braken-bush,
>
> Nor yet will I yield to a brier;
>
> But I would yield to Earl Douglas,
>
> Or sir Hugh the Montgomery, if he were here."[489]

The fight to seize land has rendered Douglas a part of it, while Percy's obsession with

reputation and position fails him at the critical moment. This, like his loss, is the result

of his inability to identify the real stakes of the engagement; while Percy's identity is

absurdly bound to his pennant, Douglas's is grounded in the land itself. Realizing at

last his gaffe, Percy "f[alls] low on his knee" (154) before Montgomery and the fateful

ferns. This moment, gleefully absurd though it is, is still poignant. As Douglas

predicted, the Greenwood could provide his men neither food nor shelter; but it is just

sheltering enough to incorporate their bodies. If the Otterburn cannot feed them, yet

they can feed the Otterburn: and it has a hunger that can never be met and a body

that never benefits from feasting.

In *The Hunting of the Cheviot*, by contrast, Douglas finds his final rest under the

shade of a great tree. Just as the *The Battle of Otterburn* is keenly aware, the actual

site of the battle of Otterburn was little like a Greenwood, so the later versions simply

---

[489] Lyle, "The Battle of Otterburn," 33[1-2].

relocate the battle to the Cheviots.[490] Even beyond the standpoint of historical

accuracy, the switch makes little sense, if only because in its new position in the west

the battle is nowhere near Douglas land. But then, the garbled sense of geography

conforms to Greenwood type; in the *Gest*, we find Robin Hood moving between

Barnesdale, Nottingham, and London in the space of hours.

The Hunting of the Cheviot embraces Greenwood motifs in precisely the ways

that *The Battle of Otterburn* refuses to do. At the ballad's opening, Percy declares his

intention to kill and carry off the "fattiste hartes in all Cheviat"[491] in direct defiance of

Douglas's claim. Yet even as the Cheviot adheres to the Greenwood's promise of

freedom and plenty, it operates on the inverse of the Greenwood's typical spatial

function. In Robin Hood and other outlaw tales, outlaws massacre burghers and

bureaucrats to seek an escape from English Common Law. Here Percy himself, the Earl

of Northumberland and representative of the king's law in the march, seeks

paradoxically to assert the English king's claim on the land by defying English law,

which prohibited hunting in the King's forest. Percy's refusal to acknowledge the

dominion of the Scottish king or "any Scot" immediately precedes Earl Douglas's

---

[490] Marsden and Barlow, *The Illustrated Border Ballads*, 25. Anecdotal evidence from 18th century antiquarians placed the supposed "Chevy Chase" near Homildon Hill (the site of a 1402 battle), and it is possible that the ballad has conflated the two sites.
[491] Child, *Popular Ballads Vol. III*, "The Hunting of the Cheviot," A 2[1].

slaying at the anonymous hands of an English bowman, as if Douglas were one of the

deer the archers were ostensibly brought to hunt.

Before the English draw out their true quarry, they, unlike Douglas in *Otterburn*,

take the opportunity to hunt the deer *par force*.[492] *Par force* hunting entailed an eight-

part ritual: 1) the quest or harboring of the hart, 2) the "assembly," or "gathering," 3)

the "relays," 4) the "unharboring," "finding," or "moving," 5) the "chase," 6) the

"death" or "baying," 7) the "unmaking," or "breaking," and 8) the "curée."[493] Indeed,

the killing of the deer is far more elaborate and ritualized than the killing of men which

follows it: "dryvars" raise the deer (assembly) and "bomen" await them (relay) as

"greahondes thorowe the grevis glent, / for to kyll thear dear" (the unharboring and

the chase).[494] Percy only "blewe a mort" (the death) to signal the "bryttlynge off the

deare" (the unmaking) after he and his men have gathered an astonishing and

excessive hundred fat harts.[495] This leaves only the curée in the ritual of the Grand Hunt

par force, or the meat cast to the dogs: and right on cue, Douglas appears with his

"meany," beginning the charnel-house slaughter of thousands. The ballad's

---

[492] Gilbert, *Hunting and Hunting Reserves in Medieval Scotland*, 57. Hunting *par force* was a serious undertaking involving running or scenting hounds, and a large hunting party and supporting staff. It was "the classic of medieval hunting."
[493] John Cummins, *The Art of Medieval Hunting: The Hound and the Hawk* (Edison, NJ: Castle Books, 2003), 32-46.
[494] Child, *Popular Ballads Vol. III*, "The Hunting of the Cheviot," A 5[1,2], 6[2-4].
[495] Ibid., A 8[1,4].

subsequent depiction of sparring "under the Greenwood tree"[496] is grotesque when re-

contextualized by the death of nearly "fifteen hundred English men"[497] under its

shade.[498] Even at their most wantonly destructive, outlaws never achieve—or aspire

to—this sort of devastation, either of deer or of men.

   If the outlaw ballads discussed in Chapter Three make a point of ruthless

dispatching the outlawed hero's enemies, *The Hunting of the Cheviot* extends the

outlaw's prerogative to nameless, massed bowmen. Indeed, *The Hunting of the*

Cheviot takes a certain grim pleasure from the anonymous nature of death by bowman,

a death which bore no regard for rank or even prowess in battle. In the romantic mode

of *Otterburn*, Douglas dies in close combat, and although perforated in four places by

spears he lingers, imparting instructions to his noble nephew, for over eight verses. In

the *Hunting* he is killed with the same abrupt, pragmatic brutality that Richard Firth

Green finds in the Robin Hood ballads.[499] Here, however, it is less a statement of

survivalism than fatalism. Whereas Robin must resort to swift and ruthless tactics in

---

[496] Ibid., B 54^4.
[497] Ibid., B 54^1.
[498] Gilbert, *Hunting and Hunting Reserves in Medieval Scotland*, 59-60. Suggestively, there are no extant references to *par force* hunting in Scotland, despite its popularity and precedence in the rest of Europe. The Normans brought *par force* hunting to England, where it was extremely popular. It may not be a stretch to say that contemporary audiences would have recognized this depiction of *par force* hunting as particularly, even aggressively, English.
[499] Richard Firth Green, "Violence in the Early Robin Hood Poems," 268-286.

order to survive his encounter with the sheriff and his superior numbers, the powerful

noblemen are here the ones most vulnerable to massed common bowmen.

Though longbowmen formed the backbone of English military success, they

seldom feature very prominently in the death of a knight, enemy or not, particularly in

romances. But the *Hunting* presents a turn away from both the chivalric code and the

law of equivalencies that drives medieval literary depictions of long, tortured battles

between well-matched warriors. The logic of these chivalric romances requires that a

knight proves his worth by defeating—by the very skin of his teeth!— a worthy

opponent. *The Hunting of the Cheviot* short-circuits this possibility; Douglas and Harry

Hotspur do duel, but their engagement is cut short by an impersonal arrow, sent

"forthe off a myghttë"[500] but anonymous archer. That this is a clever reworking of a

literary motif rather than simple reportage is supported by the chronicles, which agree

that, the battle having taken place at night, the English bowmen were notable non-

participants.[501]

Even if Percy had succeeded in personally felling the best "man of heart [or] of

hand... in the north country,"[502] it evidently would not have made him a more valuable

retainer to his kind: when news of Percy's own death reaches his king, Edward is

---

[500] Child, *Popular Ballads Vol. III*, "The Hunting of the Cheviot," A 36[2].
[501] Ibid., 294 n. 43, 49. Child's dry aside: "It will be remembered that the archers had no part in this fight." See also Colin Tyson, "The Battle: When and Where it was Fought," in Goodman and Tuck, *War and Border Societies,* 82.
[502] Child, *Popular Ballads Vol. III*, "The Hunting of the Cheviot," B 60[4].

regretful but feels England is frankly none the worse for Percy's demise: "I trust I haue within my realme / fiue hundred as good as hee."[503] Singular heroes do not carry greater worth than the vast numbers the Crown can call upon (and who, after all, got the job done). The king's cold reckoning of the economics of violence is a disturbing inversion of the usual romantic caterwauling over the death of a 'parfit' knight, the romantic mode in which *Otterburn* wallows grandly. Though King Edward's response defies both poetic convention and historical fact, it is very much in keeping with the prominent role that massed bowmen, rather than knights, play in the ballad. One English bowman is as good as another on the field, and so it is with great lords too. Nevertheless, the injury must be returned in order to restore balance; Edward declares, "Yett shall not Scotts nor Scottland say / but I will vengeance take," and takes his due at Humble-down where "in one day fifty knights were slayne / with lords of great renowne."[504] From a historian's perspective, the conclusion of *The Hunting of the Cheviot* is a useless confusion: Percy did not die at Otterburn, and Edward was not king. The changes, however, align the story with the principles of a blood feud and bring it into conformity with outlaw escapades' association with archery. And it is

---

[503] Ibid., B.60$^{3\text{-}4}$.
[504] Child, *Popular Ballads Vol. III*, "The Hunting of the Cheviot" 61$^{1\text{-}2}$, 62$^{3\text{-}4}$.

tempting to note that Robin Hood ballads, most prominently the *Gest*, also operate

under the aegis of an ahistorical "King Edward."[505]

The Battle of Otterburn is, in many ways, typical of Borderer self-fashioning.

Unlike *The Hunting of the Cheviot*, its concerns are primarily local and interpersonal,

per the Borderer's organization and orientation—Douglas and Percy, not Scottish and

English. *The Hunting the Cheviot* is both later and English-oriented, and its scope is

ultimately national; Carlisle is part of a larger body politic, a bureaucratic network

across which Percy's loss can be felt. *Otterburn*'s conclusion is closely grounded in the

time, space, and bodies involved, which interlock and combine: Percy surrenders by

striking "his sword's point in the ground," and Montgomery takes "him by the honde"

to lead him away. The last stanza of *The Battle of Otterburn* focuses on a single patch

of ground "at the Otterbourne, / About the breaking of the day," where "Earl Douglas

---

[505] In 1388, during the Battle of Otterburn, Richard II was in fact king. One possible explanation for Edward's callousness is that the ballad preserves a tradition of conflict between one of the Percies—all confusingly named Henry— and the king of England; Hotspur did not after all die at Otterburn but rebelling against Henry IV (who he earlier had helped to overthrow Richard II). But then one might expect the transposed king to be Henry. Edward is a fairly random choice, as Edward III died a decade before the battle, and no Edward ruled again until Edward IV, 54 years later. Moreover, this Edward did, contrary to the ballad's claims, require all the knights he could get to shore up his position against the Lancastrians; and the contemporary Henry Percy, fourth Earl Northumberland, was a hard-won ally, only recently released from the Percy's long feud with the Nevilles. It therefore seems unlikely then that another the compounding of even Homildon Hill into *The Hunting of the Cheviot*'s account of the battle accounts for the appearance of "Edward" and his dismissal of Percy's death.

was buried at the braken-bush."[506] Douglas's burial grounds him in the field even as

Percy leaves it, continuing the cycle of occupation. In *Otterburn's* Borders, Greenwood

and wasteland become indistinguishable. Stripped of its idealized qualities, the

Borderers' Greenwood exposes the simple fact that birds and deer do not sustain

outlaw communities— blood does. Border ballads figure a viable, if precarious,

community beyond the violence of the king's law—which must resort to violence in

order to sustain itself, until feuding violence becomes so ritualized and excessive that

the Greenwood reproduces the bloodshed it seeks to escape.

Conclusion

In October of 1525 the Archbishop of Glasgow, Gavin Dunbar, undertook

particularly strange (and ineffective) project to pacify the Borders: a curse. The 1,069-

word curse, reproduced by the diplomat Thomas Magnus in a letter to Cardinal

Wolsey, is worth quoting at length:

> "And thairfoir my said Lord Archibischop of Glasgw hes thocht expedient to
> strike thame with the terribill swerd of Halykirk…and hes chargeit me or ony
> uther chapellane to denunce, declair, and proclame yaim oppinly and generalie
> cursit, at yis market croce, and all utheris public places…. [Though the authority
> of God and his saints.]…I denunce proclamis and declaris all and sindry the
> committaris of the said saikles murthuris, slauchteris, birnyng, heirschippis,
> reiffis, thiftis, and spulzeis, oppinly apon day licht and under silence of the night,
> alswele within temperale landis as kirklandis; togither with yair takaris, assistaris,
> supplearis, wittandlie resettaris of yair personis, the gudes reft and stollen be

---

[506] Lyle, "The Battle of Otterburn," 35$^{2-4}$.

thaim, art or part yerof, and yair counsalouris and defendouris of yair evill dedis; generalie cursit, waryit, aggregeite, and reaggregeite, with the greit cursing. I curse yair heid and all ye haris of yair heid; I curse yair face, yair ene, yair mouth, yair neise, yair toung, yair teith, yair crag, yair schulderis, yair breist, yair hert, yair stomok, yair bak, yair wame, yair armes, yair leggis, yair handis, yair feit, and everilk part of thair body fra the top of thair heid to the soill of thair feit, befoir and behind, within and without. I curse yaim gangand, I curse yame rydand; I curse yaim standand, I curse yaim sittand; I curse yaim etand, I curse yaim drinkand; I curse yaim walkand, I curse yaim slepand; I curse yaim rysand, I curse yaim lyand; I curse yaim at hame, I curse yaim fra hame; I curse yaim within the house, I curse yaim without the house; I curse yair wiffis, yair barnis, and yair servandis participant with yaim in yair deides. I wary yair cornys, yair catales, thair woll, yair sheip, yair horse, yair swyne, yair geise, yair hennys, and all yair quyk gude. I wary thair hallis, yair chalmeris, yair kechingis, yair stabillis, yair barnys, yair biris, thair bernzardis, thair cailzardis, thair plewis, thair harrowis, and the gudis and housis yat is necessair for yair sustentacioun and weilfair. All the malesouns and waresouns [due punishment], that ever gat warldlie creatur sen the begynnyng of the warlde to this hour, mot licht apon yaim. [List of all the plagues.] And all the vengeance, that ever wes takin sen the wardle began for oppin synnys, and all the plagis and pestilence that ever fell on man or beist, mot fall on thame for thair oppin reiff, saiklese slauchter, and schedding of innocent blude… I forbid all cristin man or woman till have ony cumpany with thame, etand, drynkand, spekand, prayand, lyand, gangand, standand, or in any uther deid doand, under the paine of deidly syn. I discharge all bandis, actis, contractis, aithis, and obligatiounis, maid to yame be ony persounis, ouyer of lawte kyndenes or manrent, salang as yai susteine this cursing; sua yat na man be bundin to yaim and yat yai be bundin till all men. I tak fra yame, and cryis doune, all the gude dedis yat ever yai did or sall do, quhill yai ryse fra this cursing… And finaly I condempn yaim perpetualie to the deip pit of Hell to remane with Lucifeir and all his fallowis, and thair bodeis to the gallowis of the Burrow Mure, first to be hangit, syne revin and ruggit with doggis, swyne, and utheris wyld beistis, abhominable to all the warld. And, as thir candillis gangis fra zour sicht, sa mot hair saulis gang fra the visage of God, and yair gude fame fra the warld, quhill yai forbeir yair oppin synnys foirsaidis, and ryse fra this terribill cursing, and mak satisfactioun and pennance.[507]

[507] *State Papers Published Under the Authority of His Majesty's Commission: King Henry the Eighth. Part IV: Correspondence Relative to Scotland and the Borders 1513-1534.* (London, 1836), 417-419.

The Bishop opens by imagining breaking the Borderers' communal body part by part, from hands to hair. He moves meticulously from the largest embodiments of Border identity to the smallest, beginning, significantly, with their actions. Their "reiffis, thiftis, and spulzeis" range across the space and time, across the region and throughout both day and night. Behind that, the Bishop sees a deeper infrastructure embedded in the reivers' communities, an insidious network of property exchange and legal defense. When he next moves on to cursing each individual body, the exhaustive survey of parts retrospectively emphasizes his belief that every member of their community, every action they take, every word they speak comes together to support a collective responsibility for reiving. This is bookended by his final malediction, in which he envisions the Borderers' hanged bodies torn apart and devoured by dogs and wild animals.

This final act of dismemberment and digestion not only erases the Borderers themselves, but also silences the sound and citation of their "gude fame fra the warld." The change in word choice, from "curse" to "wary" and back again, also seems significant given that "wary" is attached to the Borderers' ordinary workaday objects and spaces: crops and animals, household and outbuildings, not necessarily ill-gotten gains but "yat is necessair for yair sustentacioun and weilfair." "Wary" could mean both

"to curse… to invoke afflictions on" and "to slander." [508] The Bishop would not only

silence the stories of their "gude fame," he would disseminate the defamation of their

most private and ordinary movements. Though the curse failed to materialize, the

Bishop anticipated James I by three quarters of a century by recognizing that the

Borderers were bound together not only by feud and theft, but by stories and

exchanges. To break one set of customs, an authority would need to break them all.

In 1551 the Wardens of the English and Scottish marches tried to do just that.

They issued a joint proclamation: "All English men and Scottish men are, and shall be,

free to burn, spoil, slay, murder and destroy all and every such person or persons, their

bodies, buildings goods and cattle as do remain or shall inhabit upon any part of the

said Debatable Land, without any redress to be made for same." [509] In theory, by

agreeing in tandem to place an entire space *outside* the Law—any law, including

March law—the Wardens forced the Borderers to face true lawlessness. They could let

the Borderers destroy one another. Soon, Lord Maxwell of Scotland enthusiastically

seized the opportunity to burn down every building in the Debatable lands.

Unfortunately, all this accomplished was clearing the Armstrongs out and allowing the

Maxwells in.[510] What the Wardens failed to recognize was that the proclamation was

only legible in the first place within the context of longstanding Border feuds. They

---

[508] "Wary," *Dictionary of the Scots Language.* http://www.dsl.ac.uk/.
[509] Mack, *The Border Line*, 88.
[510] Ibid., 91.

could reasonably expect spoiling, slaying, murder and destruction because a system

was in place that would motivate the immediate, wholesale waste of a district.

Although neither England nor Scotland recognized the "Debatable Land" as a legal

territory from 1552 onward, Borderers continued to use the name and the space as

they had before. The proclamation may have denied Borderers the Wardens'

protection, but it still confirmed the customs of its people and fueled a new generation

of feud (and, presumably, ballads commemorating it).

The waste of the Debatable Land thus failed to pacify the Borders, just as the

Bishop of Glasgow's "Monition of Cursing" had before it. When "pacification"

succeeded, it succeeded due as much to the violence done to names and customs as it

did to physical violence. Border custom was, like much medieval law, preserved and

maintained by juries of recognitors. Unlike other juries, however, the Border juries

consisted of a mixed panel of six Scottish and six English recognitors; in order to

establish the border and maintain balance in the region, Borderers had to create a

hybridized narrative. James VI/I was determined to erase the border, and unfortunately

for the Borderers, *he* recognized what held the Borders together. In the parliamentary

session of Dec 1603 – Feb 1604, both English Houses of Parliament moved to repeal

hostile statutes, Border laws, customs, and treaties.[511] The Wardens tried to place the

Borderers outside of the law entirely, but they were already operating primarily on

---

[511] Galloway, *Union of England and Scotland*, 66.

custom, and they could not place the Borderers outside of their own memory, their own habits and customs. King James placed them separately within his own two laws, English and Scots, creating for Borderers on both sides a new subjecthood that he, a powerful monarch presiding over a new kind of peace, could genuinely enforce. He did not need to wound their bodies; he did not need to waste their land. He only needed to take away their narrative, the Borders figured in the recitation of customary law and re-enacted by songs and feuds.

Coda

The Bishop of Glasgow's "Monition of Cursing" comes with an even stranger coda. In 2001, the city of Carlisle installed a £6.7 million pound millennium art exhibition. Its focal point: a roughly ten-ton stone carved with 383 words from the curse, at the center of a floor carved with the names of the reiving families it targeted.[512] Soon, the residents of Carlisle began to blame the cursing stone for "events of biblical magnitude:" the city flooded, factories closed, livestock were devastated by foot-and-mouth disease, a young boy was murdered in a bakery, and— the source of the greatest consternation—the United Carlisle football team dropped a

---

[512] Jonathan Petre, "Archbishop to lift 'evil' curse linked to foot and mouth," *The Telegraph*, November 4, 2001, http://www.telegraph.co.uk/news/uknews/1361439/ Archbishop-to-lift-evil-curse- linked-to-foot-and-mouth.html.

league.[513] Graham Dow, the Bishop of Carlisle, told a dubious reporter from *The*

Telegraph "words have power and in as much as the curse wishes evil on people it

should be revoked...."[514] Words have power; the past has force.

---

[513] "The Curse of the Cursing Stone," *BBC*, March 19, 2006, http://www.bbc.co.uk/
cumbria/content/articles/2005/03/02/carlisle_cursing_stone_feature.shtml
[514] Petre, "Archbishop to lift 'evil' curse linked to foot and mouth."

CONCLUSION

"Is there in the whole world a being who would have the right to forgive and could forgive? I don't want harmony. From love for humanity I don't want it. I would rather be left with the unavenged suffering. I would rather remain with my unavenged suffering and unsatisfied indignation, even if I were wrong. Besides, too high a price is asked for harmony; it's beyond our means to pay so much to enter on it. And so I hasten to give back my entrance ticket, and if I am an honest man I am bound to give it back as soon as possible. And that I am doing. It's not God that I don't accept, Alyosha, only I most respectfully return him the ticket."

"That's rebellion," murmered Alyosha, looking down.

Fyodor Dostoyevsky
The Brothers Karamazov

In 1938 the British Parliament moved to formally abolish outlawry. In practice outlawry proceedings had "not been exercised upon anyone within living memory," but the medieval life of the outlaw could not be excised from the debate.[515] In the House of Commons, ministers balked at repealing "parts or the whole of a number of very ancient Statutes." The issue was the procedures necessary for formally abolishing outlawry. The proposed act would not only repeal laws dictating outlawry proceedings—it also struck "outlawry" from the Magna Carta, a medieval document with a powerful modern presence. The relevant passage promises

---

[515] HC Deb 09 May 1938 vol. 335 cc1323-78, "Administration of Justice (Miscellaneous Provisions) Bill." [Lords], http://hansard.millbanksystems.com/commons/1938/may/09/administration-of-justice-miscellaneous#S5CV0335P0_19380509_HOC_336

"No Freeman shall be taken, or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed [*utlagetur*], or exiled, or any otherwise destroyed; nor we will not pass upon him nor condemn him, but by lawful judgment of his Peers, or by the Law of the Land."

David Kenworthy, the Baron Strabolgi, was disturbed that this of all passages in the Magna Carta should be touched, for that "chapter I have always been told was the foundation of our liberties."[516] His concerns echo centuries' of medieval charters which reiterated guarantees of "liberties and ancient customs" preserved in local memory. In this sense, the Magna Carta is not only a functional legal document, it is a memorial of the liberties that define collective English identity. Any change produces a new text because it is contrary to its nature to erase part of that narrative. Major James Milner made no distinction between part and whole when he asked, "The [honorable] and learned Member appreciates that he is repealing Magna Charta?" The Attorney-General did not find the Act quite that dramatic: "No, not the substance, only two words—'outlawed, or.'"[517]

For others in Parliament, the timing and implications of the repeal were troubling. The act would abolish outlawry procedures in courts, but George Benson

---

[516] HL Deb 23 March 1938 vol 108 cc367-74, "Additional Offenses Triable at Quarter Sessions," http://hansard.millbanksystems.com/lords/1938/mar/23/additional-offences-triable-at-quarter#S5LV0108P0_19380323_HOL_192.
[517] HC Deb 09 May 1938 vol. 335 cc1323-78

saw that it not only failed to abolish outlawry as such, it introduced a sovereign

exception that would make outlawry proceedings a disturbingly simple matter of royal

prerogative.[518] "The only effect it has," Benson warned, "is to abolish the safeguards

relating to outlawry which have been established for seven or eight centuries…If the

Attorney-General has his way this [passage] will then read: 'No freeman shall be

imprisoned save by the judgment of his peers and the law of the land,' but outlawry

has no such safeguard." The Attorney-General, palpably exasperated by the furor over

a defunct medieval institution, explained that by this Act outlawry would be "abolished

altogether."

George Benson was no so sure that medieval outlawry did not have a living

presence in contemporary law. His blistering rebuttal anticipates Giorgio Agamben's

analysis of the sovereign exception:

> If you had abolished outlawry proceedings under Clause 12 and left the
>
> safeguard against outlawry then we should have got complete protection,
>
> because no proceedings could be taken and no outlawry can be pronounced
>
> save by proceedings, but by taking away the legal proceedings and removing
>
> the safeguards we are brought back to the pre-Magna Charta state and the
>
> Royal Prerogative will remain. I would have accepted this Bill on its face value
>
> and on the explanation of the Attorney-General had I not had a profound and

---

[518] HC Deb 09 May 1938 vol. 335 cc1323-78

well-grounded suspicion of this Government after the way they have been

hobnobbing with Franco and the Dictators. We have found that the main

weapon of these various dictators against trade unionists, Socialists and Jews is

what in effect is outlawry.[519]

In the way of most modern theory, most biopolitical historiography skips more or less

directly from classical democracy to the modern state. Although this genealogy has

been repeatedly problematized, many theoretical systems still contain, at their center,

a thousand-year blind spot. But in 1938, just months before Kristallnacht, one mostly-

forgotten British minister of Parliament saw the specter of the medieval outlaw in the

most systematic state of exception ever imposed in Europe. In casually dismissing the

Middle Ages from memory, Parliament ignored its legacy as nothing more than a

memorial, deserving of sentimental protection. Benson recognized the Magna Carta

and outlawry statutes as evidence of mechanisms that continue to undergird common

law. Whether or not scholars and politicians ignore medieval precedent, it is still part of

the structure of modern law and society. It is the responsibility of a narrative community

to do autobiographical work, because every word leaves its mark. Diseases of the state

are only ever in remission.

In the texts I have discussed, outlaw bodies and outlaw spaces expose a critical

junction within the realm of biopolitics: a place where the state of exception and the

---

[519] HC Deb 09 May 1938, vol 335 cc1323-78.

munus converge to direct their power and violence inward. Literary depictions of outlaw space can contradict and displace sovereign space. In ballads, out-lawry maps consistently onto the borough (inside) and the forest (outside). As Giorgio Agamben has argued, the distinction between the two legal states and spaces was never as simple as 'out-law' suggests:

> "He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather abandoned by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable. It is literally not possible to say whether the one who has been banned is outside or inside the juridical order."[520]

The law creates the outlaw and enforces his outlawry; hence the law extends, in the person of the outlaw, beyond its own boundaries. Positioned at a critical point of indistinction, outlawry is simultaneously where the state exerts some of its greatest force as well as the site of its greatest weaknesses. The violence of the sovereign ban leaves indelible traces which preserve the threat of the outlaw within the community even after he has been expelled from it.

What becomes clear, throughout the tales celebrating and maligning disruptive characters in late medieval Anglo-Scottish popular literature, is the auto-immunitary force of the sovereign ban. This autoimmunity is built into the structure of the body

---

[520] Agamben, *Homo Sacer,* 29.

politic, because the law is constituted in part by a ban of part of the social body which yet remains within it. "Auto-immunity:" literally, a body which is excepted from its own necessary processes. Outlawry, in other words, produces a chronic affliction in the service of purging an acute crisis. Expulsion and purgation are fantasies which these texts only half-indulge because society's waste never truly leaves the system. The Cook expels puss and his customers ingest it; the master expels his apprentice and he is immediately absorbed into another household. The king bans Lady Mede but mede itself remains. Expelling a man from his community for forest crimes simply makes him an intractable feature of that same forest. A passion for purging the land of Scottish or English enemies wastes the land and ensures they must return. The violence of the outlaw is the re-cycled violence of the state.

BIBLIOGRAPHY

Abbott, Elizabeth. *A History of Celibacy.* New York: Scribner, 2000.

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life.* Stanford, Calif.: Stanford University Press, 1998.

Alberth, John. *The Black Death: The Great Mortality of 1348-1350.* Boston: Bedford/St Martin's, 2005.

Alford, John A. *Piers Plowman: A Glossary of Legal Diction.* Cambridge Cambridgeshire: D.S. Brewer, 1988.

Althusser, Louis. *Lenin and Philosophy and Other Essays.* New York: Monthly Review Press, 2001.

American Autoimmune Related Diseases Association. https://www.aarda.org/

Anderson, Warwick, and Ian R Mackay. *Intolerant Bodies: A Short History of Autoimmunity.* Baltimore: Johns Hopkins University Press, 2014.

Andreas, James. "Newe Science from Olde Bokes: A Bakhtinian Approach to the 'Summoner's Tale.'" *The Chaucer Review* 25:2 (1990), 138-151.

Arderne, John. *Treatises of Fistula In Ano, Hæmorrhoids, and Clysters.* D'Arcy Power, editor. London: Pub. for the Early English text society by K. Paul, Trench, Trübner & co., ltd, and by H. Frowde, 1910.

Attreed, Lorraine C. *The King's Towns: Identity and Survival in Late Medieval English Boroughs.* New York: P. Lang, 2001.

Bakhtin, M M. *Rabelais and His World.* Cambridge, Mass: M. I. T. Press, 1968.

Ballard, Adolphus ed. *British Borough Charters, 1042-1216.* Cambridge: The University
    Press, 1913.

Bardsley, Sandy. "Men's Voices in Late Medieval England." in *The Hands of the Tongue:*
    Essays on Deviant Speech. Ed. Edwin D. Craun. Kalamazoo: Medieval Institute, 2007.

---------------. "Sin, Speech, and Scolding in Late Medieval England." In *Fama: The Politics of*
    Talk and Reputation in Medieval Europe. Thelma Fenster and Daniel Lord Small, Eds.
    Cornell UP: Ithaca, 2003.

---------------. *Venemous Tongues: Speech and Gender in Late Medieval England.*
    Philadelphia: University of Pennsylvania Press, 2006.

Bayless, Martha. *Sin and Filth in Medieval Culture: the Devil in the Latrine.* New York:
    Routledge, 2012.

Benson, Larry D. Editor. *Riverside Chaucer*, 3rd. ed. Boston, Mass.: Houghton Mifflin
    Co., 1987.

Bishop, Louise M. *Words, Stones, & Herbs: The Healing Word in Medieval and Early*
    Modern England. Syracuse, N.Y: Syracuse University Press, 2007.

Bowers, John M. *The Canterbury Tales: Fifteenth-Century Continuations and Additions.*
    Kalamazoo, MI: Medieval Institute Publications, 1992.

Braddy, Haldeen. "The Cook's Mormal and Its Cure." *Modern Language Quarterly* 7:3,
    265 – 267.

Biss, Eula *On Immunity: An Inoculation.* Minneapolis, Minnesota: Graywolf Press, 2014.

Blogett, E. D. "Chaucerian Pryvetee and the Opposition to Time." *Speculum* 51:3
    (1976), 477-493.

O'Brien, Bruce R. *God's Peace and King's Peace: The Laws of Edward the Confessor.* Philadelphia: University of Pennsylvania Press, 1999.

Brody, Saul N. *The Disease of the Soul: Leprosy in Medieval Literature.* Ithaca: Cornell University Press, 1974.

Brown, Keith M. *Bloodfeud in Scotland 1573-1625: Violence, Justice and Politics in an Early Modern Society.* Edinburgh: John Donald Publishers, 1986.

Bruce, Mark P, and Katherine H. Terrell. *The Anglo-Scottish Border and the Shaping of Identity, 1300-1600.* , 2012.

Butler, Judith. *Bodies That Matter : On the Discursive Limits of "sex".* New York: Routledge, 1993.

---------------. *Excitable Speech: A Politics of the Performative.* New York: Routledge, 1997.

Butler, Sara M. *The Language of Abuse: Marital Violence in Later Medieval England.* Boston: Brill, 2007.

Byerly, Carol R. "The U.S. Military and the Influenza Pandemic of 1918-1919." *Public Health Reports* 125:3 (2010): 82-91.

Cadden, Joan. *Meanings of Sex Difference In the Middle Ages: Medicine, Science, and Culture.* New York, NY: Cambridge University Press, 1993.

Carroll, Linda L. "Carnival Rites as Vehicles of Protest in Renaissance Venice." In *The Sixteenth Century Journal* 16:4 (Winter, 1985), 478-502. http://www.jstor.org/stable/2541222

Cartlidge, Neil. *Boundaries in Medieval Romance*. Woodbridge: D.S. Brewer, 2008.

Casey, Jim. "Unfinished Business: The Termination of the Cook's Tale." *The Chaucer Review* 41:2 (2006), 185-196.

Child, Francis James. *The English and Scottish Popular Ballads, Vol I-V*. Boston and New York: Houghton, 1883.

Citrome, Jeremy J. *The Surgeon in Medieval English Literature*. New York: Palgrave Macmillan, 2006.

Cichon, Michael. *Violence and Vengeance in Middle Welsh and Middle English Narrative: Owein and Ywain and Gawain*. Lewiston, N.Y: Edwin Mellen Press, 2009.

Cockburn, J S, and Thomas A. Green. *Twelve Good Men and True: The Criminal Trial Jury in England, 1200-1800*. Princeton, N.J: Princeton University Press, 1988.

Cohen, Ed. *A Body Worth Defending: Immunity, Biopolitics, and the Apotheosis of the Modern Body*. Durham: Duke University Press, 2009.

Coke, Edward. *The third part of the institutes of the laws of England concerning high treason, and other pleas of the crown, and criminal causes*. London: Printed for E. and R. Brooke, 1797. http://books.google.com/books?id=_Ik0AAAAIAAJ.

Coon, Lynda L. *Dark Age Bodies: Gender and Monastic Practice in the Early Medieval West*. Philadelphia: University of Pennsylvania Press, 2011.

Cooper, Helen. *Oxford Guide to Chaucer: "The Canterbury Tales."* 2nd ed. Oxford: Oxford University Press, 1996.

Covers, Robert M. "Violence and the Word." *The Yale Law Journal* 95.8 (1986): 1601-1629. http://www.jstor.org/stable/796468

Dalton, Paul, and John C. Appleby. *Outlaws in Medieval and Early Modern England: Crime, Government and Society, C.1066-C.1600.* Farnham, England: Ashgate, 2009.

Davies, R. R. "The Peoples of Britain and Ireland 1100-1400. III. Laws and Customs." *Transactions of the Royal Historical Society* 6 (1996): 1-23. Accessed March 10, 2015. http://www.jstor.org/stable/3379227.

Davis, Carmel Bendon. *Mysticism and Space.* Washington, D.C.: Catholic Unversity of America Press, 2008.

Davis, Natalie Zemon. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France.* Stanford, Calif: Stanford University Press, 1987. Print.

---------------. "The Reasons of Misrule: Youth Groups and Charivari in Sixteenth-Century France." In *Past & Present* 50 (Feb. 1971), 41-75. http://www.jstor.org/stable/650243

Dean, James M. *Medieval English Political Writings.* Kalamazoo, Michigan: Published for TEAMS (the Consortium for the Teaching of the Middle Ages) in association with the University of Rochester by Medieval Institute Publications, Western Michigan University, 1996.

---------------. *Richard the Redeless and Mum and the Sothsegger.* Kalamazoo, Mich.: Medieval Institute Publications, 2000.

---------------. *Richard the Redeless: And, Mum and the Sothsegger.* Kalamazoo, Michigan: Medieval Institute Publications, Western Michigan University, 2000.

Dean, Trevor. *Crime in Medieval Europe 1200-1500.* New York: Longman, 2001.

Derrida, Jacques. *Dissemination.* Chicago: University Press, 1981.

----------------. *Rogues: Two Essays on Reason*. Stanford, California: Stanford University Press, 2005.

Dobson, R B, and John Taylor. *Rymes of Robyn Hood: An Introduction to the English Outlaw*. Pittsburgh: University of Pittsburgh Press, 1976.

Dohar, William J. *The Black Death and Pastoral Leadership: The Diocese of Hereford in the Fourteenth Century*. Philadelphia: University of Pennsylvania Press, 1995.

Downer, L. J. Editor and translator. *Leges Henrici Primi.* Oxford: Clarendon Press, 1996.

Enders, Jody. "The Spectacle of the Scaffolding: Rape and the Violent Foundations of Medieval Theatre." Theatre Journal. 56.2 (2004): 163-181. http://www.jstor.org/stable/25069418

England, Curia Regis. *Select Pleas of the Forest: Edited for the Seldon Society by G. J. Turner*. London: B. Quaritch, 1901.

Esposito, Roberto. *Immunitas: The Protection and Negation of Life*. Cambridge: Polity, 2011.

----------------. *Terms of the Political: Community, Immunity, Biopolitics*. New York: Fordham University Press, 2013.

Ferrelly, Colin. *Biologically Modified Justice*. Cambridge, United Kingdom: Cambridge University Press, 2016.

Ferster, Judith. *Fictions of Advice: The Literature and Politics of Counsel in Late Medieval England*. Philadelphia: University of Pennsylvania, 1996.

Fleischhacker, Robert V., editor. *Lanfrank's "Science of Cirurgie,"Part I*. London: Early English Text Society, 1894.

Forkin, Thomas Carney. "'Oure Citee': Illegality and Criminality in Fourteenth-Century London." *Essays in Medieval Studies* 24 (2007), 31-41. https://doi.org/10.1353/ems.0.003

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, 1995.

---------------. *The History of Sexuality Volume 1.* 1st American ed. New York: Pantheon Books, 1978.

Furdell, Elizabeth L. *Textual Healing: Essays on Medieval and Early Modern Medicine*. Leiden: Brill, 2005.

Furlong, Alice. "On Woods." *The Irish Monthly*. 42.488 (1914): 72-78.

Galloway, Andrew. "The Borderlands of Satire: Linked, Opposed, and Exchanged Political Poetry During the Scottish and English Wars of the Early Fourteenth Century." In *The Anglo-Scottish Border and the Shaping of Identity, 1300-1600*, ed. Mark P. Bruce and Katherine H. Terrel. New York: Palgrave Macmillan, 2012. 15-32.

---------------. "Piers Plowman and the Subject of the Law." The Yearbook of Langland Studies. 15.1 (2008): 117-140.

Galloway, Bruce. *The Union of England and Scotland 1603-1608.* Edinburgh: John Donald Publishers, 1986.

Garber, James J. *Harmony in Healing: The Theoretical Basis of Ancient and Medieval Medicine*. New Brunswick: Transaction Publishers, 2008.

Gilbert, John M. *Hunting and Hunting Reserves in Medieval Scotland*. Edinburgh: J. Donald, 1979.

Ginsberg, Warren. *Wynnere and Wastoure ; And, the Parlement of the Thre Ages.* Kalamazoo, Mich: Published for TEAMS by Medieval Institute Publications, 1992.

Goodare, Julian. *State and Society in Early Modern Scotland.* Oxford: Oxford University Press, 1999.

Goodman, Anthony, and Anthony Tuck. *War and Border Societies in the Middle Ages.* London: Routledge, 1992.

Gower, John. *Confessio Amantis: Volume 3.* Edited by Russell A. Peck and translated by Andrew Galloway. Kalamazoo, MI: TEAMS, 2004.

Grant, Alexander. "The Otterburn War from the Scottish Point of View." In Anthony Goodman and Anthony Tuck, ed. *War and Border Societies in the Middle Ages.* London: Routledge, 1992.

Gray, Douglas. *Simple Forms: Essays on Medieval English Popular Literature.* Oxford: Oxford University Press, 2015.

Green, Richard Firth. *A Crisis of Truth: Literature and Law in Ricardian England.* Philadelphia: University of Pennsylvania Press, 1999.

---------------. "Violence in the Early Robin Hood Poems." In Oren Falk et al, ed. *A Great Effusion of Blood?* Toronto: University of Toronto Press, 2004.

Green, Thomas A. "The Jury and the English Law of Homicide, 1200-1600." In *Michigan Law Review* 74:3 (1976), 413-499. http://www.jstor.org/stable/1287900

---------------.. *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200-1800.* Chicago: University of Chicago Press, 1985.

Grigsby, Bryon L. *Pestilence in Medieval and Early Modern English Literature.* New York: Routledge, 2004.

Groundwater, Anna. *The Scottish Middle March 1573-1625: Power, Kinship, Allegiance.* London: Boydell Press for the Royal Historical Society, 2010.

Habermas, Jürgen, Jacques Derrida, and Giovanna Borradori. *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida.* Chicago: University of Chicago Press, 2003.

Hahn, Thomas. *Robin Hood in Popular Culture: Violence, Transgression, and Justice.* Cambridge: D.S. Brewer, 2000.

Haines, C. R., ed. *The correspondence of Marcus Cornelius Fronto : with Marcus Aurelius Antoninus, Lucius Verus, Antoninus Pius, and various friends.* Cambridge, Mass.: Harvard University Press, 1919.

Hanawalt, Barbara. *Medieval Practices of Space.* Minneapolis: University of Minnesota Press, 2000.

----------------. *Of Good and Ill Repute: Gender and Social Control In Medieval England.* New York: Oxford University Press, 1998.

Haraway, Donna. "The Biopolitics of Postmodern Bodies: Constitutions of Self in Immune System Discourse." In *Simians, Cyborgs, and Women*, 203-230. New York: Routledge, 1991.

Harlan-Haughey, Sarah. *The Ecology of the English Outlaw In Medieval Literature: From Fen to Greenwood.* Farnham: Ashgate, 2016.

Harris, Jonathan Gil. *Foreign Bodies and the Body Politic: Discourses of Social Pathology in Early Modern England.* Cambridge: Cambridge University Press, 1998.

Harris, Joseph, Barbara Hillers, and Sigrid Rieuwerts. *Child's Children: Ballad Study and Its Legacies.* Trier: WVT Wissenschaftlicher Verlag Trier, 2012.

Heffernan, Carol F. *The Melancholy Muse: Chaucer, Shakespeare, and Early Medicine*.
    Pittsburgh, Pa: Duquesne University Press, 1995.

Humphrey, Chris. *The Politics of Carnival: Festive Misrule in Medieval England.*
    Manchester: Manchester University Press, 2001.

Ingram, Martin. "'Scolding Women Cucked or Washed': a Crisis in Gender Relations in
    Early Modern England?" in *Women, Crime and the Courts in Early Modern
    England*, ed. Jennifer Kermode and Garthine Walker. Chapel Hill: University of
    North Carolina Press, 1994.

James, Mervyn. *Society, Politics, and Culture: Studies In Early Modern
    England.* Cambridge: Cambridge University Press, 1986.

Jenks, Edward. "The Prerogative Writs in English Law." *The Yale Law Journal* 32:6
    (1923), 523-534.

Jenson, Emily. "Male Competition as a Unifying Motif in Fragment A of *The Canterbury
    Tales.*" *Chaucer Review* 24 (1990), 320-328.

Jillings, Karen. *Scotland's Black Death: The Foul Death of the English*. Stroud,
    Scotland: Tempus, 2003.

John of Mirfield. *Surgery: A translation of his Breviarum Bartholomei, part IX.*
    Translated by Frank B. Berry. New York: Hafner Publishing Co., 1969.

Johnson, Eleanor. "The Poetics of Waste: Medieval English Ecocriticism." *PMLA*. 127.3
    (2012): 460-476.

Jones, Karen. *Gender and Petty Crime in Late Medieval England: The Local Courts in
    Kent, 1460-1560*. Woodbridge: Boydell Press, 2006.

John of Salisbury. *Policraticus: The Statesman's Book*. Edited by Murray F Markland.
    New York: F. Ungar Pub. Co., 1979.

Jones, Timothy S. *Outlawry in Medieval Literature*. New York, NY: Palgrave Macmillan, 2010.

Kaeuper, Richard. "An Historian's Reading of *The Tale of Gamelyn*." *Medium Ævum* 52 (1983), 51-62.

Justice, Stephen. *Writing and Rebellion: England in 1381*. Berkeley: University of California Press, 1996.

Kantorowicz, Ernst Hartwig. *The King's Two Bodies: A Study In Mediaeval Political Theology*. Princeton, N.J.: Princeton University Press, 1997.

Karras, Ruth Mazzo. "The Regulation of Brothels in Later Medieval England." In *Signs* 14:2 (1989), 399-433. http://www.jstor.org/stable/3174556

Kaufman, Alexander L. *British Outlaws of Literature and History: Essays on Medieval and Early Modern Figures from Robin Hood to Twm Shon Catty*. Jefferson, N.C: McFarland & Co, 2011.

Keen, Maurice H. *The Outlaws of Medieval Legend*. London: Routledge and K. Paul, 1961.

Kermack, W R. *The Scottish Borders (with Galloway) to 1603*. Edinburgh: Johnston & Bacon, 1967.

Knight, Stephen T, Thomas H. Ohlgren, and Thomas E. Kelly. *Robin Hood and Other Outlaw Tales*. Kalamazoo, Mich: Published for TEAMS in association with the University of Rochester by Medieval Institute Publications, Western Michigan University, 1997.

Koplow, David A. *Smallpox: The Fight to Eradicate a Global Scourge*. Berkeley: University of California Press, 2003.

Lacqueur, Thomas. "Crowds, Carnival and the State in English Executions, 1604-1868." In A. Beier et al., eds., *The First Modern Society*, 305-55. Cambridge: Cambridge University Press, 1989.

Langbein, John H. *Torture and the Law of Proof: Europe and England in the Ancien Régime.* Chicago: University of Chicago Press, 1977.

Langland, William, Elizabeth A. Robertson, Stephen H. A. Shepherd, and E T. Donaldson. *Piers Plowman: The Donaldson Translation, Middle English Text, Sources and Backgrounds, Criticism.* New York: W.W. Norton, 2006.

---------------, and Derek A. Pearsall. *Piers Plowman.* Exeter, UK: University of Exeter Press, 2008.

Leeson, Peter. "Laws of Lawlessness." *The Journal of Legal Studies*, Vol. 38:2 (June 2009): 471-503. http://www.jstor.org/stable/10.1086/592003

Lehfeldt, Elizabeth A., ed. *The Black Death.* Boston: Houghton Mifflin, 2005.

Leslie, John, James Dalrymple, E.G Cody, and William Murison. *The Historie of Scotland Wrytten First In Latin by the Most Reuerend and Worthy Jhone Leslie, Bishop of Rosse: And Translated In Scottish by Father James Dalrymple.* Edinburgh and London: Printed for the Society by W. Blackwood and sons, 1888.

Lionarons, Joyce Tally. "Bodies, Buildings, and Boundaries: Metaphors of Liminality in Old English and Old Norse Literature," in *Essays in Medieval Studies* 11 (1994): 43-49.

Lipscomb, Suzannah. "Crossing Boundaries: Women's Gossip, Insults and Violence in Sixteenth-Century France" (Oxford University Press, 2011), http://fh.oxfordjournals.org/content/early/2011/11/03/fh.crr063.full.pdf

Little, Lester K. *Benedictine Maledictions: Liturgical Cursing in Romanesque France.* Ithaca: Cornell University Press, 1993.

Lyle, Emily. "Robin Hood in Barnsdale Stood: A New Window on the 'Gest' and its Precursors." In Joseph Harris and Barbara Hillers, ed., *Child's Children: Ballad Study and its Legacies*, 71-96. Trier: Wissenschaftlicher Verlag, 2012.

----------------. *Scottish Ballads.* Edinburgh: Canongate Press, 1994.

Mack, James L. *The Border Line from the Solway Firth to the North Sea: Along the Marches of Scotland and England.* Edinburgh: Oliver and Boyd, 1926.

Mackenzie, George. *The Laws and Customes of Scotland, in Matters Criminal: Wherein Is to Be Seen How the Civil Law, and the Laws and Customs of Other Nations Do Agree with and Supply Ours.* Clark, N.J: Lawbook Exchange, 2005.

Manly, John J. and Edith Rickert. *The Text of the Canterbury Tales: Studied on the Basis of All Known Manuscripts, Vol II.* Chicago: University of Chicago Press, 1940.

Martin, Emily. "Toward and Anthropology of Immunology: The Body as Nation Sate." *Medical Anthropology Quarterly* 4:4 (Dec., 1990): 410-426. http://www.jstor.org/stable/649224

Marsden, John, and Nic Barlow. *The Illustrated Border Ballads : the Anglo-Scottish Frontier.* 1st University of Texas Press ed. Austin: University of Texas Press, 1990.

Marshall, John. "'Goon in-to Bernysdale': the trail of the Paston Robin Hood play." In *Essays in honour of Peter Meredith.* Ed. C. Batt, 185-217. Leeds: University of Leeds, 1998.

Masschaele, James. *Jury, State, and Society in Medieval England.* New York, NY: Palgrave Macmillan, 2008.

McAlpine, Kaye. "Proude Armstrongs and Border Rogues: History in 'Kinmont Willie', 'Jock o the Side' and 'Archie o Cawfield.'" *The Ballad in Scottish History.* East Linton, East Lothian: Tuckwell Press, 2000: 73-94.

McAvoy, Liz Herbert. *Anchorites, Wombs and and Tombs: Intersections of Gender and Enclosure in the Middle Ages.* Cardiff: University of Wales Press, 2005.

McElroy, Tricia A. "Imagining the 'Scottis Natioun': Populism and Propaganda in Scottish Satirical Broadsides." *Texas Studies in Literature and Language* 49, no. 4 (2007): 319-339. Accessed February 2, 2015. http://www.jstor.org/stable/40755491.

McIntosh, Marjorie. *Controlling Misbehavior in England, 1370 – 1600.* New York: Cambridge University Press, 1998.

Meyerson, Mark D, Daniel Thiery, and Oren Falk. *'A Great Effusion of Blood'?: Interpreting Medieval Violence.* Toronto: University of Toronto Press, 2004.

Morgan, Gwendolyn A. *Medieval Ballads: Chivalry, Romance, and Everyday Life: A Critical Anthology.* New York: Peter Lang, 1996.

Musson, Anthony. *Boundaries of the Law: Geography, Gender, and Jurisdiction in Medieval and Early Modern Europe.* Aldershot, Hants, England: Ashgate, 2005.

Nancy, Jean-Luc, and Richard Rand. *Corpus.* New York: Fordham University Press, 2008.

Neville, Cynthia J. "Keeping the Peace on the Northern Marches in the Later Middle Ages." *The English Historical Review* 109, no. 430 (1994): 1-25. Accessed March 31, 2015. http://www.jstor.org/stable/574872.

----------------. "Local Sentiment and the 'National' Enemy in Northern England in the Later Middle Ages." *Journal of British Studies* 35, no. 4 (1996): 419-437. Accessed February 2, 2015. http://www.jstor.org/stable/175999.

----------------. "Scottish Influences on the Medieval Laws of the Anglo-Scottish Marches." *The Scottish Historical Review* 81, no. 212 (2002): 161-185. Accessed February 2, 2015. http://www.jstor.org/stable/25529646.

---------------. *Violence, Custom, and the Law: The Anglo-Scottish Border Lands in the Later Middle Ages*. Edinburgh: Edinburgh University Press, 1998.

Office on Women's Health, U.S. Department of Health and Human Services, Autoimmune Diseases Fact Sheet." Last modified July 16, 2012. http://womenshealth.gov/publications/our-publications/fact-sheet/autoimmune-diseases.html

Ohlgren, Thomas H. ed. *Medieval Outlaws: Twelve Tales in Modern English Translation*. West Lafayette, IN: Parlor Press, 2005.

Palmer, Robert C. *English Law in the Age of the Black Death, 1348-1381: A Transformation of Governance and Law*. Chapel Hill: University of North Carolina Press, 1993.

Patten, William. *An Expedition into Scotland, 1547*. In A. F. Pollard, editor, *Tudor Tracts, 1532-1588*. New York: Cooper Square Publishers, 1964.

Pettitt, Thomas. "'Here Comes I, Jack Straw:' English Folk Drama and Social Revolt." In *Folklore* 95:1 (1984), 3-20. http://www.jstor.org/stable/1259755

Phillips, Gervase *The Anglo-Scots Wars, 1513-1550: A Military History*. Woodbridge, Suffolk: Boydell Press, 1999.

Phillips, Helen. *Bandit Territories: British Outlaw Traditions*. Cardiff: University of Wales Press, 2008.

Phillips, Susan E. *Transforming Talk: The Problem with Gossip in Late Medieval England*. University Park, Pa.: Pennsylvania State University Press, 2007.

Piroyansky, Danna. *Martyrs in the Making: Political Martyrdom in Late Medieval England*. Basingstoke, England: Palgrave Macmillan, 2008.

Platt, Colin. *King Death: The Black Death and Its Aftermath in Late-Medieval England*. Toronto: University of Toronto Press, 1996.

Pollard, A. F, and Thomas Secombe. *Tudor Tracts*, 1532-1588. Westminster: Constable, 1903.

Poos, Lawrence R. *A Rural Society After the Black Death: Essex 1350-1525*. Cambridge: Cambridge University Press, 2004.

Porter, S. *The Great Plague*. Stroud: Sutton, 1999.

Portman, Peter E. and Emilie Savage-Smith. *Medieval Islamic Medicine.* Washington, D.C.: Georgetown University Press, 2007.

Postles, David. *Social Geographies in England (1200-1640).* Washington, DC: New Academia Pub, 2007.

Powell, Edward. *Kingship, Law, and Society: Criminal Justice in the Reign of Henry V.* Oxford: Clarendon Press, 1989.

Rawcliffe, Carole. *Sources for the History of Medicine in Late Medieval England.* Kalamazoo, Mich.: Medieval Institute Publications, Western Michigan University, 1995.

----------------. *Urban Bodies: Communal Health in Late Medieval English Towns and Cities.* Woodbridge: Boydell Press, 2013.

Reed, James. *The Border Ballads.* Stocksfield: Spredden Press, 1991.

Riley, H. T., ed. *Memorials of London and London Life in the 13th, 14th and 15th Centuries*, 428-438. London: Longmans, Green, 1868. *British History Online*, http://www.british-history.ac.uk/no-series/memorials-london-life/pp428-438.

Rosenwein, Barbara H. *Negotiating Space: Power, Restraint, and Privileges of Immunity In Early Medieval Europe.* Ithaca, N.Y.: Cornell University Press, 1999.

Sartore, Melissa. *Outlawry, Governance, and Law in Medieval England.* 2014.

Scarry, Elaine. *The Body in Pain: The Making and Unmaking of the World.* New York: Oxford University Press, 1985.

Scott, James C. *Domination and the Arts of Resistance: Hidden Transcripts.* New Haven: Yale University Press, 1990.

Scott, Sir Walter. *Minstrelsy of the Scottish Border.* Edinburgh: Ballantyne, 1810.

Scattergood, John. "Perkyn Revelour and the *Cook's Tale*," *Reading the Past: Essays on Medieval and Renaissance Literature* (Dublin, 1996), 183-191.

---------------. "*The Tale of Gamelyn:* The Noble Robber as Provincial Hero." In *Readings in Medieval English Romance*, ed. Carol M. Meale. Cambridge: Brewer, 1994.

Shannon Jr., Edgar F. "The Mediaeval Law in *The Tale of Gamelyn.*" *Speculum* 28 (1951): 458-64.

Sheard, Sally, and Helen J. Power. *Body and City: Histories of Urban Public Health.* Aldershot, England: Ashgate, 2000.

Siraisi, Nancy G. *Medieval and Early Renaissance Medicine: An Introduction to Knowledge and Practice.* Chicago: University of Chicago Press, 1990.

Smith, D V. "Plague, Panic Space, and the Tragic Medieval Household." *South Atlantic Quarterly.* 98.3 (1999): 367-414.

Smith, Sally. "Materializing Resistant Identities Among the Medieval Peasantry." *Journal of Material Culture.* 14.3 (2009): 309-332.

Sontag, Susan. *Illness as Metaphor and AIDS and its Metaphors.* New York: Picador, 2001.

Stanley, E.G. "Of This Cokes Tale Maked Chaucer Na Moore." *Poetica* 5 (1976), 36-59.

Stearns, Justin K. *Infectious Ideas: Contagion in Premodern Islamic and Christian Thought in the Western Mediterranean.* Baltimore: Johns Hopkins University Press, 2011.

Stein, Rob. "Keep or Kill Last Lab Stocks of Smallpox? Time to Decide, Says WHO." *NPR.org.* Last modified May 9, 2014. http://www.npr.org/sections/health-shots/2014/05/09/310475511/keep-or-kill-last-lab-stocks-of-smallpox-time-to-decide-says-who

Steiner, Emily and Candace Barrington. *The Letter of the Law: Legal Practice and Literary Production in Medieval England.* Ithaca: Cornell University Press, 2002.

Stokes, Myra, and William Langland. *Justice and Mercy in Piers Plowman: A Reading of the B Text Visio.* London: Croom Helm, 1984.

Stringer, K. J., ed. *Essays On the Nobility of Medieval Scotland.* Edinburgh: J. Donald Publishers, 1985.

Taavitsainen, Irma, and Paivi Pahta. *Medical and Scientific Writing in Late Medieval English.* Cambridge, England: Cambridge University Press, 2004.

Taylor, Jamie K. *Fictions of Evidence: Witnessing, Literature, and Community in the Late Middle Ages.* Columbus: Ohio State University Press, 2013.

Thomas, Max W. "Kemps Nine Daies Wonder: Dancing Carnival into Market." In *PMLA* 107:3 (May, 1992), 511-523. http://www.jstor.org/stable/462758

Tomlinson, William Weaver. *Tomlinson's Comprehensive Guide to Northumberland: A Reprint of the 11th Ed. of Comprehensive Guide to the County of Northumberland.* New York: A. M. Kelley, 1969.

Traheron, Bartholomew. *The moste Excellent Workes of Chirurgerye made and set forthe by maister John Vigon, heed chirurgien of our tyme in Italie.* London: Printed by Thomas East, 1586.

Underdown, David. "The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England." In *Order and Disorder in Early Modern England*, edited by Anthony Fletcher and John Stevenson. Cambridge: Cambridge University Press, 1985.

Vaught, Jennifer C. *Rhetorics of Bodily Disease and Health in Medieval and Early Modern England.* Farnham, Surrey: Ashgate, 2010.

Walker, Garthine. *Crime, Gender, and Social Order.* New York: Cambridge University Press, 2003.

Wallace, David. *Chaucerian Polity: Absolutist Lineages and Associational Forms In England and Italy.* Stanford, Calif: Stanford University Press, 1997.

Wallis, Faith, ed. *Medieval Medicine: A Reader.* Toronto: University of Toronto Press, 2010.

Wheare, Michael. "'From Castle Hill They Came with Violence': The Edinburgh Robin Hood Riots of 1561." In *Images of Robin Hood: Medieval to Modern.* Lois Potter and Joshua Calhoun, ed. Newark: University of Delaware Press, 2008.

Willock, Ian D. *The Origins and Development of the Jury in Scotland.* Edinburgh: Stair Society, 1966.

Wormald, Jenny. *Court, Kirk and Community: Scotland, 1470-1625.* Toronto: University of Toronto Press, 1981.

----------------. *Lords and Men in Scotland: Bonds of Manrent, 1442-1603*. Edinburgh: J. Donald, 1985.

Wright, Thomas, and Peter R. Coss. *Thomas Wright's Political Songs of England: From the Reign of John to That of Edward Ii*. Cambridge [England: Cambridge University Press, 1996.

Young, Michael B. *King James and the History of Homosexuality*. New York: New York University Press, 2000.