

Documentary Culture and the
Making of Medieval English
Literature

EMILY STEINER



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Bracton, Deguileville, and the defense of allegory

English poetry of the later Middle Ages abounds in references to legal documents, both to the official formulas with which they were composed and to the material forms with which they were circulated. As we shall see in this chapter and the next, documents take center stage in all sorts of religious narratives, where they are instrumental in communicating and corroborating divine truth. Much more interestingly, however, documents in medieval literature do not simply attest to received doctrine or traditional authority, but they also invite vernacular innovation and generic transformation. In the process, they investigate the forms through which doctrine and authority can be disseminated and experienced. As I argue in the next two chapters, medieval writers borrowed, and sometimes even distorted, the textual apparatus of the law to invent a *documentary poetics*, by which I mean the ways in which legal documents – both their external material forms and their internal rhetorical modes – call attention simultaneously to poetic form and cultural practice. More specifically, later medieval poets discovered in documentary culture a theoretical vocabulary for describing the work of vernacular religious poetry, as if, at this moment in literary history, documentary culture generated a theory of poetry at once rigorously formal (how does personification work? who is a lyric speaker? what is genre?) and socially and politically contingent (how are charters distributed, to what effect, and by whose authority?). Chapters 1 and 2 show how medieval authors constructed a poetics from the texts and practices of documentary culture, and further, how documentary culture itself signified within the literature of late medieval piety, from allegorical dream-visions to Passion lyrics.

The relationship I am positing between legal documents and medieval poetics may be better grasped in terms of allegories of the book. Ernst Curtius demonstrated long ago that the book was a popular medieval philosophical and penitential trope, one that was motivated by a number of biblical passages and would live on into print culture as well. Commonly cited examples include Dante's book of memory, creation as a transcendental book, and the heart as a fleshly book to be consulted by the penitent or inscribed by God.¹ As Eric Jager argues in his response to Curtius, this last example, "the book of the heart," speaks to the "incarnational poetics" of later medieval piety, as well as to pre-modern notions of subjectivity.² Indeed, earlier monastic and later Franciscan poets often invoke the material book in terms that resonate with manuscript production – the stretching of the parchment, the prick of the pen and ruler, the gushing of the ink – in order to dramatize the relation of Christ's body to the penitential soul. The friar William Herebert (ca. 1270–1333), for example, in a prayer to Christ, puts his faith in a charter drawn up in the Passion: "And helpe he wole, ich wot,/For Love the chartre wrot,/And the enke orn of [ran from] his wounde."³ In a very different English text, Richard of Bury's *Philobiblon* (1345), the material text trope veers even toward the fetishistic. In this treatise, Bury confesses his acute bibliophilia, a confession that concerns, in Michael Camille's felicitous phrase, "the interpenetration of corporeality and codicology."⁴ Bury's books complain of violations that are at once textual and physical, ranging from carelessly executed marginalia, to the "smutty hands of scullions," to the infection of both text and material text by Jews and pawnbrokers whose nefarious practices keep the books' owners living in high style.⁵

Yet the prevalence of *material text* tropes for expressing the relationship between the created and the divine or between the text and its human agents tells us little about how books as *material forms* signify in medieval literature. A book as a written or revealed text (the book of life, the book of the apocalypse) or as a material object (*libri pergamenum*)

¹ Curtius, *European Literature and the Latin Middle Ages*, trans. Trask, 302–47.

² Jager, "The Book of the Heart." For a study of writing as totality in the Middle Ages, see Gellrich, *The Idea of the Book in the Middle Ages*.

³ Davies, ed., *Middle English Lyrics*, #28, ll. 19–24.

⁴ Camille, "The Book as Flesh and Fetish," 35.

⁵ Bury, *Philobiblon*, ed. and trans. Thomas, 47.

might represent totality, memory, vision, or abjection. But exactly what material form does a book (*liber*) designate, and further, what relation does such a form bear to the genre of text contained within (just as in the modern period, the book has come to classify the novel and be classified by the codex)? It is true that Bury, in his confession of a book lover, seems to be chiefly attracted to the book (*liber*) as codex. He is mesmerized by the erotics of the covering, the clasps and the bindings, as well as by the quality of the marginalia, which might be proper in a codex containing a meditative treatise, but which would cause a legal document, no matter how beautifully written, to be thrown out of court.⁶ What Bury's treatise demonstrates, then, is that the materialities of codices bear some relation to the texts contained within. They classify genre, or more precisely, they eliminate a number of generic possibilities. That relation, however, is accidental, having to do more with format than with form; it happens that Bury's codices contain texts that probably wouldn't have been issued otherwise. In this sense, a better comparison with Bury's codices would be glossed bibles or canon law texts, often recognized as such by the boldface scriptural verses at the centers of their pages which spin out intricate webs of commentary. It is worth remembering, too, that in medieval parlance words such as book, script, or *liber* – words that indicate a complete text – are not restricted to codices and might refer to any type of material form, such as a codex, scroll, pamphlet, or legal document. I am arguing, finally, that there is no *inherent* relationship in medieval culture between a codex and a book, because the relation of materiality to textuality was generally perceived to be symbolic or practical rather than functional (that is, classifying or performative). Thus medieval artists do not always choose to depict scripture as a codex, unlike their early modern counterparts, in part because the revelatory is often symbolized as a scroll; and in part, perhaps, because the sections of bibles that circulated in the medieval period did not always require a whole codex, nor were they understood to be independent of non-scriptural texts bound between the same covers.

By contrast, the forms of legal documents – by which we may imagine a single sheet stored flat, folded, or rolled, with seals hanging or

⁶ For more information on interlineation, see Green, *A Crisis of Truth: Literature and Law in Ricardian England*, 50; and 'Piers Plowman': *The B-Version*, ed. Kane and Donaldson, Passus 11. 303–6.

adherent, and with visually impressive subscriptions and special signs – have an *exclusive* and *functional* relationship to the text contained within. In fact, when it comes to legal documents, the symbolic is absolutely indistinguishable from the functional. Their integrity as texts depends upon the relation that they establish between written text and material form. It is interesting, in that respect, that the same Latin and vernacular terms that designate different documentary forms (charter, writ, *brevia*, *chirographum*, letters patent, schedule) refer neither to other kinds of texts nor to other material forms; a book, as a complete textual act, may sometimes refer to a charter, but a charter can refer neither to a Book of Hours nor to a codex.⁷ Thus the legal document's *singular relation of form to text* makes it signify differently than other texts, and consequently, as we shall see in this chapter and the next, it challenged late medieval readers to rethink the meaning of certain literary forms, such as allegory, lyric, and genre.

This documentary challenge is especially visible in two sets of texts widely circulated in late medieval England: Henry de Bracton's formidable legal compendium *De legibus et consuetudinibus Angliae* (*On the Laws and Customs of England*), compiled in the first third of the thirteenth century, and Guillaume de Deguileville's allegorical dream visions, the *Pèlerinages*, composed between the 1330s and 1350s. At first glance, these two sets of texts appear to have very little in common in the making of an *English* poetic tradition. After all, they originate in Latin and French and have no direct influence on each other, although, as we will see, they permeated the pedagogical, professional, and literary environments in which poets like Geoffrey Chaucer and William Langland wrote. Bracton and Deguileville also represent very different ideas of tradition. Whereas Bracton's book of jurisprudence was continually copied in the fourteenth century, it was already anachronistic by the time Bracton died in 1268, and it is by no means a reliable guide to late medieval legal practice. Deguileville, on the other hand, was fashionable among English court poets from the mid-fourteenth through the fifteenth century and was almost immediately translated into English. What is so important about Bracton and Deguileville is that both of them, in mutually illuminating ways, wrested from documentary

⁷ They are sometimes, however, interchangeable with each other; a writ might refer to a charter and *vice versa*.

culture a language with which to reflect upon the symbolic claims of medieval religious allegory. And in doing so, they helped to lay the groundwork for a peculiarly English documentary poetics.

BRACTON'S DOCUMENTS

De legibus et consuetudinibus Angliae, contemporaneous with Aquinas's *Summa theologiae*, is a huge collection of Roman and common law traditionally attributed to Henry de Bracton, who served as sometime justice of the court of the King's Bench.⁸ *De legibus* is perhaps best known for its explanations of dominion and royal prerogative, rather than for its insights into documentary culture. But Bracton was deeply concerned with the agency of legal documents, and especially with how to position the whole document, both text and material text, in relation to juridical agency, the legal act, and its actors. Was the written record considered to be dispositive or probative? Did it establish the act or prove it? How did it compare to other ritual acts within a given transaction, and how else might it signify within the larger narrative of the law? It is true that *De legibus* was passed around Chancery and the Inns of Court in the fourteenth and fifteenth centuries, centuries that failed to produce a successor to, aside from abridgements and vulgarizations of, *De legibus*, as well as other more practical and procedural treatises.⁹ Yet *De legibus* is nevertheless a useful starting place to think about the relationship between documentary culture and literary making, not just because it continued to be valuable to late medieval clerks and lawyers, but because

⁸ Scholars disagree as to exactly how much of *De legibus* has been compiled by Bracton, and whether it really reflects the practice of the royal courts – as opposed to the county courts – either in the 1230s or 1250s. See Barton, “The Mystery of Bracton”; and Brand, “The Age of Bracton.”

⁹ Out of 46 known manuscripts Thorne dates 41 of them to 1300 and after. See Bracton, *De legibus et consuetudinibus Angliae*, vol. 1, trans. Thorne, 1–20. For more information on the Bracton inheritance, see Clanchy, *From Memory to Written Record*, 107–8; and Harding, *A Social History of the English Law*, 174–7. Harding suggests that, “The Bractonian tradition was remarkably short-lived, probably because these Latin treatises were characteristics of a time when legal education was available only in hybrid Roman-English law schools at Oxford and Northampton. When legal training was provided in the courts and then in the Inns of Court, the treatises in demand were the more practical and procedural ones” (*A Social History of the English Law*, 201). See also Richardson and Sayles's introduction to their edition of the Bractonian adaptation called *Fleta* (ca. 1290).

it theorizes, really for the first and last time, the signifying functions of the written record. It theorizes the relationships that the written record establishes between textuality and materiality, and between rhetoric and subjectivity, and the implications of those relationships for other legal and social practices.

Bracton repeatedly states in *De legibus* that charters and other documents represent the will of the donor to give a gift, privilege, or liberty. They do not found the action, he warns; they are not, in legal terms, dispositive. They are simply one form of evidence among many that the donor wished a certain action to take place or a gift to be awarded, such as the transfer of land from lord to vassal. Bracton worries that too much agency is ascribed to documents – they are wrongly thought to establish instead of proving the juridical act, and he repeats several times that a gift is not made valid simply by the drawing up of charters and instruments. Rather, livery of seisin, the physical transfer or occupation of the land, must follow. It is preferable to have a charter drawn up so that the gift may be more readily proved, but a gift may be valid and effective even without a charter, so long as the donor is present during the transfer, making his intent very clear, or a sufficient number of witnesses are present to attest to the donor's will, should it be questioned at a later date.

Yet despite his painstaking efforts to defend the prerogative of livery and delineate the role of charters, Bracton ends up reasserting the centrality, and even priority, of charters within legal procedure by theorizing their relation to legal will and, by extension, to legal person. Indeed, whereas in much of *De legibus* Bracton *seems* to be contrasting the written record with physical acts, such as the livery of seisin, in fact he is offering a much more sophisticated theorization of the relationship between textuality, agency, and will than may first appear.¹⁰ Because the donor's will is necessary to authorize any transaction – the very principle of dominion for Bracton – and because the charter serves as a written transcript of that will, it is seen in some cases to be instrumental to the transaction and not just another form of proof. The charter may serve not just as evidence of the intentions of the donor but as the proxy

¹⁰ Clanchy argues that for Bracton, “written words were thus entirely inadequate, and even spoken ones were insufficient, without physical symbols” (*From Memory to Written Record*, 260). In my opinion, this argument, while enormously influential, doesn't really do credit to Bracton's understanding of documentary culture.

or accessory to his will, the making of fact into act. In this way, the very thing that makes charters probative – that they attest to the will of the donor – makes them, in the absence of the donor, almost foundational. For example, if the donor is away during the transfer of his land, and if he has appointed a human agent to transfer it for him, that transfer will work only if “the charter of the gift and the letters of procuracy are read in public before neighbors specially called together for the purpose.”¹¹ An agent or lawyer may formally transfer the land for the donor, but only the charter may express the donor’s will to do so.

In fact, as Bracton implies in another place, the very language of charters can be interpreted as the rhetorical transformation of will into act and *vice versa*. The official clauses that comprise the narratives of charters typically begin something like “Let all present and future know that I, N of M . . . have given and granted and with this present charter of mine confirmed” (“Sciant presentes et futuri quod ego, N de M . . . dedi et concessi et hac presenti carta mea confirmaui”). The ostensible function of these and other clauses is to describe the details of the act (its actors, conditions, nature, and *modus*), so that the act will be confirmed by those present and “remembered” by future generations. According to Bracton, however, these clauses are not simply descriptive or memorable details but direct expressions of the donor’s will, and as such, they are nearly indistinguishable from the founding of the act:

When [the donor] says [in his charter], “I have given” [*dedi*], he makes clear his intention [*vult quod*] that the thing given be made the property of the donee. From the words, “I have granted” [*concessi*] it may be inferred that he gave his consent to the gift, for there is no great difference between “I have granted” [*concessi*] and “I have consented” [*consensi*] . . . And when he says, “to such a one” [*talis*, i.e., “so-and-so”] he indicates the person to whom the gift is made and names him specifically. (III)¹²

¹¹ Text and translation in Bracton, *De legibus*, vol. 2, trans. Thorne, 124 (hereafter cited in the main text by page number; translation is Thorne’s, unless otherwise indicated). “Ita quod carta donationis et litterae procuratoriae coram vicinis ad hoc specialiter convocatis legentur in publico.”

¹² “Et per hoc quod dicit, *dedi*, vult quod res data fiat accipientis. Et per hoc quod dicit, *concessi*, perpendi poterit ex hoc quod donationi consensum praebuit, quia non multum differt dicere *concessi* quam dire *consensi* . . . Item per hoc quod dicit, *tali*, vult quod certa persona exprimatur cui fit donatio.” I have translated this passage slightly differently from Thorne in order to emphasize the slippage between granting and consenting.

Notice how Bracton deploys a curious semantic slipperiness in this passage in order to make the point that act and will are inseparable within documentary rhetoric: to grant (*concedere*) is in effect to consent to the grant (*consentire*). Or to put it another way, the very moment that the donor names himself in relation to an action or its recipient (*vult quod*), he associates the intent to act with the act itself. The document, moreover, is the rhetorical site where the donor's will is codified as a legal act, and, conversely, where the legal act is understood to originate in the will of the donor. As Bracton explains in a different section of *De legibus*, the legal document, merely by articulating the will of the donor, might serve as the grounds for a different legal action outside of the instructions that it contains. For example, if a man is accused of being a serf, he may prove his free status within his lord's realm with a charter of manumission. The charter makes him free insofar as it represents the will of the lord to free him, and correspondingly, when the lord is absent, the man must present the charter to prove that freedom. Yet even if the man's charter does not explicitly offer freedom from serfdom but does imply free status (for example, if it contains formulas such as "to have and to hold freely"), the man technically may be said to be free (II5).¹³ In this way, charter formulas, because they rhetorically conflate the moment of will with the moment of act, cause the donor's will to speak even to actions outside of the purview of the document itself.¹⁴

As Bracton goes on to explain a few sections later, the job of the document to express the donor's will extends to its material form, as well as to its official formulas, and indeed it is this strange interdependence of material and written form that makes the document an instrument of dominion within a given transaction. The charter simultaneously declares in official clauses the donor's will and the gift being willed, and materially extends that will as a textual object. For example, the

¹³ Luciana Duranti points out that in medieval law partial acts are often oral, and therefore the simple mention in a document of related partial acts in oral form was sufficient proof of their existence (Duranti, *Diplomatics: New Uses for an Old Science*, 79).

¹⁴ According to Duranti (following Raffel), the conflation of written record and juridical act is an effect of bureaucratization: "the world came to be seen as a series of witnessable and extractable facts which, transported into the record became identical with the record" (*Diplomatics*, 71).

testamentary clause and the seal (the most distinctive physical feature of a medieval document) together indicate the will of the donor not only to give a gift but also to establish materially the expression of his own will. As Bracton explains,

Since credence would not be given to a writing of this kind unless some sign appeared that the gift and writing proceeded from the understanding and agreement [*a conscientia et voluntate*] of the donor, therefore, in testimony and in proof of the transaction let the donor affix such a sign, by adding to the charter of gift this clause, “That it may be secure” or “in testimony whereof I have set my seal to this writing.” (II9)¹⁵

Likewise, says Bracton, with the clause, “‘by my present charter I have confirmed,’ [the donor] intimates that his will [*vult quod voluntas sua*], by which the thing is transferred to the donee and which must be firm, be confirmed by the present charter authenticated by his seal, for to confirm is but to reaffirm [i.e., to make firm again] what before was firm” (II1).¹⁶

Bracton’s rationalization of diplomatic procedure may seem tentative, but it suggests at least three important points about the way that legal documents might be thought to represent as material texts, and why they might mistakenly be ascribed agency in excess of livery (Bracton’s initial concern). First, the whole document or textual object, both the official formulas that indicate the material presence of the document (“I have set my seal,” “by my present charter”), and the material document itself (the seal, the whole charter sealed), together indicate the donor’s will (“*a conscientia et voluntate donatoris*” [II9]). Thorne translates this last phrase as “the understanding and agreement of the donor,” but it is important to see that Bracton is not only referring to the donor’s

¹⁵ “Et quoniam huiusmodi scripturae non esset fides adhibenda nisi signum interveniret, quod talis donatio et scriptura a conscientia et voluntate donatoris emanaret, ideo in testimonium et approbationem rei gestae apponit donator signum adiciendo in carta donationis clausulam istam, *Quod ut ratum sit* etcetera. Vel sic, *In cuius rei testimonium huic scripto sigillum meum apposui.*”

¹⁶ “Item per hoc quod dicit, praesenti carta mea confirmavi, per hoc innuit quod vult quod voluntas sua, per quam res transfertur ad donatarium, et quae firma esse debet, praesenti carta sigilli sui munimine confirmetur. Est enim confirmare id quod prius firmum fuit simul firmare.”

comprehension or approval of the transaction but also to the ways that documentary formulas collapse consent and agency. Where the formulas encode or, in a legal sense, personify will – you might say that they confect legal subjectivity – the physical appearance of the charter serves as a material sign of that encoding or personifying. Second, the charter’s double character as material form and written text semantically blurs its relation to the legal act. The will of the donor establishes or makes firm the legal act recorded in the charter (“what must be firm,” “what before was firm” [III]), but the written record as legal instrument further expresses the donor’s desire to make firm, substantiate, or even reify his own founding will. Thus, in the case of the charter, to confirm is to bear witness to or give evidence for the donor’s will that a certain action take place, but, at the same time, to confirm is also to make firm once again, to reestablish the will of the donor by anchoring it to a material text (“be confirmed by this present charter authenticated by his seal, for to confirm is but to reaffirm what before was firm” [III]). Third, and perhaps most significantly, the documentary codification of will into a material text makes the absence of the donor a fundamental legal principle rather than just an unfortunate exception to customary practice. The very possibility of the donor’s absence makes the legal document appear to be animated by will, to work independently of human agents and real action, because *its very existence depends upon the legal fiction of absence*.

Bracton makes one final point about documentary practice: it is the dual process of hearing and seeing the charter that converts the will of the author into a legal act. In other words, because the charter is *both* the narrative of the donor’s will *and* the material sign of that will, in the case of the donor’s absence, it must be heard and seen by the community in order for the legal act to be properly authorized and implemented. (It is as if what is rhetorically personified in the text must be dramatically impersonated to achieve its desired effects.) In this way, the material charter efficiently correlates rhetorical conventions and ritual performance. And in doing so, it becomes a profoundly social form of signification, because it is in the absence of the donor that it comes to represent the whole legal act. In the case of the donor’s absence, for example, the donor’s agent must read the text of the charter aloud

and exhibit it to an audience: “In that case let the letters and charter be shown, that it may be said [the agent] had writ and charter, [or] in English, *he hadde bothe writ and charter*” (124–5).¹⁷ Bracton’s striking insertion of the English idiom here underlines the public performance of the charter, with the phrase “he hadde bothe writ and chartre” simultaneously invoking legal convention and public rumor.

The directive that the donor’s agent exhibit both his charter and his writ suggests, moreover, that written records have two complementary functions in the transfer of land: they articulate will (the charter) and authorize the human agency of that will (the writ), thus mediating between the author of the act and his deputies. Bracton explains that even if the donor is present, witnesses should also be called in while the charter is being made, so that “they may verify what was done if required to do so, and [have] their names included in the charter” (119).¹⁸ If it is impossible to find witnesses to the making of the charter, he continues, the charter should later be read, exhibited, and corrected in the presence of witnesses, and preferably in a very public place such as the hundred court, “so that if the gift is denied it may more readily be proved” (119–20).¹⁹ This procedure of making and proclaiming the charter in public has the effect of recruiting more oral witnesses to the transaction, should the transaction be questioned at a later date, but it also guarantees that the charter truly represents the donor’s will to make a gift in the first place. Notably, the guarantee depends not merely on the validity of the charter, whether it correctly transcribes the will of the donor into official formulas, but on the very manufacturing of will into written record, the physical making of absence into material written presence. Hence witnesses are needed to attest to that manufacturing process because, says Bracton, “If there were no witnesses present and no such ceremony was performed and a doubt arises as to the seal and the charter, if the witnesses, when asked, say they know nothing of the matter, the charter (though genuine and valid) may then fail because of lack of proof, for

¹⁷ “Et in quo casu ostendantur litterae et carta ut dici poterit talis habuit breve et cartam, secundum quod Anglice dicitur, *He hadde bothe writ and charter.*”

¹⁸ “ut veritatem dicere possint si inde fuerint requisiti, et eorum nomina debent in carta comprehendi.”

¹⁹ “in locis publicis, sicut in comitatu hundredo, ut facilius probari possit si forte fuerit deducta.”

proof may fail though there is no absence of right” (120).²⁰ Witnesses are needed to corroborate the authenticity of the charter, not because the charter is a flimsy form of proof, inferior to oral testimony, but because it is nearly on a par with the gift itself. It is, in the donor’s absence, the primary site of legal action.

PERSONIFICATION ALLEGORY AND LEGAL WILL: THE CASE
OF DEGUILEVILLE

Bracton’s purpose in *De legibus* is, on the surface, fairly straightforward: he wants to define dominion and, in the process, de-emphasize the role of the charter, relegating it from the dispositive to the probative. Yet by emphasizing the relations of dominion, and by conceding the complex role of the charter within those relations, he ends up producing a carefully nuanced theory of documentary practice which compromises his original purpose. He makes it clear that documents bear a special signifying relationship to legal will and thus to the transformation of subjectivity into legal action. In doing so, he shows how, in the absence of the donor, written text and material form are interdependent in the process of substantiating and confirming legal will. Finally, he shows that the making of the legal document into a material sign is necessarily a group effort: it is through the ritual performance of the document that the principle of absence is realized. Likewise, it is the ritual performance that completes the process by which the document becomes a site of legal action.

What significance, then, might Bracton’s analysis of documentary practice have for our reading of fourteenth-century literary texts, and what might the peculiar status of the document as a material text have to do with certain forms of poetic representation? We have seen that Bracton, in his capacity as a legal theorist, makes legal documents co-extensive with the ethical subject by expounding the relationship between material documents and legal subjectivity. As we will see in this

²⁰ “Si autem testes praesentes non fuerint nec talis solemnitas adhibita, si de signo et carta oriatur dubitatio, si cum testes fuerint requisiti dicant se nihil inde scire, ita deficere poterit carta quamvis vera et bona, propter defectum probationis, deficere enim poterit probation quamvis ius non deficiat.”

chapter and the next, later medieval vernacular writers, without citing Bracton specifically, recognized the profound implications of such a relation for certain kinds of literary projects, and especially for experiments in personification allegory and lyric poetry. Key to the invention of this documentary poetics is Guillaume de Deguileville's *Pèlerinage* trilogy (1330–55) – *Le pèlerinage de la vie humaine*, *Le pèlerinage de l'âme*, and *Le pèlerinage de Jesu Christ* – which survives in eighty-six manuscripts and nearly every Western European language. The trilogy, enormously influential in late medieval England, tells the story of a pilgrim who experiences a dream-vision in which he encounters personifications offering various opinions on penance and salvation. The most memorable feature of Deguileville's otherwise rather conventional rendering of personification allegory is its number of legal instruments: Charity presents Moses with the last testament of Christ, Tribulation proves her authority to the pilgrim with commissions from God and Satan, the Devil records a confession from the Worm of Conscience, Mercy obtains a charter of pardon from Christ, Reason shows her divine commission to Rude Understanding, and so forth. Bracton's *De legibus* allows us to focus on what these documents reveal about literary form, rather than what they reveal about literary representation, and conversely, how documents in literature theorize legal relations. In doing so, moreover, it shows how the formal concerns of documentary poetics are profoundly social. Bracton's treatise and Deguileville's poem together call attention to the ways that textuality is negotiated through dominion, status, community, and performance.

Deguileville's trilogy, although originally composed in French, made up a significant part of the Middle English poetic corpus and had a remarkable effect on English notions of vernacular religious poetry. At the very least, it appealed to the tastes of the Francophilic, allegory-loving English aristocracy and to the poets who enjoyed their patronage and compensated for their deficiencies in French. Clearly by 1368, when Chaucer was translating into English Deguileville's ABC hymn to the Virgin, the first book in the trilogy, the *Le pèlerinage de la vie humaine* was already well-known in England, mostly likely as an anonymous English prose version of the poem's first redaction, the *Pilgrimage of the Lyffe of the Manhode*, which survives in six manuscripts from the early

fifteenth century (two of them sumptuously illustrated).²¹ By 1426 John Lydgate had adapted into English verse Deguileville's second redaction of the *Le pèlerinage de la vie humaine* as the *Pilgrimage of the Life of Man*, which Lydgate dedicated to Thomas Montacute, Earl of Salisbury and husband of Alice Chaucer. He also incorporated into his adaptation Chaucer's translation of the Marian hymn.²² Sometime around 1413 Thomas Hoccleve, the Privy Seal clerk and Chaucerian enthusiast, may have been responsible for translating into English the second book of the trilogy, *Le pèlerinage de l'âme* (*The Pilgrimage of the Soul*). It has been more conclusively established that he translated one of the *Soul's* lyrics, notably a fictive charter of Christ, for Joan FitzAlan, Henry IV's mother-in-law (d. 1419).²³ Clearly, too, the trilogy provided a model for William Langland's *Piers Plowman*, as will become clearer in subsequent chapters of this book.

The popularity of the *Pèlerinage* trilogy, especially in England, was largely due to its ability to capitalize on the international success of the thirteenth-century personification allegory, *Le roman de la rose*. The dreamer-narrator of *Pèlerinage de la vie humaine*, like Chaucer's narrator in the *Book of the Duchess*, falls asleep after reading the "faire romaunce of þe Rose,"²⁴ and indeed the trilogy as a whole, which the prose translator slyly calls the "Romance of the Monk," advertises itself as an adaptation of personification allegory from courtly (and academic) literature to penitential literature.²⁵ The two allegories clearly played complementary

²¹ Henry, "The Illuminations in the Two Illustrated Middle English Manuscripts of the Prose *Pilgrimage of the Lyfe of the Manhode*."

²² Lydgate's translation survives in three manuscripts. For a description of the manuscripts, see Walls's article, "Did Lydgate Translate the *Pèlerinage de la vie humaine*?"; and Green's response, "Lydgate and Deguileville Once More."

²³ For the authorship of the *Pilgrimage of the Soul*, see the introduction to *The Pilgrimage of the Soul*, ed. McGerr, xxv–xxix. See also Furnivall's comments in the introduction to *Hoccleve's Works*. Burrow contests Hoccleve's authorship of the *Soul* in *Thomas Hoccleve*, 24.

²⁴ Text in *The Pilgrimage of the Lyfe of the Manhode* [*Lyfe*], ed. Henry, line 6 (hereafter cited in the main text by line number).

²⁵ Camille argues that the illustrations that most influenced the ones in manuscripts of the *Pèlerinage de la vie humaine* were from the earlier section of the *Roman de la Rose* written by Guillaume de Lorris, suggesting that Deguileville was writing the *Vie* at the same time that the *Roman de la Rose* "had developed a ubiquitous system of illustration, which by the second quarter of the fourteenth century already showed great variety." See "The Illustrated Manuscripts of Guillaume de Deguileville's '*Pèlerinages*', 1330–1426," 10.

roles in the literary education of the French duke Charles d'Orléans (1394–1465), an exemplary prisoner of war who lived in England for over twenty years. In his *magnum opus*, the courtly allegorical narrative *Fortunes Stabilnes*, the duke's lover-narrator negotiates terms of vassalage with the God of Love, but like Deguileville's narrator, he does so with a battery of versified missives, commissions, indentures, and pardons.²⁶ Both Deguileville and Charles d'Orléans were, technically speaking, French authors, but in a certain sense the translation of Deguileville's documentary poetics into the duke's literary enterprise was made possible by the translatability of Deguileville's trilogy into English allegorical dream-visions. Deguileville and Charles d'Orléans thus attest to a century of cross-channel elaboration of the *Roman de la rose*: Deguileville turned Jean de Meun's secular allegory into a spiritual pilgrimage exceedingly attractive to English readers; Charles d'Orléans returned the *Pèlerinages* to secular allegory, by way of English letters and documentary culture.

In many ways, the *Pilgrimage* trilogy is a supremely ordinary medieval allegory, so much so as to elude the taste of most modern readers, one of whom, C. S. Lewis, dismissed its personifications as “monstrous.” In the last few decades, however, a few critics have tried to recuperate Deguileville, pointing out that what Lewis calls monstrous – Memory placing her eyes in her ears, and so forth – is, in fact, a flamboyant troping of personification allegory, and as such passes for a treatise on dream-vision, even as it remains a serious penitential narrative. J. Stephen Russell argues, for example, that Deguileville's monstrosities show that allegory is “a language rather than a spectacle,” while Susan Hagen argues that Lydgate's *Pilgrimage of the Life of Man* is a sophisticated exposition of the arts of memory.²⁷ As I shall demonstrate here, Deguileville's exploration of personification allegory is remarkable because it is predicated on a remarkable innovation: fictive legal documents. These documents are remarkable because they are, properly speaking, neither symbolic nor literal accoutrements, as one might find in a typical allegorical dream-vision or miracle story. Rather, they serve as commentary on the operations and limitations of personification while, at the same time,

²⁶ See Charles d'Orléans, *Fortunes Stabilnes*, ed. Arn.

²⁷ Russell, “Allegorical Monstrosity: the Case of Deguileville”; Hagen, *Allegorical Remembrance*.

helping to make personification “work” within the narrative fiction of the pilgrimage.

Two scenes from the trilogy illustrate this innovation especially well: in the first, Mercy obtains a charter of pardon from Christ; in the second, Reason displays her commission from Grace Dieu. In the first scene, taken from the *Pilgrimage of the Soul*, the pilgrim has died and arrived at St. Michael’s courtroom for final judgment.²⁸ His angel-warden has testified to his good faith and intent, but the devil and his loathsome sidekick “sotil Synderesis” (the Worm of Conscience) submit to the court a damning report of the pilgrim’s sins. The pilgrim protests that the devil goaded him to sin and is therefore an unacceptable notary scribe, but the stern ladies of the court, Truth and Justice, maintain that the pilgrim had every opportunity to resist the devil’s snares. Justice produces a set of scales, weighs the pilgrim’s good deeds against “Sathanasses bill,” and finds them insufficient. The pilgrim is on the verge of going to hell when Mercy suddenly halts the proceedings to purchase a charter of pardon from heaven. When she returns to the court, she opens her “skypet,” her document-box, and displays Christ’s pardon to the court, which turns out to be a beautiful charter sealed with a golden seal: “And so haue I here of þe Lordes graunte a chartre of pardoun,” she proclaims, “‘which I shal rede tofore 3ow, wherof whoso wole shal haue the cople.’ Thanne toke she forth a fair charter enseled with golde and radde it openly worde by word” (*Soul*, 49, ll. 23–8).

At this point, the pilgrim-narrator stops to invite his readers to inspect the charter as well (“wherof this is the sentence”), which turns out to be a fourteen-stanza poem in rhyme royal, the first few lines of which imitate the salutation of royal patents: “Ihesu, kyng of high heuene aboue,/Vnto Michael, my chief lieutenaunt,/And alle thyn as-sessours, which I loue . . . My gretynge; and vpon the peyne of drede/Vnto this present chartre taketh hede” (*Soul*, 49, ll. 30–2, 35–6). Christ decrees in his charter that those who sincerely repent before they die shall not be condemned to hell, even if their bad deeds outweigh their good ones. The superabundant grace of Christ’s Passion, and of Mary and the saints, will be put in the balance against the devil’s part. But Christ

²⁸ Text in *The Pilgrimage of the Soul, A Critical Edition of the Middle English Dream Vision*, [*Soul*] ed. McGerr (hereafter cited in the main text by page and line number).

warns that this charter excepts those who are complaisant, or who stubbornly refuse to repent until the very last moment: “Therefore out of this chartre I excepte/Tho alle hwiche, vnto her lyues ende,/Haue euermore in cursed synnes slepte . . .” (*Soul*, 51, ll. 13–15). After some deliberation, St. Michael decides to add the charter to the pilgrim’s side of the balance, which happily sinks with the weight of God’s grace. The pilgrim thus narrowly avoids hell but must do time in purgatory before proceeding to heaven.

What is immediately arresting about this scene is that the document – Christ’s charter – records an act of mercy, rather than justice; it is not, as might be expected, an oppressively literate incarnation of the supernatural legal system.²⁹ But this scene shows further that Deguileville has exploited the material textuality of legal documents to make a larger point about personification. He demonstrates in this scene how personification allegory within a *penitential romance* might do more than offer a set of mnemonic devices, which together make up an instructive or entertaining narrative; it might constitute an authoritative and redemptive act in itself. Generally speaking, medieval personification allegory, whether it uses personification proper or other materializations, draws explicitly and dramatically upon two processes, seeing and hearing. We see the material sign of an abstract quality (the beautiful lady Mercy, the scales of Justice, Penance’s broom), and we hear the explanation, either from the narrator or from the personifications themselves, of how the sign and its accessories illustrate that quality. The distinctive material form of the legal document means that it too may serve as a memorable iconographic accoutrement conjoined to a personification – here, it represents pardon linked to Mercy, the very promise of the Atonement. Indeed, illustrations of this pardon almost always depict the characteristic single leaf of a patent with at least one hanging seal. We are also told some concrete details about Mercy’s pardon: she takes it out of a box and holds it up for all to see, and the pilgrim tells us that it has a golden seal, an indicator, presumably, of its divine origins.

In this sense, the material form of charters, like other instances of personification in the *Pèlerinages*, exemplifies the necessity of visual

²⁹ For a very different interpretation of this scene, and for diabolical writing more generally, see Camille, “The Devil’s Writing” and “The Language of Images in Medieval England.”

signs for processing abstract concepts – a charter of pardon would not be accepted as a grant, for example, without its authorizing seal. But as we saw in Bracton's *De legibus et consuetudinibus Angliae*, the form of a charter, *unlike* other visual signs, unfolds into a readable text, the purpose of which is to confirm and be confirmed by the material form. It is in these mutually affirming roles as readable text and material object, moreover, that Deguileville's charter exceeds the visual actualization of an abstract concept (as one might see in the allegorical narratives of Jean de Meun or Alain de Lille) and begins to unpack the entire operations of seeing and hearing central to personification allegory. It does so, first of all, by authorizing itself. It describes the history of the abstract quality – pardon – that the parchment with the gold seal nominally represents. It describes the grantor and recipients of pardon, the thing to be granted, the circumstances in which it was granted, and the conditions for its implementation. Just as the visual sign of the charter would not represent a grant of pardon if it did not have an open format and a hanging seal, so it would not represent Christ's intention to pardon if it did not contain this information and if that information were not expressed in official formulas. The charter is a sign that signifies a quality (pardon), and as such it participates in a larger allegorical narrative. It also, however, contains its own narrative within itself; it signifies authority as well as pardon because it authenticates itself.

As we saw with Bracton, moreover, the text of Mercy's charter further authorizes the material sign by narrating the voice of the absent grantor, Christ, as opposed to the voice of a personified character within the narrative, such as Mercy or the pilgrim. In doing so, the charter presents personification ideally as a legal fiction, as well as a literary fiction. Like *prosopopeia*, the case of the absent or imaginary speaker, the charter makes the intangible tangible and makes the material human. The visible layout of the charter materializes or substantiates the donor's will that an action take place (the golden seal), while at the same time the text of the charter speaks for the absent donor ("I, Christ," etc.). Importantly, the charter personifies in the sense of creating legal persons through narrative fictions: it is the making of legal personhood that permits an action to take place, even in the absence of the donor. As we saw with Bracton, too, the donor's will (here Christ's will), when encoded as an act within documentary formulas, becomes an entity

with rights and privileges.³⁰ Likewise, the addressees, agents, purveyors, and beneficiaries named in the document (St. Michael, Mary, Mercy, the contrite pilgrim) are realized as actors within the legal drama of the text. What I am suggesting, then, by calling attention to the documentary poetics of this scene, is that Mercy's charter showcases a personification allegory in miniature, whose signifying claims exemplify and authorize the mechanisms central to all personification.

We might go even further, however, and say that Mercy's charter, by using documentary practice to unpack the signifying claims of personification allegory, shows how allegory performs, rather than symbolizes or illustrates, the penitential life. In other words, if Mercy's charter is the site at which the will of the donor (Christ) is encoded materially and rhetorically as a legal act (the granting of pardon), it suggests ways that personification allegory, at least in Deguileville's version of it, might be a redemptive process and a series of foundational moments. Generally speaking, iconographic appendages such as Penance's broom or Justice's scales are contiguous with the personification – they are emblems of the quality that the personified character represents. But Mercy's charter goes beyond the metonymic to represent the whole process by which pardon is authorized and disseminated through the mercy of Christ. To see and to hear this document is not simply to learn the significance of pardon but also to witness and participate in the process by which pardon is continuously established and made available as a material text. It is, we might say, performative inside and outside the literary fiction – it “outweighs” the devil's testimony by transacting salvation both with the pilgrim and with all of Deguileville's readers.

The scene of Mercy's pardon shows how documentary culture might be used to theorize the relationship between allegory, textuality, and redemption. But whereas that scene posits documents as unquestionable *loci* of authority, authorizing both redemptive action within the allegorical fiction and the larger project of reading personification allegory, the scene of Reason's commission questions the method by which documents authenticate persons and, by extension, the various ways in which personification may be received, recognized, and named. More

³⁰ Although the author is personified as an actor the moment he takes a justified legal action, the charter is the written record of his personification. On this point, see Duranti, *Diplomatics*, 81–97.

specifically, Deguileville uses legal documents in this second example to show how the making of meaning within personification allegory is shaped as much by social conflict as it is by semantic and interpretative ambiguity. This is not to say that Deguileville is anticipating the trajectory of the modern, the “movement of the sign as material to the signifying process itself.”³¹ It is to say, rather, that he is interested in rationalizing the signifying process by calling attention to the material textualities of the sign, as well as the social dynamics in which that sign is produced.

At the beginning of Book 2 of the *Pilgrimage of the Lyfe of the Manhode*, the pilgrim encounters a nasty churl with a churl’s stereotypical features – “euele shapen, grete [browed] and frounced” – wielding a menacing staff (*Lyfe*, 2772–3). The churl accosts the pilgrim, threatening to take away his satchel and walking stick, and accusing him of breaking the king’s – Christ’s – law. This “law,” which the churl insists upon interpreting literally, orders all men to leave at home their stick and satchel (from Luke 9.3: “Carry nothing with you, neither stick, nor bread, nor money, nor should you have two tunics”). The pilgrim is cowed into silence but is soon rescued by a noble lady named Reason, who has been sent by Grace Dieu to serve as the pilgrim’s advocate. She loftily challenges the churl with a series of questions: whom does he serve, what does he do for a living, and what is his name? (“Cherl, sey me, now God keepe þee, wherof þow seruest and whi þou seemest so diuers? Art þou a repere or a mowere, or an espyour of weyfereres? How hattest þou, and where gaderedest and tooke þi grete staf?” [*Lyfe*, 2808–11]). She observes, moreover, that a staff is not a becoming prop for a good man. The feisty churl returns her challenge in kind, asking her whether she thinks she is some kind of “mayoress” or “enqueress” and demanding to see her commission, without which he will not believe that she has the authority to intervene. “Shewe þi commissioun,” he says, “at þe leste þi name I shal wite, and þe grete powere þat þou hast, þat bi semblaunt þou shewest me: for if I were not suer þerof, I wolde to þee answere nothing” (*Lyfe*, 2814–17).

Reason promptly reaches into a pocket or small sack (“speyer”) in her bosom and produces a box from which she draws forth her commission (Figures 2 and 3). She commands the churl to examine it so that he might

³¹ Stewart, *On Longing: Narratives of the Miniature, the Gigantic, the Souvenir, the Collection*, 5.