

Essays in Medieval Studies 13

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**Beating the Bounds Between Church and State:
Official Documents in the Literary Imagination****Bryan P. Davis**

The royal or baronial charter, a legal document by which patrons granted property rights and other franchises to their clients and supporters, figures centrally in the late medieval practice of "beating the bounds." This ritual procession, which traces a landowner's or village's boundaries, was often led by an official carrying the charter, which defines the extent of the landowner's property rights. Charters not only grant prerogative over a specific geographical area in a legal sense, but are integral to the ceremonial perpetuation of the landowner or tenant's proprietary power in a metaphoric sense. The beating of the bounds insured that men of all classes understood that official documents such as charters were essential tools of material power.¹

Thus it is no great surprise that official documentary formulas became templates for satiric fictions which reproached the abuse of secular power, particularly the exercise of secular prerogatives by the priestly estate. Nor is it surprising that fictions with devotional aims were figured in legal formulaic terms since the Creator's ideal covenants are as certain and binding as any human covenant should be. Both these categories of unofficial documents, the satiric and the idealistic, originated within the lower strata of the clergy, the estate which the fictions criticize most heavily and whose authority they undermine. In this paper, I will demonstrate how satiric legal fictions challenged the claims of ecclesiastical and secular authority. Satiric fictions also highlight the ambiguity of the bounds between knightly and priestly estates by emphasizing the resemblance between civil and ecclesiastical documents. Furthermore, I explore the claims to authority advanced by idealistic documentary fictions. Ultimately, I will outline an important correlation between the categories of unofficial legal fiction and the antiquity of their claims to authority. The fictions in which authority derives from relatively late dates are satiric and critical, while those in which it derives from more ancient dates are idealistic and didactic.

One of the better known examples of Middle English satiric legal fiction may

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be found in Passus II of *Piers Plowman*.² Here, Lady Mede's betrothal to Falsnesse is sealed by a charter in which her father, Favel, endows her with possessions appropriate to her prospective station. This charter typifies satiric fictions in several ways.³ Lady Mede's charter contains all the sections requisite for an official document including the formal opening "Sciant presentes et futuri," the specification of the rights granted, the date of the charter's signing and sealing, and the enumeration of witnesses to the agreement.⁴ The conformity of this fiction with the expectations for a valid instrument implies familiarity with such instruments on the part of the charter's composer. While I do not contend that the individual known as William Langland was a legal clerk, I insist that he was intimate with the strata of the clergy who thronged the lower rungs of the civil and ecclesiastical hierarchy. I would add that this observation about a composer's familiarity with legal niceties applies equally to the other satiric and idealistic fictions I will discuss. I would also note that satiric legal fictions targeted the upper strata of the clergy for their greatest criticism.

Favel bestows a wealth of allegorical properties on his daughter and prospective son-in-law, including the principedom of Pride, the earldoms of Envy and Wrath, the county of Covetous, and the lordship of Lechery, Gluttony, and Sloth, but he does so only with the complicity of Civile and Simony. The chief criticism levelled by the charter is that unjust earthly reward could not exist without the approval of the civil and ecclesiastical authorities. While Lady Mede and Falsnesse are portrayed as noble sinners, the highest spiritual and secular lords are also implicated in their sins. Furthermore, as allegorical representations of putatively discrete estates, Civile and Simony are distinctly ambiguous. Were it not for their respective titles, one could hardly tell them apart. And just as Civile is the knightly equivalent of Simony, the legal charter in *Piers Plowman* has a counterpart that further emphasizes the ambiguity between the estates

and informs the poem's criticism of clerical iniquity.

Strictly speaking, a bull is the ecclesiastical equivalent of a charter because it is the official instrument by which popes excommunicate heretics, confirm religious appointments, and grant franchises to preach and hear confessions. However, the indulgence is a more common target of anti-clerical satire, and the use of the term *pardoun* when referring to the specific fictional example in *Piers Plowman* is a significant choice. While the term *indulgence* refers specifically to an ecclesiastical document, *pardoun* is a broader term that could apply to a release from either secular or spiritual punishment.⁵ The pardon Piers receives from Truth, "et qui bona egerunt ibunt in vitam eternum; / qui vero mala in ignem eternum,"⁶ is a curious, inverted parody of a pardon that grants no dispensation to its holder. Certainly, the text of the pardon sets the stage for Will to seek the meaning of *Do Well* throughout the remainder of the poem, but the existence of this legal fiction serves another purpose as well. We are not surprised when the priest who offers to "construen" the pardon cannot locate any indulgence in its text. Not only does the degenerate clergy employ legalistic instruments of power in the same way as nobles, but they are therefore incapable of fulfilling their station. When Piers tears the pardon, he rends the tissue of canon

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law by which the clergy maintains its authority.

In the world of unofficial fictions beyond *Piers Plowman*, we find further skepticism about the efficacy of the clergy exercising both secular and spiritual lordship. The Middle English translation of the *Epistola Luciferi ad Cleros* echoes the criticisms in *Piers Plowman* while illustrating another aspect of the satiric use of legal fictions. This text takes the form of a pastoral letter from Lucifer to the clerics under his guidance. The salutation of Lucifer's letter inscribes the same ambiguity between spiritual and secular authority that is evident in *Piers Plowman*. Lucifer's salutation designates him as:

Lucifer lord & prince of þe depe donioun of derkenes .

Rewlour of þe regne of þe Jn fernall empyre

kyng of þe cuntre of cumb bryd caytifs Justise & Juge of all Geheniall subiectes

duke of þe dale of dyssese heer of þe erytage of hell.⁷ The resemblance between Lucifer's self-designation and such formulaic titles as "Dei gratia Rex Anglié et Francié et Dominus Hibernié"⁸ is unlikely to have been accidental, and the remainder of his salutation echoes formulas of both civil and ecclesiastical letters.

to all our dere leef & worthi to be lovyd felawes bre erin and childryn of pryde vniuersall & singuler wi þe froyte of all fals nes fulfillyd of is dayes cherche ; as þe feu te of obediens to our ymperial magnificens and infernall souereynte to which euere /3et we fynd yow obeysaunt and trewe lieges & subiectes helthe wel þe and gretyng which as to our self and oures we coueyte and desire.⁹

This salutation casts Satan as the secular ruler of a spiritual region and the lord of the false fruit of the contemporary church. Indeed, the chief source of the adversarial relationship between Lucifer and Jesus Christ is identified in Lucifer's epistle as the episode in the fourth chapter of Luke in which Jesus rejects Lucifer's offer of temporal lordship. Of course, this biblical gloss is among the standard complaints of anti-clerical satire, but Lucifer's epistle provides another unusual insight that underscores an important detail in literary and literal legal fictions.

Lucifer narrates the story of his association with clerics as an interrupted sequence. He describes how his traditional arrangements with the pharisees and sadducees were suspended when " þe vikers subiectys & disciples of at Jehsu crist" began "lyvyng vndir a pore manere lyf by her prechynges & worchynges."¹⁰ Satan claims prior right to the lordship of the ecclesia. Subsequently, Lucifer describes a counter-reformation in which he establishes covenants similar to the one he offered Jesus with the leaders of the Christian church. Lucifer's epistle figuratively depicts the contract between him and the sinners within the Church as an inversion of the Old Testament covenant between God and his people. The Old Testament insistence on the covenant between God and his chosen people made the allegorical document resonant for the medieval English Christian, but only after the covenant had been perfected by the crucifixion and reconfigured in contemporary legal terms.

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Richard Rolle's didactic work *The Abbey of the Holy Ghost* allegorizes the chief spiritual virtues as the occupants of a convent established by the Father and visited by the Holy Spirit. When this text was copied into the Vernon

manuscript, a charter became attached to it, and circulated with the text thereafter. Any abbey fictional or otherwise needs a charter, but the explanation for the charter's inclusion found in this text's prologue is crucial. The prologue notes that:

ou/3 it be so at an abbey haue neuere so good founder or a visitoure, but /3if he haue also goode dedis & charteres of here places where- orou ei mowe kepen here londis, rentys & fraunchises, oftesi es per auenture ei schulden ben mysserued & suffren mochel persecucion of here enemyes & of false men.¹¹

Rolle goes on to say that since he is loathe to allow such things to happen to the abbey, he provided it with a charter. Within this literary legal fiction, the grasping landlords of the contemporary scene are analogous to the forces of evil. The only proof against the grasping landlord is an authoritative charter just as the only protection against Lucifer and his minions are the omnipotence of God the Father and the gifts of the Holy Spirit. The narrative following the charter re-envision biblical salvation history as the despoiling and rehabilitation of the abbey. Eve is portrayed as allowing Satan and his cohorts into the abbey, which they sack, carrying off the charter in the process. Satan literally and figuratively steals the documentary evidence of God's guarantee of eternal bliss to any person who is without the filth of sin.

The didactic purpose of this text is abundantly clear since Rolle interprets every aspect of his allegorical abbey with great precision, but the choice to include the charter indicates that even a fictional religious institution could not be imagined without an official document confirming the terms of its foundation. Furthermore, the terms of the foundation of The Abbey of the Holy Ghost specifies that the rights granted by its charter can be exercised by any person who fulfills the conditions of the grant, to be without the filth of sin. The Holy Spirit is the only spiritual authority empowered to assess how well an individual soul fulfills these terms. The charter grants an idealized vision of the Church as a bulwark against the fallen world.

The group of documents known as the Charters of Christ continue the Trinity's deeds of gift to mankind. The Charters of Christ survive in multiple copies, but all versions share a general outline. Whether in the long or the short form, this carta is granted by Christ on Calvary, and like the charters in *Piers Plowman* and *The Abbey of the Holy Ghost* maintains legalistic formulae. As one might expect, the savior grants the gift of "heuene blis witowtyn endyng"¹² to those who pay the rent of loving the lord their god and their neighbors as themselves. The gift is witnessed by the natural phenomena that followed the crucifixion, as well as the Virgin Mary, St John, and the others spectators at Golgotha. The longer versions of the charter incorporate additional material on the establishment of the sacraments, but the shorter version had a wider circulation and is more to the

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point. It explains that Christ's charter was sealed on "the fyrste day of the gret mercy"¹³ and represents the terms under which divine mercy was granted as a strict contractual agreement. The ambiguity inherent in the portrayal of the knightly and priestly estates extends to the portrayal of God as a lord who employed legal instruments to maintain order in the universe.

The portrayal of God as an ideal secular lord is heightened by some readers of the Charter of Christ who imbued their copies with intertextual associations to a specific social contract. There are two manuscripts in which the shorter version of the Charter of Christ was given the title "Magna Carta de libertatibus mundi."¹⁴ The association of the charter granted at Calvary with that granted at Runnymede places the official fiction and the Charter of Christ in an interesting relationship. Whether or not the Magna Carta was originally conceived as a document of liberation that confirms the traditional rights and responsibilities of feudal society is debatable. However, it seems to have been interpreted as such a social contract by some readers of the Charter of Christ. Similarly, the Charter of Christ was interpreted as a guarantee of the rights and responsibilities that govern the Christian spiritual order.

Like the Magna Carta, these unofficial legal fictions provide documentary evidence of significant historical moments. Since these unofficial fictions accurately imitate legalistic formulas, they contain specific dates that place them in a historical context. In a sense, these documents can be seen as artefacts from the archive of medieval salvation history. As with the legal fictions they imitate, the dates inscribed upon unofficial fictions conclusively adjudicate their claims to authority.

As noted above, Lucifer claims in his epistle that his arrangements with the clergy existed prior to the advent of

Christianity. An appeal to the antiquity of a privilege was well understood in a legal context,¹⁵ as can be seen by the charters of questionable dating found in the archives of many monastic institutions. Lucifer's claim that his rights predate those of the upstart Christians is to be expected, but his claim is imaginatively abrogated by the Charter of the Abbey of the Holy Ghost, which purports to date from the edenic era. It tells that Adam and Eve lost their franchise when they allowed Satan into the abbey, but this has no bearing on the ancient authority under which the charter was sealed. Rolle's claim to authority dates from the time before there was any need for a covenant of salvation between God and his people.

A similar contrast can be seen between the dates on the charter in *Piers Plowman* and the Charter of Christ. In keeping with its strategy of reversal, Lady Mede's charter is signed and sealed in *anno diaboli*. Conversely, the Charter of Christ is sealed on the day of the great mercy, the most significant date in *anno Domini*. On the day of the great mercy, the interruption of traditions that Lucifer laments in his epistle began, and the rights granted by the Father in the Charter of the Abbey of the Holy Ghost once again became available. On the one hand, the Charter of Christ and the Charter of the Abbey of the Holy Ghost are didactic, idealist fictions which represent their authority as deriving from two of the more significant dates in biblical history. On the other hand, Lady Mede's charter and

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the *Epistola Luciferi ad Cleros* are represented as originating in later fallen times, and disclose the failure of those in authority to maintain the proper order, especially those in spiritual authority. An more ancient date certifies authority even for a literary legal fiction.

Literary legal fictions have led us on an imaginative perambulation of the ideal bounds between church and state. Satiric fictions negatively define the boundaries by highlighting conditions that should not exist, while idealistic fictions create an imaginative state of grace in which legal documents confirm the truth. Lady Mede's charter accents the complicity of the ecclesiastical authorities in the excesses of the proud and worldly, while Piers's pardon and the *Epistola Luciferi ad Cleros* imply that the clerical estate should properly be humble and ascetic. The Charter of the Abbey of the Holy Ghost witnesses to the state of grace that existed before the abbey was plundered by Lucifer and the other rogue lords of heaven, and this state of grace is confirmed by the Charter of Christ. Both of these are ideal, sacred versions of legal obligation that stand in opposition to the fallen versions proliferated by the authorities of canon and common law. Thus literary legal fictions beat the bounds between church and state, and in the process illustrate that those boundaries should be as clear as the contrast between Lady Mede's charter, a product of the fallen world, and the Charter of Christ, an affirmation of God's edenic promises to mankind.

Appendix

1. The Charter of Lady Mede:

Sciant presentes & futuri et cetera

Wite and wisesse at wonie vpon erþe

That Mede is ymarried moore for hire goodes

Than for any vertue or fairnesse or any free kynde

Falnesse is fayn of hire for he woot hire riche

And fauel wi his fikel speche feffe is chartre

To be princes in pride and pouerte to despise

To bakbite and to bosten and to bere fals wisesse

To scorne and to scolde and sclaudre to make

Vnbuxome and bolde to breke eþten hestes

And þe erldom of enuye and wraþe togideres

Wiþ þe chastilet of cheste and chaterynge out of reson

The countee of couetise and alle þe costes aboute

That is vsure and auarice al I hem graunte

In bargaynes and brocages wiþ þe burgh of efte

al þe lordshipe of leccherie in leng þe and in brede

As in werkes and in wordes and waytyn with ei/3es

And in wees and in wisshynges and wiþ ydel ou/3tes

There as wil wolde and werkmanshipe fayle
 Glotonye he hem ek and grete opes togidere

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And al day to drynken at diuerse tauernes
 And ere to iangle and iape and iugge hir euencristen
 And in fastynge dayes to frete er ful tyme were
 And anne to sitten and soupen til sleep hem assaille
 And bredden as burgh swyn and bedden hem esily
 Til sleu þe and sleep sliken hise sides
 And þanne wanhope to awaken h[y]m so wiþ no wil to amende
 For he leueþ be lost þis is laste ende
 And þei to haue and to holde and hire heires after
 A dwellynge wiþ þe deuel and dampned be for euere
 Wiþ alle þe [purtinaunces] of purgatorie into þe pyne of helle
 Yeldynge for þis þyng at one [yeres ende]
 Hire soules to sathan to suffre with hym peynes
 And with hym to wonye [in] wo while god is in heuene. [16](#)

2. A charter granted by Edward III to his son, Edward:

Henricus, Dei gratia Rex Anglié, Dominus Hibernié et Dux Aquitanié, archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, justiciaris, vicecomitibus, prepositis, ministris, et omnibus ballivis et fidelibus suis, Salutem. Sciatis quod dilectus avunculus noster, Petrus de Sabaudia, in nostra presencia constitutus, reddidit in manus nostras et quietum clamavit de se et heredibus suis, ad opus Edwardi primogeniti nostri dilecti, manerium de Radenhale in comitatu Norfolkíe et maneria de Wissete, Kettelberge, Nettlested et Wike subtus Gippeswicum, cum feodis militum, advocationibus ecclesiarum, et omnibus aliis ad maneria predicta pertinentibus, et quator libras et tresdecim solidos redditus, cum pertinentiis, quos idem Petrus annuatim percipit in Gippeswico in comitatu Suffolkié, que sunt de honore Richemundié. Et nos eidem filio nostro maneria predicta dedimus, concessimus et hac presenti carta nostra confirmavimus pro homore, castro, et rapo de Hastings in comitatu Sussexié, et pro terris que fuerunt Walteri de Scoteny, cum feodis militum, advocationibus ecclesiarum et prebendarum et aliis omnibus ad honorem, castrum et rapum in predicto comitatu Sussexié spectantibus, et cum servicio feodi unius militis in Tuiroke in comitatu Essexié, quod Bartholomeus de brientun tenet de honore Hastings, que idem Edwardus in manus nostras reddidit et quietum clamavit as opus prefati Petri; habenda et tenenda eidem Edwardo et heredibus suis, de corpore suo legitime procreatis, imperpetuum. Ita tamen quod maneria predicta numquam separentur a corona Anglié, et quod nullus alius, preter predictum Edwardum et heredos suos, reges Anglié, racione istius donacionis eidem Edwardo facté, aliquid juris vel clamium aliquo tempore sibi vindicare possit in mameriis predictis; set integre remaneant regibus Anglié imperpetuum. Hiis testibus [etc.]. Data per manum nostram, apud Cantuariam, octavo die Julii, anno regni nostri quadragesimo sexto. [17](#)

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Notes

1. Steven Justice, *Writing and Rebellion: England in 1381* (Berkeley, 1994), pp. 165-67.
2. William Langland, *Piers Plowman: The B Version*, ed. George Kane and E. Talbot Donaldson (London, 1975), Passus II, lines 74-107. The charter appears in all three versions of the poem, although it was expanded from the A- to the B-version. Since the charter was not substantially changed from the B- to the C-version, I confine my discussion to the B-version. See the Appendix for the complete text of the "feffement at fals has ymaked."
3. See the Appendix for a comparison of Lady Mede's charter with an actual grant made by Edward III to his son Edward, the Black Prince.
4. H. G. Richardson and G. O. Sayles, eds., *Fleta*, Selden Society 89 (London, 1972), pp. 28-31.
5. John Alford, *Piers Plowman: A Glossary of Legal Diction* (Wolfeboro, 1988), pp. 73, 109.
6. Langland, *Piers Plowman*, Passus VII, lines 113-14.
7. San Marino, California, Huntington Library, MS HM 114, fol. 319r.
8. *Formula Book of English Official Historical Documents*, ed. Hubert Hall, 2 vols. (New York, 1908), 1:30.
9. HM 114, fol. 319r. Compare the salutation in the charter granted by Edward III in the Appendix.
10. HM 114, fol. 319r.
11. *Yorkshire Writers: Richard Rolle of Hampole*, ed. C. Horstman, 2 vols. (London, 1895), 1:338.
12. *The Middle English Charters of Christ*, ed. Mary Caroline Spalding (Bryn Mawr, 1914), p. 16, line 9.
13. *Charters of Christ*, ed. Spalding, p. 16, line 34.
14. *Charters of Christ*, ed. Spalding, pp. 4-5.
15. Justice, *Writing and Rebellion*, p. 47.
16. I have restored the majority of the manuscript readings where Kane and Donaldson's emendations seem to me unnecessary or indefensible. My emended emendations appear in angled brackets.
17. *Formula Book*, ed. Hall, 1:38-39.