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Courts of Love: Challenge to Feudalism

ROBERT V. GRAYBILL

Central Missouri State University

That political liberation from the medieval feudal system in southern Europe was accomplished by myriads of small causes – crusades, commercial trade, gunpowder – is an old story. Yet there is an ever-new fascination in tracing some of the forces that were strong not merely for that age but for all time. Although C. S. Lewis may have overstated the case in *The Allegory of Love*, the natural freedom toward which the sexual instinct urges humans is widely held as a foremost politically liberating force. That instinct, expressed through the culture of twelfth-century Provence, particularly in terms of courtly love, played a significant part in the breakup of feudalism. Indeed, one institution of courtly love, the Court or Parliament of Love, had an importance far out of proportion to its time or place.

The Feudal political system, based on undying loyalty to a lord or king, had its judicial system too. Although the church exercised power through ecclesiastical courts, the political courts were far from weak. It was an age of formality, legalism, and scholasticism – a fixed system. No wonder then that for romantic love to be a part of the culture it had to have its own system of authority, its own court.

At first the concept of courtly love was not competitive to established legal and ecclesiastical systems. Rather, it filled a vacuum in feudal marriage. Since marriage was not based on romantic love, and since romantic love had a never-flagging impetus, some way had to be found to regulate it. The answer was courtly love, a convention which turned passion, jealousy, secret

admiration and assignation into (as many of its supporters hoped) a socially valuable force, a means of social control that would be peaceful, even at times wholesome. As Denis de Rougemont remarks: "To impose a style on the life of the passions – that dream of the whole of the pagan Middle Ages tormented by Christian law – such is the secret wish that was to give rise to the [courtly love] myth" (196).

But the substitution of one form of control for another rent the fabric of feudal society. A courtly lover, bound to his lord by ties of homage and duty, found himself bound to an even further degree to the lord's lady. Feudal loyalty was split into different and sometimes opposing obligations.

Nor was personal political loyalty the only kind of faith to suffer. Religious faith waned as romance grew, and the new spirit "was not merely non-religious; it was potentially unorthodox and anti-clerical. It is no accident that the cradle of the courtly literature and culture should have also been the centre of the Albigensian heresy and the first country in the west of Europe to revolt against the religious unity of Christendom" (Dawson 157).

Once the idea had been established that loyalty and faith antipathetic to one's lord and one's church could be practiced, the challenge to authority was evident. A vassal who broke faith with his lord by seducing the lord's wife (and vassals likely crept into bedrooms as often as did minor nobles) would naturally find it easier to break his political or ecclesiastical ties after the initial breach of faith. Sometimes the courtly love relationship itself would suffer, as when, for example, in 1173, "Jacques d'Avesnes, having protested in vain against what he regarded as infringements of his rights by his lord, Count Baldwin V of Hainault, broke off relations with the countess, who was governing the country in her husband's absence, and 'dared to break his faith to her'" (Ganshof 99).

The idea of a god of love or of love as an absolute ruler with power to enforce his will can be traced to the Greeks. From the fertility gods of the near East to the court of Eleanor of Aquitaine the idea persisted that sexual love, both physical and idealized, was meaningful and desirable, a human force not to be denied. It remained for the women of the troubadours to give the god of love a local habitation. C. S. Lewis points out that love permeated to the

heart of Provençal culture, and took on many trappings of current philosophies and practices: "We find . . . conceptions of lovers as the members of an order of love, modelled upon the orders of religion; of an art of love, as in Ovid; and of a court of love, with solemn customs and usages, modelled upon the feudal courts of that period" (31).

Some scholars have seen courtly love as similar to the feelings that caused the Albigensian heresy. Other have traced its bases to the influence of Hispano-Arabic lyrics. Although its bases may have been eclectic, one can safely say that it was inclined to be heretical and was likely a carryover from paganism. Rowbotham suggests that luxury itself helped cause the heresy of romantic love: "Whether it were a secret unbelief or a spirit of social rebellion against the moral constraints of religion engendered by luxury and looseness of life, certain it is that the troubadours throughout their history will generally be found to constitute the anti-clerical party – a natural position, some will say, for a race of men and poets who represented so strikingly the blithe, unfettered, and pagan conceptions of life" (48). However, pagan or not, the institutionalization of courtly love was couched in language and custom that was nominally Christian. It took on "the organizing structure of an imitated or assimilated Christian cosmos, with its worshipers, its martyrs and angels, its God of Love, and its Paradise" (Muscatine 17).

Courtly love, whose beginnings lay in the social control of the culturally disruptive sexual urge, became an immensely powerful movement under the leadership of Eleanor of Aquitaine. As Patricia Terry says, ". . . courtly poets raised love to the same important level as religion and warfare within the realm of poetry. Ecclesiastical poets had celebrated the fidelity of saints and martyrs. Authors of the chansons de geste had rejoiced in the victories and had lamented the defeats of brave warriors. How appropriate that the household poets should likewise proclaim the dangers, the joys, and the sufferings embraced by the lover!" (x-xi) The idea saturated Provençal culture, but failed, ultimately, to do the very thing it first set out to do – reduce the friction and dissension that love caused to the feudal system. Courtly love defied the social order by making love more important than politics or religion. It became, in its own right, a political power and a new religion. As

Friedrich Heer points out, "the Roman Courtois derived from English and Celtic sources a tradition of antagonism towards the Holy Roman Empire, the France of the Capetian kings, and Rome. To these antagonisms, which it shared, the Provençal element added another, a proud and rebellious intolerance of the harsh authoritarian world of masculine kingship: Eleanor came into conflict with Henry II. . . . The kingdom of courtly love was drawn into conflict with the greatest powers of the age" (169). Courtly love had discovered that the rule of law and church lacked the virtue that we now call romantic love or emotional idealism. A line from the *Carmina Burana* shows the need: "Always, in all that is, it's good to have a mean, for without measure the court of the king will not stand." James J. Wilhelm, who translated the line, explains its meaning: ". . . we are searching for something upon which a court (symbolizing the Earthly Paradise or order realized in terms of human perfection) can be built" (122). The Court of Love was that much-sought "Earthly Paradise." No longer were metaphysical questions to be asked and answered only by ecclesiasts. Courtly love, an amalgam of secular and religious ideas, practiced a reality that supplanted secular law and sought an ideal that replaced ecclesiastical control. "In 1270 and 1277, Bishop Tempier of Paris . . . proscribed numerous doctrines on the grounds of Averroism . . . especially because they seemed to involve the heresy of 'double truth' – that is, the affirmation that there are separate 'truths' of philosophy and of theology. . . . *The Art of Courtly Love*, by Andreas Capellanus, was condemned at the same time and for roughly parallel reasons" (Ackerman 85-86). Incidentally, the separate truth, the self-evident truth or feeling of primary certitude expressed by the emotions, is still extant as an operating influence in western romance, says de Rougemont: "In the western world the degenerate Platonism by which we are possessed blinds us to the reality of the object as it is according to its own truth . . . and it sends us in pursuit of chimeras that exist only inside ourselves" (77).

For de Rougemont, courtly love was pagan. But the temper of the age seemingly made the new convention necessary. Masculine harshness, feudal inequity, and legalistic religion had little appeal to the refined mind. Satisfactory alternatives could be found only in the idealization of the oldest of human expressions

– sexual emotion. Fleming rightly says that the "Parliaments of Love, then created, were neither so unorthodox nor so stupid as we may suppose," (74) and Amy Kelly explains why: ". . . the ideal of l'amour courtois which grew up in Poitiers had, as has been well said, more than a little to do with freeing women from the millstone which the church in the first millenium hung about her neck as the author of man's fall and the facile instrument of the devil in the world" (207). The courtly love ideals were more humane than the social institutions of the time and potentially more wholesome. After reading of the murderous assaults of the crusaders and the soul-quenching despotism of the church, one turns with relief to the gentility of courtly lovers. Even assuming, for the moment, that the ancestor of the court of love was the pagan fertility rite, the convention was still a valuable alternative to the sterile asceticism of contemporary religion.

Friedrich Heer, talking about the songs of Bertran de Born, makes the interesting statement that they "breathe all the passionate hatreds of the South, now consciously committed to a way of life which flouted all convention" (175). One wonders exactly when the dedication to a new way of life became "conscious." The origin of the Court of Love gives a terminus a quo to that question. When ladies established "courts" with even the smallest judiciary function about them, they must have been conscious of what they were doing. Some authors insist that there were never any such courts, that such a concept is a figment of the imagination of Andreas Capellanus, Jehan de Nostradamus, and Martial of Auvergne. Robert Briffault, however, while denying the existence of the Courts of Love, curiously enough gives a great deal of seemingly authentic information about something which supposedly never was. Such a full-blown negation as his demands quoting in its entirety:

Nothing could be at wider variance with courtly principles than to pass judgement on individual cases or even to refer in such a connection to any person by name. But it would, nevertheless, be fully in the spirit of twelfth-century gallantry to bestow such an appellation on fashionable gatherings enlivened by tuneful flattery of the poets and

jongleurs, and presided over by ladies who were quite prepared to voice their judgments on the verses descanted and on the 'questions of love' therein raised. It was in the 'salons' of these bluestockings born before their time that 'courtly' poetry originated, at the house of Aliénor of Aquitaine at Poitiers, at Ventadorn in the home of Azalais, daughter of the lord Guillaume de Montpellier, under the presiding patronage of Bertrane, the Lady of Signe, of Rostangue, Lady of the Manor of Pierrefeu, of Phanette de Gentelme, Lady of Romanin, of Hermesende, of the Lady of Posquieres, of Beatrice, Countess of Die, of Alaete, Lady of the manor of Ongle, of Adalazie, Viscountess of Avignon, of Mabile, Viscountess of Ieres, of Staphanie, wife of Raimon des Baux and daughter of Gilbert, Count of Provence, of Jausserande, Lady of Claustral, of Ermengarde, Countess of Narbonne and Bertrane d'Orgon. (86)

Quite a long list of courtly judges who never were. But perhaps Briffault's difficulty is semantic. He seems to define the Love Court as equal to any other medieval court, possessing the power to legally punish wrongdoers. Punitive the court of love could not have been beyond the power to socially shame those who had not lived up to the loose conventions of courtly love. But even that power was great. If hell hath no fury like a woman scorned, one wonders what fury a courtful of them would have.

Justin H. Smith likewise denies a formal Court of Love, but admits that "there was a custom resembling the fanciful institution; something far more graceful and appropriate. When all were thinking of love and its complications, it was natural to speak of them. Great ladies of the 'world' undoubtedly discussed all phases of the subject, and these informal discussions of real or imaginary cases became a favorite amusement of polite society. Difficult questions were certainly referred to recognized leaders of fashion, and their opinions helped, of course, to establish the principles and the usages of courtly love" (Vol. 1 216). Both Smith and Briffault find the problem of definition a difficult one. But

they admit that something much like a court existed and that it did establish convention and influence the thinking of an era. Actually, had Eleanor and her specific Court of Love never existed, those who believed in the concept of one would have acted much as they did, the reality being Platonically undeniable.

From the courtly love tradition to the outrage of a specific Love Court was a large step, however, and shows the extent to which the age changed. The Court of Love was established by women not men, and was therefore doubly heretical in its day. It was one thing to deceive lords and ecclesiasts, another to supplant them in favor of a feminine-dominated alternative. It was a far cry from reality for medieval women to set themselves up as lawgivers to men, as lawyers and judges, even for so feminine a thing as romance. It is a tribute to the power and skill of Eleanor and her court that courtly love seeped into the consciousness of western man with such an indelibility that it flourishes still.

Eleanor of Aquitaine settled at Poitiers about 1170 after having influenced northern France as the wife of Louis VII and Britain as the wife of Henry II. Everywhere she went she took the courtly love of the troubadours along as a cultural force, redecorating the habits of the French and British courts as modern American Presidents' wives redecorate the White House. But it was in Poitiers that, along with her daughter, Marie de Champagne, Eleanor set up the institution of the Court of Love. It was at Poitiers that Marie urged Andreas Capellanus to produce the greatest source of information about the Provençal culture of that period, The Art of Courtly Love. Marie also set up Courts of Love "in which, just as feudal vassals brought their grievances to the assizes of their overlords for regulation litigants in love's thrall brought their problems for the judgment of the ladies" (Kelly 207). J. M. Rowbotham lists Love Courts at the various places discussed by Robert Briffault. Heer describes the Love Court of Eleanor as taking place "in the great hall . . . before the scandalized gaze of old-fashioned feudal society. The judgments of the court, the arrests d'amour, concerned such matters as whether such and such a courtier loved his lady 'lawfully', that is, in conformity with the rules of courtly love. These judgments were clothed in current legal forms, which made them all the more piquant, since they were completely subversive of the accepted social order," and adds:

"These noble ladies knew well enough that they were not mistresses of their situation . . ." (173). But they also knew their subtle power. There were certainly aware that men would be saying, "Each and every one of the judgments in the queen's court is an arrant feudal heresy. Taken together they undermine all the primary sanctions and are subversive of the social order. No proper king or baron, even at the risk of being reckoned a boor, ought to subscribe to a single one of them" (Kelly 211). But subscribe to them the kings and barons often did, at least enough to perpetuate one of the foremost myths of the western world. They were at the mercy of the ladies: Who would openly want to be reckoned a boor? The power was social rather than legal, but, as Huizinga says, "One step more and love questions will be treated as lawsuits . . ." (122).

There is no doubt that such a final step could not be taken short of an outright revolution. Yet the courtly love concept was revolutionary in its impact. It was outrageous to established masculine authority. It was audacious and presumptive, yet in its very weakness lay its power. The church could not defeat so subtle an enemy; indeed, it could not really define it as heretical, since courtly love never took itself so seriously as to outrightly deny religion its titular importance. Open defiance was for the blunt and the naive. These courtly ladies were sophisticated to their fingertips. And their hands shook the world.

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