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Oh, To Be A Barbarian! Reclaiming Medieval Law and the Exceptional Individual

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by

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Dedication

یے سینئر پروجیکٹ میں پیش کرتی ہوں اپنی خوبصورت محنتی اصول پسند مسکراتی ما ما کو جو مجھے اپنے جان
سے پیاری ہیں-
آپ کی بیٹی,
حبا

To my mum.

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Introduction

"No person shall be…deprived of life, liberty, or property, without due process of law" (U.S. Const., article, amendment, section, and/or clause no.)

Due process: it's a term many might be familiar with. You may have studied the American Constitution and the 5th Amendment, in high school "Government" classes or some variation of that class. You may have watched "How To Get Away With Murder" and remember lawyers demanding "due process" in court. You may be familiar with another version of the same concept of due process within the justice systems of your home country. Within the context of the United States Constitution, the 5th Amendment acts as a protection for all individuals being held accountable in courts across the United States. There is a stress on how no one should be punished or held legally accountable for their actions until they have been subjected to the "due process of the law". This phrase refers to being "innocent until proven guilty" within the American justice system, which is meant to be a hallmark of all democratic justice systems. An individual accused of a crime has the right to a fair trial before he is convicted of a crime. Moreover, when "no person" is mentioned at the beginning of the clause, it creates a precedent that regardless of race, gender, or socioeconomic status, every single individual deserves the right to a fair trial, without bias.

This idea is not unique to America. The legal precedent that informed the creation of the 5th Amendment stems from the thirty-ninth clause of the Charter of Liberties, later and more famously known as the Magna Carta. It was a document established in 1215 under the rule of King John. The thirty-ninth clause of the Magna Carta states:

> "(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land."[1]

This clause is integral in establishing the concept of due process within the law, specifically the fact that all individuals regardless of their identities have the inalienable right to a fair trial within a court of law before they are convicted of a crime. Here the phrase "due process" is referred to as "the lawful judgment…by the law of the land". This refers to a trial that involves minimum bias, following the rule of law, and the standards it dictates in regard to providing evidence, witnesses, and other necessary legal materials. This clause pertains to all "free men" at the time of its inception regardless of their socio-economic status, much like the 5th AMendment states in the American status quo. This idea of due process in some variation or another has been present in most warrior societies going so far back as Homeric Greece, with the legal system being based on an honor code that all individuals, particularly warriors must abide by.

Michael Ignatieff in his work *The Warrior's Honor* outlines what the "codes of a warrior's honor" (Ignatieff, 116)[2] mean. This code enforces a set of expectations for citizens who choose to be members of such a society. There are rules on the battlefield that remain similar to those found in history. To attack an enemy when their back was turned was considered an act of cowardice. Moreover, to rob the enemy of the reprieve to bury their dead in the honorable

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[1]"Magna Carta." *Internet History Sourcebooks: Medieval Sourcebook*, https://sourcebooks.fordham.edu/source/magnacarta.asp.

[2] Ignatieff, Michael. *The Warrior's Honor : Ethnic War and the Modern Conscience*. New York, Metropolitan Books, 1998.

manner they deserve. To uphold these expectations was considered the trademark of an honorable man, and hence an honorable warrior on and off the battlefield. This code of honor has acted as a "moral source" (Ignatieff, 116) throughout history, a common thread across multiple empires and cultures spanning "from the Christian code of chivalry" (Ignatieff, 117) most pertinent to this project, to "the strict ethical code of the samurai, developed in feudal Japan" (Ignatieff, 117). These codes of honor were established to define a "system of moral etiquette by which warriors judged themselves to be worthy of mutual respect" (Ignatieff, 117). It was a system meant to uphold the dignity of a warrior providing a metric for them to uphold their standard of morality in battle while also holding others to that same standard. "To fight with honor was to fight without fear, without hesitation, and, by implication, without duplicity" (Ignatieff, 117) Ignatieff writes. The idea of pure intentions on the battlefield is established across cultures using these codes. Ignatieff summarizes in his writing an institution of thought upon which the characters introduced in this project act and are judged.

Going as far back as Homeric Greece, there are honor-based societies that emphasize the significance of the warrior's code on the battlefield. Homer speaks to these ideas in his epic poem, the *Iliad*. Through the actions of the main characters within this epic, the ideals of an honor-based warrior society are established. A good Greek warrior upholds his honor even on the battlefield as the afore-mentioned code highlights. Much like the code of honor Ignatieff speaks of in his account, epic heroes like Achilles in the Iliad and Aeneas in the Aeneas are meant to fight with integrity, following the customs and ideals of honor they have been taught to maintain. They are expected to allow the enemy respite if they are proving to be the victors so that they may bury their dead, and showing mercy is applauded along with avoiding the killing of an

unarmed man or by killing an opponent by stabbing him in the back. The system acts as a safeguard for the honor of both the warrior and also those he encounters and yet such systems within these honor-based societies seem to largely be based on the autonomy of those who choose to exist within them. An individual must desire to follow this warrior's code based on an inherent sense of honor, fulfilling the expectations of a good man in response to a desire to maintain his own sense of self and to protect the values of the society he chooses to exist in. A nobleman in Homeric Greece serves his country first, then the gods and his family. And yet there are still figures, regarded as epic heroes at this time like Achilles, the exceptional character, that seem to deviate completely from this set warrior's code built on honor.

Achilles is a figure that exists in myth, glorified as a hero and a demigod. He is the son of his father, Peleus, the grandson of Zeus, king of the gods, and his mother Thetis, a sea nymph. When the *Iliad* begins, Homer details Agamemnon's frustration at Achilles. Achilles is one of the warriors in Agamemnon's army during the Trojan War in the twelfth and eleventh BC. The poem begins nine years after the start of the Trojan war when the Achaeans capture two Trojan women, Briseis and Chryseis. While Achilles claims Briseis as his "prize" (Homer, 1.132)[3], Agamemnon, Homer notes, does the same for Chryseis. However following Chryseis' father's plea for his daughter's return and divine intervention in the form of a plague Apollo sends to punish the Greek, it is decided Chryseis will be returned to her father. However, Agamemnon stipulates that the only circumstance in which he will agree to return Chryseis to her father is if Achilles agrees to give him Briseis. "You may be a good man in a fight, Achilles…but don't try

[3] Homer, Homer, et al. *Iliad*. Hackett Publishing Company, Inc., 1997.

to put one over on me" (Homer, 1.140-141) Agamemnon warns Achilles when he is forced to return Chryseis and Achilles refuses to hand over Briseis.

Achilles' reaction establishes him firmly as a chaotic individual existing outside of the set system of what it means to be a nobleman and honorable warrior in Homeric Greece. He insults his commanding officer. "You sorry, profiteering excuse for a commander!" Achilles calls Agamemnon an unthinkable act for a man with honor, particularly when speaking with a superior in this era. He speaks of deserting the war cause, and returning "back home [to] Phthia" (Homer, 1.165) for the Trojans have done nothing to him, Achilles claims (Homer, 160-163). Instead of serving his superior, Agamemnon, and fulfilling his duty, Achilles acts on his pride. He blatantly disregards the order the general of the Achaean army, Agamemnon, gives to hand over Briseis. He threatens instead to withdraw the support of his people, the Myrmidons, from Agamemnon's cause, almost murdering Agamemnon in his rage. It is only through divine intervention, with the arrival of the "Daughter of Zeus" (Homer, 212) that Achilles calms down. Agamemnon proceeds to take Briseis from him regardless. "I am coming to your hut and taking Briseis…so that you will see just how much stronger I am than you" (Homer, 1.194-196) Agamemnon warns Achilles, seemingly as a punishment for his insults towards his superior. It is clear from Agamemnon's response that descent within the warriors in an army is not appreciated. Moreover it is considered a transgression on behalf of the warrior to question their commanding officer, or betray their country by abandoning the war effort mid-battle. Achilles here is presented as deviating from the system of governance and socio-political hierarchy set in place.

However, Zeus' response following this interaction of Achilles and Agamemnon at the behest of Achilles' mother, the sea nymph Thetis is note-worthy. Achilles is noted to seek

independent vengeance for the wrong he believes Agamemnon has committed against him by taking Briseis away. In doing so he is acting as an individual, outside of the system, seeking alliance with the gods to bring down Agamemnon, a man he has agreed to fight alongside. However, in the god's desire to help Achilles in this form of vengeance, readers of Homer's Iliad are introduced to the chaotic individual as a part of the system he seems to oppose. The gods are a representation of the set hierarchical system Homeric Greek societies follow, and even as Athen and Hera quell Achilles' anger, Zeus at the request of Thetis agrees to help the Trojans defeat the Achaeans despite his wife Hera's alignment with Agamemnon. Despite Zeus' support of the Trojans causing a quarrel with his wife Hera, he agrees to Achilles. "I'll say yes to you by nodding my head,/The ultimate pledge" (Homer, 1.556-557) he tells Thetis, mother of Achilles who takes his request to Zeus. So strong is his belief in Achilles that he almost resorts to blows when his wife confronts him about helping the Trojans. "I like you even less" (Homer, 596) he claims to Hera as she accuses him of siding with the enemy. He goes so far as to threaten physical harm to her in a disturbing turn of events in support of Achilles. "All the gods on Olympus/Won't be able to help you if I ever lay [my hands] on you" (Homer, 1.599-600) Zeus threatens his wife. This is important because Zeus the king of all gods is seen favoring Achilles as he seeks to right the wrong he believes he has experienced, acting apparently more so on his individualistic pride than his duty as Greek man and warrior. Even as Homer creates opposition for Achilles in the form of Hera and Athena and Agamemnon himself, he also bestows on Achilles the support of one of the most powerful figures in Greek mythology. Homer introduces here the paradox that is pertinent to this Senior Project: the chaotic individual, seeking

independent vengeance beyond the purview of the structured system, who seems to be applauded by said structure, and, in a manner of speaking, further reinforces and upholds it.

The paradox of the exceptional individual, is a recurring debate throughout Homer's *Iliad*. Achilles is faced with a trial unlike any he has faced before. His closest companion Patroclus is killed by the Trojans during the battle after fighting valiantly and leaving many deceased Trojans in his wake. Following the death of Patroclus, the "Rage" (Homer, 1.1) the muses attributed to Achilles in the proem of the epic becomes apparent. Achilles' actions establish him as a man without honor. He begins killing Trojans with no mercy, deliberately going after those he is aware have no possibility of fighting against him. Trojan bodies begin to pile high in the river before Achilles. "No/Eddying Scamander will roll you out to sea" (Homer, 21.131-132*)* he states in prideful manner. He implies that even the course of nature, would not provide the dead reprieve from being buried under a sea of their countrymen slaughtered by Achilles in his blinding rage. In Book 22, thus, Achilles forgoes the warrior's code in his desire to avenge the death of his confidant, Patroclus. In doing so Achilles takes away from these soldiers, the one thing all warriors at this time desire and should be entitled to, a glorious death but most importantly an honorable funeral with the burial rights that ensure their entrance into the halls of Hades. Achilles proves he is innately aware of this as he speaks of the "cold funeral rights" (Homer, 21.130) these men will have to endure, with the fish of the river licking their blood, and their mothers unable to lament or lay them "on a bier" (Homer, 21.131). Achilles' pride is highlighted once again when he speaks with an almost deity-like certainty: "All…Trojans will die" (Homer, 21.135). He refers here to the way he has facilitated the deaths of those who rot in the river before him. There is a decided lack of honor in the way Achilles is

described here, killing out of anger, individuals he knows are weaker than he is. Furthermore, the river god's disdain at Achilles's actions is evident as he begs Achilles not to "clog" (cite) his waters with bodies piling up. Achilles brings to the table the idea of independent vengeance, breaking away from the set systems of war and the rules that accompany it in order to avenge Patroclus' death and choosing instead to take matters into his own hands.

Yet, regardless of the clear indication that in this moment in the epic Achilles is a dishonorable man and warrior, out of favor even with the river god, there is an underlying notion of adoration and glory bestowed on his character. The paradox of the exceptional man, the exceptional warrior, is introduced in this text here. On the one hand Achilles is a man outside of the set norms and values expected of individuals existing within the confines of the system of governance that would exist in Homer's society and within his epic poem. However, during the scene of his near death experience, once the river god decides to take matters into own hands and remove Achilles from his river banks, he seems to be given the undying support of his patron gods. He is able to appeal directly to the king of the gods, Zeus. "Father Zeus…save me from the River, pitiful as I am"[4] (Homer, 21.284-285) Achilles states. Even as Achilles seemingly acknowledges that he is "pitiful" in this moment, he simultaneously proves he has the power to negotiate when he dies. This idea is reinforced when he qualifies that he does not "mind dying later", (Homer, 21.284-285). Achilles makes it seem in this section of the narrative as though it is Achilles who holds his fate in his own hands, despite him seeming to deviate so greatly from the codes of honor that uphold the Greek social and military structure at the time. It is significant then to note that this epic poem at the time Homer composed it would be performed for

[4] Homer, Homer, et al. *Iliad*. Hackett Publishing Company, Inc., 1997.

audiences of the elite and commoners alike as a means of not only entertainment but also education across Ancient Greece. This implies that to a large degree this was a poem that garnered popular support at the time of its writing, for Homer chose to write this epic glorifying Achilles as a hero, even as he deviates from the set system of social norms at the time. Moreover, it is people's belief in these epics and their continued study and regard for them that imply a certain support for the chaotic individual found within these poems. It seems as though in existing outside of this set system as Achilles seems to be, he served to enforce a communities belief in said system, reminding individuals of the norms and codes of honor that they should be abiding by as good Greek men and warriors.

In fact, the text, it could be argued, celebrates Achilles as more god than human, equating him almost to the very system of faith that maintains the values and norms that govern society at that time. Achilles is shown as returning back to the very system that he deviates so clearly from earlier. Achilles kills Hector out of revenge for killing Patroclus body, and desecrates it, dragging it behind his chariot to rub salt on the wounds of Hector's family. Instead of returning Hector's body to his family so that he may receive a proper burial that all honorable warriors deserve, Achilles chooses to withhold it, thinking he would give Hector the same dishonorable death he gave the countless Trojans who he killed and left at the bottom of a river. "I am fulfilling all that I promised before,/To drag Hector here and feed him raw to the dogs" (Homer, 23.23-24) Achilles calls out to "Patroclus, even in Hades" (Homer, 23.22). Achilles here is described with a certain mania, no longer a man, or vassal, but rather a deviant from the existing system of honor and the warrior's code. Following this atrocity one would expect Achilles to be condemned and villainized by Homer and thus the system. Instead, audiences are made privy to an intimate

exchange between Achilles and his closest companion, Patroclus. Patrolcus returns from the dead in a dream Achilles has, giving him instructions on burying Patroclus' body in a way that would be expected for an honorable Greek man. Moreover, Patroclus clearly states, "[d]o not lay my bones/Apart from yours" (Book 23, 89-90) in regards to his burial. At this moment, Homer chooses to include the very man for whom Achilles goes down a revenge spiral, breaking away from his honorable character. Yet, Patroclus does not condemn him. Instead, he expresses an eternal love for Achilles, wishing for their bodies to be laid together in death so that their "bones" (Book 23, 89) may never be "apart" (Book 23, 90). This reminder that Achilles is an adored individual despite his transgressions during battle reinforces this paradox surrounding individuals existing within a system but also a chaotic plane that exists just outside of it.

The gods themselves seem to condone Achilles' actions when Athena and Poseiden come to his aid after hearing his cries for help in Book 21. The gods, "[clasp] his hands" (Homer, *Iliad* 21.296) in an action almost parallel to the symbolic relationship of lord and vassal in the medieval systems of justice this project will discuss. The gods are noted "pledging [their] support"[5] (Homer, *Iliad* 21.297) for Achilles, the ultimate act of endorsement within this Homeric epic. Homer ensures that Achilles chooses to change his tone in regards to Hector's body on his own prerogative. He returns to the system not at the coercion or another or by the force of divine intervention. He chooses only to return to the warrior's code through internal reflection and deliberation. Patroculs presented himself as an iteration of Achilles' own conscience. It is through Achilles' own guilt that he is able to regain his honor. This is the most important element of an honor based society, one could argue. It is necessary for people to

[5] Homer, Homer, et al. *Iliad*. Hackett Publishing Company, Inc., 1997.

choose to partake in such a society, and maintain a personal sense of honor and morality in order for them to function within the system while maintaining their need for independent vengeance and their individuality. It is for this reason that Achilles and other chaotic individuals are celebrated as heroes, held in great regard by their people and the gods, and feared by their enemies. Achilles is not considered a rebel or a deviant but rather an admirable figure for partaking in independent vengeance and justice to defend the loss of a loved one, while also allowing for the burial of the men he kills at the interference of Patroclus.

In Aristotle's *Poetic*, he speaks to the danger of the exceptional individual within the confines of a structured society. Aristotle emphasizes the strength of a community built of similar, like-minded people. "For the many, of whom each individual is but an ordinary person…may very likely be better than the few good, if regarded not individually but collectively" (Aristotle, XI)[6] Aristotle states. The collective is preferable to individuals, he argues, comparing a group of ordinary individuals acting as a collective like a feast prepared by multiple people while a dinner prepared by one ordinary individual would be less grand and festive. Aristotle goes on to talk about the threat of the exceptional individual to this collective and the system as a whole. "If…there be some one person…whose virtue is so preeminent that the virtues or the political capacity of all the rest admit of no comparison with his… he can no longer be regarded as part of a state" (Aristotle, XIII) Aristotle states. The reasoning Aristotle provides for this is that such individuals cannot be held accountable by the systems of governance in place for geared towards the ordinary man. The exceptional individual, Aristotle states, is "a God among men" (Aristotle, XIII). For this reason, "justice will not be done to the

[6] Aristotle. *Politics*. Translated by Benjamin Jowett, Clarendon Press, 1920.

superior, if he reckoned only as the equal of those who are so far inferior to him in virtue and in political capacity" (Aristotle, XIII). Due to the position an exceptional individual, like Achilles, might hold in a society, as a chaotic individual, an ordinary person would be unable to hold them accountable for their deviation from the system and thus such individuals must exist purely outside of said system. However, it is Homer's representation of Achilles that proves such exceptional individuals, even as they seem to deviate from the system, are able to exist within the confines of said system due to the honor code on which the structure of such societies are based.

David F. Elmer in his work *The Poetics of Consent,* Collective Decision Making and the Iliad, argues that not only are chaotic individuals not a danger to the system, they are actually needed to define the collective system Aristotle speaks of. Elmer verbalizes the complex positions these structured systems of justice allow exceptional individuals to maintain. In the chapter aptly titled "Achilles and the Crisis of the Exception" he works on establishing what an exceptional individual is and this paradoxical position they hold in ancient societies. "The state of exception derives its coherence from the existence of a formally constituted set of legal rules and governmental powers" (Elmer, 67)[7] Elmer argues. For the exceptional individual to exist, first, there must be a norm created, and a set structure for society set in place from which these individuals deviate. However, in order to maintain this norm, Elmer argues, the exceptional individual is integral. "The norm does not come into view as such until it ceases to apply; prior to this point, there are only facts" (Elmer, 69) Elmer states. In the questioning of the system that the chaotic individual engages in they have the ability, like Achilles and the individuals discussed in this project to affirm the very system they seemingly oppose.

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[7] Elmer, David F. *The Poetics of Consent: Collective Decision Making and the Iliad*. The Johns Hopkins University Press, 2013.

The *Iliad* and Homer's representation of Achilles and Elmer's analysis of the need for the norm to create the exceptional and for the existence of the exceptional to recognize the norm, introduces a concept that is paramount to understanding the basis of this Senior Project. The desire for the exceptional individual represented is analyzed in this project. The texts in this senior project represent how it is the systems of governance in place, especially during the medieval era in the East and Western-Europe, that celebrate this paradoxical position that the exceptional individual holds within the confines of a structured society. They embrace the chaos these exceptional individuals represent in a way that modern day justice systems find it hard to fathom. The Western-European feudal system encourages hero figures, like Roland, Lancelot, and William Marshal, to emerge from the average honorable man. Similarly in a system seemingly alternate to its Western-European counterpart, the Eastern system of justice, informed by the Holy Law and Islamic jurisprudence, not only allows the common man to be exceptional but rather any man, even the sultans meant to uphold the law. It contains an equalizing nature for all Muslims existing within the Islamic belief system. In Western-European, the exceptional individual who exists outside of the system while also upholding it more often than not must be a nobleman who is either a knight or a common man. It is rare to see a king as an exceptional individual who is applauded for existing outside of the system for the system stems from the throne. The premise of power in Western-Europe comes from the king and thus must be upheld to a degree not attributed to the common man, by said king. In the East, however, while distinction is made between vassal and lord, sultan and commoner, they are all equal in the eyes of their ultimate Lord, Allah (SWT), with this belief acting as the ultimate unifier allowing for even a sultan to be a chaotic individual existing outside of the system yet still an integral part of

it. Ultimately however, both of these set structures of justice, to different degrees, promote exceptionalism in individuals in a manner that would be considered rebellion in our modern day. This project works to prove that there has always been a desire in history for the exceptional even if it breaks the rule of law.

The first Chapter of this senior project takes readers on a journey through medieval Western-Europe, working through the epic, *Song of Roland,* Chrétien de Troyes' romance, the *Knight of the Cart*, *The Romance of Tristan* and the anonymous *History of William Marshal*. This chapter establishes the system of feudal law that was the basis of many societies in Western-Europe. Moreover, it follows the journeys of four individuals, Roland, Lancelot, Tristan and William Marshal all of whom seem to deviate from the set systems of feudalism in which they are meant to exist as loyal vassals to their lords. What is significant to take from this section is that despite each of them committing treason to some degree or the other towards their lords, there is an emphasis on fair trial as well as due process that is established in each of these texts. It is also made apparent that regardless of how far these individuals deviate into the chaos they create, there is still room made for them within the set systems in which they exist. In fact they are greatly regarded as exceptional individuals, with each of these texts written in exaltation of these characters as individuals as well as vassals and noblemen.

The second chapter focuses on expanding this idea of the medieval systems of justice moving the scope of the senior project into the East. Readers are introduced to Saladin, the sultan of Egypt and Syria in an account written by a trusted advisor of his court, Ibn Shaddād, Bahā' al-Dīn Yūsuf ibn Rāfi', titled the *The Rare and Excellent History of Saladin.* This chapter reestablishes the idea that while the medieval societal systems described in this project seem to

restrict and minimize one's identity, in reality they encourage individualism, more importantly, chaotic individualism. The East this chapter argues goes a step beyond even Western-Europe, where not only are mere vassals able to become the exceptional, but rather those at the highest level of societies too. The sultans who are typically meant solely to uphold the standard set by the system of governance over which they rule are given a certain freedom to act as individuals. This freedom to partake in chaos while still being revered as rulers is possible due to the premise of power in the East in Islamic Holy Law and the word of Allah. The onus is not on rulers to decide, codify and uphold laws, but rather it is a given that there is a set system in which all individuals are equal regardless of rank and are responsible for upholding the integrity of the set system. This chapter focuses on establishing this ability to equalize a community of individuals this Islamic Holy Law contains through analysis of sections of the Quran and Ahadith, the words and actions recorded of the Prophet Muhammad (SAW). Moreover, Saladin is asserted as a Muslim ruler who is devout to his faith as is seen in the legal proceedings Ibn Shaddad notes Saladin partakes in.

Chapter number three of this project brings in a text from the Western-European tradition that speaks of Saladin and his conquests, but helps the East and Western Europe work in tandem to establish the importance of honor based societies like those found in the medieval era. While the previous chapter works to establish Saladin as not only a devout Muslim but also signify how it is this faith that allows him to be not only a ruler of a structured system but also a chaotic individual, this third chapter speaks to how this paradox allows Saladin to become almost a mythical figure, malleable to fit the desires and image Western-Europe has of him. This chapter follows the account of the French Minstrel who tells tales of Saladin from the perspective of

Western-Europe intermixed with the happenings of medieval France and England. Saladin is able to hold the position of a common man, a co-conspirator, the commander of armies, a respected sultan, as well as being revered almost as a god-like mythic individual. He, as a ruler, is able to be a Roland, Lancelot and Achilles-esque figure while still being considered one of the most formidable enemies of the Crusaders in their third rendition. The Minstrel's narrative brings to a conclusion the comparison of the East and Western-Europe amalgamating on the description of one man, Saladin, the product of a set system of governance that not only allows him the power and ability to uphold the system but also the freedom to oppose it and act as the exceptional chaotic individual.

This project employs multiple different forms of writing, spanning from fictional literature, based loosely on historical events, meant to be presented in the oral tradition, as well as chronicled histories dealing largely with factual events. Working in tandem, these literary and historical narratives work to establish the paradox in which exceptional individuals exist, and how it is these seemingly rigid systems of governance in the East and Western Europe that actually allow for, nigh on, encouraging such chaotic individuals. In this context, when referring to a chaotic individual the project references those exceptional individuals who are noble and well known in their times, yet their actions do not always fit within the confines of these set systems of justice in which they exist. A set or structured system of justice, thus, refers to the legal system in place during the time the texts discussed were written and these chaotic individuals existed. These systems in the East and Western-Europe vary in that they were based on different religions, thus the premise of power for each varies. In Western-Europe this set feudal system stemmed from the customary laws passed down by kings following their Christen

beliefs as well as their understanding of societal values. For centuries these laws were passed down through generations in the oral tradition, melding this religious belief and social intuition providing solutions for as small a matter as a stolen sheep and as significant a crime as high treason. Over the years, however, as the demand for written law heightened, these oral rules were codified into text. One example of this, a text referenced in this project when better understanding Western-European medieval jurisprudence is Philippe de Beaumanoir's *Coutumes de Beauvaisis*, *baili* (judge) of the Gâtinais, towards the end of the 13th century. This signifies a shift in the ideology at the time, a shift that gives birth, in a manner, to the complexity of the existence of the exceptional individual in the medieval era. This shift juxtaposes such chaotic individuals with the structured systems of governance now being solidified both in writing and in the customary tradition, and thus this Senior Project is born.

Chapter I

Structured Feudalism v. Chaotic Individualism:

A Look into Medieval Western-Europe

In Western-Europe, the feudal system is defined by customary law, which began to be codified into written law, a shift that acknowledges the change in mindset across societies at the time. This shift is tracked in Philippe de Beaumanoir's *Coutumes de Beauvaisis,* an account of medieval French law in the 13th century, who speaks of the "customs of the Beauvais region" (Akehurst, xiiv)[8], of France. While some of the customs described within it are specific to the region, it provides insight into the feudal systems found across medieval Western-Europe. Readers are made privy to the customs of a system built off the idea of lords and vassals. These ideas are reinforced in the epic *The Song of Roland*, established through the interaction of Charlemagne, the Holy Roman Emperor, and his vassals, like the knights, Roland, Oliver, and Ganelon. Similarly, the inference of King Arthur's relationship with his vassals Lancelot and Kay in the Arthurian romances, along with William Marshal's relationship with King John in *The History of William Marshal*, outline the basic structure of feudalism defined in this chapter.

In the feudal system, lords are considered to be of the highest ranks, oftentimes kings and emperors, such as Charlemagne. Their job is to protect their subjects and provide legal and spiritual guidance for them with the help of their courts and clergy. This is a very significant distinction, for in this feudal system, the strength of the lord can be considered the strength of his vassals. A lord's vassals are those who swear oaths of loyalty to him and thus in turn provide him with their armies in times of need. While the lord promises them the protection of his title and

[8] Beaumanoir, Philippe De. *The Coutumes de Beauvaisis of Philippe de Beaumanoir*. Translated by F. R. P. Akehurst, University of Pennsylvania Press, 1992.

land for their service, these noble men who become the lord's vassals hold great roles within the court of their lord. They are responsible for providing advice on political and socio-economic matters. A distinction thus, needs to be made between fealty and homage[9]. Fealty pertains to fiefs, speaking of the piece of land a lord bestows upon a vassal for his service to the lord. This was often a public ceremony and attests to the loyalty a vassal offered his lord. More significantly, it establishes in a manner, a lord's duty to provide for his vassal. A vassal at this time can receive fiefs from multiple lords and thus can offer fealty to multiple lords as well. To give homage to a lord, on the other hand, was a more intimate affair. It was symbolized by a vassal kneeling before his lord and offering up his hands in a complete declaration of loyalty to this lord. This ceremony, more so on the prerogative of the vassal, signifies in manner, their love for their lord and their desire to serve, as opposed to a signifier of their lord's duty to them. Moreover, emphasis is placed on this being a mutually beneficial relationship where both parties have power. Philippe de Beaumanoir establishes this when he mentions the virtues of "*baili*" (judges) (de Beaumanoir, 17). The seventh virtue he states is that a *baili* must have "obedience to the will of his lord in all his commands" (de Beaumanoir, 17). This, on the surface, seems more so like what in the modern day would be considered a dictatorship with one individual having complete power. However, he goes on to clarify that a *baili* can choose to defy his lord if the command might result in him "losing his soul if he carried it out" (de Beaumanoir, 17). There is power removed then from the lord and placed in the individual within this system to make independent decisions.

[9]"Homage and Fealty." *Encyclopædia Britannica*, www.britannica.com/topic/homage. Accessed 3 May 2023.

Within this medieval context, multiple different forms of trials can be referenced regarding the feudal justice system. R. Howard Bloch, in the *Medieval French Literature and Law*, describes the feudal court system as an "essentially commemorative" (Bloch, 3)[10] entity. "Its public, oral, and formulaic procedures were designed to recall the practices of the past in order that they might be applied to a situation in the present," (Bloch, 3) he argues. This idea speaks to the writing of Philippe de Beaumanoir as he sought to preserve the customary traditions of the legal system within the Beaumanoir region in order to preserve the customs of that culture. During the period of customary law, there were multiple forms of trial by God, namely three: trial by oath, trial by combat, and trial by ordeal[11]. These trials signify the belief individuals had in God as the ultimate judge, for it was implied that whoever succeeded in these trials was innocent, for God would not allow a guilty person to live. Trials by ordeal included fire, water, and even cheese. However, a form of trial "in which legal process remains indistinguishable from divine process" (Bloch, 18) as Bloch notes, is the "judicial duel" (Bloch, 18) enacting the "the *judicium Dei*" (judgment of God) ((Bloch, 19). These duels have elements of legality while also pertaining largely to the participants' belief in the divine. The "medieval man was much more likely to picture the judicial duel in terms of a conflict between the forces of Satan and those of a Christian God" (Bloch, 19) Bloch muses. This notion of combat to resolve wrongdoing stems as far back as Homeric Greece he mentions, with each civilization choosing to impress their own understanding of the divine on said judicial duel.

To invoke such a duel, as seen in the *Song of Roland*, someone who feels slighted by another, demands a battle to the death, recognized completely by the law. This form of trial often

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[10] BLOCH, R. HOWARD. *Medieval French Literature and Law*. UNIV OF CALIFORNIA PRESS, 2022.
[11] This knowledge stems from discussions with Professor Sullivan and classes I have taken on medieval Literature with her.

involves an oath given by the challenger as they throw down their glove signifying their intent to follow through with this fight. To pick up the glove would be to accept the challenge on behalf of the accused and it is considered, in a manner, dishonorable not to do so. Time and time again even those who are guilty choose to fight in these battles as a matter of honor, as is seen in the Arthurian romances. Rules govern this form of combat. Women, children, and the aged were allowed to have a champion to fight for them if they were challenged to such a battle as is seen in the accounts discussed during this senior project. This is a form of justice pivotal to the discussion within this chapter and its nuances become more apparent with each anecdote in which this form of judicial battle is employed. Most significant to note, though, is that this is rather different from a set trial that occurs within the context of a medieval court at this time, a trial by inquisition (*inquisicion*[12]) or inquest, presided over by the lord of the land, accompanied by *baili* and noblemen as counsel. These are trials based on evidence and witness testimonies, with a verdict being presented by the judge at hand, similar to our modern-day court systems. These two forms of justice, one based largely on a belief in divine intervention and one focused on the finding of proof and based on the legal system for justice, work in tandem in the accounts analyzed throughout this chapter of the senior project, highlighting the transition in thought occurring during this time period.

[12]"Discover the Story of Englishmore than 600,000 Words, over a Thousand Years." *Home : Oxford English Dictionary*, www.oed.com/. Accessed 3 May 2023.

Section 1

The Song of Roland:

A Tale of Heroism Shrouded in Pride

The *Song of Roland* is a *chanson de geste*, a song commemorating the heroic deeds of Roland, a military leader for the Franks serving under the rule of the Holy Roman Emperor, Charlemagne. It is thought to have been composed in the 11th century and is considered one of the oldest existing works of French literature. During this time the medieval system of feudalism was soundly in place with King Charlemagne, acting as lord over his kingdom. Noblemen and knights were expected to serve as key members of his council, but also within his army. This text is considered to be an ode to Roland, Lord of the Breton Marches[13], and his heroism as he led Charlemagne's army into battle against their enemies, the Saracens. *The Song of Roland* sets the scene within a rigid feudal structure of lord and vassal. Vassals were individuals of noble birth, like Roland and his fellow knights and nobility, who have sworn fealty to their lord and king, in this case, Charlemagne. They would offer up their council as well as their armies in service of their King. In exchange, their king would reward them with land and titles within his kingdom, as well as offer his protection to them. Yet, even as this text can be seen as a representation of the rigid system of feudalism present at the time, Roland, the celebrated figure here is presented as a chaotic individual. Within the context of this analysis, a chaotic individual is one who deviates from the set norm and expected values of an individual living within a certain system or code. Roland's actions deviate greatly from the set system of feudalism. This Western-European feudal system values lords and vassalage particularly the power of the lord over his vassals, even as

[13] Thorpe, Lewis. *Einhard and Notker the Stammerer: Two Lives of Charlemagne*. Penguin Books, 1969.

they supply his military and sustain his power. Within this system Roland is an outlier. Roland exists within the realm of chaotic individualism as opposed to the structured feudalism those around him like Oliver and Ganelon abide by.

In the *Song of Roland'*s apparent condemnation of Roland as a deviant figure from the expected norm, the reality of the matter is that this epic is indeed a celebration of him as a knight choosing to applaud his apparent '*orgueil'* (pride) (Burgess, 1773), which in the medieval context and from the apparent reactions of those around him is considered an unfavorable trait in vassals. The French word "*orgueil"*[14] is synonymous with "*vaillant"* (valiant) and "*energique"* (energetic), both words that do not seem negative in their implication. However, there is also a decidedly negative tone associated with this term as the words "*outrecuidante"* (overbearing) and "*outrageante*" (outrageous) can also be used interchangeably with the word "*orgueil"* (pride). The word itself contains a paradox that Roland's character embodies brilliantly. He has the ability to be presented as a selfish, individualistic person while also being applauded for his independence and his role as the exceptional figure in *The Song of Roland.*

There is a running theme of Roland's individualism and the depiction of him as the chaotic individual that becomes more evident as the text progresses. Roland is depicted multiple times using the word french word "*je"* (I) [15] (Burgess, 198) forgoing the collective "we" that feudalism seems to stem from. Early on in the text Roland's *orgeuil,* in the context of individualistic pride, is established. "I have conquered (je…conquis) for you….Noples and Commibles/And taken Valterne and the land of Pine,/And Balaguer, Tudela and Sezile." (Burgess, 198) he tells Charlemagne in one of their earliest interactions in the text. There is the

[14] Godefroy, Frédéric. *Dictionnaire de l'ancienne Langue Francaise*. Librairie Des Sciences et Des Arts, 1937.
[15]Burgess, Glyn S. *The Song of Roland*. Penguin, 1990.

use of the individualistic word “I” in this exchange, yet, more importantly, there is the qualification that the lands Roland has conquered are not in fact under the behest of his lord and ruler, the Holy Roman Emperor, but more so under his own standard so to speak, honoring Charlemagne in his quest. Roland’s desire to feed his pride is evident here, in that there is an adverse power dynamic being created between Roland and his lord here. Roland sets himself up so that he is seen as the provider of sustenance and renown for the Holy Roman Emperor as opposed to the Emperor himself giving land and sustenance to his vassalage. Roland’s repeated use of “*je*” (I) (Burgess, 198), acts as a means of individualizing him within this system, almost as though to signify he serves himself and his *orgueil* (pride or arrogance) (Burgess, 1773) before he serves his lord, an idea seemingly deviating from the desired ideals of feudalism, and the need to put lord and country before self. This further reinforces the danger of individualism within this structured system. Pride is a term that can be considered in both a negative and positive light as the analysis of the French word “*orgueil*” (Burgess, 1773) implies. One’s pride can be the reason for an individual’s success or their downfall. However, arrogance almost invariably has a negative connotation when used to describe another individual. Here Roland’s “*orgueil*” (Burgess, 1773) is treated as arrogance, setting him outside of the structured system of feudalism.

Oliver is introduced within this narrative as a trusted vassal of Charlemagne, the Holy Roman Emperor and a kinsmen of Roland. He is established early on as a character who is considered an ideal vassal within this structured system of feudalism. When compared to Oliver the pride Roland is shown to exhibit in his conquests becomes all the more apparent, in its most negative connotation. During their final stand against the Saracens in the Battle of Roncevaux Pass, Roland and his troops are backed into a corner by the large Saracen army. Victory without

additional aid is inevitable. Oliver, present at the battle, urges Roland to call Charlemagne for help as they stand outnumbered before the mighty pagan army. Oliver says: "'Companion Roland, blow your horn;/ Charles will hear it and the army will turn back'" (Burgess, 1051-1052). He repeats this frantic sentiment further into the poem, "'Companion Roland, blow your horn;/ Charles will hear it, as he rides through the pass'." (Burgess, 1070-1071). In the proper fashion of a true vassal, Oliver strives to fight for his king and country and seeks protection from his lord when all else fails. However, Roland is portrayed as an individual who allows his pride to interfere with the rules of feudalism that Oliver insists he follows. Instead of admitting when he is beaten and in need of the protection of his lord, Roland replies both times with a decline of Oliver's offer: "'That would be an act of folly;'" (Burgess, 1053) Roland insists. To Roland, calling upon Charlemagne would be almost sacrilegious to his own pride. In a manner it seems he rationalizes that as an autonomous individual, dishonoring himself, would perhaps mean bringing dishonor to his lord. Looking at this interaction under the lens of structured feudalism one could argue that Roland is in fact an unfaithful vassal, jeopardizing not only himself but more importantly his lord and his army as a whole. His arrogance is further highlighted in his continued affirmations to his people."They are all condemned to death," (Burgess, 1058) Roland rallies his army. He refers to the Saracen army headed their way as thought his declaration is an irrefutable fact. Roland presents here a burning desire for personal glory. To be an individual hero is his ultimate goal; it becomes apparent with his self-aggrandizing words, in that he claims one of the most powerful enemies of the Franks will not be able to best him. This anecdote highlights Roland's most significant deviation from the set system of structured feudalism seen in battle.

Oliver, the author makes it apparent, understands clearly that to call Charlemagne is the responsible and wise course of action given the circumstances. Oliver goes on to hold Roland accountable for the deaths that resulted due to Roland's pride when he delays calling Charlemagne. Moreover, Roland acts as an individual, not taking counsel from his fellow vassals. Oliver reprimands him, stating that "[w]hen I spoke of this [blowing the oliphant], you did not deign to do it" (Burgess, 1716) going on to press that "Franks are dead because of [Roland's] recklessness" (Burgess, 1726). Once again here, when put in comparison to Roland, Oliver is a knight who presents himself as the true embodiment of the structured feudal system of lords and vassals. It is Roland who is described as "reckless" and leading to the deaths of his men and kinsmen. In fact, Oliver reminds Roland that "a true vassal's act, in its wisdom, avoids folly [for c]aution is better than great zeal." (Burgess, 1724-1725). While Roland might be described as brave, it is Oliver who is considered wise and worthy of nobility in this instance. Oliver is open in his condemnation of Roland's pride and this unabashed desire for individual glory. It is this level headedness that the author applauds about Oliver. The poems includes a description of him as "Oliver, the valiant and the noble" (Burgess, 176). Oliver has been included in this poem, as a knight, one could argue to act as a contrast to Roland's character, who seems to stray from the definitions of knightly "valor" and "nobility" one expects within this system of feudalism. He is described time and time again as emphasizing the disservice Roland has done for his lord. "Charlemagne will have no aid from us/… You will die here and France will be shamed by it." (Burgess, 1732 & 1734) he states. As Roland rides towards what he thinks might be eternal glory, his actions signify a power shift that would be considered a break in the code of structured feudalism Oliver is certain to remind him. In delaying his call for help to

Charlemagne, he takes on the role of protector and provider for his army, a role typically played by the lord within such systems. His pride leads not only to his own death and downfall, but also to the destruction of his lord's army as well as the deaths of his own fellow knights. Within this section of *The Song of Roland*, a text meant to glorify this knight and military strategist seems to condemn him plainly and strongly for his actions and individualistic approach to his position in Charlemagne's court.

However, I argue that while Oliver is set up as a complete contrast to Roland and his pride as a vassal, he acts more so as a foil to Roland within this system of structured feudalism. This is a system that thrives on people with different personalities working in tandem to uphold the integrity of the system. It has been established that while Roland presents as a chaotic individual, both he and Oliver are considered good vassals within this text. On the one hand this poem could be seen as a critique of Roland as a vassal. In order to be a part of the rigid system of feudalism it could be argued one has to give up their autonomy and individuality to a large degree, a degree ordained by one's lord. However, by the way Roland is described within the text, the level of respect Charlemagne has for him as a lord and as the Holy Roman Emperor is clear. Despite Oliver being the one who we could classify as being the *ideal* vassal and "wise" (Burgess, 1093), Roland is still revered as "proz" (brave) (Burgess, 1093), to the degree that this epic is written about him. This brings back the word orgueil, particularly when used in the context of referring to Roland as "*vaillant"* (valiant). So much so that when Roland decides to decline Oliver's request to call Charlemagne as they are about to lose their battle he states "God forbid," (Burgess, 1073). It is almost as though he is claiming, in a manner, that all his decisions,

even those that seem to be deviating from the set systems of Western-European feudalism, are supported and applauded by God.

One would think that Roland and Oliver would be in conflict with another because they are so different, one representing everything feudalism is not and the other the perfect vassal, and yet they signify the fact that the feudal system is one that makes room for chaotic individualism. When talking about both Roland and Oliver the poem reads they are both "Franks from France" (*De Francs de France)* (Burgess, p. 177). They are both commendable vassals to their lord. They are also proud and noble Franks[16] (Burgess, p. 177) "from France" (Burgess, p. 177) and uphold differing values all of which are necessary within the structure of feudalism. Even as Roland deviates from the set guidelines of being one with a group of people, his individualism is applauded by his lord. Roland almost demands that his Emperor take certain steps against King Marsile, the ruler of Saragossa, with whom they are at battle. Roland commands:

> "Wage war, as you set out to do,
> Take your assembled troops to Saragossa;
> Lay siege to the city as long as you live,
> And avenge those whom the traitor put to death" (Burgess,
> 210-213)

Roland takes on the role of emperor here, organizing his battalion during battle. Charlemagne in this exchange becomes the general on the receiving end of a superior's direction. Roland does not have the air of a vassal giving his lord advice. His words are laced with the surety that Charlemagne will follow his instructions. "Wage war", "take your..troops" and "lay siege"

[16] A distinction can be made between a "French" man, and a "Frank", since Charlemagne's kingdom spread far beyond just France.

(Burgess, 210-212) Roland says. He uses decisive phrasing instead of asking Charlemagne for his approval. It is Charlemagne's in-action in response to Roland's heated speech directed at him, questioning his military strategy, that signifies the built in support this structured form of governance allows for the individual voice. Rulers are open to criticism from their vassals who opt to be a part of this system in exchange for protection but also a guaranteed seat in the royal court. Moreover, when the subject of who would represent Charlemagne before King Marsile first comes up it is Roland who offers that he be the one to take the message. One could argue that a revival of Roland's unwavering desire to seek, perhaps, individualistic glory is evident here. Here he might wish to be considered "brave" (Burgess, 1093) and proud yet it seemingly translates to foolishness and arrogance, as he volunteers himself for a task that bodes almost certain death for the messenger involved. Yet, he does not go rogue when stopped by his king from being said messenger. His protest is cut short in favor of his lord's commandment that it will not be Roland but rather Ganelon, another respected nobleman in Charlemagne's court and Roland's step-father who would carry the mantle of messenger to King Marsile. This shows once again how despite his at times chaotic individualism Roland is in fact very much still a working park of the machinery that keeps this very system running. By giving Roland this heroic yet subdued role within a narrative meant to celebrate him, the author of *The Song of Roland* celebrates Roland as a vassal who exists in this position within and without this set feudal structure.

Moreover, the scene of Roland's death is a poignant one in this debate of whether this system of structured feudalism is one that attempts to remove all traces of the individual or one that garners support for chaotic individualism. His death is the ultimate symbol of this war

between a structured system and the chaotic individual. Roland dies because he blew too hard on his Oliphant, at a moment when he knew the war against the Saracens had been lost. This was his effort to call back Charlemagne's troops when he had been so resistant to the idea only moments before. "Roland set the oliphant to his lips. He takes a firm grip of it and blows with all his might" (Burgess, 1753-1754) the author notes. This blow on the oliphant results in Roland's death in a most gruesome manner. "Clear blood gushes forth from his mouth/And in his skull the temple bursts" (Burgess, 1763-1764) the epic details. In the most obvious sense, one may argue that his death can be seen as the ultimate punishment for his individualism within this medieval system, his very act of "repentance" for his individualism, calling for his lord's help, literally kills him. If, in fact, as Oliver had suggested, Roland had called back Charlemagne before the enemy had fallen on them, perhaps he and his men would have survived. Moreover, his pride is evident as Roland attempts to break his sword when he is aware death is imminent. "There will never be such a man in blessed France," he states. At this moment he refers to himself. This is the same arrogance, one could argue, that leads Roland to his untimely end.

However, this final act of Roland's life could be considered his return to the structured system within which he exists. Roland's knowledge of the power of the Oliphant and the action he was about to commit is paramount. He chooses, in blowing the Oliphant, to commit an action he knows will most likely kill him. In fact, Roland dies the death of a noble warrior, "facing Spain" (Burgess, 2367) in the direction of his enemy as though ready to continue fighting, even in death. The audience is made privy to an act that can only be described as Roland paying his final homage to God when he holds "out his right glove" (Burgess, 2373) for Him. In response, "Angels come down to him from Heaven" (Burgess, 2374) the author notes. It is as though in

this moment, Roland receives divine glory, and acceptance as the perfect vassal, dying a warrior's death in the embrace of his Lord. In his final moments even though he thinks first of the land he has conquered, his thoughts turn to “Charlemagne, his lord, who raised him.” (Burgess, 2380). Roland becomes the ultimate vassal in this final moment not only to his lord Charlemagne but also God. Despite existing on the outskirts of the system as he sought individual glory in this battle and in his time as a vassal, he exists squarely within the system, acting not only from a selfish desire for recognition but also to please his lord. This paradox is supported within this account, particularly when God sends angels to “bear the count’s soul to paradise,” (Burgess, 2395) the ultimate praise. The author reinforces the holy nature of Roland’s demise. “Roland is dead, God has his soul in heaven” (Burgess, 2396) he states. Not only is Roland not condemned for his pride, he is applauded as the ideal vassal. He is exalted and given a warrior’s demise. It could be argued thus, that he truly believes his personal glory amounts to the glory of his lord, and hence even in his individualism he seeks a collective glory for all within their feudal system. A “true vassal makes the effort” (v.135, 1790), after all, as Duke Naimes states earlier in the epic. That is what Roland does. Roland’s body is found on a hill, facing the enemy, not backing down from a fight. Roland calls back his lord by blowing on the Oliphant not because he wants him to see the carnage, then, but perhaps so that Charlemagne may know that to the very end Roland for him, fulfilling his duty as Charlemagne’s vassal. This shows that he had faith in his lord to see his actions for what they are, an act of heroism, and he was not afraid to deal with the consequences of the delay in calling Charlemagne back into the battle.

Furthermore, in addition to the pre-existing notion of the divinity of Roland’s demise, the author narrates a Christ like ending, with Roland’s sacrifice. In this presentation of Roland’s

sacrificial end, we are introduced to the notion that God himself favors Roland, even in his chaos. Yet, this same action of blowing on the Oliphant to his death could be read as his final effort for Charlemagne to see and acknowledge his act of heroism, for he died a hero's death on the battlefield. This could be seen as a remnant of chaotic individualism in this society that is shifting towards a rigid societal structure. However, even in this seemingly selfish version of this act, interpreting it as Roland wanting eternal glory and for his life and death to be witnessed and documented by his lord, there is a certain selfless aspect to it. From the very get go of this epic, Roland makes it apparent that even in his desire for individual glory, in the end he turns time and time again to the Holy Roman Emperor, Charlemagne and the vassals he serves with in this feudal land. In urging Charlemagne to continue the war against King Marsile that leads to this unsavory end earlier in the poem, he seeks to avenge the two messengers they sent to their enemy who were slain dishonorably. In calling back Charlemagne even after his loss at the Battle of Roncevaux Pass, Roland ensures the proper burial for the valiant warriors who died alongside him. Even as he stresses how he as an individual conquered lands with his own army at the very beginning of the poem, he does so in honor of Charlemagne, his lord. "I conquered for *you"* (*je vos conquis*) (Burgess, 198)*,* Roland stresses. He does not claim complete power or victory in this situation, but rather defers to his lord. Roland does so even as challenges Charlemagne and urges him to change his mind for he does not fear to make his opinion on the ongoing war known. Thus, it can be concluded through this depiction of Roland and the reaction of those around him that this system of feudalism, while structured and limiting in a manner, fosters and promotes the exceptional individual, proving the chaos such people bring, often serves to reinforce the system, much like Elmer argues in *The Poetics of Consent*.

Further proof of this unique ability for the structured form of medieval governance to reconcile chaotic individualism and the system's rigid nature, is seen in the portrayal of another knight in the text *The Song of Roland*, namely, Ganelon. Ganelon is one of Charlemagne's knights and Roland's "stepfather" (Burgess, 277) and fellow vassal. He acts, in this poem, almost as the anti-hero to the famed Roland. Ganelon is a respected and nobleman at the beginning of this poem. He urges Charlemagne to give up the thought of further war, denouncing the war-cry Roland has just finished delivering in regards to marching against King Marsile and the Saracen troops for what will be known as the Battle of Roncevaux Pass and the scene of Roland's death. "Trust a fool and you will regret it" (Burgess, 220) Ganelon states, in regards to Roland, insisting he seeks only "advantage" (Burgess, 221) for Charlemagne and peace for their land which they have just won. He paints Roland in a reckless light as someone whose "arrogant advice should not prosper" (Burgess, 228) for it lacks strategy or desire for a peaceful solution. Ganelon here is presented as a vassal looking who is not looking to squander his lord's army for individual gain and potential glory. Instead he chooses the preservation of his lord and his forces and thus, in a manner, all of France. Moreover, he does so in a manner that would result in gain for Charlemagne. King Marsile "will become your vassal/And hold all of Spain from you as a gift" (Burgess, 223-224) Ganelon presents. This is a peaceful and beneficial alternative to going to war with King Marsile. Ganelon further denounces Roland. "He who advises that we should reject this pact,/Does not care, lord, what sort of death we die," (Burgess, 226-227) he states. He highlights Roland's apparent lack of care for his fellow vassals and lord. The specific qualities of Roland he denounces are those that represent Roland's individuality, but specifically of Roland's. He is arrogant, reflected in the advice he gives, Ganelon admonishes.

His words highlight how Roland does not care for the consequences of his actions, and specify how he seems to seek only personal gain, with complete disregard to the clearly evident loss and hurt a war with the Saracens will cause his fellow French men. Yet, even as Ganelon critiques the approach of a fellow vassal, the hero of this epic, Roland, Ganelon is not reprimanded and is still considered a noble knight. In Ganelon's dissent of Roland's approach to the oncoming battle at the very beginning of the epic, it is evident he values a more traditional form of vassalage within this feudal system. Ganelon considers his lord as his sole provider, just as the ideal vassal is supposed to.

However, even within a perspective of feudalism like Ganelon's that implies the reduction of individuality there is a degree of autonomy present in his actions. Ganelon chooses, evident through his love for his lord and desire to protect him, to be a part of this system, and thus voluntarily gives up a degree of autonomy. However, in doing so he also gains power. He does not hesitate to call into question the motives of another vassal and provide counsel to the Emperor for the upcoming battle. He is supported by his fellow vassals. Naimes, a respected knight, for "there was no better vassal in the court than he" (Burgess, 231) acknowledges the importance of Ganelon's argument. "There is sense in [Ganelon's words], if…properly understood" (Burgess, 233) Naimes states to Charlemagne. Ganelon along with others in Charlemagne's court are proven to believe, thus, that to be a good knight is to be rational and think of the greater good rather than individual glory. For this system to be upheld, it is paramount for the participants within the system to collectively believe in the importance and functioning of that very system, Ganelon's argument suggests. The paradox here is that even as

Ganelon reinforces the rigid structure of feudalism in place he does so by executing chaotic individualism and practicing his right to an opinion and a voice this system safeguards.

This establishment of Ganelon as a level-headed and noble knight frames the proceedings of the crime he is accused of and his trial. Ganelon threatens Roland with “such a great feud/That it will last for the rest of his life” (Burgess, 291-292). He qualifies his threat by using God’s name. If God grants that I return” (Burgess, 290) from meeting with King Marsile, Ganelon states, as though to return from this mission would mean God has ordained the feud between Ganelong and Roland. What leads up to this moment in the epic is the discussion of who amongst Charlemagne’s twelve peers should act as ambassadors to King Marsile to negotiate the end of the war between the two armies. Charlemagne prevents Duke Naimes from going when he volunteers. “You will not go so far from me this year” (Burgess, 250) Charlemagne demands. Roland himself volunteers to go to Duke Naimes' place to which Oliver responds he is too “hostile and fierce” and “might pick a quarrel” with King Marsile. Oliver then agrees to go, however Charlemagne does not entertain that idea either. Finally, Roland volunteers Ganelon to be the one to take the message to King Marsile. He does so despite the knowledge that King Marsile has killed two of the previous knights sent to him as ambassadors by Charlemagne. Roland’s suggestion receives the collective agreement of “the Franks” (Burgess, 278) who decides there can be “no wiser man” (Burgess, 279) for the job than Ganelon. This anger Ganelon’s greatly for he feels slighted his own step-son would send him towards a near certain death. This results in Ganelon challenging Roland to a feud upon his return from King Marsile.

Here, there is a distinct representation of the voluntary aspect of this structured feudal system as well as the protection it seems to provide chaotic individualism. Roland suggests he

can take Ganelon's place as ambassador seeing his step-fathers distress. Yet, Ganelon refuses to take Roland up on his offer. "You will not go in my place/Charles ordered me to carry out his mission" (Burgess, 296-298) Ganelon states. He is explicitly aware of his duty as a vassal to his lord. While he could have protested in a greater manner in order to insist it be someone else who chooses to go as messenger. He could have argued Roland takes his place, an offer Roland made, should the king allow, and yet he sees it as "his place" (v.21) to go at the command of his lord, not to be taken by any other knight. It is this notion that despite taking offense at the words of one individual and having this burning desire for personal vengeance that is fulfilled in his future challenge to Roland, Ganelon puts first the word of his lord and the glory of his country and country men. Even as he yearns to be free of the shackles of being ambassador and walking into an almost certain death, he subdues that desire voluntarily, choosing to partake in the system in which they exist and follow his lord out of love and duty for him and country. While some may see this as pride, or a desire like Roland's for glory, Ganelon's hesitance makes it obvious that he is not doing this out of some desire for heroism, but out of duty, which, in a manner, makes the act all the more heroic. This brings to light the notion that this structured system makes room for a contained bravery and chaotic individualism one might not expect. The very idea of honor runs through this system of feudalism and makes it one that fosters autonomy and individualism even as people are confined to fit a certain role in society.

Ganelon's innate chaotic individualism exposes itself through this desire of personal vengeance he harbors against Roland. He challenges Roland to a judicial duel. Ganelon declares to the court:

"Lord…As long as I live, I shall have no love for [Roland]

> Nor the twelve peers [referring to the twelve most trusted vassals
> of Charlemagne]
> I challenge them here, lord, in your presence." (Burgess, 322-326)

Much like Roland seeks individual glory, Ganelon seeks only to clear his name of any malice which he feels is being instilled by Roland into the hearts of their kin. He believes that the twelve peers of Charlemagne agree with Roland, "because they love [Roland] so" (Burgess, 325), that Ganelon should be sent as an ambassador, which, in Ganelon's mind, means his death. Moreover, Ganelon does not go rogue out of rage for Roland's actions, but rather even in his protest he turns to the system of feudal law he is a part of by invoking a "judicial duel", declared before the entire court of Charlemagne as witnesses, as would be customary. Thus, while Roland and Ganelon seem so different in their goals and ideals, one being the antithesis of the other, they are both in fact individuals within a structured system, both revered and both navigating a strong desire for individualism within the rigid structure in which they choose to exist.

Following this challenge, Ganelon colludes with the enemy, providing the Saracens with the information they will need to win against Roland, Oliver and Charlemagne's army at what will be known as the Battle of Roncevaux Pass. It is during this battle, due to the insight Ganelon provides the enemy that the Saracens are able to best Roland and his army, killing them in the process. Upon Ganelon's return to Charlemagne's court, his betrayal is brought out into the open and Charlemagne decides to try Ganelon in a court of law for his crimes. On the one hand, Ganelon being sentenced to trial for his betrayal may be perceived as the means by which structure feudalism seems to subdue the individual actors within it. However, the trial itself proves that even within this rigid structure, honor is at the core of it, for despite believing he is

guilty, Charlemagne ensures Ganelon is given a fair trial and due process according to the law of the land is employed. The author makes it evident in his writing, that Ganelon was justified in seeking justice for himself, following the procedure laid out by the law itself, for challenging someone to a duel. As a chaotic individual, Ganelon proves his loyalty time and time again to his lord. He fulfills the duty of a vassal as advisor, giving him no advice except that which is to Charlemagne's "advantage" (Burgess, 221). One could argue that instead of defending his vassal, the King favors another, Roland, instead of putting the peace of not only France but also his countrymen first. When choosing a messenger to visit the ruthless King Marsile or Saragossa, Charlemagne is noted to agree Ganelong should go as ambassador despite knowing it would most likely mean his death. In fact, Charlemagne almost mocks Ganelon for expressing distress that he may never see his wife or son again calling him "soft-hearted" (Burgess, 317) in a society that values valor and fearlessness. "You must go, since it is my command" (Burgess, 318) Charlemagne insists. This is done with the full knowledge of the fate that awaited messengers sent to this king. In fact, it is Roland himself who notes that "King Marsile committed a most treacherous act" (Burgess, 201). Not only did King Marsile kill the previous messengers "he took their heads on the hills beneath Haltile," (Burgess, 209) Roland states. One could argue thus that the system itself is flawed in that it favors some over others as opposed to providing a more level playing field for all vassals.

Despite being an individual who is being subdued here, the reality of the situation is that this structured system of feudalism allowes for Ganelon to be tried justly and fairly. Ganelon challenges Roland to a duel for all to witness and yet he does not fight him and chooses instead to facilitate the death of Roland through means that would be classified as treachery. While on

the one hand to declare a challenge before the court of the king is honorable and admirable, to carry out that duel through underhanded and illegal action is considered a betrayal of the king and country. Ganelon chooses here to go rogue, taking the notion of individual vengeance and chaotic individualism to a degree beyond the purview of the structured system of feudalism. He acts out of anger and malice towards a fellow vassal, and hence against the lord of the land, Charlemagne, himself. It can be argued, thus, that in this case like Roland, Ganelon, is indeed an individual but he differs in that he chooses to exist outside of the system of feudalism, and hence is considered guilty of treason, while Roland's actions during the battle are considered heroism.

However, what reveals that the paradox of the chaotic individualism existing within structured feudalism is reconciled within this rigid system is the trial of Ganelon. He is being charged with treason and it is made apparent he is indeed guilty. Instead of Charlemagne merely condemning him to death for his obvious treacherous role in the battle that ensued, a court is held, so due process may be upheld and a fair trial occurs. In fact, even Ganelon, to the very end, is faithful to his lord, reinstating the idea that he chooses to be a part of this system, even when he is guilty and is aware he will be convicted of treason. He states of Charlemagne at the beginning of the epic: "There will never be any man to equal him" (Burgess, 376). And even when Ganelon is given a chance to make his case before his fellow vassals, kinsmen and king, who he feels has wronged him, he speaks only highly of Charlemagne:

> "For the love of God, listen to me, barons.
> Lords, I was in the army with the emperor;
> I served him in faith and in love.
> Roland his nephew conceived a hatred for me

And nominated me for death and woe," (Burgess, 3768-3772)

The case he makes for himself is to remind the court of the noble vassal he has been for so long to Charlemagne. He returns to the idea that he has served well and willingly under the unifying banner of his lord, the Holy Roman Emperor. He insists that his quest against Roland is in fact justified for he "conceived a hatred" (Burgess, 3771) for Ganelon by nominating him for "death and woe" (Burgess, 3772). He brings forth the evidence that the whole court has already witnessed. Ganelon declares he "challenged Roland the warrior/And Oliver and all his companions" (v.279, 3775-3778) and insists that "Charles heard it" as did "his noble barons" (v.279, 3775-3778). His reasoning for his innocence is that killing Roland, even if not by his hand, meant that he avenged himself and fulfilled the challenge he declared and thus "there is no treason in" (Burgess, 3775) his actions, "vengét m'en sui, mais n'i ad traïsun" (Burgess, 3775). Thierry, a fellow knight of Ganelon and one of the twelve peers of Charlemagne's court, condemns Ganelon. "Whatever Roland may have done to Ganelon,/The act of serving you should have protected him" (Burgess, 3827-3828) Thierry insists. He claims the king should punish Ganelon for harming a man under his protection because that is an act of betrayal. Yet, the support Ganelon's fellow vassals show him during these court proceedings far outweighs this cry for punishment. The majority of Charlemagne's own knights express their discomfort with the possible punishment Ganelon is set to receive once his trial is complete. They argue:

"Lord, we beseech you

To absolve Count Ganelon,

Then let him serve you in faith and love.

Let him live, for he is a very noble man" (Burgess, 3808-3811)

Despite being aware of Ganelon's guilt they plead for his absolution for being "a very noble man" (Burgess, 3811) This shows how these noblemen are unafraid of consequences for voicing their opinion. In fact, that is the very purpose of this court and a guarantee the structured system of feudalism seems to offer them. Moreover, Thierry's insertion of his opinion proves the room this system allows for dissent as opposed to the unanimous hive mindset one might expect to find promoted within this system of governance.

On the one hand the king's response to this cry for mercy seems like a betrayal, one could argue looking at the testimony of Ganelon's fellow knights. The king deems them all traitors instead of heeding their requests. The king said: 'You are traitors to me.'" (v.283, 3814) the author notes. However, the fact of the matter is Charlemagne is perfectly within his rights under the laws of the feudal system in doing so for the law states, as is evident by Ganelon's actions, that what he has done is in fact treachery. It is in fact Ganelon who chooses to be a part of the system, executing a duel, yet refusing to follow through with the rules that a duel pertains to. Thus, he must also now submit to the laws that dictate the consequences of his actions. While this seems like a top-down, mortifying system that subdues all individuality and allows for no dissent, the comprehensive trial of Ganelon, despite him being proven guilty by the law without need for any further evidence, shows how it does in fact foster a sense of protection to those who exist within it, even as chaotic individuals, while also offering justice to those who choose to transgress beyond its purview.

Section 2: The Knight of the Cart and The Romance of Tristan:

Tales of Courtly Love and the Quest for Full Proof

In Chrétien de Troye's writing, the *Knight of the Cart, Lancelot,* we are introduced to treason in a different light than that of the *Song of Roland*. To preface the trial scene presented in this text it is necessary to understand the notion of "courtly love"[17] between knight and lady. Courtly love was by its very nature between a man and a woman who most likely could never get married or be together in the light of day. It was a love a well respected and honorable knight had for a married woman of higher standing within society, a lady perhaps of a large noble household or even, as is the case with Lancelot, of the Lake, a queen. This love, more often than not, was reciprocated by the lady of the knight's choosing, and many a troubadour poem and romance has been written of this forbidden love known as courtly love. Lancelot is a figure known by many as a valiant knight living during the reign of King Arthur. Most famously remembered, however, more so even than his conquests and victories that are lauded in many literary texts, is his love for Queen Guinevere. Their romance has featured in many histories and literary texts and the Arthurian romances are no exception. It is significant to note here that Lancelot is not indeed a real historical figure, his love story with Guinevere is based, perhaps, on the true tale of Tristan and Isolde. Yet for the literary work of this french poet, Chrétien de Troye, to be lauded throughout history and to hold such relevance in so many eras speaks to the significance of this narrative within society at the time. Chrétien wrote this text, *Lancelot: The Knight of the Cart* for his "patron, Marie, countess of Champagne…the daughter of King Louis VII of France and

[17] The "term *courtly love (amour courtois, amore cortese, fin' amor)* was coined by the literary critic and philologist Gaston Paris in 1883 in an essay on Chretien de Troyes's *Conte de la Charrette* to define the chivalric love bond between Lancelot and Guinevere." - *Encyclopedia.Com*, 3 May 2023, www.encyclopedia.com/.https://www.encyclopedia.com/literature-and-arts/language-linguistics-and-literary-terms/literature-general/courtly-love

Eleanor of Aquitaine"[18] Joseph J. Duggan notes in his Afterword in Burton Raffel's translation of *Lancelot: The Knight of the Cart*. One can argue, thus, that the anecdotes Chrétien chooses to include in his largely fictional text are informed by the society within which he existed for it is this very society that was most likely the target audience for his poetry. Now, while this form of courtly love is widely canonized into the culture of this time, for a knight to act on his courtly love for a lady, particularly a queen, would be considered high treason, for he would be having an affair with the wife of the king at the time, his lord. This was a highly punishable offense and it is with this background that we can now dive into the story of Lancelot, Kay and Guinevere, more so the scene of Kay's trial after he is accused of a crime that Lanelot committed. Even within this seemingly dishonorable act of treason, what is most interesting to note is the honor and valor the medieval system of justice prompts in those who choose to partake in this system, for it is an autonomous choice knights and noblemen alike make. Emphasis is also placed on the notion of a fair trial throughout the course of this text, and particularly the scene of Kay's trial.

From the very onset of the scene painted by Chrétien, it becomes apparent that both Lancelot and Guinevere have indeed committed treachery in that their forbidden love has moved past the realm of distant courtly love and on to an affair. When in the lands of King Bademagu, the queen makes the proposition for Lancelot to meet her in her chambers on the night they commit the act of treason. She "indicates a window by her glance rather than with her finger," (Chrétien, 328)[19] and makes clear that this is not an action she wants attention to be drawn to. This exchange highlights the elicit nature of this meeting. Her invitation is clear, however. She

[18] de Troyes, Chrétien, and Burton Raffel. *Lancelot: The Knight of the Cart*. Yale University Press, 1997. *JSTOR*, http://www.jstor.org/stable/j.ctt1nq9x7. Accessed 3 May 2023.

[19] Troyes, Chrétien. D. (1963). *Arthurian Romances*. J. M. Dent & Sons Ltd.

says: “Come through the garden to-night and speak with me at yonder window, when everyone inside has gone to sleep.” (Chrétien, 328) This is customary to a certain degree within courtly love, where it is the lady of higher societal standing who makes the decisions in regards to when she and her beloved meet or correspond. Lancelot, reinforces this idea. He agrees to meet with the queen in her chambers when everyone else goes to sleep. “Lancelot asserts that…he will come inside to be with her, and that the bars cannot keep him out.” (Chrétien, 328) Chrétien writes. He is equally responsible for their meeting, even as he infers that he only acts “with the Queen’s consent” (Chrétien, 328). They are both established as two noble individuals partaking in what can only be described as an affair. When this is paired with the knowledge that it is the wife of the King who Lancelot is meeting, the treacherous nature of this affair, according to medieval law and tradition becomes apparent. Moreover, while not explicitly expressed, Chrétien makes clear what occurs when Lancelot joins the queen in her bedroom. He writes: “the Queen extends her arms to him and, embracing him, presses him tightly against her bosom, drawing him into the bed beside her and showing him every possible satisfaction” (Chrétien, 329). We are now introduced to the “crime” that has been committed and the intimate nature of Lancelot and Guinevere’s meeting. It is now no longer a possibility but more so a confirmed action.

However, the plot thickens as the act seemingly committed under veil of nightfall, is discovered due to an injury that Lancelot sustains as he pries open the metal bars that line the windows of the queen’s chambers. Chrétien writes: “the first joint of [his] next finger was torn” from which blood “trickled down” (Chrétien, 328-29) Lancelot’s injury bleeds all over the queen’s bed as he makes his way inside. It is this piece of evidence that leads to their downfall in the future. Even the queen does not pick up on this crucial sign of their crime following her

passion-filled night with Lancelot. The next morning Meleagant, the son of the king on whose lands Guinevere and Lancelot currently reside, accuses the queen of having an affair. Meleagant accuses Guinevere not of sleeping with Lancelot, but rather with Kay, who was the queen's guard, and slept nearby. Meleagant clearly states: “Kay the seneschal has looked upon you last night, and has done what he please with you, as can readily be proved.” (Chrétien, 330) The evidence he provides is “blood on [the queen’s] sheets” (Chrétien, 330). From the very beginning of this legal case, starting with the prince’s accusation, there is an emphasis placed on proving the crime was indeed committed and Meleagant is confident he can. This is evident when he states “I know it and can prove it” (330). He ignores the queen’s attempts at proving her innocence, claiming the blood stains are from a nose bleed she has. This is a clear example of partial proof. While the queen and the accused are not found in bed together or caught in the act of committing their crime, there is lingering evidence of the events that occurred. Meleagant is insistent on his accusation and brings in another necessary element to legal cases at the time, the preservation of evidence. “Gentleman…see to it that the sheets are not taken from the bed until I return” (Chrétien, 330), he commands in an attempt to preserve his perceived crime scene. Chrétien makes his intentions quite clear to the reader following this proclamation as Meleagant demands “justice” from his lord and father, the king. He is confident once the king “has seen the truth” (Chrétien, 330), justice will prevail, and thus emphasis is placed once again on the uncovering of a truth through the use of untainted evidence and testimony. The author reintroduces readers to a rigid legal system set in place in society at the time.

What is unique about this case in particular, as opposed to that of Ganelon, in *The Song of Roland*, is that Meleagant’s accusation is indeed false. It is not Kay who laid with Guinevere, it is

Lancelot. While the basis of Meleagant's claim is sound, his main accusation is false, or rather the man he makes the accusation against is in fact innocent: Kay. One might anticipate that as the son of the king of this land, Meleagant's word would be law, supported also by the evidence of the blood on the queen's sheets and of Kay's presence in queen Guinevere's room. It could be assumed that without question the king would sentence Kay to death or exile, as would be customary for such a crime. Meleagant presents before King Bademagu, the nature of the crime he suspects Kay has committed and why it would in fact be considered treason. "It devolves upon you to see that justice is done, and this justice I now request and claim. Kay has betrayed King Arthur, his lord" (Chrétien, 331) he states. It is clear that he invokes the duty of a vassal to his lord in this accusation. He chooses to condemn Kay for breaking his oath of loyalty to his king and lord, Arthur. Even as Meleagant insists that Kay be sentenced for the crime he thinks he has committed there is a repeated use of the word "justice" when appealing to his father the King. This instills the notion that while one might think that it is only vengeance, and a hatred for Kay that might be driving the prince's insistence for a trial, justice is necessary and honorable. Even as he coerces his father to side with him when Meleagant says, "I beg you not to fail to be just and upright toward me" (Chrétien, 331). There here is still the underlying implication that the final say lies indeed with the king himself, the lord following due process.

The king verbalizes this insinuated regard for due process within his son's words. "I wish to see for myself, and my eyes will judge the truth," (Chrétien, 331) he proclaims for all to hear. This section of the account with all present bearing witness to the evidence in order to determine the truth seems to be an ode to the honor instilled within the system of medieval times. This system of honor being the basis for the justice system is an idea that is to be seen throughout the

remainder of this trial. Chrétien introduces the first elements of a trial by inquisition. Even in the face of such apparently condemning evidence, the queen is allowed to give testimony of Kay's character, using her own honor as a foil for his nobility. "Courteous and loyal enough not to commit such a deed, and besides, I do not expose my body in the market-place, nor offer it of my own free will," (Chrétien, 331) she argues in his defense. This, in a more modern context, stands in the place of a character statement given by one close to the accused presenting the argument that they could not have committed the crime they are accused of because their noble character would not have allowed it. This idea that nobility is tied into the very base of this system of justice is reinforced because the queen defends Kay because she knows he is indeed innocent. On the one hand, she could have allowed him to be sentenced for a crime he did not commit in order to protect her love, Lancelot, yet she risks exposing not only herself but also her beloved by speaking out in defense of Kay. Despite knowing she is guilty, it is as though there is this unwavering belief that God will ensure an innocent man, Kay, will not suffer for a crime he has not committed, even as the queen conceals the real "perpetrator".

This sentiment of nobility and desire for individual honor to be maintained is brought to light by the author in Kay's character as well. Instead of being appalled by Meleagant's accusation in an outburst of anger. Kay chooses to put his faith in the system, calling for a judicial duel. "I will defend the Queen and myself against the accusation of your son," (Chrétien, 332) he says, fighting not only for his own honor and for justice, but to maintain the honor of the queen as well. This puts him not only in the position of a law abiding member of this feudal society here, trusting this pre-established due process of medieval law, but also a good vassal to his true lord, King Arthur, by defending the honor of his wife, the queen. What further solidifies

this analysis of Kay's character and nobility is the king's observation when King Bademagu forbids Kay from fighting. "You are too ill" (Chrétien, 332) he claims. This introduces the readers first to the safeguards this system has, when it comes to the physical trials one might endure in search of justice, for those who may be at a disadvantage for instance those who are old or unwell. This observation also highlights this seemingly innate desire within members of this society to be a part of this system, and through that use the system in order to prove their innocence. There is a certain faith Kay's desire to fight even in his weakened state represents in God, where he truly believes perhaps he will win, and avenge his and the queen's honor in this duel. It is this faith that each individual seems to have in this form of governance that drives it, putting this notion of individualistic honor at the very foundation of this overall feudal system.

The matter is further complicated when Queen Guinevere calls upon Lancelot who is present in the court. She calls upon Lancelot to defend Kay's honor by fighting in his stead. Here again emphasis is placed on due process. The queen knows her rights and those of Kay. Moreover, Lancelot, despite being guilty and facing the threat of possibly being found out by returning to the court of King Bademagu, comes back not only to defend a man wrongfully accused of a crime, but more specifically accused of Lancelot's own crime. "I am ready to fight and to prove to the extent of my power that he never was guilty of such a thought" (Chrétien, 332) Lancelot declares, speaking of Kay. This could have been the perfect escape for Lancelot, the perfect man to take the fall for him. Yet, Lancelot chooses to return and act on his faith that the feudal system would not condemn a man he is certain is innocent to death or worse. While a crime has been committed, it is technically true it was not Kay who committed it and it is for that claim that Lancelot fights. Yet, even as this seems merely to be a response to a call from his

beloved, regardless of the threat to his person, Lancelot also seems to be acting on a sense of individualistic honor. He is determined to fight "to the extent [of his considerable] power" (Chrétien, 332) to clear the name of wrongly accused man, but also perhaps, alleviate his own guilt. He is aware of his duty not only as a knight within this feudal system, but also as a fellow vassal of Arthur to Kay.

Throughout this narrative, while this is a decidedly legal anecdote, speaking to the existence of a set structure of governance, there is also a certain implication in the willingness of both Guinevere and Lancelot ro partake in these trials that God is on the side of those in love. It seems to be implied that Lancelot does not fear death for he is not in the wrong, but rather a chaotic individual, upholding a pillar of knighthood, courtly love while also acting honorably as a part of the system of justice in place at this time. Moreover, Lancelot's personal desire shines through this sense of duty as well. This undeniable unwavering faith in the system is seen when he quotes the law to the king himself: "My Lord King I am well acquainted with suits and laws, with trials and verdicts: in a question of veracity an oath should be taken before the fight." (Chrétien, 332) He cites the due process the king is seen encouraging earlier, insisting that to make a duel valid, an oath needs to be taken by both parties. Even as Meleagant swears in his oath that Kay lay with the queen Lancelot's oath is returned with equal conviction: "I swear that thou liest…and furthermore I swear that he neither lay with her nor touched her." (Chrétien, 333). Lancelot's proclamations here, the audience is aware, are true and the accusations against Kay are indeed false. What makes this scene so significant then in regards to medieval justice, is that even if the son of a king makes an accusation against a man, seeming to have a variety of proofs for his claims, there is still a consistent due process followed by all involved parties.

Despite Lancelot himself being guilty of this crime, at this moment he is aware he is speaking the truth, and so with full conviction here, he is prepared to fight to the death for Kay with the belief that “justice” will be on his side.

Even as the duel proceeds, the fair nature of the trial is made abundantly clear. Both horses being used by Meleagant and Lancelot are “fair and good in every way” (Chrétien, 333) with the King’s son receiving no advantage. When the two knights are fighting to what seems like death, the King fears for the life of his son, and yet he does not interfere directly. One would assume he could, being the king, yet his honor prevents him from being the one who calls of the duel. “The king in his grief and anxiety calls the Queen” instead and “begs her for God’s sake…to let them be separated” (Chrétien, 333) the author notes. She is the one who the prince Meleagant inadvertently accuses of having an affair, and she is the one who has the power to call off the duel being fought partly in her name and for her honor. Here the paradox highlighted in *The Song of Roland* is reestablished. On the one hand, Lancelot can be considered a chaotic individual, having an affair with the wife of his lord. However, Chrétien makes it clear that Lancelot conforms to and exists within the set feudal system during this trial scene, whether it be to maintain his individualistic honor or for his belief in and love for the system. As soon as Lancelot hears the queen agree to the king’s request, he immediately stops fighting, renouncing “the struggle at once” (Chrétien, 333), Chrétien notes. Lancelot is presented as the honorable and just knight. He is shown to follow the commandment of his lady and thus his lord. Meleagant, in fact, the son of the king is shown as deviating from the system, as he refuses to back down from the duel. “Meleagant does not wish to stop, and continues to strike and hew at him," (Chrétien, 333) the author writes. It is noteworthy that the reasoning that Meleagant gives for wanting to

fight is for personal vengeance or glory, not to uphold the oath he made as is due process. He declares with an oath that he wants to fight, and "cares not for peace" (Chrétien, 333) Chrétien notes. However, even in his deviation the king's response makes it apparent what forces were driving Meleagant to continue fighting. "No shame or harm shall come to thee, if thou wilt do what is right and heed my words. Dost thou not remember that thou has agreed to fight him at King Arthur's Court?" (Chrétien 333) the king questions. We are reintroduced to the concepts of "shame" and "harm" and how the ultimate goal of an individual within this system is to protect others but more importantly themselves from shame and harm. This brings in the idea of the individual within the system. Meleagant acts or continues acting out of fear of shaming himself by giving up the oath he took. Thus, both Lancelot and he are presented as just and noble vassals with opposing goals fueled by similar values. Even within this system where there is a set due process that is followed regardless of the evidence presented against an individual, there is still an individualism presented by both Meleagant as well as Lancelot in their reactions to being told to stop the duel.

Thus, in Chrétien de Troye's work, *The Knight of the Cart*, *Lancelot* within the Arthurian romances, it is evident that this medieval system of justice instills in its participants a sense of honor that stems from the fair nature of the system itself. Even as it presents itself as a rigid system, entrenched in, what the modern audience might consider, archaic tradition, it has this unique ability to celebrate and encourage chaotic individualism within those who choose to partake in it. This text, and the tale of Lancelot presented here, supplemented with the actions of Kay and Meleagant, is different in great depths to that of Roland and Ganelon within the *Song of Roland*. Lancelot is not the one facing a trial as does Ganelon, nor is he a hero, in the typical

sense of the word here as is Roland. However, both he and Roland present a sense of individualism in how they deviate from the set guidelines presented by the seemingly rigid feudal system, and yet they fall within the purview of it. They do not go rogue and up until this point are celebrated by those around them for being good vassals. The question then, is whether Lancelot, would present the same honor in his actions were he to be the one caught for his infidelity with Queen Guinevere.

To understand best what may perhaps have occurred had Lancelot truly attended his trial, one can look at the tale of Tristan and Isolde as written about in *The Romance of Arthur,* Béroul's *The Romance of Tristan.* This story is set during the time of King Arthur's reign and thus subsequently during the time the story of Lancelot and Guinevere is set as well. This work chronicles the love story of Tristan and Isolde, considered one of the most famous love stories in French literature. It tells a tale much like that of Lancelot and Guinevere, yet for this particular account, there is the involvement of a love potion that leads to their intimacy. Their love is much like a courtly love due to Isolde's betrothal to Tristan's uncle, King Mark of Cornwall. Thus, much like Lancelot, if he pursued his love for Isolde, Tristan would be committing treason, for he would be having an affair with the wife of the king at the time. This story is set during the time of King Arthur's reign and thus subsequently during the lifetime of Lancelot and Guinevere as well. Here one could consider Tristan as a parallel to Lancelot. Both are well known and respected knights in literary tradition.

What we learn about feudalism from this particular text is invaluable in that it shows very clearly the role barons play in this seemingly rigid system. When the barons find out that King Mark's nephew, Tristan, has been having an affair with the queen and that the king has been

aware of this for some time, they are furious. “We know for a fact that you are fully aware of their crime and that you condone it. What are you going to do about it?” (Béroul, 244)[20] they directly question the king. In this bold demand and display of strength it is obvious that while hierarchy is maintained within this system of feudalism in regards to lords and their vassals, within the court of the king, power is distributed in a fairly equal manner. In fact, the barons go on to bombard the king with questions of his nephew’s infidelity:

> “Think about it carefully. If you do not send your nephew away permanently, we will no longer remain loyal to you and will never leave you in peace. We will also persuade others to leave your court, for we cannot tolerate this anymore.” (Béroul, 244)

These threats, while seemingly petulant, and one would imagine a form of treason, are actually perfectly just within this system of governance. The barons are entitled to an opinion in regards to the affairs of their lords. In fact, their opinions are encouraged as the senior council of the king. The king condemns pride, an attribute we find in abundance in Roland and Lancelot, both chaotic individuals. “You know I am not proud!” (Béroul, 244) the king exclaims as he seeks counsel from the barons who stand before him and accuse him of inaction. “Please advise me. That is your duty and I do not want to lose your services.” (Béroul, 244) It is clear here, thus, who holds true power at this given moment. It is indeed the barons who hold said power, for the king is not blind to the fact that they aid him in the form of the services and armies that they provide. Thus, while one would think the king is able to squash dissension amongst his ranks, in reality individuality is encouraged, even within the confines of the feudal system. Moreover, it is

[20] Béroul, Lacy, N. J., & Wilhelm, J. J. (2015). *The romance of Arthur an anthology of medieval texts in translation*. Taylor and Francis.

not hard to notice that even as the barons seemingly revolt against their king, they are not in fact staging a coup or organizing against him in any manner. The barons approach the king directly, offering demands. However, ultimately, they give the king the final day and allow him the opportunity to right the wrong they feel he has committed. The barons seem to be holding him to a higher standard as their lord, giving him the respect he deserves as such. Thus, despite the depiction of what may be considered chaotic individualism on the part of the barons, it falls within the purview of structured feudalism. In fact, the significance of a public complaint in this honor-based system is highlighted. To stage a coup or revolution would be a base and unworthy act because it would be done in secrecy, much like how Ganelon is condemned not for wanting to fight Roland but for doing it in such a secretive and dishonorable manner.

The counsel calls upon a hunchback dwarf, Forcin, to instruct the king on what to do in regards to his wayward nephew, Tristan. The first course of action the dwarf suggests is the collection of evidence. Much like Meleagant's initial bid to protect the blood covered sheets of Guinevere's bed as evidence, the significance of inquisition and evidence in a medieval court is established. There is no rush on the behest of the barons, nor this dwarf, to bring forth the accused, but rather to formulate a plan that will result in Tristan and Isolde being caught in the act of having an affair. They hope to get full proof instead of partial proof[21], catching the perpetrators in the act of committing the crime as opposed to after that fact. The plan is set, with

[21] "Full proof" in this instance refers to catching someone in the act of committing a crime, thus obtaining irrefutable evidence that they are at fault and thus guilty. In this instance, this refers to catching Trsitan in the act of committing adultery with Isolde. Partial proof, refers to signs, for instance, that a crime has occurred, but not irrefutable evidence that a certain individual has committed said crime. In this instance, as was the case with Lancelot and Guinevere, if the King and dwarf were to discover blood on Isolde's sheets and Trsitan were to be present in room, it can be inferred that he was the one who committed the act of adultery and yet there's still room for speculation on what factually occurred for no one truly saw the crime being committed with their own eyes. - Brundage, James A., 2007, *Full and Partial Proof in Classical Canonical Procedure*, The Catholic University of America Press

the dwarf instructing the king to inform Tristan he must deliver a message to King Arthur first thing the next day, but to only tell him right before nightfall. The king is then to leave his chambers, with Isolde inside and wait patiently for Tristan to arrive. Without fail Trsitan unwittingly falls into their snare.

The day before Tristan is set to leave with his message for King Arthur, he sneaks into Isolde's chambers and lies with her. The plan to catch him almost fails, yet he is caught. A few days prior to this encounter we learn Tristan has been injured by a large boar. Tristan believes he has figured out the dwarf's plan when he sees him laying out flour on the floor between his and the king's bed where Isolde lays fast asleep. In order to avoid the flour sprinkled between the beds, which he assumes correctly is to capture his footprints as evidence, Tristan "put[s his feet together, estimate[s] the distance, jump[s], and f[a]ll[s] onto the king's bed" (Béroul, 245). However, in doing so "[h]is wound open[s], and blood flowing from it stain[s] the sheets." (Béroul, 245). This is a series of events reminiscent of Lancelot and his injury when he pries open the metal bars in order to access Queen Guinevere's chambers. The readers are given proof of his crime, for "although the wound was bleeding, he [does] not feel it, for he [thinks] only of his pleasure" (Béroul, 245) as he shares a bed with Isolde. Not only are we made privy then to his affair but the dwarf who has been waiting outside and watching the king's window, sees "by the light of the moon… the two lovers lying together" (Béroul 245), which he promptly informs the king of. The evidence then, as the king storms into his room is stark, even though Tristan hearing the king's imminent return, is able to make it back into his bed. "The warm blood could be seen in the floor," (Béroul, 245) Béroul writes. Moreover, the "queen did not remove the bedsheets" (Béroul, 245) which were now stained with Tristan's blood and act as the ultimate

proof in this case the king and his barons made against Tristan and Isolde. There is a clear indication to the significance of due process within this system of justice, regardless of the rank of those involved or the accuser.

The word "justice" (Béroul, 245) itself makes a reappearance in this text when the barons demand it be served now that the king has been able to collect "conclusive evidence" (Béroul, 245) of the crime committed. "Your guilt is proved" (Béroul, 245) the king proclaims speaking to both Tristan and Isolde. In this case, unlike in the initial case where Lancelot and Guinevere were not discovered in the same bed by Meleagant, Tristan and Isolde were witnessed lying in bed together by the dwarf. Moreover, Tristan's wounds match the blood found in the king's chambers. Tristan's nobility surfaces as he faces the wrath of the king and the values upon which this feudal system seems to be built are highlighted. Despite knowing he faces almost certain death, Tristan admits his guilt. "I am ready to suffer punishment at your hands" (Béroul, 245) he concedes. There is a certain honor in not fighting a verdict when he is aware he has been caught. The reason Tristan agrees so readily to be tried is because of his faith in the system. It can be inferred that perhaps he is aware that the king has only partial proof against him and that he will be allowed to defend himself and Isolde in a fair trial following due process. Moreover, when it comes to the honor of the queen, he does not back down begging not only for mercy but also challenging anyone who claims he is the queen's lover to a duel. "Anyone at your court who accuses me of being the queen's lover should have to face me immediately in armed combat," (Béroul, 246) he challenges all present to see and hear. The king does not allow for such a challenge, instead sentencing both his wife and Tristan to be burned alive as is the custom for someone who has been found guilty, after due process, of treason, particularly through infidelity.

What is of significance here is manifold. Firstly it is important to note, that despite this being considered due process in a manner, the barons and the dwarf, as well as the king to a degree, are condemned by Béroul for their actions. This is evident because in this section of the text the barons are referred to using words like “jealous” (Béroul, 245) and “evil” (Béroul, 245). The dwarf too is called “crafty” (Béroul, 245) a negative word in this connotation and the writer wishes curses upon him. This is a mandatory section to analyze because it depicts a breach in due process which Tristan later laments about. The importance of honesty and openness here is hammered into the scene. At first it seems as though Tristan, because of how noble he is, concedes and presents himself to be punished. In fact, despite being guilty of the crime he has been accused of, Tristan is still eager to partake in their system of justice requesting a duel. He does not do so for himself, for he is noble enough to accept punishment for a crime he knows he has committed, but his honor, the founding value of this system of justice, does not allow him to let his lady, his lord’s wife, take the fall for his actions even though she is equal parts guilty. It is the notion that for another, he is willing to go into a fight, which if he truly believes in the system he knows he will lose. However, the author makes it clear that were he to know the underhanded actions taken in order to trap him and create the so called evidence, he would have been appalled, nigh on justified, in killing the “evil” (Béroul, 245) barons. “If he had known how this had come about and what was still to come, he would have killed all three of them, and the king could not have saved them,” Béroul writes. The idea is that for something to be just and fair within this system of governance it must be done so with honor and nobility, even if that means finding evidence against someone who is indeed a criminal. This speaks to the emphasis placed on due process, as is seen also with Kay, who also seemed completely guilty of the crime he was

accused of despite being innocent. Thus here, while one would assume to find praise of the king for acting on the counsel of his barons as is his duty, one finds only revulsion from Tristan and Isolde, through the words of Béroul. Moreover, implied once again is the idea that God is on the side of the chaotic individuals, the lovers, as opposed to those trying to uphold the law under false pretenses like the king, the barons and the dwarf. There is a celebration of individuality in this text that is becoming the norm, it seems, for medieval justice in the Western-European tradition.

Section 3:

The History of William Marshall:

The Perceived Betrayal of the Exceptional Individual

The fourth text analyzed in this chapter is the anonymous *History of William Marshal*. It summarizes the fascinating way in which the medieval justice system not only promotes a rigid structured system of existence but also promotes the growth of chaotic individualism. William Marshal, the first Earl of Pembroke served not only as a knight for the English King's army, but also as an advisor to many kings. The *History of William Marshal* was commissioned by the eldest son of William Marshal, who bore his name. It was penned by John, a French cleric thought to have been completed in the early 13th century. William Marshal is known to have served on the courts of multiple kings, namely Henry II, Richard I, John and Henry III and the young king. The recollection of William Marshal's alleged treachery in the Anonymous *History of William Marshal* occurs during the reign of King John, for whom William Marshal also played the invaluable role of counsel. During the rule of King John, William Marshall was also one of the most important mediators in the creation of the Charter of Liberties, later known as the Magna Carta, in 1215. The Magna Carta is pertinent to understanding the notion of the premise of power that Western-Europe attributed to their legal system, coming back into focus in Chapter 2.[22]

The situation presents itself thus that King John avoids a plot that his barons concoct in order to hand him over to the King of France. "He gave no sign that he was aware of the

[22] He was also responsible for "issuing revised versions of Magna Carta in 1216 and 1217, which secured baronial support for the young king", Henry III. - "William Marshal." *British Library*, www.bl.uk/people/william-marshal#:~:text=William%20was%20responsible%20for%20issuing,Oxford%20Dictionary%20of%20National%20Biography. Accessed 3 May 2023.

plot,/merely leaving their company secretly" (2805-06)[23], the author writes. This allows him to return safely to English soil where the author makes clear he is a revered king and lord. "His subjects gave him a rapturous welcome and paid him honour/that a lord had every right to expect" (12832-33) he writes. The matter unfolds to a point where he is asked by his vassals in Normandy to make a decision in regards to his lands, for "the King of France was taking/every castle he came across" (12849-50). His solution to this imminent invasion is to send two of his most trustworthy messengers, Marshal, and Earl Robert of Leicester with a message for the French king, Philip II, who in turn rejects their message and the terms laid out by the King John of England. The King of France is noted to have declared instead: "that all those willing to come/to pay homage to him by a fixed date/would still hold land for him" (12867-69). He wants, essentially, for King John to subjugate himself before him, and to, in a manner, swear fealty to him in order to keep his land. The only solution to this is that Marshal and the Earl come up with a plan to buy King John more time to win back his lands without having to pay homage to the French king, Philip II. The two of them "went together to the King of France./With good grace they gave him/five hundred marks of silver each/to buy a stay for their land/of one year and a day," (12889-94) making their plan successful. However, their agreement with the French king came with a catch. "[I]f King John could not manage/to recover the land within the year, then they would come to [the French king]/and pay him homage" (12895-98) the author narrates. They promise to pay homage and offer their loyalty to the French king if the English king, John, is unable to maintain his end of the deal.

Following this trip, the king of England also loses the city of Rouen to the King of

[23] *History of William Marshal*. Translated by Gregory, S., *Anglo-Norman Text Society*, 2000.

France, being unable to defend it. In response, King John sends Marshal and Hugh of Wells, as ambassadors to Philip II in complete secrecy with a "peace formula" (12938), unbeknownst even to the archbishop. Marshal expresses worry, upon hearing King John's plan, that the time for his land, Normandy, and his deal with Philip II, is almost up. He reminds King John that following a year and a day, Marshal would have to pay homage to the French King unwillingly, the author narrates. In response to this concern, the king of England reassures Marshal he is aware of his unwavering loyalty. In fact, as the author notes, King John states: "I am very willing for you to pay him [the King of France] homage/so as to avert any damage you might sustain" (12961-62) "for I well know that, the more you have,/the greater will be your services to me." (12965-66). Here, Marshal clearly establishes himself as a noble and just vassal to his lord, deferring to him, King John, on matters of the safety of his land as well as fealty. Moreover, King John establishes himself as a just lord, aware of the needs of his vassals, while also setting in stone the relationship between vassal and lord as mutually beneficial. He gives permission to his vassal to pay homage to another lord, letting go of his pride and admitting that he may not be able to protect Marshal from the conquering French king. Furthermore, he makes it clear his trust in his vassals for even as they pay homage to another king he knows they will remain loyal to him, the King of England, and continue serving him with their subsequently superior resources. Upon delivering the message, the King of France agrees and sets up a meeting with King John. Most importantly however, he asks the Marshal to pay homage to him as the grace period established in their initial agreement, a year and one day, is nearly over. Marshal, having the blessing of his lord, "pa[ys] him homage unreservedly" (12989). It is significant here to note that there is explicit permission given by the king of England to William Marshall to pay homage to another

king thus seemingly, Marshall acts within the set structure of governance set by his lord.

Following this the author chronicles that the Archbishop of Canterbury finds out about Marshal and Hugh, and the message they have taken so that there may be peace with the French King. In a fit of rage and jealousy, two emotions we have seen condemned time and time again in medieval texts, the archbishop undoes the treaty without the messengers knowing, resulting in the King of France casting them out for making offers of peace that now seemingly are not in their hands to make. Moreover, the same men who had foiled the peace treaty also approach the King of England before Marshal and Hugh can state their sides of the story, with conspirators spewing lies about the misconduct with which the messengers apparently disgraced themselves and thus the King of England. Ralph d'Ardene "told John that his messengers/had behaved very badly towards him in France,/for the Marshal had paid homage,/and sworn oaths of fealty and alliance,/to the King of France, against him" (13034-38). His words are in fact lies or exaggerations and yet, he is the one who is believed, described by the author as a "base flatterer" and "traitor". It is clear that the actions of this man are condemned by the author of this work, for he breaks the code that medieval law abides by. Instead of confronting the King in the open for all to see about his peace plan, he manipulates and conceives a negative result to the plan in the shadows, the author notes. The archbishop then presents himself as the innocent victim in the court of King John. The author deems Ralph d'Ardene's word as "treacherous" (13040) making it clear that his actions are not at all in line with the code of honor that this system of governance is meant to be ruled by. Upon the return of the messengers, the King is in an uproar, accusing them of treason: "Marshal, I know without any doubt/ that you have paid the King of France/homage and sworn to him oaths of fealty and allegiance" (13061-63) he rages. In fact, he

ignores all defense that Marshal provides, even when Marshal pleads for him to remember that King John himself gave Marshal the permission to pay homage to the French king; this, we know to be true. Yet, King John denies having given any such permission which is a blatant lie, as the author makes clear in his writing.

Like Kay, Marshal here has been falsely accused of a crime he most certainly did not commit. And much like Kay, a drive to participate in his own trial when King John invites his barons to pass judgment is seen in Marshal. “Indeed I wish for one” Marshal declares speaking of a fair trial, “for I was never false.” (13083-84) In fact he goes on to specify that “the man who refuses a fair trial/puts up poor defence of his case” (155, 13085-86). By speaking these words into existence not only is he subtly reminding his lord of the lord’s unquestionable duty to provide his subjects and vassals with a *fair* trial, he also establishes himself as a noble man. He is aware he is innocent, and will not run from a trial, even when it seems as though the King of England is intent on having him convicted of a crime he did not commit. During the trial, the king does allow Marshal to speak in his own defense as is customary, yet, he denies Marshal’s claim that it was by the King’s order that Marshal was in France with the message of peace for the French King. Still, as a good vassal, Marshal does not lose his cool nor does he retaliate against his lord, even as his lord lies before his very eyes. This case is particularly interesting because the king himself is called as a witness to the metaphorical stand. Marshal says: “Sire, I tell you once more/that what I did was by your leave,/and I call yourself to witness/that I went there as your messenger” (13127-30) and yet in a continuous shocking turn of events, the king lies, denying once again Marshal’s claim. Moreover, the King tricks Marshal into proving his allegiance to the King of France by requesting Marshal accompany King John in moving against

the French king. Marshal, who had in fact paid homage, under the permission of King John, says: "in God's mercy, it would be wicked of me,/I who am [the French King's] liegeman,/to move against him" (13140-42). The King once again is fully aware of his actions and intends to entrap Marshal, so that the barons who are loyal to their lord might pass judgment against him.

However, the author makes the significance of due process in any judicial system clear by the events that follow. From the start the English king is painted in a negative light for the fickle nature of his loyalty to his vassals. Marshal urges the lord, by the faith he owes them, putting himself at their service, to see him as an example of the betrayal they will experience if they stay true to this English King. He speaks out against his king only when he is denied due process. When Marshal asks the king to allow him to duel any man who deems him guilty, the King rejects his offer: "this will get you nowhere…I want my barons to pass judgment on you" (13159-60). Moreover, Marshal is placed up in comparison to the King, where Marshal seeks only justice, urging due process be followed, and the king blinded by rage and envy, desires only for Marshal to be punished, independent vengeance. This is frowned upon, a sentiment the author reflects in the actions of the barons once the king commands them to make a judgment. "The barons looked at one another/and then drew back" (13180-81) passing no judgment despite their lord's command. The proceedings of this court scene make evident that due process as well as honor within the accused were the norm within this system. Moreover, the seemingly equally distributed power within this system is also on display here. The king does not have the right to make judgment without question about an individual just because he dislikes them. There is a formal process in place and the barons that partake in this process have a level of authority and autonomy one might not expect from such a seemingly rigid system of feudal governance.

Individuals who are wrongfully accused like Kay and Marshal, have certain safeguards, be that in the form of a level headed king, or a fair trial by the barons in a king's court. Moreover, no matter how condemning the evidence, the accused party is given some form of a trial where they are allowed to defend themselves through speech or combat. Not only this, even those who seem to deviate from the system like Roland and Lancelot, are celebrated often and lauded as heroes. Their chaotic individualism seems to stem, almost, from the ideals of honor and duty instilled in them by the rigid structure of feudalism. This is a rather unique way in which this set system in medieval Western-Europe reconciles the apparent paradox of the exceptional individual existing within its confines.

Chapter 2

The Medieval East:

Complicating the Paradox of the Exceptional Individual

When people hear the word “medieval” they immediately think of the figures I’ve spoken about in my previous chapter. They think of Lancelot and Gruinevere’s love, of the Holy Roman Emperor and most importantly perhaps, the Crusades. Battling on one side of history were these complex figures modeling heroism, chaos and structure. Their adversaries in these wars were the Saracens, or so they were called, known in the modern day in a more broad context as Muslims. We read tales of the great Muslim leader, Saladin, from the perspective of Western-Europe in tales like *The Song of Roland* particularly stories of the mercy shown and the values upheld by the Muslims in the East against whom these Crusades were fought. This chapter explores these same stories of heroism, mercy, and judicial trials that have been discussed in the Western-European medieval tradition in the previous chapter. However, this chapter explores these tales through the lens of the East. Moreover, what is most significant is the comparison between Saladin presented here and Charlemagne the Holy Roman Emperor in Western-Europe. The previous chapter argues that the feudal system of the medieval era might be one of the few systems in the world that is able to promote chaotic individualism while also ensuring it’s citizens abide by the structured feudal system to a large degree. However, this distinction does not necessarily pertain to the very leader of these nations in Western-Europe, for instance Charlemagne.

This chapter analyzes several legal incidents in which Saladin is involved or is the presiding judge, that signify how in the Eastern medieval tradition, even emperors and lords can

act as chaotic individuals while still upholding the feudal systems they are meant to govern. The chapter focuses on *Sahih Muslim Hadīth* and *Sunnah's*[24] of the Prophet Muhammad **(صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ)** (*sallallahu alayhi wa sallam)*[25]*,* as well sections from the Quran to establish the Islamic authority that is said to have been employed by Saladin, particularly in the case of matters of treason and betrayal. The focus of the chapter is on Ibn Shaddād, Bahā' al-Dīn Yūsuf ibn Rāfi's account, *The Rare and Excellent History of Saladin*, written in the 13th century.

The real name of Saladin, the man whose life and rule *The Rare and Excellent History of Saladin* follows, is Salah al-Din Yusuf ibn Ayyub. This translates directly to Salah al-Din Yusuf, son of (*ibn*) Ayyub. Saladin is the Western name he is given for he was revered as a great ruler in both the East and Western-Europe with many a tale about Saladin told in the Western-European literary traditions at the time. He was one of the sultans of Syria and Egypt during the Fātimid Caliphate and is known for his victory over the Crusaders in the third Crusades during the Battle of Hattin. Saladin associates a great significance with the word of Allah (SWT). This is established through the accounts of Saladin from the words of one of his closest associates, Ibn Shaddād, found in *The Rare and Excellent History of Saladin*. The "Account of his justice (God's mercy upon him)"[26] ensures readers are aware "[e]ach Monday and Thursday [Saladin] used to

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[24] Referring to the practices and sayings of Prophet Muhammad (SAW) a secondary source of guidance to Muslims after the word of Allah, the Quran. There are three categories of Hadīth. *Sahih* (sound) Hadīth are classified by an "uninterrupted chain of transmission" from the Holy Prophet (Peace Be Upon Him), as well "a *matn* (text) that does not contradict orthodox belief" (Encyclopedia Britannica). *Hasan* hadīth are weaker than sahih due to a possible break in the chain of transmission and *da īf* hadīth are the weakest of hadīth in their authority. - *Encyclopædia Britannica*, www.britannica.com/. Accessed 3 May 2023.

[25] Translate to "May Allah honor him and grant him peace" - "Sallallahu Alaihi Wasallam (S.A.W) Meaning?" *My Islam*, 13 Apr. 2021, myislam.org/sallallahu-alaihi-wasallam/#:~:text=The%20meaning%20of%20Arabic%20phrase,when%20saying%20Prophet%20Muhammad's%20name.).
I will henceforth referred to him as Prophet Muhammad (SAW), or the Holy Prophet (PBUH).

[26] Rāfi', Ibn Shaddād, Bahā' al-Dīn Yūsuf ibn, and D. S. Richards. *The Rare and Excellent History of Saladin = or, Al-Nawādir al-Sulṭāniyya Wa'l-Maḥāsin al-Yūsufiyya*. Ashgate, 2007.

dispense justice in public sessions, attended by the jurisconsults, the Qādīs and the doctors of religion" (Ibn Shaddād, 22). The significance of this assertion is evident through the mention of "the Qādīs and the doctors of religion" (Ibn Shaddād, 22). In Islam, a Qādī is "a Muslim judge who renders decisions according to the Sharī'ah (Islamic Law)"[27]. Similarly, the "doctors of religion" (Ibn Shaddād, 22) mentioned may perhaps be a reference to scholars of Islam who have studied the Quran, hadīth and other religious authorities and are experts in matters of Sharī'ah and legal Islamic ruling. This is a clear indication that it is in Islam, in the words of Allah (SWT) and the actions of his messenger, Prophet Muhammad (SAW). He relies on experts of these subjects within his court to guide his actions leading to the larger implication that Saladin is not the final authority within this court, nor is he the embodiment of the word of God on Earth but rather a believer, and a follower of the laws set out by the religion he follows.

This chapter establishes the premise of power in Islamic Holy Law which stems from the authority of the Quran, Sharī'ah law and sunnah. These laws have specific nuances in regards to crime, particularly, treason. Arabic is the primary language of Islam and the Quran and thus of Sharī'ah law and sunnah. The arabic word **خِيانة** (*khiana*) could be considered to be the Arabic counterpart of the english word betrayal. Yet most often you will encounter this word translated into English as "betrayal". This notion of betrayal and perhaps then treason being an act of betrayal is an interesting one especially when considering hadīth that speak of the punishment of such a betrayal.

> 'Amr ibn al-Hamiq reported: The Messenger of Allah, peace and blessings be upon him, said, "Whenever a man promises safety for

[27]"Qadi." *Encyclopædia Britannica*, www.britannica.com/topic/qadi. Accessed 3 May 2023.

> another man's life and then kills him, I disavow myself from him even if the victim was an unbeliever." (Ṣaḥīḥ Ibn Ḥibbān 5982) (*Sahih* (authentic) according to Al-Albani)[28]

This hadīth is significant in its ability to highlight that what is wrong about treason, as we saw was the case in the Western-European medieval tradition, is the deception that it implies. If "a man promises safety for another man's life" entering in a manner a contract, verbal or written with his guest, and then proceeds to break this contract by murdering him, it is an act that would be condemned. Here the distinction is made, between the act of killing a man, and the act of killing a man after promising him safety.[29] So wrong is the action of betrayal, true for any Muslim, no matter the rank, that the Prophet Muhammad (SAW) himself condemns that person. So great is the offense in fact that "even if the victim was an unbeliever" this action of betrayal and injustice would be condemned. In a further hadīth the Holy Prophet (PBUH) is recorded to have said, "Conspiracy and deception are in Hellfire," (Ṣaḥīḥ Ibn Ḥibbān 5559) (*Sahih* (authentic) according to Al-Albani) in regards to those to "mislead" others. One can argue these are sunnahs Saladin was aware of and his trusted advisers studied, particularly when dealing with those who had betrayed him, committing thus, an act of treason against their lord.

On the one hand this take on the act of betrayal or treason, relates directly to the stories of Roland and Lancelot, and how the decided upon definition of treason even in Western-Europe

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[28]Elias, Abu Amina. "Hadith on Killing: The Prophet Disavows Himself from Treachery, Murder." *Daily Hadith Online*, 17 Jan. 2022, www.abuaminaelias.com/dailyhadithonline/2022/01/17/the-prophet-disavows-murder/.

[29] It is important to note there are other instances in the Quran where murder, itself, murder of an innocent, is condemned, from my recollection and knowledge of Islam, where the killing of one man is equated to the killing of all men, as well as anecdotes that, from my justify killing in cases like self defense, or in acts of war in the name of Islam against an aggressor or oppressor, *Jihad.* To go into depth of such instances and examples would require much more time and room for writing hence why this is mentioned as a footnote in this Senior Project.

seems to stem largely from the idea of committing an act through deception as opposed to out in the open or through the decided legal course of action of a particular society. In this eastern, Muslim tradition there seems to be an added element, which is perhaps the most fundamental difference and alters to a large degree the meaning of treason or betrayal completely. This is particularly significant when considering the distinction of why perhaps a figure like Charlemagne in Western-Europe could not hold the position of a chaotic individual in their position of power, something Saladin seems to do effortlessly. In the Islamic tradition, treason is presented as a betrayal of the will of Allah (SWT). To betray is not to stand against one person, but rather to go against the Holy Law, the words of Allah (SWT), present in the Holy Book, the Quran. In Western-Europe it is perhaps the matter of betraying the law set by the king, and thus a matter if the pride of said King, especially given the fact that the King in the monarchy is considered to be a representation of God on Earth, evident specifically in the notion that the King never dies, and is in fact "immortal" as a position. In the East however, treason is not along the parameters of defying the king, emperor or Lord to whom you have sworn fealty because in Islam to be right is to swear fealty to Allah (SWT) and His word. To dethrone a king that went against the word of Allah (SWT), thus would not be considered treason, in a manner. In fact, to usurp a king in broad daylight, under the advent of bringing a new and better regime into power is not treason. If it is in the name of Allah (SWT) with pure intention and for the good of the greater Muslim *ummah* (people) or in accordance with Shariah Law, it was in fact applauded and the norm of the time. So much so that it was through this process that Saldin and his uncle before him gained their title and throne.

Having now established the significance of the law, specifically Islamic law, to Saladin, as well as the definition of betrayal as per the eastern Muslim medieval tradition, let us now look at specific instances of betrayal Saladin faced. The purpose of analyzing these initial cases from *The Rare and Excellent History of Saladin* (D.S. Richard) comes from the desire to lay the foundation of this chapter strongly in the nature of the feudal system in the East. These seemingly simple or unimportant cases highlight the similarities between the Eastern and Western-European tradition. More importantly however, keeping the aforementioned context in mind, this chapter will look more holistically at the distinction in the base ideology in regards to the relationship between lord and vassal, and human and God between the East and Western-Europe. These differences inform significantly written law and customary tradition in both these cultures. They help explain why a Charlemagne figure, the Holy Roman Emperor, could not be a chaotic individual like Roland, Lancelot, or William Marshall, and yet this emperor of the Saracens, Saladin, seems to hold that position so comfortably and appropriately.

Looking at the definition of treachery in Islam, past the words and actions of the Holy Prophet relayed through hadith, one can refer to the ultimate authority in Islam, the word of Allah (SWT), via the Quran. It is these words and instructions after all that inform the actions of the Prophet Muhammad (SAW). In Surah Al-Anfâl, *Ayah* (line) 27 of the Quran, Allah (SWT) states:

لَا تَخُوْنُوا اللّٰهَ وَ الرَّسُوْلَ وَ تَخُوْنُوْٓا اَمٰنٰتِكُمْ وَ اَنْتُمْ تَعْلَمُوْنَ(٢٧)

> "O believers! Do not betray the trust of Allah and His Rasool, nor violate your trusts knowingly.[27]"[30]

This is a significant line to analyze, because not only is it one of the few that directly address the Islamic concept of "betrayal" or treason but also one that firmly establishes the premise of power found in Islamic law. لَا تَخُوْنُو roughly translated to "Do not betray". This does not, on its own, explain what treason or "betrayal" might mean in Islamic law. However, when paired with the next phrase, اللّٰهَ وَ الرَّسُوْلَ, translating to "Allah and His Rasool (Messenger)" it becomes evident that in Islamic jurisprudence, all betrayals, no matter the kind are betrayals towards one's faith and hence betrayals towards Allah (SWT), and His Prophet (PBUH). Moreover, we are introduced to the word تَخُوْنُوْا once again, in this case translated to "violate" speaking specifically in regards to ones اَمٰنٰتِكُمْ *amanatikum,* meaning ones' "trusts". This concept of "trust" often means a deposit placed in one's trust in the form of physical items entrusted to a person or even a promise one gives another individual. Moreover, even one's faith, Islam, in a manner, is an *amanatikum*: a contract they have chosen to follow under the eyes of Allah (SWT). Thus to break one of the rules legal or social established by the Quran and hadith, following the word of Allah (SWT), is not only to betray another human, but largely to betray the ultimate authority in this legal system, Allah (SWT).

This centralization of power is established in the different forms of betrayal established through hadith mentioned in the article "Treachery, Evil of the society" by Muhammad Asif Attari Madani[31]. He establishes four main kinds of treachery as per the hadith of Prophet

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[30] English Translation of the Meaning of AL-QUR'AN The Guidance for Mankind by Muhammad Farooq-i-Azam Malik, Copyright 1997, The Institute of Islamic Knowledge, Houston, Texas, U.S.A.

[31] "Evils of Society - Treachery." *Learn about Islam and Islamic Knowledge with an Islamic Organization*, www.dawateislami.net/magazine/en/evils-of-society/treachery. Accessed 3 May 2023.

Muhammad (SAW) informed by the teachings of the words of Allah (SWT) in the Qur'an. He mentions hadith that signify those as treacherous who give people wrong information intentionally, have gatherings where murders or plans to take another's wealth under wrongful circumstances are discussed, and a man who discloses the secrets of his wife in the public sphere. What is perhaps the most significant hadith to the determining of the premise of power in Islamic law, particularly poignant when considered in conjunction to the main idea of this chapter, Saladin, a Muslim emir or sultan, as a chaotic individual within a structured system, is the following:

> "The one amongst you whom we make 'Aamil [incharge] of something and then he hides a needle or more than it from us, then it is also treachery and he will bring it [i.e. needle] on the Day of Judgement. *(Sahih Muslim, pp. 787, Hadees 4743)"*
>
> "It means: Whether treachery is small or big, it is a cause of punishment and disgrace on the Day of Judgement, especially the treachery which is committed in Zakah, etc., because it is treachery in worship and it violates the right of Allah عَزَّوَجَلَّ and deprives the Faqeers [poor people] of their right. *(Mirat-ul-Manajih, vol. 3, pp. 15)"*[32]

This hadith, analyzed by Madani in his article speaks to why a great leader figure like Saladin is allowed to be a chaotic individual within the Islamic feudal system, whereas his

[32] "Evils of Society - Treachery." *Learn about Islam and Islamic Knowledge with an Islamic Organization*, www.dawateislami.net/magazine/en/evils-of-society/treachery. Accessed 3 May 2023.

Western-European counterpart, Charlemagne, the Holy Roman Emperor, could not embody that role. The emphasis that this hadith is about an "Aamil"[33], a leader or someone "incharge"[34]. This can be considered to mean multiple things. It could be considered to mean someone put in charge of a physical item of money, for instance in charge of "zakah" as Madani mentions, which is money Muslims devote as charity specifically for muslims in need. This would mean regardless of if someone is a King or a subject, to hide even "a needle" worth of such an amount would be to "treachery"[35], punishable and enforceable by Allah (SWT), "on the Day of Judgement"[36]. Here even the Prophet Muhammad (SAW), considered the most beloved servant of Allah (SWT) and the final Holy Prophet of Islam, does not claim to have authority in this instance.

The main basis of Islam as a faith, one of the main factors that differentiates it from other religions is the notion:

لَا إِلَٰهَ إِلَّا ٱللَّهُ | مُحَمَّدٌ رَسُولُ ٱللَّهِ

la ilaha illallah | muhammadur rasool allah[37]

[33]"Evils of Society - Treachery." *Learn about Islam and Islamic Knowledge with an Islamic Organization*, www.dawateislami.net/magazine/en/evils-of-society/treachery. Accessed 3 May 2023.

[34]"Evils of Society - Treachery." *Learn about Islam and Islamic Knowledge with an Islamic Organization*, www.dawateislami.net/magazine/en/evils-of-society/treachery. Accessed 3 May 2023.

[35]"Evils of Society - Treachery." *Learn about Islam and Islamic Knowledge with an Islamic Organization*, www.dawateislami.net/magazine/en/evils-of-society/treachery. Accessed 3 May 2023.

[36]"Evils of Society - Treachery." *Learn about Islam and Islamic Knowledge with an Islamic Organization*, www.dawateislami.net/magazine/en/evils-of-society/treachery. Accessed 3 May 2023.

[37]"What Is La Ilaha Illallah Muhammadur Rasulullah Meaning?" *My Islam*, 15 Aug. 2021, myislam.org/la-ilaha-illallah-muhammadur-rasulullah/.

This is translated directly to “There is no deity but Allah”, from the phrase to the left of the divide in the english text (the first half) and “Prophet Muhammad (ﷺ) is his messenger” a translation of the phrase to the right of the english text (the second half). This belief and ideology is the first of the Five Pillars of Islam[38], which signify the five pillars of belief and faith all Muslims attribute with Islam. This first pillar, *Shahadah* (Faith) takes the above phrase and converts it into a statement that Muslims who convert to Islam must say in order to convert and Muslims across the world must embody in order to believe in Islam. Such power did this phrase hold, that there are tales in Islam that state if someone utters this phrase with conviction no one can question their faith in Islam, only Allah (SWT) can judge them, for all intents and purposes they are Muslim.

This detour is necessary, because this Prophet, Prophet Muhammad, (SAW), the belief in whose position is tantamount to being Muslim, and such a significant part of this faith, humbles himself in the hadith we discussed in regards to treachery. He includes himself in the collective “us”[39] of the unified Muslim *ummah* (people) when speaking of being wronged by another Muslim. Even though it could be him who is being wronged, someone in his position of prestige and power, tasked with receiving directly the word of Allah (SWT), he still leaves judgment to Allah (SWT). A treacherous person will not be held accountable by him in this world, beyond the justice system set by the Quran. It is Allah (SWT) who will determine the final judgment on the matter. The premise of power within this system of Islamic jurisprudence, even within this

[38] “The Five Pillars of Islam.” *The Metropolitan Museum of Art*, 6 May 2013, www.metmuseum.org/learn/educators/curriculum-resources/art-of-the-islamic-world/unit-one/the-five-pillars-of-islam#:~:text=Profession%20of%20Faith%20(shahada).,holy%20book%20of%20divine%20revelations.
[39] Evils of Society - Treachery.” *Learn about Islam and Islamic Knowledge with an Islamic Organization*, www.dawateislami.net/magazine/en/evils-of-society/treachery. Accessed 3 May 2023.

feudal system with different social ranks, thus stems directly from Allah (SWT), creating a leveling effect for all those who agree to be a part of this system regardless of status.

This belief system can be put into direct contrast with a text of decree one might argue is closest to the concept of overarching irrefutable legal system within the medieval era. The text referenced here, is the Magna Carta, commissioned by King John, a figure introduced in this project in the first chapter At first glance, the Magna Carta seems to fall directly in line with the equalizing ability of the Islamic Holy Law. It serves as a reminder that the rules outlined in the document apply not only to the common man but also to kings, their courts and the clergy. The thirty-ninth clause of the Magna Carta as the introduction to this project establishes the notion of due process. It states: "No free man shall be seized or imprisoned…except by the lawful judgment of his equals or by the law of the land." (39) This clause emphasizes, as is the belief in Islamic Holy Law that all individuals, regardless of race or scio-economic status deserve a fair trial and due process of the law. However, more significant, perhaps, than this clause in establishing the equality of all men is the sixtieth clause which states:

> " (60) All these customs and liberties that we have granted shall be observed in our kingdom in so far as concerns our own relations with our subjects. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

The clause stipulates that regardless of who the man is, "whether clergy or laymen" (60) if he exists within the set system of governance under the Magna Carta's jurisdiction, he must abide

by its laws. This pertains to not only the common man but also the king. This is one of the first documents of its kind acknowledging the king as largely equal in the eyes of the law to his subjects. This document then is comparable to the concept of the Holy Law derived from the word of Allah, the Quran, which acts as an equalizer for all Muslims who prescribe to its beliefs. "God" is referenced several times throughout the text implying that He is the ultimate authority here, a reference point for all individuals seeking justice regardless of rank within the social hierarchy.

However, the use of specific words and phrases brings into perspective that the premise of power in this text, while implied to be God, is indeed the King himself. This is a text written by King John with the support and counsel of his court and clergymen and it is from him that power stems. The Magna Carta makes this evident as King John repeatedly employs the word "we" when speaking to the authority in the text, referring to himself, and his court. Moreover, he references how these laws have been decreed "for God", "BEFORE GOD" and "to the honour of God" but never *by* God. Moreover, the opening of the Magna Carta, states clearly that it is "JOHN" speaking "to all his officials and loyal subjects" reinforcing his position as king but also establishing him as the ultimate authority in this text. This emphasizes that while these words and laws are informed by the teachings of God and Christianity, it is ultimately the king who, as the representative of God, decides how they are implemented within his kingdom. The very existence of the Magna Carta is proof of this.

Moreover, Philippe de Beaumanoir's *Coutumes de Beauvaisis* further establishes the notion that the premise of power comes from the king and clergy in feudal societies. The power

given to *Baili,* (judges) seems to stem from their own intuition and wisdom first and love of god second. The first virtue, a good *baili* must have, "the lady and mistress of all the other [virtues], for without it the other virtues cannot be controlled" is "wisdom" (Philippe, 15). On the surface this seems typical, for wisdom is a quality applauded in such societies as is seen in *The Song of Roland,* when Oliver a faithful vassal is praised to be wise. It is the second virtue Philippe discusses that puts into perspective how power in Western-European feudal societies stem from specific individuals. The second virtue a successful *baili* must contain is that "he must love God …he who does not give his heart to the love of God above all things has no wisdom in him," (Philippe 15) the author notes. On the one hand this seems to imply that it is only if a judge loves God can he wise, inserting God then as the source of a baili's success. However, the fact remains that this text a judge must have his own wisdom, and while his love for god informs his actions, they are still his actions, a human given the power to be a literal judge and create and enact a law in a manner that he deems fit, as is the case with King John and his court when they create the Magna Carta.

Ibn Shaddād's work *The Rare and Excellent History of Saladin*, then, envisions wonderfully the equalizing nature of Islamic Holy Law, when put in contrast to the Western-European feudal tradition, seen first in the beginning of the text when readers are informed of a court case in which the sultan was accused of wrongdoing by one of his subjects. In "Account of his justice (God's mercy upon him)," (Ibn Shaddād, 22) Ibn Shaddād sets the tone for Saladdin and his emphasis on the rule of Islamic law. Moreover, the notion of the premise of power and where this power stems in courts of law ruled by Islamic practice and teachings is

highlighted clearly at the very beginning of this case. Ibn Shaddād quotes a hadith from "Abu Bakr the Righteous" where he notes "the Prophet (God bless him etc.) said,

> 'The just ruler is God's shadow on His earth. Whoever gives sincere aid to him personally or in his dealings with God's servants, God will shelter him beneath His throne in the day when there is no shelter but in Him; but whoever betrays him personally or in his dealings with God's servants, God will forsake him on the Day of Resurrection. Every day the good works of sixty righteous men, each of whom is a true worshiper striving for the good of his own soul, are credited to [the benefit of] the just ruler.' (Ibn Shaddād, 22)

This hadith is instrumental to the greater understanding of this case and how Saladin handles it because it is proof that despite his great position as the ruler of an entire empire, he is but a "servant" (Ibn Shaddād, 22) in the eyes of Allah (SWT), much like each of his subjects. The hadith asserts that even a "ruler", like Saladin, is but a shadow of God, not nearly capable enough of being considered even a representative of Allah (SWT) on this Earth. Moreover, the premise of power is established as coming from Allah (SWT), "His earth", not at all coming from the ruler himself, as is often the case for Western-Europe in this regard. The rule of law was written and enforced by the Holy Roman Emperor, Charlemagne, considered a mouthpiece of God on Earth, and thus an extension of God. Power stems from the Emperor himself in Western-Europe. However, as this hadith establishes, the case is quite the opposite in the east.

This hadith talks of the reward and punishment for those who support a [righteous] ruler and those who go against him. “Whoever gives sincere aid to him personally or in his dealings with God’s servants” (Ibn Shaddād, 22) the hadith states, “God will shelter him beneath His throne on the day when there is no shelter but in Him” (Ibn Shaddād, 22). Here we are reminded of the notion of sincerity, and the significance of intention in regards to one's actions against another human being. An action is often considered treacherous if committed under the guise of false pretenses, for instance promising someone safety with the intention of murdering them and following through with that act. For those who betray a ruler “personally or in his dealings with God’s servants” (Ibn Shaddād, 22), the hadith continues, “God will forsake him on the Day of Resurrection” (Ibn Shaddād, 22). What is significant to note in the phrasing of this hadith is the emphasis that both punishment and reward come from Allah (SWT) (God) and not a mere mortal, even if that individual is a ruler or sultan.

An anecdote that emphasizes Saladin’s focus on upholding this premise of power Islam teaches and the aforementioned hadith summarizes ideally, is narrated in this section of his work as well. Ibn Shaddād described Saladin as “just, gentle and merciful” (Ibn Shaddād, 22). He was “a supporter of the weak against the strong.” (Ibn Shaddād, 22), This established Saladin as a just ruler, moreover, a man who follows the principles Islam requires of its followers, especially its leaders. Ibn Shaddād speaks to the customary traditions Saladin follows of public court systems rulers at the time often held. His “door would be opened to litigation so that everyone, great and small, senile women and old men, might have access to him” (Ibn Shaddād, 23) readers are made aware. Moreover the emphasis on “testimony” (Ibn Shaddād, 23) and the power of “oath” (Ibn Shaddād, 23) taking as well as the significance of “two reputable court witnesses” (Ibn Shaddād,

23) in accordance with Shariah law is mentioned in this section. There is thus the introduction of the idea of a fair trial being held for every complainant who approached Saladin, in the Islamic tradition; For "[n]o one ever appealed to him without his stopping, hearing this case, discovering his wrong and taking his petition." (Ibn Shaddād, 23). He is presented here as the judge in cases brought to him, as someone "discovering" (Ibn Shaddād, 23) the wrong in the cases brought to him and yet he is humbled in the very next line as someone who took petitions from his subjects. He was a recipient of their tales of woe, doing it not only because this was his duty as a leader but because it was his duty mandated by his religion Islam, and the Quran to be a just ruler for every single one of his subjects, for to betray one of them would be to betray Islam and Allah (SWT) Himself in a manner.

Having established the Sultan as a staunch follower of the Islamic tradition in his legal dealings the case of the subject, that brought a case against the Sultan himself is important. This case not only only aligns Saladin as equal with all of his subjects but continues to build on the idea that in Islam, to be treacherous is to be treacherous to Allah (SWT) and the system He has put in place; and thus for a Muslim to be treacherous is to betray one's self and the beliefs one chooses to believe in as opposed to another human being. This case, under the title, "Account of his justice (God's mercy upon him)" (Ibn Shaddād, 23), puts into practice the ideas analyzed previously about the structure of the Islamic legal system as well the premise of power within this system.

In this case, Ibn Shaddād narrates "a merchant called 'Umar al-Khilātī" "a well-known merchant" (Ibn Shaddād, 23) brought a case to Saladin's court. When asked who his opponent

was, "[h]e replied, 'My opponent is the sultan. This is the seat of the Holy Law and we have heard that you do not show favor.' (p.23) He arrived at the court of Sultan Saladin to bring him to court as the accused solely on the belief that the system in place was that of the "Holy Law" a universal law amongst Muslims and that Saladin was an enforcer of this set law, as is his duty. This is a distinct indication of the notion of decentralization you find in Islamic law and jurisdiction. The case brought against the Sultan was that of a slave that the accuser claimed was his property wrongfully taken by Saladin. It is noteworthy here that the main adjudicator presiding here, even before the mandate of Saladin himself was the narrator Ibn Shaddād to whom the accuser presented a 'court document" which he claimed "declare[d] that [the slave was his] property until he died' (Ibn Shaddād, 24). The significance of providing evidence is revisited here as Ibn Shaddād, instead of presenting outrage that his sultan was insulted, takes note to carry out the start of a fair trial. "I took the document and perused its contents" (Ibn Shaddād, 24) Ibn Shaddād writes. Once again we are given insight into the notion that in Islam, no rank of entity is considered to be the ultimate authority. Moreover, everyone is considered capable of making mistakes, thus there is no room for one's ego, be it a sultan or the sultan's subjects. Ibn Shaddād is shown to treat this case as he would any other presented to him.

Ibn Shaddād insists on the importance of a fair trial for both parties referring to the sultan not by his epithet or his title but rather simply as the "other party" (Ibn Shaddād, 24) in this case. Moreover, the interchangeable nature of the enforcer of Islamic law is evident here as the narrator takes it upon himself to "hear this case" (Ibn Shaddād, 24). "I will let both you and him know what the situation is" (Ibn Shaddād, 24) Ibn Shaddād continues. Once again, note the absence of any aggrandizing language when referring to Saladin, a sultan. This perhaps is the

most significant indication of the decentralization of power in the Muslim feudal tradition. Not only here is the author acting as judge but also, in a manner higher ranking than Saladin. Following this interaction, the complexity of establishing the legality of evidence is made evident in the multifaceted approach taken to authenticate the document the accuser presented itself. When asked by Saladin if Ibn Shaddād had read the document, he responded by saying: 'I read it and found it properly issued and approved from Damascus. It was inscribed "Court document from Damascus" and reputable witnesses testified to it through the Qādī of Damascus.' (Ibn Shaddād, 24) Just an inscription here was not sufficient but rather the presence of reputable witnesses whose testimonies were accepted because they were done before a scholar of Islam in Damascus, "the Qādī" (Ibn Shaddād, 24) This further reinforces the idea that power here does not lie in the a single man, for instance the sultan of the land in this eastern Muslim tradition, but rather in the religion itself and the word of Allah (SWT) of which its followers are mere enforcers.

Most important perhaps, then, is Saladin's reaction to the confirmation that the document was indeed valid. Not only did the sultan not react out of anger at being questioned by a mere subject, asking first about the validity of the evidence presented, but rather he insists due diligence is done by Ibn Shaddād and a fair trial is held according to the highest authority. '[W]e shall summon the man and go to law with him, doing in the case whatever the Holy Law requires' (Ibn Shaddād, 24) Saladin declared. There is a certain remove and detachment that is evident from the language used by the sultan in how he considered himself within the court system. Here, he is not an adjudicator nor is he the establishment of law. He refers to the "Holy Law" which will determine the ultimate winner in court. Charlemagne in Western-Europe who

penned much of medieval law in the east, putting customary law into writing, follows this tradition because in Western Europe, his role, the role of the Emperor or King is considered an extension of god and his judgment on Earth. For Saladin, however, he is but another human carrying out the established guidelines set by Allah (SWT) brought to mankind by Prophet Muhammad (SAW). There is no precedent set that even a King has authority over the Holy Law, whereas in Western-Europe, as Charlemagne's title "Holy Roman Emperor", suggests, there is ingrained superiority in his status within the feudal system he commanded.

This is emphasized when the Sultan asks for a "proxy" (Ibn Shaddād, 24) to be put in his place, and even though he is the one being put on trial insists that a fair proceedings occur, and the witnesses are allowed to "establish their testimony" (Ibn Shaddād, 24). He does not choose his own proxy, for in this moment he is not the one with authority but rather Ibn Shaddād, so transferable is the power of the sultan in the case of Islamic jurisprudence. This interaction is particularly poignant because in this moment it is just the sultan, Ibn Shaddād and his men present, and it would be simple for Saladin to ask Ibn Shaddād to sway the decision in his favor. Even away from prying eyes, Saladin makes it apparent that the Holy Law is above all, but most importantly the emotion that Allah (SWT) is the final authority in all such affairs and He is always watching. Moreover, Saladin insists on transparency: 'Delay the reading of the document until the man is present here.' (Ibn Shaddād, 24) he says. This insistence for the court proceedings to occur only in the presence of the complainant speaks clearly to his desire for fair trial regardless of circumstance.

The most physical representation of this malleable nature of the position of the sultan in the Eastern feudal tradition is when “the sultan left his throne to be on an equal footing with the” (Ibn Shaddād, 24) claimant. This detachment from the role of master and king itself is seen physically in Saladin’s court when he willingly and physically lowers his position to be equal to his accuser, with no prompt or precedent for his superiority in his own court. There is this physical reminder that this role and power even a sultan holds is so fleeting, so easily handed over. This idea in a manner is freeing, in that it prompts rules and muslims to achieve greatness in the time given to them by Allah (SWT), all in his glory. The burden of being the ultimate authority is removed from their shoulders and so they are able to be individuals, chaotic individuals at times when it serves the Holy Law. There is no concept of eternity or the notion of the eternal crown, for in the Western-European tradition while the physical body of the king may die, the body politic remains). Yet here, the position itself, holds no meaning, and what holds weight is the Holy Law, and enacting that law to the best of the sultan’s ability, even if that means giving up his perceived power.

Returning to Ibn Shaddād’s narrative, the court proceedings continued and the complainant presented his case detailing the wrong he felt the sultan had committed, particularly that on the date in question that the sultan purchased the slave, “Sunqur” (Ibn Shaddād, 24), he was still owned by the merchant himself. Ibn Shaddād notes that “[w]hen the sultan heard the date, he said, ‘I have people who will testify that at that date this Sunqur was my property and in my possession in Egypt’” Once again there is no anger or accusation in the sultan’s response but rather a measured response in accordance with the Holy Law and Islamic Jurisprudence. Emphasis is once again placed on the presentation of witnesses, establishing the similarities

between the East and Western-Europe. Moreover, the importance of a reputable witness is introduced when the sultan is noted to have "summoned a number of leading emirs of the military who testified…telling the story as he had and mentioning the date he claimed" (Ibn Shaddād, 24). The king treats this case as any accused individual regardless of status would. His word is not law, he is not able to testify for himself just because of his position or virtue. In the eyes of Islam, Allah (SWT) is the sole adjudicator and there is no equivalent. Lord's and King's thus are not his representative on earth, instead both them and their vassals are servants of Allah (SWT), enacting his will. This means thus that in Eastern tradition to be sultan does not mean to be the premise of power within the structured system, but rather you are free to be a humble servant, a part of a collective. This system, while seemingly standardizing, making all humans equal within this feudal system, in reality seems to be freeing. In being to be human, a servant rather than a Lord, Saladin is able to do something we could not expect of Charlemagne. He is allowed to be a Roland figure, a William Marshal figure, while also holding this position of power within this structured system.

Ibn Shaddād's narrative includes an anecdote that speaks to how this unique position Saladin holds informs not only his interaction with the aforementioned merchant but also serves him in his decisions as sultan. There is one particular anecdote that speaks directly to this. Ibn Shaddād's recounts when certain lords who had sworn fealty to Saladin betrayed him in an active battle. Saladin's actions, however, are not one that is expected from someone of his status. Moreover, it is not the reaction we have come to expect in regards to the context we have from Western-European feudal systems and the punishments assigned to those who commit acts of treason, the highest form of betrayal. This line of action is established in the episode titled "The

arrest of the lord of al-Shaqīf and the reason why" (Ibn Shaddād, 90). Upon seeing Saladin's growing army outside his walls of al-Shafīq, the lord of the land "saw that improving his relationship with the sultan offered a way to be rescued" (Ibn Shaddād, 90) speaking to Saladin's reputation of being a man of his word and a merciful ruler.

The lord of al-Shafīq approached Saladin to make a deal, seemingly for the safety of himself and his family. "[H]e came down in person and the next thing we knew he was standing at the entrance to the sultan's tent" (Ibn Shaddād, 90) Ibn Shaddād notes. Saladin's honor as a sultan is noted here where even those against whom he was conducting a siege, and whom he intended to conquer, were "allowed to come in and was received with honor and respect" (Ibn Shaddād, 90). What is most significant to note however, beyond the hospitality with which Saladin treats his enemies, is the respect that the lord of al-Shafīq gives Saladin, going so far as to swear fealty to him. "He came to the sultan" Ibn-Shaddād notes, and "remarked that he was the sultan's mamluke, subject to his orders, and that he would surrender the place to him without trouble, stipulating that he be given a place to live in at Damascus" (Ibn Shaddād, 90). Here Ibn-Shaddād introduces to his readers the notion of a verbal commitment of oath taken by a vassal to their lord, in this case, the lord of al-Shafīq becoming a vassal and Saladin becoming the lord. There is the similar notion to that in Western-Europe where a vassal sees his lord as a source of protection, evident when the lord of al-Shafīq is noted to ask "for three months from the day's date" (Ibn Shaddād, 91) in his current home "so that he could safely retrieve his family" (Ibn Shaddād, 91). He asks Saladin to allow safe passage for him and his family and offer him immunity from prosecution if he swears fealty to him and "attends" to Saladin during his three month reprieve. Moreover, the idea that the lord is also a provider for his vassals is also

explored here when al-Shafīq asks Saladin for “a place to live in at Damascus” (Ibn Shaddād, 90). Once “[a]greement was given to all this” (Ibn Shaddād, 91) Saladin can be seen as a traditional leader, bound by similar values and expectations as have been presented within feudal systems in Western-Europe. It begs the question then, how such a ruler bound by this structured system of justice, would act if a true act of treason or “betrayal”, as the Arabic word *khiana* reads, is committed against him.

Betrayal is introduced into Ibn Shaddād’s narrative when he mentioned the “lord of al-Shafīq had set his proposed time limit deceitfully and was not dealing truthfully,” (Ibn Shaddād, 95) speaking in regards to the conditions he and Saladin had just agreed upon. “Procrastination was his only aim” (Ibn Shaddād, 95) Ibn Shaddād finishes. It is established that the lord who approached Saladin for protection did not do so with pure intentions but rather to delay Saladin’s attack against him and his city. Moreover, the emphasis on an action being treacherous often when committed “deceitfully” (Ibn Shaddād, 95) or under wrong pretenses is reestablished here. Ibn Shaddād quantified his claim by stating that the lord's intentions “became obvious” (Ibn Shaddād, 95) with “his eagerness to gather provisions, his strengthening gates and other matters” (Ibn Shaddād, 95). Regardless of Ibn Shaddād’s loyalty to Saladin, he makes it clear that without proof these would just be accusations. Instead of acting rashly out of anger or pride at being betrayed, Saladin choses a clever strategy with which to bring the lord to justice and discover his true intentions. He waits out the days of the detail keeping his enemy close, until the time rus out and “the demand for the place’s surrender is made” (Ibn Shaddād, 95). This allows Saladin to charge “him directly, saying, “You have plotted treachery, completed new construction in the place and brought in stores” (Ibn Shaddād, 95). Despite now having proof,

when the lord denies these claims, Saladin allows him grace, offering to continue their deal and initiate the hand off. When arriving at the walls of al-Shafīq, any evidence Saladin needed was presented in the form of "a gate in the wall that had not been there before" (Ibn Shaddād, 95). Despite this Saladin gives the lord one more opportunity to meet his end of the deal and hand over al-Shafīq like he had promised. While another monarch for fear of looking weak would have perhaps retaliated with a display of brute strength and laid siege to al-Shafīq, Saladin held out for a peaceful resolution despite the lord's insolence. It was only after the second chance Saladin gives that lord proves in vain that Saladin threatens him with bodily harm for breaking their contract. Saladin, might be seen as weak here for refusing to show his might, yet there is a power in his dealings with the lord of al-Shafīq. To react rashly would be to react out of fear or anger stemmed from pride. However, for Saladin, he cannot be prideful as a Muslim ruler, understanding that all he has is given to him by Alla (SWT) and is his only temporarily. This idea presents itself in the way Saladin maintained the position of his troop to avoid being tricked from moving away from al-Shafīq. This is the sign of a mighty ruler, and an expert military strategist. This form of medieval law, found in Islamic medieval empires, is the only law that could allow a man like Saladin an emperor to act as a chaotic individual, choosing not to lead his men into a fruitless battle. He is able to make decisions that some might claim make him look weak, while functioning as a ruler within a rigid feudal system because he is equal to his nobleman, leveled by religion and in the eyes of Allah (SWT) as is seen in this section specifically.

There are two final puzzling episodes within Ibn Shaddād's narrative that establish him firmly as a chaotic individual even within the apparent confines of this structured feudal system.

Readers are made privy to an anecdote where one of Saladin's respected advisors seemingly belittles him and seems to invoke no anger in Saladin. The second anecdote introduces a rather significant episode in Saladin's life when understanding his place as sultan and individual in his kingdom, when his Emirs blatantly disregard a direct order given by the sultan during war and seemingly escape unscathed from Saladin's non-existent wrath. While, through the precedent set by previous kings, particularly in Western-Europe, one might expect Saladin to react adversely to these challenges to his power, his lack of reaction realizes in a very physical sense the notion that the premise of power within Islamic jurisprudence and leadership lies not with the leader themselves but rather with Allah (SWT) from whom all power is said to stem.

In Ibn Shaddād's section titled "Some random remarks on his forbearance and clemency" context is provided of Saladin's life. Saladin, Ibn Shaddād states, "endured bitter and harsh conditions of life, although fully able to live differently, to gain credit with God" (Ibn Shaddād, 32). He was a man, this narrative qualifies, who lived well beyond his means so as to gain favor with Allah (SWT), which establishes the importance of simplicity and humility in Islam. Saladin's continuous desire to gain the favor of the true lord in Islam, Allah (SWT), giving up all worldly things out of a "desire for [His] good pleasure" (Ibn Shaddād, 32). While often times kings in Western-Europe were known and applauded for the grandeur of their courts, and their ability to bestow on their vassals riches, here there is a certain weight given to the notion of being the humble servants of Allah (SWT), seeking always His acceptance and "mercy" as Ibn Shaddād's states when he prays for Allah (SWT) to "be pleased with [Saladin] and show him mercy" (Ibn Shaddād, 32). This description of Saladin reinforces the Islamic notion of all Muslims being equal regardless of rank in the eyes of Allah (SWT). Here, Ibn Shaddād prays for

Saladin. It is not a given that because of his status there is an implied "holiness" or higher rank in Islam for Saladin.

Ibn Shaddād recounts that at Saladin's camp "at Marj 'Uyūn before the Franks marched upon Acre" (Ibn Shaddād, 33) he created a routine with Ibn Shaddād. His routine surrounded Islam and legality within Islam, where "he would pray" (Ibn Shaddād, 33) and "read a little Hadīth or a little canon law" (Ibn Shaddād, 33) for instance, "a digest by Sulaym al-Rāzī which contained the 'four quarters' of law"[40] (Ibn Shaddād, 33). Saladin's actions embody the importance given to the Holy Law as the ultimate source of power as it is considered to be the word of Allah (SWT). Moreover, there is weight placed on a continued education, regardless of one's status and perhaps more so if one is in Saladin's position of sultan to ensure that the Holy Law is upheld should the need arise. These laws, it is clear thus, do not stem from Saladin. These are not his words or commandments that Saladin might edit or alter based on circumstance but rather a set system that he must follow and ensure his vassals follow as well.

On the particular day that Ibn Shaddād speaks to in his narrative, Saladin had decided he would continue his routine of praying, studying the Islamic law, and then sleeping as was his norm. Furthermore, Ibn Shaddād described Saladin as being "rather out of sorts" (Ibn Shaddād, 33) on this particular day. Regardless of his state, "[a]n old mamluke, much respected by [Saladin], approached and presented him with a petition on behalf of one of the warriors" (Ibn Shaddād, 33). Saladin in response stated clearly that he was tired and that the mamluk should keep the petition till later when the sultan had rested. What happens next might be considered a blatant act of disrespect in the context of a vassal talking to his sultan. "Taking no notice," (Ibn

[40] "four 'roots' of Islamic legal knowledge, the Koran, the Sunna, the 'consensus' (*ijmā'*) and analogy (*qiyās*)

Shaddād, 33) Ibn Shaddād narrates, the mamluk “thrust the petition close to Saladin’s dear face and opened it so that he could read it” (Ibn Shaddād, 33). Instead of lashing out at the mamluk for ruining his peace, the sultan merely commented that the man whom the petition concerned was “[a] worthy man,” (Ibn Shaddād, 33) when he recognized his name. Instead of turning away the mamluk once again, Saladin simply mentioned he didn't have a pen with which to endorse the petition in response to which the mamlike is noted to have said: “There is the pen-box at the back of the tent.” (Ibn Shaddād, 33) which Ibn Shaddād speculated “could mean nothing but ‘Fetch it’” (Ibn Shaddād, 33). In response to this insolence from his mamluke, Saladin’s lack of reaction is noted once again. When Saladin turned in the direction he was directed to and saw his vassal was right he acknowledged this and grabbed the pen with not a single retort. In fact, Saladin, Ibn Shaddād noted “endorsed the petition” (Ibn Shaddād, 33) and upon Ibn Shaddād’s amazement at his “noble” character and patience simply replied: ‘We are not put out in any way. We settled his business - and the reward [in Heaven] is ours’ (Ibn Shaddād, 33). There is persistent notion throughout this text that what Saladin does, he does is to gain reward from and for the pleasure of Allah (SWT). The idea that he could not possibly feel upset or angry about this seems almost unrealistic to him because that would imply ego. On the metaphorical plane, all humans are equal in the eyes of Allah and thus a true Muslim cannot be egotistical. The belief is even Saladin’s power and his success is not his own, but rather a gift from Allah, easily taken away. While European medieval feudal systems allow for chaotic individuals like Roland and Lancelot to emerge from knights, and vassals, in Eastern medieval feudal systems informed by the Holy Law of Islam, even the lords can exist as chaotic individuals because they are equal to their vassals following the authority of Allah.

Many have come to believe that most individuals of Saladin's status, especially in Western-Europe with the more established role of rank, would not stand for such blatant disrespect. Even Ibn Shaddād notes the peculiarity of Saladin's response, particularly given that at that moment he had every right to question the actions of his mamluke having stated his desire to visit the issue at hand later multiple times. "Had some persons and certain individuals had this happen to them, they would have been furious. Who could address his superior in such a way!" (Ibn Shaddād, 33) Ibn Shaddād notes. It becomes apparent that to a degree, Saladin was a complex figure even to his own people. His actions were imbued with the humility of an individual within a system rather than the leader of said system. This was evident not only in direct interactions with his vassals like in the aforementioned anecdote but in his day to day life as well. "His cushion was sometimes trodden on when people crowded in on him to present petitions, but he was not affected by that" (Ibn Shaddād, 33) Ibn Shaddād recounts. There is a tone of the mundane when speaking about Saladin, with a certain treatment of him as a man, not emperor which creates a leveling effect of sorts in regards to him and his vassals. This is a decidedly Islamic concept revisiting the notion that we are equal in the eyes of Allah (SWT). Not only is he physically sitting on the floor, instead of a raised section and as many courts of sultans and kings often had, physically leveling him with the earth and his subjects, he is also not afforded any special privilege by those walking around him. He is but another man within this kingdom which allows him, in a manner, a certain freedom to exercise his individuality while also commanding the respect of his people as is seen in the awe of Ibn Shaddād.

These interactions set the precedent for how Saladin treats his emirs when they commit an apparent act of betrayal against him. The unique nature of this response is emphasized by Ibn

Shaddād when he acknowledges that this is an anecdote "the like of which is rarely to be recorded" (Ibn Shaddād, 34). The scene is set with Saladin confronting the Franks at Jaffa. At one point the Muslim army managed to surround the considerable forces of the opposition and Saladin Ibn Shaddād noted "ordered the troops to charge, to seize the opportunity" (Ibn Shaddād, 34) evidently a clear command on his part as sultan. However, "some of the Kurdish emirs answered with rough words, the nub of which was a reproof because of the insufficiency of their feudal grants" (Ibn Shaddād, 34) Ibn Shaddād narrates. These emirs defied a direct order from their sultan and chose not to fight in the battle as a means of negotiation for more land, despite having sworn fealty to their lord. The sultan was reported to have ridden away from the scene of battle "like a man in anger" (Ibn Shaddād, 34) following the declaration of the emirs. So convinced were those around him of his wrath that "[e]veryone melted away from the enemy, convinced that the sultan would probably gibbet and execute several persons that day" (Ibn Shaddād, 34) Ibn Shaddād wrote. The emirs themselves were chronicled to have shaken with fear at the fate that awaited them fearing arrest. Yet, when Ibn Shaddād approached Saladin after the events of the day, Saladin commanded him to "Fetch the emirs so that they can eat some" (Ibn Shaddād, 35) of the fruits that has arrived from Damascus and that Ibn Shaddād had brought to Saladin. So benevolent was Saladin that it took all but one sentence for Ibn Shaddād's "worries" about his king to be "dispelled" (Ibn Shaddād, 35). When he brought the fearful emirs before the sultan, "they found him in a happy and relaxed mood which restored their confidence, trust and contentment" (Ibn Shaddād, 35) Ibn Shaddād narrates. Saladin did not punish his men in any form, nor did he reprimand them for costing him the battle and defying his direct order. In fact,

he put on a display of hospitality, sharing the bounty of fruit he received from Damascus as would be customary between kinsmen and guests.

This, as Ibn Shaddād noted at the beginning of his narrative, is a very unique response. One might argue that this response tainted him as a weak ruler and yet it is evident that his actions serve only to strengthen his emirs "trust and contentment" (Ibn Shaddād, 35) in their sultan. What comes off as an unusual response to a tense situation is perhaps the most appropriate response one might expect from a practicing Muslim following the Holy Law. The beauty of this system has been evident time and time again throughout this narrative and in hadith and the Quran is that in the grand scheme of things, Saladin is but another man like his emirs, all of whom serve only one Lord: Allah (SWT). Thus, the notion of ego that comes with the belief in one's superiority amongst others is removed. Saladin here operates perhaps from the knowledge he has gained in his study of the Holy Law in that Allah (SWT) will reward or punish those who act on this Earth. The actions of the emirs after all did not result in a complete loss but rather a set back that could be overcome. While in this moment a Western-European king might be blinded by anger in a similar circumstance that he was snubbed and that his commandments, drawn out by his own hand, were ignored by those he deems to be of lesser ranking, this is not a possibility for Saladin. The system of Islamic jurisprudence takes away the burden from one man for being perfect and acting as both judge and executioner in this regard. This is the freeing concept that allows Saladin to not only be a leader on the battlefield and a stellar commander, but also allows him the ability to be merciful and to actively seek benevolence in character for he knows all are equal in the eyes of Allah (SWT), also known as الرَّحِيمُ *Ar Raheem,* "The Merciful".

Chapter 3

Saladin:

Reconciling the Medieval East and Western-Europe

The second chapter of this project serves to establish staggering similarities between medieval Western-Europe and East in regards to their implementation of the feudal system and the judicial system that corresponds to it. It is safe to say that the basic structure of trials and typical court proceedings share similarities both in the East and Western-Europe in their emphasis on the notions of oath taking, reliable witnesses and most significantly the necessity for a fair trial. This was established in the court proceedings pertaining to Roland, Ganelon, Lancelot and William Marshal in Western-Europe, and also strongly present in the East as is seen in the legal actions taken by or against Saladin. Within both these legal traditions, one informed by Christinaity and the other Islam, there is a similar narrative of lord and vassalage, king and subject in regards the roles figures like Saladin, Charlemagne, the Holy Roman Emperor and mythical King Arthur play in these texts. However, a fundamental difference hinted at before is that these customary traditions are informed by religion, and within these two existing creeds, the premise of a ruler's power, comes from two very different underlying sources. On the one hand, at the surface level, both rulers in the East and Western-Europe become so, with the blessing of God.

However, while within the Western-European tradition one might posit that this anointing of a king comes from God, what might be most accurate is to consider that king a direct extension of God on Earth acting as the ultimate authority in regards to legal trials, embodying the ultimate judge. This is further established by the use of holy oil, stemming from Saint Remi,

that is used to imbue holiness into a king or queen top be as though elevating them beyond just the human shell of their body. In the East, however, there is a certain decentralization of authority with the ultimate power being attributed to Allah who has no human delegate. The belief, as the Quran and hadith have been shown to signify, is that all humans, Muslims, are equal in the eyes of Allah for they are all His servants, regardless of socio-economic status and rank. This confers a certain humility on leaders, even ones as great as Saladin, for whom it is obvious their power does not stem from them but is rather given to them by Allah and thus easily taken away. Thus, in the East it is Allah who is judge, jury and executioner providing a certain freedom to all Muslims, even sultans that is often seen in knights or vassals in Western-Europe, but not always in kings bound by their role as the highest authority in their lands.

Looking more carefully at tales from the French Minstrel, considered to be the anonymous Minstrel, in the thirteenth century, even as these similarities between the East and Western-Europe in regards to their judicial systems are highlighted, it becomes more apparent the freedom Saladin enjoys, and his ability to be a chaotic individual, even as he holds the position of one of the most well known Muslim sultans during the Crusades. It becomes apparent that Saladin holds a unique place in Muslim history, achieving an almost mythical existence, moldable to the desires and imaginations of those who perceive him and or are made privy to the stories of his conquests and actions. This text is interesting when put in contrast to Ibn Shaddād's account of Saladin's life in *The Rare and Excellent History of Saladin*. While the latter is a historical narrative, the tale of the Minstrel, while historically accurate in some regards, contains accounts of history that are completely fabricated, making it a work of literature, as opposed to a chronological, historical narrative.

Why then choose to use this text as one of one of the main sources of understanding the unique position as chaotic individual and the warden of a structured feudal society Saladin encompasses? It remains true that regardless of the truth behind the Minstrels' words, this has become one of the most influential accounts of the Crusades as well as Saladin at this time, serving as a historical drama of sorts. Such a text is particularly significant to my argument because while historical texts like those of Ibn Shaddād are necessary for their representation of history in its entirety, supposedly free of bias, it is the exact bias and social commentary found in literary texts, like these tales from this French Minstrel, that are instrumental to understanding the greater societal viewpoint of different issues. Storytellers such as this Minstrel are positioned in a unique fashion within the societies they write and tell their stories for and thus their anecdotes are informed by the popular opinion they are made privy to. The stories of the Crusades which these qualify as served as some of the most popular forms of oral entertainment at the time. Thus, when the author of this story chooses to omit a historical fact and insert instead a fictitious element to the anecdote, there is a reason for their doing so and those reasons are what I am leaning on in order to understand Saladin's role within society at this time. Moreover, while Ibn Shaddād was Muslim and a part of Saladin's court, the French Minstrel represents the Christendom in this chapter and provides us with insight into how Saladin was viewed by Western-Europe. This is particularly interesting as the fluid and almost exalted, myth-like position Saladin holds in the minds of Western-Europe becomes apparent to readers informing our understanding of the freedom the Eastern medieval tradition allows its subjects.

The Minstrel begins the narrative with the First Crusade (Minstrel, 3)[41] and the crowning of Louis VII as the king of France. He recounts that "King Raoul (King Louis VI, the fat) and his wife had two sons, the elder named Robert and the younger Louis." (Minstrel, 3) He highlights that "Robert [the older son] was of limited intelligence and understood nothing, whereas Louis was wise and bright" (p.3) Given these character traits established by the Minstrel, when the barons of France gathered to crown Robert as King of France, "[o]ne lord among the peers…declared:

> [4] "My lords, if you agree with me, we shall crown Louis, who is wise and intelligent. You clearly see that Robert understands nothing; if you make him king , it is likely that the kingdom will suffer the effects and that great discord will arise among us: for us, as for the commoners, there is a great need for France to have a king capable of governing the realm…God knows I am speaking like this only for the sake of our welfare…Do what God shows you is right." (p. 3)

While, following this declaration, the Minstrel notes it was King Louis, the younger brother who was crowned King of France, it is important to acknowledge first that this is a deviation from the historical facts of how King Louis came to power. Historically, it was Prince Robert's untimely death, some say after being mauled by a pig, that resulted in Prince Louis being crowned King. In fact, Louis was considered the lesser prince, trained to become a clergyman, unfit to be king.

[41] Rosenberg, Samuel N., et al. *Tales of a Minstrel of Reims in the Thirteenth Century*. The Catholic University of America Press, 2022.

It is significant thus that the Minstrel chooses to change the narrative here, inserting the idea that the chain of succession was broken because “the kingdom will suffer the effects and that great discord will arise” (Minstrel, 3) is an unworthy man who was crowned king. There is an emphasis placed on keeping French “commoners” (Minstrel, 3) and more than that France itself as a kingdom. This form of selecting one's leader seems aligned with the ideals of the East. Similar to how Saladin and his uncle helped sultans, dethrone others in order to create stronger leadership, it seems a similar concept is being exercised here. Moreover, there is a certain fluidity and uncertainty of the crown established here, where it is evident in this point in history, the explicit concept of the order of succession as we know it within the royal family in later years and today has not been established.

However, regardless of this decision made by the nobles, readers are not allowed to forget the weight the position of king holds in the eyes of Western-Europe. Even as the noblemen remove Robert from the line of running in this narrative and crown a different king, Louis, there is still the notion that he was chosen by God. “Do what God shows you is right” (Minstrel, 3), the lord advocating for King Louis’ crowning stresses. While one could argue that similar is the case with Saladin, who also believes that nothing happens on this Earth without Allah (God’s) permission, the difference in the concepts of premise of power is established soon after when the Minstrel notes Louis, “was crowned king in Reims, anointed with the holy oil [of Saint Remi] that God had sent down from the heaven” (Minstrel, 3). There is an inherent holiness transferred into Louis upon his taking on the role of king and assuming the throne. He is considered divine, having been touched by oil thought to be brought down from the heavens, thus making him an extension of God on Earth as is the role all Western-European kings are considered to embody.

Not only does this practice thus deviate from the decentralized notion of power in the East, where no man is considered remotely equivalent to God, even the notion of the break in the line of succession was questioned. The Minstrel relays that "[f]rom Robert came the line of the Robertians, who still claim that the kingdom should have come to them, since Robert was, after all, the first born" (Minstrel, 4). While in Islam there is no ego attached in being king, for there is no greater authority in Allah, and no one position can be coveted or anointed as "holy", in Western-Europe there is great important given to the throne, more so the idea that it is an eternal almost God like position, with the physical body of a king dying yet the "body politic" a later concept referencing the title of king itself, never dying or ending. There is a certain and cemented nature of this position in Western-European tradition that cannot be found in Eastern Islamic culture, for any power man holds in such societies is considered to be a gift from Allah, that is just as easily taken away. The most clear example of this is a phrase that Muslims employ in their day to day lingo. When a Muslim achieves something, be it as small as waking up after a night's sleep or accomplishing some great task, they are taught to say, ٱلْحَمْدُ لِلَّٰهِ (Alhamdulillah), "all thanks to Allah". Moreover, if one is inclined to praise something about a Muslim, be it their looks or a position of power they hold with grace, they are meant to say مَا شَاءَ ٱللَّٰهُ (MashaAllah), "Allah has willed it"[42]. The purpose of these phrases is first to thank Allah, acknowledges all the good in a Muslims life stems from him. Most importantly however, when receiving praise from others, it is of utmost importance to acknowledge it is not the individual who is beautiful or a good leader solely because of their own prowess or personality, but rather Allaw (SWT) who blesses them with beauty or success. This references once again the idea that even Prophet

[42]Huda. "What Do Muslims Mean When They Say 'Mashallah'?" *Learn Religions*, 20 Sept. 2018, www.learnreligions.com/islamic-phrases-mashaallah-2004287.

Muhammad (SAW), a man considered to be the ideal Muslim and the last, most beloved Messenger of Allah, was not considered "holy" in regards to being attributed as a version of god or Allah on Earth, a concept that is considered blasphemy in Islam. There is a certain delineation of power as well in the worldly sense in Saladin's case for he takes over from Nur Al Din despite not being a direct descendant. The notion is no one family or bloodline is "pure" or ordained by Allah, moreover, it is any man, a just leader supported by his fellow Muslims and willing to uphold the law who is worthy of being King[43].

Keeping these distinctions in mind it is fascinating to note the ways in which the Western-Europeantradition considers Saladin, especially since he seems to deviate so completely from what they consider. Towards the end of the Minstrels narrative Saladin seems to have become almost mythical, glorified as though he is akin to a deity. What is perhaps most astonishing is that he seems to achieve this status and yet act in many of the anecdotes the Minstrel relays as a mere vassal, removed from the more *holy* concept of kingship we often see in Western-European tradition. While one could argue that perhaps Saladin is but exalted in Ibn Shaddād's work because it is a fellow Muslim writing about him, this French Minstrel, who chooses to write in a fashion that implies their awareness of popular opinion at the time, speaks very highly of him too. This is especially true, for it is not only Saladin who one could argue acts in a fashion not expected of a man of his stature, but the Minstrel also chronicles a series of

[43] Not explored in this section of the senior project due to time constraints is the relationship between Muslims themselves, particularly the two main sects of islam Sunnis and Shias. The Fatimid Dynasty before Saladin were Shi'ite Muslims, whereas Saladin brought the rule of Sunni Islam to Egypt and Syria. Sunni Muslims are the largest Islamic school of belief. So great is the significance of having no associations to Allah, and his final Messenger, that even the slightest variation from the set notion that the ultimate power in the world belongs to Allah (SWT), and his final messenger is Prophet Muhammad (SAW) is met with the utmost resistance, as is seen in the conflict between Sunni and Shia Muslims. This is knowledge from my own experience growing up as a Sunni Muslim in a Muslim majority country.

anecdotes that defy explanation in terms of how Western-European kings and dignitaries act in the presence of Saladin and in response to his actions. A new perspective on the unique position Saladin holds in history is provided in this cross section between history and fictitious literature that the Minstrels write that one might not be able to claim is seen for even the great Western-European kings, like Charlemagne the Holy Roman Emperor.

The first anecdote where the Minstrel speaks significantly of Saladin comes early on in the text with an account of how "*Queen Eleanor is enamored of Saladin"* (Minstrel, 5). This anecdote in the Minstrel's narrative is particularly poignant in our understanding of how Western-Europe spoke of Saladin, moreover, how he had this ability to make them abandon their ideals and beliefs. We are told that King Louis was married to Duchess Eleanor, "a wicked woman" (Minstrel, 5). The king himself was considered a coward, refusing to engage in battle with opposing forces. In fact, so famous was his cowardice that "[w]hen Saladin became aware of the king's spinelessness and naivety, he attempted a number of times to engage him in battle, but Louis would not rise to the challenge." (Minstrel, 5) This narrative seems to be historically accurate for King Louis was often referred to as a king fit only for a church or cloister, a phrase not used fondly, and often correlated to a weak minded, ill-suited king. What is most astonishing, is that the Minstrel chooses to keep this portion of history intact within the narrative, while also inserting Saladin's might and military prowess over the weak king of France. This comparison of the sultan to this measly king seems intentional and hence integral in understanding the Western-European perception of Saladin.

When the Minstrel reports Saladin's message to the king, it is important to note perhaps that he is not referred to as a threat, but rather a "challenge" (Minstrel, 5)as though these are two

knights dueling it out in court. Moreover, the Minstrel notes that "[w]hen Eleanor saw the cowardly weakness of her husband and heard reports of Saladin's goodness and prowess, wisdom and generosity, she fell deeply in love with him in her heart." (Minstrel, 6) This is striking for not only once again are we made privy to the conception of Saladin and a good, powerful, wise and generous leader, all values medieval Western-Europe looked for in their rulers, the queen is made to fall victim for his charm, another historically accurate fact. The Minstrel here chooses to report what could be considered one of the largest failings of King Louis' court, to lose the loyalty of his wife and the Queen of France.

The queen proceeds to plan a betrayal to her King and husband, attempting to find a way to escape to Saladin whom she reaches out to with"greetings through her interpreter" (Minstrel, 6). If he could find a way to capture her," she stipulated, "she would renounce her faith and accept him as her lord." (Minstrel, 6) This is an integral moment in the Minstrel's tale, for not only is the queen willing to leave her considerable kingdom for another, she also considers giving up her faith for a man she has never met. Moreover, this particular anecdote is reminiscent of courtly love attributed with the medieval era. Upon "[h]earing the interpreter's message, Saladin is overjoyed, since he knew that the sender was the noblest lady in Christendom and the richest" (p. 6), the Minstrel states. Much like in courtly love, it is often a knight pursuing the lady of the highest stature and nobility, as was seesaw with lancelot pursuing Queen Guinvere, here we have a similar dynamic. What is important to remember however, is that here it is the queen who pursues Saladin, and he breaks tradition by helping her escape and leave her husband for him, as opposed to maintaining a relationship under the veil of night. Despite being a sultan and bound by certain political ties, Saladin here seems to break those expected norms acting as an

independent actor. Most fascinating perhaps is that in reality, at this time Saladin was perhaps 10 years old, unable to orchestrate the escape of a queen. It is almost as though here he is revered by the queen like a myth, a story she has heard of grandeur and excellence in regards to his great leadership. And yet while this is his perception in Western-Europe, in his own realm he is but a vassal himself, a servant to Allah. It is perhaps because of this fluidity, because in Islam even rulers are not bound by divinity or the notion that they are greater than those around them, that Saladin is thus able to pursue such ventures even as an Emperor, partaking almost in games with his political opponents and proceeding to enamor and engage them in his musings.

So vast is Saladin's influence on his Western-European counterparts that despite Saladin's obvious involvement in the plan for Queen Eleanor to escape, when she gets caught by the king, it is the queen who is demonized whereas Saladin is still exalted as an excellent ruler. A maid of the queen who helped her prepare the night of the escape snuck away to inform the king of her imminent betrayal. The king is able to intercept the plan, right before the queen boards the ship and takes her to stand trial before his court of nobles. King Louis "recounted to his barons how the queen had behaved and consulted them about what he should do" (Minstrel, 7). This course of action seems to be in line with what we have come to expect from trials and the courts systems in the Western-European feudal system of justice. What is shocking, however, is the response the nobles have to the king's inquiry. "Truly," they said, "the best advice we can give you is to let her go. She is the very devil" (Minstrel, 7). Instead of demanding the queen be imprisoned or held accountable for her crimes, it seems they rally for her to be sent back to the Saladin, the same man who is their greatest political rival. Most puzzling perhaps, that the action taken seems in awe of the grandeur of Saladin. In the Minstrel's account, the queen is let go,

scotch free. “The king accepted this advice” (Minstrel, 7), the Minstrel narrates. One might question if the reason for this is because Saladin was held in such high regard in this society that he caused them to rethink even their own laws and customs. There is weight perhaps in the idea that although he is a rival, he is seen more so as a chaotic individual, a hero unable to be bested and deserving of awe rather than an opposing emperor threatening the downfall of Western-Europe.

The strange nature of this decision is highlighted by the Minstrel as well. To send the queen away was “a mad thing to do (Minstrel, 7) he muses. “It would have been better to have her imprisoned, which would have let him remain in charge of her great holdings for the rest of his life, and he would have faced the misfortunes that befell him” (Minstrel, 7), the Minstrel continues. The tone of this narration is that the king did something that was out of the norm for the kind of crime committed. Instead of thinking of the betterment of his country or even of his own standing in society, he chooses instead to give up a major political advantage in his marriage to the queen. So influential is Saladin, and so maddening, that he is in a manner altering the course of justice, and also making entire courts voluntarily make decisions that are disadvantageous to them and their kingdoms. All the while, Saladin is glorified as a magnanimous man in the word and actions of Western-Europe, while the queen herself remains villainized.

The Minstrel in his work chooses to claim that King Louis, failed, grandly, to exercise any punishment when it came to Eleanor. Moreover, not only does he alter the course of history, he also, as is evident in his dismayed reaction to the King’s verdict, actively criticizes Louis for his lack of political and strategic foresight, something the Minstrel himself dictated to be the

King's reaction. One could argue that the Minstrel chose to present this altered narrative as a means of exemplifying the qualities of Saladin within this circumstance. He has presented Saladin here as a man who has influence beyond the borders of his kingdom to the extent that even those who have never met him alter their decisions, almost, in a manner, in favor of Saladin and to their own detriment. This is particularly poignant when considering that later on in this work he is referred to as a barbarian, described to partake in rituals and war practices that were described as animalistic and yet this is the same man for whom King Louis' court seem to abandon their due process for. This is the same Minstrel then who, through the words and actions he chooses to give King Louis and his court, glorifies Saladin here and discredits Queen Eleanor. This paradoxical position Saladin holds in the eyes of Western-Europe, established in the Minstreals narrative speaks to the position the Islamic feudal system allows Saladin to hold even as a sultan. He has the ability to be a knight, a mere servant or vassal, while also being a king. Western-Europe seems unable to reconcile this, giving him the respect and awe of an Emperor but accepting the chaos he brings as an individual within the Eastern feudal tradition as well.

What makes this anecdote more astonishing still is that there is this continued idea that Saladin is in a manner a mythical figure, a concept not many can grasp or fully understand. This idea is acknowledged by the writer as well in a footnote included in the text:

> "Although Saladin was born in 1137 and still a boy during the Second Crusade, rumors of Eleanor's infidelity during the expedition were widely reported in the twelfth century by well-placed authorities like William of Tyre and John of Salisbury." (Footnote 10, Minstrel, 6)

There seems to be a widely known fact that Saladin was indeed a child during the timeframe this anecdote would have been set in and yet the Minstrel as well as some very influential writers at the time like William of Tyre and John of Salisbury. There is a collective awe and image Western-Europe seems to have sustained throughout this period for Saladin that transcends beyond just the work of the Minstrel. Despite Saladin being a very real figure in history there are prominent stories about him that cannot quite be explained through history. These stories told of Saladin by the Minstrel as well as these other influential writers were important sources of entertainment and literature at this time and that goes to show that the Minstrel was aware of his audience and the stories wanted to hear, reinforcing the idea that this glorification and awe of Saladin did not exist only at the highest rung of society but was a sentiment shared, perhaps, across socio-economic status in the medieval Western-Europe.

Moreover, not only is it interesting to note the unexpected reactions of the King and his court to the plotting of Queen Eleanor and Saladin, it is most fascinating to wonder how Eleanor was enamored with this man whom she had never met so different from the customs and culture she had been raised to desire and appreciate. This difference is highlighted in the anecdote the Minstrel narrates about how "The queen of Jerusalem succeed[ed] in having her husband, Guy of Lusignan, crowned king" (Minstrel, 15). This anecdote speaks to when the nobleman of Jerusalem tried to oust King Guy from his position as king because they believed he was not fit to rule. King Almaric of Jerusalem died, leaving the kingdom with no heirs. Thus, the kingdom went to his sister who was married to King Guy of Lusignan. While he was a nobleman, he did not have the rank of a king and had not been raised to take on a throne. The "barons of the land," the Minstrel notes, "persuaded the patriarch of Jerusalem to have King Guy give up his kingdom,

because he was not, or so they claimed, worthy of being king" (Minstrel, 16). However, while their claims were that their actions were for the betterment of the kingdom, in reality, "[t]hey were not acting in good faith, but rather because they all–each one of them–wanted to take his place as king of Jerusalem" (Minstrel, 16). The tone the Minstrel employs in this section makes it clear that the baron's actions were to be frowned on. It is emphasized that if the barons did this for the good of the kingdom, this may have been acceptable but because this was done with wrong intentions this was an act to be condemned.

It seems the queen of Jerusalem held a similar stance on the actions of the barons. When the barons approached the queen with their proposal, she immediately shut it down, appalled at the idea of leaving her husband. The barons continued their line of argument that the reason why it was necessary for King Guy to step down or the kingdom would fall apart. It is significant to note that they paint the danger of the kingdom falling to the Muslims. The Minstrel narrates the barons claiming that "the kingdom could well be lost and fall into the hands of the Saracens" (p. 16) if action is not taken. This seems to follow the principles we have seen in regards to Saladin in the East, more importantly, the values of treason and betrayal as are highlighted in the Islamic legal tradition, established through the Quran and hadith (words and actions of Prophet Muhammad (SAW). An act is not treason or betrayal if it is done with pure intentions and without deception. Moreover, it would be perfectly valid for a king to be ousted in the Eastern feudal tradition if he was unfit to rule and the means by which he was removed from kingship were just as would be the case here if the baron's intentions were clear and pure.

The lords did not accept the queen's resistance to their plan and took it upon themselves to dethrone the king with the help of Saladin. This action in Western-Europe would be a clear

example of treason. The Minstrel notes how all the barons “agreed on a deadly betrayal” (Minstrel, 18) emphasizing the deceitful nature of their plan to oust the king. In order to carry out the betrayal, “[t]hey invited King Saladin to meet them on a certain day in a certain place to discuss in secret something that would be of great value to him” (Minstrel, 18). The way the case was presented to Saladin that King Guy came to power by chance, unfit to rule an entire kingdom, for “the kingdom has passed to [King Almaric’s] sister and her husband, who is not a man fit to maintain such a realm,” (p. 18) the nobles stated to Saladin. Moreover, they painted the picture that the laws of a feudal court were not being followed, for the queen, the immediate successor of King Alamaric, was not fulfilling her duty to her country and to her nobleman and court. A king or queen was meant to take the counsel of their nobleman in this set system for the nobleman were the ones who provided their armies and power to their lord or lady. “The queen, though, refuses to accept counsel or that of the patriarch,” (Minstrel, 18) the barons complained to Saladin. When considering the values of Islamic jurisprudence, on the one hand this seems like a fair case for Saladin to assist with for they ask for his help in exchange for hand “territory” (p. 18) Here with this anecdote we revisit the idea that Saladin was considered an almost mythic being holding, due to the freedom the eastern feudal system allowed him even as sultan, a ever changing position between East and Western-Europe in the minds of his opponents. Here it seems as though Saladin is considered almost an enforcer or a mediator of sorts, brought in by his opposition to mediate the matters of this foreign land when their own laws and traditions failed them. Saladin is shown to accept this and creates a contract, in a manner that is described in fashion where it is evident the Minstrel finds the practice to be barbaric. “[W]e shall drink one another’s blood to form an alliance” (Minstrel, 19), Saladin is noted to have said. This

strengthens the incredulity of the idea that despite it being apparent that this is a foreign lord, ones whose customs and traditions are unfamiliar to these Western-European barons, they still turn to him knowing the value in his word and his strength.

This power Saladin has that allows people to make up in their minds the image of him that best fits your narrative is seen also in the language the Minstrel attributes to Saladin, particularly in a religious context. It is interesting, also, to note just how different these two cultures and religions are in regards to the premise of power. The Minstrel chooses to include Saladin's appraisal of God when the barons come to him to request his aid in dethroning King Guy. It is noted that Saladin exclaims "By Muhammad my God!" (Minstrel, 19) This could be taken to mean two different things. This could be taken in the way of *Shahdah* explained earlier where it is a testament that there is no god by Allah and that Prophet Muhammad (SAW) is His final Messenger. This is almost certainly the context that Saladin, a devout Muslim, used this phrase in. In regards to this phrasing the Minstrel attributes to Saladin, however, one could also argue, due to the lack of punctuation between "By Muhammad" (Minstrel, 19), and "my God" (Minstrel, 19) that it is being stated here Saladin used Muhammad and God interchangeably as Christens do in regards to Jesus Christ and God. This makes one think about how unfathomable this notion that every single human is equal in the eyes of Allah, none of them representing Him on this Earth or coming close even to his shadow, is to Christendom at this time.

Returning to the anecdote, once the plan is set in motion, King Guy finds Saladin's army camped outside of Acre. He re-establishes the chain of command we have seen established in earlier chapters in regards to lords and vassalage in the Western-European feudal tradition. "Dear Lords, I have come here to you to ask, for God's sake and because you are obliged to do so, that

you decide to give me loyal and good help to defend and maintain the kingdom of Jerusalem" (Minstrel, 20) King Guy notes. He reminds his men that they are "sworn to be faithful to" (20) him. Here, the king is seen fulfilling his duty to come to his barons for advice on political matters. Moreover, even as the Western-European king stresses his individuality, and that they do what the barons should give him good advice "for God's sake" (Minstrel, 20) and that he is "but one man alone" (Minstrel, 20), there is also the explicit reminder that they owe him this as their lord, as the messenger of God on this Earth. In the East this desire to do good, is not attributed to any man on this Earth, nor is it tied to another, but rather is between one's self and Allah, for the notion is that only He is able to judge one's actions and determine their worth.

The Count of Tripoli encourages King Guy to accept the challenge Saladin set out for him. At the beginning of their battle, "[K]ing [Guy] and his troops took [Saladin] on boldly and bravely, and many of the Saracens were unhorsed and wounded or killed." (Minstrel, 21) So great was the onslaught that "[s]eeing his first battalion fall apart, Saladin was deeply distressed" (Minstrel, 21). At this moment it seems the barons had come to realize their mistake in betraying their king and had decided to rally around King Guy, yet, Saladin, with mere words, was able to move the Count of Tripoli to remember his word. "Count of Tripoli, count of Tripoli, keep your oath!" (Minstrel, 22) Saladin called. Even before their own king, in the face of actively betraying their lord, Saladin is able to will these men to give him their loyalty and their armies. Saladin here is seen as a Roland figure, commanding the respect of those around him and yet he is also a figure following the Islamic system of justice and warfare by fighting in the name of Allah, following the legal guidance laid out through Islamic Jurisprudence. He is sure of his faith and

thus the support he and all righteous Muslims have from Allah, and thus is able to act with conviction that leads to his success.

This is contrasted with King Guy's reaction to the betrayal of his barons. It is only after all worldly people have abandoned him that Guy turns to God in desperation:

> "Ah, dear lord God! I am your servant, and I am here to serve you and defend Christendom. Lord, help us, as you see our need. I now know that my barons have all betrayed me." (Minstrel, 22)

There is this notion of a king taking his position for granted. He is surprised by this betrayal. The noble men's loyalty to him was something kings were raised inherently to believe is a given with their position. There is a certain surety this desperate cry for help connotes that is not a reality for Saladin. It is only when his own apparent inherent power fails him, that he needs help from his "Lord" (Minstrel, 22), in his "need" (Minstrel, 22). For Saladin it is not implied that he has the loyalty of all those around him, but rather his power and status is a gift from Allah, easily taken away. There is a certain fleeting nature to Saladin's position, in a feudal system informed by Islam, that does not bestow on one family, bloodline or one position any form of holy power or superiority as is seen in Western-Europe.

The Minstrels stance on the betrayal of the barons can be deduced when considering the resistance the queen is shown to put up against the ousting of her husband, as well as the clear emphasis on the wrong intentions behind the barons desire to dethrone their king. One would imagine then, that Saladin's support for the venture and his success in its execution, would be frowned upon. Yet, despite this way of succession, that could be compared to the East so readily being condemned here through the words of the Minstrel and the queen herself, there is still a

certain glorification of Saladin. “Think of Saladin, who is intelligent and powerful and wants nothing more than discord between you and your barons” (Minstrel, 16), the baron states to the queen. Even as he speaks to Saladin’s will, there is a certain awe in his words for the “intelligence” (Minstrel, 16) and power of Saladin. While painting Saladin as a dangerous force to the kingdom he also presents him as majestic and faultless to the degree that there is a certain resignation that the Western-European king and barons themselves have to improve themselves ten fold in order to even compare to Saladin’s might in the East. The Minstrel himself praises Saladin, holding him faultless for accepting the barons’ invitation for he is “a wise and generous man” (Minstrel, 18) Choosing instead to call King Guy “a cowardly simpleton” (Minstrel, 18) from the words of the barons. Despite the act of betrayal being so condemned, Saladin himself is held in the highest regards, so much so, even the king himself is not safe from being overshadowed by the grandeur which is associated with Saladin in Western-Europe. What is ironic here, and serves to prove the contrast in premise of power in these two cultures, that this is not a power and glory attributed solely to Saladin in the East. In fact even as he is almost exalted as a god-like figure in this narrative, in Ibn Shaddād’s work, Saladin’s praise and greatness was attributed to Allah for in the East like his Muslims brothers and sisters his success is Allah’s work and he is but a humble servant serving his time as sultan.

Moreover, Saladin’s treatment of King Guy following his defeat as a result of the plotting of his barons with Saladin reestablishes the complex position Saladin holds as both leader of an empire and vassal to Allah (SWT) that the Islamic legal system in the East allows him to maintain. Saladin summons King Guy before his court, having captured him during their battle. “I hold you now and I shall have your head cut off” (Minstrel, 23) Saladin stipulates.

Saladin's order is met with no resistance, in fact, King Guy wholeheartedly agrees with the decision. "Indeed," said the king, "and it is only right and I have well deserved it, for it is thanks to me that the land overseas was lost and Christendom dishonored." (Minstrel, 23) The Minstrel notes a value that is considered admirable within the context of this society in King Guy. Regardless of him being considered a spineless king, his willingness to accept his fault and go down with his ship, in a manner of speech, as opposed to begging for mercy is acknowledged by Saladin. Saladin chooses to speak of the betrayal King Guy experiences instead the Minstrel notes:

> "It is thanks to your barons, who betrayed you and accepted my gold and silver. I well know that you are a worthy man and a fine knight, and I shall do you a great kindness: I will free you with twenty of your knights, with horses, arms, and food. Proceed as well as you can." (Minstrel, 23)

Saladin's outlook in regards to the redemption of King Guy is noteworthy. For King Guy, to lose the battle against Saladin and to fail his country completely is the ultimate loss of pride. This speaks to the notion that in Western-Europe the king is given complete authority over his kingdom, serving as that representative of god, and thus the onus lies in a manner solely on him to lead his kingdom to victory. On the other hand, Saladin's forgiveness and acknowledgement of King Guy as "worthy man and a fine knight" (Minstrel, 23) highlights how within the Islamic legal system the burden is not on any one man to uphold the entire system but rather on a community. Moreover, there is the repeated reminder that all Muslims are but human, regardless of rank or stature,capable of wrongdoing and hence capable of repenting and of forgiveness. This

removes a certain weight off of Saladin's shoulders, even in his position as sultan. This makes Saladin's forgiveness, but also his decision to offer King Guy, his enemy, aid less confusing or concerning.

Following the mercy Saladin shows King Guy, sending him off to Tyre, the baron's treason against their king continues. King Guy's own man, the governor of Tyre, refuses to let him enter the walls of Tyre, a blatant act of treason, which the king acknowledges. "How, sir, how can you not allow the king our lord to come in here as you must?" (Minstrel, 24) he cries, his desperation heightened due to the queen residing within Tyre, waiting for her husband. and had to hatch an escape plan in order to leave. The queen, who has already made her opinion on the treason of the barons known, is appalled at the thought that this governor is refusing to let the king into Tyre and hatches an escape plan to be reunited with her husband outside of the walls in Saladin's camp, where they "receive material assistance from Saladin" (Minstrel, 23). Saladin here is capable of being the sultan who led to the ruin of this king and yet is also the one who is now providing sustenance and support for him. He holds this contradictory position that his belief system allows him to, fighting now only in the name of Allah to increase the Muslim land, yet also being benevolent towards his enemy without seeming weak. Despite this display of kindness, choosing not to, for instance, behead King Guy and his wife, Saladin actually gains the respect of Western-Europe as opposed to their mockery.

This respect that both the East and Western-Europe hold for him and this unique position Islamic Holy Law allows him to maintain in this society comes to a conclusion in the section of the Minstrels work titled, (XXI) "King John meets the noble uncle of Saladin, who recounts the life and fabulous exploits of his nephew" (Minstrel, 88). The Minstrel reports King John of Acre

is informed that “there [is] a Saracen nobleman in his prison” (88) speaking of Saladin’s uncle. Such is the respect and might of just Saladin’s name in Western-Europe that just by being a companion or blood relative of him, his uncle is able to receive reprieve from his imprisonment and is summoned to the court of King John. He recounts tales of actions Saladin takes that seem unconventional for a man of his stature (something that throughout the course of this project has come to be known as a pattern for him).

The uncle reports first of the incident when Saladin hears of a charitable Christian a hospital, that does not turn anyone away, regardless of their ailment and apparently provides them with whatever the ill desire, without fail. He decides then to visit this hospital in order to see if this is true. “He took a pilgrim’s staff, a satchel, a pilgrim’s hooded wrap, and disguised himself as well as he could” (Minstrel, 89) his uncle narrates. It is interesting here Saladin’s innate ability to be so well known across borders and traditions and yet still be able to maintain this anonymity and nameless, unrecognized as a commoner. This seems to be a rather physical representation of the paradox within which Saladin exists as sultan and an almost mythologized figure yet also being but a humble Muslim servant to his ultimate Lord Allah which the Islamic Holy Law stipulates. Following his disguise, Saladin arrives in Acre to “the Hospital of Saint John" feigning sickness, and expressing the desire “to be taken in [as] he was in great need” (Minstrel, 89). The hospital staff welcome him with open arms where he is admitted and upon being offered food by the “overseer” (Minstrel, 89) refuses to eat, choosing instead to fast “three days and three nights” (Minstrel, 89). The staff of the hospital continue to care for him and do everything he requests, going so far as to almost sacrifice the grand master’s most beloved horse to make Saladin happy. This is a test Saladin lays out for them to see the extent to which the

hospital is willing to go to fulfill the needs of their patients, and a test that the hospital passes with flying colors.

Following this, Saladin thanks his caretakers, making his gratitude known and returns home, never forgetting "how well he had been treated at the hospital". (Minstrel, 89) He does not leave his gratitude to mere words but draws up "a deed," (Minstrel, 91) and proclaims:

> "Know all who live and will live that I, Saladin, king of Babylon, bequeath in perpetuity to Saint John of the Hospital of Acre one thousand bezants for sheets and blankets to cover the sick therein; and I stipulate that the funds be taken every year on the day of Saint John the Baptist from my income in Babylon, and with such irregularity that they will be paid even in the event of war between us and the Christians." (Minstrel, 91)

This is a rather large step for Saladin to take as sultan, for the Christians of this land, are the ones he opposes during the Crusades. Yet, he decrees "one thousand bezants" (Minstrel, 91) to be taken from his own "income" (Minstrel, 91) "every year" (Minstrel, 91) on a day that is not a Muslim holiday, but rather a Chrsitian one, "the day of Saint John the Baptist" (Minstrel, 91). The reason why Saladin is able to make such a decision, to bridge a small barrier between Christians and Muslims is perhaps because he is able to hold this position of common man, finding peace and similarities between himself and Christians in their hospitality while also being a sultana who has the power and finances to create such a deed. If he were but a sultan with an uncontrollable pride he held in his position as ruler, he would perhaps be unable to interact with the common man with pomp or ritual. As a king, in regards to strategy, this may be

considered a breach in his contract to his kingdom. Moreover, as a king to be irresponsible enough to go behind enemy lines as the king for so long might be condemned by many and yet, this notion of the fleeting and decentralized nature of Saladin's power allows him to be everything all at once, to be fluid in his identity, to be a mere citizen capable of investigating and assimilating into society and also be a future sultan with the power to draft such a deed.

The final element of the Minstrel's work that is significant in highlighting just how revered Saladin was in Western-Europe is the account of Saladin's death, specifically his apparent conversion to Christianity and the fact that it is being narrated from the perspective of his uncle, a Muslim man. "When he was so ill that he realized he was about to die, he asked for a basin full of water…with his right hand [he], drew a cross over the water…touching it in four places…Then he poured the water over his head and his body…it certainly seemed, as far as I could see, that he was baptizing himself" (Minstrel, 91) his uncle narrates. Saladin, in the Western-European literary tradition is just shy of a myth, based in reality yet so fluid he was moldable to fit whatever perspective one might have of him. He is exalted here almost as a holy figure, unable to make mistakes even as he defeats the Christendom and fights against the kings of Western-Europe. So much so that, for the Minstrel, the ultimate honor it seems is to have him convert to Christianity even after describing him in certain portions as a barbarian and referring time and time again to his proclamations to his Islamic God, Allah and His final Messenger, Prophet Muhammad (SAW). Saladin's unique position as both servant, knight and sultan, that Islam allows him to embody, not only maintains his faith but also allows for others to imagine him as a part of their societies and faith, an honor not often afforded to the leaders of the enemy.

Islamic jurisprudence gives him autonomy over himself where he is able to act as an individual for in Islam you serve only Allah (SWT) and no human “lord”. It is a religion of community, and yet your faith and thus justice, is your own. One's primary loyalty is to themselves and to Allah (SWT), allowing them to take actions that may seem “rogue” but may in their mind be justified according to the Holy Law. While in Western-Europe the feudal system allows this of common individuals, noblemen and knights, vassals to their lord, this luxury is extended even to the sultans, the rulers of empires, in the East, who typically would be burdened with the ultimate authority of the law. This legal tradition informed by Islamic Holy Law in the East, built on an honor based society much like its counter in Western Europe, allows the exceptional individual to emerge from any corner of society regardless of race, rank or responsibility and celebrates them, not as rebels to be exterminated, but as heroes to be encouraged.

Conclusion

My senior project aims to prove that the exceptional individual has held paradoxical positions in societies across the globe and across periods of time. The modern age, following the example set by democracies like the United States, would have the hero figure in our societies labeled rebels, left to be romanticized by the masses but demonized by the system. There are countless such individuals spanning across age, gender, and socioeconomic status like Martin Luther King Jr, Malala Yousuf Zai and many more who are silenced everyday. The modern day system of government, one would think, allows the most room for individuality. This would especially be true in the United States, you would think, a country that applauds itself on being a champion for human rights and seems to have done so much for freedom of expression. In reality, however, this same system quells the voices of those attempting to speak about issues, like Critical Race Theory, that are deemed "inflammatory" or "dangerous" topics, simply for being a means by which people are made aware of the racial and socioeconomic disparities present within the country.

The systems of democracy set in place today seem to remove individuality and promote a uniformity in thought and action. Yet the dynasties and empires of the past, governed by legal systems now considered, ironically, "medieval" and hence barbaric, are the systems that allow their citizens to not only maintain their individuality but also encourage the exceptional figure who is celebrated as a hero and not a delinquent. This project analyzes literary texts and histories originating as far back as Homer's *Illiad*, moving on to stories and historical figures from the medieval ages. It does not look at the modern age, yet, it unravels the complexity of the exceptional figure, the one seemingly existing outside of the set norm, and yet upholding that

very norm, concluding that it is this time period, the medieval era, that allows for this complexity to thrive as opposed to squashing it as is seen often in the modern day and age.

Today, when something is referred to as medieval outside the context or romance, it's usually an insult, synonymous with barbaric. This project is not a defense of the word medieval. Yet, it is a clear testimony to an era that celebrated exceptionalism and individualism in a manner our societies today cannot even begin to fathom. Our legal courts in the United States today exist for lawyers to push for settlements in cases outside of them. When an individual is accused of a crime it seems the preference is to have the matter resolved as quickly as possible by the state as opposed to correctly. In the medieval period, in both the East and Western-Europe, there is a drive this project establishes to prove one's innocence. Even those who had committed wrongdoings desired, it seems, to be put to trial for they knew they would be allowed due process of the law and would have a fair chance to fight for their innocence. Today, to be black or brown in America is to be guilty until proven innocent or worse, killed. Gone is the desire to partake in the justice system and fair trials from the common person of color today, because those concepts although codified in the U.S. Constitution, are often more fantasy than reality. In fact, it is an expectation and common knowledge that if an individual looks, acts or talks in a certain manner, racial profiling begins from the very onset of their trial, if they are ever able to reach the trial stage. When people are accused of a crime today, they are conditioned to run away from a system they know will not protect them or their people. While even the guilty like Ganelon and Lancelot run towards the judicial battles they are allowed to partake in in the feudal societies they inhabit, today, people who look like me are taught not to trust the justice system at all.

Even beyond the ability for the medieval justice system of the East and Western-Europe to prove the hypocrisy in our modern day legal systems, I chose this Senior Project because it means something special to me as well. I am a brown woman, who grew up in a postcolonial society, Karachi, Pakistan. My interest in Literature, specifically the works of Shakespeare and writing from the medieval era, garnered a mockery of sorts back home. Literature as a field of study is a tough pill to swallow for most. The adults I was surrounded by took the more practical route of criticism. "And how exactly do you plan on making money? You're gonna be a teacher for the rest of your life?" Giggles ensued, slaps on the back to the "joke" teller were shared. That was a *good* punchline at parties. The youth I was surrounded by took a different more "woke" approach to their criticism of my interest in literature. Their critique stemmed from the apparent white-washing I had given into. To mention the medieval era in front of them is comparable to proving the post-colonial Pakistan I grew up in has influenced me to an irreparable degree. To them, I was reading about fairytales and barbaric times when there were real world crises happening across Pakistan. I was wasting my time reading romances, when I could have been studying to be a doctor saving lives.

I write this Senior project today, as an ode to those who feel like these works of literature, the Arthurian romances and epics full of courtly love, fairies, battles and knights are just escapes from reality. These accounts are written by people who existed within honor based societies and built into the very fabric of these texts are insights and instructions of how such forms of government, based on honor and a willingness to participate in them can be incorporated into our modern day. To some, these are texts that are mere distractions from the issues of the world, a means for people with privilege to "forget" momentarily the harm societies like ours can cause

people of color or differing socio-economic identities. Yet, to me, these texts provide a blueprint for a legal system that, while by no means was perfect, worked to provide a space for its citizens to voluntarily partake in their own justice and trials, with safeguards in place for individuals to voice their opinions. While not the ideal system, instead of mocking it, I argue we need to take them as sources, rich in legal tradition, that can help us inform our modern societies' approaches to justice. Why can't we use these texts in tandem with our current laws and human rights ideals to create a society where the exceptional individual is nurtured and encouraged rather than deemed a threat and expelled.

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