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Studies in the Age of Chaucer, Volume 30, 2008, pp. 125-169 (Article)

Published by The New Chaucer Society

DOI: <https://doi.org/10.1353/sac.0.0027>

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Violence, Law, and Ciceronian Ethics in Chaucer's *Tale of Melibee*

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Not only the suggestion that different societies have had widely different moral beliefs, but also the more radical suggestion that the conceptual schemes embodied in their moralities have differed widely, would appear as a banal truism to any anthropologist. . . . But the notion of a single, unvarying conceptual structure for morality dies hard; and from the eighteenth century to this day, the English utilitarians and idealists, logical empiricists and analytical philosophers, have all been willing to discuss moral philosophy on the assumption that there was something to be called "*the* moral consciousness" or, in a later idiom, "*the* language of morals." The questions "*Whose* moral consciousness?" or "*Which* language?" have rarely, if ever, been raised.

—Alasdair MacIntyre, *Against the Self-Images of the Age*, p. 136

WHETHER IDENTIFIED as an exercise in parody, a self-consuming artifact generated by Chaucerian irony, or recognized as a serious work, "a sound, if somewhat dull work of moral instruction,"¹ Chaucer's *Tale of Melibee* has rarely generated sustained critical examination of its moral philosophy. Perhaps the very clarity of Chaucer's vernacular prose tale—its use of doublets to translate its key conceptual terms, its carefully adumbrated structure, its explicit marking of transitions between topics, and its very indebtedness to pedagogically oriented *florilegia*—has masked the need for anything more than a replication of Prudence's method: the piling up of citations to exhibit the tale's *sentence*. In Chaucer's *Melibee*, quotations speak for themselves.² Or so the quotidian nature of the proverbial utterance has often suggested.

¹C. David Benson, "Their Telling Difference: Chaucer the Pilgrim and His Two Contrasting Tales," *ChauR* 18 (1983): 61–76 (quotation on p. 70).

²Although a widely shared assumption, the argument has been made explicitly by Edward E. Foster, "Has Anyone Here Read *Melibee*?" *ChauR* 34 (2000): 398–409.

But perhaps this transparency is an illusion, a consequence of assuming that “a single unvarying conceptual structure,” something we could identify as “*the* moral consciousness” of the age, informs Prudence’s pragmatic didacticism. As Alasdair MacIntyre has observed of the post-enlightenment disciplines of political science and philosophy, such assumptions die hard—and one suspects his corrective may carry even greater force when applied not to the moral philosophy of Kierkegaard or Kant but to that of the Christian Middle Ages. Such a presupposition may well lie behind the tendency to treat the content of Chaucer’s *Tale of Melibee* in the broadest of summary form or to abridge it radically when assigning the tale to students (assuming it is assigned at all).³ It may also help to account for a pattern in *Melibee* criticism, a tendency persistent since at least the 1970s, to locate the importance of the *Tale* in relation to something *other* than its content, most frequently its meta-critical force. We have thus learned much about how *Melibee* might be appreciated as an exercise in stylistic variation or contrasting artistic modes,⁴ a self-authorizing model of rhetorical eloquence,⁵ or a critical

³ Compare the disdain heaped on Prudence’s “pedestrian orthodoxy” to the high regard accorded Chaucer’s “more serious philosophical” investigations. See for instance, the detailed treatment given by Alastair J. Minnis to the metaphysical complexities of Theseus’ pagan views on necessity and fame in *The Knight’s Tale in Chaucer and Pagan Antiquity* (Totowa, N.J.: Rowman and Littlefield, 1982). And for a recent reexamination of Chaucer’s dream visions in relation to contemporary issues in speculative philosophy, see Kathryn Lynch, *Chaucer’s Philosophical Visions* (Cambridge: D. S. Brewer, 2000). As Matthew Giancarlo has recently observed, criticism on *Troilus and Criseyde* is practically coterminous with studies on the “topics of fate and free will—or of determinism, predestination, and freedom, necessity and chance, causality and destiny” (“The Structure of Fate and the Devising of History in Chaucer’s *Troilus and Criseyde*,” *SAC* 26 [2004]: 227–66 [p. 227]). Our tendency to assume that “serious philosophical” inquiry excludes the realm of ethics operates as an obstacle here to the appreciation of the *Melibee*. Scholars working in the field of theology have been more apt to recognize the philosophical rigor of medieval ethics. See, most notably, Richard Newhauser’s endeavor to contextualize *The Parson’s Tale* in relation to the theology of penance in *Sources and Analogues of “The Canterbury Tales,”* gen. ed. Robert M. Correale and Mary Hamel, vol. 1 (Cambridge: D. S. Brewer, 2002), pp. 529–41, and his *Treatise on Vices and Virtues in the Latin and the Vernacular* (Turnhout: Brepols, 1993).

⁴ See C. David Benson’s influential argument that “the real drama in the *Thopas-Melibee* section is the artistic opposition of these two tales”: “Their Telling Difference,” p. 65. Alan Gaylord’s argument that the subject of the *Thopas-Melibee* pairing is “tale-telling itself” is another example of this critical pattern: “*Sentence and Solaas* in Fragment VII of the *Canterbury Tales*: Harry Bailly as Horseback Editor,” *PMLA* 82 (1967): 226–35; cited by Benson, p. 75.

⁵ See David Wallace’s reading, in which he argues that the *Tale of Melibee* registers Chaucer’s interest in the capacity of rhetorical performance to check the violence of men within the household. As for the ethical content of Prudence’s counsel, it tends to be subordinated to the efficacious functioning of rhetoric. Thus, for instance, Wallace argues that “it is important to grasp that Prudence’s excursus on ‘richesse’ is not meant

meditation on the “problem of self-representation.”⁶ We have gleaned much less understanding, however, of what, following MacIntyre, we might describe as the “conceptual schemes” embodied in the *moralité* of the *Melibee*.⁷ Indeed, for most scholars, Prudence’s insights are so obvious and immediately available that little explication is deemed necessary.

What is at stake in challenging such assumptions? In one of the few studies to provide a detailed assessment of the moral discourses of *Melibee*, David Aers has quite pointedly challenged the usual presupposition that Prudence’s pragmatism (and by extension Chaucer’s own moral thinking) is consonant with orthodox Christian morality.⁸ Examining Prudence’s arguments that Melibee must eschew vengeance and seek reconciliation with his attackers, Aers notes that the tale lacks reference to the major sacraments of the Church, most conspicuously to the sacra-

to be read as *doctrine*, but as one element of a rhetorical strategy whose aim is the prevention of war.” *Chaucerian Polity: Absolutist Lineages and Associational Forms in England and Italy* (Stanford: Stanford University Press, 1997), p. 242. Similarly, he glosses Prudence’s rewriting of the seventh Beatitude: “This last proposition is perhaps the most audacious example of Prudence’s willingness to use any material that lies to hand (including the seventh Beatitude) to further the immediate needs of her argument” (p. 242). This sort of framing is what seems to lead David Aers to call into question the ethics of such a pragmatism.

⁶Lee Patterson, “‘What Man Artow?’ Authorial Self-Definition in *The Tale of Sir Thopas* and *The Tale of Melibee*,” *SAC* 11 (1989): 117–75 (p. 138). Patterson sees the “pragmatic didacticism” of the *Tale* not as something worthy of analysis, but as an experiment in style designed by Chaucer to comment on the limited traditions available to poets of his anomalous social positioning. Just as “the adoption of a minstrel identity” in *Thopas* registers Chaucer’s frustration with the constraints of courtly making, so “the pragmatic didacticism of *Melibee*” dramatizes Chaucer’s anxiety that, lacking the capacity to emulate the illustrious *poete*, the vernacular English poet will be stuck “dutifully” penning “pedestrian orthodoxy” (p. 154).

⁷Notable exceptions include James Flynn’s defense of the coherence of Prudence’s counsel against readings of the tale as ironic and self-contradictory in “The Art of Telling and the Prudence of Interpreting the *Tale of Melibee* and Its Context,” *Medieval Perspectives* 7 (1992): 53–63. See also the treatment of Melibee as illustrating the characteristically Senecan vice of those enraged by passion or ire, and lacking self-control by J. D. Burnley, *Chaucer’s Language and the Philosophers’ Tradition* (Cambridge: D. S. Brewer, 1979). Although providing a rich and nuanced reading of the moral complexities of a wide range of *Canterbury Tales*, Alcuin Blamires’s *Chaucer, Ethics, and Gender* (New York: Oxford University Press, 2006) offers surprisingly little comment on *Melibee*’s ethical discourse.

⁸For one such reading, see Ann Dobyns, “Chaucer and the Rhetoric of Justice,” *Disputatio* 4 (1999): 75–89; Dobyns claims that Chaucer’s intention in *The Tale of Melibee* and throughout the *Canterbury Tales* is to bring about the reform of a corrupt legal system, through “the application of Thomistic precept” (p. 83), thus “bring[ing] legal practice into alignment with the principles of natural law” (p. 75) as it reflects divine law.

ment of penance, a reference that might well be expected “in a work of Catholic Christianity devoted to the virtues that enable reconciliation and peace.”⁹ Similarly, he observes that Chaucer’s tale fails to invoke any of the theological virtues or the concept of grace, and provides only the briefest of references to Christ’s incarnation and resurrection (and this in the service of defending women’s agency as advisers). All the while Prudence declines to offer “any conceivable Christian theology of forgiveness.” Thus Aers concludes that either the tale is more sympathetic to a heterodox, possibly Wycliffite, criticism of the “traditional Catholic understanding of the virtues” than critics have recognized (p. 80), or Chaucer has some other interest in having Prudence advance a “thoroughly secular pragmatism.” Whatever those interests may be, Aers emphatically glosses Prudence’s pragmatism as one that works to allow “murderous feelings” and revengeful “dispositions” to be rationalized in the service of aristocratic self-interest.¹⁰

In this essay, I will offer a more positive reading of the *Melibee*’s secular pragmatism. I will suggest that the *Melibee* mines the resources of classical ethics and Roman juridical thought in such a way as to offer a means of satisfying the practical ends of social existence, especially the drive to satisfy honor, that is both pragmatic and ethically rigorous. While the secular pragmatism informing *The Tale of Melibee* could be seen as incompatible with orthodox Christianity—and Aers is certainly right to point to areas of significant conflict—the tale’s situationist ethics was also one capable of being assimilated to the demands of Christian morality. Such an accommodation seems to have attracted Chaucer, for even as he dramatizes the potential conflicts between these ethical discourses, he seeks to make creative use of those tensions.¹¹

My central assertion—that the conceptual structure to which the

⁹David Aers, “Chaucer’s *Tale of Melibee*: Whose Virtues?” in *Medieval Literature and Historical Inquiry: Essays in Honour of Derek Pearsall*, ed. David Aers (Cambridge: D. S. Brewer, 2000), pp. 69–82 (73).

¹⁰*Ibid.*, pp. 75, 80, 76, 77.

¹¹Alcuin Blamires dexterously situates Chaucer in relation to Stoic, and especially Senecan, ethics in a way that has much informed my own treatment here in *Chaucer, Ethics, and Gender*. Blamires unfolds Chaucer’s “creative adoptions of ethical ideas” revealing his penchant for exposing the “moral grey areas” made visible through the awkward fit of ancient ethics and Christian morality (p. 19). He observes that whereas most of Chaucer’s contemporaries acknowledge classical ethics merely as “a useful corroboration of Christian morals” (p. 15), Chaucer directs his readers’ attentions to “the ragged seams, and . . . overlaps where the nap of each cloth [Stoic ethics and Christian morality] does not run quite in the same direction” (p. 19).

Melibee is indebted is fundamentally a secular one—warrants some further preliminary remark. On the one hand, it rests far afield from the usual assumption that *Melibee*'s prudential dictums represent commonplace Christian sentiments of the most unobjectionable and indeed prosaic sort. On the other hand, it is consonant with a wave of recent criticism arguing for a renewed consideration of Chaucer as a philosophical poet, as someone whose most searching literary endeavors were not wholly bound within a conventional understanding of courtly poetics or within a conventional understanding of Christian moral teaching.¹² Some of this criticism is indebted to fifteenth-century reception of Chaucer, highlighting the moral seriousness in which his readers of that moment were interested; other criticism is motivated by a desire to diversify the sorts of philosophical languages that we might see deployed in Chaucer as a corrective to some of the monotones of midcentury Robertsonian exegesis.¹³ Despite the rich diversity of this recent work, however, most of these efforts are guided by a tacit assumption that ethics in the late medieval period was, by and large, coequal with the resources of theology.¹⁴ This assumption is not entirely inappropriate, especially if we examine the paradigmatic representatives of ethical conduct in Chaucer's *Canterbury Tales*. But the assumption begins to falter once we recognize the gender specificity of Chaucer's ethical inquiries and the distinctiveness of *Melibee* in this regard.

¹²See Mark Miller, *Philosophical Chaucer: Love, Sex, and Agency in the Canterbury Tales* (Cambridge: Cambridge University Press, 2004).

¹³For a discussion of fourteenth- and fifteenth-century portraits and an assessment of the impact of late medieval scholastic philosophy on Chaucer's literary corpus, see Kathryn L. Lynch's bibliographic survey in *Chaucer's Philosophical Visions*. Her defense of Chaucer's philosophical disposition and knowledge is complemented by Ann Astell's survey of the shaping influence of didactic literature on Chaucer's structuring of the *Canterbury Tales* in *Chaucer and the Universe of Learning* (Ithaca: Cornell University Press, 1996). For apt cautions against overestimating Chaucer's formal education and for methodological suggestions on how claims for Chaucer's philosophical knowledge ought to be substantiated, see Minnis, *Chaucer and Pagan Antiquity*, pp. 7–30.

¹⁴I have found it useful here to consider Larry Scanlon's suggestion that we see Chaucer affirming "the authority of the lay within the general system of Christian belief" and the "radical otherness of moral authority." See *Narrative, Authority, and Power: The Medieval Exemplum and the Chaucerian Tradition* (Cambridge: Cambridge University Press, 1994), pp. 219, 221. Thus we might look in the *Melibee* for an effort not to harmonize Roman ethics with Christian theology per se, but for the appropriation of Roman ethics as regards a general system of Christian belief, one not exhausted by the discourses of theology. Scanlon argues that the historical distinction between clerical and lay better situates Chaucer than the more modern opposition between medieval and humanist. Such a distinction helpfully situates Prudence as a (nonclerical) figure of moral authority.

Gender and Virtue in the *Canterbury Tales*

Before turning to the secular discourses informing Chaucer's *Tale of Melibee*, I will consider briefly how gender shapes Chaucer's inquiry in respect to the larger narrative to which the *Melibee* tale belongs.¹⁵ While many have observed that those *Canterbury Tales* that highlight Christian agency in the world characteristically center on female characters, few have noted that those concerned with men's achievement of virtue are nearly all set in the pagan past. As an emerging consensus of recent scholarship has begun to establish, Christian virtue is strongly marked as feminine virtue. Elizabeth Robertson points out: "Every religious tale has a woman at its center as the protagonist or teller."¹⁶ And in these tales, the most highly lauded and frequently illustrated virtues—humility, constancy and patience, faithful obedience, and suffraunce—are coded, both directly and indirectly, as feminine virtues (as evident in the demeanor and behavior of Chaucer's "holy women": Cecilia, Custance, Griselda, and the heroine of *The Prioress's Tale*, the Virgin Mary).¹⁷ So strong is the gendering of Christian virtue in *The Tale of Melibee* that characters within the narrative mark the association explicitly. As Janet Cowgill notes, Melibee's enemies assume that he will seek vengeance, but "they identify as womanly the more forgiving attitude of Prudence: 'And therefore noble lady, we biseke to youre wommanly pitee.'" ¹⁸ The

¹⁵See Blamires's own powerful reassessment in *Chaucer, Ethics, and Gender*, esp. pp. 1–19.

¹⁶Elizabeth Robertson, "Aspects of Female Piety in the *Prioress's Tale*," in *Chaucer's Religious Tales*, ed. C. David Benson and Elizabeth Robertson (Rochester: Boydell and Brewer, 1990), pp. 145–60 (146).

¹⁷For a discussion of the way Chaucer uses four female protagonists (as each illustrates a cardinal virtue) to explore the tensions between moral philosophy and literature, see Denise Baker, "Chaucer and Moral Philosophy: The Virtuous Women of the *Canterbury Tales*," *MÆ* 60 (1991): 241–56. I've learned much from her astute reading of the Ciceronian inflection in Prudence's character.

¹⁸Janet Cowgill, "Patterns of Feminine and Masculine Persuasion in the *Melibee* and the *Parson's Tale*," in *Chaucer's Religious Tales*, p. 175. The strong sense that compassion and forgiveness, as well as patient *suffraunce*, are marked as feminine has even suggested to several critics that when male characters adopt them they appear "feminized." David Wallace remarks, for instance, that "when a man needs to cultivate *mansuetude* and its associated virtues, then, he is best advised to mirror himself in a woman" (*Chaucerian Polity*, p. 239). For discussion of other feminized male characters in the *Canterbury Tales*, see Jill Mann, *Geoffrey Chaucer* (Atlantic Highlands, N.J.: Humanities Press International, 1991), pp. 165–182; J. A. Burrow, *Ricardian Poetry: Chaucer, Gower, Langland, and the "Gawain" Poet* (London: Routledge and Kegan Paul, 1971), pp. 93–129; both cited and discussed by Monica MacAlpine, "Criseyde's Prudence," *SAC* 25 (2003): 199–244 (201). Also relevant here is Elaine Tuttle Hansen, *Chaucer and the Fictions of Gender*

strong association of Christian virtue with female characters dovetails smoothly with what C. David Benson has termed Chaucer's "Christian feminism." In the *Canterbury Tales*, he wryly observes, Christian women "do more than equal men, they surpass them."¹⁹ Cowgill concludes similarly that "the feminine team is consistent in its personal virtues, in the effectiveness of its discourse, and in the devotion to the moral development of others."²⁰

While Chaucer's virtuous women operate within conceptual schemes shaped by Christian theology and illustrate the ideals of Christian ecclesiology in their worldly interactions, their Christian male counterparts are typically corrupt or morally suspect (as with the ecclesiastical figures of the Friar, Pardoner, Monk, and Summoner).²¹ By contrast, Chaucer's lay characters inhabit almost exclusively a pagan world, a world in which they struggle, often admirably, to make virtue of necessity. Chaucer may have expected readers of these pagan tales (*The Knight's Tale*, *Franklin's Tale*, *Wife of Bath's Tale*, *Physician's Tale*, and *Manciple's Tale*) to supply a Christian perspective unavailable to his pagan protagonists, but his decision to use these pagan settings as a forum for some of his most sustained ethical inquiries deserves greater attention.²²

Chaucer's apportioning of his male and female characters helps us to attend to the remarkable fact that the *Melibee* is the only narrative tale that uses a Christian setting to thematize masculine virtue.²³ And what

(Berkeley and Los Angeles: University of California Press, 1992). For a challenge to this emerging consensus, see Blamires, who introduces a reading of the highest of ethical ideals and practice in *Chaucer, Ethics, and Gender* as those developed within the bounds of *amicitia*, thus reserving the exercise of the "highest public virtues" to men (p. 28). I have found his reading most insightful. I would merely add that we are in the realm here not of Christian virtue or ecclesiological models, but of ancient ethics.

¹⁹ And conversely, Benson suggests, "Christian feminism so dominates Chaucer's religious tales that men are viewed with approval *only* when they begin to act like women—the message, of course, of the long prose *Melibee*." C. David Benson, "Introduction," *Chaucer's Religious Tales*, p. 6.

²⁰ Cowgill, "Patterns of Feminine and Masculine Persuasion," pp. 182–83.

²¹ I exclude as a group the male characters of Chaucer's fabliaux, for, as has often been recognized, they exist outside an ethical framework of judgment, the genre suspending the kind of ethical inquiry or focus on virtue characteristic of both Chaucer's religious tales and those tales set in the pagan past. For an insightful discussion of the fabliaux in this regard, see chapter 5, "The *Miller's Tale* and the Politics of Laughter," in Lee Patterson, *Chaucer and the Subject of History* (Madison: University of Wisconsin Press, 1991), pp. 244–79, and R. Howard Bloch, *The Scandal of the Fabliaux* (Chicago: University of Chicago Press, 1986).

²² The classic study is that of Minnis, *Chaucer and Pagan Antiquity*.

²³ I hope that it will not be considered special pleading to exempt *The Parson's Tale*. It is not a narrative per se, and the Parson is not, as Melibee is, a protagonist or narrative

The Tale of Melibee does with its unique context is striking. *Melibee* offers little by way of the Church's teaching on the virtues, and even less of theological precept on the sacraments.²⁴ There is, however, one section in the *Tale* in which Prudence engages substantially with Christian ethics, and in this section Melibee rejects Christian virtue as incompatible with the identity and interests of a man of honor like himself. Once Prudence has offered Melibee guidance on attaining good counsel and demonstrated that he lacks the legal grounds to avenge himself against his enemies, Prudence recommends a virtuous course of action for him: "enclyne and bowe youre herte to take the pacience of our Lord Jhesu Crist, as seith Seint Peter in his Epistles./ 'Jhesu Crist,' he seith, 'hath suffred for us and yeven ensample to every man to folwer and sewe hym,/ for he dide nevere synne, ne nevere cam ther a vileyns word out of his mouth./ Whan men cursed hym, he cursed hem noght, and whan men beten hym, he manaced hem noght'" (VII.1501–4).²⁵ Here Prudence appeals to those most feminized of Christ's virtues: deference ("enclyne and bowe youre herte"), pacience, and suffraunce ("hath suffred"). Moreover, she ties these virtues to the latent pacifism of the Gospels, advising Melibee not merely to have pity and forgive his enemies, but to suffer their violent attacks passively. Melibee's rejection of Prudence's teaching is, as Lee Patterson has described it, "devastating," but not because he has misapprehended her teaching or regressed to some state of "primitive emotionalism."²⁶ Rather, it is devastating because he apprehends perfectly well her Christian message and rejects it.²⁷ Melibee responds: "Certes . . . I graunte yow, dame Prudence, that pacience is a greet vertu of perfeccioun; / but every man may nat have the perfeccioun that ye seken; / ne I nam nat of the nombre of right

agent of ethical action in the world; thus I would argue that its transcendent focus leaves *Melibee* unique. The only other male character who might fit the bill is not human at all, but rather a chicken. I refer of course to Chaunticleer in Chaucer's beast fable, *The Nun's Priest's Tale*.

²⁴See Aers, "Chaucer's *Tale of Melibee*."

²⁵All citations of *The Tale of Melibee* are from Larry Benson, gen. ed., *The Riverside Chaucer*, 3d ed. (Boston: Houghton Mifflin, 1987), with fragment and line numbers in parentheses.

²⁶"What Man Artow?" p. 157. The second phrase is that of Wallace, *Chaucerian Polity*, p. 240.

²⁷For an alternate (and acute) account of the "deep male anxieties about the meek, silent Christ," see Daniel Rubey, "The Five Wounds of Melibee's Daughter: Transforming Masculinities," in *Masculinities in Chaucer: Approaches to Maleness in the "Canterbury Tales" and "Troilus and Criseyde"*, ed. Peter G. Beidler (Cambridge: D. S. Brewer, 1998), pp. 157–71 (171).

parfite men for myn herte may nevere been in pees unto the tyme it be venged" (VII.1518–21). For Melibee it is all well and good to expect Jesus, his saints, Prudence (and, we may assume, other women) to embrace patient suffering as an ecclesiological model, but for a man of honor, whose good name is predicated on a manly disposition, such a vision of Christian virtue is deemed untenable.

Melibee cannot see a way to embrace peace and forgiveness without sacrificing his masculine identity as an honor man. Thus, when Prudence advises him to reconcile with his enemies, he accuses her of not caring about his "honour, ne my worshipe" (VII.1681). Incredulously, he asks how she can expect him to "go and meke me, and obeye me to hem, and crie them mercy? / For sothe, that were nat my worshipe" (VII.1684–85). Melibee's careful marking of the subordination demanded of him and his sensitivity to the public shame he will incur are shot through with the anxiety of embracing non-normative gendered behavior. In this regard, the tale dramatizes tensions between culturally dominant modes of masculine behavior and affect and Christian ethics, tensions that Chaucer's other tales, set in a pagan past or focused tightly on virtuous women, are able to avoid.

While *Melibee's* Christian setting allows the tale to stage the clash between the secular dictates of honor and Christian models of virtuous conduct, the honor mentality also defines the parameters by which most of Chaucer's pagan male characters understand the ethical dilemmas before them and decide on a course of action. Palamon and Arcite renounce their sworn fellowship and take up arms against each other in *The Knight's Tale*—their private quarrel marked, as Melibee's also is, as an illegitimate act of private violence. In *The Franklin's Tale*, honor is both provocation and palliative, as Arveragus insists that his wife, Dorigen, uphold her *trouthe* but keep their submission to Aurelius's amorous demands secret to guard Arveragus's public honor. The ideals of gentility are accorded almost magical powers to thwart the violent imposition of Aurelius's desires, much as the Old Wife's appeal to the ideals of a "gentil herte" transform the rapist knight in *The Wife of Bath's Tale*. Less optimistically, in *The Manciple's Tale* it is Phebus Apollo's wounded honor that provokes the unleashing of deadly fury upon his reportedly adulterous wife, killing her and depriving the one who has shamed him of speech. Similarly in *The Physician's Tale*, a man's desire to protect his honor serves to direct deadly violence against a woman, as Virginius slays his daughter to preserve her sexual purity from the grasping Clau-

dus and ensure that Virginius is not publicly dishonored. As this summary is meant to highlight, protecting one's good name is a paramount concern for Chaucer's (pagan) male protagonists, and as readers of the tales we are invited to consider critically, but never dismissively, how they come to understand their situations as ethical dilemmas and determine the virtuous course of action, all the while preserving their status as honor men.

Finally we may observe how frequently the main action in the antique tales concerns the sexual possession of a woman (Emily, Dorigen, Phebus's wife, Virginia, the raped girl/the Old Wife) as one man's honor is threatened (Theseus's, Arveragus's, Virginius's, Arthur's) by another man (Palamon and Arcite, Aurelius, Claudius, the unnamed adulterer, and the unnamed rapist) and his desire for the female character. Characteristically in these poems, violence is attenuated, rendered figurative or literary as it is assimilated to the conventions of courtly love poetry, whether by positive appeal to the ideals of *fin amor* (*Knight's Tale*, *Franklin's Tale*) or by perversion and violation of its ideals (*Manciple's Tale*, *Physician's Tale*, *Wife of Bath's Tale*). In the *Melibee*, however, the literary pattern of masculine honor and female violation is made literal appropriately enough given the tale's prose form, as a physical assault on the household of Melibee: on the wife, Prudence, and daughter, Sophie, and on the domicile itself. Once again *Melibee* emerges from a patterned constellation of thematic attributes as unique in some crucial feature.

Recognizing the distinctiveness of the *Melibee* in this regard helps us to attend to the particular nature of the violence that drives the tale, and it requires that we recognize a field of ethical inquiry in the *Melibee* that is both more diverse than that of other *Canterbury Tales* as well as more secular. To appreciate this diverse array of secular discourses, we will need to examine two contexts for the *Melibee*. The first is the tale's legal context. Here the most important juridical models were derived from Justinian's civil law writings, and they were particularly important in answering a perennial provocation in ethics: the violence of the honor man. Since ethical language always takes shape in the workings of given institutional practices—and for Chaucer and his peers, one of the most important of these seems to have been the law—if we are to appreciate the ethical language of the *Melibee*, we will need to look at the way the tale mines the resources of (both continental and English) legal precept and practice. Second—and most important for appreciating the distinctiveness of the ethical discourse Chaucer deploys in *The Tale of Melibee*—

will be the conceptual structure of Ciceronian ethics. Some of the richest studies of Chaucer's moral thinking have focused on the Christian assimilation of ancient Stoic thought, clarifying Chaucer's complex negotiation of the tensions between Stoicism and late medieval Christian discourses.²⁸ These studies have, however, often overlooked the divergence of Ciceronian and Senecan ethics. While overlapping in some significant ways with Stoic thought, for whom Seneca was a central figure throughout the Middle Ages, Ciceronian ethics are characterized by several crucial, distinctive features, and these seem to have garnered widespread interest among civic laymen involved in the day-to-day workings of law and governance. In concluding this essay, I will return to the crisis scene in which Melibee rejects Christian *suffraunce*, and suggest a way to understand Prudence's effort to dissolve the tensions between Christian ideals of virtuous conduct and the secular dictates of honor.

Melibee's Sources: The Juridical Context

The nature of the violence visited upon the women of the *Melibee* is a very different sort from that we have traced in Chaucer's pagan tales. Three old adversaries of the young and rich Melibee break into his home while he is away, beat his wife, Prudence, and wound his daughter, Sophie.²⁹ Melibee returns home and, enraged by the assault, calls together a motley crew of neighbors and associates to advise him on a course of action. Arguments for and against "meeting violence with violence" are leveled, and largely because Melibee has indicated his desire to avenge himself on his adversaries, the majority counsel war. Following the council, Prudence offers a critical assessment of his proposed

²⁸The foundational study is Burnley's *Chaucer's Language and the Philosophers' Tradition*. Blamires's *Chaucer, Ethics, and Gender* offers both a nuanced account of the function of Stoic concepts in Chaucer's corpus generally and a set of detailed readings of the way in which certain ethical postures and dilemmas are gendered. On the recourse to Seneca as a moral philosopher by Christian writers, see Leighton D. Reynolds, *The Medieval Tradition of Seneca's Letters* (London: Oxford University Press, 1965).

²⁹For a discussion of the particular crimes committed here, see Kathleen Kennedy, "Maintaining Love through Accord in the *Tale of Melibee*," *ChauR* 39 (2004): 165–76. Kennedy accounts for Chaucer's decision to supply a name for the daughter, "Sophie," as consistent with the requirement "under English law [that] the victim of a felony had to be named in the indictment," and she argues that the detailed account of her wounds alerts the audience to the "felonious nature of the 'outrages' perpetuated on Melibee's household" (p. 168). While I find this legal dimension consistent with my diagnosis of the tale's literalization of violence against its female characters, I would not want to deny that the naming of Sophie has additional allegorical resonance.

retribution, and after a lengthy and contentious exchange Melibee agrees to abandon his plans for war. Prudence then meets privately with Melibee's enemies in order to stage a later public reconciliation between them and her husband. The text concludes with a final disagreement between husband and wife, as Melibee announces his intent to impose harsh penalties on his adversaries. Prudence denies his right to impose punishment and convinces him to forgive his enemies.

For most of the tale's critical history, scholars have assumed that the violence at issue in the *Melibee* amounts to public warfare, and many have attempted to discern Chaucer's attitude toward it, with positions ranging from Robert Yeager's attribution to Chaucer of a critical, even pacifist stance against warfare and chivalric militarism to David Aers's assessment of the tale as an exercise in the legitimization of the aristocrat's preferred route to wealth and fame.³⁰ These are obviously very different assessments of Chaucer's attitude toward war and peace, but they share one common assumption: that if *Melibee* advances an ascertainable position on violence—if it is meant, that is, as a guide to contemporary morality—that position concerns England's foreign policy, variously centered on the Hundred Years' War with France, England's policy in Scotland, its negotiations with Flanders, or the campaigns of Gaunt in Castile.³¹

As a corollary, Chaucer's attitude toward warfare is largely assumed to be a universal, ethical stance; and a framework of interpretation is imposed on the *Melibee* that admits no distinction between the legal and philosophical parameters relevant to just public warfare and those

³⁰R. F. Yeager, "Pax Poetica: On the Pacifism of Chaucer and Gower," *SAC* 9 (1987): 97–121.

³¹See, respectively, Gardiner Stillwell, "The Political Meaning of Chaucer's *Tale of Melibee*," *Speculum* 19 (1944): 433–44; V. J. Scattergood, "Chaucer and the French War: *Sir Thopas* and *Melibee*," in *Court and Poet: Selected Proceedings of the Third Congress of the International Courtly Literature Society*, ed. Glyn S. Burgess (Liverpool: Francis Cairns, 1981), pp. 287–96; and J. Leslie Hotson, "The Tale of Melibeus and John of Gaunt," *SP* 18 (1921): 429–52. In more recent scholarship situating the work in relation to the political turmoil of the Ricardian court in the 1380s and conflict over England's military policy, two treatments are especially important: Lynn Staley Johnson, "Inverse Counsel: Contexts for the *Melibee*," *SP* 87 (1990): 137–55; and Judith Ferster, *Fictions of Advice: The Literature and Politics of Counsel in Late Medieval England* (Philadelphia: University of Pennsylvania Press, 1996), esp. pp. 89–107. The benefit of such readings is that they account for those passages in the tale addressing the evils attendant upon all forms of warfare, and can speak to the reader's sense that the tale has a deep investment in peace. But with such a broad moral compass, critics may overlook the tale's central intention: to discriminate between forms of violence, both legally and ethically.

relevant to private warfare. As we shall see, however, both the tale itself and Chaucer's handling of the material he inherited—what he adds to his source texts, what he omits in his translation, and what persists as the thematic heart of the tale—suggest that he was interested in this tale precisely because it bracketed the question of the public war (conducted by the sovereign prince) to focus on the issue of private warfare (undertaken by individuals acting outside the law and without juridical authority).³² By taking seriously the emphasis on the problem of private violence in the *Melibee* and its sources, we can better understand how Chaucer used the tale to confront the centrality of vengeance to aristocratic masculinity, exploring the possibilities for overcoming one of the primary obstacles to peace in the localities: namely, the honor man's fear that to restrict private violence was to undermine the very foundations of that identity as it was performatively reiterated through both legal and extralegal means.

A concern to delimit the sphere in which individuals might legitimately level private warfare runs throughout the original Latin dialogue of Prudence and Melibee, Albertano of Brescia's *Liber consolacionis et consilii* (c. 1246), a text that Chaucer translated via a French intermediary.³³

³² Wallace's important work on the *Melibee* as a meditation on rhetoric's capacity to assuage "the imminent threat of masculine anger" as it erupts within the domestic space (*Chaucerian Polity*, p. 233) acknowledges the distinction between public and private violence, as do two recent essays situating the narrative in relation to insular criminal law and the civil law tradition: see, respectively, Kennedy, "Maintaining Love," pp. 165–76, and Dobyns, "Chaucer and the Rhetoric of Justice." The tale continues to be read within the *Fürstenspiegel* tradition as advice to Richard II on matters of statecraft, including (the extremely controversial) war with France. See, for instance, Lynn Staley, *Languages of Power in the Age of Richard II* (University Park: Pennsylvania State University Press, 2005). Without denying the *Melibee* tale a range of possible contemporary resonances, I would observe that there is an immediate resonance to *Melibee's* treatment of violence in the localities—the issue was perennially raised in parliament, a subject of regular complaint among chroniclers, and a frequent preoccupation of landowners as witnessed by extant legal records. Violence in the localities might be seen as a matter for political commentary in the late 1390s, as Andrew Galloway so astutely observes. See his essay, "The Literature of 1388 and the Politics of Pity in Gower's *Confessio Amantis*," in *The Letter of the Law: Legal Practice and Literary Production in Medieval England*, ed. Emily Steiner and Candace Barrington (Ithaca: Cornell University Press, 2002), pp. 67–104, esp. pp. 81–82.

³³ Albertano's corpus, including the two companion texts to the *Liber consolacionis et consilii* (c. 1246) and his lay sermons, achieved wide circulation; his biographer estimates that there may be more than five hundred manuscripts of Albertano's writings extant in Latin and various vernaculars, situating Albertano as "among the most popular medieval authors." James Powell, *Albertano of Brescia: The Pursuit of Happiness in the Early Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 1992), 14 n. 22. For a recent overview of translations, see Angus Graham, "Albertano of Brescia: A Prelimi-

The treatise's Brescian milieu helps to contextualize Albertano's interest in legal resources for addressing the problem of private violence. As Albertano's most recent biographer, James Powell, has emphasized, thirteenth-century Brescia was a city torn apart by warring factions, and Albertano looked to his own professional class of lawyers, judges, and *podestà* for civic solutions to the endemic state of feud in Italian city-states such as his own Brescia.³⁴ The resources available to Albertano to tackle such an ambitious project have been a subject of some controversy among scholars, with biographers such as Powell stressing the influence of lay confraternities and Senecan writings on Albertano's ideals of individual moral reform and communal rule, and critics such as David Wallace emphasizing a broader tradition from which rhetoric emerged as a tool to be deployed by "go-betweens" seeking to stem the violence of powerful men within the household.³⁵ Given Albertano's rich and complex intellectual background, all these emphases deserve attention, but the one I would like to stress here is his legal learning. Albertano was a man of law, and his crowning achievement, *Liber consolationis et consilii*, is a treatise deeply marked by his juridical vocation.³⁶ Albertano was

nary Census of Vernacular Manuscripts," *Studi Medievali* 41 (2000): 891–924. For a discussion of Albertano's influence on Chaucer and the question of the mediation of Renaud of Louens's translation, see William Askins, "The Tale of Melibee," in *Sources and Analogues of the Canterbury Tales*, gen. ed. Robert M. Correale and Mary Hamel (Cambridge: D. S. Brewer, 2002), pp. 321–28. For discussion of the English manuscript tradition, see Wallace, *Chaucerian Polity*, esp. pp. 214, 229–31, and (in the endnotes) pp. 451–52.

³⁴David Wallace has suggested that Chaucer's Italian diplomatic trips may have given him an understanding of the "ideological warfare [that] raged continuously" between Trecento Florence and Lombardy. See *Chaucerian Polity*, p. 1.

³⁵On the way Albertano's experience of lay confraternities and his knowledge of Senecan moral philosophy may have shaped his reception of religious ideals of a voluntary accepted rule, see Powell, *Albertano of Brescia*, pp. 90–104. Wallace emphasizes Albertano's connection to—and later identification with—the fraternal orders through the many sermons he wrote and preached to the friars of the area and the association of his confraternity of fellow Brescian men of law to the Franciscans. See *Chaucerian Polity*, pp. 217–21. This is a guise Wallace links to the importance of rhetoric as a tool for stemming violence, one that both friars and wives were expected to deploy as "go-betweens."

³⁶A point Powell denies in his effort to redirect attention to the influence of fraternal orders that, in his thesis, most shaped Albertano's civic ethics. Wallace follows Powell to clear a space for a discussion of the significance of a rhetorical tradition: "[Albertano] never gets bogged down in the minutiae of legal learning, nor does he attempt to construct a legal basis for his arguments" (p. 218). Subsequent argument will challenge this view, but here let me make a small, pedestrian point about the amount of space devoted to legal minutiae by invoking chapter 49 of Albertano's treatise, which categorizes in great detail different types of war, calling upon the Romanists' and the Decretalists' formulations; the chapter also defines the various legitimizing *causa belli* of a just

active from 1226 to 1251 as judge and *causidicus*—or legal counselor—for the Italian city of Brescia, and he was an active member of that city's confraternity of men-at-law.³⁷ Not surprisingly, *Liber consolationis et consilii* draws heavily from the civil law tradition. In his treatise we find, for instance, citations of all three parts of Justinian's *Corpus juris civilis* as well as evidence of firsthand knowledge of the Glossator's commentaries on Justinian's corpus and references to the thinking of a range of Decretists and Decretalists who commented upon Gratian's *Decretum* and Gregory's *Decretales*.³⁸ As even this brief survey suggests, Albertano's education and experience had given him access to a wide diversity of legal traditions.³⁹ As conversant with Augustine's theology of the just war as with the Romanists' unfolding of Justinian's civil law treatment of private violence, Albertano was well situated both to deploy their common insights and to take advantage of their diverse juridical solutions to complex problems of social disorder. In his influence on Chaucer and his version of the Melibee tale, it is Albertano's synthesis of theological and civil law treatments of two juridical categories, "authority" and "intention," that is most consequential. By contrast, we will find Chaucer exploiting subtle but significant points of distinction in his source texts, in his own handling of the legal complexities surrounding the legitimizing circumstances of war and self-defense.

war in a manner neither ignorant of civil law writings nor slavishly dependent on the opinions contained there—all presented with technical linguistic precision. See *Albertani Brixienis: Liber Consolationis et Consilii ex quo Hausta est Fabula de Melibee et Prudentia*, ed. Thor Sundby (London: Williams and Norgate, 1873). Unless otherwise noted, all references to Albertano of Brescia's original tale of Melibee are taken from this edition, which is also available at the Web site, <http://freespace.virgin.net/angus.graham/Albertano.htm>.

³⁷ See Powell's discussion of his offices and roles in *Albertano of Brescia*, pp. 1–11.

³⁸ Albertano's knowledge may have been gained through study in the Arts curriculum, in pursuit of the baccalaureate (which included study of Justinian's *Digest* and Gratian's *Decretum*), or as part of his work for an advanced degree in civil law. Or he may have accumulated such knowledge through some combination of learning and the experience of nearly thirty years of highly public legal service.

³⁹ Powell seeks to distinguish Albertano as an urban professional from university-trained legists and theologians. He thus argues against evidence for Albertano's formal legal education (evidence accepted by most Italian biographers of Albertano) even as he acknowledges that Albertano "must be judged an expert in both legal and practical matters" (p. 2). Similarly, he denies that Albertano was "interested in building a legal foundation to support his views . . . on the reform of society" (p. 48), even as he ties the fact that the *Liber* "cites legal sources from both Roman and canon law with greater frequency . . . than in any of his previous writings" to the text's concern to stem the endemic state of feud in Brescia by challenging the legitimacy of vendetta (pp. 76–77).

In all versions of the Melibee tale—Albertano's original Latin treatise, Renaud de Louens's revised French version, and Chaucer's translation—Prudence relies heavily on civil laws governing war in order to convince Melibee that he may not legitimately respond to the attack on his household with violence. According to the tenets of just-war theory, as they were established by Augustine and further developed in relation to Roman law by the Glossators, Gratian, and the Decretists, "no hostile act was licit or illicit by itself, but according to the authority on which it was committed."⁴⁰ For Augustine the ultimate authority for warfare—what Prudence terms "the final cause" of warfare—is God himself. Augustine argued that war had to be understood within the larger purposes of divine providence.⁴¹ Whether a given war was divinely authorized or undertaken without the sanction of divine will, it functioned to execute divine justice. The violence inflicted upon an enemy, for instance, could function to punish sinful behavior, while the suffering of the just during war could work to test the patience of the faithful.⁴²

At the level of individual ethics, the just war was distinguished from simple violence through the examination of intent. For Augustine, warfare was only just when it was conducted with a motive and a disposition consistent with this higher purpose.⁴³ Consequently, Augustine denied the right of private persons to exercise violence (in war or in self-defense) on their own authority and accorded the status of justness only to those wars initiated and conducted by the sovereign who, Augustine argued, was most capable of undertaking violent action with a just and charitable disposition.⁴⁴ Thus the theology of the just war gave birth to a po-

⁴⁰Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975), p. 307.

⁴¹See Augustine, *Concerning the City of God against the Pagans*, trans. Henry Bettenson (Harmondsworth: Penguin Books, 1972), 4:34; and "Reply to Faustus the Manichaeon," trans. R. Stothert, in *The Writings Against the Manichaeans and Against the Donatists, A Select Library of the Nicene and Post-Nicene Fathers*, first series, vol. 4, ed. Philip Schaff (1887; Grand Rapids: Eerdmans, 1996), 22:75.301. This is an admittedly selective overview; for a fuller account, see both Russell, *The Just War*, esp. chap. 3, and Jonathan Barnes, "The Just War," in *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann et al. (Cambridge: Cambridge University Press, 1982), pp. 771–84.

⁴²*City of God*, 19:7; and "Reply to Faustus," 22:75.301.

⁴³"Reply to Faustus," 22:74.164 and 22:79.303–04.

⁴⁴On the distinction between war conducted with charity and with hatred, see *ibid.*, 22:74.301. On the illegitimacy of private acts of violence, see *De libero arbitrio*, in *Saint Augustine: The Teacher, The Free Choice of the Will, Grace and Free Will*, The Fathers of the Church, A New Tradition, vol. 59, trans. Robert P. Russell (Washington, D.C.: Catholic University of America Press, 1968), 1.5.12. For the amplification of *auctoritas* as a crite-

tent and extremely influential conceptual division between the just, public warfare of the ruler and the unjust, private violence of the individual.

In the case of *The Tale of Melibee*, we can see that Prudence is concerned to counter Melibee's misrecognition of his own authority as a private person. In response to Melibee's declaration that he will avenge himself on his adversaries, Prudence observes that "rightfully mowe ye take no vengeance, as of youre propre auctoritee" (VII.1385). Moreover, she explains, "by right and resoun, ther may no man taken vengeance on no wight but the juge that hath the jurisdiccoun of it" (VII.1379). Prudence's distinction here between legitimate and illegitimate authority follows the basic lines of Augustinian just-war theory, but her location of legitimate authority in the person of a judge is, by way of contrast, a distinctive Romanist strategy. Glossators such as Azo, Odofredus, and Accursius—who was a contemporary of Albertano writing in Italy—declared that "vengeance" or "punishment" (*ultio*) for a violent attack could licitly be sought only in a court of law or by the authority of a judge.⁴⁵

The most intriguing evidence we have for Chaucer's interest in Albertano's text as a work about private warfare is an omission following Melibee's rebuttal of Prudence's argument that only judges have the authority to exercise vengeance.⁴⁶ In opposition to Prudence, Melibee insists that were individuals "nevere [to] take vengeance . . . that were harm; / for by the vengeance-takyng been the wikked men dissevered fro the goode men" (VII.1429–31). We have already gestured toward a

tion, Russell points to the Decretist Huguccio's treatment in his *Summa*, commenting on 23 q.2 of Gratian's *Decretum*; see also 14 q.4 c.12, v. *ubi est ius belli*; *The Just War*, p. 89. For Huguccio's decisive influence here, see Wolfgang Müller, *Huguccio: The Life, Works, and Thought of a Twelfth-Century Jurist* (Washington, D.C.: Catholic University of America Press, 1994). For the representation of *auctoritas*, see Azo's commentary on the *Codex Iustinianus* 11.47 (hereafter *Cod.*) in *Summa Codicis*; see as well Accursius's treatment in *Glossa Ordinaria*, I, v. *movendorum* and Odofredus's in *Lectura Codicis*; all are cited fully by Russell, pp. 43–44.

⁴⁵ Azo, *Summa Codicis*, to *Cod.* 8.4 and *Lectura in Codicem*, to *Cod.* 8.4.6, v. *rescripto*; cited by Russell, *The Just War*, pp. 43–44. Odofredus, *Lectura Codicis*, to *Cod.* 9.12.7 and to *Cod.* 9.39; Russell, p. 44. Among the Decretists, Rufinus, Huguccio, and the *Summa Parisiensis* cast those who avenge their own injuries without judicial authority as sinful; Russell, p. 97.

⁴⁶ For evidence that Chaucer did actively shape the narrative he inherited rather than merely offer a slavish translation, see Askins's detailed discussion of Chaucer's translation practice: William Askins, "The Tale of Melibee," in *Sources and Analogues of the Canterbury Tales*, gen. ed. Correale and Hamel, pp. 321–28.

version of this argument in Augustine's understanding of war's function in instituting divine justice. Melibee's citation of this line of thinking is a crucial moment in the text, and its Augustinian inflection ought to function as a powerful bar to continuing to read Melibee's arguments as simply ignorant.⁴⁷ At precisely this point, however, Chaucer departs from his source texts. In Renaud de Louens's French text—believed by many scholars to be Chaucer's primary and perhaps sole source⁴⁸—Prudence had *conceded* Melibee's general assessment of vengeance as a useful tool for the punishment of evildoers. She opens with this remark: "‘Certes,’ dist elle, ‘je vous ottroye que de venge vient moult de biens’" ("Certainly I grant you that from vengeance comes many goods").⁴⁹ So too in Albertano's original, she concedes, "Quae dixisti vera sunt" ("These things you have said are true").⁵⁰ Having acknowledged Melibee's defense of vengeance's punitive function, Prudence then offers (in both the Latin and the French source traditions) a carefully argued *distinctio* between the legitimate and illegitimate agents of such vengeance. In his *Tale of Melibee*, however, Chaucer omits Prudence's concession that vengeance is a good, and in his translation Prudence's counterargument *begins* with the distinction: "Right as a singuler persone synneth in takynge vengeance of another man, / right so synneth the juge if he do no vengeance of hem that it han disserved" (VII.1434–35). Prudence then reiterates her argument that Melibee lacks the proper authority to exercise vengeance: "If ye wol thanne take vengeance of youre enemys,

⁴⁷ Such readings typically accompany arguments that Chaucer intended his tale to be a self-deconstructing or parodic work. See, for instance, Daniel Kempton, "Chaucer's *Tale of Melibee*: 'A Litel Thyng in Prose,'" *Genre* 21 (1988): 263–78. A notable effort to challenge such "ironic" readings is Flynn's "The Art of Telling," which underscores the significance of Prudence and Melibee's different understandings of vengeance.

⁴⁸ While Chaucer most likely worked with Renaud de Louens's French adaptation of Albertano's text, *Livre de Melibée et de Dame Prudence*, J. D. Burnley has reassessed positively the evidence for Chaucer's engagement with the Latin original as well; see his "Curial Prose Style in England," *Speculum* 61 (1986): 593–614.

⁴⁹ This and subsequent citations of Chaucer's source texts are from William Askins, ed., "The Tale of Melibee," in *Sources and Analogues of the Canterbury Tales*, gen. ed. Correale and Hamel, pp. 331–408. The line cited here is from 39.1, p. 379 and reflects the attestation of the French manuscript deemed closest to Chaucer's source text by Askins, Severs, and previous editors of Chaucer (Bibliothèque Nationale MS fr. 578). Curiously the *Riverside* cites a different variant, one that adds a phrase "molt de maulx" ("many evils") to the passage. Thus, in the *Riverside*, Prudence is cited as conceding that "many evils and many goods" come from vengeance (See VII.1434, as supplied by the editors). This seems unwarranted to me as an emendation, and it obscures the nature of Prudence's concession in the French source text most likely to have been used by Chaucer.

⁵⁰ *Albertani Brixienensis: Liber Consolationis et Consilii*, 39, pp. 86–87.

ye shul retourne or have youre recours to the juge that hath the jurisdiction upon hem, / and he shal punyssh hem *as the lawe asketh and requireth*" (VII.1442–43, Chaucer's addition emphasized). The *Riverside* text leaves Chaucer's addition unnoted, while it obscures his omission by supplying it from the intermediary French text of Renaud. As the editors themselves note, however, there is absolutely no English manuscript evidence for the inclusion of this passage (which is why Manly and Rickert had omitted the passage in their edition).⁵¹ The *Riverside* editors explain their choice to include the passage by observing that Prudence's remarks seem necessary to the sense, and they postulate—as did J. Burke Severs in his edition of the source—that Chaucer's French source text must have omitted the passage. This is possible, of course, but one might hesitate, for the passage is included in all but a single extant French manuscript.⁵²

I think we are justified, then, in asking why Chaucer might have omitted the passage,⁵³ and I would suggest that the most likely reason for the omission is that it clarifies Prudence's argument: her overarching strategy is to insist that private persons lack the authority to engage in

⁵¹ John M. Manly and Edith Rickert, *The Text of the "Canterbury Tales,"* vol. 4, pt. 2 (Chicago: University of Chicago Press, 1940), p. 188, note to 2623–24*.

⁵² The passage is omitted only in the fifteenth-century text, Paris, Bibliothèque Nationale, MS fr. 1165. In his edition of Chaucer's source texts in *Sources and Analogues*, gen. ed. Corrales and Hamel, William Askins suggests that the line could have been lost as a result of eye skip; see p. 379, note to 39.1. In the earlier edition of Renaud de Louens's tale in *Sources and Analogues of Chaucer's "Canterbury Tales,"* ed. W. F. Bryan and Germaine Dempster (New York: Humanities Press, 1958), Severs hypothesized that the passage had been omitted in Chaucer's French source text, and that Chaucer was merely following his source text, even though Severs realized that BN MS fr. 1165 (the only extant text omitting the passage) did not correspond to Chaucer's text as well as BN MS fr. 578, which is the text Severs used as his base edition of Renaud's text. See Severs, "The Tale of Melibeus," *Sources and Analogues*, ed. Bryan and Dempster, p. 593, note to 677–80; and see his discussion of Chaucer's omissions, pp. 564–65.

⁵³ Arguing, as I have, that Chaucer chose to omit the line does of course entail accepting a blemished text. Without the passage, the switch in speakers (from Melibee to Prudence) is left unmarked, and the reader is faced with inconsecutive passages. While there can be little question that the omission disrupts the linear unfolding of the narrative, this is true regardless of whether one postulates that Chaucer's omission resulted from following his source text or from a conscious decision to omit Prudence's problematic concession. Both interpretations leave us wondering why Chaucer did not smooth out the material, as he does at other moments. Finally, while the unsatisfactory transition in speakers might lead one to embrace Askins's suggestion that the omission was the result of eye skip (e.g., Chaucer would not have intentionally left inconsecutive passages), the extant manuscripts—again, all but one omit the line—do not exactly offer support for the supposition. Moreover, a careful examination of how both Renaud and Chaucer introduce occasional syntactical and semantic infelicities in their reworking of Albertano's text shows that errors can of course possess authorial status.

private warfare; Chaucer may well have felt that her concession that “vengeance on evildoers is a good thing” was too much of a concession. If this is true, it suggests that Chaucer was being more Augustinian—or rather more a Romanist—than Augustine himself at this moment, refusing to allow the doctrine that “war punishes sinners” to be conflated with a justification of warfare.⁵⁴

Melibee’s second major strategy in the *Tale* also gains new significance when considered within a juridical context. And rather than read his argument, as has so often been done, as one in which we see a dim-witted Melibee fumbling his way toward an obvious truth about the illegitimacy of vengeance, I want again to suggest that Melibee’s thinking is part of a staged recapitulation of a familiar debate in the history of juridical controversy over the status of private violence. In this instance, the tale isolates arguments surrounding the individual’s right to deploy violence in self-defense. Melibee first approaches this issue by citing the “vileynye” of his adversaries. Given their “wikked wyl” and their rash heedlessness in attacking him, Melibee argues, he should be permitted to respond in kind: “And therfore me thynketh men oghten nat repreve me, though I putte me in peril for to venge me, / and though I do a greet excesse; that is to seyn, that I venge oon outrage by another” (VII.1524–25). Underlying Melibee’s argument is a sophisticated premise, one given its sharpest articulation earlier in the narrative, as Melibee glossed the counsel he had received from the physicians. The physicians had advised him to undertake war, reasoning, as Melibee explains, that “right as they [my adversaries] han doon me a contrarie, right so sholde I doon hem another. / For as right as they han venged hem on me and doon me wrong, right so shal I venge me upon hem and doon hem wrong; and thanne have I cured oon contrarie by another” (VII.1277–79). As James Flynn and Judith Ferster have shown, the disagreement here stems from a conflict over the meaning of the concept of “contraries,” such that where Melibee understands a *contrarie* as a “hostile act” that justifies responding to his adversaries’ attack with vio-

⁵⁴There is no necessary inconsistency between Albertano’s own desire to delimit the sphere of private violence and Prudence’s concessionary passage in the original thirteenth-century context. Arguably, much broader concessions were made by authorities such as Gratian, and by the Glossators as well as the Decretists. By the time Renaud and Chaucer were writing, however, the distinction between licit war and illicit vengeance had achieved much greater legal clarity, an effect of the expansion of royal jurisdiction over acts of violent self-help in both England and France (especially as compared to the Italian communes).

lence, Prudence glosses it as “one of a pair of opposed or contrasting qualities,” and thus counsels that “wikkednesse shal be warissshed by goodnesse, discord by accord, werre by pees” (VII.1289).⁵⁵

But more is at issue here than a scholastic dissection of the common proverb “*contrariis medici curant contraria*,”⁵⁶ for the argument that Melibee presents—“right asketh a man to defenden violence by violence and fightyng by fightyng” (VII.1533)—restates a troublesome maxim in the civil law tradition—“*vim . . . vi defendere omnes leges omniaque iura permittunt*,” a maxim that established that all were permitted by the right of law to defend themselves.⁵⁷ This provision has a long history in efforts to delegitimize private violence. First of all, as Gratian himself had stated, natural law gave individuals the right to defend themselves against force, while the *ius gentium* conferred the right to repel injuries. Although Gratian was centrally concerned to restrict the execution of justice to public officials, and although he censured the vendetta in no uncertain terms, he nevertheless failed, as F. H. Russell has observed, to establish a clear basis upon which to distinguish the defense against violent force permitted to individuals and the repulsion of injuries restricted to superior authority.⁵⁸ An even greater difficulty was posed by feudal custom, one with which the Glossators as well as the Decretists and Decretalists wrestled as they sought to make sense of feudal *guerra* in relation to Roman law. As they commented on the *Libri feudorum*, for instance, the Glossators struggled with major incompatibilities between an ancient civil law tradition in which the authority to declare war was vested exclusively in the emperor and a contemporary reality in which political authority was fragmented, and kings, counts, and even lords assumed the right to defend their landed interests with retinues of armed men. The nature of feudal obligations complicated further efforts to distinguish vengeance (*ultio*) from either simple self-defense, on the one hand, or licit public warfare, on the other. Since vassals were expected to aid their lords militarily, they were often drawn into private

⁵⁵ Flynn, “The Art of Telling,” p. 59; Ferster, *Fictions of Advice*, pp. 92–96 passim.

⁵⁶ “Doctors cure opposing things with opposing things.” The ambiguity of the word “*contrarium*” permits vying interpretations. The physicians counsel war as the *contrary* or *antagonistic* response to his enemies’ attack; Prudence insists that the correct interpretation of contrary as “opposite” reveals that the proper remedy for vengeance is peace.

⁵⁷ *The Digest of Justinian*, vol. 1, ed. Theodor Mommsen and trans. Alan Watson (Philadelphia: University of Pennsylvania Press, 1985), 9.2.45.4, p. 291.

⁵⁸ For a discussion of the dilemma Gratian faced, see Russell, *The Just War*, pp. 97, 131.

wars of vengeance. By acknowledging the vassal's obligation to assist his lord, commentators strained even the best efforts to delimit private violence.⁵⁹ Given these points of difficulty, one can see why Melibee might insist that "right asketh a man to defenden violence by violence and fightyng by fightyng" (VII.1533) even as Prudence avers, "ye knowen wel that ye maken no defense as now for to deffende yow, but to venge yow'" (VII.1537).⁶⁰

In their effort to distinguish simple self-defense, the Glossators asserted that the act of "meeting violence with violence" in an act of self-defense was licit only when undertaken "incontinenti" and not "ex intervallo"—that is, when engaged in immediately and not when subject to delay.⁶¹ They insisted further that self-defense must be exercised "cum moderamine"—that is, the amount of violence exercised needed to be proportionate to that received and must be only what was necessary to escape an attack.⁶² These criteria—neither of which is in any way relevant to the public, defensive war of the sovereign—are exactly those by which Prudence denies Melibee's right to wage war on his enemies.⁶³

⁵⁹On the Romanists' efforts to define legitimate authority in relation to decentralized feudal lordship, see Russell, *The Just War*, pp. 43–46. For a comparison of the Decretalist Hostiensis's handling of a vassal's obligation to that of Innocent IV, see *ibid.*, pp. 148–55.

⁶⁰Prudence articulates Justinian's central caveat that individuals may defend themselves only insofar as is necessary for self-defense and not for revenge. The critical passage reads: "illum enim solum qui uim infert ferire conceditur et hoc, si tuendi dumtaxat, non etiam ulciscendi causa factum sit." *Digest of Justinian*, 9.2.45.4, p. 291.

⁶¹See Azo, *Summa Codicis*, to *Cod.* 8.4; cited by Russell, *The Just War*, p. 43. For Accursius, see *Glossa Ordinaria* to *Inst.* 4.15.6, v. *is ab eo*, and his commentary on *Dig.* 43.16.3.9, v. *continenti*. The Decretists reiterate the Glossators' conditions: see Rufinus's commentary on *Decretum* I. C.7 in *Die Summa Decretorum des Magister Rufinus*, ed. H. Singer (Paderborn, 1902), p. 9; cited by Russell, pp. 97–98. For a representative treatment by the Decretalists, see Hostiensis on *Decretales Gregorii IX* I.34 in *Summa Aurea*; cited by Russell, pp. 132–33.

⁶²The Glossators were not the first to make these distinctions, but they gave the criteria new prominence within a more systematic treatment of the nature of self-defense and war. Compare, for instance, the passing reference to the need for moderation in Justinian's *Codex* 8.4.1 to the later commentaries on that very passage by the Glossators, Azo, Odofredus, and Accursius, cited extensively by Russell, *The Just War*, pp. 42–45. For Justinian, see *Corpus Iuris Civilis, Volumen Secundum: Codex Iustinianus*, ed. Paulus Krueger (Dublin: Weidmann, 1967), 8.4.1, p. 332. For Azo, see *Summa Codicis*, to *Cod.* 8.4; for Accursius, *Glossa Ordinaria*, to *Cod.* 3.27.1, v. *ultionem*, and to *Cod.* 8.4.1, v. *moderatione*. The Decretists and Decretalists tend to reiterate the need for moderation without significant innovation. Raymond of Pennafort, however, defines moderate force more narrowly, and calls for a much harsher penalty of excommunication for those willfully violating the standards. See *Summa de Casibus*, 2.5.12.18; cited by Russell, p. 132.

⁶³While the content of VII.1534–36 shows an unmistakable citation of civil law definitions of legitimate self-defense as *incontinenti* and *cum moderamine*, Chaucer's source

Answering violence with violence is only legitimate, she argues, “whan the defense is doon withouten intervalle or without taryng or delay, / for to deffenden hym and nat for to vengen him. And it behoveth a man putte swich attemperance in his defense that men have no cause ne matiere to repreven hym that deffendeth hym of excesse and outrage” (VII.1534–36). Prudence is a shrewd glossator and a conservative one as well. For while civil law commentators such as Azo had conceded that an “immediate” act of self-defense could extend, in certain circumstances, so as to justify a year’s span of violent deeds, Prudence defines a much narrower field of permissible activity.⁶⁴

One might well wonder whether this intricate legal machinery would have been an immediate part of Chaucer’s interest in this narrative. It is worth emphasizing that Chaucer need not have had firsthand knowledge of civil law writings in order to recognize Prudence’s juridical arguments or find them relevant. Thanks to Anthony Musson’s work on the dissemination of legal knowledge among various social groups in late medieval England, we are well situated to appreciate the intimate knowledge of criminal and civil law that would have been possessed by those of Chaucer’s background and education.⁶⁵ His experiences as juror, witness, and defendant gave him firsthand knowledge of court proce-

texts also marked these distinctions linguistically throughout the narrative: in his Latin text, Albertano often uses “incontinenti” to describe Melibee’s proposed war, and the single adjectival form survives in Renaud’s text where Melibee is said to desire “faire guerre incontinent” (Askins, *Sources and Analogues*, gen. ed. Correale and Hamel, 2.21, p. 335). For the corresponding example of Albertano’s usage, see Sundby. There seems to be no single Middle English word that could have captured the legal sense of the Latin legal term; in any case, we find Chaucer rendering his source at these moments with simple noun phrases such as “the werre” (VII.1009).

⁶⁴In commenting on *Cod.* 8.4, Azo concedes that self-defense need not be limited to the same day as an attack, so long as the individual’s defense is continuous and without other intervening activity; see *Summa Codicis*, cited by Russell, *The Just War*, p. 43. Prudence’s more narrowly defined field of legitimate conduct bears closer resemblance to Raymond of Pennaforte’s treatment in *Summa de Casibus*, 2.5.12.18, pp. 185b–186b. D. R. Johnson argues for Chaucer’s direct use of Raymond as a source in *The Parson’s Tale*: See “‘Homicide’ in *The Parson’s Tale*,” *PMLA* 57 (1942): 51–56.

⁶⁵Anthony Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester: Manchester University Press, 2001), pp. 103–19 and 120–24. See also C. J. Neville, “Common Knowledge of the Common Law in Later Medieval England,” *Canadian Journal of History* 29 (1994): 461–79 (468). For a detailed examination of Chaucer’s legal knowledge (and its inflection on the very structure of the *Canterbury Tales*, see Mary Flowers Braswell, *Chaucer’s “Legal Fiction”: Reading the Records* (Madison, N.J.: Fairleigh Dickinson University Press, 2001). On Chaucer’s social circle and the education one might assume belonged to him by virtue of his “Oxford ties and Inns of Court connections,” see Ann Astell’s reassessment in *Chaucer and the Universe of Learning*, pp. 4–7.

dure and jurisdictions,⁶⁶ while his responsibilities as Controller of the Wool Customs and Member of Parliament⁶⁷ both required and provided avenues for specialized legal knowledge about contracts, inquests, and certain rules of law. Most significantly, Chaucer served as a Justice of the Peace for his town in Kent from 1385 to 1389, and in 1387 he served as Justice *ad inquirendum* in the Court of King's Bench. In these capacities, Chaucer was engaged with the examination of crimes ranging from theft and fraudulent practices in the selling of goods to violent acts of trespass and felony, including homicide.⁶⁸ Chaucer's duties as Justice of the Peace would have given him knowledge of property rights, laws of debt and covenant, assize laws governing trials, laws governing jurisdictions, and statutory laws.⁶⁹

More specifically, as a member of the Peace Commissions, Chaucer would certainly have been familiar with English law on homicide.⁷⁰ Any reader of Bracton's discussion of homicide would have found terms used by the Glossators and the Decretists also present in his writings.⁷¹ Most

⁶⁶On the "substantive" knowledge of legal principle and procedures of jurors in fourteenth-century England more generally, see Musson, *Medieval Law in Context*, pp. 103, 112–19, 194. Jurors would have had access to sheriffs and coroner's rolls, had knowledge of case compilations, and would have been able to remedy any deficiencies in legal knowledge through consultation with legal handbooks, a common informal practice for those called upon to act in minor legal capacities. See pp. 38–42 and 68–69, and on those handbooks and treatises aimed at a more general audience, see pp. 122–24.

⁶⁷As a Member of Parliament (for Kent) in 1386, Chaucer would have witnessed not only the approval of new regulations, but he would have also been privy to the complaints brought to parliament that year from across the shires, complaints that centered on corrupt judicial practices. On the legal knowledge and experience of MPs, see Musson, *Medieval Law in Context*, esp. pp. 194–96.

⁶⁸The duties of commissions varied over time. See Musson, *Public Order and Law Enforcement: The Local Administration of Criminal Justice, 1294–1350* (Woodbridge: Boydell, 1996), pp. 229–34 and for a more in-depth treatment of the period of Chaucer's service, see Simon Walker, "Yorkshire Justices of the Peace, 1389–1413," *EHR* 427 (April 1993): 281–313 and Rosamond Sillem, "Commissions of the Peace, 1380–1485," *Bulletin of the Institute of Historical Research* 10 (1932): 81–104, esp. 94–5. For a fuller discussion of the substantive legal background Chaucer would have obtained in his various official capacities and a judicious appraisal of the extent to which specific legal experiences are recoverable, see Braswell, *Chaucer's "Legal Fiction,"* esp. pp. 13–30. See also Joseph Allen Hornsby's helpful chapter, "Chaucer's Legal Background," in his *Chaucer and the Law* (Norman, Okla.: Pilgrim Books, 1988), pp. 7–30.

⁶⁹Chaucer's engagement with the law was apparently extensive enough that late in life he was asked to serve for an acquaintance as one of "attornatos meos": Braswell, *Chaucer's "Legal Fiction,"* p. 27.

⁷⁰Neville observes that familiarity with the law on felonies would have been widespread in late medieval England; see "Common Knowledge of the Common Law," p. 468.

⁷¹We can trace the influence of the civil law tradition on *De legibus* by those passages Bracton takes directly—and verbatim—from the Glossator Azo's commentary in *Summa Codicis* as well as from Justinian's *Corpus* itself. For an assessment of Bracton's knowledge

relevant here is Bracton's distinction among four types of corporeal homicide. He contrasts the homicide committed licitly "in the administration of justice, as when a judge or officer kills one lawfully found guilty," to the homicide committed "by intention," as when an individual who "in anger or hatred or for the sake of gain, deliberately and in premeditated assault, has killed another wickedly and feloniously and in breach of the king's peace."⁷² Bracton also addresses the question of self-defense, defining this type of homicide as licit only when it is "unavoidable" and when one "kills without premeditated hatred but with sorrow of heart, in order to save himself and his family, since he could not otherwise escape."⁷³ Used as measures of Melibee's desired recourse to violence, these categories render his proposed "self-defense" legally indefensible.⁷⁴

of and reliance on various Continental legists, see Thorne's introduction to his edition and translation of George E. Woodbine's Latin text, *Bracton: On the Laws and Customs of England*, trans. Samuel E. Thorne, 4 vols. (Cambridge, Mass.: Belknap Press of Harvard University Press, 1968).

⁷² *Ibid.*, 2:340: "Iustitia, ut cum iudex vel minister reum iuste damnatum occidit." Bracton explains the justification as one derived both from the judge's authority and from his right disposition, what he calls his "love of justice" ("ex amore iustitiae"). On intentional homicide, see 2:341: "Voluntate, ut si quis ex certa scientia et in assultu praemeditato, ira vel odio vel causa lucri, nequiter et in feloniam et contra pacem domini regis aliquem interfecerit." All references here and subsequently are taken from Woodbine's Latin edition, *De legibus et consuetudinibus angliae*, 4 vols. (New Haven: Yale University Press; London: Oxford University Press, 1915–42), which Thorne reproduces in his facing-page translation. In *Chaucer and the Law*, Hornsby discusses Bracton's categorization, compares it to the discussion of bodily homicide in *The Parson's Tale*, and notes that despite the Parson's omission of intentional homicide, his account is "an accurate, though uneven, account of both the canon law and the common law on the subject" (p. 111). Hornsby also notes *Melibee's* citation of the civil law condition dictating moderate force, but he does not recognize the connection with Romanist thinking. Instead he suggests that Chaucer was following the canonist Raymond of Pennafort's treatment in his penitential treatise. If this is the case, then Chaucer might have perceived how Albertano's treatise diverged from canonist treatments of the just war.

⁷³ *Bracton*, 2:340: "Si autem inevitabilis, quia occidit hominem sine odii meditatione in moto dolore animi, se et sua liberando cum aliter evadere non posset." Anthony Musson's research suggests that jurors would be familiar with the specific distinctions pertaining to homicide invoked here. Musson cites records of questions put to jurors by justices, wherein jurors were asked to consider whether a homicide was "premeditated" and whether in cases of claimed self-defense the individual had "been tirelessly pursued while trying to escape"; similarly, jurors were asked to determine whether "any force used was commensurate with the attack" (*Medieval Law in Context*, p. 114).

⁷⁴ Ambiguities in the status of certain forms of violent self-help did of course exist. In *A Crisis of Truth: Literature and Law in Ricardian England* (Philadelphia: University of Pennsylvania Press, 1999), Richard Firth Green makes a compelling case for the persistence of residual folk ideals of violent self-help, suggesting that English understandings of legitimate self-defense were not necessarily consistent with the civil law tradition before the fourteenth century, especially as regards the violent punishment of crimes *in situ*. Green cites *The Mirror of Justice*, remarking, "It used to be 'that one could throw an arsonist on the fire and burn him if one caught him freshly in the act' [freschement

Perhaps the best evidence we have of Chaucer's interest in the Melibee narrative as a work that challenges the status of private violence are the additions he makes in translating his source text(s). Chaucer seems to have been interested in heightening the issue of Melibee's disposition or *intentio*, for in translating his French intermediary—a text to which he generally sticks quite closely—he frequently adds material to indicate that Melibee's disposition is improperly marked by anger and the desire for vengeance. Chaucer adds, for instance, descriptions of Melibee's "wilde hert" (VII.1325) and his "hastif wilfulnesse" (VII.1363) where neither his French nor Latin source texts emphasizes Melibee's emotional state. Elsewhere he heightens an emphasis in his source by providing a more expansive translation. Where Renaud's text narrates how Melibee "estoit moult courrociez,"⁷⁵ for example, Chaucer offers the intensified description: "in herte he baar a cruell ire" (VII.1008). Similarly, where in the French, Prudence asks Melibee to examine how many advisers "se consentent a ton conseil et a ta vouleneté," in Chaucer's text she asks how many "consenten to thy conseil in thy wilfulnesse to doon hastif vengeance" (VII.1361).⁷⁶ Chaucer also emphasizes the link between Melibee's psychological disposition and his poor rational judgment: Melibee fails to discriminate or "to make division" (VII.1255), he throws the wisdom of the authorities "in an hochepot" (a legal term for the act of treating all claimants as equal [VII.1257]),⁷⁷ and as a consequence he advances proposals that are "agayn resoun and out of mesure" (VII.1848).⁷⁸ Just as Bracton in defining one type of

el fet]" (p. 87), and observes that "as late as 1300 private suitors . . . in cases of manifest theft were held to be entitled to execute the hand-having thief, providing always that they were themselves the owners or custodians of the goods concerned, a confession had been extracted from the offender, and there were reliable witnesses to the deed" (p. 88).

⁷⁵*Sources and Analogues*, gen. ed. Correale and Hamel, 2.21, p. 335. Measures of intensity are of course extremely subjective, and most readers have—to this point—not credited Chaucer's additions with significance. One notable exception is Lynn Staley, who, in her recent book, *Languages of Power in the Age of Richard II*, has argued for the significance of Chaucer's additional emphasis on forgiveness in the final paragraphs of *Melibee*. For Staley, these function to counsel Richard II "in the ways of mercy" (p. 190) in the context of his conflict with the Appellants. William Askins argues, by contrast, that Chaucer's practice of deleting source material throughout the tale suggests an effort to preclude any interpretation of the Melibee narrative as political commentary on the Ricardian court.

⁷⁶*Sources and Analogues*, gen. ed. Correale and Hamel, 35.11, p. 373.

⁷⁷See *OED* s.v. hotchpot 3; discussed in the explanatory notes to *The Riverside Chaucer*, p. 926.

⁷⁸As Burnley points out, Chaucer also emphasizes the corrective force of reason and the importance of acting with one's passions subdued with a series of phrases stressing

bodily homicide—that done “by intention, as where one in anger or hatred or for the sake of gain, deliberately and in premeditated assault, has killed another wickedly and feloniously”—draws on the resources of both canon and civil law in order to cast vengeance as both an immoral and an illegal act, so here Chaucer’s additions to *The Tale of Melibee* serve to represent Melibee’s disordered emotional state as both an expression of a defective will and the sign of a criminal intent.

Thus far we have seen how three legal categories—authority, circumstance, and intention—are invoked by Prudence to make an argument about the agents, forums, and circumstances of violence as well as the psychological disposition deemed necessary and proper to its legitimate exercise in the forms of war, self-defense, and judicial punishment. Insofar as this legal machinery functions ethically—that is, to the degree that legal dicta work to advance some particular set of ideals over and against some others (privileging this ideal of justice, rendering some other vision of the good incomprehensible)—the law functions as a productive field of power, even as its most visible modes remain those of prohibition and punishment. In the second half of this essay I aim to explore the tale’s more positive mode of ethical thinking,⁷⁹ revealing how the *Melibee* advances an understanding of the nature of the good toward which individuals should be drawn. By investigating the way the explicitly philosophical discourse of the tale functions—drawing individuals like Melibee to seek certain licit pleasures and rewards, to find a sense of self-worth in the pursuit of certain socially valued activities—I hope to offer a satisfying account of two troublesome aspects of the tale: its ostensibly incoherent, tangential discussion of the “profitability” of Melibee’s proposed violence, and the seemingly unprincipled, pragmatist nature of Prudence’s arguments for a nonviolent resolution, for peace and forgiveness.

The Profitable and the Good: Prudence’s Ciceronian Ethics

Let us begin to unpack these difficulties by retracing the emergence of crisis in the tale, turning to the scene in which Melibee declares the

the importance of “temperance” and discretion and invoking classical ideals of the mean (both in the *Melibee* and in other tales such as *The Knight’s Tale* where the problem of vengeance is at issue). See *Chaucer’s Language and the Philosophers’ Tradition*, pp. 119, 121, and 125–26.

⁷⁹By using the word “positive,” I mean to indicate a statement that goes beyond either prohibition or critique to assert the parameters for ethical conduct.

Christian virtues of forgiveness and peace to be incompatible with his desire for honor. The scene comes to its dramatic apex as Prudence invokes the example of Christ and the saints suffering violent attacks against their person with “patient suffraunce,” and enjoins Melibee to recall Christ’s passion: “Whan men cursed hym, he cursed hem noght, and whan men betten hym, he manaced hem noght” (VII.1504). Melibee concedes that “patience is greet vertu of perfeccioun,” but with the brash confidence of the Wife of Bath demurs, “Every man may nat have the perfeccioun that ye seken; / ne I nam nat of the nombre of right parfite men, / for myn herte may nevere been in pees unto the tyme it be venged” (VII.1518–20). In the *Melibee*, the first and final obstacle to peace is Melibee’s sense that only vengeance can satisfy the demands of honor.

Prudence’s strategy of dealing with the problem is a complex one, but most critics are agreed that in its essential nature hers is a pragmatic solution; she deftly argues that Melibee lacks the resources and the help of associates and kin and points out that his enemies are greater in number, supporters, and might. All in all, she argues, there is no profit in war for Melibee. Combined with her seemingly inexplicable digression on the best way to gather riches and win friends and influence, the pragmatist turn in Prudence’s argument can easily seem self-serving and, as Judith Ferster has argued, utterly devoid of principle.⁸⁰ One might be inclined then to agree with Aers that once Prudence abandons Christian ethics, the tale is left with a vacuous, even a vicious, secular pragmatism.⁸¹

Pragmatism need not, however, be opposed to serious ethical argumentation, although it certainly entails valuing an aspect of moral discourse that is often devalued, namely, the operation of practical reason. The French sociologist Pierre Bourdieu offers a trenchant assessment of just such a devaluation and provides us, in his attempt to define what distinguishes practical reason, with a way to approach the figure of Prudence in classical and Christian thought. Bourdieu contrasts the operation of practical reason—one that acknowledges the contingency of human existence, its definite social and economic conditions, its orientation toward practical ends, and the actualization of particular wishes or desires—with the operation of what he calls *skholè*, a form of thought

⁸⁰ *Fictions of Advice*, p. 96.

⁸¹ “Chaucer’s *Tale of Melibee*,” p. 75.

that seeks to distill truth through the application of pure reason, divorced from urgency, freed from any reference to situation or the social conditions of existence, separated from the claims of practical necessity.⁸² Bourdieu not only usefully casts a skeptical light onto academic claims to a transcendent, epistemological position, he also helpfully diagnoses the tendency to privilege pure reason within classificatory systems organizing knowledge into divisions (or *scientia*).⁸³

Within the philosophical sources informing *The Tale of Melibee*, the figure of prudence stands for something very close to Bourdieu's practical reason. In *De officiis*, one of the major source texts for the Melibee narrative, Cicero defines prudence as "practical knowledge of the things to be sought and to be avoided."⁸⁴ Cicero accords prudence a privileged role in the ethical life, as it is this faculty that allows humans to determine the social good and to orient their action toward its accomplishment. Cicero explains:

If wisdom is the most important of the virtues, as it certainly is, it necessarily follows that appropriate action, which is connected with the social obligation, is the most important duty. And service is better than theoretical knowledge, for the study and knowledge of the universe would be lame and defective were no practical results (*actio*) to follow. Such results, moreover, are best seen in the

⁸² "The Scholastic Point of View," in *Practical Reason: On the Theory of Action*, trans. Randal Johnson et al. (Stanford: Stanford University Press, 1998), pp. 127–40.

⁸³ On the dramatic transformations of such hierarchical systems for classifying types of knowledge in the twelfth and thirteenth centuries as they form a pre-history to later vernacular writers' new vision of the status and function of rhetoric, see Rita Copeland's erudite overview in "Lydgate, Hawes, and the Science of Rhetoric in the Late Middle Ages," in *John Lydgate: Poetry, Culture, and Lancastrian England*, ed. Larry Scanlon and James Simpson (Notre Dame: University of Notre Dame Press, 2006).

⁸⁴ Cicero, *De officiis*, trans. Walter Miller, Loeb Classical Library (1913; Cambridge, Mass.: Harvard University Press, 1997), bk. 1, sec. 153: "rerum expetendarum fugiendarumque scientia." All subsequent citations are to this edition with book and section number indicated. One of the most typical forums in which medieval writers encountered such works of moral philosophy is through digests. A full digest of *De officiis* is given by Vincent of Beauvais in his *Speculum historiale*, to which I have compared passages cited here. For detailed discussion of the transmission of Cicero's text, see N. E. Nelson, "Cicero's *De Officiis* in Christian Thought: 300–1300," *Essays and Studies in English and Comparative Literature* 10 (1933): 59–160; see also Michael Winterbottom's survey of the English manuscript tradition in "The Transmission of Cicero's *De Officiis*," *Classical Quarterly*, n.s. 43 (1993): 215–42; and Andrew Dyck's introductory remarks in *A Commentary on Cicero, De Officiis* (Ann Arbor: University of Michigan Press, 1996). On Beauvais as a major transmission route, see *Vincent of Beauvais and Alexander the Great: Studies on the "Speculum Maius" and Its Translations into Medieval Vernaculars*, ed. W. J. Aerts, E. R. Smiths, and J. B. Voorbij (Groningen: Egbert Forsten, 1986).

safeguarding of human interests. It is essential, then, to human society; and it should, therefore, be ranked above speculative knowledge.⁸⁵

Even as Cicero recognizes an established field of relative value—where *prudencia* operates subordinate to the “most important of the virtues,” *sapientia*—he refuses to accept such a hierarchical classification of value. Indeed, he challenges such a hierarchy by arguing for the superiority of a practical reason oriented toward the accomplishment of human interests over a more theoretical form devoted to the apprehension of truth.⁸⁶

As Cicero's foremost modern commentator, Andrew Dyck, has argued, it would be a mistake to understand Cicero's sense of “human interest” as a self-serving pragmatism divorced from ethics. Indeed Dyck explains, “Cicero's major contribution to Roman political thought is his radical identification of *honestum* and *utile*,” a semantically diffuse concept that incorporates the idea of what is expedient or profitable and what is beneficial to the human community.⁸⁷ In *De officiis*, Cicero insists that there was, properly speaking, no such thing as an expedient course of action that was immoral. Distinguishing himself from the Academician and the Epicurean philosophies,⁸⁸ Cicero argued that the profitable course of action was also *honestum*, the morally right course of action. For Cicero, the identity of *honestum* and *utilitas* was inherent in the laws of nature, which “forbid us to increase our means, wealth and resources

⁸⁵*De officiis*, bk. I, sec. 153: “ea si maxima est, ut est certe, necesse est, quod a communitate ducatur officium, id esse maximum. Etenim cognitio contemplatioque naturae manca quodam modo atque inchoata sit, si nulla actio rerum consequatur. Ea autem actio in hominem commodis tuendis maxime cernitur; pertinet igitur ad societatem generis humani; ergo haec cognitioni anteposenda est.”

⁸⁶See also *De officiis*, bk. I, sec. 155: “Quibus rebus intellegitur studiiis officiisque scientiae praeposenda esse officia iustitiae, quae pertinent ad hominum utilitatem, quam nihil homini esse debet antiquius” [From all this we conclude that the duties prescribed by justice must be given precedence over the pursuit of knowledge and the duties imposed by it; for the former concern the welfare of our fellow-men; and nothing ought to be more sacred in men's eyes than that.”]

⁸⁷*A Commentary on Cicero, De Officiis*, p. 33

⁸⁸*De officiis*, bk. III, sec. 20: “quamquam et a veteribus Academicis et a Peripateticis vestris . . . quae honesta sunt, anteposuntur iis, quae videntur utilia, tamen splendidius haec ab eis disseruntur, quibus, quicquid honestum est, idem utile videtur nec utile quicquam, quod non honestum, quam ab iis, quibus et honestum aliquid non utile et utile non honestum” [“the older Academicians and your Peripatetics . . . give what is morally right the preference over what seems expedient; and yet the discussion of these problems, if conducted by those who consider whatever is morally right also expedient and nothing expedient that is not at the same time morally right, will be more illuminating than if conducted by those who think that something not expedient may be morally right and that something not morally right may be expedient”].

by despoiling others” (bk. III, sec. 22). Any act that harms one’s fellow human threatens the bonds of social life, and thus cannot properly be said to benefit a member of that society. Understood in the “technical and true sense of the word,” *honestum*, then, is always at one with *utilitas*, and anyone—for instance—who would claim that a course of action would be profitable although it would injure a neighbor would be guilty, at best, of a gross error in understanding the nature of *utilitas*, and, at worst, of bad faith, of seeking disingenuously to justify immoral behavior. Central to the argument of *De officiis*, then, is both a negative principle—the stricture that “one may do no harm”—and a positive duty to seek “the interest . . . of the whole body politic,” understood to be identical with the true interest of the individual.⁸⁹

For Cicero, the pursuit of material well-being was consistent with the *officium* of the virtuous citizen. Through industry, skill, and talent, humans pursue the daily business of living, and in acts of “giving and receiving”—the deeds of liberality and hospitality as well as those of the marketplace—members of the community supply one another’s needs, thus “cement[ing] human society more closely together, man to man.”⁹⁰ Of course, Cicero also recognized that the pursuit of material wealth in his own Roman society often failed to meet the rigorous ethical standard of conduct set out in *De officiis*. Even as he defends the identity of *honestum* and *utilitas*, he acknowledges that “we are so disposed that each to gain some personal profit will defraud or injure his neighbor.”⁹¹ He thus counsels that profit may only legitimately be sought in such a way that the “bonds of union between citizens should not be impaired.”⁹² And he warns against avoiding a virtuous course of action because of its costs, for “he is mistaken in thinking that any ills affecting either his person or his property are more serious than those affecting his soul.”⁹³ Such ills, however great the loss or trouble to the individual, must be willingly borne to secure justice. Only thus can the “bonds of society” be preserved.

In *The Tale of Melibee*, Prudence sees no inherent contradiction between the dictates of justice, morality, and that which is profitable or expedient. She also recognizes, however, as Cicero himself had, that one

⁸⁹ Ibid., bk. III, sec. 26.

⁹⁰ Ibid., bk. I, sec. 22.

⁹¹ Ibid., bk. III, sec. 21.

⁹² Ibid., bk. III, sec. 23.

⁹³ Ibid., bk. III, sec. 26.

of the primary obstacles to justice was avarice. This is why, I believe, in the middle of discussion about whether Melibee may legitimately wreak vengeance on his enemies, Prudence turns to consideration of his desires for wealth, status, and honor. Following Cicero's understanding of the social benefits that follow the pursuit of material well-being, she explains that "by riches ther comen manye goodes" (VII.1562), and she then turns to explain the appropriate means by which this end may be secured: "richesses been goode to hem that geten hem wel and to hem that wel usen tho riches" (VII.1574), continuing for just under a hundred lines to set out the proper method of gathering riches, gaining one's neighbor's respect, and securing the possession of "worshippe." Melibee may legitimately seek what is profitable. The burden of Prudence's lecture, nevertheless, is to insist that the profitable course may not be pursued outside a consideration of *honestum*. She expresses the general principle of the *De officiis* thus: "We may do no thyng but oonly swich thyng as we may doon rightfully" (VII.1383). And she cites Cicero's golden rule: "For the lawe seith that 'ther maketh no man himselven riche, if he do harme to another wight'" (VII.1583). Cicero's guiding stricture receives further emphasis with an addition by Chaucer that serves to highlight this principle's derivation from natural law: "This is to seyn, that nature deffended and forbedeth by right that no man make hymself riche unto the harm of another persone" (VII.1584). Prudence's discussion may at first seem to digress, having left the central issue of vengeance far behind, but the tale's structure is actually quite coherent: vengeance is frequently fueled by avarice, and as the narrative moves from abstract principle to particular case, Prudence's discourse on riches has provided a means to challenge the expediency of private vengeance, enabling a diagnosis of one of the foremost obstacles to peace in the localities. More broadly, her intervention speaks to the very core of ethics, to what L. O. Aranye Fradenburg has powerfully framed as "the problem our desire poses for the suffering of the other."⁹⁴

Given these concerns, to cast Prudence's arguments as *merely* pragmatic, in the sense of being divorced from an ethical system, would be to miss the ambition of *The Tale of Melibee*. Even when Prudence turns to Melibee's individual situation and assesses his material wealth as inadequate to the sustenance of a protracted feud, she is still speaking within

⁹⁴ *Sacrifice Your Love: Psychoanalysis, Historicism, Chaucer* (Minneapolis: University of Minnesota Press, 2002), p. 3.

the philosophical parameters of Ciceronian *utilitas*. Thus she argues that Melibee has misapprehended the truly profitable course: riches never suffice to maintain wars (“‘I conseilte yow that ye begynne no werre in trust of youre riches for they ne suffisen noght werres to mayntene’” [VII.1650]). The truly expedient course is for Melibee to reconcile with his enemies, for “by concord and pees the smal riches wexen grete” (VII.1675). Prudence’s estimate of the profitability of peace attends—and thus ought not to be divorced from—her estimate of its status as the morally correct course of action.

Finally, in terms of thinking about the synthesis of ancient ethics with Christian theology, we can look to the continuation of Prudence’s diagnosis where she identifies peace as the good toward which Melibee ought to strive: “And ye knowen wel that oon of the gretteste and moost sovereyn thyng that is in this world is unytee and pees. / And therfore seyde oure Lord Jhesu Crist to his apostles in this wise: / ‘Wel happy and blessed been they that loven and purchacen pees, for they been called children of God’” (VII.1678–80). This is no superficial invocation of Christ. In her nature as *prudencia*, the practical intellect, Prudence has helped Melibee to recognize the particular good (*bonum apprehensum*) of peace, and she now demonstrates its connection to the final good, establishing the necessary conditions for Melibee’s own will to incline and move toward the morally right action.⁹⁵ Philosophically, Prudence’s method is wholly consistent with the dominant medieval understanding of prudence—one erected on the foundation of ancient philosophy—as the process of practical reasoning or deliberation that acts to identify the good that ought to be pursued in action.

Nevertheless, for many modern readers of *The Tale of Melibee*, Prudence seems to have conceded so much latitude to the pursuit of profit that her advice has often been cast as anachronistic (the spirit of her lecture has even been compared to the ethos described by Weber in

⁹⁵ On the character of practical reason in the intellectual tradition stretching from Aristotle to Aquinas, see Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas* (Oxford: Clarendon Press, 1994). For a discussion of Prudence’s role within traditional scholastic thought, as it assumes not only the kind of social function found in ancient philosophy but also a spiritual purpose in guiding individuals to salvation (the final end), see Burnley, *Chaucer’s Language and the Philosophers’ Tradition*, pp. 46–56, and Flynn, “Art of Telling.” Ann Astell brings a sensitivity to both spiritual and social function in discussing Chaucer’s concern for the *utilitas* of his own poetry. See “On the Usefulness and Use Value of Books: A Medieval and Modern Inquiry,” in *Medieval Rhetoric: A Casebook*, ed. Scott D. Troyan (New York: Routledge, 2004), pp. 41–62.

Protestant Ethics), and has been derided as a secular pragmatism that could only be in fundamental conflict with the Gospels and Christian teaching in the Middle Ages. To show that this is an unnecessary opposition—and one that, as I have asserted at the opening of this essay, tends to be predicated on the assumption of a monovocal and static “Christian morality,” which is, in turn, assumed to be self-evidently opposed to the pursuit of material well-being—I wish to turn to the treatment of profit-oriented activity in scholastic thought.⁹⁶ Although Cicero’s ethics did not receive the kind of systematic attention given to Book V of Aristotle’s *Ethics* by scholastic commentaries, his effort to speak ethically about the pursuit of *utilitas* bears enough similarity to Aristotle’s that it is worth considering how Christian writers, working from both within the commentary tradition and outside it, developed ancient ideals of profit-seeking. I will then turn back to Cicero and the reception of his ethical treatment of *utilitas* in the works of lay Christian writers that circulated more widely in late medieval society. These final two explorations will help us return to the *Melibee* prepared to situate its interest in the secular resources of legal and philosophical thought inherited from the classical past.

The scholastic reception of Aristotelian ethics in the late thirteenth and fourteenth centuries was central to the emergence of profound changes in the theoretical models and conceptual apparatus used by Christian writers to analyze economic exchange.⁹⁷ These developments

⁹⁶ An alternate route might approximate that taken by Burnley. To build a portrait of contemporary usage in Chaucer’s day, Burnley cites the near-contemporary text, *The Follower of the Donet*, by the bishop of Chichester, Reginald Pecock. He accords Prudence both the characteristically Christian role of leading humans toward individual salvation and the civic role (still characteristic of that attributed by Christian writers) of leading humans in matters of daily governance. According to Pecock, Prudence is: “kunnyng to knowe how we schule bere vs to plesse oure maystris, oure lordis, oure fadris, how to chastise oure children and seruantis, how to lyue pesabli with oure neiȝboris, *how to spende þat we falle not into pouerte, and so forþ*” (cited by Burnley, *Chaucer’s Language and the Philosophers’ Tradition*, p. 53; my emphasis).

⁹⁷ On Aristotle’s influence on the economic views of scholastic thinkers and commentators on the *Ethics*, see Odd Langholm, *Wealth and Money in the Aristotelian Tradition* (Bergen: Universitetsforlaget, 1983). See also John Noonan, *The Scholastic Analysis of the Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries*, Transactions of the American Philosophical Society, 49.4 (Philadelphia: American Philosophical Society, 1959). For an account emphasizing monetization itself as the force driving changes in scholarly views, see Joel Kaye, *Economy and Nature in the Fourteenth Century: Money, Market Exchange, and the Emergence of Scientific Thought*, Cambridge Studies in Medieval Life and Thought, 4th ser. (Cambridge: Cambridge University Press, 1998).

ushered in challenges to more traditional understandings of market-determined behavior and had an impact on the valuation of particular occupations and economic acts. More broadly, they helped to shape a new understanding of the relationship of profitable activity (understood initially in the narrow economic sense of activity that generates profit)⁹⁸ to the social good of the community, as well as to a significant expansion, at the level of personal ethics, of the limits within which virtue was understood to be compatible with the calculation of profit and the pursuit of material self-interest.

This is a complex process of development to which I cannot do justice here, but the most crucial features for our purposes may be culled from a single strand of inquiry. To extract this strand, we can begin with the core of Aristotle's analysis of economic exchange as a process of geometrical equalization wherein equality emerged from the (proportional) relations of the opposing needs and benefits of buyers and sellers. In Aristotle's model, value (price) emerged from the contingent circumstances of exchange.⁹⁹ Both the association of price with a continuum of value and the recognition of the marketplace's dynamic process of exchange equalization led scholastic commentators on Aristotle eventually to challenge his model's determination of value in reference to individuals (for example, where price is set through the free bargaining of producers, buyers, sellers) and to develop—what at some level was implicit in Aristotle's very conceptualization of market relations in geometrical terms—a model of the marketplace as entirely self-ordering, functioning through a suprapersonal process whereby value was understood to be the product of common estimation and, thus, based on aggregate

⁹⁸ As Kaye shows, the early focus on economic activity oriented toward financial profit gave way in the fourteenth century to a concern with a broader array of "profitable ends," including that of honor (*ibid.*, p. 143). While Kaye defines honor within the context of the quantification of subjective qualities, the status of honor as "symbolic capital" clarifies its inclusion by later scholastic writers. Sharp distinctions between the tangible good of money and intangible qualities such as honor may reflect a more modern predilection; earlier writers such as Augustine made no such distinction in their treatment of the drive for status and that for riches. The development of a highly monetized society in the late Middle Ages, and the concomitant preoccupation with the status of money aside, late medieval writers would easily assimilate tangible and intangible forms of profit. Indeed Duns Scotus did exactly that.

⁹⁹ Rather than being located in the objects of exchange themselves (as in earlier and traditional accounts where value would be deemed to have a fixed essence). Evidence for these developments is laid out in a masterly fashion by Kaye in "The Aristotelian Model of Money and Economic Exchange," chap. 2 of *Economy and Nature in the Fourteenth Century*, pp. 37–55.

estimations and needs.¹⁰⁰ In terms of ethical determinations of licitness, the crucial point in these developments was the assertion that the “just price” of a given good or service equaled the “common estimation of value in the marketplace,” one that could be determined independently of individual judgment or intention.¹⁰¹

Given this point’s significance, we should not be surprised to find some resistance toward it in the works of early scholastic commentators. While Albertus Magnus deemed “*aestimatio communis*” a superior method of value determination (in keeping with the treatment of the Romanists as they glossed civil law texts that assumed the licitness of bargaining), Aquinas seems to have resisted the general trend to equate just price with market price, a resistance Joel Kaye sees as emerging from Aquinas’s desire to insist that the justness of profit-oriented activity could be determined only in reference to the individual intent of participants.¹⁰² As Kaye outlines so convincingly, Aquinas sought to maintain the centrality of individual rational choice, privileging the act of consciously ordered transactions (acts, that is, oriented toward the achievement of equality and the satisfaction of divine law) over the Aristotelian-derived model of geometric equalization, which posited that the marketplace functioned autonomously to equalize exchange and thus functioned normatively to produce equality without injustice.

Despite its cogency as a response to the profound theological and metaphysical challenges posed by these new models of economic exchange, Aquinas’s insistence on individual intentionality and responsibility did not win acceptance among subsequent writers.¹⁰³ Throughout

¹⁰⁰ Ibid., p. 153.

¹⁰¹ Ibid., p. 93. Scott Meikle challenges such an equation, arguing that it does not accurately represent Aristotle’s view of fair exchange. See *Aristotle’s Economic Thought* (Oxford: Clarendon Press, 1995), esp. 39–41. But Kaye’s defense renders such an objection inconsequential: “What is important for this study, however, is not what Aristotle might have intended, but how scholastic thinkers understood him” (43 n. 22).

¹⁰² On the reception of Albertus and Aquinas, see Kaye, *Economy and Nature in the Fourteenth Century*, pp. 95–99; on the Romanists, see pp. 92–93.

¹⁰³ Kaye offers a full account of how the traditional theological focus on individual responsibility and equality was supplanted, and here I will merely point to his argument for the decisive role played by a new appreciation for the way in which market activity served the common good. Outside the commentary tradition, the late thirteenth-century Franciscans, Peter John Olivi and Duns Scotus were key in developing the idea that market exchange was crucial to the *civitas*, serving the interests of the common good rather than being opposed to it, as had traditionally been asserted (ibid., pp. 125–27); similarly among fourteenth-century scholastic commentators such as Jean Buridan and Nichole Oresme, emphasis was placed now on the way in which money as a medium of exchange served properly as an instrument of the common good. Here we see an emphasis on the social benefit of the marketplace emerging alongside an

the fourteenth-century, scholastic commentators granted the marketplace extensive powers to set the just price through the process of exchange equalization, according an ever-diminished role to the conscious ordering of economic transactions by individuals toward the achievement of equality. Indeed fourteenth-century thinkers had begun to perceive even acts of willed inequality (when an individual sought an unjust profit) as a sufficient basis for just exchange, as willed inequality was transformed by the marketplace into the equalization of utility of need and desire among individuals engaged in price negotiation and agreement.¹⁰⁴

In this regard, Cicero's ethics provided the kind of corrective Aquinas himself sought: for Ciceronian ethics established (albeit without the kind of systematic, proto-scientific model of geometric equalization provided by Aristotle) a sphere of legitimate profit-seeking, one that was understood to encompass both the more narrow economic activity of seeking profit and the broader activity of acting according to one's self-interest. It also furnished a rigorous ethical system according to which individuals were obliged to apprehend and pursue the course of action that would be both profitable and just.

To return to *The Tale of Melibee*, we can now better appreciate the Ciceronian inflection of Prudence's treatment of riches. Hers is a pragmatic, situationist ethic, one that is sensitive to the material needs and desires of human existence and attuned to the monetized, commercial nature of fourteenth-century England, but it is also one that seeks to install a more rigorous, personal ethics than that which had been advanced in the universities and, earlier still, in the Roman civil law tradition.

We might well wonder whether the kind of reception afforded Aristotelian ethics can provide a model for the reception of Ciceronian ethics in more widely circulating and broadly popular works. Similarly, we might ask whether the highly systematic writings of scholastic philosophers can provide a measure of Albertano's and Chaucer's understanding of Ciceronian ethics. While gauging the place of Cicero's ethics in the late Middle Ages lies beyond the scope of any single essay, it is worth noting that *De officiis* received a broad and generally positive re-

understanding of the "quest for personal advantage [as] the natural condition of just exchange" in the marketplace (p. 132).

¹⁰⁴On the importance here of Geraldus Odonis and Jean Buridan, see *ibid.*, pp. 131–32.

ception from writers ranging from Geraldus Cambrensis and Vincent of Beauvais to John of Salisbury and Brunetto Latini.¹⁰⁵ A brief look at the treatment of Cicero's *De officiis* in the *Livre dou tresor* of Brunetto Latini will provide a useful measure of the kind of reception Cicero's treatment of *honestum* and *utilitas* might receive at the hands of a Christian layman in the late Middle Ages, and it will provide us with a useful measure of the degree to which *The Tale of Melibee* might have been perceived as inconsistent with Christian thinking in more popular, didactic literature.

Brunetto Latini's *Li livres dou tresor* is an especially noteworthy treatment of Cicero's argument for the identity of moral virtue and expediency. Like his near contemporary, Albertano of Brescia, Brunetto was an urban professional embroiled in the politics of the Italian city-states of the thirteenth century. Exiled from his native Florence for opposing Manfred, he wrote his *Tresor* in Paris in the French vernacular, and upon returning to Florence subsequent to Manfred's death he took up an advisory role to the local *podestà* much as Albertano did in Brescia.¹⁰⁶ Seeking in ancient philosophy practical guidance for civic life, Brunetto and Albertano both turned to Cicero's *De officiis*. Although scholars have long recognized Brunetto's debt to Cicero's rhetorical writings in part III of the *Tresor*, they have not always recognized the extent to which "Les enseignemens de moralité," the second major section of the *Tresor*, is indebted to Cicero's *De officiis*.¹⁰⁷ In part, this influence is cloaked by the mediating source: the material from *De officiis* is derived from an intermediary, the *Moralium dogma philosophorum*.¹⁰⁸ It is also obscured by Brunetto's style of presentation: throughout the section on ethics, Brunetto cites a range of classical sources (including Seneca, Horace,

¹⁰⁵ Nelson offers an assessment of the extensive influence of the *De officiis* on thirteenth-century scholastic thought and on these particular writers in "Cicero's *De Officiis* in Christian Thought," pp. 59–160.

¹⁰⁶ For biographical details, see the introduction to *Brunetto Latini: "The Book of the Treasure"* ("*Li Livres dou Tresor*"), trans. Paul Barrette and Spurgeon Baldwin, Garland Library of Medieval Literature, vol. 90, ser. B (New York: Garland, 1993).

¹⁰⁷ On Brunetto's sources, see the introductory discussion of *Li Livres dou Tresor*, ed. Francis J. Carmody, University of California Publications in Modern Philology, 22 (Berkeley and Los Angeles: University of California Press, 1948). See also the brief discussion by Barrette and Baldwin, *Brunetto Latini*.

¹⁰⁸ On the *Moralium*'s extensive reliance on Cicero, see the introductory remarks in *Das Moraliū Dogma Philosophorum des Guillaume de Conches: Lateinisch, Altfranzösisch und Mittelniederfränkisch*, ed. John Holmberg (Cambridge: W. Heffer & Sons, 1929), pp. 32–33. See also Nelson, "Cicero's *De Officiis* in Christian Thought," pp. 98–99 and 148–52, who offers a detailed case for Brunetto's liberal usage of Cicero's ideas, mediated by the *Moralium*.

Cicero, and Aristotle), providing commentary in his own voice. When treating the question of expediency and justice, however, Brunetto frequently offers commentary in his own voice that actually ventriloquizes Cicero's own expansive explanations of his ethical principles and his defense of them against competing doctrines.

The centrality of Ciceronian ethics to Brunetto's *Tresor* is best illustrated in a chapter entitled "De la querele qui est honeste et profitable." Brunetto begins by citing Cicero's doctrine of the identity of moral virtue and expediency:

dit Tullus que ces iij choses, bien, honeste et profit, sont si entremellé, que tout ce qui est bien est tenu profitable, et tout ce qui est honeste est tenu bien. Tien donc à certes et ne doute pas que honeste est si profitable que nule chose n'est profitable se ele n'est honeste.

[Cicero says that these three things, good and honesty and profit, are so intermingled that all that is good is considered to be profitable, and all that is honest is held to be good, and from this it follows that all honest things are profitable. Consider therefore as certain, and have no doubts, that honesty is so profitable that nothing can be profitable if it is not honest.]¹⁰⁹

Having reiterated Cicero's case for the identity of *honestum* and *utilitas*, Brunetto engages his reader in applying Cicero's ethical standard to a particular case. Ostensibly the example is Brunetto's own, but it derives in fact from *De officiis*: "If someone asked me if some wise man is dying of hunger, should he not take the food of another who is worthless, I say no, because life is not more worthwhile to me than my will, through which I refrain from doing harm to another for my profit." Having offered this analysis, Brunetto turns from Cicero's golden rule, "one may do no harm," to a discussion of the proper understanding of *utilitas*:

¹⁰⁹ Brunetto Latini, *The Book of the Treasure*, bk. II, chap. 122, pp. 268–69. The English translation is based on one of the few extant thirteenth-century French manuscripts of Brunetto's text, the Escorial Library manuscript, one that had not been available to either of the French text's two previous editors, Carmody and Chabaille, and one that supplies major sections of text missing in all manuscripts of the second redaction (the version prepared by Brunetto following the end of his exile in France and his return to his native Florence). This fact and the close consultation with both French editions make the Garland edition invaluable. The French text I have cited here is from Chabaille's edition of the first redaction, *Li Livres Dou Tresor par Brunetto Latini*, Collection de documents inédits sur l'histoire de France 1, ser. Histoire littéraire, ed. P. Chabaille (Paris: Impériale, 1863), bk. II, chap. civ. All subsequent English translations of Brunetto Latini's text will be drawn from book II, chap. 122 in Barrette and Baldwin's Garland edition.

"Cicero says: nothing which is corrupted by vices can be profitable." Brunetto adds reassuringly, again in his own voice, that the truly virtuous course of action will turn out to "have a profit" even when "we did not hope for it."¹¹⁰ Thus Brunetto carves out a space for the legitimate pursuit of wealth and advantage.

Compared to the treatment of expediency in the *Melibee*, however, Brunetto's work provides a much more skeptical reception to Cicero's treatment of *utilitas* in *De officiis*. As we have seen, Cicero himself commented on the tendency of his fellow Romans to pursue profit to the detriment of the community. Brunetto fixates on these possibilities for immoral action, and his treatment of the corrupting drive for riches and advantage comes very near to positing sin as the inevitable result of engagement with the material world, reiterating the older, more conservative position of Augustine. When, after invoking Boethius to castigate material goods as unstable, perishable, and foreign to our very being, Brunetto embraces the Senecan solution, his Stoic response comes as little surprise: "Desire and direct your thoughts to this: that you be satisfied with yourself and what comes from inside; for when a man pursues external things, he is immediately subjected to fortune."¹¹¹ The most secure state is that which does not attach its well-being to the goods of this world. But insofar as we are necessarily bound to satisfy our material needs while in this world, our best course is to embrace "happy poverty," for the individual who is poor but desires little will always be satisfied.¹¹²

Set alongside Prudence's assessment of poverty as "the mooder of ruyn," the source of "manye harmes and yveles" (VII.1562, 1564), Brunetto's asceticism strikes a dramatic point of contrast to Prudence's worldly pragmatism. Moreover, Brunetto's treatment of riches implies a far dimmer view of the capacity of human reason and will, of the ability of humans to exercise prudence and attain a just but profitable existence. In *Tresor*, avarice overrides the human inclination to good, destroying charity, corrupting justice, and provoking men to a violent and disordered existence. Such a portrait of human society reveals the optimism in Prudence's assessment of human nature. Prudence counsels the pursuit of the Peripatetic mean confidently: be neither too hasty nor too slow in seeking material goods, be neither too spendthrift nor too

¹¹⁰ *Brunetto Latini*, trans. Barrette and Baldwin, pp. 269, 270.

¹¹¹ *Ibid.*, p. 272.

¹¹² *Ibid.*, p. 265.

miserly, apply a due measure of industry to avoid the evils of hunger and the temptations of idleness. Prudence's lecture assumes the capacity of humans to achieve the mean, and, as we see in her comments to Melibee's adversaries, she concludes that Melibee has succeeded in attaining the proper relation to riches himself: avarice does not afflict him.

Conclusion

Such an optimistic assessment of the capacity of humans to maintain a rational, just, and moral relation to profit directs our attention all the more forcefully to the drive for honor that threatens to prove a devastating obstacle to peace. While Melibee's concern for his honor is expressed throughout the narrative, it receives its most dramatic articulation in the section leading up to Prudence's negotiation with his enemies. When Prudence suggests that Melibee make peace with his adversaries, he stridently objects: "'A,' quod Melibee, 'now se I wel that ye loven nat myn honour ne my worshipe. / Ye knowen wel that myne adversaries han bigonnen this debaat and bryge by hire outrage, / and ye se wel that they ne requeren ne preyen me nat of pees, ne they asken nat to be reconciled./ Wol ye thanne that I go and meke me, and obeye me to hem, and crie hem mercy? / For sothe, that were nat my worshipe'" (VII.1681–85).

The moment at which *The Tale of Melibee* draws the problem of shame into central focus is significant. Up to this point, Prudence's deliberative function has determined the manner in which Melibee's chosen course of action was submitted to scrutiny. Melibee's decision to wreak vengeance on his neighbors was examined in relation to general principles (do no harm, pursue the expedient and morally right course), and Prudence used the particulars of Melibee's case to demonstrate that the violence he had proposed would violate these principles; similarly her careful adumbration of the distinction between legitimate just warfare, the violence licitly wielded through the institutions and persons of law, and the private vengeance Melibee seeks is structured by a process of reasoning that assesses the application of rules to particular cases.¹¹³ Having helped Melibee to recognize that vengeance cannot be "a good"

¹¹³Kimberly Keller argues convincingly that the structure of Prudence's arguments builds on the structure of a scholastic arts lecture. See "Prudence's Pedagogy of the Oppressed," *NM* 94 (1997): 415–26. On the understanding of Prudence's role in the process of reasoning more generally, see Westberg, *Right Practical Reason*.

because its fails to satisfy these principles, Prudence then turns to the question of the end that he may justly and profitably seek. Melibee himself signals the shift in focus as he concedes to Prudence that he may not legitimately wage war on his adversaries, and asks what course of action he ought to take. At this point in the narrative, Prudence exercises another aspect of her faculty as *prudencia*, acting to identify reconciliation as the appropriate course of action, the proper means that will achieve the end of peace.

When Melibee protests that reconciliation with his enemies—although clearly a rational means to the end of peace—threatens his own honor, he expresses his concern that the proposed means threatens to destroy his reputation; how can this remedy be *utile* when it clearly contravenes his own interest? Having already suffered the attack on his household and the wounding of his daughter, and having thus also incurred an injury to his honor, Melibee can only conceive of reconciliation as a humiliation that will further injure his good name. And, indeed, well he might, for Prudence has already acknowledged the propriety of Melibee's concern. Like riches, honor is a legitimate good, as Prudence makes clear when she advises Melibee to guard well his good name by pursuing the virtuous course of action. Philosophically, we find here that the obtuseness with which Melibee so often has been charged by critics dissolves into a far more complex portrait: Melibee is indeed still struggling to ascertain the proper action (and also problematically subject to the eruption of anger), but the objection to reconciling with his enemies that he delivers is far more rationally coherent within the narrative's assumed legal and philosophical framework than is typically recognized.¹¹⁴

A local man of substance, if not of noble blood, Melibee seeks to redress the outrage he has suffered, and Prudence's appeal to her husband's desire to resuscitate his good name finds a solution to the problem of shame much like that of the old hag in *The Wife of Bath's Tale*, whose speech on the nature of *gentillesse* effects a dramatic transformation

¹¹⁴ One also suspects that Chaucer's audience would have been sympathetic to Melibee's concern with his honor. As John Beckerman has demonstrated, the "need to satisfy affronted honor is still apparent in [English] complaints of trespass of the thirteenth century," and he suggests that the concern with insults to personal honor is evident in village ordinances from the county of Durham dating from as late as 1379: "Adding Insult to *Iniuria*: Affronts to Honor and the Origins of Trespass," in *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne*, ed. Morris S. Arnold et al. (Chapel Hill: University of North Carolina Press, 1981), pp. 159–81 (173–74).

in her husband. In *The Tale of Melibee*, Prudence attempts to convince Melibee that true gentility expresses itself not through vengeance but through mercy: "Tullius seith, 'There is no thyng so comendable in a greet lord / as whan he is debonaire and meeke, and appeseth him lightly.' / And I prey yow that ye wole forbere now to do vengeance, / in swich a manere that youre goode name may be kept and conserved, / and that men mowe have cause and mateere to preyse yow of pitee and of mercy" (VII.1860–63). Much as Theseus in *The Knight's Tale* performatively reiterates his noble stature in acts of pity, renouncing his right to visit death on Palamon and Arcite for breaching the peace, so too may Melibee accrue symbolic capital through an act of mercy. Honor need not find its only satisfaction in the exercise of violence, but it may also be performed in an act of renouncing violence.¹¹⁵ Prudence thus makes a compelling and ethically rigorous case that *honestum* and *utilitas* lie in Melibee's peaceful reconciliation with his enemies.

Prudence's effort to align gentility and peace is characteristic not only of Chaucer's thematic treatment of "pitee" throughout various Canterbury Tales, but it also finds an analogue in the writings of Chaucer's contemporary, John Gower. Like Chaucer, Gower develops this association in response to the perceived problem of the deployment of violence in the localities, and in both *The Tale of Melibee* and *Confessio Amantis* the primary conceptual resources derive from Cicero's treatment of justice in *De officiis* mediated by the work of Albertano of Brescia.¹¹⁶ In Book 3 of *Confessio Amantis*, Amans asks his confessor whether a man may ever slay another without sin. Making one of only two uses of Albertano of Brescia's *Liber consolacionis* in the *Confessio Amantis*, Gower distinguishes between the illegitimate violence of the private person and the violence legitimately wielded by the law. The Confessor affirms to Amans that judges are not only permitted but duty-bound by their office to wield violence:

¹¹⁵ Compare Larry Scanlon's reading in *Narrative, Authority, and Power* of the way in which Melibee's decision to relinquish vengeance is predicated on his acquisition of a form of regal status "just as clearly characterized by the sovereignty to which he has submitted" (p. 213). Scanlon thus (quite brilliantly) reads the tale's conclusion as offering a paradoxical means of resolution to Melibee's crisis of identity, as his very renunciation of the power offered by his enemies serves to guarantee him a position of power superior to both his enemies and the law.

¹¹⁶ For the identification of Gower's use of Albertano of Brescia's *Liber*, see Conrad Mainzer, "Albertano of Brescia's *Liber Consolationis et Consilii* as a Source-Book of Gower's *Confessio Amantis*," *MÆ* 47 (1978): 88–90.

My Sone, in sondri wise ye.
 What man that is of traiterie,
 Of moerdre or ellis robberie
 Atteint, the jugge schal nat lette,
 Bot he schal slen of pure dette,
 And doth gret Senne, if that he wonde.¹¹⁷

The Confessor's account of the legitimacy of law's violence finds its analogue in Prudence's argument that "right so synneth the juge if he do no vengeance of hem that it han disserved" (VII.1436), and her assessment that those who "so muchel suffre of the shrewes and mysdoeres" threaten the social order and destroy justice (VII.1474).

While Prudence concedes that vengeance belongs to the law, and pity is inappropriate as a judicial response to those who have deserved punishment, she insists that mercy, and not vengeance, is the appropriate response of a private person, and an admirable one for a man of Melibee's stature. Here too we find an analogue in *Confessio Amantis*, when Gower's Confessor in Book VII, once again drawing upon Albertano of Brescia's tale of Melibee, argues for the virtue of pity:

Thapostle James in this wise
 Seith, what man scholde do juise,
 And hath not pite forth with al,
 The doom of him which demeth al
 He may himself fulsore drede,
 That him schal lakke upon the nede
 To fynde pite, whan he wolde.
 (VII.3149–55)

The Confessor's remarks mirror Prudence's own final defense of the reconciliation that she has directed Melibee to pursue: "Lat mercy been in youre herte to th'effect and entente that God Almighty have mercy on yow in his laste juggement. / For Seint Jame seith in his Epistle: 'Juggement withouten mercy shal be doon to hym that hath no mercy of another wight'" (VII.1867–70). This final strategy of course brings the narrative to its resolution, as Melibee relinquishes his case for vengeance and embraces peace and the forgiveness of his enemies.

¹¹⁷ *Confessio Amantis*, III.2210–15, in G. C. Macaulay, ed., *The Complete Works of John Gower*, vols. 2–3 (Oxford: Clarendon Press, 1901).

Those who have questioned Chaucer's orthodoxy in reference to this conclusion to *The Tale of Melibee* may still wish to assert that the absence of a penitential framework in the *Melibee* (structurally integral to *Confessio Amantis*) is sufficient evidence to suggest Chaucer's willingness to abandon "a specifically Christian ethical model," but the burden will now be to demonstrate that a characteristic strategy within civil and canon law, scholastic philosophy, and Ciceronian ethics of attempting to differentiate the legitimacy of violence enacted through institutions of law (punishment) and state (war) and the illegitimacy of private violence wielded by the individual does not represent an ethical achievement consonant with Christian theology.

As important an achievement is the recasting by Chaucer and Gower of gentility as a solution to the problem of local violence and feud. Like Prudence, Gower's Confessor appreciates the appeal of pity as a marker of true nobility: "And to Pite forto be servant, / Of al the worldes remenant / He is worthi to ben a lord" (VII.3139–41). The man of honor can feel no differently about wounded honor than he does, but such writers as Albertano, Chaucer, and Gower, drawing on the resources of Romanist legal thinking and Ciceronian ethics, each betray an optimism that the drive to preserve honor can be reoriented, turned into a habitus conducive of a virtuous and profitable life, productive of harmonious communal relationships, and Christian salvation.