analysis of the story, with a modest amount of patience and persistence. He also gives a considerable amount of information concerning both the anthropological and mythological aspects of the boar hunt, the incest taboo, and the mythic motif of the splitting-open of the head. Ample appendices treat both these subjects and the Jungian theories of the Self and Anima/Animus. Finally all this is written in a clear readable prose that demonstrates none of the murkiness one sometimes finds in Jungian interpretations of myth and legend. One suspects a debt of gratitude is owed to the editor Anne S. Bosch, who prepared the manuscript for publication after Layard's death. Sara Smith and Anne S. Bosch provided the illustrations, including a useful map, and Alexei Kondratiev prepared a guide to pronunciation of Welsh names and places.

All in all, this is a splendid book: Well-written, informative in several areas, a pleasure to read. I recommend it unhesitatingly to those with Arthurian interests, Jungian interests, and to the energetic general reader.

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O F ARTHOUR AND OF MERLIN: Arthour's Story as Arena for the Conflict of Custom and Common Law

by Karen Haslanger Vaneman

As generally acknowledged by legal historians, the sketch of thirteenth and fourteenth-century England lined out by legal and historical documents is one of a realm still comprised, even centuries after the Norman Conquest,of a number of communities or customs, each custom being so identified by its particular legal system. Since differences in legal systems bespeak differences in political, economic, and social systems, it would follow that medieval England was a rich conglomerate of societies, diverging in economic, political,and social practices and values. One way of identifying these various systems is by their different inheritance customs, a process which in feudal societies played a fundamental role in marking out not only basic membership within the societies but also the hierarchies of primary and secondary relationships, the patterns of loyalty flows, the hierarchies of authoritiy and the identification of potential authority

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figures, and each group metaperson's position within these configurations.

These various customs with their particular inheritance practices co-existed not only with each other but also with the system being practiced in the royal court from the mid-twelfth century which became identified as Common Law, making for a far more complex situation for all these aristocracies than is now generally appreciated. Particularly for England's aristocrats, the thirteenth and fourteenth-centuries must have demanded heightened sensitivity for their status, for the Kings Edward I and II were making concerted efforts to extend their power bases not just militarily but also juridically, and that on an island where plurality of customs had been tolerated for centuries.

One narrative that illustrates--in fact is built on--the existence of plural customs and conflict between custom and Common Law is *Of Arthour and of Merlin,* a lengthy (about 10,000 lines) narrative found in the Auchinleck Codex, compiled about 1300. Previous scholarly attention to it has concluded that its dialect is southeastern, although agreement upon more specific assignment has not been reached, for elements in it point variously to Sussex, to London, and to Kent.[1] Derived from the French *Estoire de Merlin,* the narrative's second of its two sections is far closer to the *Estoire* than is its first, which shares similarities with the treatments of the Arthour story by Geoffrey of Monmouth, Wace, and Layamon.[2] And while Elizabeth Sklar, in "England's Arthur: A Study pf the ME Poem *Arthour and Merlin,* offers numerous observations of its Englishness, arguing that it is a purposeful redaction of its French source made for an English audience,[3] its Englishness becomes significantly more English, its English audience more specific, and its value to a particular audience more visible if one reads in it in the conflict of laws, the context in which it was composed.

Probably composed in the latter part of the thirteenth century during the Great Debate with Scotland when Edward I was asserting his right to name the successor out of the thirteen contestants for the Scottish throne and imposing upon the Welsh his combination of military and juridical imperialism, *Of Arthour and of Merlin* assumes within its structure the existence of a number of customs and political entities within Great Britain. This assumption is behind its early episodes, the conventions of which require the audience to take certain behaviors as typical of certain communities other than that with which the text is communicating, behaviors taken to be humorous regardless of whether the audience understands the specific joke behind the episode. This assumption of a plurality of systems is also

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behind its two basic structural building blocks: (1) that some groups will oppose Arthour while certain other ones will support him; and (2) that Merlin, who is in essence Arthour's creator and mentor, is going against the political mainstream when he commits himself to bringing Arthour to the throne. To a medieval audience reading *Of Arthour*, Merlin must have represented the conflict of custom and Common Law.

Thus Merlin is, as the title indicates, a main protagonist in this narrative. He is insinuated into a position of influence and credibility in the mind of the audience through the use of humor directed against certain socio-politico-legal values assumed to differ from those ofthe intended audience. After reading the first third of this romance, one cannot help but take Merlin seriously and, at least for the purposes of interpretation, value what Merlin values and denigrate what he denigrates. When Arthour eventually appears as ca subject actor, it is after this preparatory third which relies upon a plurality of customs and systems, separates Merlin and Arthour from those in power, and establishes them as characters to be valued. To appreciate Merlin's function in this literary text is to begin to appreciate the possible ramifications this plurality of customs could have had on the historical world outside the text, that context which furnished the audience with its interpretive conventions and assumptions about available values and behaviors. At the same time, it is also to begin to appreciate this romances as a particular literary text with a life of it own.

But to begin to appreciate Merlin's function in *Of Arthour* and this romance's use of the conflicts of custom and Common Law, we need first to recall that Uter, Arthour's father and king of Britain's kings, dies intestate. Arthour is at this time merely a swain for his foster-brother and knight Kay, son of Antor. He has never lived under Uter and Ygerne's roof and never been publically claimed as son by either Uter or Ygerne.

After long debate over succession to Uter, Arthour removes the sword Estalibore from the stone, a feat signifying, especially to the bishop's and the narrator's reading of signs, that Arthour has God's blessing to accede. At the coronation, however, many kings protest doing homage when they see the modeesty of the gifts Arthour distributes in return for their homage. Arthour's conception and parentage, still a secret, is not the issue; their complaint is that his gifts are what "an herlot" (here meaning a man too poor to be of the aristocracy) would offer (l. 3139). Merlin, offended at the tag being applied to his protegé, asserts that Arthour is higher born than any of them and then recounts "how Artour was biyet and bore" (ll. 3147-

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48), as if that would explain his assertion. But once the kings hear that story, they refuse in even stronger terms to do homage. Charging that Arthour was begotten "thurth wiching" and is "hores stren" (l. 3157), they swear not only to oppose him but in fact to kill him. And Merlin they see to be a "traitour" (l. 3155). From this point on, another 6,000 lines, the narrative consists of episodes where characters make alliances with either Merlin and Arthour or the rebel kings and then act with those alignments in mind. This last two-thirds of the romance in effect chronicles events after Merlin advances Arthour as Uter's successor from a point of view which presumes that Merlin eventually achieves his goal although the narrative actually ends prior to that.

The scene of debate at the coronation between the rebel kings and Merlin over the legitimacy of Arthour as authority figure is significant for the insight it can yield on the conflict between customs and the dominant system assumed operative in *Of Arthour,* which conflict is representative of the kind that could well have existed outside the text--indeed must have, given the very existence of this piece of literature--in the England of the thirteenth and fourteenth centuries.

These rebel kings, who are the vast majority at the coronation, had obviously come with certain assumptions about the amount of wealth a metaperson eligible for the kingship would have, wealth which would in turn be a sign of the eligible figure's legal and political competency. Arthour's failure to meet those expectations indicated to them that he was not therefore deserving of the highest position in the realm. Then, once his origins became known, their objection changed in category and in vehemence. The epithet applied to him moved from "herlot" to "hores stren," at which point it can be assumed that Arthour was no longer protected under the law, for now the kings aspired to kill him. And Merlin at this point has become a "traitour" in their discourse, a clear signal that the kings hold his behavior to be not just immoral but legally and politically subversive to the assumed dominant structure. These kings are, to repeat, not the minority at Arthour's feast yet to the narrator they are always the 'rebel' kings.

In this scene, the audience is expected to perceive in conflict two significantly different definitions of the epithet--or sign--"herlot": the one of the kings which denotes a socio-economic-political slur based on one's identification in terms of property/wealth, and the one of Merlin's which denotes a socio-legal-political slur based on the precise identity and blood quality of one's biological parents. This one epithet, which is really two, is being used to signal the con-

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frontation of customs within the text, or, in historical terms, the confrontation of custom and Common Law. Accompanying these two different kinds of slurring are two different sets of repercussions revealing distinct political, legal, social, and economic systems in conflict over the criteria for identifying the metapersons competent to be an authority figure. More fundamentally, these are value systems in conflict over the way in which the power structure reproduces itself, and that includes necessarily the matter of biological reproduction.

Significant signals in the text indicate that the rebel kings represent the Common Law as we find it in *De Legibus et Consuetudinibus Angliae*, better known as *Bracton*. The sections in *Bracton*, "Of Persons" and "of Acquiring Dominion" present views of persons which replicate the criteria these kings use to identify authority figures. According to *Bracton*, the usage of the realm is to relegate to the class of *spurii* all those sprung from condemned intercourse, that being intercourse involving a person already wed or two who could not be wed at the time of intercourse.[4] Of these *spurii*, *Bracton* writes in a subsection entitled "Of the Differentiation of Children" that they are "suited for nothing,"(II,31) and in "Of Acquiring Dominion" that they "are excluded from all benefits" (II,186). In "Of the Differentiation," *Bracton* treats those conceived in adultery with monsters and prodigies, comparing them as he excludes them from the category of *liberi* and therefore from all benefits (II,31). The view rendered in *Bracton*, which is presented as an encoding of the long-standing usages of the Royal Court of English kings, had also been asserted more than once by England's most powerful and vocal baronage when Rome attempted to impose on English definitions of legitimate heirs one that said that subsequent marriage between parents legitimated offspring born prior to the marriage. But as far as the English barons, *Bracton*, and these 'rebel' kings are concerned, a person conceived in adultery was a bastard and as such was never to inherit.

The group immediately supportive of Arthour, however, obviously does not hold to *Bracton*'s account of the law of the kings of England. Much smaller than the group of the rebel kings, it consists only of Merlin; Uter's chamberlain Ulfin (a Pictish name); two who had come with Ygerne into the retinue of Uter--Iordaines and Bretel; Arthour's foster father Antor, who promises to support Arthour on condition that Arthour name his son Kay to be steward; and the bishop. None of these is royalty and none has his own political domain as do the rebel kings. In addition to these, there are the

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"men of fot," obviously simple people, to whom the narrator points with large gestures twice (ll. 3191-4 and 3339-42).

Then a good 1200 lines further into the conflict actors more important to Arthour's future hove into view: the three wedded daughters of Ygerne and the Duke of Cornwall and their sons. Each of these daughters had been wed to kings the same time Ygerne had been wed to Uter, and each of these kings is among the more important of the rebels.

As these groups of actors extend their support to Arthour, their language indicates that while the end is the same--acceptance of Arthour as legitimate ultimate authority figure--the reasoning processes and politico-legal systems which allow for that acceptance are not identical. The various systems/customs are represented by, in order of appearance in and importance to the narrative, (1) Bretel and Iordaines, (2) the bishop, and (3) the three daughters of Ygerne by the Duke of Cornwall.

The language of Bretel and Iordaines indicates that they care nothing about paternity or adultery or marriage in this case--only about the fact that Arthour descends from a female sprung from their own group; they swear to be Arthour's men:

    ...for the loue of Ygerne fre
    Her leuedi that hadde be. (See 11. 3029-34)

The language attributed to the bishop, on the other hand, indicates yet another custom/legal system. The narrator's account of the bishop's reaction shows that he values only the identity (and nature) of Arthour's paternal bloodline. When he is told by Iordaines and Bretel how Arthour was begotten of Ygerne--that being exactly the communication transaction that takes place--he:

    ... thonked God so gode
    That he was of the kinges blode. (11. 3039-40)

And this he says to men who, it is to be noted, clearly value Arthour's relationship to Ygerne over his relationship to Uter. Certainly Merlin has here two different customs with which to work, but neither has the narrow definition of legitimate heir that the rebel kings and Bracton would want to perpetuate.

Yet another custom/system is revealed through the language of the wedded daughters of Ygerne and the Duke ofCornwall, another which does not see Arthour as "excluded from all benefits" as a reuslt of the nature of his conception. These three daughters are the mothers of the actors who are most militarily instrumental of all the supporting characters to the success of Merlin's plans. Their language shows that they value Arthour first of all because his mother is the same woman as their mother, and significantly, they see Arthour

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as their brother, not as their half-brother. This perception of their
relationship to Arthour gains further significance in view of the fact
that the term half-brother is used in this text only to signify a brother
begotten by one's father on another woman (see l. 7660). As one
mother, Blasine, says to her son:

> ...'Sone so God me kepe
> Mi brother king Arthour is
> In one wombe we weren ywis' (ll. 4576-78)

In addition to viewing Arthour as their full brother, all of these
sister-mothers view Arthour as rightful king whom their husbands
should not oppose, but their language keeps separate their blood
relationship to him and his right to the crown. They do not claim
that he is king because he is Ygerne's son and their brother, but
simply assume that he is both. They also assume that since Arthour
is their brother, their sons should show primary loyalty to him, even
though the sons' fathers are leaders among the rebel kings. As far as
these mothers and their sons are concerned, the problem is with the
fathers, not with Arthour and Merlin. Given their assumption that
Arthour is a legitimate member of Ygerne's line and that in the
cases of two of these sister-mothers their sons should seek him out
to serve and become knighted, the text (or rather its composer) must
be also assuming that *maritagium* is operative for two of these
mothers, and *maritagium* moving through Ygerne's line. (*Maritagium*
was in essence a pre-mortem inheritance coming with a daughter
upon her marriage and seting up a bilineal transmission system since
the securing of it required the daughter's offspring to show at least
fealty to the daughter's line even in cases of "free marriage.") Their
language and their behaviors, encouraging their sons to seek Ar-
thour and outfitting them to do so, show clearly that for them Ar-
thour was king by right and equally a rightful offspring/member of
Ygerne's line. Nothing about his conception precludes for these
sister-mothers any of these legal competencies or relationships for
Arthour.

Essential to the success of Merlin's plans is that the sons of
these women be good mothers' sons, and true to Merlin's expecta-
tions, they perceive Arthour as their *nem* (a term denoting one's
uncle through one's mother) and act as loyal nephews, protecting his
demesne and its peoples around southeastern England, and especial-
ly London, against invading Sarracens while Arthour is off aiding
King Leodegan (who is under attack from his Irish foe evidently for
access to his daughter Gwenour). Since Arthour's interests are
being protected in the one area where the inhabitants had acknow-
ledged him king, he is free to follow Merlin's plan of aiding

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Leodegan in order to be given Leodegan's daughter as wife out of gratitude. These mothers' sons thus serve Arthour's interest in two ways, freed as they are by their custom to take him as their *nem* and legitimate political and familial authority figure.

Further light can be shed on the custom which this writer is prioritizing through these characters by examining the exchange between the mother Hermesent and her son Ywain. This mother-son duo is only brought into view long after the other two sets, the sons of which have been successfully protecting their nem's interests against the invaders for much of the intervening 3,000 lines. But although leisurely-seeming to the modern reader, this duo is not so because they hesitate to see Arthour as Hermesent's brother or as rightful king. Rather this young man's inactivity is the privilege that comes to a son whose mother has inheritance through her father and is not carrying the tie that *maritagium* imposes upon a wife's offspring. Through both narrival explication and dialogue between mother and son, we learn that Ywain is inheriting an honour through his mother while his older half-brother, born by "another quen" to his father, will be inheriting his father's heritage. Given the narrator's language in his introduction of this scene, particularly his use of the word descent, and the total absence of pressure on this son to seek his *nem* (ll.7635-82), which pressure had been built into the dialogues between the other two mother-son sets, one is led to conclude that Hermesent and her heir are not financially and legally tied to Ygerne's line through *maritagium* and instead are the heirs of the Duke.

It is to be noted that this daughter is the youngest of these three daughters of the Duke and Ygerne, an interpretation based on the naming convention which takes the last-mentioned offspring of a sequence to be the youngest. Such a sequence is used, i.e., listing Hermesent third, whenever the narrator refers to all three of these daughters. And this inference/information allows us to delineate further this prioritized custom.

The custom of preferring the youngest daughter when plural daughters survived in the absence of sons is evidenced in ministers' accounts in South Wales and Gwent, and it is well known that Cornwall, the home assigned to these daughters, has historically been associated with South Wales. Further, this practice of taking the youngest as nearest heir was commonly followed with offspring of either gender in Cornwall and the southeast of England. Known as Borough English custom, it was particularly popular in Sussex and the London-Middlesex area, [5] the area of provenance of *Of Arthour and of Merlin*. Given that this custom would have been known

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to an audience in southeastern England, the dialectical home of *Of Arthour,* the situation of these offspring of Ygerne and the Duke would have been easily interpreted.

Yet another fundamental difference between the basic system/custom being prioritized in *Of Arthour* and that of Common Law has to do with reproduction. Obviously these sister-mothers and their sons do not view Arthour's conception as the treasonous assault on the system the rebel kings take it to be. Since the kings see Merlin's behavior as not merely a moral offense but rather a political and legal one, they must be assuming that access to women for reproduction is a political and legal matter, not just a private, moral one. For them, unions for reproduction (at least of the political hierarchy) must be controlled, something accomplished most effectively by their legally relegating into a class of non-persons all those not borne of unions pre-arranged or pre-approved by the appropriate political senior(s). Further, since the rebel kings point to Ygerne as a whore when they call Arthour "hores stren," they must also be assuming that the female who conceives in a union not pre-approved is a whore. And their perception of Ygerne--the opposite of that of a victim to be pitied--implies that they must also assume that a female who conceives brings something of will, or at least of acquiescence, to that intercourse, something, at least, which she could have chosen not to bring. They must be sharing a view of conception found in the medieval British legal texts *Britton, The Mirror of Justices,* and *Bracton* and acted upon by the Royal Court justice presiding over the 1313-14 Eyre of Kent. All of these voices work with the belief that conception cannot occur without the consent of the female. That belief surfaces in each case in discussions of rape, as each either points out or bases a decision on the belief that a man appealed of rape can clear himself by asserting that the female could not have been corrupted against her will because she conceived a child by the man "at the same hour."[6] In such eyes, Arthour would be proof that his mother, while married to the Duke, acquiesced to Uter, making her an adulteress or whore and her offspring a *spurius.* And Merlin's threat to that system would lie in the magic he could work for men who wished to gain access to aristocratic women, a way to persuade women to acquiesce when they shouldn't. With a man with such power around, how could the politcal seniors retain control over reproduction of the political hierarchy?

In the legal systems of the various supporters of Arthour, however, legal control over reproduction must not be as basic to the internal stability/reproduction of the systems as it is for the rebel kings. The more *laissez faire* attitude toward reproduction which as-

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sumes it to be a personal matter is clearly part of the legal systems described in the Welsh codes, particularly again those of southern Wales. It is also a part of the system behind The Mirror of Justices, a legal treatise assigned a London author and home and hence in the area where Borough English would have been a common custom.

With *Of Arthour and of Merlin*, then, we have a literary text built on the conflict of custom and Common Law and one that assumes the existence of at least three customs --Iordaines and Bretel's, the bishop's, and the sister-mothers' -- in conflict with Common Law. I would assert, moreover, that any aristocrat worth his or her status would have recognized that immediately and would also have seen politico-socio-legal conflict to be inherent in the Arthur-Merlin story. As in any conflict, more than one point of view toward it would have been available. Interestingly, Merlin and the narrative both promise that eventually these customs will succeed through cooperation in subduing the rebel kings, whose systemic values resemble so closely those encoded in Bracton and predominant in the King's Court in the first third of the fourteenth century, when the Auchinleck was evidently compiled.

Obviously this prediction about legal history would not have been appreciated by all English men and women. It could have been, however, by audiences with customs still existing in the early fourteenth century not only in Wales and Cornwall but also in southeast England. And since the "ancient practices" encoded in *The Mirror* sit comfortably with the values being assumed and prioritized in *Of Arthour,* and since *The Mirror* includes Arthour in its list of kings of England in a way that indicates he was no extra-legal occupant of the throne, one would be inclined to allow that *The Mirror's* primary audience would have been an audience approving of this romance.

Indeed, for a family of aristocracy in a custom outside that prioritized at Court, it would make good sense to have a text like *Of Arthour and of Merlin* so that the family members could be entertained with the proper views of significant relationships and primary loyalties and the behaviors appropriate and even valuable to the perpetuation of those views. Members of other systems might have wanted some emending done on this narrative--perhaps a little, perhaps a lot.

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Endnotes:

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[2]Macrae-Gibson, II, 19.

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