

May 2015

That's Debatable!: Genre Issues in Troubadour Tensos and Partimens

Kelli McQueen

University of Wisconsin-Milwaukee

Follow this and additional works at: <https://dc.uwm.edu/etd>

 Part of the [Comparative Literature Commons](#), [History Commons](#), and the [Music Commons](#)

Recommended Citation

McQueen, Kelli, "That's Debatable!: Genre Issues in Troubadour Tensos and Partimens" (2015). *Theses and Dissertations*. 819.
<https://dc.uwm.edu/etd/819>

This Thesis is brought to you for free and open access by UWM Digital Commons. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of UWM Digital Commons. For more information, please contact open-access@uwm.edu.

THAT'S DEBATABLE!: GENRE ISSUES IN TROUBADOUR *TENSOS* AND
PARTIMENS

by

Kelli McQueen

A Thesis Submitted in
Partial Fulfillment of the
Requirements for the Degree of
Master of Music

at

The University of Wisconsin-Milwaukee

May 2015

ABSTRACT
THAT'S DEBATABLE!: GENRE ISSUES IN TROUBADOUR *TENSOS* AND
PARTIMENS

by

Kelli McQueen

The University of Wisconsin-Milwaukee, May 2015
Under the Supervision of Professor Mitchell P. Brauner

The troubadour repertory consists of an elaborate complex of genres, some of which are dialogs that employ argumentation in the form of a debate or contest. The precise classification of these debate songs, especially the *tenso* and *partimen* genres, involves a measure of controversy that arose in the fourteenth century and continues today. Modern scholars in both literary and musical disciplines reference the dispute in their study of these songs, but largely gloss over the controversy to uphold the traditional parameters of their own disciplines. For literary scholars, this means treating these dialogs as lyric poetry, and musicologists tend to neglect this class of troubadour song because of the lack of extant musical notation.

The goal of this study is to combine the literary and musical approaches with the concept of debate as a significant cultural force. The *tenso* and *partimen* genres participated in a culture of debate found in institutions such as the medieval university, and legal court systems. The troubadours drew upon topics such as the seven liberal arts, dialectical reasoning, law codes, and legal rhetoric as source material for the content of the debate songs. These topics also provide a foundation for understanding the context of the debate songs as a performative genre. In addition, I apply the techniques of poetic and musical analysis to two songs *Amics Bernarz del Ventadorn*, and *S'ie-us qier conseil, bella amia Alamanda*.

TABLE OF CONTENTS

ABSTRACT.....	ii
TABLE OF CONTENTS.....	iii
LIST OF TABLES.....	iv
LIST OF MANUSCRIPTS.....	v
ACKNOWLEDGEMENTS.....	vi
INTRODUCTION	1
CHAPTER I A DEFINITION OF TERMS.....	8
CHAPTER II DEBATE AND THE MEDIEVAL UNIVERSITY.....	30
CHAPTER III CANON LAW, CIVIL LAW, AND THE LAWS OF LOVE.....	57
CHAPTER IV DEBATE SONGS AND THE LEGAL PROCESS.....	77
CHAPTER V SONG AND PERFORMANCE.....	97
CONCLUDING THOUGHTS.....	120
BIBLIOGRAPHY.....	122
APPENDIX:	
LYRICS	
<i>Amics Bernarz del Ventadorn, PC 323.4</i>	128
<i>S'ie-us qier conseil, bella amia Alamanda, PC 242.69</i>	129
TRANSCRIPTIONS	
<i>Amics Bernarz del Ventadorn, PC 323.4</i>	131
<i>S'ie-us qier conseil, bella amia Alamanda, PC 242.69</i>	132

LIST OF TABLES

Table 1	Formal Structure of <i>Amics Bernarz del Ventadorn</i>
Table 2	Formal Structure of <i>S'ie-us qier conseil, bella amia Alamanda</i>

LIST OF MANUSCRIPTS

- A Rome, Vatican Latin 5232
B Paris, Bibliothèque Nationale, f.f. 1592
C Paris, Bibliothèque Nationale, f.f. 856
D Modena, Biblioteca Estense, α , R.4.4
E Paris, Bibliothèque Nationale, f.f. 1749
F Rome, Vatican Chigi, L.IV.106
F^a Florence, Biblioteca Riccardiana, 2981
G Milan, Biblioteca Ambrosia, S.P.4
H Rome, Vatican Latin, 3207
I Paris, Bibliothèque Nationale, 854
J Florence, Biblioteca Nazionale, Conv. Sopp., F.IV.776
K Paris, Bibliothèque Nationale, f.f. 12473
L Rome, Vatican Latin, 3206
M Paris, Bibliothèque Nationale, f.f. 12474
N New York, Pierpont Morgan, 819
O Rome, Vatican Latin, 3208
P Florence, Biblioteca Laurenziana, PI.XLI.42
Q Florence, Biblioteca Riccardiana, 2909
R Paris, Bibliothèque Nationale, f.f. 22543
S Oxford, Bodleian Library, Douce 269
T Paris, Bibliothèque Nationale, f.f. 15211
U Florence, Biblioteca Laurenziana, PI.XLI.43
V Venice, Biblioteca Marciana, 278
W Paris, Bibliothèque Nationale, f.f. 844
a Florence, Biblioteca Riccardiana, 2814
a¹ Modena, Biblioteca Estense, Càmpori γ .N.8.4; 11, 12, 13
d Modena, Biblioteca Estense, annex to D
f Paris, Bibliothèque Nationale, f.f. 12472
r Florence, Biblioteca Riccardiana, end leaves of MS 294

ACKNOWLEDGEMENTS

A heartfelt thanks to Dr. Mitchell Brauner for his enthusiasm and support.

My thanks to Dr. Michelle Bolduc for sharing her love of Old Occitan texts.

Many thanks to Dr. Timothy Miller for making decisions about quotes and readability.

INTRODUCTION

I am perplexed to pass judgment between the two sides of the following love-debate: two ladies wanted for the sake of love to kiss the knight they both loved, and the one did not dare to do it but began to weep, whereas the other could not prevent herself from carrying out her heart's desire. Tell me your opinion: which of them ought the beloved to approve more?¹

Debate flourished in the High Middle Ages as a stylized practice of inquiry into the way the world functions. The form and content of these debates reflect the supremacy of dialectical reasoning in university education, and its permeation into many areas of society, from legal practice to entertainment. Nowhere is this more apparent than the troubadour debate song genres known today as *tenso* and *partimen*. The goal of this study is to contextualize these genres of troubadour song within medieval debate culture.

The troubadours—poet-composers and performers active in European courts during the twelfth through fourteenth centuries—wrote thousands of songs in the vernacular dialects of southern France.² A small portion of these, approximately 157 out of 2,500 extant songs, are dialogs that employ argumentation in the form of a debate or contest. These courtly games afford a wealth of information about the lives of composers and performers of courtly music and about the noble class. Despite their small number, they cannot be easily placed into neat generic categories. The idea of genre is a useful tool for scholars, a way to organize and synthesize large repertoires and their subsequent developments. In the case of the troubadour debate songs, however, this process is complicated by several factors, which are briefly mentioned, but largely glossed over, in the scholarly literature. In this study, I will examine different disciplinary approaches to

¹ Ruth Harvey and Linda Paterson, *The Troubadour Tensos and Partimens: A Critical Edition*

² Old Occitan is the primary vernacular language considered the most appropriate for love poetry during this period.

troubadour song in order to reassess the genres specifically relating to debate, and to propose broader social connections. More specifically, I am interested in the similarities between the troubadour lifestyle and that of university students and legal professionals, and how they all used performative argumentation.

Investigation into the methodologies of modern scholarship shows several unconnected approaches. The large repertory of the troubadours contains information useful in many disciplines, but it primarily concerns literary and musical scholars. Correspondence between these two disciplines is not as active as one might hope. Literary scholars focus on poetic qualities of troubadour songs (rhyme, meter, and versification) essentially isolating themselves from any musical implications. Thomas Kirby-Smith's book, *The Celestial Twins: Poetry and Music Through the Ages*, represents the extreme of literary scholars who nod to music then immediately dismiss it. Even though the word music is present in his title, he does not treat it as an equally important entity in his book. Instead, he focuses on historic periods of literature as they led to the eventual separation of poetry from music. He writes, "My arguments both for the indebtedness to music and for the separation from it are naturalistic and evolutionary."³ The problem with an evolutionary approach is that it starts with a modern conception of what the art form has become and reads the past backwards from that point, as if this were the only possible outcome. This perspective does not take into account the fact that, during the Middle Ages, music and poetry were believed to be intrinsically interconnected.

³ H. Thomas Kirby-Smith, *The Celestial Twins: Poetry and Music Through the Ages* (Amherst: University of Massachusetts Press, 1999), 2.

Generally speaking, musicologists give little attention to the debate songs because of a lack of extant musical notation. Michelle Stewart's 1979 article on the melodic structure of *jeux-partis* begins such a study, although her aim is to extrapolate stylistic features that apply to the entirety of the trouvère repertory, rather than to provide a systematic study of debate songs as a self-contained genre that extends earlier among the troubadours.⁴ More recent musicological work on the troubadours tends to be more generalized like John Stevens's work, *Words and Music in the Middle Ages*, or Elizabeth Aubrey's book, *The Music of the Troubadours*, published in 1996.

Stevens is much more comprehensive in his approach to the relationship between words and music in medieval texts, especially in the earliest writings of Boethius (ca. 480-522), Cassiodorus (ca. 485-580), and Isidore of Seville (ca. 599-636). In *Words and Music in the Middle Ages*, Stevens explains that speech was understood as a branch of music during this period, because they both are organized systems of sound rather than written objects.⁵ Silent reading was not prevalent at this time, thus written words were intoned as written music was intended to be. Therefore, it is necessary to be careful how we use words like composition and poetry, as today they imply the act of writing which was not necessarily the case in the Middle Ages. Furthermore, the performative aspect of music (and poetry at this time) adds another layer of interpretation that gives insight into how the genre of debate songs functioned within society.⁶

Aubrey's seminal work brought a fresh take to centuries-old scholarship and is very comprehensive. She devotes an entire chapter to the issue of genre in which she

⁴ The *jeux-partis* is the later trouvère equivalent to the *tenso/partimen*, and there is more extant musical notation for the trouvères. Michelle F. Stewart, "The Melodic Structure of Thirteenth-Century Jeux-Partis," *Acta Musicologica* 51 (1979): 86-107.

⁵ John Stevens, *Words and Music in the Middle Ages* (Cambridge: Cambridge University Press, 1986), 381.

⁶ See Steven Roger Fischer, Leo Treitler, and Domenico Pietropaolo.

posits that genre is based on the elements of theme, structure, function, and performance.⁷

There is no indication that the troubadours were themselves concerned with genre distinctions, but they would have been concerned with decision making within stylistic constraints as part of the compositional process.⁸

For Aubrey, an important question to ask is how the music was affected by genre. She disagrees with previous analysts who made connections between specific words and pitches in order to “wed” together music and poetry.⁹ The concept of pitch was new and the practice of re-using melodies common. Strophic song also employs the same melody for each new verse, so minute connections between individual notes and words are less relevant. Instead, Aubrey charges scholars with determining how “both melody and poem together should serve the larger rhetorical purpose chosen by the author.”¹⁰ In my musical analyses, I use Aubrey’s method of looking at the melodic contours, tonal goals, and motivic development as aiding the poem in the progression of its argument. However, I take issue with dismissing the fact that strophic monophony can make use of nuances between words and melody simply because it is repetitive. Musical motives, when reinforced by consistent repetition, become imbued with meaning in the same way idioms in language signify specific nuances to the culture that adopts them.¹¹

⁷ Elizabeth Aubrey, *The Music of the Troubadours* (Bloomington: Indiana University Press, 1996), 83.

⁸ Leonard B. Meyer, *Style and Music: Theory, History, and Ideology* (Philadelphia: University of Pennsylvania Press, 1989), 38.

⁹ This “wedding” of music and poetry is commonly found and has become a cliché. See Hendrik van der Werf, *The Chansons of the Troubadours and Trouvères, : A Study of Melodies in Relation to Their Poems*, (Utrecht: A. Oosthoek, 1972), 13.

¹⁰ Aubrey, *The Music of the Troubadours*, 129.

¹¹ An example from contemporary culture would be the drum motive that follows a comedian’s bad joke, now used in conversational English. This rhythmic motive, absent of the instrument, is often accompanied by a hand gesture that mimics the movement of a drummer. I argue in chapter five that the upward motion of a major second at the end of a phrase signifies two different meanings intrinsic to the characters that are using them.

Other literary scholars discuss the overall system of troubadour genres, as seen in William Paden's books of essays, *Medieval Lyric: Genres in Historical Context* or they focus on specific debate songs in order to understand a particular historical event or cultural phenomenon as Mavis Fèvre does in a 2010 article.¹² Fèvre narrows her discussion of the genre of *tenso* to the few that are abusive in nature, where two interlocutors exchange insults rather than debate a topic. Fèvre suggests that these insult *tenso*s evolved from the joglar's dramatic performance style of ridiculing someone in humor in order to draw the attention of a crowd. Because of this, the insult *tenso*s can be related to the satirical troubadour genre called *sirventes*. This type of comedy, often obscene as well as slanderous, is also found in ancient Greek poetry and comic drama. Fèvre's analysis is useful for such origin theories, but does not grapple with the debate genres as a whole.

Ruth Harvey and Linda Paterson's 2010 critical edition of troubadour *tenso* and *partimen* texts is an important work of literary scholarship that assimilates the texts of multiple manuscripts, summarizes related historical scholarship, and makes the Old Occitan lyrics accessible through English translation. Although I use their edition as my primary textual source, their organizational system is based on the modern definitions for these genres, that are problematic because they do not account for how the *chansonniers* scribes and the troubadours used these words.

The complex system of genre in the troubadour repertoire first appears in the *chansonniers* (song-books) and treatises compiled in the thirteenth and fourteenth centuries. The scribes who collected troubadour songs in the *chansonniers* provide a

¹² Mavis Fèvre, "A 'Game of Words': Why Were 'Insult *Tenos*' Performed in Occitan Courts?" *Neophilologus* 94 (2010): 209-224.

foundation for categorizing the troubadour repertory into genres. Jane Alden discusses the scribes' roles in a 2005 article highlighting the creativity employed in their organizational methods. Often *chansonniers* are organized by genres (such as *canso*, *vers*, *lays*, as well as *tenso*) labeled in headings of red ink known as rubrics. These rubrics do not always agree with each other or with the authors of thirteenth-fourteenth century treatises on how to compose song in the *trobar* style. But a close reading of some of these treatises along with discussion of genre rubrics in the *chansonniers* provides a glimpse into the development of the genre.¹³

A final perspective that needs to be taken into account is how the troubadours conceived of their own works. This can be deduced from the language within the songs themselves and the forms they take. This task is largely speculative in nature due to the lack of documentary evidence outside the debate songs themselves. However this analysis, combined with cultural theories of how poetry, song, and performance functioned in court society, is still useful for understanding the emerging literate society of eleventh and twelfth centuries.

This thesis is divided into five chapters. Chapter One defines the five terms related to the debate songs (*tenso*, *partimen* or *joc-partit*, *torneyamen*, *contenson*, and *cobla* exchange). I discuss how these words are used by the *chansonniers* scribes and by troubadours' in their lyrics. I also address the ramifications of modern definitions on the translation of Old Occitan lyrics. Chapter Two investigates how debate was used in a university setting, and how the troubadours reference knowledge in the debate songs, especially the seven liberal arts. Chapter Three addresses dispute in the arena of conflict resolution and law. Legal codes, including canon law and custom law, are juxtaposed to

the Laws of Love and contextualized in connection with regulations on marriage and sex. Chapter Four outlines the legal process of enacting a trial. Here I apply Cicero's style of argumentation recommended in his treatise *De Inventiones* (1st century B.C.E.) to the structures used in the debate songs. Chapter Five presents an analysis of the extant melodies of two debate songs: *Amics Bernarz del Ventadorn* by Peire and Bernart de Ventadorn, and *S'ie-us qier conseill, bella amia Alamanda* by Giraut de Bornelh and Alamanda. Consideration of how the melody serves the lyrics gives insight into the performance of the songs and the lives of these troubadours. The question of performance is particularly interesting for the debate songs because of the elements of argumentation, contest, and judgment of artistic merit.

This thesis argues that the genre of the debate songs comprises three divisions: poetry, music, and debate. Literature dwells in the foreground because words convey precise details about courtly culture through symbolic depiction of the lives of individuals. This valuable historic and cultural information is manifest through vernacular dialects that contributed to the use and standardization of major modern European languages. Music is the means by which this art form was created and consumed—an integral part of the performance of “literature” of the period. The music gives insight into secular monophony as style, and into book culture and performance in an emerging literate society. Ultimately, the distinguishing characteristic of this repertoire is debate. As these songs take the form of dialogs that follow a learned style of argumentation, and employ a myriad of legal language, we see how an artistic medium intended for entertainment intertwines with “serious” aspects of society, and how people from different classes and gender interacted with each other.

CHAPTER I

A DEFINITION OF TERMS

The Old Occitan terms used to classify subsets of the debate songs include *tenso*, *partimen* or *joc-partit*, *torneyamen*, *contenson*, and *cobla* exchange. The more problematic of these terms are *tenso* and *partimen*, and their usage has been contested since the fourteenth century in treatises designed to teach amateurs how to compose or judge the quality of lyric song. More specifically, Guilhem Molinier's *Las Leys d'Amors* (The Laws of Love) is the source from which modern definitions of these genres are derived.

The modern usage of *tenso* and *partimen* shows a significant departure from the way scribes categorized the songs in the *chansonniers*. Therefore, it is necessary to look back at medieval treatises to identify the source of the confusion. This chapter will begin with a definition of the words themselves, followed by an explanation of how modern scholarship uses these words as genre designations. Using Ruth Harvey and Linda Paterson's critical edition as my primary textual source, I will also consider how these words function in the lyrics of the songs, and how modern translations of the lyrics are influenced by our understanding of genre. Since troubadour songs have no titles, specific pieces are referred to by the name of the poet(s), the incipit, or the bibliographic number compiled by Alfred Pillet and Henry Carstens (abbreviated PC).

Definition of Old Occitan Words

The most common word used in relation to the debate songs is *tenso*. Thomas Bergin's *Anthology of the Provençal Troubadour* defines the potential root verbs *tensar* as "to struggle, quarrel, dispute, torment," and *tensonar* as "to quarrel with" or "to debate in verse."¹⁴ In the debate songs, we find occurrences of both the general noun *tensa*, and the form *tenso*, which is more descriptive of the specific genre.

The word *partimen* means "a separation, departure." *Partimen*, as well as *partida*, (part, proposal) and *partir*, (to divide, cut, separate, leave, share, and end), all derive from the Latin *partire* (to divide, share).¹⁵ Both *partida* and the various forms of the verb *partir* can be found in these lyrics, thus the concept of two divided parts proposed or joined together in a debate is not a large leap.

Another way of expressing *partimen* is the term *joc partit*. The trouvères adopted this version to label their debate songs (*jeux-partis* in old French). *Joc* means "game;" the two words combined implies that the debate songs are a game with opposing parts. *Torneyamen* is related to the English word tournament derived from the Latin *tornus* "a turn," meaning each participant gets a turn to joust. A *torneyamen* is a debate song with three or more participants. Related to the idea of a fight, *contenson* means "combat." While several debate songs convey an aggressive mood and address, the word *contenson* is rarely used as a genre category. Neither does it occur frequently in the song lyrics. Lastly, *cobla* means "stanza," so a *cobla* exchange refers to a debate with just a single stanza. Harvey and Paterson exclude *cobla* exchanges from their critical edition, because

¹⁴ The nominative singular noun forms of these verbs are *tensa* and *tenso*, respectively, and they occur in various spellings. Thomas G. Bergin, *Anthology of the Provençal Troubadours* (New Haven: Yale University Press: 1973), 232.

¹⁵ *Ibid*, 201-202.

part of their criteria for collecting *tenso*s and *partimens* is that the speaker changes at least every stanza and the song has more than two stanzas. They also chose to include these pieces on the basis of the two interlocutors being, beyond a reasonable doubt, real historical human participants. They exclude, for example, the famous *tenso* between Marcabru and God, and other fictive or allegorical debates involving inanimate objects.

Current Definitions of Genres

Alison Latham and Frede Jensen both define the *tenso* as a dialogue or debate between poets with opposing views.¹⁶ Hendrik van der Werf's definition goes further and gives us a context for the source of confusion between *tenso* and *partimen*. The *tenso* is a poetic debate between two or more troubadours as 'in a trial' according to Guilhem Molinier in *Las Leys d'Amors* (The Laws of Love).¹⁷ Molinier was the first writer to clearly distinguish the *partimen* from the *tenso* in the fourteenth century, and will be addressed in detail below. In his formulation, the *tenso* is a debate addressing some general saying or deed; the *partimen* sets up a situational dilemma that can be potentially solved in one of two ways. The first troubadour issues the challenge, and the second interlocutor chooses which side to defend. My assessment of the essential structural differences between the *tenso* and the *partimen* is that the *partimen* follows a more formal, stylized structure.

Harvey and Paterson also follow the definitions in *Las Leys d'Amor* to label their texts in their critical edition, although they find it somewhat unsatisfactory, calling it a

¹⁶ Alison Latham, "tenso." *The Oxford Companion to Music*. *Oxford Music Online*. Oxford University Press, <http://www.oxfordmusiconline.com/> (accessed June 8, 2014); Frede Jensen, *Troubadour Lyrics: a Bilingual Anthology* (New York: Peter Lang, 1998), 9.

¹⁷ Hendrik van der Werf, "Tenso." *Grove Music Online*. *Oxford Music Online*. Oxford University Press, accessed May 8, 2015, <http://www.oxfordmusiconline.com/subscriber/article/grove/music/27687>.

“blunt instrument.”¹⁸ Of their entire corpus of 157 debate songs, Harvey and Patterson label 43 *tenso* and 114 *partimen*. In the introductory notes to each piece, they list all of the manuscripts that transmit the song and any rubrics that exist. Only 22 of these songs are labeled *partimen* in the original rubrics. Thus, for 93 songs, Harvey and Patterson altered the genre designation from how the scribe originally organized them.

This gamut of definitions begs the question of whose perspective is most useful for understanding what these songs are and what they are doing: the scribe, the medieval theorist, or the original poet-composer? While different perspectives present conflicting views, I will argue that scholars must take all of these into account for a more unified picture of the debate songs.

Medieval Theorists and Treatises

Appearing in Italian and Catalan manuscripts, some of the earliest written treatises concerning poetic composition in the troubadour style are Raimon Vidal’s *Razos de trobar* (c. 1190-1213), Jofre de Foixà’s *Regles de trobar* (c. 1286-91), and the anonymous *De Doctrina de compondre dictats* (late thirteenth century).¹⁹ Not all of these discuss the debate songs as a genre, but they were all written for the pedagogical purpose of explaining the art of *trobar* so that others could compose for themselves, or to be able to judge a good song from a bad one.²⁰ The treatises maintain that the breadth of subject matter suitable for composing debate songs is expansive. They explicitly invite a broad range of people across class and ethnic lines to learn the art of *trobar*, although Occitan is

¹⁸ Harvey and Patterson, *Troubadour Tensos and Partimens*, xix.

¹⁹ Elizabeth Aubrey provides an overview of these poetic treatises in *Music of the Troubadours*, 72-79.

²⁰ *Trobar* refers to the act of composition and will be discussed at length in Chapter 2.

upheld as the most appropriate language for love songs. Published in three versions between the years 1328-37, *Las Leys d'Amor* served to advocate the use of Occitan as it was being suppressed after the Albigensian crusade.²¹ The *Consistori del Gay Saber* was a society dedicated to the preservation of Occitan language-arts, and they commissioned Guilhem Molinier to write *Las Leys d'Amor* to outline the rules of their composition contest. It was revised twice in the subsequent two decades; these reissues changed much of Molinier's prose text into verse, although the content was largely preserved.

De Doctrina de compondre dictats (On the principles of composing poetry) from the late thirteenth century is the earliest document to enumerate the troubadour genres. In terms of debate songs, *De Doctrina* only addresses *tenso*, which may indicate that, up to this point, all of the debate song genres were classified in one category. The author emphasizes the importance of subtlety in argumentation, defining *tenso*, as both a language skill (verbal) and a musical activity (singing).

Tenso es dita tenso per ço com se diu contrastan e disputan subtilmen lo un ab l'altre de qualque raho hom vulla cantar.	<i>Tenso</i> is called <i>tenso</i> because one must contrast and argue subtly, one with the other concerning the subject about which, one wishes to sing. ²²
---	---

The author of *De Doctrina* defines each genre by the appropriate topic and mood for that song and lays out the ideal number of stanzas and whether the accompanying melody should involve new notes or a borrowed tune.

Si vols far tenso, deus l'aprendre en algun so qui haia bella nota, e potz seguir les rimes del canto o no. E potz	If you want to make debate songs, the above will add something so that it will have beautiful notes, and can follow the
--	---

²¹ The Albigensian crusade was initiated by Pope Innocent III to cleanse regions of southern France of the Cathar heresy. The French kings such as Philip Augustus won significant territories during this period. Robert Bartlett, *England Under the Norman and Angevin Kings 1075-1225* (Oxford: Clarendon Press, 2000), 479.

²² The translation is mine with advice from Dr. Michelle Bolduc. The Occitan text was published by John H. Marshall, *The Razos de Trobar of Raimon Vidal and Associated Texts* (London: Oxford University Press, 1972), 98.

fer ·iiiij· o ·vj· cobles o ·viii·, si·t
vols.

rhymes of the song or not. One can make
4 or 6 stanzas, or 8 if one wishes.²³

Las Leys d'Amors is the first treatise to differentiate the *partimen* from the *tenso*.

Molinier's definition of *tenso* has some similarity to *De Doctrina* in that he calls it an argument and mentions a number of stanzas (very few of the surviving *tensos* are as long as he intimates). Notable new features in this definition include defense of a particular saying or deed and thoughts on how the debate should be judged. The emphasis on sayings and deeds is significant because *tensos* are often based on personal details of a troubadour's life, and the aristocratic culture surrounding the troubadours was markedly concerned with deeds and reputation.

La diffinitios de tenso. Tensos es contrastz es debatz, en lo qual cascus man te e razona alcun dig o alcun fag. Et aquest dictatz alqunas vetz procezih per noveas rimadas, et adonx pot haver ·xx· o trenta cobblas o may, et algunas vetz per coblas, et aquest conte de ·vi· coblas a ·x·, am doas tornadas, en las quals difinisca lor plag e lor tenso. E·l iutges per aquel meteysh compas de coblas o per novas rimadas pot donar son iutiamen (en pero per novas rimadas es huey may acostumat).

The definition of *tenso*. *Tensos* are arguments or debates in which each one supports and defends some saying or some deed. And this composition sometimes proceeds into new rhymes and therefore can have 20 or 30 stanzas or more, and sometimes for the sake of stanzas, and this one comprises of 6 to 10 stanzas with two *tornadas* in which he must elect a judge who renders a verdict about their quarrel and their debate. And the judge, by the same measure, can give his judgment about the stanzas and new rhymes (however, new rhymes are more customary today).²⁴

Molinier's definition of *partimen* is the basis for the modern categorization of songs, but he adds one important distinction rarely mentioned in scholarship today. That is, in the *tenso*, one defends his own deeds, but in the *partimen* the argumentation is based on an abstract questions.

²³ Ibid, 98.

²⁴ Ibid, 98.

Diffinitios de partimen. Partimens es questios ques ha dos membres contraris, le quals es donatz ad autre per chauzir e per sostener cel que volra elegir, e pueysh cascus razona e soste lo membre de la questio lo qual haura elegit. En totas las autras causzas, cant al compas e cant al iutiamne e cant al so, es somblans a tenso.

The definition of *partimen*. *Partimens* are questions that have two parts in opposition, the topic is given and the other chooses and supports the one he wishes to choose, and then each one argues and supports the part of the question that he will have chosen. In all other cases, other measures, and other judgments, and other tunes, it is similar to the *tenso*.

Diferensa pot hom pero vezer entre tenso e partimen, quar en tenso cascus razona son propri fag, coma en plag, mas en partimen razona hom l' autru fag e l' autru questio, iaciaysso que soen pauza hom partimen per tenso e tenso per partimen, et aysso per abuzio.

One can see the difference however between the *tenso* and the *partimen*. In the *tenso* each one defends his own deeds as in a quarrel, but in the *partimen* one defends others' deeds and other questions. In this way, one often "places" *partimen*, *tenso* and *tenso*, *partimen* and this accounts for the misuse [of these labels].²⁵

Molinier's definitions are convenient to use, because they delineate the differences and similarities in debating styles simply, in order to use for teaching composition or for judging a competition. For modern scholars, these definitions are a useful categorical tool, because they reflect the differences in the poems reasonably well. All of the songs Harvey and Paterson label *tenso* pertain to personal details of the troubadour's lives, typically either asking for love advice, as in the debate between Guiraut de Borneill and Alamanda, or exchanging insults, as found in the dialogue of Bonafe and Blacatz. All of the songs Harvey and Paterson label *partimen* explicitly state a challenge with two opposing sides that contain a hypothetical or abstract dilemma, or as Molinier says, "others' deeds and other questions."

Three features common to both genres are a vocative address where each interlocutor calls the other by name, the personal claims each troubadour makes about

²⁵ Ibid.

his/her own life or that of the opponent, and the call for judgment at the conclusion of the song. It is important to consider the similarities between these debate styles in order to determine whether the differences outweigh the similarities enough to separate them into two distinct genres. When the troubadours freely use either *tenso* or *partimen* in the songs to describe what they are doing, and the scribes of the *chansonniers*, who use rubrics, typically group the debate songs together under only one heading, the differences become less clear.

Chansonniers and Their Scribes

The troubadour/trouvère repertory survives in approximately forty extant *chansonniers* and manuscript fragments. The earliest of these, dated circa 1254-1300, were made in northern Italian cities such as Venice, Padua, and Treviso. According to William Burgwinkle, Occitan scribes were often involved, and they conceived of their compilations as more than basic collections or catalogues. Their encyclopedic endeavor sought to record the lives of the troubadours, develop a system of genres, and support the practice of song at court.²⁶

In a 2005 article, Jane Alden maintains that the role of the scribe and notator in the making of the *chansonniers* shows creativity on several levels, namely in the indexing, the choice of songs and their arrangement in the collection. All of these details contributed to the establishment of the repertory, as well as their survival today.²⁷ This point of view reclaims a degree of authority for these artifacts whose veracity has been

²⁶ William Burgwinkle, "The Chansonniers as Books," in *The Troubadours: an Introduction*, edited by Simon Gaunt and Sarah Kay, (Cambridge University Press, 1999), 247.

²⁷ Jane Alden, "The Scribe's Role in the Production of 15th-Century Chansonniers: New Perspectives," *Revue belge de Musicologie* 59 (2005): 43-64.

questioned by the “rigorous” scientific standards of early musicological scholarship from the nineteenth century, which was perhaps not consistent with medieval values.

Van der Werf describes how early musicologists attempted to explain variance in the individual songs found in multiple chansonniers. One theory assumes that transmission happened exclusively through writing, and we simply lack extant exemplars to prove it. This explanation would necessitate an abundance of scribal errors including misspellings of words and omission of lines or entire stanzas. The growth of commercialism in bookmaking could explain this in part, as when the need for more scribes increased, the quality of their training could have decreased. The following quote is a critique of such an occurrence in medieval Paris.

Now, it is not the nature of plainchant, nor is it fitting, that so many notes be set in one spot over one syllable. This is the fault of the scribe and the notator. The cause of it is this: that the scribe leaves too much space between syllables, while the notator fills up the spaces. And they will not take better care, unless there is money in it for them. However, I excuse them in part, because not all notators are chanters or scribes; they are just clerks making pictures.²⁸

Van der Werf, however, does not find scribal error a completely satisfactory answer because it means that the scribes wrote “more wrong notes than right ones.”²⁹ Nor does it account for melismatic styles of plainchant in addition to syllabic and neumatic. There are similarities between some sacred and secular music notation in this period because of the monophonic texture. Some scholars speculate, in what is called the isosyllabic theory, that the one-to-one syllable to note ratio of syllabic plainchant is how the troubadours performed their songs. However the difference in the performance context and the motivations behind making chant books versus secular songbooks may

²⁸ Mary and Richard Rouse, *Manuscripts and Their Makers*, (Belgium: Harvey Miller Publishers, 2000), 202.

²⁹ Hendrik Van der Werf, *The Extant Troubadour Melodies* (Rochester, NY: 1984), 7-8.

have ramifications concerning the level of education of scribes used in producing manuscripts. What the quote above does confirm is the occurrence of multiple contributors in book making: the scribe (responsible for the texts) and the notator (responsible for the musical notation). This quote also suggests that there may have been a sliding scale in terms of levels of training, (just clerks making pictures) and financial compensation (they will not take better care, unless there is money in it for them).

Van der Werf describes a second theory about the transmission of songs: that it was a completely oral tradition until the *chansonniers*. Each new generation of performers learned from the older generation, until the songs were performed for the scribe who then wrote it down. With this theory variations occur organically as a result of temporal and geographical distance. A third theory says that the *chansonnier* scribes relied on a combination of written and oral transmission, which is consistent with both the literary and musical culture of the time. Van der Werf writes that the literary culture was still performance-based and musicians did not consider themselves to be “varying the melody, they were merely rendering it.”³⁰

As Aubrey explores the multifaceted relationships among the scribe, performer, and composer, she sees the scribe as either having considerable power over composers and singers, or completely ignoring them by propagating “new values” of musical notation such as regularized form, set pitches, and mensural (rhythmic) notation.³¹ This, more current perspective in musicology, gives considerable agency to the *chansonnier* scribes and notators. Although their roles are nuanced and variable, it is clear that they

³⁰ Ibid, 9.

³¹ Elizabeth Aubrey, *The Music of the Troubadours*, (Bloomington: Indiana University Press, 1996), 30.

were vital to the preservation of the troubadour repertory, and conceivably, one step removed from being composers themselves.

Because of this perspective, I suggest that scholars try to reconcile the arrangement of songs in the chansonniers to other statements regarding genre rather than merely dismiss them as inaccurate as Molinier does. Of the manuscripts that do use rubrics to arrange songs by genre categories, there are roughly twice as many that use the heading *tenso* as opposed to *partimen*. These include MSS E, J, K, L, M, O, Q, R, T, a', and f.³² MS O also labels two songs *contension*. The *partimen* rubric can be found in MSS A, C, Fb, L, and N. MS C also uses *torneyamen* as a rubric. Exact dates for these manuscripts are difficult to discern, but Simon Gaunt groups all of these in the fourteenth century with the exception of MSS K and A coming from the thirteenth century.³³ With the exception of one song that is only found in MS C, all of the songs found under the *partimen* rubric have been called *tenso* in other chansonniers. The *chansonnier* scribes seem to have as much variance in their approach to these terms as the troubadours show in their lyrics.

Troubadour Lyrics

While Aubrey warns against trying to pigeonhole troubadour genres based on the perspective of the poet, analysis of the definition of words and their usage is still a useful hermeneutic.³⁴ The troubadours were concerned with creating and performing for the

³² For the names of manuscripts and their sigla, see list of tables.

³³ Simon Gaunt and Sarah Kay, editors, *The Troubadours: an Introduction* (Cambridge University Press, 1999), 303-305.

³⁴ "While today we find genres, classes, and registers of medieval literature useful analytical tools, they are very inexact concepts if examined through the eyes of the medieval poet. The troubadours themselves made fewer distinctions among the kinds of literature they composed and performed than did the theorists, early or late, who attempted to codify that literature." Aubrey, *Music of the Troubadours*, 82.

purpose of entertainment and not with classifying and analyzing “literature” the way a scholar or teacher must. This does not imply, however, that there were no rules or guidelines that guided their compositional techniques. The troubadours were an integral part of establishing a counter-cultural social code known as *fin’amor* (Courtly Love) in which there were strict rules.³⁵ Music participated in and enhanced these rules, the ultimate goal of which was to secure the “ideal lover,” or more realistically for a musician, to secure a patron. For the debate songs, knowledge of what makes a troubadour skillful is even more crucial than other troubadour genres because the argument must be judged at the end.

The terms under examination here are commonly located in three general places in the song. In the beginning stanza, the first troubadour issues the challenge. In the second or third stanza, the interlocutor uses these words to comment on how skillful their partner is at proposing a debate topic or making a choice of which side to defend. Finally, the terms recur at the end of the song, when they move to conclude the debate or ask for an authority figure to judge the song. The aim of the following analysis is to consider how the troubadours may have conceived of the genres they were working in by discerning how the words are being used. The significance of this affects translation choices and the classification of genres in modern scholarship.

Starting with terms that appear in opening stanzas, the first two examples demonstrate how complicated and problematic modern understanding of these genres has become. These two debate songs, PC 8.1 (c. 1207-08), and PC 10.6 (1212-1220), were proposed by a troubadour named Aimeric. Harvey and Paterson believe that the similarity

³⁵ The most notable source for these rules is *De Amore* by Andreas Capellanus, which I discuss in the following chapters.

of these two debate songs suggest that they were initiated by the same man, Aimeric de Peguillan. Both songs refer to a current trend among troubadours to conduct musical debates, and Aimeric seems interested in proposing exceedingly obscure topics that go beyond typical questions about love. In PC 8.1, he asks if it is more honorable for a man to say yes or no, and PC 10.6 makes a play on the words “no” and “thing,” asking his friend Albert to respond to “nothing” as the subject of the song.

Harvey and Paterson label the first debate a *partimen*, because the topic has two distinct sides, and they call the second a *tenso*, on account of the generalized subject. However, the word *tenso* plays a prominent role in both, and Aimeric is clearly using it to designate the genre. The same phrasing is used each stanza, that troubadours “make *tenso*s” about any topic they choose. Curiously, Harvey and Paterson chose to translate the first as “write *tenso*s” while in the second they retain the idea of the verb *faire* “to make.”

PC 8.1

Peire de Puei, li trobador
 fan tenso de so qe lur plaz,
 mas de vos vueilh qe·m respondaz,
 s’o sabes faire, a razo,
 qe ieu vos partisc Oc e No:
 per qal reman hom plus ornratz?
 E dic vos ben, qal qe prendaz,
 vencut seres de la tenso.

Peire del Poi, the troubadours write *tenso*s about anything they like, but want you to give me, if you can, an appropriate answer, for the subject I offer you is Yes and No: by which of them does a man get more honour?³⁶

³⁶Harvey and Paterson, *Troubadour Tenso*s and *Paritmens*, 14-15.

PC 10.6

Amicx N'Albert, tenso soven
 fan aras tug li trobador
 e parton se razos d'amor
 e d'als, can lor play, eyssamen.
 Mas yeu fas so c'om may no fes,
 tenso de so que res non es,
 c'a razo pron respondriatz
 mas al nien vuelh respondatz,
 et er la tenzo de non-re.

Friend Sir Albert, all the troubadours
 frequently make *tenso*s nowadays and
 propose issues of love and, when it please
 them, other questions too. But I am making
 what was never made before, a *tenso* about
 nothing at all, for you would reply at length
 to any subject of dispute but I want you to
 reply to nothing, and it shall be the *tenso*
 about no-thing.³⁷

The nuances of language carry extremely delicate connotations that can have far reaching implications. Changing the verb “to make” into “to write,” for example, goes beyond the simple act of creation and implies a literary action that may or may not have been involved in the creation of this debate. The choice to not translate the word *tenso* solidifies the understanding of this word as a specific Occitan type of poetry, but that type contradicts the label Harvey and Paterson’s own understanding of *partimen* as a genre for PC 8.1, because it clearly lays out the most obvious binary that exists: yes or no.

The debate song between Ademar and Raimon de Miraval, PC 1.1 (date unknown), also uses the verb structure “to make” a *tenso*, beginning with the words *tenzon grazida* situated in the first line. Here Harvey and Paterson translate *tenzon grazida* as an “agreeable dispute” rather than implying a specific genre designation. The topic of this debate is whether a man should abandon his lady once she has grown old. With an obvious choice of alternatives, Harvey and Paterson label it a *partimen*, but MSS O and a¹ use the rubric *tenzon*. The idea that a dispute could be agreeable conveys a humorous aspect that fits well with the topic of the debate. Raimon’s responding stanza forges a nice parallel to Ademar’s challenge; using *tenzon* in his last line, he justifies his choice of cultivating a long-lasting pleasure by staying with your lover.

³⁷ *Parton* is the third person plural conjugation of *partir*. Ibid, 31.

PC 1.1

I

Miraval, *tenzon grazida*
voil qe fassam, si·us sap bon...

Miraval, I wish us to make an agreeable
dispute, if you please.³⁸

II

...Per q'aiqi non veig tenzon.

That is why I see no cause for dispute
here.

The next two examples are also opening stanzas, but they employ the term *partimen*. In PC 140.1b (c. 1280), Enric II proposes a “new *partimen*” to Guillem de Mur on the topic of jealousy in a marriage, is it better to have a jealous wife or to be a jealous husband?

PC 140.1b

Guillem de Murs, un enuios
novel partiment vos vuell far...

Guillem de Mur, I wish to put to you a
vexatious new subject of debate.³⁹

Here, Harvey and Paterson translate *novel partimen* as a “new subject of debate,” rather than maintaining the idea of a specific genre as they did in the first *tenso* examples above. In PC 111.1, they also choose to translate *partimen* into English, but here they retain the idea of the *partimen* having two parts:

PC 111.1

Bonafas, yeu vos envit
e fatz vos un *partimen*...⁴⁰

Bonafas, I issue a challenge to you and
offer you a choice of alternatives...

The two interlocutors in PC 111.1 are Cavaire and Bonafas. Cavaire, whose name means “digger” or “sapper” and was likely a lowly jongleur. Bonafas, also a suspected jongleur from a lower class, was crippled either in battle or as punishment for killing pilgrims.

³⁸ Harvey and Paterson, *Troubadour Tensos*, 2-3.

³⁹ *Ibid*, 305.

⁴⁰ *Ibid*, 238-239.

Cavaire offers Bonafas a “choice of alternatives” between a fair, agreeable, perfect lady, or ten citizens of the town of Aurillac to command at his disposal. Possibly composed around 1220, MS C bears the only surviving copy and there it is placed under the rubric *partimen*. The rubric and structure of the lyric are compelling reasons to not translate the word *partimen* in this first stanza. The one apparent reason for the above translation is that it flows better in English than something more literal like, “Bonafas, I challenge you, and make with you a *partimen*.” Enric II uses a similar grammatical construction, “I wish to make with you a new *partimen*.” In an effort to make the English translation more elegant, the meaning of the word *partimen* becomes obscured.

In PC 401.6 (c. 1260s-70s), Raimon Gaucelm de Beziers uses three genre terms in his first stanza challenging Joan Mirailhas. The second line ends with *d’aquesta partizo* (an uncommon form of *partimen*). This phrase sets up rhyme scheme for every other even line eventually ending with the word *tenso*. Harvey and Paterson translate line two as “which do you prefer out of this pair of alternatives,” wrestling with an English equivalent of *partimen*, while leaving *tenso* untranslated in the last line.

Furthermore, in the last line, the idea of composing *tenso*s is paired and contrasted with *coblas* (stanzas). Both remain in their Occitan form in this translation. A *cobla* exchange is considered to be another type of debate genre, but *cobla* can also simply designate a nonspecific poetic stanza. The juxtaposition of these two terms suggests that Raimon is speaking of *cobla* and *tenso* as specific categories of poetic types, so my inclination would be to leave *partimen* untranslated here as well, making line two something like “which thing is more pleasing in this *partimen*.”

PC 401.6

Joan Miralhas, si Dieu vos gart de dol,
 cal re·s play may d'aquesta partizo:
 que siatz totz redons del cap tro·l sol,
 o totz fendutz del pe tro al mento
 e que portes sobre·l nas la culveta?
 Diatz m'en ver ades ses falhizo;
 si non, en vos dirai c'a'ital falveta
 que no·n devetz far cobla ni tenso.

Joan Mirailles—may God save you from
 grief—which do you prefer out of this
 pair of alternatives: to be entirely round
 from your head to the ground, or to be
 split in two from foot to chin and to
 have your belt above your nose? Tell
 me the truth of the matter now, without
 fail, otherwise I'll say you tell such
 whoppers that you shouldn't (be
 allowed to) compose *coblas* or *tenso*s.⁴¹

I only found one reference in the lyrics to the idea of tournament, or multiple people participating in the debate. It occurs in the first stanza of PC 248.74 (c. 1280-1285), a debate song between Guiraut Riquier, Austorc d'Alboy, and Enric II in which they discuss a fourth troubadour, Guillem de Mur, and his reluctance to come to the court of Count Enric. Guillem, apparently, preferred to stay on his own estate “farming” rather than come at Enric's summons.

PC 248.74

Senhe·N Austorc d'Alboy, lo coms
 plazens
 par que no vol en torney trobadors,
 car un qu'en a, c'om ten per dels
 melhors,
 s'auza partir de sa cort...

Lord Austorc d'Alboy, it seems that the
 gracious count does not wish for
 troubadours in a tourney; for one of his,
 who is considered one of the best, dares
 to leave his court.⁴²

This debate song is transmitted in only one manuscript, MS R, under the rubric “*tenso*,” which is also the label Harvey and Paterson give it. If one follows the trend in modern scholarship, *torneyamen* might be considered a more fitting label, because of the multiple participants and the reference to troubadours in a tourney within the lyrics.

⁴¹ Ibid, 1097.

⁴² Ibid, 787.

My final two examples of genre terms found in the first stanza of the debate are derivations of *joc partit*. In the debate between an unknown count and Guiraud lo Ros written sometime in the last decade of twelfth century (PC 240.6a), the count begins by calling the song a *joc part d'amos*. He gives Guiraud the right to choose the side of a lover who enjoys public attentions of his lady, but not the ultimate consummation of love, or the lover who enjoys his lady's company in private, but no one can know about it.

PC 240.6a

[E]n Giraldon, un joc vos part d'amos ez es ben dretz qu'en aiaz la chausia...	Sir Guiraud, I propose a love-dilemma to you and as is only right you shall have the choice... ⁴³
---	--

In the debate between Guillem Peire and Arnaut (PC 201.5, c. 1211), Guillem asks if Arnaut would rather have as his lover a very wealthy lady who also has other lovers, or a lady of great merit who loves only him. The sixth line of his initial stanzas is “E parc vos un *joc d'amor*.” Harvey and Paterson translate this line “now I propose to you a love-debate”⁴⁴ which addresses the fact that the song is a debate with love as the subject, however it leaves out the game aspect of *joc* and none of those words actually mean “debate.” The line more literally says “a game of love.”⁴⁵

The debate songs are littered throughout with comments and accusations from one speaker to another on how skillful they are at proposing a debate or at choosing the best side. These statements usually appear in the second stanza as the second troubadour responds to the initial challenge, as in an early debate between Blacatz and Raimbaut (PC 97.4, c. 1195-6 or c.1200-1201).

⁴³ Ibid, 692-693.

⁴⁴ Ibid, 528.

⁴⁵ Ibid, 528-529

PC 97.4

Blacaz, d'aqest *partimen*
sai leu triar lo meillor...

Blacatz, I can easily discern the better
side in this problem.⁴⁶

In PC 388.4 (c. 1195-96) Gaucelm Faidit responds to Raimbaut's⁴⁷ challenge saying he will choose the better side of the *joc partit* and a lady is better off taking her husband's enemy as a lover rather than his friend. Here Harvey and Paterson translate *joc partit* as "debate" and say that some scholars think this is the earliest Occitan *partimen* composed in the mid-1190s. It is categorized as a *tenso* in the rubric of MS a¹.

PC 388.4

En Raembaut, d'aqest *joc partit*
pren lo miels e'l sordel vos lais...

Sir Raimbaut, I am choosing the better
side in this debate and leaving you the
worse one...⁴⁸

In the debate between Guiraut Riquier and Guillem de Mur, PC 248.36 (c. 1280-81) Guillem refers to the reasoning skills of men in general rather than his own personal skill as he chooses to hypothetically increase his prestige as a troubadour rather than receiving many gifts from his patrons but not fame. Harvey and Paterson decide to leave *joc partit* untranslated here.

PC 248.36

Guiraut Riquier, de bos sens par falhida
cant hom lo mielh d'un joc partit non
pren...

Guiraut Riquier, a man appears bereft
of good sense when he cannot take the
better side of a *joc partit*.⁴⁹

Some troubadours take a more humble stance in their response. In PC 449.1 (c. 1242-1243), Bertran de Saint Felitz says that he would rather let a virgin pursue him that

⁴⁶ Ibid, 186-187.

⁴⁷ Ibid, 1055.

⁴⁸ Ibid, 1049.

⁴⁹ Ibid, 771.

be the one to court and woo her, but he admits that he may not be the best partner for such a debate. He concedes to participate because Uc de la Bacalaria approaches the debate without trickery. Bertran de Saint Felitz uses the term *jocs partiz*, in his first line, which is presented as *partimens* in the Harvey and Paterson's English translation, but then they render *partez* from the last line as "debate."

PC 449.1

N'Ugo, gen fazes jocs partiz
si trobasez bon chausidor,
mas eu vo·n farai tan d'onor
car vei qe partez ses enjan.

Sir Uc, you make excellent *partimens*—
if only you can find a good partner; but
I will do you the honor of partnering
you because I can see you propose the
debate without trickery.⁵⁰

Luquet Gatelus takes the opposite approach in PC 101.8a (c. 1266), complimenting, perhaps sarcastically, Bonifaci Calvo for inventing a fair topic for debate: would you rather love a lady faithfully at a distance, or receive intimate favors through deceit and guile. Each instance of *partimen/partir* in this stanza is expressed through the idea of "proposing a pair of alternatives." In this case they are unequal alternatives and he chooses the role of the faithful, albeit frustrated, lover.

PC 101.8a

Bonifaci, desegal *partimen*
sabes partir, q'enjanz e leiautatz
no·s fan ensem ni partir no·ls degratz,
al mieu semblan, enaissi engalmen.

Bonifaci, you are good at proposing an
unequal pair of alternatives, for deceit
and honest dealing do not make a fair
match, nor in my view ought you to
have proposed them, as you did, as
alternatives of equal weight.⁵¹

The final common placement for genre terms in the debate songs is in the concluding stanzas. These lines often ask someone of authority to judge the dispute, as in

⁵⁰ Transmitted under both *partimen* and *tenso* as rubrics. Ibid, 1243-47.

⁵¹ Ibid, 220-221.

the debate between Chardo and Uc (PC 114.1, possibly c. 1240), in which the participants call for Lady Vermeilla as judge. “Sir Uc, without question let her judge the dispute [*partimen*]: what she decides everyone will accept.”⁵² Moreover, these concluding stanzas sometimes contain the idea of the song being “sent” or carried to the judge. In the book, *The Owl and the Nightingale*, Christopher Page describes how troubadours would employ jongleurs to carry love songs back and forth to their lovers, almost like a singing telegram. In PC 249.2 from around 1200-1254, Guiraut de Salaignac says to Peironet, “I send my *partimen* to Pierrefeu, for there the fair one holds court where all can learn. And since beauty has singled out her noble person as the best of all women, I accept whatever judgment she may give.”⁵³ The terms *tenso/tensa* also appear in these concluding stanzas, but in one unique example from the mid-fourteenth century, Peire Trabustal addresses his debate song directly, calling it “*Tenso*,” personifying the song and giving the message agency irrespective of the jongleur singing or carrying it.

PC 359.1

Tenson, vay t'en a Tarasco corent,
tro Berenguier non ti sies restancat;
e cant m'auras a lui recomandat,
e tu li dis de ma part humilment
que yeu sui sieus, a calque part que sia,
e pregue li, per sa gran cortezia,
quez el garde que frau non si'comes
en sest *partit* que yeu li ay trames.

Tenso, make haste to Tarascon, take no
rest until you find Berenguier. And
when you have commended me to him,
tell him humbly on my behalf that I am
his, wherever he may be; and beg him,
in his great courtliness, to have regard
that no deceitfulness is committed in
this *dispute* that I have sent him.⁵⁴

Peire Trabustal uses a form of the word *partir* in the last line of this stanza as well. The assumption that *partit* is being used here in a vague sense of “dispute” rather than a distinct genre term seems appropriate in light of the formal personification of the

⁵² “N’Ugo, ses plag q’el jutge·l partimen/zo q’en dira creira ben tota gen.” Ibid, 257.

⁵³ Ibid, 824-825.

⁵⁴ Ibid, 992-993.

song as “*Tenso*.” The question to address next is whether there is a way to address the discrepancy between Peire Trabustal calling his song a *tenso*, as well as the scribes of MS O and MS a¹, but modern scholars want to assign the label *partimen*.

Conclusion

Whether or not the troubadours are thinking in terms of specific poetic types beyond the initial intention of a dialoging in the form of debate is up to some conjecture. As poet-composers, they are very self-aware of their choice of specific words, however. The manner in which they combine and otherwise manipulate genre terms does suggest a degree of intentionality. The role of the scribe is once removed from the act of composition; their choices in organizing these songs therefore broadens our understanding of how the genres were understood in the thirteenth century.

There may not be a satisfactory way to reconcile both medieval and modern usage of terms *tenso* and *partimen* as genres. One option might be to call *partimen* a sub-genre of *tenso*, or another to simplify both as I have attempted by calling them all “debate songs.” Even if we follow the trajectory begun in the *Leys d’Amor* in 1323 and continued in modern scholarship, it is important to take each song and each occurrence of the term on a case by case basis, to maintain the entire experience of these songs as performative musical debates that participated in the incipient book culture of an emerging literate society.

CHAPTER TWO

DEBATE AND THE MEDIEVAL UNIVERSITY

Two requirements for a successful troubadour was wit and knowledge and a common phrase in the *vidas* to characterize specific troubadours is “wise and well versed in letters.”⁵⁵ The ability to read signaled a type of knowledge associated with formal educational methods such as tutoring from a local priest or other clergymen, or attending a school. Latin grammar was the first and most essential subject for reading skills taught to school boys in the Middle Ages. Grammar was also the first of the seven liberal arts, which became the foundation for the curriculum at medieval universities.

The aim of this chapter is to outline the educational methods of the university in relation to music as an academic discipline. Moreover, it will locate debate as an important pedagogical tool and as an essential force behind scholastic philosophy, ushering in an “age of reason” long before the Enlightenment. The lives of professors and students will also be discussed as parallels to the lives of the troubadours. The debate songs reference such lifestyles and social structures, displaying a familiarity with university education even if they did not have that training themselves.

Historical Overview

By examining the transmission of knowledge in successive centuries from the decline of the Roman Empire to the Renaissance, it becomes clear why the label “Dark

⁵⁵ *Vidas* are brief, likely apocryphal, descriptions of the lives of troubadour. Bernart de Ventadorn is one example, Margarita Egan, *The Vidas of the Troubadours*, (New York: Garland Publishing, 1984), 13.

Ages” is a misnomer. Illuminated books and manuscripts meticulously preserved the works of ancient writers in a manner that illustrated the light of their wisdom through lavish wealth, manifest in a single object: the codex. Monasteries were the primary repositories for book knowledge until the first universities became established based on the Roman system of education.⁵⁶ Institutionalized education fell apart along with the disintegration of the Roman Empire as violent upheavals and shifts of power had repercussions on social structures.

The fall of Rome left Western Europe vulnerable to attack by Germanic tribes. A vital need for physical security led to the small-scale centralization of authority around landowners who protected the people living on their land in exchange for a percentage of the products of their physical labor. This socio-economic organization, commonly known as feudalism, is widely considered to be a defining feature of the Middle Ages from the ninth century to the fifteenth century. However by the eleventh and twelfth century the term “feudalism” is no longer entirely accurate. Cities, supported by a growing economy based in trade and commerce, created a new class of “city-dwellers” that included basic laborers but also craftsmen, merchants, and administrators who needed a different kind of specialized education than a farmer. As cities grew larger, so did the demand for administrators or “clerks” (a word derived from clergy), creating jobs outside of the church for those who had learned to read and write, but lacked the inclination or opportunity to become priests. With further specialized study such men could make a living practicing law, which became a popular course of study at medieval universities along with medicine and theology. This shift in learning is acknowledged in several

⁵⁶ Charlemagne’s educational system looked back to Roman examples and was the prototype for the modern university. Lowrie J. Daly, *The Medieval University 1200-1400* (New York: Sheed and Ward, 1961), 93.

debate songs that ridicule the learning of clerks and contrast book learning with other forms of practical knowledge.⁵⁷

The earliest universities emerged in important economic centers to meet the new demands for education, although the activities of education revolved more around the fame of teachers than specific locations. In France, the University at Paris was one such location, followed closely by the University of Toulouse. These were important locations for music making during the high troubadour period as well as in the development of the trouvère repertory. In fact, musical aptitude was a significant factor for young boys who received an education. Both cathedral schools and the free schools established by Charlemagne taught boys to read enough Latin so that they could sing in the choir for Mass. Additionally, those training for the priesthood might be barred from ordination or recommended for further musical study, until they could perform proficiently.⁵⁸

The Liberal Arts

The concept of the liberal arts, still alive today, is fundamental to the educational establishment of Charlemagne, who believed all free men should have access to learning. In 789, the year preceding his coronation as emperor, King Charles decreed that all monasteries and cathedrals should have schools to educate any boy with an inclination to learn for free.

Let the priests recruit for these schools not only children from servile families but also the sons of free men. We wish that schools be created to teach children how to read. In the monasteries and in the bishoprics, teach the psalms, how to take notes, hymns, reckoning of the dates of movable feasts in the religious calendar,

⁵⁷ Hunt Janin, *The University in Medieval Life, 1179-1499* (Jefferson, NC: McFarland & Company, Inc, 2008), 9-14.

⁵⁸ F. Donald Logan, *University Education of the Parochial Clergy in Medieval England: Lincoln Diocese, c. 1300-1350* (Toronto: Pontifical Institute of Medieval Studies, 2014), 18-19.

grammar, and studiously correct the religious books, because often when students want to pray to God they cannot do so because of imperfections and mistakes in these books.⁵⁹

This decree shows a commitment to education in order to maintain the doctrinal integrity of the liturgy supported by the books used to perform religious services and rituals. Educating the children of free (*liber*) men was also the practice in ancient Rome. Some scholars believe Cicero's *De inventiones* to be the first written reference to the *artes liberales* from the first century B.C.E.⁶⁰ Seneca the Younger also mentions the liberal arts in his Moral Epistle 88 (c. 65 C.E.). The classification of disciplines varied during the Roman era until the fifth century when Martianus Capella wrote *De nuptiis Philologiae et Mercurii* (On the Marriage of Philology and Mercury), also known as *De septem disciplinis* (On the seven disciplines) and *Satyricon*. This lengthy allegory tells the story of the betrothal and wedding of Mercury, the god of intelligent/profitable pursuits (i.e. commerce), and Philologia, a maiden who was elevated to immortality because of her love of words and learning. As a wedding present, Philologia received seven maidens to be her servants and these are named for the academic disciplines.⁶¹

The seven liberal arts remained a relatively stable influence on the organization of European education until the nineteenth century. Both Cassiodorus and Boethius discuss them, as does Bishop Gregory of Tours (538-593) in *Historia Francorum* (History of the Franks) who writes:

⁵⁹ Janin, *University in Medieval Life*, 26.

⁶⁰ Other writers that mention the liberal arts include Quintilian in the first century C.E., Augustine in the fourth century, Cassiodorus in the sixth century, and Isidore in the seventh century. Bruce Kimball, *Orators and Philosophers* (New York: College Entrance Examination Board, 1995), 13.

⁶¹ William Harris Stahl and Richard Johnson, *Martianus Capella and the Seven Liberal Arts*, Volume 1 (New York: Columbia University Press, 1971), 363.

Our Martianus has taught you the seven arts that is...by means of grammar he has taught you how to read, through dialectic to discuss statements for debate, through rhetoric to know the kinds of verse, through geometry to figure the measurements for planes and lines, by astronomy to study the courses of the stars, through arithmetic to determine the characteristics of the numbers, and through music to harmonize different tones in songs of pleasing accent.⁶²

A popular mnemonic device taught to young school boys went “Gram loquitur; Dia vera docet; Rhet verba colorat; Mus canit; Art numerat; Ge ponderat; Ast colit astra.

(Grammar speaks; dialectical reasoning teaches truth; rhetoric adorns words; music sings; arithmetic counts; geometry measures, astronomy studies stars).⁶³

Boethius was the first to divide these seven academic disciplines into two groups, the trivium and the quadrivium.⁶⁴ The trivium included grammar, rhetoric, and logic. The quadrivium included arithmetic, geometry, astronomy, and music. Learning how to compose songs is difficult to situate as a subject among the liberal arts because it involves poetry, a subdivision of rhetoric, as well as music. Textbooks used for teaching approached rhetoric as a practical study more commonly than music treatises until around the eleventh century. Musical documents before the *Musica enchiriadis*, *Scholia enchiriadis* (late ninth century), and Guido of Arezzo’s *Micrologus* (c. 1026) tend to be much more philosophic and theoretical rather than practical “how to” guides.⁶⁵ I suspect the reason for this is two-fold. First, the legacy of great Roman orators remained highly influential in the practice of rhetoric.⁶⁶ To be a great leader and exercise authority, one had to be a great speaker who could persuade people to follow.

⁶² Lowerie J. Daly, *The Medieval University 1200-1400* (New York: Sheed and Ward, 1961), 10.

⁶³ Janin, *University in Medieval Life*, 43.

⁶⁴ Stahl and Johnson, *Martianus Capella and the Seven Liberal Arts*, 128.

⁶⁵ Richard L. Holladay, “The Musica Enchiriadis and Scholia Enchiriadis: A Translation and Commentary” (PhD. diss., Ohio State University, 1977), 212-220.

⁶⁶ Such as Cicero, Seneca, and Quintilian. Bruce Kimball, *Orators and Philosophers* (New York: College Entrance Examination Board, 1995), 13.

The practice of music, however, was not as revered. Musicians were members of the servant class and, while ancient philosophers extolled knowledge of music for the well-rounded educated man, it was considered nobler to theorize about music than to perform it. Boethius writes in *De institutione musica*,

For it is far greater and nobler to know what someone does than to accomplish oneself what someone else knows, for physical skill obeys like a handmaid while reason rules like a mistress. How much more admirable, then, is the science of music in apprehending by reason than in accomplishing by work and deed!⁶⁷

He further explains that there are three classes of people who involve themselves with music: one plays instruments, the second invents songs, and the third judges them. From his perspective, instrumentalists are mere servants; poets are one step removed from music because they employ a natural instinct rather than reason; but the third class comprises true musicians because they can judge the merits of rhythm, melody, and the whole song.

And seeing that the whole is founded in reason and speculation, this class is rightly reckoned as musical, and that man is a musician who possesses the faculty of judging, according to speculation or reason, appropriate and suitable to music, of modes and rhythms and of the classes of melodies and their mixtures...and of the songs of the poets.⁶⁸

The influence of troubadour song initiated a gradual change in the perspective of the inferior social status of musicians because the troubadours were mostly members of the upper class. Their songs became widespread resulting in a measure of authority given to secular song. The fact that their songs were recorded in the *chansonnières* is a testament to how much society valued them. Furthermore, because the first troubadours were

⁶⁷ Oliver Strunk, *Source Readings in Music History: From Classical Antiquity through the Romantic Era* (New York: W.W. Norton & Company Inc, 1950), 85.

⁶⁸ *Ibid*, 86.

noblemen employing an elevated style of composition, music eventually became an essential part of a knight's education by the fourteenth century.

It is important to view poetry, or at the very least song lyrics, as a bridge between the trivium and quadrivium, rather than a separate and independent entity. Words in the Middle Ages were primarily a spoken medium that required the act of intoning, as does music. Based on this reasoning, Isidore of Seville names the Muses as the originators of music because they sought after the power of the voice and song.

Music is so called through derivation from the word 'Muse,' for the Muses (Musae) were named from $\mu\alpha\sigma\alpha\iota$, that is, from 'seeking,' because, it was through them, as the ancients would have it, that the power of songs and the modulation of the voice were sought.⁶⁹

The debate songs are the perfect example of the bridge between the trivium and quadrivium because they use words outlined through grammar, rhetorical techniques, and dialectical argumentation—all through an undisputed musical medium that is sung.

Among the most famous texts used to teach rhetoric was Cicero's *De inventione*, written in Latin. While fluency in Latin was not widespread in general, it was the language of the university, and students were not considered literate if they could not read Latin. Thus, Latin grammar was among the first topics taught to young students. The Latin grammar textbook by Donatus was the widely used, and I mention it here because the treatises on how to compose in Occitan use it as their model for teaching composition. Once students had mastered Latin grammar, they moved on to rhetoric.

In *De inventiones*, Cicero makes it clear that he was invested in acquiring rhetorical skills such as eloquence for the good of the state. He writes that wisdom

⁶⁹ Stephen A. Barney et. al., eds, *The Etymologies of Isidore of Seville* (Cambridge: Cambridge University Press, 2006), 95.

without eloquence is not useful to other people, and eloquence without wisdom can be harmful. Therefore, he stresses the duty of the orator, that rhetoric must persuade men for the good of the state. Of this moral duty he writes, “we shall call that the material of the art, on which the whole art, and all that ability which is derived from art, turns.”⁷⁰ Citing Aristotle as his authority, Cicero further explains that the application of rhetoric’s moral duty has three aspects: the demonstrative, which involves the praise or blame of individuals; the deliberative, which involves political debate or the statement of one’s opinion; and the judicial, involving the process of accusation and defense. The last will be discussed further in chapter three, but all three rhetorical aspects clearly align with the topics of debate songs. The insult *tenso* involve the demonstrative blame of individual troubadours. The deliberative can be linked to the modern definition of *tenso*, a statement of a personal opinion. Both *partimen* and *tenso* sometimes call for a judge at the end of the song.

Rarely are the troubadours classified in the subject of political science, as Cicero is prone to assign rhetoric; however, the connection can be made since the art of *trobar* concerns itself with a highly structured system of social organization often called “courtly love.” Correct behavior, or morality, under this system involved a strange mix of acutely public expressions of these covert politics as the laws of love often directly contradicted the laws of the Church and the feudal state. A married woman caught in an affair, for example, had a lot to lose: potentially her land and wealth, her children, or even her own life.⁷¹ The playful quality of entertainment or the artificial aspect of “art” held the dangerous consequences at bay to a degree. Nevertheless, knowledge of this code was

⁷⁰ Cicero, *De Inventiones*, translation by C.D. Young (1853), Bk 1:5.

⁷¹ Gregory of Tours, *The History of the Franks*, translated by O.M. Dalton. (Oxford: Clarendon Press, 1927), 203 .

indispensable in court culture: to behave in a way that increases the honor of your reputation was foremost in the troubadours' minds and they considered themselves experts in the "laws of love."

The treatise *De Amore* (c. 1170-74) by Andreas Capellanus outlines these rules in language that mimics ancient writers, such as Cicero and Aristotle, in a series of three books. In precise Latin, he formulates the what, when, why, and how of love in that straightforward manner meant to instruct new recruits of Cupid's army, young men newly wounded by Love's arrow who need to learn how to woo their beloved. The first book contains eight dialogues between men and women of various stations discussing through logic why or why not the women should take the man as a lover. These exchanges resemble the dialogues of Plato and have much in common with the debate songs in content if not in form. Building on Cicero's charge that the ideal learned man embodies extensive knowledge of every discipline and has experience with the problems of everyday life, Andreas Capellanus applies rhetoric and logic in situational problems that arise when a man is in love.⁷²

John of Garland (c. 1195-c. 1270) is another writer who extensively uses Cicero as a model. He was born in England and studied at Oxford with John of London. Later, he taught grammar at the University of Paris and became "Master of Grammar" at the new University in Toulouse in 1229. He was a prolific writer known by famous thinkers of the day such as Roger Bacon, although attribution of some of his works is problematic.⁷³ One of his better-known manuscripts, the *Parisiana Poetria* (c. 1234),

⁷² Andreas Capellanus, *The Art of Courtly Love*, translated by John Jay Parry (New York: Columbia University Press, 1960).

⁷³ Traugott Lawler, *The Parisiana Poetria of John of Garland* (New Haven: Yale University Press, 1974), xi.

reads like a textbook on writing and often quotes Cicero. John of Garland's purpose in writing the *Parisiana Poetria* was to create a manual of style that would increase study at the University of Paris and also to inspire more books to be written. The fields of knowledge he includes are grammar, rhetoric, and ethics. He defines grammar as "how to speak properly," rhetoric as "how to speak elegantly," and posits that ethics is important because "every virtue comes from knowing what is right."⁷⁴

The chapters of *Parisiana Poetria* are divided into sections including the arts of invention, selection, memory, arrangement, and embellishment.⁷⁵ The concept of invention is particularly interesting in regards to the troubadours because of the etymology of their name. In Latin, the word *invenire* means to invent, come upon, find, and, as we see from Cicero's title *De inventione*, has a strong connection to grammar and rhetoric. The Occitan word *trobar* also means to discover, find, or invent, and it became intimately linked to the troubadours' style of poetry. Those who wrote in this style were known as *trobadors*. (In the northern French dialect, the word is *trouver* which still means "to find" in modern French).

Today, scholars typically translate *trobar* as "to write" or "to compose," but these words convey different connotations that lack the breadth of nuance which the word invention signified in the Middle Ages. Two particularly important features of this word are originality and believability. John of Garland writes "To invent is to come into knowledge of an unknown thing through the agency of one's own reason."⁷⁶ When a poet invents, the creation is original because it was previously unknown, and the process of

⁷⁴ Ibid, 3.

⁷⁵ Today we would use the terms "subject," "science," or "disciplines" rather than "art."

⁷⁶ Lawler, *The Parisiana Poetria of John of Garland*, 9.

using reason to compose is doubly evident in the debate songs because of the mode of argumentation.

The divisions of rhetoric that Cicero lays out are invention, arrangement, elocution, memory, and delivery. All of these divisions have bearing in the performance of music as well as the giving of speeches, but in Cicero's definition of invention, it is perhaps easier to picture in relation to lawyers or politicians than to poets. He writes, "Invention is the conceiving of topics either true or probable, which may make one's case appear probable."⁷⁷ Cicero's definition allows the use of imagination, but only to the point where the realism of the topic is maintained whether it describes true or fictional events. Today we often use the concept of "authenticity" to describe this kind of imagined realism or believability in song lyrics. The extent to which certain songs are autobiographical is as important for the troubadours as it is for today's singer-songwriters, or perhaps more so because we have so little information about their lives documented outside of their songs.

John of Garland outlines the five species of invention: where, what, what kind, how, and why.⁷⁸ Here we see medieval social constructs reinforced in these categories. The "where" has three sources including character, examples, and etymologies. Among the characters are three types of men: courtiers, city dwellers, and peasants. In medieval numerology, three is extremely important and typically associated with the trinity. But here, John of Garland references the rhetoric of ancient Rome. "According to these three types of men Virgil invented a triple style."⁷⁹ This division reflects the transforming

⁷⁷ Cicero, *De Inventiones*, Bk 7.

⁷⁸ "Species" is commonly employed in classical terminology to denote a granular level of class or organization still used extensively in the Middle Ages.

⁷⁹ *Ibid*, 11.

feudal state from warriors, clergy, and serfs to an “upper class” of those who are accepted at court, a “middle class” of those who live in the city, and a “lower class” of those who live in the country.⁸⁰

The “what, what kind, how, and why” might be considered similar to modern literary methodology pertaining to genre, subject matter, and authorial intent. The difference in medieval conceptualization, however, entails the civic morality. In the writings of ancient Greece and Rome, good deeds are equally, if not more, important than good words. This “golden rule” is also found in medieval Christian thought, but here we see it tied to the rules of rhetoric and grammar rather than theology.

Toward the end of *Parisiana Poetria*, John of Garland turns his attention to the musical side of poetry. In the following definition of rhymed poetry, John of Garland quotes a frequently cited passage of Boethius on the three parts of music: *musica universalis*, *musica humana*, and *musica mundane*.

Here begins the Art of Rhymed Poetry: Enough has been said of the art of prose and quantitative verse; now we must turn to the art of rhymed poetry. Rhymed poetry is a branch of the art of music. For music is divided into the cosmic, which embraces the internal harmony of the elements, the humane which embraces the harmony and concord of the humors, and the instrumental, which embraces the concord evoked by instruments.⁸¹

This quote reveals a familiarity with the ancient principles of music theory, and the following line which occurs shortly after this above passage may indicate that John of Garland wrote about music more extensively elsewhere, “There is nothing here about the other branches, my present subject is rhymed poetry only.” Lawler claims for John a prolific output that includes four works on music with only one being important.

⁸⁰ Masters and scholars fall into this upper class category. Cicero, Bk 7, 11.

⁸¹ Lawler, *The Parisiana Poetria of John of Garland*, 160-161.

While some scholars do not believe that the English philologist is the same person as Johannes de Garlandia, the music theorist, there is no denying that the author of *Parisiana Poetria* was well read and knew what the previous literature said about music. Less is known about the life of Johannes de Garlandia, who seems to have been French, based on one scribe describing him as such. Attributed to him are at least two musical documents: one on the musical life of Paris especially the new trend of using the rhythmic modes, *De musica mensurabili* (c. 1240), and another on plainchant *Introductio musicae planae secundum magistrum de Garlandia* (short title: *Musica plana*). There are some similarities in the organization and writing style of *Musica plana* and *Parisiana Poetria*, but this could be explained by the trends of academic writing during that period and the pedagogical purpose of the texts. Stefano Mengozzi writes that Johannes de Garlandia makes connection between grammar and music in a manner consistent with scholastic rhetoric.⁸² Lyric poetry, then, can be viewed as the connecting fiber between the language arts and musical arts as John of Garland, the English philologist, was able to discuss music as it related to poetry, and Johannes de Garlandia, the music theorist, used rhetorical devices to explain musical structure.

In the introduction to his translation of the anonymous *Summa musicae*, Christopher Page states that practical music treatises copy the manner of Latin grammar manuals.⁸³ Page views the harmonious interaction of people through the act of singing as the purest form of *musica humana* at this time, but the uniting words and melody through

⁸² “Garlandia is most sensitive to issues of language and rhetoric, as when, in the introduction he inserts a short paragraph on the very meaning and etymology of ‘introduction.’ The bulk of the treatise directly evokes the scholastic rhetoric of the *questio*...the text also offers pointed comparisons between grammar and music.” Stefano Mengozzi, *The Renaissance Reform of Medieval Music Theory: Guido of Arezzo between Myth and History* (Cambridge: Cambridge University Press, 2010), 85.

⁸³ “The musicians of the eleventh and twelfth centuries were taught to regard plainchant as a kind of applied grammar.” Christopher Page, *The Summa Musicae: A Thirteenth Century Manual for Singers* (Cambridge: Cambridge University Press, 1991), 35.

the act of singing to the debate songs. John of Garland refers to this union as “rhymed poetry.”⁸⁴ In Isidore’s *Etymologiarum*, the way words and melody fit together is referred to as “harmony” or “consonance.”⁸⁵ Cassiodorus calls this union rhythmic: “Rhythmics is that which inquires whether words in combination sound well or badly together,”⁸⁶ which is opposed to metrics, that is, poetic meters such as iambic, heroic, and elegiac. Modern usage of the terms harmony, consonance, and rhythm pertains to very different elements of music but the aspect of synchronization between two components is still implied. John of Garland writes that the rhymes in poetry mirror the ratios found in musical intervals between pitches. Proportions of 1:2, 2:3, and 3:4 are based on the Pythagorean system, and this is why the rhymes are considered “harmonious.” These concepts have a mythical aspect calling on the legend of Pythagorus or, in the case of Martianus, through the mouth of the goddess Harmony. Harmony is the last of the seven liberal arts to speak at Mercury and Philologia’s wedding (saving the best for last), and she gives her own background and history from birth to the present day before lecturing on the nature of music in the classic Aristolian manner:

When Lasus, a man from the city of Hermione, first taught the principles of harmony to mortal men, only three aspects were recognized: *hylikon* [subject matter], *apergastikon* [practice], and *exangeltikon* [exposition], also called *hermeneutikon*. *Hylikon* refers to that sound together in a similar manner—melody, measures, and words: those that pertain to melody are called harmonics; those that pertain to measures rhythmics, and those that pertain to words metrics.⁸⁷

It is clear from these passages that the relationship of words and music was conceptually very different for the medieval professor from their isolation within separate disciplines

⁸⁴ Lawler, *The Parisiana Poetria of John of Garland*, 160-161.

⁸⁵ Stephen A. Barney et. al., eds, *The Etymologies of Isidore of Seville*, 95

⁸⁶ Strunk, *Source Readings*, 88.

⁸⁷ Stahl and Johnson, *Martianus Capella*, 363.

in academia today. A contributing factor for this may be the nature and purpose of the early education boys received; that is, knowledge of grammar enabled a child to read, so that he could perform musical rituals for religious services.

Scholasticism, Masters, and Students

As explained in Charlemagne's edict, boys were taught to read to maintain the integrity of the liturgy. The theological justification for this was to promote correct doctrine, but on the practical side, learning to read enabled them to perform the service, meaning they would also be called upon to sing. Not all of these boys were destined for the life of the clergy, however, and those that took their studies as far as possible became *magisters* (masters/teachers). It is, therefore, reasonable to assume that many masters at the university had at least basic musical training. John of Salisbury (c. 1125-1180), for example, was a preeminent educator, and he wrote an autobiography chronicling teaching practices of the day. As a small child he was sent to a priest to learn the Psalter, and around 1135 he went off the University of Paris where he studied with Alberic, Robert of Melun, William of Conches, and Peter Abelard, whom he called the "Peripatetic of Pallet."⁸⁸

Much credit is given to Abelard for popularizing scholasticism, which is named after the "Schoolmen" who were dedicated to dialectical reasoning. Abelard argued that one arrived at truth only through skepticism and doubting. The theological dialogues he wrote entitled *Sic et non* (Yes and No) show the scholastic mode of argumentation where the thesis is stated, then challenged by the antithesis. The act of finding and comparing

⁸⁸ Daly, *The Medieval University 1200-1400*, 13.

direct opposites permeated medieval thought to the extent that song forms like the *partimen* participate in this worldview.

The dialectic method of reasoning became so popular in the university setting that it was used in the teaching of every discipline from law to medicine. One style of teaching used at the medieval university was *lectio*, where masters would read the “authoritative” text out loud and explain or “lecture” as they go with students passively listening and taking notes. This method developed because of the scarcity and expense of books. A second style, which began to dominate during Abelard’s reign, was *disputatio*, or oral debate, where two students would defend opposite sides of an argument much like what we find in the debate songs.⁸⁹ Masters would even invite other masters to listen to their speeches and challenge them in order to refine their own reasoning skills and theories.

It took at least six years of education to attain the level of master, however, and not many students had the inclination or the income to make it that far. An average student at the University of Paris was from a “middle” social position. He was the son of a knight, yeoman, merchant, or artisan. Or he was talented and smart enough to attract the attention and support of an abbot, archdeacon, or person of authority. Only around 50 percent of the student body in Paris lasted more than one and half years. These students were typically 14-16 years old; they were known for being rowdy and causing trouble; and they were not ambitious enough to sit for exams and earn a degree. The university labeled them *scholaris simplex* (simple student).⁹⁰

⁸⁹ Janin, *University in Medieval Life*, 39.

⁹⁰ *Ibid*, 72.

More serious students wanted to obtain a *baccalarius artium* (bachelor's degree), which took around two or two and a half years, and they would be 16-19 years old when they finished. These students made up 20 to 40 percent of the student body. Obtaining a Master of Arts degree took another two years, plus two more years of teaching once the degree was earned at age 19-21 years. Approximately 10-20 percent of the students at the University of Paris were master's degree candidates.⁹¹

A smaller group of students were young men of rank that grew up with private tutors and typically entered the university at the master level. There were also advanced students that were specializing in medicine, theology, or law. The advanced degree was a license to teach as a faculty member, and if a student could afford it, he would study for the doctorate finishing in his late 20s or early 30s. Many students did not have enough financial support from family or connections and so turned to a peripatetic life-style, wandering from city to city begging for money. The Goliards are an example of wandering scholars who wrote and sang ribald songs, which give us insight into the human and personal element of students' lives. The troubadours share some aspects of the Goliard lifestyle seen in the jongleur tradition, a wandering and potentially impoverished life, although their songs are in vernacular dialects rather than Latin. Today society typically looks down upon begging, but in the Middle Ages charitable giving was a mandate of the Church and begging was less shameful than earning wages from labor, according to Hastings Rashdall in *The Universities of Europe in the Middle Ages*.

Many a man who would have been ashamed to dig was not ashamed to beg; and the begging scholar was invested with something like the sacredness of the begging friar. To support a scholar at the university or to help on a smaller scale

⁹¹ Ibid, 71-75.

by giving him something at the door, in return for a prayer or two, was a recognized work of charity in the medieval world.⁹²

Several of the debate songs that address the lifestyle of the troubadour question whether there is any difference between a musician and a beggar or even a thief. The number of common traits between the life of medieval scholar and the troubadour is striking. The coincidences could merely be a reflection of the times, the tenor of the era. It is reasonable to propose that the troubadours were familiar with the educational systems of universities as many of them were trained as clergy, had reputations of having “book” knowledge, and knew how to conduct dialectal debates.

Troubadour Education

There is no explicit evidence pertaining to the manner or level of education troubadours possessed. Much of what we know about them comes from the *chansonniers* providing brief biographical introductions to their songs called *vidas*. Other details about their lives can be inferred from their lyrics: what they say and how they say it. The debate songs contain several references to philosophers, literary and historic figures, in addition to books, learning, and different forms of knowledge. These references suggest a familiarity with a university curriculum. Since the debate songs are characterized by humor and satire, it is logical to suppose that their audience is also familiar with these branches of knowledge, otherwise the joke would not strike them as funny.

The troubadours cite philosophers as wise men who would either support their side of the argument or simply as a gauge for their own level of skill and knowledge. The

⁹² Hastings Rashdall, *The Universities of Europe in the Middle Ages* (Oxford: Clarendon Press, 1977), 19.

debate song between Guillem Augier Novella and Guillem (PC 205.4) for example, asks the question: is it better to have learning or wealth? The second Guillem chooses knowledge that stays with you because “a man who has knowledge is rich even if all he has is his shirt.”⁹³ Guillem Augier replies that wealthy men can easily buy the wisdom of wise men if needed “for Aristotle himself, wisest of the wise, took gifts from rich men and Virgil accepted the coast from Naples onward.” One would normally expect Aristotle’s name to support the side in favor of learning over wealth, so the way Sir Augier turns it around to support his own side of the debate shows his skill in arguing. In the debate song (PC 8.1) concerning the obscure topic of whether saying “yes” or “no” brings a man more honor (see Chapter One), Piere del Poi asserts his own skill in argumentation by declaring, “Sir Aimeric, I assure you that you have met with an expert of such calibre that you will deservedly be vanquished by him, even if you had the wisdom of Cato.”⁹⁴

In addition to ancient classical authorities, Biblical references also appear in the debate songs. Samson is the most commonly cited biblical character because of Delialah’s betrayal (PC 248.14, PC 359.1, PC 451.1). Adam, King David, and King Herod were also betrayed by love according to PC 248.14 and PC 205.4. David and Solomon are cited for their authority as wise men and also for their experience being betrayed by women (PC 205.4).⁹⁵ The troubadour, Bernart, attempts to make a case in defense of women in a debate with Gaucelm (PC 52.3), and provides interesting example that uses the authority of unspecified “ancient writers.” Harvey and Paterson mention that this *tenso* is part of a class of debates where the second interlocutor is an established

⁹³ Harvey and Paterson, *Troubadour Tensos and Partimens*, 549.

⁹⁴ *Ibid*, 15.

⁹⁵ PC 205.4, PC 248.14, PC 359. 1, PC 451.1. *Ibid* 549, 729, 991, and 1257 (respectively).

troubadour that is being asked to defend a position expressed in an earlier song. In this case the earlier song presented an unflattering to women and Gaucelm maintains his position in the second verse, “for women, with all their charms, make love in the same way as a fowler lures birds and draw a man into madness—and once they have him in their grasp then as the ancient writers tells us, they get him into such a tangle that he will never again be free.”⁹⁶ These ancient writers could be biblical authors, classical philosophers, or merely jaded men from a previous generation. Whichever source of authority is being cited, this view of women was a common perspective of the day routinely supported by biblical stories.

Other historical figures used as examples of bravery in addition to wisdom include Charlemagne and Alexander the Great. As one might expect from the troubadours, famous lovers are mentioned such as Paris and Helen, Tristan and Iseut, and Pryamus and Thisbee. Further literary references include Roland and Oliver from the *Song of Roland* (the most frequently mentioned), Arthur and the Bretons, and Reynard and Isengrin. These last two characters come from folktales found in medieval France, Germany, and the Low Countries thought to have possibly originated in Alsace-Lorraine. In this satirical folklore, Reynard is a wiley fox that outwits the aristocracy and clergy. In Pierre de Saint-Cloud’s *Le Roman de Renart*, written in 1170, Isengrin the wolf is Reynard’s enemy and brings charges against him in the court of King Noble. All of these references, cursory though they may be, cover a considerable breadth of learning from the “modern” disciplines of history, literature, philosophy, and theology indicating more than a small amount of education.

⁹⁶ Ibid, 119.

This body of knowledge does not strictly imply a university education; family training, private tutors, and other channels of oral culture can also be modes of learning. Oral culture was a central source of knowledge for the troubadours, but emerging written mediums seem to have played a substantial role in the dissemination of their lyrics, and conversely, their use of the vernacular impacted the growth of changing book culture.⁹⁷ If one no longer has to learn a foreign language (Latin) to read, books become more accessible.

Book-learning or knowledge that comes from books is itself a topic commonly addressed in the debate songs. A specific book is mentioned in one debate between Enric II and Guillem de Mur (PC 140.1c) that asks whether a lady receives more honor by loving a rich knight or one less wealthy. Guillem answers in verse two, “Lord, since I have read with care the whole book of love and therefore know all the matters of dispute, I ought not be embarrassed at the choice before me.”⁹⁸ He chooses the less wealthy man “of lower rank.” The reference to the “book of love” could be meant literally, in which case it would be interesting to find titles that fit the function of instruction manuals for love such as Andreas Capellanus’ *De Amore*. If this reference is a metaphor, the humor lies in the assumption that inexperienced lovers can gain knowledge of love by reading rather than practicing courtly rules as a troubadour must in order to become an expert.

In another example by these same two troubadours (PC 140.1b), Enric makes a more generalized reference to book knowledge. Enric poses the question: would you rather be jealous or have your wife be jealous? Guillem prefers to be the jealous one

⁹⁷ Many illustrations exist that show courtship as a man with a long scroll reading to a lady. Letters seem to have been a common way to pass love poetry back and forth. Several debate songs imply this method of communication in addition to Andreas Capellanus’ *De Amore* mentions a letter sent to Marie de Champagne asking for her judgment of debate on a love topic.

⁹⁸ Harvey and Paterson, *Troubadour Tensos and Partimens*, 311.

because he feels he would only shame himself, but a jealous wife would bring dishonor on both of them. Enric replies in verse three,

God and the law and good sense and reason are all in agreement that a man must necessarily love himself more than others, so it seems to me your argument is a feeble one for you know—and you can find it said in books—that a deeply jealous man is out of his right mind. You bear too great a love for your wife by loving her more than yourself and more than honor.⁹⁹

Here Enric uses several sources to support his case including natural logic, human law, and God himself. The reference to books creates an interesting foil with the *tenso* of Bernart and Gaucelm whose “ancient writers” stress documented infidelities of women. Here, books tell us that men should not be jealous. In both cases, the act of writing knowledge down gives it greater weight.

The books mentioned in a debate between Gui d’Uisel and Elias d’Uisel (PC 194.18) would seem to agree with Enric’s bibliography, that a man can survive a lover who is unfaithful. Gui asks Elias if a man would be more distressed by his lover dying or leaving him for another man. Elias chooses infidelity because “you can learn from books that a man may recover from disappointment, whereas there is no remedy for death. You show little good sense in the matter, your learning lets you down here, for the most learned of men goes astray.”¹⁰⁰ Accusing human reason and learning of being faulty is a classic maneuver to discredit the opposing argument; as we saw in Cicero’s introductory warning against using eloquent rhetoric without wisdom. Elias acknowledges Gui’s learning, but invalidates education at the same time.

The conclusion of this song can also give us some insight into the level of Gui d’Uisel’s education. Elias ends with the *tornada*: “Wretched clerk! Your brain must be

⁹⁹ Ibid, 305.

¹⁰⁰ Ibid, 485.

addled: it is for the sake of an old trollop that you are tossing about like a ship without a rudder.”¹⁰¹ Calling Gui a “clerk” suggests that he was an educated man as a member of the clergy. In his *vida*, he is identified as the Canon of Brioude and Montferrand, and he was in love with two women for whom he composed many good songs. But the papal legate of Pope Innocent III, Pierre de Castelnau, made him “swear never to compose songs again. And for this reason he stopped inventing and singing.”¹⁰² One could assume that the pope did not approve of canons making love to women and then singing about it publicly. Egan dates this renunciation to around or slightly before 1209; the debate song is dated circa 1200.

We can use a similar method of inference in the debate between Guillem and Lanfranc Cigala (PC 201.4b). Guillem asks Lanfranc if he would rather have love’s pleasures in secret or to have people gossip about about him and his lady without receiving love’s pleasure. Lanfranc sings, “But I shall choose wisely, for I am not one to abandon sense for folly. I therefore scorn deceiving appearance along with false rumours of the crowd, and as an intelligent man I choose the joy you first mentioned.”¹⁰³ In these lines Lanfranc declares his intelligence, but then in his *tornada* he says “Guillem, since I have defeated you without the benefit of learning, in which I am deficient, if I were fully educated just watch how I should defeat you at full-tilt!”¹⁰⁴

The *vida* of Lanfranc Cigala says he was a lord from Genoa both a knight and a judge, “but he lived the life of a judge. And he was a great lover; and he was interested in

¹⁰¹ A *tornada* is the concluding stanza in Old Occitan poetry. Ibid, 487.

¹⁰² Margarita Egan, *The Vidas of the Troubadours*, (New York: Garland Publishing, 1984), 44.

¹⁰³ Havery and Paterson, *Troubadour Tensos and Partimens*, 519.

¹⁰⁴ Ibid, 523.

inventing poetry and was a good inventor, and he composed many good songs.”¹⁰⁵

Presumably, his concluding lines in this debate are ironic, full of joking self-modesty, because, as a judge, he would have been educated. His opponent, on the other hand, scholars identify as possibly Guillem de Montaignagol, whose brief *vida* only mentions that he was a knight from Provence. If this is a case, one possible interpretation gives Lanfranc’s joke another layer: he has more book-knowledge and perhaps less skill as a knight, but uses that physical jousting imagery, “full-tilt,” to describe his victory over one who earns his living as a warrior.

Often this “formal” education coming from university experience, or simply from books, is contrasted with knowledge gained from experience. The combination of knowledge and experience leads to wisdom and helps establish a troubadour’s reputation as an expert in composition and in love. There are two songs that refer specifically to the seven liberal arts showing that the troubadours and their circle were at least acquainted with the university curriculum even if they had not attended themselves. In both of these examples we see the opinion that formal education is not quite enough to make one a wise man. Guiraut Riquier proposes for debate, the topic of whether you prefer to master all the arts of learning or have all the ladies available for you to love (PC 248.14).

Enveyos responds, with an apology to his lover, that he would choose learning. Guiraut is very pleased with the choice left to him because he can find himself a wealthy woman who will improve his social standing. He sings,

I can make myself loved by such a lady as can make me rich, and my natural wit together with my knowledge will give me a recognized reputation; and you will live in misery with the seven arts, for they will trouble your eyesight and hearing as they do many, to the point where they forget all about learning.¹⁰⁶

¹⁰⁵ Egan, *The Vidas of the Troubadours*, 64.

¹⁰⁶ Havery and Paterson, *Troubadour Tensos and Partimens*, 729.

The second example that mentions the seven liberal arts (PC 205.4, discussed above for its reference to Aristotle) offers the choice of gaining wealth or knowledge. In it, Guillem Augier Novella asks another Guillem, “Which would you prefer: to be amongst the very richest men in land and wealth or to have the learning acquired with the knowledge which the seven arts set out?”¹⁰⁷ The second Guillem chooses knowledge that he can retain because it is possible to lose wealth but learning stays with you forever.

This debate is unique because it preserves the judgment at the end of the song with an extra pair of *tornadas*. Guillem Augier calls for Sir Romieu to judge the debate who has been identified as Romeo de Villanova, a judge and minister in the Provençal court of Count Raimon Berenguer V. Guillem Augier says, “Sir Romieu has (both) natural wisdom and learning and yet he likes being rich! We ask him to rule what is right in this case.” Sir Augier’s *tornada* supports Sir Romieu’s right to judge the debate on account of his education and natural wisdom, and yet his words have a hint of bias in them. This *tornada* is followed by the concluding lines, “Sir Romieu says in his ruling that wisdom is worth more than wealth, but he says here that he would choose wealth!”¹⁰⁸ In this judgment, Sir Romieu supports both the philosophical and the practical side of the debate.

The concept of natural wisdom, or wisdom gained by experience is one especially attributed to women at this time. Ladies, especially the highest ranking woman of the court, are the ultimate arbiters of the laws of love, so specific women are often asked by name to judge the debate song. One example of a debate between an anonymous woman “Domna H,” and Rofin (PC 249a.1) says “But let my Lady Agnesina say from her own

¹⁰⁷ Ibid, 549.

¹⁰⁸ Ibid, 551.

experience what she thinks about it.”¹⁰⁹ Another example (PC 233.5) is the debate song of Guillem de Saint Gregori and Blacatz, where Guillem insists in his *tornada* “it is right that my Bella Capa should, if ladies or young girls do so, judge the truth from her own experience.”¹¹⁰ While girls did not have the same opportunity to attend schools as boys in the middle ages, some did receive a high level of education from tutors. The initial relationship of Abelard and Heloise is an example of this. Other ambitious women who aspired to a high level of literary learning were able to achieve it against the flow of social norms such as the trobaritz Alamanda, whose *tenso* with Guiraut de Borneill is one of the few troubadour debate songs with an extant melody. Those women named in the debate songs, who may or may not have been literate, at the very least found a voice in possessing a natural wisdom that makes them fit arbiters of the courtly rules of love.

Conclusion

The most plausible conclusion to the question of troubadour education is to say it varies on a case-by-case basis. Their familiarity with the scholastic debate style found in a university setting however, is apparent in the debate songs. The troubadours used the dialectic mode of arguing opposing sides of an issue, and they were familiar with topics and important characters in literature, history, philosophy, and theology. While not all of the troubadours were concerned with the organization of art at the same theoretical level as Boethius and John of Garland, they knew enough to compose and judge the merits of a song including all poetic and musical elements. They also moved within society in a similar way as scholars who came from a range of economic backgrounds—often

¹⁰⁹ Ibid, 833.

¹¹⁰ Ibid, 635.

contending with poverty—and were accepted into court culture, although they remained dependent on the gifts and whims of landowners unless they were wealthy in their own right.

CHAPTER THREE

CANON LAW, CIVIL LAW, AND THE LAWS OF LOVE

Legal codes are among the earliest extant written documents, and they continue today as a genre with a long and complex literary history. Medieval society fostered a multiplicity of law codes that sometimes complemented and sometimes contradicted each other. Legal historian James Brundage lists a few of these: manorial law, feudal law, municipal law, royal law, maritime law, merchant law, Roman law, and canon law.¹¹¹ One useful approach to examining all of these codes is to divide them along secular and ecclesiastical lines, which serves to illuminate how the Church and State interacted through the administration of their authority.

Outside of the historically documented legal process, a rich picture of how legal systems worked in medieval society can be seen in both the epic and lyric literary genres. Stories of King Arthur's court and folk tales such as *Le Roman de Reynard* portray a system that was not especially efficient at dispensing justice in the modern sense, yet the function of settling disputes was accomplished nevertheless. The debate songs also mirror this process of settling disputes, while demonstrating the application of a third type of "legal" system: the courtly code of rules known as the "Laws of Love." They use a distinctly legal language, and perhaps, even played a part in the transition from settling disputes with violence to using verbal disputation as legal recourse. In this chapter I will compare canon and civil/custom law, in regards to two themes found in the debate songs: sex/marriage and violence. First, I discuss rules about marriage and sex from ecclesiastical and civil courts and the countercultural approach exhibited in the Laws of Love. Second,

¹¹¹ James A. Brundage, *Medieval Canon Law*, (London: Longman, 1995), 1-18.

I address the use of violence in settling disputes, both as illicit social behavior and as formal ritualistic litigation.

The Unification of Church and State

Emperor Constantine I ruled the Western Roman Empire from 306-337 C.E. and converted to Christianity around age forty-two. He was instrumental in establishing this religion as an official pillar of the Roman Empire as one of the three signatories of the Edict of Milan. This legalized the practice of Christianity, thereby conflating secular and religious authority.¹¹² The Christian emperors gave jurisdiction to bishops and other church officials over issues of doctrine and morality, and they held their own courts known as the *audientia episcopalis*. As the Roman Empire declined, the Church grew in numbers and wealth, and while not entirely unified in administrative authority or liturgical practices until Charlemagne, remained a steady power.

The legal system of the Church came to be known as Canon law. The word “canon” comes from the Greek κανων meaning rule/ruler, something by which you measure.¹¹³ Canon law first appeared in the mid to late first century with the *Didache* or *Doctrine of the Twelve Apostles* that laid out rules for the liturgy. Even from the very beginning of Christianity, there was an opposition between what could be thought of as Church and State when Jesus claimed that he did not come to abolish the law (Mosaic

¹¹² Peter Brown, *The Rise of Christendom* 2nd edition (Oxford: Blackwell Publishing, 2003), 61.

¹¹³ Lee Martin McDonald, *The Formation of the Christian Biblical Canon* (Peabody: Hendrickson Publishers, 1995), 13.

Law), but to fulfill it.¹¹⁴ He also counseled his fellow Jews to obey Roman law and “give to Caesar what is Caesar’s.”¹¹⁵

Apart from correct theology and liturgical organization, canon law dealt with social issues such as marriage and family life. In this, the Church greatly differed from the previous Roman approach. Roman law conceived of marital consent as an ongoing choice. If, at any time, one partner decided to withdraw consent, the marriage union could be dissolved. In a Christian marriage, consent was intended to be a permanent commitment.¹¹⁶

The controversy between Jerome (c. 320-420) and Jovinian (died c. 405) led to the exultation of celibacy as more holy than marriage. Jerome insists in Letter XXII to Eustochium that “I do not detract from wedlock when I set virginity before it. No one compares a bad with a good. Wedded women may congratulate themselves that they come next to virgins.”¹¹⁷ His reasoning situates the physical in direct opposition to the spiritual, and asserts that no one can have two loves, but hope is not lost, because “love of the flesh is overcome by love of the spirit.”¹¹⁸ Centuries later when the troubadours flourished, the church was still teaching that the practice of sexuality was acceptable for procreation, but any enjoyment that came from the sexual act was considered fornication and a mortal sin.

¹¹⁴ Matthew 5:17. *The Holy Bible* (New International Standard Version) (Grand Rapids Michigan: Zondervan Publishing House, 1986), 683.

¹¹⁵ This passage refers to paying taxes, which is another branch of law. The image of Caesar that appeared on Roman coins contradicted Mosaic Law, which forbade any graven image. Luke 20:25. *Ibid*, 745.

¹¹⁶ C.S. Lewis, *The Allegory of Love* (New York: Oxford University Press, 1958), 13.

¹¹⁷ St. Jerome, *Letters and Select Works*, tr. W. H. Fremantle. Select Library of Nicene and Post-Nicene Fathers, Ser. 2, Vol. VI (Edinburgh, 1892), 19.

¹¹⁸ *Ibid*, 17.

In *The Allegory of Love*, C.S. Lewis points out that these teachings of the Church combined with the practice of marriage as political and clan allegiances resulted in loveless marriages among the members of the upper class. Not surprisingly, the aristocracy turned elsewhere for consolation and expression of love/sexuality, as Andreas Capellanus shows in *De Amore* (c. 1180). Inserted before the eighth dialogue in Book One is a letter addressed to Marie de Champagne, the daughter of Eleanor of Aquitaine and King Louis VII of France, describing a bucolic setting where a few lords and ladies devoted themselves to “Love’s idleness” and debated the question of whether and husband and wife can truly love each other. A consensus could not be reached, so they wrote their arguments down and sent them to Marie for judgment on the matter. Her response was that married people cannot be in love because love must be given freely and marriage binds two people in obligation and duty. Therefore to be in the service of Love (Cupid) and to follow his mandates was directly opposed to canon law which said the punishment for adultery was death for both a man and woman caught in *flagrante delicto*.

The Laws of Love

While the scope of argumentation techniques in the debate songs is limited because of their brief poetic form, they tend to follow this method of dispute especially in relation to the concept of the “Law of Love.” Both an oral and a written code, the laws of love were recorded around 1180 by Andreas Capellanus and he portrayed these laws as an ancient tradition handed down by the Romans through service in Cupid’s army.

Andreas relates an allegorical myth about a knight out riding with his lord’s retinue and he becomes separated from them and loses his way. Upon seeing figures out

riding, the knight thinks he has regained his party only to find that the soldiers and ladies in varying degrees of finery are in fact dead soldiers in love's army. Those that are richly clothed are lovers that followed the laws of the "King of Love." This king/god of love, imparts to the knight twelve rules in what resembles biblical language. Cupid declares, "You have been permitted to see our mighty works that through you our glory may be revealed to those who know it not, and that this sight which you now see may be a means of salvation for many ladies."¹¹⁹ He addresses himself in the third person, as a king might. The themes of divine glory and salvation are significant to Christianity, and the language of the following laws resembles the Ten Commandments.

Know then that the chief rules in love are these twelve that follow:

- I. Thou shalt avoid avarice like the deadly pestilence and shalt embrace its opposite.
- II. Thou shalt keep thyself chaste for the sake of her whom thou lovest.
- III. Thou shalt not knowingly strive to break up a correct love affair that someone else is engaged in.
- IV. Thou shalt not choose for thy love anyone whom a natural sense of shame forbids thee to marry.
- V. Be mindful completely to avoid falsehood.
- VI. Thou shalt not have many who know of thy love affair.
- VII. Being obedient in all things to the commands of ladies, thou shalt ever strive to ally thyself to the service of Love.
- VIII. In giving and receiving love's solaces let modesty be ever present.
- IX. Thou shalt speak no evil.
- X. Thou shalt not be a revealer of love affairs.
- XI. Thou shalt be in all things polite and courteous.
- XII. In practicing the solaces of love thou shalt not exceed the desires of thy lover.¹²⁰

The content of these rules overlap with Moses's ninth and tenth commandments in terms of avoiding falsehood, greed and covetousness. There are also parallels with devotion to

¹¹⁹ Andreas Capellanus, *The Art of Courtly Love*, 81.

¹²⁰ Ibid.

the service of Love and the first commandment of having “no other gods before me,” although the god from each code is obviously antithetical.¹²¹

In book two of *De Amore*, subtitled “How love may be maintained,” Andreas tells another story of a knight who is sent on a quest by the woman he loves. Having endured many perils to accomplish the task set before him by his lady, the knight was rewarded with her love. She calls together all the members of the court and everyone swears an oath to uphold the rules of love and to avoid punishment from the King of Love. They each took home a written copy of the code and gave them out to lovers all over the world.

This is the parchment on which are written the rules of love which the King of Love himself, with his own mouth, pronounced for lovers...Afterward he looked over the rules which he had found written on the parchment, and then, in accordance with the answer he had previously received, he made them known to all lovers....

These are the rules

- I. Marriage is no real excuse for not loving.
- II. He who is not jealous cannot love.
- III. No one can be bound by a double love.
- IV. It is well known that love is always increasing or decreasing.
- V. That which a lover takes against the will of his beloved has no relish.
- VI. Boys do not love until they arrive at the age of maturity.
- VII. When a lover dies, widowhood of two years is required of the survivor.
- VIII. No one should be deprived of love without the very best reasons.
- IX. No one can love unless he is impelled by the persuasion of love.
- X. Love is always a stranger in the home of avarice.
- XI. It is not proper to love any woman whom one would be ashamed to seek to marry.
- XII. A true lover does not desire to embrace in love anyone except his beloved.
- XIII. When made public love rarely endures.
- XIV. The easy attainment of love makes it of little value; difficulty of attainment makes it prized.
- XV. Every lover regularly turns pale in the presence of his beloved.
- XVI. When a lover suddenly catches sight of his beloved his heart palpitates.
- XVII. A new love puts to flight an old one.
- XVIII. Good character alone makes any man worthy of love.
- XIX. If love diminishes, it quickly fails and rarely revives.

¹²¹ Exodus 20:1-17. *The Holy Bible* (NISV), 54.

- XX. A man in love is always apprehensive.
 XXI. Real jealousy always increases the feeling of love.
 XXII. Jealousy, and therefore love, are increased when one suspects his beloved.
 XXIII. He whom the thought of love vexes eats and sleeps very little.
 XXIV. Every act of a lover ends in the thought of his beloved.
 XXV. A true lover considers nothing good except what he thinks will please his beloved.
 XXVI. Love can deny nothing to love.
 XXVII. A lover can never have enough of the solaces of his beloved.
 XXVIII. A slight presumption causes a lover to suspect his beloved.
 XXIX. A man who is vexed by too much passion usually does not love.
 XXX. A true lover is constantly and without intermission possessed by the thought of his beloved.
 XXXI. Nothing forbids one woman being loved by two men or one man by two women.¹²²

Andreas' stories provide both a realistic setting and a mythical justification for the code of courtly love. The act of writing is a prominent element in the first story as Andreas and his companions write a letter to Marie de Champagne for her counsel, and in the second mythical story as a way to disseminate the written list of laws. Several debate songs draw on this legal ideology citing the "laws of love" as if it is a formal code everyone knows and lives accordingly.

The debate song of Gui and Elias d'Uisel (PC 194.2) address the issue of love between husband and wife found in the letter Andreas sends to Marie de Champagne. Gui poses the question that when a lover is sincere and truly loved by his lady, "Which ought he to desire more according to the laws of love when it comes to pass that he is given the choice: to be his lady's lover or her husband?"¹²³ Gui argues that a lover holds his lady in awe and respect while a husband sins against love by being boorish and discourteous. The final *tornada* by Elias supports the judgment of Lady Margarita who,

¹²² Andreas Capellanus, *The Art of Courtly Love*, 184-186.

¹²³ Harvey and Paterson, *Troubadour Tensos and Partimens*, 467.

because of her purity and worth, “is well able to pass judgment according to the law of love.”¹²⁴

In another debate between these same two troubadours (PC 194.17), Gui asks Elias if a lover should allow his mistress a single night with another man she claims to love? Elias confidently replies in verse four “Do you want to hear what is the right thing as far as love is concerned? People say that the sincere lover is the man who as readily does what is wrong as what is right, providing his lady bids him to do so, for true lovers abide by no other law.”¹²⁵ Here the one rule above all others, is for a man to please his lady no matter what the circumstances in accordance with law XXVI: “love can deny nothing to love.”

Jaufre de Pon addresses the sentiment behind law XIII in his debate song with Guiraut Riquier (PC 261.1a). The rule claims that love should be kept secret between a lover and his lady, and if it becomes public knowledge, it does not last long. Guiraut praises the Catalans for being the greatest at performing public exploits in the service of Love. Jaufre says, “Guiraut, I wish that fine custom were here among us, for it is the thing that pleases me most; for I remain very fearful, so that according to the law of love I do not dare tell you about what pleases me, or carry it out, for if anyone were to know my joy, it could soon be ruined.”¹²⁶

The unidentified troubadours Elias and Bernart also touch upon this topic of publicity and love as they discuss the matter of how love might affect a man’s ability to sing the praises of his lady (PC 52.4). Bernart believes the man who is struck mute in the presence of his lady is more in love, which relates to the sentiment of laws XVI and XVII

¹²⁴ Ibid, 471.

¹²⁵ Ibid, 479.

¹²⁶ Ibid, 859.

that describe the extreme physical reactions of one in love: turning pale and heart palpitations. Elias, on the other hand, says that man who publicly exalts a lady's virtues is more in love.

Bernart, if your line of argument has made a choice in order to make wrong from right, I have rejected the worse in favor of the better [choice], for evidently the better lover by far is he who advances his lady's reputation by speaking of her whenever it is proper to do so. For it is clear that the contemplative man does not know what to say, since by love's law he ought to praise his lady; and so I set more store by fine words than by long reflection.¹²⁷

While none of the numbered rules in Andreas's list of laws directly address public praise of a woman, Andreas does spend a great deal of effort at the beginning of *De Amore*, Book One telling Walter that the first thing a lover must to do when paying court to a lady is to praise her virtues. Eloquence is highly regarded in the troubadour style of courtship, so Andreas's emphasis is unsurprising.

In PC 449.1, Bertran de Saint Felix compliments Uc de la Bacalaria's expertise in courtship when offered the choice of wooing a woman or be pursued by her. Bertran chooses to have the woman woo him saying, "You who are so expert in wooing, I prefer you should be the one to woo."¹²⁸ Uc replies in verse three, "Bertran, in making this choice you have not chosen like a true lover, for in accord with love's law it is better when I woo her as a suppliant."¹²⁹

Lastly, least we take the concept of law and punishment too seriously in these matters of love, Folquet de Lunel offers a humorous topic of debate to Guiraut Riquier, of whether a lover has more pleasure going to bed with his lady or getting up again: is the

¹²⁷ Ibid, 129.

¹²⁸ Ibid, 1243.

¹²⁹ Ibid, 1243.

anticipation or satisfaction of the sexual act more pleasurable? Guiraut argues for anticipation and in verse six says,

According to the law of love, your argument is deeply flawed, Folquet, which makes it obvious that it never kept you in suspense; for the joy of love is never over and cannot be ended by anything except antipathy. But if your absurd reasoning is taken to its logical conclusion, a lady should never satisfy a lover, for the lover must have found going to bed extremely disagreeable if the getting up really pleased him so much.¹³⁰

Invoking the laws of love as a strategy of argumentation shows a reliance on formal modes of logic and reasoning and an emerging dependence on written codes. That the two codes preserved by Andreas are repetitive and somewhat contradictory is in keeping with the medieval traditions of customary law.

Custom Law

Many of the Church's laws, such as their stance on marriage, remained relatively constant from the fifth to twelfth century, but civil law was a constant revolving door as power shifted from one family or tribe to another.¹³¹ Germanic rulers, who seized power during the decline of the Roman Empire, treated the law as a specific characteristic of a given tribe; thus each person was held accountable to the laws of the society they were born into.¹³² Esther Cohen calls this customary law and emphasizes the part memory and oral tradition play in the administration of these laws for the Germanic and later Frankish rulers.¹³³ The inconsistency and turnover with each new generation of monarch meant

¹³⁰ Ibid, 355.

¹³¹ The practice of divorce and annulment of marriage differed from the official rules, as we see in the life of Eleanor of Aquitaine who wanted to separate from her first husband, King Louis of France. Her wish was eventually granted for the reason that their marriage did not produce a son and heir, only two daughters one of whom was Marie de Champagne.

¹³² Brundage, *Medieval Canon Law*, 20.

¹³³ Esther Cohen, *The Crossroads of Justice: Law and Culture in Late Medieval France*, (Leiden: E.J. Brill, 1993), 4-14.

that knowledge of the law and its transmission was primarily kept in the memory of local laymen with administrative experience. It was the laymen who possessed knowledge of local customs and cases rather than scholars or clergy, even though the administration of justice remained a requisite of the political authority.

Legal codes were often named for the ruler or reigning tribe of the period such as the codes written under Clovis, Gundobad, Alaric, and Recceswinth. These names do not denote authorship of the rules; they were more likely collections of local laws—handpicked by the new rulers to bolster their own authority. R. Howard Bloch describes them as flexible policies compiled in the wake of annexation.¹³⁴ The new king would install his own administrators, *prévôts* and *baillis*, but allowed the diverse local practices to continue.

One example commissioned by Clovis I (c. 466-511), is the *Lex Salica* or Salic law, named for his clan the Salian Franks who became the dynasty of Merovingian rulers after Clovis' unification of Frankia. Clovis appointed four delegates to research and record laws that were previously kept by elders of the community who would meet and confer in counsel when their knowledge was required. The *Lex Salica* dealt with aspects of civil law such as rules for inheritance and criminal law like punishments for murder.¹³⁵ Another example is the code established by the Burgundian king, Gundobad (474-516), the *Lex Burgundionum*, shortly after he was defeated by Clovis according to the history of Gregory of Tours. The *Lex Burgundionum* addressed issues like marriage, inheritance,

¹³⁴ R. Howard Bloch, *Medieval French Literature and Law* (Berkeley: University of California Press, 1977), 8.

¹³⁵ Katherine Fischer Drew, *The Laws of the Salian Franks* (Philadelphia: University of Pennsylvania Press, 1991), 43, 163.

and weregild or “man price” that delineated fines and penalties for manslaughter, injuries, and theft.¹³⁶

The amalgamation of these legal codes can be understood as literary traditions, because they were not practiced in the courtroom in the modern sense. Instead, they represent the authority of the oral tradition behind both quotidian practices and the written text. They were used primarily as a record for posterity. In a similar way, the *chansonniers* were not used in the practice of music, but as a repository for the troubadour repertory. Bloch compares the practice of law and important literary works from the period and sees a similarity in function and dissemination: “Based upon formula, gesture, and ritual, the procedures of the feudal court resembled more than superficially the literary performance.”¹³⁷ Formula, gesture, and ritual also play a vital role in musical performance and transmission, which suggests that the slow shift from oral to written traditions permeated every corner of society during this period. Traditions were kept in communal memories of those masters of music whose lives were spent in performing and creating music and then taught to the next generation of apprentices. Cohen also recognizes the shift brought on by book culture and describes the intervening centuries when written and oral codes were used side-by-side.¹³⁸

¹³⁶ Ibid, 17-87.

¹³⁷ Bloch, *Medieval French Literature and Law*, 3.

¹³⁸ VI.2 “Let him who has followed a fugitive, and by chance kills him while resisting, be free of all blame (prosecution).” Katherine Fischer Drew *The Burgundian Code: Book of Constitutions or Law of Gundobad, Additional Enactments*, (Philadelphia, University of Pennsylvania Press, 1972), 27.

“As literacy became a cultural norm, court proceedings and other legal instruments came into existence, sometimes side by side with the spoken word and sometimes in its place.” Cohen, *The Crossroads of Justice*, 13.

Violence as Legal Recourse

The spoken versus written dichotomy is not the only contention to be dealt with in legal practices during this period. In an age where physical prowess is revered and the threat of violence imminent, a typical response in settling disputes involved violence. The warrior class held fast to their right to bear arms to protect themselves from external and internal threats. Feuding was a time-honored tradition where the wronged party would seek “eye for eye” retribution along with the help of his family, clan, and friends. Discipline and punishment for even the slightest of crimes could be meted upon the body with a variety of injuries including branding, blinding, dismemberment, and death. Any member of the community could take it upon themselves to dole out this punishment whether or not they had official authorization of an administrating body. The *Lex Burgundionum*, for example, contained provisions concerning outlawry, which gave impunity to manhunts that killed fugitives, and in English eyre courts, ten men were outlawed for every one brought to an official trial.¹³⁹

The debate songs make reference to traditions of violence juxtaposed against nonviolent legal procedure, as a mix of male warrior culture and the reasoned cultivated aesthetic of courtly love. In an example cited in Chapter One (PC 1.1), Ademar lo Negre asks Raimon de Miraval if a man should leave his lover for no other reason than she has grown old, and he begins by politely saying “I wish us to make an agreeable dispute, if you please.”¹⁴⁰ Raimon responds more forcefully in verse four, “Sir Ademar, you are determined to turn your song into vulgar brawling.” This shows how quickly tension can build and the sense of play deteriorate in a contest such as a debate.

¹³⁹ Bloch, *Medieval French Literature and Law*, 53-54.

¹⁴⁰ Harvey and Paterson, *Troubadour Tensos and Partimens*, 3.

A verbal altercation can be as harmful to one's reputation as a physical brawl for the troubadours. Thus a quick wit is a tool for self-defense as Peire Guillem de Luzerna understands and states in his debate (PC 344.3a) with Sordel, who teases Peire for courting an unattainable lady. Peire concludes in his *tornada*, "Any man who can protect himself against your blow, Sordel, knows a great deal about self-defense."¹⁴¹

The debate song (PC 205.1) of Guillem Augier Novella and Bertran d'Aurel, who both seem to have been mercenary soldiers and jongleurs circa 1220, is a good example of violence among lower social classes among (musicians are often classified as low class this period).¹⁴² Guillem asks if it is better to be a thief or a jongleur, and Bertran avoids choosing by calling both equally "unpleasant and despicable." In verse five Guillem defends the profession of jongleur against that of the soldier:

I go looking for good company and enjoyment while you go robbing and stealing until your crimes deliver you into the hands of common men in a market-place or fairground where you'll be hit and beaten, then, when you've been thoroughly thrashed, your lights will be put out.¹⁴³

The brutalities of war are sometimes justified as understandable recompense after the heat of battle, but when soldiers rob and steal from common men in the marketplace, the violent retribution Guillem describes is unsurprising.

In addition to mob mentality and group violence, disputes were also settled in the tradition of trial by battle or the "judicial duel." The initial part of the duel is the challenge which many debate songs issue in the first stanza such as Cavaire declaring, "Bonafos, I issue a challenge to you,"¹⁴⁴ or the anonymous troubadour from Limousin

¹⁴¹ Ibid, 977.

¹⁴² A jongleur, or in Occitan joglar, is a wandering musician/performer, usually from a lower class.

¹⁴³ Harvey and Paterson, *Troubadour Tensos and Partimens*, 541.

¹⁴⁴ Ibid, 239.

beginning, “Bernart de Ventadorn, I have come here to challenge you in song.”¹⁴⁵ Other challenges are less aggressive and might be positioned later in the song:

Peire, my good sense betrayed me when I challenged you to a dispute, for your skill is perfect and you are a good and agreeable man, and your capacities are great and your songs delightful, and no jongleur walks the earth who would more unwillingly make a mistake or more readily put forth a good argument.¹⁴⁶

If the accused were unable to fight for themselves such as the old, infirm, or women, they could request a champion to battle in their stead. According to Bloch, the use of a champion, rather than direct participation in trial by combat, was an ancient German tradition, *sunnis* or *avoué*, and became a constant feature in the medieval judicial duel among the Franks in the sixth century seen in the *Lex Burgundionum*.¹⁴⁷ The character of the champion is much more present in the epic genre such as the battles between Charlemagne and Baligant in the *Chanson de Roland* or Lancelot championing Guinevere against Mador in Chrétien de Troyes’ *Morte d’Arthur*.

The debate songs are themselves a type of duel and a sign that acumen for argumentation was replacing physical violence as a mode for justice. Cohen writes, “Just as human prowess was evidence of the truth in the duel, human verbal dexterity was an audible proof of the same.”¹⁴⁸ A quick mind and a nimble tongue also made the troubadours champions of love. Guiraut de Salaignac warns Peironet of falling onto error when he asks the question, “Which, in your view, is the better champion of love: the eyes of the man who truly loves his lady, or his heart? But whichever you prefer, I shall win the argument, provided the court gives true judgment.”¹⁴⁹ Peironet is confident as he

¹⁴⁵ Ibid, 923.

¹⁴⁶ Ibid, 165.

¹⁴⁷ Bloch, *Medieval French Literature and Law*, 25.

¹⁴⁸ Cohen, *The Crossroads of Justice*, 67.

¹⁴⁹ Harvey and Paterson, *Troubadour Tensos and Partimens*, 821.

pleads the case for the eyes being the champion of love as they are messengers to the heart and can make men fall in love against their wishes. He says, “There is no lawyer in the world whom I would not defeat in a case for love.”¹⁵⁰ Andreas Capellanus would likely agree with him for he explains that a man falls in love through first seeing the beloved then meditating on her beauty, and if a man is blind it greatly hinders this process.¹⁵¹

Ordeals

Another instance of violence in the medieval legal process is the ordeal. Like the duel, which has also been called “ordeal by combat,” the ordeal was intended to demonstrate the truth of the litigant’s denial of an accusation through divine intervention known as *judicium Dei*. In a society that taught absolute faith in a righteous God, people put their confidence in mystical dispensation of justice and were willing to accept the results of such a trial. Such ordeals might include fire, boiling water, cold water, or poison. Bloch characterizes the ordeal as a significant component of the legal process before the thirteenth century because it was a formal public way to address a wrong short of war.¹⁵²

The economist Peter Leeson theorizes that trial by ordeal may have been a more effective way to discern innocence than we might think in a modern age; only those who truly believed in their innocence would submit themselves to such tortures. The guilty

¹⁵⁰ Ibid, 821.

¹⁵¹ Andreas, *The Art of Courtly Love*, 33.

¹⁵² “Despite its obvious dangers and inadequacies, trial by ordeal was, up until the thirteenth century, the only public means by which a man who felt wronged by another and could not come to terms with him might seek justice for the offense. Short of recourse to war, it remained the only formal procedure by which a member of the feudal warrior aristocracy might bring legal suit against the party that had caused him wrong and refused to recognize his guilt.” Bloch, *Medieval French Literature and Law*, 52.

would be much more likely to confess or settle the dispute out of court. The *Chronicle of the Kings of England* by Sir Richard Baker (c. 1730) tells the legend of Emma of Normandy, mother to Edward the Confessor, walking on red-hot ploughshares to prove that she was innocent of committing adultery with Bishop Ælfwine of Winchester. Her success was deemed a miracle.¹⁵³ However, the lack of contemporary documentation leads modern historians to consider the entire event fictional, especially considering the fact that her own commissioned biography, *Encomium Emmae Reginae*, does not mention it. The concept of putting the truth to the test is seen in the debate song of Folquet de Lunel and Guiraut Riquier (PC 154.2) who concludes his argument by saying “Folquet, the verdict gives me no cause for anxiety, because I am defending the truth; and let it be put to the test.”¹⁵⁴

Trial by Inquest and the Peace Movement

Periodically both civil and ecclesiastical authorities would try to stem the violence established by these traditions, and the inquest was one technique that had varying rates of success. One method was to proclaim an armistice during important feast days in the liturgical calendar. A Frankish custom practiced in Charlemagne’s court, canonical courts, and in the Duchy of Normandy, the inquest was reintroduced in the twelfth and thirteenth century. It met as a counsel of experienced elders (i.e. jurors), who called for an account of the events in question from the litigants, and then debated the verdict.¹⁵⁵ Once the accused was summoned before the court, they were given a certain amount of

¹⁵³ Richard Baker, *A Chronicle of the Kings of England: From the Time of the Romans government to the death of King James the first* (London: Edward Phillips, 1730), 19.

¹⁵⁴ Harvey and Paterson, *Troubadour Tensos and Partimens*, 355.

¹⁵⁵ Bloch, *Medieval French Literature and Law*, 121.

time to appear or respond with an excuse, usually thirty days with a ten-day reprieve for extenuating circumstances. If they did not respond, the Carolingian custom of “*enquête du pays*” was to arrest and imprison them for as long as a year and a day or until the accuser could also appear before the court.

The tales of Reynard and Isengrin give a humorous take on the success of the procedure of inquest. Reynard is an impulsive fox given to indulging his animalistic instincts. His escapades include seducing chickens to their death to satisfy his hunger, tricking a bear into reaching for honey, which gets him stuck fast with hunters on his trail, and the ultimate insult, having his way with Isengrin’s wife, Hersent the wolf. It is this last violation that causes Isengrin to petition King Noble the lion to redress Reynard’s crimes. Noble is reluctant to investigate Reynard’s guilt, because he is a clever ally and vassal, but Reynard has angered so many members of the court that they insist the king follow his own legal due process which he established to limit violent acts among his subjects. Bruin the bear declares,

Ysengrin is alive and free
 And if Renard’s his enemy
 To seek revenge would not be wrong
 You know that Ysengrin is strong
 If Renard lived close to his domain
 And if your sworn peace did not restrain
 All ruled by you from acts of war
 Renard would get what he’s asking for!¹⁵⁶

This quote shows the difficulty rulers faced in diplomacy among their vassals who, because they were members of the warrior class, expected to maintain their right to bear arms and pursue their own justice where they saw fit. Bloch also points out a similar dilemma King Arthur faces in Chrétien de Troyes’s tale of the trial of Guinevere.

¹⁵⁶ Branch I, ln. 61-64. Patricia Terry, *Reynard the Fox* (Boston: Northeastern University Press, 1983) 95.

Arvalan, an enemy of Gawain, tries to kill him by giving Guinevere a poisoned fruit thinking that she will offer it to Gawain. She unwittingly gives it to Gaheris of Karaheu instead, and his brother Mador accuses her of murder. Arthur tries to avoid a trial because he loves her and does not wish her to be punished for this act.

Lyric songs belong to a different literary branch from these epic stories, but they accomplish a similar depiction of society. The presence of the legal system so prevalently conveyed in entertainment seems to show a significant preoccupation with litigation. The intention of these songs and writings spans a wide range from inspiring good deeds to satirize faulty systems, to promoting disreputable behavior. The reputations of musicians and performers during this period also run the gamut of what was socially acceptable and legally permissible. Several clergymen writing in this period discuss the morality of specific kinds of performers with the aim of protecting their parishioners from endangering their souls by sinning against God's law. Peter the Chantar, a canon at Notre Dame de Paris c. 1200, says the musicians are socially acceptable, "if they sing with instruments, or sing of exploits to give relaxation and perhaps to give instruction, their activities border on being legitimate."¹⁵⁷

Thomas Chobham also reinforces the platonic ideal for music, expressing a similar sentiment to Peter the Chantar. He is willing to allow musicians some credit for being useful, but not too much. He calls entertainers in general *historio*, singers and instrumentalists he calls *ioculatores*.

There is a third kind of minstrel using musical instruments to entertain people, but there are two varieties of these. Some go to public drinking places and wanton gatherings so that they may sing wanton songs there to move people to

¹⁵⁷ "Si cantent cum instrumentis, uel cantent de gestis rebus ad recreationem uel forte ad informationem, uicini sunt excusationi." In Christopher Page, *The Owl and the Nightingale* (London: J.M. Dent & Sons LTD, 1989), 22.

lustfulness, and these are damnable like the rest. There are others, however, who are called *ioculatores*, who sing the deeds of the princes and the lives of the saints and give people comfort either when they are ill or when they are troubled, and who are not responsible for too much shamefulness...these are to be tolerated.¹⁵⁸

The term *ioculatores* is the Latin version for jongleur/joglar and the troubadours often use this word to refer to themselves and each other. While the troubadours are not concerned with promoting canon law to the degree of professional clergy, in the debate songs we see some troubadours that are committed to upholding the lofty ideals in the Laws of Love. However, some troubadours do prefer “base” entertainment using crude and violent language. The act of debate can show these two styles of argumentation side by side, mixed in the same way custom laws mixed different approaches to settling disputes.

Conclusion

Legal codes provide a compelling frame of reference to understand what a given culture values. The image of Moses receiving the Ten Commandment written in stone directly from God creates a sense that laws must be immutable, universal, and eternal. However, the discussion above reveals the fluidity of laws irrespective of oral or written traditions. Custom law integrates multiple codes even when they contradict each other; canon law has changed as the Church adapts to new social dilemmas; Art can function as cultural commentary as it reacts to or portrays legal processes. Such statements occurring in literary and musical genres like the debate songs, epics, and folk tales ultimately contribute the evolution of legal codes and cultural values.

¹⁵⁸ Ibid, 23.

CHAPTER FOUR

DEBATE SONGS AND THE LEGAL PROCESS

This chapter will highlight the parallels between the debate songs and the medieval legal process through a step-by-step comparison of song structures, epic stories, legal codes, and Cicero's description of judicial argumentation from *De Inventiones*. I will outline the processes of accusation, defense, oath taking, argumentation, and the final judgment. In doing so, I hope to establish a connection between the ideal of rhetorical litigation (Cicero), historical practice, and the depiction of legal practice in "literature" from the gamut of genres: high forms (epics) and low forms (folk tales), and musical forms (debate songs). While the law itself and the legal process depicted here is decidedly premodern, the motion toward fixed written forms can be traced through the interaction of these genres and there are some interesting parallels with contemporary society seen in the preoccupation people still have with the legal process in popular entertainment (e.g. twenty seasons of *Law and Order*, and numerous spin-off TV shows).

Accusation

The first step of the legal process is the accusation issued by the plaintiff. The plaintiff seeks an audience at court to speak of the offending event and to lay blame on the defendant. Sometimes the accusation would be reissued to the judge in writing so that a missive could be sent to the defendant as a summons to appear before the court. The next step required the defendant to respond. No response was taken to mean an admission of guilt. The only other option was to deny the accusation. The case could then go to trial

where the litigants brought forth evidence and witnesses and perhaps employed a lawyer or had friends in high circles speak for them. Like today, this could be an expensive undertaking. The other option for the defendant was to ask for a trial by battle, to assert the truth of his side by force of arms. Swearing an oath was an important part of most of these steps, particularly in the ritual of trial by battle. Finally, the judge or a counsel of jurors would render a verdict.

Both the challenge, or initial accusation, and the judgment at the end are significant aspects of the debate songs and the style of argumentation relates back to the time of Cicero. Medieval authors seem very interested in this legal process, as it is found in *Le Roman de Renart* and *Morte D'Arthur*.

The collection of stories about the crimes and trial of Reynard the fox were written independently of each other in the vernacular much like troubadour songs. The twenty-eight separate tales, or “branches,” were collected and loosely organized under the title *Le Roman de Renart* in the late twelfth century; the earliest are all derived from the writings of Pierre de Saint-Cloud and compiled between 1174 and 1205. Branch I is entitled “The Trial of Renard,” and Patricia Terry calls its anonymous author “the most brilliant of the Renard authors.”¹⁵⁹ This author begins by citing Pierre de Saint-Cloude (Perrot), and giving a date for the reopening of the judicial courtroom after the feast of Ascension.

Though his wit and talent did not fail
 When Perrot set out to rhyme the tale
 Of Renard and Ysengrin, his friend,
 He left out the best part and the end.¹⁶⁰

¹⁵⁹ Terry, *Reynard the Fox*, 4.

¹⁶⁰ *Ibid*, 94.

Strange though it may seem to begin a story after all the action has taken place, it is noteworthy that the most talented author working with these folk tales would find the trial the most interesting part of the story. The author goes on to say that King Nobel closes the feast of Ascension and calls all the animals to appear in his court. Ysengrin brings his accusation once again to the king that Reynard forced Madame Hersent to commit adultery and urinated on her cubs as well.¹⁶¹

The accusation was an important step, not only because it began the judicial proceedings, but also because it laid out the exact objections to which the defendant would respond. When Lancelot comes to Guinevere's defense in *Morte D'Arthur*, he argues against Mador's accusation, not that Gaheris died by Guinevere's hands, but that the murder was done with willful and treacherous intent. Here the wording of the accusation is extremely important.

The debate songs take on this same formula of issuing a challenge, setting up a dialectical binary, and including accusatory language. The challenge found in medieval legal process also uses the formula of accusation and direct confrontational dissension as Bloch writes, "According to the *judicium Dei*, every effort is made not only to force parties into a situation of direct confrontation, but to establish a clear cut contradiction between their perspective allegations, the assumption being that one of the two will be guilty of perjury."¹⁶²

The troubadour Eble d'Uisel accuses Joan Lag of running up debts irresponsibly and demands that he give an account of his financial affairs "entirely in song."¹⁶³ Joan defends himself by flat-out denying the accusation that he has ill-gotten wealth, and he

¹⁶¹ Ibid.

¹⁶² Bloch, *Medieval French Literature and Law*, 28.

¹⁶³ Harvey and Paterson, *Troubadour Tensos and Partimens*, 879. (PC 267.1).

sets out to discredit Eble saying “ —and you tell me to sing! How shall I sing, being utterly defamed? Evil defamer, every day you defame me! If you were an auctioneer you could put me up for auction.”¹⁶⁴ Eble retorts with an accusation that Joan’s skill as a performer is not good enough to deserve an income, and he makes himself a “debtor” for the gifts he has received. In Eble’s opinion, Joan should be forced to take up the cross and go on pilgrimage. He sings, “Go no matter where, take no deferment of your debts, take to the open road bearing the sign of the cross: it is nothing to you if you perjure yourself!” In Branch VIII of *Le Roman de Renart*, Reynard takes up the cross and starts out on a pilgrimage as penance, or rather to avoid a harsher punishment for his crimes. Pilgrimage was an act of devotion, but also used as punishment or penance by the church especially after annual confession was mandated by the Fourth Lateran Council (1215).

Joan’s response is to again turn the accusation back onto Eble and to call him a thief. He concludes by asserting his innocence of the accusation of perjury, “But not for anything would I perjure myself nor would I accept a gift from any living soul unless it were offered to me for my skill as a performer. I dislike perjury and all ill-gotten gains.”¹⁶⁵

Other debate songs that employ direct accusations also compare the life of a jongleur to criminals. The debate of Guillem Augier Novella and Bertran d’Aurel, that we saw in Chapter Three (PC 205.1), begins by Guillem saying, “Bertran, you who used to go around with thieves stealing cattle, billy-goats and nanny-goats, sheep, pigs, chickens, geese and capons, you greedy robber, now give me your opinion: which is the

¹⁶⁴ Ibid.

¹⁶⁵ Ibid, 881.

more shameful occupation, jongleur or thief?”¹⁶⁶ Bertran retorts that Gulliem would know better than he because he has tried both “professions.” In verse two he states, as a lawyer might, “I call on you as witness since you tried both and chose the one that suits you.”¹⁶⁷

Beyond the crime of thievery, jongleurs were also accused of gambling, going into debt, and soliciting prostitutes. Poverty was generally only respected if came hand-in-hand with religious asceticism. Uguet puts such a complicated accusation before Reculaire saying, “I am going to challenge you, Reculaire: since your clothing is wearing out, you belong in poverty to the confraternity of the good men of Lyon, but you do not seem to be one of them in matters of faith, for you are a fool, a gambler and a whoremaster.”¹⁶⁸

In the *ourneyamen* of Guiraut Riquier, Austorc d’Albany, and Enric II (PC 248.74), they appear to gather together as a council to discuss a fellow troubadour Guillem de Mur, who is accused of not doing his duty as a musician in service to Count Enric, but prefers to stay on his own estate farming rather than employing his learning for the service of worthy men. Enric stands up for him somewhat by saying, “I do not want to force him in this, but it seems that you like him to be blamed, you are so argumentative towards him, and so does Sir Guiraut since he has now summoned us together.”¹⁶⁹

¹⁶⁶ Ibid, 541.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid, 1265.

¹⁶⁹ Ibid, 789.

Defendant Response

In the “insult” *tensos* above, the accusations are personal attacks, therefore, the defense also takes on a personal attitude. In PC 238.3, Peire de Pomairol tells Guionet, “I can see your argument is proceeding: you turn the dispute to personal attack when argument fails you,”¹⁷⁰ although in the case of this debate song, they only speak abstractly about the bravery of two barons, one with a noble upbringing and the other who dwells among simple folk. However, the debate song of Guiraut de Borneill and King Alfonso II of Aragon (PC 242.22) gets very personal because Guiraut specifically asks Alfonso if a king is as good a lover as any noble knight. Guiraut says, “Do not think me hostile for asking, but give me a straightforward answer,” and Alfonso replies,

Guiraut de Borneill, I am well aware of what you would like to pin on me, were I not to use my wits in my own defense. Nevertheless, I think it a great folly on your part if you imagine that because of my exalted position I am less estimable as a true lover: you might as well compare the value of a penny to a silver mark.¹⁷¹

In another example of defense against a personal attack, Jacme Grill challenges the wisdom of Lanfranc Cigala to choose the worst thing in the world that can be touched. He says, “And if you can tell me this, you may defend yourself in exchanging *coblas* with anyone who wishes to debate with you.”¹⁷² Lanfranc posits that the tongue is the absolutely worst thing there is and makes an interesting metaphor in light of the previous discussion on violence. He compares the challenge of the debate song to Jacme drawing a bow against him, and Lanfranc wishes to stand up for himself in a way that will give no cause for reproach. The tongue is the symbol for verbal dexterity over

¹⁷⁰ Ibid, 685.

¹⁷¹ Ibid, 701.

¹⁷² Ibid, 853.

physical violence in the case of this dispute and Lanfranc says, above all other things, it can bring the most good or harm.

The question of debate can also be more abstract or philosophical than the personal examples above. In these hypothetical situations, the mode of defense resembles the role of an impartial professional lawyer. In PC 258.1, Aimeric de Peguillan proposes a dilemma to Gaucelm Faidit of whether a lover will work harder to please his beloved if she makes him suffer, or if she rewards him with her favors. He says, “make a judgment in accordance with love, and then make a defense of the suitor you have chosen.”¹⁷³

Gaucelm insists that it is unreasonable to make a man suffer and then expect his service; in verse four he retorts, “Sir Aimeric, you make a noble defense of what is false, but your argument is sheer nonsense.”¹⁷⁴

Peire Bermon and Gausbert play the part of wily lawyers who use their skill in rhetoric to defend the guilty party. Their debate (PC 171.1) is on the topic of whether or not a secret love affair is better than a public reputation of being a skillful lover, without having the opportunity to practice those skills. Gausbert believes secret pleasure is more worthy. In verse two he says, “I will fearlessly engage in dispute with you on this problem and if you defeat me I shall think you a wise man indeed, for I leave you to defend the man I consider a hypocrite.”¹⁷⁵ Another example on the same topic (PC 201.4b), also depicting an unscrupulous lawyer, is the debate song of Guillem and Lanfranc Cigala where Lanfranc insists that secret pleasure is better than false reputation for being with a woman:

¹⁷³ Ibid, 49.

¹⁷⁴ Ibid, 51.

¹⁷⁵ Ibid, 415.

Guillem, through loving I have learned to desire the joy of hidden love, and you seem to me to be devoid of love, you who go defending false reports of it; for it would be utterly displeasing to me that anyone should gossip about it if it were true, so how could I be pleased about lies and false rumors about nothing?¹⁷⁶

A last example of defense appearing in debate songs (PC 185.2) shows a lord, possibly Savaric de Malleo, wondering if he should remain faithful to his lady even though she will not give him any “favors.” Neither does she let him court anyone else. Uc believes that a woman could not be in love if she treats a man in this way, and recommends that Savaric leave her. Savaric asserts, “What you are defending is great foolishness, for it is evident that she has my interests at heart if she is unwilling I should turn my affections elsewhere.”¹⁷⁷ In the following verse, Uc replies that Savaric is deceiving himself or playing verbal games to justify his choice. He sings, “My Lord, you defend yourself ingeniously like a man who upholds an unjust cause.”¹⁷⁸

The Oath

After the defendant’s response, both litigants would formally restate their grievances and swear an oath before God that they were speaking the truth. Beaumanoir, a late thirteenth century jurist, writes, “He who accuses must first swear on the Holy Bible and say: So help me God [*Se Dieus m’ait*] and all the Saints and the sacred words which are here—and must keep his hand here.”¹⁷⁹ Similar language is found in the *tenso* of Guiraut de Borneill and King Alfonso II of Aragon where Guiraut invokes the oath “Si · m sal Dieus [So help me God].”¹⁸⁰

¹⁷⁶ Ibid, 521.

¹⁷⁷ Ibid, 429.

¹⁷⁸ Ibid, 429.

¹⁷⁹ Bloch, *Medieval French Literature and Law*, 24.

¹⁸⁰ Harvey and Paterson, *Troubadour Tensos and Partimens*, 700.

Even more significant was the oath used in ritual trial by combat because God served as witness of the event and also as the final judge. The *Lex Burgundionum* addresses this third stage of the legal process after the accusation and denial have been presented according to the *judicium Dei*.

If the party to whom the oath has been offered does not wish to receive the oath, but shall say the truthfulness of his adversary can be demonstrated only by resort to arms, and the second party shall not yield, let the right of combat not be refused; with the further provision that one of the same witnesses who came to give oath shall fight, God being the judge.¹⁸¹

Such an oath was sworn on weapons before battle in the age of feudal law, but eventually swearing on relics of the saints became more common. This practice is attested to frequently in literature contemporary to the debate songs such as *Le Roman de Tristan*, where King Marc brings the most precious relics in his kingdom for Iseult's trial.¹⁸² The trial of Reynard also affirms the pervasive use of this practice by asserting the fairness of swearing on relics.

All of this Renard denied,
And in order that the case be tried
He chose the day when he would swear
On holy relics, as is fair.¹⁸³

In the debate between Guiraut Riquier, Miquel de Castillo, and Codolet, Miquel's *tornada* reads somewhat like an oath, although he calls on a member of the clergy rather than God to attest to his veracity. "Guiratur Riquer, I do not repent [of what I have argued] despite your persistent blame, neither have I falsified the terms of the debate, but my heart trusts the Vicar to see this."¹⁸⁴

¹⁸¹ Bloch, *Medieval French Literature and Law*, 21.

¹⁸² Bérout v. 4129, cited in Bloch, 24.

¹⁸³ Terry, *Reynard the Fox*, 95.

¹⁸⁴ Harvey and Paterson, *Troubadour Tensos and Partimens*, 724.

The Trial and Argumentation

After the formal oath is taken each side of the case presents their evidence usually in the form of testimony from witnesses. Then the process of argumentation ensues. It is advantageous to follow Cicero's teachings on rhetoric because the pedagogical nature of his text simplifies argumentation to a theoretical level, thereby facilitating comparison between the judicial process and what is represented in literature and song without the complications of intricate legal case studies.

In Book Eleven of *De Inventiones*, Cicero turns to the topic of "statement of the case" in the "judicial kind" of argumentation.¹⁸⁵ There are two divisions of the judicial kind of argumentation: the absolute and the assumptive. The absolute kind inquires into right and wrong; and the assumptive delves into extraneous circumstances when there is no firm ground for objection in the defense. The assumptive case is further separated into four divisions: *concession*, *removal*, *retorting* of the accusation, and *comparison*. With *concession*, the defendant does not deny the accusation, in essence confessing. The course taken by the defense, in this case, is to ask for a pardon either through purgation where the guilt is admitted but dismissed, or through deprecation where there is a confession of wrongdoing and an explanation that there was a good reason it was committed. In *Le Roman de Reynard*, Reynard eventually concedes his guilt to Grinbert the badger in the manner of confession to a priest and Grinbert counsels him, like a good lawyer, by saying:

I've heard the confession of your sins
 And all the evil you have done.
 Your trial, by God's will, may yet be won.
 Take care from now on to do no wrong.¹⁸⁶

¹⁸⁵ Cicero, *De Inventiones*, 241-380

¹⁸⁶ Terry, *Reynard the Fox*, 125.

When the statement of the case follows the concept of *removal*, the guilt of the crime is placed on another through force of argument and influence. The defendant might argue that the power and influence of another caused him to commit the crime or that the deed was committed by someone else. In the *retorting* method of defense, they claim the deed was lawful because the defendant was provoked. Similarly, the *comparison* method justifies the deed by showing how it was intended to accomplish a useful action.

Cicero then asks in Book Twelve, whether an argument is simple or complex. The simple argument deals with one question in a straightforward manner.¹⁸⁷ Most of the *partimens* fall into this category as they present a dilemma with two opposite sides. The complex argument contains several subjects of inquiry, the statement of which is posed in the manner of a contest. The *tornyamen* style of debate song resembles the complex argument as it involves at least three troubadours and three sides of an argument. The debate between Guiraut Riquier, Enric II, and Seigner d'Alest is an example of this. Enric argues that a Christian who is forced to sin suffers the most; Seigner d'Alest argues that a miser who is forced to give away his money suffers the most; and Guiraut argues that an elevated man who loses his power and reputations has the most suffering.

In Book Thirteen of *De Inventiones*, Cicero discusses how to argue a case when written laws contradict each other, which, as we saw in chapter three, is pertinent to the practice of law in the Middle Ages. Cicero explains that written laws may vary from each other or from oral law, and he finds five kinds of objections: first, the written law may contradict its intention; second, the laws may contradict each other; in the third he calls ambiguity; the fourth argumentative; and the fifth definitive.

¹⁸⁷ Cicero, *De Inventiones*, 241-380.

The question that must be asked in such cases is whether the objection to the law comes from how it is written or from the general reasoning behind it. Cicero prescribes a series of questions to examine this point. One should ask: what is the question; what is the reasoning; what system supports your opponent's allegations; and how do you establish your own allegations? Cicero writes, "The examination of the defense is then a dispute which arises out of the attempts to invalidate or establish this argument."¹⁸⁸ One example of the troubadours attempting to invalidate their opponents' arguments is found in the *tornadas* of a debate song between Guiraut Riquier and Enveyos. Guiraut says, "The more you speak, the less your argument is worth, Sir Enveyos, for you do not know how to present the case properly," and Enveyos replies "Guiraut, he [the judge] is the one I wish to clarify what is right, for he is perfect in fine learning; my side is legally stronger than yours, and this is obvious in the conclusion."¹⁸⁹ Other attempts at invalidating the argument include the simple assertion "You are poor at arguing and know little of love,"¹⁹⁰ or arrogant posturing, "Bernart de la Barta, I wager you that my case is a hundred times better than yours."¹⁹¹

Judgment

Knowledge of legal codes and skill in argumentation, however, is not enough to win a trial if the audience is ill disposed to your side. Reynard found this to be the case when he was finally apprehended and brought before King Nobel, who was so incensed

¹⁸⁸ Cicero, "De Inventiones," 241-380.

¹⁸⁹ Harvey and Paterson, *Troubadour Tensos and Partimens*, 731. (PC 248.14).

¹⁹⁰ *Ibid*, 1120.

¹⁹¹ *Ibid*, 109.

by the killing of the chicken that he has no more patience to appreciate Reynard's rhetorical skill. Noble says in front of the entire court,

Treacherous thief, can you explain
 Why you have such a scheming brain?
 You know how to argue and to plead,
 But to that my court will give no heed.
 There's no way for you to leave this place;
 You should hear my verdict on your case!¹⁹²

Grinbert the badger halts Noble's hasty judgment by insisting that Reynard receive a fair trial as justice demands; the king is subject to the law as well, and cannot avoid legal proceedings even if the defendant is clearly in the wrong.

Often the troubadours are so confident in their own reasoning and eloquence, like Reynard, that they do not even attempt to claim their case is correct, rather they boast of their skill at arguing. One example where the troubadour feels as though he has won the debate already (PC 101.8a), he says, "Though arguing an unjust case for which I care nothing I have triumphed over you, Luquet, and so I am delighted to have shown myself so much cleverer than you that I can plead a bad case better than you can argue with right on your side."¹⁹³ In PC 155.24, Folquet also juxtaposes the rightness and wrongness of the case with his ability in debate when he says, "Tostemps, I am able to make right out of a wrong which is why this argument of mine is to my liking."¹⁹⁴ On the topic of giving or receiving unrequited love, Aimeric de Peguillan tells Guillem de Berguedan to "choose according to your judgment the better of these two alternatives, for I shall argue

¹⁹² Reynard the Fox, Branch I ln. 1283-1288.

¹⁹³ Harvey and Paterson, *Troubadour Tensos and Partimens*, 223.

¹⁹⁴ *Ibid*, 373

so well for the worse of the two that I am sure to defeat you if my case is judged aright.”¹⁹⁵

For the case to be judged aright, according to the facts and arguments, Cicero writes that the closing speech in a trial needs to first address the audience and put them in the right frame of mind.¹⁹⁶ This is called the *exordium*, and there are five kinds of listeners the orator needs to keep in mind when making his speech. First there are the “honorable” listeners, whose minds are favorably disposed to hear the speech. The second “kind” of listeners, he calls “astonishing” which are the listeners who are alienated from the speech as in the case of Noble towards Reynard. The third type are “low” hearers who do not pay attention. With the fourth, the goodwill of the listener is “doubtful.” Last, the “obscure” listeners are confused by the complexities of the trial.

The debate songs often address specific individuals when they call for a verdict or judgment on who won the debate, with the intention of producing goodwill toward the audience especially the judge. Cicero tells his readers that goodwill toward argument comes from dwelling on four topics: their own character, contempt for their opponent, the character of the audience, and the circumstances of the case themselves. As seen in the examples, above, the troubadours exhibit varying degrees of modesty and arrogance toward themselves and their opponents. Their ability to cultivate the goodwill of the audience is also varied, but as one might imagine the troubadours who possessed such skill were more successful performers. Most of all, the way they address the judge is consistently favorable, as in this *tornada* from PC 282.1b: “To Sir Jacme Grill, in whom lies wisdom, friend Simon, let us send the *tenso*, so that he may give a correct judgment

¹⁹⁵ Ibid, 41.

¹⁹⁶ Cicero, *De Inventiones*, 241-380.

in verse.”¹⁹⁷ I only found one debate song where a troubadour expresses dislike of the judge whose name is Ardit (PC 227.7). Guillem Peire de Cazals says, “Ardit tells me that my case is worth a thousand times more than yours,” and Bernart de la Barta replies, “Sir Ardit is talking nonsense.”¹⁹⁸

In some songs, when one judge is called for by name, the second interlocutor agrees, but asks for another judge as well who may be more supportive to his own side, as in the case of the *partimen* of Uc de la Bacalaria and Bertran de Saint Felitz.

Bertran, I realize our debate could last forever: I desire therefore that the case be placed before my lady Tiborc, in whom worth and merit stand firm when others fall by the wayside.

Sir Uc, I would not deny that my lady Tiborc is as you say; but I desire that the countess, so perfect in all her deeds, should join her, for the two of them will better take counsel.¹⁹⁹

Here we see the practice of cultivating the goodwill of the judge by praising their character. Cicero recommends speaking of their wisdom, humanity, and brave exploits, but not with excessively flattery. He explains that this plainly shows “how high and honorable their reputation is, and how anxious is the expectation which men look for their decision and authority.”²⁰⁰ Aimeric de Peguillan and Albertet do not follow this advice in their *tornadas* which, in the fashion of courtly love, praise the woman’s beauty, reputation, and good deeds. This manner may court a woman’s goodwill if one is trying to win her love, but has little relevance to her ability to judge a dispute.

Sir Albert, since Lady Beatrice of Este (where good repute is born) is a beacon of beauty, I wish her to judge the rights and wrongs of this debate. But I am certain she will support my case.

¹⁹⁷ Ibid, 897.

¹⁹⁸ Ibid, 609.

¹⁹⁹ Ibid, 1243.

²⁰⁰ Cicero, *De Inventiones*, 241-380.

Sir Aimeric, it is to Lady Emilia of Ravenna, who is ever more meritorious in every good deed befitting a noble lady, that I leave the decision; and may she uphold what is just.²⁰¹

It is not surprising that in the realm of courtly love, women are considered capable of judging a dispute. The home was considered a woman's domain, and for a noble woman the court was her home. Wives among the aristocracy were trained to manage large households, and if her husband was away warring with the neighbors or in a foreign land, the lady was expected to rule in his stead.

Women were also the keepers of the Law of Love and Andreas Capellanus's dialogues paint a picture of intelligent, well-spoken women whose intellectual knowledge of love and ability to reason and argue is respected. Among the five means by which a man falls in love, Andreas lists "readiness of speech" as number three (behind beautiful figure and excellent character).²⁰² The debate songs that ask for men by name to judge the dispute is roughly the same in number as those that call for the judgment of women. In Harvey and Paterson's collection, a woman is called for by name, title, or occasionally nickname 44 times, and men are named 41 times. A few debate songs name both as in the debate song of Guinoet and Peire de Pomairol.

Pomairols, let Sir Reforsat give judgment in this dispute, for he is able to say and do everything that true worth should applaud without reservation.

Guionet, for her good sense, I choose Lady Alazais Porceleta, for in all matters she seeks to further the interests of true worth: I beg her to keep him from error when delivering judgment.²⁰³

Another example is a *partimen*, PCX, that has two sets of tornadas from different manuscripts. In MS A, the troubadour named only "Seigner" calls for Dalfi d'Auvergne

²⁰¹ Harvey and Paterson, *Troubadour Tensos and Partimens*, 25.

²⁰² Andreas Capellanus, *The Art of Courtly Love*, 33.

²⁰³ Harvey and Paterson, *Troubadour Tensos and Partimens*, 685.

to judge because he “knows all the ways of love,” and Uc the second troubadour, names Maria de Ventadorn as judge. The version of this *partimen* in MS T and MS a’ names a different judge and a different lord perhaps indicating that Uc reworked the song for a new audience.

Sir Uc, the true and valiant king of Aragon, to whom worth bows down and whose heart is set on praiseworthy deeds, will, I am sure say, since he knows so much about love, that it is only through concern for me that she forbids me to woo another woman.

Certain, the king, if he chooses the better alternative, will say that any lover who persists in a long wooing is committing a folly. And I choose him as arbiter in this matter because he always finishes what he begins and does what is pleasing to worth.²⁰⁴

The concept of the audience is a topic that will be discussed in the next chapter, but there is a curious element in some of these *tornadas* that suggest the judge may not be a member of the audience. A few of these debates uses the phrase “to send (*mandar*) the debate” to the judge as Andreas sent in a letter to Marie de Champagne the dispute about love between a husband and wife. The following example is, interestingly, on the same topic, and Elias and Gui d’Uisel chose as judge Maragrite d’Aubusson the wife of Count Rainaut VI (c. 1200).

Sir Elias, I send this dispute to Lady Maragrite as being the best of women that she may pass judgment on it; and may I be shamed by her if I do not love my lady more than her husband does.

Cousin, I acknowledge she is of such worth that she is well able to pass judgment according to the law of love; and since her good name is so pure and so exalted, I am sure she will say it is you who are the loser.²⁰⁵

Some troubadours participating in the debate genres may have been professional judges themselves, or served as jurors or witnesses in official legal proceedings. In the

²⁰⁴ Ibid, 433.

²⁰⁵ Ibid, 471.

early feudal age, a lord presided over his own court and personally addressed grievances, but as kingdoms expanded the need for professional judges and then lawyers grew. Bloch describes how the nature of their authority differed from the previous empires and the modern age in that the role of the feudal judge was to insure the trial was fair and to pronounce a sentence at the end.²⁰⁶ The judge of the debate songs was empowered by the laws of love, the strict code of behavior found in culture of courtliness, and the troubadours that made the selection. One example is Peire de Fraise who was called to judge the debate between Guiraut Riquier and Enveyos. Guiraut calls him a “leader of fine learning,” and he was identified as a lawyer of importance by Camille Chabaneau in 1888.²⁰⁷ This Peire de Fraise was a consul and frequent witness and arbiter in Narbonne, notably cited in a document of Viscount Aimeric in 1272.²⁰⁸

The Italian scholar Giovanni Bertoni wrote in 1915 about the several “Giacomo Grillos” and the one he thought most likely to be the troubadour, Jacme Grill, was a judge that served as a witness for the republic of Genoa.²⁰⁹ He is documented as being involved in a case over the division of some property among the marquises of Ponzone on June 4, 1257. He proposed the *tenso* on “the worst thing there is” to Lanfranc Cigala. We saw in Chapter Two that, according to his *vida*, Lanfranc was also a judge from Genoa. Another connection exists between these two troubadours in the debate song between Simon Doria and Lanfranc. Simon names Lady Fleur-de-Lys and Jacme Grill as judges of their *partimen* because she “holds merit and wisdom in her power,” and he is “joyful and

²⁰⁶ “The cognitive decisions that we associate with the active binding authority of the Roman praetor or the modern magistrate had little meaning for the feudal judge...Unable to disregard the law and unable to indict of his own accord, the feudal judge presided only to pronounce sentence and to insure fairness of the proceedings.” Bloch, *Medieval French Literature and Law*, 21.

²⁰⁷ Cited in Harvey and Paterson, *Troubadour Tensos and Partimens*, 732.

²⁰⁸ Ibid.

²⁰⁹ Cited in Harvey and Paterson, *Troubadour Tensos and Partimens*, 895.

valiant.”²¹⁰ Lanfranc agrees to this, but only because he thinks Lady Fleur-de-Lys will be on his side, so he tolerates Jacme Grill supporting Simon.

In PC 145.1, the second interlocutor is merely addressed as *jutje* (Judge), and Harvey and Paterson believe this was an official title rather than a nickname because the first verse plays on the word *jutje*. The troubadour named Esteve proposes this debate song, which begins with a statement that judgment is of great importance. As a judge, his opponent is an expert in right and wrong, and he should be able to discern whether a lady should favor a wealthy powerful man or one who is in debt.²¹¹ The association of this particular troubadour with the role of judge, as either a professional title or a nickname, suggests a certain familiarity or preoccupation with the role of issuing judgments.

The final judgment is preserved in writing in only two debate songs: one issued by Peire d’Estanh (PC 248.7), and the other by Enric II of Rodez (PC 226.8). Peire d’Estanh was a cleric who gained enough standing and reputation in Rodez to be elected bishop of Le Puy in 1283, although he did not accept the appointment. His judgment of the *tornjamen* of Guiraut Riquier, Enric II, and Marques de Canillac over knowledge, wealth, and physical strength finds the argument for wealth most persuasive, because it allows one to give freely to others. Peire d’Estanh says,

Guiraut Riquier, do not be offended, you and Sir Marques, if I do not pronounce judgment according to your way of thinking; for in this language of yours the experts constantly maintain that by giving and spending a man brings himself advantage, and wins honor and a worthy reputation. I do not speak ill of arms or learning, but liberality holds sway over all else.²¹²

²¹⁰ Ibid, 1177. (PC 436.1).

²¹¹ Harvey and Paterson, *Troubadour Tensos and Partimens*, 331.

²¹² Ibid, 797. (PC 248.75).

The other written judgment concludes the debate of Guillem de Mur and Guiratut Riquier given by Enric II of Rodez. Enric composes a verse following the form Guillem set at the beginning of the song, and in it, he summarizes the two arguments, “Guillem and Guiraut have given me the onerous task of judging their debate, to which they have summoned me. In their arguments each is subtle toward the other concerning these two barons who spend equally freely.”²¹³ Then he also adds his own *tornada*, which states his verdict. Enric says that he sought advice from others and came to the conclusion that, even though giving freely is noble regardless of where you spend, a rich baron who gives to his own people is more noble than one who only gives to strangers.

Conclusion

The judgement is the most direct link between the debate songs and trying a court case. The legal language used in the debate songs (accusation, defense, verdict, perjury, etc.) place them within the entertainment/literary traditions interested in portraying realistic depictions of litigation, as in *Morte D'Arthur*, as well as making fun of them as in *Le Roman de Renart*. This connection between the debate songs and litigation allocates meaning for “the place” where such activities occur (the court), and for the people who are involved in both music making and the professional administration of justice as lawyers, jurors, and judges. By adding the playful, game-like nature of the debate songs to the gravity of violence and prosecuting criminal activity, we create a picture of the Middle Ages that counters the more one dimensional image of the “Dark Ages.”

²¹³ Ibid, 599.

CHAPTER FIVE

SONG AND PERFORMANCE

The extent to which poetry and music differ and gradually separated into two distinct artistic media is based in the culture of literacy and performance. In today's literate society, we think of literature as an immutable art form that allows the reader to interact with the author, or at least the work, in one's own timeframe and mental space. The frozen quality of written formats lends stability to music, which is otherwise temporal and transient, enabling songs to be carefully analyzed in form and structure and judgments made about style and the quality of compositions. The following pages will approach two specific songs in this traditional analytical manner. In the Middle Ages, however, very few people were literate, and, while certain information about music does not survive because it was not written down, we can learn a lot about music and performance by comparing the development of lyric poetry and music within the arena of oral culture.

Both the written alphabet and musical notation evolved over several centuries before establishing the book culture of today that is so instrumental in shaping the way we think. In the context of the troubadour repertory, it is interesting to compare written music and written language, because their development did not occur at the same rate. Nevertheless, they both underwent similar transformations as tools for memory and performance.

There was a time before the concept of silent reading appeared when the written word was meant to be intoned the same way we think of notated music today. Around

the year 384, Augustine of Hippo tells a story about observing his teacher, Ambrose the Bishop of Milan, reading to himself so as not to draw a crowd who would listen to him “lecture.” Augustine writes, “when reading he drew his eyes along over the leaves, and his heart searched into the sense, but his voice and tongue were silent...”²¹⁴ At the time, it was surprising that Ambrose could contemplate the words without intoning the sounds, because literacy had not yet created a mental space where letters could exist for a solitary individual. One reason for this may be that ancient Latin script (all capital letters with no spaces between words) was difficult to process without sounding it out. According to linguist Steven Roger Fischer, the written word was very much a performed medium up until the 1300s. Books were rare, and feudalism operated as a communal society where individuals were rarely alone; if someone were reading, it was most likely for an audience.²¹⁵

Music also relies on the act of performance. Music’s dependence on performance is more immediately apparent than literature, because music is sound that only exists in time; to be fully realized, it needs to be articulated. Scholarship must carefully navigate the fact that the troubadour repertory survives, not as an oral tradition where both the words and the melodies were handed down through generations, but in manuscript form. Since most manuscripts containing troubadour works lack musical transcriptions, these melodies have therefore been lost. Nevertheless scholars such as Leo Treitler, and Heinrich Van der Werf have expanded the discussion beyond the written object to consider aspects of oral culture in medieval society and the role memory plays in composition, performance, education, and transmission. Treitler writes, “In the absence

²¹⁴ Steven Roger Fischer, *The History of Writing* (London: Reaktion, 2001), 90.

²¹⁵ Ibid.

of scores, the medium of composition is performance...As our scholarly habits have been conditioned by the study of texts, our recourse in their absence has been the concept of memory as a medium of storage comparable to a score.”²¹⁶ Because of the way the human mind functions, however, the performance of music from memory can never be a carbon copy rendition.

The psychologist Frederic C. Bartlett researched the cognitive processes of memory and developed a theory that links memory to perception. Perception involves actively organizing sensory data into patterns or schemata learned from past experiences based on salient features or “signposts.” These signposts are then used for recall in the process of remembering. Salient features applicable to music and poetry include form, especially the beginnings and endings of phrase structures. The subjective nature of perception and organization of this information renders the “original model” less significant to the act of remembering than our own most recent rendering/use of the information. Bartlett’s conclusion is that “Remembering and imaginative construction are on a single continuum. They differ from one another in degree, but not in kind.”²¹⁷ Performance from memory, from this perspective, is a kind of construction akin to composition.

Domenico Pietropaolo views imaginative construction from a different angle in his introduction to the book, *Improvisation in the Arts in the Middle Ages and Renaissance*, which narrows in on improvisatory performance as oral composition.²¹⁸

²¹⁶ Frederic C. Bartlett, *Remembering: A Study in Experimental and Social Psychology* (Cambridge, 1932), 203.

²¹⁷ *Ibid.*, 213.

²¹⁸ “An impromptu performer ‘acts more from imagination than from memory...more from the productive than from the reproductive imagination—because he memorizes the story outline and the configuration of the scenes, but he composes the actual text during the performance itself by tapping into his own creative power.” Domenico Pietropaolo, “Improvisation in the Arts,” in *Improvisation in the Arts*

Pietropaolo discusses physical performance and improvisation in dance and music with the vocabulary of language arts, further highlighting the ubiquity of medieval rhetoric, which we saw in Chapter Two. He writes, “Improvisers were performers in possession of a vocabulary and of a grammar of direct composition that enabled them to generate coherent text in the act of performance itself.”²¹⁹ This statement defines improvisation as creation through performance, unmediated by notation, yet using formulas and rules in the same way language employs grammar. As a fundamental basis of medieval education, training in rhetoric provided linguistic rules that were carried over into the non-verbal arts by means of what Pietropaolo calls a “mental apparatus” that enables improvisation.²²⁰ This apparatus functioned through learning themes, structures, and stock phrases and the rules by which they could be varied to create new texts. In addition to creation, rhetoric cultivated the mode of delivery, giving primacy to performance, and requiring improvisation to be mastered after long hours of practice.

Performance gives art a three-dimensional physicality that written texts lack. Roger Bacon recognized the significance of physical performance in serious oratory, and stressed the importance of understanding the audience so that one can perform to them. He wrote in *Moral Philosophy* that the audience “should be moved more by the movements of the mind expressed by the body than by teaching or language.”²²¹ The outcome of a live performance, then, relies on the mental framework and mood of the audience as much as the performer, and no two performances will be the same.

of the Middle Ages and Renaissance, ed. Timothy J. McGee (Kalamazoo, Michigan: Western University Press, 2003), 15.

²¹⁹ Ibid, 7.

²²⁰ Ibid, 9.

²²¹ Roger Bacon, *Moral Philosophy*. Cited in Domenico Pietropaolo, “Improvisation in the Arts,” 26.

The longevity of a single performance can be achieved, on a basic level, through notation, although these factors of physicality and relationship to the audience cannot be examined except through theorizing about the scribal process, which Van der Werf thinks may have involved transcribing live performances as well as copying exemplars.

The debate songs also present interesting examples of a musical repertoire that was likely composed in performance in front of an audience. The game-like quality of a contest that has a winner at the end suggests improvisation as well as many of the melodic structures. The popularity of these some of these songs inspired repeat performances, which would have necessitated some variation of lyrical content. For instance, different sources give different names of the participants or the judges. This might explain some of the variations among the versions that later were written down, in addition to the fact that exactitude is not a highly valued feature of oral/semi-oral musics.

Poetic and Musical Structure

Aubrey gives a concise summary of troubadour versification and poetic structure in *The Music of the Troubadours*.²²² Among her list of elements that make up a typical poetic diagram are the number of syllables per line (verse), the number of verses per stanza, and the rhyme scheme. Other elements may add structure to the poem such as repeated words, or text refrains, and verses of six or more syllables may have a *caesura*. In contrast to the generations of poets immediately following the troubadours who standardized the count of syllables and lines as in the Italian and English sonnet, the troubadours invented many variations of poetic structure. The troubadours did, however,

²²² Aubrey, *Music of the Troubadours*, 133-197.

recycle verse forms, and scholars can use versification to date songs and to trace their genealogy and impact on other troubadours.

Aubrey believes that poetic and melodic structures do not necessarily mirror each other beyond syllable count. She argues that, even in songs where the troubadours composed both an original poem and melody, strophic songs use the same melody for every verse so one must be cautious about assigning too much weight to the “marriage” of poetry and music. I think this warning is justified, but it may be unnecessary depending on the compositional timeline. If, for instance, the melody and lyrics of first the stanza are composed to dovetail perfectly together, it is conceivable that the composer would then conform the following verses to the melody in order to emphasize their meaning as well. In the debate songs, this level of artistry in composition, and in some cases improvisation, shows off the skill of the troubadour. Furthermore, the use of *contrafacta* in the debate songs can convey external significance as in the case of parody where a troubadour references someone else’s song in order to ridicule him.

In general, melody and words must be considered together to understand the rhetorical intention of the song. Both sacred and secular music in the Middle Ages was used to underscore and enhance the meaning of texts, thus it is reasonable and necessary to draw connections between how the two are structured. Making connections between words and music also adds meaning for the listener, whether or not the composer deliberately intended them. Audiences can easily relate to troubadour songs because they have that air of “authenticity” that makes them seem autobiographical.

Structural elements that give monophonic song coherence include pitch, interval content, tonal centers, motives, incipits, cadences, range, melodic contour, and formulas

for beginning and ending (related to the concept of mode). Aubrey says that the Church modes were an aural environment with which everyone at the time was familiar, but probably only influenced the troubadours indirectly.²²³ Historically, conflict has arisen among scholars about issues of rhythm and mode in troubadour song. I find this issue less imperative to address because it is not inherent in the songs themselves, and Aubrey summarizes the various theories nicely.

Attempts were made in nineteenth-century scholarship to connect mensural notation and the rhythmic modes to secular song. This did not turn out well for anyone involved.²²⁴ The isosyllabic theory assigns one pitch of roughly the same duration to every syllable as one finds in chant. The more recent declamatory theory states that the melody is subservient to the words and the rhythm flows from natural rhetorical delivery of the text.²²⁵ This order of priority agrees with the treatises that are more concerned with how to arrange words than rules about how to write the melodies. At the most basic level, the rhythm is determined in performance, and, since the first performances of the debate songs were given by the composers themselves, methods for transcribing rhythm were unnecessary.

As the intervening centuries began to solidify a culture of literacy for music and words, the connection to the oral transmission was altered in a way that can be taken for granted. Literacy creates a perspective of authenticity and value dependent on written formats; if something is written down it is easily taken to mean that it is highly valued or

²²³ Aubrey, *Music of the Troubadours*, 129.

²²⁴ Jean Beck and Pierre Aubry disputed over who came up with the idea to apply modal theory to the trouvère songs. When a board of scholars upheld Beck's claim in 1909, Aubry threatened a duel. He died shortly after from a fencing injury incurred before such a duel was fought. John Haines, "The Footnote Quarrels of the Modal Theory: A Remarkable Episode in the Reception of Medieval Music," *Early Music History* 20 (2001), 87-120.

²²⁵ Hendrik Van der Werf, *The Chansons of the Troubadours and Trouvères: A Study of Melodies in Relation to Their Poems* (Utrecht: A. Oosthoek, 1972) 44.

more trustworthy as a source. As musical taste shifted toward new polyphonic genres, the musical heritage of two centuries of monophonic troubadour/trouvère repertory was not maintained through oral transmission. The result is only two extant melodies for the troubadour the debate songs. Other theories grounded in versification suss out the likelihood of contrafacta.

Still, it is important to understand the troubadour culture as a musical and performative medium, especially given that the *vidas* specifically mention musical skills like composing melodies, singing, or playing fiddle. The following analysis is a close reading of the words and melodies of two debate songs contextualized by historically grounded conjecture about the biographies of the troubadours involved.

Peire and Bernart de Ventadorn

Amics Bernarz del Ventadorn PC 323.4

Within the earliest generation of troubadours comes the debate between the arguably most well-known troubadour, Bernart de Ventadorn (c. 1130/40-1190/1200) and the slightly younger upstart Peire d'Alvernhe (fl. 1149–70), who is famously known for a satire ridiculing the troubadours of his generation (including himself).²²⁶ Music is an important opening metaphor in this *tenso* as Peire interrogates Bernart with the question, “how can you refrain from singing?”

Amics Bernartz de Ventadorn,
cum vos podetz de chant sofrir
qand aissi auzetz esbaudir
lo rossignolet nuoich e jorn?
Auzatz lo joi que demana!
Tota nuoich chanta sotz la flor:
mieils s’enten que vos en amor.

Friend Bernart de Ventadorn, how can you
refrain from song when you hear how the
nightingale rejoices night and day? Listen
to the joy it pours forth! All night long it
sings beneath the blossom: it has more
understanding of love than you have.²²⁷

²²⁶ This famous satire is called *Chantarai d’aquest trobadors*, PC 323.11.

²²⁷ Harvey and Paterson, *Troubadour Tensos and Partimens*, 966-967.

Music is mentioned twice in this first stanza. The song of the nightingale is a medieval symbol for romantic love, and Bernart's apparent refusal to sing is a rejection of his previous service to Love. This rejection is merely posturing, however, as he participating in the performance of this song, and is unlikely to forsake his livelihood as a troubadour or his inherent skill as a singer. The *vidas* of both Bernart and Peire list among their skills singing, inventing poetry, and composing beautiful melodies.²²⁸

In the entirely unique verse form of this *tenso*, none of the melodic phrases are repeated in exactly the same manner. Each line has its own contour, range, and different beginning and concluding pitches. This spontaneous melodic construction, along with the rhyme scheme that Peire changes every time it is his turn is highly irregular for the troubadours and departs from the typical structure for the debate songs.

Harvey and Paterson hypothesize that this might indicate a less skilled amateur poet than Peire d'Alvernhe. Another interpretation might include the concept of improvisation. In a song composed or written down before performance, one would expect some repetition in musical phrases to provide structure, consistent versification, and a consistent the topical theme throughout the song. Peire and Bernart battle back and forth fluidly, exercising freedom from these typical constraints, which makes them seem

²²⁸ "Peire D'Alvernhe was from the bishopric of Clermont. He was a wise man and well versed in letters, and was the son of a burgher. He was handsome and charming in person, he invented well and sang well, and he was the first good inventor of poetry to go beyond the mountains, and the one who wrote the best melodies for poems ever composed....And he was considered the best inventor of poetry until Giraut de Borneill appeared. He praised himself greatly in his songs and blamed the other inventors, so that he says [this] about himself in a couplet of one of his sirvents:
Peire d'Alverne has such a voice / That he sings high and low / And his melodies are sweet and pleasant / And, still, he is the master of all. / If only he would make his words clear / Since one can hardly understand them." Egan, *Vidas*, 71. "Bernart de Ventadorn was from Limousin, from the castle of Ventadour. He was a man of humble origin, the son of a servant who was a baker, and who heated the oven to bake the bread of the castle. And he became a handsome and able man, and he knew how to sing and how to invent poetry well, and he became courtly and learned. MS: ABEIKRSg; "But, whoever's son he was, God gave him a handsome and pleasing appearance and a noble heart from which naturally emanated nobility, and he gave him wit and knowledge and courtesy and noble conversation. And he possessed subtlety and the skill of inventing good words and joyous melodies." Egan, *Vidas*, 11.

skilled in the context of improvisation but “amatuerish” if it were pre-composed, as if they did not understand the rules of “polished” invention.

Peire begins with the rhyme scheme “abbacdd,” which Bernart copies his response in stanza two, as expected. In third stanza Peire switches the rhyming pattern to “efefcdd.” Bernart responds in this pattern, but changes the topical focus from his reluctance to sing and serve love to wishing woman would court men. This abrupt switch gives Bernart the upper hand in argumentation by forcing Peire to respond to his thematic lead. Since Peire began the song, he still controls the versification, which he changes again in the fifth stanza to a similar (but not identical) structure to the first stanza “ghhgdd.” Despite the unusual use of alternate rhyme schemes, the repetition of the concluding “cdd” verses provides some unity to the lyrical structure. It is also possible to identify unifying elements that show motivic development in the melodic phrases, even though the overall structure is atypical like the versification.

Table 1

Verse Number	Rhyme Scheme Stanza 1 & 2	Rhyme Scheme Stanza 3 & 4	Rhyme Scheme Stanza 5 & 6	Syllable Count	Melodic Phrases
1	a	e	g	8	A
2	b	f	h	8	B
3	b	e	h	8	C
4	a	f	g	8	D
5	c	c	c	8	E
6	d	d	d	8	F
7	d	d	d	8	G

For example the pitch range of each line follows the pattern: 4th, 6th, 4th, 5th, 5th, 7th, 7th. Each line begins one of two ways: a stepwise ascent (ln. 1, 6, 7) or descent (ln. 5), or a turn-around figure that uses the same pitch on the first and third syllable of the line (ln. 2, 3, 4). The last pitch of the second line (F) is also the first and last pitch of the third line connecting the ideas of refraining from song (*chan soffir*) and rejoicing (*esbaudir*). A similar device is used between lines 5 and 6, and 6 and 7.

Melismatic ornamentation further connects the rejoicing of the nightingale, “by night and day” (*rosinolet nuoit e jorn*) in line 4, to Ventadorn’s name in line 1, and his rejection of singing in line 2. These melismas, and the gradual descent to the lowest register of the song, tie the first section of the stanza into a contained unit with a cadence on C.

Example 1



The remaining three lines of the stanza are also a unit. This unit progresses through the different registers of the song in a similar manner. The final cadence in line 7 references the ornamentation at the end of line 3 connecting love (*amor*) to rejoicing (*esbaudir*).

Example 2





Bernart's justification of his lack of joy is a broken heart. He declares in his stanzas that women are deceitful, that they should be the ones to pursue the love of men so he no longer must waste his time on love's folly, but mostly he would rather sleep than listen to the nightingale. This attitude corresponds with the stories in his *vidas* of being unlucky in love. First, he fell in love with the young wife of his first benefactor, Ebel, Viscount of Ventadorn who, when he found out, banished Bernart from his boyhood home. Then Bernart traveled to the court of Eleanor of Aquitaine and wrote love songs for her. But then she married King Henry II and went to live with him in England. From there, the biographers paint a melancholy picture of the rest of Bernart's life²²⁹ spent at the court of Raimon V of Toulouse and then in the Cistercian abbey at Dalon, "sad and grieving" until his death.

The bleak nature of Bernart's rejection of love sharply contrasts with Peire's optimistic commitment to courtly love. The following verses advance from Peire's generalized statement that enduring suffering for love is worth it, to Bernart's gradually more specific "autobiographical" details that ladies should be the ones that pursue men (stanza 4), and finally a particular woman who caused him grief by rejecting him (stanza 5). The woman is unnamed in this song, but Bernart's *vida* emphasizes the grief he experienced throughout his career by loving unattainable women. Bernart of Ventadorn is one of the few troubadours whose life is comparatively well-documented, so we know

²²⁹ "Lord Bernart remained here, sad and grieving, and he came to the good Count Raimon of Toulouse and stayed with him until the count died. And Lord Bernart, on account of the sadness he felt, joined the order of Dalon, and there he died." Egan, *Vidas*, 12.

these themes of his lyric poetry are consistent with his real-life travels and the persona he presented as a performer if not his actual state of mind/heart at any given time.

Harvey and Patterson call this *tenso* “altogether unusual”²³⁰ and suggest that the subject matter, original performance, or Bernart’s fame may have played a part in the preservation of the tune. The lyrics are found in eight manuscripts (ADEGIKLW), and W transmits the melody.

Tenso of Giraut de Bornelh and Alamanda

S’ie-us qier conseil, bella amia Alamanda PC 242.69

Our next example comes from what Margarita Egan calls the second generation of troubadours.²³¹ This *tenso* is initiated by Giraut de Bornelh (c. 1140-c.1200), who is mentioned by Peire d’Alvernhe’s biographer as surpassing his skill of inventing poetry. Giraut’s own *vida* claims that he was called “the master of inventors” in his own lifetime and by those who came after him.²³² Like Bernart, he was born among the lower class but had natural skill and intelligence that allowed him to become “educated in letters,” eventually teaching formally at a school where he spent his time during the winters. In the summers, he traveled as a musician. Apparently singing was not one of his foremost skills; according to his *vida*, he traveled with two singers who sang his songs.

This *tenso*, however, seems more likely to have been sung by Giraut himself because of the first person point of view and the personal nature of the content. He begins

²³⁰ Harvey and Paterson, *Troubadour Tensos and Partimens*, 970.

²³¹ Egan, *Vidas*, 115.

²³² “And he was a man of low birth, but he was intelligent in letters and had a natural wit. And he was the best inventor of poetry of any of the one’s who came before him or who came after him. For this reason he was called the master of the inventors and he is still so called by all those who truly understand subtle discourse in which love a reason are well expressed. He was greatly honored by the worthy men and by those who understood love, and by the ladies who understood the masterly words of his songs... And his life was such that all winter he spent in school, and he taught letters, and all summer he traveled about the courts and took with him two singers who sang his songs.” Ibid, 40.

by asking Alamanda for her advice on what to do about his lover who is ignoring him. Alamanda is the lady-in-waiting to Giraut's lover, who is unnamed in the song itself. The identity of Alamanda has been a disputed topic in scholarship over the years. Some scholars claim she was a fictive character invented by Giraut.²³³ Angelica Rieger makes a case for her identity as Alamanda de Castelnau (c.1160-1223), who spent her youth in the court of Raymond V of Toulouse before her marriage to Guilhem de Castelnau. Later she became the canoness at Saint-Étienne where she lived until her death.²³⁴

Billee Ann Bonse explains a possible connection to Alamanda d'Estanc which is the name given to Giraut's lover in the *razo* (rationale) to this *tenso* from MS N². The family name Estanc or Estang is connected to a castle built at the beginning of the twelfth century in Gascogne, a region where Giraut is known to have traveled. According to the *razo*, the Alamanda who participates in the *tenso* had the same name as her mistress, "*qe avia nom Alamanda, si com la domna*" (who had the name Alamanda just like the lady),²³⁵ raising the possibility that she was a relative to Alamanda d'Estanc, perhaps receiving her training as a lady in waiting. This theory remains hypothetical because of a lack of historical documentation for the name until a marriage contract from 1260 of an Allemande d'Estang (born c. 1245) to Peregrin de Lavedan. While it is within the realm of possibility that the family name stretched back for several generations, currently, there is no evidence to support it.

²³³ Scholars who suppose she is a fiction include Alfred Jeanroy, Carl Appel, Martin Riquier, and Thomas Bergin.

²³⁴ Matilda Tomaryn, *Songs of the Women Troubadours*, (New York: Garland Publisher 1995). Angelica Rieger, "Alamanda de Castelnau – Une trobairitz dans l'entourage des comtes de Toulouse?" *Zeitschrift für romanische Philologie* (ZrP).

²³⁵ Billee Anne Bonse, "'El Son de N'Alamanda': Another Melody by a Trobairitz?" (master's thesis, Ohio State University, 1997), 15.

Further poetic evidence to support the existence of an Alamanda beyond the *razo* to *S'ie-us qier conseil* is a *sirventes* by Bertran de Born, composed in 1183, and a *cobla* exchange between Bernart Arnaut, Count of Armagnac, and Lady Lombarda of Toulouse. The first is a *contrafactum* of *S'ie-us qier conseil*, and the structure of the second is closely related in form. Bertran de Born's *sirventes* is a political satire criticizing Richard Plantagenet dispute with his brother Henry. Bertran de Born credits Alamanda for the existence of the melody he uses for his model calling it "*son de n'Alamanda*" (the tune of Lady Alamanda).²³⁶ As a contemporary of Giraut and Alamanda, Bertran de Born is the nearest witness to the performance/composition of the *tenso*, possibly indicating that the tune circulated as a recognized work of Alamanda. The stanzas traded as a dialogue between Bernart Arnaut and Lady Lombarda both reference Alamanda as a well-known *trobairitz*. Bernart Arnaut sends Lady Lombarda the lines, "*Lombards volfr'eu eser per Na Lonbarda, q'Alamanda no-m plaz tan ni Giscarda...*" (I'd like to be a Lombard for Lady Lombarda; I'm not as pleased by Alamanda or Giscarda...). And Lady Lombard sends her reply, "*...e grans merses, seigner, car vos agrada c'ab tals doas domnas mi aves nomnada*" (...and many thanks, my lord, for being kind enough to mention me with two great ladies.)²³⁷

The *razo* to *S'ie-us qier conseil* also asserts the fame or "greatness" of Alamanda by claiming "*La doncella si ear mout savia e cortesa, e sabia trobar ben et entendre* (The donzella was very wise and courtly, and she knew well how to compose and understand)."²³⁸ Bonse illustrates through thirteenth century didactic treatises that the

²³⁶ Bonse, *Another Melody*, 8.

²³⁷ *Ibid*, 10.

²³⁸ *Ibid*, 19.

ideal lady was expected to acquire skills associated with the troubadours including singing, playing musical instruments, and witty conversation.

The treatise *Ensenhamens* by the troubadour Garin lo Brun, written circa 1200, teaches proper behavior for a lady receiving guests. She should sing and recite poetry for those who like music and welcome a troubadour or jongleur by memorizing his verses and giving him gifts so that he will spread her reputation abroad. A later treatise, *L'essenhamen de la donzela* by Amanieu de Sescas, explains that a young lady must master the art of conversation to entertain her guests and this involves defending the opposite point of view of the person with whom you are conversing. The treatise even mentions the debate song genres as an example.

E si voletz bastir
Solatz de jocx partitz,
No·ls fassatz descauzitz,
Mai plazens e cortes.

And if you want to make a diversion
with *jocs-partis*, don't make them
decadent, but pleasant and courtly.²³⁹

The tune of this *tenso*, whether it was composed by Alamanda or Giraut, is pleasant and not decadent like Peire and Bernart's song. Bonse postulates the theory that Giraut is a known teacher of the art of *trobar* and Alamanda is a young woman receiving training as a lady; it is possible Giraut would have used a tune that she invented and was, therefore, already familiar with to practice a debate song with her. Her tone of voice in the lyrics, however, is not that of a humble student trying to learn from a well-known teacher. She strongly asserts her position as a woman well versed in courtly love, and further asserts the fact that women should always have the upper hand. She even swears multiple times, although this could be construed as the behavior of a volatile youth.

²³⁹ Ibid, 25.

It seems unlikely that an experienced troubadour would ask advice from a young lady while in a state of desperation that Giraut begins the song. His emotional compass moves from grief to anger at Alamanda, accusing her of being too proud, and he threatens violence in the fifth stanza. As slapping a woman contradicts codes of courtly conduct, the student/teacher interpretation perhaps works much better here; corporal punishment is a well-documented practice among teachers, including music teachers, in the Middle Ages.²⁴⁰ However, the conclusion of the song reverts back to Giraut's original frame of mind as he accepts Alamanda's help, and her *tornada* reads more like she is schooling Giraut. The following melodic analysis may not be able to point to one composer over the other without additional analysis and comparison with Giraut's other surviving melodies.²⁴¹ My aim instead is to point out how the structure of the melody interacts with the lyrical content, and characterizes the two participants.

Table 2

Verse Number	Rhyme Scheme	Syllable Count	Melodic Phrases
1	a	11	A
2	a	11	B
3	a	11	A
4	a	11	B'
5	a	11	C
6	b	4	D
7	a	11	E
8	b	6	F

²⁴⁰ The legend of Pope Gregory founding the schola cantorum refers to the antiphoner that he wrote lying next to the switch he used on the choir boys while teaching them to sing chant. While boys were sometimes beat severely, corporal punishment for girls was intended to be mostly shaming, such as a slap to the hand.

²⁴¹ Robert Falck and John Haines point to the use of bar form in the melody of this tenso and another of Giraut's most famous songs *Reis glorios*.

Giraut.” Thus, the departure from this formula emphasizes her name by using it as a deliberate structural element. Secondly, placing her name at the end sets up the rhyme scheme based on her name resulting in six of the eight verses ending in “—*anda*” (with the exception of the fifth and sixth stanza).

After the descending flourish on the first syllable of Alamanda’s name, the contour descends one more pitch to B, the lowest of the line, then leaps up a minor third and continues its ascent a major second. All but one line ends with the ascending major second interval making it one of the most significant features of the melody. It provides coherence to the structure and sets the mood of the song as the rising intonation signifies a question: Giraut is asking “why is my lover ignoring me?” and it also can represent the longing he feels to regain her affection.

The *B phrase* follows an antecedent/consequent relationship with the *A phrase*, beginning on G and then descending by step and then two successive thirds like Van de Werf’s chains. The caesura has a similar placement here as in the first line, located after the fourth syllable. However in the *B phrase*, it involves five pitches of the melody rather than four. Next, the melody reaches the lowest pitch of the line, A, which is repeated over three syllables. This repetition is a feature we saw at the beginning of the *A phrase*. The contour of the *B phrase* swings upwards to conclude on a similar downward three-note flourish and ascending major second that we saw in the *A phrase*, but here it is truncated from six to five notes to account for the longer melodic fragment before the caesura.

Example 4

no:l me ve - dez, c'om co - chatz lo:us - de man - da;
vol - lers d'a - mic no:s fay ni no:s gua ran - da

These elements create a well-balanced antecedent/consequent relationship between the *A* and *B phrases* which are then reused over the third and fourth lines of text. In the line three, the flourishes embellishing “*ami Alamanda*,” now emphasize “*domna truanda*” (cruel/faithless mistress), placing both women side by side, suggesting that Giraut hopes that the sweetness of one will off-set the cruelty of the other. The *B melody* further highlights the way Giraut positions himself in relation to the two women. In the second line, the descending thirds over “*me vedetz*” (deny me) is off set by the flourish ending the line on “*demanda*,” his request to Almanda for counsel. The fourth line shows Giraut outside of his lady’s command with the words “*alhons fuy*” (to be elsewhere) over the thirds, and “*comanda*” as the embellished rhyme at the end of the line.

The words Almanda uses in her first stanza over the embellishments in the *A phrase* are “*aysi tot a randa*” (here all at once), referring to the emotions of two lovers matching up at the same time, and “*cove que blanda*” (to court/pardon kindly), which is Almanda’s recommended behavior for a man whose lover is moody: to forgive and patiently woo her back. In the *B melody*, she places “*volers d’amic*” (the wishes/desires of lovers) and “*lur destreg*” (their torment) on the descending thirds, characterizing the love/hate emotions of a passionate affair. The embellished rhymes at the end of the line restore the balance of these extremes with the idea of granting (*guaranda*) wishes and not spreading (*espanda*) the torment. The effective use of the same melodies for several different poetic lines shows that two skillful troubadours make good use of strophic melodic structures.

The *C phrase* is a departure from the ABAB pattern and falls on the penultimate line of the text, proportionally aligning with the form’s golden mean, approximately two-

thirds of the way through the stanza. Here Giraut increases the musical tension through starting in the lowest end of the melodic range, on a B, and immediately ascending providing contrast with the earlier phrases that repeated pitches and then turn downward.

Example 5

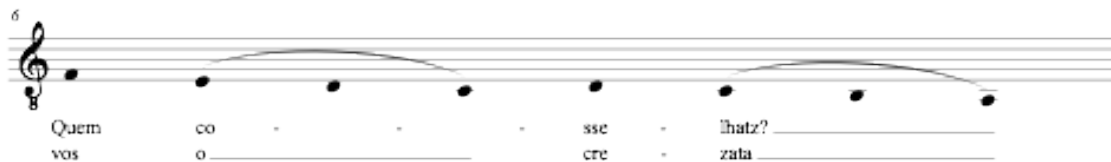


pus so que m det, er m'es tra em de man da.
Pe ro si'eus ditz d'aut pueg que si a lan da.

On the fourth syllable, there is a large leap to the lowest pitch of the melody, G. It is followed by a chain of thirds going up in the opposite direction of the chain in the B phrase, followed by a descending flourish with the exact same pitches as the B phrase. This is another example of an elegant use of repetition and variance that provides structure to troubadour melodies.

The *D phrase* contains several features that make it stand out as significant and makes it a compliment to the *A phrase*. First, it is the shortest phrase, nearly half the length of the *A* and *B phrases*. It begins on F as does the *A phrase*, and it contains two descending three-note flourishes like the *A phrase*, although these do not occur in immediate succession. Finally, the *D phrase* is the only melodic line not end with the ascending major second interval.

Example 6



Quem co - - - sse - lhatz?
vos o - - - cre - zala

The last two phrases form a couplet that brings the tune to its conclusion. They both establish tonal centers that begin and end each respective line as well as reappear in

important middle positions. For the *E phrase* is tonal center is E and the *F phrase* uses the pitch G. The *E phrase* is almost entirely syllabic, returning to eleven syllables of verse one through five, but only using twelve notes (where the other lines are mostly fifteen). It is the only line with both an ascending and descending triad.

Example 7

7

C'a pauc lo cor d'i - ra dins no m'a - bran - da,
e pla - ssa vos lo bes e l mals que us man - da,

The *F phrase*, on the other hand, has thirteen notes for only six syllables making it the most ornamented line with four flourishes. The second flourish, in the middle of the line, reaches the highest pitch of the song, B, which is only heard in this location.

Example 8

8

tant foet en soi i ratz
c'ay - si se - retz a matz.

A more complete picture of how the the music conveys the text would examine all stanzas and not just the first two. However, a longer explanation runs the risk of redundancy. Simply looking at how two different people can apply the same tune effectually with very different texts and different points of view shows how a close association of the words to the melody is useful for understanding what the song is doing. In the deabte song genres, one could aruge for either improvisation of the melody to fit the words, or borrowing a precomposed tune and then arranging appropriate lyrics as in the case of contrafacts. Expanding the illustration to include the performance context further emphasizes the advantages of such analysis; a melody embodied by a percousious

young woman will conjure different associations and meanings that the same melody realized by an older highly educated man. Songs are performed with both music and lyrics and are heard by an audience with both; to talk about one without the other is to only look at half of the picture, or read half of a story.

CONCLUDING THOUGHTS

The subjective accounts presented in *Amics Bernarz* and *S'ie-us qier conseil* tell part of the story of the debate songs. Giraut de Bornelh and Bernart de Ventadorn were of low birth yet rose to great fame through becoming “well versed in letters” and exercised this skill by inventing songs. Peire d’Alvernhe was from a slightly higher class, also had a good education and was known for singing and composing the best melodies. While the exact nature of the troubadours’ education remains uncertain, it seems likely that they were familiar with the kind of learning that occurred at medieval universities. The debate songs show troubadours either admiring or disdaining the seven liberal arts while simultaneously participating in dialectical debates that, through the medium of song, bridged the twofold paths of knowledge: the trivium and quadrivium.

Each of these three men traveled from court to court participating in the *fin’amor* tradition by increasing their own reputations as skillful lovers through singing and being knowledgeable enough about love to debate specific topics and situations. Alamanda and the ladies who performed the roles of judges show that women were as conversant in the legalistic language of the debate songs as the men who were acknowledged experts in the Laws of Love. As these laws mostly contradicted the rules of Christian feudal society, the rhetorical skills of argumentation handed down through Cicero were no doubt put to good use as the troubadours practiced their eloquence and with to move among elevated society.

Musical representation of *partimens* and the use of *contrafacta* is not presented in this thesis, and even with the dearth of musical notation available, there is still much

research that can be done on these songs. For example is, *De bone amour et de leaul amie* (RS 1102) by the trouvère Gace Brulé (c.1160-1213) has the same versification as five troubadour debate songs. Two of the *contrafacta* of RS 1102 are *tourneyamen* between three participants and several of the troubadours that can be identified as from the aristocratic class, which shows the musical interaction among troubadours from different classes that the songs above lacked.²⁴²

The borrowed versification suggests that Gace Brulé's melody was used in performance of these songs.²⁴³ This raises interesting questions, such as to how the troubadour debate songs may have influenced their later counterparts in northern France and vice-versa, and whether any clarity can be brought to bear on the issue of the troubadour debate song genres by considering the trouvère genre *jeux-partis*. No matter which classification of *tenso* and *partimen* modern scholars choose to employ when working with this repertory, a tripartite understanding gives the most complete picture of what the songs are doing as music, poetry, and debate.

²⁴² Two of the interlocutors of PC 248.75 are the Marques de Canillac and Enric II (Henry Count of Rodez, c. 1236-1309).

²⁴³ The troubadour *contrafacta* include PC 238.2, PC 248.75, PC 249.2, PC 282.14, and PC 413a.1. The song of Gace Brulé can be found in Samuel N. Rosenberg and Samuel Danon, eds, *The Lyrics and Melodies of Gace Brulé* (New York: Garland Publishing, 1985), 410.

BIBLIOGRAPHY

- Akehurst, F.R.P. ed. *Handbook of the Troubadours*. Berkeley: University of California Press, 1995.
- Alden, Jane. "Excavating Chansonniers: Musical Archaeology and the Search for Popular Song." *Journal of Musicology* 25, no. 1 (2008): 46-87.
- . "The Scribe's Role in the Production of 15th-Century Chansonniers: New Perspectives." *Revue belge de Musicologie* 59 (2005): 43-64.
- Atchison, Mary. *The Chansonnier of Oxford Bodleiam MS Douce 308: Essays and Complete Edition of Texts*. Farnham: Ashgate Publishing Company, 2005.
- Aubrey, Elizabeth. *The Music of the Troubadours*. Bloomington: Indiana University Press, 1996.
- . "Reconsidering 'High Style' and 'Low Style' in Medieval Song." *Journal of Music Theory* 52, no. 1 (2008): 75-122.
- Aubry, Pierre. *Trouvères, and Troubadours: A Popular Treatise*. Translated by Claude Aveling. New York: Cooper Square Publishers Inc, 1969.
- Baltzer, Rebecca A., Thomas Cable, and James Wimsatt, ed. *The Union of Words and Music in Medieval Poetry*. Austin: University of Texas Press, 1991.
- Baker, Richard. *A Chronicle of the Kings of England: From the Time of the Romans government to the death of King James the first*. London: Edward Phillips, 1730.
- Barney, Stephen A., J. A. Beach, Oliver Berghof, W. J. Lewis. *The Etymologies of Isidore of Seville* (Cambridge: Cambridge University Press, 2006)
- Bartlett, Frederic C. *Remembering: A Study in Experimental and Social Psychology*. Cambridge, 1932.
- Bartlett, Robert. *England Under the Norman and Angevin Kings 1075-1225*. Oxford: Clarendon Press, 2000.
- Beck, Jean. *Les Musique des Troubadours*. Reprint of 1910 edition. New York: AMS Press Inc, 1973.
- Bergin, Thomas G. *Anthology of the Troubadours*. New Haven: Yale University Press, 1973.
- Bloch, R. Howard. *Medieval French Literature and Law*. Berkeley: University of California Press, 1977.
- Bonner, Anthony. *Songs of the Troubadours*. New York: Schocken Books, 1972.
- Bonse, Billee Anne. "'El Son de N'Alamanda': Another Melody by a Trobairitz?" Master's thesis, Ohio State University, 1997.
- . "Singing to Another Tune: Contrafacture and Attribution in Troubador Song." PhD diss.,

- Ohio State University, 2003.
- Brittain, F. ed. *The Medieval Latin and Romance Lyric*. New York: Cambridge University Press, 1951.
- Brown, Peter. *The Rise of Christendom*. 2nd edition (Oxford: Blackwell Publishing, 2003) 61.
- Brundage, James A. *Medieval Canon Law*. London: Longman, 1995.
- Burgwinkle, William. "The Chansonniers as Books," in *The Troubadours: an Introduction*. Simon Gaunt and Sarah Kay, editors. Cambridge: Cambridge University Press. 1999.
- Andreas Capellanus. *The Art of Courtly Love*. Translated by John Jay Parry. New York: Columbia University Press, 1960.
- Carruthers, Mary. *The Experience of Beauty in the Middle Ages*. Oxford: Oxford University Press, 2013.
- Cohen, Esther. *The Crossroads of Justice: Law and Culture in Late Medieval France*. Leiden: E.J. Brill, 1993.
- Cicero, Marcus Tullius. "De Inventiones." In *The Orations of Marcus Tullius Cicero*, translated by C. D. Yonge. London: George Bell & Sons Vol 4, 1888. pp. 241-380.
- Daly, Lowrie J. *The Medieval University 1200-1400*. New York: Sheed and Ward, 1961.
- Doss-Quinby, Eglal. *Songs of the Women Trouvères*. New Haven: Yale University Press, 2001.
- Drew, Katherine Fischer. *The Burgundian Code: Book of Constitutions or Law of Gundobad, Additional Enactments*, (Philadelphia, University of Pennsylvania Press, 1972) 17-87.
- . *The Laws of the Salian Franks*. Philadelphia: University of Pennsylvania Press, 1991.
- Egan, Margarita, *The Vidas of the Troubadours*. New York: Garland Publishing, 1984.
- Fèvre, Mavis. "A 'Game of Words': Why were 'Insult *tensos*' performed in Occitan Courts?" *Neophilologus* 94 (2010): 20-224.
- Fischer, Steven Roger. *The History of Writing*. London: Reaktion, 2001.
- Fischer, Steven Roger. *The History of Reading*. London: Reaktion, 2003.
- Fleischman, Suzanne. "The Non-lyric Texts." In *Handbook of the Troubadours*, edited by F.R.P Akehurst. Berkeley: University of Californian Press, 1995.
- Gaunt, Simon and Sarah Kay, editors. *The Troubadours: an Introduction*. Cambridge: Cambridge University Press. 1999.
- Gay-Crosier, Raymond. *Religious Elements in the Secular Lyrics of the Troubadours*. Chapel Hill: University of North Carolina Press, 1971.
- Gregory of Tours. *The History of the Franks*. Translated by O.M. Dalton. Oxford: Clarendon

- Press, 1927.
- Haines, John. *Eight Centuries of Troubadours and Trouvères*. Cambridge: Cambridge University Press, 2004.
- . “The Footnote Quarrels of the Modal Theory: A Remarkable Episode in the Reception of Medieval Music,” *Early Music History* 20 (2001), 87-120.
- . *Medieval Song in Romance Languages*. New York: Cambridge University Press, 2012.
- . “Vers Une Distinction Leu/Clus dans L’Arte Musico-poétique des Troubadours.” *Neophilologus* 81 (1997): 341-347.
- Harvey, Ruth and Linda Paterson, *The Troubadour Tensos and Partimens: A Critical Edition*. Cambridge: D.S. Brewer, 2010.
- The Holy Bible* (New International Standard Version), (Grand Rapids Michigan: Zondervan Publishing House, 1986) 683.
- Holladay, Richard L. “The Musica Enchiriadis and Scholia Enchiriadis: A Translation and Commentary.” PhD. diss., Ohio State University, 1977.
- Hoppin, Richard. *Medieval Music*. New York: W.W. Norton & Company Inc, 1978.
- Hyams, Paul R. *Rancor & Reconciliation in Medieval England*. Ithaca: Cornell University Press, 2003.
- Janin, Hunt. *The University in Medieval Life, 1179-1499*. Jefferson, NC: McFarland & Company, Inc, 2008.
- Jensen, Frede. *Troubadour Lyrics: a Bilingual Anthology*. New York: Peter Lang, 1998.
- Kimball, Bruce. *Orators and Philosophers*. New York: College Entrance Examination Board, 1995.
- Kirby-Smith, H.Thomas. *The Celestial Twins: Poetry and Music Through the Ages*. Amherst. University of Massachusetts Press, 1999.
- Landau, Justine. “Figures of Grammar and Rhetoric in *Las Leys d’Amors*.” *Tenso* 20, no. 1: (2005) 1-18.
- Latham, Alison. “Tenso.” *The Oxford Companion to Music*. Oxford Music Online. Oxford University Press, accessed May 11, 2015, <http://www.oxfordmusiconline.com/subscriber/article/opr/t114/e6724>.
- Lawler, Traugott. *The Parisiana Poetria of John of Garland*. New Haven: Yale University Press, 1974
- Leech-Wilkinson, Daniel. “Review of *Eight Centuries of Troubadours and Trouvères: The Changing Identity of Medieval Music*, by John Haines.” *Music and Letters* 87 (2006): 300-302.

- Lèglu, Catherine. "Languages in Conflict in Toulouse: *Las Leys D'Amors*." *Modern Language Review* 103, no. 1 (2008): 383–96.
- Lewis, C.S. *Allegory of Love*. New York: Oxford University Press, 1958.
- Logan, F. Donald. *University Education of the Parochial Clergy in Medieval England: Lincoln Diocese, c. 1300-1350*, (Toronto: Pontifical Institute of Medieval Studies, 2014) 18-19.
- Marshall, John H. "Observations on the Sources of the Treatment of Rhetoric in the 'Leys d'Amor'." *The Modern Language Review* 64, no. 1 (1969): 39-52.
- . *The Razos de Trobar of Raimon Vidal and Associated Texts*. London: Oxford University Press, 1972.
- McDonald, Lee Martin. *The Formation of the Christian Biblical Canon*. Peabody: Hendrickson Publisher, 1995.
- Mengozzi, Stefano. *The Renaissance Reform of Medieval Music Theory: Guido of Arezzo between Myth and History*. Cambridge: Cambridge University Press, 2010.
- Meyer, Leonard B. *Style and Music: Theory, History, and Ideology*. Philadelphia: University of Pennsylvania Press, 1989.
- Page, Christopher. *The Owl and the Nightengale*. London: J.M. Dent & Sons LTD, 1989.
- . *The Summa Musicae: A Thirteenth Century Manual for Singers*. Cambridge: Cambridge University Press, 1991.
- Paden, William D. ed. *Medieval Lyric: Genres in Historical Context*. Urbana: University of Illinois Press, 2000.
- Paterson, Linda M. *The World of the Troubadours: Medieval Occitan Society, c. 1100 c. 1300*. Cambridge: University Press, 1993.
- Peraino, Judith A. "Re-placing Medieval Music." *Journal of the American Musicological Society* 54, no. 2 (2001): 209-264.
- Pfeffer, Wendy. "The World of Books in Occitan Literature." In *The Cultural Milieu of the Troubadour and Trouvères*. Edited by Nancy Van Deusen. Ottawa: The Institute of Mediaeval Music, 1994.
- Pietropaolo, Domenico. "Improvisation in the Arts." In *Improvisation in the Arts of the Middle Ages and Renaissance*, edited by Timothy J. McGee, 1-28. Kalamazoo, Michigan: Western University Press, 2003.
- Rashdall, Hastings. *The Universities of Europe in the Middle Ages*. Oxford: Clarendon Press, 1977.
- Reaney, Gilbert. "The Middle Ages." In *A History of Song*, edited by Denis Stevens, 65-92. New York: W.W. Norton & Company Inc, 1960.
- Reynolds, Suzanne. *Medieval Reading: Grammar, Rhetoric, and the Classical Text*. Cambridge:

- University Press, 1996.
- Rosenberg, Samuel N. and Samuel Danon, eds, *The Lyrics and Melodies of Gace Brulé*. New York: Garland Publishing, 1985.
- Rosenberg, Samuel N. "Jeu-parti," in *Medieval France: an Encyclopedia*. Edited by John Bell Henneman. New York: Garland Publishing Inc, 1995.
- Rouse, Mary A. and Richard H. Rouse. *Manuscripts and Their Makers: Commercial Book Producers in Medieval Paris 1200-1500*. Washington, D.C.: Harvey Miller Publishers, 2000.
- Sanders, Ernest H. "Comments and Issues," *Journal of American Musicological Society* 33 (1980): 602-607.
- Smythe, Barbara. "Troubadour Songs." *Music & Letters* 2 (1921): 263-273.
- Stahl, William Harris, and Richard Johnson. *Martianus Capella and the Seven Liberal Arts*. New York: Columbia University Press, 1971.
- St. Jerome, *Letters and Select Works*. Translated by W. H. Fremantle. Select Library of Nicene and Post-Nicene Fathers, Ser. 2, Vol. VI. Edinburgh: Library of Nicene and Post-Nicene Fathers, 1892.
- Stewart, Michelle F. "The Melodic Structure of Thirteenth-Century Jeux-Partis." *Acta Musicologica* 51 (1979): 86-107.
- Stevens, John. *Words and Music in the Middle Ages*. Cambridge: Cambridge University Press, 1986.
- Strunk, Oliver. *Source Readings in Music History: From Classical Antiquity through the Romantic Era*. New York: W.W. Norton & Company Inc. 1950.
- Tasker Grimbert, Joan. "Diminishing the *Trobairitz*, Excluding the Women Trouvères." *Tenso* 14, no. 1 (1999): 23-38.
- Taylor, Jane H. M. "Research on the French Medieval Lyric." *French Studies* 61, no. 1 (2007): 69-83.
- Terry, Patricia. *Reynard the Fox*. Boston: Northeastern University Press, 1983.
- Tomaryn Bruckner, Matilda. ed. *Songs of the Women Troubadours*. New York: Garland Publishing Company, 1995.
- Tomlinson, Gary. "Musicology, Anthropology, History," *Saggiore Musicale* 8 (2001):21-37.
- Traugott Lawler. *The Parisiana Poetria of John of Garland*. New Haven: Yale University Press, 1974.
- Treitler, Leo. "The Troubadours Singing Their Poems." In *Union of Words and Music in Medieval Poetry*, edited by Rebecca A. Baltzer. Austin: University of Texas Press, 1991.

- . "Written Music and Oral Music: Improvisation in Medieval Performance." In *With Voice and Pen: Coming to Know Medieval Song and How It Was Made*. New York: Oxford University Press, 2003: 39-67.
- . "Homer and Gregory." *The Music Quarterly* 60, no. 3, (1974): 333-372.
- Ullmann, Walter. *Law and Politics in the Middle Ages: An Introduction to the Sources of Medieval Political Ideas*. London: The Sources of History Limited, 1975.
- Van der Werf, Hendrik. *The Chansons of the Troubadours and Trouvères, : A Study of Melodies in Relation to Their Poems*. Utrecht: A. Oosthoek, 1972.
- . "Tenso." *Grove Music Online. Oxford Music Online*. Oxford University Press, accessed May 11, 2015, <http://www.oxfordmusiconline.com/subscriber/article/grove/music/27687>.
- . *The Extant Troubadour Melodies*. Rochester, NY: H. Van der Werf, 1984.
- Wolff, Hans Julius. *Roman Law: An Historical Introduction*. Norman: University of Oklahoma Press, 1951.

APPENDIX

Tenso of Peire d'Alvergne and Bernart de Ventadorn²⁴⁴
Amics Bernarz del Ventadorn, PC 323.4

I

Friend Bernart de Ventadorn, how can you refrain from song when you hear how the nightingale rejoices night and day? Listen to the joy it pours forth! All night long it sings beneath the blossom: it has more understanding of love than you have.

II

Peire, I prefer sleep and peace the hearing the nightingale, nor could you ever persuade me to return to that madness. Thank God I am free of my chains, whereas you and all other lovers are left to your folly.

III

The man who is not on love's side, Bernart, will hardly be a man of worth or courtliness; nor will love ever make you suffer so much as not to be worth more than any other good thing, for, even though it gives pain, it brings satisfaction later. A man can hardly have a great good without pain, but the joy soon overcomes the grief.

IV

Peire, if this world were made to my liking for two of three years, I can tell you for sure that ladies would no longer be besought by us; on the contrary, they would be condemned to do us the honor of beseeching us, rather than we them.

V

Bernart, it is unseemly that ladies should be suitors: on the contrary, it is right that a man should beseech them and call on them to have pity. In my view it is more than foolish than sowing seeds in the sand to reproach them and disparage their worth: such a view comes from one who teaches ill.

VI

Peire, my heart is grief-stricken when I recall a certain deceitful woman who has slain me, and yet I know of no reason except that I loved her truly. I have made a long Lenten fast, and I know that if I prolonged it I would find still worse.

V

Bernart, it is foolishness which leads you thus to separate yourself from love, through which a man finds worth and repute.

VI

Peire, the man who loves is out of his mind, for treacherous women have between them put an end to joy and worth and repute.

²⁴⁴ Harvey and Paterson, *Troubadour Tensos and Partimens*, 966-967.

Tenso of Giraut de Bornelh and Alamanda
S'ie-us qier conseil, bella amia Alamanda PC 242.69

I.

If I seek your counsel, my fair, sweet Alamanda, do not refuse me this, for a desperate man asks it of you; your faithless mistress has told me I have strayed far from her jurisdiction, so what she [once] granted me she now withdraws and revokes. What do you advise me to do? For my heart is almost consumed within me with the fire of grievance, I am so grief-stricken.

II.

For heaven's sake, Giraut, the desire of lovers does not always correspond or match up, so if the one cools, the other needs to be more kindly and forgiving so that their distress does not increase or spread; and if she tells you that a high mountain is a plain, you should believe her, and be pleased by the good and bad she sends you: for this is how you will be loved.

III.

I cannot help about [your] pride, even if you are a lovely golden-hair young lady: little sorrow disturbs you and little joy profits you (you are indifferent to the feelings of others?) but in this matter of love you are certainly neither first nor second! And when I fear that this sorrow may destroy me, and I feel myself about to perish, you advise me to draw closer to the wave! You seem to be offering me poor guidance.

IV.

If you question me on such a profound matter, Giraut, in heaven's name I know not how to answer you. You accuse me of shallowness; [I tell you] I refer to cut my own meadow (protect my own interests?) than have it mown by another, even if I wanted to make your case for you, you are doing your best to make your fair lady avoid you and forbid you her presence—it is all too apparent how impatient you are!

V.

Young lady, do not be so free with your words in the future, for she has broken faith with me first, more than five times; so do you imagine I am intending to put up with this forever? It would look as if I were doing so from lack of another friendship. Now I feel inclined to give you a good slap if you do not hold your tongue—Lady Berengeira used to give much better advice than you are giving me!

VI.

Now I see, Giraut, that she is paying you back for having called her fickle and unreliable; however you think she is making overtures to you concerning this quarrel. I do not believe for a minute she is so meek; on the contrary, this will henceforth be her last

concession, whatever you may say, if she brings herself to suffer you a truce or peace or end to your quarrel.

VII.

Fair one, for heaven's sake let me not lose your support! You do not know how you promised to give it to me. If I have been at fault because I was so upset, do not make me suffer for it, if you have ever felt how volatile is a lover's heart, you lovely girl; and if ever you have been in love, give thought to my case, for I am surely a dead man if I have lost her like this—but do not reveal this to her.

VIII.

Lord Giraut, I would have been glad for this peace already to be made, but she says she was right to be angry, for like a fool you quite openly courted another lady who is not worth he either dressed or naked; if you pay court to another, is she not bound to reject you, so as not to appear defeated? I will help you, even though I have spoken to you in her defense, as long as you do not cause trouble with her any more.

XI.

Fair one, in God's name, if she trusts you in this matter, assure her that I will take care not do so.

X.

I will do this, but do not forfeit her love once you have regained it.²⁴⁵

²⁴⁵ Ibid, 709-713.

Amics Bernarz del Ventadorn

PC 323.4

Peire & Bernart de Ventadorn

1
A - mics Ber - narz del Ven - ta - dorn, _____

2
com vos po - dez del _____ chan _____ so - ffrir

3
qant ai - ssi au - zes es - bau - - - dir

4
lo _____ ro - si - gno - let _____ nuoit _____ e _____ jorn?

5
Au - jaz lo joi qe de - me - na;

6
to - ta nuoch chan - ta soz la _____ flor, _____

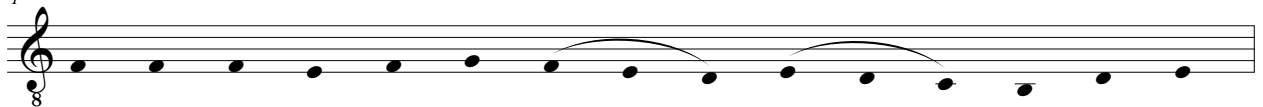
7
Miellz s'en - ten qe vos en _____ a - - mor! _____

S'ie·us quier cosselh, bel'ami'Alamanda

PC 249.69


Giraut de Bornelh
Alamanda

1



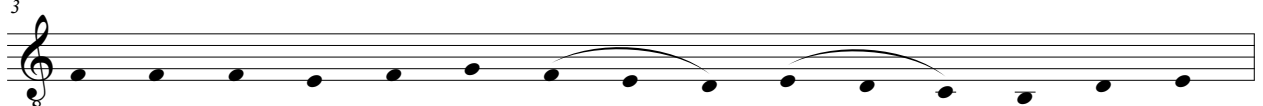
Sieus quier co - sselh, bel' a - mi' _____ A - la - man - da
Per Dieu, Gi - raut, jes ay - si _____ tot _____ a ran - da

2



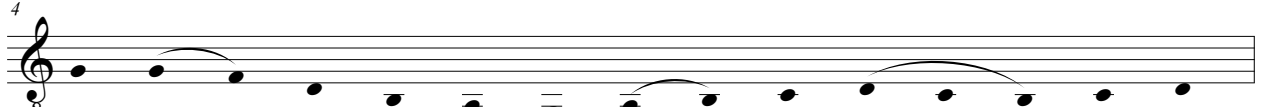
no·l me _____ ve - dez, c'om co - chatz _____ lo·us - de - man - da;
vol - lers _____ d'a - mic no·s fay ni _____ no·s gua - ran - da

3




qu'e - ras m'a dig vos - tra dom - na _____ tru - an - da
car si l'us falh, l'au - tre co - ve _____ que blan - da,

4




c'a - lhons _____ fuy, fors y - ssitz de _____ sa co - man - da;
que lur _____ de - streg no cres - ca _____ ni s'es - pan - da.

5




pus so que·m det, er m'es - tra _____ e·m de - man - da.
Pe - ro si·eus ditz d'aut pueg que _____ si - a lan - da,

6



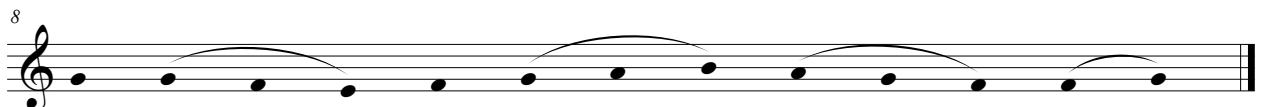
Quem co - - - sse - lhatz? _____
vos o _____ cre - zata _____

7



C'a pauc lo cor d'i - ra dins no m'a - bran - da, _____
e pla - ssa vos lo bes e·l mals que·us man - da, _____

8



tant fort _____ en soi _____ i - ratz _____
c'ay - si _____ se - retz _____ a _____ matz. _____