




VODECUM

ABUSIVA

seno scti hui. hoc est
sapiens sine opib' bonis.
Senex sine religione.
Adhulescens sine obedi
entia. Divos sine elimo
sina. femina sine pud

icia. dominus sine iusticia. xpian' contentiosus.
Paup' supb'. rex iniquus. episcopus negligens. plebs
sine disciplina. Populus sine lege. Sic suffocatur iusticia

 ec sunt duodecim abutua
 scti hui' pque scti rota simillo fuerit decipit.
 & ad tartari tenebras nullo impediencia iusticie
 suffragio. p iustum di iudicium rotat. Primo si sine
 opib' bonis sapiens & pdicator fuerit. qui quod ser

Edited by Constant J. Mews and Kathleen B. Neal

Addressing Injustice in the Medieval Body Politic

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Abbreviations

BAV	Bibliotheca Apostolica Vaticana
BL	British Library
BM	Bibliothèque municipale
BnF	Bibliothèque nationale de France
CCCM	Corpus Christianorum Continuatio Mediaevalis
CCSL	Corpus Christianorum Series Latina
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum
CUL	Cambridge University Library
DCA	<i>De clauastro animae</i>
DDAS, ed. Breen	<i>De XII abusiuis saeculi</i> , ed. by Aidan Breen, 'Towards a Critical Edition of <i>De XII Abusivis</i> : Introductory Essays with a Provisional Edition of the Text and Accompanied by an English Translation' (unpublished doctoral thesis, University of Dublin, 1988), pp. 332–432
DDAS, ed. Hellmann	<i>Ps.-Cyprianus: De xii Abusivis Saeculi</i> , ed. by Siegmund Hellmann, <i>Texte und Untersuchungen zur Geschichte der altchristlichen Literatur</i> , 34 (Leipzig: J. C. Hinrichs, 1909)
GCS	Griechischen Christlichen Schriftsteller
ISTC	Incunabula Short Title Catalogue
MGH	Monumenta Germaniae Historica
Munich, Clm	Munich, Bayerische Staatsbibliothek, Codices latini monacenses
ÖNB	Österreichische Nationalbibliothek
PG	Jacques-Paul Migne, ed., <i>Patrologia Graeca</i>
PL	Jacques-Paul Migne, ed., <i>Patrologia Latina</i>
RS	Rolls Series
SB	Stiftsbibliothek
SC	Sources chrétiennes
Sharpe, <i>Handlist</i>	Richard Sharpe, <i>A Handlist of Latin Writers of Great Britain and Ireland before 1540</i> . Publications of the <i>Journal of Medieval Latin</i> , 1 (Turnhout: Brepols, 2001).



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Note on references

DDAS is cited by reference to a critical edition, based on that of Breen, updated by Mews and Joyce, forthcoming within the *Scriptores celtigenae* series of the Corpus Christianorum series, published by Brepols. Their practice of rendering *v* as *u* will be followed in citations of *DDAS* and other texts in the Corpus Christianorum series. References to texts in PL and PG are cited by reference to their volume and column. Short references to texts published in CSEL include reference to volume number, when it is necessary to identify one of several volumes, each with their own pagination.



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Introduction

Justice and its Abuse in the Medieval Body Politic

Constant J. Mews and Kathleen B. Neal

Abstract

This essay introduces the *De XII abusiuis saeculi* and its influence in medieval thought through reflecting on the way it presents the notion of *iusitia*, a term that can mean both righteousness in a biblical context, but also justice in the sense of equity and fairness in social relationships. While the ninth abuse, an unjust king (*rex iniquus*), has been recognized as laying a foundation for the 'Mirror of Princes' genre, we argue, introducing the various essays in this volume, that *DDAS* was re-interpreted in many different contexts.

Keywords: Justice, medieval ethics, mirrors of princes, medieval political theory, medieval scriptural exegesis

Failures in justice within the body politic are a common theme in medieval writing. In this volume, we take as our principal point of departure a short but relatively little studied treatise on this subject written in Ireland in around the mid-seventh century and known as the *De XII abusiuis saeculi* or *The Twelve Abuses of the Age*. It offers a critique of various kinds of behaviour, as manifested by various groups in society, based on injunctions from scripture. Its prologue succinctly articulates these moral lapses in a list that was itself widely copied and stimulated many adaptations between the late eighth and sixteenth centuries:

a wise man without good works, an old man without religion, a youth without obedience, a rich man without almsgiving, a woman without modesty, a lord without moral strength, a contentious Christian, a proud pauper, an unjust king, a negligent bishop, common folk without discipline,

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a people without law. Thus, justice is suffocated. These are the twelve abuses of the age through which the wheel of the age, if one is within it, is deceived, and without any impeding support of justice is propelled into the darkness of hell through the just judgement of God.¹

It is not easy to decide how to translate these words. *Virtus* can mean both virtue and strength; *iniquus* evokes a sense not just of being morally bad, but of being inequitable or unfair, but these translations are perhaps not as strong as unjust. *Iustitia*, when evoked in a biblical context, is sometimes rendered as righteousness in a global moral sense. The prologue to *DDAS* reveals its centrality to the work as a whole. The question must be asked, however, what *iustitia* means in this work. It occurs ten times in *DDAS*, but is never explicitly defined as the *iustitia Dei* discussed by St Paul (especially in Romans 3. 21–22), that is, the justice or righteousness of God revealed in the Law and Prophets, and most fully in Jesus, the anointed (*Christus*) of God. Paradoxically, however, when Ælfric of Eynsham (c. 955–c. 1010) translated *DDAS* into English in the late tenth century, he used the phrase *iustitia Dei* when citing its Latin text, a variant that occurs in only two manuscripts.² For *DDAS*, *iustitia* is a quality that ought to define human society on earth and which, if expressed in that society, would be decisive in securing humanity's salvation through God's 'just judgement'. Yet, as its author laments, *iustitia* is being 'suffocated' by the improper behaviour of many different groups. These 'abuses' are set up not precisely as antitheses of justice, but as actions capable of inflicting mortal wounds upon it.

The examples in *DDAS* are drawn almost exclusively from biblical texts and various Church Fathers, yet the *iustitia* that concerned its author was

1 *DDAS*, Prologus, ed. Breen, p. 332 (ed. Hellmann, p. 32): 'Sapiens sine operibus bonis [bonis, om. Hellmann], senex sine religione, adolescens sine oboedientia, diues sine elemosyna, femina sine pudicitia, dominus sine uirtute, Christianus contentiosus, pauper superbus, rex iniquus, episcopus neglegens, plebs sine disciplina, populus sine lege. Sic [His duodecim abusiuis Hellmann] suffocatur iustitia. Haec sunt duodecim abusiua saeculi per quae saeculi rota, si in illo fuerit [fuerint Hellmann], decipitur et ad tartari tenebras nullo impediante iustitiae suffragio per iustum Dei iudicium rotatur.' Breen argued (p. 279) that the original title of the work was *De XII abusiuis*, without the addition of *saeculi*, on the grounds that this is the reading of what he called 'Class 1' manuscripts. In fact, *saeculi* does occur in some important witnesses not known to Breen, such as *U* Cambridge, CUL MS li.1.41, fol. 84ra.

2 *Two Ælfric Texts*, pp. 12–13. This variant occurs in two manuscripts belonging to Cambridge, Trinity College, namely O.9.22, fol. 43r (perhaps from northern France, connected to Saint-Amand) and as a correction to O.1.52, fol. 27v (from Byland Abbey). Although Ælfric attributed *DDAS* to Cyprian, the fragments of Latin text that he quotes imply that he had access to what Breen called the Class 1 'Augustine' group, perhaps in an unattributed version that he subsequently assigned to Cyprian on the basis of continental tradition.

one that would have been as recognizable to classical as to patristic and early medieval Christian thinkers: a question of human behaviour.³ For Cicero in his *De inventione* (an early, but very influential treatise), *iustitia* was very much a personal virtue, often listed after prudence, but before fortitude and temperance as one of the four cardinal virtues.⁴ He defined it as ‘a habit of mind, assigning dignity to each, preserved for common benefit’.⁵ Cicero subsequently described *iustitia* in his *De officiis* as queen and fount of the virtues, and argued that prudence without justice was empty.⁶ St Paul also spoke about *iustitia* in the sense of the righteousness to which both individuals and society should aspire. In Ephesians 6. 14, Christians were urged ‘to put on the breastplate of justice’, a line that prompted Pelagius (a controversial British ascetic, whose writings were held in respect by some Irish scholars) to suggest that just as a breastplate was woven from many rings and armlets, so justice was made up of many types of virtues.⁷ Augustine of Hippo, by contrast, preferred to emphasize the priority of love over all the virtues, drawing on the teaching of St Paul in 1 Cor. 13. 13.⁸ He associated *iustitia* or personal righteousness with respect for the natural order, represented by ‘women serving men and sons their parents, just as it was justice for weaker reason to serve stronger reason.’⁹ The so-called Irish Augustine, author of the treatise *De mirabilibus sacrae scripturae* [DMSS],

3 For further discussion of its debt to patristic teaching, see Mews, ‘The Consequences of Injustice’.

4 Cicero, *De inventione*, 2.53.159, ed. Stroebel, p. 147: ‘Habet igitur [scil. virtus] partes quattuor: prudentiam, iustitiam, fortitudinem, temperantiam’; *iustitia* is moved from second to fourth place by Seneca, *Epist.* 90.46 and 115.3, ed. Hense, pp. 396 and 556, but is placed first in *Epist.* 120.11, p. 584.

5 Cicero, *De inventione*, 2.53.160, ed. Stroebel, p. 148: ‘Iustitia est habitus animi communi utilitate conseruata suam cuique tribuens dignitatem.’

6 Cicero, *De officiis*, 3.6.28, ed. Atzert, p. 65; see also Cicero, *De finibus bonorum malorum*, 5.13.36 and 5.23.89, ed. Schichte, pp. 173 and 189, promoting *iustitia*.

7 Pelagius, *Expositiones XIII epistularum Pauli* [Eph. 6], ed. Souter, p. 383: ‘Et induti lorica iustitiae: Sicut lorica multis circulis uel armillis intexitur, ita <et> iustitia diversis virtutum conecitur speciebus: munit autem non solum pectoris conscientiam, sed et ventris continentiam, nec non et ad femorum usque pertingit libidinem co-h>erce<n>dam.’ This line is repeated within an Irish commentary on the epistle of James, *Commentarius in epistulas catholicas*, ed. McNally, p. 18: ‘Iustitia est, id est omnium uirtutum, quia Pilagius loquitur de iustitia dicens, sicut lorica multis armellis textitur, ita iustitia multis uirtutibus ornatur.’

8 Augustine, *Epist.* 155.13, ed. Goldbacher, CSEL, 44, p. 443: ‘quamquam et in hac vita virtus non est nisi diligere, quod diligendum est; id eligere prudentia est, nullis inde averti molestiis fortitudo est, nullis inlecebris temperantia est, nulla superbia iustitia est.’

9 Augustine, *Contra Faustum*, 22.61, ed. Zycha, p. 657: ‘quae tamen consulta illa aeterna lege iustitiae, quae naturalem ordinem perturbari vetat’; *ibid.*, 26.3, p. 731: ‘ad naturalem quippe iustitiae ordinem pertinent.’ See also his *Quaestionum in Heptateuchum*, Gen. q. 153, ed. Fraipont,

datable to 654–655, asserts the priority of justice as righteousness when he speaks of ‘the primacy of justice’ (*primatus iustitiae*) to describe the virtue exemplified by Abel and Enoch in the Old Testament. This unusual phrase, not used by any of the Church Fathers, is echoed in *DDAS* to describe how a king, established as the first of men, will suffer the primacy of torment if he does not create justice.¹⁰ This inversion illustrates a key strategy of *DDAS*, discussing justice through its absence and abuse. It is both a complaint and an exhortation to reform, a lament and a prophetic denunciation.

As Constant Mews and Stephen Joyce discuss below, *DDAS* was widely copied, surviving in over four hundred manuscripts from the late eighth to the sixteenth centuries, and then finding an eager audience in print. It was cited in foundational works of canon law, including in Gratian’s *Decretum*.¹¹ It was translated into numerous medieval vernaculars and stimulated several imitations and adaptations that transposed its formula of moral criticism into new domains, from the monastic to the judicial.¹² It was widely referred to in sermons,¹³ and became a source and a model for many later medieval socio-moral critics, from Spiritual Franciscans to Wycliffites. *DDAS* could be regarded variously as a work of Christian ethics, politics, law, or faith by its medieval readers.

Within this extraordinary scale and breadth of impact, scholarship has focused principally on the place of *DDAS* in the history of medieval political thought as an early stage in the development of the ‘mirror of princes’ or ‘*Fürstenspiegel*’ genre.¹⁴ Its discussion of an unjust king—the ninth abuse— attracted the attention of those involved in formulating kingship as a concept in Carolingian and pre-Conquest English and Norman contexts, with the

p. 59: ‘Est etiam ordo naturalis in hominibus, ut seruiant feminae uiris et filii parentibus, quia et illic haec iustitia est, ut infirmior ratio seruiat fortiori.’

10 *DDAS*, 9, ed. Hellmann, p. 51: ‘Attamen sciat rex quod sicut in throno hominum primus constitutus est, sic et in poenis, si iustitiam non fecerit, primatum habiturus est.’

11 Gratian, *Decretum*, II, c. XXIII, q. V. c. 40, ed. Friedberg, p. 941: ‘Item Ciprianus in nono genere abusionis. Rex debet furta cohibere, adulteria punire, inpios de terra perdere, patricidas et periuros non sinere vivere, filios suos non sinere inpie agere.’

12 On the Old English translation see Clayton, *Two Ælfric Texts*; and on an Icelandic translation Leboutteiller, ‘Prosperity and Peace’, p. 63. Breen also notes translations into ‘Middle and Modern English, German, Castilian Spanish and Byzantine Greek – and who knows how many others’: ‘Towards a Critical Edition’, p. 233.

13 For instance: Wenzel, *Latin Sermon Collections*, pp. 86, 179–80, 320; Gaposchkin, ‘Talking About Kingship’, p. 147 n. 45; Breen, ‘Towards a Critical Edition’, p. 235.

14 For example, Lambertini, ‘Mirrors for Princes’, p. 792; Berges, ‘*Fürstenspiegel*’, p. 4. See also the discussion of *DDAS*’s ‘rex iniquus’ as a foundational model in European kingship to 1200, in Weiler, *Paths to Kingship*, pp. 51–53; see also Mews, ‘The Twelve Abuses of the Age: Ethical and Political Theory in Early Medieval Ireland and its Influence’.

former in particular generating scholarly discussion.¹⁵ In this period there was an evident desire to combine the contribution of biblical and classical authorities when addressing the proper governance of the body politic and the ruler's role in it. The scriptural basis and prophetic admonitory tone of *DDAS* was well suited to this effort. Meanwhile, considerable scholarly effort has gone into appreciating the vitality of the later 'mirrors of princes', and their capacity to comment on a range of political situations.¹⁶ The emphasis of these studies has tended to be on the integration of classical learning into medieval political theory, and particularly the influence of Aristotle's *Politics*, first introduced into the Latin West through the translation of the Dominican William of Moerbeke.¹⁷ Cary Nederman has revised this perspective, highlighting the continuity of interest in Cicero in shaping political thought from the twelfth century, promoted in particular by John of Salisbury, long before Petrarch claimed to have 'discovered' Cicero through his personal letters in a manuscript of Verona.¹⁸ While these influences are important in teasing out the continuities of concern between modern and medieval political thought, consideration of their intersections with the biblical and prophetic tradition of thinking on justice embodied in *DDAS* still has much to add. Recent excellent work on later medieval political ideas, such as Joel Kaye's study on the concept of balance, has struck out in productive new directions.¹⁹ The relationship to early medieval precedent still has to be examined.

The ways in which *DDAS* and scriptural tradition more generally continued to influence and be cited in some of these works has been largely neglected; a fact that has in turn disguised the interesting and likely deliberate omission of references to *DDAS* by some later medieval authors on political topics. Whether John of Salisbury (c. 1120–1180), a prominent figure in the development of *specula*, knew or used *DDAS* in preparing his *Policraticus*

15 For instance, on the former, see Anton, 'Pseudo-Cyprian'; Meens, 'Politics, Mirrors of Princes and the Bible', pp. 353–357; Meeder, *Irish Scholarly Presence at St. Gall*, chap. 4; Winkler, *Royal Responsibility*, pp. 40–44. On the latter, see for example, Clayton, *Two Ælfric Texts*, pp. 56–71; Kritch, 'Fragments and reflexes', pp. 164–166. After 1066, authors like Wulfstan used their knowledge of *DDAS*, both independently and through Carolingian exemplars, to explain the Conquest as the outcome of a *rex iniquus*, see Winkler, *Royal Responsibility*, pp. 70–71.

16 See for example the various chapters in Bejczy and Nederman, eds, *Princely Virtues in the Middle Ages 1200–1500*.

17 Nederman, *Lineages of European Political Thought*.

18 Nederman, *The Bonds of Humanity*; see also Nederman, 'Mechanics and Citizens' and other articles in that same special issue of *Vivarium*, 40.1 (2002), on the reception of Aristotle's *Politics* in the Middle Ages.

19 Kaye, *Balance*; see also the study of Briggs, chap. 10 in this volume.

remains unclear. He does not cite it directly or by name, but shares several common themes with it and its Carolingian interpreters.²⁰ The question of the attribution of the text was probably of recurring significance in the decisions of later authors to incorporate or reject it as a model. Thomas Aquinas (1225–1274), the first scholar in Paris to have access (1269–1272) to Aristotle's *Politics* as translated by William of Moerbeke, for example, never cites *DDAS*, presumably because he doubts its patristic authorship in the same way as he spurned the *De spiritu et anima* as falsely attributed to Augustine.²¹ Giles of Rome (c. 1243–1316) similarly focused on Aristotle's *Ethics* and *Politics*, but avoided any reference to *DDAS*.²² By contrast, the Dominican authors Vincent of Beauvais (c. 1194–1264) and William Peraldus (c. 1190–1271) both refer to *DDAS* as an authoritative work of Cyprian in their manuals on the instruction of princes.²³ It was also taken up by Old Icelandic manuals on kingship in the thirteenth century,²⁴ and by the Iberian canonist Álvaro Pais (c. 1280–1352) in his *Speculum regum* for Alfonso XI of Castile.²⁵ The Oxford-trained canonist William Paull (d. c. 1332) cited its authority near the opening of his *Speculum regis*, addressed to Edward III, when reflecting on the king's responsibility for justice.²⁶ Wycliffe, also Oxford-trained, would draw extensively on *DDAS* in his writing, more for its general moral teaching in society.²⁷ The twelve abuses would be reworked in a poem, 'Go Forth King', circulated among Chaucerian apocrypha and possibly by John Lydgate

20 On this difficulty, see Barrau, 'Ceci n'est pas un miroir', pp. 90–91. *DDAS* is not cited in the list of authors whose works are identified as citations in Webb's edition, either as a work of Cyprian or of Augustine, although he repeats similar phrases in *Policraticus*, 5.16, ed. Webb, 1, p. 351: 'Neminem iniuste uexauerat qui omnes calumpnias excluderat; nec iudicium eius peruertebat caro uel sanguis qui nullum unquam oppressit'; cf. *DDAS*, 9, ed. Breen, p. 400 (ed. Hellmann, p. 51): 'Iustitia uero regis est neminem iniuste per potentiam opprimere.'

21 Thomas Aquinas, *Quaestiones disputatae de anima*, 12, resp. ad arg. 1, ed. Bazán, *Opera omnia*, xxiv.1, p. 110.

22 Giles of Rome, *De regimine principum*, ed. Samaritanus.

23 Vincent of Beauvais, *De morali principis institutione*, ed. Schneider, and trans. Throop, in *The Moral Instruction of a Prince*; Vincent of Beauvais, *De eruditione filiorum nobilium*, ed. Steiner; William Peraldus, *De eruditione principum*, edited among the writings of Thomas Aquinas; *Opera omnia*, editio Parmensis, xvi, pp. 390–476.

24 Leboutellier, 'Prosperity and Peace', p. 63.

25 See de Souza and de Souza, 'As fontes de Álvaro Pais', pp. 162–163.

26 William Paull, *Speculum regis*, ed. Moisant, p. 82, trans. in *Political Thought*, ed. by Niderman, p. 73. Ralph Hanna comments on the influence of *DDAS* on this text in *London Literature, 1300–1380*, pp. 268–269. Although Moisant attributed it to Simon Islip, archbishop of Canterbury, it is in fact by William Paull (also known as William of Pagula).

27 Lahey, *John Wyclif*, pp. 156–157. Further Wycliffite uses can be noted, for instance, in the Middle English 'Tractatus de regibus, 1382', in *Four English Political Tracts*, ed. by Genet, p. 10.

(d. 1451).²⁸ *DDAS* appeared in English translation by the Calvinist-inclined Nicholas Lesse in 1550, reprinted in 1590, this time under the title *A Looking Glasse for England*, dedicated to the memory of Francis Russell, 2nd Earl of Bedford (c. 1527–85), also a reformer.²⁹ Questions need to be asked about these choices and what they reveal about the contours of medieval ideas on justice in governance, in particular the selective integration and emphasis of classical and scriptural traditions into medieval political thought.

But *DDAS* is also more than a ‘mirror for princes’, as the range of its influence, noted above, suggests. After the pithy prologue, the anonymous author divides society into a series of categories, dealing separately with the ‘abuse’ particular to each. In so doing, they emphasized the concept of living up to one’s calling within society: an ‘abuse’ by a given group constituted a failure to do so. This device provided diverse opportunities for the author to explore the polysemic nature of the medieval Latin concept of *iustitia*, which is not wholly captured by rendering it as ‘justice’ in modern English. Depending on its use and context, *iustitia* could encompass a personal virtue, legal value, social ideal, political imperative, or divine attribute. It intersected ideas of righteousness, retribution, restitution, proportion, equity, and due process. It could be considered primarily as a quality of individuals, or a wider social phenomenon, as a legal or a moral concern. *DDAS* picked up on many of these aspects of *iustitia* and the ways it could be abused: by the disobedience of youth, the immodesty of a woman, the injustice of a king, the ill-discipline of ‘common folk’, or the lawlessness of a people. The variety of images of justice and injustice that it presented offered a rich seam of inspiration for later writers concerned with the Christian body politic. Thus, it was not always the king and his justice (or his abuse of it) that stimulated later uses of or reflections on the lessons of the text.

Contributions in this volume show how the social significance of *DDAS* was prominent in its initial context, before being overshadowed by its political messages about rulership in the ninth and tenth centuries. By the twelfth century it was circulating widely in monastic contexts, in which its failure to address spiritual categories of person such as monks and priests became a problem in need of resolution. In the thirteenth century, with the expansion of legal and administrative process, it became a useful touchstone for the accountability and probity of both rulers and their officials. At the same time, in the context of rising urbanization and the advent of the mendicant orders, its social significance was rediscovered and emphasized

²⁸ *Chaucerian Apocrypha*, ed. by K. Forni, p. 128.

²⁹ *A Looking Glasse for England*, trans. by Nicholas Lesse.

in conjunction with the twin calls for political and personal reform, a process catalyzed by its foreshadowing of the popular new genre of sermons *ad status*. By the fourteenth century, such uses had become all the more relevant in the widespread social critique of the ‘age of revolt’. This volume can only sample these, and many other, spheres of influence. We have not had the opportunity to explore in depth the reception of *DDAS* in the Iberian Peninsula, its dissemination in sermons, or its evolution in heretical circles, to name but three desiderata. The latter promises a particularly interesting direction of future study, given the inherent conservatism of a text that grounds its concept of justice in adhering to one’s preordained station in life.³⁰ Nevertheless, by deliberately crossing boundaries of chronology, geography, and disciplinary tradition, we show the fruitfulness of considering the many facets of justice and its abuse that were impacted by the reception of *DDAS* from the seventh to the sixteenth centuries.

Overview of the volume

The first chapters in this volume seek to present *DDAS* on its own terms as a treatise that in all likelihood emanates from Ireland around the mid-seventh century. Mews and Joyce open the volume by considering both its literary context and its textual transmission between the eighth and sixteenth centuries, building on important foundations laid by Aidan Breen.³¹ The fact that the treatise was attributed to a variety of authors, above all to Cyprian and Augustine, itself suggests that *DDAS* may originally have circulated anonymously. While no seventh-century manuscripts survive containing *DDAS*, the explosion of manuscript copies in the ninth century reveals much about how the work was used in the Carolingian period by writers like Jonas of Orleans (seemingly the first person to assign it to Cyprian) and Hincmar of Rheims. Textually, however, this version is more corrupt than that transmitted in those manuscripts, in which it is attributed to Augustine. In a few manuscripts, *DDAS* is not assigned to any author. Such manuscripts may derive from an ancient exemplar of high quality, copied before it started to circulate as a work of either Cyprian or Augustine, and preserved at an abbey like that of Corbie. In the early ninth century, *DDAS* was preserved

30 A related conservatism has been noted in later medieval texts of legal satire and polemic, including some of the poetry and song that cited *DDAS*; see Musson and Ormrod, *Evolution of English Justice*, pp. 167–172.

31 Breen, ‘*De XII abusivis: Text and Transmission*’.

alongside other writings attributed to Augustine in the ancient library of Saint-Riquier, itself not far distant from Corbie. While the attribution of *DDAS* to Cyprian in the Carolingian period was not unintelligent, given that Cyprian inspired both some of its argument about ecclesial unity and its rhyming literary style, its circulation after the late eleventh century as a work of Augustine reflected a new interest in its spiritual message and contribution to the cause of religious renewal.

Dáibhí Ó Cróinín tackles the difficult question of the Irishness of this treatise, above all by relating it to the great body of law that survives in Old Irish, which itself transforms orally transmitted vernacular legal teaching into a written record. Perhaps one of the most remarkable features of *DDAS*, that resurfaces in different ways across the centuries, is its argument about the final twelfth step of abuse, namely that of a people without a law. It is surely no coincidence that *DDAS* should emerge as a set of ethical principles, founded on the teaching of scripture, just as some of the earliest written vernacular and post-Roman codes of law were emerging in the Latin West. Irish scholars played a key role in the development of canon law, epitomized in their compilation by the early eighth century of the *Collectio canonum Hibernensis* (or *Hibernensis* for short). The fact that this compilation would include a lightly reworked version of the ninth abuse about the unjust king, here attributed to St Patrick, only confirms the close connection between its teaching about the nature of *iustitia* as applied to a king, with the broader principles of law relevant to all in society. The connections between *DDAS* and *Senchas Már* and its ways of categorizing different groups in society, leave little doubt about their common basis in a project to articulate the core ethical principles on which society, the Church, and government should be based.

The chapter by Stephen Joyce about the internal logic of the organization of the various social categories within *DDAS* highlights the complexity of its teaching about both horizontal and vertical relationships in society. The driving conception of the treatise, he argues, is that of St Paul's teaching about each needing to stay true to their own calling. One of its more puzzling features is that it never mentions monks or clergy, its only explicitly ecclesiastical category being that of the negligent bishop. The absence of any specific reference to monastic life connects it to the Rule of Basil (*Asceticon*) that was much cited as a moral guide within *Hibernensis* and itself drew much on Pauline teaching. *DDAS* also picks up on Jerome's theme in his commentary on Ezekiel, that the watchman (*speculator*) could be the king or the prophet, but also the bishop and priest, 'who was chosen by the people' and who could, through the study of scripture, correct those who

had moved away from their role as Christians.³² In this case, as in others, Joyce complements his analysis of the necessary behaviours within each calling by picking up on the intersectionality between categories offered by *DDAS* itself. Just as the ‘abuses’ of the bishop and the people were related, so too were those of the king and the lord, the old man and the youth, and so on, so that the message of the text can be read individually and collectively in a variety of permutations. This is an insight that informs several of the subsequent contributions.

The remaining chapters in this volume consider in more detail a variety of contexts in which *DDAS* was interpreted and how issues of injustice were addressed over the medieval period. Jelle Wassenaar explores how the Irish traditions of *DDAS* were transformed on the continent between the ninth and eleventh centuries, with particular attention to issues of kingship. This is remarkable given the vast difference between the role of an Irish king, little more than one of many local rulers within Ireland, and the much larger responsibilities of a king within the Carolingian and post-Carolingian contexts. Charlemagne and his successors might have engaged Irish-trained scholars to develop both education and government, but within a very different situation from what had prevailed in Ireland. The heavily biblical culture that these Irish scholars introduced to the continent enabled churchmen like Hincmar of Rheims to speak out about how a king ought to behave, and what practices a king should avoid. *DDAS* also provided imagery that could help celebrate virtuous kingship, as well as offer principles for promoting penitence, at least within those committed to ecclesiastical life. The role of a king was not just to govern (on behalf of the Church), but to discipline those who departed from standards of morality and justice. The traditional, folk-aspects of *DDAS*, such as the fear that the physical prosperity of the land would decline when the king behaved unjustly, tended to be less emphasized or even disappear in a newer generation of manuals that it inspired.

Ryan Kemp considers the question, far from obvious, about what role was played by *DDAS* in Germany and England in the eleventh and twelfth centuries. Given that it is so steeped in scriptural imagery about right behaviour, how can we be certain that this treatise lies behind the growing spirit of criticism of both royal and episcopal behaviour unleashed during

32 Jerome, *Commentarii in Ezechielem*, 10 (on c. 33), ed. Glorie, pp. 468–469: ‘Speculator terrae Iudaeae, uel rex potest intellegi, uel propheta; speculator autem ecclesiae, uel episcopus uel presbyter, qui a populo electus est, et, scripturarum lectione, cognoscens et praeuidens quae futura sint, annuntiet populo et corrigat delinquentem.’

the great reforming movement of the eleventh century, that continued to exert influence in the twelfth century? Writers do not have to acknowledge *DDAS* to be influenced by its rhetoric, in which *abusiones* and *abusiuu* refer to moral abuses, not just linguistic abuses, as in the traditional meaning of these terms in rhetorical discourse. Whatever stance a writer might take about kings and bishops, there was a growing freedom to identify kings and bishops as not living up to the duties of their office, as laid out by *DDAS*. While the ninth and tenth abuses had a particular reference to these two roles, there were others that could also be applied. Thus, the fifth, about the woman without modesty (*femina sine pudicitia*), which one might imagine was principally about women, offers arguments about worthy behaviour that could be applied just as easily to churchmen. Perhaps more than any other country, England produced a remarkable crop of great historical writers in the twelfth century. In many ways, this was a legacy of the unusually privileged situation of monasticism in the country, with many of its cathedrals being monastic foundations, a situation quite different from that of the continent. With the rapid expansion of interest during the twelfth century in the writings of Cicero, Seneca, and other classical authors, it is much harder to say whether *DDAS* (certainly preserved in many monastic libraries in England) was having a direct influence. It may well be that its imagery had become so ingrained for someone like John of Salisbury that it was no longer necessary to single out its influence.³³ This does not mean, however, that *DDAS* was no longer helping to shape the rhetoric of political life.

A clear illustration of how the term *abusio* was no longer being confined to abuse of the meaning of words is provided by a treatise very clearly inspired by *DDAS*, namely *De XII abusioibus claustrii*, composed by Hugh of Fouillois.³⁴ As Mews describes, Hugh decided to enter religious life (c. 1120), not as a monk of Corbie, the local abbey where in all likelihood he was educated, but as an Augustinian canon at Saint-Laurent-au-Bois, recently established on its lands. Unlike Carolingian readers of *DDAS*, Hugh was not particularly interested in kingship. Rather he was motivated by its mention of a negligent bishop to compose a list of twelve abuses much more relevant to religious life: the negligent prelate, the disobedient disciple, the lazy youth,

33 See above n. 20.

34 Many manuscripts survive of Hugh of Fouillois's *De XII abusioibus claustrii*, frequently confused with *DDAS* in both medieval and some more recent library catalogues, but it has never been edited as a work on its own, except within the *De clauastro animae (DCA)*, 2. 11–21, PL, 176, 1058–1086. In the earlier two-book version, the first book became known as *De clauastro materiali*, contrasted with another *De clauastro spiritali*.

the obstinate old man, the court monk, the legalistic monk, a precious habit, exquisite food, gossip in the cloister, contention in the chapter, dissolute behaviour in the choir, and lack of reverence on the altar.³⁵ Hugh certainly came under the influence of the rhetoric of Bernard of Clairvaux, who frequently used phrases like *magna abusio* to lament what was happening within traditional monastic life. Hugh's decision to become an Augustinian canon, however, signalled a significant new path being taken by religious renewal in the twelfth century. Unfortunately, Hugh of Fouillois's name was frequently confused with that of his fellow Augustinian, Hugh of Saint-Victor, so obscuring the originality of his output. Hugh of Fouillois, who assumed that *DDAS* was written by Augustine, was more interested in the spiritual implications of its teaching for the nature of *religio* or religious observance than what it had to say about justice in the broader social and political order.

In her chapter on the Oxford-trained Franciscan scholar and teacher, John of Wales (d. c. 1285), Kathleen Neal draws attention to his involvement in renewing interest in *DDAS*. This was not a text that had provoked much attention at the University of Paris in the first half of the thirteenth century. Alexander of Hales (d. 1245), a great enthusiast for the writings of Augustine, never cited *DDAS* by name in any of his known writings, even though he attributed to Augustine the *De spiritu et anima*, a text whose authenticity was questioned in the 1240s by both Vincent of Beauvais and Albert the Great.³⁶ *DDAS* is mentioned just once (as a work of Augustine) in the *Summa Alexandri*, first put together perhaps in the early 1240s by Alexander and his leading disciples, in particular John of La Rochelle (d. 1245).³⁷ Whether Grosseteste (c. 1168–1253) was familiar with *DDAS* is not certain. What is clear, however, is that John of Wales, whose early education was at Oxford, where he studied theology and joined the Franciscan Order by 1258, was particularly interested in combining the ethical instruction and classical exempla provided by John of Salisbury with those of *DDAS*. Neal argues that it was likely in the context of the political reform movement of mid-century

35 *DCA*, 2.11, PL, 176, 1058C: 'Duodecim autem sunt abusiones claustris, quibus tota religionis summa turbatur, id est, praelatus negligens, discipulus inobediens, iuuenis otiosus, senex obstinatus, monachus curialis, monachus caudicus, habitus pretiosus, cibus exquisitus, rumor in claustris, lis in capitulo, dissolutio in choro, irreuerentia iuxta altare.'

36 On Alexander of Hales and Dominican doubts about Augustine's authorship of the *De spiritu et littera*, see Mews, 'Debating the Authority of Pseudo-Augustine's *De spiritu et anima*', and 'The Early Diffusion of the *De spiritu et anima*', pp. 317–18.

37 *Summa theologica* (also known as *Summa fratris Alexandri* and *Summa Halensis*), II.2, inq. 3 tract. 3 sectio 2, q. 3 c. 3, num. 420, III, p. 422: 'et hoc in Matth. 12. 19 quod exponit Augustinus, in libro *De duodecim abusionibus*: "Christianus nemo recte dicitur nisi Christi moribus coaequetur"', citing *DDAS*, 7, (ed. Breen, p. 388; ed. Hellmann, p. 48).

England that John encountered and realized the significance of *DDAS* for his vision of a Christian '*res publica*' governed by law. John subsequently revised his *Communiloquium* after he moved to Paris in around 1270, modifying references to *DDAS* as being 'by a certain wise man' rather than as by Augustine, presumably because of doubts about its patristic authorship. While John (like Roger Bacon) was interested in the supposed exchanges between Aristotle and Alexander preserved in the *Secretum secretorum*, he was never as focused on newly translated Aristotelian texts as Thomas Aquinas. Given that over 250 MSS survive of the *Communiloquium*, in which he refers extensively to *abusiones* in many different groups in society and the cloister, John's influence on the reception of *DDAS*, ideas of injustice, and political behaviour in the late thirteenth and fourteenth centuries deserves more attention than it has been given to date.

In his chapter on the *Speculum justiciariorum* (usually translated as *The Mirror of Justices*), written in Anglo-Norman sometime between 1285 and 1289, Cary Nederman explores the influence of a treatise remarkable for its extensive employment of the notion of *abusio*. This text, which Nederman has argued is an idiosyncratic efflorescence of the *speculum principum* genre directed at the king for the purpose of warning him of the corruption of his justices, is one of, if not the earliest, to employ this Anglo-Norman term in the sense of 'abusive behaviour' similar to *DDAS*. The text emerged from a context of public and political critique related to the turbulence that inspired John of Wales, and borrowed several of the same motifs. Nederman identifies three categories of *abusio* in the text, each of which pertains to a facet of justice as practiced by the royal courts in Edward I's England: political, judicial, and legal. Thus the 'abuses' of justice conceptualized in this text are of a narrower scope than those of *DDAS* itself. Moreover, whereas *DDAS* conceived of 'abuse' as a failure to live up to one's calling as expressed primarily in scripture, the *Speculum justiciariorum* asserts that it is a comprehensive and accessible system of written law that will prevent 'abuses' among the justices. It is thus poised at an interesting midpoint between a work of complaint, in which general warnings are issued and signs of malpractice described, and one of advice, seeking explicit remediation.

This emphasis on abuse as a way of defining how rulers and judges ought to behave was not restricted to an English context, as evident from the writings of Durand of Champagne, the Franciscan confessor to Jeanne of Navarre (r. 1285–1305), wife of Philip IV of France. Durand's *De informatione principum*, currently being edited by Rina Lahav and Constant Mews, belongs to that great tradition of 'Mirrors of Princes' to which many mendicant friars

contributed between the mid-thirteenth and mid-fourteenth centuries. Durand had previously written a *Speculum dominarum* for the benefit of Jeanne de Navarre. Now he was writing for her son, Louis (1289–1316), who would rule as Louis X for only two years prior to his untimely demise. The *De informatione principum* is a treatise that in many ways looks back to the *Communiloquium* of Durand's fellow Franciscan, John of Wales, who may well have taught Durand as a young student in Paris. As for John of Wales, *DDAS* and the *Policraticus* of John of Salisbury both provided sources of inspiration of the *De informatione principum*. Yet where Giles of Rome gave maximum place to the authority of Aristotle in his *De regimine principum*, Durand would emphasize the contribution of scripture, alongside that of the great classical teachers presented by John of Salisbury. Durand was also familiar with the teaching of Thomas Aquinas about the emotions and their relation to both vice and virtue. His attempt to combine these various perspectives would be taken a step further by a disciple in the *Speculum morale*, a massive compendium of moral instruction that went even further than both the *Speculum dominarum* and *De informatione principum*. While Durand's name would disappear from historical memory, the effort of an unknown Franciscan to complete the *Speculum maius* of Vincent of Beauvais marked an important final stage in the development of one of the great medieval encyclopedias.

By the late thirteenth century, however, the Franciscan approach to justice, which combined the testimony of *DDAS* with the more classically inspired authority of John of Salisbury's *Policraticus*, was being replaced by an alternative model, which focused much more on justice in terms of balance and equity. *DDAS* was not the only source of reflection on the nature of justice. In his chapter on what Italian mendicant friars (Dominican in particular, but also Augustinian) had to say on these issues, Charles Briggs supports the argument of Joel Kaye that a new model of *iustitia* emerges in the Italian communes in the late thirteenth century centred around the idea of balance. It may be no accident that in the writings of Thomas Aquinas and Giles of Rome *DDAS* ceases to be invoked as providing authoritative testimony about the nature of justice. Instead, Cicero, Seneca, and Aristotle become the major figures invoked to support an image of justice as rightful balance, at least within a communal context. A treatise devised to guide principles of justice within the petty kingdoms of seventh-century Ireland no longer had much to say to those concerned by principles of equity in communes, where royal authority no longer held sway.

In a final chapter, Sylvain Piron explores another re-working of the list of abuses, inspired by both *DDAS* and the *De XII abusioibus claustris* of Hugh of Fouillois, but in this case written in the Tuscan vernacular by the

Fratricelli in late fourteenth-century Florence. The same document also features, in Latin, among works by the Franciscan, Peter John Olivi, copied by Bernardino da Siena (1380–1444) in the 1420s, presumably out of materials confiscated from a group of Fraticelli. Piron discusses the possibility of Olivi's authorship of this piece, and argues that this list of abuses presents in any event a summary of a vision shared by Olivi and his disciples regarding the corruption of the Church and of the social world, that calls for the coming of the Antichrist. Bernardino of Siena would himself allude several times to the *DDAS* as a work of Cyprian, illustrating well the enduring capacity of a text written in seventh-century Ireland to provoke reflection on persistent failures of justice within one aspect or other of the body politic.³⁸

As contributions in this volume reveal, *DDAS* stimulated discussion about many forms of justice and the ways in which it could be abused in a variety of contexts and across a range of social and political categories as it travelled across time and space. The various chapters seek to bring the spheres of ethics, political thought, and practice into productive dialogue, exposing an intersection of themes—typically treated by distinct scholarly traditions—in which *DDAS* played a particular role. By exploring a sample of these diverse moments of engagement, interpretation, and reflection – and occasionally rejection – this volume uncovers a continuous process of thinking about and attempts to act upon scriptural ideals of justice and injustice in the medieval body politic that did not always depend directly on the rediscovery of ancient authors, although it sometimes overlapped and interacted with that phenomenon, producing new insights.

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³⁸ Bernardino of Siena, *Itinerarium anni, Sermo* 211, in *Opera omnia*, VIII, p. 300; *Quadragesimale, Sermo* 47.2, in *Opera omnia*, II, p. 89; *Sermones de tempore, Sermo* 16.3, in *Opera omnia*, VII, p. 256 and 260.

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