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Treason: Legal, Ethical, and Political Issues in the Middle Ages with an Emphasis on Medieval Heroic Poetry

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ABSTRACT

Pre-modern literature offers powerful examples of unethical behavior, especially treason, which was regarded both through a legal and a theological lens and severely condemned by those suffering from it. Its full history is still waiting to be written, but the present article already offers some critical avenues into this complex field which depends heavily on the political, economic, and religious conditions at the time when the alleged treason takes place. We observe, in particular, the strong emphasis on treason as a catalyst for catastrophic consequences in medieval heroic epic poetry. After a broad overview of the legal and literary discourse on treason from the Middle Ages to the age of the Baroque, this article examines 'classical' works from the Middle Ages such as the Nibelungenlied, the Chanson de Roland, and Njáls Saga.

Keywords: *treason, Middle Ages, early modern age, Nibelungenlied, Chanson de Roland, El Poema de Mío Cid, Njáls Saga, early modern encyclopedias*

INTRODUCTION

Hardly any motif appears as often in medieval and early modern literature as 'treason,' although there is surprisingly little critical reflection on this phenomenon in the relevant scholarship. For instance, treason proves to be a ubiquitous theme in Shakespeare's plays,[1] and so also in the mourning plays by his near contemporary Andreas Gryphius, not to mention many other tragedies composed throughout time. But this is not at all limited to that genre and that period, as countless examples from medieval and early modern literature, politics, and law indicate most convincingly. Etymological research has long confirmed how much people throughout times, hence also poets and artists, have been concerned with the issue of treason.[2] From early on in antiquity, the legal discourse has always included the case of treason directed against a lord or an entire army (Tacitus, *Germania* ch. 12). Treason was identified in many early medieval Germanic laws as a severe breach of all loyalty and personal commitment and was punished by hanging and loss of all property. Since the time of the Frankish rulers, treason increasingly pertained primarily to the relationship between the king and his vassals.[3]

A comparative analysis of this topic, 'treason,' will thus allow us to gain a deeper understanding of fundamental ethical and legal concerns as discussed especially by poets of heroic epics and courtly romances, and this in close parallel to contemporary law books and legal treatises. Of course, the phenomenon itself was determined by many different factors, and each text highlights, so to speak, another aspect relevant for the discourse on treason, as we might say more globally speaking. The entire world of courtly love, erotic literature, and the like knows of numerous cases of treason, adultery and subsequent murder/manslaughter by the jealous husband, for instance, as a punishment of the wife's action, but here I want to probe the meaning of treason primarily within the heroic genre because a true hero emerges particularly at that point in time when s/he faces an extreme form of treason and has to struggle hard against many odds.[4]

However, I also want to embed the literary analysis into the historical and legal context and thus gain solid evidence for the fundamental discourse on treason in many sectors of pre-modern society. Consequently, I will first examine the larger issue from a historical, cultural, but

also discursive perspective, before I will focus on a selection of heroic poems.

Treason and Legal History

Some historians of medieval law have already examined this issue in relative details, and have highlighted the multifaceted character of this problematic term, treason,[5] but its great relevance for medieval culture and literature at large proves to be a significant desideratum, which this article intends to address.[6] Each of the examples chosen for this study has already been investigated by numerous scholars dealing with a large variety of thematic approaches, but only the comparative analysis will allow us to gain a better understanding of the universal concern with the topic of 'treason,' which was apparently of fundamental concern for pre-modern, but certainly also for modern society.

Definition

Treason itself is not easy to define and needs to be viewed from many different perspectives, much depending on the context within the narrative and material framework. This was already the case in the pre-modern world when the courts had to struggle hard to come to terms with this issue, which was often highly contested and debated from many perspectives, as the case of England illustrates above all.[7] As Richard Firth Green observes, "In the late fourteenth century, the complex Middle English word trouthe, which had earlier meant something like 'integrity' or 'dependability,' began to take on its modern sense of 'conformity to fact.' At the same time, the meaning of its antonym, tresoun, began to move from 'personal betrayal' to 'a crime against the state.'"[8]

Treason is a highly political issue, and those who liberate a country from its dictator, for example, or at least attempt to achieve that goal, such as Claus Schenk von Stauffenberg who attempted to assassinate Adolf Hitler in 1944, are either identified as national heroes or as traitors, all depending on the outcome and consequences of their efforts.[9] In fact, recent political opinions voiced by representatives of the right-wing faction in Germany tried even to cast von Stauffenberg as a villain who betrayed the German Reich and its Führer.[10] Since the rise of Donald Trump to the presidency of the United States in 2017, the public has been bitterly embroiled in charges and counter-charges of treason, so the issue at stake is of central importance in politics, the law, ethics, and sociology, both past and present. The definition of treason is thus critically contingent and reflects the political structure and ideology, as much of the relevant chronicle literature concerning wars, political conflicts, and religious tensions indicates.[11]

Consequently, focusing on treason allows us to identify the essential discourse at any specific time, and we can thus easily move from the history of law to cultural history because poets have regularly embedded cases of treason, as they perceived it, into their narratives, and used treason as the foil for their protagonist to rise above the crowd and to display his innocence or brilliance, unless the traitors triumph altogether.[12]

Treason in the Middle Ages

Altogether, the charge of treason represents one of the strongest possible against any individual who has allegedly undermined the fundamental bond of loyalty and mutual trust that represents the basic glue that holds all parts of a society or community together, which was, of course, of central importance in the Middle Ages which were determined, above all, by feudalism and the personal commitment of a vassal to his lord.[13] And yet, without entering any contemporary polemics, we are only too aware today of how topical the charge of treason continues to be since numerous people in many parts of our world are being taken to court for allegedly having committed that crime, which undermines or even endangers, at least according to the legal charge, the well-being of an entire country.

Only recently, a team of researchers has come together to explore the issue of treason more closely by applying a medieval lens, which promises to shed more light on the sensitive questions involved and provides already significant broader confirmation for the observation of how much 'treason' as a topic mattered within the literary discourse throughout time.[14] The contributions reveal, however, the complexity of the matter and the easy, hence almost slippery applicability of the term 'treason' to many different situations and conditions, such as the breaking of feudal bonds, marital commitments, and pledges of friendship. Treason easily defies our efforts to define it specifically, and much depends on the circumstances.

Treason concerns the legal, the political, the ethical, the moral, and the religious dimension, so we can recognize here a central concern for all societies; hence also for the medieval world.[15] "Bisclavret" by Marie de France (ca. 1190) illustrates, for instance, the catastrophic

consequences when the husband hides a terrible secret—he regularly turns into a werewolf — and is eventually forced by his wife to reveal it. She is so frightened that she betrays him by having his clothes taken by another knight, which condemns him to stay a werewolf, an outcast of courtly society.[16] This clearly constitutes a case of marital treason. Little wonder then that a didactic writers such as Hugo of Trimberg included numerous references to treason in his voluminous moralizing *Der Renner* from the end of the fourteenth century.[17] The author offers sharp, often biting criticism of virtually everyone in his society and outlines in drastic terms what appears to be wrong in his world. Hence, he has much to say about treason as he observes its impact on people's lives many times throughout his work.[18] We find numerous comments on treason also in the popular fifteenth century *Book der Beispiele der alten Weisen*, translated by Antonius von Pforr from the Latin version of a much older source by John of Capua (*Directorium*), which can ultimately be traced to ancient Persian and Sanskrit texts. Friends and rulers are here identified as those who are easily victims of treason and are hence reminded to stay loyal and to resist the temptation to commit this crime.[19]

Outlook: Treason in Heroic Epics

Here I want to argue in particular that treason was actually a fundamental topic for the composers of medieval epic poems, and some romances as well. Heroic literature, above all, appears to be critically predicated on the problem of treason, as the evidence from across medieval literature can confirm. Studied from an individual perspective, it seems almost self-evident that treason emerges so commonly in pre-modern texts, such as in the Old French epics and romances. Virtually all narratives dealing with the mythical figure of Charlemagne, normally an idealized character of almost divine status, for instance, incorporate also references to treason because it appears as the absolute counter foil to the glorification of this famous ruler.[20] Treason does not necessarily imply any kind of political weakness on the part of the victim, commonly the ruler, but by the end of the Middle Ages, numerous prose novels, such as those by Elisabeth von Nassau-Saarbrücken or Duke Johann II of Simmern indicate quite curiously that the traitors at court of Charlemagne exert most dangerous influence and know how to victimize either the king himself or his wife, or his most loyal supporters.[21]

Treason in the Middle Ages and Beyond: Historical and Religious Perspectives

There would be hardly any culture around the globe where treason would not have presumably occurred at least once (whether it actually happened or whether it was only claimed to have occurred), or where treason would not have been addressed by legal authors, poets, or historians.[22] Both medieval and modern writers have extensively engaged with treason, but the theme still awaits its more thorough examination,[23] here disregarding some specialized historical studies.[24] Of course, there are some brief entries in relevant dictionaries and encyclopedias, but a fully-fledged study remains a desideratum.[25]

Already the New Testament engaged critically with treason through the figure of Judas, without whose 'treacherous' action Christ's Passion would not have occurred, as some writers already in antiquity have opined.[26] Subsequently, many medieval law books clearly identified treason as tantamount to murder (*Sachsenspiegel* 2, 13, 4) because the perpetrator committed his/her act with the same mean spirit and the intent to hurt or kill. The Low German author, Eike von Repgow, laconically lumps the traitor together with all murderers, major thieves (of plows, mills, churches), and arsonists, including those who abuse their authority for their own advantage.[27] Their punishment was that they should be broken on the wheel, a gruesome death, but obviously fitting the crime. If a traitor robbed the victim only of his/her property, it was categorized accordingly as theft (*Augsburg City Law* 30.3). For the authors of the Bamberg and the Freiburg i. Br. city law, treason was grouped together with illegitimate enrichment, robbery, and bribery. Treason was particularly condemned when there was a special bond between the traitor and the victim, such as in the case of an inn-keeper cheating on his customers, or parents abusing their children or, even worse, handing them over to a customer for sexual pleasures.

Betraying one's lord, the *crimen laesae maiestatis*, constituted the worst type of crime and was persecuted in the strictest and most cruel fashion (again, breaking on the wheel and burning at the stake, if not boiling to death or quartering). For knights, criminal actions such as rape, theft, and assassination constituted a form of treason and was punished accordingly.[28] Undoubtedly, whoever identified an opponent as 'traitor,' leveled serious charges and demanded justice

and revenge, and this from biblical times until today.[29] Traitors do not only hurt their personal victim, but the people altogether.

Already since the early Middle Ages, in the process of adopting Roman Law, medieval legal authors discussed treason, especially when it was directed against the person of the ruler, as a most critical issue with severe consequences. For John of Salisbury, treason proved to be a most dangerous attack against the king, or the authorities at large, when he wrote his famous treatise, *Policraticus*, sometime at the end of the twelfth century. Some of the major law books in the German Holy Empire deeply engaged with this *crimen laesae maiestatis*, were the *Constitutio Criminalis Bambergensis* (1507, art. 32), the *Constitutio Criminalis Carolina* (1532), and the *Golden Bull* (1356).[30] In short, those individuals with authority who were confronted with the phenomenon of treason were required to establish law and to decide on how to define treason in whatever context. For a number of reasons, English law was more detailed and specific regarding the crime of treason since the late Middle Ages, as best illustrated by issuance of the Statute of Treason in 1352, compared to the respective discourse on the Continent, but this does not mean at all that there were less cases of treason or less efforts to issue relevant laws to persecute the perpetrators.[31]

The Encyclopedic View Backwards: Early Modern Evidence for Medieval Studies

In order to gain a fuller understanding of treason, as it was perceived by medieval poets, I suggest to pursue at first an unusual approach. As far as I can tell, the great medieval encyclopedists, Isidore of Seville (560-636) and Thomas Aquinas (1225-1274), examined the nature of law as well, but did not enter into a specific discussion of treason. In order to examine a backward perspective, I will first examine two of the most comprehensive encyclopedias published in the eighteenth century, that is, Johann Heinrich Zedler's monumental *Grosses vollständiges Universal-Lexikon* (the relevant volume appeared in 1746),[32] and the famous encyclopedia published by Jean le Rond d'Alembert and Denis Diderot, the *Encyclopédie ou dictionnaire raisonné des sciences* (1752-1772).[33] Of course, we might wonder how these major reference works, typical products of the Enlightenment era, would possibly help us in coming to terms with this critical issue, treason in the Middle Ages? The rationalist principles by which the respective articles were composed, certainly move us far beyond the Middle Ages.

Nevertheless, as encyclopedias, here we are presented with insightful summations of how the crime of treason was viewed and handled at that time and earlier, which undoubtedly reflects traditional knowledge deeply embedded in the modern approach pursued by those authors. Encyclopedias summarize, digest, review, and paraphrase, so in a way they are backward mirrors and as such can be usefully employed for the study of medieval cultural history. Zedler, above all, refers to a variety of historical cases, so we can draw from his ruminations as a very late reflection of the relevant discourse from the Middle Ages to his time.[34]

Zedler, for instance, in the article on the traitor, refers his readers to the legal stipulations imposed by Emperor Charles V regarding the *lèse majesté* (1605), then to an example provided by the Roman Emperor Augustus (1605-06), and finally to a case at the court of the sixteenth-century Archbishop of Cologne (1606). He also does not hesitate to consider the treason that was committed against the eighth-century Bulgarian King Telericus; all of whom suffered from betrayal by some of their councilors and advisors, always high-ranking individuals, who all had previously received rich gifts from the ruler and yet demonstrated their weakness of character (1606).

Almost like a romance or chronicle author, Zedler goes into many details and outlines the causes and reasons for the treasonous behavior of a French courtier and presents to us an almost entertaining narrative with significant political implications, warning the reader about the grave crime of treason, especially against the king himself, as many other historical examples are supposed to undergird. The author easily moves from Greek antiquity to the fifteenth century, and then also takes into consideration cases from his own period, always illustrating the devastating consequences of treason in political terms as the historical examples confirm. Zedler comments, in particular:

Man siehet hieraus, daß die Staats Kunst vieler Printzen etwas unvollkommenes an sich habe. Sie thun alles, um ihre Unterthanen einander abspänstig zu machen, sie geben den Verräthern Aufenthalt, sie beschützen die Aufrührer und sehen nicht, daß dieses eine schöne Lehre der Empörung und eine nahe Hoffnung der Hülffe für ihre eigenen Unterthanen ist. Dieses Verfahren kommt daher, daß man nur auf das

Gegenwärtige sieht; denn, wenn man an die künfftigen Folgen gedächte, so würde ein Printz nimmermehr zu dem besten der Rebellionen einen Pfennig, oder ein Wort verlieren. Die Verräther aber würden sich nicht zu einer so gefährlichen Handlung begeben, wenn sie allezeit bedächten, was sie entweder von dem, welchem sie mit ihrer Verrätherey zu schaden, oder von dem, welchem sie damit zu dienen suchen, ja, wenn beydes nicht geschiehet, von dem gerechten Verhängniß des Höchsten vor einen Lohn zu gewarten haben. (1611)

[You can see from this that the political skill of many princes appears as somehow limited. They try everything to pit their subjects against each other; they provide a save haven to traitors; they protect the rioters; and they do not see that this is a good lesson for how to do a coup d'etat and provides realistic hope for their own subjects (to rise up against them). This method is the result of a short-sighted method to consider only the present time. If a prince were to think of the future consequences, he would never lose a penny in support of the rebels, or would say a word helping them. By the same token, the traitors would not pursue such a dangerous action if they were to consider all the time the outcome of their treason, or keep those in mind whom they try to serve. If they do not do either, they will be punished by the Highest and receive their appropriate reward.]

He warns, however, also of the danger not to believe any kind of accusation of treason without listening to all witnesses and allowing the accused to defend himself, as illustrated by a case in Venice where a nobleman became a victim of such malignment and was executed, although he was innocent. As Zedler then concludes: "Es hat zu allen Zeiten solche böse Leute gegeben, die, entweder aus Haß, oder um schnöden Gewinstes willen, andere verunglimpffet, oder schwerer Laster beschuldiget haben" (1618; At all times there have existed such evil people who, either out of hatred or with the purpose of making a crude profit, malign others or accuse them of sever misdeeds/vices).

In the article on treason itself as a historical phenomenon, the author identifies it as "eine derer grausamsten und schändlichsten Sünden" (1623; one of the most cruel and damaging sins), and, quoting Xenophon, comments that it is "viel abscheulicher und schädlicher, als alle Feindes Boßheit" (1623; it is worse and more despicable than any evil deed that an enemy could do). On the other hand, as Zedler also admits, in war, treason could be utilized as a successful strategy to win over the enemy, if carried out skillfully (1625). But he qualifies this himself, emphasizing that even if treason itself should not be praised, it could be useful in war if committed by means of monetary bribery, which then would help to save many people's lives (1626). To illustrate the dialectics in this matter, he formulates: "Ich liebe die Verrätherey, und hasse den Verräter. Ob nun aber gleich eine jede Parthey der andern durch Verrätherey zu schaden suchet, so haben doch die Verräther gar selten glückliche Umstände zu erwarten" (1626; I love treason, and hate the traitor. Even when each party is trying to cause damage to the other by way of treason, the traitors can rarely expect to experience fortunate circumstances). Many of them ultimately suffered a horrible destiny because their evil acts were revealed, leading to their own execution (1637).

We can conclude at this point with the observation that Zedler demonstrates an enormous interest in this phenomenon and offers numerous sub-categories of treason, referring to different categories of this 'crime,' to various approaches to the act of treason, and to means to carry out treason. The number of historical cases from antiquity to the eighteenth century is simply legion, and there is a clear impression of how much he detested treason and argued most vehemently against its practice although sometimes in the case of war it might be a necessity.

With respect to treason, the Middle Ages were fully present to this author, and he did not draw any historical distinction separating the age of Reformation from the Baroque or Enlightenment. Treason was treason, at any time period, at any social level, and under any political circumstances. For him, to discuss treason and to illustrate its effects by means of historical examples from throughout the various times was of extreme importance. Considering the vast number of references included here, we notice a full discourse on treason, which was ultimately summarized and almost codified by Zedler. Although he was a very late testimony, his encyclopedia thus still proves to be most valuable for our analysis of treason in the Middle Ages.[35]

D'Alembert and Diderot were certainly also aware of this crime, "trahison," probably because they wanted to be comprehensive in their treatment of human affairs, but they surprisingly kept their entry almost at a minimum, at least compared to the efforts by Zedler. Here we find

one entry on "Trahison (morale)." The crime is defined in general terms: "perfidie, défaut plus ou moins grand de fidélité envers sa patrie, son prince, son ami, celui qui avoit mis sa confiance en nous" (522; perfidy, more or less lacking in fidelity towards one's own country, prince, friend who has placed his confidence in us). Treason committed against the king or the state ("l'état") would be a most severe crime, against which the French King Charles IX issued edicts in 1562, 1568, 1570, 1580, 1588, and 1598. The author is not aware of or not interested in going further into the past. However, beyond those legal and political comments, this encyclopedia keeps the entry very short and does not offer additional historical examples, as Zedler does. But there are clear details. Treason committed by aristocrats is punished by decapitation, while commoners are broken on the wheel ("roue").

Treason against the king ("lèze majesté") meets even worse punishments (523). As is often case even in modern studies of the history of law, the legal conditions in England receive particular attention. Murder of one's marriage partner, parents, children, or lord is called "petite *trahison*" (523). The author leaves no doubt at all about how detestable treason proves to be under any circumstances, but he formulates the rather ambiguous statement: "Ceux-là même qui employent la *trahison* pour le succès de leurs projets, ne peuvent pas aimer les traitres" (522; Those who employ treason to gain success in their project cannot love the traitors). Here the example of King Philip of Macedonia is cited to offer an explanation. Committing treason against the king or the country is a crime committed by those qui entrent dans quelque association, intelligence, ligue offensive ou défensive, contre la personne, autorité & majesté du roi, soit entr'eux ou avec autres potentats, républiques & communautés étrangeres ou leurs ambassadeurs, soit dedans ou dehors le Royaume directement ou indirectement par eux ou par personnes interposée, verbalement ou par écrit.

[who enter any kind of association, intelligence group, offensive or defensive league, against the person, authority and majesty of the king, either by themselves or together with other potentates, republics, and foreign communities or their ambassadors, from outside or inside of the kingdom, and this indirectly or indirectly, by themselves or an intermediary person, in written or verbal form.]

This then invites us to consider more in detail how major medieval poets commented on this phenomenon. If 'treason' continued to be of virtually central concern for eighteenth-century encyclopedists, then we can be certain that it mattered just as much or even more in previous periods, especially for poets dealing with military and political affairs. We would not need to consider the vast body of medieval legal texts where treason as a crime emerges commonly, as scholars have unearthed already for some time.[36]

The Heroic Genre and Treason

Following, I will examine the Old Spanish *El Poema de Mío Cid* (ca. 1000), the Old French *Chanson de Roland* (ca. 1100), and the Middle High German *Nibelungenlied* (ca. 1200), and also touch on some Icelandic sagas and related texts where treason also emerged as important topics that obviously deeply troubled the various poets. All of these texts are well known and have been discussed from many different perspective.[37] Nevertheless, by isolating this particular motif, I hope, that the comparative analysis will allow us to recognize a critical element commonly shared by poets of heroic epics.[38] Could we perhaps go so far as to claim that the true hero emerges only when all fundamental bonds of loyalty are broken or are in danger of being lost, so the protagonist must enter the fray in order to recover the world as it used to be?

To some extent, even the Old English *Beowulf* might be regarded through that lens as well because the protagonist arrives at a time when all hope seems to be lost for the Geats, apparently due to their own weakness within, and only the outside savior can achieve the desired goal of getting rid of the monsters, Grendel, and later his mother. Where would treason rest, however, since no one seems to operate behind Beowulf's back and betray him in the specific sense of the word? Grendel operates more or less as an open enemy, committing cannibalism, thus perverting all heroic values and destroying the basic bonds between people and their natural environment. It would not be treason in the ordinary sense, but Beowulf can only fight against these monsters, including the dragon, because they have perpetrated the worst of crimes and literally betray mankind through their vicious operations. There is no word about treason as such, but the fundamental struggle indicates that profound danger is at stake for society at large, a danger which is normally present only as the consequence of treason, here understood in metaphorical terms.[39]

Granted, there are no traitors in explicit terms at Hrothgar's court, despite Unferth's criticism of Beowulf's allegedly false claims on heroism, and when Beowulf fights against the dragon, he deliberately leaves all of his men behind and fights on his own, apart from Wiglaf, but we clearly sense that he has to fend for himself against a superior force and could have survived if his men would have helped him, as Wiglaf actually did. Similarly, when the blood wells up from the bottom of the sea after Beowulf has killed Grendel's mother, Hrothgar's men abandon the site, having lost hope to see the hero again alive. His own kinsmen stay behind, against all despondency, and are rewarded with witnessing their lord returning triumphantly like Christ having risen from death.

In short, there are numerous occasions where treachery, deception, betrayal, and other problems clearly emerge and characterize this poem as what it is, an epic composition of a grand scale. Granted, treason as such cannot be detected here, but *Beowulf* presents a ground work for the critical examination of how to evaluate the characterization of an individual in a hostile world. The word "treitre" for 'traitor' does not seem to have emerged until ca. 1225, in *Ancrene Riwle* (Cleo. C.vi), 125 and in ca. 1230, in *Hali Meid*. 9.[40] Nevertheless, the entire account of *Beowulf* is filled with charges and counter-charges, with political and military struggles which are not simply pitting the protagonist against the monsters, but against ethical and moral principles that remind us of those conditions that later authors were to call 'treason.'[41]

CHANSON DE ROLAND

The situation becomes much clearer, at least in legal terms, in the Old French epic poem, the *Chanson de Roland* (ca. 1100, Oxford manuscript), which the Middle High German poet, Priest Konrad, translated as *Rolandslied* (ca. 1172). Here, the issue hinges on the efforts by the Muslim Caliph Marsile to deceive Charlemagne by way of pretending he would submit under his rule and eventually convert to Christianity. In order to hurt the emperor, the Muslim army attacks the rearguard led by Roland, and manages to decimate them altogether. They had ambushed them in one of the valleys of the Pyrenees, Valles Roncesvalles, upon the advice of Roland's father-in-law, Ganelon. The latter had been sent by Charlemagne as mediator to the court of the Muslim ruler, Marsile, but he strongly resented this task, for which his son-in-law, Roland, had suggested him. Ganelon perceives himself as betrayed and thus orchestrates the ambush, for which he is richly paid by the enemy. Despite the heroic efforts by Roland and the other Paladins, they are all killed, and Charlemagne arrives too late to rescue them after Roland had blown the horn to call him back. However, the emperor takes horrible revenge and achieves glorious victory, thus consolidating and strengthening his empire and his own role as its ruler.[42]

Nevertheless, Ganelon's betrayal does not go unnoticed, and in the court trial against him he is exposed as a most despicable traitor and is subsequently executed in a brutal fashion by being quartered. The narrator specifically identifies him as 'traitor,' although he tries to defend himself by offering the counter-charge that Roland had tried to get him killed when he had nominated him as messenger to King Marsile (stanza 273 [Oxford], or 434 [Châteauroux - Venice]). Both in the Old French and in the Middle High German version, the poet takes a very clear position and resolutely condemns treason as the worst crime anyone could commit against his lord. Hence, Ganelon's terrible punishment is described as fully justified and presented as a severe warning against any attempt to imitate such foul behavior.[43] In the Oxford version we are told at the end: "Ganelon is given over to terrible destruction; . . . / Ganelon dies like a cowardly felon. / It is not right that one who betrays should boast of it" (stanza 289, 3969-74).

While the Old French and the Middle High German text differ in formal and substantive terms, with Konrad predicating his epic poem specifically on the idea of the crusade, while the French poet resorted to a more political, almost nationalistic perspective, both poems explicitly address the issue of treason and identify it as one of the worst possible crimes an individual could commit against the emperor.

Nibelungenlied

Leaving aside many modern approaches to philological, psychological, ecocritical, or gender questions pertaining to the Middle High German *Nibelungenlied*, one of the most discussed heroic epics, we can easily identify treason as one of the central concerns for the medieval poet.[44] As is often the case in world literature, the shining protagonist, Siegfried, faces his nemesis, Hagen, who is also very powerful, but has to substitute some of his opponent's superior forces with cunning, treachery, and deception. Hagen realizes immediately upon Siegfried's

arrival that there is very little that he can achieve against him, but he also perceives numerous opportunities to turn Siegfried's own strength against himself. When Gunther wants to woo the Icelandic Queen Brunhild, which would be an impossibility really without Siegfried's help, Hagen suggests to his king that he should functionalize the guest. The latter is easily convinced despite his apprehensions because Gunther bribes him with the promise of letting him marry his sister.

In his usual ignorance and naiveté, Siegfried does everything in his power to win the competitions in Iceland, deceiving the queen, making her believe that Gunther had accomplished the athletic feats. This is the first time that we learn about treason. The second time is when Siegfried subdues Brunhild in the second wedding night back in Worms, pretending to be Gunther once again. Even though the latter had given his approval to 'ready' his wife for himself, the subsequent development clearly indicates that Siegfried betrays all trust which this woman might have in heroic values. He even hands over the evidence of his rape to his own wife, Kriemhild, who later displays them to Brünhild outside of the church in order to prove that the latter is nothing but a prostitute, having slept with Siegfried first.

All this, however, accumulates as critical mass, and ultimately allows Hagen to step in and convince the three royal brothers and their men that it is time to murder Siegfried. The reasons for his plot are complex and have been discussed already many times. For our purposes, it suffices to realize that he betrays Kriemhild's trust in him so he can learn about the vulnerable spot on Siegfried's body, which later makes it possible for him to thrust the spear into his enemy's shoulder blade, thus killing him from behind.

We are dealing here with cold-blooded murder, but it is carried out with a specific purpose to support the case of King Gunther and his wife Brunhild, as Hagen argues. Of course, Hagen also operates very much just by himself and is most pleased about the opportunity to eliminate his perennial nemesis, Siegfried. Yet, the royal brothers' protest against his nefarious plan proves to be rather meek, and the entire group of men is actually little concerned with the ethical, moral, or legal implications of this treason, as much as they pretend to be abhorred by the way how Hagen's strategy has evolved.[45]

Hagen's betrayal deeply affects Kriemhild, whose subsequent rage ultimately will lead to the Armageddon of all of the Burgundians at Etzel's court, but Hagen does not betray so much the king's sister but to fight against his super-strong male competitor whom he can defeat only by means of treason. Once Siegfried has been killed, Hagen no longer faces any serious opponents, even though at the end not even he can avoid the total slaughter in the final battle, to which he and King Gunther as well will succumb through Kriemhild's machinations.[46]

When we consider Hagen's normal *modus operandi*, we easily recognize that he is completely determined by a recklessness that finds no parallel. Treason thus simply belongs to one of the various strategies that he regularly employs. Slaying the ferryman who had refused him a passage across the Danube, would not be treason, but he had deceived him by pretending to be another warrior, Amelrich. And when Hagen wants to test the truth of the prophecy by the water nixies, while crossing the river along with his lords and their vassals, he tosses the chaplain into the water and tries to drown him. Would this not be another case of treason, considering that the poor man had put all of his trust in Hagen and is now made to a miserable pawn in the hand of this violent warrior.

Worse even, Kriemhild, who seemed to have been such an innocent victim in the first part of this epic poem, now emerges as a she-devil, willing to sacrifice all and everything just to avenge herself. The invitation of her brothers to a court festival in the Hunnish kingdom thus quickly proves to be a sham, a pretense because she only wanted to get Hagen into her proximity and then to use all of her newly established might to have him killed in battle. Gunther and his brothers easily fall for the trap and believe that their sister appears to have forgiven them for the murder of her husband (stanza 1460). Gunther thus reveals his own guilt and treason against Kriemhild, but he is naive enough to assume that the bonds with his sister would be strong enough to heal the past wounds. Not so Hagen, and he explicitly warns against this invitation because he knows only too well that Kriemhild would never forgive him the murder (stanza 1461). But since Giselher begins to mock him for his assumed cowardice, Hagen cannot help it and must join his lords on this trip into virtually certain death (stanza 1464). The traitor thus has to face off with the new enemy who operates as slyly and brutally with treason as Hagen did.

Surprisingly, Etzel's vassal, the exiled warrior Dietrich, eventually manages to overcome first Hagen, then Gunther, fettering both and taking them to the queen, who actually promises him to spare their lives (stanza 2364). But as soon as she has an opportunity, she decapitates first Gunther, then Hagen, thus betraying her own pledge to Dietrich, for which the latter's vassal Hildebrand slays Kriemhild (stanza 2376). The poet has not much to say beyond that, and only laments the bitter, catastrophic outcome, which was the result of betrayal, treason, murder, and deception. Rarely has a medieval poet compiled so many negatives as the anonymous composer of the *Nibelungenlied*. But this is not simply a didactic verse narrative dealing with many different human shortcomings. Centrally, there is treason, in its various manifestations, and from Hagen's murder, the extreme form of treason, results a whole chain of events that lead to the slaughter of the entire company of Burgundians, along with the warriors at King Etzel's court.[47]

El Poema de Mío Cid

Moving slightly backwards in time, we encounter most stirring examples of treason as nefarious actions already in the Old Spanish *El Poema de Mío Cid* (ca. 1000), where the protagonist—here identified either as Rodrigo Díaz, as El Cid, or El Campeador—struggles throughout the entire epic against the consequences of treason.[48] Similarly as in Marie de France's *Eliduc* (ca. 1190), where false accusations have forced the protagonist to leave, Rodrigo Díaz suffers from the same destiny and has to struggle for a long time after he has been sent into exile to regain a public position, reestablish his fame as a military leader, and constitute his own dominion in Valencia which he conquers from a Muslim ruler. He consistently keeps the king in mind, sends him enormous gifts and thus allows him to partake in his conquests because he wants to prove his innocence and his continued vassalic loyalty.

All this would have worked out at the end if El Campeador would not have encountered treason once again, this time from the two brothers, the counts of Carrión. Although it does not become completely clear, we can assume that they must have been involved in El Cid's earlier malignment, but now they pursue their evil plans by aiming at his personal honor. They can convince the king that they deserve Rodrigo's daughters as their wives, which then is realized despite the father's subtle objection. El Cid cannot really object to the king's wishes who is subject to the two counts' influence.

During the short time the new sons-in-law live at Rodrigo's court, they give several drastic examples of their cowardice and failure to live up to the ideals of heroism. They are filled with fear and jealousy, so finally they decide to take their revenge by way of killing their own wives by way of whipping them to death with their belts. This in famous scene in the forest, La Afrenta de Corpes, has attracted much scholarly attention for good reasons,[49] and in our context we can highlight that the poet here deals with one of the worst forms of treason in which husbands use their own wives to get at their father-in-law by way of deadly humiliation.[50]

Already early on when the king had proposed that marriage (stanza 102, vv. 1905-06), the assumption was only that this personal connection would restore his honor, whereas emotional issues do not matter. El Cid knows only too well that this is a bad idea, but he cannot resist, which sets the stage for the Carrión brothers to orchestrate their treason because they really object to their future father-in-class and reject him as socially not equal to them. Yet, they also know that they are not worthy of him and prove to be cowards and failures as warriors, so they can only resort to trickery, deception, and ultimately treason.

In fact, the two counts are more than self-conscious about their humiliation and are looking for compensatory actions to get even with him (stanza 124). As much as they pride themselves being the descendants of the great counts of Carrión (v. 2549), and also believe that they are ranked highly enough to marry daughters of kings or emperors, that is, higher ranked than El Cid's daughters, as much they reveal their low morality and lack of ethical standards. They do not leave any doubt about the true reasons for their murderous action, since they hope that thereafter no one would ever talk again about their coward behavior in the scene when the lion was lose and they both hid out of sheer terror (v. 2548). In other words, these counts are filled with arrogance, hubris, and greed (for El Cid's gold) and can only resort to vicious, shameful, and criminal behavior, victimizing their own wives in order to wipe out the memory of their personal failure.

The only blame we could place on El Cid is that he had accepted them as his son-in-laws in order to please the king, and that he had trusted them fully, handing over not only his two daughters,

but also great wealth and even his mighty swords, Colada and Tizón. He acts in good faith, perhaps too excessively, and makes every effort to enrich and respect the two young counts. However, the more Rodrigo tries to achieve the goal of establishing a harmonious family relationship, the more the subsequent treason by these two men proves to be truly heinous, both considering how violent and gruesome they behave against their wives, and keeping in mind how much they utilize this strategy to hurt their hated father-in-law. Ultimately, everything hinges on the question of what constitutes truly ethical behavior within a warrior society, and how social roles matter in terms of heroic ideals and military accomplishments.[51] While El Cid was able to triumph over the old forces through his achievements on the battlefield, the latter resort to treachery and deceit, that is, ultimately treason.

However, as the outcome indicates, in a lengthy court trial that concludes with an ordeal in which all of El Cid's four warriors win over their opponents, the evil characters are all defeated and treason is punished the way as it deserves to be. This trial is possible because El Cid places all responsibilities on the king's shoulders since he had requested this marriage arrangement (stanza 133). Justice needs to be reconstituted, not only for El Cid, but for the king and thus for the entire kingdom. The charge of treason thus quickly moves from a personal issue to a matter of national importance, as the king soon agrees, calling for an assembly of all of his nobles, threatening the entire Carrión family with exile from his lands if they would not join and stand in trial (stanza 135), meaning that they would finally suffer from the same destiny which they initially had imposed, unjustly, on Rodrigo Díaz. The parallels with the situation in the *Chanson de Roland* are obvious.

Interestingly, in preparation for that trial, El Cid takes with him not only hundred of his best men, but also legal counselors, thus being ready for all eventualities because they accuse some higher-ranked individual or an entire dynasty of treason, which requires much argumentative skill, power, and wit (stanza 137). Accordingly, he plans his arrival in Toledo carefully, orchestrating it with all the necessary glory and humility at the same time, always making sure that the king understands the respect which El Cid constantly pays to him. He is very careful in not pressing the charges too fast, and he succeeds in gaining back first his two swords, then his money as a dowry, and then finally reward through duels pitting his best men against the representatives of the Carrión, whom he actually calls "canes traidores" (stanza 139, v. 3263; treacherous dogs), and blames for most inhumane treatment of his daughters: "por quanto les fiziestes menos valedes vós" (v. 3268 ; What you did to them was shameful, infamous).

One of the two counts, Fernando González, tries his best to pull the rank card and to dismiss El Cid as not worthy of his own family, pretending that it was their right to desert their wives as not noble enough for them (stanza 142). Only then does Rodrigo Díay call upon his liege man Pedro Bermúdez to speak up who then finally and publicly reveals how much Fernando had demonstrated cowardice in battle (stanza 143) and that he had fled from the lion (stanza 144), once again a sign of his lack of worth as a man and as a count, thus being unworthy of being El Cid's son-in-law. Further, Pedro emphasizes that as to El Cid's two daughters, Fernando's action against them destroyed his own honor; and the subsequent ordeal with jousts then proves this point most drastically.

The other count, Diego Gonçalez, tries to argue the same way, belittling their former wives and insisting that the attempt to murder them earned them the highest honor: "ondrados somos nós" (stanza 145, v. 3360; earned us tremendous honor), but he is countered by another one of El Cid's warriors, Martín Antolínez, who reminds him of his shameful cowardice in the episode with the lion. Consequently, the two women hold higher honor than their former husbands (stanza 146, v. 3369; evil and traitor). Finally, the third one of the Carrión clan speaks up, but he is already drunk and babbles, insulting El Cid in a crude manner, which earns him the utter contempt by Muño Gustioz, who calls him "malo e traidor" (stanza 149, v. 3383). Finally, Minaya Alvar Fáñez speaks up and condemns the Carrións even further, challenging them to battle because he holds them as "malos e por traidores" (stanza 149, v. 3442), which then sets the stage for the combats. Those are all decided in favor of El Cid's men, who can thus prove that the Carrións have lost their honor and indeed can be identified as traitors. The epic poems concludes with this outcome of the court trial and the triumph of Rodrigo Díaz and his men, who have thus defeated the malicious, heinous, deceitful, and arrogant opponents for good. Justice returns to this world, but the price El Cid, his daughters, and his men had to pay was huge.

As the epic poem clearly underscores; honor proves to be the highest ideal in a heroic society,

but treason is never far away from bringing down even the best protagonists. The narrator thus presents a poem of great drama and amazing knightly accomplishments, where treason emerges as the critical counter force to honor. El Cid is successful, of course, but only because of his very careful operations in public and private, his intelligent strategies, and crafty diplomatic moves, never overstepping his own boundaries, always paying full respect to the king, and making sure that the claim of treason concerns the king, above all, and not fully himself. Treason, in other words, is ultimately identified as a matter of grave concerns for the entire country. Insofar as the king recognizes El Cid as his must trustworthy vassal, he is prepared to accept the challenge and thus pursues the Carrións in this large court trial with the full force of the law. In this sense, quite oddly, the older *El Poema de Mío Cid* seems to be considerably more advanced in cultural-political terms compared to the *Nibelungenlied*, which concludes in utter chaos and destruction.

THE ICELANDIC EVIDENCE

Njáls Saga

Finally, let us examine the issue of treason also within the context of the Old Norse saga, such as in *Njáls Saga*, which represents both the heroic tradition and also mirrors deeply the emergence of new law in Iceland.[52] It would be difficult to identify a specific, major type of treason occurring here, but the narrative engages with countless challenges to the law, to the protagonists, to ethical ideals, to friendship, and the common good. Shortly after Gunnar and Njál have sworn eternal friendship, for instance, we learn of the evil Mord Valgardsson: "He was cunning and malicious. . . . He was very envious of Gunnar of Hlidarendi" (79). Immediately following, we are told of the evil Skammkel: "He was malicious and untruthful, overbearing and vicious to deal with" (79). Although there is a consistent narrative, the overarching character of this saga consists of injecting and combining various elements, presenting us with a rich fabric of various accounts of good and evil, virtues and vices. This Skammkel, for example, proves to be a troublemaker and instigator of treason, so when he attempts to convince Otkel "to act meanly" (80).

There are plenty of evil female characters as well, such as Hallgerd, Gunnar's wife, who sends her slave Melkolf to Kirkjubaer to steel food and two horses, and to burn down the shed to cover his tracks (81). She does not commit 'treason' in the traditional sense of the word, but she certainly acts in an evil manner to get at Njáls and to destroy his friendship with her husband. When Gunnar later has learned the truth, he tries to amend this with a fair judgment on his own, but the evil Skammkel advises the victim, Otkel, badly, which undermines Gunnar's best efforts, who clearly observes how the other man is manipulated and deceived: "some men will say that you cannot see where your honour lies if you turn down the choices I have offered" (85). Indeed, as Otkel's wife clearly notices, this Skammkel misleads his lord maliciously: "It's bad to have a scoundrel for a best friend" (85).

Those omens soon prove to be true because the slave replaces Otkel in inquiring with the two wise men Geir the Godi and Gizur the White, who both confirm that Gunnar's offer should have been accepted. On his return, however, Skammkel changes the advice to its opposite, which makes the entire situation worse (86) and requires a large summon at the Thing, where Gunnar is finally given the opportunity to make a self-judgment that then settles the entire case. But treason rests behind the entire affair, and it would almost have destroyed many of the social bonds if not Gunnar had been reasonable and listened to Njáls's advice (88-89). This saga is deeply concerned with the well-being of this new community in Iceland, and confronts us with numerous cases where all authorities are challenged by outsiders or insiders, where hatred erupts and targets individuals or whole groups, and where military aggression is thinly matched by attempts to set up new legal frameworks and political bonds aimed at insuring that peace and justice can be established and maintained. Treason, however, regularly enters the picture and threatens to undermine all efforts by Njáls, Gunnar, or other protagonists.

Just as in the case of the *Chanson de Roland*, entrapment and ambush are common strategies to get even with a hated opponent, but Gunnar, who is the one the enemies try to get at, knows how to defend himself and kill many of the attackers (92-93). However, hatred and envy continue to simmer, and violence is the result, which intensifies in the course of time, ultimately amounting to a real blood feud. At the same time, Njáls manages for a long time to intervene, to calm down the minds, to suggest alternatives, compromises, new laws and legal structures, so, altogether, to maintain peace (e.g., 97), but even he is not strong and wise enough to prevent the violence altogether because it often amounts to an indirect case of treason.

There are always some new "trouble-makers" (98), and they take sides, or pursue their secret agendas, provoke the others and make them trust too much on their own strength, thus they create rifts within society, which altogether almost amount to a deeply unsettling form of disrespect and lack of authority, which even Njáls cannot get compensated through settlements or taken care off by the other leaders of his society, here often called "good men" (111). Wherever we look, the poet presents to us a constant stream of accounts about individuals who plot against Gunnar and to bring him down, if not by violent acts, then by legal procedures, such as Thorgeir Starkadarson and his kinsman Mord (112-13).

One of the worst cases, however, is not committed by weapons directed at Gunnar, but by his own wife who denies his request to help him when he is attacked by a large group of men and has defended himself successfully for a long time. At one point, his bow string is cut, and he needs a replacement, which Hallgerd could supply with her hair. But since she still holds an old grudge against him for having slapped her once in anger, and since she cares little about him, she refuses, actually hoping that he will be killed, which eventually proves to be the case. In a way, this denial constitutes treason, as Gunnar's mother Rannveig formulates explicitly: "'You do evil, and your infamy will long be remembered'" (128).

In fact, *Njáls Saga* could be identified as a literary effort to come to terms with the fundamental ethics determining Icelandic society at a time when it was just establishing itself and struggled hard to come to terms with its own ethics and legal foundations. In contrast to the other epic poems there is no grandstanding of treason, a major plot aimed at the destruction of a king, or a mighty warrior, but Gunnar's death, and that of other protagonists speaks volumes about the central need to establish right and wrong, to set up ethical, economic, and political norms applicable to all, and to combat uncontrolled violence, anger, envy, jealousy, and simple wrath over slight injuries or wrongdoings.

Even if the word 'treason' might be too weighty here—it is used, however, especially with respect to the requirement never to betray one's lord (141)—the conflicts determining the entire narrative speak to the same issue and force the reader/listener to consider the consequences of betrayal. The 'murderers' in the case of Gunnar, however, go scot-free and can even boast publicly about their accomplishments, whereas the outcome of this battle is viewed rather negatively: "The slaying of Gunnar was spoken badly of in all parts of the land, and his death brought great sorrow to many" (129). If we identify here the case of treason, which is really not far off, then we have evidence that the *Njáls Saga* contributed in similar terms to the discourse on treason as the other heroic epics. After all, irrespective of the various definitions of the term, they all boil down to a vicious, illegal, unethical, and brutal behavior with catastrophic consequences. The heroic protagonist has to succumb to his death, but the traitor is ultimately identified as the culprit and punished as well, as is the case with the slayers of Gunnar as well (131-32).

The killing of Njáls and his family by Flosi and his men is described in great detail, and we are to understand that it is the consequence of personal hatred and insult, and a failed law suit, but altogether it is to be viewed as the outcome of treason, especially because Flosi does not accept the settlement money and continues to insult his opponent. To settle the scores, he then turns to military action, but he can only accomplish his goals by way of burning down the entire house with Njáls, his wife, and grandson, along with other warriors, an evil and treasonous form of killing the enemy.

Of course, subsequently, things move along again, and ultimately Flosi and Kari Solmundarson manage to reach a new agreement, with Flosi going to Rome on a pilgrimage to do penance for his murder, but the topic of treason remains in the background, and the various people involved in it continue to talk about it, with Kari especially defending the heroe's honor, even with his own sword directed against Gunnar Lambason, decapitating him for his lying about Skarphedin's behavior at the moment of his death (297-98). Further details do not need to be examined here, since it has become over whelmingly clear how much the issue of treason matters centrally in the *Njáls Saga* as well.

Conclusion

Probing the issue of treason both in the Middle Ages and in the early modern age (Baroque) has demonstrated the universal importance of this theme. While murder or even wars often happen and are treated richly in a large variety of texts, the crime of treason represents a much worse situation which finds full attention both by jurists and by poets. I have outlined, first, how much legal history is determined by the case of

treason, as recent scholarship has richly determined; then I examined how much even eighteenth-century encyclopedists viewed treason and turned to medieval examples to illuminate the case against this crime. The central purpose of this paper, however, was to examine whether or how the poets of medieval heroic epics addressed treason, which emerges actually as a central theme and issue in the *Chanson de Roland*, in the *Nibelungenlied*, in the *Poema de Mío Cid*, and in *Njáls Saga*. I have also ventured to include *Beowulf* here, where the protagonist struggles against monsters and finally against a dragon, whereupon he dies. Treason is certainly evoked in this poem as well, but in a more subtle and complex way. We also find numerous examples of treason as discussed in medieval didactic and satirical texts, for instance, in romances, and short verse narratives. We can conclude, however, with the one central observation that the topic of treason indeed assumes central position within the genre of the heroic epic, where the protagonist is severely challenged by enemy forces that draw on treason to realize their evil agendas.

Even when the protagonists then die, such as Siegfried or Njáls, revenge comes swiftly and brutally, but it then appears to be obviously fully justified. There is no doubt that the various poets of heroic epics regarded treason as one of the worst crimes that deserves harsh and vehement persecution. The well-being of society is always at stake when someone commits treason. The inactivity of Beowulf's men at the end can certainly be referred to as a major reason why the protagonist has to die. Treason thus constitutes a central concern in this genre. Later romance writers and poets such as Wolfram von Eschenbach, the anonymous poet of *Herzog Ernst*, or Dante Alighieri also had much to say about traitors, whom the latter places at the very bottom of the *Inferno* (bolgia 9, cantos 31-34).[53] But in heroic poems, the betrayal of one's lord, of a competitor, of a rising star, or of a wise counselor constitutes a central theme and determines much of the genre itself. In the world of heroism, which critically relies on the power and strength of the protagonist warrior and on the truth of his words, treason threatens the entire value system and thus becomes a fundamental concern defining most of this genre.[54]

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[2] See, for instance, the lemmas "Verräter" and "Verräterei," Jacob and Wilhelm Grimm, *Deutsches Wörterbuch*, vol. 25, or 12.I (1956; Leipzig: Deutscher Taschenbuch Verlag, 1984), 988-90. For a list of medieval German texts where one of these words is included, see the *Mittelhochdeutsche Begriffsdatenbank*, under "verrat," http://mhdbdb.sbg.ac.at/mhdbdb/App;jsessionid=0AB3BB46F4C0A60B0F206D69A56C4F3E?action=TextQueryModule&string=Verrat%0D%0A&filter=&texts=%21&startButton=Suche+starten&contextSelectListSize=1&contextUnit=1&verticalDetail=3&maxTableSize=100&horizontalDetail=3&nrTextLines=3; cf. also the *Deutsches Wörterbuch*, online at http://www.woerterbuchnetz.de/cgi-bin/WBNetz/ wbgui_py?sigle=DWB&lemid=GV03263; Matthias Lexer, now online at: http://www.woerterbuchnetz.de/cgi-bin/WBNetz/wbgui_py?sigle=Lexer&lemid=LV02168; for a list of the term 'traitor' in the English language (since ca. 1222), see the *OED*, https://www.oed.com/view/Entry/204453?rskey=M7tzs1&result=1&isAdvanced=false#eid.

[3] A. Roth, "Verrat," *Reallexikon der Germanischen Altertumskunde*, ed. Heinrich Beck, Dieter Geuenich, and Heiko Steuer. Vol. 32 (Berlin and New York: Walter de Gruyter, 2006), 229-30.

[4] See, for instance, Peter von Matt, *Liebesverrat: Die Treulosen in der Literatur*. Third ed. (1991; Munich: C. H. Beck, 1996). He is, however, more interested in providing a global narrative, whereas the critical analysis seems to be lacking at times. See also Maria Sammarro, *Vittima d'amore: tradimento, gelosia e follia tra letteratura e psicoanalisi*. Gli sguardi, 18 (Milan: F. Angeli, 2011).

[5] See the contributions to *Verräter: Geschichte eines Deutungsmusters*, ed. André Krischer (Vienna, Cologne, and Weimar: Böhlau, 2019). Surprisingly, 'Verrat' (treason) does not figure as a separate lemma in the famous *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Conze, and Reinhart Koselleck. Vol. 6 (Stuttgart: Klett-Cotta, 1990).

[6] For a broad overview of this motif in world literature, see Elisabeth Frenzel, *Motive der Weltliteratur: Ein Lexikon dichtungsgeschichtlicher Längsschnitte*. 5th, rev. and expanded ed. (Stuttgart: Alfred Kröner, 1999), s.v. "Verräter," 788-802. She lists some medieval texts, such as Widukind of Corvey's *Rerum gestarum Saxoniarum*, 973, Saxo Grammaticus's *Gesta Danorum*, ca. 1185, the *Nibelungenlied*, ca. 1200, the *Chanson de Roland*, ca. 1100, the *Chronica Gothorum*, eleventh century, *Herzog Ernst*, ca. 1180/1220, the various versions of the *Dietrichsage* (thirteenth century), and the *Leyenda de los siete Infantes de Lara*, eleventh

century. Then, however, she moves quickly to the age of Baroque, leaving much work for us to do especially regarding the genre of the heroic epic.

[7] Karen Cunningham, *Imaginary Betrayals: Subjectivity and the Discourses of Treason in Early Modern England*. The Middle Ages Series (Philadelphia, PA: University of Pennsylvania Press, 2002).

[8] Richard Firth Green, *A Crisis of Truth: Literature and Law in Ricardian England*. The Middle Ages Series (Philadelphia, PA: University of Pennsylvania Press, 1999). The quote is from the abstract available online at WorldCat. The summary continues: "Richard Firth Green contends that these alterations in meaning were closely linked to a growing emphasis on the written over the spoken and to the simultaneous reshaping of legal thought and practice."

[9] Thomas Karlauf, *Stauffenberg: Porträt eines Attentäters* (Munich: Blessing, 2019); Ulrich Schlie, *Claus Schenk Graf von Stauffenberg: "Es lebe das heilige Deutschland": Biografie* (Freiburg i. Br., Basel, and Vienna: Herder, 2018); Peter Steinbach, *Claus Schenk Graf von Stauffenberg: Wagnis - Tat - Erinnerung*. Mensch - Zeit - Geschichte (Stuttgart: Verlag W. Kohlhammer, 2015);

[10] https://www.ndr.de/nachrichten/niedersachsen/AfD-Politiker-nennt-Stauffenberg-Verraeter, stauffenberg114.html; https://www.t-online.de/nachrichten/wissen/geschichte/id_86086878/attentat-vom-20-juli-1944-die-umstrittensten-verraeter-in-der-deutschen-geschichte.html (both last accessed on July 29, 2019).

[11] Dagmar Thoss, "'Les Trahisons de France'. Text und Bild im französisch-burgundischen Konflikt," *Wiener Jahrbuch für Kunstgeschichte* 46-47.2 (1993-1994): 757–62. See also Sára Vybíralová, "'Oyez, fidèles, la ruse diabolique!': La ruse et la trahison dans la chanson polémique de l'époque hussite," *Médiévales* 67 (2014): 67-84; Keith Busby, "Performance, trahison, espionnage," *Le Moyen Âge* 122 (2016): 663-76; Bertrand Haquette, "Rançons, honneur, disgrâce et trahison: La Viesville, un lignage mis à l'épreuve de la guerre," *Autour d'Azincourt: Une société face à la guerre*, ed. Alain Marchandisse and Bertrand Schnerb. Collection Histoire, 35 (Villeneuve-d'Ascq: Revue du Nord, 2017), 251-64.

[12] Wilhelm Ernst Knitschky, *Das Verbrechen des Hochverrats* (Jena: Mauke, 1874), 5-17; G. Dahm, "Verrat und Verbrechen," *Zeitschrift für Staatswissenschaft* 95 (1935): 283-310; W. Schild, *Fälschungen im Mittelalter*. Schriften der MGH, 33, vol. II (Hanover: Hahn, 1988), 713-48.

[13] W. R. J. Barron, "The Penalties for Treason in Medieval Life and Literature," *Journal of Medieval History* 7.2 (1981): 187–202; Danielle Westerhof, "Amputating the Traitor: Healing the Social Body in Public Executions for Treason in Late Medieval England," *The Ends of the Body: Identity and Community in Medieval Culture*, ed. Suzanne Conklin Akbari and Jill Ross (Toronto: Toronto University Press, 2013), 177-92.

[14] *Treason: Medieval and Early Modern Adultery, Betrayal, and Shame*, ed. Larissa Tracey (Leiden and Boston: Brill, 2019). The articles here are divided into three groups: political treason, religious treason and heresy, and treasonous love and shame. The problem is that some of the issues dealt with here go beyond the narrow limits of what we mean with 'treason.' I would like to express my gratitude to Tracey for inviting me to contribute to her volume and thus to have triggered my own research interest, which has now resulted in already a second article.

[15] See, for instance, Samuel Rezneck, "The Early History of the Parliamentary Declaration of Treason," *The English Historical Review* 42.169 (1927): 497-513; Rainer Zacharias, "Die Blutrache im deutschen Mittelalter," *Zeitschrift für deutsches Altertum und deutsche Literatur* 91.3 (1962): 167-201; C. J. Neville, "The Law of Treason in the English Border Counties in the Later Middle Ages," *Law and History Review* 9.1 (1991): 1-30; Carl Grey Martin, "Bitraised Through False Folk: Criseyde, the Siege, and the Threat of Treason," *The Chaucer Review* 37.3 (2003): 219-33; Jaqueline Stuhmiller, "'Iudicium Dei, iudicium fortunae': Trial by Combat in Malory's 'Le Morte Darthur'," *Speculum* 81.2 (2006): 427-62; Aude Mairey, "Le bien commun dans la litttérature anglaise de la fin du Moyen âge," *Revue Française d'Histoire des Idées Politiques* 32 (2010): 373-84; Ryan Muckerheide, "The English Law of Treason in Malory's 'Le Morte Darthur'," *Arthuriana* 20.4 (2010): 48-77; Megan Leitch, "Thinking Twice about Treason in Caxton's Prose Romances: Proper Chivalric Conduct and the English Printing Press," *Medium Ævum* 81.1 (2012): 41-69; Laura K. Bedwell, "The Failure of Justice, the Failure of Arthur," *Arthuriana* 21.3 (2011): 3-22; Amanda D. Taylor, "The Body of Law: Embodied Justice in Sir Thomas Malory's 'Morte Darthur'," *Arthuriana* 25.3 (2015): 66-97; see also Neil Cartlidge, "Treason," *Medieval English Law and Literature*, ed. Candace Barrington and Sebastian Sobecki (Cambridge: Cambridge University Press, 2019), 83-94.

[16] *The Lais of Marie de France: Text and Translation*, ed. and trans. Claire M. Waters (Peterborough, Ont.: Broadview Editions, 2018).

[17] Hugo von Trimberg, *Der Renner*, ed. Gustav Ehrismann. With an epilogue and additions by Günther Schweikle. Deutsche Neudrucke. Reihe: Texte des Mittelalters (1908; Berlin: Walter de Gruyter, 1970); see Jutta Goheen, *Mensch und Moral im Mittelalter: Geschichte und Fiktion in Hugo vo Trimbergs* (sic) *"Der Renner"* (Darmstadt: Wissenschaftliche Buchge sellschaft, 1990).

[18] There are eighteen passages where the issue of treason emerges; see http://mhdbdb.sbg.ac.at/mhdbdb/App?action=ShowQuotation&c=HTR%206912 (last accessed on Aug. 5, 2019).

[19] [Antonius von Pforr,] *Das Buch der Beispiele der alten Weisen*, ed. Wilhelm Ludwig Holland. Bibliothek des Litterarischen Vereins in Stuttgart, 56 (1860; Amsterdam: Editions Rodopi, 1969), 122-26.

[20] F. Carl Reidel, *Crime and Punishment in the Old French Romances* (New York: Columbia University Press, 1938); Rebecca Lemon, *Treason by Words: Literature, Law, and Rebellion in Shakespeare's England* (Ithaca, NY, and London: Cornell University Press, 2006); Megan G. Leitch, *Romancing Treason: Wars of the Roses Literature, The Literature of the Wars of the Roses* (Oxford: Oxford University Press, 2015).

[21] Albrecht Classen, "Treason and Deception in Late Medieval German Romances and Novels," *Treason: Medieval and Early Modern Adultery, Betrayal, and Shame*, ed. Larissa Tracey (see note 14), 269-87.

[22] Tr. Ionescu-Nişcov, "Der Verrat als episches Motiv in der serbokroatischen, rumänischen und bulgarischen Volkspoesie," *Zeitschrift für slavische Philologie* 17.2 (1940): 301-40; David Colclasure, "'Die eigene Zukunft ist nur über den Verrat zu erlangen': Josef Haslingers 'Opernball'," *Modern Austrian Literature* 32.3 (1999): 109-32; Isaac Kalimi, "...und Josef verleumdete seine Brüder: Josefs Verrat in den Midraschim als Beitrag zur zeitgenössischen jüdisch-christlichen Kontroverse," *Zeitschrift für Religions- und Geistesgeschichte* 54.1 (2002): 23-31; see also Marina Klamt, "Zugehörigkeit und Verrat in den Haymonskindern Johanns II. von Simmern: Reynharts Kommunikation von Trauer und Freude innerhalb der brüderlichen Gewaltgemeinschaft," *Gewaltgenuss, Zorn und Gelächter: Die emotionale Seite der Gewalt in Literatur und Historiographie des Mittelalters und der Frühen Neuzeit*, ed. Claudia Ansorge, Cora Dietl, and Titus Knäpper (Göttingen: V&R Unipress, 2015), 127-46.

[23] Margret Bovery, *Der Verrat im 20. Jahrhundert* (Reinbek bei Hamburg: Rowohlt, 1976); Eva Horn, *Der geheime Krieg: Verrat, Spionage und moderne Fiktion* (Frankfurt a. M.: Fischer Taschenbuch Verlag, 2007); and for a rather obscure and yet relevant treatment of this issue, see Serife Seher Erol Caliskan and Cihan Bans Basaran, "Treason and Punishment in Turkmen Legends," *Idil Sanat ve Dil Dergisi* 6.34 (2017): 1715-33. Cf. also Hédi Kaddour and Marilyn Hacker, "Treason," *Ambit* (2003, October 1): 14.

[24] Myriam Soria, *La Trahison au Moyen Age: De la monstruosité au crime politique (Ve-XVe siècle)* (Rennes: Maïté Billoré, 2010); *Félonie, trahison et reniements au Moyen Âge: actes du troisième colloque international de Montpellier, Université Paul-Valéry (24 - 26 novembre 1995)* Les cahiers du Crisima, 3 (Montpellier: Université Paul-Valéry, 1997); Richard F. Green, *A Crisis of Truth: Literature and Law in Ricardian England*. The Middle Ages Series (Philadelphia, PA: University of Pennsylvania Press, 1999).

[25] Michael Gaisser, "Verrat," *Sachwörterbuch der Mediävistik*, ed. Peter Dinzelbacher (Stuttgart: Alfred Kröner Verlag, 1992), 870, emphasizes that treason regularly involves the activity of a third person hurting two others in order to gain an advantage over both. The traitor breaks his loyalty oath for the lord, a marriage partner, or a whole country. The famous *Lexikon des Mittelalters*, Vol. 8 (Munich: Lexma Verlag, 1997), includes the lemma "Verrat," 1569, but refers only to other subject matters, felony, lèse majesté, treason, and crime. A. Harding, "Treason," ibid., Vol. 8, fasc. 5, 966, emphasizes that according to the laws by Alfred the Great (9th century) treason was the only crime that could not be dealt with by means of a monetary penalty. Treason is here recognized exclusively as a criminal action against the king.

[26] For a modern, literary perspective, see Bart J. Koet, "Judas, verrader of de trouwste leerling?: theologische kanttekeningen bij een roman van Amos Oz," *Tijdschrift voor theologie* 57.2 (2017): 103-15; for theological perspectives, see Wolfgang Horacio Fenske, *Brauchte Gott den Verräter?: die Gestalt des Judas in Theologie, Unterricht und Gottesdienst* (Göttingen: Vandenhoeck & Ruprecht, 2000); Reinhard Dithmar, *Der "Verräter" Judas in Bibel, Dichtung und bildender Kunst*. Interdisziplinäre Forschung und fächerverbindender Unterricht, 12 (Ludwigsfelde: Ludwigselder Verlags-Haus, 2003); Horacio E. Lona, *Judas Iskariot: Legende und Wahrheit, Judas in den Evangelien und das Evangelium des Judas* (Freiburg i. Br.: Herder, 2007); Gerhard Koch, *Judas - kein Verräter: Versuch einer Klarstellung* (Neustadt a.d. Aisch: Dr. Gerhard Koch, 2018). The critical issues are well laid out in the online article https://en.wikipedia.org/wiki/Judas_Iscariot (last accessed on July 31, 2019).

[27] Eike von Repgow, *Sachsenspiegel: die Heidel berger Bilderhandschrift Cod. Pal. germ. 164*, ed. Gernot Kocher. Codieces selecti, 115 (Graz: Akademische Druck- und Verlags-Anstalt, 2010); Heiner Lück, *Der Sachsenspiegel: das berühmteste deutsche Rechtsbuch des Mittelalters* (Darmstadt: Lambert Schneider, 2017);

[28] W. Schild, "Verrat," *Handwörterbuch zur deutschen Rechtsgeschichte*, ed. Adalbert Erler, Ekkehard Kaufmann, and Dieter Werkmüller. Vol. V (Berlin: Erich Schmidt Verlag, 1998), 793-95; see also C. U Schminck," "Hochverrat," ibid., Vol. II (1978), 179-86.

[29] Mathias Schreiber, *Verräter: Helden der Finsternis von Judas bis Snowden*. Zu Klampen Essay (Springe: zu Klampen, 2017); cf. also James A. W. Hefferman, *Hospitality and Treachery in Wetern Literature* (New Haven, CT: Yale University Press, 2014).

[30] Georg Steinberg, "Hochverrat," *Handwörterbuch zur deutschen Rechtsgeschichte*, 2nd, completely rev. and expanded ed. by Albrecht Cordes, Heiner Lück, et al. Vol. II (Berlin: Erich Schmidt Verlag, 2012), 1064-68.

[31] J. G. Bellamy, *The Law of Treason in England in the Later Middle Ages*. Cambridge Studies in English Legal History (Cambridge: University Press, 1970).

[32] Johann Heinrich Zedler, *Grosses vollstaendiges Universal-Lexicon Aller Wissenschaften und Kuenste*, vol. 47 (Leipzig and Halle: Zedler, 1746); he deals both with the traitor (1605-23) and treason as such (1623-39).

[33] [D'Alembert and Diderot], *Encyclopedie, ou Dictionnaire Raisonné des Sciences, des Arts et des Métiers*, par une Société de Gens de Lettres. Vol. 16 (1765; Stuttgart-Bad Cannstatt, 1967), 522. See now Robert Darnton, *The Business of Enlightenment: A Publishing History of the Encyclopédie. 1775–1800* (Cambridge MA, and London: Belknap Press of Harvard University Press, 1979).

[34] See the contributions to *Die gesammelte Welt: Studien zu Zedlers Universal-Lexicon*, ed. Kai Lohsträter. Schriften und Zeugnisse zur Buchgeschichte, 19 (Wiesbaden: Harrassowitz, 2013); Ulrich Johannes Schneider, *Die Erfindung des allgemeinen Wissens: enzyklopädisches Schreiben im Zeitalter der Aufklärung* (Berlin: Akademie-Verlag, 2013).

[35] Zedler has been the object of various research projects, see, for instance, Gerd Quedenbacum, *Der Verleger und Buchhändler Johann Heinrich Zedler: 1706-1751, ein Buchunternehmer in den Zwängen seiner Zeit, ein Beitrag zur Geschichte des deutschen Buchhandels im 18. Jahrhundert* (Hildesheim and New York: Georg Olms, 1977); Richard Glenn Cole, "The Art of History and Eighteenth-Century Information Management: Christian Gottlieb Jöcher and Johann Heinrich Zedler," *The Library Quarterly* 83.1 (2013): 26-38.

[36] J. G. Bellamy, *The Law of Treason in England in the Later Middle Ages* (see note 31); R. J. Barron, "The Penalties for Treason in Medieval Life and Literature," *Journal of Medieval History* 7.2 (1981): 187-202; A. Cavanna, "Majestätsver brechen," *Lexikon des Mittelalters*, vol. VI (Munich and Zürich: Lexma Verlag, 1993), cols. 148-50; Paul Strohm, "Trade, Treason, and the Murder of Janus Imperial," *Journal of British Studies* 35.1 (1996): 1-23; Karen Cunningham, *Imaginary Betrayals: Subjectivity and the Discourses of Treason in Early Modern England*. The Middle Ages Series (Philadelphia, PA: University of Pennsylvania Press, 2002) Joanna Bradfield, "Canacee's Mirror: Gender and Treason in Medieval Literature," Ph.D. University of California, Riverside, 2011; Fabiano Fernandes, "Jacques de Armagnac, duque de Nemours e a acusação de Lesa-majestade: A construção de um crime político por meio da memória escrita. 1465-1477," *Revista Diálogos Mediterrânicos* 9 (2015): 189-209.

[37] For a broad approach to this genre, see the contributions to *Epic and History*, ed. David Konstan and Kurt A. Raaflaub. The Ancient World: Comparative Histories (Malden, MA, Oxford, and Chichester, West Sussex: Blackwell, 2010).

[38] Emanuel J. Mickel, *Ganelon, Treason, and the "Chanson de Roland"* (University Park, PA: Pennsylvania State University Press, 1989).

[39] *The* Beowulf *Manuscript: Complete Texts and* The Fight at Finnsburg, ed. and trans. R. D. Fulk. Dumbarton Oaks Medieval Library (Cambridge, MA, and London: Harvard University Press, 2010).

[40] "treisoun," *The Middle English Dictionary*, online at: https://quod.lib.umich.edu/m/middle-english-dictionary/dictionary/MED46904/track? counter =1&search_id=1276598 (last accessed on Aug. 8, 2019).

[41] *Oxford English Dictionary*, online: "< Old French nominative traitre (= Provençal traire, French traître) < popular Latin trā'dītor for Latin 'trāditor traitor, betrayer; also in accusative form Old French traitor, -ur (Roland, 11th cent.), Anglo-Norman -our (= Italian traditore, Spanish traidor, Portuguese traidor, Provençal traidor, Sardinian traitore) < Latin trādi'tōrem, agent-noun < trādĕre to deliver, hand over, < trā- (= trans) + dare to give, put."

[42] *The Song of Roland*, trans. Joseph J. Duggan and Annalee C. Rejhon (Turnhout: Brepols, 2012).

[43] Eberhard Nellmann, "Pfaffe Konrad," *Die deutsche Literatur des Mittelalters: Verfasserlexikon*. 2nd compl. rev. ed. by Kurt Ruh et al. Vol. 5.1/2 (Berlin and New York: Walter de Gruyter, 1984), 115-31.

[44] Here I rely on *Das Nibelungenlied: Mittelhochdeutsche / Neuhochdeutsche*. Text nach der Handschrift B herausgegeben von Ursula Schulze. Ins Neuhochdeutsche übersetzt und kommentiert von Siegfried Grosse (Stuttgart: Philipp Reclam jun., [2010]). All English translations are my own.

[45] For an excellent close reading of many of those psychological elements involving the interaction of the heroes, see Irmgard Gephart, *Der Zorn der Nibelungen: Rivalität und Rache im "Nibelungenlied"* (Cologne, Weimar, and Vienna: Böhlau, 2005).

[46] There is much research literature available; see, for instance, the contributions to *Die Nibelungen: Sage – Epos – Mythos*, ed. Joachim Heinzle, Klaus Klein, and Ute Obhof (Wiesbaden: Reichert Verlag, 2003); to *"Uns ist in alten Mären...": Das Nibelungenlied und seine Welt* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2003); Nine R. Miedema, *Einführung in das "Nibelungenlied"*. Einführungen Germanistik (Darmstadt: Wissenschaftliche Buchgesellschaft, 2011). Nevertheless, the issue of 'treason' continues to represent a desideratum. But see now Ulrich Hoffmann, "Verräter in der Literatur des Mittelalters: Zu Dantes >Göttlicher Komödie<, zum > Rolandslied <, >Prosalancelot< und >Nibelungenlied<," *Verräter: Geschichte eines Deutungsmusters* (see note 5), 67-91.

[47] See also the complex, though not necessarily innovative analysis of the *Nibelungenlied* by Jan-Dirk Müller, *Spielregeln für den Untergang: die Welt des Nibelungenliedes* (Tübingen: Max Niemeyer, 1998).

[48] There are many excellent editions and translations available; here I have consulted *The Song of the Cid: A Dual-Language Edition with Parallel Text*, trans. Burton Raffel (New York: Penguin, 2009). For the critical edition, I use *Poema de Mio Cid*, ed., intro., and notes by Ian Michael. 2nd ed. Clásicos Castalia, 75 (Madrid: Editorial Castalia, 1973). See now the contributions to *A Companion to the "Poema de mio Cid"*, ed. Irene Zaderenko and Alberto Montaner Frutos. Brill's Companions to Mediaeval Philology, 1 (Leiden and Boston: Brill, 2018).

[49] See, for instance, Connie Scarborough, *Inscribing the Environment: Ecocritical Approaches to Medieval Spanish Literature*. Fundamentals of Medieval and Early Modern Culture, 13 (Berlin and Boston: Walter de Gruyter, 2013), ch. 1, 11-23.

[50] For a related study, see Irene Zaderenko, "El tema de la traición en Los siete infantes de Lara y su tradición en la épica románica," *Bulletin of Hispanic Studies* 78.2 (2001): 177-90. Cf. also Colin Smith, "The Choice of the Infantes de Carrión as Villains in the 'Poema de mio Cid'," *Journal of Hispanic Philology* 4.2 (1980): 105-18.

[51] 1. See, for instance, D. G. Pattison, "Social Rank in the *Poema de mio Cid*," *Medium Aevum* 79.1 (2010): 121-25; C. Pascual-Argente, "'A guisa de varón': Masculinity and Genre in the *Poema de mio Cid*," *Bulletin of Hispanic Studies* 90.5 (2013): 539-56.

[52] *Njal's Saga*, trans. with intro. and notes by Robert Cook (London: Penguin, 1997); see also Lönnrot Lars, *Njáls Saga: A Critical Introduction* (Berkeley, CA: University of California Press, 1976); Theodore Ziolkowski, *The Mirror of Justice: Literary Reflections of Legal Crises*. Rpt. (1997; Princeton, NJ: Princeton University Press, 2018).

[53] There are many good editions and translations; here I consult Dante, *The Divine Comedy*. Vol. I: *Inferno*, trans. with an intro., notes, and commentary by Mark Musa. Penguin Classics (New York: Penguin, 1971). For law and its implications in Dante, see now Justin Steinberg, *Dante and the Limits of the Law* (Chicago and London: The University of Chicago Press, 2013).

[54] See also Tina Boyer, "Legal Ramifications of Ordeals and Treason in Morant und Galie," *Treason: Medieval and Early Modern Adultery, Betrayal, and Shame*, ed. Larissa Tracey (see note 13), 249-77.In particular, she emphasizes, "Treason ensues from internal courtly strife and the godless nature of the villains, threatening to destabilize that very structure only to be redeemed and rectified by the ordeal. In the end, the ordeal is the only solution to the trial, indicating that while Charlemagne is the arbiter of the law, he leaves the final judgment to God, and framing the epic in a secular and religious context" (253).

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