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**Piers Plowman, Diversity, and the Medieval Political Aesthetic**

This paper takes as its subject the relationship between political philosophy, legal commentary, and late medieval English poetry. I would like to sketch out a broad argument about that relationship, namely, that medieval poets pick up where legal scholars leave off in the development of political thought. Ultimately, I argue, we can learn something about the political character of medieval literature from the legal fashioning of political thought.

The most influential period of medieval political philosophy was probably the mid-thirteenth to the mid-fourteenth century, the period in which scholars were grappling with Aristotle and investigating new forms of government. It is well known that the character of political philosophy in that period, which had no real discipline of political philosophy as such, was shaped in part by jurists who wrote commentaries on Roman and canon law. Juristic commentary in this period tended to focus on the nature of political community, asking questions such as, what is consent, how does representation work, and what constitutes the unity of political society? These questions helped legal commentators justify different kinds of rule, from imperial monarchy to city-state, at the same time that they helped create new forms of legal capacity (the legal ability or qualification to do something). Juristic thought was particularly suited to political philosophy because it tended to describe legal capacity through abstract constructs and, more specifically, through the language of “persons” (*personae*). These abstractions enabled medieval jurists to posit theories about the social real, about political community and its individual members, by defining that social real in practical and compelling ways.

In short, the abstract constructs deployed by medieval jurists allowed them to articulate new theories about political community within a legal framework. It was to that end that later medieval thought was invested in what I shall call the political aesthetic. The political aesthetic describes the complementary and, in retrospect, mutually illuminating efforts of poets and jurists to theorize political life. More specifically, it describes how poets and jurists presented theories about community...
through the invention of new forms with which to conceptualize and represent the social real. In legal writing, invention approaches art when it throws into relief the status of representation and, in this case, when it produces abstract constructs that appear to misrepresent the social real in the service of political-legal thought. As we shall see, medieval jurists were determined to find representations of political community that participate in, even if they are not identical to, a social real. In medieval poetry, invention approaches theory when produced effects—those effects that depart from tradition and therefore possess a special beauty or merit—offer hypotheses about political life. Ultimately, when we speak of the politics of late medieval literature, we are referring not only to the way literary texts enter into political debate or take up strains in political thought. We are also referring to the way they shape political thought through radical experiments in form. In this way, the political aesthetic makes us aware of a formal affinity and unwitting collaboration between medieval legal and literary discourse. In so doing, the political aesthetic helps us link the projects of Continental philosophers to those of medieval English poets, and especially to what was no doubt their greatest experiment, *Piers Plowman*, a poem known for its sustained and sophisticated engagement with political life.

We can best see the political aesthetic at work in medieval law and literature through what we might take to be an exclusively modern construct: diversity. As I will show, diversity is a concept that bridges medieval legal thought and vernacular poetry and, as such, offers a fascinating illustration of the political aesthetic. Diversity has become such a burdensome word in our political vocabulary that we have difficulty identifying it as a category of thought. A brief overview of the medieval usages of the word, however, may give some feeling for the range and depth of the concept.

In the modern period, diversity, which almost always means “variety in multiplicity,” is a mode of description that highlights ethical problems. The ethics of description has to do with the way that diversity informs criteria or selection (race, economics, belief) with implications for both individual and group rights. In medieval English and French, diversity also describes variety in multiplicity, the differences among more than two objects. According to this definition, the word and its synonyms (for example, Latin nouns *diversitas* or, more commonly, *varietas*; Middle English adjectives *all manner* or *sundry*) usually refer to an aesthetic richness or moral plenitude, such as the lists of flowers, birds, trees, and herbs in the *hortus conclusus*, or the virtues possessed by a saint, insofar as variety in multiplicity attests to cultural or spiritual unity. In this sense, diversity rarely applies to a group of people, except indirectly, where it describes, and nearly always with disapproval, the mixing of dialects or social classes. The fourteenth-century translator John Trevisa famously complains, for example, that the diversity of English dialects (“dyuers longages and tonges”) impedes understanding. Similarly, in his translation of Ranulph Higden’s *Polychronicon* (Higden, c. 1350; Trevisa, c. 1387), Trevisa recounts an old prophecy...
that unrestricted dress leads to social disorder: “But among alle Englishe i-medled
to giders is so grete chaungynge and diuersite of [clo{th}inge and] of array [and
so many manere and dyuerse shappes, that wel ngyhe is there ony man knownen by
his clothyng and his arraye] of what degre he is.”

Following the Latin verb, however, diversity also bears a second sense of difference
between two objects: either an unbridgeable gap between two codes or forms
of conduct, or the “turning away” from a good, a perverseness or unnaturalness,
with implications for personal integrity, romantic love, or the common good. Thus
the poet John Gower in his Confessio amantis (c. 1390), argues that a man who has
diversity within himself cannot survive: “Bot for ther is diversite / Withinne him-
self, he may noght laste, / That he ne deieth ate laste.” The challenge for medieval
writers was to imagine diversity—variety in multiplicity—as a political ethic, not
in the modern sense as criteria or selection, but rather in the more fundamental
sense of constructing a heterogeneous representation of the social real. Such a proj-
ect necessarily had to take into account the meanings of diversity as both an aes-
thetic value and a turning away from a code or standard. This essay traces not the
life of a word but rather the making of a principle of law, politics, and art.

Medieval Juristic Thought
and the Political Aesthetic

Legal scholars in the later Middle Ages tended to formulate theories
about political community through the same abstract constructs with which they
described legal capacity. These constructs dealt effectively with the philosophical
problem of how the whole may be understood to sustain a reality distinct from that
of its parts. It is in addressing this problem within a legal framework that medieval
jurists contributed so valuably to political thought.

Later medieval political thought was born out of the rediscovery of Aristotle,
but it was developed largely within the traditions of medieval jurisprudence. As
Janet Coleman puts it, later medieval political thought was shaped by the realiza-
tion that “the instrument that expressed the shape of society was law as a set of
binding rules.” On the one hand, within juristic thought, which dealt with two
overlapping areas of jurisprudence, Roman law and canon law, legal categories such
as “group personality” might be used to theorize relations between the ruler and the
ruled. On the other hand, political philosophy that was not developed specifically
through legal commentary often described political relations through legal con-
cepts. For example, Aquinas, following Aristotle, distinguishes an aggregate of men
from a citizenry by arguing that a citizenry is subject to the jurisdiction of the city
and participates in the justice of the city. As we shall see, for a thinker like Marsilius
of Padua, all forms of rule, whether republican, monarchical, or imperial, could
be conceived through the idea of the “human legislator,” a concept that helped to
distinguish a given constituency from the decision-making body.
Susan Reynolds reminds us that juristic thought played such an important role in political philosophy because it spoke to the external realities of political life: non-kingdoms needed to justify their authority because “the structures of authority within them was not what was traditionally accepted,” and new forms of associations, such as guilds and confraternities, needed to be acknowledged. Yet, it is also important to remember that, however much political theory may justify practice, it is something different again from practice. Even if we observe that practice precedes theory or that theory is embedded in specific practices, it doesn’t follow that theory speaks directly to practice, or that theory seeks to represent practice, or even that theory works toward the same ends as practice. Indeed, medieval jurists tried to craft a language that would not simply theorize extant legal or political practice but would also create new categories of legal use, thus imagining a temporality that exceeds the requirements of practical politics or law. It was this effort to create a formal and often very abstract language for general or perpetual use that gave juristic thought the capability of shaping political principles. Political justification and legal innovation could thus be said to be interdependent processes that took place within the same discursive frameworks.

Political theory, especially that area of political theory that deals with the nature of community, often has an aesthetic component. This is not simply to say that political thought relies on tropes like the “melting pot” or the “body politic,” which of course it does. Rather, it is to say that legal scholars sometimes depict political principles as abstract constructs related indirectly but imaginatively to a social real. As I have suggested, it is at this apparent disjunction between abstraction and reality that political thought begins to approach art. (The political community was a special source of inspiration for both legal and literary writers because it put into focus the relationship between political and linguistic representation.) One reason the political aesthetic exists in legal discourse is that the social real can’t be integrated into political-legal processes such as policy making or punishment until it has been conceived as a different form. It is for this reason, moreover, that legal theorists invent frameworks in which they may confer a provisional reality upon representations of the social real. We may decide, for example, that a social real, a universitas civium, is diverse, but how do we visualize heterogeneity in the first place? What does this principle look like? And how do we describe it in such a way that the social real to which it refers may participate in civic life or be recognized in law? It is in addressing these kinds of questions that the political aesthetic supports legal procedure at the same time that it posits ideas about political community.

I discuss two examples of the political aesthetic in medieval legal-political thought before taking up the question of diversity. The first example has to do with “corporation theory” and its operative term or legal fiction, “juridical personality,” an idea developed by medieval jurists between the twelfth and fourteenth centuries. The school of jurists known as the Glossators, founded at Bologna in the late eleventh century, was dedicated to the study of Roman law, and specifically to the sys-
tematic reconstruction and annotation of Justinian’s *Corpus iuris civilis*. Their counterparts in canon law, the Decretists, produced annotations of Gratian’s *Decretum*, the eleventh-century systematization of all the collections, laws, and norms that constituted Church law. The Glossators eventually produced an authoritative gloss on Justinian’s compilation, called the Great Gloss of Accursius (c. 1240). The Commentators, the school of jurists that followed the Glossators in the thirteenth and fourteenth centuries, adapted the material presented by the Glossators to local customary law. Their counterparts in canon law, the Decretalists, deeply influenced by Justinian systems of codification and organization, similarly applied canon law to Germanic law, and in doing so, extended and refined its application. The Glossators had first invented the concept of the legal person by applying *persona* to corporation, a move anticipated by theological discourse (for example, Augustine’s *persona ecclesiae*), but, significantly, they identified the corporation solely with its individual members.8 The Commentators advanced corporation theory by considering those members not as isolated individuals (*singuli*) but as corporate men (*universi*), members united into a corporate whole.9 According to the school of the Commentators, and particularly its two most illustrious members, Bartolus of Sassoferrato (d. 1357) and his disciple, Baldus de Ubaldis (c.1327–1400), a corporation, whether it be a kingdom, city-state, guild, or college, is a body “composed of a plurality of human beings and an abstract unitary entity perceptible only by the intellect and thus distinct from its human members.”10 It was through this notion that an aggregate of isolated individuals could become a group of associated members, and through the fact of their association, a unitary entity, that a corporation might be represented by an abstract personality. The idea that a group of people could be represented by a juridical personality with a legal existence and capacity distinct from its members had ramifications for judgment and punishment. For example, a university college could be accused of heresy but not of theft; individual members of the college, however, could be accused of theft. Likewise, a guild could be punished by dissolution but not by capital punishment. In short, medieval jurists devised a fiction with which the whole (the collective body or corporate personality) might be said, provisionally, to assume a reality distinct from that of its parts (the individual members).

The Commentators’ notion of a corporate personality, that entity that allows a group of individuals to be recognized as a single legal actor, is closely paralleled by Marsilius of Padua’s influential notion of the “human legislator,” as set forth in his Aristotelian political treatise, *Defensor pacis* (1324).11 The human legislator, Marsilius’s interpretation of the oft-quoted Roman legal maxim “what touches all must be approved by all,” efficiently accounts for the mechanisms of consent and representation within different forms of medieval government.12 While not technically a legal fiction like juridical personality (by which I mean a fiction of law that extends the scope of a remedy or the jurisdiction of a court), the human legislator offers a legal definition of representation that justifies a range of practices at the same time that it offers a theory about the political community.13 *Defensor pacis*, Piers Plowman, Diversity, and the Medieval Political Aesthetic
book 1, deals with the question, if man is naturally a political animal, in what sense does society as a whole participate in government? The human legislator refers to all those who legislate at the human level (universitas civium), that is, the whole body of citizens who either act directly or delegate power to what Marsilius calls the maior et sanior pars or the pars valentior. This pars valentior or “greater part” may refer to popular sources of sovereignty, to the reasoned multitude of citizens, or to the more experienced or socially superior part of the citizenry, those people who actually wield legislative authority; it might even designate a king. “The legislator, or the primary and proper efficient cause of the law, is the people or the whole body of citizens, or the weightier part thereof, through its election or will expressed by words in the general assembly of the citizens, commanding or determining that something be done or omitted with regard to human civil acts, under a temporal pain or punishment.” In any case, the human legislator depends upon a “realist” argument about political agency: it accounts for the phenomenon in which “human power operates at all levels of political life by means of representation,” and in which those who are represented are represented fully rather than symbolically.

Much like the juridical personality of medieval corporation theory, the human legislator serves as an abstract construct by means of which the whole may sustain a reality distinct from that of its parts, and, consequently, a principle about political community may be established. Like juridical personality, too, Marsilius’s human legislator makes the total political community visible—it posits a theory about the social real—at the same time that it assigns to the community legal identity and political sovereignty. What is a political community if not its citizenry? And how do we imagine relationships among the three if not through their underlying principle or efficient cause, what Marsilius calls the human legislator?

Although he did not address the jurists directly, the Franciscan philosopher, William Ockham (d. 1347) rejected the idea of “collective personality” or “artificial moral person” or “fictitious person” on which corporation theory, and by implication, the human legislator, rests. He argued that these kinds of representations are “metaphorical”: they take the whole (the council, the monastic order, the legislative body) for its parts and are therefore improper. For Ockham, there are only the men that form the material bases of corporations, or the aggregate of isolated individuals who make up the church. Any community that exists partly or entirely in the mind, that is “an imaginary and represented person” with no correspondence to anything real, can’t possibly possess reality, property, or jurisdiction, except in patently limited cases such as delegation or council. For the same reason, Ockham would say, it is impossible to speak of a majority opinion. Properly speaking, there can only be unanimity, because if orders (corporations, states, councils) are composed of singuli, then each individual has to consent individually. The majority has merely a symbolic “as if” relation to the multitude; it is purely a mental abstraction without real capacity to act.
Ockham’s objection to collective personality is interesting for many reasons, not least for what it reveals about the relationship between political and juristic thought. Collective personality stems from the conviction that the whole may assume a real existence distinct from that of its parts. For Ockham, such representational fictions compromise both the idea of the individual, by which he meant the individual capacity for moral or political action, and the idea of the universal church, composed of the totality of individuals, anything less than which is subject to error and therefore not universal. The Commentator Bartolus, however, responded directly to Ockham, explaining that jurists need juridic fictions, even if philosophers do not: he writes, “the philosophers tell us there is no real difference between the whole and its parts, and this is true in the proper sense of actual reality; nonetheless we believe it is essential for us jurists to sustain the juridic fiction which treats the universitas as a reality quite distinct from its parts.” According to this argument, law is merely a frame of reference, within which juridic fictions may account for legal capacity or political representation by according the whole (the universitas) a reality distinct from its parts (the individual members). Bartolus’s defense of juridic fictions, by which he meant the legal context, supposes that the abstraction may acquire legal capacity when it is incorporated into a different frame of reference. Legal language thus designates reality insofar as it confers legal capacity, and can thus be termed a fiction, not because it is imaginary—that is, a mental image—but rather because it operates within a legal framework. Indeed, as we will see, the extension of jurisprudence to political philosophy depends upon this very notion of a juridical frame of reference, in which language functions differently with respect to reality, than it does, say, in moral philosophy. Bartolus’s defense of jurisprudence as a separate sphere remains essentially, however, an Ockhamian one: it is only by substituting a legal for a moral framework that you may grant the whole a separate existence from that of its parts; the artificial relation stands in provisionally for the real.

Yet the political implications of Bartolus’s position, realized in the writings of his more famous disciple, Baldus de Ubaldis, take that position in a very different direction. Baldus, best known for his commentaries on the Corpus iuris civilis, on the Libri feudorum (1393), and on Pope Gregory IX’s collection of decretals, also wrote approximately two thousand five hundred consilia on a wide variety of issues pertaining to both canon and civil law. He understood the possibilities of applying Aristotelian political thought to medieval commentaries on Roman law, and he made it a point to excavate from medieval jurisprudence the “Aristotelian conception of natural, political man.” It was his commitment to the political man and, specifically, to the idea of the populus, that enabled Baldus to link corporate personality (that is, legal capacity) with the political body, and in the process to formulate a definition of juridical person that participates in a reality at once ontological and material. For Baldus the populus refers at the same time to a number of real individual men and an abstract construct distinct from its human members. Legally speaking,
the abstraction is one person (persona universalis), one person composed of many (also called a perpetual person [persona perpetua], a concept crucial for the idea of the state as well as for the legal status of a corporation). Baldus, however, the populus is part of man’s political nature, and it is not, therefore, an artificial construction. It links the parts indissolubly with the whole, the individual members with the abstraction, while still granting the whole a reality distinct from its parts. In this sense, Baldus’s definition of the populus begins to resemble Marsilius’s notion of the human legislator: both thinkers conceive of a political-legal sensibility—a desire to incorporate—which is inherent in human nature, and which, therefore, invests abstractions with reality. Baldus argues, moreover, that the populus is a collective body, not a group of separate individuals, a body whose significance has been discovered by the intellect. In another place, Baldus proposes a slightly different line of reasoning, explaining that a corporation is like a body because the bodies of men are like the material of a collective, of which the corporation “is . . . said to be the form, that is the formal condition. A college, therefore, is an image which is perceived more by the intellect than the senses.” In other words, the corporation is like a body because it is an abstract construct with a basis in material reality: it is not a real person, it is perceived more by the intellect than by the senses, but it nonetheless participates in material reality through its members and acts through the instrumentality of its members. It is an abstraction that gives form to a material reality, and thus as a whole it maintains a nonsymbolic relation to its parts.

As this summary of Baldus suggests, his argument for the reality of juridical personality doesn’t simply explain how collectivities act provisionally within a legal framework. It also helps to formulate a theory about political community: that it actually exists as a single collectivity, in much the same way as a legal persona, and therefore can properly be represented as such. In this way, juristic thought shapes political theory at the moments in which it uses political concepts to defend fictions at law, and specifically, the way that law represents the social real for its own purposes. Diversity similarly serves as a representation and theory of the social real. In the case of diversity, however, the political aesthetic turns out to be a feature of literature rather than law.

**Diversity and Piers Plowman**

If we could say, hypothetically speaking, that medieval juristic thought had an unfinished project, that project would be diversity. If any work could be said to “complete” that project, it would be William Langland’s *Piers Plowman*, an alliterative poem of more than seven thousand lines that was continually reworked between the 1360s and the early 1390s. As we have seen, one of the central preoccupations of later medieval philosophy was the nature of political community and,
specifically, the relation of the parts to the whole, or the relation of the multitude of individuals to the abstraction that describes how a group acts, governs, or legislates. Diversity, a concept that deals with the order, composition, and unity of a group, would appear to be a logical extension of medieval political-legal philosophy. After all, diversity has to do with the relation of the whole to its parts, the abstract construct—diversity—to the individual members, and with the relation of part to whole, the heterogeneous construct (for example, a diverse student body) to the social real. It is in illustrating those relations that diversity should posit a theory about political community. In this respect, moreover, diversity might offer an instance of the political aesthetic in much the same way as do Marsilius’s human legislator or the corporate personality of the jurists. Diversity, however, ended up being a literary rather than a juridical project. If the political aesthetic may be defined as the phenomenon in which a given system of thought (law, economics, poetry) produces a theory about political life by calling attention to its own peculiar representational practices, it is in medieval English poetry that diversity becomes an exemplary instance of the political aesthetic.

Diversity might have offered political philosophers a useful and compelling principle about political community, just as it might have offered medieval jurists an abstraction, an entity or fiction with which to justify legal capacity or legislative authority. After all, diversification, the continuous process by which diversity is achieved—constitutes the very foundation of both medieval Christian community and Aristotelian political society, and it is one place at which the two might come together as a juridical category. Yet medieval philosophers never imagined what diversity might look like per se; they were primarily interested not in diversity as a principle but rather in the kinds of governance to which diversification leads.

In medieval political philosophy, diversity nearly always refers to the diversification of skills (labor, arts, or invention) rather than race or ethnicity. For Thomas Aquinas, whose thoughts about diversity comprise the bulk of medieval commentary on the subject, diversification, in an Aristotelian worldview, is the natural tendency of civic society. In the first two chapters of *De regimine principum*, a treatise on kingship, Aquinas rehearses the Aristotelian commonplace that the city is the ideal community because it is self-sufficient by nature. It is self-sufficient because it is a *multitudo diversorum*: its citizens perform different functions. A diversity of functions is necessary for sufficient life, which cannot be attained without a large number of people: the greater the multitude, the greater the possibilities for variety, and the more opportunities for mutual aid. Further, it is not possible for one human being to know all the particular things necessary for individual life according to his own reason. In another place, Aquinas defines diversity as the judicious distribution of skills rather than as a compensation for individual reason. The diversification of society, he says, is both providential and natural: God makes sure that we have everything we need, and human beings naturally have different skills and are suited to different jobs. Aquinas’s emphasis on mutual aid recalls the Pauline tradition...
of the community of the faithful, a community constituted by a diversity of functions, just as the universe is constituted by a complex diversity of interacting parts. And just as the diversity of its parts constitutes the harmony of the universe, and just as the diversity of the Trinity constitutes its essential unity, so the community of the faithful, unified by faith, achieves harmony by interdependence and mutual aid: it is diversity that allows people to teach and heal. Langland capitalizes on this notion of “pragmatic” diversity in his famous metaphor of the Trinity as a hand with three interlocking and interdependent parts:

And as my fust is ful hand y[f]olden togideres
So is þe fader a ful god, formour and shappere:

_Tu fabricator omnium &c._

Al þe myȝt myd hym is in makynge of þynges.
The þynges formen a ful hand to portreye or peyntre;
Keruyng and compasyng [i]s craft of þe þynges.
Right so is þe sone þe Science of þe fader
And ful god as is þe fader, no febler ne no bettre.
The pawme is pureliche þe hand, hath power by hymselue
Oþerwise þan þe wriþen fust or werkmanshipe of þynges.
For [þe pawme] haþ power to putte out þe ioyntes
And to vnfolke þe fust, [for hym it bilongþ,
And receyue þat the þynges recheþ and refuse boþe
Whan he feþ þe fust and] þe þynges wille;
So is þe holy goost god, neiþer greter ne lasse
Than is þe sire [or] þe sone and in þe same myghte,
And alle [thre] but o god as is myn hand and my þynges.
Vnfoldeþ or foldeþ, my fust and my pawme
AI is but an hand, [howso I turne it.]29

As I have suggested, Aquinas argues in the first two chapters of _De regimine principiorum_ that the ordered unity of political society is accomplished through diversification, because it is through the exchange of goods by means of laws that unity is established. In the same chapters, however, he presses Aristotelian ethics into the service of medieval kingship by redefining diversity as a symptom or cause of disorder. Someone must govern the group, because if each person looked after his own interest only, “the multitude would be dispersed hither and thither” (_multitudo in diversa dispergetur_). This disorder, the scattering of the multitude into different directions (_in diversa_), occurs because the individual will is naturally directed toward private and singular interests rather than toward the interests of the group as a whole (it turns away from a good). “This is rational,” Aquinas explains, “since what is proper (to an individual) is not the same as what is common . . . Therefore, it is necessary for there to be something which impels to the common good of the many beyond that which impels the particular good.” Further, he explains, even if all men desire the common good, they go about achieving it in different ways, as the
diversity of human strivings and activities shows. It is for these reasons, he argues, that political society requires a single governor. Thus Aquinas, by associating the diversification of functions with the perversity of individual wills, offers two very different perspectives on diversification. From one perspective, the unity of the political community depends upon exchange, and the diversification of skills makes exchange—and unity—possible. From another perspective, diversification refers to the movement and consequences of individual will—a turning away from a good—rather than to a variety of skills. It is a destructive force, manifest in both individual actors and the diversity of individual habits, which obstructs the movement from particularity to generality necessary for political unity, and which scatters the multitude into different directions. And what is the precondition for mutual aid in one scenario becomes the justification for kingship in the other.

Marsilius of Padua takes Aquinas’s reading of Aristotle in a startlingly different direction. He argues in the Defensor pacis that diversification constitutes not only the ideal polis but also the highest temporal goal, and it therefore serves neither as a justification for kingship nor as the remedy for self-interest but as the very process of state formation. Like Aquinas, Marsilius regards diversification as the measure of communal self-sufficiency and as the precondition for mutual aid, which makes political association possible. He explains that man is bare and unprotected, and consequently he has always relied upon “arts of diverse genera and species to avoid the aforementioned hardships. But since these arts can be exercised only by a large number of men, and can be had only through their association with one another, men had to assemble together in order to attain what was beneficial through these arts and to avoid what was harmful.” Because Marsilius equates the diverse community with the ideal political community, however, he is concerned less with need than with the various ways in which need can be addressed. It is not surprising, therefore, that diversity constitutes for Marsilius the very unity and composition of the state rather than a moral justification for kingship. As he explains,

For since diverse things are necessary to men who desire a sufficient life, things that cannot be supplied by men of one order or office, there had to be diverse orders or offices of men in this association, exercising or supplying such diverse things as men need for sufficient life. But these diverse orders or offices of men are none other than the many and distinct parts of the state.

In other words, if one conceives of diversification as the proliferation of different orders rather than of different skills, if one collapses functions with the state, then one can easily link orders with offices or with the “parts subject to direction by the whole body of citizens.” Those orders or officia become the constituent parts of the state and, as such, reconcile one’s natural disposition to associate with the common good. In Marsilius’s account, diversification sheds its moral implications: the state is inherently structured by diversity; it doesn’t supply a remedy for the disorderly effects of self-interest.
If Continental philosophers regarded diversity as a precondition for political community, as the moral disorder that justifies rule, or as the political orders of the state, they did not consider diversity itself as a political principle: they did not consider it as a theory about the political community, that it possesses that quality of diversity, heterogeneity, or that it can be represented as such. Diversity, in short, never came to represent the political community within political-legal thought. Conceived outside the realm of juristic commentary, it never became an entity with which one could take the part for the whole or vice versa, even though within modern political-legal thought diversity serves precisely these ends (it implicitly calls attention to the representational practices of political-legal discourse). And although Marsilius of Padua used diversity to associate a social ethic (functionality) with political structure (the orders and offices of the state), he never imagined it to be a principle in the juristic sense, as an entity that lays the theoretical groundwork for certain practices at the same time that it transcends the time of practice to posit an idea about political community. By contrast, Langland and his contemporaries construct diversity as a political principle and as an aesthetic form, and it is in this sense that we can speak of diversity as the literary continuation of late-thirteenth- and early-fourteenth-century juristic thought.

Naturally, to envision the political community as an abstract construct means something different to poets than it does to jurists. For one thing, if the goal of a legal form is to lay the theoretical groundwork for an existing practice, the goal of a literary form is usually more difficult to assess. For another thing, literary forms describe the social real in very different ways than legal ones do. While both are imaginative processes—both foreground the problem of representation—literary forms don’t hold themselves to realization in the lived world, even if they continually envision that possibility. What individuals like Baldus de Ubaldis and William Langland have in common, however, is the desire to construct a political vision, a sense of perpetuity in futurity, which is indebted to and nearly indistinguishable from the formal constraints in which they work. We might say that if juristic innovation sometimes approaches art its potential to be art is finally realized in poetry. It is in thinking of the political aesthetic as a species of poetic art, moreover, that we may better appreciate what it means for medieval poetry to be politically innovative.

When I say that diversity is Langland’s political aesthetic, I am thinking primarily of the Prologue to the *Piers Plowman* B-text. It begins, as many medieval poems do, with a dream, a vision of a “fair feeld ful of folk” composed “Of alle manere of men, þe meene and þe riche, / Werchynge and wandrynge as þe world askeþ” (17–19), and then proceeds to describe that entity by accumulating people with irresistible verbal energy: “Some putten hem to plouȝ . . ./And somme chosen [hem to] chaffare . . ./And sommemurþes to make as Mynstralles konne” (20, 31, 33). This opening statement of diversity (“alle manere of men”) is at once
the description of a whole and of the worldly condition (“as the world askeþ”) with all of its failings and excesses. Simply put, this poetic statement is significant for the way it goes about making a political argument. It proposes that a totality, the social real or universitas civium, is constituted by variety in multiplicity and, more specifically, by a diversity of functions, estates, and crafts (labor being for Langland the basic unit of function). It proposes that the view of a whole, the totality in its immediacy and entirety, depends upon the fact of dissimilarity (as opposed to similarity, for example, or geography). It depends, in other words, on whether we visualize the whole comprising or broken down into preachers, tailors, cardinals, minstrels, merchants, and bakers. The effect is a qualified and quantified view of the whole, spectacularly evident in the Prologue’s closing statement:

Barons and Burgeises and bond[age] als
I seiȝ in þis assemblee, as ye shul here after.
Baksteres and Brewesteres and Bochiers manye,
Wollen webbetteres and weueres of lynnen,
Taillours, Tynkers and Tollers in Markettes,
Masons, Mynours and many oþere craftes; (216–22)

In Langland’s view, it is true, however much diversity constitutes a totality, it contains within itself the seeds of disunity and discord. For Langland, as for Aquinas, diversity is simultaneously the means to social unity and a symptom of disorder, a turning away from right conduct or the common good in order to serve individual (and here, perverse and sinful) ends. Like Aquinas, moreover, Langland imagines this turning away to be inextricably bound up in the diversity of skills, as expressed so succinctly in the following lines, in which laborers who do their deeds ill literally leap from the assembly into closer view: “Of alle kynne lybbyngelaborers lopen forþ somme, / As dykeres and delueres þat doon hire ded[e] ille” (223–24).38 It is significant, then, that the Prologue is punctuated with experiments in rule—the estates model, the coronation scene, and the mouse parliament—all of which aim to find some monarchical solution to disorder. It is true, moreover, that since function is identified here as much with a social ethic as it is with a political order, the failure to perform useful work would seem to lead us away from a theory about political community and toward exhortations of social reform. However, in the Prologue, Langland crucially subordinates social satire (“As it seme þ to oure sîȝt þat swiche men þryueþ”; 32) to dream-vision (“Al þis I seiȝ slepyng and seuene syþes more”; 231) and in doing so emphasizes the cumulative effect of vision: the imagining of the community in its urgent entirety rather than in its parts. The initial formulation of this poetic vision, which relies on the distributive qualifier “some . . . some,” underlines the perverse wills of those with different skills, even imagining the will to sin as a variety of skill: “Some putten hem to plouȝ . . . And somme putten hem to pride . . . And somme chosen [hem to] chaffere,” and so on. But this formulation, together with the Prologue’s closing statement, suggests that moral
disorder illustrates the general principle of diversity, and not the reverse: diversity is neither the cause nor the symptom of disorder, but, rather, moral disorder is one way of viewing a principle about political community.

That Langland’s political community is diverse may seem obvious to us. We praise the poet for celebrating the “fact” of human variety, even as he satirizes the faults of individuals and occupations, and we call him a “political poet” because he projects contemporary problems onto the backdrop of a diverse society. We might even say, if we were to take diversity to be a historical condition, that Langland is recording the upheavals resulting from the increasing diversification of medieval society. His argument, however, is entirely new, and its focus is not so much changes in the makeup of medieval society as it is the means by which variety in multiplicity may be described. Further, *Piers Plowman* proposes not simply that the whole may be described as diverse but also that diversity is the way that the whole can be represented *in the first place*. This is a radical and innovative step in the shaping of political thought, and one that couldn’t have been taken outside alliterative English poetry, or possibly even outside *Piers Plowman*, a poem that seems to have served as the creative vortex for so much of late medieval English literature.

Most significantly, that the poem proposes diversity as the means by which the community may be seen suggests that the perimeters of that visualization—or vision—are those of vernacular poetic form. For example, the list of occupations that follows the poem’s initial statement of diversity, together with the list that concludes the Prologue, further persuade us that the dreamer sees the whole world because the poetic field encompasses a total vision, whose lens is both critical and wide: “I seïȝ somme þat seiden þei hadde ysouȝt Seintes” (50) and “I fond þere Freres, alle þe foure ordres” (58), declares the dreamer. He continues, “Barons and Burgeises and bond[age] als / I seïȝ in þis assemblee, as ye shul here after” (217–18). “Al þis I seïȝ slepying,” concludes the dreamer, “and seuene syþes more” (231). Diversity, for Langland, is the poetics by which a whole can be constructed. We might go so far as to say that the marked innovativeness of the Prologue—its poetic display—is indistinguishable from the poet’s capacity to forge new political principles, his capacity to create an aesthetic precisely by extending literary forms to political thought.

It is Langland’s alliterative line, moreover, that helps construct human diversity as an aesthetic object. The alliteration of the Prologue insists upon the accumulation of dissimilar parts into a whole and the simultaneous breakdown of the whole into its dissimilar parts. Take, just for example, the lines, “Barons and Burgeises and bond[age] als / I seïȝ in þis assemblee, as ye shul here after; / Baksteres and Brewesteres and Bochiers manye” (217–19). Alliteration here gives the effect of a *multitudo diversorum*, because it seems to generate random combinations of people, while at the same time building rhythmically toward a total vision, from plurality to unity and back again. We see a similar Langlandian moment in the later fourteenth-century alliterative poem *St. Erkenwald*. *St. Erkenwald* tells the story of
a medieval London bishop who miraculously causes a dead pagan judge to speak and then, through divine intervention, sends his soul to heaven. Before the bishop gets wind of the corpse, however, the people of London leave their jobs and rush to see the tomb in the basement of St. Paul’s Cathedral:

Qhen tithynges token to þe toun of þe toumbe wonder
Mony hundrid hende men highide þider sone.
Burgesys boghit þerto, bedels ande othire,
And mony a mesters mon of maners diuerse.
Laddes laften hor werke and lepen þiderwardes,
Ronnen radly in route wyt ryngande noyce.
Þer commen þider of alle kynnes so keenly mony
Þat as alle þe worlde were þider walon wytin a honde-qiile.

[When news reached the town of the wondrous tomb,
Many hundreds of able men rushed there immediately.
Burgess hastened there, beadles and others,
And many a guildsman of different types.
Men left their work and hurried over there,
Ran swiftly in a crowd with ringing noise.
There came there of all kinds so swiftly many
That it seemed as if the whole world was there in an instant.]

As in the case of *Piers Plowman*, this passage is invested in portraying, not different labors, but diversity itself, variety (“maners diuerse,” “alle kynnes so keenly mony”) in multiplicity (“mony hundred hende men”). Like the *Piers Plowman* Prologue, too, it imagines the whole world, or in the context of London, a *civitas*, as that thing defined by the diversity of status and work, as well as by the rapid coming together of different people in one place, not in an orderly procession, but here, centripetally, from the different parts of the city to St. Paul’s. These people are defined by what they do, but also by what they are not doing at that special celebratory moment of wonder (“laddes laften hor werke”). And what is common to all of them is their suddenly visible coexistence as a diverse multitude (“as alle þe worlde were þider walon wytin a honde-qiile”). As in the case of *Piers Plowman*, moreover, this effect depends upon alliterative verse, which gives the impression of a random catalog of people while comprising its very unity.

Additionally, as in alliterative romances such as *Sir Gawain and the Green Knight*, or alliterative poems that borrow from chivalric romance, such as *Wynne and Wastoure*, the dreamer in *Piers Plowman* conceives diversity as an impressive sight, a marvel or quite literally a vision; as already suggested, in *Piers Plowman* dream-vision trumps satire at the moment at which community is taken for a marvel. In the later fourteenth-century Northern alliterative poem, *The Pistle of Swete Susan*, a story based on the thirteenth chapter of the Book of Daniel, Susanna and her husband Joachim possess a stunning garden whose beauty consists of the sheer variety and number of plants and animals. According to the first bob and wheel, no one had
ever seen such a garden “withinne the sercle of sees / Of erberi and alees, / Of alle manner of trees, / Sothely to say” (within the circle of seas / Of garden plants and paths / Of every kind of tree / Truly to speak). Spectacular gardens are commonplace in medieval romances and dream-visions, often serving as the narrator’s first line of vision or lulling him gently to sleep (for example, Venus’s luscious garden “ful of blosmy bowes” revealed to the dreamer in Chaucer’s Parlement of Foules). The Pistle of Sweete Susan, however, like the Piers Plowman Prologue, offers up variety in multiplicity as the aesthetic object. In the stanza describing the trees in the garden, the poet draws attention as much to the poetics of diversity, the building of the alliterative line and the variety of consonants, as he does to the diverse contents of the garden: “Ther lyndes and lorers were lent upon lone, / The palme and poplere, the pirie, the plone, / The junipere jentel, jonyng bitwene” (There linden and laurel trees were trained over the path, / The cedar and cypress trees, wondrous to be seen, / The palm and the poplar, the pear and the plane trees / The gentle juniper, joining between; 68–71). Notably for Langland, the visual magnificence of accumulated detail is composed not of flowers but of men: “Of alle manere of men, þe meene and þe riche, / Werchynge and wandrynge as þe ew orld aske þ” (18–19).

In this sense, the alliterative dream-vision Wynner and Wastoure (c. 1352–70) both reflects the peculiar aestheticizing of diversity that we see in fourteenth-century alliterative poetry and anticipates Langland’s turn from the luxuriousness of courtly life to “alle manere of men.” In this poem, a satirical debate between prodigality and prudence, the king’s messenger, beholding the enemy troops, observes that he has never seen such a company of knights hailing from so many different countries:

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Full wyde hafe I walked [thies wyes amonges]
Bot sawe I neuer siche a syghte, segge, with myn eghne
For here es alle þe folke of Fraunce ferdede besyde
Of Lorreyne, of Lambardye and of Lawe Spayne,
Wyes of Westwale þat in were duellen,
Of Yinglonde, of Yrlonde, Esirlynges full many
þat are stuffede in stele strokes to dele. (136–40)
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Chansons de gestes, such as the Song of Roland or chivalric romances such as Chaucer’s Knight’s Tale, nearly always contain heraldic lists, extensive poetic descriptions of each warrior, his place of origin, his armor, and his physique (usually describing one warrior per poetic unit). The author of Wynner and Wastour uses the alliterative line to cite this convention: he contracts the heraldic lists into a visionary landscape (“Bot sawe I neuer siche a syghte, segge, with myn eghne”) and he generalizes the individual warrior into an alliterated “folke” hailing from different countries (he does go on to describe the followers of each “banner,” the usual suspects of medieval satire: the fraternal orders, lawyers, merchants, and so forth). Similarly the Piers
**Piers Plowman** narrator, by declaring the field of folk the object of vision, initially contracts estates satire into alliterated lists of people. Ralph Hanna notes that medieval alliterative romances, while often relying on learned and Latinate source material, are paradoxically “overmarked” as vernacular, both because they flaunt a “(thoroughly fictive) orality” and because they are lexically acquisitive; they collect synonyms from native dialects, Continental romances, and heroic lexicons. While *Piers Plowman*, with its anomalous metrical scheme and plain diction is usually understood to be outside the traditions of fourteenth-century alliterative romances, it nevertheless uses the alliterative line to mark as vernacular the occupations of persons. In doing so, it alludes to the aesthetic values of alliterative romances while at the same time transforming those values into a political principle.

What these brief comparisons between *Piers Plowman* and other alliterative poems show is that Langland’s Prologue, not unlike Marsilius of Padua’s orders and offices, makes structure out of diversity, but it goes beyond Marsilius by offering up diversity as an aesthetic object. In doing so, it transforms diversification into diversity, constructing a representation of the political community that simultaneously expresses a principle about it. For the Continental political philosophers discussed earlier, political unity may be achieved through or in spite of diversity. Like them, Langland is deeply interested in good governance, monarchical power, and the role of counsel, topics explored in the three kingship allegories that occupy the middle of the Prologue. Unlike them, however, Langland doesn’t conceive diversity as part of a political or legal solution: it is, for him, a poetic solution that expresses a theory, the practical use of which is just beside the point.

That Langland may propose diversity as the means by which the political community may be imagined has to do not only with alliterative verse forms but also with genre, and specifically with the way that he has adopted traditional genres in the Prologue. After all, he can visualize all of society at once because he is operating within a dream-vision, and he can visualize it in terms of a variety of occupations and their abuses because he is also operating within the traditions of estates satire. I would argue that Langland’s political aesthetic—diversity—is what enables him to continue the projects of medieval juristic thought, but the forms by which he achieves that aesthetic have to do with the way he newly and, I believe, quite deliberately situates his poem within different literary traditions. Indeed, if we look at the Prologue alongside other literary works from the *Piers Plowman*—as opposed to an alliterative—“tradition,” those works that directly anticipate or follow from *Piers Plowman*, we can see that every formal decision that Langland makes privileges the construction of diversity as a category of political thought.

Let us compare, for example, the *Piers Plowman* Prologue to what I take to be one of its major literary inspirations, Guillaume de Deguileville’s French allegorical dream-vision, *The Pilgrimage of the Life of Man*, composed during the mid-fourteenth century and translated into English in the late fourteenth and early fifteenth centuries. *The Pilgrimage of the Life of Man*, the first book in a trilogy, resembles an imagi-
natively limited but deeply satisfying version of *Piers Plowman*, essentially a kind of literary penitential manual. In this story, the pilgrim-narrator travels through this world and the next, learning the best way to live well, do penance, and save his soul. In his proem, Deguileville presents the subjective experience of his dreaming self as a universal state; his dreamer models his own penitential experience for others by addressing an audience of “alle folk” from which he excludes no gender or rank. He announces, “Now cometh neer and gadreth you togideres alle folk, and herkeneth wel; let ther be no man nor woman that drawe bakward . . . for this towcheth alle, bothe grete and smale, withouten any owttaken [taken out].”42 The diversity of Deguileville’s audience (“alle folk”) attests to the universality of Christian experience, not to a total vision of diversity; it briefly invokes dissimilarity in the phrase “this towcheth alle, bothe grete and smale, withouten any owttaken,” but only to emphasize the unifying experience of Christian penance.

Langland takes his cue from Deguileville’s initial statement of diversity; in the process, however, he transforms Deguileville’s imagined audience of “alle folk” into the subject of his visionary satire; that is, he transforms the common penitential experience into a heterogeneous subject, just as he transforms the impulse to generalize to the impulse to totalize: “I seiȝ in pis assemblee, as ye shul here after...O falle kynne lybbyngelaborers” (218, 223). In doing so, Langland commits himself to theorizing diversity, as well as to an ethics of labor to which diversity, as a theory about medieval society, implicitly refers. As a result, *Piers Plowman* ends up pursuing an urgent political question in the service of moral reform: in what sense is the *universitas civium* constituted by the diversity of its members, and how may it be represented as such?

To see the relationship once again between Langland’s political aesthetic and the genres of his Prologue, let us consider briefly a poem written in the style of *Piers Plowman*, the late-fourteenth-century poem *Pierce the Ploughman’s Crede*. This poem, a Wycliffite, antifraternal alliterative satire, takes its starting point from Langland’s “alle manere of men.” In this poem, however, Langland’s heterogeneous subject migrates back from the visionary landscape of the earlier poem to the imagined audience of *Pierce the Ploughman’s Crede*. The whole, which is the subject of imagination and correction in *Piers Plowman*, is now invited to correct the matter of *Pierce the Ploughman’s Crede*. At the beginning of the poem, the narrator says he wants to learn his Creed—“But to many maner of men this matter is asked, / Bothe to lered and to lewed that seyn that the[y] leueden.”43 At the end of the poem he successfully recites the Creed, urging any and all readers to correct him if he has presented his material incorrectly: he says, “But yif ich haue myssaid, mercy ich aske, / And praie all maner men this mater amende.”44 These exhortations to the poem’s readership invoke typical Lollard rhetoric, appealing not to clerical authority but to the judgment of everyone, laity as well as clergy. The phrase, “all manner men” stands, however obliquely, for the Lollard community of the elect; it is as if what that community lacks quantitatively it makes up for in the dissimilarity and disparity of its
members. Likewise, the qualifier “lered and lewed” replaces Langland’s “mene and the riche,” because the whole world is no longer the matter of the poem but the agent of its correction. In Pierce the Ploughman’s Crede, the political matter contained in the phrase “all manner men” is radical ecclesiology. I am suggesting that the poem achieves this goal by relegating the heterogeneous subject, Langland’s political work, to the poem’s audience.

By situating Piers Plowman within fourteenth-century literary traditions, I have tried to show that diversity, Langland’s political aesthetic, is something different than genre, and something different again from poetics; it is a form of political thought, which, in the case of Piers Plowman, mediates between politics and poetics. In reprise, it is a form of political thought that depends upon visualizing the whole: it posits a theory about the political community through abstract constructs, which, in terms of poetic art, are nothing less than formal invention. We have seen that the political aesthetic suggests a surprising link between juristic thought and vernacular poetry; it may also suggest new ways of writing fourteenth-century literary history. I conclude, then, by considering the way that diversity might help us rethink the relationship between Langland and Chaucer.

Diversity and Medieval Literary History: Langland and Chaucer

Literary critics have always considered the relationship between the Canterbury Tales and its sources and analogues under the rubric of diversity. Giovanni Boccaccio’s Decameron was once rejected as a source for the Canterbury Tales because its “diverse and discordant personalities” had no counterpart in Boccaccio’s ladies and gentlemen. The Decameron is now accepted as a source for the Canterbury Tales because, like the Canterbury Tales, it stresses “generic and stylistic diversity” by recording varied audience reaction within the work (the audience reaction to the Miller’s Tale, “diverse folk diversely they said,” echoes the audience reaction to Lauretta’s song in the conclusion to book 3, “Qui fece fine la Lauretta alla sua canzone, nella quale notata da tutti, diversamente da diversi fu intesa”). Even if differences of opinion in the Canterbury Tales stem from glaring differences in social status rather than subtle differences in taste, the literary effect is essentially the same.

What is now recognized to be common to Boccaccio and Chaucer points to crucial differences between Chaucer and Langland, whose prologues are so often read together. Whereas Chaucer’s “sundry folk” at the beginning of the General Prologue provides excuses for conflict, opinion, and in the end, an anthology of tales, and whereas, in the General Prologue “sundry folk,” like anthologies and like estates satire, points to differences between people and opinions, Langland’s Prologue is about diversity rather than difference, or what it means to think of “sundry folk” as an underlying political and poetic form.
Another strain of Chaucer criticism, however, insists upon the political meaning of Chaucer’s “sundry folk.” Thirty years ago, Jill Mann argued that the General Prologue, even though it seems to include and exclude people arbitrarily, neither reflects social reality nor gives impressions of real experience; rather, it follows the “social anatomization” of traditional estates literature. Estates literature, she argues, suggests “society as a whole” at the same time it orders our experience of such a thing. It understands social order through literary order or “produced effects.” In her appendix on *Piers Plowman*, however, Mann, while acknowledging Langland’s debts to estates satire, couldn’t resist ascribing to Langland what she denies Chaucer: “non-moralising delight in human variety.” While she was wrong to say that Langland doesn’t moralize, what she calls his “delight in human variety”—the pleasure of diversity—points us once again to a crucial difference between the two prologues, which is not exactly an irresistible delight in the “real” diversity of human society, so much as it is an aesthetic commitment to variety in multiplicity. In *Piers Plowman*, this aesthetic commitment enables but finally exceeds moral satire because it is nothing less than the shaping of a political principle.

Interestingly enough, however, it is the “sundry folk” of the General Prologue, along with Mann’s assessment of it, that has enabled some of the best historicist work on Chaucer’s literary politics, both the political work of his poetry, the way it assigns political authority—and its political philosophy, the way it explores political systems and ethics. Mann’s book, by focusing on “produced effects” rather than “real society,” paved the way for other critics to look at models of political society in the General Prologue rather than impressions of actual society and, thus, to focus on the frame rather than the portraits. To offer one example, David Wallace influentially argues that Chaucer is preoccupied with “associational form” and specifically with the philosophical position, materially expressed in guild culture, that “humankind is a political animal, not an aggregate of atomized individuals.”

Taken together, Wallace’s thesis about Chaucer and Mann’s comments about *Piers Plowman* suggest that Langland’s “field of folk” gets us closer to the political meaning of diversity than Chaucer’s “sundry folk” ever could. For Langland’s political aesthetic wonderfully closes the gap between political principle and produced effects. The “sundry folk” assembled at the beginning of the General Prologue are interesting in their difference from one another and from what they are supposed to be. But the political work of “sundry folk” is not their sundriness but the kinds of associations they form and tell stories about within the *Canterbury Tales*. Langland’s diversity, by contrast, demonstrates not the politics of a literary work but the politics of literary form, its capacity to create new topics of political thought.
Notes

3. Ibid., 2:173.
6. Susan Reynolds, “The History of the Idea of Incorporation or Legal Personality: A Case of Fallacious Teleology,” chap. 6 of Ideas and Solidarities of the Medieval Laity: England and Western Europe (Aldershot, 1995), 9. Reynolds expresses nearly the same idea in Kingdoms and Communities in Western Europe, 900–1300 (Oxford, 1984), that legal persons or corporations didn’t enable collective groups or rules. They were “matters of politics not of legal conceptualization,” i.e., they were not derived first and foremost from academic treatises (59). She continues, “Legal concepts are not like thimbles, to be found only in inappropriate places. They exist only within appropriate legal systems. The concept of legal corporation or legal personality can exist only within a legal system in which there are things which an individual or a corporate group can do and suffer at law which an unincorporated group cannot” (61).
7. Joseph Canning, The Political Thought of Baldus de Ubaldis (Cambridge, 1987), 161. Along the same lines, Canning proposes that medieval juristic thought communicated political ideas so effectively because it shared with Aristotelian-derived political philosophy a technical language or “community of terms, such as civis, civitas and civilis.” Canning continues, “Thus the political dimension possesses a legal expression and vice versa” (161–62).
8. Ibid., 190.
10. Canning, Baldus, 186.
11. Scholars debate whether or not Marsilius derived from the jurists the idea that the universitas civium is a corporate entity distinct from individual citizens. See Joseph Canning, “Law, Sovereignty, and Corporation Theory, 1300–1450,” in The Cambridge History of Medieval Political Thought, 476.
13. For the varieties of legal fictions in medieval and early modern law, see John Hamilton Baker, The Law’s Two Bodies: Some Evidential Problems in English Legal History (Oxford, 2001), 33. See also Lon L. Fuller, Legal Fictions (Stanford, 1967). This essay, while not dealing with legal fictions expressly, is nevertheless inspired by Kim Lane Scheppele’s brilliant essay on the history of the legal fiction of civil death, in which she argues that...
so-called legal facts often turn on narratives built on legal fictions (e.g., “murder” or “will”) and that legal fictions, such as civil death, while essentially metaphorical, create legal facts (e.g., “as if he were dead”). Schepppele’s argument helps us to see how legal fictions create principles that, in turn, can be taken for fact. She also shows us how legal fictions work as fictions in two ways: first, by creating a new context within which truth (i.e., fact) can be assessed; and second, by drawing upon an indirect correspondence between the representation and the thing represented. Kim Lane Scheppele, “Facing Facts in Legal Interpretation,” *Representations* 30 (Spring 1990): 42–77. In this case, I’m talking about a different species of legal fiction, one that extends to political rather than moral principles.


15. It is useful to compare the human legislator with the theory of the king’s two bodies, the body proper and the “organ and instrument of that intellectual and public person” (Canning quoting Baldus in “Law, Sovereignty, and Corporation Theory,” 475–76). Much of this language is taken from theories of Conciliarism: “the basic idea that ultimate authority in the Christian community lay with the body of the faithful as represented by a general council of the church.” For more on the relationship between Conciliarism and secular political thought, see Canning, “Introduction: Politics, Institutions, and Ideas,” in *The Cambridge History of Medieval Political Thought*, 365.

16. For example, concerning evangelical poverty and the Franciscans, William of Ockham rejects John XXII’s claim that an order or college can be a fictitious person and thus be said to own property: “Quorum primus est: Quod ordo fratrum Minorum, et eadem ratione ecclesiae catholica tam universalis quam particularis, ac quaecumque communitas, collegium, multitudo, et quaecumque universitas, non potest aliquem actum realem habere vel exercere. Secundus error est: Quod persona imaginaria et repraesentata potest habere ius utendi, sed non usum facti. Tertius error est ridiculosus et fantasticus: Quod videlicet ordo et ratione consimili ecclesiae catholicae et quodlibet collegium et communitas est persona imaginaria et repraesentata. Hos errores ridiculosos ponit sub his verbis: Cum enim dicatur in declarationibus supradictis, quod ordo usum rerum habere praemissarum, ad usum iuris essentior est referre. Facia quidem, quae singulorum sunt, personam veram exigent et requirunt; ordo autem vera persona non est, sed repraesentata et imaginaria; quare quae facti sunt, sibi convenire nequeunt, licet ei possint congruere quae sunt iuris”; *Tractatus Contra Benedictum in Guillelmi de Ockham Opera Politica*, ed. H. Ofler (Manchester, 1950), chap. 8, 189–90 passim. See Quillet’s discussion of this passage in “Community, Counsel, and Representation,” 561–63.


21. In using the concept of perpetual person as an argument for corporative identity as well as for the state, Baldus is indebted to Bartolus, who in his response to the “philosophers” writes, “But according to the fiction of the law they do not speak truth. For a university stands for one person, which is something other than its scholars. . . . Again, when all members of a people die and others replace them, the people is the same . . . and thus an association is something other than the persons composing it according to the fiction of the law.” Latin original and English translation can be found in Black, “The Individual and Society,” 602–3.

22. On Baldus’s defense of created citizenship, Canning writes, “For Baldus, as for other medieval jurists, fictions of the law have the positive function of creating legal entities, relations and capacities which do not exist in reality outside the law. . . . But as we have seen, Baldus’s view is not as simple as that. He is concerned above all with what is actually the case” (*Baldus*, 176–77).

23. Ibid., 188. “Omnis universitas dicitur corpus, quia compositum et aggregatum, ubi corpora sunt taut quam materia, dicitur autem forma, id est formalis status. Est igitur collegium imago quodam, quae magis intellectu quam sensu percipitur” (appendix 1, 265).

24. Thomas Aquinas, *De regimine principum*, 1. 2. 3. “Cum autem homini competat in multitudine vivere, quia sibi non sufficit ad necessaria vitae si solitarius maneat, oportet quod tanto sit perfectior multitudinis societas, quanto magis per se sufficiens erit ad necessaria vitae. habetur sicutem aliquae vitae sufficientia in una familia domus unius, quantum scilicet ad naturales actus nutritionis, et prolis generandae, et aliorum huissusmodi; in uno autem vico, quantum ad ea quae ad unum artificium pertinent; in civitate vero, quae est perfect communitas, quantum ad omnia necessaria vitae; sed adhuc magis in provincia una propter necessitatem compungnations et mutui auxilii contra hostes”; in *S. Thomae Aquinatis Opera Omnia*, ed. Roberto Busa (Stuttgart–Bad Cannstatt, 1980), 3:595, col. C. English translations adapted from Aquinas: *Political Writings*, ed. and trans. R. W. Dyson (Cambridge, 2002).


26. Ibid., 1. 1.

27. According to Augustine, the perfection of the universe depends not only on the diversification of functions or parts but even on the diversification of natures, which is why we need evil natures as well as good ones.

28. See Black, “The Individual and Society,” 592–93. The idea that diversity leads to a unifying order also informs medieval defenses of traditional hierarchies or distinctions. Thus Durandus, Bishop of Mende (d. 1328), in his treatise on general church councils, argues that clarifying distinctions among clerical orders and between estates (what he calls “the great order of difference”) is key to clerical reform. As he explains, the connection and concord that arises from diversity can only be achieved through the preservation of distinctions. God has provided for different ranks and orders, both within the clerical estate and between clergy and laity, so that “minor [ranks and orders] may exhibit their reverence to the powerful and the more powerful bestow their love upon the minor ones, so that true concord may come about, diversity may be turned into connection, and each office may be rightly administered. For if this great order of difference did not conserve the whole, it could not subsist on any other ground.” See Piers Plowman, Diversity, and the Medieval Political Aesthetic


30. *De regimine principum*, 1. 1. 6. “Multis enim existentibus hominibus et unoquoque id, quod est sibi congruum, providente, multitufo in diversa dispergeretur, nisi etiam esset aliquis de eo quod ad bonum multitudinis pertinet curam habens” (*Opera omnia*, 595, col. B).


32. Ibid., 1. 1. 6.

33. For Marsilius, diversification attests to the perfection of civil community over time (*Defensor pacis*, 1. 3. 5).

34. Ibid., 1. 4. 3: “artibus diversorum generum et specierum ad declinandum nocuentam praedicta. Quae quoniam exercerio non possunt nisi a multa hominum pluralitate, nec haberi nisi per ipsorum invicem communicacionem, oportuit homines simul congregari ad commodum ex his assequendum et incommodum fugiendum.”


36. Marsilius, *Defensor pacis*, 1. 4. 5, my emphasis: “Nam quia diversa sunt necessaria volentibus sufficienter vivere, quae per homines unius ordinis seu officii procurari nequeunt, oportuit esse diversos ordines hominum seu officia in hac communicatione, diversa huissomodi exercentes seu procurantes, quibus pro vitae sufficientia homines indigent. Hi autem hominum diversi ordinis seu officia non aliud sunt quam pluralitas et distinctio partium civitatis.”

37. This is not to say that medieval poetry is, under certain conditions, legal commentary, or *vice versa* in the same way that, for Allen Grossman, a poetry may become policy that “has no category of fictionality” or policy becomes poetry when “it intends . . . the same structure as its discourse.” Rather, it is to say that both law and literature produce theories about political community at moments when their peculiar capacities to invent are bound up in their capacities to represent. See Allen Grossman, “Poetics of Union in Whitman and Lincoln,” in *The American Renaissance Reconsidered*, ed. Walter Benn Michaels and Donald E. Pease (Baltimore, 1989), 183–208, here 185–86.


44. Ibid., 97, lines 843–44, my emphasis.


48. Ibid., 209.

49. David Wallace, Chaucerian Polity: Absolutist Lineages and Associational Forms in England and Italy (Stanford, 1997), 68.