



Facing it: sovereignty and how to live with theft and violence in the law – the case of *Karel ende Elegast*

Frans-Willem Korsten, University of Leiden & Erasmus School for History, Culture and Communication

Abstract: In what is probably the most famous medieval Dutch epic, *Karel ende Elegast* (*Charles and Elegast*), King Charlemagne is ordered by an angel, sent by God, to go out and steal. In so doing Charlemagne finds out that there is a plot against his life. His rule seems therefore to be dependent, in the final analysis, by divine support and sanction. This article argues, however, that the story depicts the constitution of Charles's rule differently. As a sovereign, he is a violent king-thief or thief-king. The story illustrates that sovereignty always implies theft and violence, as being *within* the law itself. Ironically, dealing with Charlemagne as a sovereign, the story may offer not just a specifically medieval, but also a structural option for subjects living under the rule of law of a sovereign. This option allows them to accept the law in not accepting it. The extreme manifestation of this option may be that subjects allow themselves to suspend the rule of law; a possibility that runs counter to Carl Schmitt's influential definition of sovereignty.

Keywords: Sovereignty, State of Exception, Violence, Constitution of Law, Irony

1. The constitution of sovereignty

The story of *Karel ende Elegast*, or *Charles and Elegast*, is probably the best-known medieval text in the Netherlands and Flanders. Yet, the text appears to have lost its scholarly appeal, despite the fact that it addresses a highly complex issue. The complexity at stake is certainly part of the text's skilfulness, and not just in terms of medieval craftsmanship.² *Karel ende Elegast* explores the constitution of sovereignty, in the double sense of the word 'constitution': as establishing founding act and a state of being. The exploration is both specific to medieval circumstances but also concerns structuring principles of the relation between sovereignty and the subjects living under its law.

At the very beginning of the text we learn how Karel, whom I will call Charles from here on, is explicitly depicted at the height of his power, both King and Emperor. [60] Rather unexpectedly, however, he becomes an out-law. Just after falling asleep, he is enjoined by an angel, sent by God, to go out and steal. The angel has to repeat his request three times before Charles obeys. The latter gets dressed, takes his weapons, sneaks out of the castle and mounts his horse, before plunging into the woods where he meets a dark knight. At first he thinks he has met the devil himself but Charles soon learns that his adversary is one of his own vassals, one he had expelled from his service for a trivial reason, and whose possessions he had seized.

Elegast, as the vassal is called, has lived the life of a robber ever since, although it is explicitly stated that, to his honour, he only robs the wealthy. Charles is greatly relieved to have met him, for he is aware that he himself is a clumsy and inexperienced thief. Now Charles and Elegast can go out stealing together. They do so in the castle of Charles's brother-in-law, Eggeric. Stealing some valuable things from Eggeric and his wife's sleeping chamber, Elegast coincidentally learns of a plot against Charles. Being informed so unexpectedly, and clearly helped by God, Charles returns to his castle and 'welcomes' the insurgent party under Eggeric the following day. The story ends with God's verdict between Eggeric and Elegast. The latter wins and Eggeric is killed, after which his corpse is dragged away. To conclude it all, Elegast marries Eggeric's former wife, who is Charles's sister.

At first sight, it appears to be obvious that God sends his angel in order to warn Charles and preserve his rule. At the same time, however, when this is revealed to him so explicitly, and by implication to the audience, a certain contingent aspect of Charles's sovereignty is shown for what it is. He himself appears to be nothing without God. This poses the question of the relation between the sovereign and subjectivity, and consequently between the sovereign and his subjects. Can all of them live with a sovereign whose rule appears to be constituted in a contingent manner? For what would have happened if God had not warned Charles? Is he, indeed, a 'nobody' without God? Such a possibility would run counter to the idea that the sovereign, as an active subject, is the ultimate embodiment of an 'I can'. To be sure, our story presents Charles as the subject who is a mighty object of aspiration, although it is one that can never be reached by the ordinary subject.³ The story also shows Charles as being on an equal footing with his subjects, however, and as someone who 'can-not'. My question is: what are the consequences of this for the constitution of the subjects living under his rule?

The text of *Karel ende Elegast* that is now commonly used, is said to originate from around 1350 and form the basis for printed versions in the fifteenth century.⁴ We know the story, however, through several different manuscripts and printed versions. Tracing these through the ages, scholars have come up with an earliest written version in the shape of a small text or *cantilene* that was probably made around the time that Charles was canonized, in 1165, and truly became Charlemagne. This written story may again have used material from oral versions that preceded it. Other oral versions would have remained alive, in different variants, throughout Europe for several centuries.⁵ In terms of genre, the story has been defined as a 'pre-courtly' [61] knight story. However, that generic definition does not deny that the story can be read and understood in the context of the establishment of courts.

With respect to the courtly reorganization of medieval society, the genealogy of *Karel ende Elegast* reflects a long historical process, which consisted of a shift from a feudal system to a system of sovereignty. Whereas the historical Charles was a feudal king, and as such the first amongst his peers, the Charlemagne of the later Middle Ages was read more and more with the image of the king as a sovereign in mind, that is to say as the supreme, even ultimate political and legislative power that falls back, in the end, on God as the ultimate source of power.⁶ In fact, Charles had himself been the first to mark this shift, when he was crowned Emperor by the Pope in 800. Tellingly, he made it known through his major biographer, Einhard, that he himself had had no idea that the Pope was about to crown him on Christmas Day.⁷ Thus, cunningly, his sovereignty would appear to be the result of a *gift*, meaning his sovereignty's constitution was not grounded on raw power, but 'truly' had an exceptional, divine, source.⁸ Indeed, although the term 'Emperor' at the time may not have had the meaning it had enjoyed

previously and would acquire later, Charles must have been quite aware that the introduction into the feudal system of a sovereign implied a decisive break.

The tension between a more horizontal feudal system and a hierarchical system of sovereignty can also be detected in the first known medieval codification of laws: the *Sachsenspiegel*. To be sure, this was not a true code of law, but a transcription of customary law that served, at the time, to both underpin new forms of centralized rule and to assure subjects of the rights they had developed over time. First compiled in the early thirteenth century, the text was then widely used, translated and rewritten, throughout northern and Western Europe. Charlemagne appeared prominently in this *Sachsenspiegel*.⁹ As Maria Dobozy puts it, the *Sachsenspiegel* defined 'customary law as God-given first and as a legacy of central authority traceable to Constantine and Charlemagne second'.¹⁰

The phrase 'God-given' may be cause for misunderstanding, because God may be 'giving' in two radically different ways here. On the one hand, the *Sachsenspiegel* presents a body of customary laws – laws that are given from the bottom up, which is to say by tradition, by nature and, by extension, from God.¹¹ On the other hand laws are being presented in the *Sachsenspiegel* as underpinned by an authoritative sovereign: an Emperor. The latter functions as the source of the law or as residing at the limit of the law. With respect to this, he may even operate, in a crucial sense, outside of it as the one who 'gives' the law, in the name of God. Indeed, as the ultimate, sovereign law-giver, God resides principally outside the realm of human [62] law. To be sure, the option of a sovereign ruler was not presented straightforwardly in the *Sachsenspiegel*. It did, however, move towards presenting Charlemagne as the embodiment of divinely sanctified rule, as opposed to his being a feudal lord. As the source of the law, or the seal to it, he needed to be backed up, conceptually speaking, by a truly sovereign God. The latter exists outside of the realm of human law yet nevertheless 'gives' that law, or his presence can still be felt through the laws of nature. This is to say that God, too, is both outside of the system, then, and in it.

Ever since the pivotal study by the legal scholar Carl Schmitt, sovereignty has been thought of in the last century as, in the end, theologically defined: falling back on an ungraspable source or origin.¹² There is a good reason that Schmitt's study from 1922 was entitled *Politische Theologie*: it defined political sovereignty through its ungraspable, theological source. This theological underpinning of sovereignty in nineteenth and twentieth century liberal democracy is one important point of connection with the medieval 'birth' of sovereignty. Moreover, Saskia Sassen has recently argued that our contemporary world of globalization is not so much the heir of Enlightenment and Romanticism, but rather, in pivotal ways, relates to the Middle Ages. Sassen focused especially on medieval conceptualizations of sovereignty in the context of the legal innovations and forms of centralization that were needed because of the economic development of medieval cities and city networks.¹³

In the twentieth century, a theologically inspired conceptualization of sovereignty, following a logic of exceptionality or un-conditionality, is at work. In the domain of law, for instance, an important issue at stake is how the sovereign – being the supreme power – can function both inside the law (conditionally) and outside of it (un-conditionally). Here, Schmitt's famous option was that sovereignty is proven by, but also depends upon, the fact that the sovereign can suspend the law. With respect to all this, *Karel ende Elegast* appears to illustrate that, indeed, the constitution of sovereignty must remain enigmatic, as a matter of exceptionality or un-conditionality. The enigma is embodied in the text by the appearance of the angel, the messenger of an outside power, who commands Karel to go out stealing.

Moreover, whilst this stealing itself is clearly unlawful, the fact that Charles can get away with it proves his sovereignty. It is proof of his sovereign exceptionality and un-conditionality. Yet, there is a twist in the story that has brought me to follow a slightly different line of thought than the dominant one in the past century.

Unmistakeably, Charles is turned thief by the command of God. Although Charles himself is greatly surprised by this, it need not be strange at all. It may fit in neatly with the idea of a sovereign that stands, principally, outside of the law. Or, as the sovereign source of the law, God may put the law out of order. Being a sovereign in the imperial and theological sense of the word, Charles could have understood this rather easily. The point is, however, that he does not. He questions how it is possible that God commands him to step outside of the law. In the course of the story, Charles himself learns, and so does the audience, that he has had to step outside the law in order to preserve his rule. This is how the text, almost bluntly, addresses the question of how a lawful order can be accepted as legitimate and just when it is in fact installed or founded or preserved by acts that are themselves unlawful. To be sure, there might be an element of *kenosis* involved, here. Just as Jesus had to 'empty himself out' of deity, or had to humble himself to the extreme [63] in becoming human, one could argue that Charles has to do the same: empty himself out of being sovereign in order to be subject with his subjects. That leaves the problem of his becoming and acting as a thief.

By becoming a thief in order to learn that his rule is threatened, Charles illustrates how theft is essential for his rule of law. His rule is paradigmatic, here, for any rule of law. Someone has to *take* power, literally and figuratively, from somebody. It is this 'taking' that needs to be veiled or that will fall under the rubric of an un-representable gift. Yet, again, the gift is made very clear. God sent his angel, as a result of which Charles gets or gains crucial information. Although this may seem to clearly underpin Charles's rule as divine, there is a nasty twist to this gift that is being presented so clearly as a gift. For one, the implication is that it can also be taken away again. Another point of concern may be: what is someone going to (have to) give in return? Moreover, with the divine gift being shown as a gift so clearly, Charles's sovereignty loses its enigmatic, exceptional and un-conditional characteristics. In a sense, in and for itself, it has become almost nothing. From this I will distil in what follows a structural position, or the possibility of an attitude, that subjects can adopt under a law that is presented as given and supported by a sovereign.

2. The king is not a thief, yes he is

As we have seen, at the beginning of the story, Charles, the imperial icon, is brought into an embarrassing situation. He is summoned by an angel, sent by God, to become a thief. One puzzling issue may be that the angel does not specify what it is that Charles should steal. Apart from that, obviously, theft is a crime against any rule of law and against justice, so the demand of the angel is paradoxical. This may be why the Antwerp-based author Jan van Boendale, in his *Layman's mirror* from around 1325, objected to the negative image of Charles that was proposed in this well-known and widely circulating story.¹⁴ Trying to counter the negative image, Boendale stated: 'One can read that Charles went stealing. Well, I tell you, without hiding anything, that Charles never stole.'¹⁵ Boendale's text was supposed to teach the citizens of the burgher cities in the Low Countries how to behave properly. He had every reason, therefore, to state what he did, for how can one have a rule of law (even if the concept of the law as such did not yet exist), if the seal of societal order, the king, is a thief himself? With respect

to this, Boendale's assurance that he is hiding nothing is a sign. One might ask why he has to state so emphatically that he is hiding nothing, or why he has to assert that, no, Charles never actually stole. Taking Boendale as his cue, one modern reader had it that 'of course Charles is not a villain, really'. This conclusion, however, might be a bit too hasty.¹⁶

In the context of the assurance that Charles never stole, Boendale had already appealed to Jacob of Maerlant (ca. 1225-1300), the most encyclopaedic of all [64] Netherlandish medieval authors, and perhaps the highest authority to appeal to. Maerlant, too, had objected to the many lies that went around about such lofty figures as the Roman Emperor Octavian and King Charles, and that he specifically mentions these two is telling in the light of the *Sachsenspiegel*. Apparently both Van Maerlant and Boendale were involved in a battle about truth.¹⁷ This battle was not just a literary issue, or an epistemological one. Crucially, the battle for truth was intrinsically related to the establishment of authority and, accordingly, to the political and judicial struggle to install a rule of law. In this context it is telling that Boendale argued that writing literature for an audience is a serious business. He is worried about the entrance into the public sphere of what are, in his eyes, irresponsible laymen, in other words, those who have not had a classical Latin-oriented training. It is as if they, literally, speak another language, stick to other forms of truth, and propose different forms of history – although these need not all be lies. There may also be a battle going on between different versions of history, as we will see below.¹⁸

The establishment of authority was also an issue of contention at a macro-political level. The stability of the feudal system was increasingly threatened, politically and judicially. The feudal system consisted of a precarious balance of mutual obligations, caught by the phrase *do ut des*: 'give so that you shall be given'. This system was not ruled by law, but by custom and by a distinct economic circularity. This all changed with the development of political forms of sovereignty and ideas on sovereignty. Rule became centralized, needing some kind of underpinning. This coincided with the growing influence of Roman law above customary law or forms of common law. In terms of our theme, Roman 'positive' law was now *given* in the sense of posited. This happened not so much in terms of economic circularity, then, but almost as 'gift' per se, and as such a sure sign of sovereignty.

With respect to this, *Karel ende Elegast* implies on the one hand a radical break with the system of customary law. Charles as a thief embodies this rupture. In the feudal system theft would have been a disruption of economic circularity. As such it would have been unacceptable. Now, however, the fact that Charles is summoned to steal by the sovereign of all sovereigns proves his exceptionality and un-conditionality. In the light of this, the story starts with a description of the rule of the lands that is telling: 'The lands were altogether his, He was Emperor and King as well' (ll. 6-7).¹⁹ Charles is not one who exchanges lands, as would be the case in the feudal system; the lands are 'his'. Yet, there is a trace left of the feudal option. Charles is, explicitly, not 'one'. He is presented both as a ruler who exists within the feudal system, a 'king' who is the first among his equals, and one who has grown out of it, for he is also an 'emperor'. As such he is a sovereign that stands above all others, those who are 'his' – subjected to him – as are the lands, altogether.

The newly gained sovereign status is made explicit when Charles is summoned a second time and answers: [65]

What need would I have
To steal I am so rich

There is no man on earth
Whether king or counts
Who are so rich in goods
They must to me be subjects
And be at my service
(ll. 54-60)²⁰

As King, Charles may stand next to other Kings. As Emperor, Charles is sovereign. Accordingly, everyone is his subject, even Kings and Counts, and he *has* everything. When the text states so explicitly how rich in goods the subjects of Charles are, the question can be raised whether the riches and goods that these Kings and Counts have are also Charles's, ultimately? A little later this is implicitly confirmed, when Charles has described the immensity of his lands:

And still I have many more possessions
Gallicia and the Spanish lands
that I gained myself with by hand
and I drove out the heathens
that the lands remained mine only
(ll. 73-76)²¹

This might not be considered illegitimate from a Christian viewpoint. The point here is the fact that Charles is an accumulator, who grabs what he can. Accordingly there is an intrinsic relation between violence, might, and rule – *Gewalt*. Still, the intrinsic relation between violence, might, and rule is thoroughly disturbed by God. It is as if God is necessary to demonstrate that Charles is not a simple, although powerful, thief. He is a thief in commission. Taken to its consequence, this means that Charles's sovereignty will in the end always remain a stolen one from God. This theft must be hidden or veiled as a gift from God.

With the indication that Charles can take, and has taken, many possessions from others, the theme of thievery with which the text began, is reinforced. This becomes almost compulsive once Charles enters the nocturnal woods. First he reflects on how he used to chase after thieves mercilessly. Now, suddenly, he understands them. He promises himself that he will not punish them any more by pain of death if they have committed small crimes. This brings him back to his own thievery, but in a different way. He remembers that it was due to a small matter that he had banned Elegast (ll. 219-220). This might have been legitimate, but then Charles admits to himself, and thereby to the audience, that he *took* the lands that Elegast ruled, including the castle he possessed (ll. 228-230). Obviously, banning someone does not mean that his possessions are yours. Yet worse is to come: Charles has also [66] taken the lands and possessions of all the knights and servants that served under Elegast (ll. 235-236). Anyone who helps them now awaits the same fate (ll. 239-240). To be sure, in the lines that follow, Elegast is described as a thief as well, but as a noble one that steals from sheer necessity, taking only from the rich and leaving the poor and merchants in peace (ll. 247-266).

The point is repeated once more when Charles and Elegast meet one another in the woods. Initially they start a fight because neither of them wants to admit what brought them there. Charles wins the fight by a fraction, and it is then that they begin to talk. Elegast confirms that he, as was already indicated, only robs the wealthy. In a sense he is the opposite here of Charles.

The latter is the cause of the fact that Elegast has to steal through necessity, as Elegast explicitly indicates:

And me the king had driven,
Charles, out of my lands
I will tell it although it is a shame
(ll 519-521)²²

The last line is ambiguous and crucially so. It may indicate that it is a shame that Elegast now has to steal because of all this, or it may equally well mean that Charles's act was shameful. Perhaps the most straightforward meaning is that it may be a shameful thing to *reveal* this since it concerns the king, but that Elegast will do it nevertheless. This is put differently, later in the story, when Elegast refuses to go stealing in the King's castle. He will not do him any harm 'even if he me by evil advice / has taken my possessions and driven out' (ll. 660-661).²³ In both cases, the shame is not so much Elegast's, but Charles's. That shame is not just related to this individual case, as will become clear from what follows. Charles as a sovereign will be proven to be a thief to the core, constantly in need of covering up his shameful actions.

When Charles has to tell who he is and what he has done, he first reflects in silence on how God has clearly helped him by sending Elegast. He decides, then, that he will lie about who he is. The question, however, is whether what he says is, indeed, a lie:

I will tell you my habits/norms
What help to hide it from friends
I have stolen so many goods
Had I been caught with half
They would not have let me go, truly
(ll. 568-572)²⁴

The word 'sede' in l. 568 (see original text in endnotes) is telling because it can both mean 'habit', 'way of behaving' and morally speaking 'norm'. As for norms: [67] someone is speaking who appears to be a thief with almost no limit. In this context it is telling that he is not confessing, as a result of which he could show himself to be repentant and could be absolved for his sins. On the contrary, he is talking as if he is amongst friends and is just about to start bragging about his limitless thievery:

I steal all kinds of things
And leave nobody in peace
The rich and the poor
I do not care for their moaning
I know not one man
Where I know there is gain
I would rather take his goods
Than that I gave him mine.
(ll. 573-580)²⁵

This is a rather good description of what any despot king will do, and a rather good description of what any king or state might do when in need of money. The rule of law will never allow subjects to take the possessions of the sovereign, whereas the latter is allowed to do the reverse (even if it takes the form of taxes). In this context it is relevant to note that a prominent idea behind the *Sachsenspiegel* – and an idea developed in all sorts of literary genres – was to appeal to rulers not to behave like despots. However, the principal point, again, is that the rule of law must imply that a sovereign power will always have the right to take the possessions of subjects if the circumstances so require. This is what makes him sovereign. Yet, this is also that which needs to be veiled or hidden time and again since it is, in a distinct sense, something shameful.

To top it all off, Charles proposes to rob his own castle where he knows there is a vast treasure:

This treasure has been gained badly/dishonestly
 God would not shame it on us
 If we would take a part of it.
 (ll. 589-591)²⁶

Had he been speaking unmasked, here, as a king, then this could have been in confessional mode, with the king being repentant. However, he is speaking from behind a mask. As a result the king-who-is-not-the-king states of his own possessions and treasure that it was begotten ‘qualic’ (badly or dishonestly). Either the entire scene is abundantly clear in terms of *Realpolitik*, or it is ironic. The irony is produced because Charles is clearly Charles in the eyes of the audience and somebody else in the eyes of Elegast. The latter, however, is the focalizer with whom the audience is able to identify. As a result we hear Charles speaking in a masked way, [68] but the question has become: what is the mask masking? Charles is only able to speak the truth by dissimulation, carrying the mask of a thief. Or he is a real thief whose image is blurred because of the mask of Charles the king.

With his literary mask, and masked as a thief in the text, the audience gets to see the sovereign for what he is: both a thief *and* the seal to societal, lawful order. Thus *Karel ende Elegast* allows irony to happen, for irony is indeed something that cannot be enforced, since ‘the final responsibility for deciding whether irony actually happens in an utterance or not [...] rests, in the end, with the interpreter’.²⁷ Let me consider in more detail what kind of irony this is, in order to see how it might ultimately help us to look on the constitution of subjects in a different way – as the ones that allow irony to happen – in relation to sovereignty.

3. Facing theft (and violence) in the law

There may be an uneasy, dangerous effect involved with irony. Linda Hutcheon’s famous study on irony derived her qualification of irony’s *edge* from this.²⁸ The edge can be felt distinctly in the case of *Karel ende Elegast*, but in two ways that differ in intensity. With regard to both ways, two meanings are in play, that are not equally expressible on the plane of power. In terms of the first, throughout the story Charles is indicated many times as ‘that noble man’ or ‘the noble king’. Supposing that Charles is, in historical fact (or as a paradigm for many lords or sovereigns), more of a usurper and a thief, we can consider this qualification of Charles as one that connects in a disparate way to what he really is. In fact this is the classical definition of

irony. First of all, there is a disjunction between two mutually exclusive signifiers: 'noble king' and 'thief'. More importantly, one of the two cannot be expressed so easily in the domain of power. In order to protect themselves, subjects *must* qualify their lord as noble in order to survive even if they know the qualification is not apt. The sovereign himself, in contrast, need not say this. In fact, his not saying it will make it appear self-evident. As a consequence, this disjunctive form of irony has a disjunctive *effect*. It does not threaten the status quo in any real sense of the word.

The disjunction at stake is addressed in other terms by Terry Eagleton in *Holy Terror* (2005). In order to protect the weak, which is an aim that can be qualified as 'kind', the law has to show its ugly face, which is the face of force. Eagleton's argument is that this duality finds its origin in a sublimation of original violence.

The law is the place where the revolutionary wrath which brought society to birth finally takes up its home. Like Oedipus, then, it is sovereign and outlaw together. The forces which overthrew a previous form of life are now dedicated to the defence of a new one. The Furies are enshrined at the heart of the city. The criminal has become the cop.²⁹ [69]

Eagleton is considering a kind of sublimation, in the sense that the reality of founding or preserving violence can never be seen up front for what it is. The criminal, having become cop, can no longer show the face of the criminal anymore. He has *become* the cop.

With respect to this, *Karel ende Elegast* offers another possibility. An angel-sent-by-God first says: 'King, you should be a thief.' Via the response of Charles, the narrator is able to describe King Charles as a usurper who accumulates possessions. A little later a masked Charles confirms: 'Yes, the king is a thief who begot his possessions badly.' The text allows all his subjects to know it and see it, then, but not in a strictly serious way. The angel, Charles himself, the narrator, and by consequence any part of the audience, are allowed to say or think that what should not be said. It does not lead to Charles's disqualification, however, because everybody knows he is also the King. Or better: Charles is a King *because* he is a thief, whereas he cannot be *because* he is King. He is a thief-King or a king-thief. Charles is not split up, then, in two different, disjunctive manifestations, one of which must hide or veil the other ('Yes, he may be a thief but he is a noble king'). Here, the two part and connect at the same time. Because of the conjunction between the things that Charles really is, namely *both thief and king*, I would like to call this copulative irony.³⁰

This copulative form of irony has its historical echoes. The history of the *Karel ende Elegast* story from 1350 may start, as was indicated, with a small text or *cantilene* that was probably made around the time that Charles was canonized, in 1165. The effect of the canonization was that he was now declared to be 'Holy' Roman Emperor. His holiness was clearly fabricated. Charlemagne's canonization was a bid for support by the anti-Pope Paschall III, who tried to gain support with Roman Emperor Frederik I Barbarossa. Needless to say, this bid had its advantages for the latter as well. Meanwhile, Paschall III's qualification as an anti-Pope is a clear sign. The so-called Investiture Controversy – the vehement battle between the Roman Catholic Church and the different kings in Europe about the issue who had supreme power – also led to internal strife in the Church. It surely is ironic, yet also telling, in the context of my argument, that the first text we know of where we encounter Charles performing as a thief, originates precisely at a time that he was declared to be holy for political reasons in the context of a battle for power and for installing a distinct political order in Europe.³¹

As the example of Charles proves, his canonization is not the final result of an indisputable sequence of independent evaluations. Rather, the canonization has to put the lid on discomforting historical information. This is something that the cantilena from the twelfth century refuses to do, or that it deals with ironically. With respect to Charles's canonization it is not coincidental that immediately after Boendale's assurance, in his *Layman's mirror*, that Charles never stole, he reproaches those who state that the name Charles was given to him because his father begot him on a *cart* ('kar', hence 'Kar-el') and that Charles's mother was supposed to have been a servant maid, which would suggest that Charles was a bastard. This is certainly [70] not the case, says Boendale, 'because Peppin, his father was / a holy man, be sure of this'.³² The canonization is made explicit here: Pippin III, nicknamed 'the short', was a holy man, 'sure'. In addition, Boendale tells us how Pippin was married to his wife loyally and faithfully.

Historically speaking, Boendale was very much beside the point here, though, and there were medieval sources to tell him so, such as the different versions of the *Annales regni francorum*.³³ Pippin was already married when he met Bertrada (also known as Bertha Broadfoot). He took her as a mistress and in doing so he was not an exception in the house of Carolingians. All of them, including Charlemagne, had other wives in addition to their spouses. As the sources testify, Charlemagne had nineteen children in all. As for the so-called Holy Pippin, he had his lawful daughter disinherited once Bertrada had begotten Charles, in 742. He would only marry Bertrada in 749. Apart from the dubious loyalty of the Carolingians to their wives, there was more to be doubted in terms of their lawful or unlawful actions.

Pippin's father Charles Martel had been a king's mayor (from *maior domus*) but had clearly been acting as king. This was then finalized by Pippin, who simply had the king removed. To that end, he had sent envoys to Pope Zacharias, asking the latter whether it was wise to have kings who hold no power of control. In his wisdom, Pope Zacharias had answered that an able king was better. And speaking of this, and in the name of his apostolic authority, he asked Pippin to be king of the Franks. Exit the official and legitimate king, Childeric III. Pippin had himself and Bertrada anointed in 751, by Bishop Boniface.³⁴

The case of Pippin is just one historical example of a quasi-legal transition of power, with the threat of violence hardly veiled. The history of Charlemagne is even more paradigmatic. Historically, Charles was far from holy. In historical reality Charles was a violent usurper and a highly skilled political thief, whether one would want to call this a lie or not.³⁵ There were many ugly traces to be covered, hence the need for canonization. Such canonization can never be final, however, despite Boendale's desperate attempts. Or, canonization can never cover the ugly traces entirely. As a consequence, the question principally is how subjects can accept the rule of law, with its prohibition of theft, when there is theft and violence involved in the installation of the rule of law. Is the only option to define sovereignty in terms of its exceptionality and un-conditionality; or is *Karel ende Elegast* showing us another possibility?

Let me deal with this exceptionality and un-conditionality first. In the words of Austin Sarat, violence is integral to the law in three senses:

[...] it provides the occasion and method for founding legal orders, it gives law (as a regulator of force and coercion) a reason for being, and it provides a means through which law acts.³⁶

As boldly and seemingly unproblematic as it is stated here, so desperate are the [71] efforts by many others to assess the legitimacy of this dynamic. In his much studied essay *Kritik zur*

Gewalt from 1921, for instance, Benjamin took a radical stance in stating that any rule of law that constitutes itself through violence and that maintains itself through violence, will always be unjust and miss a fundamental form of legitimacy because violence is intrinsically used, instrumentally, as a means:

All violence as a means is either lawmaking or law-preserving. If it lays claim to neither of these predicates, it forfeits all validity. It follows, however, that all violence as a means, even in the most favourable case, is implicated in the problematic nature of the law itself.³⁷

According to Benjamin, then, the problematic nature of the law itself is caused by its inherent and instrumental violence, and that violence can never be entirely legitimate or justified, not even as the necessary means to a noble end. The only violence that Benjamin could accept was violence that was not instrumental, but that could break open the prison of order without purpose. This violence, that had turned into a *pure* means, or medium in and for itself, is the one Benjamin called divine.³⁸ This pure or divine violence was, in turn, a matter of great concern to Jacques Derrida. In an article entitled 'Force of law: the "mystical foundation of authority"', Derrida makes two moves that involve different aspects of the question of whether violence can be the foundation of a just order. In the first part, Derrida develops his thoughts on the basis of Pascal and Montaigne, expanding on the fictionality of what underpins the law. In the second part he explores Benjamin's *Kritik zur Gewalt*. Seemingly following Benjamin until the very end, Derrida first acknowledges the unavoidability of founding violence, and he consequently understands the need for a liberating violence – the one that Benjamin defined as divine. Then, however, there is a 'post-scriptum' in which Derrida worries about how small the difference may be between this 'pure' divine violence and total annihilating violence that was set loose by the Nazis. With hindsight, his desire to develop thoughts on the mystical foundation of the law begins to develop a different sense, here. One cannot deconstruct violence. One can, however, deconstruct a law that finds a ground defined by a limit. When Derrida considers the system of law to have a limit, and by implication, to have a 'beyond', it is this very limit that can be questioned time and again, although it will never give us access to the mystical beyond.

Still, with the veil of fiction in place, the cruelty, immensity, and unacceptability of founding violence, or the theft in law, becomes veiled as well.³⁹ Paradoxically it is a work of fiction, *Karel ende Elegast*, that offers us another possibility with respect to this, by showing the king as a thief and the thief as a king. Here, the rule of law can be accepted by the subjects because *they* are able to face its irresolvable tensions. With Derrida the sovereign will always have to establish itself by excessive, exceptional means whereas these very means also threaten his existence: the sovereign's madness. In our medieval story, in allowing copulative irony to happen or to take [72] place, subjects deal with irresolvable tensions by accepting and resisting the sovereign/thief. To be sure, there is risk involved, for the irony can easily regress into cynicism: the mode of *Realpolitik*. Or the irony involved can shift into a serious expression of power, when the ruler decides to show himself as a despot that can do anything he likes (by, for instance, killing anybody that dared to laugh). As long, however, as irony is in play, the situation is principally *provisional* because there is nothing to hide. All participants accept the order that is, whilst facing its nasty origin and operation, and never fully accepting it.

In a comparable way, this point was at stake when the American lawyer Robert Cover stated, in his pivotal essay 'Violence and the Word' from 1986, that anyone who wants to

consider law only as a matter of language or interpretation, misses its fundamentally violent nature:

Legal interpretation takes place in a field of pain and death. This is true in several senses. Legal interpretive acts signal and occasion the imposition of violence upon others: A judge articulates her understanding of a text, and as a result, somebody loses his freedom, his property, his children, even his life. Interpretations in law also constitute justifications for violence which has already occurred or which is about to occur.⁴⁰

The basic point remains that law cannot exist without the threat of violence, and its underpinning by violence. The fact that most people 'behave' when they have heard their verdict and sentence, is not the result of mere decency, so Cover argues. They are well aware that if they will not walk away, they will be dragged. This does not mean that this should be accepted in terms of means and ends, however. Cover asks us to face it, which is not to say *accept* it, as if it could be somehow morally good or correct.

Since violence is derived from Latin *violentia*, from *violare* (to violate, rape, impinge, break) it can never be fully reconciled with a legitimate or just order. The structural disadvantage of the option of veiling or hiding founding and preserving violence is that violence can then, almost as a consequence, recur as somehow legitimate *because* it can always be veiled, mystified, canonized or hidden in the mist of myth. Or, the violence has become something impossible to *face* since the subjects are totally subjected to it. Consequently they can only respond to it by breaking, rupturing, tearing apart this total subjection, that is: by acting just as violently. To put this differently: because of the totality of subjection concerned, this mode of subjection answers dialectically to the logic of supremacy and victory.

Karel ende Elegast follows a different logic. The story makes it possible to look unlawful acts in the constitution of sovereignty in the face. Or, copulative irony allows subjects to face *Gewalt* as violence-might-rule in accepting-it-in-not-accepting it. This is to say not only do subjects see the cop for the criminal that he once was, still is and is-not, but they see themselves as participating in this dynamic, [73] allowing it to happen ironically. Cover's point was that people will only be able to live well within the confines of a rule of law because they are able and willing to *face* its unlawful founding and subsequent intrinsic and structural violence. Another way of saying this is that the ones subjected face their position for what it is.

One can imagine a ruler and his (court) subjects all laughing about the fact that the king is called a thief because that is what he is. If irony is in play, they will never laugh fully, however. They are with one another whilst apart, because the laughter is underpinned differently for the sovereign on the one hand, to that of his subjects on the other. Subjects can say to the king 'you thief' ironically, keeping that qualification 'pointed', in a sense that is both ludicrous and painful. Or all participants in the ironic happening are kept 'on edge', as if the qualification can turn from irony into serious accusation. On a more general level, this might mean that subjects have the option of pointedly accepting-whilst-resisting an installed rule of law. With respect to this, copulative irony can have a copulative *effect*. It couples subjects to the rule of law, which is decisively different from their being completely subjected to it. If we take this copulation of subjects to the rule of law to its extreme, then irony falls just short of getting to the limit of *suspending* the law, this time from the perspective of the ones subjected, however. For them the law will never be *fully* accepted. Taken to its extreme this means that there can come a moment when they may fully *not* accept it.

Again, this is not to support cynicism. Cynicism answers to the logic of defeat, as does indifference. The choice for copulative irony answers to the logic of surrender, in the sense that it implies a provisional situation, of which, indeed, the extreme is suspension. Only surrender can be a 'pure' answer to the unlawfulness of the law, because the 'I surrender' is not strategic whilst it carries the potential of a 'for now'. In qualifying this possibility as 'pure', I borrow Benjamin's qualification of divine violence, in placing it elsewhere. According to Samuel Weber, Benjamin defined 'purity' as follows: 'in the constitutive immediacy of its "-ability" to stay *with* that from which it parts'.⁴¹ If I translate this to my theme, it would concern irony's capacity, or ability, to allow the ones subjected to the law to distance themselves from it whilst remaining within it.

Notes

- 1 This text could not have been written without the thorough readings and comments of Joost de Bloois, Maria Boletsi, Sascha Bru, Yasco Horsman and the editors and peer reviewers of JDL. I thank them all, whilst knowing that some of them will still disagree with some of the points put forward.
- 2 For the story's 'skilfulness' in terms of medieval craftsmanship, see H.W.J. Vekeman, 'De verhaalstechniek in "Karel ende Elegast"', in: *Spiegel der Letteren* 13 (1970-1971), pp. 1-9.
- 3 I am referring here to Jacques Derrida for whom 'the sovereign is both the meaning [74] and aspiration of the individual subject on the one hand, and the cause of its frustration and failure on the other'; see Nick Mansfield, *The God Who Deconstructs Himself; Sovereignty and Subjectivity Between Freud, Bataille and Derrida* (New York: Fordham University Press, 2010), pp. 5-8.
- 4 See A.M. Duinhoven, *Karel ende Elegast. Diplomatische uitgave van de Middelnederlandse teksten en de tekst uit de Karlmeinet-compilatie. Dl. 1* (Zwolle: Tjeenk Willink, 1969). This text is best accessible for an international audience via [http://www.dbnl.org/tekst/_kar001kare01_01/colofon.htm]. A reworked version was published by Duinhoven in 1998, based on the latest insights and with a translation into modern Dutch by Karel Eykman: *Karel ende Elegast – Het mooiste Nederlandse ridderverhaal uit de Middeleeuwen* (Amsterdam: Prometheus/Bert Bakker, 1998).
- 5 For versions of the story in other countries and regions, see, for instance, M.C.A. Brongers, 'Karel ende Elegast en de Oudnoorse Karlsmagnús saga' in *Nieuwe taalgids* 65 (1972), pp. 161-180; or E. van den Berg, 'De omzwervingen van Karel ende Elegast', *Rapiarijs: Een afscheidsbundel voor Hans van Dijk* (Utrecht: Instituut de Vooy, 1987), pp. 9-11. A.M. van Duinhoven offers an overview in the 1998 edition, pp. 13-15.
- 6 This shift was a point of concern in Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006).
- 7 For Einhard's description, see <http://www.fordham.edu/halsall/basis/einhard.html#Charlemagne%20Crowned%20Emperor>. Accessed 26 February, 2011.
- 8 On the relation between sovereignty and the 'gift', see Nick Mansfield, *The God Who Deconstructs Himself; Sovereignty and Subjectivity Between Freud, Bataille and Derrida*. New York: Fordham University Press, 2010.
- 9 I am much indebted here to Geert Warnar, who introduced me to the relation between Charlemagne and the *Sachsenspiegel*, in September 2010.

- 10 Maria Dobozy *The Saxon Mirror: a "Sachsenspiegel" of the fourteenth century*, intr. and trans. Maria Dobozy (Philadelphia: University of Pennsylvania Press, 1999), p. 31.
- 11 For the status of natural law as an intermediary between human rule and divine law, Aquinas is the major point of reference, see <<http://plato.stanford.edu/entries/natural-law-ethics/>>.
- 12 Major texts in this debate are: Carl Schmitt, *Politische Theologie: Vier Kapitel zur Lehre von der Souveränität* (Berlin: Duncker & Humblot, 2003); Walter Benjamin, *The Origin of German Tragic Drama*, intr. George Steiner, trans. John Osborne (London/New York: Verso, 2003); Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: Chicago University Press, 2005); Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas (Stanford, Cal.: Stanford University Press, 2005).
- 13 Saskia Sassen, *Territory, Authority, Rights*, see note 6.
- 14 Jan van Boendale, *Der leken spiegel. Leerdicht van den jare 1330*, ed. Matthias de Vries (Leiden: Du Mortier en Zoon, 1844-1848); The dbnl-version has been used here: <<http://www.dbnl.org/auteurs/auteur.php?id=boen001>>.
- 15 Boendale is dealing here with what poets should and should not do. The quote in the original is: 'Men leest dat Kaerle voer stelen: Ic segt u, al zonder helen, Dat Kaerl noit [75] en stal...' *Der leken spiegel*, III. ch. 15, ll. 133-135.
- 16 I am referring here to Martijn Meijer, who stated in a review of the 1998 edition: 'Karel en Elegast zijn natuurlijk geen echte schurken', 'Charles and Elegast are, of course, not real villains'; Martijn Meijer, 'Oud geweld doet nog steeds pijn', *NRC-Handelsblad*, 19 June 1998.
- 17 See Wim P. Gerritsen, , in: *Colloquium Neerlandicum* 11 (1991-1992), pp. 11-23. Or see Orlanda S.H. Lie, 'What is Truth? The Verse-Prose Debate in Medieval Dutch Literature', in *Queeste* 1 (1994), pp. 34-65.
- 18 On Boendale's literary milieu, see Geert Warnar, 'Dubbelster of tegenpolen? Boendale en Ruusbroec in de Middelnederlandse letterkunde van de veertiende eeuw', in Wim van Anrooij (ed.), *Al t'Antwerpen in die stad. Jan van Boendale (1280/90-1351) en de literaire cultuur van zijn tijd* (Amsterdam: Prometheus, 2002), pp 31-44. On Boendale's worries about uneducated writers, see Gerritsen 'Openingslezing', pp. 17-19.
- 19 All translations are the author's own unless otherwise stated. 'Dlant was alle gader sijn. / Hi was keyser ende coninc mede' (dbnl, ll 6-7).
- 20 'Wat node soude mij sijn / Te stelen ic ben so rike / En is man in aertrijcke. / Weder coninc noch grauen: / Die so rijc sijn van hauen / Si moeten mi sijn onderdaen / Ende te minen diensten staen' (dbnl, ll. 54-60).
- 21 'Nochtans heb ic goeds veel meer / Galissien ende spandien lant / dat ik selue wan mitter hant / Ende ic die heydene verdreef / Dat mi tlant aleen bleef' (dbnl, ll. 73-76).
- 22 'Ende mi di coninc had verdreuen / Karel vut minen lande / Ic salt seggen al ist scande' (dbnl, ll. 512-514).
- 23 'Al heft hi mi bi quaden rade. / Mijn goet ghenomen ende verdreuen... (dbnl, ll. 619-620).
- 24 'Ic sel v seggen mine sede. / Wat helpt vrienden verholen / Ic hebbe so veel goets gestolen / Waer ic mitter helft gheuaen / men liet mi waerlic niet ontgaen' (dbnl, ll. 558-563).

- 25 'Ic stele alderhande saken / En late niemant met ghemaken: / Den rijcken ende den armen / Ic en achte niet op hoer carmen. / En weet gheen en armen man / Daer ic mijn ghewin weet an / En naem hem lieuer sine haue / Dan ic hem die mine gaue' (dbnl, ll. 573-580).
- 26 'Die scat is qualic ghewonnen. / God en souts ons niet vergonnen / Al hadden wijs een deel' (dbnl. ll. 598-591).
- 27 As Linda Hutcheon pointed out, irony is not a textual attribute but something that happens in relation to an audience. See, *Irony's Edge: The Theory and Politics of Irony* (London/ New York: Routledge, 1995), p. 45.
- 28 See Linda Hutcheon, *Irony's Edge*, especially pp. 59-66.
- 29 Terry Eagleton, *Holy Terror* (Oxford: Oxford University Press, 2005), p. 53.
- 30 I am much indebted here to Maria Boletsi for the terms disjunctive and copulative irony, suggested to me in personal communication. With respect to both forms of irony it would be worthwhile studying Akira Kurosawa's film *Kagemusha*, where someone who strongly resembles the King, and who will be used as his double, is a petty [76] thief, and accuses the King himself of being a much bigger thief. Not only is this openly admitted by the King, the petty thief will have to really act as a King, later in the story, when the real King has been killed by a sniper.
- 31 As for the principal issues at stake in the struggle between earthly and religious powers, the radical work of Marsilius of Padua is a watershed in the thirteenth century, and in European history; see Marcilius of Padua, *The Defender of the Peace*, ed. and trans. Annabel Brett (Cambridge: Cambridge University Press, 2005). In the context of Charles's canonization it is of relevance that, in France, under king Louis VI in the early twelfth century, the oriflamme became an official symbol. The symbol, originating in the monastery of St. Denis, was said to have been carried to Jerusalem by Charlemagne as his flag of battle. Two centuries later Charlemagne would become patron of France next to Saint Denis.
- 32 'Want Puppijn, sijn vader, was / Een heilich man, sijt zeker das' (*Der leken spiegel*, III. ch. 15, ll. 143-144).
- 33 I agree here with Wim Gerritsen who described Boendale as a scholar who was able to study the Latin sources as opposed to his laymen competitors. However, that Boendale, as a consequence, should be entitled to have true historical knowledge is doubtful (Gerritsen, 'Openingslezing', p. 19). Rather there appears to be a battle going on between different versions of truth.
- 34 For the history of the Merovingian kings and mayors, see Ian Wood, *The Merovingian Kingdoms* (London: Pearson, 1994), or Paul Fouracre, *The Age of Charles Martel* (Harlow: Longman, 2000). For Charles' contribution, see Rosamund McKitterick, *Charlemagne: The Formation of a European Identity* (Cambridge: Cambridge University Press, 2008), pp. 78-79.
- 35 As has been argued, the theme of a plot against Charles in *Karel ende Elegast* connects historically to a treasonous act by Charles himself. In the story Eggeric's treason with regard to Charles can be seen as a fictional negative to the history of Charlemagne's treasonous behaviour against his most powerful liegeman Tassilo in 788. At the time, Charles had asked Tassilo to come to his court in Ingelheim and had him captured and then sent to a convent. See A.M. Duinhoven, *Karel ende Elegast* (1998), pp. 19-25. On Tassilo, see also McKitterick, *Charlemagne: The Formation of a European Identity*, pp. 118-127. On my dealing with this historical reality behind *Karel ende Elegast*, see Frans-Willem Korsten, 'Moments of Indecision, Sovereign Possibilities – Notes on the Tableau Vivant', in Willemien Otten,

- Arjo Vanderjagt, Hent de Vries (eds.), *How the West Was Won. Essays on Literary Imagination, the Canon, and the Christian Middle Ages for Burcht Pranger* (Leiden: Brill, 2000), pp. 17-38.
- 36 Austin Sarat, 'Situating Law Between the Realities of Violence and the Claims of Justice', in Austin Sarat (ed.), *Law, Violence and the Possibility of Justice* (Princeton: Princeton university Press, 2001), p. 5.
- 37 Walter Benjamin, 'The Critique of Violence', in *Walter Benjamin: Selected Writings, volume 1 1913-1926*, ed. by Marcus Bullock and Michael W. Jennings (Cambridge, Mass./London: The Belknap Press of Harvard University Press, 1996), pp. 236-53. [77]
- 38 Both in *State of Exception* and in *Means without End*, Giorgio Agamben deals with Benjamin's notion of purity, not as something that can exist in itself but that is intrinsically relational. See especially Giorgio Agamben, *Means without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (University of Minnesota Press, Minneapolis, 2000). A close analysis of the purity in this particular essay by Benjamin and its importance for Agamben is provided by Samuel Weber, 'Violence and Gesture: Agamben Reading Benjamin Reading Kafka Reading Cervantes', in his study entitled *Benjamin's _abilities* (Cambridge Mass./London: Harvard University Press, 2008), pp. 195-211. A critical reflection on the idea of purity in relation to violence is offered by Beatrice Hanssen, *Critique of violence: between poststructuralism and critical theory* (London/New York: Routledge, 2000), especially pp. 16-30. Finally a pivotal reflection is provided by Jacques Derrida, 'Force of Law: The "Mystical Foundation of Authority"', *Acts of Religion* (London/New York: Routledge, 2001), pp. 228-298.
- 39 As some have argued, Derrida's fascination with violence may well veil the intrinsically violent aspect of deconstruction itself. On this see Dominique LaCapra, 'Violence, Justice, and the Force of Law', in *Cardozo Law Review* 11 (1989-1990), pp. 1065-1078; or Drucilla Cornell, 'The Violence of the Masquerade: Law Dressed up as Justice', in *Cardozo Law Review* 11 (1989-1990), pp. 1047-1064.
- 40 Robert Cover, 'Violence and the Word', in Martha Minow et al (eds), *Narrative, Violence, and the Law: The Essays of Robert Cover* (Ann Arbor, The University of Michigan Press), pp. 203-238; quote on p. 203.
- 41 Samuel Weber, 'Violence and gesture', p. 197.

Bibliography

- Agamben, Giorgio, *State of Exception*, trans. by Kevin Attell (Chicago: Chicago University Press, 2005).
- , *Means without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (University of Minnesota Press, Minneapolis, 2000).
- Benjamin, Walter, 'The Critique of Violence', in *Walter Benjamin: Selected Writings, volume 1 1913-1926*, ed. by Marcus Bullock and Michael W. Jennings (Cambridge, Mass./London: The Belknap Press of Harvard University Press, 1996).
- , *The Origin of German Tragic Drama*, intr. by George Steiner, trans. by John Osborne (London/ New York: Verso, 2003).
- , 'The Critique of Violence', in *Walter Benjamin: Selected Writings, volume 1 1913-1926*, ed. by Marcus Bullock and Michael W. Jennings (Cambridge, Mass./London: The Belknap Press of Harvard University Press, 1996).

- Berg, Evert van den, 'De omzwervingen van Karel ende Elegast', in *Rapiarijs: Een afscheidsbundel voor Hans van Dijk* (Utrecht: Instituut de Vooy, 1987), pp. 9-11.
- Boendale, Jan van, *Der leken spiegel. Leerdicht van den jare 1330*, ed. by Matthias de Vries (Du Mortier en Zoon, Leiden: 1844-1848). See also dbnl:
<<http://www.dbnl.org/auteurs/auteur.php?id=boen001>>.
- Brongers, M.C.A., 'Karel ende Elegast en de Oudnoorse Karlagnús saga', *Nieuwe taalgids* 65 [78] (1972), pp. 161-180.
- Cornell, Drucilla, 'The Violence of the Masquerade: Law Dressed up as Justice', *Cardozo Law Review* 11 (1989-1990), pp. 1047-1064.
- Cover, Robert, 'Violence and the Word', in *Narrative, Violence, and the Law: The Essays of Robert Cover*, ed. by Martha Minow et al (Ann Arbor, The University of Michigan Press), pp. 203-238.
- Derrida, Jacques, 'Force of Law: The "Mystical Foundation of Authority"', in *Acts of Religion* (London/New York: Routledge, 2001), pp. 228-298.
- , *Rogues: Two Essays on Reason*, trans. by Pascale-Anne Brault and Michael Naas (Stanford, Cal.: Stanford University Press, 2005).
- Dobozy, Maria, *The Saxon Mirror: a "Sachsenspiegel" of the fourteenth century*, intr. and trans. by Maria Dobozy (Philadelphia: University of Pennsylvania Press, 1999).
- Duinhoven, A.M., *Karel ende Elegast. Diplomatische uitgave van de Middelnederlandse teksten en de tekst uit de Karlmeinet-compilatie. Dl. 1* (Zwolle: Tjeenk Willink, 1969). See also dbnl:
<http://www.dbnl.org/tekst/_kar001kare01_01/colofon.htm>.
- , *Karel ende Elegast – Het mooiste Nederlandse ridderverhaal uit de Middeleeuwen*, trans. into modern Dutch by Karel Eykman (Amsterdam: Prometheus/Bert Bakker, 1998).
- Eagleton, Terry, *Holy Terror* (Oxford: Oxford University Press, 2005).
- Einhard, *The Life of Charlemagne*, trans. by Samuel Epes Turner (New York: Harper & Brothers, 1880).
See also:
<<http://www.fordham.edu/halsall/basis/einhard.html#Charlemagne%20Crowned%20Emperor>>.
Accessed 26 February 2011.
- Fouracre, Paul, *The Age of Charles Martel* (Harlow: Longman, 2000).
- Gerritsen, Wim P. , *Colloquium Neerlandicum* 11 (1991-1992), pp. 11-23.
- Hanssen, Beatrice, *Critique of Violence: between Poststructuralism and Critical Theory* (London/New York: Routledge, 2000).
- Hutcheon, Linda, *Irony's Edge: The Theory and Politics of Irony* (London/New York: Routledge, 1995).
- Korsten, Frans-Willem, 'Moments of Indecision, Sovereign Possibilities – Notes on the Tableau Vivant', in *How the West Was Won. Essays on Literary Imagination, the Canon, and the Christian Middle Ages for Burcht Pranger*, ed. by Willemien Otten, Arjo Vanderjagt, Hent de Vries (Leiden: Brill, 2010), pp. 17-38.
- Kurosawa, Akira, *Kagemusha* (Criterion, 2005).
- LaCapra, Dominique, 'Violence, Justice, and the Force of Law', *Cardozo Law Review* 11 (1989-1990), pp. 1065-1078.

- Lie, Orlanda S.H., 'What is Truth? The Verse-Prose Debate in Medieval Dutch Literature', *Queeste* 1 (1994), pp. 34-65.
- Mansfield, Nick, *The God Who Deconstructs Himself; Sovereignty and Subjectivity Between Freud, Bataille and Derrida* (New York: Fordham University Press, 2010).
- McKitterick, Rosamund, *Charlemagne: The Formation of a European Identity* (Cambridge: Cambridge University Press, 2008).
- Meijer, Martijn, 'Oud geweld doet nog steeds pijn', *NRC Handelsblad*, 19 June 1998.
- Murphy, Mark, 'The Natural Law Tradition in Ethics', *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), ed. by Edward N. Zalta.
- Padua, Marcilius of, *The Defender of the Peace*, ed. and trans. by Annabel Brett (Cambridge: Cambridge University Press, 2005).
- Sarat, Austin, 'Situating Law Between the Realities of Violence and the Claims of Justice', in [79] *Law, Violence and the Possibility of Justice*, ed. by Austin Sarat (Princeton: Princeton University Press, 2001).
- Sassen, Saskia, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006).
- Schmitt, Carl, *Politische Theologie: Vier Kapitel zur Lehre von der Souveränität* (Berlin: Duncker & Humblot, 2003).
- Vekeman, H.W.J., 'De verhaaltechniek in "Karel ende Elegast"', *Spiegel der Letteren* 13 (1970-1971), pp. 1-9.
- Warnar, Geert, 'Dubbelster of tegenpolen? Boendale en Ruusbroec in de Middelnederlandse letterkunde van de veertiende eeuw', in *Al t'Antwerpen in die stad. Jan van Boendale (1280/90-1351) en de literaire cultuur van zijn tijd*, ed. by Wim van Anrooij (Amsterdam: Prometheus, 2002), pp. 31-44.
- Weber, Samuel, 'Violence and Gesture: Agamben Reading Benjamin Reading Kafka Reading Cervantes', in *Benjamin's_abilities* (Cambridge Mass./London: Harvard University Press, 2008), pp. 195-211.
- Wood, Ian, *The Merovingian Kingdoms* (London: Pearson, 1994).