

**THE HISTORY OF ENGLISH PODCAST
TRANSCRIPT**

**EPISODE 98:
THE GREAT DEBATES**

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Welcome to the History of English Podcast – a podcast about the history of the English language. This is Episode 98: The Great Debates. In this episode, we’re going to look at the aftermath of Magna Carta. Rather than settling the dispute between the king and his barons, it actually sparked a renewed debate over the power of the king. And that wasn’t the only debate that was taking place during this period. The art of debating was taught in schools and universities. The burgeoning legal profession used those techniques to try cases in the newly-reformed court system. And poets composed poetry in a popular style that featured characters engaged in a dialogue or debate about various topics. So this time, we’ll look at the art of debate in 13th Century England.

But before we begin, let me remind you that the website for the podcast is historyofenglishpodcast.com. And you can sign up to support the podcast at Patreon.com/historyofenglish. And as always, you can reach me by email at kevin@historyofenglishpodcast.com

This time, I want to look at what happened in the immediate aftermath of Magna Carta. And I had planned to take the story beyond the death of King John, but I won’t have time to get there this time because there is an important Middle English poem that I want to discuss. The poem is called the Owl and the Nightingale, and while the date of the poem is unclear, many scholars think it was composed during John’s reign. It is an important text in the overall history of English because it is one of the earliest pieces of English poetry to be composed after the Norman Conquest. There were a few other poems like Layamon’s Brut, but most of those other poems were translations or interpretations of earlier Latin or French texts. The Owl and the Nightingale was different though because it appears to have been composed in English, and it is not based on an earlier poem in another language.

Now even though it appears to be a native poem, it does rely on certain literary styles that were very popular in Latin and French. For one thing, it is a rhyming poem which was common on the continent, but was still pretty rare for poems written in English. English tended to use alliteration. And even a poem like Brut mixed alliteration and rhyming. But this particular poem uses a consistent rhyming scheme based on a style used in Latin and French poetry.

The poem also uses another technique borrowed from Latin and French poetry, and that’s the idea of a debate between two characters – in this case two birds. This type of poetry is sometimes called debate poetry, and it was very popular on the continent during this period. And in fact, it had been popular there for about a century. But the Owl and the Nightingale is one of the first poems in this style to be composed in Middle English.

Since one of the themes of this episode is the art of debate, let’s take a closer look at that word *debate*. The word was borrowed into English in the mid-1300s from French. It combines that standard Latin prefix *de-* with the root word *-bate* which meant ‘to strike or beat.’ We have that

same root in other borrowed words like *battle* and *combat* and *battery* (as in ‘assault and battery’). All of those words came from Latin.

The prefix *de-* meant ‘down’ as in *descend*. So *to debate* was literally ‘to beat down’ or ‘to fight.’ In that sense, it could refer to a physical battle or confrontation. And that was the original meaning of the word when it entered English in the 1300s. It later came to mean a verbal dispute in which each side exchanges arguments to support their position. But originally, it had more of a sense of a physical confrontation. And we get a sense of that physical confrontation when we consider those other closely-related words *battle* and *combat* and *battery*.

Now I said that all of those words came from a Latin root word that meant ‘to strike or beat,’ but the history of that root word beyond Latin is unclear. Many scholars think that it was borrowed by the Romans from a Celtic word in Gaul when Gaul was still a Roman territory. And the Celtic word appears to share the same Indo-European root as the Old English word *beat*. The Franks also had a version of that word, and that version passed into French as *butt* as in ‘to butt heads,’ and it’s also found in the words *rebut* and *rebuttal* – which is part of a debate. *To rebut* is literally ‘to strike back’ – ‘to return the blow.’ And in a formal debate, one side makes an argument, and the other side offers a rebuttal. So it appears likely that *debate* and *rebut* share the same root meaning ‘to strike or beat.’

Now so far, we’ve seen the connections between *debate*, *rebut*, *battle*, *combat*, and *battery*, all of which came from Latin, but none of them are apparently native to Latin. They came from either Celtic or Germanic root words. So the Romans borrowed those roots from the people who lived on the fringes of the Empire.

And one of the reasons why scholars know that those words are not native to Latin is because the Indo-European root word began with a ‘b’ sound as in *beat* and *battle*, but that Indo-European ‘b’ sound tended to shift to an ‘f’ sound within Latin. We’ve seen that sound change before. English has the native word *brother* where Latin gave us the word *fraternal* from a shared root. So if we’re looking for native Latin words from this same Indo-European root, we should expect to find words with an ‘f’ sound instead of a ‘b’ sound. And that’s exactly what we find in the word *refute* which is a native Latin word. So *rebut* and *refute* are cognate. *Rebut* has the Germanic ‘b’ sound and probably came into French from the Franks. And *refute* has the Latin ‘f’ sound, and it came into French from the Romans. But they both have common Indo-European roots.

So as we examine these words, we find all of these words relate to some type of confrontation or fight. Some relate to physical violence, like *beat* and *battle* and *combat* and *battery*. Others are limited to verbal disputes, like *debate* and *rebut* and *refute*. And the relationship between these words shows that there is a fine line between a verbal confrontation and a physical confrontation. Sometimes, if the parties can’t settle their argument with words, they resort to violence. As I noted, a *debate* is literally a ‘down beat’ – or ‘beat down’ – and sometimes it can actually lead to a beat down. And that’s what happened in the debate over Magna Carta.

The adoption of Magna Carta in 1215 did not end the debate between John and his barons, it actually sparked a new debate. The question that was raised after the charter was “Who had the final say in the political affairs of England?” Was it still the king or was it now the barons? This debate raged for a while and, without a resolution, it ultimately led to civil war.

In order to understand this debate and what happened next, we have to look more closely at the document itself. And this actually takes us to a debate that continues to this day. Was Magna Carta a foundational document of Western democracy, or was it just a feudal charter designed to protect the interests of a bunch of wealthy barons? Again, this is still the subject of some debate. So let's take quick look at each of side that argument.

And let's start with those who take the latter view – that Magna Carta was the product of a specific time and place, and it actually has little relevance to us today. This view suggests that there is a ‘Myth of Magna Carta.’ The advocates of this view are quick to note that the Charter was largely forgotten within England in the centuries that followed. When Shakespeare composed his play about the life of King John in the late 1500s, he didn't even mention Magna Carta which seems odd in retrospect.

Those who argue for the so-called ‘Myth of Magna Carta’ point out that it was ultimately a feudal document which addressed specific feudal concerns, and it had little practical effect after the feudal system began to disappear over the next couple of centuries. The document contained 63 separate clauses, but only three still remain in effect in English law.

I should that the clauses in the original document were not numbered, but later scholars decided to assign numbers to them for easier reference. The word *clause* is actually a French and Latin word, and it appears for the first time in English around the current in our story in the early 1200s. It's related to the word *close* which also appears for the first time around this point. And both of those words are also related to the word *conclude*. So when one thought concluded, and a new idea began, that marked the shift from one clause to the next.

The first clause of Magna Carta guaranteed the rights of the Church, and that's one of the provisions that still remains in effect in English law. It is generally accepted that that provision was inserted at the beginning of the document thanks to the Archbishop Stephen Langton who was the key figure in negotiating the document.

Most of the next dozen or so provisions deal with the financial concerns of the barons that I discussed in the last episode. Those provisions imposed limits on feudal taxes like scutage, and aid, and reliefs. Those were the taxes imposed on the barons that I discussed last time. So these specific fees or taxes were restricted.

The Charter also has a specific provision dealing with a noble's debts. It says that a noble's lands won't be seized to pay a debt to a lord as long as the noble has other property to pay the debt. The seizing of land to pay a debt was called *distraint* in feudal law, and keep that idea in the back of your mind – because its going to become very important in a moment.

Also, let me digress for a moment and mention something about that word *debt*. It's a Latin and French word, and it appears in English for the first time around this point in the early 1200s. And remember that words were spelled phonetically during this period. So the word *debt* did NOT have a 'B' in it during the period of Middle English. It was usually spelled D-E-T-T-E. And we know from earlier episodes that double consonants – like double T's – were used to indicate that the preceding vowel was pronounced as a short vowel. So in this case, it meant that the letter E was pronounced as /eh/ instead of /ay/. And that's the same vowel sound we use today in the word *debt*. So all of that means that *debt* was pronounced the same way in Middle English that it is pronounced today. The spelling actually made sense at the time. But of course, today we spell that word with a 'B' – D-E-B-T. So where did that 'B' come from?

Well, we can thank early Modern English scholars for that. Many of them were fascinated by Latin and by the origin of English words. So they thought that English should clearly indicate when a word had been borrowed from Latin.

In Latin, the word *debt* was *debitum*. And we actually have a more direct borrowing of that word in the word *debit* – like a 'debit card.' Well, these scholars thought that people should know that words like *debt* and *debit* were related. So in the 1500s, as English spelling started to become standardized and fixed, it was decided to insert a 'B' in the word *debt* to indicate that the original Latin word had a 'B' in it. So we ended up with the modern spelling with a silent 'B.'

Now the word *debt* first appears in a text that I am going to look at after the next episode. It's called the Ancrene Riwe – or the anchoress's Rule. That same text also contains the first use of the word *sign* as in a 'stop sign.' And *sign* is another word that has a silent letter in it as a Latin marker. Of course, it's the letter 'G.' We don't really need that 'G' in there. But compare the word *sign* with the word *signal*. Also when you 'sign' your name on a piece of paper, that is called your *signature*. All of those words are derived from the Latin root word – *signum*. So there was a 'G' in there in Latin. And when the word *sign* was borrowed into English around the current point in our story, it was sometimes spelled with a 'G' and sometimes without a 'G.' In fact, in that original text, it was rendered in its plural form as 'signs' – spelled S-I-N-E-S. So that suggests that the 'g' sound was already being dropped from the word by the time it entered English. But that 'G' has been retained in modern spelling to indicate the ultimate origin of the word and to show the connection to related words like *signal* and *signature*.

So if you ever 'co-sign' for someone on a debt, now you know that *sign* and *debt* both came into English at the same time, and they both have silent consonant letters to reflect their Latin roots. And in feudal England, debts were often collected by seizing a debtor's lands. And if you co-signed or obligated yourself on someone's else's debt, your land could also be taken. Now King John had abused that privilege – again called *distrainment*. He had forced a lot of vassals into debt – and then seized their lands when they couldn't pay. So Magna Carta imposed limits on the king's ability to do that. Again, these were very specific provisions that related to feudal property law, and they have no real application to the modern world.

Also, last time I talked about John's ability to force a baron's widow to remarry. He could effectively sell her and her property to the highest bidder. And he essentially did the same thing

when young children inherited lands from their father. John would sell the guardianship to the highest bidder. Well, the early clauses of Magna Carta also restricted those abuses by John.

So as we can see, most of these provisions were aimed squarely at John to deal with his financial abuses. And they were designed to benefit the barons specifically – not the general population of England. And most of these provisions had no real effect beyond the feudal age.

Many of the other provisions were also aimed at specific issues of the time. One clause required the removal of fish traps from the Thames. Another provision called for the removal of eight named persons from the royal service. A provision required the return of certain Welsh hostages held by the king, and another clause requires specific dealings with the then King of the Scots named Alexander. The Charter also called for the abolition of royal forest land that been established during John's reign.

So as we can see, a lot of these provisions are locked in a time that has long since passed. There is no mention of a Parliament. And very few of the provisions extend to the common people of England. The document does contain a clause giving a group of 25 barons the right to enforce the Charter, but there is no mention of any kind of representative body beyond that, and certainly no mention of a popularly-elected assembly. The document was not really intended as a permanent constitution. It was simply a peace treaty to confirm a truce between John and his barons. By the way, the word *truce* also appeared for the first time around this point. So for the critics of Magna Carta, any notion that the document was a cornerstone of modern democracy is a myth – a myth created by later statesmen whenever they had a grievance against the king and needed a legal argument to support their position.

So that's one side of the debate. But what about the other side? What's the rebuttal? Well those who revere the Charter point to its philosophical underpinnings. To them, the Charter represents the more basic and fundamental idea that the king himself was subject to the law. The Charter was based on the notion that there was no absolute or divine right of kings. Prior to this point, the monarch was above the law – able to impose laws on a whim. But now, the king acknowledged that he was bound by the law itself. So the Charter established the idea that there was a higher set of laws which applied to everyone – including the king. And if the king violated those laws, he could be held to account for those violations.

Clause 12 of Magna Carta dealt with the king's ability to assess feudal taxes like scutage and aid. It provided that those taxes should not be imposed except by "the common council of our kingdom." Now the Charter didn't specify exactly what that meant, but it clearly implied that the taxes were not to be imposed whenever the king felt like it. There was to be some type of "common council." When later colonists in America argued that there should be "no taxation without representation," they pointed to that clause in Magna Carta.

Another more notable provision in the Charter was Clause 39. This is probably the most quoted part of the Charter. And its used to point out how revolutionary the Charter was at the time. Here is what it says:

“No free man shall be arrested, imprisoned, dispossessed of his goods, outlawed, exiled, or in harmed in any way except by the judgement of his peers according to the law of the land.”

Many legal scholars point to this clause as an early statement of what we know today as Due Process of Law. It’s the idea that a person should not be arrested or imprisoned for no reason. Everyone is entitled to the judgment “of his peers” and “according to the law of the land.” Many later scholars have also argued that this clause established a basic right to a trial by jury – even though the wording is not that specific. The most important part is probably the final few words – the part where it says that judgement should be rendered “according to the law of the land.” Again, that phrase is not clearly defined, but it implies some vague set of legal principles to which everyone is bound. And it is certainly clear that whatever was meant by “the law of the land,” it was something other than the king’s whim. It was something beyond the king’s personal judgement.

So Magna Carta contains an early expression of the idea that the king or the government is bound by the law – and it can’t just do whatever it pleases. These specific clauses may have been buried deep in the document, but they are there, and they were acknowledged by both sides at the time.

So in a nutshell, that’s the two sides of the debate concerning the legacy of Magna Carta – either antiquated feudal charter or the foundational document of Western democracy. While that debate rages on, I want to focus on another debate – the debate that ensued immediately after the Charter was adopted. I said earlier that the Charter didn’t really settle the debate between John and his barons. It actually sparked a new debate. And that debate concerned who was really in charge of the county after the Charter.

The key to this particular debate centered around another clause that was added near the end of the document known as Clause 61. This was the enforcement provision – the so-called Security Clause. It said that the barons would establish a committee of 25 barons who would oversee the enforcement of the Charter to make sure that John abided by the terms of the agreement. If anyone felt that the king was not complying with the Charter, they could bring their grievances to the committee. The committee of barons could then take action against the king. They could seize his castles and other properties until it was determined that he was in compliance.

You remember earlier when I mentioned that word *distrain*? It was what happened with a vassal couldn’t pay his debts. The lord could step and in and seize his property. It was a basic part of feudal law, but it was only available to a lord to be used against a vassal who didn’t comply with some condition. So it could be used by the king against his subjects. But here, it was being applied in reverse. Now, the same process could be used by the barons against the king. It was a remarkable provision, and it raised the issue of who was really in charge of the country at that point.

From John’s perspective, if a committee of barons could overrule his decisions and seize his properties, then they were the ones in charge of the country. He had been effectively dethroned. Rather than achieving a balance of power with the king, the barons had essentially seized the throne itself. In response, the barons argued that the Charter was pointless if John could simply

ignore it at will. There needed to be some type of enforcement mechanism. Without a clear way to arbitrate those disagreements, it was inevitable that more conflicts would occur. So this was the debate that erupted in the wake of Magna Carta and, without a resolution, it was destined to lead to war.

The conflict was heightened when the barons filled that committee of barons with 25 of John's sworn enemies. Not surprisingly, the committee soon seized two of John's castles and gave them to a prominent noble who claimed them. Despite Magna Carta, the king and his barons were once again on a collision course.

I noted earlier that the word *debate* came into English in the 1300s. So at the current point in our story in the early 1200s, English tended to use a native Old English word to refer to a verbal dispute. They called it *motian*. It's related to the word *moot* which refers to something that is endlessly debatable. Of course a *moot court* is a mock court where students go to debate certain legal issues. The word *motian* is also related to the words *meet* and *meeting*. When a meeting was held, people tended to debate certain matters on the agenda. And you might remember that an Anglo-Saxon assembly was called a *gemot* from the same root. During the Anglo-Saxon period, the king's advisors were called the witan – and when they assembled to debate political issues, it was called the *witenagemot*.

The old Anglo-Saxon witan included prominent nobles and church officials, but the witan didn't survive the Norman Conquest. And Parliament was still a few decades away. So at this point in the early 1200s, there was no formal assembly where these issues could be debated and resolved.

Without that institution, John and the barons tried to negotiate with each other as best they could, but to no avail. A Charter had been executed, but it hadn't solved the fundamental problem of who had final say on political matters in England. The two sides planned a meeting at Oxford in July of 1215 to resolve some of these issues, but it accomplished nothing. The barons didn't even stand when John entered the room. A follow-up meeting was scheduled for the next month, but John didn't bother to attend.

With no third party to resolve the dispute, the Church played an important role. The Church was in a position to help moderate the dispute. But even within the Church, there were an internal debate. The Archbishop of Canterbury Stephen Langton had been very active in procuring the Charter, and he was inclined to side with barons. Meanwhile, the bishop of Winchester named Peter des Roches had remained loyal to John. He was the only bishop who had remained in England during the Interdict.

That division within the English Church meant that the Pope was destined to be the tie-breaker. And this is where John's mea culpa a few years earlier really paid off. As we saw last time, John had completely given in to the Pope and had even designated the Pope was the feudal overlord of England. And the Pope had rewarded that decision by lifting the interdict and revoking John's excommunication. The Pope actually became John's firm ally, and John probably knew that he could count on the Pope's support in this debate.

Within days after the Charter was signed, John wrote to the Pope in secret and asked him to declare the Charter null and void. While John awaited the response, he prepared for war – and so did the barons. In late August, the Pope rendered his verdict and, not surprisingly, he sided with John. He declared Magna Carta null and void. He declared that the Charter was invalid because John had been forced to sign it and, furthermore, the Pope himself was now the overlord of England so no such Charter could be valid without the Pope’s consent which had not been given. Pope Innocent directed the barons to recognize John as the supreme political authority in England. The Pope even went one step further. He suspended Stephen Langton as archbishop for siding with the barons.

In many respects, this was the final straw. With papal support, John formally withdrew his consent to the Charter. He marshaled his forces, and he moved against the barons, and the country entered another period of open civil war. Once again, a debate had led to battle. At the end of 1215, Magna Carta was deemed a failure. It was ultimately a peace treaty, but the country was once again at war.

This was a dispute that would continue until John’s death, which was actually just around the corner. A bout of dysentery would soon bring an end to John and, ultimately, bring an end to this dispute. I’ll look at those events next time, but for now, I want to look at that word *dispute* because it was another brand-new word in the language at this point. Like the word *debate*, it was borrowed from Latin and French. And also, like the word *debate*, the word *dispute* was derived from an Indo-European root word that meant to ‘strike or hit.’ It also meant ‘to cut.’ The same root word that gave us the word *dispute* also gave us the word *amputate*. The word *dispute* found its way into English around the current point in our story. And it appeared for the first time in that poem I mentioned earlier – “The Owl and the Nightingale.” So with that, let’s turn our attention to that poem.

I think it is important to begin by putting this poem into some overall context. In many ways, it was the product of many of the themes that we’ve explored over the past few episodes. It reflects the re-birth of English literature that took place in the early 1200s. And the fact that the poem is structured as a long debate reflects the important role of the debate format at that time. The debate format was very popular in Latin and French literature, and that type of literature was probably influenced the growth of education during this period which later scholars called the Twelfth Century Renaissance. In many schools, and in many of those new universities, classes were taught using the Socratic method which was really just a type of debate. A master would take a position and pose questions to his students and the students would have to respond in a logical manner. And I noted that much of that education centered around rhetoric – the art of making logical arguments. So in that sense, a debate was really an extension of logic and rhetoric.

A few episodes back, I also looked at the legal reforms instituted by John’s father, Henry II. I noted how those legal reforms led to the rise of the legal profession. And those new lawyers were trained in those new universities. And with the rise of the government bureaucracy and record-keeping which we looked at last time, that meant that court decisions started to be maintained as permanent records. So when a case came before a judge, the judge could now go back and see

how similar disputes had been settled in the past. The judge could evaluate the legal arguments made by the competing parties and their lawyers, and he could render a decision that was consistent with the judgment made in those earlier cases. This gave birth to the English Common Law – a body of law based on written legal precedents. And it ensured a more consistent form of justice. It allowed lawyers to make reliable legal arguments based on those earlier precedents. And with the rise of legalism, again there was an interest in the art of debate – the give-and-take of competing legal arguments.

So we can start to see how many of these themes were interconnected – universities, logic, rhetoric, recording-keeping, legal reforms. They all fed into each other. And they all encouraged a respect and reverence for the art of debate. And that may help to explain why this style of debate poetry became so popular during this period.

Up to this point, that type of poetry had been composed mainly in Latin and French, but around the current point in our story, we get this first major debate poem in Middle English.

Now I should make a quick note about the date of this poem. The date is actually unknown. The poem survives in two manuscripts that were written down in the second half of the 1200s, but those two surviving versions are copies made from an earlier original. The language of the poem is definitely early Middle English – not Old English – but it has very few French or other loan words, and it even retains some Old English inflectional endings that were largely gone by the end of the 1200s. So it has traditionally been dated to the early 1200s.

The only clue within the text itself is a reference to a deceased King Henry. At one point in the poem, the Nightingale tells a story about a knight who was jealous of any man who spoke to his wife, so he locked his wife in a room in his castle so no one could speak to her. The wife was sad, so the nightingale sang to her to keep her happy. The knight became angry at the bird, and tried to have the nightingale captured and killed. The bird says that King Henry discovered what the knight tried to do, and deprived him of his property. In other words, Henry exercised his right of distraint against the knight. The specific reference to Henry reads as follows: “The events were discovered by King Henry. May Jesus have mercy on his soul!” In the original Middle English, the passage reads: “That underyat the king Henri. Jesus his soule do merci!” So this passage implies that the poem was written after the death of a King Henry.

Well Henry I died in 1135, but the language and structure of the poem seems far too advanced to be that old. So it has generally been assumed that the ‘Henry’ referenced in the poem was John’s father, Henry II who died in 1189. But John’s son was also named Henry, and he became Henry III in 1216 when John died. And he reigned for a very long time until he died in 1272. Now some scholars think the reference is actually to John’s son, Henry – Henry III. But the general lack of French words and the use of Old English inflections suggest an earlier date. So most scholars tend to favor the view that the reference is to John’s father, Henry II. Also, since John’s son Henry became king in 1216, most scholars think that a reference to a “King Henry” would have been ambiguous after that date. Any reference to a Henry after 1216 might have been confusing to readers without some clear indication who the poet was referring to. So those scholars tend to favor the view that the poem was composed before John died and his son Henry became king.

That would date the poem to the year 1216 or earlier. Again the debate over the date will continue, but Oxford English Dictionary follows this traditional line of thought and it estimates the date of the poem as the year 1216 – at the current point in our overall story. So I’m going to go with that date as well. But again, the exact date is uncertain.

Also, the author of the poem is also unknown. The poem does make a reference to person identified as Master Nicholas of Guildford. Guildford is a town south of London. In the poem, Nicholas is identified as the person who will ultimately judge the debate between the two birds. Some scholars think that Nicholas himself was the author. Others think that the author was a close friend of Nicholas – and just included Nicholas’s name in the poem. At any rate, nothing is really known about Nicholas, so we’ll just leave the author as anonymous.

Now the poem begins with the following passage. As always, I’ll give you a Modern English translation first, and then the original Middle English. So here are the first few lines:

I was in a Summer dale in a very secluded hollow
I heard a great tale being held between an owl and a nightingale

Ich was in one sumere dale,
in one suþe diȝele hale,
iherde ich holde grete tale
an hule and one niȝtingale.

You’ll notice the rhyming verse. And also, each line is based on a specific number of beats and syllables. Each line has four beats and eight syllables, so there is rhythm to the poem. This structure was common in Latin and French poetry at the time, so the Owl and the Nightingale uses that same scheme.

A few other quick notes about the vocabulary in that opening passage. We see the Old English word *an* meaning ‘one’ rendered as O-N-E for one of the first times in English – maybe the very first time. A few episodes back, we saw the long /ah/ sound was in the process of shifting to an /aw/ sound during this period – on its way to the modern /oh/ sound. And I noted that the word /an/ became /awn/, and then later /own/ – as in the word *only* – before finally evolving into the modern word *one*. And that initial sound change from /an/ to /awn/ is indicated by a change in spelling. The A was replaced with an O in many of those words. So here, we see Old English *an* – spelled A-N – now being spelled O-N-E, and probably being pronounced as /awn./

The poet also says that the two birds were in a *hale* – which is literally ‘a hole,’ but it meant a secluded place. And we can see in that a passage how the words *hole* and *hollow* are connected. If something is hollow, it has a hole in it – or an empty cavity. So a secluded valley was sometimes described as a hole or a hollow place. And that produced the modern sense of the word *hollow* as a valley. Of course, some rural American dialects pronounce it as a *holler*.

Lastly, the passage says that the two birds held a great *tale* – or tale. Remember that the word *debate* wasn't borrowed until the next century. So here, the poet used the native word *tale*. The original sense of the word was broader than the modern sense. It meant it a discussion. In fact, the word *tale* is closely-related to the word *talk*. So when the poet says that the birds held a tale, he meant that they were taking. The next few lines read:

The pleading was stiff and stark and strong
sometimes soft and sometimes loud
And each against the other swelled
and let out that evil mood completely.

þat plait was stif & starc & strong,
sum wile softe & lud among;
an aiþer aʒen oþer sval,
& let þat vuele mod ut al.

Now here, the poet describes the debate as a *plait* or 'a pleading.' This is a French term, and it is an early version of our modern words *plea* and *plead*. It shows a certain fascination with the legal process and legal debates. In fact, some scholars have argued that the entire poem is structured around the typical procedure used in a lawsuit at the time. For example, legal procedure required the trial to start with a plea, and here the poet says that pleas were made by both sides – 'stiff, stark and strong.' The two birds swelled at each other, and let out their 'evil mood' or anger.

We're then told that the nightingale began the speech in the corner of a breach or clearing, and sat upon a 'fair bow' – or branch – surrounded by 'blossoms enough.'

þe niʒtingale bigon þe speche,
in one hurne of one breche,
& sat up one vaire boʒe,
þar were abute blosme inoʒe,

We're told that the nightingale sat upon a 'vaire boʒe' – a 'fair bough' – or a 'fair branch.' The word *bough* is a very old word for a branch or limb. And notice that the poet described it as 'fair.' But he spelled it with a 'v' – not an 'f.' So he pronounced it as /vaire/ – not /fair/. He does this a lot in the poem – using a 'v' for an 'f'. And that is an indication that the poet was from the far south of England. It was common in Middle English for certain unvoiced consonants to be voiced in the far south of England. So 'f's were pronounced as 'v's, and 's's were pronounced as 'z's. Now this feature still exists in the southwest of England where you will hear the region of 'Somerset' pronounced as /zumerzet/.

I'll look a little more closely at this accent feature in future episodes, but at one time, these features were common throughout the far south of England, including Kent in the southeast. So a word like *fox* was often pronounced as /vox/. And a female fox was a *vixen*. And that southern English word *vixen* passed into standard English. So today, we might think of a *vixen* as a 'foxy

lady,' but *vixen* is actually cognate with the word *fox*, and it's really just a product of this same southern accent. So when the poet uses the word *vaire* for *fair*, we know that he probably spoke with that accent as well.

The poet tells us that the nightingale sang a beautiful song as if the music came from a harp or a pipe. As the nightingale sang, an owl stood on a stump nearby. The nightingale looked at the owl and found the owl disgusting. "Monster, she said, away you should fly!"

"Unwiȝt," ho sede, "awei þu flo!"

Now throughout the poem, the poet uses feminine pronouns for the birds. So they were both females, but the poet doesn't use the pronoun *she*. You might remember that the word *she* did not exist in Old English. It was first attested in the Peterborough Chronicle after the Norman Conquest. Given that this poet doesn't use that word, that suggests that the word *she* was not in common use yet in the far south of England. The poet continued to use the Old English feminine pronouns like *ho*, *heo*, and *hie*. The poet also doesn't use the new Norse pronouns *they* and *them* and *their*. He still uses older English forms that begin with an 'h' sound like *hi*, *ho* and *heo*. As I've noted before, all of these similar 'h' forms encouraged the adoption of alternate forms. And over the next few decades, the feminine form *she* and the plural forms *they* and *them* and *their* all passed into standard English. But for now, this particular poet continued to use the older forms.

The nightingale says that she is disgusted by the owl's ugly appearance. She says,

My heart flies away and my tongue
fails me when you thrust yourself upon me.
I would rather spit than sing
about thine full yelling (or hooting).

min horte atfliþ & falt mi tonge,
wonne þu art [to me] iþrunge.
Me luste bet speten þane singe
of þine fule ȝoȝelinge.

We're told that the owl took the abuse and held back until it was evening, until she couldn't take it anymore. The owl then lashed out at the nightingale. She said, "You insult me and say things to upset me." And then the owl threatens the nightingale. The owl says,

If I held you in my feet,
as it happens that I could do,
and you were out of your branch,
you would sing another tune.

3if ich þe holde on mine vote,
so hit bitide þat ich mote!
& þu were vt of þine rise,
þu sholdest singe an oþer wise.

The nightingale responds by saying, "That is why all kinds of birds hate you, and drive you away, and screech at you. You are ugly to look at."

Both your eyes are as black as coal and broad
as if they were painted with woad.

þin e3ene boþ col-blake & brode,
ri3t swo ho weren ipeint mid wode.

Now woad was a type of plant that was used for making certain types of dyes. It is another one of those words that experienced that vowel change we've seen before. It was *wad* in Old English – /wawd/ in Middle English – and /woad/ in Modern English.

Also, the passage says that the owl's eyes were black as if *ipeint* – or 'painted' – with woad. This is actually the first recorded use of the word *paint* in the English language. It is one of the few French and Latin words used in the poem. By the way, the word *paint* is related to the words *picture* and *pigment* and *depict* – all of which came in later.

The nightingale then says that the owl is disgusting and fowls her own nest. Meanwhile, the owl fumes and knows that the nightingale is trying to humiliate her.

And nonetheless she answered
"Why not fly into the air
and show which of us both
has a brighter hue and a fairer complexion

& noþeles ho 3af andsuare,
"Whi neltu flon into þe bare,
& sewi ware unker bo
of bri3ter howe, of vairur blo?"

The nightingale replies:

No. Thou has well sharp claws
that thou keeps to claw me.
Thou havest talons so strong
thou will grab me as one does with tongs

No, þu hauest wel scharpe clawe,
ne kepich noȝt þat þu me clawe.
þu hauest cliuers suþe stronge,
þu tuengst þar-mid so doþ a tonge.

So in these passages, we see that the owl has basically challenged the nightingale to a battle – or physical confrontation. But the nightingale prefers to battle with words. She proposes that the two should stop insulting each other and agree to a proper debate.

Though we not be of one accord
we should rather argue with fair words
without strife and fighting
we should plead what is relevant and right
and may each say what she will
with right sayings and with reason

Þeȝ we ne bo at one acorde,
we maȝe bet mid fayre worde,
witute cheste, & bute fiȝte,
plaidi mid foȝe & mid riȝte:
& mai hure eiþer wat he wile
mid riȝte segge & mid sckile

The owl agrees to the request, but asks who will mediate the debate. The nightingale replies:

‘I know well’ quoth the nightingale
There is no need to talk about it further
Master Nicholas of Guildford
He is wise and careful with words.

"Ich wot wel" quap þe niȝtingale,
"Ne þaref þarof bo no tale.
Maister Nichole of Guldeforde,
he is wis an war of worde:

So we’re told that Nicholas of Guildford will judge the debate. As I noted earlier, some scholars think that Nicholas was a real person and he was the person who wrote the poem, but there is no way to know for sure.

The owl then agrees that Nicholas will judge the debate, and the debate begins. The nightingale asks the owl why she does what evil creatures do – she sings by night and not by day. The nightingale says:

You fly by night and not by day
that I wonder and well may
for every thing that shuns right
it loveth darkness and hates light

þu fliʒst aniʒt & noʒt adai,
þarof ich wundri & wel mai,
vor eurich þing þat schuniet riʒt,
hit luueþ þuster & hatiet liʒt.

The nightingale then quotes a proverb attributed to King Alfred for support. She says:

For King Alfred he said and wrote
“He that knows he has fouled himself is shunned and keeps to himself.”
I think that is what you do also
for you fly at night evermore.

for Alured King hit seide & wrot:
"He schunet þat hine vul wot."
Ich wene þat þu dost also,
vor þu fliʒst niʒtes euer mo.

The nightingale then points out that thieves and villains also operate in the night, so in that way, the owl is like them.

Medieval legal scholars point out that this passage is in keeping with the proper format of a legal debate at the time. It wasn't enough to make a statement or proposition. You had to support it with evidence or testimony. So you had to call a witness. In this case, the nightingale is essentially calling King Alfred as a witness by quoting his proverb.

The owl then has the opportunity to respond. She presents a series of counter-arguments. She says that small birds scream and squawk at her everyday, but she prefers peace and quiet and chooses to sit in her nest. “The wise men say that one should not argue with fools.” The owl also quotes a proverb of King Alfred in response to the nightingale. The owl says,

At times I have heard tell
how Alfred once said in a spell
“Look to avoid any place
where there is arguing and strife
let fools chide each other, and you go your own way,”
and I am wise and do this also.

At sume siþe herde I telle
hu Alured sede on his spelle:
"Loke þat þu ne bo þare
þar chauling boþ & cheste ʒare:
lat sottes chide & uorþ þu go."
& ich am wis & do also

So the owl has presented counter-evidence against the nightingale by employing her own proverb from Alfred the Great.

The owl then rejects the argument that her hooting is ugly and hard to listen to. She says that her voice is confident and strong. She says;

My voice is bold and not worn
it is like a great horn
And your's is like a pipe
made of a small weed that is unripe
I sing better that you do-est
you chatter like an Irish priest
I sing in the evening at the right time
and then again when it is bedtime
and a third time at midnight
And so I prepare my song at daylight
when I see from afar
the daybreak and the morning star
I do good with my throat
And call men to their note.

Mi stefne is bold & noʒt unorne,
ho is ilich one grete horne,
& þin is ilich one pipe,
of one smale wode unripe.
Ich singe bet þan þu dest:
þu chaterest so doþ on Irish prost.
Ich singe an eve a riʒte time,
& soþþe won hit is bed-time,
þe þridde siþe at middel-niʒte:
& so ich mine song adiʒte
wone ich iso arise vorre
oþer dai-rim oþer dai-sterre.
Ich do god mid mine þrote,
& warni men to hore note.

In this passage, the owl counters the nightingale's arguments that she operates in the dark by pointing out that she regulates the night by hooting at nightfall, and hooting again at bedtime, and hooting for a third time at midnight, and finally hooting shortly before daybreak to make sure that everybody knows when the night is over and it is time to start a new day. The owl then notes that the nightingale sings all night long without stopping which assaults everyone's ears. Even the loveliest songs grow tired after a while. So the nightingale devalues her song by never stopping. The owl then quotes another King Alfred proverb:

Everything may lose its value
through lack of moderation and overuse or overdeeds.

Evrich þing mai losen his godhede
mid unmeþe & mid ouerdede.

So the owl has offered her rebuttal to the nightingale's arguments. I should note that the passages I just read include a couple of notable words. When the owl says that the nightingale "chattered like an Irish priest," that is one of the first uses of the word *chatter* in the English language. The ultimate source of the word is unknown, but it exists today in various forms such as *chatter*, *chat*, and *chit-chat*.

And when the owl says that she sings at "bedtime," that is the first known use of the term *bedtime* in the English language. Both *bed* and *time* are Old English words, but this is the first time that are recorded together in an English document.

From here, the two birds continue to exchange arguments back and forth. I don't have time to go through the whole poem. In fact, I've only covered about one-fifty of the poem here. But the birds continue to debate until the very end when they agree that Master Nicholas is waiting for them. They agree to take their arguments to Nicholas so he can render his final judgment in their debate.

The poet then concludes with the following passage:

With these words forth they fared
without an army or fyrd
to Portesham they both had come.
And how they succeeded in that judgment (or doom)
I can no more tell
for there is no more to this spell.

Mid þisse worde forþ hi ferden,
al bute here & bute uerde,
to Portesham þat heo bicom.
Ah hu heo spedde of heore dome,
ne can ich eu namore telle:
her nis namore of þis spelle.

So we don't get a final decision. We don't know who won the debate. We're simply told that there is no more to the story. And that seems like a good way to end this episode because there is no more to this story either.

Next time, we'll look at the civil war between King John and his barons, and we'll see how John's death brought an end to the debate over Magna Carta. The war also brought about another invasion from France, and that invasion consisted of both soldiers and words. The soldiers were eventually turned back, but the words stuck around. In fact, English got a fresh injection of French words after John died. So as English literature continued to re-emerge during the 1200s, it did so with more and more French words in place of Old English words.

So we'll look at these developments next time. Until then, thanks for listening to the History of English Podcast.