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The Thirty *Pleges* for Ganelon

IN THE HISTORY of *Roland* scholarship it is a truism for Ganelon to be considered the archetype of the traitor. He was branded as such in twelfth-, thirteenth- and fourteenth-century texts, which often associated him with Judas, the other model of betrayal, and the judgment was resumed in the nineteenth century when medieval studies really began. Roland, on the other hand, has had a more checkered career. The same texts from the twelfth through the fourteenth century often portray him as a flawless hero in the mold of the Christian martyr. However, nineteenth century scholars did not accept Roland with the same unmitigated enthusiasm. What is seen as the weakness in Roland's character—and one might add, in the warrior temperament—was blamed for the events at Roncevaux and for the destruction of the rear guard. While no one faults Roland's courage, there are many who have found him lacking in judgment.

Moreover, this criticism of Roland is accompanied by a certain leitmotif in twentieth-century scholarship which is characterized by a favorable glance in Ganelon's direction. Periodically one reads an analysis which states that Ganelon's attitude toward Roland was justified, and that even his conduct, though perhaps not acceptable ultimately, is understandable and has some basis in law. The implication is often that the author of the Oxford text felt a sympathy for Ganelon's plight and that he admired him, despite the fact that he must see him condemned in the end.

Ruggero Ruggieri,[1] the most vigorous early twentieth-century critic who espoused this position, argued heatedly that the dispute between Roland and Ganelon really formed the core of the earliest form of the epic and that the complete hostility toward Ganelon is the work of revisionists. Crucial to his analysis is the argument that the original author understood Germanic custom and that Ganelon's actions are justifiable when considered in the light of early Germanic custom law. He focuses on Ganelon's defense at the trial and attempts to show that it was not only tenable but that the judges recognized it as plausible.

This theme has been reiterated in various articles and books. To many, it gives the Roland a depth which it otherwise lacks. In this light they feel that the Roland is saved from being a text where right and wrong are clearly delineated and caricatured as in some heavily didactic work. It becomes a

text of nuance in the modern sense. The characters become complex. Both Roland and Ganelon can be seen as men of stature. Neither is entirely correct and both allow excess to mar otherwise admirable characters. Even Charlemagne, with his hesitation and gullibility, is not without fault. Only Oliver, who stands apart from the insults, remains unblemished in conduct and judgment.

In Christian Gellinek's "A propos du système de pouvoir dans la Chanson de Roland,"[2] one reads that Ganelon was essentially not guilty of high treason: "La raison en est que son crime, malgré sa monstruosité, reste dans le cadre des règles officielles des querelles. D'après les jurés, l'accusé était en droit de se venger publiquement. Selon eux, il était libre d'ébranler publiquement le système de pouvoir dans ses fondements."[3]

John Halverson[4] sees the old feudal order in conflict with the new order represented by men like Oliver and Thierry, men who have a broader vision of social order. Pinabel and Roland both represent the old order and its invocation of family. Following Karl-Heinz Bender,[5] Eugene Vance[6] sees a struggle for power between the barons and the king reflected in Ganelon's trial. Although technically correct in his defense, Ganelon really must rely on brute force as did the old order. In the battle between Pinabel and Thierry, Vance sees a struggle between the old and new orders, between the law of vengeance and social justice.

Finally one might mention the relatively recent article of John Stranges in Romania.[7] He argues that Ganelon is portrayed in noble terms and that only his attempt to deceive Charlemagne concerning the meaning of Roland's horn blast caused him to be condemned. Early Ganelon was depicted sympathetically as a good baron with a soft heart. However, "unfavorable events and circumstances had let evil enter his mind and heart... "[8] and this had corrupted him.

The problem of interpretation here is not unrelated to the long-standing arguments concerning the German versus the French origin of the chansons de geste and the oral versus the written nature of the texts. Ruggieri's book, although polite, bristles with antagonism toward the Bédier theory. In studying Ganelon's rôle in the text, he came to believe that the original Roland, the version which must have been told shortly after the events in question, essentially resolved the Roland/Ganelon dispute and the result which Ganelon's vengeance brought about. Excerpting this aspect of the Roland from the larger scenario of the Oxford version—and one must admit

that the epic can be focused around this action and still retain its artistic integrity—Ruggieri perceived the political/legal context of the original poem to be that of the eighth century. When he probed the legal background of the Germanic tribes, however, he came to the conclusion—one which others have adopted since in varying contexts—that the epic reflects a period of transition from an older, feudal, Germanic society in which individual freedom and the independence of the clan took precedence over civil authority to a period in which the centralizing power of Charlemagne was making the state the arbiter of personal rights and the usurper of family autonomy. Thus he saw the defense of Ganelon within the framework of an older, primitive law, a custom law which everyone accepted[9] and recognized as authentic. Therefore he judged the support for Ganelon at the trial to be the result not merely of fear and intimidation but of a deeply rooted sympathy. Within their Germanic subconscious, the barons felt that Ganelon, having followed the procedure of open defiance, had the right to take vengeance on his enemy.

Did the early author of the Roland share these Germanic sympathies? Is this why he describes Ganelon in such magnificent terms prior to his departure on the dangerous diplomatic mission? If the early author did share this attitude, then one's reading of the poem and evaluation of the characters is affected significantly.

To place this problem of interpretation into the broader context needed to shed light on the issue, far too many questions must be considered for an article of this length.[10] To discuss the author's attitude toward his characters and the questions raised by the trial, one must consider the nature of kingship reflected in this portion of the text and the development of the idea of treason in France and England and in the Germanic and Roman legal traditions. There is much to be learned from a close study of the history of the judicial combat and the ordeal as well as from the procedures followed in Ganelon's trial. His treatment before the trial, the conduct of the trial, the sentencing of Ganelon and the punishment meted out—all these elements provide insight into the period when the text was composed and the attitude reflected by the legal framework which forms the backdrop of the trial. Moreover, Ganelon's defense and the case brought against him are seen in a different light once the legal context is established.

Since the vastness of the topic precludes consideration of the entire trial,[11] it is sufficient to focus on a few points regarding the pleges: Why did Ganelon need thirty pleges and Thierry none? What do the thirty pleges

represent in legal terms? What precedence and significance is there in the hanging of the thirty?

To understand the problem it is important to recall the exact situation in the text. Ganelon has already been placed under arrest and Charlemagne then brings the charge that Ganelon has committed an act of treason.

> "Seignors barons," dist Carlemagnes li reis,
> "De Guenelun car me jugez le dreit!
> Il fut en l'ost tresque en Espaigne od mei,
> Si me tolit .xx. milie de mes Franceis
> E mun nevold, que jamais ne verreiz,
> E Oliver, li proz e li curteis;
> Les .xii. pers ad traït por aveir."[12]

Ganelon denies that he has broken faith with the emperor and asserts that he took vengeance on Roland only after having defied him openly before the barons.

> Dist Guenelon: "Fel seie se jol ceil!
> Rollant me forfist en or e en aveir,
> Pur que jo quis sa mort e sun destreit;
> Mais traïsun nule n'en i otrei."[13]

Thus Ganelon denies the charge of treason, although he does not deny his rôle at Roncevaux. The barons withdraw and determine that the best decision is to attempt reconciliation between Ganelon and the emperor. When they return with their verdict, only Thierry having objected, the frustrated Charlemagne accuses the barons of being fel and lowers his head in anguish. At this point Thierry steps forward to accuse Ganelon anew and offers to prove by sword that Ganelon is indeed guilty of treason, despite his denial.

> Que que Rollant a Guenelun forsfesist,
> Vostre servise l'en doüst bien guarir!
> Guenes est fels d'içe qu'il le trait,
> Vers vos s'en est parjurez e malmis.[14]

Pinabel then intervenes to contradict Thierry's assessment. Charlemagne now asks for pièges and the thirty kinsmen of Ganelon pledge themselves to his cause. Charlemagne accepts Thierry's proffered glove alone as his plege. That is, no pièges are required in Thierry's case.

What is the purpose of the thirty pleges, and can one find justification for this procedure in any of the law codes or case histories? At first glance one immediately thinks that the pleges must represent bail bond. The thirty would then constitute a guarantee that Ganelon would appear.

In civil and criminal cases one was expected to post bail. In a civil case someone stepped forward who was willing to act as surety for the accused. He risked considerable loss should the accused not appear, for he often forfeited the property or wealth he had pledged as surety plus an additional fine to the king.[15] Such was the threat that a certain time was allowed for the surety to apprehend the accused if he escaped. In criminal cases the accused was arrested immediately upon accusation, although he might be released on posting sufficient security, except in cases involving homicide or treason,[16] where special permission was required from the king.[17] The accuser or demandant was also asked to produce security in support of his case. However, if he had none, he was accepted on his oath alone. The reason for requiring security from the accused but not the accuser is that the government did not wish to make it difficult to bring charges.[18]

Although there is a certain agreement between the legal texts and the Roland, a number of questions make one doubt that the pleges merely fill the rôle of surety in the author's mind. If the thirty kinsmen were to serve as surety, why were they not required before the trial or at the time of Ganelon's arrest? Their purpose, were the king to permit bond, would be the release of Ganelon. They are asked for only after the initial accusation and denial, when the issue of the trial has been shifted by the accused. Ganelon has already appeared at the trial and is in custody. Moreover, the combat follows hard upon the accusation of Thierry and Pinabel's subsequent denial, hardly enough delay to be concerned with posting bail. Finally, if the thirty truly represent pleges, their punishment exceeds anything found in the law books or chronicles.[19]

Rather, their function reminds one of the rôle played by compurgation in Germanic law. In studying the origin of Germanic society, scholars have posited that a government of the family predated the historical period.[20] In this tribal atmosphere without formal civil structure, the family (in its broadest sense) protected the members of its own clan from exterior encroachment by providing the means of punishment of the offender through vengeance. However, when a civil authority formed to govern many families, vengeance became a source of civil disorder and chaos. The earliest Germanic law codes of the fifth and sixth centuries manifest the desire of

the kings to bring all disputes into court so as to limit the effect of private vengeance.[21] But how does a civil court which has no understanding of rules of evidence prove the innocence or guilt of the accused when the crime is not generally acknowledged, when there are no witnesses to persuade the court of the facts? Courts required the accused to take an oath (often on sacred relics) but one could never be sure that the accused might not be foolhardy enough to risk the anger of the supernatural powers in order to save himself. A second safeguard was provided by the use of compurgators or oathhelpers. The compurgator's affirmation was not the same as a witness, who was expected to testify concerning what he knew or had seen. Although the notion of the compurgator may have developed from the use of witnesses, the oathhelper was required to swear only that he believed in the cause or the truth of the defendant's oath.[22] He acted as a kind of character witness, and his support lent credence to the defendant's denial of the charge. Petty offenses often required only a freeman's oath, while more serious crimes required varying numbers of oathhelpers for acquittal. In the Leges Alamannorum,[23] treason against the duke had to be denied by oath in the church before the duke with the help of twelve compurgators. In the laws of Aethelred (both III and VI), one reads that he can clear himself of treason only by the most solemn oath with the aid of three times twelve compurgators.[24] This parallels the use of the triple ordeal for the most serious crimes.[25]

However, the system of compurgation may have derived from the use of the witness, for the compurgator whose defendant ultimately was found guilty was punished severely as a parjurez. The standard punishments found in the early Germanic codes involve the loss of the right hand, forfeiture of all one's property, and infamy or the loss of one's law.[26] The compurgator who supported a guilty party was forever banned from serving as a witness or compurgator in any subsequent court proceedings.[27] The penalty for false compurgation was severe and this served to insure that oathhelpers might not be found easily by those considered guilty as charged. Despite the harsh penalties, however, family and friends could be expected to rally around their kin and the accuser could not always be expected to accept the defendant's innocence. The ultimate proof, of course, was the wager of battle or ordeal, which decided the issue once and for all.[28]

Given the fact that Ganelon's supporters were relatives, it is interesting to note that the penalty for the heirs of the accused seems to have become more severe in cases of treason as time passed. The standard penalty for the

heirs of a defendant found guilty of treason was disinheritance.[29] In Braeton one finds the phrase added that the crime of treason is so serious that "vix permittitur heredibus quod vivant."[30] It is clear from case histories and the law codes that rebellion against one's lord was punished much more severely in the twelfth and thirteenth centuries than it was earlier, where the king was traditionally quite lenient with rebellious lords.[31] This hardening attitude is reflected in the codes of Glanvill, Bracton, Fleta and in the more popular Mirror *of Justices.*

Given the circumstances, it seems that the author of the Roland fused the rôle of the plege and the compurgator. Because the charge was treason and involved homicide as well, it is unlikely that bail would have been granted. Moreover, Ganelon was originally arrested because of strong presumption of guilt, not because a single individual could accuse him of treason based on personal knowledge. In such cases where guilt was widely rumored, it was rare to permit posting of bond.

In a sense Ganelon's case has a double trial. He is arraigned on the charge of treason, a charge which he was expected to deny (because there were no witnesses to prove the charge) or accept. Instead, Ganelon cleverly denies the charge and alleges that he has been charged with the wrong crime. He openly accepts a charge of justifiable homicide on the grounds that Roland had wronged him first and that his open defiance of the warrior gave him the legal right to exact retribution. Far from being a traitor to France and its emperor, Ganelon protests that he is and always has been faithful to his lord and country. Focus is now placed on the issue of whether Ganelon had any justification in his quarrel with Roland. When Thierry shifts the focus away from the quarrel between Roland and Ganelon back to the issue of treason, he challenges the judgment which the court has rendered. At this moment it is logical for Pinabel and the thirty relatives to come forward as compurgators in support of Ganelon's interpretation of the case.[32]

After Pinabel's defeat and death Charlemagne turns to the court to ask what should be done with the thirty pièges. If they were really bondsmen, the subsequent punishment would be harsh beyond measure. But as compurgators and kin the punishment could vary considerably. One might well see in the execution of Ganelon's kin the later, harsher treatment of heirs expressed in Bracton. In fact, because they were hanged, a traditional means of execution for treason, it is tempting to see here an indication of the author's own judgment of Ganelon and his supporters. When the court brings in a verdict which supports Ganelon's defense, the author clearly

implies that they had been intimidated by Pinabel.[33] That Charlemagne himself did not consider the verdict to have any legal justification is manifest in his turning on the court and calling them fel. In the end Ganelon's kin have pledged their support to an open and shut case of treason. When Charlemagne turns to the court again to ask them to sentence the thirty pièges, they render a judgment suitable for accomplices, who traditionally suffered the supreme penalty along with the principal instigator of the crime.[34]

It appears that the poet fused the functions of the bondsman and the oathhelper. The term pièges lends itself nicely to the function of the compurgator, since he essentially pledges his support to the defendant. Finally, in rendering a sentence of hanging, the poet is not merely exercising poetic license or exaggeration in meting out such severe punishment. He is passing his own judgment that Ganelon's kin had become accomplices in the act of treason and therefore must suffer the supreme penalty.

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[1]Ruggero M. Ruggieri, Il Processo di Gano *nella* Chanson de Roland (Firenze: Sansoni, 1936).

[2]Christian Gellinek, "A propos du système de pouvoir dans la Chanson de Roland," Cahiers de Civilisation Médiévale, 19 (1976), 39-46.

[3]Gellinek, p. 41.

[4]John Halverson, "Ganelon's Trial," Speculum 42 (1967), 661-69.

[5]Karl-Heinz Bender, König und Vasall (Heidelberg: C. Winter, 1967).

[6]Eugene Vance, Reading the Song *of* Roland (Englewood Cliffs: Prentice-Hall, 1970).

[7]John Stranges, "The Character and the Trial of Ganelon," Romania 96 (1975), 333-67.

[8]Stranges, p. 367

[9]Germanic custom law is predicated on the notion that the state does not make the law but is only empowered to enforce the "good, old law." The phrase is significant, for, by definition, true law must be old and thus good to be valid.

[10]I am currently writing a lengthy analysis of the legal background of the Roland, especially in reference to the trial of Ganelon. In that study I hope to answer many of the questions posed here.

[11]In preparation, close analysis has been made of the Germanic codes (The Alamannic, Bavarian, Visigothic, Burgundian, Salic, and Lombard), as well as the famous treatise of Tacitus, the Germania. The chronicles of Gregory of Tours and Fredegar were used for case histories or examples which bear on our trial as well as later English cases on record. For France the capitularies of Charlemagne and the laws of Normandy were studied in addition to the later texts prepared by Philippe de Beaumanoir and Pierre Fontaines and the edicts of Louis IX. For the English tradition much can be learned by a careful analysis of the laws of the earliest English kings (Edmund, Edgar, Aethelred, Canute, etc.) those introduced by the Normans (Leis Willelmi, Leges Henrici Primi) and the great codifications of the twelfth and thirteenth centuries known as Glanvill and Bracton. Even the later versions known as Britton and Fleta have been useful as well as the more fanciful work of Andrew Horn, Mirror of Justices. For alternate versions of the Ganelon saga and trial, one can turn to the numerous other Roland manuscripts, the Old Norse materials and Old Danish materials, the Latin Codex Calixtinus and Carmen de prodicione Ganaloni, the German versions, and the many other texts which refer to the trial in passing.

[12]Brault, Gerard J., ed., The Song *of Roland,* Vol. II (University Park and London: Pennsylvania State University Press, 1978), vv. 3750-56.

[13]Brault, vv. 3757-60. Also verse 3778, which includes his argument that he has served Charlemagne well: "Venget m'en sui, mais n'i ad traïsun."

[14]Brault, vv. 3827-30.

[15]The punishment varies slightly in the various codes, but it generally accords with what is given here.

[16]Glanvill, Tractatus de legibus et consuetudinibus regni Anglie qui Glanvilla vocatur. Translated and edited by G. D. G. Hall (London: Nelson, 1965), Book XIV, i.

[17]Henry de Bracton, De legibus et consuetudinibus Angliae. Edited by George E. Woodbine. Translated, with revisions and notes, by Samuel E. Thorne. Vol. 2 (Cambridge: Harvard University Press, 1968), 335-36.

[18]Glanvill, Book XIV, 1, pp. 172-73. The discussion of the use of securities is most fully developed in Glanvill, Bracton, Fleta, and the Mirror *of Justices.* There are precious few indications of this procedure in earlier texts. As is true in many instances, the rule for the accuser and the accused is in perfect accord with what is found in Glanvill, a treatise containing twelfth-century British law.

[19]Henry C. Lea claimed that the bail was liable for all legal penalties incurred by a defaulter and that he occasionally was required to share the fate of his principal when the latter appeared and was defeated. The statement appears dubious because it contradicts the punishment assessed in extant medieval legal texts. Lea's evi-

dence for this extraordinary assertion seems to have been a fourteenth-century miracle play. It seems likely that the play might well confuse bail with compurgation. (Henry C. Lea, Superstition and Force [New York: Greenwood Press, 1968]. First printed in 1870).

[20]The evidence for the general hypothesis concerning early Germanic society is lacking. Early authors such as Henry Lea and Fustel de Coulanges have used the brief description of tribal life presented in the Germania, accepted it more or less at face value, and then augmented it with the image of society found in the saga material, late in terms of extant documents but judged to contain an early picture of primitive Germanic values and life. The descripion of Germanic society imagined by nineteenth-century scholars accords, in a suspicious way, with traditional, idealized nineteenth-century views concerning the nature of society prior to the influence of a civil authority. One cannot really find evidence of the Germanic social condition prior to regular civil authority nor can one find any historical evidence of a Germanic social unit led only by a man temporarily chosen for his military qualities. That is, the so-called "primus inter pares" notion which one accepts as a basic characteristic of the Germanic attitude may be the work of scholars. When the Germanic tribes appear on the historical scene, they are governed by kings and live within a civil, social framework. However, the legal codes do militate against private vengeance, a method of punishment and justice certainly carried out by the broader family unit. This motivated scholars to reconstruct the kind of society which might admit the legality of such a system and led one to assume a kind of family structure rather than civil. Yet one should be hesitant to base too many structures on such an unstable foundation.

[21]The tariff nature of all the early, extant Germanic codes makes it evident that the civil authority was attempting to work out a system of fines which would satisfy the kin of the offended party. Most laws attempt to set a composition which will be deemed sufficient and which fits into the pattern of compositions based on the magnitude of the crime.

[22]It has been said that medieval law was more concerned with setting compensation for crimes than in discovering the guilty party. In truth the private nature of most crime made the discovery of the criminal unlikely at a time when evidence of a sophisticated nature could not be presented. The witness was obviously the most important, nearly the only source of evidence. When there were no witnesses, one obtained the testimony or oath of a worthy citizen in support of the accused. That the compurgator was associated with the witness is shown by the penalty for compugators, who were punished as if they were perjured witnesses, as if their oaths were in support of something they could swear to be true.

[23]Si quis aliquis homo in mortem duci consiliatus fuerit et exinde probatus, aut vitam det aut se redimat sicut dux aut principes populi iudicaverint; et si iurare voluerit, cum 12 nominatos iuret in ecclesia coram duce aut cui ille miserit. (Leges Alamannorum, MGH, Leges, Sectio I, Tomus V, Pars I [Hanover: Hahn, 1956], xxiii, p. 84.)

[24]"If anyone is accused of furnishing with food a man who has broken our lord's

peace, he shall clear himself with three times twelve compurgators who shall be nominated by the reeve." Aethelred III (Robertson, A. J., editor and translator, The Laws *of the* Kings *of England from* Edmund to Henry I [Cambridge: Cambridge University Press, 1925]), p. 69.

[25]The triple ordeal referred to carrying the three-pound hot iron rather than the one pound iron sufficient for most felonies. There is an equation between the tripling of the simple ordeal and the tripling of the twelve compurgators, usually considered sufficient in cases involving a man's wergeld, the composition deemed adequate to pay for one's life. The king's life was worth a triple wergeld, as could be the life of one in the king's service.

[26]In the laws of Canute II, for example, a man guilty of perjury loses his hand and half his wergeld (Robertson, paragraph 36).

[27]It is not difficult to imagine that those who were guilty of felonies made every effort to elicit support from compurgators. At times it seems to have been a rather serious impediment to justice. Charlemagne found it necessary to prohibit the practice of defending a guilty party on two separate occasions only a few years apart. Ganshof cites the capitulary issued in 802 that prohibits anyone "to defend before a court a party whose cause is unjust; he who transgresses this interdiction is committing an act of infidelity to the emperor" (F. L. Ganshof, The Carolingians and the Frankish Monarchy [London: Longman, 1971], p. 151). This edict was reiterated in the Capitulare legibus additum (803), ch. iv, and the Capitulare de missorum *officiis* (810), ch. v. This implies more than compurgation, but the champion, when used, was necessarily a witness or compurgator.

[28]This is not to imply that everyone believed in the wager of battle and the ordeal as evidence of divine judgment. In our earliest records opposition is voiced against the practice. However, this is a complicated subject and cannot be treated here.

[29]The traditional punishment when the accused has been judged guilty is found in Glanvill, xiv, i: "Sin autem accusatus victus fuerit, quale expectet iudicium paulo ante dictum est, rebus insuper et catallis suis omnibus confiscandis et heredibus suis in perpetuum exheredandis."

[30]Bracton, p. 335.

[31]Traditional leniency in dealing with rebellious lords is traced to the Germanic notion of the fealty between lord and vassal as opposed to the Roman concept that one owes obedience. Fealty represented a mutual obligation which, if unfulfilled by either party, was grounds for dissolution of the bond. Germanic federalism and sense of independence tended to mitigate the treatment of openly rebellious lords. (For futher discussion the reader is referred to Floyd S. Lear, Treason in Roman and Germanic *Law* [Austin: University of Texas Press, 1965], and J. G. Bellamy, The Law *of* Treason in England in the Later Middle Ages [Cambridge: University Press, 1970].) The nature of the punishment for treason was generally left to the discretion of the lord. In the Willelmi Articuli Retractati, Par. 17, it is expressly forbidden that anyone be hanged for any offense. Instead the punishment was mutilation by

blinding and loss of limbs, a reduction in penalty by the standards of the time. However, the case histories of the thirteenth and fourteenth century bear witness to the more severe punishment for treason in adding disembowelment to the standard penalty of dragging and hanging. See the cases cited in the years 1238 and 1242 of the Chronica majora, III and IV. In the fourteenth century, even levying war against one's lord began to be treated as treason, a fact which has been explained by the growing influence of Roman law and by the fact that the king of England no longer considered himself a vassal of the king of France. One could scarcely punish one's own barons for rebellion when open conflict with one's own nominal overlord was alleged to be justified.

[32]In Germanic law compensation for crimes was based on a man's wergeld, the money value set on a man's life. The sum varied with rank and was significant enough when freemen were involved to be a burden on the family (clan) which had to pay. The twelve-man oath was equated with the wergeld of a nobleman. Thus, serious crimes required a twelve-man oath, i.e., eleven compurgators were needed, for clearance. In the most serious crimes, multiples of the twelve-man oath were often required, just as the triple ordeal replaced the single ordeal for crimes of magnitude. Thus one finds the law of III Aethelred, cited above. It is most interesting that a provision of the Lex Salica, perhaps revised in its current form in the ninth century, establishes that anyone who is killed while in the king's service must be assessed at triple the ordinary nobleman's wergeld. In such a case triple compurgation or thirty-six compurgators would be required. It is interesting to speculate that the thirty pleges were required precisely because Roland had been in the king's service, a point made specifically by Thierry in his affirmation that Ganelon's crime was treason and no other.

[33]Pinabel threatens in Laisse 274 that no Frenchman can judge Ganelon guilty without defending his judgment with his sword. That his threat has the desired effect can be seen in Laisse 275: "Pur Pinabel se cuntienent plus quei. / Dist l'un a 1'altre: 'Bien fait a remaneir!'" (vv. 3797-98). They then rationalize their decision not to find Ganelon guilty by saying that it would do no good, since such a judgment could not bring Roland back to life anyway.

[34]In the law codes and in actual cases conspiracy to compass the king's death or to aid his enemies often involved more than one individual. All were guilty of treason, but the king was free to mitigate the harshness of the sentence and often did. In Gregory of Tours's Historic Francorum, Vol. 1, Book 2, the accomplices in a case of heresy are judged to be in hell with the two heretics whom they supported, and in the famous case of Rauching, Vol. II, Book 9, Gregory reports that Gontran had the traitor's head hacked to pieces and his accomplices tortured and killed.