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Romantic Love as Natural Right in Bérroul's *Romance of Tristan*

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This essay reconsiders Bérroul's justification of the adulterous affair of Tristan and Iseut in *The Romance of Tristan*. By examining the interplay between literature, philosophy, and law in the twelfth century, it compares contemporary theories of natural law and natural right with Bérroul's idea of romantic love. It shows not only that romantic love for Bérroul had many attributes of natural right, but that based on these similarities, Bérroul views romantic love as a new standard of morality, outside and above the conventions of religion and society. On this basis he justifies Tristan and Iseut's adultery and exonerates them from their illicit affair. Like Peter Abelard's Intentionalist ethics, with which Bérroul's subjective morality is compared, his position shows just how radical romantic love was in the twelfth century. Although fiction, *The Romance of Tristan* challenged the feudal, social, and religious conventions of medieval society in Bérroul's day.

**ROMANTIC LOVE AS NATURAL RIGHT IN BÉROUL'S
ROMANCE OF TRISTAN**

by J. M. Anderson*

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The origin of modern natural rights, like romantic love, can be traced to the twelfth century.¹ Jurists and canonists began to carve out autonomous zones in which a limited number of individual rights were protected by natural law. Among these were rights of property, rights of self-defense, rights of consent of the governed, rights of infidels, and, as we shall see, marriage rights. What about love? It does not appear that anyone in the twelfth century ever called romantic love a natural right. But then, twelfth-century jurists and canonists never called the rights just listed natural either. However, they did develop a doctrine that supported a theory of subjective, immutable, and individual rights. In Béroul's *Romance of Tristan*, romantic love has many attributes of natural right. It is self-sufficient, self-contained, and a force to be obeyed. It is a subjective power inherent in individuals that impels them to act in a particular way. Like other rights, such as property and self-defense, romantic love derived from nature and took on nature's normative power. By comparing Béroul's idea of romantic love with Peter Abelard's intentionalist ethics, it becomes even more clear how he upholds romantic love as a new standard of morality, outside and above the conventions of religion and society, and the basis upon which

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¹ B. Tierney, *The Idea of Natural Rights* (Athens 1997); K. Pennington, *The Prince and the Law, 1200-1500: Sovereignty and Rights in the Western Legal Tradition* (Berkeley 1993) and "The History of Rights in Western Thought," *Essays Law Journal* 47 (1998):237-252.



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