

## Forests as Exercises in Medieval Power

Adam Schafer

It has been estimated by historian and professor Charles R. Young that during the thirteenth century one quarter of the land in England was designated as royal forest.<sup>1</sup> Under the rule of the Normans (and later, the Angevins), the wilderness of England went from simple hunting tracts to a powerful medieval institution where rulers exercised their control through a political and judicial dominance of nature.

It is important to note that the medieval concept of the forest encompassed more than just wooded areas to include fens, bogs, marshes and at one point during Norman rule, the entire county of Essex with its "villages, towns, people, farms, and whatever else was going on in this part of England."<sup>2</sup> These blurred boundaries proved to be sites of tension and conflict between Anglo-Saxon inhabitants and their Norman neighbors as was exemplified by the popularity and persistence of the outlaw legend.

The English forest as a political space had its roots before the Norman Conquest with the "Laws of Cnut," which were compiled around the time of the Viking king Cnut (r. 1016-35). These explain

---

<sup>1</sup> Charles R. Young. *The Royal Forests of Medieval England*. (Pittsburg, PA: University of Pennsylvania Press, 1979), vii.

<sup>2</sup> *Ibid.*, 5.

that “every man is to be entitled to his hunting in wood and field on his own land. And everyone is to avoid trespassing on my [i.e. the king’s] hunting...”<sup>3</sup> Although the importance of the king’s hunt was retained after the Norman Conquest, it was under the Normans that the forest became incorporated into a political institution where rulers carved out spaces, created complex administrations to govern them and used forests as political leverage to meet their goals.

The *Anglo-Saxon Chronicle* refers to the land grab of the Normans in a section known as the “Rime of King William.” When William the Conqueror established the “New Forest” out of a corner of southwest Hampshire,

“His magnates complained of it; his poor men lamented it. But he was so firm in his mind that he did not acknowledge their needs.

But they had to follow above all the king’s will,  
If they wanted to live, or retain their land,  
[Property] or possessions, or enjoy his favor.”<sup>4</sup>

The author of this part of the *Chronicle* explains the power which the Conqueror wielded over his subjects in the form of royal appropriation—a political move that affected both lords and peasants alike. Indeed, the woods of the “New” Forest were not new at all; rather according to the author, an audacious William took these lands away from previous owners for his new, royal forest. English territory

---

<sup>3</sup> Ibid., 4.

<sup>4</sup> Qtd. in Stefan Jurasinski, “The Rime of King William and its Analogues.” *Neophilologus* 88, No. 1 (January, 2004): 131.

which William controlled was referred to as the royal "demesne," a term which is still debated among historians, but theoretically included all lands held *in dominio*, or "in the king's hands": estates, manors, roads and forests.<sup>5</sup> Author Peter Rex describes the royal demesne after the Conquest and incorporation of the Godwinson family estates as having more than 14,000 manors yielding an "income in rents of some £11,000, about double that of King Edward [the Confessor]."<sup>6</sup> In addition to monetary wealth, the Norman king could also exercise his political power through royal grants of licenses allowing certain subjects the right to clear, cultivate and/or build on forest land. These rights were known as waste, making assarts (sometimes referred to as essarts) and purpresture, respectively. Royal regulation of these rights is still evident almost two centuries later in Henry III's *Charter of the Forest*, written in 1217:

Archbishops, bishops, abbots, priors, earls, barons, knights and freeholders who have woods within forests shall have them as they had them at the time of the first coronation of the aforesaid king Henry our grandfather...And those who in future make waste, purpresture or assart in them [the woods] without licence [sic] from us shall answer for wastes, purprestures and assarts.<sup>7</sup>

The political precedent (and pressure) was kept up from ruler to ruler by a growing, sophisticated administration which enforced

---

<sup>5</sup> Young, 5.

<sup>6</sup> Peter Rex, *The English Resistance: The Underground War against the Normans*. (London: Tempus Publishing, 2004), 70.

<sup>7</sup> William Stubbs, ed., *Select Charters and Other Illustrations of English Constitutional History*. "The Charter of the Forest of Henry III" (Oxford: H. W. C. Davis, 1913), [http://www.constitution.org/sech/sech\\_045.htm](http://www.constitution.org/sech/sech_045.htm) (accessed May 2, 2008).

various forest laws, mediated disputes, collected rent revenues and cared for the forest. By the mid-twelfth century, the royal forests were presided over by a chief forester, with many other officials such as foresters, parkers, sergeants and sheriffs underneath him who held different positions within the forest administrative hierarchy. However bureaucratic this system became, the king retained the ultimate right to appointment of the key position of chief forester. This political power is best exemplified by Young in his discussion of the rise and fall of Hugh de Neville, chief forester during the reign of King John (r. 1166-1216). De Neville became chief forester after he returned from the Third Crusade in 1192. Although a friend of John's brother and rival, Richard (the "Lionheart"), Hugh de Neville gained favor and power with John through collection of "all the revenues from the forests into his special exchequer at Marlborough Castle for which he accounted directly to the king and not to the royal Exchequer."<sup>8</sup> At one point, de Neville even loaned the king a huge sum of 40,000 marks from the royal forest coffers. However, in 1213 de Neville aroused John's suspicions when he allegedly let two prisoners escape; he was subsequently fined and replaced by John of Monmouth. Young describes this incident as lending a "dynamic quality" to the forest

---

<sup>8</sup> Young, 50.

administration, "...because the career of a forester was subject to the will of his superior who held his office at the pleasure of the king."<sup>9</sup>

Forests were also subjects of other political pleasures and pressures of those in power, especially during crises of succession and civil war. These political maneuverings are illuminated by Henry I's (r. 1100-35) *Charter of Liberties* (also referred to as the *Coronation Charter*) of 1100 and the subsequent succession crisis after his death, both instances in which forests played a significant political role. In the *Charter of Liberties*, which Henry I signed to appease the powerful barons by formally adhering to the laws, he marks an increase in baronial influence with regards to forest matters: "By the *common consent of my barons* I have kept in my hands forests as my father [William the Conqueror] had them."<sup>10</sup> Even so, the *Dialogue Concerning the Exchequer*, written by Henry II's treasurer Richard FitzNigel, notes that the barons were still not allowed "to cut down their woods, in which the royal forest consists...unless the consent of the: king or of the chief forester has first been gained."<sup>11</sup> As England was thrown into civil war upon Henry's death in 1135, his wife Matilda used the forests to gain political support for her cause as rightful heir

---

<sup>9</sup> Young, 51.

<sup>10</sup> Albert Beebe White and Wallace Notestein, eds., *Source Problems in English History*. "Charter of Liberties of Henry I" (New York: Harper and Brothers, 1915), <http://www.fordham.edu/halsall/source/hcoronation.html> (accessed May 2, 2008), emphasis mine.

<sup>11</sup> Richard FitzNigel, *Dialogue Concerning the Exchequer*. (New Haven, CT: The Avalon Project at Yale Law School), <http://www.yale.edu/lawweb/avalon/medieval/excheq.htm> (accessed May 2, 2008).

to the throne against the rival claims of Henry's nephew, Stephen of Blois. In 1139 Matilda offered Miles of Gloucester, previously a sheriff, the castle of St. Briavels and the entire Forest of Dean to seduce him from Stephen's side to her own. Likewise, Matilda annulled any penalties incurred on the lands of Earl Geoffrey of Mandeville while he was loyal to Stephen and she also granted him future assarts once he switched his allegiance to her in 1142.<sup>12</sup> The bribes of Matilda and the royal retaining of forests by Henry are testaments to the growing political importance of forests.

This importance was officially codified by the Normans in many assizes, charters and chronicles which formed the basis of a forest judicial administration. Through the Norman and Angevin establishment of forest courts collectively called "eyres" (these included lower-level courts such as those of attachment, swanimote and wodemote) and their unique procedures, a phenomenon sprang up known as forest law which proved to be a separate exercise in judicial power, often overturning that of ecclesiastical and common law.

As noted in the *Dialogue Concerning the Exchequer*, "the account of the forests and also the punishment or absolution of those who transgress with regard to them, whether it be a pecuniary or a

---

<sup>12</sup> Young, 53 and 16.

corporal one, is kept separate from the other judgments of the kingdom, and is subjected to the will of the king alone or to that of some one of his intimates specially deputed for this purpose."<sup>13</sup> By the thirteenth century, there were many of these "intimates" who were involved in a variety of tasks within the royal forest judicial system—a system which culminated in the eyre, an itinerant court which heard pleas related to forest issues. King Henry III's *Charter of the Forest* of 1217 is the best guide to this complicated process. Once an eyre had been proclaimed by the king through his chief forester(s), the king appointed justices of the forest and sent royal writs to the sheriffs to gather all concerned parties. This diverse group consisted of lords, knights, freedmen and peasants as well as members of the forest judicial hierarchy such as verderers, regards and justices. As explained in chapter 8 of the *Charter*, "The verderers and foresters shall also meet every forty days throughout the year to inspect attachments [offenses] for the forest concerning both vert [land] and venison [game]."<sup>14</sup> As part of this job, verderers were responsible for keeping detailed records of offenses in pipe roll form, and for holding evidence such as bones of slain deer during the eyre.<sup>15</sup> Regards were in charge of assessing the details of specific questions with regard to the land itself. Assarts, waste, purpresture, forges, mines,

---

<sup>13</sup> FitzNigel, ch. 11.

<sup>14</sup> Stubbs, ch. 8.

<sup>15</sup> Young, 85-6.

discovery of hawk nests and/or honey were all recorded by regards in "chapters of the regard."<sup>16</sup> In this sense, regards acted as the medieval version of land surveyors, whose findings could be used to exact a fee from subjects who committed crimes within royal forest boundaries. As such, both regards and verderers helped to institutionalize and standardize judicial procedure by enacting the king's laws as part of the uniquely Norman/Angevin judicial machinery.

Members of the clergy were also at the mercy of expanding forest laws. Although previous grants did exist for clerical use of woodlands, by the beginning of the thirteenth century, King John was able to cow the Cistercians when they did not give him money by using his foresters to enforce a rigid interpretation of forest laws. Young notes that, "In November 1200 no fewer than twelve Cistercian abbots threw themselves at the king's feet...to plead that they and Christ's poor would be ruined if he did not order the foresters to allow them to pasture their animals in the royal forests as they had been accustomed to do."<sup>17</sup> This drama only reached reconciliation when the Archbishop of Canterbury stepped in to mediate the dispute. However, the fact that John was able to influence such a powerful medieval religious order as the Cistercians is an example of how forest law and its enforcement could be used to keep clerical power in check.

---

<sup>16</sup> Ibid., 87.

<sup>17</sup> Ibid., 26.

On a manorial level, lords exercised judicial powers over their subjects, even when common law was in practice. According to the *Dialogue Concerning the Exchequer*, “[The forest] subsists by its own laws, which, they say, are not subject to the common law of the kingdom, but to the voluntary decree of the princes; so that whatever has been done according to its law may be said to be not absolutely just, but just according to the law of the forest.”<sup>18</sup> Although the common law granted subjects the right to housebote (timber for building), haibote (wood for fencing) and firebote (firewood)—rights collectively known as “estovers”—author Jean Birrell notes in his illuminating study of medieval Staffordshire that these rights were granted “‘by view’, that is, to be exercised only under the supervision of the seigneurial [sic] officers.”<sup>19</sup> If these officers were not satisfied, they could take their case to court for judgment on “wood offences.”<sup>20</sup> Frequently, these offenses would pass through the specific forest court system called the wodemote, and numerous records of these offences shows the extent to which rulers controlled their woodlands through judicial channels.<sup>21</sup>

However, this control did not go unchallenged. Reactions to harsh forest policies and laws are forever enshrined in many popular

---

<sup>18</sup> FitzNigel, ch. 11.

<sup>19</sup> Jean Birrell, “Common Rights in the Medieval Forest: Disputes and Conflicts in the Thirteenth Century.” *Past and Present*, No. 117 (Nov., 1987): 32.

<sup>20</sup> *Ibid.*, 33

<sup>21</sup> *Ibid.*, 33.

tales of resistance. For example, the author of *Hereward the Wake* is able to comment on the severity of Cnut's forest laws as his main character rides to outlaw fame, "through primeval glades of mighty oak and ash with holly and thorn beneath,"<sup>22</sup> to defend the island of Ely against William the Conqueror. Copious tales of the woodland exploits of Robin Hood also show a heroic resistance to forest administration. As author W.E. Simeone has described him, Robin Hood is a "good yeoman outlawed for poaching," and his transformation into the "green-clad hero living in the greenwood,"<sup>23</sup> is only complete when he resists the dominant rule of law in Sherwood Forest (which still exists today as a 1.65 square mile "royal forest"). Although written several centuries apart, these and many other medieval legends testify to the lasting influence of forest administration over medieval life and culture. By consolidating Anglo-Saxon hunting lands into royal forests, Norman and Angevin rulers formed both a political and judicial institution that would last from the Norman Conquest until the mid-seventeenth century—an institution that was a reflection of their evolving authority over medieval English society.

---

<sup>22</sup> Charles Kingsley, *Hereward the Wake*. (London: J.M. Dent and Sons, 1961), 38.

<sup>23</sup> W.E. Simeone, "Robin Hood and Some other Outlaws." *The Journal of American Folklore* 71, No. 279 (Jan. - Mar., 1958): 27.

## Bibliography

Birrell, Jean. "Common Rights in the Medieval Forest: Disputes and Conflicts in the Thirteenth Century." *Past and Present*, No. 117 (Nov., 1987): 22-49.

"Charter of the Forest of King Henry III." In *Select Charters and Other Illustrations of English Constitutional History*, edited by William Stubbs, 344. Oxford: H. W. C. Davis, 1913.  
[http://www.constitution.org/sech/sech\\_045.htm](http://www.constitution.org/sech/sech_045.htm).

"Charter of Liberties of Henry I." In the Medieval Sourcebook,  
<http://www.fordham.edu/halsall/source/hcoronation.html>.  
Originally translated and published in Albert Beebe White and Wallace Notestein, eds., *Source Problems in English History*. New York: Harper and Brothers, 1915.

FitzNigel, Richard. *Dialogue Concerning the Exchequer*. New Haven, CT: The Avalon Project at Yale Law School.  
<http://www.yale.edu/lawweb/avalon/medieval/excheq.htm>

Jurasinski, Stefan. "The Rime of King William and its Analogues." *Neophilologus* 88, No. 1 (January, 2004): 131-144.

Kingsley, Charles. *Hereward the Wake*. London: J.M. Dent and Sons, 1961.

Rex, Peter. *The English Resistance: The Underground War against the Normans*. London: Tempus Publishing, 2004.

Simone, W.E. "Robin Hood and Some other Outlaws." *The Journal of American Folklore* 71, No. 279 (Jan. - Mar., 1958): 27-33.

Young, Charles R. *The Royal Forests of Medieval England*. Pittsburg, PA: University of Pennsylvania Press, 1979.

*Adam Schafer is a senior at the New College of Florida, the honor's college for the state of Florida. He says, "I am pursuing an undergraduate degree in History and Literature. My senior thesis will analyze American intellectual perceptions of the Spanish Civil War in both fiction and non-fiction. However, this past semester (like every one preceding it at New College) found me fervently writing research papers on a variety of topics. One of these is the essay before you. Eventually, I aspire to be a history teacher at a public institution."*