Frið and Fredom: Royal Forests and the English Jurisprudence of Laȝamon’s Brut and Its Readers

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The century and a half between the Norman Conquest and Magna Carta ushered in a period of enormous change in the legal culture of England, change that by most accounts went largely unrepresented in English vernacular writing. While Anglo-Saxon England possessed a well-developed legal vernacular, after the Conquest its loss of social and institutional authority to Latin and French seems to have placed restraints on new writing in English, legal or otherwise.1 When English reemerged as a common literary medium in the thirteenth century, its relationship with the vernacular legal language of the past was wholly changed. In an important collection of essays on literature and the law in later medieval England, Bruce Holsinger argues, “The decades after 1200 stage an extended conflict

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between an institutionalized legal apparatus and an increasingly marginal-
ized vernacular,” a conflict that gave rise to “a proliferation of new legalis-
tic writing in the English vernacular existing alongside the documentary
and legislative production of official legal culture, in relation to which this
emergent writing is often brilliantly parasitic.” The conflict opened up new
avenues for creative experimentation with what Holsinger terms “vernacu-
lar legality,” in which “vernacular writers recruit official legal vocabularies
and institutions for their own purposes,” often marshaling them to reflect
on other fields of knowledge, such as the liturgy. As Emily Steiner and Can-
dace Barrington point out in the introduction to the same volume, there is
now a well-established body of scholarship revealing that English literature
after 1225 “developed in dialogue with legal discourse, practices, and mate-
rial culture, and . . . insular law and English literature were bound up to-
gether in larger processes of institutional, linguistic, and social change.”

However, we lack a clear picture of the important transitional period
before the second quarter of the thirteenth century, a period in which
memories of an Anglo-Saxon legal-literary culture were fresh and its dis-
placement from the realm of institutional legal practice still ongoing. In the
years following 1066, anxieties about the use of English as a medium for
legal discourse dovetailed with a broader set of concerns about the impact
of conquest and colonization on the role of the law in ensuring social stabil-
ity. If vernacular writers wished to continue to write about the law, they
would have to renegotiate the relationship between the law as it came down
to them from the Anglo-Saxon past and the legal concerns of their own
day. The paucity of surviving English writing from the period makes any
enquiry into this process particularly difficult. But happily, one of the most
important legal innovations by the Normans, the royal forest, did not
escape the notice of vernacular writers. In an obituary for William the Con-
queror in the Anglo-Saxon Chronicle entry for 1087, the anonymous author
inserted a poem that provides an account of William’s establishment of the
royal forest and of the discontent it sowed among his subjects. At the other
end of the period, the verse chronicle known as La
amon’s
Brut
(ca. 1190–
1220) contains two references to royal forests, the latter of which attributes
its introduction not to King William but to the Saxon King Athelstan. As re-
sponses to the introduction of a new legal institution, these two texts pro-
vide important evidence for the impact of the royal forest on English juris-
prudence. This impact was so profound that Michael Clanchy calls the

2. Bruce Holsinger, “The English Jurisdictions of The Owl and the Nightingale,” in The Letter
of the Law: Legal Practice and Literary Production in Medieval England, ed. Emily Steiner and Can-
3. Ibid., 157.
4. Emily Steiner and Candace Barrington, introduction to Letter of the Law, 2.
royal forest “the most important Norman innovation” to have been introduced after the Conquest.\textsuperscript{5}

In addition to their value as responses to the introduction of the royal forest, these poems also shed light on the process by which vernacular writers began to reexamine the use of English legal discourse. Both texts employ the Anglo-Saxon word friđ as their term for the royal forest, a lexical reassignment that provided a means of confronting the jurisprudential changes that developed as a result of the forest’s introduction into the English (legal) landscape. An exploration of the use of the term friđ helps to fill the gap in our understanding of legal writing in English between its Anglo-Saxon origins and the “vernacular legality” of the thirteenth and fourteenth centuries. I hope to demonstrate that Anglo-Saxon legal discourse continued to function as a vehicle for exploration of current legal disputes, specifically the status of the royal forest. More generally, I wish to demonstrate that vernacular writers in post-Conquest England turned repeatedly to the image of the forest as a means of examining the importance of historical continuity to the legitimacy of legal principles and practices. In the first part of my discussion, I will show how the creation of this new jurisdictional region, not strictly defined by older boundaries, challenged established notions about the “immemoriality” of the law and its relation to kingship. I will next discuss the use of friđ in Anglo-Saxon legal language and argue that its adoption as a term for the royal forest prompts reflection about the legal basis for social freedoms and prerogatives. Looking especially at Laȝamon’s \textit{Brut}, I will suggest that the forest was a disputable territory in which rival native or local claims vied with colonial or royal ones. Among the competing forensic traditions, the king’s jurisdiction over the forest is the means by which Laȝamon recognizes that royal authority serves at once as a medium for legal change and for the naturalization of foreign legal practices. For Laȝamon, the application of the term friđ in Anglo-Saxon law to this new area of royal jurisdiction provides continuity while allowing for changes in the law. This adaptability of the vernacular to new legal circumstances was an important feature to emerge from examining the relationship between the law of the past and that of the present. In the final section of this essay, I will explore the use of friđ by two of Laȝamon’s later readers, the Otho reviser of the \textit{Brut} and the poet of the \textit{Alliterative Morte Arthure}. These works reveal that the jurisprudential significance of friđ continued to be reanalyzed in response to later changes in the legal status of the royal forest. In tracing the history of friđ over the longue durée, I hope to show that vernacular writers after the Conquest were occupied with reconciling legal innovations like the royal forest with the desire for conti-

nuity with Anglo-Saxon law, and I hope to provide some indication of the legacy of their efforts as the Anglo-Saxon world receded into the distant past.

ROYAL FORESTS AND ENGLISH JURISPRUDENCE

Royal forests were areas of land set aside for royal pleasure and profit and enforced by a body of laws designed “to protect the hunting rights of the Crown.” Originally a lapsed Carolingian institution, the royal forest had been revived by the Norman Dukes and imported to England by William the Conqueror. Areas under forest law were designated by royal decree, irrespective of prior tenancy, and those who dwelled within these areas were forbidden to hunt, to cut wood for fuel, or to clear waste land for cultivation. The harsh punishments sometimes applied to violators of forest law, including mutilation and death, guaranteed its unpopularity in England. Although punishments were later eased—mostly consisting of imprisonment or pecuniary fines during the reign of Henry II—corporal punishment was not officially repealed until Henry III’s Charter of the Forest in 1217. By this time antiforest sentiment was already well established. Despite protest, William’s successors continued to incorporate more and more territory into the royal forest so that, in the early thirteenth century, it may have covered as much as a third of England, sometimes encompassing whole counties, such as Essex. The royal forest was instrumental in the growth of royal power by generating revenue, by increasing the extent of the king’s jurisdiction over the land beyond any held by his Anglo-Saxon forebears, and by doing so under his own authority.

The poem in the 1087 entry of the *Anglo-Saxon Chronicle* gives a vivid picture of the instant negative reaction to the introduction of forest law by a wide spectrum of William’s subjects.

He [William] sætte mycel deorfrið,
Þæl lægde læga þærwið
Þæt swa hwa swa slope heort oððe hinde,

7. Ibid.
9. The royal forest differed in fundamental ways from pre-Conquest hunting reserves such as those legislated by King Cnut; see Liebermann, *Gesetze der Angelsachsen*, 366. There is no indication that Cnut’s reserves overlapped with the property of other landowners or were governed by separate legal procedures, nor was there any link between hunting rights and the preservation of the woods. See John M. Gilbert, *Hunting and Hunting Reserves in Medieval Scotland* (Edinburgh: Donald, 1979), 7–8.
[He (William) established a great deorfrið, and he imposed laws therewith that whoever slew a hart or a hind should be blinded. He forbade the harts, and the boars. He greatly loved the stags as if he were their father. Also he decreed regarding the hares that they should go free. His rich men complained of it; and his poor men lamented it.]

The Chronicle’s picture of near universal dislike of the harsh penalties associated with forest law only begins to address some of the larger legal issues it brought into play. Forest law placed pressure on received notions of English jurisprudence since it raised questions about the status of pre-Conquest legal practices and about the authority of the Anglo-Norman kings to introduce legal innovations.

Something of the nature of these tensions can be gleaned from the chronicler Eadmer’s remarkable story of a poaching trial that took place in 1098. Eadmer tells us that fifty freemen, who “seemed to be blessed with some traces of wealth from the old English nobility” (ex antiqua Anglorum genuitate, divitiarum quaedam vestigia arridere videbantur), were falsely accused of having taken, killed, and eaten the king’s deer. After denying the crime, they were forced to clear themselves by undergoing the ordeal of hot iron, and three days later they presented themselves with hands


11. The translation is my own. Because deorfrið is both a singular and a plural form the precise translation of line 12 is uncertain. Two Latin translations of the poem survive in the Historia Anglorum of Henry of Huntingdon and the Annales de Waverléia. Both omit the content of lines 12–13. Henry apparently thought that the Chronicle poem referred to William’s establishment of the New Forest in Hampshire and thus adds: “Vnde in siluis uenationum, que uocantur Noueforest, uillas eradicari, gentem exstirpari, et a feris fecit inhabitari” (On account of this, in the woodland reserved for hunting, which are called the “New Forest,” he had villages rooted out and people removed, and made it a habitation for wild beasts) (Henry, Archdeacon of Huntingdon, Historia Anglorum: The History of the English People, ed. and trans. Diana Greenway [Oxford: Clarendon, 1996], 404). The statement is not in the Waverley Annals.
unburnt through the protection of God. When this was reported to William Rufus, he exclaimed angrily:

Quid est hoc? Deus est justus judex? Pereat, qui deinceps hoc crediderit.
Quare per hoc et hoc meo judicio amodo respondebitur. Non Dei quod pro
voto cujusque hinc inde plicatur.

[What is this? God a just judge? Perish the man who after this believes so. For
the future by this and that I swear it, answer shall be made to my judgment,
not to God’s, which inclines to one side or the other in answer to each man’s
prayer.]12

If we look past Eadmer’s agenda—to demonstrate the king’s rejection of
God’s authority over his actions—we can see that his account of the alleged
poaching of the king’s deer by a group of Anglo-Saxon freemen contains
hints of a broader range of legal issues.13 There is an apparent ethnic
dimension to the dispute, since the Anglo-Saxon freemen, who had re-
tained the vestiges of pre-Conquest affluence, appear to have been trying
to assert their traditional rights in defiance of an imported foreign legal
custom.14 That such actions may not have been unusual is suggested by the
Leges Henrici Primi, written within twenty years of the incident described by
Eadmer, which provides a condensed account of the pleas of the forest fol-
lowed immediately by the different exculpation procedures for French-
men and Englishmen (including trial by ordeal for the latter).15 The repu-
tation of the royal forest as a foreign import was probably slow to die;
Geoffrey of Monmouth’s account of the Trojans’ violation of forest law in
Aquitaine (Wace’s and Laðamon’s Poitou) may be an acknowledgment of
its continental origins.16

12. See Martin Rule, ed., Eadmeri historia novorum in Anglia, Rolls Series 81 (1884; repr.,
Wiesbaden: Kraus, 1964), 102. The translation is taken from Geoffrey Bosanquet, ed., Eadmer’s
13. Eadmer argues that the king had become “Dei judicio incredulus, injustitiaeque illud
arguens” (skeptical of God’s just judgment, accusing it of injustice) (Rule, Eadmeri, 102; Bosan-
quet, Eadmer’s History, 105).
14. One might compare the use of poaching in later medieval England as an act of resist-
ance. As William Perry Marvin puts it, “To reserve hunting rights in a patriarchal world was an
act bound to generate, indeed invite, resistance; for hunting is evocative of the deeds of ances-
tors, and therewith also of ancestral liberties” (“Slaughter and Romance: Hunting Reserves
in Late Medieval England,” in Medieval Crime and Social Control, ed. Barbara A. Hanawalt and
David Wallace [Minneapolis: University of Minnesota Press, 1999], 225).
16. For the text of Geoffrey’s Historia, see The historia regum Britanniae of Geoffrey of Mon-
herein are taken from Lewis Thorpe, ed., The History of the Kings of Britain (London: Penguin,
1966). In the conflict between the Trojans and the Poitevins, Wace enhances the episode’s
affinities with the Carolingian world by borrowing the notion of the division of France among
“doze pers” (twelve peers) (line 923) from the chansons de geste. All quotations from and trans-
In Eadmer’s account, the royal forest serves as a locus for acts of social control and social resistance not just between ethnic groups but between royal and local authorities. The establishment of the king’s sole jurisdiction over swaths of land traversing other administrative boundaries expanded royal power at the expense of more local jurisdictional authorities—baronial, shire, and manor courts, for instance. In the process, it undermined the rights of landholders to receive produce or income from the territory in their possession, giving rise to conflicts such as the one described by Eadmer.  

William Rufus’s demand that in the future “answer shall be made to my judgment” implicitly insists on a jurisdictional authority separate from the one that stipulated the trial by ordeal (which left the accused in the hands of God). Such an insistence on separate jurisdiction left the king open to charges of arbitrariness—ironically, the same accusation William Rufus makes about divine authority. As Richard FitzNigel, writing around 1177, later explained,

Sane forestarum ratio, pena quoque uel absolutio delinquentium in eas, sive pecuniaria fuerit sine [sic] corporalis, seorsum ab aliis regni iudiciis secernitur et solius regis arbitrio uel cuiuslibet familiaris ad hoc specialiter deputatus subicitur. Legibus quidem propriis subsistit, quas non communi regni iure set uoluntaria principum institutione subnixas dicunt, adeo ut quod per legem eius factum fuerit non iustum absolute set iustum secundum legem foreste dicatur.

[Indeed, the law of the forest, and the monetary or corporal punishment of those who transgress there, or their absolution, is separate from the rest of the kingdom’s judicial system, and is subject to the sole judgement of the king or his specially appointed deputy. For it has its own laws, which are said to be

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17. Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (1994; repr., Oxford: Clarendon, 2001), 55. For discussion of the history of property rights in England, see especially chap. 8, where Reynolds notes that “the forest laws look like a significant inroad on property rights” (350). For discussion of the way the king could exploit local gentry, see the examples from Yorkshire given by Hugh M. Thomas, *Vassals, Heiresses, Crusaders, and Thugs: The Gentry of Angevin Yorkshire, 1154–1216* (Philadelphia: University of Pennsylvania Press, 1993), 186–88. Thomas speculates that “the appointment of twelve knights, mandated by clause forty-eight of Magna Carta, to enquire into and eliminate evil customs connected with forests and local officials . . . shows that the barons recognized that knights had a crucial role in government, a role that they should be allowed to exercise in the interests of reform” (191).
based on the will of princes, not on the law of the whole kingdom, so that what is done under forest law is called just according to forest law, rather than absolutely just.\textsuperscript{18}

The king’s appropriation of jurisdictional authority over the forest raised further questions about the king’s authority to introduce legal innovations in general. After the Conquest, distrust of legal innovation motivated the Anglo-Norman kings to proclaim repeatedly their adherence to the laws of Edward the Confessor. For instance, William the Conqueror declared:

\begin{quote}
Hoc quoque praecipio et volo, ut omnes habeant et teneant legem Edwardi regis in terris et in omnibus rebus, aduauctis iis quae constitui ad utilitatem populi Anglorum.
\end{quote}

[This also I command and will, that all shall have and hold the law of King Edward in respect of their lands and possessions, with the addition of those decrees I have ordained for the welfare of the English people.]\textsuperscript{19}

Legal literature tended to follow suit throughout the twelfth century through copies (sometimes forgeries) and translations of Anglo-Saxon laws and charters.\textsuperscript{20} From early on, the Anglo-Norman monarchs appear to have searched for precedents for forest law among the Anglo-Saxon legal codes. Cnut’s legislation protecting his hunting reserves was recycled a number of times in the twelfth century, appearing in the \textit{Consilatio Cnuti} and in the \textit{Quadripartitus} in the first half of the century, and also making an appearance in the spurious \textit{Constitutiones de Foresta}, which, according to Jurasinski, was “probably written during the Angevin period, as ‘proof’ of the immemoriality of the unpopular forest law.”\textsuperscript{21}

Nevertheless, legal activity was not solely committed to the continuation of pre-Conquest practices. In many ways the Norman kings’ vows to uphold

\begin{itemize}
\item \textsuperscript{18} Richard FitzNigel, \textit{Dialogus de Scaccario}, and \textit{Constitutio domus regis: The Dialogue of the Exchequer, and The Establishment of the Royal Household}, ed. Emilie Amt and S. D. Church (Oxford University Press, 2008), 90–91. All translations of \textit{Dialogus de Scaccario} in this article are taken from those of Emilie Amt in the same edition.
\end{itemize}
the laws of their predecessors and the continued textualization of Anglo-
Saxon law obscure the reality that the Norman Conquest was a catalyst for
legal change. William the Conqueror is traditionally held to have made
few modifications to Anglo-Saxon law, but his own declarations refer to adauctū—of which one must have been the institutionalization of forest
law—and these must have contributed to the weakening of Anglo-Saxon
law even before the extensive legal innovations of the twelfth century. Dur-
ing the Angevin period (1154–1217), concern about the king’s violation of
the principle of legal permanency continued. Ralph Niger (ca. 1140–ca.
1217), for instance, described Henry II’s reforms as little more than power
grabs: “His greed was never sated: having abolished the ancient laws, he
issued new laws each year, and called them assizes.”

FitzNigel’s comments on forest law occur in the context of a discussion between the scholar and the master about the value of precedent. After acknowledging its value, the master continues:

Verum quicquid super his dixerimus allegantes pro hac libertate uel contra
eam, certum habeas quod nichil in hac parte certum dicimus, nisi quod
principis auctoritas decreuerit obseruandum.

[But whatever I have said about those matters, arguing for this privilege or
against it, you may be sure that I have not called anything certain, except what
the prince’s authority decrees should be done.]  

Royal efforts to stress continuity with the past were an attempt to deempha-
size, and so disguise, the novelty of the royal activities, but these efforts were
not always successful, particularly as more and more legal activity expanded
the king’s power at the expense of his magnates. According to Firth Green,
“Throughout the thirteenth century the king’s claim to be able to make
law had been stubbornly resisted by two lines of argument”: that the king
existed to preserve law, not make it, and that if changes in the law become
necessary, the king should act in consultation with his nobles. The first
argument assumes that the law is more powerful than the king. The second
concedes the authority to make new law to the king but pragmatically tries

22. “Nullo quæstu satiatus, abolitis antiquis legibus, singulis annis novas leges, quas assisas
vocavit, edidit” (Radulfi Nigri chronica: The Chronicles of Ralph Niger, ed. Robert Anstruther, Pub-
lications of the Caxton Society 13 [New York: Franklin, 1967], 168); the English translation is
my own.

23. FitzNigel, Dialogus de Scaccario, 90–91. FitzNigel’s comments are prompted by a discus-
sion of an episode that probably took place in 1167. Alan de Nevill held pleas of the forest
throughout England, and the Earl of Leicester and many others had pardons per breve regis.
This provoked constitutional worries that the barons of the exchequer were seeking privileges
from the king to which they were already entitled, and they quickly uncovered a pipe roll from
the reign of Henry I that supported the dignity of the members of the court.

24. Richard Firth Green, A Crisis of Truth: Literature and Law in Ricardian England (Phila-
to leave his nobles involved in the process. The separate jurisdictional status of the royal forest and the king’s ability to draw new territories into the royal forest at will violated both principles. This is one reason why the royal forest figured prominently among the baronial attempts to place restrictions on the authority of the king in the early thirteenth century.

FOREST LAW AND THE ADAPTATION OF ANGLO-SAXON LEGAL LANGUAGE

Both the reaction against forest law and the attempts to justify its existence retroactively are symptomatic of a legal system with diverse origins. As Firth Green has remarked, the coexistence of older and newer jurisprudences in English law for much of the Middle Ages created “a curious kind of legal hybrid.”25 Along with persistent local customs and folk law, English legal practice was characterized by Anglo-Saxon legislation, Scandinavian influences, and, latterly, the radical legal and administrative reforms of the time of Henry II.26 Such legal hybridity prompted processes of negotiation that were frequently textualized in the literature of the period.27 The use of the Old English term frið for the forest in both the Anglo-Saxon Chronicle and Laȝamon’s Brut exemplifies this hybridity, drawing into focus the tensions that arose from the nativization of a foreign custom. In Latin and French, a distinction was made between words such as Silva and bois, which were available for woodlands in general, and forêta and forest, which indicated an area under forest law.28 English, by contrast, did not possess a word with


26. To add to the multiplicity of legal practices, one might include the canon law that applied to the clergy and the growing influence of Roman law in both the secular and ecclesiastical jurisdictions. See James A. Brundage, The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts (University of Chicago Press, 2008), chap. 3, esp. 92–94.

27. In using the term “hybridity,” I am indebted to the work of postcolonial writers like Homi K. Bhabha, as well as to the work of writers such as Michelle Warren and Jeffrey Jerome Cohen who attempt to extend, apply, or redefine such approaches in a medieval context. For discussion of hybridity in medieval literature, see esp. Jeffrey Jerome Cohen, “Hybrids, Monsters, Borderlands: The Bodies of Gerald of Wales,” in The Postcolonial Middle Ages, ed. Jeffrey Jerome Cohen (New York: Palgrave, 2000), 89. I share with these writers a view of hybridity as a productive condition that can be articulated by the subject’s conscious or unconscious selection of elements from the multiple cultures available under circumstances of, or as a result of, colonial contact. However, I do not assume that such circumstances necessarily prompt articulations characterized by ambivalence, mimicry, or monstrosity.

this legal dimension until forest itself was borrowed during the late thirteenth century. Thus the use of frið by earlier writers to refer to the royal forest looks like an early attempt to establish such a distinction using native legal vocabulary.

By 1200, the word frið had two possible origins. The first is the Old English fyrð, fyrhð, an “uncultivated tract of land,” which metathesized into frið over the course of the twelfth century. While this word developed the sense of “woodland,” it did not necessarily carry with it any legal implications. The use of frið to mean a royal forest is more likely to have evolved from the Old English word frið, which was in origin a legal term. During the Anglo-Saxon period it occurs with a variety of meanings, making its precise sense very difficult to pin down. Old English frið derives from the Germanic root *frı̂/*frı̂, “dear” (whence also “free” and “friend”). The adjective was originally applied to the children of householders (the dear ones) to distinguish them from slaves and thus came to be a marker of social class. The noun frið seems to be an abstraction implying the enjoyment of the privileges of free status. Possibly under Scandinavian influence, the word came to imply a general form of legal protection. Frið is found widely in alliterative formulas such as the Old Norse fyrirgöra fe´ ok friði, “to be deprived of possessions and frið, to be outlawed.” In Old English, the legal sense of frið is

29. The earliest references to English forest listed in the Middle English Dictionary date to around 1300.

30. Cecily Clark’s statement that “no such metathesised forms seem to be recorded before the thirteenth century” does not seem to account for names, where the word frið occurs with something like this meaning as early as the feet of fines records for 1197 (“xvi acras de bosco suo qui uocatur le Frith”). See Cecily Clark, ed., The Peterborough Chronicle (London: Oxford University Press, 1958), 72 n. 117; and Feet of fines of the ninth year of the reign of King Richard I, A.D. 1197 to A.D. 1198, Publications of the Pipe Roll Society 23 (London, 1898), 27. Frið appears as a regular term for forest by the mid-thirteenth century; cf. OED, s.v. “frið,” def. 2.


32. The converse development occurred in Latin, where the adjective liberi, “free,” came to mean “children.”

33. See James Bosworth and T. Northcote Toller, eds., An Anglo-Saxon Dictionary (Oxford University Press, 1898; suppl., 1921), s.v. “frið.” There is evidence that the term friðleas took on a legal meaning under Danish influence in the eleventh century, a meaning that subsequently became established enough to spread back to the continent. See Klaus von See, Altnordische Rechtswörter, Hermæa 16 (Tübingen: Niemeyer, 1964), 158: “Im Aengl. ist friðleas, freoðoleas ziemlich selten und meinte hier zunächst wohl ‘ohne Gnade, ohne Schonung’ (Liebermann 413). Nur einmal—in II Cnut 15a, also wohl unter dänischem Einfluß—hat er die Bedeutung ‘exlex’ (Liebermann 413). Der fries. Ausdruck fretholas, der in den ‘XXIV Landrechten’ ([11. Jh.]) vorkommt, steht dem freieren aengl. Gebrauch nahe und nimmt erst im 12./13. Jh. die strengere terminologische Bedeutung ‘exlex’ an” (In Old English friðleas, freoðoleas is quite rare and probably first means “without mercy, without sparing” [Liebermann 413]. The Frisian expression fretholas, which appears in Land-
most easily discerned in compounds like *frìδbena*, “supplicant for protection,” and *frìthsocne*, “sanctuary.” Formulaic expressions such as *grìδ* and *frìδ*, where the meaning appears tautological, also probably reflect legal usage. However, from early on *frìδ* came to be used as a general term for “peace” or “nonhostility” (often translated “truce”), and this is the meaning that predominated outside of legal literature. Possibly the shift arose from a transference of meaning from a legal protection from hostile action to a general state favored by such protection.

Stefan Juransinski suggests that the unusual term *deorfriδ* in the poem in the *Anglo-Saxon Chronicle* acquired its legal sense from a “long association” between the legal word *frìδ* and “the protections enjoyed by the royal game animals” specified by the word *gefrìδod* in Cnut’s designation of royal game preserves:

> [&] forgá ælc man minne huntnoð, locehwær ic hit gefriðod wylle habban, be fullan wite.

[& may each man forgo my hunting wherever I will have it protected, subject to full punishment.]  

Here *frìδ* seems to have undergone another semantic shift from the privileges and protections enjoyed under the law by those of free status to the actual granting of those privileges and protections by the king. Although the verb *gefriðod* suggests that the change of meaning was already taking place in Old English, the legal implications did not become apparent until the importation of forest law after the Conquest, when the noun *frìδa*, albeit in combination with *deor*, was first used to designate a place. In the *Chronicle* poem, William’s decree that “the hares should go free” in the royal forest further reveals the transformation of *frìδ* by highlighting how this created space ironically granted animals free status. Freedom was construed in

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Law XXIV [(eleventh century)], approaches the freer use of Old English and acquires the stricter technical meaning “exlex” only toward the twelfth/thirteenth century). For the eleventh-century Land-Law, von See cites Karl von Richthofen, *Friesische Rechtsquellen* (Berlin: Buchhandlung, 1840), 41ff (omitted from the quotation). The English translation is mine.

54. The word *grìδ*, “peace, truce,” is Old Norse in origin and first appeared in England in the tenth century; see von See, *Altnordische Rechtswörter*, 173. Bosworth and Toller’s *Anglo-Saxon Dictionary* entry for *grìδ* quotes Stubbs’s suggestion that *frìδ* and *grìδ* originally had different meanings: that “the one is official, the other personal; the one the business of the country, the other that of the court.” If this distinction ever existed, it probably quickly ceased to be functional. After an examination of the textual evidence, Fell concludes that Stubbs’s distinction is a “specious piece of nonsense (“Unfrìδ: An Approach to a Definition,” 85–86). The collocation *grìδ and frìδ* occurs primarily in works associated with the great legal writer Wulfstan, bishop of Worcester and archbishop of York (d. 1029), and may well have been coined by him.


terms of social privilege, the right to exploit land resources; the absurdity of granting this privilege to animals only highlighted the fact that the introduction of the royal forest took this privilege away from those persons who had previously enjoyed it. Jurasinski goes so far as to suggest that the phrase may satirize the rhetoric by which the introduction of forest law was justified, and he points out that unnatural privileging of beasts over men was precisely the issue that occupied the attention of antiforest writers throughout the twelfth century.\footnote{Jurasinski, “Rime of King William,” 136–37.}

The Latin translations of the *Chronicle* poem in the Henry of Huntingdon’s *Historia* and in the Waverley Annals indicate that it could have had considerable influence during this period, and perhaps into the thirteenth century. Laȝamon’s *Brut* has enough verbal and stylistic echoes of the poem on King William to suggest that he probably knew it. Apart from the use of deor-frîd, the *Brut* echoes the Anglo-Saxon *Chronicle* poem’s rhyming of headeor and fæder (lines 18–19), at the point when Brutus kills his father: “He wende to sceoten þat header, & ihitte his aðene fader” (He went to shoot the stag and hit his own father) (line 159). Laȝamon is the only author cited by the Middle English Dictionary who uses the term hea der.\footnote{In Old English, heah-deor is only slightly more common. According to Bosworth and Toller’s Anglo-Saxon Dictionary, it occurs only four times (all but one in the compounds headeor-hund, “stag-hound,” and headeor-hunta, “stag-huntsman”), notably in charters and laws.} Such evidence for Laȝamon’s use of the *Chronicle* poem is complicated by the fact that the poem survives only in the Peterborough manuscript (MS E); the Worcester manuscript (MS D), to which Laȝamon would presumably have had access, ends seven years too early in 1080. However, Laȝamon may have encountered it independently or in a manuscript of the *Chronicle* from which both MSS D and E were derived. Such a version appears to have been used not only by Henry of Huntingdon and the author of the Waverley Annals but also by William of Malmesbury and John of Worcester.\footnote{See Irvine, *Anglo-Saxon Chronicle*, lxxxiv–lxxxviii.}

Further evidence for Laȝamon’s use of the 1087 entry in the *Anglo-Saxon Chronicle* is to be found in the recurrence of the term for royal forest (this time as “frîð of deoren” [line 15972]) in his description at the end of the *Brut* of the acts of King Athelstan, whose resemblance to William the Conqueror will be discussed below.

Although Laȝamon most often uses the word frîð in the general sense of “peace,” notably in Gawain’s speech in favor of peace with the Romans (line 12455), the two instances where he uses it to indicate a royal forest suggest that he was fully aware of the legal meaning it possessed in the *Chronicle* poem. In the first of the two references, when the Trojan Duke Corineus is caught hunting in the Poitevin royal forest, Laȝamon appears to have selected the term in order to replicate the usage of his Norman French source. In the *Roman de Brut*, Corineus is said to enter a “bois” (line 812),
but when the Poitevins challenge his right to hunt there they twice refer to it as a “forest” (lines 818, 822), thus framing the conflict in legal terms. Laṣamōn here reveals himself to be a careful and sensitive translator; yet it is also significant that he maintains the distinction throughout the Brut by using wude to describe an area with dense tree cover and reserving frið specifically for the royal forest. Laṣamōn goes beyond replicating Wace’s change in vocabulary with one of his own; he appears to have selected a lexical item which already had for him the requisite legal associations.

Laṣamōn’s interest in legal culture is attested by numerous references to the law throughout the Brut. The name Laṣamōn itself means lawman, which as Cannon notes, produces a “textual effect” that announces his engagement with legal issues. Likewise, Bruce Holsinger sees this effect as “an explicit nominal claim to institutional authority,” which “registers his [Laṣamōn’s] discursive affiliation with an as yet barely visible professional class of ‘lawmen’” that was developing at the beginning of the thirteenth century. While Laṣamōn may have derived the term frið solely from the Chronicle poem, the jurisprudential significance he attributed to it may have been influenced by a wider knowledge of older legal discourse. For this to be the case, however, some evidence is required that Laṣamōn had access to Old English legal materials. As Patrick Wormald has shown, Anglo-Saxon law codes are commonly bound together with a wide variety of historical, liturgical, homiletic, and other types of texts, suggesting that they were frequently passed down in manuscripts not intended for forensic use. Laṣamōn therefore need not have been searching specifically for legal materials in order to come across them. Hence I want to suggest here that, whether or not Laṣamōn had an official connection to the legal profession, his knowledge of the law came in part from contact with Anglo-Saxon legal literature.

An examination of the Anglo-Saxon law codes in manuscripts known to have been in Worcester in the thirteenth century provides a conservative estimate of the extent of Old English legal texts to which Laṣamōn might have been exposed. Five such manuscripts survive today, containing materials from the law codes of Edgar, Æthelstan, Edmund, and Æthelred.

41. For discussion of Laṣamōn’s possible connections with the law, see Cannon, “Laṣamōn and the Laws of Men,” 337–38, and Grounds of English Literature, 78–79.
43. See Wormald, Making of English Law, chap. 4.
44. Frið occurs occasionally in the surviving charter material, but I have not found any examples in charters specifically associated with Worcester.
45. The manuscripts in question and their contents are as follows: London, British Library, Cotton Nero E.i (IV Edgar); London, British Library, Harley 55 (A) (II–III Edgar); London, British Library, Cotton Claudius A.iii (VI Æthelred); London, British Library, Cotton Nero A.i (B)
The word frið is found in four of the manuscripts, occurring twenty-one times. Two of these manuscripts show signs of use during Lāzamon’s time. Folios 185–86 of the second volume of London, British Library, Cotton Nero E. I contain a late tenth- or early eleventh-century copy of IV Edgar that has been integrated into an eleventh-century cartulary of Worcester cathedral and later combined with a selection of vitae and passiones into what Wormald calls “a fairly imposing liturgical collection.” The second manuscript, London, British Library, Harley 55 (A), which contains the text of II–III Edgar along with medical recipes and a property memorandum, has been glossed by Lāzamon’s near contemporary, the so-called tremulous hand of Worcester. There is, then, evidence that manuscripts containing Old English law codes continued to be read in Worcester as late as the thirteenth century and that such manuscripts contained materials likely to be of interest to a wider sector of society than legal professionals.

When we turn back to the Brut, we find that Lāzamon commonly employs formulaic expressions like grið and frið and frið and freondscipe, which he could easily have lifted from the Old English law codes that have survived. Of the twenty-seven instances of the word frið in the Caligula manuscript of the Brut, twenty-two are in collocations with grið. There are a further seven alliterative formulas, and, although they are not of the traditional Germanic “fee and frið” type, they generally collocate frið with the etymologi-

46. The occurrences are as follows, cited by code, section number, and page number in Liebermann’s edition: IV Edgar 2 (p. 208); 12, 1 (p. 218); 14, 1 (p. 214); 15 (p. 214); 16 (p. 214); V Ethelred 1, 2 (pp. 238–39); 3, 1 (pp. 238–39); 26, 1 (pp. 242–43); 29 (pp. 244–45); VI Ethelred 8, 2 (pp. 250); 10, 1 (p. 250); 31–32 (p. 254); 36 (p. 256); 42 (p. 258–59); and VIII Ethelred 1, 1 (p. 263). IV Edgar occurs in both British Library, Cotton Nero E.i and Cambridge, Corpus Christi College 265 (see n. 45 above).

47. Wormald, Making of English Law, 183. The recto preceding the law code contains excerpts from Bede’s commentary on Mark alternating with lections for a martyr that are found elsewhere in the thirteenth-century Worcester Antiphoner. Immediately following the law code, and before the resumption of the cartulary, are two leaves of a Life of Bede possibly written down in the twelfth century and titled “passionale a Kl. Jan. usque ii Kl. Octobris” in a thirteenth-century hand. It is thus likely that these materials were assembled together in some form by that time. For details of the rather complex history and arrangement of this manuscript, see ibid., 182–83.

48. Ibid., 188.

49. Compare “griðian friðian” (VI Ethelred 42 [pp. 258–59]) and “frið frið freondscipe” (V Ethelred 1, 1 [pp. 238–39]). Lāzamon might also have encountered such legal expressions outside the law codes; Wulfstan’s legalisms (see n. 34 above) are common in his homilies, and the expression “frið & freondscipe” can be found in the entry for 1066 of the Worcester manuscript of the Anglo-Saxon Chronicle (MS D). See The Anglo-Saxon Chronicle: A Collaborative Edition, vol. 6, MSD, ed. G. P. Cubbin (Cambridge: Brewer, 1996).
cally related terms “free” and “friend.” Laȝamon’s intent may be to evoke formulaic legal usages rather than to reproduce them. His purpose is to invoke the authority of Anglo-Saxon legal discourse rather than to replicate its use precisely. This is consistent with his linguistic evocation of Anglo-Saxon literary style, which Stanley describes as archaistic rather than genuinely archaic.  So too, Laȝamon’s use of the term frið is legalistic rather than genuinely legal.

In this we can see not only the unstable meaning of the term frið itself, but also the way vernacular legal language was freely adapted in the post-Conquest period. While the word frið may have begun to undergo semantic shift somewhat earlier, the introduction of the royal forest prompted its adaptation to a wholly new legal use. Once the forest was in place, the cultural disjunctions it produced brought to light ambiguities about whether the frið was a right conveyed by ancient legal tradition and present tenancy or social status, or whether it was subject to restriction according to the whims of the king. The use of frið to refer to the royal forest in effect designated the forest itself as a space in which these points of jurisprudence were contested.

**FRID AND FREEDOM IN THE BRUT**

Forest law redefined the frið as a royal grant of protection. In so doing, it broke with precedent, undermining perceptions of continuity with the Anglo-Saxon past and the principle of continuity itself. It also eroded the property rights of landowners and the powers of local jurisdictional authorities in favor of the king. A further effect was to draw into question the freedom associated with aristocratic identity. Control over the hunting rights in the forest was intimately connected with such freedom because it could symbolize broader territorial control and because hunting was a means by which the aristocracy performed their social preeminence. FitzNigel justified the king’s sole jurisdiction over the forest in just such terms:

In forestis etiam penetralia regum sunt et eorum maxime delicie. Ad has enim uenandi causa, curis quandoque depositis, accedunt ut modica quiete recreentur. Illic, seriis simul et innatis curie tumultibus omissis, in naturalis libertatis gratiam paulisper respirant, unde fit ut delinquentes in eam soli regie subjaceant animaduersioni.

[Moreover, in the forests are the kings’ retreats and their greatest delights. For they go there to hunt, leaving their cares behind, to refresh themselves with a little rest. There, setting aside the turmoil of serious matters intrinsic to the court, they breathe fresh air freely for a little while; and that is why people who violate the forest are punished solely at the king’s will.]  

The exclusive freedom to hunt in a given territory was thus an important marker of social privilege. As Marvin puts it, “The ability to exercise ritual violence in the scope of exclusive franchise, and chiefly for purposes of entertainment, became a significant matter of honor.”52 This concern with honor underlies the desire for freedom—whether from the bondage imposed by conquerors or by tyrannical rulers—which drives much of the narrative in La Ḣamɔn’s Brut. It is no wonder, then, that the desire for freedom is frequently articulated therein with reference to hunting. From the very beginning of the poem, hunting figures prominently in the process by which the Trojans attain their freedom from slavery by the Greeks. Brutus only becomes the Trojan leader after he has been exiled for shooting his father during a hunting accident.53 On the isle of Logice, it is Diana, goddess of forests and of the hunt, to whom Brutus prays for guidance. He even sacrifices a white hind, which he has shot with his own hand (a detail not found in La Ḣamɔn’s sources), enacting the ritual violence associated with freedom.

Logice itself is a fantasy landscape symbolic of the unconstrained exploitation of the land. Outlaws have ransacked the island, leaving behind no humans but a plethora of animals on which the Trojans perform “all their will” by taking as much as they desire.

Logice hadde þat eit-lond. Leode nere þar nane—
ne wapmen ne wifmen—buten westiþæ þæðes.
Vtla þen hefden i-ræued þat lond & alle þa leoden of-slaþen,
& swa hit wes al west & wmen bi-ræued.
Ah swa monic þar waren wilde deor þat wnder heom þuhte.
& þa Troinisce men tuhten to þon deoren,
& duden of þan wilden al heora iwilla.
To þan scipen lædden swa muche swa heo wælden.
(Lines 561–68)

[Logice the isle was called. There were no people there, no men or women, just ways through the wilderness. Outlaws had ransacked that land and killed all the inhabitants, and so it was all plundered and deprived of provisions. But there were so many wild animals that it amazed them, and the Trojan men went off toward the beasts, and took of the wild things all their will. They brought to the ships as much as they wished.]

The taking of game at will can be either an assertion of social control or an act of outlawry, as we can see from similar language in the much later Gest of Robyn Hode:

53. La Ḣamɔn inherits this episode from Geoffrey of Monmouth, and his only modification is the language, which, as I have suggested above, echoes (or perhaps borrows from) the Anglo-Saxon Chronicle’s poem on King William. The accidental death of a king while hunting was a common motif, one particularly associated in England with the death of William Rufus. I mention this briefly in discussing the Gratien episode below.
But alwey went good Robyn
By halke and eke by hyll,
And always slew the kinges dere,
And welt them at his wyll.

(Lines 1461–64)\textsuperscript{54}

The fact that the Trojans do not remain on Logice signifies that they must legitimize their freedom by setting up their authority over a land with human inhabitants. Hence Brutus asks Diana to guide him “to ane wnsume londe þer ich mihte wunien” (to a pleasant land where I might dwell) and promises her that he will dedicate a temple to her “ʒif ich þat lond mai bi-
ʒeten & mi folc hit þurh-gengen” (if I can conquer that land and my people possess it) (lines 604–5). For this reason they put out colonizing feelers when they arrive in Poitou. But here there are prior authorities restricting the unconstrained taking of game—in this case, the king and his forest law. In Geoffrey of Monmouth’s version, the authority for forest law is located vaguely in terms of immemorial precedent.

Mox allocuti eum. Quærunt cuius licentia saltus regis ingressus feras necaret, statutum enim ab antiquo fuerat neminem sine principis iussu prostermere. Quibus cum corineus repondisset licentiam hui rei nequam debere haberi.

[(The messengers) immediately accosted him. They asked by whose permission he had entered the King’s forest to kill his animals, seeing that it had been decreed from ancient time that no one should hunt there without the ruler’s order. Corineus answered them that to have the permission of this king was worthless.]\textsuperscript{55}

Corineus’s response is equally vague; the nature of his objection is not elaborated. Twenty years later, perhaps anticipating the expansion of royal forest under Henry II, Wace assigns the authority for the ban on hunting directly to the king.

“Li reis,” ço dient, “ad fait vie´
Qu’il n’i ait bersé ne chacier
Ne adessee veneisun
En la forest, se par lui nun.
Coment i oses bisse prendre
Puis ke li reis l’ad fait defendre?”

(Lines 819–24)

\textsuperscript{54} A Gest of Robyn Hode, ed. Stephen Knight and Thomas H. Olgren (Kalamazoo, MI: Medieval Institute Publications, 1997).

\textsuperscript{55} Geoffrey of Monmouth, Historia regum Brittaniae, 1.18; Thorpe, History of the Kings of Brit-ain, 67.
[“The king, they said, “has forbidden any shooting, hunting, or even approaching game in the forest, except by himself. How dare you take a hind when the king has prohibited it?”]

Laȝamon’s version preserves the relocation of authority onto the king and dramatizes it further by having Numbert state that the Trojans shame the king. But, while Wace has Corineus plead ignorance of the law before stating his defiance, Laȝamon is the first to make Corineus explicitly deny the king’s righteousness.

Corineus i-werð him wroð & wende him to-þeines & saide þas ilke word mid muchelure wroðde: “Cniht þu ært muchel sot þat þu swa motest. Þjif þe king hit haueð forboden, ne scal him neuer beo þa bet; ne nawit for his forbode nulle ich hit bileuen to nimen his heortes & his hindes & al þa deor þat ich finde.”

(Lines 724–29)

[Corineus became angry and went up to him, giving this speech with a great wrath. “Sir, you are a great fool to do so. If the king has prohibited it, he shall never prosper, nor for all his forbidding shall I abstain at all from taking his harts and his hinds and all the beasts that I find.”]

The antagonism of the episode arises from the fact that the king’s frið—both his “peace” and his forest law—emerges as a means of subjecting persons rather than of protecting animals. King Goffar has sent Numbert to find out whether the newcomers will accept his authority (lines 705–11), and he is given a resounding “no.” Numbert’s statement that the Trojans “fareð mid unrihte” (line 720) and his repeated threats of punishment help to contextualize the dispute as a legal one. But the expected juridical process is effectively suspended when Numbert attacks Corineus. The bow is symbolically converted into a weapon of war, and the entire conflict is recast in terms of personal honor and retribution. Hence Corineus calls Numbert a “sot,” and Goffar vows to kill Brutus’s entire people when he hears of the death of his servant (lines 753–56). Here Corineus’s actions prove to be an important precursor to his future role as an aristocratic challenger to the royal authority of Brutus’s son Locrine (lines 1123–74) and, indeed, to the traditional role of Cornwall as a source of internal dissension within the English regions.56

The Trojans’ withdrawal from Poitou arguably leaves King Goffar’s authority over the frið intact, but it also leaves the dispute over its jurispru-

56. Cornwall’s role as a source of regional dissent is widespread, even outside the Brut tradition, as can be seen from the traitor Godrich, Earl of Cornwall in Havelok the Dane. See G. V. Smithers, ed., Havelok (Oxford: Clarendon, 1987).
dential basis unresolved. While Laȝamon provides no examples of the British kings establishing royal forests themselves, his account of the murder of King Gracien during a hunting expedition clearly demonstrates the role he envisaged for the forest in the erosion of regional, ethnic, and social control by expanding royal privilege. In Laȝamon’s version of the story, Gracien is killed by two East Anglian freemen who, we can surmise—like the fifty Anglo-Saxon freemen described by Eadmer—object to the king’s restriction of their traditional freedoms. Gracien’s downfall has superficial resemblances to the fate of William Rufus, whose death in a hunting incident was commonly taken to be divine retribution for his father’s establishment of the forests. Although we are not told specifically that Gracien is killed in a royal forest (it is described as a “wude” [line 6135]), the king’s act of hunting is the symbolic assertion of control of the type that the royal forest was designed to secure. It thus engages the concerns that the royal forest provoked over the erosion of freedoms enjoyed by the natives within their own territories. Just as Corineus’s violation of Poitevin forest law foreshadows his eventual use of Cornwall as a base for a rebellion against his king, the East Anglian origins and free status of Gracien’s murderers mirror the various forms of resistance that arose from the king’s assertion of social privilege in the forest. Laȝamon takes a dim view of the pretensions of the freemen and of how the kingdom has been “iset a cheorlene hond” (placed in the hands of churls) (line 6161), and he later has the Roman general Febus explicitly name Gracien’s murder as a reason for the Roman withdrawal from Britain, leaving it open to conquest by barbarians. While Laȝamon’s disapproval of the murder of a king, even if a foreign oppressor, may derive merely from the fact that it does not take place by means of a legitimate military deposition, he does seem to criticize the challenging of royal authority by groups within the kingdom.

Conflicts produced by invasion and conquest repeatedly have a synecdochic relationship to ethnic, regional, and class tensions in the Brut, and it is thus through the issue of foreign conquest that Laȝamon’s establishes the principle underlying the king’s frið. Later in the narrative, when King Arthur conquers the Scandinavians, the Danish king, Aschil, is the only


58. The decidedly English names of the East Anglian freemen Æthelbald and Ælfwald, centuries before the coming of the Saxons, in fact calls into question who is native.

ruler to submit willingly to Arthur’s overlordship. Commenting on Aschil’s submission, Arthur appears to encourage those subjected to foreign rule to adopt a pragmatic approach to the constraints on their freedom.

Wel wurðe þan monne de mid wisdome
biwineð him grīð & frið & freond-scipe to halden.
enne he isiht þet he bið mid strengðe ibunden.
izarked al to leosen leofue his richen.
mid liste he mot leodien luðe his bendes.

(Lines 11646–50)

[The man who follows wisdom will do well and gain for himself peace and frið and lasting friendship; when he can see how he is bound with strength and is going to lose all his beloved realm, with forethought he may loosen his loathsome bonds.]

Frið is here a privilege granted by a king, even a foreign conqueror, rather than a right to be enjoyed from time immemorial. By this criterion, whatever Laȝamon may have thought of the Normans’ “nið-craften” (evil ways) (line 3547), it was a necessity for Englishmen to accept and learn to work with the new regime. Indeed, many communities had begun to do so in the Angevin period, coming together to buy the disafforestation of local land from the king, removing it from the jurisdiction of forest law.60

We may now turn to the second passage where Laȝamon uses frið to indicate a royal forest. Here Cadwalader, the exiled British king, learns of the activities of the conquering Saxon, King Athelstan:

hu he sette moting & hu he sette husting,
and hu he sette sciren and makede frið of deoren,
& hu he sette halimot & hu he sette hundred,
and þa nomen of þan tunen on Sexisce runen,
& 3ilden he gon rere mucle & swiðe mære.
& þa chirchen he gon dihten after Sexisce irihten.

(Lines 15971–76)

[how he established courts; and how he set up assemblies; and how he established shire courts and made deer-forests (frið); and how he set up courts in manors; and how he established the hundreds, and changed the names of the towns into the Saxon language; and how he set up very many and very important guilds, and then reconstructed the churches according to the Saxon custom.]

The association between the royal forest and conquest is the operative force in the passage since Athelstan, like William, and even Cnut, is a foreign conqueror “ut of Sex-londen” (out of Saxony) (line 15969), a detail not in Lažamon’s sources. The description of the Saxon king’s activities shows the potential for historical conquests to transform the institutional landscape of Britain. This potential is marked by the close proximity of Lažamon’s story of the origin of Peter’s Pence (line 15956), itself an innovation with no pre-Saxon precedent. Like the Trojans’ early encounter with forest law at the beginning of the Brut, Athelstan’s establishment of the royal forest is strategically placed toward the end of the narrative to make us confront the possibility of legal discontinuity resulting from historical changes in rulership. Although Athelstan calls an assembly (a “husting”), repeating a practice used by King Arthur, the focus of the passage is on the king’s own acts, emphasized by the repetition of the pronoun “he,” by which the cultural landscape is transformed to the “Sexisce irihten” (line 15976).61 This repetition (even of the verb “sette”) recalls the phrasing of the acts by which King William establishes the royal forest in the Chronicle poem, and it thus appears that Lažamon purposely refigures Athelstan as a foreign conqueror in order draw a closer analogy between the status of Saxon and Norman laws.

By placing the Norman institution of forest law among the otherwise recognizable Anglo-Saxon legal and administrative institutions, Lažamon foreshadows the future Norman role in continuing the earlier tradition of legal innovation. Here we see how the frið, both the forest and the protection of the legal apparatus of the realm, are grounded in the acts of the king. Rather than glossing over historical ruptures in English jurisprudence, Lažamon recognizes the reality of historical change—of both rulers and the law—and sees the kingship as the mechanism by which this takes place. For Lažamon, the transformation of the frið amounts to a larger transformation of jurisprudential culture in which social freedoms are authorized not by past custom but by royal decree.

The adaptation of the Anglo-Saxon principle of frið to represent a space constituted arbitrarily by royal jurisdiction was a response to conditions that arose in the century and a half following the Norman Conquest. Amid the territorial free-for-all that ensued (notably along the border with Wales near Lažamon’s home), social prerogatives were constantly asserted and contested in the royal forest, where rival native and local claims vied with colonialist and royal ones. This reconfigured the cultural landscape, eclipsing preexisting authorities, undermining traditional privileges, and thus

61. Christopher Cannon is at some pains to find evidence for continuity between Athelstan’s actions and those of his British predecessors. He finds a precedent for Athelstan’s “husting” in Arthur’s calling of a “husting” and argues that this represents his “upholding of the old forms of Arthur’s law, but is, once more, and at a crucial point, upholding the upholding of the law” (“Lažamon and the Laws of Men,” 357).
Laamon saw in the king’s frið a legal basis for sublimating ethnic and regional tensions, especially those arising from historical conquests, whether Saxon or Norman. The buildup to Magna Carta (1215) and Henry III’s Forest Charter (1217), which coincides with the period in which Laamon most likely wrote the Brut, was a natural context for this brand of royalist jurisprudence, at least for some members of the population. Against the backdrop of baronial attempts to place restrictions on the authority of the king, the underlying principle of the frið, that of royal innovation, a legitimate mechanism for the expansion of the king’s power, would have had its advocates.62 However, since both surviving copies of the Brut—British Library, Cotton Caligula A.ix and British Library, Cotton Otho C.xiii—date to the second half of the thirteenth century, we are able to compare the circumstances of its authorship with those of its reception. Of the two versions, the one in the Caligula manuscript is generally believed to represent Laamon’s original text more closely.63 At least with regard to the depiction of the royal forest and the use of frið, there is no reason to suspect that it does not faithfully and consistently reproduce the original, and I have thus cited it as the basis for my discussion above. However, when we turn to the Otho manuscript, we find differences that open up the possibility that Laamon’s jurisprudence underwent a transformation in the hands of at least one redactor in the later thirteenth century.

Although the word frið is common in the Caligula version (occurring twenty-eight times), only two examples can be found in the Otho manuscript. Nearly every reference to the word seems to have been systematically excised from the Otho version, regardless of its meaning. In fifteen cases, the reviser simply skips lines containing frið, and in three of those cases the

62. If Laamon was somehow involved in the administration of the law, he might well have had cause to depict its status in a way that ran counter to the prevailing antiforest sentiment. However, since we lack sufficient biographical information to say for certain whether this was the case, it is useless to speculate further in this direction; his royalist jurisprudence may equally be a reflex of his larger historical concerns in the Brut.

surrounding lines as well. In ten instances he substitutes near synonyms or rephrases the line to eliminate the word. The scribe’s choice of synonyms suggests that he felt the need to clarify the meaning of the term, probably a result of the growing use of the metathesized form of Old English *fyrd*, *fyrd* for “woodland” in a nontechnical sense (this may explain why he also removes the word *unfrið*). Early on he substitutes the French-derived words: *pais(e)* (lines 242, 1261) and *parc* (line 718). He sporadically replaces *frið* with *grið* (lines 7566, 9225, 11760), perhaps influenced by the frequent collocation of these words in his source, and in the later examples he also tries to convey the flexible sense of the word with *blisse* (line 11339) and *loue* (line 11647). He retains *frið* only in two places: Laȝamon’s compound *deorfrið* (line 723), where the context allowed an obvious interpretation as “woodland” without any legal implications, and in Gawain’s speech against war with the Romans (line 12455), where, if not an oversight, it seems likely to have been kept to preserve the alliteration and rhyme.

The consistency of the Otho revisions suggests the work of someone who was not only trying to update the language but who also was unconcerned with or unaware of, or even possibly disturbed by, the particular legal character of the word *frið*. While the legalistic use of *frið* we find in the *Anglo-Saxon Chronicle*’s poem on King William and in the Caligula manuscript of the *Brut* may have fallen victim to linguistic change, it may also have been affected by changes in the legal culture of the second half of the thirteenth century. The Otho reviser’s replacement of *frið* with *parc* in fact changes the legal status of the wood in which Corineus is caught hunting. The term “park” normally designated an enclosed hunting reserve surrounded by a ditch and earth bank or other barriers; unlike the royal forest, parks were not subject to forest law.

64. The remaining instance of *frið* occurs in the passage describing Athelstan’s introduction of the royal forest, which has been lost in the Otho version due to damage to the manuscript. The method of revision seems to be in keeping with that described by Christopher Cannon, “The Style and Authorship of the Otho Revisions of Laȝamon’s *Brut*,” *Medium Ævum* 62 (1993): 187–209, although Cannon does not discuss the word *frið*. However, it does not follow that this provides further evidence for the conclusion that the Otho reviser “attempts to transform the style of the *Brut* into something like the style of a romance” (193).

65. The line reads in the Caligula version: “For god is griþ and god is frið þe freoliche hit holdeþ wiþ” (For good is peace and good is protection when people agree to it freely). The Otho manuscript reads: “For god his griþ and god his friþ þat freoliche hit holdeþ wiþ.”


centration of parkland was particularly dense in Worcestershire, it is perhaps no accident that the earliest occurrence of the word in English cited by the *Middle English Dictionary* occurs in the Otho manuscript of the *Brut*.\(^{68}\) However, the Otho reviser’s use of *parc* may also reflect a shift in thinking about the royal forest brought about by developments over the course of the thirteenth century. As early as the reigns of Richard (1189–99) and John (1199–1216), the territories under forest law began to decrease as royal forest was disafforested to generate income, and this process accelerated during the reign of Henry III (1216–72).\(^{69}\) Henry’s Charter of the Forest effectively ended the constitutional debate over the king’s power to afforest land, and the subsequent disputes (notably in 1258 and 1297) over the forest had to do with establishing its boundaries once and for all and with curbing abuses by forest officials, who often continued to make demands and impose restrictions even after disafforestation.\(^{70}\) The transference of forest land into private hands to generate income and the growing tendency of the nobility to establish their own private game reserves probably encouraged a perception of the royal forest less as an area of jurisdiction than as income-generating property. Indeed, the physical delimitation of the park encouraged a view of this territory as landed property, what Marvin calls “privatized hunting space.”\(^{71}\)

It is thus possible to see in the Otho scribe’s elimination of *frið* not just an attempt to avoid confusion with the common meaning “woodland,” but also a shift away from Laȝamon’s view of the forest as a territorial embodiment of royal prerogative. If the Otho reviser perceived Corineus’s crime of hunting in the king’s *frið* to be one of trespassing on the indisputable space of private parkland, he missed the legal subtleties of the word—in particular, its semantic association with royal jurisdiction. Corineus’s crime in the Otho manuscript may in fact serve not as a pretext for reflection on the authority of the king to impose his will but as an illustration of the broader criminality of trespass on private property. If Rosamund Allen is correct in her suggestion that the Otho version implies that Laȝamon was a household chaplain, we might see this as a shift in focus by the reviser toward the local administration of some private estate.\(^{72}\)

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\(^{68}\) Ibid., 78. The Otho reviser’s use of *parc* may in fact relate to changes in the status of local woodlands such as the disafforestation of the forest of Ombersley and Horewell, just south of Laȝamon’s home, in 1229; see ibid., 72.


\(^{70}\) For a summary of the changing role of the royal forest and its place in thirteenth-century politics, see ibid., 135–42.

\(^{71}\) Marvin, “Slaughter and Romance,” 229.

\(^{72}\) Allen bases her suggestion on the claim in the Otho version that “Lawman” dwelled at Areley “wid þan gode cniþte” (with the good knight) (line 3). See Allen, introduction to *Lawman: Brut*, xxii.
The sporadic uses of frið in the later thirteenth and fourteenth centuries provide further support for these developments in the legal culture. As early as 1259, a term fritfen appears in manorial documents, apparently with reference to a customary fee paid by tenants. The Inquisitions Post Mortem of Henry III record the lease in 1271 of a fishery near Carlisle called “Le frithenette,” and the terms “frithpeni” and “frith sealver” appear in the Inquisitions Post Mortem of Edward I for 1274 and 1294. A reference to the observation or payment of “frithes” in the manor of Wallesend in the Durham Halmote Court records for 1345 also suggests that the meaning of frith had begun to shift from an area of jurisdiction (even a local one) to the income generated therein. This usage may underlie John Wyclif’s objections to ecclesiastical lords who “toke freþis in here lond and allegede here chartris.” Likewise, Herod’s promise of “fryth and fe” to the soldiers who participate in the massacre of the Innocents in the N-Town cycle, probably written down in East Anglia during the second half of the fifteenth century, closely links jurisdiction with income.

The use of frið at the end of the fourteenth century by the author of the Alliterative Morte Arthure (ca. 1360), who was apparently familiar with Laamon’s Brut, provides a greater perspective on the way changes in legal culture and the status of the royal forest may have affected the word’s reception. In the fourteenth century, the royal forest declined in importance, both as an area of royal prerogative and as a source of income for

75. See Halmota Prioratus Dunelmensis: Extracts from the Halmote Court or Manor Rolls of the Prior and Convent of Durham, 1296–1384, ed. J. Booth, Publications of the Surtees Society 82 (Durham, 1889), 17. Traces of the earlier meaning of the word appear in the 1366 entry for West Raynton, which refers to a fine “within the jurisdiction of the manor” (infra le frithis de villa). The entry for Billingham in the same year introduces a penalty de freþis fractisl, which may represent a breach of the peace (50). The phrase pro freþis fractisl occurs again in the 1370 entry for Acley (102).
As we have seen, a tendency to treat the forest in terms of property rather than in terms of jurisdiction had begun as early as the thirteenth century. This process was taken further under Richard II (1377–99), when the introduction at the Westminster Parliament of 1390 of the “game law” excluded all but those with an income of forty shillings per year from the right to take game. The “game law” brought about a fundamental change in the focus of hunting legislation, forming an alliance between the king and the landed gentry against the lower classes. As Young puts it, “The royal forest which had so long been an issue between the king and the landowners was not an obstacle to the alliance that developed in the fourteenth century mainly because it had declined in importance as to no longer be of great value to the crown.” Although the royal forest was by no means obsolete, it was no longer the focus of constitutional concerns about the king’s authority. Perhaps for this reason, the term forest had ceased to refer exclusively to an area subject to forest law when it first appeared in English in the 1300s.

In the *Alliterative Morte Arthure*, the word *frīð* occurs as a noun only in senses derived from Old English *fyrhð* and is used synonymously with *forest* in the general, nonlegal sense. Verb forms derived from Old English *frīðan* appear in a variety of senses, generally implying restraint, a meaning that first appears in the thirteenth century. But in two notable instances the verb *frithen* refers specifically to the protection or enclosure of forests and parks, a usage not recorded in Middle English before the late fourteenth century. As with Laȝamon’s noun *frīð*, *frithen*, used in this sense, is simultaneously archaic and innovative, applying an older meaning in a new way. The passages in question may in fact reflect the poet’s familiarity with the *Brut*. In the first instance, Arthur, just before departing for the continent, commands Mordred to “fonde my forestes be frithed, of friendship for ever / That none warray my wild but Waynor herselven” (see that my forests are protected, on pain of losing my favor, / that no one be allowed to hunt the game except for Guinevere herself). Later, when Arthur dreams that he will become one of the Nine Worthies, he finds himself in an idyllic landscape containing an arbor “fair frithed in a fraunk” (well pro-

79. For an account of the developments in the later fourteenth century, see Young, *Royal Forests of Medieval England*, chap. 8, esp. 150–54 and 168–72.
80. Ibid., 170. See also the lucid account in Marvin, “Slaughter and Romance,” 226–29.
81. See the *Middle English Dictionary*, s.v. “forest,” def. 1.
82. Ibid., s.v. “frithen,” def. 1.
83. Ibid., def. 2.
It is striking that the frithing of woodland should appear in scenes which at once express Arthur’s imperial ambitions and presage his eventual downfall. In a fourteenth-century context, it may represent a nostalgic fantasy, a reminder of the older power of the king to bring territory under his control according to his will. Writing a century or more after the Otho scribe, the poet of the Alliterative Morte Arthure was perhaps even less likely to recognize Laȝamon’s legalistic language, but if he had access to a version of the Brut that retained the word frîð, he may well have picked up on the semantic connection between frîð and royal authority and put it to his own use.

Laȝamon’s attempt to reconcile the competing forensic traditions of his day by deploying and updating the ancient concept of frîð represents a dramatic embrace of change in the debate over jurisprudential continuity produced by the Norman Conquest and the introduction of forest law. The attempt reflects a legal culture that was poised between, on the one hand, a respect for the ancient traditions still preserved in or translated from English, and on the other, the landslide of reforms and innovations that had taken place by the end of the twelfth century, largely through the medium of French and Latin. Ironically, the mutability of legal culture rendered obsolete the very principle of royal action by which the Norman and Angevin kings justified their expansion of the forest and by which Laȝamon legitimized such changes. As time wore on, and the nobility became increasingly invested in legal changes, the principle of arbitrary monarchical authority could only be upheld out of nostalgia for an outmoded form of jurisprudence. For a king of this period to assume such unrestrained ability to exercise his will would constitute a failure to adapt to the political and legal realities of his day. If Arthur’s royal aspirations in the Alliterative Morte Arthure are nothing more than a nostalgic fantasy, a sentimental attachment to the jurisprudential ideals of Laȝamon and many of his contemporaries in the Anglo-Norman and Angevin world, the failure of such aspirations represents the degree to which the English legal world had changed in the intervening years—a failure signified in the Alliterative Morte Arthure through the invocation of frîð in a sense current two centuries earlier. In this we can see how the vernacular language of the law was neither wholly isolated in an

85. Ibid., line 3247.
86. For a recent discussion of the poet’s depiction of this nostalgic fantasy of royal authority, see Christine Chism, Alliterative Revivals (Philadelphia: University of Pennsylvania Press, 2002), chap. 6.
inaccessible Anglo-Saxon documentary tradition nor fossilized as a fixed and static technical vocabulary solely confined to official legal contexts. Rather, we can see in different periods and in different languages a consistent dialogue between official and unofficial legal writing that reflects the dynamism of the developing legal culture of post-Conquest England.