

Under the Greenwood Tree
Outlaws in Medieval England and modern medievalist crime novels

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‘We be yemen of the foreste,
Under the grene wode tree;
We lyve by our kynges dere,
Other shyft have not we,
*A Gest of Robyn Hood, verse 377*¹

¹ R. B. Dobson and J. Taylor. *Rymes of Robyn Hood* (London: Heineman, 1976), p. 106

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1. Introduction

The genre of historical detective stories goes at least as far back as 1945, the year Agatha Christie's *Death Comes as the End* was published. This murder mystery is set in ancient Egypt and was clearly inspired by the knowledge of ancient history and archaeology she acquired when she accompanied her archaeologist husband on his excavations in the Middle East.

About a decade later Van Gulik's Judge Dee series appeared, this time with Old China as a backdrop. Since then the genre has grown in popularity, and this is reflected in the increasing number of authors who now write historical murder mysteries. Today this field is represented by, among others, a former forensic scientist and a computer expert, as well as historians and ex-police officers. Within the sub-genre of medievalist crime novels, which is the subject of this thesis, there are currently at least 20 active writers.

Ellis Peters' *A Morbid Taste for Bones* was published in 1979 and she is for many the Grand Old Lady of the medievalist sub-genre. Her series taking place in mid 12th century Shrewsbury featuring brother Cadfael, former crusader now turned monk, has even been serialized for television, starring Derek Jacobi as the main character. The novels reflect her love for her native town as well as her interest in local history, and many of her plots are based on real historical events.

After her, an increasing number of authors have tried their hand in the field, with settings from most areas of England, and time periods ranging from the Early Middle Ages to the Reformation. The writers take their characters from different walks of life, monks and nuns, doctors, bailiffs, coroners and secret agents, to just mention a few. Usually the settings are more substantial medieval towns, like York, Exeter and, of course, London, but some novels, like the series by Michael Jecks, also have some of the action taking place out on the moors and in the isolated mining towns of Devon.

Although the authors come from a variety of fields, meticulous research and an interest in history seems to be a common factor for most of the novels. Several writers have an academic background in medieval history, like Paul Doherty, and have also, like Ellis Peters, chosen to base their books on specific historical events or historical mysteries. Paul Doherty's *Murder Wears a Cowl* is a typical example of this. It deals with the attempt to steal King Edward's treasure from the vault in Westminster and features real historical characters, like Richard Pudlicott, the mastermind of the plot. Another of his novels, *The Song of a Dark Angel*, tries to explain what may have happened to King John's treasure that was lost when he crossed the Wash in 1216.

A recurring theme in several medievalist crime novels is the subject of outlaws. They are used to create ambience, they can be the adversary and main threat to the protagonists, they can be cast in somewhat more heroic roles, and they are sometimes essential to the plot. The modern image of the outlaw is to a large extent shaped by Hollywood and the various movies and TV-series made about Robin Hood and his merry gang. However, the outlaw we find in medievalist crime fiction is usually very different from this modern stereotype image. It is clear that the authors of medievalist crime fiction have as their source material other than the Hollywood tradition. That leaves two other possible sources, the medieval outlaw ballads and the available historical material.

Of course outlaws do not appear in all medievalist crime novels. There are very few outlaws in the novels mainly taking place in towns and cities. One would not expect find an outlaw inside a bigger town, unless he had somehow rejoined society and was no longer living as an outlaw, but in those novels where the action takes part outside towns outlaws make a fairly regular appearance. Not always appearing directly, outlaws are sometimes only mentioned as a possible danger, or they make brief appearances in scenes of robbery or violence, without much characterization. However, there are several novels where outlaws play a

major role, and where they are portrayed in more detail, and it is a few of these novels that is the subject of this thesis.

In this paper I will examine the medieval outlaw tradition in relation to some of these modern medievalist crime novels. The geographical area is limited to England, and the time to the period from the Norman Conquest in 1066 to the Battle of Bosworth in 1485, which was the beginning of the Tudor dynasty. Both are natural dates, marking the end of one age and the beginning of another.

In the first part of this paper I will give a short summary of the main historical and cultural events of this period, since they in many ways were the causes of, or contributed to, the situations that would lead to people becoming outlaws. I will also deal briefly with the English medieval system of justice as it applied to outlawry and the outlaws, and also take a quick look at some of the representatives in charge of implementing this system, as well as the criminal courts that played a role in the process of outlawry.

Outlaw studies is not a new subject, and there is a lot of material on both the historical outlaws as well as the legendary characters. With the abundance of material already available it is useful to have a frame of reference for the examination of the outlaws, and I have chosen Hobsbawm's nine principles that characterize the noble robber,² or as he will be called in this paper, the good outlaw, as my frame of reference. These principles are useful because by possessing these traits a character who is essentially a criminal engaging in unlawful activities is taken out of that context and raised to heroic status, he becomes "different" and "more". To these I will add two other principles that most good outlaws have in common. I will look for these particular traits in each group of outlaws, before comparing the two groups to see which, if any, traits they have in common, and which are different.

Based on this background information I will in the next part of the paper examine four modern medievalist murder mysteries to see how the outlaws are

² E. J. Hobsbawm, *Bandits* (London: The Trinity Press, 1969), pp. 35-36

portrayed in these books. I will focus on the two groups of outlaws and their various traits to find out what group or groups the authors have chosen to model their outlaws on, and to discover which traits from these groups characterize these outlaws. I will also endeavour to find out to what degree these outlaws conform to the type of the good outlaw. I will then look at how the outlaws are seen by the other characters in the novels and I will examine the roles of the outlaws in these novels to determine how the outlaw typology is relevant to these. I will also draw some conclusions as to the importance of the outlaw theme to the novels and the description of the time period. I will try to ascertain if the authors have succeeded in portraying the realities of the time period, and the political, economical and social factors that were the cause of outlawry. Finally, I will attempt to draw some conclusions as to why the genre is becoming increasingly popular and what it has to offer to the modern reader, before I round off the thesis with some suggestions of areas where further study would be of interest.

For the sake of limiting the scope of this paper the in-depth analysis has been restricted to the following novels: Ellis Peters' *The Virgin in the Ice*, Bernard Knight's *Fear in the Forest*, Paul Doherty's *The Assassin in the Greenwood* and Michael Jeck's *The Boy-Bishop's Glovemaker*. I have chosen these four titles because the outlaws either play a central role in the novel, or in some way or other are important to the plot. They should also be fairly representative of the treatment of the outlaw theme in the genre since they are all by different writers. Moreover they are also from different periods (1134-1321) so that different historical and economic factors would come into play. In addition, to support my conclusions, I am also taking into consideration other novels featuring the outlaw theme, and will occasionally mention these, when relevant. At the end of this paper there is a short section on each author of the four novels examined in this paper.

2. The outlaws in Medieval England

2.1 Medieval England

The period covered in this paper was a time of internal conflicts and wars with other countries like France and Scotland. It was also a period of recurring famine due to, among other things, crop failure as well as periodically recurring disease affecting the livestock. In the middle of the 14th century England saw its first outbreak of the plague, the Black Death. This took its toll on the population and had long-term consequences for the economy and the agriculture.

The Norman Conquest pitted Anglo-Saxons against their conquerors, as many lost their land to the new rulers. Although the conquest itself was fairly swift and efficient in most parts of the country, there were pockets of resistance in some areas. Some outlaws from the first period relevant to this paper got their outlaw status from their struggle against the Normans.³ Apart from open conflict, the reduction of many members of the former Anglo-Saxon elite to landless and powerless servants led to resentment and anger, and various forms of sabotage targeted at the new rulers. How widespread violent resistance was is hard to say, but there is no doubt that it must have cost quite a few Normans their lives. This is reflected in the “provement of Englishry” and the hefty “murdrum” fine that was levied on the village or the hundred⁴ in cases where the person who had been killed was a Norman or could not be proved to be English.

In addition to the social changes the Conquest led to innovations in the legal system. The challenge for the Norman kings was to impose a centralized government with one supreme ruler on a country that had traditionally left a lot of the local administration to the earls, and to structure the new administration of the kingdom so that it was efficient and smooth running. This process took time, but

³ Hereward the Wake is the best known. A closer examination of his character and adventures is found in the chapter on historical outlaws later in the paper.

⁴ A *hundred* was an administrative division of an English shire that consisted of 100 *hides*. A *hide* was a land-holding considered large enough to support one family. (http://en.wikipedia.org/wiki/List_of_medieval_land_terms) accessed on 10/04/07

under Henry II the administration became a powerful and efficient machine that changed the role of the monarchy. Over time the justice system also evolved and became more structured with clearly defined roles and the establishment of permanent courts, as opposed to earlier ambulatory ones.

The conquest created a new elite, with French as its main language, and with the literature and music of France as the norm for high society. This culture existed side by side with the Anglo-Saxon language and culture, but gradually, over a few centuries, the two were integrated and at the end of the 14th century English had become the main language, for the elite as well as for the peasants. This process was aided by King Richard II's patronage of a new generation of authors who wrote in English, like Chaucer, and who produced a new body of courtly literature in English. Latin also flourished, but mainly as the language of the church and the clergy.

In the middle of the 12th century the civil war between Empress Maud and King Stephen led to hardships for the population and caused the virtual breakdown of law and order within the country. From the late 13th century to the middle of the 14th century The Wars of Scottish Independence took its toll on the population and even wiped out whole towns. The Anglo-French War depleted the royal coffers and lasted for more than a hundred years, until the French in 1453 finally expelled the English from France, with the exception of Calais. In the 15th century The Wars of the Roses resulted in political instability and caused more suffering for the civilians.

In the period from 1095 to 1291 European rulers organized nine major Crusades in order to retake former Christian territories in the Middle East. The English took part in several of them. For some they proved an opportunity to return with rich spoils and other rewards. However, the cost of these crusades as well as the internal and external conflicts was enormous in terms of human lives, and families did not just lose their husbands and sons, but would suffer severe

deprivations as the crown increased its demand for funds through more taxes and fines.

The heavy taxation and periods of severe shortage of food were also the cause of riots and internal conflicts as tradesmen and peasants revolted and rose against the elite in power, the barons and the clergy. The Great Rising in 1381 brought the rebels all the way to London to state their demands to Richard II. Although the spark that started this revolt was the third instance of a per-capita tax in four years, and the attempt to arrest those who refused to pay, the discontent had deeper roots than this one instance of taxation. This tax was meant to cover royal expenses and the cost of warfare, and was another strain on the resources of the peasants and the middle class. This frustration, fuelled by novel ideas among the clergy, had the rebels put forward radical demands for change. Among those demands presented to Richard II were an end to villeinage, and the declaration of all men as free and equal, no outlawry as a result of a legal process, as well as the confiscation of church property.⁵ The revolt was a political statement, and it focused to a large extent on equality as well as the distribution of power and resources within the local community.⁶ The leaders were inspired by the preacher Wycliffe although Wycliffe himself, in his later writings, condemned the rising.⁷ Though the revolt did not in itself lead to lasting changes in social structure and in the distribution of power and resources, it gave disgruntled citizens a chance to show their dissatisfaction with the barons, the higher clergy and some of the richer burgesses. It may be seen as a precursor to later demands for social changes, changes that eventually would reduce the distance between high and low.

The years leading up to The Great Rising are the backdrop for Paul Doherty's series *The Sorrowful Mysteries of Brother Athelstan*, and the looming threat of the approaching violence and mayhem adds an atmosphere of quiet

⁵ Alastair Dunn, *The Peasants' Revolt: England's Failed Revolution of 1381*, 2. ed. (Stroud: Tempus Publishing Ltd., 2004), p. 131

⁶ Ibid., p. 89

⁷ Ibid., p. 81

menace to the poverty and suffering of the late 14th century London described in the series.

The Rising in 1381 was not the only occasion when the lower and middle classes revolted against the system. Jack Cade was the leader of a revolt in 1450 that pitted the lower middle class and the peasants against the ruling elite. The rebels' grievances seem to have been mostly fiscal and focused on the actions of royal officials in Kent, most prominently the sheriff and his father-in-law. In general it can be said that many risings had a fiscal or political motivation, and most were more local in scope than the ones in 1381 and 1450.⁸

This period was also characterized by periods of tension between the crown and the barons of the realm. This tension was behind the conflict that finally led to the Magna Carta in 1215, when King John was forced to agree to the barons' demands and ratify a list of principles that severely curbed the king's means of making money from specific taxes and from selling wardships and heirs and widows into marriage. Magna Carta also aimed at limiting the power of officials like the sheriff and the coroner, and to make it easier for plaintiffs to get a fair hearing. As such it was a move towards severely curtailing corruption, and it gave an increased measure of legal protection to the gentry and nobility.⁹

Later in the 13th century Simon de Montfort spearheaded a movement aimed at institutionalizing the parliament, and increasing the barons' and middle class' political representation at the expense of the king's power. At one point Montfort even had King Henry III in custody and was de facto ruler of England. However, he lost the support of many of the barons, mainly as a result of taking the reform too far and extending his vision of parliamentary representation to include non-nobility. The movement came to an end with De Montfort's death on the battlefield in 1265.

⁸ Ibid., pp. 189-180

⁹ Danny Danziger & John Gillingham, *1215: The Year of Magna Carta*, 2. ed. (New York: Touchstone, 2005), p. 251

In the early 14th century Edward II's favouritism was the cause of periodic internal conflict. His favourites, especially Hugh le Despenser, the younger, caused great resentment among the nobility due to his rapacious greed for land and money. In 1327 Edward II's wife Isabella invaded England, had Despenser executed and incarcerated the king, who subsequently disappeared.¹⁰

Bastard feudalism was another cause of conflict between the king and his barons. In return for favours, protection, and sometimes also payment, vassals would serve their overlord with arms and men. This gave made the barons more powerful and even at times threatened the king's position. In the disputes over land, the so-called "land wars", that were fought in court as well as sometimes with brute force, bastard feudalism was a key factor, and could be the determinant in a conflict. Another aspect of this was the maintenance that caused serious problems for the keeping of law and order. Several laws were enacted to put a stop to the illegal giving of livery and retaining of men, but without much success. The problem was to continue into the Tudor Age.

Many risings focused on a pretender and seemingly rightful heir to the throne. England has had its share of disappearing kings and princes, and mysteries surrounding the death of several royals. The best-known pretenders are Lambert Simnel and Perkin Warbeck, who both claimed to be one of the missing sons of Edward IV. They had enough support to raise armies and threaten Henry VII, and even had the backing of some of the relatives of the missing princes, the Woodvilles.¹¹ It was not uncommon that those who had taken part in a rising would be outlawed, several adherents of de Montfort, for instance, were outlawed after his death.¹²

The years from 1066 to 1485 were characterized by periods of severe of famine, most notably the one in 1317 – 1319, which may have killed up to 15 %

¹⁰ For a theory regarding the fate of Edward II see Paul Doherty, *Isabella and the Strange Death of Edward II* (London: Constable & Robinson Ltd, 2003)

¹¹ Bertram Fields, *Royal Blood: King Richard III and the Mystery of the Princes*, 2. ed. (Stroud: Sutton Publishing Ltd., 2006), p. 222

¹² John Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London: Routledge & Kegan Paul and Toronto: University of Toronto Press, 1973), p. 45 and p. 83 and Maurice Keen, *The Outlaws of Medieval Legend*, 4. ed. (London: Routledge, 2000) pp. 195-197

of the population in some areas. This was followed in 1348 by the first major outbreak of the Black Death, which is estimated to have killed between 20 and 40 % of the population and which changed the economy radically. This change was due to the shortage of manpower to work the fields, which led to large areas of land being converted from cultivation to pasturage. The increasing demand for labourers led to higher salaries, and in response the government passed laws to ensure that wages stayed at their pre-plague level. In spite of these laws the shortage of labourers led to a slightly better quality of life and more freedom for the peasants. But at a time when the prices of food were on the rise, these attempts to freeze the salaries caused a lot of resentment and would be one of several factors that eventually led to the Great Rising in 1381.¹³

The 12th century saw a religious revival that swept from the European continent and into England, and the 13th century saw the establishment of all the major religious orders on English soil. At one point there were as many as 13 religious houses in London. By the end of the 14th century however, there was already a strong anti-clerical movement, spurred on by the greed and the unscrupulous behaviour of many religious houses.¹⁴ During times when the population at large starved, the monks were usually less severely affected. The clerics were also seen as corrupt, and were frequently resented as harsh and demanding landlords. One such greedy and unscrupulous cleric is the abbott in *A Geste of Robyn Hode*. In addition to this, crimes committed by clerics were not tried in the usual venues but were tried under canon law. There were however several priests who were involved in the criticism of the church and who were actively encouraging their congregations to question the structure of power and practices within the church itself, as well as in society at large. John Ball, one of the leaders of the Great Rising in 1381 was only one of many such voices raised from within the church.

¹³ Dunn, p. 2

¹⁴ Margaret Aston, "Lollardy and Sedition, 1381-1431" in R. H. Hilton, editor, *Peasants, Knights and Heretics: Studies in Medieval English Social History* (Cambridge: Cambridge University Press, 1976), p. 292

2.2 The outlaw and the law

Under the Anglo-Saxons the keeping of law and order had relied on “frankpledge”, a system in which every male over the age of twelve was part of a group of men, usually called a tithing and consisting of ten or more men.¹⁵ This group was responsible for the behaviour of each of its members, and had the duty to produce any of their group who had committed a crime for trial, to ensure that he would be properly punished. Failure to do so would make them all responsible for the crime. This system did not apply to the higher classes, and on the manors every male would by birth belong to an extended manorial household that in itself formed a kind of tithing. “Views of frankpledge” were held at regular intervals to hear presentments of crimes and to make sure that all males belonged to a tithing and had sworn the oath. This system was adopted by the Normans, but gradually a system of criminal apprehension and procedure developed, especially during the reign of Henry II, when the system of a jury was gradually evolved, first only in regard to non-criminal cases involving land and possessions, but later it would include criminal cases as well, with the exception of those directly pertaining to the king and his office. However, this jury usually consisted of men who knew the involved parties, and the trial was more concerned with their testimony regarding the characters of the parties, than with the facts of the case. The jury as we know it today did not come into existence until later. What Henry II did for his subjects, however, was to give them access to his courts, provided they could comply with the procedure and formula required.

Unlike today, when representatives of the law are educated and appointed according to a strictly regulated system that applies to all areas of the country, the officers of the law in the Middle Ages were often appointed locally, and were often also answerable not to a central government, but to the local lord. This lord,

¹⁵ From Anglo-Saxon *teogoba* a tenth. *Tithe* (http://en.wikipedia.org/wiki/Tithing#Tithing_in_the_Middle_Ages) accessed on 21/03/07

according to the feudal system, held his power from his overlord and ultimately from the king. The result of this system was that those who for the purpose of this paper must be called “officers of the law”, who had the power to investigate and/or apprehend, commit to jail and sometimes also judge criminals, only had jurisdiction over and were responsible for either limited and clearly defined areas, or could only hear specific types of cases. An example from the first category would be the forest officials, while the Justices of Peace belong to the second category.

There were several officials who in some way or other would be involved with the outlaw. The sheriff, whose main duties were to execute writs from Westminster, also held his own courts to discover criminals and deliver them to the royal courts. He presided at the shire court, the moot, which tried offences against the crown and lesser offences involving lords, which could not be tried at the local manor courts. The sheriff had the right to summon local men to help him maintain law and order if needed, this was called the “posse commitatus”. Before Magna Carta the office of sheriff was sometimes hereditary, passing from father to son, and most often the sheriff would be a local landowner. The office of sheriff gave many opportunities for the unscrupulous to grow rich through corruption, fraud and extortion. Richard Revelle, brother-in-law to Crouner John in Bernard Knight’s series, is an example of such a sheriff using his position to further his own schemes and grow rich through embezzlement and extortion.

The office of coroner originally dates back to the reign of Alfred the Great, but was re-instituted by King Richard in the fall of 1194.¹⁶ It was meant to be a check on the powers of the sheriffs after investigations in the 1170s had shown that they had been involved in widespread corruption and embezzlement of the crown’s resources.¹⁷ Since this office, like the office of sheriffs, was unpaid, the knights appointed coroners had to have a very substantial independent income of

¹⁶ *History of the Medieval English Coroner System*
(<http://www.britannia.com/history/coroner2.html>) accessed on 09/05/06

¹⁷ *Medieval Sourcebook: Inquest of the Sheriffs 1170*
(<http://www.fordham.edu/halsall/source/isheriffs.html>) accessed on 09/05/06

at least 20 pounds per year, to avoid the temptation of corruption. The coroner's job was to investigate and document his findings in all cases of fire, rape, shipwrecks, treasure findings and suspicious deaths within his territory. His duty in that regard was two-fold, to record his findings and maintain legal records for the justices of Eyre when they came to sit at trial, which could be anything from a few times a year to once every few years, depending on place and time. His other duty was to make sure that the crown got what was rightfully its, be it discovered treasure, various fines imposed or the "deodand" or its equivalent value. The "deodand" was the term used for an object that had caused someone's death, and could be anything from a knife, to a horse and carriage or a mill wheel. It was also the coroner's job to decide whether a "murdrum" fine was to be levied. Because of this fine it was not uncommon that a corpse would be hidden, instead of reported, or moved across the border to the neighbouring hundred. Raising as much money as possible through fines and taxes was an urgent issue for King Richard, as the expenses of his warfare, as well as the ransom money needed to get him out of captivity in Germany, meant that he was always short of funds and looking for means to replenish his coffers. Gradually the function of coroner was supplanted by the office of the Justice of Peace, who eventually also came to supplant the office of sheriff. In addition to investigating crimes that could possibly lead to outlawry, the coroner would be directly involved with felons in cases of abjuration, as discussed below.

The constable was an officer of the king, though usually locally elected, and had the right to hold inquisitions on persons who had been arrested at night.

The term of bailiff was originally applied to all the king's officers in general, and as such also included the office of sheriff, mayor etc. In particular it was used to designate the chief officer of a hundred, the smallest unit of jurisdiction. In most towns one or more bailiffs would act as executive officers, presiding over local courts. In Michael Jecks' series featuring the ex-templar Baldwin Furnhill his friend Simon Puttock is a bailiff.

The town sergeant was responsible for apprehending criminals. This duty was also incumbent on the whole society, so that in cases of hue and cry¹⁸ every male over the age of twelve was responsible for taking part in the hunt for the suspect. In addition to these higher officers there was the beadle, whose job it was to maintain law and order in the village. In the towns each borough had its own watch and ward, usually consisting of twelve able-bodied men, who would stop and interrogate suspicious characters, and if necessary apprehend them.

Justices of Peace were usually members of the local gentry, and were appointed by the king. The office of the Justice of Peace was first established by Hubert Walter in 1195, and a statute around 1360 further authorized their office and defined the duties of the Justices of Peace.¹⁹ Originally called Guards or Keepers of the King's Peace, they had the power to punish minor offences and commit criminals for trial at the Assizes Court.

In the woodlands there were several forest officials. The person in overall charge of the forest was the forester-in-fee. One of his duties was to attend the Forest Courts. Under him there were other officials who were usually responsible for specific areas of the forest or for the practice of certain rights, like the grazing of animals. In addition to this, local knights, regarded, were elected to carry out regular inspections of the forest. They also attended local Forest Courts and attended the Forest Eyres. The Forest Eyre took place at irregular intervals, when the justice on the circuit would deal with the cases that had come up since the last session.

There were also woodwards were appointed by local nobles to look after their own woods within the Royal Forest, and verderers who organized local attachment courts, dealing with lesser crimes, and were responsible for sending

¹⁸ **Hue and Cry**, formerly, in English law, pursuit of a criminal immediately after he had committed a felony. Whoever witnessed or discovered the crime was required to raise the hue and cry against the perpetrator (e.g., call out "Stop, thief !") and to begin pursuit; all persons within hearing were under the same obligation, and it was a punishable offense not to join in the chase and capture. *Columbia Electronic Encyclopedia*, from Reference.com website: (<http://www.reference.com/browse/columbia/hueNcry>) accessed on 26/04/07

¹⁹ *History of the Medieval English Coroner System* (<http://www.britannia.com/history/coroner1.html>) accessed on 09/05/06

criminals that could not be tried in these courts to the Forest Eyre. Offence against the venison - poaching - could lead to heavy fine, maiming and in some cases even the declaration of outlawry.

There were different courts, both stationary and ambulatory, that dealt with criminal cases in Medieval England. The circuit courts of the Justice of Eyre, and later the Justice of Assize, covered the whole kingdom and would sit in session in both civil and criminal cases. These courts had their own justices, the Justices of Eyre and of Assize. Their commission of Oyer et Terminer allowed them to decide criminal cases. The coroner's findings would have been recorded specifically for these sessions and would be used in the trial.²⁰ These recordings would be of the utmost importance since by the time a case was tried, several years could have passed since the crime took place, and many of the original witnesses would no longer be around. In Edward I's reign the Justice of Eyre was given the duty of gaol delivery. This meant that they were expected to try anyone committed to the local goals since the last goal delivery.

The trailbaston was a special judicial commission first created in 1305. Its purpose was to travel the realm and punish felonies and certain trespasses, like extortion, premeditated assault and conspiracy.²¹ In 1307 it was in addition given the task of goal delivery. The commission of trailbaston was a response to the increasing violence and disorder England was experiencing at the time of Edward I, but it also helped to bring increased revenues to the crown through forfeiture of property. However, there were complaints that the trailbaston judges were corrupt and would use their power in collusion with other officials for extortion.²²

The Court of King's Bench dealt with criminal cases, and followed the king until the reign of Edward III, when it settled permanently in London. The High Court of Admiralty was responsible for discipline in the navy, as well as the

²⁰ *History of the Medieval English Coroner System*

(<http://www.britannia.com/history/coroner3.html>) accessed on 09/05/06

²¹ J. G. Bellamy, *Bastard Feudalism and the Law* (London: Routledge, 1989), p. 27

²² See *The Outlaws's Song of Trailbaston* under.

punishment of pirates, and the determination of ownership of seized enemy ships and their cargo.

Trial by ordeal was a fairly common way to determine the question of guilt until 1215. In general there were three different varieties, trial by combat, by water and by fire. In trial by combat the accused could fight for his life, or in some cases could assign someone to fight for him. In trial by water the accused was thrown into a body of water. If he sank it was considered a sign of innocence, while floating was considered a sign of guilt. In trial by fire the accused was exposed to severe heat in some form. The burns were then wrapped in linen and left alone for three days, at which point they were unwrapped and examined. If the skin was healthy, the accused was considered innocent and released.

The clergy was present at these trials of ordeal as witnesses for God, but in 1215 the pope decided that the church should no longer be party to this procedure. As a result trial by ordeal was abolished, except for trial by combat.

Trial by jurors was first instituted during the reign of Henry II (1154-89), who brought back law and order after decades of civil war and lawlessness.²³ Originally only used in civil cases concerning property disputes, it was a twelve men testimonial by persons familiar with the case who would give the judge their opinion on the matter. Over time this twelve men testimonial would evolve into both the civil and criminal jury trial.

In general there were three categories of crime, treason, felonies and lesser crimes. Grand treason involved an offence against the king, while the killing of one's master or husband was considered petty treason. The punishment for treason was death, in the case of grand treason through being hanged and drawn. Felonies were all types of crimes that usually meant the death penalty: manslaughter, murder, poisoning, and theft of items worth a certain amount or more. The age of twelve was considered entrance into adulthood and it was a

²³ *Henry II* (<http://www.wsu.edu:8001/~dee/MA/ENGLAND.HTM>) accessed on 09/05/06

stark reality that children this young were hanged for theft. In his first book in The Crowner John series, *The Sanctuary Seeker*, Bernard Knight places the novel firmly in Medieval England as he describes his main character, Crowner John, fulfilling one of his duties by being present at the hanging of a young boy. To Crowner John, watching the boy's fear and the parents' grief is unpleasant, but it is the way the law works, and he has no regrets for his role in this. The death penalty was a common punishment in the Middle Ages, and it was not unusual for the manors to have their own private gallows, to deal with the verdicts from the manor courts.

Medieval prisons were not, unlike today's prisons, meant to be a form of punishment. Their function was rather to keep the accused or criminal in custody until he or she could be tried and punished or released, as the case might be. In cases where the accused was to be tried by the justices of the Eyre, the wait could be a long one, up to seven years in some cases. Naturally not all prisoners would survive this wait, as the conditions and the diet in the prisons were usually not very wholesome. Often the prison would be a dark and dank hole in the floor in the gatehouse or guard tower. The cost of keeping the prisoner would fall on the local community, and would often be a great strain on already stretched resources. For this reason it was not uncommon that criminals awaiting trial would be allowed to escape. Once free many would take to the forest and become outlaws.

The clergy were outside the power of regular law as they were subjected to religious law only, and when charged with a crime came under the jurisdiction of their religious authority, instead of the secular courts. Since the Church did not practice the death penalty that meant that even in cases that would normally entail capital punishment, the felon would escape that fate. In order to claim membership of the clergy it was necessary to prove the ability to read. In an age when only a very small elite could read, usually the clergy and some members of the nobility, this was considered a good enough criterion. As well as ensuring

that clerics were only tried within the church, this practice also opened up the possibility for non-clergy to escape being tried by the secular powers. For anyone who could read, or who had memorized the psalm that was commonly used just for this purpose, nicknamed “the neck verse”, it was a chance to escape the death penalty.

For somebody accused of a felony there were two alternatives that could offer a chance to escape with his life. Turning approver could save a suspect’s life. In order to do this the criminal had to implicate and give information about other criminals. If enough of those implicated were found guilty, he would escape the death penalty but would usually be forced to abjure the realm. The other means of escape was to seek refuge in a church or cathedral. Once there the suspect could claim sanctuary for 40 days. During this period he had to remain in the church and risked instant apprehension if he stepped outside the bounds of sanctuary. It is likely that several suspects tried to escape, sometimes with the connivance of the parishioners on guard who in some cases might be friends and relatives. When the 40 days were up, the sanctuary seeker had two options. He could either choose to stand trial, or make a full confession and swear to abjure the realm. In the case of a trial, the outcome would often be given, since the seeking of sanctuary in itself frequently was seen as a sign of guilt. The church protected its right to grant sanctuary diligently, but there were many instances when it was violated, and the sanctuary seeker was dragged outside and killed.²⁴

The official responsible for overseeing the abjuration was the coroner. The criminal had to give up all his possessions and was required to walk barefoot to the port chosen by the coroner. If he did not comply with the process of abjuration he would automatically become an outlaw. Having reached the port he had to take passage on the first available ship leaving England. In reality most abjurors never made it to the port, they were either ambushed and killed by

²⁴ See John Bellamy, *Crime and Public Order* p. 109, R. H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century*, 2. ed. (London: Weidenfeld and Niholson 1967), p. 264 and Terry Jones et al., *Who Murdered Chaucer? A Medieval Mystery*, 2. ed. (London: St. Martin’s Griffin, 2004), p. 287

friends and relatives of their victim, or chose to take to the woods and become outlaws.

Once declared an outlaw, Anglo-Saxon *útlaga*,²⁵ one was outside society, and outside the protection of the law. The outlaw could be killed on the spot, by civilians as well as officers of the law, if he was caught. There would be a prize on his head, and for this reason outlaws were also called “wolvesheads.”

Declaring a person an outlaw was the last resort in a country that did not have the necessary organization and enough resources to hunt down criminals and bring them in for either trial or punishment. In this situation the only option left was to banish the criminal from society. In time he would somehow rejoin society, often as the result of a pardon, or get killed. In addition, declaring someone an outlaw had the benefit of bringing in more funds for the royal coffers as the outlaw's property was forfeited to the crown.

People could be declared outlaws for a variety of reasons. For treason, or taking up arms against the king and his representatives, and for rebellion. Committing felonies would also qualify for outlawry in cases where the criminal managed to evade justice. Being accused of a crime, and running away instead of standing trial would in most cases also lead to the person being considered an outlaw. In addition, poaching the king's venison, a term which included all game in the forest areas, would lead to maiming or heavy fines, and in some cases to the declaration of outlawry.

Failure to appear in court when summoned would after a certain number of instances eventually also lead to a declaration of outlawry. Thus it was possible to be declared an outlaw for economical reasons, such as unpaid debt, for instance, which normally would not lead to the death penalty.

Abjurors who for some reason or other failed to leave the realm, or did not comply with the conditions for the procedure of abjuration, would automatically be considered outlaws. Failure to comply with the conditions would be to wander

²⁵ *útlaga* *m* (-n/-n) Old English meaning outlaw.
(http://home.comcast.net/~modean52/oeme_dictionaries.htm) accessed on 01/02/07

off the main road, or to spend more than one night in a place. In some cases abjurers were given a guard to protect them along the way to the port specified, but in most cases, once the ritual was over, the abjurer was on his own, with nobody caring what his ultimate fate might be. Many abjurers probably never intended to leave England, but preferred the procedure of abjuration and life as an outlaw to slowly rotting away in goal and eventually taking their chances in a trial that most likely would lead to a hanging, if they survived the wait.

Times of war should have seen a reduction in the number of outlaws, and a reduction in the crime rate. On the other hand war would siphon off many of the able-bodied males, leaving fewer hands behind to work and support their families. A possible result of this would be an increase in the number of crimes and more people taking to robbery and becoming outlaws. Barbara Hanawalt's findings for the period 1300-1348 show a peak in criminal activity during the French campaigns 1342-1347 in the counties in her survey.²⁶ Many of the knights who took part in the campaigns were officials serving in the local administration as justices of peace and in other capacities, thus leaving fewer officials behind to enforce the law.²⁷ Another group that would swell the bands of outlaws was ex-soldiers. Many soldiers were professional mercenaries who often had no skills other than their fighting skills. Sometimes wars could bring rich spoils and allow veterans to settle down to a comfortable life, but often soldiers would be on the lookout for a new master to sign up with. In more peaceful times, there could be a shortage of conflicts to join. Sometimes resorting to robbery would be the easy option, probably in some cases the only option, for the soldiers who could not practice their trade. Others again, who had got used to plunder and robbing in the context of warfare must have found it easier to continue with this way of life than go back to their original pre-campaign one. There is no doubt that the contemporaries assigned the rise in felonies to the evil consequences of war.²⁸

²⁶ Barbara A. Hanawalt, *Crime and Conflict in English Communities 1300-1348* (Cambridge, Massachusetts and London: Harvard University Press, 1979) pp. 234-235

²⁷ *Ibid.*, p. 233

²⁸ *Ibid.*, p. 234

The granting of pardons was also seen as a cause of felonies.²⁹ Hardened felons who returned from the wars with a pardon in their pocket were not likely to have changed as a result of experiencing more violence and more opportunities to rob and plunder, and many must have gone back to their old ways. Eventually that would lead to a renewal of their outlaw status.

Times of famine and hardship would also add to the numbers of outlaws, as resorting to crime for many people was the only way of staying alive. During the famine years of 1315-1318 Hanawalt found a sharp increase in the rate of crime in the counties she examined.³⁰ After the Black Death in 1348-9 many fields were left uncultivated due to lack of manpower, and whole villages were left deserted. In the wake of the disaster many people were forced to leave their village or hamlet to make a living in any way they could. Sometimes that way would be criminal activities that would eventually get them outlawed.

In some cases declaration of outlawry was the result of miscarriage of justice, or even corruption. In *The Outlaw's Song of Trailbaston* the anonymous poet complains about his state as an outlaw which is the result of corruption.³¹ Some were declared outlaws as a result of conflicts over after land and livestock. This is the case with the outlaw Thomas of Exmouth, in Michael Jecks' *The Boy-Bishop's Glovemaker*.³²

There is no doubt that in most cases an outlaw's life must have been a very hard one, always on the run from possible pursuers, always risking death if caught. And if times were hard and the rest of the population starved, the outlaws would usually be even worse off, unless they took the risk of being caught by sneaking into the nearest town to benefit from the charity of the local monks. The situation for the outlaws who were working for the nobles and were under their

²⁹ Ibid., p. 235

³⁰ Ibid., p. 241

³¹ "The Outlaw's Song of Trailbaston" in Thomas Ohlgren, editor, *Medieval Outlaws: Twelve Tales in Modern English Translation*, 2. ed. (West Lafayette: Parlor Press LLC, 2005), pp. 151-164

³² Michael Jecks, *The Boy-Bishop's Glovemaker*, 2. ed. (London: Headline Book Publishing, 2001), p. 267

protection must have been a lot better. In order to ensure their loyalty and service the nobles had to provide for their upkeep, their maintenance, so that even in hard times they would not be badly off. In addition to this they could always go into hiding with their protector, and could count on him doing his best to ensure they avoided the hangman's noose if caught.

Eventually many outlaws would manage to drift back into society, and establish themselves in a new place, with a new name, and sometimes with starting capital from their criminal activities. Many other outlaws must eventually have been caught, or they simply starved or froze to death.

Being an outlaw, however, was in no way an irreversible state. If the declaration of outlawry was for failure to appear in court when summoned it was possible to have the sentence revoked by proving innocence in the matter that caused the person to be summoned to court, or by showing error, illegality or fraud in the proceedings. If proven innocent, and with the sentence revoked, the former outlaw would have his property restored, and would be once again within the pale of society and the protection of the law.

It was also possible to have the sentenced revoked through a royal pardon. In the cycle of Robin Hood a royal pardon puts an end to Robin's outlaw life, as Robin meets with the king, and the king, impressed by his forthrightness and honour pardons him and his men and takes them into his service.³³ Wars would give many felons a chance to buy a pardon in return for serving with the king, though it is likely that many died in the fighting. The king was frequently in need of soldiers to fill his army and it was usually a sound tactical move to offer pardons in return for service in his campaigns. Members of the Folville gang, among others, used this option to get immunity from the consequences of their crimes.³⁴ Pardons would also regularly be issued on special occasions, for instance before royal weddings and coronations. They could also normally be bought at the payment of a fine because the king was frequently in need of more

³³ *A Gest of Robyn Hode* in Thomas H. Ohlgren, pp. 338-389

³⁴ John Bellamy, *Crime and Public Order*, p. 86

funds, if not to pay for campaigns and crusades, then to support the costly expense of his court. It was not unusual, either, for those who had a powerful patron, that the patron would intercede on behalf of the outlaw and in this way secure a pardon.

Towards the end of the period being outlawed was of less consequence than earlier. As was the case with the gangs operating during the 14th century examined below, the state of outlawry was often a fluid one, as many criminals would move several times during their lives between being outlaws and doing service with the king or in other ways be full members of society. The possibility of being outlawed did not seem to work as a deterrent, since many were willing to take that risk repeatedly, most likely because they knew that a pardon could somehow be got when they wanted it.

2.3 The good outlaw

England, like other European countries, has its tradition of the good outlaw, or noble robber. The legendary material from the Middle Ages has its roots in this tradition. Even as late as the 18th century we see writers of popular broadsheets, like the ones telling of the exploits of Dick Turpin, following this tradition. Dick Turpin was a robber, a murderer, and a highwayman, but the broadsheets portray him as unjustly persecuted, and selflessly sharing his spoils with the poor.³⁵ He is just one example of how the writers and ballad makers would reinvent real life persons and events to fit the mould. There may be several reasons for this, but one reason may be that many can identify with the noble, persecuted outlaw who is engaged in a fight against injustice. Thus the criminal is made to fit the shape of the noble robber, and is even sometimes assigned magical qualities.

Who then is this good outlaw, and what are his characteristics? In order to analyze the background material and the novels I find it useful to take as my

³⁵ Gillian Spraggs, *Outlaws and Highwaymen: The Cult of the Robber in England from the Middle Ages to the Nineteenth Century* (London: Pimlico, 2001), pp. 250-257

starting point the principles Hobsbawm uses in his definition of the noble robber.

These are the following:

First, the noble robber begins his career of outlawry not by crime, but as the victim of injustice, or through being persecuted by the authorities for some act which they, but not the custom of his people, consider as criminal.

Second, he 'rights wrongs'.

Third, he 'takes from the rich to give to the poor'.

Fourth, he 'never kills but in self-defence or just revenge'.

Fifth, if he survives, he returns to his people as an honourable citizen and member of the community. Indeed, he never actually leaves the community.

Sixth, he is admired, helped and supported by his people.

Seventh, he dies invariably and only through treason, since no decent member of the community would help the authorities against him.

Eight, he is – at least in theory – invisible and invulnerable.

Ninth, he is not the enemy of the king or emperor, who is the fount of justice, but only of the local gentry, clergy or other oppressors.³⁶

Furthermore, in addition to the points mentioned above I would like to add two more; he embodies the manly qualities of courage and prowess at fighting and he takes the swearing of oaths and keeping faith very seriously.

In the next two sections I will examine the legendary and the historical outlaws and analyze their characters and actions in relation to these eleven traits.

2.4 Legendary outlaws

The legendary outlaws that I will examine are, of course, Robin Hood, based on the earliest medieval ballads that tell of his exploits, the poem of Robyn and Gandelyn, the ballad of Adam Bell, Clim of the Clough and William of Cloudesley, and the tale of Gamelyn. Although several writers have tried to link the character of Robin Hood to a real historical person, there has so far come to light no conclusive evidence as to his identity. For that reason, and because his ballad cycle shows motifs in common with other legendary outlaws I place him among the legendary outlaws. The discussion of his possible historical reality falls outside the subject of this paper, and has been amply dealt with by several

³⁶ E. J. Hobsbawm, *Bandits*, pp. 35-36

others.³⁷ What is certain, however, is that there is a reference to Robin Hood in Langland's *Piers Plowman* that can be dated to 1377.³⁸

There are more ballads about Robin Hood than about any of the other legendary outlaws. However, many of the ballads and plays are of a later date than the time period covered in this paper. For that reason, and because the use of so much material would focus on the figure of one single outlaw at the expense of others, I have chosen to be somewhat restrictive in my choice of texts. My criterion for choosing the ballads I analyze is that they can be fairly definitely dated to a time before the end of the 15th century. For that reason I have limited my analysis to the following texts: *Robin Hood and the Monk*, *Robin Hood and the Potter*, and *A Gest of Robyn Hode*. The first two exist in manuscripts dated approximately 1465 and 1468, while *A Gest of Robyn Hode* is to be found in several texts dated from about 1495 to 1590.³⁹ In addition to these, I have also included the play of *Robin Hood and the Sheriff*, and the ballad *Robin Hood and Guy of Gisborn*. The play only exists as a fragment, but can be dated with a fair amount of certainty to ca. 1475.⁴⁰ There is also a reference to this play in the famous Paston letter dated 16. april 1473.⁴¹ *Robin Hood and Guy of Gisborne* cannot be dated with certainty, but because this ballad is so clearly the same story that is recounted in the play of *Robin Hood and the Sheriff* it merits an inclusion here. Although the ballad is not complete, it fills in several parts that are missing from the play.

³⁷ For a summary of theories and possible historical candidates see J. C. Holt, *Robin Hood* (London: Thames and Hudson, 1982) 'Who was Robin Hood' pp. 40-61. See also Valentine Harris, *The Truth about Robin Hood*, 2. ed. (Nottingham: Linneys of Mansfield, 1978) and R. H. Hilton "The Origins of Robin Hood". In *Peasants, Knights and Heretics: Studies in Medieval English Social History*, ed. by R. H. Hilton, pp. 221-235 Cambridge: Cambridge University Press, 1976. Originally published in *Past and Present* No. 14 November 1958

³⁸ Holt, p. 16

³⁹ Ohgreen, p. 356

⁴⁰ R. B. Dobson and J. Taylor, *Rymes of Robin Hood: An Introduction to the English Outlaw* (London: Heinemann, 1976), p. 203

⁴¹ Dobson and Taylor, p. 38

For my examination I have for the most part used the texts in *Medieval Outlaws: Twelve Tales in Modern English Translation*,⁴² together with *Rymes of Robin Hood*,⁴³ which covers Robin Hood as well as other outlaw tales.

In *Robin Hood and the Monk* Robin wants to go to hear mass. He refuses to take some of his men with him as guards and sets out only with Little John as a companion. On the way to Nottingham they quarrel and part company and Robin enters Nottingham alone. In church he is recognized by a monk and is captured when his sword breaks and he can no longer fight. Robin's men hear of the capture, but Little John comforts them, saying that the virgin Mary will not let Robin come to any harm. They capture a monk, the same one who recognized Robin, and his little page, and kill them both. The monk is carrying a letter from the sheriff to the king, and Little John and Much the Miller's son take his place and go to the king. They are given letters to bring back to the sheriff, authorizing them to bring Robin Hood to the king. Armed with these letters they manage to get entry to Nottingham. They kill the jailer and free Robin Hood. In gratitude Robin offers to make Little John the leader of the outlaws, but he declines. When the king hears of the escape he is angry praises Little John for his loyalty to Robin, and points out that Robin is forever indebted to John.

In *Robin Hood and the Potter* Little John and Robin watch the approach of a potter. Little John knows that the potter is strong and he wagers that Robin cannot beat him. Robin demands a fee to let the potter pass, but he refuses. They fight and Robin loses the wager. The potter gives Robin his goods and Robin enters Nottingham disguised as a potter. There he sells pots so cheaply that they are soon all gone, with the exception of some that he gives to the sheriff's wife. In return he is invited to dine with her and the sheriff. After the meal they watch the sheriff's men shot at archery, and when Robin joins them he shoots better than any of them. He claims that he has a bow that Robin Hood has given him,

⁴² Thomas H. Ohlgren, editor, *Medieval Outlaws: Twelve Tales in Modern English Translation*, 2. Rev. and Expanded Ed. (West Lafayette: Parlor Press LLC, 2005)

⁴³ R. B. Dobson and J. Taylor

and tricks the sheriff into going with him into the forest. There Robin blows his horn and summons his men. The sheriff is divested of his belongings with the exception of a palfrey that Robin sends back to the sheriff's wife. The sheriff returns to his wife who comments that he has now paid for all the pots. Robin Hood pays the potter for his goods and they part company amicably.

In A Gest of Robyn Hode Robin and his men encounter a knight on the road. Invited to dine with them, he tells them how he had to loan 400 pounds from the Abbot of St. Mary in order to save his son's life after he killed a knight and his squire, and how he will lose his lands since he is unable to repay the loan which is due the next day. Robin Hood loans him the money when the knight swears on the Our Lady to repay it. Arriving at the abbey the knight at first pretends to be unable to repay the loan, and asks the abbot's guests to intercede for him, but the sheriff scoffs at him and the justice informs him that he is the abbot's man, and is retained by him. The only one to speak for him is the prior. Richard then repays his loan and leaves for his property. After a year he has collected the 400 pounds and leaves to repay Robin. In the meantime Little John, calling himself Reynold Greenleaf, is taken on by the sheriff when he sees his prowess with the bow. Tricked by Little John the sheriff ends up in the forest as Robin Hood's prisoner. He is kept there overnight but released the next morning when he swears never to harm Robin or his men. Waiting for the return of the knight to repay him his money, Robin invites the steward of St. Mary to dine with him. He relieves him of the 800 pounds he is carrying before sending him on his way. When the knight turns up he lets him keep the 400 he brought and gives him another 400, only keeping 400 for himself. The knight then leaves, but is subsequently captured by the sheriff. When Robin hears of this he enters Nottingham, frees the knight and kills the sheriff. After this the knight is obliged to flee to the forest, knowing that as a result of the sheriff's death he is now an outlaw. King Edward comes to hunt for Robin and the knight, seizing the knight's property which he has forfeited as a result of his outlaw status. After six

months the king has still not succeeded in locating the outlaws. He is advised to disguise himself as a monk, and his deception is successful. Robin Hood invites him to dine with him and takes him into the Forest. There he recognizes the king, and swears homage to him. The king pardons him and his men and they enter his service. After fifteen months at the court Robin Hood is broke, having paid out of his own pocket to keep up with the expenses at court, and all of his men except for Little John and Will Scarlock are gone. He gets the king's permission to return to the forest for seven days, but stays there for the next 22 years. He dies when he is betrayed by his reative, the prioress of Kirkless. The play *Robin Hood and the Sheriff* is, as mentioned above, only a fragment, the last part of the play is missing. It tells of how a knight approaches the sheriff and says he will catch Robin Hood for him. The sheriff accepts his offer and says he will reward him handsomely for that. The knight and Robin meet, they compete at archery and wrestling, then they fight with swords and Robin kills him. He cuts off the knight's head and disguises himself in the knight's clothes.

Robin Hood and Guy of Gisborne is essentially the same tale that is recounted in the play. Robin and John come across a man in the woods, armed and dressed in a horse-hide. John volunteers to approach him to find out who he is, but Robin angrily replies that he never sends another into danger while he lingers behind. In anger the two part company. John walks on until he meets Scarlock who is fleeing the sheriff's men, who have already killed some of the outlaws. John strings his bow to fight back but it fails him, and he is captured. In the meantime Robin has approached the stranger, who says he is lost and that he is looking for Robin Hood. Robin suggests that they take a walk in the woods, and maybe they will encounter Robin. They stop to compete and shoot at targets with their bows, Robin winning every time. Robin asks the stranger his name and when he replies that it is Guy of Gisborne Robin reveals his identity. They draw their blades and fight. Robin is wounded but kills Guy. Cutting off his head he cuts his face so that "...he was never on a woman borne Could tell who Sir Guye

was.”⁴⁴ He exchanges clothing with Guy, putting on his horse-hide and then proceeds to blow Guy’s horn. The sheriff hears the sound of the horn, and sees who he believes is Guy approaching, thinking that Guy has slain Robin. The sheriff offers to reward him with what he wants, but Robin replies that now that he slain the master, i.e. Robin, his only desire is to slay his man. Robin frees John and gives him Guy’s bow. The sheriff and his men flee, but John shoots the sheriff through the heart and kills him.

The Robin Hood of these texts has no past and no family ties. Nothing is said about how he became an outlaw, or how his men were outlawed. His background as the earl of Huntingdon, out to avenge the injustice done to him and his father, is a later invention first found in plays written in the 16th century.⁴⁵ In the ballads Robin Hood springs forth from his forest kingdom, already fully confirmed in his role as an outlaw and master archer. There he dwells in some kind of Arcadia, hunting the deer and feasting upon venison, wine and ale. From that base the outlaws rob the travellers that enter their territory, clearly a profitable business, since Robin is easily able to lend the knight 400 marks (G.R.H. verses 66-68, p. 83).⁴⁶ When he leaves his forest kingdom it is only for short forays into town, and for the 18 months he is in the king’s service, after having been pardoned. He is also able to call upon a fairly impressive retinue of men. When he blows his horn seven score men appear to do his bidding, all dressed in his colours (G.R.H. verses 229-230, p. 95, verses 389-391, p. 107 and verses 447-449, p. 111). And when he brings the sheriff into the forest and blows his horn his men come running to him in all haste (R.H.P. verses 65-67, p. 131).⁴⁷ His men also lay siege to Nottingham when Robin is imprisoned there after having been captured as he was hearing mass. The porter tells little John that they have barred the gates because: ‘John, and Moch and Wyll

⁴⁴ *Robin Hood and Guy of Gisborne* in Dobson and Taylor, p. 144, verse 42

⁴⁵ Robin Hood is first described as the earl of Huntingdon in two plays by Anthony Munday written in 1598: *The Downfall of Robert Earl of Huntington* and *The Death of Robert Earl of Huntington*

⁴⁶ *A Gest of Robyn Hode*, in Dobson and Taylor, from now on abbreviated to G.R.H.

⁴⁷ *Robin Hood and the Potter*, in Dobson and Taylor, from now on abbreviated to R.H.P.

Scathlock, Ffor sothe as I yow say, They slew oure men upon our wallis, And sawten⁴⁸ us every day.’ (R.H.M. verse 63, p. 120)⁴⁹ That these are truly his men is in no doubt, it is also clear that he pays them. When Robin meets the king, he takes his money, gives half of it to his men and then returns the rest to the king. (G.R.H. verses 379-383, p. 106) He does all this, though, with courtesy and many fair words: ‘Full curtesly Robin gan say, “Sir, have this for your spending.....”...’ (G.R.H. verse 383, p. 106). Equally courteous is Little John when he stops the monk on his way to the king with letters telling of Robin’s capture (R.H.M. verse 41, p. 118). However, the tone changes shortly after Little John learns that the monk is the cause of Robin’s capture. The following scene where the little page as well as the monk is killed is narrated very matter-of-factly (R.H.M. verse 52, p. 119). Although the reason given for killing the young page is that he could tell on them, the death comes across as ruthlessly done, and maybe even unnecessary. The justification for this, though, can be seen to be John’s anger at Robin’s betrayal and capture, and is a statement to the fact that first and foremost his loyalty is to Robin, above and beyond anybody else, even innocent parties. This interpretation is born out by the rest of the ballad, and even confirmed by the king. At the end of the ballad the king states that there is no such yeoman in the whole of England as Little John, none as true to his master. (R.H.M. verses 87-89, p. 122) The courteousness that describes Robin and his men also characterizes the king as well as the knight, and seems to be a trait of the good people, as the lack of it is a trait of the outlaws’ enemies.

Seen in conjunction with the principles mentioned earlier Robin Hood comes across as the archetypal good outlaw. Since nothing is ever told of his past we do not know how he began his career as an outlaw, if this was the result of some injustice done to him. He does right wrongs, in the sense that he helps the knight so that he does not lose his property. In addition to letting him keep the

⁴⁸ sawten: assaulted

⁴⁹ *Robin Hood and the Monk*, in Dobson and Taylor, from now on abbreviated to R.H.M.

money he loaned him, he doubles it. Robin and his men steal from the rich, the abbey whose cellarer they rob, is a rich institution, and the sheriff comes across as a man of means too. There is not, however, any giving to the poor. The knight Robin helps may have fallen on hard times, but he is definitely not poor, he has a manor and lands and is easily able to raise the 400 needed to repay Robin in a year. Most of the killing done by Robin and his men can be justified, they kill in self-defence, or in the case of the sheriff's death, because he broke his oath to Robin. However, the killing of the page and the disfiguring of Guy of Gisborne's face shows a ruthlessness somewhat divergent from how we tend to picture the good outlaw.

Robin and his men are reintegrated into society through the king's pardon, and even at the end there is what can be called a second return to his people. In this case it is his true people, the outlaw band of the forest. There are also indications that the outlaws have the help and support of the people. When John and Much are waiting for the monk that is travelling to the king, they keep watch from the house of Much's uncle (R.H.M. verses 38-39, p. 118) and even though the king spends half a year or more in Nottingham he never learns of Robin's whereabouts.⁵⁰ It is a good indication of how well-liked Robin is that there is no one who will inform on him. He dies at the end only as the result of treason, but until then seems to be both invisible and invulnerable, he manages to disguise himself so well that not even the sheriff recognizes him, and when captured he invariably escapes. He is only the enemy of the king's corrupt officials, not the king himself. When he realizes that he has been entertaining the king, he kneels and promises to serve him well (p. 288).

Robin also embodies the qualities of courage, as is not afraid to risk his life to enter an archery contest (p. 382). The band of outlaws is described as master archers and skilled swordsmen. Robin and John compete by shooting at targets on the way to Nottingham, and it is the competition that is the cause of the two

⁵⁰ Ohlgren, p. 286

falling out (R.H.M. verses 10-15, p. 116). In Nottingham Robin manages to slay twelve men with his sword before he is captured, and then he is only overcome because his sword breaks (R.H.M. verses 27-28, p. 117).

Another trait of Robin Hood is the seriousness with which he treats the keeping of oaths. When the sheriff swears to Robin that he will never harm him or his men, Robin lets him go (G.R.H. verses 201-204, p. 93). The sheriff's oath is enough for Robin to give up his original intention of keeping the sheriff with him for a whole year (G.R.H. verse 199, p. 93). However, when the sheriff subsequently breaks his oath and ambushes Robin and his men at an archery contest in Nottingham, Robin is both disappointed and angry (G.R.H. verses 296-298, p. 100). When he later kills the sheriff, after he has broken his oath for the second time by capturing the knight, Robin uses his faithlessness to justify the killing (G.R.H. verses 344-349, p. 104).

An interesting feature in *A Gest* are the clear signs of maintenance. His men come when he blows his horn, they wear his livery, striped scarlet mantles (Ohlgren, p. 379), and at the court he finally loses them (p. 390) when he no longer has the means to maintain them. There are parallels here to the later bands of outlaws that I will examine later in the paper in the section on historical outlaws.

The poem of Robin and Gandelyn is found in a manuscript dated ca. 1450.⁵¹ It tells the story of Robin and Gandelyn who are out hunting in the forest and encounter a youth by the name of Wrennok. Wrennok shoots an arrow at Robin and kills him instantly. Then Gandelyn and Wrennok fire at each other, Wrennok dies, leaving the dying Gandelyn behind. A possible interpretation of this poem is that Robin and Gandelyn are poaching, and they are killed by a forester by the name of Wrennock. Because this poem is so short it gives no room for a thorough comparison with all of the eleven principles mentioned above, but there are some similarities to the other legendary material. There can be no doubt

⁵¹ Dobson and Taylor, p. 255

about their prowess with the bow, Robin is killed instantly, and Gandelyn aims for and hits Wrennok's heart (R.G. verse 15, p. 257).⁵² The other main feature of the poem is Gandelyn's fierce loyalty to Robin, who he calls his master (R.G. verse 7, p. 256). This is similar to the loyalty shown by Little John to Robin.

The Tale of Gamelyn was found among Chaucer's *Canterbury Tales*, following the unfinished Cook's Tale. This makes it very likely that this poem was written some time before 1400.⁵³ It tells the story of the youngest brother coming to manhood, and coming into what is rightfully his. Upon his deathbed Gamelyn's father wishes to split his property equally between his three sons, John the oldest, Ote the middle one, and Gamelyn his youngest son. But John keeps Gamelyn's property under his control until Gamelyn one day discovers that his brother has not done a good job of caring for it, and demands his inheritance. This brings him into conflict with John who has no intention of relinquishing the property and he has Gamelyn bound and mistreated. Only with the help of a servant, Adam, is he able to escape. Taking to the woods they join a band of outlaws and when the outlaw leader returns to society Gamelyn takes over his role. When Gamelyn hears of how his brother has treated his property and his tenants, he goes to the shire court to demand justice. There his brother Ote stands surety for him. Gamelyn leaves to rejoin his outlaw band, promising to appear in court when summoned, so that Ote will not be punished for his absence. Arriving late in court he finds his brother bound and about to be sentenced to hang, and his brother John, who is now sheriff, sitting in judgment upon him together with the justice and members of the inquest. Taking control of the court with the help of his outlaw band he frees his brother Ote, and kills his older brother and all his supporters. Having been subsequently pardoned together with his men he settles down to enjoy his inheritance.

⁵² *Robin and Gandelyn*, in Dobson and Taylor, from now on abbreviated to R.G.

⁵³ After 1400 Chaucer seems to have disappeared. There is no further mention of him in any records that have come to light so far, nor does he seem to have written anything after this date. On the contrary, there are remarks by other writers indicating that he had died. For a closer examination of the evidence see Terry Jones et al., *Who Murdered Chaucer? A Medieval Mystery*.

The tale of Gamelyn follows the pattern seen in other outlaw tales. His fight stems from an injustice, the older brother's treatment of Gamelyn because of his young age is in clear violation of a dying man's wish. A foreshadowing of what is to come is given when the tale tells of how their father, John the elder, called upon neighbouring knights to witness and ensure that his wish was followed but "Their intent was to deliver all the lands to one, [...]"⁵⁴ a decision that may reflect the custom of primogeniture and the knights' reluctance to split up properties. Gamelyn rights wrongs by taking back what is his and saving his brother from getting hanged. Not much is said about his time with the outlaw band, no stealing from the rich and giving to the poor is mentioned, but he is quite clearly concerned with the welfare of his tenants (Ohlgren, p. 284), when he finds out that they are not treated well by his brother, he tries to get justice through the normal channels, the court. Only when that fails does he resort to violence. His actions may come across as cruel and ruthless, he has the justice, his brother who is now the sheriff, and the twelve jurors hanged. However, this is only after he has ordained an inquest, and after he has made sure that these were all willing to hang his older brother Ote, for having stood surety for him (p. 287). This is in accordance with the principle that the good outlaw only kills justly or in self-defence. Following this pattern Gamelyn does also eventually return to his people, and he takes possession of his property and settles down. Along the way toward the justice he also has the help and support of the people, initially he is helped to escape by his brother's servant, Adam Spencer (p. 279), later his brother Ote gets him out of gaol by making sure he is granted bail (p. 285), and finally he is able to back up his claim with the help of his outlaw band. Since he is able to live out his life in peace and quiet there is no death through treason. There is treason however, in his older brother's actions. Gamelyn is only an enemy of the king's corrupt officials, not the king himself. After having freed his

⁵⁴ Ohlgren, p. 271

brother he goes with him to the king, and makes peace with him “in the best legal manner.” (p. 287) In other words, they are pardoned for their action.

The earliest printed text we have that tells of the exploits of Adam Bell, Clim of the Clough and William of Cloudesley are fragments from a 1536 edition.⁵⁵ However, their names appear as aliases in a 1432 Parliament roll, indicating that their legendary exploits were well-known at least one century earlier.⁵⁶ The tale opens with the three outlaws roaming around in the forest together, outlawed because of poaching. Two of the outlaws have no past, but the third, William of Cloudesley has one in the sense that he has family ties and a place where he belongs. He has left behind his wife and three sons in Carlisle, and missing them decides to pay them a visit. Not heeding the warnings from his friends he spends a good time with his family, but is betrayed by an old woman they have taken in and given shelter. Captured and about to be hanged, he is saved at the last moment by his friends and in the ensuing fight both the justice and the sheriff are killed, along with many others. The three then set out to ask the king to grant them a pardon, which he does after an intervention from the queen. When the king finds out that they have killed his officers in Carlisle, he regrets his decision. William offers to show him his prowess with the bow and shoot an apple off his oldest son’s head. The king accepts, but swears to hang the three if William fails. William succeeds and they are pardoned, and taken into service with the king.

In comparison with the principles characterizing the good outlaw they are outlawed as the result of an act considered a crime by the authorities, but not by the people, namely poaching. There are no robberies or demands of tolls mentioned, and no giving to the poor, but there is charity, as William of Cloudesley has taken in an old woman and given her shelter for several years.⁵⁷ It is this woman who betrays him. The killings done by William and his friends are

⁵⁵ Ibid., p. 397

⁵⁶ Ibid.

⁵⁷ Dobson and Taylor, verse 15, p. 261

done to save him from getting hanged, so this can be said to justify the violence. At the end of the tale all three return to their people, they are reintegrated into society as honoured citizens (Dobson and Taylor, verses 163-165, pp. 272-73). There are also indications that the outlaws are helped by the people and have their sympathy. William's two friends are told of his impending execution by a shepherd boy (pp. 263-264, verses 43-46), and when William is about to shoot at the apple on his son's head: "Much people prayed for Cloudesle, That his lyfe saved might be, And whan he made hym redy to shote, there was many a weping eye." (verse 161, p. 272) None of the three are killed through treason, but there is treason in the shape of the old woman's betrayal, as mentioned above. They are not invisible or invulnerable, unless their ability to fight off so many people can be seen as a form of invulnerability (verses 78-91, pp. 266-67). Nor are they enemies of the king, and they gladly take service with him once they are pardoned.

Both William and the other two are skilled fighters, both with the sword and the bow. It is reported to the king that when they saved William from being hanged the three of them killed more than 300 hundred men (verse 138, p. 271), and William is so skilled with the bow that he manages to hit the apple on his son's head from a long distance (verse 162, p. 272).

Just as in the ballads of Robin Hood the swearing of oaths and the keeping of them is a serious issue in this tale. The three outlaws have sworn brotherhood (p. 261, verse 4) and all through the tale they are repeatedly called brothers, or they call each other brother (verses 76 and 82, p. 266, verse 84, p. 267 and verse 100, p. 268, among others). It is because of this brotherhood that Adam and Clim come to rescue William, they come to deliver their brother (verse 67, p. 265).

2.5 Historical outlaws

A closer look at the other group of outlaws examined in this paper, the ones we know to have been real historical persons, reveals that this is a very diverse

group. The most marked difference is very clearly related to when they lived and the historical events of the times. These events contributed to, and were sometimes the direct cause of their outlaw status. In general, the earliest outlaws from our period were engaged either in a struggle with the Norman conquerors or with their descendants in the person of the king and his supporters. Often this was as a result of dispossession. In the last part of the period, criminal activities were frequently linked to bastard feudalism. In the 14th and 15th centuries especially, the problem of criminals and outlaws was to a large degree related to larger, more organized gangs that were maintained and supported by powerful protectors, and many criminals were also themselves from the gentry.

In order to structure this survey, and also more clearly see some trends that changed over time I have opted for a chronological order. Starting at the beginning of the period covered, I will examine the character and exploits of Hereward the Wake, who was involved the resistance to the Normans in the years right after 1066. I will then briefly look at Eustace the Monk, who for a while served King John at the beginning of the 13th century, before continuing with the saga of Fouke FitzWaryn. Fouke FitzWaryn belongs to the same era as Eustace and like him was involved in a conflict with King John. Here, as in the preceding section I am indebted to Ohlgren's *Medieval Outlaws*, again supplementing my reading with other texts where necessary.

The two last centuries relevant to this paper are characterized by the maintained gangs mentioned above, and I will take a closer look at a couple of these, the Folvilles and the Coterels, who have been researched in depth by John Bellamy.⁵⁸ I owe a lot to his thorough examination of crime and criminals in Leicestershire. In addition to this Barbara Hanawalt has also published a survey of the activities of these gangs, as well as other criminals.⁵⁹ Most of my material on the 14th century criminals is from these two sources.

⁵⁸ John Bellamy, *Crime and Public Order*

⁵⁹ Barbara A. Hanawalt, *Crime and Conflict*

Almost all of the leaders who put up some resistance after the Conquest are only names to us today. Earl Morcar was one, but not much is known about him beyond the fact that he was a robber who ended up being betrayed and killed. There was also Eadric the Wild, of whom equally little is known to us today. However, the exploits of one person has come down to us in more detail, thanks to the fact that many stories about him were gathered together in the *Gesta Herewardi* some time in the early part of the 12th century.⁶⁰ According to Spraggs it is likely that *Gesta Herewardi* was written by one of the monks of Ely, due to the detailed description of the siege of this town.⁶¹

Hereward the Wake, as he was to become known as, was banished to France because of his unruly ways. When he returned to home after the Conquest he found his home occupied by the Normans and his brother's head hanging over the door to their manor. In a heroic feat he single-handedly slew the occupying lord and his band of followers, thus avenging his family. After that he took to the woods where he soon acquired a following. He also sacked Peterborough, killed the Norman abbot of the monastery there and took off with the church treasure. His eventual fate is not known for sure. After the siege of Ely, he may have died as an outlaw, or even in the end made peace with the Normans. According to *Gesta* he was pardoned by King William and had his lands restored to him, but there is another possible ending to his life. According to Geoffrey Gaimar he was pardoned by the king, but then treacherously killed by some Norman lords.⁶²

Gesta Herewardi gives a vivid description Hereward's adventures and feats of valour. He was a master marksman, like Robin Hood, and a master of disguise, again reminiscent of the Robin Hood ballads; Like Robin Hood he also approaches the enemy in the disguise of a potter.⁶³

Hereward is outlawed as a result of killing the Normans who have killed his brother and taken possession of his property, consequently he is outlawed as a

⁶⁰ Spraggs, p. 26

⁶¹ Ibid., p. 27

⁶² Geoffrey Gaimar, *L'Estoire des Engleise*

⁶³ Ohlgren, p. 76

result of injustice. By this action he is righting the wrong done to him and his family. Robbery and redistribution of resources does not figure in the tales, so there is no giving to the poor. His killing of the Normans is just, through this act he not only avenges his family, but he upholds his and his family's honour. His killing of the abbot can also be justified, as the abbot had broken his promise. According to *Gesta* Hereward returns to his people and lives out his life on his property. According to Geoffrey Gaimar however, Hereward was killed by some of the Normans who had not accepted his pardon. Consequently we have two possible fates, both in accordance with the principles of good outlaw, the return to his people and the death through treason. As an outlaw he also has a large band of followers indicating that he has support among the people. He is both seemingly invisible and invulnerable. He assumes several disguises, just like Robin Hood, and manages to fight off his captors and flee when he is discovered (Ohlgren, p. 77). Originally the enemy of the king, he makes peace with him when he is pardoned and has his lands restored to him. He is a valiant and fearless fighter. He takes the breaking of the oath given him by the abbot so serious that in his eyes it justifies killing him. This is a theme that is common to several outlaw tales: the breaking of an oath given to the outlaw by his enemy or opponent, and the following repercussion. We find the same, as mentioned earlier, in Robin Hood's killing of the sheriff.

Another historical outlaw from the period shortly after the conquest was Eustace the Monk. His real name was Eustace Busket and he lived from about 1170 to 1217,⁶⁴ when the English captured his ship and beheaded him. I have chosen to include him in this survey, because he was involved in the historical and political events of England, he even owned property there, and because there are many parallels in his romance to the ballads of Robin Hood. The story of his career is recounted in a manuscript dated 1284, composed by an anonymous poet some time between 1223 and that date.⁶⁵

⁶⁴ Ibid., p. 100

⁶⁵ Ibid.

By birth, Eustace, or Witasse as he is called in French, was French, and his outlaw status stemmed from his flight into the forest after being accused of having mismanaged the financial affairs of his lord. A mercenary who fought for both the French and the English at different times, he even turned to piracy. He fought for King John and was rewarded with properties in England, but also at one point sided with the northern barons against the king.

The romance recounts the story of how Eustace studies necromancy and the magical arts, before retiring to a monastery where he uses his skills to play tricks on the other monks. Hearing of his father's killing he leaves the monastery but is unable to get justice for his father's death. Shortly after, in his capacity of seneschal to the Count of Bolougne, he is accused of mismanaging his affairs, and retaliates when the Count burns his fields and seizes his property. As a result of this he is outlawed and takes to the forest. There he gathers a company of other men around him and the next part of the story recounts how Eustace avenges himself on the Count. In order to do this he uses a variety of disguises, a monk, a leper, a potter and a prostitute, are some of them. In one episode Eustace stops an abbot and demands to know how much money he has on him. The abbot lies about the amount and gets to keep the money he claimed to have, while Eustace takes the rest.⁶⁶ This is only one of several instances that are similar to episodes in the Robin Hood ballads.⁶⁷ After this Eustace goes to England and enters the service of King John, and he is given property there and even builds himself a palace in London. He leaves for France and offers his services to King Philip when he finds out that King John harbours his enemy the Count of Bolougne. An added motive for his change of sides is given in the killing of his daughter by King John. Harassing the English at sea and on land he is finally captured at the Battle of Sandwich and is killed.

When examined in relation to the principles of the good outlaw there is clearly a case of injustice that is the cause of his initial status as an outlaw. He is,

⁶⁶ Ibid, p. 137

⁶⁷ See "A Gest of Robyn Hode" in Dobson and Taylor, part four, for similar episodes.

even though he attempts to, unable to right the wrong that is done to him. There is no robbing in order to give to the poor, Eustace is more concerned with harassing and tricking his enemies whenever he has the opportunity. He ends his career as a pirate, this is not an activity that is in accordance with only killing when justified or in self-defence. Nor is there ever a return to his people, having lost his properties in France he leaves, and after having turned against King John he never returns to his property in England. He comes across, however, as both invisible and invulnerable. He is a master of disguises, tricking and fooling his pursuers repeatedly. There are parallels here with the Robin Hood cycle. Like Robin Hood Eustace too uses the disguise as a potter. He is also in possession of magical powers that lets him manipulate his fellow monks in the monastery.⁶⁸ Originally in the king's service, he becomes his enemy, and his piracy can be seen as a fight against him. That he is courageous and a skilled fighter must be assumed, since he at various times in his career made a living from his fighting skills. The subject of oaths given and broken does not figure directly in the romance.

Fouke Le FitzWaryn was a historical person who revolted around 1200 in response to a judgment that transferred his family's property to another landowner.⁶⁹ He was pardoned in 1203 together with more than forty others who had been outlaws with him. The story of Fouke FitzWaryn survives in a single manuscript, dated from ca. 1330.⁷⁰

The first part of the romance tells of the Normans' arrival in England and their settlement of the Welsh Marshes. It recounts the marriage of Waryn de Metz to Melette and the birth of their son, Fouke le Brun. Fouke loses his lands to de Powys. His son Fouke the younger grows up at the court, is favoured by King Richard, but is not on good terms with the future King John. When John becomes king and refuses to grant him his right and return his lost property, Whittington,

⁶⁸ Ohlgren, pp. 111-112

⁶⁹ Ibid., p. 167

⁷⁰ Ibid., p. 165

to him, Fouke renounces his allegiance to John. After that he devotes himself to harassing the king and his knights, and tricking his pursuers. To do this he adopts various disguises.⁷¹ Fouke and his men then leave for France where they stay at the court of King Philip. When King John discovers his whereabouts he leaves and takes to the sea. The next part of the romance tells of his adventures, he meets and defeats robbers, serpents and dragons, and rescues damsels in distress.⁷² Returning to England he continues his feud against King John, disguising himself as a charcoal-burner in order to lure the king into the forest. There the king promises to return his lands to him and to keep peace with him and his friends. Never intending to honour this promise he subsequently fights Fouke who is wounded and drifts off on his ship to other adventures. In the end Fouke returns to England, frees his brother who is John's prisoner, and is pardoned and reconciled with the king. He lives out the rest of his years on Whittington, blind for the last seven years of his life as a penance for his deeds.

When we examine the character of Fouke in light of the traits characterizing the good outlaw he fits the pattern almost perfectly. He is outlawed because he refuses to accept the injustice done to him by the king, and through his outdrawn conflict with him he manages to right the wrong and finally forces John to return his lands to him. He only kills in self-defence or to avenge himself and in the end he returns to society and his ancestors' lands. He is aided and supported by his people in the shape of his relatives and their vassals. He does not, however, die as the result of treason and he is able to live out the rest of his life in peace. He is both invisible, in the sense that he too is a master of disguise and can even lure the king into the forest, and invulnerable, since he is able to fight and defeat both monsters and robbers. Where he diverges most clearly from the pattern is in his conflict with the king, but he is reconciled to him and becomes, one must assume, a loyal vassal after King John rectifies the injustice he did to him. That he possesses both courage and is an excellent fighter

⁷¹ Ibid., pp. 204-205

⁷² Ibid., pp. 220-227

is obvious from his adventures. In this romance, as in the ballads of Robin Hood, promises and the breaking of them plays a role. In this case it is the king who breaks his promise, and the result is that the conflict between John and Fouke continues.

In this part of the paper it is natural to include what is more in the line of an “outlaw manifesto”. *An Outlaw’s Song of Trailbaston* can be dated with a fair amount of certainty to ca. 1305. The first commission of Trailbaston took place in 1304 - 5, so the poem cannot be of an earlier date than this, and the men mentioned in verse 9 are known to have been justices assigned to the trailbaston in april 1305.⁷³ A possible suggestion as to who this outlaw composer of the poem could have been have also been put forward.⁷⁴ The poem reads as the writer’s protest against having been unjustly outlawed. In it he claims that he was indicted out of malice⁷⁵, and that he is not the only one forced to take to the forest for that reason. He says that many have no other recourse than to turn to robbery in order to stay alive, after having had to flee (Dobson and Taylor, verses 11-12 pp. 252-253). The outlaw cites the justices by name, saying two are good, but the others are: “...cruel men;” (verse 9, p. 252) He claims that the justices as well as the sheriff are motivated by greed, and will outlaw those who cannot pay them off (verses 3-4, pp. 251-52). He advises others who are unjustly treated to join him in “the green forest of Belregard, where there is no annoyance” (verse 14, p. 253). He also says that he will receive a pardon and return to society (verse 20, p. 254). In compliance with the principles of the good outlaw the poet has been outlawed due to injustice, and he claims that he will return to his people. The historical person who may have written this poem was indeed pardoned after a year of outlawry.⁷⁶ Finally, the tone of the whole poem is a protest against the king’s corrupt officials, not once is the king himself mentioned. He is not an enemy of the king, but only of his representatives.

⁷³ Dobson and Taylor, p. 250

⁷⁴ Ohlgren, pp. 152-153

⁷⁵ Dobson and Taylor, p. 254, verse 21

⁷⁶ Ohlgren, p. 153

Since this is a protest, or a manifesto, rather than a ballad or a romance, there is no complete story told here. However, from the text we have the outlaw in *An Outlaw's Song of Trailbaston* fits the pattern of the good outlaw, even if not on all points. Where there are discrepancies they are in the form of omissions, and not in violation of the principles.

The Commission of Trailbaston in 1305 was, as mentioned earlier, a response to increasing rates of crime and lawlessness.⁷⁷ In the early 14th century the main problem in controlling criminal activity was related to organized gangs. These gangs often had members from the landed gentry, and quite frequently powerful protectors among the nobles and officials in the area. Reports of sheriffs cooperating with well-known criminals and outlaws were not unusual, nor were attempts to bribe or threaten jurors.⁷⁸ The Commission of Trailbaston was meant to combat this kind of retainership and other forms of conspiracy. Evidence indicates that this measure was not enough to curb the problem to any great extent, since there are further attempts to deal with this in the laws and statutes of the 15th and 16th centuries.⁷⁹ It can also be argued that the problem of maintenance, the illegal retaining of a private force, was not just a problem in the 14th century and later; maintenance is mentioned as early as 1275 in the First Statute of Westminster.⁸⁰ It is very possible that this problem was a recurring one during most of the period examined here, but that it was especially visible and severe during the early 14th century and after, due to King Edward I's absence on campaigns as well as bastard feudalism and the land wars. These legal battles for property could go on for years, and often the outcome would hinge on taking possession of the property in question, and subsequently being able to get the jurors to decide in one's favour.⁸¹ In this context force and manpower, as well as connections, could be crucial and extortion and sometimes even violence was

⁷⁷ Barbara A. Hanawalt. *Crime and Conflict*, p. 269

⁷⁸ *Ibid.*, pp. 45-52

⁷⁹ J. G. Bellamy, *Bastard Feudalism*, pp. 81-91

⁸⁰ *Ibid.*, p. 80

⁸¹ *Ibid.*, p. 66

resorted to. The outcome of cases would also frequently depend on the help from powerful patrons.

During the 14th century several laws were enacted in order to deal with the problem of retainership and maintenance. There were several petitions in parliament asking for the king and his officials to do something about the crime rate. However, since the king relied on the armies of his nobles during his campaigns, his position was often a difficult one. At the same time, this patron-client relationship was useful to many members at different levels of the society. If the law would not help redress a wrong, then that same result could often be accomplished through one's patron, often through bribing or threatening the jurors or witnesses, sometimes through the use of outright violence.⁸² These same means of applying pressure would of course also be open to the criminals, who wanted to ensure that they were not indicted for their crimes, or if indicted, then not sentenced. And even when a sentence had been given, a pardon could often be fairly easily procured, again by going through one's lord. There were also fairly high numbers of the clergy involved in criminal cases.⁸³ This could indicate that some might have found their position a useful one for a criminal career, and some may even have chosen to take minor orders to ensure their protection from the secular law.⁸⁴ The outlaws in the 14th century that we know most about were frequently members of the gentry, operated in gangs, and would often acquire pardons and return to society, at least temporarily, until they gravitated back to their criminal career and were outlawed again. Most of the gangs had powerful protectors that would intervene for them, and even the ones who were not members of the gentry could count on help from supporters and the means to obstruct justice if necessary, since: "Members of the nobility and upper clergy, who regularly received and protected felons, were probably employing felons in their own schemes or as part of their household."⁸⁵

⁸² Barbara A. Hanawalt. *Crime and Conflict*, pp. 49-50

⁸³ Ibid. p. 60

⁸⁴ Ibid. p. 55

⁸⁵ Ibid., p. 96

Among several gangs that operated in the early part of the 14th century, the Folvilles in Leicestershire is one of the best known. These brothers were the younger sons of a landed knight, and one of the most active of the brothers was Richard Folville who was actually a rector. In addition to Richard, his brothers, Eustace, Laurence, Walter and Robert were part of the gang. The oldest son, who had inherited the estate, seems to have kept on the right side of the law. Since he had been provided for according to the traditional law of inheritance he had no need to resort to robbery. On the contrary, he had a lot to lose by doing that, since being declared an outlaw would effectively cost him his property and disinherit his heirs.

The younger brothers are first mentioned in connection with criminal activity when they were involved in the murder of Sir Roger Bellers in 1326. Bellers was a royal official who, according to the chronicler Knighton, had grievously wronged the brothers. According to him, Bellers was very unpopular in the area due to his corrupt practices and greed for accumulating more property.⁸⁶

Some of the brothers were present at the murder, but the actual killer was a member of another landed family in Leicestershire.⁸⁷ The fact that others were involved in this killing goes some way towards substantiating Knighton's claim about Bellers' practices. After this the brothers committed several robberies until they in 1327 were included in a general pardon when Edward III succeeded to the throne. In return for a payment to the crown they were given immunity from punishment. However, the pardon did not change the brothers' ways and four years later they were involved in the kidnapping and extortion of Sir Richard de Willoughby. At that point in time they had been involved in several episodes of violence, extortion, robbery and also more murders. Although there may have been the sentiment among the contemporaries of the Folvilles that their main objective was to right injustice and avenge wrong, it is very likely that this image

⁸⁶ Spraggs, p. 18

⁸⁷ Ibid.

may not have lasted. In the end Richard Folville's clerical status was not enough to save him, he was dragged out of his church and summarily executed by the men sent to arrest him.

The Folvilles had connections to another gang of criminals, the Coterels. These were three Derbyshire brothers who also took part in the kidnapping of Willoughby. Like the Folvilles, the Coterels had a similar track record of violence, murder and threats, and also had, according to Knighton, a reason to want revenge on Willoughby. Willoughby, in his capacity of judge, had a bad reputation and was considered both corrupt and dishonest. Some time after the kidnapping incident he was tried for corruption

But in addition to being involved in some of the same crimes, there was another connection between these two bands of brothers, one that is somewhat more sinister. There are several things that indicate that these gangs had protectors in high places, and protectors who enjoyed the results of their efforts. James Bellamy mentions a Sir Robert Touchet, a large landowner in the Midlands.⁸⁸ One of his manors was the venue for the sharing of the ransom money, and he gave the Coterels shelter on his estate when they were outlawed in 1331. In addition to this, Eustace de Folville as well as two of his brothers were Touchet's retainers. This makes it very plausible that Touchet may have been involved in the planning of the activities of both gangs. Another possible protector was Sir Robert de Vere, the constable of Rockingham Castle in Nottinghamshire. He was another accessory to the kidnapping of Willoughby, and there are other indications that he may have been involved in criminal activities.⁸⁹ In connection with another case, reports of secret visits to the castle by huge bands of men are mentioned. It is also likely that these bands were fairly loosely structured, according to Hanawalt:

Often these gangs were not monolithic in structure, but had a federation of smaller groups and individuals whom the leader could

⁸⁸ Ibid, p. 20

⁸⁹ Bellamy, *Crime and Public Order*, p. 74

call upon. The leaders of both the Coterel and the Folville gangs functioned this way. Probably this was a fairly typical way of organizing an outlaw band because of the problems of provisioning and sheltering a large band of men.⁹⁰

These bands were also hired for specific purposes by different employers who might have the need of their services: "Often [they] were hired to harass or kill other people's enemies."⁹¹

To what extent do these outlaw bands fall within the tradition of the good outlaw? Sympathy and even admiration can be found in Knighton's writing, as mentioned above, and he clearly thought that the Folvilles had just cause to want to avenge themselves on Bellers. Likewise there is evidence to indicate that Willoughby was abusing his position. However, the Folvilles were involved in many other criminal incidents, and it is unlikely that the murders and robberies they engaged in were all in retaliation for wrongs done to them. Based on this it can be concluded that although the reason for the outlaw status in some cases may have been unjust, in many cases involving these gangs they were not. Nor is there any evidence of righting wrongs, except possibly in the two concrete examples involving officials mentioned above. There is no indication that the gangs ever shared their spoils with the poor, on the contrary, most of it seems to have ended up with their powerful patrons. There is no evidence that they only killed in self-evidence either, and even though they were reintegrated into society as a result of being pardoned it was a return that was only temporary, since they soon went back to criminal activities and were outlawed again. In some ways they were helped and supported by the people, in addition to being able to count on aid from the patrons, there must have been others who would have helped them from time to time. Kinship ties might have been one reason, monetary compensation or a desire to stay on the outlaws' good side may have been another. The outlaw bands were not engaged in a conflict with the king, many members of the outlaw bands were pardoned by the king, often entering his service in return for this. It

⁹⁰ Hanawalt, *Crime and Conflict*, p. 210

⁹¹ Ibid, p. 207

must be also be assumed that the outlaws were proficient with weapons, since they were engaged in activities that required the use of these. As far as the importance of oaths is concerned we simply do not have enough knowledge of the internal workings of these gangs to draw any conclusions about that.

Looking at the group of historical outlaws there are striking differences between the early period right after the Conquest and the outlaws from the period after this. The outlaws from the early period are real life characters, yes, but they are also larger than life. They possess mythical qualities, and there are similarities to the classical Greek heroes. This is especially noticeable in the case of Fouke FitzWaryn. He fights pirates, slays monsters and rescues maidens in distress in the classical tradition of Theseus, Jason and Odysseus. He is also a master of disguise. So is Eustace the Monk who is able to trick his enemies repeatedly, and who can even resort to magic when necessary. Hereward the Wake is also able to foil his enemies through the use of clever disguises. He also seems to have almost supernatural qualities in the way he is able to thwart his enemies' plans and turn their weapons against them. Hereward must have been a well-known and very popular hero at one point since there are references to women singing songs of Hereward.⁹²

This overlay of magical and mythical qualities that characterize the earliest group of historical outlaws can be ascribed to the antiquity of these ballads and tales compared to the material we have on the later group of historical outlaws. Information about this later group can be found in some of the chronicles but most of the factual information comes from court rolls and gaol delivery sessions. This group of outlaws, from the 14th and 15th centuries, are very different from the earlier group. Many of them operated in gangs, they were not usually nobility, unlike Hereward and Fouke, even though they often had noble protectors. They were not independent agents fighting a battle on behalf of themselves, but were employed for specific purposes. They were usually motivated by financial

⁹² Ohlgren, p. 31

interests, not the desire to rectify injustice, even though the motif of revenge can be found in both groups. Looking at the differences between these two groups it is clear that there is a dividing line sometime in the middle of the latter part of the 12th century. By then, in spite of the *murdrum* fine still being valid, the conflict between the original Anglo-Saxon population and the Normans was over, and the age of heroic resistance had come to an end. After this time there are no larger-than-life characters among the historical outlaws. We are looking at the more sordid actions of people who for some reason or other turned to crime. While the earlier group could be said to belong to the group of good outlaws, the later group is not for the most part characterized by the traits characterizing the good outlaw. For this reason I have chosen to deal with the historical outlaws as two different groups, the early group, or the heroic group, and the later group.

2.7 Conclusion

Within the group of historical outlaws there are striking differences between the early characters from the period right after the conquest and the characters from the later period, especially the 14th and 15th centuries. There seem to be more parallels between this later group of outlaws and the legendary group than there are within the group of historical outlaws. In both the legendary group and the later historical group the members are not nobility, but yeomen, farmers, ordinary people, and sometimes gentry. They are not involved in a conflict with the king but their enemies are officials, often in the shape of a corrupt sheriff or judge, and they have no magical qualities or powers. To the legendary outlaws the king is untouchable, he is assigned his position by the grace of God, and if there are errors made they are made by his representatives and not him. There are daring rescues of fellow band members in both instances and band members are helped and aided by the people. The bands of outlaws that flourished in the 14th and 15th centuries often had powerful protectors. Both the Folvilles and the Coterels had places where they could hide out and even worked for local lords. A parallel to

this is found in *A Gest of Robyn Hood* where he and his men are taken in and protected by Sir Richard Atte Lee when they are fleeing from the sheriff and his men. Maintenance was a problem for the implementation of justice in the 14th century and later, and it was a common factor in the outlaw bands. Signs of retainership can also be found in the Robin Hood ballads. When Robin calls on his men by blowing his horn they come running, all dressed alike in green livery. When he is pardoned and goes to court he has to pay for his men, but eventually they leave him when he runs out of funds. When he leaves court and goes back to the forest they reappear and rejoin him when he summons them. A trait of the outlaw bands in the later period is that they often were an alliance of looser groups. Not all groups or members of groups would take part in specific criminal activities. The fact that Robin's men have gone back to the forest and have obviously been making a living as outlaws since he left them, indicates that they must have been united by some sort of leadership and organization in his absence. This supports the interpretation that Robin's band, like the Folvilles and the Coterels, consisted of several looser groups that had their own structure and leadership, but that would come together for specific purposes and cooperate in joint ventures.

There are two themes, though, that the early heroic group has in common with the legendary group. That is the theme of promises, and the breaking of these, which figures prominently in *A Gest of Robyn Hood* as well as *Gesta Herewardi* and the romance of Fouke FitzWaryn, and the theme of disguise. In the Robin Hood ballads, disguise is a prominent feature, and it is a device used by both Robin and Little John. That same use of disguises is found in *Gesta Herewardi*, as well as in the saga of Fouke Fitz Waryn and *Eustace the Monk*.

Within the group of historical outlaws the earlier, heroic group is different from the later group in that both Hereward, Eustace and Fouke FitzWaryn were engaged in a struggle with the king. These were both men of noble birth who had enough power and support to risk challenging the king's power. They were still

close enough to the Conquest to be living in an age in which fortunes and noble families were in the making; William the Conqueror was the son of a king, but he was the bastard son, and he made his own fortune. The later group of historical outlaws, although some belonged to the gentry, did not have the background and connections that Hereward and Fouke had. Moreover, in the centuries that had passed since Hereward's and Fouke's time there had been many changes in England. England was no longer a fairly recently conquered territory where individuals and families were still carving out for themselves lands and position. Now the country was run by a government that was more efficient and better able to control its subjects, and by the 14th and 15th centuries most noble families were firmly ensconced on their property, with lineage that went back many generations.

When seen in conjunction with the principles of the good outlaw, there is however, a closer adherence to these for both the heroic group and the legendary group than there are for the group of later historical outlaws; both groups fight injustice, they only kill when justified, they return to their people on a permanent basis, or they are killed as a result of betrayal. For that reason both these groups are good outlaws.

Based on the legendary and historical material the outlaws that figure in the novels are most likely to be modelled on the legendary group and the later historical group. Their traits are such that they would have a natural place as representatives of medieval outlaws in today's literature. The heroic group, on the other hand, would not be a natural model for the outlaw characters. The genre of medievalist crime fiction is characterized by realism and in general a close adherence to historical facts and events, for this reason the early historical larger-than-life heroes would fall outside the realistic tone of the novels, and I would expect that if this group is represented it is not frequently, and their more magical qualities are heavily toned down. This group would be more easily portrayed within the genre of fantasy literature.

It is also possible to draw some conclusions about the factors that came into play and were the causes of, or contributing causes to, the outlaw status of these three groups. In the case of the heroic group it is the matter of property, family honour and revenge that drove these men into outlawry. In the case of the legendary outlaws, family, inheritance and honour is not mentioned, but poaching is most frequently cited as the cause. I will also argue that a desire for freedom and the joys of the forest life can be discerned. As far as the later historical outlaws are concerned the picture is somewhat more complex. The motif of revenge and justice can be seen in some cases, but along with those there are economical and social factors like monetary gain, crop failure and disease affecting farm animals, disputes over land, and for soldiers, enforced periods of unemployment. This is the group that is furthest removed from the traditional good outlaw and it is also the most heterogeneous group.

3. Ellis Peters, *The Virgin in the Ice*

It is the winter of 1139 and civil war is raging as Empress Matilda, daughter of Henry I, and her cousin Stephen are fighting for the throne of England. Large parts of the country are in a state of lawlessness, as the battle rages back and forth.

A brother and sister, together with a young nun, are missing after fleeing from the civil war in Worcester. Cadfael finds the missing boy, Yves, well and alive but also finds the nun raped and killed, and buried in the ice. The last person known to have seen the nun is brought wounded and unconscious to the monastery. Watching over the monk, Yves follows him into the snow when he wakes up and leaves the monastery. Trying to find help for the monk Yves is captured by a band of outlaws who are terrorising the villages and manors in the area and is taken to their hidden stronghold high in the mountains. In the meantime, Olivier de Bretagne, the squire sent by the children's guardian to find them follows Yves to the stronghold and finds a way in, at the same time that Cadfael and the sheriff reach the stronghold. Unable to attack without endangering the safety of the boy, whom the outlaw leader, Le Gaucher, uses as a bargaining piece, the two groups are at a stalemate. But when the squire, Olivier de Bretagne, manages to separate the boy from his captors this gives the sheriff a chance to attack the fortress. In the ensuing battle Olivier fights and kills the outlaw leader.

The band of outlaws in this novel is much more than a loose group of people trying to scrape a living as best they may. This group is anything but homogenous, as the perceptive Yves sees them:

Some were footpads, murderers, thieves from choice, born to prey on their own kind. Some were petty tricksters from the towns, who had fled from justice and taken refuge where even their small skills could be used. Some were runaway villeins who had committed some angry revolt against tyranny, and put themselves on the wrong side of the law. Several were of better birth, younger sons and landless knights who considered themselves soldiers of fortune in this

company. Some were even men disabled in honest service, and cast off when they were of no further profit, but these were few, and trapped, they did not belong in this garrison, but had blundered into it by ill-fortune, and could not get loose.⁹³

These outlaws come from diverse backgrounds, and have ended up as outlaws for various reasons. While some of them may have been outlawed due to injustice, many more are in this position because of their own choices. It is clear that this band also consists of younger sons of nobles and knights who have deliberately chosen crime to make a living, as well as ex-soldiers who no longer can sell their skills in return for food and lodgings. In addition to this there are individuals who have revolted against a system that made some men unfree. Diverse as it is, it is nevertheless a very efficient and well-organized force, ruled absolutely by an unusual man. Le Gaucher is the illegitimate son of a noble family, with fighting experience from France. As an illegitimate son it is unlikely that he will have inherited his father, and like many of the men in his band, nobly born sons without a share in the inheritance, he has been a soldier of fortune.

Le Gaucher has created an almost invulnerable fortress, poised between an open space that makes it hard to approach and the sheer rock dropping down into the abyss at the back. Hidden away as it is, it is a haven for his outlaws to retreat to after their plunder of the lower hamlets and homesteads. It is clear, in the description of the way the band operates and of its stronghold that Le Gaucher has considerable military and organizational skills. He is definitely the man who holds this band together, and he rules it with an iron fist. In the novel he is described as leonine (Peters, p. 143 and p. 154), and this is also how the captured boy Yves, sees him:

Now with the candlelight to show him clearly he was more like a lion than ever, for the thick mane of curling hair and the glossy, untrimmed beard were tawny, and the large eyes, narrow but sharp as a cat's beneath heavy lids, were of the same colouring. His lips, left naked among all that profusion of dull gold, were full and curled and proud. (p. 150)

⁹³ Ellis Peters, *The Virgin in the Ice*, 4. ed. (London: Warner Books, 1995), p. 192

That he is of noble birth and background is made clear, he talks in “A high, preremptory voice...” (p. 142) and “It was no common country voice, but one accustomed to lordship and to being obeyed.” (p. 143) It is also evident that the outlaws of his band are a lot better off with him, than they would have been on their own. They have their own stronghold, evidently enough to eat and drink and are able to pull off their raids with few if any casualties to their own band, even when their raids are daringly close to towns that have the manpower to hunt them down. The raids are carried out with impressive efficiency, they are quick, thorough, and done in such a way that no neighbours are alerted (pp. 87-88). Le Gaucher is killed, his men either killed or captured, and the fortress is razed to the ground. However, considering the times and the political situation it is not far-fetched to think that eventually this leader could have carved out a small baronage in the area for himself. In return for services rendered to the winning side of the civil war a pardon and a grant of land, even a title, might have been a possibility.

Typologically the group of outlaws used as a model in the novel is the later historical one, even though in time-setting the novel is closer to the heroic era of Hereward and Fouke. The outlaws are not engaged in a fight against injustice, nor do they have mythical qualities, only in the description of the leader are there echoes of what may be seen as larger-than-life qualities, but he too is only human, in his character as well as his end. There are parallels here to the younger Folville brothers who did not inherit their father’s estate and turned to crime. However the noble who commands this band of outlaws is also directly involved in the criminal activities, unlike Sir Robert Tuchet who may have been the patron of the Folvilles and the Coterels.⁹⁴

As mentioned above, the first principle of the good outlaw does not apply to the group of outlaws as a whole, nor to the single figure of Le Gaucher, nor does the second, that the good outlaw “rights wrongs”. On the contrary this group

⁹⁴ John Bellamy, *Crime and Public Order*, p. 74

of outlaws perpetrate wrongs and prey upon the surrounding homesteads, and there is definitely no stealing from the rich to give to the poor. The killing done by the outlaws is neither done in self-defence nor is it just and it is not surprising that they receive no support or help from the people. They are, unlike the legendary outlaws, not part of the people. Le Gaucher comes from nobility, and it is likely that many of the members of his outlaw band come from other areas, so that they have no kinship ties within the area. There is no return to their people for any of the outlaws, their leader is killed and for those who survive the battle, death at the end of a rope is the fate awaiting them. Their defeat and death is not through treason, nor are they fighting the corrupt officials of the king. Through preying on the people they could be said to be the king's enemies, as the king was responsible for peace in his kingdom. Their fighting skills are most likely of a varied quality. Le Gaucher is obviously a skilled swordsman, having fought in France, but many of his men who are runaway villeins or clerks fleeing their crimes are most likely not very accomplished fighters. Oaths is not a theme in the novel.

The outlaw characters are not described wholly unsympathetically and we can feel some pity for some of them, even the strong, ruthless and charismatic figure of the "old lion". To most of the characters in the novel they are a scourge, Cadfael describes them as "two-legged wolves" (p. 88), as do the people attacked by them (p. 81), while Hugh Beringar, the sheriff, calls them the devil (p. 87) and "a plague [...] that needs burning out before it spreads." (pp. 85-86) To Cadfael, however, the outlaws are primarily a result of the times and the political situation, and while the terror may be: "Over perhaps, for this shire [...] But where royal kinsfolk are tearing each other for a crown, lesser men will raid the tide for their own gain, without scruple or mercy." (p. 232) Through banding together and joining resources, inside their fortress: "They were quite unafraid, [...] they felt themselves equal to anything the hampered, divided law of the land

could do against them.” (p. 171) Cadfael is also concerned that the outlaws will be blamed for crimes they were not responsible for and that:

...every villainy for miles around would be laid at their door, and some of the crimes might well be laid there unjustly. Even villains should bear only the guilt that belongs to them. And never, now, could Alain leGaucher speak up in his own defence and , and say: ‘This, and this, and this I have done – but this, this despoiling and murder of a young nun, this deed is none of mine.’ (p. 232)

And indeed the outlaws are at first wrongly suspected of having killed the nun (p. 85). The story has two parallel plots, the outlaws and the abduction of the boy, and the murder of the nun. Though the outlaws are responsible for the first, the killer of the nun turns out to be a local member of the gentry.

I will argue that the outlaws in this novel have two roles, one, they illustrate in a concrete way the lawlessness of the times; without the breakdown of law and order it is unlikely that they would have been given the chance to raid an area with several fortified towns with such impunity, or build a stronghold in the mountains undetected. Cadfael marvels at the fact that they have dared to raid so close to a strong town (p. 88). This is in accordance with the statistical evidence found by Hanawalt that during times of war and conflict the crime rate increased.⁹⁵ More people would have to resort to crime to stay alive, while at the same time many of the able-bodied men who would usually be responsible for upholding the law and keeping the king’s peace would be away, taking part in the fighting. Secondly, the outlaws are used for contrast and the other characters of the novel are put into perspective and measured against them. Yves’ intelligence is contrasted with the brutal stupidity of one of his captors (pp. 196-200), and Olivier’s restraint and better nature is shown through his tying up Yves’ guard, rather than killing him (p. 199). This difference in character is even more directly spelled out when Olivier engages the outlaw leader in a fight and kills him. As he jumps out to confront him, he trumpets disdainfully: “Now have ado with a

⁹⁵ Hanawalt, *Crime and Conflict*, pp. 234-235

man!” (p. 226) Unlike Le Gaucher Olivier does not use children as pawns. It is no great surprise that Olivier defeats his opponent, and it is not only his youth and skill defeating an older opponent, but also a morally superior being defeating an unprincipled fighter who is not ruled by a code of honour. Without the outlaws there would be no Yves Hugonin, no Olivier Bretagne, no courage, defiance and superior character traits for these to show in the face of danger and adversity.

An interesting parallel to LeGaucher is the young nobleman who has killed the nun, Evrard Boterel. He is a local landowner who ends up as a criminal, due to lack of moral stamina. And it is precisely this moral fibre that differentiates the good and ultimately triumphant characters in the novel from the others. Yves’ sister, Ermina Hugonin may be impetuous, wilfull and stubborn but there is no mistaking her character and backbone when she has realized her mistake, and it is contrasted sharply with the character of Boterel. In many ways Boterel is portrayed as worse than the outlaws, there are mitigating circumstances for the situation they are in for some of them, but there are none for him. Instead of helping his tenants when they are attacked, which is his responsibility, he flees and leaves them to their fate. Instead of helping the nun he takes advantage of her situation. He is even willing to force Ermina Hugonin to marry him, for her inheritance as well as to ensure that she cannot witness against him.

The outlaws are central to the novel firstly because so much of the plot is directly related to their presence and their activities. Close to half the novel is either directly narrating their actions or the results of their actions, or describe other characters talking about them. They are also central, because, as mentioned above, they illustrate the political situation and the lawlessness that was a result of this, as well as the peasants’ helplessness in the face of this menace. They help clarify the vulnerability and plight of the people during times of war and lack of a centralized rule. In addition to this they also add an atmosphere of menace to the story. They come at night, when people are most vulnerable, they are highly efficient, ruthless, and usually leave no witnesses. They strike with impunity, and

nobody knows where they are going to appear next. The band of outlaws helps give the novel its medieval ambience, together with the description of monastic life that is so central to Peter's novels, they place the story firmly in the Middle Ages.

At the end of the story we are expected to have some understanding and maybe even a little sympathy for the outlaws, but no respect or admiration. The characters we are meant to remember are Yves, Oliver and Ermina, but not the outlaws. They are forgettable because typologically their traits place them in the tradition of the later historical outlaws. There are no echoes of Robin Hood righting wrongs and gallantly robbing the rich, nor is there anything heroic about them, with the possible exception of the old lion, the leader, but even he fades in the light of the youth and strength of his final opponent. In order to cast this group of outlaws in the role of the enemy they could not belong to either group that have traits that characterize them as good outlaws. The enemy, in order to succeed as the enemy, cannot be admired or seen as good, and his final end must seem as the only fitting end for him.

Through the use of the outlaw theme *The Virgin in the Ice* succeeds in illustrating some of the side-effects of civil war and the lack of a strong centralized government. The novel also gives a realistic picture of the various backgrounds of the outlaws and the circumstances that have brought them to the stronghold. Nothing is said about the legal process leading up to the outlawry of these men, but it is likely that many, if not most, have become outlaws through their crimes and by joining the band, rather than as the result of a lengthy legal process involving the courts.

4. **Bernard Knight, *Fear in the Forest***

In 1195 Richard Lionheart is king of England, but with the exception of a few months he spends all of his reign outside England, leaving his brother John in charge, together with the seasoned and loyal Chief Justiciar and Archbishop of Canterbury Hubert Walter. The office of coroner, instituted by Walter, is only about a year old and combines the two functions of investigator and collector of taxes and fines. In *Fear in the Forest* a gang of outlaws who are cooperating with corrupt forest officials terrorize the people in the village of Sigford and the nearby area. The whole operation of extortion and monopoly is run by supporters of Prince John and is a scheme to get funds for his struggle for the crown.

Crowner John de Wolfe, the crown's coroner in Devon, investigates several cases of murder in the area of the royal forest and quickly begins to suspect that there is more than the usual case of the forester's extortion going on. It does not take long before he begins to wonder if his wily and corrupt brother-in-law, the sheriff Richard de Revelle who is an ardent supporter of Prince John, is involved.

Following the horse dealer Stephen Crutch, the go-between between the outlaws' leader Robert Winter and their ecclesiastical employer, Crowner John is attacked and seriously wounded. After his rescue his assistant Gwyn Polruan infiltrates the outlaws to learn more about them. With the aid of Hubert Walter and local lords the horse dealer is captured and the band of outlaws together with the forest officials are hunted down and killed or captured, with the exception of the leader who disappears. Equilibrium is restored to the forest and the nearby villages.

The outlaws in the novel are not part of one highly structured group but are rather loosely made up of several groups, under the leadership of one man and his chief lieutenant. Stephen Crutch is not a member of this band, but he sells them horses and brings them instructions and payment from their employers.

According to one of the lords affected by what is happening, "[...] - there are rumours that he was outlawed himself, years ago."⁹⁶ The outlaws are not cut off

⁹⁶ Bernard Knight, *Fear in the Forest*, 2. ed. (London: Pocket Books, 2003), p. 316

from society either, they interact with the local villagers and visit taverns, even though their base is in the forest. The villagers know who they are but also know that they have powerful protectors. As a tinner informs Gwyn: “They’ve become so bold lately that they come into town to drink and wench now, for no one seems interested in stopping them. Someone seems to be protecting them.” (Knight, p. 160) Members of the outlaw band are sent out on various missions; Gwyn is assigned to go with some others on “some persuading expedition,” (p. 176) obviously a routine affair for the outlaws. The powerful protectors and the way this band of outlaws is hired for specific tasks has parallels to the retainership and maintenance of the 14th and 15th centuries.

Typologically this band has traits in common with the later historical gangs, but this band is a looser and more independent group and none of its members seem to be of the gentry, which was often the case in the later centuries. Another difference is the fluctuation among the outlaws, Gwyn draws the conclusion that membership is “a fluid affair, with much coming and going.” (p. 173) Although there must have been some fluctuation among the less central members of the Folville and Coterel gangs, many of the members had permanent ties to their patrons. They could also be assured of protection and help should they need that. Robert Winter’s band is on its own, with nowhere to run when they are finally tracked down. There is nothing heroic in their outlaw status or in their actions, they are just criminals for hire. There is no carefree existence in the forest, no fine dining on venison and wine under the greenwood tree. Life for this group of outlaws is in many ways just as much of a struggle as it is for the villagers they harass. There are no truly memorable individuals among this band, what they convey is a general sense of menace, a threat.

There is no clear cause of injustice to explain why this group is outlawed. Some there probably are, who, like some in the band of Le Gaucher above, have revolted against the injustice of the social structure, but many others must have joined the band for other reasons. There is no “righting of wrong” involved in

their actions nor do these outlaws steal from the rich in order to give to the poor, on the contrary, it is the poor and struggling common people that are the victims of their actions. The killing and extortion they do can hardly be seen as just, it is not even personal, they are basically just thugs for hire. The outlaws either die in the fight, disappear, or will eventually be executed. There is consequently no return to their people at the end of their outlaw career. Their fate is not the result of treason and they are anything but invisible or invulnerable, tracking them down and defeating them requires no great skill, just enough manpower. They can also be considered enemies of the king, since they are being used in a scheme to help put his brother John on the throne in Richard's absence. It is clear that at least some of them can fight well, one of them manages to wound Sir John who is a seasoned warrior. The motif of oaths does not appear in the novel.

The other characters in the book see them as criminals, and parasites. They threaten the existence of the villagers who are eeking out a minimal existence from their various skills and trades. In the face of this organized criminal activity the villagers, even the local lords, are helpless. Only Crowner John has some sympathy for the outlaws, but as he tells Sergeant Morin when he brings up the possibility of their surrender: "[...] if we take them back to Exeter they will be hanged without trial, as judgment has already been passed on them in declaring them outlaw. So it seems pointless to delay their deaths." (p. 377)

One of the roles of the outlaws in the novel is to illustrate the struggle of the poor common people, people who often have one basic skill to rely on and who are living so close to subsistence level that no longer being able to practice that skill freely will mean starvation and maybe even death in the long-term. The closing down of their various businesses due to the new monopoly thus poses a serious threat to the villagers. The outlaws become another force of exploitation, who together with the landlords and the corrupt officials make the existence of the people even more difficult. The threat of the officials, in the shape of the foresters and verderers is illustrated in the killing of the villein Edward who is

shot by the foresters when out poaching to get some extra food for his family (p. 238 and p. 397), and in the harsh laws that forbid poaching and makes it illegal for the common people to be in possession of dogs that can be used for hunting. According to medieval law only nobility were allowed to hunt, all dogs belonging to non-nobility had to be declawed when they reached a certain age. This law and its implementation is shown in the scene of the woodmote,⁹⁷ when the officials use this law to extort the villagers even further through the demand for heavy fines (pp. 254-256).

The outlaws' other role is as a tool for the corrupt and greedy elements of society. As a group the outlaws do not come across as particularly evil or menacing, it is the way in which they are used that delineates them as negative and they become a force that causes destruction and suffering. Outside the context of this use the outlaws can be seen as fundamentally neutral, definitely consisting of some criminal elements, but also consisting of various individuals on the run from justice or the consequences of a rash act. Many are, like the local villagers, just trying to stay alive. Gwyn observes the men: "[...] who varied from hideous ruffians to weak-looking runts who must have been clerks escaping from embezzlement charges,[...]" (p.173) while he claims to be an abjurer who took off at the first chance he had (p. 164).

The outlaws are important in this novel because the plot revolves around the threat they pose to the local people. They are the enemy, not only of the villagers but also of Sir John de Wolfe. Only John's fighting skills ensure that he survives their attack in the woods. This group of outlaws cannot be re-admitted to society, there is no other possible end for them but death. The fact that they do not come within the category of good outlaws makes that outcome impossible. With their death equilibrium is restored and the villagers are back to having at least some chance of staying alive with what little resources they have. On a political

⁹⁷ *Woodmote* was the lowest level of the forest court, where offences against the *vert* (the vegetation and trees) amounting to less than four pence was dealt with. The woodmote would usually take place every 40 days. Bernard Knight, *Fear in the Forest*, p. xviii

level, the destruction of the outlaws and the corrupt forest officials puts an end to another scheme to put Prince John on the throne. Life is back to normal for Crouner John too, and his brother-in-law is left to look for other means to further his political intentions. None of the characters in higher position are affected by the destruction of the plans to make money for Prince John's cause, nor are they punished. The monk who has been arranging it all, Edmund Treipas, melts back to Coventry, where he originally came from (p. 389), while Sir John's brother-in-law, at least for now, is not made to answer for his involvement, and is left to look for other means to further his political intentions.

This band of outlaws are closer to the later historical bands than they are to the heroic and legendary group. Had they belonged to the early historical heroic group, or the legendary group, they would have had to play a more important role in the plot, not as a band, but as individuals. With their role in the novel, the traits characterizing the later historical group of outlaws, was, I will claim, the only possible choice.

The connection between the outlaws and the forest officials has similarities with the later historical gangs. The main difference is that while the gangs were maintained by their noble masters and often themselves were from the gentry, this band of outlaws are not maintained, they are payed per assignment, and they are not themselves members of the gentry.

The outlaws themselves, with their different backgrounds, are similar to the outlaws in *The Virgin in the Ice*. Various social and economic factors have come into play in turning these men into outlaws. Without being able to link their outlaw status to one single or a few concrete factors, their situation, and the activities they are engaged in can be seen as a result of the times. The reign of Richard I was characterized by his absence, and this helped create a situation in which corruption and intrigue thrived. This is seen in the description of the corrupt officials who use their position for political intrigue and personal gain, and in the way the outlaws are used to further these officials's plans. In addition

to this Richard's constant demand for funds to pay for his crusades and wars put a strain on the population who were subjected to heavy taxation to meet this demand. It is not unlikely that some of the outlaws in Winter's band may have ended up there as a result of this "bleeding-dry" of the population.

5. Paul Doherty, *The Assassin in the Greenwood*

The action in Paul Doherty's *The Assassin in the Greenwood* takes place in 1302. The town of Nottingham is haunted by a band of outlaws who rob travellers going through the forest. On a specific day of the month flaming arrows are shot over the walls of the castle and the sound of a horn can be heard. The leader of this band is said to be Robin Hood, who returned after having served with King Edward I in Scotland. However, instead of settling down on his manor he seems to have disappeared into the forest and gone back to his old life, but with a difference; where before he was never unnecessarily violent and only killed when it was just, his actions are now ruthless and cold-blooded. After the royal taxes are stolen by the band, and every man in the retinue except the tax-collector killed, Edward I sends his investigator Hugh Corbett to find the truth. Arriving in Nottingham, Hugh finds that the sheriff, Vechey, has been poisoned, and that the under-sheriff Peter Branwood is now in charge.

Corbett is puzzled by the cruelty and ruthlessness of Robin's actions, something that is very out of character with how his acquaintances describe him. This callousness is very apparent in the treatment of the tax collector's party, after having "invited" them to dine with him in the tradition of Robin Hood, and in the maiming of the tax collector.⁹⁸ When Hugh Corbett talks to the monk William, a former companion of Robin, and asks him to tell him how they can kill Robin Hood, William replies; 'I can't do that,' he whispered, 'because I don't know this Robin.' (Doherty, p. 81) In the end the author solves this puzzle of good outlaw turning bad when Corbett exposes the real leader of the outlaws. This is not Robin Hood, who is dead and buried close to the convent of Kirklees, but the under-sheriff Peter Branwood who has been enriching himself through robbery and murder. The character of the real Robin Hood is left unsullied and

⁹⁸ Paul Doherty, *The Assassin in the Greenwood*, 2. ed. (London: Hodder and Stoughton, 1994), pp. 13-14

the criminals are dragged off to London to face their fate of death as traitors, hanged, drawn and quartered.

The Sherwood Forest in this book is a far cry from the one normally associated with Robin Hood. Instead of the greenwood kingdom of the ballads where there is merry companionship and a welcome for the weary traveller of little means, this Sherwood Forest is a menacing and sinister place where death may hide behind every tree. Riding through the forest to look for Robin Hood: '...Corbett recalled the stories: People whispered: about the dark wood men, the small people, the eerie nightmare tales about goblins and elves. He was aware that he was in a world totally alien to his own.' (p. 70)

There are three types of outlaws in this novel. There is Robin Hood, who is the archetypal noble robber, and who was outlawed due to injustice, as a result of having fought with de Montfort in 1265. The way he is described by the ones who knew him he comes across as a man of idealistic principles, he loves the peasants, the 'soil of the earth', and is even the author of a sermon on that theme. He "rights wrongs" through his aid to others and can also be said to have done that through fighting on the side of de Montfort. His support of the poor in times of hardship is mentioned, so he also 'takes from the rich to give to the poor', thus complying with the third of Hobsbawm's principles (p. 94). There is no indication in anything we learn about him that he has killed needlessly or unjustly, and we can conclude that also in that regard he follows the pattern of the good outlaw. After his pardon, and his service with the king, he leaves to return to his people. His plan is to marry Marian and settle down on his manor. Robin Hood is much loved by his people, so much so that the priest Edmund takes Hugh Corbett home, to ensure that no harm comes to him because he is hunting for Robin Hood. As he says: "If any man, woman or child in this village thought you meant to harm Robin of Locksley, they would kill you!" (p. 146) Referring to Hobsbawm's principles this is in accordance with the principle of the noble robber being admired, helped and supported by his people. In the book Paul

Doherty exploits references to Robin's death as the result of a woman's treason.⁹⁹ In this regard he dies the typical death of the good outlaw. Unlike the legendary Robin Hood this Robin Hood does not appear to be invisible or invulnerable, he is attacked and seriously wounded on his way to fetch Marian, eventually dying at the convent. Robin is pardoned by King Edward I and fights for him in Scotland, and it is clear that he is not the enemy of the king. He must be skilled with weapons, both with the bow that he has used in the forest, and with the sword that he has fought with up north. There is no mention of oaths given and promises broken in the novel.

The other type of outlaw is the evil under-sheriff and his helpers, who pose as outlaws and through their actions can be considered as such. When seen in relation to the eleven principles they diverge from these on almost all points. Branwood and his assistants have not been outlawed due to injustice. They have chosen to resort to crime for monetary gain. They do not "right wrongs", on the contrary they do wrong, stealing from the king and killing his men, even killing their own superior officer, the late sheriff. There is no desire to share resources with the poor, their crimes are not for altruistic reasons. They kill needlessly, and Branwood even cold-bloodedly sacrifices his own men to make the scenario more believable. There is no return to their people as full members of society. Such a solution is impossible, since they have betrayed their people. The help and support they get from the people does not stem from love and admiration, the band of outlaws they gather together in the forest for specific activities are paid for their role and then disperse back to their everyday occupations. Their final fate is not the result of treason, the only treason perpetrated here is their treason, to their men and the king. They may seem to be invisible and invulnerable, but that is only because they are not real outlaws, only impostors that go about their official business in the castle when they are not in the forest. Through their theft

⁹⁹ *The Death of Robin Hood* (<http://www.lib.rochester.edu/camelot/teams/deathrh.htm>) accessed on 09/05/06

from the king and their killing of his officials they have made themselves into the king's enemies.

There are similarities here with the bands of historical outlaws in the 14th and 15th centuries who were summoned by a leader to be employed for specific criminal activities. The members of the band who Branwood summons, are being used, and are rewarded by a knight, and they act upon his instructions. However, there the parallels end. There is no protection for this band of outlaws, indeed, they would not where to turn for protection, since Branwood and his men have kept their identities secret. There is no intercession on the outlaws' behalf with judges and other high officials; there are no ties of loyalties in either direction.

The third group of outlaws is represented by the two outlaws caught and subsequently released and killed, and Hoblyn, whom we see at the end. They are the 'footsoldiers' of the outlaws, poor men driven into the forest from hunger and other causes. They are exploited by others and discarded when no longer useful. Although we do not learn much about them it is likely that this group of outlaws have many similarities with the two groups examined earlier, they have become outlaws in order to stay alive, not mainly by choice.

The novel combines two types of outlaws, historical ones, in the form of the later bands of outlaws, as well as the legendary ones, but the factors leading to outlawry are different. Peter Branwood and his helpers have deliberately chosen a criminal career, while some of the men he employs have most likely become outlaws from a variety of social and economical reasons. Robin Hood on the other hand, and his group, became outlaws for idealistic reasons, and as the result of having fought on the side of justice. As followers of Simon de Montfort they were outlawed for having taken part in his fight against King Henry III (p. 80).¹⁰⁰ This idealistic motive is also apparent in their practice, as Will Scarlett tells Hugh: "[They] robbed the rich and gave to the poor." (p. 80) He also

¹⁰⁰ An outlaw named Rober Godberd was a follower of Simon de Montfort who operated in the Sherwood forest for four year following the defeat of de Montfort. See John Bellamy, *Crime and Public Order in England in the Later Middle Ages*, p. 83

informs Hugh that “[...] Robin’s soul was stuffed full of de Montfort’s ideas: how Adam and Eve were born naked before God, equal in everything.” (p. 80) According to the author, there is evidence to support the theory that a real Robin Hood may have been a follower of de Montfort (p. 216). An additional possible interpretation of Robin’s and his men’s existence as outlaws is found in Will’s statement that he used to “[run] as wild as the King’s stags” and he was [...] “taking what [he] wanted and not caring about tomorrow.” (p. 79) Not only a way of life that resulted from their choice of sides in de Montfort’s conflict with the king, this statement supports the possible interpretation that it was a chosen way of life, for idealistic reasons as well as for the enjoyment this kind of carefree existence may have brought.

In terms of how the other characters view the outlaws this novel is more complex. It is a complexity that stems mostly from Peter Branwood’s impersonation of the late Robin Hood. An additional aspect is added to this complexity by the fact that Robin on the one hand is dead, but on the other hand is very much alive in the minds of the people and the stories told about him. He is also surrounded by the mystique that stems from the fact that he seems to be avoiding all his former friends and supporters and he is seen as behaving out of character. The other characters’ views of Robin Hood reflect this complexity. Peter Branwood clearly hates Robin Hood, for the reason that he humiliated him (p. 35), and for having been pardoned by the king (p. 196). Even having killed him has not been enough to appease his hate. Using Robin’s name for his criminal activities gives him not only a useful cover, but also the chance to further denigrate and sully Robin’s character (p. 204). In striking contrast to how Branwood sees Robin Hood is the way the common people and the local clerics see him. To them he is a much loved helper and hero, and even though they are puzzled by his current behaviour and actions, they are still willing to shelter and protect him. They are still loyal to him because of what he has done for them and what he symbolizes.

To Hugh Corbett and his assistant Robin Hood is a puzzle and an enigma, but with the knowledge that Robin is dead and his name has been used for criminal purposes, Hugh's respect and sympathy for the outlaw can be verbalized, as he characterizes him: "Robin of Locksley was an outlaw but he was also a dreamer, an idealist. He had a genuine love for the common man [...]" (p. 205)

For Branwood and his helpers Hugh Corbett has nothing but scorn and contempt. In his eyes Branwood is a failure and a traitor, he betrayed his king and his men and he has murdered a man who was under the king's pardon and defamed his character. That same contempt and anger can be seen in the other characters' reaction to the revelation of Branwood's true character and his criminal activities.

In order to look at the role of the outlaws in the novel it is necessary to differentiate between on the one hand, the real outlaws, in the persons of Robin Hood and his band, and including the poor "footsoldiers" that have been exploited by Branwood and his men, and, on the other hand, the impostor Branwood and his close associates. The role of the first group, primarily in the person of Robin Hood, is the role of the hero of the common man. Robin Hood is a giver of hope, a helper, and in many ways an inspiration to the poor villagers in the area. He is the real embodiment of the true Christian spirit and as such is deeply loved and respected by the clerics in the area too.

It may be precisely because Robin Hood is a "larger than life" character that he is not really a character in the novel but is only seen through the eyes of others and spoken of by others. He is however, very clearly a normal man, without any mythical or magical powers, but in spite of that he comes across as a somewhat elusive character. The people who knew him and were part of his coven do not seem to know him all that well. What they recount is mostly factual information, they do not say much about what kind of man he was, except for Edmund the priest.

Doherty has used the traits of the good outlaw in the characterization of Robin Hood. By doing that he achieves two things; one, he ensures that most of the characters in the novel, as well the readers, respect and have sympathy for Robin, two, he tries to explain how and why the legend of Robin Hood could have been born. As I read it, only with the basis in a person that embodied specific qualities, or were seen to embody such qualities, could such a legend be born.

Branwood's role is that of the enemy, and this is made even more negative by being compared to Robin Hood. Branwood is ruthless and cold. While Robin Hood sincerely cared for the common people and his men, to Branwood others are only tools to be exploited. While Robin loved the king and even served under him, Branwood steals from him and kills his officials. Branwood is angry that Robin was pardoned, especially when he knows that there will be no pardon for him, but he fails to see that he is much more the traitor than Robin ever was, and that while there was room to forgive Robin for his actions, Branwood's crimes are truly unforgivable. Branwood cannot prevail because he is not a good outlaw.

The last outlaw in the novel, Hoblyn has the clear function of perpetuating the legend of Robin Hood through the continued use of his name (p. 214). As such he takes his place the chain of a legend that will last for centuries, and he represent many others who through the centuries to come will utilize the name of Robin Hood and keep it alive. We know, when Hoblyn steps into the road and claims to be Robin Hood that there will be tales told of him, and ballads written about him, and that he may be dead, but he is not, and will never be dead in the memory of men.

The use of the outlaw theme in *The Assassin in the Greenwood* is complex, and at the same time very traditional. The complexity comes from the use of the original outlaw as a passive figure, and the portrayal of the fake outlaw who is in stark contrast to him. The treatment of the theme is traditional, because the outlaw hero, Robin Hood, is left untarnished. His character is given an added

dimension by making him an idealist and fighter for democracy. The author has some basis for this possible interpretation of a historic Robin Hood.¹⁰¹

In the end, the novel is true to the traditional pattern that we find in the the ballads about Robin Hood. The sheriff is the real criminal and reveals himself as a man of no honour, and it is the outlaw, in the shape of Robin Hood, who is the real hero.

To some extent the outlaws in this novel may illustrate social and economical conditions in the early 14th century, but this is never made explicit, except in the case of Robin Hood and his band, who, as mentioned earlier, illustrate the fate that could befall someone who opposed the king in open rebellion. However, I will argue that the main function of the outlaw theme is found in the person of Robin Hood and that the purpose here is to explain how a legend was born and the first ballads were created. As such the novel succeeds in creating a character that is memorable even though we never directly meet him, and who is also believable as a possible real source of the legend.

¹⁰¹ Stephen Knight, *Robin Hood: A Complete Study of the English Outlaw* (Oxford, UK and Cambridge, USA: Blackwell, 1994), p. 36 and Doherty, p. 216

6. Michael Jecks, *The Boy-Bishop's Glovemaker*

It is Christmas 1321 and Keeper of the King's Peace, ex-templar Sir Baldwin Furnshill, and his friend Bailiff Simon Puttock have been summoned to Exeter to receive a special token in honour of services rendered. But in Exeter a well-liked glovemaker has been killed and then a Secondary is poisoned during mass. They also soon find out that there is a fierce rivalry between the successful merchant Vincent le Berwe and another merchant Nicholas Karvinel. Karvinel has been dogged by misfortune, the loss of a shipload of goods, a fire that has destroyed his workshop and he lost his own as well as the cathedral's money when he was robbed by outlaws. One of the outlaws, Hamon, has been caught and hanged, but during the investigation Baldwin and Simon find that there was no robbery, and that Karvinel has taken the money. The orchestrator of Karvinel's misfortune is revealed to be his rival, le Berwe, who with the help of a local outlaw, Sir Thomas of Exmouth and his band, is responsible for Karvinel's losses. When the murderer turns out to be le Berwe's over-ambitious wife Hawisia, le Berwe's degradation is complete.

The outlaws in this novel form a fairly small band, led by the knight Thomas of Exmouth. The band consists of former tenants of Thomas who chose to go with him when he was outlawed as well as adventure-seekers and others who later joined him. A conflict over land was the cause of Thomas's outlawry. A neighbour who was also a friend of the king's favourite, Hugh le Despenser, went after Thomas' land, first in court, then he used force to take possession of the property. When Thomas retaliated the king's court had him declared an outlaw.¹⁰²

Thomas is angry because of the hanging of the outlaw Hamond, he knows that Hamond had nothing to do with the robbery since he was with Thomas at the time. He realises that Karvinel must have lied, and that he would not have had a

¹⁰² Michael Jecks, *The Boy-Bishop's Glovemaker*, 2. ed. (London: Headline Book Publishing, 2001), pp. 151-152

hard time convincing others of Hamond's guilt, since, as le Berwe says:

"Hereabouts he was quite well-known. His family has long had an ill reputation: it was this very soul who was found one night carrying weapons within the city walls after dark." (Jecks, p. 44) And as Baldwin sarcastically comments: "So the jury would have known he was guilty, [...]" "If a man commits one crime he is likely to commit another." (p. 44) This statement reflects a very common opinion in the Middle Ages, that the previous commitment of a crime made the question of guilt in subsequent crimes more likely. According to Bellamy:

The manner in which the processes of justice were weighted against those with a reputation or record of misbehaviour suggests that medieval man was sure he knew where the blame for much of the crime lay even if on occasion he took advantage of these men by loading them with the responsibility for crimes he had not the desire or ability to investigate properly.¹⁰³

This is exactly what happens to Hamond. Wandering around armed inside the town walls after curfew was illegal, and the watch and ward that patrolled the streets had as one of its duties to stop and question anybody they encountered who could not prove that he had legitimate business being out. As a former tenant of his Thomas feels responsible for Hamond, and is determined to revenge his death.

With the exception of Thomas himself, his lover Jen and her brother we do not learn much about the other outlaws. Thomas himself is only a minor knight, who lacked the necessary connections and resources to fight for his land. He is bitter, and also tired of being on the run. He realizes that "Outlaws tend [...] to die young." (p. 151) He contemplates seeking a pardon and settling down, "...but not yet. Not while the murderer of Hamond lived." (p. 151) Only at the end, when he knows that Karvinel is dead and he has information to bargain with, does he take steps to try to acquire this pardon through turning approver. As a pardoned outlaw he would normally get his lands back, but not his possessions.

¹⁰³ John Bellamy, *Crime and Public Order*, p. 30

However in this case, since they are already in the possession of a protégé of Despensers, his lands too are most likely lost to him. Baldwin, though, thinks it is likely that he will be granted the pardon, since: “He is an important enough man, after all.” (p. 327) That seems to indicate that he cannot be totally without connections to support him.

Thomas of Exmouth does not have traits we find in the heroic group. Typologically there are similarities to the later historical group. As is the case with the outlaws in *The Fear in the Forest*, and the Folvilles and the Coterels, there is mention of people paying for his services. However, most of the traits that characterize him are the traits found in the good outlaw. His outlaw status stems from an injustice done to him, and although he does not succeed, he tries to right wrongs by taking back his land. Stealing from the rich to give to the poor is not mentioned, but he does support his, presumably, poor band of followers through his criminal activities. He wants to kill Karvinel for having caused the death of Hamond, but Karvinel is poisoned before he gets the chance. That killing would be considered just revenge. There is no mention of his having killed anybody else. He does survive his outlaw life and at the end of the novel everything seems to indicate that he will return to his people, and be a full member of society again. It can also be said that he has never really left it, since he has kept his ties to relatives and former acquaintances. Support and help for him is found among his tenants who voluntarily chose to follow him into an existence that could not be easy, as well as other connections he has in Exeter, among them le Berwe and his brother Canon Stephen. Since he does not die, there is no death through treason. I would also claim that Thomas is not an enemy of the king. There is no doubt that it was King Edward II's indulgence with his favourite Hugh Despensers that allowed Despensers to steal properties and abduct rich hereisses, and many of his friends followed his example without repercussions, but Thomas never takes up arms against the king, nor against his officials either, and gladly asks for a pardon from him. As a knight it must be

taken for granted that he is a good swordsman. There is no direct mention of promises and oaths, but in his relationship with his tenants there seems to be an unspoken promise, as Thomas reflects: “Chivalry demanded payment. There was a responsibility lying upon Sir Thomas to honour the debt; Hamond had served him faithfully through his life, and now Sir Thomas must repay that debt with blood.” (p. 267) And as Jen sees her lover: “He had a great sense of debt to the men who had remained with him after he lost his manor, and Hamond was one of his longest-serving men.” (p. 194)

To the other characters in the novel Thomas is either “... a vicious outlaw leading a large band of men...” (p. 204) or to those who know him he is a troublesome relative or a useful tool. Jen and Hob see him as a strong and fearless protector who, through taking them in after both their parents had died, probably saved their lives. To his brother Canon Stephen, Thomas is nothing more than a thief and a felon, and he does not seem to have much love for his brother. He scoffs at his offer of assistance and calls him “an outlaw knight” (p. 39) Apparently he has been doing Thomas favours from time to time, but only because he fears that others will find out about their relationship and jeopardize his position in the cathedral. Le Berwe, as mentioned earlier, sees him and his band as a useful tool for hire.

Neither Baldwin nor Simon seem to be inclined to pass judgment on the outlaws based on what information they are given by the others. Baldwin seems to realize, something that is seen in his exchange with le Berwe above, that outlaws will tend to be blamed for all kinds of crimes, because they are handy scapegoats. As Jen says when she approaches Baldwin, Simon and the Coroner to ask if they will speak for Thomas if he turns approver: “He has been blamed for crimes he didn’t commit...” (p. 304) Since he has not officially been blamed for the mysterious deaths in Exeter, this must refer to other crimes that have been ascribed to him. At the end, Baldwin is more inclined to judge le Berwe harshly

than Thomas, he calls le Berwe "... a felon, no better than the worst of Sir Thomas's outlaws." Adding, "I expect he will swing." (p. 328)

The outlaws in the novel do not have a very large role, but they are essential to the plot, since it is le Berwe's machinations and the outlaws's role in that that is behind so much that has happened. In addition to this, Thomas's desire for revenge on the death of Hamond is a recurring theme, and although not much is said about Hamond, we cannot help but feel sorry for him. Thomas' story serves to illustrate the effects of Edward II's favouritism, that eventually led to his downfall in 1327, and the greed for land that characterized England during much of the 14th century. His fate was one that was shared by many who lost their estates due to the Despencers' greed for land and money. Thomas is cast in the role of the basically good man who has fallen on hard times, but who at the end manages to cast off his misfortune. The outlaws, specifically Thomas, also serve to illustrate how flexible the state of outlawry could be. For most people of the gentry it would be a fairly easy matter to get a pardon, and rejoin society as a full member, just as in the case of Thomas. There can be no doubt that the fact that he is "an important man" as Baldwin says, is quite significant in this case.

The outlaws are important to the novel because in some ways Thomas' situation is a parallel plot to the criminal investigation going on, it adds a "human interest" aspect to the novel. He is presented in a sympathetic manner and the readers start taking an interest in his fate, and the fate of his followers. Secondly, Thomas is used, as in earlier novels, to show that it is often not the outlaw that is the worst criminal, but the agent who can plot and scheme within the safe confines of his society. This echoes *The Assassin in the Greenwood*.

The novels also uses the situation in the early part of the 14th century, when the Despencers' rapacity caused many landowners to lose their land and estates, to explain the injustice done to Thomas of Exmouth. Apart from that there is not really much description of social or economical conditions to explain the outlaws situation.

Of the four novels examined *The Boy-Bishop's Glovemaker* is the only one that specifically mentions concrete events leading up to the outlawry and also mentions the legal process that turns Thomas into an outlaw. Thomas is also the outlaw that comes closest to the character of Robin Hood in *The Assassin in the Greenwood*, and just as in the case of Robin Hood his fate is linked to the fact that he is a good outlaw. Like Robin he too is pardoned, not punished for his previous crimes.

7. Conclusion

Based on the examination of these four novels there are certain conclusions that can be drawn regarding the typology of the outlaws portrayed in the novels as well as the specific traits that characterize them. As mentioned earlier the heroic outlaw would most likely fall outside the genre of medievalist crime fiction, and that is confirmed by the analysis of the various outlaws in the novels. In none of these titles do we find the heroic type portrayed, however, we do find both the legendary type from the ballads and the later historical type. With the exception of Robin Hood in *The Assassin in the Greenwood* and Thomas of Exmouth in *The Boy-Bishop's Glovemaking* all the other outlaw characters belong to the later historical group.

Both Robin Hood and Thomas of Exmouth conform to the pattern of the good outlaw, and the cause of the outlawry is narrated in both cases; they are outlawed due to an injustice. These two outlaws are also the ones we learn the most about, we are given an insight into their characters, and in the case of Thomas, into his thoughts. We are never given an insight into the character of the other outlaws, not even Le Gaucher, who is the most thoroughly portrayed outlaw in the historical group. He is still only seen through the eyes of others. Of the four outlaw leaders Winter in *Fear in the Forest* is the least characterized. With the exception of Thomas of Exmouth there is no mention of the legal process involved in the declaration of outlawry.

Some social and historical events are mentioned as factors causing or contributing to the outlaws' situation. The civil war in the middle of the 13th century is used to explain how Le Gaucher's band has been able to ply their trade so efficiently, and even build a stronghold in the mountain. Fighting for de Montfort is given as the reason why Robin Hood was outlawed. In the case of Thomas of Exmouth, as mentioned above, his situation is the result of the Despencers' and their friends' greed for land and fortunes. In *Fear in the Forest* no historical or

political cause is given but the political situation is used to explain the outlaws' actions, as they are used as tools in Prince John's scheme to take over the throne. As far as the other outlaws are concerned the factors resulting in their situation seem to be a combination of social conditions, like poverty and crop failure, and crimes. From the description we get it is clear that many of the outlaws have run away from the consequences of their actions instead of standing trial, an action that in itself would turn somebody into an outlaw. Others - adventure-seekers are mentioned - have joined the bands of outlaws presumably looking for excitement and money, this would also automatically have turned these men into outlaws. Ex-soldiers are also mentioned as members of these outlaw bands.

My conclusion is that medievalist crime novels to a large extent succeed in illustrating the various social and economical factors that played a role in people becoming outlaws. However, it is likely that this would have been illustrated in even greater depth if the outlaws had been cast in the role of main characters in the novels, rather than assigned secondary roles. The protagonists here are a monk, a chief clerk and Keeper of King Edward I's Secret Seal, a coroner, a bailiff, and a Keeper of the King's Peace. They are either themselves officials and officers of the law, or they cooperate closely with an officer of the law, as in the case of Cadfael who collaborates with his friend the sheriff Hugh Beringar. The one outlaw that can be considered a secondary protagonist, Thomas of Exmouth, is also the one outlaw still alive who is not seen as an adversary by the main characters of the novel, actually at the end he cooperates with the officials. Apart from him all the other outlaws are cast in the role of culprit and enemy, and the stories end with the outlaws being defeated and exterminated. Those outlaws who prevail, Thomas who is pardoned, and Robin Hood who was pardoned by the king before being killed through treachery, are both good outlaws. The final fate of the outlaws in the novels is linked to their traits. Both these outlaws are also judged much more leniently by the other characters than the criminal in the novel who is not an outlaw, but in some way or other is exploiting the outlaw. In

The Assassin in the Greenwood Peter Bramwood is utterly condemned by the other characters while there is sympathy and even admiration for the late Robin Hood. In *The Boy-Bishop's Glovemaking* that same kind of condemnation is voiced by Baldwin when he talks about le Berwe, while Sir Thomas of Exmouth is seen as a basically good man who now most likely will be allowed to settle down with his lover and live a normal life.

One aspect of the good outlaw that does not figure in these four novels is the theme of disguise. This ties in with the fact that the outlaw characters in these novels are mainly drawn from the later historical type, while the theme of disguise is found in the heroic and legendary material. Neither Robin Hood nor Thomas of Exmouth, who fall into the pattern of the good outlaw, are described as using any form of disguise. On the contrary, when Thomas enters Exeter to talk to his son Luke and follow Karvinel, his only disguise is to pull the hood of his cloak as far over his face as he can and hide in the shadows. He is very worried about being recognized and knows that he runs a great risk.

In addition to the direct portrayal of outlaws in some novels, outlaws are also used to create ambience, or fulfil functions as extras in many other books. Outlaws threaten the main characters in *A Wicked Deed*¹⁰⁴ and make a living as pirates in *The Outlaws of Ennor*.¹⁰⁵ Their are ordinary citizens who dabble in a little robbing now and then in *The Tainted Relic*.¹⁰⁶ In *The Gleemaiden*¹⁰⁷ characters in the novel are attacked by outlaws in the forest, and there is even a group of itinerant players performing a play about Fouke FitzWaryn.

Many people associate outlaws specifically with the Middle Ages, and the character of the outlaw is diverse enough, and also malleable enough, to lend itself to several different functions in medievalist crime novels. He can be the sinister enemy that lurks in the shadow of the forest, a symbol of chaos and

¹⁰⁴ Susanna Gregory, *A Wicked Deed*, 2. ed. (London: Time Warner Books, 2000)

¹⁰⁵ Michael Jecks, *The Outlaws of Ennor* (London: Headline Book Publishing, 2003)

¹⁰⁶ The Medieval Murderers: Simon Beaufort, Bernard Knight, Ian Morson, Michael Jecks, Susanna Gregory and et al., *The Tainted Relic*, 2. ed (London: Simon & Schuster, 2006)

¹⁰⁷ Sylvian Hamilton, *The Gleemaiden* (London: Headline Book Publishing, 2004)

murder. He can be the oppressed and exploited farmer or ex-soldier, who is robbing and killing because there are no other options open to him. He can be the under-dog, who fights a desperate battle to stay alive. Or, he can be the noble hero who fights for justice. It is precisely this diversity that makes the outlaw such a useful character.

The genre of medievalist crime novels would not be complete without the outlaw element, even though it does not figure directly in all novels, it is often there in the background, and it adds something uniquely medieval to the books. In most novels where the characters travel through forest areas outlaws are either mentioned as a threat or they make a direct appearance. The outlaw character also helps illustrate and make more real the economic and judicial situation of the Middle Ages. Outlawry were an aspect of medieval life that affected many people, the outlaws themselves, their families, as well as their victims and the officials who were hunting them. For the same reason that no illustration of medieval society could be complete without reference to the monks and the monastic institutions that were such a central feature of England until the reformation, no illustration of medieval society is complete without the element of the outlaws. Unlike the monks, who were heavily restricted in their roles and their activities, the outlaws lend themselves to a more versatile role, and as such can be more psychologically relevant and interesting.

The outlaw is relevant to today's readers because of the importance of this double function he has in the novels. In the struggle between good and evil he is often evil, but at the same time he can also be our hero, fighting for justice against oppression and corruption, and his relevance is still strong today. This is attested to by the popularity of the outlaw character of Robin Hood, a popularity that does not seem to decrease. At regular intervals new TV-series and movies are made about him, and his character is reinterpreted anew. His popularity is also attested to by the growing academic field of outlaw studies, and the new research done on the outlaw text, especially the Robin Hood material.

Without claiming an extensive knowledge of current fantasy literature, I will suggest that it is possible that historical fiction, including of course medievalist crime fiction, may have taken over some of the territory formerly dominated by fantasy literature. One interesting example is found in the few books that Sylvian Hamilton wrote before her death, meant to be part of a larger series. *The Bone Peddler* and *The Gleemaiden* are both medievalist crime novels cum thrillers but they also have elements that one more commonly finds in fantasy literature; there is magic, warlocks and witches, mad arabs and demons that are distinctively Cthulhian. They are definitely not mainstream medievalist crime, but possibly a variant that in time will grow, and they are highly entertaining.

That this genre has a future is testified to by the increasing number of authors writing this type of crime fiction, not just new writers but also established authors trying their hand in this field. It also has something to offer that most mainstream crime novel do not have. Apart from the detectives, in various shapes and professions, both types have in common a mystery that must be solved. However, the medievalist crime novel can also offer a setting that no modern readers have experienced for themselves, and that is so far removed from today's reality that to most of us it seems very exotic. Life today is usually fairly structured and most of us know what to expect in the near future, in contrast to that the Middle Ages come across as a time when lives could change course almost instantly, and when kingdoms and fortunes were lost and won in a single day. To many it is an age of romantic chivalry, adventure and epic quests, but also of desperate suffering and sudden death. I believe that this contrast to modern day life, as well as the huge contrasts within medieval society itself, are factors that make it such a popular genre. It is precisely because medievalist crime novels are set in an age that is so different from today that they have so much to offer the modern reader.

In addition to this, these novels also offer nicely wrapped-up history lessons. As mentioned in the introduction the research and knowledge that characterize most of these novels is very impressive, and for those who are interested, there is often additional information and sometimes also references to other works supplied by the authors.

There are other aspects of the outlaw character in medievalist crime that could prove an interesting subject for a study. With a wider selection of novels it is possible that a closer look at the legal process involved in the declaration of outlawry might prove interesting. Another aspect is the relationship between the outlaws and their primary environment, the forest. This examination would also most likely involve mythological and folkloristic aspects. As more novels are written within the genre there will be more material to examine, and along with the outlaw studies offered at many universities this is a field that is definitely growing. Real-life outlaws may be a thing of the past, but they are still with us, and it looks like they will be around for a while.

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8. Appendix: A short biography of the writers

Paul Doherty is a very prolific writer with several different series and pseudonyms. His background is medieval history and his doctoral thesis dealt with Edward II and Isabella. Most of his novels are set in Medieval England, but he has also written novels from ancient Egypt as well as the empire of Alexander the Great. Of the series that come within the scope of this paper there are currently four: *The Sorrowful Mysteries of Brother Athelstan*, set in London in the 1370's and 80's, the Hugh Corbett series, featuring a clerk in Edward's secret service in the late 13th and early 14th centuries, *The Canterbury Tales* which is a series loosely based upon Chaucer's characters, but with strong elements of the supernatural. In addition to these three ongoing series, he recently published *The Cup of Ghosts* which is the first in a new series dealing with politics and murder at the court of Edward II.

Michael Jecks has his series figuring Baldwin Furnhill and his friend Bailiff Simon Puttock taking place in Exeter and the surrounding area in the first part of the 14th century. Furnhill is Keeper of the King's Peace, a position that eventually became that of Justice of the Peace. As a former templar who managed to survive and make it back to England to take over the estate from his late brother when the templars were arrested and executed, Furnhill keeps his past a secret. King Edward II sits at the throne but his rewarding of his current favourite brings him into repeated conflict with the barons of the realm, and civil war threatens. Michael Jecks is a member of the Medieval Murderers and has in addition to his series featuring Baldwin Furnhill also co-authored novels with the other members of this group, among them *The Tainted Relic*.

Bernard Knight's Crouner John series features a character that could have been the first coroner in Exeter, Sir John de Wolfe, retired soldier. The series takes place during the reign of the absent King Richard I, and the plotting of his brother John, regent in his absence, is a central background theme in the series. Sir John's loyalty to Richard brings him into constant conflict with his brother-in-law and sheriff of Exeter, Richard de Revelle, who is Prince John's man. Sir John's job is to investigate any suspicious deaths, rapes and fires, the finding of treasure hoards, seawrecks, hold the inquest and meticulously record the facts to be presented in the next Eyre, that is, the next sitting of the judges in the ambulatory court. His other duty, and possibly the more important one, is to ensure that the King's coffers get the fines and treasures due to them, so that King Richard has the funds to continue his warfare abroad. Bernard Knight is another member of the Medieval Murderers.

Ellis Peters (her real name was Edith Pargeter) placed her novels in a setting that was familiar to her, her native town of Shrewsbury. Her main character, brother Cadfael, former crusader turned monk, is the resident herbalist at Shrewsbury Abbey, and takes an active role in solving mysteries and murders in and around Shrewsbury. The novels are set in the years from 1137 to the mid 1140, during the time of the struggle for the crown between King Stephen and Empress Maud. The civil war that resulted from this fight is the backdrop of the series and the battles and changing fortunes of the contenders affect the inhabitants in and around the area. However, at a time when government structure was rudimentary and lawlessness rampant, Shrewsbury Abbey appears as a haven of peace in the midst of a turbulent sea.